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Filing date: **10/22/2014**

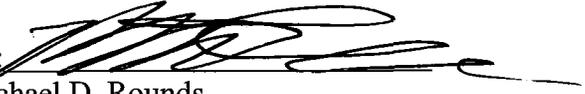
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92050557
Party	Plaintiff TRP Entertainment, LLC
Correspondence Address	MATTHEW D FRANCIS WATSON ROUNDS 5371 KIETZKE LANE RENO, NV 89511 UNITED STATES mfrancis@watsonrounds.com
Submission	Response to Board Order/Inquiry
Filer's Name	Matthew D Francis
Filer's e-mail	mfrancis@watsonrounds.com
Signature	/s/ Matthew D Francis
Date	10/22/2014
Attachments	2014-1022 Petitioner's Response October 6, 2014 Order.pdf(71109 bytes) Ex. 1.pdf(2541905 bytes) Ex 2.pdf(52967 bytes) Ex 3.pdf(995460 bytes)

Because TRP is appealing the Nevada Court's September 28, 2009 summary judgment Order and the resulting Partial Judgment entered in the Nevada Action on May 19, 2011, proceedings should remain suspended in this Proceeding.

Dated: October 22, 2014

WATSON ROUNDS

By: 

Michael D. Rounds

Matthew D. Francis

WATSON ROUNDS

5371 Kietzke Lane

Reno, Nevada 89511

(775) 324-4100

Attorneys for Petitioner/Counterdefendant
TRP Entertainment, LLC

CERTIFICATE OF SERVICE

I certify that I am an employee of the Law Offices of Watson Rounds, a Professional Corporation, and on this day I deposited a true and correct copy in the United States mail, first class postage prepaid, in Washoe County, Nevada, of the within document entitled **Response to October 6, 2014 Order**, addressed as follows:

JACOB L. HAFTER, ESQ.
LAW OFFICE OF JACOB L. HAFTER & ASSOCIATES
7201 W. Lake Mead Boulevard, Suite 210
Las Vegas, Nevada 89128

Dated: October 22, 2014

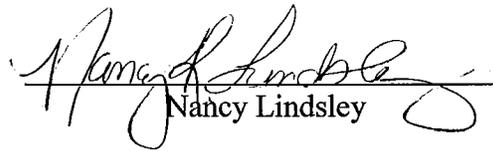

Nancy Lindsley

Exhibit 1

Exhibit 1

**United States District Court
District of Nevada (Las Vegas)
CIVIL DOCKET FOR CASE #: 2:08-cv-00579-LDG-CWH**

TRP Entertainment, LLC v. BC Entertainment, Inc. et al
Assigned to: Judge Lloyd D. George
Referred to: Magistrate Judge Carl W. Hoffman
Case in other court: U.S. District Court of Appeals for the 9th
Circuit, 13-16754
Cause: 15:1125 Trademark Infringement (Lanham Act)

Date Filed: 05/07/2008
Date Terminated: 08/01/2013
Jury Demand: Plaintiff
Nature of Suit: 840 Trademark
Jurisdiction: Federal Question

Plaintiff

TRP Entertainment, LLC

represented by **Michael D Rounds**
Watson Rounds, PC
5371 Kietzke Lane
Reno, NV 89511
Email: mrounds@watsonrounds.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ryan E. Johnson
Watson Rounds
10000 West Charleston Blvd.
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

F. Christopher Austin
Weide & Miller, Ltd.
7251 W. Lake Mead Blvd.
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702-382-4804
Fax: 702-382-4805
Email: caustin@weidemiller.com
TERMINATED: 10/01/2012

Matthew D Francis
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5371 Kietzke Lane
Reno, NV 89511
Email: mfrancis@watsonrounds.com

ATTORNEY TO BE NOTICED

V.

Defendant

BC Entertainment, Inc.

represented by **BC Entertainment, Inc.**
318 Silverado Pines Ave.
Las Vegas, NV 89123
PRO SE

Mark R. Borghese
Borghese Legal, Ltd.
10161 Park Run Drive, Suite 150
Las Vegas, NV 89145
702-382-0200
Fax: 702-382-0212
Email: mark@borgheselegal.com
TERMINATED: 01/15/2009

Ryan R Gile
Weide & Miller, Ltd.
7251 W. Lake Mead Blvd.
Las Vegas, NV 89128
702-382-4804
Fax: 702-382-4805
Email: rgile@weidemiller.com
TERMINATED: 01/15/2009

Defendant

Barrie Cunningham

represented by **Barrie Cunningham**
3307 76 Country Blvd
Branson, MO 65616
417-336-4266
PRO SE

Mark R. Borghese
(See above for address)
TERMINATED: 01/15/2009

Ryan R Gile
(See above for address)
TERMINATED: 01/15/2009

Defendant

Ian Hammer
TERMINATED: 07/03/2008

represented by **Ian Hammer**
851 Golden Poppy Street
Las Vegas, NV 89110
PRO SE

Counter Claimant

BC Entertainment, Inc.
TERMINATED: 04/08/2009

represented by **Mark R. Borghese**
 (See above for address)
TERMINATED: 01/15/2009

Ryan R Gile
 (See above for address)
TERMINATED: 01/15/2009
ATTORNEY TO BE NOTICED

Counter Claimant

Barrie Cunningham
TERMINATED: 04/08/2009

represented by **Mark R. Borghese**
 (See above for address)
TERMINATED: 01/15/2009

Ryan R Gile
 (See above for address)
TERMINATED: 01/15/2009

V.

Counter Defendant

TRP Entertainment, LLC
TERMINATED: 04/08/2009

represented by **Michael D Rounds**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ryan E. Johnson
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

F. Christopher Austin
 (See above for address)
TERMINATED: 10/01/2012

Matthew D Francis
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/07/2008	<u>1</u>	COMPLAINT <i>Jury Demand</i> against BC Entertainment, Inc., Barrie Cunningham, Ian Hammer (Filing fee \$ 350 receipt number 0978000000000874948), filed by TRP Entertainment, LLC. Certificate of Interested Parties due by 5/17/2008. Proof of service due by 9/4/2008. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons to Ian Hammer, # <u>3</u> Summons to BC Entertainment, # <u>4</u> Summons to Barrie Cunningham)(Francis, Matthew) (Entered: 05/07/2008)

05/07/2008		Case assigned to Judge Lloyd D. George and Magistrate Judge Robert J. Johnston. (ASB) (Entered: 05/07/2008)
05/07/2008	<u>2</u>	NOTICE PURSUANT TO LOCAL RULE IB 2-2: In accordance with 28 USC § 636(c) and FRCP 73, the parties in this action are provided with a link to the "AO 85 Notice of Availability, Consent, and Order of Reference - Exercise of Jurisdiction by a U.S. Magistrate Judge" form on the Court's website - link . Consent forms should NOT be electronically filed. Upon consent of all parties, counsel are advised to manually file the form with the Clerk's Office. (no image attached) (ASB) (Entered: 05/07/2008)
05/07/2008	<u>3</u>	AO 120 - REPORT on the filing or determination of an action regarding a patent or trademark. E-mailed to the US Patent and Trademark Office. (Attachments: # <u>1</u> Complaint) (ASB) (Entered: 05/07/2008)
05/07/2008	<u>4</u>	Summons Issued as to BC Entertainment, Inc. (ASB) (Entered: 05/07/2008)
05/07/2008	<u>5</u>	Summons Issued as to Barrie Cunningham. (ASB) (Entered: 05/07/2008)
05/07/2008	<u>6</u>	Summons Issued as to Ian Hammer. (ASB) (Entered: 05/07/2008)
05/08/2008	<u>7</u>	CERTIFICATE of Interested Parties filed by TRP Entertainment, LLC.. There are no known interested parties other than those participating in the case. (Francis, Matthew) (Entered: 05/08/2008)
05/23/2008	<u>8</u>	SUMMONS Returned Executed by TRP Entertainment, LLC re <u>1</u> Complaint,. Ian Hammer served on 5/16/2008, answer due 6/5/2008. (Francis, Matthew) (Entered: 05/23/2008)
06/03/2008	<u>9</u>	STIPULATION <i>for Extension of Time to Answer Complaint (First Request)</i> by Plaintiff TRP Entertainment, LLC. (Francis, Matthew) (Entered: 06/03/2008)
06/10/2008	<u>10</u>	ORDER granting <u>9</u> Stipulation For Extension of Time to Answer Complaint. Defendant Hammer shall have to and including 6/19/2008, to answer TRP's Complaint. Signed by Magistrate Judge Robert J. Johnston on 6/10/2008. (Copies have been distributed pursuant to the NEF - MXS) (Entered: 06/10/2008)
06/11/2008	<u>11</u>	ORDER GRANTING <u>9</u> Stipulation to extend Answer deadline. Ian Hammer answer due 6/19/2008. Signed by Judge Lloyd D. George on 6/10/08. (Copies have been distributed pursuant to the NEF - ES) (Entered: 06/11/2008)
06/19/2008	<u>12</u>	SUMMONS Returned Executed by TRP Entertainment, LLC re <u>1</u> Complaint,. BC Entertainment, Inc. served on 6/17/2008, answer due 7/7/2008. (Francis, Matthew) (Entered: 06/19/2008)
06/19/2008	<u>13</u>	SUMMONS Returned Executed by TRP Entertainment, LLC re <u>1</u> Complaint,. Barrie Cunningham served on 6/17/2008, answer due 7/7/2008. (Francis, Matthew) (Entered: 06/19/2008)
07/03/2008	<u>14</u>	NOTICE of Voluntary Dismissal by Plaintiff TRP Entertainment, LLC. <i>Dismissal With Prejudice (as to Ian Hammer)</i> (Francis, Matthew) (Entered: 07/03/2008)
07/03/2008		Party Ian Hammer terminated pursuant to Notice of Voluntary Dismissal <u>14</u> . (ES) (Entered: 07/07/2008)
07/14/2008	<u>15</u>	STRICKEN PER <u>108</u> Order. (SLR)-ANSWER to <u>1</u> Complaint, (- Certificate of

		Interested Parties due by 7/24/2008., Discovery Plan/Scheduling Order due by 8/28/2008.), COUNTERCLAIM against TRP Entertainment, LLC filed by BC Entertainment, Inc. and Barrie Cunningham.(Gile, Ryan) STRICKEN as to BC Entertainment, Inc. per 47 Order Striking Document. (ASB) (Entered: 07/14/2008)
07/23/2008	<u>16</u>	CERTIFICATE of Interested Parties filed by BC Entertainment, Inc., Barrie Cunningham.. There are no known interested parties other than those participating in the case. (Gile, Ryan) (Entered: 07/23/2008)
07/30/2008	<u>17</u>	ANSWER to <u>15</u> Answer to Complaint, Counterclaim <i>Reply to Counterclaims</i> filed by TRP Entertainment, LLC.(Francis, Matthew) (Entered: 07/30/2008)
08/18/2008	<u>18</u>	STIPULATION <i>Stipulated Discovery Plan and Scheduling Order</i> by Plaintiff TRP Entertainment, LLC, Counter Defendant TRP Entertainment, LLC. (Francis, Matthew) (Entered: 08/18/2008)
08/18/2008	<u>19</u>	STIPULATION <i>Stipulated Protective Order</i> by Plaintiff TRP Entertainment, LLC, Counter Defendant TRP Entertainment, LLC. (Francis, Matthew) (Entered: 08/18/2008)
08/19/2008	<u>20</u>	ORDER GRANTING <u>19</u> Stipulated Protective Order. Signed by Magistrate Judge Robert J. Johnston on 8/19/2008. (Copies have been distributed pursuant to the NEF - MXS) (Entered: 08/19/2008)
08/19/2008	<u>21</u>	SCHEDULING ORDER ADOPTING (#18) Stipulated Discovery Plan and Scheduling Order. Discovery due by 1/12/2009. Motions due by 2/11/2009. Proposed Joint Pretrial Order due by 3/13/2009. See Order for other discovery related deadlines. Signed by Magistrate Judge Robert J. Johnston on 8/19/2008. (Copies have been distributed pursuant to the NEF - MXS) (Entered: 08/19/2008)
08/19/2008	<u>22</u>	ORDER parties to file joint, interim discovery status reports on 10/2/2008, and 11/20/2008. See Order for specific report requirements. Signed by Magistrate Judge Robert J. Johnston on 8/19/2008. (Copies have been distributed pursuant to the NEF - MXS) (Entered: 08/19/2008)
09/19/2008	<u>23</u>	MOTION for Partial Summary Judgment by Defendants BC Entertainment, Inc., Barrie Cunningham, Counter Claimants BC Entertainment, Inc., Barrie Cunningham. Responses due by 10/7/2008. (Attachments: # <u>1</u> Exhibit Exhibit 1 - Part 1, # <u>2</u> Exhibit Exhibit 1 - Part 2, # <u>3</u> Exhibit Exhibits 2 - 6, # <u>4</u> Exhibit Exhibit 7, # <u>5</u> Exhibit Exhibit 8, # <u>6</u> Exhibit Exhibits 9 - 13, # <u>7</u> Exhibit Exhibit 14, # <u>8</u> Exhibit Exhibit 15, # <u>9</u> Exhibit Exhibits 16 - 17)(Gile, Ryan) (Entered: 09/19/2008)
09/29/2008	<u>24</u>	Joint STATUS REPORT <i>Joint Interim Discovery Status Report</i> by Plaintiff TRP Entertainment, LLC, Counter Defendant TRP Entertainment, LLC. (Francis, Matthew) (Entered: 09/29/2008)
09/29/2008	<u>25</u>	STIPULATION re <u>23</u> MOTION for Partial Summary Judgment ; <i>Stipulation for Extension of Time for Plaintiff to Oppose Defendants' Motion for Partial Summary Judgment (First Request)</i> by Plaintiff TRP Entertainment, LLC, Counter Defendant TRP Entertainment, LLC. (Francis, Matthew) (Entered: 09/29/2008)
09/30/2008	<u>26</u>	ORDER ON STIPULATION Granting <u>25</u> Stipulation for Extension of Time to

		Respond to <u>23</u> MOTION for Partial Summary Judgment. Responses due by 10/16/2008. Signed by Judge Lloyd D. George on 9/30/08. (Copies have been distributed pursuant to the NEF - ASB) (Entered: 09/30/2008)
10/30/2008	<u>29</u>	REPLY to Response to <u>23</u> MOTION for Partial Summary Judgment ; filed by Defendants BC Entertainment, Inc., Barrie Cunningham, Counter Claimants BC Entertainment, Inc., Barrie Cunningham. (Gile, Ryan) (Entered: 10/30/2008)
11/17/2008	<u>30</u>	Second STATUS REPORT <i>Second Joint Interim Discovery Status Report</i> by Plaintiff TRP Entertainment, LLC, Counter Defendant TRP Entertainment, LLC. (Francis, Matthew) (Entered: 11/17/2008)
11/19/2008	31	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Robert J. Johnston, on 11/19/2008. By Judicial Assistant: MXS. ORDER OF THE COURT that on or before 11/24/2008, the parties shall file a supplement to: <u>30</u> Status Report. Said supplement shall list the names of deponents whose depositions have not been completed. (no image attached) (Copies have been distributed pursuant to the NEF - MXS) (Entered: 11/19/2008)
11/21/2008	<u>32</u>	Supplemental STATUS REPORT <i>Supplement to Second Joint Interim Discovery Status Report</i> by Plaintiff TRP Entertainment, LLC, Counter Defendant TRP Entertainment, LLC. (Francis, Matthew) Notice of Corrected Image/Document filed on 11/24/08. (MJZ) (Entered: 11/21/2008)
11/21/2008	<u>33</u>	NOTICE of Corrected Image/Document re <u>32</u> Status Report by Plaintiff TRP Entertainment, LLC, Counter Defendant TRP Entertainment, LLC. (Service of corrected image is attached). (Francis, Matthew) (Entered: 11/21/2008)
12/02/2008	<u>34</u>	MOTION to Withdraw as Attorney by Weide & Miller, Ltd. by Defendants BC Entertainment, Inc., Barrie Cunningham, Counter Claimants BC Entertainment, Inc., Barrie Cunningham. Motion ripe 12/2/2008. (Gile, Ryan) (Entered: 12/02/2008)
12/16/2008	<u>35</u>	ORDER Setting Hearing on <u>34</u> MOTION to Withdraw as Attorney by Weide & Miller, Ltd.: Motion Hearing set for 1/7/2009 09:00 AM in LV Courtroom 3D before Magistrate Judge Robert J. Johnston. IT IS FURTHER ORDERED that Defendant Barrie Cunningham and a representative for BC Entertainment, Inc., must attend this hearing unless new counsel is retained and a Notice of Appearance is filed prior to the scheduled hearing. IT IS FURTHER ORDERED that counsel seeking to withdraw must personally serve or serve by certified mail, return receipt requested, a copy of the Motion to Withdraw (#34) and a copy of this Order on Defendants/Counterclaimants BC Entertainment, Inc. and Barrie Cunningham. Proof of service must be filed with the Court prior to the hearing. Signed by Magistrate Judge Robert J. Johnston on 12/16/08. (Copies have been distributed pursuant to the NEF - ASB) (Entered: 12/16/2008)
12/29/2008	<u>36</u>	ORDER that the Motion Hearing is reset for 1/12/2009 at 09:00 AM in LV Courtroom 3D before Magistrate Judge Robert J. Johnston re <u>34</u> MOTION to Withdraw as Attorney by Weide & Miller, Ltd.. Signed by Magistrate Judge Robert J. Johnston on 12/29/08. (Copies have been distributed pursuant to the NEF - ES) (Entered: 12/29/2008)
12/30/2008	<u>37</u>	STIPULATION to <i>Extend Case Management Deadlines; First Request</i> by

		Plaintiff TRP Entertainment, LLC, Counter Defendant TRP Entertainment, LLC. (Francis, Matthew) (Entered: 12/30/2008)
01/05/2009	<u>38</u>	ORDER granting <u>37</u> Stipulation to Extend Case Management Deadlines. Discovery deadline 2/11/2009. Dispositive motions due by 3/13/2009. Proposed Joint Pretrial Order due by 4/13/2009, or 30 days from the date the court enters an order on dispositive motions. Signed by Magistrate Judge Robert J. Johnston on 1/5/2009. (Copies have been distributed pursuant to the NEF - MXS) (Entered: 01/05/2009)
01/08/2009	<u>39</u>	NOTICE of Appearance by attorney Ryan E. Johnson on behalf of Plaintiff TRP Entertainment, LLC, Counter Defendant TRP Entertainment, LLC. (Johnson, Ryan) (Entered: 01/08/2009)
01/09/2009	<u>40</u>	NOTICE by Defendants BC Entertainment, Inc., Barrie Cunningham, Counter Claimants BC Entertainment, Inc., Barrie Cunningham <i>Notice to the Court of Attempted Service of Weide & Millers Motion to Withdraw and the Courts Order on Defendants/Counterclaimants BC Entertainment, Inc. and Barrie Cunningham</i> (Gile, Ryan) (Entered: 01/09/2009)
01/12/2009	<u>43</u>	MINUTES OF PROCEEDINGS - Hearing re motion to withdraw as counsel <u>34</u> held on 1/12/2009 before Magistrate Judge Robert J. Johnston. Crtrm Administrator: <i>J. Ries</i> ; Pla Counsel: <i>Ryan E. Johnson</i> ; Def Counsel: <i>Ryan Gile</i> ; Court Reporter/FTR #: <i>9:00 - 9:10</i> ; Time of Hearing: <i>9:00 a.m.</i> ; Courtroom: <i>3D</i> ; Also present is defendant, Mr. Barrie Cunningham. The Court hears representations of the parties. ORDERED that the motion to withdraw as counsel <u>34</u> is GRANTED. Counsel is to memorialize attorney fees and submit an order to the Court. The Court advises Mr. Cunningham that a corporation does need to be represented by counsel in Federal Court. (no image attached) (Copies have been distributed pursuant to the NEF - JAR) (Entered: 01/15/2009)
01/13/2009	<u>41</u>	Submission of PROPOSED ORDER filed by Defendants BC Entertainment, Inc., Barrie Cunningham, Counter Claimants BC Entertainment, Inc., Barrie Cunningham <i>Granting Weide & Miller, Ltd.s Motion to Withdraw as Counsel of Record and Perfecting Weide & Miller, Ltd.s Attorneys Lien.</i> (Gile, Ryan) (Entered: 01/13/2009)
01/15/2009	<u>42</u>	ORDER GRANTING Weide & Miller Ltd's <u>34</u> Motion to Withdraw as Attorney. It is further ORDERED that Counsel's attorney's lien in the amount of \$15,925.71 has been properly perfected. Mark R. Borghese and Ryan R Gile withdrawn from the case. Signed by Magistrate Judge Robert J. Johnston on 1/15/09. (Copies have been distributed pursuant to the NEF - ES) (Entered: 01/15/2009)
02/13/2009	<u>44</u>	MOTION to Compel <i>Plaintiff's Motion to Compel Appearance of Counsel for BC Entertainment, Inc. or, in the Alternative, Motion to Strike Answer and Counterclaims; Memorandum of Points and Authorities in Support Thereof</i> by Plaintiff TRP Entertainment, LLC, Counter Defendant TRP Entertainment, LLC. Responses due by 3/3/2009. (Francis, Matthew) (Entered: 02/13/2009)
02/18/2009	<u>45</u>	ORDER granting <u>44</u> Motion to Compel Appearance of Counsel for BC Entertainment, Inc. (Substitution of Counsel due by 3/10/2009.) Signed by Judge Lloyd D. George on 2/17/09. (Copies have been distributed pursuant to the NEF - ASB) (Entered: 02/18/2009)

03/16/2009	<u>46</u>	NOTICE by Plaintiff TRP Entertainment, LLC <i>Notice of Defendant BC Entertainment, Inc.'s Non-Compliance With February 17, 2009 Order to Retain Substitute Counsel</i> (Francis, Matthew) (Entered: 03/16/2009)
04/08/2009	<u>47</u>	ORDER STRIKING FILED DOCUMENT. Docket No. <u>15</u> Answer to Complaint and Counterclaim is Stricken. Signed by Judge Lloyd D. George on 4/7/09. (Copies have been distributed pursuant to the NEF - ASB) (Entered: 04/08/2009)
04/08/2009	<u>48</u>	MOTION for Entry of Clerks Default; filed by Plaintiff TRP Entertainment, LLC. (Attachments: # <u>1</u> Declaration of Matthew D. Francis)(Francis, Matthew) Event corrected on 4/9/09. (MJZ) (Entered: 04/08/2009)
04/09/2009		NOTICE of Docket Correction to <u>48</u> Reply - Other : ERROR: Wrong event selected by attorney <u>Matthew D. Francis</u> ; CORRECTION: Event corrected by Court to <u>48</u> MOTION for Entry of Clerks Default. (no image attached) (MJZ) (Entered: 04/09/2009)
09/28/2009	<u>49</u>	ORDER Granting <u>48</u> Motion for Entry of Clerks Default as to BC Entertainment, Inc. and Granting in Part and Denying in Part <u>23</u> Motion for Partial Summary Judgment. Barrie Cunningham shall prepare and submit a proposed partial judgment. Signed by Judge Lloyd D. George on 9/28/09. (Copies have been distributed pursuant to the NEF - ASB) (Entered: 09/29/2009)
09/29/2009	<u>50</u>	Clerk's ENTRY OF DEFAULT as to BC Entertainment, Inc. (ASB) (Entered: 09/29/2009)
10/08/2009	<u>51</u>	MOTION for District Judge to Reconsider Order re <u>49</u> Order on Motion for Entry of Clerks Default,, Order on Motion for Partial Summary Judgment, by Plaintiff TRP Entertainment, LLC, Counter Defendant TRP Entertainment, LLC. Responses due by 10/26/2009. (Attachments: # <u>1</u> Exhibit 1)(Austin, F.) (Entered: 10/08/2009)
10/29/2009	<u>52</u>	Emergency MOTION to Extend Time regarding discovery/non dispositive matter <i>To File Pretrial Order</i> by Plaintiff TRP Entertainment, LLC, Counter Defendant TRP Entertainment, LLC. Motion ripe 10/29/2009. (Austin, F.) (Entered: 10/29/2009)
11/05/2009	<u>53</u>	Submission of PROPOSED PARTIAL JUDGMENT filed by Defendant Barrie Cunningham. (ASB) (Entered: 11/06/2009)
11/16/2009	<u>54</u>	ORDER Granting <u>52</u> Motion to Extend Time to File Pretrial Order. Pretrial Order due 30 days after the Court's decision on <u>49</u> Motion to Reconsider Order. Signed by Magistrate Judge Robert J. Johnston on 11/16/09. (Copies have been distributed pursuant to the NEF - ASB) (Entered: 11/16/2009)
11/18/2009	<u>55</u>	MOTION for Hearing <i>Request For Oral Argument On Plaintiff's Motion To Reconsider Order [Docket No. 49]</i> re <u>49</u> Order on Motion for Entry of Clerks Default,, Order on Motion for Partial Summary Judgment, <u>51</u> MOTION for District Judge to Reconsider Order re <u>49</u> Order on Motion for Entry of Clerks Default,, Order on Motion for Partial Summary Judgment, MOTION for District Judge to Reconsider Order re <u>49</u> Order on Motion for Entry of Clerks Default,, Order on Motion for Partial Summary Judgment, by Plaintiff TRP Entertainment, LLC, Counter Defendant TRP Entertainment, LLC. Motion ripe 11/18/2009. (Austin, F.) (Entered: 11/18/2009)

12/14/2009	<u>56</u>	ORDER Denying <u>51</u> Motion for District Judge to Reconsider Order. Denying <u>55</u> Motion for Hearing. Signed by Judge Lloyd D. George on 12/11/09. (Copies have been distributed pursuant to the NEF - AXM) (Entered: 12/14/2009)
02/11/2011	<u>57</u>	NOTICE TO COUNSEL PURSUANT TO LOCAL RULE 41-1. If no action is taken in this case within thirty (30) days, the Clerk's office will make application to the Court for dismissal for want of prosecution. LR 41-1 dismissal deadline set for 3/13/2011. (MJZ) (Entered: 02/11/2011)
02/14/2011	<u>58</u>	Mail Returned as Undeliverable re <u>57</u> Notice re 41-1 Dismissal, addressed to BC Entertainment. Updated address to 318 Silverado Pines Ave, LV NV 89123 per USPS return label. Rемаiled. (EDS) (Entered: 02/16/2011)
02/14/2011	<u>59</u>	Mail Returned as Undeliverable re <u>57</u> Notice re 41-1 Dismissal, addressed to Barrie Cunningham. Updated address to 318 Silverado Pines Ave, LV NV 89123 per USPS return label. Rемаiled. (EDS) (Entered: 02/16/2011)
03/01/2011	<u>60</u>	Mail Returned as Undeliverable re <u>58</u> Mail Returned addressed to BC Entertainment, Inc. New address unknown; did not remain. (EDS) (Entered: 03/02/2011)
03/30/2011	<u>61</u>	VACATED PER <u>66</u> ORDER (EDS) ORDER OF DISMISSAL by Court for Want of Prosecution. IT IS ORDERED that this action is dismissed without prejudice for want of prosecution pursuant to provisions of LR 41-1. Signed by Judge Lloyd D. George on 3/30/11. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 03/30/2011)
03/30/2011	<u>62</u>	AO 120 - REPORT on the filing or determination of an action regarding a patent or trademark. E-mailed to the US Patent and Trademark Office. (Attachments: # <u>1</u> order) (EDS) (Entered: 03/30/2011)
04/06/2011	<u>63</u>	MOTION for District Judge to Reconsider Order <u>61</u> of Dismissal, by Defendant Barrie Cunningham. Responses due by 4/23/2011. (ECS) (Entered: 04/07/2011)
04/25/2011	<u>64</u>	RESPONSE to <u>63</u> MOTION for District Judge to Reconsider Order re <u>61</u> Local Rule 41-1 Order of Dismissal, filed by Plaintiff TRP Entertainment, LLC. Replies due by 5/5/2011. (Attachments: # <u>1</u> Declaration Austin Declaration In Support of Opposition to Motion for Reconsideration)(Austin, F.) (Entered: 04/25/2011)
04/26/2011	<u>65</u>	CERTIFICATE OF SERVICE for RESPONSE to <u>63</u> MOTION for District Judge to Reconsider Order re <u>61</u> Local Rule 41-1 Order of Dismissal by Plaintiff TRP Entertainment, LLC re <u>64</u> Response to Motion,. (Austin, F.) (Entered: 04/26/2011)
05/20/2011	<u>66</u>	ORDER Granting <u>63</u> Motion for District Judge to Reconsider Order. IT IS FURTHER ORDERED that <u>61</u> Local Rule 41-1 Order of Dismissal is VACATED. Clerk shall re-open this matter. Signed by Judge Lloyd D. George on 5/19/11. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 05/20/2011)
05/20/2011	<u>67</u>	PARTIAL JUDGMENT in favor of Defendant/Counterclaimant Barrie Cunningham and against Plaintiff/Counterdefendant TRP Entertainment, LLC re <u>49</u> Order on <u>23</u> Motion for Partial Summary Judgment. Signed by Judge Lloyd D.

		George on 5/19/11. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 05/20/2011)
08/19/2011	<u>68</u>	MINUTE ORDER IN CHAMBERS of the Honorable Chief Judge Robert C. Jones, on 8/19/2011. By Deputy Clerk: Aaron Blazeovich. IT IS ORDERED that this case is reassigned to Magistrate Judge Carl W. Hoffman for all further proceedings. Magistrate Judge Robert J. Johnston no longer assigned to case. All further documents must bear the correct case number 2:08-cv-00579-LDG-CWH. (no image attached) (Copies have been distributed pursuant to the NEF - ASB) (Entered: 08/19/2011)
08/08/2012	<u>69</u>	NOTICE TO COUNSEL PURSUANT TO LOCAL RULE 41-1. If no action is taken in this case within thirty (30) days, the Clerk's office will make application to the Court for dismissal for want of prosecution. LR 41-1 dismissal deadline set for 9/7/2012. (SRK) (Entered: 08/08/2012)
09/06/2012	<u>70</u>	MOTION to Stay filed by Plaintiff TRP Entertainment, LLC, Counter Defendant TRP Entertainment, LLC. Motion ripe 9/6/2012. (Attachments: # <u>1</u> Exhibit A) (Francis, Matthew) (Entered: 09/06/2012)
09/17/2012	<u>71</u>	ORDER Denying <u>70</u> Motion to Stay. THE COURT FURTHER ORDERS that Plaintiff shall have thirty days from entry of this Order to submit a pre-trial order. Signed by Judge Lloyd D. George on 9/17/2012. (Copies have been distributed pursuant to the NEF - DXS) (Entered: 09/17/2012)
09/28/2012	<u>72</u>	MOTION to remove attorney(s) F. Christopher Austin from the Electronic Service List in this case, by Plaintiff TRP Entertainment, LLC. Motion ripe 9/28/2012. (Austin, F.) (Entered: 09/28/2012)
10/01/2012	<u>73</u>	ORDER Granting <u>72</u> Motion to Remove Attorney F. Christopher Austin and the law firm of Kolesar and Leatham from Electronic Service List. Signed by Magistrate Judge Carl W. Hoffman on 10/1/2012. (Copies have been distributed pursuant to the NEF - SLR) (Entered: 10/01/2012)
10/17/2012	<u>74</u>	PROPOSED Pretrial Order by Plaintiff TRP Entertainment, LLC. (Francis, Matthew) (Entered: 10/17/2012)
10/17/2012	<u>75</u>	MOTION to Dismiss Answer and Counterclaims of Defendant Barrie Cunningham by Plaintiff TRP Entertainment, LLC, Counter Defendant TRP Entertainment, LLC. Responses due by 11/3/2012. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C)(Francis, Matthew) (Entered: 10/17/2012)
10/17/2012	<u>76</u>	MINUTE ORDER IN CHAMBERS Regarding the Requirements of <i>Klinge v. Eikenberry</i> and <i>Rand v. Rowland</i> as to <u>75</u> MOTION to Dismiss Answer and Counterclaims of Defendant Barrie Cunningham: Opposition due fourteen (14) days from the date of this Minute Order, and reply due seven (7) days after the filing of the opposition. Signed by Judge Lloyd D. George on 10/17/2012. (Copies have been distributed pursuant to the NEF - SRK) (Entered: 10/17/2012)
10/19/2012	<u>77</u>	PRETRIAL ORDER: Jury Trial set for 7/22/2013 09:00 AM in LV Courtroom 6B before Judge Lloyd D. George. Calendar Call set for 7/16/2013 08:30 AM in LV Courtroom 6B before Judge Lloyd D. George. Trial Briefs, Proposed Jury Instructions, and Proposed Voir Dire due by 7/16/2013. Signed by Judge Lloyd D.

		George on 10/19/2012. (Copies have been distributed pursuant to the NEF - SLR) (Entered: 10/22/2012)
11/06/2012	<u>78</u>	NOTICE of Non-Opposition to <u>75</u> MOTION to Dismiss by TRP Entertainment, LLC. (Francis, Matthew) (Entered: 11/06/2012)
11/26/2012	<u>79</u>	ORDER Denying <u>75</u> Motion to Dismiss Answer and Counterclaims. Signed by Judge Lloyd D. George on 11/26/2012. (Copies have been distributed pursuant to the NEF - DXS) (Entered: 11/27/2012)
03/04/2013	<u>80</u>	MINUTE ORDER IN CHAMBERS of the Honorable Judge Lloyd D. George, on 3/4/2013. By Deputy Clerk: Denise Saavedra. This case is currently stacked on the calendar of July 22, 2013 for a jury trial. Accordingly, <i>this case is hereby referred to U.S. Magistrate Judge CARL W. HOFFMAN for the scheduling of a settlement conference.</i> (no image attached) (Copies have been distributed pursuant to the NEF - DXS) (Entered: 03/04/2013)
03/06/2013	<u>81</u>	ORDER Scheduling Settlement Conference: Settlement Conference set for 4/30/2013 09:00 AM in LV Chambers before Magistrate Judge Carl W. Hoffman. Signed by Magistrate Judge Carl W. Hoffman on 3/6/13. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 03/06/2013)
03/11/2013	<u>82</u>	First MOTION to Vacate <i>and Reset Settlement Conference</i> by Plaintiff TRP Entertainment, LLC, Counter Defendant TRP Entertainment, LLC. Motion ripe 3/11/2013. (Francis, Matthew) (Entered: 03/11/2013)
03/11/2013	<u>83</u>	DECLARATION of Nancy R. Lindsley re <u>82</u> First MOTION to Vacate <i>and Reset Settlement Conference</i> ; filed by Plaintiff TRP Entertainment, LLC, Counter Defendant TRP Entertainment, LLC. (Attachments: # <u>1</u> Exhibit)(Francis, Matthew) (Entered: 03/11/2013)
03/21/2013	<u>84</u>	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Carl W. Hoffman, on 3/21/2013 RE: <u>82</u> First MOTION to Vacate <i>and Reset Settlement Conference</i> , <u>83</u> Declaration. IT IS HEREBY ORDERED that Defendants' Response to <u>82</u> Motion to Reschedule the Settlement Conference set for April 30, 2013 shall be due by COB on Monday, March 25, 2013. (no image attached) (Copies have been distributed pursuant to the NEF - KMB) (Entered: 03/21/2013)
03/27/2013	<u>85</u>	ORDER Granting <u>82</u> Motion to Vacate and Reset Settlement Conference. Settlement Conference set for 5/8/2013 09:00 AM in LV Chambers before Magistrate Judge Carl W. Hoffman. Signed by Magistrate Judge Carl W. Hoffman on 3/27/2013. (Copies have been distributed pursuant to the NEF - SLR) (Entered: 03/27/2013)
04/23/2013	<u>86</u>	STRICKEN per <u>89</u> Order. (SLR)-LETTER from Barrie Cunningham re <u>85</u> Order Setting a Settlement Conference. (SLR) (Entered: 04/23/2013)
04/24/2013	<u>87</u>	RESPONSE to <u>86</u> Letter ; filed by Plaintiff TRP Entertainment, LLC, Counter Defendant TRP Entertainment, LLC. (Francis, Matthew) (Entered: 04/24/2013)
04/24/2013	<u>88</u>	DECLARATION of Nancy R. Lindsley re <u>86</u> Letter ; <i>in support of Response to Letter</i> by Plaintiff TRP Entertainment, LLC, Counter Defendant TRP Entertainment, LLC. (Attachments: # <u>1</u> Exhibit)(Francis, Matthew) (Entered: 04/24/2013)

04/29/2013	<u>89</u>	ORDER STRIKING FILED DOCUMENT. Docket No. <u>86</u> Letter is stricken per Local Rule. Signed by Magistrate Judge Carl W. Hoffman on 4/29/2013. (Copies have been distributed pursuant to the NEF - SLR) (Entered: 04/29/2013)
05/07/2013	90	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Carl W. Hoffman, on 5/7/2013. Due to Defendants' failure to comply with the Court's order to submit a settlement conference statement, the Settlement Conference set for 5/8/2013 09:00 AM in LV Chambers before Magistrate Judge Carl W. Hoffman is hereby VACATED. A separate Order to Show Cause will issue. (no image attached) (Copies have been distributed pursuant to the NEF - MW) (Entered: 05/07/2013)
05/08/2013	<u>91</u>	NOTICE of Correspondence from Barrie Cunningham. (SLR) (Entered: 05/08/2013)
05/08/2013	<u>92</u>	ORDER TO SHOW CAUSE. Show Cause Hearing set for 6/7/2013 09:00 AM in LV Courtroom 3C before Magistrate Judge Carl W. Hoffman. Show Cause Response due by 5/22/2013. Signed by Magistrate Judge Carl W. Hoffman on 5/7/2013. (Copies have been distributed pursuant to the NEF; CC: Barrie Cunningham via Certified Mail - SLR) (Entered: 05/08/2013)
05/08/2013	<u>93</u>	RESPONSE TO ORDER TO SHOW CAUSE by Plaintiff TRP Entertainment, LLC, Counter Defendant TRP Entertainment, LLC . (Francis, Matthew) (Entered: 05/08/2013)
05/08/2013	<u>94</u>	CERTIFIED MAIL RECEIPT 7012 1640 0001 2520 9213 re <u>92</u> Order to Show Cause,. (SLR) (Entered: 05/08/2013)
05/09/2013	<u>95</u>	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Carl W. Hoffman, on 5/9/2013. BC Entertainment, Inc. shall not submit a brief or participate in the June 7, 2013 show cause hearing as previously instructed in the <u>92</u> Order to Show Cause. (Copies have been distributed pursuant to the NEF - SLR) (Entered: 05/09/2013)
06/07/2013	96	MINUTES OF PROCEEDINGS - Show Cause Hearing held on 6/7/2013 before Magistrate Judge Carl W. Hoffman. Crtrm Administrator: <i>Donna Smith</i> ; Pla Counsel: <i>Matthew Francis</i> ; Court Reporter/FTR #: <i>9:00-9:04</i> ; Time of Hearing: <i>9 AM</i> ; Courtroom: <i>3C</i> ; Defendant Cunningham is not present. Defendant Cunningham failed to attend the scheduled settlement conference, failed to submit a written brief as directed, and failed to appear for the hearing today. The Court will issue a written Report and Recommendation regarding appropriate sanctions. (no image attached) (Copies have been distributed pursuant to the NEF - DES) (Entered: 06/07/2013)
06/14/2013	<u>97</u>	MOTION in Limine <i>No. 1</i> by Plaintiff TRP Entertainment, LLC, Counter Defendant TRP Entertainment, LLC. Responses due by 7/1/2013. (Francis, Matthew) (Entered: 06/14/2013)
06/14/2013	<u>98</u>	MOTION in Limine <i>No. 2</i> by Plaintiff TRP Entertainment, LLC, Counter Defendant TRP Entertainment, LLC. Responses due by 7/1/2013. (Francis, Matthew) (Entered: 06/14/2013)
06/14/2013	<u>99</u>	MOTION in Limine <i>No. 3</i> by Plaintiff TRP Entertainment, LLC, Counter Defendant TRP Entertainment, LLC. Responses due by 7/1/2013. (Francis,

		Matthew) (Entered: 06/14/2013)
06/14/2013	<u>100</u>	MOTION in Limine No. 4 by Plaintiff TRP Entertainment, LLC, Counter Defendant TRP Entertainment, LLC. Responses due by 7/1/2013. (Francis, Matthew) (Entered: 06/14/2013)
06/14/2013	<u>102</u>	MOTION in Limine No. 6 by Plaintiff TRP Entertainment, LLC, Counter Defendant TRP Entertainment, LLC. Responses due by 7/1/2013. (Francis, Matthew) (Entered: 06/14/2013)
06/14/2013	<u>103</u>	REPORT AND RECOMMENDATION that Plaintiffs Motion to Strike Defendant Barrie Cunninghams Answer to Complaint and for Dispositive Sanctions be granted . That Defendant Cunninghams Answer be stricken and default judgment be entered against him. Objections to R&R due by 7/1/2013 Signed by Magistrate Judge Carl W. Hoffman on 6/14/2013. (Copies have been distributed pursuant to the NEF - SLR) (Entered: 06/14/2013)
06/14/2013	<u>104</u>	Mail Returned as Undeliverable re <u>92</u> Order to Show Cause, addressed to Barrie Cunningham. No New Address, Did Not Resend. (SLR) (Entered: 06/17/2013)
07/02/2013	<u>105</u>	NON-OPPOSITION to <u>103</u> REPORT AND RECOMMENDATION re <u>15</u> Answer to Complaint,, Counterclaim, filed by BC Entertainment, Inc., Barrie Cunningham. ; filed by Plaintiff TRP Entertainment, LLC, Counter Defendant TRP Entertainment, LLC. (Francis, Matthew) (Entered: 07/02/2013)
07/08/2013	<u>106</u>	ORDER REGARDING TRIAL. Jury Trial set for 7/22/2013 at 09:00 AM in LV Courtroom 6B before Judge Lloyd D. George. Calendar Call set for 7/16/2013 at 08:30 AM in LV Courtroom 6B before Judge Lloyd D. George. Exhibit List due by 7/16/2013. Proposed Findings of Fact and Conclusions of Law due by 7/16/2013. Proposed Voir Dire due by 7/16/2013. Proposed Jury Instructions due by 7/16/2013. Trial Briefs due by 7/16/2013. Signed by Judge Lloyd D. George on 7/8/2013. (Copies have been distributed pursuant to the NEF - DXS) (Entered: 07/08/2013)
07/11/2013	<u>108</u>	ORDER Adopting in its entirety <u>103</u> Report and Recommendation. TRP Entertainment, LLCs Motion to Strike Defendant Barrie Cunninghams <u>15</u> Answer to Complaint and for Dispositive Sanctions is GRANTED. Denying as moot <u>107</u> Ex Parte Motion to Continue Trial. Trial Date set for 7/22/2013 is VACATED. Default Judgment due within 14 days. Signed by Judge Lloyd D. George on 7/11/2013. (Copies have been distributed pursuant to the NEF - SLR) (Entered: 07/11/2013)
07/12/2013	<u>109</u>	MOTION for Entry of Clerks Default <i>Against Defendant Barrie Cunningham</i> by Plaintiff TRP Entertainment, LLC, Counter Defendant TRP Entertainment, LLC. Motion ripe 7/12/2013. (Attachments: # <u>1</u> Declaration Exhibits A and B)(Francis, Matthew) (Entered: 07/12/2013)
07/15/2013	<u>110</u>	Clerk's ENTRY OF DEFAULT as to Barrie Cunningham re <u>109</u> MOTION for Entry of Clerks Default <i>Against Defendant Barrie Cunningham</i> . (SLR) (Entered: 07/15/2013)
07/25/2013	<u>111</u>	DECLARATION of Matthew D. Francis <i>in Support of (Proposed) Default Judgment</i> by Plaintiff TRP Entertainment, LLC, Counter Defendant TRP Entertainment, LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Francis,

		Matthew) (Entered: 07/25/2013)
07/25/2013	<u>112</u>	Submission of PROPOSED ORDER on <u>111</u> Declaration ; filed by Plaintiff TRP Entertainment, LLC, Counter Defendant TRP Entertainment, LLC <i>PROPOSED DEFAULT JUDGMENT</i> . (Francis, Matthew) (Entered: 07/25/2013)
08/01/2013	<u>113</u>	DEFAULT JUDGMENT in favor of TRP Entertainment, LLC and against BC Entertainment, Inc. and Barrie Cunningham in the amount of \$52,000.00. Signed by Judge Lloyd D. George on 8/1/2013. (Copies have been distributed pursuant to the NEF - SLR) (Entered: 08/02/2013)
08/02/2013	<u>114</u>	AO 120 - REPORT on the filing or determination of an action regarding a patent or trademark. E-mailed to the US Patent and Trademark Office. (Attachments: # <u>1</u> Judgment) (SLR) (Entered: 08/02/2013)
08/06/2013	<u>115</u>	MOTION for Writ of Execution by Plaintiff TRP Entertainment, LLC, Counter Defendant TRP Entertainment, LLC. Motion ripe 8/6/2013. (Attachments: # <u>1</u> Exhibit Affidavit, # <u>2</u> Exhibit Writ of Execution)(Francis, Matthew) <u>116</u> Corrected Image filed 8/6/13. (ASB) (Entered: 08/06/2013)
08/06/2013	<u>116</u>	NOTICE of Corrected Image/Document re <u>115</u> MOTION for Writ of Execution by Plaintiff TRP Entertainment, LLC, Counter Defendant TRP Entertainment, LLC. (Service of corrected image is attached). (Attachments: # <u>1</u> Exhibit Affidavit and Request for Writ of Execution, # <u>2</u> Exhibit Writ of Execution)(Francis, Matthew) (Entered: 08/06/2013)
08/07/2013	<u>117</u>	WRIT OF EXECUTION in favor of TRP Entertainment, LLC and against BC Entertainment, Inc. and Barrie Cunningham in the amount of 52,505.60. (SLR) (Entered: 08/07/2013)
08/13/2013	<u>119</u>	BILL OF COSTS by Plaintiff TRP Entertainment, LLC, Counter Defendant TRP Entertainment, LLC. Tax or object to Bill of Costs by 8/31/2013. (Francis, Matthew) (Entered: 08/13/2013)
08/19/2013	<u>120</u>	USM Return Executed as to Riverside Resort re: Writ of Execution. (SLR) (Entered: 08/19/2013)
08/21/2013	<u>121</u>	USM Return Executed Re: Writ of Execution. (SLR) (Entered: 08/21/2013)
08/27/2013	<u>122</u>	USM Return Executed Re: Writ of Execution/Garnishment as to Onstage Entertainment, LLC C/O Fred Ordower. (SLR) (Entered: 08/28/2013)
08/30/2013	<u>123</u>	NOTICE OF APPEAL as to <u>49</u> Order and <u>67</u> Judgment, by Plaintiff TRP Entertainment, LLC, Counter Defendant TRP Entertainment, LLC. Filing fee \$ 455, receipt number 0978-2944851. E-mail notice (NEF) sent to the US Court of Appeals, Ninth Circuit. (Francis, Matthew) <i>Modified on 8/30/2013 link to <u>49</u> added.</i> (BLG). (Entered: 08/30/2013)
08/30/2013	<u>124</u>	Designation of Transcripts and Transcript Order forms and instructions for <u>123</u> Notice of Appeal,. The forms may also be obtained on the Court's website at www.nvd.uscourts.gov/Forms.aspx . (ASB) (Entered: 08/30/2013)
09/03/2013	<u>125</u>	Answers to Interrogatories filed by Riverside Resort and Casino, Inc. (SLR) (Entered: 09/03/2013)
09/03/2013	<u>126</u>	ORDER for Time Schedule as to <u>123</u> Notice of Appeal, filed by TRP

		Entertainment, LLC. USCA Case Number 13-16754. (SLR) (Entered: 09/04/2013)
09/27/2013	<u>127</u>	TRANSCRIPT DESIGNATION by Plaintiff TRP Entertainment, LLC re <u>123</u> Notice of Appeal, 96 Show Cause Hearing,,. (Francis, Matthew) (Entered: 09/27/2013)
10/01/2013	<u>128</u>	COSTS TAXED in amount of \$ 7563.60 against Defendants. (SLR) (Entered: 10/01/2013)
10/15/2013	<u>129</u>	TRANSCRIPT of Proceedings, 96 Show Cause Hearing,, held on 6-7-13, before Magistrate Judge Carl W. Hoffman. Court Reporter/Transcriber: Kathy French, 530-913-9213. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber using the court's "Transcript Order" form available on our website www.nvd.uscourts.gov before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 11/5/2013. Redacted Transcript Deadline set for 11/15/2013. Release of Transcript Restriction set for 1/13/2014. (KF) (Entered: 10/15/2013)
05/16/2014	<u>130</u>	ORDER of USCA, Ninth Circuit as to <u>123</u> Notice of Appeal filed by TRP Entertainment, LLC. Appellee BC Entertainment, Inc., is dismissed as a party to this appeal. A copy of this order shall serve as and for the mandate as to BC Entertainment, Inc., only. (SLD) (Entered: 05/16/2014)
05/19/2014	<u>132</u>	ORDER on Mandate as to <u>130</u> USCA Order Dismissing BC Entertainment, Inc as a party re <u>123</u> Notice of Appeal. Signed by Judge Lloyd D. George on 5/19/2014. (SLD) (Entered: 05/19/2014)

PACER Service Center			
Transaction Receipt			
10/22/2014 13:44:02			
PACER Login:	ss0779:2640002:0	Client Code:	4997.09
Description:	Docket Report	Search Criteria:	2:08-cv-00579-LDG-CWH
Billable Pages:	13	Cost:	1.30

Exhibit 2

Exhibit 2

1 WATSON ROUNDS
 2 MICHAEL D. ROUNDS
 Nevada Bar No. 4734
 3 MATTHEW D. FRANCIS
 Nevada Bar No. 6978
 4 ARTHUR A. ZORIO
 Nevada State Bar No. 6547
 5 5371 Kietzke Lane
 Reno, NV 89511
 Telephone: (775) 324-4100
 6 Facsimile: (775) 333-8171
 Email: mrounds@watsonrounds.com
 7 Email: mfrancis@watsonrounds.com
 Email: azorio@watsonrounds.com

8 Attorneys for Plaintiff
 9 TRP Entertainment, LLC.

10 **UNITED STATES DISTRICT COURT**
 11 **DISTRICT OF NEVADA**

12 TRP ENTERTAINMENT, LLC., a)
 13 Nevada limited liability company,)
)
 14 Plaintiff,)
)
 15 v.)
 16 BC ENTERTAINMENT, INC., a)
 17 Nevada corporation, BARRIE)
 CUNNINGHAM, an individual,)
 18 Defendants.)
 19)

Case No. 2:08-cv-00579-LDG-CWH

NOTICE OF APPEAL

20 Notice is hereby given that Plaintiff TRP Entertainment, LLC hereby appeals to the
 21 United States Court of Appeals for the Ninth Circuit from the Partial Judgment entered in this
 22 action on May 19, 2011 (#67), the summary judgment order entered on September 28, 2009
 23 (#49), and all orders related thereto.

24 DATED this 30th day of August, 2013.

WATSON ROUNDS

25 By: /s/ Matthew D. Francis
 26 Matthew D. Francis
 WATSON ROUNDS
 5371 Kietzke Lane
 27 Reno, Nevada 89511
 (775) 324-4100
 28 Attorneys for Plaintiff/Appellate

CERTIFICATE OF SERVICE

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Pursuant to Fed. R. Civ. P. 5(b), I certify that I am an employee of the law offices of
Watson Rounds, and that on this date a true and correct copy of the foregoing document,
Notice of Appeal, was served upon the following individual via First Class Mail:

Barrie Cunningham
3307 76 Country Blvd.
Branson, MO 65616

DATED: August 30, 2013.

/s/ Nancy Lindsley
An employee of Watson Rounds

Exhibit 3

Exhibit 3

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 13-16754		Docketed: 09/03/2013	
Nature of Suit: 3840 Trademark			
TRP Entertainment v. Barrie Cunningham			
Appeal From: U.S. District Court for Nevada, Las Vegas			
Fee Status: Paid			
Case Type Information:			
1) civil			
2) private			
3) null			
Originating Court Information:			
District: 0978-2 : 2:08-cv-00579-LDG-CWH			
Trial Judge: Lloyd D. George, Senior District Judge			
Date Filed: 05/07/2008			
Date Order/Judgment:	Date Order/Judgment EOD:	Date NOA Filed:	Date Rec'd COA:
05/20/2011	05/20/2011	08/30/2013	08/30/2013
Prior Cases:			
None			
Current Cases:			
None			

<p>TRP ENTERTAINMENT, LLC Plaintiff - Appellant,</p>	<p>Matthew D. Francis, Esquire, Attorney Direct: 775-324-4100 [COR LD NTC Retained] Watson Rounds, PC 5371 Kietzke Lane Reno, NV 89511</p>
<p>v.</p>	<p>Arthur A. Zorio, Esquire, Attorney Direct: 775-324-4100 [COR NTC Retained] WATSON ROUNDS, P.C. 537 Kietzke Lane Reno, NV 88511</p>
<p>BC ENTERTAINMENT, INC. Terminated: 05/16/2014 Defendant - Appellee,</p>	<p>Barrie Cunningham Direct: 417-336-4266 [NTC Pro Se] 3307 76 Country Blvd. Branson, MO 65616</p>
<p>BARRIE CUNNINGHAM Defendant - Appellee,</p>	

TRP ENTERTAINMENT, LLC,

Plaintiff - Appellant,

v.

BARRIE CUNNINGHAM,

Defendant - Appellee.

- 09/03/2013 [1](#)
34 pg, 743.23 KB DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND MQ: Yes. The schedule is set as follows: Mediation Questionnaire due on 09/10/2013. Transcript ordered by 09/30/2013. Transcript due 10/29/2013. Appellant TRP Entertainment, LLC opening brief due 12/09/2013. Appellees BC Entertainment, Inc. and Barrie Cunningham answering brief due 01/07/2014. Appellant's optional reply brief is due 14 days after service of the answering brief. [8765416] (HC)
- 09/05/2013 [2](#)
7 pg, 533.48 KB Filed (ECF) Appellant TRP Entertainment, LLC Mediation Questionnaire. Date of service: 09/05/2013. [8770589] (MDF)
- 10/22/2013 3
Case rejected from Circuit Mediation Program. [8832153] (LW)
- 11/19/2013 4
Filed (ECF) Streamlined request for extension of time to file Opening Brief by Appellant TRP Entertainment, LLC. New requested due date is 01/09/2014. [8867596] (MDF)
- 11/19/2013 5
Streamlined request [4] by Appellant TRP Entertainment, LLC to extend time to file the opening brief is approved. Amended briefing schedule: the opening brief is due 01/08/2014. The answering brief is due 02/07/2014. The optional reply brief is due 14 days after service of the answering brief. [8868432] [13-16754] (AT)
- 12/19/2013 [6](#)
9 pg, 83.15 KB Filed (ECF) Appellant TRP Entertainment, LLC Motion to extend time to file Opening brief until 01/22/2014. Date of service: 12/19/2013. [8909479] (MDF)
- 12/20/2013 [7](#)
1 pg, 85.54 KB Filed clerk order (Deputy Clerk: GS): Granting Motion (ECF Filing) filed by Appellant TRP Entertainment, LLC; Granting Motion (ECF Filing) motion for second request to extend time to file brief filed by Appellant TRP Entertainment, LLC Appellant TRP Entertainment, LLC opening brief due 01/22/2014. Appellees BC Entertainment, Inc. and Barrie Cunningham answering brief due 02/21/2014. The optional reply brief is due 14 days after service of the answering brief. [8910398] (GS)
- 01/22/2014 [8](#)
107 pg, 16.49 MB Submitted (ECF) Opening Brief for review. Submitted by Appellant TRP Entertainment, LLC. Date of service: 01/22/2014. [8948732]-[COURT UPDATE: Removed notice (refiled separately; see entry [11](#))]. Resent NDA. 01/29/2014 by RY] (MDF)
- 01/22/2014 [11](#)
14 pg, 1.15 MB Filed (ECF) Appellant TRP Entertainment, LLC Correspondence: Notice of filing Volume 5 of excerpts of record under seal. Date of service: 01/22/2014 [8958463]-[COURT ENTERED FILING] (RY)
- 01/23/2014 [9](#)
2 pg, 85.97 KB Filed clerk order: The opening brief [8](#) submitted by TRP Entertainment, LLC is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: blue. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. [8949482] (TLH)
- 01/27/2014 [10](#)
2 pg, 198.98 KB Received Appellant TRP Entertainment, LLC excerpts of record in 5 volumes (Vol. 5 UNDER SEAL). Served on 01/22/2014. Deficiencies: Volumes 1-4 of excerpts not submitted via ECF. Notified counsel (see attached notice). [8958377] (LA)
- 01/30/2014 [12](#)
1011 pg, 58.67 MB Submitted (ECF) excerpts of record. Submitted by Appellant TRP Entertainment, LLC. Date of service: 01/22/2014. [8959056] (MDF)
- 01/30/2014 13
Filed Appellant TRP Entertainment, LLC paper copies of excerpts of record [12](#) in 5 volumes (Vol. 5 FILED UNDER SEAL). [8962076] (LA)
- 02/03/2014 14
Received 7 paper copies of Opening brief [8](#) filed by TRP Entertainment, LLC. [8964925] (SD)
- 03/25/2014 [15](#)
2 pg, 84.57 KB Filed Clerk order: Sent Appellees BC Entertainment, Inc. and Barrie Cunningham 31c default order for failure to file answering brief. Response is due 14 days from the date of this order. (See order for full text) [9029830] (LA)
- 04/09/2014 [16](#)
1 pg, 35.98 KB Filed Appellee Barrie Cunningham response to clerk order: answering brief [9053505](Referred to Merits Panel)-[Edited 07/03/2014 by BY] (JFF)
- 04/15/2014 [17](#)
1 pg, 42.21 KB Filed clerk order (Deputy Clerk: JN): A review of the record indicates that BC Entertainment, Inc., a corporation, is not represented by counsel. Corporations must appear in court through an attorney. See *In re America West Airlines*, 40 F.3d 1058, 1059 (9th Cir. 1994) (per curiam). Within 21 days after the date of this order, appellees shall show cause why BC Entertainment, Inc., should not be dismissed as a party to this appeal. Failure to comply with this order will result in the dismissal of BC Entertainment, Inc. [9059130] (WL)
- 05/16/2014 [18](#)
1 pg, 33 KB Filed clerk order (Deputy Clerk: JN): Appellees have not filed a response to this court's order to show cause of April 15, 2014. Accordingly, appellee BC Entertainment, Inc., is dismissed as a party to this appeal. A copy of this order shall serve as and for the mandate of this court as to BC Entertainment, Inc., only. This appeal is ready for calendaring. [9098669] (WL)
- 05/16/2014 19
Terminated Appellee BC Entertainment, Inc. in 13-16754 [9098673] (WL)

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