

1 **\$2515**  
2 Mark G. Simons, Esq. (SBN 5132)  
3 Therese M. Shanks, Esq. (SBN 12890)  
4 **ROBISON, BELAUSTEGUI, SHARP & LOW**  
5 A Professional Corporation  
6 71 Washington Street  
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Electronically Filed  
Jan 16 2018 03:44 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

12 *Attorneys for Waste Management of Nevada , Inc.*

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14  
15 **IN THE SECOND JUDICIAL DISTRICT FOR THE STATE OF NEVADA**  
16  
17 **IN AND FOR THE COUNTY OF WASHOE**

18 WEST TAYLOR STREET, LLC, a limited  
19 liability company,

CASE NO.: CV12-02995

DEPT. NO.: 4

Plaintiff,

20 v.

21 WASTE MANAGEMENT OF NEVADA,  
22 INC., KAREN GONZALEZ, and DOES 1  
23 THROUGH 10,

Defendants.

24 **NOTICE OF APPEAL**

25 NOTICE IS HEREBY GIVEN that Waste Management of Nevada, Inc. ("Waste  
26 Management"), by and through its attorney Mark G. Simons of Robison, Belaustegui,  
27 Sharp & Low, appeals to the Nevada Supreme Court from the: (1) ORDER, entered on  
28 July 28, 2014; (2) ORDER DENYING DEFENDANTS' MOTION FOR PARTIAL  
RECONSIDERATION, entered on February 6, 2015; (3) PARTIAL SUMMARY  
JUDGMENT, entered on October 1, 2015; and (4) JUDGMENT, entered January 8,  
2018.

...

...

1           **AFFIRMATION:** The undersigned does hereby affirm that this document does  
2 not contain the Social Security Number of any person.

3           DATED this 31 day of January, 2018.

4                               ROBISON, BELAUSTEGUI, SHARP & LOW  
5                               A Professional Corporation  
6                               71 Washington Street  
7                               Reno, Nevada 89503

8                               By: Therese Shanks  
9                               MARK G. SIMONS, ESQ.  
10                              THERESE M. SHANKS, ESQ.  
11                              Attorneys for Waste Management of Nevada,  
12                              Inc.

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j:\wpdata\mgs\30538.002 (wm v west taylor street)\p-notice of appeal.docx

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of ROBISON,  
3 BELAUSTEGUI, SHARP & LOW, and that on this date I caused to be served a true  
4 copy of the **NOTICE OF APPEAL** on all parties to this action by the method(s) indicated  
5 below:  
6

7 ☒ by placing an original or true copy thereof in a sealed envelope, with  
8 sufficient postage affixed thereto, in the United States mail at Reno,  
9 Nevada, addressed to:

10 C. Nicholas Pereos, Esq.  
11 1610 Meadow Wood Lane, Ste. 202  
12 Reno, NV 89502  
13 *Attorney for West Taylor Street, LLC*

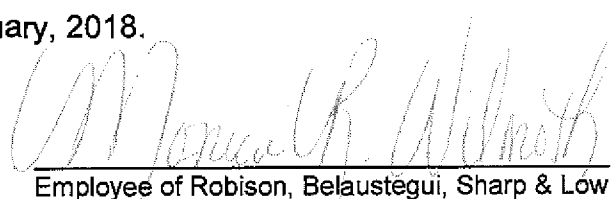
14 ☐ I hereby certify that on the date below, I electronically filed the foregoing  
15 with the Clerk of the Court by using the CM/ECF system which served  
16 the following parties electronically:

17 ☐ by personal delivery/hand delivery addressed to:

18 ☐ by facsimile (fax) and/or electronic mail addressed to:

19 ☐ by Federal Express/UPS or other overnight delivery addressed to:

20 DATED: This 8<sup>th</sup> day of January, 2018.

21   
22 Employee of Robison, Belaustegui, Sharp & Low

1310  
Mark G. Simons, Esq. (SBN 5132)  
Therese M. Shanks, Esq. (SBN 12890)  
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[tshanks@rbsllaw.com](mailto:tshanks@rbsllaw.com)  
*Attorneys for Waste Management of Nevada, Inc.*

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

WEST TAYLOR STREET, LLC, a limited liability company,  
Plaintiff,

CASE NO.: CV12-02995  
DEPT. NO.: 4

v.

WASTE MANAGEMENT OF NEVADA,  
INC., KAREN GONZALEZ, and DOES 1  
THROUGH 10,  
Defendants.

**CASE APPEAL STATEMENT**

Pursuant to NRAP 3(f), Defendant Waste Management of Nevada, Inc. ("Waste Management") submits the following Case Appeal Statement:

1. The district court case number and caption showing the names of all of the proceedings below are both set forth above in the caption to this Case Appeal Statement.

2. Judge issuing decision, judgment or order appealed from:

(a) Order Granting in Part and Denying in Part Plaintiff's Motion for Partial Summary Judgment, entered July 28, 2014: Honorable Connie J. Steinheimer.

(b) Order Denying Defendant's Motion for Partial Reconsideration,

1 entered February 6, 2015: Honorable Connie J. Steinheimer.

2 (c) Partial Summary Judgment, entered October 1, 2015: Honorable  
3 Connie J. Steinheimer.

4 (d) Judgment, entered January 8, 2018: Honorable Connie J.  
5 Steinheimer.

6 3. Appellant and Appellant's counsel:

7 WASTE MANAGEMENT OF NEVADA, INC.

8 c/o Mark G. Simons, Esq. (SBN 5132)  
9 Therese M. Shanks, Esq. (SBN 12890)  
10 ROBISON, BELAUSTEGUI, SHARP & LOW  
11 71 Washington Street  
Reno, Nevada 89503  
Telephone: (775) 329-3151

12 4. Respondents and Respondent's counsel:

13 WEST TAYLOR STREET, LLC.

14 c/o C. Nicholas Pereos, Esq.  
15 1610 Meadow Wood Lane, Ste. 202  
16 Reno, Nevada 89502  
(775) 329-0678

17 5. Whether any identified attorney is not licensed to practice law in Nevada:

18 No.

19 6. Whether Appellant was represented by appointed counsel in district court  
20 or on appeal:

21 No. Appellant has been and will continue to be represented by retained  
22 counsel.

23 7. Whether Appellant was granted leave to proceed *in forma pauperis*: No.

24 8. Date that proceedings commenced in district court: December 3, 2012.

25 9. A brief description of the nature of the action and result in the district court,  
26 including the type of judgment or order being appealed and the relief granted by the  
27 district court:

28 West Taylor Street filed a complaint against Waste Management and

1 Karen Gonzalez to contest garbage man liens that were filed against its property for  
2 non-payment of garbage fees. NRS 444.520(1) permits Waste Management to assess  
3 fees for the collection of garbage. NRS 444.520(3) states that unpaid fees shall result  
4 in a lien that is perpetual. The statute further states that this lien may be foreclosed in  
5 the manner that mechanic's liens are foreclosed. Id. In its complaint, West Taylor  
6 Street sought (1) declaratory relief that the garbage liens were invalid as a matter of law  
7 because Waste Management did not follow the notice requirements and perfection  
8 processes contained in the mechanic's lien statutes; (2) declaratory relief that NRS  
9 444.520 is unconstitutional because it provides for a deprivation of property without due  
10 process since NRS 444.520 does not provide a mechanism for a homeowner to dispute  
11 a garbage lien; and (3) slander of title.

12 West Taylor moved for partial summary judgment on its two declaratory  
13 relief claims. That motion was granted in part and denied in part. The District Court  
14 found that Waste Management was required to follow the perfection process, the notice  
15 process, and the foreclosure process contained in the mechanics' lien statutes.  
16 However, the District Court further found that NRS 444.520 was not unconstitutional  
17 when interpreted in the manner that the District Court interpreted it.

18 Defendants filed a motion for reconsideration, and argued that the District Court  
19 improperly interposed requirements into NRS 444.520 that the Legislature did not  
20 intend. The District Court denied this motion.

21 West Taylor then amended its complaint to include a second property that  
22 garbage liens were filed against, and renewed its summary judgment motion regarding  
23 the amended complaint. The arguments are identical to its first motion for summary  
24 judgment. The District Court again granted in part and denied in part West Taylor's  
25 motion for partial summary judgment. These orders were certified as appealable under  
26 NRCP 54(b).

27 Waste Management appealed these orders (No. 69307), but the parties agreed  
28 to voluntarily dismiss the appeal. Waste Management then filed an original proceeding

1 (No. 70540), and the Nevada Supreme Court denied the writ petition.

2 The parties proceeded on with the remaining claim for slander of title. West  
3 Taylor voluntarily dismissed this claim with prejudice shortly before trial. Judgment was  
4 entered, and this appeal follows.

5  
6 10. Whether the case has previously been the subject of an appeal or original  
proceeding: Yes. Appeal No. 70540; Appeal No. 69307.

7 11. Whether the appeal involves child custody or visitation: No.

8 12. Whether the appeal involves the possibility of settlement: No.

9 **AFFIRMATION:** The undersigned does hereby affirm that this document does  
10 not contain the Social Security Number of any person.

11 DATED this 8<sup>th</sup> day of January, 2018.

12  
13 ROBISON, BELAUSTEGUI, SHARP & LOW  
A Professional Corporation  
14 71 Washington Street  
Reno, Nevada 89503

15  
16 By: Therese Shanks

17 MARK G. SIMONS, ESQ.  
THERESE M. SHANKS, ESQ.  
18 *Attorneys for Waste Management of Nevada,*  
*Inc.*

19  
20 j:\wpdata\mgs\30538.002 (wm v west taylor street)\p-case appeal statement.1.8.18.docx

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of ROBISON,  
3 BELAUSTEGUI, SHARP & LOW, and that on this date I caused to be served a true  
4 copy of the **CASE APPEAL STATEMENT** on all parties to this action by the method(s)  
5 indicated below:  
6

7 ☒ by placing an original or true copy thereof in a sealed envelope, with  
8 sufficient postage affixed thereto, in the United States mail at Reno,  
9 Nevada, addressed to:

10 C. Nicholas Pereos, Esq.  
11 1610 Meadow Wood Lane, Ste. 202  
12 Reno, NV 89502  
13 *Attorney for West Taylor Street, LLC*

14 ☐ I hereby certify that on the date below, I electronically filed the foregoing  
15 with the Clerk of the Court by using the CM/ECF system which served  
16 the following parties electronically:

17 ☐ by personal delivery/hand delivery addressed to:

18 ☐ by facsimile (fax) and/or electronic mail addressed to:

19 ☐ by Federal Express/UPS or other overnight delivery addressed to:

20 DATED: This 8th day of January, 2018.

21   
22 Employee of Robison, Belaustegui, Sharp & Low  
23  
24  
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**SECOND JUDICIAL DISTRICT COURT****STATE OF NEVADA****COUNTY OF WASHOE****Case History - CV12-02995****Case Description: WEST TAYLOR STREET VS WASTE MANAGEMENT, ET AL (D4)****Case Number: CV12-02995 Case Type: SPECIFIC PERFORMANCE - Initially Filed On: 12/3/2012****Parties**

<u>Party Type &amp; Name</u>	<u>Party Status</u>
JUDG - CONNIE J. STEINHEIMER - D4	Active
PLTF - WEST TAYLOR STREET LLC - @1233200	Active
DEFT - WASTE MANAGEMENT OF NEVADA INC - @1233201	Active
DEFT - KAREN GONZALEZ - @1233202	Party ended on: 3/28/2017 12:00:00AM
ATTY - Mark G. Simons, Esq. - 5132	Active
ATTY - Matthew B. Hippler, Esq. - 7015	Party ended on: 11/3/2015 12:00:00AM
ATTY - Bryan L. Wright, Esq - 10804	Party ended on: 2/10/2015 12:00:00AM
ATTY - Gregory S. Gilbert - 6310	Party ended on: 11/3/2015 12:00:00AM
ATTY - Therese M. Shanks, Esq. - 12890	Active
ATTY - Sean D. Thueson, Esq. - 8690	Party ended on: 7/17/2015 12:00:00AM
ATTY - Douglas Keith Fermoile, Esq. - 662	Active
ATTY - C. Nicholas Pereos, Esq. - 13	Active

**Disposed Hearings**

- 1 Department: D4 -- Event: Request for Submission -- Scheduled Date & Time: 2/15/2013 at 09:05:00  
Extra Event Text: MOTION FOR JUDGMENT BY DEFAULT (PAPER ORDER PROVIDED)  
Event Disposition: S200 - 3/25/2013
- 2 Department: D4 -- Event: PROVE UP HEARING -- Scheduled Date & Time: 4/29/2013 at 15:00:00  
Extra Event Text: RE: DAMAGES  
Event Disposition: D435 - 4/29/2013
- 3 Department: D4 -- Event: Request for Submission -- Scheduled Date & Time: 6/6/2013 at 14:14:00  
Extra Event Text: PLTFs MOTION FOR JUDGMENT BY DEFAULT (PAPER ORDER PROVIDED)  
Event Disposition: S200 - 7/3/2013
- 4 Department: D4 -- Event: HEARING... -- Scheduled Date & Time: 7/16/2013 at 14:00:00  
Extra Event Text: (TELEPHONIC) RE: MOTION FOR ORDER SHORTENING TIME  
Event Disposition: D435 - 7/16/2013
- 5 Department: D4 -- Event: Request for Submission -- Scheduled Date & Time: 7/16/2013 at 14:55:00  
Extra Event Text: DEFTs MOTIONS TO SET ASIDE DEFAULT/DEFAULT JUDGMENT (NO PAPER ORDER PROVIDED)  
Event Disposition: S200 - 8/26/2013
- 6 Department: D4 -- Event: PRE-TRIAL CONFERENCE -- Scheduled Date & Time: 2/5/2014 at 13:30:00  
Extra Event Text: (TELEPHONIC) MR. WRIGHT TO INITIATE  
Event Disposition: D435 - 2/5/2014
- 7 Department: D4 -- Event: PRE-TRIAL CONFERENCE -- Scheduled Date & Time: 2/12/2014 at 09:00:00  
  
Event Disposition: D844 - 1/24/2014

- 8 Department: D4 -- Event: Request for Submission -- Scheduled Date & Time: 3/12/2014 at 08:45:00  
Extra Event Text: SUBMISSION OF PLAINTIFF'S MOTION TO EXTEND DATE TO AMEND PLEADINGS;ALTERNATIVELY, SECOND MOTIN FOR LEAVE TO FILE  
Event Disposition: S200 - 4/7/2014
- 9 Department: D4 -- Event: STATUS CONFERENCE -- Scheduled Date & Time: 4/3/2014 at 14:00:00  
Extra Event Text: /ORAL ARGUMENTS ON ANY SUBMITTED MOTIONS  
Event Disposition: D844 - 3/12/2014
- 10 Department: D4 -- Event: Request for Submission -- Scheduled Date & Time: 4/14/2014 at 08:56:00  
Extra Event Text: MOTION FOR PARTIAL SUMMARY JUDGMENT  
Event Disposition: S200 - 4/16/2014
- 11 Department: D4 -- Event: STATUS CONFERENCE -- Scheduled Date & Time: 4/23/2014 at 09:30:00  
Extra Event Text: /ORAL ARGUMENTS ON ANY SUBMITTED MOTIONS  
Event Disposition: D870 - 4/22/2014
- 12 Department: D4 -- Event: STATUS CONFERENCE -- Scheduled Date & Time: 5/7/2014 at 10:00:00  
Extra Event Text: //ORAL ARGUMENTS ON ANY SUBMITTED MOTIONS  
Event Disposition: D435 - 5/7/2014
- 13 Department: D4 -- Event: TRIAL - JURY -- Scheduled Date & Time: 6/9/2014 at 10:00:00  
Extra Event Text: [2ND SET-4 DAYS]  
Event Disposition: D845 - 5/16/2014
- 14 Department: D4 -- Event: DECISION -- Scheduled Date & Time: 7/30/2014 at 09:00:00  
Extra Event Text: ON MOTION FOR SUMMARY JUDGMENT/STATUS CONFERENCE  
Event Disposition: D435 - 7/30/2014
- 15 Department: D4 -- Event: Request for Submission -- Scheduled Date & Time: 12/2/2014 at 11:28:00  
Extra Event Text: MOTION FOR PARTIAL RECONSIDERATION OF THE COURT'S JULY 28, 2014 ORDER (NO ORDER PROVIDED)  
Event Disposition: S200 - 2/6/2015
- 16 Department: D4 -- Event: STATUS CONFERENCE -- Scheduled Date & Time: 12/16/2014 at 14:00:00  
  
Event Disposition: D870 - 12/4/2014
- 17 Department: D4 -- Event: Request for Submission -- Scheduled Date & Time: 5/13/2015 at 14:13:00  
Extra Event Text: SECOND MOTION FOR PARTIAL SUMMARY JUDGMENT (NO PAPER ORDER)  
Event Disposition: S200 - 7/1/2015
- 18 Department: D4 -- Event: MOTION ... -- Scheduled Date & Time: 7/1/2015 at 13:30:00  
Extra Event Text: FOR PARTIAL SUMMARY JUDGMENT  
Event Disposition: D425 - 7/1/2015
- 19 Department: D4 -- Event: Request for Submission -- Scheduled Date & Time: 9/25/2015 at 14:00:00  
Extra Event Text: JUDGMENT FOR PARTIAL SUMMARY JUDGMENT (ORDER PROVIDED)  
Event Disposition: S200 - 10/1/2015
- 20 Department: D4 -- Event: Request for Submission -- Scheduled Date & Time: 10/25/2016 at 09:29:00  
Extra Event Text: MOTION FOR SUMMARY JUDGMENT ON PLAINTIFF'S SLANDER OF TITLE CLAIM (NO ORDER)  
Event Disposition: S200 - 1/3/2017
- 21 Department: D4 -- Event: ORAL ARGUMENTS -- Scheduled Date & Time: 2/22/2017 at 14:00:00  
Extra Event Text: ON DFT'S MOTION FOR SUMMARY JUDGMENT  
Event Disposition: D840 - 2/22/2017

- 22 Department: D4 -- Event: Request for Submission -- Scheduled Date & Time: 2/22/2017 at 14:00:00  
Extra Event Text: MOTION FOR SUMMARY JUDGMENT TAKEN UNDER ADVISEMENT AFTER ORAL ARGUMENTS  
Event Disposition: S200 - 3/28/2017
- 23 Department: D4 -- Event: PRE-TRIAL CONFERENCE -- Scheduled Date & Time: 4/5/2017 at 09:00:00  
  
Event Disposition: D435 - 4/5/2017
- 24 Department: D4 -- Event: STATUS HEARING -- Scheduled Date & Time: 8/30/2017 at 14:30:00  
  
Event Disposition: D435 - 8/30/2017
- 25 Department: D4 -- Event: Request for Submission -- Scheduled Date & Time: 9/19/2017 at 15:25:00  
Extra Event Text: MOTION IN LIMINE #1 RE: EXCLUSION OF C. NICHOLAS PEREOS AS TRIAL ADVOCATE  
Event Disposition: S200 - 11/3/2017
- 26 Department: D4 -- Event: STATUS CONFERENCE -- Scheduled Date & Time: 9/20/2017 at 09:00:00  
  
Event Disposition: D845 - 9/12/2017
- 27 Department: D4 -- Event: Request for Submission -- Scheduled Date & Time: 9/20/2017 at 13:36:00  
Extra Event Text: PLAINTIFFS MOTION IN LIMINE NUMBER ONE FILED 8/14/17  
Event Disposition: S200 - 11/3/2017
- 28 Department: D4 -- Event: TRIAL - JURY -- Scheduled Date & Time: 10/16/2017 at 10:00:00  
Extra Event Text: [1ST SET-3 DAYS]  
Event Disposition: D845 - 8/30/2017
- 29 Department: D4 -- Event: EXHIBITS TO BE MARKED W/CLERK -- Scheduled Date & Time: 11/9/2017 at 10:30:00  
  
Event Disposition: D865 - 11/7/2017
- 30 Department: D4 -- Event: TRIAL - JURY -- Scheduled Date & Time: 11/13/2017 at 10:00:00  
Extra Event Text: (3 DAYS)  
Event Disposition: D865 - 11/7/2017
- 31 Department: D4 -- Event: Request for Submission -- Scheduled Date & Time: 12/21/2017 at 13:53:00  
Extra Event Text: JUDGMENT  
Event Disposition: S200 - 12/29/2017

### Actions

- |   | <u>Filing Date</u> | <u>-</u> | <u>Docket Code &amp; Description</u>   |
|---|--------------------|----------|--|
| 1 | 12/3/2012          | -        | \$1425 - \$Complaint - Civil<br><i>No additional text exists for this entry.</i>                       |
| 2 | 12/3/2012          | -        | COV - **Civil Cover Sheet<br><i>No additional text exists for this entry.</i>                          |
| 3 | 12/3/2012          | -        | PAYRC - **Payment Receipted<br>Additional Text: A Payment of -\$260.00 was made on receipt DCDC386693. |
| 4 | 1/31/2013          | -        | 2610 - Notice ...<br>Additional Text: NOTICE OF FILING PROOF OF SERVICE                                |

- 5 1/31/2013 - 1550 - Default  
Additional Text: WASTE MANAGEMENT OF NEVADA  
  
(DEFAULT VACATED AND SET ASIDE PER ORDER ENTERED ON 08/26/13)
- 6 1/31/2013 - 4085 - Summons Filed  
*No additional text exists for this entry.*
- 7 1/31/2013 - 1550 - Default  
Additional Text: KAREN GONZALEZ  
  
(DEFAULT VACATED AND SET ASIDE PER ORDER ENTERED ON 08/26/13)
- 8 2/14/2013 - 1037 - Affidavit of Default  
Additional Text: AFFIDAVIT OF C. NICHOLAS PEREOS IN SUPPORT O F MOTION FOR JUDGMENT BY DEFAULT
- 9 2/14/2013 - 3860 - Request for Submission  
Additional Text: DOCUMENT TITLE: MOTION FOR JUDGMENT BY DEFAULT (PAPER ORDER PROVIDED)  
PARTY SUBMITTING: C. NICHOLAS PEREOS  
DATE SUBMITTED: 02/15/13  
SUBMITTED BY: JA  
DATE RECEIVED JUDGE OFFICE:
- 10 2/14/2013 - 2490 - Motion ...  
Additional Text: MOTION FOR JUDGMENT BY DEFAULT
- 11 2/21/2013 - 1950 - Memorandum of Costs  
Additional Text: PLTFS MEMORANDUM OF COSTS AND DISBURSEMENTS
- 12 3/25/2013 - 3347 - Ord to Set  
Additional Text: Transaction 3615691 - Approved By: NOREVIEW : 03-25-2013:17:19:58
- 13 3/25/2013 - S200 - Request for Submission Complet  
*No additional text exists for this entry.*
- 14 3/25/2013 - NEF - Proof of Electronic Service  
Additional Text: Transaction 3615697 - Approved By: NOREVIEW : 03-25-2013:17:21:46
- 15 4/17/2013 - 2605 - Notice to Set  
Additional Text: NOTICE TO SET HEARING RE: DAMAGES
- 16 4/17/2013 - 1250 - Application for Setting  
*No additional text exists for this entry.*
- 17 4/29/2013 - 1075 - Affidavit ...  
Additional Text: AFFIDAVTI OF SANDRA MARTINEZ
- 18 4/29/2013 - 1695 - \*\* Exhibit(s) ...  
Additional Text: PLAINTIFF'S EXHIBITS A THROUGH H WERE MARKED BY THE CLERK.
- 19 5/6/2013 - 4090 - \*\* Summons Issued  
*No additional text exists for this entry.*
- 20 6/4/2013 - 4085 - Summons Filed  
Additional Text: WASTE MANAGEMENT OF NEVADA INC - 05-15-13

- 21 6/6/2013 - 1550 - Default  
Additional Text: DEFAULT - WASTE MANAGEMENT OF NEVADA INC.  
  
(DEFAULT VACATED AND SET ASIDE PER ORDER ENTERED ON 08/26/13)
- 22 6/6/2013 - 2490 - Motion ...  
Additional Text: RENEWED MOTION FOR JUDGMENT BY DEFAULT
- 23 6/6/2013 - 4105 - Supplemental ...  
Additional Text: SUPPLEMENTAL ARGUMENT IN SUPPORT OF MOTION FOR JUDGMENT
- 24 6/6/2013 - 1950 - Memorandum of Costs  
Additional Text: PLTFS REVISED MEMORANDUM OF COSTS AND DISBURSEMENTS
- 25 6/6/2013 - 3860 - Request for Submission  
Additional Text: DOCUMENT TITLE: PLTFS MOTION FOR JUDGMENT BY DEFAULT (PAPER ORDER PROVIDED)  
PARTY SUBMITTING: NICHOLAS PEREOS ESQ  
DATE SUBMITTED: 06-06-13  
SUBMITTED BY: MLAWRENCE  
DATE RECEIVED JUDGE OFFICE:
- 26 6/17/2013 - MIN - \*\*\*Minutes  
Additional Text: 4/29/13 - PROVE UP HEARING - Transaction 3793815 - Approved By: NOREVIEW : 06-17-2013:15:04:43
- 27 6/17/2013 - NEF - Proof of Electronic Service  
Additional Text: Transaction 3793885 - Approved By: NOREVIEW : 06-17-2013:15:09:42
- 28 6/19/2013 - 2520 - Notice of Appearance  
Additional Text: GREGORY S. GILBERT EXQ, BRYAN WRIGHT ESQ AND JERRY SNYDER FOR WASTE MANAGEMENT AND KAREN GONZALEZ - Transaction 3800083 - Approved By: YLLOYD : 06-19-2013:16:40:54
- 29 6/19/2013 - \$1560 - \$Def 1st Appearance - CV  
Additional Text: WASTE MANAGEMENT - Transaction 3800083 - Approved By: YLLOYD : 06-19-2013:16:40:54
- 30 6/19/2013 - \$DEFT - \$Addl Def/Answer - Prty/Appear  
Additional Text: KAREN GONZALEZ - Transaction 3800083 - Approved By: YLLOYD : 06-19-2013:16:40:54
- 31 6/19/2013 - PAYRC - \*\*Payment Receipted  
Additional Text: A Payment of \$243.00 was made on receipt DCDC412591.
- 32 6/19/2013 - NEF - Proof of Electronic Service  
Additional Text: Transaction 3800774 - Approved By: NOREVIEW : 06-19-2013:16:43:56
- 33 6/26/2013 - 2645 - Opposition to Mtn ...  
Additional Text: DEFENDANTS' OPPOSITION FO RENEWED MOTION FOR JUDGMENT BY DEFAULT AND COUNTERMOTION TO SET ASIDE DEFAULTS - Transaction 3817620 - Approved By: YLLOYD : 06-26-2013:14:57:05
- 34 6/26/2013 - NEF - Proof of Electronic Service  
Additional Text: Transaction 3817999 - Approved By: NOREVIEW : 06-26-2013:15:06:58
- 35 7/3/2013 - S200 - Request for Submission Complet  
*No additional text exists for this entry.*
- 36 7/3/2013 - 1880 - Judgment  
Additional Text: JUDGMENT - Transaction 3831911 - Approved By: NOREVIEW : 07-03-2013:10:34:32  
  
(JUDGMENT VACATED AND SET ASIDE PER ORDERED ENTERED ON 08/26/13)

- 37 7/3/2013 - NEF - Proof of Electronic Service  
Additional Text: Transaction 3831916 - Approved By: NOREVIEW : 07-03-2013:10:35:59
- 38 7/3/2013 - F130 - Default Judgment  
*No additional text exists for this entry.*
- 39 7/8/2013 - 2460 - Mtn Set Aside Default Judg  
Additional Text: DEFENDANTS' MOTION TO SET ASIDE DEFAULT JUDGMENT - Transaction 3839614 - Approved By: MCHOLICO : 07-09-2013:10:10:53
- 40 7/8/2013 - 1670 - Ex-Parte Mtn...  
Additional Text: DEFENDANTS' EX PARTE MOTION FOR ORDER SHORTENING TIME REGARDING DEFENDANTS' MOTION TO SET ASIDE DEFAULT JUDGMENT - Transaction 3839617 - Approved By: MCHOLICO : 07-09-2013:10:14:08
- 41 7/9/2013 - NEF - Proof of Electronic Service  
Additional Text: Transaction 3840121 - Approved By: NOREVIEW : 07-09-2013:10:12:52
- 42 7/9/2013 - NEF - Proof of Electronic Service  
Additional Text: Transaction 3840131 - Approved By: NOREVIEW : 07-09-2013:10:15:38
- 43 7/9/2013 - 3880 - Response...  
Additional Text: RESPONSE TO OPPOSITION TO RENEWED MOTION FOR JUDGMENT BY DEFAULT
- 44 7/9/2013 - 2645 - Opposition to Mtn ...  
Additional Text: OPPOSITION TO MOTION TO SET ASIDE DEFAULT
- 45 7/9/2013 - 1037 - Affidavit of Default  
Additional Text: AFFIDAVIT OF IVORY JONES JR IN SUPPORT OF OPPOSITION TO MOTION TO SET ASIDE DEFAULT
- 46 7/16/2013 - 1325 - \*\* Case Reopened  
*No additional text exists for this entry.*
- 47 7/16/2013 - 1250E - Application for Setting eFile  
Additional Text: TELEPHONIC HEARING ON DEFENDANTS' MOTION FOR ORDER SHORTENING TIME REGARDING DEFENDANTS MOTION TO SET ASIDE DEFAULT JUDGMENT - JULY 16, 2013 AT 2:00 A.M. (DEFENDANTS' COUNSEL TO INITIATE) - Transaction 3856363 - Approved By: NOREVIEW : 07-16-2013:09:13:57
- 48 7/16/2013 - NEF - Proof of Electronic Service  
Additional Text: Transaction 3856385 - Approved By: NOREVIEW : 07-16-2013:09:17:15
- 49 7/16/2013 - 3790 - Reply to/in Opposition  
Additional Text: DEFENDANTS' RESPONSE TO PLAINTIFF'S OPPOSITION TO COUNTERMOTION TO SET ASIDE DEFAULT - Transaction 3856737 - Approved By: AEATON : 07-16-2013:13:12:26
- 50 7/16/2013 - 3860 - Request for Submission  
Additional Text: Transaction 3856958 - Approved By: ACROGHAN : 07-16-2013:13:44:01  
DOCUMENT TITLE: DEFTS COUNTERMOTION TO SET ASIDE DEFAULT (NO PAPER ORDER PROVIDED)  
PARTY SUBMITTING: WRIGHT, ESQ., BRYAN  
DATE SUBMITTED: 7/16/13  
SUBMITTED BY: ACROGHAN  
DATE RECEIVED JUDGE OFFICE:
- 51 7/16/2013 - NEF - Proof of Electronic Service  
Additional Text: Transaction 3857836 - Approved By: NOREVIEW : 07-16-2013:13:13:50
- 52 7/16/2013 - NEF - Proof of Electronic Service  
Additional Text: Transaction 3858076 - Approved By: NOREVIEW : 07-16-2013:13:53:10

- 53 7/17/2013 - 2535 - Notice of Entry of Judgment  
*No additional text exists for this entry.*
- 54 7/25/2013 - MIN - \*\*\*Minutes  
Additional Text: 7/16/13 - HEARING ON MOTION FOR ORDER SHORTENING TIME (TELEPHONIC) - Transaction 3878923 - Approved By: NOREVIEW : 07-25-2013:10:25:06
- 55 7/25/2013 - NEF - Proof of Electronic Service  
Additional Text: Transaction 3878937 - Approved By: NOREVIEW : 07-25-2013:10:27:16
- 56 8/26/2013 - 3370 - Order ...  
Additional Text: ORDER - GRANTING DFT'S COUNTERMTN TO SET ASIDE DEFAULTS; CLERK TO VACATE/SET ASIDE DEFAULTS ENTERED AGAINST KAREN GONZALES & WASTE MGMT; CLERK TO VACATE/SET AISDE JUDGMENT ENTERED AGAINST DFT WASTE MGMT; DFTS KAREN GONZALES AND WASTE MGMT FILE AN ANSWER WITHIN 20 DAYS FROM THE DATE OF THIS ORDER  
  
- Transaction 3950286 - Approved By: NOREVIEW : 08-26-2013:13:26:28
- 57 8/26/2013 - NEF - Proof of Electronic Service  
Additional Text: Transaction 3950297 - Approved By: NOREVIEW : 08-26-2013:13:28:12
- 58 8/26/2013 - S200 - Request for Submission Complet  
*No additional text exists for this entry.*
- 59 8/27/2013 - 2540 - Notice of Entry of Ord  
Additional Text: Transaction 3953556 - Approved By: NOREVIEW : 08-27-2013:09:57:54
- 60 8/27/2013 - NEF - Proof of Electronic Service  
Additional Text: Transaction 3953572 - Approved By: NOREVIEW : 08-27-2013:10:00:51
- 61 9/16/2013 - 1130 - Answer ...  
Additional Text: DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT - Transaction 3999011 - Approved By: MFERNAND : 09-16-2013:14:37:19
- 62 9/16/2013 - NEF - Proof of Electronic Service  
Additional Text: Transaction 3999303 - Approved By: NOREVIEW : 09-16-2013:14:46:03
- 63 9/18/2013 - 2529 - Notice of Early Case Conferenc  
*No additional text exists for this entry.*
- 64 9/27/2013 - 1580 - Demand for Jury  
*No additional text exists for this entry.*
- 65 9/27/2013 - JF - \*\*First Day Jury Fees Deposit  
*No additional text exists for this entry.*
- 66 10/3/2013 - 2520 - Notice of Appearance  
Additional Text: MATTHEW B. HIPPLER, ESQ OBO WASTE MANAGEMENT OF NEVADA, INC. & KAREN GONZALEZ - Transaction 4042737 - Approved By: MFERNAND : 10-03-2013:16:36:59
- 67 10/3/2013 - 2610 - Notice ...  
Additional Text: NOTICE OF DISASSOCIATION OF COUNSEL - JERRY M. SNYDER, ESQ. - Transaction 4042745 - Approved By: MFERNAND : 10-03-2013:16:46:16
- 68 10/3/2013 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4043268 - Approved By: NOREVIEW : 10-03-2013:16:47:30
- 69 10/3/2013 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4043321 - Approved By: NOREVIEW : 10-03-2013:16:57:03

- 70 10/16/2013 - 2605 - Notice to Set  
Additional Text: NOV. 12, 2013 @ 10:00 AM
- 71 10/18/2013 - A120 - Exemption from Arbitration  
Additional Text: Transaction 4075581 - Approved By: MPURDY : 10-18-2013:09:09:12
- 72 10/18/2013 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4075652 - Approved By: NOREVIEW : 10-18-2013:09:13:40
- 73 11/8/2013 - 1835 - Joint Case Conference Report  
*No additional text exists for this entry.*
- 74 11/12/2013 - 1250E - Application for Setting eFile  
Additional Text: PRE-TRIAL CONFERENCE: FEBRUARY 12, 2014 AT 9:00 A.M.; JURY TRIAL (2ND SET-4 DAYS) JUNE 9, 2014 AT 10:00 A.M. - Transaction 4127106 - Approved By: NOREVIEW : 11-12-2013:11:17:23
- 75 11/12/2013 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4127117 - Approved By: NOREVIEW : 11-12-2013:11:19:45
- 76 1/7/2014 - 3915 - Scheduling Order  
Additional Text: Transaction 4237275 - Approved By: NOREVIEW : 01-07-2014:08:17:51
- 77 1/7/2014 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4237285 - Approved By: NOREVIEW : 01-07-2014:08:19:53
- 78 1/13/2014 - 1320 - Case Conference Report  
Additional Text: PLAINTIFFS' FIRST SUPPLEMENT TO CASE CONFERENCE REPORT
- 79 1/24/2014 - 1250E - Application for Setting eFile  
Additional Text: PRE-TRIAL CONFERENCE: FEBRUARY 5, 2014 AT 1:30 P.M. - MR. WRIGHT TO INITIATE (VACATES FEBRUARY 12, 2014 HEARING) - Transaction 4274147 - Approved By: NOREVIEW : 01-24-2014:13:20:18
- 80 1/24/2014 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4274153 - Approved By: NOREVIEW : 01-24-2014:13:21:18
- 81 1/28/2014 - 2490 - Motion ...  
Additional Text: MOTION FOR LEAVE TO AMEND THE COMPLAINT
- 82 2/5/2014 - 2075 - Mtn for Extension of Time  
Additional Text: MOTION TO EXTEND DATE TO AMEND PLEADINGS; ALTERNATIVELY, SECOND MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT
- 83 2/5/2014 - 1030 - Affidavit in Support...  
Additional Text: AFFIDAVIT OF C. NICHOLAS PEROS IN SUPPORT OF MOTION TO EXTEND DATE TO AMEND PLEADINGS; ALTERNATIVELY, SECOND MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT MOTION FOR JUDGMENT BY DEFAULT
- 84 2/10/2014 - MIN - \*\*\*Minutes  
Additional Text: PRE-TRIAL CONFERENCE (TELEPHONIC) - 2/5/14 - Transaction 4298857 - Approved By: NOREVIEW : 02-10-2014:16:41:45
- 85 2/10/2014 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4298860 - Approved By: NOREVIEW : 02-10-2014:16:42:46
- 86 2/14/2014 - 1090 - Amended Complaint  
Additional Text: FIRST AMENDED COMPLAINT
- 87 2/19/2014 - 2582 - Notice of Taking Deposition  
Additional Text: NOTICE OF DEPOSITION OF REPRESENTATIVE OF WASTE MANAGEMENT OF NEVADA, INC.

- 88 2/19/2014 - 2582 - Notice of Taking Deposition  
*No additional text exists for this entry.*
- 89 2/24/2014 - 2501 - Non-Opposition ...  
Additional Text: NOTICE OF PARTIAL NON-OPPOSITION TO PLAINTIFF'S MOTION TO EXTEND DATE TO AMEND PLEADINGS - Transaction 4317501 - Approved By: YVILORIA : 02-25-2014:09:21:04
- 90 2/25/2014 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4317815 - Approved By: NOREVIEW : 02-25-2014:09:22:04
- 91 3/11/2014 - 3860 - Request for Submission  
Additional Text: DOCUMENT TITLE: SUBMISSION OF PLAINTIFF'S MOTION TO EXTEND DATE TO AMEND PLEADINGS;ALTERNATIVELY, SECOND MOTIN FOR LEAVE TO FILE AN AMENDED COMPLAINT.  
PARTY SUBMITTING: C. NICHOLAS PEREOS, ESQ  
DATE SUBMITTED: 03/11/2014  
SUBMITTED BY: M TORRES  
DATE RECEIVED JUDGE OFFICE:
- 92 3/11/2014 - \$2200 - \$Mtn for Summary Judgment  
Additional Text: MOTION FOR PARTIAL SUMMARY JUDGMENT
- 93 3/11/2014 - 1030 - Affidavit in Support...  
Additional Text: AFFIDAVIT OF C. NICHOLAS PEREOS IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT
- 94 3/11/2014 - 1030 - Affidavit in Support...  
Additional Text: AFFIDAVIT OF TERI MORRISON IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT
- 95 3/12/2014 - 1250E - Application for Setting eFile  
Additional Text: VACATES STATUS CONFERENCE/ORAL ARGUMENTS SET 4/3/14 AND RESETS FOR 4/23/14 AT 9:30 A.M. - Transaction 4339953 - Approved By: NOREVIEW : 03-12-2014:11:19:46
- 96 3/12/2014 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4339968 - Approved By: NOREVIEW : 03-12-2014:11:22:04
- 97 3/12/2014 - PAYRC - \*\*Payment Receipted  
Additional Text: A Payment of -\$200.00 was made on receipt DCDC446380.
- 98 3/27/2014 - 2582 - Notice of Taking Deposition  
Additional Text: NOTICE OF DEPOSITION OF KAREN GONZALEZ
- 99 3/28/2014 - 2645 - Opposition to Mtn ...  
Additional Text: for Partial Summary Judgment - Transaction 4365026 - Approved By: AZION : 03-28-2014:16:51:03
- 100 3/28/2014 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4365165 - Approved By: NOREVIEW : 03-28-2014:16:52:08
- 101 4/7/2014 - 2280 - Mtn to Continue  
*No additional text exists for this entry.*
- 102 4/7/2014 - 3242 - Ord Setting Hearing  
Additional Text: ORDER SETTING HEARING - ORAL ARGS ON WEST TAYLOR STREET, LLC'S MTN TO EXTEND DATE TO AMEND PLDGS ; ALTERNATIVELY, SECOND MTN TO AMEND FOR LEAVE TO FILE AN AMD COMPLAINT SHALL BE HEARD ON APRIL 23, 2014 - Transaction 4376338 - Approved By: NOREVIEW : 04-07-2014:14:51:22
- 103 4/7/2014 - S200 - Request for Submission Complet  
*No additional text exists for this entry.*

- 104 4/7/2014 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4376354 - Approved By: NOREVIEW : 04-07-2014:14:52:23
- 105 4/10/2014 - 2490 - Motion ...  
Additional Text: MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT
- 106 4/10/2014 - 1320 - Case Conference Report  
Additional Text: PLAINTIFF'S SECOND SUPPLEMENT TO CASE CONFERENCE REPORT
- 107 4/11/2014 - 3795 - Reply...  
Additional Text: REPLY ARGUMENT IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT
- 108 4/11/2014 - 3860 - Request for Submission  
Additional Text: DOCUMENT TITLE: MOTION FOR PARTIAL SUMMARY JUDGMENT  
PARTY SUBMITTING: NICHOLAS PEREOS, ESQ  
DATE SUBMITTED: 04/11/2014  
SUBMITTED BY: M TORRES  
DATE RECEIVED JUDGE OFFICE:
- 109 4/16/2014 - 3242 - Ord Setting Hearing  
Additional Text: ORDER SETTING HEARING ON PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT - HEARING SCHEDULED FOR APRIL 23, 2014 - Transaction 4389433 - Approved By: NOREVIEW : 04-16-2014:13:22:13
- 110 4/16/2014 - S200 - Request for Submission Complet  
*No additional text exists for this entry.*
- 111 4/16/2014 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4389436 - Approved By: NOREVIEW : 04-16-2014:13:25:03
- 112 4/22/2014 - 3980 - Stip and Order...  
Additional Text: STIPULATION AND ORDER TO CONTINUE THE APRIL 23, 2014 STATUS HEARING AND HEARING ON ALL PENDING MOTIONS - HEARING CONTINUED TO MAY 7, 2014 AT 10:00 A.M. - Transaction 4398327 - Approved By: NOREVIEW : 04-22-2014:16:22:59
- 113 4/22/2014 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4398333 - Approved By: NOREVIEW : 04-22-2014:16:23:56
- 114 4/25/2014 - 4045 - Stipulation to Continuance  
Additional Text: STIPULATION TO CONTINUE TRIAL AND EXTEND DISCOVERY (FIRST REQUEST) - Transaction 4402891 - Approved By : YVILORIA : 04-25-2014:09:22:18
- 115 4/25/2014 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4403221 - Approved By: NOREVIEW : 04-25-2014:09:23:19
- 116 5/21/2014 - MIN - \*\*\*Minutes  
Additional Text: STATUS CONFERENCE/ARGUMENT ON SUBMITTED MOTIONS - 5/7/14 - Transaction 4442478 - Approved By: NOREVIEW : 05-21-2014:14:05:19
- 117 5/21/2014 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4442486 - Approved By: NOREVIEW : 05-21-2014:14:06:22
- 118 6/17/2014 - 3105 - Ord Granting ...  
Additional Text: ORDER - VACATING JUNE 9, 2014 TRIAL; STATUS CONFERENCE SET FOR JULY 30, 2014 AT 10:00 A.M.; PLTF GRANTED LEAVE TO FILE SECOND AMENDED COMPLAINT, DISCOVERY EXTENDED - Transaction 4479260 - Approved By: NOREVIEW : 06-17-2014:08:39:11
- 119 6/17/2014 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4479269 - Approved By: NOREVIEW : 06-17-2014:08:40:11

- 120 6/27/2014 - 1090 - Amended Complaint  
Additional Text: SECOND
- 121 7/14/2014 - 1140 - Answer to Amended Complaint  
Additional Text: DEFENDANTS' ANSWER TO PLAINTIFF'S SECOND AMENDED COMPLAINT - Transaction 4514746 - Approved By: APOMA : 07-14-2014:12:36:33
- 122 7/14/2014 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4515164 - Approved By: NOREVIEW : 07-14-2014:12:37:27
- 123 7/14/2014 - 1320 - Case Conference Report  
Additional Text: PLAINTIFF'S THIRD SUPPLEMENT TO CASE CONFERENCE REPORT
- 124 7/28/2014 - 3025 - Ord Granting/Denying in Part  
Additional Text: WEST TAYLOR'S MOTON FOR PARTIAL SUMMARY JUDGMENT - Transaction 4535432 - Approved By: NOREVIEW : 07-28-2014:11:49:46
- 125 7/28/2014 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4535438 - Approved By: NOREVIEW : 07-28-2014:11:50:44
- 126 8/19/2014 - MIN - \*\*\*Minutes  
Additional Text: STATUS CONFERENCE - 7/30/14 - Transaction 4567441 - Approved By: NOREVIEW : 08-19-2014:11:01:41
- 127 8/19/2014 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4567463 - Approved By: NOREVIEW : 08-19-2014:11:03:42
- 128 9/3/2014 - \$2200 - \$Mtn for Summary Judgment  
*No additional text exists for this entry.*
- 129 9/3/2014 - PAYRC - \*\*Payment Receipted  
Additional Text: A Payment of -\$200.00 was made on receipt DCD468852.
- 130 9/25/2014 - 2645 - Opposition to Mtn ...  
Additional Text: WASTE MANAGEMENT OF NEVADA, INC.'S OPPOSITION TO PLAINTIFF'S SECOND MOTION FOR PARTIAL SUMMARY JUDGMENT - Transaction 4624288 - Approved By: MFERNAND : 09-25-2014:15:53:36
- 131 9/25/2014 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4624667 - Approved By: NOREVIEW : 09-25-2014:15:54:45
- 132 9/26/2014 - 2175 - Mtn for Reconsideration  
Additional Text: WASTE MANAGEMENT OF NEVADA, INC.'S MOTION FOR PARTIAL RECONSIDERATION OF THE COURT'S JULY 28, 2014 ORDER - Transaction 4625134 - Approved By: MELWOOD : 09-26-2014:11:07:56
- 133 9/26/2014 - 2490 - Motion ...  
Additional Text: WASTE MANAGEMENT OF NEVADA, INC.'S MOTION FOR LEAVE TO FILE MOTION FOR PARTIAL RECONSIDERATION OF THE COURT'S JULY 28, 2014 ORDER - Transaction 4625249 - Approved By: MCHOLICO : 09-26-2014:12:26:35
- 134 9/26/2014 - 2175 - Mtn for Reconsideration  
Additional Text: WASTE MANAGEMENT OF NEVADA, INC.'S MOTION FOR PARTIAL RECONSIDERATION OF THE COURT'S JULY 28, 2014 ORDER - Transaction 4625266 - Approved By: MCHOLICO : 09-26-2014:12:28:56
- 135 9/26/2014 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4625737 - Approved By: NOREVIEW : 09-26-2014:11:08:48
- 136 9/26/2014 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4625994 - Approved By: NOREVIEW : 09-26-2014:12:27:23

- 137 9/26/2014 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4625997 - Approved By: NOREVIEW : 09-26-2014:12:30:57
- 138 10/29/2014 - 4050 - Stipulation ...  
Additional Text: STIPULATION - CONTINUANCE OF DECEMBER 16, 2014 HEARING; MTN FOR LEAVE TO FILE MTN FOR PARTIAL RECON MOOT; RESPONSE TO MTN FOR RECON DUE BY NOV 17, 2014, REPLY BY DEC. 1, 2014 - Transaction 4673917 - Approved By: MCHOLICO : 10-29-2014:15:02:37
- 139 10/29/2014 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4674386 - Approved By: NOREVIEW : 10-29-2014:15:03:21
- 140 11/5/2014 - 2645 - Opposition to Mtn ...  
Additional Text: OPPOSITION TO MOTIN FOR PARTIAL RECONSIDERATION
- 141 12/1/2014 - 3790 - Reply to/in Opposition  
Additional Text: REPLY IN SUPPORT OF WASTE MANAGEMENT OF NEVADA, INC.'S MOTION FOR PARTIAL RECONSIDERATION OF THE COURT'S JULY 28, 2014 ORDER - Transaction 4715854 - Approved By: MELWOOD : 12-02-2014:08:09:36
- 142 12/2/2014 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4716251 - Approved By: NOREVIEW : 12-02-2014:08:10:33
- 143 12/2/2014 - 3860 - Request for Submission  
Additional Text: MOTION FOR PARTIAL RECONSIDERATION OF THE COURT'S JULY 28, 2014 ORDER (NO ORDER PROVIDED) - Transaction 4716743 - Approved By: MELWOOD : 12-02-2014:11:11:01  
PARTY SUBMITTING: BRYAN WRIGHT, ESQ  
DATE SUBMITTED: 12/02/2014  
SUBMITTED BY: MELWOOD  
DATE RECEIVED JUDGE OFFICE:
- 144 12/2/2014 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4716890 - Approved By: NOREVIEW : 12-02-2014:11:12:03
- 145 1/21/2015 - 1290 - Association of Counsel  
Additional Text: SEAN D. THUESON, ESQ. / WASTE MANAGEMENT OF NEVADA, INC. - Transaction 4781700 - Approved By: MCHOLICO : 01-21-2015:14:02:51
- 146 1/21/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4781966 - Approved By: NOREVIEW : 01-21-2015:14:03:51
- 147 2/6/2015 - S200 - Request for Submission Complet  
*No additional text exists for this entry.*
- 148 2/6/2015 - 2842 - Ord Denying Motion  
Additional Text: ORDER DENYING DEFENDANTS' MOTION FOR PARTIAL RECONSIDERATION - Transaction 4807427 - Approved By: NOREVIEW : 02-06-2015:14:46:34
- 149 2/6/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4807437 - Approved By: NOREVIEW : 02-06-2015:14:47:36
- 150 2/10/2015 - 2610 - Notice ...  
Additional Text: NOTICE OF DISASSOCIATION OF COUNSEL - BRYAN WRIGHT, ESQ - Transaction 4812424 - Approved By: MELWOOD : 02-11-2015:09:10:49
- 151 2/11/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4812828 - Approved By: NOREVIEW : 02-11-2015:09:11:41
- 152 5/13/2015 - 2490 - Motion ...  
Additional Text: RENEWED MOTION FOR SUMMARY JUDGMENT - Transaction 4951439 - Approved By: MABAKER : 05-13-2015:14:00:57

- 153 5/13/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4951444 - Approved By: NOREVIEW : 05-13-2015:14:01:52
- 154 5/13/2015 - 3795 - Reply...  
Additional Text: REPLY ARGUMENT IN SUPORT OF MOOTION FOR PARTIAL SUMMARY JUDGMENT (SECOND) - Transaction 4951449 - Approved By: MABAKER : 05-13-2015:14:05:22
- 155 5/13/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4951452 - Approved By: NOREVIEW : 05-13-2015:14:06:22
- 156 5/13/2015 - 3860 - Request for Submission  
Additional Text: Transaction 4951457 - Approved By: MABAKER : 05-13-2015:14:10:00  
DOCUMENT TITLE: SECOND MOTION FOR PARTIAL SUMMARY JUDGMENT (NO PAPER ORDER) -  
PARTY SUBMITTING: NICHOLAS PEREOS ESQ.  
DATE SUBMITTED: MAY 13, 2015  
SUBMITTED BY: MABAKER  
DATE RECEIVED JUDGE OFFICE:
- 157 5/13/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4951464 - Approved By: NOREVIEW : 05-13-2015:14:11:04
- 158 6/1/2015 - 4105 - Supplemental ...  
Additional Text: PLAINTIFF'S FIFTH S UPPLEMENT TO CASE CONFERENCE REPORT - Transaction 4978238 - Approved By: YVILORIA : 06-01-2015:16:03:52
- 159 6/1/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4978246 - Approved By: NOREVIEW : 06-01-2015:16:04:53
- 160 7/1/2015 - S200 - Request for Submission Complet  
Additional Text: SECOND MOTION FOR PARTIAL SUMMARY JUDGMENT GRANTED DURING HEARING ON 7/1/15
- 161 7/17/2015 - 4075 - Substitution of Counsel  
Additional Text: MARK SIMONS, ESQ. / WASTE MANAGEMENT OF NEVADA, INC. - Transaction 5049742 - Approved By: MCHOLICO : 07-17-2015:11:52:05
- 162 7/17/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5050331 - Approved By: NOREVIEW : 07-17-2015:11:53:10
- 163 7/31/2015 - MIN - \*\*\*Minutes  
Additional Text: MOTION FOR PARTIAL SUMMARY JUDGMENT (TELEPHONIC) - 7/1/15 - Transaction 5073385 - Approved By: NOREVIEW : 07-31-2015:16:32:25
- 164 7/31/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5073390 - Approved By: NOREVIEW : 07-31-2015:16:35:17
- 165 8/19/2015 - 1040 - Affidavit of Mailing  
Additional Text: Transaction 5101308 - Approved By: NOREVIEW : 08-19-2015:12:49:09
- 166 8/19/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5101310 - Approved By: NOREVIEW : 08-19-2015:12:50:08
- 167 9/25/2015 - 3860 - Request for Submission  
Additional Text: DOCUMENT TITLE: JUDGMENT FOR PARTIAL SUMMARY JUDGMENT (ORDER PROVIDED)  
PARTY SUBMITTING: C. NICHOLAS PEREOS, ESQ.  
DATE SUBMITTED: SEPTEMBER 25, 2015  
SUBMITTED BY: PMSEWELL  
DATE RECEIVED JUDGE OFFICE:

- 168 9/25/2015 - 1356 - Certificate of Mailing  
Additional Text: MAILED TO PARTIES ON 9/9/15
- 169 9/25/2015 - 4105 - Supplemental ...  
Additional Text: PLAINTIFF'S SIXTH SUPPLEMENT TO CASE CONFERENCE REPORT
- 170 10/1/2015 - 1880 - Judgment  
Additional Text: PARTIAL SUMMARY JUDGMENT - Transaction 5168113 - Approved By: NOREVIEW : 10-01-2015:12:51:47
- 171 10/1/2015 - S200 - Request for Submission Complet  
*No additional text exists for this entry.*
- 172 10/1/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5168115 - Approved By: NOREVIEW : 10-01-2015:12:52:46
- 173 11/3/2015 - 1120 - Amended ...  
Additional Text: AMENDED SUBSTITUTION OF COUNSEL - SEAN D. THUESON, GREGORY S GILBER TAND MATTHEW HIPPLER LLP / DEFT WASTE MANAGEMENT OF NEVADA INC AND KAREN GONZALES SUBSTITUTE MARK G. SIMONS - Transaction 5217882 - Approved By: YVILORIA : 11-03-2015:15:58:33
- 174 11/3/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5218120 - Approved By: NOREVIEW : 11-03-2015:15:59:32
- 175 11/25/2015 - 3980 - Stip and Order...  
Additional Text: STIPULATION AND ORDER FOR RULE 54(b) CERTIFICATION AND TO STAY PROCEEDINGS - Transaction 5252177 - Approved By: NOREVIEW : 11-25-2015:08:57:39
- 176 11/25/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5252186 - Approved By: NOREVIEW : 11-25-2015:09:00:56
- 177 11/25/2015 - 2192 - \*\* Case Stayed  
*No additional text exists for this entry.*
- 178 12/2/2015 - \$2515 - \$Notice/Appeal Supreme Court  
*No additional text exists for this entry.*
- 179 12/2/2015 - 1310 - Case Appeal Statement  
*No additional text exists for this entry.*
- 180 12/2/2015 - PAYRC - \*\*Payment Receipted  
Additional Text: A Payment of -\$34.00 was made on receipt DCDC522771.
- 181 12/2/2015 - SAB - \*\*Supreme Court Appeal Bond  
*No additional text exists for this entry.*
- 182 12/3/2015 - 1350 - Certificate of Clerk  
Additional Text: CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 5260743 - Approved By: NOREVIEW : 12-03-2015:08:36:18
- 183 12/3/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5260750 - Approved By: NOREVIEW : 12-03-2015:08:37:18
- 184 12/3/2015 - 2535 - Notice of Entry of Judgment  
Additional Text: Transaction 5262121 - Approved By: NOREVIEW : 12-03-2015:14:10:37

185 12/3/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5262150 - Approved By: NOREVIEW : 12-03-2015:14:14:14

186 12/10/2015 - 1188 - Supreme Court Receipt for Doc  
Additional Text: SUPREME COURT NO. 69307 / RECEIPT FOR DOCUMENTS - Transaction 5273554 - Approved By: NOREVIEW : 12-10-2015:14:55:37

187 12/10/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5273559 - Approved By: NOREVIEW : 12-10-2015:14:56:26

188 1/26/2016 - 4133 - Supreme Court Notice  
Additional Text: SUPREME COURT NO. 69307/NOTICE TO REQUEST TRANSCRIPT - Transaction 5336204 - Approved By: NOREVIEW : 01-26-2016:08:58:32

189 1/26/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5336207 - Approved By: NOREVIEW : 01-26-2016:09:01:16

190 3/7/2016 - 4127 - Supreme Ct Ord Dismiss Appeal  
Additional Text: SUPREME COURT NO. 69307/ORDER DISMISSING APPEAL - Transaction 5402735 - Approved By: NOREVIEW : 03-07-2016:09:40:52

191 3/7/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5402742 - Approved By: NOREVIEW : 03-07-2016:09:41:51

192 6/3/2016 - 2605 - Notice to Set  
Additional Text: 6/22/16 @10:00 - Transaction 5545962 - Approved By: CSULEZIC : 06-03-2016:13:37:57

193 6/3/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5546222 - Approved By: NOREVIEW : 06-03-2016:13:38:44

194 6/15/2016 - 1188 - Supreme Court Receipt for Doc  
Additional Text: SUPREME COURT NO. 70540 / RECEIPT FOR DOCUMENTS - Transaction 5563819 - Approved By: NOREVIEW : 06-15-2016:14:49:19

195 6/15/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5563822 - Approved By: NOREVIEW : 06-15-2016:14:50:20

196 6/22/2016 - 2540 - Notice of Entry of Ord  
Additional Text: Transaction 5574316 - Approved By: NOREVIEW : 06-22-2016:11:50:49

197 6/22/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5574323 - Approved By: NOREVIEW : 06-22-2016:11:51:58

198 6/22/2016 - 2540 - Notice of Entry of Ord  
Additional Text: Transaction 5574329 - Approved By: NOREVIEW : 06-22-2016:11:53:10

199 6/22/2016 - 2540 - Notice of Entry of Ord  
Additional Text: Transaction 5574329 - Approved By: NOREVIEW : 06-22-2016:11:53:10

200 6/22/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5574464 - Approved By: NOREVIEW : 06-22-2016:13:00:30

201 7/14/2016 - 4128 - Supreme Court Order Denying  
Additional Text: ORDER DENYING PETITION FOR WRIT OF MANDAMUS - Transaction 5609573 - Approved By: NOREVIEW : 07-14-2016:15:47:51

202 7/14/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5609581 - Approved By: NOREVIEW : 07-14-2016:15:48:52

- 203 8/18/2016 - 4131 - Supreme Ct Not/Lieu/Remittitur  
Additional Text: SUPREME COURT NO. 70540 / NOTICE IN LIEU OF REMITTITUR - Transaction 5664950 - Approved By: NOREVIEW : 08-18-2016:09:17:26
- 204 8/18/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5664955 - Approved By: NOREVIEW : 08-18-2016:09:18:28
- 205 8/25/2016 - 2605 - Notice to Set  
Additional Text: NOTICE TO SET TRIAL - 9/07/16 @9:45 - Transaction 5676768 - Approved By: CSULEZIC : 08-25-2016:10:23:12
- 206 8/25/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5677046 - Approved By: NOREVIEW : 08-25-2016:10:24:14
- 207 9/6/2016 - \$2200 - \$Mtn for Summary Judgment  
Additional Text: DEFENDANTS' MOTION FOR SUMMARY JUDGMENT ON PLAINTIFF'S SLANDER OF TITLE CLAIM - Transaction 5693394  
- Approved By: CSULEZIC : 09-06-2016:14:44:36
- 208 9/6/2016 - PAYRC - \*\*Payment Receipted  
Additional Text: A Payment of \$200.00 was made on receipt DCDC551643.
- 209 9/6/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5693774 - Approved By: NOREVIEW : 09-06-2016:14:45:40
- 210 9/7/2016 - 1250E - Application for Setting eFile  
Additional Text: PRE-TRIAL CONFERENCE: APRIL 5, 2017 AT 9:00 A.M.;  
JURY TRIAL [1ST SET-3 DAYS] OCTOBER 16, 2017 AT 10:00 A.M.  
  
- Transaction 5694831 - Approved By: NOREVIEW : 09-07-2016:10:14:33
- 211 9/7/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5694839 - Approved By: NOREVIEW : 09-07-2016:10:17:13
- 212 9/8/2016 - 2610 - Notice ...  
Additional Text: NOTICE OF TRIAL 10/16/17 @10:00 - Transaction 5697654 - Approved By: CSULEZIC : 09-08-2016:14:25:32
- 213 9/8/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5698280 - Approved By: NOREVIEW : 09-08-2016:14:26:31
- 214 9/15/2016 - 2490 - Motion ...  
Additional Text: MOTION FOR ADDITIONAL TIME - Transaction 5708887 - Approved By: CSULEZIC : 09-15-2016:13:17:04
- 215 9/15/2016 - 1030 - Affidavit in Support...  
Additional Text: AFFIDAVIT OF C. NICHOLAS PEREOS IN SUPPORT OF MOTION FOR ADDITIONAL TIME - Transaction 5708887 -  
Approved By: CSULEZIC : 09-15-2016:13:17:04
- 216 9/15/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5709472 - Approved By: NOREVIEW : 09-15-2016:13:17:59
- 217 9/16/2016 - 2645 - Opposition to Mtn ...  
Additional Text: LIMITED OPPOSITION TO MOTION FOR ADDITIONAL TIME - Transaction 5711080 - Approved By: YVILORIA : 09-16-2016:09:51:53
- 218 9/16/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5711233 - Approved By: NOREVIEW : 09-16-2016:09:52:53
- 219 10/18/2016 - 2650 - Opposition to ...  
Additional Text: OPPOSITION TO MOTION FOR SUMMARY JUDGEMENT ON CLAIMS FOR SLANDER OF TITLE - Transaction 5762292 -  
Approved By: RKWATKIN : 10-18-2016:11:15:28

- 220 10/18/2016 - 1030 - Affidavit in Support...  
Additional Text: AFFIDAVIT OF TERI MORRISON IN SUPPORT OF OPPOSITION TO MOTION FOR SUMMARY JUDGMENT - Transaction 5762292 - Approved By: RKWATKIN : 10-18-2016:11:15:28
- 221 10/18/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5762612 - Approved By: NOREVIEW : 10-18-2016:11:17:00
- 222 10/24/2016 - 3795 - Reply...  
Additional Text: DEFENDANTS' REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT ON PLAINTIFF'S SLANDER OF TITLE CLAIM - Transaction 5773264 - Approved By: RKWATKIN : 10-25-2016:09:29:08
- 223 10/24/2016 - 3860 - Request for Submission  
Additional Text: Transaction 5773264 - Approved By: RKWATKIN : 10-25-2016:09:29:08  
DOCUMENT TITLE: MOTION FOR SUMMARY JUDGMENT ON PLAINTIFF'S SLANDER OF TITLE CLAIM (NO ORDER)  
PARTY SUBMITTING: MARK SIMONS  
DATE SUBMITTED: 10/25/16  
SUBMITTED BY: RKWATKIN  
DATE RECEIVED JUDGE OFFICE:
- 224 10/25/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5774006 - Approved By: NOREVIEW : 10-25-2016:09:30:08
- 225 1/3/2017 - 3347 - Ord to Set  
Additional Text: ORDER TO SET ORAL ARGUMENTS ON DEFENDANTS' MOTION FOR SUMMARY JUDGMENT ON PLAINTIFF'S SLANDER OF TITLE CLAIM - Transaction 5880271 - Approved By: NOREVIEW : 01-03-2017:08:28:59
- 226 1/3/2017 - S200 - Request for Submission Complet  
*No additional text exists for this entry.*
- 227 1/3/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5880278 - Approved By: NOREVIEW : 01-03-2017:08:29:47
- 228 1/17/2017 - 1250E - Application for Setting eFile  
Additional Text: ORAL ARGUMENTS ON DEFENDANT'S MOTION FOR SUMMARY JUDGMENT - FEBRUARY 22, 2017 AT 2:00 P.M. (2 HOURS) - Transaction 5900387 - Approved By: NOREVIEW : 01-17-2017:14:25:02
- 229 1/17/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5900398 - Approved By: NOREVIEW : 01-17-2017:14:26:00
- 230 3/7/2017 - MIN - \*\*\*Minutes  
Additional Text: ORAL ARGUMENTS ON DEFT'S MOTION FOR SUMMARY JUDGMENT - 2/22/17 - Transaction 5984477 - Approved By: NOREVIEW : 03-07-2017:14:59:12
- 231 3/7/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5984481 - Approved By: NOREVIEW : 03-07-2017:15:00:04
- 232 3/28/2017 - 3025 - Ord Granting/Denying in Part  
Additional Text: - WASTE MANAGEMENT'S AND GONZALEZ MOTION FOR SUMMARY JUDGMENT GRANTED AS TO ANY CLAIM AGAINST GONZALEZ AS AN INDIVIDUAL/DENIED AS TO THE SLANDER OF TITLE CLAIM AGAINST WASTE MANAGEMENT - Transaction 6020742 - Approved By: NOREVIEW : 03-28-2017:12:25:48
- 233 3/28/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6020743 - Approved By: NOREVIEW : 03-28-2017:12:26:49
- 234 3/28/2017 - S200 - Request for Submission Complet  
Additional Text: MOTION FOR SUMMARY JUDGMENT GRANTED IN PART/DENIED IN PART
- 235 4/5/2017 - MIN - \*\*\*Minutes  
Additional Text: PRE-TRIAL CONFERENCE - 4/5/17 - Transaction 6036212 - Approved By: NOREVIEW : 04-05-2017:13:40:04

- 236 4/5/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6036222 - Approved By: NOREVIEW : 04-05-2017:13:41:00
- 237 4/19/2017 - 3915 - Scheduling Order  
Additional Text: FIRST AMENDED SCHEDULING ORDER - Transaction 6059380 - Approved By: NOREVIEW : 04-19-2017:11:39:08
- 238 4/19/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6059383 - Approved By: NOREVIEW : 04-19-2017:11:40:06
- 239 5/5/2017 - 2610 - Notice ...  
Additional Text: NOTICE OF ISSUANCE OF SUBPOENA DUCES TECUM - Transaction 6086999 - Approved By: CSULEZIC : 05-05-2017:14:11:07
- 240 5/5/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6087202 - Approved By: NOREVIEW : 05-05-2017:14:12:09
- 241 5/12/2017 - 4065 - Subpoena Duces Tecum  
Additional Text: SERVED YVONNE ENOS OBO NV ENERGY ON 5/8/17 - Transaction 6097405 - Approved By: PMSEWELL : 05-12-2017:09:04:40
- 242 5/12/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6097535 - Approved By: NOREVIEW : 05-12-2017:09:05:52
- 243 5/31/2017 - 2582 - Notice of Taking Deposition  
Additional Text: Transaction 6126240 - Approved By: PMSEWELL : 05-31-2017:16:52:25
- 244 5/31/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6126353 - Approved By: NOREVIEW : 05-31-2017:16:53:33
- 245 6/7/2017 - 2582 - Notice of Taking Deposition  
Additional Text: NOTICE OF TAKING OF DEPOSITION - JULY 24, 2017 AT 10:00 AM - Transaction 6136815 - Approved By: TBRITTON : 06-07-2017:13:09:05
- 246 6/7/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6137063 - Approved By: NOREVIEW : 06-07-2017:13:09:49
- 247 6/30/2017 - 2980 - Ord Return of Appeal Bond  
Additional Text: Transaction 6175520 - Approved By: NOREVIEW : 06-30-2017:11:44:18
- 248 6/30/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6175537 - Approved By: NOREVIEW : 06-30-2017:11:45:27
- 249 7/12/2017 - CHECK - \*\*Trust Disbursement  
Additional Text: A Disbursement of \$500.00 on Check Number 33238
- 250 7/24/2017 - 1120 - Amended ...  
Additional Text: AMENDED NOTICE OF TAKING DEPOSITIONS - Transaction 6211652 - Approved By: YVILORIA : 07-25-2017:08:26:34
- 251 7/25/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6211979 - Approved By: NOREVIEW : 07-25-2017:08:27:28
- 252 7/31/2017 - 1250E - Application for Setting eFile  
Additional Text: STATUS HEARING - AUGUST 30, 2017 AT 2:30 P.M. - Transaction 6222542 - Approved By: NOREVIEW : 07-31-2017:10:41:43
- 253 7/31/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6222550 - Approved By: NOREVIEW : 07-31-2017:10:42:44

- 254 8/14/2017 - 2245 - Mtn in Limine  
Additional Text: PLAINTIFF'S MOTION IN LIMINE NUMBER ONE TO EXCLUDE EVIDENCE REGARDING OTHER PROPERTY HOLDINGS - Transaction 6247278 - Approved By: YVILORIA : 08-14-2017:12:17:07
- 255 8/14/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6247329 - Approved By: NOREVIEW : 08-14-2017:12:18:10
- 256 8/30/2017 - 2245 - Mtn in Limine  
Additional Text: WASTE MANAGEMENT OF NEVADA, INC.'S MOTION IN LIMINE #1 RE: EXCLUSION OF C. NICHOLAS PEREOS AS TRIAL ADVOCATE - Transaction 6275844 - Approved By: PMSEWELL : 08-30-2017:14:18:39
- 257 8/30/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6276202 - Approved By: NOREVIEW : 08-30-2017:14:19:33
- 258 8/31/2017 - 2610 - Notice ...  
Additional Text: Notice of Firm Name Change: ROBISON BELAUSTEGUI SHARP & LOW NAME CHANGE TO ROBISON, SIMONS, SHARP & BRUST - Transaction 6279026 - Approved By: YVILORIA : 08-31-2017:16:10:20
- 259 8/31/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6279189 - Approved By: NOREVIEW : 08-31-2017:16:13:01
- 260 8/31/2017 - 2645 - Opposition to Mtn ...  
Additional Text: WMON'S OPPOSITION TO PLAINTIFF'S MOTION IN LIMINE #1 TO EXCLUDE EVIDENCE REGARDING OTHER PROPERTY HOLDINGS - Transaction 6279549 - Approved By: SWILLIAM : 09-01-2017:09:10:13
- 261 9/1/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6279847 - Approved By: NOREVIEW : 09-01-2017:09:13:31
- 262 9/12/2017 - 1030 - Affidavit in Support...  
Additional Text: AFFIDAVIT OF C. NICHOLAS PEREOS TO REPLY TO MOTIONS IN LIMINE FILED BY PLAINTIFF & DEFENDANT - Transaction 6295341 - Approved By: YVILORIA : 09-12-2017:15:20:43
- 263 9/12/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6295442 - Approved By: NOREVIEW : 09-12-2017:15:21:35
- 264 9/12/2017 - 3795 - Reply...  
Additional Text: REPLY ARGUMENT IN SUPPORT OF PLAINTIFF'S MOTION IN LIMINE #1 - Transaction 6295489 - Approved By: SWILLIAM : 09-12-2017:15:49:40
- 265 9/12/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6295646 - Approved By: NOREVIEW : 09-12-2017:15:50:34
- 266 9/13/2017 - 2645 - Opposition to Mtn ...  
Additional Text: PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION IN LIMINE - Transaction 6297499 - Approved By: PMSEWELL : 09-13-2017:14:00:45
- 267 9/13/2017 - 1075 - Affidavit ...  
Additional Text: AFFIDAVIT OF TERRI MORRISON - Transaction 6297499 - Approved By: PMSEWELL : 09-13-2017:14:00:45
- 268 9/13/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6297578 - Approved By: NOREVIEW : 09-13-2017:14:01:50
- 269 9/14/2017 - 3695 - Pre-Trial Memorandum  
Additional Text: PLAINTIFF'S PRETRIAL DISCLOSURE - Transaction 6299902 - Approved By: SWILLIAM : 09-14-2017:14:31:43
- 270 9/14/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6300046 - Approved By: NOREVIEW : 09-14-2017:14:32:45

- 271 9/19/2017 - 3795 - Reply...  
Additional Text: WASTE MGMT OF NEVADA INC'S REPLY IN SUPPORT OF MOTION IN LIMINE #1 RE: EXCLUSION OF C. NICHOLAS PEREOS AS TRIAL ADVOCATE - Transaction 6307290 - Approved By: SWILLIAM : 09-19-2017:15:22:46
- 272 9/19/2017 - 3860 - Request for Submission  
Additional Text: -Transaction 6307290 - Approved By: SWILLIAM : 09-19-2017:15:22:46  
DOCUMENT TITLE: MOTION IN LIMINE #1 RE: EXCLUSION OF C. NICHOLAS PEREOS AS TRIAL ADVOCATE  
PARTY SUBMITTING: MARK SIMONS, ESQ  
DATE SUBMITTED: 09/19/2017  
SUBMITTED BY: SWILLIAM  
DATE RECEIVED JUDGE OFFICE:
- 273 9/19/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6307427 - Approved By: NOREVIEW : 09-19-2017:15:23:43
- 274 9/20/2017 - 3860 - Request for Submission  
Additional Text: PLAINTIFFS MOTION IN LIMINE NUMBER ONE FILED 8/14/17 - Transaction 6308996 - Approved By: CSULEZIC : 09-20-2017:12:36:17  
PARTY SUBMITTING: NICHOLAS PEREOS ESQ  
DATE SUBMITTED: 9/20/17  
SUBMITTED BY: CS  
DATE RECEIVED JUDGE OFFICE:
- 275 9/20/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6309002 - Approved By: NOREVIEW : 09-20-2017:12:38:25
- 276 9/22/2017 - 3915 - Scheduling Order  
Additional Text: SECOND AMENDED SCHEDULING ORDER - Transaction 6312602 - Approved By: NOREVIEW : 09-22-2017:08:14:27
- 277 9/22/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6312606 - Approved By: NOREVIEW : 09-22-2017:08:15:24
- 278 9/29/2017 - MIN - \*\*\*Minutes  
Additional Text: STATUS CONFERENCE - 8/30/17 - Transaction 6323854 - Approved By: NOREVIEW : 09-29-2017:09:52:07
- 279 9/29/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6323858 - Approved By: NOREVIEW : 09-29-2017:09:53:05
- 280 10/2/2017 - 2610 - Notice ...  
Additional Text: Notice of Issuance of Subpoena - Transaction 6325767 - Approved By: YVILORIA : 10-02-2017:10:16:52
- 281 10/2/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6325810 - Approved By: NOREVIEW : 10-02-2017:10:17:53
- 282 10/13/2017 - 3695 - Pre-Trial Memorandum  
Additional Text: Transaction 6347030 - Approved By: YVILORIA : 10-13-2017:16:37:21
- 283 10/13/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6347204 - Approved By: NOREVIEW : 10-13-2017:16:38:32
- 284 10/20/2017 - 4105 - Supplemental ...  
Additional Text: DEFENDANT'S FIRST SUPPLEMENTAL PRE-TRIAL DISCLOSURES - Transaction 6358118 - Approved By: YVILORIA : 10-20-2017:16:45:18
- 285 10/20/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6358237 - Approved By: NOREVIEW : 10-20-2017:16:46:20

- 286 10/24/2017 - 2610 - Notice ...  
Additional Text: Notice of Objection - Transaction 6361712 - Approved By: PMSEWELL : 10-24-2017:11:53:06
- 287 10/24/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6361828 - Approved By: NOREVIEW : 10-24-2017:11:54:00
- 288 10/30/2017 - 1290 - Association of Counsel  
Additional Text: DOUGLAS FERMOILE ESQ - Transaction 6369875 - Approved By: CSULEZIC : 10-30-2017:14:41:23
- 289 10/30/2017 - 4220 - Trial Statement - Plaintiff  
Additional Text: TRIAL STATEMENT OF WEST TAYLOR STREET, LLC - Transaction 6369894 - Approved By: YVILORIA : 10-30-2017:14:32:07
- 290 10/30/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6370181 - Approved By: NOREVIEW : 10-30-2017:14:33:23
- 291 10/30/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6370265 - Approved By: NOREVIEW : 10-30-2017:14:42:16
- 292 10/30/2017 - 4210 - Trial Statement - Defendant  
Additional Text: Transaction 6370385 - Approved By: YVILORIA : 10-30-2017:16:03:58
- 293 10/30/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6370688 - Approved By: NOREVIEW : 10-30-2017:16:04:55
- 294 11/3/2017 - 4105 - Supplemental ...  
Additional Text: DEFT'S SECOND SUPPLEMENTAL PRE-TRIAL DISCLOSURES - Transaction 6378550 - Approved By: SWILLIAM : 11-03-2017:11:54:14
- 295 11/3/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6378685 - Approved By: NOREVIEW : 11-03-2017:11:55:16
- 296 11/3/2017 - 3060 - Ord Granting Mtn ...  
Additional Text: ORDER GRANTING WASTE MANAGEMENT OF NEVADA, INC.'S MOTION IN LIMINE #1 RE: EXCLUSION OF C. NICHOLAS PEREOS AS TRIAL ADVOCATE - Transaction 6379464 - Approved By: NOREVIEW : 11-03-2017:15:27:18
- 297 11/3/2017 - S200 - Request for Submission Complet  
*No additional text exists for this entry.*
- 298 11/3/2017 - S200 - Request for Submission Complet  
*No additional text exists for this entry.*
- 299 11/3/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6379468 - Approved By: NOREVIEW : 11-03-2017:15:28:27
- 300 11/3/2017 - 3060 - Ord Granting Mtn ...  
Additional Text: ORDER GRANTING MOTION IN LIMINE TO EXCLUDE EVIDENCE OF OTHER PROPERTY HOLDINGS - Transaction 6379490 - Approved By: NOREVIEW : 11-03-2017:15:34:29
- 301 11/3/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6379501 - Approved By: NOREVIEW : 11-03-2017:15:37:16
- 302 11/7/2017 - 4055 - Subpoena  
Additional Text: Transaction 6383137 - Approved By: YVILORIA : 11-07-2017:10:42:28
- 303 11/7/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6383205 - Approved By: NOREVIEW : 11-07-2017:10:43:24

- 304 11/7/2017 - 2490 - Motion ...  
Additional Text: Motion to Withdraw Jury Trial Demand - Transaction 6383599 - Approved By: YVILORIA : 11-07-2017:12:14:30
- 305 11/7/2017 - 1520 - Declaration  
Additional Text: Declaration of C. Nicholas Pereos in Support of Motion to Withdraw Jury Trial Demand - Transaction 6383599 - Approved By: YVILORIA : 11-07-2017:12:14:30
- 306 11/7/2017 - 2140 - Mtn Ord Shortening Time  
Additional Text: DFX: EXHIBIT MISSING COVER PAGE - Transaction 6383599 - Approved By: YVILORIA : 11-07-2017:12:14:30
- 307 11/7/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6383707 - Approved By: NOREVIEW : 11-07-2017:12:17:14
- 308 12/13/2017 - 1040 - Affidavit of Mailing  
Additional Text: Affidavit of Mailing Proposed Judgment - Transaction 6436769 - Approved By: NOREVIEW : 12-13-2017:09:37:14
- 309 12/13/2017 - NEF - Proof of Electronic Service  
Additional Text: -Transaction 6436771 - Approved By: NOREVIEW : 12-13-2017:09:38:14  
DOCUMENT TITLE: JUDGMENT  
PARTY SUBMITTING: NICHOLAS PEREOS, ESQ  
DATE SUBMITTED: 12/21/2017  
SUBMITTED BY: SWILLIAM  
DATE RECEIVED JUDGE OFFICE:
- 310 12/21/2017 - 3860 - Request for Submission  
Additional Text: - Transaction 6450146 - Approved By: SWILLIAM : 12-21-2017:13:50:14  
DOCUMENT TITLE: JUDGMENT  
PARTY SUBMITTING: NICHOLAS PEREOS, ESQ  
DATE SUBMITTED: 12/21/2017  
SUBMITTED BY: SWILLIAM  
DATE RECEIVED JUDGE OFFICE:
- 311 12/21/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6450323 - Approved By: NOREVIEW : 12-21-2017:13:52:26
- 312 12/29/2017 - 1880 - Judgment  
Additional Text: Transaction 6458942 - Approved By: NOREVIEW : 12-29-2017:13:28:05
- 313 12/29/2017 - S200 - Request for Submission Complet  
*No additional text exists for this entry.*
- 314 12/29/2017 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6458945 - Approved By: NOREVIEW : 12-29-2017:13:28:55
- 315 1/8/2018 - 2535 - Notice of Entry of Judgment  
Additional Text: Transaction 6469497 - Approved By: NOREVIEW : 01-08-2018:09:23:06
- 316 1/8/2018 - NEF - Proof of Electronic Service  
Additional Text: Transaction 6469500 - Approved By: NOREVIEW : 01-08-2018:09:24:06
- 317 1/8/2018 - \$2515 - \$Notice/Appeal Supreme Court  
Additional Text: Transaction 6470977 - Approved By: YVILORIA : 01-08-2018:15:48:43
- 318 1/8/2018 - PAYRC - \*\*Payment Receipted  
Additional Text: A Payment of \$34.00 was made on receipt DCDC596888.

319 1/8/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6471075 - Approved By: NOREVIEW : 01-08-2018:15:49:41

320 1/8/2018 - 1310 - Case Appeal Statement

Additional Text: Transaction 6471160 - Approved By: YVILORIA : 01-08-2018:16:05:50

321 1/8/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6471169 - Approved By: NOREVIEW : 01-08-2018:16:06:34

322 1/11/2018 - SAB - \*\*Supreme Court Appeal Bond

Additional Text: Bond ID: SAB-18-00003; Total Bond Amount: \$500.00.

Bond Code, SAB, Receipted for: SITE DEFINED TRUST DEPOSIT, on 11-JAN-2018 in the amount of \$500.00 on case ID CV12-02995.

323 1/11/2018 - 1350 - Certificate of Clerk

Additional Text: CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 6477887 - Approved By: NOREVIEW : 01-11-2018:15:12:30

324 1/11/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6477892 - Approved By: NOREVIEW : 01-11-2018:15:13:26

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

WEST TAYLOR STREET, LLC, a limited  
liability company,

Plaintiff,

v.

WASTE MANAGEMENT OF NEVADA,  
INC., KAREN GONZALEZ, and DOES 1  
through 10,

Defendants.

Case No. CV12-02995

Department No.: 4

**ORDER**

On March 11, 2014, Plaintiff West Taylor Street, LLC (hereinafter, "West Taylor"), by and through its attorney, C. Nicholas Pereos, Esq. filed *Motion for Partial Summary Judgment*, and two affidavits in support of the Motion for Partial Summary Judgment: *Affidavit of C. Nicholas Pereos* and *Affidavit of Teri Morrison*. On March 28, 2014, Defendants Waste Management of Nevada, Inc. and Karen Gonzalez (hereinafter collectively, "Waste Management"), by and through their attorney, Gregory S. Gilbert, Esq., Bryan L. Wright, Esq., and Matthew B. Hippler, Esq. of Holland & Hart LLP, filed their *Opposition to Plaintiff's Motion for Partial Summary Judgment*. On April 11, 2014, West Taylor filed its *Reply Argument in Support of Motion for Partial Summary Judgment*, and submitted the matter to the Court.

On May 7, 2014, Nicholas Pereos, Esq. appeared on behalf of West Taylor, and Bryan Wright, Esq. appeared on behalf of Waste Management. The Court heard arguments concerning

1 the *Motion for Partial Summary Judgment*. At the conclusion of the oral arguments the Court  
2 took the motion under consideration.

3 NRCp 56(c) provides, that summary judgment “shall be rendered forthwith if the  
4 pleadings, depositions, answers to interrogatories, and admissions on file, together with the  
5 affidavits, if any, show that there is no genuine issue as to any material fact and that the moving  
6 party is entitled to a judgment as a matter of law.” The District Court is to exercise great caution  
7 in granting summary judgment. Posadas v. City of Reno, 109 Nev. 448, 452 (1993). “The party  
8 moving for summary judgment bears the initial burden of production to show the absence of a  
9 genuine issue of material fact.” Cuzze v. Univ. & Cmty. Coll. Sys. of Nevada, 123 Nev. 598, 602  
10 (2007). “If such a showing is made, then the party opposing summary judgment assumes a  
11 burden of production to show the existence of a genuine issue of material fact.” Id.

12 West Taylor moves for partial summary judgment or in the alternative it moves for the  
13 Court to dismiss Defendant’s answer to the complaint and enter judgment on liability from lack  
14 of standing to record the garbage lien. West Taylor advances four arguments: 1) Waste  
15 Management does not have standing to record a garbage lien; 2) the statutory formalities  
16 required for mechanic’s liens apply to garbage liens because NRS 444.520 incorporates the  
17 entire mechanic’s lien statutory scheme; 3) a statute of limitations applies to this case; and 4) that  
18 the lien should not exist in perpetuity after it has been recorded.

19 Waste Management argues that it has standing to record a garbage lien because Waste  
20 Management acquired Reno Disposal Co., which is the waste management company that  
21 contracted with the city of Reno.<sup>1</sup> Waste Management also argues that NRS 444.520, expressly  
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23 <sup>1</sup> As a preliminary matter, the Court finds that Waste Management has standing to record  
24 a garbage lien. NRS 444.520 provides that the governing body of any municipality which has an  
25 approved plan for the management of solid waste may, by ordinance, provide for the levy and  
26 collection of fees, and until paid, any fee or charge levied constitutes a perpetual lien. In the  
27 instant matter, Waste Management provided a copy of the *1994 First Amended City of Reno*  
28 *Garbage Franchise Agreement* which was entered into by the City of Reno and Reno Disposal  
Co.. Additionally, an affidavit by David Stratton, Vice President and Assistant Secretary for  
Waste Management of Nevada, Inc., was filed, stating that around June 1, 2008, Waste  
Management acquired Reno Disposal Co.. Waste Management also provided a letter from  
Waste Management to the City of Reno, which extended the 1994 contract for an additional 15  
years. Finally, Waste Management filed a copy of the *Exclusive Franchise Agreement*  
*Residential Solid Waste and Recyclable Materials* that was signed in 2012 by the City of Reno

1 states that garbage liens *may* be foreclosed in the same manner as a mechanic's lien, but that the  
2 language is permissive and not required; therefore, Waste Management followed proper  
3 procedure when filing the garbage lien. Furthermore, it argues that the language of NRS. 444.520  
4 specifically creates a garbage lien that exists in perpetuity if the amount in arrears is not paid.

5 Neither party argues that there is a question of material fact, therefore the Court will  
6 decide the pending questions as a matter of law. The Court will first summarize briefly the  
7 history of the solid waste management system and NRS 444.520, and consider the development  
8 of the mechanic's lien statutes before addressing the substantive issues in this case.

9 *I. History of NRS 444.520 and the Solid Waste Management System*

10 The legislature initially became concerned with public health in 1893. On March 6, 1893,  
11 the Nevada Legislature enacted a statute that required the establishment of a State Board of  
12 Health, and instructed the Board to work for the life and health of the inhabitants of the State.  
13 Laws 1893, p. 117 c. 112. Specifically, the Board was required to conduct sanitary  
14 investigations and inquiries regarding the causes of diseases and methods of prevention. This  
15 included research to determine how habitats and circumstances of life impact public health. *Id.*  
16 The Board was given the authority to make regulations for the "better preservation of the public  
17 health in contagious and epidemic diseases" and if someone was in violation of these regulations  
18 they were notified in writing. If the violator failed to comply within five days of receiving  
19 notice, the individual was deemed guilty of a misdemeanor and fined between \$100-\$500 or  
20 imprisoned in the county jail for 50 -250 days. *Id.* In 1911, the Legislature enacted a second bill  
21 that created a State Board of Health focused primarily on identifying and recording the cause of  
22 death and the requirements for birth certificates. 1911 Nev. Stat. 392.

23 In 1971, Senate Bill 490 (hereinafter, "S.B. 490") was proposed to establish a solid waste  
24 management system. It provided the governing body of a municipality, in conjunction with the  
25 District Board of Health, with the authority to make rules and regulations regarding the  
26

27 and Reno Disposal Co., which expires in 2029. Based on these undisputed contracts, the Court  
28 finds that Waste Management had standing to record a lien under NRS 444.520 if West Taylor  
was delinquent on its garbage bills.

1 management of solid waste. Assembly Committee on Environmental and Public Resources  
2 (March 31, 1971). After the first read in the Senate, S.B. 490 was amended to include the  
3 following environmental goals: 1) protect public health and welfare; 2) prevent water or air  
4 pollution; 3) prevent the spread of disease and the creation of nuisances; 4) conserve natural  
5 resources; and, 5) enhance the beauty and quality of the environment. Journal of the Senate, at  
6 bate stamp 7 (March 22, 1971).

7 In the development of S.B. 490, the legislative history reveals that the intent behind this  
8 bill was to force the Nevada Department of Health to exercise its preexisting power to regulate  
9 the disposal of solid waste. Assembly Committee on Environmental and Public Resources  
10 (March 31, 1971). On April 1, 1971, there was a second discussion stating, in part, that S.B. 490  
11 was intended to clean up the dumps, and that it did not apply to private property or agricultural  
12 waste disposed on private land, unless a nuisance is being created. Assembly Committee on  
13 Environmental and Public Resources (April 1, 1971). The goal was to create a statewide scheme  
14 so that Nevada could qualify for federal funding. Id.

15 On February 8, 1991, Assembly Bill 320 (hereinafter, "A.B. 320") was proposed as an  
16 effort to create a basic recycling program and to reduce the disposal of certain kinds of solid  
17 waste. The first version of A.B. 320, Sec. 19 (NRS 444.520) imposed a fee for the disposal of  
18 solid waste, stating: "there is hereby levied upon the operator of each disposal site a fee of \$2.50  
19 per ton of solid waste accepted for disposal or transfer at the site...All claims against the account  
20 must be paid as other claims against the state are paid." A.B. 320 (Feb. 8, 1991). Assembly  
21 Member Vivian Freeman, who introduced the bill, indicated that the intended effects of this fee  
22 were threefold: 1) revenues would help fund recycling programs, 2) the charges would be more  
23 reflective of the cost of running a landfill and would assist in funding landfill operations, and 3)  
24 the higher disposal rates could have provided a cost incentive that promotes recycling because  
25 residents paying for the quantity of garbage being disposed would be more likely to remove  
26 recyclable materials. *Assembly Bill Omnibus Recycling*, Assemblywoman Vivian L. Freeman,  
27 Assembly Committee on Natural Resources, Agriculture and Mining (March 4, 1991). During a  
28 committee meeting it was agreed that the \$2.50 fee was excessive, and needed to be eliminated

1 and re-evaluated after two years. Assembly Committee on Natural Resources, Committee  
2 Analysis of A.B. 320, at 11 (April 6, 1991). After two amendments, A.B. 320 read as follows:

3 "The governing body of any municipality which has an approved plan for  
4 the management of solid waste may, by ordinance, provide for the levy and  
5 collection of other or additional fees and charges and require such licenses  
6 as may be appropriate and necessary to meet the requirements of NRS  
7 444.460, inclusive. The fees authorized by this section are not subject to  
8 the limit on the maximum allowable revenue from fees established  
9 pursuant to NRS 354.5989."

10 A.B. 320 Reprint with Adopted Amendments, at 6 (May 24,  
11 1991)(emphasis added).

12 It had been determined that NRS 354.5989<sup>2</sup> would be the only statute to place a fee limitation on  
13 the proposed garbage fees. Therefore, the legislature specifically made A.B. 320 exempt from  
14 NRS 354.5989 through this amendment. These 1991 amendments are still reflected in the statute  
15 today.

16 In 2005, NRS 444.520 was amended again to create a method of recourse for the garbage  
17 company once a customer became delinquent on a bill by allowing the garbage company to place  
18 a lien on the property. Senate Committee on Health and Human Resources, Committee Analysis  
19 of S.B. 354, at 10-11 (April 6, 2005).

20 This amendment added the following language in bold:

21 1. The governing body of any municipality which has an approved  
22 plan for the management of solid waste may, by ordinance, provide for the  
23 levy and collection of other or additional fees and charges and require such  
24 licenses as may be appropriate and necessary to meet the requirements of  
25 NRS 444.460 to 444.610, inclusive.

26 2. The fees authorized by this section are not subject to the limit on  
27 the maximum allowable revenue from fees established pursuant to NRS  
28 354.5989.

3. **Until paid, any fee or charge levied pursuant to subsection 1  
constitutes a perpetual lien against the property served, superior to all  
liens, claims and titles other than liens for general taxes and special  
assessments. The lien is not extinguished by the sale of any property on  
account of nonpayment of any other lien, claim or title, except liens for  
general taxes and special assessments. The lien may be foreclosed in the  
same manner as provided for the foreclosure of mechanics' liens.**

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<sup>2</sup> NRS 354.5989 regulates local government imposed fees for business licenses.

1           4. As a remedy established for the collection of any fee or charge  
2 levied pursuant to subsection 1, an action may be brought in the name  
3 of the governing body of the municipality in any court of competent  
4 jurisdiction against any person who occupied the property when the  
5 service was rendered or against any person guaranteeing payment of  
6 the fee or charge, or against all persons, for the collection of any such  
7 fee or charge that is delinquent.

8           5. A lien against the property served is not effective until a  
9 notice of the lien, separately prepared for each lot affected, is:

10           (a) Mailed to the last known owner at the owner's last known  
11 address according to the records of the county in which the property is  
12 located;

13           (b) Delivered to the office of the county recorder of the county in  
14 which the property is located;

15           (c) Recorded by the county recorder in a book kept for the  
16 purpose of recording instruments encumbering land; and

17           (d) Indexed in the real estate index as deeds and other  
18 conveyances are required by law to be indexed.

19           Senate Bill 354 (March 25, 2005).

20           The Senate Committee discussed that because of public health concerns the garbage company  
21 is required to pick up all garbage, even if a customer's account is in arrears. Id. The proposed  
22 amendments would require the homeowner to address the garbage lien, even if a tenant was  
23 living on the premises. Id. Ultimately, the Senate Committee decided to omit the following  
24 language from S.B. 354:

25           "As a remedy established for the collection of any fee or charge levied  
26 pursuant to subsection 1, an action may be brought in the name of the  
27 governing body of the municipality in any court of competent jurisdiction  
28 against any person who occupied the property when the service was  
rendered or against any person guaranteeing payment of the fee or charge,  
or against all persons, for the collection of any such fee or charge that is  
delinquent."

          The only explanation for this deletion was that the purposed amendment added "some  
unnecessary language." Id.

          When the Assembly Committee discussed A.B. 354, it recognized that the bill allowed  
the garbage company to create a lien that could ultimately lead to the foreclosure of residential  
homes. Assembly Committee on Health and Human Resources, Committee Analysis of A.B.

1 354, at 12-13 (May 20, 2005). Jennifer Lazovich (hereinafter, "Lazovich"), Legislative Advocate  
2 representing the garbage company, Republic Services, Inc., indicated that the garbage lien  
3 process had two steps: first, it requires that a notice of an intent to lien be issued. Id. The second  
4 step, if the garbage bill remains unpaid, is to record the lien with the county. This lien will be  
5 removed off the county's record once it has been paid. Lazovich also indicated that the lien  
6 "operates in the same way as a mechanic's lien" which could ultimately end in a foreclosure.  
7 However she followed this remark by stating that Republic Services, Inc. had never taken this  
8 extreme step and never would. Id. The legislative history did not discuss the applicability of the  
9 mechanic's lien statutes any further.

10 Finally, the Senate Committee discussed that if renters live in a home, the homeowner  
11 must take precautionary steps and have the garbage bill sent to the homeowner's residence  
12 instead of the rental. Id. This will allow the homeowner to pay the garbage bill and ensure that a  
13 lien is not placed on the property, then the homeowner can recover the money by incorporating  
14 the garbage bill into the price of the rent. Id.

## 15 *II. Procedural History of NRS 108 Mechanic's Liens*

16 Of importance to the Court is the legislative intent surrounding the inception and  
17 development of NRS Chapter 108, the mechanic's lien statutes. NRS Chapter 108 contains sixty-  
18 two individual statutes, many of which provide definitions. The Court has considered the  
19 implementation and development of those statutes pertaining to the requirements for perfecting a  
20 mechanic's lien, providing notice of the lien, the duration of the lien, and avenues available to  
21 refute a lien.<sup>3</sup>

22 On February 2, 1965, Assembly Bill 236 (hereinafter, "A.B. 236") was proposed in order  
23 to add mechanic's liens to the statutory liens found in NRS Chapter 108. After reviewing the bill  
24 the Assembly Committee sought to expand the breadth of the mechanic's lien to sufficiently  
25 cover the entire construction industry. Assembly Committee on Judiciary, Committee Analysis

26  
27 <sup>3</sup> Specifically, the Court has analyzed the legislative history for NRS 108.226, NRS  
28 108.227, NRS 108.2275, NRS 108.233, and NRS 108.245. Amendments were made to these  
statutes in the following years: 1967, 1969, 1971, 1979, 1987, 1995, 1997, 2003, 2005, and 2007.  
The Court considers all of these amendments and their legislative history.

1 of A.B. 236 at 1-4 (Feb. 16, 1965). The Assembly Committee was also concerned with the  
2 fairness of the lien process, focusing on the timing in which a lien could be obtained, the  
3 explanatory details that should be contained in the lien to allow the lien party to refute the lien,  
4 the time needed to properly notice a lien, and how a lien would apply to multiple properties like  
5 tract homes. Id. The Assembly Committee also discussed the importance of creating a bill that  
6 protects both the homeowner and the contractor. Id.

7 The Assembly Committee discussed amendments to A.B. 236, and adopted Oregon law  
8 which stated that a lien is not established unless there is proper notice of the lien, and then it  
9 specified the lien requirements. Assembly Committee on Judiciary, Committee Analysis of A.B.  
10 236 at 90-92 (March 2, 1965). Discussion also ensued regarding whether notice of a lien should  
11 be provided without recording the lien, and the Assembly Committee decided to call Oregon  
12 officials to inquire as to the procedures implemented there. Assembly Committee on Judiciary,  
13 Committee Analysis of A.B. 236 at 147-49 (March 15, 1965). The Assembly Committee  
14 ultimately gave A.B. 236 to the Senate with the intent to add language constructed from Oregon  
15 law in the future. This language would require that notice be sent to the owner by material  
16 suppliers, but did not require the notice to be recorded. Assembly Committee on Judiciary,  
17 Committee Analysis of A.B. 236 at 151 (March 16, 1965). The Senate Committee subsequently  
18 reviewed and amended A.B. 236, but no minutes are available from this committee. The  
19 amendments made by the Senate Committee added language governing the assignment of a lien  
20 and instituted a 20 day timeline for laborers to provide the owner of the property with notice of  
21 materials supplied, work performed, or services rendered. *Journal of the Senate* (March 3,  
22 1965).

23 In 1987, Assembly Bill 220 (hereinafter, "A.B. 220") was introduced in response to a  
24 1982 Supreme Court ruling which found that the mechanic's lien statutes denied the contractor  
25 or subcontractor the recovery of profits and overhead. Senate Committee on Judiciary,  
26 Committee Analysis of A.B. 343 at 901-03 (March 19, 1979). The mechanic's lien statutes were  
27 amended to allow the contractor or subcontractor to recover the terms of the contract and in the  
28 absence of a contract to recover for materials, labor, and the fair market value of profits and

1 overhead. Id. The legislature discussed that this amendment prevent the homeowner for  
2 receiving a windfall by only having to pay for materials and labor in the absence of a contract.  
3 Id.

4 In 1995, the legislature proposed a major amendment to the mechanic's lien with Senate  
5 Bill 401 (hereinafter, "S.B. 401"). S.B. 401, in part, added an amendment that allowed a party  
6 with interest in the premises in which a lien has been filed to appear before the court to assert  
7 that the lien was frivolous or excessive. Senate Committee on Judiciary, Committee Analysis of  
8 A.B. 343 at 2-10, bate stamp 2613-21 (May 23, 1995). During the Senate hearing it was  
9 discussed that the amendments were intended to be good for all parties. Id. The legislature  
10 acknowledge that there was a need to speed up the mechanic's lien process, but it also did not  
11 want to do so to the detriment of any due process rights.<sup>4</sup>

12  
13 **III. Procedural requirements found in the mechanic's lien statutes may be**  
14 **applied to a garbage lien when NRS 444.520 is silent on an issue.**

15 The extent to which the mechanic's lien statutes are incorporated into NRS 444.520 is a  
16 matter of first impression. To determine the interplay between NRS Chapter 108 and NRS  
17 444.520 the Court must interpret NRS 444.520. Words of "a statute should be given their plain  
18 meaning." McKay v. Bd. of Supervisors, 102 Nev. 644, 648 (1986). "Where a statute is clear on  
19 its face, a court may not go beyond the language of the statute in determining the legislature's  
20 intent." Id. "When the statutory language lends itself to two or more reasonable interpretations,  
21 the statute is ambiguous." State v. Lucero, 127 Nev. Adv. Op. 7 (2011). When a statute is  
22  
23

24 <sup>4</sup> As originally purposed, S.B. 401, stated that if an owner wanted to contest a lien, she could do  
25 so by motion to the district court, accompanied by an affidavit. If the Court issues an order for a  
26 hearing then the hearing was required to take place no sooner than 6 days and no later than 15  
27 days after the Court issued an order. During the Senate hearing, there was testimony that this  
28 short window would impact the Defendant's due process rights because it was an insufficient  
amount of time to answer and gather evidence. SENATE COMMITTEE ON JUDICIARY, COMMITTEE  
ANALYSIS OF A.B. 343 at 901-03 (May 25, 1995). In response to this testimony, the timeframe  
was changed to "no less than 10 days or more than 20 days." Id.

1 ambiguous the Court “will look to legislative history and rules of statutory construction in  
2 determining the statute's meaning.” Silver State Elec. Supply Co. v. State ex rel. Dep't of  
3 Taxation, 123 Nev. 80, 84-85 (2007). “[I]t is not the business of this court to fill in alleged  
4 legislative omissions based on conjecture as to what the legislature would or should have done.”  
5 McKay, 103 Nev. 490, 492 (1987). “When the language of the statute is ambiguous or silent on  
6 a particular issue, it should be construed in accordance with what ‘reason and public policy  
7 would indicate the legislature intended.’” Mineral Cnty. v. State, Bd. of Equalization, 121 Nev.  
8 533, 540 (2005).

10 Equal weight should be given to each sentence, phrase, and word in the statute to render  
11 them meaningful within the context of the purpose of the legislation. Harris Assocs. v. Clark  
12 County Sch. Dist., 119 Nev. 638, 642 (2003) (internal citations omitted). “Statutes within a  
13 scheme and provisions within a statute must be interpreted harmoniously with one another in  
14 accordance with the general purpose of those statutes and should not be read to produce  
15 unreasonable or absurd results.” Washington v. State, 117 Nev. 735, 739 (2001). Nevada law  
16 requires that a statute, if reasonably possible, should be construed so as to function in harmony  
17 with the Constitution. State v. Glusman, 98 Nev. 412, 419-20 (1982).

18 West Taylor asserts that in order to foreclose under NRS 444.520, Waste Management  
19 must first perfect a proper lien by adhering to the procedural requirements of NRS Chapter 108,<sup>5</sup>  
20 which govern mechanic's liens. When applying NRS Chapter 108, West Taylor asserts that  
21 Waste Management has failed to properly notice intent to lien prior to recording and failed to  
22 follow the necessary timing requirements. West Taylor argues that the garbage lien is an  
23 encumbrance on real property so the mechanic's lien statutory structure must be applied as a  
24 whole, because independently NRS 444.520 does not provide the constitutionally necessary  
25 avenue to dispute the lien.

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27  
28 <sup>5</sup> West Taylor specifically argues the applicability of: NRS 108.239, NRS 108.233 and  
NRS 108.226

1 Waste Management argues that the legislative history supports a finding that the garbage  
2 company has the power to collect fees for services rendered, in an effort to meet the legislature's  
3 environmental and health related goals. Waste Management also argues that NRS 444.520 only  
4 incorporates the manner for foreclosing a mechanic's lien (NRS 108.239) and not the manner for  
5 perfecting a lien. Additionally, it argues that the language of NRS 444.520 specifically outlines  
6 the proper channels and content required to give notice of intent to lien and allows the garbage  
7 company to create a perpetual lien against the property. It states that NRS 444.520 contains its  
8 own requirements for perfecting a garbage lien when it states that a lien upon the property is not  
9 effective until it is mailed to the last known owner, delivered to the county recorder, recorded,  
10 and indexed.

11 Of great significance in this case, is whether only NRS 108.239, relating to mechanic's lien  
12 foreclosures, may be applied to the garbage lien or whether the garbage lien can be governed by  
13 the entire statutory structure of the mechanic's lien. The Court first considers the plain language  
14 of NRS 444.520 which states,

15 "[u]ntil paid, any fee or charge levied pursuant to subsection 1 constitutes a  
16 perpetual lien against the property served, superior to all liens, claims and  
17 titles other than liens for general taxes and special assessments. The lien is  
18 not extinguished by the sale of any property on account of nonpayment of  
19 any other lien, claim or title, except liens for general taxes and special  
20 assessments. The lien may be foreclosed in the same manner as provided for  
21 the foreclosure of mechanics' liens." NRS 444.520.

22 In applying the principles of statutory interpretation the Court gives equal weight to each  
23 word and phrase within the statute. The Court has previously found that the word "may" is to be  
24 construed as permissive, unless the clear intent of the legislature is to the contrary. Sengbusch v.  
25 Fuller, 103 Nev. 580, 582 (1987). In this case the language permitting the application of the  
26 mechanic's lien foreclosure process is clear; however, there is an ambiguity as to which portions  
27 of the mechanic's lien statutes may be applied since the specific sections are not listed in the  
28 language of the statute. When an ambiguity exists, "a court should consult other sources such as  
legislative history, legislative intent, and analogous statutory provisions." Madera v. State Indus.  
Ins. Sys., 114 Nev. 253, 257 (1998).

1 In this case, the legislative history surrounding the amendments to NRS 444.520 is sparse. A  
2 review of the brief legislative history discussed above reveals that the Legislature failed to  
3 expressly state to what extent the mechanic's lien statutes should be incorporated; as a result, the  
4 Court finds that standing alone the legislative history of NRS 444.520 provides little guidance as  
5 to the application of the mechanic's lien statutes. Therefore, the Court will also consider the  
6 legislative history, legislative intent, and analogous statutory provisions of NRS Chapter 108, to  
7 determine whether NRS 444.520 permits the incorporation of just one or all of the mechanic's  
8 liens statutes. Based on the rules of statutory interpretation, the Court applies the following  
9 factors to determine which interpretation of the statute is more reasonable: 1) the legislature's  
10 specific interest in drafting the statute; 2) whether any part of the statute would be rendered  
11 superfluous by an interpretation; 3) whether a specific interpretation would violate due process  
12 rights; and 4) if the result of an interpretation would be absurd. Great Basin Water Network v.  
13 State Eng'r, 126 Nev. Adv. Op. 20 (2010).

14 The Court considers whether the legislature was addressing a specific interest when drafting  
15 NRS 444.520. As discussed above, NRS 444.520 was developed as a means for the garbage  
16 company to recover money from customers who are delinquent on their garbage bill. The  
17 legislature determined that NRS 444.520 created a necessary remedy for the garbage company to  
18 collect missing payments because the garbage company was required to pick up the garbage  
19 whether or not the homeowner paid the garbage bill. The policy mandating garbage removal was  
20 the product of a long history of public health concerns, starting with the prevention of disease  
21 epidemics in the late 1800s.

22 The legislative history demonstrates that NRS 444.520 is rooted in an issue of fairness.  
23 While it provides the garbage company with the ability to lien a property, it is important to note  
24 that in the development of NRS 444.520, the legislature also considered the interest of the  
25 homeowner, focusing at length on the significance of placing a lien on real property.

26 ///

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1 Additionally, testimony during the legislative hearings stated that:

2 "[C]ustomers are billed approximately \$33 per quarter, on a quarterly basis.  
3 If they are two quarters in arrears, the lien would be in the amount of \$66.  
4 Over 75 percent of the people actually pay the bill once they receive a  
5 notice of intent to lien. This is a long process. Customers receive about six  
6 requests for payment before they receive an intent to lien notice." Senate  
Committee on Government Affairs, Committee Analysis of A.B. 354, at 11  
(April 6, 2005).

7 This language indicates that the legislature was trying to create a real incentive for homeowners  
8 to address outstanding charges when they are notified by the garbage company that they are  
9 delinquent on the garbage bill, but also implement a process that allows an opportunity for the  
10 deficiency to be cured before foreclosure occurs. The Court finds that an interpretation that the  
11 legislature's intent in drafting the statutes was grounded in creating a fair system of payment for  
12 garbage services comports with reason and policy.

13 The Court also finds that incorporating the mechanic's lien statutes beyond NRS Chapter  
14 108.239, furthers the legislature's specific interest in establishing a fair system. The legislative  
15 history of NRS Chapter 108 is also grounded in creating an equitable system for placing a  
16 mechanic's lien on real property when there has not been payment for construction services  
17 rendered. In the development and amendments to the mechanic's lien statutes the legislature  
18 routinely considered the impacts that the changes would have to all parties involved and tried to  
19 maintain a fair system by fine tuning notice requirements, timing rules, and establishing clear  
20 content requirements for the lien. Therefore, the application of any statutory requirements from  
21 the mechanic's lien statutes to the garbage lien statutes, where the garbage liens statute is silent,  
22 would enhance the legislative intent to create a fair system.

23 The Court next considers whether either of the statutory interpretations supplied by the  
24 parties would render any language in NRS 444.520 superfluous. Adopting West Taylor's  
25 argument that the mechanic's lien statutes must be incorporated in their entirety would render the  
26 word "may" in NRS 444.520 superfluous. Additionally, notice requirements have been written  
27 into the language of NRS 444.520, which would be rendered superfluous if compliance with the  
28

1 notice statute for the mechanic's lien were required. In contrast, Waste Management's  
2 interpretation that NRS 108.239 may be applied to govern the foreclosure process for a garbage  
3 lien gives proper consideration to each word and phrase in NRS 444.520.

4 Alternatively, no portion of NRS 444.520 is rendered superfluous if the statute is interpreted  
5 to state that the garbage lien **may** apply the mechanic's liens statutes that addresses procedural  
6 requirements not already governed by NRS 444.520. This interpretation is in harmony with  
7 Nevada law which states that "where a general and a special statute, each relating to the same  
8 subject, are in conflict and they cannot be read together, the special statute controls." Laird v.  
9 State Pub. Emp. Ret. Bd., 98 Nev. 42, 45 (1982). This interpretation would render the specific  
10 requirements in the garbage statutes on topics, such as notice, as controlling while allowing the  
11 more generally incorporated mechanic's lien procedural statutes to apply when NRS 444.520 is  
12 silent on the issue. To offer a specific example, NRS 444.520 does not address the procedures  
13 for a hearing or dispute should the customer assert that her account is not delinquent; therefore,  
14 the customer may apply NRS 108.2275 to request a hearing to dispute the lien.<sup>6</sup> But, by that  
15 same token, the garbage lien will not automatically fail due to a lien period that runs longer than  
16 6 months<sup>7</sup>, because NRS 444.520 specifically creates a perpetual lien.<sup>8</sup>

17 Next the Court considers whether interpreting NRS 444.520 to only permit the incorporation  
18 of NRS 108.245, violates due process rights. NRS 444.520 creates a lien on real property with  
19 the ability to foreclose if the delinquent bills are not paid. Under the Nevada Constitution, the  
20 due process clause requires notice and an opportunity to be heard before the government  
21 deprives a person of his or her property. Nev. Const. art. I, § 8. If possible Nevada statutes  
22 should be construed as constitutional, and "[i]n the face of attack, every favorable presumption  
23

24 <sup>6</sup> NRS 108.2275, states in relevant part: "The debtor of the lien claimant or a party in  
25 interest in the property subject to the notice of lien who believes the notice of lien is frivolous  
26 and was made without reasonable cause, or that the amount of the notice of lien is excessive,  
may apply by motion to the district court for the county where the property or some part thereof  
is located for an order directing the lien claimant to appear before the court to show cause why  
the relief requested should not be granted."

27 <sup>7</sup> This is mandated by NRS 108.233.

28 <sup>8</sup> The Court will provide additional analysis on this issue below.

1 and intendment will be brought to bear in support of constitutionality.” State v. Glusman, 98  
2 Nev. at 419-20. Therefore, since NRS 444.520 does not provide an opportunity to be heard if the  
3 property owner disputes the lien, but it does incorporate the mechanic’s lien statutes, a  
4 constitutional interpretation of NRS 444.520 would incorporate more provisions of NRS Chapter  
5 108 than just NRS 108.245. Furthermore, the legislative history pertaining to NRS 108.2275  
6 specifically states that the legislature designed the procedures for contesting a mechanic’s lien  
7 with the preservation of due process rights in mind.

8 Finally, the Court will consider whether permitting the incorporation of multiple  
9 provision of NRS Chapter 108 into NRS 444.520 is absurd. The Court does not find the  
10 permissive application of multiple mechanic’s lien statutes to be absurd, as it is the only manner  
11 of interpretation that preserves the customer’s ability to dispute a lien. After considering the  
12 legislative history, legislative intent, and analogous statutory provisions of NRS Chapter 108, the  
13 Court finds the NRS 444.520 incorporates the mechanic’s lien statutes to the extent that NRS  
14 444.520 is silent on a procedure.

15 **IV. NRS 108.226 creates a statute of limitations to notice a lien.**

16 West Taylor argues that Waste Management has failed to follow the statute of limitations  
17 outlined in NRS 108.226, which requires the notice of lien to be filed 90 days after the quarterly  
18 billing went delinquent in 2007 or alternatively fifteen days after the billing went delinquent per  
19 the *1994 Franchise Agreement*. Additionally, West Taylor argues that if Waste Management has  
20 an indefinite amount of time after an account becomes delinquent to file the lien, then the general  
21 statute of limitations provision in Nevada, NRS 11.190, would have no bearing on the case.

22 Waste Management contends that the NRS 108.226’s statute of limitations does not  
23 apply. Alternatively, if the Court finds that NRS 108.226 does apply, Waste Management argues  
24 that the 90 day period is not triggered by the date that that payment became delinquent, instead it  
25 is triggered by the last date that services were rendered, which essentially resets every billing  
26 cycle.

1 NRS 108.226 states:

2 “[t]o perfect a lien, a lien claimant must record a notice of lien in the office  
3 of the county recorder of the county where the property or some part thereof  
4 is located in the form provided in subsection 5: (a) Within 90 days after the  
5 date on which the latest of the following occurs: (1) The completion of the  
6 work of improvement; (2) The last delivery of material or furnishing of  
equipment by the lien claimant for the work of improvement; or (3) The last  
performance of work by the lien claimant for the work of improvement.”

7 The clear language of NRS 108.226 provides Waste Management with the opportunity to supply  
8 notice to its customers within 90 days after each billing cycle that becomes delinquent. Currently  
9 Waste Management operates on a quarterly billing cycle, this means that a contract starting in  
10 January would be billed at the end of March. Failure to pay the March garbage bill would cause  
11 the account to fall in arrears at that time. Under the present system the customer would not be  
12 notified of the missed payment until the next billing cycle in June; however, imposing the 90 day  
13 requirement may encourage the garbage company to send out a “notice of lien” sooner or to  
14 impose a shorter billing cycle. Generally speaking, bills are sent out prior to their due date,  
15 which would also provide customers with a small window to cure the deficiency before the  
16 notice period runs if the notice to lien had not already arrived. NRS 108.226 applies to the  
17 garbage lien statutes because it was incorporated in NRS 444.520, and it does not conflict with  
18 existing statutory language in the garbage lien enacting statute. Therefore, NRS 108.226 governs  
19 how far back in time Waste Management is able to notice and record a garbage lien.

20 **V. After the lien is recorded it exists in perpetuity, but the statute of limitations**  
21 **places a cap on the timeframe that the home may be foreclosed upon under**  
22 **the lien.**

23 West Taylor argues that Waste Management failed to commence an action within six months  
24 to foreclose the lien after notice of the lien is sent, therefore under NRS 108.233 the lien has  
25 expired. Waste Management asserts that the language of NRS 444.520 can only be interpreted in  
26 one reasonable manner, to mean that a garbage lien encumbers a property forever, or until it is  
27 paid. Waste Management cites State v. Yellow Jacket Silver Min. Co. to argue that the lien  
28 operates like a tax and remains attached to the land, but that the remedy of foreclosure may

1 expire with the statute of limitations. State v. Yellow Jacket Silver Min. Co., 14 Nev. 220, 232  
2 (1879).<sup>9</sup>

3 NRS 108.233 states that a mechanic's lien shall not bind a property and shall expire after six  
4 months. This language directly conflicts with the plain language of NRS 444.520 which states  
5 that the filing of a garbage lien "constitutes a perpetual lien against the property served". Since  
6 NRS 108.233 and NRS 444.520 both pertain to the same subject, how long a recorded lien will  
7 exist, NRS 444.520 is controlling as the statute that is specific to garbage liens. The language of  
8 NRS 444.520 is clear and unambiguous, and allows the lien to exist in perpetuity. In Wasson v.  
9 Hogenson, the Court considered the language of a similar statute that provided that "until paid"  
10 all charges will constitute a "perpetual lien" against the property served. Wasson v. Hogenson,  
11 196 Colo. 183, 191 (1978). It found that "[u]ntil" is a functional word to indicate continuance  
12 (as of an action, condition or state) up to a particular time. 'Perpetual' means continuing forever;  
13 everlasting; eternal." Id. This Court adopts the definitions used in Wasson v. Hogenson and finds  
14 that once a garbage lien is recorded it is perpetual.<sup>10</sup>

15 However, in Yellow Jacket, the Court also finds that even if a tax exists in perpetuity that the  
16 remedy to enforce the collection of the tax may be barred by the statute of limitations. Id.  
17 Nevada's "statute of limitations embraces all characters of actions, legal and equitable." White v.  
18 Sheldon, 4 Nev. 280, 288-89 (1868). Statutes of limitations are generally adopted to serve the  
19 individual and not for public policy, and they "[prevent] surprises through the revival of claims  
20 that have been allowed to slumber until evidence has been lost, memories have faded, and  
21 witnesses have disappeared." Petersen v. Bruen, 106 Nev. 271, 273 (1990). Accordingly, under  
22 NRS 11.190, an "[a]n action upon a statute for a penalty or forfeiture, where the action is given  
23

24 <sup>9</sup> West Taylor rejects Waste Management's contention that the garbage lien can be  
25 equated to a tax and argues that lien is essentially an encumbrance on real property that requires  
a forum for dispute resolution. But, West Taylor has elected not to completely brief the  
constitutional arguments at this time.

26 <sup>10</sup> See also, N. Washington Water & Sanitation Dist. v. Majestic Sav. & Loan Ass'n, 42  
27 Colo. App. 158, 160 (1979)(holding that a tap lien, which could be foreclosed in the same  
28 manner as a mechanics' lien, did not have to abide by the six-month time limit required in the  
mechanics' lien because it was inconsistent with the statutory language that "(u)ntil paid all . . .  
charges shall constitute a perpetual lien on and against the property serve.")

1 to a person” must be brought within two years, except when the statute imposing it prescribes a  
2 different limitation. In this case, the language of NRS 444.520 does not create a new statute of  
3 limitations for foreclosing on a garbage lien nor does it specifically exempt the garbage lien from  
4 the standard statutes of limitations found in NRS 11.190. Therefore, the two year statute of  
5 limitations applies to Waste Management’s ability to foreclose, which protects the homeowner  
6 from the revival of a lien several years after it was imposed.

7 In practice this means that if Waste Management properly notices a lien within the 90 days  
8 required by NRS 108.226, it then has two years under NRS 11.190 to pursue the remedy of  
9 foreclosure. Should Waste Management fail to foreclose upon the property within two years, the  
10 lien will still exist but the remedy to recover the property through foreclosure will have expired.  
11 Unless another remedy is available Waste Management will have to either wait for the customer  
12 to pay or wait for the property to be sold to collect on its lien. Moreover, the legislative history  
13 supports this interpretation of the applicable statute of limitations, because during the Assembly  
14 hearing the Assembly Committee discussed at length the importance of providing a significant  
15 opportunity for the homeowner to cure the garbage lien and ways to avoid unexpected  
16 foreclosures. Accordingly, the Court finds that once a lien is recorded it lasts in perpetuity, but  
17 that the ability to foreclose upon that lien expires after a two year statute of limitations.

#### 18 *VI. Conclusion*

19 The Court finds that there is no issue of material fact presented for consideration in the  
20 motion for summary judgment, and that the questions before the Court must be determined as a  
21 matter of law. Text, context, and history support the constitutionally sound reading of NRS  
22 444.520 that permits the incorporation of NRS Chapter 108 mechanic’s lien statutes to the extent  
23 that they govern lien foreclosure procedures not addressed by the language in NRS 444.520.  
24 Furthermore, the 90 day notice of lien statute of limitations found in NRS 108.226 does apply to  
25 garbage liens. After a lien is noticed Waste Management has two years to foreclose upon the

26 ///

27 ///

1 property, and after that time has lapsed the lien will last in perpetuity but leave Waste  
2 Management without the recourse of foreclosure.

3 Based on the foregoing and good cause appearing,

4 IT IS HEREBY ORDERED that WEST TAYLOR'S Motion for Partial Summary  
5 Judgment is DENIED in part and GRANTED in part. WEST TAYLOR's Motion for Summary  
6 Judgment is GRANTED as to any claims for delinquent bills that WASTE MANAGEMENT  
7 failed to notice within the 90 day window, but it is DENIED with regard to properly noticed  
8 claims.

9 DATED this 28 day of July, 2014.

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11 Connie J. Steinheimer  
12 DISTRICT JUDGE  
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**CERTIFICATE OF SERVICE**

CASE NO. CV12-02995

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 18<sup>th</sup> day of July, 2014, I electronically filed the **ORDER** with the Clerk of the Court by using the ECF system.

I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

**Personal delivery to the following: [NONE]**

**Electronically filed with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:**

MATTHEW HIPPLER, ESQ. for KAREN GONZALEZ et al  
BRYAN WRIGHT, ESQ for KAREN GONZALEZ et al

**Deposited in the Washoe County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada:**

C. Nicholas Pereos, Esq.  
1610 Meadow Wood Lane, Ste. 202  
Reno, NV 89502

  
Marci Stone

CODE:

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

WEST TAYLOR STREET, LLC, a limited  
liability company,

Plaintiff,

vs.

WASTE MANAGEMENT OF NEVADA,  
INC., KAREN GONZALEZ, and DOES 1  
through 10,

Defendants.

CASE NO.: CV12-02995

DEPT. NO.: 4

**ORDER DENYING DEFENDANTS' MOTION FOR PARTIAL RECONSIDERATION**

On July 28, 2014, the Court entered an Order denying in part and granting in part Plaintiff West Taylor Street, LLC's (hereinafter "West Taylor") Motion for Partial Summary Judgment. The Court granted West Taylor's Motion for Summary Judgment as to any claims for delinquent bills that Defendants Waste Management of Nevada, Inc. and Karen Gonzalez (hereinafter and collectively "Waste Management") failed to notice within the ninety (90) day window, but denied the Motion for Summary Judgment with regard to the properly noticed claims. On September 26, 2014, Waste Management filed *Waste Management of Nevada, Inc.'s Motion for Partial Reconsideration of the Court's July 28, 2014 Order*. West Taylor filed an *Opposition to Motion for Partial Reconsideration* on November 5, 2014. On December 1, 2014, Waste Management filed *Reply in Support of Waste Management of Nevada, Inc.'s Motion for Partial Reconsideration of the Court's July 28, 2014 Order*. Thereafter, the matter was submitted to the Court for consideration.

DCR 13(7) provides that "[n]o motion once heard and disposed of shall be renewed in the same cause, nor shall the same matters therein embraced be reheard, unless by leave of the court

1 granted upon motion therefore, after notice of such motion to the adverse parties.” WDCR 12(8)  
2 requires that the rehearing of motions to be done in conformity with DCR 13(7). WDCR 12(8)  
3 further provides in relevant part that “[a] party seeking reconsideration of a ruling of the court...  
4 must file a motion for such relief within 10 days after service of written notice of entry of the  
5 order or judgment, unless the time is shortened or enlarged by order.” The Nevada Supreme  
6 Court has held that “[a] district court may reconsider a previously decided issue if substantially  
7 different evidence is subsequently introduced or the decision is clearly erroneous.” Masonry and  
8 Title Contractors Ass’n of Southern Nevada v. Jolley, Urga, & Wirth, Ltd., 113 Nev. 737, 741  
9 (1997). Furthermore, arguments not raised in the original motion practice cannot be maintained  
10 or considered in a motion for reconsideration. See Achrem v. Expressway Plaza Ltd. P’ship, 112  
11 Nev. 737, 742 (1996); Chowdry v. NLVH, Inc., 111 Nev. 560, 562-563 (1995).

12 Waste Management asserts the clear and unambiguous language of NRS 444.520  
13 permissively incorporates only the “manner . . . for the foreclosure of mechanic’s liens.” Waste  
14 Management further argues interpreting NRS 444.520 to incorporate more than NRS 108.239  
15 renders the legislature’s chosen language meaningless. In addition, Waste Management  
16 contends Due Process does not require provisions other than NRS 108.239 to be incorporated  
17 into NRS 444.520 and the ninety (90) day deadline to record a mechanic’s lien under NRS  
18 108.226 is not triggered by a “delinquency” in payment. Lastly, Waste Management argues the  
19 Court should apply a three (3) year limitations period to statutory garbage liens. In Opposition,  
20 West Taylor argues NRS 444.520 is permissive only as to the manner of foreclosure and a ninety  
21 (90) day limitation for the time to record a delinquent garbage lien is not inconsistent with NRS  
22 444.520.

23 After examining the instant pleadings, and the underlying pleadings associated with the  
24 July 28, 2014 Order, the Court finds that Waste Management is rearguing issues that the Court  
25 has already decided. Waste Management contends that the determinations made by the Court in  
26 the July 28, 2014 Order are wrong. However, Waste Management fails to assert any new law or  
27 facts to support their arguments. Additionally, the Court finds that Waste Management has not  
28 demonstrated that the Court’s July 28, 2014, Order was clearly erroneous. The Court finds that

1 the July 28, 2014 Order was supported by applicable Nevada law and is not appropriate for  
2 reconsideration. Therefore, the Court finds that Waste Management's Motion must be denied.  
3 See Masonry and Title Contractors Ass'n of Southern Nevada, 113 Nev. at 741; DCR 13(7);  
4 WDCR 12(8).

5 Based on the foregoing and good cause appearing,

6 IT IS HEREBY ORDERED that Defendants WASTE MANAGEMENT OF NEVADA,  
7 INC., and KAREN GONZALEZ' Motion for Partial Reconsideration of the Court's July 28,  
8 2014 Order is DENIED.

9  
10 DATED this 6 day of February, 2015.

11 Connie J. Steinheimer  
12 DISTRICT JUDGE  
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**CERTIFICATE OF SERVICE**

CASE NO. CV12-02995

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 10 day of February, 2015, I electronically filed the **ORDER DENYING DEFENDANTS' MOTION FOR PARTIAL RECONSIDERATION** with the Clerk of the Court by using the ECF system.

I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

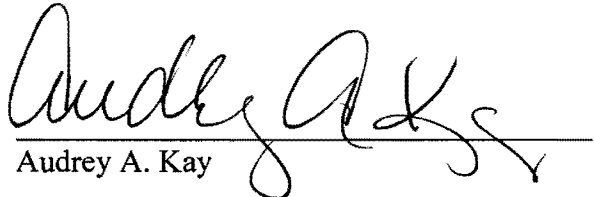
**Personal delivery to the following: [NONE]**

**Electronically filed with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:**

SEAN D. THUESON, ESQ. for WASTE MANAGEMENT OF NEVADA, INC.  
MATTHEW B. HIPPLER, ESQ. for KAREN GONZALEZ et al  
BRYAN L. WRIGHT, ESQ. for KAREN GONZALEZ et al

**Deposited in the Washoe County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada:**

C. NICHOLAS PEREOS, ESQ.  
1610 Meadow Wood Lane, Ste. 202  
Reno, Nevada 89502

  
Audrey A. Kay

1 CODE: 1880  
2 C. NICHOLAS PEREOS, ESQ.  
3 Nevada Bar #0000013  
4 1610 MEADOW WOOD LANE, STE. 202  
5 RENO, NV 89502  
6 (775) 329-0678

7 **IN THE SECOND JUDICIAL DISTRICT COURT OF NEVADA**  
8 **IN AND FOR THE COUNTY OF WASHOE**

9 \*\*\*\*\*

10 WEST TAYLOR STREET, LLC,  
11 a limited liability company,

Case No. CV12 02995

Dept. No. 4

12 Plaintiff,

13 vs.

14 WASTE MANAGEMENT OF NEVADA,  
15 INC., KAREN GONZALEZ, and  
16 DOES 1 THROUGH 10,

17 Defendants.

18 **JUDGMENT**

19 The above entitled matter having come before this Court on Plaintiff's Complaint  
20 for Declaratory Judgment concerning the application of NRS 444.520 to a lien filed by  
21 Defendant, Waste Management of Nevada, Inc., and the Court having received briefs  
22 and heard oral arguments regarding the same and there being no just reason for delay  
23 does hereby make the following declaratory judgment pursuant to Chapter 20 of Nevada  
24 Revised Statutes.

25 IT IS HEREBY DECLARED, ADJUDGED, AND DECREED that the lien filed by  
26 Defendant, Waste Manage of Nevada, Inc., be subject to the following:

- 27 1. A lien for unpaid garbage fees recorded pursuant to NRS 444.520  
has a time limitation of two years pursuant to NRS 11.190 by which the  
purveyor of the lien is to pursue proceedings for foreclosure within the two

1 year time frame from the recording of the lien.

2 2. A recorded lien for unpaid garbage fees pursuant to NRS 444.520  
3 shall be for an amount that became delinquent no more than 90 days prior  
4 to the date of the recording of the lien as required by NRS 108.226 that  
5 is incorporated in NRS 444.520.

6 3. The pursuit of a remedy for foreclosure of a garbage lien by the  
7 filing of an action for foreclosure of the lien under NRS 444.520 will afford  
8 property owner's lien an opportunity to be heard and to contest the  
9 legitimacy of the lien as provided by Chapter 108 of the Nevada Revised  
10 Statutes.

11  
12 Dated this 29 day of December, 2017.

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14 Connie L. Steinheimer  
15 DISTRICT COURT JUDGE  
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1 CODE: 2835  
2 C. NICHOLAS PEREOS, ESQ.  
3 Nevada Bar #0000013  
4 1610 MEADOW WOOD LANE, STE. 202  
5 RENO, NV 89502  
6 (775) 329-0678  
7 ATTORNEY FOR PLAINTIFF

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

WEST TAYLOR STREET, LLC,  
a limited liability company,

Case No. CV12 02995

Plaintiff,

Dept. No. 4

vs.

WASTE MANAGEMENT OF NEVADA,  
INC., KAREN GONZALEZ, and  
DOES 1 THROUGH 10,

Defendants.

**NOTICE OF ENTRY OF JUDGMENT**

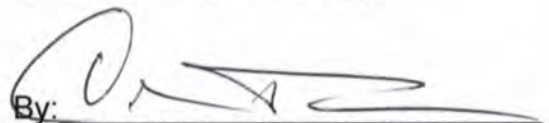
TO: DEFENDANT ABOVE-NAMED AND THEIR ATTORNEY OF RECORD:

NOTICE IS HEREBY GIVEN that on the 29<sup>th</sup> day of December, 2017, a Declaratory Judgment was entered in the above-entitled action pursuant to Chapter 20 of the Nevada Revised Statutes, a copy of which is marked as Exhibit "1" attached hereto and made a part hereof.

The undersigned affirms that the foregoing pleading does not contain a social security number.

DATED this 5<sup>th</sup> day of January, 2018

C. NICHOLAS PEREOS, LTD.

By:   
C. NICHOLAS PEREOS, ESQ.  
1610 MEADOW WOOD LANE  
RENO, NV 89502  
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

PURSUANT TO NEVADA RULES OF CIVIL PROCEDURE 5 (b), I certify that I am an employee of C. NICHOLAS PEREOS, LTD., and that on the date listed below, I caused to be served a true copy of the foregoing pleading on all parties to this action by the methods indicated below:

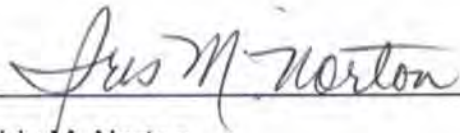
I electronically emailed at Reno, Nevada, a true copy of the foregoing document addressed to:

Douglas K. Fermoile, Esq.  
427 Ridge Street, Suite B  
Reno, NV 89501  
*Attorney for West Taylor Street, LLC*

I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which served the following parties electronically:

ROBISON, SIMONS, SHARP & BRUST  
Mark G. Simons, Esq.  
*Attorneys for Waste Management  
and Karen Gonzalez*

DATED this 8<sup>th</sup> day of January, 2018

  
Iris M. Norton

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Schedule of Exhibits

Exhibit 1 ..... Declatory Judgment

Exhibit 1

Exhibit 1

1 CODE: 1880  
2 C. NICHOLAS PEREOS, ESQ.  
3 Nevada Bar #0000013  
4 1610 MEADOW WOOD LANE, STE. 202  
5 RENO, NV 89502  
6 (775) 329-0678

7 **IN THE SECOND JUDICIAL DISTRICT COURT OF NEVADA**  
8 **IN AND FOR THE COUNTY OF WASHOE**

9 \*\*\*\*\*

10 WEST TAYLOR STREET, LLC,  
11 a limited liability company,

Case No. CV12 02995

Dept. No. 4

12 Plaintiff,

13 vs.

14 WASTE MANAGEMENT OF NEVADA,  
15 INC., KAREN GONZALEZ, and  
16 DOES 1 THROUGH 10,

17 Defendants.

18 **JUDGMENT**

19 The above entitled matter having come before this Court on Plaintiff's Complaint  
20 for Declaratory Judgment concerning the application of NRS 444.520 to a lien filed by  
21 Defendant, Waste Management of Nevada, Inc., and the Court having received briefs  
22 and heard oral arguments regarding the same and there being no just reason for delay  
23 does hereby make the following declaratory judgment pursuant to Chapter 20 of Nevada  
24 Revised Statutes.

25 IT IS HEREBY DECLARED, ADJUDGED, AND DECREED that the lien filed by  
26 Defendant, Waste Manage of Nevada, Inc., be subject to the following:

- 27 1. A lien for unpaid garbage fees recorded pursuant to NRS 444.520  
has a time limitation of two years pursuant to NRS 11.190 by which the  
purveyor of the lien is to pursue proceedings for foreclosure within the two

1 year time frame from the recording of the lien.

2 2. A recorded lien for unpaid garbage fees pursuant to NRS 444.520  
3 shall be for an amount that became delinquent no more than 90 days prior  
4 to the date of the recording of the lien as required by NRS 108.226 that  
5 is incorporated in NRS 444.520.

6 3. The pursuit of a remedy for foreclosure of a garbage lien by the  
7 filing of an action for foreclosure of the lien under NRS 444.520 will afford  
8 property owner's lien an opportunity to be heard and to contest the  
9 legitimacy of the lien as provided by Chapter 108 of the Nevada Revised  
10 Statutes.

11  
12 Dated this 29 day of December, 2017.

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14 Connie J. Steinheimer  
15 DISTRICT COURT JUDGE  
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CASE NO. CV12-02995      **WEST TAYLOR STREET VS. WASTE MANAGEMENT, ETAL**

**DATE, JUDGE**

**OFFICERS OF**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

4/29/13

**PROVE UP HEARING**

HONORABLE

*Plaintiff's Exhibits A through H were marked by the Clerk prior to the*

CONNIE J.

*hearing.*

STEINHEIMER

C. Nicholas Pereos, Esq., was present on behalf of the Plaintiff.

DEPT. NO. 4

Defendants were not present or represented.

M. Merkouris

Discussion ensued between the Court and counsel Pereos regarding service on the Defendants.

(Clerk)

S. Culp

**COURT ORDERED:** Counsel Pereos shall reset this hearing once he has

(Reporter)

completed service on the Defendants and prepared a supplemental brief.

---

## Exhibits

Title: **WEST TAYLOR STREET VS. WASTE MANAGEMENT, ETAL**  
 PLAINTIFF: **WEST TAYLOR STREET** PATY: **C. NICHOLAS PEREOS, ESQ.**  
 DEFENDANT: **WASTE MANAGEMENT, ETAL** DATY: **N/A**

Case No: **CV12-02995**

Dept. No: **4**

Clerk: **M. MERKOURIS**

Date: **4/29/13**

Exhibit No.	Party	Description	Marked	Offered	Admitted
A	PLAINTIFF	Notice of Intent to Lien for Garbage Fees	4/29/13		
B	PLAINTIFF	Letter to Waste Management dated 11/1/12	4/29/13		
C	PLAINTIFF	Letter to Waste Management dated 11/1/12	4/29/13		
D	PLAINTIFF	Letter to Waste Management dated 10/12/12	4/29/13		
E	PLAINTIFF	Letter to Waste Management dated 9/13/12	4/29/13		
F	PLAINTIFF	Notice of Lien for Garbage Fees Residential User	4/29/13		
G	PLAINTIFF	Letter to Waste Management dated 5/24/10	4/29/13		
H	PLAINTIFF	Letter to Waste Management dated 7/13/07	4/29/13		

CASE NO. CV12-02995

WEST TAYLOR STREET VS. WASTE MANAGEMENT, ET AL

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

07/16/13  
HONORABLE  
CONNIE J.  
STEINHEIMER  
DEPT. NO. 4  
C. Lloyd  
(Clerk)  
S. Loder  
(Reporter)

---

HEARING: ON MOTION FOR ORDER SHORTENING TIME (TELEPHONIC)  
Plaintiff, West Taylor Street, LLC was represented by counsel, C. Nicholas Pereos, Esq.  
present via telephone.  
Defendant, Waste Management, Et al was represented by counsel, Bryan L. Wright,  
Esq. present via telephone.  
Discussion ensued between respective counsel and the Court regarding the status of the  
pending motion to for order shortening time.  
Counsel Wright addressed the Court advising the matter has been fully briefed and  
submitted.  
COURT ORDERED: Motion for order shortening time shall be DENIED. Court further  
took the matter as to the motion to set aside the default judgment and motion to set  
aside the clerk's default judgment under advisement.  
No further hearings were set.  
Court concluded and stood in recess.

CASE NO. CV12-02995     **TITLE: WEST TAYLOR STREET LLC VS. WASTE  
MANAGEMENT OF NEVADA, INC., and KAREN  
GONZALEZ**

**DATE, JUDGE  
OFFICERS OF**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

2/5/14

**PRE-TRIAL CONFERENCE (TELEPHONIC)**

HONORABLE

Counsel Nicholas Pereos, Esq., represented the Plaintiff. Counsel Bryan

CONNIE

Wright, Esq., represented the Defendants.

STEINHEIMER

Plaintiff's counsel advised the Court of the necessity to request leave of the

DEPT. NO.4

Scheduling Order in regards to amending the pleadings and will be filing a

M. Stone

formal Motion prior to the deadline set forth in the Scheduling Order.

(Clerk)

Respective counsel advised the Court that they had no objection to the

Not Reported

deadline outlined in the Scheduling Order regarding the submission of

dispositive Motions.

Upon defense counsel having no objection, **COURT ENTERED ORDER**

granting the Motion to Amend Complaint to correct typographical errors.

Plaintiff's counsel shall file the Amended Complaint within 10 days of the

date of this hearing and serve on defense counsel by mail. The Defendants'

Answer to the Original Complaint shall stand as to the Amended Complaint.

Respective counsel further advised the Court that a Motion for Partial

Summary Judgment shall be filed, fully briefed and submitted to the Court

within the next month and could be dispositive of the case.

Status conference set. Oral arguments on any motions submitted to the

Court shall be heard at such conference. No telephonic appearances will be

allowed.

**4/3/14**

**2:00 p.m.**

**Status**

**Conference**

CASE NO. CV12-02995     **TITLE: WEST TAYLOR STREET LLC VS. WASTE  
MANAGEMENT OF NEVADA, INC., and KAREN  
GONZALEZ**

**DATE, JUDGE  
OFFICERS OF**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

7/30/14

**STATUS CONFERENCE**

HONORABLE

Nicholas Pereos, Esq., represented the Plaintiff. Bryan Wright, Esq.,

**12/16/14**

CONNIE

represented the Defendants.

**2:00 p.m.**

STEINHEIMER

Respective counsel noted receipt of the decision from the Court on the

**Status**

DEPT. NO.4

Motion for Summary Judgment. Counsel further advised the Court that

**Conference**

M. Stone

there are issues with the current lien which could cause a Motion to Strike

(Clerk)

Lien to occur or the Lien may be voluntarily released.

J. Schonlau

Counsel Pereos request additional time to set trial in order to consult and

(Reporter)

narrow issues.

Counsel Wright advised the Court that the defendant's may move to

reconsider the decision on the Motion for Summary Judgment.

**COURT ENTERED ORDER** allowing additional time to set trial in order for

issues to be resolved and/or narrowed. **COURT** directed counsel to submit

for decision any Motions that need a ruling prior to trial being set by

December 1, 2014. A written decision will be entered prior to the next

hearing or an oral decision will be pronounced at the hearing.

Additional status conference set wherein trial will be set.

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CASE NO. CV12-02995     **TITLE: WEST TAYLOR STREET LLC VS. WASTE  
MANAGEMENT OF NEVADA, INC., and KAREN  
GONZALEZ**

**DATE, JUDGE  
OFFICERS OF**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

7/1/15	<b><u>MOTION FOR PARTIAL SUMMARY JUDGMENT (TELEPHONIC)</u></b>
HONORABLE	Nicholas Pereos, Esq., represented the Plaintiff. Sean Thueson, Esq.,
CONNIE	represented the Defendants.
STEINHEIMER	Court advised counsel of purpose for hearing. At request of the Court,
DEPT. NO.4	counsel clarified the issues in the Motion for Partial Summary Judgment.
M. Stone	Upon review of the Motion and the clarifications presented by counsel,
(Clerk)	<b>COURT ENTERED ORDER</b> granting the Motion for Partial Summary
Not Reported	Judgment. Counsel Pereos to provide proposed Judgment to the Court.
	Based on the entry of the Judgment, respective counsel advised the Court
	that the case is narrowed to the Slander claim only.
	Court recessed.

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CASE NO. CV12-02995     **TITLE: WEST TAYLOR STREET, LLC, VS. WASTE  
MANAGEMENT OF NEVADA, INC., and KAREN  
GONZALEZ**

**DATE, JUDGE  
OFFICERS OF  
COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

2/22/17	<b><u>ORAL ARGUMENTS ON DEFENDANT'S MOTION FOR SUMMARY</u></b>
HONORABLE	<b><u>JUDGMENT</u></b>
CONNIE	C. Nicholas Pereos, Esq., represented the Plaintiff. Mark Simons, Esq.,
STEINHEIMER	represented the Defendants.
DEPT. NO.4	Motion for Summary Judgment by counsel Simons; presented argument;
M. Stone	objection and argument by counsel Pereos.
(Clerk)	During counsel Pereos' argument the Plaintiff conceded that Motion for
Not Reported	Summary Judgment should be granted as to Defendant Karen Gonzalez as the
	Plaintiff has no evidence that Defendant Gonzalez acted independently from
	her employment at Waste management of Nevada, Inc.
	Counsel Simons presented reply argument in support of the Motion for
	Summary Judgment.
	<b>COURT</b> took Defendant's Motion for Summary Judgement under advisement.
	Court recessed.

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CASE NO. CV12-02995      **TITLE: WEST TAYLOR STREET, LLC, VS. WASTE  
MANAGEMENT OF NEVADA, INC.**

DATE, JUDGE  
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

<p>4/5/17 HONORABLE CONNIE STEINHEIMER DEPT. NO.4 M. Stone (Clerk) Not Reported</p>	<p><b><u>PRE-TRIAL CONFERENCE</u></b> C. Nicholas Pereos, Esq., represented the Plaintiff. Mark Simons, Esq., represented the Defendant. Counsel Pereos advised the Court that all discovery is complete with the exception of taking the deposition of Karen Gonzalez which is only need should she be testifying at trial. Counsel Simons advised the Court that it has yet to be determined as to whether or not Ms. Gonzalez would testify. Respective counsel advised the Court that there are no experts involved in this case and that no additional dispositive Motions are to be filed. <b>COURT</b> established the following discovery deadlines: The close of discovery deadline will be July 18, 2017; the last date to <b><u>file</u></b> dispositive Motions, including Motions in Limine regarding Expert Witnesses, will be August 16, 2017; the last date to <b><u>submit</u></b> dispositive Motions, including Motions in Limine regarding Expert Witnesses, will be September 15, 2017; the last date to <b><u>file</u></b> "other" Motions in Limine will be August 30, 2017; the last date to <b><u>submit</u></b> "other" Motions in Limine will be September 29, 2017; and the last date to file/submit Trial Statements and Jury Instructions will be October 2, 2017. All dates will be codified in a Scheduling Order. Counsel Simons advised the Court that he was attempting to re-engage the parties in settlement discussions. Counsel Pereos advised the Court that he will have Douglas Fermoile as co-counsel during trial who will be able to examined counsel Pereos should he be called to testify. Status conference set.</p>	<p><b>9/20/17 9:00 a.m. Status Conference</b>  <b>10/16/17 10:00 a.m. Jury Trial (3 days)</b></p>
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CASE NO. CV12-02995      **TITLE: WEST TAYLOR STREET, LLC, VS. WASTE  
MANAGEMENT OF NEVADA, INC.**

**DATE, JUDGE  
OFFICERS OF**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

8/30/17	<b><u>STATUS CONFERENCE</u></b>	
HONORABLE	C. Nicholas Pereos, Esq., represented the Plaintiff. Mark Simons, Esq.,	
CONNIE	represented the Defendant.	<b>11/13/17</b>
STEINHEIMER	Respective counsel advised the Court that the case will not resolve prior to trial.	<b>10:00 a.m.</b>
DEPT. NO.4	Court advised counsel that should this case proceed to trial on October 16, 2017	<b>Jury Trial</b>
M. Stone	the trial will have to be heard by another Judge of the District.	<b>(3 days)</b>
(Clerk)	Respective counsel requested that the trial be vacated and reset so the matter	
Not Reported	could remain in Department 4 due to the lengthy history of this case.	
	<b>COURT ENTERED ORDER</b> continuing the trial in this matter. The date to	
	submit Jury Instruction and file Trial Statements will be moved with the new trial	
	date.	
	Counsel Pereos advised the Court that Douglas Fermoile, Esq., will be assisting	
	him with the trial when counsel Pereos testifies in the trial. Counsel Simons	
	presented objection.	
	Court noted the filing of a Motion in Limine by Plaintiff.	
	Counsel Simons advised the Court that he will also be filing a Motion in Limine	
	on behalf of the Defendant.	
	Court recessed.	

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ORIGINAL

## CIVIL COVER SHEET

Washoe County, Nevada

Case No.

CV12 02995  
(Assigned by Clerk's Office)

## Party Information

Plaintiff(s) (name/address/phone):  
 3: WEST TAYLOR STREET, LLC, a limited  
 liability company

Defendant(s) (name/address/phone):  
 DOB.WASTE MANAGEMENT OF NEVADA, INC., KAREN  
 GONZALEZ, and DOES 1 through 10

Attorney (name/address/phone):  
 Nicholas Pereos, Esq., 1610 Meadow  
 Road Ln, Ste 202, Reno, NV 89502  
 775/329-0678

Attorney (name/address/phone):

**II. Nature of Controversy** (Please check applicable bold category and applicable subcategory, if appropriate)

☐ Arbitration Requested

## Civil Cases

Real Property	Torts	
<input type="checkbox"/> Landlord/Tenant - LT <input type="checkbox"/> Unlawful Detainer - UD <input checked="" type="checkbox"/> Title to Property <input type="checkbox"/> Foreclosure - FC <input type="checkbox"/> Liens - LE <input type="checkbox"/> Quiet Title - QT <input checked="" type="checkbox"/> Specific Performance - SP <input type="checkbox"/> Condemnation/Eminent Domain-CD <input type="checkbox"/> Other Real Property - RO <input type="checkbox"/> Partition - PT <input type="checkbox"/> Planning/Zoning - PZ	<b>Negligence</b> <input type="checkbox"/> Negligence - Auto - VP <input type="checkbox"/> Negligence - Medical/Dental - MD <input type="checkbox"/> Negligence - Premises Liability -SF (Slip/Fall) <input type="checkbox"/> Negligence - Other - NO	<input type="checkbox"/> Product Liability <input type="checkbox"/> Product Liability/Motor Vehicle-VH <input type="checkbox"/> Other Torts/Product Liability - PL <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Torts/Defamation(Libel/Slander)-DF <input type="checkbox"/> Interfere with Contract Rights - IR <input type="checkbox"/> Employment Torts (Wrongful Term)-WT <input type="checkbox"/> Other Torts - TO <input type="checkbox"/> Anti-trust - AI <input type="checkbox"/> Fraud/Misrepresentation - FM <input type="checkbox"/> Insurance- IN <input type="checkbox"/> Legal Tort- LG <input type="checkbox"/> Unfair Competition - UC
Probate	Other Civil Filing Types	
<input type="checkbox"/> Summary Administration - SU <input type="checkbox"/> General Administration - FA <input type="checkbox"/> Special Administration - SL <input type="checkbox"/> Set Aside Estates - SE <input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee - TR <input type="checkbox"/> Corporate Trustee - TM <input type="checkbox"/> Other Probate - OP	<input type="checkbox"/> Construction Defect - CF <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Building & Construction - BC <input type="checkbox"/> Insurance Carrier - BF <input type="checkbox"/> Commercial Instrument - CI <input type="checkbox"/> Other Contracts/Acct/Judg. - CO <input type="checkbox"/> Collection of Actions - CT <input type="checkbox"/> Employment Contract - EC <input type="checkbox"/> Guarantee - GU <input type="checkbox"/> Sale Contract - SC <input type="checkbox"/> Uniform Commercial Code - UN <input type="checkbox"/> Civil Petition for Judicial Review <input type="checkbox"/> Foreclosure Mediation - FO <input type="checkbox"/> Other Administrative Law - AO <input type="checkbox"/> Department of Motor Vehicles-DM <input type="checkbox"/> Worker's Compensation Appeal-SI	<input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Transfer from Justice Court - TJ <input type="checkbox"/> Justice Court Civil Appeal - CA <input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding - SS <input type="checkbox"/> Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim - CM <input type="checkbox"/> Conversion of Property - CN <input type="checkbox"/> Damage to Property - DG <input type="checkbox"/> Employment Security - ES <input type="checkbox"/> Enforcement of Judgment - EJ <input type="checkbox"/> Foreign Judgment - Civil - FJ- <input type="checkbox"/> Other Personal Property - PO <input type="checkbox"/> Recovery of Property - RE <input type="checkbox"/> Stockholder Suit - ST <input type="checkbox"/> Other Civil Matters - GC <input type="checkbox"/> Confession of Judgment - CJ <input type="checkbox"/> Name Change - Adult - NC <input type="checkbox"/> Out of State Commission - OS <input type="checkbox"/> Petition to Seal Criminal Records-PS

**III. Business Court Requested** (If you check a box below, you must check an additional box above to determine case type.)

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

12/3/12

Date

Signature of initiating party or representative

C. Nicholas Pereos, Esq.

1 **Code 1350**

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

6 **WEST TAYLOR STREET, LLC,**  
7 **a limited liability company,**

**Case No. CV12-02995**

8 **Plaintiff,**

**Dept. No. 4**

9 **vs.**

10 **WASTE MANAGEMENT OF NEVADA**  
11 **INC., KAREN GONZALEZ, and**  
12 **DOES 1 THROUGH 10,**

13 **Defendants.**

14 \_\_\_\_\_ /  
15 **CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL**

16 I certify that I am an employee of the Second Judicial District Court of the State of Nevada,  
17 County of Washoe; that on the 11th day of January, 2018, I electronically filed the Notice of Appeal  
18 in the above entitled matter to the Nevada Supreme Court.

19 I further certify that the transmitted record is a true and correct copy of the original  
20 pleadings on file with the Second Judicial District Court.

Dated this 11th day of January, 2018

21 Jacqueline Bryant  
22 Clerk of the Court

23 By /s/ Yvonne Vilorio  
24 Yvonne Vilorio  
25 Deputy Clerk  
26  
27  
28

**ROBISON, SIMONS, SHARP & BRUST**  
A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW  
71 WASHINGTON STREET  
RENO, NEVADA 89503  
(775) 329-3151

HERITAGE BANK OF NEVADA  
2330 S VIRGINIA ST  
RENO, NV 89502  
94-181/1212

85915

DATE  
01/11/18

AMOUNT  
\*\*\*\*\$250.00

**PAY**

\*\*\* TWO HUNDRED FIFTY & 00/100 DOLLARS

TO THE  
ORDER Nevada Supreme Court  
OF:

ROBISON, SIMONS, SHARP & BRUST

CV12-02995

Deborah Harris

⑈085915⑈ ⑈121201814⑈

⑈4040001200⑈