

JOSEPH P. GARIN, ESQ.
NEVADA BAR NO. 6653
SIRIA L. GUTIERREZ, ESQ.
NEVADA BAR NO. 11981
LIPSON, NEILSON, COLE, SELTZER, GARIN, P.C.
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144
Phone: (702) 382-1500
Fax: (702) 382-1512
lgarin@lipsonneilson.com
sgutierrez@lipsonneilson.com

Attorneys for Defendant,
PAT SONGER

IN THE FIFTH JUDICIAL DISTRICT COURT

NYE COUNTY, NEVADA

RAYMOND DELUCCHI and TOMMY
HOLLIS,

Plaintiffs,

v.

PAT SONGER and ERICKSON, THORPE
& SWAINSTON, LTD.,

Defendants.

CASE NO: CV35969
DEPT NO: 1

NOTICE OF APPEAL

2015 JAN 29 A 10:57

Electronically Filed
Feb 18 2015 09:12 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

Please take notice that Defendant Pat Songer, by and through his counsel of record,

LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C. hereby appeal to the Nevada

Supreme Court from the Order of this Court, entered on December 30, 2014,

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1 denying the request for reasonable attorney's fees at the prevailing market rate and only
2 awarding \$21,767.50 in attorney's fees. A copy of said Order is attached hereto and made
3 part hereof as Exhibit "A".

4 DATED this 29th day of January, 2015.

5 LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.

6
7 By: 

8 JOSEPH P. GARIN, ESQ.

9 NEVADA BAR NO. 6653

10 SIRIA L. GUTIERREZ, ESQ.

11 NEVADA BAR NO. 11981

12 9900 Covington Cross Drive, Suite 120

13 Las Vegas, Nevada 89144

14 (702) 382-1500

15 *Attorneys for Defendant,*

16 PAT SONGER

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of January, 2015, service of the foregoing
NOTICE OF APPEAL was made by depositing a true and correct copy of the same in the
United States mail, with postage fully prepaid, addressed to:

Daniel Marks, Esq.
Adam Levine, Esq.
Law Offices of Daniel Marks
610 South Ninth Street
Las Vegas, NV 89101

Attorneys for Plaintiffs

Todd R. Alexander, Esq.
Lemons, Grundy & Eisenberg
6005 Plumas Street, 3rd Flr.
Reno, NV 89519

*Attorneys for Defendant,
Erickson, Thorpe & Swainston, Ltd.*



An Employee of
LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.

EXHIBIT A

EXHIBIT A

1 NEOJ
LAW OFFICE OF DANIEL MARKS
2 DANIEL MARKS, ESQ.
Nevada State Bar No. 002003
3 ADAM LEVINE, ESQ.
Nevada State Bar No. 004673
4 610 South Ninth Street
Las Vegas, Nevada 89101
5 (702) 386-0536; FAX (702) 386-6812
Attorneys for Plaintiffs
6

7 IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF NYE
9

10 RAYMOND DELUCCHI and
TOMMY HOLLIS,

Case No. CV35969
Dept. No. I

11 Plaintiffs,
12

13 v.

14 PAT SONGER and ERICKSON,
THORPE & SWAINSTON, LTD.,

15 Defendants.
16

17 NOTICE OF ENTRY OF ORDER AWARDING FEES AND COSTS

18 TO: PAT SONGER, Defendant;

19 TO: SIRIA L. GUTIERREZ, ESQ., Attorney for Defendant Pat Songer;

20 TO: ERICKSON THORPE & SWAINSTON, LTD., Defendant, and

21 TO: TODD ALEXANDER, ESQ. Attorney for Defendant Erickson Thorpe & Swainston, Ltd.:

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23 ///

24 ///

25 ///

1 YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that an Order Awarding Fees
2 and Costs was entered in the above entitled matter on the 29th day of December, 2014, a copy of which
3 is attached hereto.

4 DATED this 30 day of December, 2014.

5 LAW OFFICE OF DANIEL MARKS

6 
7 DANIEL MARKS, ESQ.

8 Nevada State Bar No. 002003

9 ADAM LEVINE, ESQ.

10 Nevada State Bar No. 004673

11 610 South Ninth Street

12 Las Vegas, Nevada 89101

13 (702) 386-0536; FAX (702) 386-6812

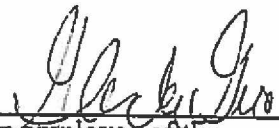
14 Attorneys for Plaintiffs

15 CERTIFICATE OF MAILING

16 I hereby certify that I am an employee of the LAW OFFICE OF DANIEL MARKS, and that on
17 the 30th day of December, 2014, I did deposit in the United States Post Office, at Las Vegas, Nevada,
18 in a sealed envelope with first class postage fully prepaid thereon, a true and correct copy of the
19 foregoing NOTICE OF ENTRY OF ORDER AWARDING FEES AND COSTS, to the addresses as
20 follows:

21 Todd Alexander, Esq.
22 LEMONS, GRUNDY & EISENBERG
23 6005 Plumas Street, Suite 300
24 Reno, Nevada 89519
25 Attorney for Defendant ETS

26 Siria L. Gutierrez, Esq.
27 LIPSON, NEILSON, COLE, SELTZER GARIN
28 9900 Covington Cross Drive, Suite 120
29 Las Vegas, Nevada 89144
30 Attorney for Defendant Pat Songer

31 
32 An employee of the
33 LAW OFFICE OF DANIEL MARKS

DEC 29 2014

NYE COUNTY DEPUTY CLERK
DEPUTY

Veronica Aguilar

LAW OFFICE OF DANIEL MARKS
DANIEL MARKS, ESQ.
Nevada State Bar No. 002003
ADAM LEVINE, ESQ.
Nevada State Bar No. 004673
610 South Ninth Street
Las Vegas, Nevada 89101
(702) 386-0536: FAX (702) 386-6812
Attorneys for Plaintiffs

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF NYE

RAYMOND DELUCCHI and
TOMMY HOLLIS,

Case No. CV35969
Dept. No. I

Plaintiffs,

v.

PAT SONGER and ERICKSON,
THORPE & SWAINSTON, LTD.,

Defendants.

ORDER AWARDING FEES AND COSTS

This matter having come on for hearing on the 2nd day of December, 2014 on Defendant Erickson Thorpe & Swainston's Motion for Costs Attorney's Fees, and Additional Compensation Pursuant to Nevada's ANTI-Slapp Statute (NRS 41.670), Defendant Pat Songer's Motion for Attorney's Fees and Costs, and Plaintiffs' Motion to Retax Costs, with Plaintiffs being represented by Adam Levine, Esq. of the Law Office of Daniel Marks, and Defendant Pat Songer being represented by Siria L. Gutierrez, Esq. of Lipson, Neilson, Cole, Seltzer, Garin, and Defendant Erickson, Thorpe & Swainston, Ltd., being represented by Todd Alexander, Esq. of Lemons, Grundy & Eisenberg; and the Court having reviewed the pleadings on file and having heard oral arguments of counsel;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that costs are re-taxed and awarded against the Plaintiffs jointly and severally as follows: \$702 in favor of Defendant Songer and \$709.38 in favor of Defendant Erickson, Thorpe & Swainston, Ltd.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that attorney's fees are awarded against the Plaintiffs jointly and severally as follows: \$21,767.50 in favor of Defendant Songer and \$22,907.50 in favor of Defendant Erickson, Thorpe & Swainston, Ltd.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court declines to award any additional monies pursuant to NRS 41.670(3)(a) as the Court does not believe such an additional award appropriate under the facts of the case.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiffs' request for a stay of execution on the award of fees and costs pending appeal is GRANTED. The court finds that the Plaintiffs' continued employment with Pahrump Valley Fire and Rescue will provide adequate security for the attorney's fees and cost award in the event the judgment is affirmed on appeal. However,

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should the Plaintiffs leave their employment with Pahrump Valley Fire and Rescue for any reason, a continued stay will be conditioned upon each such Plaintiff posting a supersedeas bond in the amount of \$50,000.

DATED this 29th day of December, 2014.

KIMBERLY A. WANKER
DISTRICT COURT JUDGE

Respectfully submitted by:

THE LAW OFFICE OF DANIEL MARKS

DANIEL MARKS, ESQ.
Nevada State Bar No. 002003
ADAM LEVINE, ESQ.
Nevada State Bar No. 004673
610 South Ninth Street
Las Vegas, Nevada 89101
Attorneys for Plaintiffs


Approved as to Form and Content:

LEMONS, GRUNDY & EISENBERG

TODD ALEXANDER, ESQ.
Nevada State Bar No. 010846
6005 Plumas Street, Suite 300
Reno, Nevada 89519
Attorneys for Defendant ETS

Approved as to Form and Content:

LIPSON, NEILSON, COLE, SELTZER, GARIN


SIRIA L. GUTIERREZ, ESQ.
Nevada State Bar No. 011981
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144
Attorneys for Defendant Pat Songer


should the Plaintiffs leave their employment with Pahrump Valley Fire and Rescue for any reason, a continued stay will be conditioned upon each such Plaintiff posting a supersedeas bond in the amount of \$50,000.

DATED this ____ day of December, 2014.

DISTRICT COURT JUDGE


Respectfully submitted by:

THE LAW OFFICE OF DANIEL MARKS


DANIEL MARKS, ESQ.
Nevada State Bar No. 002003
ADAM LEVINE, ESQ.
Nevada State Bar No. 004673
610 South Ninth Street
Las Vegas, Nevada 89101
Attorneys for Plaintiffs

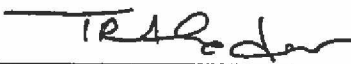
Approved as to Form and Content:

LIPSON, NELSON, COLE, SELTZER, GARIN


SIRIA L. GUTIERREZ, ESQ.
Nevada State Bar No. 011981
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144
Attorneys for Defendant Pat Songer

Approved as to Form and Content:

LEMONS, GRUNDY & EISENBERG


TODD ALEXANDER, ESQ.
Nevada State Bar No. 010846
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Reno, Nevada 89519
Attorneys for Defendant ETS

JOSEPH P. GARIN, ESQ.
NEVADA BAR NO. 6653
SIRIA L. GUTIERREZ, ESQ.
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9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144
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jgarin@lipsonneilson.com
sgutierrez@lipsonneilson.com

Attorneys for Defendant,
PAT SONGER

IN THE FIFTH JUDICIAL DISTRICT COURT

NYE COUNTY, NEVADA

RAYMOND DELUCCHI and TOMMY
HOLLIS,

Plaintiffs,

v.

PAT SONGER and ERICKSON, THORPE
& SWAINSTON, LTD.,

Defendants.

CASE NO: CV35969
DEPT NO: 1

DEFENDANT PAT SONGER'S CASE
APPEAL STATEMENT

1. Name of Appellants filing this case appeal statement:

Pat Songer

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

District Court Judge Kimberly A. Wanker

3. Identify each appellant and the name and address of counsel for each appellant:

Pat Songer
Joseph P. Garin, Esq. (Bar No. 6653)
Siria L. Gutierrez, Esq. (Bar No. 11981)
LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.
9900 Covington Cross Drive, Suite 120
Las Vegas, NV 89144
(702) 382-1500

///

///

4. Identify each respondent and the name and address of appellate counsel for each respondent:

Raymond Delucchi
Tommy Hollis
Daniel Marks, Esq.
Adam Levine, Esq.
Law Offices of Daniel Marks
610 South Ninth Street
Las Vegas, NV 89101
5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada, and if so, whether the district court granted that attorney permission to appear under SCR 42:

N/A
6. Indicate whether appellants were represented by appointed or retained counsel in the district court:

Appellant was represented by retained counsel.
7. Indicate whether appellants are represented by appointed or retained counsel on appeal:

Appellant is being represented by retained counsel.
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:

N/A
9. Indicate the date the proceedings commenced in the district court:

Plaintiffs' filed their Complaint on June 4, 2014.
10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:

1 This case arises from an anti-SLAPP litigation under NRS § 41.660. After Plaintiffs
2 served Mr. Songer with the Complaint on July 4, 2014, Mr. Songer promptly moved to
3 dismiss the matter based on Nevada's laws regarding strategic lawsuits against public
4 participation ("SLAPP") on July 24, 2014. Nevada has a no tolerance policy for a SLAPP.
5 Nevada provides complete immunity from civil liability for a good faith communication in
6 furtherance of the right to free speech in direct connection with an issue of public concern.

7 The district court agreed, and granted Mr. Songer's Motion to Dismiss pursuant NRS
8 § 41.660. As a result, Mr. Songer was entitled to reasonable costs and attorney's fees
9 pursuant to NRS § 41.670(1). Mr. Songer argued that he was entitled to reasonable
10 attorney's fees at the prevailing market rate, and not simply to the amount billed. The fact
11 that Lipson Neilson negotiated rates in advance with the particular insurer involved in the
12 matter, does not diminish the quality of the work and the fact that defense counsel
13 ultimately prevailed. Mr. Songer requested an award of reasonable attorney's fees of
14 \$32,885.50, which reflected the prevailing market rate for similar services in the Southern
15 Nevada market. The district court only awarded the amounts billed.

16
17 11. Indicate whether the case has previously been the subject of an appeal to or original
18 writ proceeding in the Supreme Court or Court of Appeals, and if so, the caption and
19 Supreme Court docket number of the prior proceeding:

20 Yes.

21 RAYMOND DELUCCHI and TOMMY HOLLIS, Appellants, v.

22 PAT SONGER and ERICKSON, THORPE & SWAINSTON, LTD., Respondents

23 Supreme Court Case No.: 66858
24

25 12. Indicate whether this appeal involves child custody or visitation:

26 No.

27 //

28

13. If this is a civil case. Indicate whether this appeal involves the possibility of
settlement:

Yes.

DATED this 28th day of January, 2015.

LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.

By: 

JOSEPH P. GARIN, ESQ.

NEVADA BAR NO. 6653

SIRIA L. GUTIERREZ, ESQ.

NEVADA BAR NO. 11981

9900 Covington Cross Drive, Suite 120

Las Vegas, Nevada 89144

(702) 382-1500

Attorneys for Defendant,
PAT SONGER

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of January, 2015, service of the foregoing
DEFENDANT PAT SONGER'S CASE APPEAL STATEMENT was made by depositing a
true and correct copy of the same in the United States mail, with postage fully prepaid,
addressed to:

Daniel Marks, Esq.
Adam Levine, Esq.
Law Offices of Daniel Marks
610 South Ninth Street
Las Vegas, NV 89101

Attorneys for Plaintiffs

Todd R. Alexander, Esq.
Lemons, Grundy & Eisenberg
6005 Plumas Street, 3rd Flr.
Reno, NV 89519

*Attorneys for Defendant,
Erickson, Thorpe & Swainston, Ltd.*



An Employee of
LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.

Case #: CV-0035969

Judge: WANKER, KIMBERLY A.

Date Filed: 06/05/14 Department: 01

Case Type: SLNDR TORT/MISCON DEFAMATION

Title/Caption: RAYMOND DELUCCHI and
TOMMY HOLLIS
vs
PAT SONGER and
ERICKSON, THORPE & SWAINSTON, LTD.,
Plaintiffs

Comments: FILE IN TONOPAH

Defendant(s)	Attorney(s)
SONGER, PAT	GARIN, JOSEPH P
Defendant(s)	Attorney(s)
ERICKSON, THORPE & SWAINSTON	ALEXANDER, TODD R.
Plaintiff(s)	Attorney(s)
DELUCCHI, RAYMOND	MARKS, DANIEL
Plaintiff(s)	Attorney(s)
HOLLIS, TOMMY	MARKS, DANIEL

Disp/Judgment: MTDS Date: 11/19/14

Filings:

Date	Pty	Filing	Fees
6/04/14	P	COMPLAINT (2 PLAINTIFFS)	275.00
6/04/14	C	SUMMONS-PAT SONGER (ISSUED)	
6/04/14	C	SUMMONS-ERICKSON, THORPE & SWAINSTON, LTD (ISSUED)	
7/02/14	P	SUMMONS/AFFIDAVIT OF SERVICE (ERICKSON, THORPE... - 6/10/14)	
7/11/14	P	ANSWER AND COMPLAINT	198.00
7/24/14	D	DEFENDANT PAT SONGER'S SPECIAL MOTION TO DISMISS PURSUANT TO NRS 41.660	198.00
7/24/14	D	INITIAL APPEARANCE FEE DISCLOSURE	
7/25/14	P	SUMMONS RETURN SERVED -PAT SONGER (7/4/14)	
7/29/14	D	RECEIPT OF COPY OF DEFENDANT PAT SONGER'S SPECIAL MOTION TO DISMISS PURSUANT TO NRS 41.660 ***** END OF FILE # 1 *****	
7/29/14	P	OPPOSITION TO DEFENDANT PAT SONGER'S SPECIAL MOTION TO DISMISS PURSUANT TO NRS 41.660 ***** END OF FILE # 2 *****	
7/30/14	D	SPECIAL MOTION TO DISMISS UNDER NEVADA'S ANTI-SLAPP STATUTES (NRS 41.635, ET SEQ)	
8/01/14	D	DEFENDANT PAT SONGER'S REPLY IN SUPPORT OF HIS SPECIAL MOTION TO DISMISS PURSUANT TO NRS 41.660	
8/09/14	D	RECEIPT OF COPY OF DEFENDANT PAT SONGER'S REPLY IN SUPPORT OF SPECIAL MOTION TO DISMISS PURSUANT TO NRS 41.660	
8/15/14	P	OPPOSITION TO DEFENDANT ERICKSON, THORPE & SWAINSTON'S *****END OF FILE #3***** SPECIAL MOTION TO DISMISS PURSUANT TO NRS 41.660.	

8/15/14	D	DEFENDANT ERICKSON, THORPE, & SWAINSTON'S SUPPLEMENTAL BRIEF	
8/18/14	D	DEFENDANT PAT SONGER'S SUPPLEMENTAL BRIEF IN SUPPORT OF HIS SPECIAL MOTION TO DISMISS PURSUANT TO NRS 41.660	
8/18/14	P	SUPPLEMENT AUTHORITIES REGARDING ANTI-SLAPP STATUTES	
8/25/14	D	DEFENDANT ERICKSON, THORPE & SWAINSTON'S REPLY IN SUPPORT OF SPECIAL MOTION TO DISMISS	
9/17/14	C	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING DEFENDANT REICKSON, THORPE & SWAINSTON'S SPECIAL MOTION TO DISMISS	
9/25/14	D	DEFENDANT ERICKSON, THORPE & SWAINSTON'S MOTION FOR COSTS, ATTORNEY'S FEES, AND ADDITIONAL COMPENSATION PURSUANT TO NEVADA'S ANTI-SLAPP STATUTE (NRS 41.670)	
9/25/14	D	MEMORANDUM OF COSTS	
9/26/14	D	DEFENDANT PAT SONGER'S MOTION FOR ATTORNEY'S FEES AND COSTS *****END OF FILE #4*****	
10/01/14	D	DEFENDANT ERICKSON, THORPE & SWAINSTON'S AMENDED MEMORANDUM OF COSTS	
10/01/14	D	ERRATA TO DEFENDANT ERICKSON, THORPE & SWAINSTON'S MOTION FOR COSTS, ATTORNEY'S FEES, AND ADDITIONAL COMPENSATION PURSUANT TO NEVADA'S ANTI-SLAPP STATUTE (NRS 41.670)	
10/01/14	P	PLAINTIFFS' MOTION TO RETAX COSTS	
10/07/14	D	NOTICE OF ENTRY OF ORDER	
10/10/14	D	DEFENDANT ERICKSON, THORPE & SWAINSTON'S OPPOSITION TO PLAINTIFFS' MOTION TO RETAX COSTS	
10/10/14	P	OPPOSITION TO DEFENDANT'S PAT SONGER'S AND ERICKSON, THORPE & SWAINSTON'S MOTION FOR ATTORNEY'S FEES AND COSTS AND ADDITIONAL COMPENSATION; COUNTERMOTION TO STAY	
10/17/14	D	DEFENDANT ERICKSON, THORPE & SWAINSTON'S REPLY IN SUPPORT OF ITS MOTION FOR COSTS, ATTORNEY'S FEES, AND ADDITIONAL COMPENSATION PURSUANT TO NEVADA'S ANTI-SLAPP STATUTE NRS 41.670	
10/17/14	D	REQUEST FOR SUBMISSION	
10/27/14	D	DEFENDANT PAT SONGER'S REPLY IN SUPPORT OF HIS MOTION FOR ATTORNEY'S FEES AND COSTS	
10/28/14	P	NOTICE OF APPEAL	24.00
10/28/14	P	NOTICE OF FILING COST BOND FOR APPEAL	500.00
10/28/14	P	CASE APPEAL STATEMENT	250.00
10/30/14	D	DEFENDANT ERICKSON, THORPE & SWAINSTON'S LIMITED OPPOSITION TO PLAINTIFFS' COUNTERMOTION FOR STAY OF ENFORCEMENT OF AWARD OF COSTS, ATTORNEY'S FEES, AND ADDITIONAL COMPENSATION	
11/12/14	P	PLAINTIFF'S REPLY TO DEFENDANT ETS' OPPOSITION TO MOTION TO RE-TAX COSTS AND LIMITED OPPOSITION TO MOTION TO STAY AWARD OF COSTS AND ATTORNEYS FEE	
11/17/14	S	RECEIPT FOR DOCUMENTS	
11/19/14	S	RECEIPT FOR DOCUMENTS	
11/19/14	C	ORDER GRANTING DEFENDANT PAT SONGER'S SPECIAL MOTION TO DISMISS PURSUANT TO NRS 41.660	
12/04/14	D	NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT PAT SONGER'S SPECIAL MOTION TO DISMISS PURSUANT TO NRS 41.660	
12/17/14	P	AMENDED NOTICE OF APPEAL	
12/29/14	S	RECEIPT FOR DOCUMENTS	
12/29/14	C	ORDER AWARDING FEES AND COSTS	
1/07/15	P	NOTICE OF ENTRY OF ORDER AWARDING FEES AND COSTS	
1/29/15	D	NOTICE OF APPEAL (ORDER AWARDING FEES AND COSTS)	24.00
1/29/15	D	DEFENDANT PAT SONGER'S CASE APPEAL STATEMENT	250.00

Run: 02/17/15
15:55:20

Case Summary

Page 3
DC2100

1/29/15 D DEFENDANT PAT SONGER'S NOTICE OF POSTING COST BOND

500.00

Case #: CV-0035969

Judge: WANKER, KIMBERLY A.

Date Filed: 06/05/14 Department: 01

Case Type: SLNDR TORT/MISCON DEFAMATION

Title/Caption: RAYMOND DELUCCHI and
TOMMY HOLLIS
vs
PAT SONGER and
ERICKSON, THORPE & SWAINSTON, LTD.,
Plaintiffs

Comments: FILE IN TONOPAH

Defendant(s)
SONGER, PAT

Attorney(s)
GARIN, JOSEPH P

Defendant(s)
ERICKSON, THORPE & SWAINSTON

Attorney(s)
ALEXANDER, TODD R.

Plaintiff(s)
DELUCCHI, RAYMOND

Attorney(s)
MARKS, DANIEL

Plaintiff(s)
HOLLIS, TOMMY

Attorney(s)
MARKS, DANIEL

Disp/Judgment: MTDS Date: 11/19/14

Hearings:

Date	Time	Hearing	Reference
8/04/14	1:30	DEFENDANT PAT SONGER'S MOTION TO DISMISS	

JUDGE: KIMBERLY A. WANKER
CLERK: TANNER DAVIS
BAILIFF: JAMES BURKE

APP: TODD ALEXANDER IS PRESENT WITH BRENT RYMAN FROM ERICKSON, THORPE & SWAINSON. SIRIA GUTIERREZ IS PRESENT FOR PAT SONGER. ADAM LEVINE IS PRESENT TELEPHONICALLY FOR PLAINTIFFS. COURT CALLS THE MATTER AND NOTES PLAINTIFF'S COUNSEL CLAIMS TO NOT HAVE NOTICE OF TODAY'S HEARING. COURT OUTLINES HER CONCERNS WITH THE INVESTIGATOR AND QUESTIONS WHY HE DID NOT INTERVIEW THE VICTIMS. COURT NOTES MR. LEVINE IS NOW PRESENT TELEPHONICALLY AND OUTLINES THE CASE HISTORY. COURT ADDRESSES THE PARTIES ABOUT WHETHER OR NOT THE INVESTIGATOR IS HELD TO ANY STANDARDS. MR. ALEXANDER SITES CASE LAW IN SUPPORT OF HIS ARGUMENTS. COURT ADDRESSES THE PARTIES ABOUT WANTING TO GIVE THIS CASE THE ATTENTION IT NEEDS AND CONTINUES THIS MATTER UNTIL AUGUST 27TH, 2014 @ 1:15 TO GIVE ALL PARTIES A CHANCE PROPER TIME TO FILE THEIR OPPOSITIONS OR REPLY'S. COURT WANTS ALL DOCUMENTS FILED BY AUGUST 18TH, 2014.

8/27/14 1:15 DEFENDANT PAT SONGER'S MOT TO DISMISS CONT'D
JUDGE: KIMBERLY A. WANKER
CLERK: TANNER DAVIS
BAILIFF: JAMES BURKE

APP: ADAM LEVINE IS PRESENT WITH RAYMOND DELUCCHI AND TOMMY HOLLIS. SIRIA GUTIERREZ IS PRESENT FOR PAT SONGER. TODD ALEXANDER IS PRESENT FOR ERICKSON,

THORPE & SWAINSTON, WITH REBECCA BRUSH PRESENT AS AN ASSOCIATE. COURT CALLS THE MATTER AND OUTLINES THE CASE HISTORY. MS. GUTIERREZ BRIEFS THE RECORD REGARDING THE ANTI-SLAPP LAWS AND WHY THE 2013 AMENDMENT TO THE LAW SHOULD APPLY IN THIS PARTICULAR CASE. MS. GUTIERREZ STATES THE BURDEN HAS SHIFTED TO MR. LEVINE TO PROVE HOW HE INTENDS TO PREVAIL ON A DEFAMATION CLAIM. MR. ALEXANDER ADDRESSES THE COURT ABOUT MR. LAVINE FALLING DRASTICALLY SHORT OF PRESENTING CLEAR AND CONVINCING EVIDENCE IN THIS CASE. MR. ALEXANDER OUTLINES CASE LAW REGARDING WHY THE 2013 AMENDMENT SHOULD APPLY AND ARGUES IN SUPPORT OF MS. BRUCH ADVISING MR. SONGER TO COME TO HER BEFORE RELEASING THE REPORT. MR. LEVINE CLARIFIES THE CASE LAW REFERENCED BY MR. ALEXANDER AND MS. GUTIERREZ. MR. LEVINE EXPLAINS TO THE COURT HIS REASONINGS FOR NOT COMING FORWARD WITH EVIDENCE IN THIS MATTER DUE TO THE FACT OF DEFENSE COUNSEL NOT MEETING THE THRESHOLD NEEDED TO REQUIRE EVIDENCE TO BE PRODUCED. MR. LEVINE NOTES THE ANTI-SLAPP STATUTES DO NOT APPLY WHEN A FALSE STATEMENT IS GIVEN AND REFERS TO MULTIPLE FALSE STATEMENTS MADE IN THE REPORT BY MR. SONGER. MR. LEVINE FURTHER ADDRESSES THE CASE LAW CITED BY DEFENSE COUNSEL AND HOW MR. SONGER AND MS. BRUCH WERE NOT EXERCISING THEIR FIRST AMENDMENT RIGHTS. COURT INQUIRES WITH MR. LEVINE REGARDING WORK PRODUCT LAW. MR. LEVINE STATES MR. SONGER WAIVED ALL RIGHTS TO THE CONFIDENTIALITY OF THE REPORT WHEN HE GAVE THE REPORT TO MR. DELUCCHI AND MR. HOLLIS. MS. GUTIERREZ STATES THE THRESHOLD MR. LEVINE ARGUED DEFENSE COUNSEL HAS NOT MET, HAS BEEN MET BASED SOLELY ON THE STATUTES PERTAINING TO THIS CASE. MS. GUTIERREZ FURTHER STATES THE REPORT BY MR. SONGER WAS MADE IN GOOD FAITH EVEN THOUGH IT WAS NOT THE MOST GRAMMATICALLY CORRECT REPORT. MR. ALEXANDER ADDRESSES THE COURT REGARDING MR. SONGER NOT BEING REQUIRED TO BELIEVE THE WITNESSES THAT WERE INTERVIEWED AND THAT HE DID NOT GET TO INTERVIEW EVERYONE IN THIS MATTER. COURT ADDRESSES THE PARTIES STATING IT IS HER UNDERSTANDING THE 2013 AMENDMENTS APPLY IN THIS CASE AND THE LEGISLATURE WANTED THIS TO BE A BROAD AMENDMENT. COURT OUTLINES CASE HISTORY NECESSARY TO THE ANTI-SLAPP STATUTES AND BELIEVES DEFENSE COUNSEL IS CORRECT IN THIS CASE. MR. LEVINE ARGUES THAT MR. SONGER'S REPORT WAS NOT MADE IN GOOD FAITH. COURT ADDRESSES MR. LEVINE'S ARGUMENTS AND STATES THAT SHE BELIEVES MR. SONGER'S REPORT WAS GIVEN IN GOOD FAITH. COURT NOTES IF AN APPEAL TO THE SUPREME COURT IS FORTHCOMING SHE MAY HAVE A STAY ON THE ATTORNEY'S FEES. COURT INSTRUCTS COUNSEL FOR MR. SONGER AND ERICKSON, ET AL, TO PREPARE THEIR OWN ORDERS. COURT SETS THIS MATTER FOR NOVEMBER 19TH, 2014 @ 1:30 PM.

12/02/14 1:30 STATUS CHECK/ATTORNEY'S FEES

11/19/14GERI

JUDGE: KIMBERLY A. WANKER

CLERK: TANNER DAVIS

BAILIFF: JAMES BURKE

APP: ADAM LEVINE IS PRESENT FOR RAYMOND DELUCCHI AND TOMMY HOLLIS. SIRIA GUTIERREZ IS PRESENT FOR PAT SONGER. TODD ALEXANDER IS PRESENT FOR ERICKSON, THORPE & SWAINSTON.

COURT CALLS THE MATTER. MR. ALEXANDER OUTLINES AN ERROR IN THE PAPER PLEADINGS REGARDING THE CLIENT'S DEDUCTIBLE. COURT REVIEWS THE CASE FILE AND OUTLINES THE FEES/COSTS. COURT NOTES THERE IS NOT AN OPPOSITION TO MS. GUTIERREZ'S COSTS. MS. GUTIERREZ STATES AT THE TIME OF FILING THE MEMORANDUM AND COSTS IN THIS CASE WAS A PROJECTED AMOUNT SINCE THE CLIENT IS BILLED QUARTERLY, AND THE PROJECTED AMOUNT HAS NOT BEEN OFFICIALLY BILLED. COURT NOTES THAT SHE HAS NOT FOUND CASE LAW THAT AWARDED TRAVEL COSTS WHEN AWARDED FEES AND COSTS IN SPECIAL MOTIONS TO DISMISS. MS. GUTIERREZ STATES HER CLIENT WAS BILLED FOR A TOTAL OF \$21767.50. COURT OUTLINES THE HOURLY RATE MS. GUTIERREZ AND MR. ALEXANDER SUBMITTED AND HOW IT IS ALMOST IDENTICAL AND BELIEVES BOTH TO BE REASONABLE. COURT STATES SHE IS INCLINED TO GRANT THE TOTAL AMOUNT THE CLIENTS WERE BILLED. MR. LEVINE ARGUES THAT THE STATUTES REFLECT REASONABLE FEES AND COSTS SHOULD BE AWARDED, NOT ALL FEES THAT ARE

ACCRUED BY THE CLIENTS. MR. LEVINE FURTHER ARGUES THAT SOME OF THE ATTORNEY'S FEE DESCRIPTIONS ARE REDACTED OUT OF THE MEMORANDUM OF FEES AND COSTS SO HE IS NOT EVEN SURE WHAT HIS CLIENT WILL BE PAYING FOR. COURT BELIEVES REASONABLE ATTORNEY'S FEES FALLS RIGHT IN LINE WITH WHAT THE CLIENTS WERE BILLED FOR. COURT AWARDS ATTORNEY'S FEES IN THE AMOUNT OF \$22,907.50 TO E.T.S. AND \$21,767.50 TO PAT SONGER. COURT AWARDS COSTS IN THE AMOUNT OF \$709.38 TO E.T.S. AND \$702 TO PAT SONGER. COURT DENIES THE ADDITIONAL \$10,000 BOTH DEFENDANTS ARE REQUESTING. MR. LEVINE REQUESTS THE COURT NOT TO REQUIRE A BOND IN THIS MATTER BECAUSE THE BONDSMAN REQUIRE 10-15% THAT WILL BE GONE AS SOON AS IT IS PAID. MR. ALEXANDER STATES EVERYONE WOULD BE COMFORTABLE WITH A BOND IN PLACE. MS. GUTIERREZ CONCURS. COURT ORDERS THAT A BOND IS NOT REQUIRED AS LONG AS MR. DELUCCHI AND MR. HOLLIS ARE EMPLOYED BY PAHRUMP VALLEY FIRE DEPARTMENT; BUT IF THEY LEAVE THEIR CURRENT JOB OR GET FIRED, THEY BOTH MUST POST A \$50,000 BOND.

12/02/14 1:30 DEFENDANTS MOTION FOR ATTORNEYS FEES, COSTS..

*****SEE MINUTES ABOVE*****

12/02/14 1:30 PLAINTIFFS' MOTION TO RETAX COSTS

*****SEE MINUTES ABOVE*****

JAN 07 2015

NYE COUNTY DEPUTY CLERK
DEPUTY

1 NEOJ
2 LAW OFFICE OF DANIEL MARKS
3 DANIEL MARKS, ESQ.
4 Nevada State Bar No. 002003
5 ADAM LEVINE, ESQ.
6 Nevada State Bar No. 004673
7 610 South Ninth Street
8 Las Vegas, Nevada 89101
9 (702) 386-0536: FAX (702) 386-6812
10 *Attorneys for Plaintiffs*

7 IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8
9 IN AND FOR THE COUNTY OF NYE

10 RAYMOND DELUCCHI and
11 TOMMY HOLLIS,

Case No. CV35969
Dept. No. I

12 Plaintiffs,

13 v.

14 PAT SONGER and ERICKSON,
15 THORPE & SWAINSTON, LTD.,

16 Defendants.

17 **NOTICE OF ENTRY OF ORDER AWARDING FEES AND COSTS**

18 TO: PAT SONGER, Defendant;

19 TO: SIRIA L. GUTIERREZ, ESQ., Attorney for Defendant Pat Songer;

20 TO: ERICKSON THORPE & SWAINSTON, LTD., Defendant, and

21 TO: TODD ALEXANDER, ESQ. Attorney for Defendant Erickson Thorpe & Swainston, Ltd.:

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25 ///

1 YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that an Order Awarding Fees
2 and Costs was entered in the above entitled matter on the 29th day of December, 2014, a copy of which
3 is attached hereto.

4 DATED this 30 day of December, 2014.

5 LAW OFFICE OF DANIEL MARKS

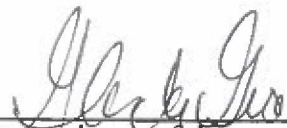
6 
7 DANIEL MARKS, ESQ.
8 Nevada State Bar No. 002003
9 ADAM LEVINE, ESQ.
10 Nevada State Bar No. 004673
11 610 South Ninth Street
12 Las Vegas, Nevada 89101
13 (702) 386-0536: FAX (702) 386-6812
14 Attorneys for Plaintiffs

11 **CERTIFICATE OF MAILING**

12 I hereby certify that I am an employee of the LAW OFFICE OF DANIEL MARKS, and that on
13 the 30th day of December, 2014, I did deposit in the United States Post Office, at Las Vegas, Nevada,
14 in a sealed envelope with first class postage fully prepaid thereon, a true and correct copy of the
15 foregoing NOTICE OF ENTRY OF ORDER AWARDING FEES AND COSTS, to the addresses as
16 follows:

17 Todd Alexander, Esq.
18 LEMONS, GRUNDY & EISENBERG
19 6005 Plumas Street, Suite 300
20 Reno, Nevada 89519
21 Attorney for Defendant ETS

22 Siria L. Gutierrez, Esq.
23 LIPSON, NEILSON, COLE, SELTZER GARIN
24 9900 Covington Cross Drive, Suite 120
25 Las Vegas, Nevada 89144
Attorney for Defendant Pat Songer

22 
23 An employee of the
24 LAW OFFICE OF DANIEL MARKS

DEC 29 2014

NYE COUNTY DEPUTY CLERK
DEPUTY
Veronica Aguilar

LAW OFFICE OF DANIEL MARKS
DANIEL MARKS, ESQ.
Nevada State Bar No. 002003
ADAM LEVINE, ESQ.
Nevada State Bar No. 004673
610 South Ninth Street
Las Vegas, Nevada 89101
(702) 386-0536: FAX (702) 386-6812
Attorneys for Plaintiffs

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF NYE

RAYMOND DELUCCHI and
TOMMY HOLLIS,

Case No. CV35969
Dept. No. I

Plaintiffs,

v.

PAT SONGER and ERICKSON,
THORPE & SWAINSTON, LTD.,

Defendants.

ORDER AWARDING FEES AND COSTS

This matter having come on for hearing on the 2nd day of December, 2014 on Defendant Erickson Thorpe & Swainston's Motion for Costs Attorney's Fees, and Additional Compensation Pursuant to Nevada's ANTI-Slapp Statute (NRS 41.670), Defendant Pat Songer's Motion for Attorney's Fees and Costs, and Plaintiffs' Motion to Retax Costs, with Plaintiffs being represented by Adam Levine, Esq. of the Law Office of Daniel Marks, and Defendant Pat Songer being represented by Siria L. Gutierrez, Esq. of Lipson, Neilson, Cole, Seltzer, Garin, and Defendant Erickson, Thorpe & Swainston, Ltd., being represented by Todd Alexander, Esq. of Lemons, Grundy & Eisenberg; and the Court having reviewed the pleadings on file and having heard oral arguments of counsel;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that costs are re-taxed and awarded against the Plaintiffs jointly and severally as follows: \$702 in favor of Defendant Songer and \$709.38 in favor of Defendant Erickson, Thorpe & Swainston, Ltd.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that attorney's fees are awarded against the Plaintiffs jointly and severally as follows: \$21,767.50 in favor of Defendant Songer and \$22,907.50 in favor of Defendant Erickson, Thorpe & Swainston, Ltd.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court declines to award any additional monies pursuant to NRS 41.670(3)(a) as the Court does not believe such an additional award appropriate under the facts of the case.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiffs' request for a stay of execution on the award of fees and costs pending appeal is GRANTED. The court finds that the Plaintiffs' continued employment with Pahrump Valley Fire and Rescue will provide adequate security for the attorney's fees and cost award in the event the judgment is affirmed on appeal. However,

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should the Plaintiffs leave their employment with Pahrump Valley Fire and Rescue for any reason, a continued stay will be conditioned upon each such Plaintiff posting a supersedeas bond in the amount of \$50,000.

DATED this 29th day of December, 2014.

KIMBERLY A. WANKER
DISTRICT COURT JUDGE


Respectfully submitted by:

THE LAW OFFICE OF DANIEL MARKS

DANIEL MARKS, ESQ.
Nevada State Bar No. 002003
ADAM LEVINE, ESQ.
Nevada State Bar No. 004673
610 South Ninth Street
Las Vegas, Nevada 89101
Attorneys for Plaintiffs

Approved as to Form and Content:

LIPSON, NEILSON, COLE, SELTZER, GARIN


SIRIA L. GUTIERREZ, ESQ.
Nevada State Bar No. 011981
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144
Attorneys for Defendant Pat Songer

Approved as to Form and Content:

LEMONS, GRUNDY & EISENBERG

TODD ALEXANDER, ESQ.
Nevada State Bar No. 010846
6005 Plumas Street, Suite 300
Reno, Nevada 89519
Attorneys for Defendant ETS

should the Plaintiffs leave their employment with Pahrump Valley Fire and Rescue for any reason, a continued stay will be conditioned upon each such Plaintiff posting a supersedeas bond in the amount of \$50,000.

DATED this ____ day of December, 2014.

DISTRICT COURT JUDGE

Respectfully submitted by:

THE LAW OFFICE OF DANIEL MARKS



DANIEL MARKS, ESQ.
Nevada State Bar No. 002003
ADAM LEVINE, ESQ.
Nevada State Bar No. 004673
610 South Ninth Street
Las Vegas, Nevada 89101
Attorneys for Plaintiffs

Approved as to Form and Content:

LIPSON, NEILSON, COLE, SELTZER, GARIN

SIRIA L. GUTIERREZ, ESQ.
Nevada State Bar No. 011981
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144
Attorneys for Defendant Pat Songer

Approved as to Form and Content:

LEMONS, GRUNDY & EISENBERG



TODD ALEXANDER, ESQ.
Nevada State Bar No. 010846
6005 Plumas Street, Suite 300
Reno, Nevada 89519
Attorneys for Defendant ETS

DEC 29 2014

NYE COUNTY DEPUTY CLERK
DEPUTY

LAW OFFICE OF DANIEL MARKS
DANIEL MARKS, ESQ.
Nevada State Bar No. 002003
ADAM LEVINE, ESQ.
Nevada State Bar No. 004673
610 South Ninth Street
Las Vegas, Nevada 89101
(702) 386-0536; FAX (702) 386-6812
Attorneys for Plaintiffs

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

RAYMOND DELUCCHI and
TOMMY HOLLIS,

Case No. CV35969
Dept. No. I

Plaintiffs,

v.

PAT SONGER and ERICKSON,
THORPE & SWAINSTON, LTD.,

Defendants.

ORDER AWARDING FEES AND COSTS

This matter having come on for hearing on the 2nd day of December, 2014 on Defendant Erickson Thorpe & Swainston's Motion for Costs Attorney's Fees, and Additional Compensation Pursuant to Nevada's ANTI-Slapp Statute (NRS 41.670), Defendant Pat Songer's Motion for Attorney's Fees and Costs, and Plaintiffs' Motion to Retax Costs, with Plaintiffs being represented by Adam Levine, Esq. of the Law Office of Daniel Marks, and Defendant Pat Songer being represented by Siria L. Gutierrez, Esq. of Lipson, Neilson, Cole, Seltzer, Garin, and Defendant Erickson, Thorpe & Swainston, Ltd., being represented by Todd Alexander, Esq. of Lemons, Grundy & Eisenberg; and the Court having reviewed the pleadings on file and having heard oral arguments of counsel;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that costs are re-taxed and awarded against the Plaintiffs jointly and severally as follows: \$702 in favor of Defendant Songer and \$709.38 in favor of Defendant Erickson, Thorpe & Swainston, Ltd.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that attorney's fees are awarded against the Plaintiffs jointly and severally as follows: \$21,767.50 in favor of Defendant Songer and \$22,907.50 in favor of Defendant Erickson, Thorpe & Swainston, Ltd.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court declines to award any additional monies pursuant to NRS 41.670(3)(a) as the Court does not believe such an additional award appropriate under the facts of the case.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiffs' request for a stay of execution on the award of fees and costs pending appeal is GRANTED. The court finds that the Plaintiffs' continued employment with Pahrump Valley Fire and Rescue will provide adequate security for the attorney's fees and cost award in the event the judgment is affirmed on appeal. However,

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should the Plaintiffs leave their employment with Pahrump Valley Fire and Rescue for any reason, a continued stay will be conditioned upon each such Plaintiff posting a supersedeas bond in the amount of \$50,000.

DATED this 26th day of December, 2014.



DISTRICT COURT JUDGE


Respectfully submitted by:

Approved as to Form and Content:

THE LAW OFFICE OF DANIEL MARKS


LIPSON, NEILSON, COLE, SELTZER, GARIN


DANIEL MARKS, ESQ.
Nevada State Bar No. 002003
ADAM LEVINE, ESQ.
Nevada State Bar No. 004673
610 South Ninth Street
Las Vegas, Nevada 89101
Attorneys for Plaintiffs


SIRIA L. GUTIERREZ, ESQ.
Nevada State Bar No. 011981
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144
Attorneys for Defendant Pat Songer

Approved as to Form and Content:

LEMONS, GRUNDY & EISENBERG


TODD ALEXANDER, ESQ.
Nevada State Bar No. 010846
6005 Plumas Street, Suite 300
Reno, Nevada 89519
Attorneys for Defendant ETS

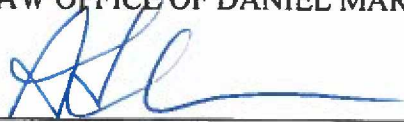
should the Plaintiffs leave their employment with Pahrump Valley Fire and Rescue for any reason, a continued stay will be conditioned upon each such Plaintiff posting a supersedeas bond in the amount of \$50,000.

DATED this ____ day of December, 2014.

DISTRICT COURT JUDGE

Respectfully submitted by:

THE LAW OFFICE OF DANIEL MARKS



DANIEL MARKS, ESQ.
Nevada State Bar No. 002003
ADAM LEVINE, ESQ.
Nevada State Bar No. 004673
610 South Ninth Street
Las Vegas, Nevada 89101
Attorneys for Plaintiffs


Approved as to Form and Content:

LIPSON, NEILSON, COLE, SELTZER, GARIN

SIRIA L. GUTIERREZ, ESQ.
Nevada State Bar No. 011981
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144
Attorneys for Defendant Pat Songer

Approved as to Form and Content:

LEMONS, GRUNDY & EISENBERG



TODD ALEXANDER, ESQ.
Nevada State Bar No. 010846
6005 Plumas Street, Suite 300
Reno, Nevada 89519
Attorneys for Defendant ETS

**OFFICE OF THE NYE COUNTY CLERK
SANDRA L. MERLINO**

Tonopah Office
Nye County Courthouse
P.O. Box 1031
101 Radar Road
Tonopah, Nevada 89049
Phone (775) 482-8127
Fax (775) 482-8133



Pahrump Office
Government Complex
1520 East Basin Avenue
Pahrump, Nevada 89060
Phone (775) 751-7040
Fax (775) 751-7047

February 17, 2015

**NOTICE OF
DEFICIENCY:**

VIA E-FILE

Ms. Tracie Lindeman
Supreme Court Clerk
201 S. Carson Street, #201
Carson City, NV 89701-4702

Re: CV 35969

RAYMOND DELUCCHI AND TOMMY HOLLIS
V
PAT SONGER AND ERICKSON, THORPE & SWAINSTRON, LTD

Dear Ms. Lindeman:

I am enclosing the documentation required to submit the above-referenced matter on appeal.

Please be advised that all fees were paid at the time of filing. The \$250.00 fee was forwarded to your office prior to the filing of these documents.

If I can be of any assistance, please feel free to contact me at our Tonopah office.

Sincerely,

SANDRA L. MERLINO
NYE COUNTY CLERK

By:

A handwritten signature in blue ink, appearing to read "Amy Dowers".

AMY DOWERS, Deputy Clerk / Tonopah