

IN THE SUPREME COURT OF THE STATE OF NEVADA

VEGAS UNITED INVESTMENT SERIES
105, INC., A NEVADA DOMESTIC
CORPORATION,
Appellant,
vs.
CELTIC BANK CORPORATION,
SUCCESSOR-IN-INTEREST TO SILVER
STATE BANK BY ACQUISITION OF
ASSETS FROM THE FDIC AS RECEIVER
FOR SILVER STATE BANK, A UTAH
BANKING CORPORATION ORGANIZED
AND IN GOOD STANDING WITH THE
LAWS OF THE STATE OF UTAH,
Respondent.

No. 74163

Electronically Filed
Jan 24 2018 10:03 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

AMENDED
SETTLEMENT PROGRAM STATUS REPORT

A mediation session was held in this matter on JANUARY 17, 2018.

I make the following report to the court:

(check one box)

☐

The parties have agreed to a settlement of this matter.

☒

The parties were unable to agree to a settlement of this matter. **SEE ATTACHED.**

☐

The settlement process is continued as follows:

Date: _____

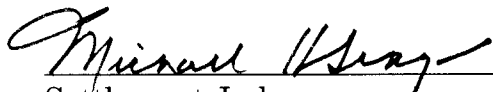
Time: _____

Location: _____

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Other: _____

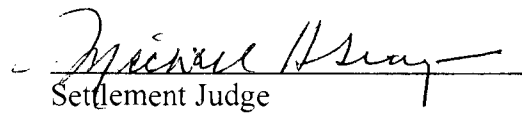
Additional Comments: _____


Settlement Judge

Respondent, their counsel, and Appellant arrived timely for the conference which was scheduled for 10:00 a.m. By 11:00 a.m. Appellant's counsel had still not appeared. Attempts to reach his office at approximately 10:10 a.m. and 10:45 a.m. for his whereabouts & expected time of arrival were unsuccessful. Finally, at 11:05 a.m. I terminated the conference.

Counsel for Respondent has requested sanctions of one hour of attorneys fees and travel expenses for Respondent. I concur with this request. Attached hereto is the bill for attorney's fees and for Respondent's travel expenses.

After Respondent, their counsel, and Appellant left, Appellant's counsel finally appeared at 11:10a.m. but the conference had been terminated.


Settlement Judge

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

2
3
4 VEGAS UNITED INVESTMENT
5 SERIES 105, INC., a Nevada
6 Domestic Corporation

7 Appellant,

8 v.

9
10 CELTIC BANK CORPORATION,
11 Successor-in-Interest to SILVER
12 STATE BANK by acquisition of assets
13 from the FDIC as Receiver for
14 SILVER STATE BANK, a Utah
15 Banking Corporation organized and in
16 good standing with the laws of the
17 State of Utah,

18 Respondent.

Supreme Court No. 74163

District Court Case No. A728233

19 **AFFIDAVIT OF ALLYSON R. NOTO, ESQ. IN SUPPORT OF**
20 **ATTORNEYS' FEES AND COSTS INCURRED BY CELTIC BANK**
21 **RELATED TO SETTLEMENT CONFERENCE**

22 STATE OF NEVADA)
23)ss:
24 COUNTY OF CLARK)

25 ALLYSON R. NOTO, ESQ., being first duly sworn, under oath and
26 penalties of perjury deposes and states:

27 1. That I am an attorney duly licensed to practice law before all of the
28 Courts of the State of Nevada and am a partner in the law firm of Sylvester &
Polednak, Ltd.

1 2. That I have personal knowledge as to the facts set forth below, and I
2 am competent to testify to the matters stated herein.

3 3. That my client, Brian Zern, a Senior Vice President at Celtic Bank
4 travelled from Salt Lake City, Utah to attend the Nevada Supreme Court
5 Settlement Program Settlement Conference scheduled for January 17, 2018 at
6 10:00 a.m. with Settlement Judge Michael Singer.

7 4. That Mr. Zern's travel costs to attend the Settlement Conference
8 consisted of airfare and rental car in the amount of \$417.22, hotel in the amount of
9 \$429.78, food in the amount of \$57.37 for a total of \$904.37. Mr. Zern also was
10 required to be away from his office for two days.

11 5. That I spent a total of 2.2 hours traveling to and attending the
12 settlement conference. The time spent included travel to Henderson from my
13 Summerlin office to attend the Settlement Conference and one hour of time at
14 Settlement Judge Singer's office waiting for the Appellant's attorney to arrive.

15 6. That my billing rate for this case is \$400 per hour. Accordingly, the
16 attorneys' fees incurred by my client related to preparing and attending the
17 settlement conference is 880.00.

18 7. That the Appellant's attorney did not arrive before the Settlement
19 Judge terminated the Settlement Conference due to Appellant's counsel's non-
20 appearance.

21 8. That the total amount of attorneys' fees and costs related to
22 Appellant's counsel's non-appearance at the Settlement Conference prior to
23 Settlement Judge Singer terminating the settlement conference, not included my
24

1 client's lost time estimated to be \$2004.52, incurred by Celtic Bank is \$1,784.37.

2 Further affiant sayeth naught.

3
4 ALLYSON R. NOTO, ESQ.

5 SUBSCRIBED and SWORN to before
6 me this 24th day of January, 2018.

7
8 Bridget L. Williams-Lucas
9 NOTARY PUBLIC in and for said
10 County and State

