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14 RINCON CIVIL TRIAL COURT
15 RINCON BAND OF LUISENO INDIANS

16 BRETT NEVARA,
17
18 Plaintiff,
19
20 vs.
21 RINCON BAND OF LUISENO INDIANS;
CAESARS ENTERTAINMENT, a
corporate entity; and HARRAH'S RESORT
SOUTHERN CALIFORNIA,
22
23 Defendants.

Case No.: 221.002-CL-RCTC (AB)
Judge: Hon. Anthony J. Brandenburg
Action Date: December 13, 2021
Trial Date: Not Yet Set

**JOINT REQUEST TO DISMISS ACTION
WITH PREJUDICE; [PROPOSED]
ORDER**

Rincon Band of Luiseño Indians
CIVIL TRIAL COURT

FILED

Date: 11/8/22
Time: 1:50pm
Clerk: Tara Edmiston

1 THE PARTIES, THROUGH THEIR UNDERSIGNED COUNSEL, HEREBY JOINTLY
2 REQUEST the Court to dismiss the above-captioned action, in its entirety, with prejudice. The
3 parties have entered into a confidential settlement and release agreement to resolve all claims
4 asserted by Plaintiff BRETT NEVARA against defendant Rincon Band of Luiseno Indians (the
5 “Rincon Band”), with each party to bear its own attorneys’ fees and costs.

6 Good cause exists for the Court to grant this Joint Request because dismissal of the action
7 will result in substantial justice for all the parties involved. The parties have conducted a
8 significant amount of discovery into the merits of NEVARA’s claims and the Rincon Band’s
9 defenses thereto, including: (i) exchanging initial disclosures; (ii) propounding and responding to
10 four sets of written discovery; (iii) taking the depositions of four witnesses; and (iv) conducting a
11 site inspection of the hotel room where the alleged incident occurred. In addition, on August 22,
12 2022, the parties and their counsel attended a judicial settlement conference before the Honorable
13 Judge Anthony J. Brandenburg. Based on the aforementioned discovery and judicial settlement
14 conference, the parties have gained a thorough understanding of the strengths and weaknesses of
15 each parties’ case.

16 The parties agree that continuing to litigate this case presents significant risk to both sides.
17 The parties further agree that continuing to litigate this case will require them to incur a
18 substantial amount of additional costs and attorneys’ fees to, among other things: (i) take the
19 depositions of NEVARA’s treating physicians; (ii) retain and depose expert witnesses;
20 (iii) prepare expert reports; (iv) brief and respond to dispositive motions; and (v) prepare for and
21 attend trial. As a result, shortly following the conclusion of the judicial settlement conference,
22 the parties reached an agreement to settle the case, subject to the Court’s dismissal of the action,
23 in its entirety, with prejudice.

24 Dismissal of the action, based upon the terms set forth in the confidential settlement and
25 release agreement, is in the best interest of both parties. It will, among other things, eliminate the
26 risk associated with litigation and, instead, provide the parties with a guaranteed positive
27 outcome. In addition, dismissal of the action will eliminate the need for the parties to incur the
28 substantial expenses associated with litigating this case to trial.

1 THEREFORE, for the good cause shown above, the parties respectfully request that the
2 Court grant this Joint Request to dismiss the action, in its entirety, with prejudice.

3
4 Dated: November 8, 2022

GREENE & ROBERTS

6
7 By: 

Nicolas J. Echevestre
Attorneys for Defendant
Rincon Band of Luiseno Indians

8
9 *November 15*
10 Dated: ~~September 8~~, 2022

MILBERG & DE PHILLIPS, P.C.

11
12 By: 

Frederic J. Milberg
Attorneys for Plaintiff
Brett Nevara

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14
15
16 **ORDER**

17 This Court, having read the Joint Request to Dismiss Action with Prejudice filed by
18 Plaintiff BRETT NEVARA and Defendant Rincon Band of Luiseno Indians, and upon finding
19 that good cause exists to grant the Joint Request, HEREBY ORDERS:

- 20 1. The Joint Request to Dismiss Action with Prejudice is granted; and
21 2. The above-captioned action, titled *Brett Nevara v. Rincon Band of Luiseno*
22 *Indians, et al.*, case number 221.002-CL-RCTC (AB), is dismissed in its entirety, with prejudice,
23 with each party to bear its own attorneys' fees and costs.

24 **IT IS SO ORDERED.**

25
26 DATED: November 15, 2022

BY: /s/ Honorable Anthony J. Brandenburg

Honorable Anthony J. Brandenburg