

CLERK OF THE COURT

1. **JUDG**
2. ADAM PAUL LAXALT
3. Nevada Attorney General
4. SHANE S. CHESNEY
5. Senior Deputy Attorney General
6. schesney@ag.nv.gov
7. Nevada State Bar No. 6933
8. 100 N. Carson Street
9. Carson City, NV 89701
10. Telephone: (775) 684-1215
11. Fax: (775) 684-1108
12. Attorneys for Plaintiff

8. **EIGHT JUDICIAL DISTRICT COURT**
9. **CLARK COUNTY, NEVADA**

11. STATE OF NEVADA, DEPARTMENT
12. OF CONSERVATION AND NATURAL
13. RESOURCES, COMMISSION FOR
14. CULTURAL AFFAIRS,

CASE NO. A-14-696982

DEPT. NO. XXVII

13. Plaintiff,

14. v.

15. ELI MIZRACHI, ECT Holding, L.L.C.,
16. KING GEORGE, L.L.C., and
17. DOES I-XX inclusive,

17. Defendants.

18. **CONSENT JUDGMENT**

19. WHEREAS Plaintiff, State of Nevada, Department of Conservation and Natural Resources,
20. Commission for Cultural Centers and Historic Preservation, formerly the Commission for Cultural
21. Affairs, and Defendants, Eli Mizrachi, ECT Holding L.L.C., King George L.L.C., and Does I-XX are
22. the parties to this action.
23.

24. WHEREAS, the Court has reviewed the pertinent document in the matter, the parties hereto
25. have expressed to the satisfaction of this Court their wish to avoid the further expense, delay,
26. inconvenience, burden and uncertainty of continued litigation of this matter as set forth in the
27. Settlement Agreement and Stipulation for Entry of Consent Judgment attached hereto as Exhibit A;

28. ///

<input type="checkbox"/> Voluntary Dismissal	<input type="checkbox"/> Summary Judgment
<input type="checkbox"/> Involuntary Dismissal	<input checked="" type="checkbox"/> Stipulated Judgment
<input type="checkbox"/> Stipulated Dismissal	<input type="checkbox"/> Default Judgment
<input type="checkbox"/> Motion to Dismiss by Def(s)	<input type="checkbox"/> Judgment of Arbitration

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1 WHEREAS, the Parties have petitioned this Court to enter an agreed judgment against
2 Defendant King George L.L.C.;

3 NOW, THEREFORE, good cause appearing, IT IS HEREBY ORDERD:

4 1. Judgment is entered against King George L.L.C., owner of the Huntridge Theater, in the
5 amount of \$389,925 in favor of State of Nevada, Department of Conservation and Natural Resources,
6 Commission for Cultural Centers and Historic Preservation.

7 2. Said judgment of \$389,925 shall be reduced by an amount of \$32,494 for every year that all
8 applicable covenants affecting the subject property, the Huntridge Theater, are fully complied with.

9 3. This is the Final Judgment of this case and the same is hereby closed.

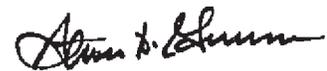
10 DATED this 6 day of September, 2016

11
12 Nancy L. Alf
13 DISTRICT COURT JUDGE

14
15 Submitted By:
16 ADAM PAUL LAXALT
17 Nevada Attorney General

18 Shane S. Chesney
19 SHANE S. CHESNEY
20 Senior Deputy Attorney General
21 Nevada State Bar No. 6933
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Exhibit A



CLERK OF THE COURT

1 **AGRE**
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12 Attorneys for Plaintiff

8 **EIGHT JUDICIAL DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

11 STATE OF NEVADA, DEPARTMENT
12 OF CONSERVATION AND NATURAL
13 RESOURCES, COMMISSION FOR
14 CULTURAL AFFAIRS,

13 Plaintiff,

14 v.

15 ELI MIZRACHI, ECT Holding, L.L.C.,
16 KING GEORGE, L.L.C., and
17 DOES I-XX inclusive,

17 Defendants.

CASE NO. A-14-696982-C

DEPT. NO. XXVII

18
19 **SETTLEMENT AGREEMENT AND STIPULATION**
20 **FOR ENTRY OF CONSENT JUDGMENT**

21 THIS SETTLEMENT AGREEMENT AND RELEASE ("Agreement") is made as of the date
22 hereof, by and among the parties hereto, as indicated by their signatures below, to settle and resolve with
23 finality all claims between the Plaintiff, State of Nevada, Department of Conservation and Natural
24 Resources, Commission for Cultural Centers and Historic Preservation, formerly the Commission for
25 Cultural Affairs, ("Commission") and Defendants, Eli Mizrachi, ECT Holding L.L.C., King George L.L.C.,
26 and Does I-XX inclusive ("Defendants") relating to the subject matter of this action.

27 WHEREAS, the Commission, commenced this action on February 28, 2014, asserting claims for
28 monetary relief on behalf of the State of Nevada against Defendants for their alleged failure as owner of

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1 the historic Huntridge Theater to comply with restrictive covenants designed to protect the structure,
2 which was chief among other restrictions to the property contained in the covenants;

3 WHEREAS, Defendants have denied each and every one of the Commission's allegations of
4 wrongdoing and breach of covenants, to which Defendants asserted a number of defenses as well as a
5 counterclaim against the Commission;

6 WHEREAS, the parties hereto wish to avoid the further expense, delay, inconvenience, burden and
7 uncertainty of continued litigation of this matter;

8 WHEREAS, the Commission and Defendants have agreed to settle this lawsuit on terms set forth
9 in this Settlement Agreement and Stipulation for Entry of Consent Judgment and the attached Consent
10 Judgment;

11 WHEREAS, the parties have further agreed that this Agreement is a joint petition to the Court for
12 approval of the Consent Judgment, on the grounds that settlement would be in the parties interest;

13 NOW, THEREFORE, BE IT KNOWN THAT, in consideration of entry of judgment against
14 King George L.L.C., recorded owner of the Huntridge Theater, King George L.L.C.'s agreement to extend
15 the existing covenant on the subject property until December 31, 2028, and the Commission's agreement
16 to waive the judgment in total and on a prorated basis if the conditions of the covenant including bringing
17 the subject property back the a condition such that it could be a usable public building are satisfied, the
18 parties hereto, acting by and through their authorized agents, memorialize and agree as follows:

19 1. King George L.L.C. consents to have a judgment entered against it in the amount of \$389,925.
20 This amount represents a reversion of 1/2 of the \$765,849 grant monies awarded by the Commission as set
21 forth in the sole current and recorded covenant dated August 1, 1997, Clark County Recorder
22 #970801.00714.

23 2. King George L.L.C. agrees to extend the sole current recorded covenant dated August 1, 1997,
24 Clark County Recorder #970801.00714, restricting its property, the historic Huntridge Theater located at
25 1208 E Charleston Blvd, Las Vegas, NV 89104, along with all conditions and penalties through December
26 31, 2028.

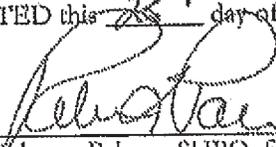
27 3. The State agrees that if by December 31, 2028, all covenant conditions are fulfilled including
28 restoring the subject property back to a condition such that it will be a usable public building than the

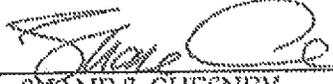
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1 judgment shall be deemed satisfied and therefore waived or otherwise set aside.
2 4. The State agrees that for every calendar year King George L.L.C. is in compliance with the terms
3 of the extended covenant, see 2 above, that the amount due under the judgment shall be reduced by
4 \$32,494. Compliance shall be determined through an inspection by the State Historic Preservation Office
5 conducted on a semi-annual basis during the first and last quarter of each calendar year upon 30 day notice
6 after which, if determined compliant, a Certification of Compliance shall be issued to King George LLC.
7 5. This Agreement resolves all claims between the Commission and Defendants. The Commission
8 upon final approval by the Court agrees to release and forever discharge Defendants from any and all
9 manner of civil claims, demands, actions, suits and causes of action.
10 6. The Parties hereby jointly petition the Court for entry of a Consent Judgment as described
11 above against King George L.L.C., owner of the Huntridge Theater.

12 IN WITNESS WHEREOF, the parties hereto, through their fully authorized representatives, have
13 agreed to this Comprehensive Settlement Agreement and Release as of this ___ day of June, 2016.

14 DATED this 10th day of July, 2016.
15
16 By: 
17 Eli Miztachi, for Defendants

DATED this 28th day of August, 2016.

By: Rebecca Palmer, SHPO, for Plaintiff

18
19 DATED this 25th day of August, 2016.
20 ADAM PAUL LAXALT
21 Attorney General
22 By: 
23 SHANI S. CHESNEY
24 Senior Deputy Attorney General
25 Attorneys for the State of Nevada,
26 Commission for Cultural Centers
27 and Historic Preservation
28

DATED this 22nd day of ~~July~~ August, 2016.
CHATTAH LAW GROUP
By: 
Siga Chatah
7875 S. Rainbow Blvd. #204
Las Vegas, NV 89118
Attorney for Defendants

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100 N. Carson Street
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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Office of the Attorney General of the State of Nevada and that on the 30th day of August, 2016, I served a true and correct copy of the forgoing, **SETTLEMENT AGREEMENT AND STIPULATION FOR ENTRY OF CONSENT JUDGMENT**, via CM/ECF electronic filing, to:

Sigal Chattah, Esq.
Chattah Law Group
5875 S. Rainbow Blvd, #204
Las Vegas, Nevada 89118
(702) 360-6200
(702) 643-6292
sigal@thegoodlawyer.com
Attorney of Defendant

/s/ Silvia M. Gles
An Employee of the
Office of the Attorney General