

FILED

2015 MAR 24 PM 12: 26

JACQUELINE BRYANT
CLERK OF THE COURT
Electronically Filed
BY *[Signature]*
Mar 27 2015 11:34 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

1 CODE 2515
2 Luke Busby, Esq.
3 Nevada Bar No. 10319
4 216 East Liberty St.
5 Reno, NV 89501
6 775-453-0112
7 luke@lukeandrewbusbyltd.com
8 *Attorney for John and Melissa Fritz*

9 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

10 **IN AND FOR THE COUNTY OF WASHOE**

11 JOHN AND MELISSA FRITZ,

12 Plaintiffs,

CASE NO. CV13-00756

13 vs.

DEPT NO. 1

14 WASHOE COUNTY,

15 Defendant(s),
16 _____/

17 **NOTICE OF APPEAL**

18 Notice is hereby given that Plaintiffs JOHN AND MELISSA FRITZ above named,
19 hereby appeal the Order granting Washoe County's Motion for Summary Judgment entered
20 in this action on March 19, 2015. Pursuant to Nevada Rule of Appellate Procedure 17, the
21 Plaintiffs believe that this matter should be heard and decided by the Nevada Court of
22 Appeals.

23 **NRS 239B.030(4) AFFIRMATION**

24 Pursuant to NRS 239B.030 as well as Rule 10 of the Washoe District Court Rules, the
25 undersigned hereby affirms that this document does not contain the social security number
26 of any person.
27
28

1 Respectfully submitted this Monday, March 23, 2015.

2
3 By: 

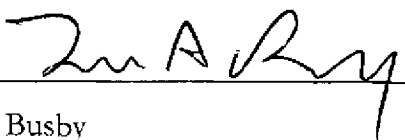
4 Luke Busby, Esq.
5 216 East Liberty St.
6 Reno, NV 89501
7 775-453-0112
8 luke@lukeandrewbusbyltd.com
9 *Attorney for John and Melissa Fritz*

10 **CERTIFICATE OF SERVICE**

11 I hereby certify that I have on this day served the foregoing document upon the following
12 parties by electronic service to:

13
14 Washoe County DA's Office
15 Attn: Michael Large, Esq.
16 Washoe County District Attorney Civil Div.
17 P.O. Box 11130
18 Reno, NV 89520

19 Respectfully submitted this Monday, March 23, 2015.

20 
21 Luke Busby
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FILED

2015 MAR 24 PM 12:26

JACQUELINE BRYANT
CLERK OF THE COURT
BY *[Signature]*
DEPUTY

1 CODE 1310
2 Luke Busby, Esq.
3 Nevada Bar No. 10319
4 216 East Liberty St.
5 Reno, NV 89501
6 775-453-0112
7 luke@lukeandrewbusbyltd.com
8 Attorney for John and Melissa Fritz

9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

10 IN AND FOR THE COUNTY OF WASHOE

11 JOHN AND MELISSA FRITZ,

12 Plaintiffs,

CASE NO. CV13-00756

13 vs.

DEPT. NO. 1

14 WASHOE COUNTY,

15 Defendant(s),
16 _____/

17 CASE APPEAL STATEMENT

18 Plaintiffs JOHN AND MELISSA FRITZ above named, hereby file the following Case
19 Statement for the appeal of the Order granting Washoe County's Motion for Summary
20 Judgment entered in this action on March 19, 2015.

21 (A) The District Court case number is CV13-00756. The Parties are John and Melissa
22 Fritz, a married couple, Plaintiffs, and Washoe County, Defendant;

23 (B) The name of the judge who entered the order or judgment being appealed: The
24 Honorable Janet Berry.

25 (C) The name of each appellant and the name and address of counsel for each appellant
26 are: John and Melissa Fritz, a married couple. Counsel for the Appellant is Luke Busby,
27 Esq. 216 East Liberty St. Reno, NV 89501;

28 (D) The name of each respondent and the name and address of appellate counsel is:
Michael Large, Esq. Washoe County District Attorney Civil Div., P.O. Box 11130 Reno,

1 NV 89520;

2 (E) Counsel for the Plaintiff believes that all attorneys named herein are licensed to
3 practice law in Nevada;

4 (F) The appellant was represented by counsel at the District Court and will be on appeal as
5 well;

6 (G) The district court did not grant the appellant leave to proceed in forma pauperis;

7 (H) The proceedings commenced in the District Court on April 4, 2013;

8 (I) The nature of the action and result in the District Court are as follows. This matter is
9 an inverse condemnation case in which the Plaintiff's allege that Defendant Washoe County
10 has taken the Plaintiff's property for public use by allowing and substantially participating
11 the development of upstream lands that cause flooding on the Plaintiff's property. The
12 District Court granted a Motion for Summary Judgment in favor of Washoe County,
13 finding that the allegations of the Plaintiff do not support the relief requested;

14 (J) This case has not previously been the subject of an appeal to or original writ
15 proceeding in the Supreme Court;

16 (K) This appeal does not involve child custody or visitation; and

17 (L) The Appellant believes that the appeal involves the possibility of settlement.

18 **NRS 239B.030(4) AFFIRMATION**

19 Pursuant to NRS 239B.030 as well as Rule 10 of the Washoe District Court Rules, the
20 undersigned hereby affirms that this document does not contain the social security number
21 of any person.

22 Respectfully submitted this Monday, March 23, 2015.

23 By: 

24 Luke Busby, Esq.
25 216 East Liberty St.
26 Reno, NV 89501
27 775-453-0112
28 luke@lukeandrewbusbyltd.com
Attorney for John and Melissa Fritz

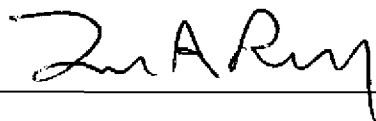
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CERTIFICATE OF SERVICE

I hereby certify that I have on this day served the foregoing document upon the following parties by electronic service to:

Washoe County DA's Office
Attn: Michael Large, Esq.
Washoe County District Attorney Civil Div.
P.O. Box 11130
Reno, NV 89520

Respectfully submitted this Monday, March 23, 2015.



Luke Busby

SECOND JUDICIAL DISTRICT COURT**STATE OF NEVADA****COUNTY OF WASHOE****Case History - CV13-00756****Case Description: JOHN & MELISSA FRITZ VS. WASHOE COUNTY (D1)**

Case Number: CV13-00756 Case Type: OTHER CIVIL MATTERS - Initially Filed On: 4/4/2013

Parties

<u>Party Type & Name</u>	<u>Party Status</u>
PLTF - JOHN FRITZ - @6017	Active
PLTF - MELISSA FRITZ - @6023	Active
PLTF - COMMUNITY CONSTRUCTION, INC. - @5023	Party ended on: 11/4/2013 12:00:00AM
DEFT - PACIFIC WEST BUILDERS, INC. - @71002	Active
DEFT - WALSH ODYSSEY ENGINEERING, LTD dba ODYSSEY ENGINEERING, INC. - @1249702	Active
DEFT - NICHOLAS S. VESTBIE, LTD dba NORTECH GEOTECHNICAL/CONSUL,LTD - @1249704	Active
DEFT - CFA, INC. - @3196	Active
DEFT - MONTE ROSA, LLC - @1249703	Party ended on: 3/25/2014 12:00:00AM
DEFT - WOOD RODGERS, INC. - @1100597	Party ended on: 3/25/2014 12:00:00AM
DEFT - FPE ENGINEERING & PLANNING - @233795	Active
DEFT - BARNESON INVESTMENTS, INC. dba LANCER, LTD - @1249700	Active
DEFT - WASHOE COUNTY - @828	Active
DEFT - LOTS, INC. - @1249701	Active
DEFT - MCMILLIAN CONSTRUCTION CO. - @414342	Active
ATTY - Patrick R. Millsap, Esq. - 12043	Party ended on: 3/25/2014 12:00:00AM
ATTY - Karl H. Smith, Esq. - 6504	Party ended on: 3/25/2014 12:00:00AM
ATTY - Donald Albert Lattin, Esq. - 693	Party ended on: 3/25/2014 12:00:00AM
ATTY - Christina V. Miller, Esq. - 12448	Party ended on: 3/25/2014 12:00:00AM
ATTY - Griffith H. Hayes, Esq. - 7374	Party ended on: 3/25/2014 12:00:00AM
ATTY - E. Terrance Shea, Esq. - 29	Party ended on: 1/28/2015 12:00:00AM
ATTY - Luke Andrew Busby, Esq. - 10319	Active
ATTY - Nathan J. Aman, Esq. - 8354	Party ended on: 3/25/2014 12:00:00AM
ATTY - Michael S. Kimmel, Esq. - 9081	Party ended on: 3/25/2014 12:00:00AM
DA - Michael W. Large, Esq. - 10119	Active

Disposed Hearings

- 1 Department: D15 -- Event: MAND PRETRIAL STATUS CONF -- Scheduled Date & Time: 11/25/2013 at 10:30:00
Extra Event Text: HRG REQUESTED BY COUNSEL FOR PLAINTIFF (LUKE BUSBY) (TRIAL/PTC NOT SET)
Event Disposition: D435 - 11/25/2013
- 2 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 12/12/2013 at 09:00:00
Extra Event Text: WASHOE COUNTY'S MOTION TO DISMISS (STATUS HEARING FEB 11) (DRAFT W/JB)
Event Disposition: S200 - 2/5/2014
- 3 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 12/18/2013 at 16:55:00
Extra Event Text: MOTION TO DISMISS (PROPOSED ORDER ATTACHED AS EXHIBIT)
Event Disposition: S200 - 12/18/2013
- 4 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 12/31/2013 at 14:02:00
Extra Event Text: MOTION TO DISMISS (STATUS HRG SET 2-11-14) (PRINTED W/JB)
Event Disposition: S200 - 1/24/2014

Report Does Not Contain Sealed Cases or Confidential Information

- 5 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 1/23/2014 at 11:29:00
Extra Event Text: MOTION FOR A MORE DEFINITE STATEMENT AND NON-OPPOSITION THERETO (NO PAPER ORDER PROVIDED)
Event Disposition: S200 - 1/23/2014
- 6 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 1/29/2014 at 16:24:00
Extra Event Text: MOTION FOR MORE DEFINITE STATEMENT (STATUS HEARING FEB 11) (DRAFT W/JB)
Event Disposition: S200 - 2/5/2014
- 7 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 2/6/2014 at 16:59:00
Extra Event Text: ODYSSEY'S MOTION TO DISMISS THE SECOND AMENDED COMPLAINT (NO PAPER ORDER PROVIDED)
Event Disposition: S200 - 2/7/2014
- 8 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 2/11/2014 at 14:00:00
Extra Event Text: WASHOE COUNTY'S MOTION TO DISMISS (RE-DRAFT ORDER W/JB)
Event Disposition: S200 - 3/18/2014
- 9 Department: D1 -- Event: STATUS CONFERENCE -- Scheduled Date & Time: 2/11/2014 at 13:30:00
Extra Event Text: COURT WILL ADDRESS ALL SUBMITTED AND UNSUBMITTED MOTIONS
Event Disposition: D435 - 2/11/2014
- 10 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 2/24/2014 at 16:40:00
Extra Event Text: MOTION TO FILE THIRD AMENDED COMPLAINT (DRAFT W/JB)
Event Disposition: S200 - 3/25/2014
- 11 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 4/7/2014 at 07:00:00
Extra Event Text: MOTION TO FILE THIRD AMENDED COMPLAINT (DRAFT ORDER W/JB)
Event Disposition: S200 - 5/8/2014
- 12 Department: D1 -- Event: TRIAL - NON JURY -- Scheduled Date & Time: 4/14/2014 at 09:30:00
Extra Event Text: 3 JUDICIAL DAY BREACH OF CONTRACT
Event Disposition: D845 - 10/29/2013
- 13 Department: B -- Event: PRE-TRIAL CONFERENCE -- Scheduled Date & Time: 2/4/2015 at 13:30:00
Extra Event Text: 7 JUD DAY JURY TRIAL SET MAY 11
Event Disposition: D435 - 2/4/2015
- 14 Department: D1 -- Event: TRIAL - JURY -- Scheduled Date & Time: 2/23/2015 at 09:30:00
Extra Event Text: WEEK 1 OF 2 TRESPASS & NUISANCE (STATUS HRG SET 2-11-14)
Event Disposition: D855 - 9/12/2014
- 15 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 2/24/2015 at 14:54:00
Extra Event Text: MOTION FOR SUMMARY JUDGMENT FILED 2/2/15 (NO ORDER PROVIDED)
Event Disposition: S200 - 3/19/2015
- 16 Department: D1 -- Event: HEARING ONGOING -- Scheduled Date & Time: 3/2/2015 at 09:00:00
Extra Event Text: WEEK 2 OF 2
Event Disposition: D855 - 9/12/2014
- 17 Department: D1 -- Event: TRIAL - JURY -- Scheduled Date & Time: 5/11/2015 at 09:30:00
Extra Event Text: WEEK 1 OF 7 JUDICIAL DAYS (INVERSE CONDEMNATION)
Event Disposition: D875 - 3/19/2015
- 18 Department: D1 -- Event: TRIAL ONGOING -- Scheduled Date & Time: 5/18/2015 at 09:00:00
Extra Event Text: WEEK 2 OF 7 JUD DAYS
Event Disposition: D875 - 3/19/2015

Actions

	<u>Filing Date</u>	<u>-</u>	<u>Docket Code & Description</u>
1	4/4/2013	-	\$PLTF - \$Addl Plaintiff/Complaint Additional Text: MELISSA FRITZ - Transaction 3639525 - Approved By: MCHOLICO : 04-05-2013:08:26:44
2	4/4/2013	-	\$1425 - \$Complaint - Civil Additional Text: (JOHN FRITZ) - Transaction 3639525 - Approved By: MCHOLICO : 04-05-2013:08:26:44
3	4/5/2013	-	PAYRC - **Payment Receipted Additional Text: A Payment of \$290.00 was made on receipt DCDC402883.
4	6/7/2013	-	1090 - Amended Complaint Additional Text: AMENDED VERIFIED COMPLAINT FOR INVERSE CONDEMNATION - Transaction 3773454 - Approved By: ACROGHAN : 06-07-2013:09:40:17
5	6/7/2013	-	NEF - Proof of Electronic Service Additional Text: Transaction 3773480 - Approved By: NOREVIEW : 06-07-2013:09:43:20
6	6/7/2013	-	2610 - Notice ... Additional Text: LIS PENDENS - Transaction 3773924 - Approved By: ACROGHAN : 06-07-2013:11:16:40
7	6/7/2013	-	NEF - Proof of Electronic Service Additional Text: Transaction 3773964 - Approved By: NOREVIEW : 06-07-2013:11:19:47
8	6/10/2013	-	4090 - ** Summons Issued <i>No additional text exists for this entry.</i>
9	6/20/2013	-	4085 - Summons Filed Additional Text: AMY HARVEY WASHOE CLERK - 6-11-13 - Transaction 3802306 - Approved By: HBROWN : 06-20-2013:13:00:06
10	6/20/2013	-	NEF - Proof of Electronic Service Additional Text: Transaction 3802328 - Approved By: NOREVIEW : 06-20-2013:13:01:31
11	6/20/2013	-	2610 - Notice ... Additional Text: NOTICE OF FILING LIS PENDENS - Transaction 3803891 - Approved By: HBROWN : 06-20-2013:16:01:34
12	6/20/2013	-	NEF - Proof of Electronic Service Additional Text: Transaction 3803916 - Approved By: NOREVIEW : 06-20-2013:16:03:55
13	7/15/2013	-	1067 - Affidavit of Service Additional Text: ANDREA TABENER PROG ASSIST. OBO COMMISSIONER HUMKE OBO WASHOE COUNTY 07/12/13 - Transaction 3854180 - Approved By: DJARAMIL : 07-15-2013:14:56:28
14	7/15/2013	-	NEF - Proof of Electronic Service Additional Text: Transaction 3854701 - Approved By: NOREVIEW : 07-15-2013:14:59:53
15	7/26/2013	-	1140 - Answer to Amended Complaint Additional Text: Transaction 3882863 - Approved By: MFERNAND : 07-26-2013:15:20:13
16	7/26/2013	-	NEF - Proof of Electronic Service Additional Text: Transaction 3883446 - Approved By: NOREVIEW : 07-26-2013:15:24:22
17	8/13/2013	-	3840 - Request Exemption Arbitration

Additional Text: REQUEST FOR EXEMPTION FROM ARBITRATION - Transaction 3920147 - Approved By: MFERNAND : 08-13-2013:16:51:53

18 8/13/2013 - NEF - Proof of Electronic Service

Additional Text: Transaction 3920371 - Approved By: NOREVIEW : 08-13-2013:16:58:14

19 8/16/2013 - 2501 - Non-Opposition ...

Additional Text: NOTICE OF NON-OPPOSITION TO REQUEST FOR EXEMPTION FROM ARBITRATION - Transaction 3930143 - Approved By: MFERNAND : 08-16-2013:15:06:33

20 8/16/2013 - NEF - Proof of Electronic Service

Additional Text: Transaction 3930325 - Approved By: NOREVIEW : 08-16-2013:15:08:00

21 8/16/2013 - 1475 - Consent ...

Additional Text: CONSENT TO SERVICE BY ELCTRONIC MEANS UNDER RULE 5 - Transaction 3930353 - Approved By: MCHOLICO : 08-16-2013:16:11:19

22 8/16/2013 - NEF - Proof of Electronic Service

Additional Text: Transaction 3930977 - Approved By: NOREVIEW : 08-16-2013:16:35:26

23 8/20/2013 - A120 - Exemption from Arbitration

Additional Text: Transaction 3935875 - Approved By: MFERNAND : 08-20-2013:13:22:44

24 8/20/2013 - NEF - Proof of Electronic Service

Additional Text: Transaction 3936141 - Approved By: NOREVIEW : 08-20-2013:13:24:45

25 9/3/2013 - JF - **First Day Jury Fees Deposit

No additional text exists for this entry.

26 9/3/2013 - 1580 - Demand for Jury

No additional text exists for this entry.

27 9/9/2013 - 2630 - Objection to ...

Additional Text: PARTIAL OBJECTION TO JURY DEMAND - Transaction 3981722 - Approved By: MCHOLICO : 09-09-2013:16:23:53

28 9/9/2013 - NEF - Proof of Electronic Service

Additional Text: Transaction 3982354 - Approved By: NOREVIEW : 09-09-2013:16:26:48

29 9/24/2013 - 3696 - Pre-Trial Order

Additional Text: Transaction 4017250 - Approved By: NOREVIEW : 09-24-2013:12:15:10

30 9/24/2013 - NEF - Proof of Electronic Service

Additional Text: Transaction 4017255 - Approved By: NOREVIEW : 09-24-2013:12:16:48

31 10/21/2013 - 3980 - Stip and Order...

Additional Text: Transaction 4081750 - Approved By: NOREVIEW : 10-21-2013:17:22:09

32 10/21/2013 - NEF - Proof of Electronic Service

Additional Text: Transaction 4081807 - Approved By: NOREVIEW : 10-21-2013:17:23:55

33 10/22/2013 - 2540 - Notice of Entry of Ord

Additional Text: Transaction 4085748 - Approved By: NOREVIEW : 10-22-2013:16:01:11

34 10/22/2013 - NEF - Proof of Electronic Service

Additional Text: Transaction 4085899 - Approved By: NOREVIEW : 10-22-2013:16:04:48

- 35 10/28/2013 - 2529 - Notice of Early Case Conferenc
Additional Text: Transaction 4095806 - Approved By: NOREVIEW : 10-28-2013:15:13:03
- 36 10/28/2013 - NEF - Proof of Electronic Service
Additional Text: Transaction 4095822 - Approved By: NOREVIEW : 10-28-2013:15:15:24
- 37 10/29/2013 - 1250E - Application for Setting eFile
Additional Text: Transaction 4097508 - Approved By: NOREVIEW : 10-29-2013:10:29:55
- 38 10/29/2013 - NEF - Proof of Electronic Service
Additional Text: Transaction 4097536 - Approved By: NOREVIEW : 10-29-2013:10:33:26
- 39 11/1/2013 - 1090 - Amended Complaint
Additional Text: SECOND AMENDED VERIFIED COMPLAINT FOR INVERSE CONDEMNATION, TRESPASS, AND NUISANCE - Transaction 4109182 - Approved By: MCHOLICO : 11-01-2013:15:21:29
- 40 11/1/2013 - NEF - Proof of Electronic Service
Additional Text: Transaction 4109469 - Approved By: NOREVIEW : 11-01-2013:15:22:46
- 41 11/6/2013 - 2610 - Notice ...
Additional Text: NOTICE OF PARTIAL VOLUNTARY DISMISSAL - Transaction 4118869 - Approved By: MFERNAND : 11-06-2013:14:51:28
- 42 11/6/2013 - NEF - Proof of Electronic Service
Additional Text: Transaction 4119178 - Approved By: NOREVIEW : 11-06-2013:14:55:04
- 43 11/12/2013 - 4090 - ** Summons Issued
No additional text exists for this entry.
- 44 11/12/2013 - 4090 - ** Summons Issued
No additional text exists for this entry.
- 45 11/12/2013 - 4090 - ** Summons Issued
No additional text exists for this entry.
- 46 11/12/2013 - 4090 - ** Summons Issued
No additional text exists for this entry.
- 47 11/12/2013 - 4090 - ** Summons Issued
No additional text exists for this entry.
- 48 11/12/2013 - 4090 - ** Summons Issued
No additional text exists for this entry.
- 49 11/12/2013 - 4090 - ** Summons Issued
No additional text exists for this entry.
- 50 11/12/2013 - 4090 - ** Summons Issued
No additional text exists for this entry.
- 51 11/25/2013 - 2610 - Notice ...
Additional Text: NOTICE OF SETTING OF TRIAL DATE AND NOTICE OF SECOND EARLY PRETRIAL CONFERENCE - Transaction 4159196 - Approved By: AAKOPYAN : 11-25-2013:15:11:13
- 52 11/25/2013 - NEF - Proof of Electronic Service
Additional Text: Transaction 4159350 - Approved By: NOREVIEW : 11-25-2013:15:13:39

- 53 11/26/2013 - MIN - ***Minutes
Additional Text: 11/25/13 - MANDATORY STATUS CONFERENCE - Transaction 4160373 - Approved By: NOREVIEW : 11-26-2013:08:41:36
- 54 11/26/2013 - NEF - Proof of Electronic Service
Additional Text: Transaction 4160387 - Approved By: NOREVIEW : 11-26-2013:08:43:23
- 55 11/26/2013 - 1067 - Affidavit of Service
Additional Text: BARNESON INVESTMENTS, INC. dba LANCER, LTD SERVED ON 11/13/13 - Transaction 4163553 - Approved By: MCHOLICO : 11-27-2013:08:43:12
- 56 11/26/2013 - 1067 - Affidavit of Service
Additional Text: CFA, INC. SERVED ON 11/14/13 - Transaction 4163557 - Approved By: MCHOLICO : 11-27-2013:08:44:07
- 57 11/26/2013 - 1068 - Affidavit of Non-Service
Additional Text: ATTEMPTED SERVICE ON LOTS, INC. - Transaction 4163566 - Approved By: MCHOLICO : 11-27-2013:08:49:49
- 58 11/26/2013 - 1067 - Affidavit of Service
Additional Text: MONTE ROSA, LLC SERVED ON 11/14/13 - Transaction 4163576 - Approved By: MCHOLICO : 11-27-2013:09:04:55
- 59 11/26/2013 - 1067 - Affidavit of Service
Additional Text: WALSH ODYSSEY ENGINEERING, LTD dba ODYSSEY ENGINEERING, INC. SERVED ON 11/14/13 - Transaction 4163592 - Approved By: MCHOLICO : 11-27-2013:09:07:03
- 60 11/26/2013 - 1068 - Affidavit of Non-Service
Additional Text: ATTEMPTED SERVICE ON PACIFIC WEST BUILDERS, INC. - Transaction 4163601 - Approved By: MCHOLICO : 11-27-2013:09:08:00
- 61 11/26/2013 - 1067 - Affidavit of Service
Additional Text: WOOD RODGERS, INC. SERVED ON 11/13/13 - Transaction 4163616 - Approved By: MCHOLICO : 11-27-2013:09:08:52
- 62 11/26/2013 - 1068 - Affidavit of Non-Service
Additional Text: AFFIDAVIT OF ATTEMPTED SERVICE - Transaction 4163730 - Approved By: MFERNAND : 11-27-2013:09:13:00
- 63 11/27/2013 - NEF - Proof of Electronic Service
Additional Text: Transaction 4164226 - Approved By: NOREVIEW : 11-27-2013:08:44:56
- 64 11/27/2013 - NEF - Proof of Electronic Service
Additional Text: Transaction 4164238 - Approved By: NOREVIEW : 11-27-2013:08:46:42
- 65 11/27/2013 - NEF - Proof of Electronic Service
Additional Text: Transaction 4164265 - Approved By: NOREVIEW : 11-27-2013:08:51:28
- 66 11/27/2013 - NEF - Proof of Electronic Service
Additional Text: Transaction 4164356 - Approved By: NOREVIEW : 11-27-2013:09:07:47
- 67 11/27/2013 - NEF - Proof of Electronic Service
Additional Text: Transaction 4164388 - Approved By: NOREVIEW : 11-27-2013:09:11:59
- 68 11/27/2013 - NEF - Proof of Electronic Service
Additional Text: Transaction 4164394 - Approved By: NOREVIEW : 11-27-2013:09:12:53
- 69 11/27/2013 - NEF - Proof of Electronic Service
Additional Text: Transaction 4164395 - Approved By: NOREVIEW : 11-27-2013:09:12:53
- 70 11/27/2013 - NEF - Proof of Electronic Service
Additional Text: Transaction 4164447 - Approved By: NOREVIEW : 11-27-2013:09:20:16

- 71 12/3/2013 - 2315 - Mtn to Dismiss ...
Additional Text: WOOD RODGERS, INC. AND CFA, INC.'S MOTION TO DISMISS THE SECOND AMENDED COMPLAINT FOR FAILURE TO COMPLY WITH NRS 11.258 - Transaction 4171925 - Approved By: MCHOLICO : 12-03-2013:14:35:49
- 72 12/3/2013 - \$1560 - \$Def 1st Appearance - CV
Additional Text: WOOD RODGERS, INC. - Transaction 4171925 - Approved By: MCHOLICO : 12-03-2013:14:35:49
- 73 12/3/2013 - \$DEFT - \$Addl Def/Answer - Prty/Appear
Additional Text: CFA, INC. - Transaction 4171925 - Approved By: MCHOLICO : 12-03-2013:14:35:49
- 74 12/3/2013 - PAYRC - **Payment Receipted
Additional Text: A Payment of \$243.00 was made on receipt DCDC433426.
- 75 12/3/2013 - NEF - Proof of Electronic Service
Additional Text: Transaction 4172193 - Approved By: NOREVIEW : 12-03-2013:14:39:05
- 76 12/5/2013 - 2645 - Opposition to Mtn ...
Additional Text: OPPOSITION TO MOTION TO DISMISS - Transaction 4178457 - Approved By: PDBROWN : 12-05-2013:14:36:34
- 77 12/5/2013 - NEF - Proof of Electronic Service
Additional Text: Transaction 4178586 - Approved By: NOREVIEW : 12-05-2013:14:41:19
- 78 12/6/2013 - 2520 - Notice of Appearance
Additional Text: DONALD A. LATTIN, ESQ. / WALSH ODYSSEY ENGINEERING, LTD dba ODYSSEY ENGINEERING, INC - Transaction 4181670 - Approved By: MCHOLICO : 12-06-2013:15:46:16
- 79 12/6/2013 - \$1560 - \$Def 1st Appearance - CV
Additional Text: WALSH ODYSSEY ENGINEERING, LTD. dba ODYSSEY ENGINEERING, INC - Transaction 4181670 - Approved By: MCHOLICO : 12-06-2013:15:46:16
- 80 12/6/2013 - 1068 - Affidavit of Non-Service
Additional Text: Transaction 4181849 - Approved By: AAKOPYAN : 12-06-2013:16:03:55
- 81 12/6/2013 - PAYRC - **Payment Receipted
Additional Text: A Payment of \$213.00 was made on receipt DCDC433934.
- 82 12/6/2013 - NEF - Proof of Electronic Service
Additional Text: Transaction 4182003 - Approved By: NOREVIEW : 12-06-2013:15:48:22
- 83 12/6/2013 - NEF - Proof of Electronic Service
Additional Text: Transaction 4182159 - Approved By: NOREVIEW : 12-06-2013:16:12:02
- 84 12/16/2013 - 2315 - Mtn to Dismiss ...
Additional Text: MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED, NRCP 12(B) (5) - Transaction 4201364 - Approved By: AAKOPYAN : 12-16-2013:14:36:22
- 85 12/16/2013 - NEF - Proof of Electronic Service
Additional Text: Transaction 4201562 - Approved By: NOREVIEW : 12-16-2013:14:38:25
- 86 12/18/2013 - 3860 - Request for Submission
Additional Text: MOTION TO DISMISS (PROPOSED ORDER ATTACHED AS EXHIBIT) - Transaction 4206307 - Approved By: AAKOPYAN : 12-18-2013:11:20:44
PARTY SUBMITTING: LUKE ANDREW BUSBY, ESQ.
DATE SUBMITTED: 12/18/2013
SUBMITTED BY: AAKOPYAN
DATE RECEIVED JUDGE OFFICE:

- 87 12/18/2013 - NEF - Proof of Electronic Service
Additional Text: Transaction 4206457 - Approved By: NOREVIEW : 12-18-2013:11:22:47
- 88 12/18/2013 - 2610 - Notice ...
Additional Text: WOOD RODGERS, INC. AND CFA, INC.'S NOTICE OF WITHDRAWAL OF MOTION TO DISMISS THE SECOND AMENDED COMPLAINT FOR FAILURE TO COMPLY WITH NRS 11.258 - Transaction 4206584 - Approved By: MFERNAND : 12-18-2013:12:15:04
- 89 12/18/2013 - NEF - Proof of Electronic Service
Additional Text: Transaction 4206755 - Approved By: NOREVIEW : 12-18-2013:12:16:56
- 90 12/18/2013 - S200 - Request for Submission Complet
No additional text exists for this entry.
- 91 12/19/2013 - 2520 - Notice of Appearance
Additional Text: MICHAEL S. KIMMEL, ESQ./MONTE ROSA, LLC - Transaction 4211008 - Approved By: PDBROWN : 12-19-2013:16:32:43
- 92 12/19/2013 - NEF - Proof of Electronic Service
Additional Text: Transaction 4211354 - Approved By: NOREVIEW : 12-19-2013:16:35:16
- 93 12/23/2013 - 2645 - Opposition to Mtn ...
Additional Text: OPPOSITION TO MOTION TO DISMISS - Transaction 4216383 - Approved By: MFERNAND : 12-23-2013:16:24:32
- 94 12/23/2013 - NEF - Proof of Electronic Service
Additional Text: Transaction 4216804 - Approved By: NOREVIEW : 12-23-2013:16:26:41
- 95 12/31/2013 - 3860 - Request for Submission
Additional Text: MOTION TO DISMISS (NO PAPER ORDER PROVIDED) - Transaction 4227535 - Approved By: AAKOPYAN : 12-31-2013:12:47:06
PARTY SUBMITTING: TERRANCE SHEA, ESQ.
DATE SUBMITTED: 12/31/2013
SUBMITTED BY: AAKOPYAN
DATE RECEIVED JUDGE OFFICE:
- 96 12/31/2013 - 3795 - Reply...
Additional Text: REPLY POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO DISMISS - Transaction 4227547 - Approved By: AAKOPYAN : 12-31-2013:12:51:23
- 97 12/31/2013 - NEF - Proof of Electronic Service
Additional Text: Transaction 4227557 - Approved By: NOREVIEW : 12-31-2013:12:48:42
- 98 12/31/2013 - NEF - Proof of Electronic Service
Additional Text: Transaction 4227577 - Approved By: NOREVIEW : 12-31-2013:12:53:30
- 99 1/8/2014 - 1835 - Joint Case Conference Report
Additional Text: Transaction 4242103 - Approved By: MCHOLICO : 01-08-2014:11:36:58
- 100 1/8/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4242262 - Approved By: NOREVIEW : 01-08-2014:11:38:47
- 101 1/8/2014 - 2100 - Mtn More Definite Statement
Additional Text: WOOD RODGERS, INC. AND CFA, INC.'S MOTION FOR MORE DEFINITE STATEMENT - Transaction 4244104 - Approved By: MCHOLICO : 01-09-2014:08:30:51
- 102 1/9/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4244790 - Approved By: NOREVIEW : 01-09-2014:08:32:27

- 103 1/10/2014 - 3975 - Statement ...
Additional Text: WOOD ROGERS, INC.'S NRCP 7.1 STATEMENT - Transaction 4250071 - Approved By: MCHOLICO : 01-10-2014:14:39:25
- 104 1/10/2014 - 3975 - Statement ...
Additional Text: CFA, INC.'S NRCP 7.1 STATEMENT - Transaction 4250074 - Approved By: MCHOLICO : 01-10-2014:14:40:33
- 105 1/10/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4250398 - Approved By: NOREVIEW : 01-10-2014:14:43:29
- 106 1/10/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4250407 - Approved By: NOREVIEW : 01-10-2014:14:44:55
- 107 1/14/2014 - 2501 - Non-Opposition ...
Additional Text: NON-OPPOSITION TO MOTION FOR MORE DEFINITE STATEMENT - Transaction 4256909 - Approved By: PDBROWN : 01-14-2014:16:51:08
- 108 1/14/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4257510 - Approved By: NOREVIEW : 01-14-2014:17:03:43
- 109 1/23/2014 - 3860 - Request for Submission
Additional Text: MOTION FOR A MORE DEFINITE STATEMENT AND NON-OPPOSITION THERETO (NO PAPER ORDER PROVIDED) - Transaction 4270627 - Approved By: MCHOLICO : 01-23-2014:11:20:22
PARTY SUBMITTING: LUKE BUSBY, ESQ.
DATE SUBMITTED: 1/23/14
SUBMITTED BY: MCHOLICO
DATE RECEIVED JUDGE OFFICE:
- 110 1/23/2014 - 2490 - Motion ...
Additional Text: MOTION TO FILE AMENDED COMPLAINT AND MOTION TO AMEND CAPTION - Transaction 4271029 - Approved By: PDBROWN : 01-23-2014:12:09:53
- 111 1/23/2014 - S200 - Request for Submission Complet
No additional text exists for this entry.
- 112 1/23/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4271257 - Approved By: NOREVIEW : 01-23-2014:11:21:21
- 113 1/23/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4271506 - Approved By: NOREVIEW : 01-23-2014:12:10:41
- 114 1/24/2014 - S200 - Request for Submission Complet
No additional text exists for this entry.
- 115 1/24/2014 - 2315 - Mtn to Dismiss ...
Additional Text: the Second Amended Complaint - Transaction 4273909 - Approved By: ADEGAYNE : 01-24-2014:13:22:54
- 116 1/24/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4274166 - Approved By: NOREVIEW : 01-24-2014:13:26:12
- 117 1/27/2014 - 2645 - Opposition to Mtn ...
Additional Text: WASHOE COUNTY'S PARTIAL OPPOSITION TO DEFENDANT WOOD RODGERS' MOTION FOR A MORE DEFINITE STATEMENT - Transaction 4275982 - Approved By: MFERNAND : 01-27-2014:15:00:05
- 118 1/27/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4276541 - Approved By: NOREVIEW : 01-27-2014:15:01:42

- 119 1/27/2014 - 2645 - Opposition to Mtn ...
Additional Text: OPP TO MOTION TO DISMISS OF ODYSSEY ENGINEERING - Transaction 4276991 - Approved By: ADEGAYNE : 01-28-2014:08:45:11
- 120 1/28/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4277279 - Approved By: NOREVIEW : 01-28-2014:08:46:07
- 121 1/29/2014 - 3795 - Reply...
Additional Text: Wood Rodgers' and CFA's Limited Reply in Support of Motion for More Definite Statement - Transaction 4281071 - Approved By: AZION : 01-29-2014:15:37:45
- 122 1/29/2014 - 3860 - Request for Submission
Additional Text: MOTION FOR MORE DEFINITE STATEMENT - Transaction 4281076 - Approved By: MELWOOD : 01-29-2014:16:20:03
PARTY SUBMITTING: NATHAN J. AMAN, ESQ.
DATE SUBMITTED: 01/29/2014
SUBMITTED BY: MELWOOD
DATE RECEIVED JUDGE OFFICE:
- 123 1/29/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4281326 - Approved By: NOREVIEW : 01-29-2014:15:38:59
- 124 1/29/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4281550 - Approved By: NOREVIEW : 01-29-2014:16:21:04
- 125 2/3/2014 - 2645 - Opposition to Mtn ...
Additional Text: WASHOE COUNTY'S OPPOSITION TO PLAINTIFFS' MOTION TO FILE AMENDED COMPLAINT AND MOTION TO AMEND CAPTION - Transaction 4287369 - Approved By: PDBROWN : 02-04-2014:09:59:27
- 126 2/4/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4288264 - Approved By: NOREVIEW : 02-04-2014:10:00:22
- 127 2/5/2014 - 2520 - Notice of Appearance
Additional Text: GRIFFITH H. HAYES, ESQ AND CHRISTINA V. MILLER, ESQ., obo PACIFIC WEST BUILDERS, INC. - Transaction 4290614 - Approved By: MELWOOD : 02-05-2014:13:52:59
- 128 2/5/2014 - \$1560 - \$Def 1st Appearance - CV
Additional Text: PACIFIC WEST BUILDERS, INC. - Transaction 4290614 - Approved By: MELWOOD : 02-05-2014:13:52:59
- 129 2/5/2014 - S200 - Request for Submission Complet
No additional text exists for this entry.
- 130 2/5/2014 - S200 - Request for Submission Complet
No additional text exists for this entry.
- 131 2/5/2014 - 3370 - Order ...
Additional Text: PARTIES ARE ORDERED TO BE PREPARED TO ADDRESS ALL MOTIONS AT FEBRUARY 11, 2014, STATUS HEARING - Transaction 4291222 - Approved By: NOREVIEW : 02-05-2014:12:05:31
- 132 2/5/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4291226 - Approved By: NOREVIEW : 02-05-2014:12:06:31
- 133 2/5/2014 - PAYRC - **Payment Receipted
Additional Text: A Payment of \$213.00 was made on receipt DCDC441331.
- 134 2/5/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4291410 - Approved By: NOREVIEW : 02-05-2014:13:53:55
- 135 2/5/2014 - 3795 - Reply...
Additional Text: REPLY TO OPPOSITION TO MOTION TO FILE AMENDED COMPALINT AND MOTION TO AMEND CAPTION - Transaction 4291798 - Approved By: MFERNAND : 02-05-2014:16:15:45

- 136 2/5/2014 - 2610 - Notice ...
Additional Text: NOTICE OF REQUEST TO USE AV EQUIPMENT - Transaction 4291899 - Approved By: MFERNAND : 02-05-2014:16:52:03
- 137 2/5/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4292012 - Approved By: NOREVIEW : 02-05-2014:16:16:59
- 138 2/5/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4292251 - Approved By: NOREVIEW : 02-05-2014:16:52:59
- 139 2/6/2014 - 3795 - Reply...
Additional Text: ODYSSEY'S REPLY IN SUPPORT OF ITS MOTION TO DISMISS THE SECOND AMENDED COMPLAINT - Transaction 4293769 - Approved By: MCHOLICO : 02-06-2014:16:48:55
- 140 2/6/2014 - 3860 - Request for Submission
Additional Text: ODYSSEY'S MOTION TO DISMISS THE SECOND AMENDED COMPLAINT (NO PAPER ORDER PROVIDED) - Transaction 4293775 - Approved By: MCHOLICO : 02-06-2014:16:54:54
PARTY SUBMITTING: DONALD LATTIN, ESQ.
DATE SUBMITTED: 2/6/14
SUBMITTED BY: MCHOLICO
DATE RECEIVED JUDGE OFFICE:
- 141 2/6/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4294575 - Approved By: NOREVIEW : 02-06-2014:16:49:57
- 142 2/6/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4294592 - Approved By: NOREVIEW : 02-06-2014:16:57:40
- 143 2/7/2014 - 3975 - Statement ...
Additional Text: DEFENDANT PACIFIC WEST BUILDERS, INC.'S NRCP 7.1 DISCLOSURE STATEMENT - Transaction 4295071 - Approved By: MCHOLICO : 02-07-2014:12:26:45
- 144 2/7/2014 - 2315 - Mtn to Dismiss ...
Additional Text: DEFT PACIFIC WEST BUILDING, INC.'S MOTION TO DISMISS - Transaction 4295542 - Approved By: ADEGAYNE : 02-07-2014:13:22:57
- 145 2/7/2014 - S200 - Request for Submission Complet
No additional text exists for this entry.
- 146 2/7/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4295682 - Approved By: NOREVIEW : 02-07-2014:12:27:40
- 147 2/7/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4295835 - Approved By: NOREVIEW : 02-07-2014:13:23:57
- 148 2/7/2014 - 2315 - Mtn to Dismiss ...
Additional Text: BARNESON INVESTMENTS, INC. MOTION TO DISMISS
- 149 2/7/2014 - \$1560 - \$Def 1st Appearance - CV
Additional Text: BARNESON INVESTMENTS INC
- 150 2/7/2014 - FIE - **Document Filed in Error
Additional Text: BARNESON INVESTMENTS INC.
- 151 2/7/2014 - PAYRC - **Payment Receipted
Additional Text: A Payment of -\$213.00 was made on receipt DCDC441761.

- 152 2/12/2014 - 3370 - Order ...
Additional Text: DEEMING WOOD ROGERS, INC., AND CFA, INC.'S MOTIO FOR MORE DEFINITE STATEMENT TO BE MOOT - Transaction 4302907 - Approved By: NOREVIEW : 02-12-2014:15:01:55
- 153 2/12/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4302925 - Approved By: NOREVIEW : 02-12-2014:15:04:06
- 154 2/13/2014 - 4185 - Transcript
Additional Text: Transaction 4305374 - Approved By: NOREVIEW : 02-13-2014:19:14:50
- 155 2/13/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4305375 - Approved By: NOREVIEW : 02-13-2014:19:15:49
- 156 2/14/2014 - MIN - ***Minutes
Additional Text: 2/11/14 - ORAL ARGUMENT - Transaction 4306690 - Approved By: NOREVIEW : 02-14-2014:15:29:07
- 157 2/14/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4306692 - Approved By: NOREVIEW : 02-14-2014:15:30:04
- 158 2/20/2014 - 3060 - Ord Granting Mtn ...
Additional Text: ODYSSEY'S MOTION TO DISMISS - Transaction 4313252 - Approved By: NOREVIEW : 02-20-2014:16:10:34
- 159 2/20/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4313273 - Approved By: NOREVIEW : 02-20-2014:16:13:16
- 160 2/20/2014 - 3990 - Stip & Ord Dismiss W/Prejudice
Additional Text: OF DEFT BARENSON INVESTMENTS, INC. - Transaction 4313378 - Approved By: NOREVIEW : 02-20-2014:16:32:20
- 161 2/20/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4313385 - Approved By: NOREVIEW : 02-20-2014:16:33:32
- 162 2/21/2014 - 2585 - Notice of Voluntary Dismissal
Additional Text: NOTICE OF PARTIAL VOLUNTARY DISMISSAL - Transaction 4313967 - Approved By: YVILORIA : 02-21-2014:10:16:42
- 163 2/21/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4314100 - Approved By: NOREVIEW : 02-21-2014:10:17:50
- 164 2/21/2014 - 2540 - Notice of Entry of Ord
Additional Text: Transaction 4314930 - Approved By: NOREVIEW : 02-21-2014:15:09:24
- 165 2/21/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4314938 - Approved By: NOREVIEW : 02-21-2014:15:10:43
- 166 2/24/2014 - 3860 - Request for Submission
Additional Text: - Transaction 4317116 - Approved By: ADEGAYNE : 02-24-2014:16:37:18
DOCUMENT TITLE: MOTION TO FILE AMENDED COMPLAINT AND MOTION TO AMEND CAPTION (PAPER ORDER PROVIDED)
PARTY SUBMITTING: BUSBY, ESQ., LUKE
DATE SUBMITTED: 2/24/14
SUBMITTED BY: ADEGAYNER
DATE RECEIVED JUDGE OFFICE:
- 167 2/24/2014 - 1325 - ** Case Reopened
No additional text exists for this entry.
- 168 2/24/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4317412 - Approved By: NOREVIEW : 02-24-2014:16:38:28

- 169 2/25/2014 - 3990 - Stip & Ord Dismiss W/Prejudice
Additional Text: STIPULATION AND ORDER FOR DISMISSAL WITH PREJUDICE OF DEFENDANT CFA, INC. - Transaction 4318008 - Approved By: NOREVIEW : 02-25-2014:10:08:38
- 170 2/25/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4318014 - Approved By: NOREVIEW : 02-25-2014:10:09:59
- 171 2/25/2014 - 3990 - Stip & Ord Dismiss W/Prejudice
Additional Text: STIPULATION AND ORDER FOR DISMISSAL WITH PREJUDICE OF DEFENDANT PACIFIC WEST BUILDERS, INC. - Transaction 4318109 - Approved By: NOREVIEW : 02-25-2014:10:47:16
- 172 2/25/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4318112 - Approved By: NOREVIEW : 02-25-2014:10:48:27
- 173 2/26/2014 - 2540 - Notice of Entry of Ord
Additional Text: Transaction 4319857 - Approved By: NOREVIEW : 02-26-2014:10:13:20
- 174 2/26/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4319861 - Approved By: NOREVIEW : 02-26-2014:10:14:31
- 175 2/26/2014 - 2540 - Notice of Entry of Ord
Additional Text: Transaction 4320993 - Approved By: NOREVIEW : 02-26-2014:15:44:01
- 176 2/26/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4320999 - Approved By: NOREVIEW : 02-26-2014:15:45:28
- 177 2/26/2014 - 2540 - Notice of Entry of Ord
Additional Text: Transaction 4321231 - Approved By: NOREVIEW : 02-26-2014:16:25:37
- 178 2/26/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4321258 - Approved By: NOREVIEW : 02-26-2014:16:30:21
- 179 3/18/2014 - 3025 - Ord Granting/Denying in Part
Additional Text: WASHOE COUNTY'S MOTION TO DISMISS - Transaction 4349223 - Approved By: NOREVIEW : 03-18-2014:17:37:58
- 180 3/18/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4349226 - Approved By: NOREVIEW : 03-18-2014:17:40:56
- 181 3/18/2014 - S200 - Request for Submission Complet
No additional text exists for this entry.
- 182 3/19/2014 - 2540 - Notice of Entry of Ord
Additional Text: Transaction 4349788 - Approved By: NOREVIEW : 03-19-2014:09:52:59
- 183 3/19/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4349804 - Approved By: NOREVIEW : 03-19-2014:09:55:54
- 184 3/25/2014 - 3990 - Stip & Ord Dismiss W/Prejudice
Additional Text: WOOD ROGERS, INC. - Transaction 4358037 - Approved By: NOREVIEW : 03-25-2014:10:28:16
- 185 3/25/2014 - 3990 - Stip & Ord Dismiss W/Prejudice
Additional Text: MONTE ROSA, LLC. - Transaction 4358037 - Approved By: NOREVIEW : 03-25-2014:10:28:16
- 186 3/25/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4358044 - Approved By: NOREVIEW : 03-25-2014:10:30:23

- 187 3/25/2014 - 2610 - Notice ...
Additional Text: NOTICE OF ENTRY OF STIPULATION AND ORDER - Transaction 4358604 - Approved By: MFERNAND : 03-25-2014:13:55:13
- 188 3/25/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4358835 - Approved By: NOREVIEW : 03-25-2014:13:56:09
- 189 3/25/2014 - S200 - Request for Submission Complet
No additional text exists for this entry.
- 190 3/25/2014 - 3370 - Order ...
Additional Text: ALLOWING TIME FOR WASHOE COUNTY TO OPPOSE THE MOTION TO AMEND COMPLAINT - Transaction 4359431 - Approved By: NOREVIEW : 03-25-2014:16:08:12
- 191 3/25/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4359437 - Approved By: NOREVIEW : 03-25-2014:16:09:13
- 192 4/3/2014 - 2540 - Notice of Entry of Ord
Additional Text: Transaction 4372765 - Approved By: NOREVIEW : 04-03-2014:16:37:55
- 193 4/3/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4372768 - Approved By: NOREVIEW : 04-03-2014:16:38:57
- 194 4/4/2014 - 2645 - Opposition to Mtn ...
Additional Text: WASHOE COUNTY'S OPPOSITION TO PLAINTIFFS' MOTION TOFILE AMENDED COMPLAINT AND MOTION TO AMEND CAPTION - Transaction 4374573 - Approved By: YLLOYD : 04-04-2014:16:31:52
- 195 4/4/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4374710 - Approved By: NOREVIEW : 04-04-2014:16:32:48
- 196 5/8/2014 - S200 - Request for Submission Complet
No additional text exists for this entry.
- 197 5/8/2014 - 3060 - Ord Granting Mtn ...
Additional Text: TO FILE THIRD AMENDED COMPLAINT - Transaction 4423383 - Approved By: NOREVIEW : 05-08-2014:12:49:25
- 198 5/8/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4423384 - Approved By: NOREVIEW : 05-08-2014:12:50:15
- 199 5/8/2014 - 2540 - Notice of Entry of Ord
Additional Text: Transaction 4423463 - Approved By: NOREVIEW : 05-08-2014:13:26:30
- 200 5/8/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4423469 - Approved By: NOREVIEW : 05-08-2014:13:27:30
- 201 5/12/2014 - 1090 - Amended Complaint
Additional Text: Transaction 4428353 - Approved By: YLLOYD : 05-13-2014:09:54:14
- 202 5/13/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4428813 - Approved By: NOREVIEW : 05-13-2014:09:55:09
- 203 5/22/2014 - 1140 - Answer to Amended Complaint
Additional Text: WASHOE COUNTY - Transaction 4445515 - Approved By: YLLOYD : 05-22-2014:15:41:55
- 204 5/22/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4445680 - Approved By: NOREVIEW : 05-22-2014:15:42:44

205 6/12/2014 - 3980 - Stip and Order...
Additional Text: ESTABLISHING PROCEDURAL SCHEDULE - Transaction 4473865 - Approved By: NOREVIEW : 06-12-2014:11:04:10

206 6/12/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4473874 - Approved By: NOREVIEW : 06-12-2014:11:05:08

207 9/12/2014 - 3980 - Stip and Order...
Additional Text: TO MODIFY PROCEDURAL SCHEDULE - Transaction 4604405 - Approved By: NOREVIEW : 09-12-2014:13:34:46

208 9/12/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4604410 - Approved By: NOREVIEW : 09-12-2014:13:35:49

209 9/12/2014 - 2540 - Notice of Entry of Ord
Additional Text: Transaction 4604550 - Approved By: NOREVIEW : 09-12-2014:14:02:43

210 9/12/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4604560 - Approved By: NOREVIEW : 09-12-2014:14:03:51

211 9/23/2014 - 4030 - Stip & Ord Continue Trial
Additional Text: Transaction 4619166 - Approved By: NOREVIEW : 09-23-2014:10:16:22

212 9/23/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4619174 - Approved By: NOREVIEW : 09-23-2014:10:17:28

213 9/23/2014 - 2540 - Notice of Entry of Ord
Additional Text: Transaction 4619222 - Approved By: NOREVIEW : 09-23-2014:10:32:24

214 9/23/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4619224 - Approved By: NOREVIEW : 09-23-2014:10:33:22

215 9/26/2014 - 2605 - Notice to Set
Additional Text: TRIAL SETTING - OCTOBER 1, 2014 @ 10:00 AM - Transaction 4625952 - Approved By: MFERNAND : 09-26-2014:13:09:36

216 9/26/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4626065 - Approved By: NOREVIEW : 09-26-2014:13:10:38

217 9/29/2014 - 2525 - Notice of Change of Address
Additional Text: PLAINTIFF ATTORNEY - Transaction 4627536 - Approved By: MFERNAND : 09-29-2014:12:20:34

218 9/29/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4627598 - Approved By: NOREVIEW : 09-29-2014:12:23:31

219 10/1/2014 - 1250E - Application for Setting eFile
Additional Text: Transaction 4631720 - Approved By: NOREVIEW : 10-01-2014:10:17:52

220 10/1/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4631725 - Approved By: NOREVIEW : 10-01-2014:10:18:50

221 10/23/2014 - 2520 - Notice of Appearance
Additional Text: MICHAEL LARGE, ESQ obo WASHOE COUNTY - Transaction 4665181 - Approved By: MELWOOD : 10-23-2014:10:00:07

222 10/23/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4665417 - Approved By: NOREVIEW : 10-23-2014:10:01:08

- 223 11/2/2014 - 4185 - Transcript
Additional Text: Transaction 4677336 - Approved By: NOREVIEW : 11-02-2014:14:50:40
- 224 11/2/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4677337 - Approved By: NOREVIEW : 11-02-2014:14:51:40
- 225 2/2/2015 - 2200 - Mtn for Summary Judgment
Additional Text: DEFENDANT WASHOE COUNTY'S MOTION FOR SUMMARY JUDGMENT - Transaction 4798531 - Approved By: YLLOYD : 02-02-2015:13:50:50
- 226 2/2/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 4798882 - Approved By: NOREVIEW : 02-02-2015:13:51:52
- 227 2/2/2015 - 2525 - Notice of Change of Address
Additional Text: Transaction 4799661 - Approved By: MCHOLICO : 02-03-2015:08:53:04
- 228 2/3/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 4799870 - Approved By: NOREVIEW : 02-03-2015:08:53:50
- 229 2/4/2015 - MIN - ***Minutes
Additional Text: PRE-TRIAL CONFERENCE 2-4-15 - Transaction 4803099 - Approved By: NOREVIEW : 02-04-2015:15:00:38
- 230 2/4/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 4803105 - Approved By: NOREVIEW : 02-04-2015:15:01:28
- 231 2/13/2015 - 2645 - Opposition to Mtn ...
Additional Text: OPPOSITION TO MOTION FOR SUMMARY JUDGMENT - Transaction 4818450 - Approved By: MELWOOD : 02-17-2015:09:43:11
- 232 2/17/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 4819056 - Approved By: NOREVIEW : 02-17-2015:09:44:36
- 233 2/24/2015 - 3795 - Reply...
Additional Text: DEFENDANT'S REPLY TO THE MOTION FOR SUMMARY JUDGMENT - Transaction 4831080 - Approved By: MCHOLICO : 02-24-2015:13:32:22
- 234 2/24/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 4831341 - Approved By: NOREVIEW : 02-24-2015:13:33:12
- 235 2/24/2015 - 3860 - Request for Submission
Additional Text: MOTION FOR SUMMARY JUDGMENT FILED 2/2/15 (NO ORDER PROVIDED) - Transaction 4831365 - Approved By: MELWOOD : 02-24-2015:14:41:57
PARTY SUBMITTING: MICHAEL LARGE, ESQ
DATE SUBMITTED: 02/24/2015
SUBMITTED BY: MELWOOD
DATE RECEIVED JUDGE OFFICE:
- 236 2/24/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 4831701 - Approved By: NOREVIEW : 02-24-2015:14:43:02
- 237 3/19/2015 - S200 - Request for Submission Complet
No additional text exists for this entry.
- 238 3/19/2015 - 3060 - Ord Granting Mtn ...
Additional Text: WASHOE COUNTY'S MTN FOR SUMMARY JUDGMENT - Transaction 4869772 - Approved By: NOREVIEW : 03-19-2015:16:58:58

239 3/19/2015 - NEF - Proof of Electronic Service

Additional Text: Transaction 4869778 - Approved By: NOREVIEW : 03-19-2015:16:59:56

240 3/19/2015 - F140 - Adj Summary Judgment

No additional text exists for this entry.

241 3/20/2015 - 2540 - Notice of Entry of Ord

Additional Text: Transaction 4870626 - Approved By: NOREVIEW : 03-20-2015:11:13:17

242 3/20/2015 - NEF - Proof of Electronic Service

Additional Text: Transaction 4870636 - Approved By: NOREVIEW : 03-20-2015:11:15:04

243 3/24/2015 - 1310 - Case Appeal Statement

No additional text exists for this entry.

244 3/24/2015 - \$2515 - \$Notice/Appeal Supreme Court

No additional text exists for this entry.

245 3/24/2015 - PAYRC - **Payment Receipted

Additional Text: A Payment of -\$34.00 was made on receipt DCDC493806.

246 3/24/2015 - SAB - **Supreme Court Appeal Bond

No additional text exists for this entry.

247 3/26/2015 - 1350 - Certificate of Clerk

Additional Text: CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 4878844 - Approved By: NOREVIEW : 03-26-2015:09:17:44

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

JOHN and MELISSA FRITZ,

Plaintiffs,

Case No. CV13-00756

Dept. No. 1

vs.

WASHOE COUNTY

Defendants.

ORDER

On February 2, 2015, Defendant Washoe County, by and through counsel, Michael Large, Esq., filed *Defendant Washoe County's Motion for Summary Judgment*. On February 13, 2015, Plaintiffs John and Melissa Fritz (Plaintiffs) by and through counsel, Luke Busby, Esq., filed an *Opposition to Motion for Summary Judgment*. On February 24, 2015, Washoe County replied and submitted the matter for decision.

This dispute arises from the following facts. Plaintiffs filed a *Verified Complaint* on April 4, 2013, alleging causes of action for trespass, nuisance, and inverse condemnation against Washoe county and other parties who have either been voluntarily dismissed or dismissed by this Court. On November 1, 2013, Plaintiffs filed a *Second Amended Complaint* pursuant to a stipulation. On May 8, 2014, this Court granted Plaintiffs' *Motion to File a Third Amended Complaint* asserting a claim for inverse condemnation against Washoe County. Plaintiffs claim for inverse condemnation is the only remaining claim against Washoe County.

1 Plaintiffs own property located in Reno at 14400 Bhiler Road. The property was originally
2 owned by John and Dora Du Puy, who took ownership of the land by way of a United States patent
3 in 1961. In 2001, Plaintiffs purchased the property from the Du Puys, built a home, and thereafter
4 rented the property to a tenant. White's Creek No. 4 has crossed a back corner of Plaintiffs' Reno
5 property since at least 1948. In 1984, Washoe County began approving portions of the Lancer
6 Estates development, which was to be built in 11 consecutive phases, and is located upstream of
7 Plaintiffs' property. The last plat approval for Lancer Estates was in 1991. The construction of
8 Lancer Estates was complete or almost complete by the time Plaintiffs built their house. Washoe
9 County approved subdivision plats for another upstream development, Monte Rosa, sometime after
10 Plaintiffs built their home.

11 Plaintiffs contend that upstream development by Lancer Estates and Monte Rosa have
12 increased the flow rate and quantity of water moving through White's Creek, which leads to flooding
13 from large rainstorms. Mr. Fritz avers that in 2002, he was easily able to walk across White's Creek,
14 but that the creek has significantly increased in size and depth. Plaintiffs allege the dedications of
15 curbs, gutter and storm drain in the Lancer and Monte Rose Estates, and approval of final maps,
16 constitute involvement in the development of Lancer and Monte Rose Estates which have caused
17 storm waters to flood Plaintiffs property. Third Amended Compl. ¶¶ 39-41. Plaintiffs allege the
18 "continuous flooding on the Plaintiff's Property caused by the development of Lancer Estates and
19 Monte Rosa, and other activities of Washoe County constitutes a permanent physical invasion of the
20 Property. Third Amended Compl. ¶ 43.

21 Washoe County contends Plaintiffs' claim for inverse condemnation fails because Plaintiffs
22 lack standing to asserts a claim against Washoe County for action occurring before Plaintiffs'
23 ownership in 2001, because Washoe county never accepted the dedications of drain water facilities
24 as asserted in the *Third Amended Complaint*, approval of the final map for a development does not
25 create municipal liability for inverse condemnation, and because Plaintiffs have failed to provide any
26 evidence a taking has occurred or that Plaintiffs have been substantially injured by the actions of
27 Washoe County.
28

1 Municipal Liability for a Taking by Inverse Condemnation

2 Washoe County contends the act of approving a subdivision is legally insufficient to form
3 the basis of an inverse condemnation claim as alleged in the *Third Amended Complaint*. There is no
4 case law directly addressing this issue in Nevada, however cases from California are instructive.

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6 Cal. Rptr. 727 (1988). In *Ullery*, Contra Costa County was sued by a downstream property owner
7 for inverse condemnation for damage to the owner's property due to landslides allegedly caused by
8 erosion from water drainage flowing from a county-approved subdivision. Similar to Plaintiffs
9 argument here, the landowner alleged the County's approval of the subdivision created municipal
10 liability for inverse condemnation. The landowner argued pursuant to California Subdivision Map
11 Act, which vested the power to regulate the design of subdivisions, the County created a
12 "'residential environment' conducive to landslide damage." *Id.* at 570 The California Court of
13 Appeals held "inverse condemnation liability will not lie for damage to private property allegedly
14 caused by private development approved or authorized by the public entity, 'where the [public
15 entity's] sole affirmative action was the issuance of permits and approval of the subdivision map.'" *Id.*
16 citing *Yox v. City of Whittier*, 182 Cal.App.3d 347, 353. The Court of Appeals recognized the
17 development approved by Contra Costa County was by private parties on private properties and the
18 record did not indicate Contra Costa County had performed any acts on the private property in order
19 to establish inverse condemnation liability." *Ullery, supra*, 202 Cal.App.3d at 571.

20 Similarly, in *Ellison v. City of San Buenaventura*, 60 Cal.App.3d 453 (1976), the California
21 Court of Appeals held no inverse condemnation liability existed when a downstream landowner
22 sued for sediment buildup which occurred "at a faster rate than would have occurred without the
23 upstream development authorized by the city. *Ullery, supra*, 202 Cal.App.3d at 570. The Court
24 reasoned liability did not exist because the city "played no part [in the private development of the
25 upstream property] other than [the] approval of plans and issuance of permits." *Ellison, supra*, 60
26 Cal.App.3d at 459.

27 Plaintiffs contend Washoe County's involvement extends beyond approval of subdivision
28 maps pursuant to NRS 278.0284 and Sections 110.602.05(a) and 110.420.20(d) of the Washoe

1 County Development Code. Plaintiffs contend NRS 278.0284 and Section 110.602.05(a) require
2 any action of a local government relating to development, zoning, or subdivision of land or capital
3 improvements to conform to the local government's master plan. Section 110.420.20(d) of the
4 Development Code provides development of property shall not adversely affect any natural
5 drainage facility or natural watercourse, among other things. Plaintiffs aver these regulations and
6 statute render the County's approval of the maps and acceptance of the dedications in Lancer
7 Estates substantial involvement in the development of the subdivisions. Plaintiffs do not produce
8 any statutes or case law supporting this position.

9 Plaintiffs rely on *Clark County v. Powers*, 96 Nev. 497, 611 P.2d 1072 (1980), to support a
10 finding of liability for inverse condemnation. In *Clark County*, the county was found liable for
11 inverse condemnation as a result of its actions in conjunction with private parties which resulted in
12 water damage to private property. However, the facts of *Clark County* are distinguishable from this
13 case. In *Clark County*, the county had entered onto private property, without authorization and
14 constructed a rock berm. *Id.* at 500-01. The county filled, leveled, and graded an intersection,
15 elevated a street, and constructed beds to divert water which eventually caused water to empty onto
16 private property. *Id.* The county actively participated in engaging in the construction and leaving of
17 streets and intersections. Here, Washoe County did not design or construct anything resulting in
18 water being diverted onto Plaintiffs' property. Washoe County approved the final maps of Lancer
19 and Monte Rosa subdivisions to ensure that said subdivisions complied with building code. The
20 record demonstrates there was no activity done by Washoe County on private property.


21 Summary judgment under NRCP 56 is appropriate when the record demonstrates no
22 genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law.
23 *Wood v. Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). A genuine issue exists
24 where the evidence is such that a rational trier of fact could return a verdict for the nonmoving
25 party. *Id.* at 731, 121 P.3d at 1031. The nonmoving party's documentation must be admissible
26 evidence and cannot build a case "on the gossamer threads of whimsy, speculation and conjecture."
27 *Id.* at 731, 121 P.3d at 1030. NRCP 56 "requires the nonmoving party to go beyond the pleadings
28 and by her own affidavits, or by the 'depositions, answers to interrogatories, and admissions on

1 file,' designate 'specific facts showing that there is a genuine issue for trial.'" *Celotex Corp. v.*
2 *Catrett*, 477 U.S. 317, 324 (1986). A factual dispute is genuine when the evidence is such that a
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5 The Court has considered the pleadings and record in its entirety. The Court finds inverse
6 condemnation is not a legally viable theory of liability in this case. By approving the subdivision
7 maps and dedications there was no substantial involvement in the development of Lancer or Monte
8 Rosa through which inverse condemnation liability may apply. The Court has also considered
9 Defendant Washoe County's remaining arguments and finds them to be meritorious. Accordingly,
10 and good cause appearing, *Defendant Washoe County's Motion for Summary Judgment* is
11 GRANTED.


12
13 IT IS SO ORDERED.

14 DATED this 19th day of March 2015.

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18 JANET J. BERRY
19 District Judge
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Luke Andrew Busby, Esq.
Michael Large, Esq.


Tiffany Clements

2540
MICHAEL LARGE
Deputy District Attorney
Nevada State Bar 10119
P.O. Box 11130
Reno, NV 89520-0027
(775) 337-5700

ATTORNEY FOR WASHOE COUNTY

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

* * *

JOHN AND MELISSA FRITZ,

Plaintiffs,

Case No. CV13-00756

vs.

Dept. No. 1

WASHOE COUNTY,

Defendant.

NOTICE OF ENTRY OF ORDER

Please take notice that an Order was entered on March 19, 2015. A copy of that Order is attached as Exhibit 1.

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Dated this 20th day of March, 2015.

CHRISTOPHER J. HICKS
Washoe County District Attorney

By /s/ Michael W. Large
MICHAEL W. LARGE
Deputy District Attorney
P.O. Box 11130
Reno, NV 89520-0027
(775) 337-5700

ATTORNEYS FOR WASHOE COUNTY

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of the Office of the District
3 Attorney of Washoe County, over the age of 21 years and not a party to nor interested in the
4 within action. I certify that on this date, the foregoing was electronically filed with the Second
5 Judicial District Court by using the ECF System. Electronic service of the foregoing document
6 shall be made in accordance with the Master Service List as follows:

7 Luke Busby, Esq.

8 Dated this 20th day March, 2015.

9 /s/ Tina Galli
10 Tina Galli
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Exhibit Index

Exhibit 1	Order	6 pages
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EXHIBIT 1

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
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Case No. CV13-00756

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12
13 IT IS SO ORDERED.

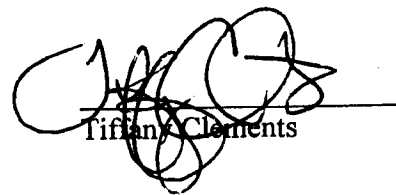
14 DATED this 19th day of March 2015.

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18 JANET J. BERRY
19 District Judge
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CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe; that on the 19th day of March 2015, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

Luke Andrew Busby, Esq.
Michael Large, Esq.



Tiffany Clements

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

11/25/13
HON. DAVID
HARDY
DEPT. NO. 1
K. Materasso
(Clerk)
R. Walker
(Reporter)

MANDATORY STATUS CONFERENCE

Court convened at 10:27 a.m.

Plaintiff, John Fritz, not present and represented by Counsel Luke Andrew Busby.

Plaintiff, Melissa Fritz, not present and represented by Counsel Luke Andrew Busby.

Defendant, Washoe County, without a representative present and represented by Counsel E. Terrance Shea.

Defendant, Barneson Investments, Inc., no answer filed.

Defendant, CFA, Inc., no answer filed.

Defendant, Lots, Inc., no answer filed.

Defendant, McMillan Construction Co., no answer filed.

Defendant, Pacific West Builders, Inc., no answer filed.

Defendant, Walsh Odyssey Engineering, LTD. Db a Odyssey Engineering, Inc.

Defendant, FPE Engineering & Planning – voluntarily dismissed on November 6, 2013.

Defendant, Monte Rosa, LLC, no answer filed.

Defendant, Wood Rogers, Inc., no answer filed.

Defendant, Nicholas S. Vestibie, LTD. Db a Nortech Geotechnical Consulting LTD. – voluntarily dismissed on November 6, 2013.

COURT noted review of the file and questioned whether Counsel were ready to set the matter for trial.

Counsel Shea indicated none of the Defendants have answered the Second Amended Complaint.

Counsel Busby provided a brief case history, indicated the matter involved complicated hydrology, addressed the trespass and nuisance claims and expected answers to be filed by the parties served in the near future. He noted there were some entities no longer in existence.

Counsel Shea noted if a trial date is set that did not work for the parties not yet involved in the litigation, a stipulation to continue could be filed. Additionally, he indicated it was unclear if there would be cross-claims / counter-claims to which the County would need to respond.

Court and Counsel discussed trial dates.

COURT ORDERED matter set for a jury trial commencing on Monday, February 23, 2015 at 9:30 a.m. and set for two (2) weeks. Additionally, another mandatory status was set on February 11, 2014 at 1:30 p.m. in Department One. Counsel Busby to file a Notice of Hearing with the dates discussed.

Counsel Busby noted as answers were filed, he would alert Counsel of the set hearing dates.

Matter concluded at 10:37 a.m.

CASE NO. CV13-00756

JOHN & MELISSA FRITZ VS. WASHOE COUNTY

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

02/11/14
HON. JANET J.
BERRY
DEPT. NO. 1
K. Materasso
(Clerk)
D. Cecere
(Reporter)

ARGUMENT ON MOTIONS

Court convened at 1:33 p.m.
Plaintiff, John Fritz, present and represented by Counsel Luke Busby.
Plaintiff, Melissa Fritz, not present and represented by Counsel Luke Busby.
Defendant, Wood Rogers, Inc., without a representative present and represented by Counsel Nathan Aman.
Defendant, CFA, without a representative present and represented by Counsel Nathan Aman.
Defendant, Washoe County, represented by Deputy District Attorney Edward Terrance Shea.
Mr. Dwayne Smith, present from the Community Services Department of Washoe County.
Defendant, Walsh Odyssey Engineering, LTD, without a representative present and represented by Counsel Donald Lattin and Counsel Proctor Hug, IV.
Defendant, Pacific West Builders, without a representative present and represented by Counsel Griffith Hayes.
Defendant, Barneson Investments, Inc., without a representative present and represented by Counsel Brent Harsh.
Defendant, Monte Rosa, LLC, represented by Counsel Michael Kimmel.
Prior to the commencement of the hearing, the Clerk provided all Counsel with an outline of the motions.
COURT referenced the motion outline and verified it was accurate.
Counsel agreed.
Counsel Busby referenced the Notice regarding presentation, addressed the case history and noted he would address factual and legal disputes.
Counsel Shea had no objection so long as the information presented was part of the public record.
Counsel Lattin had no objection and requested a copy of the presentation following the conclusion of the hearing.
Counsel Busby noted he would provide all Counsel with a copy of the presentation.
Counsel Busby noted he had been unable to serve McMillian Construction and Lots, Inc. He addressed the purchase of the home in 2001, discussed the flooding occurring on the property, addressed the case history and need for discovery, referenced the subdivisions around the property, discussed nuisance and trespass as well as the standard for dismissal related to the Motions to Dismiss.
He argued against dismissal, referenced the Second Amended Complaint and again addressed the factual dispute(s).

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

02/11/14
HON. JANET J.
BERRY
DEPT. NO. 1
K. Materasso
(Clerk)
D. Cecere
(Reporter)

ARGUMENT ON MOTIONS - PAGE 2

COURT questioned if there were prior claims if Plaintiff's have owned the property since 2001; Counsel Busby indicated Plaintiff's wanted to build a drainage, obtained a permit, the permit was later revoked based on an easement and referenced the pleadings which indicate the flooding has occurred since 2008. He noted it was unclear if the flooding is caused by natural occurrence or the construction occurring near the property.

Counsel Shea referenced the County's Motion to Dismiss, addressed standing, addressed the movement of ownership related to the property and argued the gully was located within the easement.

COURT questioned if the Lancer Estate subdivision was concluded by 2002; Counsel Shea was unsure, argued there was no detention pond built by Washoe County however understood Monta Rosa built a pond to control run off and argued in favor of the dismissal related to the County.

Counsel Busby indicated no depositions have occurred and believed the facts were sufficient to show that Washoe County was liable.

Counsel Lattin indicated Odyssey was the design engineer involved in the design and construction of Lancer Estates noting the last involvement was September 1999. He referenced the failure to attach an engineering certificate, discussed the statute of limitation related to nuisance and trespass as well as the difference between a permanent nuisance and continuing nuisance. He requested the Court impose the restatement view and release Odyssey from the litigation.

COURT understood even if this was considered a continuing nuisance the statute would have run in 2011 based on the attempt to obtain the permit; Counsel Lattin agreed.

Counsel Busby relied upon his prior argument.

COURT referenced Wood Rogers and CFA's Motion for a More Definite Statement.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

2/11/14
HON. JANET J.
BERRY
DEPT. NO. 1
K. Materasso
(Clerk)
D. Cecere
(Reporter)

ARGUMENT ON MOTIONS - PAGE 3

Counsel Aman indicated CFA provided plans to the Lancer Estate development and Wood Rogers provided plans to Monta Rosa. Monta Rosa has continued to build. He referenced NRCP 12 (e) regarding defects in the compliant and requested clarification as to the claims and what work was completed to cause a nuisance related to Wood Rogers and CFA. Lastly he addressed his concern with Plaintiff attempting to cure the issues raised if he sought to withdraw the motion.

Counsel Busby referenced the Third Amended Complaint (not yet filed) and noted it was based on the County records and would clarify the facts as to the law.

COURT referenced page three (3) of the Second Amended Complaint at paragraph seventeen (17) and questioned if Plaintiff's still reside on the property; Counsel Busby conferred with Mr. Fritz and explained the property was purchased and a home was built for their son to reside in. Now the property is leased.

Counsel Lattin again indicated Odyssey should be dismissed.

COURT ORDERED Washoe County's Motion to Dismiss taken under submission.

COURT ORDERED CFA and Wood Roger's Motion withdrawn.

COURT ORDERED Odyssey's Motion to Dismiss granted and requested Counsel Lattin provide a proposed order.

COURT noted the remaining motions were not yet submitted
Matter concluded at 3:13 p.m.

CASE NO. CV13-00756

JOHN & MELISSA FRITZ

vs.

WASHOE COUNTY

02/04/2015

DISCOVERY COMMISSIONER

WESLEY AYRES

Heard for:

HONORABLE

JANET J. BERRY

DEPT. NO. 1

M. Conway

(Clerk)

Not Reported

(Reporter)

APPEARANCES-HEARING

CONTINUED TO

PRE-TRIAL CONFERENCE

Luke Busby, Esq. was present in Court on behalf of the Plaintiffs, John & Melissa Fritz, with Melissa Fritz present.

Michael W. Large, Esq. was present in Court on behalf of Defendant Washoe County, with no representative present.

1:29 p.m. - Court convened.

Respective counsel addressed the Court and indicated that the parties are ready to go to trial and confirmed that seven (7) days will be needed. Respective counsel further indicated that Discovery has closed.

The Court reviewed the remaining deadlines with the parties and noted that a Motion for Summary Judgment was filed on February 2, 2015.

Upon inquiry from the Court regarding whether the parties are contemplating settlement. Counsel Busby advised the Court that he will wait until a decision is made on the Motion for Summary Judgment. Counsel Large concurred.

Upon inquiry from the Court, Counsel Busby indicated that he will need a projector and will submit the required form to the IT department. Counsel Large responded and indicated that he will need to meet with his expert witnesses to determine what equipment will be needed.

Court and Counsel Large discussed the use of computer generated animation. Counsel Large is uncertain what media will be used and further indicated that he will discuss this with Counsel Busby.

Court reviewed the Pre-Trial Order with counsel and ordered the parties to comply with all deadlines.

Counsel Large informed the Court that once a decision is rendered as to the Motion for Summary Judgment, the parties may request a hearing to address Motions in Limine.

1:36 p.m. - Court stood in recess.

By /s/ Yvonne Viloria
Yvonne Viloria
Deputy Clerk

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