

IN THE SUPREME COURT OF THE STATE OF NEVADA

U.S. HOME CORPORATION, A  
DELAWARE CORPORATION,  
Appellant,

vs.

THE MICHAEL BALLESTEROS  
TRUST; RODRIGO ASANION,  
INDIVIDUALLY; FEDERICO AGUAYO,  
INDIVIDUALLY; FELIPE ENRIQUEZ,  
INDIVIDUALLY; JIMMY FOSTER, JR.,  
INDIVIDUALLY; THE GARCIA  
FAMILY TRUST; ARNULFO ORTEGO-  
GOMEZ, INDIVIDUALLY; ELVIRA  
GOMEZ-ORTEGA, INDIVIDUALLY;  
JOHN J. OLSON, INDIVIDUALLY;  
IRMA A. OLSON, INDIVIDUALLY;  
OMAR PONCE, INDIVIDUALLY;  
BRANDON WEAVER, INDIVIDUALLY;  
JON YATES, INDIVIDUALLY; AND  
MINTESNOT WOLDETSADIK,  
INDIVIDUALLY,

Respondents.

No. 68810

**FILED**

SEP 25 2015

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

**ORDER REMOVING FROM SETTLEMENT PROGRAM  
AND REINSTATING BRIEFING**

Pursuant to NRAP 16, the settlement judge has filed a report with this court indicating that the parties were unable to agree to a settlement. Accordingly, we reinstate the deadlines for preparing transcripts and filing briefs. See NRAP 16. While this appeal was assigned to the settlement program, appellant filed a transcript request

form.<sup>1</sup> See NRAP 16(a)(1) (upon the clerk's issuance of a notice that an appeal has been referred to the settlement program, the time for requesting transcripts and filing briefs is automatically stayed). Court reporter Rachelle Hamilton shall have 30 days from the date of this order to prepare and deliver the requested transcript and to file a certificate with this court acknowledging the delivery of the transcript. See NRAP 9(b).

Appellant shall have 60 days from the date of this order to file and serve the opening brief and appendix.<sup>2</sup> Thereafter, briefing shall proceed in accordance with NRAP 31(a)(1).

It is so ORDERED.

1. J. J. J., C.J.

cc: Ara H. Shirinian, Settlement Judge  
Payne & Fears LLP  
Shinnick, Ryan & Ransavage P.C.

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<sup>1</sup> The clerk shall attach a copy of that transcript request form to this order.

<sup>2</sup> In preparing and assembling the appendix, counsel shall strictly comply with the provisions of NRAP 30.

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8 Attorneys for U.S. Home Corporation  
9

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

11  
12 U.S. HOME CORPORATION, a Delaware  
corporation,

13  
14 Appellant,

15 vs.

16 THE MICHAEL BALLESTEROS TRUST;  
17 RODRIGO ASANION, individually;  
FEDERICO AGUAYO, individually;  
18 FELIPE ENRIQUEZ, individually; JIMMY  
FOSTER, JR., individually; THE GARCIA  
19 FAMILY TRUST; ARNULFO  
20 ORTEGOGOMEZ, individually; ELVIRA  
GOMEZORTEGA, individually; JOHN J.  
21 OLSON, individually; IRMA A. OLSON,  
individually; OMAR PONCE, individually;  
22 BRANDON WEAVER, individually; JON  
23 YATES, individually; and MINTESNOT  
WOLDETSADIK, individually,  
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25 Respondents.  
26

Electronically Filed  
Sep 17 2015 08:54 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

Supreme Court No. 68810  
District Court No. A-15-714219-D

**NOTICE OF FILING  
TRANSCRIPT REQUEST FORM**

27 Appellant U.S. Home Corporation hereby notifies the Court that it filed a  
28 Request for Transcript of Proceedings in the District Court on September 16, 2015,

1 a copy of which is attached hereto.

2 DATED: September 16, 2015 PAYNE & FEARS LLP

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By /s/ Chad D. Olsen

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Attorneys for U.S. HOME  
CORPORATION

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U.S. Home Corporation v. Michael Ballesteros Trust, et al.  
Supreme Court No. 68810  
Ballesteros Trust, et al. v. U.S. Home Corporation, et al.  
Clark County District Court Case No. A-15-714219-D

**CERTIFICATE OF SERVICE**

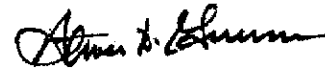
I hereby certify that on September 16, 2015, I deposited a true and correct copy of the above and foregoing, **NOTICE OF FILING TRANSCRIPT REQUEST FORM** this date by electronic transmission through the court's electronic filing program.

/s/ Nancy Babas  
Nancy Babas  
An Employee of PAYNE & FEARS LLP

4849-4276-6120.1

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CLERK OF THE COURT

1 REQT  
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13 Attorneys for Defendant  
14 U.S. HOME CORPORATION

15 DISTRICT COURT  
16 CLARK COUNTY, NEVADA

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17 THE MICHAEL BALLESTEROS TRUST;  
18 RODRIGO ASANION, individually;  
19 FEDERICO AGUAYO, individually; FELIPE  
20 ENRIQUEZ, individually; JIMMY FOSTER  
21 JR., individually; THE GARCIA FAMILY  
22 TRUST; ARNULFO ORTEGA-GOMEZ and  
23 ELVIRA GOMEZ-ORTEGA, individually;  
24 JOHN J. and IRMA A. OLSON, individually;  
25 OMAR PONCE, individually; BRANDON  
26 WEAVER, individually; JON YATES,  
27 individually; MINTESNOT  
28 WOLDETSADIK, individually; and ROES 1  
through 500, inclusive,

Plaintiffs,

v.

U.S. HOME CORPORATION, a Delaware  
Corporation; CAMPBELL CONCRETE OF  
NEVADA, INC. a Nevada Corporation;  
VALENTE CONCRETE, LLC. a Nevada  
Limited-Liability Company; RED ROSE,  
INC., a Nevada Corporation; REPUBLIC  
ELECTRIC, INC., a Nevada Corporation; and  
DOES 1 through 500, inclusive,

Defendants.

Case No. A-15-714219-D  
Dept. No. XXXI

REQUEST FOR TRANSCRIPT OF  
PROCEEDINGS

///

///

PAYNE & FEARS LLP  
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LAS VEGAS, NEVADA 89128  
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1 TO: RACHELLE HAMILTON, Court Recorder/Transcriber

2 Defendant U.S. Home Corporation requests preparation of a transcript of the proceedings  
3 before the District Court, as follows:

4 Judge or officer hearing the proceeding: The Honorable Joanna S. Kishner

5 Specific individual dates of proceedings for which transcripts are being requested (a range  
6 of dates is not acceptable): June 3, 2015

7 Specific portions of the transcript being requested (e.g., suppression hearing, trial, closing  
8 argument, etc.): The entire hearing transcript.

9 Number of copies required:

10 One original to be filed with the Eighth Judicial District Court under Case No. A-  
11 15-713587-D

12 Two certified copies to Gregory H. King, PAYNE & FEARS LLP, 7251 W. Lake  
13 Mead Blvd., Suite 525, Las Vegas, Nevada 89128

14 I hereby certify that on this date I ordered this transcript from the court reporter named  
15 above and paid the required deposit.

16 DATED: September 16, 2015

PAYNE & FEARS LLP

17 By           /s/ Chad D. Olsen          

18 GREGORY H. KING, NV Bar No. 7777  
19 SARAH J. ODIA, NV Bar No. 11053  
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23 Tel. (702) 851-0300

24 Attorneys for Defendant U.S. HOME  
25 CORPORATION

26 4810-7738-7048.1

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 16, 2015, I deposited a true and correct copy of the above and foregoing, **REQUEST FOR TRANSCRIPT OF PROCEEDINGS** in the United States mail, postage prepaid, at Las Vegas, NV, to the last known address as follows:

Duane E. Shinnick, Esq.  
Melissa Bybee, Esq.  
Bradley S. Rosenberg, Esq.  
Shinnick, Ryan & Ransavage, P.C.  
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Las Vegas, NV 89107  
Tel/Fax: (702) 631-8014/(702) 631-8024  
Attorneys for Plaintiffs

/s/ Nancy Babas  
Nancy Babas  
An Employee of PAYNE & FEARS LLP

4850-5922-6914.1

**PAYNE & FEARS LLP**  
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