

CLERK OF THE COURT

Electronically Filed
Dec 21 2015 01:50 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

1 J. RANDALL JONES, ESQ. (#1927)
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3800 Howard Hughes Parkway, 17th Flr.
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Attorneys for Defendants
7 *MacDonald Highlands Realty, LLC,*
Michael Doiron and FHP Ventures,
8 *A Nevada Limited Partnership*

9 DISTRICT COURT

10 CLARK COUNTY, NEVADA

11
12 THE FREDERIC AND BARBARA
ROSENBERG LIVING TRUST,

13 Plaintiff,

14 vs.

15 BANK OF AMERICA, N.A.; BAC HOME
LOANS SERVICING, LP, a foreign limited
16 partnership; MACDONALD HIGHLANDS
REALTY, LLC, a Nevada limited liability
17 company; MICHAEL DOIRON, an
individual; SHAHIN SHANE MALEK, an
18 individual; PAUL BYKOWSKI, an
individual; THE FOOTHILLS AT
19 MACDONALD RANCH MASTER
ASSOCIATION, a Nevada limited liability
20 company; THE FOOTHILLS PARTNERS,
a Nevada limited partnership; DOES I
21 through X, inclusive; ROE
22 CORPORATIONS I through X, inclusive,

23 Defendants.

Case No.: A-13-689113-C
Dept. No.: I

**DEFENDANTS MACDONALD
HIGHLANDS REALTY, LLC,
MICHAEL DOIRON AND FHP
VENTURES NOTICE OF CROSS-
APPEAL**

24
25 NOTICE IS HEREBY GIVEN that Defendants MacDonald Highlands Realty, LLC,
26 Michael Doiron and FHP Ventures, a Nevada Limited Partnership cross-appeals to the
27 Supreme Court of Nevada from the district court's Order (1) Granting Motion for Attorney
28 Fees and Costs and (2) Granting Motion to Re-Tax Costs entered November 10, 2015 and

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1 any and all orders made appealable by the Order Granting Defendants' Motion For
2 Certification Pursuant to NRCP54(b) entered on November 10, 2015 only to the extent that
3 the Court did not grant Defendants' request for post-judgment interest.

4 This notice of cross-appeal is filed pursuant to NRAP 4(a)(2) and in response to the
5 notice of appeal filed by Frederic and Barbara Rosenberg Living Trust on December 9, 2015.
6 That appeal which also challenges the district court's "Findings of Fact, Conclusions of Law,
7 and Judgment Regarding Defendants MacDonald Highlands Realty, LLC, Michael Doiron,
8 and FHP Ventures' Motion for Summary Judgment entered August 13, 2015, Order (1)
9 Granting Motion for Attorney Fees and Costs and (2) Granting Motion to Re-Tax Costs
10 entered November 10, 2015 and any and all orders made appealable by the Order Granting
11 Defendants' Motion For Certification Pursuant to NRCP54(b) entered on November 10,
12 2015" has been docketed in the Nevada Supreme Court, but has no case number as of the
13 filing of this notice of cross-appeal.

14 DATED this 11th day of December, 2015.

15 KEMP, JONES & COULTHARD, LLP

16 /s/ Matthew S. Carter

17 J. Randall Jones, Esq. (#1927)
18 Spencer H. Gunnerson, Esq. (#8810)
19 Matthew S. Carter, Esq. (#9524)
20 3800 Howard Hughes Parkway, 17th Floor
21 Las Vegas, Nevada 89169
22 *Attorneys for Defendants*
23 *MacDonald Highlands Realty, LLC,*
24 *Michael Doiron and FHP Ventures,*
25 *A Nevada Limited Partnership*
26
27
28

CERTIFICATE OF SERVICE

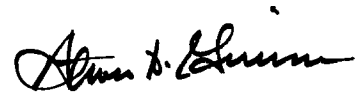
I hereby certify that on the 11th day of December, 2015, the foregoing
**DEFENDANTS MACDONALD HIGHLANDS REALTY, LLC, MICHAEL DOIRON
AND FHP VENTURES NOTICE OF CROSS-APPEAL** was served on all counsel listed
on the E-Service list via the Eighth Judicial District Court electronic service filing system.

Howard C. Kim, Esq.
Jacqueline A. Gilbert, Esq.
Diana S. Cline, Esq.
Karen L. Hanks, Esq.
Howard Kim & Associates
1055 Whitney Ranch Drive, Suite 110
Henderson, Nevada 89014
Attorneys for Plaintiff

Preston P. Rezaee, Esq.
Jay De Voy, Esq.
The Firm, P.C.
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Las Vegas, Nevada 89104
Attorneys for Defendant/Counterclaimant
Shanin Shane Malek

Darren Brenner, Esq.
Steven Shevorski, Esq.
William Haddas, Esq.
Akerman, LLP
1160 Town Center Drive, Suite 330
Las Vegas, Nevada 89144
Attorneys for Defendants
Bank of America, N.A. and BAC Home
Loans Servicing, LP

/s/ Pamela Montgomery
An employee of Kemp, Jones & Coulthard, LLP



CLERK OF THE COURT

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Michael Doiron and FHP Ventures,
8 *A Nevada Limited Partnership*

9 DISTRICT COURT

10 CLARK COUNTY, NEVADA

11
12 THE FREDERIC AND BARBARA
ROSENBERG LIVING TRUST,

13 Plaintiff,

14 vs.

Case No.: A-13-689113-C
Dept. No.: I

CASE APPEAL STATEMENT

15 BANK OF AMERICA, N.A.; BAC HOME
16 LOANS SERVICING, LP, a foreign limited
partnership; MACDONALD HIGHLANDS
17 REALTY, LLC, a Nevada limited liability
company; MICHAEL DOIRON, an
18 individual; SHAHIN SHANE MALEK, an
individual; PAUL BYKOWSKI, an
19 individual; THE FOOTHILLS AT
MACDONALD RANCH MASTER
20 ASSOCIATION, a Nevada limited liability
company; THE FOOTHILLS PARTNERS,
21 a Nevada limited partnership; DOES I
through X, inclusive; ROE
22 CORPORATIONS I through X, inclusive,

23 Defendants.

24
25 Defendants MacDonald Highlands Realty, LLC, Michael Doiron and FHP Ventures, a
26 Nevada Limited Partnership (hereinafter "Defendants"), by and through their attorneys of
27 record, Kemp, Jones & Coulthard, LLP, and hereby file this Case Appeal Statement
28 regarding their notice of cross-appeal.

- 1 **1. Name of appellants filing this Case Appeal Statement:**
2 MacDonald Highlands Realty, LLC, Michael Doiron and FHP Ventures
- 3 **2. Identify the judge issuing the decision, judgment or order appealed from:**
4 Honorable Kenneth C. Cory
- 5 **3. Identify each appellant and the name and address of counsel for each**
6 **appellant:**
7 The Frederic and Barbara Rosenberg Living Trust
8 Jacqueline A. Gilbert, Esq.
9 Howard C. Kim, Esq.
10 Nevada Bar No. 11259
11 Diana Cline Ebron, Esq.
12 Karen L. Hanks, Esq.
13 Howard Kim & Associates
14 1055 Whitney Ranch Drive, Suite 1055
15 Henderson, Nevada 89014
- 16 **4. Identify each respondent and the name and address of appellate counsel, if**
17 **known, for each respondent (if the name of a respondent's appellate counsel is**
18 **unknown, indicate as much and provide the name and address of that respondent's trial**
19 **counsel):**
20 MacDonald Highlands Realty, LLC,
21 Michael Doiron and FHP Ventures, A Nevada Limited Partnership
22 J. Randall Jones, Esq.
23 Spencer H. Gunnerson, Esq.
24 Matthew S. Carter, Esq.
25 Kemp, Jones & Coulthard, LLP
26 3800 Howard Hughes Parkway, 17th Floor
27 Las Vegas, NV 89169
- 28 **5. Indicate whether any attorney identified above in response to question 3 or**
29 **4 is not licensed to practice law in Nevada and, if so, whether the district court granted**
30 **that attorney permission to appear under SCR 42 (attach a copy of any district court**
31 **order granting such permission):**
32 All counsel are licensed to practice law in Nevada.
33 ///
34 ///
35

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

3 Appellants were represented by retained counsel in the district court.

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

6 Appellants are represented by retained counsel on appeal.

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

9 N/A

10 **9. Indicate the date of proceedings commenced in the district court:**

11 September 23, 2013

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

15 The initial appeal of a real estate litigation matter, by Plaintiff Rosenberg involves
16 summary judgment by the District Court in favor of Cross-Appellants/Respondents, as well
17 as a fees and costs award in favor of Cross-Appellants/Respondents. The instant cross-
18 appeal is solely limited to the issue of post-judgment interest on Cross-
19 Appellants'/Respondents' fees and costs award, which was requested but not awarded by the
20 District Court. Cross-Appellants/Respondents believe they are entitled to that post-judgment
21 interest. In all other respects, they agree with the decisions at issue by the District Court.

22 **11. Indicate whether the case has been the subject of an appeal or original**
23 **writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket**
24 **number of the prior proceeding:**

25 N/A

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

27 N/A
28

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

3 N/A

4 DATED this 11th day of December, 2015.

5 KEMP, JONES & COULTHARD, LLP

6 /s/ Matthew S. Carter

7 J. Randall Jones, Esq. (#1927)
8 Spencer H. Gunnerson, Esq. (#8810)
9 Matthew S. Carter, Esq. (#9524)
10 3800 Howard Hughes Parkway, 17th Floor
11 Las Vegas, Nevada 89169
12 Attorneys for Defendants
13 MacDonald Highlands Realty, LLC,
14 Michael Doiron and FHP Ventures,
15 A Nevada Limited Partnership

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of December, 2015, the foregoing **CASE**
APPEAL STATEMENT was served on all counsel listed on the E-Service list via the
Eighth Judicial District Court electronic service filing system.

Howard C. Kim, Esq.
Jacqueline A. Gilbert, Esq.
Diana S. Cline, Esq.
Karen L. Hanks, Esq.
Howard Kim & Associates
1055 Whitney Ranch Drive, Suite 110
Henderson, Nevada 89014
Attorneys for Plaintiff

Preston P. Rezaee, Esq.
Jay De Voy, Esq.
The Firm, P.C.
200 E. Charleston Blvd.
Las Vegas, Nevada 89104
Attorneys for Defendant/Counterclaimant
Shanin Shane Malek

Darren Brenner, Esq.
Steven Shevorski, Esq.
William Habdas, Esq.
Akerman, LLP
1160 Town Center Drive, Suite 330
Las Vegas, Nevada 89144
Attorneys for Defendants
Bank of America, N.A. and BAC Home
Loans Servicing, LP

/s/ Pamela Montgomery
An employee of Kemp, Jones & Coulthard, LLP

CASE SUMMARY
CASE SUMMARY
CASE NO. A-13-689113-C

Frederic and Barbara Rosenberg Living Trust, Plaintiff
(s)
vs.
Bank of America, Defendant(s)

§
§
§
§
§

Location: **Department 1**
Judicial Officer: **Cory, Kenneth**
Filed on: **09/23/2013**
Cross-Reference Case Number: **A689113**

CASE INFORMATION

Case Type: **Breach of Contract**
Subtype: **Other Contracts/Acc/Judgment**
Case Flags: **Appealed to Supreme Court**
Jury Demand Filed
Automatically Exempt from Arbitration

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	A-13-689113-C
Court	Department 1
Date Assigned	09/23/2013
Judicial Officer	Cory, Kenneth

PARTY INFORMATION

		<i>Lead Attorneys</i>
Plaintiff	Frederic and Barbara Rosenberg Living Trust	Kim, Howard C. <i>Retained</i> 702-485-3300(W)
Defendant	BAC Home Loans Servicing LP	Stern, Ariel E. <i>Retained</i> 702-634-5000(W)
	Bank of America	Stern, Ariel E. <i>Retained</i> 702-634-5000(W)
	Bykowski, Paul Removed: 04/22/2015 Dismissed	Jones, Jon Randall <i>Retained</i> 7023856000(W)
	Doiron, Michael	Jones, Jon Randall <i>Retained</i> 7023856000(W)
	Dragonridge Golf Club Inc Removed: 01/10/2014 Dismissed	Jones, Jon Randall <i>Retained</i> 7023856000(W)
	Dragonridge Properties LLC Removed: 01/10/2014 Dismissed	Jones, Jon Randall <i>Retained</i> 7023856000(W)
	FHP Ventures	Jones, Jon Randall <i>Retained</i> 7023856000(W)
	Foothills at MacDonald Ranch Master Association Removed: 04/22/2015 Dismissed	
	Foothills Partners	

CASE SUMMARY

CASE SUMMARY**CASE NO. A-13-689113-C****MacDonald Highlands Realty LLC****Jones, Jon Randall***Retained*

7023856000(W)

MacDonald Properties Ltd

Removed: 01/10/2014

Dismissed

Jones, Jon Randall*Retained*

7023856000(W)

Malek, Shahin Shane**Rezaee, Preston P, ESQ***Retained*

702-868-3311(W)

Real Properties Management Group Inc

Removed: 04/29/2014









Dismissed

Counter Claimant Malek, Shahin Shane**Rezaee, Preston P, ESQ***Retained*













702-868-3311(W)

Counter Defendant Fredric and Barbara Rosenberg Trust**Kim, Howard C.***Retained*












702-485-3300(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
09/23/2013	 Complaint Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Complaint</i>	
09/23/2013	Case Opened	
09/30/2013	 Notice of Lis Pendens Filed by: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Notice of Lis Pendens</i>	
10/18/2013	 Acceptance of Service Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Acceptance of Service of Summons and Complaint</i>	
10/24/2013	 Notice of Lis Pendens Filed by: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Amended Notice of Lis Pendens</i>	
10/24/2013	 Affidavit of Service Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Affidavit of Service of Summons and Complaint upon BAC Home Loans Servicing, LP</i>	
10/24/2013	 Affidavit of Service Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Affidavit of Service of Summons and Complaint upon Shahin Shane Malek</i>	
10/24/2013	 Affidavit of Service Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Affidavit of Service of Summons and Complaint upon Real Properties Management Group, Inc.</i>	
10/24/2013	 Release of Lis Pendens Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Release of Notice of Lis Pendens</i>	

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10/28/2013	 Certificate of Service Filed by: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Certificate of Service</i>
10/29/2013	 Affidavit of Service Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Affidavit of Service of Summons and Complaint upon Michael Doiron</i>
10/30/2013	 Initial Appearance Fee Disclosure Filed By: Defendant Bank of America <i>Initial Appearance Fee Disclosure</i>
10/30/2013	 Motion for Summary Judgment Filed By: Defendant Bank of America <i>Bank of America, N.A.'s Motion to Dismiss Plaintiff's Complaint Pursuant to NRCP 12(b)(5), or Alternatively, Motion for Summary Judgment</i>
10/31/2013	 Certificate of Service Filed by: Defendant Bank of America <i>Certificate of Service</i>
11/05/2013	 Notice Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Notice of Filing and Recording of Release of Notice of Lis Pendens</i>
11/05/2013	 Notice Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Notice of Filing and Recording of Amended Notice of Lis Pendens</i>
11/06/2013	 Initial Appearance Fee Disclosure Filed By: Defendant Dragonridge Properties LLC <i>Initial Appearance Fee Disclosure</i>
11/06/2013	 Motion to Dismiss Filed By: Defendant Dragonridge Properties LLC <i>Defendants DRFH Ventures, LLC f/k/a Dragonridge Properties, LLC; Dragonridge Golf Club, Inc.; MacDonald Properties, Ltd.; MacDonald Highlands Realty, LLC; and Michael Doiron's Motion to Dismiss</i>
11/08/2013	 Motion To Dismiss - Alternative Motion For Summary Judgment Filed By: Defendant Dragonridge Properties LLC <i>DRFH Ventures, LLC f/k/a DragonRidge Properties, LLC; DragonRidge Golf Club, Inc.; MacDonald Properties, LTD; MacDonald Highlands Realty, LLC; and Michael Doiron's Partial Joinder To Bank of America, N.A.'s Motion To Dismiss Plaintiff's Complaint Pursuant To NRCP 12(B)(5), Or Alternatively, Motion For Summary Judgment</i>
11/13/2013	 Motion to Dismiss Filed By: Counter Claimant Malek, Shahin Shane <i>Defendant's Motion To Dismiss Plaintiff's Complaint And Expunge Lis Pendens On Order Shortening Time</i>
11/13/2013	 Initial Appearance Fee Disclosure Filed By: Counter Claimant Malek, Shahin Shane <i>Defendant's Initial Appearance Fee Disclosure</i>

CASE SUMMARY
CASE SUMMARY
CASE NO. A-13-689113-C












11/14/2013	 Notice of Change of Firm Name Filed By: Defendant Bank of America <i>Notice of Change of Firm Name</i>
11/15/2013	 Affidavit of Service Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Affidavit of Service of Summons and Complaint upon Bank of America, N.A.</i>
12/02/2013	 Opposition to Motion to Dismiss Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Plaintiff's Opposition to Defendant Shahin Shane Malek's Motion to Dismiss Plaintiff's Complaint and Expunge Lis Pendens</i>
12/03/2013	 Reply to Opposition Filed by: Counter Claimant Malek, Shahin Shane <i>Reply In Support Of Defendant's Motion To Dismiss Plaintiff's Complaint And Expunge Lis Pendens On Order Shortening Time</i>
12/04/2013	 Opposition to Motion to Dismiss Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Plaintiff's Opposition to Bank of America's Motion to Dismiss Plaintiff's Complaint or Alternatively, Motion for Summary Judgment</i>
12/04/2013	 Opposition Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Opposition to DRFH Ventures, LLC, f/k/a Dragonridge Properties, LLC; Dragonridge Golf Club, Inc.; MacDonald Properties, Ltd.; MacDonald Highlands Realty, LLC; and Michael Doiron's Partial Joinder to Bank of America, N.A.'s Motion to Dismiss Plaintiff's Complaint or Alternatively, Motion for Summary Judgment</i>
12/04/2013	 Opposition to Motion to Dismiss Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Opposition to DRFH Ventures, LLC f/k/a Dragonridge Properties, LLC; Dragonridge Golf Club, Inc.; MacDonald Properties, Ltd; MacDonald Highlands Realty, LLC; and Michael Doiron's Motion to Dismiss</i>
12/04/2013	 Minute Order (1:00 PM) (Judicial Officer: Cory, Kenneth)
12/09/2013	 Motion to Dismiss (11:00 AM) (Judicial Officer: Cory, Kenneth) 12/09/2013, 12/19/2013 <i>Defendant's Motion To Dismiss Plaintiff's Complaint And Expunge Lis Pendens On Order Shortening Time</i> <i>Parties Present: Attorney Smyth, James E., II</i> <i>Attorney Byrne, Patrick G.</i> <i>Attorney Winslow, Natalie L</i>
12/12/2013	 Stipulation and Order Filed by: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Stipulation and Order to Continue Hearings</i>
12/12/2013	 Reply Filed by: Defendant Dragonridge Properties LLC <i>Reply To Plaintiff's Oppositions To Defendants DRFH Ventures, LLC f/k/a DragonRidge Properties, LLC; DragonRidge Golf Club, Inc.; MacDonald Properties, Ltd; MacDonald Highlands Realty, LLC; And Michael Doiron's (1) Joinder To Bank Of America, N.A.'s Motion</i>

CASE SUMMARY
CASE SUMMARY
CASE NO. A-13-689113-C

To Dismiss Plaintiff's Complaint And (2) Motion To Dismiss













12/12/2013	 Reply in Support Filed By: Defendant Bank of America <i>Bank of America, N.A.'s Reply in Support of Motion to Dismiss Plaintiff's Complaint Pursuant to NRCP 12(b)(5), or Alternatively, Motion for Summary Judgment</i>
12/13/2013	 Supplement to Opposition Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Plaintiff's Supplement to Opposition to Defendant Shahin Shane Malek's Motion to Dismiss Plaintiff's Complaint and Expunge Lis Pendens</i>
12/18/2013	 Notice of Entry Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Notice of Entry of Stipulation and Order to Continue Hearings</i>
12/18/2013	 Supplemental Brief Filed By: Counter Claimant Malek, Shahin Shane <i>Supplemental Brief In Support Of Defendant's Motion To Dismiss Plaintiff's Complaint And Expunge Lis Pendens On Order Shortening Time</i>
12/19/2013	Motion to Dismiss (10:00 AM) (Judicial Officer: Cory, Kenneth) <i>Bank of America, N.A.'s Motion to Dismiss Plaintiff's Complaint Pursuant to NRCP 12(b)(5), or Alternatively, Motion for Summary Judgment</i>
12/19/2013	Motion to Dismiss (10:00 AM) (Judicial Officer: Cory, Kenneth) <i>Defendants DRFH Ventures, LLC f/k/a Dragonridge Properties, LLC; Dragonridge Golf Club, Inc.; MacDonald Properties, Ltd.; MacDonld Highlands Realty, LLC; and Michael Doiron's Motion to Dismiss</i>
12/19/2013	Joinder (10:00 AM) (Judicial Officer: Cory, Kenneth) <i>DRFH Ventures, LLC f/k/a DragonRidge Properties, LLC; DragonRidge Golf Club, Inc.; MacDonald Properties, LTD; MacDonald Highlands Realty, LLC; and Michael Doiron's Partial Joinder To Bank of America, N.A.'s Motion To Dismiss Plaintiff's Complaint Pursuant To NRCP 12(B)(5), Or Alternatively, Motion For Summary Judgment</i>
12/19/2013	 All Pending Motions (10:00 AM) (Judicial Officer: Cory, Kenneth) <i>Bank of America, N.A.'s Motion to Dismiss Plaintiff's Complaint Pursuant to NRCP 12(b)(5), or Alternatively, Motion for Summary Judgment... DRFH Ventures, LLC f/k/a DragonRidge Properties, LLC; DragonRidge Golf Club, Inc.; MacDonald Properties, LTD; MacDonald Highlands Realty, LLC; and Michael Doiron's Partial Joinder To Bank of America, N.A.'s Motion To Dismiss Plaintiff's Complaint Pursuant To NRCP 12(B)(5), Or Alternatively, Motion For Summary Judgment... Defendants DRFH Ventures, LLC f/k/a Dragonridge Properties, LLC; Dragonridge Golf Club, Inc.; MacDonald Properties, Ltd.; MacDonld Highlands Realty, LLC; and Michael Doiron's Motion to Dismiss... Defendant's Motion To Dismiss Plaintiff's Complaint And Expunge Lis Pendens On Order Shortening Time</i> <i>Parties Present:</i> Attorney Smyth, James E., II Attorney Brenner, Darren T. Attorney Gunnerson, Spencer Attorney Byrne, Patrick G. Attorney Winslow, Natalie L Defendant Malek, Shahin Shane Attorney Shiroff, Justin
12/20/2013	 Demand for Jury Trial Filed By: Defendant Bank of America <i>Demand for Jury Trial</i>
12/30/2013	 Answer to Complaint

CASE SUMMARY
CASE SUMMARY
CASE NO. A-13-689113-C













	Filed by: Defendant Bank of America <i>Bank of America, N.A.'s Answer to Plaintiff's Complaint</i>
01/09/2014	 Order Filed By: Counter Claimant Malek, Shahin Shane <i>Order</i>
01/10/2014	 Notice of Entry of Order Filed By: Counter Claimant Malek, Shahin Shane <i>Notice of Entry of Order</i>
01/10/2014	 Order Filed By: Defendant Dragonridge Properties LLC <i>Order Granting In Part Defendants DRFH Ventures, LLC f/k/a DragonRidge Properties, LLC; DragonRidge Golf Club, Inc.; MacDonald Properties, Ltd; MacDonald Highlands Realty, LLC; And Michael Doiron's (1) Joinder To Bank Of America, N.A.'s Motion To Dismiss Plaintiff's Complaint And (2) Motion To Dismiss</i>
01/10/2014	Order of Dismissal Without Prejudice (Judicial Officer: Cory, Kenneth) Debtors: Frederic and Barbara Rosenberg Living Trust (Plaintiff) Creditors: Dragonridge Properties LLC (Defendant), Dragonridge Golf Club Inc (Defendant), MacDonald Properties Ltd (Defendant) Judgment: 01/10/2014, Docketed: 01/17/2014
01/13/2014	 Notice of Entry of Order Filed By: Defendant Dragonridge Properties LLC <i>Notice of Entry of Order Granting In Part Defendants DRFH Ventures, LLC f/k/a DragonRidge Properties, LLC; DragonRidge Golf Club, Inc.; MacDonald Properties, Ltd; MacDonald Highlands Realty, LLC; And Michael Doiron's (1) Joinder To Bank of America, N.A.'s Motion To Dismiss Plaintiff's Complaint And (2) Motion To Dismiss</i>
01/15/2014	 Records Transcript of Hearing <i>Transcript of Proceedings: Hearing Re: All Pending Motions -- 12-19-13</i>
01/21/2014	 Substitution of Attorney Filed by: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Substitution of Counsel</i>
01/28/2014	 Answer Filed By: Defendant MacDonald Highlands Realty LLC <i>Answer To Plaintiff's Complaint</i>
02/20/2014	 Answer Filed By: Counter Claimant Malek, Shahin Shane <i>Defendant Shahin Shane Malek's Answer And Counterclaim</i>
03/17/2014	 Joint Case Conference Report Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Joint Case Conference Report</i>
03/20/2014	 Answer to Counterclaim Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>The Frederic and Barbara Roseberg Living Trust's Answer to Defendant Shahin Shane Malek's Counterclaim</i>
03/21/2014	 Scheduling Order

CASE SUMMARY
CASE SUMMARY
CASE NO. A-13-689113-C















Scheduling Order

03/25/2014	 Certificate of Service Filed by: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Certificate of Service</i>
04/01/2014	 Order Setting Civil Jury Trial <i>Order Setting Civil Jury Trial and Pretrial Procedures</i>
04/21/2014	 Certificate of Service Filed by: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Certificate of Service</i>
04/28/2014	 Affidavit of Service Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Affidavit of Service</i>
04/29/2014	 Notice of Voluntary Dismissal Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Notice of Voluntary Dismissal of Real Properties Management Group, Inc.</i>
04/29/2014	Dismissal Pursuant to NRCP 41 (Judicial Officer: Cory, Kenneth) Debtors: Real Properties Management Group Inc (Defendant) Creditors: Frederic and Barbara Rosenberg Living Trust (Plaintiff) Judgment: 04/29/2014, Docketed: 05/06/2014
04/30/2014	 Certificate of Service Filed by: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Certificate of Service</i>
08/01/2014	 Notice Filed By: Defendant Bank of America <i>Notice of Site Inspection</i>
08/21/2014	 Affidavit of Service Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Affidavit of Service - Person Most Knowledgeable at Realty One Group</i>
08/21/2014	 Affidavit of Service Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Affidavit of Service - Person Most Knowledgeable at Greater Las Vegas Association of Realtors</i>
08/21/2014	 Affidavit of Service Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Affidavit of Service - Person Most Knowledgeable at Foothills at MacDonald Ranch Master Homeowners Association</i>
08/22/2014	 Stipulation and Order to Extend Discovery Deadlines Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Stipulation and Order to Extend Discovery Deadline Dates (First Request)</i>
08/23/2014	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Notice of Entry of Stipulation and Order</i>













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08/27/2014	 Motion to Withdraw As Counsel Filed By: Counter Claimant Malek, Shahin Shane <i>Motion to Withdraw as Counsel on Order Shortening Time</i>
09/03/2014	 Substitution of Attorney Filed by: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Substitution of Counsel</i>
09/04/2014	 Affidavit of Service Filed By: Defendant Bank of America <i>Affidavit of Service - Custodian of Records for DSC Archives and Records - City Clerk's Office - City of Henderson</i>
09/10/2014	 Notice of Association of Counsel Filed By: Counter Claimant Malek, Shahin Shane <i>Notice of Association of Counsel</i>
09/19/2014	 Stipulation and Order Filed by: Counter Claimant Malek, Shahin Shane <i>Stipulation and Order to Extend Discovery Deadlines and to Continue the Trial Date Pursuant to EDCR 2.35 (Second Request)</i>
09/23/2014	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Notice of Entry of Stipulation and Order</i>
10/13/2014	CANCELED Motion to Withdraw as Counsel (3:00 AM) (Judicial Officer: Cory, Kenneth) <i>Vacated - Moot</i> <i>Motion to Withdraw as Counsel on Order Shortening Time</i>
10/24/2014	 Affidavit of Service Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Affidavit of Service - Custodian of Records for Wallace Morris Surveyors</i>
10/27/2014	 Order Setting Civil Jury Trial <i>Order Setting Civil Jury Trial and Pretrial Procedures</i>
11/13/2014	 Stipulation to Extend Discovery Party: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Stipulation and Order to Extend Discovery Deadlines Pursuant to EDCR 2.35 (Third Request)</i>
11/14/2014	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Notice of Entry of Stipulation and Order to Extend Discovery Deadlines Pursuant to EDCR 2.35 (Third Request)</i>
11/24/2014	 Motion to Amend Complaint Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Motion for Leave to Amend Complaint and Caption</i>
12/22/2014	 Affidavit of Service Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Affidavit of Service - Real Properties Management Group Inc</i>












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12/22/2014	 Affidavit of Service Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Affidavit of Service - Paul Bykowski</i>
12/22/2014	 Affidavit of Service Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Affidavit of Service - Chicago Title of Nevada</i>
12/30/2014	 Stipulation to Extend Discovery Party: Defendant MacDonald Highlands Realty LLC <i>Stipulation and Order to Extend Discovery Deadlines Pursuant to EDCR 2.35 (Fourth Request)</i>
01/02/2015	 Supplement Filed by: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Supplement to Motion for Leave to Amend Complaint and Caption</i>
01/05/2015	 Motion for Leave (3:00 AM) (Judicial Officer: Cory, Kenneth) <i>Plaintiff's Motion for Leave to Amend Complaint and Caption</i>
01/09/2015	 Notice of Entry of Order Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Notice of Entry of Order</i>
01/09/2015	 Minute Order (10:30 AM) (Judicial Officer: Cory, Kenneth) <i>A689113</i>
01/09/2015	 Order Granting Motion Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Order Granting Plaintiff's Motion for Leave to Amend Complaint and Caption</i>
01/12/2015	 Amended Complaint Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Amended Complaint</i>
01/13/2015	 Affidavit of Service Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Affidavit of Service - MacDonald Properties Ltd</i>
01/13/2015	 Affidavit of Service Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Affidavit of Service - Realty One Group Inc</i>
01/13/2015	 Affidavit of Service Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Affidavit of Service - Richard MacDonald</i>
01/13/2015	 Affidavit of Service Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Affidavit of Service - The Foothills at MacDonald Ranch Master Association LLC</i>
01/13/2015	 Affidavit of Service Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Affidavit of Service - Matthew Lubawy MAI, Lubawy and Associates Inc</i>

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01/14/2015	 Affidavit of Service Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Affidavit/Declaration of Service of Craig E. Jiu, MAA</i>
01/14/2015	 Affidavit of Service Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Affidavit of Service - MacDonald Properties Ltd</i>
01/14/2015	 Affidavit of Service Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Affidavit of Service - MacDonald Properties LTD</i>
01/14/2015	 Affidavit of Service Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Affidavit of Service - Richard MacDonald</i>
01/14/2015	 Affidavit of Service Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Affidavit of Service - Richard MacDonald</i>
01/15/2015	 Affidavit of Service Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Affidavit of Service - Matthew Lubawy MAI</i>
01/15/2015	 Affidavit of Service Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Affidavit of Service - Realty One Group Inc</i>
01/15/2015	 Affidavit of Service Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Affidavit of Service - Chicago Title of Nevada</i>
01/16/2015	 Affidavit of Service Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Affidavit of Service - Paul Bykowski</i>
01/16/2015	 Affidavit of Service Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Affidavit of Service - Foothills at MacDonald Ranch Master Association</i>
01/16/2015	 Affidavit of Service Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Affidavit of Service - Foothill Partners</i>
01/20/2015	 Motion for Protective Order Filed By: Defendant Bank of America <i>Motion For Protective Order re: Deposition of Rule 30(B)(6) Witness, and For Attorneys' Fees on Order Shortening Time</i>
01/21/2015	 Receipt of Copy Filed by: Defendant Bank of America <i>Receipt of Copy</i>


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01/22/2015	 Receipt of Copy Filed by: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Receipt of Copy</i>
01/22/2015	 Receipt of Copy Filed by: Defendant Bank of America <i>Receipt of Copy</i>
01/23/2015	 Opposition to Motion For Protective Order Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Opposition to Motion for Protective Order</i>
01/27/2015	 Answer to Amended Complaint Filed By: Counter Claimant Malek, Shahin Shane <i>Answer To Amended Complaint And Counterclaim</i>
01/28/2015	 Reply in Support Filed By: Defendant Bank of America <i>Reply in Support of Motion For Protective Order Re: Deposition of Rule 30(B)(6) Witness, and for Attorneys' Fees on Order Shortening Time</i>
01/30/2015	 Motion for Protective Order (9:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Bank of America, N.A.'s Motion For Protective Order re: Deposition of Rule 30(B)(6) Witness, and For Attorneys' Fees on OST</i> <i>Parties Present: Attorney Hanks, Karen</i> <i>Attorney Rulis, Nathanael R., ESQ</i> <i>Attorney Winslow, Natalie L</i> <i>Attorney DeVoy, James M.</i>
02/02/2015	 Answer to Amended Complaint Filed By: Defendant MacDonald Highlands Realty LLC <i>Defendants MacDonald Highlands Realty, LLC and Michael Doiron's Answer to Plaintiff's Amended Complaint</i>
02/03/2015	 Affidavit Filed By: Defendant MacDonald Properties Ltd <i>Notice of Filing Affidavit of Service of Notice of Taking Deposition of 30(b)(6) PMK - city of Henderson</i>
02/11/2015	 Motion to Dismiss Filed By: Defendant FHP Ventures <i>Defendant FHP Ventures's Motion to Dismiss Amended Complaint</i>
02/12/2015	 Initial Appearance Fee Disclosure Filed By: Defendant FHP Ventures <i>Initial Appearance Disclosure Statement</i>
02/26/2015	CANCELED Pretrial/Calendar Call (9:00 AM) (Judicial Officer: Cory, Kenneth) <i>Vacated - per Commissioner</i>
03/04/2015	 Opposition to Motion to Dismiss Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Plaintiff's Opposition to Motion to Dismiss</i>
03/06/2015	CANCELED Status Check: Compliance (11:00 AM) (Judicial Officer: Bulla, Bonnie)


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Vacated - per Commissioner


03/16/2015 **CANCELED Jury Trial** (10:00 AM) (Judicial Officer: Cory, Kenneth)
Vacated - per Commissioner


03/18/2015  Discovery Commissioners Report and Recommendations
Filed By: Defendant Bank of America
Discovery Commissioner's Report and Recommendations


04/01/2015  Reply in Support
Filed By: Defendant FHP Ventures
Defendant FHP Ventures' Reply In Support Of Motion To Dismiss


04/08/2015  **Motion to Dismiss** (9:00 AM) (Judicial Officer: Cory, Kenneth)
Defendant FHP Ventures's Motion to Dismiss Amended Complaint
Parties Present: Attorney Hanks, Karen
Attorney Shevorski, Steven G.
Attorney Gunnerson, Spencer
Attorney Chavez, Sarah M, ESQ


04/13/2015  Transcript of Proceedings
Transcript Re: Defendant FHP Ventures' Motion to Dismiss Amended Complaint 04-08-15


04/16/2015  Appendix
Filed By: Defendant MacDonald Highlands Realty LLC
Appendix Of Exhibits To Motion For Summary Judgment

04/16/2015  Motion for Summary Judgment
Filed By: Counter Claimant Malek, Shahin Shane
Defendant Shahin Shane Malek's Motion for Summary Judgment

04/16/2015  Statement
Filed by: Counter Claimant Malek, Shahin Shane
Defendant Shahin Shane Malek's Statement of Undisputed Material Facts in Support of Motion for Summary Judgment

04/16/2015  Motion for Summary Judgment
Filed By: Defendant MacDonald Highlands Realty LLC
Motion For Summary Judgment

04/16/2015  Motion for Summary Judgment
Filed By: Counter Defendant Fredric and Barbara Rosenberg Trust
Plaintiff's Motion for Summary Judgment against Defendant Shahin Shane Malek

04/22/2015  Notice of Voluntary Dismissal Without Prejudice
Filed by: Plaintiff Frederic and Barbara Rosenburg Living Trust
Notice of Voluntary Dismissal of Paul Bykowski and the Foothills at MacDonald Ranch Master Association

04/22/2015 **Dismissal Pursuant to NRCP 41** (Judicial Officer: Cory, Kenneth)
Debtors: Paul Bykowski (Defendant), Foothills at MacDonald Ranch Master Association (Defendant)
Creditors: Frederic and Barbara Rosenburg Living Trust (Plaintiff)
Judgment: 04/22/2015, Docketed: 04/29/2015

CASE SUMMARY
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05/04/2015	 Opposition to Motion Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Plaintiff's Opposition to Defendant MacDonald Realty, Michael Dorion and FHP Ventures' Motion for Summary Judgment</i>
05/04/2015	 Response Filed by: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Response to Malek's Statement of Undisputed Facts</i>
05/04/2015	 Opposition to Motion Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Plaintiff's Opposition to Defendant Malek's Motion for Summary Judgment</i>
05/05/2015	 Opposition to Motion For Summary Judgment Filed By: Counter Claimant Malek, Shahin Shane <i>Defendant Shahin Shane Malek's Opposition to Plaintiff's / Counterclaim Defendant's Motion for Summary Judgment</i>
05/07/2015	CANCELED Pretrial/Calendar Call (9:00 AM) (Judicial Officer: Cory, Kenneth) <i>Vacated</i>
05/11/2015	 Errata Filed By: Defendant MacDonald Highlands Realty LLC <i>Errata To Motion For Summary Judgment</i>
05/11/2015	 Reply to Opposition Filed by: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Plaintiff's Reply to Malek's Opposition to Motion for Summary Judgment</i>
05/12/2015	 Reply in Support Filed By: Defendant MacDonald Highlands Realty LLC <i>Reply In Support Of MacDonald Realty, Michael Doiron And FHP Ventures' Motion For Summary Judgment</i>
05/12/2015	 Order Denying Motion Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Order Denying FHP Ventures' Motion to Dismiss Amended Complaint</i>
05/12/2015	 Notice of Entry of Order Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Notice of Entry of Order Denying FHP Ventures' Motion to Dismiss Amended Complaint</i>
05/12/2015	 Reply to Opposition Filed by: Counter Claimant Malek, Shahin Shane <i>Reply to Plaintiff's Opposition to Defendant Malek's Motion for Summary Judgment</i>
05/14/2015	 Default Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust Default Prty: Defendant Foothills Partners <i>(Set Aside 5/21/15) Default Against The Foothills Partners</i>
05/18/2015	 Minute Order (9:00 AM) (Judicial Officer: Cory, Kenneth)
05/21/2015	 Notice of Entry of Stipulation and Order

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Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust
Notice of Entry of Stipulation and Order to Set Aside Default Against The Foothills Partners

05/21/2015



Stipulation and Order

Filed by: Plaintiff Frederic and Barbara Rosenberg Living Trust
Stipulation and Order to Set Aside Default Against the Foothills Partners

05/26/2015

CANCELED Jury Trial (10:00 AM) (Judicial Officer: Cory, Kenneth)
Vacated

06/03/2015



Motion to Amend Complaint

Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust
Motion to Amend Complaint to Conform to Evidence

06/10/2015



Status Check: Reset Trial Date (9:00 AM) (Judicial Officer: Cory, Kenneth)
06/10/2015, 07/15/2015, 07/29/2015
Status Check: Reset Trial Date

Parties Present: Attorney Gilbert, Jacqueline
Attorney Hanks, Karen
Attorney Jones, Jon Randall
Attorney Gunnerson, Spencer
Attorney Rezaee, Preston P, ESQ
Attorney Panoff, Jesse N
Attorney DeVoy, James M.
Attorney Barishman, Melissa
Attorney Habdas, William S.
Attorney Hanks, Karen
Attorney Shevorski, Steven G.
Attorney Carter, Matthew S.
Attorney DeVoy, James M.

06/10/2015

Motion for Summary Judgment (9:00 AM) (Judicial Officer: Cory, Kenneth)
Plaintiff's Motion for Summary Judgment against Defendant Shahin Shane Malek
Parties Present: Attorney Gilbert, Jacqueline
Attorney Hanks, Karen
Attorney Jones, Jon Randall
Attorney Gunnerson, Spencer
Attorney Rezaee, Preston P, ESQ
Attorney Panoff, Jesse N
Attorney DeVoy, James M.
Attorney Barishman, Melissa
Attorney Habdas, William S.

06/10/2015

Motion for Summary Judgment (9:00 AM) (Judicial Officer: Cory, Kenneth)
06/10/2015, 06/29/2015
Defendants' MacDonald Highlands, Michael Doiron and FHP Ventures' Motion for Summary Judgment











06/10/2015

Motion for Summary Judgment (9:00 AM) (Judicial Officer: Cory, Kenneth)
06/10/2015, 06/29/2015
Defendant Shahin Shane Malek's Motion for Summary Judgment
Parties Present: Attorney Gilbert, Jacqueline
Attorney Hanks, Karen
Attorney Jones, Jon Randall
Attorney Gunnerson, Spencer
Attorney Rezaee, Preston P, ESQ
Attorney Panoff, Jesse N
Attorney DeVoy, James M.
Attorney Barishman, Melissa
Attorney Habdas, William S.

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06/10/2015	 All Pending Motions (9:00 AM) (Judicial Officer: Cory, Kenneth) <i>Parties Present: Attorney Gilbert, Jacqueline Attorney Hanks, Karen Attorney Jones, Jon Randall Attorney Gunnerson, Spencer Attorney Rezaee, Preston P, ESQ Attorney Panoff, Jesse N Attorney DeVoy, James M. Attorney Barishman, Melissa Attorney Habdas, William S.</i>
06/19/2015	 Opposition and Countermotion <i>Filed By: Defendant Bank of America Bank Of America, N.A.'s Opposition to Plaintiff's Motion to Amend Complaint to Conform to Evidence and Countermotion for Dismissal Based on NRS 38.310(2)</i>
06/22/2015	 Opposition to Motion <i>Filed By: Defendant MacDonald Properties Ltd Opposition to Motion to Amend Complaint to Conform to Evidence</i>
06/22/2015	 Appendix <i>Filed By: Defendant MacDonald Highlands Realty LLC Appendix Of Exhibits To Opposition To Motion To Amend Complaint To Conform To Evidence</i>
06/22/2015	 Opposition to Motion <i>Filed By: Counter Claimant Malek, Shahin Shane Defendant Shahin Shane Malek's Opposition to Plaintiff's Motion to Amend Complaint to Conform on Evidence</i>
06/29/2015	 All Pending Motions (3:00 AM) (Judicial Officer: Cory, Kenneth) <i>Defendants' MacDonald Highlands, Michael Doiron and FHP Ventures' Motion for Summary Judgment...Defendant Shahin Shane Malek's Motion for Summary Judgment</i>
06/29/2015	 Reply to Opposition <i>Filed by: Plaintiff Frederic and Barbara Rosenberg Living Trust Reply to Bank of America, N.A.'s Opposition to Motion Amend Complaint to Conform to Evidence</i>
06/29/2015	 Reply to Opposition <i>Filed by: Plaintiff Frederic and Barbara Rosenberg Living Trust Reply to Opposition to Motion to Amend Complaint to Conform to Evidence</i>
06/29/2015	 Reply to Opposition <i>Filed by: Plaintiff Frederic and Barbara Rosenberg Living Trust Reply to Shahin Shane Malek's Opposition to Motion to Amend Complaint to Conform to Evidence</i>
07/02/2015	 Transcript of Proceedings <i>Status Check: Reset Trial Date Counter Defendant's Motion for Summary Judgment Defendant Shahin Shane Malek's Motion for Summary Judgment Plaintiff's Motion for Summary Judgment Against Defendant Shahin Shane Malek 06-10-15</i>
07/06/2015	 Motion to Amend Complaint (3:00 AM) (Judicial Officer: Cory, Kenneth) <i>Plaintiff's Motion to Amend Complaint to Conform to Evidence</i>










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07/23/2015	 Order Denying Motion Filed By: Counter Claimant Malek, Shahin Shane <i>Order Denying Plaintiff/ Counterclaim Defendant's Motion for Summary Judgment</i>
07/28/2015	 Answer to Amended Complaint Filed By: Defendant Bank of America <i>Bank of America NA's Answer to First Amended Complaint</i>
08/03/2015	 Transcript of Proceedings <i>Recorder's Transcript Re: Status Check: Reset Trial Date 07-15-15</i>
08/04/2015	 Notice of Entry Filed By: Counter Claimant Malek, Shahin Shane <i>Notice of Entry of Order</i>
08/13/2015	 Findings of Fact, Conclusions of Law and Judgment Filed by: Defendant MacDonald Highlands Realty LLC <i>Findings Of Fact, Conclusions Of Law, And Judgment Regarding Defendants MacDonald Highlands Realty, LLC, Michael Doiron, And FHP Ventures' Motion For Summary Judgment</i>
08/13/2015	 Order Filed By: Counter Claimant Malek, Shahin Shane <i>[Proposed] Order, Findings of Fact and Conclusions of Law, and Judgment on Defendant / Counterclaimant Shahin Shane Malek's Motion for Summary Judgment</i>
08/13/2015	 Notice of Entry of Findings of Fact, Conclusions of Law Filed By: Defendant MacDonald Highlands Realty LLC <i>Notice of Entry of Findings of Fact, Conclusions of Law and Judgment</i>
08/13/2015	Summary Judgment (Judicial Officer: Cory, Kenneth) Debtors: Frederic and Barbara Rosenberg Living Trust (Plaintiff) Creditors: MacDonald Highlands Realty LLC (Defendant), Michael Doiron (Defendant), FHP Ventures (Defendant) Judgment: 08/13/2015, Docketed: 08/20/2015
08/13/2015	Partial Summary Judgment (Judicial Officer: Cory, Kenneth) Debtors: Frederic and Barbara Rosenberg Living Trust (Plaintiff) Creditors: Shahin Shane Malek (Defendant) Judgment: 08/13/2015, Docketed: 08/20/2015
08/18/2015	 Memorandum of Costs and Disbursements Filed By: Defendant MacDonald Highlands Realty LLC <i>Verified Memorandum Of Costs And Disbursements</i>
08/18/2015	 Appendix Filed By: Defendant MacDonald Highlands Realty LLC <i>Appendix of Exhibits to Verified Memorandum of Costs and Disbursements</i>
08/19/2015	 Motion Filed By: Defendant MacDonald Highlands Realty LLC <i>Motion For Certification Pursuant To NRCP 54(b)</i>
08/20/2015	 Notice of Entry Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Notice of Entry of Order</i>










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08/21/2015	 Motion to Retax Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Plaintiff's Motion to Retax and Settle Memorandum of Costs and Disbursements</i>
09/02/2015	 Motion for Attorney Fees and Costs Filed By: Defendant MacDonald Highlands Realty LLC <i>Motion For Attorney's Fees And Costs</i>
09/09/2015	 Memorandum of Costs and Disbursements Filed By: Defendant Bank of America <i>Verified Memorandum of Costs and Disbursements</i>
09/09/2015	 Motion for Attorney Fees and Costs Filed By: Counter Claimant Malek, Shahin Shane <i>Defendant Shahin Shane Malek's Motion for Attorneys' Fees and Costs</i>
09/14/2015	 Motion to Retax Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Plaintiff's Motion to Retax and Settle Memorandum of Costs and Disbursements</i>
09/21/2015	Motion (3:00 AM) (Judicial Officer: Cory, Kenneth) <i>Defendant MacDonald Highlands Realty LLC's Motion For Certification Pursuant To NRCP 54(b)</i>
09/21/2015	CANCELED Motion to Retax (3:00 AM) (Judicial Officer: Cory, Kenneth) <i>Vacated</i> <i>Plaintiff's Motion to Retax and Settle Memorandum of Costs and Disbursements</i>
09/21/2015	 All Pending Motions (3:00 AM) (Judicial Officer: Cory, Kenneth) <i>DEFENDANT MACDONALD HIGHLANDS REALTY LLC'S MOTION FOR CERTIFICATION PURSUANT TO NRCP 54(B)...PLAINTIFF'S MOTION TO RETAX AND SETTLE MEMORANDUM OF COSTS AND DISBURSEMENTS</i>
09/21/2015	 Opposition to Motion Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Plaintiff's Opposition To Motion For Attorney's Fees And Costs</i>
10/02/2015	 Opposition to Motion Filed By: Counter Claimant Malek, Shahin Shane <i>Defendant Shahin Shane Malek's Opposition to Plaintiff's Motion to Retax Costs</i>
10/05/2015	 Reply in Support Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Reply In Support Of Motion For Attorney's Fees And Costs</i>
10/14/2015	 Notice of Hearing Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Request for Hearing on Motions for Attorneys Fees and Costs</i>
10/22/2015	 Motion for Attorney Fees and Costs (1:30 PM) (Judicial Officer: Cory, Kenneth) 10/22/2015, 12/01/2015 <i>Defendant Shahin Malek's Motion for Attorney Fees and Costs</i> <i>Parties Present: Attorney DeVoy, James M.</i>

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10/22/2015	 Motion for Attorney Fees and Costs (1:30 PM) (Judicial Officer: Cory, Kenneth) 10/22/2015, 11/09/2015 <i>Defendant MacDonald Highland Realty, LLC and FHP Ventures Motion for Attorneys' Fees and Costs</i>
10/22/2015	Motion to Retax (1:30 PM) (Judicial Officer: Cory, Kenneth) <i>Plaintiff's Motion to Retax and Settle Memorandum of Costs and Disbursements</i>
10/22/2015	 All Pending Motions (1:30 PM) (Judicial Officer: Cory, Kenneth) <i>DEFENDANT SHAHIN MALEK'S MOTION FOR ATTORNEY FEES AND COSTS...DEFENDANT MACDONALD HIGHLAND REALTY, LLC AND FHP VENTURES MOTION FOR ATTORNEYS' FEES AND COSTS...PLAINTIFF'S MOTION TO RETAX AND SETTLE MEMORANDUM OF COSTS AND DISBURSEMENTS</i> <i>Parties Present: Attorney Gilbert, Jacqueline</i> <i>Attorney Hanks, Karen</i> <i>Attorney Carter, Matthew S.</i> <i>Attorney DeVoy, James M.</i>
10/23/2015	 Opposition to Motion <i>Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust</i> <i>Plaintiff's Opposition to Defendant Malek's Motion for Attorney's Fees and Costs</i>
11/10/2015	 Notice of Entry of Order <i>Filed By: Defendant MacDonald Properties Ltd</i> <i>Notice Of Entry Of Order Granting Defendants' Motion For Certification Pursuant To NRCP 54(b)</i>
11/10/2015	 Notice of Entry of Order <i>Filed By: Defendant MacDonald Properties Ltd</i> <i>Notice Of Entry Of Order (1) Granting Motion For Attorney Fees And Costs And (2) Granting Motion To Re-Tax Costs</i>
11/10/2015	 Order Granting Motion <i>Filed By: Defendant MacDonald Highlands Realty LLC</i> <i>Order Granting Defendants' Motion For Certification Pursuant To NRCP 54(b)</i>
11/10/2015	 Order Granting Motion <i>Filed By: Defendant MacDonald Highlands Realty LLC</i> <i>Order (1) Granting Motion For Attorney Fees And Costs And (2) Granting Motion To Re-Tax Costs</i>
11/10/2015	Judgment (Judicial Officer: Cory, Kenneth) <i>Debtors: Frederic and Barbara Rosenberg Living Trust (Plaintiff)</i> <i>Creditors: MacDonald Highlands Realty LLC (Defendant), Michael Doiron (Defendant), Foothills Partners (Defendant), FHP Ventures (Defendant)</i> <i>Judgment: 11/10/2015, Docketed: 11/17/2015</i> <i>Total Judgment: 141,043.24</i>
11/19/2015	 Reply in Support <i>Filed By: Counter Claimant Malek, Shahin Shane</i> <i>Defendant Shahin Shane Malek's Reply in Support of Motion for Attorneys' Fees and Costs</i>
12/09/2015	 Notice of Appeal <i>Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust</i> <i>Notice of Appeal</i>
12/09/2015	

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	 Case Appeal Statement Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Case Appeal Statement</i>
12/09/2015	 Status Check (9:00 AM) (Judicial Officer: Cory, Kenneth) <i>Status Check: Status of Case. All Counsel must be present.</i> <i>Parties Present: Attorney Gilbert, Jacqueline</i> <i>Attorney Shevorski, Steven G.</i> <i>Attorney DeVoy, James M.</i>
12/10/2015	 Stipulation and Order Filed by: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Stipulation and Order for Stay Pending Appeal</i>
12/11/2015	 Transcript of Proceedings <i>Transcript Re: Defendant Shain Malek's Motion for Attorney's Fees and Costs Defendant MacDonald Highlands Realty, LLC and FHP Ventures Motion for Attorney's Fees and Costs Plaintiff's Motion to Retax and Settle Memorandum of Costs and Disbursements 10-22-15</i>
12/11/2015	 Bond Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Supersedeas Bond No. 29012</i>
12/11/2015	 Case Appeal Statement Filed By: Defendant MacDonald Highlands Realty LLC <i>Case Appeal Statement</i>
12/11/2015	 Notice of Appeal Filed By: Defendant MacDonald Highlands Realty LLC <i>Defendants MacDonald Highlands Realty, LLC, Michael Doiron And FHP Ventures Notice Of Cross-Appeal</i>
12/14/2015	 Notice Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Notice of Change of Address, Notice of Change of Firm Name and Notice of Change of Attorney</i>
12/14/2015	 Notice of Posting Bond Filed By: Plaintiff Frederic and Barbara Rosenberg Living Trust <i>Notice of Posting and Acceptance of Supersedeas Bond No. 29012</i>
06/09/2016	Pre Trial Conference (9:00 AM) (Judicial Officer: Cory, Kenneth)
06/27/2016	Jury Trial (10:00 AM) (Judicial Officer: Cory, Kenneth)

DATE	FINANCIAL INFORMATION
	Defendant Dragonridge Golf Club Inc Total Charges 30.00 Total Payments and Credits 30.00 Balance Due as of 12/15/2015 0.00
	Defendant Dragonridge Properties LLC Total Charges 444.00 Total Payments and Credits 444.00 Balance Due as of 12/15/2015 0.00
	Defendant MacDonald Properties Ltd

CASE SUMMARY
CASE SUMMARY
CASE NO. A-13-689113-C

Total Charges	44.00
Total Payments and Credits	44.00
Balance Due as of 12/15/2015	0.00
Counter Defendant Fredric and Barbara Rosenberg Trust	
Total Charges	200.00
Total Payments and Credits	200.00
Balance Due as of 12/15/2015	0.00
Defendant BAC Home Loans Servicing LP	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 12/15/2015	0.00
Defendant Bank of America	
Total Charges	423.00
Total Payments and Credits	423.00
Balance Due as of 12/15/2015	0.00
Defendant Doiron, Michael	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 12/15/2015	0.00
Defendant FHP Ventures	
Total Charges	233.50
Total Payments and Credits	233.50
Balance Due as of 12/15/2015	0.00
Defendant MacDonald Highlands Realty LLC	
Total Charges	293.00
Total Payments and Credits	293.00
Balance Due as of 12/15/2015	0.00
Counter Claimant Malek, Shahin Shane	
Total Charges	423.00
Total Payments and Credits	423.00
Balance Due as of 12/15/2015	0.00
Plaintiff Frederic and Barbara Rosenburg Living Trust	
Total Charges	302.50
Total Payments and Credits	302.50
Balance Due as of 12/15/2015	0.00
Plaintiff Frederic and Barbara Rosenburg Living Trust	
Appeal Bond Balance as of 12/15/2015	500.00

CIVIL COVER SHEET

A - 13 - 689113 - C

- Clark County, Nevada

Case No.

(Assigned by Clerk's Office)

I. Party Information

Plaintiff(s) (name/address/phone): THE FREDRIC AND BARBARA ROSENBERG LIVING TRUST

Defendant(s) (name/address/phone): BANK OF AMERICA, N.A.; BAC HOME LOANS SERVING, LP et al.

Attorney (name/address/phone): Lisa J. Zastrow, Kaempfer Crowll, NSB 9727 -- 8345 W. Sunset Rd., Ste. 250, Las Vegas, NV 89113

Attorney (name/address/phone): n/a

II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)☐ Arbitration Requested**Civil Cases**

Real Property	Torts	
<input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Title to Property <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	<input type="checkbox"/> Negligence <input type="checkbox"/> Negligence – Auto <input type="checkbox"/> Negligence – Medical/Dental <input type="checkbox"/> Negligence – Premises Liability (Slip/Fall) <input type="checkbox"/> Negligence – Other	<input type="checkbox"/> Product Liability <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> Employment Torts (Wrongful termination) <input checked="" type="checkbox"/> Other Torts <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition
Probate	Other Civil Filing Types	
Estimated Estate Value: _____ <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate	<input type="checkbox"/> Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input checked="" type="checkbox"/> Breach of Contract <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input checked="" type="checkbox"/> Other Contracts/Acct/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Civil Petition for Judicial Review <input type="checkbox"/> Foreclosure Mediation <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker's Compensation Appeal	<input type="checkbox"/> Appeal from Lower Court (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding <input type="checkbox"/> Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Foreign Judgment – Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input type="checkbox"/> Other Civil Matters

III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)

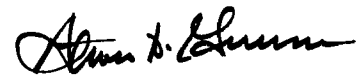
- | | | |
|---|--|---|
| <input type="checkbox"/> NRS Chapters 78-88 | <input type="checkbox"/> Investments (NRS 104 Art. 8) | <input type="checkbox"/> Enhanced Case Mgmt/Business |
| <input type="checkbox"/> Commodities (NRS 90) | <input type="checkbox"/> Deceptive Trade Practices (NRS 598) | <input type="checkbox"/> Other Business Court Matters |
| <input type="checkbox"/> Securities (NRS 90) | <input type="checkbox"/> Trademarks (NRS 600A) | |

9-23-13

Date

Signature of initiating party or representative

See other side for family-related case filings.



CLERK OF THE COURT

1 J. RANDALL JONES, ESQ. (#1927
r.jones@kempjones.com
2 SPENCER H. GUNENRSON, ESQ. (#8810)
s.gunnerson@kempjones.com
3 MATTHEW S. CARTER, ESQ. (#9524)
m.carter@kempjones.com
4 KEMP, JONES & COULTHARD, LP
5 3800 Howard Hughes Parkway, 17th Floor
Las Vegas, NV 89169
6 Telephone: (702) 385-6000
7 Facsimile: (702) 385-6001
8 *Attorneys for Defendants*
9 *MacDonald Highlands Realty, LLC,*
Michael Doiron, and FHP Ventures,
A Nevada Limited Partnership

10 **DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 THE FREDRIC AND BARBARA
13 ROSENBERG LIVING TRUST,

14 Plaintiffs,

15 v.

16 BANK OF AMERICA, N.A.; BAC HOME
LOANS SERVICING, LP, a foreign limited
17 partnership; MACDONALD HIGHLANDS
REALTY, LLC, A Nevada limited liability
18 company; MICHAEL DOIRON, an
individual; SHAHIN SHANE MALEK, an
19 individual; PAUL BYKOWSKI, an
individual; THE FOOTHILLS AT
20 MACDONALD RANCH MASTER
ASSOCIATION, a Nevada limited liability
21 company; THE FOOTHILLS PARTNERS, a
Nevada limited partnership; DOES 1 through
22 X; and ROE CORPORATIONS I through X,

23 Defendants.
24

Case No.: A-13-689113-C
Dept. No.: I

**ORDER (1) GRANTING MOTION FOR
ATTORNEY FEES AND COSTS AND (2)
GRANTING MOTION TO RE-TAX
COSTS**

25 Defendants MacDonald Highlands Realty, LLC; Michael Doiron; and The Foothills
26 Partners, now known as FHP Ventures, a Nevada Limited Partnership (collectively
27
28

1 “Defendants”), by and through their counsel, Matthew S. Carter, Esq. of the law firm Kemp,
2 Jones & Coulthard, LLP; and Plaintiff The Fredric and Barbara Rosenberg Living Trust, by and
3 through its counsel, Karen Hanks, Esq. and Jacqueline A. Gilbert of the law firm of Howard
4 Kim & Associates, appeared before this Court on October 22, 2015, at 1:30 p.m. for the hearing
5 on Defendants’ Motion for Attorney Fees and Costs and on Plaintiff’s Motion to Re-Tax Costs
6 claimed by Defendants in their Memorandum of Costs filed on August 18, 2015. The Court
7 having reviewed the pleadings and papers on file herein and heard the arguments of counsel
8 made at the hearing, and other good cause appearing therefor,

9 Defendants’ Motion for Attorney Fees and Costs is hereby GRANTED pursuant to the
10 offer of judgment served on Plaintiff on January 29, 2015. Fees in the amount of \$120,315.00
11 are therefore hereby awarded to Defendants.

12 Plaintiff’s Motion to Re-Tax is also hereby GRANTED, and costs in the amount of
13 \$20,728.24 are hereby awarded to Defendants.

14 This Court entered an order granting summary judgment in favor of Defendants on
15 August 13, 2015, and has certified that order pursuant to NRCP 54(b). This Court finds there is
16 no just cause for delay in entering final judgment as to Defendants, as this Order, in conjunction
17 with the order dated August 13, 2015 resolves all claims between Plaintiff and Defendants.

18 Good cause appearing, therefor,

19 IT IS HEREBY ORDERED that the clerk of the court shall enter judgment in favor of
20 Defendants in the amount of \$141,043.24.

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 IT IS FURTHER ORDERED that this Order awarding attorney's fees and costs shall be
2 certified as final as to Defendants pursuant NRCP 54(b).

3 IT IS SO ORDERED.

4 Dated this 29 day of October, 2015.

5 
6 DISTRICT COURT JUDGE
7 

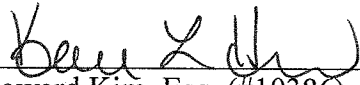
8 *Respectfully submitted by:*

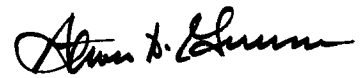
9 KEMP, JONES & COLTHARD, LLP
10 

11 J. Randall Jones Esq. (#1927)
12 Spencer H. Gunnerson Esq. (#8810)
13 Matthew S. Carter Esq. (#9524)
14 3800 Howard Hughes Parkway, 17th Floor
15 Las Vegas, Nevada 89169
16 *Attorneys for Defendants*
MacDonald Highlands Realty, LLC,
Michael Doiron, and FHP Ventures,
A Nevada Limited Partnership

17 *Approved as to form and content:*

18 HOWARD KIM & ASSOCIATES

19 
20 Howard Kim, Esq. (#10386)
21 Karen L. Hanks (#9578)
22 1055 Whitney Ranch Drive, Suite 110
23 Henderson, Nevada 89014
Attorneys for Plaintiff



CLERK OF THE COURT

1 J. RANDALL JONES, ESQ. (#1927)
r.jones@kempjones.com
2 SPENCER H. GUNNERSON, ESQ. (#8810)
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Telephone: (702) 385-6000
6 Facsimile: (702) 385-6001
Attorneys for Defendants
7 *MacDonald Highlands Realty, LLC,*
Michael Doiron and FHP Ventures,
8 *A Nevada Limited Partnership*

9 DISTRICT COURT

10 CLARK COUNTY, NEVADA

11
12 THE FREDRIC AND BARBARA
ROSENBERG LIVING TRUST,

13 Plaintiff,

14 vs.

15 BANK OF AMERICA, N.A.; BAC HOME
16 LOANS SERVICING, LP, a foreign limited
partnership; MACDONALD HIGHLANDS
17 REALTY, LLC, a Nevada limited liability
company; MICHAEL DOIRON, an
18 individual; SHAHIN SHANE MALEK, an
individual; PAUL BYKOWSKI, an
19 individual; THE FOOTHILLS AT
MACDONALD RANCH MASTER
20 ASSOCIATION, a Nevada limited liability
company; THE FOOTHILLS PARTNERS,
21 a Nevada limited partnership; DOES I
through X, inclusive; ROE
22 CORPORATIONS I through X, inclusive,

23 Defendants.

Case No.: A-13-689113-C
Dept. No.: I

**NOTICE OF ENTRY OF ORDER (1)
GRANTING MOTION FOR
ATTORNEY FEES AND COSTS AND
(2) GRANTING MOTION TO RE-TAX
COSTS**

24
25 PLEASE TAKE NOTICE that an Order (1) Granting Motion For Attorney Fees and
26 Costs and (2) Granting Motion to Re-Tax Costs was entered on November 10, 2015, a copy

27 ///

28

KEMP, JONES & COULTHARD, LLP
3800 Howard Hughes Parkway
Seventeenth Floor
Las Vegas, Nevada 89169
(702) 385-6000 • Fax (702) 385-6001
kje@kempjones.com

1 of which is attached hereto.

2 DATED this 10th day of November, 2015.

4 KEMP, JONES & COULTHARD, LLP

5 /s/ Matthew S. Carter

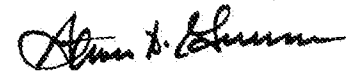
6 J. Randall Jones, Esq. (#1927)
7 Spencer H. Gunnerson, Esq. (#8810)
8 Matthew S. Carter, Esq. (#9524)
3800 Howard Hughes Parkway, 17th Floor
Las Vegas, Nevada 89169
9 *Attorneys for Defendants*
10 *MacDonald Highlands Realty, LLC,*
11 *Michael Doiron and FHP Ventures,*
12 *A Nevada Limited Partnership*

13 **CERTIFICATE OF SERVICE**

14 I hereby certify that on the 10th day of November, 2015, pursuant to NRCP 5(b), I e-
15 filed and e-served via the Eighth Judicial District Court electronic service system the
16 **NOTICE OF ENTRY OF ORDER (1) GRANTING MOTION FOR ATTORNEY**
17 **FEES AND COSTS AND (2) GRANTING MOTION TO RE-TAX COSTS** to all parties
18 on the e-service list.
19

20 /s/ Pamela Montgomery

21 An employee of Kemp, Jones & Coulthard, LLP
22
23
24
25
26
27
28



CLERK OF THE COURT

1 J. RANDALL JONES, ESQ. (#1927
r.jones@kempjones.com
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7 Facsimile: (702) 385-6001
Attorneys for Defendants
8 MacDonald Highlands Realty, LLC,
Michael Doiron, and FHP Ventures,
9 A Nevada Limited Partnership

10 **DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 THE FREDRIC AND BARBARA
13 ROSENBERG LIVING TRUST,

14 Plaintiffs,

15 v.

16 BANK OF AMERICA, N.A.; BAC HOME
17 LOANS SERVICING, LP, a foreign limited
18 partnership; MACDONALD HIGHLANDS
19 REALTY, LLC, A Nevada limited liability
20 company; MICHAEL DOIRON, an
21 individual; SHAHIN SHANE MALEK, an
22 individual; PAUL BYKOWSKI, an
23 individual; THE FOOTHILLS AT
MACDONALD RANCH MASTER
ASSOCIATION, a Nevada limited liability
company; THE FOOTHILLS PARTNERS, a
Nevada limited partnership; DOES 1 through
X; and ROE CORPORATIONS I through X,

24 Defendants.

Case No.: A-13-689113-C
Dept. No.: I

**ORDER (1) GRANTING MOTION FOR
ATTORNEY FEES AND COSTS AND (2)
GRANTING MOTION TO RE-TAX
COSTS**

25 Defendants MacDonald Highlands Realty, LLC; Michael Doiron; and The Foothills
26 Partners, now known as FHP Ventures, a Nevada Limited Partnership (collectively

1 "Defendants"), by and through their counsel, Matthew S. Carter, Esq. of the law firm Kemp,
2 Jones & Coulthard, LLP; and Plaintiff The Fredric and Barbara Rosenberg Living Trust, by and
3 through its counsel, Karen Hanks, Esq. and Jacqueline A. Gilbert of the law firm of Howard
4 Kim & Associates, appeared before this Court on October 22, 2015, at 1:30 p.m. for the hearing
5 on Defendants' Motion for Attorney Fees and Costs and on Plaintiff's Motion to Re-Tax Costs
6 claimed by Defendants in their Memorandum of Costs filed on August 18, 2015. The Court
7 having reviewed the pleadings and papers on file herein and heard the arguments of counsel
8 made at the hearing, and other good cause appearing therefor,

9 Defendants' Motion for Attorney Fees and Costs is hereby GRANTED pursuant to the
10 offer of judgment served on Plaintiff on January 29, 2015. Fees in the amount of \$120,315.00
11 are therefore hereby awarded to Defendants.

12 Plaintiff's Motion to Re-Tax is also hereby GRANTED, and costs in the amount of
13 \$20,728.24 are hereby awarded to Defendants.

14 This Court entered an order granting summary judgment in favor of Defendants on
15 August 13, 2015, and has certified that order pursuant to NRCP 54(b). This Court finds there is
16 no just cause for delay in entering final judgment as to Defendants, as this Order, in conjunction
17 with the order dated August 13, 2015 resolves all claims between Plaintiff and Defendants.

18 Good cause appearing, therefor,

19 IT IS HEREBY ORDERED that the clerk of the court shall enter judgment in favor of
20 Defendants in the amount of \$141,043.24.

21 ///

22 ///

23 ///

24 ///

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26 ///

27 ///

28 ///

1 IT IS FURTHER ORDERED that this Order awarding attorney's fees and costs shall be
2 certified as final as to Defendants pursuant NRCP 54(b).

3 IT IS SO ORDERED.

4 Dated this 29 day of October, 2015.

5 
6 DISTRICT COURT JUDGE
7 

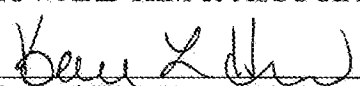
8 *Respectfully submitted by:*

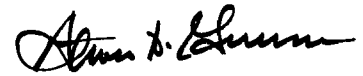
9 ~~KEMP, JONES & COULTHARD, LLP~~
10 

11 J. Randall Jones Esq. (#1927)
12 Spencer H. Gunnerson Esq. (#8810)
13 Matthew S. Carter Esq. (#9524)
14 3800 Howard Hughes Parkway, 17th Floor
15 Las Vegas, Nevada 89169
16 *Attorneys for Defendants*
MacDonald Highlands Realty, LLC,
Michael Doiron, and FHP Ventures,
A Nevada Limited Partnership

17 *Approved as to form and content:*

18 HOWARD KIM & ASSOCIATES

19 
20 Howard Kim, Esq. (#10386)
21 Karen L. Hanks (#9578)
22 1055 Whitney Ranch Drive, Suite 110
23 Henderson, Nevada 89014
24 *Attorneys for Plaintiff*



CLERK OF THE COURT

J. RANDALL JONES, ESQ. (#1927
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Telephone: (702) 385-6000
Facsimile: (702) 385-6001
*Attorneys for Defendants
MacDonald Highlands Realty, LLC,
Michael Doiron, and FHP Ventures,
A Nevada Limited Partnership*

DISTRICT COURT

CLARK COUNTY, NEVADA

THE FREDRIC AND BARBARA
ROSENBERG LIVING TRUST,

Plaintiffs,

v.

BANK OF AMERICA, N.A.; BAC HOME
LOANS SERVICING, LP, a foreign limited
partnership; MACDONALD HIGHLANDS
REALTY, LLC, A Nevada limited liability
company; MICHAEL DOIRON, an
individual; SHAHIN SHANE MALEK, an
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MACDONALD RANCH MASTER
ASSOCIATION, a Nevada limited liability
company; THE FOOTHILLS PARTNERS, a
Nevada limited partnership; DOES 1 through
X; and ROE CORPORATIONS I through X,

Defendants.

Case No.: A-13-689113-C
Dept. No.: I

**ORDER GRANTING DEFENDANTS'
MOTION FOR CERTIFICATION
PURSUANT TO NRCP 54(b)**

This matter having come before this Court on September 21, 2015 regarding Defendants
MacDonald Highlands Realty, LLC; Michael Doiron; and The Foothills Partners, now known as

1 FHP Ventures, a Nevada Limited Partnership's (collectively "Defendants") Motion for
2 Certification Pursuant to NRCP 54(b), submitted by and through their counsel, Matthew S.
3 Carter, Esq., of the law firm Kemp, Jones & Coulthard, LLP. The Court having reviewed the
4 pleadings and papers on file herein, and other good cause appearing therefore,

5 This Court finds that there is no just cause for delay in entering final judgment as to
6 Defendants, as the order granting summary judgment dated August 13, 2015, resolves all
7 claims between Plaintiff and Defendants.

8 Good cause appearing, therefor

9 IT IS HEREBY ORDERED that the order granting summary judgment, dated August
10 13, 2015, shall be certified as final as to Defendants pursuant to Rule 54(b) of the Nevada
11 Rules of Civil Procedure.


12 IT IS SO ORDERED.

13 Dated this 29 day of October, 2015.

14
15 
16 DISTRICT COURT JUDGE


17 Respectfully submitted by:

18 KEMP, JONES & COULTHARD, LLP

19 
20 J. Randall Jones Esq. (#1927)
21 Spencer H. Gunnerson Esq. (#8810)
22 Matthew S. Carter Esq. (#9524)
23 3800 Howard Hughes Parkway, 17th Floor
24 Las Vegas, Nevada 89169
25 Attorneys for Defendants
26 MacDonald Highlands Realty, LLC,
27 Michael Doiron, and FHP Ventures,
28 A Nevada Limited Partnership

1 *Approved as to form and content:*

2 HOWARD KIM & ASSOCIATES

3 

4 Howard Kim, Esq. (#10386)

Karen L. Hanks (#9578)

5 1055 Whitney Ranch Drive, Suite 110

Henderson, Nevada 89014

6 *Attorneys for Plaintiff*

7

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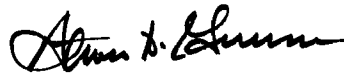
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CLERK OF THE COURT

1 J. RANDALL JONES, ESQ. (#1927)
r.jones@kempjones.com
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Telephone: (702) 385-6000
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Attorneys for Defendants
7 *MacDonald Highlands Realty, LLC,*
Michael Doiron and FHP Ventures,
8 *A Nevada Limited Partnership*

9 DISTRICT COURT

10 CLARK COUNTY, NEVADA

11
12 THE FREDRIC AND BARBARA
ROSENBERG LIVING TRUST,

13 Plaintiff,

14 vs.

15 BANK OF AMERICA, N.A.; BAC HOME
16 LOANS SERVICING, LP, a foreign limited
partnership; MACDONALD HIGHLANDS
17 REALTY, LLC, a Nevada limited liability
company; MICHAEL DOIRON, an
18 individual; SHAHIN SHANE MALEK, an
individual; PAUL BYKOWSKI, an
19 individual; THE FOOTHILLS AT
MACDONALD RANCH MASTER
20 ASSOCIATION, a Nevada limited liability
company; THE FOOTHILLS PARTNERS,
21 a Nevada limited partnership; DOES I
through X, inclusive; ROE
22 CORPORATIONS I through X, inclusive,

23 Defendants.

Case No.: A-13-689113-C
Dept. No.: I

**NOTICE OF ENTRY OF ORDER
GRANTING DEFENDANTS' MOTION
FOR CERTIFICATION PURSUANT TO
NRCP 54(b)**

24
25 PLEASE TAKE NOTICE that an Order Granting Defendants' Motion For
26 Certification Pursuant to NRCP54(b) was entered on November 10, 2015, a copy of which is

27 ///

28

KEMP, JONES & COULTHARD, LLP
3800 Howard Hughes Parkway
Seventeenth Floor
Las Vegas, Nevada 89169
(702) 385-6000 • Fax (702) 385-6001
kjc@kempjones.com

1 attached hereto.

2 DATED this 10th day of November, 2015.

4 KEMP, JONES & COULTHARD, LLP

5 /s/ Matthew S. Carter

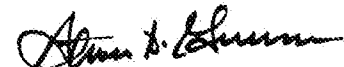
6 J. Randall Jones, Esq. (#1927)
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8 Matthew S. Carter, Esq. (#9524)
9 3800 Howard Hughes Parkway, 17th Floor
10 Las Vegas, Nevada 89169
11 *Attorneys for Defendants*
12 *MacDonald Highlands Realty, LLC,*
13 *Michael Doiron and FHP Ventures,*
14 *A Nevada Limited Partnership*

14 **CERTIFICATE OF SERVICE**

15 I hereby certify that on the 10th day of November, 2015, pursuant to NRCP 5(b), I e-
16 filed and e-served via the Eighth Judicial District Court electronic service system the
17 **NOTICE OF ENTRY OF ORDER GRANTING DEFENDANTS' MOTION FOR**
18 **CERTIFICATION PURSUANT TO NRCP 54(b)** to all parties on the e-service list.

20 /s/ Pamela Montgomery

21 An employee of Kemp, Jones & Coulthard, LLP



CLERK OF THE COURT

1 J. RANDALL JONES, ESQ. (#1927
r.jones@kempjones.com
2 SPENCER H. GUNENRSON, ESQ. (#8810)
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8 MacDonald Highlands Realty, LLC,
Michael Doiron, and FHP Ventures,
9 A Nevada Limited Partnership

10 DISTRICT COURT

11 CLARK COUNTY, NEVADA

12 THE FREDRIC AND BARBARA
ROSENBERG LIVING TRUST,

Case No.: A-13-689113-C
Dept. No.: I

13 Plaintiffs,

14 v.

15 ORDER GRANTING DEFENDANTS'
16 MOTION FOR CERTIFICATION
17 PURSUANT TO NRCP 54(b)

18 BANK OF AMERICA, N.A.; BAC HOME
19 LOANS SERVICING, LP, a foreign limited
20 partnership; MACDONALD HIGHLANDS
21 REALTY, LLC, A Nevada limited liability
22 company; MICHAEL DOIRON, an
individual; SHAHIN SHANE MALEK, an
individual; PAUL BYKOWSKI, an
individual; THE FOOTHILLS AT
MACDONALD RANCH MASTER
ASSOCIATION, a Nevada limited liability
company; THE FOOTHILLS PARTNERS, a
Nevada limited partnership; DOES 1 through
X; and ROE CORPORATIONS I through X,

23 Defendants.
24

25 This matter having come before this Court on September 21, 2015 regarding Defendants
26 MacDonald Highlands Realty, LLC; Michael Doiron; and The Foothills Partners, now known as

1 FHP Ventures, a Nevada Limited Partnership's (collectively "Defendants") Motion for
2 Certification Pursuant to NRCP 54(b), submitted by and through their counsel, Matthew S.
3 Carter, Esq., of the law firm Kemp, Jones & Coulthard, LLP. The Court having reviewed the
4 pleadings and papers on file herein, and other good cause appearing therefore,

5 This Court finds that there is no just cause for delay in entering final judgment as to
6 Defendants, as the order granting summary judgment dated August 13, 2015, resolves all
7 claims between Plaintiff and Defendants.

8 Good cause appearing, therefor

9 IT IS HEREBY ORDERED that the order granting summary judgment, dated August
10 13, 2015, shall be certified as final as to Defendants pursuant to Rule 54(b) of the Nevada
11 Rules of Civil Procedure.

12 IT IS SO ORDERED.

13 Dated this 29 day of October, 2015.

14
15 
16 DISTRICT COURT JUDGE

17 Respectfully submitted by:

18 KEMP, JONES & COULTHARD, LLP

19 
20 J. Randall Jones Esq. (#1927)

21 Spencer H. Gunnerson Esq. (#8810)

22 Matthew S. Carter Esq. (#9524)

23 3800 Howard Hughes Parkway, 17th Floor

24 Las Vegas, Nevada 89169

25 *Attorneys for Defendants*

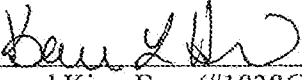
26 *MacDonald Highlands Realty, LLC,*

27 *Michael Doiron, and FHP Ventures,*

28 *A Nevada Limited Partnership*

1 *Approved as to form and content:*

2 HOWARD KIM & ASSOCIATES

3 
4 _____

Howard Kim, Esq. (#10386)

Karen L. Hanks (#9578)

5 1055 Whitney Ranch Drive, Suite 110

Henderson, Nevada 89014

6 *Attorneys for Plaintiff*

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

December 04, 2013

A-13-689113-C Frederic and Barbara Rosenberg Living Trust, Plaintiff(s)
vs.
Bank of America, Defendant(s)

December 04, 2013 1:00 PM Minute Order

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Due to the Court's unavailability, COURT ORDERED, the Motion to Dismiss on OST CONTINUED.

CONTINUED TO: 12/09/13 11:00 AM

CLERK'S NOTE: The above minute order has been distributed to: Justin Shiroff, Esq., Lisa Zastrow, Esq. via e-mail. /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

December 09, 2013

A-13-689113-C	Frederic and Barbara Rosenberg Living Trust, Plaintiff(s)
	vs.
	Bank of America, Defendant(s)

December 09, 2013 11:00 AM Motion to Dismiss

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Beverly Sigurnik

REPORTER:

PARTIES

PRESENT:	Byrne, Patrick G.	Attorney
	Smyth, James E., II	Attorney
	Winslow, Natalie L	Attorney

JOURNAL ENTRIES

- Statements by the Court as to arguments towards facts in a motion to dismiss. Mr. Byrne stated the position they are taking is based on the pled facts. The Court can take judicial notice as these are public documents. Mr. Byrne gave summary of client purchasing the property to build a custom home, has the plans and approval but cannot be signed off on because of the Lis Pendens. Further Mr. Malek can't lock down a rate because of this. Mr. Byrne argued as to notice stating lot could be used for custom home. There was a zoning change which has been recorded. Mr. Smyth argued as to APN number and it being golf course property. Further argued there is a blanket easement and the zoning change did not change the easement. Statements by the Court. Mr. Smyth stated if the Court is inclined to grant the motion Plaintiffs would request leave to amend. Ms. Winslow suggested the claims against Mr. Malek be separate from the claims against the bank. Further arguments by counsel as to zoning and easements. COURT ORDERED, matter CONTINUED. Court further stated the burden is on the Plaintiff as to why this should not be expunged.

CONTINUED TO: 12/19/13 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

December 19, 2013

A-13-689113-C	Frederic and Barbara Rosenberg Living Trust, Plaintiff(s) vs. Bank of America, Defendant(s)
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December 19, 2013 10:00 AM All Pending Motions

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Beverly Sigurnik

REPORTER:

PARTIES

PRESENT:	Brenner, Darren T. Byrne, Patrick G. Gunnerson, Spencer Malek, Shahin Shane Shiroff, Justin Smyth, James E., II Winslow, Natalie L	Attorney Attorney Attorney Defendant Attorney Attorney Attorney
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JOURNAL ENTRIES

- ALL PENDING - Bank of America, N.A.'s Motion to Dismiss Plaintiff's Complaint Pursuant to NRCP 12(b)(5), or Alternatively, Motion for Summary Judgment... DRFH Ventures, LLC f/k/a DragonRidge Properties, LLC; DragonRidge Golf Club, Inc.; MacDonald Properties, LTD; MacDonald Highlands Realty, LLC; and Michael Doiron's Partial Joinder To Bank of America, N.A.'s Motion To Dismiss Plaintiff's Complaint Pursuant To NRCP 12(B)(5), Or Alternatively, Motion For Summary Judgment... Defendants DRFH Ventures, LLC f/k/a Dragonridge Properties, LLC; Dragonridge Golf Club, Inc.; MacDonald Properties, Ltd.; MacDonald Highlands Realty, LLC; and Michael Doiron's Motion to Dismiss... Defendant's Motion To Dismiss Plaintiff's Complaint And Expunge Lis Pendens On Order Shortening Time

Bank of America, N.A.'s Motion to Dismiss Plaintiff's Complaint Pursuant to NRCP 12(b)(5), or

Alternatively, Motion for Summary Judgment... DRFH Ventures, LLC f/k/a DragonRidge Properties, LLC; DragonRidge Golf Club, Inc.; MacDonald Properties, LTD; MacDonald Highlands Realty, LLC; and Michael Doiron's Partial Joinder To Bank of America, N.A.'s Motion To Dismiss Plaintiff's Complaint Pursuant To NRCP 12(B)(5), Or Alternatively, Motion For Summary Judgment -

Ms. Winslow stated this is a buyer's remorse case; property was sold as is. There are no additional warranties; this is a bare lot that is barely touching the plaintiff's property. Ms. Winslow provided aerial view of property and gave description. Further argued exhibit B of the purchase contract. It is the burden of the buyers to inspect the property lines of what they are purchasing and the surrounding properties. There is no right to a view in Nevada. Court stated this seems to be a motion for summary judgment and inquired if Mr. Smyth was prepared to argue. Mr. Smyth stated if the Court is inclined to grant, plaintiff would be requesting a continuance and 56(f). Argued his client only has a duty of diligence to look at the recorded documents. Court inquired if more discovery need to be done. Mr. Smyth stated more facts are needed as to the minor adjustment. Colloquy as to doing discovery. Mr. Smyth argued they have money damages as the bank did not disclose. Ms. Winslow argued there is a burden as to 56(f) to state what they are looking for. Statements by the Court. Mr. Brenner argued there is no 56(f) affidavit. Further argument by counsel. COURT ORDERED, Motion and Joinder DENIED WITHOUT PREJUDICE with six months discovery. Ms. Winslow to prepare the Order.

Defendants DRFH Ventures, LLC f/k/a Dragonridge Properties, LLC; Dragonridge Golf Club, Inc.; MacDonald Properties, Ltd.; MacDonald Highlands Realty, LLC; and Michael Doiron's Motion to Dismiss -

Mr. Gunnerson argued the entire case is about an easement. We have concerns as to three of the entities that are still in the lawsuit. There is no implied contract; these entities were not a party to this contract. Plaintiff can't rely on misrepresentation when they admit they never knew of the misrepresentations. Mr. Smyth argued they do not have to have implied easement. Plaintiff's claims are this is a golf course and DRFH is the developer. They are arguing there is little impact and there is a lot of impact. Further arguments by counsel. COURT ORDERED, Defendants DRFH Ventures, LLC f/k/a Dragonridge Properties, LLC; Dragonridge Golf Club, Inc.; MacDonald Properties, Ltd.; MacDonald Highlands Realty, LLC; and Michael Doiron's Motion to Dismiss GRANTED as to DRFH, Dragon, Inc., and MacDonald Ltd.

Defendant's Motion To Dismiss Plaintiff's Complaint And Expunge Lis Pendens On Order Shortening Time -

Mr. Brenner argued there was nothing false in the application; it stated there was going to be a custom home. Plaintiff has the exact view of the 9th hole. Further argued there is no evidence as to what hardship is. If the claim is not dismissed we will be filing a slander claim. Plaintiff had notice of the change, Bank of America had it and gave them notice. Statements by the Court. Mr. Smyth advised supplements have been filed the Plaintiff purchased property based on the plot maps. Mr. Smyth further argued the Court just heard argument from counsel Bank of America had knowledge.

Henderson gave notice of the application to Bank of America. Notice to the world is the recorded documents. This portion of the property is part of the golf course not Mr. Malec's property. Court inquired what gives the Plaintiff the right to lien the property. Mr. Smyth argued they have an interest to keep the title to the property in place. Statements by the Court. Further arguments by counsel. COURT STATED FINDINGS and ORDERED, Defendant's Motion to Dismiss Plaintiff's Complaint DENIED and Expunge Lis Pendens OST GRANTED WITHOUT PREJUDICE.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

January 05, 2015

A-13-689113-C Frederic and Barbara Rosenberg Living Trust, Plaintiff(s)
vs.
Bank of America, Defendant(s)

January 05, 2015 3:00 AM Motion for Leave

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- This Motion was GRANTED on 1/9/15.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

January 09, 2015

A-13-689113-C Frederic and Barbara Rosenberg Living Trust, Plaintiff(s)
vs.
Bank of America, Defendant(s)

January 09, 2015 10:30 AM Minute Order

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Phyllis Irby

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Frederic and Barbara Rosenberg Living Trust vs. Bank of America
Plaintiff's Motion for Leave to Amend Complaint and Caption

Plaintiff's unopposed Motion for Leave to Amend Complaint and Caption is GRANTED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

January 30, 2015

A-13-689113-C	Frederic and Barbara Rosenberg Living Trust, Plaintiff(s) vs. Bank of America, Defendant(s)
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January 30, 2015	9:00 AM	Motion for Protective Order	Bank of America, N.A.'s Motion For Protective Order re: Deposition of Rule 30(B)(6) Witness, and For Attorneys' Fees on OST
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HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT:	DeVoy, James M.	Attorney
	Hanks, Karen	Attorney
	Rulis, Nathanael R., ESQ	Attorney
	Winslow, Natalie L	Attorney

JOURNAL ENTRIES

- The homeowner purchased property in a foreclosure from Bank of America, and there was no communication the neighbor improving the adjacent property. Argument by Ms. Hanks. Colloquy re: notice must include better categories for areas of concern. Colloquy re: the timeframe. Argument by Ms. Winslow.

COMMISSIONER RECOMMENDED, motion is GRANTED WITHOUT PREJUDICE to Pltf to reserve a proper 30(b)(6) notice with appropriate topic areas for the relevant timeframe. Commissioner is available by conference call if necessary. Colloquy re: resetting depositions, and remaining depositions needed.

COMMISSIONER RECOMMENDED, discovery cutoff RE-OPENED to 3/16/15 to complete depositions; FILE dispositive motions by 4/16/15; 5/26/15 Trial date STANDS; no fees or costs. Commissioner is available by conference call if something comes up.

Ms. Winslow to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Ms. Winslow to appear at status check hearing to report on the Report and Recommendations.

3/6/15 11:00 a.m. Status Check: Compliance

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract**COURT MINUTES****April 08, 2015**

A-13-689113-C Frederic and Barbara Rosenberg Living Trust, Plaintiff(s)
 vs.
 Bank of America, Defendant(s)

April 08, 2015 9:00 AM Motion to Dismiss

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Chavez, Sarah M, ESQ	Attorney
	Gunnerson, Spencer	Attorney
	Hanks, Karen	Attorney
	Shevorski, Steven G.	Attorney

JOURNAL ENTRIES

- Mr. Gunnerson advised this case is in regards to a third acre property and it has been clear from the beginning plaintiffs do not want the defendant to build on the property. Mr. Gunnerson argued they have attempted to bring in easements to stop them for building. Plaintiffs are trying to create a strict covenant which would be guidelines; there is nothing in the restrictive guidelines. Plaintiffs are claiming the design guidelines are not applied to the third acre. Mr. Gunnerson argued as to declaratory relief. Ms. Hanks argued plaintiffs are only asking for FHP to enforce the design guidelines. This is essentially a breach of the covenants and CC&R's. Ms. Hanks stated Mr. Malek may be an innocent victim and if he is it falls to FHP for approving the design. Statements by the Court. Ms. Hanks advised discovery has closed and have requested leave to amend for damages. Court stated it was not going to close the door on the defendant for the plaintiffs to come back and claim damages. Ms. Hanks advised they have money damages against other parties, plaintiffs are just looking for FHP to enforce the guidelines. Mr. Gunnerson argued it is possible for the Court to base its decision on the facts pled without additional discovery. Court stated if the motion is granted the defendant has been placed on notice they will be coming back for money damages. Mr. Gunnerson stated they would rather be dismissed out at this point and do not feel there are any money damages.

Plaintiffs are attempting to bring in the CC&R's, and they do not apply to FHP. Ms. Hanks argued under the CC&R's FHP is still a declarant of the MacDonald property and are still in control. Mr. Gunnerson argued they have failed to show any restrictive covenants have not been enforced. Further arguments by counsel. COURT ORDERED, Defendant FHP Venture's Motion to Dismiss Amended Complaint DENIED. Colloquy. COURT FURTHER ORDERED, Trial date VACATED and Matter SET for status check. Ms. Hanks to prepare the Order.

6/10/15 9:00 AM STATUS CHECK: RESET TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

May 18, 2015

A-13-689113-C Frederic and Barbara Rosenberg Living Trust, Plaintiff(s)
vs.
Bank of America, Defendant(s)

May 18, 2015

9:00 AM

Minute Order

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- The COURT ORDERS, Plaintiff's Motion for Summary Judgment Against Shanin Shane Malek, Defendant Shanin Shane Malek Motion for Summary Judgment, and Counter Defendant's Motion for Summary Judgment RESCHEDULED from Tuesday, May 19, 2015 to Wednesday, June 10, 2015 at 9:00 a.m. The Status Check regarding resetting the trial will remain on the 6/10/15 oral calendar.

RESCHEDULED TO: 6/10/15 9:00 AM

CLERK'S NOTE: The above minute order has been distributed to: Jay DeVoy, Esq., Spencer Gunnerson, Esq., Karen Hanks, Esq., and Steven Shevorski, Esq. via e-mail. /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

June 10, 2015

A-13-689113-C	Frederic and Barbara Rosenberg Living Trust, Plaintiff(s) vs. Bank of America, Defendant(s)
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June 10, 2015

9:00 AM

All Pending Motions

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Tena Jolley

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Barishman, Melissa DeVoy, James M. Gilbert, Jacqueline Gunnerson, Spencer Habdas, William S. Hanks, Karen Jones, Jon Randall Panoff, Jesse N Rezaee, Preston P, ESQ	Attorney Attorney Attorney Attorney Attorney Attorney Attorney Attorney Attorney
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JOURNAL ENTRIES

- STATUS CHECK: RESET TRIAL DATE - Mr. Gunderson advised there is a Motion to Amend to Conform to Evidence set for July 6, 2015, and requested matter be continued. Ms. Hanks stated the Motion is set on the Court's Chambers Calendar. COURT ORDERED, matter CONTINUED to 7/15/15 at 9:00 A.M.

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AGAINST DEFENDANT SHAHIN SHANE MALEK - Ms. Hanks argued that Mr. Malek's counter-claim for slander of title based on the lis pendens recorded by the Rosenberg Trust fails as there is clearly no issue of fact. There is no evidence of malice. Further there is no computation of damages or supporting documentation as required to claim special damages and discovery is closed. Therefore, there are no issues of fact

remaining and summary judgment in favor of the Rosenberg Trust on the slander of title claim is appropriate. Mr. Devoy argued in opposition that the question of malice is whether the statement is knowingly false or is made with reckless disregard for the truth. Ms. Rosenberg knew exactly what she was doing and she filed the lis pendens to prevent Mr. Malek from building his home which was a reckless disregard for the truth that applies. On the issue of damages, attorney fees continue to accrue and questions of fact remain as to what Ms. Rosenberg knew when she filed the lis pendens. COURT ORDERED, Motion DENIED WITHOUT PREJUDICE. Upon Ms. Hanks request that Plaintiff be allowed to depose Mr. Malek if additional documents are produced, Court recommended the issues be brought before the Discovery Commissioner.

DEFENDANT SHAHIN SHANE MALEK'S MOTION FOR SUMMARY JUDGMENT - Mr. Devoy argued that Nevada law prohibits easements being granted to protect view and privacy. The implied restrictive covenant is improper as case law does not recognize this new cause of action and there is no evidence of a restrictive covenant that prevents someone from building their house. Plaintiff's requests for declaratory and injunctive relief requires an underlying finding of liability there can be no relief. Mr. Gunnerson adopted arguments made by Mr. Devoy and made three points: there is no easement for view or privacy recognized in Nevada; the one-third acre of bare land was a bare lot and not a part of the golf course; and the only use Plaintiff's use of that property would be to protect view and privacy. Argument that no genuine issues of material fact exist as the golf course is still the center of the community and no easement existed. Argument by Ms. Hanks in opposition that there are expressed and implied restrictive covenants which limits what a property owner can do with their property thereby maintaining the value of the property that Plaintiff purchased and the expectation that that the surrounding area would remain the same. These are issues of fact for the jury to determine. COURT ORDERED, matter UNDER SUBMISSION, ORDER WILL ISSUE from Chambers, and matter SET for Decision on Court Chamber Calendar.

DEFENDANTS' MACDONALD HIGHLANDS, MICHAEL DOIRON AND FHP VENTURES' MOTION FOR SUMMARY JUDGMENT - Mr. Gunnerson requested that as to the view ad privacy easement portion of their motion, was previously addressed. Argument that the case is ripe for summary adjudication at this time as the Rosenberg's purchased the property "as is," signed a Purchase Agreement, failed to research public records/zoning maps, and waived claims against the broker or their agents. Ms. Hanks argued in opposition that Plaintiff did not waive any defects as to the surrounding area/golf course and did not have knowledge of material facts as to any change in zoning which should have been disclosed and is a question for the jury to determine. Further Doiron and McDonald Realty had a duty to correct any misrepresentations made on the seller's disclosure form. COURT ORDERED, matter UNDER SUBMISSION, ORDER WILL ISSUE from Chambers, and matter SET for Decision on Court Chamber Calendar.

6/29/15 CHAMBERS - DEFENDANT SHAHIN SHANE MALEK'S MOTION FOR SUMMARY JUDGMENT // DEFENDANTS' MACDONALD HIGHLANDS, MICHAEL DOIRON AND FHP VENTURES' MOTION FOR SUMMARY JUDGMENT

7/15/15 9:00 AM STATUS CHECK: RESET TRIAL DATE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

June 29, 2015

A-13-689113-C	Frederic and Barbara Rosenberg Living Trust, Plaintiff(s) vs. Bank of America, Defendant(s)
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June 29, 2015

3:00 AM

All Pending Motions

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- ALL PENDING

Based on the arguments raised in Defendants' briefing, the COURT ORDERS, Defendants' MacDonald Highlands, Michael Doiron and FHP Ventures' Motion for Summary Judgment GRANTED. Counsel for Defendants are to prepare the order, which must include findings of facts and conclusions of law and distribute a copy to all parties.

Based on the arguments raised in Defendant Malek's briefing, the COURT ORDERS, Defendant Shahin Shane Malek's Motion for Summary Judgment GRANTED IN PART and DENIED IN PART. The motion is GRANTED as to claims brought by Plaintiff and DENIED as to Defendant Malek's counterclaim for Slander of Title. Counsel for Defendant Malek is to prepare the order, which must include findings of facts and conclusions of law and distribute a copy to all parties.

CLERK'S NOTE: The above minute order has been distributed to: John Randall Jones, Esq., and Preston Rezaee, Esq. via e-mail. /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

July 06, 2015

A-13-689113-C	Frederic and Barbara Rosenberg Living Trust, Plaintiff(s) vs. Bank of America, Defendant(s)
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July 06, 2015	3:00 AM	Motion to Amend Complaint
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HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- After reviewing all related motions, oppositions, and replies, the Court finds that a motion under NRCP 15(b) is not appropriate. Further, under NRCP 15(a) the Court finds that the proposed claims would be futile as they fall under the preview of NRS 38.310. Accordingly, COURT ORDRED Plaintiff's Motion to Amend Complaint to Conform to Evidence DENIED. The Plaintiffs may refile an appropriate NRCP 15(a) motion after exhausting all required remedies under NRS 38.310. Mr. Brenner to prepare the Order.

CLERK'S NOTE: The above minute order has been distributed to: Karen Hanks, Esq., Spencer Gunnerson, Esq., Preston Rezaee, Esq., and Darren Brenner, Esq. via e-mail. /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

July 29, 2015

A-13-689113-C Frederic and Barbara Rosenberg Living Trust, Plaintiff(s)
vs.
Bank of America, Defendant(s)

**July 29, 2015 9:00 AM Status Check: Reset Trial
Date**

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Carter, Matthew S. Attorney
DeVoy, James M. Attorney
Hanks, Karen Attorney
Shevorski, Steven G. Attorney

JOURNAL ENTRIES

- Colloquy regarding last hearing. COURT ORDERED, Trial Date SET. COURT FURTHER ORDERED, all Dispositive Motion due February 22, 2016 and Motions in Limine due May 6, 2016.

6/9/16 9:00 AM PRETRIAL CONFERENCE

6/27/16 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

September 21, 2015

A-13-689113-C Frederic and Barbara Rosenberg Living Trust, Plaintiff(s)
vs.
Bank of America, Defendant(s)

September 21, 2015 3:00 AM All Pending Motions

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- DEFENDANT MACDONALD HIGHLANDS REALTY LLC'S MOTION FOR CERTIFICATION
PURSUANT TO NRCP 54(B)...PLAINTIFF'S MOTION TO RETAX AND SETTLE MEMORANDUM
OF COSTS AND DISBURSEMENTS

PLAINTIFF'S MOTION TO RETAX AND SETTLE MEMORANDUM OF COSTS AND
DISBURSEMENTS heard and DENIED AS MOOT on 10/22/15 oral calendar.

COURT ORDERED, Defendant Macdonald Highlands Realty LLC's Motion For Certification
Pursuant To NRCP 54(B) GRANTED. Mr. Gunnerson to prepare the Order and distribute to all
parties.

CLERK'S NOTE: The above minute order has been distributed to: Spencer Gunnerson, Esq. via e-
mail. /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

October 22, 2015

A-13-689113-C Frederic and Barbara Rosenberg Living Trust, Plaintiff(s)
vs.
Bank of America, Defendant(s)

October 22, 2015 1:30 PM All Pending Motions

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Carter, Matthew S. Attorney
DeVoy, James M. Attorney
Gilbert, Jacqueline Attorney
Hanks, Karen Attorney

JOURNAL ENTRIES

- ALL PENDING

DEFENDANT SHAHIN MALEK'S MOTION FOR ATTORNEY FEES AND COSTS:

Court noted it had not received an opposition. Ms. Hanks advised a copy had been provided to chambers today. Mr. DeVoy advised he had not seen a copy of the opposition and requested the Motion be granted. COURT ORDERED, Motion CONTINUED.

CONTINUED TO: 12/1/15 9:00 AM

DEFENDANT MACDONALD HIGHLAND REALTY, LLC AND FHP VENTURES MOTION FOR ATTORNEYS' FEES AND COSTS:

Following arguments by counsel, COURT ORDERED, Fees GRANTED in the amount of \$120,315.00; Costs CONTINUED to this Court's Chamber Calendar.

CONTINUED TO: 11/9/15 CHAMBERS

PLAINTIFF'S MOTION TO RETAX AND SETTLE MEMORANDUM OF COSTS AND
DISBURSEMENTS:

COURT ORDERED, Motion DENIED AS MOOT.

CLERK'S NOTE: Minutes corrected to include the continued hearing dates (which were given in
Court). /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

November 09, 2015

A-13-689113-C Frederic and Barbara Rosenberg Living Trust, Plaintiff(s)
vs.
Bank of America, Defendant(s)

**November 09, 2015 3:00 AM Motion for Attorney Fees
and Costs**

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court previously granted Defendant MacDonald Highland Realty, LLC and FHP Ventures Motion for Attorneys' Fees and continued the matter as to Costs. COURT ORDERED, Motion GRANTED as to costs.

CLERK'S NOTE: The above minute order has been distributed to: Jacqueline Gilbert, Esq., Karen Hanks, Esq., Preston Rezaee, Esq., and Matthew Carter, Esq. via e-mail. /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

December 01, 2015

A-13-689113-C	Frederic and Barbara Rosenberg Living Trust, Plaintiff(s)
	vs.
	Bank of America, Defendant(s)

December 01, 2015	9:00 AM	Motion for Attorney Fees and Costs
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HEARD BY: Cory, Kenneth	COURTROOM: RJC Courtroom 16A
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COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	DeVoy, James M.	Attorney
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JOURNAL ENTRIES

- Mr. DeVoy stated this was his second time here for this motion. The first time the motion was continued to review and reply to the opposition and the date and time were agreed to by both parties; this time there is no appearance by counsel. Mr. DeVoy argued as to the fees and costs incurred by his client do to this litigation. Court inquired as to how much time was spent here this morning. Mr. DeVoy advised 1.8 billable hours. Statements by the Court. COURT ORDERED, Defendant Shahin Malek's Motion for Attorney Fees and Costs GRANTED; fees GRANTED from April 16, 2015 forward and fees for appearing today 12/1/15. All costs GRANTED. Mr. DeVoy to prepare the Order.

CLERK'S NOTE: The above minute order has been distributed to: Karen Hanks, Esq. and Jacqueline Gilbert, Esq. via e-mail. /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

December 09, 2015

A-13-689113-C	Frederic and Barbara Rosenberg Living Trust, Plaintiff(s) vs. Bank of America, Defendant(s)
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December 09, 2015 9:00 AM Status Check

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	DeVoy, James M. Attorney
	Gilbert, Jacqueline Attorney
	Shevorski, Steven G. Attorney

JOURNAL ENTRIES

- Statements by the Court regarding there being no signature on the stipulation to stay the matter. Mr. DeVoy and Mr. Shevorski advised they have no objection to the stay. Court STATED the trial date will stand and hopefully the Supreme Court will have made a ruling by then. Mr. DeVoy advised Mr. Malek still has a counterclaim. Mr. Shevorski advised Bank of America is still a party in this matter. COURT ORDERED, Stay to REMAIN IN PLACE and trial date STANDS.

Matter Recalled: Ms. Gilbert present. Court advised of the proceedings.



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

J. RANDALL JONES, ESQ.
3800 HOWARD HUGHES PKWY., 17TH FL.
LAS VEGAS, NV 89169

DATE: December 15, 2015
CASE: A689113

RE CASE: THE FREDRIC AND BARBARA ROSENBERG LIVING TRUST vs. BANK OF AMERICA, N.A.; BAC HOME LOANS SERVICING, LP; MACDONALD HIGHLANDS REALTY, LLC; MICHAEL DOIRON; SHAHIN SHANE MALEK; THE FOOTHILLS PARTNERS

NOTICE OF APPEAL FILED: December 11, 2015

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - 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):

DEFENDANTS MACDONALD HIGHLANDS REALTY, LLC, MICHAEL DOIRON AND FHP VENTURES NOTICE OF CROSS-APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER (1) GRANTING MOTION FOR ATTORNEY FEES AND COSTS AND (2) GRANTING MOTION TO RE-TAX COSTS; NOTICE OF ENTRY OF ORDER (1) GRANTING MOTION FOR ATTORNEY FEES AND COSTS AND (2) GRANTING MOTION TO RE-TAX COSTS; ORDER GRANTING DEFENDANTS' MOTION FOR CERTIFICATION PURSUANT TO NRCP 54(B); NOTICE OF ENTRY OF ORDER GRANTING DEFENDANTS' MOTION FOR CERTIFICATION PURSUANT TO NRCP 54(B); DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

THE FREDRIC AND BARBARA
ROSENBERG LIVING TRUST,

Plaintiff(s),

vs.

BANK OF AMERICA, N.A.; BAC HOME
LOANS SERVICING, LP; MACDONALD
HIGHLANDS REALTY, LLC; MICHAEL
DOIRON; SHAHIN SHANE MALEK; THE
FOOTHILLS PARTNERS,

Defendant(s),

Case No: A689113

Dept No: I

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 15 day of December 2015.

Steven D. Grierson, Clerk of the Court

Mary Kielty

Mary Kielty, Deputy Clerk