

ORIGINAL

1 CASE NO. CV-C-12-175

2 DEPT. NO. 2

FILED

2018 DEC 11 A 11:40

ELKO CO. DISTRICT COURT
CLERK DEPUTY *[Signature]*

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4
5 IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

6 IN AND FOR THE COUNTY OF ELKO

7
8 ARTEMIS EXPLORATION COMPANY, a
Nevada Corporation,

9 Plaintiff,

10 vs.

11
12 RUBY LAKE ESTATES HOMEOWNER'S
ASSOCIATION, et al., and DOES I-X,

13 Defendants.
14 _____/

NOTICE OF ENTRY OF
JUDGMENT FOR ATTORNEY'S
FEES AND COSTS IN FAVOR OF
RUBY LAKE ESTATES
HOMEOWNER'S ASSOCIATION

15
16 PLEASE TAKE NOTICE that on December 3, 2018, a Judgment for Attorney's Fees and
17 Costs in Favor of Ruby Lake Estates Homeowner's Association ("Judgment") was entered by the
18 Court. A copy of the Judgment is attached hereto.

19 Pursuant to NRS 239B.030, the undersigned does hereby affirm that this document, filed in
20 the above-entitled case does not contain the social security number of any person.

21 DATED this 6th day of December 2018.

22
23 LEACH KERN GRUCHOW
ANDERSON SONG

24 *[Signature: Karen M. Ayarbe]*

25 KAREN M. AYARBE, ESQ.

26 Nevada Bar #3358

5421 Kietzke Lane, Suite 200

27 Reno, Nevada 89511

Tel: (775) 324-5930

28 Fax: (775) 324-6173

Email: kayarbe@lkglawfirm.com

Attorneys for Ruby Lake Estates

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the law firm of Leach Kern Gruchow Anderson Song, and that on this day I served the foregoing *Notice of Entry of Judgment for Attorney's Fees and Costs in Favor of Ruby Lake Estates Homeowner's Association* on the parties set forth below, at the address listed below by:

- Placing an original or true copy thereof in a sealed envelope place for collection and mailing in the United States Mail, at Reno, Nevada, first-class mail, postage paid, following ordinary business practices, addressed to:

Travis W. Gerber, Esq.
Zachary A. Gerber, Esq.
Gerber Law Offices, LLP
491 4th Street
Elko, NV 89801

- Via Email addressed to:

Travis W. Gerber, Esq.	twg@gerberlegal.com
Zachary A. Gerber, Esq.	zag@gerberlegal.com

DATED this 6th day of December 2018.


CHRISTINE A. LAMIA

1 CASE NO. CV-C-12-175

2 DEPT. NO. 1

FILED

2018 DEC -3 A 9 17

ELKO CO. DISTRICT COURT
CLERK DEPUTY MAA

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5 IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

6 IN AND FOR THE COUNTY OF ELKO

7 ARTEMIS EXPLORATION COMPANY, a
8 Nevada Corporation,

9 Plaintiff,

10 vs.

11 RUBY LAKE ESTATES HOMEOWNER'S
12 ASSOCIATION AND DOES I-X,

13 Defendants.
14 _____ /

JUDGMENT FOR ATTORNEY'S
FEES AND COSTS IN FAVOR OF
RUBY LAKE ESTATES
HOMEOWNER'S ASSOCIATION

15
16 The Court, having reviewed and considered the March 20, 2018 Motion for Attorney's
17 Fees and Costs ("MFAF") filed by Defendant Ruby Lake Estates Homeowner's Association
18 ("RLEHOA"), the supporting Affidavits, the Opposition of Plaintiff Artemis Exploration
19 Company ("ARTEMIS") and Harold and Mary Wyatt filed on or about May 5, 2018, and the
20 Reply in Support of the MFAF filed by RLEHOA on or about August 3, 2018, all papers and
21 pleadings on file herein, and the Court's Order Awarding Attorney's Fees and Costs entered
22 November 1, 2018, and the Court being fully informed in the premises:
23

24 **IT IS THEREFORE ORDERED** that **JUDGMENT** is entered in favor of RLEHOA and
25 against ARTEMIS as follows:

- 26 1. For attorney's fees in the amount of **\$85,097.00** (Eighty-Five Thousand Ninety-Seven
27 Dollars and 00/100);
28

- 1 2. For costs in the amount of \$2,872.47 (Two Thousand Eight Hundred Seventy-Two
2 Thousand Dollars and 47/100); and
3
4 3. For total *JUDGMENT* for attorney's fees and costs in favor of RLEHOA and against
5 ARTEMIS in the amount of \$87,969.47 (Eighty-Seven Thousand Nine Hundred Sixty-
6 Nine Dollars and 47/100), plus interest at the statutory judgment rate from the date of
7 entry of *JUDGMENT* until paid in full.

8 DATED this 3 day of December, 2018.

10 /s/ ALVIN R KACIN
11 DISTRICT COURT JUDGE

12 AFFIRMATION

13
14 Pursuant to NRS 239B.030, the undersigned does hereby affirm that this document, filed in
15 the above-entitled case (CV-C-12-175) does not contain the social security number of any person.
16

17 Submitted by:

18
19 *LEACH KERN GRUCHOW*
20 *ANDERSON SONG*

21 *Karen M. Ayarbe*

22 KAREN M. AYARBE, ESQ.
23 Nevada Bar #3358
24 5421 Kietzke Lane, Suite 200
25 Reno, Nevada 89511
26 Tel: (775) 324-5930
27 Fax: (775) 324-6173
28 Email: kayarbe@lkglawfirm.com
Attorneys for Ruby Lake Estates Homeowner's Association

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE

4th day of Dec, 2018

Coral Joanne

CLERK

ORIGINAL

CASE NO. CV-C-12-175

DEPT. NO. 1

FILED

2018 DEC -3 A 9:16

ELKO CO. DISTRICT COURT
CLERK _____ DEPUTY MAA

IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF ELKO

ARTEMIS EXPLORATION COMPANY, a
Nevada Corporation,

Plaintiff,

vs.

RUBY LAKE ESTATES HOMEOWNER'S
ASSOCIATION AND DOES I-X,

Defendants.

**JUDGMENT FOR ATTORNEY'S
FEES AND COSTS IN FAVOR OF
RUBY LAKE ESTATES
HOMEOWNER'S ASSOCIATION**

The Court, having reviewed and considered the March 20, 2018 Motion for Attorney's Fees and Costs ("MFAF") filed by Defendant Ruby Lake Estates Homeowner's Association ("RLEHOA"), the supporting Affidavits, the Opposition of Plaintiff Artemis Exploration Company ("ARTEMIS") and Harold and Mary Wyatt filed on or about May 5, 2018, and the Reply in Support of the MFAF filed by RLEHOA on or about August 3, 2018, all papers and pleadings on file herein, and the Court's Order Awarding Attorney's Fees and Costs entered November 1, 2018, and the Court being fully informed in the premises:

IT IS THEREFORE ORDERED that **JUDGMENT** is entered in favor of RLEHOA and against ARTEMIS as follows:

1. For attorney's fees in the amount of **\$85,097.00** (Eighty-Five Thousand Ninety-Seven Dollars and 00/100);

- 1 2. For costs in the amount of **\$2,872.47** (Two Thousand Eight Hundred Seventy-Two
2 Thousand Dollars and 47/100); and
3
4 3. For total **JUDGMENT** for attorney's fees and costs in favor of RLEHOA and against
5 ARTEMIS in the amount of **\$87,969.47** (Eighty-Seven Thousand Nine Hundred Sixty-
6 Nine Dollars and 47/100), plus interest at the statutory judgment rate from the date of
7 entry of **JUDGMENT** until paid in full.

8 DATED this 3 day of December, 2018.

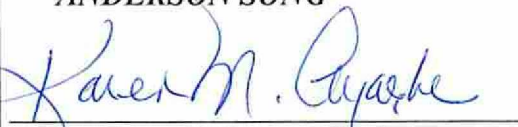
9
10 
11 DISTRICT COURT JUDGE
12
13

14 **AFFIRMATION**

15 Pursuant to NRS 239B.030, the undersigned does hereby affirm that this document, filed in
16 the above-entitled case (CV-C-12-175) does not contain the social security number of any person.
17

18 Submitted by:

19 **LEACH KERN GRUCHOW**
20 **ANDERSON SONG**

21 
22 KAREN M. AYARBE, ESQ.
23 Nevada Bar #3358
24 5421 Kietzke Lane, Suite 200
25 Reno, Nevada 89511
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27 Fax: (775) 324-6173
28 Email: kayarbe@lkglawfirm.com
Attorneys for Ruby Lake Estates Homeowner's Association

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable ALVIN R KACIN, District Judge,
and Officers of the Court.

ARTEMIS EXPLORATION COMPANY,

VS. Plaintiff/Counter Defendant,

Date: 10/10/12
Case No.: CV-C-12-175
Dept: 2

RUBY LAKE ESTATES HOMEOWNER'S
ASSOCIATION,

Defendant/Counter Claimant.

Elizabeth Essington, president, present on behalf of Plaintiff and represented by
Travis Gerber, Esq.
Lee Perks and Aaron Yohey, directors, present on behalf of Defendant and represented by
Gayle A. Kern, Esq. and Robert J. Wines, Esq.
Court Clerk, Barbara Cook, present.
Hearing video recorded.

HEARING ON MOTION FOR SUMMARY JUDGMENT

Court convened at 9:14 a.m. .

The Court noted the presence of the parties.

This was the date and time set for a hearing on a Motion for Summary Judgment filed by the Plaintiff on April 30, 2012, and a Motion for Summary Judgment filed by the Defendant on May 30, 2012.

The Court noted Artemis filed its motion first, and directed Mr. Gerber to proceed.

Mr. Gerber advised that he would be calling Elizabeth Essington, president of Artemis, as his witness. He made an opening statement.

Ms. Kern introduced Lee Perks and Aaron Yohey, who were directors of the homeowners association, and Harold and Mary Wyatt and Teri Harmon, who were association members. She made an opening statement.

Mr. Gerber clarified the issues.

The parties discussed whether there would need to be witness testimony, and how they wished to proceed.

The Court directed Mr. Gerber to proceed.

Mr. Gerber presented argument.

Ms. Kern presented argument.

Ms. Kern referred to an enlarged Plat Map that she asked to have introduced as an exhibit, and continued argument.

The parties discussed the exhibit, and concluded that since Mr. Gerber prepared it, it would be marked as Plaintiff's Exhibit 1.

Offered. No objection. Admitted.

Mr. Gerber referred to the Plaintiff's Exhibit 1 Plat Map, and gave rebuttal argument.

Ms. Kern gave additional argument.

Mr. Gerber addressed the arbitration.

Mr. Wines advised that he had an emergency guardianship hearing in Department 1, and had to leave.

Mr. Wines was excused.

Mr. Gerber gave additional argument.

The Court advised that it would take this matter under consideration. However, due to the court calendar and judicial college, it would probably not be able to issue a decision before the end of the year.

The parties had nothing further.

Court adjourned at 10:26 a.m.

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable ALVIN R KACIN, District Judge,
and Officers of the Court.

ARTEMIS EXPLORATION COMPANY,

Plaintiff,

VS.

Date: 05/28/14

Case No.: CV-C-12-0175

Dept: 2

RUBY LAKE ESTATES
HOMEOWNER'S ASSOCIATION,

Defendant.

Plaintiff present and represented by
Travis Gerber, Esq. and Zachary Gerber, Esq.

Defendant present and represented by
Karen Ayarbe, Esq. and Bob Wines, Esq.
Court Clerk, Angelina DeMars, present.
Lisa Manley present as Court Reporter.

**HEARING ON MOTION FOR RELIEF FROM JUDGMENT AND
MOTION FOR SUMMARY JUDGMENT RE: REMAINING COUNTERCLAIMS**

The Court noted the presence of the parties.

This was the date and time set to hear argument on Motions filed by the parties.

Travis Gerber addressed the Motion to release cost bond and supersedeas bonds filed January 23, 2014 advising the Court the Motion was uncontested. Travis Gerber requested the Court release the cost bond due to the fact there is no appeal pending.

Ms. Ayarbe did not object to the request.

The Court granted the request and directed Travis Gerber to supply an Order for the Court's consideration.

Travis Gerber addressed the remaining Motions and provided argument.

Ms. Ayarbe provided argument to the Court.

Travis Gerber presented rebuttal.

Ms. Ayarbe presented surrebuttal.

The Court advised it would take the matter under consideration.

Court adjourned.

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable ALVIN R KACIN, District Judge,
and Officers of the Court.

ARTEMIS EXPLORATION COMPANY,

Claimant,

VS.

Date: 07/01/15

Case No.: CV-C-12-0175

Dept: 2

RUBY LAKE ESTATES
HOMEOWNER'S ASSOCIATION,

Counter Claimants.

Claimant present and represented by
Travis Gerber, Esq. and Zach Gerber, Esq.
Counter Claimants present and represented by
Karen Ayarbe, Esq. and Robert Wines, Esq.
Court Clerk, Angelina DeMars, present.
Hearing video recorded.

ORDER TO SHOW CAUSE HEARING

The Court noted the presence of the parties.

The matter was before the Court for a hearing on an Order to Show Cause filed May 1, 2015.

The Court made a record of the case.

Ms. Ayarbe addressed the Court and offered Defendant's Exhibit A, Ruby Lake Estates Customer Contact List dated June 23, 2015. Ms. Ayarbe provided argument as to why the members of the Homeowner's Association should not be included in the Court's ruling.

Mr. Travis Gerber presented argument to the Court stating that the members should be considered in the judgment.

The Court addressed the parties and advised that it was concerned that by entering a judgment not combining all of the members that more litigation would be brought before the Court.

Discussion was held regarding Chapter 38.

Ms. Ayarbe presented additional argument to the Court stating that all the members could not be added due to the fact that they have not yet filed a Chapter 38.

Mr. Travis Gerber advised that the Court would not have jurisdiction to join the parties due to Ms. Ayarbe's argument that they have not filed for Chapter 38. Therefore, Mr. Travis Gerber requested the Court dismiss the counterclaim.

The Court inquired if there was an objection to the admittance of Defendant's Exhibit A. There being no objection, the Court **ORDERED** Defendant's Exhibit A admitted.

Ms. Ayarbe argued that the Counterclaim was valid due to the fact that the Claimant had already participated in Mediation, Arbitration and filed Chapter 38.

The Court addressed the parties and advised that it would take the matter under consideration.
Court adjourned.

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable ALVIN R. KACIN, District Judge,
and Officers of the Court.

ARTEMIS EXPLORATION COMPANY,
Plaintiff,

VS.

Date: 05/02/17
Case No.: CV-C-12-0175
Dept: 2

RUBY LAKE ESTATES
HOMEOWNER'S ASSOCIATION,

Defendant.

Plaintiff not present and represented by
Travis Gerber, Esq. and Zach Gerber, Esq.
Defendant not present and represented by
Karen Ayarbe, Esq. and Bob Wines, Esq.
Court Clerk, Angelina DeMars, present.
Hearing video recorded.

HEARING FOR ORAL ARGUMENT

The Court noted the presence of the parties.

This was the date and time set by the Court for a hearing for oral argument on Motion for summary judgment and Countermotions.

The Court made a record of the case and stated that the pending Motions were the Plaintiff's Motion for relief from Judgment or Order and Motion for Summary Judgment on Defendant's remaining counter claims, the Defendant's Motion to release cost bond and supersede as bonds, the Plaintiff's Motion for leave to file supplement to Motion for Summary Judgment on Defendant's remaining counter claims and Motion for reconsideration of Orders denying Plaintiff's and granting Defendant's Motion for Summary and the joint Request for review filed December 21, 2016. The Court noted that the remaining parties were Artemis Exploration Company, Ruby Lake Estates Homeowner's Association, Harold and Mary Wyatt. The Court stated that it had been advised by the

parties that everything had been fully briefed and recited. The Court noted that all 58 lot owners had been served. The Court inquired if that was still correct.

Both parties concurred.

Mr. T Gerber confirmed that Harold and Mary Wyatt had joined Artemis Exploration Company's papers and pleadings that had been filed. Mr. T Geber stated that he would be arguing for the Court to take grant the Plaintiff's Motion for leave to reconsider and supplement the pending Motion for Summary Judgment, to grant the Summary Judgment on all pending claims and to enter a final Judgment. Mr. T Gerber presented argument on behalf of his clients.

Ms. Ayarbe presented argument on behalf of Ruby Lake Estates Homeowner's Association. Ms. Ayarbe noted that of the 58 lot owners served; only the Wyatt's joined Artemis Exploration Company's case.

Mr. T. Gerber presented rebuttal argument.

Ms. Ayarbe presented surrebuttal argument.

The Court advised that it would review the briefs, other pleadings and take the matter under consideration.

Court adjourned.

FILED

Case No. CV-C-12-0000175

2018 DEC 17 A 11:01

Dept. No. 2

ELKO CO. DISTRICT COURT
CLERK _____ DEPUTY JA

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA

ARTEMIS EXPLORATION COMPANY,
Appellant,

vs.

CLERK'S CERTIFICATION

HOMEOWNER'S ASSOCIATION RUBY LAKE ESTATES,
Respondent,

I, CAROL FOSMO, the duly elected, acting and qualified County Clerk and Ex-Officio Clerk of the District Court of the Fourth Judicial District of the State of Nevada, in and for the County of Elko, do hereby certify that the annexed are true, full and correct copies of certain documents in Case No. CV-C-12-0000175, Dept. 2, ARTEMIS EXPLORATION COMPANY, Appellant, vs. HOMEOWNER'S ASSOCIATION RUBY LAKE ESTATES, Respondent, as appears on file and of record in my office.

WITNESS My Hand and Seal of said Court on December 17, 2018.

CAROL FOSMO, ELKO COUNTY CLERK

By 
JONI L ALLEN, DEPUTY CLERK

CERTIFICATE OF SERVICE

I hereby certify that I caused to be sent electronically and/or mailed a certified copy of the annexed documents in Case No. CV-C-12-0000175, Dept. 2, ARTEMIS EXPLORATION COMPANY, Appellant, vs. HOMEOWNER'S ASSOCIATION RUBY LAKE ESTATES, Respondent, as appears on file and of record in this Court, to the following:

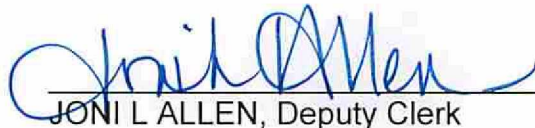
Nevada Supreme Court via Eflex

Gayle Kern and Karen Ayarbe, ESQ
Kern and Associates
5421 Kietzke Lane Ste 200
Reno, Nevada 89511

Travis Gerber
Pick up Box in the Elko County Clerk's Office
550 Court Street, Third Floor
Elko, NV 89801

Adam Paul Laxalt
Nevada Attorney General
100 North Carson Street
Carson City, NV 89701-4717

DATED this 17, day of DECEMBER, 2018



JONI L ALLEN, Deputy Clerk

Case No. CV-C-12-175

Dept. No. 2

FILED

2018 NOV -1 PM 2: 25

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY *ASE*

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

ARTEMIS EXPLORATION COMPANY,
a Nevada Corporation,

Plaintiff,

vs.

**ORDER AWARDING ATTORNEY'S FEES
AND COSTS**

RUBY LAKE ESTATES HOMEOWNER'S
ASSOCIATION AND DOES I-X,

Defendants.

This is a dispute between a property owner and its homeowners association. The parties have focused most of their arguments on the legality of the association's existence.

Plaintiff Artemis Exploration Company commenced the action after it lost an arbitration in which the arbitrator declared Ruby Lake Estates Homeowners Association to be valid under NRS Chapter 116. The parties agreed to the nonbinding arbitration after they stipulated to dismiss a 2011 suit because Plaintiff failed to comply with NRS 38.300, et seq. *See Exhibit A.* Under the stipulation, the parties agreed to "submit the matter to non-binding arbitration pursuant to NRS 38.310," and purported to reserve their rights to seek attorney's fees and costs in the arbitral proceeding. *Id.*

Plaintiff filed its complaint for declaratory relief and damages in this action on March 2, 2012. On April 2, 2012, Defendant filed its answer and counterclaim. Only two weeks after replying to the counterclaim on April 16, 2012, Plaintiff moved for summary judgment on its claim for a declaration that Defendant is not a valid association. By May 30, 2012, Defendant moved for summary judgment on all three of Plaintiff's claims.

1 On February 12, 2013, the court entered an order denying Plaintiff's motion for partial summary
2 judgment. Two days later, the court entered an order granting Defendant's motion for summary
3 judgment on Plaintiff's claim for declaratory relief. In that order, the court concluded that Defendant
4 was formed as and remains a valid homeowners association under NRS Chapter 116.

5 On March 1, 2013, Defendant moved for an order confirming the arbitrator's decision that it "is a
6 validly existing non-profit common interest association[,]" and for an award of attorney's fees and costs.
7 The motion was supported by the affidavit Defendant's counsel and a memorandum of costs. See
8 Exhibit B, Affidavit of Gayle A. Kern in Support of Attorney's Fees and Costs executed February 25,
9 2013 (and attached billing statement); Exhibit C, Memorandum of Costs filed March 1, 2013. On March
10 29, 2013, Defendant's counsel filed a supplemental affidavit and memorandum of costs. See Exhibit D,
11 Supplemental Affidavit of Gayle A. Kern in Support of Attorney's Fees and Costs executed March 28,
12 2013 (and attached billing statement); Exhibit E, Supplemental Memorandum of Costs filed March 29,
13 2013. On May 15, 2013, the court entered an order granting Defendant's motion. Plaintiff filed a notice
14 of appeal of the order on June 3, 2013. The court then purported to enter a "Judgment on an Arbitration
15 Award and Award of Attorney's Fees and Costs" on June 6, 2013. The Nevada Supreme Court
16 dismissed the appeal on December 30, 2013. By April 14, 2015, the court found the "Judgment on
17 Arbitration Award and Award of Attorney's Fees and Costs" void. Therefore, Plaintiff was granted
18 relief from the judgment and the order from which it appealed.

19 On September 11, 2015, as more litigation raged, the court entered an order requiring the joinder
20 of all Ruby Lake Estates lot owners against the wishes of both parties. Final judgment in this matter was
21 entered on February 26, 2018. The court has been informed that only the owners of one other Ruby Lake
22 Estates lot, Harold and Mary Wyatt, have aligned themselves with Plaintiff.

23 On March 20, 2018, Defendant moved for an award of attorney's fees and costs in the amount of
24 \$115,688.14. The motion is supported by copies of the same affidavits supporting the 2013 "Motion for
25 Confirmation and Judgment on Arbitration Award and for Award of Attorney's Fees and Costs." The
26 motion is also supported by two additional affidavits of Defendant's counsel. One was apparently filed
27 in the arbitral proceeding. See Exhibit F, Affidavit of Gayle A. Kern in Support of Attorney's Fees and
28 Costs executed December 20, 2011 (and attached billing statement). The other was filed with

1 Defendant's "Motion for Attorney's Fees and Costs." See Exhibit G, Affidavit of Gayle A. Kern in
2 Support of Attorney's Fees and Costs executed March 19, 2018 (and attached billing statement).
3 Finally, the motion is supported by another memorandum of costs. See Exhibit H, Memorandum of
4 Costs filed March 20, 2018.

5 **1. Attorney's Fees**

6 Defendant's claim for attorney's fees was brought by motion as required by NRCPP 54(d)(2)(A).
7 The court "may decide the motion despite the existence of a pending appeal from the underlying final
8 judgment." Id.

9 The motion appears to have been filed within the time required by NCRP 54(d)(2)(B). The
10 motion specifies that the final judgment and NRS 116.4117, NRS 116.3115(6), NRS 18.010(2), and a
11 declaration of covenants, conditions, and restrictions ("CC&Rs") entitle Defendant to the award. Id. As
12 noted above, the motion is supported by the affidavits of Defendant's counsel "swearing that the fees
13 were actually and necessarily incurred and were reasonable, documentation concerning the amount of
14 fees claimed, and points and authorities addressing appropriate factors to be considered by the court in
15 deciding the motion." Id.

16 Although there are judicially-created exceptions, "Nevada follows the American rule that
17 attorney fees may not be awarded absent a statute, rule, or contract authorizing such award." Thomas v.
18 City of North Las Vegas, 122 Nev. 82, 90 (2006) (citing Bobby Berosini, Ltd. v. PETA, 114 Nev. 1348,
19 1356 (1998), and Consumers League v. Southwest Gas, 94 Nev. 153, 156 (1978)). Therefore, the first
20 question is whether Defendant, the winning party in this action, is entitled to attorney's fees under either
21 the CC&Rs or the statutes cited.

22 "[A] civil action for damages *or other appropriate relief* for a failure or refusal to comply with
23 any provision of [NRS Chapter 116] or the governing documents of an association" may be brought by
24 an association against a unit's owner or vice versa. NRS 116.4117(2) (emphasis added). "The Court
25 *may* award reasonable attorney's fees to the prevailing party." NRS 116.4117(3) (emphasis added).
26 While the parties are fundamentally in a dispute over the legality of the Defendant's existence, they
27 agree Plaintiff stopped paying assessments as required by governing documents when its owner took the
28 position that the association was not valid. Defendant's countersuit for a declaration of validity

1 constitutes a civil action for “appropriate relief” that is obviously necessary for the collection of
2 assessments authorized by governing documents. It is not excluded by the Legislature’s scheme for
3 mediation and arbitration of claims relating to residential property within a common interest community.
4 See NRS 38.300(3) (“‘Civil action’ *includes* an action for money damages or equitable relief[,]” other
5 than “an action in equity for injunctive relief in which there is an immediate threat of irreparable harm,
6 or an action relating to the title to residential property.”) (emphasis added). And, there is little doubt
7 that Defendant is now a “prevailing party” for the purposes of NRS 116.4117. See Hornwood v. Smith’s
8 Food King, 105 Nev. 188, 192 (1989) (“A plaintiff may be considered the prevailing party for attorney’s
9 fee purposes if it succeeds on any significant issue in litigation which achieves some of the benefit it
10 sought in bringing the suit.”). For these reasons, the court has concluded Defendant is entitled to an
11 award of reasonable attorney’s fees incurred in litigating this action under NRS 116.4117.

12 Whether Defendant is entitled to be reimbursed for attorney’s fees incurred in the dismissed 2011
13 lawsuit and arbitration merits special consideration. A review of the billing entries predating the
14 commencement of this action reveals that Defendant incurred fees when its representatives consulted
15 with its lawyers and the attorneys engaged in conversations and correspondence with opposing lawyers,
16 fought off the premature lawsuit, obtained discovery, and developed arguments that proved successful in
17 this action. The court infers that this legal work facilitated the lightning quickness with which the
18 parties sought summary judgment. In the court’s opinion, this circumstance makes these fees “actually
19 and necessarily incurred” (as represented by Defendant’s lead attorney) such that they should be awarded
20 under NRS 116.4117 if reasonable. NCRP 54(d)(2)(B).

21 Of course, whether the fees sought are reasonable requires a consideration of the factors in
22 Brunzell v. Golden Gate Nat’l Bank, 85 Nev. 345 (1969). See Gunderson v. D.R. Horton, Inc., 130 Nev.
23 67, 81 (2014). Those factors include: (1) *the qualities of the advocate*: his ability, his training,
24 education, experience, professional standing and skill; (2) *the character of the work to be done*: its
25 difficulty, its intricacy, its importance, time and skill required, the responsibility imposed and the
26 prominence and character of the parties where they affect the importance of the litigation; (3) *the work*
27 *actually performed by the lawyer*: the skill, time and attention given to the work; (4) *the result*: whether
28 the attorney was successful and what benefits were derived. Id. (citing Brunzell, 85 Nev. at 349).

1 The ability, training, education, experience, professional standing and skill of the lawyers
2 representing Defendant do not bear repeating here. It is obviously extensive, especially for Ms. Kern
3 (the attorney whose qualifications have been covered in affidavits). It should suffice to say the court's
4 review of the pleadings and papers on file in this case, along with the undersigned judge's observations
5 in open court, support the conclusion that both of Defendant's attorneys: (1) demonstrated the ability,
6 training, experience and skill necessary to prevail over a determined adversary; and (2) performed
7 difficult, intricate and important work that required a lot of skill, time, and attention to prevail. Unless
8 Defendant's attorneys were successful, a homeowners association appearing to have the support of
9 nearly all unit owners, and that Plaintiff's owner initially supported for community safety and other
10 reasons, could have been declared invalid. Defendant's attorneys did not provide flawless
11 representation, however. The attorneys erred when they moved for an order confirming the arbitrator's
12 decision and award of fees and costs. *See* NRS 38.330(5). The error ultimately resulted in relief from
13 the order granting the motion. Defendant should not be awarded attorney's fees incurred in seeking and
14 attempting to protect the order.

15 For the foregoing reasons, Defendant shall be awarded all fees documented in the exhibits
16 attached to the affidavits of its counsel (billing statements), save and except for the entries stricken by
17 the court. See Exhibit B, Exhibit D, Exhibit F, Exhibit G. These fees amount to \$85,097.00. In the
18 court's opinion, fairness dictates that Plaintiff, rather the Wyatts, should be responsible for these fees
19 pursuant to NRS 116.4117(3). Plaintiff has been the driving force behind the litigation resulting in the
20 fees at issue, not the Wyatts.

21 **2. Costs**

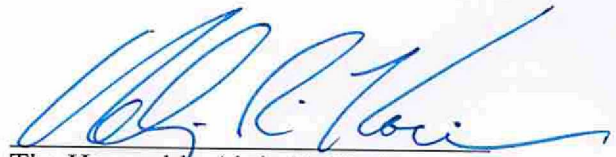
22 In actions not enumerated in NRS 18.020, "part or all of the prevailing party's costs may be
23 allowed and may be apportioned between the parties, or on the same or adverse sides." NRS 18.050.
24 "The party in whose favor judgment is rendered, and who claims costs, must file with the clerk, and
25 serve a copy upon the adverse party, within 5 days after the entry of judgment, *or such further time as*
26 *the court or judge may grant*, a memorandum of the items of the costs in the action or proceeding, which
27 memorandum must be verified by the oath of the party, or the party's attorney . . . stating that to the best
28 of his or her knowledge and belief the items are correct, and that the costs have been necessarily incurred

1 in the action or proceeding.” NRS 18.110(1) (emphasis added). Here, Defendant has filed three
2 memoranda of costs. Each memorandum has been executed by one of Defendant’s attorneys. One
3 memorandum was filed more than five days after the entry of final judgment. *See Exhibit H,*
4 *Memorandum of Costs* filed March 20, 2018. However, the court shall exercise its discretion to
5 consider all memoranda in deciding the appropriate costs to award. *See Franchise Tax Bd. of Cal. v.*
6 *Hyatt*, 133 Nev. ___, ___ (2017); *Eberle v. State ex rel. Redfield Trust*, 108 Nev. 587, 590 (1992) (even
7 if no extension of time to file memorandum was explicitly granted by district court, fact that it favorably
8 awarded requested costs demonstrated that it exercised discretion to impliedly grant additional time). As
9 Plaintiff has not moved to retax costs under NRS 18.110(4), Defendant shall be awarded the costs
10 reflected in the memoranda. *See Sheehan & Sheehan v. Nelson Malley & Co.*, 121 Nev. 481, 493
11 (2005); *Fleischer v. August*, 103 Nev. 242 (1987); *Reno Electrical Works, Inc. v. Ward*, 53 Nev. 1, 1
12 (1930). Defendant Artemis Exploration Company shall be solely responsible for the payment of these
13 costs, which the court calculates to be \$2,872.47. NRS 18.050.

14 **4. Order**

- 15 a. Defendant is awarded attorney’s fees in the amount of \$85,097 against Plaintiff Artemis
16 Exploration Company.
17 b. Defendant is awarded costs in the amount of \$2,872.47 against Plaintiff Artemis Exploration
18 Company.

19
20
21 DATED this 31 day of October, 2018.

22
23
24
25 

26 The Honorable Alvin R. Kacin
27 District Judge/Department 2
28

1 CERTIFICATE OF SERVICE

2 Pursuant to Nev. R. Civ. P. 5(b), I certify that I am an employee of Alvin R. Kacin, District
3 Judge, Fourth Judicial District Court, Department 2, and that on this 1st day of November, 2018,
served by the following method of service:

- 4 (X) Regular US Mail () Overnight UPS
5 () Certified US Mail () Overnight Federal Express
6 () Registered US Mail () Fax to # _____
7 () Overnight US Mail () Hand Delivery
() Personal Service (X) Box in Clerk's Office

8 a true copy of the foregoing document addressed to:

9 Travis Gerber, Esq.
[Box in Clerk's Office]

10 Gayle Kern, Esq.
11 5421 Kietzke Lane, Suite 200
12 Reno, Nevada 89801
[Regular US Mail]

13
14 
15 Philip J. Tacason
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Exhibit A

Exhibit A

1 CASE NO. CV-C-11-147

2 DEPT. 1

11 APR -1 P3:00

3 Affirmation: This document does
4 not contain the social security
5 number of any person.

ELKO DISTRICT COURT

CLERK

KJ

6
7 **IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
8 **IN AND FOR THE COUNTY OF ELKO**
9

10 **ARTEMIS EXPLORATION COMPANY,**
11 **on behalf of itself, and all others similarly**
12 **situated,**

13 **Plaintiffs,**

14 **vs.**

STIPULATION AND ORDER
TO DISMISS COMPLAINT
WITHOUT PREJUDICE

15 **RUBY LAKE ESTATES HOMEOWNER'S**
16 **ASSOCIATION, LEROY PERKS, VALERI**
17 **MCINTYRE, DENNIS MCINTYRE,**
18 **MICHAEL CECCHI, AND DOES I-X,**

19 **Defendants.**
20

21 COMES NOW, Plaintiff, **ARTEMIS EXPLORATION COMPANY**, by and through its
22 counsel, **TRAVIS W. GERBER, ESQ.**, of **GERBER LAW OFFICES, LLP**, and Defendants,
23 **RUBY LAKE ESTATES HOMEOWNER'S ASSOCIATION, LEROY PERKS, VALERI**
24 **MCINTYRE, DENNIS MCINTYRE**, and **MICHAEL CECCHI**, by and through their counsel,
25 **GAYLE A. KERN, ESQ.**, of **KERN & ASSOCIATES, LTD.**, and hereby stipulate to dismiss the
26 Complaint without prejudice. Plaintiff shall submit the matter to non-binding arbitration pursuant
27 to NRS 38.310, and the parties reserve their rights to seek attorney's fees and costs arising out of
28 this proceeding at arbitration.

///

///

1 DATED this 30th day of March, 2011.

2 GERBER LAW OFFICES, LLP

3
4 BY: 

5 TRAVIS W. GERBER, ESQ.

6 State Bar No. 8083

7 491 4th Street

8 Elko, Nevada 89801

9 (775) 738-9258

10 ATTORNEYS FOR PLAINTIFFS

11 DATED this _____ day of March, 2011.

12 KERN & ASSOCIATES, LTD.

13 By: _____

14 GAYLE A. KERN, ESQ.

15 State Bar #1620

16 5421 Kietzke Lane, Suite 200

17 Reno, Nevada 89511

18 (775) 324-5930

19 ATTORNEY FOR DEFENDANTS

20 **ORDER**

21 Based on the foregoing stipulation of the parties, and good cause appearing,

22 IT IS HEREBY ORDERED that the action is dismissed without prejudice.

23
24
25
26
27
28
DISTRICT JUDGE

1 DATED this ____ day of March, 2011.

2 GERBER LAW OFFICES, LLP

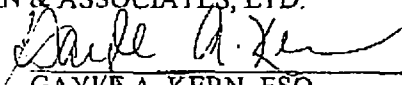
3
4 BY:

5 TRAVIS W. GERBER, ESQ.
6 State Bar No. 8083
7 491 4th Street
8 Elko, Nevada 89801
9 (775) 738-9258
10 ATTORNEYS FOR PLAINTIFFS

11 DATED this 30th day of March, 2011.

12 KERN & ASSOCIATES, LTD.

13 By:

14 
15 GAYLE A. KERN, ESQ.
16 State Bar #1620
17 5421 Kietzke Lane, Suite 200
18 Reno, Nevada 89511
19 (775) 324-5930
20 ATTORNEY FOR DEFENDANTS

21 ORDER

22 Based on the foregoing stipulation of the parties, and good cause appearing,
23 IT IS HEREBY ORDERED that the action is dismissed without prejudice.


24  3/31/11
25 DISTRICT JUDGE
26
27
28

Exhibit B

Exhibit B

1 of all fees and costs is attached as Exhibit 1.

2 4. Redaction has been made of any privileged communications.

3 5. I have been in practice for over 28 years. I have a general civil practice with an
4 emphasis on all types of housing associations including condominiums, town homes, landscape
5 maintenance, single family, master and sub associations and mobile home parks, as well as
6 litigation, bankruptcy and real property law. I currently serve as counsel to over two hundred
7 associations throughout Northern Nevada. I provide all aspects of legal services upon request to
8 my associations including interpretation of governing documents and applicable local, state and
9 federal laws; guidance and training to Boards of Directors in connection with running a non-profit
10 common-interest community; developer transition; collection of delinquent assessments; filing and
11 responding to Intervention Affidavits with the Nevada Real Estate Division; all forms of litigation
12 including Alternative Dispute Resolution, complaints in front of the Fair Housing Division of HUD,
13 Small Claims Court, Justice Court, District Court, and the Nevada Supreme Court; and assistance
14 in collections, liens and foreclosures.

15 6. I lecture regularly for the Ombudsman's office, the Nevada Real Estate Division, and
16 teach seminars on common-interest community law. I serve on the Community Association
17 Institute's Legislative Action Committee, which participates in review and comment on legislation
18 affecting common-interest communities and regulations promulgated by the Ombudsman and
19 Nevada Real Estate Division. I worked with the Real Estate Division in the development of the first
20 community manager exam and I am approved by the Real Estate Division to teach classes to
21 community managers and Board members. I regularly attend CAI's National Law Seminars to keep
22 apprised of new developments in the industry, not only in Nevada, but throughout the country. I
23 also serve on the subcommittee for the Common Interest Communities for the Nevada State Bar
24 Real Estate section.

25 7. The fees and costs billed in this matter are reasonable and appropriate. The total
26 time billed from March 2, 2012 through February 20, 2013 was 216.6 hours, with an hourly rate of
27 \$240.00, totaling \$51,288.00. Costs through February 20, 2013, are itemized in the amount of
28 \$1,475.90 for a total due and owing of \$52,763.90.

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of the law firm of Kern &
3 Associates, Ltd., and that on this day I served the foregoing document described as follows:

4 **AFFIDAVIT OF GAYLE A. KERN**
5 **IN SUPPORT OF ATTORNEY'S FEES AND COSTS**

6 on the parties set forth below, at the addresses listed below by:

7 X Placing an original or true copy thereof in a sealed envelope place for collection and
8 mailing in the United States Mail, at Reno, Nevada, first class mail, postage paid,
9 following ordinary business practices, addressed to:

10 Via facsimile transmission

11 Via e-mail.

12 Personal delivery, upon:

13 United Parcel Service, Next Day Air, addressed to:

14 Travis Gerber, Esq.
15 Gerber Law Offices, LLP
16 491 4th Street
17 Elko, NV 89801

18 DATED this 20th day of February, 2013.

19 *Teresa A. Gearhart*
20 TERESA A. GEARHART
21
22
23
24
25
26
27
28



EXHIBIT “1”

EXHIBIT “1”

Gayle A. Kern, Ltd.
5421 Kietzke Lane, Suite 200
Reno, Nevada 89511
EIN No. 20-0097566

Invoice submitted to:
Amy B. Hackett
Philadelphia Insurance Companies

February 22, 2013

In Reference To: Ruby Lake Estates HOA adv. Artemis Exploration Company

Professional Services

		<u>Rate</u>	<u>Tax#</u>	<u>Amount</u>
3/2/2012 - GAK	Review e-mail and complaint from Travis Gerber; draft e-mail to Amy Hackett re: [REDACTED]	240.00/hr		96.00
3/6/2012 - GAK	Review e-mail from Mr. Perks; draft response; review complaint; draft updated notice of pending litigation.	240.00/hr		336.00
3/9/2012 - GAK	Review and respond to e-mail from Amy Hackett.	240.00/hr		48.00
3/19/2012 - GAK	Execute acceptance of Service; draft letter to Mr. Gerber.	240.00/hr		72.00
3/23/2012 - GAK	Prepare draft answer to complaint and counterclaim to have award confirmed and attorney's fees awarded.	240.00/hr		288.00
3/28/2012 - GAK	Finalize Answer to Complaint and Counterclaim.	240.00/hr		504.00
4/20/2012 - GAK	Review Answer to Counterclaim and provide same to client.	240.00/hr		120.00
4/27/2012 - GAK	Draft Notice of Early Case Conference as to Counterclaim.	240.00/hr		72.00
5/4/2012 - GAK	Draft letter to Mr. Gerber re: extension of time to respond to motion for summary judgment.	240.00/hr		48.00
5/7/2012 - GAK	Telephone call from Mr. Gerber re: conflict of interest with assigned judge having previously represented Artemis; provide authority to draft and send letter to court re: same.	240.00/hr		48.00

		<u>Rate</u>	<u>Tax#</u>	<u>Amount</u>
5/11/2012 - GAK	Review Complaint, Answer and Counterclaim filed in District Court action; review Ruby Lakes Arbitration Brief and Motion for Summary Judgment filed by Artemis with supporting exhibits; conference with [REDACTED] [REDACTED] [REDACTED]	240.00/hr		NO CHARGE
5/14/2012 - GAK	Work on Opposition to Motion for Summary Judgment filed by Artemis; work on statement of facts as supported by admissible evidence.	240.00/hr		2,088.00
5/15/2012 - GAK	Continue work on Opposition pleading, statement of facts with exhibit references; analysis of documents produced; requests for admissions; begin draft of legal arguments, points and authorities in opposition.	240.00/hr		1,896.00
5/16/2012 - GAK	Prepare for early case conference; participate in case conference.	240.00/hr		192.00
- GAK	Continue work on Exhibits supporting statement of facts for opposition; review again Plaintiff's Motion for Summary Judgment and outline legal arguments made; review and analysis of various provisions of NRS Chapter 116; outline legal arguments in opposition.	240.00/hr		1,248.00
5/17/2012 - GAK	Review deposition transcripts for Mel and Elizabeth Essington and identify statements and admissions to be used in support of opposition arguments; continue review and make note of relevant provisions of Minutes and other documents produced in NRED action.	240.00/hr		912.00
5/18/2012 - GAK	Continue work on opposition to Plaintiffs Motion for Summary Judgment; continue review of documents produced in Nevada Real Estate Division action; edit and expand draft statement of facts in support of arguments in opposition.	240.00/hr		1,656.00
5/19/2012 - GAK	Continue work on legal arguments for Opposition pleading.	240.00/hr		840.00
5/20/2012 - GAK	Work on legal arguments and points and authorities in opposition.	240.00/hr		1,944.00
5/21/2012 - GAK	Legal Research on issues pertinent to our Opposition to Motion for Summary Judgment.	240.00/hr		96.00
5/22/2012 - GAK	Review and respond to e-mail from Lee Perks re: [REDACTED]	240.00/hr		48.00

		<u>Rate</u>	<u>Tax#</u>	<u>Amount</u>
5/22/2012	- GAK Draft additional arguments for opposition pleading, melding with references to Exhibits and statements of fact.	240.00/hr		1,320.00
5/23/2012	- GAK Revise opposition to motion for summary judgment.	240.00/hr		NO CHARGE
	- GAK Continue work on legal arguments and points and authorities, melding with references to statements of fact and exhibits.	240.00/hr		1,680.00
	- GAK Complete first draft of Opposition pleading and edit same; prepare Index of Exhibits; check exhibit references, confirming correct Bates Stamp numbers for Plaintiff and RLE documents previously produced; telephone conference with Robert Wines re: [REDACTED] draft Affidavit of Robert Wines.	240.00/hr		2,040.00
5/24/2012	- GAK Continue revisions to Opposition to Motion for Summary Judgment, including further research; supervise and coordinate affidavits and exhibits.	240.00/hr		1,440.00
	- GAK Telephone conference with Lee Perks, Association President; draft Affidavit of Lee Perks; analysis of additional documents sent by Perks; arrange supplemental production of documents; edit Perks Affidavit; edit and add additional facts and arguments to Opposition pleading.	240.00/hr		2,064.00
5/25/2012	- GAK Review additional documents sent by client and arrange for additional supplemental production to Artemis; review and edit Opposition pleading and add more facts and arguments re: additional documents produced by client; draft argument regarding insufficiency of Essington affidavit per NRCP 56(e); revise and complete first draft of affidavit of attorney Robert Wines; check all Exhibits referenced and to be authenticated by Wines; revise Index of Exhibits; finalize draft of Perks Affidavit based on new evidence; read Opposition pleading and edit exhibit references; proof changes made by legal assistant to Affidavits and Index of Exhibits.	240.00/hr		2,040.00
5/26/2012	- GAK Begin work on cross motion for summary judgment; prepare introduction and background statement; analyze statement of facts in opposition re: what to be necessarily included in statement of facts for cross motion for summary judgment; work on statement of facts in support of arguments for statute of limitations, declaratory relief, and liability founded upon statute.	240.00/hr		1,464.00
5/27/2012	- GAK Continue work on cross Motion for Summary Judgment, abstracting and summarizing relevant facts from opposition pleading with appropriate exhibit references; draft affirmative arguments and points and authorities re:	240.00/hr		2,304.00

		<u>Rate</u>	<u>Tax#</u>	<u>Amount</u>
	expiration of statute of limitations; failure to state a claim for fraud; failure to state a claim for declaratory relief; failure to state a claim for damages; read through first draft of Motion for Summary Judgment and edit same.			
5/28/2012 - GAK	Review and edit arguments and points and authorities in Motion for Summary Judgment; analysis re: [REDACTED]	240.00/hr		1,824.00
5/29/2012 - GAK	Review and revise motion for summary judgment; conference with Mr. Perks re: [REDACTED] [REDACTED], supervise communication with court about filing a composite of exhibits; review and revise opposition to motion for summary judgment.	240.00/hr		1,440.00
- GAK	Oversee preparation of all exhibits; add additional document references to Index of Exhibits; make revisions to Perks affidavit and submit via e-mail to Lee Perks; make changes to Wines affidavit and submit via e-mail to Robert Wines; edit Opposition pleading and conform argument headings to argument headings in Motion for Summary Judgment; meet with Lee Perks; discuss [REDACTED] [REDACTED] proof all edits made by legal assistant in Opposition pleading and Motion for Summary Judgment.	240.00/hr		1,224.00
5/31/2012 - GAK	Prepare Request for Production of Documents to Artemis Exploration Company; revise joint case conference report.	240.00/hr		192.00
6/6/2012 - GAK	Review and respond to request for extension of time to reply to Opposition.	240.00/hr		48.00
- GAK	Review requested changes to the joint case conference report.	240.00/hr		96.00
6/7/2012 - GAK	Travel to office of Lee Perks and review HOA records.	240.00/hr		600.00
6/11/2012 - GAK	Organize documents for supplemental production of documents.	240.00/hr		192.00
6/13/2012 - GAK	Review and finalize the identification of the exhibits.	240.00/hr		144.00
6/14/2012 - GAK	Draft RLEHOA's Second Supplemental Production of Documents Pursuant to NRCP 16.1.	240.00/hr		48.00

		<u>Rate</u>	<u>Tax#</u>	<u>Amount</u>
6/16/2012	- GAK Review Artemis Reply to RLEHOA's Opposition to Motion for Summary Judgment.	240.00/hr		192.00
6/26/2012	- GAK Conference regarding [REDACTED] [REDACTED], send e-mail to Mr. Wines.	240.00/hr		120.00
	- GAK Review and analysis of Artemis Opposition to RLEHOA's Motion for Summary Judgment; begin draft of arguments for Reply Brief; telephone call to Lee Perks re: [REDACTED] [REDACTED], telephone call to Robert Wines re: [REDACTED]	240.00/hr		1,872.00
6/27/2012	- GAK Communicate with Mr. Wines [REDACTED] [REDACTED], communicate with Travis Gerber to obtain extension of time for Reply to Opposition to Motion for Summary Judgment.	240.00/hr		240.00
	- GAK Review e-mail from Robert Wines; prepare Affidavit of Stephen Wright; prepare e-mail correspondence to Bob Wines; finalize Affidavit; continue work on arguments and points and authorities for Reply brief to Plaintiffs Opposition.	240.00/hr		2,064.00
6/28/2012	- GAK Continue work on Reply brief and complete first draft, including response to Mrs. Essington's Affidavit submitted in support of Reply and Opposition; review revised Affidavit of Stephen Wright.	240.00/hr		1,896.00
6/29/2012	- GAK Review Supplemental production of documents; formulate new exhibits; edit Reply brief to incorporate new exhibits and arguments re: same; edit Reply brief.	240.00/hr		1,704.00
7/2/2012	- GAK Revisions to Reply Brief for motion for summary judgment; review of exhibits regarding additional information to provide to court; review of comments in Uniform Common Interest Community Act to incorporate into brief supporting the position of the Association.	240.00/hr		552.00
	- KMA Legal research evidence code and pattern jury instructions re: [REDACTED] [REDACTED]	240.00/hr		72.00
	- GAK Review Reply brief filed by Artemis; review and make edits to RLEHOA's Reply to Artemis Opposition to RLEHOA's Motion for Summary Judgment.	240.00/hr		192.00
	- GAK Interoffice conference re: [REDACTED] [REDACTED] review changes made to RLEHOA's Reply brief; review documents produced by Artemis.	240.00/hr		360.00

		<u>Rate</u>	<u>Tax#</u>	<u>Amount</u>
7/3/2012	- GAK Finalize brief and all exhibits; prepare request for review and send all to the court for filing and serve all on opposing counsel.	240.00/hr		288.00
	- GAK Locate documents re: [REDACTED] arrange for supplemental production of documents and new exhibit in support of RLEHOA's MSJ; confirm and proof edits made to brief; draft changes to statute of limitations argument re: claims being time barred by NRS 11.190(3)(a).	240.00/hr		600.00
7/6/2012	- GAK Draft Request for Oral Argument; letter to court clerk enclosing same for filing.	240.00/hr		48.00
	- GAK Telephone conference with Bill Harmon re: [REDACTED]	240.00/hr		144.00
7/12/2012	- GAK Review Request for Review and provide same to client.	240.00/hr		48.00
7/17/2012	- GAK Telephone conference with Lee Perks re: [REDACTED]	240.00/hr		48.00
7/26/2012	- GAK Review email with information about additional road work that will be done this summer; follow up on judge's failure to recuse herself; prepare supplement to reply with additional information; provide supplement to 16.1 production of documents.	240.00/hr		144.00
	- GAK Telephone call with Judge's law clerk to schedule conference call re: Judge's former representation of Artemis; relay available dates and times to counsel.	240.00/hr		48.00
	- GAK Draft Fourth Supplemental Production of Documents; and Supplement to RLEHOA's Motion for Summary Judgment.	240.00/hr		72.00
7/30/2012	- GAK Review email from Travis Gerber and the proposed letter to Judge Porter; supervise sending response; Return telephone call to Mike Cecchi [REDACTED]	240.00/hr		72.00
8/2/2012	- GAK Telephone call to Lee Perks, HOA President, re: [REDACTED]	240.00/hr		48.00
	- GAK Attempt call to [REDACTED] prepare e-mail to Lee Perks.	240.00/hr		48.00
8/7/2012	- GAK Prepare Affidavits of Michael Wayne Mason and Shelly Renee Mason; prepare Second Supplement to Exhibits to Motion for Summary Judgment.	240.00/hr		216.00

		<u>Rate</u>	<u>Tax#</u>	<u>Amount</u>
8/7/2012	- GAK Prepare Affidavit In Support of request for attorneys fees and costs.	240.00/hr		72.00
8/20/2012	- GAK Return telephone call to Court clerk; draft letter to client.	240.00/hr		96.00
	- GAK Prepare cover sheet for filing original Affidavits of Michael Wayne Mason and Shelly Renee Mason that were filed as RLEHOA's Second Supplement to Exhibits to Motion for Summary Judgment; finalize and send to Court for filing; serve same.	240.00/hr		72.00
	- GAK Prepare letter to clients informing [REDACTED]	240.00/hr		48.00
9/13/2012	- GAK Review order setting hearing on motions for summary judgment.	240.00/hr		48.00
9/21/2012	- GAK Review file stamped order setting hearing on motions for summary judgment; provide same to client.	240.00/hr		48.00
10/5/2012	- GAK Telephone call Mr. Perks; prepare for oral argument on motions for summary judgment.	240.00/hr		840.00
10/9/2012	- GAK Prepare for oral argument; travel to Elko for hearing; meeting with Mr. Perks [REDACTED]	240.00/hr		2,400.00
10/10/2012	- GAK Participate in oral argument; travel to Reno from hearing.	240.00/hr		2,400.00
2/14/2013	- GAK Draft Notice of Entry of Order Denying Plaintiff's Motion for Summary Judgment.	240.00/hr		24.00
	- GAK Review order denying plaintiff's motion for summary judgment; Telephone call client and counsel Bob Wines [REDACTED] draft notice of entry of order; review Chapter 38 provisions for timing of filing a motion for attorney's fees and costs.	240.00/hr		240.00
2/15/2013	- GAK Provide order to Ms. Hackett with [REDACTED] review and respond to email from Mr. Perks, president of the Board.	240.00/hr		96.00
2/19/2013	- GAK Review Order Granting our Motion for Summary Judgment.	240.00/hr		144.00
2/20/2013	- GAK Prepare Notice of Entry of Order Granting Motion for Summary Judgment; draft Motion to Confirm Judgment on Arbitration and Motion for Attorney's Fees and Costs.	240.00/hr		960.00
For professional services rendered		216.60		\$51,288.00

Additional Charges :

			<u>Qty/Price</u>	<u>Tax#</u>	<u>Amount</u>
3/29/2012	- TG	Fourth Judicial District Court - Filing Fee for Answer and Counterclaim	1 198.00		198.00
	- TG	UPS Shipping Charges	1 15.42		15.42
3/31/2012	- TG	Photocopy Charges	115 0.20		23.00
	- TG	Postage Charges	1 3.40		3.40
4/2/2012	- TG	UPS Shipping Charges	1 11.00		11.00
4/9/2012	- TG	UPS Shipping Charges (1/24/12)	1 15.08		15.08
4/30/2012	- TG	Photocopy Charges	47 0.20		9.40
	- TG	Postage Charges	1 2.00		2.00
5/29/2012	- TG	UPS Shipping Charges (Opposition & Motion to Elko)	1 18.71		18.71
	- TG	UPS Shipping Charges (Return of File-Stamped Copies)	1 13.84		13.84
5/30/2012	- TG	Fourth Judicial District Court - Filing Fee for Motion for Summary Judgment	1 200.00		200.00
5/31/2012	- TG	Photocopy Charges	1,179 0.20		235.80
	- TG	Fax Charges	2 0.30		0.60
	- TG	Postage Charges	1 9.80		9.80
6/1/2012	- TG	LexisNexis - Online Legal Research	1 71.77		71.77
6/14/2012	- TG	UPS Shipping Charges (JCCR to Court)	1 15.63		15.63
6/30/2012	- TG	Photocopy Charges	1,092 0.20		218.40

			<u>Qty/Price</u>	<u>Tax#</u>	<u>Amount</u>
6/30/2012	- TG	Postage Charges	1 8.41		8.41
7/1/2012	- TG	LexisNexis - Online Legal Research	1 4.27		4.27
7/3/2012	- TG	UPS Shipping Charges	1 16.74		16.74
7/6/2012	- TG	UPS Shipping Charges	1 15.29		15.29
7/27/2012	- TG	UPS Shipping Charges - Filing with Court	1 15.29		15.29
7/31/2012	- TG	Photocopy Charges	196 0.20		39.20
	- TG	Postage Charges	1 11.75		11.75
8/13/2012	- TG	UPS Shipping Charges	1 15.02		15.02
8/31/2012	- TG	Photocopy Charges	83 0.20		16.60
	- TG	Postage Charges	1 5.00		5.00
9/30/2012	- TG	Photocopy Charges	2 0.20		0.40
10/10/2012	- TG	Best Western - 10/10/12 Hearing	1 212.79		212.79
11/19/2012	- TG	Pilot - Fuel for Travel to 10/10/12 Hearing	1 48.89		48.89
2/20/2013	- TG	Photocopy Charges	22 0.20		4.40
Total costs					<hr/> \$1,475.90

Exhibit C

Exhibit C

1 Fax Charges \$.60
2 TOTAL COSTS \$1,475.90

3 STATE OF NEVADA)
4 : ss.
5 COUNTY OF WASHOE)

6 Gayle A. Kern, being first duly sworn, deposes and says that to the best of my knowledge
7 and belief these items are correct and that the disbursements have been necessarily incurred in this
8 action by Plaintiff (NRS 18.005; NRS 18.110).

9 
10 GAYLE A. KERN

11 SUBSCRIBED and SWORN to before
12 me this 25th day of February, 2013.



13 
14 NOTARY PUBLIC

15 **AFFIRMATION**

16 **Pursuant to NRS 239B.030**

17 The undersigned does hereby affirm that the preceding document filed in the above-entitled
18 case does not contain the social security number of any person.

19 DATED this 25th day of February, 2013.

20 KERN & ASSOCIATES, LTD.

21 
22 GAYLE A. KERN, ESQ.
23 NEVADA BAR #1620
24 5421 Kietzke Lane, Suite 200
25 RENO, NEVADA 89511
26 Telephone: 775-324-5930
27 Fax: 775-324-6173
28 Email: gaylekern@kernltd.com
Attorneys for Ruby Lake Estates

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I certify that I am an employee of the law firm of Kern &
3 Associates, Ltd., and that on this day I served the foregoing document described as follows:

4 MEMORANDUM OF COSTS

5 on the parties set forth below, at the addresses listed below by:

6 X Placing an original or true copy thereof in a sealed envelope place for collection and
7 mailing in the United States Mail, at Reno, Nevada, first class mail, postage paid,
following ordinary business practices, addressed to:

8 _____ Via facsimile transmission

9 _____ Via e-mail.

10 _____ Personal delivery, upon:

11 _____ United Parcel Service, Next Day Air, addressed to:

12
13 Travis Gerber, Esq.
Gerber Law Offices, LLP
14 491 4th Street
Elko, NV 89801

15 DATED this 16th day of February, 2013.

16
17 Teresa A. Gearhart
TERESA A. GEARHART

Exhibit D

Exhibit D

1 of \$60.24, for a total additional amount of \$2,676.24. A compilation of all supplemental fees and
2 costs is attached as Exhibit "1".

3 4. Redaction has been made of any privileged communications.

4 5. I have been in practice for over 28 years. I have a general civil practice with an
5 emphasis on all types of housing associations including condominiums, town homes, landscape
6 maintenance, single family, master and sub associations and mobile home parks, as well as
7 litigation, bankruptcy and real property law. I currently serve as counsel to over two hundred
8 associations throughout Northern Nevada. I provide all aspects of legal services upon request to
9 my associations including interpretation of governing documents and applicable local, state and
10 federal laws; guidance and training to Boards of Directors in connection with running a non-profit
11 common-interest community; developer transition; collection of delinquent assessments; filing and
12 responding to Intervention Affidavits with the Nevada Real Estate Division; all forms of litigation
13 including Alternative Dispute Resolution, complaints in front of the Fair Housing Division of HUD,
14 Small Claims Court, Justice Court, District Court, and the Nevada Supreme Court; and assistance
15 in collections, liens and foreclosures.

16 6. I lecture regularly for the Ombudsman's office, the Nevada Real Estate Division, and
17 teach seminars on common-interest community law. I serve on the Community Association
18 Institute's Legislative Action Committee, which participates in review and comment on legislation
19 affecting common-interest communities and regulations promulgated by the Ombudsman and
20 Nevada Real Estate Division. I worked with the Real Estate Division in the development of the first
21 community manager exam and I am approved by the Real Estate Division to teach classes to
22 community managers and Board members. I regularly attend CAI's National Law Seminars to keep
23 apprised of new developments in the industry, not only in Nevada, but throughout the country. I
24 also serve on the subcommittee for the Common Interest Communities for the Nevada State Bar
25 Real Estate section.


26 7. The supplemental fees and costs billed in this matter are reasonable and appropriate.
27 The additional time billed from February 21, 2013 through March 27, 2013, was 10.9 hours, with
28 an hourly rate of \$240.00, totaling \$2,616.00. Costs from February 21, 2013 through March 27,

1 2013, are itemized in the amount of \$60.24 for an additional amount totaling \$2,676.24.

2 8. My hourly rate is reasonable given my experience practicing law in general and my
3 experience in practicing in the specialized area of common interest communities, in particular.
4 Despite my experience and expertise, my hourly rate is lower than rates routinely charged by other
5 attorneys who practice in this area and/or who do not have the same amount of experience that I
6 have.

7 9. Based upon all of the above factors, these fees and costs are reasonable and
8 appropriate and should be awarded.

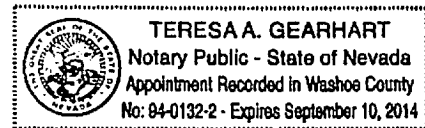
9 DATED this 28th day of March, 2013.

10
11 
12 GAYLE A. KERN

13 SUBSCRIBED AND SWORN to before me

14 this 28th day of March, 2013.

15 
16 NOTARY PUBLIC



17 **AFFIRMATION**

18 **Pursuant to NRS 239B.030**

19 The undersigned does hereby affirm that the preceding document filed in the above-entitled
20 case does not contain the social security number of any person.

21 DATED this 28th day of March, 2013.

22 KERN & ASSOCIATES, LTD.

23 
24 GAYLE A. KERN, ESQ.
25 NEVADA BAR #1620
26 5421 Kietzke Lane, Suite 200
27 RENO, NEVADA 89511
28 Telephone: 775-324-5930
Email: gaylekern@kernltd.com
Attorneys for Ruby Lake Estates

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of the law firm of Kern &
3 Associates, Ltd., and that on this day I served the foregoing document described as follows:

4 **SUPPLEMENTAL AFFIDAVIT OF GAYLE A. KERN**
5 **IN SUPPORT OF ATTORNEY'S FEES AND COSTS**

6 on the parties set forth below, at the addresses listed below by:

7 X Placing an original or true copy thereof in a sealed envelope place for collection and
8 mailing in the United States Mail, at Reno, Nevada, first class mail, postage paid,
9 following ordinary business practices, addressed to:

10 Via facsimile transmission

11 Via e-mail.

12 Personal delivery, upon:

13 United Parcel Service, Next Day Air, addressed to:

14 Travis Gerber, Esq.
15 Gerber Law Offices, LLP
16 491 4th Street
17 Elko, NV 89801

18 DATED this 28th day of March, 2013.

19 Teresa A. Gearhart
20 TERESA A. GEARHART
21
22
23
24
25
26
27
28

EXHIBIT “1”

EXHIBIT “1”

Gayle A. Kern, Ltd.
5421 Kietzke Lane, Suite 200
Reno, Nevada 89511

March 28, 2013

In Reference To: Ruby Lake Estates HOA adv. Artemis Exploration Company

Professional Services

		<u>Rate</u>	<u>Tax#</u>	<u>Amount</u>
2/25/2013 - GAK	Revise and finalize motion for attorney's fees and costs; review and redact privileged statements in the invoices and billing information.	240.00/hr		144.00
3/15/2013 - GAK	Review and respond to email from Mr. Gerber re: his opposition filing.	240.00/hr		48.00
3/20/2013 - GAK	Review opposition to motion for attorney's fees and costs; request extension of time to respond to April 2.	240.00/hr		72.00
3/21/2013 - GAK	Review email about [REDACTED]	240.00/hr		48.00
3/25/2013 - GAK	Work on Reply to Opposition to Motion for Confirmation of Award and Attorney's Fees and Costs.	240.00/hr		1,800.00
3/27/2013 - GAK	Review and revise Reply to Opposition.	240.00/hr		192.00
- GAK	Revise Reply to Opposition to Motion for Summary Judgment; draft and finalize supplemental affidavit; draft and finalize Supplemental Memorandum of Costs.	240.00/hr		312.00
For professional services rendered		10.90		\$2,616.00

Additional Charges :

	<u>Qty/Price</u>	<u>Tax#</u>	<u>Amount</u>
2/28/2013 - TG Photocopy Charges	209 0.20		41.80
- TG Postage Charges	1 5.44		5.44
3/27/2013 - TG Photocopy Charges	65 0.20		13.00
Total costs			<hr/> \$60.24

Exhibit E

Exhibit E

ORIGINAL

CASE NO. CV-C-12-175

DEPT. NO. I

FILED 29 FEB 2010

CLERK OF DISTRICT COURT

DEPT. CLERK DEPUTY

IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF ELKO

ARTEMIS EXPLORATION COMPANY, a
Nevada Corporation,

Plaintiffs,

vs.

**SUPPLEMENTAL MEMORANDUM OF
COSTS**

RUBY LAKE ESTATES HOMEOWNER'S
ASSOCIATION AND DOES I-X,

Defendants.

RUBY LAKE ESTATES HOMEOWNER'S
ASSOCIATION,

Counterclaimant,

vs.

ARTEMIS EXPLORATION COMPANY, a
Nevada Corporation,

Counterdefendant.

Photocopy Charges \$ 54.80

Postage Charges \$ 5.44

TOTAL SUPPLEMENTAL COSTS \$ 60.24

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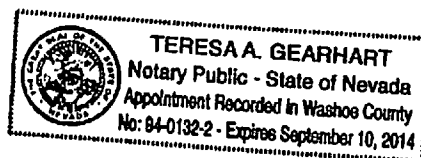
1 STATE OF NEVADA)
2 : ss.
3 COUNTY OF WASHOE)

4 Gayle A. Kern, being first duly sworn, deposes and says that to the best of my knowledge
5 and belief these items are correct and that the disbursements have been necessarily incurred in this
6 action by Plaintiff (NRS 18.005; NRS 18.110).

7 
8 GAYLE A. KERN

9 SUBSCRIBED and SWORN to before
10 me this 28th day of March, 2013.

11 
12 NOTARY PUBLIC



13 **AFFIRMATION**

14 **Pursuant to NRS 239B.030**

15 The undersigned does hereby affirm that the preceding document filed in the above-entitled
16 case does not contain the social security number of any person.

17 DATED this 28th day of March, 2013.

18 KERN & ASSOCIATES, LTD.

19 
20 GAYLE A. KERN, ESQ.
21 NEVADA BAR #1620
22 5421 Kietzke Lane, Suite 200
23 RENO, NEVADA 89511
24 Telephone: 775-324-5930
25 Fax: 775-324-6173
26 Email: gaylekern@kernltd.com
27 Attorneys for Ruby Lake Estates
28

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of the law firm of Kern &
3 Associates, Ltd., and that on this day I served the foregoing document described as follows:

4 **SUPPLEMENTAL MEMORANDUM OF COSTS**

5 on the parties set forth below, at the addresses listed below by:

6 X Placing an original or true copy thereof in a sealed envelope place for collection and
7 mailing in the United States Mail, at Reno, Nevada, first class mail, postage paid,
following ordinary business practices, addressed to:

8 Via facsimile transmission

9 Via e-mail.

10 Personal delivery, upon:

11 United Parcel Service, Next Day Air, addressed to:

12
13 Travis Gerber, Esq.
Gerber Law Offices, LLP
14 491 4th Street
Elko, NV 89801

15 DATED this 20th day of March, 2013.

16
17 *Teresa A. Gearhart*
TERESA A. GEARHART

Exhibit F

Exhibit F

1 KERN & ASSOCIATES, LTD.
2 GAYLE A. KERN, ESQ.
3 Nevada Bar # 1620
4 5421 Kietzke Lane, Suite 200
5 Reno, Nevada 89511
6 Telephone: (775) 324-5930
7 Facsimile: (775) 324-6173
8 E-mail: gaylekern@kernltd.com

9 Attorneys for Respondents and Counter Claimants

10
11 STATE OF NEVADA
12 IN THE DEPARTMENT OF BUSINESS AND INDUSTRY
13 REAL ESTATE DIVISION
14

15 ARTEMIS EXPLORATION
16 COMPANY, on behalf of itself and all
17 others similarly situated,

18 Claimants,

19 vs.

20 RUBY LAKE ESTATES
21 ARCHITECTURAL COMMITTEE,
22 RUBY LAKE ESTATES
23 HOMEOWNER'S ASSOCIATION,
24 LEROY PERKS, VALERIE MCINTYRE,
25 DENNIS MCINTYRE, MICHAEL
26 CECCHI,

27 Respondents.

28 RUBY LAKE ESTATES
ARCHITECTURAL COMMITTEE,
RUBY LAKE ESTATES
HOMEOWNER'S ASSOCIATION,
LEROY PERKS, VALERIE MCINTYRE,
DENNIS MCINTYRE, MICHAEL
CECCHI,

Counter Claimants,

vs.

ARTEMIS EXPLORATION
COMPANY,

Counter Respondents.

NRED Control No. 11-82

AFFIDAVIT OF GAYLE A. KERN
IN SUPPORT OF ATTORNEY'S
FEES AND COSTS

1 STATE OF NEVADA)
 : ss.
2 COUNTY OF WASHOE)

3 I, Gayle A. Kern, being first duly sworn do hereby swear under penalty of perjury as follows:

4 1. I am the attorney representing Ruby Lake Estates Architectural Committee, Ruby Lake
5 Estates Homeowner's Association, Leroy Perks, Valeri McIntyre, Dennis McIntyre, Michael Cecchi in the
6 above-referenced matter.

7 2. I make this affidavit of my own personal knowledge except as to those matters stated on
8 information and belief.

9 3. Total fees in this matter through December 20, 2011, are \$22,092.00, and costs through
10 December 14, 2011, in the amount of \$4,718.67, for a total of \$26,810.67. A compilation of all fees and
11 costs is attached as Exhibit I.

12 4. Redaction has been made of any privileged communications.

13 5. I have been in practice for over 25 years. I have a general civil practice with an emphasis
14 on all types of housing associations including condominiums, town homes, landscape maintenance, single
15 family, master and sub associations and mobile home parks, as well as litigation, bankruptcy and real
16 property law. I currently serve as counsel to over two hundred associations throughout Northern Nevada.
17 I provide all aspects of legal services upon request to my associations including interpretation of governing
18 documents and applicable local, state and federal laws; guidance and training to Boards of Directors in
19 connection with running a non-profit common-interest community; developer transition; collection of
20 delinquent assessments; filing and responding to Intervention Affidavits with the Nevada Real Estate
21 Division; all forms of litigation including Alternative Dispute Resolution, complaints in front of the Fair
22 Housing Division of HUD, Small Claims Court, Justice Court, District Court, and the Nevada Supreme
23 Court; and assistance in collections, liens and foreclosures.

24 6. I lecture regularly for the Ombudsman's office, the Nevada Real Estate Division, and teach
25 seminars on common-interest community law. I serve on the Community Association Institute's
26 Legislative Action Committee, which participates in review and comment on legislation affecting common-
27 interest communities and regulations promulgated by the Ombudsman and Nevada Real Estate Division.
28 I worked with the Real Estate Division in the development of the first community manager exam and I am

1 approved by the Real Estate Division to teach classes to community managers and Board members. I
2 regularly attend CAI's National Law Seminars to keep apprised of new developments in the industry, not
3 only in Nevada, but throughout the country. I also serve on the subcommittee for the Common Interest
4 Communities for the Nevada State Bar Real Estate section.

5 7. The fees and costs billed in this matter are reasonable and appropriate. The total time billed
6 from February 25, 2011 through December 20, 2011 was 92.05 hours, with an hourly rate of \$240.00.
7 Costs through December 14, 2011, are itemized in the amount of \$4,718.67 for a total due and owing of
8 \$26,810.67.

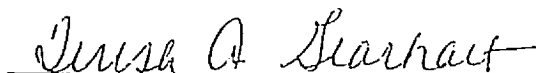
9 8. My hourly rate is reasonable given my experience practicing law in general and my
10 experience in practicing in the specialized area of common interest communities, in particular. Despite my
11 experience and expertise, my hourly rate is lower than rates routinely charged by other attorneys who
12 practice in this area and/or who do not have the same amount of experience that I have.

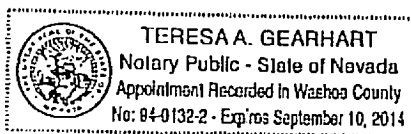
13 9. Based upon all of the above factors, these fees and costs are reasonable and appropriate and
14 should be awarded.

15 DATED this 20th day of December, 2011.

16
17 
18 GAYLE A. KERN

19 SUBSCRIBED AND SWORN to before me
20 this 20th day of December, 2011.

21 
22 NOTARY PUBLIC



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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the law firm of Kern & Associates, Ltd.,
5421 Kietzke Lane, Suite 200, Reno, NV 89511, and this day I served the foregoing document described
as follows:

AFFIDAVIT OF GAYLE A. KERN
IN SUPPORT OF ATTORNEY'S FEES AND COSTS

on the parties set forth below, at the addresses listed below by:

 X Placing an original or true copy thereof in a sealed envelope place for collection and mailing
in the United States Mail, at Reno, Nevada, first class mail, postage paid, following ordinary
business practices, addressed to:

 X Via e-mail transmission

 Personal delivery, upon:

 United Parcel Service, 2nd Day Air, addressed to: Travis W. Gerber Only

*Via U.S. Mail &
E-mail to: twg@gerberlegal.com*

Travis W. Gerber
Gerber Law Offices, LLP
491 4th Street
Elko, NV 89801

*Via U.S. Mail &
E-mail to: leonardgang@gmail.com*

Leonard L. Gang, Esq., Arbitrator
P.O. Box 4394
Incline Village, NV 89450

DATED this 20th day of December, 2011.


TERESA A. GEARHART



EXHIBIT "1"

EXHIBIT "1"

Gayle A. Kern, Ltd.
5421 Kietzke Lane, Suite 200
Reno, Nevada 89511
EIN No. 20-0097566

Invoice submitted to:
[REDACTED]

December 20, 2011

In Reference To: Ruby Lake Estates HOA adv. Artemis Exploration Company

Professional Services

	<u>Rate</u>	<u>Tax#</u>	<u>Amount</u>
2/25/2011 - GAK review documents provided by client; meeting with board re: [REDACTED]; telephone call to Mr. Wines re: [REDACTED]	240.00/hr		840.00
3/2/2011 - GAK Review various emails; attempt telephone call to [REDACTED]	240.00/hr		120.00
3/3/2011 - GAK Draft motion to dismiss; prepare peremptory challenge.	240.00/hr		600.00
3/4/2011 - GAK Review e-mail from [REDACTED]; respond with [REDACTED]; finalize all pleadings; supervise communication with Mr. Wines' office; provide for all to be sent for delivery on Monday.	240.00/hr		360.00
3/7/2011 - GAK Follow-up with Mr. Wines' office re: [REDACTED]; prepare notice of pending litigation; review file-stamped pleadings.	240.00/hr		240.00
3/9/2011 - GAK Draft letter to the Board with litigation notebook.	240.00/hr		120.00
3/22/2011 - GAK Telephone call from Travis Gerber.	240.00/hr		48.00
3/23/2011 - GAK Review and respond to e-mails from Board president.	240.00/hr		48.00
3/24/2011 - GAK Review and respond to e-mail from Ms. McIntyre re: [REDACTED]; review and respond to e-mail from [REDACTED]; Telephone call from [REDACTED]; provide [REDACTED]	240.00/hr		240.00

			<u>Rate</u>	<u>Tax#</u>	<u>Amount</u>
		[REDACTED] to client; review e-mail re: [REDACTED] [REDACTED], telephone call to Travis Gerber.			
3/29/2011	- GAK	Review proposed stipulation for dismissal; draft response regarding reservation of right to seek fees and costs.	240.00/hr		60.00
3/30/2011	- GAK	Review and respond to numerous e-mails from Mr. Gerber re: [REDACTED]; receive finalized stipulation, execute and return same to Mr. Gerber.	240.00/hr		120.00
5/17/2011	- GAK	Telephone call from [REDACTED].	240.00/hr		24.00
5/18/2011	- GAK	Review e-mail advising [REDACTED] provide notice to [REDACTED] and [REDACTED].	240.00/hr		48.00
6/1/2011	- GAK	Review [REDACTED] in order to prepare answer.	240.00/hr		48.00
6/15/2011	- GAK	Prepare responsive pleading to complaint.	240.00/hr		480.00
6/17/2011	- GAK	Supervise file organization; direct copies to be made of pertinent documents; review [REDACTED] and obtain [REDACTED]	240.00/hr		72.00
	- GAK	Supervise obtaining documents to [REDACTED]	240.00/hr		48.00
6/20/2011	- GAK	Telephone call from [REDACTED]; Prepare Notice of Pending Litigation; draft letter to client [REDACTED]	240.00/hr		192.00
6/29/2011	- GAK	Draft letter to Members of the Board [REDACTED]	240.00/hr		72.00
7/7/2011	- GAK	Review and respond to e-mail from Mr. Gerber re: appointment of Judge Gang.	240.00/hr		48.00
7/14/2011	- GAK	Telephone call from [REDACTED] discussion of [REDACTED]	240.00/hr		48.00
7/20/2011	- GAK	Review letter from Nevada Real Estate Division assigning arbitration to Mr. Gang; provide same to client.	240.00/hr		48.00
7/22/2011	- GAK	Review [REDACTED]; revise [REDACTED]	240.00/hr		168.00
8/1/2011	- GAK	Participate in conference call with Mr. Gerber and Judge Gang.	240.00/hr		96.00

		<u>Rate</u>	<u>Tax#</u>	<u>Amount</u>
8/4/2011 - GAK	Review letter and statement from Judge Gang; execute and return.	240.00/hr		60.00
8/23/2011 - GAK	Review e-mail from Mr. Gerber.	240.00/hr		24.00
8/24/2011 - GAK	Draft Notice of Taking Depositions of Mel and Elizabeth Essington.	240.00/hr		48.00
8/31/2011 - GAK	Revise Notice of Deposition.	240.00/hr		72.00
9/2/2011 - GAK	Review letter and enclosure from Travis Gerber to Leonard Gang; provide to client.	240.00/hr		48.00
9/6/2011 - GAK	Prepare draft of first set of interrogatories; prepare draft of first set of Requests for Admission; draft first set of request for Production of Documents.	240.00/hr		720.00
9/7/2011 - GAK	Meeting with [REDACTED]; finalize all discovery requests; review additional e-mails [REDACTED]; prepare supplemental production of documents; begin preparation of [REDACTED]	240.00/hr		720.00
9/9/2011 - GAK	Finalize notices of depositions.	240.00/hr		72.00
- GAK	Review additional e-mail with attachments and prepare third supplemental production of documents.	240.00/hr		120.00
9/12/2011 - GAK	Finalize Second Supplemental List of Documents.	240.00/hr		48.00
9/14/2011 - GAK	Review discovery requests from plaintiffs; prepare draft responses; send all to [REDACTED]	240.00/hr		288.00
10/3/2011 - GAK	Review and respond to e-mail re [REDACTED], supervise obtaining court reporter for the depositions.	240.00/hr		72.00
- GAK	Finalize Response to Request for Admissions; finalize Answers to Interrogatories.	240.00/hr		60.00
10/4/2011 - GAK	Prepare amended notice of deposition for conducting depositions at Mr. Wines' office.	240.00/hr		48.00
10/11/2011 - GAK	Review [REDACTED] from clients; draft letter to Travis Gerber.	240.00/hr		48.00
10/12/2011 - GAK	Travel to and prepare for depositions.	240.00/hr		1,680.00

		<u>Rate</u>	<u>Tax#</u>	<u>Amount</u>
10/13/2011 - GAK	Conduct depositions and return to Reno.			
		240.00/hr		2,880.00
10/24/2011 - GAK	Prepare supplemental production.			
		240.00/hr		72.00
11/28/2011 - GAK	Draft letter to Arbitrator Gang and Mr. Gerber re: extension of time; strategize for preparing arbitration brief.			
		240.00/hr		216.00
- GAK	Review strategy re: [REDACTED]			
	[REDACTED] review [REDACTED]	240.00/hr		1,440.00
11/29/2011 - GAK	Prepare Third Supplemental List of Documents.			
		240.00/hr		48.00
- GAK	Review communication approving extension for briefs.			
		240.00/hr		48.00
- GAK	Continue work on Arbitration Brief; draft [REDACTED]			
	[REDACTED] analysis of [REDACTED]; begin draft of legal points and authorities.	240.00/hr		1,944.00
11/30/2011 - GAK	Continue preparation of legal arguments and points and authorities for Arbitration Brief.			
		240.00/hr		1,224.00
12/1/2011 - GAK	Draft arguments and points and authorities regarding affirmative defenses and counterclaims; review and edit first draft of Arbitration Brief.			
		240.00/hr		1,560.00
12/5/2011 - GAK	Finalize arbitration brief; draft letter to [REDACTED] begin [REDACTED] begin preparation of [REDACTED]			
		240.00/hr		624.00
12/9/2011 - GAK	Work on [REDACTED].			
		240.00/hr		360.00
12/12/2011 - GAK	Continue [REDACTED].			
		240.00/hr		672.00
12/13/2011 - GAK	Final preparation of [REDACTED]			
		240.00/hr		960.00
12/14/2011 - GAK	Final preparation for arbitration; provide letter to [REDACTED] participate in arbitration.			
		240.00/hr		1,560.00
12/20/2011 - GAK	Prepare affidavit in support of legal fees; review e-mail from Mr. Gerber.			
		240.00/hr		168.00

For professional services rendered

Hours

92.05

Amount

\$22,092.00

Additional Charges :

		<u>Qty/Price</u>	<u>Tax#</u>
3/4/2011 - TG	Fourth Judicial District Court - Filing Fee for First Appearance	1 318.00	318.00
- TG	Supreme Court of Nevada - Filing Fee for Peremptory Challenge of Judge	1 450.00	450.00
- TG	UPS Shipping Charges	1 24.04	24.04
3/8/2011 - TG	Binder for Litigation Notebook	1 14.00	14.00
3/31/2011 - TG	Photocopy Charges	61 0.20	12.20
- TG	Messenger Service Charges	1 3.00	3.00
5/31/2011 - TG	Photocopy Charges	7 0.20	1.40
6/15/2011 - TG	Nevada Real Estate Division - Fee to File ADR Response	1 50.00	50.00
- TG	UPS Shipping Charges	1 26.74	26.74
6/30/2011 - TG	Photocopy Charges	263 0.20	52.60
7/31/2011 - TG	Postage Charges	1 0.88	0.88
- TG	Photocopy Charges	8 0.20	1.60
8/5/2011 - TG	Leonard I. Gang - Arbitrator's Retainer	1 1,750.00	1,750.00
8/15/2011 - TG	UPS Shipping Charges	1 14.48	14.48
8/31/2011 - TG	Photocopy Charges	31 0.20	6.20

		<u>Qty/Price</u>	<u>Tax#</u>	<u>Amount</u>
8/31/2011 - TG	Postage Charges	1 0.44		0.44
9/1/2011 - TG	(8/1/11) - AT&T TeleConference Services	1 12.10		12.10
9/9/2011 - TG	UPS Shipping Charges	1 14.55		14.55
9/30/2011 - TG	Photocopy Charges	129 0.20		25.80
- TG	Postage Charges	1 1.28		1.28
10/12/2011 - TG	The Star Hotel - Dining Expense	1 36.66		36.66
- TG	Starbucks - Travel Expense	1 10.93		10.93
10/13/2011 - TG	Dos Amigos - Dining Expense	1 22.42		22.42
- TG	Towne Place Suites by Marriott - Travel Expense	1 189.28		189.28
- TG	Sunshine Reporting and Litigation Services, LLC - Deposition Reporting & Transcription	1 1,582.53		1,582.53
10/31/2011 - TG	Photocopy Charges	67 0.20		13.40
- TG	Postage Charges	1 2.36		2.36
11/30/2011 - TG	Photocopy Charges	10 0.20		2.00
- TG	Postage Charges	1 1.08		1.08
12/5/2011 - TG	UPS Shipping Charges	1 14.42		14.42
12/14/2011 - TG	Postage Charges	1 1.68		1.68
- TG	Photocopy Charges	313 0.20		62.60

[REDACTED]
Total costs

Amount
\$4,718.67

For professional services rendered

92.05

Amount
\$26,810.67

Exhibit G

Exhibit G

1 CASE NO. CV-C-12-175

2 DEPT. NO. 2

3 Affirmation: This document does
4 not contain the social security number
5 of any person.

6 IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7
8 IN AND FOR THE COUNTY OF ELKO

9 ARTEMIS EXPLORATION COMPANY,
10 a Nevada Corporation,

11 Plaintiff,

12 vs.

13 RUBY LAKE ESTATES HOMEOWNER'S
14 ASSOCIATION, et al., and DOES I-X,

Defendants.

AFFIDAVIT OF GAYLE A. KERN, ESQ.
IN SUPPORT OF MOTION FOR
ATTORNEY'S FEES AND COSTS

15 STATE OF NEVADA)
16)ss.
17 COUNTY OF WASHOE)

18 I, Gayle A. Kern, Esq., being first duly sworn do hereby swear under penalty of perjury as
19 follows:

20 1. I am attorney licensed to practice before all courts of the State of Nevada, and one
21 of the attorneys of record for Defendant Ruby Lake Estates Homeowner's Association (the
22 "Association") in the above-referenced matter.

23 2. I make this affidavit of my own personal knowledge except as to those matters
24 stated on information and belief. I am familiar with the Court's June 6, 2013 award of attorney's
25 fees and costs to the Association in the total amount of \$82,250.81 and based upon my prior
26 affidavits submitted in support thereof. I have also reviewed and approved the invoices in this
27 matter since that date.
28

1 3. Since the June 6, 2013 award of attorney's fees and costs, additional fees and costs
2 have been incurred by the Association in connection with Plaintiff Artemis Exploration
3 Company's ("Artemis's") declaratory relief claim and the parties' efforts to obtain entry of Final
4 Judgment consistent with the Court's orders throughout the litigation. The additional amount of
5 fees through March 18, 2018 fees is calculated to be \$32,101.00 and costs through March 18, 2018
6 in the amount of \$1,336.33, for a total, additional of amount of \$33,437.33. A compilation of these
7 additional fees and costs is attached as Exhibit "A" to this affidavit. Substantial effort has been
8 undertaken to exclude fees and costs specifically incurred to prosecute the Association's now
9 dismissed Counterclaims and Cross-Claim, including any fees incurred for briefing on the
10 Counterclaims and Crossclaims. Substantial effort has also been made to identify time spent
11 preparing for, traveling to Elko, and attending hearings on the cross motions for summary
12 judgment on the Counterclaims as well as on Artemis's motions for relief from judgment,
13 reconsideration, and/or for leave to file supplement briefs with respect to the Court's February
14 2013 Orders. As to those identified time entries, only 1/2 of the fees incurred was included in the
15 calculation.
16
17

18 4. Redaction has been made of any privileged communications.
19

20 5. I have been a practicing attorney in the State of Nevada for approximately thirty-
21 two (32) years, and have been licensed to practice in the State of California for twenty-nine (29)
22 years.
23

24 6. I have a civil practice with an emphasis on all types of housing associations
25 including condominiums, town homes, landscape maintenance, single family, master and sub
26 associations and mobile home parks, as well as litigation, bankruptcy and real property law.
27

28 7. I currently serve as counsel to over two hundred (200) associations throughout
Northern Nevada. I provide all aspects of legal services upon request to my associations including

1 interpretation of governing documents and applicable local, state and federal laws; guidance and
2 training to Boards of Directors in connection with running a non-profit common-interest
3 community; developer transition; collection of delinquent assessments; filing and responding to
4 Intervention Affidavits with the Nevada Real Estate Division; all forms of litigation including
5 Alternative Dispute Resolution, complaints in front of the Fair Housing Division of HUD, Small
6 Claims Court, Justice Court, District Court, and the Nevada Supreme Court; and assistance in
7 collections, liens and foreclosures.
8

9 8. I lecture regularly for the Ombudsman's office, the Nevada Real Estate Division,
10 and teach seminars on common-interest community law.
11

12 9. I serve on the Community Association Institute's Legislative Action Committee,
13 which participates in review and comment on legislation affecting common-interest communities
14 and regulations promulgated by the Ombudsman and Nevada Real Estate Division.
15

16 10. In September 2015 I was inducted as a fellow in the Community Association
17 Institute's College of Community Association Lawyers.
18

19 11. I regularly attend CAI's National Law Seminars to keep apprised of new
20 developments in the industry, not only in Nevada, but throughout the country, and I also serve on
21 the subcommittee for the Common Interest Communities for the Nevada State Bar Real Estate
22 section.
23

24 12. I worked with the Real Estate Division in the development of the first community
25 manager exam, and I am approved by the Real Estate Division to teach classes to community
26 managers and Board members.
27

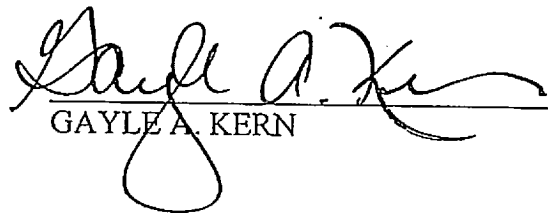
28 13. The fees and costs billed in this matter are reasonable and appropriate. The total
additional time billed from June 6, 2013 through March 18, 2018 described above and as set forth
herein and Exhibit "A" is calculated to be 133.75 hours, at an hourly rate of \$240.00, totaling

1 \$32,101.00. Additional costs through March 18, 2018, itemized in the accompanying
2 Memorandum of Costs, are in the amount of \$1,336.33, for additional fees and costs due and owing
3 of \$33,437.33 This amount plus the \$82,250.81 originally awarded by the Court on June 6, 2013,
4 and which award should also be reinstated, brings the total amount of fees and costs to
5 \$115,688.14 as of March 18, 2018.
6

7 14. The hourly rate of my firm is reasonable given my experience practicing law in
8 general and my experience in practicing in the specialized area of common interest communities.
9 Despite my experience and expertise, my firm's hourly rate is lower than rates routinely charged
10 by other attorneys who practice in this area and/or who do not have the same amount of experience
11 that I have.
12

13 15. Based upon all of the above factors, these fees and costs are reasonable, appropriate
14 and should be awarded.
15

16 DATED this 19th day of March 2018.
17

18 
GAYLE A. KERN

19 SUBSCRIBED AND SWORN to before me
20 this 19th day of March 2018 by Gayle A. Kern.
21

22 
23 NOTARY PUBLIC



[REDACTED]

[REDACTED]

[REDACTED]

In Reference To: Ruby Lake Estates HOA adv. Artemis Exploration Company -

Professional Services

			Rate	Tax#	Amount
6/25/2013	GAK	Review Notice of No Transcript; draft letter to Gerber pursuant to Rule 9; review Docketing Statement; obtain copy of amended order increasing award of attorney's fees and costs.	240.00/hr		240.00
6/27/2013	GAK	Prepare letter to Travis Gerber demanding increased Supersedeas Bond based on Judgment entered on June 6, 2013, and disappointment that he will not discuss settlement.	240.00/hr		96.00
6/28/2013	GAK	Prepare Notice of Entry of Order Granting Defendant's Motion for Confirmation of Judgment on an Arbitration Award and Award of Attorney's Fees and Costs; prepare Notice of Entry of Judgment on an Arbitration Award and Award of Attorney's Fees and Costs.	240.00/hr		48.00
7/2/2013	GAK	Review and respond to email from [REDACTED] re: [REDACTED]	240.00/hr		48.00
7/11/2013	GAK	Return telephone call to Travis Gerber re: settlement of litigation; draft status to [REDACTED]	240.00/hr		168.00
7/17/2013	GAK	Review and respond to [REDACTED] from [REDACTED] regarding communication from Travis Gerber.	240.00/hr		48.00
	GAK	Review notice of filing supplemental supersedeas bond, review supplement to docketing statement, provide copies to client.	240.00/hr		96.00

			Rate	Tax#	Amount
7/23/2013	GAK	Review and respond to email from client about [REDACTED]	240.00/hr		48.00
	GAK	Draft Updated Notice of Pending Litigation as required by Nevada law.	240.00/hr		72.00
9/9/2013	GAK	Review email from [REDACTED] regarding settlement; follow up with Mr. Gerber re: previous settlement discussions.	240.00/hr	NO CHARGE	
10/7/2013	GAK	Review order of court regarding appeal; supervise sending to [REDACTED]	240.00/hr		120.00
10/9/2013	GAK	Telephone call from Travis Gerber re: status of matter; discussion of order by the Supreme Court and appendix; raised issue of settlement.	240.00/hr		72.00
10/11/2013	GAK	Review email from Travis Gerber as to his view of the Supreme Court order and begin analysis of response.	240.00/hr		144.00
10/14/2013	GAK	Telephone call from Travis Gerber and long conference about further action and his client's refusal to discuss settlement at all.	240.00/hr		144.00
10/30/2013	GAK	Review email from Mr. Gerber re: notice of withdrawal of appeal in response to court's order; draft response as to its acceptability and acknowledgment that we will be proceeding in the district court to obtain complete resolution to all remaining claims.	240.00/hr		144.00
11/14/2013	GAK	Review and respond to email from [REDACTED]	240.00/hr		48.00
11/17/2013	KMA	Initial review and evaluation of pleadings; motion to confirm arbitration award; judgment confirming arbitration award and inclusion of additional fees and costs upon request	240.00/hr		144.00
11/18/2013	KMA	Review cross-motions for summary judgment as to validity of association; court's order granting associations motion for summary judgment; evaluate necessity of [REDACTED]	240.00/hr		360.00
11/19/2013	KMA	[REDACTED]			

[REDACTED]

[REDACTED]

		Rate	Tax#	Amount
12/2/2013 - GAK	Review motions for reconsideration and motion for summary judgment; Telephone call Travis Gerber re: extension to respond; draft confirming email.	240.00/hr		120.00
12/17/2013 - KMA	Initial review of Artemis Motion for Relief from Judgement and Motion for Summary Judgment; telephone call to counsel's office re: opposition date; review local rules re: [REDACTED] [REDACTED] review and evaluate [REDACTED] supplement of [REDACTED] of [REDACTED] email to Artemis counsel re: date for filing of opposition.	240.00/hr		240.00 \$120 ⁰⁰
12/19/2013 - KMA	Further evaluation of motion for relief from judgment or order under NRCP 60(b) due to alleged error in confirming arbitration award from "non-binding arbitration"; reevaluate Supreme Court order re: same and in applicability of statutory provisions for confirmation of awards of non-binding arbitration with subsequent district court action; research and review Chapter 38 provisions re: applicability of statutes on confirmation of arbitration award at district court level.	240.00/hr		192.00
12/20/2013 - KMA	[REDACTED]	[REDACTED]		[REDACTED]
12/28/2013 - KMA	[REDACTED]	[REDACTED]		[REDACTED]
1/2/2014 - KMA	Continued work on draft opposition to motion for relief and motion for summary judgment, draft of undisputed facts.	240.00/hr		288.00 \$144 ⁰⁰
1/3/2014 - KMA	Continued preparation of draft opposition to motion to set aside and motion for summary judgment; revise arguments in relation [REDACTED] [REDACTED] evaluate [REDACTED]	240.00/hr		1,200.00 \$600 ⁰⁰

[REDACTED]

[REDACTED]

Rate Tax# Amount

[REDACTED] research [REDACTED]
[REDACTED] review procedural
rules as specific basis for entry of judgment following
order granting summary judgment [REDACTED]

1/4/2014 - KMA

[REDACTED]

[REDACTED]

[REDACTED]

1/6/2014 - KMA

[REDACTED]

[REDACTED]

[REDACTED]

- KMA

[REDACTED]

[REDACTED]

[REDACTED]

1/7/2014 - KMA

[REDACTED]

[REDACTED]

[REDACTED]

1/8/2014 - GAK

Review and revise opposition to motion for relief from
judgment and to summary judgment; review [REDACTED]
and analyze [REDACTED]

240.00/hr

\$ 168⁰⁰

336.00

KMA

Additional revisions to Opposition; follow-up legal
research regarding [REDACTED]
draft proposed Judgment.

240.00/hr

\$ 240⁰⁰

480.00

- AAD

[REDACTED]

[REDACTED]

[REDACTED]

for Summary Judgment and provide revisions to affidavits that will be filed in support of the opposition to the motions.

Rate Tax# Amount

~~\$360.00~~

1/9/2014 - KMA Additional revisions to Opposition, Affidavits, proposed Judgment, in preparation for filing with the Court; final citation check of authorities, minor revisions re: cited authorities; finalized Oppositions

240.00/hr

~~600.00~~

GAK Review proposed Stipulation; telephone call with Mr. Gerber; execute documents for Opposition.

240.00/hr

168.00

CAL Finalize Second Supplemental Memorandum of Costs and Opposition to Artemis Exploration Company's Motion for Relief from Judgment or Order (NRCP 60(b))

140.00/hr

98.00

draft filing letter to Court Clerk to enclose in overnight package with pleadings; email copies of all to opposing counsel.

1/10/2014 - GAK Return telephone call to Travis Gerber.

240.00/hr

48.00

1/13/2014 - KMA

- CAL

1/14/2014 - GAK Telephone call from Travis Gerber re: pleadings and documents on file.

240.00/hr

48.00

1/15/2014 - KMA

		Rate	Tax#	Amount
				\$24.00
3/6/2014	KMA	Several telephone calls with Judicial Executive Assistant (Stefanie Pattani) for Judge Kacin in Elko County to coordinate a date and time for [REDACTED] hearings.	240.00/hr	48.00
3/7/2014	KMA	Review message from judge's chambers re: oral argument required by court, provide date re: same.	240.00/hr	24.00
3/10/2014	KMA	Receive and review Order Setting Hearing from the Court; email client a copy of same to advise of the hearing on May 28, 2014.	240.00/hr	48.00
3/17/2014	KMA	[REDACTED]		
3/27/2014	KMA	Telephone conference with [REDACTED] to confirm [REDACTED] the May 28, 2014 hearing in Elko on the counter Motions for Summary Judgment.	240.00/hr	48.00
3/28/2014	KMA	[REDACTED]		
5/26/2014	KMA	Review and evaluate prior briefing of first motion for summary judgment, court orders granting Ruby Lakes MSJ, subsequent judgment fees and costs award, supreme court order to show cause; begin preparation for oral argument in Elko on Artemis motion for relief under Rule 60(b), counter motions for summary judgment on Rule Lakes' counterclaims.	240.00/hr	600.00
5/27/2014	KMA	Continued preparation for oral argument on motion for relief from judgment, and counter motions for summary judgment; telephone conference with local counsel Bob Wines re: same, briefs, and particular [REDACTED] telephone conference with [REDACTED] re: oral argument outline for oral argument, exhibit references for court.	240.00/hr	1,560.00
	KMA	Prepare oral argument binders for hearing on May 28, 2014, including pleadings, rules, exhibits, research, etc.	240.00/hr	120.00
5/28/2014	KMA	Completed preparation for oral argument on motion for relief and counter motions for summary judgment; travel to Elko to Reno and back for oral argument; conference with [REDACTED]	240.00/hr	1,120.00

[REDACTED] attended oral argument before Judge Kacin in Elko.

Rate Tax# Amount

5/29/2014 - KMA Telephone conference with [REDACTED] re: [REDACTED] 240.00/hr 240.00

\$108.00

6/3/2014 - KMA Review proposed order for release of costs bond from opposing counsel; preparation of status email to [REDACTED] and on motion for relief and counter motions for summary judgment; revise and finalize status report. 240.00/hr 240.00

\$70.00

6/17/2014 - KMA Receive and review conformed Order Releasing Cost Bond & Supersedeas Bonds from the Court; [REDACTED] 240.00/hr 24.00

8/12/2014 - KMA Status update and review information from court clerk re. potential decision from court, still under submission and pending. 240.00/hr 24.00

12/8/2014 - KMA Exchange emails with [REDACTED] re: status [REDACTED] 240.00/hr 24.00

1/20/2015 - GAK Review Second Request for Review filed by the Plaintiff; [REDACTED] 240.00/hr 48.00

3/27/2015 - KMA Review information from Judge Kacin assistant as to time line for written decision on motions; email to [REDACTED] 240.00/hr 72.00

4/20/2015 - KMA Review and evaluate order granting motion for relief; reevaluate articulated basis in order re: relief under 60(b)(4) judgment void for lack of subject matter jurisdiction; reevaluate [REDACTED] by [REDACTED] 240.00/hr 408.00

\$204.00

reevaluate

status

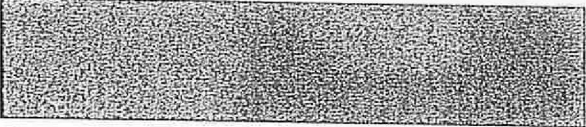


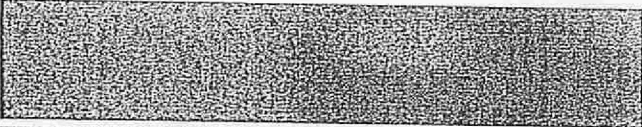





email/report to

forthcoming orders on



			<u>Rate</u>	<u>Tax#</u>	<u>Amount</u>
8/4/2016	- KMA	Email to Artemis counsel re: additional time on discovery requests.	240.00/hr		48.00
8/8/2016	- KMA	Status update on personal service of Cecchis; meeting re: documents for discovery requests.	240.00/hr		72.00
8/11/2016	- KMA	Review affidavits of service on Cecchis; follow up email re: filing of same.	240.00/hr		48.00
9/2/2016	- KMA	Review email from [REDACTED] and brief status report [REDACTED]	240.00/hr		72.00
9/6/2016	- KMA	Review email from Artemis counsel re: status of filed acceptances of service, timeline for filing defaults, SAO to remove McGowan from caption due to quitclaim, and add new owner; response email re: same.	240.00/hr		48.00
9/16/2016	- KMA	Review and revise proposed stipulations on entry of default, add new owner as party, dismiss Mary Ann McGowan due to sale of interest in property; draft email to Artemis counsel re: same.	240.00/hr		96.00
9/19/2016	- KMA	Email to Zach Gerber re: SAO and application for entry of default.	240.00/hr		48.00
10/4/2016	- KMA	Review email from Zach Gerber re: status of defaults.	240.00/hr		24.00
10/5/2016	- KMA	Exchange emails with Zach Gerber re: status as to defaults, remaining service on new owner.	240.00/hr		48.00
10/6/2016	- KMA	Exchange additional emails with Gerber on serving new owner, [REDACTED]	240.00/hr		48.00
10/7/2016	- KMA	Review request to take default of joined parties, declaration in support of same, entered default; notice of intent as to defendant Frank, necessity of serving new owner Johnson.	240.00/hr		72.00
10/20/2016	- KMA	Review email from Zach Gerber rejoinder in briefing by Wyatt, determination of service on new owner Johnson, any response to joinder [REDACTED]	240.00/hr		72.00
10/21/2016	- KMA	Telephone conferenc with Zach Gerber re: status, need for service on David Johnson, joinder of Wyatts, mutual agreement of not wanting further briefing schedule by Judge; potential timeline for completion of defaults and resubmission of motions to judge for decision.	240.00/hr		96.00



			Rate	Tax#	Amount
10/25/2016	- KMA	Exchange emails with Zach Gerber re: status of service on remaining property owner.	240.00/hr		24.00
10/27/2016	- KMA	Exchange emails with Zach Gerber re: service on new owner Johnson, potential acceptance of same.	240.00/hr		24.00
11/7/2016	- KMA	Telephone call to owner David Johnson; emails with Zach Gerber re: efforts to get in touch with Mr. Johnson to accept service.	240.00/hr		48.00
11/16/2016	- KMA	Attempts to reach owner Johnson; email update to Zach Gerber.	240.00/hr		48.00
	- KMA	Telephone conference with attorney David Johnson, advised trustee for owner trust of property, ownership interest conveyed to various beneficiaries, recorded deed in September.	240.00/hr		48.00
11/17/2016	- KMA	Exchange emails with Zach Gerber re: new lot owners, service of same.	240.00/hr		48.00
11/18/2016	- KMA	Review email from Zach Gerber re: conveyance to Van Der Meer Trust beneficiaries, last owners to join to action, inquiry as to means to contact.	240.00/hr		48.00
11/22/2016	- KMA	Telephone conference with Zach Gerber re: status of service, death of owner Van De Meer, joinder of Wyatts in prior motions, necessity of brief response to same, SAOs to amend caption to remove David Johnson in light of information re: trustee of Van De Meer Trust, and to resubmit motions for decision.	240.00/hr		96.00
12/3/2016	- KMA				
12/5/2016	- KMA	Evaluate proposed stipulations forwarded by Gerber; email to Zach Gerber re: same.	240.00/hr		48.00
	- KMA	Re: review and revise proposed stipulation and order re: defendant Johnson and to submit for decision by court.	240.00/hr		72.00
12/6/2016	- KMA				
12/11/2016	- KMA				

		Rate	Tax#	Amount
12/12/2016	KMA Exchange emails with Amy Hackett re: status of service, re: submission of motions for decision by Judge Kacin; email to Zach Gerber re: Joint Request for Review, SAO [REDACTED] revise and finalize response to joinder.	[REDACTED]		[REDACTED]
12/14/2016	KMA Review and approve letters to court and opposing counsel re: response to joinder, stipulation to submit for decision.	240.00/hr		72.00
12/21/2016	KMA Review email from Gerber, and Reply to RLEHOA Response to Joinder.	240.00/hr		NO CHARGE
1/6/2017	KMA [REDACTED]	[REDACTED]		[REDACTED]
1/31/2017	KMA Review and evaluate emails with [REDACTED] re: snow removal issues, [REDACTED] response [REDACTED] re: same.	240.00/hr		144.00
3/10/2017	KMA Telephone conference with Zach and Travis Gerber re: upcoming oral argument.	240.00/hr		72.00
3/13/2017	KMA Exchange additional emails with [REDACTED] re: status, upcoming hearing in Elko; exchange additional emails with [REDACTED] re: [REDACTED]	240.00/hr		72.00 \$ 36.00
3/14/2017	KMA Review order from court setting oral argument for cross motions for summary judgment on remaining counterclaims, Artemis motion for leave to file supplement to motion for summary judgment and motion for reconsideration of prior order granting Association's motions for summary judgment; email to [REDACTED] and [REDACTED]	240.00/hr		120.00 \$ 60.00
4/28/2017	KMA Review latest pleadings and organize to begin preparation for oral argument in Elko; review prior outlines; telephone call to Lee Perks re: upcoming hearing.	240.00/hr		240.00 \$ 113.00
-	KMA Confer with [REDACTED] hearing [REDACTED]	240.00/hr		96.00 \$ 48.00
4/30/2017	KMA Review prior [REDACTED] hearing, issues raised as to reconsideration, compare/contrast [REDACTED] in preparation for upcoming hearing; review overall [REDACTED] all owners joined, [REDACTED]	240.00/hr		120.00 \$ 60.00

		Rate	Tax#	Amount
	evaluate [REDACTED] for hearing, [REDACTED]			
5/1/2017 - KMA	Travel to Elko for hearing before Judge Kacin; further evaluate issues re: [REDACTED] reconsideration of prior ruling.	240.00/hr		1,200.00 \$600.00
5/2/2017 - KMA	Prepare for hearing before Judge Kacin on cross motions for summary judgment, motion for reconsideration, motion for leave to file supplemental briefs; attend hearing before Judge Kacin; confer with [REDACTED] return travel from Elko.	240.00/hr		2,640.00 \$1,320.00
5/3/2017 - KMA	[REDACTED]			
7/20/2017 - KMA	[REDACTED]			
8/9/2017 - KMA	[REDACTED]			
11/2/2017 - KMA	Review letter from Judge Kacin's law clerk re: status of decision; review [REDACTED] updated status email [REDACTED]	240.00/hr		444.00 \$72.00
12/12/2017 - KMA	[REDACTED]			
12/13/2017 - KMA	[REDACTED]			
- GAK	[REDACTED]			
- KMA	[REDACTED]			

[REDACTED]

[REDACTED]

		Rate	Tax#	Amount
12/14/2017 - KMA	[REDACTED]	[REDACTED]		[REDACTED]
12/15/2017 - KMA	[REDACTED]	[REDACTED]		[REDACTED]
12/18/2017 - KMA	[REDACTED]	[REDACTED]		[REDACTED]
12/19/2017 - KMA	[REDACTED]	[REDACTED]		[REDACTED]
12/21/2017 - KMA	[REDACTED]	[REDACTED]		[REDACTED]
1/4/2018 - KMA	Review email and proposed Stipulation and Order to dismiss and for entry of final judgment; initial revisions.	240.00/hr		72.00
1/5/2018 - KMA	Email to Gerbers re: stipulation.	240.00/hr		24.00
1/8/2018 - GAK	Conference with [REDACTED]	240.00/hr		288.00
- KMA	Telephone conference with Artemis counsel re: motion to dismiss, stipulation as to counterclaims, issues related thereto, no dismissal with prejudice, issues and claims reserved; review and re-evaluate [REDACTED] and evaluate [REDACTED] begin revisions to stipulation; telephone conference with [REDACTED] case to final judgment [REDACTED]	240.00/hr		960.00
1/9/2018 - KMA	Follow up emails with Artemis counsel re: proposed stipulation, issues as to motion to dismiss.	240.00/hr		48.00
1/10/2018 - KMA	Revisions to proposed stipulation on dismissal of counterclaims; email to Artemis counsel re: same.	240.00/hr		288.00
1/11/2018 - KMA	Draft status update [REDACTED] proposed stipulation; revise and finalize.	240.00/hr		120.00

[REDACTED]

[REDACTED]

		Rate	Tax#	Amount
1/12/2018 - KMA	Email to counsel; review response, and evaluate proposed edits to stipulation.	240.00/hr		72.00
1/16/2018 - KMA	Review, reevaluate latest proposed stipulation to dismiss counterclaims from Artemis counsel, evaluate language [REDACTED]	240.00/hr		72.00
1/17/2018 - KMA	Confer re: [REDACTED] review [REDACTED] revise version sent from Artemis counsel; draft response email; additional revisions [REDACTED]	240.00/hr		264.00
1/18/2018 - KMA	Emails with Artemis counsel re: phone conference; status email to [REDACTED] to get to final judgment; [REDACTED] revisions to email to Artemis counsel re: issues as to same, no entitlement to fees/costs by either side in connection with counterclaims and cross claim; finalized same and forward revised stipulation.	240.00/hr		384.00
- GAK	Review proposed Stipulation; conference with [REDACTED]	240.00/hr		144.00
1/22/2018 - KMA	Review email from Artemis counsel re: agreement to dismiss without prejudice, each party to bear its own fees and costs as to counterclaims and crossclaim.	240.00/hr		24.00
1/24/2018 - KMA	Review and evaluate revised Stipulation and Order; change language re: fees costs as to counterclaims and cross claim.	240.00/hr		72.00
1/26/2018 - KMA	Further revise Stipulation and Order; draft proposed judgment; evaluate whether dismissal of other owners and Wyatts required for final judgment; email to Artemis counsel re: same.	240.00/hr		384.00
2/5/2018 - KMA	Email to Artemis counsel re: status of stipulation.	240.00/hr		24.00
2/6/2018 - KMA	Email from [REDACTED] response email [REDACTED] review email from Artemis counsel.	240.00/hr		144.00
2/7/2018 - KMA	Response email from Artemis counsel re: proposed order and judgment, issue as to other named defendants and Wyatts as defendants, cross defendants who have answered; final judgment issue; evaluate pleadings, second amended complaint and procedural status as to	240.00/hr		264.00



		Rate	Tax#	Amount
	final judgment with Wyatts remaining as parties; re-evaluate Rule 54(b); response email to Artemis counsel.			
2/8/2018 - KMA	Review and evaluate revised, proposed Judgment from Artemis counsel; telephone conference re: same with Travis Gerber, joinder of Wyatts, defaulted parties, 54(b) issues, Wyatts stipulating to be bound by prior Orders.	240.00/hr		192.00
2/9/2018 - KMA	Further evaluate possible resolution re: all claims as to all parties, stipulation as to Wyatts, 54(b) certification as to defaulted parties given only claim pending is claim for declaratory relief previously decided by court; evaluate proposed revisions to proposed judgment and begin edits to same.	240.00/hr		144.00
2/12/2018 - KMA	Additional revisions to propose stipulation and order for dismissal without prejudice, stipulation to bind Wyatts to prior orders, provisions as to non-appearing defaulted parties, second amended complaint claim for declaratory relief identical to original declaratory relief claim, provisions re: no just reason for delay as to defaulted parties per Rule 54(b); email to Artemis counsel re: same.	240.00/hr		432.00
2/13/2018 - KMA	Initial review of Artemis counsel's latest revisions to stipulation.	240.00/hr		48.00
2/14/2018 - KMA	Incorporate additional revisions into proposed Judgment based on language of stipulation and order for dismissal and entry of final judgment; email to Artemis counsel, and review response email re: same, and re: finalizing of stipulation and proposed judgment.	240.00/hr		216.00
2/16/2018 - KMA	Review finalized documents from counsel; revise Stipulation and Order to include language as to no argument re: motion to dismiss; finalize same; email to [REDACTED]; telephone conference [REDACTED]; [REDACTED]; approve letter to counsel re: Stipulation and Order for Dismissal Without Prejudice and Entry of Final Judgment, Final Judgment; follow up email to counsel re: same.	240.00/hr		456.00
2/23/2018 - KMA	Exchange emails with Artemis counsel re: status of submitted Stipulation and Order and proposed judgment	240.00/hr		24.00
3/9/2018 - KMA	Initial review of entered judgment, notice of entry, dates for mailing; notice of appeal, case appeal statement; confirm date for motion for attorneys fees.	240.00/hr		144.00
3/13/2018 - KMA	Exchange additional emails re: appeal, review notice of referral to Supreme Court mediation program; review notice of appeal docketed with Supreme Court.	240.00/hr		96.00

[REDACTED]

[REDACTED]

3/14/2018 - KMA Review exemption from settlement program, pending deadlines; email updating as to same for briefing schedule; review case appeal statement submitted by Artemis.

Rate	Tax#	Amount
240.00/hr		120.00

[REDACTED]

[REDACTED]

[REDACTED]

Additional Charges :

[REDACTED]

Qty/Price

1
[REDACTED]

[REDACTED]

[REDACTED]

1
[REDACTED]

[REDACTED]

[REDACTED]

1
[REDACTED]

[REDACTED]

[REDACTED]

1
[REDACTED]

[REDACTED]

6/1/2014 - [REDACTED]

1
[REDACTED]

[REDACTED]

1/31/2015 - TG Photocopy Charges

3
0.20

0.60

4/30/2015 - TG Photocopy Charges

18
0.20

3.60

5/31/2015 - TG Photocopy Charges

12
0.20

2.40

6/30/2015 - TG Photocopy Charges

569
0.20

113.80

- [REDACTED]

1
[REDACTED]

[REDACTED]

[REDACTED]

1
[REDACTED]

[REDACTED]

- [REDACTED]

1
48.93
















48.93

9/30/2015 - TG Photocopy Charges

20
0.20

4.00



			Qty/Price	Tax#	Amount
1/31/2016	- TG	Postage Charges	1 1.29		1.29
3/31/2016	- TG	Photocopy Charges	2,904 0.20		580.80
4/5/2016	- TG	UPS Shipping Charges	1 29.03		29.03
4/30/2016	- TG	Photocopy Charges	283 0.20		56.60
	- TG	Postage Charges	1 280.14		280.14
8/8/2016	- TG	Reno/Carson Messenger Service - Service on Kris Cecchi	1 63.00		63.00
	- TG	Reno/Carson Messenger Service - Service on Mike Cecchi	1 25.00		25.00
10/31/2016	- TG	Photocopy Charges	47 0.20		9.40
12/31/2016	- TG	Photocopy Charges	57 0.20		11.40
	- TG	Postage Charges	1 4.45		4.45
5/1/2017	-		1 		
	-		1 		
5/2/2017	-		1 		
5/22/2017	-		1 		
12/31/2017	- TG	Photocopy Charges	58 0.20		11.60
	-		1 		
2/16/2018	- TG	UPS Shipping Charges	1 32.83		32.83

[REDACTED]

[REDACTED]

2/28/2018 - TG Photocopy Charges

Qty/Price	Tax#	Amount
47		9.40
0.20		

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Additional Charges :

	<u>Qty/Price</u>	<u>Tax#</u>	<u>Amount</u>
6/30/2013 - GAK Photocopy Charges	333 0.20		66.60 ✓
- GAK Postage Charges	1 1.78		1.78 0
7/1/2013 - TG LexisNexis - Online Legal Research	1 10.39		10.39 =
7/31/2013 - TG Photocopy Charges	93 0.20		18.60 ✓
- TG Postage Charges	1 5.42		5.42 0
12/31/2013 - TG Photocopy Charges	29 0.20		5.80 ✓
1/9/2014 - TG Fourth Judicial District Court - Filing Fee for Opposition to Motion for Summary Judgment	1 25.00		25.00
- TG UPS Shipping Charges	1 41.14		41.14
1/22/2014 - TG Fourth Judicial District Court - Filing Fee for Motion for Summary Judgment	1 200.00		200.00
- TG UPS Shipping Charges	1 38.01		38.01

Exhibit H

Exhibit H

1 CASE NO. CV-C-12-175

2 DEPT. NO. I

3 *Affirmation: This document does*
4 *not contain the social security*
5 *number of any person.*

FILED

2018 MAR 20 PM 12:06

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY *hu*

6 IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF ELKO

8 ARTEMIS EXPLORATION COMPANY, a
9 Nevada Corporation,

10 Plaintiff,

11 vs.

MEMORANDUM OF COSTS

12 RUBY LAKE ESTATES HOMEOWNER'S
13 ASSOCIATION, et al., and DOES I-X,

14 Defendants.
15 _____ /

16 Photocopy Charges \$ 888.74

17 Postage Charges \$ 287.34

18 UPS Charges \$ 61.86

19 LexisNexis Online Research \$ 10.39

20 Reno/Carson Messenger \$ 88.00

21 **TOTAL COSTS \$1,336.33**

22
23
24 ///

25 ///

26 ///

27 ///

1 STATE OF NEVADA)
2 : ss.
3 COUNTY OF WASHOE)

4 KAREN M. AYARBE, ESQ., being first duly sworn, deposes and says that to the best of my
5 knowledge and belief these items are correct and that the disbursements have been necessarily
6 incurred in this action by Plaintiff (NRS 18.005; NRS 18.110).¹

7 KERN & ASSOCIATES, LTD.

8 
9 KAREN M. AYARBE, ESQ.
10

11 SUBSCRIBED and SWORN to before me this
12 19th day of March 2018 by Karen M. Ayarbe, Esq.

13 
14 NOTARY PUBLIC



15 **AFFIRMATION**
16 Pursuant to NRS 239B.030

17 The undersigned does hereby affirm that the preceding document filed in the above-entitled
18 case (CV-C-12-175) does not contain the social security number of any person.

19 DATED this 19th day of March 2018.

20 KERN & ASSOCIATES, LTD.

21 
22 KAREN M. AYARBE, ESQ.
23 NEVADA BAR #3358
24 5421 Kietzke Lane, Suite 200
25 Reno, Nevada 89511
26 Tel: (775) 324-5930
27 Email: karenayarbe@kernltd.com
28 Attorneys for Defendants
Ruby Lake Estates Homeowner's Association

¹ To date, Defendant's counsel has not received conformed copies of the Stipulation and Order for Dismissal of Counterclaims and Crossclaim Without Prejudice, Withdrawal of Pending Motions, and for Final Judgment ("Stipulation"), the Final Judgment ("Judgment"), or the Notice of Entry of Final Judgment ("NOE"). Upon receipt of the Notice of Appeal on or about March 9, 2018, Defense counsel's office contacted the Court Clerk, who emailed copies of the Stipulation, Judgment, and NOE to Defense counsel.

[illegible]

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ORIGINAL

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2018 NOV 19 AM 10:46

ELKO CO DISTRICT COURT

CLERK DEPUTY

1 CASE NO. CV-C-12-175

2 DEPT. NO. 2

3
4
5 IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

6 IN AND FOR THE COUNTY OF ELKO

7
8 ARTEMIS EXPLORATION COMPANY, a
Nevada Corporation,

9 Plaintiff,

10 vs.

11 NOTICE OF ENTRY OF ORDER
AWARDING ATTORNEY'S FEES
AND COSTS

12 RUBY LAKE ESTATES HOMEOWNER'S
ASSOCIATION, et al., and DOES I-X,

13 Defendants.
14 _____/

15 PLEASE TAKE NOTICE that on November 1, 2018, an Order Awarding Attorney's Fees
16 and Costs ("Order") was entered by the Court. A copy of the Order is attached hereto.
17

18 Pursuant to NRS 239B.030, the undersigned does hereby affirm that this document, filed in
19 the above-entitled case does not contain the social security number of any person.

20 DATED this 14th day of November 2018.

21 LEACH KERN GRUCHOW
22 ANDERSON SONG

23 
24 KAREN M. AYARBE, ESQ.

25 Nevada Bar #3358

26 5421 Kietzke Lane, Suite 200

27 Reno, Nevada 89511

28 Tel: (775) 324-5930

Fax: (775) 324-6173

Email: kayarbe@lkglawfirm.com

Attorneys for Ruby Lake Estates

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I certify that I am an employee of the law firm of Leach Kern
3 Gruchow Anderson Song, and that on this day I served the foregoing **NOTICE OF ENTRY OF**
4 **ORDER AWARDING ATTORNEY'S FEES AND COSTS** on the parties set forth below, at the
5 address listed below by:
6

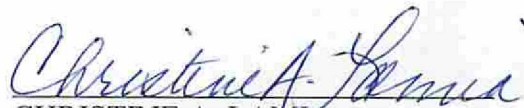
7 ☒ Placing an original or true copy thereof in a sealed envelope place for
8 collection and mailing in the United States Mail, at Reno, Nevada, first-
9 class mail, postage paid, following ordinary business practices, addressed
10 to:

10 Travis W. Gerber, Esq.
11 Zachary A. Gerber, Esq.
12 Gerber Law Offices, LLP
13 491 4th Street
14 Elko, NV 89801

13 ☒ Via Email addressed to:

15 Travis W. Gerber, Esq. twg@gerberlegal.com
16 Zachary A. Gerber, Esq. zag@gerberlegal.com

17 DATED this 14th day of November 2018.

18 
19 CHRISTINE A. LAMIA
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22
23
24
25
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27
28

1 Case No. CV-C-12-175

2 Dept. No. 2

FILED

2013 NOV -1 PM 2: 25

ELKO DISTRICT COURT

CLERK _____ DEPUTY *AE*

6 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
7 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO
8

9 ARTEMIS EXPLORATION COMPANY,
a Nevada Corporation,

10 Plaintiff,

11 vs.

**ORDER AWARDING ATTORNEY'S FEES
AND COSTS**

12 RUBY LAKE ESTATES HOMEOWNER'S
13 ASSOCIATION AND DOES I-X,

14 Defendants.
15 _____/

16 This is a dispute between a property owner and its homeowners association. The parties have
17 focused most of their arguments on the legality of the association's existence.

18 Plaintiff Artemis Exploration Company commenced the action after it lost an arbitration in which
19 the arbitrator declared Ruby Lake Estates Homeowners Association to be valid under NRS Chapter 116.
20 The parties agreed to the nonbinding arbitration after they stipulated to dismiss a 2011 suit because
21 Plaintiff failed to comply with NRS 38.300, et seq. See Exhibit A. Under the stipulation, the parties
22 agreed to "submit the matter to non-binding arbitration pursuant to NRS 38.310," and purported to
23 reserve their rights to seek attorney's fees and costs in the arbitral proceeding. Id.

24 Plaintiff filed its complaint for declaratory relief and damages in this action on March 2, 2012.
25 On April 2, 2012, Defendant filed its answer and counterclaim. Only two weeks after replying to the
26 counterclaim on April 16, 2012, Plaintiff moved for summary judgment on its claim for a declaration
27 that Defendant is not a valid association. By May 30, 2012, Defendant moved for summary judgment on
28 all three of Plaintiff's claims.

1 On February 12, 2013, the court entered an order denying Plaintiff's motion for partial summary
2 judgment. Two days later, the court entered an order granting Defendant's motion for summary
3 judgment on Plaintiff's claim for declaratory relief. In that order, the court concluded that Defendant
4 was formed as and remains a valid homeowners association under NRS Chapter 116.

5 On March 1, 2013, Defendant moved for an order confirming the arbitrator's decision that it "is a
6 validly existing non-profit common interest association[.]" and for an award of attorney's fees and costs.
7 The motion was supported by the affidavit Defendant's counsel and a memorandum of costs. See
8 Exhibit B, Affidavit of Gayle A. Kern in Support of Attorney's Fees and Costs executed February 25,
9 2013 (and attached billing statement); Exhibit C, Memorandum of Costs filed March 1, 2013. On March
10 29, 2013, Defendant's counsel filed a supplemental affidavit and memorandum of costs. See Exhibit D,
11 Supplemental Affidavit of Gayle A. Kern in Support of Attorney's Fees and Costs executed March 28,
12 2013 (and attached billing statement); Exhibit E, Supplemental Memorandum of Costs filed March 29,
13 2013. On May 15, 2013, the court entered an order granting Defendant's motion. Plaintiff filed a notice
14 of appeal of the order on June 3, 2013. The court then purported to enter a "Judgment on an Arbitration
15 Award and Award of Attorney's Fees and Costs" on June 6, 2013. The Nevada Supreme Court
16 dismissed the appeal on December 30, 2013. By April 14, 2015, the court found the "Judgment on
17 Arbitration Award and Award of Attorney's Fees and Costs" void. Therefore, Plaintiff was granted
18 relief from the judgment and the order from which it appealed.

19 On September 11, 2015, as more litigation raged, the court entered an order requiring the joinder
20 of all Ruby Lake Estates lot owners against the wishes of both parties. Final judgment in this matter was
21 entered on February 26, 2018. The court has been informed that only the owners of one other Ruby Lake
22 Estates lot, Harold and Mary Wyatt, have aligned themselves with Plaintiff.

23 On March 20, 2018, Defendant moved for an award of attorney's fees and costs in the amount of
24 \$115,688.14. The motion is supported by copies of the same affidavits supporting the 2013 "Motion for
25 Confirmation and Judgment on Arbitration Award and for Award of Attorney's Fees and Costs." The
26 motion is also supported by two additional affidavits of Defendant's counsel. One was apparently filed
27 in the arbitral proceeding. See Exhibit F, Affidavit of Gayle A. Kern in Support of Attorney's Fees and
28 Costs executed December 20, 2011 (and attached billing statement). The other was filed with

1 Defendant's "Motion for Attorney's Fees and Costs." See Exhibit G, Affidavit of Gayle A. Kern in
2 Support of Attorney's Fees and Costs executed March 19, 2018 (and attached billing statement).
3 Finally, the motion is supported by another memorandum of costs. See Exhibit H, Memorandum of
4 Costs filed March 20, 2018.

5 **1. Attorney's Fees**

6 Defendant's claim for attorney's fees was brought by motion as required by NRCp 54(d)(2)(A).
7 The court "may decide the motion despite the existence of a pending appeal from the underlying final
8 judgment." Id.

9 The motion appears to have been filed within the time required by NCRP 54(d)(2)(B). The
10 motion specifies that the final judgment and NRS 116.4117, NRS 116.3115(6), NRS 18.010(2), and a
11 declaration of covenants, conditions, and restrictions ("CC&Rs") entitle Defendant to the award. Id. As
12 noted above, the motion is supported by the affidavits of Defendant's counsel "swearing that the fees
13 were actually and necessarily incurred and were reasonable, documentation concerning the amount of
14 fees claimed, and points and authorities addressing appropriate factors to be considered by the court in
15 deciding the motion." Id.

16 Although there are judicially-created exceptions, "Nevada follows the American rule that
17 attorney fees may not be awarded absent a statute, rule, or contract authorizing such award." Thomas v.
18 City of North Las Vegas, 122 Nev. 82, 90 (2006) (citing Bobby Berosini, Ltd. v. PETA, 114 Nev. 1348,
19 1356 (1998), and Consumers League v. Southwest Gas, 94 Nev. 153, 156 (1978)). Therefore, the first
20 question is whether Defendant, the winning party in this action, is entitled to attorney's fees under either
21 the CC&Rs or the statutes cited.

22 "[A] civil action for damages *or other appropriate relief* for a failure or refusal to comply with
23 any provision of [NRS Chapter 116] or the governing documents of an association" may be brought by
24 an association against a unit's owner or vice versa. NRS 116.4117(2) (emphasis added). "The Court
25 may award reasonable attorney's fees to the prevailing party." NRS 116.4117(3) (emphasis added).
26 While the parties are fundamentally in a dispute over the legality of the Defendant's existence, they
27 agree Plaintiff stopped paying assessments as required by governing documents when its owner took the
28 position that the association was not valid. Defendant's countersuit for a declaration of validity

1 constitutes a civil action for "appropriate relief" that is obviously necessary for the collection of
2 assessments authorized by governing documents. It is not excluded by the Legislature's scheme for
3 mediation and arbitration of claims relating to residential property within a common interest community.
4 See NRS 38.300(3) ("Civil action" includes an action for money damages or equitable relief[,]) other
5 than "an action in equity for injunctive relief in which there is an immediate threat of irreparable harm,
6 or an action relating to the title to residential property." (emphasis added). And, there is little doubt
7 that Defendant is now a "prevailing party" for the purposes of NRS 116.4117. See Hornwood v. Smith's
8 Food King, 105 Nev. 188, 192 (1989) ("A plaintiff may be considered the prevailing party for attorney's
9 fee purposes if it succeeds on any significant issue in litigation which achieves some of the benefit it
10 sought in bringing the suit."). For these reasons, the court has concluded Defendant is entitled to an
11 award of reasonable attorney's fees incurred in litigating this action under NRS 116.4117.

12 Whether Defendant is entitled to be reimbursed for attorney's fees incurred in the dismissed 2011
13 lawsuit and arbitration merits special consideration. A review of the billing entries predating the
14 commencement of this action reveals that Defendant incurred fees when its representatives consulted
15 with its lawyers and the attorneys engaged in conversations and correspondence with opposing lawyers,
16 fought off the premature lawsuit, obtained discovery, and developed arguments that proved successful in
17 this action. The court infers that this legal work facilitated the lightning quickness with which the
18 parties sought summary judgment. In the court's opinion, this circumstance makes these fees "actually
19 and necessarily incurred" (as represented by Defendant's lead attorney) such that they should be awarded
20 under NRS 116.4117 if reasonable. NCRP 54(d)(2)(B).

21 Of course, whether the fees sought are reasonable requires a consideration of the factors in
22 Brunzell v. Golden Gate Nat'l Bank, 85 Nev. 345 (1969). See Gunderson v. D.R. Horton, Inc., 130 Nev.
23 67, 81 (2014). Those factors include: (1) *the qualities of the advocate*: his ability, his training,
24 education, experience, professional standing and skill; (2) *the character of the work to be done*: its
25 difficulty, its intricacy, its importance, time and skill required, the responsibility imposed and the
26 prominence and character of the parties where they affect the importance of the litigation; (3) *the work*
27 *actually performed by the lawyer*: the skill, time and attention given to the work; (4) *the result*: whether
28 the attorney was successful and what benefits were derived. Id. (citing Brunzell, 85 Nev. at 349).

1 The ability, training, education, experience, professional standing and skill of the lawyers
2 representing Defendant do not bear repeating here. It is obviously extensive, especially for Ms. Kern
3 (the attorney whose qualifications have been covered in affidavits). It should suffice to say the court's
4 review of the pleadings and papers on file in this case, along with the undersigned judge's observations
5 in open court, support the conclusion that both of Defendant's attorneys: (1) demonstrated the ability,
6 training, experience and skill necessary to prevail over a determined adversary; and (2) performed
7 difficult, intricate and important work that required a lot of skill, time, and attention to prevail. Unless
8 Defendant's attorneys were successful, a homeowners association appearing to have the support of
9 nearly all unit owners, and that Plaintiff's owner initially supported for community safety and other
10 reasons, could have been declared invalid. Defendant's attorneys did not provide flawless
11 representation, however. The attorneys erred when they moved for an order confirming the arbitrator's
12 decision and award of fees and costs. *See* NRS 38.330(5). The error ultimately resulted in relief from
13 the order granting the motion. Defendant should not be awarded attorney's fees incurred in seeking and
14 attempting to protect the order.

15 For the foregoing reasons, Defendant shall be awarded all fees documented in the exhibits
16 attached to the affidavits of its counsel (billing statements), save and except for the entries stricken by
17 the court. See Exhibit B, Exhibit D, Exhibit F, Exhibit G. These fees amount to \$85,097.00. In the
18 court's opinion, fairness dictates that Plaintiff, rather the Wyatts, should be responsible for these fees
19 pursuant to NRS 116.4117(3). Plaintiff has been the driving force behind the litigation resulting in the
20 fees at issue, not the Wyatts.

21 2. Costs

22 In actions not enumerated in NRS 18.020, "part or all of the prevailing party's costs may be
23 allowed and may be apportioned between the parties, or on the same or adverse sides." NRS 18.050.
24 "The party in whose favor judgment is rendered, and who claims costs, must file with the clerk, and
25 serve a copy upon the adverse party, within 5 days after the entry of judgment, *or such further time as*
26 *the court or judge may grant*, a memorandum of the items of the costs in the action or proceeding, which
27 memorandum must be verified by the oath of the party, or the party's attorney . . . stating that to the best
28 of his or her knowledge and belief the items are correct, and that the costs have been necessarily incurred

1 in the action or proceeding." NRS 18.110(1) (emphasis added). Here, Defendant has filed three
2 memoranda of costs. Each memorandum has been executed by one of Defendant's attorneys. One
3 memorandum was filed more than five days after the entry of final judgment. See Exhibit H,
4 Memorandum of Costs filed March 20, 2018. However, the court shall exercise its discretion to
5 consider all memoranda in deciding the appropriate costs to award. See Franchise Tax Bd. of Cal. v.
6 Hyatt, 133 Nev. ___, ___ (2017); Eberle v. State ex rel. Redfield Trust, 108 Nev. 587, 590 (1992) (even
7 if no extension of time to file memorandum was explicitly granted by district court, fact that it favorably
8 awarded requested costs demonstrated that it exercised discretion to impliedly grant additional time). As
9 Plaintiff has not moved to relax costs under NRS 18.110(4), Defendant shall be awarded the costs
10 reflected in the memoranda. See Sheehan & Sheehan v. Nelson Malley & Co., 121 Nev. 481, 493
11 (2005); Fleischer v. August, 103 Nev. 242 (1987); Reno Electrical Works, Inc. v. Ward, 53 Nev. 1, 1
12 (1930). Defendant Artemis Exploration Company shall be solely responsible for the payment of these
13 costs, which the court calculates to be \$2,872.47. NRS 18.050.

14 **4. Order**

- 15 a. Defendant is awarded attorney's fees in the amount of \$85,097 against Plaintiff Artemis
16 Exploration Company.
17 b. Defendant is awarded costs in the amount of \$2,872.47 against Plaintiff Artemis Exploration
18 Company.

21
22 DATED this 31 day of October, 2018.

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26 The Honorable Alvin R. Kacin
27 District Judge/Department 2
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CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b), I certify that I am an employee of Alvin R. Kacin, District Judge, Fourth Judicial District Court, Department 2, and that on this 1st day of November, 2018, served by the following method of service:

<input checked="" type="checkbox"/> Regular US Mail	<input type="checkbox"/> Overnight UPS
<input type="checkbox"/> Certified US Mail	<input type="checkbox"/> Overnight Federal Express
<input type="checkbox"/> Registered US Mail	<input type="checkbox"/> Fax to # _____
<input type="checkbox"/> Overnight US Mail	<input type="checkbox"/> Hand Delivery
<input type="checkbox"/> Personal Service	<input checked="" type="checkbox"/> Box in Clerk's Office

a true copy of the foregoing document addressed to:

Travis Gerber, Esq.
[Box in Clerk's Office]

Gayle Kern, Esq.
5421 Kietzke Lane, Suite 200
Reno, Nevada 89801
[Regular US Mail]

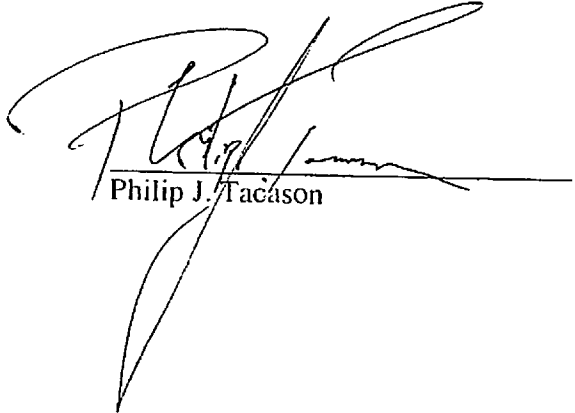

Philip J. Tacason

Exhibit A

Exhibit A

1 CASE NO. CV-C-11-147

2 DEPT. 1

11 APR -1 P3 00

3 Affirmation: This document does
4 not contain the social security
5 number of any person.

ELKO

GERB

KJ

6
7 IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF ELKO
9

10 ARTEMIS EXPLORATION COMPANY,
11 on behalf of itself, and all others similarly
situated,

12 Plaintiffs,

13 vs.

14 RUBY LAKE ESTATES HOMEOWNER'S
15 ASSOCIATION, LEROY PERKS, VALERI
16 MCINTYRE, DENNIS MCINTYRE,
MICHAEL CECCHI, AND DOES I-X,

17 Defendants.
18

STIPULATION AND ORDER
TO DISMISS COMPLAINT
WITHOUT PREJUDICE

19 COMES NOW, Plaintiff, ARTEMIS EXPLORATION COMPANY, by and through its
20 counsel, TRAVIS W. GERBER, ESQ., of GERBER LAW OFFICES, LLP, and Defendants,
21 RUBY LAKE ESTATES HOMEOWNER'S ASSOCIATION, LEROY PERKS, VALERI
22 MCINTYRE, DENNIS MCINTYRE, and MICHAEL CECCHI, by and through their counsel,
23 GAYLE A. KERN, ESQ., of KERN & ASSOCIATES, LTD., and hereby stipulate to dismiss the
24 Complaint without prejudice. Plaintiff shall submit the matter to non-binding arbitration pursuant
25 to NRS 38.310, and the parties reserve their rights to seek attorney's fees and costs arising out of
26 this proceeding at arbitration.
27
28

///

///

1
2 DATED this 30th day of March, 2011.

3 GERBER LAW OFFICES, LLP

4 BY:

5 Travis W. Gerber
6 TRAVIS W. GERBER, ESQ.
7 State Bar No. 8083
8 491 4th Street
9 Elko, Nevada 89801
10 (775) 738-9258
11 ATTORNEYS FOR PLAINTIFFS

12 DATED this _____ day of March, 2011.

13 KERN & ASSOCIATES, LTD.

14 By:

15 Gayle A. Kern
16 GAYLE A. KERN, ESQ.
17 State Bar #1620
18 5421 Kietzke Lane, Suite 200
19 Reno, Nevada 89511
20 (775) 324-5930
21 ATTORNEY FOR DEFENDANTS

22 ORDER

23 Based on the foregoing stipulation of the parties, and good cause appearing,
24 IT IS HEREBY ORDERED that the action is dismissed without prejudice.

25 _____
26 DISTRICT JUDGE
27
28

1
2 DATED this ____ day of March, 2011.

3 GERBER LAW OFFICES, LLP

4 BY:

5 TRAVIS W. GERBER, ESQ.
6 State Bar No. 8083
7 491 4th Street
8 Elko, Nevada 89801
9 (775) 738-9258
10 ATTORNEYS FOR PLAINTIFFS

11 DATED this 30th day of March, 2011.

12 KERN & ASSOCIATES, LTD.

13 By:

14 GAYLE A. KERN
15 GAYLE A. KERN, ESQ.
16 State Bar #1620
17 5421 Kietzke Lane, Suite 200
18 Reno, Nevada 89511
19 (775) 324-5930
20 ATTORNEY FOR DEFENDANTS

21 ORDER

22 Based on the foregoing stipulation of the parties, and good cause appearing,
23 IT IS HEREBY ORDERED that the action is dismissed without prejudice.

24 Calvin Brundage 3/31/11
25 DISTRICT JUDGE
26
27
28

Exhibit B

Exhibit B

1 CASE NO. CV-C-12-175

2 DEPT. NO. 1

3
4
5 IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA *KJ*
6 IN AND FOR THE COUNTY OF ELKO

7
8 ARTEMIS EXPLORATION COMPANY, a
Nevada Corporation,

9 Plaintiffs,

10 vs.

11 RUBY LAKE ESTATES HOMEOWNER'S
12 ASSOCIATION AND DOES I-X,

13 Defendants.

14 RUBY LAKE ESTATES HOMEOWNER'S
ASSOCIATION,

15 Counterclaimant,

16 vs.

17 ARTEMIS EXPLORATION COMPANY, a
18 Nevada Corporation,

19 Counterdefendant.

20 STATE OF NEVADA)
21) : ss.
COUNTY OF WASHOE)

22 I, Gayle A. Kern, being first duly sworn do hereby swear under penalty of perjury as follows:

23 1. I am the attorney representing Ruby Lake Estates Architectural Committee, Ruby
24 Lake Estates Homeowner's Association, in the above-referenced matter.

25 2. I make this affidavit of my own personal knowledge except as to those matters stated
26 on information and belief.

27 3. Total fees in this matter through February 20, 2013, are \$51,288.00, and costs
28 through February 20, 2013, in the amount of \$1,475.90, for a total of \$52,763.90. A compilation

AFFIDAVIT OF GAYLE A. KERN IN
SUPPORT OF ATTORNEY'S FEES AND
COSTS

1 of all fees and costs is attached as Exhibit 1.

2 4. Redaction has been made of any privileged communications.

3 5. I have been in practice for over 28 years. I have a general civil practice with an
4 emphasis on all types of housing associations including condominiums, town homes, landscape
5 maintenance, single family, master and sub associations and mobile home parks, as well as
6 litigation, bankruptcy and real property law. I currently serve as counsel to over two hundred
7 associations throughout Northern Nevada. I provide all aspects of legal services upon request to
8 my associations including interpretation of governing documents and applicable local, state and
9 federal laws; guidance and training to Boards of Directors in connection with running a non-profit
10 common-interest community; developer transition; collection of delinquent assessments; filing and
11 responding to Intervention Affidavits with the Nevada Real Estate Division; all forms of litigation
12 including Alternative Dispute Resolution, complaints in front of the Fair Housing Division of HUD,
13 Small Claims Court, Justice Court, District Court, and the Nevada Supreme Court; and assistance
14 in collections, liens and foreclosures.

15 6. I lecture regularly for the Ombudsman's office, the Nevada Real Estate Division, and
16 teach seminars on common-interest community law. I serve on the Community Association
17 Institute's Legislative Action Committee, which participates in review and comment on legislation
18 affecting common-interest communities and regulations promulgated by the Ombudsman and
19 Nevada Real Estate Division. I worked with the Real Estate Division in the development of the first
20 community manager exam and I am approved by the Real Estate Division to teach classes to
21 community managers and Board members. I regularly attend CAI's National Law Seminars to keep
22 apprised of new developments in the industry, not only in Nevada, but throughout the country. I
23 also serve on the subcommittee for the Common Interest Communities for the Nevada State Bar
24 Real Estate section.

25 7. The fees and costs billed in this matter are reasonable and appropriate. The total
26 time billed from March 2, 2012 through February 20, 2013 was 216.6 hours, with an hourly rate of
27 \$240.00, totaling \$51,288.00. Costs through February 20, 2013, are itemized in the amount of
28 \$1,475.90 for a total due and owing of \$52,763.90.

1 8. My hourly rate is reasonable given my experience practicing law in general and my
2 experience in practicing in the specialized area of common interest communities, in particular.
3 Despite my experience and expertise, my hourly rate is lower than rates routinely charged by other
4 attorneys who practice in this area and/or who do not have the same amount of experience that I
5 have.

6 9. Based upon all of the above factors, these fees and costs are reasonable and
7 appropriate and should be awarded.

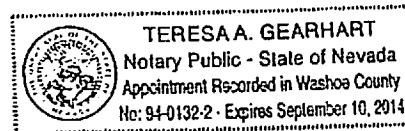
8 DATED this 25th day of February, 2013.

9
10 
11 GAYLE A. KERN

12 SUBSCRIBED AND SWORN to before me

13 this 25th day of February, 2013.

14 
15 NOTARY PUBLIC



16 AFFIRMATION

17 Pursuant to NRS 239B.030

18 The undersigned does hereby affirm that the preceding document filed in the above-entitled
19 case does not contain the social security number of any person.

20 DATED this 25th day of February, 2013.

21 KERN & ASSOCIATES, LTD.

22 
23 GAYLE A. KERN, ESQ.
24 NEVADA BAR #1620
25 5421 Kietzke Lane, Suite 200
26 RENO, NEVADA 89511
27 Telephone: 775-324-5930
28 Fax: 775-324-6173
Email: gaylekern@kernltd.com
Attorneys for Ruby Lake Estates

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I certify that I am an employee of the law firm of Kern &
3 Associates, Ltd., and that on this day I served the foregoing document described as follows:

4 **AFFIDAVIT OF GAYLE A. KERN**
5 **IN SUPPORT OF ATTORNEY'S FEES AND COSTS**

6 on the parties set forth below, at the addresses listed below by:

7 X Placing an original or true copy thereof in a sealed envelope place for collection and
8 mailing in the United States Mail, at Reno, Nevada, first class mail, postage paid,
9 following ordinary business practices, addressed to:

10 Via facsimile transmission

11 Via e-mail.

12 Personal delivery, upon:

13 United Parcel Service, Next Day Air, addressed to:

14 Travis Gerber, Esq.
15 Gerber Law Offices, LLP
16 491 4th Street
17 Elko, NV 89801

18 DATED this 20th day of February, 2013.

19 *Teresa A. Gearhart*
20 TERESA A. GEARHART
21
22
23
24
25
26
27
28

EXHIBIT "1"

EXHIBIT "1"

Gayle A. Kern, Ltd.
5421 Kietzke Lane, Suite 200
Reno, Nevada 89511
EIN No. 20-0097566

Invoice submitted to:
Amy B. Hackett
Philadelphia Insurance Companies

February 22, 2013

In Reference To: Ruby Lake Estates HOA adv. Artemis Exploration Company

Professional Services

	<u>Rate</u>	<u>Tax#</u>	<u>Amount</u>
3/2/2012 - GAK Review e-mail and complaint from Travis Gerber, draft e-mail to Amy Hackett re: [REDACTED]	240.00/hr		96.00
3/6/2012 - GAK Review e-mail from Mr. Perks; draft response; review complaint; draft updated notice of pending litigation.	240.00/hr		336.00
3/9/2012 - GAK Review and respond to e-mail from Amy Hackett.	240.00/hr		48.00
3/19/2012 - GAK Execute acceptance of Service; draft letter to Mr. Gerber.	240.00/hr		72.00
3/23/2012 - GAK Prepare draft answer to complaint and counterclaim to have award confirmed and attorney's fees awarded	240.00/hr		288.00
3/28/2012 - GAK Finalize Answer to Complaint and Counterclaim	240.00/hr		504.00
4/20/2012 - GAK Review Answer to Counterclaim and provide same to client.	240.00/hr		120.00
4/27/2012 - GAK Draft Notice of Early Case Conference as to Counterclaim.	240.00/hr		72.00
5/4/2012 - GAK Draft letter to Mr. Gerber re: extension of time to respond to motion for summary judgment	240.00/hr		48.00
5/7/2012 - GAK Telephone call from Mr. Gerber re: conflict of interest with assigned judge having previously represented Artemis, provide authority to draft and send letter to court re: same	240.00/hr		48.00

		<u>Rate</u>	<u>Tax#</u>	<u>Amount</u>
5/11/2012 - GAK	Review Complaint, Answer and Counterclaim filed in District Court action; review Ruby Lakes Arbitration Brief and Motion for Summary Judgment filed by Artemis with supporting exhibits; conference with [REDACTED] [REDACTED]	240.00/hr		NO CHARGE
5/14/2012 - GAK	Work on Opposition to Motion for Summary Judgment filed by Artemis; work on statement of facts as supported by admissible evidence.	240.00/hr		2,088.00
5/15/2012 - GAK	Continue work on Opposition pleading, statement of facts with exhibit references; analysis of documents produced; requests for admissions; begin draft of legal arguments, points and authorities in opposition.	240.00/hr		1,896.00
5/16/2012 - GAK	Prepare for early case conference; participate in case conference.	240.00/hr		192.00
- GAK	Continue work on Exhibits supporting statement of facts for opposition, review again Plaintiff's Motion for Summary Judgment and outline legal arguments made; review and analysis of various provisions of NRS Chapter 116; outline legal arguments in opposition.	240.00/hr		1,248.00
5/17/2012 - GAK	Review deposition transcripts for Mel and Elizabeth Essington and identify statements and admissions to be used in support of opposition arguments; continue review and make note of relevant provisions of Minutes and other documents produced in NRED action.	240.00/hr		912.00
5/18/2012 - GAK	Continue work on opposition to Plaintiffs Motion for Summary Judgment; continue review of documents produced in Nevada Real Estate Division action; edit and expand draft statement of facts in support of arguments in opposition.	240.00/hr		1,656.00
5/19/2012 - GAK	Continue work on legal arguments for Opposition pleading.	240.00/hr		840.00
5/20/2012 - GAK	Work on legal arguments and points and authorities in opposition.	240.00/hr		1,944.00
5/21/2012 - GAK	Legal Research on issues pertinent to our Opposition to Motion for Summary Judgment	240.00/hr		96.00
5/22/2012 - GAK	Review and respond to e-mail from Lee Perks re [REDACTED]	240.00/hr		48.00

		<u>Rate</u>	<u>Tax#</u>	<u>Amount</u>
5/22/2012 -	GAK Draft additional arguments for opposition pleading, melding with references to Exhibits and statements of fact.	240.00/hr		1,320.00
5/23/2012 -	GAK Revise opposition to motion for summary judgment.	240.00/hr		NO CHARGE
-	GAK Continue work on legal arguments and points and authorities, melding with references to statements of fact and exhibits.	240.00/hr		1,680.00
-	GAK Complete first draft of Opposition pleading and edit same; prepare Index of Exhibits; check exhibit references, confirming correct Bates Stamp numbers for Plaintiff and RLE documents previously produced; telephone conference with Robert Wines re: [REDACTED] draft Affidavit of Robert Wines.	240.00/hr		2,040.00
5/24/2012 -	GAK Continue revisions to Opposition to Motion for Summary Judgment, including further research; supervise and coordinate affidavits and exhibits.	240.00/hr		1,440.00
-	GAK Telephone conference with Lee Perks, Association President; draft Affidavit of Lee Perks; analysis of additional documents sent by Perks; arrange supplemental production of documents; edit Perks Affidavit; edit and add additional facts and arguments to Opposition pleading.	240.00/hr		2,064.00
5/25/2012 -	GAK Review additional documents sent by client and arrange for additional supplemental production to Artemis; review and edit Opposition pleading and add more facts and arguments re: additional documents produced by client; draft argument regarding insufficiency of Essington affidavit per NRCP 56(e); revise and complete first draft of affidavit of attorney Robert Wines; check all Exhibits referenced and to be authenticated by Wines; revise Index of Exhibits; finalize draft of Perks Affidavit based on new evidence; read Opposition pleading and edit exhibit references; proof changes made by legal assistant to Affidavits and Index of Exhibits.	240.00/hr		2,040.00
5/26/2012 -	GAK Begin work on cross motion for summary judgment; prepare introduction and background statement; analyze statement of facts in opposition re: what to be necessarily included in statement of facts for cross motion for summary judgment; work on statement of facts in support of arguments for statute of limitations, declaratory relief, and liability founded upon statute.	240.00/hr		1,464.00
5/27/2012 -	GAK Continue work on cross Motion for Summary Judgment, abstracting and summarizing relevant facts from opposition pleading with appropriate exhibit references; draft affirmative arguments and points and authorities re:	240.00/hr		2,304.00

		<u>Rate</u>	<u>Tax#</u>	<u>Amount</u>
	expiration of statute of limitations; failure to state a claim for fraud; failure to state a claim for declaratory relief; failure to state a claim for damages; read through first draft of Motion for Summary Judgment and edit same.			
5/28/2012 - GAK	Review and edit arguments and points and authorities in Motion for Summary Judgment; analysis re: [REDACTED]	240.00/hr		1,824.00
5/29/2012 - GAK	Review and revise motion for summary judgment; conference with Mr. Perks re: [REDACTED] [REDACTED], supervise communication with court about filing a composite of exhibits; review and revise opposition to motion for summary judgment.	240.00/hr		1,440.00
- GAK	Oversee preparation of all exhibits; add additional document references to Index of Exhibits; make revisions to Perks affidavit and submit via e-mail to Lee Perks; make changes to Wines affidavit and submit via e-mail to Robert Wines; edit Opposition pleading and conform argument headings to argument headings in Motion for Summary Judgment; meet with Lee Perks; discuss [REDACTED] [REDACTED] proof all edits made by legal assistant in Opposition pleading and Motion for Summary Judgment.	240.00/hr		1,224.00
5/31/2012 - GAK	Prepare Request for Production of Documents to Artemis Exploration Company; revise joint case conference report.	240.00/hr		192.00
6/6/2012 - GAK	Review and respond to request for extension of time to reply to Opposition.	240.00/hr		48.00
- GAK	Review requested changes to the joint case conference report.	240.00/hr		96.00
6/7/2012 - GAK	Travel to office of Lee Perks and review HOA records.	240.00/hr		600.00
6/11/2012 - GAK	Organize documents for supplemental production of documents.	240.00/hr		192.00
6/13/2012 - GAK	Review and finalize the identification of the exhibits.	240.00/hr		144.00
6/14/2012 - GAK	Draft RLEHOA's Second Supplemental Production of Documents Pursuant to NRCP 16.1.	240.00/hr		48.00

		Rate	Tax#	Amount
6/16/2012	- GAK Review Artemis Reply to RLEHOA's Opposition to Motion for Summary Judgment.	240.00/hr		192.00
6/26/2012	- GAK Conference regarding [REDACTED] send e-mail to Mr. Wines.	240.00/hr		120.00
	- GAK Review and analysis of Artemis Opposition to RLEHOA's Motion for Summary Judgment; begin draft of arguments for Reply Brief; telephone call to Lee Perks re: [REDACTED]; telephone call to Robert Wines re: [REDACTED]	240.00/hr		1,872.00
6/27/2012	- GAK Communicate with Mr. Wines [REDACTED]; communicate with Travis Gerber to obtain extension of time for Reply to Opposition to Motion for Summary Judgment.	240.00/hr		240.00
	- GAK Review e-mail from Robert Wines; prepare Affidavit of Stephen Wright; prepare e-mail correspondence to Bob Wines; finalize Affidavit; continue work on arguments and points and authorities for Reply brief to Plaintiffs Opposition.	240.00/hr		2,064.00
6/28/2012	- GAK Continue work on Reply brief and complete first draft, including response to Mrs. Essingtons Affidavit submitted in support of Reply and Opposition; review revised Affidavit of Stephen Wright.	240.00/hr		1,896.00
6/29/2012	- GAK Review Supplemental production of documents; formulate new exhibits; edit Reply brief to incorporate new exhibits and arguments re: same; edit Reply brief.	240.00/hr		1,704.00
7/2/2012	- GAK Revisions to Reply Brief for motion for summary judgment; review of exhibits regarding additional information to provide to court; review of comments in Uniform Common Interest Community Act to incorporate into brief supporting the position of the Association.	240.00/hr		552.00
	- KMA Legal research evidence code and pattern jury instructions re: [REDACTED]	240.00/hr		72.00
	- GAK Review Reply brief filed by Artemis, review and make edits to RLEHOA's Reply to Artemis Opposition to RLEHOA's Motion for Summary Judgment.	240.00/hr		192.00
	- GAK Interoffice conference re: [REDACTED] review changes made to RLEHOA's Reply brief; review documents produced by Artemis.	240.00/hr		360.00

		<u>Rate</u>	<u>Tax#</u>	<u>Amount</u>
7/3/2012	- GAK Finalize brief and all exhibits; prepare request for review and send all to the court for filing and serve all on opposing counsel.	240.00/hr		288.00
-	GAK Locate documents re: [REDACTED] arrange for supplemental production of documents and new exhibit in support of RLEHOA's MSJ; confirm and proof edits made to brief; draft changes to statute of limitations argument re: claims being time barred by NRS 11.190(3)(a).	240.00/hr		600.00
7/6/2012	- GAK Draft Request for Oral Argument; letter to court clerk enclosing same for filing.	240.00/hr		48.00
-	GAK Telephone conference with Bill Harmon re: [REDACTED]	240.00/hr		144.00
7/12/2012	- GAK Review Request for Review and provide same to client.	240.00/hr		48.00
7/17/2012	- GAK Telephone conference with Lee Perks re: [REDACTED]	240.00/hr		48.00
7/26/2012	- GAK Review email with information about additional road work that will be done this summer; follow up on judge's failure to recuse herself; prepare supplement to reply with additional information; provide supplement to 16.1 production of documents.	240.00/hr		144.00
-	GAK Telephone call with Judge's law clerk to schedule conference call re: Judge's former representation of Artemis; relay available dates and times to counsel.	240.00/hr		48.00
-	GAK Draft Fourth Supplemental Production of Documents; and Supplement to RLEHOA's Motion for Summary Judgment.	240.00/hr		72.00
7/30/2012	- GAK Review email from Travis Gerber and the proposed letter to Judge Porter; supervise sending response; Return telephone call to Mike Cecchi [REDACTED]	240.00/hr		72.00
8/2/2012	- GAK Telephone call to Lee Perks, HOA President, re: [REDACTED]	240.00/hr		48.00
-	GAK Attempt call to [REDACTED] prepare e-mail to Lee Perks.	240.00/hr		48.00
8/7/2012	- GAK Prepare Affidavits of Michael Wayne Mason and Shelly Renee Mason; prepare Second Supplement to Exhibits to Motion for Summary Judgment.	240.00/hr		216.00

		<u>Rate</u>	<u>Tax#</u>	<u>Amount</u>
8/7/2012	- GAK Prepare Affidavit In Support of request for attorneys fees and costs.	240.00/hr		72.00
8/20/2012	- GAK Return telephone call to Court clerk; draft letter to client.	240.00/hr		96.00
	- GAK Prepare cover sheet for filing original Affidavits of Michael Wayne Mason and Shelly Renee Mason that were filed as RLEHOA's Second Supplement to Exhibits to Motion for Summary Judgment; finalize and send to Court for filing; serve same.	240.00/hr		72.00
	- GAK Prepare letter to clients informing [REDACTED]	240.00/hr		48.00
9/13/2012	- GAK Review order setting hearing on motions for summary judgment.	240.00/hr		48.00
9/21/2012	- GAK Review file stamped order setting hearing on motions for summary judgment; provide same to client.	240.00/hr		48.00
10/5/2012	- GAK Telephone call Mr. Perks; prepare for oral argument on motions for summary judgment.	240.00/hr		840.00
10/9/2012	- GAK Prepare for oral argument; travel to Elko for hearing; meeting with Mr. Perks [REDACTED]	240.00/hr		2,400.00
10/10/2012	- GAK Participate in oral argument; travel to Reno from hearing.	240.00/hr		2,400.00
2/14/2013	- GAK Draft Notice of Entry of Order Denying Plaintiff's Motion for Summary Judgment.	240.00/hr		24.00
	- GAK Review order denying plaintiff's motion for summary judgment; Telephone call client and counsel Bob Wines [REDACTED] draft notice of entry of order; review Chapter 38 provisions for timing of filing a motion for attorney's fees and costs.	240.00/hr		240.00
2/15/2013	- GAK Provide order to Ms. Hackett with [REDACTED] review and respond to email from Mr. Perks, president of the Board.	240.00/hr		96.00
2/19/2013	- GAK Review Order Granting our Motion for Summary Judgment.	240.00/hr		144.00
2/20/2013	- GAK Prepare Notice of Entry of Order Granting Motion for Summary Judgment; draft Motion to Confirm Judgment on Arbitration and Motion for Attorney's Fees and Costs.	240.00/hr		960.00
For professional services rendered		216.60		\$51,288.00

Additional Charges :

		<u>Qty/Price</u>	<u>Tax#</u>	<u>Amount</u>
3/29/2012 - TG	Fourth Judicial District Court - Filing Fee for Answer and Counterclaim	1 198.00		198.00
- TG	UPS Shipping Charges	1 15.42		15.42
3/31/2012 - TG	Photocopy Charges	115 0.20		23.00
- TG	Postage Charges	1 3.40		3.40
4/2/2012 - TG	UPS Shipping Charges	1 11.00		11.00
4/9/2012 - TG	UPS Shipping Charges (1/24/12)	1 15.08		15.08
4/30/2012 - TG	Photocopy Charges	47 0.20		9.40
- TG	Postage Charges	1 2.00		2.00
5/29/2012 - TG	UPS Shipping Charges (Opposition & Motion to Elko)	1 18.71		18.71
- TG	UPS Shipping Charges (Return of File-Stamped Copies)	1 13.84		13.84
5/30/2012 - TG	Fourth Judicial District Court - Filing Fee for Motion for Summary Judgment	1 200.00		200.00
5/31/2012 - TG	Photocopy Charges	1,179 0.20		235.80
- TG	Fax Charges	2 0.30		0.60
- TG	Postage Charges	1 9.80		9.80
6/1/2012 - TG	LexisNexis - Online Legal Research	1 71.77		71.77
6/14/2012 - TG	UPS Shipping Charges (JCCR to Court)	1 15.63		15.63
6/30/2012 - TG	Photocopy Charges	1,092 0.20		218.40

		<u>Qty/Price</u>	<u>Tax#</u>	<u>Amount</u>
6/30/2012 - TG	Postage Charges	1 8.41		8.41
7/1/2012 - TG	LexisNexis - Online Legal Research	1 4.27		4.27
7/3/2012 - TG	UPS Shipping Charges	1 16.74		16.74
7/6/2012 - TG	UPS Shipping Charges	1 15.29		15.29
7/27/2012 - TG	UPS Shipping Charges - Filing with Court	1 15.29		15.29
7/31/2012 - TG	Photocopy Charges	196 0.20		39.20
- TG	Postage Charges	1 11.75		11.75
8/13/2012 - TG	UPS Shipping Charges	1 15.02		15.02
8/31/2012 - TG	Photocopy Charges	83 0.20		16.60
- TG	Postage Charges	1 5.00		5.00
9/30/2012 - TG	Photocopy Charges	2 0.20		0.40
10/10/2012 - TG	Best Western - 10/10/12 Hearing	1 212.79		212.79
11/19/2012 - TG	Pilot - Fuel for Travel to 10/10/12 Hearing	1 48.89		48.89
2/20/2013 - TG	Photocopy Charges	22 0.20		4.40
Total costs				<u>\$1,475.90</u>

Exhibit C

Exhibit C

1 CASE NO. CV-C-12-175

2 DEPT. NO. 1

3

4

5 IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

6 IN AND FOR THE COUNTY OF ELKO

7

8 ARTEMIS EXPLORATION COMPANY, a
Nevada Corporation,

9 Plaintiffs,

10 vs.

MEMORANDUM OF COSTS

11 RUBY LAKE ESTATES HOMEOWNER'S
12 ASSOCIATION AND DOES I-X,

13 Defendants.

14 RUBY LAKE ESTATES HOMEOWNER'S
ASSOCIATION,

15 Counterclaimant,

16 vs.

17 ARTEMIS EXPLORATION COMPANY, a
18 Nevada Corporation,

19 Counterdefendant.

20 Filing Fee (Answer & Counterclaim) \$198.00

21 Filing Fee (MSJ) \$200.00

22 Online Legal Research \$ 76.04

23 Hotel Charges (10/10/12 Hearing) \$212.79

24 Fuel Charges (10/10/12 Hearing) \$ 48.89

25 Photocopy Charges \$547.20

26 Postage Charges \$192.38

27 ///

28 //

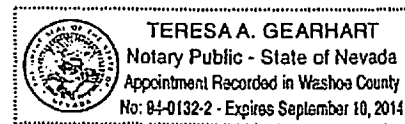
1 Fax Charges \$.60
2 TOTAL COSTS \$1,475.90

3 STATE OF NEVADA)
4 : ss.
4 COUNTY OF WASHOE)

5 Gayle A. Kern, being first duly sworn, deposes and says that to the best of my knowledge
6 and belief these items are correct and that the disbursements have been necessarily incurred in this
7 action by Plaintiff (NRS 18.005; NRS 18.110).

8
9 
10 GAYLE A. KERN

11 SUBSCRIBED and SWORN to before
12 me this 25th day of February, 2013.



13 
14 NOTARY PUBLIC

15 AFFIRMATION

16 Pursuant to NRS 239B.030

17 The undersigned does hereby affirm that the preceding document filed in the above-entitled
18 case does not contain the social security number of any person.

19 DATED this 25th day of February, 2013.

20 KERN & ASSOCIATES, LTD.

21 
22 GAYLE A. KERN, ESQ.
23 NEVADA BAR #1620
24 5421 Kietzke Lane, Suite 200
25 RENO, NEVADA 89511
26 Telephone: 775-324-5930
27 Fax: 775-324-6173
28 Email: gaylekern@kernltd.com
Attorneys for Ruby Lake Estates

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCp 5(b), I certify that I am an employee of the law firm of Kern &
3 Associates, Ltd., and that on this day I served the foregoing document described as follows:

4 MEMORANDUM OF COSTS

5 on the parties set forth below, at the addresses listed below by:

6 X Placing an original or true copy thereof in a sealed envelope place for collection and
7 mailing in the United States Mail, at Reno, Nevada, first class mail, postage paid,
following ordinary business practices, addressed to:

8 _____ Via facsimile transmission

9 _____ Via e-mail.

10 _____ Personal delivery, upon:

11 _____ United Parcel Service, Next Day Air, addressed to:

12 Travis Gerber, Esq.
13 Gerber Law Offices, LLP
14 491 4th Street
Elko, NV 89801

15 DATED this 26th day of February, 2013.

16 *Teresa A. Gearhart*
17 TERESA A. GEARHART
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Exhibit D

Exhibit D

1 CASE NO. CV-C-12-175

2 DEPT. NO. I

3

4

5 IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

6 IN AND FOR THE COUNTY OF ELKO

7

8 ARTEMIS EXPLORATION COMPANY, a
Nevada Corporation,

9 Plaintiffs,

10 vs.

11 RUBY LAKE ESTATES HOMEOWNER'S
ASSOCIATION AND DOES I-X,

12

13 Defendants.

14

15 RUBY LAKE ESTATES HOMEOWNER'S
ASSOCIATION,

16

17 Counterclaimant.

18

19 vs.

20 ARTEMIS EXPLORATION COMPANY, a
Nevada Corporation,

21

22 Counterdefendant.

23

24 STATE OF NEVADA)

25 : ss.

26 COUNTY OF WASHOE)

27 I, Gayle A. Kern, being first duly sworn do hereby swear under penalty of perjury as follows:

28 1. I am the attorney representing Ruby Lake Estates Architectural Committee, Ruby Lake Estates Homeowner's Association, in the above-referenced matter.

2. I make this supplemental affidavit of my own personal knowledge except as to those matters stated on information and belief.

3. Additional fees in this matter from February 21, 2013, through March 27, 2013, are \$2,616.00, and additional costs from February 21, 2013, through March 27, 2013, in the amount

RECEIVED 10/1/13

CLERK OF DISTRICT COURT

FOURTH JUDICIAL DISTRICT COURT

BR

1 of \$60.24, for a total additional amount of \$2,676.24. A compilation of all supplemental fees and
2 costs is attached as Exhibit "1".

3 4. Redaction has been made of any privileged communications.

4 5. I have been in practice for over 28 years. I have a general civil practice with an
5 emphasis on all types of housing associations including condominiums, town homes, landscape
6 maintenance, single family, master and sub associations and mobile home parks, as well as
7 litigation, bankruptcy and real property law. I currently serve as counsel to over two hundred
8 associations throughout Northern Nevada. I provide all aspects of legal services upon request to
9 my associations including interpretation of governing documents and applicable local, state and
10 federal laws; guidance and training to Boards of Directors in connection with running a non-profit
11 common-interest community; developer transition; collection of delinquent assessments; filing and
12 responding to Intervention Affidavits with the Nevada Real Estate Division; all forms of litigation
13 including Alternative Dispute Resolution, complaints in front of the Fair Housing Division of HUD,
14 Small Claims Court, Justice Court, District Court, and the Nevada Supreme Court; and assistance
15 in collections, liens and foreclosures.

16 6. I lecture regularly for the Ombudsman's office, the Nevada Real Estate Division, and
17 teach seminars on common-interest community law. I serve on the Community Association
18 Institute's Legislative Action Committee, which participates in review and comment on legislation
19 affecting common-interest communities and regulations promulgated by the Ombudsman and
20 Nevada Real Estate Division. I worked with the Real Estate Division in the development of the first
21 community manager exam and I am approved by the Real Estate Division to teach classes to
22 community managers and Board members. I regularly attend CAL's National Law Seminars to keep
23 apprised of new developments in the industry, not only in Nevada, but throughout the country. I
24 also serve on the subcommittee for the Common Interest Communities for the Nevada State Bar
25 Real Estate section.

26 7. The supplemental fees and costs billed in this matter are reasonable and appropriate.
27 The additional time billed from February 21, 2013 through March 27, 2013, was 10.9 hours, with
28 an hourly rate of \$240.00, totaling \$2,616.00. Costs from February 21, 2013 through March 27,

1 2013, are itemized in the amount of \$60.24 for an additional amount totaling \$2,676.24.

2 8. My hourly rate is reasonable given my experience practicing law in general and my
3 experience in practicing in the specialized area of common interest communities, in particular.
4 Despite my experience and expertise, my hourly rate is lower than rates routinely charged by other
5 attorneys who practice in this area and/or who do not have the same amount of experience that I
6 have.

7 9. Based upon all of the above factors, these fees and costs are reasonable and
8 appropriate and should be awarded.

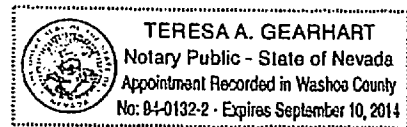
9 DATED this 28th day of March, 2013.

10
11 
12 GAYLE A. KERN

13 SUBSCRIBED AND SWORN to before me

14 this 28th day of March, 2013.

15 
16 NOTARY PUBLIC



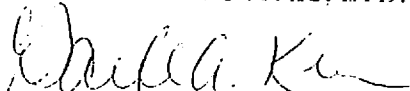
17 AFFIRMATION

18 Pursuant to NRS 239B.030

19 The undersigned does hereby affirm that the preceding document filed in the above-entitled
20 case does not contain the social security number of any person.

21 DATED this 28th day of March, 2013.

22 KERN & ASSOCIATES, LTD.

23 
24 GAYLE A. KERN, ESQ.
25 NEVADA BAR #1620
26 5421 Kietzke Lane, Suite 200
27 RENO, NEVADA 89511
28 Telephone: 775-324-5930
Fax: 775-324-6173
Email: gaylekern@kernltd.com
Attorneys for Ruby Lake Estates

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I certify that I am an employee of the law firm of Kern &
3 Associates, Ltd., and that on this day I served the foregoing document described as follows:

4 **SUPPLEMENTAL AFFIDAVIT OF GAYLE A. KERN**
5 **IN SUPPORT OF ATTORNEY'S FEES AND COSTS**

6 on the parties set forth below, at the addresses listed below by:

7 X Placing an original or true copy thereof in a sealed envelope place for collection and
8 mailing in the United States Mail, at Reno, Nevada, first class mail, postage paid,
9 following ordinary business practices, addressed to:

10 Via facsimile transmission

11 Via e-mail.

12 Personal delivery, upon:

13 United Parcel Service, Next Day Air, addressed to:

14 Travis Gerber, Esq.
15 Gerber Law Offices, LLP
16 491 4th Street
17 Elko, NV 89801

18 DATED this 28th day of March, 2013.

19 *Teresa A. Gearhart*
20 TERESA A. GEARTHART
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EXHIBIT "1"

EXHIBIT "1"

Gayle A. Kern, Ltd
5421 Kietzke Lane, Suite 200
Reno, Nevada 89511
[REDACTED]

March 28, 2013

In Reference To: Ruby Lake Estates HOA adv. Artemis Exploration Company

Professional Services

		<u>Rate</u>	<u>Tax#</u>	<u>Amount</u>
2/25/2013 - GAK	Revise and finalize motion for attorney's fees and costs, review and redact privileged statements in the invoices and billing information.	240.00/hr		144.00
3/15/2013 - GAK	Review and respond to email from Mr. Gerber re: his opposition filing.	240.00/hr		48.00
3/20/2013 - GAK	Review opposition to motion for attorney's fees and costs, request extension of time to respond to April 2	240.00/hr		72.00
3/21/2013 - GAK	Review email about [REDACTED]	240.00/hr		48.00
3/25/2013 - GAK	Work on Reply to Opposition to Motion for Confirmation of Award and Attorney's Fees and Costs	240.00/hr		1,800.00
3/27/2013 - GAK	Review and revise Reply to Opposition	240.00/hr		192.00
- GAK	Revise Reply to Opposition to Motion for Summary Judgment, draft and finalize supplemental affidavit, draft and finalize Supplemental Memorandum of Costs	240.00/hr		312.00
For professional services rendered		10.90		\$2,616.00

Additional Charges :

	<u>Qty/Price</u>	<u>Tax#</u>	<u>Amount</u>
2/28/2013 - TG Photocopy Charges	209 0.20		41.80
- TG Postage Charges	1 5.44		5.44
3/27/2013 - TG Photocopy Charges	65 0.20		13.00
Total costs			<u>\$60.24</u>

Exhibit E

Exhibit E

1 CASE NO. CV-C-12-175

2 DEPT. NO. 1

3
4
5 IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
6 IN AND FOR THE COUNTY OF ELKO

7
8 ARTEMIS EXPLORATION COMPANY, a
Nevada Corporation,

9 Plaintiffs,

10 vs.

SUPPLEMENTAL MEMORANDUM OF
COSTS

11 RUBY LAKE ESTATES HOMEOWNER'S
12 ASSOCIATION AND DOES I-X,

Defendants.

13 _____ /
14 RUBY LAKE ESTATES HOMEOWNER'S
ASSOCIATION,

15 Counterclaimant,

16 vs.

17 ARTEMIS EXPLORATION COMPANY, a
18 Nevada Corporation,

19 Counterdefendant.
_____ /

20 Photocopy Charges \$ 54.80

21 Postage Charges \$ 5.44

22 TOTAL SUPPLEMENTAL COSTS \$ 60.24

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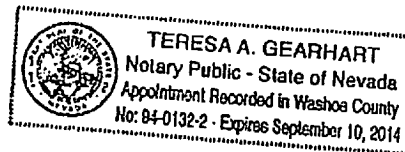
1 STATE OF NEVADA)
2) ss.
3 COUNTY OF WASHOE)

4 Gayle A. Kern, being first duly sworn, deposes and says that to the best of my knowledge
5 and belief these items are correct and that the disbursements have been necessarily incurred in this
6 action by Plaintiff (NRS 18.005; NRS 18.110).

7 
8 GAYLE A. KERN

9 SUBSCRIBED and SWORN to before
10 me this 28th day of March, 2013.

11 
12 NOTARY PUBLIC



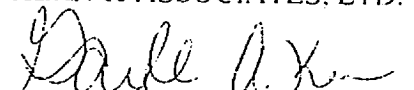
13 AFFIRMATION

14 Pursuant to NRS 239B.030

15 The undersigned does hereby affirm that the preceding document filed in the above-entitled
16 case does not contain the social security number of any person.

17 DATED this 28th day of March, 2013.

18 KERN & ASSOCIATES, LTD.

19 
20 GAYLE A. KERN, ESQ.
21 NEVADA BAR #1620
22 5421 Kietzke Lane, Suite 200
23 RENO, NEVADA 89511
24 Telephone: 775-324-5930
25 Fax: 775-324-6173
26 Email: gaylekern@kernltd.com
27 Attorneys for Ruby Lake Estates
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Exhibit F

Exhibit F

1 KERN & ASSOCIATES, LTD.
2 GAYLE A. KERN, ESQ.
3 Nevada Bar # 1620
4 5421 Kietzke Lane, Suite 200
5 Reno, Nevada 89511
6 Telephone: (775) 324-5930
7 Facsimile: (775) 324-6173
8 E-mail: gaylekern@kernltd.com

9 Attorneys for Respondents and Counter Claimants

10
11 STATE OF NEVADA
12 IN THE DEPARTMENT OF BUSINESS AND INDUSTRY
13 REAL ESTATE DIVISION
14

15 ARTEMIS EXPLORATION
16 COMPANY, on behalf of itself and all
17 others similarly situated,

18 Claimants,

19 vs.

20 RUBY LAKE ESTATES
21 ARCHITECTURAL COMMITTEE,
22 RUBY LAKE ESTATES
23 HOMEOWNER'S ASSOCIATION,
24 LEROY PERKS, VALERIE MCINTYRE,
25 DENNIS MCINTYRE, MICHAEL
26 CECCHI,

27 Respondents.

28 RUBY LAKE ESTATES
ARCHITECTURAL COMMITTEE,
RUBY LAKE ESTATES
HOMEOWNER'S ASSOCIATION,
LEROY PERKS, VALERIE MCINTYRE,
DENNIS MCINTYRE, MICHAEL
CECCHI,

Counter Claimants,

vs.

ARTEMIS EXPLORATION
COMPANY,

Counter Respondents

NRED Control No. 11-82

AFFIDAVIT OF GAYLE A. KERN
IN SUPPORT OF ATTORNEY'S
FEES AND COSTS

1 STATE OF NEVADA)
 : ss.
2 COUNTY OF WASHOE)

3 1, Gayle A. Kern, being first duly sworn do hereby swear under penalty of perjury as follows:

4 1. I am the attorney representing Ruby Lake Estates Architectural Committee, Ruby Lake
5 Estates Homeowner's Association, Leroy Perks, Valeri McIntyre, Dennis McIntyre, Michael Cecchi in the
6 above-referenced matter.

7 2. I make this affidavit of my own personal knowledge except as to those matters stated on
8 information and belief.

9 3. Total fees in this matter through December 20, 2011, are \$22,092.00, and costs through
10 December 14, 2011, in the amount of \$4,718.67, for a total of \$26,810.67. A compilation of all fees and
11 costs is attached as Exhibit 1.

12 4. Redaction has been made of any privileged communications.

13 5. I have been in practice for over 25 years. I have a general civil practice with an emphasis
14 on all types of housing associations including condominiums, town homes, landscape maintenance, single
15 family, master and sub associations and mobile home parks, as well as litigation, bankruptcy and real
16 property law. I currently serve as counsel to over two hundred associations throughout Northern Nevada.
17 I provide all aspects of legal services upon request to my associations including interpretation of governing
18 documents and applicable local, state and federal laws; guidance and training to Boards of Directors in
19 connection with running a non-profit common-interest community; developer transition; collection of
20 delinquent assessments; filing and responding to Intervention Affidavits with the Nevada Real Estate
21 Division; all forms of litigation including Alternative Dispute Resolution, complaints in front of the Fair
22 Housing Division of HUD, Small Claims Court, Justice Court, District Court, and the Nevada Supreme
23 Court; and assistance in collections, liens and foreclosures.

24 6. I lecture regularly for the Ombudsman's office, the Nevada Real Estate Division, and teach
25 seminars on common-interest community law. I serve on the Community Association Institute's
26 Legislative Action Committee, which participates in review and comment on legislation affecting common-
27 interest communities and regulations promulgated by the Ombudsman and Nevada Real Estate Division.
28 I worked with the Real Estate Division in the development of the first community manager exam and I am

1 approved by the Real Estate Division to teach classes to community managers and Board members. I
2 regularly attend CAI's National Law Seminars to keep apprised of new developments in the industry, not
3 only in Nevada, but throughout the country. I also serve on the subcommittee for the Common Interest
4 Communities for the Nevada State Bar Real Estate section.

5 7. The fees and costs billed in this matter are reasonable and appropriate. The total time billed
6 from February 25, 2011 through December 20, 2011 was 92.05 hours, with an hourly rate of \$240.00.
7 Costs through December 14, 2011, are itemized in the amount of \$4,718.67 for a total due and owing of
8 \$26,810.67.

9 8. My hourly rate is reasonable given my experience practicing law in general and my
10 experience in practicing in the specialized area of common interest communities, in particular. Despite my
11 experience and expertise, my hourly rate is lower than rates routinely charged by other attorneys who
12 practice in this area and/or who do not have the same amount of experience that I have.

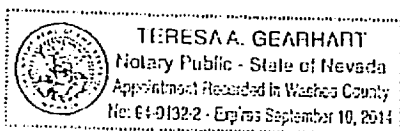
13 9. Based upon all of the above factors, these fees and costs are reasonable and appropriate and
14 should be awarded.

15 DATED this 20th day of December, 2011.

16
17 
18 GAYLE A. KERN

19 SUBSCRIBED AND SWORN to before me
20 this 20th day of December, 2011.

21 
22 NOTARY PUBLIC



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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the law firm of Kern & Associates, Ltd.,
5421 Kietzke Lane, Suite 200, Reno, NV 89511, and this day I served the foregoing document described
as follows:

AFFIDAVIT OF GAYLE A. KERN
IN SUPPORT OF ATTORNEY'S FEES AND COSTS

on the parties set forth below, at the addresses listed below by:

X Placing an original or true copy thereof in a sealed envelope place for collection and mailing
in the United States Mail, at Reno, Nevada, first class mail, postage paid, following ordinary
business practices, addressed to:

X Via e-mail transmission

Personal delivery, upon:

United Parcel Service, 2nd Day Air, addressed to: Travis W. Gerber Only

*Via U.S. Mail &
E-mail to: twg@gerberlegal.com*

*Via U.S. Mail &
E-mail to: leonardgang@gmail.com*

Travis W. Gerber
Gerber Law Offices, LLP
491 4th Street
Elko, NV 89801

Leonard L. Gang, Esq., Arbitrator
P.O. Box 4394
Incline Village, NV 89450

DATED this 20th day of December, 2011.

Teresa A. Gearhart
TERESA A. GEARHART

EXHIBIT "1"

EXHIBIT "1"

Gayle A. Kern, Ltd.
5421 Kietzke Lane, Suite 200
Reno, Nevada 89511
EIN No. 20-0097566

Invoice submitted to:

December 20, 2011

In Reference To: Ruby Lake Estates HOA adv. Artemis Exploration Company

Professional Services

		<u>Rate</u>	<u>Tax#</u>	<u>Amount</u>
2/25/2011 - GAK	review documents provided by client; meeting with board re: [REDACTED]; telephone call to Mr. Wines re: [REDACTED]	240.00/hr		840.00
3/2/2011 - GAK	Review various emails; attempt telephone call to [REDACTED]	240.00/hr		120.00
3/3/2011 - GAK	Draft motion to dismiss; prepare peremptory challenge.	240.00/hr		600.00
3/4/2011 - GAK	Review e-mail from [REDACTED]; respond with [REDACTED]; finalize all pleadings; supervise communication with Mr. Wines' office; provide for all to be sent for delivery on Monday.	240.00/hr		360.00
3/7/2011 - GAK	Follow-up with Mr. Wines' office re: [REDACTED]; prepare notice of pending litigation; review file-stamped pleadings.	240.00/hr		240.00
3/9/2011 - GAK	Draft letter to the Board with litigation notebook.	240.00/hr		120.00
3/22/2011 - GAK	Telephone call from Travis Gerber.	240.00/hr		48.00
3/23/2011 - GAK	Review and respond to e-mails from Board president.	240.00/hr		48.00
3/24/2011 - GAK	Review and respond to e-mail from Ms. McIntyre re: [REDACTED]; review and respond to e-mail from [REDACTED]; Telephone call from [REDACTED] provide [REDACTED]	240.00/hr		240.00

		Rate	Tax#	Amount
	[REDACTED] to client; review e-mail re [REDACTED] [REDACTED], telephone call to Travis Gerber.			
3/29/2011 - GAK	Review proposed stipulation for dismissal; draft response regarding reservation of right to seek fees and costs.	240.00/hr		60.00
3/30/2011 - GAK	Review and respond to numerous e-mails from Mr. Gerber re: [REDACTED]; receive finalized stipulation, execute and return same to Mr. Gerber.	240.00/hr		120.00
5/17/2011 - GAK	Telephone call from [REDACTED].	240.00/hr		24.00
5/18/2011 - GAK	Review e-mail advising [REDACTED] provide notice to [REDACTED] and [REDACTED].	240.00/hr		48.00
6/1/2011 - GAK	Review [REDACTED] in order to prepare answer.	240.00/hr		48.00
6/15/2011 - GAK	Prepare responsive pleading to complaint.	240.00/hr		480.00
6/17/2011 - GAK	Supervise file organization; direct copies to be made of pertinent documents; review [REDACTED] and obtain [REDACTED].	240.00/hr		72.00
- GAK	Supervise obtaining documents to [REDACTED].	240.00/hr		48.00
6/20/2011 - GAK	Telephone call from [REDACTED]s; Prepare Notice of Pending Litigation; draft letter to client [REDACTED].	240.00/hr		192.00
6/29/2011 - GAK	Draft letter to Members of the Board [REDACTED].	240.00/hr		72.00
7/7/2011 - GAK	Review and respond to e-mail from Mr. Gerber re: appointment of Judge Gang.	240.00/hr		48.00
7/14/2011 - GAK	Telephone call from [REDACTED] discussion of [REDACTED].	240.00/hr		48.00
7/20/2011 - GAK	Review letter from Nevada Real Estate Division assigning arbitration to Mr. Gang; provide same to client.	240.00/hr		48.00
7/22/2011 - GAK	Review [REDACTED]; revise [REDACTED].	240.00/hr		168.00
8/1/2011 - GAK	Participate in conference call with Mr. Gerber and Judge Gang.	240.00/hr		96.00

		<u>Rate</u>	<u>Tax#</u>	<u>Amount</u>
8/4/2011 - GAK	Review letter and statement from Judge Gang; execute and return.	240.00/hr		60.00
8/23/2011 - GAK	Review e-mail from Mr. Gerber.	240.00/hr		24.00
8/24/2011 - GAK	Draft Notice of Taking Depositions of Mel and Elizabeth Essington.	240.00/hr		48.00
8/31/2011 - GAK	Revise Notice of Deposition.	240.00/hr		72.00
9/2/2011 - GAK	Review letter and enclosure from Travis Gerber to Leonard Gang; provide to client.	240.00/hr		48.00
9/6/2011 - GAK	Prepare draft of first set of interrogatories; prepare draft of first set of Requests for Admission; draft first set of request for Production of Documents.	240.00/hr		720.00
9/7/2011 - GAK	Meeting with [REDACTED]; finalize all discovery requests; review additional e-mails [REDACTED]; prepare supplemental production of documents; begin preparation of [REDACTED]	240.00/hr		720.00
9/9/2011 - GAK	Finalize notices of depositions.	240.00/hr		72.00
- GAK	Review additional e-mail with attachments and prepare third supplemental production of documents.	240.00/hr		120.00
9/12/2011 - GAK	Finalize Second Supplemental List of Documents.	240.00/hr		48.00
9/14/2011 - GAK	Review discovery requests from plaintiffs; prepare draft responses; send all to [REDACTED]	240.00/hr		288.00
10/3/2011 - GAK	Review and respond to e-mail re [REDACTED], supervise obtaining court reporter for the depositions.	240.00/hr		72.00
- GAK	Finalize Response to Request for Admissions; finalize Answers to Interrogatories.	240.00/hr		60.00
10/4/2011 - GAK	Prepare amended notice of deposition for conducting depositions at Mr. Wines' office.	240.00/hr		48.00
10/11/2011 - GAK	Review [REDACTED] from clients; draft letter to Travis Gerber.	240.00/hr		48.00
10/12/2011 - GAK	Travel to and prepare for depositions.	240.00/hr		1,680.00

		<u>Rate</u>	<u>Tax#</u>	<u>Amount</u>
10/13/2011	- GAK Conduct depositions and return to Reno.	240.00/hr		2,880.00
10/24/2011	- GAK Prepare supplemental production.	240.00/hr		72.00
11/28/2011	- GAK Draft letter to Arbitrator Gang and Mr. Gerber re: extension of time; strategize for preparing arbitration brief.	240.00/hr		216.00
	- GAK Review strategy re: [REDACTED] [REDACTED] review [REDACTED] [REDACTED]	240.00/hr		1,440.00
11/29/2011	- GAK Prepare Third Supplemental List of Documents.	240.00/hr		48.00
	- GAK Review communication approving extension for briefs.	240.00/hr		48.00
	- GAK Continue work on Arbitration Brief; draft [REDACTED] [REDACTED] analysis of [REDACTED]; begin draft of legal points and authorities.	240.00/hr		1,944.00
11/30/2011	- GAK Continue preparation of legal arguments and points and authorities for Arbitration Brief.	240.00/hr		1,224.00
12/1/2011	- GAK Draft arguments and points and authorities regarding affirmative defenses and counterclaims; review and edit first draft of Arbitration Brief.	240.00/hr		1,560.00
12/5/2011	- GAK Finalize arbitration brief; draft letter to [REDACTED] begin [REDACTED] begin preparation of [REDACTED]	240.00/hr		624.00
12/9/2011	- GAK Work on [REDACTED]	240.00/hr		360.00
12/12/2011	- GAK Continue [REDACTED]	240.00/hr		672.00
12/13/2011	- GAK Final preparation of [REDACTED] [REDACTED]	240.00/hr		960.00
12/14/2011	- GAK Final preparation for arbitration; provide letter to [REDACTED] [REDACTED] participate in arbitration.	240.00/hr		1,560.00
12/20/2011	- GAK Prepare affidavit in support of legal fees; review e-mail from Mr. Gerber.	240.00/hr		168.00

For professional services rendered

Hours

92.05

Amount

\$22,092.00

Additional Charges :

		<u>Qty/Price</u>	<u>Tax#</u>
3/4/2011 - TG	Fourth Judicial District Court - Filing Fee for First Appearance	1 318.00	318.00
- TG	Supreme Court of Nevada - Filing Fee for Peremptory Challenge of Judge	1 450.00	450.00
- TG	UPS Shipping Charges	1 24.04	24.04
3/8/2011 - TG	Binder for Litigation Notebook	1 14.00	14.00
3/31/2011 - TG	Photocopy Charges	61 0.20	12.20
- TG	Messenger Service Charges	1 3.00	3.00
5/31/2011 - TG	Photocopy Charges	7 0.20	1.40
6/15/2011 - TG	Nevada Real Estate Division - Fee to File ADR Response	1 50.00	50.00
- TG	UPS Shipping Charges	1 26.74	26.74
6/30/2011 - TG	Photocopy Charges	263 0.20	52.60
7/31/2011 - TG	Postage Charges	1 0.88	0.88
- TG	Photocopy Charges	8 0.20	1.60
8/5/2011 - TG	Leonard I. Gang - Arbitrator's Retainer	1 1,750.00	1,750.00
8/15/2011 - TG	UPS Shipping Charges	1 14.48	14.48
8/31/2011 - TG	Photocopy Charges	31 0.20	6.20

		Qty/Price	Tax#	Amount
8/31/2011 - TG	Postage Charges	1 0.44		0.44
9/1/2011 - TG	(8/1/11) - AT&T TeleConference Services	1 12.10		12.10
9/9/2011 - TG	UPS Shipping Charges	1 14.55		14.55
9/30/2011 - TG	Photocopy Charges	129 0.20		25.80
- TG	Postage Charges	1 1.28		1.28
10/12/2011 - TG	The Star Hotel - Dining Expense	1 36.66		36.66
- TG	Starbucks - Travel Expense	1 10.93		10.93
10/13/2011 - TG	Dos Amigos - Dining Expense	1 22.42		22.42
- TG	Towne Place Suites by Marriott - Travel Expense	1 189.28		189.28
- TG	Sunshine Reporting and Litigation Services, LLC - Deposition Reporting & Transcription	1 1,582.53		1,582.53
10/31/2011 - TG	Photocopy Charges	67 0.20		13.40
- TG	Postage Charges	1 2.36		2.36
11/30/2011 - TG	Photocopy Charges	10 0.20		2.00
- TG	Postage Charges	1 1.08		1.08
12/5/2011 - TG	UPS Shipping Charges	1 14.42		14.42
12/14/2011 - TG	Postage Charges	1 1.68		1.68
- TG	Photocopy Charges	313 0.20		62.60

Total costs

Amount
\$4,718.67

For professional services rendered

92.05

Amount
\$26,810.67

Exhibit G

Exhibit G

1 CASE NO. CV-C-12-175

2 DEPT. NO. 2

3 Affirmation: This document does
4 not contain the social security number
5 of any person.

6 IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7
8 IN AND FOR THE COUNTY OF ELKO

9 ARTEMIS EXPLORATION COMPANY,
10 a Nevada Corporation,

11 Plaintiff,

12 vs.

13 RUBY LAKE ESTATES HOMEOWNER'S
14 ASSOCIATION, et al., and DOES I-X,

Defendants.

AFFIDAVIT OF GAYLE A. KERN, ESQ.
IN SUPPORT OF MOTION FOR
ATTORNEY'S FEES AND COSTS

15 STATE OF NEVADA)
16):ss.
17 COUNTY OF WASHOE)

18 I, Gayle A. Kern, Esq., being first duly sworn do hereby swear under penalty of perjury as
19 follows:

20 1. I am attorney licensed to practice before all courts of the State of Nevada, and one
21 of the attorneys of record for Defendant Ruby Lake Estates Homeowner's Association (the
22 "Association") in the above-referenced matter.

23 2. I make this affidavit of my own personal knowledge except as to those matters
24 stated on information and belief. I am familiar with the Court's June 6, 2013 award of attorney's
25 fees and costs to the Association in the total amount of \$82,250.81 and based upon my prior
26 affidavits submitted in support thereof. I have also reviewed and approved the invoices in this
27 matter since that date.
28

1 3. Since the June 6, 2013 award of attorney's fees and costs, additional fees and costs
2 have been incurred by the Association in connection with Plaintiff Artemis Exploration
3 Company's ("Artemis's") declaratory relief claim and the parties' efforts to obtain entry of Final
4 Judgment consistent with the Court's orders throughout the litigation. The additional amount of
5 fees through March 18, 2018 fees is calculated to be \$32,101.00 and costs through March 18, 2018
6 in the amount of \$1,336.33, for a total, additional of amount of \$33,437.33. A compilation of these
7 additional fees and costs is attached as Exhibit "A" to this affidavit. Substantial effort has been
8 undertaken to exclude fees and costs specifically incurred to prosecute the Association's now
9 dismissed Counterclaims and Cross-Claim, including any fees incurred for briefing on the
10 Counterclaims and Crossclaims. Substantial effort has also been made to identify time spent
11 preparing for, traveling to Elko, and attending hearings on the cross motions for summary
12 judgment on the Counterclaims as well as on Artemis's motions for relief from judgment,
13 reconsideration, and/or for leave to file supplement briefs with respect to the Court's February
14 2013 Orders. As to those identified time entries, only 1/2 of the fees incurred was included in the
15 calculation.
16
17

18 4. Redaction has been made of any privileged communications.
19

20 5. I have been a practicing attorney in the State of Nevada for approximately thirty-
21 two (32) years, and have been licensed to practice in the State of California for twenty-nine (29)
22 years.
23

24 6. I have a civil practice with an emphasis on all types of housing associations
25 including condominiums, town homes, landscape maintenance, single family, master and sub
26 associations and mobile home parks, as well as litigation, bankruptcy and real property law.
27

28 7. I currently serve as counsel to over two hundred (200) associations throughout
Northern Nevada. I provide all aspects of legal services upon request to my associations including

1 interpretation of governing documents and applicable local, state and federal laws; guidance and
2 training to Boards of Directors in connection with running a non-profit common-interest
3 community; developer transition; collection of delinquent assessments; filing and responding to
4 Intervention Affidavits with the Nevada Real Estate Division; all forms of litigation including
5 Alternative Dispute Resolution, complaints in front of the Fair Housing Division of HUD, Small
6 Claims Court, Justice Court, District Court, and the Nevada Supreme Court; and assistance in
7 collections, liens and foreclosures.
8

9 8. I lecture regularly for the Ombudsman's office, the Nevada Real Estate Division,
10 and teach seminars on common-interest community law.
11

12 9. I serve on the Community Association Institute's Legislative Action Committee,
13 which participates in review and comment on legislation affecting common-interest communities
14 and regulations promulgated by the Ombudsman and Nevada Real Estate Division.
15

16 10. In September 2015 I was inducted as a fellow in the Community Association
17 Institute's College of Community Association Lawyers.
18

19 11. I regularly attend CAI's National Law Seminars to keep apprised of new
20 developments in the industry, not only in Nevada, but throughout the country, and I also serve on
21 the subcommittee for the Common Interest Communities for the Nevada State Bar Real Estate
22 section.
23

24 12. I worked with the Real Estate Division in the development of the first community
25 manager exam, and I am approved by the Real Estate Division to teach classes to community
26 managers and Board members.
27


28 13. The fees and costs billed in this matter are reasonable and appropriate. The total
additional time billed from June 6, 2013 through March 18, 2018 described above and as set forth
herein and Exhibit "A" is calculated to be 133.75 hours, at an hourly rate of \$240.00, totaling

1 \$32,101.00. Additional costs through March 18, 2018, itemized in the accompanying
2 Memorandum of Costs, are in the amount of \$1,336.33, for additional fees and costs due and owing
3 of \$33,437.33. This amount plus the \$82,250.81 originally awarded by the Court on June 6, 2013,
4 and which award should also be reinstated, brings the total amount of fees and costs to
5 \$115,688.14 as of March 18, 2018.
6

7 14. The hourly rate of my firm is reasonable given my experience practicing law in
8 general and my experience in practicing in the specialized area of common interest communities.
9 Despite my experience and expertise, my firm's hourly rate is lower than rates routinely charged
10 by other attorneys who practice in this area and/or who do not have the same amount of experience
11 that I have.
12

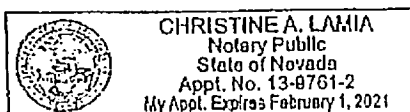
13 15. Based upon all of the above factors, these fees and costs are reasonable, appropriate
14 and should be awarded.

15 DATED this 19th day of March 2018.
16

17 
18 GAYLE A. KERN
19

20 SUBSCRIBED AND SWORN to before me
21 this 19th day of March 2018 by Gayle A. Kern.

22 
23 NOTARY PUBLIC
24



[REDACTED]

[REDACTED]

[REDACTED]

In Reference To: Ruby Lake Estates HOA adv. Artemis Exploration Company

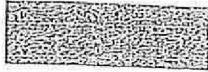
Professional Services

			Rate	Tax#	Amount
6/25/2013	GAK	Review Notice of No Transcript, draft letter to Gerber pursuant to Rule 9; review Docketing Statement; obtain copy of amended order increasing award of attorney's fees and costs.	240.00/hr		240.00
6/27/2013	GAK	Prepare letter to Travis Gerber demanding increased Supersedeas Bond based on Judgment entered on June 6, 2013, and disappointment that he will not discuss settlement.	240.00/hr		96.00
6/28/2013	GAK	Prepare Notice of Entry of Order Granting Defendant's Motion for Confirmation of Judgment on an Arbitration Award and Award of Attorney's Fees and Costs; prepare Notice of Entry of Judgment on an Arbitration Award and Award of Attorney's Fees and Costs.	240.00/hr		48.00
7/2/2013	GAK	Review and respond to email from [REDACTED] re [REDACTED]	240.00/hr		48.00
7/11/2013	GAK	Return telephone call to Travis Gerber re: settlement of litigation, draft status to [REDACTED]	240.00/hr		168.00
7/17/2013	GAK	Review and respond to [REDACTED] from [REDACTED] regarding communication from Travis Gerber	240.00/hr		48.00
	GAK	Review notice of filing supplemental supersedeas bond, review supplement to docketing statement, provide copies to client	240.00/hr		96.00

[REDACTED]

[REDACTED]

		Rate	Tax	Amount
7/23/2013	GAK			
				[REDACTED]
				[REDACTED]
	GAK	240.00/hr		48.00
				[REDACTED]
	GAK	240.00/hr		72.00
9/9/2013	GAK	240.00/hr		NO CHARGE
				[REDACTED]
	GAK	240.00/hr		120.00
10/7/2013	GAK			
				[REDACTED]
	GAK	240.00/hr		72.00
10/9/2013	GAK	240.00/hr		144.00
10/11/2013	GAK	240.00/hr		144.00
10/14/2013	GAK	240.00/hr		144.00
10/30/2013	GAK	240.00/hr		144.00
11/14/2013	GAK	240.00/hr		16.00
11/17/2013	KMA	240.00/hr		144.00
11/18/2013	KMA	240.00/hr		288.00
11/19/2013	KMA			
				[REDACTED]
				[REDACTED]



12/2/2013 - GAK Review motions for reconsideration and motion for summary judgment; Telephone call Travis Gerber re: extension to respond; draft confirming email.

Rate	Tax	Amount
240.00/hr		120.00

12/17/2013 - KMA Initial review of Artemis Motion for Relief from Judgment and Motion for Summary Judgment; telephone call to counsel's office re: opposition date; review local rules re:

240.00/hr

~~120.00~~
120.00

[Redacted]
[Redacted] review and evaluate [Redacted] supplement of [Redacted] of [Redacted] email to Artemis counsel re: date for filing of opposition.

12/19/2013 - KMA Further evaluation of motion for relief from judgment or order under NRCP 60(b) due to alleged error in confirming arbitration award from "non-binding arbitration"; reevaluate Supreme Court order re: same and in applicability of statutory provisions for confirmation of awards of non-binding arbitration with subsequent district court action; research and review Chapter 38 provisions re: applicability of statutes on confirmation of arbitration award at district court level.

240.00/hr

192.00

12/20/2013 - KMA

[Redacted]



12/25/2013 - KMA

[Redacted]



1/2/2014 - KMA Continued work on draft opposition to motion for relief and motion for summary judgment; draft of undisputed facts

240.00/hr

~~144.00~~
288.00

1/3/2014 - KMA Continued preparation of draft opposition to motion to set aside an order for summary judgment; revise arguments in relation to [Redacted]

240.00/hr

~~144.00~~
576.00

[Redacted] re: [Redacted]

[REDACTED]

[REDACTED]

[REDACTED] research [REDACTED]
[REDACTED] review procedural
rules as specific basis for entry of judgment following
order granting summary judgment [REDACTED]
[REDACTED]

Rate Tax Amount

1/4/2014 - KMA

[REDACTED]

[REDACTED]

[REDACTED]

1/6/2014 - KMA

[REDACTED]

[REDACTED]

[REDACTED]

- KMA

[REDACTED]

[REDACTED]

[REDACTED]

1/7/2014 - KMA

[REDACTED]

[REDACTED]

[REDACTED]

1/8/2014 - GAD: Review and revise opposition to motion for relief from
judgment and to summary judgment; review [REDACTED]
[REDACTED] and analyze [REDACTED]

240.00/hr

\$168⁰⁰

240.00

KMA: Additional revisions to Opposition; follow-up legal
research regarding [REDACTED]
[REDACTED] draft proposed Judgment

240.00/hr

\$240⁰⁰

240.00

- GAD

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

for Summary Judgment and provide revisions to affidavits that will be filed in support of the opposition to the motions.

Rate Tax Amount

\$360.00

1/9/2014 - KMA Additional revisions to Opposition; Affidavits; proposed Judgment, in preparation for filing with the Court; final citation check of authorities; minor revisions re: cited authorities; finalized Oppositions [REDACTED]

240.00/hr

560.00

GAK Review proposed Stipulation; telephone call with Mr. Gerber; execute documents for Opposition

240.00/hr

168.00

CAL Finalize Second Supplemental Memorandum of Costs and Opposition to Artemis Exploration Company's Motion for Relief from Judgment or Order (NRCP 60(b)) [REDACTED]

140.00/hr

98.00

[REDACTED] draft filing letter to Court Clerk to enclose in overnight package with pleadings; email copies of all to opposing counsel.

1/10/2014 - GAK Return telephone call to Travis Gerber

240.00/hr

48.00

1/13/2014 - KMA

[REDACTED]

[REDACTED]

[REDACTED]

CAL

[REDACTED]

[REDACTED]

[REDACTED]

1/14/2014 GAK Telephone call from Travis Gerber re: pleadings and documents on file.

240.00/hr

48.00

1/15/2014 KMA

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

		Rate	Tax#	Amount
	[REDACTED]			
3/5/2014	KMA Several telephone calls with Judicial Executive Assistant (Stefanie Pallani) for Judge Kacin in Elko County to coordinate a date and time for [REDACTED] hearings.	240.00/hr		48.00 \$24.00
3/7/2014	KMA Review message from judge's chambers re: oral argument required by court, provide date re: same	240.00/hr		24.00 \$12.00
3/10/2014	KMA Receive and review Order Setting Hearing from the Court; email client a copy of same to advise of the hearing on May 28, 2014.	240.00/hr		48.00 \$12.00
3/17/2014	KMA [REDACTED]			
3/27/2014	KMA Telephone conference with [REDACTED] to confirm [REDACTED] the May 28, 2014 hearing in Elko on the counter Motions for Summary Judgment.	240.00/hr		48.00 \$24.00
3/28/2014	KMA [REDACTED]			
5/26/2014	KMA Review and evaluate prior briefing of first motion for summary judgment, court orders granting Ruby Lakes MSJ, subsequent judgment fees and costs award, supreme court order to show cause; begin preparation for oral argument in Elko on Artemis motion for relief under Rule 60(b), counter motions for summary judgment on Rule Lakes' counterclaims.	240.00/hr		600.00 \$300.00
6/27/2014	KMA Continued preparation for oral argument on motion for relief from judgment, and counter motions for summary judgment; telephone conference with local counsel Bob Wines re: same, briefs, and particular [REDACTED] telephone conference with [REDACTED] re: oral argument [REDACTED] outline for oral argument, exhibit references for court	240.00/hr		1,560.00 \$780.00
[REDACTED]	KMA Prepare oral argument binders for hearing on May 28, 2014, including pleadings, rules, exhibits, research, etc	240.00/hr		420.00 \$60.00
6/26/2014	KMA Completed preparation for oral argument on motion for relief and counter motions for summary judgment, travel to Elko to Reno and back for oral argument, conference w. [REDACTED]	240.00/hr		5,160.00 \$1,560.00

[REDACTED]

[REDACTED]

[REDACTED] attended oral argument before Judge Kacin in Elko.

Rate

Tax#

Amount

5/23/2014

KMA

Telephone conference with [REDACTED] re [REDACTED]

240.00/hr

240.00

\$108.00

6/3/2014

KMA

Review proposed order for release of costs bond from opposing counsel; preparation of status email to [REDACTED] and on motion for relief and counter motions for summary judgment; revise and finalize status report.

240.00/hr

240.00

\$72.00

6/17/2014

KMA

Receive and review conformed Order Releasing Cost Bond & Supersedeas Bonds from the Court; [REDACTED]

240.00/hr

24.00

3/12/2014

KMA

Status update and review information from court clerk re. potential decision from court, still under submission and pending.

240.00/hr

24.00

12/8/2014

KMA

Exchange emails with [REDACTED] re: status [REDACTED]

240.00/hr

24.00

1/20/2015

QAK

Review Second Request for Review filed by the Plaintiff; [REDACTED]

240.00/hr

48.00

3/27/2015

KMA

Review information from Judge Kacin assistant as to time line for written decision on motions; email to [REDACTED]

240.00/hr

72.00

4/20/2015

KMA

Review and evaluate order granting motion for relief; reevaluate articulated basis in order re: relief under 60(b)(4) judgment void for lack of subject matter jurisdiction; reevaluate [REDACTED] by [REDACTED]

240.00/hr

108.00

\$204.00

reevaluate [REDACTED]

status [REDACTED]

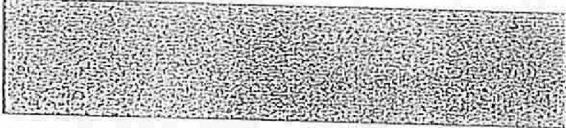


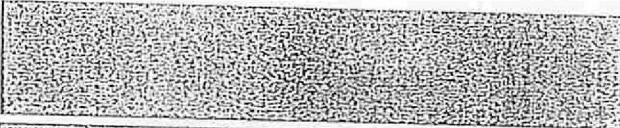


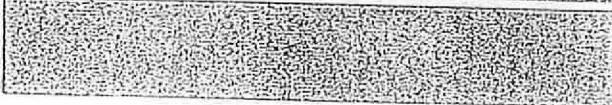


email/report to [REDACTED]

forthcoming orders on [REDACTED]



		Rate	Tax#	Amount
8/4/2016	KMA	Email to Artemis counsel re: additional time on discovery requests.	240.00/hr	48.00
8/8/2016	KMA	Status update on personal service of Cecchis, meeting [REDACTED] re: documents for discovery requests.	240.00/hr	72.00
8/11/2016	KMA	Review affidavits of service on Cecchis; follow up email re: filing of same.	240.00/hr	48.00
9/2/2016	KMA	Review email from [REDACTED] and brief status report [REDACTED]	240.00/hr	72.00
9/3/2016	KMA	Review email from Artemis counsel re: status of filed acceptances of service, timeline for filing defaults, SAC to remove McGowan from caption due to quitclaim, and add new owner; response email re: same.	240.00/hr	48.00
9/16/2016	KMA	Review and revise proposed stipulations on entry of default, add new owner as party, dismiss Mary Ann McGowan due to sale of interest in property; draft email to Artemis counsel re: same.	240.00/hr	96.00
9/19/2016	KMA	Email to Zach Gerber re: SAC and application for entry of default.	240.00/hr	48.00
10/4/2016	KMA	Review email from Zach Gerber re: status of defaults.	240.00/hr	24.00
10/5/2016	KMA	Exchange emails with Zach Gerber re: status as to defaults, remaining service on new owner.	240.00/hr	48.00
10/6/2016	KMA	Exchange additional emails with Gerber on serving new owner, [REDACTED]	240.00/hr	48.00
10/7/2016	KMA	Review request to take default of joined parties, declaration in support of same, entered default, notice of intent as to defendant Frank; necessity of serving new owner Johnson.	240.00/hr	72.00
10/20/2016	KMA	Review email from Zach Gerber rejoinder in briefing by Wyatt, determination of service on new owner Johnson; any response to joinder, [REDACTED]	240.00/hr	72.00
10/17/2016	KMA	Telephone conference with Zach Gerber re: status, need for service on David Johnson, joinder of Wyatts, motion/ agreement of not wanting further briefing schedule by Judge; potential timeline for completion of defaults and resolution of motions to judge for decision.	240.00/hr	96.00



		Rate	Tax#	Amount
10/25/2016 - KMA	Exchange emails with Zach Gerber re: status of service on remaining property owner.	240.00/hr		24.00
10/27/2016 - KMA	Exchange emails with Zach Gerber re: service on new owner Johnson, potential acceptance of same.	240.00/hr		24.00
11/7/2016 - KMA	Telephone call to owner David Johnson, emails with Zach Gerber re: efforts to get in touch with Mr. Johnson to accept service.	240.00/hr		48.00
11/16/2016 - KMA	Attempts to reach owner Johnson, email update to Zach Gerber.	240.00/hr		48.00
- KMA	Telephone conference with attorney David Johnson, advised trustee for owner trust of property, ownership interest conveyed to various beneficiaries, recorded deed in September.	240.00/hr		48.00
11/17/2016 - KMA	Exchange emails with Zach Gerber re: new lot owners, service of same.	240.00/hr		48.00
11/18/2016 - KMA	Review email from Zach Gerber re: conveyance to Van Der Meer Trust beneficiaries, last owners to join to action, inquiry as to means to contact.	240.00/hr		48.00
11/22/2016 - KMA	Telephone conference with Zach Gerber re: status of service, death of owner Van De Meer, joinder of Wyatts in prior motions, necessity of brief response to same, SAOs to amend caption to remove David Johnson in light of information re: trustee of Van De Meer Trust, and to resubmit motions for decision.	240.00/hr		96.00
12/2/2016 - KMA				
12/5/2016 - KMA	Evaluate proposed stipulations forwarded by Gerber, email to Zach Gerber re: same.	240.00/hr		48.00
- KMA	Re: review and revise proposed stipulation and order re defendant Johnson and to submit for decision by court.	240.00/hr		72.00
12/9/2016 - KMA				
12/14/2016 - KMA				

		Rate	Tax#	Amount
12/12/2016 - KMA	Exchange emails with Amy Hackett re: status of service, re: submission of motions for decision by Judge Kacin; email to Zach Gerber re: Joint Request for Review, SAO [REDACTED] revise and finalize response to joinder.	[REDACTED]		[REDACTED]
12/14/2016 - KMA	Review and approve letters to court and opposing counsel re: response to joinder, stipulation to submit for decision.	240.00/hr		72.00
12/21/2016 - KMA	Review email from Gerber, and Reply to RLEHOA Response to Joinder.	240.00/hr		NO CHARGE
1/6/2017 - KMA	[REDACTED]	[REDACTED]		[REDACTED]
1/31/2017 - KMA	Review and evaluate emails with [REDACTED] re: snow removal issues. [REDACTED] response [REDACTED] re: same.	240.00/hr		144.00
3/10/2017 - KMA	Telephone conference with Zach and Travis Gerber re: upcoming oral argument.	240.00/hr		72.00
3/13/2017 - KMA	Exchange additional emails with [REDACTED] re: status, upcoming hearing in Elko; exchange additional emails with [REDACTED] re: [REDACTED]	240.00/hr		72.00 \$ 36.00
3/14/2017 - KMA	Review order from court setting oral argument for cross motions for summary judgment on remaining counterclaims, Artemis motion for leave to file supplement to motion for summary judgment and motion for reconsideration of prior order granting Association's motions for summary judgment; email to [REDACTED] and [REDACTED]	240.00/hr		420.00 \$ 60.00
4/28/2017 - KMA	Review latest pleadings and organize to begin preparation for oral argument in Elko, review prior outlines; telephone call to Lee Perks re: upcoming hearing.	240.00/hr		240.00 \$ 113.00
- KMA	Confer with [REDACTED] hearing [REDACTED]	240.00/hr		240.00 \$ 48.00
4/30/2017 - KMA	Review prior [REDACTED] hearing, issues raised as to reconsideration, compare/contrast [REDACTED] in preparation for upcoming hearing, review overall [REDACTED] all owners joined [REDACTED]	240.00/hr		120.00 \$ 60.00

[REDACTED]

[REDACTED]

		Rate	Tax#	Amount
	[REDACTED] evaluate [REDACTED] for hearing, [REDACTED]			
5/1/2017 - KMA	Travel to Elko for hearing before Judge Kacin; further evaluate issues re: [REDACTED] [REDACTED] reconsideration of prior ruling.	240.00/hr		4,200.00 \$600.00
5/2/2017 - KMA	Prepare for hearing before Judge Kacin on cross motions for summary judgment, motion for reconsideration, motion for leave to file supplemental briefs; attend hearing before Judge Kacin; confer with [REDACTED] [REDACTED] return travel from Elko.	240.00/hr		2,400.00 \$1,320.00
5/3/2017 - KMA	[REDACTED]	[REDACTED]		[REDACTED]
7/20/2017 - KMA	[REDACTED] [REDACTED]	[REDACTED]		[REDACTED]
8/3/2017 - KMA	[REDACTED]	[REDACTED]		[REDACTED]
11/2/2017 - KMA	Review letter from Judge Kacin's law clerk re: status of decision; review [REDACTED] updated status email [REDACTED]	240.00/hr		444.00 \$72.00
12/12/2017 - KMA	[REDACTED]	[REDACTED]		[REDACTED]
12/13/2017 - KMA	[REDACTED]	[REDACTED]		[REDACTED]
- GAK	[REDACTED]	[REDACTED]		[REDACTED]
- KMA	[REDACTED]	[REDACTED]		[REDACTED]

[REDACTED]

		Rate	Tax#	Amount
12/14/2017 - KMA	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
12/15/2017 - KMA	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
12/18/2017 - KMA	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
12/19/2017 - KMA	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
12/21/2017 - KMA	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
1/4/2018 - KMA	Review email and proposed Stipulation and Order to dismiss and for entry of final judgment, initial revisions.	240.00/hr		72.00
1/5/2018 - KMA	Email to Gerbers re: stipulation.	240.00/hr		24.00
1/8/2018 - GAK	Conference with [REDACTED]	240.00/hr		268.00
• KMA	Telephone conference with Artemis counsel re: motion to dismiss, stipulation as to counterclaims, issues related thereto, no dismissal with prejudice, issues and claims reserved, review and re-evaluate [REDACTED] and evaluate [REDACTED] begin revisions to stipulation; telephone conference with [REDACTED] case to final judgment [REDACTED]	240.00/hr		960.00
1/23/2018 - KMA	Follow up emails with Artemis counsel re: proposed stipulation, issues as to motion to dismiss	240.00/hr		48.00
1/10/2018 - KMA	Revisions to proposed stipulation on dismissal of counterclaims, email to Artemis counsel re: same	240.00/hr		288.00
1/11/2018 - KMA	Draft status up, [REDACTED] proposed stipulation, revise and finalize [REDACTED]	240.00/hr		120.00



		Rate	Tax#	Amount
	final judgment with Wyatts remaining as parties; re-evaluate Rule 54(b), response email to Artemis counsel.			
2/8/2018 - KMA	Review and evaluate revised, proposed Judgment from Artemis counsel, telephone conference re: same with Travis Garber, joinder of Wyatts, defaulted parties, 54(b) issues, Wyatts stipulating to be bound by prior Orders.	240.00/hr		192.00
2/9/2018 - KMA	Further evaluate possible resolution re: all claims as to all parties, stipulation as to Wyatts, 54(b) certification as to defaulted parties given only claim pending is claim for declaratory relief previously decided by court, evaluate proposed revisions to proposed judgment and begin edits to same.	240.00/hr		144.00
2/12/2018 - KMA	Additional revisions to propose stipulation and order for dismissal without prejudice, stipulation to bind Wyatts to prior orders, provisions as to non-appearing defaulted parties, second amended complaint claim for declaratory relief identical to original declaratory relief claim, provisions re: no just reason for delay as to defaulted parties per Rule 54(b); email to Artemis counsel re: same.	240.00/hr		432.00
2/13/2018 - KMA	Initial review of Artemis counsel's latest revisions to stipulation.	240.00/hr		48.00
2/14/2018 - KMA	Incorporate additional revisions into proposed Judgment based on language of stipulation and order for dismissal and entry of final judgment; email to Artemis counsel, and review response email re: same, and re: finalizing of stipulation and proposed judgment	240.00/hr		216.00
2/15/2018 - KMA	Review finalized documents from counsel, revise Stipulation and Order to include language as to no argument re: motion to dismiss; finalize same; email to [REDACTED], telephone conference [REDACTED] approve letter to counsel re: Stipulation and Order for Dismissal Without Prejudice and Entry of Final Judgment, Final Judgment, follow up email to counsel re: same	240.00/hr		456.00
2/23/2018 - KMA	Exchange emails with Artemis counsel re: status of submitted Stipulation and Order and proposed judgment	240.00/hr		24.00
3/6/2018 - KMA	Initial review of entered judgment, notice of entry, dates for mailing, notice of appeal, case appeal statement, confirm date for motion for attorneys fees	240.00/hr		168.00
3/13/2018 - KMA	Exchange additional emails re: appeal, review notice of referral to Supreme Court mediation program, review notice of appeal docketed with Supreme Court	240.00/hr		96.00

[REDACTED]

3/14/2015 - KMA Review exemption from settlement program, pending deadlines; email updating as to same for briefing schedule; review case appeal statement submitted by Artemis.

[REDACTED]

Additional Charges:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

6/1/2014 - [REDACTED]

1/31/2015 - TG Photocopy Charges

4/30/2015 - TG Photocopy Charges

5/31/2015 - TG Photocopy Charges

6/30/2015 - TG Photocopy Charges

[REDACTED]

[REDACTED]

[REDACTED]

8/30/2015 - TG Photocopy Charges

[REDACTED]

Rate	Tax	Amount
240.00/hr		120.00

[REDACTED]

[REDACTED]

Qty/Price

1

[REDACTED]

[REDACTED]

1

[REDACTED]

[REDACTED]

1

[REDACTED]

[REDACTED]

1

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

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0.20

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569

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[REDACTED]

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[REDACTED]

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49.93

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0.20

4.00



		Qty/Price	Tax#	Amount
1/31/2016 - TG	Postage Charges	1 1.29		1.29
3/31/2016 - TG	Photocopy Charges	2,904 0.20		580.60
4/5/2016 - TG	UPS Shipping Charges	1 29.03		29.03
4/30/2016 - TG	Photocopy Charges	283 0.20		56.60
- TG	Postage Charges	1 280.14		280.14
8/8/2016 - TG	Reno/Carson Messenger Service - Service on Kris Cecchi	1 63.00		63.00
- TG	Reno/Carson Messenger Service - Service on Mike Cecchi	1 25.00		25.00
10/31/2016 - TG	Photocopy Charges	47 0.20		9.40
12/31/2016 - TG	Photocopy Charges	57 0.20		11.40
- TG	Postage Charges	1 4.45		4.45
5/1/2017 -		1		
-		1		
5/2/2017 -		1		
5/23/2017 -		1		
12/31/2017 - TG	Photocopy Charges	58 0.20		11.60
-		1		
2/15/2018 - TG	UPS Shipping Charges	1 32.63		32.63

[REDACTED]

2/26/2018 - TG Photocopy Charges

[REDACTED]

Qty/Price	Tax	Amount
47		9.40
0.20		

[REDACTED]

[REDACTED]

[REDACTED]

Additional Charges

		Qty/Price	Tax	Amount	
6/30/2013 - GAK	Photocopy Charges	333		66.60	✓
	- GAK Postage Charges	0.20			
		1		1.78	0
7/1/2013 - TG	Lexisnexis - Online Legal Research	178			
		1		10.39	-
7/31/2013 - TG	Photocopy Charges	10.39			
		93		18.60	✓
	- TG Postage Charges	0.20			
		1		5.42	0
12/31/2013 - TG	Photocopy Charges	5.42			
		29		5.50	✓
		0.20			
1/9/2014 - TG	Fourth Judicial District Court - Filing Fee for Opposition to Motion for Summary Judgment	1		25.00	
	- TG UPS Shipping Charges	25.00			
		1		41.14	
		41.14			
1/22/2014 - TG	Fourth Judicial District Court - Filing Fee for Motion for Summary Judgment	1		200.00	
	- TG UPS Shipping Charges	200.00			
		1		38.01	
		38.01			

Exhibit H

Exhibit H

1 CASE NO. CV-C-12-175

2 DEPT. NO. I

3 *Affirmation: This document does*
4 *not contain the social security*
5 *number of any person.*

FILED

2018 MAR 20 PM 12:06

ELKO CO DISTRICT COURT

CLERK DEPUTY

6 IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF ELKO

8 ARTEMIS EXPLORATION COMPANY, a
9 Nevada Corporation,

10 Plaintiff,

11 vs.

MEMORANDUM OF COSTS

12 RUBY LAKE ESTATES HOMEOWNER'S
13 ASSOCIATION, et al., and DOES I-X,

14 Defendants.
15 _____ /

16 Photocopy Charges \$ 888.74

17 Postage Charges \$ 287.34

18 UPS Charges \$ 61.86

19 LexisNexis Online Research \$ 10.39

20 Reno/Carson Messenger \$ 88.00

21 TOTAL COSTS \$1,336.33

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1 STATE OF NEVADA)
2 : ss.
3 COUNTY OF WASHOE)

4 KAREN M. AYARBE, ESQ., being first duly sworn, deposes and says that to the best of my
5 knowledge and belief these items are correct and that the disbursements have been necessarily
6 incurred in this action by Plaintiff (NRS 18.005; NRS 18.110).¹

7 KERN & ASSOCIATES, LTD.

8 
9 KAREN M. AYARBE, ESQ.

11 SUBSCRIBED and SWORN to before me this
12 19th day of March 2018 by Karen M. Ayarbe, Esq.

13 
14 NOTARY PUBLIC



CHRISTINE A. LAMIA
Notary Public
State of Nevada
Appl. No. 13-9761-2
My Appt. Expires February 1, 2021

15 AFFIRMATION
16 Pursuant to NRS 239B.030

17 The undersigned does hereby affirm that the preceding document filed in the above-entitled
18 case (CV-C-12-175) does ~~not~~ contain the social security number of any person.

19 DATED this 19th day of March 2018.

20 KERN & ASSOCIATES, LTD.

21 

22 KAREN M. AYARBE, ESQ.
23 NEVADA BAR #3358
24 5421 Kietzke Lane, Suite 200
25 Reno, Nevada 89511
26 Tel: (775) 324-5930
27 Email: karenayarbe@kernltd.com
28 Attorneys for Defendants
Ruby Lake Estates Homeowner's Association

¹ To date, Defendant's counsel has not received conformed copies of the Stipulation and Order for Dismissal of Counterclaims and Crossclaim Without Prejudice, Withdrawal of Pending Motions, and for Final Judgment ("Stipulation"), the Final Judgment ("Judgment"), or the Notice of Entry of Final Judgment ("NOE"). Upon receipt of the Notice of Appeal on or about March 9, 2018, Defense counsel's office contacted the Court Clerk, who emailed copies of the Stipulation, Judgment, and NOE to Defense counsel.

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the law firm of Kern & Associates, Ltd., and that on this day I served the foregoing document described as follows:

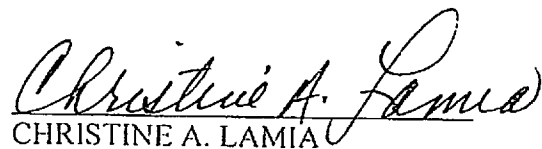
MEMORANDUM OF COSTS

on the parties set forth below, at the addresses listed below by:

 X Placing an original or true copy thereof in a sealed envelope place for collection and mailing in the United States Mail, at Reno, Nevada, first class mail, postage paid, following ordinary business practices, addressed to:

Travis W. Gerber, Esq.
Zachory A. Gerber, Esq.
GERBER LAW OFFICES, LLP
491 4th Street
Elko, NV 89801

DATED this 19th day of March 2018.


CHRISTINE A. LAMIA

1 CASE NO. CV-C-12-175

2 DEPT. 2

3 Affirmation: This document does
4 not contain the social security
5 number of any person.

FILED

2018 DEC 14 PM 3:46

ELKO CO DISTRICT COURT

Electronically Filed
Dec 21 2018 02:33 p.m.
Elizabeth A. Brown

6 **IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF ELKO**

8
9 ARTEMIS EXPLORATION COMPANY, a
Nevada Corporation,
Plaintiff,

10 vs.

11 RUBY LAKE ESTATES HOMEOWNER'S
ASSOCIATION, STEPHEN WEST;
12 DOMINIC DIBONA; EVELYN DIBONA;
MICHAEL BRENNAN AND MARNIE
BRENNAN; RICHARD BECKERDITE;
13 BILL NOBLE AND CHERYL NOBLE;
AARON MOTES; BILL HARMON AND
14 TERI HARMON; LEROY PERKS AND
NORA PERKS; JUAN LA CHICA AND
15 VICTORIA LA CHICA; BRAD KEIFE;
SEVEN K PROPERTIES; MIKE CECCHI
16 AND KRIS CECCHI; WAYNE CIRONE
AND ILA CIRONE; CONNIE STAFFORD;
17 AARON YOHEY; PAUL LUCAS; DAVE
MILLER; JAMES TAYLOR; MIKE MASON
18 AND SHELLY MASON; JIMMY SARGENT
AND ELLEN SARGENT; JACK HEALY
19 AND YVETTE HEALY; BO HARMON;
MICHAEL GOWAN; PHIL FRANK AND
20 DOROTHY FRANK; JOE HERNANDEZ
AND PAULA HERNANDEZ; DENNIS
21 MCINTYRE AND VALERI MCINTYRE;
ROBERT HECKMAN AND NATHAN
22 HECKMAN; JAMES VANDER MEER;
HAROLD WYATT AND MARY WYATT;
23 ROBERT CLARK; BETH TEITLEBAUM;
DANIEL SPILSBURY AND DELAINE
24 SPILSBURY; TERRY HUBERT AND
BONNIE HUBERT; RUSSELL ROGERS
25 AND SUSAN ROGERS; ROCKY ROA;
BEVERLY PATTERSON; DENNIS
26 CUNNINGHAM; RILEY MANZONIE;
DAVID NORWOOD; DAVID JOHNSON;
27 and DOES I-X,

Defendants.

NOTICE OF APPEAL

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NOTICE OF APPEAL

Notice is hereby given that ARTEMIS EXPLORATION COMPANY, a Nevada corporation, Plaintiff above named, hereby appeals to the Supreme Court of Nevada from the Order Awarding Attorney's Fees and Costs entered in this action on the 1st day of November, 2018 and the Judgment for Attorney's Fees and Costs in Favor of Ruby Lake Estates Homeowner's Association entered in this action on the 3rd day of December, 2018.

Dated this 14th day of December, 2018.

GERBER LAW OFFICES, LLP

By: 

TRAVIS W. GERBER, ESQ.

Nevada State Bar No. 8083

ZACHARY A. GERBER, ESQ.

Nevada State Bar No. 13128

491 4th Street

Elko, Nevada 89801

(775) 738-9258

ATTORNEYS FOR PLAINTIFF

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Gayle A. Kern, Esq.
LEACH KERN GRUCHOW ANDERSON SONG
5421 Kietzke Lane, Suite 200
Reno, Nevada 89511


SAMANTHA MORGAN

1 CASE NO. CV-C-12-175

2 DEPT. 2

3 Affirmation: This document does
4 not contain the social security
5 number of any person.

FILED

2018 DEC 14 PM 3:51

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY _____ *B*

6 **IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF ELKO**

8
9 ARTEMIS EXPLORATION COMPANY, a
Nevada Corporation,
Plaintiff,

10 vs.

11 RUBY LAKE ESTATES HOMEOWNER'S
12 ASSOCIATION, STEPHEN WEST;
13 DOMINIC DIBONA; EVELYN DIBONA;
14 MICHAEL BRENNAN AND MARNIE
15 BRENNAN; RICHARD BECKERDITE;
16 BILL NOBLE AND CHERYL NOBLE;
17 AARON MOTES; BILL HARMON AND
18 TERI HARMON; LEROY PERKS AND
19 NORA PERKS; JUAN LA CHICA AND
20 VICTORIA LA CHICA; BRAD KEIFE;
21 SEVEN K PROPERTIES; MIKE CECCHI
22 AND KRIS CECCHI; WAYNE CIRONE
23 AND ILA CIRONE; CONNIE STAFFORD;
24 AARON YOHEY; PAUL LUCAS; DAVE
25 MILLER; JAMES TAYLOR; MIKE MASON
26 AND SHELLY MASON; JIMMY SARGENT
27 AND ELLEN SARGENT; JACK HEALY
AND YVETTE HEALY; BO HARMON;
MICHAEL GOWAN; PHIL FRANK AND
DOROTHY FRANK; JOE HERNANDEZ
AND PAULA HERNANDEZ; DENNIS
MCINTYRE AND VALERI MCINTYRE;
ROBERT HECKMAN AND NATHAN
HECKMAN; JAMES VANDER MEER;
HAROLD WYATT AND MARY WYATT;
ROBERT CLARK; BETH TEITLEBAUM;
DANIEL SPILSBURY AND DELAINE
SPILSBURY; TERRY HUBERT AND
BONNIE HUBERT; RUSSELL ROGERS
AND SUSAN ROGERS; ROCKY ROA;
BEVERLY PATTERSON; DENNIS
CUNNINGHAM; RILEY MANZONIE;
DAVID NORWOOD; DAVID JOHNSON;
and DOES I-X,

Defendants.

CASE APPEAL STATEMENT

1 **CASE APPEAL STATEMENT**

2 Appellants, ARTEMIS EXPLORATION COMPANY, a Nevada corporation, Plaintiff, hereby
3 files its Case Appeal Statement, pursuant to Rule 3 of the Nevada Rules of Appellate Procedure, as
4 follows:

5 **1. Name of appellant filing this case appeal statement:**

6 Plaintiff Artemis Exploration Company, a Nevada corporation.

7 **2. Identify the judge issuing the decision, judgment, or order appealed from:**

8 Honorable Judge Alvin R. Kacin, Fourth Judicial District Court, Department 2.

9 **3. Identify each appellant and the name and address of counsel for each appellant:**

10 Plaintiff Artemis Exploration Company, a Nevada corporation. Counsel for appellant is as
11 follows:

12 TRAVIS W. GERBER, ESQ.
Nevada State Bar No. 8083
13 ZACHARY A. GERBER, ESQ.
Nevada State Bar No. 13128
14 GERBER LAW OFFICES, LLP
491 4th Street
15 Elko, Nevada 89801
(775) 738-9258

16 **4. Identify each respondent and the name and address of appellate counsel, if known, for**
17 **each respondent (if the name respondent's appellate counsel is unknown, indicate as much and**
18 **provide the name and address of that respondent's trial counsel):**

19 Defendant Ruby Lake Estates Homeowner's Association is the respondent in this case.
20 Respondent's counsel is as follows:

21 GAYLE A. KERN, ESQ.
Nevada State Bar No. 1620
22 KAREN M. AYARBE, ESQ.
Nevada State Bar. No. 3358
23 LEACH KERN GRUCHOW ANDERSON SONG
24 5421 Kietzke Lane, Suite 200
Reno, Nevada 89511
25 (775) 324-5930

26 **5. Indicate whether any attorney identified above in response to question 3 or 4 is not**
27 **licensed to practice law in Nevada and, if so, whether the district court granted that attorney**
28

1 permission to appear under SCR 42 (attach a copy of any district court order granting such
2 permission):

3 No. Appellant's and Respondent's counsel are licensed to practice law in the State of Nevada.

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

6 Appellant was represented by retained counsel in the district court.

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

8 Appellant is represented by retained counsel on appeal.

9 **8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date**
10 **of entry of the district court order granting such leave:**

11 No. Appellant is not proceeding in forma pauperis.

12 **9. Indicate the date the proceedings commenced in the district court (e.g., date complaint,**
13 **indictment, information, or petition was filed):**

14 Plaintiff/Appellant filed its Complaint on March 2, 2012.

15 **10. Provide a brief description of the nature of the action and result in the district court**
16 **including the type of judgment or order being appealed and the relief granted by the district**
17 **court:**

18 The central issues in this case are whether Ruby Lake Estates subdivision is a
19 common-interest community pursuant to NRS 116.021, whether Ruby Lake Estate's Homeowners
20 Association ("RLEHOA") is a valid unit-owners' association pursuant to NRS 116.3101, and whether
21 RLEHOA has authority to levy mandatory assessments against lot owners.

22 Artemis Exploration Company ("Artemis") filed the instant case for judicial review with the
23 District Court on March 2, 2012, seeking a declaratory judgment establishing that RLEHOA is not
24 a valid unit-owners' association and that RLEHOA is not authorized by the Declaration, Restrictions
25 and Covenants of Ruby Lake Estates to assess or compel the payment of dues. RLEHOA filed
26 counterclaims and a cross claim. The District Court subsequently ordered the joinder of all property
27 owners within Ruby Lake Estates, including Mary and Harold Wyatt. All property owners were
28 defaulted except for Artemis and the Wyatts. After Artemis and the Wyatts filed their Motion to

1 Dismiss RLEHOA's Counterclaims and Cross-Claim pursuant to NRCP 41(e), RLEHOA, Artemis,
2 and the Wyatts stipulated to dismiss RLEHOA's counterclaims and cross claim, stipulated that the
3 dismissal did "not constitute an adjudication on the merits," and "stipulate[d] and agree[d] to bear
4 their own fees and costs incurred in the prosecution and/or defense of the Counterclaims and
5 Crossclaim." The Court ordered the Stipulation on February 26, 2016.

6 Artemis and RLEHOA submitted Motions for Summary Judgment in the District Court action
7 on Artemis's claim for declaratory relief. The District Court denied Artemis's Motion for Summary
8 Judgment and entered its Order Granting Defendant's Motion for Summary Judgment on February
9 14, 2013, in favor of RLEHOA. On February 26, 2018, the District Court entered its Final Judgment,
10 for which an appeal is pending in the Supreme Court of the State of Nevada, Case No. 75323.

11 On November 1, 2018, the District Court entered its Order Awarding Attorney's Fees and
12 Costs ("Attorney's Fees Order") and on December 3, 2018, entered a Judgment for Attorney's Fees
13 and Costs in Favor of Ruby Lake Estates Homeowner's Association that repeated the November 1,
14 2018 Order ("Attorney's Fees Judgment"). The District Court's Order erroneously awarded attorney's
15 fees pursuant to NRS 116.4117 stating "Defendant's countersuit for a declaration of validity
16 constitutes a civil action for 'appropriate relief' that is obviously necessary for the collection of
17 assessments authorized by governing documents." This was error because the Defendant's countersuit
18 was dismissed and it was stipulated and ordered in the Stipulation and Order for Dismissal of
19 Counterclaims and Cross-Claim Without Prejudice, Withdrawal of Pending Motions, and for Final
20 Judgment, that the Defendant is prohibited from receiving an award of attorney's fees and costs
21 relating to the countersuit. Therefore, this appeal is from the District Court's Attorney's Fees Order
22 and Judgment.

23 **11. Indicate whether the case has previously been the subject of an appeal to or original writ**
24 **proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of**
25 **the prior proceeding:**

26 Yes. There was a previous appeal and there is a pending appeal: ARTEMIS EXPLORATION
27 COMPANY, a Nevada corporation, Appellant, v. RUBY LAKE ESTATES HOMEOWNER'S
28 ASSOCIATION, Respondent, Supreme Court Case No. 63338; and ARTEMIS EXPLORATION

1 COMPANY, a Nevada Corporation, HAROLD WAYTT, and MARY WYATT, Appellants, v. RUBY
2 LAKE ESTATES HOMEOWNER'S ASSOCIATION, Respondent, Supreme Court Case No. 75323.

3 **12. Indicate whether this appeal involves child custody or visitation:**

4 No.

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

6 No.

7 Dated this 14th day of December, 2018.

8 **GERBER LAW OFFICES, LLP**

9 By: 

10 TRAVIS W. GERBER, ESQ.

11 Nevada State Bar No. 8083

12 ZACHARY A. GERBER, ESQ.

13 Nevada State Bar No. 13128

14 491 4th Street

15 Elko, Nevada 89801

16 (775) 738-9258

17 ATTORNEYS FOR PLAINTIFF

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I hereby certify that I am an employee of GERBER LAW OFFICES,
3 LLP, and that on the 14th day of December, 2018, I deposited for mailing, postage prepaid, at Elko,
4 Nevada, a true and correct copy of the foregoing *Case Appeal Statement* addressed as follows:

5 Gayle A. Kern, Esq.
6 LEACH KERN GRUCHOW ANDERSON SONG
7 5421 Kietzke Lane, Suite 200
8 Reno, Nevada 89511

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SAMANTHA MORGAN

PGM ID-DSPDOC
DATE 12/17/18

ELKO COUNTY COURT SYSTEM
CASE#: EC DC CV-C -12-0000175

PAGE 1
TIME 10:52

TYPE: CIVIL STATUS: CLOSED
ARTEMIS EXPLORATION COMPANY VS. RUBY LAKE

12/03/18

-----JUDGE-----
CURRENT: KACIN, ALVIN R
INAC 3/05/12: NO JUDGE ASSIGNED
INAC 8/15/12: PORTER, NANCY

--PARTY #--

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PC 001: ARTEMIS EXPLORATION COMPANY

-----ATTORNEYS-----
GERBER, TRAVIS
GERBER, TRAVIS INAC
GERBER, TRAVIS INAC

VS.

DN 002: RUBY LAKE ESTATES HOMEOWNER'S ASSO KERN, GAYLE A

DD 003: WEST, STEPHEN NONE

DD 004: DIBONA, DOMINIC NONE

DD 005: DIBONA, EVELYN NONE

DD 006: BRENNAN, MICHAEL NONE

DD 007: BRENNAN, MARNIE NONE

DD 008: BECKERDITE, RICHARD NONE

DD 009: NOBLE, BILL NONE

DD 010: NOBLE, CHERYL NONE

DD 011: MOTES, AARON NONE

DD 012: HARMON, BILL NONE

DD 013: HARMON, TERI NONE

DD 014: PERKS, LEROY NONE

DD 015: PERKS, NORA NONE

DD 016: LA CHICA, JUAN NONE

DD 017: LA CHICA, VICTORIA NONE

DD 018: KEIFE, BRAD NONE

DD 019: SEVEN K PROPERTIES NONE

DD 020: CECCHI, MIKE NONE

DD 021: CECCHI, KRIS NONE

DD 022: CIRONE, WAYNE NONE

DD 023: CIRONE, ILA NONE

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DD 024: STAFFORD, CONNIE	NONE
DD 025: YOHEY, AARON	NONE
DD 026: LUCAS, PAUL	NONE
DD 027: MILLER, DAVE	NONE
DD 028: TAYLOR, JAMES	NONE
DD 029: MASON, MIKE	NONE
DD 030: MASON, SHELLY	NONE
DD 031: SARGENT, JIMMY	NONE
DD 032: SARGENT, ELLEN	NONE
DD 033: HEALY, JACK	NONE
DD 034: HEALY, YVETTE	NONE
DD 035: HARMON, BO	NONE
DD 036: GOWAN, MICHAEL	NONE
DD 037: GOWAN, MARY ANN	NONE
DD 038: FRANK, PHIL	NONE
DD 039: FRANK, DOROTHY	NONE
DD 040: HERNANDEZ, JOE	NONE
DD 041: HERNANDEZ, PAULA	NONE
DD 042: MCINTYRE, DENNIS	NONE
DD 043: MCINTYRE, VALERI	NONE
DD 044: HECKMAN, ROBERT	NONE
DD 045: HECKMAN, NATHAN	NONE
DD 046: VANDER MEER, JAMES	NONE
DD 047: WYATT, HAROLD	NONE
DD 048: WYATT, MARY	NONE
DD 049: CLARK, ROBERT	NONE

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DD 050: TEITLEBAUM, BETH	NONE
DD 051: SPILSBURY, DANIEL	NONE
DD 052: SPILSBURY, DELAINE	NONE
DD 053: HUBERT, TERRY	NONE
DD 054: HUBERT, BONNIE	NONE
DD 055: ROGERS, RUSSELL DOB: 1/08/87	NONE
DD 056: ROGERS, SUSAN	NONE
DD 057: ROA, ROCKY	NONE

ISSUES

ISSUE 1: BREACH OF CONTRACT	CV	CVC01
DISPOSITION: JUDGMENT	DATE: 2/26/18	

MAJOR EVENTS

7/05/12 FILE CHECKED OUT BY:	ANTONUCCI000
8/14/12 FILE CHECKED IN BY:	ANTONUCCI000
8/14/12 FILE CHECKED OUT BY:	ANTONUCCI000
8/16/12 FILE CHECKED IN BY:	FLEURY 000
8/20/12 HEARING ON MOTION	FOR: 10/10/12 9:00 DC2SEC 000
9/13/12 FILE CHECKED OUT BY:	COOK 000
9/14/12 FILE CHECKED IN BY:	JAKEMAN 000
10/04/12 FILE CHECKED OUT BY:	COOK 000
2/14/13 FILE CHECKED IN BY:	PECK 000
4/04/13 FILE CHECKED OUT BY:	ANTONUCCI000
5/15/13 FILE CHECKED IN BY:	RODRIGUEZ000
6/05/13 FILE CHECKED OUT BY:	ANTONUCCI000
6/06/13 FILE CHECKED IN BY:	PECK 000
1/02/14 FILE CHECKED IN BY:	ANTONUCCI000
1/10/14 FILE CHECKED OUT BY:	PLUNKETT 000

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1/10/14 FILE CHECKED IN BY:	PECK	000
2/24/14 FILE CHECKED OUT BY:	TIPTON	000
2/25/14 FILE CHECKED OUT BY:	PECK	000
3/05/14 FILE CHECKED IN BY:	PECK	000
3/06/14 HEARING ON MOTION	FOR: 5/28/14 13:30 DC2SEC	000
3/07/14 FILE CHECKED IN BY:	PECK	000
5/23/14 FILE CHECKED OUT BY:	DEMARS	000
5/28/14 FILE REOPENED	MERKLEY	000
5/01/15 FILE CHECKED IN BY:	RODRIGUEZ	000
6/25/15 FILE CHECKED OUT BY:	DEMARS	000
9/15/15 FILE CHECKED IN BY:	ANTONUCCI	000
1/12/16 FILE CHECKED OUT BY:	PECK	000
1/22/16 FILE CHECKED IN BY:	RODRIGUEZ	000
1/26/16 FILE CHECKED OUT BY:	FLEURY	000
2/10/16 FILE CHECKED IN BY:	RODRIGUEZ	000
4/04/16 FILE CHECKED OUT BY:	PECK	000
4/13/16 FILE CHECKED IN BY:	PECK	000
9/30/16 FILE CHECKED OUT BY:	PECK	000
10/03/16 FILE CHECKED IN BY:	PECK	000
12/22/16 FILE CHECKED OUT BY:	RODRIGUEZ	000
1/04/17 FILE CHECKED IN BY:	RODRIGUEZ	000
2/14/17 FILE CHECKED OUT BY:	PLUNKETT	000
3/08/17 HEARING ON MOTION	FOR: 5/02/17 13:30 DC2SEC	000
3/08/17 FILE CHECKED IN BY:	PECK	000
4/27/17 FILE CHECKED OUT BY:	DEMARS	000
2/26/18 FILE CHECKED IN BY:	JALLEN	000

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8/03/18	FILE CHECKED OUT BY:	PECK	002
10/16/18	FILE CHECKED OUT BY:	DEMARS	000
11/01/18	FILE CHECKED IN BY:	DEMARS	000
11/15/18	FILE CHECKED OUT BY:	PECK	000
11/19/18	FILE CHECKED OUT BY:	DEMARS	000
11/20/18	FILE CHECKED IN BY:	PLUNKETT	000
12/03/18	FILE CHECKED IN BY:	MERKLEY	000
12/03/18	DATE CLOSED	DISPOSITION:	JUDGMENT

FILING		PROCEEDINGS		
DATE	EVENT	COMMENT	EVENT DATE	ENTRY PERSON/P
3/02/12	FILE OPENED - DC			PECK 000
3/02/12	JUDGE ASSIGNED			PECK 000
	EVENT JUDGE: PORTER, NANCY			
3/02/12	COMPLAINT			PECK 001
3/21/12	ACCEPTANCE OF SERVIC			PECK 001
	GAYLE A KERN ACCEPTANCE OF SERVICE ON MARCH 20, 2012			
3/28/12	CERT OF MAILING			ANTONUCCI001
4/02/12	ANSWER - CIVIL			PECK 002
4/16/12	ANSWER & COUNTRCLAIM			PECK 001
4/30/12	MOT FOR SUMMARY JUDG			ANTONUCCI001
5/02/12	NOTICE OF			WAND 002
	EARLY CASE CONFERENCE (AS TO COUNTERCLAIM)			
5/14/12	NOTICE OF NRCP 16.1			ANTONUCCI001
5/30/12	OPPOSITION			FLEURY 002
	TO PLAINTIFFS MOT FOR SUMMARY JUDGMENT			
5/30/12	MOT FOR SUMMARY JUDG			FLEURY 002
5/30/12	EXHIBIT(S)			FLEURY 002
	IN SUPPORT OF OPPOSITION TO PLAINTIFFS MOT FOR SUM			
	JUDGMENT AND MOT FOR SUM JUDGMENT			
5/30/12	NOTE ADDED TO FILE			FLEURY 000

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CREATED VOL 2

5/31/12 AFFID OF ROBERT WINES	ANTONUCCI002
6/15/12 JOINT CASE CONF RPT	WAND 000
6/15/12 NOTE ADDED TO FILE VOL. 3 STARTED	WAND 000
6/15/12 REPLY TO OPPOSITION TO PL'S MOT FOR SUMMARY JUDGMENT	ANTONUCCI001
6/22/12 OPPOSITION TO MOTION FOR SUMMARY JUDGMENT	ANTONUCCI001
7/05/12 REPLY TO OPPOSITION TO RELEHOA'S MOT FOR SUMMARY JUDGMENT	ANTONUCCI002
7/05/12 REQUEST FOR REVIEW DISPOSITION: RESPONSE/ORDER MOT FOR SUMMARY JUDGMENT	ANTONUCCI002
7/05/12 FILE CHECKED OUT BY: DC I for review/signature VOL 3 ONLY	ANTONUCCI000
7/05/12 NOTE ADDED TO FILE VOL 4 CREATED	ANTONUCCI000
7/09/12 REQUEST for oral argument to be set on df's mot for summary judgement (07/09 sent plead to dc 1 file ckout)	ANTONUCCI002
7/11/12 REQUEST FOR REVIEW DISPOSITION: RESPONSE/ORDER FILE CHECKED OUT SENT PLEADING UP TO DC 1	PECK 001
8/09/12 SUPPLEMENTAL RUBY LAKE ESTATES HOMEOWNER'S ASSOCIATION'S SUPPLEMENT TO EXHIBITS TO MOTION FOR SUMMARY JUDGMENT (copy ret'd to attorney, original to DC1)	JAKEMAN 002
8/14/12 SUPPLEMENTAL SECOND SUPPLEMENTAL TO EXHIBITS TO MOT FOR SUMMARY JUDGEMENT (08/14 SENT PLEAD TO DC 1 FILE CKOUT)	ANTONUCCI002
8/14/12 FILE CHECKED IN BY:	ANTONUCCI000
8/14/12 ORD OF RECUSAL	ANTONUCCI000

8/14/12 FILE CHECKED OUT BY:	ANTONUCCI000
DC 2 for review/signature	
VOL 1, 2, 3 AND 4	
8/16/12 FILE CHECKED IN BY:	FLEURY 000
VOL 1-4	
8/20/12 HEARING ON MOTION	FOR: 10/10/12 9:00 DC2SEC 000
-hearing on motion for summary judgment	
-gerber to prepare order setting hearing on motion	
8/23/12 AFFIDAVIT	RODRIGUEZ002
ORIGINAL AFFIDAVITS OF MICHAEL WAYNE MASON AND SHELLY	
RENEE MASON PREVIOUSLY FILED AS EXHIBITS TO RUBY	
LAKE ESTATES HOMEOWNER'S ASSOC'S 2ND SUPPLEMENTAL TO	
EXHIBITS TO MOT FOR SUMMARY JUDGMENT	
9/13/12 FILE CHECKED OUT BY:	COOK 000
DC 2 for review/signature	
Vol. 4	
9/14/12 FILE CHECKED IN BY:	JAKEMAN 000
9/14/12 ORD SETTING HEARING	JAKEMAN 000
ON MOTIONS FOR SUMMARY JUDGMENT (2 copies Gerber's	
box)	
10/04/12 FILE CHECKED OUT BY:	COOK 000
DC 2 for review/signature	
10/10/12 HRG - DC2 CVHRG	COOK 001
2/12/13 ORD DENYING MOTION	PECK 000
ORDER DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMT	
(FILE STILL CHECKED OUT SENT PLEADING UP TO DC 2)	
2/14/13 FILE CHECKED IN BY:	PECK 000
VOL 1-4	
2/14/13 ORD GRANTING MOTION	PECK 000
ORDER GRANTING DEFENDANT'S MOTION FOR SUMMARY	
JUDGMENT	
3/01/13 MOTION	JAKEMAN 002
FOR CONFIRMATION AND JUDGMENT ON AN ARBITRATION AWARD	
(NRS 38.239 AND NRS 38.330(5) AND AWARD OF ATTORNEY'S	
FEEES AND COSTS (copy ret'd to Kern)	
3/01/13 AFFID OF	JAKEMAN 002
GAYLE A KERN IN SUPPORT OF ATTORNEY'S FEEES AND COSTS	
(copy ret'd to Kern)	

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3/01/13 MEMO OF COSTS (copy ret'd to Kern)	JAKEMAN 002
3/01/13 NOTICE OF ENTRY ORDR ORDER DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (copy ret'd to Kern)	JAKEMAN 002
3/01/13 NOTICE OF ENTRY ORDR ORDER GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (copy ret'd to Kern)	JAKEMAN 002
3/15/13 OPPOSITION TO MOTION FOR CONFIRMATION & JUDGMENT ON AN ARBITRATION AWARD & AWARD OF ATTORNEY FEES & COSTS	RODRIGUEZ001
3/29/13 REPLY TO OPPOSITION TO MOT FOR CONFIRMATION AND JUDGMENT	RODRIGUEZ002
3/29/13 SUPPLEMENTAL AFFIDAVIT OF GAYLE KERN IN SUPPPORT OF ATTORNEY'S FEES AND COSTS	RODRIGUEZ002
3/29/13 SUPPLEMENTAL MEMORANDUM OF COSTS	RODRIGUEZ002
4/04/13 REQUEST FOR REVIEW DISPOSITION: RESPONSE/ORDER ORD GRANTING MOTION MOTION FOR CONFIRMATION & JUDGMENT ON AN ARBITRATION AWARD AND AWARD OF ATTORNEY FEES AND COSTS	ANTONUCCI002
4/04/13 FILE CHECKED OUT BY: DC 2 for review/signature	ANTONUCCI000
5/15/13 FILE CHECKED IN BY: VOL 4 ONLY	RODRIGUEZ000
5/15/13 ORD GRANTING MOTION FOR CONFIRMATION AND JUDGMENT ON AN ARBITRATION AWARD AND AWARD OF ATTORNEY FEES AND COSTS (4 PGS)	RODRIGUEZ000
5/20/13 REQUEST FOR AMENDED ORDER GRANTING DEF MOTION FOR CONFIRMATION AND JUDGEMENT ON A ARBITRATION AWARD OF ATTORNEYS FEES AND COSTS	PLUNKETT 002
5/29/13 OPPOSITION TO DF'S RQST FOR AMENDED ORDER	RODRIGUEZ001
6/03/13 NOTICE OF APPEAL-CV NOTICE OF APPEAL-CIVIL W/APPEAL BOND	RODRIGUEZ001
6/03/13 FILING FEE PAID	RODRIGUEZ001

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6/03/13 CASE APPEAL STATEMNT	RODRIGUEZ001
6/03/13 BOND ON APPEAL COST BOND FILED BY GERBER'S LAW OFFICE GERBER'S LAW OFFICE CHECK #2904 IN THE AMOUNT OF \$500.00	RODRIGUEZ001
6/03/13 NOTICE OF POSTING SUPERSEDEAS BOND	RODRIGUEZ001
6/03/13 RECEIPT(S) OF SUPERSEDEAS BOND CK # 1128 IN THE AMOUNT OF \$55,440.14 REC'D FROM ARTEMIS EXPLORATION CO THROUGH GERBER'S LAW OFFICE	RODRIGUEZ001
6/05/13 FILE CHECKED OUT BY: DC 2 for review/signature	ANTONUCCI000
6/05/13 REPLY TO OPPOSITION	PLUNKETT 002
6/05/13 REQUEST FOR REVIEW DISPOSITION: RESPONSE/ORDER judgment REQUEST FOR AMENDED ORDER GRANTING DEF MOTION FOR CONFIRMATION AND JUDGEMENT ON AN ARBITRATION AWARD OF ATTORNEY'S FEES AND COSTS (PLEADING PUT IN DC2 BOX)	PLUNKETT 002
6/06/13 FILE CHECKED IN BY:	PECK 000
6/06/13 LETTER FROM KERN & ASSOCIATES LTD	PECK 000
6/06/13 JUDGMENT ON AN ARBITRATION AWARD AND AWARD OF ATTORNEY'S FEES AND COSTS	PECK 000
6/06/13 CLERK'S CERTIFICATE MAILED APPEAL PACKETS TO ATT GENERAL, PL'S BOX, MAIL TO APPELLANTS ATTORNEY ON 06/06/13	ANTONUCCI000
6/10/13 SUPREME CT RECEIPT filing fee / Notice of Appeal	TIPTON 000
6/13/13 SUPREME CT RECEIPT	ANTONUCCI000
6/21/13 COPIES PREPARED FOR TO GERBER'S LAW OFFICE OF MOTION FILED 3/1/13 AND JUDGMENT FILED 6/6/13	RODRIGUEZ001
7/12/13 NOTICE OF ENTRY ORDR GRANTING DEF MOTION FOR CONFIRMATION OF JUDGMENT ON	PECK 000

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AN ARBITRATION AWARD AND AWARD OF ATTORNEY'S FEE
AND COST AND 2 JUDGMENT ON AN ABBITRATION AWARD AND A
WARD OF ATTORNEYS FEES AND COSTS

7/15/13 NOTICE OF POSTING ADDITIONAL SUPERSEDEAS BOND	PLUNKETT 001
7/15/13 RECEIPT(S) OF SUPERSEDEAS BOND	PLUNKETT 001
7/15/13 DEPOSIT OF FUNDS CK #1138 SUPERSEDEAS BOND \$26,810.67	PLUNKETT 001
11/26/13 MOTION FOR RELIEF FROM JUDGMENT OR ORDER (NRCP 60(B) AND MOTION FOR SUMMARY JUDGMENT ON DEFENDANTS REMAINING COUNTER CLAIMS	PECK 001
12/05/13 MISC PLEADING PLAINTIFF/COUNTERDEFENDANTS FIRST SUPPLEMENT TO THE JOINT CASE CONFERENCE REPORT	PLUNKETT 001
1/02/14 NOTICE OF ORDER DISMISSING APPEAL	PLUNKETT 001
1/02/14 FILE CHECKED IN BY:	ANTONUCCI000
1/02/14 SUPREME CT ORDER dismissing appeal	ANTONUCCI000
1/10/14 FILING FEE PAID \$25 CHECK NUMBER 20644	PECK 002
1/10/14 OPPOSITION TO ARTEMIS EXPLORATION COMPANY'S MOTION FOR RELIEF FR OM JUDGMENT OR ORDER (NRCP 60(B) AND RUBY LAKE ESTATE HOMEOWNER'S ASS OPPOSITION TO ARTEMIS MOTIN FOR SUMMARY JUDGMENT ON DEF REMAINING COUNTERCLAIMS	PECK 002
1/10/14 SUPPLEMENTAL SECOND SUPPLEMENTAL MEMORANDUM OF COSTS	PECK 002
1/10/14 FILE CHECKED OUT BY: DC 2 for review/signature	PLUNKETT 000
1/10/14 FILE CHECKED IN BY: ON KA'S DESK	PECK 000
1/23/14 MOTION TO RELEASE COST BOND AND SUPERSEDEAS BONDS	PECK 001
1/23/14 NOTICE OF APPEARANCE	PECK 001

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1/23/14	REPLY	PECK	001
	TO RUBY LAKE ESTATES HOMEOWNERS ASS ECT		
1/23/14	MOT FOR SUMMARY JUDG	ANTONUCCI	002
	(01/24 SENT PLEAD TO DC 2 FILE CKOUT)		
1/30/14	VOLUME CREATED	PECK	000
	VOLUME 05 CREATED		
1/30/14	AFFID OF	PECK	000
	ELIZABETH ESSINGTON		
2/07/14	OPPOSITION TO MOTION	PECK	001
	FOR SUMMARY JUDGMENT ON COUNTERCLAIMS		
2/21/14	FAX	FLEURY	002
	OF REPLY POINTS & AUTHORITIES IN SUPPORT OF RUBY LAKE		
	ESTATES HOMEOWNERS ASSO MOT FOR SUMMARY JUDGMENT ON		
	COUNTER CLAIMS		
2/21/14	FAX	FLEURY	002
	THIRD SUPPLEMENTAL MEMO OF COSTS		
2/24/14	REPLY	TIPTON	002
	POINTS AND AUTHORITIES IN SUPPORT OF RUBY LAKES		
	ESTATES HOMEOWNERS ASSOCIATIONSMOTION FOR SUMMARY		
	JUDGMENT ON COUNTERCLAIMS		
2/24/14	MEMO OF COSTS	TIPTON	002
	third supplemental memorandum of costs		
2/24/14	REQUEST FOR REVIEW	TIPTON	002
	DISPOSITION: RESPONSE/ORDER		
2/24/14	FILE CHECKED OUT BY:	TIPTON	000
	DC 2 for review/signature		
	Vol 5 only		
2/25/14	FILE CHECKED OUT BY:	PECK	000
	DC 2 for review/signature		
	VOL 1 & 4		
2/25/14	REQUEST FOR REVIEW	PLUNKETT	001
	DISPOSITION: RESPONSE/ORDER		
3/05/14	FILE CHECKED IN BY:	PECK	000
	VOL 1 AND 4		
3/06/14	HEARING ON MOTION	FOR: 5/28/14 13:30 DC2SEC	000
	-hearing on motion for summary judgment & motion for		
	relief from judgment or order		

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3/07/14 FILE CHECKED IN BY:	PECK	000
3/07/14 ORD SETTING HEARING	PECK	000
5/23/14 FILE CHECKED OUT BY: DC 2 for review/signature	DEMARS	000
5/28/14 REQUEST FOR REVIEW DISPOSITION: RESPONSE/ORDER ORD RELEASING BONDS 8/12/14 OF MOT TO RELEASE COST BOND PLEADING PLACED IN DC 2 PICK UP BOX @ 11:50	RODRIGUEZ	001
5/28/14 HRG - DC2 CVHRG HEARING ON MOTION FOR RELIEF FROM JUDGMENT AND MOTION FOR SUMMARY JUDGMENT RE: REMAINING COUNTERCLAIMS	DEMARS	000
5/28/14 FILE REOPENED	MERKLEY	000
6/12/14 SUBMISSION OF ORDER DISPOSITION: RESPONSE/ORDER ORDER SENT TO JUDGE FOR SIGNATURE ORDER RELEASING COST BOND AND SUPERSEDEAS BONDS	PECK	000
7/15/14 REQUEST FOR REVIEW DISPOSITION: RESPONSE/ORDER ORD RELEASING BONDS 8/12/14 SECOND REQUEST FOR THE MOTION TO RELEASE COST BOND AND SUPERSEDEAS BONDS (FILE CHECKED OUT SENT PLEADING TO DC 2)	PECK	001
8/08/14 REQUEST FOR REVIEW DISPOSITION: RESPONSE/ORDER ORD RELEASING BONDS 8/12/14 THIRD REQUEST FOR REVIEW OF PL/CTRDF'S MOT TO RELEASE COST BOND AND SUPERSEDEAS BONDS FILED 01/23/ 14. (SENT PLEAD TO DC 2 FILE CKOUT)	ANTONUCCI	001
8/12/14 ORD TO RELEASE FUNDS ORD RELEASING COST BOND AND SUPERSEDEAS BONDS CLERK'S CK#1099 IN THE AMOUNT OF \$82,750.81 MADE PAYABLE TO ARTEMIS EXPLORATION COMPANY ON 8/13/14 PLEADING PLACED IN DC2 PICK UP BOX @ 4:59 8/15/14	RODRIGUEZ	000
8/13/14 NOTICE OF ENTRY ORDR PLEADING PLACED IN DC2 PICK UP BOX @ 4:59 8/15/14	RODRIGUEZ	001
1/14/15 REQUEST FOR REVIEW DISPOSITION: RESPONSE/ORDER ORD GRANTING MOTION 2ND RQST TO REVIEW PLNTF'S MOT FOR RELIEF PLEADING PLACED IN DC2 PIC UP BOX @ 3:29	RODRIGUEZ	001
4/14/15 ORD GRANTING MOTION FOR RELIEF FROM JUDGMENT	PECK	000

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(FILE CHECKED OUT SENT PLEADING TO DC 2)

4/17/15 NOTICE OF ENTRY ORDR PLEADING PLACED IN DC2 PICK UP BOX @ 4:36	RODRIGUEZ001
5/01/15 ORD SETTING HEARING	RODRIGUEZ000
5/01/15 FILE CHECKED IN BY: VOL 1 2 3 4 5	RODRIGUEZ000
5/18/15 HEARING -hearing to show cause why ruby lake estates lot owners, other than artemis, should not be made parties to the counterclaim for declaratory relief.	FOR: 7/01/15 13:30 DC2SEC 000
6/04/15 MOTION FOR LEAVE TO FILE SUPPLEMENT TO MOTION FOR SUMMARY JUDGMENT ON DEFENDANT'S REMAINING COUNTERCLAIMS AND MOTION FOR RECONSIDERATION OF ORDERS DENYING PLAINTIFF'S AND GRANTING DEF MOTIONS FOR SUMMARY	PECK 001
6/22/15 OPPOSITION TO MOTION FOR LEAVE TO FILE SUPPLEMENT TO MOTION FOR SUMMARY JUDGMENT ON DEFENDANT'S REMAINING COUNTERCLAIMS AND OPPOSITION TO MOTION FOR RECONSIDERATION OF ORDERS DENYING PLAINTIFF'S AND GRANTING DEFENDANT'S MOTIONS FOR SUMMARY JUDGMENT	MERKLEY 002
6/23/15 CERTIFICATE OF PERSONAL SERVICE OF RUBY LAKE ESTATES HOMEOWNERS ASSOCIATION OPPOSITION TO MOTION FOR LEAVE TO FILE SUPPLEMENT TO MOTION FOR SUMMARY JUDGMENT OF DEF REMAINING COUNTERCLAIMS AND OPPOSITION TO MOTION FOR RECONSIDERATION OF ORDERS DENYIN PLAINTIFFS AND GRANTIN DEF MOTIONS FOR SUMMARY JUDGMENT	PECK 000
6/25/15 FILE CHECKED OUT BY: DC 2 for review/signature	DEMARS 000
6/30/15 REPLY IN SPRT OF MOT FOR LEAVE AND REPLY IN SPRT OF MOTION FOR RECONSIDERATION PLEADING PLACED IN DC2 PICK UP BOX @12:00 ON 7/1/15	RODRIGUEZ001
6/30/15 REQUEST FOR REVIEW DISPOSITION: RESPONSE/ORDER OF MOT FOR LEAVE AND FOR RECONSIDERATION PLEADING PLACED IN DC2 PICK UP BOX @12:00 ON 7/1/15	RODRIGUEZ001
7/01/15 HRG - OSC	DEMARS 000
7/01/15 COPIES PREPARED FOR	PECK 002

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OF CD TO GAYLE A KERN LTD

9/11/15 ORDER	ANTONUCCI000
re: joinder of necessary parties (sent plead to dc 2 file ckout)	
9/14/15 NOTICE OF ENTRY ORDR	PECK 000
ORDER RE: JOINDER OF NECESSARY PARTIES (FILE CHECKED OUT SENT PLEADING UP TO DC 2)	
9/15/15 FILE CHECKED IN BY:	ANTONUCCI000
vol #1, 2, 3, 4, 5 6	
1/12/16 FILE CHECKED OUT BY:	PECK 000
x02	
1/12/16 SUBMISSION OF ORDER	PECK 000
DISPOSITION: RESPONSE/ORDER	
ORDER SENT TO JUDGE FOR SIGNATURE STIP AND ORDER TO AMEND COMPLAINT, ANSWER AND COUNTERCLAIM PURSUANT TO ORDER RE: JOINDER OF NECESSARY PARTIES ENTERED SEP 11, 2015	
1/19/16 SUBMISSION OF ORDER	PECK 001
DISPOSITION: RESPONSE/ORDER	
ORDER SENT TO JUDGE FOR SIGNATURE AMENDED STIP AND ORDER TO AMEND COMPLAINT ANSWER AND COUNTERCLAIM PURSUANT TO ORDER RE: JOINDER OF NECESSARY PARTIES ENTERED SEP 11, 2015	
1/22/16 FILE CHECKED IN BY:	RODRIGUEZ000
VOL 6 ONLY	
1/26/16 FILE CHECKED OUT BY:	FLEURY 000
DC I for review/signature VOL 6	
2/10/16 AMENDED ORDER	RODRIGUEZ000
AMENDED STIP & ORD TO AMEND COMPLAINT, ANSWER & CNTRCLM PURSUANT TO ORD RE: JOINDER OF NECESSART PARTIES ENTERED 9/11/15	
2/10/16 FILE CHECKED IN BY:	RODRIGUEZ000
VOL 6 ONLY	
2/17/16 SUMMONS ISSUED	PECK 001
STEPHEN WEST	
2/17/16 SUMMONS ISSUED	PECK 001
DOMINIC DIBONA	
2/17/16 SUMMONS ISSUED	PECK 001

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EVELYN DIBONA

2/17/16 SUMMONS ISSUED MICHAEL BRENNAN	PECK	001
2/17/16 SUMMONS ISSUED MARNIE BRENNAN	PECK	001
2/17/16 SUMMONS ISSUED RICHARD BECKERDITE	PECK	001
2/17/16 SUMMONS ISSUED BILL NOBLE	PECK	001
2/17/16 SUMMONS ISSUED CHERYL NOBLE	PECK	001
2/17/16 SUMMONS ISSUED AARON MOTES	PECK	001
2/17/16 SUMMONS ISSUED BILL HARMON	PECK	001
2/17/16 SUMMONS ISSUED TERI HARMON	PECK	001
2/17/16 SUMMONS ISSUED LEROY PERKS	PECK	001
2/17/16 SUMMONS ISSUED NORA PERKS	PECK	001
2/17/16 SUMMONS ISSUED JUAN LA CHICA	PECK	001
2/17/16 SUMMONS ISSUED VICTORIA LA CHICA	PECK	001
2/17/16 SUMMONS ISSUED BRAD KEIFE	PECK	001
2/17/16 SUMMONS ISSUED SEVEN K PROPERTIES	PECK	001
2/17/16 SUMMONS ISSUED MIKE CECCHI	PECK	001
2/17/16 SUMMONS ISSUED KRIS CECCHI	PECK	001
2/17/16 SUMMONS ISSUED WAYNE CIRONE	PECK	001

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2/17/16 SUMMONS ISSUED ILA CIRONE	PECK	001
2/17/16 SUMMONS ISSUED CONNIE STAFFORD	PECK	001
2/17/16 SUMMONS ISSUED AARON YOHEY	PECK	001
2/17/16 SUMMONS ISSUED PAUL LUCAS	PECK	001
2/17/16 SUMMONS ISSUED DAVE MILLER	PECK	001
2/17/16 SUMMONS ISSUED JAMES TAYLOR	PECK	001
2/17/16 SUMMONS ISSUED MIKE MASON	PECK	001
2/17/16 SUMMONS ISSUED SHELLY MASON	PECK	001
2/17/16 SUMMONS ISSUED JIMMY SARGENT	PECK	001
2/17/16 SUMMONS ISSUED ELLEN SARGENT	PECK	001
2/17/16 SUMMONS ISSUED JACK HEALY	PECK	001
2/17/16 SUMMONS ISSUED YVETTE HEALY	PECK	001
2/17/16 SUMMONS ISSUED BO HARMON	PECK	001
2/17/16 SUMMONS ISSUED MICHAEL GOWAN	PECK	001
2/17/16 SUMMONS ISSUED MARY ANN GOWAN	PECK	001
2/17/16 SUMMONS ISSUED PHIL FRANK	PECK	001
2/17/16 SUMMONS ISSUED DOROTHY FRANK	PECK	001
2/17/16 SUMMONS ISSUED	PECK	001

JOE HERNANDEZ

2/17/16 SUMMONS ISSUED PAULA HERNANDEZ	PECK	001
2/17/16 SUMMONS ISSUED DENNIS MCINTYRE	PECK	001
2/17/16 SUMMONS ISSUED VALERI MCINTYRE	PECK	001
2/17/16 SUMMONS ISSUED ROBERT HECKMAN	PECK	001
2/17/16 SUMMONS ISSUED NATHAN HECKMAN	PECK	001
2/17/16 SUMMONS ISSUED JAMES VANDER MEER	PECK	001
2/17/16 SUMMONS ISSUED HAROLD WYATT	PECK	001
2/17/16 SUMMONS ISSUED MARY WYATT	PECK	001
2/17/16 SUMMONS ISSUED ROBERT CLARK	PECK	001
2/17/16 SUMMONS ISSUED BETH TEITLEBAUM	PECK	001
2/17/16 SUMMONS ISSUED DANIEL SPILSBURY	PECK	001
2/17/16 SUMMONS ISSUED DELAINE SPILSBURY	PECK	001
2/17/16 SUMMONS ISSUED TERRY HUBERT	PECK	001
2/17/16 SUMMONS ISSUED BONNIE HUBERT	PECK	001
2/17/16 SUMMONS ISSUED RUSSELL ROGERS	PECK	001
2/17/16 SUMMONS ISSUED SUSAN ROGERS	PECK	001
2/17/16 SUMMONS ISSUED ROCKY ROA	PECK	001

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2/17/16 AMENDED FIRST AMENDED COMPLAINT	PECK	001
3/11/16 ANSWER TO FIRST AMENDED COMPALINT; COUNTERCLAIM AND CROSS-CLAIM	ANTONUCCI	002
4/04/16 SUBMISSION OF ORDER DISPOSITION: RESPONSE/ORDER STIP AND ORDER ORDER SENT TO JUDGE FOR SIGNATURE STIP AND ORDER TO FILE SECOND AMENDED COMPLAINT AND ANSWER TO SECOND AMENDED COMPLAINT	PECK	000
4/04/16 FILE CHECKED OUT BY: DC 2 for review/signature (COPIES SUBMITTED)	PECK	000
4/13/16 FILE CHECKED IN BY: VOL 6 ONLY	PECK	000
4/13/16 STIPULATION & ORDER TO FILE SECOND AMENDED OCMPLAINT AND ANSWER TO SECONDAMENDED COMPAINIT, COUNTERCLAIM AND CROSSCLAIM PUSUANT TO ORDER RE: JOINDER OF NECESSARY PARTIES ENTERED SEPTEMBER	PECK	000
4/14/16 SECOND AM COMPLAINT	RODRIGUEZ	001
4/14/16 SUMMONS ISSUED MANY SUMMONS ISSUED	RODRIGUEZ	001
4/14/16 ANSWER & COUNTRCLAIM ANSWER TO 2ND AMENDED COMPLAINT; COUNTERCLAIM AND CROSS-CLAIM	RODRIGUEZ	002
5/03/16 ACCEPTANCE OF SERVIC DOROTHY FRANK SERVED ON 4/25/16	PECK	001
5/03/16 ACCEPTANCE OF SERVIC MARY WYATT SERVED ON 4/21/16	PECK	001
5/03/16 ACCEPTANCE OF SERVIC HAROLD WYATT SERVED ON 4/21/16	PECK	001
5/03/16 ACCEPTANCE OF SERVIC DELAINE SPILSBURY SERVED ON 4/28/16	PECK	001
5/03/16 ACCEPTANCE OF SERVIC MICHAEL BRENNAN SERVED ON 4/28/16	PECK	001
5/03/16 ACCEPTANCE OF SERVIC	PECK	001

DANIEL SPILSBURY SERVED ON 4/28/16

5/03/16 ACCEPTANCE OF SERVIC JIMMY SARGEND SERVED ON 4/26/16	PECK	001
5/03/16 ACCEPTANCE OF SERVIC PAUL LUCAS SERVED ON 4/26/16	PECK	001
5/03/16 ACCEPTANCE OF SERVIC BERVERLY PATTERSON SERVED ON 4/29/16	PECK	001
5/03/16 ACCEPTANCE OF SERVIC ROCKY ROA SERVED ON 4/28/16	PECK	001
5/03/16 ACCEPTANCE OF SERVIC RUSSELL ROGERS SERVED ON 4/25/16	PECK	001
5/03/16 ACCEPTANCE OF SERVIC SUSAN ROGERS SERVED ON 4/25/16	PECK	001
5/03/16 ACCEPTANCE OF SERVIC ELLEN SARGENT SERVED ON 4/26/16	PECK	001
5/03/16 ACCEPTANCE OF SERVIC LEROY PERKS SERVED ON 4/26/16	PECK	001
5/03/16 ACCEPTANCE OF SERVIC NORA PERKS SERVED ON 4/25/16	PECK	001
5/03/16 ACCEPTANCE OF SERVIC PAULA HERNNDEZ SERVED ON 4/26/16	PECK	001
5/03/16 ACCEPTANCE OF SERVIC JOE HERNANDEZ 4/26/16	PECK	001
5/03/16 ACCEPTANCE OF SERVIC DAVID NORWOOD APRIL 25, 2016	PECK	001
5/03/16 ACCEPTANCE OF SERVIC STEPHEN WEST SERVED ON 4/23/16	PECK	001
5/03/16 ACCEPTANCE OF SERVIC BO HARMON 4/29/16	PECK	001
5/03/16 ACCEPTANCE OF SERVIC TERI HARMON SERVED ON 4/29/16	PECK	001
5/03/16 ACCEPTANCE OF SERVIC BILL HARMON SERVED ON 4/29/16	PECK	001
5/03/16 ACCEPTANCE OF SERVIC ROBERT CLARK 4/20/16	PECK	001

5/03/16 ACCEPTANCE OF SERVIC CONNIE STAFFORD SERVED ON 4/24/16	PECK	001
5/03/16 ACCEPTANCE OF SERVIC AARON YOHEY SERVED ON 4/24/16	PECK	001
5/03/16 ACCEPTANCE OF SERVIC RICHARD BECKERDITE SERVED ON 4/25/16	PECK	001
5/03/16 ACCEPTANCE OF SERVIC ILA CIRONE SERVED ON 4/28/16	PECK	001
5/03/16 ACCEPTANCE OF SERVIC MARNIE BRENNAN SERVED ON 4/28/16	PECK	001
5/03/16 ACCEPTANCE OF SERVIC WAYNE CIRONE SERVED ON 4/28/16	PECK	001
5/03/16 ACCEPTANCE OF SERVIC JAMES VANDER MEER SERVED ON 4/25/16	PECK	001
5/03/16 ACCEPTANCE OF SERVIC BILL NOBLE SERVED ON 5/3/16	PECK	001
5/03/16 ACCEPTANCE OF SERVIC CHERYL NOBLE SERVED ON 5/3/16	PECK	001
5/04/16 ACCEPTANCE OF SERVIC PHIL FRANK SERVED ON 4/25/16	PECK	001
5/04/16 ACCEPTANCE OF SERVIC riley manzonie served on 5/1/16	PECK	001
5/04/16 ANSWER TO SECOND AMENDED COUNTERCLAIM	PECK	001
5/05/16 ACCEPTANCE OF SERVIC ROBERT HECKMAN SERVED ON 4/30/16	PECK	001
5/05/16 ACCEPTANCE OF SERVIC TERRY HUBERT SERVED ON 5/2/16	PECK	001
5/05/16 ACCEPTANCE OF SERVIC BONNIE HUBERT SERVED ON 5/2/16	PECK	001
5/05/16 ACCEPTANCE OF SERVIC VALERI MCINTYRE SERVED ON 4/29/16	PECK	001
5/05/16 ACCEPTANCE OF SERVIC DAVE MILLER SERVED ON 4/30/16	PECK	001
5/05/16 ACCEPTANCE OF SERVIC	PECK	001

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DENNIS MCINTYRE SERVED ON 4/30/16

5/09/16 ACCEPTANCE OF SERVIC SIGNED BY MIKE MASON ON 5/5/16	RODRIGUEZ001
5/09/16 ACCEPTANCE OF SERVIC SIGNED BY SHELLY MASON ON 5/5/16	RODRIGUEZ001
5/09/16 ACCEPTANCE OF SERVIC SIGNED BY JAMES TAYLOR ON 5/2/16	RODRIGUEZ001
5/09/16 ACCEPTANCE OF SERVIC SIGNED BY NATHAN HECKMAN ON 5/4/16	RODRIGUEZ001
5/09/16 ACCEPTANCE OF SERVIC SIGNED BY SEVEN K PROPERTIES ON 5/4/16	RODRIGUEZ001
5/12/16 ANSWER TO SECOND AMENDED COMPLAING AND CROSS-CLAIM HAROLD WYATT AND MARY WATT'S	PECK 001
5/12/16 ACCEPTANCE OF SERVIC DENNIS CUNNINGHAM SERVED ON 5/9/16	PECK 001
5/16/16 ACKLDGMNT OF SERVICE JACK HEALY SERVED ON 5/8/16	PECK 001
5/16/16 ACCEPTANCE OF SERVIC YVETTE HEALY SERVED ON 5/11/16	PECK 001
5/16/16 ACCEPTANCE OF SERVIC BRAD KEIFE 4/25/16	PECK 001
5/23/16 ACCEPTANCE OF SERVIC SIGNED BY JUAN LA CHICA	RODRIGUEZ001
5/23/16 ACCEPTANCE OF SERVIC SIGNED BY VICTORIA LA CHICA	RODRIGUEZ001
5/24/16 CERTIFICATE OF SERV	PECK 000
6/01/16 SUMMONS ISSUED X2	PECK 001
6/06/16 ACCEPTANCE OF SERVIC SIGNED BY AARON MOTES	RODRIGUEZ001
6/17/16 ACCEPTANCE OF SERVIC MICHAEL GOWAN SERVED ON 6/15/16	PECK 001
6/21/16 ACCEPTANCE OF SERVIC SIGNED BY BETH TEITLEBAUM	RODRIGUEZ001

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7/29/16 SUMMONS ISSUED FOR KRIS CECCHI	RODRIGUEZ001
7/29/16 SUMMONS ISSUED MIKE CECCHI	RODRIGUEZ001
8/22/16 DECLARATION OF SERVICE	RODRIGUEZ001
8/29/16 ACCEPTANCE OF SERVIC BY EVELYN DIBONA	MERKLEY 001
8/29/16 ACCEPTANCE OF SERVIC BY DOMINIC DIBONA	MERKLEY 001
9/26/16 APPL FOR CLK DEFAULT	PECK 001
9/26/16 AFFID OF ZACHARY A GERBER ESQ IN SUPPORT OF APPICA;TION FOR ENTRY OF DEFAULT AND DEFAULT JUDGMENT	PECK 001
9/30/16 FILE CHECKED OUT BY: DC 2 for review/signature VOL 6 ONLY	PECK 000
9/30/16 NOTICE OF INTENT TO TAKE DEFAULT	PECK 001
9/30/16 SUBMISSION OF ORDER DISPOSITION: RESPONSE/ORDER ORDER SENT TO JUDGE FOR SIGNATURE STIP AND ORDER TO DISMISS MARY ANN GOWAN AND JOIN DAVID JOHNSON AS REAL PARTIES IN INTEREST	PECK 000
10/03/16 FILE CHECKED IN BY:	PECK 000
10/03/16 STIPULATION & ORDER TO DISMISS MARY ANN GOWAN AND JOIN DAVID JOHNSON AS REAL PARTIES IN INTEREST	PECK 000
10/04/16 SUMMONS ISSUED	MERKLEY 001
10/11/16 APPL FOR CLK DEFAULT AMENDED DEFAULT FOR PHIL FRANK AND DORTHY FRANK ONLY	PECK 001
10/11/16 AFFID OF ZACHARY A GERBER ESQ. IN SUPPORT OF APPLICATION FOR ENTRY OF AMENDED DEFAU.LT AND DEFAULT JUDGMENT	PECK 001
10/11/16 AMENDED CLERK'S DEFAULT FOR PHIL FRANK AND DOROTHY FRANK	PECK 001

ONLY

10/17/16 MOTION

MERKLEY 001

AND REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT
OF DEFENDANT'S REMAINING COUNTERCLAIMS; MOTION &
REPLY IN SUPPORT OF MOTION FOR LEAVE TO FILE
SUPPLEMENT TO MOTION FOR SUMMARY JUDGMENT, MOTION &
REPLY IN SUPPORT OF MOTION FOR RECONSIDERATION OF
ORDER DENYING PLAINTIFF'S AND GRANTING DEFENDANT'S
MOTIONS FOR SUMMARY JUDGMENT; AND OPPOSITION TO RUBY
LAKE ESTATES HOMEOWNERS ASSOCIATIONS MOTION FOR
SUMMARY JUDGMENT ON COUNTERCLAIMS

10/17/16 VOLUME CREATED

MERKLEY 000

VOLUME 7 CREATED

10/26/16 ERRATUM

PECK 000

TO HARLD AND MARY WYATT'S MOTION TO REPLY IN SUPPORT
OF MOTION FOR SUMMARY JUDGMENT ON DEF REMAINING
COOUNTERCLAIMS; MOTION AND REPLY IN SUPPORT OF
MOTION FOR LEAVE TO FILE SUPPLEMENT TO MOTION FOR
SUMMARY JUDGMENT ON DEF REMAINING COUNTERCLAIM;
MOTIN AND REPLY IN SUPPORT OF MOTION FOR
CONSIDERATION OF ORDER DENYING PLAINTIFF'S AND
GRANTING DEF MOTIONS FOR SUMMARY JUDGMENT AND
OPPOSITION TO RUBY LAKE ESTATES HOMEOWNERS
ASSOCIATION'S MOTIN FOR SUMMARY JUDGMENT ON
COUNTERCLAIMS

12/19/16 RESPONSE

TIPTON 002

12/21/16 REPLY

RODRIGUEZ001

REPLY TO RUBY LAKE'S RESPONSE TO WYATTS'S ERRATA AND
JOINDER IN ARTEMIS EXPLORATION COMPANY'S:
MOTION AND REPLY IN SPRT...;
MOTION AND REPLY IN SPRT...;
MOTION AND REPLY IN SPRT...; OPPOSITION TO MOTION
FOR SUMMARY JUDGMENT ON COUNTERCLAIM

12/21/16 REQUEST FOR REVIEW

RODRIGUEZ000

DISPOSITION: RESPONSE/ORDER

OF PENDNG MOTIONS;

ARTEMIS'S MOT FOR SMRY JUDGMENT ON DEF'S REMAING
COUNTERCLAIM

ARTEMIS'S MOT FOR LEAVE TO FILE SUPPLEMENTAL TO MOT
ARTEMIS'S MOT FOR RECONSIDERATION

RUBY LAKE'S MOT FOR SUMMARY JUDGMENT ON COUNTERCLAIMS

12/22/16 FILE CHECKED OUT BY:

RODRIGUEZ000

DC2 for review/signature OF GERBER'S PROPOSED STIP &
ORD TO DISMISS DAVID JOHNSON
VOL 7 ONLY

1/04/17 STIPULATION & ORDER TO DISMISS DAVID JOHNSON, NAMED AS TRUSTEE OF MR JAMES VANDER MEER'S TRUST AND DAVID JOHNSON IS NOT AN OWNER OF ANY LOT WITHIN RUBY LAKES ESTATE	RODRIGUEZ000
1/04/17 FILE CHECKED IN BY: VOL 7 ONLY	RODRIGUEZ000
2/14/17 FILE CHECKED OUT BY: DC 2 for review/signature VOL 6 & 7	PLUNKETT 000
3/08/17 HEARING ON MOTION -hearing on motion for summary judgment & countermotion	FOR: 5/02/17 13:30 DC2SEC 000
3/08/17 ORD SETTING HEARING ORAL ARGUMENT	PECK 000
3/08/17 FILE CHECKED IN BY: VOL 6 & 7	PECK 000
4/27/17 FILE CHECKED OUT BY: DC 2 for review/signature	DEMARS 000
5/02/17 HRG - DC2 CVHRG HRG FOR ORAL ARGUMENT ON MOTION FOR SUMMARY JUDGMENT & COUNTERMOTIONS	DEMARS 000
12/06/17 MOT TO DISMISS COUNTERCLAIMS AND CROSSCLAIM UNDER NRCP 41(E) AND TO DENY PENDING MOTIONS FOR LACK OF JURISDICTION (FILE CHECKED OUT SENT PLEADING TO DC 2)	PECK 001
12/13/17 FAX SENT DOCKET SENT TO CHRIS AT KERN AND GAYLE	JALLEN 002
12/13/17 FAX SENT FAXED A COPY OF THE REQUEST FOR REVIEW FILED 12/21/16 TO CHRIS W/KERN & ASSOCIATES, LTD PER HER RQST.	DEMARS 002
2/26/18 STIPULATION & ORDER STIPULATION AND ORDER FOR DISMISSAL OF COUNTERCLAIMS AND CROSS-CLAIM WITH OUT PREJUDICE, WITHDRAWAL OF PENDING MOTIONS AND FOR FINAL JUDGEMENT NO COPIES PROVIDED	JALLEN 000
2/26/18 JUDGMENT FINAL JUDGEMENT - COPY PLACED IN GERBER'S PICK UP BOX	JALLEN 000
2/26/18 FILE CHECKED IN BY:	JALLEN 000

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ALL VOLUMES
CASE IS LOCATED ON THE EMPTY SHELF NEXT TO THE
JUVENILE FILES

3/01/18 COPIES PREPARED FOR	MALOTTE 000
3/01/18 NOTICE OF ENTRY OF FINAL JUDGMENT	RODRIGUEZ001
3/06/18 NOTICE OF APPEAL	RODRIGUEZ001
3/06/18 FILING FEE PAID	RODRIGUEZ001
3/06/18 CASE APPEAL STATEMNT	RODRIGUEZ001
3/06/18 BOND ON APPEAL CASH BOND IN THE AMOUNT OF \$500.00 POSTED BY GERBER LAW OFFICE W/ CK #5412	RODRIGUEZ001
3/07/18 CLERK'S CERTIFICATE FOR SUPREME COURT APPEAL	JALLEN 000
3/07/18 NOTE ADDED TO FILE MAILED CHECK IN THE AMOUNT OF \$250.00 TO THE NEVADA SUPREME COURT ON 3/7/2018- COPY OF CHECK IS IN FILE	JALLEN 000
3/16/18 SUPREME CT RECEIPT FOR DOCUMENTS	JALLEN 000
3/20/18 MOT FOR FEES COPY MAILED TO KERN & ASSOCIATES IN SASE	MERKLEY 002
3/20/18 MEMO OF COSTS COPY MAILED TO KERN & ASSOCIATES IN SASE	MERKLEY 002
4/26/18 OPPOSITION TO MOTION FOR ATTORNEY'S FEES AND COSTS	PECK 001
4/26/18 OPPOSITION TO MOTION FOR ATTORNEY'S FEES AND COSTS	PECK 001
7/06/18 CERTIFIED COPY ISSUE OF AMENDED COMPLAINT AND STIP & ORD FILED 2/26/2018 TO GERBER LAW OFFICE	RODRIGUEZ001
7/27/18 COPIES PREPARED FOR COPY OF MOTION FOR SUMMARY JUDGMENT FILED 4/30/18 COMPLETE COPY OF EXHIBIT A NOT INCLUDED SINCE IT IS A PARCEL MAPS (168 PAGES) & OF THE COMPOSIT OF EXHIBIT FILED 5/30/12 (322 PGS)	RODRIGUEZ000
7/30/18 FEE PAID FOR COPIES	RODRIGUEZ001

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SEE NOTE DATED 7/27/2018

8/03/18 REPLY	PECK	002
POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR ATTORNEY'S FEES AND COSTS AS TO HAROLD AND MARY WYATT		
8/03/18 REQUEST FOR REVIEW	PECK	002
DISPOSITION: RESPONSE/ORDER Order filed OF THE MOTION FOR ATTORNEY'S FEES		
8/03/18 FILE CHECKED OUT BY:	PECK	002
DC 2 for review/signature vol 7 only		
8/03/18 REPLY	PECK	002
POINTS & AUTHORITIES IN SUPPORT OF MOTION FOR ATT FEES		
8/03/18 REQUEST FOR REVIEW	PECK	002
DISPOSITION: RESPONSE/ORDER Order filed OF MOTION FOR ATTORNEY'S FEE		
8/13/18 CERTIFIED COPY ISSUE	PECK	000
OF THE FINAL JUDGMENT TO ROBERT WINES		
10/16/18 FILE CHECKED OUT BY:	DEMARS	000
DC 2 for review/signature VOLUME 1 THROUGH 6		
11/01/18 FILE CHECKED IN BY:	DEMARS	000
VOL 1-7		
11/01/18 ORD APPR ATTY FEES	DEMARS	000
AND COSTS		
11/15/18 FILE CHECKED OUT BY:	PECK	000
DC 2 for review/signature		
11/15/18 SUBMISSION OF ORDER	PECK	000
DISPOSITION: RESPONSE/ORDER JUDGMENT FOR ATTY FEES ORDER SENT TO JUDGE FOR SIGNATURE JUDGMENT FOR ATTORNEY FEES AND COSTS IN FAVOR (COPIES PROVIDED BY MR. WINES)		
11/18/18 VOLUME CREATED	DEMARS	000
VOLUME 8 CREATED		
11/19/18 NOTICE OF	MERKLEY	002
CHANGE OF FIRM NAME AND EMAIL ADDRESSES FOR KERN & ASSOCIATES, LTD - COPIES MAILED TO KERN, ESQ IN SASE - FILE CHK'D OUT, PLEADING PLACED IN DC2 BOX @ 11:43		

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AM

11/19/18 NOTICE OF ENTRY ORDR OF ORDER AWARDING ATTORNEY'S FEES AND COSTS - COPIES MAILED TO KERN, ESQ IN SASE - FILE CHK'D OUT, PLEADING PLACED IN DC2 BOX @ 11:43 AM	MERKLEY 002
11/19/18 FILE CHECKED OUT BY: DC 2 for review/signature VOL 7 & 8 ONLY	DEMARS 000
11/20/18 FILE CHECKED IN BY: VOL 7 ONLY	PLUNKETT 000
12/03/18 FILE CHECKED IN BY: VOL 8	MERKLEY 000
12/03/18 JUDGMENT FOR ATTORNEY'S FEES AND COSTS IN FAVOR OF RUBY LAKE ESTATES HOMEOWNERS ASSOCIATION - COPIES PLACED IN WINES'S BOX PER NOTE FROM ATTORNEY	MERKLEY 000
12/05/18 CERTIFIED COPY ISSUE OF THE JUDGMENT TO WINE	PECK 000
12/05/18 CASH BOND CASH BOND IN THE AMOUNT OF \$87,969.47 BY GERBER LAW OFFICES CHECK #2017	PECK 001
12/05/18 NOTICE OF POSTING SUPERSEDEAS BOND	PECK 001
12/05/18 RECEIPT(S) OF SUPERSEDEAS BOND	PECK 001
12/11/18 NOTICE OF ENTRY OF JUDGMENT FOR ATTORNEY'S FEES AND COSTS IN FAVOR OF RUBY LAKE ESTATES HOMEOWNER'S ASSOCIATION COPIES IN SASE	JALLEN 002
12/14/18 NOTICE OF APPEAL	RODRIGUEZ001
12/14/18 FILING FEE PAID	RODRIGUEZ001
12/14/18 BOND ON APPEAL	RODRIGUEZ001
12/14/18 BOND ON APPEAL CASH BOND GERBER ESQ'S CIVIL APPEAL BOND, CHECK #5879, \$500.00	RODRIGUEZ001
12/14/18 CASE APPEAL STATEMNT	RODRIGUEZ001
12/17/18 CLERK'S CERTIFICATE	JALLEN 000

FOR SUPREME COURT APPEAL OF ORDERS ENTERED ON 12/3
AND 11/1/18

BONDS

3/06/18	BOND-CASH	CASH BAIL / FORG AMT:	500.00	RCPT: 284677	RODRIGUEZ
		POSTED BY: GERBER LAW OFFICES LLP			
12/05/18	BOND-CASH	CASH BAIL / FORG AMT:	87,969.47	RCPT: 287272	PECK
		POSTED BY: GERBER LAW OFFICESLLC			
12/14/18	BOND-CASH	CASH BAIL / FORG AMT:	500.00	RCPT: 287394	RODRIGUEZ
		POSTED BY: GERBER LAW OFFICES			

PEOPLE INVOLVED

ENTERED	PERSON	PERSON TYPE	STATUS	ENTRY PERSON
3/05/12	NO JUDGE ASSIGNED	JUD	INACTIVE	PECK
8/15/12	PORTER, NANCY	JUD	INACTIVE	ANTONUCCI
4/16/12	GERBER, TRAVIS	ATT	INACTIVE	PECK
1/23/14	GERBER, TRAVIS	ATT	INACTIVE	PECK

PAYMENTS

DATE	TYPE	RECPT	COMMENT	AMOUNT	CODE	ENTRY PER
3/02/12	CHECK	261935	NEW CASE	275.00	004	PECK
			POSTED BY: GERBER, TRAVIS			
8/13/18	CHECK	286264	CERT OF COPY	5.00	060	PECK
			POSTED BY: WINES, ROBERT			
12/05/18	CHECK	287265	CERT OF CPY	5.00	060	PECK
			POSTED BY: WINES, ROBERT			
4/30/12	CHECK	262722	MOT SUMMARY JUDGEMENT	200.00	022	ANTONUCCI
			POSTED BY: GERBER, TRAVIS W			
6/03/13	CHECK	267253	ARTEMIS'S NTC OF APPEA	24.00	013	RODRIGUEZ
			POSTED BY: GERBER LAW OFFICES, LLP			
6/21/13	CASH	267433	COPY MOTION & JUDGMENT	18.00	050	RODRIGUEZ
			POSTED BY: GERBER'S LAW OFFIC, E			
3/06/18	CHECK	284673	ARTEMIS'S NTC OF APPEA	24.00	013	RODRIGUEZ
			POSTED BY: GERBER LAW OFFICES,			
3/06/18	CHECK	284677		500.00	BON	RODRIGUEZ
			POSTED BY: GERBER LAW OFFICES LLP			
7/06/18	CASH	285927	COPY AMND CMLPNT/STIP&	16.00	050	RODRIGUEZ
			POSTED BY: GERBER LAW OFFICES,			
7/30/18	CHECK	286142	COPY OF 2 PLEADINGS	245.00	050	RODRIGUEZ
			POSTED BY: GERBER LAW OFFICES,			
12/05/18	CHECK	287272		87,969.47	BON	PECK
			POSTED BY: GERBER LAW OFFICESLLC			
12/14/18	CHECK	287393	ARTEMIS'S NTC OF APPEA	24.00	013	RODRIGUEZ
			POSTED BY: GERBER LAW OFFICES,			
12/14/18	CHECK	287394		500.00	BON	RODRIGUEZ
			POSTED BY: GERBER LAW OFFICES			
4/02/12	CHECK	262312	ANSWER	198.00	010	PECK
			POSTED BY: KERN, GAYLA			
5/30/12	CREDIT C	263187		200.00	022	FLEURY

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1/10/14 CHECK	POSTED BY: KERN, GAYLE 269302 FILING FEE	25.00	041	PECK
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