

1
2
3
4 IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Nov 09 2012 09:40 a.m.

Tracie K. Lindeman
Clerk of Supreme Court

No. 60036

5 MARK B. STEPPAN,

6 Appellant,

7 vs.

8 JOHN ILIESCU, JR. and SONNIA SANTEE
9 ILIESCU, as Trustees of the John Iliescu,
10 Jr. and Sonnia Iliescu 1992 Family Trust
11 Agreement; HOLLAND & HART; KAREN
12 DENISE DENNISON; R. CRAIG HOWARD;
13 JERRY M. SNYDER; HALE LANE PEEK
14 DENNISON HOWARD & ANDERSON; and
15 JOHN SCHLEINING,

16 Respondents.

17 JOHN ILIESCU, JR. and SONNIA SANTEE
18 ILIESCU, as Trustees of the John Iliescu,
19 Jr. and Sonnia Iliescu 1992 Family Trust
20 Agreement,

21 Appellants,

22 vs.

23 HOLLAND & HART; KAREN DENISE
24 DENNISON; R. CRAIG HOWARD; JERRY
25 M. SNYDER; and HALE LANE PEEK
26 DENNISON HOWARD & ANDERSON,

27 Respondents.
28

Stipulation to Dismiss Appeal

Through undersigned counsel, the Parties hereby stipulate as follows:

Recitals

1
2 1. These consolidated actions arise from the recordation and foreclosure
3 of a mechanics lien. On November 7, 2006, Mark B. Steppan ("Steppan")
4 recorded a mechanics lien on property owned by John Iliescu, Jr., Sonnia Santee
5 Iliescu, and the John Iliescu, Jr. and Sonnia Iliescu 1992 Family Trust
6 (collectively "Iliescu"). On February 14, 2007, Iliescu filed an "Application for
7 Release of Mechanic's Lien" in the Second Judicial District Court ("District
8 Court") as Case No. CV07-00341. Steppan is the sole defendant in this action.
9

10
11 2. On May 4, 2007, Steppan filed a "Complaint to Foreclose Mechanic's
12 Lien and for Damages" in the District Court as Case No. CV07-01021. This lien
13 foreclosure action names as defendants Iliescu and fictitious defendants.
14

15 3. Based on a stipulation between Steppan and Iliescu, on September 6,
16 2007, the District Court ordered consolidation of Case Nos. CV07-00341 and
17 CV07-01021.
18

19 4. On September 27, 2007, Iliescu filed a third-party action against
20 Consolidated Pacific Development, Inc.; Decal Oregon, Inc.; Calvin Baty; John
21 Schleining ("Schleining"); Hale Lane Peek Dennison and Howard, Professional
22 Corporation dba Hale Lane, Karen D. Dennison, R. Craig Howard; Jerry M.
23 Snyder (collectively, "Hale-Lane Defendants").
24

25
26 5. Iliescu served the third-party complaint on Consolidated Pacific
27 Development, Inc. ("CPD") on November 27, 2007. Through counsel, CPD filed
28

1 an answer on February 22, 2010. On March 18, 2010, the District Court granted
2 counsel leave to withdraw. Neither the order granting withdrawal of counsel nor
3 the motion seeking leave to withdraw provides an address for services of papers on
4 CPD. Although CPD is a corporation, it has not represented by counsel since
5 March 18, 2010.
6

7
8 6. On September 2, 2009, Schleining answered Iliescu's third-party
9 complaint, filed a cross-claim against Hale Lane, and filed a third party claim
10 against Holland & Hart, LLP and Craig Howard.
11

12 7. Iliescu served Decal Oregon, Inc. and Calvin Baty by publication.
13 Decal Oregon, Inc. or Calvin Baty never appeared in the case. Calvin Eugene Baty
14 filed for bankruptcy on May 30, 2008 in *In re Baty*, Case No. 08-32573-rld7 (D.
15 Or.). Mr. Baty's bankruptcy filing shows ownership of a 48% ownership interest
16 in Decal Oregon, Inc.
17

18 8. On March 30, 2011, Hale Lane Defendants filed a defense motion for
19 summary judgment on Iliescu's third-party claims against Hale Lane Defendants.
20 On July 22, 2011, Hale Lane Defendants filed a supplement to their motion for
21 summary judgment against Iliescu. After full briefing, on September 1, 2011, the
22 District Court entered an order granting the motion. On September 15, 2011,
23 Iliescu filed a motion for leave to file a motion for reconsideration of the
24 September 1, 2011 order.
25
26
27
28

1 9. On August 15, 2011, Hale Lane Defendants and Holland & Hart filed
2 a defense motion for summary judgment on Schleining's cross-claim against Hale
3 Lane Defendants and third-party claim against Holland & Hart. Briefing was
4 never completed, and the motion was never submitted. Based on a stipulation, on
5 January 5, 2012 the District Court entered an order dismissing without prejudice
6 Schleining's claims against certain Hale Lane Defendants and Holland & Hart,
7 LLP.
8

9
10 10. On September 6, 2011, Iliescu moved to dismiss Steppan's claims.
11 After briefing, on October 25, 2011, the District Court entered an order granting
12 the motion. On November 8, 2011, Steppan filed a motion for leave to file a
13 motion for reconsideration of the October 25, 2011 order.
14

15
16 11. On October 21, 2011, Steppan filed a motion for partial summary
17 judgment against Iliescu. Because of this appeal, Iliescu has not filed an
18 opposition to the motion, and the motion has not been submitted.
19

20 12. On November 2, 2011, Schleining filed a defense motion to dismiss
21 Iliescu's third-party claim against Schleining. After briefing, on November 22,
22 2011, the District Court entered an order granting the motion.
23

24 13. On December 22, 2011, Steppan appealed from the October 25, 2011
25 order granting Iliescu's motion to dismiss Steppan's claims. On January 17, 2012,
26 Iliescu cross-appealed from the September 1, 2011 order granting the Hale Lane
27 Defendants' motion for summary judgment.
28

15. On September 27, 2012, the District Court entered an order granting Steppan's motion for reconsideration of the October 25, 2011 order and Iliescu's motion for reconsideration of the September 1, 2011 order.

16. The August 2, 2012 Order Granting Motions for Remand conferred power for the District Court to consider the pending motions for reconsideration, but not the power to consider other pending motions or to conduct a trial.

Stipulation

THEREFORE, the parties hereby stipulate as follows:

1. The foregoing recitals are true.
2. This appeal should be dismissed, and the matter should be remanded and remitted back to the District Court for further proceedings.

1 Dated November 05, 2012.

HOY & HOY, PC
4741 Caughlin Parkway, Suite Four
Reno, Nevada 89519
(775) 786-8000


Michael D. Hoy (NV 2723)
Attorneys for Mark B. Steppan

2 Dated November 08, 2012.

COWAN LAW OFFICE
10775 Double R Boulevard
P.O. Box 179525
Reno, Nevada 89521
(775) 786-9111


Gordon M. Cowan (NV Bar 1781)
Attorneys for John Iliescu, Jr., Sonnia
Iliescu, and the John Iliescu, Jr. and
Sonnia Iliescu 1992 Family Trust
Agreement

3 Dated November 8, 2012.

LEMONS GRUNDY & EISENBERG
6005 Plumas Street, Suite 300
Reno, Nevada 89519
(775) 786-6868


for David R. Grundy (NV 864)
Attorneys for Hale Lane Peek Dennison
and Howard, P.C. dba Hale Lane, Karen
D. Dennison, R. Craig Howard, Jerry M.
Snyder, and Holland & Hart, LLP

Order

Good cause appearing,

IT IS SO ORDERED.

Dated November ___, 2012.

Justice

Justice

Justice