

Electronically Filed
CLERK OF THE COURT
Nov 18 2011 11:03 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

1 **NOA**
2 MARK E. FERRARIO, ESQ.
Nevada Bar No. 1625
3 TAMI D. COWDEN, ESQ.
Nevada Bar No. 8994
4 GREENBERG TRAUIG, LLP
3773 Howard Hughes Parkway, Suite 400 North
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6 Facsimile: (702) 792-9002
Email: ferrariom@gtlaw.com
7 godfrey@gtlaw.com
8 *Attorneys for Plaintiff Richard A. Hunter*

9 **DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

11 RICHARD A. HUNTER, an individual,
12 Plaintiff,

Case No. A-09-604877-C

Dept No. VIII

13 v.

NOTICE OF APPEAL

14 WILLIAM GANG, an individual, and DOE
15 DEFENDANTS 1 through 10, and ROE
16 CORPORATIONS 1 through 10, inclusive,

17 Defendants.
18

19
20 Notice is hereby given that Plaintiff Richard A. Hunter, by and through counsel of record,
21 Mark E. Ferrario, Esq. and Tami D. Cowden, Esq., of Greenberg Traurig, LLP, hereby appeals to
22 the Supreme Court of the State of Nevada from the Findings of Fact, Conclusions of Law and
23 Order Granting William Gang's Motion to Dismiss, dated November 7, 2011, and for which

24 //

25 //

26 //

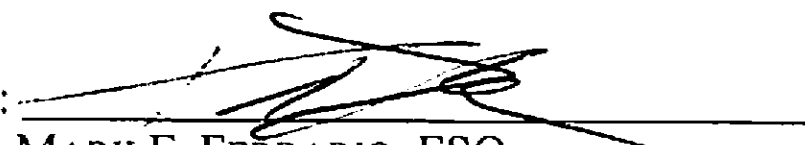
27 //

28 //

1 notice of the entry of the order was dated November 8, 2011.

2 DATED this 16th day of November, 2011.

3 GREENBERG TRAURIG, LLP

4
5 By: 
6 MARK E. FERRARIO, ESQ.
7 Nevada Bar No. 1625
8 LESLIE S. GODFREY, ESQ.
9 Nevada Bar No. 10229
10 3773 Howard Hughes Parkway
11 Suite 400 North
12 Las Vegas, Nevada 89169
13 Telephone: (702) 792-3773
14 *Attorneys for Plaintiff Richard A. Hunter*

Greenberg Traurig LLP
3773 Howard Hughes Parkway, Suite 400 North
Las Vegas, Nevada 89169
(702) 792-3773
(702) 792-9002 (fax)

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CERTIFICATE OF SERVICE

I hereby certify pursuant to N.R.C.P 5 that I served the forgoing Notice of Appeal on:

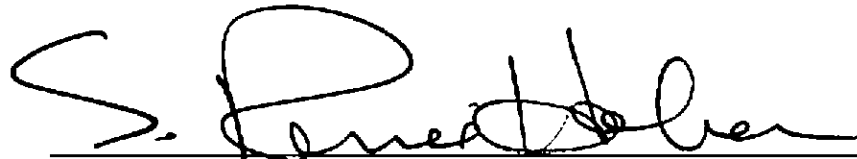
Albert G. Marquis
Tye Hanseen
Marquis Aurbach Coffing
10001 Park Run Drive
Las Vegas, NV 89145

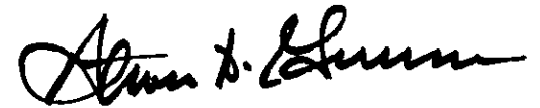
by causing a full, true, and correct copy thereof to be sent by the following indicated method

or methods, on the date set forth below:

- ☒ by mailing in a sealed, first class postage-prepaid envelop, addressed to the last-known office address of the attorney, and deposited with the United States Postal Service in Las Vegas, Nevada.
- ☐ by hand delivery.
- ☐ by sending via overnight courier in a sealed envelope.
- ☐ by electronic mail to the last known e-mail address.

DATED this 16th day of November, 2011.


An employee of Greenberg Traurig, LLP



CLERK OF THE COURT

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2 MARK E. FERRARIO, ESQ.
3 Nevada Bar No. 1625
4 TAMI D. COWDEN, ESQ.
5 Nevada Bar No. 8994
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12 godfrey1@gtlaw.com
13 *Attorneys for Plaintiff Richard A. Hunter*

9 **DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

11 RICHARD A. HUNTER, an individual,
12
13 Plaintiff,

Case No. A-09-604877-C

Dept No. VIII

13 v.

CASE APPEAL STATEMENT

14 WILLIAM GANG, an individual, and DOE
15 DEFENDANTS 1 through 10, and ROE
16 CORPORATIONS 1 through 10, inclusive,

17 Defendants.
18

19
20 1. Name of appellant filing this case appeal statement:

21 Richard A. Hunter
22

23 2. Identify the judge issuing the decision, judgment, or order appealed from:

24 The Honorable Judge Douglas E. Smith

25 3. Identify all parties to the proceedings in the district court:

26 Plaintiff: Richard A. Hunter

27 Defendant: William Gang
28

\\

Greenberg Traurig LLP
3773 Howard Hughes Parkway, Suite 400 North
Las Vegas, Nevada 89169
(702) 792-3773
(702) 792-9002 (fax)

4. Identify all parties involved in this appeal:

Appellant: Richard A. Hunter

Respondent: William Gang

5. Set forth the name, law firm, address, and telephone number of all counsel on appeal and identify the party or parties whom they represent:

a. Tami D. Cowden and Mark E. Ferrario, Esq. of Greenberg Traurig, LLP, 3773 Howard Hughes Parkway, Suite 400 North, Las Vegas, Nevada 89169, telephone: (702) 792-3773, attorney for Appellant.

b. Albert G. Marquis, Esq. and Tye Hanseen, Esq. of Marquis Aurbach Coffing, 10001 Park Run Drive, Las Vegas, NV 89145, telephone: (702) 382-0711, attorney for Plaintiff.

6. Indicate whether appellant was represented by appointed or retained counsel in the district court.

Appellant was represented by retained counsel in the district court.

7. Indicate whether appellant is represented by appointed or retained counsel on appeal.

Appellant is represented by retained counsel on this appeal.

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:

None.

9. Indicate the date the proceedings commenced in the district court.

Complaint filed December 4, 2009.

DATED this 16th day of November, 2011.

GREENBERG TRAURIG, LLP

By: 

MARK E. FERRARIO, ESQ. (NBN 1625)

TAMI D. COWDEN, ESQ. (NBN 8994)

3773 Howard Hughes Parkway, Suite 400 North
Las Vegas, Nevada 89169

Telephone: (702) 792-3773

Attorneys for Plaintiff Richard A. Hunter

CERTIFICATE OF SERVICE

I hereby certify pursuant to N.R.C.P 5 that I served the forgoing Case Appeal Statement
on:

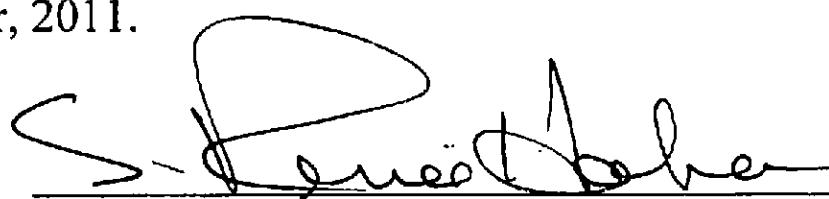
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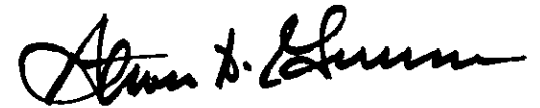
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DATED this 16th day of November, 2011.


An employee of Greenberg Traurig, LLP



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11 RICHARD A. HUNTER, an individual,
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Dept No. VIII

13 v.

14 WILLIAM GANG, an individual, and DOE
15 DEFENDANTS 1 through 10, and ROE
16 CORPORATIONS 1 through 10, inclusive,
17 Defendants.

**NOTICE OF POSTING OF
COST BOND**

18 To: ALL PARTIES AND THEIR COUNSEL:

19 Please take notice that concurrently with the filing of the Notice of Appeal herein, Plaintiff
20 is posting Five Hundred Dollars (\$500.00) pursuant to NRCP 7.

21 DATED this 16th day of November, 2011.

22 **GREENBERG TRAUIG, LLP**

23 By: 

24 MARK E. FERRARIO, ESQ. (NBN 1625)
25 TAMI D. COWDEN, ESQ. (NBN 8994)
3773 Howard Hughes Parkway, Suite 400 North
26 Las Vegas, Nevada 89169
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27 *Attorneys for Plaintiff Richard A. Hunter*
28

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(702) 792-3773
(702) 792-9002 (fax)

CERTIFICATE OF SERVICE

I hereby certify pursuant to N.R.C.P 5 that I served the forgoing Notice of Posting Cost

Bond on:

Albert G. Marquis
Tye Hanseen
Marquis Aurbach Coffing
10001 Park Run Drive
Las Vegas, NV 89145

by causing a full, true, and correct copy thereof to be sent by the following indicated method

or methods, on the date set forth below:

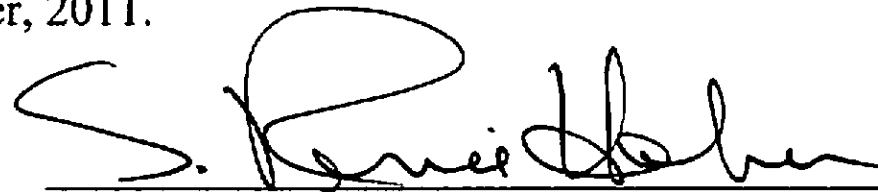
☒ by mailing in a sealed, first class postage-prepaid envelop, addressed to the last-known office address of the attorney, and deposited with the United States Postal Service in Las Vegas, Nevada.

☐ by hand delivery.

☐ by sending via overnight courier in a sealed envelope.

☐ by electronic mail to the last known e-mail address.

DATED this 16th day of November, 2011.



An employee of Greenberg Traurig, LLP

DEPARTMENT 8
CASE SUMMARY
CASE No. A-09-604877-C

Richard Hunter, Plaintiff(s)
vs.
William Gang, Defendant(s)

§
§
§
§
§

Location: **Department 8**
Judicial Officer: **Smith, Douglas E.**
Filed on: **12/04/2009**
Conversion Case Number: **A604877**

CASE INFORMATION

Statistical Closures

11/07/2011 Motion to Dismiss (By Defendant)

Case Type: **Title to Property**

Sub Type: **Quiet Title**

Case Flags: **Appealed to Supreme Court**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	A-09-604877-C
Court	Department 8
Date Assigned	12/04/2009
Judicial Officer	Smith, Douglas E.

PARTY INFORMATION

Plaintiff **Hunter, Richard A**

Lead Attorneys
Ferrario, Mark E., ESQ
Retained
702-792-3773(W)








Defendant **Gang, William**

Marquis, Albert George
Retained
7023820711(W)








DATE

EVENTS & ORDERS OF THE COURT

INDEX

12/04/2009	 Initial Appearance Fee Disclosure Filed By: Plaintiff Hunter, Richard A	
12/04/2009	 Complaint Filed By: Plaintiff Hunter, Richard A	
12/14/2009	 Summons Issued <i>Summons -Civil</i>	
08/11/2011	 Motion to Dismiss Filed By: Defendant Gang, William <i>William Gang's Motion to Dismiss</i>	
08/11/2011	 Initial Appearance Fee Disclosure Filed By: Defendant Gang, William <i>Initial Appearance Fee Disclosure</i>	
08/22/2011	 Notice of Hearing Filed By: Defendant Gang, William <i>Notice of Hearing on William Gang's Motion to Dismiss</i>	
08/29/2011	 Opposition to Motion to Dismiss Filed By: Plaintiff Hunter, Richard A	

DEPARTMENT 8
CASE SUMMARY
CASE No. A-09-604877-C

	<i>Opposition to Motion to Dismiss</i>
08/30/2011	 Affidavit in Support Filed By: Plaintiff Hunter, Richard A <i>Affidavit of Margueritte Hunter in Support of Plaintiff's Opposition to Motion to Dismiss</i>
09/13/2011	 Motion to Dismiss (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>William Gang's Motion to Dismiss</i>
10/12/2011	 Transcript of Proceedings Party: Plaintiff Hunter, Richard A <i>Transcript of Proceedings William Gang's Motion To Dismiss</i>
11/07/2011	 Findings of Fact, Conclusions of Law and Order Filed By: Defendant Gang, William <i>Findings of Fact, Conclusions of Law and Order Granting William Gang's Motion to Dismiss</i>
11/07/2011	Order of Dismissal With Prejudice (Judicial Officer: Smith, Douglas E.) Debtors: Richard A Hunter (Plaintiff) Creditors: William Gang (Defendant) Judgment: 11/07/2011, Docketed: 11/15/2011
11/08/2011	 Notice of Entry Filed By: Defendant Gang, William <i>Notice of Entry of Findings of Fact, Conclusions of Law and Order Granting William Gang's Motion to Dismiss</i>
11/15/2011	 Memorandum of Costs and Disbursements Filed By: Defendant Gang, William <i>Verified Memorandum of Costs and Fees</i>
11/16/2011	 Notice of Appeal Filed By: Plaintiff Hunter, Richard A <i>Notice of Appeal</i>
11/16/2011	 Case Appeal Statement Filed By: Plaintiff Hunter, Richard A <i>Case Appeal Statement</i>
11/16/2011	 Notice of Posting of Cost Bond Filed By: Plaintiff Hunter, Richard A <i>Notice of Posting Cost Bond</i>

DATE	FINANCIAL INFORMATION
	Defendant Gang, William Total Charges 244.00 Total Payments and Credits 244.00 Balance Due as of 11/17/2011 0.00
	Plaintiff Hunter, Richard A Total Charges 294.00 Total Payments and Credits 294.00 Balance Due as of 11/17/2011 0.00

CASE SUMMARY

Plaintiff Hunter, Richard A **CASE No. A-09-604877-C**
APPEAL BOND Balance as of 11/17/2011

500.00

CIVIL COVER SHEET

County, Nevada

Case No. A 09-604877-C
(Assigned by Clerk's Office)**I. Party Information**

Plaintiff(s) (name/address/phone):

Richard A. Hunter

Attorney (name/address/phone):

Luis A. Ayon, Esq. c/o Greenberg Traurig, LLP

Defendant(s) (name/address/phone):

William Gang

Attorney (name/address/phone):

II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)☐ Arbitration Requested**Civil Cases**

Real Property	Torts	
<input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input checked="" type="checkbox"/> Title to Property <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input checked="" type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	<input type="checkbox"/> Negligence <input type="checkbox"/> Negligence - Auto <input type="checkbox"/> Negligence - Medical/Dental <input type="checkbox"/> Negligence - Premises Liability (Slip/Fall) <input type="checkbox"/> Negligence - Other	<input type="checkbox"/> Product Liability <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> Employment Torts (Wrongful termination) <input type="checkbox"/> Other Torts <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition
Probate	Other Civil Filing Types	
Estimated Estate Value: _____ <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate	<input type="checkbox"/> Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Acct/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Civil Petition for Judicial Review <input type="checkbox"/> Foreclosure Mediation <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker's Compensation Appeal	<input type="checkbox"/> Appeal from Lower Court (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding <input type="checkbox"/> Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Foreign Judgment - Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input type="checkbox"/> Other Civil Matters

III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)

- | | | |
|---|--|---|
| <input type="checkbox"/> NRS Chapters 78-88 | <input type="checkbox"/> Investments (NRS 104 Art. 8) | <input type="checkbox"/> Enhanced Case Mgmt/Business |
| <input type="checkbox"/> Commodities (NRS 90) | <input type="checkbox"/> Deceptive Trade Practices (NRS 598) | <input type="checkbox"/> Other Business Court Matters |
| <input type="checkbox"/> Securities (NRS 90) | <input type="checkbox"/> Trademarks (NRS 600A) | |

December 3, 2009

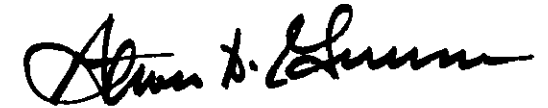
Date

Signature of initiating party or representative

Luis A. Ayon, Esq.

See other side for family-related case filings.

A - 09 - 604877 - C
559442



CLERK OF THE COURT

Marquis Aurbach Coffing
ALBERT G. MARQUIS, ESQ.
Nevada Bar No. 1919
TYE S. HANSEEN, ESQ.
Nevada Bar No. 10365
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amarquis@maclaw.com
thanseen@maclaw.com
Attorneys for William Gang

DISTRICT COURT
CLARK COUNTY, NEVADA

RICHARD A. HUNTER, an individual,

Plaintiff,

vs.

WILLIAM GANG, an individual, and DOE
DEFENDANTS 1 through 10, and ROE
CORPORATIONS 1 through 10, inclusive,

Defendants.

Case No.: A-09-604877-C
Dept. No.: VIII

**FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER GRANTING
WILLIAM GANG'S MOTION TO
DISMISS**

This matter having come for hearing before the Honorable Douglas Smith on September 13, 2011, the Plaintiff Richard A. Hunter ("Hunter") represented by his counsel of record Mark Ferrario, Esq. of the law firm of Greenberg Traurig, LLP, and Defendant William Gang ("Gang") represented by his counsel of record Tye Hanseen, Esq. of the law firm of Marquis Aurbach Coffing. The Court having read the pleadings filed by the parties, and considered the oral arguments of counsel, hereby makes the following findings of facts, conclusions of law, and orders as follows:

FINDINGS OF FACT

1. Gang is the owner of 20.47 acres of real property described in the office of the Clark County Assessor as: Land Division 93-92, Lot 2, 920819:570—APN 174-20-303-002 ("Gang Property").

<input type="checkbox"/> Voluntary Dis	<input type="checkbox"/> Stip Dis	<input type="checkbox"/> Sum Jdgmt	FINAL DISPOSITIONS <input type="checkbox"/> Time Limit Expired <input type="checkbox"/> Dismissed (with or without prejudice) <input type="checkbox"/> Judgment Satisfied/Paid in full
<input type="checkbox"/> Involuntary (stat) Dis	<input type="checkbox"/> Stip Jdgmt	<input type="checkbox"/> Non Jury Trial	
<input type="checkbox"/> Jdgmt on Arb Award	<input type="checkbox"/> Default Jdgmt	<input type="checkbox"/> Jury Trial	
<input checked="" type="checkbox"/> Mtn to Dis (by deft)	<input type="checkbox"/> Transferred		

MAC: 1526-001 1451340_4.doc

1 2. The Hunter Family Trust is the owner of 2.65 acres of real property described in
2 the office of the Clark County Assessor as: 9500 Pinion Dr., Unincorporated County, Lot 1 &
3 Vac. Rd., Sec 20 Twp 22 Rng 58—APN 174-20-402-004 (“Hunter Property”).

4 3. The subject properties are located in the community of Mountain Springs, which
5 is located off of Highway 160 in the Spring Mountains between Las Vegas and Pahrump.

6 4. The north side of the Hunter Property borders the south side of the Gang Property.

7 5. Hunter built his home on the Hunter Property within eight inches of the property
8 line between the Hunter Property and Gang Property.

9 6. Hunter landscaped on the Gang Property, which landscape includes trees, shrubs,
10 and a watering system complete with sprinklers for the landscape (hereinafter referred to as the
11 “Encroachment”). In essence, Hunter created a back yard for himself on property he did not
12 own.

13 7. The Encroachment encompasses an area on the Gang Property of approximately
14 200’ by 40’.

15 8. On December 4, 2009, Hunter filed this suit against Gang alleging claims for
16 quiet title, injunctive relief, adverse possession, and declaratory relief to attempt to obtain title to
17 the Encroachment.

18 9. Other than filing the Complaint, Hunter has not taken any action.

19 10. Hunter gave Gang an extension to respond to the suit while the parties discussed
20 a potential resolution. The discussions, however, broke down over a year ago. After that point,
21 Hunter became, for the most part, unresponsive for extended periods of time while the Gang
22 Property remained encumbered by this legal action which was filed for no apparent reason other
23 than to force a settlement favorable to Hunter.

24 11. Due to the suit, the Gang Property has now been encumbered for almost two
25 years—while property values in Clark County have continued to decrease.

26 12. The Encroachment on the Gang Property was part of a pattern of encroachment
27 by Hunter, who also constructed a building and other improvements on Forest Service land that
28

1 borders the Hunter Property to the west. The Forest Service required Hunter to remove the
2 structure and improvements.

3 13. Hunter also landscaped on the Forest Service land, as he did on the Gang
4 Property, and with the same disregard for ownership and property rights.

5 14. Even as this lawsuit was pending, Hunter continued to disregard Gang's property
6 rights, staging a construction project for the Hunter Property on Gang's property.

7 15. During the project, Hunter dug a trench utilizing the Gang Property and installed
8 a 24" diameter drainage pipe, a portion of which appears to be on the Gang Property.

9 16. Hunter's landscape, watering system, and drainage pipe all sit on the Gang
10 Property.

11 17. Gang never authorized Hunter to landscape, install a watering system, or install a
12 drainage pipe on the Gang Property.

13 **CONCLUSIONS OF LAW**

14 1. The duty was on Hunter to use diligence at every stage of the proceeding to
15 expedite the case to final determination.

16 2. Gang was required to meet Hunter step by step as Hunter proceeded.

17 3. Hunter neglected and failed to reasonably prosecute the case.

18 4. There was no adequate excuse for Hunter's neglect and failure to reasonably
19 prosecute the case.

20 5. Hunter's neglect and failure adversely impacted Gang's ability to market the
21 Gang Property.

22 6. Hunter failed to diligently pursue the claims as well as request the matter be
23 brought to trial.

24 7. Hunter's claims for quiet title, injunctive relief, adverse possession, and
25 declaratory relief to attempt to obtain title to the Encroachment lack merit.

26 ///

27 ///

1 NOW, THEREFORE, IT IS HEREBY ORDERED, that the Motion to Dismiss is hereby
2 GRANTED and the Complaint is dismissed with prejudice.

3 Dated this ^{November} 3 day of October, 2011.

4 
5 _____
6 DISTRICT COURT JUDGE 

7 Respectfully submitted by

8 MARQUIS AURBACH COFFING

9 By 

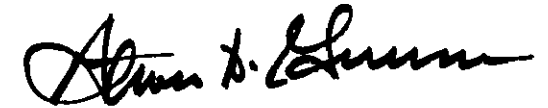
10 Albert G. Marquis, Esq.
11 Nevada Bar No. 1919
12 Tye S. Hanseen, Esq.
13 Nevada Bar No. 10365
14 10001 Park Run Drive
15 Las Vegas, Nevada 89145
16 Attorneys for William Gang

17 Approved as to form and content:

18 GREENBERG TRAURIG, LLP

19 By _____

20 Mark E. Ferrario, Esq.
21 Nevada Bar No. 1625
22 Leslie Godfrey, Esq.
23 Nevada Bar No. 10229
24 3773 Howard Hughes Parkway, Suite 400 North
25 Las Vegas, Nevada 89169
26 Attorneys for Richard A. Hunter
27
28



CLERK OF THE COURT

Marquis Aurbach Coffing
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TYE S. HANSEEN, ESQ.
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amarquis@maclaw.com
thanseen@maclaw.com
Attorneys for William Gang

DISTRICT COURT
CLARK COUNTY, NEVADA

RICHARD A. HUNTER, an individual,

Plaintiff,

vs.

WILLIAM GANG, an individual, and DOE
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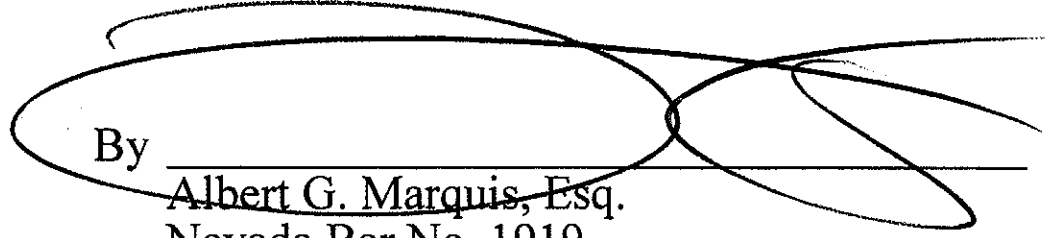
**NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND
ORDER GRANTING WILLIAM GANG'S MOTION TO DISMISS**

Please take notice that a Findings of Fact, Conclusions of Law and Order Granting William Gang's Motion to Dismiss was entered in the above-captioned matter on the 7th day of November, 2011, a copy of which is attached hereto.

Dated this 8 day of November, 2011.

MARQUIS AURBACH COFFING

By



Albert G. Marquis, Esq.
Nevada Bar No. 1919
Tye S. Hanseen, Esq.
Nevada Bar No. 10365
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for William Gang

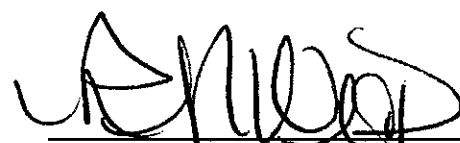
CERTIFICATE OF SERVICE

I hereby certify that the foregoing **NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING WILLIAM GANG'S MOTION TO DISMISS** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 8th day of November, 2011. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:¹

N/A

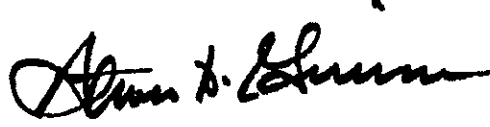
I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

Mark E. Ferrario, Esq.
Leslie Godfrey, Esq.
Greenberg Traurig, LLP
3773 Howard Hughes Parkway, Suite 400 North
Las Vegas, Nevada 89169
Attorneys for Richard A. Hunter



Rosie Wesp, an employee of
Marquis Aurbach Coffing

¹ Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service pursuant to NRCP 5(b)(2)(D).


CLERK OF THE COURT

Marquis Aurbach Coffing
ALBERT G. MARQUIS, ESQ.
Nevada Bar No. 1919
TYE S. HANSEEN, ESQ.
Nevada Bar No. 10365
10001 Park Run Drive
Las Vegas, Nevada 89145
Telephone: (702) 382-0711
Facsimile: (702) 382-5816
amarquis@maclaw.com
thanseen@maclaw.com
Attorneys for William Gang

DISTRICT COURT
CLARK COUNTY, NEVADA

RICHARD A. HUNTER, an individual,

Plaintiff,

vs.

WILLIAM GANG, an individual, and DOE
DEFENDANTS 1 through 10, and ROE
CORPORATIONS 1 through 10, inclusive,

Defendants.

Case No.: A-09-604877-C
Dept. No.: VIII

FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER GRANTING
WILLIAM GANG'S MOTION TO
DISMISS

This matter having come for hearing before the Honorable Douglas Smith on September 13, 2011, the Plaintiff Richard A. Hunter ("Hunter") represented by his counsel of record Mark Ferrario, Esq. of the law firm of Greenberg Traurig, LLP, and Defendant William Gang ("Gang") represented by his counsel of record Tye Hanseen, Esq. of the law firm of Marquis Aurbach Coffing. The Court having read the pleadings filed by the parties, and considered the oral arguments of counsel, hereby makes the following findings of facts, conclusions of law, and orders as follows:

FINDINGS OF FACT

1. Gang is the owner of 20.47 acres of real property described in the office of the Clark County Assessor as: Land Division 93-92, Lot 2, 920819:570—APN 174-20-303-002 ("Gang Property").

<input type="checkbox"/> Voluntary Dis	<input type="checkbox"/> Stip Dis	<input type="checkbox"/> Sum Jdgmt	FINAL DISPOSITIONS <input type="checkbox"/> Time Limit Expired <input type="checkbox"/> Dismissed (with or without prejudice) <input type="checkbox"/> Judgment Satisfied/Paid in full
<input type="checkbox"/> Involuntary (stat) Dis	<input type="checkbox"/> Stip Jdgmt	<input type="checkbox"/> Non Jury Trial	
<input type="checkbox"/> Jdgmt on Arb Award	<input type="checkbox"/> Default Jdgmt	<input type="checkbox"/> Jury Trial	
<input checked="" type="checkbox"/> Min to Dis (by deft)	<input type="checkbox"/> Transferred		

MARQUIS AURBACH COFFING

10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

1 2. The Hunter Family Trust is the owner of 2.65 acres of real property described in
2 the office of the Clark County Assessor as: 9500 Pinion Dr., Unincorporated County, Lot 1 &
3 Vac. Rd., Sec 20 Twp 22 Rng 58—APN 174-20-402-004 (“Hunter Property”).

4 3. The subject properties are located in the community of Mountain Springs, which
5 is located off of Highway 160 in the Spring Mountains between Las Vegas and Pahrump.

6 4. The north side of the Hunter Property borders the south side of the Gang Property.

7 5. Hunter built his home on the Hunter Property within eight inches of the property
8 line between the Hunter Property and Gang Property.

9 6. Hunter landscaped on the Gang Property, which landscape includes trees, shrubs,
10 ~~and a watering system complete with sprinklers for the landscape (hereinafter referred to as the~~
11 ~~“Encroachment”).~~ In essence, Hunter created a back yard for himself on property he did not
12 own.

13 7. The Encroachment encompasses an area on the Gang Property of approximately
14 200’ by 40’.

15 8. On December 4, 2009, Hunter filed this suit against Gang alleging claims for
16 quiet title, injunctive relief, adverse possession, and declaratory relief to attempt to obtain title to
17 the Encroachment.

18 9. Other than filing the Complaint, Hunter has not taken any action.

19 10. Hunter gave Gang an extension to respond to the suit while the parties discussed
20 a potential resolution. The discussions, however, broke down over a year ago. After that point,
21 Hunter became, for the most part, unresponsive for extended periods of time while the Gang
22 Property remained encumbered by this legal action which was filed for no apparent reason other
23 than to force a settlement favorable to Hunter.

24 11. Due to the suit, the Gang Property has now been encumbered for almost two
25 years—while property values in Clark County have continued to decrease.

26 12. The Encroachment on the Gang Property was part of a pattern of encroachment
27 by Hunter, who also constructed a building and other improvements on Forest Service land that
28

1 borders the Hunter Property to the west. The Forest Service required Hunter to remove the
2 structure and improvements.

3 13. Hunter also landscaped on the Forest Service land, as he did on the Gang
4 Property, and with the same disregard for ownership and property rights.

5 14. Even as this lawsuit was pending, Hunter continued to disregard Gang's property
6 rights, staging a construction project for the Hunter Property on Gang's property.

7 15. During the project, Hunter dug a trench utilizing the Gang Property and installed
8 a 24" diameter drainage pipe, a portion of which appears to be on the Gang Property.

9 16. Hunter's landscape, watering system, and drainage pipe all sit on the Gang
10 Property.

11 17. Gang never authorized Hunter to landscape, install a watering system, or install a
12 drainage pipe on the Gang Property.

13 **CONCLUSIONS OF LAW**

14 1. The duty was on Hunter to use diligence at every stage of the proceeding to
15 expedite the case to final determination.

16 2. Gang was required to meet Hunter step by step as Hunter proceeded.

17 3. Hunter neglected and failed to reasonably prosecute the case.

18 4. There was no adequate excuse for Hunter's neglect and failure to reasonably
19 prosecute the case.

20 5. Hunter's neglect and failure adversely impacted Gang's ability to market the
21 Gang Property.

22 6. Hunter failed to diligently pursue the claims as well as request the matter be
23 brought to trial.

24 7. Hunter's claims for quiet title, injunctive relief, adverse possession, and
25 declaratory relief to attempt to obtain title to the Encroachment lack merit.

26 ///

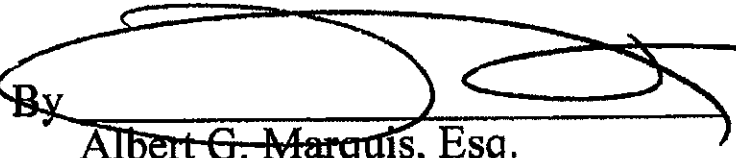
27 ///

1 NOW, THEREFORE, IT IS HEREBY ORDERED, that the Motion to Dismiss is hereby
2 GRANTED and the Complaint is dismissed with prejudice.

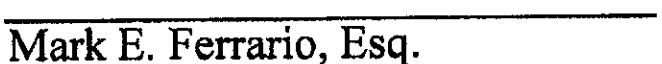
3 Dated this 7 day of ^{November} October, 2011.

4
5 
6 DISTRICT COURT JUDGE 

7 Respectfully submitted by
8 MARQUIS AURBACH COFFING

9 
10 By Albert G. Marquis, Esq.
11 Nevada Bar No. 1919
12 Tye S. Hanseen, Esq.
13 Nevada Bar No. 10365
14 10001 Park Run Drive
15 Las Vegas, Nevada 89145
16 Attorneys for William Gang

17 Approved as to form and content:
18 GREENBERG TRAURIG, LLP

19 By 
20 Mark E. Ferrario, Esq.
21 Nevada Bar No. 1625
22 Leslie Godfrey, Esq.
23 Nevada Bar No. 10229
24 3773 Howard Hughes Parkway, Suite 400 North
25 Las Vegas, Nevada 89169
26 Attorneys for Richard A. Hunter
27
28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

September 13, 2011

A-09-604877-C Richard Hunter, Plaintiff(s)
vs.
William Gang, Defendant(s)

September 13, 2011 8:00 AM

Motion to Dismiss

**William Gang's
Motion to Dismiss**

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT: Ferrario, Mark E., Attorney
 ESQ
 Gang, William Defendant
 Hanseen, Tye S. Attorney

JOURNAL ENTRIES

- Mr. Hanseen advised they are not unsympathic to Plaintiff's health problems, however, case to needs to move forward as it has been on-going for two years. Mr. Hanseen further advised dirt is within 6 inches of property line and it is not a berm. Mr. Ferrario argued there might be some dirt on Defendant's property, which the Defendant just inheriting property from his mother who had no dispute with Plaintiff when landscaping had been done over 25 years ago. Counsel further argued no case law has been cited by defense as to dismissal of this case and requested matter be order for settlement conference. Court stated its findings and ORDERED, motion GRANTED. Mr. Hanseen to prepare Findings of Facts/Conclusions of law and provide to opposing counsel for review prior to submitting to the Court for signature.

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; NOTICE OF POSTING COST BOND; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING WILLIAM GANG'S MOTION TO DISMISS; NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING WILLIAM GANG'S MOTION TO DISMISS; DISTRICT COURT MINUTES

RICHARD A. HUNTER,

Plaintiff(s),

vs.

WILLIAM GANG,

Defendant(s).

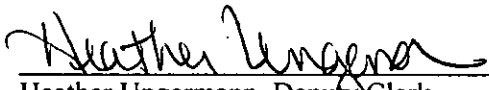
Case No: A604877

Dept No: VIII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 17 day of November 2011.

Steven D. Grierson, Clerk of the Court


Heather Ungermann, Deputy Clerk

GT GreenbergTraurig

8400 N.W. 36th Street
Suite 400
Miami, FL 33166

Wachovia Bank National Association

No. 517734

DATE

11/16/2011

63-643/670

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OF

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TWO SIGNATURES REQUIRED FOR AMOUNTS OVER \$10,000.00

GREENBERG TRAURIG
Operating Account

Cesar L. Alvarez

Void if Over \$250.00

⑈517734⑈ ⑆067006432⑆2000014648647⑈