

Electronically Filed
Nov 13 2017 10:01 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

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Pardee Homes of Nevada

DISTRICT COURT
CLARK COUNTY, NEVADA

JAMES WOLFRAM,
WALT WILKES

Plaintiffs,

vs.

PARDEE HOMES OF NEVADA,
Defendant.

AND RELATED CLAIMS

CASE NO.: A-10-632338-C
DEPT NO.: IV

**PARDEE HOMES OF NEVADA'S
AMENDED NOTICE OF APPEAL**

Notice is hereby given that defendant Pardee Homes of Nevada appeals to the Supreme Court of Nevada from the following:

- Amended Judgment, notice of which was entered on October 13, 2017.

A true and correct copy of the Amended Judgment is attached. Pardee also appeals the Court's interlocutory orders and rulings in the action preceding the Amended Judgment.¹

¹ Pardee previously filed a notice of appeal in this case on February 8, 2017 regarding the Court's Findings of Fact and Conclusions of Law, the original Judgment, and various post-judgment orders. This previous notice resulted in Case No. 72371 in the Nevada Supreme Court.

1 DATED this 2nd day of November, 2017.

2
3 MCDONALD CARANO LLP

4 /s/ Rory T. Kay
5 Pat Lundvall (NSBN 3761)
6 Rory T. Kay (NSBN 12416)
7 2300 West Sahara Avenue, Suite 1200
8 Las Vegas, Nevada 89102

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11 *Attorneys for Defendant Pardee Homes of*
12 *Nevada*
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP and that on the 2nd day of November, 2017, I e-served and e-filed a true and correct copy of the foregoing **PARDEE HOMES OF NEVADA'S AMENDED NOTICE OF APPEAL** via Wiznet, as utilized in the Eighth Judicial District in Clark County, Nevada, on the following:

James J. Jimmerson
Michael Flaxman
JIMMERSON LAW FIRM, P.C.
415 S. Sixth Street, Suite 100
Las Vegas, Nevada 89101

And by U.S. Mail:

John W. Muije
John W. Muije & Associates
1840 E. Sahara Avenue #106
Las Vegas, Nevada 89104

Attorney for Plaintiffs

/s/ CaraMia Gerard
An Employee of McDonald Carano LLP

379227.1

DEPARTMENT 4
CASE SUMMARY
CASE NO. A-10-632338-C

James Wolfram, Plaintiff(s)
vs.
Pardee Homes of Nevada, Defendant(s)

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Location: **Department 4**
Judicial Officer: **Earley, Kerry**
Filed on: **12/29/2010**
Case Number History:
Cross-Reference Case **A632338**
Number:
Supreme Court No.: **72371**

CASE INFORMATION

Statistical Closures
08/22/2014 Judgment Reached (bench trial)

Case Type: **Breach of Contract**
Subtype: **Other Contracts/Acc/Judgment**
Case Flags: **Appealed to Supreme Court**
Arbitration Exemption Granted

DATE

CASE ASSIGNMENT

Current Case Assignment















Case Number	A-10-632338-C
Court	Department 4
Date Assigned	08/06/2012
Judicial Officer	Earley, Kerry

PARTY INFORMATION














		<i>Lead Attorneys</i>
Plaintiff	Limbocker-Wilkes, Angela L.	Jimmerson, James Joseph, ESQ <i>Retained</i> 702-388-7171(W)
	Walter D Wilkes and Angela L Limbocker-Wilkes Living Trust Removed: 07/25/2014 Data Entry Error	Jimmerson, James Joseph, ESQ <i>Retained</i> 702-388-7171(W)
	Wilkes, Walt	Jimmerson, James Joseph, ESQ <i>Retained</i> 702-388-7171(W)
	Wolfram, James	Jimmerson, James Joseph, ESQ <i>Retained</i> 702-388-7171(W)
Defendant	Pardee Homes of Nevada	Lundvall, Patricia K. <i>Retained</i> 702-873-4100(W)
Counter Claimant	Pardee Homes of Nevada	Lundvall, Patricia K. <i>Retained</i> 702-873-4100(W)
Counter Defendant	Wilkes, Walt	Jimmerson, James Joseph, ESQ <i>Retained</i> 702-388-7171(W)
	Wolfram, James	Jimmerson, James Joseph, ESQ <i>Retained</i>

DEPARTMENT 4
CASE SUMMARY
CASE NO. A-10-632338-C

702-388-7171(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
12/29/2010	 Complaint Filed By: Counter Defendant Wolfram, James <i>Complaint</i>	
01/02/2011	 Notice of Department Reassignment	
01/14/2011	 Amended Complaint Filed By: Counter Defendant Wolfram, James; Counter Defendant Wilkes, Walt <i>Amended Complaint</i>	
01/31/2011	Case Reassigned to Department 4 <i>Case reassigned from Judge Jerome Tao</i>	
02/11/2011	 Amended Summons Filed By: Counter Defendant Wolfram, James <i>Amended Summons</i>	
03/02/2011	 Answer to Amended Complaint Filed By: Counter Claimant Pardee Homes of Nevada <i>Answer to Amended Complaint</i>	
03/02/2011	 Initial Appearance Fee Disclosure Filed By: Counter Claimant Pardee Homes of Nevada <i>Initial Appearance Fee Disclosure</i>	
03/03/2011	 Notice of Intent to Take Default <i>Notice of Intent to Take Default</i>	
06/01/2011	 Commissioners Decision on Request for Exemption - Granted Party: Counter Claimant Pardee Homes of Nevada <i>Commissioner s Decision on Request for Exemption</i>	
06/09/2011	 Arbitration File <i>Arbitration File</i>	
08/15/2011	 Early Case Conference Filed By: Counter Defendant Wolfram, James <i>Notice of 16.1 Early Case Conference</i>	
09/26/2011	 Joint Case Conference Report Filed By: Counter Defendant Wolfram, James <i>Joint Case Conference Report</i>	
10/03/2011	 Notice to Appear for Discovery Conference Filed By: Counter Defendant Wolfram, James <i>Notice to Appear for Discovery Conference</i>	
10/25/2011	 Discovery Conference (9:00 AM) (Judicial Officer: Bulla, Bonnie)	
11/02/2011	 Motion	

DEPARTMENT 4
CASE SUMMARY
CASE NO. A-10-632338-C

	Filed By: Counter Defendant Wolfram, James <i>Motion for Preferential Trial Setting</i>
11/02/2011	 Certificate of Service Filed by: Counter Defendant Wolfram, James <i>Certificate of Service</i>
11/08/2011	 Scheduling Order <i>Scheduling Order</i>
11/23/2011	 Notice of Non Opposition Filed By: Counter Claimant Pardee Homes of Nevada <i>Notice of Non Opposition to Motion for Preferential Trial Setting</i>
11/29/2011	 Order Setting Civil Non-Jury Trial <i>Order Setting Civil Non-Jury Trial And Calendar Call</i>
12/05/2011	 Motion for Preferential Trial Setting (3:00 AM) (Judicial Officer: Hardcastle, Kathy) Events: 11/02/2011 Motion <i>Plaintiff's Motion for Preferential Trial Setting</i>
12/15/2011	 Stipulation and Order Filed by: Counter Claimant Pardee Homes of Nevada <i>Stipulated Confidentiality Agreement and Protective Order</i>
12/16/2011	 Notice of Entry of Stipulation and Order Filed By: Counter Claimant Pardee Homes of Nevada <i>Notice of Entry of Stipulated Confidentiality Agreement and Protective Order</i>
12/19/2011	 Certificate of Service Filed by: Counter Claimant Pardee Homes of Nevada <i>Certificate of Service</i>
08/15/2012	 Motion to Extend Discovery Filed By: Counter Defendant Wolfram, James <i>Plaintiffs James Wolfram and Walt Wilkes' Motion to Extend Discovery Deadlines on Order Shortening Time (First Request)</i>
08/16/2012	 Receipt of Copy Filed by: Counter Defendant Wolfram, James <i>Receipt of Copy</i>
08/27/2012	 Motion to Extend Discovery (1:30 PM) (Judicial Officer: Beecroft, Chris A., Jr.) Events: 08/15/2012 Motion to Extend Discovery <i>Plaintiffs James Wolfram and Walt Wilkes' Motion to Extend Discovery Deadlines on Order Shortening Time (First Request)</i>
08/29/2012	 Stipulation and Order to Extend Discovery Deadlines Filed By: Counter Claimant Pardee Homes of Nevada <i>Stipulation and Order to Extend Discovery Deadlines (First Request)</i>
08/30/2012	 Notice of Entry of Stipulation and Order Filed By: Counter Claimant Pardee Homes of Nevada <i>Notice of Entry of Stipulation and Order to Extend Discovery Deadlines (First Request)</i>

DEPARTMENT 4
CASE SUMMARY
CASE NO. A-10-632338-C

09/04/2012	 Notice of Hearing Filed By: Counter Defendant Wolfram, James <i>Notice of Hearing of Motion for Preferential Trial Setting</i>
09/04/2012	 Motion for Preferential Trial Setting Filed By: Counter Defendant Wolfram, James <i>Motion for Preferential Trial Setting</i>
09/21/2012	 Amended Order Setting Civil Non-Jury Trial <i>Amended Order Setting Civil Non-Jury Trial</i>
10/16/2012	 Certificate of Service Filed by: Counter Defendant Wolfram, James <i>Certificate of Service</i>
10/16/2012	 Decision (9:00 AM) (Judicial Officer: Earley, Kerry)
10/18/2012	CANCELED Motion for Preferential Trial Setting (9:00 AM) (Judicial Officer: Earley, Kerry) <i>Vacated - per Clerk</i> <i>Plaintiff's Motion for Preferential Trial Setting</i>
10/19/2012	 Notice Filed By: Counter Claimant Pardee Homes of Nevada <i>Notice Regarding Plaintiffs' Second Motion for Preferential Trial Setting</i>
10/24/2012	 Motion to Seal/Redact Records Filed By: Counter Claimant Pardee Homes of Nevada <i>Defendant's Motion to File Exhibits to Defendant's Motion For Summary Judgment Under Seal</i>
10/24/2012	 Motion for Summary Judgment Filed By: Counter Claimant Pardee Homes of Nevada <i>Defendant's Motion for Summary Judgment</i>
10/24/2012	 Declaration Filed By: Counter Claimant Pardee Homes of Nevada <i>Declaration of Aaron D. Shipley in Support of Defendant's Motion for Summary Judgment</i>
10/24/2012	 Appendix Filed By: Counter Claimant Pardee Homes of Nevada <i>Appendix of Exhibits in Support of Defendant's Motion for Summary Judgment</i>
10/25/2012	 Notice of Hearing Filed By: Counter Claimant Pardee Homes of Nevada <i>Notice of Hearing on Defendant's Motion for Summary Judgment</i>
10/25/2012	 Notice of Hearing Filed By: Counter Claimant Pardee Homes of Nevada <i>Notice of Hearing on Defendant's Motion to File Exhibits to Defendant's Motion for Summary Judgment Under Seal</i>
10/25/2012	 Appendix Filed By: Counter Claimant Pardee Homes of Nevada

DEPARTMENT 4
CASE SUMMARY
CASE NO. A-10-632338-C

Appendix of exhibits in support of Defendants Motion for Summary Judgment

10/25/2012	 Order Granting Motion Filed By: Counter Defendant Wolfram, James <i>Order Granting Plaintiffs' Motion for Preferential Trial Setting</i>
10/29/2012	 Subpoena Filed by: Counter Defendant Wolfram, James <i>Subpoena</i>
10/30/2012	 Notice Filed By: Counter Claimant Pardee Homes of Nevada <i>Notice of Status Check</i>
11/05/2012	 Application Filed By: Counter Claimant Pardee Homes of Nevada <i>Ex Parte Application to Shorten Time For Hearing on Defendant's Motion for Summary Judgment</i>
11/05/2012	 Amended Notice Filed By: Counter Claimant Pardee Homes of Nevada <i>Amended Notice of Hearing on Defendant's Motion for Summary Judgment</i>
11/07/2012	 Notice of Non Opposition Filed By: Counter Defendant Wolfram, James <i>Notice of Non-Opposition to Defendant's Motion to File Exhibits to Defendant's Motion for Summary Judgment Under Seal</i>
11/07/2012	 Opposition to Motion For Summary Judgment Filed By: Counter Defendant Wolfram, James <i>Opposition to Defendant's Motion for Summary Judgment and Plaintiffs' Counter Motion for Partial Summary Judgment</i>
11/07/2012	CANCELED Calendar Call (10:00 AM) (Judicial Officer: Earley, Kerry) <i>Vacated - per Commissioner</i>
11/08/2012	 Notice of Non Opposition Filed By: Counter Claimant Pardee Homes of Nevada <i>Notice of Nonopposition to Defendant's Motion to File Exhibits to Defendant's Motion for Summary Judgment Under Seal</i>
11/08/2012	 Initial Appearance Fee Disclosure Filed By: Counter Defendant Wolfram, James <i>Plaintiff's Initial Appearance Fee Disclosrue - for purpose of Opposition to Defendant's Motion for Summary Judgment and Plaintiffs' Counter Motion for Partial Summary Judgment</i>
11/09/2012	 Certificate of Service Filed by: Counter Defendant Wolfram, James <i>Certificate of Service</i>
11/09/2012	 Motion Filed By: Counter Defendant Wolfram, James <i>Plaintiffs' Motion to File Exhibits Under Seal</i>
11/09/2012	 Affidavit

DEPARTMENT 4
CASE SUMMARY
CASE NO. A-10-632338-C








	Filed By: Counter Defendant Wolfram, James <i>Affidavit of James M. Jimmerson, Esq.</i>
11/09/2012	 Filed Under Seal Filed By: Counter Defendant Wolfram, James; Counter Defendant Wilkes, Walt <i>Appendix of Exhibits to Plaintiffs' Memorandum of Points and Authorities in Opposition to Defendant's Motion for Summary Judgment and in Support of Plaintiffs' Counter Motion for Summary Judgment</i>
11/13/2012	 Appendix Filed By: Counter Defendant Wolfram, James <i>Appendix of Exhibits to Plaintiffs' Memorandum of Points and Authorities in Opposition to Defendant's Motion for Summary Judgment and in Support of Plaintiffs' Countermotion for Summary Judgment</i>
11/13/2012	 Exhibits Filed By: Counter Defendant Wolfram, James <i>Exhibits to Appendix of Exhibits to Plaintiffs' Memorandum of Points and Authorities in Opposition to Defendant's Motion for Summary Judgment and in Support of Plaintiffs' Counter Motion for Summary Judgment</i>
11/13/2012	CANCELED Bench Trial (1:30 PM) (Judicial Officer: Earley, Kerry) <i>Vacated - per Commissioner</i>
11/14/2012	 Notice of Entry of Order Filed By: Counter Defendant Wolfram, James <i>Notice of Entry of Order</i>
11/29/2012	 Opposition to Motion Filed By: Counter Claimant Pardee Homes of Nevada <i>Defendant's Opposition to Plaintiff's Counter Motion For Partial Summary Judgment Re: Real Parties In Interest</i>
12/06/2012	 Status Check (8:30 AM) (Judicial Officer: Earley, Kerry)
01/07/2013	 Reply in Support Filed By: Counter Claimant Pardee Homes of Nevada <i>Reply Brief In Support of Defendant's Motion for Summary Judgment</i>
01/11/2013	CANCELED Motion (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Vacated - Moot</i> <i>Defendant's Motion to File Exhibits to Defendant's Motion For Summary Judgment Under Seal</i>
01/17/2013	 Reply in Support Filed By: Counter Defendant Wolfram, James <i>Plaintiffs' Reply in Further Support of Their Counter Motion for Partial Summary Judgment</i>
01/24/2013	CANCELED Pretrial/Calendar Call (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Vacated - per Judge</i>
01/25/2013	 Order Granting Motion Filed By: Counter Claimant Pardee Homes of Nevada <i>Order Granting Parties' Motions to File Exhibits Under Seal</i>
01/28/2013	 Notice of Entry of Order

DEPARTMENT 4
CASE SUMMARY
CASE NO. A-10-632338-C


	Filed By: Counter Claimant Pardee Homes of Nevada <i>Notice of Entry of Order Granting Parties' Motions to File Exhibits Under Seal</i>
01/29/2013	CANCELED Motion (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Vacated - per Judge</i> <i>Plaintiffs' Motion to File Exhibits Under Seal</i>
02/04/2013	CANCELED Jury Trial (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Vacated - per Judge</i>
02/25/2013	 Motion to Continue Trial Filed By: Counter Claimant Pardee Homes of Nevada <i>Defendant's Motion to Enforce Order Shortening Time for Hearing on Defendant's Motion for Summary Judgment and to Continue Trial on Order Shortening Time</i>
02/25/2013	 Notice of Hearing Filed By: Counter Claimant Pardee Homes of Nevada <i>Notice of Hearing on Defendant's Motion to Enforce Order Shortening Time For Hearing on Defendant's Motion for Summary Judgment and to Continue Trial on Order Shortening Time</i>
02/28/2013	 Opposition to Motion For Summary Judgment Filed By: Counter Defendant Wolfram, James <i>Plaintiffs Opposition to Defendants Motion to Enforce Order Shortening Time for Hearing on Defendants Motion for Summary Judgment and To Continue Trial on Order Shortening Time</i>
03/01/2013	 Motion in Limine Filed By: Counter Claimant Pardee Homes of Nevada <i>Defendant's Motion in Limine to Exclude Plaintiffs' Claim For Attorneys' Fees as an Element of Damages (MIL #1)</i>
03/01/2013	 Motion in Limine Filed By: Counter Claimant Pardee Homes of Nevada <i>Defendant's Motion in Limine to Exclude Plaintiffs' Claim for Damages in the Form of Compensation for Time (MIL #2)</i>
03/01/2013	 Motion in Limine Filed By: Counter Claimant Pardee Homes of Nevada <i>Defendant's Motion in Limine to Exclude Parol Evidence (MIL #3)</i>
03/01/2013	 Motion in Limine Filed By: Counter Claimant Pardee Homes of Nevada <i>Defendant's Motion in Limine to Exclude All Documents and Witnesses Disclosed After the Close of Discovery (MIL #4)</i>
03/05/2013	 Motion for Summary Judgment (8:30 AM) (Judicial Officer: Earley, Kerry) 03/05/2013, 03/13/2013 Events: 10/24/2012 Motion for Summary Judgment <i>Defendant's Motion for Summary Judgment</i>
03/05/2013	Opposition and Countermotion (8:30 AM) (Judicial Officer: Earley, Kerry) Events: 10/24/2012 Motion for Summary Judgment <i>Plaintiff's Opposition to Defendant's Motion for Summary Judgment and Plaintiffs's Countermotion for Partial Summary Judgment</i>
03/05/2013	Motion to Continue Trial (8:30 AM) (Judicial Officer: Earley, Kerry) Events: 02/25/2013 Motion to Continue Trial <i>Defendant's Motion to Enforce Order Shortening Time for Hearing on Defendant's Motion for</i>

DEPARTMENT 4
CASE SUMMARY
CASE NO. A-10-632338-C

Summary Judgment and to Continue Trial on Order Shortening Time

03/05/2013	 All Pending Motions (8:30 AM) (Judicial Officer: Earley, Kerry) Events: 10/24/2012 Motion for Summary Judgment
03/06/2013	 Notice of Hearing Filed By: Counter Claimant Pardee Homes of Nevada <i>Notice of Hearing on Defendant's Motion on Limine to Exclude Plaintiff's Claim for Attorneys' Fees as an Element of Damages (MIL#1)</i>
03/06/2013	 Notice of Hearing Filed By: Counter Claimant Pardee Homes of Nevada <i>Notice of Hearing on Defendant's Motion in Limine to Exclude Plaintiffs' Claim for Damages in the Form of Compensation for Time (MIL#2)</i>
03/06/2013	 Notice of Hearing Filed By: Counter Claimant Pardee Homes of Nevada <i>Notice of Hearing on Defendant's Motion in Limine to Exclude Parol Evidence (MIL#3)</i>
03/06/2013	 Notice of Hearing Filed By: Counter Claimant Pardee Homes of Nevada <i>Notice of Hearing on Defendant's Motion in Limine to Exclude All Documents and Witnesses Disclosed After the Close of Discovery (MIL #4)</i>
03/08/2013	 Certificate of Service Filed by: Counter Claimant Pardee Homes of Nevada <i>Certificate of Service</i>
03/14/2013	 Order Granting Summary Judgment Filed By: Counter Defendant Wolfram, James; Counter Defendant Wilkes, Walt <i>Order Granting Plaintiffs Countermotion for Summary Judgment</i>
03/14/2013	Partial Summary Judgment (Judicial Officer: Earley, Kerry) Debtors: Pardee Homes of Nevada (Defendant) Creditors: James Wolfram (Plaintiff), Walt Wilkes (Plaintiff) Judgment: 03/14/2013, Docketed: 03/21/2013
03/15/2013	 Notice of Entry of Order Filed By: Counter Defendant Wolfram, James <i>Notice of Entry of Order</i>
03/16/2013	 Transcript of Proceedings <i>Reporter's Transcript Of Proceedings 3/5/2013</i>
03/20/2013	 Opposition to Motion in Limine Filed By: Counter Defendant Wolfram, James <i>Plaintiffs Opposition to Defendant's Motion in Limine to Exclude Plaintiffs Claim for Attorneys Fees as an Element of Damages MIL 1</i>
03/20/2013	 Opposition to Motion in Limine Filed By: Counter Defendant Wolfram, James <i>Plaintiffs Opposition to Defendants Motion in Limine to Plaintiffs Claim for Damages in the form of compensation for time MIL 2</i>
03/20/2013	 Opposition to Motion in Limine














DEPARTMENT 4
CASE SUMMARY
CASE NO. A-10-632338-C

	Filed By: Counter Defendant Wolfram, James <i>Plaintiffs' Opposition to Defendants Motion in Limine to Exclude Parol Evidence MIL 3</i>
03/20/2013	 Opposition to Motion in Limine Filed By: Counter Defendant Wolfram, James <i>Plaintiffs' Opposition to Defendant's Motion in Limine to Exclude all Documents and Witnesses Disclosed After the Close of Discovery (MIL #4)</i>
03/21/2013	 Motion to Amend Complaint Filed By: Counter Defendant Wolfram, James <i>Plaintiffs Motion for Leave to file a Second Amended Complaint</i>
03/22/2013	 Notice of Hearing Filed By: Counter Defendant Wolfram, James <i>Notice of Hearing on Plaintiffs Motion for Leave to file a Second Amended Complaint</i>
03/22/2013	 Amended Notice Filed By: Counter Claimant Pardee Homes of Nevada <i>Amended Notice of Hearing on Defendant's Motion on Limine to Exclude Plaintiff's Claim for Attorneys' Fees as an Element of Damages (MIL#1)</i>
03/22/2013	 Amended Notice Filed By: Counter Claimant Pardee Homes of Nevada <i>Amended Notice of Hearing on Defendant's Motion in Limine to Exclude Plaintiffs' Claim for Damages in the Form of Compensation for Time (MIL#2)</i>
03/22/2013	 Amended Notice Filed By: Counter Claimant Pardee Homes of Nevada <i>Amended Notice of Hearing on Defendant's Motion in Limine to Exclude Parol Evidence (MIL#3)</i>
03/22/2013	 Amended Notice Filed By: Counter Claimant Pardee Homes of Nevada <i>Amended Notice of Hearing on Defendant's Motion in Limine to Exclude all Documents and Witnesses Disclosed After Close of Discovery (MIL #4)</i>
04/02/2013	 Order Denying Motion Filed By: Counter Defendant Wolfram, James <i>Order Denying Defendants Motion for Summary Judgment</i>
04/03/2013	 Notice of Entry of Order Filed By: Counter Defendant Wolfram, James <i>Notice of Entry of Order</i>
04/05/2013	CANCELED Pretrial/Calendar Call (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Vacated - Moot</i>
04/08/2013	 Opposition to Motion Filed By: Counter Claimant Pardee Homes of Nevada <i>Defendant's Opposition to Plaintiffs' Motion for Leave to File a Second Amended Complaint</i>
04/10/2013	 Amended Notice Filed By: Counter Defendant Wolfram, James <i>Amended Notice of Hearing on Plaintiffs Motion for Leave to File a Second Amended Complaint</i>

DEPARTMENT 4
CASE SUMMARY
CASE NO. A-10-632338-C

04/15/2013	CANCELED Bench Trial (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Vacated - per Judge</i>
04/16/2013	 Amended Notice Filed By: Counter Claimant Pardee Homes of Nevada <i>Second Amended Notice of Hearing on Defendant's Motion in Limine to Exclude Plaintiffs' Claim for Attorneys' Fees as an Element of Damages</i>
04/16/2013	 Amended Notice Filed By: Counter Claimant Pardee Homes of Nevada <i>Second Amended Notice of Hearing on Defendant's Motion in Limine to exclude Plaintiffs' Claim for Damages in the Form of Compensation for Time</i>
04/16/2013	 Amended Notice Filed By: Counter Claimant Pardee Homes of Nevada <i>Second Amended Notice of Hearing on Defendant's Motion in Limine to Exclude Parol Evidence</i>
04/16/2013	 Amended Notice Filed By: Counter Claimant Pardee Homes of Nevada <i>Second Amended Notice of Hearing on Defendant's Motion in Limine to Exclude All Documents and Witnesses Disclosed After the Close of Discovery</i>
04/17/2013	 Amended Order Setting Civil Non-Jury Trial <i>Second Amended Order Setting Civil Non-Jury Trial</i>
04/23/2013	 Reply in Support Filed By: Counter Defendant Wolfram, James <i>Plaintiffs Reply in Support of Motion for Leave to File Second Amended Complaint</i>
04/26/2013	 Motion for Leave (8:30 AM) (Judicial Officer: Earley, Kerry) 04/26/2013, 05/15/2013 Events: 03/21/2013 Motion to Amend Complaint <i>Plaintiffs Motion for Leave to file a Second Amended Complaint</i>
05/10/2013	 Supplement Filed by: Counter Defendant Wolfram, James <i>Plaintiffs Supplement to Motion for Leave to File a Second Amended Complaint Pursuant to the Courts order on Hearing on April 26, 2013</i>
05/10/2013	 Supplemental Brief Filed By: Counter Claimant Pardee Homes of Nevada <i>Defendant's Supplemental Brief in Support of Its Opposition to Plaintiffs' Motion for Leave to File a Second Amended Complaint</i>
05/13/2013	CANCELED Bench Trial - FIRM (10:00 AM) (Judicial Officer: Earley, Kerry) <i>Vacated - per Judge</i>
05/16/2013	 Minute Order (3:00 AM) (Judicial Officer: Earley, Kerry) <i>MINUTE ORDER RE: PLAINTIFFS' MOTION FOR LEAVE TO FILE A SECOND AMENDED COMPLAINT</i>
05/30/2013	 Order Filed By: Counter Defendant Wolfram, James <i>Order on Hearing on April 26, 2013</i>

DEPARTMENT 4
CASE SUMMARY
CASE NO. A-10-632338-C

06/05/2013	 Order Granting Motion Filed By: Counter Defendant Wolfram, James <i>Order Granting Plaintiffs Motion for Leave to File a Second Amended Complaint</i>
06/05/2013	 Notice of Entry of Order Filed By: Counter Defendant Wolfram, James <i>Notice of Entry of Order</i>
06/06/2013	 Second Amended Complaint Filed By: Counter Defendant Wolfram, James <i>Second Amended Complaint</i>
06/06/2013	 Notice of Entry of Order Filed By: Counter Defendant Wolfram, James <i>Notice of Entry of Order</i>
06/27/2013	 Motion for Leave to File Party: Counter Defendant Wolfram, James <i>Plaintiffs Motion for Leave to File Supplements to Their Oppositions to Defendants Motions in Limine on an Order Shortening Time</i>
06/27/2013	 Receipt of Copy Filed by: Counter Defendant Wolfram, James <i>Receipt of Copy</i>
07/03/2013	 Answer to Amended Complaint Filed By: Counter Claimant Pardee Homes of Nevada <i>Answer to Second Amended Complaint and Counterclaim</i>
07/09/2013	 Motion for Leave (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiffs Motion for Leave to File Supplements to Their Oppositions to Defendants Motions in Limine on an Order Shortening Time</i>
07/15/2013	 Reply to Counterclaim Filed by: Counter Defendant Wolfram, James <i>Plaintiffs Reply to Defendants Counterclaim</i>
07/18/2013	 Motion in Limine Filed By: Counter Defendant Wolfram, James <i>Plaintiffs' Motion in Limine to Admit the September 1, 2004 Commission Letter Agreement (MIL #1)</i>
07/18/2013	 Motion in Limine Filed By: Counter Defendant Wolfram, James <i>Plaintiffs' Motion in Limine To Admit The Option Agreement For The Purchase Of Real Property And Joint Escrow Instructions (MIL#2)</i>
07/18/2013	 Motion in Limine Filed By: Counter Defendant Wolfram, James <i>Plaintiffs' Motion in Limine to Admit Amendment No. 2 of the option Agreement for the Purchase of Real Property and Joint Escrow Instructions (MIL #4)</i>
07/18/2013	 Motion in Limine Filed By: Counter Defendant Wolfram, James

DEPARTMENT 4
CASE SUMMARY
CASE NO. A-10-632338-C

Plaintiffs' Motion in Limine to Admit the Amended and Restated Option Agreement for the Purchase of Real Property and Joint Escrow Instructions (MIL #5)

07/18/2013



Motion in Limine

Filed By: Counter Defendant Wolfram, James
Plaintiffs' Motion in Limine to Admit Amendment No. 1 to the Amended and Restated Option Agreement for the Purchase of Real Property and Joint Escrow Instructions (MIL #6)

07/18/2013



Motion in Limine

Filed By: Counter Defendant Wolfram, James
Plaintiffs' Motion in Limine to Admit Amendment No. 2 to the Amended and Restated Option Agreement for the Purchase of Real Property and Joint Escrow Instructions (MIL #7)

07/18/2013



Motion in Limine

Filed By: Counter Defendant Wolfram, James
Plaintiffs' Motion in Limine to Admit Amendment No. 3 to the Amended and Restated Option Agreement for the Purchase of Real Property and Joint Escrow Instructions (MIL #8)

07/18/2013



Motion in Limine

Filed By: Counter Defendant Wolfram, James
Plaintiffs Motion in Limine to Admit Amendment No 5 to the Amended and Restated Option Agreement for the Purchase of Real Property and Joint Escrow Instructions MIL 10

07/18/2013



Motion in Limine

Filed By: Counter Defendant Wolfram, James
Plaintiffs Motion in Limine to Admit Amendment No 6 to the Amended and Restated Option Agreement for the Purchase of Real property and Joint Escrow Instructions MIL 11

07/18/2013



Motion in Limine

Filed By: Counter Defendant Wolfram, James
Plaintiffs Motion in Limine to Admit Amendment No 7 to the Amended and Restated Option Agreement for the Purchase of Real Property and Joint Escrow Instructions MIL 12

07/18/2013



Motion in Limine

Filed By: Counter Defendant Wolfram, James
Plaintiffs' Motion in Limine to Admit Amendment No. 8 to the Amended and Restricted Option Agreement for the Purchase of Real Property and Joint Escrow Instructions (MIL #13)

07/18/2013



Motion in Limine

Filed By: Counter Defendant Wolfram, James
Plaintiffs' Motion in Limine to Admit Parcel Map Recorded in the Clark County Recorder's Office in File 98, Page 57 (MIL #14)

07/18/2013



Motion

Filed By: Counter Defendant Wolfram, James
Plaintiffs Motion to File Exhibits Under Seal

07/18/2013



Motion in Limine

Filed By: Counter Defendant Wolfram, James
Plaintiffs' Motion in Limine to Admit Plat Map Recorded in Clark County Recorder's Office in Book 140, Page 57 (MIL #18)

07/18/2013
















Motion in Limine

Filed By: Counter Defendant Wolfram, James
Plaintiffs Motion in Limine to Admit Plat Map Recorded in the Clark County Recorders Office in Book 138 Page 51 MIL 15













DEPARTMENT 4
CASE SUMMARY
CASE NO. A-10-632338-C

07/18/2013	 Motion in Limine Filed By: Counter Defendant Wolfram, James <i>Plaintiffs' Motion in Limine to Admit Parcel Map Recorded in the Clark County Recorder's Office in File 113, Page 55 (MIL #19)</i>
07/18/2013	 Motion in Limine Filed By: Counter Defendant Wolfram, James <i>Plaintiffs' Motion In Limine To Admit The April 6, 2009 Letter From Jim Stringer Jr. To James Wolfram (MIL #20)</i>
07/18/2013	 Motion in Limine Filed By: Counter Defendant Wolfram, James <i>Plaintiffs Motion in Limine to Admit Amendment to the Option Agreement for the Purchase of Real Property and Joint Escrow Instructions MIL 3</i>
07/18/2013	 Motion in Limine Filed By: Counter Defendant Wolfram, James <i>Plaintiffs' Motion in Limine to Admit Parcel Map Recorded in the Clark County Recorder's Office in File 116, Page 35 (MIL #16)</i>
07/18/2013	 Motion in Limine Filed By: Counter Defendant Wolfram, James <i>Plaintiffs' Motion In Limine To Admit The November 24, 2009 Letter From Jon Lash to James Wolfram (MIL #21)</i>
07/18/2013	 Motion in Limine Filed By: Counter Defendant Wolfram, James <i>Plaintiffs' Motion in Limine to Admit Parcel Map Recorded in the Clark County Recorder's Office in File 117, Page 18 (MIL #17)</i>
07/18/2013	 Motion in Limine Filed By: Counter Defendant Wolfram, James <i>Plaintiffs' Motion in Limine to Admit the March 14, 2008 Letter from Jon Lash to James Wolfram and Walt Wilkes (MIL #24)</i>
07/18/2013	 Motion in Limine Filed By: Counter Defendant Wolfram, James <i>Plaintiffs' Motion In Limine To Admit The August 23, 2007 Letter From Jon Lash To Walk Wilkes And James Wolfram (MIL #22)</i>
07/18/2013	 Motion in Limine Filed By: Counter Defendant Wolfram, James <i>Plaintiffs Motion in Limine to Admit the July 10 2009 Letter from James J Jimmerson Esq MIL 23</i>
07/18/2013	 Motion in Limine Filed By: Counter Defendant Wolfram, James <i>Plaintiffs' Motion In Limine To Permit James J. Jimmerson, Esq. To Testify Concerning Plaintiffs' Attorney's Fees And Costs (MIL #25)</i>
07/18/2013	 Motion in Limine Filed By: Counter Defendant Wolfram, James <i>Plaintiff's Motion in Limine to Admit Amendment No. 4 to the Amended and Restated Option Agreement for the Purchase of Real Property and Joint Escrow Instructions (MIL #9)</i>

DEPARTMENT 4
CASE SUMMARY
CASE NO. A-10-632338-C

07/22/2013	 Motion to Compel Filed By: Counter Claimant Pardee Homes of Nevada <i>Motion to Compel Production of Notes James Wolfram Reviewed in Preparation for His Deposition</i>
07/22/2013	 Motion for Partial Summary Judgment Filed By: Counter Claimant Pardee Homes of Nevada <i>Defendant's Motion for Partial Summary Judgment</i>
07/22/2013	 Supplement to Opposition Filed By: Counter Defendant Wolfram, James <i>Plaintiffs Supplemental Opposition to Defendants Motion in Limine to Plaintiffs Claim for Damages in the Form of Compensation for Time MIL 2</i>
07/22/2013	 Affidavit of Service Filed By: Counter Defendant Wolfram, James <i>Affidavit of Service</i>
07/23/2013	 Status Check (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Status Check: Status of Case</i>
07/23/2013	 Order Granting Motion Filed By: Counter Defendant Wolfram, James <i>Order Granting Plaintiffs Motion for Leave to File Supplements to Their Oppositions to Defendants Motion in Limine</i>
07/24/2013	 Notice of Entry of Order Filed By: Counter Defendant Wolfram, James <i>Notice of Entry of Order</i>
07/24/2013	 Notice of Rescheduling <i>Notice of Rescheduling of Hearing</i>
07/31/2013	 Affidavit of Service Filed By: Counter Defendant Wolfram, James <i>Affidavit of Service</i>
08/05/2013	 Opposition to Motion in Limine Filed By: Counter Claimant Pardee Homes of Nevada <i>Defendant Pardee Homes of Nevada's Opposition to Plaintiffs' Motions in Limine #6-19</i>
08/05/2013	 Opposition to Motion in Limine Filed By: Counter Claimant Pardee Homes of Nevada <i>Defendant Pardee Homes of Nevada's Response to Plaintiffs' Motions in Limine #1-5; And #20-25</i>
08/05/2013	 Notice of Non Opposition Filed By: Counter Claimant Pardee Homes of Nevada <i>Notice of Nonopposition to Plaintiffs' Motion to File Exhibits Under Seal</i>
08/06/2013	 Opposition to Motion For Summary Judgment Filed By: Counter Defendant Wolfram, James <i>Plaintiffs Opposition to Defendants Motion for Partial Summary Judgment</i>

DEPARTMENT 4
CASE SUMMARY
CASE NO. A-10-632338-C

08/06/2013	 Opposition to Motion to Compel Filed By: Counter Defendant Wolfram, James <i>Plaintiffs Opposition to Defendants Motion to Compel Production of Notes James Wolfram Review in Preparation for his Deposition</i>
08/14/2013	 Minute Order (3:00 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiffs Motion to File Exhibits Under Seal---GRANTED BY MINUTE ORDER 8/14/13</i>
08/19/2013	CANCELED Pretrial/Calendar Call (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Vacated - per Secretary</i>
09/03/2013	 Stipulation and Order Filed by: Counter Claimant Pardee Homes of Nevada <i>Stipulation and Order to Continue Hearing</i>
09/04/2013	 Notice of Entry of Stipulation and Order Filed By: Counter Claimant Pardee Homes of Nevada <i>Notice of Entry of Stipulation and Order to Continue Hearing</i>
09/09/2013	CANCELED Bench Trial - FIRM (9:00 AM) (Judicial Officer: Earley, Kerry) <i>Vacated</i>
09/16/2013	 Notice Filed By: Counter Defendant Wolfram, James <i>Plaintiffs' Omnibus Notice of Withdrawal of Motions in Limine 1 through 5, 20, and 23-25</i>
09/16/2013	 Notice of Withdrawal Filed By: Counter Claimant Pardee Homes of Nevada <i>Notice of Withdrawal of Defendant's Motion in Limine to Exclude All Documents and Witnesses Disclosed After the Close of Discovery</i>
09/16/2013	 Reply in Support Filed By: Counter Claimant Pardee Homes of Nevada <i>Reply in Support of Defendant's Motion to Compel Production of Notes James Wolfram Reviewed in Preparation for His Deposition</i>
09/16/2013	 Reply in Support Filed By: Counter Claimant Pardee Homes of Nevada <i>Reply in Support of Defendant's Motion in Limine to Exclude Plaintiff's Claim for Attorney's Fees As An Element of Damages</i>
09/16/2013	 Reply in Support Filed By: Counter Claimant Pardee Homes of Nevada <i>Reply in Support of Defendant's Motion in Limine to Exclude Parol Evidence</i>
09/16/2013	 Reply in Support Filed By: Counter Claimant Pardee Homes of Nevada <i>Reply in Support of Defendant's Motion in Limine to Exclude Plaintiffs' Claim For Damages in the Form of Compensation for Time</i>
09/16/2013	 Reply in Support Filed By: Counter Claimant Pardee Homes of Nevada <i>Reply in Support of Defendant's Motion for Partial Summary Judgment</i>
09/16/2013	 Reply in Support

DEPARTMENT 4
CASE SUMMARY
CASE NO. A-10-632338-C

Filed By: Counter Defendant Wolfram, James
Plaintiffs' Omnibus Reply in Further Support of Motions in Limine 6 through 19, and 21 through 22












09/23/2013	 Pre-Trial Disclosure Party: Counter Claimant Pardee Homes of Nevada <i>Defendant Pardee Homes of Nevada's Pretrial Disclosures Pursuant to NRCP 16.1(a)(3)</i>
09/23/2013	Motion in Limine (8:30 AM) (Judicial Officer: Earley, Kerry) Events: 03/01/2013 Motion in Limine <i>Defendant's Motion in Limine to Exclude Plaintiffs' Claim For Attorneys' Fees as an Element of Damages (MIL #1)</i>
09/23/2013	Motion in Limine (8:30 AM) (Judicial Officer: Earley, Kerry) Events: 03/01/2013 Motion in Limine <i>Defendant's Motion in Limine to Exclude Plaintiffs' Claim for Damages in the Form of Compensation for Time (MIL #2)</i>
09/23/2013	Motion in Limine (8:30 AM) (Judicial Officer: Earley, Kerry) Events: 03/01/2013 Motion in Limine <i>Defendant's Motion in Limine to Exclude Parol Evidence (MIL #3)</i>
09/23/2013	Motion in Limine (8:30 AM) (Judicial Officer: Earley, Kerry) Events: 03/01/2013 Motion in Limine <i>Defendant's Motion in Limine to Exclude All Documents and Witnesses Disclosed After the Close of Discovery (MIL #4)</i>
09/23/2013	Motion in Limine (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiff's Motion in Limine to Admit the September 1, 2004 Commission Letter Agreement (MIL#1)</i>
09/23/2013	Motion in Limine (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiffs' Motion in Limine To Admit The Option Agreement For The Purchase Of Real Property And Joint Escrow Instructions (MIL#2)</i>
09/23/2013	Motion in Limine (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiffs' Motion in Limine to Admit Amendment No. 2 of the option Agreement for the Purchase of Real Property and Joint Escrow Instructions (MIL #4)</i>
09/23/2013	Motion in Limine (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiffs' Motion in Limine to Admit the Amended and Restated Option Agreement for the Purchase of Real Property and Joint Escrow Instructions (MIL #5)</i>
09/23/2013	Motion in Limine (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiffs' Motion in Limine to Admit Amendment No. 1 to the Amended and Restated Option Agreement for the Purchase of Real Property and Joint Escrow Instructions (MIL #6)</i>
09/23/2013	Motion in Limine (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiffs' Motion in Limine to Admit Amendment No. 2 to the Amended and Restated Option Agreement for the Purchase of Real Property and Joint Escrow Instructions (MIL #7)</i>
09/23/2013	Motion in Limine (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiffs' Motion in Limine to Admit Amendment No. 3 to the Amended and Restated Option Agreement for the Purchase of Real Property and Joint Escrow Instructions (MIL #8)</i>
09/23/2013	Motion in Limine (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiff's Motion in Limine to Admit Amendment No. 4 to the Amended and Restated Option Agreement for the Purchase of Real Property and Joint Escrow Instructions (MIL #9)</i>
09/23/2013	Motion in Limine (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiffs Motion in Limine to Admit Amendment No 5 to the Amended and Restated Option</i>

DEPARTMENT 4
CASE SUMMARY
CASE NO. A-10-632338-C

Agreement for the Purchase of Real Property and Joint Escrow Instructions MIL 10

09/23/2013	Motion in Limine (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiffs Motion in Limine to Admit Amendment No 6 to the Amended and Restated Option Agreement for the Purchase of Real Property and Joint Escrow Instructions MIL 11</i>
09/23/2013	Motion in Limine (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiffs Motion in Limine to Admit Amendment No 7 to the Amended and Restated Option Agreement for the Purchase of Real Property and Joint Escrow Instructions MIL 12</i>
09/23/2013	Motion in Limine (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiffs' Motion in Limine to Admit Amendment No. 8 to the Amended and Restricted Option Agreement for the Purchase of Real Property and Joint Escrow Instructions (MIL #13)</i>
09/23/2013	Motion in Limine (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiffs' Motion in Limine to Admit Parcel Map Recorded in the Clark County Recorder's Office in File 98, Page 57 (MIL #14)</i>
09/23/2013	Motion in Limine (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiffs' Motion in Limine to Admit Plat Map Recorded in Clark County Recorder's Office in Book 140, Page 57 (MIL #18)</i>
09/23/2013	Motion in Limine (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiffs Motion in Limine to Admit Plat Map Recorded in the Clark County Recorders Office in Book 138 Page 51 MIL 15</i>
09/23/2013	Motion in Limine (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiffs' Motion in Limine to Admit Parcel Map Recorded in the Clark County Recorder's Office in File 113, Page 55 (MIL #19)</i>
09/23/2013	Motion in Limine (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiffs' Motion In Limine To Admit The April 6, 2009 Letter From Jim Stringer Jr. To James Wolfram (MIL #20)</i>
09/23/2013	Motion in Limine (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiffs Motion in Limine to Admit Amendment to the Option Agreement for the Purchase of Real Property and Joint Escrow Instructions MIL 3</i>
09/23/2013	Motion in Limine (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiffs' Motion in Limine to Admit Parcel Map Recorded in the Clark County Recorder's Office in File 116, Page 35 (MIL #16)</i>
09/23/2013	Motion in Limine (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiffs' Motion In Limine To Admit The November 24, 2009 Letter From Jon Lash to James Wolfram (MIL #21)</i>
09/23/2013	Motion in Limine (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiffs' Motion in Limine to Admit Parcel Map Recorded in the Clark County Recorder's Office in File 117, Page 18 (MIL #17)</i>
09/23/2013	Motion in Limine (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiffs' Motion in Limine to Admit the March 14, 2008 Letter from Jon Lash to James Wolfram and Walt Wilkes (MIL #24)</i>
09/23/2013	Motion in Limine (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiffs' Motion In Limine To Admit The August 23, 2007 Letter From Jon Lash To Walk Wilkes And James Wolfram (MIL #22)</i>
09/23/2013	Motion in Limine (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiffs Motion in Limine to Admit the July 10 2009 Letter from James J Jimmerson Esq MIL 23</i>













DEPARTMENT 4
CASE SUMMARY
CASE NO. A-10-632338-C

09/23/2013	Motion in Limine (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiffs' Motion In Limine To Permit James J. Jimmerson, Esq. To Testify Concerning Plaintiffs' Attorney's Fees And Costs (MIL #25)</i>
09/23/2013	CANCELED Motion (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Vacated - per Law Clerk</i> <i>Plaintiffs Motion to File Exhibits Under Seal</i>
09/23/2013	Motion to Compel (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Defendant's Motion to Compel Production of Notes James Wolfram Reviewed in Preparation for His Deposition</i>
09/23/2013	 Motion for Partial Summary Judgment (8:30 AM) (Judicial Officer: Earley, Kerry) 09/23/2013, 10/07/2013 <i>Defendant's Motion for Partial Summary Judgment</i>
09/23/2013	 All Pending Motions (8:30 AM) (Judicial Officer: Earley, Kerry)
09/26/2013	 Pre-Trial Disclosure Party: Counter Defendant Wolfram, James <i>Plaintiffs Pretrial Disclosures Pursuant to NRCP 16.1a3</i>
09/27/2013	 Supplement to Opposition Filed By: Counter Defendant Wolfram, James <i>Plaintiffs Supplement to Their Opposition to Defendants Motion for Partial Summary Judgment</i>
09/27/2013	 Supplemental Brief Filed By: Counter Claimant Pardee Homes of Nevada <i>Supplemental Brief in Support of Defendant's Motion for Partial Summary Judgment</i>
10/07/2013	 Objection Filed By: Counter Claimant Pardee Homes of Nevada <i>Defendant Pardee Homes of Nevada's Objections to Plaintiffs' Pretrial Disclosures Pursuant to NRCP 16.1(a)(3)</i>
10/08/2013	 Joint Pre-Trial Memorandum Filed By: Counter Defendant Wolfram, James <i>Joint Pre-Trial Memorandum Pursuant to EDCR 2.67</i>
10/08/2013	 Order Granting Motion Filed By: Counter Claimant Pardee Homes of Nevada <i>Order Granting Defendant's Motion in Limine to Exclude Parol Evidence (MIL #3)</i>
10/09/2013	 Notice of Entry of Order Filed By: Counter Claimant Pardee Homes of Nevada <i>Notice of Entry of Order Granting Defendant's Motion in Limine to Exclude Parol Evidence (MIL #3)</i>
10/23/2013	 Bench Trial - FIRM (8:30 AM) (Judicial Officer: Earley, Kerry) 10/23/2013-10/24/2013, 10/28/2013-10/30/2013, 12/09/2013-12/10/2013, 12/12/2013-12/13/2013
10/23/2013	 Order Denying Motion Filed By: Counter Defendant Wolfram, James <i>Order Denying Motion for Partial Summary Judgment</i>

DEPARTMENT 4
CASE SUMMARY
CASE NO. A-10-632338-C

10/23/2013	 Order Denying Motion Filed By: Counter Defendant Wolfram, James <i>Order Denying Defendants Motion to Compel Production of Notes James Wolfram Reviewed in Preparation for his Deposition</i>
10/25/2013	 Brief Filed By: Counter Defendant Wolfram, James <i>Plaintiffs Trial Brief Pursuant to EDCR 7.27</i>
10/25/2013	 Notice of Entry of Order Filed By: Counter Defendant Wolfram, James <i>Notice of Entry of Order</i>
10/25/2013	 Notice of Entry of Order Filed By: Counter Defendant Wolfram, James <i>Notice of Entry of Order</i>
12/11/2013	 Certificate of Service Filed by: Counter Defendant Wolfram, James <i>Certificate of Service</i>
12/12/2013	 Trial Subpoena Filed by: Counter Defendant Wolfram, James <i>Trial Subpoena</i>
12/12/2013	 Trial Subpoena Filed by: Counter Defendant Wolfram, James <i>Trial Subpoena for Rebuttal Testimony</i>
12/12/2013	 Trial Subpoena Filed by: Counter Defendant Wolfram, James <i>Trial Subpoena for Rebuttal Testimony</i>
03/20/2014	 Suggestion of Death Filed by: Counter Defendant Wolfram, James <i>Suggestion of Death on the Record</i>
03/24/2014	 Amended Certificate of Service Party: Counter Defendant Wolfram, James <i>Amended Certificate of Service</i>
06/12/2014	 Motion Filed By: Counter Defendant Wolfram, James <i>Motion for Substitution of Parties</i>
06/24/2014	 Motion to Expunge Lis Pendens Filed By: Counter Claimant Pardee Homes of Nevada <i>Motion to Expunge Lis Pendens and For Sanctions Regarding Plaintiffs' Violation Of The Court's Protective Order and Ex Parte Application for an Order Shortening Time</i>
06/25/2014	 Findings of Fact, Conclusions of Law and Order <i>Findings of Fact, Conclusions of Law and Order</i>












DEPARTMENT 4
CASE SUMMARY
CASE NO. A-10-632338-C

06/25/2014	Order (Judicial Officer: Earley, Kerry) Debtors: Pardee Homes of Nevada (Defendant) Creditors: James Wolfram (Plaintiff), Walt Wilkes (Plaintiff) Judgment: 06/25/2014, Docketed: 07/02/2014 Total Judgment: 141,500.00
06/27/2014	 Notice of Entry of Order Filed By: Counter Defendant Wolfram, James <i>Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>
06/30/2014	 Receipt of Copy Filed by: Counter Defendant Wolfram, James <i>Receipt of Copy</i>
06/30/2014	 Opposition to Motion Filed By: Counter Claimant Pardee Homes of Nevada <i>Defendant's Limited Opposition To Motion For Substitution of Parties</i>
07/02/2014	 Affidavit Filed By: Counter Defendant Wolfram, James <i>Affidavit of Acceptance of Service</i>
07/14/2014	 Receipt of Copy Filed by: Counter Defendant Wolfram, James <i>Receipt of Copy</i>
07/14/2014	 Opposition to Motion Filed By: Counter Defendant Wolfram, James <i>Plaintiffs' Opposition to Defendant's Motion to Expunge Lis Pendens and for Sanctions Regarding Plaintiffs' Violation of the Court's Protective Order</i>
07/15/2014	 Reply in Support Filed By: Counter Claimant Pardee Homes of Nevada <i>Reply In Support of Motion to Expunge Lis Pendens; and For Sanctions Regarding Plaintiffs' Violation of the Court's Protective Order</i>
07/17/2014	 Motion to Expunge Lis Pendens (8:30 AM) (Judicial Officer: McGee, Charles) <i>Defendant's Motion to Expunge Lis Pendens and For Sanctions Regarding Plaintiffs' Violation Of The Court's Protective Order and Ex Parte Application for an Order Shortening Time</i>
07/24/2014	 Reply in Support Filed By: Counter Defendant Wolfram, James <i>Reply in Support of Motion for Substitution of Parties and Angela L. Limbocker-Wilkes' Petition for Confirmation of Appointment as Trustee of the Walter D. Wilkes and Angela L. Limbocker-Wilkes Living Trust</i>
07/24/2014	 Order Granting Motion Filed By: Counter Claimant Pardee Homes of Nevada <i>Order Granting Defendant's Motion to Expunge Lis Pendens</i>
07/25/2014	 Certificate of Service Filed by: Counter Defendant Wolfram, James <i>Certificate of Service</i>
07/25/2014	 Initial Appearance Fee Disclosure

DEPARTMENT 4
CASE SUMMARY
CASE NO. A-10-632338-C












	Filed By: Plaintiff Limbocker-Wilkes, Angela L. <i>Initial Appearance Fee Disclosure</i>
07/25/2014	 Notice of Appearance Party: Counter Defendant Wolfram, James <i>Notice of Appearance</i>
07/25/2014	 Notice of Entry of Order Filed By: Counter Claimant Pardee Homes of Nevada <i>Notice of Entry of Order Granting Defendant's Motion to Expunge Lis Pendens</i>
07/30/2014	 Notice Filed By: Counter Defendant Wolfram, James <i>Notice of Thomas Wilkes' Waiver of Notice of Hearing of Angela L. Limbocker-Wilkes Petition for Confirmation of Appointment as Trustee of Walter D. Wilkes and Angela L. Limbocker-Wilkes Living Trust</i>
07/31/2014	 Motion for Substitution (8:30 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiff's Motion for Substitution of Parties</i>
08/14/2014	 Order Filed By: Counter Defendant Wolfram, James <i>Order Confirming Angela L. Limbocker-Wilkes' Appointment as Trustee of the Walter D. Wilkes and Angela L. Limbocker-Wilkes Living Trust and Order Substituting Angela L. Limbocker-Wilkes as Trustee of the Walter D. Wilkes and Angela L. Limbocker-Wilkes Living Trust in the Place of Plaintiff Walt Wilkes, Deceased</i>
08/15/2014	 Notice of Entry of Order Filed By: Counter Defendant Wolfram, James <i>Notice of Entry of Order</i>
08/18/2014	 Notice Filed By: Counter Defendant Wolfram, James <i>Notice of Angele L. Limbocker-Wilkes Petition for Confirmation of Appointment as Trustee of Walter D. Wilkes and Angela L. Limbocker-Wilkes Living Trust</i>
08/18/2014	 Notice Filed By: Counter Defendant Wolfram, James <i>Notice of Angele L. Limbocker-Wilkes Petition for Confirmation of Appointment as Trustee of Walter D. Wilkes and Angela L. Limbocker-Wilkes Living Trust</i>
08/18/2014	 Notice Filed By: Counter Defendant Wolfram, James <i>Notice of Angela L. Limbocker-Wilkes Petition for Confirmation of Appointment as Trustee of Walter D. Wilkes and Angela L. Limbocker-Wilkes Living Trust</i>
08/18/2014	 Notice Filed By: Counter Defendant Wolfram, James <i>Notice of Angela L. Limbocker-Wilkes Petition for Confirmation of Appointment as Trustee of Walter D. Wilkes and Angela L. Limbocker-Wilkes Living Trust</i>
08/18/2014	 Notice Filed By: Counter Defendant Wolfram, James <i>Notice of Angela L. Limbocker-Wilkes Petition for Confirmation of Appointment as Trustee of Walter D. Wilkes and Angela L. Limbocker-Wilkes Living Trust</i>

DEPARTMENT 4
CASE SUMMARY
CASE NO. A-10-632338-C

08/22/2014	 Order to Statistically Close Case <i>Civil Order to Statistically Close Case</i>
08/25/2014	 Supplemental Filed by: Counter Claimant Pardee Homes of Nevada <i>Pardee Homes of Nevada's Supplemental Brief Regarding Future Accounting</i>
08/25/2014	 Brief Filed By: Counter Defendant Wolfram, James <i>Plaintiff's Accounting Brief Pursuant to the court's Order Entered on June 25, 2014</i>
09/12/2014	 Notice Filed By: Counter Claimant Pardee Homes of Nevada <i>Pardee's Notice of Submission</i>
02/10/2015	 Minute Order (3:00 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiffs' Accounting Brief</i>
05/13/2015	 Order Filed By: Counter Claimant Pardee Homes of Nevada <i>Order On Findings Of Fact And Conclusions Of Law And Supplemental Briefing Re Future Accounting</i>
05/13/2015	 Notice of Entry of Order Filed By: Counter Claimant Pardee Homes of Nevada <i>Notice of Entry of Order On Findings Of Fact And Conclusions Of Law And Supplemental Briefing Re Future Accounting</i>
05/14/2015	 Affidavit Filed By: Counter Claimant Pardee Homes of Nevada <i>Affidavit of Conrad J. Smucker</i>
05/28/2015	 Motion for Attorney Fees and Costs Filed By: Counter Claimant Pardee Homes of Nevada <i>Pardee's Motion For Attorney's Fees and Costs</i>
05/28/2015	 Appendix Filed By: Counter Claimant Pardee Homes of Nevada <i>Appendix of Exhibits To Pardee's Motion For Attorney's Fees and Costs</i>
06/15/2015	Judgment (Judicial Officer: Earley, Kerry) Debtors: James Wolfram (Plaintiff), Walt Wilkes (Plaintiff), Angela L. Limbocker-Wilkes (Plaintiff) Creditors: Pardee Homes of Nevada (Defendant) Judgment: 06/15/2015, Docketed: 06/23/2015
06/15/2015	Judgment (Judicial Officer: Earley, Kerry) Debtors: Pardee Homes of Nevada (Defendant) Creditors: James Wolfram (Plaintiff), Walt Wilkes (Plaintiff), Angela L. Limbocker-Wilkes (Plaintiff) Judgment: 06/15/2015, Docketed: 06/23/2015 Total Judgment: 141,500.00
06/19/2015	 Memorandum of Costs and Disbursements Filed By: Counter Defendant Wolfram, James











DEPARTMENT 4
CASE SUMMARY
CASE NO. A-10-632338-C

Plaintiffs, James Wolfram and Walt Wilkes' Memorandum of Costs and Disbursements

06/24/2015	 Motion to Retax Filed By: Counter Claimant Pardee Homes of Nevada <i>Pardee's Motion to Retax Plaintiffs' Memorandum of Costs Filed June 19, 2015</i>
06/29/2015	 Motion for Attorney Fees and Costs Filed By: Counter Defendant Wolfram, James <i>Plaintiffs' Motion for Attorney's Fees and Costs</i>
06/29/2015	 Motion to Strike Filed By: Counter Defendant Wolfram, James <i>Motion To Strike "Judgment", Entered June 15, 2015 Pursuant To N.R.Cp. 52 (B) And N.R.C.P. 59, As Unnecessary And Duplicative Orders Of Final Orders Entered On June 25, 2014 And May 13, 2015, And As Such, Is A Fugitive Document</i>
06/29/2015	 Motion Filed By: Counter Defendant Wolfram, James <i>Plaintiffs' Motion Pursuant to Nrcp 52(b) and 59 to Amend The Court's Judgment Entered on June 15, 2015, to Amend the Findings of Fact/conclusions of Law and Judgment Contained Therein, Specifically Referred to in the Language Included in the Judgment at Page 2, Lines 8 Through 13 and the Judgment At Page 2, Lines 18 Through 23 to Delete the Same or Amend The Same to Reflect the True Fact That Plaintiff Prevailed On Their Entitlement to the First Claim for Relief For an Accounting, and Damages for Their Second Claim for Releaf of Breach of Contract, and Their Third Claim for Relief for Breach of the Implied Covenant for Good Faith and Fair Dealing and That Defendant Never Received a Judgment in its Form and Against Plaintiffs Whatsoever as Mistakenly Stated Within the Court's Latest "Judgment</i>
06/30/2015	 Association of Counsel Filed By: Counter Defendant Wolfram, James <i>Association of Counsel</i>
06/30/2015	 Supplement Filed by: Counter Defendant Wolfram, James <i>Supplement to Plaintiffs' Pending Motion for Attorney's Fees and Costs, Motion to Strike Judgment, Motion Pursuant to NRCP 52(b) and NRCP 59 to Amend the Court's Judgment, and Plaintiffs' Opposition to Pardee's Motion for Attorney's Fees and Costs</i>
06/30/2015	 Opposition Filed By: Counter Defendant Wolfram, James <i>Plaintiffs' Opposition To Pardee's Motion For Attorney's Fees And Costs</i>
07/01/2015	 Receipt of Copy Filed by: Counter Defendant Wolfram, James <i>Receipt of Copy</i>
07/02/2015	 Motion to Amend Judgment Filed By: Counter Claimant Pardee Homes of Nevada <i>Pardee Homes of Nevada's Motion to Amend Judgment</i>
07/04/2015	 Receipt of Copy Filed by: Counter Defendant Wolfram, James <i>Receipt of Copy</i>
07/06/2015	 Notice of Motion Filed By: Counter Defendant Wolfram, James

DEPARTMENT 4
CASE SUMMARY
CASE NO. A-10-632338-C

Notice of Motion on Plaintiffs' Motion for Attorney's Fees and Costs

07/07/2015	 Motion Filed By: Counter Defendant Wolfram, James <i>Plaintiffs' Motion for Order Requiring Defendant, When Serving by Electronic Means, to Serve Three Specific Persons</i>
07/07/2015	 Receipt of Copy Filed by: Counter Defendant Wolfram, James <i>Receipt of Copy</i>
07/08/2015	 Errata Filed By: Counter Defendant Wolfram, James <i>Errata to Motion to Strike "Judgment", Entered June 15, 2015 Pursuant to NRCP 52(b) and NRCP 59, as Unnecessary and Duplicative Orders of Final Orders Entered on June 25, 2014 and May 13, 2015, and as such, is a Fugitive Document</i>
07/08/2015	 Errata Filed By: Counter Defendant Wolfram, James <i>Errata to Plaintiffs' Motion Pursuant to NRCP 52(b) and 59 to Amend the Court's Judgment Entered on June 15, 2015, to Amend the Findings of Fact/Conclusions of Law and Judgment Contained Therein, Specifically Referred to in the Language Included in the Judgment at Page, 2, Lines 8 through 13 and the Judgment at Page 2, Lines 18 through 23 to Delete the Same or Amend the Same to Reflect the True Fact that Plaintiff Prevailed on their Entitlement to the First Claim for Relief for an Accounting, and Damages for their Second Claim for Relief of Breach of Contract, and Their Third Claim for Relief for Breach of the Implied Covenant for Good Faith and Fair Dealing and that Defendant Never Received a Judgment in its form and Against Ploaintiffs Whatsoever as Mistakenly Stated Within the Court's Latest "Judgment"</i>
07/08/2015	 Motion for Stay of Execution Filed By: Counter Claimant Pardee Homes of Nevada <i>Pardee's Emergency Motion to Stay Execution of Judgment: and Ex Parte Order Shortening Time</i>
07/08/2015	 Opposition Filed By: Counter Defendant Wolfram, James <i>Plaintiffs' Opposition to Pardee's Motion to Retax Costs</i>
07/08/2015	 Receipt of Copy Filed by: Counter Defendant Wolfram, James <i>Receipt of Copy</i>
07/08/2015	 Supplement Filed by: Counter Claimant Pardee Homes of Nevada <i>Pardee's Supplemental Briefing in Support of it's Emergency Motion to Stay Execution of Judgment</i>
07/10/2015	 Notice of Entry of Order Filed By: Counter Claimant Pardee Homes of Nevada <i>Notice of Entry of Order on Pardee's Emergency Motion to Stay Execution of Judgment; and Ex Parte Order Shortening Time</i>
07/10/2015	 Motion for Stay of Execution (9:00 AM) (Judicial Officer: Earley, Kerry) <i>Pardee's Emergency Motion to Stay Execution of Judgment: and Ex Parte Order Shortening Time</i>
07/10/2015	

DEPARTMENT 4
CASE SUMMARY
CASE NO. A-10-632338-C

	 Receipt of Copy Filed by: Counter Defendant Wolfram, James <i>Receipt of Copy</i>
07/10/2015	 Order Filed By: Counter Claimant Pardee Homes of Nevada <i>Order On Pardee's Emergency Motion to Stay Execution of Judgment; and Ex Parte Order Shortening Time</i>
07/10/2015	 Order <i>Order on Pardee's Emergency Motion to Stay Execution of Judgment; and Ex Parte Order Shortening Time</i>
07/15/2015	 Opposition to Motion Filed By: Counter Claimant Pardee Homes of Nevada <i>Pardee Homes of Nevada's Consolidated Opposition To: (1) Plaintiff's Motion to Strike Judgment Entered On June 15, 2015 Pursuant to NRCP 52(b) and NRCP 59; and (2) Plaintiffs' Motion Pursuant to NRCP 52(b) and 59 to Amend The Court's Judgment Entered on June 15, 2015</i>
07/15/2015	 Appendix Filed By: Counter Claimant Pardee Homes of Nevada <i>Appendix of Exhibits to Pardee Homes of Nevada's Consolidated Opposition to: (1) Plaintiff's Motion to Strike Judgment Entered on June 15, 2015 Pursuant to NRCP 52(b) and NRCP 59; and Plaintiffs' Motion Pursuant to NRCP 52(b) and 59 to Amend the Court's Judgment Entered on June 15, 2015</i>
07/15/2015	 Opposition to Motion Filed By: Counter Claimant Pardee Homes of Nevada <i>Pardee Homes of Nevada's Opposition to Plaintiff's Motion for Attorney's Fees and Costs</i>
07/15/2015	 Appendix Filed By: Counter Claimant Pardee Homes of Nevada <i>Appendix of Exhibits to Pardee Homes of Nevada's Opposition to Plaintiffs' Motion for Attorney's Fees and Costs</i>
07/16/2015	 Errata Filed By: Counter Claimant Pardee Homes of Nevada <i>Errata to Pardee Homes of Nevada's Opposition to Plaintiffs' Motion For Attorney's Fees and Costs</i>
07/17/2015	 Opposition Filed By: Counter Defendant Wolfram, James <i>Plaintiffs' Opposition to Pardee Homes of Nevada's Motion to Amend Judgment and Countermotion for Attorney's Fees</i>
07/20/2015	 Notice Filed By: Counter Defendant Wolfram, James <i>Notice of Filing</i>
07/20/2015	 Opposition to Motion Filed By: Counter Claimant Pardee Homes of Nevada <i>Pardee's Opposition to Plaintiffs' Motion for Order Requiring Defendant, When Serving By Electronic Means, to Serve Three Specific Persons</i>
07/23/2015	 Minute Order (3:00 AM) (Judicial Officer: Earley, Kerry)

DEPARTMENT 4
CASE SUMMARY
CASE NO. A-10-632338-C

Resetting of pending Motions

07/24/2015



Motion

Filed By: Counter Defendant Wolfram, James
Plaintiffs' Motion for Reconsideration, Ex Parte (With Notice) of Application for Order Shortening Time Regarding Stay of Execution and Order Shortening Time Regarding Stay of Execution

07/24/2015



Declaration

Filed By: Counter Defendant Wolfram, James
Declaration of John W. Muije, Esq. In Support of Motion for Reconsideration

08/10/2015



Opposition to Motion

Filed By: Counter Claimant Pardee Homes of Nevada
Pardee Homes of Nevada's Opposition to Plaintiffs' Motion for Reconsideration of the Order on Pardee's Emergency Motion to Stay Execution of Judgment

08/17/2015



Reply Points and Authorities

Filed by: Counter Defendant Wolfram, James
Reply Points and Authorities In Support of Motion for Reconsideration

08/24/2015



Motion For Reconsideration (3:00 AM) (Judicial Officer: Earley, Kerry)

Plaintiffs' Motion for Reconsideration, Ex Parte (With Notice) of Application for Order Shortening Time Regarding Stay of Execution and Order Shortening Time Regarding Stay of Execution

09/11/2015



Opposition

Filed By: Counter Defendant Wolfram, James
Plaintiffs' Reply to Defendant's Opposition to Plaintiff's Motion Pursuant to NRCP 52(b) and NRCP 59 to Amend the Court's Judgment Entered on June 15, 2015

09/11/2015



Opposition

Filed By: Counter Defendant Wolfram, James
Plaintiffs' Reply to Defendant's Opposition to Plaintiff's Motion to Strike "Judgment" Entered June 15, 2015 Pursuant to NRCP 52(b) and NRCP 59

09/11/2015



Opposition

Filed By: Counter Defendant Wolfram, James
Plaintiffs' Reply to Defendant's Opposition to Plaintiff's Motion for Attorney's Fees and Costs

09/12/2015



Reply in Support

Filed By: Counter Claimant Pardee Homes of Nevada
Pardee Homes of Nevada's Consolidated Reply in Support of (1) Motion to Retax Plaintiffs' Memorandum of Costs Filed June 19, 2015; and (2) Motion for Attorney's Fees and Costs

09/21/2015



Notice of Rescheduling

Notice of Rescheduling of Hearing

12/08/2015



Notice of Non Opposition


Filed By: Counter Defendant Wolfram, James
Notice of Defendant Pardee Homes of Nevada's Non-Reply and Non-Opposition to "Plaintiff's Opposition to Pardee Homes of Nevada's Motion to Amend Judgment and Countermotion for Attorney's Fees"

12/08/2015



Receipt of Copy














DEPARTMENT 4
CASE SUMMARY
CASE NO. A-10-632338-C

	Filed by: Counter Defendant Wolfram, James <i>Receipt of Copy</i>
12/08/2015	 Supplement Filed by: Counter Defendant Wolfram, James <i>Plaintiffs' Supplement to Plaintiffs' Opposition to Pardee's Motion for Attorney's Fees and Costs</i>
12/09/2015	 Notice of Rescheduling <i>Notice of Rescheduling of Hearing</i>
12/30/2015	 Response Filed by: Counter Claimant Pardee Homes of Nevada <i>Pardee Homes of Nevada's Consolidated Response to: (1) Plaintiffs' Notice of Non-Reply and Non-Opposition to Plaintiffs' Opposition to Pardee's Motion to Amend Judgment and Counter-motion for Attorney's Fees; and (2) Plaintiffs' Supplement to Plaintiffs' Opposition to Pardee's Motion for Attorney's Fees and Costs</i>
01/07/2016	 Notice of Change of Firm Name Filed By: Counter Defendant Wolfram, James <i>Notice of Change of Firm Name</i>
01/11/2016	 Reply Filed by: Counter Defendant Wolfram, James <i>Plaintiffs' Reply To Defendants Consolidated Response to (1) Plaintiffs' Notice Of Non-Reply And Non-Opposition to Plaintiff's Opposition To Pardee's Motion To Amend Judgment And Counter-motion For Attorney's Fees And (2) Plaintiffs' Supplement To Plaintiffs' Opposition To Pardee's Motion For Attorney's Fees And Costs</i>
01/15/2016	Motion for Attorney Fees and Costs (10:00 AM) (Judicial Officer: Earley, Kerry) <i>Pardee's Motion For Attorney's Fees and Costs</i>
01/15/2016	Motion to Retax (10:00 AM) (Judicial Officer: Earley, Kerry) <i>Pardee's Motion to Retax Plaintiffs' Memorandum of Costs Filed June 19, 2015</i>
01/15/2016	Motion to Strike (10:00 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiffs' Motion to Strike "Judgment", Entered June 15, 2015 Pursuant to N.R.Cp. 52 (B) and N.R.C.P. 59, as Unnecessary and Duplicative Orders of Final Orders Entered on June 25, 2014 and May 13, 2015, and as Such, is a Fugitive Document</i>
01/15/2016	Motion to Amend (10:00 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiffs' Motion Pursuant to Nrcp 52(b) and 59 to Amend The Court's Judgment Entered on June 15, 2015, to Amend the Findings of Fact/conclusions of Law and Judgment Contained Therein, Specifically Referred to in the Language Included in the Judgment at Page 2, Lines 8 Through 13 and the Judgment At Page 2, Lines 18 Through 23 to Delete the Same or Amend The Same to Reflect the True Fact That Plaintiff Prevailed On Their Entitlement to the First Claim for Relief For an Accounting, and Damages for Their Second Claim for Releaf of Breach of Contract, and Their Third Claim for Relief for Breach of the Implied Covenant for Good Faith and Fair Dealing and That Defendant Never Received a Judgment in its Form and Against Plaintiffs Whatsoever as Mistakenly Stated Within the Court's Latest "Judgment</i>
01/15/2016	Motion (10:00 AM) (Judicial Officer: Earley, Kerry) <i>Pardee Homes of Nevada's Motion to Amend Judgment</i>
01/15/2016	Motion for Attorney Fees and Costs (10:00 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiff's Motion for Attorney's Fees and Costs</i>
01/15/2016	Motion for Order (10:00 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiffs' Motion for Order Requiring Defendant, When Serving by Electronic Means, to Serve Three Specific Persons</i>

DEPARTMENT 4
CASE SUMMARY
CASE NO. A-10-632338-C











01/15/2016	Opposition and Countermotion (10:00 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiffs' Opposition to Pardee Homes of Nevada's Motion to Amend Judgment and Countermotion for Attorney's Fees</i>
01/15/2016	 All Pending Motions (10:00 AM) (Judicial Officer: Earley, Kerry)
03/14/2016	 Motion Filed By: Counter Defendant Wolfram, James <i>Plaintiffs' Motion to Settle Two (2) Competing Judgments and Orders</i>
03/15/2016	 Certificate of Service Filed by: Counter Defendant Wolfram, James <i>Certificate of Service</i>
03/16/2016	 Release Filed By: Counter Defendant Wolfram, James <i>Release of Judgment</i>
03/18/2016	 Receipt of Copy Filed by: Counter Defendant Wolfram, James <i>Receipt of Copy</i>
03/23/2016	 Response Filed by: Counter Claimant Pardee Homes of Nevada <i>Pardee Homes of Nevada's Response to Plaintiffs' Motion to Settle Two (2) Sets of Competing Judgments and Orders</i>
04/20/2016	 Reply Filed by: Counter Defendant Wolfram, James <i>Plaintiffs' Reply to Defendant's Response and Supplement to Plaintiffs' Motion to Settle Two (2) Sets of Competing Judgments and Orders</i>
04/20/2016	 Receipt of Copy Filed by: Counter Defendant Wolfram, James <i>Receipt of Copy</i>
04/26/2016	 Order Filed By: Counter Defendant Wolfram, James <i>Order from January 15. 2016 Hearings</i>
04/27/2016	CANCELED Motion (9:00 AM) (Judicial Officer: Earley, Kerry) <i>Vacated - per Judge</i> <i>Plaintiffs' Motion to Settle Two (2) Competing Judgments and Orders</i>
05/16/2016	 Judgment <i>Judgment</i>
05/17/2016	 Notice of Entry of Judgment Filed By: Counter Defendant Wolfram, James <i>Notice of Entry of Judgment</i>
05/17/2016	 Receipt of Copy Filed by: Counter Defendant Wolfram, James <i>Receipt of Copy</i>

DEPARTMENT 4
CASE SUMMARY
CASE NO. A-10-632338-C

05/23/2016	 Memorandum of Costs and Disbursements Filed By: Counter Defendant Wolfram, James <i>Plaintiffs' Memorandum of Costs and Disbursements</i>
05/31/2016	 Motion to Retax Filed By: Counter Claimant Pardee Homes of Nevada <i>Pardee's Motion to Retax Plaintiffs' Memorandum of Costs Filed May 23, 2016</i>
06/01/2016	 Motion to Amend Judgment Filed By: Counter Claimant Pardee Homes of Nevada <i>Pardee Homes of Nevada's Motion to Amend Judgment</i>
06/06/2016	 Motion for Attorney Fees and Costs Filed By: Counter Claimant Pardee Homes of Nevada <i>Pardee's Motion for Attorney's Fees and Costs</i>
06/06/2016	 Appendix Filed By: Counter Claimant Pardee Homes of Nevada <i>Appendix of Exhibits to Pardee Homes Motion for Attorney Fees and Costs - Volume 1</i>
06/06/2016	 Appendix Filed By: Counter Claimant Pardee Homes of Nevada <i>Appendix of Exhibits to Pardee Homes Motion for Attorney Fees and Costs - Volume 2</i>
06/08/2016	 Motion for Attorney Fees and Costs Filed By: Counter Defendant Wolfram, James <i>Plaintiffs' Motion for Attorney's Fees and Costs</i>
06/08/2016	 Receipt of Copy Filed by: Counter Defendant Wolfram, James <i>Receipt of Copy</i>
06/20/2016	 Opposition Filed By: Counter Defendant Wolfram, James <i>Plaintiffs' Opposition to Pardee's Motion to Retax Plaintiffs' Memorandum of Costs Filed May 23, 2016</i>
06/20/2016	 Receipt of Copy Filed by: Counter Defendant Wolfram, James <i>Receipt of Copy</i>
06/21/2016	 Opposition and Countermotion Filed By: Counter Defendant Wolfram, James <i>Plaintiffs' Opposition to Defendant, Pardee Homes of Nevada's, Motion to Amend Judgment and Plaintiffs' Countermotion for Attorneys' Fees and Costs Pursuant to NRS 18.010 and EDCR 7.60</i>
06/21/2016	 Receipt of Copy Filed by: Counter Defendant Wolfram, James <i>Receipt of Copy</i>
06/21/2016	 Opposition to Motion Filed By: Counter Defendant Wolfram, James

DEPARTMENT 4
CASE SUMMARY
CASE NO. A-10-632338-C

Plaintiffs' Opposition to Pardee's Motion for Attorney's Fees and Costs












06/22/2016	 Receipt of Copy Filed by: Counter Defendant Wolfram, James <i>Receipt of Copy</i>
06/27/2016	 Opposition to Motion Filed By: Counter Claimant Pardee Homes of Nevada <i>Pardee Homes of Nevada's Opposition to Plaintiffs' Motion for Attorney's Fees and Costs</i>
06/30/2016	 Notice of Change of Hearing <i>notice of rescheduling of hearing</i>
06/30/2016	 Reply in Support Filed By: Counter Claimant Pardee Homes of Nevada <i>Pardee Homes of Nevada's Reply in Support of Motion for Attorney's Fees and Costs</i>
06/30/2016	 Reply in Support Filed By: Counter Claimant Pardee Homes of Nevada <i>Pardee Homes of Nevada's Reply in Support of Motion to Amend Judgment; and Opposition to Plaintiffs' Countermotion for Attorney's Fees</i>
07/01/2016	 Reply in Support Filed By: Counter Claimant Pardee Homes of Nevada <i>Pardee Homes of Nevada's Reply In Support of Motion to Retax Plaintiffs' Memorandum of Costs Filed May 23, 2016</i>
08/02/2016	 Notice of Rescheduling <i>Notice of Rescheduling of Hearing</i>
08/02/2016	 Receipt of Copy Filed by: Counter Defendant Wolfram, James <i>Receipt of Copy</i>
08/02/2016	 Reply in Support Filed By: Counter Defendant Wolfram, James <i>Plaintiffs' Reply in Support of Countermotion for Attorney's Fees and Costs</i>
08/02/2016	 Reply in Support Filed By: Counter Defendant Wolfram, James <i>Plaintiffs' Reply in Support of Motion for Attorney's Fees and Costs</i>
08/15/2016	Motion to Retax (9:00 AM) (Judicial Officer: Earley, Kerry) <i>Pardee's Motion to Retax Plaintiffs' Memorandum of Costs Filed May 23, 2016</i>
08/15/2016	Motion to Amend Judgment (9:00 AM) (Judicial Officer: Earley, Kerry) <i>Pardee Homes of Nevada's Motion to Amend Judgment</i>
08/15/2016	Motion for Attorney Fees (9:00 AM) (Judicial Officer: Earley, Kerry) <i>Pardee's Motion for Attorney's Fees and Costs</i>
08/15/2016	Motion for Attorney Fees and Costs (9:00 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiffs' Motion for Attorney's Fees and Costs</i>
08/15/2016	Opposition and Countermotion (9:00 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiffs' Opposition to Defendant, Pardee Homes of Nevada's, Motion to Amend Judgment</i>

DEPARTMENT 4
CASE SUMMARY
CASE NO. A-10-632338-C


and Plaintiffs' Countermotion for Attorneys' Fees and Costs Pursuant to NRS 18.010 and EDCR 7.60

08/15/2016	 All Pending Motions (9:00 AM) (Judicial Officer: Earley, Kerry)
08/24/2016	 Reporters Transcript <i>Reporter's Transcript of Proceedings 8-15-16</i>
09/12/2016	 Brief Filed By: Counter Defendant Wolfram, James <i>Plaintiffs' Brief on Interest Pursuant to the Court's Order Entered on August 15, 2016</i>
09/13/2016	 Receipt of Copy Filed by: Counter Defendant Wolfram, James <i>Receipt of Copy</i>
10/17/2016	 Supplemental Brief Filed By: Counter Claimant Pardee Homes of Nevada <i>Pardee's Supplemental Brief Regarding Pre- and Post-Judgment Interest Pursuant to the Court's Order</i>
11/04/2016	 Reply in Support Filed By: Counter Defendant Wolfram, James <i>Plaintiffs' Reply Brief in Support of Brief on Interest Pursuant to the Court's Order Entered on August 15, 2016</i>
12/09/2016	 Stipulation and Order Filed by: Counter Defendant Wolfram, James <i>Stipulation and Order for Extension of Time to File Plaintiffs' Reply Brief</i>
12/12/2016	 Motion (3:00 AM) (Judicial Officer: Earley, Kerry) <i>Plaintiff's Motion to Assess Interest</i>
12/13/2016	 Notice of Entry of Order Filed By: Counter Defendant Wolfram, James <i>Notice of Entry of Stipulation and Order for Extension of Time to File Plaintiffs' Reply Brief</i>
01/09/2017	 Order Filed By: Counter Defendant Wolfram, James <i>Order and Judgment from August 15, 2016 Hearings Regarding Plaintiff's Motion for Attorney's Fees and Costs</i>
01/09/2017	 Order Denying Filed By: Counter Defendant Wolfram, James <i>Order and Judgment from August 15, 2016 Hearings Regarding Defendant's Motion For Attorney's Fees and Cost</i>
01/09/2017	 Order Denying Filed By: Counter Defendant Wolfram, James <i>Order and Judgment from August 15, 2016 Hearings Regarding Defendant's Motion to Amend Judgment</i>
01/09/2017	Judgment Plus Interest (Judicial Officer: Earley, Kerry) Debtors: Pardee Homes of Nevada (Defendant) Creditors: James Wolfram (Plaintiff), Angela L. Limbocker-Wilkes (Plaintiff)





DEPARTMENT 4
CASE SUMMARY
CASE NO. A-10-632338-C

	Judgment: 01/09/2017, Docketed: 01/17/2017 Total Judgment: 428,462.75
01/10/2017	 Notice of Entry of Order Filed By: Counter Defendant Wolfram, James <i>Notice of Entry of Order and Judgment from August 15, 2016 Hearings Regarding Plaintiff's Motion for Attorney's Fees and Costs</i>
01/10/2017	 Notice of Entry of Order Filed By: Counter Defendant Wolfram, James <i>Notice of Entry of Order and Judgment from August 15, 2016 Hearings Regarding Defendant's Motion for Attorney's Fees</i>
01/10/2017	 Notice of Entry of Order Filed By: Counter Defendant Wolfram, James <i>Notice of Entry of Order and Judgment from August 15, 2016 Hearings Regarding Defendant's Motion to Amend Judgment</i>
01/12/2017	 Order Filed By: Counter Claimant Pardee Homes of Nevada <i>Order on Defendant's Motion to Retax Plaintiffs' Memorandum of Costs Filed May 23, 2016</i>
01/12/2017	 Notice of Entry of Order Filed By: Counter Claimant Pardee Homes of Nevada <i>Notice of Entry of Order</i>
01/12/2017	 Order Denying Filed By: Counter Claimant Pardee Homes of Nevada <i>Order on Plaintiffs' Countermotion for Attorney's Fees and Costs Pursuant to NRS 18.010 and EDCR 7.60</i>
01/12/2017	Order (Judicial Officer: Earley, Kerry) Debtors: Pardee Homes of Nevada (Defendant) Creditors: James Wolfram (Plaintiff), Angela L. Limbocker-Wilkes (Plaintiff) Judgment: 01/12/2017, Docketed: 01/17/2017 Total Judgment: 56,129.56
01/13/2017	 Notice of Entry of Order Filed By: Counter Claimant Pardee Homes of Nevada <i>Notice of Entry of Order</i>
02/08/2017	 Notice of Appeal Filed By: Counter Claimant Pardee Homes of Nevada <i>Pardee Homes of Nevada's Notice of Appeal Regarding Judgment and Post-Judgment Orders</i>
02/08/2017	 Case Appeal Statement Filed By: Counter Claimant Pardee Homes of Nevada <i>Pardee Homes of Nevada's Case Appeal Statement</i>
04/07/2017	 Motion for Stay of Execution Filed By: Counter Claimant Pardee Homes of Nevada <i>Pardee's Motion to Stay Execution of Judgment and Post-Judgment Orders</i>
04/07/2017	 Appendix Filed By: Counter Claimant Pardee Homes of Nevada

DEPARTMENT 4
CASE SUMMARY
CASE NO. A-10-632338-C

	<i>Appendix of Exhibits in Support of Pardee's Motion to Stay Execution of Judgment and Post-Judgment Orders, [Volume I]</i>
04/07/2017	 Appendix Filed By: Counter Claimant Pardee Homes of Nevada <i>Appendix of Exhibits in Support of Pardee's Motion to Stay Execution of Judgment and Post-Judgment Orders, [Volume II]</i>
04/27/2017	 Response Filed by: Counter Defendant Wolfram, James <i>Plaintiffs' Response To Pardee's Motion To Stay Execution Of Judgment And Post-Judgment Orders</i>
05/10/2017	 Reply in Support Filed By: Counter Claimant Pardee Homes of Nevada <i>Pardee's Reply in Support of Motion to Stay Execution of Judgment and Post-Judgment Orders</i>
05/12/2017	 Opposition Filed By: Counter Defendant Wolfram, James <i>Plaintiffs' Opposition to Pardee's Motion Stay Execution of Judgment and Post-Judgment Orders</i>
05/17/2017	CANCELED Motion to Stay (9:00 AM) (Judicial Officer: Earley, Kerry) <i>Vacated - per Judge</i> <i>Pardee's Motion to Stay Execution of Judgment and Post-Judgment Orders</i>
05/24/2017	 Minute Order (7:32 AM) (Judicial Officer: Earley, Kerry) <i>Minute Order Re: Pardee's Motion to Stay Execution of Judgment and Post-Judgment Orders</i>
07/12/2017	 Order Filed By: Counter Defendant Wolfram, James <i>Supplemental Order Regarding Plaintiffs' Entitlement to, and Calculation of, Prejudgment Interest</i>
07/12/2017	Order (Judicial Officer: Earley, Kerry) Debtors: Pardee Homes of Nevada (Defendant) Creditors: James Wolfram (Plaintiff), Walt Wilkes (Plaintiff) Judgment: 07/12/2017, Docketed: 07/13/2017 Total Judgment: 647,460.37
07/14/2017	 Notice of Entry of Order <i>Notice of Entry of Supplemental Order Regarding Plaintiffs' Entitlement to, and Calculation of, Prejudgment Interest</i>
10/12/2017	 Order Filed By: Counter Defendant Wolfram, James; Counter Defendant Wilkes, Walt; Plaintiff Limbocker-Wilkes, Angela L. <i>Order Re: Defendant Pardee Homes of Nevada's Motion to Stay Execution of Judgment and Post-Judgment Orders</i>
10/12/2017	Amended Judgment Plus Legal Interest (Judicial Officer: Earley, Kerry) Debtors: Pardee Homes of Nevada (Defendant) Creditors: James Wolfram (Plaintiff), Walt Wilkes (Plaintiff) Judgment: 10/12/2017, Docketed: 05/23/2016 Total Judgment: 651,323.60
10/12/2017	 Amended Judgment

DEPARTMENT 4
CASE SUMMARY
CASE NO. A-10-632338-C

	<p>Filed By: Counter Defendant Wolfram, James; Counter Defendant Wilkes, Walt; Plaintiff Limbocker-Wilkes, Angela L. <i>Amended Judgment</i></p>
10/13/2017	<p> Notice of Entry of Order Filed By: Counter Defendant Wolfram, James; Counter Defendant Wilkes, Walt; Plaintiff Limbocker-Wilkes, Angela L. <i>Notice of Entry of Amended Judgment</i></p>
10/13/2017	<p> Notice of Entry of Order Filed By: Counter Defendant Wolfram, James; Counter Defendant Wilkes, Walt; Plaintiff Limbocker-Wilkes, Angela L. <i>Notice of Entry of Order Re: Defendant Pardee Homes of Nevada's Motion to Stay Execution of Judgment and Post-Judgment Orders</i></p>
10/20/2017	<p> Notice of Posting Bond Filed By: Counter Claimant Pardee Homes of Nevada <i>Pardee's Notice of Posting Bond</i></p>
11/02/2017	<p> Amended Notice of Appeal Party: Counter Claimant Pardee Homes of Nevada <i>Pardee Homes of Nevada's Amended Notice of Appeal</i></p>

DATE	FINANCIAL INFORMATION																				
	<p>Counter Claimant Pardee Homes of Nevada</p> <table> <tr> <td>Total Charges</td><td>652.00</td></tr> <tr> <td>Total Payments and Credits</td><td>652.00</td></tr> <tr> <td>Balance Due as of 11/7/2017</td><td>0.00</td></tr> </table> <p>Plaintiff Limbocker-Wilkes, Angela L.</p> <table> <tr> <td>Total Charges</td><td>30.00</td></tr> <tr> <td>Total Payments and Credits</td><td>30.00</td></tr> <tr> <td>Balance Due as of 11/7/2017</td><td>0.00</td></tr> </table> <p>Counter Defendant Wolfram, James</p> <table> <tr> <td>Total Charges</td><td>657.50</td></tr> <tr> <td>Total Payments and Credits</td><td>657.50</td></tr> <tr> <td>Balance Due as of 11/7/2017</td><td>0.00</td></tr> </table> <p>Counter Claimant Pardee Homes of Nevada</p> <table> <tr> <td>Appeal Bond Balance as of 11/7/2017</td><td>500.00</td></tr> </table>	Total Charges	652.00	Total Payments and Credits	652.00	Balance Due as of 11/7/2017	0.00	Total Charges	30.00	Total Payments and Credits	30.00	Balance Due as of 11/7/2017	0.00	Total Charges	657.50	Total Payments and Credits	657.50	Balance Due as of 11/7/2017	0.00	Appeal Bond Balance as of 11/7/2017	500.00
Total Charges	652.00																				
Total Payments and Credits	652.00																				
Balance Due as of 11/7/2017	0.00																				
Total Charges	30.00																				
Total Payments and Credits	30.00																				
Balance Due as of 11/7/2017	0.00																				
Total Charges	657.50																				
Total Payments and Credits	657.50																				
Balance Due as of 11/7/2017	0.00																				
Appeal Bond Balance as of 11/7/2017	500.00																				

___ County, Nevada

XXIII

Case No. _____

(Assigned by Clerk's Office)

I. Party Information

Plaintiff(s) (name/address/phone):

JAMES WOLFRAM and WALT WILKES

Attorney (name/address/phone):

JAMES J. JIMMERSON, ESQ./JIMMERSONHANSEN.P.C
 415 S. Sixth Street
 Las Vegas, NV 89101
 (702) 388-7171

Defendant(s) (name/address/phone):

PARDEE HOMES OF NEVADA

Attorney (name/address/phone):

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

- ☐ **Landlord/Tenant**
- ☐ Unlawful Detainer
- ☐ **Title to Property**
- ☐ Foreclosure
 - ☐ Liens
 - ☐ Quiet Title
 - ☐ Specific Performance
- ☐ **Condemnation/Eminent Domain**
- ☐ **Other Real Property**
- ☐ Partition
 - ☐ Planning/Zoning

Torts

- ☐ **Negligence**
- ☐ Negligence – Auto
 - ☐ Negligence – Medical/Dental
 - ☐ Negligence – Premises Liability (Slip/Fall)
 - ☐ Negligence – Other
- ☐ **Product Liability**
- ☐ Product Liability/Motor Vehicle
 - ☐ Other Torts/Product Liability
- ☐ **Intentional Misconduct**
- ☐ Torts/Defamation (Libel/Slander)
 - ☐ Interfere with Contract Rights
- ☐ **Employment Torts** (Wrongful termination)
- ☐ **Other Torts**
- ☐ Anti-trust
 - ☐ Fraud/Misrepresentation
 - ☐ Insurance
 - ☐ Legal Tort
 - ☐ Unfair Competition

Probate

- ☐ **Summary Administration**
- ☐ **General Administration**
- ☐ **Special Administration**
- ☐ **Set Aside Estates**
- ☐ **Trust/Conservatorships**
- ☐ Individual Trustee
 - ☐ Corporate Trustee
- ☐ **Other Probate**

Other Civil Filing Types

- ☐ **Construction Defect**
- ☐ Chapter 40
 - ☐ General
- ☒ **Breach of Contract**
- ☐ Building & Construction
 - ☐ Insurance Carrier
 - ☐ Commercial Instrument
 - ☒ Other Contracts/Acct/Judgment
 - ☐ Collection of Actions
 - ☐ Employment Contract
 - ☐ Guarantee
 - ☐ Sale Contract
 - ☐ Uniform Commercial Code
- ☐ **Civil Petition for Judicial Review**
- ☐ Other Administrative Law
 - ☐ Department of Motor Vehicles
 - ☐ Worker's Compensation Appeal
- ☐ **Appeal from Lower Court** (also check applicable civil case box)
- ☐ Transfer from Justice Court
 - ☐ Justice Court Civil Appeal
- ☐ **Civil Writ**
- ☐ Other Special Proceeding
- ☐ **Other Civil Filing**
- ☐ Compromise of Minor's Claim
 - ☐ Conversion of Property
 - ☐ Damage to Property
 - ☐ Employment Security
 - ☐ Enforcement of Judgment
 - ☐ Foreign Judgment – Civil
 - ☐ Other Personal Property
 - ☐ Recovery of Property
 - ☐ Stockholder Suit
 - ☐ Other Civil Matters

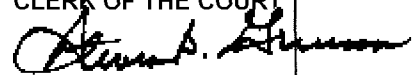
III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)

- ☐ NRS Chapters 78-88
- ☐ Investments (NRS 104 Art. 8)
- ☐ Enhanced Case Mgmt/Business
- ☐ Commodities (NRS 90)
- ☐ Deceptive Trade Practices (NRS 598)
- ☐ Other Business Court Matters
- ☐ Securities (NRS 90)
- ☐ Trademarks (NRS 600A)

Date

12/29/16

Signature of initiating party or representative



1 **ORDR**

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9 *Attorneys for Plaintiffs*

10 **DISTRICT COURT**
11 **CLARK COUNTY, NEVADA**

12 JAMES WOLFRAM and WALTER D.)	CASE NO: A-10-632338-C
13 WILKES and ANGELA L. LIMBOCKER-)	DEPARTMENT NO.: IV
14 WILKES LIVING TRUST, ANGELA L.)	
15 LIMBOCKER-WILKES, TRUSTEE,)	
16)	
17)	
18 Plaintiffs,)	
19)	
20 vs.)	
21)	
22 PARDEE HOMES OF NEVADA,)	
23)	
24 Defendant.)	
25)	

26 **AMENDED JUDGMENT**

27 On October 23, 2013, the above-referenced matter came on for bench trial before
28 the Honorable Judge Kerry Earley. The Court, having reviewed the record, testimony of
witnesses, the documentary evidence, stipulations of counsel, the papers submitted by
the respective parties, and considered the arguments of counsel at trial in this matter,
entered Findings of Fact and Conclusions of Law on June 25, 2014.

In the Findings of Fact and Conclusions of Law, the Court ordered the parties to
provide supplemental briefing within 60 days detailing what information Defendant
Pardee Homes of Nevada ("Pardee") and its successors and/or assigns should provide

1 Plaintiffs James Wolfram and Walt Wilkes ("Plaintiffs") and their successors and/or
2 assigns consistent with the Court's decision on the accounting cause of action.

3 After reviewing the parties' supplemental briefing, the Court then entered an order
4 on May 13, 2015 reflecting its decision on the supplemental briefing (the "Accounting
5 Order").

6 The Court having considered the entire record presented at trial, including
7 testimony of witnesses, the documentary evidence, stipulations of counsel, the papers
8 submitted by the respective parties, and the arguments of counsel at trial in this matter,
9 and in accordance with the Findings of Fact and Conclusions of Law incorporated by
10 reference in the June 25, 2014 Order, and supplemented by the May 13, 2015
11 Accounting Order, the Court entered its Final Judgment one (1) year later on May 16,
12 2016 (hereinafter "Judgment").

13 That Judgment, and the terms of the Court's June 25, 2014 Findings of Fact and
14 Conclusion of Law, and Order, and the Court's May 13, 2015 Accounting Order, are each
15 incorporated herein by reference as if fully stated herein.

16 The Judgment of May 16, 2016, reserved jurisdiction on the issues of attorneys'
17 fees, costs, and legal interest, in addition to any post-Judgment Motions that may be
18 filed. The Court specifically stated that the Judgment of May 16, 2016 "may be amended
19 upon entry of any further awards of interest, costs, and/or attorney's fees." *Order at p. 2,*
20 *lines 23-24.* This Amended Judgment is entered pursuant to the Court's earlier direction.

21 Following the entry of the May 16, 2016 Judgment, on May 23, 2016, Plaintiffs
22 timely filed their Memorandum of Costs and Disbursements. Defendant filed a Motion
23 to Retax on May 31, 2016. Defendant also filed a Motion to Amend Judgment on June
24

1, 2016. On June 6, 2016, Defendant filed a Motion for Attorneys' fees and Costs, and on June 8, 2016, Plaintiffs filed their Motion for Attorneys' Fees and Costs.

These matters all came on for hearing on August 15, 2016. At that time, the Court also instructed the parties to submit supplemental briefing regarding the issue of prejudgment interest. The matter was then set on the Court's Chamber's calendar for December 12, 2016. Having reviewed the matter, along with all points and authorities and exhibits submitted by counsel, including the Supplemental Briefs submitted by the parties, and for good cause appearing, the Court entered its rulings on all pending Motions through several Orders.

On January 9, 2017, the Court entered its *Order and Judgment From August 15, 2016 Hearings Regarding Defendant's Motion for Attorneys' Fees and Costs*, making the following Findings and Orders:

THE COURT HEREBY FINDS that after a thorough review of the relevant case law and facts of the case, the most substantial issues in Plaintiffs' case, from pre-litigation through Trial, this case was fundamentally filed and maintained in order to obtain information Defendant, Pardee Homes of Nevada. Defendant was required to provide the information, and to provide to the Plaintiffs an accounting so they could determine the location and extent of the development and contracts, and whether they were due any additional commissions and to ensure proper monitoring of any possible future commissions Plaintiffs may be entitled to.

THE COURT FURTHER FINDS that Plaintiffs, despite their efforts, had no other way, prior to litigation, to obtain the information they were entitled to in order to learn of the needed information and to determine whether they were due any past or future commissions.

THE COURT FURTHER FINDS that Plaintiffs were the prevailing party and were successful on the most substantial issues in the matter, obtaining information and an accounting, and that Plaintiffs were the prevailing party on each of their three (3) claims for relief, and Defendant, near the close of trial, withdrew its one (1) claim for relief as confirmed within the Court's Findings of Fact, Conclusion of Law and Decision filed June 25, 2014, and within its Judgment filed May 16, 2016. Defendant's Motion for Attorney's Fees and Costs has no legal or factual basis under the terms of

1 the Commission Agreement as filed under the Court's first Judgment, dated
2 May 16, 2016. As such, Defendant was not the prevailing party in the
instant matter; and good cause appearing,

3 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that
4 Defendant's Motion for Attorney's Fees and Costs is denied.
On the same date, January 9, 2017, the Court entered its *Order and Judgment*

5 *From August 15, 2016 Hearings Regarding Defendant's Motion to Amend Judgment,*
6
7 making the following Findings and Orders:

8 THE COURT HEREBY NOTES that it considered the decision in *Liu*
9 *v. Christopher Homes, LLC*, 130 Nev. Adv. Op. 17, 321 P.3d 875 (2014) at
10 the time it entered its Findings of Fact and Conclusions of Law, filed on June
11 25, 2014, and in fact, expressly cited to the decision at page 14, lines 23 to
25 of the Court's Findings of Fact, Conclusions of Law and Order filed on
June 25, 2014.

12 THE COURT HEREBY FINDS that the decision in *Liu* did not limit,
13 but rather broadened, the circumstances under which the Court could award
Plaintiffs attorney's fees as special damages.

14 THE COURT FURTHER FINDS that after the Court's review of *Liu*,
15 *Sandy Valley Assoc. v. Sky Ranch Estates Owners Ass'n*, 117 Nev. 948,
16 35 P.2d 964 (2001), and *Horgan v. Felton*, 123 Nev. Adv. Op. 53 (2007),
17 and that after review of the relevant facts and controlling legal authority,
there is no legal or factual basis pursuant to NRCP 52(b) and NRCP 59(e)
to grant Defendant's Motion to Amend Judgment.

18 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that
19 Defendant's Motion to Amend Judgment is denied.

20 On the same date, January 9, 2017, the Court also entered its *Order and*
21 *Judgment From August 15, 2016 Hearings Regarding Plaintiff's Motion for Attorneys'*
22 *Fees and Costs*, making the following Findings and Orders:

23 THE COURT HEREBY NOTES that it has analyzed the proposed
24 attorney's fees presented by Plaintiffs pursuant to the controlling case of
25 *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 455 P.2d 31 (1969) and
26 NRCP 1.5, conducted an extensive review of all documentation supporting
27 Plaintiffs' requested attorney's fees and also, Defendant's Opposition
thereto;

1 THE COURT HEREBY FINDS that Plaintiffs' Offer of Judgment,
2 remitted to Defendant on or about April 29, 2013, contained a conditional
3 provision and as such, does not provide Plaintiffs with a basis to recover
4 attorney's fees.

5 THE COURT FURTHER FINDS that Plaintiffs are the prevailing party
6 in the instant litigation pursuant to the Court's Findings of Fact and
7 Conclusions of Law, filed June 25, 2014, the Findings of Fact and
8 Conclusions of Law and Supplemental Briefing Regarding Future
9 Accounting, filed May 13, 2015 and the final Judgment entered on May 16,
10 2016.

11 THE COURT FURTHER FINDS that, the Commission Agreement,
12 executed by the parties on or about September 1, 2004, specifically
13 provides that, in the event either party brings an action to enforce its right
14 under that agreement, the prevailing party shall be awarded reasonable
15 attorney's fees and costs.

16 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that
17 Plaintiffs' Motion for Attorney's Fees and Costs is granted. Based upon the
18 pleadings before the Court, and upon the Affidavit of James J. Jimmerson,
19 Esq. and the evidentiary documentation provided by both parties before the
20 Court, Plaintiffs' request for \$428,462.75 is reasonable, necessarily
21 incurred, and is separate from, and in addition to, Plaintiffs' attorney's fees
22 damages in the amount of \$135,500.00 as part of the \$141,500.00 in
23 damages awarded in favor of Plaintiffs and against Defendant within its final
24 Judgment, filed May 16, 2016. As such, Plaintiffs shall take Judgment in
25 favor of Plaintiffs and against Defendant, Pardee Homes of Nevada, in the
26 sum of \$428,462.75, plus legal interest until paid in full, collectible by any
27 and all lawful means.

28 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that with
respect to the commencement date for prejudgment interest, the parties
shall brief the issue for the Court. Plaintiffs' brief shall be filed on or before
September 12, 2016, with Defendant's Opposition to be filed on or before
October 17, 2016. Plaintiffs' Reply brief shall be filed on or before October
31, 2016. The Court shall conduct a hearing on the issue of prejudgment
interest on December 12, 2016 at 3:00 a.m., in chambers.

On January 12, 2017, the Court entered its *Order on Defendant's Motion to Retax
Plaintiffs' Memorandum of Costs, filed May 23, 2016*, making the following Findings and
Orders:

THE COURT HEREBY NOTES that it is very familiar with the instant
litigation in consideration of the bench trial and numerous motions
previously before the Court.

1 THE COURT HEREBY FINDS that pursuant to NRS 18.020 and
2 NRS 18.110 and the Judgment entered on May 16, 2016, Plaintiffs are
entitled to costs.

3 THE COURT FURTHER FINDS that the costs detailed in Plaintiffs'
4 Memorandum of Costs, filed May 23, 2016, specifically as and for
5 professional services and expert fees for John Muije, Esq., in the cumulative
6 amount of \$13,265.71, are not recoverable by the Plaintiffs under NRS
18.005.

7 THE COURT FURTHER FINDS that all other costs detailed in
8 Plaintiffs' Memorandum of Costs, filed May 23, 2016, are recoverable under
9 NRS 18.005. That based upon the Court's familiarity with the instant matter,
10 these remaining costs were reasonable, necessary and actually incurred
11 and meet the standards as outlined in Cadle Co. v. Woods & Erickson, LLP,
12 131 Nev. Adv. Op. 15 (2015). That Exhibit 4 of Plaintiffs' Opposition to
Pardee's Motion to Retax Plaintiffs' Memorandum of Costs Filed May 23,
2016 clearly evidences that Plaintiffs have met their burden of proof and
further met the level of detail required as it relates to the Cadle standard,
and good cause appearing:

13 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that
14 Pardee's Motion to Retax Plaintiffs' Memorandum of Costs is granted in part
and denied in part.

15 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
16 specific costs associated with John Muiji, Esq.'s expert services on behalf
17 of Plaintiffs, totaling \$13,264.55, which is composed of a \$12,651.81
18 professional legal services fee and a \$613.22 expert witness fee, are
disallowed within Plaintiffs' Memorandum of Costs, filed May 23, 2016.

19 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
20 Court awards Plaintiffs all remaining costs enumerated in its Memorandum
21 of Costs, filed May 23, 2016, in the amount of \$56,129.56, and Judgment is
22 entered in the amount of \$56,129.56. Legal interest shall run on the sum
23 of \$56,129.56 from August 15, 2016, until paid in full. Said Judgment is
collectible by any and all lawful means.

24 On the same date, January 12, 2017, the Court entered its *Order on Plaintiffs'*
25 *Countermotion for Attorneys' Fees and Costs pursuant to NRS 18.010 and EDCR 7.60,*
making the following Findings and Orders:

26 THE COURT HEREBY FINDS that Pardee did not file its Motion to
27 Amend the Court's Judgment in bad faith.

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that
2 Plaintiffs' Countermotion is DENIED.

3 Finally, the Court entered a decision regarding the issue of prejudgment interest
4 in the form of that *Supplemental Order Regarding Plaintiffs' Entitlement To, And*
5 *Calculation Of, Prejudgment Interest* ("Supplemental Order"), filed July 12, 2017, which
6 made the following Findings and Orders;

7 THE COURT HEREBY FINDS that the prejudgment interest on the
8 \$6,000.00 dollars award to the Plaintiffs its consequential damages of
9 Defendant's breach of the Commission Agreement pursuant to NRS 17.130
10 is \$1,795.10, through May 16, 2016. Post-judgment legal interest on the
11 Judgment for the claim of damages from May 16, 2016 through February
12 28, 2017 totals \$262.81. Therefore, as of February 28, 2017, the amount
owed by Defendant to Plaintiffs for this element of Plaintiffs' damages,
including legal interest through February 28, 2017, is \$8,057.91 [\$6000 +
\$1,795.10+\$262.81].

13 THE COURT FURTHER FINDS that prejudgment interest is
14 appropriate on the \$135,500.00 awarded to the Plaintiffs as special
15 damages in the form of attorney fees and costs accrued from June 25, 2014
16 through May 16, 2016, the date of entry of the Court's Judgment. The
17 computations for accrued interest in light of the modifications to the Nevada
18 prime interest rate in December 2015 are explicitly detailed in Plaintiffs'
19 opening brief and are incorporated into this Order by reference as if fully
20 stated herein. Specifically, the computations are as follows: the simple
21 interest to be utilized in calculating the amount of interest that has
22 accumulated on Plaintiffs' judgment in the amount of \$135,500.00 shall be
23 5.25% (3.25% + 2%) for the period of June 25, 2014 through December 30,
24 2015 (date prior to day interest rate was modified and increased in Nevada).
25 The interest that accrued on Plaintiffs' judgment in the amount of
26 \$135,500.00 from June 25, 2014 through December 30, 2015 was
27 \$10,777.82. The interest that accrued on Plaintiffs' judgment in the amount
28 of \$135,500.00 from December 31, 2015 through May 16, 2016, at the rate
of 5.50% (3.50% + 2%), equates to \$2,797.24, for a total of \$13,575.06 in
prejudgment interest through May 16, 2016. Therefore, the total judgment
on the \$135,500.00 awarded to Plaintiffs, to include prejudgment interest,
amounts to \$149,075.06, through May 16, 2016. Post-judgment legal
interest on the Judgment for the special damages from May 16, 2016
through February 28, 2017 totals \$5,935.09. Therefore, as of February 28,
2017, the amount owed by Defendant to Plaintiffs for this element of
Plaintiffs' damages, including legal interest through February 28, 2017, is
\$155,010.15 [\$135,500 + \$13,575.06+\$5,935.09]. The total Judgment for
the two elements of Plaintiffs' judgment, including pre-judgment interest

1 through May 16, 2016 and including post-judgment interest from May 16,
2 2016 through February 8, 2017, totals \$163,068.06
[$\$8,057.91 + \$155,010.15$].

3 THE COURT FURTHER FINDS that Plaintiffs' prejudgment interest, as
4 discussed above, shall be added to the Court's prior judgment and reduced
to an Amended Judgment entered by the Court.

5 THE COURT FURTHER FINDS that post-judgment interest on the Court's
6 award of \$428,262.75 in attorney's fees and \$56,129.56 in costs shall be
7 calculated from the date of entry of those orders, January 9, 2017 and
January 12, 2017, respectively.

8 THE COURT FURTHER FINDS that Plaintiffs shall prepare this
9 Supplement to the Order and Judgment from the August 15, 2016 hearings
10 regarding Plaintiffs' Motion for Attorney and Costs, filed January 9, 2017, to
be approved as to form and content by counsel for Defendant.

11 For good cause appearing,

12 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that
13 Plaintiffs' calculation of pre-judgment interest on Plaintiffs' Judgment filed
14 May 16, 2016 is hereby ratified, confirmed and adopted by the Court.
15 Through May 16, 2016, Plaintiffs are entitled to a Judgment (including
16 \$15,370.13 in applicable pre-judgment legal interest on Plaintiffs' damages
17 of \$141,500, through May 16, 2016), totaling \$156,870.13. Inclusive of post-
18 judgment legal interest on these two elements of Plaintiffs' damages raises
19 Plaintiffs' Judgment to \$163,068.06, through February 28, 2017. Post-
judgment interest from March 1, 2017 through the date of payment or
collection shall continue to accrue on said \$163,068.06 Judgment,
calculated at the legal interest rate, currently 5.75% per annum, until paid
in full.

20 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that
21 Plaintiffs' Motion for Attorney's Fees and Costs, filed June 8, 2016, was
22 granted, in the total sum of \$428,262.75 in attorney's fees and \$56,129.56
23 in costs by the Court's Orders of January 9, 2017 and January 12, 2017,
24 respectively. Post-judgment interest shall be calculated on these sums from
these respective dates of entry of the judgments, January 9, 2017 for
attorneys' fees, and January 12, 2017 for costs, at the legal interest rate,
currently 5.75% per annum, until paid in full.

25 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all
26 the Findings of Fact and Conclusions of Law detailed in the Court's May 16,
27 2016 Judgment are hereby incorporated herein by reference as if fully set
28 forth herein.

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
2 Court will entertain a Motion from Defendant if it seeks to a stay of execution
of Plaintiffs' Judgment in accordance with NRCP 62(d).

3 The Court further Finds that pursuant to the Court's, *Supplemental Order*, filed
4 July 12, 2017, prejudgment interest shall be added to the Court's prior Judgment and
5 reduced to an Amended Judgment entered by the Court as set forth within the
6 Supplemental Order and consistent with the calculations therein.

7 All of the Findings and Orders set forth hereinabove are hereby incorporated by
8 reference into this Amended Judgment as if set forth herein in full.

9 Consistent with the Court's Judgment of May 16, 2016, and the Orders that came
10 thereafter, this Court enters this Amended Judgment to make final rulings regarding
11 Plaintiffs' request for attorneys' fees and costs, including prejudgment interest, and
12 denying relief requested by Defendant.

13 NOW, THEREFORE, consistent with these Findings and good cause appearing:

14 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that JUDGMENT IS
15 AFFIRMED and ENTERED in favor of Plaintiffs and against Defendant, Pardee Homes
16 of Nevada, on Plaintiffs' causes of action for breach of contract and breach of implied
17 covenant of good faith and fair dealing. Plaintiffs are entitled to damages from Pardee
18 in an amount totaling \$141,500.00, of which \$6000,00 are consequential damages from
19 Pardee's breach of the Commission Agreement and the remaining \$135,500.00 are
20 special damages in the form of attorney's fees and costs.

21 IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT JUDGMENT IS
22 AFFIRMED and ENTERED in favor of Plaintiffs and against Pardee on Plaintiffs' cause
23 of action for an accounting. Pardee shall provide Plaintiffs with future accountings

1 related to the Commission Agreement consistent with the Accounting Order entered by
2 the Court on May 13, 2015.

3 On the above monetary damages awarded to Plaintiffs against Defendant,
4 Plaintiffs are entitled to prejudgment interest totaling \$15,370.13 from June 25, 2014
5 through May 16, 2016, resulting in Judgment totaling \$156,870.13, as of May 16, 2016.
6 Interest from May 16, 2016 through February 28, 2017 totals \$6,197.93. As such,
7 JUDGMENT is hereby entered in favor of Plaintiffs and against Defendant on Plaintiffs'
8 special damages in the form of attorneys' fees and costs accrued, and the \$6,000 in
9 consequential damages for the time and effort of the Plaintiffs, totaling \$163,068.06,
10 through February 28, 2017, which is hereby reduced to final Judgment and collectible by
11 any lawful means. Post-judgment interest from March 1, 2017 through the date of
12 payment or collection in full shall continue to accrue on said \$163,068.06 Judgment,
13 calculated at the legal interest rate, which was 5.75% per annum from January 1, 2017
14 through June 30, 2017, and which is currently 6.25% per annum, until paid in full.

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that in addition to
18 Plaintiffs' damages, namely \$163,068.06, plus legal interest from March 1, 2017,
19 Plaintiffs were awarded \$428,260.75 in attorneys' fees, and \$56,129.50 in costs, by
20 Orders of January 9, 2017 and January 12, 2017, respectively, reduced to judgment and
21 collectible by any lawful means. Post-judgment interest on the \$428,260.75 attorneys'
22 fees judgment from January 9, 2017 through February 28, 2017 totals \$3,440.97, and
23 post-judgment interest on the \$56,870.13 costs judgment from January 12, 2017 through
24 February 28, 2017 totals \$424.32. As such, FURTHER JUDGMENT is hereby entered
25 in favor of Plaintiffs and against Defendant on for attorneys' fees and for costs, totaling
26 \$488,255.54, including interest through February 28, 2017, which is hereby reduced to
27
28

1 final Judgment and collectible by any lawful means. Post-judgment interest from March
2 1, 2017 through the date of payment or collection shall continue to accrue on said
3 \$488,255.54 Judgment, calculated at the legal interest rate, which was 5.75% per annum
4 from January 1, 2017 through June 30, 2017, and which is currently 6.25% per annum,
5 until paid in full.

6
7 THEREFORE, IT IS FURTHER ORDERED, ADJUDGED AND DECREED that
8 the total judgment for Plaintiff and against Defendant, Pardee Homes of Nevada, as of
9 February 28, 2017, totals \$651,323.60 (\$163,068.06 + \$488,255.54), plus legal interest
10 from MARCH 1, 2017 until paid in full, and collectible by any and all legal means.

11 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any and all
12 Findings of Fact, Conclusions of Law and Orders detailed in the Court's June 25, 2014,
13 as supplemented by the Court's Accounting Order filed May 13, 2015, and as further
14 supplemented by the Court's Judgment of May 16, 2016 and the Orders that followed,
15 are hereby incorporated by reference into this Amended Judgment as if fully set forth
16 herein.
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JIMMERSON LAW FIRM, P.C.
415 South Sixth Street, Suite 100, Las Vegas, Nevada 89101
Telephone (702) 388-7171 - Facsimile (702) 387-1167

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the sums
2 awarded to Plaintiffs in this Amended Judgment shall be collectible by any lawful means.

3 DATED this 11 day of October, 2017

4 
5 DISTRICT COURT JUDGE *ACB*

6 Respectfully submitted by:


APPROVED AS TO FORM AND CONTENT:


7 Dated this 9th day of October, 2017.

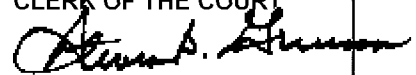
8 Dated this 6 day of OCTOBER, 2017.

9 THE JIMMERSON LAW FIRM, P.C.

McDONALD CARANO, LLP

10
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16 Attorneys for Plaintiffs

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23 Las Vegas, Nevada 89102
24 Attorneys for Defendant



1 **NOEJ**

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10 *Attorneys for Plaintiffs*

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**DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA**

JAMES WOLFRAM and ANGELA L.
LIMBOCKER-WILKES as trustee of the
WALTER D. WILKES AND ANGELA L.
LIMBOCKER-WILKES LIVING TRUST,

Plaintiffs,

vs.

PARDEE HOMES OF NEVADA,

Defendant.

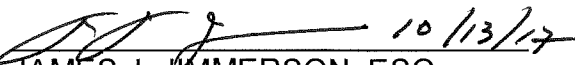
CASE NO. A-10-632338-C
DEPT. NO. IV

**NOTICE OF ENTRY OF AMENDED
JUDGMENT**

PLEASE TAKE NOTICE that an Amended Judgment was entered in the above-captioned matter on October 12, 2017. A true and correct file-stamped copy of said Amended Judgment is attached hereto.

DATED this 13th day of October, 2017.

THE JIMMERSON LAW FIRM, P.C.

 10/13/17
JAMES J. JIMMERSON, ESQ.
Nevada Bar No.: 000264
415 South Sixth Street, Suite 100
Las Vegas, Nevada 89101
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

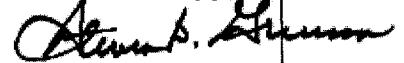
Pursuant to NRCP 5(b), I certify that I am an employee of THE JIMMERSON LAW FIRM, P.C., and that on this 2nd day of October, 2017, I caused a document entitled Notice of Entry of Amended Judgment to be served as follows:

- ☒ [x] pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court," by mandatory electronic service through the Eighth Judicial District Court's electronic filing system upon each party in this case who is registered as an electronic case filing user with the Clerk;
- ☒ [X] by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- ☐ [] pursuant to EDCR 7.26, to be sent via **facsimile**, by duly executed consent for service by electronic means;
- ☐ [] by hand-delivery with signed Receipt of Copy.

To the parties listed below at the address, email address, and/or facsimile number indicated below:

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Rory T. Kay, Esq.
MCDONALD CARANO WILSON, LLP
2300 W. Sahara Ave., Suite 1000
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An Employee of The Jimmerson Law Firm, P.C.



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DISTRICT COURT
CLARK COUNTY, NEVADA

JAMES WOLFRAM and WALTER D.)
WILKES and ANGELA L. LIMBOCKER-)
WILKES LIVING TRUST, ANGELA L.)
LIMBOCKER-WILKES, TRUSTEE,)

CASE NO: A-10-632338-C
DEPARTMENT NO.: IV

Plaintiffs,

vs.

PARDEE HOMES OF NEVADA,

Defendant.

AMENDED JUDGMENT

On October 23, 2013, the above-referenced matter came on for bench trial before the Honorable Judge Kerry Earley. The Court, having reviewed the record, testimony of witnesses, the documentary evidence, stipulations of counsel, the papers submitted by the respective parties, and considered the arguments of counsel at trial in this matter, entered Findings of Fact and Conclusions of Law on June 25, 2014.

In the Findings of Fact and Conclusions of Law, the Court ordered the parties to provide supplemental briefing within 60 days detailing what information Defendant Pardee Homes of Nevada ("Pardee") and its successors and/or assigns should provide

1 Plaintiffs James Wolfram and Walt Wilkes ("Plaintiffs") and their successors and/or
2 assigns consistent with the Court's decision on the accounting cause of action.

3 After reviewing the parties' supplemental briefing, the Court then entered an order
4 on May 13, 2015 reflecting its decision on the supplemental briefing (the "Accounting
5 Order").

6 The Court having considered the entire record presented at trial, including
7 testimony of witnesses, the documentary evidence, stipulations of counsel, the papers
8 submitted by the respective parties, and the arguments of counsel at trial in this matter,
9 and in accordance with the Findings of Fact and Conclusions of Law incorporated by
10 reference in the June 25, 2014 Order, and supplemented by the May 13, 2015
11 Accounting Order, the Court entered its Final Judgment one (1) year later on May 16,
12 2016 (hereinafter "Judgment").

13 That Judgment, and the terms of the Court's June 25, 2014 Findings of Fact and
14 Conclusion of Law, and Order, and the Court's May 13, 2015 Accounting Order, are each
15 incorporated herein by reference as if fully stated herein.

16 The Judgment of May 16, 2016, reserved jurisdiction on the issues of attorneys'
17 fees, costs, and legal interest, in addition to any post-Judgment Motions that may be
18 filed. The Court specifically stated that the Judgment of May 16, 2016 "may be amended
19 upon entry of any further awards of interest, costs, and/or attorney's fees." *Order at p. 2,*
20 *lines 23-24.* This Amended Judgment is entered pursuant to the Court's earlier direction.

21 Following the entry of the May 16, 2016 Judgment, on May 23, 2016, Plaintiffs
22 timely filed their Memorandum of Costs and Disbursements. Defendant filed a Motion
23 to Retax on May 31, 2016. Defendant also filed a Motion to Amend Judgment on June
24

1, 2016. On June 6, 2016, Defendant filed a Motion for Attorneys' fees and Costs, and on June 8, 2016, Plaintiffs filed their Motion for Attorneys' Fees and Costs.

These matters all came on for hearing on August 15, 2016. At that time, the Court also instructed the parties to submit supplemental briefing regarding the issue of prejudgment interest. The matter was then set on the Court's Chamber's calendar for December 12, 2016. Having reviewed the matter, along with all points and authorities and exhibits submitted by counsel, including the Supplemental Briefs submitted by the parties, and for good cause appearing, the Court entered its rulings on all pending Motions through several Orders.

On January 9, 2017, the Court entered its *Order and Judgment From August 15, 2016 Hearings Regarding Defendant's Motion for Attorneys' Fees and Costs*, making the following Findings and Orders:

THE COURT HEREBY FINDS that after a thorough review of the relevant case law and facts of the case, the most substantial issues in Plaintiffs' case, from pre-litigation through Trial, this case was fundamentally filed and maintained in order to obtain information Defendant, Pardee Homes of Nevada. Defendant was required to provide the information, and to provide to the Plaintiffs an accounting so they could determine the location and extent of the development and contracts, and whether they were due any additional commissions and to ensure proper monitoring of any possible future commissions Plaintiffs may be entitled to.

THE COURT FURTHER FINDS that Plaintiffs, despite their efforts, had no other way, prior to litigation, to obtain the information they were entitled to in order to learn of the needed information and to determine whether they were due any past or future commissions.

THE COURT FURTHER FINDS that Plaintiffs were the prevailing party and were successful on the most substantial issues in the matter, obtaining information and an accounting, and that Plaintiffs were the prevailing party on each of their three (3) claims for relief, and Defendant, near the close of trial, withdrew its one (1) claim for relief as confirmed within the Court's Findings of Fact, Conclusion of Law and Decision filed June 25, 2014, and within its Judgment filed May 16, 2016. Defendant's Motion for Attorney's Fees and Costs has no legal or factual basis under the terms of

1 the Commission Agreement as filed under the Court's first Judgment, dated
2 May 16, 2016. As such, Defendant was not the prevailing party in the
instant matter; and good cause appearing,

3 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that
4 Defendant's Motion for Attorney's Fees and Costs is denied.

5 On the same date, January 9, 2017, the Court entered its *Order and Judgment*
6 *From August 15, 2016 Hearings Regarding Defendant's Motion to Amend Judgment*,
7 making the following Findings and Orders:

8 THE COURT HEREBY NOTES that it considered the decision in *Liu*
9 *v. Christopher Homes, LLC*, 130 Nev. Adv. Op. 17, 321 P.3d 875 (2014) at
10 the time it entered its Findings of Fact and Conclusions of Law, filed on June
11 25, 2014, and in fact, expressly cited to the decision at page 14, lines 23 to
25 of the Court's Findings of Fact, Conclusions of Law and Order filed on
June 25, 2014.

12 THE COURT HEREBY FINDS that the decision in *Liu* did not limit,
13 but rather broadened, the circumstances under which the Court could award
Plaintiffs attorney's fees as special damages.

14 THE COURT FURTHER FINDS that after the Court's review of *Liu*,
15 *Sandy Valley Assoc. v. Sky Ranch Estates Owners Ass'n*, 117 Nev. 948,
16 35 P.2d 964 (2001), and *Horgan v. Felton*, 123 Nev. Adv. Op. 53 (2007),
17 and that after review of the relevant facts and controlling legal authority,
there is no legal or factual basis pursuant to NRCP 52(b) and NRCP 59(e)
to grant Defendant's Motion to Amend Judgment.

18 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that
19 Defendant's Motion to Amend Judgment is denied.

20 On the same date, January 9, 2017, the Court also entered its *Order and*
21 *Judgment From August 15, 2016 Hearings Regarding Plaintiff's Motion for Attorneys'*
22 *Fees and Costs*, making the following Findings and Orders:

23 THE COURT HEREBY NOTES that it has analyzed the proposed
24 attorney's fees presented by Plaintiffs pursuant to the controlling case of
25 *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 455 P.2d 31 (1969) and
26 NRCP 1.5, conducted an extensive review of all documentation supporting
27 Plaintiffs' requested attorney's fees and also, Defendant's Opposition
28 thereto;

1 THE COURT HEREBY FINDS that Plaintiffs' Offer of Judgment,
2 remitted to Defendant on or about April 29, 2013, contained a conditional
3 provision and as such, does not provide Plaintiffs with a basis to recover
4 attorney's fees.

5 THE COURT FURTHER FINDS that Plaintiffs are the prevailing party
6 in the instant litigation pursuant to the Court's Findings of Fact and
7 Conclusions of Law, filed June 25, 2014, the Findings of Fact and
8 Conclusions of Law and Supplemental Briefing Regarding Future
9 Accounting, filed May 13, 2015 and the final Judgment entered on May 16,
10 2016.

11 THE COURT FURTHER FINDS that, the Commission Agreement,
12 executed by the parties on or about September 1, 2004, specifically
13 provides that, in the event either party brings an action to enforce its right
14 under that agreement, the prevailing party shall be awarded reasonable
15 attorney's fees and costs.

16 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that
17 Plaintiffs' Motion for Attorney's Fees and Costs is granted. Based upon the
18 pleadings before the Court, and upon the Affidavit of James J. Jimmerson,
19 Esq. and the evidentiary documentation provided by both parties before the
20 Court, Plaintiffs' request for \$428,462.75 is reasonable, necessarily
21 incurred, and is separate from, and in addition to, Plaintiffs' attorney's fees
22 damages in the amount of \$135,500.00 as part of the \$141,500.00 in
23 damages awarded in favor of Plaintiffs and against Defendant within its final
24 Judgment, filed May 16, 2016. As such, Plaintiffs shall take Judgment in
25 favor of Plaintiffs and against Defendant, Pardee Homes of Nevada, in the
26 sum of \$428,462.75, plus legal interest until paid in full, collectible by any
27 and all lawful means.

28 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that with
respect to the commencement date for prejudgment interest, the parties
shall brief the issue for the Court. Plaintiffs' brief shall be filed on or before
September 12, 2016, with Defendant's Opposition to be filed on or before
October 17, 2016. Plaintiffs' Reply brief shall be filed on or before October
31, 2016. The Court shall conduct a hearing on the issue of prejudgment
interest on December 12, 2016 at 3:00 a.m., in chambers.

On January 12, 2017, the Court entered its *Order on Defendant's Motion to Retax
Plaintiffs' Memorandum of Costs, filed May 23, 2016*, making the following Findings and
Orders:

THE COURT HEREBY NOTES that it is very familiar with the instant
litigation in consideration of the bench trial and numerous motions
previously before the Court.

1 THE COURT HEREBY FINDS that pursuant to NRS 18.020 and
2 NRS 18.110 and the Judgment entered on May 16, 2016, Plaintiffs are
entitled to costs.

3 THE COURT FURTHER FINDS that the costs detailed in Plaintiffs'
4 Memorandum of Costs, filed May 23, 2016, specifically as and for
5 professional services and expert fees for John Muije, Esq., in the cumulative
6 amount of \$13,265.71, are not recoverable by the Plaintiffs under NRS
18.005.

7 THE COURT FURTHER FINDS that all other costs detailed in
8 Plaintiffs' Memorandum of Costs, filed May 23, 2016, are recoverable under
9 NRS 18.005. That based upon the Court's familiarity with the instant matter,
10 these remaining costs were reasonable, necessary and actually incurred
11 and meet the standards as outlined in Cadle Co. v. Woods & Erickson, LLP,
12 131 Nev. Adv. Op. 15 (2015). That Exhibit 4 of Plaintiffs' Opposition to
Pardee's Motion to Retax Plaintiffs' Memorandum of Costs Filed May 23,
2016 clearly evidences that Plaintiffs have met their burden of proof and
further met the level of detail required as it relates to the Cadle standard,
and good cause appearing:

13 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that
14 Pardee's Motion to Retax Plaintiffs' Memorandum of Costs is granted in part
and denied in part.

15 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
16 specific costs associated with John Muiji, Esq.'s expert services on behalf
17 of Plaintiffs, totaling \$13,264.55, which is composed of a \$12,651.81
18 professional legal services fee and a \$613.22 expert witness fee, are
disallowed within Plaintiffs' Memorandum of Costs, filed May 23, 2016.

19 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
20 Court awards Plaintiffs all remaining costs enumerated in its Memorandum
21 of Costs, filed May 23, 2016, in the amount of \$56,129.56, and Judgment is
22 entered in the amount of \$56,129.56. Legal interest shall run on the sum
of \$56,129.56 from August 15, 2016, until paid in full. Said Judgment is
collectible by any and all lawful means.

23 On the same date, January 12, 2017, the Court entered its *Order on Plaintiffs'*
24 *Countermotion for Attorneys' Fees and Costs pursuant to NRS 18.010 and EDCR 7.60,*
25 making the following Findings and Orders:

26 THE COURT HEREBY FINDS that Pardee did not file its Motion to
27 Amend the Court's Judgment in bad faith.

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that
2 Plaintiffs' Countermotion is DENIED.

3 Finally, the Court entered a decision regarding the issue of prejudgment interest
4 in the form of that *Supplemental Order Regarding Plaintiffs' Entitlement To, And*
5 *Calculation Of, Prejudgment Interest* ("Supplemental Order"), filed July 12, 2017, which
6 made the following Findings and Orders;

7 THE COURT HEREBY FINDS that the prejudgment interest on the
8 \$6,000.00 dollars award to the Plaintiffs its consequential damages of
9 Defendant's breach of the Commission Agreement pursuant to NRS 17.130
10 is \$1,795.10, through May 16, 2016. Post-judgment legal interest on the
11 Judgment for the claim of damages from May 16, 2016 through February
12 28, 2017 totals \$262.81. Therefore, as of February 28, 2017, the amount
owed by Defendant to Plaintiffs for this element of Plaintiffs' damages,
including legal interest through February 28, 2017, is \$8,057.91 [\$6000 +
\$1,795.10+\$262.81].

13 THE COURT FURTHER FINDS that prejudgment interest is
14 appropriate on the \$135,500.00 awarded to the Plaintiffs as special
15 damages in the form of attorney fees and costs accrued from June 25, 2014
16 through May 16, 2016, the date of entry of the Court's Judgment. The
17 computations for accrued interest in light of the modifications to the Nevada
18 prime interest rate in December 2015 are explicitly detailed in Plaintiffs'
19 opening brief and are incorporated into this Order by reference as if fully
20 stated herein. Specifically, the computations are as follows: the simple
21 interest to be utilized in calculating the amount of interest that has
22 accumulated on Plaintiffs' judgment in the amount of \$135,500.00 shall be
23 5.25% (3.25% + 2%) for the period of June 25, 2014 through December 30,
24 2015 (date prior to day interest rate was modified and increased in Nevada).
25 The interest that accrued on Plaintiffs' judgment in the amount of
26 \$135,500.00 from June 25, 2014 through December 30, 2015 was
27 \$10,777.82. The interest that accrued on Plaintiffs' judgment in the amount
28 of \$135,500.00 from December 31, 2015 through May 16, 2016, at the rate
of 5.50% (3.50% + 2%), equates to \$2,797.24, for a total of \$13,575.06 in
prejudgment interest through May 16, 2016. Therefore, the total judgment
on the \$135,500.00 awarded to Plaintiffs, to include prejudgment interest,
amounts to \$149,075.06, through May 16, 2016. Post-judgment legal
interest on the Judgment for the special damages from May 16, 2016
through February 28, 2017 totals \$5,935.09. Therefore, as of February 28,
2017, the amount owed by Defendant to Plaintiffs for this element of
Plaintiffs' damages, including legal interest through February 28, 2017, is
\$155,010.15 [\$135,500 + \$13,575.06+\$5,935.09]. The total Judgment for
the two elements of Plaintiffs' judgment, including pre-judgment interest

1 through May 16, 2016 and including post-judgment interest from May 16,
2 2016 through February 8, 2017, totals \$163,068.06
3 [\$8,057.91+\$155,010.15].

4 THE COURT FURTHER FINDS that Plaintiffs' prejudgment interest, as
5 discussed above, shall be added to the Court's prior judgment and reduced
6 to an Amended Judgment entered by the Court.

7 THE COURT FURTHER FINDS that post-judgment interest on the Court's
8 award of \$428,262.75 in attorney's fees and \$56,129.56 in costs shall be
9 calculated from the date of entry of those orders, January 9, 2017 and
10 January 12, 2017, respectively.

11 THE COURT FURTHER FINDS that Plaintiffs shall prepare this
12 Supplement to the Order and Judgment from the August 15, 2016 hearings
13 regarding Plaintiffs' Motion for Attorney and Costs, filed January 9, 2017, to
14 be approved as to form and content by counsel for Defendant.

15 For good cause appearing,

16 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that
17 Plaintiffs' calculation of pre-judgment interest on Plaintiffs' Judgment filed
18 May 16, 2016 is hereby ratified, confirmed and adopted by the Court.
19 Through May 16, 2016, Plaintiffs are entitled to a Judgment (including
20 \$15,370.13 in applicable pre-judgment legal interest on Plaintiffs' damages
21 of \$141,500, through May 16, 2016), totaling \$156,870.13. Inclusive of post-
22 judgment legal interest on these two elements of Plaintiffs' damages raises
23 Plaintiffs' Judgment to \$163,068.06, through February 28, 2017. Post-
24 judgment interest from March 1, 2017 through the date of payment or
collection shall continue to accrue on said \$163,068.06 Judgment,
calculated at the legal interest rate, currently 5.75% per annum, until paid
in full.

25 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that
26 Plaintiffs' Motion for Attorney's Fees and Costs, filed June 8, 2016, was
27 granted, in the total sum of \$428,262.75 in attorney's fees and \$56,129.56
28 in costs by the Court's Orders of January 9, 2017 and January 12, 2017,
respectively. Post-judgment interest shall be calculated on these sums from
these respective dates of entry of the judgments, January 9, 2017 for
attorneys' fees, and January 12, 2017 for costs, at the legal interest rate,
currently 5.75% per annum, until paid in full.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all
the Findings of Fact and Conclusions of Law detailed in the Court's May 16,
2016 Judgment are hereby incorporated herein by reference as if fully set
forth herein.

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
2 Court will entertain a Motion from Defendant if it seeks to a stay of execution
of Plaintiffs' Judgment in accordance with NRCP 62(d).

3 The Court further Finds that pursuant to the Court's, *Supplemental Order*, filed
4 July 12, 2017, prejudgment interest shall be added to the Court's prior Judgment and
5 reduced to an Amended Judgment entered by the Court as set forth within the
6 Supplemental Order and consistent with the calculations therein.

7
8 All of the Findings and Orders set forth hereinabove are hereby incorporated by
9 reference into this Amended Judgment as if set forth herein in full.

10 Consistent with the Court's Judgment of May 16, 2016, and the Orders that came
11 thereafter, this Court enters this Amended Judgment to make final rulings regarding
12 Plaintiffs' request for attorneys' fees and costs, including prejudgment interest, and
13 denying relief requested by Defendant.

14
15 NOW, THEREFORE, consistent with these Findings and good cause appearing:

16 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that JUDGMENT IS
17 AFFIRMED and ENTERED in favor of Plaintiffs and against Defendant, Pardee Homes
18 of Nevada, on Plaintiffs' causes of action for breach of contract and breach of implied
19 covenant of good faith and fair dealing. Plaintiffs are entitled to damages from Pardee
20 in an amount totaling \$141,500.00, of which \$6000.00 are consequential damages from
21 Pardee's breach of the Commission Agreement and the remaining \$135,500.00 are
22 special damages in the form of attorney's fees and costs.

23
24 IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT JUDGMENT IS
25 AFFIRMED and ENTERED in favor of Plaintiffs and against Pardee on Plaintiffs' cause
26 of action for an accounting. Pardee shall provide Plaintiffs with future accountings
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28

1 related to the Commission Agreement consistent with the Accounting Order entered by
2 the Court on May 13, 2015.

3 On the above monetary damages awarded to Plaintiffs against Defendant,
4 Plaintiffs are entitled to prejudgment interest totaling \$15,370.13 from June 25, 2014
5 through May 16, 2016, resulting in Judgment totaling \$156,870.13, as of May 16, 2016.
6 Interest from May 16, 2016 through February 28, 2017 totals \$6,197.93. As such,
7 JUDGMENT is hereby entered in favor of Plaintiffs and against Defendant on Plaintiffs'
8 special damages in the form of attorneys' fees and costs accrued, and the \$6,000 in
9 consequential damages for the time and effort of the Plaintiffs, totaling \$163,068.06,
10 through February 28, 2017, which is hereby reduced to final Judgment and collectible by
11 any lawful means. Post-judgment interest from March 1, 2017 through the date of
12 payment or collection in full shall continue to accrue on said \$163,068.06 Judgment,
13 calculated at the legal interest rate, which was 5.75% per annum from January 1, 2017
14 through June 30, 2017, and which is currently 6.25% per annum, until paid in full.

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that in addition to
18 Plaintiffs' damages, namely \$163,068.06, plus legal interest from March 1, 2017,
19 Plaintiffs were awarded \$428,260.75 in attorneys' fees, and \$56,129.50 in costs, by
20 Orders of January 9, 2017 and January 12, 2017, respectively, reduced to judgment and
21 collectible by any lawful means. Post-judgment interest on the \$428,260.75 attorneys'
22 fees judgment from January 9, 2017 through February 28, 2017 totals \$3,440.97, and
23 post-judgment interest on the \$56,870.13 costs judgment from January 12, 2017 through
24 February 28, 2017 totals \$424.32. As such, FURTHER JUDGMENT is hereby entered
25 in favor of Plaintiffs and against Defendant on for attorneys' fees and for costs, totaling
26 \$488,255.54, including interest through February 28, 2017, which is hereby reduced to
27
28

1 final Judgment and collectible by any lawful means. Post-judgment interest from March
2 1, 2017 through the date of payment or collection shall continue to accrue on said
3 \$488,255.54 Judgment, calculated at the legal interest rate, which was 5.75% per annum
4 from January 1, 2017 through June 30, 2017, and which is currently 6.25% per annum,
5 until paid in full.

6
7 THEREFORE, IT IS FURTHER ORDERED, ADJUDGED AND DECREED that
8 the total judgment for Plaintiff and against Defendant, Pardee Homes of Nevada, as of
9 February 28, 2017, totals \$651,323.60 (\$163,068.06 + \$488,255.54), plus legal interest
10 from MARCH 1, 2017 until paid in full, and collectible by any and all legal means.

11 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any and all
12 Findings of Fact, Conclusions of Law and Orders detailed in the Court's June 25, 2014,
13 as supplemented by the Court's Accounting Order filed May 13, 2015, and as further
14 supplemented by the Court's Judgment of May 16, 2016 and the Orders that followed,
15 are hereby incorporated by reference into this Amended Judgment as if fully set forth
16 herein.
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JIMMERSON LAW FIRM, P.C.
415 South Sixth Street, Suite 100, Las Vegas, Nevada 89101
Telephone (702) 388-7171 - Facsimile (702) 387-1167

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the sums
2 awarded to Plaintiffs in this Amended Judgment shall be collectible by any lawful means.

3 DATED this 11 day of October, 2017

4 
5 DISTRICT COURT JUDGE *ACB*

6 Respectfully submitted by:

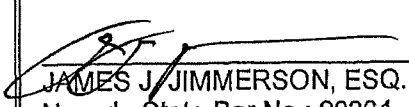
APPROVED AS TO FORM AND CONTENT:

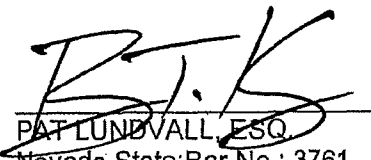
7 Dated this 9th day of October, 2017.

8 Dated this 6 day of OCTOBER, 2017.

9 THE JIMMERSON LAW FIRM, P.C.

MCDONALD CARANO LLP

10 
11 JAMES J. JIMMERSON, ESQ.
12 Nevada State Bar No.: 00264
13 415 South 6th Street, Suite 100
14 Las Vegas, Nevada 89101
15 Attorneys for Plaintiffs

16 
17 PAT LUNDVALL, ESQ.
18 Nevada State Bar No.: 3761
19 RORY T. KAY, ESQ.
20 Nevada State Bar No.: 12416
21 2300 West Sahara Ave., Suite 1200
22 Las Vegas, Nevada 89102
23 Attorneys for Defendant

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

October 25, 2011

A-10-632338-C James Wolfram, Plaintiff(s)
vs.
Pardee Homes of Nevada, Defendant(s)

October 25, 2011 9:00 AM Discovery Conference

HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT: Brookhyser, Amanda Jeanine Attorney
 Lundvall, Patricia K. Attorney
 Shipley, Aaron D. Attorney

JOURNAL ENTRIES

- Marshal K. Hawkes present.

A telephonic ECC requires a Stipulation in place. Ms. Lundvall appeared by telephonic conference. Counsel anticipate 5-7 days for trial re: Breach of contract. COMMISSIONER RECOMMENDED, discovery cutoff is 8/28/12; adding parties, amended pleadings, and initial expert disclosures DUE 3/14/12; rebuttal expert disclosures DUE 5/16/12; dispositive motions FILED by 9/28/12. Scheduling Order will issue.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

December 05, 2011

A-10-632338-C James Wolfram, Plaintiff(s)
vs.
Pardee Homes of Nevada, Defendant(s)

**December 05, 2011 3:00 AM Motion for Preferential
Trial Setting**

HEARD BY: Hardcastle, Kathy **COURTROOM:**

COURT CLERK: Sharon Coffman

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, Plaintiff's Motion for Preferential Trial Setting GRANTED; new Trial Order to issue.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Jimmerman Hansen, P. C. and Pat Lundvall, Esq. and Aaron Shipley, Esq. (McDonald Carano Wilson LLP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

August 27, 2012

A-10-632338-C James Wolfram, Plaintiff(s)
vs.
Pardee Homes of Nevada, Defendant(s)

**August 27, 2012 1:30 PM Motion to Extend
Discovery**

HEARD BY: Beecroft, Chris A., Jr.

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Alan Castle

RECORDER: Richard Kangas

REPORTER:

PARTIES

PRESENT:	Pardee Homes of Nevada	Defendant
	Shipley, Aaron D.	Attorney
	Wilkes, Walt	Plaintiff
	Wolfram, James	Plaintiff

JOURNAL ENTRIES

- James M. Jimmerson, Esq. (#12599), counsel for Plaintiffs also present. Mr. Shipley indicated a Stipulation and order has been submitted. COMMISSIONER RECOMMENDED, motion OFF CALENDAR.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

October 16, 2012

A-10-632338-C James Wolfram, Plaintiff(s)
vs.
Pardee Homes of Nevada, Defendant(s)

October 16, 2012 9:00 AM Decision

HEARD BY: Earley, Kerry **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Roshonda Mayfield

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Having examined the Motions and noting no other Opposition has been filed and good cause appearing, COURT ORDERED, Plaintiff s Motion for Preferential Trial Setting is hereby GRANTED pursuant to EDCR 2.20(e) and case has been set on the February 04, 2013 Trial Stack. Matter set for October 18, 2012 is VACATED pursuant to EDCR 2.23. Order to be submitted to the Court within 10 days from this minute order, or not later than November 05, 2012 pursuant to EDCR 7.21.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

December 06, 2012

A-10-632338-C James Wolfram, Plaintiff(s)
vs.
Pardee Homes of Nevada, Defendant(s)

December 06, 2012 8:30 AM Status Check

HEARD BY: Earley, Kerry **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Kristin Duncan

RECORDER:

REPORTER:

PARTIES

PRESENT: Jimmerson, James Joseph, ESQ Attorney
Lundvall, Patricia K. Attorney
Shipley, Aaron D. Attorney

JOURNAL ENTRIES

- Ms. Lundvall indicated she would like to avoid the Motion for Summary Judgment being set so close to the beginning of the Trial; in speaking with Mr. Jimmerson, a possible resolution to the scheduling issue was reached. Ms. Lundvall requested the Motion for Summary Judgment be continued to January, and the Trial be reset on a later stack. COURT ORDERED Motion for Summary Judgment and Trial date VACATED and RESET; all Motions in Limine DUE BY 3/1/13; Pre-Trial Memorandum DUE BY 4/2/13. Colloquy between Court and Counsel regarding the Motion to File Exhibits Under Seal, set for January 29, 2012; Ms. Lundvall advised that the same Motion had been filed by both parties, and non-oppositions to the Motion had also been filed by both parties. Ms. Lundvall stated she would prepare an Order regarding the unopposed Motions; Counsel stipulated to the vacating of the Motion Hearing. COURT ORDERED Motion to File Exhibits Under Seal VACATED.

1/24/13 8:30 AM DEFENDANT'S MOTION FOR SUMMARY JUDGMENT...OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AND PLAINTIFFS' COUNTERMOTION FOR PARTIAL SUMMARY JUDGMENT

4/4/13 8:30 AM PRE-TRIAL CONFERENCE / CALENDAR CALL

4/15/13 8:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

March 05, 2013

A-10-632338-C James Wolfram, Plaintiff(s)
vs.
Pardee Homes of Nevada, Defendant(s)

March 05, 2013 8:30 AM All Pending Motions

HEARD BY: Earley, Kerry

COURTROOM: Phoenix Building Courtroom - 11th Floor

COURT CLERK: Kristin Duncan

RECORDER:

REPORTER: Loree Murray

PARTIES

PRESENT: Hansen, Lynn M. Attorney
Jimmerson, James Joseph, ESQ Attorney
Jimmerson, James M. Attorney
Lundvall, Patricia K. Attorney
Shipley, Aaron D. Attorney

JOURNAL ENTRIES

- DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Ms. Lundvall provided a summary of the case to date, and stated the undisputed facts. Ms. Lundvall indicated that Purchase Property was purchased by Defendant Pardee Homes in the amount of eighty-four million dollars, with an Option Agreement allowing the purchase of Option Property until the year 2045. Pursuant to the Option Agreement, Plaintiffs were to be provided written notice if Pardee intended to purchase Option Property; Ms. Lundvall argued in favor of the Motion, stating that this provision was not breached, as Pardee Homes had never purchased any of the Option Property.

Mr. James J. Jimmerson argued in opposition to the Motion, stating that Option Property was purchased, and then redefined by Defendant Pardee Homes as Purchase Property in amendments to the Option Agreement. Further, Mr. Jimmerson argued that Plaintiffs did not concede that they have

been paid their full commission, hence the request for an Accounting.

Mr. Jimmerson inquired as to whether the Court would accept an Oral Motion to Amend under Rule 15(b). Court DIRECTED Mr. Jimmerson to file a written Motion, to allow opposing Counsel to respond.

COURT ORDERED Motion CONTINUED to Chambers Calendar; a written decision to issue.

**PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AND
PLAINTIFF'S COUNTERMOTION FOR PARTIAL SUMMARY JUDGMENT**

COURT ORDERED Plaintiff's Countermotion GRANTED on the assignment of real parties in interest. Mr. James J. Jimmerson to prepare the Order.

**DEFENDANT'S MOTION TO ENFORCE ORDER SHORTENING TIME FOR HEARING ON
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AND TO CONTINUE TRIAL ON ORDER
SHORTENING TIME**

Colloquy between Court and Counsel as to whether this issue could be settled outside of Court. Ms. Hansen advised that this matter was to receive a preferential Trial setting. COURT ORDERED Motion to Continue Trial GRANTED; FIRM TRIAL DATE SET.

5/13/13 10:00 AM BENCH TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

March 13, 2013

A-10-632338-C	James Wolfram, Plaintiff(s)
	vs.
	Pardee Homes of Nevada, Defendant(s)

March 13, 2013	3:00 AM	Motion for Summary Judgment
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HEARD BY: Earley, Kerry

COURTROOM:

COURT CLERK: Kristin Duncan

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- (1) This matter comes before the Court on a Motion for Summary Judgment filed by Defendant Pardee Homes of Nevada.
- (2) A party seeking Summary Judgment under Rule 56 of the Nevada Rules of Civil Procedure bears the burden of demonstrating that there are no genuine issues of material fact, and that it is entitled to Judgment as a matter of law. In considering such a Motion the Court must view all of the evidence in the light most favorable to the non-moving party, unless it is clear that there are no genuine issues of fact.
- (3) A dispute of fact is genuine if a Jury could return a verdict for the non-moving party on that issue. Whether a fact is material is determined by the governing substantive law applicable to the underlying cause of action(s).
- (4) The Plaintiff s Complaint alleges three different causes of action, namely, Breach of Contract, Breach of Good Faith and Fair Dealing, and for an Accounting. However, all three causes of action rest upon the terms of the Commission Agreement dated September 1, 2004, between the parties.
- (5) The court finds, based upon all the papers, and hearing extensive oral argument, that there are genuine issues of material fact as to whether Defendant has breached the Commission Agreement dated September 1, 2004, regarding its purchases of property from Coyote Springs LLC.
- (6) Therefore, in view of the foregoing, the COURT hereby finds, ORDERS, and adjudges as follows:

The Defendant s Motion for Summary Judgment is hereby DENIED.

CLERK'S NOTE: A copy of this minute order distributed to the following parties via facsimile: James Joseph Jimmerson, Esq. and Patricia Lundvall, Esq.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

April 26, 2013

A-10-632338-C James Wolfram, Plaintiff(s)
vs.
Pardee Homes of Nevada, Defendant(s)

April 26, 2013 8:30 AM Motion for Leave

HEARD BY: Earley, Kerry

COURTROOM: Phoenix Building Courtroom - 11th Floor

COURT CLERK: Kristin Duncan

RECORDER:

REPORTER: Jennifer Church

PARTIES

PRESENT:	Hansen, Lynn M.	Attorney
	Jimmerson, James M.	Attorney
	Lundvall, Patricia K.	Attorney
	Shipley, Aaron D.	Attorney

JOURNAL ENTRIES

- Mr. Jimmerson indicated the requested amendments addressed Plaintiff's claims for special damages, specifically claims for attorney's fees. Furthermore, Mr. Jimmerson argued in support of the Motion, stating that the facts as pled established the necessity for attorney's fees under the provisions of Sandy Valley. Ms. Lundvall argued in opposition, stating that the claims for attorney's fees as special damages were futile, as they were not recoverable. Additionally, Ms. Lundvall argued issues of prejudice against her clients, and the undue delay of bringing forth the claims. COURT Found there was no undue delay and no prejudice to the Defendant in bringing the claims for special damages. COURT ORDERED Motion CONTINUED to the Chamber's Calendar for a written decision; Counsel to provide supplemental briefing by May 10, 2013 on the issue of futility under the Motion for Leave to Amend. FURTHER ORDERED, Discovery reopened for the limited purpose of obtaining information as to whether the attorney's fees and costs incurred by James J. Jimmerson's firm were special damages, and whether Plaintiffs incurred individual time and effort damages.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract**COURT MINUTES****May 16, 2013**

A-10-632338-C

James Wolfram, Plaintiff(s)

vs.

Pardee Homes of Nevada, Defendant(s)

May 16, 2013**3:00 AM****Minute Order**

**MINUTE ORDER
RE: PLAINTIFFS'
MOTION FOR
LEAVE TO FILE A
SECOND
AMENDED
COMPLAINT**

HEARD BY: Earley, Kerry**COURTROOM:****COURT CLERK:** Louisa Garcia**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- This matter was heard on April 26, 2013, after extensive oral argument by counsel for Plaintiffs and Defendant, the Court granted both parties leave to file supplemental briefs. The matter was subsequently placed on the Chamber Calendar of Department IV on May 15, 2013.

Upon review of the papers and pleadings on file in this matter, including Plaintiff's Supplement to Motion for Leave to File a Second Amended Complaint and Defendants' Supplemental Brief in support of its Opposition to Plaintiff's Motion for Leave to File a Second Amended Complaint, the Court finds as follows:

First, the Court notes that in the absence of any apparent reason involving undue delay, bad faith or dilatory motive on behalf of Plaintiffs, the leave to amend should be freely given. *Stephens v. Southern Nevada Music Co.*, 89 Nev. 104 (1973). The Court finds no such reasons to be present in the

instant case. Further, the Court ordered at the court hearing on April 26, 2013 that discovery is to be reopened for the limited purpose of Defendant obtaining information regarding any alleged attorney's fees as special damages as well as any alleged time and effort damages incurred by Plaintiffs. The Court granted Defendant the opportunity to conduct the aforementioned discovery to avoid any prejudice to Defendant.

Second, the Court addressed the issue of whether Plaintiff's proposed amendment was futile because Plaintiff's request for attorney's fees as special damages is not viable pursuant to *Sandy Valley Assoc. v. Sky Ranch Estates Owners Assoc.*, 117 Nev. 948 (2001).

The Sandy Valley case is the seminal case regarding the issue of whether attorney's fees may be considered as an element of special damages or as a cost of litigation. The Nevada Supreme Court held attorney's fees may be considered an element of special damages in those rare cases when they were reasonably foreseeable and the natural and proximate consequence of the injurious conduct. 117 Nev at 957. The above referenced general criteria in the Sandy Valley case allows the Court to determine in a specific case if a Plaintiff's damages could include attorney's fees as special damages. The Sandy Valley case and its progeny discuss specific types of claims that allow attorney's fees as special damages. However, even if a Plaintiff's claim does not fall under all of the specific types of claims cited in those cases, the general criteria in Sandy Valley is still determinative of whether a case is eligible for attorney's fees as special damages.

Based upon the foregoing, the Court does not find that the Plaintiff's Motion for Leave to File a Second Amended Complaint should be denied on the basis that the amendment sought is futile under Nevada law. Whether Plaintiffs during the trial of this matter provide evidence to fit the narrow circumstances of Sandy Valley and its progeny will be decided by the Court at the appropriate time.

Therefore, the Court GRANTS Plaintiff's Motion for Leave to File a Second Amended Complaint. Counsel for Plaintiffs is to prepare a proposed order and provide a copy to Defendant's counsel for approval as to form and content.

CLERK'S NOTE: A copy of this minute order distributed to the following parties via facsimile: James M. Jimmerson, Esq. and Patricia Lundvall, Esq. (LG 5/16/13)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

July 09, 2013

A-10-632338-C James Wolfram, Plaintiff(s)
vs.
Pardee Homes of Nevada, Defendant(s)

July 09, 2013 8:30 AM Motion for Leave

HEARD BY: Earley, Kerry

COURTROOM: Phoenix Building Courtroom - 11th Floor

COURT CLERK: Kristin Duncan
Teresa Slade

RECORDER:

REPORTER: Jennifer Church

PARTIES

PRESENT:	Jimmerson, James Joseph, ESQ	Attorney
	Jimmerson, James M.	Attorney
	Lundvall, Patricia K.	Attorney

JOURNAL ENTRIES

- Ms. Lundvall made an oral Opposition to the Motion for Leave and requested that she be allowed to review Mr. Jimmerson's supplements. Colloquy between Court and Counsel regarding a timeline for deadlines. COURT ORDERED Motion for Leave GRANTED, Plaintiff's supplements due by 7/22/13; Defendant's reply due by 8/12/13. Mr. J. M. Jimmerson to prepare the order and to forward to Ms. Lundvall for review. Mr. J. J. Jimmerson alerted the Court that Ms. Lundvall had filed a Counterclaim. Colloquy regarding a cutoff date for the supplemental Discovery. Mr. Jimmerson confirmed they would supplement all their bills through May. Further, Mr. J. J. Jimmerson stated that all documents dealing with time and effort damages had been submitted; however, their attorney's fees were still accruing. Upon Court's inquiry, Ms. Lundvall noted she was not prepared to say if they would be taking a deposition of Mr. J. J. Jimmerson regarding attorney's fees as special damages. Mr. Jimmerson stated he would make himself available in the next two weeks to accommodate Ms. Lundvall if a deposition was needed. Ms. Lundvall confirmed 16.1 disclosures for the Counterclaim would be done by 7/17/13. COURT ORDERED Status Check SET.

7/23/13 8:30 am STATUS CHECK: STATUS OF CASE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

July 23, 2013

A-10-632338-C James Wolfram, Plaintiff(s)
vs.
Pardee Homes of Nevada, Defendant(s)

July 23, 2013 8:30 AM Status Check

HEARD BY: Earley, Kerry **COURTROOM:** Phoenix Building Courtroom -
11th Floor

COURT CLERK: Kristin Duncan

RECORDER:

REPORTER: Jennifer Church

PARTIES

PRESENT: Hansen, Lynn M. Attorney
Jimmerson, James M. Attorney

JOURNAL ENTRIES

- Also present telephonically: Patricia Lundvall, Esq. representing the Defendant

Upon Court's inquiry, Mr. Jimmerson indicated he had received Plaintiff's 16.1 Disclosures, and had served Defendant's Disclosures on Ms. Lundvall's office on July 19, 2013. Further, Mr. Jimmerson stated that Ms. Lundvall had elected not to take James J. Jimmerson's deposition. Ms. Lundvall advised all parties were on course to have the pending Motions in Limine heard on August 19, 2013, and there were no other issues that needed to be raised.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

August 14, 2013

A-10-632338-C	James Wolfram, Plaintiff(s) vs. Pardee Homes of Nevada, Defendant(s)
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August 14, 2013	3:00 AM	Minute Order
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HEARD BY: Earley, Kerry	COURTROOM:
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COURT CLERK: Kristin Duncan

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Having examined Plaintiffs Motion to File Exhibits Under Seal, noting the filing of Nonopposition to Plaintiffs Motion to File Exhibits Under Seal on August 5, 2013 by Defendant and for good cause appearing, it is ORDERED that Plaintiffs Motion to File Exhibits Under Seal is hereby GRANTED. Hearing set for August 23, 2013 is VACATED. Plaintiffs' Counsel to submit a proposed Order within 10 days of this Minute Order.

CLERK'S NOTE: A copy of this minute order distributed to the following parties via facsimile: James J. Jimmerson, Esq. [380-6422] and Patricia Lundvall, Esq. [873-9966]. (KD 8/14/13)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

September 23, 2013

A-10-632338-C James Wolfram, Plaintiff(s)
vs.
Pardee Homes of Nevada, Defendant(s)

September 23, 2013 8:30 AM All Pending Motions

HEARD BY: Earley, Kerry **COURTROOM:** Phoenix Building Courtroom -
11th Floor

COURT CLERK: Kristin Duncan

RECORDER:

REPORTER: Loree Murray

PARTIES

PRESENT: Jimmerson, James Joseph, ESQ Attorney
 Jimmerson, James M. Attorney
 Lundvall, Patricia K. Attorney
 Shipley, Aaron D. Attorney

JOURNAL ENTRIES

- DEFENDANT'S MOTION TO COMPEL PRODUCTION OF NOTES JAMES WOLFRAM
REVIEWED IN PREPARATION FOR HIS DEPOSITION

Ms. Lundvall argued in support of the Motion, stating that, pursuant to NRS 50.125, any documents used as an aid, either before or during testimony, were discoverable. Mr. J.M. Jimmerson argued in opposition, stating that, pursuant to NRS 50.125, no proof had been provided to show that the notes in question were used to refresh Mr. Wolfram's recollections prior to his second deposition being taken. COURT ORDERED Motion DENIED, Finding no foundation for the assertion that Mr. Wolfram used notes from his first deposition, or any handwritten notes, to refresh his recollection before, or during, his second deposition. Mr. J.M. Jimmerson to prepare the Order

DEFENDANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT

Ms. Lundvall argued in support of the Motion, stating that an accounting was a remedy, and not a cause of action; therefore, accounting as a separate cause of action should be dismissed. Mr. J.M. Jimmerson argued in opposition, stating that an accounting was both a remedy and a cause of action. Additionally, Mr. J.M. Jimmerson indicated that a special relationship of trust between parties triggered an accounting; however, the relationship did not have to be a fiduciary one. Further arguments by counsel regarding accounting and the relationship that had to exist between parties to trigger an accounting. Ms. Lundvall requested she be allowed to submit supplemental briefing regarding the issues argued above, and whether this case demonstrated a special relationship which would trigger an accounting. COURT ORDERED both counsel to provide supplemental briefing by the close of business on September 27, 2013; matter CONTINUED to this department's chamber's calendar for further review and the issuance of a written decision.

PLAINTIFFS' MOTION IN LIMINE TO ADMIT THE SEPTEMBER 1, 2004 COMMISSION LETTER AGREEMENT (MIL #1)...PLAINTIFFS' MOTION IN LIMINE TO ADMIT THE OPTION AGREEMENT FOR THE PURCHASE OF REAL PROPERTY AND JOINT ESCROW INSTRUCTIONS (MIL #2)...PLAINTIFFS' MOTION IN LIMINE TO ADMIT AMENDMENT TO THE OPTION AGREEMENT FOR THE PURCHASE OF REAL PROPERTY AND JOINT ESCROW INSTRUCTIONS (MIL #3)...PLAINTIFFS' MOTION IN LIMINE TO ADMIT AMENDMENT NO. 2 OF THE OPTION AGREEMENT FOR THE PURCHASE OF REAL PROPERTY AND JOINT ESCROW INSTRUCTIONS (MIL #4)...PLAINTIFFS' MOTION IN LIMINE TO ADMIT THE AMENDED AND RESTATED OPTION AGREEMENT FOR THE PURCHASE OF REAL PROPERTY AND JOINT ESCROW INSTRUCTIONS (MIL #5)...PLAINTIFFS' MOTION IN LIMINE TO ADMIT THE APRIL 6, 2009 LETTER FROM JIM STRINGER JR. TO JAMES WOLFRAM (MIL #20)...PLAINTIFFS' MOTION IN LIMINE TO ADMIT THE JULY 10, 2009 LETTER FROM JAMES J. JIMMERSON, ESQ. (MIL #23)...PLAINTIFFS' MOTION IN LIMINE TO ADMIT THE MARCH 14, 2008 LETTER FROM JON LASH TO JAMES WOLFRAM AND WALT WILKES (MIL #24)...PLAINTIFFS' MOTION IN LIMINE TO PERMIT JAMES J. JIMMERSON, ESQ. TO TESTIFY CONCERNING PLAINTIFFS' ATTORNEY'S FEES AND COSTS (MIL #25)

Mr. J.M. Jimmerson indicated these Motions had been withdrawn by stipulation.

PLAINTIFF'S MOTION IN LIMINE TO ADMIT AMENDMENT NO. 1 TO THE AMENDED AND RESTATE OPTION AGREEMENT FOR THE PURCHASE OF REAL PROPERTY AND JOINT ESCROW INSTRUCTIONS (MIL #6)...PLAINTIFFS' MOTION IN LIMINE TO ADMIT AMENDMENT NO. 2 TO THE AMENDED AND RESTATED OPTION AGREEMENT FOR THE PURCHASE OF REAL PROPERTY AND JOINT ESCROW INSTRUCTIONS (MIL #7)...PLAINTIFFS' MOTION IN LIMINE TO ADMIT AMENDMENT NO. 3 TO THE AMENDED AND RESTATED OPTION AGREEMENT FOR THE PURCHASE OF REAL PROPERTY AND JOINT ESCROW INSTRUCTIONS (MIL #8)...PLAINTIFFS' MOTION IN LIMINE TO ADMIT RETAINER AGREEMENT (MIL #9)...PLAINTIFFS' MOTION IN LIMINE TO ADMIT AMENDMENT NO. 5 TO THE AMENDED AND RESTATE OPTION AGREEMENT FOR THE PURCHASE OF REAL

PROPERTY AND JOINT ESCROW INSTRUCTIONS (MIL #10)...PLAINTIFFS' MOTION IN LIMINE TO ADMIT AMENDMENT NO. 6 TO THE AMENDED AND RESTATED OPTION AGREEMENT FOR THE PURCHASE OF REAL PROPERTY AND JOINT ESCROW INSTRUCTIONS (MIL #11)...PLAINTIFFS' MOTION IN LIMINE TO ADMIT AMENDMENT NO. 7 TO THE AMENDED AND RESTATED OPTION AGREEMENT FOR THE PURCHASE OF REAL PROPERTY AND JOINT ESCROW INSTRUCTIONS (MIL #12)...PLAINTIFFS' MOTION IN LIMINE TO ADMIT AMENDMENT NO. 8 TO THE AMENDED AND RESTRICTED OPTION AGREEMENT FOR THE PURCHASE OF REAL PROPERTY AND JOINT ESCROW INSTRUCTIONS (MIL #13)

Mr. J.M. Jimmerson argued in support of the Motions, stating that the documents were both authentic and relevant, with ample proof to support their authenticity. Ms. Lundvall argued in opposition, stating that there were stray marks and handwritten notes on the documents in question. Colloquy regarding Defendant Pardee Homes being in possession of clean copies of the documents Mr. Jimmerson wished to admit. Ms. Lundvall agreed to produce clean copies of the documents; parties STIPULATED to the use of the clean copies. Counsel further STIPULATED that the documents were admissible as to foundational requirements, which include authenticity and hearsay; the relevancy of the documents must still be proven at trial. COURT ORDERED Motions WITHDRAWN pursuant to the stipulation. Ms. Lundvall to provide clean copies of the documents by September 27, 2013, and present Plaintiffs' counsel with a copying bill.

PLAINTIFFS' MOTION IN LIMINE TO ADMIT PARCEL MAP RECORDED IN THE CLARK COUNTY RECORDER'S OFFICE IN FILE 98, PAGE 57 (MIL #14)...PLAINTIFFS' MOTION IN LIMINE TO ADMIT PLAT MAP RECORDED IN THE CLARK COUNTY RECORDER'S OFFICE IN BOOK 138 PAGE 51 (MIL #15)...PLAINTIFFS' MOTION IN LIMINE TO ADMIT PARCEL MAP RECORDED IN THE CLARK COUNTY RECORDER'S OFFICE IN FILE 116, PAGE 35 (MIL #16)...PLAINTIFFS' MOTION IN LIMINE TO ADMIT PARCEL MAP RECORDED IN THE CLARK COUNTY RECORDER'S OFFICE IN FILE 117, PAGE 18 (MIL #17)...PLAINTIFFS' MOTION IN LIMINE TO ADMIT PLAT MAP RECORDED IN CLARK COUNTY RECORDER'S OFFICE IN BOOK 140, PAGE 57 (MIL #18)...PLAINTIFFS' MOTION IN LIMINE TO ADMIT PARCEL MAP RECORDED IN THE CLARK COUNTY RECORDER'S OFFICE IN FILE 113, PAGE 55 (MIL #19)

Mr. J.M. Jimmerson argued in support of the Motions, stating that the documents were certified copies of public records; therefore, not only were the documents relevant, they were also self-authenticating. Ms. Lundvall argued in opposition, stating that the maps were of purchased land, and foundation needed to be laid before their admittance. Counsel STIPULATED that the documents were admissible as to foundational requirements, which include authenticity and hearsay; the relevancy of the documents must still be proven at trial. COURT ORDERED Motions WITHDRAWN pursuant to the stipulation.

PLAINTIFFS' MOTION IN LIMINE TO ADMIT THE NOVEMBER 24, 2009 LETTER FROM JON LASH TO JAMES WOLFRAM (MIL #21)...PLAINTIFFS' MOTION IN LIMINE TO ADMIT THE

AUGUST 23, 2007 LETTER FROM JON LASH TO WALT WILKES AND JAMES WOLFRAM (MIL #22)

Mr. J.M. Jimmerson argued in support of the Motions, stating these documents were produced by the Defendant, and they were both relevant and authentic. Ms. Lundvall argued in opposition, indicating that if her Motion to Exclude Parol Evidence was granted, then these documents would be excluded as Parol Evidence. Counsel STIPULATED that the documents were admissible as to foundational requirements, which include authenticity and hearsay; the relevancy of the documents must still be proven at trial. COURT ORDERED Motions WITHDRAWN pursuant to the stipulation.

- DEFENDANT'S MOTION IN LIMINE TO EXCLUDE PLAINTIFFS' CLAIM FOR ATTORNEY'S FEES AS AN ELEMENT OF DAMAGES (MIL #1)...DEFENDANTS' MOTION IN LIMINE TO EXCLUDE PLAINTIFFS' CLAIM FOR DAMAGES IN THE FORM OF COMPENSATION FOR TIME (MIL #2)

Court indicated its belief that the issues in these Motions had already been briefed and decided during prior Motions. Ms. Lundvall stated that the Court had expressed a wish to hear certain evidence relating to these issues at the time of trial, and suggested the rulings on these Motions be held in abeyance. COURT SO ORDERED.

DEFENDANTS' MOTION IN LIMINE TO EXCLUDE PAROL EVIDENCE

Ms. Lundvall argued in support of the Motion, stating that the commission agreement in the contract was clear and unambiguous, rendering parol evidence inadmissible. Mr. J.M. Jimmerson argued in opposition, stating that Plaintiffs had never proposed the admittance of any prior negotiations or agreements; the issue at hand was what the terms of the contract meant. COURT ORDERED Motion GRANTED: any documents or evidence relating to prior terms or negotiations may not come in under parol evidence; however, this ruling would not limit any testimony regarding what the contractual terms meant.

DEFENDANT'S MOTION IN LIMINE TO EXCLUDE ALL DOCUMENTS AND WITNESSES DISCLOSED AFTER THE CLOSE OF DISCOVERY (MIL #4)

Ms. Lundvall indicated she wished to withdraw this Motion.

Mr. J.M. Jimmerson raised the issue of obtaining certified copies of the maps from the Recorder's office, and requested Plaintiffs be allowed to obtain only one certified copy and then make additional

copies from that original. Ms. Lundvall stipulated to the request.

Mr. J.M. Jimmerson to prepare the Order for today's hearing.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract**COURT MINUTES****October 07, 2013**

A-10-632338-C	James Wolfram, Plaintiff(s)
	vs.
	Pardee Homes of Nevada, Defendant(s)

October 07, 2013	3:00 AM	Motion for Partial Summary Judgment
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HEARD BY: Earley, Kerry	COURTROOM:
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COURT CLERK: Kristin Duncan**RECORDER:****REPORTER:**

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Defendant s Motion for Partial Summary Judgment, requesting this Court grant partial summary judgment in favor of Defendant Pardee and against Plaintiffs James Wolfram and Walt Wilkes on Plaintiffs First Cause of Action for an accounting pled in the Plaintiffs Second Amended Complaint, came on for hearing on September 23, 2013. This matter was continued to allow both parties to file supplemental briefs to further address legal issues presented by said Motion. The legal issues addressed in the supplemental briefs included:

- 1) whether a claim for accounting is solely an equitable remedy or whether it is also an independent cause of action, and
- 2) if Nevada recognizes a claim for accounting as a freestanding claim in equity, what are the requirements to sustain a claim for accounting, and
- 3) whether there is a genuine issue of material fact that would preclude the Court from granting summary judgment in favor of Defendant and against Plaintiffs on the First Cause of Action.

Upon review of all of the papers and pleadings on file in this matter, and hearing the oral argument presented by both parties, and upon further consideration and good cause appearing, the Court Finds that an accounting is an independent cause of action that is distinct from the equitable remedy of accounting. See, e.g., Botsford vs. Van Riper, 33 Nev. 156 (1910); Young vs. Johnny Ribiero Bldg.,

Inc. 787 P. 2d 777 (1990); Oracle USA, Inc. vs. Rimini Street, Inc., 2010 WC 3257933 (D. Nev. Aug 13, 2010); Teselle vs. McLoughlin, 173 Cal. App. 4th 156 (2009); Mobius Connections Group, Inc. vs. Tech Skills, LLC, 2012 WL 194434.

In order to prevail on a claim for accounting, a Plaintiff must establish the existence of a special relationship whereby a duty to account may arise. See Teselle vs. McLoughlin, 173 Cal. App. 4th 156 (2009). The right to an accounting can arise from Defendant s possession of money or property which, because of the Defendant s relationship with the Plaintiff, the Defendant is obliged to surrender. Id.

The Court further Finds that there is a genuine issue of material fact as to whether the relationship between the parties establishes the existence of a special relationship whereby a duty to account may arise. Accordingly, IT IS HEREBY ORDERED that Defendant s Motion for Partial Summary Judgment against Plaintiffs is DENIED. Counsel to prepare the Order and request approval as to form and content from Defendant s counsel.

CLERK S NOTE: A copy of this minute order distributed to the following parties via facsimile: James M. Jimmerson, Esq. [380-6417] and Patricia Lundvall, Esq. [788-2020]. (KD 10/7/13)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

October 23, 2013

A-10-632338-C	James Wolfram, Plaintiff(s) vs. Pardee Homes of Nevada, Defendant(s)
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October 23, 2013 8:30 AM Bench Trial - FIRM

HEARD BY: Earley, Kerry **COURTROOM:** Phoenix Building Courtroom - 11th Floor

COURT CLERK: Kristin Duncan

RECORDER:

REPORTER: Jennifer Church

PARTIES

PRESENT:	Hansen, Lynn M.	Attorney
	Jimmerson, James Joseph, ESQ	Attorney
	Jimmerson, James M.	Attorney
	Lundvall, Patricia K.	Attorney
	Shiple, Aaron D.	Attorney
	Wilkes, Walt	Plaintiff
		Counter Defendant
	Wolfram, James	Plaintiff
		Counter Defendant

JOURNAL ENTRIES

- Also present: Chris Hallman and Jon Lash, representatives of Pardee Homes of Nevada

ORDERS FOR MOTION TO COMPEL AND MOTION FOR PARTIAL SUMMARY JUDGMENT - previously decided - SIGNED IN OPEN COURT. Mr. J.M. Jimmerson indicated he wished to use demonstrative exhibits of parcel maps in his opening statement which had not yet been admitted into evidence; objection by Ms. Lundvall. COURT ORDERED Mr. J.M. Jimmerson to be allowed to use the exhibits for demonstrative purposes. EXCLUSIONARY RULE INVOKED. Opening statements by J.M. Jimmerson and Ms. Lundvall. Testimony and Exhibits presented (see worksheets). Mr. J.J. Jimmerson noted that Mr. Wolfram had become distressed while testifying, and requested a

continuance to the following day. COURT SO ORDERED. Colloquy between Court and counsel regarding scheduling.

CONTINUED TO: 10/24/13 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

October 24, 2013

A-10-632338-C James Wolfram, Plaintiff(s)
vs.
Pardee Homes of Nevada, Defendant(s)

October 24, 2013 9:30 AM Bench Trial - FIRM

HEARD BY: Earley, Kerry **COURTROOM:** Phoenix Building Courtroom -
11th Floor

COURT CLERK: Kristin Duncan

RECORDER:

REPORTER: Loree Murray

PARTIES

PRESENT: Hansen, Lynn M. Attorney
 Jimmerson, James Joseph, ESQ Attorney
 Jimmerson, James M. Attorney
 Lundvall, Patricia K. Attorney
 Shipley, Aaron D. Attorney
 Wilkes, Walt Plaintiff
 Counter Defendant
 Wolfram, James Plaintiff
 Counter Defendant

JOURNAL ENTRIES

- Also present: Chris Hallman, Representative for Defendant Pardee Homes of Nevada

Testimony and exhibits presented (see worksheets). TRIAL CONTINUED.

CONTINUED TO: 10/28/13 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

October 28, 2013

A-10-632338-C James Wolfram, Plaintiff(s)
vs.
Pardee Homes of Nevada, Defendant(s)

October 28, 2013 8:30 AM Bench Trial - FIRM

HEARD BY: Earley, Kerry **COURTROOM:** Phoenix Building Courtroom -
11th Floor

COURT CLERK: Sylvia Perez

RECORDER:

REPORTER: Jennifer Church

PARTIES

PRESENT: Jimmerson, James Joseph, ESQ Attorney
 Jimmerson, James M. Attorney
 Lundvall, Patricia K. Attorney
 Shipley, Aaron D. Attorney
 Wilkes, Walt Plaintiff
 Counter Defendant
 Wolfram, James Plaintiff
 Counter Defendant

JOURNAL ENTRIES

- Testimony and exhibits presented (See Worksheets).

Court recessed for the evening. Trial will resume 10/29/13 10:00 AM.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

October 29, 2013

A-10-632338-C James Wolfram, Plaintiff(s)
vs.
Pardee Homes of Nevada, Defendant(s)

October 29, 2013 9:45 AM Bench Trial - FIRM

HEARD BY: Earley, Kerry **COURTROOM:** Phoenix Building Courtroom -
11th Floor

COURT CLERK: Tia Everett

RECORDER:

REPORTER: Loree Murray

PARTIES

PRESENT: Hansen, Lynn M. Attorney
Jimmerson, James Joseph, ESQ Attorney
Jimmerson, James M. Attorney
Lundvall, Patricia K. Attorney
Shipley, Aaron D. Attorney

JOURNAL ENTRIES

- Testimony and exhibits presented. (See worksheets)

Colloquy regarding scheduling. Court recessed for the evening.

CONTINUED TO: 10/30/2013 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

October 30, 2013

A-10-632338-C	James Wolfram, Plaintiff(s) vs. Pardee Homes of Nevada, Defendant(s)
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October 30, 2013 10:00 AM Bench Trial - FIRM

HEARD BY: Earley, Kerry **COURTROOM:** Phoenix Building Courtroom - 11th Floor

COURT CLERK: Andrea Natali

RECORDER:

REPORTER: Loree Murray

PARTIES

PRESENT:	Jimmerson, James Joseph, ESQ Attorney
	Jimmerson, James M. Attorney
	Lundvall, Patricia K. Attorney
	Shipley, Aaron D. Attorney
	Wolfram, James Plaintiff
	Counter Defendant

JOURNAL ENTRIES

- Testimony and Exhibits presented (see worksheets). COURT ORDERED, Trial CONTINUED.
Colloquy between Court and counsel regarding trial schedule.

TRIAL CONTINUED TO: 12/9/13 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

December 09, 2013

A-10-632338-C James Wolfram, Plaintiff(s)
vs.
Pardee Homes of Nevada, Defendant(s)

December 09, 2013 8:30 AM Bench Trial - FIRM

HEARD BY: Earley, Kerry **COURTROOM:** Phoenix Building Courtroom -
11th Floor

COURT CLERK: Phyllis Irby

RECORDER:

REPORTER: Loree Murray

PARTIES

PRESENT: Jimmerson, James Joseph, ESQ Attorney
 Jimmerson, James M. Attorney
 Lundvall, Patricia K. Attorney

JOURNAL ENTRIES

- Testimony and exhibits presented (see worksheet.). COURT ORDERED, MATTER CONTINUED.

12-10-13 8:30 AM BENCH TRIAL (DEPT. IV)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

December 10, 2013

A-10-632338-C	James Wolfram, Plaintiff(s)
	vs.
	Pardee Homes of Nevada, Defendant(s)

December 10, 2013 8:30 AM Bench Trial - FIRM

HEARD BY: Earley, Kerry **COURTROOM:** Phoenix Building Courtroom - 11th Floor

COURT CLERK: Kristin Duncan

RECORDER:

REPORTER: Angela Campagna

PARTIES

PRESENT:	Hansen, Lynn M.	Attorney
	Jimmerson, James Joseph, ESQ	Attorney
	Jimmerson, James M.	Attorney
	Lundvall, Patricia K.	Attorney
	Shiple, Aaron D.	Attorney
	Wolfram, James	Plaintiff
		Counter Defendant

JOURNAL ENTRIES

- Testimony and Exhibits presented (see worksheets). Arguments by counsel regarding the admittance of exhibits dealing with multi-family agreements. Ms. Lundvall indicated the issue of the multi-family agreements was a brand new issue that was not raised in Discovery or during the Pre-Trial Motion practice. Court stated there was a legitimate issue regarding the multi-family agreements, and that questions addressing the issue could be asked; however, Court reserved any decision regarding the admittance of the above-mentioned exhibits until such time as a foundation could be laid. TRIAL CONTINUED.

CONTINUED TO: 12/12/13 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

December 12, 2013

A-10-632338-C	James Wolfram, Plaintiff(s) vs. Pardee Homes of Nevada, Defendant(s)
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December 12, 2013 8:30 AM Bench Trial - FIRM

HEARD BY: Earley, Kerry **COURTROOM:** Phoenix Building Courtroom - 11th Floor

COURT CLERK: Kristin Duncan

RECORDER:

REPORTER: Jennifer Church

PARTIES

PRESENT:	Hansen, Lynn M.	Attorney
	Jimmerson, James Joseph, ESQ	Attorney
	Jimmerson, James M.	Attorney
	Lundvall, Patricia K.	Attorney
	Shipley, Aaron D.	Attorney
	Wolfram, James	Plaintiff
		Counter Defendant

JOURNAL ENTRIES

- Oral Motion by Ms. Lundvall to quash the subpoenas served on December 11, 2013, on Jim Rizzi and any employee of Slater Hanifan, made pursuant to NRCP 16.1(e)(3)(b). Opposition by James J. Jimmerson. COURT ORDERED Motion GRANTED IN PART as to any subpoenas served on an employee of Slater Hanifan; as to the subpoena served on Jim Rizzi, COURT ORDERED Motion DENIED, due to Mr. Rizzi being an employee of Pardee Homes.

Testimony and exhibits presented (see worksheets). TRIAL CONTINUED.

CONTINUED TO: 12/13/13 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

December 13, 2013

A-10-632338-C James Wolfram, Plaintiff(s)
vs.
Pardee Homes of Nevada, Defendant(s)

December 13, 2013 8:30 AM Bench Trial - FIRM

HEARD BY: Earley, Kerry

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Kristin Duncan

RECORDER:

REPORTER: Loree Murray

PARTIES

PRESENT:	Jimmerson, James Joseph, ESQ	Attorney
	Jimmerson, James M.	Attorney
	Lundvall, Patricia K.	Attorney
	Shipley, Aaron D.	Attorney
	Wolfram, James	Plaintiff
		Counter Defendant

JOURNAL ENTRIES

- Testimony and exhibits presented (see worksheets). Mr. James J. Jimmerson requested that the Court take Judicial Notice of exhibit number 42. COURT ORDERED request GRANTED and Judicial Notice taken. Oral Motion by Mr. James J. Jimmerson to amend the Complaint to conform to the evidence presented at trial. COURT ORDERED Oral Motion to Amend DENIED, Finding that, although new facts were presented at trial, they related to the Complaint; therefore, the new facts would be taken into consideration, rendering amendment unnecessary. Plaintiff and Defense RESTED. Closing arguments by Ms. Lundvall, James J. Jimmerson and James M. Jimmerson. Due to their confidential status, COURT ORDERED the following exhibits be lodged UNDER SEAL: Plaintiff's exhibits 2, 6, 7, 8, 9, 10, 11, 12 and 13; Defendant's exhibits B, J and O. BENCH TRIAL CONCLUDED - Findings of Fact and Conclusions of Law to be issued by the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

July 17, 2014

A-10-632338-C James Wolfram, Plaintiff(s)
vs.
Pardee Homes of Nevada, Defendant(s)

July 17, 2014	8:30 AM	Motion to Expunge Lis Pendens
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HEARD BY: McGee, Charles

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Kristin Duncan

RECORDER:

REPORTER: Loree Murray

PARTIES

PRESENT:	AHMED, BURAK	Attorney
	Jimmerson, James Joseph, ESQ	Attorney
	Kay, Rory T.	Attorney
	Lundvall, Patricia K.	Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Ms. Lundvall provided the case's background. Colloquy between Court and counsel regarding whether the recorded document would put a cloud on title and have a dampening effect on the marketability of the property; Mr. Jimmerson stated that it would not have a dampening effect, but he would be willing to work with opposing counsel on this issue and would be willing to expunge the confidential attachment to the document. Ms. Lundvall stated that the recorded document was a cloud on the title and it impacted Pardee land, not only Coyote Springs' land. Furthermore, Ms. Lundvall argued that the documents made part of the public record by Mr. Jimmerson were confidential and were part of a Protective Order issued by the Court. COURT ORDERED the immediate expungement of the filed document and the removal of the document from the file by the Recorder's office. Mr. Jimmerson requested the Court Order that the Plaintiff be notified of any sale of option property. COURT SO ORDERED. Ms. Lundvall requested that she be permitted to submit the attorney's fees and costs that were incurred in the bringing of this Motion and utilize those fees and costs as a consequence to Mr. Jimmerson's failure to adhere to the

Protective Order. Court stated that it would allow Ms. Lundvall to file those documents. Ms. Lundvall to prepare the Order and forward to Mr. Jimmerson for review.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

July 31, 2014

A-10-632338-C James Wolfram, Plaintiff(s)
vs.
Pardee Homes of Nevada, Defendant(s)

July 31, 2014 8:30 AM Motion for Substitution

HEARD BY: Earley, Kerry

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Kristin Duncan

RECORDER:

REPORTER: Loree Murray

PARTIES

PRESENT:	AHMED, BURAK	Attorney
	Jimmerson, James Joseph, ESQ	Attorney
	Kay, Rory T.	Attorney
	Shipley, Aaron D.	Attorney
	Wolfram, James	Plaintiff
		Counter Defendant

JOURNAL ENTRIES

- Mr. James J. Jimmerson argued in support of the Motion, stating that he would be substituting, as party Plaintiff in place of Walt D. Wilkes, the Walter D. Wilkes and Angela D. Limbocker-Wilkes Living Trust, with Angela Wilkes as the trustee and Thomas Wilkes as successor trustee. Mr. Shipley indicated he had a limited opposition, arguing that for the Court to take jurisdiction over the trust in rem and confirm a successor trustee, Plaintiff should have provided 10 days notice to all interested parties, which they did not do. Mr. James J. Jimmerson responded that he would be willing to prepare an Order with the following language in order to satisfy Mr. Shipley's objection: absent objection within 10 business days from today, the order will be confirmed. COURT ORDERED Motion GRANTED, with the above-mentioned caveat included to address the notice issue. Mr. James J. Jimmerson to prepare the Proposed Order and forward to opposing counsel for approval as to form and content.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

February 10, 2015

A-10-632338-C	James Wolfram, Plaintiff(s)
	vs.
	Pardee Homes of Nevada, Defendant(s)

February 10, 2015 3:00 AM Minute Order

HEARD BY: Earley, Kerry **COURTROOM:**

COURT CLERK: Kristin Duncan

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- After reviewing Plaintiffs Accounting Brief pursuant to the Court s Order, Pardee Homes of Nevada's Supplemental Brief regarding future accounting, and Pardee's Notice of Submission, the Court rules as follows:

1. Defendant to provide to Plaintiffs an Affidavit or an unsworn declaration in lieu thereof pursuant to NRS 53.045 executed under penalty of perjury by a corporate representative from Weyerhaeuser Company NR (WNR) acknowledging and confirming the representations contained in Ms. Lundvall's letter dated August 5, 2014, regarding the transactions which resulted in Pardee's rights and obligations under the Commission Agreement being assigned/transferred to WNR.
2. All future amendments, if any, to the Amended and Restated Option Agreement dated March 28, 2005, be provided to Plaintiffs and their successors and/or assigns (hereinafter referred to as Plaintiffs). These documents will be designated CONFIDENTIAL pursuant to the protective order in this case.
3. This COURT ORDERS, in compliance with its Decision in this matter, that Pardee or its successor in interest and/or assigns (hereinafter referred to as Pardee) provide the following to Plaintiffs in the future to keep Plaintiffs reasonably informed pursuant to the Commission Agreement:
 - (1) Within fourteen (14) days of the relevant event described below, Pardee shall provide Plaintiffs with courtesy copies of the following:
 - (a) All publicly-recorded documents related to any transaction involving

Pardee's purchase of Option Property from CSI;

(b) Each written option exercise notice given pursuant to paragraph 2 of the Option Agreement, together with information as to the number of acres involved and the scheduled closing date;

(c) A parcel map which reflects the exact location of the related Option Property, if one is available; and

(d) Documents that reflect the purchase price of the Option Property, along with a breakdown of the calculation of commission owed pursuant to paragraph (iii) of the Commission Agreement.

(e) Pardee shall notify Plaintiffs which escrow company will handle any Option Property purchases

(2) In the event there is a purchase of Option Property, Pardee shall pay into escrow any commissions owed to Plaintiffs concurrently with Pardee's deposit of the Option Property Price.

(3) In the event that the Option Agreement is terminated, Pardee shall provide notice thereof to Plaintiffs within fourteen (14) days of the effective date of the termination.

(4) Plaintiffs shall notify Pardee of the name and address of the person or entity that should receive notice of the foregoing information and documents. Ms. Lundvall to prepare the order and Mr. Jimmerson to sign off as to form and content.

CLERK'S NOTE: A copy of this minute order was e-mailed to: Patricia Lundvall, Esq. [lundvall@mcdonaldcarano.com] and James J. Jimmerson, Esq. [jjj@jimmersonhansen.com] (KD 2/11/15)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract**COURT MINUTES****July 10, 2015**

A-10-632338-C James Wolfram, Plaintiff(s)
 vs.
 Pardee Homes of Nevada, Defendant(s)

**July 10, 2015 9:00 AM Motion for Stay of
 Execution**

HEARD BY: Earley, Kerry**COURTROOM:** RJC Courtroom 16B**COURT CLERK:** Kristin Duncan**RECORDER:****REPORTER:** Jennifer Church**PARTIES**

PRESENT:	Fic, Holly A.	Attorney
	Kay, Rory T.	Attorney
	Lundvall, Patricia K.	Attorney
	Muije, John W.	Attorney

JOURNAL ENTRIES

- Ms. Lundvall argued this stay is based procedurally to keep the status quo from today until this Court has time to hear post judgment motions. She asked the Court for a Stay until the Court can sort any of the issues with the post judgement issues. Opposition to the stay by Mr. Muije, he stated case law and believed there is no reason to stay and if allowed to stay then he asked the Plaintiff post a bond. Ms. Lundvall addressed the case law cited by Mr. Muije and Plaintiff's trying to execute for more money; however, she addressed reasons they are entitled for a stay without posting a bond until the Court decides on post judgment motions. Mr. Muije stated it is not customary to issue a stay without posting a bond and he addressed interest and cost and they are entitled to enforce judgment. Ms. Lundvall advised interest, and cost fees are the issues of post judgment decision. Court stated his findings, and ORDERED, Pardee's emergency motion to STAY Execution of Judgment is GRANTED and no posting of security is required. Order signed and FILED IN OPEN COURT.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

July 23, 2015

A-10-632338-C	James Wolfram, Plaintiff(s) vs. Pardee Homes of Nevada, Defendant(s)
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July 23, 2015	3:00 AM	Minute Order
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HEARD BY: Earley, Kerry	COURTROOM:
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COURT CLERK: Kristin Duncan

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The currently scheduled hearings for the following Motions have been VACATED AND RESET for hearing on October 2, 2015, at 9:00 a.m.:

Pardee s Motion For Attorney s Fees and Costs (July 27, 2015 hearing date VACATED);

Pardee s Motion To Retax Plaintiffs Memorandum of Costs Filed June 19, 2015 (July 27, 2015 hearing date VACATED);

Plaintiff s Motion Pursuant to NRCP 52(b) and 59 To Amend Judgment Entered on June 15, 2015 (August 3, 2015 hearing date VACATED);

Plaintiffs Motion To Strike Judgment Entered on June 15, 2015 (August 5, 2015 hearing date VACATED);

Pardee Homes of Nevada s Motion To Amend Judgment / Countermotion For Attorney s Fees (August 5, 2015 hearing date VACATED);

Plaintiffs Motion For Attorney s Fees and Costs (August 10, 2015 hearing date VACATED); and

Plaintiff s Motion For Order Requesting Defendant, When Serving By Electronic Means, To Serve Three Specific Persons (August 12, 2015 hearing date VACATED).

All reply briefs are due on or before September 11, 2015. No further filing shall be permitted. All courtesy copies must be delivered to chambers no later than September 11, 2014.

CLERK S NOTE: A copy of this Minute Order was distributed to the following parties via e-mail: Pat

Lundvall, Esq. [plundvall@mcdonaldcarano.com] and James Jimmerson, Esq. [jjj@jimmersonhansen.com]. (KD 7/23/15)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

August 24, 2015

A-10-632338-C	James Wolfram, Plaintiff(s) vs. Pardee Homes of Nevada, Defendant(s)
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August 24, 2015	3:00 AM	Motion For Reconsideration
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HEARD BY: Earley, Kerry	COURTROOM:
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COURT CLERK: Kristin Duncan

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- This matter came before the court on August 24, 2015 for Plaintiffs Motion for Reconsideration, Ex Parte (With Notice) of Application for Order Shortening Time Regarding Stay of Execution and Order Shortening Time Regarding Stay of Execution. Having considered the Motion, Defendant s Opposition, Plaintiffs Reply, and all arguments and authorities therein, COURT ORDERS Plaintiffs Motion DENIED as Plaintiffs have not satisfied E.D.C.R. 2.24 s requirements for a motion for reconsideration. Plaintiffs have failed to produce new facts or law other than that presented or considered at the prior hearing. COURT hereby AFFIRMS previous ruling.

CLERK'S NOTE: A copy of this minute order emailed to: James Jimmerson, Esq. [jjj@jimmersonhansen.com] and Patricia Lundvall, Esq. [plundvall@mcdonaldcarano.com] (KD 9/22/15)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract**COURT MINUTES****January 15, 2016**

A-10-632338-C James Wolfram, Plaintiff(s)
 vs.
 Pardee Homes of Nevada, Defendant(s)

January 15, 2016 10:00 AM All Pending Motions

HEARD BY: Earley, Kerry **COURTROOM:** RJC Courtroom 16B

COURT CLERK: April Watkins

RECORDER:

REPORTER: Loree Murray

PARTIES

PRESENT:	Flaxman, Michael C, ESQ	Attorney
	Jimmerson, James Joseph, ESQ	Attorney
	Kay, Rory T.	Attorney
	Lundvall, Patricia K.	Attorney
	Wolfram, James	Plaintiff
		Counter Defendant

JOURNAL ENTRIES

- PLTFS' MOTION TO STRIKE "JUDGMENT", ENTERED June 15, 2015, PURSUANT TO N.R.C.P. 52(B) AND N.R.C.P. 59, AS UNNECESSARY AND DUPLICATIVE ORDERS OF FINAL ORDERS ENTERED ON June 25, 2014, AND MAY 13, 2015, AND AS SUCH, IS A FUGITIVE DOCUMENT:

Mr. Jimmerson noted for the record trial was in December of 2013, first order issued June 25, 2014, which addressed all issues presented by both sides at trial. The Court also granted Pltf's request for an accounting. Further, all matters were resolved and then the Court granted Pltf's request that there be a second proceeding of some sort. Counsel is not sure if the Court intended it to be a final order. Court stated after supplemental, Court envisioned a final judgment. Colloquy. Additionally, Mr. Jimmerson stated purpose for motion was when the Court did May 13, 2015, supplemental order, that in counsel's judgment, completed the Court's decision making relative to facts and laws and final order. This is why counsel did not believe it was appropriate for Pardee to submit a judgment. Colloquy. COURT ORDERED, motion DENIED pursuant to N.R.C.P. 58(a).

PLTF'S MOTION PURSUANT TO N.R.C.P. 52(B) AND 59 TO AMEND THE COURT'S JUDGMENT ENTERED ON June 15, 2015, TO AMEND THE FINDINGS OF FACT/CONCLUSIONS OF LAW AND JUDGMENT CONTAINED THEREIN, SPECIFICALLY REFERRED TO IN THE LANGUAGE INCLUDED IN THE JUDGMENT AT PAGE 2, LINES 8 THROUGH 13 AND THE JUDGMENT AT PAGE 2, LINES 18 THROUGH 23 TO DELETE THE SAME OR AMEND THE SAME TO REFLECT THE TRUE FACT THAT PLTF. PREVAILED ON THEIR ENTITLEMENT TO THE FIRST CLAIM FOR RELIEF; FOR AN ACCOUNTING AND DAMAGES FOR THEIR SECOND CLAIM FOR RELIEF OF BREACH OF CONTRACT, AND THEIR THIRD CLAIM FOR RELIEF FOR BREACH OF THE IMPLIED COVENANT FOR GOOD FAITH AND FAIR DEALING AND THAT DEFT. NEVER RECEIVED A JUDGMENT IN ITS FORM AND AGAINST PLTF'S WHATSOEVER AS MISTAKENLY STATED WITHIN THE COURT'S LATEST JUDGMENT:

Mr. Jimmerson stated he did not anticipate need for third document called judgment. Further, judgment proposed by Deft. was e-mailed to counsel only which counsel did not read, copied to no one else even after counsel referenced e-mails need to be sent to secretary and associate assigned to case at the time. Court stated June 15, 2015, judgment did not comply with the known practices and standards ordered by the Court. Mr. Jimmerson stated the Court made findings of fact and conclusions of law as to the June 15, 2015, order, there was never a claim by the Pltf. for \$1.8 million in damages, argued that was inserted improperly into judgment by Pardee and requested it be stricken from page 2, lines 18 through 23. Additionally, Mr. Jimmerson argued this is a phoney assertion of words not supported by the Court's findings of fact and conclusions of law and it is an attempt by Pardee for attorney fees and that they were the prevailing party. Mr. Jimmerson further argued Pardee acting in bad faith making this kind of finding and order which would of never been approved by counsel if counsel would of seen it. No where in opening statements does Deft. speak about \$1.8 million nor does Pltf. \$1.8 million dollars only appears as a number in two places and none of them are part of the court record in terms of the trial. First time the \$1.8 million referenced is in the filing of the 16.1 supplemental disclosures by Pltf. and the second time it is referenced was in Pltf's opposition to Defts' motion for summary judgment that was argued in 2013, which was denied by the Court. Mr. Jimmerson argued neither one of those references were introduced into evidence or spoken to the Court. Further, there was not one reference for future commissions. Colloquy. Mr. Jimmerson stated during course of trial, counsel doubled checked County Commission records and found that they redesignated a multi-family parcel which the Court ruled against the Pltfs' and redesignation did not entitle Pltfs' to damages. Deft. Pardee has mislead the Court and has inserted a finding that lead to an order that somehow Pardee prevailed in this case is completely a mischaracterization of this trial. Additionally, an accounting is warranted as to the first claim of relief by the Pltf. and it would be determined how that would be done by briefs within 60 days. Entitled to accounting because of the special relationship that existed between Pltf. and Pardee. Also, there was an intentional bad faith withholding of information particularly as to designation of property that the Deft. owed to the Pltfs'. Pltfs' prevailed as to accounting, Court found for Pltf. as to breach of contract, special damages are ordered per Sandy Valley, judgment of \$141,500.00 plus interest, found breach of bad faith of the Deft. for failure to provide information, found breach of implied covenant of good faith and fair dealing not complied with by Pardee with the same damages. Further, the

Court does not make any findings that the Deft. prevailed. In the opening statements of Ms. Lundvall does not reference one thing as to the \$1.8 million. In Pltfs' opening statements simply states this is a case about a need for information and damages that follow therefore. Mr. Jimmerson further argued Defts' are trying to find away to get attorney fees back, counsel did not see judgment or sign off on judgment and balance of judgment does not say judgment for Pltf. against Deft. Court inquired why standard order of Department IV was not complied with. Ms. Lundvall noted findings of fact and conclusions of law entered on June 25, 2014, and in that, the Court requested supplemental briefing. Supplemental briefing done, submitted, minute order was issued and order was submitted. Further, in minute order Court informed counsel to work with Pltfs' counsel on submitting order and from counsel's point of view, the Court standing order applies to orders. Colloquy. Additionally, Ms. Lundvall stated a letter was sent to the Court with copy of judgment and copied Pltfs' counsel on that letter. Counsel further stated the Court's order was reduced to judgment, sent along with a cover letter to the Court and Pltf's counsel. Even if the attorney's bring order with approval of form and content, the Court does not have to sign. If the Court had agreed with Pltfs' counsel as to the purchase of option property then there would of been money due and owing. Pltfs' set up two theories of liability. Colloquy. Ms. Lundvall argued Pltfs' asked for money damages and quantified the \$1.8 million. Further, Ms. Lundvall went through history of case for the record. Colloquy. Additionally, Ms. Lundvall stated the theory tried before the Court was Pltfs' had purchased option property and the theory Deft's defended against was we did not purchase any option property and the Court agreed with Defts'. Pltfs' identified case as a lost commissions, attempt to then quantify and was told case was worth \$1.8 million in lost commissions. The Pltfs' quantification of that purchase was the \$1.8 million. Colloquy. Further argument by Ms. Lundvall. Court stated she did not determine claim was \$1.8 million and was not shown at trial. Ms. Lundvall further argued judgment entered does not need to be amended. Ms. Lundvall requested that the theory of liability that the Pltf. did not prevail upon is memorialized in the judgment. Court stated she does not agree that this judgment of June 15, 2015, is erroneous, not in compliance with the Court's previous orders and ORDERED, judgment STRICKEN dated June 15, 2015, as well as the notice of entry of judgment. Ms. Lundvall stated she will craft a new judgment and submit to Pltfs' counsel for his review, If parties are not agreeing, counsel will submit competing judgments for the Court to decide. Further, the Court FINDS judgement is erroneous under N.R.C.P. 58(a), N.R.C.P. 52(b), does not reflect the Court's findings and ORDERED, motion GRANTED.

Ms. Lundvall stated currently there is a stay in place of any enforcement and request counsel have the opportunity to allow that stay to be in place for any new judgment until there is resolution of any outstanding motions to amend, any additional motion practice that may result by reason of a new judgment. Mr. Jimmerson argued the rules call for a 10 day stay once judgment is entered. After 10 days, Deft. must post bond. COURT ORDERED, stay is in place as previously ordered by Senior Judge Bonaventure's prior order. Ms. Lundvall stated any new judgment that the Court intends to enter, that Senior Judge Bonaventure order of a stay pending resolution of any post judgment motions continues to be in place. COURT SO ORDERED.

Mr. Jimmerson argued judgment has to mirror the Court's findings of fact and conclusions of law. Further, Mr. Jimmerson argued bond would of been appropriate and Defts' have not posted a bond.

FURTHER ORDERED, posting of bond is not required at this time.

As to prevailing party issue, Ms. Lundvall argued reason the Court is being asked to make determination is because there is a clause regarding attorney fees. Further, the Court has already quantified the amount of attorney fees for not providing the information. Defts' also prevailed on a portion of this case. Colloquy.

PARDEE HOMES OF NEVADA'S MOTION TO AMEND JUDGMENT:

Statements by counsel. COURT ORDERED, motion DENIED WITHOUT PREJUDICE.

PLTFS' OPPOSITION TO PARDEE HOMES OF NEVADA'S MOTION TO AMEND JUDGMENT AND COUNTERMOTION FOR ATTORNEY FEES:

COURT ORDERED, countermotion MOOT. Separate motion required.

PLTFS' MOTION FOR ORDER REQUIRING DEFT., WHEN SERVING BY ELECTRONIC MEANS, TO SERVE THREE SPECIFIC PERSONS:

Mr. Jimmerson stated he wants all e-mails sent to counsel, secretary and associate to be added to every correspondent on this case. Opposition by Ms. Lundvall. COURT ORDERED, motion DENIED. Any e-mails are to be sent to Pltfs' counsel and his secretary, not to counsel himself. Ms. Lundvall stated she will from this point on will do everything through Wiznet.

PARDEE'S MOTION FOR ATTORNEY'S FEES AND COSTS:

COURT ORDERED, motion DENIED as MOOT. Statement by Ms. Lundvall.

PARDEE'S MOTION TO RETAX PLTFS' MEMORANDUM OF COSTS FILED June 19, 2015:

COURT ORDERED, motion DENIED as MOOT.

PLTFS' MOTION FOR ATTORNEY'S FEES AND COSTS:

COURT ORDERED, motion DENIED as MOOT.

As to exchanging new judgment, Mr. Jimmerson requested 10 days. Statement by Ms. Lundvall. Court stated one party does proposed judgment, other party look at it, try to work together, if not, give the Court competing judgments or sections not agreeing on.

Ms. Lundvall stated she will prepare the judgment and submit to Pltfs' counsel.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract

COURT MINUTES

August 15, 2016

A-10-632338-C	James Wolfram, Plaintiff(s) vs. Pardee Homes of Nevada, Defendant(s)
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August 15, 2016 9:00 AM All Pending Motions

HEARD BY: Earley, Kerry **COURTROOM:** RJC Courtroom 16B

COURT CLERK: April Watkins

RECORDER:

REPORTER: Loree Murray

PARTIES

PRESENT:	Flaxman, Michael C, ESQ	Attorney
	Jimmerson, James Joseph, ESQ	Attorney
	Kay, Rory T.	Attorney
	Lundvall, Patricia K.	Attorney

JOURNAL ENTRIES

- PARDEE HOMES OF NEVADA'S MOTION TO AMEND JUDGMENT:

Mr. Kay argued in support of motion. Opposition by Mr. Jimmerson. After reviewing verbiage, this Court FINDS there is no legal factual basis pursuant to NRCP 52(b) and 59(e) to grant said motion. Of note, the Court was aware of Liu v. Christopher Homes, LLC, 103 Nev. Adv. Op. 17, 321 P.3d, 875 (2014). When the Court entered findings of fact, conclusions of law and order filed June 25, 2014, (see page 14, lines 23-25) wherein the Court cited the Liu case to support it's holding. Therefore, COURT ORDERED, motion DENIED. Pltf. to prepare the order and form and content to be approved by both sides.

PLTF'S OPPOSITION TO DEFT. PARDEE HOMES OF NEVADA'S MOTION TO AMEND AND
PLTF'S COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS PURSUANT TO NRS 18.010
AND EDCR 7/60:

Mr. Jimmerson argued if the Court finds lack of good faith in motion filed, the Court can grant

attorney fees. Further, Mr. Jimmerson argued this is the fourth time this Court has addressed this and requested \$6,170.00 in attorney's fees due to having to respond to this motion. Mr. Kay requested this motion be denied on substantive and procedural grounds. Court DOES NOT FIND lack of good faith and ORDERED, motion DENIED. Deft. to prepare the order and form and content to be approved by both sides.

PARDEE'S MOTION TO RETAX PLTFS' MEMORANDUM OF COSTS FILED MAY 23, 2016:

Mr. Kay argued in support of motion. Opposition by Mr. Jimmerson. Court FINDS pursuant to the judgment entered May 16, 2016, Pltfs' are entitled to costs pursuant to NRS 18.020 and NRS 18.110. Further, after review of all pleadings, the Court FINDS the professional services in the amount of \$12,651.81 and the expert fees in the amount of \$613.90 ARE NOT recoverable under NRS 18.005. Thus, the costs recoverable by the Pltfs' is \$56,129.56. The Court further FINDS all the other costs are recoverable under NRS 18.005 and, further, were reasonable, necessary and actually incurred. Cadle Co. v. Woods & Erickson, LLP, 131 Nev. Adv. Op. 15 (2015). Based on the above, COURT ORDERED, motion GRANTED and Pltfs' awarded costs in the amount of \$56,129.56. Ms. Lundvall requested Pltfs' breakdown costs. FURTHER ORDERED, request DENIED. Pltf. to prepare the order and form and content to be approved by both sides.

PARDEE'S MOTION FOR ATTORNEY'S FEES AND COSTS:

Mr. Kay argued in support of motion. Opposition by Mr. Jimmerson. Court FINDS Pltfs' were to be provided information and also were to be provided an accounting to determine if there were due any more commissions and to make sure there was an accounting to monitor future commissions. Further, Court FINDS Pltfs' were prevailing party on must substantial claim, no legal basis pursuant to either the judgment entered on May 16, 2016, nor the commission agreement as this Court has held and FINDS Deft. was not the prevailing party on either of the above referenced bases. Pltf. to prepare the order and form and content to be approved by both sides.

PLTFS' MOTION FOR ATTORNEY'S FEES AND COSTS:

Mr. Jimmerson argued in support of motion. Opposition by Mr. Kay. This Court specifically FINDS that Pltfs' are the prevailing party pursuant to the Court's decisions of June 25, 2014, the Court's decision of May 13, 2015, and the Final Judgment entered on May 16, 2016. Therefore, the Court AWARDS Pltfs' attorney's fees and costs pursuant to the commission agreement executed September 1, 2004, that states "in the event either party brings an action to enforce it's rights under this agreement, the prevailing party shall be awarded reasonable attorney's fees and costs". The Court has analyzed the proposed attorney's fees presented by Pltfs' and pursuant to the guiding case of Brunzell v. Golden Gate Nat's Bank, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969). The Court conducted an extensive review of all of the documentation supporting the proposed attorney's fees utilizing the following factors to determine the reasonableness of the attorney's fees: (1) the quality of the advocate; (2) the character of the work done; (3) the work actually performed; and (4) the result obtained. Based upon said review of the supporting affidavit and evidentiary documentation, taking

into account any duplicative fees and inapplicable fees, the Court FINDS \$428,462.75 are reasonable attorney's fees to be awarded Pltfs'. Therefore, COURT ORDERED, motion GRANTED.

Mr. Jimmerson argued in support of pre-judgment interest. Opposition by Ms. Lundvall. COURT ORDERED, supplemental briefing as to interest as follows: Pltfs' Supplemental Brief due by September 12, 2016, Defts' Supplemental Opposition due by October 17, 2016, Pltfs' Supplemental Reply due by October 31, 2016, and matter SET thereafter on Pltfs' Motion to Assess Interest.

Mr. Jimmerson requested parties meet and confer and go over figures. Ms. Lundvall advised counsel will meet with Pltfs' counsel to go over figures. Further, Ms. Lundvall stated she does not agree with statements as to posting the bond.

12/12/16 PLTFS' MOTION TO ASSESS INTEREST (CHAMBERS)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract**COURT MINUTES****December 12, 2016**

A-10-632338-C James Wolfram, Plaintiff(s)
 vs.
 Pardee Homes of Nevada, Defendant(s)

December 12, 2016 3:00 AM Motion Plaintiff's Motion to Assess Interest

HEARD BY: Earley, Kerry**COURTROOM:** Chambers**COURT CLERK:** April Watkins**RECORDER:****REPORTER:**

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- This matter originally came before the court for Plaintiff's Motion for Attorney's Fees and Costs, filed June 8, 2016 by counsel Michael Flaxman, Esq. The matter was argued in open court on August 15, 2016 and GRANTED in favor of the Plaintiff. Pursuant to oral argument, the Court instructed the parties to submit supplemental briefing regarding prejudgment interest. The matter was then set on Department 4's Chambers Calendar for decision. Having reviewed the matter, along with all points, authorities, and exhibits submitted by counsel, including the supplemental briefs submitted by the parties, the court hereby enters its Decision. The Court FINDS the prejudgment interest on the \$6000.00 awarded to Plaintiff as consequential damages from Pardee's breach of the Commission Agreement pursuant to NRS 17.130 is \$1795.10. The Court further FINDS the prejudgment interest on the \$135,500.00 awarded to Plaintiff as special damages in the form of attorney's fees and costs accrued from June 25, 2014 through May 16, 2016. The computations for said accrued interest in light of the modification to the Nevada Prime Interest Rate in December 2015 are explicitly detailed in the Plaintiff's opening brief and are incorporated in this Minute Order. The post-judgment interest on the Court's award of \$428,262.75 in attorney's fees and \$56,129.56 in costs shall be calculated from the date of entry of judgment when said judgment is entered. Counsel for Plaintiff to prepare the Supplement to the Order and Judgment From August 15, 2016 Hearings Regarding Plaintiff's Motion for Attorney's Fees and Costs, filed January 9, 2017, to be approved as to form and content by counsel

for the Defendant.

CLERK'S NOTE: The above minute order has been distributed to: James Jimmerson, Esq., (ks@jimmersonlawfirm.com) and Patricia Lundvall, Esq., (plundvall@mcdonaldcarano.com). aw

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Breach of Contract**COURT MINUTES****May 24, 2017**

A-10-632338-C

James Wolfram, Plaintiff(s)

vs.

Pardee Homes of Nevada, Defendant(s)

May 24, 2017**7:32 AM****Minute Order**

**Minute Order Re:
Pardee's Motion to
Stay Execution of
Judgment and Post-
Judgment Orders**

HEARD BY: Earley, Kerry**COURTROOM:** Chambers**COURT CLERK:** April Watkins**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- This matter came before the court for Defendant Pardee Homes Motion for Stay of Execution, filed April 7, 2017 by counsel Rory T. Kay, Esq. Plaintiffs James Wolfram and Angela L. Limbocker-Wilkes as trustee of the Walter D. Wilkes and Angela L. Limbocker-Wilkes Living Trust (Plaintiffs) filed a Response thereto on April 27, 2017. Defendant then filed a Reply on May 10, 2017, to which Plaintiffs filed an Opposition on May 12, 2017. Having reviewed the matter, including all points, authorities, and exhibits submitted by counsel, the court hereby issues its decision. The court orders Plaintiffs Motion to Stay Execution GRANTED in part in that the execution of judgment and post-judgment orders shall be stayed pursuant to NRCP 62(d). However, the Motion is DENIED in part as the court FINDS Defendant has not shown that posting a full bond is impossible or impractical, and that Defendant has not shown good cause to waive the full bond requirement. The court also FINDS Defendant has failed to propose a plan that will provide adequate security for the Plaintiffs. Thus, the Court orders Defendant to post a supersedeas bond in the amount of \$632,268.86. Counsel for Plaintiffs to prepare the Order, to be approved as to form and content by counsel for the Defendant.

CLERK'S NOTE: The above minute order has been distributed to: Pat Lundvall, Esq., (lundvall@mcdonaldcarano.com) and James J. Jimmerson, Esq., (ks@jimmersonlawfirm.com). aw

PLAINTIFF'S EXHIBITS**CASE NO.: A-10-632338-C**

Ex No.	Description	Date offered	Objection	Date Admitted
1	September 1, 2004 Commission Letter signed by Jon Lash, James Wolfram, and Walt Wilkes	10/23/13	Stipulated 7/25/13	10/23/13
2	Option Agreement For The Purchase of Real Property And Joint Escrow Instructions – May 2004 (CONFIDENTIAL)	10/23/13	Stipulated 7/25/13	10/23/13
3	Amendment to Option Agreement for the Purchase of Real Property and Joint Escrow Instructions dated July 28, 2004	10/23/13	Stipulated 7/25/13	10/23/13
4	Amendment No. 2 to Option Agreement for the Purchase of Real Property and Joint Escrow Instructions dated August 31, 2004	10/23/13	Stipulated 7/25/13	10/23/13
5	Amended and Restated Option Agreement for the Purchase of Real Property and Joint Escrow Instructions dated March 28, 2005 - confidential	10/23/13	Stipulated 7/25/13	10/23/13
6	Amendment No. 1 to Amended and Restated Option Agreement for the Purchase of Real Property and Joint Escrow Instructions dated July 28, 2006 (CONFIDENTIAL)	10/23/13	Stipulated 9/23/13	10/23/13
7	Amendment No. 2 to Amended and Restated Option Agreement for the Purchase of Real Property and Joint Escrow Instructions dated September 30, 2006 (CONFIDENTIAL)	10/23/13	Stipulated 9/23/13	10/23/13
8	Amendment No. 3 to Amended and Restated Option Agreement for the Purchase of Real Property and Joint Escrow Instructions dated November 22, 2006 (CONFIDENTIAL)	10/23/13	Stipulated 9/23/13	10/23/13
9	Amendment No. 4 to Amended and Restated Option Agreement for the Purchase of Real Property and Joint Escrow Instructions dated December 20, 2007 (CONFIDENTIAL)	10/23/13	Stipulated 9/23/13	10/23/13
10	Amendment No. 5 to Amended and Restated Option Agreement for the Purchase of Real Property and Joint Escrow Instructions dated May 12, 2008 (CONFIDENTIAL)	10/23/13	Stipulated 9/23/13	10/23/13
11	Amendment No. 6 to Amended and Restated Option Agreement for the Purchase of Real Property and Joint Escrow Instructions dated January 30, 2009 (CONFIDENTIAL)	10/23/13	Stipulated 9/23/13	10/23/13
12	Amendment No. 7 to Amended and Restated Option Agreement for the Purchase of Real Property and Joint Escrow Instructions dated April 24, 2009	10/23/13	Stipulated 9/23/13	10/23/13

Ex No.	Description	Date offered	Objection	Date Admitted
	(CONFIDENTIAL)			
13	Amendment No. 8 to Amended and Restated Option Agreement for the Purchase of Real Property and Joint Escrow Instructions dated June 18, 2009 (CONFIDENTIAL)	10/23/13	Stipulated 9/23/13	10/23/13
14	April 6, 2009 letter from Jim Stringer Jr. to Jim Wolfram	10/23/13	Stipulated 7/25/13	10/23/13
15	November 24, 2009 letter from Jon Lash to Jim Wolfram	10/28/13	Stipulated	10/28/13
16	August 23, 2007 letter from Mr. Lash to Walt Wilkes and Jim Wolfram	10/24/13	Stipulated	10/24/13
17	March 14, 2008 letter from Jon Lash to Jim Wolfram and Walt Wilkes	10/23/13	Stipulated 7/25/13	10/23/13
18	August 26, 2009 letter from Jim Jimmerson to Charles Curtis	10/28/13	YES	10/28/13
19	May 19, 2009 letter from Jim Jimmerson to Stringer	10/28/13	YES	10/28/13
20	May 17, 2010, letter from Jim Jimmerson to John Lash	10/28/13	YES	10/28/13
21	July 10, 2009 letter from Charles Curtis to Jim Jimmerson	10/23/13	Stipulated 7/25/13	10/23/13
22	February 1, 2008 letter from Jim Wolfram to Jon Lash	10/24/13	Stipulated	10/24/13
23	April 21, 2010 letter from Jim Wolfram to Jon Lash	10/28/13	NO	10/28/13
23A	Map	10/30/13	YES	10/30/13
24	April 23, 2009 letter from Jim Jimmerson to Jim Stringer	10/28/13	YES	10/28/13
25	Parcel Map recorded in the Clark County Recorder's Office in File 98, Page 57, Bates 10463-10468	10/23/13	YES	10/23/13
26	Parcel Map recorded in the Clark County Recorder's Office in File 138, Page 51, Bates 10427-10438	10/24/13	NO	10/24/13
27	Parcel Map recorded in the Clark County Recorder's Office in File 116, Page 35, Bates 10439-10440	10/30/13	NO	10/30/13
28	Parcel Map recorded in the Clark County Recorders' Office in File 117, Page 18, Bates 10441-10443	10/29/13	NO	10/29/13
29	Parcel Map recorded in the Clark County Recorder's Office in File 140, Page 57, Bates 10444-10456	10/29/13	NO	10/29/13
30	Parcel Map recorded in the Clark County Recorder's Office in File 113, Page 55, Bates 10457-10462	10/24/13	NO	10/24/13
31	Plaintiffs' Attorney's Fees and Costs (highlighted pink)			
31A	Plaintiffs' Attorney's Fees and Costs (highlighted yellow)	12/13/13	YES	12/13/13
32	Defendant Pardee Homes of Nevada's Responses to Plaintiffs' First Request for Production of Documents			

Ex No.	Description	Date offered	Objection	Date Admitted
33	Defendant Pardee Homes of Nevada's Responses to Plaintiffs' Second Request for Production of Documents			
34A	Staff Notes and Comments 8/19/08 (BATES CNTY00001)	12/12/13	YES	NOT ADMITTED
34B	Commission Agenda Map MP-0760-08 (BATES CNTY00002)	12/12/13	YES	NOT ADMITTED
34C	Desktop Photo 09161808A (BATES CNTY00003)	12/12/13	YES	NOT ADMITTED
34D	Clark County Fire Department Permit Survey Form MP-0760-08 – dated/24/2008 (BATES CNTY00004)	12/12/13	YES	NOT ADMITTED
34E	Letter to Cindie Gee Re: Application MP-0760-08 – dated 9/10/2008 (BATES CNTY00005)	12/12/13	YES	NOT ADMITTED
34F	Desktop Photo 09161808A (BATES CNTY00006)	12/12/13	YES	NOT ADMITTED
34G	Commission Agenda Map Clark Mp-0760-08 (BATES CNTY00007)	12/12/13	YES	NOT ADMITTED
34H	Entitlement Application for Major Projects dated 8/9/2008 (BATES CNTY00008)	12/12/13	YES	NOT ADMITTED
34I	Letter to Kaseko from Cindie Gee Re: MP-0760-08 – dated 7/24/2008 (BATES CNTY00009 – CNTY00012)	12/12/13	YES	NOT ADMITTED
34J	Department of Comprehensive Planning Land Use (BATES CNTY00013 – CNTY00014)	12/12/13	YES	NOT ADMITTED
34K	Mount Diablo Meridian, Nevada Township (BATES CNTY00017 – CNTY00020)	12/12/13	YES	NOT ADMITTED
34L	Letter from Department of Comprehensive Planning Re: Notice of Final Action – dated 09/25/08 (BATES CNTY00021 – CNTY00024)	12/12/13	YES	NOT ADMITTED
34M	Ownership/Application Disclosure Form – dated 7/28/2008 (BATES CNTY00025 – CNTY00029)	12/12/13	YES	NOT ADMITTED
34N	Email from Ed Zagalo Re: Specific Plan Update – dated 8/25/2008 (BATES CNTY00030 – CNTY00035)	12/12/13	YES	NOT ADMITTED
34O	9/17/08 BCC Agenda Sheet (BATES CNTY00036 – CNTY00042)	12/12/13	YES	NOT ADMITTED
34P	Department of Comprehensive Planning (BATES CNTY00043 – CNTY00052)	12/12/13	YES	NOT ADMITTED
34Q	Wednesday – Board of County Commissioners Agenda – 9/17/08 (BATES CNTY00053 – CNTY00068)	12/12/13	YES	NOT ADMITTED
34R	Notice Information dated 9/17/2008 (BATES CNTY00069 – CNTY00094)	12/12/13	YES	NOT ADMITTED

Ex No.	Description	Date offered	Objection	Date Admitted
34S	Assessor's Copy of Re-Record Grant Bargain Recorded 5/24/2007 (BATES CNTY00095 – CNTY00170)	12/12/13	YES	NOT ADMITTED
34T	Major Projects (BATES CNTY00171 – CNTY00300)	12/12/13	YES	NOT ADMITTED
34U	Coyote Springs Specific Plan dated 8/4/2008 (BATES CNTY00301 – CNTY00433)	12/12/13	YES	NOT ADMITTED
35A	Commission Agenda Map (BATES CNTY00542)	12/12/13	YES	NOT ADMITTED
35B	Clark County Department of Development Services Major Project Application Dated 1/5/2006 (BATES CNTY00543)	12/12/13	YES	NOT ADMITTED
35C	Staff Notes and Comments MP-0874-06 (BATES CNTY00544)	12/12/13	YES	NOT ADMITTED
35D	Ownership/Applicant Disclosure Form dated 1/5/2006 (BATES CNTY00545)	12/12/13	YES	NOT ADMITTED
35E	Commission Agenda Map (BATES CNTY00546)	12/12/13	YES	NOT ADMITTED
35F	Letter to Burgess dated 7/26/2006 (BATES CNTY00547)	12/12/13	YES	NOT ADMITTED
35G	Desktop of MP-0874-06 (BATES CNTY00548)	12/12/13	YES	NOT ADMITTED
35H	Board of County Commissioners dated 8/2/06 (BATES CNTY00549 – CNTY00550)	12/12/13	YES	NOT ADMITTED
35I	Letter from Cindie Gee to Linda Perri dated 6/12/06 (BATES CNTY00551 – CNTY00552)	12/12/13	YES	NOT ADMITTED
35J	Department of Comprehensive Planning Land Use (BATES CNTY00553)	12/12/13	YES	NOT ADMITTED
35K	Department of Comprehensive Planning Land Use (BATES CNTY00554)	12/12/13	YES	NOT ADMITTED
35L	Exhibit A Legal Description (BATES CNTY00557 – CNTY00559)	12/12/13	YES	NOT ADMITTED
35M	Department of Comprehensive Planning dated 8/10/2006 (BATES CNTY00560 – CNTY00562)	12/12/13	YES	NOT ADMITTED
35N	Notice is Hereby Given – Public Hearing dated 8/2/06 (BATES CNTY00563 – CNTY00565)	12/12/13	YES	NOT ADMITTED
35O	8/6/06 BCC Agenda Sheet (BATES CNTY00566 – CNTY00570)	12/12/13	YES	NOT ADMITTED
35P	Unanimous Consent of Managers of Coyote Springs dated 3/27/2006 (BATES CNTY00571 – CNTY00575)	12/12/13	YES	NOT ADMITTED
35Q	Department of Comprehensive Planning (BATES CNTY00576 – CNTY00585)	12/12/13	YES	NOT ADMITTED

Ex No.	Description	Date offered	Objection	Date Admitted
	(BATES CNTY00925 – CNTY00929)			ADMITTED
36P	Department of Comprehensive Planning Land Use (BATES CNTY00930 – CNTY00937)	12/12/13	YES	NOT ADMITTED
36Q	Letter from Coyote Springs to Ms. Marta Golding Brown dated 1/23/2002 (BATES CNTY00938 – CNTY00945)	12/12/13	YES	NOT ADMITTED
36R	Notification Information dated 7/7/2002 (BATES CNTY00946 – CNTY956)	12/12/13	YES	NOT ADMITTED
36S	Coyote Springs Preliminary Development Scheduling dated 6/13/2002 (BATES CNTY00957 - CNTY00968)	12/12/13	YES	NOT ADMITTED
36T	Coyote Springs Application for a Major Project – Specific Plan (BATES CNTY00969 – CNTY01193)	12/12/13	YES	NOT ADMITTED
37	The Coyote Springs Development Agreement (including the First Amendment to the Development Agreement between The County of Clark and Coyote Springs) (Recorded 6/16/2004) (BATES CNTY01194 – CNTY01262)	12/12/13	YES	NOT ADMITTED
38	Development Agreement between The County of Clark and Coyote Springs dated 12/18/2002 (BATES CNTY01263 – CNTY01334)	12/12/13	YES	NOT ADMITTED
39	Notice of Final Action Clark County Zoning Commission dated 2/16/2011 (BATES CNTY01335 – CNTY01347)	12/12/13	YES	12/12/13
40	Tentative Map Application filed 12/29/10 (BATES CNTY01348 – CNTY01349)	12/12/13	YES	12/12/13
41	Zoning Commission 2/16/2011 – SB Final (BATES CNTY01350 – CNTY01351)	12/12/13	YES	12/12/13
42	Coyote Springs Map – Filed with Comprehensive Planning Department on 10/31/2013 (BATES CNTY001352)	12/12/13	YES	RULING RESERVED – NOT ADMITTED AS OF 12/13/13
43	Pardee Homes Nevada – Coyote Springs Village 4 – Tentative Map (BATES CNTY01353)	12/12/13	YES	12/12/13
44	Section of Parcel Map (BATES PH000055)	12/9/13	NO	12/9/13
45	Description of Seller Exchange Parcel (BATES CSI_WOLFRAM0001190)	12/9/13	NO	12/9/13

Ex No.	Description	Date offered	Objection	Date Admitted
35R	Wednesday Board of County Commissioners Agenda 8/2/2006 (BATES CNTY00586 – CNTY00598)	12/12/13	YES	NOT ADMITTED
35S	Wednesday Board of County Commissioners Agenda 8/2/2006 (BATES CNTY00599 – CNTY00611)	12/12/13	YES	NOT ADMITTED
35T	Notification Information dated 8/2/2006 (BATES CNTY00612 – CNTY00625)	12/12/13	YES	NOT ADMITTED
35U	The United States of America Patent – Coyote Springs Recorded 2/18/2005 (BATES CNTY00626 – CNTY00678)	12/12/13	YES	NOT ADMITTED
35V	Coyote Springs Application for a Major Project – Specific Plan updated 05/2006 (BATES CNTY00679 – CNTY00898)	12/12/13	YES	NOT ADMITTED
36A	Clark County Board of Commission Recommendations (BATES CNTY00899)	12/12/13	YES	NOT ADMITTED
36B	Commission Agenda Map (BATES CNTY00900)	12/12/13	YES	NOT ADMITTED
36C	Staff Notes and Comments (BATES CNTY00901)	12/12/13	YES	NOT ADMITTED
36D	Coyote Springs Legal Description dated 6/13/2002 (BATES CNTY00902)	12/12/13	YES	NOT ADMITTED
36E	R2B Major Projects (BATES CNTY00903)	12/12/13	YES	NOT ADMITTED
36F	Title 30 Land Use Application dated 6/17/2002 (BATES CNTY00904)	12/12/13	YES	NOT ADMITTED
36G	Commission Agenda Map (BATES CNTY00905)	12/12/13	YES	NOT ADMITTED
36H	Department of Comprehensive Planning Land Use (BATES CNTY00906 – CNTY00907)	12/12/13	YES	NOT ADMITTED
36I	Department of Comprehensive Planning Land Use (BATES CNTY00908 – CNTY00909)	12/12/13	YES	NOT ADMITTED
36J	Board of County Commissioners dated 08/7/2002 (BATES CNTY00910 – CNTY00911)	12/12/13	YES	NOT ADMITTED
36K	Department of Comprehensive Planning dated 08/16/2002 (BATES CNTY00912 – CNTY00914)	12/12/13	YES	NOT ADMITTED
36L	Department of Comprehensive Planning Land Use (BATES CNTY00915 – CNTY00917)	12/12/13	YES	NOT ADMITTED
36M	Letter from Coyote Springs to Ms. Marta Golding Brown dated 6/13/2002 (BATES CNTY00918 – CNTY00920)	12/12/13	YES	NOT ADMITTED
36N	8/7/02 BCC Agenda Sheet (BATES CNTY00921 – CNTY00924)	12/12/13	YES	NOT ADMITTED
36O	8/7/02 BCC Agenda Sheet	12/12/13	YES	NOT

DEFENDANT'S EXHIBITS**CASE NO.: A-10-632338-C**

Ex No.	Description	Date offered	Objection	Date Admitted
A	Orders to Pay Commission to Broker & US Bank Outgoing Wire Transfer Requests	10/23/13	Stipulated 07/25/13	10/23/13
B	Option Agreement for the Purchase of Real Property and Joint Escrow Instructions, dated May 2004 (CONFIDENTIAL)	10/23/13	Stipulated 07/25/13	10/23/13
C	Letter from Lash to Wilkes, dated July 1, 2004, re Option Agreement for the Option Agreement for the Purchase of Real Property and Joint Escrow Instructions	10/23/13	Stipulated 07/25/13	10/23/13
D	Letter from Lash to Wilkes and Wolfram, dated July 28, re Option Agreement for the Purchase of Real Property and Joint Escrow Instructions	10/23/13	Stipulated 07/25/13	10/23/13
E	Amendment to Option Agreement for the Purchase of Real Property and Joint Escrow Instructions, dated July 28, 2004	10/23/13	Stipulated 07/25/13	10/23/13
F	Letter from Lash to Wilkes and Wolfram, dated August 5, 2004, re Option Agreement for the Purchase of Real Property and Joint Escrow Instructions	10/23/13	Stipulated 07/25/13	10/23/13
G	Letter from Jones to Whittemore, dated August 6, 2004, re Coyote Springs / Pardee Homes of Nevada	10/23/13	Stipulated 07/25/13	10/23/13
H	Letter from Wilkes to Lash, dated August 2, 2004, re letter of July 28, 2004 and discussion re same	10/23/13	Stipulated 07/25/13	10/23/13
I	(Draft) Letter from Lash to Wilkes, dated August 16, 2004, re Commission Agreement re Option Agreement for the Purchase of Real Property and Joint Escrow Instructions	10/23/13	Stipulated 07/25/13	10/23/13
J	Amendment 2 to Option Agreement for the Purchase of Real Property and Joint Escrow Instructions, dated August 31, 2004 (CONFIDENTIAL)	10/23/13	Stipulated 07/25/13	10/23/13
K	(Draft) Letter from Lash to Wilkes and Wolfram, dated September 1, 2004, re Option Agreement for the Purchase of Real Property and Joint Escrow Instructions	10/23/13	Stipulated 07/25/13	10/23/13
L	Letter from Lash to Wilkes and Wolfram, dated September 1, 2004, re Option Agreement for the Purchase of Real Property and Joint Escrow Instructions	10/23/13	Stipulated 07/25/13	10/23/13
M	Facsimile from Jones to Wilkes, dated September 13, 2004, re Coyote Springs Investments LLC	10/23/13	Stipulated 07/25/13	10/23/13
N	Letter from Wilkes and Wolfram to Lash, dated October 5, 2004, re commission of payment	10/23/13	Stipulated 07/25/13	10/23/13
O	Amended and Restated Option Agreement for the Purchase of Real Property and Joint Escrow Instructions, dated March 28, 2005 (CONFIDENTIAL)	10/23/13	Stipulated 07/25/13	10/23/13

Ex No.	Description	Date offered	Objection	Date Admitted
P	Letter from Jones to Wilkes, dated April 12, 2005, re Coyote springs – Pardee Homes	10/23/13	Stipulated 07/25/13	10/23/13
Q	Letter from Jones to D and W Real Estate, dated April 18, 2005, re Coyote springs / Pardee Homes	10/23/13	Stipulated 07/25/13	10/23/13
R	Facsimile from D and W Real Estate LLC to Jones, dated May 25, 2005, re wiring the Coyote Springs commission	10/23/13	Stipulated 07/25/13	10/23/13
S	Email from Jones to Lawson, dated July 28, 2005, re commission orders	10/23/13	Stipulated 07/25/13	10/23/13
T	Stewart Title of Nevada Escrow Accounting File Ledger, dated October 3, 2006	10/23/13	Stipulated 07/25/13	10/23/13
U	Email from Lawson to Wilkes, dated November 2, 2006, re transferring escrow and commission	10/23/13	Stipulated 07/25/13	10/23/13
V	Email from Wilkes to Frances, dated November 15, 2006, re commission	10/23/13	Stipulated 07/25/13	10/23/13
W	Letter dated April 23, 2007 from Lash to Wilkes re: Letter agreement	10/23/13	Stipulated 07/25/13	10/23/13
X	Email dated November 1, 2007 from Frances to Lawson re: Commission order	10/23/13	Stipulated 07/25/13	10/23/13
Y	Memo dated January 6, 2008 from FB	10/23/13	Stipulated 07/25/13	10/23/13
Z	Letter dated February 1, 2008 from Wilkes to Lash re: Coyote Springs Development	10/23/13	Stipulated 07/25/13	10/23/13
AA	Letter dated March 14, 2008 from Lash to Wolfram re: Broker agreement	10/23/13	Stipulated 07/25/13	10/23/13
BB	Email dated May 12, 2008 from Wilkes to Wilkes re: Walt Wilkes new email address	10/23/13	Stipulated 07/25/13	10/23/13
CC	Email dated January 6, 2009 from Butler to Butler re: Call back	10/23/13	Stipulated 07/25/13	10/23/13
DD	Memo dated January 15, 2009 from Dunlap	10/23/13	Stipulated 07/25/13	10/23/13
EE	Email dated April 2, 2009 from Lawson to Butler re: Coyote Springs	10/23/13	Stipulated 07/25/13	10/23/13
FF	Email dated April 6, 2009 from Butler to Lawson re: Copy of ledger	10/23/13	Stipulated 07/25/13	10/23/13
GG	Letter dated April 6, 2009 from Stringer to Wolfram re: Amended and Restated Option Agreement	10/23/13	Stipulated 07/25/13	10/23/13
HH	Letter dated July 10, 2009 from Curtis to Jimmerson re: Coyote Springs Real Estate Commissions	10/23/13	Stipulated 07/25/13	10/23/13
II	Email dated January 7, 2010 from Lawson to Dunlap re: Jim Wolfram / Coyote Springs	10/23/13	Stipulated 07/25/13	10/23/13
JJ	Email dated January 14, 2010 from Lawson to Dunlap re: Jim Wolfram	10/23/13	Stipulated 07/25/13	10/23/13
KK	Fax dated January 19, 2010 from Dunlap to Wolfram re: Recorded deeds	10/23/13	Stipulated 07/25/13	10/23/13

Ex No.	Description	Date offered	Objection	Date Admitted
LL	Email dated January 26, 2010 from Blackburn to Dunlap re: Jim Wolfram	10/23/13	Stipulated 07/25/13	10/23/13
MM	Fax dated January 26, 2010 from Dunlap to Wolfram re: Coyote Springs/Pardee Homes of Nevada	10/23/13	Stipulated 07/25/13	10/23/13
NN	Chicago Title of Nevada, Inc. Final Disbursement Report, printed April 1, 2011	10/23/13	Stipulated 07/25/13	10/23/13
OO	Complaint, dated December 29, 2010	10/23/13	Stipulated 07/25/13	10/23/13
PP	Subpoena to Coyote Springs Investments, dated January 11, 2012	10/23/13	Stipulated 07/25/13	10/23/13
QQ	Non-Party Coyote Springs Investment LLC's Objection to Plaintiffs' Subpoena Duces Tecum dated January 25, 2012	10/23/13	Stipulated 07/25/13	10/23/13
RR	Non-Party Coyote Springs Investment LLC's Supplemental and Amended Objection and Response to Plaintiffs' Subpoena Duces Tecum dated August 24, 2012	10/23/13	Stipulated 07/25/13	10/23/13
SS	Subpoena to the Custodian of Records of Stewart Title Company	10/23/13	Stipulated 07/25/13	10/23/13
TT	Subpoena to the Custodian of Records of Chicago Title	10/23/13	Stipulated 07/25/13	10/23/13
UU	Exhibit 25 to Plaintiffs' Opposition to Pardee's Motion for Summary Judgment	10/23/13	Stipulated 07/25/13	10/23/13
VV	Google Earth Image	10/24/13	No	10/24/13
WW	Letter from Charles E. Curtis to James J. Jimmerson, Esq. – Dated June 14, 2010 (BATES PLTF0210)	12/10/13	No	12/10/13
XX	Tentative Map Application filed 12/29/10 – Non-Duplicative documents from the same application contained in Plaintiff's Exhibit #40	12/12/13	No	12/12/13

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):

PARDEE HOMES OF NEVADA'S AMENDED NOTICE OF APPEAL;
DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; AMENDED JUDGMENT; NOTICE
OF ENTRY OF AMENDED JUDGMENT; DISTRICT COURT MINUTES; EXHIBITS LIST

JAMES WOLFRAM; WALT WILKES;
ANGELA L. LIMBOCKER-WILKES AS
TRUSTEE OF THE WALTER D. WILKES
AND ANGELA L. LIMBOCKER-WILKES
LIVING TRUST,

Plaintiff(s),

vs.

PARDEE HOMES OF NEVADA,

Defendant(s),

Case No: A-10-632338-C

Dept No: IV

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 7 day of November 2017.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk