

CLERK OF THE COURT

1 **NOAS**
2 **THORNDAL, ARMSTRONG, DELK,**
3 **BALKENBUSH & EISINGER**
4 Michael P. Lowry, Esq.
5 Nevada Bar No. 10666
6 P.O. Drawer 2070
7 Las Vegas, Nevada 89125-2070
8 Tel: (702) 366-0622
9 Fax: (702) 366-0327
10 Email: mlowry@thorndal.com
11 Attorneys for Glenn Welt, Rhoda Welt,
12 Lynn Welt and Michele Welt

Electronically Filed
Mar 18 2015 01:54 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

DISTRICT COURT
CLARK COUNTY, NEVADA

13 HOWARD SHAPIRO and JENNA SHAPIRO, Case No.: A-14-706566-C
14 Dept. No. 27

15 Plaintiffs,

NOTICE OF APPEAL

16 vs.

17 GLEN WELT, RHODA WELT, LYNN WELT,
18 MICHELLE WELT, individuals;
19 CHECKSNET.COM, a corporation; DOES I
20 through X, and ROE CORPORATIONS I
21 through X, inclusive,

22 Defendants.

23 Glenn Welt, Rhoda Welt, Lynn Welt and Michelle Welt appeal to the Supreme Court of
24 Nevada that the district court's February 20, 2015 order on their motion for attorneys' fees.
25 Notice of entry of this order was served on February 23, 2015. The Welts and Shapiros have
26 already appealed the court's prior, dispositive order. The appeal is assigned Supreme Court
27 docket number 67363.

28 DATED this 14th day of March, 2015.

THORNDAL, ARMSTRONG, DELK,
BALKENBUSH & EISINGER

/s/ Michael P. Lowry

Michael P. Lowry, Esq.
P.O. Drawer 2070
Las Vegas, NV 89125-2070
Attorneys for Glenn Welt, Rhoda Welt,
Lynn Welt and Michele Welt

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), on March 14, 2015 the **NOTICE OF APPEAL** was served upon each of the parties via electronic service through the Eighth Judicial District Court’s Odyssey E-File and Serve system.

/s/ Michael P. Lowry

An Employee of Thorndal, Armstrong, Delk,
Balkenbush & Eisinger


CLERK OF THE COURT

1 **ASTA**
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3 **BALKENBUSH & EISINGER**
4 Michael P. Lowry, Esq.
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9 Fax: (702) 366-0327
10 Email: mlowry@thorndal.com
11 Attorneys for Glenn Welt, Rhoda Welt,
12 Lynn Welt and Michele Welt

13 **DISTRICT COURT**
14 **CLARK COUNTY, NEVADA**

15 HOWARD SHAPIRO and JENNA SHAPIRO,

Case No.: A-14-706566-C
Dept. No. 27

Plaintiffs,

CASE APPEAL STATEMENT

vs.

16 GLEN WELT, RHODA WELT, LYNN WELT,
17 MICHELLE WELT, individuals;
18 CHECKSNET.COM, a corporation; DOES I
19 through X, and ROE CORPORATIONS I
20 through X, inclusive,

Defendants.

21 **1. Name of appellants filing this case appeal statement:**

Glenn Welt, Rhoda Welt, Lynn Welt and Michelle Welt

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

The Hon. Nancy L. Allf, Department 18, Eighth Judicial District Court.

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

Glenn Welt, Rhoda Welt, Lynn Welt and Michelle Welt, collectively represented by
Michael P. Lowry, Esq., of Thorndal Armstrong Delk Balkenbush & Eisinger, P.C., P.O. Drawer
2070, Las Vegas, Nevada, 89125-2070.

24 **4. Identify each respondent and the name and address of appellate counsel, if known, for**
25 **each respondent:**

Howard Shapiro and Jenna Shapiro, collectively represented by Alex Ghibaud, Esq. of
Schwab Law Group, 2800 W. Sahara Ave., Suite 1H, Las Vegas, NV 89102.

1 **5. Indicate whether any attorney identified above in response to question 3 or 4 is not**
2 **licensed to practice law in Nevada and, if so, whether the district court granted that**
3 **attorney permission to appear under SCR 42:**

4 All attorneys identified are licensed to practice law in Nevada.

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

7 Appellant was represented by retained counsel in the district court.

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

9 Appellant is represented by retained counsel on appeal.

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

12 Appellant was not granted leave to proceed in forma pauperis.

13 **9. Indicate the date the proceedings commenced in the district court (e.g., date complaint,**
14 **indictment, information, or petition was filed):**

15 September 4, 2014.

16 **10. Provide a brief description of the nature of the action and result in the district court,**
17 **including the type of judgment or order being appealed and the relief granted by the**
18 **district court:**

19 The Shapiros allege they were defamed by the Welts. The Welts filed a NRS 41.660(2)
20 special motion to dismiss that was granted, in part. The district court dismissed the complaint
21 but denied the Welts request for relief per NRS 41.660(1)(b). The Shapiros previously appealed
22 the district court's order granting the motion to dismiss, the Welts cross-appealed the portion of
23 the order denying NRS 41.660(1)(b) relief. The Welts now also appeal from the district court's
24 order denying them the full attorneys' fees permitted by NRS 41.670(1)(a).

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1 **11. Indicate whether the case has previously been the subject of an appeal to or original**
2 **writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket**
3 **number of the prior proceeding:**

4 Yes, the Shapiros and Welts appeals concerning the district court's dispositive order are
5 the subject of docket 67363.

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

7 This appeal does not involve child custody or visitation.

8 **13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:**

9 The parties are communicating with the settlement conference mediator assigned to
10 docket 67363 to schedule a settlement conference to explore the possibility of settlement.

11 DATED this 14th day of March, 2015.

12 THORNDAL, ARMSTRONG, DELK,
13 BALKENBUSH & EISINGER

14 */s/ Michael P. Lowry*

15

Michael P. Lowry, Esq.
16 P.O. Drawer 2070
17 Las Vegas, NV 89125-2070
18 Attorneys for Glenn Welt, Rhoda Welt,
19 Lynn Welt and Michele Welt

20 **CERTIFICATE OF SERVICE**

21 Pursuant to NRCP 5(b), on March 14, 2015 the **NOTICE OF APPEAL** was served upon
22 each of the parties via electronic service through the Eighth Judicial District Court's Odyssey E-
23 File and Serve system.

24 */s/ Michael P. Lowry*

25

An Employee of Thorndal, Armstrong, Delk,
26 Balkenbush & Eisinger


CLERK OF THE COURT

1 **ASTA**
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3 **BALKENBUSH & EISINGER**
4 Michael P. Lowry, Esq.
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13 **DISTRICT COURT**
14 **CLARK COUNTY, NEVADA**

15 HOWARD SHAPIRO and JENNA SHAPIRO, Case No.: A-14-706566-C
16 Plaintiffs, Dept. No. 27

17 vs.

18 GLEN WELT, RHODA WELT, LYNN WELT,
19 MICHELLE WELT, individuals;
20 CHECKSNET.COM, a corporation; DOES I
21 through X, and ROE CORPORATIONS I
22 through X, inclusive,

23 Defendants.

CASE APPEAL STATEMENT

24 **1. Name of appellants filing this case appeal statement:**

25 Glenn Welt, Rhoda Welt, Lynn Welt and Michelle Welt

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

27 The Hon. Nancy L. Allf, Department 18, Eighth Judicial District Court.

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

Glenn Welt, Rhoda Welt, Lynn Welt and Michelle Welt, collectively represented by
Michael P. Lowry, Esq., of Thorndal Armstrong Delk Balkenbush & Eisinger, P.C., P.O. Drawer
2070, Las Vegas, Nevada, 89125-2070.

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17 **including the type of judgment or order being appealed and the relief granted by the**
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19 The Shapiros allege they were defamed by the Welts. The Welts filed a NRS 41.660(2)
20 special motion to dismiss that was granted, in part. The district court dismissed the complaint
21 but denied the Welts request for relief per NRS 41.660(1)(b). The Shapiros previously appealed
22 the district court's order granting the motion to dismiss, the Welts cross-appealed the portion of
23 the order denying NRS 41.660(1)(b) relief. The Welts now also appeal from the district court's
24 order denying them the full attorneys' fees permitted by NRS 41.670(1)(a).

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10 docket 67363 to schedule a settlement conference to explore the possibility of settlement.

11 DATED this 14th day of March, 2015.

12 THORNDAL, ARMSTRONG, DELK,
13 BALKENBUSH & EISINGER

14 */s/ Michael P. Lowry*

15

Michael P. Lowry, Esq.
16 P.O. Drawer 2070
17 Las Vegas, NV 89125-2070
18 Attorneys for Glenn Welt, Rhoda Welt,
19 Lynn Welt and Michele Welt

20 **CERTIFICATE OF SERVICE**

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22 each of the parties via electronic service through the Eighth Judicial District Court's Odyssey E-
23 File and Serve system.

24 */s/ Michael P. Lowry*

25

An Employee of Thorndal, Armstrong, Delk,
26 Balkenbush & Eisinger

DEPARTMENT 27
CASE SUMMARY
CASE NO. A-14-706566-C

Howard Shapiro, Plaintiff(s)
vs.
Glen Welt, Defendant(s)

§
§
§
§
§
§

Location: **Department 27**
Judicial Officer: **Allf, Nancy**
Filed on: **09/04/2014**
Cross-Reference Case Number: **A706566**
Supreme Court No.: **67363**

CASE INFORMATION

Statistical Closures

01/02/2015 Motion to Dismiss (By Defendant)

Case Type: **Other Civil Matters**

Case Flags: **Appealed to Supreme Court**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	A-14-706566-C
Court	Department 27
Date Assigned	09/04/2014
Judicial Officer	Allf, Nancy



PARTY INFORMATION

		<i>Lead Attorneys</i>
Plaintiff	Shapiro, Howard	Schwab, Evan D. <i>Retained</i> 702-489-4442(W)
	Shapiro, Jenna	Schwab, Evan D. <i>Retained</i> 702-489-4442(W)
Defendant	Checksnet.com Removed: 01/02/2015 Dismissed	
	Welt, Glen	Lowry, Michael P. <i>Retained</i> 7023660622(W)
	Welt, Lynn Removed: 01/02/2015 Dismissed	Lowry, Michael P. <i>Retained</i> 7023660622(W)
	Welt, Michelle Removed: 01/02/2015 Dismissed	Lowry, Michael P. <i>Retained</i> 7023660622(W)
	Welt, Rhoda Removed: 01/02/2015 Dismissed	Lowry, Michael P. <i>Retained</i> 7023660622(W)

DATE














EVENTS & ORDERS OF THE COURT

INDEX

09/04/2014	 Complaint Filed By: Plaintiff Shapiro, Howard <i>Complaint</i>
09/04/2014	Case Opened
09/05/2014	 Initial Appearance Fee Disclosure Filed By: Plaintiff Shapiro, Howard

DEPARTMENT 27
CASE SUMMARY
CASE NO. A-14-706566-C


Initial Appearance Fee Disclosure (NRS Chapter 19)

- 10/01/2014  Demand for Security of Costs
Filed By: Defendant Welt, Rhoda
Rhoda Welt and Lynn Welt's Demand for Security of Costs
- 10/01/2014  Initial Appearance Fee Disclosure
Filed By: Defendant Welt, Rhoda
Initial Appearance Fee Disclosure for Rhoda Welt and Lynn Welt
- 10/01/2014  Disclosure Statement
Party: Defendant Welt, Rhoda
Rhoda Welt and Lynn Welt's NRCP 7.1 Disclosure Statement
- 10/08/2014  Affidavit of Service
Filed By: Plaintiff Shapiro, Howard
Affidavit of Service
- 10/08/2014  Affidavit of Service
Filed By: Plaintiff Shapiro, Howard
Affidavit of Service
- 10/08/2014  Affidavit of Service
Filed By: Plaintiff Shapiro, Howard
Affidavit of Service
- 10/13/2014  Demand for Security of Costs
Filed By: Defendant Welt, Glen
Glenn Welt & Michele Welt's Demand for Security of Costs
- 10/13/2014  Initial Appearance Fee Disclosure
Filed By: Defendant Welt, Glen
Glenn Welt & Michele Welt's Initial Appearance Fee Disclosure
- 10/13/2014  Disclosure Statement
Party: Defendant Welt, Glen
Glenn Welt & Michele Welt's NRCP 7.1 Disclosure Statement
- 10/21/2014  Affidavit
Filed By: Plaintiff Shapiro, Howard
Affidavit of Service
- 10/28/2014  Summons
Filed by: Plaintiff Shapiro, Howard
Summons
- 11/14/2014  Motion to Dismiss
Filed By: Defendant Welt, Glen
Glenn Welt, Rhoda Welt, Lynn Welt & Michele Welt's Motion to Dismiss
- 11/17/2014  Undertaking for Security for Costs for Non-Resident
Party: Plaintiff Shapiro, Jenna
Undertaking for Security for Costs for Non-Resident

DEPARTMENT 27
CASE SUMMARY
CASE NO. A-14-706566-C

11/17/2014  Undertaking for Security for Costs for Non-Resident
Party: Plaintiff Shapiro, Jenna
Undertaking for Security for Costs for Non-Resident

11/17/2014  Undertaking for Security for Costs for Non-Resident
Party: Plaintiff Shapiro, Howard
Undertaking for Security for Costs for Non-Resident

11/17/2014  Undertaking for Security for Costs for Non-Resident
Party: Plaintiff Shapiro, Howard
Undertaking for Security for Costs for Non-Resident

11/18/2014  Certificate of Mailing
Filed By: Plaintiff Shapiro, Howard
Certificate of Mailing

11/19/2014  Notice
Filed By: Plaintiff Shapiro, Howard
Notice of Posting Security Cost Bond

11/25/2014  Certificate of Service
Filed by: Plaintiff Shapiro, Howard
Certificate of Service

12/02/2014  Opposition
Filed By: Plaintiff Shapiro, Howard
Opposition to Motion to Dismiss

12/10/2014  Reply to Opposition
Filed by: Defendant Welt, Glen
Glenn Welt, Rhoda Welt, Lynn Welt & Michele Welt's Reply re Motion to Dismiss

12/11/2014  Undertaking for Security for Costs for Non-Resident
Party: Plaintiff Shapiro, Howard
Undertaking for Security for Costs for Non-Resident

12/11/2014  Undertaking for Security for Costs for Non-Resident
Party: Plaintiff Shapiro, Howard
Undertaking for Security for Costs for Non-Resident

12/11/2014  Undertaking for Security for Costs for Non-Resident
Party: Plaintiff Shapiro, Jenna
Undertaking for Security for Costs for Non-Resident


12/11/2014  Undertaking for Security for Costs for Non-Resident
Party: Plaintiff Shapiro, Jenna
Undertaking for Security for Costs for Non-Resident


12/12/2014  Notice
Filed By: Plaintiff Shapiro, Howard
Notice of Posting Additional Security Cost Bonds

12/12/2014  Supplement to Opposition


DEPARTMENT 27
CASE SUMMARY
CASE NO. A-14-706566-C


Filed By: Plaintiff Shapiro, Howard
First Supplement to Opposition to Motion to Dismiss

12/15/2014  Notice of Withdrawal of Motion
Filed By: Defendant Welt, Glen
Glenn Welt, Rhoda Welt, Lynn Welt & Michele Welt's Notice of Withdrawal of Motion

12/15/2014  Motion to Dismiss
Filed By: Defendant Welt, Glen
Glenn Welt, Rhoda Welt, Lynn Welt & Michele Welt's Motion to Dismiss


12/17/2014 **CANCELED Motion to Dismiss (10:00 AM) (Judicial Officer: Allf, Nancy)**
Vacated
Glenn Welt, Rhoda Welt, Lynn Welt & Michele Welt's Motion to Dismiss re NRS 18.130(4).


12/18/2014  Opposition to Motion to Dismiss
Filed By: Plaintiff Shapiro, Howard
Opposition to Defendants' Motion to Dismiss Plaintiff's Complaint and Counter-motion for Attorney's Fees, Costs, and Sanctions


12/19/2014  Reply to Opposition
Filed by: Defendant Welt, Glen
Glenn Welt, Rhoda Welt, Lynn Welt and Michele Welt's Reply Re Motion to Dismiss


12/24/2014 **Motion to Dismiss (10:00 AM) (Judicial Officer: Allf, Nancy)**
Glenn Welt, Rhoda Welt, Lynn Welt & Michele Welt's Motion to Dismiss


12/24/2014 **Opposition and Countermotion (10:00 AM) (Judicial Officer: Allf, Nancy)**
Opposition to Defendants' Motion to Dismiss Plaintiff's Complaint and Counter-motion for Attorney's Fees, Costs, and Sanctions

12/24/2014  **All Pending Motions (10:00 AM) (Judicial Officer: Allf, Nancy)**


12/29/2014  Supplemental Brief
Filed By: Defendant Welt, Glen
Glenn Welt, Rhoda Welt, Lynn Welt & Michele Welt's Supplement re Motion to Dismiss

12/30/2014  **Status Check (3:00 AM) (Judicial Officer: Allf, Nancy)**
Status Check: Written Decision

01/02/2015  Order For Dismissal Without Prejudice
Order Granting Defendant's Motion to Dismiss


01/02/2015  Notice of Entry of Order
Filed By: Defendant Welt, Glen
Notice of Entry of Order Granting Motion to Dismiss

01/02/2015 **Order of Dismissal Without Prejudice (Judicial Officer: Allf, Nancy)**
Debtors: Howard Shapiro (Plaintiff), Jenna Shapiro (Plaintiff)
Creditors: Glen Welt (Defendant), Rhoda Welt (Defendant), Lynn Welt (Defendant), Michelle Welt (Defendant), Checksnet.com (Defendant)
Judgment: 01/02/2015, Docketed: 01/08/2015


01/05/2015  Affidavit in Support
Filed By: Defendant Welt, Glen
Affidavit in Support of Fees and Costs per NRS 41.670


DEPARTMENT 27
CASE SUMMARY
CASE NO. A-14-706566-C


01/08/2015  Substitution of Attorney
Filed by: Plaintiff Shapiro, Howard
Substitution of Attorney

01/15/2015  Memorandum
Filed By: Plaintiff Shapiro, Howard
Respondent's to Defendants' Memorandum of Fees and Costs Under NRS 41.670


01/16/2015  Reply in Support
Filed By: Defendant Welt, Glen
Reply in Support of Affidavit re Fees and Costs per NRS 41.670


02/02/2015  Voluntary Dismissal
Filed by: Plaintiff Shapiro, Howard
Voluntary Dismissal


02/02/2015  Certificate of Service
Filed by: Plaintiff Shapiro, Howard
Certificate of Electronic Service


02/02/2015  Notice of Appeal
Filed By: Plaintiff Shapiro, Howard
Notice of Appeal

02/02/2015 **Voluntary Dismissal** (Judicial Officer: Allf, Nancy)
Debtors: Checksnet.com (Defendant)
Creditors: Howard Shapiro (Plaintiff), Jenna Shapiro (Plaintiff)
Judgment: 02/02/2015, Docketed: 02/10/2015


02/04/2015  Case Appeal Statement
Filed By: Plaintiff Shapiro, Howard
Case Appeal Statement

02/13/2015  Notice of Appeal
Filed By: Defendant Welt, Glen
Notice of Cross-Appeal




02/13/2015  Case Appeal Statement
Filed By: Defendant Welt, Glen
Cross-Appeal Case Statement

02/20/2015  Order Granting Motion
Order Granting Defendants' Motion for Attorneys' Fee

02/20/2015 **Order** (Judicial Officer: Allf, Nancy)
Debtors: Howard Shapiro (Plaintiff), Jenna Shapiro (Plaintiff)
Creditors: Glen Welt (Defendant), Rhoda Welt (Defendant), Lynn Welt (Defendant), Michelle Welt (Defendant), Checksnet.com (Defendant)
Judgment: 02/20/2015, Docketed: 02/26/2015
Total Judgment: 5,054.68

02/23/2015  Notice of Entry of Order
Filed By: Defendant Welt, Glen
Notice of Entry of Order Granting Motion for Attorneys' Fees

DEPARTMENT 27
CASE SUMMARY
CASE NO. A-14-706566-C

03/14/2015	 Notice of Appeal Filed By: Defendant Welt, Glen <i>Defendants' Notice of Appeal</i>
03/14/2015	 Case Appeal Statement Filed By: Defendant Welt, Glen <i>Defendants' Case Appeal Statement</i>
03/14/2015	 Case Appeal Statement Filed By: Defendant Welt, Glen <i>Defendants' Case Appeal Statement</i>

DATE	FINANCIAL INFORMATION
-------------	------------------------------

Defendant Welt, Lynn	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 3/17/2015	0.00
Defendant Welt, Michelle	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 3/17/2015	0.00
Defendant Welt, Rhoda	
Total Charges	223.00
Total Payments and Credits	223.00
Balance Due as of 3/17/2015	0.00
Defendant Welt, Glen	
Total Charges	271.00
Total Payments and Credits	271.00
Balance Due as of 3/17/2015	0.00
Plaintiff Shapiro, Howard	
Total Charges	294.00
Total Payments and Credits	294.00
Balance Due as of 3/17/2015	0.00
Plaintiff Shapiro, Jenna	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 3/17/2015	0.00

DISTRICT COURT CIVIL COVER SHEET

County, Nevada

Case No. **A-14-706566-C** Dept **XXVII**
(Assigned by Clerk's Office)

I. Party Information *(provide both home and mailing addresses if different)*

Plaintiff(s) (name/address/phone): <div style="text-align: center;">Howard Shapiro</div> <div style="text-align: center;">Jenna Shapiro</div>	Defendant(s) (name/address/phone): <div style="text-align: center;">Glen Welt, Rhoda Welt,</div> <div style="text-align: center;">Lynn Welt, and Checksnet.com</div>
Attorney (name/address/phone): <div style="text-align: center;">Eric P. Roy, Esq.</div> <div style="text-align: center;">818 E. Charleston Blvd., Las Vegas, NV 89104</div> <div style="text-align: center;">(702)423-3333 Nevada Bar No. 11869</div>	Attorney (name/address/phone): <div style="text-align: center;">Unknown</div>

II. Nature of Controversy *(please select the one most applicable filing type below)*

Civil Case Filing Types

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate <i>Probate (select case type and estate value)</i> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrantum <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ	Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input checked="" type="checkbox"/> Other Civil Matters	

Business Court filings should be filed using the Business Court civil coversheet.

9.4.14

Date

Lillian Brand
 Signature of initiating party or representative

See other side for family-related case filings.


CLERK OF THE COURT

1 **ORDR**

2 **DISTRICT COURT**
3 **CLARK COUNTY, NEVADA**

4 HOWARD SHAPIRO, JEAN SHAPIRO,
5 Plaintiffs

CASE NO.: A-14-706566-C

6 vs.

DEPARTMENT 27

7
8 GLEN WELT, LYNN WELT, MICHELLE
9 WELT and RHODA WELT, Defendants

10 **ORDER GRANTING DEFENDANTS' MOTION FOR ATTORNEYS' FEES**

11
12 **COURT FINDS** after review that the Court's entered an Order Granting
13 Defendants' Motion to Dismiss under the anti-SLAPP provisions of NRS 41.660 on
14 January 2, 2015. As part of the order, the Court stated it would allow reasonable
15 attorneys' fees under NRS 41.670 and requested Defendants' counsel provide an affidavit
16 detailing their costs and fees.

17
18 **COURT FURTHER FINDS** after review Defendants filed their Affidavit in
19 Support of Fees and Costs per NRS 41.670 on January 5, 2015, requesting \$14,775.00 in
20 attorneys' fees (59.1 hours at \$250.00 per hour) and \$554.68 in costs. Plaintiffs filed their
21 Response on January 15, 2015 and Defendants' filed their Reply in Support on January
22 17, 2015.

23
24 **COURT FURTHER FINDS** after review that NRS 41.670(1)(a) allows for an
award of reasonable attorneys fees if a defendant prevails on a motion to dismiss.

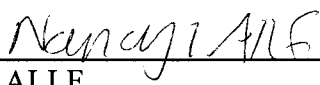
25
26 **COURT FURTHER FINDS** after review the award of attorneys' fees is within
the Court's discretion in applying the factors set forth in Brunzell v. Golden Gate Nat.
Bank, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969). Here, the hourly rate of \$250 is

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CLERK OF THE COURT

1 reasonable considering the skill and experience of the attorney. The character of the work
2 done was intricate, and required research into a developing area of law. However,
3 Defendants affidavit requested attorneys' fees that accrued throughout the entirety of the
4 case. In applying a reasonableness standard, it is appropriate to only allow the work
5 specifically relating to the successful Motion to Dismiss under NRS 41.660.¹ The totality
6 of the costs are allowable.

8 **COURT ORDERS** for good cause appearing Defendants are awarded \$4,500 in
9 attorneys' fees and \$554.68 in costs as reasonable under NRS 41.670(1)(a).

10 Dated: February 18, 2015

11
12 
13 NANCY ALLF
14 DISTRICT COURT JUDGE

21 ¹ In reviewing the Defendants' Affidavit in Support of Fees and Costs per NRS 41.670, the Court
22 determines the following entries are reasonable:

23	December 11, 2014	2.60 hours	\$650.00
	December 12, 2014	1.20 hours	\$300.00
	December 15, 2014	7.30 hours	\$1,825.00
	December 19, 2014	0.30 hours	\$75.00
	December 19, 2014	5.20 hours	\$1,300.00
	December 22, 2014	0.10 hours	\$25.00
	December 29, 2014	0.10 hours	\$25.00
	December 31, 2014	0.20 hours	\$50.00
	December 31, 2014	0.30 hours	\$75.00
	January 2, 2015	0.10 hours	\$25.00
	January 5, 2015	0.60 hours	\$150.00
	<u>Total</u>	<u>18.00 hours</u>	<u>\$4,500.00</u>

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CERTIFICATE OF SERVICE

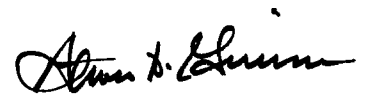
I hereby certify that on or about the date signed I caused the foregoing document to be served by placing same in the attorney folder located at the Regional Justice Center; and/or by fax; and/or pursuant to EDCR 8.05(a) and 8.05(f), to be electronically served through the Eighth Judicial District Court's electronic filing system, with the date and time of the electronic service substituted for the date and place of deposit in the mail.

Thorndal, Armstrong, Delk, Balkenbush & Eisinger
Michael P. Lowry, Esq. – m_lowry@thorndal.com
Fax: 702-366-0327

Schwab Law Group
Alex Ghibaudo, Esq. – alex@slglasvegas.com
Fax: 702-489-4812



Karen Lawrence
Judicial Executive Assistant



CLERK OF THE COURT

1 **NOEJ**
2 **THORNDAL, ARMSTRONG, DELK,**
3 **BALKENBUSH & EISINGER**
4 Michael P. Lowry, Esq.
5 Nevada Bar No. 10666
6 P.O. Drawer 2070
7 Las Vegas, Nevada 89125-2070
8 Tel: (702) 366-0622
9 Fax: (702) 366-0327
10 Email: mlowry@thorndal.com
11 Attorneys for Glenn Welt, Rhoda Welt,
12 Lynn Welt and Michele Welt

7 **DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

9 HOWARD SHAPIRO and JENNA SHAPIRO,

Case No.: A-14-706566-C

Dept. No. 27

10 Plaintiffs,

11 vs.

**NOTICE OF ENTRY OF ORDER
GRANTING MOTION FOR ATTORNEYS'
FEES**

12 GLEN WELT, RHODA WELT, LYNN WELT,
13 MICHELLE WELT, individuals;
14 CHECKSNET.COM, a corporation; DOES I
through X, and ROE CORPORATIONS I
through X, inclusive,

15 Defendants.

16 PLEASE TAKE NOTICE that on February 20, 2015, the court entered the attached
17 order granting a motion for attorneys' fees.

18 DATED this 20th day of February, 2015.

19 THORNDAL, ARMSTRONG, DELK,
20 BALKENBUSH & EISINGER

/s/ Michael P. Lowry

21 _____
22 Michael P. Lowry, Esq.
23 P.O. Drawer 2070
24 Las Vegas, NV 89125-2070
25 Attorneys for Glenn Welt, Rhoda Welt,
26 Lynn Welt and Michele Welt

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), on February 20, 2015, **NOTICE OF ENTRY OF ORDER GRANTING MOTION FOR ATTORNEYS' FEES** was served upon each of the parties via electronic service through the Eighth Judicial District Court's Odyssey E-File and Serve system.

/s/ Michael P. Lowry

An Employee of Thorndal, Armstrong, Delk,
Balkenbush & Eisinger


CLERK OF THE COURT

1 **ORDR**

2 **DISTRICT COURT**
3 **CLARK COUNTY, NEVADA**

4 HOWARD SHAPIRO, JEAN SHAPIRO,
5 Plaintiffs

CASE NO.: A-14-706566-C

6 vs.

DEPARTMENT 27

7
8 GLEN WELT, LYNN WELT, MICHELLE
9 WELT and RHODA WELT, Defendants

10 **ORDER GRANTING DEFENDANTS' MOTION FOR ATTORNEYS' FEES**

11
12 **COURT FINDS** after review that the Court's entered an Order Granting
13 Defendants' Motion to Dismiss under the anti-SLAPP provisions of NRS 41.660 on
14 January 2, 2015. As part of the order, the Court stated it would allow reasonable
15 attorneys' fees under NRS 41.670 and requested Defendants' counsel provide an affidavit
16 detailing their costs and fees.

17
18 **COURT FURTHER FINDS** after review Defendants filed their Affidavit in
19 Support of Fees and Costs per NRS 41.670 on January 5, 2015, requesting \$14,775.00 in
20 attorneys' fees (59.1 hours at \$250.00 per hour) and \$554.68 in costs. Plaintiffs filed their
21 Response on January 15, 2015 and Defendants' filed their Reply in Support on January
22 17, 2015.

23
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award of reasonable attorneys fees if a defendant prevails on a motion to dismiss.

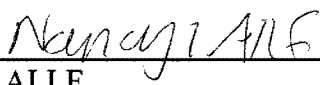
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5 specifically relating to the successful Motion to Dismiss under NRS 41.660.¹ The totality
6 of the costs are allowable.

8 **COURT ORDERS** for good cause appearing Defendants are awarded \$4,500 in
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10 Dated: February 18, 2015

11
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13 NANCY ALLF
14 DISTRICT COURT JUDGE

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3 **CERTIFICATE OF SERVICE**

4 I hereby certify that on or about the date signed I caused the foregoing document to
5 be served by placing same in the attorney folder located at the Regional Justice Center;
6 and/or by fax; and/or pursuant to EDCR 8.05(a) and 8.05(f), to be electronically served
7 through the Eighth Judicial District Court's electronic filing system, with the date and
8 time of the electronic service substituted for the date and place of deposit in the mail.

9 Thorndal, Armstrong, Delk, Balkenbush & Eisinger
10 Michael P. Lowry, Esq. – m_lowry@thorndal.com
11 Fax: 702-366-0327

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14 Fax: 702-489-4812

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Karen Lawrence
Judicial Executive Assistant

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

December 24, 2014

A-14-706566-C Howard Shapiro, Plaintiff(s)
vs.
Glen Welt, Defendant(s)

December 24, 2014 10:00 AM Motion to Dismiss

HEARD BY: Allf, Nancy

COURTROOM: RJC Courtroom 03A

COURT CLERK: Nicole McDevitt

RECORDER: Traci Rawlinson

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Plaintiff Howard Shapiro present telephonically.

Arguments by counsel regarding the merits of the motion, opposition and countermotion. Colloquy regarding status of guardianship litigation and procedure there. Mr. Lowry stated a tentative settlement has been reached however it requires Court approval. Matter trialed for Mr. Ghibaudto to speak to his client off the record regarding the New Jersey litigation.

MATTER RECALLED. Mr. Ghibaudto stated, as to the New Jersey litigation, there is an order out of New Jersey, there is a conservator that has been appointed to handle the finances, however, his client is solely in charge of any and all medical decisions concerning his father, Defendants Lynn, Rhoda and Michelle Welt have agreed to that, and Defendant Glen Welt has not been involved in any of the litigation in New Jersey but he is handling the website. Further arguments by counsel. COURT ORDERED, Glenn Welt, Rhoda Welt, Lynn Welt & Michele Welt's Motion to Dismiss and the Counter-motion for Attorney's Fees, Costs, and Sanctions CONTINUED FOR WRITTEN DECISION, if there is an update to the New Jersey litigation then Court would welcome a supplement and the filed document should be faxed or emailed to the Judicial Executive Assistant or Law Clerk.

- Plaintiff Howard Shapiro present telephonically.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

December 24, 2014

A-14-706566-C Howard Shapiro, Plaintiff(s)
vs.
Glen Welt, Defendant(s)

December 24, 2014 10:00 AM All Pending Motions

HEARD BY: Allf, Nancy **COURTROOM:** RJC Courtroom 03A

COURT CLERK: Nicole McDevitt

RECORDER: Traci Rawlinson

REPORTER:

PARTIES

PRESENT:	Ghibaudo, Alex, ESQ	Attorney
	Lowry, Michael P.	Attorney
	Shapiro, Howard	Plaintiff

JOURNAL ENTRIES

- GLENN WELT, RHODA WELT, LYNN WELT & MICHELE WELT'S MOTION TO DISMISS...OPPOSITION TO DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT AND COUNTER-MOTION FOR ATTORNEY'S FEES, COSTS, AND SANCTIONS

Plaintiff Howard Shapiro present telephonically.

Arguments by counsel regarding the merits of the motion, opposition and countermotion. Colloquy regarding status of guardianship litigation and procedure there. Mr. Lowry stated a tentative settlement has been reached however it requires Court approval. Matter trialed for Mr. Ghibaudo to speak to his client off the record regarding the New Jersey litigation.

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CONTINUED FOR CHAMBER'S DECISION.....12/30/2014 (CHAMBERS)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

December 30, 2014

A-14-706566-C Howard Shapiro, Plaintiff(s)
vs.
Glen Welt, Defendant(s)

December 30, 2014 3:00 AM Status Check

HEARD BY: Allf, Nancy

COURTROOM:

COURT CLERK: Nicole McDevitt

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Order Granting Motion to Dismiss filed January 2, 2015.



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

MICHAEL P. LOWRY, ESQ.
P.O. DRAWER 2070
LAS VEGAS, NV 89125-2070

DATE: March 17, 2015
CASE: A706566

RE CASE: HOWARD SHAPIRO; JENNA SHAPIRO vs. GLEN WELT; RHODA WELT; LYNN WELT; MICHELLE WELT; CHECKSNET.COM

NOTICE OF APPEAL FILED: March 14, 2015

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS NOT TRANSMITTED HAVE BEEN MARKED:

- \$250 – Supreme Court Filing Fee**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
- Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- Order
- Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.**

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; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING DEFENDANTS' MOTION FOR ATTORNEYS' FEES; NOTICE OF ENTRY OF ORDER GRANTING MOTION FOR ATTORNEYS' FEES; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

HOWARD SHAPIRO; JENNA SHAPIRO,

Plaintiff(s),

vs.

GLEN WELT; RHODA WELT; LYNN WELT;
MICHELLE WELT; CHECKSNET.COM,

Defendant(s),

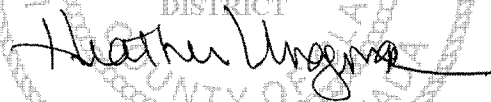
Case No: A706566

Dept No: XXVII

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 March 2015

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

