

1           18.     The Court expects that both sides will cooperate to try the case within the time set,  
2 and confer regarding the order of witnesses, stipulated exhibits, and any other matters which will  
3 expedite trial of the case.

4           19.     All parties and counsel are bound by the terms of this Scheduling Order, the Nevada  
5 Rules of Civil Procedure ("NRCP"), the District Court Rules ("DCR"), the Washoe District Court  
6 Rules ("WDCR"), and the Nevada Revised Statutes ("NRS"), and failure to comply could result  
7 in the imposition of sanctions.

8           DATED this 19 day of April, 2017.

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10                                 *Connie I. Steinheimer*  
11                                 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 19 day of April, 2017, I filed the **FIRST AMENDED SCHEDULING ORDER** with the Clerk of the Court.

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]**

  *f*   I electronically filed with the Clerk of the Court, using the ECF which sends an immediate notice of the electronic filing to the following registered e-filers for their review of the document in the ECF system:

MARK SIMONS, ESQ. for WASTE MANAGEMENT OF NEVADA INC

C. PEREOS, ESQ. for WEST TAYLOR STREET LLC

THERESE SHANKS, ESQ. for WASTE MANAGEMENT OF NEVADA INC et al

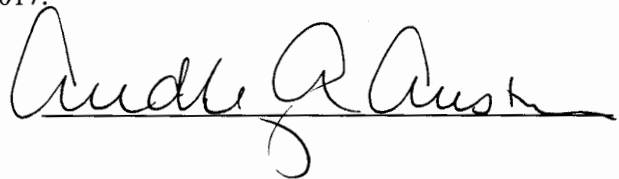
       **Deposited in the Washoe County mailing system in a sealed envelope for postage and mailing with the United States Postal Service in Reno, Nevada: [NONE]**

       **Placing a true copy thereof in a sealed envelope for service via:**

       Reno/Carson Messenger Service – **[NONE]**

       Federal Express or other overnight delivery service **[NONE]**

DATED this 19 day of April, 2017.



1 3915

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

9 WEST TAYLOR STREET, LLC,

10 Plaintiff,

CASE NO.: CV12-02995

11 vs.

DEPT. NO.: 4

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

14 Defendants.

15 **SECOND AMENDED SCHEDULING ORDER**

16 Nature of Action: SLANDER OF TITLE

17 Date of Filing Joint Case Conference Report(s): NOVEMBER 8, 2013

18 Time Required for Trial: 3 DAYS

19 **Date of Trial: NOVEMBER 13, 2017**

20 Jury Demand Filed: SEPTEMBER 27, 2013—PLAINTIFF

21 Counsel for Plaintiff: C. NICHOLAS PEREOS, ESQ.

22 Counsel for Defendant: MARK SIMONS, ESQ.

23 On August 30, 2017, C. Nicholas Pereos, Esq. appeared on behalf of Plaintiff WEST  
24 TAYLOR STREET, LLC, and Mark Simons, Esq., appeared on behalf of WASTE  
25 MANAGEMENT OF NEVADA, INC. After discussion concerning the Court's trial scheduled,

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1 the above-entitled matter was set for jury trial on November 13, 2017. Additionally, the Court  
2 stated a new scheduling order would enter concerning the remaining relative pre-trial deadlines.

3 Based upon the foregoing, IT IS HEREBY ORDERED:

4 1. Formally **submit** all dispositive motions, including motions for summary judgment  
5 and motions in limine to exclude an expert's testimony, on or before **SEPTEMBER 15, 2017 (59**  
6 **days before Trial).**

7 2. Formally **submit** all other motions in limine on or before **SEPTEMBER 29, 2017**  
8 **(45 days before Trial).**

9 3. Unless otherwise directed by the Court, all pretrial disclosures pursuant to N.R.C.P.  
10 16.1(a)(3) must be made at least thirty (30) days before trial.

- 11 A. Unless the Court orders otherwise, legal memoranda submitted in support  
12 of any motion shall not exceed twenty (20) pages in length; opposition  
13 memoranda shall not exceed twenty (20) pages in length; reply memoranda  
14 shall not exceed ten (10) pages in length. These limitations are exclusive  
15 of exhibits. A party may file a pleading that exceeds these limits by five  
16 pages, so long as it is filed with a certification of counsel that good cause  
17 existed to exceed the standard page limits and the reasons therefore. Briefs  
18 in excess of five pages over these limits may only be filed with prior leave  
19 of the Court, upon a showing of good cause.
- 20 B. Except upon a showing of unforeseen extraordinary circumstances, the  
21 Court will not entertain any pretrial motions filed or orally presented after  
22 the above deadlines have passed.

23 4. A trial statement on behalf of each party shall be delivered to opposing counsel,  
24 filed herein and a copy delivered to chambers no later than **OCTOBER 30, 2017 (10 judicial days**  
25 **before Trial).**

26 A. In accordance with and in addition to the requirements of WDCR 5, the trial  
27 statement shall contain:

- 28 (1) a concise statement of the claimed facts organized by specifically  
listing each essential element of the party's claims or defenses and  
separately stating the facts in support of each such element;
- (2) A statement of admitted or undisputed facts
- (3) A statement of issues of law supported by a memorandum of  
authorities;
- (4) The names and addresses of all witnesses, except impeaching  
witnesses.
- (5) Any other appropriate comment, suggestion, or information for the  
assistance of the court in the trial of the case.



- (a) any practical matter which may be resolved before trial (e.g., suggestions as to the order of witnesses, view of the premises, availability of audio or visual equipment);
- (b) a statement of any unusual evidentiary issues, with appropriate citations to legal authorities on each issue;
- (6) A list of special questions requested to be propounded to prospective jurors.
  - (a) a list of proposed general voir dire questions for counsel to ask of the jury.
- (7) Certification by counsel that discovery has been completed, unless late discovery has been allowed by order of the court.
- (8) Certification by counsel that, prior to the filing of the trial statement, they have personally met and conferred in good faith to resolve the case by settlement.

5. All jury instructions and verdict forms, whether agreed upon by both parties or proposed by a party individually, shall be delivered to chambers no later than the deadline to submit their Trial Statements **OCTOBER 30, 2017** (10 judicial days before Trial) unless specifically modified by the Court.

- A. Unless otherwise ordered, the parties shall exchange all proposed jury Instructions and verdict forms two weeks prior to trial. The parties should then meet, confer, and submit to the Court one complete set of agreed-upon set of jury instructions and verdict forms at the same time they submit their trial statements.
- B. If the parties do not agree to all proposed instructions, they shall jointly submit a set containing only those instructions that are mutually agreeable. Each party must submit individually any additional proposed jury instructions that have not been agreed upon and/or verdict forms at the same time they submit their trial statements.
- C. All instructions should be short, concise, understandable, and neutral statements of law and gender. Argumentative or formula instructions are improper, will not be given, and should not be submitted.
- D. The parties are required to submit the jury instructions in the below described format.
  1. All proposed jury instructions shall be in clear, legible type on clean, white, heavy paper, 8 ½ by 11 inches in size, and not lighter than 16-lb. Weight with a black border line and no less than 24 numbered lines.
  2. The last instruction **only** shall bear the signature line with the words "District Judge" typed thereunder placed on the right half of the page, a few lines below the last line of text.
  3. The designation "Instruction No. "shall be at the last line, lower left hand corner of the last page of each instruction.
  4. The original instructions shall not bear any markings identifying the attorney submitting the same, and shall not contain any citations of authority.
  5. The authorities for instructions must be attached to the original instructions by a separate copy of the instruction including the citation.
  6. The parties should also note on the separate copy of the instruction any modifications made on the instructions from statutory authority,

1 Nevada Pattern Jury Instructions, Devitt and Blackmar, CALCRIM  
2 or other form instructions, specifically stating the modification made  
3 to the original form instructions and the authority supporting the  
4 modification. All original instructions shall be accompanied by a  
5 separate copy of the instruction containing a citation to the form  
6 instruction, statutory or case authority supporting that instruction.  
All modifications made to instructions taken from statutory  
authority, Nevada Pattern Jury Instructions, Devitt and Blackmar,  
CACI or other form instructions shall be specifically noted on the  
citation page. For any form instruction submitted from any source  
other than Nevada Pattern Jury Instructions, counsel shall include  
copies of the original instruction form.

- 7 7. For any form instruction submitted from any source other than  
8 Nevada Pattern Jury Instructions, counsel shall include copies of the  
original instruction form.

9 6. Jurors will be permitted to take notes during the trial. Jurors may be permitted to  
10 ask questions in writing during trial, screened by the Court and counsel. Any party objecting to  
11 this procedure should state this objection in the trial statement.

12 7. All applications for attorney's fees shall state services rendered and fees incurred  
13 for such services with sufficient specificity to enable an opposing party and the court to review  
14 such application. Any memorandum of costs and disbursements must comply with Bergmann v.  
15 Boyce, 109 Nev. 670, 856 P.2d 560 (1993) and Bobby Beresini v. PETA, 114 Nev. 1348, 971 P.2d  
16 383 (1998).

17 8. Trial counsel for all parties shall contact the Courtroom Clerk (Marci Stone  
18 775/328-3139) **no later than Monday, one week prior to trial**, to arrange a date and time to mark  
19 trial exhibits. All exhibits will be marked in one numbered series (Exhibit 1, 2, 3, etc.), no matter  
20 which side is offering the particular exhibit. Once trial exhibits are marked by the Clerk, they shall  
21 remain in the custody of the Clerk. When marking the exhibits with the Clerk, counsel must advise  
22 the Clerk of all exhibits which may be admitted without objection. In any case which involves  
23 fifteen or more document exhibit pages, the exhibits shall be placed in a loose-leaf binder behind  
24 a tab noting the number of each exhibit. The binder shall be clearly marked on the front and side  
25 with the case caption and number, but no identification as to the party producing the binder. All  
26 document exhibits shall be in **one** binder no matter which party is offering the exhibits. At the  
27 time set for marking the trial exhibits, counsel for the Plaintiff shall provide the Courtroom Clerk  
28

1 with the binder containing the number tabs. Counsel for all parties shall provide all exhibits, no  
2 matter when marked, even if marked during the course of trial, in a condition appropriate for  
3 inclusion in the evidence binder.

4 9. The Court expects that both sides will cooperate to try the case within the time set,  
5 and confer regarding the order of witnesses, stipulated exhibits, and any other matters which will  
6 expedite trial of the case.

7 10. All parties and counsel are bound by the terms of this Scheduling Order, the Nevada  
8 Rules of Civil Procedure ("NRCP"), the District Court Rules ("DCR"), the Washoe District Court  
9 Rules ("WDCR"), and the Nevada Revised Statutes ("NRS"), and failure to comply could result  
10 in the imposition of sanctions.

11 DATED this 22 day of September, 2017.  
12 NUNC PRO TUNC TO AUGUST 30, 2017.

13 Connie J. Steinheimer  
14 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 22 day of September, 2017, I filed the **SECOND AMENDED SCHEDULING ORDER** with the Clerk of the Court.

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]**

  *f*   **I electronically filed with the Clerk of the Court, using the ECF which sends an immediate notice of the electronic filing to the following registered e-filers for their review of the document in the ECF system:**

MARK SIMONS, ESQ. for WASTE MANAGEMENT OF NEVADA INC

C. PEREOS, ESQ. for WEST TAYLOR STREET LLC

THERESE SHANKS, ESQ. for WASTE MANAGEMENT OF NEVADA INC et al

       **Deposited in the Washoe County mailing system in a sealed envelope for postage and mailing with the United States Postal Service in Reno, Nevada: [NONE]**

       **Placing a true copy thereof in a sealed envelope for service via:**

       Reno/Carson Messenger Service – [NONE]

       Federal Express or other overnight delivery service [NONE]

DATED this 22 day of September, 2017.



1 CODE: 3860  
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 \_\_\_\_\_ /

19 **REQUEST FOR SUBMISSION**

20 Plaintiff requests that the proposed Judgment attached as Exhibit 1 on the  
21 above-entitled matter, having been sent to Defendants on the 13<sup>th</sup> day of December  
22 2017 and no objection received, be submitted to the Court for decision.

23 The undersigned attorney certifies that a true copy of this Judgment was  
24 electronically served on parties to this action by electronically filing the foregoing with  
25 the Clerk of the Court by using the CM/ECF system, in addition to service by mail on  
26 parties not served electronically.

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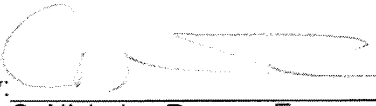
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**AFFIRMATION**

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

DATED this 21<sup>st</sup> day of December, 2017

C. NICHOLAS PEREOS, LTD.

By:   
C. Nicholas Pereos, Esq.  
1610 Meadow Wood Lane, Suite 202  
Reno, NV 89502  
*Attorney for Plaintiff*

1 CERTIFICATE OF SERVICE

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

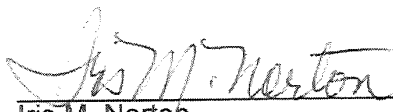
6 I deposited for mailing at Reno, Nevada, a true copy of the foregoing document  
7 addressed to:

8 Douglas K. Fermoile, Esq.  
9 427 Ridge Street, Suite B  
Reno, NV 89501  
Attorney for West Taylor Street, LLC

10  
11 I electronically filed the foregoing with the Clerk of the Court by using the  
12 CM/ECF system which served the following parties electronically:

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

15  
16  
17 DATED this 21<sup>st</sup> day of December, 2017

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20 Iris M. Norton

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SCHEDULE OF EXHIBITS

Exhibit "1" ..... Proposed Judgment

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**EXHIBIT "1"**

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Electronically  
CV12-02995  
2017-12-21 12:53:02 PM  
Jacqueline Bryant  
Clerk of the Court  
Transaction # 6450146 : swilliam

**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 \_\_\_\_\_/

19 **JUDGMENT**

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

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

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

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year time frame from the recording of the lien.

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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
DISTRICT COURT JUDGE

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

Plaintiff,

12 vs.

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

Defendants.

15 **JUDGMENT**

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

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

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

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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1 CODE: [REDACTED]  
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

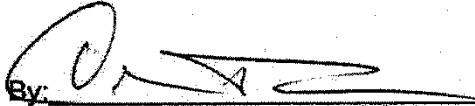
TO: DEFENDANT ABOVE-NAMED AND THEIR ATTORNEY OF RECORD:

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

1 CERTIFICATE OF SERVICE

2  
3 PURSUANT TO NEVADA RULES OF CIVIL PROCEDURE 5 (b), I certify that I am  
4 an employee of C. NICHOLAS PEREOS, LTD., and that on the date listed below, I caused  
5 to be served a true copy of the foregoing pleading on all parties to this action by the  
6 methods indicated below:

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

9  
10 Douglas K. Fermoile, Esq.  
11 427 Ridge Street, Suite B  
12 Reno, NV 89501  
13 *Attorney for West Taylor Street, LLC*

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

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

20 DATED this 8th day of January, 2018

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Schedule of Exhibits

Exhibit 1 ..... Declatory Judgment



FILED  
Electronically  
CV12-02995  
2018-01-08 09:22:30 AM  
Jacqueline Bryant  
Clerk of the Court  
Transaction # 6469497

**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

12 Plaintiff,

Dept. No. 4

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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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  
7 Reno, Nevada 89503  
8 Telephone: (775) 329-3151  
9 Facsimile: (775) 329-7941  
10 Email: [msimons@rbsllaw.com](mailto:msimons@rbsllaw.com)  
11 [tshanks@rbsllaw.com](mailto:tshanks@rbsllaw.com)

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

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

15 WEST TAYLOR STREET, LLC, a limited  
16 liability company,

**CASE NO.: CV12-02995**

**DEPT. NO.: 4**

17 Plaintiff,

18 v.

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

22 Defendants.

23 **NOTICE OF APPEAL**

24 NOTICE IS HEREBY GIVEN that Waste Management of Nevada, Inc. ("Waste  
25 Management"), by and through its attorney Mark G. Simons of Robison, Belaustegui,  
26 Sharp & Low, appeals to the Nevada Supreme Court from the: (1) ORDER, entered on  
27 July 28, 2014; (2) ORDER DENYING DEFENDANTS' MOTION FOR PARTIAL  
28 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<sup>st</sup> 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*

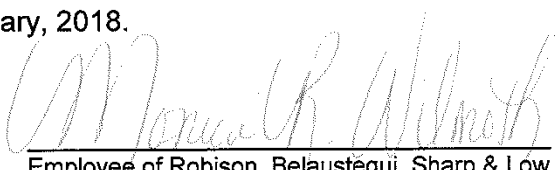
14 ☐ I hereby certify that on the date below, I electronically filed the foregoing  
15 with the Clerk of the Court by using the CM/ECF system which served  
16 the following parties electronically:

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  
23  
24  
25  
26  
27  
28

1 **1090**

2 Mark G. Simons, Esq., NSB No. 5132  
3 SIMONS LAW, PC  
4 6490 S. McCarran Blvd., #20  
5 Reno, NV 89509  
6 Telephone: (775) 785-0088  
7 Facsimile: (775) 785-0087  
8 Email: [mark@mgsimonslaw.com](mailto:mark@mgsimonslaw.com)

9 *Attorneys for Waste Management of*  
10 *Nevada, Inc. and Karen Gonzalez*

11 **IN THE SECOND JUDICIAL DISTRICT FOR THE STATE OF NEVADA**

12 **IN AND FOR THE COUNTY OF WASHOE**

13 WEST TAYLOR STREET, LLC, a limited  
14 liability company,

**CASE NO.: CV12-02995**

**DEPT. NO.: 4**

15 Plaintiff,

16 v.

**AMENDED JUDGMENT**

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

20 Defendants.

21 On December 29, 2017, the Court entered Judgment granting declaratory relief  
22 in favor of Plaintiff. However, the Judgment did not fully articulate the status of the case  
23 and whether the Court's Judgment was intended to be a final and appealable judgment.  
24 Accordingly, the Court hereby enters this Amended Judgment as follows:

25 1. Pursuant to this Court's Order on Defendants' Motion for Summary  
26 Judgment dated March 28, 2017, Karen Gonzalez was dismissed as a defendant in this  
27 action;

28 2. On or about November 10, 2017, Plaintiff voluntarily withdrew its claim for  
slander of title;

3. Judgment is entered in favor of West Taylor Street consistent with this

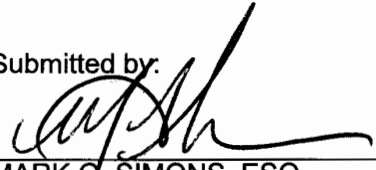
1 Court's Judgment entered December 29, 2017;

2 4. With the foregoing clarifications, the Court finds and concludes that its  
3 Judgment entered on December 29, 2017 was intended to be and was treated by the  
4 Court as a final appealable Judgment.

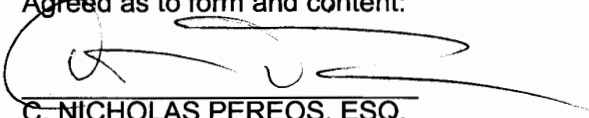
5 **IT IS SO ORDERED** this 22 day of March, 2018

6  
7  
8   
9 DISTRICT COURT JUDGE

10 Submitted by:

11   
12 MARK G. SIMONS, ESQ.  
13 SIMONS LAW, PC  
14 6490 S. McCarran Blvd., #20  
15 Reno, NV 89509  
Attorneys for Waste Management  
of Nevada, Inc.

16 Agreed as to form and content:

17   
18 C. NICHOLAS PEREOS, ESQ.  
19 1610 Meadow Wood Lane, Ste. 202  
20 Reno, Nevada 89502  
Attorneys for West Taylor Street, LLC



1 **2540**  
2 Mark G. Simons, Esq., NSB No. 5132  
3 SIMONS LAW, PC  
4 6490 S. McCarran Blvd., #20  
5 Reno, Nevada, 89509  
6 Telephone: (775) 785-0088  
7 Facsimile: (775) 785-0087  
8 Email: [mark@mgsimonslaw.com](mailto:mark@mgsimonslaw.com)

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

10  
11 **IN THE SECOND JUDICIAL DISTRICT FOR THE STATE OF NEVADA**  
12 **IN AND FOR THE COUNTY OF WASHOE**

13 WEST TAYLOR STREET, LLC, a limited  
14 liability company,

**CASE NO.: CV12-02995**

15 Plaintiff,

**DEPT. NO.: 4**

16 v.

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

20 Defendants.  
21 \_\_\_\_\_ /

22 **NOTICE OF ENTRY OF AMENDED JUDGMENT**

23 PLEASE TAKE NOTICE that an Amended Judgment was entered by the  
24 Honorable Connie Steinheimer on the 22<sup>nd</sup> day of March, 2018, in the above-entitled  
25 matter. See **Exhibit 1**.

26 ///

27 ///

28 ///

///

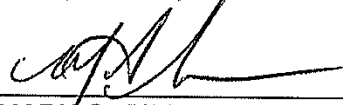
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**AFFIRMATION:** This document does not contain the social security number of any person.

DATED this 23<sup>rd</sup> day of March, 2018.

SIMONS LAW, PC  
6490 S. McCarran Blvd., #20  
Reno, Nevada, 89509



---

MARK G. SIMONS  
Attorney for Defendants

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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of SIMONS LAW, PC and that on this date I caused to be served a true copy of **NOTICE OF ENTRY OF AMENDED JUDGMENT** on all parties to this action by the method(s) indicated below:

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

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

- ☒ I hereby certify that on the date below, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which served the following parties electronically:

C. Nicholas Pereos, Esq.  
*Attorneys for West Taylor Street, LLC*

- ☐ by personal delivery/hand delivery addressed to:

- ☐ by facsimile (fax) addressed to:

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

DATED this 23<sup>rd</sup> day of March, 2018.

  
Employee of SIMONS LAW, PC

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**EXHIBIT LIST**

<b>NO.</b>	<b>DESCRIPTION</b>	<b>PAGES</b>
1	Amended Judgment	2

FILED  
Electronically  
CV12-02995  
2018-03-23 08:47:04 AM  
Jacqueline Bryant  
Clerk of the Court  
Transaction # 6592422

# EXHIBIT 1

# EXHIBIT 1

1 **1090**  
2 Mark G. Simons, Esq., NSB No. 5132  
3 SIMONS LAW, PC  
4 6490 S. McCarran Blvd., #20  
5 Reno, NV 89509  
6 Telephone: (775) 785-0088  
7 Facsimile: (775) 785-0087  
8 Email: [mark@mgsimonslaw.com](mailto:mark@mgsimonslaw.com)

9 *Attorneys for Waste Management of*  
10 *Nevada, Inc. and Karen Gonzalez*

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

13 WEST TAYLOR STREET, LLC, a limited  
14 liability company,

**CASE NO.: CV12-02995**

15 Plaintiff,

**DEPT. NO.: 4**

16 v.

**AMENDED JUDGMENT**

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

20 Defendants.

21 On December 29, 2017, the Court entered Judgment granting declaratory relief  
22 in favor of Plaintiff. However, the Judgment did not fully articulate the status of the case  
23 and whether the Court's Judgment was intended to be a final and appealable judgment.  
24 Accordingly, the Court hereby enters this Amended Judgment as follows:

25 1. Pursuant to this Court's Order on Defendants' Motion for Summary  
26 Judgment dated March 28, 2017, Karen Gonzalez was dismissed as a defendant in this  
27 action;

28 2. On or about November 10, 2017, Plaintiff voluntarily withdrew its claim for  
slander of title;

3. Judgment is entered in favor of West Taylor Street consistent with this

1 Court's Judgment entered December 29, 2017;  
2

3 4. With the foregoing clarifications, the Court finds and concludes that its  
4 Judgment entered on December 29, 2017 was intended to be and was treated by the  
5 Court as a final appealable Judgment.

6 IT IS SO ORDERED this 22 day of March, 2018  
7

8 Connie S. Steinheimer  
9 DISTRICT COURT JUDGE

10 Submitted by:  
11

12 [Signature]  
13 MARK G. SIMONS, ESQ.  
14 SIMONS LAW, PC  
15 6490 S. McCarran Blvd., #20  
16 Reno, NV 89509  
17 Attorneys for Waste Management  
18 of Nevada, Inc.

16 Agreed as to form and content:  
17

18 [Signature]  
19 C. NICHOLAS PEREOS, ESQ.  
20 1610 Meadow Wood Lane, Ste. 202  
21 Reno, Nevada 89502  
22 Attorneys for West Taylor Street, LLC  
23  
24  
25  
26  
27  
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FILED  
Electronically  
CV12-02995  
2016-10-18 10:11:56 AM  
Jacqueline Bryant  
Clerk of the Court  
Transaction # 5762292 : rkWatkir

# Exhibit 12



LAW OFFICES OF  
**C. NICHOLAS PEREOS, LTD.**  
A PROFESSIONAL CORPORATION

SUITE 202  
1610 MEADOW WOOD LANE  
RENO, NEVADA 89502

TELEPHONE  
AREA CODE 775  
329-0678

November 1, 2012

VIA CERTIFIED MAIL

Waste Management  
of Nevada  
Attn: Karen Gonzales  
100 Vasser Street  
Reno, NV 89502

Re: 347 W. Taylor Street; Acct # 010-0074135-1149-9

Dear Ms. Gonzales:

This letter will acknowledge receipt of your certified mail containing the statement of account in response to my inquiry concerning the delinquency and the liens that you have recorded against the above-referenced property.

In connection with the property at 347 W. Taylor Street, your statement of account indicates no payments commencing on October 1, 2010 through October 1, 2012.

In connection with the 2010 year, you received check number 3891 for \$36.06 on October 2010.

In connection with the 2011 year, you received check number 3950 for \$72.12 (one-half of which was for 345 W. Taylor); 4004 for \$36.06. You were notified of a vacancy of the property effective July. The last quarter bill was paid after occupancy of the property by Check Number 4120 for \$36.06.

In connection with the 2012 year, you received check number 4180 for \$48.08; 4227 for \$36.06; and 4322 for \$36.06.

Accordingly, please correct your records and remove any lien that has been recorded the subject property.

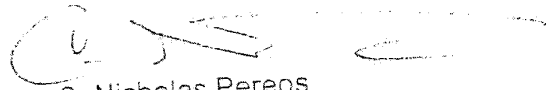
WTS 0012

JA\_1031

Waste Management  
November 1, 2012  
Page 2

Thank you for your anticipated cooperation.

Sincerely,



C. Nicholas Pereos

CNP/sjm

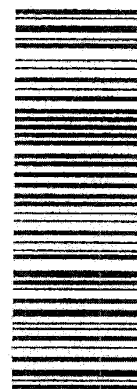
\\shared\CLIENTS\Pereos Gen Corp 2012\waste management\8 ltr.wpd

WTS 0013

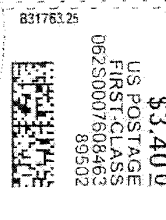
JA\_1032

C. Nicholas Pereos, Ltd.  
1610 Meadow Wood Lane, Suite 202  
Reno, NV 89502

7008 3230 0001 0465 5718



Attn: Karen Gonzales  
Waste Management  
of Nevada  
100 Vasser Street  
Reno, NV 89502



WTS 0014

JA\_1033

9125 5940 1000 0022 9002

<b>U.S. Postal Service™</b>	
<b>CERTIFIED MAIL™ RECEIPT</b>	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
Postage	\$ .45
Certified Fee	2.95
Return Receipt Fee (Endorsement Required)	—
Restricted Delivery Fee (Endorsement Required)	—
Total Postage & Fees	\$ 3.40
Postmark Here 11/1/12	
Sent To: Waste Management of Nevada, Gonzales	
Street, Apt. No., or PO Box No. 100 Vasser Street	
City, State, ZIP+4 Reno NV 89502	
PS Form 3800, August 2006 See Reverse for Instructions	

LAW OFFICES OF  
**C. NICHOLAS PEREOS, LTD.**  
A PROFESSIONAL CORPORATION

SUITE 202  
1610 MEADOW WOOD LANE  
RENO, NEVADA 89502

TELEPHONE  
AREA CODE 775  
329-0678

November 1, 2012

VIA CERTIFIED MAIL

Waste Management  
of Nevada  
Attn: Karen Gonzales  
100 Vasser Street  
Reno, NV 89502

Re: 345 W. Taylor Street; Acct # 010-0074134-1149-2

Dear Ms. Gonzales:

This letter will acknowledge receipt of your certified mail containing the statement of account in response to my inquiry concerning the delinquency and the liens that you have recorded against the above-referenced property.

In connection with the property at 345 W. Taylor Street, your statement of account indicates no payments commencing on January 1, 2010 through October 1, 2012. The subject property was vacant from January 1, 2010 through April 2010. Thereinafter you received check number 3828 for \$24.04; 3827 for \$36.06; 3882 for \$36.06 in the 2010 year.

In connection with the 2011 year, you received check number 3950 for \$36.06; 4003 for \$36.06; 4066 for \$36.06; 4121 for \$36.06.

In connection with the 2012 year, you received check number 4182 for \$36.06 and then notified the property became vacant February 1, 2012 which means your overpaid for two (2) months. The property remained vacant until July 1, 2012 at which time you received check number 4267 in the amount of \$36.06; and check number 4321 for \$36.06.

Accordingly, please correct your records and remove any lien that has been recorded the subject property.


WTS 0089

JA\_1034

Waste Management  
November 1, 2012  
Page 2

Thank you for your anticipated cooperation.

Sincerely,



C. Nicholas Pereos

CNP/sjm

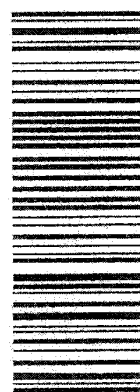
C:\Shared\Clients\Pereos Gen Con 2012\Waste management 7.ltr.wpc

WTS 0090

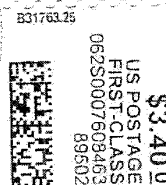
JA\_1035

C. Nicholas Pereos, Ltd.  
1610 Meadow Wood Lane, Suite 202  
Reno, NV 89502

7008 3230 0001 0465 5718



Attn: Karen Gonzales  
Waste Management  
of Nevada  
100 Vasser Street  
Reno, NV 89502



WTS 0091

U.S. Postal Service<sup>TM</sup>  
**CERTIFIED MAIL<sup>TM</sup> RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**PROHIBITED USE**

Postage	\$ 1.45
Certified Fee	2.95
Return Receipt Fee (Endorsement Required)	—
Restricted Delivery Fee (Endorsement Required)	—
Total Postage & Fees	\$ 3.40

Postmark  
Hkt  
11/11

Sent To  
Waste Management of Nevada  
Street, Apt. No.  
or PO Box No. 100 Vasser Street  
City, State, ZIP+4 Reno NV 89502

Postmaster: August 2005 See Reverse for Instructions

9725 5940 1000 0E2E 8002

See 307 Taylor for  
00 00000

1 CODE: 1030  
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 ATTORNEYS FOR PLAINTIFF

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

10 \*\*\*\*\*

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

13 Plaintiff,

Case No. CV12 02995  
Dept. No. 4

14 vs.

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

18 Defendants.

19 **AFFIDAVIT OF TERI MORRISON IN SUPPORT OF**  
20 **OPPOSITION TO MOTION FOR SUMMARY JUDGMENT**

21 STATE OF NEVADA }  
22 COUNTY OF WASHOE } ss.

- 23 1. Affiant has personal knowledge of the actions and events discussed herein.
- 24 2. Affiant is employed by C. Nicholas Pereos, LTD. and has been employed by  
25 them for the last fifteen years. In that period of time, Affiant has assisted C. Nicholas  
26 Pereos in the management of properties that are under his umbrella of management  
27 responsibilities. Included in those properties are 345 West Taylor Street and 347 West  
28 Taylor Street.
3. The subject property is a duplex and receive disposal services from Waste  
Management. In this regard, Waste Management bills on a quarterly basis. Affiant files

1 in the appropriate files "paid disposal bills" after they are reviewed and/or paid by C.  
2 Nicholas Pereos.

3 4. In July of 2007, Affiant came to learn Waste Management was not sending bills  
4 to our office. I communicated with Waste Management and settled the account as is  
5 reflected on the communication marked as Exhibit 1, attached hereto.

6 5. Affiant would notify Waste Management when the property was vacant and again  
7 notify Waste Management when the property was occupied. These communications were  
8 initially oral and sometimes in writing. If the property was occupied during a quarterly  
9 billing cycle, a check would be written to Waste Management for the months in which it  
10 became occupied.

11 6. As time progressed , It became evident that Waste Management continued to  
12 bill for services even though the property was vacant and Waste Management had ignored  
13 the oral notification of the vacancy of the property. Communicating with Waste  
14 Management was very frustrating, time consuming and none productive. At times, Affiant  
15 would notify Waste Management in writing that the property was vacant via letters by C.  
16 Nicholas Pereos. See Exhibit 6 attached as Opposition to Motion for Summary Judgement.

17 7. Waste Management would bill on a quarterly basis. It is very common for the  
18 unit to be occupied for one month of the quarter. Waste Management would never correct  
19 it's records and still bill for the months that the unit was vacant.

20 8. It was not unusual for Waste Management to charge on our account as if they  
21 provided the trash container when the trash container was provided by us for the benefit  
22 of the occupant.

23 9. Waste Management delivered several notices of Intent to Lien. After receipt of  
24 the first notice of Intent to Lien, the undersigned communicated with Karen Gonzalez who  
25 informed the undersigned that she could lien the property and would not be exposed to any  
26 claim for slander of title notwithstanding a communication received from C. Nicholas  
27 Pereos. regarding our exposure for the same. By that time, we had made several  
28 demands for an accounting, many of which were ignored.



1 10. Affiant would place in the mail the checks representing payments stapled to the  
2 billings to Waste Management for the subject property.

3 11. In connection with other properties within the jurisdiction of management of  
4 Affiant, Waste Management would add additional charges such as a "Regulatory Cost  
5 Recovery Charge" to those bills. Affiant, under the direction of C. Nicholas Pereos, would  
6 object. After awhile, the additional charge was removed. This was not an unusual practice  
7 by Waste Management.

8 12. Waste Management would miss pick-up during these years of dispute on other  
9 locations and Affiant would notify Waste Management of the same in writing.

10 13. The plaintiff has made its timely payments as is reflected on Exhibit 10 to the  
11 responses and Motion for Summary Judgement.


12  
13 **AFFIRMATION**

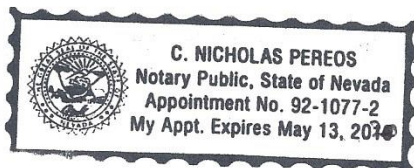
14 The undersigned does hereby affirm that the preceding document does not contain  
15 the social security number of any person.

16  
17 DATED this 17 day of <sup>October</sup>~~September~~, 2016.

18  
19   
TERI MORRISON

20 SUBSCRIBED & SWORN to before me  
21 this 17 day of October, 2016

22   
23 Notary Public



FYI

**NINA PROPERTIES II, INC.**  
1610 MEADOW WOOD LANE, SUITE 202  
RENO, NV 89502  
(775) 329-0678

July 13, 2007

Waste Management - Reno Disposal  
100 Vassar Street  
Reno, NV 89502

Re: Account No. 010-0074135-1149-9  
Account No. 010-0074134-1149-2

Gentlemen:

Confirming conversation with Jenny on June 22nd and we got the account charges set for account no. 010-0074135-1149-9 to be \$10.22 monthly and for account no. 010-0074134-1149-2 to be \$12.67 monthly. We owe for 8 months on account 0074134-1149-2 totaling \$101.36 plus we owe 2 months for account 010-0074135-1149-9 totaling \$20.44 since there has been a tenant for only 2 months of service. Enclosed is a check for the amount of \$121.80 to bring these 2 accounts current. The reason the account has not been paid is because we were never receiving the invoices, you were sending it to the wrong address, therefore the invoice wasn't paid, but you sent the lien to the right address! The correct address to send these invoices for these accounts is: 1610 Meadow Wood Lane Suite #202, Reno, NV 89502. This will clear all accounts for 345 & 347 W. Taylor until July 31st, 2007.

Very truly yours,

Teri Morrison  
Assistant Property Manager

tm  
Encl.

WTS 0001

3790  
Mark G. Simons, Esq. (SBN 5132)  
Therese M. Shanks, Esq. (SBN 12890)  
**ROBISON, BELAUSTEGUI, SHARP & LOW**  
A Professional Corporation  
71 Washington Street  
Reno, Nevada 89503  
Telephone: (775) 329-3151  
Facsimile: (775) 329-7941  
Email: [msimons@rbsllaw.com](mailto:msimons@rbsllaw.com)  
and [tshanks@rbsllaw.com](mailto:tshanks@rbsllaw.com)

*Attorneys for Waste Management of  
Nevada, Inc. and Karen Gonzalez*

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,

CASE NO.: CV12-02995

Plaintiff,

DEPT. NO.: 4

v.

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

Defendants.

**DEFENDANTS' REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT ON  
PLAINTIFF'S SLANDER OF TITLE CLAIM**

Waste Management of Nevada, Inc., ("WM") and Karen Gonzalez ("Karen"), by  
and through their attorneys of Robison, Belaustegui, Sharp & Low, hereby reply in  
support of their motion for summary judgment on Plaintiff's remaining claim for slander  
of title.

**I. DEFENDANTS ARE ENTITLED TO SUMMARY JUDGMENT AS A MATTER  
OF LAW ON THE SLANDER OF TITLE CLAIM.**

**A. WTS DOES NOT PRESENT ANY EVIDENCE SUFFICIENT TO PROVE  
THAT WM'S STATEMENTS WERE "FALSE".**

In its Opposition, Plaintiff West Taylor Street, LLC ("WTS") argues that the  
amount reflected on the liens was a "false" amount. However, WTS does not present

1 evidence that contradicts WM's evidence that WTS had a substantial unpaid balance  
2 consisting of late fees that had accrued interest. "To withstand summary judgment, the  
3 nonmoving party cannot rely solely on general allegations and conclusions set forth in  
4 the pleadings, but must instead present specific facts demonstrating the existence of a  
5 genuine factual issue supporting his claims." Choy v. Ameristar Casinos, Inc., 127 Nev.  
6 870, 872, 265 P.3d 698, 700 (2011).

7 WTS completely ignores the undisputed fact that it incurred late fees which were  
8 accruing interest that WTS never paid! See Opposition to Motion for Summary  
9 Judgment on Plaintiff's Slander of Title Claim ("Opp."). WTS does not present any  
10 evidence that it paid the past due balance consisting of late fees and interest. Instead,  
11 WTS only presents this Court with its checks that it obstinately wrote for the minimum  
12 monthly service fee amount. See Opp., at Exhibit 10.

13 Thus, the undisputed evidence before this Court is that WTS incurred late fees  
14 and interest charges that continued to accrue and that were never paid. See Exhs. 4-5,  
15 11-12.<sup>1</sup> WTS's failure to rebut this undisputed evidence requires summary judgment in  
16 WM's favor as requested. Cochran v. Quest Software, Inc., 328 F.3d 1, 12 (1st Cir.  
17 2003) (plaintiff's failure to contest facts caused facts to be admitted on summary  
18 judgment); Cromley v. Board of Educ. of Lockport Tp. High School Dist. 205, 17 F.3d  
19 1059, 1068, (7th Cir. 1994) (affirming summary judgment and deeming selected facts  
20 admitted because of the nonmovant's failure to contest the movant's presentation of  
21 those facts); Tamsen v. Weber, 802 P.2d 1063, 1067 (Ariz. Ct. App. 1990) ("If the facts  
22 set forth in support of a motion for summary judgment are not controverted by the  
23 opposing party, then those facts are presumed to be true").

24 Based on the foregoing, WM is entitled to summary judgment because the  
25 undisputed facts are true that WTS did not pay all amounts it owed to WM. Therefore,  
26 WM cannot have any liability based upon a slander of title claim because the amounts  
27

28  

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<sup>1</sup> All exhibits cited to as "Exh." refer to the exhibits attached to WM's original motion for summary judgment.

1 asserted were not "false" but are instead true because (1) the undisputed evidence  
2 establishes the amounts are owed and (2) WTS does not contest these amounts were  
3 charged and remain unpaid.

4 Instead, WTS appears to argue that it should never have been billed these late  
5 fees because it was improperly charged for time periods when the properties were  
6 vacant. However, WTS again presents no evidence that it complied with WM's vacancy  
7 policy. Compare Browning v. State, 120 Nev. 347, 361, 91 P.3d 39, 50 (2004)  
8 (recognizing that a "claim warrants no consideration" when appellant fails to provide this  
9 court with "any cogent argument, legal analysis, or supporting factual allegations").

10 WM's vacancy policy clearly states that garbage collection service is only  
11 suspended if the homeowner provides WM with specified beginning and ending dates of  
12 the vacancy **in advance of the vacancy**. Exh. 3. As WM's records demonstrate, WTS  
13 repeatedly failed to comply with this policy. See Exhs. 5, 12. WTS attaches various  
14 bills with notations that the property was "vacant" written on the bills, but these notations  
15 do not prove that **WM** was actually timely informed of the vacancy by WTS as required  
16 under the vacancy policy. See Opp. at Exhibit 6. Instead, WTS's self-serving notations  
17 on their own bills means absolutely nothing given that WTS never complied with WM's  
18 vacancy policy to provide the required notice to WM to suspend garbage collection  
19 services. Furthermore, WTS's letters that it attaches in Exhibit 6 also failed to comply  
20 with WM's vacancy policy, as WM's records demonstrate. See Exhs. 5, 12. In sum,  
21 WTS presents this Court with no evidence that it actually complied with WM's vacancy  
22 policy. WTS is not entitled to avoid summary judgment by presenting speculation and  
23 conjecture as to what may or may not have happened.

24 WTS's lack of evidence opposing WM's motion is important because WM is  
25 permitted to charge service fees, late fees and interest on a property if WM is not timely  
26 notified of the vacancy. See Exh. 1 at ¶¶ 5.5-5.6. WTS does not present any evidence  
27 or argument to the contrary. Thus, it is irrelevant whether the property was actually  
28 vacant because whether or not the property is vacant has nothing to do with a property

1 owner's duty to notify WM of such vacancy before the vacancy to avoid service  
2 charges. WTS did not comply with the vacancy policy and WM was properly permitted  
3 to charge the fees that it did.

4 Finally, WTS does not present any evidence that WM's accounting was  
5 inaccurate as to the amount of the accrued past due late fees and interest. Although  
6 WTS argues that a lien represented a lower amount than the amount owed on the next  
7 monthly bill, see Opp. at p. 3, WTS does not take into account compounding interest on  
8 the past due balances which necessarily raise the unpaid balance as time passes.  
9 Thus, WTS does not present any evidence that WM's accounting was "false" or  
10 inaccurate. Accordingly, summary judgment in favor of WM on WTS's claim for slander  
11 of title is appropriate.

12 **B. WTS DOES NOT PRESENT ANY EVIDENCE SUFFICIENT TO PROVE**  
13 **THAT WM'S LIENS WERE "SPOKEN WITH MALICE."**

14 "In order to prove malice, it must be shown that the defendant knew the  
15 statement was false or acted in reckless disregard of its truth or falsity." Rowland v.  
16 Lepire, 99 Nev. 308, 313, 662 P.2d 1332, 1335 (1983). WTS cites to several cases and  
17 statutes for a definition of malice that do not apply to a slander of title claim. Wynn v.  
18 Smith, 117 Nev. 6, 16 P.3d 424 (2001), dealt with a jury instruction on "malice" for a  
19 claim of defamation brought by a public figure, and not a slander of title claim. Id. at 17,  
20 16 P.3d at 431. NRS 42.001 defines "malice" in the context of punitive damages, and  
21 not slander of title. The dispositive definition for "malice" in a slander of title claim  
22 remains the definition set forth in Rowland, which provides that "[**when**] a defendant  
23 **has reasonable grounds for belief in his claim, he has not acted with malice.**" 99  
24 Nev. at 313, 662 P.2d at 1335 (emphasis added).

25 WTS does not present any evidence demonstrating that WM did not have  
26 reasonable grounds to believe WM was owed the past due balance. WM's records  
27 demonstrate that WTS had a significant outstanding balance for both properties at the  
28 times the liens were recorded. Exhs. 4, 11. Thus, WM's statements were not false,  
were based upon WTS's billing and payment history and, therefore, cannot form the

1 basis of any finding of "malice."

2 Furthermore, WM did not act with reckless disregard towards the truth of its belief  
3 that WTS owed WM money. WM's records indicate that WTS did not comply with WM's  
4 Vacancy Policy; and thus, WTS did not always timely notify WM of any vacancies as  
5 WTS was obligated to do under the Vacancy Policy. Exhs. 5, 12. Because of WTS's  
6 own failures WM was permitted to charge WTS late fees and interest on past due  
7 amounts.

8 Finally, WM recorded its liens prior to this Court's order interpreting NRS 444.520  
9 to include all of the additional requirements of NRS Chapter 108. Thus, WM did not act  
10 with malice by failing to comply with subsequent new Court imposed additional  
11 requirements which were not contained in the statute. Accordingly, WTS cannot  
12 establish that WM acted with malice and/or made a false statement. Therefore,  
13 summary judgment is appropriate in favor of WM on WTS's slander of title claim.

14 **II. KAREN IS ENTITLED TO SUMMARY JUDGMENT AS A MATTER OF LAW**  
15 **BECAUSE SHE CANNOT BE HELD INDIVIDUALLY LIABLE FOR SIGNING**  
16 **THE LIENS ON BEHALF OF WM.**

17 Karen cannot be held individually liable because she was acting at all times  
18 within the course and scope of her employment. "The general rule is that a principal is  
19 vicariously liable for the authorized actions of [its] agent but not vice-versa." Couturier  
20 v. Am. Invsco Corp., 10 F. Supp. 3d 1143, 1149 (D. Nev. 2014) (emphasis added).  
21 Thus, "[a]n agent, absent fault on [her] part, cannot be vicariously liable for the wrongful  
22 acts of [her] principal." Rookard v. Mexicoach, 680 F.2d 1257, 1261 (9th Cir. 1982).<sup>2</sup>

23 Although Nevada has recognized that "intentional" torts committed by an  
24 employee may give rise to individual liability, the line of authority that WTS relies upon  
25 does not apply here because Karen did not record the liens in Karen's name. The  
26 liens are recorded in WM's name; thus, any harm that WTS has incurred is due to the

27  
28 <sup>2</sup> See a/so Com. ex rel. Corbett v. Snyder, 977 A.2d 28, 46 (Pa. Commw. Ct. 2009)  
("Employees are not vicariously liable for the acts of their employer."); Lyon v. Morphey,  
678 N.E.2d 1306, 1309 (Mass. 1997) ("Absent a common law or statutory duty, an  
employee may not be held individually liable to a third person.").

1 lien that **WM** held, and not Karen. The law on agency is clear that "where a defendant  
2 acts as an agent for a known principal, the defendant-agent incurs **no liability** for a  
3 principal's breach of duty." 3 Am. Jur. 2d Agency § 273 (2016) (emphasis added).  
4 Accordingly, summary judgment in favor of Karen is warranted.

5 **III. CONCLUSION.**

6 For the foregoing reasons, Defendants respectfully request that this Court grant  
7 their motion for summary judgment against WTS on its remaining claim for slander of  
8 title. In addition, it is requested that the remaining claim of slander of title be dismissed  
9 as against Karen since, as a matter of law, she has no individual liability.

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

12 DATED this 21<sup>st</sup> day of October, 2016.

13  
14 ROBISON, BELAUSTEGUI, SHARP & LOW  
15 A Professional Corporation  
16 71 Washington Street  
17 Reno, Nevada 89503

18 By: 

19 MARK G. SIMONS, ESQ.  
20 *Attorneys for Waste Management of Nevada,*  
21 *Inc.*

22 j:\wpdata\mgs\30538.002 (wm v west taylor street)\p-msj\_slander of title\_reply.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 **DEFENDANTS' REPLY IN SUPPORT OF MOTION FOR SUMMARY**  
5 **JUDGMENT ON PLAINTIFF'S SLANDER OF TITLE CLAIM** on all parties to this action  
6  
7 by the method(s) indicated below:

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

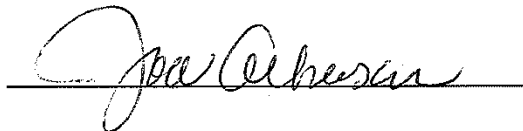
11 C. Nicholas Pereos, Esq.  
12 1610 Meadow Wood Lane, Ste. 202  
13 Reno, NV 89502  
14 *Attorney for West Taylor Street, LLC*

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

18 C. Nicholas Pereos, Esq.

- 19 ☐ by personal delivery/hand delivery addressed to:  
20 ☐ by facsimile (fax) and/or electronic mail addressed to:  
21 ☐ by Federal Express/UPS or other overnight delivery addressed to:

22 DATED: This 24<sup>th</sup> day of October, 2016.

23   
24  
25  
26  
27  
28

1 **3860**  
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  
7 Reno, Nevada 89503  
8 Telephone: (775) 329-3151  
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10 Email: [msimons@rbsllaw.com](mailto:msimons@rbsllaw.com)  
11 and [tshanks@rbsllaw.com](mailto:tshanks@rbsllaw.com)

12 *Attorneys for Waste Management of*  
13 *Nevada, Inc. and Karen Gonzalez*

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

16 WEST TAYLOR STREET, LLC, a limited  
17 liability company,

**CASE NO.: CV12-02995**

**DEPT. NO.: 4**

18 Plaintiff,

19 v.

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

23 Defendants.

24 **REUQUEST FOR SUBMISSION**

25 It is hereby requested that Defendants' Motion For Summary Judgment on  
26 Plaintiff's Slander of Title Claim that was filed with this Court on September 6, 2016, be  
27 submitted for decision in this matter:

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

DATED this 24<sup>th</sup> day of October, 2016.

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

By: 

**MARK G. SIMONS, ESQ.**  
*Attorneys for Defendants*

Robison, Belaustegui,  
Sharp & Low  
71 Washington St.  
Reno, NV 89503  
(775) 329-3151

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 **REQUEST FOR SUBMISSION** 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:

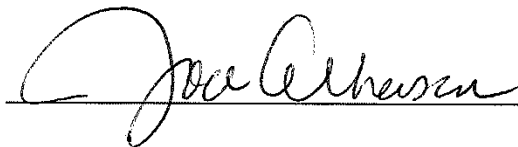
10 C. Nicholas Pereos, Esq.  
11 1610 Meadow Wood Lane, Ste. 202  
12 Reno, NV 89502  
13 *Attorney for West Taylor Street, LLC*

- 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 C. Nicholas Pereos, Esq.

- 18 ☐ by personal delivery/hand delivery addressed to:  
19 ☐ by facsimile (fax) and/or electronic mail addressed to:  
20 ☐ by Federal Express/UPS or other overnight delivery addressed to:

21 DATED: This 24<sup>th</sup> day of October, 2016.

22   
23

24 j:\wpdata\mgs\30538.002 (wm v west taylor street)\p-req submit.docx

1 CODE:  
2  
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7 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
8 IN AND FOR THE COUNTY OF WASHOE  
9

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

Case No. CV12-02995

Dept. No. 4

13 vs.

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

**ORDER ON DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

17 On September 6, 2016, Defendants WASTE MANAGEMENT OF NEVADA, INC.  
18 (hereinafter "Waste Management") and KAREN GONZALEZ (hereinafter  
19 "Gonzalez")(hereinafter collectively "Defendants"), by and through their attorney, Mark G.  
20 Simons, Esq. and Therese M. Shanks, Esq. of Robison, Belaustegui, Sharp & Low, filed  
21 *Defendants' Motion for Summary Judgment on Plaintiff's Slander of Title Claim* wherein  
22 Defendants move the Court for summary judgment on WEST TAYLOR STREET, LLC's  
23 (hereinafter "West Taylor") claim for slander of title, and moves for dismissal of any claims  
24 against Gonzalez since, as a matter of law, she cannot have any personal liability for acting in the  
25 course and scope of her employment.  
26

On October 18, 2016, West Taylor, by and through its attorney, C. Nicholas Pereos, Esq.

1 filed its *Opposition to Motion for Summary Judgment on Claims for Slander of Title*, and  
2 *Affidavit of Teri Morrison in Support of Opposition to Motion for Summary Judgment*. On  
3 October 24, 2016, Defendants filed *Defendants' Reply in Support of Motion for Summary*  
4 *Judgment on Plaintiff's Slander of Title Claim*. On February 22, 2017, the Court heard oral  
5 arguments on the matter.

6 NRCP 56(c) provides, “[summary judgment] shall be rendered if the pleadings,  
7 depositions, answers to interrogatories, and admissions on file, together with the affidavits, if  
8 any, show that there is no genuine issue as to any material fact and that the moving party is  
9 entitled to judgment as a matter of law.” A genuine issue of material fact exists when the  
10 evidence is such that a rational trier of fact could return a verdict for the nonmoving party.  
11 Woods v. Safeway, 121 Nev. 724, 731, 121 P.3d 1026, 1031 (2005). When deciding whether  
12 summary judgment is appropriate, the court must view all evidence in light most favorable to the  
13 non-moving party and accept all properly supported evidence, factual allegations, and reasonable  
14 inferences favorable to the non-moving party as true. C. Nicholas Pereos, Ltd. v. Bank of Am.,  
15 131 Nev. Adv. Op. 44, 352 P.3d 1133, 1136 (2015); NGA No. 2 Ltd. Liab. Co. v. Rains, 113  
16 Nev. 1151, 1157, 946 P.2d 163, 167 (1997).

17 The Nevada Supreme Court has adopted the federal approach outlined in Celotex Corp.  
18 v. Catrett, 477 U.S. 317 (1986), with respect to burdens of proof and persuasion in summary  
19 judgment proceedings. See Cruzz v. University and Community College System of Nevada, 123  
20 Nev. 598, 602, 172 P.3d 131, 134 (2007). The party moving for summary judgment must meet  
21 his or her initial burden of production and show that there is no genuine issue of material fact.  
22 Id. “The manner in which each party may satisfy its burden of production depends on which  
23 party will bear the burden of persuasion on the challenged claim at trial.” Id.

24 If the burden of persuasion at trial will rest on the nonmoving party, “the party moving  
25 for summary judgment may satisfy the burden of production by either (1) submitting evidence  
26 that negates an essential element of the nonmoving party's claim, or (2) “pointing out that there is

1 an absence of evidence to support the nonmoving party's case.” Id. After the moving party  
2 meets his or her initial burden of production, the opposing party “must transcend the pleadings  
3 and by affidavit or other admissible evidence, introduce specific facts that show a genuine issue  
4 of material fact.” Id.

5 Defendants argue they are entitled to judgment as a matter of law on the slander of title  
6 claim because they did not act with actual malice or make any false statements regarding the  
7 money that West Taylor owes. Defendants assert it is undisputed West Taylor had a significant  
8 outstanding balance with Waste Management when it recorded the liens at issue. Defendants  
9 allege West Taylor did not comply with Waste Management’s vacancy policy. Defendants  
10 advance, even if West Taylor argues it did not owe the amount claimed, the contention still does  
11 not avoid the entry of judgment because Waste Management is entitled to charge West Taylor  
12 for services, late fees, and interest under the Franchise Agreement, seeking repayment of these  
13 amounts. Additionally, Defendants contend, it recorded the liens prior to this Court’s Order  
14 interpreting NRS 444.520 to include all the additional requirements of NRS Chapter 108. Thus,  
15 Defendants did not act with malice by failing to comply with these Court imposed additional  
16 requirements.

17 Defendants argue Gonzalez cannot be held individually liable for slander of title because  
18 she was acting at all times within the course and scope of her employment. The general rule is  
19 that a principal is vicariously liable for the authorized actions of its agents, but not vice-versa,  
20 Defendants assert. Defendants concede Nevada has recognized intentional torts committed by an  
21 employee may give rise to individual liability, but argues Gonzalez recorded the liens in Waste  
22 Management’s name and therefore any harm that West Taylor has incurred is due to the lien that  
23 Waste Management held, not Gonzalez.

24 West Taylor asserts the issue before the Court is not whether West Taylor owed money to  
25 Waste Management or paid the bills timely, but whether the liens accurately reflect a correct  
26 statement when they were recorded. In a slander of title claim, West Taylor argues, if the words



1 spoken were incorrect, then the first element has been satisfied. West Taylor, contends as of July  
2 1, 2007, Defendants allege West Taylor owed a delinquency of \$132.48, but Defendants were  
3 not sending bills to the correct address; after this was recognized, West Taylor sent a resolution  
4 letter wherein it addressed the issue and sent a check for \$121.90 to bring the accounts current.  
5 West Taylor asserts Waste Management was not owed the money claimed in its liens, which is  
6 inconsistent with the amount of money claimed in its notices of intent to lien, which was  
7 inconsistent with its collections notices. West Taylor argues, a review of the alleged delinquency  
8 set forth in the motion to strike Slander of Title claim does not even conform to the earlier  
9 discovery response provided by Defendants, when Defendants were asked to identify the basis  
10 for its lien amount on 347 West Taylor Street.

11 Additionally, West Taylor argues, Defendants were notified either in writing or verbally  
12 that the property was vacant and that there was no need for disposal services. Notwithstanding  
13 these notices, West Taylor contends, Defendants continued to bill and send invoices to the  
14 customer as if the property was occupied.

15 West Taylor contends, malice is a question of fact and it must be shown that the  
16 defendant knew the statement was false or acted with reckless disregard to its truth or falsity.  
17 West Taylor advances, before the liens were recorded, it was bombarded with collection notices  
18 and notices of intent to lien which in turn precipitated responses by West Taylor informing  
19 Defendants that there was no delinquency on the accounts, as they had always been paid when  
20 the unit was occupied. However, West Taylor argues, Defendants ignored the letters and  
21 recorded the three liens at issue, two of which Gonzalez signed, despite the fact she knew there  
22 was a dispute as to the amount of money owed.

23 In *Reply*, Defendants argue West Taylor presented no evidence it complied with the  
24 vacancy policy. Further, Defendants contend, West Taylor does not present any evidence that  
25 Defendants' accounting was inaccurate as to the amount of the accrued past due late fees and  
26 interest. Although West Taylor argues that the lien represented a lower amount than the amount

1 owed on the next monthly bill, West Taylor does not take into account compounding interest on  
2 past due balances which necessarily raise the unpaid balance as time passes. Further, Defendants  
3 argue, West Taylor does not present any evidence sufficient to prove that the liens were spoken  
4 with malice.

### 5 *Slander of Title*

6 “The requisites to an action for slander of title are that the words spoken be false, that  
7 they be maliciously spoken and that the plaintiff sustain some special damage as a direct and  
8 natural result of their having been spoken.” Rowland v. Lepire, 99 Nev. 308, 313, 662 P.2d  
9 1332, 1335 (1983); Higgins v. Higgins, 103 Nev. 443, 445, 744 P.2d 530, 531 (1987)(noting  
10 slander of title involves false and malicious communications, disparaging to one's title in land  
11 and causing special damage). To prove malice, the plaintiff must prove the “defendant knew that  
12 the statement was false or acted in reckless disregard of its truth.” Rowland, 99 Nev. at 313; 662  
13 P.2d at 1335. However, if a “defendant has reasonable grounds for belief in his claim, he has not  
14 acted with malice.” Id. Malice is generally a question of fact. See Wright v. Williamson, 27  
15 S.W.2d 558, 560 (Tex. Civ. App. 1930)(finding malice is a necessary element in a slander of title  
16 action and the court would “not be warranted in setting aside the jury's answer thereto and  
17 holding, as a matter of law, that plaintiff did act maliciously”). When the state of mind of the  
18 defendant is a prima facie element in a claim, the claim is generally not appropriate for summary  
19 judgment; however, there must be some indication that the claimant “can produce the requisite  
20 quantum of evidence to enable him to reach the jury with his claim.” See Collins v. Union Fed.  
21 Sav. & Loan Ass'n, 99 Nev. 284, 300, 662 P.2d 610, 620 (1983).

22 The Court now addresses the first element of slander of title, falsity of statement. Three  
23 liens form the basis of this law suit: 1) a lien encumbering the 345 West Taylor Street property,  
24 for the amount of \$859.78; 2) a second lien encumbering the 345 West Taylor Street property,  
25 for the amount \$404.88; and 3) and a lien encumbering the 347 West Taylor Street property, in  
26 the amount of \$489.47. [West Taylor's Opp. Mot. Summ. Jud. (hereinafter “Opp. MSJ”), Ex. 3].



1 West Taylor asserts these liens did not accurately reflect the account statements. Defendants  
2 provide the Court with a timeline of West Taylor's account history for both 345 and 347 West  
3 Taylor Street, which is largely compiled from the billing data from the respective properties.  
4 [MSJ, Ex. 4 & 11].

5 The Court finds material issues of fact exist as to whether the liens accurately reflected  
6 the amount owed on the accounts. First, the parties dispute the appropriateness of certain late  
7 fees and whether bills were actually paid. For example, Defendants contend and provide  
8 evidence that on June 27, 2008, West Taylor paid Defendants \$42.03 in connection with the 345  
9 West Taylor Street property; however because this payment was not made on June 1, 2008, it  
10 was charged a late fee. [MSJ, at 4:10-12; Ex. 4]. West Taylor asserts (evidencing Article 5.6(11)  
11 of Waste Management's Franchise Agreement), that residential services are to be billed on a  
12 quarterly basis, and a bill that is not paid by the last day of the quarterly period, is delinquent.  
13 [Opp. MSJ, at 7:17-25; MSJ, Ex. 1]. West Taylor asserts, June is the second quarter of the  
14 billing period and the second quarter starts in April. West Taylor provides check #3293 and  
15 #3294 and asserts the April quarterly payments were made. [Opp. MSJ, Ex. 10]. The Court finds  
16 there is material issue of fact as to whether late fees should have been charged.

17 West Taylor also appears to take issue with the amount noted in the liens being lower  
18 than the notices of intent to lien. For example, the Notice of Intent to Lien dated February 7,  
19 2012, for 347 West Taylor Street was for \$556.58. [Opp. MSJ, Ex. 5 (WTS 0096)]; however the  
20 Notice of Lien executed on February 22, 2012, was for \$489.47. [Opp. MSJ, Ex. 3]. West  
21 Taylor also asserts an additional discrepancy in accounting exists: the February 22, 2012, Lien  
22 was for a higher amount than the amount indicated on the collection notice dated March 2, 2012,  
23 which indicates West Tylor owed \$461.53. [See Opp. MSJ, Ex. 5 (WTS 0017)]. The Court  
24 finds there are factual issues regarding what was actually owed on the accounts and cannot  
25 determine as a matter of law if the liens were for a correct amount.

26 Based on these factual discrepancies, the Court cannot find the liens which form the basis

1 for the slander of title claim are necessarily accurate reflections of the balance of West Taylor's  
2 accounts as they existed at the time the liens were recorded. Further, the Court has previously  
3 determined a recorded lien for unpaid garbage fees pursuant to NRS 444.520 shall be for an  
4 amount that became delinquent no more than 90 days prior to the date of the recording of the lien  
5 as required by NRS 108.226 that is incorporated in NRS 444.520. [See Order Partial Motion for  
6 Summary Judgment, filed October 1, 2015]. Therefore, to the extent these liens included an  
7 amount delinquent for more than 90 days, they could be deemed to portray false words and  
8 satisfy the first element of a slander of title claim. Because the Court finds there is a material  
9 issue of fact as indicated above, it need not address the remaining arguments concerning the  
10 discrepancies in the liens and account balances, such as whether the vacancy policy was properly  
11 complied with and whether the July letter and associated payments resolved any outstanding  
12 balances.

13 The Court must also consider the second element of slander of title, malice. Malice is  
14 generally question of fact for the jury. However, Defendants have satisfied their initial burden  
15 and provided evidence that Waste Management had reasonable grounds to lien the property, i.e.  
16 the timeline and supporting evidence demonstrating an outstanding balance on the accounts.  
17 [MSJ, at 4-7; EX. 4, 11]. However, the Court finds West Taylor has transcended the pleadings  
18 and presented evidence showing a genuine issue of material fact as to whether Defendants acted  
19 with malice in recording the liens.

20 West Taylor has provided a series of letters wherein West Taylor disputes the alleged  
21 balance on the accounts. For instance, following a notice of intent to lien, in a letter dated May  
22 24, 2010, West Taylor advised Defendants they were not owed the balance of \$482.97, and that  
23 all of the garbage fees had been paid current while the property was occupied. [Opp. MSJ, Ex. 8  
24 (WTS 0003)]. Similarly, following the Notice of Intent to Lien dated February 7, 2012, in a  
25 letter dated February 16, 2012, West Taylor contested the balance alleged on the 347 West  
26 Taylor property, and threatened a slander of title action. [Id., at WTS 0095]. In a letter dated

1 September 13, 2012, addressed to Gonzalez, West Taylor advised it was in receipt of the notice  
2 of lien, and requested an accounting. [*Id.*, at WTS 0010]. A follow up letter, dated October 12,  
3 2012, informed Waste Management that West Taylor was continuing to receive delinquency and  
4 collection notices, but noted Waste Management never sent the requested accounting. [*Id.*, WTS  
5 0011].

6 An additional letter addressed to Gonzalez, dated November 1, 2012, indicated West  
7 Taylor had received the statement of account, but requested Waste Management correct its  
8 records (noting the challenged charges) and requested the lien be removed. [*Id.* WTS, 0089].  
9 West Taylor composed a similar letter, dated March 14, 2014, challenging the outstanding  
10 balance following the February 28, 2014 Notice of Intent to Lien on 345 West Taylor Street. *Id.*  
11 The Court finds the evidence shows West Taylor repeatedly attempted to correct the alleged  
12 erroneous account balances. Assuming the running balances were in fact inaccurate, to the  
13 extent West Taylor's pleas to correct were ignored, a reasonable jury could conclude Defendants  
14 acted in reckless disregard of the truth by not resolving the discrepancies prior to recording the  
15 liens.

#### 16 ***Personal Liability of an Employee***

17 West Taylor also asserts slander of title against Gonzalez as an individual. "The general  
18 rule is that a principal is vicariously liable for the authorized actions of her agent but not vice-  
19 versa." *Couturier v. Am. Invsco Corp.*, 10 F. Supp. 3d 1143, 1149 (D. Nev. 2014); *see also*  
20 *Rookard v. Mexicoach*, 680 F.2d 1257, 1261 (9th Cir.1982) ("[a]n agent, absent fault on his part,  
21 cannot be vicariously liable for the wrongful acts of his principal"). However, an employee's  
22 intentional torts may give rise to individual liability. *See Lyon v. Morphew*, 424 Mass. 828,  
23 831–32 (1997)(holding employees are liable for torts in which they personally participated); *see*  
24 *e.g. Landex, Inc. v. State ex rel. List*, 94 Nev. 469, 474, 582 P.2d 786, 789 (1978) (wherein  
25 plaintiffs brought a claim for misleading advertising against the corporation, and against an  
26 employee, in both his individual capacity and as the president/sales manager of the corporation;



1 the employee was found to be directly responsible for the use of such deceptive statements and  
2 was ordered to pay (in addition to the corporation) for the violations); see also Restatement  
3 (Third) Of Agency § 7.01 (2006)("[a]n agent is subject to liability to a third party harmed by the  
4 agent's tortious conduct. Unless an applicable statute provides otherwise, an actor remains  
5 subject to liability although the actor acts as an agent or an employee, with actual or apparent  
6 authority, or within the scope of employment").

7 At oral arguments, West Taylor informed the Court no deposition of Gonzalez has been  
8 taken because she has been ill. West Taylor conceded summary judgment should be granted as  
9 to Gonzalez as the West Taylor has no evidence that Gonzalez acted independently from her  
10 employment at Waste Management. As such, the Court grants summary judgment as to claims  
11 against Gonzalez.

12 Based on the foregoing and good cause appearing,

13 IT IS HEREBY ORDERED that Waste Management of Nevada, Inc.'s and Karen  
14 Gonzalez's Motion for Summary Judgment is GRANTED in PART and DENIED in PART. The  
15 Motion is GRANTED as to any claim against Karen Gonzalez as an individual. However, the  
16 Motion is DENIED as to the slander of title claim brought against Waste Management of  
17 Nevada, Inc.

18 Dated this 28 day of March, 2017.

19   
20 DISTRICT JUDGE  
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I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 25<sup>th</sup> day of March, 2017, I filed the **ORDER DE** with the Clerk of the Court.

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

MARK SIMONS, ESQ. for WASTE MANAGEMENT OF NEVADA INC  
C. PEREOS, ESQ. for WEST TAYLOR STREET LLC  
THERESE SHANKS, ESQ. for KAREN GONZALEZ et al

\_\_\_\_\_ Placing a true copy thereof in a sealed envelope for service via:

Federal Express or other overnight delivery service [NONE]

DATED this 28<sup>th</sup> day of March, 2017.

maison

3915

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

WEST TAYLOR STREET, LLC,

Plaintiff,

vs.

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

Defendants.

CASE NO.: CV12-02995

DEPT. NO.: 4

**FIRST AMENDED SCHEDULING ORDER**

Nature of Action: SLANDER OF TITLE

Date of Filing Joint Case Conference Report(s): NOVEMBER 8, 2013

Time Required for Trial: 3 DAYS

**Date of Trial: OCTOBER 16, 2017**

Jury Demand Filed: SEPTEMBER 27, 2013-PLAINTIFF

Counsel for Plaintiff: C. NICHOLAS PEREOS, ESQ.

Counsel for Defendant: MARK SIMONS, ESQ.

Counsel representing all parties have been heard and after consideration by the Court, IT

IS HEREBY ORDERED:

1. Complete all discovery by **JULY 18, 2017 (90 days before Trial)**.
2. File motions to amend pleadings or add parties on or before **APRIL 19, 2017 (180 days before Trial)**.

1           3.     Make initial expert disclosures pursuant to N.R.C.P. 16.1(a)(2) on or before **APRIL**  
2 **19, 2017 (180 days before Trial).**

3           4.     Make rebuttal expert disclosures pursuant to N.R.C.P. 16.1(a)(2) on or before **MAY**  
4 **19, 2017 (150 days before Trial).**

5           5.     File all dispositive motions, including motions for summary judgment and motions  
6 in limine to exclude all or part of an expert's testimony, on or before **AUGUST 16, 2017 (61 days**  
7 **before Trial).**

8           6.     File all other motions in limine on or before **AUGUST 30, 2017 (47 days before**  
9 **Trial).**

10          7.     Formally submit all dispositive motions, including motions for summary judgment  
11 and motions in limine to exclude an expert's testimony, on or before **SEPTEMBER 15, 2017 (31**  
12 **days before Trial).**

13          8.     Formally submit all other motions in limine on or before **SEPTEMBER 29, 2017**  
14 **(17 days before Trial).**

15          9.     Unless otherwise directed by the Court, all pretrial disclosures pursuant to N.R.C.P.  
16 16.1(a)(3) must be made at least thirty (30) days before trial.

17           A.     Unless the Court orders otherwise, legal memoranda submitted in support  
18 of any motion shall not exceed twenty (20) pages in length; opposition  
19 memoranda shall not exceed twenty (20) pages in length; reply memoranda  
20 shall not exceed ten (10) pages in length. These limitations are exclusive  
21 of exhibits. A party may file a pleading that exceeds these limits by five  
22 pages, so long as it is filed with a certification of counsel that good cause  
23 existed to exceed the standard page limits and the reasons therefore. Briefs  
24 in excess of five pages over these limits may only be filed with prior leave  
25 of the Court, upon a showing of good cause.

26           B.     Except upon a showing of unforeseen extraordinary circumstances, the  
27 Court will not entertain any pretrial motions filed or orally presented after  
28 the above deadlines have passed.

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1 **DISCOVERY**

2 10. Unless otherwise ordered, all discovery disputes (except disputes presented at a  
3 pretrial conference or at trial) must be first heard by the Discovery Commissioner, after the  
4 following has occurred:

- 5
- 6 A. Prior to filing any discovery motion, the attorney for the moving party must  
7 consult with opposing counsel about the disputed issues. Counsel for each  
8 side must present to each other the merits of their respective positions with  
9 the same candor, specificity, and support as during the briefing of  
10 discovery motions.  
11 B. If both sides desire a discovery dispute resolution conference pursuant to  
12 NRCP 16.1(d), counsel must contact the Discovery Commissioner's office,  
13 at (775) 328- 3293, to obtain a date and time for the conference that is  
14 convenient to all parties and the Discovery Commissioner. Upon  
stipulation of counsel on the record, a motion may be orally presented at  
the conference. If the parties cannot agree upon the need for a conference,  
the party seeking the conference must file and submit a motion in that  
regard.  
C. A party objecting to a written discovery request must, in the original  
objection, specifically detail the reasons that support the objection, and  
include affidavits or other evidence for any factual assertions upon which  
an objection is based.

15 11. Motions for extensions of discovery shall be made to the Discovery Commissioner  
16 prior to the expiration of the discovery deadline above.

17 12. A continuance of trial does not extend the deadline for completing discovery. A  
18 request for an extension of the discovery deadline, if needed, must be included as part of any  
19 motion for continuance.

20 13. A trial statement on behalf of each party shall be delivered to opposing counsel,  
21 filed herein and a copy delivered to chambers no later than **OCTOBER 2, 2017 (10 judicial days  
22 before Trial)**.

- 23 A. In addition to the requirements of WDCR 5, the trial statement shall contain:
- 24 (1) a concise statement of the claimed facts organized by specifically  
25 listing each essential element of the party's claims or defenses and  
separately stating the facts in support of each such element;  
26 (2) any practical matters which may be resolved before trial (e.g.,  
27 suggestions as to the order of witnesses, view of the premises,  
availability of audio or visual equipment);  
28 (3) a list of proposed general voir dire questions for the Court or counsel  
to ask of the jury;



- 1 (4) a statement of any unusual evidentiary issues, with appropriate  
2 citations to legal authorities on each issue; and  
3 (5) certification by trial counsel that, prior to the filing of the trial  
4 statement, they have personally met and conferred in a good faith  
5 effort to resolve the case by settlement.

6 14. All jury instructions and verdict forms, whether agreed upon by both parties or  
7 proposed by a party individually, shall be delivered to chambers no later than the deadline to  
8 submit their Trial Statements **OCTOBER 2, 2017** (10 judicial days before Trial) unless  
9 specifically modified by the Court.

- 10 A. Unless otherwise ordered, the parties shall exchange all proposed jury  
11 Instructions and verdict forms two weeks prior to trial. The parties should  
12 then meet, confer, and submit to the Court one complete set of agreed-upon  
13 set of jury instructions and verdict forms at the same time they submit their  
14 trial statements.
- 15 B. If the parties do not agree to all proposed instructions, they shall jointly  
16 submit a set containing only those instructions that are mutually agreeable.  
17 Each party must submit individually any additional proposed jury  
18 instructions that have not been agreed upon and/or verdict forms at the  
19 same time they submit their trial statements.
- 20 C. All instructions should be short, concise, understandable, and neutral  
21 statements of law and gender. Argumentative or formula instructions are  
22 improper, will not be given, and should not be submitted.
- 23 D. The parties are required to submit the jury instructions in the below  
24 described format.
- 25 1. All proposed jury instructions shall be in clear, legible type on clean,  
26 white, heavy paper, 8 ½ by 11 inches in size, and not lighter than 16-  
27 lb. Weight with a black border line and no less than 24 numbered  
28 lines.
  2. The last instruction **only** shall bear the signature line with the words  
"District Judge" typed thereunder placed on the right half of the page,  
a few lines below the last line of text.
  3. The designation "Instruction No. "shall be at the last line, lower left  
hand corner of the last page of each instruction.
  4. The original instructions shall not bear any markings identifying the  
attorney submitting the same, and shall not contain any citations of  
authority.
  5. The authorities for instructions must be attached to the original  
instructions by a separate copy of the instruction including the  
citation.
  6. The parties should also note on the separate copy of the instruction  
any modifications made on the instructions from statutory authority,  
Nevada Pattern Jury Instructions, Devitt and Blackmar, CALCRIM  
or other form instructions, specifically stating the modification made  
to the original form instructions and the authority supporting the  
modification. All original instructions shall be accompanied by a  
separate copy of the instruction containing a citation to the form  
instruction, statutory or case authority supporting that instruction.  
All modifications made to instructions taken from statutory  
authority, Nevada Pattern Jury Instructions, Devitt and Blackmar,

CACI or other form instructions shall be specifically noted on the citation page. For any form instruction submitted from any source other than Nevada Pattern Jury Instructions, counsel shall include copies of the original instruction form.

7. For any form instruction submitted from any source other than Nevada Pattern Jury Instructions, counsel shall include copies of the original instruction form.

15. Jurors will be permitted to take notes during the trial. Jurors may be permitted to ask questions in writing during trial, screened by the Court and counsel. Any party objecting to this procedure should state this objection in the trial statement.

16. All applications for attorney's fees shall state services rendered and fees incurred for such services with sufficient specificity to enable an opposing party and the court to review such application. Any memorandum of costs and disbursements must comply with Bergmann v. Boyce, 109 Nev. 670, 856 P.2d 560 (1993) and Bobby Beresini v. PETA, 114 Nev. 1348, 971 P.2d 383 (1998).

17. Trial counsel for all parties shall contact the Courtroom Clerk (Marci Stone 775/328-3139) **no later than Monday, one week prior to trial**, to arrange a date and time to mark trial exhibits. All exhibits will be marked in one numbered series (Exhibit 1, 2, 3, etc.), no matter which side is offering the particular exhibit. Once trial exhibits are marked by the Clerk, they shall remain in the custody of the Clerk. When marking the exhibits with the Clerk, counsel must advise the Clerk of all exhibits which may be admitted without objection. In any case which involves fifteen or more document exhibit pages, the exhibits shall be placed in a loose-leaf binder behind a tab noting the number of each exhibit. The binder shall be clearly marked on the front and side with the case caption and number, but no identification as to the party producing the binder. All document exhibits shall be in **one** binder no matter which party is offering the exhibits. At the time set for marking the trial exhibits, counsel for the Plaintiff shall provide the Courtroom Clerk with the binder containing the number tabs. Counsel for all parties shall provide all exhibits, no matter when marked, even if marked during the course of trial, in a condition appropriate for inclusion in the evidence binder.

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

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4                   Electronically Filed  
5                   Jul 20 2018 03:39 p.m.  
6                   Elizabeth A. Brown  
7                   Clerk of Supreme Court

8                   WASTE MANAGEMENT OF  
9                   NEVADA,

Supreme Court Case No. 74876

10                                   Appellant,

District Court Case No. CV12-  
02995

11                   vs.

12                   WEST TAYLOR STREET, LLC,

13                                   Respondent.  
14                   \_\_\_\_\_ /

15                                   **JOINT APPENDIX**  
16                                   **VOL. 5**  
17

18                   **APPELLANTS' COUNSEL:**

18                   **RESPONDENT'S COUNSEL:**

19  
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27                   Email: [mark@mgsimonslaw.com](mailto:mark@mgsimonslaw.com)

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25                   Facsimile: (775) 329-6618  
26                   Email: [cpereos@att.net](mailto:cpereos@att.net)

**APPENDIX**

<b><u>DOCUMENT</u></b>	<b><u>DATE</u></b>	<b><u>VOL.</u></b>	<b><u>BATES</u></b>
Affidavit of C. Nicholas Pereos in Support of Motion for Martial Summary Judgment	03/11/2014	1	JA_0051-54
Affidavit of Teri Morrison in Support of Motion for Partial Summary Judgment	03/11/2014	1	JA_0048-50
Affidavit of Teri Morrison in Support of Opposition to Motion for Summary Judgment	10/18/2016	5	JA_1037-1040
Amended Judgment	03/22/2018	5	JA_1091-1092
Complaint	12/03/2012	1	JA_0001-5
Defendant's Answer to Plaintiff's Complaint	09/16/2013	1	JA_0009-13
Defendants' Answer to Plaintiff's Second Amended Complaint	07/14/2014	2	JA_00394-398
Defendants' Motion for Summary Judgment on Plaintiff's Slander of Title Claim	09/06/2016	3-4	JA_0614-864
Defendants' Reply in Support of Motion for Summary Judgment on Plaintiff's Slander of Title Claim	10/24/2016	5	JA_1041-1047
First Amended Complaint	02/14/2014	1	JA_0020-25

First Amended Scheduling Order	04/19/2017	5	JA_1060-1066
Judgment	12/29/2017	5	JA_1080-1081
Motion for Partial Summary Judgment	03/11/14	1	JA_0026-47
Motion for Partial Summary Judgment	09/03/2014	2	JA_0419-428
Notice of Appeal	12/02/2015	3	JA_0571-573
Notice of Appeal	01/08/2018	5	JA_1088-1090
Notice of Entry of Amended Judgment	03/23/2018	5	JA_1093-1099
Notice of Entry of Judgment	12/03/2015	3	JA_0574-580
Notice of Entry of Judgment	01/08/2018	5	JA_1082-1087
Notice of Entry of Judgment/Order	06/22/2016	3	JA_0582-605
Notice of Entry of Judgment/Order	06/22/2016	3	JA_0606-613
Opposition to Motion for Partial Reconsideration	11/05/2014	3	JA_0526-537
Opposition to Plaintiff's Motion for Partial Summary Judgment	03/28/2014	1-2	JA_0055-329
Opposition to Motion for Summary Judgment on Claims for Slander of Title	10/18/2016	4-5	JA_0865-1036
Order	07/28/2014	2	JA_0399-418

Order Denying Defendants' Motion for Partial Reconsideration	02/06/2015	3	JA_0551-554
Order Dismissing Appeal	03/07/2016	3	JA_0581
Order on Defendants' Motion for Summary Judgment	03/28/2017	5	JA_1050-1059
Partial Summary Judgment	10/01/2015	3	JA_0568-570
Renewed Motion for Summary Judgment	05/13/2015	3	JA_0555-557
Reply Argument in Support of Motion for Partial Summary Judgment	04/11/2014	2	JA_0330-344
Reply Argument in Support of Motion for Partial Summary Judgment (Second)	05/13/2015	3	JA_0558-561
Reply in Support of Waste Management of Nevada, Inc.'s Motion for Partial Reconsideration of the Court's July 28, 2014 Order	12/01/2014	3	JA_0538-547
Request for Submission	12/02/2014	3	JA_0548-550
Request for Submission	10/24/2016	5	JA_1048-1049
Request for Submission	12/21/2017	5	JA_1073-1079
Request for Submission of Judgment for Partial Summary Judgment	09/25/2015	3	JA_565-567

Request for Submission of Second Motion for Partial Summary Judgment	05/13/2015	3	JA_0562-564
Scheduling Order	01/07/2014	1	JA_0014-19
Second Amended Complaint	06/27/2014	2	JA_0387-393
Second Amended Scheduling Order	09/22/2017	5	JA_1067-1072
Stipulation	10/29/2014	3	JA_0523-525
Summons	01/31/2013	1	JA_0006
Summons (Alias)	06/04/2013	1	JA_0007-8
Transcript of Proceedings Status Conference	05/07/2014	2	JA_0345-386
Waste Management of Nevada, Inc.'s Motion for Leave to File Motion for Partial Reconsideration of the Court's July 28, 2014 Order	09/26/2014	2	JA_0444-452
Waste Management of Nevada, Inc.'s Motion for Partial Reconsideration of the Court's July 28, 2014 Order	09/26/2014	2	JA_0453-522
Waste Management of Nevada, Inc.'s Opposition to Plaintiff's Second Motion for Partial Summary Judgment	09/25/2014	2	JA_0429-443

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

C. NICHOLAS PEREOS, ESQ.  
Email: [cpereos@att.net](mailto:cpereos@att.net)

☐ by facsimile (fax) addressed to:

DATED: This 20 day of July, 2018.

**JODI ALHASAN**



NINA PROPERTIES S. INC. 1017 N. 34th AVE 1715 MEADOWLAND PARK DR IRVING, TX 76039		4321 1715 MEADOWLAND PARK DR IRVING, TX 76039
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[illegible]

#4323	10/01/12	\$36.06
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[illegible]

WNA PROPERTIES & INC.  
716 776 280-678  
110 HENRICHOV LANE SLATE 202  
ALBANY, NY 12007

DATE 8-21-72

PAY TO THE ORDER OF [REDACTED]

FOR DEPOSIT ONLY  
HARRISON 111 E. PARKWAY STREET  
ALBANY, NY 12007  
BANK OF ALBANY  
ALBANY, NY 12007

4325

THOUSAND

DOLLARS

FOR

⑈004125⑈ ⑈161804610⑈ ⑈1030011416⑈

#4325 10/02/12

0000000000000000

[illegible]

#4326	10/02/12	\$160.00
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"00000000" "00"

WPA PROPERTY H. INC.  
701 WASHINGTON ST. AND 15TH ST.  
PENSACOLA FLORIDA

4327

DATE 9-2-50 14 MONTHS

PAY TO THE ORDER OF W. E. Treason 324

Ten and 00/100 DOLLARS

RECEIVED BY W. E. Treason 324

DATE 9-2-50 14 MONTHS

4327

#4327	10/09/12	\$25.00
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WTS 0165

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NINA PROPERTIES II, INC.  
 1815 WOODBURN  
 1815 WOODBURN LANE SUITE 202  
 PENNSYLVANIA

DATE 12-22-13

FOR [REDACTED]

#004389 #121201814C #1010011918

#4389 1/08/13

FOR: 1815 WOODBURN LANE SUITE 202  
 1815 WOODBURN LANE SUITE 202  
 1815 WOODBURN LANE SUITE 202  
 1815 WOODBURN LANE SUITE 202

NINA PROPERTIES II, INC.  
 1815 WOODBURN  
 1815 WOODBURN LANE SUITE 202  
 PENNSYLVANIA

DATE 12-22-13

FOR: WALK MYT  
 TERRY SELLER

\$36.00

#004390 #121201814C #1010011918

#4390 1/10/13 \$36.00

FOR: 1815 WOODBURN LANE SUITE 202  
 1815 WOODBURN LANE SUITE 202  
 1815 WOODBURN LANE SUITE 202  
 1815 WOODBURN LANE SUITE 202

NINA PROPERTIES II, INC.  
 1815 WOODBURN  
 1815 WOODBURN LANE SUITE 202  
 PENNSYLVANIA

DATE 12-22-13

FOR: WALK MYT  
 TERRY SELLER

\$36.06

#004391 #121201814C #1010011918

#4391 1/08/13 \$36.06

FOR: 1815 WOODBURN LANE SUITE 202  
 1815 WOODBURN LANE SUITE 202  
 1815 WOODBURN LANE SUITE 202  
 1815 WOODBURN LANE SUITE 202

NINA PROPERTIES II, INC.  
 1815 WOODBURN  
 1815 WOODBURN LANE SUITE 202  
 PENNSYLVANIA

DATE 12-24-13

FOR [REDACTED]

#004392 #121201814C #1010011918

#4392 1/08/13

FOR: 1815 WOODBURN LANE SUITE 202  
 1815 WOODBURN LANE SUITE 202  
 1815 WOODBURN LANE SUITE 202  
 1815 WOODBURN LANE SUITE 202

NINA PROPERTIES II, INC.  
 1815 WOODBURN  
 1815 WOODBURN LANE SUITE 202  
 PENNSYLVANIA

DATE 1-24-13

FOR [REDACTED]

#004393 #121201814C #1010011918

#4393 1/28/13

FOR: 1815 WOODBURN LANE SUITE 202  
 1815 WOODBURN LANE SUITE 202  
 1815 WOODBURN LANE SUITE 202  
 1815 WOODBURN LANE SUITE 202

NINA PROPERTIES II, INC.  
 1815 WOODBURN  
 1815 WOODBURN LANE SUITE 202  
 PENNSYLVANIA

DATE 1-24-13

FOR [REDACTED]


#004394 #121201814C #1010011918

#4394 1/30/13

FOR: 1815 WOODBURN LANE SUITE 202  
 1815 WOODBURN LANE SUITE 202  
 1815 WOODBURN LANE SUITE 202  
 1815 WOODBURN LANE SUITE 202

WTS 0166

NINA PROPERTIES II, INC.  
1510 WOODWARD LANE SUITE 200  
TOMBALL, TX 77452

PAY TO THE ORDER OF  DATE 3-7-13

FOR \$                      DOLLARS


PO004421 01212018140 #1030011918

#4421 4/08/13

STOCKS/COIN/REGS 064/00/2013

ORDER THE ACCOUNT  
FROM THE ACCOUNT  
FOR THE ACCOUNT  
FOR THE ACCOUNT

NINA PROPERTIES II, INC.  
1510 WOODWARD LANE SUITE 200  
TOMBALL, TX 77452

PAY TO THE ORDER OF  DATE 4-1-13

FOR \$ 30.00 DOLLARS

PO004430 01212018140 #1030011918


#4430 4/17/13

\$30.00

STOCKS/COIN/REGS 064/00/2013

ORDER THE ACCOUNT  
FROM THE ACCOUNT  
FOR THE ACCOUNT  
FOR THE ACCOUNT

NINA PROPERTIES II, INC.  
1510 WOODWARD LANE SUITE 200  
TOMBALL, TX 77452

PAY TO THE ORDER OF  DATE 4-1-13

FOR \$ 63.75 DOLLARS

PO004431 01212018140 #1030011918

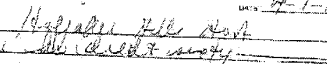
#4431 4/02/13

\$63.75

STOCKS/COIN/REGS 064/00/2013

ORDER THE ACCOUNT  
FROM THE ACCOUNT  
FOR THE ACCOUNT  
FOR THE ACCOUNT

NINA PROPERTIES II, INC.  
1510 WOODWARD LANE SUITE 200  
TOMBALL, TX 77452

PAY TO THE ORDER OF  DATE 4-1-13

FOR \$ 160.00 DOLLARS

PO004432 01212018140 #1030011918


#4432 4/02/13

\$160.00

STOCKS/COIN/REGS 064/00/2013

ORDER THE ACCOUNT  
FROM THE ACCOUNT  
FOR THE ACCOUNT  
FOR THE ACCOUNT

NINA PROPERTIES II, INC.  
1510 WOODWARD LANE SUITE 200  
TOMBALL, TX 77452

PAY TO THE ORDER OF  DATE 4-1-13

FOR \$ 132.00 DOLLARS

PO004433 01212018140 #1030011918


#4433 4/03/13

\$132.00

STOCKS/COIN/REGS 064/00/2013

ORDER THE ACCOUNT  
FROM THE ACCOUNT  
FOR THE ACCOUNT  
FOR THE ACCOUNT

NINA PROPERTIES II, INC.  
1510 WOODWARD LANE SUITE 200  
TOMBALL, TX 77452

PAY TO THE ORDER OF  DATE 4-1-13

FOR \$ 36.06 DOLLARS

PO004434 01212018140 #1030011918

#4434 4/09/13

\$36.06

STOCKS/COIN/REGS 064/00/2013

ORDER THE ACCOUNT  
FROM THE ACCOUNT  
FOR THE ACCOUNT  
FOR THE ACCOUNT

WTS 0167

NINA PROPERTIES II, INC.  
 171 728 0673  
 1100 WOODHOLM LANE SUITE 202  
 BEND, OR 97701

PAY TO THE ORDER OF James DeLong DATE 7-23-13 \$ 500.00  
Five hundred DOLLARS

FOR DeLong

#004498 #1212018142 #1030011918

#4498 7/23/13 \$500.00

FOR DEPOSIT ONLY  
 MICROSCHEN BANK  
 U.S. BANK

NINA PROPERTIES II, INC.  
 171 728 0673  
 1100 WOODHOLM LANE SUITE 202  
 BEND, OR 97701

PAY TO THE ORDER OF [REDACTED] DATE 7-17-13 \$ [REDACTED]  
Five hundred ninety two DOLLARS

FOR [REDACTED]

#004499 #1212018142 #1030011918

#4499 7/17/13

FOR DEPOSIT ONLY  
 MICROSCHEN BANK  
 U.S. BANK

NINA PROPERTIES II, INC.  
 171 728 0673  
 1100 WOODHOLM LANE SUITE 202  
 BEND, OR 97701

PAY TO THE ORDER OF [REDACTED] DATE 7-16-13 \$ [REDACTED]  
Five hundred ninety two DOLLARS

FOR [REDACTED]

#004500 #1212018142 #1030011918

#4500 7/16/13

FOR DEPOSIT ONLY  
 MICROSCHEN BANK  
 U.S. BANK

NINA PROPERTIES II, INC.  
 171 728 0673  
 1100 WOODHOLM LANE SUITE 202  
 BEND, OR 97701

PAY TO THE ORDER OF [REDACTED] DATE 7-16-13 \$ [REDACTED]  
[REDACTED] DOLLARS

FOR [REDACTED]

#004501 #1212018142 #1030011918

#4501 7/16/13

FOR DEPOSIT ONLY  
 MICROSCHEN BANK  
 U.S. BANK

NINA PROPERTIES II, INC.  
 171 728 0673  
 1100 WOODHOLM LANE SUITE 202  
 BEND, OR 97701

PAY TO THE ORDER OF Wade Byt DATE 7-16-13 \$ 336.06  
Three hundred and thirty six and 6/100 DOLLARS

FOR Wade Byt

#004502 #1212018142 #1030011918

#4502 7/16/13 \$36.06

FOR DEPOSIT ONLY  
 MICROSCHEN BANK  
 U.S. BANK

NINA PROPERTIES II, INC.  
 171 728 0673  
 1100 WOODHOLM LANE SUITE 202  
 BEND, OR 97701

PAY TO THE ORDER OF Wade Byt DATE 7-16-13 \$ 336.06  
Three hundred and thirty six and 6/100 DOLLARS

FOR Wade Byt

#004503 #1212018142 #1030011918

#4503 7/16/13 \$36.06

FOR DEPOSIT ONLY  
 MICROSCHEN BANK  
 U.S. BANK

WTS 0168

NINA PROPERTIES II, INC.  
 P.O. BOX 8078  
 1810 MENDOCINO LANE SUITE 202  
 EUREKA, CA 95501

DATE 9-11-13

PAY TO THE ORDER OF [REDACTED]

\$ [REDACTED]

FOR [REDACTED]

MICR LINE: ⑈004539⑈ ⑈121201814⑈ ⑈1030011918⑈

#4539 10/03/13

MICR LINE: ⑈1030011918⑈

NINA PROPERTIES II, INC.  
 P.O. BOX 8078  
 1810 MENDOCINO LANE SUITE 202  
 EUREKA, CA 95501

DATE 9-20-13

PAY TO THE ORDER OF [REDACTED]

\$ [REDACTED]

FOR [REDACTED]

MICR LINE: ⑈004548⑈ ⑈121201814⑈ ⑈1030011918⑈

#4548 10/02/13

MICR LINE: ⑈1030011918⑈

NINA PROPERTIES II, INC.  
 P.O. BOX 8078  
 1810 MENDOCINO LANE SUITE 202  
 EUREKA, CA 95501

DATE 9-16-13

PAY TO THE ORDER OF W O Treasurer

\$ 21.76

FOR Twenty one Dollars

MICR LINE: ⑈004554⑈ ⑈121201814⑈ ⑈1030011918⑈

#4554 10/10/13 \$21.76

MICR LINE: ⑈1030011918⑈

NINA PROPERTIES II, INC.  
 P.O. BOX 8078  
 1810 MENDOCINO LANE SUITE 202  
 EUREKA, CA 95501

DATE 10-1-13

PAY TO THE ORDER OF one Hubert [REDACTED]

\$ [REDACTED]

FOR [REDACTED]

MICR LINE: ⑈004557⑈ ⑈121201814⑈ ⑈1030011918⑈

#4557 10/17/13

MICR LINE: ⑈1030011918⑈

NINA PROPERTIES II, INC.  
 P.O. BOX 8078  
 1810 MENDOCINO LANE SUITE 202  
 EUREKA, CA 95501

DATE 10-1-13

PAY TO THE ORDER OF Waste Mgt

\$ 36.06

FOR Thirty six Dollars

MICR LINE: ⑈004558⑈ ⑈121201814⑈ ⑈1030011918⑈

#4558 10/08/13 \$36.06

MICR LINE: ⑈1030011918⑈

NINA PROPERTIES II, INC.  
 P.O. BOX 8078  
 1810 MENDOCINO LANE SUITE 202  
 EUREKA, CA 95501

DATE 10-1-13

PAY TO THE ORDER OF Waste Mgt

\$ 36.06

FOR Thirty six Dollars

MICR LINE: ⑈004559⑈ ⑈121201814⑈ ⑈1030011918⑈

#4559 10/08/13 \$36.06

MICR LINE: ⑈1030011918⑈

WTS 0169

NINA PROPERTIES II, INC.  
 1810 MEADOWOOD LANE SUITE 202  
 NEW YORK, NY 10019

DATE 12-24-13

PAY TO THE ORDER OF [REDACTED]

FOR DEPOSIT ONLY

AMOUNT \$ 36.06

RECEIVED BY [Signature]

MOBILE 115 11212018140 \*1030011918\*

#4611 1/07/14

11212018140  
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 00112018140  
 00112018140  
 00112018140

NINA PROPERTIES II, INC.  
 1810 MEADOWOOD LANE SUITE 202  
 NEW YORK, NY 10019

DATE 12-30-13

PAY TO THE ORDER OF Walter Mgt

FOR DEPOSIT ONLY

AMOUNT \$ 36.06

RECEIVED BY [Signature]

MOBILE 115 11212018140 \*1030011918\*

#4612 1/06/14 \$36.06

For: 11212018140 11212018140  
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NINA PROPERTIES II, INC.  
 1810 MEADOWOOD LANE SUITE 202  
 NEW YORK, NY 10019

DATE 12-31-13

PAY TO THE ORDER OF Walter Mgt

FOR DEPOSIT ONLY

AMOUNT \$ 36.06

RECEIVED BY [Signature]

MOBILE 115 11212018140 \*1030011918\*

#4613 1/06/14 \$36.06

For: 11212018140 11212018140  
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NINA PROPERTIES II, INC.  
 1810 MEADOWOOD LANE SUITE 202  
 NEW YORK, NY 10019

DATE 12-31-13

PAY TO THE ORDER OF [REDACTED]

FOR DEPOSIT ONLY

AMOUNT \$ 36.06

RECEIVED BY [Signature]

MOBILE 115 11212018140 \*1030011918\*

#4614 1/06/14

For: 11212018140 11212018140  
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NINA PROPERTIES II, INC.  
 1810 MEADOWOOD LANE SUITE 202  
 NEW YORK, NY 10019

DATE 12-31-13

PAY TO THE ORDER OF [REDACTED]

FOR DEPOSIT ONLY

AMOUNT \$ 36.06

RECEIVED BY [Signature]

MOBILE 115 11212018140 \*1030011918\*

#4615 1/07/14

For: 11212018140 11212018140  
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NINA PROPERTIES II, INC.  
 1810 MEADOWOOD LANE SUITE 202  
 NEW YORK, NY 10019

DATE 12-31-13

PAY TO THE ORDER OF [REDACTED]

FOR DEPOSIT ONLY

AMOUNT \$ 36.06

RECEIVED BY [Signature]

MOBILE 115 11212018140 \*1030011918\*

#4616 1/22/14

For: 11212018140 11212018140  
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WTS 0170

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NINA PROPERTIES II, INC.  
11111111111111111111  
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3075

DATE 7-13-07

TO THE ORDER OF [REDACTED]

\$ [REDACTED]

FOR [REDACTED]

#3075 7/13/07

11111111111111111111  
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3075

DATE 7-13-07

TO THE ORDER OF [REDACTED]

\$ [REDACTED]

FOR [REDACTED]

NINA PROPERTIES II, INC.  
11111111111111111111  
11111111111111111111

3076

DATE 7-10-07

TO THE ORDER OF [REDACTED]

\$540.28

FOR [REDACTED]

#3076 7/10/07 \$540.28

11111111111111111111  
11111111111111111111

3076

DATE 7-10-07

TO THE ORDER OF [REDACTED]

\$ [REDACTED]

FOR [REDACTED]

NINA PROPERTIES II, INC.  
11111111111111111111  
11111111111111111111

3077

DATE 7-13-07

TO THE ORDER OF [REDACTED]

\$125.00

FOR [REDACTED]

#3077 7/13/07 \$125.00

11111111111111111111  
11111111111111111111

3077

DATE 7-13-07

TO THE ORDER OF [REDACTED]

\$ [REDACTED]

FOR [REDACTED]

NINA PROPERTIES II, INC.  
11111111111111111111  
11111111111111111111

3078

DATE 7-16-07

TO THE ORDER OF [REDACTED]

\$71.90

FOR [REDACTED]

#3078 7/16/07 \$71.90

11111111111111111111  
11111111111111111111

3078

DATE 7-16-07

TO THE ORDER OF [REDACTED]

\$ [REDACTED]

FOR [REDACTED]

NINA PROPERTIES II, INC.  
11111111111111111111  
11111111111111111111

3079

DATE 7-19-07

TO THE ORDER OF [REDACTED]

\$ [REDACTED]

FOR [REDACTED]

#3079 7/19/07

11111111111111111111  
11111111111111111111

3079

DATE 7-19-07

TO THE ORDER OF [REDACTED]

\$ [REDACTED]

FOR [REDACTED]

NINA PROPERTIES II, INC.  
11111111111111111111  
11111111111111111111

3080

DATE 7-21-07

TO THE ORDER OF [REDACTED]

\$121.80

FOR [REDACTED]

#3080 7/21/07 \$121.80

11111111111111111111  
11111111111111111111

3080

DATE 7-21-07

TO THE ORDER OF [REDACTED]


\$ [REDACTED]

FOR [REDACTED]

WTS 0171



THIS ITEM IS CURRENTLY  
ON HOLD. IF YOU REQUIRE A COPY  
OF THE ITEM PLEASE CONTACT YOUR

[illegible][illegible][illegible][illegible][illegible]

JA\_1009

[illegible][illegible]

#3204 1/07/08

NINA PROPERTIES II, INC.  
P.O. BOX 2007  
1615 HENDRICKS AVE, SUITE 212  
RENO, NV 89502

3214  
NM1001012

DATE 12-2-2

BY THE  
CLERK OF

THIRTEEN HUNDRED & NINETY

1005214 1121201814 1030011918 0000039000

[illegible][illegible][illegible][illegible][illegible][illegible][illegible][illegible][illegible]

WTS 0173



NINA PROPERTIES U, INC.  
 3349  
 6/26/08

3349  
 6/26/08

NINA PROPERTIES U, INC.  
 3350  
 6/26/08

3350  
 6/26/08

NINA PROPERTIES U, INC.  
 3352  
 6/27/08

3352  
 6/27/08

NINA PROPERTIES U, INC.  
 3353  
 6/27/08  
 \$188.00

3353  
 6/27/08  
 \$188.00

NINA PROPERTIES U, INC.  
 3354  
 6/30/08

3354  
 6/30/08

NINA PROPERTIES U, INC.  
 3355  
 6/30/08

3355  
 6/30/08

WTS 0175

NINA PROPERTIES II, INC.  
 PAY TO THE ORDER OF Waste Mt DATE 7-11-10  
One hundred fifty seven \$ 157.82  
 FOR Waste Mt  
 MICR LINE: \*003826\* 1212701024 \*1030011918\* 00000015782

#3826 7/16/10 \$157.82

47062002 023 021510 04706 21 0000002  
 3207473199 023 021510 04706 21 0000002  
 30601114 ONLY NEW CASTLE DE

NINA PROPERTIES II, INC.  
 PAY TO THE ORDER OF Waste Mt DATE 7-11-10  
Thirty Six \$ 36.06  
 FOR Waste Mt  
 MICR LINE: \*003827\* 1212701024 \*1030011918\* 0000003606

#3827 7/16/10 \$36.06

47062002 023 021510 04706 21 0000002  
 3207473199 023 021510 04706 21 0000002  
 30601114 ONLY NEW CASTLE DE

NINA PROPERTIES II, INC.  
 PAY TO THE ORDER OF Waste Mt DATE 7-11-10  
Twenty four dollars \$ 24.04  
 FOR Waste Mt  
 MICR LINE: \*003828\* 1212701024 \*1030011918\* 0000002404

#3828 7/16/10 \$24.04

47062002 023 021510 04706 21 0000002  
 3207473199 023 021510 04706 21 0000002  
 30601114 ONLY NEW CASTLE DE

NINA PROPERTIES II, INC.  
 PAY TO THE ORDER OF AN Energy DATE 7-11-10  
Eighty four \$ 80.40  
 FOR AN Energy  
 MICR LINE: \*003829\* 1212701024 \*1030011918\* 0000008040

#3829 7/16/10 \$80.40

47062002 023 021510 04706 21 0000002  
 3207473199 023 021510 04706 21 0000002  
 30601114 ONLY NEW CASTLE DE

NINA PROPERTIES II, INC.  
 PAY TO THE ORDER OF Paul Farm DATE 7-11-10  
Three hundred fifty two \$ 352.00  
 FOR Paul Farm  
 MICR LINE: \*003830\* 1212701024 \*1030011918\* 00000035200

#3830 7/15/10 \$352.00

47062002 023 021510 04706 21 0000002  
 3207473199 023 021510 04706 21 0000002  
 30601114 ONLY NEW CASTLE DE

NINA PROPERTIES II, INC.  
 PAY TO THE ORDER OF AN Ct Services DATE 7-11-10  
Twenty Five Dollars \$ 25.00  
 FOR AN Ct Services  
 MICR LINE: \*003831\* 1212701024 \*1030011918\* 0000002500

#3831 7/16/10 \$25.00

47062002 023 021510 04706 21 0000002  
 3207473199 023 021510 04706 21 0000002  
 30601114 ONLY NEW CASTLE DE

WTS 0176

NINA PROPERTIES II, INC.  
P.O. BOX 200  
1810 MOUNTAIN VIEW LANE SUITE 200  
RENO, NV 89502

DATE 9-22-10

PAY TO THE ORDER OF [REDACTED] \$ [REDACTED]

FOR [REDACTED]

#003878M C121201614C #1030011916

#3878 10/04/10

10/04/10

NINA PROPERTIES II, INC.  
P.O. BOX 200  
1810 MOUNTAIN VIEW LANE SUITE 200  
RENO, NV 89502

DATE 9-27-10

PAY TO THE ORDER OF W C Health Dept  
One hundred & 100 \$100

FOR [REDACTED]

#003879M C121201614C #1030011916

#3879 10/01/10 \$106.00

10/01/10

NINA PROPERTIES II, INC.  
P.O. BOX 200  
1810 MOUNTAIN VIEW LANE SUITE 200  
RENO, NV 89502

DATE 9-27-10

PAY TO THE ORDER OF Waverly  
Thirty Six Dollars \$36.06

FOR [REDACTED]

#003882M C121201614C #1030011916

#3882 10/01/10 \$36.06

10/01/10

NINA PROPERTIES II, INC.  
P.O. BOX 200  
1810 MOUNTAIN VIEW LANE SUITE 200  
RENO, NV 89502

DATE 10-7-10

PAY TO THE ORDER OF [REDACTED] \$ [REDACTED]

FOR [REDACTED]

#003883M C121201614C #1030011916

#3883 10/07/10

10/07/10

NINA PROPERTIES II, INC.  
P.O. BOX 200  
1810 MOUNTAIN VIEW LANE SUITE 200  
RENO, NV 89502

DATE 10-13-10

PAY TO THE ORDER OF Sports  
Twenty Six Dollars \$26.40

FOR [REDACTED]

#003884M C121201614C #1030011916

#3884 10/13/10 \$26.40

10/13/10

NINA PROPERTIES II, INC.  
P.O. BOX 200  
1810 MOUNTAIN VIEW LANE SUITE 200  
RENO, NV 89502

DATE 10-12-10

PAY TO THE ORDER OF [REDACTED] \$ [REDACTED]

FOR [REDACTED]

#003885M C121201614C #1030011916

#3885 10/12/10

10/12/10

WTS 0177

NINA PROPERTIES II, INC.  
 PAY TO THE ORDER OF W Eniggy  
Twenty one Dollars \$ 21.41  
 FOR [Signature]  
 #003947 1/07/11 \$21.41

4396  
 415567809  
 WFB

NINA PROPERTIES II, INC.  
 PAY TO THE ORDER OF W Eniggy  
Twenty two Dollars \$ 22.36  
 FOR [Signature]  
 #003948 1/07/11 \$22.36

4398  
 415567809  
 WFB

NINA PROPERTIES II, INC.  
 PAY TO THE ORDER OF [Redacted]  
[Redacted] \$ [Redacted]  
 FOR [Signature]  
 #003949 1/11/11 \$ [Redacted]

4399  
 415567809  
 WFB  
 47960841 455 211211 44706 22 5771499  
 3201646244 DEPOSIT CITIZENS N.A.  
 30691114 ONLY NEW CASTLE DE

NINA PROPERTIES II, INC.  
 PAY TO THE ORDER OF Waste Int  
Seventy two Dollars \$ 72.12  
 FOR [Signature]  
 #003950 1/11/11 \$72.12

4400  
 415567809  
 WFB  
 47960846 455 211211 44706 22 5771499  
 3201646244 DEPOSIT CITIZENS N.A.  
 30691114 ONLY NEW CASTLE DE

NINA PROPERTIES II, INC.  
 PAY TO THE ORDER OF [Redacted]  
[Redacted] \$ [Redacted]  
 FOR [Signature]  
 #003951 1/06/11 \$ [Redacted]

4401  
 415567809  
 WFB  
 47960845 455 211211 44706 22 5771499  
 3201646244 DEPOSIT CITIZENS N.A.  
 30691114 ONLY NEW CASTLE DE

NINA PROPERTIES II, INC.  
 PAY TO THE ORDER OF POSTER MUNICIPAL  
Eighty three Dollars and 99 Cents \$ 83.99  
 FOR [Signature]  
 #003953 1/25/11 \$83.99

4402  
 415567809  
 WFB  
 47960845 455 211211 44706 22 5771499  
 3201646244 DEPOSIT CITIZENS N.A.  
 30691114 ONLY NEW CASTLE DE

WTS 0178

NINA PROPERTIES II, INC.  
111-12-000000  
111-12-000000 LANE SUITE 200  
HALL, NY 11901

DATE 4-3-11

3964

FOR [REDACTED]

#3964 4/04/11

3964

DEPOSIT BANK OF NEWADA

32001

NINA PROPERTIES II, INC.  
111-12-000000  
111-12-000000 LANE SUITE 200  
HALL, NY 11901

DATE 3-11-11

3996

FOR [REDACTED]

#3996 4/01/11

3996

NINA PROPERTIES II, INC.  
111-12-000000  
111-12-000000 LANE SUITE 200  
HALL, NY 11901

DATE 3-22-11

4001

FOR [REDACTED]

#4001 4/01/11 \$160.00

4001

NINA PROPERTIES II, INC.  
111-12-000000  
111-12-000000 LANE SUITE 200  
HALL, NY 11901

DATE 3-22-11

4002

FOR [REDACTED]

#4002 4/01/11

4002

NINA PROPERTIES II, INC.  
111-12-000000  
111-12-000000 LANE SUITE 200  
HALL, NY 11901

DATE 3-24-11

4003

FOR [REDACTED]

#4003 4/12/11 \$36.06

4003

DEPOSIT CITIZEN B.O.

30601114 ONLY NEW CASTLE DE

NINA PROPERTIES II, INC.  
111-12-000000  
111-12-000000 LANE SUITE 200  
HALL, NY 11901

DATE 3-24-11

4004

FOR [REDACTED]

#4004 4/12/11 \$36.06

4004

DEPOSIT CITIZEN B.O.

30601114 ONLY NEW CASTLE DE

WTS 0179



NINA PROPERTIES II, INC.  
P.O. BOX 205  
1515 WOODWARD LANE SUITE 205  
RENO, NV 89502

DATE 7-7-11

PAY TO THE ORDER OF Stock Fair Inc \$368.00

FOR Three Hundred & forty four

FOR #004064# 4121201814# \*1030011918# /0000036800#

#4064 7/12/11 \$368.00

4064

0000036800

07/12/11

07/12/11

NINA PROPERTIES II, INC.  
P.O. BOX 205  
1515 WOODWARD LANE SUITE 205  
RENO, NV 89502

DATE 7-6-11

PAY TO THE ORDER OF Fast Glass \$19.39

FOR Twenty nine Dollars

FOR #004065# 4121201814# \*1030011918# /0000001939#

#4065 7/13/11 \$19.39

4065

0000001939

07/13/11

07/13/11

NINA PROPERTIES II, INC.  
P.O. BOX 205  
1515 WOODWARD LANE SUITE 205  
RENO, NV 89502

DATE 7-7-11

PAY TO THE ORDER OF West Nit \$36.06

FOR Thirty six Dollars

FOR #004066# 4121201814# \*1030011918# /0000003606#

#4066 7/12/11 \$36.06

4066

0000003606

07/12/11

07/12/11

NINA PROPERTIES II, INC.  
P.O. BOX 205  
1515 WOODWARD LANE SUITE 205  
RENO, NV 89502

DATE 7-7-11

PAY TO THE ORDER OF [REDACTED] \$ [REDACTED]

FOR [REDACTED]

FOR #004067# 4121201814# \*1030011918# /0000015783#

#4067 7/12/11 [REDACTED]

4067

0000015783

07/12/11

07/12/11

NINA PROPERTIES II, INC.  
P.O. BOX 205  
1515 WOODWARD LANE SUITE 205  
RENO, NV 89502

DATE 7-7-11

PAY TO THE ORDER OF M Energy \$86.92

FOR Eighty six Dollars

FOR #004068# 4121201814# \*1030011918# /0000086920#

#4068 7/08/11 \$86.92

4068

0000086920

07/08/11

07/08/11

NINA PROPERTIES II, INC.  
P.O. BOX 205  
1515 WOODWARD LANE SUITE 205  
RENO, NV 89502

DATE 7-7-11

PAY TO THE ORDER OF M Energy \$143.72

FOR One Hundred & forty three

FOR #004069# 4121201814# \*1030011918# /0000014372#

#4069 7/08/11 \$143.72

4069

0000014372

07/08/11

07/08/11

WTS 0180

NINA PROPERTIES II, INC.  
 P.O. BOX 111  
 1815 MEADOWOOD LANE SUITE 202  
 RENO, NV 89502

DATE 9-27-11

PAY TO THE ORDER OF Wanda J. Ryt \$48.08

FOR Twenty Eight Dollars

4120

MO04120 11212018140 #1030011918 #0000004808

#4120 10/03/11 \$48.08

47855064 483 073311 04735 03 8156377  
 3105310595 30601114 ONLY NEW CASTLE DE

NINA PROPERTIES II, INC.  
 P.O. BOX 111  
 1815 MEADOWOOD LANE SUITE 202  
 RENO, NV 89502

DATE 9-27-11

PAY TO THE ORDER OF Wanda J. Ryt \$36.06

FOR Thirty Six Dollars

4121

MO04121 11212018140 #1030011918 #0000003606

#4121 10/03/11 \$36.06

47855064 483 073311 04735 03 8156377  
 3105310595 30601114 ONLY NEW CASTLE DE

NINA PROPERTIES II, INC.  
 P.O. BOX 111  
 1815 MEADOWOOD LANE SUITE 202  
 RENO, NV 89502

DATE 9-27-11

PAY TO THE ORDER OF W.C. Griesbach \$24.56

FOR Twenty Four Dollars

4122

MO04122 11212018140 #1030011918 #0000002456

#4122 10/12/11 \$24.56

47855064 483 073311 04735 03 8156377  
 3105310595 30601114 ONLY NEW CASTLE DE

NINA PROPERTIES II, INC.  
 P.O. BOX 111  
 1815 MEADOWOOD LANE SUITE 202  
 RENO, NV 89502

DATE 9-28-11

PAY TO THE ORDER OF One Hundred & Thirty Two \$132.00

FOR One Hundred & Thirty Two Dollars

4124

MO04124 11212018140 #1030011918 #0000001320

#4124 10/05/11 \$132.00

47855064 483 073311 04735 03 8156377  
 3105310595 30601114 ONLY NEW CASTLE DE

NINA PROPERTIES II, INC.  
 P.O. BOX 111  
 1815 MEADOWOOD LANE SUITE 202  
 RENO, NV 89502

DATE 9-28-11

PAY TO THE ORDER OF Hydrex Hills 140.00 \$160.00

FOR One Hundred & Forty Dollars

4125

MO04125 11212018140 #1030011918 #0000001600

#4125 10/03/11 \$160.00

47855064 483 073311 04735 03 8156377  
 3105310595 30601114 ONLY NEW CASTLE DE

NINA PROPERTIES II, INC.  
 P.O. BOX 111  
 1815 MEADOWOOD LANE SUITE 202  
 RENO, NV 89502

DATE 10-8-11

PAY TO THE ORDER OF [REDACTED] \$126.00

FOR [REDACTED]

4126

MO04126 11212018140 #1030011918 #0000001260

#4126 10/07/11 [REDACTED]

47855064 483 073311 04735 03 8156377  
 3105310595 30601114 ONLY NEW CASTLE DE

WTS 0181

NINA PROPERTIES II, INC.  
PM 774-0897  
1510 MEADOWOOD LANE SUITE 202  
HENDON, VA 22062

DATE 12-24-11

PAY TO THE ORDER OF Wade Myr \$36.06

FOR Wade Myr

Heritage Bank  
1001 S. MAIN STREET  
HENDON, VA 22062

①

#004180 #1212018140 #1030011918 #0000001606

#4180 1/03/12 \$36.06

4180

1510 MEADOWOOD LANE SUITE 202  
HENDON, VA 22062

2000 100 FOR 0011000000  
0100000000 0000114 ONLY NEW CASTLE DE

NINA PROPERTIES II, INC.  
PM 774-0897  
1510 MEADOWOOD LANE SUITE 202  
HENDON, VA 22062

DATE 12-24-11

PAY TO THE ORDER OF Wade Myr \$36.06

FOR Wade Myr

Heritage Bank  
1001 S. MAIN STREET  
HENDON, VA 22062

①

#004181 #1212018140 #1030011918 #0000001606

#4181 1/03/12 \$36.06

4181

1510 MEADOWOOD LANE SUITE 202  
HENDON, VA 22062

2000 100 FOR 0011000000  
0100000000 0000114 ONLY NEW CASTLE DE

NINA PROPERTIES II, INC.  
PM 774-0897  
1510 MEADOWOOD LANE SUITE 202  
HENDON, VA 22062

DATE 12-24-11

PAY TO THE ORDER OF Wade Myr \$12.02

FOR Wade Myr

Heritage Bank  
1001 S. MAIN STREET  
HENDON, VA 22062

①

#004182 #1212018140 #1030011918 #0000001606

#4182 1/03/12 \$12.02

4182

1510 MEADOWOOD LANE SUITE 202  
HENDON, VA 22062

2000 100 FOR 0011000000  
0100000000 0000114 ONLY NEW CASTLE DE

NINA PROPERTIES II, INC.  
PM 774-0897  
1510 MEADOWOOD LANE SUITE 202  
HENDON, VA 22062

DATE 12-24-11

PAY TO THE ORDER OF One Hundred Thirty Two \$132.00

FOR 28547

Heritage Bank  
1001 S. MAIN STREET  
HENDON, VA 22062

①

#004183 #1212018140 #1030011918 #0000001606

#4183 1/10/12 \$132.00

4183

1510 MEADOWOOD LANE SUITE 202  
HENDON, VA 22062

2000 100 FOR 0011000000  
0100000000 0000114 ONLY NEW CASTLE DE

NINA PROPERTIES II, INC.  
PM 774-0897  
1510 MEADOWOOD LANE SUITE 202  
HENDON, VA 22062

DATE 12-24-11

PAY TO THE ORDER OF Seven Hundred Seventy Seven \$771.53

FOR 16-647

Heritage Bank  
1001 S. MAIN STREET  
HENDON, VA 22062

①

#004184 #1212018140 #1030011918 #0000001606

#4184 1/09/12 \$771.53

4184

1510 MEADOWOOD LANE SUITE 202  
HENDON, VA 22062

2000 100 FOR 0011000000  
0100000000 0000114 ONLY NEW CASTLE DE

NINA PROPERTIES II, INC.  
PM 774-0897  
1510 MEADOWOOD LANE SUITE 202  
HENDON, VA 22062

DATE 12-24-11

PAY TO THE ORDER OF [REDACTED] \$[REDACTED]

FOR [REDACTED]

Heritage Bank  
1001 S. MAIN STREET  
HENDON, VA 22062

①

#004185 #1212018140 #1030011918 #0000001606

#4185 1/09/12 \$[REDACTED]

4185

1510 MEADOWOOD LANE SUITE 202  
HENDON, VA 22062

2000 100 FOR 0011000000  
0100000000 0000114 ONLY NEW CASTLE DE

WTS 0182

THE IMAGE OF THIS ITEM IS CURRENTLY  
UNAVAILABLE. IF YOU REQUIRE A COPY  
OF THIS ITEM PLEASE CONTACT YOUR  
BANK.

#4265 7/06/12 \$382.00

MINA PROPERTIES II, INC.  
P.O. BOX 2000  
1410 MEADOWOOD LANE, SUITE 200  
BIRMINGHAM, AL 35202

PAY TO THE ORDER OF Amelia Finkbeiner DATE 6-29-12 \$ 382.00

FOR Amelia Finkbeiner

MOON 2554 4265016141 \*1030011916\*

For: 408100024 070012 LAMARSTAPPAH  
General Charge # 1071124  
City: New Castle DE 197114  
4265 735027 127 000 735027 20-10-0102001-010

#4266 7/03/12 \$814.00

MINA PROPERTIES II, INC.  
P.O. BOX 2000  
1410 MEADOWOOD LANE, SUITE 200  
BIRMINGHAM, AL 35202

PAY TO THE ORDER OF Walter Dyer DATE 6-27-12 \$ 814.00

FOR Walter Dyer

MOON 2554 4266016141 \*1030011916\*

For: 408100024 070012 LAMARSTAPPAH  
General Charge # 1071124  
City: New Castle DE 197114  
4266 735027 127 000 735027 20-10-0102001-010

#4267 7/03/12 \$36.06

MINA PROPERTIES II, INC.  
P.O. BOX 2000  
1410 MEADOWOOD LANE, SUITE 200  
BIRMINGHAM, AL 35202

PAY TO THE ORDER OF Walter Dyer DATE 6-27-12 \$ 36.06

FOR Walter Dyer

MOON 2554 4267016141 \*1030011916\*

For: 408100024 070012 LAMARSTAPPAH  
General Charge # 1071124  
City: New Castle DE 197114  
4267 735027 127 000 735027 20-10-0102001-010

#4268 7/03/12

MINA PROPERTIES II, INC.  
P.O. BOX 2000  
1410 MEADOWOOD LANE, SUITE 200  
BIRMINGHAM, AL 35202

PAY TO THE ORDER OF Walter Dyer DATE 6-27-12 \$ 36.06

FOR Walter Dyer

MOON 2554 4268016141 \*1030011916\*

For: 408100024 070012 LAMARSTAPPAH  
General Charge # 1071124  
City: New Castle DE 197114  
4268 735027 127 000 735027 20-10-0102001-010

#4269 7/03/12 \$36.06

MINA PROPERTIES II, INC.  
P.O. BOX 2000  
1410 MEADOWOOD LANE, SUITE 200  
BIRMINGHAM, AL 35202

PAY TO THE ORDER OF Walter Dyer DATE 6-27-12 \$ 36.06

FOR Walter Dyer

MOON 2554 4269016141 \*1030011916\*

For: 408100024 070012 LAMARSTAPPAH  
General Charge # 1071124  
City: New Castle DE 197114  
4269 735027 127 000 735027 20-10-0102001-010

#4270 7/10/12

\$

WTS 0183

NINA PROPERTIES II, INC.  
101-175-0000  
101-175-0000  
101-175-0000

DATE 9-25-12

TO THE ORDER OF Wanda Ruff

Twenty Six Dollars \$26.00

FOR Wanda Ruff

#004321 10/01/12 #1030011918

#4321 10/01/12 \$36.06

FOR NINA PROPERTIES II, INC. 101-175-0000  
CHECK NO. 4321  
DATE 9-25-12  
AMOUNT \$36.06

NINA PROPERTIES II, INC.  
101-175-0000  
101-175-0000  
101-175-0000

DATE 9-25-12

TO THE ORDER OF Wanda Ruff

Twenty Six Dollars \$26.00

FOR Wanda Ruff

#004322 10/01/12 #1030011918

#4322 10/01/12 \$36.06

FOR NINA PROPERTIES II, INC. 101-175-0000  
CHECK NO. 4322  
DATE 9-25-12  
AMOUNT \$36.06

NINA PROPERTIES II, INC.  
101-175-0000  
101-175-0000  
101-175-0000

DATE 9-25-12

TO THE ORDER OF Wanda Ruff

Twenty Six Dollars \$26.00

FOR Wanda Ruff

#004323 10/01/12 #1030011918

#4323 10/01/12 \$36.06

FOR NINA PROPERTIES II, INC. 101-175-0000  
CHECK NO. 4323  
DATE 9-25-12  
AMOUNT \$36.06

NINA PROPERTIES II, INC.  
101-175-0000  
101-175-0000  
101-175-0000

DATE 10-2-12

TO THE ORDER OF [REDACTED]

[REDACTED] \$[REDACTED]

FOR [REDACTED]

#004325 10/02/12 #1030011918

#4325 10/02/12 \$[REDACTED]

FOR NINA PROPERTIES II, INC. 101-175-0000  
CHECK NO. 4325  
DATE 10-2-12  
AMOUNT \$[REDACTED]

NINA PROPERTIES II, INC.  
101-175-0000  
101-175-0000  
101-175-0000

DATE 10-2-12

TO THE ORDER OF Angela Ruff

One Hundred Twenty Five Dollars \$125.00

FOR Angela Ruff

#004326 10/02/12 #1030011918

#4326 10/02/12 \$160.00

FOR NINA PROPERTIES II, INC. 101-175-0000  
CHECK NO. 4326  
DATE 10-2-12  
AMOUNT \$160.00

NINA PROPERTIES II, INC.  
101-175-0000  
101-175-0000  
101-175-0000

DATE 10-9-12

TO THE ORDER OF Wanda Ruff

Twenty Five Dollars \$25.00

FOR Wanda Ruff

#004327 10/09/12 #1030011918

#4327 10/09/12 \$25.00

FOR NINA PROPERTIES II, INC. 101-175-0000  
CHECK NO. 4327  
DATE 10-9-12  
AMOUNT \$25.00

WTS 0184

NINA PROPERTIES II, INC.  
 1410 MEADOWOOD LANE SUITE 202  
 FOND DU LAC, WI 54601

PAY TO THE ORDER OF [REDACTED] DATE 12-22-12 \$ [REDACTED]

FOR [REDACTED]

#004389 #1212018142 #1030011918

#4389 1/08/13

FOR DEPOSIT ONLY  
 CHECK NUMBER 4389  
 DATE 12/22/12  
 4705 736310 244 044

NINA PROPERTIES II, INC.  
 1410 MEADOWOOD LANE SUITE 202  
 FOND DU LAC, WI 54601

PAY TO THE ORDER OF WALK MYT DATE 12-22-12 \$ 36.00

FOR [REDACTED]

#004390 #1212018142 #1030011918

#4390 1/10/13 \$36.00

FOR DEPOSIT ONLY  
 CHECK NUMBER 4390  
 DATE 12/22/12  
 4705 736310 244 044

NINA PROPERTIES II, INC.  
 1410 MEADOWOOD LANE SUITE 202  
 FOND DU LAC, WI 54601

PAY TO THE ORDER OF WALK MYT DATE 12-22-12 \$ 36.06

FOR [REDACTED]

#004391 #1212018142 #1030011918

#4391 1/08/13 \$36.06

FOR DEPOSIT ONLY  
 CHECK NUMBER 4391  
 DATE 12/22/12  
 4705 736310 244 044

NINA PROPERTIES II, INC.  
 1410 MEADOWOOD LANE SUITE 202  
 FOND DU LAC, WI 54601

PAY TO THE ORDER OF [REDACTED] DATE 12-22-12 \$ [REDACTED]

FOR [REDACTED]

#004392 #1212018142 #1030011918

#4392 1/08/13

FOR DEPOSIT ONLY  
 CHECK NUMBER 4392  
 DATE 12/22/12  
 4705 736310 244 044

NINA PROPERTIES II, INC.  
 1410 MEADOWOOD LANE SUITE 202  
 FOND DU LAC, WI 54601

PAY TO THE ORDER OF [REDACTED] DATE 1-24-13 \$ [REDACTED]

FOR [REDACTED]

#004393 #1212018142 #1030011918

#4393 1/28/13

FOR DEPOSIT ONLY  
 CHECK NUMBER 4393  
 DATE 1/24/13  
 4705 736310 244 044

NINA PROPERTIES II, INC.  
 1410 MEADOWOOD LANE SUITE 202  
 FOND DU LAC, WI 54601

PAY TO THE ORDER OF [REDACTED] DATE 1-24-13 \$ [REDACTED]

FOR [REDACTED]

#004394 #1212018142 #1030011918

#4394 1/30/13

FOR DEPOSIT ONLY  
 CHECK NUMBER 4394  
 DATE 1/24/13  
 4705 736310 244 044

WTS 0185

[illegible]

#4435 4/09/13

\$36.06

REP. CHRISTOPHER MORRIS LAY WATERBURY  
 CHARTERED CLASS 6 A. 004734  
 City New Haven Conn. 06511  
 616-234-1100 FAX 203-234-1101

RINA PROPERTIES II, INC.  
 INC. 7742042416  
 101 LANE 100 WOODSIDE LANE, 2ND  
 FLD, NY 11362

4138

DATE 4-1-79

PAY TO THE ORDER OF *Walter J. [Signature]*

\$ 53.02

FIFTY-THREE DOLLARS & 02/100

HENRY J. RINA, PRESIDENT  
 DONALD J. RINA, VICE PRESIDENT  
 101 LANE 100 WOODSIDE LANE, 2ND FLD, NY 11362

FOR *[Signature]*

#004436# #1212018141# #1030011918#

#4436 4/09/13

\$13.02

[illegible][illegible]

#4437 4/08/13

[illegible][illegible]

#4438 4/09/13

FAX 403-292-2424 BARNETT LAW MANAGEMENT  
 General Counsel N.A. ALBANY  
 Only New Canada US 30071114  
 BARNETT LAW MANAGEMENT INC.

[illegible]

#4439 4/05/13

\$171.58

FOR REPT'S ONLY  
7550000000  
7550000000  
7550000000

[illegible]

#4440 4/25/13

RECEIVED THE  
 OFFICE OF THE  
 ATTORNEY GENERAL  
 41-38864  
 41-38864

WTS 0186

WMA PROPERTIES II, INC.  
 171-228-0073  
 100 WEAVER ROAD SUITE 200  
 NEWTON, MA 02459

DATE 7-19-13

PAY TO THE ORDER OF James Repine \$500.00

FOR DEPOSIT ONLY

0004498 01212016140 1030011918

#4498 7/23/13 \$500.00

FOR DEPOSIT ONLY  
 088231498

WMA PROPERTIES II, INC.  
 171-228-0073  
 100 WEAVER ROAD SUITE 200  
 NEWTON, MA 02459

DATE 7-17-13

PAY TO THE ORDER OF [REDACTED] \$ [REDACTED]

FOR DEPOSIT ONLY

0004499 01212016140 1030011918

#4499 7/17/13

FOR DEPOSIT ONLY  
 088231499

WMA PROPERTIES II, INC.  
 171-228-0073  
 100 WEAVER ROAD SUITE 200  
 NEWTON, MA 02459

DATE 7-16-13

PAY TO THE ORDER OF [REDACTED] \$ [REDACTED]

FOR DEPOSIT ONLY

0004500 01212016140 1030011918

#4500 7/16/13

FOR DEPOSIT ONLY  
 088231500

WMA PROPERTIES II, INC.  
 171-228-0073  
 100 WEAVER ROAD SUITE 200  
 NEWTON, MA 02459

DATE 7-16-13

PAY TO THE ORDER OF [REDACTED] \$ [REDACTED]

FOR DEPOSIT ONLY

0004501 01212016140 1030011918

#4501 7/16/13

FOR DEPOSIT ONLY  
 088231501

WMA PROPERTIES II, INC.  
 171-228-0073  
 100 WEAVER ROAD SUITE 200  
 NEWTON, MA 02459

DATE 7-16-13

PAY TO THE ORDER OF Walter Ryt \$36.06

FOR DEPOSIT ONLY

0004502 01212016140 1030011918

#4502 7/16/13 \$36.06

FOR DEPOSIT ONLY  
 088231502

WMA PROPERTIES II, INC.  
 171-228-0073  
 100 WEAVER ROAD SUITE 200  
 NEWTON, MA 02459

DATE 7-16-13

PAY TO THE ORDER OF Walter Ryt \$36.06

FOR DEPOSIT ONLY

0004503 01212016140 1030011918

#4503 7/16/13 \$36.06

FOR DEPOSIT ONLY  
 088231503

WTS 0187



NINA PROPERTIES II, INC.  
1515 MEADOWOOD LANE SUITE 202  
ROCKY HILL, CT 06151

PAY TO THE ORDER OF [REDACTED]

DATE 8-11-13

FOR [REDACTED]

#004539 #1212018141 #1030011918

#4539 10/03/13

NEW YORK STATE  
DEPARTMENT OF TAXATION  
STREET TAX UNIT  
ALBANY, NY 12242

NINA PROPERTIES II, INC.  
1515 MEADOWOOD LANE SUITE 202  
ROCKY HILL, CT 06151

PAY TO THE ORDER OF [REDACTED]

DATE 9-20-13

FOR [REDACTED]

#004548 #1212018141 #1030011918

#4548 10/02/13

NEW YORK STATE  
DEPARTMENT OF TAXATION  
STREET TAX UNIT  
ALBANY, NY 12242

NINA PROPERTIES II, INC.  
1515 MEADOWOOD LANE SUITE 202  
ROCKY HILL, CT 06151

PAY TO THE ORDER OF W.C. Freeman

DATE 9-16-13

FOR Twenty one Dollars \$21.76

#004554 #1212018141 #1030011918

#4554 10/10/13 \$21.76

NEW YORK STATE  
DEPARTMENT OF TAXATION  
STREET TAX UNIT  
ALBANY, NY 12242

NINA PROPERTIES II, INC.  
1515 MEADOWOOD LANE SUITE 202  
ROCKY HILL, CT 06151

PAY TO THE ORDER OF Mr. N. N. N. N. N.

DATE 10-1-13

FOR [REDACTED]

#004557 #1212018141 #1030011918

#4557 10/17/13

NEW YORK STATE  
DEPARTMENT OF TAXATION  
STREET TAX UNIT  
ALBANY, NY 12242

NINA PROPERTIES II, INC.  
1515 MEADOWOOD LANE SUITE 202  
ROCKY HILL, CT 06151

PAY TO THE ORDER OF W.C. Freeman

DATE 10-1-13

FOR Thirty six Dollars \$36.06

#004558 #1212018141 #1030011918

#4558 10/08/13 \$36.06

NEW YORK STATE  
DEPARTMENT OF TAXATION  
STREET TAX UNIT  
ALBANY, NY 12242

NINA PROPERTIES II, INC.  
1515 MEADOWOOD LANE SUITE 202  
ROCKY HILL, CT 06151

PAY TO THE ORDER OF W.C. Freeman

DATE 10-1-13

FOR Thirty six Dollars \$36.06

#004559 #1212018141 #1030011918

#4559 10/08/13 \$36.06

NEW YORK STATE  
DEPARTMENT OF TAXATION  
STREET TAX UNIT  
ALBANY, NY 12242

WTS 0188

NIMA PROPERTIES II, INC.  
131 MEADOWOOD LANE SUITE 200  
ROCKY HILL, CT 06154

DATE 12-27-13

PAY TO THE ORDER OF [REDACTED]

FOR \$ [REDACTED]

10045114 11212018140 1030011918

#4611 1/07/14

1131291146  
ENCLOSURE OR NEW FOOT  
2216 2216  
0001741029

NIMA PROPERTIES II, INC.  
131 MEADOWOOD LANE SUITE 200  
ROCKY HILL, CT 06154

DATE 12-30-13

PAY TO THE ORDER OF Walter M. Tully

FOR \$ 36.06

10045114 11212018140 1030011918

#4612 1/06/14 \$36.06

For: 103100000-0100114 LAM WASHINGTON  
Checked: 0100114 0001114  
Only: New York 01 0001114  
ATN: 00111 410 000 001 001 001 001 001 001

NIMA PROPERTIES II, INC.  
131 MEADOWOOD LANE SUITE 200  
ROCKY HILL, CT 06154

DATE 12-3-13

PAY TO THE ORDER OF Walter M. Tully

FOR \$ 36.06

10045114 11212018140 1030011918

#4613 1/06/14 \$36.06

For: 103100000-0100114 LAM WASHINGTON  
Checked: 0100114 0001114  
Only: New York 01 0001114  
ATN: 00111 410 000 001 001 001 001 001

NIMA PROPERTIES II, INC.  
131 MEADOWOOD LANE SUITE 200  
ROCKY HILL, CT 06154

DATE 12-2-13

PAY TO THE ORDER OF [REDACTED]

FOR \$ [REDACTED]

10045114 11212018140 1030011918

#4614 1/06/14

For: 103100000-0100114 LAM WASHINGTON  
Checked: 0100114 0001114  
Only: New York 01 0001114  
ATN: 00111 410 000 001 001 001 001 001

NIMA PROPERTIES II, INC.  
131 MEADOWOOD LANE SUITE 200  
ROCKY HILL, CT 06154

DATE 12-2-13

PAY TO THE ORDER OF [REDACTED]

FOR \$ [REDACTED]

10045114 11212018140 1030011918

#4615 1/07/14

103100000-0100114 LAM WASHINGTON  
Checked: 0100114 0001114  
Only: New York 01 0001114  
ATN: 00111 410 000 001 001 001 001 001

NIMA PROPERTIES II, INC.  
131 MEADOWOOD LANE SUITE 200  
ROCKY HILL, CT 06154

DATE 12-2-13

PAY TO THE ORDER OF Walter M. Tully

FOR \$ 36.06

10045114 11212018140 1030011918

#4616 1/22/14

103100000-0100114 LAM WASHINGTON  
Checked: 0100114 0001114  
Only: New York 01 0001114  
ATN: 00111 410 000 001 001 001 001 001

WTS 0189

File

# MEMORANDUM

To: CNP  
From: Teri  
Date: 7-14-10  
Subject: 345 W. Taylor

Kimberly signed her lease on March 5, 2010. You wanted to know this so you could figure out whether you owe Waste Management for the months of May and June. I see the April 1, 2010 invoice in the disposal file and that invoice is for months April, May and June 2010 and I didn't see a check number on that invoice. I hope this helps you

I sent a ck for 2 mos  
on 7/10

WTS 0203

JA\_1027

FILED  
Electronically  
CV12-02995  
2016-10-18 10:11:56 AM  
Jacqueline Bryant  
Clerk of the Court  
Transaction # 5762292 : rkWatkir

# EXHIBIT 11

**NINA PROPERTIES II, INC.**  
1610 MEADOW WOOD LANE, SUITE 202  
RENO, NV 89502  
(775) 329-0678

July 13, 2007

Waste Management - Reno Disposal  
100 Vassar Street  
Reno, NV 89502

Re: Account No. 010-0074135-1149-9  
Account No. 010-0074134-1149-2

Gentlemen:

Confirming conversation with Jenny on June 22nd and we got the account charges set for account no. 010-0074135-1149-9 to be \$10.22 monthly and for account no. 010-0074134-1149-2 to be \$12.67 monthly. We owe for 8 months on account 0074134-1149-2 totaling \$101.36 plus we owe 2 months for account 010-0074135-1149-9 totaling \$20.44 since there has been a tenant for only 2 months of service. Enclosed is a check for the amount of \$121.80 to bring these 2 accounts current. The reason the account has not been paid is because we were never receiving the invoices, you were sending it to the wrong address, therefore the invoice wasn't paid, but you sent the lien to the right address! The correct address to send these invoices for these accounts is: 1610 Meadow Wood Lane Suite #202, Reno, NV 89502. This will clear all accounts for 345 & 347 W. Taylor until July 31st, 2007.

Very truly yours,

Teri Morrison  
Assistant Property Manager

tm  
Encl.

WTS 0001

JA\_1029