

1                    **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2  
3 HIGH NOON AT ARLINGTON  
4 RANCH HOMEOWNERS  
5 ASSOCIATION, NEVADA NON-  
6 PROFIT CORPORATION,

7                    Petitioner,

8                    vs.

9 EIGHTH JUDICIAL DISTRICT  
10 COURT OF THE STATE OF  
11 NEVADA, IN AND FOR THE  
12 COUNTY OF CLARK; AND THE  
13 HONORABLE SUSAN  
14 JOHNSON, DISTRICT JUDGE,

15                    Respondent.

16                    and

17 D.R. HORTON, INC.,  
18                    Real-Party-In-Interest.

19 D.R. HORTON, INC., A  
20 DELAWARE CORPORATION,

21                    Petitioner,

22                    and

23 THE EIGHTH JUDICIAL  
24 DISTRICT COURT OF THE  
25 STATE OF NEVADA, IN AND  
26 FOR THE COUNTY OF CLARK:  
27 AND THE HONORABLE ALLAN  
28 R EARL, DISTRICT JUDGE,

                    Respondents,

                    and

                    FIRST LIGHT HOMEOWNERS  
                    ASSOCIATION, A NEVADA  
                    NON-PROFIT CORPORATION,  
                    FOR ITSELF AND FOR ALL  
                    OTHERS SIMILARLY  
                    SITUATED,

                    Real-Party in Interest.

**SUPREME COURT CASE NO: 65456**

Electronically Filed  
Apr 14 2015 08:35 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

**SUPREME COURT CASE NO: 65993**

**D.R. HORTON'S RESPONSE TO**  
**FIRST LIGHT HOMEOWNERS**  
**ASSOCIATION'S MOTION TO**  
**SUPPLEMENT APPENDIX**

1 Real Party In Interest, First Light Homeowner's Association filed a  
2 Motion to Supplement Appendix in *D.R. Horton v. Eighth District Judicial*  
3 *District*, Supreme Court Case No. 65993 which was previously consolidated for  
4 purposes of oral argument with *High Noon at Arlington Ranch Homeowner's*  
5 *Association v. Eight Judicial District* Case No. 65456. The Association filed its  
6 Motion in both actions using the consolidated caption although the request  
7 pertained only to D.R. Horton's Petition, Case No 65993. For the sake of  
8 consistency, Petitioner, D.R. Horton, Inc. submits the following Response to  
9 First Light Homeowners Association's Motion to Supplement Appendix also  
10 utilizing the same consolidated caption despite its irrelevance to the High Noon  
11 at Arlington Ranch Petition, Supreme Court Case No, 65456:

12 **I. RELEVANT PROCEDURAL HISTORY**

13 On July 3, 2014, Petitioner, D.R. Horton, Inc. ("Horton") filed a Petition  
14 for Writ of Mandamus and/or Prohibition with the Supreme Court of Nevada  
15 (the "Petition"). Real Party in Interest, First Light Homeowner's Association  
16 (the "Association") filed its Answering Brief on August 26, 2014 and Horton  
17 filed its Reply to Answering Brief on September 19, 2014 (which was deemed  
18 filed by the Supreme Court on October 10, 2014). On December 12, 2014, the  
19 Petition was consolidated with Petitioner, High Noon at Arlington Ranch  
20 Homeowner's Association's Writ of Mandamus and/or Prohibition, Case No.  
21 65456. Consolidated oral argument on both Petitions was heard on January 7,  
22 2015 and the Petitions were submitted for Decision on the same date. The  
23 Association requests this Court enter an Order granting leave to supplement its  
24 Appendix with a document dated September 24, 2008, entitled Value  
25 Diminution Study (the "Study") and further requests permission to file a  
26 Revised Appendix pursuant to NRAP 27(a)(1) approximately seven (7) months  
27 after it filed its Appendix and three (3) months after oral argument and the  
28 submission of the Petition for a Decision (collectively the "Motion").

1           **II.     FIRST LIGHT HOMEOWNERS ASSOCIATION HAS NOT**  
2                           **SHOWN GOOD CAUSE FOR RELIEF**

3           NRAP 30(e) mandates an Appendix be served and filed with respondent's  
4 answering brief. The Association seeks relief from this requirement pursuant to  
5 NRAP 26(b)(1)(A) which provides: "For good cause, the court may extend the  
6 time prescribed by these Rules or by its order to perform any act, or may permit  
7 an act to be done after that time expires." (Motion, p. 4:7-9). The Association  
8 argues the "good cause" is its excusable neglect in not knowing Horton intended  
9 to call Mr. Sanders at trial thereby failing to recognize the relevancy of the  
10 Study. The Association provides no legal argument as to what constitutes "good  
11 cause" or "excusable neglect." The only evidence argued is the Study was  
12 completed on September 24, 2008, a date before the substitution of current  
13 counsel, Maddox, Isaacson & Cisneros and, because an updated expert report  
14 was not deposited to remind the Association of Horton's intention to call Mr.  
15 Sanders, it assumed, without any basis, Horton did not intend to call him at trial.  
16 (Motion, p. 4:10-14; p.4:15-19). See, NRAP 27(a)(2) requiring "A motion must  
17 state with particularity the grounds for the motion, the relief sought, and the  
18 legal argument necessary to support it. The purported relevancy of the Study and  
19 the Association's neglect in failing to recognize Mr. Sanders would be called to  
20 testify at trial hardly constitutes good cause. <sup>1</sup>

21           The Nevada Supreme Court recently addressed the issue of counsel's  
22 competence in complying with Court appellate rules in *Huckabay Props. v. NC*  
23 *Auto Parts*, 322 P.3d 429, 434, 130 Nev. Adv. Op. 23 (2014), citing the United  
24 States Supreme Court in *Link v. Wabash R. Co.* 370 U.S. 626, 633-34, 82 S.Ct.  
25 1386 (rejecting argument that petitioner's claim should not have been dismissed  
26 based on counsel's unexcused conduct because "[p]etitioner voluntarily chose

27  
28  

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<sup>1</sup> As discussed below, Horton disputes the relevance of the Study to the legal arguments raised  
by Horton in its Writ Petition and disputes Horton did anything to suggest it did not intend to  
call Mr. Sanders at trial; he has been a designated expert witness through this litigation.



1 this attorney as his representative in the action, and he cannot now avoid the  
2 consequences of the acts or omissions of this freely selected agent.”). The  
3 *Huckabay* Court, as further authority, cited *Kushner v. Winterthur Swiss*  
4 *Insurance Co.*, 620 F.2d 404, 407 (3d Cir.1980), wherein the Third Circuit Court  
5 of Appeals dismissed an appeal for appellant's failure to file an appendix that  
6 complied with court rules: “The court made it clear to the appellate bar the  
7 importance and necessity of complying with court rules concerning the content  
8 and filing of briefs and appendices. *Id.* at 434. *Huckabay* noted with approval  
9 the reasoning of the *Kushner* Court: “[U]nlike a defendant in a criminal case, an  
10 aggrieved party in a civil case involving only private litigants “does not have a  
11 constitutional right to the effective assistance of counsel. The remedy in a civil  
12 case, in which chosen counsel is negligent, is an action for malpractice.” *Id.*  
13 (internal quotation marks omitted). *Huckabay* concluded the fact counsel did not  
14 adhere to the briefing deadlines set forth by court order, nor did they provide  
15 any adequate basis for their failure to do so warranted dismissal of the appeal.  
16 *Id.* at 436.

17       The Association contends “Until yesterday, April 2, 2015, this law firm  
18 did not know Horton would be calling Mr. Sanders as an expert in this matter as  
19 an updated report was not produced upon the deadline for production of the  
20 expert reports and the deadline for identifying experts to be called at the time of  
21 trial was set for yesterday.” (Declaration of Troy Isaacson, 6:17-20). The fact is  
22 Horton designated Mr. Sanders on October 2, 2008 as an expert “expected to  
23 testify regarding real estate appraisal and loss of value.” The Study itself was  
24 deposited on October 7, 2008 pursuant to Horton’s Eighth (8<sup>th</sup>) Notice of  
25 Compliance. (**Exhibit 1**). Counsel for the Association substituted into this case  
26 on June 12, 2009 and was therefore in possession of the Study for approximately  
27 five (5) years and able to adequately determine its relevance to the issues raised  
28 in the Petition. Counsel seems to suggest they were just made aware Horton  
intended to call Mr. Sanders to testify at trial although they acknowledge he was

1 designated on October 2, 2008. Counsel suggests because an updated report was  
2 not produced they *assumed* he was not testifying. There is no legal or rational  
3 basis for Counsel's mistaken conclusion: he was designated on October 2, 2008  
4 and the Study was produced in compliance with the Court's order on October 7,  
5 2008. Horton has never suggested or indicated it did not intend to call Mr.  
6 Sanders. Accordingly there is no "excusable" neglect; there is only inexcusable  
7 neglect on the part of Counsel for the Association. See, *City of Las Vegas v.*  
8 *International Ass'n of Firefighters, Local No. 1285*, 1994, 874 P.2d 735, 110  
9 Nev. 449, "To obtain extension of time for transmittal of record for appeal upon  
10 showing of good cause, appellant must affirmatively seek such extension and  
11 must affirmatively demonstrate good cause. Rules App. Proc., Rule 11(d)." See  
12 also, *Moseley v. Eighth Judicial Dist. Court ex rel. County of Clark* 124 Nev.  
13 654, 188 P.3d 1136 (2008), "Under Federal Rule 6(b), a party may obtain an  
14 extension of time to act under a particular rule when the time to act has expired  
15 and the party seeking an extension demonstrates good faith, a reasonable basis  
16 for not complying within the specified period, and an absence of prejudice to the  
17 nonmoving party."

18 The Association has failed to assert any facts or legal argument justifying  
19 "good cause" to permit it to supplement its Appendix pursuant to NRAP  
20 26((b)(1)(A).

21  
22 **III. THE STUDY IS IRRELEVANT TO THE ISSUES RAISED**  
23 **BY HORTON**

24 The Association asserts the Study should be part of the Court's record  
25 characterizing it as "evidence that is highly relevant to the veracity of statements  
26 made by Horton in both the written pleadings and at oral argument." (Motion,  
27 2:21-23). The Association does not seek to merely supplement the Appendix; it  
28 seeks to supplement its *legal argument* by arguing the Study is relevant to the  
Supreme Court's determination of representational standing, an argument it

1 failed to raise in its Answering Brief or at oral argument. “No litigant has an  
2 unqualified right to inundate a court with motions, supplements, errata,  
3 responses, exhibits and replies belatedly asserting arguments that it previously  
4 failed to raise. Nor do litigants have unfettered license to utilize such methods to  
5 manipulate judicial proceedings and unreasonably delay a final resolution of  
6 litigation. *Whitacre Inv. Co. v. State Dept. of Transp.* 113 Nev. 1101, 1103-  
7 1104, 946 P.2d 191, 193 (1997) (holding pleadings filed in the appellate court  
8 constituted belated and procedurally improper attempts to assert arguments that  
9 movants previously failed to raise; to abuse the appellate processes of the court;  
10 to obfuscate the issues; and to delay the final resolution of these matters).

11         The Association argues the Study demonstrates an “argument” Horton  
12 made to the Supreme Court regarding reduction in property values as a result of  
13 the alleged construction defects is without foundation because Horton’s own  
14 expert, Mr. Mike Sanders, concluded the existence of the alleged constructional  
15 defects has no effect on the values of the properties. (Motion, 3:8-9). On this  
16 basis, the Association seeks to *supplement* the Appendix with the Study for the  
17 purpose of discrediting the “veracity of Horton’s arguments made in its Writ.”  
18 (Motion, p. 3:22-25). The reduction in property values as a result of the alleged  
19 construction defects was not the basis of the legal argument to the Supreme  
20 Court nor did Horton seek a determination as to whether the property values  
21 were affected. Horton presented one issue on appeal: Whether the District Court  
22 erred in determining the Association, in its representative capacity, may  
23 represent current unit owners for claims in the Complaint who purchased their  
24 property after the Complaint was filed without a valid assignment. (Writ  
25 Petition, 6:2-7). Thus, the only issue presented to the Supreme Court was  
26 whether NRS 116.3102(1)(d) confers representational standing to the  
27 Association on matters its individual members lacked standing to sue in their  
28 own right, in violation of the United State Constitution Article III and existing  
common law as to who owns a cause of action. The statements made in its



1 Petition regarding property values and cited by the Association are not relevant  
2 “arguments” as represented by the Association but rather illustrations or  
3 examples of the potential impact on the rights of Horton and the Subsequent  
4 Purchasers and the potential legal consequences that could result if the Supreme  
5 Court affirmed the District Court’s ruling. The argument Horton made to the  
6 Supreme Court was NRS 116.3102(1)(d) did not confer standing on the  
7 Association as to matters the individual members lacked standing in their own  
8 right. Horton did not seek a legal determination of whether there was a reduction  
9 in the purchase price or the value of the unit at the time of the sale to the  
10 Subsequent Purchaser nor did not it seek a determination as to the knowledge of  
11 the Subsequent Purchasers or damages suffered by the Prior Owner or the  
12 Subsequent Purchaser. It sought only the determination as to whether the  
13 District Court erred when it ruled the Association could represent the  
14 Subsequent Purchaser.

15 The Association states the following: “Specifically, one of the grounds of  
16 Horton’s arguments before this Court is that ‘all Subsequent Purchasers bought  
17 with notice of the claimed defects’”. (Motion, p. 2:23-24). This statement is  
18 untrue. In the Introduction section of the Petition, Horton described the  
19 procedural history of the underlying Motion for Partial Summary Judgment and  
20 in doing so indicated the four grounds raised in that motion: “all Subsequent  
21 Purchasers bought with notice of the claimed defects; they have not provided a  
22 new Chapter 40 Notice or evidence of a valid assignment; the prior owners are  
23 the party allegedly harmed by the alleged defects as claimed in the Chapter 40  
24 notice and Complaint; and the prior Owners own the rights to sue for damages.  
25 (Petition, 2:6-19). The District Court determined the Association could represent  
26 the Subsequent Purchasers without an assignment of rights and, on appeal,  
27 Horton raised the last two grounds of the underlying motion as the issue for the  
28 Supreme Court’s consideration; namely who owns the causes of action alleged  
in the Complaint and whether NRS 116.3102(1)(d) confers unconditional

1 representational standing without regard to changes in ownership during the  
2 pendency of the Action. In doing so, Horton illustrated how, absent an  
3 assignment of the causes of action, the Subsequent Purchasers presumed  
4 knowledge of the alleged defects defeated one or more elements of the causes of  
5 action pled by the Association, breach of the implied warranties and negligence.  
6 However, the basis for relief was not the Subsequent Purchasers knowledge but  
7 the Court's interpretation of the representational standing conferred by NRS  
8 116.310291)(d). Accordingly, the Association's statement "one of the grounds  
9 of Horton's argument is all Subsequent Purchasers brought with notice of the  
10 claimed defects" is incorrect. The only grounds for the Petition was whether  
11 NRS 116.3102(1)(d) conferred representational standing.

12 The Association further concluded the following statements made by  
13 Horton are without foundation making the Study relevant to the Court's  
14 consideration:

15 [T]here may be unit owners who purchased their home at a reduced  
16 purchase price due to the existence of the defect." (Motion, p. 2:25-27)

17 and,

18 A seller is required by law to disclose the Complaint and the existence of  
19 the constructional defects to prospective purchasers. Accordingly, upon  
20 sale of a home during the pendency of the Chapter 40 process or during  
21 the pendency of an action for construction defects, the parties have two  
22 options: the parties can chose not to reduce the purchase price of the  
23 home due to the existence of the defects and the seller can assign his  
24 claims and/or causes of actions to the prospective purchaser who will be  
25 made whole for the defects through the out of the litigation; or the seller  
26 can reduce the purchaser price of the home and maintain the right to  
27 recover his damages including the value of the reduction in the purchaser  
28 price from the contractor." (*Id.* at p. 3:1-9).

26 Not only are the statements not determinative of the issue presented to the  
27 Supreme Court, they are misquoted and taken out of context. Both statements  
28 appear under the section of the Petition illustrating how allowing the  
Association to represent the Subsequent Purchasers could impact the rights of




1 Horton and the rights of the Subsequent Purchasers. The Association  
2 intentionally omits the pertinent fact that the above quoted statement begins with  
3 “*For example, as discussed herein*, a seller....” (Petition, p. 38:6-8 Emphasis  
4 added). Horton was providing the Supreme Court with an *example* of the result  
5 a decision affirming the District Court’s opinion could have on the rights of the  
6 Subsequent Purchasers: it was not seeking the Court’s ruling on whether in fact  
7 these rights were impacted. In discussing the potential impact of the District  
8 Court’s ruling, Horton concluded: “The District Court completely ignored these  
9 *complications* when it concluded a transfer of real property automatically  
10 transfers the cause of action for damages resulting from the construction defect  
11 to the Subsequent Purchaser.” (Petition, 39:18-22, Emphasis added).

12 Accordingly, the Study has no relevance to the Petition and the  
13 Association has not demonstrated good cause to permit it to avoid the  
14 requirements of NRAP 30(e). Should the Association desire to discredit the  
15 opinions of Mr. Sanders at trial, it is free to do so, but his Study has no relevance  
16 to the issue presented to the Supreme Court and the Association should not be  
17 permitted to supplement its Appendix.

18  
19 Respectfully Submitted this 13 day of April, 2015.

20  
21 **WOLFENZON ROLLE**

22   
23 \_\_\_\_\_  
24 BRUNO WOLFENZON, ESQ.  
25 Nevada Bar No. 6177  
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28 6725 Via Austi Parkway, Suite 260  
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702-836-3138

*Attorneys for Petitioner D.R. HORTON, INC.*

1 **CERTIFICATE OF SERVICE**

2 I certify that on the 13 day of April, 2015, I submitted for  
3 electronic filing and electronic service the foregoing, RESPONSE TO FIRST  
4 LIGHT HOMEOWNERS ASSOCIATION'S MOTION TO SUPPLEMENT  
5 APPENDIX to the following:

6 Troy L. Isaacson, Esq. - **Docket No. 65993**  
7 Maddox, Isaacson & Cisneros, LLP  
8 3811 West Charleston Blvd., Suite 110  
9 Las Vegas, NV 89102

10 James R. Christensen, Esq.  
11 James R. Christensen, P.C.  
12 630 South Third Street  
Las Vegas, NV 89101

13 ***Attorneys for Real Party in Interest***

14 Paul P. Terry - **Docket No. 65456**  
15 John J. Stander  
16 David Bray  
17 ANGIUS& TERRY LLP  
18 1120 N. Town Center Dr., Ste. 260  
Las Vegas, NV 89144

19 ***Attorneys for Petitioner***

20 Honorable Judge Jerry A. Wiese II -**Docket 65993 – HAND DELIVRED**  
21 Regional Justice Center, Department XXX  
22 Eighth Judicial District Court  
23 200 Lewis Avenue  
Las Vegas, NV 89101

24 Honorable Judge Susan H. Johnson-**Docket No. 65456 – HAND DELIVERED**  
25 Regional Justice Center, Department XXII  
26 Eighth Judicial District Court  
27 200 Lewis Avenue  
Las Vegas, NV 89101

28   
Employee of WOLFENZON ROLLE

# EXHIBIT 1



OCT 7 2008

1 NOTC  
2 BRUNO WOLFENZON, ESQ.  
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10 Attorneys for Defendant/Third Party Plaintiff  
11 D.R. HORTON

12 DISTRICT COURT

13 CLARK COUNTY, NEVADA

14 FIRST LIGHT HOMEOWNERS )  
15 ASSOCIATION, a Nevada non-profit )  
16 corporation, for itself and for all others )  
17 similarly situated, )

18 Plaintiff,

19 vs.

20 D.R. HORTON, INC., a Delaware Corporation, )

21 Third-Party Plaintiff, )

22 vs. )

23 ALL PURPOSE OF LAS VEGAS, INC. DBA )  
24 ALL PURPOSE WINDOWS AND DOORS; )  
25 ANSE INC., DBA NEVADA STATE )  
26 PLASTERING; AMPAM RCR COMPANIES; )  
27 INC.; BEE LURE PAINTING, INC.; BILL )  
28 YOUNG'S MASONRY, INC.; BRANDON, )  
29 LLC DBA FIRST PREMIER DRYWALL & )  
30 PAINT; CAMPBELL CONCRETE OF )  
31 NEVADA DBA CAMPBELL CONCRETE.; )  
32 CHARMAC INC., CLASSIC DOOR & TRIM, )  
33 INC.; CONCRETE, INC.; DAVE'S )  
34 DRYWALL, INC.; ENVIRONMENTAL )  
35 CONTROL OF NEVADA DBA ECON; )  
36 EFFICIENT ENTERPRISES, INC. DBA )  
37 EFFICIENT ELECTRIC; FIRESTOP, INC.; )  
38 HOMEReady INC. DBA DUPONT )  
39 FLOORING SYSTEMS, INC.; L&S AIR )  
40 CONDITIONING HEATING AND )

CASE NO: A499743

DEPT NO: XIX

(ELECTRONIC FILING CASE)

DEFENDANT/THIRD PARTY  
PLAINTIFF D.R. HORTON'S  
EIGHTH NOTICE OF  
COMPLIANCE

1 FIREPLACES LLC; LUKESTAR )  
 CORPORATION DBA CHAMPION )  
 2 MASONRY; M&M CONSTRUCTION, INC.; )  
 MS CONCRETE CO., INC. DBA MS )  
 3 CONCRETE, LLC; MCKIMMEY )  
 ELECTRIC, INC.; MESTAS ROOFING, )  
 4 INC.; OPM, INC. DBA CONSOLIDATED )  
 ROOFING; VITA ELECTRIC DBA )  
 5 PREMIER ELECTRIC LLC; QUALITY )  
 6 WOOD PRODUCTS LTD.; REYBURN )  
 LAWN & LANDSCAPE DESIGNERS, INC.; )  
 7 RP WEDDELL & SONS, CO.; SOUND & )  
 SECURE DBA EAGLE SENTRY; )  
 8 SOUTHWEST IRON WORKS DBA )  
 SOUTHWEST IRON WORKS LLC; VEGAS )  
 9 GENERAL CONSTRUCTION COMPANY; )  
 10 WESTERN SHOWER DOOR, INC. and )  
 DOES 1-100, )  
 11 )  
 Third-Party Defendants )  
 12 )

13  
 14 TO: ALL INTERESTED PARTIES; and  
 15 TO: THEIR COUNSEL OF RECORD.

16 COMES NOW Defendant D.R. HORTON, by and through its attorneys of record,  
 17 Wolfenzen Schulman & Ryan, and hereby provide notice that the following documents were  
 18 delivered to the depository at Litigation Services, 1640 West Alta Drive, Suite 4, Las Vegas,  
 19 NV 89106, on the 4 day of October, 2008.

20	DOCUMENT	BATE RANGE
21	JOB FILES	
22	EMP Consultants Job File Electrical	DRH053933 - DRH054344
23	EMP Consultants SI Photos Electrical	DRH054345 - DRH057226
24	EMP Consultants Job File Mechanical/Plumbing	DRH057227 - DRH057957
25	EMP Consultants SI Photos Mechanical/Plumbing	DRH057958 - DRH062521
26	EMP Consultants Preliminary Electrical Report	DRH62522 - DRH062561
27	EMP Consultants Preliminary Mechanical/Plumbing Report	DRH62562 - DRH062572
28		

1	Not used at this time	DRH062573 – DRH062770
2	Curry Price Court Job File	DRH062771 – DRH066363
3	Curry Price Court Preliminary Response to Structural Defect List	DRH066364 – DRH066368
4	Not used at this time	DRH066369 – DRH066612
5	KPAA Photos (1 of 2)	DRH066613 – DRH080400
6	KPAA Photos (2 of 2)	DRH080401 – DRH088314
7	KPAA BC Additional Images	DRH088315 – DRH088436
8	Not used at this time	DRH088437 – DRH088563
9	CE Prime Job File	DRH088564 – DRH089759
10	CE Prime Preliminary Defect Issue Report	DRH089760 – DRH089764
11	Not used at this time	DRH089765 – DRH089955
12	Bell, Anderson & Sanders Report	DRH089956 – DRH090008
13	Bell, Anderson & Sanders Job File #1	DRH090009 – DRH091261
14	Bell, Anderson & Sanders Job File #2	DRH091262 – DRH094701
15	Bell, Anderson & Sanders Job File #3	DRH094702 – DRH095114
16	Mc Consultants Job File	DRH095115 – DRH100895
17	KPAA 001 Job File	DRH100896 – DRH104219
18	John R. Weeks, Ph.D. Report	DRH104220 – DRH104235

19  
20 Dated this 6 day of October, 2008.

21 **WOLFENZON SCHULMAN & RYAN**

22  
23  
24 **BRUNO WOLFENZON, ESQ.**

Nevada Bar No. 6177

**JONATHAN ROLLE, ESQ.**

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28 **D.R. HORTON**