

1 John Ohlson, Esq.
2 Bar Number 1672
3 275 Hill Street, Suite 230
4 Reno, Nevada 89501
5 Telephone: (775) 323-2700

6 Jeff Kump, Esq.
7 Bar Number 5694
8 Marvel & Kump, Ltd.
9 Elko, Nevada 89801
10 Telephone: (775) 777-1204
11 Attorneys for Susan Fallini

12 **FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

13 **IN AND FOR THE COUNTY OF NYE**

14 *****

15 Estate of MICHAEL DAVID ADAMS,
16 By and through his mother JUDITH ADAMS,
17 Individually and on behalf of the Estate,

18 Plaintiff,

19 vs.

20 SUSAN FALLINI, DOES I-X, and
21 ROE CORPORATIONS I-X, inclusive,

22 Defendant.

23 AND ALL RELATED CLAIMS.

24 **NOTICE OF APPEAL**

25 TO: Plaintiff, and her counsel of record, John Aldrich, Esq.

26 Notice is given that Defendant SUSAN FALLINI, appeals to the Supreme Court of

27 **RECEIVED**

28 **SEP 20 2010**

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

FILED
SEP 20 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Ingersoll*
DEPUTY CLERK

No. 56840

Case No.: CV24539

Dept. No.: 2P

CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

Date: September 15, 2010
Sandra L. Mellino, clerk of the Fifth Judicial District Court, in and for the County of Nye, State of Nevada.

By *Sheila W. ...*, Deputy
Per NRS 239 Sec. 6 the SSN may be redacted, but in no way affects the legality of the document.

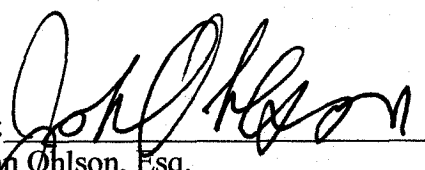
1 Nevada from: (1) the August 12, 2010 Order After Hearing.

2 DATED this 7 day of September, 2010.

3
4 **AFFIRMATION**
5 **Pursuant to NRS 239B.030**

6 The undersigned does hereby affirm that the preceding document does not contain the
7 social security number of any person.

8 Dated this 7 day of September, 2010.

9
10
11 By: 
12 John Olson, Esq.
13 Bar Number 1672
14 275 Hill Street, Suite 230
15 Reno, Nevada 89501
16 Telephone: (775) 323-2700

17 Jeff Kump, Esq.
18 Bar Number 5694
19 Marvel & Kump, Ltd.
20 Elko, Nevada 89801
21 Telephone: (775) 777-1204
22 *Attorneys for Susan Fallini*
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of JOHN OHLSON, and that on this date I personally served a true copy of the foregoing **NOTICE OF APPEAL**, by the method indicated and addressed to the following:

John P. Aldrich, Esq.
Aldrich Law Firm, Ltd.
1601 S. Rainbow Blvd., Ste. 160
Las Vegas, NV 89146

☒ Via U.S. Mail
☐ Via Overnight Mail
☐ Via Hand Delivery
☒ Via Facsimile
☐ Via ECF

DATED this 7 day of September, 2010.


Robert M. May

1 John Ohlson, Esq.
2 Bar Number 1672
3 275 Hill Street, Suite 230
4 Reno, Nevada 89501
5 Telephone: (775) 323-2700

6 Jeff Kump, Esq.
7 Bar Number 5694
8 Marvel & Kump, Ltd.
9 Elko, Nevada 89801
10 Telephone: (775) 777-1204
11 Attorneys for Susan Fallini

FILED

SEP 15 10 A 9 17

P. ABERNATHY

[Signature]

12 **FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

13 **IN AND FOR THE COUNTY OF NYE**

14 *****

15 Estate of MICHAEL DAVID ADAMS,
16 By and through his mother JUDITH ADAMS,
17 Individually and on behalf of the Estate,

18 Plaintiff,

Case No.: CV24539

19 vs.

Dept. No.: 2P

20 SUSAN FALLINI, DOES I-X, and
21 ROE CORPORATIONS I-X, inclusive,

22 Defendant.

23 AND ALL RELATED CLAIMS.

24 **CASE APPEAL STATEMENT**

- 25 1. Appellant: Defendant SUSAN FALLINI.
- 26 2. Judge Issuing Order: The Honorable Robert Lane, District Judge, Fifth Judicial
- 27 District Court, Department 2.

28 **CERTIFIED COPY**

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

Date: September 15, 2010
Sandra L. Merlino, clerk of the Fifth Judicial District Court,
in and for the County of Nye, State of Nevada.

By: Sheila Wia, Deputy
Per NRS 239 Sec. 6 the SSN may be redacted, but in no way affects the legality of the document.

1 3. Appellant: Defendant SUSAN FALLINI, represented by:

2 John Ohlson, Esq.
3 275 Hill Street, Suite 230
4 Reno, Nevada 89501
5 Telephone: (775) 323-2700

6 Jeff Kump, Esq.
7 Marvel & Kump, Ltd.
8 Elko, Nevada 89801
9 Telephone: (775) 777-1204

10 4. Respondent: Plaintiff Estate of MICHAEL DAVID ADAMS, by and through his
11 mother JUDITH ADAMS, Individually and on behalf of the Estate represented by:

12 John P. Aldrich, Esq.
13 Aldrich Law Firm, Ltd.
14 1601 S. Rainbow Blvd., Ste. 160
15 Las Vegas, NV 89146
16 Telephone: (702) 853-5490

17 5. The attorneys identified in section 3 and section 4 above are licensed to practice
18 law in Nevada.

19 6. Appellant was represented by retained counsel in the District Court.

20 7. Appellant is represented by retained counsel on appeal.

21 8. Appellant was not granted leave to proceed *in forma pauperis*.

22 9. Plaintiff's Complaint was filed on January 31, 2007.

23 10 This action arises out of damage claims asserted by Plaintiff Estate of MICHAEL
24 DAVID ADAMS, by and through his mother JUDITH ADAMS, Individually and on behalf of
25 the Estate against Defendant Susan Fallini, as a result of a July 7, 2005 automobile versus cow
26 accident, wherein Michael Adams died. The action proceeded to default, including the granting of
27 a partial summary judgment and the striking of Defendant Susan Fallini's Answer and
28 Counterclaim. Further, the District Judge vacated the trial and returned an award in favor of

1 Plaintiff and against Defendant Susan Fallini. An Order was entered on August 12, 2010 in the
2 principal amount of \$1,000,000 for damages for grief, sorrow and loss of support together with
3 damages for future lost earnings in the amount of \$1,640,696, attorney's fees in the amount of
4 \$50,000, sanctions in the amount of \$35,000 and funeral expenses in the amount of \$5,188.85.
5 This appeal is from the August 12, 2010 Order After Hearing.
6

7 11. This case has not previously been the subject of an appeal to or original writ
8 proceeding in the Nevada Supreme Court.

9 12. This appeal does not involve child custody or visitation.

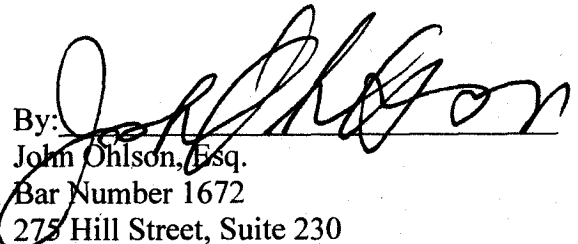
10 13. This appeal involves the possibility of settlement, and Defendant SUSAN
11 FALLINI, requests assignment to the Settlement Conference Program provided for under NRAP
12 16.
13

14 DATED this 7 day of September, 2010.
15

16 **AFFIRMATION**
17 **Pursuant to NRS 239B.030**

18 The undersigned does hereby affirm that the preceding document does not contain the
19 social security number of any person.

20 Dated this 7 day of September, 2010.
21

22 By: 
23 John Ohlson, Esq.
24 Bar Number 1672
25 275 Hill Street, Suite 230
26 Reno, Nevada 89501
27 Telephone: (775) 323-2700

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Attorneys for Susan Fallini

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John P. Aldrich, Esq.
Aldrich Law Firm, Ltd.
1601 S. Rainbow Blvd., Ste. 160
Las Vegas, NV 89146

DATED this 7 day of September, 2010.

Robert M. May

Run: 09/15/10
10:37:30
DC2100

Case #: CV-0024539

Judge: ROBERT W. LANE

Date Filed: 01/31/07 Department: 02

Case Type: NEGOTH TORT/OTHER NEGLIGENCE

Title/Caption: ESTATE OF MICHAEL DAVID ADAMS, by and
through his mother JUDITH ADAMS,
individually and on behalf of the ESTATE
VS.
SUSAN FALLINI, DOES I-X and
ROE CORPORATIONS I-X, inclusive

COMMENT: FILE IN PAHRUMP

<u>Parties:</u>	<u>Name(s)</u>	<u>Attorney(s)</u>
Plaintiff(s)	ESTATE OF MICHAEL DAVID ADAMS	JOHN P. ALDRICH
Defendant(s)	ADAMS, JUDITH FALLINI, SUSAN	JOHN P. ALDRICH KUMP, JEFF

Filings:

<u>Date</u>	<u>Pty</u>	<u>Action</u>	<u>Fees</u>
01/31/07	P	COMPLAINT	156.00
01/31/07	P	INITIAL APPEARANCE FEE DISCLOSURE STATEMENT	
01/31/07	C	SUMMONS (ISSUED)	
03/14/07	D	DEFENDANT SUSAN FALLINI'S OBJECTION TO PAHRUMP AS FORUM AN	79.00
03/14/07	D	MOTION TO HAVE MATTER HEARD IN TONOPAH	79.00
03/14/07	D	SUSAN FALLINI'S ANSWER AND COUNTERCLAIM	
03/26/07	P	PLAINTIFFS' OPPOSITION TO DEFENDANT SUSAN FALLINI'S	
03/26/07	P	OBJECTION TO PAHRUMP AS FORUM AND MOTION TO HAVE MATTER	
03/26/07	P	HEARD IN TONOPAH	
03/30/07	P	REPLY TO COUNTERCLAIM	
04/30/07	C	ORDER DENYING DEFENDANT'S MOTION TO HAVE MATTER HEARD IN	
04/30/07	C	TONOPAH	
05/02/07	P	NOTICE OF REPRESENTATION BY ATTORNEY (COUNTERDEFENDANTS)	
06/14/07	P	NOTICE OF EARLY CASE CONFERENCE	
10/23/07	P	PLAINTIFF'S & COUNTERDEFENDANT'S CASE CONFERENCE REPORT	
03/26/08	P	NOTICE OF CHANGE OF FIRM NAME	
04/07/08	P	MOTION FOR PARTIAL SUMMARY JUDGMENT	
05/16/08	P	MOTION FOR PARTIAL SUMMARY JUDGMENT	
05/30/08	D	COUNTERDEFENDANT, ESTATE OF MICHAEL DAVID ADAMA, BY AND	
	D	THROUGH HIS MOTHER, JUDITH ADAMS, INDIVIDUALLY AND ON	
	D	BEHALF OF THE ESTATE, JOINDER TO PLAINTIFF'S MOTION FOR	
	D	PARTIAL SUMMARY JUDGMENT	
07/30/08	C	ORDER GRANTING PLAINTIFFS' MOTION FOR PARTIAL SUMMARY	
	C	JUDGMENT	
08/15/08	P	NOTICE OF ENTRY OF ORDER	
09/22/08	P	MOTION TO REOPEN DISCOVERY & FOR EXTENSION OF TIME TO	
	P	COMPLETE DISCOVERY (FIRST REQUEST)	
10/23/08	C	ORDER GRANTING MOTION FOR SUMMARY JUDGMENT IN FAVOR OF	
	C	COUNTERDEFENDANT, ESTATE OF MICHAEL DAVID ADAMS	
10/27/08	P	COUNTERDEFENDANT, ESTATE OF MICHAEL DAVID ADAMS, BY AND	

Run: 09/15/10
10:37:30
DC2100

Case #: CV-0024539

	P	THROUGH HIS MOTHER, JUDITH ADAMS, INDIVIDUALLY & ON	
	P	BEHALF OF THE ESTATE, NOTICE OF NON-OPPOSITION TO	
	P	PLAINTIFF'S MOTION TO REOPEN DISCOVERY	
11/13/08	P	NOTICE OF ENTRY OF ORDER	
12/10/08	P	SUBSTITUTION OF ATTORNEYS	
02/17/09	C	ORDER GRANTING PLAINTIFFS' MOTION TO REOPEN DISCOVERY & FO	
	C	AN EXTENSION OF TIME TO COMPLETE DISCOVERY	
02/20/09	P	NOTICE OF ENTRY OF ORDER	
03/03/09	P	LIEN FOR ATTORNEY'S FEES	
03/09/09	P	NOTICE OF CHANGE OF ADDRESS	
03/23/09	P	PLAINTIFF'S MOTION TO COMPEL DEFENDANT'S PRODUCTION OF	
	P	DOCUMENTS	
03/25/09	P	NOTICE OF MOTION TO COMPEL DEFENDANT'S PRODUCTION OG	
	P	DOCUMENTS	
04/06/09	P	CERTIFICATE OF MAILING	
04/27/09	C	ORDER GRANTING PLAINTIFF'S MOTION TO COMPEL DEFENDANT'S	
	C	PRODUCTION OF DOCUMENTS	
05/05/09	P	DEMAND FOR JURY TRIAL	360.00
05/18/09	P	NOTICE OF ENTRY OF ORDER	
05/18/09	P	REQUEST FOR TRIAL SETTING	
05/20/09	C	ORDER TO SET TRIAL	
06/16/09	P	INFORMATION QUESTIONNAIRE	
06/16/09	D	INFORMATION QUESTIONNAIRE	
06/16/09	P	PLAINTIFF'S MOTION TO STRIKE DEFENDANT'S ANSWER AND	
	P	COUNTERCLAIM	
06/22/09	D	INFORMATION QUESTIONNAIRE	
06/24/09	C	ORDER SETTING JURY TRIAL	
07/13/09	D	OPPOSITION TO PLAINTIFF'S MOTION TO STRIKE DEFENDANT'S	
	D	ANSWER AND COUNTERCLAIM	
07/17/09	C	ORDER DENYING PLAINTIFF'S MOTION TO STRIKE DEFENDANT'S	
		ANSWER AND COUNTERCLAIM	
08/26/09	P	NOTICE OF ENTRY OF ORDER	
08/31/09	P	PLAINTIFF'S EX PARTE MOTION FOR ORDER TO SHOW CAUSE WHY	
		DEFENDANT SUSAN FALLINI AND HER COUNSEL SHOULD NOT BE HEL	
		IN CONTEMPT OF COURT	
09/10/09	P	RECEIPT OF COPY OF ORDER TO SHOW CAUSE WHY DEFENDANT SUSAN	
		FALLINI & HER COUNSEL SHOULD NOT BE HELD IN CONTEMPT OF	
		COURT	
09/10/09	P	RECEIPT OF COPY OF PLAINTIFF'S EX PARTE MOTION FOR ORDER	
		TO SHOW CAUSE WHY DEFENDANT SUSAN FALLINI & HER COUNSEL	
		SHOULD NOT BE HELD IN CONTEMPT OF COURT	
10/08/09	C	ORDER REGARDING ORDER TO SHOW CAUSE WHY DEFENDANT SUSAN	
		FALLINI AND HER COUNSEL SHOULD NOT BE HELD IN CONTEMPT OF	
		COURT	
10/14/09	P	NOTICE OF ENTRY OF ORDER	
11/04/09	C	FINDINGS OF FACT, CONCLUSIONS OF LAW & ORDER STRIKING ANSW	
		& COUNTERCLAIM OF DEFENDANT SUSAN FALLINI & HOLDING	
		DEFENDANT'S COUNSEL IN CONTEMPT OF COURT	
11/09/09	P	NOTICE OF ENTRY OF ORDER	
02/04/10	C	DEFAULT (PER ORDER FILED 11/4/09)	
02/11/10	P	NOTICE OF ENTRY OF DEFAULT	
04/07/10	P	PLAINTIFF'S EX PARTE MOTION FOR ORDER TO SHOW CAUSE WHY	
		DEFENDANT SUSAN FALLINI AND HER COUNSEL SHOULD NOT BE HEL	
		IN CONTEMPT OF COURT AND POSSIBLE SANCTIONS BE IMPOSED	

Run: 09/15/10
10:37:30
DC2100

Case #: CV-0024539

04/19/10 C ORDER TO SHOW CAUSE WHY DEFENDANT SUSAN FALLINI AND HER
COUNSEL SHOULD NOT BE HELD IN CONTEMPT OF COURT AND
POSSIBLE SANCTIONS BE IMPOSED
04/26/10 P NOTICE OF ENTRY OF ORDER
06/02/10 P FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER HOLDING
DEFENDANT'S COUNSEL IN CONTEMPT OF COURT
06/04/10 P NOTICE OF ENTRY OF ORDER
06/17/10 D SUBSTITUTION OF ATTORNEYS
06/24/10 P OPPOSITION TO APPLICATION FOR DEFAULT JUDGEMENT AGAINST
DEFENDANT SUSAN FALLINI
06/24/10 P APPLICATION FOR DEFAULT JUDGMENT AGAINST DEFENDANT SUSAN
FALLINI
06/24/10 P MEMORANDUM OF COSTS AND DISBURSEMENTS
06/30/10 P AMENDED CERTIFICATE OF SERVICE
07/06/10 D MOTION FOR LEAVE TO FILE MOTION FOR RECONSIDERATION
07/21/10 P REPLY TO FALLINI'S OPPOSITION TO APPLICATION FOR DEFAULT
JUDGMENT AGAINST DEFENDANT SUSAN FALLINI
07/21/10 P OPPOSITION TO FALLINI'S MOTION FOR LEAVE TO FILE MOTION FO
RECONSIDERATION
07/21/10 P SUPPLEMENT TO APPLICATION FOR DEFAULT JUDGMENT AGAINST
DEFENDANT SUSAN FALLINI
08/12/10 C ORDER AFTER HEARING
08/16/10 D NOTICE OF CHANGE OF FIRM AND CONTACT INFORMATION
08/18/10 P NOTICE OF ENTRY OF ORDER
09/08/10 P DECLARATION OF JOHN P. ALDRICH IN SUPPORT OF EX PARTE MOTI
ORDER ALLOWING EXAMINATION OF JUDGMENT DEBTOR
09/09/10 P PLAINTIFFS' EX PARTE MOTION FOR ORDER ALLOWING EXAMINATION
OF JUDGMENT DEBTOR
09/10/10 D NOTICE OF APPEAL
09/10/10 D CASE APPEAL STATEMENT
09/14/10 P CERTIFICATE OF SERVICE

Total: 674.00

CERTIFIED COPY

The document to which this certificate is attached is a full,
true and correct copy of the original on file and of record in
my office.

Date: September 15, 2010
Sandra L. Merino, clerk of the Fifth Judicial District Court,
in and for the County of Nye, State of Nevada.

By: Sheila W. W. Deputy
Per NRS 239 Sec. 6 the SSN may be redacted, but in no way
affects the legality of the document



Case No. CV 24539
Dept. 2P

FILED
Rebecca Ballant
2010 AUG 12 A 9:00

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA, IN AND FOR THE COUNTY OF NYE

ESTATE OF MICHAEL DAVID ADAMS,
by and through his mother JUDITH
ADAMS, individually and on behalf of the
Estate

Plaintiff,

vs.

ORDER AFTER HEARING

SUSAN FALLINI; DOES I-X, and ROE
CORPORATIONS I-X, inclusive

Defendants.

This matter is regarding a motor vehicle accident involving Michael Adams and a Hereford Cow owned by the Defendant. On June 24, 2010, Plaintiff filed an Application for Default Judgment against Defendant Susan Fallini. Plaintiff requested \$2,500,000 for grief, sorrow, loss of support; \$1,640,696 for lost career earnings; \$5,000,000 for hedonic damages loss of life's pleasure and enjoyment; \$35,000 for Sanctions already levied against Defendants; \$50,000 for attorney's fees; and \$5,188.85 for funeral and other related expenses for a total of \$9,230,884.85. Defendants filed an Opposition on June 24, 2010. A hearing was held on this matter on July 19, 2010, in which Plaintiff and Defendants appeared with their counsels. After hearing arguments from both sides regarding the Defendant's violation of procedural rules, the Court denied Defendant's



1
2 Motion for Reconsideration and proceeded with the Prove Up Hearing and Canceled the
3 Trial scheduled for August 2010. Judith Adams, Anthony Adams, and Susan Fallini were
4 sworn in and testified. The parties' counsel gave their closing statements. The Court
5 heard testimony, counsels' statements and arguments, and reviewed the pleadings on file
6 herein. This Order follows.

7
8 **ORDER**

9 IT IS HEREBY ORDERED that the Defendant's Motion for Reconsideration is
10 DENIED.

11 IT IS FURTHER ORDERED that the Court grants the Plaintiff \$1,000,000 in
12 Damages for Grief, Sorrow, and loss of support.

13 IT IS FURTHER ORDERED that the Court grants the Plaintiff \$1,640,696 in
14 Damages for future lost earnings.

15 IT IS FURTHER ORDERED that the Court grants the Plaintiff \$50,000 in
16 Attorney's Fees.

17 IT IS FURTHER ORDERED that the Court grants the Plaintiff \$35,000 in
18 sanctions levied against the Defendant.

19 IT IS FURTHER ORDERED that the Court grants the Plaintiff \$5,188.85 in
20 funeral and other related expenses.

21 IT IS FURTHER ORDERED that Plaintiff's request for Hedonic damages is
22 DENIED.
23
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28

FIFTH JUDICIAL DISTRICT COURT
ESMERELDA, MINERAL AND NYE COUNTIES



DATED this 12th day of August 2010.


DISTRICT JUDGE

CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

Date: September 15, 2010
Sandra L. Merino, clerk of the Fifth Judicial District Court,
in and for the County of Nye, State of Nevada.

By Sheila W. W., Deputy
Per NRS 239 Sec. 6 the SSN may be redacted, but in no way
affects the legality of the document.



CERTIFICATION OF MAILING

The undersigned hereby certifies that on the 12th day of August 2010, he mailed
copies of the foregoing ORDER AFTER HEARING to the following:

John P. Aldrich, Esq.
ALDRICH LAW FIRM, LTD.
1601 S. Rainbow Blvd., Suite 160
Las Vegas, NV 89146

John Ohlson, Esq.
BOWEN, HALL, OHLSON & OSBORNE
555 South Center Street
Reno, NV 89501

Katherine M. Barker, Esq.
LAW OFFICE OF KATHERINE M. BARKER
823 S. Las Vegas Blvd., Ste. 300
Las Vegas, NV 89101

C. PAUL TECHO
Law Clerk to
DISTRICT JUDGE

ORIGINAL

FILED

1 NEO
John P. Aldrich, Esq.
2 Nevada Bar No. 6877
ALDRICH LAW FIRM, LTD.
3 1601 S. Rainbow Blvd., Suite 160
Las Vegas, Nevada 89146
4 (702) 853-5490
(702) 227-1975 fax
5 Attorneys for Plaintiff

2010 AUG 18 P 2:11
Sheila W. Warr
NYE COUNTY CLERK
BY DEPUTY

6
7 THE FIFTH JUDICIAL DISTRICT COURT
8 THE STATE OF NEVADA
COUNTY OF NYE

9 Estate of MICHAEL DAVID ADAMS,)
10 by and through his mother JUDITH)
ADAMS, individually and on behalf of the)
11 Estate,)

Case No.: CV24539
Dept.: 2P

12 Plaintiffs,)

13 vs.)

14 SUSAN FALLINI, DOES I-X and ROE)
CORPORATIONS I-X, inclusive,)

15 Defendants.)

16 SUSAN FALLINI,)

17 Counterclaimant,)

18 vs.)

19 Estate of MICHAEL DAVID ADAMS,)
20 by and through his mother JUDITH)
ADAMS, individually and on behalf of the)
21 Estate,)

22 Counterdefendants.)
23

24 NOTICE OF ENTRY OF ORDER

25 ///

26 ///

27 ///

28 CERTIFIED COPY

The document to which this certificate is attached is a full,
true and correct copy of the original on file and of record in
my office.

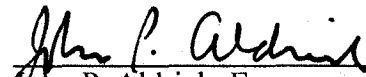
Date: September 15, 2010
Sandra L. Merlino, clerk of the Fifth Judicial District Court,
in and for the County of Nye, State of Nevada.

By: Sheila W. Warr Deputy
Per NRS 239 Sec. 6 the SSN may be redacted, but in no way
affects the legality of the document.

PLEASE TAKE NOTICE that an Order After Hearing was entered in the above-entitled matter on August 12, 2010, a copy of which is attached hereto as Exhibit 1.

DATED this 17th day of August, 2010.

ALDRICH LAW FIRM, LTD.


John P. Aldrich, Esq.
Nevada State Bar No. 6877
1601 S. Rainbow Blvd., Suite 160
Las Vegas, Nevada 89146
(702) 853-5490
(702) 227-1975
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of August, 2010, I mailed a copy of the NOTICE OF ENTRY OF ORDER, in a sealed envelope, to the following and that postage was fully paid thereon:

John Ohlson, Esq.
275 Hill Street, Suite 230
Reno, Nevada 89501
Attorney for Defendant/Counterclaimant

Katherine M. Barker, Esq.
Law Office of Katherine M. Barker
823 S. Las Vegas Blvd., Ste. 300
Las Vegas, NV 89101
*Attorney for Counterdefendant
Estate of Michael David Adams*


An employee of Aldrich Law Firm, Ltd.

EXHIBIT 1

EXHIBIT 1

FILED

Case No. CV 24539
Dept. 2P

2010 JUL 12 A 9:00

REBECCA BALLARD

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA, IN AND FOR THE COUNTY OF NYE

ESTATE OF MICHAEL DAVID ADAMS,
by and through his mother JUDITH
ADAMS, individually and on behalf of the
Estate

Plaintiff,

vs.

SUSAN FALLINI; DOES I-X, and ROE
CORPORATIONS I-X, inclusive

Defendants.

ORDER AFTER HEARING

This matter is regarding a motor vehicle accident involving Michael Adams and a Hereford Cow owned by the Defendant. On June 24, 2010, Plaintiff filed an Application for Default Judgment against Defendant Susan Fallini. Plaintiff requested \$2,500,000 for grief, sorrow, loss of support; \$1,640,696 for lost career earnings; \$5,000,000 for hedonic damages loss of life's pleasure and enjoyment; \$35,000 for Sanctions already levied against Defendants; \$50,000 for attorney's fees; and \$5,188.85 for funeral and other related expenses for a total of \$9,230,884.85. Defendants filed an Opposition on June 24, 2010. A hearing was held on this matter on July 19, 2010, in which Plaintiff and Defendants appeared with their counsels. After hearing arguments from both sides regarding the Defendant's violation of procedural rules, the Court denied Defendant's

FIFTH JUDICIAL DISTRICT COURT

ESMERELDA, MINERAL AND NYE COUNTIES





1
2 Motion for Reconsideration and proceeded with the Prove Up Hearing and Canceled the
3 Trial scheduled for August 2010. Judith Adams, Anthony Adams, and Susan Fallini were
4 sworn in and testified. The parties' counsel gave their closing statements. The Court
5 heard testimony, counsels' statements and arguments, and reviewed the pleadings on file
6 herein. This Order follows.

7
8 **ORDER**

9 IT IS HEREBY ORDERED that the Defendant's Motion for Reconsideration is
10 DENIED.

11 IT IS FURTHER ORDERED that the Court grants the Plaintiff \$1,000,000 in
12 Damages for Grief, Sorrow, and loss of support.

13 IT IS FURTHER ORDERED that the Court grants the Plaintiff \$1,640,696 in
14 Damages for future lost earnings.

15 IT IS FURTHER ORDERED that the Court grants the Plaintiff \$50,000 in
16 Attorney's Fees.

17 IT IS FURTHER ORDERED that the Court grants the Plaintiff \$35,000 in
18 sanctions levied against the Defendant.

19 IT IS FURTHER ORDERED that the Court grants the Plaintiff \$5,188.85 in
20 funeral and other related expenses.

21 IT IS FURTHER ORDERED that Plaintiff's request for Hedonic damages is
22 DENIED.
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Fifth Judicial District Court
ESMERELDA, MINERAL AND NYE COUNTIES



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DATED this 12th day of August 2010.

A handwritten signature in black ink, appearing to be "R. L. [unclear]", is written over a horizontal line.

DISTRICT JUDGE



CERTIFICATION OF MAILING

The undersigned hereby certifies that on the 12th day of August 2010, he mailed
copies of the foregoing ORDER AFTER HEARING to the following:

John P. Aldrich, Esq.
ALDRICH LAW FIRM, LTD.
1601 S. Rainbow Blvd., Suite 160
Las Vegas, NV 89146

John Ohlson, Esq.
BOWEN, HALL, OHLSON & OSBORNE
555 South Center Street
Reno, NV 89501

Katherine M. Barker, Esq.
LAW OFFICE OF KATHERINE M. BARKER
823 S. Las Vegas Blvd., Ste. 300
Las Vegas, NV 89101

A handwritten signature in black ink, appearing to read "C. Paul Techo", is written over a horizontal line.

C. PAUL TECHO
Law Clerk to
DISTRICT JUDGE

Run: 09/15/10
10:43:18
DC2100

Case #: CV-0024539

Judge: ROBERT W. LANE

Date Filed: 01/31/07 Department: 02

Case Type: NEGOTH TORT/OTHER NEGLIGENCE

Title/Caption: ESTATE OF MICHAEL DAVID ADAMS, by and
through his mother JUDITH ADAMS,
individually and on behalf of the ESTATE
VS.
SUSAN FALLINI, DOES I-X and
ROE CORPORATIONS I-X, inclusive

COMMENT: FILE IN PAHRUMP

<u>Parties</u> :	Name(s)	Attorney(s)
Plaintiff(s)	ESTATE OF MICHAEL DAVID ADAMS	JOHN P. ALDRICH
Defendant(s)	ADAMS, JUDITH FALLINI, SUSAN	JOHN P. ALDRICH KUMP, JEFF

Hearings:

Date	Time	Event	Reference
04/30/07	9:00	OBJECTION TO PAHRUMP AS FORUM AND MOTION...	
		JUDGE: ROBERT W. LANE	
		CLERK: SHEILA WINN	
		CLERK: RACHEL ALDANA	
		BAILIFF: GERALD (BEAR) SMITH	
		APP: HARRY KUEHN ON BEHALF OF THE DEFENDANTS	. MR.
		KUEHN STATES THAT THIS MATTER WAS INITIALLY F	ILED
		IN CLARK COUNTY AND THEN WAS MOVED HERE. MR.	KUEHN
		ARGUES THAT THE DEFENSE HAS THE RIGHT TO LITI	GATE
		IN THE COUNTY SEAT.THE COURT CLARIFIES MR. KU	EHN'S
		ARGUMENT. JOHN ALDRICH IS PRESENT FOR JUDITH	ADAMS
		AND HE STATES THAT PAHRUMP IS A NICE MIDDLE G	ROUND
		FOR EVERYBODY. THE RELEVANT PARTIES LIVE IN T	WO
		SEPARATE AREAS, ONE IN SOUTHERN CALIFORNIA AN	D ONE
		IN TONOPAH. IT SEEMS TO HIM THAT AS LONG AS I	T IS
		THE CORRECT FORUM, IT SHOULD BE ALLOWED TO PR	OCEED

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HERE IN PAHRUMP. THE COURT NEEDS CLARIFICATION OF
THE RULE THAT THE DEFENDANT HAS A RIGHT TO CHANGE
VENUE AND WILL REVIEW THAT RULE FURTHER. MR. KUEHN
OFFERS FURTHER ARGUMENT. THE COURT WILL ISSUE A
RULING WITHIN A FEW DAYS.

07/14/08 9:00 MOTION FOR PARTIAL SUMMARY JUDGMENT 5/19 ELEANOR

JUDGE: ROBERT W. LANE

CLERK: RACHEL ALDANA

BAILIFF: GERALD (BEAR) SMITH

APP: JOHN ALDRICH IS PRESENT FOR THE PLAINTIFF.
MR. ALDRICH BRIEFS THE COURT THAT THERE HAS BEEN
NO RESPONSE FROM THE DEFENDANT, AND CLARIFIES
THAT THE DEFENDANT RECEIVED NOTICE. COURT GRANTS
THE MOTION AND NOTES THAT THERE IS NO ORDER
AND WILL SIGN ORDER UPON SUBMITTING.

11/10/08 1:15 MOTION TO REOPEN DISCOVERY & FOR AN EXTENSION

JUDGE: ROBERT W. LANE

CLERK: RACHEL ALDANA

BAILIFF: GERALD (BEAR) SMITH

APP: JOHN ALDRICH IS PRESENT FOR THE PLAINTIFF.
MR. ALDRICH OUTLINES THAT SINCE HE CHANGED FIRMS
HE WAS UNCLEAR OF THE DISCOVERY DATE AND OFFERS
EXPLANATION IN REGARDS TO EXTENSION. MR. ALDRICH
NOTES NO OPPOSITION AND REVIEWS CASE HISTORY.
COURT GRANTS WITH NO OPPOSITION AND WILL SIGN
THE ORDER WHEN SUBMITTED.

04/27/09 9:00 MOTION TO COMPEL DEFENDANT'S PRODUCTION OF DOCUMENTS...

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JUDGE: ROBERT W. LANE

CLERK: RACHEL ALDANA

BAILIFF: STEPHEN (JAMIE) DAVIS

APP: CATHERINE HERNANDEZ IS PRESENT FOR THE PLAINTIFF;

HARRY KUEHN IS PRESENT FOR THE DEFENDANTS. MS .

HERNANDEZ BRIEFS HER MOTION AND REVIEWS THAT THEY

REQUESTED THIS INFORMATION A YEAR AGO. MR. KUEHN

STATES NO OPPOSITION AND OUTLINES THAT HIS OFFICE

DROPPED THE BALL AND NOTES THAT OPPOSING PARTY IS

REQUESTING ATTORNEY FEES. COURT GRANTS THE MOTION

AND \$750 IN ATTORNEY FEES. MS. HERNANDEZ SUBMITS

ORDER TO THE COURT. COURT SIGNS THE ORDER.

06/22/09 4:30 CALENDAR CALL

07/13/09 1:15 PLAINTIFF'S MOTION TO STRIKE DEFENDANT'S ANSWER..

JUDGE: ROBERT LANE

CLERK: MICHELLE THORN

BAILIFF: JAMIE DAVIS

APP: JOHN ALDRICH PRESENT FOR THE PLAINTIFF. HARRY KUEHN PRESENT FOR THE DEFENDANT. MR. ALDRICH ARGUES HIS MOTION TO STRIKE, ADDING AT THE PREVIOUS HEARING THE DEFENSE WAS NEGLIGENT IN PROVIDING THE DISCOVERY FROM THE INSURANCE COMPANY & IMPOSING SANCTIONS DID NOT WORK. MR. ALDRICH ARGUES THE COURT IMPOSED SANCTIONS OF \$750 PREVIOUSLY & THEY STILL HAVE NOT BEEN PAID & HE HAS STILL NOT RECEIVED THE INSURANCE DISCOVERY. MR. KUEHN PLEADS WITH THE COURT REQUESTING ADDITIONAL SANCTIONS BE IMPOSED, NOTING HE HAS A CHECK IN HAND TO PRESENT TO OPPOSING COUNSEL TODAY. COURT REVIEWS ARGUMENT & IMPOSES A \$1000 SANCTION THIS TIME AROUND & DEFENSE HAS 30 DAYS TO PROVIDE THE PREVIOUSLY ORDER INFORMATION/DISCOVERY REGARDING INSURANCE TO MR. FITTS. MR. KUEHN ACKNOWLEDGES.

05/24/10 9:00 ORDER TO SHOW CAUSE

JUDGE: ROBERT LANE

CLERK: RACHEL ALDANA

BAILIFF: DEPUTY J. MURPHY

APP: JOHN ALDRICH PRESENT FOR THE PLAINTIFF; THOMAS GIBSON IN FOR HARRY KUEHN, PRESENT FOR THE DEFENDANTS. MR. ALDRICH BRIEFS THE ORDER TO SHOW CAUSE AND OUTLINES CASE HISTORY. MR. ALDRICH CONTINUES TO PROVIDE ARGUMENT IN REGARDS TO OPPOSING COUNSEL FAILING TO COMPLY WITH THE SANCTIONS THAT WERE ISSUED BY THE COURT AND STATES THAT THERE IS STILL NO DISCOVERY PRODUCED. MR. ALDRICH REQUESTS A \$5,000 SANCTION AND \$500 A DAY UNTIL THE DISCOVERY IS BROUGHT FOWARD AND REQUESTS THE COURT ISSUE A BENCH WARRANT FOR THE

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DEFENDANT. MR. GIBSON PROVIDES REBUTTAL ARGUMENT AND REQUESTS A CLOSED COURTROOM TO DISCLOSE THE ISSUES REGARDING ATTORNEY HARRY KUEHN. MR. GIBSON INFORMS THE COURT OF HARRY KUEHN'S ISSUES WITH DEPRESSION. COURT ISSUES THE \$5,000 SANCTIONS AND ORDERS THAT HARRY KUEHN PAY THE \$500 A MONTH STARTING JUNE 1, 2010 AND HOLDS HARRY KUEHN IN CONTEMPT OF COURT AND STATES THAT THE \$5,000 WILL GO TOWARD THE FEES AND COSTS OF OPPOSING COUNSEL. PARTIES CONTINUE TO PROVIDE ARGUMENT.

07/19/10 9:00 APPLICATION FOR DEFAULT JUDGMENT

JUDGE: ROBERT W. LANE

CLERK: PATTI ABERNATHY

BAILIFF: STEPHEN (JAMIE) DAVIS

APPEARANCES: JOHN ALDRICH PRESENT WITH JUDITH AND ANTHONY ADAMS. JOHN OHLSON AND JEFF KUMP PRESENT WITH SUSAN FALLINI.

ATTORNEY ALDRICH TOLD THE COURT THE MATTERS ON TODAY ARE HIS APPLICATION FOR DEFAULT JUDGMENT AND ATTORNEY OHLSON'S OPPOSITION TO THE APPLICATION FOR DEFAULT JUDGMENT AND MOTION FOR RECONSIDERATION. THE COURT TOLD THE PARTIES HE WAS INCLINED TO GRANT THE MOTION FOR RECONSIDERATION BUT WOULD LIKE TO HEAR ARGUMENTS FROM BOTH SIDES BEFORE DECIDING. ATTORNEY ALDRICH ARGUES THERE IS NO LEGAL BASIS TO SET ASIDE WHAT HAS ALREADY BEEN DONE IN THIS CASE AND OUTLINES THE HISTORY OF THIS CASE. ATTORNEY ALDRICH TOLD THE COURT IT SHOULD GO FORWARD WITH APPLICATION FOR DEFAULT JUDGMENT TODAY AND HAVE JUDGMENT ENTERED TODAY. THE COURT ASKED WHO WAS GOING TO DETERMINE DAMAGES AND AMOUNTS. ATTORNEY ALDRICH TOLD THE COURT IT SHOULD GO FORWARD WITH THE HEARING TODAY AND THE COURT SHOULD DETERMINE THE AMOUNT OF DAMAGES. ATTORNEY OHLSON OUTLINES THE HISTORY OF DEFENDANT'S REPRESENTATION BY ATTORNEY KUEHN AND BEING TOLD IN THE PAST THAT THE CASE WAS OVER AND DID NOT KNOW UNTIL JUNE OF THIS YEAR THAT THE CASE WAS STILL PENDING. ATTORNEY OHLSON PROVIDES REBUTTAL TO ATTORNEY ALDRICH'S ARGUMENTS. AFTER HEARING ARGUMENTS FROM BOTH SIDES, THE COURT DENIED THE MOTION FOR RECONSIDERATION AND PROCEEDED WITH THE PROVE UP HEARING TODAY AND SCRATCHED THE TRIAL SCHEDULED FOR AUGUST. MR. OLSON TOLD THE COURT HE WILL HOLD HIS MOTIONS TO THE END OF THE TESTIMONY AND ARGUED COMPARATIVE FAULT. ATTORNEY ALDRICH OFFERED REBUTTAL. JUDITH ADAMS WAS SWORN AND TESTIFIED. ANTHONY ADAMS WAS SWORN AND TESTIFIED. SUSAN FALLINI WAS SWORN AND TESTIFIED. MR. OLSON ASKED THE COURT TO TAKE JUDICIAL NOTICE THE ACCIDENT OCCURRED IN OPEN RANGE. AFTER HEARING CLOSING ARGUMENTS FROM BOTH SIDES, THE COURT TOLD THE PARTIES A DECISION WOULD BE MADE IN A COUPLE DAYS.

07/19/10 9:00 CALENDAR CALL - 8/25-28/2010

JURY DRAW - 120 JURORS - FILE TO CINDY

7/19/10

JUDGE: ROBERT W. LANE

CLERK: MICHELLE THORN

BAILIFF: STEPHEN (JAMIE) DAVIS

APP: COURT BRIEFS HE MET WITH COUNSELS IN CHAMBERS & PARTIES STIPULATE TO ALLOW MR. KUEHN 2 WEEKS PROVIDE THE INFORMATION REQUESTED & FAILURE TO PROVIDE SAID DISCOVERY WILL RESULT IN THE COURT STRIKING DEFENDANTS PLEADING RESULTING IN A DEFAULT. COURT ORDERS \$150 A DAY FOR EACH DAY THE ANSWERS TO THE INTERROGATORIES ARE NOT FILED. COUNSELS WERE NOT PRESENT UPON THIS COURT BRIEFING THE RECORD.

JURY TRIAL - D2P - 3 DAYS

8/25/10 CRT

09/28/09 9:00 ORDER TO SHOW CAUSE (SUSAN FALLINI & COUNSEL)

Fifth Judicial District Court, Nye County
Case Summary

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12/23/09 9:00 SETTLEMENT CONFERENCE

CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

Date: September 15, 2010
Sandra L. Merlino, clerk of the Fifth Judicial District Court,
in and for the County of Nye, State of Nevada.

By: Sheila W. Carr, Deputy
Per NRS 239 Sec. 6 the SSN may be redacted, but in no way
affects the legality of the document.