

Electronically Filed
Feb 25 2019 10:04 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

JOHN B. GREENE, ESQ.
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ROBERT D. VANNAH, ESQ.
Nevada Bar No. 002503
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Attorneys for Plaintiffs/Appellants

DISTRICT COURT

CLARK COUNTY, NEVADA

--o0o--

EDGEWORTH FAMILY TRUST; AMERICAN
GRATING, LLC,

Plaintiffs,

vs.

LANGE PLUMBING, LLC; THE VIKING
CORPORATION, a Michigan corporation;
SUPPLY NETWORK, INC., dba VIKING
SUPPLYNET, a Michigan corporation; and
DOES I through V and ROE CORPORATIONS
VI through X, inclusive,

Defendants.

CASE NO.: A-16-738444-C
DEPT. NO.: X

NOTICE OF APPEAL

EDGEWORTH FAMILY TRUST; AMERICAN
GRATING, LLC,

Plaintiffs,

vs.

DANIEL S. SIMON; THE LAW OFFICE OF
DANIEL S. SIMON, A PROFESSIONAL
CORPORATION; DOES I through X, inclusive,
and ROE CORPORATIONS I through X,
inclusive,

Defendants.

CASE NO.: A-18-767242-C
DEPT. NO.: XXIX

1 NOTICE IS HEREBY GIVEN that Plaintiffs/Appellants EDGEWORTH FAMILY
2 TRUST and AMERICAN GRATING, LLC, hereby appeal to the Supreme Court of Nevada from
3 the Decision and Order Granting in Part and Denying in Part Simon's Motion for Attorney's Fees
4 and Costs, which was entered on February 8, 2019.
5

6 DATED this 15th day of February, 2019.
7

VANNAH & VANNAH

8
9 
10 ROBERT D. VANNAH, ESQ.
11 Nevada Bar No. 002503
12 JOHN B. GREENE, ESQ.
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14 400 S. Seventh Street, 4th Floor
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18 Facsimile: (702) 369-0104
19 Attorneys for Plaintiffs/Appellants
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that the following parties are to be served as follows:

Electronically:

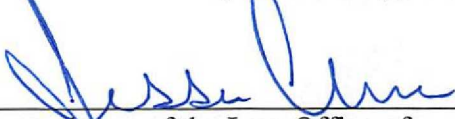
James R. Christensen, Esq.
JAMES R. CHRISTENSEN, PC
601 S. Third Street
Las Vegas, Nevada 89101

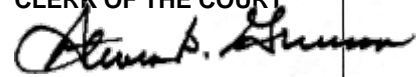
Peter S. Christiansen, Esq.
CHRISTIENSEN LAW OFFICES
810 S. Casino Center Blvd., Ste. 104
Las Vegas, Nevada 89101

Traditional Manner:

None

DATED this 15th day of February, 2019.


An employee of the Law Office of
Vannah & Vannah



JOHN B. GREENE, ESQ.
Nevada Bar No. 004279
ROBERT D. VANNAH, ESQ.
Nevada Bar No. 002503
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jgreene@vannahlaw.com
Telephone: (702) 369-4161
Facsimile: (702) 369-0104
*Attorneys for Plaintiffs/
Appellants*

DISTRICT COURT

CLARK COUNTY, NEVADA

--000--

EDGEWORTH FAMILY TRUST; AMERICAN
GRATING, LLC,

Plaintiffs,

vs.

LANGE PLUMBING, LLC; THE VIKING
CORPORATION, a Michigan corporation;
SUPPLY NETWORK, INC., dba VIKING
SUPPLYNET, a Michigan corporation; and
DOES I through V and ROE CORPORATIONS
VI through X, inclusive,

Defendants.

CASE NO.: A-16-738444-C
DEPT. NO.: X

CASE APPEAL STATEMENT

EDGEWORTH FAMILY TRUST; AMERICAN
GRATING, LLC,

Plaintiffs,

vs.

DANIEL S. SIMON; THE LAW OFFICE OF
DANIEL S. SIMON, A PROFESSIONAL
CORPORATION; DOES I through X, inclusive,
and ROE CORPORATIONS I through X,
inclusive,

Defendants.

CASE NO.: A-18-767242-C
DEPT. NO.: XXIX

1 Plaintiffs/Appellants EDGEWORTH FAMILY TRUST and AMERICAN GRATING,
2 LLC, hereby submits the following Case Appeal Statement.

3 1. NAME OF APPELLANT FILING THIS CASE APPEAL STATEMENT:

4 Edgeworth Family Trust and American Grating, LLC.

5 2. IDENTITY OF JUDGE ISSUING DECISION, JUDGMENT, OR ORDER

6 APPEALED FROM:

7 The Honorable Tierra Jones (Dept. X; Eighth Judicial District Court).

8 3. IDENTIFY EACH APPELLANT AND THE NAME AND ADDRESS OF

9 COUNSEL FOR EACH APPELLANT:

10 Edgeworth Family Trust and American Grating.

11 Robert D. Vannah, Esq., 400 S. Seventh Street, 4th Floor, Las Vegas, NV 89101.

12 John B. Greene, Esq., 400 S. Seventh Street, 4th Floor, Las Vegas, NV 89101.

13 4. IDENTIFY EACH RESPONDENT AND THE NAME AND ADDRESS OF

14 COUNSEL FOR EACH RESPONDENT:

15 Daniel S. Simon and The Law Office of Daniel S. Simon, a Professional
16 Corporation.

17 James R. Christensen, Esq., 601 S. Third Street, Las Vegas, NV 89101.

18 Peter S. Christiansen, Esq., 810 S. Casino Center Blvd., Ste. 104, Las Vegas, NV
19 89101.

20 5. INDICATE WHETHER ANY ATTORNEY IDENTIFIED ABOVE IN

21 RESPONSE TO QUESTIONS 3 OR 4 IS NOT LICENSED TO PRACTICE LAW

22 IN NEVADA AND, IF SO, WHETHER THE DISTRICT COURT GRANTED

23 THAT ATTORNEY PERMISSION TO APPEAR UNDER S.C.R 42:

Not Applicable. All attorneys identified above are licensed to practice law in Nevada.

6. INDICATE WHETHER APPELLANT WAS REPRESENTED BY APPOINTED OR RETAINED COUNSEL IN THE DISTRICT COURT:

Appellants were represented by retained counsel in the district court.

7. INDICATE WHETHER APPELLANT WAS/WILL BE REPRESENTED BY APPOINTED OR RETAINED COUNSEL ON APPEAL:

Appellants are represented by retained counsel on appeal.

8. INDICATE WHETHER APPELLANT WAS GRANTED LEAVE TO PROCEED IN FORMA PAUPERIS, AND THE DATE OF ENTRY OF THE DISTRICT COURT ORDER GRANTING SUCH LEAVE:

Neither Appellant was granted leave to proceed in forma pauperis.

9. INDICATE THE DATE THE PROCEEDINGS COMMENCED IN THE DISTRICT COURT:

Case No. A-16-738444-C was filed on June 14, 2016. Case No. A-18-767242-C was filed on January 4, 2018.

10. PROVIDE A BRIEF DESCRIPTION OF THE NATURE OF THE ACTION AND RESULT IN DISTRICT COURT, INCLUDING THE TYPE OF JUDGMENT OR ORDER BEING APPEALED AND THE RELIEF GRANTED BY THE DISTRICT COURT:

Case No. A-16-738444-C was filed following a flood at a residence owned by Plaintiffs/Appellants (Edgeworth). On November 15, 2017, Edgeworth agreed to the amount of a monetary settlement with Viking; and, on December 1, 2017, Edgeworth agreed to monetary terms with Lange, thus resolving all material aspects of the dispute set forth in Case No. A-16-738444-C.

Case No. A-18-767242-C was filed on January 4, 2018. This matter alleges damages against Defendants/Respondents (Simon) for Breach of Contract, Declaratory Relief, Conversion, and Breach of the Implied Covenant of Good Faith and Fair Dealing. Simon represented Edgeworth in Case No. A-16-738444-C, though Simon never presented a fee agreement for Edgeworth to sign. From May of 2016 through September of 2017, Simon billed \$550 per hour for his time and charged Edgeworth \$367,606.25 in attorneys fees via four invoices. Edgeworth paid these fees in full. After the Viking matter settled, Simon demanded more in attorney's fees than the parties agreed to pay and receive. Simon then served an amended attorney's lien for an amount that represents approximately 40% of the amount of the Viking settlement and refused and continues to refuse to release the full amount of the Viking settlement proceeds to Edgeworth.

On February 8, 2019, a Decision and Order Granting in Part and Denying in Part Simon's Motion for Attorney's Fees and Costs was entered, awarding Simon \$50,000 in fees and \$5,000 in costs.

11. INDICATE WHETHER THE CASE HAS PREVIOUSLY BEEN THE SUBJECT OF AN APPEAL TO OR ORIGINAL WRIT PROCEEDINGS TO THE SUPREME COURT AND, IF SO, THE CAPTION AND SUPREME COURT DOCKET NUMBER OF THE PRIOR PROCEEDING:

Yes. Docket No. 77678.

12. INDICATE WHETHER THIS APPEAL INVOLVES CHILD CUSTODY OR VISITATION:

It does not involve either child custody or visitation.

13. IF THIS IS A CIVIL CASE, INDICATE WHETHER THIS APPEAL INVOLVES
THE POSSIBILITY OF SETTLEMENT:

It is a civil case and, while hope springs eternal, a prior settlement conference with Hon. Timothy Williams did not cause the parties to resolve this dispute. A Supreme Court Settlement Conference for the prior issues on appeal is scheduled to take place on March 12, 2019.

DATED this 15th day of February, 2019.

VANNAH & VANNAH



ROBERT D. VANNAH, ESQ.
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JOHN B. GREENE, ESQ.
Nevada Bar No. 004279
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Telephone: (702) 369-4161
Facsimile: (702) 369-0104
*Attorneys for Plaintiffs/
Appellants*

CERTIFICATE OF SERVICE

I hereby certify that the following parties are to be served as follows:

Electronically:

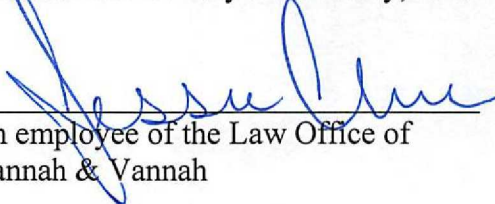
James R. Christensen, Esq.
JAMES R. CHRISTENSEN, PC
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Las Vegas, Nevada 89101

Peter S. Christiansen, Esq.
CHRISTIENSEN LAW OFFICES
810 S. Casino Center Blvd., Ste. 104
Las Vegas, Nevada 89101

Traditional Manner:

None

DATED this 15th day of February, 2019.


An employee of the Law Office of
Vannah & Vannah

CASE SUMMARY**CASE NO. A-16-738444-C**

Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

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§
§

Location: **Department 10**
 Judicial Officer: **Jones, Tierra**
 Filed on: **06/14/2016**
 Case Number History:
 Cross-Reference Case **A738444**
 Number:
 Supreme Court No.: **77678**

CASE INFORMATION**Related Cases**

A-18-767242-C (Consolidated)

Case Type: **Product Liability****Statistical Closures**

11/19/2018 Summary Judgment

Case Status: **11/19/2018 Closed****DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number A-16-738444-C
 Court Department 10
 Date Assigned 05/22/2017
 Judicial Officer Jones, Tierra

PARTY INFORMATION**Plaintiff****American Grating LLC**

Removed: 02/20/2018
 Dismissed

American Grating LLC

Removed: 03/15/2018
 Data Entry Error

Edgeworth Family Trust

Simon, Daniel S., ESQ
Retained
 7023641650(W)

Defendant**Lange Plumbing, L.L.C.**

Parker, Theodore
Retained
 7028388600(W)

Law Office of Daniel S Simon

Removed: 03/15/2018
 Data Entry Error

Law Office of Daniel Simon, PC

Removed: 02/20/2018
 Dismissed

Simon, Daniel S

Removed: 03/15/2018
 Data Entry Error

Supply Network Inc

Removed: 01/02/2018
 Dismissed

Viking Automatic Sprinkler Co

Removed: 08/24/2016
 Inactive

Viking Corporation

CASE SUMMARY

CASE NO. A-16-738444-C

Removed: 01/02/2018

Dismissed

Viking Group Inc

Removed: 01/02/2018

Dismissed

Counter Claimant **Giberti Construction Llc**

Removed: 02/20/2018

Dismissed

Supply Network Inc

Removed: 02/20/2018

Dismissed

Viking Corporation

Removed: 02/20/2018

Dismissed

Counter Defendant **Lange Plumbing, L.L.C.**

Removed: 02/20/2018

Dismissed

Parker, Theodore

Retained

7028388600(W)

Supply Network Inc

Removed: 02/20/2018

Dismissed

Viking Corporation

Removed: 02/20/2018

Dismissed

Cross Claimant **Lange Plumbing, L.L.C.**

Removed: 02/20/2018

Dismissed

Parker, Theodore

Retained

7028388600(W)

Cross Defendant **Supply Network Inc**

Removed: 02/20/2018

Dismissed

Viking Corporation

Removed: 02/13/2018

Dismissed

Third Party Defendant **Giberti Construction Llc**

Removed: 12/08/2017

Dismissed

Third Party Plaintiff **Supply Network Inc**




Removed: 12/01/2017

Dismissed

Viking Corporation

Removed: 12/01/2017

Dismissed

DATE	EVENTS & ORDERS OF THE COURT	INDEX
	<u>EVENTS</u>	
06/14/2016	 Complaint Filed By: Plaintiff Edgeworth Family Trust <i>Complaint</i>	
07/01/2016	 Declaration Filed By: Plaintiff Edgeworth Family Trust <i>Declaration of Service</i>	
07/01/2016	 Affidavit of Service	

CASE SUMMARY

CASE NO. A-16-738444-C

	Filed By: Plaintiff Edgeworth Family Trust <i>Affidavit of Service</i>
07/15/2016	 Answer to Complaint Filed by: Defendant Lange Plumbing, L.L.C. <i>Defendant Lange Plumbing, LLC's Answer to Plaintiff's Complaint</i>
07/15/2016	 Initial Appearance Fee Disclosure Filed By: Defendant Lange Plumbing, L.L.C. <i>Initial Appearance Fee Disclosure</i>
07/15/2016	 Demand for Jury Trial Filed By: Defendant Lange Plumbing, L.L.C. <i>Demand for Jury Trial</i>
08/22/2016	 Stipulation and Order Filed by: Plaintiff Edgeworth Family Trust <i>Stipulation and Order to Amend Complaint</i>
08/23/2016	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Edgeworth Family Trust <i>Notice of Entry of Stipulation and Order to Amend Complaint</i>
08/24/2016	 Amended Complaint Filed By: Plaintiff Edgeworth Family Trust <i>Amended Complaint</i>
09/02/2016	 Acceptance of Service Filed By: Plaintiff Edgeworth Family Trust <i>Acceptance of Service</i>
09/06/2016	 Acceptance of Service Filed By: Plaintiff Edgeworth Family Trust <i>Acceptance of Service</i>
09/07/2016	 Commissioners Decision on Request for Exemption - Granted <i>Commissioner's Decision on Request for Exemption - Granted</i>
09/21/2016	 Answer to Complaint Filed by: Defendant Lange Plumbing, L.L.C. <i>Defendant Lange Plumbing, LLC's Answer to Plaintiff's Amended Complaint and Cross Claim</i>
09/29/2016	 Answer to Amended Complaint Filed By: Counter Defendant Viking Corporation <i>Defendants The Viking Corporation and Supply Network, Inc. dba Viking Supplynet's Answer to Amended Complaint</i>
09/30/2016	 Initial Appearance Fee Disclosure Filed By: Counter Defendant Viking Corporation <i>Defendants The Viking Corporation and Supply Network, Inc. dba Viking Supplynet's Initial Appearance Fee Disclosure</i>
11/10/2016	 Answer and Counterclaim Filed By: Defendant Viking Automatic Sprinkler Co

CASE SUMMARY

CASE NO. A-16-738444-C

Cross-Defendants The Viking Corporation and Supply Network, Inc. dba Viking Supplynet's (1) Answer to Cross-Claim by Lange Plumbing, L.L.C. and (2) Counterclaim against Lange Plumbing, L.L.C.

11/30/2016



Answer to Counterclaim

Filed By: Defendant Lange Plumbing, L.L.C.

Defendant/Cross-Claimant Lange Plumbing LLC's Answer to Cross-Defendants the Viking Corporation's and Supply Network, Inc's Counterclaim

12/20/2016



Substitution of Attorney

Filed by: Counter Defendant Viking Corporation

Defendants The Viking Corporation and Supply Network, Inc.'s Substitution of Counsel

01/04/2017



Joint Case Conference Report

Filed By: Plaintiff Edgeworth Family Trust

Joint Case Conference Report

01/09/2017



Demand for Prior Discovery

Filed By: Counter Defendant Viking Corporation

Defendants The Viking Corporation & Supply Network, Inc.'s Demand for Prior Pleadings and Discovery

01/13/2017



Motion for Summary Judgment

Filed By: Plaintiff Edgeworth Family Trust

Plaintiffs Motion for Summary Judgment

01/18/2017



Opposition to Motion For Summary Judgment

Filed By: Counter Defendant Viking Corporation

Defendants The Viking Corporation & Supply Network, Inc.'s Opposition to Plaintiff's Motion for Summary Judgment

01/30/2017



Subpoena Duces Tecum

Filed by: Counter Defendant Viking Corporation

Subpoena Duces Tecum For American Grating, LLC

01/30/2017



Objection

Filed By: Plaintiff Edgeworth Family Trust

Plaintiff's NRCP 45 Objections to Defendant The Viking Corporation's Subpoena Duces Tecum Directed to the Custodian of Records for American Grating, LLC

01/30/2017



Objection

Filed By: Plaintiff Edgeworth Family Trust

Plaintiff's NRCP 45 Objections to Defendant The Viking Corporation's Deposition Subpoena Duces Tecum Directed to the Custodian of Records for Giberti Construction, LLC

02/01/2017



Subpoena Duces Tecum

Filed by: Counter Defendant Viking Corporation

Subpoena Duces Tecum for Giberti Construction, LLC

02/02/2017



Opposition

Filed By: Defendant Lange Plumbing, L.L.C.

Defendant Lange Plumbing's Opposition to Plaintiff's Motion for Summary Judgment

02/13/2017



Order Shortening Time

Filed By: Plaintiff Edgeworth Family Trust

CASE SUMMARY

CASE NO. A-16-738444-C

Plaintiffs Motion to Amend the Complaint on Order Shortening Time

02/21/2017



Scheduling Order

Scheduling Order

02/21/2017



Opposition

Filed By: Defendant Lange Plumbing, L.L.C.

Defendant Lange Plumbing, LLC's Limited Opposition to Plaintiff's Motion to Amend Complaint on Order Shortening Time

02/27/2017



Reply to Opposition

Filed by: Plaintiff Edgeworth Family Trust

Reply to Defendant Lange Plumbing, LLC's Limited Opposition to Plaintiffs' Motion to Amend the Complaint on Order Shortening Time

02/28/2017



Reply to Opposition

Filed by: Plaintiff Edgeworth Family Trust

Reply to All Defendants Opposition to Plaintiffs Motion for Summary Judgment

03/01/2017



Order Setting Civil Jury Trial

Order Setting Civil Jury Trial

03/07/2017



Motion for Summary Judgment

Filed By: Plaintiff Edgeworth Family Trust

Plaintiffs' Motion for Summary Judgment Against Lange Plumbing, LLC, Only

03/07/2017



Initial Appearance Fee Disclosure

Filed By: Plaintiff American Grating LLC

Initial Appearance Fee Disclosure

03/07/2017



Affidavit of Service

Filed By: Plaintiff Edgeworth Family Trust

Affidavit of Service

03/07/2017



Second Amended Complaint

Filed By: Plaintiff Edgeworth Family Trust

Second Amended Complaint

03/10/2017



Subpoena Duces Tecum

Filed by: Plaintiff Edgeworth Family Trust

Subpoena - Civil

03/16/2017



Order Denying Motion

Filed By: Plaintiff Edgeworth Family Trust

Order Denying Plaintiffs Motion for Summary Judgment

03/20/2017



Notice of Entry of Order

Filed By: Plaintiff Edgeworth Family Trust

Notice of Entry of Order Denying Plaintiffs Motion for Summary Judgment

03/21/2017



Order

Filed By: Plaintiff Edgeworth Family Trust

Order Granting Plaintiffs Motion to Amend the Complaint

CASE SUMMARY

CASE NO. A-16-738444-C

03/22/2017	 Notice of Entry of Order Filed By: Plaintiff Edgeworth Family Trust <i>Notice of Entry of Order Granting Plaintiffs' Motion to Amend the Complaint</i>
03/29/2017	 Stipulation and Order Filed by: Plaintiff Edgeworth Family Trust <i>Stipulation and Order to Continue Plaintiffs Motion for Summary Judgment Against Lange Plumbing, LLC, Only</i>
03/30/2017	 Notice of Entry Filed By: Plaintiff Edgeworth Family Trust <i>Notice of Entry of Stipulation and Order to Continue Plaintiffs Motion for Summary Judgment Against Lange Plumbing, LLC, Only</i>
04/04/2017	 Answer to Amended Complaint Filed By: Counter Defendant Viking Corporation <i>Defendants The Viking Corporation & Supply Network, Inc.'s Answer to Plaintiffs' Second Amended Complaint & Third Party Complaint Against Giberti Construction LLC</i>
04/05/2017	 Initial Appearance Fee Disclosure Filed By: Counter Defendant Viking Corporation <i>Defendants/Third-Party Plaintiffs The Viking Corporation & Supply Network, Inc.'s Initial Appearance Fee Disclosure [Third-Party Complaint]</i>
04/07/2017	 Opposition Filed By: Defendant Lange Plumbing, L.L.C. <i>Defendant Lange Plumbing, LLC's Opposition to Plaintiff's Motion for Summary Judgment</i>
04/12/2017	 Answer to Amended Complaint Filed By: Defendant Lange Plumbing, L.L.C. <i>Defendant Lange Plumbing's Answer to Plaintiff's Second Amended Complaint and Cross Claim</i>
04/14/2017	 Joinder to Motion For Summary Judgment Filed By: Counter Defendant Viking Corporation <i>The Viking Corporation & Supply Network, Inc.'s Joinder with Additional Points & Authorities to Lange's Opposition to Plaintiff's Second Motion for Summary Judgment</i>
04/18/2017	 Reply to Motion Filed By: Plaintiff Edgeworth Family Trust <i>Plaintiffs' Reply to Motion for Summary Judgment Against Lange Plumbing Only</i>
05/01/2017	 Motion Filed By: Plaintiff Edgeworth Family Trust <i>Plaintiffs' Motion for An Order to Show cause and Compel James Kreason to Appear for Deposition</i>
05/04/2017	 Subpoena Duces Tecum Filed by: Plaintiff Edgeworth Family Trust <i>Subpoena Duces Tecum</i>
05/04/2017	 Motion Filed By: Plaintiff Edgeworth Family Trust <i>Plaintiffs Motion to Compel the Deposition of Defendant Lange Plumbing, LLC's 30b6 Designee and for Sanctions</i>

CASE SUMMARY

CASE NO. A-16-738444-C

05/05/2017



Motion

Filed By: Defendant Lange Plumbing, L.L.C.
Defendant Lange Plumbing's Motion to Compel Plaintiff's to Release Sprinkler Heads for Testing by Lange Plumbing on an Order Shortening Time

05/08/2017



Receipt of Copy

Filed by: Defendant Lange Plumbing, L.L.C.
Receipt of Copy for Lange Plumbing's Motion to Compel

05/08/2017



Summons

Filed by: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc
Summons with Affidavit of Service- Giberti

05/15/2017



Opposition

Filed By: Plaintiff Edgeworth Family Trust
Plaintiffs' Opposition to Defendant Lange Plumbing, LLC's Motion to Compel Plaintiffs to Release Sprinkler Heads for Testing by Lange Plumbing, LLC on Order Shortening Time

05/17/2017



Opposition

Filed By: Defendant Lange Plumbing, L.L.C.
Lange Plumbing's Limited Opposition to Plaintiffs' Motion for an Order to Show Cause & Compel James Kreason to Appear for Deposition

05/22/2017

Administrative Reassignment - Judicial Officer Change
From Judge Jessie Walsh to Judge Tierra Jones

05/24/2017



Answer & Counterclaim (Criminal)

Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc
Defendants The Viking Corporation & Supply Network, Inc.'s Answer to Lange Plumbing, LLC's Amended Cross-Claim and Amended Counter Claim

05/31/2017



Affidavit of Service

Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc
Proof of Service

06/01/2017



Opposition

Filed By: Defendant Lange Plumbing, L.L.C.
Defendant Lange Plumbing, LLC's Opposition to Plaintiff's Motion to Compel the Deposition of Defendant Lange Plumbing, LLC's 30(B)(6) Designee and for Sanctions and Countermotion for Sanctions

06/01/2017



Reply to Opposition

Filed by: Plaintiff Edgeworth Family Trust
Reply to Defendant Lange Plumbing, LLC's Limited Opposition to Plaintiffs' Motion for An Order to Show Cause and Compel James Kreason to Appear for Deposition

06/02/2017



Deposition Subpoena

Filed By: Plaintiff Edgeworth Family Trust
Subpoena

06/05/2017









Reply to Opposition

Reply to Defendant Lange's Opposition to Plaintiffs' Motion to Compel the Deposition of Defendant Lange Plumbing, LLC's 30(B)(6) Designee and for Sanctions

CASE SUMMARY

CASE NO. A-16-738444-C

06/06/2017	 Notice of Hearing Filed By: Plaintiff Edgeworth Family Trust <i>Notice of Hearing</i>
06/06/2017	 Certificate of Mailing Filed By: Plaintiff Edgeworth Family Trust <i>Certificate of mailing</i>
06/12/2017	 Answer to Third Party Complaint Filed By: Counter Claimant Giberti Construction Llc <i>Third-Party Defendant Giberti Construction LLC's Answer to Defendant/Third-Party Plaintiffs' Third Party Complaint; Counterclaim Against Viking Corporation and Supply Network, Inc. dba Viking Supplynet; and Cross-Complaint Against Lange Plumbing, LLC</i>
06/12/2017	 Initial Appearance Fee Disclosure <i>Defendant Giberti Construction LLC's Initial Appearance Fee Disclosure</i>
06/12/2017	 Demand for Jury Trial Filed By: Counter Claimant Giberti Construction Llc <i>Third Party Defendant Giberti Construction LLC's Demand for Jury Trial</i>
06/14/2017	 Demand for Prior Discovery Filed By: Counter Claimant Giberti Construction Llc <i>THIRD PARTY DEFENDANT GIBERTI CONSTRUCTION, LLC S REQUEST FOR PRIOR PLEADINGS, DISCOVERY, RECORDS AND DEPOSITION TRANSCRIPTS</i>
06/16/2017	 Subpoena Duces Tecum Filed by: Plaintiff Edgeworth Family Trust <i>Subpoena Duces Tecum</i>
06/20/2017	 Response Filed by: Plaintiff Edgeworth Family Trust <i>Plaintiffs Response to Third Party Defendant Giberti Construction LLC's Request for Prior PLeadings, Discovery, Records and Deposition Transcripts</i>
06/26/2017	 Motion to Extend Discovery Filed By: Counter Claimant Giberti Construction Llc <i>Giberti Construction, LLC's Motion to Extend Discovery Deadlines on an Order Shortening Time</i>
06/27/2017	 Joinder Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>The Viking Corporation & Supply Network, Inc.'s Joinder to Giberti Construction, LLC's Motion to Continue Discovery Deadlines</i>
06/29/2017	 Stipulated Protective Order Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>Stipulated Protective Order</i>
06/29/2017	 Discovery Commissioners Report and Recommendations Filed By: Defendant Lange Plumbing, L.L.C. <i>Discovery Commissioner's Report and Recommendations</i>
06/29/2017	 Notice of Change of Address Filed By: Counter Claimant Giberti Construction Llc

CASE SUMMARY

CASE NO. A-16-738444-C

Notice of Change of Address

07/05/2017	 Response <i>Defendant/Cross claimant Lange Plumbing, LLC's Response to Third Party Defendant Giberti Construction, LLC's Demand for All Prior Pleadings and Discovery</i>
07/11/2017	 Answer to Crossclaim <i>Defendant/Cross Claimant/Cross Defendant Lange Plumbing, LLC's Answer to Giberti Construction, LLC's Cross Claim</i>
07/11/2017	 Answer to Crossclaim <i>Defendant/Cross Claimant/Cross Defendant Lange Plumbing, LLC's Answer to The Viking Corporation's & Supply Network's Amended Cross Claim</i>
07/11/2017	 Supplement Filed by: Plaintiff Edgeworth Family Trust <i>Supplement to Plaintiffs' Motion to Compel the Deposition of Defendant Lange Plumbing, LLC's 30(b)(6) Designee and for Sanctions</i>
07/11/2017	 Opposition Filed By: Plaintiff Edgeworth Family Trust <i>Plaintiffs' Opposition to Defendant Giberti Construction, LLC's Motion to Extend Discovery Deadlines on an Order Shortening Time</i>
07/13/2017	 Answer to Counterclaim Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>Defendants The Viking Corporation & Supply Network, Inc.'s Answer to Giberti Construction, LLC's Counter Claim</i>
07/14/2017	 Supplement Filed by: Plaintiff Edgeworth Family Trust <i>Second Supplement to Plaintiffs' Motion to Compel the Deposition of Defendant Lange Plumbing, LLC's 30(b)(6) Designee and for Sanctions</i>
07/14/2017	 Motion to Extend Discovery Filed By: Counter Claimant Giberti Construction Llc <i>Giberti Construction, LLC's Mtn to Extend Discovery Deadlines on OST</i>
07/17/2017	 Opposition Filed By: Plaintiff Edgeworth Family Trust <i>Plaintiffs' Opposition to Defendant Giberti Construction, LLC's Motion to Extend Discovery Deadlines on an Order Shortening Time</i>
07/19/2017	 Application for Issuance of Commission to Take Deposition Party: Plaintiff Edgeworth Family Trust <i>Application For Issuance of Commission to Take Out of State Deposition</i>
07/19/2017	 Commission Issued Party: Plaintiff Edgeworth Family Trust <i>Commission to Take Out of State Deposition</i>
07/19/2017	 Objection Filed By: Plaintiff Edgeworth Family Trust <i>Plaintiffs' Objection to Confidentiality Designation Pursuant to the Protective Order</i>

CASE SUMMARY

CASE NO. A-16-738444-C

07/21/2017	 Joinder To Motion Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>The Viking Corporation & Supply Network, Inc.'s Joinder to Giberti Construction, LLC's Motion to Continue Discovery Deadlines</i>
07/26/2017	 Supplemental Joint Case Conference Report Party: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>Supplemental Joint Case Conference Report</i>
07/26/2017	 Discovery Commissioners Report and Recommendations Filed By: Plaintiff Edgeworth Family Trust <i>Discovery Commissioners Report and Recommendations</i>
07/27/2017	 Joinder <i>Defendant Lange Plumbing, LLC's Joinder to Plaintiffs' Objection to Confidentiality Designation Pursuant to the Protective Order</i>
07/27/2017	 Motion for Protective Order Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>The Viking Corporation & Supply Network, Inc.'s Motion for Protective Order & Request for Order Shortening Time</i>
08/04/2017	 Subpoena Duces Tecum Filed by: Plaintiff Edgeworth Family Trust <i>Subpoena Duces Tecum</i>
08/07/2017	 Subpoena Duces Tecum Filed by: Plaintiff Edgeworth Family Trust <i>Subpoena Duces Tecum</i>
08/07/2017	 Motion for Protective Order Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>Defendants The Viking Corporation and Supply Network, Inc.'s Motion for Protective Order No. 2 & Request for Order Shortening Time</i>
08/14/2017	 Transcript of Proceedings <i>Transcript of Proceedings All Pending Motions Tuesday, April 25, 2017</i>
08/14/2017	 Transcript of Proceedings <i>Transcript of Proceedings All Pending Motions Tuesday, March 7, 2017</i>
08/14/2017	 Motion Filed By: Plaintiff Edgeworth Family Trust <i>Plaintiffs' Motion to Amend the Complaint to Add Viking Group, Inc.</i>
08/14/2017	 Designation of Expert Witness Filed By: Plaintiff Edgeworth Family Trust <i>Plaintiffs Edgeworth Family Trust and American Grating, LLC's Initial Designation of Expert Witnesses and Reports</i>
08/15/2017	 Opposition Filed By: Plaintiff Edgeworth Family Trust <i>Plaintiffs' Opposition to Defendant the Viking Corporation & Supp Network, Inc.'s Motions for Protective Orders & Requests for Order Shortening Time</i>

CASE SUMMARY

CASE NO. A-16-738444-C

08/16/2017	 Proof of Service Filed by: Defendant Lange Plumbing, L.L.C. <i>Proof of Service</i>
08/17/2017	 Order Shortening Time Filed By: Plaintiff Edgeworth Family Trust <i>Plaintiffs Motion to Compel Viking Documents and for Order to Respond to Discovery and for Sanctions on Order Shortening Time</i>
08/17/2017	 Reply Filed by: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>Defendants The Viking Corporation & Supply Network, Inc.'s Reply Re: Motions for Protective Order [NOS. 1 & 2]</i>
08/18/2017	 Receipt of Copy Filed by: Plaintiff Edgeworth Family Trust <i>Receipt of Copy</i>
08/18/2017	 Opposition Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>Defendants The Viking Corporation & Supply Network, Inc.'s Opposition to Plaintiffs' Motion to Compel</i>
08/18/2017	 Notice of Association of Counsel <i>Notice of Association of Counsel</i>
08/18/2017	 Motion Filed By: Plaintiff Edgeworth Family Trust <i>Plaintiffs' Motion to Compel Rimkus Consulting to Respond to the Notice of Deposition and Subpoena Duces Tecum</i>
08/21/2017	 Reply to Opposition Filed by: Plaintiff Edgeworth Family Trust <i>Reply to Viking's Opposition to Plaintiffs' Motion to Compel Viking Documents and for Order to Respond to Discovery and for Sanctions on Order Shortening Time</i>
08/29/2017	 Order Granting Motion Filed By: Counter Claimant Giberti Construction Llc <i>Order Granting Giberti Construction, LLC's Motion to Extend Discovery Deadlines (1st Request)</i>
08/30/2017	 Notice of Entry of Order <i>Notice of Entry of Order Granting Giberti Construction LLC's Motion to Extend Discovery Deadlines</i>
08/31/2017	 Opposition Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>Defendants the Viking Corporation and Supply Network, Inc. dba Viking Supplinet's Opposition to Plaintiffs' Motion to Amend Complaint to Add Viking Group, Inc.</i>
09/01/2017	 Motion to Associate Counsel Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>Motion to Associate Counsel</i>

CASE SUMMARY

CASE NO. A-16-738444-C

09/01/2017	 Motion to Associate Counsel Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>Motion to Associate Counsel (Kenton L. Robinson)</i>
09/01/2017	 Application for Issuance of Commission to Take Deposition Party: Plaintiff Edgeworth Family Trust <i>Application For Issuance of Commission to Take Out of State Deposition</i>
09/01/2017	 Commission to Take Deposition Outside the State of Nevada Filed By: Plaintiff Edgeworth Family Trust <i>Commission to Take Deposition Outside the State of Nevada</i>
09/05/2017	 Opposition Filed By: Plaintiff Edgeworth Family Trust <i>Plaintiffs' Limited Opposition to Viking's Motions to Associate Counsel on an Order Shortening Time</i>
09/05/2017	 Opposition and Countermotion Filed By: Other Rimkus Consulting Group, Inc. <i>NonParty Rimkus Constuling Group, Inc.'s Opposition to Plaintiffs' Motion to Compel Rimkus Consulting Group [Group, Inc.] to Respond to the Notice of Deposition and Subpoena Duces Tecum; and Counter-Motion to Quash, and Motion for Protective Order</i>
09/11/2017	 Motion to Compel Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>Defendants The Viking Corporation & Supply Network, Inc.'s Motion to Compel Home Inspection & or in the Alternative Motion to Strike Portions of Expert Testimony & Order Shortening Time</i>
09/12/2017	 Reply Filed by: Plaintiff Edgeworth Family Trust <i>Reply to Defendants the Viking Corporation and Supply Network, Inc. dba Viking SupplyNet's Opposition to Plaintiffs' Motion to Amend the Complaint to Add Viking Group, Inc.</i>
09/12/2017	 Opposition Filed By: Plaintiff Edgeworth Family Trust <i>Plaintiffs' Opposition to Defendants the Viking Corporation & Supply Network, Inc.'s Motion to Compel Home Inspection & or In the Alternative Motion to Strike Portions of Expert Testimony on Order Shortening Time</i>
09/12/2017	 Supplement to Opposition Filed By: Other Rimkus Consulting Group, Inc. <i>Nonparty Rimkus Consulting Group, Inc.'s Supplement to its Opposition to Plaintiffs' Motion to Compel Rimkus Consulting [Group, Inc.] to Respond to the Notice of Deposition and Subpoena Duces Tecum; and Counter-Motion to Quash, and Motion for Protective Order</i>
09/13/2017	 Order Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>Order Admitting to Practice (John W. McConnell, III)</i>
09/13/2017	 Order Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>Order Admitting to Practice (Kenton L. Robinson)</i>
09/13/2017	 Order Setting Civil Jury Trial

CASE SUMMARY

CASE NO. A-16-738444-C

Amended Order Setting Civil Jury Trial

09/13/2017	 Application for Issuance of Commission to Take Deposition Party: Plaintiff Edgeworth Family Trust <i>Application for Issuance of Commission to Take Out of State Deposition</i>
09/13/2017	 Commission to Take Deposition Outside the State of Nevada Filed By: Plaintiff Edgeworth Family Trust <i>Commission to Take Out of State Deposition</i>
09/13/2017	 Application for Issuance of Commission to Take Deposition Party: Plaintiff Edgeworth Family Trust <i>Application for Issuance of Commission to Take Out of State Deposition</i>
09/13/2017	 Commission to Take Deposition Outside the State of Nevada Filed By: Plaintiff Edgeworth Family Trust <i>Commission to Take Out of State Deposition</i>
09/13/2017	 Application for Issuance of Commission to Take Deposition Party: Plaintiff Edgeworth Family Trust <i>Application for Issuance of Commission to Take Out of State Deposition</i>
09/13/2017	 Commission to Take Deposition Outside the State of Nevada Filed By: Plaintiff Edgeworth Family Trust <i>Commission to Take Out of State Deposition</i>
09/13/2017	 Application for Issuance of Commission to Take Deposition Party: Plaintiff Edgeworth Family Trust <i>Application for Issuance of Commission to Take Out of State Deposition</i>
09/13/2017	 Commission to Take Deposition Outside the State of Nevada Filed By: Plaintiff Edgeworth Family Trust <i>Commission to Take Out of State Deposition</i>
09/13/2017	 Application for Issuance of Commission to Take Deposition Party: Plaintiff Edgeworth Family Trust <i>Application for Issuance of Commission to Take Out of State Deposition</i>
09/13/2017	 Commission to Take Deposition Outside the State of Nevada Filed By: Plaintiff Edgeworth Family Trust <i>Commission to Take Out of State Deposition</i>
09/14/2017	 Subpoena Duces Tecum Filed by: Plaintiff Edgeworth Family Trust <i>Subpoena Duces Tecum</i>
09/14/2017	 Subpoena Duces Tecum Filed by: Plaintiff Edgeworth Family Trust <i>Subpoena Duces Tecum</i>
09/14/2017	 Reply to Opposition Filed by: Plaintiff Edgeworth Family Trust <i>Reply to Non-Party Rimkus Consulting Group, Inc.'s Opposition to Plaintiffs' Motion to Compel Rimkus Consulting [Group, Inc.] to Respond to the Notice of Deposition and</i>

CASE SUMMARY

CASE NO. A-16-738444-C

Subpoena Duces Tecum and Opposition to Counter Motion to Quash and Motion for Protective Order

09/18/2017



Designation of Expert Witness

Filed By: Plaintiff Edgeworth Family Trust
Plaintiff Edgeworth Family Trust and American Grating, LLC's Rebuttal Designation of Expert Witnesses and Reports

09/20/2017



Notice of Entry of Order

Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc
Notice of Entry of Order (JWM)

09/20/2017



Notice of Entry of Order

Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc
Notice of Entry of Order (KLR)

09/20/2017



Motion

Filed By: Plaintiff Edgeworth Family Trust
Plaintiffs Motion to Compel Testimony and Evidence of Defendants, the Viking Corporation & Supply Network, Inc. dba Viking Supplynet's Expert, Robert Carnahan, or in the Alternative, Strike Robert Carnahan as an Expert on Order Shortening Time

09/21/2017



Receipt of Copy

Filed by: Plaintiff Edgeworth Family Trust
Receipt of Copy

09/21/2017



Motion for Summary Judgment

Filed By: Plaintiff Edgeworth Family Trust
Plaintiffs' Motion for Summary Judgment Against Lange Plumbing, LLC. Only

09/21/2017



Motion

Filed By: Plaintiff Edgeworth Family Trust
Plaintiffs Motion in Limine to Exclude Defendants The Viking Corporation & Supply Network, Inc. dba Viking Supplynet's Expert Jay Rosenthal on Order Shortening Time

09/22/2017



Receipt of Copy

Filed by: Plaintiff Edgeworth Family Trust
Receipt of Copy

09/26/2017



Joinder

Filed By: Counter Claimant Giberti Construction Llc
Third Party Defendant Giberti Construction LLC's Joinder to Plaintiffs' Motion to Compel Testimony and Evidence of Defendants, The Viking Corporation & Supply Network, Inc. dba Viking Supplynet's Expert, Robert Carnahan, or in the Alternative, Strike Robert Carnahan as an expert on Order Shortening Time

09/27/2017



Discovery Commissioners Report and Recommendations

Filed By: Plaintiff Edgeworth Family Trust
Discovery Commissioners Report and Recommendations

09/28/2017



Joinder

Filed By: Counter Claimant Giberti Construction Llc
Third Party Defendant Giberti Corporation LLC's Joinder to Exclude Defendants, The Viking Corporation & Supply Network, Inc. dba Viking Supplynet's Expert, Jay Rosenthal on Order Shortening Time

CASE SUMMARY

CASE NO. A-16-738444-C

09/29/2017	 Order Shortening Time Filed By: Plaintiff Edgeworth Family Trust <i>Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on an Order Shortening Time</i>
09/29/2017	 Order Shortening Time Filed By: Plaintiff Edgeworth Family Trust <i>Plaintiffs' Motion to Strike the Viking Defendants' Answer on Order Shortening Time</i>
10/02/2017	 Receipt of Copy Filed by: Plaintiff Edgeworth Family Trust <i>Receipt of Copy</i>
10/02/2017	 Joinder <i>Third Party Defendant Giberti Corporation LLC's Joinder to Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on an Order Shortening Time</i>
10/02/2017	 Opposition to Motion in Limine Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>The Viking Corporation & Supply Network, Inc. S Oppositon to Plaintiffs' Motion in Limine to Exclude Expert, Jay Roenthal</i>
10/03/2017	 Opposition to Motion to Compel Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>Defendants The Viking Corporation and Supply Network, Inc. dba Viking Supplynet's Opposition to Plaintiffs' Motion to Compel Testimony and Evidence of Expert Robert Carnahan or Alternatively Strike Expert</i>
10/04/2017	 Motion to Reconsider Filed By: Plaintiff Edgeworth Family Trust <i>Plaintiffs Motion to Reconsider Order Granting The Viking Defendants Motions to Associate Counsel</i>
10/05/2017	 Recorders Transcript of Hearing <i>Recorders Transcript of Hearing - All Pending Motions - heard on August 23, 2017</i>
10/06/2017	 Joinder Filed By: Counter Claimant Giberti Construction Llc <i>Third Party Defendant Giberti Construction LLC's Joinder to Plaintiff's Motion to Strike Viking's Answer on OST</i>
10/11/2017	 Opposition <i>Defendant Lange Plumbing's Opposition to Plaintiffs' Motion for Summary Judgment and Motion to Bifurcate Trial and Countermotion to Strike</i>
10/11/2017	 Exhibits <i>Exhibits to Lange Plumbing's Opposition to Plaintiffs' Motion for Summary Judgment and Bifurcate Trial</i>
10/11/2017	 Opposition to Motion Filed By: Counter Defendant Viking Corporation <i>Defendant The Viking Corporation and Supply Network, Inc. dba Viking Supplynet's Opposition to Plaintiffs' Motion to Strike The Viking Defendants' Answer on Order Shortening Time</i>

CASE SUMMARY

CASE NO. A-16-738444-C

10/11/2017	 Declaration Filed By: Counter Defendant Viking Corporation <i>Declaration of Janet C. Pancoast in Support of Opposition to Plaintiffs' Motion to Strike The Viking Defendants' Answer on Order Shortening Time</i>
10/11/2017	 Application for Issuance of Commission to Take Deposition Party: Plaintiff Edgeworth Family Trust <i>Application for Issuance of Commission to Take Out of State Deposition of Person Most Knowledgeable for Underwriters Laboratories, Inc</i>
10/11/2017	 Commission to Take Deposition Outside the State of Nevada Filed By: Plaintiff Edgeworth Family Trust <i>Commission to Take Out of State Deposition of Person Most Knowledgeable for Underwriters Laboratories, Inc.</i>
10/12/2017	 Recorders Transcript of Hearing <i>Recorders Transcript of Hearing - All Pending Motions - heard on October 4, 2017</i>
10/12/2017	 Application for Issuance of Commission to Take Deposition Party: Plaintiff Edgeworth Family Trust <i>Application for Issuance of Commission to Take Out of State Deposition of Person Most Knowledgeable for Viking Group, Inc.</i>
10/12/2017	 Application for Issuance of Commission to Take Deposition <i>Application for Issuance of Commission to Take Out of State Deposition of Harold Rodgers</i>
10/12/2017	 Commission to Take Deposition Outside the State of Nevada Filed By: Plaintiff Edgeworth Family Trust <i>Commission to Take Out of State Deposition of Person Most Knowledgeable for Viking Group Inc.</i>
10/12/2017	 Commission to Take Deposition Outside the State of Nevada Filed By: Plaintiff Edgeworth Family Trust <i>Commission to Take Out of State Deposition for Harold Rodgers</i>
10/12/2017	 Motion <i>Non-Party Zurich American Insurance Company s Motion For A Protective Order, Or In The Alternative To Quash Subpoenas</i>
10/13/2017	 Opposition to Motion Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>Defendants The Viking Corporation and Supply Network, Inc. dba Viking Supplynet's Supplement to Opposition to Plaintiffs' Motion to Strike The Viking Defendants' Answer on Order Shortening Time</i>
10/16/2017	 Reply to Opposition Filed by: Plaintiff Edgeworth Family Trust <i>Reply to Viking's Opposition to Plaintiffs Motion to Strike the Viking Defendants' Answer on Order Shortening Time</i>
10/17/2017	 Supplement Filed by: Plaintiff Edgeworth Family Trust <i>Supplement to Reply to Viking's Opposition to Plaintiffs' Motion to Strike the Viking Defendants' Answer on Order Shortening Time</i>

CASE SUMMARY

CASE NO. A-16-738444-C

10/19/2017	 Subpoena Duces Tecum Filed by: Plaintiff Edgeworth Family Trust <i>Subpoena Duces Tecum</i>
10/19/2017	 Affidavit of Service Filed By: Plaintiff Edgeworth Family Trust <i>Affidavit of Service</i>
10/19/2017	 Certificate of Electronic Service Filed By: Plaintiff Edgeworth Family Trust <i>Certificate of E-Service</i>
10/19/2017	 Discovery Commissioners Report and Recommendations Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>Discovery Commissioner's Report & Recommendation- Hearing 8.23.17</i>
10/19/2017	 Motion for Determination of Good Faith Settlement Filed By: Counter Claimant Giberti Construction Llc <i>Third Party Defendant Giberti Construction LLC's Motion for Good Faith Settlement</i>
10/20/2017	 Reporters Transcript <i>Transcripts of Proceedings Tuesday, October 3, 2017</i>
10/20/2017	 Motion in Limine Filed By: Plaintiff Edgeworth Family Trust <i>Plaintiffs Motion in Limine to Exclude Defendants The Viking Corporation & Supply Network, Inc., dba Viking Supplynet's Expert Robert Carnahan on Order Shortening Time</i>
10/20/2017	 Receipt of Copy Filed by: Plaintiff Edgeworth Family Trust <i>Receipt of Copy</i>
10/23/2017	 Notice of Association of Counsel Filed By: Defendant Lange Plumbing, L.L.C. <i>Notice of Association of Counsel</i>
10/23/2017	 Supplemental Filed by: Plaintiff Edgeworth Family Trust <i>Second Supplement to Reply to Viking's Opposition to Plaintiffs' Motion to Strike the Viking Defendants' Answer on Order Shortening Time</i>
10/23/2017	 Reply to Motion Filed By: Plaintiff Edgeworth Family Trust <i>Plaintiffs' Reply to Motion for Summary Judgement Against Lange Plumbing, LLC, Only and Reply to Opposition to Motion to Bifurcate Trial and Opposition to Strike Matters from the Record</i>
10/23/2017	 Non Opposition Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>Defendants The Viking Corporation & Supply Network, Inc.'s Notice of Non-Opposition to Third-Party Defendant Giberti Construction, LLC's Motion for Determination for Good faith Settlement</i>
10/23/2017	 Opposition to Motion Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc

CASE SUMMARY

CASE NO. A-16-738444-C

Defendants The Viking Corporation and Supply Network, Inc. dba Viking Supplynet's Opposition to Plaintiffs' Motion to Reconsider Order Granting the Viking Defendants' Motions to Associate Counsel

10/23/2017



Joinder to Opposition to Motion

Filed by: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc
Defendants The Viking Corporation and Supply Network, Inc. dba Viking Supplynet's Joinder to Lange Plumbing, LLC's Opposition to Plaintiffs' Motion for Summary Judgment with Additional Points and Authorities

10/23/2017



Recorders Transcript of Hearing

Recorders Transcript of Hearing - Re: All Pending Motions - heard on October 18, 2017

10/24/2017



Supplement

Filed by: Plaintiff Edgeworth Family Trust
Supplement to Plaintiffs' Reply to Motion for Summary Judgment Against Lange Plumbing, LLC, Only and Reply to Viking's Joinder

10/26/2017



Opposition to Motion

Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc
Defendants the Viking Corporation and Supply Network, Inc. dba Viking Supplynet's Opposition to Plaintiffs' Motion in Limine to Exclude Defendants the Viking Corporation & Supply Network, Inc. dba Viking Supplynet's Expert, Robert Carnahan

10/30/2017



Notice

Notice of Withdrawal of Counsel

10/30/2017



Objection

Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc
Defendants The Viking Corporation & Supply Network, Inc.;s Objection to Discovery Commissioners' Report & Recommendation on Defendants' Motion to Compel Home Inspection

11/01/2017



Recorders Transcript of Hearing

Recorders Transcript of Hearing - Defendants The Viking Corporation & Supply Network, Inc.'s Motion to Compel Home Inspection and/or in the Alternative Motion to Strike Portions of Expert Testimony on Order Shortening Time - heard on Sept. 13, 2017

11/01/2017



Motion to Stay

Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc
Defendants the Viking Corporation & Supply Network, Inc.'s Motion to Stay Enforcement of discovery Commissioner's Report & Recommendation Pursuant to EDCR 2.34(e) & Request for Order Shortening Time

11/01/2017



Recorders Transcript of Hearing

Recorders Transcript of Hearing - All Pending Motions - heard on October 24, 2017

11/01/2017



Motion to Strike

Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc
Defendants The Viking Corporation & Supply Network, Inc.'s Motion to Strike Plaintiffs' Untimely Disclosed Expert Crane Pomerantz & Request for Order Shortening Time

11/01/2017



Opposition and Countermotion

Filed By: Plaintiff Edgeworth Family Trust
Plaintiffs' Opposition to Non-Party Zurich American Insurance Company's Motion for a Protective Order, or in the Alternative to Quash Subpoenas and Counter-Motion to Compel

CASE SUMMARY

CASE NO. A-16-738444-C

11/01/2017	 Order Filed By: Plaintiff Edgeworth Family Trust <i>Order Granting Plaintiffs Motion to Amend the Complaint to Add Viking Group, Inc.</i>
11/03/2017	 Notice of Entry of Order Filed By: Plaintiff Edgeworth Family Trust <i>Notice of Entry of Order Granting Plaintiffs Motion to Amend the Complaint to Add Viking Group, Inc.</i>
11/03/2017	 Reply to Opposition Filed by: Plaintiff Edgeworth Family Trust <i>Reply to Viking's Opposition to Plaintiffs' Motion to Reconsider Order Granting the Viking Defendants' Motions to Associate Counsel</i>
11/03/2017	 Motion Filed By: Plaintiff Edgeworth Family Trust <i>Plaintiffs Motion to Compel Viking Documents and For Order to Respond to Discovery on Order Shortening Time</i>
11/03/2017	 Motion Filed By: Plaintiff Edgeworth Family Trust <i>Plaintiffs Motion to Compel Viking Documents and for Order to Respond to Discovery Regarding Their Financial Information on Order Shortening Time</i>
11/06/2017	 Receipt of Copy Filed by: Plaintiff Edgeworth Family Trust <i>Receipt of Copy</i>
11/07/2017	 Reply to Opposition Filed by: Plaintiff Edgeworth Family Trust <i>Plaintiffs' Reply to Viking's Opposition to Motion in Limine to Exclude Defendants The Viking Corporation & Supply Network, Inc., dba Viking Supplynet's Expert Robert Carnahan on Order Shortening Time</i>
11/08/2017	 Substitution of Attorney Filed by: Defendant Lange Plumbing, L.L.C. <i>Substitution of Attorneys for Lange Plumbing</i>
11/09/2017	 Reply to Opposition Filed by: Subpoena'd (Non) Party Zurich American Insurance Company <i>Non-Party Zurich American Insurance Company's Reply To Plaintiff's Opposition To Motion For A Protective Order, Or In The Alternative To Quash Subpoenas, And Counter Motion To Compel</i>
11/13/2017	 Stipulation and Order Filed by: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>Stipulation Regarding Motion in Limine Briefing Schedule</i>
11/14/2017	 Application for Issuance of Commission to Take Deposition Party: Plaintiff Edgeworth Family Trust <i>Application for Issuance of Commission to Take Out of State Deposition</i>
11/14/2017	 Commission to Take Deposition Outside the State of Nevada Filed By: Plaintiff Edgeworth Family Trust

CASE SUMMARY

CASE NO. A-16-738444-C

Commission to Take Out of State Deposition

11/16/2017



Opposition to Motion

Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc
Defendant The Viking Corporation's Opposition to Plaintiffs' Motion to Compel Documents and Respond to Discovery Regarding Financial Information

11/16/2017



Opposition to Motion

Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc
Defendants The Viking Corporation and Supply Network, Inc. dba Viking Supplynet's Opposition to Plaintiffs' Motion to Compel Viking Documents

11/16/2017



Opposition and Countermotion

Filed By: Plaintiff Edgeworth Family Trust
Plaintiffs' Opposition to Viking's Motion to Strike Untimely Disclosed Expert Crane Pomerantz on an Order Shortening Time and Counter Motion to Disclose Crane Pomerantz as an Initial Expert

11/20/2017



Discovery Commissioners Report and Recommendations

Filed By: Plaintiff Edgeworth Family Trust
Discovery Commissioners Report and Recommendations

11/22/2017



Supplemental

Filed by: Defendant Lange Plumbing, L.L.C.
Lange Plumbing, LLC s Supplemental Brief in Support of its Opposition to Plaintiffs Motion for Summary Judgment Against Lange Plumbing, LLC, Only and Countermotion Pursuant to EDCR 2.20(e)

11/30/2017



Notice of Attorney Lien

Filed By: Plaintiff Edgeworth Family Trust
Notice of Attorney Lien

12/05/2017



Subpoena Duces Tecum

Filed by: Plaintiff Edgeworth Family Trust
Subpoena Duces Tecum for Athanasia E. Dalacas, Esq.

12/07/2017



Motion for Determination of Good Faith Settlement

Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc
Defendants The Viking Corporation & Supply Network, Inc.'s Motion for Good Faith Settlement & Request for Order Shortening Time

12/08/2017



Order Granting Motion

Filed By: Counter Claimant Giberti Construction Llc
Order Granting Third Party Defendant Giberti Construction LLC's Motion for Good Faith Settlement

12/13/2017



Notice of Entry of Order

Filed By: Counter Claimant Giberti Construction Llc
Notice of Entry of Order Granting Third Party Defendant Giberti Constructin LLC's Motion for Good Fiath Settlement

12/14/2017



Recorders Transcript of Hearing

Recorder's transcript re All Pending Motions, Tuesday, November 14, 2017

01/02/2018



Stipulation and Order for Dismissal

CASE SUMMARY

CASE NO. A-16-738444-C

Filed by: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc
Stipulation For Dismissal with Prejudice of Plaintiffs' Claims against Viking Entities

01/02/2018



Notice of Attorney Lien

Filed By: Plaintiff Edgeworth Family Trust
Notice of Amended Attorney's Lien

01/05/2018



Motion for Determination of Good Faith Settlement

Filed By: Defendant Lange Plumbing, L.L.C.
Joint Motion for Determination of Good Faith Settlement

01/17/2018



Memorandum of Costs and Disbursements

Filed By: Plaintiff Edgeworth Family Trust
Plaintiffs' Memorandum of Outstanding Costs and Disbursements

01/18/2018



Notice of Appearance

Notice of Appearance

01/24/2018



Motion to Adjudicate Attorney's Lien

Motion to Adjudicate Attorney Lien of the Law Office of Daniel Simon PC; Order Shortening Time

01/24/2018



Motion to Consolidate

Motion to Consolidate on Order Shortening Time

01/25/2018



Motion

Filed By: Plaintiff Edgeworth Family Trust
Plaintiffs Emergency Motion to Extend Date for Hearing on Motion to Consolidate and Motion to Adjudicate on an Order Shortening Time (First Request)

02/02/2018



Opposition

Filed By: Plaintiff Edgeworth Family Trust
Plaintiffs Oppositions to Defendant's Motions to Consolidate and to Adjudicate Attorney Lien

02/05/2018



Reply in Support

Filed By: Plaintiff Edgeworth Family Trust
Reply in Support of Motion to Adjudicate Attorney Lien and Motion for Consolidation

02/05/2018



Notice of Appearance

Notice of Appearance on Behalf of the Law Offices of Daniel S. Simon, P.C.

02/06/2018



Initial Appearance Fee Disclosure

Filed By: Other Law Office of Daniel S. Simon, PC
Initial Appearance Fee Disclosure (NRS Chapter 19)

02/16/2018



Supplement

Filed by: Other Law Office of Daniel S. Simon, PC
Supplement to Motion to Adjudicate Attorney Lien of the Law Office of Daniel Simon, PC

02/16/2018







Opposition

Filed By: Plaintiff Edgeworth Family Trust
Plaintiffs Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint

CASE SUMMARY

CASE NO. A-16-738444-C

02/20/2018	 Stipulation and Order for Dismissal Filed by: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>Stipulation and Order for Dismissal with Prejudice of all Claims & of Entire Action</i>
02/20/2018	 Opposition and Countermotion Filed By: Plaintiff Edgeworth Family Trust; Plaintiff American Grating LLC <i>Plaintiffs Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint</i>
02/20/2018	 Recorders Transcript of Hearing Party: Plaintiff Edgeworth Family Trust <i>Recorder's Transcript of Hearing, February 6, 2018, Motion and Status Check: Settlement Documents</i>
02/22/2018	 Order Granting Motion <i>Order Granting Defendants The Viking Corporation & Supply Network, Inc.'s Motion for Good Faith Settlement</i>
03/01/2018	 Supplemental Brief Filed By: Plaintiff Edgeworth Family Trust <i>Plaintiffs Supplement to Their Countermotion to Amend Complaint</i>
03/02/2018	 Motion to Dismiss Filed By: Defendant Lange Plumbing, L.L.C. <i>Special Motion to Dismiss: Anti-Slapp; Order Shortening Time</i>
03/06/2018	 Reporters Transcript <i>Recorder's Partial Transcript of Hearing Status Check: February 20, 2018 Settlement Documents Defendant Daniel S. Simon D/B/A Simon Law's Motion to Adjudicate Attorney Lein of the Law Office Daniel Simon PC; Order Shortening Time</i>
03/06/2018	 Notice of Entry of Order <i>Notice of Entry of Order Granting Defendants The Viking Corporation & Supply Network, Inc.'s Motion for Good Faith Settlement</i>
03/07/2018	 Order <i>Order Re Motion to Consolidate; Motion to Adjudicate Attorney's Lien</i>
03/15/2018	 Amended Complaint Filed By: Plaintiff Edgeworth Family Trust <i>(A767242) Amended Complaint</i>
03/15/2018	 Summons Electronically Issued - Service Pending Party: Plaintiff Edgeworth Family Trust <i>Summons</i>
03/16/2018	 Opposition Filed By: Plaintiff Edgeworth Family Trust <i>Plaintiffs Opposition to Defendants Special Motion to Dismiss: Anti-Slapp</i>
03/19/2018	 Exhibits <i>Exhibit 1 to Plaintiffs Opposition to Defendants Special Motion to Dismiss</i>
03/19/2018	 Exhibits

CASE SUMMARY

CASE NO. A-16-738444-C

	<i>Exhibit 2 to Plaintiffs Opposition to Defendants Specail Motion to Dismiss Anti-Slapp</i>
03/19/2018	 Exhibits <i>Exhibit 3 to Plaintiffs Opposition to Defendants Special Motion to Dismiss: Anti-Slapp</i>
03/19/2018	 Exhibits <i>Exhibit 4 to Plaintiffs Oppposition to Defendants Special Motion to Dismiss:Anti Slapp</i>
03/19/2018	 Exhibits <i>Exhibit 5 to Plaintiffs Opposition to Defendants Special Motion to Dismiss: Anti-Slapp</i>
03/20/2018	 Notice of Entry of Order <i>Notice of Entry of Order</i>
03/20/2018	 Acceptance of Service Filed By: Plaintiff Edgeworth Family Trust <i>Acceptance of Service of The Summons and Amended Complaint</i>
03/21/2018	 Reply in Support <i>Reply in Support of Special Motion to Dismiss: Anti-Slapp</i>
03/23/2018	 Reply in Support <i>Reply in Support of Motion to Dismiss Plaintiffs' Complaint Pursuant to NRCP 12(b)(5)</i>
04/02/2018	 Order Granting Filed By: Defendant Lange Plumbing, L.L.C. <i>Order Granting Joint Motion for Determination of Good Faith Settlement</i>
04/02/2018	 Notice of Entry of Order Filed By: Defendant Lange Plumbing, L.L.C. <i>Notice of Entry of Order Granting Joint Motion for Determination of Good Faith Settlement</i>
04/03/2018	 Notice of Entry of Stipulation & Order for Dismissal Filed By: Defendant Lange Plumbing, L.L.C. <i>Notice of Entry of Stipulation and Order for Dismissal With Prejudice of All Claims & of Entire Action</i>
04/09/2018	 Motion to Dismiss <i>Motion to Dismiss Plaintiffs' Amended Complaint Pursuant to NRCP 12(b)(5)</i>
04/24/2018	 Opposition Filed By: Plaintiff Edgeworth Family Trust <i>Plaintiffs Opposition to Defendant's (Third) Motion to Dismiss</i>
05/02/2018	 Transcript of Proceedings <i>Recorder's Transcript of Hearing All Pending Motions April 3, 2018</i>
05/10/2018	 Motion to Dismiss <i>Special Motion to Dismiss the Amended Complaint: Anit-SLAPP</i>
05/18/2018	 Brief <i>Defendants' Brief Re: Evidentiary Hearing</i>

CASE SUMMARY

CASE NO. A-16-738444-C

05/18/2018	 Brief Filed By: Plaintiff Edgeworth Family Trust <i>Plaintiffs' Bench Brief</i>
05/23/2018	 Opposition Filed By: Plaintiff Edgeworth Family Trust <i>Plaintiffs Opposition to Defendants Second Special Motion to Dismiss: Anti-Slapp</i>
09/17/2018	 Trial Brief Filed By: Plaintiff Edgeworth Family Trust <i>Simon Law's Trial Brief Requesting an Adverse Inference for Invoking Spousal Privilege</i>
10/11/2018	 Decision and Order <i>Decision and Order on Motion to Adjudicate Lien</i>
10/11/2018	 Order <i>Decision and Order on Motion to Dismiss NRCP 12(B)(5)</i>
10/11/2018	 Order <i>Decision and Order on Special Motion to Dismiss Anti-Slapp</i>
10/24/2018	 Notice of Entry of Decision and Order <i>Notice of Entry of Decision and Order on Motion to Dismiss NRCP 12(B)(5)</i>
10/29/2018	 Motion <i>Motion to Amend Findings</i>
10/31/2018	 Motion to Amend <i>Motion to Amend Findings Under NRCP 52; and/or for Reconsideration; Order Shortening Time</i>
11/08/2018	 Opposition Filed By: Plaintiff Edgeworth Family Trust <i>Plaintiffs' Opposition to Simon's Motion to Amend Findings Under NRCP 52; and/or, for Reconsideration</i>
11/14/2018	 Reply in Support Filed By: Plaintiff Edgeworth Family Trust <i>Reply in Support of Motion to Amend Findings Under NRCP 52; and/or for Reconsideration</i>
11/19/2018	 Amended Order <i>Amended Decision and Order on Motion to Dismiss NRCP 12(B)(5)</i>
11/19/2018	 Order <i>Decision and Order on Motion to Adjudicate Lien</i>
12/07/2018	 Case Appeal Statement Filed By: Plaintiff Edgeworth Family Trust <i>Case Appeal Statement</i>
12/07/2018	 Notice of Appeal Filed By: Plaintiff Edgeworth Family Trust <i>Notice of Appeal</i>

CASE SUMMARY

CASE NO. A-16-738444-C

12/07/2018	 Motion for Attorney Fees and Costs <i>Motion for Attorney Fees and Costs</i>
12/13/2018	 Motion for Order Filed By: Plaintiff Edgeworth Family Trust <i>Plaintiffs' Motion For An Order Directing Simon To Release Plaintiffs' Funds</i>
12/17/2018	 Opposition to Motion Filed By: Plaintiff Edgeworth Family Trust <i>Plaintiffs' Opposition to Simon's Motion for Fees and Costs</i>
12/17/2018	 Transcript of Proceedings Party: Defendant Lange Plumbing, L.L.C. <i>Recorder's Transcript of Proceedings re: Motion to amend findings, Thursday, November 15, 2018</i>
12/17/2018	 Notice of Appeal <i>Notice of Cross Appeal</i>
12/17/2018	 Case Appeal Statement <i>Case Appeal Statement</i>
12/27/2018	 Notice of Entry of Order Filed By: Plaintiff Edgeworth Family Trust <i>Notice of Entry of Orders</i>
12/27/2018	 Notice of Filing Cost Bond <i>Notice of Posting Cost Bond</i>
12/28/2018	 Notice of Filing Cost Bond Filed By: Plaintiff Edgeworth Family Trust <i>Notice of Posting Cost Bond</i>
12/28/2018	 Notice of Hearing Filed By: Plaintiff Edgeworth Family Trust <i>Notice of Hearing on Plaintiffs' Motion for Release of Funds</i>
01/08/2019	 Reply in Support <i>Reply in Support of Motion for Attorney Fees and Costs</i>
01/09/2019	 Notice of Entry of Decision and Order <i>Notice of Entry of Decision and Order on Special Motion to Dismiss Anti-Slapp</i>
01/11/2019	 Opposition to Motion <i>Opposition to Plaintiffs' Motion for Release of Funds</i>
01/28/2019	 Reply Filed by: Plaintiff Edgeworth Family Trust <i>Plaintiffs' Reply to Opposition to Plaintiffs' Motion for Release of Funds</i>
01/30/2019	 Transcript of Proceedings <i>Recorder's Transcript of Proceedings re Motion for Attorney's Fees and Costs</i>

CASE SUMMARY

CASE NO. A-16-738444-C

02/08/2019



Decision and Order

(A738444 and A767242) Decision and Order Granting in Part and Denying in Part, Simon's Motion for Attorney Fees and Costs

02/08/2019



Notice of Entry of Decision and Order

Notice of Entry of Decision and Order Granting in Part and Denying in Part, Simon's Motion for Attorney's Fees and Costs

02/15/2019



Notice of Appeal

Filed By: Plaintiff Edgeworth Family Trust

Notice of Appeal

02/15/2019



Case Appeal Statement

Filed By: Plaintiff Edgeworth Family Trust

Case Appeal Statement

DISPOSITIONS

12/08/2017

Order of Dismissal With Prejudice (Judicial Officer: Jones, Tierra)

Debtors: Viking Corporation (Third Party Plaintiff), Supply Network Inc (Third Party Plaintiff)

Creditors: Giberti Construction Llc (Third Party Defendant)

Judgment: 12/08/2017, Docketed: 12/08/2017

01/02/2018

Order of Dismissal With Prejudice (Judicial Officer: Jones, Tierra)

Debtors: Edgeworth Family Trust (Plaintiff), American Grating LLC (Plaintiff)

Creditors: Viking Corporation (Defendant), Supply Network Inc (Defendant), Viking Group Inc (Defendant)

Judgment: 01/02/2018, Docketed: 01/02/2018

02/20/2018

Order of Dismissal With Prejudice (Judicial Officer: Jones, Tierra)

Debtors: Edgeworth Family Trust (Plaintiff), American Grating LLC (Plaintiff), Rimkus

Consulting Group, Inc. (Other), Law Office of Daniel S. Simon, PC (Other)

Creditors: Lange Plumbing, L.L.C. (Defendant), Law Office of Daniel Simon, PC (Defendant)

Judgment: 02/20/2018, Docketed: 02/20/2018

Debtors: Viking Corporation (Cross Defendant), Supply Network Inc (Cross Defendant)

Creditors: Lange Plumbing, L.L.C. (Cross Claimant)

Judgment: 02/20/2018, Docketed: 02/20/2018

Debtors: Lange Plumbing, L.L.C. (Counter Defendant), Viking Corporation (Counter Defendant), Supply Network Inc (Counter Defendant)

Creditors: Viking Corporation (Counter Claimant), Supply Network Inc (Counter Claimant),

Giberti Construction Llc (Counter Claimant)

Judgment: 02/20/2018, Docketed: 02/20/2018

02/22/2018

Order of Dismissal With Prejudice (Judicial Officer: Jones, Tierra)

Debtors: Edgeworth Family Trust (Plaintiff)

Creditors: Viking Corporation (Defendant)

Judgment: 02/22/2018, Docketed: 02/22/2018

11/19/2018

Amended Order of Dismissal (Judicial Officer: Jones, Tierra)

Debtors: Lange Plumbing, L.L.C. (Defendant), Viking Automatic Sprinkler Co (Defendant),

Viking Corporation (Defendant), Supply Network Inc (Defendant), Viking Group Inc

(Defendant), Law Office of Daniel Simon, PC (Defendant), Law Office of Daniel S Simon

(Defendant)

Creditors: Edgeworth Family Trust (Plaintiff), American Grating LLC (Plaintiff)

Judgment: 11/19/2018, Docketed: 10/11/2018

02/08/2019

Order (Judicial Officer: Jones, Tierra)

Debtors: Edgeworth Family Trust (Plaintiff)

Creditors: Daniel S Simon (Defendant)

CASE SUMMARY




CASE NO. A-16-738444-C

Judgment: 02/08/2019, Docketed: 02/08/2019

Total Judgment: 55,000.00

Comment: In Part

HEARINGS

03/07/2017	<p>Motion for Summary Judgment (9:00 AM) (Judicial Officer: Barker, David)</p> <p>Events: 01/13/2017 Motion for Summary Judgment</p> <p><i>Plaintiffs Motion for Summary Judgment</i></p> <p>Denied;</p>
03/07/2017	<p>Motion to Amend Complaint (9:00 AM) (Judicial Officer: Barker, David)</p> <p><i>Plaintiffs Motion to Amend the Complaint on Order Shortening Time</i></p> <p>Granted;</p>
03/07/2017	<p> All Pending Motions (9:00 AM) (Judicial Officer: Barker, David)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT...PLAINTIFF'S MOTION TO AMEND THE COMPLAINT ON ORDER SHORTENING TIME Following arguments by counsel, COURT ORDERED, Plaintiff's Motion to Amend the Complaint, GRANTED. COURT FURTHER ORDERED, Plaintiff's Motion for Summary Judgment, DENIED. ;</i></p>
04/25/2017	<p> Motion for Summary Judgment (9:30 AM) (Judicial Officer: Bonaventure, Joseph T.)</p> <p><i>Plaintiffs' Motion for Summary Judgment Against Lange Plumbing, LLC, Only</i></p> <p>Denied Without Prejudice;</p> <p>Journal Entry Details:</p> <p><i>Court noted it reviewed everything. Further, its only been a short time for discovery. Following arguments by counsel, Court Stated its Findings, and ORDERED, Plaintiffs' Motion for Summary Judgment Against Lange Plumbing, LLC, Only, DENIED WITHOUT PREJUDICE. Counsel can re-file after the production of the rebuttal experts reports. Plaintiff's counsel to prepare the order.;</i></p>
05/17/2017	<p> Motion to Compel (9:30 AM) (Judicial Officer: Bulla, Bonnie)</p> <p><i>Deft Lange Plumbing's Motion to Compel Plaintiff's to Release Sprinkler Heads for Testing by Lange Plumbing on OST</i></p> <p>Granted; Deft Lange Plumbing's Motion to Compel Plaintiff's to Release Sprinkler Heads for Testing by Lange Plumbing on OST</p> <p>Journal Entry Details:</p> <p><i>Commissioner advised counsel they need a joint protocol for destructive testing. Ms. Dalacas stated some sprinkler heads were inspected, and testing was requested on eight sprinkler heads. Colloquy re: transporting sprinklers, and if items are lost, who gets the adverse inference. Arguments by counsel. Pltf's expert is in San Diego. Commissioner suggested a paralegal or secretary fly to pick up spinklers. COMMISSIONER RECOMMENDED, motion is ALLOWED with CAVEATS; destructive testing is allowed for no more than 10 sprinkler heads as identified by experts; coordinate as other experts will be present or not, but filming is REQUIRED; Commissioner REQUIRED Defense counsel work with Pltf's counsel to determine how sprinkler heads will be transported; Deft Lange Plumbing will bear the costs of transfer and costs for risk of sprinkler heads not arriving at destination here in Las Vegas, and an adverse inference may be given if appropriate. Ms. Pancoast stated implicating Lange Plumbing with an adverse inference could impact Viking. Ms. Pancoast stated another party is coming into the case. COMMISSIONER RECOMMENDED, discovery cutoff EXTENDED to 10-16-17 adding parties, amended pleadings, and initial expert disclosures DUE 7-17-17; rebuttal expert disclosures DUE 8-17-17; file dispositive motions by 11-16-17; 1-8-2018 Trial date STANDS. Commissioner advised counsel to let the new party know about destructive testing. Commissioner is available by conference call if necessary. Ms. Dalacas to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.;</i></p>
06/07/2017	<p>Motion to Compel (9:30 AM) (Judicial Officer: Bulla, Bonnie)</p> <p><i>Plaintiffs Motion to Compel the Deposition of Defendant Lange Plumbing, LLC's 30b6</i></p>

CASE SUMMARY

CASE NO. A-16-738444-C

Designee and for Sanctions
Granted;

06/07/2017

Opposition and Countermotion (9:30 AM) (Judicial Officer: Bulla, Bonnie)

Defendant Lange Plumbing, LLC's Opposition to Plaintiff's Motion to Compel the Deposition of Defendant Lange Plumbing, LLC's 30(B)(6) Designee and for Sanctions and Countermotion for Sanctions

Denied;

06/07/2017



All Pending Motions (9:30 AM) (Judicial Officer: Bulla, Bonnie)

Matter Heard;

Journal Entry Details:

Plaintiffs Motion to Compel the Deposition of Defendant Lange Plumbing, LLC's 30b6 Designee and for Sanctions Deft Lange Plumbing, LLC's Opposition / Countermotion for Sanctions Commissioner advised counsel the knowledge requirement was removed from the 30(b)(6) deposition. Arguments by counsel. Commissioner will consider Mr. Simon's request for fees. MATTER TRAILED for counsel to conduct a 2.34 conference. MATTER RECALLED: Mr. Simon stated Ms. Dalacas will try to produce one of four witnesses and produce a 30(b)(6) Deponent on 6-29-17, and produce 1,000 personnel records by 6-14-17. Mr. Simon needs to see records to determine fees. Argument by Ms. Dalacas, and counsel requested Commissioner deny the fees. COMMISSIONER RECOMMENDED, Pltfs' Motion for an Order to Show Cause on 6-21-17 STANDS. COMMISSIONER RECOMMENDED, Mr. Simon's Request for Fees is UNDER ADVISEMENT; Plaintiffs Motion to Compel the Deposition of Defendant Lange Plumbing, LLC's 30(b)(6) Designee and for Sanctions is GRANTED, and include agreement in the body of Report and Recommendations; Status Check SET on Compliance; Commissioner will continue matter if counsel have a conflict; Deft Lange Plumbing, LLC's Countermotion for Sanctions is DENIED. Mr. Simon to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Further arguments by counsel. Ms. Dalacas's family member passed away. 7-12-17 9:00 a.m. Status Check: Mr. Simon's Request for Fees SC: Compliance;

07/12/2017

CANCELED Motion for Order to Show Cause (9:00 AM) (Judicial Officer: Bulla, Bonnie)

Vacated

Plaintiffs' Motion for An Order to Show cause and Compel James Kreason to Appear for Deposition

07/12/2017



Status Check (9:00 AM) (Judicial Officer: Bulla, Bonnie)

Status Check: Mr. Simon's Request for Fees SC: Compliance

Matter Heard; Status Check: Mr. Simon's Request for Fees SC: Compliance


Journal Entry Details:

Mr. Simon stated the 30(b)(6) witness was produced, and witness information is missing re: who installed sprinklers inside the home; Kyle Mao (Installer) was disclosed June 2017, Mr. Simon took his deposition and he was employed the entire time and is still employed. No information on Clinton Stephon or Al (maybe Alfonso). Argument by Mr. Simon; supplement provided to Commissioner in Open Court. On 6-14-17, Ms. Dalacas stated 3,000 Pages were produced, 14 employee personnel files, and counsel confirmed Mr. Mao was disclosed in a 16.1 disclosure within the last few months. Arguments by counsel. Mr. Simon will supplement costs for the 30(b)(6) deposition unless counsel work it out. Commissioner will uphold counsels' negotiations. Based on the Memorandum of Costs, COMMISSIONER RECOMMENDED, Commissioner awarded \$3,850, and payment due within 30 days after Court signs the recommendation. Commissioner accepted the analysis in supplemental memorandum, and Mr. Simon must apply the Brunzell factors; fees run to Lange Plumbing only, not the attorney; fees for court reporter and videographer for second 30(b)(6) deposition are UNDER ADVISEMENT; Status Check SET; if counsel believe documents are insufficient, have a 2.34 conference on the last 30(b)(6) discovery. Mr. Simon requested measurements, raw data, and videotape from destructive testing on sprinklers, but portions weren't videotaped, and sprinklers must be transported back to Pltf's expert in California. Ms. Dalacas's expert has sprinklers in his possession, and counsel has no problem releasing them with a protocol in place. Colloquy. COMMISSIONER RECOMMENDED, counsel to work out the protocol; Ms. Dalacas must turn over videotape, raw data, and raw data sheet to all parties by 7-19-17. Expert disclosure deadlines discussed. Based on counsels' agreement, COMMISSIONER RECOMMENDED, move dates two weeks except dispositive motions. Ms. Shaine advised Commissioner she has a pending Motion on OST to extend deadlines and the

CASE SUMMARY

CASE NO. A-16-738444-C


Trial date. Commissioner stated the Judge's Order would supercede today's Recommendation from the Commissioner. Ms. Ferrel to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. 8-9-17 9:00 a.m. Status Check: Fees (VACATED) CLERK'S NOTE: In addition to the attorneys' fees awarded above, the Discovery Commissioner awards Plaintiffs their costs of \$973.20 for the Court Reporter and Videographer for the deposition of Bernie Lange taken on June 29, 2017. These costs are to be included in the July 12, 2017 Report and Recommendations to be prepared by Plaintiffs' counsel and submitted within ten (10) days. The Status Check hearing set 8-9-17 is VACATED. (JL 7-21-17) CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Daviel Simon Athanasia Dalacas - Resnick & Louis Janet Pancoast - Cisneros & Marias Cher Shaine - O'Reilly Law;

07/13/2017	CANCELED Status Check: Compliance (3:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated - per Commissioner</i>
07/14/2017	CANCELED Motion to Extend Discovery (9:30 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated - per Commissioner</i> <i>Giberti Construction, LLC's Motion to Extend Discovery Deadlines on OST</i>
07/14/2017	CANCELED Joinder (9:30 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated - per Commissioner</i> <i>The Viking Corporation & Supply Network, Inc.'s Joinder to Giberti Construction, LLC's Motion to Continue Discovery Deadlines</i>
07/25/2017	 Motion (9:30 AM) (Judicial Officer: Jones, Tierra) <i>Giberti Construction LLC's Motion to Extend Discovery Deadlines on an Order Shortening Time</i> Granted; Journal Entry Details: <i>Following arguments by counsel, Court stated its findings and ORDERED, As to Giberti Construction LLC's Motion to Extend Discovery Deadlines, based on the original discovery disclosure deadline of 7-17-17, discovery extended for thirty 30 days. Deadlines are as follows: Close of Discovery will be 11-13-17; Last day to file motions to amend pleadings or add parties will be 8-14-17; Initial expert disclosure will be 8-14-17; Rebuttal expert disclosure 9-18-17; Last day to file dispositive motions will be 12-11-17. Colloquy regarding trial stacks. Upon Counsel's request, Court noted the 2-5-18 trial date will be the governing trial date for supplemental reports by experts. Court noted Judge Bonaventure's ruling on 4-24-17 that the motion for summary Judgment motion could be renewed after rebuttal expert reports, the Court will let that ruling Stand.;</i>
08/03/2017	CANCELED Status Check: Compliance (3:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated - per Commissioner</i>
08/09/2017	CANCELED Status Check (9:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated</i> <i>Status Check: Fees</i>
08/23/2017	Motion for Protective Order (9:30 AM) (Judicial Officer: Bulla, Bonnie) <i>The Viking Corporation & Supply Network, Inc.'s Motion for Protective Order & Request for OST</i> Granted in Part;
08/23/2017	Motion for Protective Order (9:30 AM) (Judicial Officer: Bulla, Bonnie) <i>Defendant's The Viking Corporation & Supply Network Inc's Motion for Protective Order (No. 2) & Request for OST</i> Granted in Part;
08/23/2017	Motion to Compel (9:30 AM) (Judicial Officer: Bulla, Bonnie) <i>Plaintiffs' Motion to Compel Viking Documents and for Order to Respond to Discovery and for Sanctions on OST</i> Granted in Part;

CASE SUMMARY

CASE NO. A-16-738444-C

08/23/2017

 **All Pending Motions** (9:30 AM) (Judicial Officer: Bulla, Bonnie)

Matter Heard;

Journal Entry Details:




Plaintiffs' Motion to Compel Viking Documents and for Order to Respond to Discovery and for Sanctions on OST Defendant's The Viking Corporation & Supply Network Inc.'s Motion for Protective Order (No. 2) & Request for OST The Viking Corporation & Supply Network, Inc.'s Motion for Protective Order & Request for OST COMMISSIONER RECOMMENDED, Plaintiffs' Motion to Compel Viking Documents and for Order to Respond to Discovery and for Sanctions is GRANTED IN PART; go back five years prior to date of this incident and produce models that use fusible link solder LIMITED to the United States for timeframe of January 1, 2012 up to the present time (any geographical locations where VK457 sprinkler heads were distributed). Arguments by counsel. Incident occurred April 2016. Two Attorneys are in the courtroom, but they haven't been admitted Pro Hac Vice. Email provided to Commissioner in Open Court from Mr. Simon. If an email is produced, Commissioner stated the attachments must be produced. MATTER TRAILED for a meaningful 2.34 conference. MATTER RECALLED: Mr. Simon stated Ms. Pancoast will produce more information. Arguments by counsel. Mr. Simon stated California litigation involves the same sprinkler heads and the same activation issue. Mr. Simon contacted counsel for Plaintiffs, but they refused to speak with him. The California case did not go to Trial. Colloquy re: what the Protective Order covered. COMMISSIONER RECOMMENDED, turn over expert depositions, reports, and Deft depositions or 30(b)(6) depositions. Colloquy re: turning over documents filed or attached to dispositive motions unless the Court seals the entire case. COMMISSIONER RECOMMENDED, produce Pltf depositions (Harold Rogers and Patrick Human), and Mr. Simon will pay reasonable copy costs under Rule 34(d). COMMISSIONER RECOMMENDED, in Motion to Compel - 1) VK457 produce all documents dealing with sprinkler activations worldwide from 1-1-2012 to the present; 2) production and decision to release 7800 sprinklers to the public December 2013 is a 30(b)(6) Topic - produce information and Pltf will pay reasonable copy charges; 3) drawings - provide information related to VK457; 4) all emails and attachments must be produced as discussed; 5) supplement answers and documents for VK457 and provide U.K. information related to VK457; 6) documents LIMITED to activation issues and over-tightening of screw or solder problem pertaining to VK457. Upon Mr. Simon's request for an organized production, COMMISSIONER RECOMMENDED, produce by date (month and year, earliest date first). Colloquy. COMMISSIONER RECOMMENDED, Request for Sanctions is DEFERRED, and Status Check SET; supplemental information due 9-22-17. Commissioner offered a Mandatory Settlement Conference. Ms. Pancoast stated the parties are setting up private Mediation in October. Contact Commissioner for assistance with a MSC if necessary. Colloquy re: resetting Mr. Carnahan's deposition on 9-7-17. Commissioner will not give a second deposition after the rebuttal report. COMMISSIONER RECOMMENDED, counsel must comply with Rule 16.1(a)(2); overly burdensome production is DENIED with the CAVEAT, after taking Mr. Carnahan's deposition, request the transcript. Colloquy re: asking questions about Mr. Carnahan's participation with the Law Firm. Mr. Simon made the Demand on the record. COMMISSIONER RECOMMENDED, reports and deposition transcripts from Thorpe litigation and SSF litigation must be available, and the whole work file for this case; every report, deposition transcripts, and billing records are PROTECTED unless there was a specific report pertaining to VK457 or a deposition given in Thorpe or SSF cases; if under a Protective Order, assert a privilege, and provide a copy of the Court Order to Mr. Simon. Colloquy re: emails not marked should not be confidential. Document provided to Commissioner in Open Court from Mr. Simon. Arguments by counsel. Mr. Simon brought four discs re: document production. COMMISSIONER RECOMMENDED, for Rule 30(b)(6) deposition, subjects 621, 622, 623, 624, are LIMITED to VK457 for 1-1-2012 to the present, but are Not Limited to the United States; Interrogatory 1 - identify document and bates label, or answer and verify; Interrogatory 2 is LIMITED to VK457; Request for Production 7 and 16 - answer them for five years prior to subject incident LIMITED to VK457, and email attachments must be produced; RTP 1, 2, 3 - production is Not Limited to the U.S., but is LIMITED to VK457 for 1-1-2012 to the present; if Defts don't have documents, explain efforts and why Defts don't have documents; supplement due 9-22-17. COMMISSIONER RECOMMENDED, The Viking Corporation & Supply Network, Inc.'s Motion for Protective Order & Request is GRANTED IN PART; Defendant's The Viking Corporation & Supply Network Inc's Motion for Protective Order (No. 2) & Request is GRANTED IN PART. Ms. Pancoast to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 20 days of the hearing. Otherwise, counsel will pay a contribution. 10-11-17 10:30 a.m. Status Check: Claims ;

09/07/2017

CANCELED Status Check: Compliance (3:00 AM) (Judicial Officer: Bulla, Bonnie)
 Vacated - per Commissioner

CASE SUMMARY

CASE NO. A-16-738444-C

09/07/2017	Motion to Associate Counsel (3:00 AM) (Judicial Officer: Jones, Tierra) Granted;
09/07/2017	Motion to Associate Counsel (3:00 AM) (Judicial Officer: Jones, Tierra) <i>Defendant Viking Corporation's Motion to Associate Counsel</i> Granted;
09/07/2017	 All Pending Motions (3:00 AM) (Judicial Officer: Jones, Tierra) Matter Heard; Journal Entry Details: <i>Motion to Associate Counsel: Following a review of the papers and pleadings on file herein, the Court finds that the Motion to Associate Counsel is GRANTED ;</i>
09/13/2017	 Motion to Compel (10:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Defendants The Viking Corporation & Supply Network, Inc.'s Motion to Compel Home Inspection & or in the Alternative Motion to Strike Portions of Expert Testimony & OST Denied Without Prejudice; Defendants The Viking Corporation & Supply Network, Inc.'s Motion to Compel Home Inspection & or in the Alternative Motion to Strike Portions of Expert Testimony & OST</i> Journal Entry Details: <i>Commissioner will not strike expert testimony. Colloquy re: numerous requests to inspect, and Defts wanted to conduct a heat test and inspect the property (wasn't done); Defts want a one hour test, Pltfs who live in the house could remain (but they won't without Pltf's counsel present). Unless there is a change in circumstance, Commissioner inquired why another inspection is needed. Argument by Ms. Pancoast; counsel stated the inspection is to see the present condition of the house. The house was listed for sale May 2017. Commissioner will give the Realtor expert some consideration. Ms. Pancoast will take the attic off the list based on the discussion, and the General Contractor will deal with claims from Page 41 on Appraiser's report. Commissioner asked Ms. Pancoast to articulate what Deft wants to inspect. Statement by Ms. Dalacas. Colloquy re: expert disclosures. Argument by Mr. Simon; Pltf hasn't been deposed. Nothing has changed in the house, Pltf completed repairs as much as they could to list the house; things disclosed from day one are ultimately unrepairable, and Mr. Simon stated that is the case. Arguments by counsel. Pltfs are still living in the house. Commissioner will not continue the Trial date. Counsel were Directed not to speak and argue with each other, but present arguments to Commissioner. Colloquy re: status of the fireplace. Mr. Simon stated the house was fully repaired to the best it could be, and listed for sale May 2017. Commissioner is asking questions, and counsel must answer without interruption. COMMISSIONER RECOMMENDED, motion is DENIED WITHOUT PREJUDICE. Ms. Pancoast requested color copies of photos from Pltf Appraisal expert's report. Provided as discussed. Ms. Ferrel to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.;</i>
09/19/2017	 Motion to Amend Complaint (9:30 AM) (Judicial Officer: Jones, Tierra) <i>Plaintiffs' Motion to Amend the Complaint to Add Viking Group, Inc.</i> Granted; Journal Entry Details: <i>Following arguments by counsel, Court Stated its Findings and ORDERED, Plaintiffs' Motion to Amend the Complaint to Add Viking Group, Inc, GRANTED. Mr. Simon to prepare the order.;</i>
09/20/2017	Motion to Compel (9:30 AM) (Judicial Officer: Bulla, Bonnie) <i>Plaintiffs' Motion to Compel Rimkus Consulting to Respond to the Notice of Deposition and Subpoena Duces Tecum</i> Granted;
09/20/2017	Opposition and Countermotion (9:30 AM) (Judicial Officer: Bulla, Bonnie) <i>NonParty Rimkus Constulng Group, Inc.'s Opposition to Plaintiffs' Motion to Compel Rimkus Consulting Group [Group, Inc.] to Respond to the Notice of Deposition and Subpoena Duces Tecum; and Counter-Motion to Quash, and Motion for Protective Order</i> Denied;

CASE SUMMARY

CASE NO. A-16-738444-C

09/20/2017



All Pending Motions (9:30 AM) (Judicial Officer: Bulla, Bonnie)

Matter Heard;

Journal Entry Details:

Plaintiffs' Motion to Compel Rimkus Consulting to Respond to the Notice of Deposition and Subpoena Duces Tecum NonParty Rimkus Construing Group, Inc.'s Opposition to Plaintiffs' Motion to Compel Rimkus Consulting Group [Group, Inc.] to Respond to the Notice of Deposition and Subpoena Duces Tecum; and Counter-Motion to Quash, and Motion for Protective Order Mr. Simon stated during the deposition, the Engineer agreed to prepare a list, a bill was sent, and Mr. Simon paid it. Then there was an objection. Commissioner advised counsel to modify the Subpoena. Arguments by counsel. COMMISSIONER RECOMMENDED, Plaintiffs' Motion to Compel Rimkus Consulting to Respond to the Notice of Deposition and Subpoena Duces Tecum is GRANTED, scope of Subpoena is MODIFIED and limited to the VK457 sprinkler heads list by Mr. Johnson; REDACT name of person or entity on ownership where sprinklers were examined; the entire list Will Not be shared with anyone outside of litigation, and the consulting type reviews are PROTECTED under Rule 26 (c) until such time as otherwise ordered by the District Court Judge; for matters reviewed involving litigation, identify and go back four years pursuant to Rule 16.1; if there are court cases, there is no privilege. Upon Mr. Simon's request, COMMISSIONER RECOMMENDED, whatever list Mr. Johnson contemplated at the time of his deposition will be disclosed; if the list includes a case already in litigation, it is Not Protected. COMMISSIONER RECOMMENDED, NonParty Rimkus Construing Group, Inc.'s Counter-Motion to Quash, and Motion for Protective Order is DENIED. Mr. Couvillier requested cost sharing. Commissioner stated Mr. Simon will not be charged more money. Ms. Ferrel to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.;

10/03/2017

Motion in Limine (9:30 AM) (Judicial Officer: Jones, Tierra)

Plaintiffs' Motion in Limine to Exclude Defendants the Viking Corporation & Supply Network, Inc. dba Viking Supplynet's Expert, Jay Rosenthal on Order Shortening Time
Granted;

10/03/2017

Joinder to Motion in Limine (9:30 AM) (Judicial Officer: Jones, Tierra)

Third Party Defendant Giberti Corporation LLC's Joinder to Exclude Defendants, The Viking Corporation & Supply Network, Inc. dba Viking Supplynet's Expert, Jay Rosenthal on Order Shortening Time
Granted;

10/03/2017



All Pending Motions (9:30 AM) (Judicial Officer: Jones, Tierra)

Matter Heard;

Journal Entry Details:

Plaintiffs' Motion in Limine to Exclude Defendants the Viking Corporation & Supply Network, Inc. dba Viking Supplynet's Expert, Jay Rosenthal on Order Shortening Time....Third Party Defendant Giberti Construction LLC's Joinder to Plaintiff's Motion to Strike Viking's Answer on OST Court noted it received an opposition in chambers late yesterday, however, the one the Court has does not have a file stamp. The parties agree to go forward. Mr. Simon submitted photo's to the Court and lodged as Court's exhibits. COURT ORDERED, Joinder GRANTED. Following arguments by counsel, Court stated its Findings and ORDERED, Plaintiffs' Motion in Limine to Exclude Defendants the Viking Corporation & Supply Network, Inc. dba Viking Supplynet's Expert, Jay Rosenthal, GRANTED. Court noted if for some reason, that changes and counsel finds out additional information and goes through the proper procedures, counsel can readdress that. Plaintiff's counsel to prepare the order and submit to Court for signature.;

10/04/2017

Motion to Compel (9:30 AM) (Judicial Officer: Bulla, Bonnie)

Plaintiffs' Motion to Compel Testimony and Evidence of Defts, the Viking corporation & Supply Network Inc dba Viking Supplynet's Expert, Robert Carnahan, or in the Alternative, Strike Robert Carnahan as an Expert on OST
Granted;

10/04/2017

Joinder (9:30 AM) (Judicial Officer: Bulla, Bonnie)

Third Party Deft Giberti Corporation LLC's Joinder to Plaintiff's Motion to Compel Testimony and Evidence of Defts The Viking Corporation & Supply Network Inc. dba Viking Suplynet's Expert Robert Carnahan or in the Alternative Strike Robert Carnahan as an Expert on OST
Granted;

CASE SUMMARY

CASE NO. A-16-738444-C

10/04/2017

Motion (9:30 AM) (Judicial Officer: Bulla, Bonnie)

10/04/2017, 10/18/2017, 10/24/2017, 11/17/2017

Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

10/04/2017

Joinder (9:30 AM) (Judicial Officer: Bulla, Bonnie)

10/04/2017, 10/18/2017, 10/24/2017, 11/17/2017

Third Party Deft Giberti Corporation LLC's Joinder to Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

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Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

10/04/2017



All Pending Motions (9:30 AM) (Judicial Officer: Bulla, Bonnie)

Matter Heard;

Journal Entry Details:

Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their DocumentsThird Party Deft Giberti Corporation LLC's Joinder COMMISSIONER RECOMMENDED, submit amended privilege log to Commissioner as soon as possible but by 10-13-17 (10-10-17 RESCINDED); hand deliver to Commissioner, Pltf, and co-Defense counsel (no ex-parte). Defts agreed to provide an Opposition by 10-11-17 to Motion to Strike the Answer. COMMISSIONER RECOMMENDED, Motion to De-Designate and the Joinder are CONTINUED. Plaintiffs' Motion to Compel Testimony and Evidence of Defts, the Viking Corporation & Supply Network Inc dba Viking Supplynet's Expert, Robert Carnahan, or in the Alternative, Strike Robert Carnahan as an Expert on OST Third Party Deft Giberti Corporation LLC's Joinder Commissioner addressed confidential document production and the Protective Order. Colloquy. Argument by Mr. Kershaw and Mr. Simon. Two documents produced in this case by Viking were provided to Commissioner from Mr. Simon in Open Court. COMMISSIONER RECOMMENDED, whatever Mr. Carnahan reviewed / authored in preparation for his deposition and testimony will be produced (including UL documents and billing records). Arguments by counsel. COMMISSIONER RECOMMENDED, Motion to Compel and Joinders are GRANTED within parameters; Mr. Carnahan will provide testimony on sprinkler head VK457 and materials; to the extent Mr. Carnahan did testing in other venues

CASE SUMMARY


CASE NO. A-16-738444-C

for opinions he relied on in this case, costs of three tests, and Mr. Carnahan's compensation, the information must be produced, and address related bias issues; no other billing. COMMISSIONER RECOMMENDED, costs of Mr. Carnahan's second deposition borne by Deft including pay expert fees, Court Reporter fee, and pay for Plaintiff's transcript. Mr. Carnahan is in Los Angeles. Under these circumstances, COMMISSIONER RECOMMENDED, the second deposition can be a video conference for 3 1/2 hours, and send documents to the Court Reporter in advance; Deft will pay for video conference and Videographer. COMMISSIONER RECOMMENDED, produce additional documents to Pltf's counsel no later than 10-25-17 (RESCIND 10-31-17), and complete Mr. Carnahan's deposition by 11-15-17 (RESCIND 11-30-17); alternative relief is DENIED WITHOUT PREJUDICE, and the expert Is Not Stricken; documents discussed will be covered by the Protective Order in this case. Ms. Dalacas had no chance to question Mr. Carnahan, and counsel requested time to question the expert. Commissioner advised Ms. Dalacas and Defense counsel they must pay the expert's time (invoice after deposition). Mr. Simon stated the Judge gave a somewhat Firm Trial date of 2-5-18; discovery cutoff EXTENDED to 12-1-17; dispositive motions deadline STANDS; no repetitive questioning. COMMISSIONER RECOMMENDED, deposition is one day, do not exceed seven hours. Commissioner is available by conference call. Mr. Simon stated Mediation is set 10-10-17. Ms. Ferrel to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. 10-18-17 10:30 a.m. Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST and Joinder;

10/18/2017 **Status Check: Compliance** (10:30 AM) (Judicial Officer: Bulla, Bonnie)
Status Check: Compliance / Discovery
Matter Heard;

10/18/2017 **Motion to Strike** (10:30 AM) (Judicial Officer: Bulla, Bonnie)
10/18/2017, 10/24/2017
Plaintiffs' Motion to Strike the Viking Defendants' Answer on OST
Matter Continued;
Deferred Ruling;
Matter Continued;
Deferred Ruling;

10/18/2017 **Joinder** (10:30 AM) (Judicial Officer: Bulla, Bonnie)
10/18/2017, 10/24/2017
Third Party Defendant Giberti Construction LLC's Joinder to Plaintiffs' Motion to Strike the Viking Defendants' Answer on OST
Matter Continued;
Deferred Ruling;
Matter Continued;
Deferred Ruling;

10/18/2017  **All Pending Motions** (10:30 AM) (Judicial Officer: Bulla, Bonnie)
Matter Heard;
Journal Entry Details:

Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST
Plaintiffs' Motion to Strike the Viking Defendants' Answer on OST Status Check:
Compliance I Discovery Third Party Deft Giberti Corporation LLC's Joinder to Plaintiffs'
Motion to De-Designate Viking's Confidentiality of Their Documents on OST Third Party
Defendant Giberti Construction LLC's Joinder to Plaintiffs' Motion to Strike the Viking
Defendants Answer on OST Kenton L. Robinson, Esquire, for The Viking Corporation and
Supply Network Inc. Commissioner advised Mr. Simon to make a list of all discovery abuses.
Commissioner inquired 1) was there actual in fact any type of head testing on sprinklerhead
VK457; 2) whether testing associated with VK456 formed the basis of testing or resolution on
VK457, and information that supports how many sprinklers prematurely activated causing a
claim, knowledge of a claim, or knowledge it actually happened (loss or not); how many
premature activations were there, and if information was known prior to this lawsuit in 2016.
Mr. Simon cannot address certain information as it hasn't been disclosed, and Defts were not
forthcoming. Argument by Mr. Simon. Document provided to Commissioner in Open Court.
Discovery abuse 1 - misrepresentation and failure to produce documents; 2 - failure to
produce relevant emails and attachments as previously ordered. Argument by Mr. Simon.
Commissioner addressed previous recommendation including protection of VK456. Discovery


CASE SUMMARY

CASE NO. A-16-738444-C

abuse 3 - misrepresentation and failure to provide testing of VK457 specifically for UL testing. Sia Dalacas, Esquire, present for Lange Plumbing LLC. Upon Commissioner's inquiry, Ms. Dalacas stated Lange Plumbing replaced all heads with Tyco heads in 2016, and Lange Plumbing paid for it; no reimbursement. Document provided to Commissioner from Mr. Simon in Open Court. Discovery abuse 4 - misrepresentations for failure to timely produce evidence of premature activations of sprinklerhead VK457. Argument by Mr. Robinson in opposition to Discovery abuses 1, 2, 3, 4. Colloquy re: findings of testing sprinklerheads. Mr. Simon responded to opposition. Document provided to Commissioner in Open Court from Mr. Simon. Arguments by counsel. Mr. Simon requested Discovery abuse 5 - the reason VK457 was discontinued. Commissioner asked if counsel are interested in a Mandatory Settlement Conference. No objection by Ms. Dalacas; no objection by Mr. Robinson to a Mediation or Settlement Conference with a Judge. Mr. Simon stated Pltf will attend, however, counsel doesn't know how fruitful it will be as Mr. Simon is still trying to obtain information. Mr. Simon stated expert depositions are being scheduled. Colloquy. COMMISSIONER RECOMMENDED, Status Check SET. Commissioner addressed the difficulty of the 55 Page privilege log. Argument by Ms. Pancoast. Commissioner advised counsel to meet and discuss what constitutes a protected document. Commissioner advised counsel if there is a case termination sanction, the District Court Judge will conduct the Evidentiary Hearing. Mr. Simon requested a stay on expert depositions. Commissioner suggested counsel move expert depositions. COMMISSIONER RECOMMENDED, Motion and Joinders are UNDER ADVISEMENT and CONTINUED. 10-24-17 11:00 a.m. same as above;

10/19/2017 **CANCELED Status Check: Compliance (3:00 AM)** (Judicial Officer: Bulla, Bonnie)
Vacated - per Commissioner

10/24/2017 **Status Check (11:00 AM)** (Judicial Officer: Bulla, Bonnie)
Status Check: Status of case
Matter Heard;

10/24/2017  **All Pending Motions (11:00 AM)** (Judicial Officer: Bulla, Bonnie)
Matter Heard;
Journal Entry Details:

Status Check: Status of case Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST Third Party Deft Giberti Corporation LLC's Joinder to Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST Plaintiffs' Motion to Strike the Viking Defendants' Answer on OST Third Party Defendant Giberti Construction LLC's Joinder to Plaintiffs' Motion to Strike the Viking Defendants Answer on OST ATTORNEYS PRESENT: Athanasia Dalacas (Lange Plumbing LLC) and Kenton Robinson (Supply Network Inc. and Viking Corporation). Colloquy re: load on link testing (pressure test), and solder creep testing (heat, pressure, time); discussion re: UL testing and product shipped in 2009. First premature activation of sprinkler head in 2013, and this incident was 4-9-16. Trial date is 1-8-18; Pltf's dispositive Motion against Lange Plumbing set 10-31-17. Ms. Pancoast stated the Judge advised counsel to be Trial ready 2-5-18. Theodore Parker, Esquire, present for Lange Plumbing. Commissioner advised counsel an Evidentiary Hearing is needed to determine whether or not there were intentional acts of misrepresentation, and an Evidentiary Hearing is DEFERRED to the District Court Judge. Commissioner addressed counsel regarding the combination of factors that led the case to where it is today. Based on a review of the papers, pleadings, and supplements in this case, COMMISSIONER FINDS 1) there was a misrepresentation to Pltfs in this case made by Viking Defts that UL testing was performed on the VK457 sprinkler head at or near the time the sprinkler head was marketed in 2008/2009 when this in fact had not occurred; 2) additional misrepresentations made by Viking Defts that UL had properly tested VK457, and there were no manufacturing defects in VK457 in production of VK457 in spite of the fact it had performed load on link testing in this case with this sprinkler head; 3) critical UL testing of sprinkler head - what the proper heat exposure could be for VK457 to start to disintegrate and cause premature activation, and whether there was a manufacturing defect (tightening screws causing lever to bend and pressure to increase on link causing premature activation of VK457); 4) number of premature activations of VK457 prior to filing this lawsuit. It is unclear to Commissioner the cause of one other premature activation in Clark County, and nothing was done until May 2017. COMMISSIONER FINDS 5) in spite of current knowledge of VK457 Deft continued to answer written discovery that UL testing was done in this case, and giving inconsistent answers to written discovery different than what their 30(b)(6) witness testified to and what their expert testified to. Colloquy re: Request for Admission 19. After an Evidentiary Hearing, if the Judge issues case terminating sanctions, Commissioner's Recommendation will be Moot. COMMISSIONER RECOMMENDED, Plaintiffs' Motion to Strike the Viking Defendants'

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CASE NO. A-16-738444-C

Answer and Joinder are DEFERRED to the Judge. In lieu of striking Viking's Answers, alternative relief is provided, and COMMISSIONER RECOMMENDED the Jury be advised by proper Jury instruction that contrary to initial representations made by Viking Defts in this case, no UL testing was performed on VK457 that involved load on link testing and/or heat tolerance testing; 2) due to misrepresentations made re: UL testing, there were significant costs incurred to determine testing was not completed; Commissioner understands testing is now being done, however, COMMISSIONER RECOMMENDED current testing on sprinkler head Not Be Allowed at Trial; Deft Will Not be able to utilize the heat defense at the time of Trial; all references to such be STRICKEN, and no expert testimony re: failure of VK457 due to heat in the attic. Argument by Mr. Parker. Fees and costs are DEFERRED to the Judge; COMMISSIONER RECOMMENDED an award of fees and costs for bringing a Motion to Strike Answers, for supplements, and Hearings for Pltfs' counsel; Deft could put together fees and costs to defend with the Brunzell factors. If Answers are Not Stricken and case is sent back to Commissioner to determine fees and costs, Commissioner will hear the matter. Arguments by counsel. Language discussed on an adverse inference Jury instruction. Commissioner stated in lieu of striking the Answers, there should be a Jury instruction given that contrary to representations made, UL did not test VK457 sprinkler head. Arguments by counsel. COMMISSIONER RECOMMENDED Viking's heat defense / theory why the VK457 sprinklers prematurely activated be STRICKEN; load on link testing defense is DEFERRED to the Judge. Mr. Simon requested to stay expert discovery. Commissioner has no opposition, but terms of stay are DEFERRED to the Judge. Commissioner offered a Mandatory Settlement Conference or Mediation; speak to the clients. Mr. Simon addressed revising the privilege log. Argument by Ms. Pancoast. Commissioner will review documents in camera. Arguments by counsel re: document production. Court Clerk received an email that Ms. Pancoast is needed in Department 6. COMMISSIONER RECOMMENDED, documents produced in this case will REMAIN PROTECTED until otherwise ordered by the District Court Judge; if any documents contain factual information, that information is not protected. Document provided to Commissioner from Mr. Simon in Open Court. COMMISSIONER RECOMMENDED, personal identifiers are PROTECTED; Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents and Joinder are CONTINUED. Ms. Ferrel to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. 11-17-17 10:00 a.m. Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST Third Party Deft Giberti Corporation LLC's Joinder to Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST;

10/31/2017

Motion for Summary Judgment (9:30 AM) (Judicial Officer: Jones, Tierra)
10/31/2017, 11/14/2017

Plaintiffs' Motion for Summary Judgment Against Lange Plumbing LLC Only...Motion to Bifurcate
Continued;

10/31/2017

Motion in Limine (9:30 AM) (Judicial Officer: Jones, Tierra)
10/31/2017, 11/14/2017

Plaintiffs Motion in Limine to Exclude Defendants The Viking Corporation & Supply Network, Inc., dba Viking Supplynet's Expert Robert Carnahan on Order Shortening Time
Continued;

10/31/2017



All Pending Motions (9:30 AM) (Judicial Officer: Jones, Tierra)

Matter Heard;

Journal Entry Details:

Plaintiffs Motion in Limine to Exclude Defendants The Viking Corporation & Supply Network, Inc., dba Viking Supplynet's Expert Robert Carnahan on Order Shortening Time...Plaintiffs' Motion for Summary Judgment Against Lange Plumbing LLC Only APPEARANCES CONTINUED, Kenton Robinson Esq., present on behalf of Supply Network Inc. and Viking Corporation. Court advised it spoke with Commissioner Bulla regarding the discovery violations found, and that Commissioner Bulla kicked the Heat Defense. Upon Court's inquiry regarding the load on link testing, and Commissioner Bulla's ruling as to that portion being left up to this Court, Mr. Simon advised there's some new current load on link testing, and not a single document has been produced. Further, Commissioner Bulla said they're never using that new testing. As far as the heat defense she's striking that. As to the load on link defense, based on the UL testing that wasn't done, that issue was deferred to this Court. As to all fees and costs regarding the discovery violations, that was deferred to this Court. Argument by Mr. Simon in support of Plaintiffs Motion in Limine to Exclude Defendants The Viking Corporation & Supply Network, Inc., dba Viking Supplynet's Expert Robert Carnahan. Opposition by Mr.

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CASE NO. A-16-738444-C

Robinson. Court noted it would like to review Commissioner Bulla's findings that are not available in Odyssey yet, before ruling on this motion. Mr. Simon to submit Reply to Opposition by the end of the week. Representations by Mr. Parker requesting the Court continue the matter, advising he asked Mr. Simon for an extension on this hearing, as he just received the file last week and he hasn't seen the discovery. Further, counsel is still waiting on correspondence files from withdrawing counsel, and there may have been a mistake with the thumb drive and he hasn't received the written discovery. Upon Court's inquiry, the opposition was filed by the withdrawing counsel. Mr. Simon requested previous counsel be present. Colloquy regarding previous counsel. Mr. Parker advised if they get the substitution of counsel done, it should alleviate some of the Court's concerns. COURT ORDERED, matters CONTINUED to the date given. 11/14/17 9:30 A.M. Plaintiffs Motion in Limine to Exclude Defendants The Viking Corporation & Supply Network, Inc., dba Viking Supplynet's Expert Robert Carnahan on Order Shortening Time...Plaintiffs' Motion for Summary Judgment Against Lange Plumbing LLC Only ;

11/09/2017



Motion to Reconsider (3:00 AM) (Judicial Officer: Jones, Tierra)

11/09/2017, 11/14/2017

Status Check: Plaintiffs Motion to Reconsider Order Granting The Viking Defendants Motions to Associate Counsel

Continued;

Journal Entry Details:

Plaintiff's Motion to Reconsider Order Granting The Viking Defendants Motions to Associate Counsel Following a review of the papers and pleadings on file herein, COURT ORDERED a Status Check Hearing on November 14, 2017 at 9:30 a.m. 11/14/17 9:30 A.M. Status Check: Plaintiff's Motion to Reconsider Order Granting The Viking Defendants Motions to Associate Counsel ;

11/14/2017



All Pending Motions (9:30 AM) (Judicial Officer: Jones, Tierra)

Matter Heard;

Journal Entry Details:

Status Check: Plaintiffs Motion to Reconsider Order Granting The Viking Defendants Motions to Associate Counsel...Plaintiffs' Motion for Summary Judgment Against Lange Plumbing LLC Only...Plaintiffs Motion in Limine to Exclude Defendants The Viking Corporation & Supply Network, Inc., dba Viking Supplynet's Expert Robert Carnahan on Order Shortening Time APPEARANCES CONTINUED: Kenton Robinson Esq., for Supply Network Inc. and Viking Corporation. Mr. Polsenburg, present, pending counsel. Court noted Plaintiff had a motion on the Court moved Plaintiffs Motion to Reconsider Order Granting The Viking Defendants Motions to Associate Counsel form its chamber's calendar since all parties were here today. Further, the Court spoke with Discovery Commissioner Bulla and her recommendations from the last hearing in October should be out next week or the week after and those are the subject of the evidentiary hearing. Upon Court's inquiry, Mr. Simon advised counsel will need 3 full days for the hearing. Colloquy regarding Court's schedule and counsel's availability. Mr. Parker advised he would like to see the Giberti file and American Grating. Court noted counsel was to confer on this. Court directed counsel to meet Thursday or Friday. Further, if counsel has discovery issues, they can address those with Discovery Commissioner Bulla. COURT ORDERED, Evidentiary Hearing Set for 12-13-17, at 10:30 a.m., 12-14-17 and 12-15-17 at 9:00 a.m. Argument by Mr. Simon in support Plaintiffs Motion in Limine to Exclude Defendants The Viking Corporation & Supply Network, Inc., dba Viking Supplynet's Expert Robert Carnahan on Order Shortening Time. Argument in opposition by Mr. Robinson. COURT ORDERED, Ruling DEFERRED until the conclusion of the Evidentiary Hearing. Argument by Mr. Simon in support of Plaintiffs' Motion for Summary Judgment Against Lange Plumbing LLC Only. Argument in Opposition by Mr. Parker. Court directed Mr. Parker to supplement the Opposition, by 11-22-17 at close of business. Further, Mr. Simon to file Reply to Opposition by 12-1-17 at close of business. and hearing set on 12-7-17 at 9:30 a.m. Further, Motion to Bifurcate to be heard on 12-7-17 at 9:30 a.m. As to Plaintiffs Motion to Reconsider Order Granting The Viking Defendants Motions to Associate Counsel, Court noted it doesn't have Discovery Commissioner Bulla's Recommendations and the Evidentiary Hearing. Colloquy regarding the dispositive motion deadline, and outstanding depositions, Ms. Pancoast advised the parties moved all the deadlines and focusing on the 2-5-18 trial date and the close of discovery is January 1, 2018, based on the Motion to Continue trial. Further, counsel requested a order for Settlement Conference. Opposition by Mr. Simon. Court noted it will talk to Commissioner Bulla, and counsel can revisit the issue if something has changed. 12/07/17 9:00 a.m. Plaintiffs' Motion for Summary Judgment Against Lange Plumbing LLC Only...Motion to Bifurcate 12-13-17 10:30 a.m. Evidentiary Hearing 12-14-17 9:00 a.m. Evidentiary Hearing 12-15-17 9:00 a.m. Evidentiary Hearing Ruling: Plaintiffs Motion in

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CASE NO. A-16-738444-C

Limine to Exclude Defendants The Viking Corporation & Supply Network, Inc., dba Viking Supplynet's Expert Robert Carnahan on Order Shortening Time...Plaintiffs Motion to Reconsider Order Granting The Viking Defendants Motions to Associate Counsel ;

11/14/2017	CANCELED All Pending Motions (9:30 AM) (Judicial Officer: Jones, Tierra) <i>Vacated</i>
11/16/2017	CANCELED Status Check: Compliance (3:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated - per Commissioner</i> <i>Status Check: Compliance</i>
11/16/2017	CANCELED Status Check: Compliance (3:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated - per Commissioner</i>
11/17/2017	Motion for Protective Order (10:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Non-Party Zurich American Insurance Company's Motion For A Protective Order, Or In The Alternative To Quash Subpoenas, and Counter Motion to Compel</i> Matter Continued; Case Settled
11/17/2017	Motion to Stay (10:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Defts the Viking Corporation & Supply Network, Inc.'s Motion to Stay Enforcement of Discovery Commissioner's Report & Recommendation Pursuant to EDCR 2.34(e) & Request for OST</i> Matter Continued; Case Settled
11/17/2017	Motion to Strike (10:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Defendants The Viking Corporation & Supply Network Inc's Motion to Strike Plaintiff's Untimely Disclosed Expert Crane Pomerantz & Request for OST</i> Matter Continued; Case Settled
11/17/2017	Opposition and Countermotion (10:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Plaintiffs' Opposition to Non-Party Zurich American Insurance Co.'s Motion for a Protective Order, or in the Alternative to Quash Subpoenas and Counter Motion to Compel</i> Matter Continued; Case Settled
11/17/2017	Motion to Compel (10:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Plaintiffs' Motion to Compel Viking Documents and for Order to Respond to Discovery on OST</i> Matter Continued; Case Settled
11/17/2017	Motion to Compel (10:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Plaintiffs' Motion to Compel Viking Documents and for Order to Respond to Discovery Regarding Their Financial Information on OST</i> Matter Continued;
11/17/2017	 All Pending Motions (10:00 AM) (Judicial Officer: Bulla, Bonnie) Matter Heard; Journal Entry Details: <i>Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST Third Party Deft Giberti Corporation LLC's Joinder to Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST Non-Party Zurich American Insurance Company's Motion For A Protective Order, Or In The Alternative To Quash Subpoenas, and Counter Motion to Compel Defts the Viking Corporation & Supply Network, Inc.'s Motion to Stay Enforcement of Discovery Commissioner's Report & Recommendation Pursuant to EDCR 2.34 (e) & Request for OST Defendants The Viking Corporation & Supply Network Inc's Motion to Strike Plaintiff's Untimely Disclosed Expert Crane Pomerantz & Request for OST Plaintiffs'</i>


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	<p><i>Opposition to Non-Party Zurich American Insurance Co.'s Motion for a Protective Order, or in the Alternative to Quash Subpoenas and Counter Motion to Compel Plaintiffs' Motion to Compel Viking Documents and for Order to Respond to Discovery on OST Plaintiffs' Motion to Compel Viking Documents and for Order to Respond to Discovery Regarding Their Financial Information on OST Kenton Robinson, Esquire, for Viking Corporation and Supply Network Inc. All counsel agreed to work together in good faith and requested to continue all Motions. COMMISSIONER RECOMMENDED, all matters CONTINUED to 12-1-17. 12-1-17 8:30 a.m. same as above;</i></p>
11/21/2017	<p> Motion for Determination of Good Faith Settlement (9:30 AM) (Judicial Officer: Jones, Tierra)</p> <p><i>Third Party Defendant Giberti Construction LLC's Motion for Good Faith Settlement Granted; Third Party Defendant Giberti Construction LLC's Motion for Good Faith Settlement Journal Entry Details:</i></p> <p><i>Colloquy regarding the motion being unopposed. COURT ORDERED, Motion for Good Faith Settlement, GRANTED. COURT FURTHER ORDERED, Third-Party Defendant, Giberti Construction, DISMISSED. Mr. Nunez to prepare the order. Upon Court's inquiry of settlement for the remaining parties, Ms. Ferrel advised the Court she would inform chambers if the case should settle.;</i></p>
12/07/2017	<p>CANCELED Status Check: Compliance (3:00 AM) (Judicial Officer: Bulla, Bonnie)</p> <p><i>Vacated - per Commissioner</i></p>
12/12/2017	<p> Motion for Determination of Good Faith Settlement (8:45 AM) (Judicial Officer: Jones, Tierra)</p> <p><i>Defendants The Viking Corporation & Supply Network, Inc's Motion for Good Faith Settlement & Request for Order Shortening Time</i></p> <p><i>Granted; Defendants The Viking Corporation & Supply Network, Inc's Motion for Good Faith Settlement & Request for Order Shortening Time</i></p> <p><i>Journal Entry Details:</i></p> <p><i>The Court noting there was no opposition. Mr. Parker indicated they intended to file an opposition however he and Mr. Simon were able to arrive at a settlement yesterday evening and he will be presenting his own motion for determination of good faith settlement shortly. Ms. Pancoast stated as part of the resolution that Lange's cross-claims against the Viking entities is also resolved. Mr. Parker stated the agreement with Mr. Simon would include Lange paying plaintiffs and dropping their cross-claims and requested that any order that is presented by Viking to include a dismissal of their cross-claims and in turn Lange will also do the same as part of our order. Mr. Simon placed the terms of the settlement on the record indicating there will be a mutual release, Lange will dismiss their cross-claims against Viking and that will also be a full and final settlement for Plaintiffs claims against Lange. COURT FINDS the settlement was made in good faith and ORDERED Defendants The Viking Corporation & Supply Network, Inc's Motion for Good Faith Settlement is GRANTED. Viking's counsel to prepare the Order. Ms. Pancoast noted that the funds need to be tendered by December 21, 2017, and will be preparing a stipulation for all parties to sign. COURT FURTHER ORDERED all future hearings are VACATED and matter SET for Status Check regarding Settlement Documents. The Court will notify Commissioner Bulla that the future dates before the Commissioner have also been vacated. 1/23/18 9:30 AM STATUS CHECK: SETTLEMENT DOCUMENTS;</i></p>
12/13/2017	<p>CANCELED Evidentiary Hearing (10:30 AM) (Judicial Officer: Jones, Tierra)</p> <p><i>Vacated - per Judge</i></p>
12/21/2017	<p>CANCELED Status Check: Compliance (3:00 AM) (Judicial Officer: Bulla, Bonnie)</p> <p><i>Vacated - per Judge</i></p>
12/21/2017	<p>CANCELED Calendar Call (9:30 AM) (Judicial Officer: Jones, Tierra)</p> <p><i>Vacated - per Judge</i></p>
01/02/2018	<p>CANCELED Calendar Call (9:00 AM) (Judicial Officer: Jones, Tierra)</p> <p><i>Vacated - Superseding Order</i></p>
01/08/2018	<p>CANCELED Jury Trial (1:00 PM) (Judicial Officer: Jones, Tierra)</p> <p><i>Vacated - per Judge</i></p>

CASE SUMMARY

CASE NO. A-16-738444-C

01/09/2018	CANCELED Motion to Bifurcate (9:30 AM) (Judicial Officer: Jones, Tierra) <i>Vacated - per Judge</i>
02/06/2018	Status Check: Settlement Documents (9:30 AM) (Judicial Officer: Jones, Tierra)
02/06/2018	Motion for Determination of Good Faith Settlement (9:30 AM) (Judicial Officer: Jones, Tierra) <i>Plaintiffs' Joint Motion for Determination of Good Faith Settlement</i> Granted;
02/06/2018	Motion (9:30 AM) (Judicial Officer: Jones, Tierra) 02/06/2018, 02/08/2018, 02/20/2018, 05/29/2018, 08/27/2018-08/30/2018, 09/18/2018 <i>Defendant Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC; Order Shortening Time</i> Continued; Continued; Matter Continued; Decision Made; Continued; Continued; Matter Continued; Decision Made; Continued; Continued; Matter Continued; Decision Made; Continued; Continued; Matter Continued; Decision Made;
02/06/2018	Motion to Consolidate (9:30 AM) (Judicial Officer: Jones, Tierra) 02/06/2018, 02/08/2018 <i>Defendant Daniel S. Simon, d/b/a Simon Law's Motion to Consolidate on Order Shortening Time</i> Granted;
02/06/2018	 All Pending Motions (9:30 AM) (Judicial Officer: Jones, Tierra) Matter Heard; Journal Entry Details: <i>Plaintiffs' Joint Motion for Determination of Good Faith Settlement...Status Check: Settlement Documents....Defendant Daniel S. Simon, d/b/a Simon Law's Motion to Consolidate on Order Shortening Time...Defendant Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC; Order Shortening Time APPEARANCES CONTINUED: Mr. Parker Esq., present via Court Call, on behalf of Lange Plumbing, Robert Vannah Esq., and John Greene on behalf of Edgeworth Family Trust, and Peter Christiansen Esq., on behalf of Daniel Simon. There being no opposition, COURT ORDERED, Plaintiffs' Joint Motion for Determination of Good Faith Settlement, GRANTED. Upon Court's inquiry as to the settlement documents, Ms. Pancoast advised the checks were issued long ago from the Viking entities. Further counsel has a stipulation she brought today to get signatures to get Viking out. Further, Mr. Simon did sign a dismissal to get Viking out. However, they would like to get this wrapped up. Mr. Christensen advised the closing documents for Lange took some time. Further, they have been signed by the client yesterday, and provided to Mr. Simon. Mr. Vannah, advised they signed everything yesterday and the underlying case is about to be dismissed. Colloquy regarding stipulation. Mr. Parker advised the Good Faith Settlement determination as will as the stipulation they will be signing, include the resolution of all claims between the defendant, the crossclaims and any additional insured obligations the defendants may of had amongst each other, as well as the cross-plaintiff's claims. All parties agreed. Further, Mr. Parker advised they do have their settlement check and he will have it sent over to Mr. Simon's office in exchange for the settlement documents. Court noted the stipulation can be</i>

CASE SUMMARY

CASE NO. A-16-738444-C

signed when the check is exchanged. Defendant Daniel S. Simon, d/b/a Simon Law's Motion to Consolidate on Order Shortening Time, Following arguments by counsel, COURT ORDERED, Matters CONTINUED to this Court's Chamber's calendar for Decision on the date given. Further, COURT ORDERED, matter set for status check on settlement documents on the date given. 02/08/18 (CHAMBERS) Decision: Defendant Daniel S. Simon, d/b/a Simon Law's Motion to Consolidate on Order Shortening Time...Defendant Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC; Order Shortening Time 02/20/18 9:30 A.M. STATUS CHECK: SETTLEMENT DOCUMENTS ;

02/08/2018



All Pending Motions (3:00 AM) (Judicial Officer: Jones, Tierra)

Matter Heard;

Journal Entry Details:

Defendant Daniel S. Simon, d/b/a Simon Law s Motion to Consolidate on Order Shortening Time...Defendant Daniel S. Simon, d/b/a Simon Law s Motion to Adjudicate Attorney Lien of the Law Office of Daniel Simon PC Following review of the papers and pleadings on file herein and the arguments of counsel, COURT ORDERED, As to Defendant Daniel S. Simon, d/b/a Simon Law s Motion to Consolidate on Order Shortening Time is GRANTED, case A-18-767242-C is consolidated into A-16-738444-C. COURT FURTHER ORDERED, Defendant Daniel S. Simon, d/b/a Simon Law s Motion to Adjudicate Attorney Lien of the Law Office of Daniel Simon PC is continued to the status check on February 20, 2018 at 9:30 a.m. 02/20/18 9:30 A.M. Defendant Daniel S. Simon, d/b/a Simon Law s Motion to Adjudicate Attorney Lien of the Law Office of Daniel Simon PC CLERK'S NOTE: A copy of this minute order distributed to the as follows: Emailed to Mr. Parker Esq., at tparker@phalaw.net, Daniel Simon Esq., Clerk's office Attorney file folder for the Law office of Daniel S. Simon, emailed to Peter Christiansen Esq., at pete@christiansenlaw.com, emailed to Janet Pancoast Esq., at janet.pancoast@zurichna.com, emailed to Robert Vannah Esq., at rvannah@vannahlaw.net, and emailed to James Christensen at jim@christensenlaw.com /tb;

02/20/2018

Status Check: Settlement Documents (9:30 AM) (Judicial Officer: Jones, Tierra)

02/20/2018



All Pending Motions (9:30 AM) (Judicial Officer: Jones, Tierra)

Matter Heard;

Journal Entry Details:

Defendant Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC; Order Shortening Time...Status Check: Settlement Documents APPEARANCES CONTINUED: Janet Pancoast on behalf of Viking Corporation, Peter Christiansen on behalf of Law Office of Daniel Simon, PC, Robert Vannah and John Greene on behalf of the Edgeworth Family Trust Upon Court's inquiry, Mr. Simon advised the Edgeworth's signed the releases, Mr. Vannah and Mr. Greene did not sign, counsel has not signed yet, and Mr. Parker client still has not signed the release. Mr. Vannah, advised his office is not involved in the case. Colloquy regarding form and content. Mr. Vannah agreed to sign. Mr. Parker advised there's two releases and he brought the check for \$100,000.00 provided in open Court. Further, counsel will get it signed by Lange Plumbing and provide copies to all parties. Colloquy regarding Stip and Order for Dismissal and Order for Good Faith Settlement. Ms. Pancoast submitted Stip and Order for Dismissal and following review, Order SIGNED IN OPEN COURT. As to the Order for Good Faith Settlement, Court noted Mr. Parker can sign today in Court. As to Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC, Following arguments by counsel, COURT ORDERED, parties to do a MANDATORY SETTLEMENT CONFERENCE in regards to the lien. Further, Judge Williams as well as Judge Weiss has agreed to do the Settlement Conference. Argument by Mr. Parker in opposition. Argument by Mr. Vannah. Court directed counsel to get in touch with one of the Judge's that agreed to do the Settlement Conference. Colloquy regarding timeframes and discovery. COURT ORDERED, matter set for status check on settlement conference on the date given. Mr. Simon advised he's given the settlement check from Mr Parker, to Mr. Vannah, and he's going to have his clients sign and return so counsel can put it in the trust account. Court so noted. 04/03/18 8:30 A.M. STATUS CHECK: SETTLEMENT CONFERENCE.;

03/23/2018



Settlement Conference (1:00 PM) (Judicial Officer: Williams, Timothy C.)

MINUTES

Not Settled;


Journal Entry Details:

The above-referenced matter came on for a settlement conference with Judge Williams on

CASE SUMMARY

CASE NO. A-16-738444-C

March 23, 2018. The Plaintiffs, Edgeworthy Family Trust and American Grating, LLC, were present by and through attorneys Robert Vannah, Esq. and John Greene, Esq. The Defendant Daniel Simon was present and was represented by James R. Christensen Esq. Unfortunately, the parties were unable to resolve their differences and the case did not settle. The case is now referred back to the originating department for further handling. ;

04/03/2018	<p>Motion to Dismiss (9:30 AM) (Judicial Officer: Jones, Tierra)</p> <p>04/03/2018, 05/29/2018, 08/27/2018-08/30/2018, 09/18/2018</p> <p><i>Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Complaint Pursuant to NRCP 12(b)(5)</i></p> <p>Matter Continued;</p> <p>Decision Made;</p> <p>Matter Continued;</p> <p>Decision Made;</p>
04/03/2018	<p>Status Check (9:30 AM) (Judicial Officer: Jones, Tierra)</p> <p><i>Status Check: Settlement Conference</i></p>
04/03/2018	<p>Opposition and Countermotion (9:30 AM) (Judicial Officer: Jones, Tierra)</p> <p>04/03/2018, 05/29/2018, 08/27/2018-08/30/2018, 09/18/2018</p> <p><i>Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint (Consolidated Case No. A767242)</i></p> <p>Matter Continued;</p> <p>Decision Made;</p> <p>Matter Continued;</p> <p>Decision Made;</p>
04/03/2018	<p>Opposition and Countermotion (9:30 AM) (Judicial Officer: Jones, Tierra)</p> <p>04/03/2018, 05/29/2018, 08/27/2018-08/30/2018, 09/18/2018</p> <p><i>Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint</i></p> <p>Matter Continued;</p> <p>Decision Made;</p> <p>Matter Continued;</p> <p>Decision Made;</p>
04/03/2018	<p>Motion to Dismiss (9:30 AM) (Judicial Officer: Jones, Tierra)</p> <p><i>Defendant Daniel S. Simon d/b/a Simon Law's Special Motion to Dismiss: Anti-Slapp; Order Shortening Time</i></p> <p>Denied;</p>
04/03/2018	<p> All Pending Motions (9:30 AM) (Judicial Officer: Jones, Tierra)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>APPEARANCES CONTINUED: Robert Vannah, and Robert Greene, present. Defendant Daniel S. Simon d/b/a Simon Law's Special Motion to Dismiss: Anti-Slapp; Order Shortening Time....Status Check: Settlement Conference...Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Complaint Pursuant to NRCP 12(b)(5)...Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint (Consolidated Case No. A767242)...Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint Following arguments by counsel, COURT ORDERED, Defendant Daniel S. Simon d/b/a Simon Law's Special Motion to Dismiss: Anti-Slapp, DENIED. COURT FURTHER ORDERED, Defendant Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC, Set for Evidentiary Hearing on the dates as Follows: 05-29-18 11:00 a.m., 05-30-18, at 10:30 a.m., and 5-31-18 at 9:00 a.m. Court notes is will rule on the Motion to Dismiss at the conclusion of the hearing. COURT FURTHER ORDERED, Counsel to submit briefs by 5-18-18 and courtesy copy chambers. 05/29/18 11:00 A.M. EVIDENTIARY HEARING 05/30/18 10:30 A.M. CONTINUED EVIDENTIARY HEARING 05/31/18 9:00 A.M. CONTINUED EVIDENTIARY HEARING ;</i></p>

CASE SUMMARY

CASE NO. A-16-738444-C

05/29/2018

Evidentiary Hearing (9:30 AM) (Judicial Officer: Jones, Tierra)

05/29/2018, 08/27/2018-08/30/2018, 09/18/2018

Matter Continued;

Decision Made;

Matter Continued;

Decision Made;

05/29/2018



All Pending Motions (9:30 AM) (Judicial Officer: Jones, Tierra)

Matter Heard;

Journal Entry Details:

EVIDENTIARY HEARING...PLTF. EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC'S OPPOSITION TO DEFT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT...DEFT. DANIEL S. SIMON'S MOTION TO DISMISS PLTF'S COMPLAINT PURSUANT TO NRCP 12(B)(5)...PLTF. EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC'S OPPOSITION TO DEFT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT (CONSOLIDATED CASE NO. A767242)...DEFT. DANIEL S. SIMON D/B/A SIMON LAW'S MOTION TO ADJUDICATE ATTORNEY LIEN OF THE LAW OFFICE DANIEL SIMON, PC; ORDER SHORTENING TIME Robert D. Vannah, Esq., John B. Greene, Esq., present with regards to consolidated case A767242. Court noted a letter was received in chambers from Mr. Christiansen who is in trial and cannot do evidentiary hearing this week. Mr. Vannah stated counsel has had conversation and all agree in August would be a good date. Mr. Christensen stated he is not in the jurisdiction until the 13th of August. COURT ORDERED, motions CONTINUED and matter SET for evidentiary hearing. Mr. Vannah stated subpoena's have been done, clients available those dates and requested to have associate available that worked on file. Also, counsel would like billing person available as well. Mr. Simon stated Ms. White will be available. Mr. Simon inquired if Edgeworth representatives will be available. Mr. Vannah advised they will be present. Colloquy. 8/27/18 10:30 AM EVIDENTIARY HEARING...PLTF. EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC'S OPPOSITION TO DEFT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT...DEFT. DANIEL S. SIMON'S MOTION TO DISMISS PLTF'S COMPLAINT PURSUANT TO NRCP 12(B)(5)...PLTF. EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC'S OPPOSITION TO DEFT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT (CONSOLIDATED CASE NO. A767242)...DEFT. DANIEL S. SIMON D/B/A SIMON LAW'S MOTION TO ADJUDICATE ATTORNEY LIEN OF THE LAW OFFICE DANIEL SIMON, PC; ORDER SHORTENING TIME 8/28/18 11:00 AM EVIDENTIARY HEARING...PLTF. EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC'S OPPOSITION TO DEFT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT...DEFT. DANIEL S. SIMON'S MOTION TO DISMISS PLTF'S COMPLAINT PURSUANT TO NRCP 12(B)(5)...PLTF. EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC'S OPPOSITION TO DEFT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT (CONSOLIDATED CASE NO. A767242)...DEFT. DANIEL S. SIMON D/B/A SIMON LAW'S MOTION TO ADJUDICATE ATTORNEY LIEN OF THE LAW OFFICE DANIEL SIMON, PC; ORDER SHORTENING TIME 8/29/18 10:30 AM EVIDENTIARY HEARING...PLTF. EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC'S OPPOSITION TO DEFT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT...DEFT. DANIEL S. SIMON'S MOTION TO DISMISS PLTF'S COMPLAINT PURSUANT TO NRCP 12(B)(5)...PLTF. EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC'S OPPOSITION TO DEFT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT (CONSOLIDATED CASE NO. A767242)...DEFT. DANIEL S. SIMON D/B/A SIMON LAW'S MOTION TO ADJUDICATE ATTORNEY LIEN OF THE LAW OFFICE DANIEL SIMON, PC; ORDER SHORTENING TIME ;

05/30/2018

CANCELED Evidentiary Hearing (10:30 AM) (Judicial Officer: Jones, Tierra)

Vacated - per Judge

05/31/2018

CANCELED Evidentiary Hearing (9:00 AM) (Judicial Officer: Jones, Tierra)

Vacated - per Judge

08/27/2018

Motion to Dismiss (10:30 AM) (Judicial Officer: Jones, Tierra)

08/27/2018-08/30/2018, 09/18/2018

Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Amended Complaint Pursuant to

CASE SUMMARY

CASE NO. A-16-738444-C

NRCP 12(b)(5)

Decision Made;

08/27/2018

Motion to Dismiss (10:30 AM) (Judicial Officer: Jones, Tierra)

08/27/2018-08/30/2018, 09/18/2018

Defendant Daniel S. Simon's Special Motion to Dismiss the Amended Complaint: Anit-SLAPP

Decision Made;

08/27/2018



All Pending Motions (10:30 AM) (Judicial Officer: Jones, Tierra)

Matter Heard;

Journal Entry Details:

Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint...Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint (Consolidated Case No. A767242)... Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Complaint Pursuant to NRCP 12(b)(5)....Defendant Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC; Order Shortening Time...Defendant Daniel S. Simon's Special Motion to Dismiss the Amended Complaint: Anit-SLAPP...Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Amended Complaint Pursuant to NRCP 12(b)(5) APPEARANCES CONTINUED: James Christensen Esq., and Pete Christiansen Esq., on behalf of Daniel Simon, and Robert Vannah Esq., and John Greene Esq. of behalf of Edgeworth Family Trust. Following arguments by counsel, COURT ORDERED, Mr. Vannah to produce his fee agreement, without notes, or conversations. Mr. Vannah provided copies to opposing counsel in OPEN COURT. As to the Attorney Lien: HEARING HELD: Testimony and exhibits presented. (See worksheets). COURT ADJOURNED.;

08/28/2018



All Pending Motions (11:00 AM) (Judicial Officer: Jones, Tierra)

Matter Heard;

Journal Entry Details:

Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint...Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint (Consolidated Case No. A767242)... Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Complaint Pursuant to NRCP 12(b)(5)....Defendant Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC; Order Shortening Time...Defendant Daniel S. Simon's Special Motion to Dismiss the Amended Complaint: Anit-SLAPP...Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Amended Complaint Pursuant to NRCP 12(b)(5) APPEARANCES CONTINUED: James Christensen Esq., and Pete Christiansen Esq., on behalf of Daniel Simon, and Robert Vannah Esq., and John Greene Esq. of behalf of Edgeworth Family Trust. Hearing Held: Continued testimony and exhibits presented. (See worksheets). Following testimony, COURT ADJOURNED.;

08/29/2018



All Pending Motions (10:30 AM) (Judicial Officer: Jones, Tierra)





Matter Heard;

Journal Entry Details:

Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint...Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint (Consolidated Case No. A767242)... Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Complaint Pursuant to NRCP 12(b)(5)....Defendant Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC; Order Shortening Time...Defendant Daniel S. Simon's Special Motion to Dismiss the Amended Complaint: Anit-SLAPP...Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Amended Complaint Pursuant to NRCP 12(b)(5) APPEARANCES CONTINUED: James Christensen Esq., and Pete Christiansen Esq., on behalf of Daniel Simon, and Robert Vannah Esq., and John Greene Esq. of behalf of Edgeworth Family Trust. HEARING CONTINUED: Testimony and exhibits presented. (See worksheets). COURT ORDERED, Ms. Ferrel and Mr. Simon to produce cell phone records only as to calls with regards to this case. Counsel agree that this can be heard on another day. Following testimony, of Mr. Simon, COURT ADJOURNED.;

CASE SUMMARY

CASE NO. A-16-738444-C

08/29/2018	CANCELED All Pending Motions (10:30 AM) (Judicial Officer: Jones, Tierra) <i>Vacated</i>
08/30/2018	 All Pending Motions (9:00 AM) (Judicial Officer: Jones, Tierra) Matter Heard; Journal Entry Details: <i>Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint...Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint (Consolidated Case No. A767242)... Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Complaint Pursuant to NRCP 12(b)(5)...Defendant Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC; Order Shortening Time...Defendant Daniel S. Simon's Special Motion to Dismiss the Amended Complaint: Anit-SLAPP...Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Amended Complaint Pursuant to NRCP 12(b)(5) APPEARANCES CONTINUED: James Christensen Esq., and Pete Christiansen Esq., on behalf of Daniel Simon, and Robert Vannah Esq., and John Greene Esq, of behalf of Edgeworth Family Trust. Continued testimony and exhibits presented. (See worksheets). Following testimony of Mr. Kemp, Counsel called next witness Ms. Angela Edgeworth. Court noted there is not enough time to get through this witness today. Colloquy regarding re-setting the hearing. COURT ORDERED, hearing CONTINUED to the date given. COURT ADJOURNED. 09/18/18 11:00 A.M. HEARING CONTINUED;</i>
09/18/2018	 All Pending Motions (11:00 AM) (Judicial Officer: Jones, Tierra) Matter Heard; Journal Entry Details: <i>DEFENDANT DANIEL S. SIMON d/b/a SIMON LAW'S MOTION TO ADJUDICATE ATTORNEY LIEN OF THE LAW OFFICE DANIEL SIMON PC; ORDER SHORTENING TIME.... PLAINTIFFS EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC's OPPOSITION TO DEFENDANT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT.... PLAINTIFFS EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC's OPPOSITION TO DEFENDANT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT (CONSOLIDATED CASE No. A767242)..... DEFENDANT DANIEL S. SIMON'S MOTION TO DISMISS PLAINTIFFS' COMPLAINT PURSUANT TO NRCP 12(b)(5)..... EVIDENTIARY HEARING... DEFENDANT DANIEL S. SIMON'S SPECIAL MOTION TO DISMISS THE AMENDED COMPLAINT: ANTI-SLAPP..... DEFENDANT DANIEL S. SIMON'S MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT PURSUANT TO NRCP 12(b)(5). Testimony and exhibits presented (see worksheet). COURT ORDERED, Counsel to submit Blind Closing arguments to the Court by Monday, 9/24/18 at 5:00 pm. FURTHER ORDERED, MOTIONS UNDER ADVISEMENT. The Court shall issue Minute Orders on the above Motions.;</i>
11/15/2018	 Motion to Amend (9:30 AM) (Judicial Officer: Jones, Tierra) <i>Motion to Amend Findings Under NRCP 52; and/or for Reconsideration; Order Shortening Time</i> Matter Heard; Journal Entry Details: <i>APPEARANCES CONTINUED: James Christensen Esq., and Pete Christiansen Esq., on behalf of Daniel Simon, and Robert Vannah Esq., and John Greene Esq, of behalf of Edgeworth Family Trust. Following arguments by counsel, Court advised it will issue a ruling from chambers by Monday, 11-19-18.;</i>
11/16/2018	 Decision (9:30 AM) (Judicial Officer: Jones, Tierra) <i>Motion to Amend Findings Under NRCP 52; and/or for Reconsideration; Order Shortening Time</i> Minute Order - No Hearing Held; Journal Entry Details: <i>Motion to Amend Findings Under NRCP 52; and/or for Reconsideration; Order Shortening Time Following review of the papers and pleadings on file herein, and the arguments of counsel, COURT ORDERS, Motion to Amend and/or Motion for Reconsideration is Motion GRANTED IN PART, DENIED IN PART. The Court finds that the implied oral contact</i>

CASE SUMMARY

CASE NO. A-16-738444-C

language in the Decision and Order on Motion to Dismiss pursuant to NRCP 12(b) (5) should be amended as the Court found, in the Decision and Order on Motion to Adjudicate Lien, that an implied contract existed based on past performance, but the Court found no oral nature of the contract. As such, the Court will issue an Amended Decision and Order for the Motion to Dismiss pursuant to NRCP 12(b)(5), under Rule 52, reflecting the implied contract . The Court further finds that the cost award in the Decision and Order on Motion to Adjudicate Lien should be clarified. The amended attorney lien asserted by Simon, in January of 2018, originally sought reimbursement for advances costs of \$71,594.93. The amount sought for advanced costs was later changed to \$68,844.93. In March of 2018, the Edgeworths paid the outstanding advanced costs, so there are no advance costs outstanding, as of the time of the Court s Decision and Order on Motion to Adjudicate Lien. As such, the Court will issue an Amended Decision and Order on Motion to Adjudicate Lien under Rule 52 reflecting the payment of advanced costs. The Court further finds that the Viking claim settled on or about December 1, 2017, and Viking s first settlement offer was made on November 15, 2017. As such, Finding of Fact #13, in the Court s Decision and Order on Motion to Adjudicate Lien will be amended, under Rule 52, to reflect the dates of December 1, 2017 and November 15, 2017. The Court further finds that there was sufficient evidence presented at the evidentiary hearing to support the Court s findings, regarding the determination of Simon s fees, in the Decision and Order on Motion to Adjudicate Lien. The Court further finds that its findings of fact were not clearly erroneous, regarding the determination of Simon s fees. As such, the fees will only be amended to reflect the subtraction of the outstanding costs. As such, the Motion to Amend the Court s findings, regarding the determination of Simon s fees, under Rule 52 is **DENIED**. **CLERK'S NOTE:** A copy of this minute order distributed to the as follows: Emailed to Peter Christiansen Esq., at pete@christiansenlaw.com, emailed to Robert Vannah Esq., at rvannah@vannahlaw.net, and emailed to James Christensen at jim@christensenlaw.com, and emailed to John Greene Esq., at jgreene@vannahlaw.com /tb ;

11/19/2018

CANCELED Decision (8:30 AM) (Judicial Officer: Jones, Tierra)

Vacated

Motion to Amend Findings Under NRCP 52; and/or for Reconsideration; Order Shortening Time

11/29/2018

CANCELED Motion to Amend (3:00 AM) (Judicial Officer: Jones, Tierra)

Vacated - Duplicate Entry

Motion to Amend Findings Under NRCP 52 and/or for Reconsideration

01/15/2019



Motion for Attorney Fees and Costs (9:30 AM) (Judicial Officer: Jones, Tierra)

01/15/2019, 01/17/2019

Decision

Matter Heard;

Granted in Part;

Journal Entry Details:

The Motion for Attorney s Fees is GRANTED in part, DENIED in part. The Court finds that the claim for conversion was not maintained on reasonable grounds, as the Court previously found that when the complaint was filed on January 4, 2018, Mr. Simon was not in possession of the settlement proceeds as the checks were not endorsed or deposited in the trust account. (Amended Decision and Order on Motion to Dismiss NRCP 12(b)(5)). As such, Mr. Simon could not have converted the Edgeworth s property. Further, the Court finds that the purpose of the evidentiary hearing was primarily for the Motion to Adjudicate Lien. It has been argued that the Court s statement of during the course of that evidentiary hearing, I will also rule on the Motion to Dismiss at the end of the close of evidence, because I think that evidence is interrelated (Motion Hearing April 3, 2018, pg. 18) should be construed to mean that the evidentiary hearing was for the Motions to Dismiss as well as the Motion to Adjudicate Lien. While the Court acknowledges said statement, during the same hearing, the Court also stated So in regards to the Motion to Adjudicate the Lien, we re going to set an evidentiary hearing to determine what Mr. Simon s remaining fees are. (Motion Hearing April 3, 2018, pg. 17). During that same hearing, it was made clear that the primary focus of the evidentiary hearing was to determine the amount of fees owed to Mr. Simon. So, the primary purpose of the evidentiary hearing was for the Motion to Adjudicate Lien. As such, the Motion for Attorney s Fees is GRANTED under 18.010(2)(b) as to the Conversion claim as it was not maintained upon reasonable grounds, since it was an impossibility for Mr. Simon to have converted the Edgeworth s property, at the time the lawsuit was filed. The Motion for Attorney s Fees is DENIED as it relates to the other claims. In considering the amount of attorney s fees and costs, the Court finds that the services of Mr. James Christensen, Esq. and Mr. Peter Christiansen, Esq. were obtained after the filing of the lawsuit against Mr. Simon, on January

EIGHTH JUDICIAL DISTRICT COURT

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02/05/2019	<p>4, 2018. However, they were also the attorneys in the evidentiary hearing on the Motion to Adjudicate Lien, which this Court has found was primarily for the purpose of adjudicating the lien asserted by Mr. Simon. Further, the Motion to Consolidate The Court further finds that the costs of Mr. Will Kemp Esq. were solely for the purpose of the Motion to Adjudicate Lien filed by Mr. Simon, but the costs of Mr. David Clark Esq. were solely for the purposes of defending the lawsuit filed against Mr. Simon by the Edgeworths. As such, the Court has considered all of the factors pertinent to attorney s fees and attorney s fees are GRANTED in the amount of \$50,000.00 and costs are GRANTED in the amount of \$5,000.00. ;</p> <p>Matter Heard;</p> <p>Granted in Part;</p> <p>Journal Entry Details:</p> <p>APPEARANCES CONTINUED: James Christensen Esq., and Pete Christiansen Esq., on behalf of Daniel Simon, and John Greene Esq, of behalf of Edgeworth Family Trust. Following arguments by counsel, COURT ORDERED, matter CONTINUED for Decision of the date given. 01/18/19 (CHAMBERS) DECISION: Motion for Attorney Fees and Costs ;</p>	
	<p>Motion (9:30 AM) (Judicial Officer: Jones, Tierra)</p> <p><i>Plaintiffs' Motion For An Order Directing Simon To Release Plaintiffs' Funds</i></p>	

DATE

FINANCIAL INFORMATION

<p>Plaintiff American Grating LLC</p> <p>Total Charges 30.00</p> <p>Total Payments and Credits 30.00</p> <p>Balance Due as of 2/20/2019 0.00</p>	<p>Counter Claimant Giberti Construction Llc</p> <p>Total Charges 223.00</p> <p>Total Payments and Credits 223.00</p> <p>Balance Due as of 2/20/2019 0.00</p>	<p>Counter Defendant Supply Network Inc</p> <p>Total Charges 30.00</p> <p>Total Payments and Credits 30.00</p> <p>Balance Due as of 2/20/2019 0.00</p>	<p>Counter Defendant Viking Corporation</p> <p>Total Charges 358.00</p> <p>Total Payments and Credits 358.00</p> <p>Balance Due as of 2/20/2019 0.00</p>	<p>Defendant Lange Plumbing, L.L.C.</p> <p>Total Charges 223.00</p> <p>Total Payments and Credits 223.00</p> <p>Balance Due as of 2/20/2019 0.00</p>	<p>Plaintiff Edgeworth Family Trust</p> <p>Total Charges 1,165.00</p> <p>Total Payments and Credits 1,165.00</p> <p>Balance Due as of 2/20/2019 0.00</p>	<p>Defendant Simon, Daniel S</p> <p>Appeal Bond Balance as of 2/20/2019 500.00</p>	<p>Plaintiff Edgeworth Family Trust</p> <p>Appeal Bond Balance as of 2/20/2019 500.00</p>
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DISTRICT COURT CIVIL COVER SHEET

County, Nevada
Case No. _____
(Assigned by Clerk's Office)

A - 1 6 7 3 8 4 4 4 - C
X

I. Party Information *(provide both home and mailing addresses if different)*

Plaintiff(s) (name/address/phone): <div style="text-align: center;">EDGEWORTH FAMILY TRUST</div>	Defendant(s) (name/address/phone): <div style="text-align: center;">LANGE PLUMBING, L.L.C. VIKING AUTOMATIC SPRINKLER CO.</div>
Attorney (name/address/phone): <div style="text-align: center;">Daniel S. Simon 702-364-1650 810 S. Casino Center Blvd., LV, NV 89101</div>	Attorney (name/address/phone):

II. Nature of Controversy *(please select the one most applicable filing type below)*

Civil Case Filing Types

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input checked="" type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate <i>(select case type and estate value)</i> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant </div> <div> <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ </div> </div>		Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

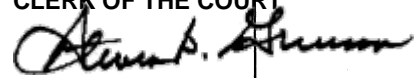
Business Court filings should be filed using the Business Court civil coversheet.

6-14-16

Date

Signature of initiating party or representative

See other side for family-related case filings.



ORDR

JAMES CHRISTENSEN, ESQ.

Nevada Bar No. 003861

601 S. 6th Street

Las Vegas, NV 89101

Phone: (702) 272-0406

Facsimile: (702) 272-0415

Email: jim@christensenlaw.com

Attorney for Daniel S. Simon

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

EDGEWORTH FAMILY TRUST, and
AMERICAN GRATING, LLC

Plaintiffs,

vs.

LANGE PLUMBING, LLC; THE
VIKING CORPORATION, a Michigan
corporation; SUPPLY NETWORK,
INC., dba VIKING SUPPLYNET, a
Michigan Corporation; and DOES 1
through 5 and ROE entities 6 through 10;

Defendants.

EDGEWORTH FAMILY TRUST;
AMERICAN GRATING, LLC

Plaintiffs,

vs.

DANIEL S. SIMON d/b/a SIMON
LAW; DOES 1 through 10; and, ROE
entities 1 through 10;

Defendants.

Case No.: A-16-738444-C

Dept. No.: 10

**DECISION AND ORDER
GRANTING IN PART AND
DENYING IN PART, SIMON'S
MOTION FOR ATTORNEY'S FEES
AND COSTS**

Date of Hearing: 1.15.19

Time of Hearing: 1:30 p.m.

CONSOLIDATED WITH

Case No.: A-18-767242-C

Dept. No.: 10

1 This matter came on for hearing on January 15, 2019, in the Eighth Judicial
2 District Court, Clark County, Nevada, the Honorable Tierra Jones presiding.
3 Defendants and movant, Daniel Simon and Law Office of Daniel S. Simon d/b/a
4 Simon Law (jointly the “Defendants” or “Simon”) having appeared by and through
5 their attorneys of record, Peter Christiansen, Esq. and James Christensen, Esq.;
6 and, Plaintiff Edgeworth Family Trust and American Grating, (“Plaintiff” or
7 “Edgeworths”) having appeared through by and through their attorneys of record,
8 the law firm of Vannah and Vannah, Chtd., John Greene, Esq. The Court having
9 considered the evidence, arguments of counsel and being fully advised of the
10 matters herein, the **COURT FINDS** after review:
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15 The Motion for Attorney s Fees is GRANTED in part, DENIED in part.

16 1. The Court finds that the claim for conversion was not maintained on
17 reasonable grounds, as the Court previously found that when the complaint was
18 filed on January 4, 2018, Mr. Simon was not in possession of the settlement
19 proceeds as the checks were not endorsed or deposited in the trust account.
20 (Amended Decision and Order on Motion to Dismiss NRCP 12(b)(5)). As such,
21 Mr. Simon could not have converted the Edgeworths’ property. As such, the
22 Motion for Attorney s Fees is GRANTED under 18.010(2)(b) as to the Conversion
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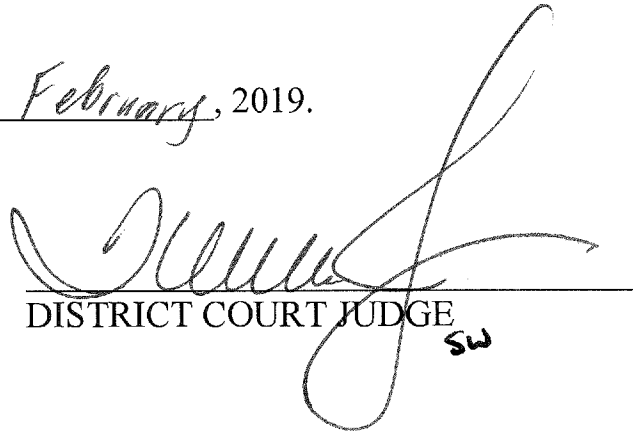
1 claim as it was not maintained upon reasonable grounds, since it was an
2 impossibility for Mr. Simon to have converted the Edgeworths' property, at the
3 time the lawsuit was filed.
4

5 2. Further, the Court finds that the purpose of the evidentiary hearing was
6 primarily for the Motion to Adjudicate Lien. The Motion for Attorney s Fees is
7 DENIED as it relates to the other claims. In considering the amount of attorney's
8 fees and costs, the Court finds that the services of Mr. James Christensen, Esq. and
9 Mr. Peter Christiansen, Esq. were obtained after the filing of the lawsuit against
10 Mr. Simon, on January 4, 2018. However, they were also the attorneys in the
11 evidentiary hearing on the Motion to Adjudicate Lien, which this Court has found
12 was primarily for the purpose of adjudicating the lien asserted by Mr. Simon.
13 The Court further finds that the costs of Mr. Will Kemp Esq. were solely for the
14 purpose of the Motion to Adjudicate Lien filed by Mr. Simon, but the costs of Mr.
15 David Clark Esq. were solely for the purposes of defending the lawsuit filed
16 against Mr. Simon by the Edgeworths. As such, the Court has considered all of the
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1 factors pertinent to attorney's fees and attorney's fees are GRANTED in the
2 amount of \$50,000.00 and costs are GRANTED in the amount of \$5,000.00.

3 IT IS SO ORDERED.

4 Dated this 6 day of February, 2019.

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9 DISTRICT COURT JUDGE *SW*

10 Submitted by:

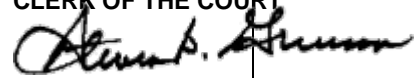
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12 JAMES CHRISTENSEN, ESQ.
13 Nevada Bar No. 003861
14 601 S. 6th Street
15 Las Vegas, NV 89101
16 Phone: (702) 272-0406
17 Facsimile: (702) 272-0415
18 Email: jim@jchristensenlaw.com
19 Attorney for Daniel S. Simon

20 Approved as to form and content:

21 

22 JOHN B. GREENE, ESQ.
23 Nevada Bar No. 004279
24 VANNAH & VANNAH
25 400 South Seventh Street, 4th Floor
26 Las Vegas, Nevada 89101
27 Phone: (702) 369-4161
28 Facsimile: (702) 369-0104
jgreene@vannahlaw.com
Attorney for Plaintiffs



James R. Christensen Esq.
Nevada Bar No. 3861
JAMES R. CHRISTENSEN PC
601 S. 6th Street
Las Vegas NV 89101
(702) 272-0406
(702) 272-0415 fax
jim@jchristensenlaw.com
Attorney for SIMON

Eighth Judicial District Court
District of Nevada

EDGEWORTH FAMILY TRUST, and
AMERICAN GRATING, LLC

Plaintiffs,

vs.

LANGE PLUMBING, LLC; THE
VIKING CORPORATION, a Michigan
corporation; SUPPLY NETWORK,
INC., dba VIKING SUPPLYNET, a
Michigan Corporation; and DOES 1
through 5 and ROE entities 6 through 10;

Defendants.

EDGEWORTH FAMILY TRUST;
AMERICAN GRATING, LLC

Plaintiffs,

vs.

DANIEL S. SIMON d/b/a SIMON
LAW; DOES 1 through 10; and, ROE
entities 1 through 10;

Defendants.

Case No.: A-16-738444-C
Dept. No.: 10

**NOTICE OF ENTRY OF DECISION
AND ORDER GRANTING IN PART
AND DENYING IN PART, SIMON'S
MOTION FOR ATTORNEY'S FEES
AND COSTS**

Date of Hearing: N/A
Time of Hearing: N/A

Case No.: A-18-767242-C
Dept. No.: 26

Date of Hearing: N/A
Time of Hearing: N/A

1 PLEASE TAKE NOTICE, a Decision and Order Granting in Part and
2 Denying in Part, Simon's Motion for Attorney's Fees and Costs was entered on the
3 docket on the 8th day of February, 2019. A true and correct copy of the file-
4 stamped Decision and Order is attached hereto.

5 DATED this 8th day of February, 2019.

6
7 /s/ James R. Christensen

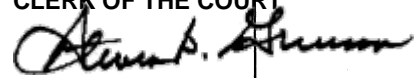
8 James R. Christensen Esq.
9 Nevada Bar No. 3861
10 JAMES R. CHRISTENSEN PC
11 601 S. 6th Street
12 Las Vegas NV 89101
13 (702) 272-0406
14 (702) 272-0415 fax
15 jim@jchristensenlaw.com
16 Attorney for SIMON

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CERTIFICATE OF SERVICE

I CERTIFY SERVICE of the foregoing NOTICE OF ENTRY OF
DECISION AND ORDER was made by electronic service (via Odyssey) this 8th
day of February, 2019, to all parties currently shown on the Court's E-Service List.

/s/ Dawn Christensen

an employee of
JAMES R. CHRISTENSEN, ESQ



ORDR

JAMES CHRISTENSEN, ESQ.

Nevada Bar No. 003861

601 S. 6th Street

Las Vegas, NV 89101

Phone: (702) 272-0406

Facsimile: (702) 272-0415

Email: jim@christensenlaw.com

Attorney for Daniel S. Simon

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

EDGEWORTH FAMILY TRUST, and
AMERICAN GRATING, LLC

Plaintiffs,

vs.

LANGE PLUMBING, LLC; THE
VIKING CORPORATION, a Michigan
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Michigan Corporation; and DOES 1
through 5 and ROE entities 6 through 10;

Defendants.

EDGEWORTH FAMILY TRUST;
AMERICAN GRATING, LLC

Plaintiffs,

vs.

DANIEL S. SIMON d/b/a SIMON
LAW; DOES 1 through 10; and, ROE
entities 1 through 10;

Defendants.

Case No.: A-16-738444-C

Dept. No.: 10

**DECISION AND ORDER
GRANTING IN PART AND
DENYING IN PART, SIMON'S
MOTION FOR ATTORNEY'S FEES
AND COSTS**

Date of Hearing: 1.15.19

Time of Hearing: 1:30 p.m.

CONSOLIDATED WITH

Case No.: A-18-767242-C

Dept. No.: 10

1 This matter came on for hearing on January 15, 2019, in the Eighth Judicial
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3 Defendants and movant, Daniel Simon and Law Office of Daniel S. Simon d/b/a
4 Simon Law (jointly the “Defendants” or “Simon”) having appeared by and through
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6 and, Plaintiff Edgeworth Family Trust and American Grating, (“Plaintiff” or
7 “Edgeworths”) having appeared through by and through their attorneys of record,
8 the law firm of Vannah and Vannah, Chtd., John Greene, Esq. The Court having
9 considered the evidence, arguments of counsel and being fully advised of the
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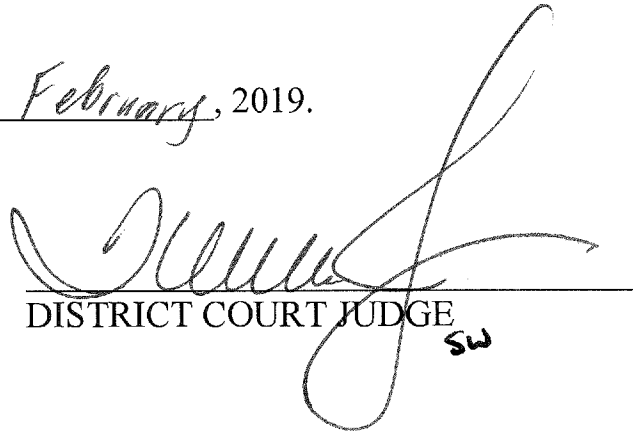
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1 factors pertinent to attorney's fees and attorney's fees are GRANTED in the
2 amount of \$50,000.00 and costs are GRANTED in the amount of \$5,000.00.

3 IT IS SO ORDERED.

4 Dated this 6 day of February, 2019.

5
6
7
8 
9 DISTRICT COURT JUDGE *SW*

10 Submitted by:

11 

12 JAMES CHRISTENSEN, ESQ.
13 Nevada Bar No. 003861
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20 Approved as to form and content:

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jgreene@vannahlaw.com
Attorney for Plaintiffs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

March 07, 2017

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

March 07, 2017 9:00 AM All Pending Motions

HEARD BY: Barker, David **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Call, Gary W. Attorney
Dalacas, Athanasia E. Attorney
Pancoast, Janet C Attorney
Simon, Daniel S., ESQ Attorney

JOURNAL ENTRIES

- PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT...PLAINTIFF'S MOTION TO AMEND
THE COMPLAINT ON ORDER SHORTENING TIME

Following arguments by counsel, COURT ORDERED, Plaintiff's Motion to Amend the Complaint,
GRANTED. COURT FURTHER ORDERED, Plaintiff's Motion for Summary Judgment, DENIED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

April 25, 2017

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

**April 25, 2017 9:30 AM Motion for Summary
Judgment**

HEARD BY: Bonaventure, Joseph T. **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Dalacas, Athanasia E. Attorney
Pancoast, Janet C Attorney
Simon, Daniel S., ESQ Attorney

JOURNAL ENTRIES

- Court noted it reviewed everything. Further, its only been a short time for discovery. Following arguments by counsel, Court Stated its Findings, and ORDERED, Plaintiffs' Motion for Summary Judgment Against Lange Plumbing, LLC, Only, DENIED WITHOUT PREJUDICE. Counsel can re-file after the production of the rebuttal experts reports. Plaintiff's counsel to prepare the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability**COURT MINUTES****May 17, 2017**

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

May 17, 2017	9:30 AM	Motion to Compel	Deft Lange Plumbing's Motion to Compel Plaintiff's to Release Sprinkler Heads for Testing by Lange Plumbing on OST
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HEARD BY: Bulla, Bonnie**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Francesca Haak**REPORTER:****PARTIES**

PRESENT:	Dalacas, Athanasia E.	Attorney
	FERREL, ASHLEY	Attorney
	Pancoast, Janet C	Attorney

JOURNAL ENTRIES

- Commissioner advised counsel they need a joint protocol for destructive testing. Ms. Dalacas stated some sprinkler heads were inspected, and testing was requested on eight sprinkler heads. Colloquy re: transporting sprinklers, and if items are lost, who gets the adverse inference. Arguments by counsel. Pltf's expert is in San Diego. Commissioner suggested a paralegal or secretary fly to pick up spinklers.

COMMISSIONER RECOMMENDED, motion is ALLOWED with CAVEATS; destructive testing is allowed for no more than 10 sprinkler heads as identified by experts; coordinate as other experts will be present or not, but filming is REQUIRED; Commissioner REQUIRED Defense counsel work with

Pltf's counsel to determine how sprinkler heads will be transported; Deft Lange Plumbing will bear the costs of transfer and costs for risk of sprinkler heads not arriving at destination here in Las Vegas, and an adverse inference may be given if appropriate. Ms. Pancoast stated implicating Lange Plumbing with an adverse inference could impact Viking. Ms. Pancoast stated another party is coming into the case.

COMMISSIONER RECOMMENDED, discovery cutoff EXTENDED to 10-16-17 adding parties, amended pleadings, and initial expert disclosures DUE 7-17-17; rebuttal expert disclosures DUE 8-17-17; file dispositive motions by 11-16-17; 1-8-2018 Trial date STANDS. Commissioner advised counsel to let the new party know about destructive testing. Commissioner is available by conference call if necessary.

Ms. Dalacas to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

June 07, 2017

A-16-738444-C	Edgeworth Family Trust, Plaintiff(s) vs. Lange Plumbing, L.L.C., Defendant(s)
---------------	---

June 07, 2017

9:30 AM

All Pending Motions

HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT:

Dalacas, Athanasia E.	Attorney
FERREL, ASHLEY	Attorney
Pancoast, Janet C	Attorney
Simon, Daniel S., ESQ	Attorney

JOURNAL ENTRIES

- Plaintiffs Motion to Compel the Deposition of Defendant Lange Plumbing, LLC's 30b6 Designee and for Sanctions Deft Lange Plumbing, LLC's Opposition / Countermotion for Sanctions

Commissioner advised counsel the knowledge requirement was removed from the 30(b)(6) deposition. Arguments by counsel. Commissioner will consider Mr. Simon's request for fees. MATTER TRAILED for counsel to conduct a 2.34 conference. MATTER RECALLED: Mr. Simon stated Ms. Dalacas will try to produce one of four witnesses and produce a 30(b)(6) Deponent on 6-29-17, and produce 1,000 personnel records by 6-14-17. Mr. Simon needs to see records to determine fees. Argument by Ms. Dalacas, and counsel requested Commissioner deny the fees. COMMISSIONER RECOMMENDED, Pltfs' Motion for an Order to Show Cause on 6-21-17 STANDS.

COMMISSIONER RECOMMENDED, Mr. Simon's Request for Fees is UNDER ADVISEMENT; Plaintiffs Motion to Compel the Deposition of Defendant Lange Plumbing, LLC's 30(b)(6) Designee

and for Sanctions is GRANTED, and include agreement in the body of Report and Recommendations; Status Check SET on Compliance; Commissioner will continue matter if counsel have a conflict; Deft Lange Plumbing, LLC's Countermotion for Sanctions is DENIED.

Mr. Simon to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Further arguments by counsel. Ms. Dalacas's family member passed away.

7-12-17 9:00 a.m. Status Check: Mr. Simon's Request for Fees SC: Compliance

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability**COURT MINUTES****July 12, 2017**

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

July 12, 2017**9:00 AM****Status Check**

**Status Check: Mr.
Simon's Request for
Fees SC:
Compliance**

HEARD BY: Bulla, Bonnie**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Francesca Haak**REPORTER:****PARTIES**

PRESENT:	Dalacas, Athanasia E.	Attorney
	FERREL, ASHLEY	Attorney
	Pancoast, Janet C	Attorney
	Shaine, Cher L.	Attorney
	Simon, Daniel S., ESQ	Attorney

JOURNAL ENTRIES

- Mr. Simon stated the 30(b)(6) witness was produced, and witness information is missing re: who installed sprinklers inside the home; Kyle Mao (Installer) was disclosed June 2017, Mr. Simon took his deposition and he was employed the entire time and is still employed. No information on Clinton Stephon or Al (maybe Alfonso). Argument by Mr. Simon; supplement provided to Commissioner in Open Court. On 6-14-17, Ms. Dalacas stated 3,000 Pages were produced, 14 employee personnel files, and counsel confirmed Mr. Mao was disclosed in a 16.1 disclosure within the last few months. Arguments by counsel. Mr. Simon will supplement costs for the 30(b)(6) deposition unless counsel work it out. Commissioner will uphold counsels' negotiations.

Based on the Memorandum of Costs, COMMISSIONER RECOMMENDED, Commissioner awarded

\$3,850, and payment due within 30 days after Court signs the recommendation. Commissioner accepted the analysis in supplemental memorandum, and Mr. Simon must apply the Brunzell factors; fees run to Lange Plumbing only, not the attorney; fees for court reporter and videographer for second 30(b)(6) deposition are UNDER ADVISEMENT; Status Check SET; if counsel believe documents are insufficient, have a 2.34 conference on the last 30(b)(6) discovery.

Mr. Simon requested measurements, raw data, and videotape from destructive testing on sprinklers, but portions weren't videotaped, and sprinklers must be transported back to Pltf's expert in California. Ms. Dalacas's expert has sprinklers in his possession, and counsel has no problem releasing them with a protocol in place. Colloquy. COMMISSIONER RECOMMENDED, counsel to work out the protocol; Ms. Dalacas must turn over videotape, raw data, and raw data sheet to all parties by 7-19-17. Expert disclosure deadlines discussed. Based on counsels' agreement, COMMISSIONER RECOMMENDED, move dates two weeks except dispositive motions. Ms. Shaine advised Commissioner she has a pending Motion on OST to extend deadlines and the Trial date. Commissioner stated the Judge's Order would supercede today's Recommendation from the Commissioner.

Ms. Ferrel to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.

8-9-17 9:00 a.m. Status Check: Fees (VACATED)

CLERK'S NOTE: In addition to the attorneys' fees awarded above, the Discovery Commissioner awards Plaintiffs their costs of \$973.20 for the Court Reporter and Videographer for the deposition of Bernie Lange taken on June 29, 2017. These costs are to be included in the July 12, 2017 Report and Recommendations to be prepared by Plaintiffs' counsel and submitted within ten (10) days. The Status Check hearing set 8-9-17 is VACATED. (JL 7-21-17)

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of:

Daviel Simon
Athanasia Dalacas - Resnick & Louis
Janet Pancoast - Cisneros & Marias
Cher Shaine - O'Reilly Law

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability**COURT MINUTES****July 25, 2017**

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
 vs.
 Lange Plumbing, L.L.C., Defendant(s)

July 25, 2017**9:30 AM****Motion****HEARD BY:** Jones, Tierra**COURTROOM:** RJC Courtroom 14B**COURT CLERK:** Teri Berkshire**RECORDER:** Victoria Boyd**REPORTER:****PARTIES****PRESENT:**

Dalacas, Athanasia E.	Attorney
FERREL, ASHLEY	Attorney
Pancoast, Janet C	Attorney
Simon, Daniel S., ESQ	Attorney
Ure, Tyler	Attorney

JOURNAL ENTRIES

- Following arguments by counsel, Court stated its findings and ORDERED, As to Giberti Construction LLC's Motion to Extend Discovery Deadlines, based on the original discovery disclosure deadline of 7-17-17, discovery extended for thirty 30 days. Deadlines are as follows: Close of Discovery will be 11-13-17; Last day to file motions to amend pleadings or add parties will be 8-14-17; Initial expert disclosure will be 8-14-17; Rebuttal expert disclosure 9-18-17; Last day to file dispositive motions will be 12-11-17. Colloquy regarding trial stacks. Upon Counsel's request, Court noted the 2-5-18 trial date will be the governing trial date for supplemental reports by experts. Court noted Judge Bonaventure's ruling on 4-24-17 that the motion for summary Judgment motion could be renewed after rebuttal expert reports, the Court will let that ruling Stand.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

August 23, 2017

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

August 23, 2017 9:30 AM All Pending Motions

HEARD BY: Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT: Dalacas, Athanasia E. Attorney
 FERREL, ASHLEY Attorney
 Pancoast, Janet C Attorney
 Simon, Daniel S., ESQ Attorney
 Ure, Tyler Attorney

JOURNAL ENTRIES

- Plaintiffs' Motion to Compel Viking Documents and for Order to Respond to Discovery and for Sanctions on OST

Defendant's The Viking Corporation & Supply Network Inc.'s Motion for Protective Order (No. 2) & Request for OST

The Viking Corporation & Supply Network, Inc.'s Motion for Protective Order & Request for OST

COMMISSIONER RECOMMENDED, Plaintiffs' Motion to Compel Viking Documents and for Order to Respond to Discovery and for Sanctions is GRANTED IN PART; go back five years prior to date of this incident and produce models that use fusible link solder LIMITED to the United States for timeframe of January 1, 2012 up to the present time (any geographical locations where VK457 sprinkler heads were distributed). Arguments by counsel. Incident occurred April 2016. Two

Attorneys are in the courtroom, but they haven't been admitted Pro Hac Vice.

Email provided to Commissioner in Open Court from Mr. Simon. If an email is produced, Commissioner stated the attachments must be produced. MATTER TRAILED for a meaningful 2.34 conference. MATTER RECALLED: Mr. Simon stated Ms. Pancoast will produce more information. Arguments by counsel. Mr. Simon stated California litigation involves the same sprinkler heads and the same activation issue. Mr. Simon contacted counsel for Plaintiffs, but they refused to speak with him. The California case did not go to Trial. Colloquy re: what the Protective Order covered. COMMISSIONER RECOMMENDED, turn over expert depositions, reports, and Deft depositions or 30(b)(6) depositions. Colloquy re: turning over documents filed or attached to dispositive motions unless the Court seals the entire case. COMMISSIONER RECOMMENDED, produce Pltf depositions (Harold Rogers and Patrick Human), and Mr. Simon will pay reasonable copy costs under Rule 34(d).

COMMISSIONER RECOMMENDED, in Motion to Compel - 1) VK457 produce all documents dealing with sprinkler activations worldwide from 1-1-2012 to the present; 2) production and decision to release 7800 sprinklers to the public December 2013 is a 30(b)(6) Topic - produce information and Pltf will pay reasonable copy charges; 3) drawings - provide information related to VK457; 4) all emails and attachments must be produced as discussed; 5) supplement answers and documents for VK457 and provide U.K. information related to VK457; 6) documents LIMITED to activation issues and over-tightening of screw or solder problem pertaining to VK457. Upon Mr. Simon's request for an organized production, COMMISSIONER RECOMMENDED, produce by date (month and year, earliest date first). Colloquy. COMMISSIONER RECOMMENDED, Request for Sanctions is DEFERRED, and Status Check SET; supplemental information due 9-22-17. Commissioner offered a Mandatory Settlement Conference. Ms. Pancoast stated the parties are setting up private Mediation in October. Contact Commissioner for assistance with a MSC if necessary.

Colloquy re: resetting Mr. Carnahan's deposition on 9-7-17. Commissioner will not give a second deposition after the rebuttal report. COMMISSIONER RECOMMENDED, counsel must comply with Rule 16.1(a)(2); overly burdensome production is DENIED with the CAVEAT, after taking Mr. Carnahan's deposition, request the transcript. Colloquy re: asking questions about Mr. Carnahan's participation with the Law Firm. Mr. Simon made the Demand on the record. COMMISSIONER RECOMMENDED, reports and deposition transcripts from Thorpe litigation and SSF litigation must be available, and the whole work file for this case; every report, deposition transcripts, and billing records are PROTECTED unless there was a specific report pertaining to VK457 or a deposition given in Thorpe or SSF cases; if under a Protective Order, assert a privilege, and provide a copy of the Court Order to Mr. Simon.

Colloquy re: emails not marked should not be confidential. Document provided to Commissioner in

Open Court from Mr. Simon. Arguments by counsel. Mr. Simon brought four discs re: document production. COMMISSIONER RECOMMENDED, for Rule 30(b)(6) deposition, subjects 621, 622, 623, 624, are LIMITED to VK457 for 1-1-2012 to the present, but are Not Limited to the United States; Interrogatory 1 - identify document and bates label, or answer and verify; Interrogatory 2 is LIMITED to VK457; Request for Production 7 and 16 - answer them for five years prior to subject incident LIMITED to VK457, and email attachments must be produced; RTP 1, 2, 3 - production is Not Limited to the U.S., but is LIMITED to VK457 for 1-1-2012 to the present; if Defts don't have documents, explain efforts and why Defts don't have documents; supplement due 9-22-17. COMMISSIONER RECOMMENDED, The Viking Corporation & Supply Network, Inc.'s Motion for Protective Order & Request is GRANTED IN PART; Defendant's The Viking Corporation & Supply Network Inc's Motion for Protective Order (No. 2) & Request is GRANTED IN PART.

Ms. Pancoast to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 20 days of the hearing. Otherwise, counsel will pay a contribution.

10-11-17 10:30 a.m. Status Check: Claims

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

September 07, 2017

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

September 07, 2017 3:00 AM All Pending Motions

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Motion to Associate Counsel: Following a review of the papers and pleadings on file herein, the Court finds that the Motion to Associate Counsel is GRANTED

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

September 13, 2017

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

September 13, 2017 10:00 AM Motion to Compel

**Defendants The
Viking Corporation
& Supply Network,
Inc.'s Motion to
Compel Home
Inspection & or in the
Alternative Motion to
Strike Portions of
Expert Testimony &
OST**

HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Aja Brown

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT: Dalacas, Athanasia E. Attorney
 FERREL, ASHLEY Attorney
 Pancoast, Janet C Attorney
 Simon, Daniel S., ESQ Attorney
 Ure, Tyler Attorney

JOURNAL ENTRIES

- Commissioner will not strike expert testimony. Colloquy re: numerous requests to inspect, and Defts wanted to conduct a heat test and inspect the property (wasn't done); Defts want a one hour test, Pltfs who live in the house could remain (but they won't without Pltf's counsel present). Unless there is a change in circumstance, Commissioner inquired why another inspection is needed. Argument by Ms. Pancoast; counsel stated the inspection is to see the present condition of the house.

The house was listed for sale May 2017. Commissioner will give the Realtor expert some consideration. Ms. Pancoast will take the attic off the list based on the discussion, and the General Contractor will deal with claims from Page 41 on Appraiser's report. Commissioner asked Ms. Pancoast to articulate what Deft wants to inspect. Statement by Ms. Dalacas. Colloquy re: expert disclosures.

Argument by Mr. Simon; Pltf hasn't been deposed. Nothing has changed in the house, Pltf completed repairs as much as they could to list the house; things disclosed from day one are ultimately unrepairable, and Mr. Simon stated that is the case. Arguments by counsel. Pltfs are still living in the house. Commissioner will not continue the Trial date. Counsel were Directed not to speak and argue with each other, but present arguments to Commissioner. Colloquy re: status of the fireplace. Mr. Simon stated the house was fully repaired to the best it could be, and listed for sale May 2017. Commissioner is asking questions, and counsel must answer without interruption. COMMISSIONER RECOMMENDED, motion is DENIED WITHOUT PREJUDICE. Ms. Pancoast requested color copies of photos from Pltf Appraisal expert's report. Provided as discussed. Ms. Ferrel to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

September 19, 2017

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

**September 19, 2017 9:30 AM Motion to Amend
Complaint**

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	FERREL, ASHLEY	Attorney
	KERSHAW, SETH S, ESQ	Attorney
	Nunez, Michael J.	Attorney
	Simon, Daniel S., ESQ	Attorney

JOURNAL ENTRIES

- Following arguments by counsel, Court Stated its Findings and ORDERED, Plaintiffs' Motion to Amend the Complaint to Add Viking Group, Inc, GRANTED. Mr. Simon to prepare the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

September 20, 2017

A-16-738444-C	Edgeworth Family Trust, Plaintiff(s)
	vs.
	Lange Plumbing, L.L.C., Defendant(s)

September 20, 2017 9:30 AM

All Pending Motions

HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT:	Couvillier III, Maximiliano D.	Attorney
	FERREL, ASHLEY	Attorney
	Pancoast, Janet C	Attorney
	Simon, Daniel S., ESQ	Attorney

JOURNAL ENTRIES

- Plaintiffs' Motion to Compel Rimkus Consulting to Respond to the Notice of Deposition and Subpoena Duces Tecum

NonParty Rimkus Construing Group, Inc.'s Opposition to Plaintiffs' Motion to Compel Rimkus Consulting Group [Group, Inc.] to Respond to the Notice of Deposition and Subpoena Duces Tecum; and Counter-Motion to Quash, and Motion for Protective Order

Mr. Simon stated during the deposition, the Engineer agreed to prepare a list, a bill was sent, and Mr. Simon paid it. Then there was an objection. Commissioner advised counsel to modify the Subpoena. Arguments by counsel. COMMISSIONER RECOMMENDED, Plaintiffs' Motion to Compel Rimkus Consulting to Respond to the Notice of Deposition and Subpoena Duces Tecum is GRANTED, scope of Subpoena is MODIFIED and limited to the VK457 sprinkler heads list by Mr. Johnson; REDACT name of person or entity on ownership where sprinklers were examined; the entire list Will Not be

shared with anyone outside of litigation, and the consulting type reviews are PROTECTED under Rule 26(c) until such time as otherwise ordered by the District Court Judge; for matters reviewed involving litigation, identify and go back four years pursuant to Rule 16.1; if there are court cases, there is no privilege. Upon Mr. Simon's request, COMMISSIONER RECOMMENDED, whatever list Mr. Johnson contemplated at the time of his deposition will be disclosed; if the list includes a case already in litigation, it is Not Protected.

COMMISSIONER RECOMMENDED, NonParty Rimkus Construing Group, Inc.'s Counter-Motion to Quash, and Motion for Protective Order is DENIED. Mr. Couvillier requested cost sharing. Commissioner stated Mr. Simon will not be charged more money.

Ms. Ferrel to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability**COURT MINUTES****October 03, 2017**

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
 vs.
 Lange Plumbing, L.L.C., Defendant(s)

October 03, 2017 9:30 AM All Pending Motions

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Boezeman-Farias, Laura	Attorney
	FERREL, ASHLEY	Attorney
	KERSHAW, SETH S, ESQ	Attorney
	Simon, Daniel S., ESQ	Attorney
	Ure, Tyler	Attorney

JOURNAL ENTRIES

- Plaintiffs' Motion in Limine to Exclude Defendants the Viking Corporation & Supply Network, Inc. dba Viking Supplynet's Expert, Jay Rosenthal on Order Shortening Time....Third Party Defendant Giberti Construction LLC's Joinder to Plaintiff's Motion to Strike Viking's Answer on OST

Court noted it received an opposition in chambers late yesterday, however, the one the Court has does not have a file stamp. The parties agree to go forward. Mr. Simon submitted photo's to the Court and lodged as Court's exhibits. COURT ORDERED, Joinder GRANTED. Following arguments by counsel, Court stated its Findings and ORDERED, Plaintiffs' Motion in Limine to Exclude Defendants the Viking Corporation & Supply Network, Inc. dba Viking Supplynet's Expert, Jay Rosenthal, GRANTED. Court noted if for some reason, that changes and counsel finds out additional information and goes through the proper procedures, counsel can readdress that. Plaintiff's counsel to prepare the order and submit to Court for signature.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

October 04, 2017

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

October 04, 2017 9:30 AM All Pending Motions

HEARD BY: Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT: Dalacas, Athanasia E. Attorney
FERREL, ASHLEY Attorney
KERSHAW, SETH S, ESQ Attorney
Pancoast, Janet C Attorney
Simon, Daniel S., ESQ Attorney
Ure, Tyler Attorney

JOURNAL ENTRIES

- Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their DocumentsThird Party Deft Giberti Corporation LLC's Joinder

COMMISSIONER RECOMMENDED, submit amended privilege log to Commissioner as soon as possible but by 10-13-17 (10-10-17 RESCINDED); hand deliver to Commissioner, Pltf, and co-Defense counsel (no ex-parte). Defts agreed to provide an Opposition by 10-11-17 to Motion to Strike the Answer. COMMISSIONER RECOMMENDED, Motion to De-Designate and the Joinder are CONTINUED.

Plaintiffs' Motion to Compel Testimony and Evidence of Defts, the Viking Corporation & Supply

Network Inc dba Viking Supplynet's Expert, Robert Carnahan, or in the Alternative, Strike Robert Carnahan as an Expert on OST Third Party Deft Giberti Corporation LLC's Joinder

Commissioner addressed confidential document production and the Protective Order. Colloquy. Argument by Mr. Kershaw and Mr. Simon. Two documents produced in this case by Viking were provided to Commissioner from Mr. Simon in Open Court. COMMISSIONER RECOMMENDED, whatever Mr. Carnahan reviewed / authored in preparation for his deposition and testimony will be produced (including UL documents and billing records). Arguments by counsel. COMMISSIONER RECOMMENDED, Motion to Compel and Joinders are GRANTED within parameters; Mr. Carnahan will provide testimony on sprinkler head VK457 and materials; to the extent Mr. Carnahan did testing in other venues for opinions he relied on in this case, costs of three tests, and Mr. Carnahan's compensation, the information must be produced, and address related bias issues; no other billing.

COMMISSIONER RECOMMENDED, costs of Mr. Carnahan's second deposition borne by Deft including pay expert fees, Court Reporter fee, and pay for Plaintiff's transcript. Mr. Carnahan is in Los Angeles. Under these circumstances, COMMISSIONER RECOMMENDED, the second deposition can be a video conference for 3 1/2 hours, and send documents to the Court Reporter in advance; Deft will pay for video conference and Videographer. COMMISSIONER RECOMMENDED, produce additional documents to Pltf's counsel no later than 10-25-17 (RESCIND 10-31-17), and complete Mr. Carnahan's deposition by 11-15-17 (RESCIND 11-30-17); alternative relief is DENIED WITHOUT PREJUDICE, and the expert Is Not Stricken; documents discussed will be covered by the Protective Order in this case.

Ms. Dalacas had no chance to question Mr. Carnahan, and counsel requested time to question the expert. Commissioner advised Ms. Dalacas and Defense counsel they must pay the expert's time (invoice after deposition). Mr. Simon stated the Judge gave a somewhat Firm Trial date of 2-5-18; discovery cutoff EXTENDED to 12-1-17; dispositive motions deadline STANDS; no repetitive questioning. COMMISSIONER RECOMMENDED, deposition is one day, do not exceed seven hours. Commissioner is available by conference call. Mr. Simon stated Mediation is set 10-10-17. Ms. Ferrel to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.

10-18-17 10:30 a.m. Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST and Joinder

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

October 18, 2017

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

October 18, 2017 10:30 AM All Pending Motions

HEARD BY: Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT: Dalacas, Athanasia E. Attorney
 FERREL, ASHLEY Attorney
 Pancoast, Janet C Attorney
 Simon, Daniel S., ESQ Attorney

JOURNAL ENTRIES

- Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST
Plaintiffs' Motion to Strike the Viking Defendants' Answer on OST Status Check: Compliance I
Discovery

Third Party Deft Giberti Corporation LLC's Joinder to Plaintiffs' Motion to De-Designate Viking's
Confidentiality of Their Documents on OST

Third Party Defendant Giberti Construction LLC's Joinder to Plaintiffs' Motion to Strike the Viking
Defendants Answer on OST

Kenton L. Robinson, Esquire, for The Viking Corporation and Supply Network Inc.

Commissioner advised Mr. Simon to make a list of all discovery abuses. Commissioner inquired 1) was there actual in fact any type of head testing on sprinklerhead VK457; 2) whether testing associated with VK456 formed the basis of testing or resolution on VK457, and information that supports how many sprinklers prematurely activated causing a claim, knowledge of a claim, or knowledge it actually happened (loss or not); how many premature activations were there, and if information was known prior to this lawsuit in 2016.

Mr. Simon cannot address certain information as it hasn't been disclosed, and Defts were not forthcoming. Argument by Mr. Simon. Document provided to Commissioner in Open Court. Discovery abuse 1 - misrepresentation and failure to produce documents; 2 - failure to produce relevant emails and attachments as previously ordered. Argument by Mr. Simon. Commissioner addressed previous recommendation including protection of VK456. Discovery abuse 3 - misrepresentation and failure to provide testing of VK457 specifically for UL testing.

Sia Dalacas, Esquire, present for Lange Plumbing LLC.

Upon Commissioner's inquiry, Ms. Dalacas stated Lange Plumbing replaced all heads with Tyco heads in 2016, and Lange Plumbing paid for it; no reimbursement. Document provided to Commissioner from Mr. Simon in Open Court. Discovery abuse 4 - misrepresentations for failure to timely produce evidence of premature activations of sprinklerhead VK457. Argument by Mr. Robinson in opposition to Discovery abuses 1, 2, 3, 4. Colloquy re: findings of testing sprinklerheads. Mr. Simon responded to opposition. Document provided to Commissioner in Open Court from Mr. Simon. Arguments by counsel. Mr. Simon requested Discovery abuse 5 - the reason VK457 was discontinued. Commissioner asked if counsel are interested in a Mandatory Settlement Conference. No objection by Ms. Dalacas; no objection by Mr. Robinson to a Mediation or Settlement Conference with a Judge. Mr. Simon stated Pltf will attend, however, counsel doesn't know how fruitful it will be as Mr. Simon is still trying to obtain information. Mr. Simon stated expert depositions are being scheduled. Colloquy. COMMISSIONER RECOMMENDED, Status Check SET.

Commissioner addressed the difficulty of the 55 Page privilege log. Argument by Ms. Pancoast. Commissioner advised counsel to meet and discuss what constitutes a protected document. Commissioner advised counsel if there is a case termination sanction, the District Court Judge will conduct the Evidentiary Hearing. Mr. Simon requested a stay on expert depositions. Commissioner suggested counsel move expert depositions. COMMISSIONER RECOMMENDED, Motion and Joinders are UNDER ADVISEMENT and CONTINUED.

10-24-17 11:00 a.m. same as above

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

October 24, 2017

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

October 24, 2017 11:00 AM All Pending Motions

HEARD BY: Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT: FERREL, ASHLEY Attorney
Pancoast, Janet C Attorney
Simon, Daniel S., ESQ Attorney

JOURNAL ENTRIES

- Status Check: Status of case

Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST

Third Party Deft Giberti Corporation LLC's Joinder to Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST

Plaintiffs' Motion to Strike the Viking Defendants' Answer on OST

Third Party Defendant Giberti Construction LLC's Joinder to Plaintiffs' Motion to Strike the Viking Defendants Answer on OST

ATTORNEYS PRESENT: Athanasia Dalacas (Lange Plumbing LLC) and Kenton Robinson (Supply

Network Inc. and Viking Corporation).

Colloquy re: load on link testing (pressure test), and solder creep testing (heat, pressure, time); discussion re: UL testing and product shipped in 2009. First premature activation of sprinkler head in 2013, and this incident was 4-9-16. Trial date is 1-8-18; Pltf's dispositive Motion against Lange Plumbing set 10-31-17. Ms. Pancoast stated the Judge advised counsel to be Trial ready 2-5-18. Theodore Parker, Esquire, present for Lange Plumbing. Commissioner advised counsel an Evidentiary Hearing is needed to determine whether or not there were intentional acts of misrepresentation, and an Evidentiary Hearing is DEFERRED to the District Court Judge. Commissioner addressed counsel regarding the combination of factors that led the case to where it is today.

Based on a review of the papers, pleadings, and supplements in this case, COMMISSIONER FINDS 1) there was a misrepresentation to Pltfs in this case made by Viking Defts that UL testing was performed on the VK457 sprinkler head at or near the time the sprinkler head was marketed in 2008/2009 when this in fact had not occurred; 2) additional misrepresentations made by Viking Defts that UL had properly tested VK457, and there were no manufacturing defects in VK457 in production of VK457 in spite of the fact it had performed load on link testing in this case with this sprinkler head; 3) critical UL testing of sprinkler head - what the proper heat exposure could be for VK457 to start to disintegrate and cause premature activation, and whether there was a manufacturing defect (tightening screws causing lever to bend and pressure to increase on link causing premature activation of VK457); 4) number of premature activations of VK457 prior to filing this lawsuit. It is unclear to Commissioner the cause of one other premature activation in Clark County, and nothing was done until May 2017. COMMISSIONER FINDS 5) in spite of current knowledge of VK457 Deft continued to answer written discovery that UL testing was done in this case, and giving inconsistent answers to written discovery different than what their 30(b)(6) witness testified to and what their expert testified to. Colloquy re: Request for Admission 19.

After an Evidentiary Hearing, if the Judge issues case terminating sanctions, Commissioner's Recommendation will be Moot. COMMISSIONER RECOMMENDED, Plaintiffs' Motion to Strike the Viking Defendants' Answer and Joinder are DEFERRED to the Judge. In lieu of striking Viking's Answers, alternative relief is provided, and COMMISSIONER RECOMMENDED the Jury be advised by proper Jury instruction that contrary to initial representations made by Viking Defts in this case, no UL testing was performed on VK457 that involved load on link testing and/or heat tolerance testing; 2) due to misrepresentations made re: UL testing, there were significant costs incurred to determine testing was not completed; Commissioner understands testing is now being done, however, COMMISSIONER RECOMMENDED current testing on sprinkler head Not Be Allowed at Trial; Deft Will Not be able to utilize the heat defense at the time of Trial; all references to such be STRICKEN, and no expert testimony re: failure of VK457 due to heat in the attic. Argument by Mr. Parker.

Fees and costs are DEFERRED to the Judge; COMMISSIONER RECOMMENDED an award of fees and costs for bringing a Motion to Strike Answers, for supplements, and Hearings for Pltfs' counsel; Deft could put together fees and costs to defend with the Brunzell factors. If Answers are Not Stricken and case is sent back to Commissioner to determine fees and costs, Commissioner will hear the matter. Arguments by counsel. Language discussed on an adverse inference Jury instruction. Commissioner stated in lieu of striking the Answers, there should be a Jury instruction given that contrary to representations made, UL did not test VK457 sprinkler head. Arguments by counsel. COMMISSIONER RECOMMENDED Viking's heat defense / theory why the VK457 sprinklers prematurely activated be STRICKEN; load on link testing defense is DEFERRED to the Judge. Mr. Simon requested to stay expert discovery. Commissioner has no opposition, but terms of stay are DEFERRED to the Judge. Commissioner offered a Mandatory Settlement Conference or Mediation; speak to the clients. Mr. Simon addressed revising the privilege log. Argument by Ms. Pancoast.

Commissioner will review documents in camera. Arguments by counsel re: document production. Court Clerk received an email that Ms. Pancoast is needed in Department 6. COMMISSIONER RECOMMENDED, documents produced in this case will REMAIN PROTECTED until otherwise ordered by the District Court Judge; if any documents contain factual information, that information is not protected. Document provided to Commissioner from Mr. Simon in Open Court. COMMISSIONER RECOMMENDED, personal identifiers are PROTECTED; Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents and Joinder are CONTINUED. Ms. Ferrel to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.

11-17-17 10:00 a.m.

Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST

Third Party Deft Giberti Corporation LLC's Joinder to Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

October 31, 2017

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

October 31, 2017 9:30 AM All Pending Motions

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: FERREL, ASHLEY Attorney
Pancoast, Janet C Attorney
Parker, Theodore Attorney
Simon, Daniel S., ESQ Attorney

JOURNAL ENTRIES

- Plaintiffs Motion in Limine to Exclude Defendants The Viking Corporation & Supply Network, Inc., dba Viking Supplynet's Expert Robert Carnahan on Order Shortening Time...Plaintiffs' Motion for Summary Judgment Against Lange Plumbing LLC Only

APPEARANCES CONTINUED, Kenton Robinson Esq., present on behalf of Supply Network Inc. and Viking Corporation.

Court advised it spoke with Commissioner Bulla regarding the discovery violations found, and that Commissioner Bulla kicked the Heat Defense. Upon Court's inquiry regarding the load on link testing, and Commissioner Bulla's ruling as to that portion being left up to this Court, Mr. Simon advised there's some new current load on link testing, and not a single document has been produced. Further, Commissioner Bulla said they're never using that new testing. As far as the heat defense she's striking that. As to the load on link defense, based on the UL testing that wasn't done, that issue was deferred to this Court. As to all fees and costs regarding the discovery violations, that was deferred to this Court.

Argument by Mr. Simon in support of Plaintiffs Motion in Limine to Exclude Defendants The Viking Corporation & Supply Network, Inc., dba Viking Supplynet's Expert Robert Carnahan. Opposition by Mr. Robinson. Court noted it would like to review Commissioner Bulla's findings that are not available in Odyssey yet, before ruling on this motion. Mr. Simon to submit Reply to Opposition by the end of the week.

Representations by Mr. Parker requesting the Court continue the matter, advising he asked Mr. Simon for an extension on this hearing, as he just received the file last week and he hasn't seen the discovery. Further, counsel is still waiting on correspondence files from withdrawing counsel, and there may have been a mistake with the thumb drive and he hasn't received the written discovery. Upon Court's inquiry, the opposition was filed by the withdrawing counsel. Mr. Simon requested previous counsel be present. Colloquy regarding previous counsel. Mr. Parker advised if they get the substitution of counsel done, it should alleviate some of the Court's concerns. COURT ORDERED, matters CONTINUED to the date given.

11/14/17 9:30 A.M. Plaintiffs Motion in Limine to Exclude Defendants The Viking Corporation & Supply Network, Inc., dba Viking Supplynet's Expert Robert Carnahan on Order Shortening Time...Plaintiffs' Motion for Summary Judgment Against Lange Plumbing LLC Only

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

November 09, 2017

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

November 09, 2017 3:00 AM Motion to Reconsider

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Plaintiff s Motion to Reconsider Order Granting The Viking Defendants Motions to Associate Counsel

Following a review of the papers and pleadings on file herein, COURT ORDERED a Status Check Hearing on November 14, 2017 at 9:30 a.m.

11/14/17 9:30 A.M. Status Check: Plaintiff s Motion to Reconsider Order Granting The Viking Defendants Motions to Associate Counsel

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

November 14, 2017

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

November 14, 2017 9:30 AM All Pending Motions

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: FERREL, ASHLEY Attorney
Pancoast, Janet C Attorney
Parker, Theodore Attorney
Simon, Daniel S., ESQ Attorney

JOURNAL ENTRIES

- Status Check: Plaintiffs Motion to Reconsider Order Granting The Viking Defendants Motions to Associate Counsel...Plaintiffs' Motion for Summary Judgment Against Lange Plumbing LLC Only...Plaintiffs Motion in Limine to Exclude Defendants The Viking Corporation & Supply Network, Inc., dba Viking Supplynet's Expert Robert Carnahan on Order Shortening Time

APPEARANCES CONTINUED: Kenton Robinson Esq., for Supply Network Inc. and Viking Corporation. Mr. Polsenburg, present, pending counsel.

Court noted Plaintiff had a motion on the Court moved Plaintiffs Motion to Reconsider Order Granting The Viking Defendants Motions to Associate Counsel form its chamber's calendar since all parties were here today. Further, the Court spoke with Discovery Commissioner Bulla and her recommendations from the last hearing in October should be out next week or the week after and those are the subject of the evidentiary hearing. Upon Court's inquiry, Mr. Simon advised counsel will need 3 full days for the hearing. Colloquy regarding Court's schedule and counsel's availability. Mr. Parker advised he would like to see the Giberti file and American Grating. Court noted counsel

was to confer on this. Court directed counsel to meet Thursday or Friday. Further, if counsel has discovery issues, they can address those with Discovery Commissioner Bulla. COURT ORDERED, Evidentiary Hearing Set for 12-13-17, at 10:30 a.m., 12-14-17 and 12-15-17 at 9:00 a.m. Argument by Mr. Simon in support Plaintiffs Motion in Limine to Exclude Defendants The Viking Corporation & Supply Network, Inc., dba Viking Supplynet's Expert Robert Carnahan on Order Shortening Time. Argument in opposition by Mr. Robinson. COURT ORDERED, Ruling DEFERRED until the conclusion of the Evidentiary Hearing. Argument by Mr. Simon in support of Plaintiffs' Motion for Summary Judgment Against Lange Plumbing LLC Only. Argument in Opposition by Mr. Parker. Court directed Mr. Parker to supplement the Opposition, by 11-22-17 at close of business. Further, Mr. Simon to file Reply to Opposition by 12-1-17 at close of business. and hearing set on 12-7-17 at 9:30 a.m. Further, Motion to Bifurcate to be heard on 12-7-17 at 9:30 a.m. As to Plaintiffs Motion to Reconsider Order Granting The Viking Defendants Motions to Associate Counsel, Court noted it doesn't have Discovery Commissioner Bulla's Recommendations and the Evidentiary Hearing. Colloquy regarding the dispositive motion deadline, and outstanding depositions, Ms. Pancoast advised the parties moved all the deadlines and focusing on the 2-5-18 trial date and the close of discovery is January 1, 2018, based on the Motion to Continue trial. Further, counsel requested a order for Settlement Conference. Opposition by Mr. Simon. Court noted it will talk to Commissioner Bulla, and counsel can revisit the issue if something has changed.

12/07/17 9:00 a.m. Plaintiffs' Motion for Summary Judgment Against Lange Plumbing LLC Only...Motion to Bifurcate

12-13-17 10:30 a.m. Evidentiary Hearing

12-14-17 9:00 a.m. Evidentiary Hearing

12-15-17 9:00 a.m. Evidentiary Hearing Ruling: Plaintiffs Motion in Limine to Exclude Defendants The Viking Corporation & Supply Network, Inc., dba Viking Supplynet's Expert Robert Carnahan on Order Shortening Time...Plaintiffs Motion to Reconsider Order Granting The Viking Defendants Motions to Associate Counsel

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

November 17, 2017

A-16-738444-C	Edgeworth Family Trust, Plaintiff(s) vs. Lange Plumbing, L.L.C., Defendant(s)
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November 17, 2017 10:00 AM All Pending Motions

HEARD BY: Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT:	Pancoast, Janet C	Attorney
	Parker, Theodore	Attorney
	Polsenberg, Daniel F.	Attorney
	Simon, Daniel S., ESQ	Attorney
	Sinnott, Randolph P.	Attorney

JOURNAL ENTRIES

- Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST

Third Party Deft Giberti Corporation LLC's Joinder to Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST

Non-Party Zurich American Insurance Company's Motion For A Protective Order, Or In The Alternative To Quash Subpoenas, and Counter Motion to Compel Defts the Viking Corporation & Supply Network, Inc.'s Motion to Stay Enforcement of Discovery Commissioner's Report & Recommendation Pursuant to EDCR 2.34(e) & Request for OST

Defendants The Viking Corporation & Supply Network Inc's Motion to Strike Plaintiff's Untimely Disclosed Expert Crane Pomerantz & Request for OST

Plaintiffs' Opposition to Non-Party Zurich American Insurance Co.'s Motion for a Protective Order,

or in the Alternative to Quash Subpoenas and Counter Motion to Compel

Plaintiffs' Motion to Compel Viking Documents and for Order to Respond to Discovery on OST

Plaintiffs' Motion to Compel Viking Documents and for Order to Respond to Discovery Regarding Their Financial Information on OST

Kenton Robinson, Esquire, for Viking Corporation and Supply Network Inc.

All counsel agreed to work together in good faith and requested to continue all Motions.
COMMISSIONER RECOMMENDED, all matters CONTINUED to 12-1-17.

12-1-17 8:30 a.m. same as above

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

November 21, 2017

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

November 21, 2017	9:30 AM	Motion for Determination of Good Faith Settlement	Third Party Defendant Giberti Construction LLC's Motion for Good Faith Settlement
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HEARD BY: Jones, Tierra

COURTROOM: RJC Courtroom 14B

COURT CLERK: Kathy Thomas

RECORDER: Trisha Garcia

REPORTER:

PARTIES

PRESENT:	FERREL, ASHLEY	Attorney
	Nunez, Michael J.	Attorney

JOURNAL ENTRIES

- Colloquy regarding the motion being unopposed. COURT ORDERED, Motion for Good Faith Settlement, GRANTED. COURT FURTHER ORDERED, Third-Party Defendant, Giberti Construction, DISMISSED. Mr. Nunez to prepare the order. Upon Court's inquiry of settlement for the remaining parties, Ms. Ferrel advised the Court she would inform chambers if the case should settle.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability**COURT MINUTES****December 12, 2017**

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

December 12, 2017	8:45 AM	Motion for Determination of Good Faith Settlement	Defendants The Viking Corporation & Supply Network, Inc's Motion for Good Faith Settlement & Request for Order Shortening Time
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HEARD BY: Jones, Tierra**COURTROOM:** RJC Courtroom 14B**COURT CLERK:** Tena Jolley**RECORDER:** Victoria Boyd**REPORTER:****PARTIES**

PRESENT:	Henriod, Joel D.	Attorney
	Pancoast, Janet C	Attorney
	Parker, Theodore	Attorney
	Simon, Daniel S., ESQ	Attorney

JOURNAL ENTRIES

- The Court noting there was no opposition. Mr. Parker indicated they intended to file an opposition however he and Mr. Simon were able to arrive at a settlement yesterday evening and he will be presenting his own motion for determination of good faith settlement shortly. Ms. Pancoast stated as part of the resolution that Lange's cross-claims against the Viking entities is also resolved. Mr. Parker stated the agreement with Mr. Simon would include Lange paying plaintiffs and dropping their cross-claims and requested that any order that is presented by Viking to include a dismissal of their cross-claims and in turn Lange will also do the same as part of our order. Mr. Simon placed the terms of the settlement on the record indicating there will be a mutual release, Lange will dismiss their

cross-claims against Viking and that will also be a full and final settlement for Plaintiffs claims against Lange. COURT FINDS the settlement was made in good faith and ORDERED Defendants The Viking Corporation & Supply Network, Inc's Motion for Good Faith Settlement is GRANTED. Viking's counsel to prepare the Order. Ms. Pancoast noted that the funds need to be tendered by December 21, 2017, and will be preparing a stipulation for all parties to sign.

COURT FURTHER ORDERED all future hearings are VACATED and matter SET for Status Check regarding Settlement Documents. The Court will notify Commissioner Bulla that the future dates before the Commissioner have also been vacated.

1/23/18 9:30 AM STATUS CHECK: SETTLEMENT DOCUMENTS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

February 06, 2018

A-16-738444-C	Edgeworth Family Trust, Plaintiff(s) vs. Lange Plumbing, L.L.C., Defendant(s)
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February 06, 2018 9:30 AM All Pending Motions

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Christensen, James R.	Attorney
	Christiansen, Peter S	Attorney
	Pancoast, Janet C	Attorney
	Parker, Theodore	Attorney
	Simon, Daniel S., ESQ	Attorney

JOURNAL ENTRIES

- Plaintiffs' Joint Motion for Determination of Good Faith Settlement...Status Check: Settlement Documents....Defendant Daniel S. Simon, d/b/a Simon Law's Motion to Consolidate on Order Shortening Time...Defendant Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC; Order Shortening Time

APPEARANCES CONTINUED: Mr. Parker Esq., present via Court Call, on behalf of Lange Plumbing. Robert Vannah Esq., and John Greene on behalf of Edgeworth Family Trust, and Peter Christiansen Esq., on behalf of Daniel Simon.

There being no opposition, COURT ORDERED, Plaintiffs' Joint Motion for Determination of Good Faith Settlement, GRANTED. Upon Court's inquiry as to the settlement documents, Ms. Pancoast advised the checks were issued long ago from the Viking entities. Further counsel has a stipulation she brought today to get signatures to get Viking out. Further, Mr. Simon did sign a dismissal to get

Viking out. However, they would like to get this wrapped up. Mr. Christensen advised the closing documents for Lange took some time. Further, they have been signed by the client yesterday, and provided to Mr. Simon. Mr. Vannah, advised they signed everything yesterday and the underlying case is about to be dismissed. Colloquy regarding stipulation. Mr. Parker advised the Good Faith Settlement determination as well as the stipulation they will be signing, include the resolution of all claims between the defendant, the crossclaims and any additional insured obligations the defendants may of had amongst each other, as well as the cross-plaintiff's claims. All parties agreed. Further, Mr. Parker advised they do have their settlement check and he will have it sent over to Mr. Simon's office in exchange for the settlement documents. Court noted the stipulation can be signed when the check is exchanged.

Defendant Daniel S. Simon, d/b/a Simon Law's Motion to Consolidate on Order Shortening Time, Following arguments by counsel, COURT ORDERED, Matters CONTINUED to this Court's Chamber's calendar for Decision on the date given. Further, COURT ORDERED, matter set for status check on settlement documents on the date given.

02/08/18 (CHAMBERS) Decision: Defendant Daniel S. Simon, d/b/a Simon Law's Motion to Consolidate on Order Shortening Time...Defendant Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC; Order Shortening Time

02/20/18 9:30 A.M. STATUS CHECK: SETTLEMENT DOCUMENTS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

February 08, 2018

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

February 08, 2018 3:00 AM All Pending Motions

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Defendant Daniel S. Simon, d/b/a Simon Law s Motion to Consolidate on Order Shortening Time...Defendant Daniel S. Simon, d/b/a Simon Law s Motion to Adjudicate Attorney Lien of the Law Office of Daniel Simon PC

Following review of the papers and pleadings on file herein and the arguments of counsel, COURT ORDERED, As to Defendant Daniel S. Simon, d/b/a Simon Law s Motion to Consolidate on Order Shortening Time is GRANTED, case A-18-767242-C is consolidated into A-16-738444-C. COURT FURTHER ORDERED, Defendant Daniel S. Simon, d/b/a Simon Law s Motion to Adjudicate Attorney Lien of the Law Office of Daniel Simon PC is continued to the status check on February 20, 2018 at 9:30 a.m.

02/20/18 9:30 A.M. Defendant Daniel S. Simon, d/b/a Simon Law s Motion to Adjudicate Attorney Lien of the Law Office of Daniel Simon PC

CLERK'S NOTE: A copy of this minute order distributed to the as follows: Emailed to Mr. Parker

Esq., at tparker@phalaw.net, Daniel Simon Esq., Clerk's office Attorney file folder for the Law office of Daniel S. Simon, emailed to Peter Christiansen Esq., at pete@christiansenlaw.com, emailed to Janet Pancoast Esq., at janet.pancoast@zurichna.com, emailed to Robert Vannah Esq., at rvannah@vannahlaw.net, and emailed to James Christensen at jim@christensenlaw.com /tb

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

February 20, 2018

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

February 20, 2018 9:30 AM All Pending Motions

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Christensen, James R. Attorney
Parker, Theodore Attorney
Simon, Daniel S., ESQ Attorney

JOURNAL ENTRIES

- Defendant Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC; Order Shortening Time...Status Check: Settlement Documents

APPEARANCES CONTINUED: Janet Pancoast on behalf of Viking Corporation, Peter Christiansen on behalf of Law Office of Daniel Simon, PC, Robert Vannah and John Greene on behalf of the Edgeworth Family Trust

Upon Court's inquiry, Mr. Simon advised the Edgeworth's signed the releases, Mr. Vannah and Mr. Greene did not sign, counsel has not signed yet, and Mr. Parker client still has not signed the release. Mr. Vannah, advised his office is not involved in the case. Colloquy regarding form and content. Mr. Vannah agreed to sign. Mr. Parker advised there's two releases and he brought the check for \$100,000.00 provided in open Court. Further, counsel will get it signed by Lange Plumbing and provide copies to all parties. Colloquy regarding Stip and Order for Dismissal and Order for Good Faith Settlement. Ms. Pancoast submitted Stip and Order for Dismissal and following review, Order SIGNED IN OPEN COURT. As to the Order for Good Faith Settlement, Court noted Mr. Parker can

sign today in Court.

As to Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC, Following arguments by counsel, COURT ORDERED, parties to do a MANDATORY SETTLEMENT CONFERENCE in regards to the lien. Further, Judge Williams as well as Judge Weiss has agreed to do the Settlement Conference. Argument by Mr. Parker in opposition. Argument by Mr. Vannah. Court directed counsel to get in touch with one of the Judge's that agreed to do the Settlement Conference. Colloquy regarding timeframes and discovery. COURT ORDERED, matter set for status check on settlement conference on the date given. Mr. Simon advised he's given the settlement check from Mr Parker, to Mr. Vannah, and he's going to have his clients sign and return so counsel can put it in the trust account. Court so noted.

04/03/18 8:30 A.M. STATUS CHECK: SETTLEMENT CONFERENCE.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

March 23, 2018

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

March 23, 2018 1:00 PM Settlement Conference

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 12D

COURT CLERK: Elizabeth Vargas

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The above-referenced matter came on for a settlement conference with Judge Williams on March 23, 2018. The Plaintiffs, Edgeworthy Family Trust and American Grating, LLC, were present by and through attorneys Robert Vannah, Esq. and John Greene, Esq. The Defendant Daniel Simon was present and was represented by James R. Christensen Esq. Unfortunately, the parties were unable to resolve their differences and the case did not settle. The case is now referred back to the originating department for further handling.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

April 03, 2018

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

April 03, 2018

9:30 AM

All Pending Motions

HEARD BY: Jones, Tierra

COURTROOM: RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:

Christensen, James R.
Simon, Daniel S., ESQ

Attorney
Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Robert Vannah, and Robert Greene, present.

Defendant Daniel S. Simon d/b/a Simon Law's Special Motion to Dismiss: Anti-Slapp; Order Shortening Time....Status Check: Settlement Conference...Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Complaint Pursuant to NRCP 12(b)(5)...Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint (Consolidated Case No. A767242)...Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint

Following arguments by counsel, COURT ORDERED, Defendant Daniel S. Simon d/b/a Simon Law's Special Motion to Dismiss: Anti-Slapp, DENIED. COURT FURTHER ORDERED, Defendant Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC, Set for Evidentiary Hearing on the dates as Follows: 05-29-18 11:00 a.m., 05-30-18, at 10:30 a.m., and 5-31-18 at 9:00 a.m. Court notes is will rule on the Motion to Dismiss at the conclusion of the hearing. COURT FURTHER ORDERED, Counsel to submit briefs by 5-18-18 and courtesy copy

chambers.

05/29/18 11:00 A.M. EVIDENTIARY HEARING

05/30/18 10:30 A.M. CONTINUED EVIDENTIARY HEARING

05/31/18 9:00 A.M. CONTINUED EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

May 29, 2018

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

May 29, 2018

9:30 AM

All Pending Motions

HEARD BY: Jones, Tierra

COURTROOM: RJC Courtroom 14B

COURT CLERK: April Watkins

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Christensen, James R. Attorney

JOURNAL ENTRIES

- EVIDENTIARY HEARING...PLTF. EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC'S OPPOSITION TO DEFT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT...DEFT. DANIEL S. SIMON'S MOTION TO DISMISS PLTF'S COMPLAINT PURSUANT TO NRCP 12(B)(5)...PLTF. EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC'S OPPOSITION TO DEFT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT (CONSOLIDATED CASE NO. A767242)...DEFT. DANIEL S. SIMON D/B/A SIMON LAW'S MOTION TO ADJUDICATE ATTORNEY LIEN OF THE LAW OFFICE DANIEL SIMON, PC; ORDER SHORTENING TIME

Robert D. Vannah, Esq., John B. Greene, Esq., present with regards to consolidated case A767242.

Court noted a letter was received in chambers from Mr. Christiansen who is in trial and cannot do evidentiary hearing this week. Mr. Vannah stated counsel has had conversation and all agree in August would be a good date. Mr. Christensen stated he is not in the jurisdiction until the 13th of August. COURT ORDERED, motions CONTINUED and matter SET for evidentiary hearing. Mr. Vannah stated subpoena's have been done, clients available those dates and requested to have associate available that worked on file. Also, counsel would like billing person available as well. Mr. Simon stated Ms. White will be available. Mr. Simon inquired if Edgeworth representatives will be

available. Mr. Vannah advised they will be present. Colloquy.

8/27/18 10:30 AM EVIDENTIARY HEARING...PLTF. EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC'S OPPOSITION TO DEFT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT...DEFT. DANIEL S. SIMON'S MOTION TO DISMISS PLTF'S COMPLAINT PURSUANT TO NRCP 12(B)(5)...PLTF. EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC'S OPPOSITION TO DEFT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT (CONSOLIDATED CASE NO. A767242)...DEFT. DANIEL S. SIMON D/B/ A SIMON LAW'S MOTION TO ADJUDICATE ATTORNEY LIEN OF THE LAW OFFICE DANIEL SIMON, PC; ORDER SHORTENING TIME

8/28/18 11:00 AM EVIDENTIARY HEARING...PLTF. EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC'S OPPOSITION TO DEFT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT...DEFT. DANIEL S. SIMON'S MOTION TO DISMISS PLTF'S COMPLAINT PURSUANT TO NRCP 12(B)(5)...PLTF. EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC'S OPPOSITION TO DEFT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT (CONSOLIDATED CASE NO. A767242)...DEFT. DANIEL S. SIMON D/B/ A SIMON LAW'S MOTION TO ADJUDICATE ATTORNEY LIEN OF THE LAW OFFICE DANIEL SIMON, PC; ORDER SHORTENING TIME

8/29/18 10:30 AM EVIDENTIARY HEARING...PLTF. EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC'S OPPOSITION TO DEFT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT...DEFT. DANIEL S. SIMON'S MOTION TO DISMISS PLTF'S COMPLAINT PURSUANT TO NRCP 12(B)(5)...PLTF. EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC'S OPPOSITION TO DEFT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT (CONSOLIDATED CASE NO. A767242)...DEFT. DANIEL S. SIMON D/B/ A SIMON LAW'S MOTION TO ADJUDICATE ATTORNEY LIEN OF THE LAW OFFICE DANIEL SIMON, PC; ORDER SHORTENING TIME

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

August 27, 2018

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

August 27, 2018 10:30 AM All Pending Motions

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Christensen, James R. Attorney

JOURNAL ENTRIES

- Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint...Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint (Consolidated Case No. A767242)...
Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Complaint Pursuant to NRCP 12(b)(5)...Defendant Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC; Order Shortening Time...Defendant Daniel S. Simon's Special Motion to Dismiss the Amended Complaint: Anit-SLAPP...Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Amended Complaint Pursuant to NRCP 12(b)(5)

APPEARANCES CONTINUED: James Christensen Esq., and Pete Christiansen Esq., on behalf of Daniel Simon, and Robert Vannah Esq., and John Greene Esq, of behalf of Edgeworth Family Trust.

Following arguments by counsel, COURT ORDERED, Mr. Vannah to produce his fee agreement, without notes, or conversations. Mr. Vannah provided copies to opposing counsel in OPEN COURT.

As to the Attorney Lien: HEARING HELD: Testimony and exhibits presented. (See worksheets).

COURT ADJOURNED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

August 28, 2018

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

August 28, 2018 11:00 AM All Pending Motions

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Christensen, James R. Attorney

JOURNAL ENTRIES

- Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint...Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint (Consolidated Case No. A767242)...
Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Complaint Pursuant to NRCP 12(b)(5)...Defendant Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC; Order Shortening Time...Defendant Daniel S. Simon's Special Motion to Dismiss the Amended Complaint: Anit-SLAPP...Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Amended Complaint Pursuant to NRCP 12(b)(5)

APPEARANCES CONTINUED: James Christensen Esq., and Pete Christiansen Esq., on behalf of Daniel Simon, and Robert Vannah Esq., and John Greene Esq, of behalf of Edgeworth Family Trust.

Hearing Held: Continued testimony and exhibits presented. (See worksheets). Following testimony,

COURT ADJOURNED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

August 29, 2018

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

August 29, 2018 10:30 AM All Pending Motions

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Christensen, James R. Attorney
FERREL, ASHLEY Attorney

JOURNAL ENTRIES

- Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint...Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint (Consolidated Case No. A767242)...
Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Complaint Pursuant to NRCP 12(b)(5)....Defendant Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC; Order Shortening Time...Defendant Daniel S. Simon's Special Motion to Dismiss the Amended Complaint: Anit-SLAPP...Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Amended Complaint Pursuant to NRCP 12(b)(5)

APPEARANCES CONTINUED: James Christensen Esq., and Pete Christiansen Esq., on behalf of Daniel Simon, and Robert Vannah Esq., and John Greene Esq, of behalf of Edgeworth Family Trust.

HEARING CONTINUED: Testimony and exhibits presented. (See worksheets). COURT ORDERED,

Ms. Ferrel and Mr. Simon to produce cell phone records only as to calls with regards to this case. Counsel agree that this can be heard on another day. Following testimony, of Mr. Simon, COURT ADJOURNED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

August 30, 2018

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

August 30, 2018 9:00 AM All Pending Motions

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Christensen, James R. Attorney
FERREL, ASHLEY Attorney

JOURNAL ENTRIES

- Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint...Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint (Consolidated Case No. A767242)...

Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Complaint Pursuant to NRCP 12(b)(5)....Defendant Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC; Order Shortening Time...Defendant Daniel S. Simon's Special Motion to Dismiss the Amended Complaint: Anit-SLAPP...Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Amended Complaint Pursuant to NRCP 12(b)(5)

APPEARANCES CONTINUED: James Christensen Esq., and Pete Christiansen Esq., on behalf of Daniel Simon, and Robert Vannah Esq., and John Greene Esq, of behalf of Edgeworth Family Trust.

Continued testimony and exhibits presented. (See worksheets). Following testimony of Mr. Kemp, Counsel called next witness Ms. Angela Edgeworth. Court noted there is not enough time to get through this witness today. Colloquy regarding re-setting the hearing. COURT ORDERED, hearing

CONTINUED to the date given.

COURT ADJOURNED.

09/18/18 11:00 A.M. HEARING CONTINUED

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

September 18, 2018

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

September 18, 2018 11:00 AM All Pending Motions

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Phyllis Irby

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Christensen, James R. Attorney
Simon, Daniel S., ESQ Attorney

JOURNAL ENTRIES

- DEFENDANT DANIEL S. SIMON d/b/a SIMON LAW'S MOTION TO ADJUDICATE ATTORNEY LIEN OF THE LAW OFFICE DANIEL SIMON PC; ORDER SHORTENING TIME....
PLAINTIFFS EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC's OPPOSITION TO DEFENDANT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT....
PLAINTIFFS EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC's OPPOSITION TO DEFENDANT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT (CONSOLIDATED CASE No. A767242).....
DEFENDANT DANIEL S. SIMON'S MOTION TO DISMISS PLAINTIFFS' COMPLAINT PURSUANT TO NRCP 12(b)(5).....
EVIDENTIARY HEARING...
DEFENDANT DANIEL S. SIMON'S SPECIAL MOTION TO DISMISS THE AMENDED COMPLAINT: ANTI-SLAPP.....
DEFENDANT DANIEL S. SIMON'S MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT PURSUANT TO NRCP 12(b)(5).

Testimony and exhibits presented (see worksheet). COURT ORDERED, Counsel to submit Blind Closing arguments to the Court by Monday, 9/24/18 at 5:00 pm.

FURTHER ORDERED, MOTIONS UNDER ADVISEMENT. The Court shall issue Minute Orders on the above Motions.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

November 15, 2018

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

November 15, 2018 9:30 AM Motion to Amend

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- APPEARANCES CONTINUED: James Christensen Esq., and Pete Christiansen Esq., on behalf of Daniel Simon, and Robert Vannah Esq., and John Greene Esq, of behalf of Edgeworth Family Trust.

Following arguments by counsel, Court advised it will issue a ruling from chambers by Monday, 11-19-18.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

November 16, 2018

A-16-738444-C	Edgeworth Family Trust, Plaintiff(s)
	vs.
	Lange Plumbing, L.L.C., Defendant(s)

November 16, 2018 9:30 AM Decision

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Motion to Amend Findings Under NRCP 52; and/or for Reconsideration; Order Shortening Time

Following review of the papers and pleadings on file herein, and the arguments of counsel, COURT ORDERS, Motion to Amend and/or Motion for Reconsideration is Motion GRANTED IN PART, DENIED IN PART.

The Court finds that the implied oral contact language in the Decision and Order on Motion to Dismiss pursuant to NRCP 12(b) (5) should be amended as the Court found, in the Decision and Order on Motion to Adjudicate Lien, that an implied contract existed based on past performance, but the Court found no oral nature of the contract. As such, the Court will issue an Amended Decision and Order for the Motion to Dismiss pursuant to NRCP 12(b)(5), under Rule 52, reflecting the implied contract .

The Court further finds that the cost award in the Decision and Order on Motion to Adjudicate Lien should be clarified. The amended attorney lien asserted by Simon, in January of 2018, originally sought reimbursement for advances costs of \$71,594.93. The amount sought for advanced costs was later changed to \$68,844.93. In March of 2018, the Edgeworths paid the outstanding advanced costs, so there are no advance costs outstanding, as of the time of the Court s Decision and Order on Motion to Adjudicate Lien. As such, the Court will issue an Amended Decision and Order on Motion to Adjudicate Lien under Rule 52 reflecting the payment of advanced costs.

The Court further finds that the Viking claim settled on or about December 1, 2017, and Viking's first settlement offer was made on November 15, 2017. As such, Finding of Fact #13, in the Court's Decision and Order on Motion to Adjudicate Lien will be amended, under Rule 52, to reflect the dates of December 1, 2017 and November 15, 2017.

The Court further finds that there was sufficient evidence presented at the evidentiary hearing to support the Court's findings, regarding the determination of Simon's fees, in the Decision and Order on Motion to Adjudicate Lien. The Court further finds that its findings of fact were not clearly erroneous, regarding the determination of Simon's fees. As such, the fees will only be amended to reflect the subtraction of the outstanding costs. As such, the Motion to Amend the Court's findings, regarding the determination of Simon's fees, under Rule 52 is DENIED.

CLERK'S NOTE: A copy of this minute order distributed to the as follows: Emailed to Peter Christiansen Esq., at pete@christiansenlaw.com, emailed to Robert Vannah Esq., at rvannah@vannahlaw.net, and emailed to James Christensen at jim@christensenlaw.com, and emailed to John Greene Esq., at jgreene@vannahlaw.com /tb

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

January 15, 2019

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

**January 15, 2019 9:30 AM Motion for Attorney Fees
and Costs**

HEARD BY: Jones, Tierra

COURTROOM: RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- APPEARANCES CONTINUED: James Christensen Esq., and Pete Christiansen Esq., on behalf of Daniel Simon, and John Greene Esq, of behalf of Edgeworth Family Trust.

Following arguments by counsel, COURT ORDERED, matter CONTINUED for Decision of the date given.

01/18/19 (CHAMBERS) DECISION: Motion for Attorney Fees and Costs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

January 17, 2019

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

January 17, 2019	3:00 AM	Motion for Attorney Fees and Costs
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HEARD BY: Jones, Tierra

COURTROOM: RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- The Motion for Attorney s Fees is GRANTED in part, DENIED in part. The Court finds that the claim for conversion was not maintained on reasonable grounds, as the Court previously found that when the complaint was filed on January 4, 2018, Mr. Simon was not in possession of the settlement proceeds as the checks were not endorsed or deposited in the trust account. (Amended Decision and Order on Motion to Dismiss NRCP 12(b)(5)). As such, Mr. Simon could not have converted the Edgeworth s property.

Further, the Court finds that the purpose of the evidentiary hearing was primarily for the Motion to Adjudicate Lien. It has been argued that the Court's statement of "during the course of that evidentiary hearing, I will also rule on the Motion to Dismiss at the end of the close of evidence, because I think that evidence is interrelated" (Motion Hearing April 3, 2018, pg. 18) should be construed to mean that the evidentiary hearing was for the Motions to Dismiss as well as the Motion to Adjudicate Lien. While the Court acknowledges said statement, during the same hearing, the Court also stated "So in regards to the Motion to Adjudicate the Lien, we're going to set an evidentiary hearing to determine what Mr. Simon's remaining fees are." (Motion Hearing April 3, 2018, pg. 17). During that same hearing, it was made clear that the primary focus of the evidentiary hearing was to determine the amount of fees owed to Mr. Simon. So, the primary purpose of the evidentiary hearing was for the Motion to Adjudicate Lien.

As such, the Motion for Attorney s Fees is GRANTED under 18.010(2)(b) as to the Conversion claim as it was not maintained upon reasonable grounds, since it was an impossibility for Mr. Simon to have converted the Edgeworth s property, at the time the lawsuit was filed. The Motion for Attorney s Fees is DENIED as it relates to the other claims.

In considering the amount of attorney s fees and costs, the Court finds that the services of Mr. James Christensen, Esq. and Mr. Peter Christiansen, Esq. were obtained after the filing of the lawsuit against Mr. Simon, on January 4, 2018. However, they were also the attorneys in the evidentiary hearing on the Motion to Adjudicate Lien, which this Court has found was primarily for the purpose of adjudicating the lien asserted by Mr. Simon. Further, the Motion to Consolidate

The Court further finds that the costs of Mr. Will Kemp Esq. were solely for the purpose of the Motion to Adjudicate Lien filed by Mr. Simon, but the costs of Mr. David Clark Esq. were solely for the purposes of defending the lawsuit filed against Mr. Simon by the Edgeworths.

As such, the Court has considered all of the factors pertinent to attorney s fees and attorney s fees are GRANTED in the amount of \$50,000.00 and costs are GRANTED in the amount of \$5,000.00.

PLAINTIFFS' EXHIBIT LIST FOR EVIDENTIARY HEARING

Edgeworth, Clark County District Court Case No. A-16-738444-c Consolidated with A-18-767242-C

	EXHIBIT	OFFERED	OBJECTION	ADMITTED
1.	Edgeworth's affidavits (Bates Exhibit 01-000001- 000023)	Y	Stip	8-27-18
2.	Simon's invoices paid on December 16, 2016; May 3, 2017; August 16, 2017; September 10, 2017; (Bates Exhibit 02-000001- 000031)			
3.	A copy of the email from Edgeworth to Simon labeled Contingency and dated August 22, 2017. (Bates Exhibit 03-000001)			
4.	Letters from Simon dated November 27, 2017 (w/ Retainer Agreement) and December 7, 2017. (Bates Exhibit 04-000001- 000009)			
5.	Simon's Invoices produced on January 24, 2018. (Bates Exhibit 05-000001- 000183)			
6.	Excerpts from Edgeworth's deposition (where Simon admits that all invoices have been produced to date). (Bates Exhibit 06-000001- 000003)			
7.	Amended Lien (Bates Exhibit 07-000001- 000004)			
8.	Plaintiffs 16.1 Disclosures with calculations of damages served in the Litigation. (Bates Exhibit 08-000001- 000077)			
9. x	MISC Documents: - Email dated 7/25/17 (Exhibit 09-000001) - Email dated 11/15/17 (Exhibit 09-000002) - Baker Hostetler fees (Exhibit 09-000003)			
	- Howard & Howard fees (Exhibit 09-000004) obj			NO
	- Sample Hourly Fee Agreement (Exhibit 09-000005 - 000006) - Summary/Comparison of fees paid versus new fees billed (Exhibit 09-000007 - 0000012)	Y	Stip	

10 letter, Text Msg

8-30-18

N

8-30-18

N

8-30-18

N

8-30-18

N

11 E-mail Re Settlement

EXHIBITS

A738444/
CASE NO. A767242

Exhibit Sheet S-01/jh

DEFENDANT'S EXHIBIT LIST FOR AUGUST 27, 2018
EVIDENTIARY HEARING

<u>NO.</u>	<u>DESCRIPTION</u>	<u>Offered</u>	<u>Admitted</u>	<u>Date</u>
1	Declaration of Will Kemp (SIMONEH0000001-0000008)	Y	Skp	8-27-18
2	Declaration of David Clark (SIMONEH0000009-0000019)			
3	Notice of Attorney's Lien with certified return receipt cards (SIMONEH0000020-0000028)			
4	Notice of Amended Attorney's Lien with certified return receipt cards (SIMONEH0000029-0000035)			
5	Executed Release and Settlement Checks from Viking (SIMONEH0000036-0000044)			
6	Executed Releases and Settlement Checks from Lange Plumbing (SIMONEH0000045-0000061)			
7	Memorandum of Costs (SIMONEH0000062-0000125)			
8	December 2, 2016 Invoice (SIMONEH0000126-0000129)			
9	April 7, 2017 Invoice (SIMONEH0000130-0000135)			
10	July 28, 2017 Invoice (SIMONEH0000136-0000146)			
11	September 19, 2017 Invoice (SIMONEH0000147-0000156)			
12	Summary of Payments and Supporting Checks (SIMONEH0000157-0000161)			
13	Invoice for Daniel S. Simon (SIMONEH0000162-0000240)			
14	Invoice for Ashley M. Ferrel (SIMONEH0000241-0000342)			
15	Invoice for Benjamin J. Miller (SIMONEH0000343-0000344)			
16	Affidavit of Brian Edgeworth, dated February 2, 2018 (SIMONEH0000345-0000350)			
17	Affidavit of Brian Edgeworth, dated February 12, 2018 (SIMONEH0000351-0000359)			
18	Affidavit of Brian Edgeworth, dated March 15, 2018 (SIMONEH0000360-0000369)	↓	↓	↓

		QFR	Admit	date
19	Complaint for Case No. A-18-767242-C (SIMONEH0000370-0000379)	Y	Stop	8-27-18
20	Amended Complaint for Case No. A-18-767242-C (SIMONEH0000380-0000391)			
21	Details from the Secretary of State Page regarding the Law Office of Daniel Simon, PC (SIMONEH0000392-0000393)			
22	Details from the Fictitious Firm Name for Clark County (SIMONEH0000394)			
23	May 27, 2016 Email Chain between Daniel Simon and Brian Edgeworth regarding "Insurance Claim" (SIMONEH0000395)			
24	April 18, 2017 Email from Brian Edgeworth to Daniel Simon regarding Bill for Restoration (SIMONEH0000396)			
25	April 20, 2017 Email from Daniel Simon regarding representation of Giberti (SIMONEH0000397)			
26	August 1, 2017 Email from Daniel Simon to Brian Edgeworth regarding Edgeworth Invoices (SIMONEH0000398)			
27	August 22, 2017 Email from Brian Edgeworth to Daniel Simon regarding "Contingency" (SIMONEH0000399)			
28	August 23, 2017 Email from Brian Edgeworth to Daniel Simon regarding settlement (SIMONEH0000400)			
29	August 29, 2017 Email from Daniel Simon to Brian Edgeworth regarding Edgeworth Case (SIMONEH0000401)			
30	September 5, 2017 Email from Brian Edgeworth to Daniel Simon regarding Margaret Ho Loan (SIMONEH0000402)			
31	September 22, 2017 Email from Daniel Simon to Brian Edgeworth with invoices and billing summaries attached (SIMONEH0000403)			
32	September 30, 2017 Email from Michael Nunez to Daniel Simon regarding Motion to strike (SIMONEH0000404)			
33	September 30, 2017 Email from Brian Edgeworth to Daniel Simon regarding punitive damages (SIMONEH0000405)			
34	October 5, 2017 Email from Brian Edgeworth to Daniel Simon regarding settlement tolerance (SIMONEH0000406- 0000407)			

GR Admit Date

1	49	December 27, 2017 Letter from Jim Christensen to Robert Vannah in response to 12/26/17 email (SIMONEH0000432-0000441)	✓	Stip	8-27-18	WA
2						
3	50	December 28, 2017 Email chain between Jim Christensen and Robert Vannah regarding separate bank account (SIMONEH0000442-0000447)				WA
4						
5	51	January 4, 2017 Letter from Robert Vannah to Sara Guindy (SIMONEH0000448)				WA
6						
7	52	January 4, 2018 Email from Sara Guindy regarding new trust account (SIMONEH0000449)				WA
8						
9	53	January 9, 2018 Email chain between Robert Vannah and Jim Christensen regarding not terminating Daniel Simon (SIMONEH0000450-0000452)				WA
10						
11	54	Check to Client for Viking Settlement in amount of \$3,950,561.27 (SIMONEH0000453)				WA
12						
13	55	Check of Costs Paid by Edgeworth dated March 1, 2018 (SIMONEH0000454)				WA
14						
15	56	Construction Agreement between American Grating and Lange Plumbing (SIMONEH0000455-0000480)				WA
16						
17	57	Nonrecourse Promissory Note with Margaret Ho (SIMONEH0000481-0000483)				WA
18						
19	58	Nonrecourse Promissory Note with Colin Kendrick (SIMONEH0000484-0000486)				WA
20						
21	59	Subordinate Nonrecourse Promissory Note for \$400,000 with Margaret Ho (SIMONEH0000487-0000489)				WA
22						
23	60	Video of 645 St. Croix, Henderson, NV from YouTube (SIMONEH0000490)				WA
24						
25	61	Pictures of 645 St. Croix, Henderson, NV from Zillow (SIMONEH0000491-0000519)				WA
26						
27	62	Crane Pomerantz Engagement Letter (SIMONEH0000520-0000523)				WA
28						
29	63	Register of Actions as of December 11, 2017 (SIMONEH0000524-0000535)				WA
30						
31	64	Plaintiff's Wiznet Filing Report from 4.27.17 to 11.30.17 (SIMONEH0000536-0000545)				WA
32						
33	65	Deposition Time Summary (SIMONEH0000546)	✓	✓	✓	WA

OFR Admit date

1	66	Deposition Notices (SIMONEH0000547-0000910)	Y	Stip	8-27-18	us
2	67	Written Discovery to Viking and Viking's Responses (SIMONEH0000911-0001177)				us
3	68	Written Discovery to Lange and Lange's Responses (SIMONEH0001178-0001248)				us
4	69	Stipulations and Orders to Continue Other Cases (SIMONEH0001249-0001339)				us
5	70	Calculation of Damages (as of 9/28/17) (SIMONEH0001340-0001341)				us
6	71	Summary of Early Case Conference Disclosures & Supplements (SIMONEH0001342-0001343)				us
7	72	Christmas Card to the Simon Family from the Edgeworth Family (SIMONEH0001344-0001346)				us
8	73	Texts between Angela Edgeworth and Eleya Simon (SIMONEH0001347-0001352)				us
9	74	Case Expense Summary, dated January 2, 2018 (SIMONEH0001353-0001357)				us
10	75	Cost Basis of Spec Development (SIMONEH0001358)				us
11	76	American Grating Invoices (SIMONEH0001359-0001360)				us
12	77	Pictures of Edgeworth Dropbox File (SIMONEH0001361-0001371)				us
13	78	Invoice from Jerry Heskett (SIMONEH0001372)				us
14	79	Plaintiff's Early Case Conference Disclosures with Computation of Damages (SIMONEH0001373-0001654)				us
15	80	Emails regarding the Edgeworth case (combined) (SIMONEH0001655-0007197)				us
16	81	February 6, 2018 Hearing Transcript (SIMONEH0007198-0007243)				us
17	82	February 20, 2018 Hearing Transcript (SIMONEH0007244-0007266)				us
18	83	April 3, 2018 Hearing Transcript (SIMONEH0007267-0007297)				us
19	84	Deposition of Brian Edgeworth, dated September 29, 2017 (SIMONEH0007298-0007642)	↓	↓	↓	us

		dis	obj	admit
85	Deposition of Margaret Ho, dated October 16, 2017 (SIMONEH0007643-0007678)	Y	Stip	8-27-18
86	Deposition of Angela Edgeworth, dated September 18, 2017 (SIMONEH0007679-0007855)			
87	Offer of Judgment to Lange Plumbing, LLC. (SIMONEH0007856-0007858)			
88	Email from Ashley Ferrel to Daniel Simon re Edgeworth 6 th Supplement, dated July 6, 2017(SIMONEH0007859)			
89	Email from Ashley Ferrel to Daniel Simon regarding Viking documents just produced (SIMONEH0007860)			
90	Retention Agreement	8-27-18	N	8-27-18

91 Emails from Viking Re: VK457 8-30-18 N 8-30-18 wa

92- PHOTO OF BANKER BOXES Y N 9-18-18 wa

93- PHOTO OPEN BANKER BOXES Y N 9-18-18 wa

94- PHOTO COPY OF CHECK \$ 437,575.42 Y N 9-18-18 wa

95- PHOTO COPY OF CHECK \$ 726,407.98 Y N 9-18-18 wa

EXHIBITS

CASE NO. A738444

[illegible]



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

JOHN B. GREENE, ESQ.
400 S. SEVENTH ST., 4TH FL
LAS VEGAS, NV 89101

DATE: February 20, 2019
CASE: A-16-738444-C
c/w A-18-767242-C

RE CASE: EDGEWORTH FAMILY TRUST; AMERICAN GRATING, LLC vs. LANGE PLUMBING, LLC; THE VIKING CORPORATION; SUPPLY NETWORK, INC, DBA VIKING SUPPLYNET

NOTICE OF APPEAL FILED: February 15, 2019

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.**

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; DECISION AND ORDER GRANTING IN PART AND DENYING IN PART, SIMON'S MOTION FOR ATTORNEY'S FEES AND COSTS; NOTICE OF ENTRY OF DECISION AND ORDER GRANTING IN PART AND DENYING IN PART, SIMON'S MOTION FOR ATTORNEY'S FEES AND COSTS; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEICIENCY

EDGEWORTH FAMILY TRUST; AMERICAN GRATING, LLC,

Plaintiff(s),

vs.

LANGE PLUMBING, LLC; THE VIKING CORPORATION; SUPPLY NETWORK, INC, DBA VIKING SUPPLYNET,

Defendant(s),

Case No: A-16-738444-C

Consolidated with A-18-767242-C

Dept No: X

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto Set my hand and Affixed the seal of the Court at my office, Las Vegas, Nevada This 20 day of February 2019.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

February 20, 2019

Elizabeth A. Brown
Clerk of the Court
201 South Carson Street, Suite 201
Carson City, Nevada 89701-4702

RE: EDGEWORTH FAMILY TRUST; AMERICAN GRATING, LLC vs. LANGE PLUMBING, LLC;
THE VIKING CORPORATION; SUPPLY NETWORK, INC, DBA VIKING SUPPLYNET
D.C. CASE: A-16-738444-C
C/W A-18-767242-C

Dear Ms. Brown:

Please find enclosed a Notice of Appeal packet, filed February 15, 2019. Due to extenuating circumstances minutes from the date(s) listed below have not been included:

February 5, 2019

We do not currently have a time frame for when these minutes will be available.

If you have any questions regarding this matter, please contact me at (702) 671-0512.

Sincerely,
STEVEN D. GRIERSON, CLERK OF THE COURT

A handwritten signature in black ink, appearing to read "Amanda Hampton".

Amanda Hampton, Deputy Clerk