

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

ROCK SPRINGS MESQUITE II  
OWNERS' ASSOCIATION,

Appellant,

vs.

STEPHEN J. RARIDAN and JUDITH A.  
RARIDAN,

Respondents.

Electronically Filed  
May 20 2019 03:36 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Supreme Court No. 77085

District Court Case No.

A-18-772425-C

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**ROCK SPRINGS MESQUITE II OWNERS' ASSOCIATION'S APPENDIX VOLUME II**

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## **CERTIFICATE OF SERVICE**

I do hereby certify that on the 20<sup>th</sup> day of May, 2019 a true and correct copy of the foregoing Rock Springs Mesquite II Owners' Association Appendix Volume II was served via the Nevada State Supreme Court Clerk electronic filing and service system.

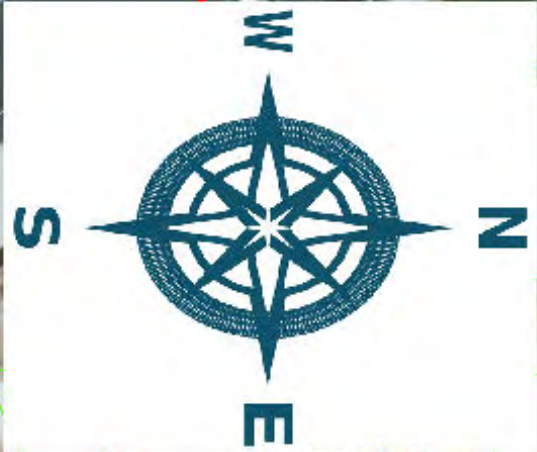
By: /s/ Norma Ramirez

An Employee of Boyack Orme & Anthony

## **INDEX TO APPENDIX**

VOLUME	DOCUMENT	BATES NUMBER
I	COMPLAINT A-11-640682-C	APP001—APP006
I	PROPOSED JURY INSTRUCTION: LATERAL SUPPORT	APP007
I	JUDGMENT UPON JURY VERDICT	APP008—APP009
I	NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT'S MOTION FOR ATTORNEY'S FEES AND COSTS	APP010—APP016
I	NOTICE OF ENTRY OF JUDGMENT	APP017—APP022
I	NOTICE OF APPEAL	APP023—APP024
I	NOTICE OF WITHDRAWAL OF APPEAL	APP025—APP027
I	ORDER DISMISSING APPEAL	APP028
I	GRANT, BARGAIN, SALE DEED	APP029—APP032
I	COMPLAINT A-18-772425-C	APP033—APP038
I	MOTION TO DISMISS, OR IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT	APP039—APP121
I	PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO DISMISS OR, IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT	APP122—APP135
I	REPLY IN SUPPORT OF MOTION TO DISMISS, OR IN THE ALTERNATIVE, FOR SUMMARY JUDGEMENT	APP136—APP152
I	NOTICE OF ENTRY OF ORDER OF DISMISSAL	APP153—APP159
II	WALL PICTURES	APP160—APP163
II	CASE APPEAL STATEMENT A-11-640682-C	APP164—APP167





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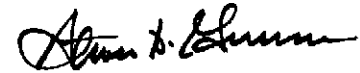








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Attorney for Plaintiff



CLERK OF THE COURT

**IN THE EIGHTH JUDICIAL DISTRICT COURT  
OF THE STATE OF NEVADA IN AND FOR THE  
COUNTY OF CLARK**

ROCK SPRINGS MESQUITE 2 OWNERS'  
ASSOCIATION, a Nevada domestic non-  
profit corporation,

Plaintiff,

vs.

FLOYD E. OLSEN and GAYLE G. OLSEN,  
husband and wife, and DOES I through X,  
inclusive,

Defendants.

CASE NO. A-11-640682-C  
DEPT. I

**CASE APPEAL STATEMENT**

1. Name of appellant filing this case appeal statement: **ROCK SPRINGS MESQUITE 2 OWNERS' ASSOCIATION, a Nevada domestic non-profit corporation**
2. Identify the judge issuing the decision, judgment or order appealed from: **Honorable Kenneth Cory**
3. Identify each appellant and the name and address of counsel for each appellant: **ROCK SPRINGS MESQUITE 2 OWNERS' ASSOCIATION, a Nevada domestic non-profit corporation**, counsel is Edward D. Boyack, Esq. of **BOYACK BECK & TAYLOR**, 401 North Buffalo Drive, Suite 202, Las Vegas, Nevada 89145
4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel): **FLOYD E. OLSEN and GAYLE G. OLSEN, husband and wife**. Appellate counsel is currently unknown but trial counsel was Gina Gilbert Winspear, Esq. And



**Matthew A. Sarnoski, Esq. of DENNETT WINSPEAR, LLP, 3301 N. Buffalo Drive,  
Suite 195 Las Vegas, Nevada 89129**

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission): **None**

6. Indicate whether appellant was represented by appointed or retained counsel in the district court: **Retained**

7. Indicate whether appellant is represented by appointed or retained counsel on appeal: **Retained**

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave: **None**

9. Indicate the date the proceedings commenced in the district court: **Complaint filed May 5, 2011**

10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court: **Plaintiff is a Nevada homeowners association operating pursuant to NRS 116. Defendants were neighboring landowners. Plaintiff alleged that, as the result of Defendants' actions, a retaining wall was failing encroaching and trespassing upon Plaintiff's land and causing Plaintiff damage. The matter proceeded to a jury trial with a verdict in favor of Defendants. Plaintiff appeals from that judgment as well as trial decisions of the district court in restricting Plaintiff's voir dire of potential jurors as well as the district court's refusal to give Plaintiff's proposed jury instruction on the duty of lateral support of real property.**

11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding: **None**

12. Indicate whether this appeal involves child custody or visitation: **No**

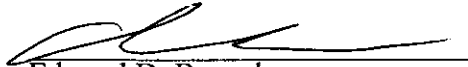


1 13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

2 Yes.

3 DATED this 10 day of October, 2013.

4  
5 BOYACK BECK & TAYLOR

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7   
8 Edward D. Boyack  
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Attorneys for Plaintiff



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Mardell Collins