

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

Electronically Filed
Apr 01 2016 11:06 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

DAVID DEZZANI AND ROCHELLE
DEZZANI,

Plaintiffs,

vs.

Sup. Ct. Case No. 69896

Case No. CV15-00826

Dept. 10

KERN & ASSOCIATES, LTD and GAYLE
A KERN, et al,
Defendants.

_____ /

RECORD ON APPEAL

VOLUME 1 OF 4

APPEAL INDEX

CASE HISTORY

CERTIFICATE OF CLERK AND TRANSMITTAL

APPELLANT

David Dezzani and
Rochelle Dezzani
17 Camino Lienzo
SanClemente, CA 92673

RESPONDENT

Gayle Kern
KERN & ASSOCIATES, LTD
5421 Kietzke Lane Suite 200
Reno, Nevada 89511

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 APRIL 1, 2016

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 APRIL 1, 2016

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SECOND JUDICIAL DISTRICT COURT**STATE OF NEVADA****COUNTY OF WASHOE****Case History - CV15-00826****Case Description: DAVID DEZZANI ETAL VS. KERN & ASSOC (D10)****Case Number: CV15-00826 Case Type: OTHER TORT - Initially Filed On: 5/4/2015****Parties**

<u>Party Type & Name</u>	<u>Party Status</u>
JUDG - ELLIOTT A. SATTLER - D10	Active
PLTF - DAVID DEZZANI - @1275717	Active
PLTF - ROCHELLE DEZZANI - @1275719	Active
DEFT - KERN & ASSOCIATES, LTD - @1237990	Active
DEFT - KAREN HIGGINS - @1275723	Active
DEFT - GAYLE A. KERN - @1283389	Active
ATTY - Gayle A. Kern, Esq. - 1620	Active

Disposed Hearings

- 1 Department: D10 -- Event: Request for Submission -- Scheduled Date & Time: 10/13/2015 at 11:36:00
Extra Event Text: MOTION TO DISMISS COMPLAINT ON SEPTEMBER 17, 2015 (NO PAPER ORDER PROVIDED) -
Event Disposition: S200 - 11/19/2015
- 2 Department: D10 -- Event: Request for Submission -- Scheduled Date & Time: 11/12/2015 at 08:27:00
Extra Event Text: MOTION TO POSTPONE AND/OR TEMPORARILY STAY PROCEEDINGS (NO PAPER ORDER)
Event Disposition: S200 - 11/19/2015
- 3 Department: D10 -- Event: Request for Submission -- Scheduled Date & Time: 12/22/2015 at 14:39:00
Extra Event Text: MOTION FOR ATTORNEYS FEES AND COSTS 12/02/15
Event Disposition: S200 - 2/8/2016

Actions

- | | <u>Filing Date</u> | <u>-</u> | <u>Docket Code & Description</u> |
|---|--------------------|----------|--|
| 1 | 5/4/2015 | - | COV - **Civil Cover Sheet
<i>No additional text exists for this entry.</i> |
| 2 | 5/4/2015 | - | \$1425 - \$Complaint - Civil
<i>No additional text exists for this entry.</i> |
| 3 | 5/4/2015 | - | \$PLTF - \$Addl Plaintiff/Complaint
<i>No additional text exists for this entry.</i> |
| 4 | 5/4/2015 | - | FIE - **Document Filed in Error
<i>No additional text exists for this entry.</i> |
| 5 | 5/4/2015 | - | PAYRC - **Payment Receipted
Additional Text: A Payment of -\$290.00 was made on receipt DCDC498788. |
| 6 | 5/4/2015 | - | PAYVD - **Payment Voided
Additional Text: Receipt Number DCDC498788 has been voided. |

Report Does Not Contain Sealed Cases or Confidential Information

- 7 5/4/2015 - PAYRC - **Payment Receipted
Additional Text: A Payment of -\$290.00 was made on receipt DCDC498791.
- 8 9/2/2015 - 4085 - Summons Filed
Additional Text: SERVED TERESA GEARHART OBO GAYLE KERN, ESQ. ON 8/28/15
- 9 9/2/2015 - 4085 - Summons Filed
Additional Text: SERVED TERESA GEARHART OBO KERN & ASSOCIATES, LTD ON 8/28/15
- 10 9/17/2015 - 2490 - Motion ...
Additional Text: DEFENDANTS, KERN & ASSOCIATES LTD AND KAYLE KERN'S MOTION TO DISMISS COMPLAINT - Transaction 5146157 - Approved By: CSULEZIC : 09-17-2015:13:22:30
- 11 9/17/2015 - \$1560 - \$Def 1st Appearance - CV
Additional Text: KERN & ASSOCIATES - Transaction 5146157 - Approved By: CSULEZIC : 09-17-2015:13:22:30
- 12 9/17/2015 - \$DEFT - \$Addl Def/Answer - Prty/Appear
Additional Text: GAYLE KERN - Transaction 5146157 - Approved By: CSULEZIC : 09-17-2015:13:22:30
- 13 9/17/2015 - PAYRC - **Payment Receipted
Additional Text: A Payment of \$243.00 was made on receipt DCDC514727.
- 14 9/17/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5146272 - Approved By: NOREVIEW : 09-17-2015:13:23:28
- 15 10/6/2015 - 1960 - Memorandum ...
Additional Text: IN DEFENDANTS, KERN AND GAYLE KERN'S MOTION
- 16 10/12/2015 - 3795 - Reply...
Additional Text: DEFENDANTS, KERN & ASSOCIATES, LTD. AND GAYLE KERN'S REPLY IN SUPPORT OF MOTION TO DISMISS COMPLAINT - Transaction 5184808 - Approved By: CCOVINGT : 10-13-2015:08:58:19
- 17 10/13/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5185127 - Approved By: NOREVIEW : 10-13-2015:08:59:12
- 18 10/13/2015 - 3860 - Request for Submission
Additional Text: MOTION TO DISMISS COMPLAINT ON SEPTEMBER 17, 2015 (NO PAPER ORDER PROVIDED) - Transaction 5185421 - Approved By: MCHOLICO : 10-13-2015:11:15:38
PARTY SUBMITTING: GAYLE KERN, ESQ.
DATE SUBMITTED: 10/13/15
SUBMITTED BY: MCHOLICO
DATE RECEIVED JUDGE OFFICE:
- 19 10/13/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5185692 - Approved By: NOREVIEW : 10-13-2015:11:16:36
- 20 10/20/2015 - 2490 - Motion ...
Additional Text: MOTION TO POSTPONE AND/ TEMPORARILY STAY AFFIDAVIT OF DAVID CERTIFICATE OF SERVICE; AFFIRMATION
- 21 10/22/2015 - 2645 - Opposition to Mtn ...
Additional Text: DEFENDANTS, KERN & ASSOCIATES, LTD. AND GAYLE KERN'S OPPOSITION TO MOTION TO POSTPONE AND TEMPORARILY STAY PROCEEDINGS - Transaction 5201878 - Approved By: CSULEZIC : 10-22-2015:14:48:57
- 22 10/22/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5202142 - Approved By: NOREVIEW : 10-22-2015:14:50:03

- 23 11/3/2015 - 2610 - Notice ...
Additional Text: NOTICE OF CORRECTION AFFIDAVIT, CERTIFICATE OF SERVICE; AFFIRMATION
- 24 11/5/2015 - 2610 - Notice ...
No additional text exists for this entry.
- 25 11/5/2015 - 3795 - Reply...
No additional text exists for this entry.
- 26 11/10/2015 - 3860 - Request for Submission
Additional Text: REQUEST FOR SUBMISSION; NOTICE OF ERRATA AND CORRECTION; CERTIFICATE OF SERVICE; AFFIRMATION
DOCUMENT TITLE: MOTION TO POSTPONE AND/OR TEMPORARILY STAY PROCEEDINGS (NO PAPER ORDER)
PARTY SUBMITTING: DAVID AND ROCHELLE DEZZANI
DATE SUBMITTED: 11/12/2015
SUBMITTED BY: BRAMIREZ
DATE RECEIVED JUDGE OFFICE:
- 27 11/19/2015 - 2900 - Ord for Dismissal of Case
Additional Text: ORDER DENYING MOTION TO POSTPONE AND/TEMPORARILY STAY; CASE IS DISMISSED - Transaction 5243232 -
Approved By: NOREVIEW : 11-19-2015:11:13:16
- 28 11/19/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5243234 - Approved By: NOREVIEW : 11-19-2015:11:14:08
- 29 11/19/2015 - S200 - Request for Submission Complet
No additional text exists for this entry.
- 30 11/19/2015 - S200 - Request for Submission Complet
No additional text exists for this entry.
- 31 11/19/2015 - 2540 - Notice of Entry of Ord
Additional Text: Transaction 5244444 - Approved By: NOREVIEW : 11-19-2015:15:41:28
- 32 11/19/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5244447 - Approved By: NOREVIEW : 11-19-2015:15:42:16
- 33 11/20/2015 - 1950 - Memorandum of Costs
Additional Text: Transaction 5246523 - Approved By: MFERNAND : 11-20-2015:15:59:07
- 34 11/20/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5246690 - Approved By: NOREVIEW : 11-20-2015:16:00:09
- 35 12/2/2015 - 2010 - Mtn for Attorney's Fee
Additional Text: MOTION FOR ATTORNEY'S FEES & COSTS - Transaction 5259062 - Approved By: MCHOLICO : 12-02-2015:10:26:53
- 36 12/2/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5259070 - Approved By: NOREVIEW : 12-02-2015:10:27:57
- 37 12/14/2015 - 1960 - Memorandum ...
Additional Text: OF ANSWERING POINTS AND AUTHORITIES IN OPPOSITION TO MOTION FOR ATTORNEY'S FEES AND COSTS;
COUNTER-AFFIDAVIT AND AFFIRMATION
- 38 12/14/2015 - \$2515 - \$Notice/Appeal Supreme Court
Additional Text: DAVID & ROCHELLE DEZZANI
- 39 12/14/2015 - 1830 - Joinder...

Additional Text: PLAINTIFF ROCHELLE DEZZANI'S JOINDER IN MEMORANDUM OF ANSWERING POINTS AND AUTHORITIES IN OPPOSITION TO MOTION FOR ATTORNEY'S FEES AND COSTS; COUNTER-AFFIDAVIT AND AFFIRMATION

40 12/14/2015 - PAYRC - **Payment Received

Additional Text: A Payment of -\$34.00 was made on receipt DCDC523882.

41 12/15/2015 - 1310E - Case Appeal Statement

Additional Text: Transaction 5279713 - Approved By: NOREVIEW : 12-15-2015:14:21:57

42 12/15/2015 - 1350 - Certificate of Clerk

Additional Text: CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 5279713 - Approved By: NOREVIEW : 12-15-2015:14:21:57

43 12/15/2015 - NEF - Proof of Electronic Service

Additional Text: Transaction 5279714 - Approved By: NOREVIEW : 12-15-2015:14:22:46

44 12/21/2015 - 3870 - Request

Additional Text: REQUEST FOR CORRECTION TO CASE APPEAL STATEMENT - Transaction 5288465 - Approved By: MCHOLICO : 12-21-2015:16:49:08

45 12/21/2015 - 3790 - Reply to/in Opposition

Additional Text: Reply to Memorandum of Answering Points and Authorities in Opposition to Motion for Attorney's Fees & Costs; Counter-Affidavit [sic] and Plaintiff Rochelle Dezzani's Joinder Thereto - Transaction 5289206 - Approved By: CCOVINGT : 12-22-2015:08:38:50

46 12/21/2015 - NEF - Proof of Electronic Service

Additional Text: Transaction 5289275 - Approved By: NOREVIEW : 12-21-2015:16:51:40

47 12/22/2015 - NEF - Proof of Electronic Service

Additional Text: Transaction 5289509 - Approved By: NOREVIEW : 12-22-2015:08:39:41

48 12/22/2015 - 4105 - Supplemental ...

Additional Text: SUPPLEMENTAL AFFIDAVIT OF GAYLE A. KERN ESQ IN SUPPORT OF REPLY TO MEMORANDUM OF ANSWERING POINTS AND AUTHORITIES IN OPPOSITION TO MOTION FOR ATTORNEYS FEES & COSTS; COUNTER-AFFIDAVIT (SIC) AND PLAINTIFF ROCHELLE DEZZANI'S JOINDER THERETO - Transaction 5290679 - Approved By: CSULEZIC : 12-22-2015:14:35:33

49 12/22/2015 - 3860 - Request for Submission

Additional Text: MOTION FOR ATTORNEYS FEES AND COSTS 12/02/15 - Transaction 5290679 - Approved By: CSULEZIC : 12-22-2015:14:35:33
PARTY SUBMITTING: GAYLE KERN, ESQ
DATE SUBMITTED: 12/22/15
SUBMITTED BY: CS
DATE RECEIVED JUDGE OFFICE:

50 12/22/2015 - NEF - Proof of Electronic Service

Additional Text: Transaction 5290702 - Approved By: NOREVIEW : 12-22-2015:14:36:35

51 12/22/2015 - 1188 - Supreme Court Receipt for Doc

Additional Text: SUPREME COURT NO. 69410 / RECEIPT FOR DOCUMENTS - Transaction 5290753 - Approved By: NOREVIEW : 12-22-2015:14:47:02

52 12/22/2015 - NEF - Proof of Electronic Service

Additional Text: Transaction 5290754 - Approved By: NOREVIEW : 12-22-2015:14:47:52

53 2/8/2016 - 3105 - Ord Granting ...

Additional Text: ORDER GRANTING MOTION FOR ATTORNEY'S FEES AND COSTS - Transaction 5359444 - Approved By: NOREVIEW : 02-08-2016:16:58:15

54 2/8/2016 - NEF - Proof of Electronic Service

Additional Text: Transaction 5359450 - Approved By: NOREVIEW : 02-08-2016:16:59:08

- 55 2/8/2016 - S200 - Request for Submission Complet
No additional text exists for this entry.
- 56 2/9/2016 - 2540 - Notice of Entry of Ord
Additional Text: Transaction 5360182 - Approved By: NOREVIEW : 02-09-2016:11:07:00
- 57 2/9/2016 - NEF - Proof of Electronic Service
Additional Text: Transaction 5360191 - Approved By: NOREVIEW : 02-09-2016:11:08:02
- 58 2/29/2016 - 1097 - Amended Notice of Appeal
Additional Text: AMENDED NOTICE OF APPEAL - PLTFS DAVID AND ROCHELLE DEZZANI
- 59 3/2/2016 - 1350 - Certificate of Clerk
Additional Text: CERTIFICATE OF CLERK AND TRANSMITTAL - AMENDED NOTICE OF APPEAL - Transaction 5395586 - Approved By: NOREVIEW : 03-02-2016:09:22:30
- 60 3/2/2016 - NEF - Proof of Electronic Service
Additional Text: Transaction 5395590 - Approved By: NOREVIEW : 03-02-2016:09:23:31
- 61 3/14/2016 - 1188 - Supreme Court Receipt for Doc
Additional Text: SUPREME COURT NO. 69896/RECIPT FOR DOCUMENTS - Transaction 5414123 - Approved By: NOREVIEW : 03-14-2016:08:34:53
- 62 3/14/2016 - NEF - Proof of Electronic Service
Additional Text: Transaction 5414126 - Approved By: NOREVIEW : 03-14-2016:08:35:52
- 63 3/14/2016 - 4133 - Supreme Court Notice
Additional Text: SUPREME COURT NO. 69896/NOTICE OF FILE CASE APPEAL STATEMENT - CIVIL - Transaction 5414130 - Approved By: NOREVIEW : 03-14-2016:08:37:31
- 64 3/14/2016 - NEF - Proof of Electronic Service
Additional Text: Transaction 5414135 - Approved By: NOREVIEW : 03-14-2016:08:38:31
- 65 3/22/2016 - 1188 - Supreme Court Receipt for Doc
Additional Text: SUPREME COURT NO. 69896/RECEIPT FOR DOCUMENTS - Transaction 5428768 - Approved By: NOREVIEW : 03-22-2016:08:45:45
- 66 3/22/2016 - NEF - Proof of Electronic Service
Additional Text: Transaction 5428774 - Approved By: NOREVIEW : 03-22-2016:08:46:44
- 67 3/30/2016 - 4126 - Supreme Ct Order Directing...
Additional Text: SUPREME COURT NO. 69896/ORDER DIRECTING TRANSMISSION OF RECORD - Transaction 5441081 - Approved By: NOREVIEW : 03-30-2016:09:18:22
- 68 3/30/2016 - NEF - Proof of Electronic Service
Additional Text: Transaction 5441083 - Approved By: NOREVIEW : 03-30-2016:09:19:12
- 69 4/1/2016 - FIE - **Document Filed in Error
Additional Text: Filed in Error - Asmith 04/01/16
- 70 4/1/2016 - FIE - **Document Filed in Error
Additional Text: Filed in Error - Asmith
- 71 4/1/2016 - 1350 - Certificate of Clerk
Additional Text: CERTIFICATE OF CLERK AND TRANSMITTAL - RECORD ON APPEAL - Transaction 5445597 - Approved By: NOREVIEW : 04-01-2016:10:10:56

72 4/1/2016 - NEF - Proof of Electronic Service

Additional Text: Transaction 5445599 - Approved By: NOREVIEW : 04-01-2016:10:11:50

73 4/1/2016 - 1350 - Certificate of Clerk

Additional Text: CERTIFICATE OF CLERK AND TRANSMITTAL - RECORD ON APPEAL - Transaction 5445676 - Approved By:
NOREVIEW : 04-01-2016:10:36:52

74 4/1/2016 - NEF - Proof of Electronic Service

Additional Text: Transaction 5445682 - Approved By: NOREVIEW : 04-01-2016:10:37:53

1 **Code 1350**

2
3
4 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
5 **IN AND FOR THE COUNTY OF WASHOE**
6

7 **DAVID DEZZANI and ROCHELLE**
8 **DEZZANI,**

Case No. CV15-00826

9 **Plaintiffs,**

Dept. No. 10

10 **vs.**

11 **KERN & ASSOCIATES, LTD AND GAYLE A KERN,**
12 **et al**

13 **Defendants.**
14 _____/

15 **CERTIFICATE OF CLERK AND TRANSMITTAL – RECORD ON APPEAL**

16 I certify that I am an employee of the Second Judicial District Court of the State of
17 Nevada, County of Washoe; that on the 1st day of April, 2016, I electronically filed
18 Volumes 1 through 4, of the Record on Appeal in the above entitled matter to the Nevada
19 Supreme Court.

20 I further certify that the transmitted record is a true and correct copy of the original
21 pleadings on file with the Second Judicial District Court in accordance NRAP 11(2)(b).

22 Dated this 1st day of April, 2016.

23 Jacqueline Bryant
24 Clerk of the Court

25 By /s/Annie Smith
26 Annie Smith
27 Deputy Clerk
28