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Case No.: 19-CV-0150  
Dept. No.: II

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Douglas County  
District Court Clerk  
M. BIAGGINI  
WILLIAMS

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF DOUGLAS

JAMES PROCTOR, an individual; MERIDIAN  
ADVANTAGE, INC., a Nevada corporation;  
DEAN MEILING, an individual; MADYLON  
MEILING, an individual; CHEMEON  
SURFACE TECHNOLOGY, LLC, a Nevada  
limited liability company; DSM PARTNERS,  
LP, a Nevada limited partnership; DSM P GP,  
LLC, a Nevada limited liability company; and  
SUITE B, LLC a Nevada limited liability  
company,

Plaintiffs,

v.

MARC HARRIS, an individual; and MI94, LLC,  
a Nevada limited liability company,

Defendants.

Case No.: 19-CV-0150  
Dept. No.: II

**DEFENDANTS' REQUEST FOR JUDICIAL NOTICE OF ORDER DENYING EN BANC  
RECONSIDERATION ENTERED BY THE SUPREME COURT OF THE STATE OF  
NEVADA**

Pursuant to Nev. Rev. Stat. 47.130, 47.150 and 47.170, Defendants Marc Harris ("Mr. Harris") and MI94, LLC ("MI94") (together, "Defendants"), by and through their attorneys James D. Boyle, Esq. and Clark V. Vellis, Esq., and the law firm of Holley Driggs Walch Fine Puze Stein & Thompson, hereby request that this Court take judicial notice of an Order Denying En Banc Reconsideration (the "Reconsideration Order") entered by the Supreme Court of the State of Nevada (the "State Supreme Court") on October 21, 2019, in the matter of *Chemeon Surface Technology, LLC, et al. v. Harris, et al.*, Case No. 75370 (the "Meiling Appeal"), in which the State Supreme Court denied a request by Appellants Chemeon Surface Technology, LLC, Dean Meiling and Madylon Meiling for a rehearing of its prior affirmance of the state district court's conclusion that the prior-exclusive-jurisdiction doctrine does not require the state district court to enjoin the federal court from exercising subject matter jurisdiction over plaintiffs' claims in the

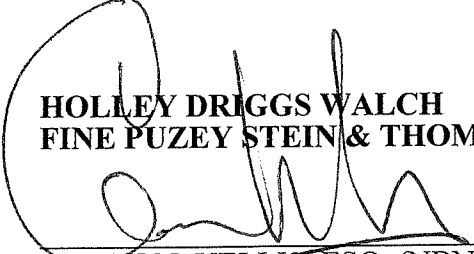
1 class action matter pending before the federal court and captioned as *Alexander, et al. v. Meiling,*  
2 *et al.*, Case No. 3:16-cv-00572-MMD-CBC.

3 Nevada’s Rules of Evidence permit a court to take judicial notice of a fact “that is not  
4 subject to reasonable dispute because it: (1) is generally known within the trial court’s territorial  
5 jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot  
6 reasonably be questioned.” NRS 47.130(2). A court may take judicial notice at any stage of the  
7 proceeding, and it “shall take judicial notice if requested by a party and [the court is] supplied with  
8 the necessary information.” NRS 47.150(2); NRS 47.170. A court may take judicial notice of  
9 proceedings and records in another and different case “where the closeness of the relationship  
10 between the two cases . . . [presents] a valid reason” for the court to do so. *See Mack v. Estate of*  
11 *Mack*, 125 Nev. 80, 91 (2009) (citations omitted).

12 Certainly, the Meiling Appeal has a direct bearing on this action insofar as the plaintiff’s  
13 claims for relief and petition for injunctive relief are nearly (if not entirely) identical to those  
14 rejected by the State Supreme Court in the Meiling Appeal—which the Reconsideration Order  
15 reaffirms. Thus, for the foregoing reasons, Defendants respectfully request that this Court take  
16 judicial notice of the Reconsideration Order. A true and accurate copy of the Reconsideration  
17 Order is attached hereto and incorporated herein by this reference as Exhibit 1.

18 Dated this 24th day of October, 2019.

19 **HOLLEY DRIGGS WALCH**  
20 **FINE PUZEY STEIN & THOMPSON**

21   
22 CLARK N. VELLIS, ESQ. (NBN 05533)  
23 JAMES D. BOYLE, ESQ. (NBN 08384)  
24 800 S. Meadows Parkway, Suite 800  
25 Reno, Nevada 89521

26 GRACE M. KIM, ESQ. (NBN 09268)  
27 10120 South Eastern Avenue, Suite 200  
28 Henderson, Nevada 89052  
(800) 596-0370

*Attorneys for Defendants Marc Harris and  
MI94, LLC*

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**CERTIFICATE OF SERVICE**  
*Proctor, et al. v. Harris and MI94, LLC*  
Case No.: 19-CV-0150

Pursuant to N.R.C.P 5(b), I hereby certify that I am an employee Holley Driggs Walch Fine Puzey Stein & Thompson, 800 South Meadows Parkway, Suite 800, Reno, Nevada 89521, over the age of 18 and not a party within this action. I further certify that on the 24TH day of October, 2019, I caused to be personally delivered the foregoing **REQUEST FOR JUDICIAL NOTICE OF ORDER DENYING EN BANC RECONSIDERATION ENTERED BY THE SUPREME COURT OF THE STATE OF NEVADA** to the following parties:

<b>Attorney</b>	<b>Contact Info.</b>	<b>Party</b>
Timothy A. Lukas, Esq. Robert C. Ryan, Esq. Tamara Reid, Esq. HOLLAND & HART LLP 5441 Kietzke Lane, Second Fl. Reno, Nevada 89511 <a href="mailto:tlukas@hollandhart.com">tlukas@hollandhart.com</a> <a href="mailto:reryan@hollandhart.com">reryan@hollandhart.com</a> <a href="mailto:treid@hollandhart.com">treid@hollandhart.com</a>	Tel: 775-327-3000 Fax: 775-786-6179	<i>Plaintiffs Dean Meiling, Madylon Meiling, Chemeon Surface Technology, LLC, DSM Partners, LP, DSM P GP, LLC, and Suite B, LLC</i>
Jeffrey L. Hartman, Esq. HARTMAN & HARTMAN 510 Plumb Lane, Suite B Reno, Nevada 89509	Tel: 775-324-2800 Fax: 775-324-1818	<i>Plaintiffs James Proctor and Meridian Advantage, Inc.</i>

Dated: 10/24/19

Laura Sparapani  
An employee of Holley Driggs Walch Fine  
Puzey Stein & Thompson

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**LISTING OF EXHIBITS AND PAGE AMOUNTS**  
*Proctor, et al. v. Harris and MI94, LLC*  
Case No.: 19-CV-0150

<b>Ex. No.</b>	<b>Title</b>	<b>Page Nos.</b>
1	Order Denying En Banc Reconsideration, <i>Chemeon Surface Technology, LLC v. Harris, et al.</i> , Supreme Court of Nevada Case No. 75370	2

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHEMEON SURFACE TECHNOLOGY,  
LLC, A NEVADA LIMITED LIABILITY  
COMPANY; DEAN MEILING; AND  
MADYLON MEILING,

Appellants,

vs.

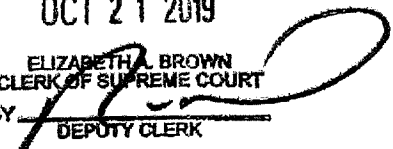
MARC HARRIS; JEFF MACKINEN;  
JERRY ALEXANDER; MARTY COHEN;  
CHARLES DELLE DONNE; RICHARD  
SCOTT ELDER; ARNIE GETTELSON;  
JERRY HOLLANDER; ELIAS  
KASSOUF; DON MARSHALL; JERRY  
MCDONALD; RON MELANSON; KEN  
MILES; MARVIN MILLS; MARC  
MORIN; ROBERT PARKER; DENNIS  
POULSEN; RON SMITH; ANDREW  
TANNER; CRAIG TIEFENTHALER;  
VIRGINIA WALLACE; AND GERALD  
WOLFE,

Respondents.

No. 75370

**FILED**

OCT 21 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DENYING EN BANC RECONSIDERATION*

Having considered the petition on file herein, we have concluded that en banc reconsideration is not warranted. NRAP 40A. Accordingly, we

ORDER the petition DENIED.

Gibbons, C.J.  
Gibbons

Pickering, J.  
Pickering

Hardesty, J.  
Hardesty

Parraguirre, J.  
Parraguirre

Stiglich, J.  
Stiglich

Cadish, J.  
Cadish

Silver, J.  
Silver

cc: Hon. Thomas W. Gregory, District Judge  
Holland & Hart LLP/Reno  
Holley, Driggs, Walch, Fine, Puzey, Stein, Thompson/Reno  
Grace M. Kim  
Holley, Driggs, Walch, Fine, Puzey, Stein, Thompson/Las Vegas  
Douglas County Clerk