



Case No. CV35969
Dept. 1

FILED

2015 SEP 15 P 4: 24

Electronically Filed
Oct 06 2015 10:27 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

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

RAYMOND DELUCCHI and TOMMY
HOLLIS,

Plaintiffs,

vs.

PAT SONGER and EROCKSON, THORPE
& SWAINSTON, LTD,

Defendants.

ORDER OF DISMISSAL

On September 17, 2014, the Court entered Findings of Fact, Conclusions of Law and an Order Granting Defendant Erickson, Thorpe & Swainston's Special Motion to Dismiss. The Court did not award attorneys' fees and costs as part of said Order, instead ordering said parties to file a motion, opposition and reply concerning said attorneys' fees and costs. A Notice of Entry of Order was filed on October 7, 2014. Plaintiffs filed a Notice of Appeal on October 28, 2014.

On November 19, 2014, the Court entered a written Order on Pat Songer's Special Motion to Dismiss Pursuant to NRS 41.660. The Court advised the parties the case would be dismissed with prejudice once the Court awarded attorneys' fees and costs. The Court set a hearing on Songer's Motion for Attorneys Fees and Costs for December 2, 2014. A Notice of Entry of Order was entered on the Songer Order on December 4, 2014.



1 The Plaintiffs filed an Amended Notice of Appeal on December 17, 2014, to
2 encompass both the District Court's September 17, 2014 Order, and its November 19, 2014
3 Order. The Court on December 29, 2014 issued an Order Awarding Attorneys' Fees and
4 Costs. The December 29, 2014 Order failed to specifically state that the District Court was
5 dismissing the case with prejudice.

6 On June 1, 2015, the Nevada Supreme Court issued an Order Dismissing Appeal,
7 finding that the District Court had not issued a final order of dismissal in this case.

8 It was the intention of the District Court, in entering its September 17, 2014 Order,
9 its November 19, 2014 Order, and its December 29, 2014 Order, read together, to dismiss
10 this case in its entirety. In light of the Nevada Supreme Court's June 1, 2015 Order, and
11 based upon the District Court's previous three orders, this case is now dismissed in its
12 entirety, with prejudice.

13 Dated this 15th day of September, 2015.

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16 _____
17 KIMBERLY A. WANKER,
18 DISTRICT COURT JUDGE
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CERTIFICATION OF SERVICE

The undersigned hereby certifies that on the 15th day of September 2015, she mailed via U.S. mail a copy of the foregoing ORDER to the following:

Siria L. Gutierrez, Esq.
9900 Covington Cross Drive, Suite 120
Las Vegas, NV 89144

Adam Levine, Esq.
610 South Ninth Street
Las Vegas, NV 89101

Christel Raimondo

CHRISTEL RAIMONDO, Clerk to
DISTRICT JUDGE

AFFIRMATION

The undersigned hereby affirms that this Court Order does not contain the social security number of any person.

Christel Raimondo

CHRISTEL RAIMONDO, Clerk to
DISTRICT JUDGE

CERTIFICATION OF COPY

**STATE OF NEVADA
COUNTY OF NYE**

I, **SANDRA L. MERLINO**, the duly elected, qualifying and acting Clerk of Nye County, in the State of Nevada, and Ex-Officio Clerk of the District Court, do hereby certify that the foregoing is a true, full and correct copy of the original:

Document Filed in CV 35969: Order of Dismissal, filed 09/15/15

**Raymond Delucchi and
Tommy Hollis
vs
Pat Songer and Erockson,
Thorpe & Swainston, LTD,**

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DC Case # CV 35969

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, Tonopah, Nevada, this 5th day of **October, 2015 A.D.**

SANDRA L. MERLINO, CLERK

By: 
Amy Dowers, Deputy Clerk/Tonopah

**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

October 5, 2015

VIA E-FILE

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

Re: CV 35969 Supreme Court No. 67414

RAYMOND DELUCCHI AND TOMMY HOLLIS
VS
PAT SONGER AND EROCKSON, THORPE & SWAINSTON, LTD

Dear Ms. Lindeman:

Enclosed is a certified copy of the Order of Dismissal, filed Sept. 15, 2015, as requested on October 2, 2015 via a Notice to Transmit Required Document.

If I can be of further assistance please contact me at the above listed number.

Sincerely,

SANDRA L. MERLINO
NYE COUNTY CLERK

By: 
AMY DOWERS, Deputy Clerk / Tonopah