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[□ Menu](#)[□ Search](#)

Dawgs Holdings, LL V. Mojave Desert Holdings, LLC

Jul. 1, 2022

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Case number: 22STCP00991

Arbitration – **\$316,828**

Arbitrator

[Joyce Fahey](#)

Court

Los Angeles County
Superior Court

Attorneys

Petitioner

[Jeremy D. Smith](#)
(Krane & Smith)

Respondent

[Mikael A. Abye](#)
(The Abye Law
Firm)

Facts

On July 31, 2018, Dawgs Holding, LLC (DA) and Mojave Desert Holding, LLC (Respondent) entered into a Sales Agreement whereby Mojave purchased assets that Dawgs had just acquired in a bankruptcy foreclosure auction. The purchase included litigation assets from the case of U.S.A. Dawgs, Inc. v. Gemcap Lending LLC. The Sales Agreement included an Indemnification and Hold Harmless clause in Dawgs' favor with respect to any action, claim or demand arising from the Sale Transactions and/or the Acquired Assets. Thereafter GemCap Lending sued Dawgs. After Dawgs was served, its attorney demanded that Mojave honor its obligation to indemnify and hold Dawgs harmless. Mojave ignored the demand. Dawgs then filed a Demand for Arbitration on March 10, 2020, alleging that Mojave breached the terms of the Sales Agreement by failing to comply with the Indemnification and Hold Harmless Clause.

Contentions

CLAIMANT'S CONTENTIONS: Claimant Dawgs alleged that Respondent Mojave breached the terms of the Sales Agreement by failing to comply with the Indemnification and Hold Harmless Clause in connection with litigation brought by third party GemCap Lending LLC.

Damages

\$322,706

Result

The arbitration was bifurcated for liability and damages pursuant to Code of Civil Procedure 598. After the first phase of Arbitration, the arbitrator ruled that Mojave breached its duty to defend in the underlying GemCap case. In the second phase of the Arbitration, the arbitrator awarded Claimant Dawgs almost all of the damages sought, \$316,827.74, excluding \$5,879 for costs awarded in the GemCap litigation.

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