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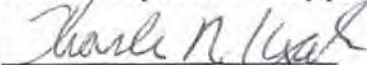
FILED

2017 MAY -3 PM 3:41

Case No. 15-10DC-0876

Dept. No. I

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


CHARLES R. KOZAK, Esq.

SUE SEVON
Electronically Filed
May 08 2017 01:53 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CHURCHILL

SHAUGHNAN L. HUGHES, an
individual,

Plaintiff,

NOTICE OF APPEAL

vs.

ELIZABETH C. HOWARD, an
individual; and DOES I through
XX, inclusive,

Defendants

NOTICE OF APPEAL

Elizabeth C. Howard hereby appeals, to the Supreme Court of Nevada, the Order Regarding
Amount of Sanctions entered on entered on April 25, 2017.

Dated this 2nd day of May 2017.


CHARLES R. KOZAK, ESQ. (SBN #11179)
chuck@kozaklusianilaw.com
KOZAK LUSIANI LAW
3100 Mill Street, Suite 115
Reno, Nevada 89502
Tel (775) 322-1239; Fax (775) 800-1767
Attorney for the Appellant

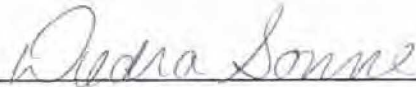
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CERTIFICATE OF SERVICE

On May 2, 2017, the undersigned, an employee of Kozak Lusiani Law, LLC., hereby certifies that I served the foregoing **NOTICE OF APPEAL** by depositing a copy thereof in U.S. Mail in Reno, Nevada, Certified postage prepaid, for delivery to the following:

Justin Townsend, Esq.
Allison MacKenzie, Ltd.
402 North Division Street
P. O. Box 646
Carson City, NV 89703-4168

DATED May 2, 2017.



Dedra Sonne
Employee of Kozak Lusiani Law, LLC

ORIGINAL

FILED

2017 MAY -3 PM 3:42

SUE SEVON
COURT CLERK

BY J Benning DEPUTY

Case No. 15-10DC-0876

Dept. No. I

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

Charles R. Kozak

CHARLES R. KOZAK, Esq.

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CHURCHILL

SHAUGHNAN L. HUGHES, an
individual,

Plaintiff,

CASE APPEAL STATEMENT

vs.

ELIZABETH C. HOWARD, an
individual; and DOES I through
XX, inclusive,

Defendants

1). The Appellant filing this Case Appeal Statement is Elizabeth C. Howard.

2). Tenth Judicial District Court Judge Thomas L. Stockard is the Judge who issued the Order
from which Howard appeals.

3). The only Appellant involved in this Appeal is Elizabeth C. Howard who is represented on
Appeal by Charles R. Kozak, Esq. of Kozak Lusiani Law, LLC located at 3100 Mill Street, Suite 115,
Reno, Nevada 89502.

4). The only Respondent to this Appeal is Shaughnan L. Huges. Respondent is represented at
trial by Justin Townsend, Esq., 402 North Division Street, Carson City, Nevada 89703. Appellant

1 assumes, but has no actual knowledge, that Respondent's trial counsel will be Appellate counsel for
2 Respondent.

3 5). Appellant's counsel and Respondent's trial counsel, all identified in paragraphs 3 and 4
4 above, are licensed to practice law in the State of Nevada.

5 6). Appellant Howard was represented at the District Court level by Charles R. Kozak, Esq.
6 or Kozak Lusiani Law, LLC, 3100 Mill Street, Suite 115, Reno, Nevada 89502.

7 7). Appellant Howard is represented on Appeal by retained counsel Charles R. Kozak, Esq.
8 of Kozak Lusiani Law, LLC.

9 8). As of this time, Appellants have not been granted leave to proceed in forma pauperis.

10 9). The initial Complaint was filed in the District Court by Plaintiff Hughes on July 27, 2015.

11 10). Ms. Howard retained the undersigned counsel, and a Notice of Appearance was filed with
12 this Court on November 19, 2015. Having received a Notice of Intent to Take Default from Hughes'
13 counsel on November 17, 2015, an Answer and Counterclaim to the Complaint were immediately
14 prepared. Due to being recently retained, the Answer and Counterclaim were completed and sent out to
15 Hughes' counsel, and for filing to this Court on Saturday, November 21, 2015 at 12:09 a.m. Ms.
16 Howard's Answer and Counterclaim were mailed the same day and filed in the Court's record on
17 November 24, 2015. Hughes counsel filed a Motion to Dismiss Counterclaim; Motion to Strike on
18 December 11, 2015. The Counterclaim was dismissed January 7, 2016. Ms. Howard's counsel
19 participated in the NRCP 16.1 early case conference, produced extensive Initial Disclosures and also
20 participated in a Pretrial conference, in good faith. Ms. Howard filed a Motion to Set Aside the
21 Dismissal on May 17, 2016 based on error in the filing and service. Thereafter, Ms. Howard also filed a
22 Motion for Summary Judgment and both were submitted for decision August 24, 2016 and both were
23 denied on September 7, 2016.

1 On August 25, 2016, immediately after Ms. Howard's Motions were submitted, but before the
2 Court's ruling, Hughes' Counsel served Ms. Howard with a Motion for Sanctions. Hughes counsel gave
3 absolutely no prior notice of intent or basis to file a Motion for Sanctions to Ms. Howard; and
4 accordingly, Ms. Howard had no opportunity to cure any alleged defect prior to counsel filing the within
5 motion. Upon receiving the Motion for Sanctions, the undersigned's office called Hughes counsel to
6 inquire if the Motion for Sanctions had, in fact, been filed with the Court, and confirmed that in
7 violation of NRCP 11 (c)(1)(A), which allows twenty-one (21) days for corrections of any alleged
8 defect, Hughes' counsel filed his Motion for Sanctions with this Court on August 26, 2016.
9

10
11 On March 1, 2017, Judge Thomas L. Stockard entered his Order Granting in Part and Denying in
12 Part Motion for Sanctions. On April 24, 2017, Judge Thomas L. Stockard issued his Order Regarding
13 the Amount of Sanctions in the amount of \$16,500.00.
14

15 11). This case is the subject of an appeal or writ proceeding in the Supreme Court of Nevada.

16 12). This appeal does not involve child custody or visitation.

17 13). There is a possibility of settlement of this civil case.

18 Dated this 2nd day of May 2017.
19

20
21 
22 CHARLES R. KOZAK, ESQ. (SBN #11179)
23 chuck@kozaklusianilaw.com
24 KOZAK LUSIANI LAW
25 3100 Mill Street, Suite 115
26 Reno, Nevada 89502
27 Tel (775) 322-1239; Fax (775) 800-1767
28 *Attorney for the Appellant*

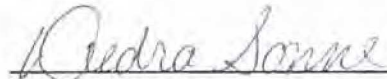
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CERTIFICATE OF SERVICE

On May 2, 2017, the undersigned, an employee of Kozak Lusiani Law, LLC., hereby certifies that I served the foregoing **CASE APPEAL STATEMENT** by depositing a copy thereof in U.S. Mail in Reno, Nevada, Certified postage prepaid, for delivery to the following:

Justin Townsend, Esq.
Allison MacKenzie, Ltd.
402 North Division Street
P. O. Box 646
Carson City, NV 89703-4168

DATED May 2, 2017.


Dedra Sonne
Employee of Kozak Lusiani Law, LLC

Churchill Case Summary

Shaughnan L. Hughes, Plaintiff, vs. Elizabeth C. Howard, Defendant.

Court: 15-10DC-0876

Agency: 10th Judicial District Court -
Department 1

Type: Real Property - Other

CaseID: 15-876

Status: Appealed to Supreme Court

Received Date: 7/27/2015

Age: 648 days Active Age: 581 days

Status Date: 3/27/2017

Charges

1. CVFIN - Civil Financial Charge

Hughes, Shaughnan Plaintiff

Howard, Elizabeth C. Defendant

Townsend, Justin M. Esq. Plaintiff's Attorney

Allison MacKenzie, Ltd. Law Firm

Kozak, Charles R. Esq. Defendant's Attorney

Kozak Lusiani Law, LLC Law Firm

Case Docket

Docket Summary

7/27/2015 2:48:00 PM | Complaint | Filed

Notes: Complaint (Exempt from Arbitration)

7/27/2015 2:49:00 PM | Issued Document | Issued

Notes: Summons

7/27/2015 2:50:00 PM | Filed Document | Filed

Notes: Lis Pendens

9/21/2015 2:09:00 PM | Filed Document | Filed

Notes: Affidavit in Support of Service by Publication of Summons

9/21/2015 2:09:00 PM | Request for Submission | Filed

Notes: Request for Submission

9/23/2015 9:57:00 AM | Order | Filed

Notes: Order Granting Publication of Summons

10/26/2015 2:23:00 PM | Filed Document | Filed

Notes: Proof of Publication

11/2/2015 4:32:00 PM | Filed Document | Filed

Notes: Corrected Proof of Publication

11/19/2015 3:47:00 PM | Filed Document | Filed

Notes: Notice of Appearance (Charles Kozak - paid First Appearance Fee)

11/24/2015 8:31:00 AM | Answer | Filed

Notes: Answer and Counterclaim

12/11/2015 4:00:00 PM | Motion | Filed

Notes: Motion to Dismiss Counterclaim; Motion to Strike

12/30/2015 4:37:00 PM | Reply | Filed

Notes: Plaintiff's Reply to the Failure to Oppose Motion to Dismiss Counterclaim; Motion to Strike

12/30/2015 4:37:00 PM | Request for Submission | Filed

Notes: Plaintiff's Request for Submission of Motion to Dismiss Counterclaim; Motion to Strike

1/7/2016 2:17:00 PM | Order | Filed

Notes: Order Granting Plaintiff's Motion to Dismiss Counterclaim; Motion to Strike

1/12/2016 2:26:00 PM | Filed Document | Filed

Notes: Notice of Entry of Order Granting Plaintiff's Motion to Dismiss Counterclaim; Motion to Strike

3/15/2016 10:21:00 AM | Case Management Conference | Filed

Notes: Plaintiff's Case Conference Report

3/15/2016 10:21:00 AM | Request for Hearing | Filed

Notes: Request for Pretrial Conference

4/4/2016 2:17:00 PM | Reply | Filed

Notes: Plaintiff's Reply to the Failure to Oppose Request for Pretrial Conference (NRCP 16)

4/4/2016 2:18:00 PM | Request for Submission | Filed

Notes: Plaintiff's Request for Submission of Request for Pretrial Conference

Churchill Case Summary

4/8/2016 10:35:00 AM | Order | Filed

Notes: Setting Memo

5/17/2016 9:20:00 AM | Motion | Filed

Notes: Notice of Motion and Motion to Set Aside Dismissal of Counterclaim

5/19/2016 9:55:00 AM | Order | Filed

Notes: Order After Pretrial Conference

6/20/2016 2:48:00 PM | Filed Document | Filed

SEALED

Notes: Elizabeth Howard's Confidential Settlement Statement

6/20/2016 2:49:00 PM | Filed Document | Filed

Notes: Elizabeth Howard's Opposition to Motion to Dismiss; Motion to Strike

6/23/2016 8:59:00 AM | Filed Document | Filed

SEALED

Notes: Plaintiff's Confidential Settlement Statement

6/28/2016 3:35:00 PM | Motion | Filed

Notes: Elizabeth Howard's Motion for Summary Judgment

7/8/2016 2:41:00 PM | Filed Document | Filed

Notes: Notice of Withdrawal of Elizabeth Howard's Opposition to Motion to Dismiss; Motion to Strike Filed June 20, 2016

7/8/2016 2:42:00 PM | Filed Document | Filed

Notes: Supplement to Elizabeth Howard's Motion to Set Aside Dismissal of Counterclaim Filed May 17, 2016

7/20/2016 3:32:00 PM | Filed Document | Filed

Notes: Affidavit of Justin M. Townsend, Esq.

7/20/2016 3:32:00 PM | Filed Document | Filed

Notes: Affidavit of Shaughan L. Hughes

7/20/2016 3:32:00 PM | Opposition to Motion | Filed

Notes: Opposition to Motion for Summary Judgment

7/28/2016 2:09:00 PM | Opposition to Motion | Filed

Notes: Opposition to Motion to Set Aside Dismissal of Counterclaim

7/28/2016 2:10:00 PM | Filed Document | Filed

Notes: Affidavit of Justin M. Townsend, Esq.

7/29/2016 3:01:00 PM | Reply | Filed

Notes: Reply to Opposition to Motion for Summary Judgment

8/24/2016 4:13:00 PM | Request for Submission | Filed

Notes: Request for Submission

8/26/2016 4:38:00 PM | Motion | Filed

Notes: Motion for Sanctions

8/26/2016 4:38:00 PM | Filed Document | Filed

Notes: Affidavit of Justin M. Townsend, Esq.

8/26/2016 4:39:00 PM | Request for Submission | Filed

Notes: Plaintiff's Request for Submission of Motion to Set Aside Dismissal of Counterclaim

8/26/2016 4:39:00 PM | Request for Submission | Filed

Notes: Plaintiff's Request for Submission of Elizabeth Howard's Motion for Summary Judgment

9/7/2016 10:46:00 AM | Order | Filed

Notes: Order Denying Defendant's Motion for Summary Judgment and Denying Defendant's Motion to Set Aside Dismissal of Counterclaim

9/12/2016 11:18:00 AM | Filed Document | Filed

Notes: Notice of Entry of Order Denying Defendant's Motion for Summary Judgment and Denying Defendant's Motion to Set Aside Dismissal of Counterclaim

9/14/2016 2:39:00 PM | Opposition to Motion | Filed

Notes: Verified Opposition to Motion for Sanctions

9/19/2016 2:46:00 PM | Filed Document | Filed

Notes: Amended Initial Witness List and Document Disclosures Pursuant to NRCP 16.1

9/20/2016 11:54:00 AM | Motion | Filed

Notes: Motion for Continuance

9/20/2016 11:55:00 AM | Filed Document | Filed

Notes: Affidavit of Justin M. Townsend, Esq. In Support of Motion for Continuance

9/20/2016 11:56:00 AM | Filed Document | Filed

Notes: Ex-Parte Motion for Order Shortening Time

9/20/2016 11:57:00 AM | Filed Document | Filed

Notes: Affidavit of Justin M. Townshend, Esq. In Support of Ex Parte Motion for Order Shortening Time

Churchill Case Summary

SEALED

Notes: Trial Statement
2/27/2017 2:26:00 PM | Order | Filed
Notes: Order After February 6, 2017 Hearing
3/1/2017 9:52:00 AM | Order | Filed
Notes: Order Granting in Part and Denying in Part Motion for Sanctions
3/1/2017 10:43:00 AM | Filed Document | Filed
Notes: Notice of Entry of Order After February 6, 2017 Hearing
3/3/2017 12:43:00 PM | Filed Document | Filed
Notes: Notice of Entry of Order Granting in Part and Denying in Part Motion for Sanctions
3/17/2017 3:34:00 PM | Motion | Filed
Notes: Motion for Reconsideration of Order in Part Granting Sanctions
3/20/2017 9:53:00 AM | Filed Document | Filed
Notes: Affidavit of Justin M. Townsend, Esq. in Response to March 1, 2017 Order Granting in Part and Denying in Part Motion for Sanctions
3/20/2017 2:37:00 PM | Motion | Filed
Notes: Amended Motion for Reconsideration of Order in Part Granting Sanctions
3/27/2017 4:29:00 PM | Appeal | Filed
Notes: Notice of Appeal
3/27/2017 4:29:00 PM | Filed Document | Filed
Notes: Case Appeal Statement
3/30/2017 12:28:00 PM | Filed Document | Filed
Notes: Receipt for Documents (Supreme Court)
4/3/2017 2:30:00 PM | Opposition to Motion | Filed
Notes: Opposition to Affidavit of Justin M. Townsend, Esq. in Response to March 1, 2017 Order Granting in Part and Denying in Part Motion for Sanctions
4/10/2017 11:05:00 AM | Opposition to Motion | Filed
Notes: Opposition to Amended Motion for Reconsideration of Order in Part Granting Sanctions
4/10/2017 11:05:00 AM | Reply | Filed
Notes: Reply to Opposition to Affidavit of Justin M. Townsend, Esq. in Response to March 1, 2017 Order in Part Granting Sanctions
4/10/2017 11:05:00 AM | Request for Submission | Filed
Notes: Plaintiff's Request for Submission of Affidavit of Justin M. Townsend, Esq. in Response to March 1, 2017 Order Granting in Part and Denying in Part Motion for Sanctions
4/18/2017 4:05:00 PM | Reply | Filed
Notes: Reply to Opposition to Amended Motion for Reconsideration of Order in Part Granting Sanctions
4/21/2017 2:46:00 PM | Request for Submission | Filed
Notes: Request for Submission
4/24/2017 8:07:00 AM | Order | Filed
Notes: Order Regarding Amount of Sanctions
4/24/2017 2:33:00 PM | Filed Document | Filed
Notes: Notice of Entry of Order Denying Motion for Reconsideration
4/26/2017 10:56:00 AM | Filed Document | Filed
Notes: Notice of Entry of Order Regarding Amount of Sanctions
5/3/2017 3:41:00 PM | Appeal | Filed
Notes: Notice of Appeal
5/3/2017 3:41:00 PM | Filed Document | Filed
Notes: Notice of Posting Cash Bond
5/3/2017 3:42:00 PM | Filed Document | Filed
Notes: Case Appeal Statement

Churchill Case Summary

9/20/2016 2:58:00 PM | Order | Filed
Notes: Order Shortening Time

9/21/2016 11:03:00 AM | Reply | Filed
Notes: Reply to Verified Opposition to Motion for Sanctions

9/21/2016 11:03:00 AM | Request for Submission | Filed
Notes: Plaintiff's Request for Submission of Plaintiff's Motion for Sanctions

9/21/2016 3:03:00 PM | Filed Document | Filed
Notes: Notice of Entry of Order Shortening Time

9/23/2016 3:19:00 PM | Opposition to Motion | Filed
Notes: Opposition to Continuance in Part

9/23/2016 3:20:00 PM | Filed Document | Filed
Notes: Affidavit of Charles R. Kozak in Support of Opposition to Continuance in Part

9/26/2016 4:26:00 PM | Reply | Filed
Notes: Reply to Opposition to Motion for Continuance

9/26/2016 4:27:00 PM | Request for Submission | Filed
Notes: Plaintiff's Request for Submission of Plaintiff's Motion for Continuance

9/27/2016 8:00:00 AM | Order | Filed
Notes: Order Continuing Trial

9/28/2016 1:48:00 PM | Filed Document | Filed
Notes: Notice of Entry of Order Continuing Trial

11/4/2016 11:16:00 AM | Motion | Filed
Notes: Motion for Order to Show Cause

11/22/2016 4:10:00 PM | Opposition to Motion | Filed
Notes: Opposition to Motion for Order to Show Cause

12/2/2016 2:28:00 PM | Order | Filed
Notes: Order Regarding Property Appraisal

12/6/2016 2:54:00 PM | Reply | Filed
Notes: Reply to Opposition to Motion for Order to Show Cause

12/6/2016 2:55:00 PM | Filed Document | Filed
Notes: Affidavit of Justin M. Townsend, Esq. in Support of Reply to Motion for Order to Show Cause

12/6/2016 2:56:00 PM | Request for Submission | Filed
Notes: Plaintiff's Request for Submission of Plaintiff's Motion for Order to Show Cause

12/7/2016 11:01:00 AM | Filed Document | Filed
Notes: Notice of Entry of Order Regarding Property Appraisal

1/4/2017 10:23:00 AM | Filed Document | Filed
Notes: Defendant's Case Conference Report

1/9/2017 2:25:00 PM | Motion | Filed
Notes: Motion in Limine

1/18/2017 2:04:00 PM | Filed Document | Filed
Notes: Defendant's Pre-Trial Disclosures Pursuant to NRCP 16.1(3)

1/20/2017 2:59:00 PM | Opposition to Motion | Filed
Notes: Opposition to Plaintiff's Motion in Limine or in the Alternative Motion for Leave to Amend Answer

1/23/2017 11:37:00 AM | Filed Document | Filed
Notes: Plaintiff's Pretrial Disclosures

1/25/2017 11:12:00 AM | Reply | Filed
Notes: Reply to Opposition to Motion in Limine and Opposition to Motion for Leave to Amend Answer

1/25/2017 11:12:00 AM | Request for Submission | Filed
Notes: Plaintiff's Request for Submission of Plaintiff's Motion in Limine

1/25/2017 1:29:00 PM | Filed Document | Filed
Notes: Supplemental Pretrial Witness Disclosure

1/27/2017 12:41:00 PM | Order | Filed
Notes: Order Regarding Motion in Limine and Motion to Amend Answer

1/30/2017 3:11:00 PM | Filed Document | Filed

SEALED

Notes: Trial Statement

1/30/2017 3:12:00 PM | Filed Document | Filed
Notes: Defendant's First Supplemental to Initial Disclosure of Witnesses and Documents

1/31/2017 11:28:00 AM | Filed Document | Filed
Notes: Notice of Entry of Order Regarding Motion in Limine and Motion to Amend Answer

1/31/2017 11:31:00 AM | Filed Document | Filed

Case No. 15-10DC-0876

Dept. I

FILED

2017 APR 24 AM 8:07

SUE SEVON
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BY *[Signature]* DEPUTY

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CHURCHILL

SHAUGHNAN L. HUGHES,
an individual,

Plaintiff,

vs.

ELIZABETH C. HOWARD, an individual, et
al.,

Defendants.

ORDER REGARDING AMOUNT OF
SANCTIONS

This Matter came before the Court on Plaintiff SHAUGHNAN HUGHES' (hereinafter "Mr. Hughes") Motion for Sanctions, filed August 26, 2016. Mr. Hughes is represented by Justin Townsend, Esq. ELIZABETH HOWARD (hereinafter "Ms. Howard") opposed the Motion for Sanctions on September 14, 2016. Ms. Howard is represented by Charles Kozak, Esq. On March 1, 2017, this Court entered an Order Granting in Part and Denying in Part Motion for Sanctions (hereinafter "Order for Sanctions").

The Order directed counsel for Mr. Hughes, Justin Townsend, Esq., to file an affidavit establishing the cost of attorney's fees pertinent to the awards set forth in the Order for Sanctions. The Court has reviewed the affidavit along with Ms. Howard's Opposition and makes the following findings and conclusions.

1 As a preliminary matter, the Court notes that, on March 27, 2017, Ms. Howard filed a
2 Notice of Appeal regarding the “Order After February 6, 2017 Hearing.” In general, a timely
3 notice of appeal “divests the district court of jurisdiction to act.” *Mack-Manley v. Manley*, 122
4 Nev. 849, 855 (2006). However, “the district court retains jurisdiction to enter orders on matters
5 that are collateral to and independent from the appealed order, i.e., matters that in no way affect
6 the appeal’s merits.” *Id.* Here, the pending issue applies to the Order Granting in Part and Denying
7 in Part Motion for Sanctions, entered March 1, 2017 (hereinafter “Order for Sanctions”). This
8 Order is separate and distinct from the order appealed from. The Order for Sanctions in no way
9 affects the appeal’s merits. Therefore, this Court retains jurisdiction to address the issue of
10 reasonable attorney’s fees.

11 “In determining the amount of fees to award, the [district] court is not limited to one
12 specific approach; its analysis may begin with any method rationally designed to calculate a
13 reasonable amount, so long as the requested amount is reviewed in light of the’ *Brunzell* factors.”
14 *Logan v. Abe*, 131 Nev., Adv. Rep. 31, 350 P.3d 1139, 1143 (2015) (quoting *Haley v. Eighth Jud.*
15 *Dist. Ct.*, 128 Nev., Adv. Op. 16, 237 P.3d 855, 860 (2012); citing *Brunzell v. Golden Gate*
16 *National Bank*, 85 Nev. 345, 349 (1969)). In factors set forth in *Brunzell* include: “(1) the qualities
17 of the advocate,” “(2) the character of the work to be done,” “(3) the work actually performed by
18 the lawyer,” and “(4) the result.” *Brunzell*, 85 Nev. at 349.

19 The Court has considered the factors and finds that Mr. Townsend’s ability, training and
20 education facilitated his ability to achieve a favorable result for his client. As this Court has
21 previously noted, Mr. Townsend carried the unanticipated burden of having to compensate for
22 Mr. Kozak’s lack of preparation and diligence on several occasions. Throughout the life of the
23 case, Mr. Townsend was diligent in preserving his client’s interests.


1 The Court finds that Mr. Townsend's affidavit represents reasonable attorney's fees for
2 the work attested to. However, the Court notes that a few of the itemized categories are outside
3 the scope of the Order for Sanctions.¹ Upon review of the affidavit and the opposition, the court
4 finds that the reasonable value of attorney's fees pertinent to the awards set forth in the Order for
5 Sanctions is \$16,500.

6 **GOOD CAUSE APPEARING, IT IS HEREBY ORDERED**

- 7 1. Mr. Townsend is awarded attorney's fees in the sum of \$16,500, which shall be paid by
8 Mr. Kozak.

9 IT IS SO ORDERED.

10 Dated this 24th day of April 2017.

11 
12 THOMAS L. STOCKARD
13 DISTRICT JUDGE
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24 ¹ The Court specifically notes, for example, the fees attested to in paragraph 5 of the Affidavit, which pertain to work performed prior to Mr. Kozak's misconduct.

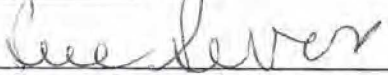
CERTIFICATE OF MAILING

The undersigned, an employee of the Tenth Judicial District Court, hereby certifies that I served the foregoing **ORDER REGARDING AMOUNT OF SANCTIONS** on the parties by depositing a copy thereof in the U.S. Mail at Fallon, Nevada, postage prepaid, as follows:

Justin M. Townsend, Esq.
Allison MacKenzie, Ltd.
402 North Division Street
Carson City, NV 89703-4168

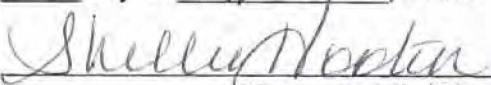
Charles R. Kozak, Esq.
Kozak Lusiani Law, LLC
3100 Mill Street, Suite 115
Reno, NV 89502

DATED this 24 day of April, 2017.


Sue Sevon, Court Administrator

Subscribed and sworn to this

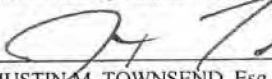
24 day of April, 2017.


Notary Public/Clerk

Case No.15-10DC-0876

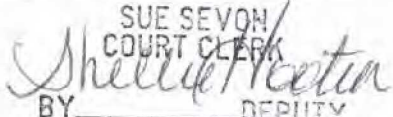
Dept. No. I

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


JUSTIN M. TOWNSEND, Esq.

FILED

2017 APR 26 AM 10:56

SUE SEVON
COURT CLERK

BY _____ DEPUTY

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CHURCHILL

SHAUGHNAN L. HUGHES, an
individual,

Plaintiff,

vs.

ELIZABETH C. HOWARD, an
individual; and DOES I through
XX, inclusive.

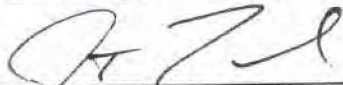
Defendants.

**NOTICE OF ENTRY OF ORDER REGARDING
AMOUNT OF SANCTIONS**

NOTICE IS HEREBY GIVEN that on the 24th day of April, 2017, the Court duly
entered an *Order Regarding Amount of Sanctions* in the above-entitled matter. A copy of said *Order*
is attached hereto as **Exhibit "1"**.

DATED this 25th day of April, 2017.

ALLISON MacKENZIE, LTD.
402 North Division Street
Carson City, NV 89703-4168

By: 
JUSTIN M. TOWNSEND, ESQ.
Nevada State Bar No. 12293

Attorneys for Plaintiff,
SHAUGHNAN L. HUGHES

CERTIFICATE OF SERVICE

Pursuant to NRCP Rule 5(b), I hereby certify that I am an employee of ALLISON, MacKENZIE, LTD., Attorneys at Law, and that on this date, I caused the foregoing document to be served on all parties to this action by:

- ☒ Placing a true copy thereof in a sealed postage prepaid envelope in the United States Mail in Carson City, Nevada [NRCP 5(b)(2)(B)]
- ☐ Hand-delivery - via Reno/Carson Messenger Service [NRCP 5(b)(2)(A)]
- ☐ Electronic Transmission
- ☐ Federal Express, UPS, or other overnight delivery
- ☐ E-filing pursuant to Section IV of District of Nevada Electronic Filing Procedures [NRCP 5(b)(2)(D)]

fully addressed as follows:

CHARLES R. KOZAK, ESQ.
KOZAK LUSIANI LAW, LLC
3100 Mill Street, Suite 115
Reno, NV 89502

DATED this 25th day of April, 2017.


NANCY FONTENOT

4849-5653-7671, v. 1

EXHIBIT “1”

EXHIBIT “1”

1 Case No. 15-10DC-0876

2 Dept. I

FILED

2017 APR 24 AM 8:07

SUE SEVON
COURT CLERK

BY [Signature] DEPUTY

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5
6 IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF CHURCHILL
8
9

10 SHAUGHNAN L. HUGHES,
11 an individual,

12 Plaintiff,

13 vs.

ORDER REGARDING AMOUNT OF
SANCTIONS

14 ELIZABETH C. HOWARD, an individual, et
al.,

15 Defendants. /

16 This Matter came before the Court on Plaintiff SHAUGHNAN HUGHES' (hereinafter
17 "Mr. Hughes") Motion for Sanctions, filed August 26, 2016. Mr. Hughes is represented by Justin
18 Townsend, Esq. ELIZABETH HOWARD (hereinafter "Ms. Howard") opposed the Motion for
19 Sanctions on September 14, 2016. Ms. Howard is represented by Charles Kozak, Esq. On March
20 1, 2017, this Court entered an Order Granting in Part and Denying in Part Motion for Sanctions
(hereinafter "Order for Sanctions").

21 The Order directed counsel for Mr. Hughes, Justin Townsend, Esq., to file an affidavit
22 establishing the cost of attorney's fees pertinent to the awards set forth in the Order for Sanctions.
23 The Court has reviewed the affidavit along with Ms. Howard's Opposition and makes the
24 following findings and conclusions.

1 As a preliminary matter, the Court notes that, on March 27, 2017, Ms. Howard filed a
2 Notice of Appeal regarding the "Order After February 6, 2017 Hearing." In general, a timely
3 notice of appeal "divests the district court of jurisdiction to act." *Mack-Manley v. Manley*, 122
4 Nev. 849, 855 (2006). However, "the district court retains jurisdiction to enter orders on matters
5 that are collateral to and independent from the appealed order, i.e., matters that in no way affect
6 the appeal's merits." *Id.* Here, the pending issue applies to the Order Granting in Part and Denying
7 in Part Motion for Sanctions, entered March 1, 2017 (hereinafter "Order for Sanctions"). This
8 Order is separate and distinct from the order appealed from. The Order for Sanctions in no way
9 affects the appeal's merits. Therefore, this Court retains jurisdiction to address the issue of
10 reasonable attorney's fees.

11 "In determining the amount of fees to award, the [district] court is not limited to one
12 specific approach; its analysis may begin with any method rationally designed to calculate a
13 reasonable amount, so long as the requested amount is reviewed in light of the' *Brunzell* factors."
14 *Logan v. Abe*, 131 Nev., Adv. Rep. 31, 350 P.3d 1139, 1143 (2015) (quoting *Haley v. Eighth Jud.*
15 *Dist. Ct.*, 128 Nev., Adv. Op. 16, 237 P.3d 855, 860 (2012); citing *Brunzell v. Golden Gate*
16 *National Bank*, 85 Nev. 345, 349 (1969)). In factors set forth in *Brunzell* include: "(1) the qualities
17 of the advocate," "(2) the character of the work to be done," "(3) the work actually performed by
18 the lawyer," and "(4) the result." *Brunzell*, 85 Nev. at 349.

19 The Court has considered the factors and finds that Mr. Townsend's ability, training and
20 education facilitated his ability to achieve a favorable result for his client. As this Court has
21 previously noted, Mr. Townsend carried the unanticipated burden of having to compensate for
22 Mr. Kozak's lack of preparation and diligence on several occasions. Throughout the life of the
23 case, Mr. Townsend was diligent in preserving his client's interests.

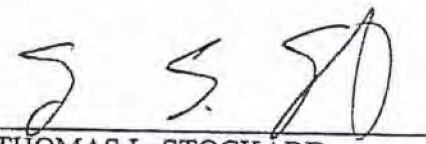
1 The Court finds that Mr. Townsend's affidavit represents reasonable attorney's fees for
2 the work attested to. However, the Court notes that a few of the itemized categories are outside
3 the scope of the Order for Sanctions.¹ Upon review of the affidavit and the opposition, the court
4 finds that the reasonable value of attorney's fees pertinent to the awards set forth in the Order for
5 Sanctions is \$16,500.

6 **GOOD CAUSE APPEARING, IT IS HEREBY ORDERED**

- 7 1. Mr. Townsend is awarded attorney's fees in the sum of \$16,500, which shall be paid by
8 Mr. Kozak.

9 IT IS SO ORDERED.

10 Dated this 24TH day of April 2017.

11 
12 THOMAS L. STOCKARD
13 DISTRICT JUDGE
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24 ¹ The Court specifically notes, for example, the fees attested to in paragraph 5 of the Affidavit, which pertain to work performed prior to Mr. Kozak's misconduct.

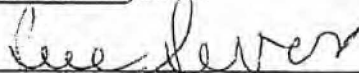
CERTIFICATE OF MAILING

The undersigned, an employee of the Tenth Judicial District Court, hereby certifies that I served the foregoing **ORDER REGARDING AMOUNT OF SANCTIONS** on the parties by depositing a copy thereof in the U.S. Mail at Fallon, Nevada, postage prepaid, as follows:

Justin M. Townsend, Esq.
Allison MacKenzie, Ltd.
402 North Division Street
Carson City, NV 89703-4168

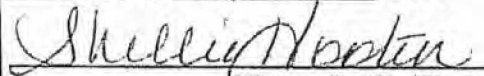
Charles R. Kozak, Esq.
Kozak Lusiani Law, LLC
3100 Mill Street, Suite 115
Reno, NV 89502

DATED this 24 day of April, 2017.


Sue Sevon, Court Administrator

Subscribed and sworn to this

24 day of April, 2017.


Notary Public/Clerk

**TENTH JUDICIAL DISTRICT COURT
MINUTES**

SHAUGHNAN L. HUGHES, PLAINTIFF, VS. ELIZABETH C. HOWARD, DEFENDANT.

15-10DC-0876

Judge: Thomas L. Stockard
Law Clerk: Jeff Weed
Clerk: Shellie Hooten

Date of Hearing:	<u>May 17, 2016 - Pre-Trial Hearing</u>
Present:	Elizabeth C. Howard, Defendant Shaughnan Hughes, Plaintiff Kozak, Charles R., Esq., Defendant's Attorney Justin M. Townsend, Esq., Plaintiff's Attorney
Not Present:	
Sworn and Provided Testimony:	Elizabeth C. Howard
Exhibits:	

For statements made by Counsel and Court, please see attached JAVS Report.

COURT ORDERED: There were discussions on documents that Mr. Kozak stated he had filed with the Court. The Court did not have these documents nor did opposing counsel have. Ms. Howard was sworn and the Court examined her on what dealing she had with the Court regarding these documents. The Court inquired if the parties would like to do mediation. Counsel agreed. With some discussion the matter was set before Judge Estes for a Settlement Conference on **June 29, 2016 at 9:00 a.m.** The matter was set for trial on **October 3, 2016 at 9:00 a.m.** The Court instructed both parties to file Settlement Statements by June 20th with a 5 page limit. Both parties will have the property appraised by their own broker and submit their appraisals. The Court ordered that if the case does not settle, Mr. Kozak has until July 8, 2016 to file his Motion (supplement) and Mr. Townsend will have the statutory time to file his Response/Opposition.



Plaintiff: Shaughnan L. Hughes
Prosecution: Esq. Justin M. Townsend
Defendant: Elizabeth C. Howard
Defense: Esq. Charles R. Kozak
Judge: Thomas L. Stockard
Clerk: Shellie Hooten
Bailiff: Jeff Weed

Date:	Type:	Location:	Department:
5/17/2016	Civil Motion	Courtroom 1	
Event Time	Log Event		
1:25:02 PM	Session Started		
1:25:37 PM	Session Note Entry		
	Note: CourtClerk, CourtClerk	Justin Townsend for Mr. Hughes; Charles Kozak for Ms. Howard	
1:25:59 PM	Session Note Entry		
	Note: CourtClerk, CourtClerk	Court..this was set at the request of Mr. Kozak, had some trouble getting a Joint Conference filed? Mr. Townsend filed one, Mr. Kozak thought he had	
1:26:59 PM	Session Note Entry		
	Note: CourtClerk, CourtClerk	Court...go through the court's history. Ms. Howard called the Court and spoke to Julie and on 2/3 she talked to Tiffany about a missing document. Ms. Howard remembers that. Tiffany called the attorney and said they did not have the document and asked that a copy be faxed to us. That did not happen. Just on today's date, the Court received a fax at 3:13 p.m....an opposition to Motion to dismiss. That reports to be drafted on Dec. 30th. Mr. Kozak...they didn't have a filed stamped copy and emailed it twice to the Court. Court...do you have proof. Mr. Kozak...yes I'm sure we can. Mr. Townsend stated that he had never received the Opposition.	
1:30:00 PM	Session Note Entry		
	Note: CourtClerk, CourtClerk	Court...postage in the amount of \$5 ... Mr. Kozak that shows that the opposition was sent to the court. Court...how does that show that? Mr. Kozak stated his secretary's affidavit. Will give you a chance to supplement your Opposition. If you do have proof of the emails...to Tiffany....I would like those too. But you have the other attorney that did not receive it.	
1:33:06 PM	Session Note Entry		
	Note: CourtClerk, CourtClerk	Court...the first record I show is at 1:13 today. there is a case conference report that you say was filed and we dont have that either.	
1:33:42 PM	Session Note Entry		
	Note: CourtClerk, CourtClerk	Mr. Townsend...we have received production of witnesses either. We were told we would have that and we have never received it. This is a long running behavior. Mr. Townsend explained. Ms. Hughes would not answer her door, had to serve by publication. Heard from an attorney from Las Vegas, then nothing more from that attorney, then heard from Mr. Kozak.	

1:35:42 PM	Session Note Entry Note: CourtClerk, CourtClerk	Court...you said you have a case conference....why don't we do this... contact your office and have them fax that case conference report. Then we can continue on. Maybe your office can fax proof of the emails as well. Then I want counsel to talk and see if you can map out a way of moving forward ... the motion will have to play out, but I'm gonna let you supplement that.	
1:38:03 PM	Session Ended		
Date:	Type:	Location:	Department:
5/17/2016	Civil Motion	Courtroom 1	
Event Time	Log Event		
1:55:38 PM	Session Started		
1:55:48 PM	Session Note Entry Note: CourtClerk, CourtClerk	Back on the record. Court...where are we at?	
1:56:00 PM	Session Note Entry Note: CourtClerk, CourtClerk	Mr. Kozak...had his secretary send it down here. Did it come through. Court asked bailiff to check the fax.	
1:56:47 PM	Session Note Entry Note: CourtClerk, CourtClerk	Bailiff...only thing that came through was an email with the opposition. Court...want to explore this a little more so that we know the Court is doing everything its supposed to .	
1:58:06 PM	Session Note Entry Note: CourtClerk, CourtClerk	Court looked over the email that has the Opposition attached. But there is no Case Conference Report. Court...read the email from Tiffany. Court...you emailed Nan...telling her to email the court. Court...we dont have it, opposing counsel does not have it...do you see the pattern? Please reach out to your office and have them fax the case conference report.	
2:02:19 PM	Session Paused		
2:03:46 PM	Session Resumed		
2:03:57 PM	Session Note Entry Note: CourtClerk, CourtClerk	Mr. Kozak stated it should be on the way. Court instructed bailiff to have one of the clerks bring it in.	
2:04:27 PM	Session Note Entry Note: CourtClerk, CourtClerk	Court...you were going to provide proof of the faxed copies. Mr. Kozak stated he did ask her to do that. Court inquired if this has happened in any other of his cases? Mr. Kozak...no, this is the only one.	
2:06:29 PM	Session Note Entry Note: CourtClerk, CourtClerk	Court...if you were sitting in my chair..what would your assessment be? Mr. Kozak stated that it is one of their conversations in their office, they are baffled. Mr. Townsend...if their is frustration on their side, how come there is no communication on his side? Have emailed...not a single response.	
2:08:47 PM	Session Note Entry Note: CourtClerk, CourtClerk	Ms. Howard sworn. Court examined her on coming to the courthouse and dealing with the clerks. Court...why did you come in? Ms. Howard...she came in to get a copy of the papers cause she didn't want to drive all the way to attorney's office to get them. She was told the Court didn't have it. That was in February. Ms. Howard...Clerk told her that they were waiting on a fax. She called Nan and Nan stated she would fax it. Court...have you done anything else? Ms. Howard...no, forgot about it.	
2:12:20 PM	Session Note Entry Note: CourtClerk, CourtClerk	Bailiff...nothing received yet.	

2:12:38 PM	Session Note Entry Note: CourtClerk, CourtClerk	Court...what is a reasonable time to wait for these documents. Mr. Kozak, well if we could have 8 hours. He thought it all had been filed. Mr. Townsend...if that's the one I drafted with his corrections/additions...
2:15:09 PM	Session Note Entry Note: CourtClerk, CourtClerk	Court...going to speak very candid...don't know you, but very concerned about what has happened. Going to give you 10 days to file another motion and statutory time for reply/Opposition. Deeply concerned. Would expect greater attention.
2:16:20 PM	Session Note Entry Note: CourtClerk, CourtClerk	Court...now lets talk about going forward. Mr. Kozak...will have that delivered by Reno/Carson tomorrow. Court...no later than Thurs.
2:17:01 PM	Session Note Entry Note: CourtClerk, CourtClerk	Mr. Townsend...are you asking for him to file a Motion to replace this one? Court..yes. Court...don't know how that relates/say that its to this case. Mr. Townsend...it appears to be a corner of an envelope, why not produce the whole envelope. Discussion on the postage...
2:19:51 PM	Session Note Entry Note: CourtClerk, CourtClerk	Mr. Townsend...the Opposition was due Dec 28th, even if they filed it, it was late.
2:20:14 PM	Session Note Entry Note: CourtClerk, CourtClerk	Court...I know the court didnt rule until after it expired.
2:20:29 PM	Session Note Entry Note: CourtClerk, CourtClerk	Court...how can the court be assistance to both parties. Mr. Townsend...relatively statutorily...would like to set a trial. Mr. Kozak no opposition...
2:22:25 PM	Session Note Entry Note: CourtClerk, CourtClerk	Mr. Townsend...another option...if there are addtional claims...maybe partition it. Court...would like to do as a whole. Mr. Kozak stated he would too.
2:23:17 PM	Session Note Entry Note: CourtClerk, CourtClerk	Court..think this case has dragged on longer than I would want. Mr. Townsend...it was our intention to ask for sanctions. Court...will entertain that.
2:24:11 PM	Session Note Entry Note: CourtClerk, CourtClerk	Court Administrator gave October 3, 2016 at 9:00 a.m. for 1 day trial. Counsel was ok with that. Court...what about mediation. Counsel would like that. Court...is there a Judge you have in mind? Discussion on Judges. Court...is this a case with some flexibility? Court...what about Judge Whitehead?
2:27:20 PM	Session Note Entry Note: CourtClerk, CourtClerk	Mr. Kozak stated Bob Inzenberger (Phonic Spelling) Mr. Townsend...would prefer a judicial mediator.
2:27:49 PM	Session Note Entry Note: CourtClerk, CourtClerk	Court...why don't we ask the Supreme Court to assign a senior judge to mediate...why don't we have Judge Estes? Counsel was ok with that. Court Administrator...Judge Estes has just set something. but 29th or 30th. Court set it for June 29, 2016 at 9:00 a.m. with Judge Estes.
2:30:13 PM	Session Note Entry Note: CourtClerk, CourtClerk	Court...suggest you come with open minds. Ask each to file Settlement Statement by June 20th. Five page limit on Settlement.

2:31:39 PM	Session Note Entry Note: CourtClerk, CourtClerk	Court...any questions on the value of the property? Mr. Kozak...we can easily get an appraiser from a broker. Mr. Townsend...we actually talked with Cari Norcutt. Mr. Kozak...they have their own broker that has already looked at the house. Court...you can both get your own and go from there.
2:33:30 PM	Session Note Entry Note: CourtClerk, CourtClerk	Court...expect the case conference report will be filed before then. Court...do we want to wait for mediation and save money. Mr. Kozak...my thought is to put it off until after mediation. Court...what about briefing the Motion. Counsel would like to do the motions after mediation. Court...ok, if it doesnt settle...deadline of July 8th to file motion and Mr. Townsend will have statutory time to reply.
2:36:23 PM	Session Note Entry Note: CourtClerk, CourtClerk	Court administrator brought in an email and Defendant's Case conference report. Court went through docs. Court...was signed on Mar 10, mailed on Mar 23 to Mr. Townsend.
2:38:02 PM	Session Note Entry Note: CourtClerk, CourtClerk	Court...do you want a copy. Mr. Townsend...would like to see a copy. Court Admin made copies.
2:38:48 PM	Session Note Entry Note: CourtClerk, CourtClerk	Court...when would have that been mailed to the Court. Mr. Kozak...assuming the day he signed it. Court...since these aren't the originals, not going to file them in. Is that your signature? Mr. Kozak...yes it is.
2:41:05 PM	Session Note Entry Note: CourtClerk, CourtClerk	Court spoke to the parties.
2:41:21 PM	Session Ended	

**TENTH JUDICIAL DISTRICT COURT
MINUTES**

SHAUGHNAN L. HUGHES, PLAINTIFF, VS. ELIZABETH C. HOWARD, DEFENDANT.

15-10DC-0876

Judge: Thomas L. Stockard
Law Clerk: Carey Rosser
Clerk: Shellie Hooten

Date of Hearing:	<u>February 6, 2017 - Civil Bench Trial</u>
Present:	Elizabeth C. Howard, Defendant Shaughnan Hughes, Plaintiff Charles R. Kozak Esq., Defendant's Attorney Justin M. Townsend Esq., Plaintiff's Attorney
Not Present:	
Sworn and Provided Testimony:	Elizabeth C. Howard Shaughnan Hughes John Hughes Fallon Lee Hughes
Exhibits:	01 - Quitclaim Deed (Admitted) 02 - Property Tax Records (Admitted) 03 - Insurance Records (Admitted) 04 - Property Photographs (Admitted) 05 - Property Improvement Records (Marked for ID) 06 - Household Receipts (Marked for ID) 07 - Email from Defendant (Marked for ID) 08 - Plaintiff's Sales Receipts (Admitted) 09 - Special Use Permit Application (Admitted) 10 - Building Permit Application (Admitted) 11 - Owner Acknowledgment (Admitted) 12 - Building Permit (Admitted) 13 - Acceptance of Conditions Re: Water Well (Admitted) 14 - Assessor's Improvements List (Admitted) 15 - Emails from Defendant (Marked for ID) 16 - Defendant's GoFundMe Page (Marked for ID) 17 - Text message from Defendant (Marked for ID) 18 - Plaintiff's Gun Inventory (Marked for ID) 19 - Plaintiff's Personal Property List (Marked for ID)

**TENTH JUDICIAL DISTRICT COURT
MINUTES**

	<p>20 - Defendant's Receipts (Marked for ID) 21 - Defendant's Bank Statement (Marked for ID) A - Escrow Settlement Statement for 11633 Fulkerson Rd, Fallon (Marked for ID) B - Bank of America Savings Statement for Elizabeth Howard (Marked for ID) C - List of Elizabeth Howard's Home Improvement Invoices (Marked for ID) D - Elizabeth Howard's Home Improvement Invoices (Marked for ID) E - List of Verda Construction Materials (Marked for ID) F - Verda's Construction Invoices (Marked for ID) G - Dr. Hyman's Report of PQME Re-Examination (Marked for ID) H - Elizabeth Howard's Bank of America Bank Statements (Marked for ID) I - Walmart Pharmacy Medical Expense Summary (Marked for ID) J - Appraisal of Real Property (Admitted) K - A list of Invoices altered by Plaintiff (Marked for ID) L - Hughes Discovery Produced and Description of Deficiency and Disproving Document (Admitted)</p>
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For statements made by Counsel and Court, please see attached JAVS Report.

COURT ORDERED: After hearing testimony from the parties and their witnesses, the Court stated it would take the matter under submission. The Court stated it would have an Order out within 21 days. Mr. Townsend indicated there was a pending Motion for Sanctions and would assume the Court would put that in the Order. The Court stated it would probably do a separate order on that Motion.



Plaintiff: Shaughnan L. Hughes

Prosecution: Esq. Justin M. Townsend

Defendant: Elizabeth C. Howard

Defense: Esq. Charles R. Kozak

Judge: Thomas L. Stockard

Clerk: Shellie Hooten

Bailiff: Carey Rosser; Jeff Weed

Date:	Type:	Location:	Department:
2/6/2017	Civil Bench Trial	Courtroom 1	

Event Time	Log Event
8:57:44 AM	Session Started
8:57:59 AM	Session Note Entry Note: CourtClerk, CourtClerk Court- introduced parties.
8:58:17 AM	Session Note Entry Note: CourtClerk, CourtClerk Mr. Townsend invoked the rule of exclusion.
8:58:28 AM	Session Note Entry Note: CourtClerk, CourtClerk The Court excused all witnesses.
8:58:57 AM	Session Note Entry Note: CourtClerk, CourtClerk Mr. Townsend made an opening statement.
8:59:12 AM	Session Note Entry Note: CourtClerk, CourtClerk Mr. Townsend... rebuttle presumption under statute on executing a deed...presumed she intends to gift one-half of that property. It was joint tenancy, unless she can provide something different, then its joint tenancy. Mr. Hughes made acts as if he owned the property making improvements on the property he would have not otherwise done. There is s deed. Intend to put on evidence of his labor on the property. All he seeks today is what is rightfully his.
9:02:03 AM	Session Note Entry Note: CourtClerk, CourtClerk Mr. Kozak...think it will be rebutted, she paid for the entirety of the property. Never was an intention that he get half of the property or be compensated for the labor. He cleaned up the property and did some excavation and helped to put fence around the property as did Ms. Howard. If you add up all the money that she and her mother put into the property, I would say its over \$200,000.
9:03:57 AM	Session Note Entry Note: CourtClerk, CourtClerk Court...address the issue of the statute of the frauds... Mr. Townsend...only that there is a written document. Mr. Kozak...they are referring to that they said there was an agreement. Court...prev ruled that no affimative defense will be allowed...
9:05:37 AM	Session Note Entry Note: CourtClerk, CourtClerk Counsel understood.

9:05:57 AM

Session Note Entry

Note: CourtClerk, CourtClerk

SHAUGHNAN L. HUGHES duly sworn and testified under direct examination by Mr. Townsend. Testified that he was raised in California. He has 2 girls Savanah and Fallon. 16 and 18. He was a truck driver then began doing coin mine. Now drives again for Fallon Auto Mall. He testified that he met Ms. Howard...he was working for Coin Mine at the time, she was a client. He bought coins she had. They talked and hit if off. He continued seeing Ms. Howard they became romantic within the week. He was on the road and would stay with her and her mother, then moved in on a later date. They lived near San Francisco. They decided to move in together in the Summer of 2010. They moved here to Fallon. The moved out on Melanie Drive. They both leased it. Then to Stillwater Road they both leased it, lived there about 8-9 months. He testified that he did not have custody of his girls then, he got them in 2011...he has primary physcial custody...their mother has visitation, but she doesnt do anything with it.

9:12:03 AM

Session Note Entry

Note: CourtClerk, CourtClerk

Testified that he and Ms. Howard discussed marriage. They didn't have plans, they just talked about it. He wanted to marry her. They spoke about buying a home together. They discussed about the Melanie Drive property...it wasnt for sale, but the owners would sale it. They contacted a realtor at that time, they looked at some properties. The realtor kept showing homes that were pending or already sold, they got irriated and put the whole thing on hold.

9:14:20 AM

Session Note Entry

Note: CourtClerk, CourtClerk

Testified that they applied for financing through the USDA...they were going to fill out an application for assistance, they got approved, but they were in an little bit of a transition, it would be 4-6 months to get money. Ms. Howard had an IRS debt that she had to take care of before she could get a loan. He does not recall if they were finally approved.

9:16:13 AM

Session Note Entry

Note: CourtClerk, CourtClerk

Mr. Hughes testified that Ms. Howard got a 3rd party settlement...They were going to get help from parents with a down payment on a house on Allen Rd. and lost that property to another buyer. Testified that she got \$390,000 settlement and actually got in hand \$153,000. Testified that it was her idea to use that money on a home. It was decided that she would buy property, they would all live there with his daughters. They looked at homes on Fulkerson. They liked one property out there... Mr. Hughes prodominantly looked for property. She trusted him to do the search. Tesified that the person that used to own the property...must have been a car collector...there was a lot of debris. They had made an agricultural well to a domestic well. A lot of old amentities to the property. It was windblown for about 30 years. It was a pretty good bargain. Testified that Ms. Howard baid for the property from her settlement, it was always the understanding they would own it in joint tenency.

9:22:59 AM	Session Note Entry Note: CourtClerk, CourtClerk	Testified that Ms. Howard originally took the property in her name alone. Testified that is was just they way it happened at the time, they purchased from VA. They discussed putting his name on the title several times. Plaintiff Exhibit 1 - Quit Claim Deed, grantor is Elizabeth Howard who deeded it to both of them as joint tenents. Mr. Townsend Offered Exhibit 1, (prev stip) Court admitted. His daughters were with them when they did this and Ms. Howard was of her right mind when signing it. She had told him jokingly that he was going to earn the property.
9:26:51 AM	Session Note Entry Note: CourtClerk, CourtClerk	Testified that for several years she talked poorly about her family and they acted like family and she wanted to be part of his family and wanted to protect him from her family. There were other things involved too for them to go down and put his name on the property. They wanted something that would protect both of them.
9:28:18 AM	Session Note Entry Note: CourtClerk, CourtClerk	Testified that he paid the tranfer tax on the property. He had the responsibility to pay the property taxes and she would pay the homeowners insurance.
9:29:17 AM	Session Note Entry Note: CourtClerk, CourtClerk	Plaintiff's Exhibit 2 is receipts from the County for property taxes. He paid all of them. Testified on Page 009 of Exhibit 2...says receieved from says Howard and Hughes...testified that he paid that. Testified that Ms. Howard was not with him when he paid the taxes. Testimony on the last page...date is 7-9-16 an online purchase for the taxes...this was after he had moved out. Mr. Townsend offered Exhibit 2, and admitted.
9:32:54 AM	Session Note Entry Note: CourtClerk, CourtClerk	Further testimony that there was on occasion that he paid the property insurance about 3 times. He was notified, he got a call, they had tried to get a hold of Ms. Howard to get a payment from her and they couldn't, He was the default payer and he ended up paying it.
9:34:06 AM	Session Note Entry Note: CourtClerk, CourtClerk	Plaintiff's Exhibit 3: Testified that these are the insurance payments that he made on the property. on bate stamp 00219 6-13-16, was a late/penalty payment. He had a conversation with Mr. Schank, the agent. From that conversation...stated that Mr. Schank has mentioned that Ms. Howard was trying to get him off the insurance.
9:37:12 AM	Session Note Entry Note: CourtClerk, CourtClerk	Court...only considering that testimony for what the Plaintiff was feeling at the time, not what Mr. Schank stated.

9:37:36 AM

Session Note Entry

Note: CourtClerk, CourtClerk

Further testimony. Plaintiff's Exhibit 4. Testified that when they purchased the house, he was still working for coinstar, then he got custody of his kids and stopped working/traveling for them. Testified that the first thing he wanted to do was clean up the property. There was glass, wire, car parts. There was a slab that was completely buried. He did work around the hanger. It took them a couple of months. They did not move into the property as soon as they purchased it. They moved in around September. After clean up..then next project was surveying deciding where to put stuff. The Driveway was really bad. That was a big project. The property is 11.09 acre was going to fence in over 4 acres. A lot of what fence was there had rotted out, just a mess. They had to remove a lot of features before doing anything else. Testified on where the driveway was.

9:42:44 AM

Session Ended

Date:

Type:

Location:

Department:

2/6/2017

Civil Bench Trial

Courtroom 1

Event Time

Log Event

9:48:44 AM

Session Started

9:48:52 AM

Session Note Entry

Note: CourtClerk, CourtClerk

Back on the Record....

9:54:53 AM

Session Ended

Date:

Type:

Location:

Department:

2/6/2017

Civil Bench Trial

Courtroom 1

Event Time

Log Event

9:57:02 AM

Session Started

9:57:22 AM

Session Note Entry

Note: CourtClerk, CourtClerk

Back on the record...

9:57:35 AM

Session Note Entry

Note: CourtClerk, CourtClerk

Mr. Hughes continued with his diagram. Testified that the sand was all pushed to one side. could have been a flood, made the driveway more cemetrically. Plaintiff's Exhibit 4 - Photos: First photo of markers for putting in new fence and gettign rid of old fence. They were not living there yet. There was also a wheel barrow of dirt to raise the area up. There were railroad ties there. Next photo, close up of the gate. Then photo of Ms. Howard, assiting him. Photo of Savannah and him, bringing the bottom of the fence line with the dirt. Next photo of him on the tractor. Next photo of the fence are. Next was the complete area/fencing. Next he and the tractor and his daughter...to do the excavation work. His father had gotten the tractor for them. They moved a lot of dirt with it. The tractor was 2 wd and it didn't work very well, so he used it for the lighter work.

10:06:23 AM

Session Note Entry

Note: CourtClerk, CourtClerk

Further testimony on the photos. 00250 was photo of where the tractor was not able to grab the dirt. Then another photo of a retaining wall. Their neighbor had a relative visiting, saw what they were doing and said he had a better way to do it. A couple of days later he brought over a skip loader. Got a lot done. That was a neighborly thing, was going to hire him months later and eventually did at \$50 an hour, he only asked for at least 5 hours of work. They had bargained about 40 hours of work. It went in stages but they got a lot done. Next 6 photos of Mr. Savage with his tractor.

10:11:03 AM

Session Note Entry

Note: CourtClerk, CourtClerk

Further testimony on the work they did. moving the dirt etc.

10:11:32 AM	Session Note Entry Note: CourtClerk, CourtClerk	Testimony on the photo of Semi with railroad ties, retaining walls were made of railroad ties. Discussion on the next photos of same. Testified that he installed all of these railroad ties and and his daughter. Next photo of the hanger and all the dirt that had blown up against the hanger. Next two photos looking behind the reatinine wall can see the house and tracks.
10:15:23 AM	Session Note Entry Note: CourtClerk, CourtClerk	Court....need to take a recess for computer and get the tv display set up
10:15:45 AM	Session Ended	
Date:	Type:	Location: Department:
2/6/2017	Civil Bench Trial	Courtroom 1
Event Time	Log Event	
10:31:19 AM	Session Started	
10:31:28 AM	Session Note Entry Note: CourtClerk, CourtClerk	Back on the Record
10:31:34 AM	Session Note Entry Note: CourtClerk, CourtClerk	Mr. Townsend continued with direct examination. Testimony on photo..back fence and railroad ties. Also white rock near house/bldg. Next photos of pile of base rock that was brought in and hanger/out building. Testified that there was about 50 railroad ties being used in different places on the property they they dug up and used elsewhere. Mr. Savage, who he hired did the base rock. Next photo of garage...it was not there when they bought property, he designed for his future FFL business. That he has now. Photos of rock placed on property, garage and area prepared for the slab for the garage drive. Photo of turkey, in background is a finished retaining walls...then juniper trees they planted. Also some chord wood they stocked up on.
10:39:51 AM	Session Note Entry Note: CourtClerk, CourtClerk	Testimony on a couple of other photos of the airplane hanger, and old animal pens. Further testimony on photos of aviaries. They were growing their own meat / birds. He designed and built all of it. His daughters helped and Ms. Howard helped with some of the wire fence. Photos of small coupes. They were pre-built, he modified them. Another photo of the red dog house. Another photo of property with chickens near tree, testified on how the property slopped down towards the house.
10:45:32 AM	Session Note Entry Note: CourtClerk, CourtClerk	Further testimony on photos...photo of piece of property with loader on it and aviary.

10:47:32 AM	Session Note Entry Note: CourtClerk, CourtClerk	Mr. Hughes testified that he and Ms. Howard had a discussion on moving her mother down. They discussed she would stay with them for a while but they would look for a home for her in town. Testified that her mother moved here in May of 2013 with his understanding that she would purchase a home of her own. She never looked for a home. She moved into his daughters room and the girls had to bunk together. It got to the point where he encouraged them to look at purchasing her own home. Then there was a house near by that he recommended she buy so she could be near by. She didn't want that because of too much land, he offered to take care of, then the house sold. Then they discussed building something on their property. So they had to obtain a special use permit. Plaintiff's Exhibit 9, Special Use Permit Application. Ms. Howard signed. Both of the parties' names were on it. Plaintiff's Exhibit 10, is the bldg permit application...he signed that one. Plaintiff's Exhibit 11, Owner Acknowledgment, both names; and Exhibit 12, Building Permit; all exhibits, 9-12 offered and admitted.
10:56:08 AM	Session Note Entry Note: CourtClerk, CourtClerk	Back to the photos. Photo of the are for the area of the basement for the house. He was in the photo watching over the project. Testified that he assisted Jason Homer on the project. Testified that he hauled the access dirt around the property then the last bit was hauled off. Which cost them all money, was expensive to have someone haul it off.
10:59:31 AM	Session Note Entry Note: CourtClerk, CourtClerk	Further testimony on photos of firewood...was worth about \$2500-3000 worth of cord wood.
11:00:31 AM	Session Note Entry Note: CourtClerk, CourtClerk	Testimony on Plaintiff's Exhibit 5...Property Improvement Receipts. Testified that he never stated that he paid for all of that, but he did pay for some of it.
11:04:07 AM	Session Note Entry Note: CourtClerk, CourtClerk	Testimony on A&K invoices within Exhibit 5. Further testimony on rental agreement and material sales. In leiu of paying him \$1000 that was agreed on, Ms. Howard's mother paid this invoice saving her \$135. Another invoice from A&K he and Ms. Howard paid. Another invoice from Lahontan Valley Electric for electical work... Ms. Hughes described the electrical work on the diagram...Ms. Roberta Howard paid for work to her house. He paid for for work on the garage.
11:10:06 AM	Session Note Entry Note: CourtClerk, CourtClerk	Testimony on Defendant's Exhibit L...Invoices from Lahontan Valley Electric. Further testimony on receipts for trees he purchased. His father paid for one, then he paid him back. Another receipt was for insurance payment he paid. Copies of tax bills he paid. Another invoice for the slab in front of the garage that he paid for. \$4000. Testified that Ms. Howard paid for things too. He has never disputed that.

11:13:54 AM	Session Note Entry Note: CourtClerk, CourtClerk	Testified that from his working for years, he paid for things in cash. Namely because of the business he was in...guns that he sells. He sold one for \$10,000 and that money was mixed into things paid for on the property. Further testimony on the guns sold and how much. Another receipt he sold to a friend of his. When he had his FFL license he would do credit card transactions, then put the cash in his safe.
11:17:56 AM	Session Note Entry Note: CourtClerk, CourtClerk	Testified that he stopped working for CoinStar...late 2012. They wanted him to go back on the road, he didn't want too because he had his girls with him and then the company went out of business. He and Ms. Howard decided he would work on the property for a while. From January 2013-January 2015 he was not employed but did some things on the side. Some of the money went to the property some of it went to getting his FFL license. Testified that some of the receipts were in the garage, after he left the property, he did not have access to them.
11:21:46 AM	Session Note Entry Note: CourtClerk, CourtClerk	Plaintiff's Exhibit 14...Assessor's Improvement List. Testimony on the list, what he was involved in and what he paid for.
11:23:34 AM	Session Note Entry Note: CourtClerk, CourtClerk	Testimony on Plaintiff's Exhibit 13...Water well that was done. Elizabeth and Him listed as owners. Exhibit 13 was offered and admitted.
11:25:22 AM	Session Note Entry Note: CourtClerk, CourtClerk	Mr. Kozak gave cross examination.
11:25:33 AM	Session Note Entry Note: CourtClerk, CourtClerk	Testimony that even before moving in he did work on the property cleaning it up...about 100 hours. Then that he did work on the driveway. He called USA dig so he wasn't cutting into any utilities and called county to see where the easement was. Testified that Ms. Howard paid for the railroad ties, the work Mr. Salvage's work that he did and some of the A&K work. Testified that all his payments were cash. Has not proof but his income and tax returns. Testified that his income was about \$23,000 a year. Then dropped to nothing when he stopped working for two years. He had injured himself in winter of 2014 he didn't do much work. Testified that the work on the fence was completed by Sept of 2012. Close to 80 post holes were dug. He put in the acutal fence...no contractors. Took him about a month or so. Testified that he thought it was about \$21,000 for garage...Mr. Kozak stated it was \$26,000. Testified that there were about 900 railroad ties. County assessor says bout 400-500. Testified that he paid for the slab with the cash he had. Stated he had close to \$47,000. Testified that he paid for the wiring in the garage. Paid in cash. Testified that most of his records was in the garage. He wasn't given a chance to get those records. He went to Justice Court to get his personal things. He never asked his attorney to get those records.
11:37:40 AM	Session Note Entry Note: CourtClerk, CourtClerk	Mr. Kozak...do you know how much money Ms. Howard spent on the property after purchasing it? Mr. Hughes...probably \$10,000. Mr. Kozak...was there a time that Roberta Howard ask to put her cash in your safe... Objection...sustained.

11:39:17 AM	Session Note Entry Note: CourtClerk, CourtClerk	Mr. Townsend gave re-direct. did you do any research on whether or not you could do work on your property or had to be licensed? Mr. Hughes...no, beleived he owned the property and could do work. He intended to remain on the property. He had no debts before this house and none after
11:41:13 AM	Session Note Entry Note: CourtClerk, CourtClerk	JOHN HUGHES: Father of Shaughnan Hughes. Testified that his occupation was military, highway patrol and other ventures in CA. Has lived here in Fallon for about 3 years. Plaintiff is his son. He also has a daughter. Testified that his son worked for a company that bought old coins and that he met Ms. Howard through that. Testified that he met Ms. Howard. He was skeptical at first, but she won his heart. She referred to him as her Dad. She always said I love you at the end of a conversation or meeting. Testified that he did not discussed the property before buying it but spoke with Ms. Howard after when she was excited about putting Sean Hughes on the title, she was afraid that if something happened, she was worried that her family would come in take over the property and kick Sean out. He had other face to face conversations with him with not being happy with her family. He also had a conversation with her about her mother moving here with her. The met and had lunch...he was concerned about the comments she had made about her mother...seemed like it was always negative. Now all the sudden they are talking about building a house for her on the property. He spoke his concerns to Ms. Howard. He tried to be as much of an advisor to both of them. She was pretty intent to bring Mom out there.
11:52:15 AM	Session Note Entry Note: CourtClerk, CourtClerk	Further testimony that he volunteered to help with the property. Testified that Sean had told him that he and Elizabith had come to the decision that he would not work for a couple of years and concentrate on the property. Testified that he bought things for Liz herself too, such as a pressure cooker, sewing machine, etc and the tractor. Testified that all the work he was doing by hand, he found a tractor on Ebay and the guy delivered it to them. Testified that he would send money to help with grandchildren knowing they were in a financial bind and he would help take care of the girls. He had the money and was willing to share it. He communicated with Ms. Howard by phone calls and emails. He spoke with her regarding the garage. He volunteered to put in \$5000 for the garage.
11:58:07 AM	Session Note Entry Note: CourtClerk, CourtClerk	Plaintiff's Exhibit 15...Emails from Defendant, Ms. Howard. Testified that Liz would send him pictures of houses for him to move here. Also discussed the garage. Email address shaughnanhughes@yarhoo.com. Which Ms. Howard would send emails to him from there.
12:00:56 PM	Session Note Entry Note: CourtClerk, CourtClerk	Mr. Kozak gave cross examination.
12:01:04 PM	Session Note Entry Note: CourtClerk, CourtClerk	Testified that there was never any conversation that they were struggling, but he knew he did not have a job but was selling guns, figured they were having a little hard time especially with raising the girls. Could not say how much he sent for them. Testified there was monthly contributions to both Sean and Liz about \$19,000.

12:04:02 PM	Session Note Entry Note: CourtClerk, CourtClerk	Further testifies that he sent \$5000 it could have paid for the slab.
12:04:23 PM	Session Note Entry Note: CourtClerk, CourtClerk	Mr. Townsend...re-direct. Testified that he spoke with Liz and she said the garage was going to cost around \$20,000 and he told her that he would send \$5000 to help. Testified that he was aware that his son was selling items to take care of the family.
12:06:12 PM	Session Ended	
Date:	Type:	Location:
2/6/2017	Civil Bench Trial	Courtroom 1
Event Time	Log Event	
1:29:25 PM	Session Started	
1:29:28 PM	Session Note Entry Note: CourtClerk, CourtClerk	Back on the record from lunch break
1:29:41 PM	Session Note Entry Note: CourtClerk, CourtClerk	Mr. Townsend have 2 rebuttle w
1:30:33 PM	Session Note Entry Note: CourtClerk, CourtClerk	ELIZABETH HOWARD sworn and testified under direct examination by Mr. Kozak. Testified she was born in San Diego, CA and then moved to Susunne, CA live all over, she went to vocational schools became a medical assistant at UC Davis, then quit and became a truck driver. She was in San Francisco on a dock and lifting up the door, she was hit by linoleum that fell and hit her. This was July 23, 2008, It messed up her neck and back. Mr. Townsend objected to this line of questioning. Court overruled.
1:34:07 PM	Session Note Entry Note: CourtClerk, CourtClerk	Mr. Kozak asked what medications she was on. Ms. Howard testified that she was on all kinds of pain medication. Testified as to how she met Mr. Hughes through the coin business. She met him in 2009. Testified that she began a relationship with him. Testified that in May of 2010 her mom got sick. Her sister was being really bossy and mean. Her sister did not want her there, she was helping her mom. She told Sean how her family was treating her and he said well lets move up to Fallon. Testified that when they were in CA he (Sean) didn't really have a home he would stay with her and her mother when he was in town. Otherwise it was hotels. The lived together on Melanie when they moved to Fallon. Testified that she doesn't really remember buying the house, she has many blanks in her life. She really does not remember signing the deed. Putting Sean on the deed. She has no recollection of ever talking to Mr. Hughes' father about deed or her mother. She gets along with her mother, she has no problems with her mother.
1:41:48 PM	Session Note Entry Note: CourtClerk, CourtClerk	Further testimony on what work had to be done on the house and what they had to buy for the house, like a washer and dryer. The garage was built before they moved in so that they would have some place to put things. She bought the property for \$67,000 she bought the house out of her settlement of \$153,000. Testified that there was no discussion on what work was going to be done...he just started working on the place and ordering stuff like rocks. Testified that she noticed on her statement that there were guns bought. He would do stuff and she had to pay for it.

1:45:25 PM	Session Note Entry Note: CourtClerk, CourtClerk	Testified that Sean stopped going on the road when he got into a car wreck. He got a rental car and came home from Ohio. After Jan 2013 he lost his job, they hired someone else and he didn't work after that. He wanted the garage so he could have a safe room. Testified that the \$5000 was her money for a truck that she had bought Sean. But that money paid for the slab in front of the garage.
1:48:12 PM	Session Note Entry Note: CourtClerk, CourtClerk	Testified that her mother came here in April of 2013. They talked her into moving here. They decided it would be way too much for her to get a house in town and for her (Ms. Howard) to go check on her everyday and they decided to have her live there. Testified to all the contractors she had to build the home. The permit specified that only licensed contractor could work on it. She paid everthing in cash. Her mother's cash was in a box, Sean took it and put it in his safe, she had to ask him every time she had to pay anyone.
1:52:14 PM	Session Note Entry Note: CourtClerk, CourtClerk	Testified that she had a credit card. Once in a while Sean would ask to use it for gas. Later she found a whole bunch of charges for guns. Testified that she has looked through some of the receipts that Sean said he paid.
1:53:50 PM	Session Note Entry Note: CourtClerk, CourtClerk	Defendant's Exhibit L: (6A) Testified that it is a invoice that Sean is claiming he paid. Mr. Townsend objected he stated he did not say he paid that. Testified that it is Kent's supply reciept. Also (6B) Kent's Discussion Only objection is the notations of stolen etc. Court admitted Defendant's Exhibit L.
1:59:08 PM	Session Note Entry Note: CourtClerk, CourtClerk	Testimony that she came into the house one day, found her clothes out of the washer and found them on her bed. She asked the girls they handle it. Sean came in and started an argument. Then she noticed John Hughes came over and everyone started taking things out of the house and Sean wouldn't tell her why or where they were going. Testified that Sean told her that he was giving her a break but he would be back. Taped a conversation of him and his father stating what they were going to do to her. Objection from Townsend. Further testimony on the Homeowners insurance not being paid. One time they did not have her phone number and they called Sean the other time they lost her check.
2:03:47 PM	Session Note Entry Note: CourtClerk, CourtClerk	Testified that she wasn't planning on putting him on deed until they were married. They had discussions of marriage, but that ended he said she wouldn't want to marry a man who didn't have a job.
2:05:24 PM	Session Note Entry Note: CourtClerk, CourtClerk	Mr. Townsend gave cross examination. Ms. Howard testified that she remembers going to Best Buy, but doesn't recall buying stuff or them delivering. Testified that she had conversation with Sean about the garage. Testified that she went off all the drugs in 2013 and her memory was coming back and some her mother told her about. Is the reason she remembers everything but signing the Deed.
2:08:27 PM	Session Note Entry Note: CourtClerk, CourtClerk	Testimony on the reciepts for the Washer and Dryer. Bought in July of 2012

2:09:27 PM	Session Note Entry Note: CourtClerk, CourtClerk	Plaintiff's Exhibit 1 - Quit Claim Deed. July 11, 2012. She signed on 7/11/12. It was recorded here in Churchill County. Testified that she did not do all the driving. Sean would drive a lot. She testified that she did do the driving to her doctor appts in CA.
2:12:27 PM	Session Note Entry Note: CourtClerk, CourtClerk	Plaintiff's Exhibit 20: Lowe's Receipts. all in July of 2012. Receipts from Fernley and one in Vacaville, CA. Testified that she paid for all of these.
2:14:33 PM	Session Note Entry Note: CourtClerk, CourtClerk	Mr. Kozak re-direct. Testified she has no recollection of talking to John Hughes about putting Sean on the Deed.
2:15:26 PM	Session Ended	
Date:	Type:	Location:
2/6/2017	Civil Bench Trial	Courtroom 1
Event Time	Log Event	
2:23:14 PM	Session Started	
2:23:28 PM	Session Note Entry Note: CourtClerk, CourtClerk	Mr. Kozak rested.
2:23:32 PM	Session Note Entry Note: CourtClerk, CourtClerk	Mr. Townsend they stipulated to the value of the property \$225,000 as in the Exhibit J. Mr. Townsend offered Exhibit J. The Court admitted the exhibit.
2:25:24 PM	Session Note Entry Note: CourtClerk, CourtClerk	FALLON LEE HUGHES: Testified she is 16, lives here in Fallon. Her father got custody of her. Got to know Ms. Howard. She thought she was pretty cool. She got along with pretty much everyone. Testified that she was there when Ms. Howard signed the Quit Claim Deed...something stuck out at her...Ms. Howard pushed the paper over and she said do you want on this, and her Dad said yea.
2:28:24 PM	Session Note Entry Note: CourtClerk, CourtClerk	Testified that she would help in the house and on the property. Testified that her dad would work on the property from break of day to night.
2:28:58 PM	Session Note Entry Note: CourtClerk, CourtClerk	Testified that she never saw Ms. Howard take medication. She never seemed elusive or not coherent.
2:29:28 PM	Session Note Entry Note: CourtClerk, CourtClerk	Mr. Kozak cross examination. Testified that her and her sister were present during the deed signing.
2:30:46 PM	Session Note Entry Note: CourtClerk, CourtClerk	Mr. Townsend made his closing argument. Only thing the Defendant can't remember is signing the deed. There is no way that Mr. Hughes would have done all that work if he didnt believe he was part owner. It was bought for \$64,000 and now its worth \$225,000. They had the agreement that he would pay the taxes she would pay the insurance.
2:33:03 PM	Session Note Entry Note: CourtClerk, CourtClerk	Court...take it under submission. Will have an Order out within 21 days of today's date. Expect it to be sooner.

2:35:48 PM	Session Note Entry Note: CourtClerk, CourtClerk	Mr. Townsend...pending Motion for sanctions, I assume will be in the order.
2:36:03 PM	Session Note Entry Note: CourtClerk, CourtClerk	The Court stated it would probably do a seperate order on that Motion.
2:36:09 PM	Session Ended	

TENTH JUDICIAL DISTRICT COURT

Shaughnan L. Hughes

CASE NO.: 15-10DC-0876

vs.

TRIAL DATE: February 6, 2017

Elizabeth C. Howard

Exhibit

Label	Plaintiff's Exhibit Description	ID	Stip	Offered	Objected	Admitted
1	Quitclaim Deed					
		X	X	X		X
2	Property Tax Records					
		X	X	X		X
3	Insurance Records					
		X	X	X		X
4	Property Photographs					
		X	X	X		X
5	Property Improvement Records					
		X				
6	Household Receipts					
		X	X			
7	Email from Defendant					
		X				
8	Plaintiff's Sales Receipts					
		X	X	X		X
9	Special Use Permit Application					
		X	X	X		X
10	Building Permit Application					
		X	X	X		X
11	Owner Acknowledgement					
		X	X	X		X
12	Building Permit					
		X	X	X		X
13	Acceptance of Conditions re: Water Well					
		X	X	X		X
14	Assessor's Improvements List					
		X	X	X		X

TENTH JUDICIAL DISTRICT COURT

Shaughnan L. Hughes

CASE NO.: 15-10DC-0876

vs.

TRIAL DATE: February 6, 2017

Elizabeth C. Howard

Exhibit

Label	Plaintiff's Exhibit Description	ID	Stip	Offered	Objected	Admitted
15	Emails from Defendant					
		X	X			
16	Defendant's GoFundMe Page					
		X				
17	Text Message from Defendant					
		X	X			
18	Plaintiff's Gun Inventory					
		X				
19	Plaintiff's Personal Property List					
		X				
20	Defendant's Receipts					
		X	X			
21	Defendant's Bank Statement					
		X	X			

TENTH JUDICIAL DISTRICT COURT

Shaughnan L. Hughes

CASE NO.: 15-10DC-0876

vs.

TRIAL DATE: February 6, 2017

Elizabeth C. Howard

Exhibit

Label	Defendant's Exhibit Description	ID	Stip	Offered	Objected	Admitted
A	Escrow Settlement Statement for 11633 Fulkerson Rd, Fallon, NV					
		X	X			
B	Bank of America Savings Statement for Elizabeth Howard					
		X	X			
C	List of Elizabeth Howard's Home Improvement Invoices					
		X	X			
D	Elizabeth Howard's Home Improvement Invoices					
		X	X			
E	List of Verda Construction Materials					
		X				
F	Verda's Construction Invoices					
		X				
G	Dr. Hyman's Report of PQME Re-examination					
		X				
H	Elizabeth Howard's Bank of America Bank Statements					
		X				
I	Walmart Pharmacy Medical Expense Summary					
		X				
J	Appraisal of Real Property					
		X	X			X
K	A List of Invoices Altered by Plaintiff					
		X				
L	Hughes Discovery Produced and Description of Deficiency and Disproving Document					
		X				X

1 CASE NO. 15-10DC-0876
2 DEPT. I
3

4 **IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
5 **IN AND FOR THE COUNTY OF CHURCHILL**
6

7 ELIZABETH C. HOWARD, an individual;
8 and DOES I through XX, inclusive,

9 Appellant,

10 vs.

11 SHAUGHNAN L. HUGHES, an individual,

12 Respondent.
13 _____/

14 C E R T I F I C A T E
15

16 I, SUE SEVON, Clerk of the Court for the Tenth Judicial District Court of the State of
17 Nevada, in and for the County of Churchill, do hereby certify that the following documents are
18 copies of the original documents on file with the District Court and which are contained in the
Notice of Appeal.

19 DATED: This 5th day of May, 2017.

20 SUE SEVON, Clerk of the Court

21
22 By:

23 Julie Benninghove
24 Julie Benninghove, Court Clerk
25
26
27
28

TRANSMISSION OF DOCUMENTS UPON FILING OF A NOTICE OF APPEAL

DOCUMENT TITLE

ENCLOSED

NOTICE OF APPEAL

YES

NO

CASE APPEAL STATEMENT

YES

NO

DISTRICT COURT DOCKET ENTRIES

YES

NO

JUDGMENT (S) or ORDER (S) APPEALED FROM

YES

NO

NOTICE OF ENTRY OF JUDGMENT (S) or
ORDER(S) APPEALED FROM

YES

NO

CERTIFICATION OF ORDER DIRECTING
ENTRY OF JUDGMENT PURSUANT TO
NRCP 54(b)

YES

NO

DISTRICT COURT MINUTES

YES

NO

EXHIBIT LIST

YES

NO

CERTIFICATE OF ORIGINAL DOCUMENTS

YES

NO

FEES

NOTICE OF APPEAL FILING FEE - \$24.00

YES

NO

APPEAL BOND - \$500.00

YES

NO

SUPREME COURT FILING FEE - \$250.00

YES

NO

- Being mailed -