

IN THE SUPREME COURT OF THE STATE OF NEVADA

GARY LEWIS
Petitioner and Real Party in Interest

vs.

EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF
NEVADA IN AND FOR THE
COUNTY OF CLARK THE
HONORABLE ERIC JOHNSON,
DISTRICT COURT JUDGE,

Respondent,

And
UNITED AUTOMOBILE
INSURANCE COMPANY, and
CHEYANNE NALDER

Respondents.

Electronically Filed
Mar 05 2019 12:05 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
Supreme Court No.
78243

District Court Case No. 07A549111
Consolidated with 18-A-772220
DEPT. NO: XX

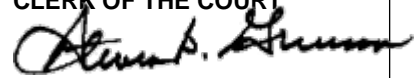
APPENDIX TO
PETITION FOR WRIT OF MANDAMUS
VOLUME I

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Exhibit #	Document Title	Bates No.
1	Order Granting Intervention (12/28/18)	001-008
2	Order Granting Motion for Relief from Judgment	009-021
3	Docket Sheet 07A549111	022-030
4	Docket Sheet 2:09-cv-01248-RCJ-GWF	031-047
5	Docket Sheet 9th Circuit Court of Appeals 11-15010	048-054
6	Docket Sheet 9th Circuit Court of Appeals 13-17441	055-062
7	Docket Sheet A-18-772220-C	063-067
8	Docket Sheet (California) KS021378	068-076

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EXHIBIT 1



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Attorneys for Intervenor United Automobile Insurance Company

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

JAMES NALDER,

Plaintiff,

vs.

GARY LEWIS and DOES I through V,
inclusive,

Defendants.

&

UNITED AUTOMOBILE INSURANCE
COMPANY,

Intervenor.

CASE NO.: 07A549111
DEPT. NO.: 20

CHEYANNE NALDER,

Plaintiff,

vs.

GARY LEWIS and DOES I through V,
inclusive,

Defendants,

&

UNITED AUTOMOBILE INSURANCE
COMPANY,

CASE NO.: A-18-772220-C
DEPT. NO.: *Being consolidated with
07A549111 and transferred to Dept. 20.*

Intervenor.

GARY LEWIS,

Third Party Plaintiff,

vs.

UNITED AUTOMOBILE INSURANCE
COMPANY, RANDALL TINDALL, ESQ.
and RESNICK & LOUIS, P.C., and DOES
I through V.,

Third Party Defendants.

**NOTICE OF ENTRY OF ORDER GRANTING INTERVENOR'S MOTION TO
CONSOLIDATE CASES ON ORDER SHORTENING TIME**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that the attached Order Granting Intervenor's Motion to Consolidate Cases on Order Shortening Time was entered by the Court on the 27th day of December, 2018.

DATED this 28th day of December, 2018.

ATKIN WINNER & SHERROD

/s/ Matthew J Douglas

Matthew J. Douglas
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Attorneys for Intervenor UNITED AUTOMOBILE
INSURANCE COMPANY

1 **CERTIFICATE OF SERVICE**

2 I certify that on this 28th day of December, 2018, the foregoing **NOTICE OF ENTRY**
3 **OF ORDER GRANTING INTERVENOR'S MOTION TO CONSOLIDATE CASES ON**
4 **ORDER SHORTENING TIME** was served on the following by [] Electronic Service pursuant
5 to NEFR 9 [XX] Electronic Filing and Service pursuant to NEFR 9 [] hand delivery
6 [] overnight delivery [] fax [] fax and mail [] mailing by depositing with the U.S. mail in
7 Las Vegas, Nevada, enclosed in a sealed envelope with first class postage prepaid, addressed as
8 follows:

9 David Stephens, Esq.
10 STEPHENS & BYWATER, P.C.
11 3636 North Rancho Drive
12 Las Vegas, NV 89130
13 *Attorney for Plaintiff*

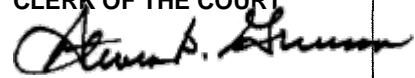
Thomas Christensen, Esq.
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23 */s/ Amanda Hanson*
24 An employee of ATKIN WINNER & SHERROD
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6 EIGHTH JUDICIAL DISTRICT COURT

7 CLARK COUNTY, NEVADA

8 JAMES NALDER,

9 Plaintiff,

10 vs.

11 GARY LEWIS and DOES I through V,
12 inclusive,

13 Defendants.

14 &

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16 UNITED AUTOMOBILE INSURANCE
17 COMPANY,

18 Intervenor.
19

20
21 CHEYANNE NALDER,

22 Plaintiff,

23 vs.

24 GARY LEWIS and DOES I through V,
inclusive,

25 Defendants,

26 &

27 UNITED AUTOMOBILE INSURANCE
28 COMPANY,

CASE NO.: 07A549111
DEPT. NO.: 20

CASE NO.: A-18-772220-C
DEPT. NO.: *Being consolidated with
07A549111 and transferred to Dept. 20.*

Intervenor.

GARY LEWIS,

Third Party Plaintiff,

vs.

UNITED AUTOMOBILE INSURANCE
COMPANY, RANDALL TINDALL, ESQ.
and RESNICK & LOUIS, P.C., and DOES
I through V.,

Third Party Defendants.

ORDER GRANTING INTERVENOR'S MOTION TO CONSOLIDATE CASES ON

ORDER SHORTENING TIME

Intervenor, UNITED AUTOMOBILE INSURANCE COMPANY ("UAIC"), acting through their counsel, Thomas E. Winner and Matthew J. Douglas of the law firm ATKIN WINNER & SHERROD, filed a motion to consolidate this case with Case No. A-18-772220-C, *Cheyenne Nalder vs. Gary Lewis*, on an order shortening time, on November 26, 2018. Plaintiff Cheyenne Nalder and Defendant/Third Party Plaintiff Gary Lewis opposed the motion via written briefs and, Defendant/Third Party Plaintiff Gary Lewis also filed a counter-motion to set aside void order and strike all filings by intervenor and, hearing was set for November 28, 2018.

After reviewing said motion and the Defendant/Third Party Plaintiff Gary Lewis' Opposition and Counter-Motion thereto, the Court issued a Minute Order granting the Motion to consolidate and vacating the hearing date, as follows:

FINDINGS OF FACT

THIS COURT FINDS AS FOLLOWS:

1. The claim giving rise to both this case, Case No. 07A549111, and case no. A-18-772220-C, arise from the same car accident occurring July 8, 2007 involving Cheyenne

1 Nalder and Gary Lewis;

- 2
- 3 2. That further, both cases, Case No. 07A549111, and case no. A-18-772220-C, concern
- 4 the same issues of fact and, issues of law;
- 5 3. That, further, the decisions made in regard to both cases, Case No. 07A549111, and case
- 6 no. A-18-772220-C, may be affected by the issues on appeal to the Nevada Supreme
- 7 Court in case no. 70504 before that Court, and therefore it would be beneficial to
- 8 consolidate same.
- 9 4. The Court further finds the actions were before the same department, before being re-
- 10 assigned;
- 11 5. The Court further finds the parties will not be prejudiced by the consolidation and
- 12 consolidation favors judicial economy;
- 13 6. The Court further finds the issues raised in Defendant/Third Party Plaintiff Lewis'
- 14 counter-motion to set aside void order and strike all filings by intervenor are currently
- 15 being litigated on appeal to the Nevada Supreme Court in case no. 70504 before that
- 16 Court, and therefore, the Court has no jurisdiction to hear them.

17 CONCLUSIONS OF LAW

- 18 7. NRCP 42(a) states that a court may order consolidation of actions involving common
- 19 questions of law or fact, and that a court may "make such orders concerning proceedings
- 20 therein as may tend to avoid unnecessary costs or delay."
- 21 8. Case No. 07A549111, *James Nalder v Gary Lewis*, shares significant issues of law and
- 22 fact with Case No. A-18-772220-C, *Cheyenne Nalder v Gary Lewis*.
- 23 9. Consolidating Case Nos. 07A549111, and A-18-772220-C would serve the judicial
- 24 economy, reduce unnecessary costs, and ensure consistent outcomes in motion practice
- 25 arising from one motor vehicle accident as well as in regard to issues on appeal to the
- 26 Nevada Supreme Court in case no. 70504.
- 27 10. The two cases should be consolidated before Judge Eric Johnson in Department 20 and
- 28 consolidation will not prejudice any of the parties.

11. That the issues raised in Defendant/Third Party Plaintiff Lewis' counter-motion to set aside void order and strike all filings by intervenor are currently being litigated on appeal to the Nevada Supreme Court in case no. 70504 before that Court, and therefore, the Court has no jurisdiction to hear them.

ORDER

IT IS THEREFORE ORDERED that the Intervenor's Motion to Consolidate Case No. A-18-772220-C, filed April 3, 2018, into Case No. 07A549111, filed October 9, 2007, is GRANTED.

IT IS FURTHER ORDERED, that Defendant/Third Party Plaintiff Lewis' counter-motion to set aside void order and strike all filings by intervenor is DEFERRED pending ruling from the Nevada Supreme Court in case no. 70504 before that Court.

IT IS FURTHER ORDERED, that the November 28, 2018 hearing date on the Motion to Consolidate on order shortening time is hereby VACATED.

IT IS FURTHER ORDERED that the consolidated case, Case No. A-18-772220-C, be TRANSFERRED to Department 20 and directs the Clerk of the Court to transfer same Case No. A-18-772220-C, and consolidate with Case No. 07A549111.

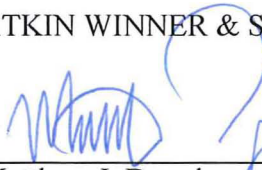
12-20-18

DISTRICT COURT JUDGE

ERIC JOHNSON

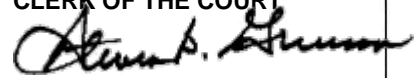
Submitted by:

ATKIN WINNER & SHERROD


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EXHIBIT 2



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EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

CHEYANNE NALDER,

Plaintiff,

vs.

GARY LEWIS and DOES I through V,
inclusive,

Defendants,

UNITED AUTOMOBILE INSURANCE
COMPANY,

Intervenor.

GARY LEWIS,

Third Party Plaintiff,

vs.

UNITED AUTOMOBILE INSURANCE
COMPANY, RANDALL TINDALL, ESQ.
and RESNICK & LOUIS, P.C., and DOES I
through V.,

Third Party Defendants.

CASE NO.: 07A549111

DEPT. NO.: XX

Consolidated with

CASE NO.: A-18-772220-C

DEPT. NO.: XX.

**NOTICE OF ENTRY OF ORDER
GRANTING IN PART MOTION FOR
RELIEF FROM JUDGMENT, ENTERED
1/23/19 IN CASE NO A-18-772220-C,
PURSUANT TO NRCP 60 AND/OR, IN
THE ALTERNATIVE, MOTION FOR
REHEARING ON MOTION TO DISMISS
PLAINTIFF'S FIRST CAUSE
OF ACTION IN CASE NO A.18.772220-C
ON AN ORDER SHORTENING TIME**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that the attached **ORDER GRANTING IN PART MOTION
FOR RELIEF FROM JUDGMENT, ENTERED 1/23/19 IN CASE NO A-18-772220-C,**

PURSUANT TO NRCP 60 AND/OR , IN THE ALTERNATIVE, MOTION FOR
REHEARING ON MOTION TO DISMISS PLAINTIFF'S FIRST CAUSE OF ACTION
IN CASE NO A.18.772220-C ON AN ORDER SHORTENING TIME was entered by the
Court on the 14th day of February 2019.

DATED this 14th day of February 2019.

ATKIN WINNER & SHERROD



Matthew J. Douglas
Nevada Bar No.11371
1117 South Rancho Drive
Las Vegas, Nevada 89102
Attorneys for Intervenor UNITED AUTOMOBILE
INSURANCE COMPANY

CERTIFICATE OF SERVICE

I certify that on this 14th day of February, the foregoing **NOTICE OF ENTRY OF ORDER GRANTING IN PART MOTION FOR RELIEF FROM JUDGMENT, ENTERED 1/23/19 IN CASE NO A-18-772220-C, PURSUANT TO NRCP 60 AND/OR, IN THE ALTERNATIVE, MOTION FOR REHEARING ON MOTION TO DISMISS PLAINTIFF'S FIRST CAUSE OF ACTION IN CASE NO A.18.772220-C ON AN ORDER SHORTENING TIME** was served on the following by [XX] BY WIZNET pursuant to NEFR 9 this document(s) was electronically served through Odyssey CM/ECF for the above-entitled case to all the parties on the Service List maintained on Odyssey's website for this case on the date specified.

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Attorney for Plaintiff

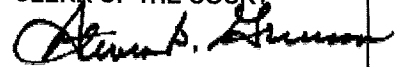
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Additional Attorney for Defendant Lewis

Randall Tindall, Esq.
Carissa Christensen, Esq.
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*Counsel for Third-Party Defendants
Tindal and Resnick & Louis*


An employee of ATKIN WINNER & SHERROD



1 ORDR

2 EIGHTH JUDICIAL DISTRICT COURT

3 CLARK COUNTY, NEVADA

4 CHEYANNE NALDER,

5 Plaintiff,

6 vs.

7 GARY LEWIS, an individual; and DOES I
 through V, inclusive,

8 Defendants,

9 UNITED AUTOMOBILE INSURANCE
10 COMPANY,

11 Intervenor,

12 GARY LEWIS,

13 Third Party Plaintiff,

14 vs.

15 UNITED AUTOMOBILE INSURANCE
16 COMPANY; RANDALL TINDALL, ESQ.;
 RESNICK & LOUIS, P.C.; and DOES I
 through V, inclusive,

17 Third Party Defendants.

Case No. 07A549111

Consolidated with Case No. A-18-772220-
C

Dept. No. XX

**ORDER GRANTING IN PART
MOTION FOR RELIEF FROM
JUDGMENT, ENTERED 1/23/19 IN
CASE NO A-18-772220-C, PURSUANT
TO NRCP 60 AND/OR , IN THE
ALTERNATIVE, MOTION FOR
REHEARING ON MOTION TO
DISMISS PLAINTIFF'S FIRST CAUSE
OF ACTION IN CASE NO A-18-772220-
C ON AN ORDER SHORTENING
TIME**

18 **INTRODUCTION**

19 Intervenor United Automobile Insurance Company ("UAIC") filed its Motion for Relief
20 from Judgment, Entered 1/23/19 in Case No A-18-772220-C, Pursuant to NRCP 60 and/or, in the
21 Alternative, Motion for Rehearing on Motion to Dismiss Plaintiff's First Cause of Action in Case No
22 A-18-772220-C on an Order Shortening Time on February 11, 2019. This matter was subsequently
23 set for hearing on the 20th day of February 2019 before this Court. Having reviewed the papers and
24 pleadings on file herein and good cause appearing, this Court grants in part UAIC's Motion for

1 Relief from Judgment, Entered 1/23/19 in Case No A-18-772220-C, Pursuant to NRCP 60 and/or, in
2 the Alternative, Motion for Rehearing on Motion to Dismiss Plaintiff's First Cause of Action in Case
3 No A-18-772220-C on an Order Shortening Time for the following reasons:

4 **FINDINGS OF FACT AND PROCEDURAL HISTORY**

5 1. Case 07A549111 was instituted on October 9, 2007 by James Nalder, acting as Guardian
6 ad Litem for Cheyenne Nalder against Gary Lewis ("Lewis") based on claims relating to a car
7 accident which occurred on July 8, 2007. It was alleged that Lewis was operating a 1996 Chevy
8 Pickup and struck Cheyenne Nalder with said vehicle. Nalder asserted a claim against Lewis for
9 negligence. Nalder requested general damages, special damages for current and future medical
10 expenses, special damages for current and future lost wages, and costs and attorney's fees associated
11 with bringing this suit. UAIC declined to hire counsel to represent Lewis in this matter, because it
12 believed that Lewis was not covered under his insurance policy given that he did not renew the
13 policy on June 30, 2007.

14 2. On December 13, 2007, James Nalder, on behalf of Cheyenne Nalder, filed a Default
15 with the Clerk of the Court based on Lewis' failure to file an Answer in this matter. An Application
16 for Default Judgment was filed on May 15, 2008. An Amended Application for Default Judgment
17 was filed on May 16, 2008. A Prove Up Hearing was conducted on May 22, 2008, at which time
18 Default Judgment was granted. A Judgment was filed on June 3, 2008, and Nalder was awarded
19 \$65,555.37 in medical expenses and \$3,434,444.63 in pain, suffering, and disfigurement for a total
20 of \$3,500,000.00 with interest thereon at the legal rate from October 9, 2007, until paid in full.

21 3. On May 22, 2009, James Nalder, on behalf of Cheyenne Nalder, and Lewis filed suit
22 against UAIC, alleging breach of contract, breach of the implied covenant of good faith and fair
23 dealing, bad faith, fraud, and violation of NRS 686A.310. The case was subsequently removed to the
24 United States District Court for the District of Nevada.

1 4. The federal court determined that Lewis' insurance coverage had lapsed and UAIC,
2 therefore, did not have the duty to defend Lewis in the 2007 suit. This decision was appealed to the
3 Ninth Circuit Court of Appeals, where it was reversed and remanded back to the lower federal court.
4 The federal court later determined that the insurance contract was ambiguous, and therefore, the
5 insurance coverage had not lapsed and UAIC had a duty to defend Lewis in 07A549111. The federal
6 court determined that no damages were to be awarded, although UAIC breached its duty to defend
7 Lewis. Both Nalder and Lewis appealed that decision to the Ninth Circuit Court of Appeals, which
8 ultimately led to the certification of the first question to the Nevada Supreme Court.

9 5. UAIC filed a Motion to Dismiss Lewis and Nalder's appeal to the Ninth Circuit for lack
10 of standing, asserting that the 2008 judgment was no longer enforceable because the judgment had
11 expired pursuant to NRS 11.190(1)(a) because no renewal pursuant to NRS 17.124 had been filed.
12 This question has also been certified to the Nevada Supreme Court for decision.

13 6. On March 22, 2018, Cheyenne Nalder ("Nalder") filed an Ex Parte Motion to Amend
14 Judgment in the Name of Cheyenne Nalder, Individually. Nalder had reached the age of majority
15 and no longer needed James Nalder to act as her Guardian ad Litem. The Amended Judgment was
16 filed on March 28, 2018.

17 7. Case A-18-772220-C was instituted on April 3, 2018, by Nalder against Lewis based on
18 claims relating to the same July 2007 car accident. Nalder asserted claims against Lewis in regards
19 to her personal injuries suffered in 2007, requesting this Court to enter another Amended Judgment
20 adding interest accrued through April 3, 2018, and declaratory relief stating that the statute of
21 limitations on her original judgment was tolled.

22 8. UAIC filed its Motion to Intervene on August 17, 2018. The Order granting UAIC's
23 Motion to Intervene was filed on October 19, 2018.

24

1 9. UAIC filed its Motion to Consolidate on Order Shortening Time on November 26, 2018.
2 This matter was subsequently set for hearing on November 28, 2018. This Court entered a Minute
3 Order granting consolidation on November 30, 2018. The cases have since been consolidated into
4 Case 07A549111. The Order Granting Intervenor's Motion to Consolidate Cases on Order
5 Shortening Time on December 27, 2018. All pending motions were transferred to Department XX of
6 the Eighth Judicial District Court.

7 10. Several motions were filed in both 07A549111 and A-18-772220-C: Defendant Lewis
8 filed a Motion to Dismiss and a Motion for Relief from Judgment pursuant to NRCP 60 in case A-
9 18-772220-C on September 26, 2018. Defendant Lewis filed an identical Motion for Relief in case
10 07A549111 on September 27, 2018. Defendant Lewis filed a Motion to Strike Defendant's Motion
11 for Relief from Judgment in case 07A549111 on October 17, 2018. Defendant Lewis also filed a
12 Motion to Strike Both Defendant's Motion for Relief from Judgment and Defendant's Motion to
13 Dismiss in case A-18-772220-C on October 17, 2018. UAIC filed a Motion from Relief from
14 Judgment Pursuant to NRCP 60 and a Motion to Dismiss Plaintiff's Complaint and Motion for Court
15 to Deny Stipulation to Enter Judgment between Plaintiff and Lewis and/or, in the Alternative, to
16 Stay Same Pending Hearing on Motion to Dismiss on in case 07A549111 on October 19, 2018.
17 Third Party Plaintiff Lewis filed a Motion for Relief from Orders and Joinder in Motions for Relief
18 from Orders on Order Shortening Time on December 12, 2018. Plaintiff Nalder filed a Motion to Set
19 Aside Order, Pursuant to NRCP 60(b) Allowing UAIC to Intervene on December 13, 2018. UAIC
20 filed an Opposition to Third Party Plaintiff Lewis' Motion for Relief from Order and Joinder in
21 Motions for Relief from Orders on Order Shortening Time as well as UAIC's Opposition to
22 Plaintiff's Motion to Set Aside Order & Opposition to Defendant Lewis' Motion for Relief from
23 Orders and Countermotion to Stay Pending Ruling on Appeal on December 31, 2018. Finally,
24

1 Randall Tindall, Esq., filed a Motion to Withdraw as Counsel on Order Shortening Time on January
2 7, 2019. All matters were subsequently set for hearing on January 9, 2019.

3 11. On January 9, 2019, the above matters were set for hearing. Nalder appeared by and
4 through her attorney David Stephens, Esq., of Stephens & Bywater. Defendant Gary Lewis
5 appeared by and through his counsel E. Breen Arntz, Esq. Third Party Plaintiff Gary Lewis also
6 appeared by an through his counsel Thomas Christensen, Esq., of Christensen Law Offices.
7 Intervenor/Third Party Defendant UAIC appeared by and through its counsel Matthew J. Douglas,
8 Esq., and Thomas E. Winner, Esq., of Atkin Winner & Sherrod. Third Party Defendants Randall
9 Tindall, Esq., and Resnick & Louis, P.C. appeared by and through their counsel Dan R. Waite,
10 Esq., of Lewis Roca Rothgerber Christie LLP.

11 The Court GRANTED the following motions: Defendant's Motion to Strike Both
12 Defendant's Motion for Relief from Judgment and Defendant's Motion to Dismiss, Defendant's
13 Motion to Strike Defendant's Motion for Relief from Judgment, and Randall Tindall, Esq.'s Motion
14 to Withdraw as Counsel on Order Shortening Time. The Court GRANTED IN PART the following
15 motions: UAIC's Motion to Dismiss Plaintiff's Complaint and Motion for Court to Deny Stipulation
16 to Enter Judgment Between Plaintiff and Lewis and/or, in the Alternative, to Stay Same Pending
17 Hearing on Motion to Dismiss and UAIC's Opposition to Plaintiff's Motion to Set Aside Order &
18 Opposition to Defendant Lewis' Motion for Relief from Orders and Countermotion to Stay Pending
19 Ruling on Appeal. The Court DENIED the following motions: UAIC's Motion for Relief from
20 Judgment Pursuant to NRCP 60, Third Party Plaintiff's Motion for Relief from Orders and Joinder
21 in Motions for Relief from Orders on Order Shortening Time, and Plaintiff's Motion to Set Aside
22 Order, Pursuant to NRCP 60(b) Allowing UAIC to Intervene. The Court WITHDREW the following
23 motions: Defendant's Motion for Relief from Judgment Pursuant to NRCP 60 and Defendant's
24 Motion to Dismiss.

1 12. Further, at the time of the hearing, the Court granted UAIC's counter-motion for stay
2 pending appeal and issued a stay of the case pending the determination from the Nevada Supreme
3 Court. The Court determined that many of the motions revolved around the questions currently
4 certified to the Nevada Supreme Court, i.e., whether the 2008 Judgment has expired or whether the
5 statute of limitations was tolled. The Court further stated on the record that it had received a
6 proposed Judgment from the parties, but declined to sign it until the questions on appeal had been
7 resolved.

8 13. Nalder filed a Motion for Summary Judgment Pursuant to NRCP 60(b) on November 28,
9 2018. UAIC filed its Opposition and Counter-motion to Stay Proceedings Pending Appellate Ruling
10 on December 20, 2018. UAIC filed a Motion to Dismiss Third Party Plaintiff Lewis' Third Party
11 Complaint on November 15, 2018. Lewis filed an Opposition and Counter-motion for Summary
12 Judgment on November 27, 2018. UAIC filed its Opposition and Counter-motion to Strike Affidavit
13 of Lewis and/or Stay Proceedings Pending Appellate Ruling and/or Stay Counter-motion for
14 Summary Judgment Pursuant to NRCP 56(f). These matters were subsequently set for hearing on
15 January 23, 2019.

16 The Court issued its decision via Minute Order on January 22, 2019. The Court
17 GRANTED UAIC's requests for stay and again reiterated that the central questions involved in
18 these motions are the same as the question currently certified to the Nevada Supreme Court.

19 14. On January 22, 2019, Lewis filed a Notice of Acceptance of Offer of Judgment in Case
20 No. 18-A-772220 in Case No. 07A549111. A Judgment was then signed and filed by the Clerk of
21 the Court later that same day, although the date beside the Clerk's signature is January 23, 2019.
22 Notice of Entry of Judgment was filed on January 28, 2019.

23 15. On February 11, 2019, UAIC filed the instant Motion for Relief from Judgment, Entered
24 1/23/19 in Case No. A-18-772220-C, Pursuant to NRCP 60 and/or, in the Alternative, Motion for

1 Rehearing on Motion to Dismiss Plaintiff's First Cause of Action in Case No. A-18-772220-C on
2 an Order Shortening Time. The matter was subsequently set on calendar for February 20, 2019.

3 **CONCLUSIONS OF LAW**

4 1. According to Nevada Rule of Civil Procedure ("NRCP") 60(b),

5 [o]n motion and just terms, the court may relieve a party or its legal
6 representative from a final judgment, order, or proceeding for the
following reasons:

7 (1) mistake, inadvertence, surprise, or excusable neglect;

8 (2) newly discovered evidence that, with reasonable diligence,
could not have been discovered in time to move for a new trial under
Rule 59(b);

9 (3) fraud (whether previously called intrinsic or extrinsic),
misrepresentation, or misconduct by an opposing party;

10 (4) the judgment is void;

11 (5) the judgment has been satisfied, released, or discharged; it
is based on an earlier judgment that has been reversed or vacated; or
applying it prospectively is no longer equitable; or

12 (6) any other reason that justifies relief.

13 2. The Nevada Supreme Court has held that, once a stay has been issued, a party may not
14 seek to alter a judgment. *Westside Charter Serv. v. Gray Line Tours*, 99 Nev. 456, 664 P.2d 351
15 (1983). In *Westside*, the District Court stayed the judgment pending the appeal of the denial of an
16 NRCP 60(b) motion to vacate judgment. One of parties then began actions which may have been
17 affected by the outcome of the appeal. The Nevada Supreme Court affirmed the stay as well as the
denial of further action and stated:

18 It is also clear that the district court's stay of judgment while the case
19 was under appeal did not allow PSC to deal with the subject matter of
20 the judgment until a final decision had been rendered. The purpose of
a stay is to preserve the *status quo ante*. It does not allow further
21 modifications to the subject matter of the judgment. *East Standard*
Mining Co. v. Devine, 59 Nev. 134, 81 P.2d 1068 (1938). In this case,
22 the stay of judgment pending appeal effectively prevented any further
administrative proceedings on the subject matter of the appeal while
23 the order denying the NRCP 60(b) motion was on appeal. Thus, PSC
was without jurisdiction to act when it did in regards to Westside's
24 second application.

1 *Id.* at 460, 664 P.2d at 353.

2 3. Here, the Court stayed the case pending the appeal currently in front of the Nevada
3 Supreme Court on January 9, 2019. This was conveyed to the parties through the Court's granting
4 of UAIC's request to stay the action pending appeal as well as the Court's comments to the parties
5 that it had received a judgment, but would not sign it until after the appeal had been decided. The
6 Court made very clear that the issues on appeal would be affected by decisions made in this case,
7 and so, in the interests of judicial economy, would be staying the matter pending appeal.

8 4. Further, the Court reiterated that the matter was to be stayed in the January 22, 2019
9 Minute Order. The Court again granted UAIC's request to stay the matter pending appeal and again
10 stated that the issues to be decided in these consolidated cases would be greatly affected by the
11 decision made by the Nevada Supreme Court.

12 5. The Judgment was filed with the Clerk of the Court on January 22, 2019, after the matter
13 had been stayed pending appeal. This was clearly a mistake or inadvertence by the Clerk's Office,
14 as contemplated by NRCP 60(b). A judgment was not to be entered during the stay of the case, and
15 so the Judgment filed January 22, 2019 in Case No. 07A549111 is void as a matter of law.
16 Separately, the Court concludes the facts set out above justifies relief in this matter and withdraws
17 the judgement.

18 **ORDER**

19 Based on the foregoing, UAIC's Motion for Relief from Judgment, Entered 1/23/19 in Case
20 No A-18-772220-C, Pursuant to NRCP 60 and/or, in the Alternative, Motion for Rehearing on
21 Motion to Dismiss Plaintiff's First Cause of Action in Case No A-18-772220-C on an Order
22 Shortening Time is granted in part and the Court withdraws the Judgment entered by the Clerk of the
23 Court on January 23, 2019. The Court finds that the matter was stayed at the time the Judgment was
24 entered. Therefore, the Judgment is void as a matter of law. The Court further finds the facts stated

1 in this Order justify withdrawing the judgement. The Court declines to rehear the Motion to Dismiss
2 Plaintiff's First Cause of Action in Case No. A-18-772220-C at this time.

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4 DATED this 14 day of February, 2019.

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ERIC JOHNSON
DISTRICT COURT JUDGE
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EXHIBIT 3

REGISTER OF ACTIONS**CASE No. 07A549111****James Nalder vs Gary Lewis**§
§
§
§
§
§Case Type: **Negligence - Auto**Date Filed: **10/02/2007**Location: **Department 20**Cross-Reference Case Number: **A549111****RELATED CASE INFORMATION****Related Cases**

A-18-77220-C (Consolidated)

PARTY INFORMATION**Lead Attorneys****Defendant Lewis, Gary****E. Breen Arntz**
Retained
702-384-8000(W)**Guardian Ad Litem Nalder, James****Thomas F. Christensen**
Retained
702-870-1000(W)**Intervenor United Automobile Insurance Company****Matthew J Douglas**
Retained
702-243-7000(W)**Plaintiff Nalder, Cheyenne****David Allen Stephens**
Retained
702-656-2355(W)**Plaintiff Nalder, James****David Allen Stephens**
Retained
702-656-2355(W)**Subject Minor Nalder, Cheyenne****Thomas F. Christensen**
Retained
702-870-1000(W)**EVENTS & ORDERS OF THE COURT****DISPOSITIONS****01/04/2008 Order Approving Minor's Compromise** (Judicial Officer: Cadish, Elissa F.)

Converted Disposition:

Entry Date & Time: 01/07/2008 @ 08:24 Description: ORDER OF APPROVAL OF MINORS CLAIM Debtor: Lewis, Gary
Creditor: Nalder, Cheyenne Amount Awarded: \$66519.11 Attorney Fees: \$33333.33 Costs: \$147.56 Interest Amount: \$0.00
Total: \$100000.00**06/03/2008 Default Judgment Plus Legal Interest** (Judicial Officer: Cadish, Elissa F.)

Converted Disposition:

Entry Date & Time: 06/05/2008 @ 11:09 Description: DEFAULT JUDGMENT PLUS LEGAL INTEREST Debtor: Lewis, Gary
Creditor: Nalder, Cheyenne Amount Awarded: \$3500000.00 Attorney Fees: \$0.00 Costs: \$0.00 Interest Amount: \$0.00 Total:
\$3500000.00**03/28/2018 Amended Default Judgment Plus Legal Interest** (Judicial Officer: Cadish, Elissa F.) Reason: Amended

	<p>Converted Disposition: Entry Date & Time: 06/05/2008 @ 11:00 Description: DEFAULT JUDGMENT PLUS LEGAL INTEREST Debtor: Lewis, Gary Creditor: Nalder, James Amount Awarded: \$3500000.00 Attorney Fees: \$0.00 Costs: \$0.00 Interest Amount: \$0.00 Total: \$3500000.00 Debtors: Gary Lewis (Defendant) Creditors: James Nalder (Plaintiff) Judgment: 03/28/2018, Docketed: 03/29/2018 Total Judgment: 3,434,444.63</p> <p>06/03/2008 Default Judgment Plus Legal Interest (Judicial Officer: Cadish, Elissa F.) Converted Disposition: Entry Date & Time: 06/05/2008 @ 11:00 Description: DEFAULT JUDGMENT PLUS LEGAL INTEREST Debtor: Lewis, Gary Creditor: Nalder, James Amount Awarded: \$3500000.00 Attorney Fees: \$0.00 Costs: \$0.00 Interest Amount: \$0.00 Total: \$3500000.00</p>
01/28/2019	<p>Order of Dismissal With Prejudice (Judicial Officer: Johnson, Eric) Debtors: Gary Lewis (Third Party Plaintiff) Creditors: Resnick and Louis PC (Third Party Defendant), Tindall, Randall Esq (Third Party Defendant), United Automobile Insurance Company (Third Party Defendant) Judgment: 01/28/2019, Docketed: 01/29/2019</p>
01/30/2019	<p>Compromise Settlement (Judicial Officer: Johnson, Eric) Debtors: Gary Lewis (Defendant) Creditors: Cheyenne Nalder (Plaintiff) Judgment: 01/30/2019, Docketed: 01/22/2019 Total Judgment: 5,696,810.41 Comment: 2/14/19 Judgment Withdrawn Per Order</p>
02/14/2019	<p>Amended Compromise Settlement (Judicial Officer: Johnson, Eric) Reason: Vacated Debtors: Gary Lewis (Defendant) Creditors: Cheyenne Nalder (Plaintiff) Judgment: 02/14/2019 Total Judgment: 5,696,810.41 Comment: 2-14-19 Per Order Judgment Withdrawn (See also in Cons. Case) Debtors: Gary Lewis (Defendant) Creditors: Cheyenne Nalder (Plaintiff) Judgment: 01/23/2019, Docketed: 01/22/2019 Total Judgment: 5,696,810.41</p> <p>01/23/2019 Compromise Settlement (Judicial Officer: Johnson, Eric) Debtors: Gary Lewis (Defendant) Creditors: Cheyenne Nalder (Plaintiff) Judgment: 01/23/2019, Docketed: 01/22/2019 Total Judgment: 5,696,810.41</p>
	OTHER EVENTS AND HEARINGS
10/02/2007	<p>Petition PETITION FOR ORDER APPOINTING GUARDIAN AD LITEM Fee \$148.00 07A5491110001.tif pages</p>
10/09/2007	<p>Order Appointing Guardian Ad Litem ORDER APPOINTING GUARDIAN AD LITEM 07A5491110002.tif pages</p>
10/09/2007	<p>Initial Appearance Fee Disclosure INITIAL APPEARANCE FEE DISCLOSURE 07A5491110003.tif pages</p>
10/09/2007	<p>Complaint COMPLAINT FILED 07A5491110004.tif pages</p>
11/02/2007	<p>Summons SUMMONS 07A5491110005.tif pages</p>
12/13/2007	<p>Default DEFAULT 07A5491110006.tif pages</p>
12/21/2007	<p>Petition for Compromise of Minors Claim PETITION TO COMPROMISE CLAIM OF MINORS 07A5491110007.tif pages</p>
01/04/2008	<p>Conversion Case Event Type STATUS CHECK: BLOCKED ACCOUNT /1 07A5491110008.tif pages</p>
01/04/2008	<p>Judgment ORDER OF APPROVAL OF MINORS CLAIM 07A5491110009.tif pages</p>
03/03/2008	<p>Status Check: Blocked Account (3:00 AM) (Judicial Officer Cadish, Elissa F.) STATUS CHECK: BLOCKED ACCOUNT /1 Minutes</p>
03/31/2008	<p>Result: Continuance Granted CANCELED Status Check: Blocked Account (9:00 AM) (Judicial Officer Cadish, Elissa F.) Vacated Minutes</p>
04/08/2008	<p>Result: Continuance Granted Conversion Case Event Type HEARING RE: SHOW CAUSE /2</p>

07A5491110010.tif pages
04/14/2008 **Motion**
ALL PENDING MOTIONS 4-14-08
07A5491110011.tif pages
04/14/2008 **Conversion Case Event Type**
STATUS CHECK: PAYMENT OF SANCTIONS/ FURTHER PROCEEDINGS VR 5/21/08
07A5491110012.tif pages
04/14/2008 **CANCELED Status Check: Blocked Account** (9:00 AM) (Judicial Officer Cadish, Elissa F.)
Vacated
Result: Continuance Granted
04/14/2008 **Show Cause Hearing** (9:00 AM) (Judicial Officer Cadish, Elissa F.)
HEARING RE: SHOW CAUSE /2
04/14/2008 **All Pending Motions** (9:00 AM) (Judicial Officer Cadish, Elissa F.)
ALL PENDING MOTIONS 4-14-08 Court Clerk: Keith Reed Reporter/Recorder: Jessica Ramirez Heard By: ELISSA CADISH
[Minutes](#)
Result: Matter Heard
04/21/2008 **Conversion Case Event Type**
PROVE UP OF DEFAULT /5
07A5491110013.tif pages
04/22/2008 **Motion**
ALL PENDING MOTIONS 4-22-08
07A5491110014.tif pages
04/22/2008 **CANCELED Status Check: Blocked Account** (9:00 AM) (Judicial Officer Cadish, Elissa F.)
Vacated
Result: Continuance Granted
04/22/2008 **Status Check** (9:00 AM) (Judicial Officer Cadish, Elissa F.)
STATUS CHECK: PAYMENT OF SANCTIONS/ FURTHER PROCEEDINGS VR 5/21/08
Result: Continuance Granted
04/22/2008 **All Pending Motions** (9:00 AM) (Judicial Officer Cadish, Elissa F.)
ALL PENDING MOTIONS 4-22-08 Court Clerk: Keith Reed Reporter/Recorder: Jessica Ramirez Heard By: ELISSA CADISH
[Minutes](#)
Result: Matter Heard
04/30/2008 **Motion**
ALL PENDING MOTIONS 4-30-08
07A5491110015.tif pages
04/30/2008 **CANCELED Status Check: Blocked Account** (9:00 AM) (Judicial Officer Cadish, Elissa F.)
Vacated
Result: Continuance Granted
04/30/2008 **CANCELED Status Check** (9:00 AM) (Judicial Officer Cadish, Elissa F.)
Vacated
Result: Continuance Granted
04/30/2008 **All Pending Motions** (9:00 AM) (Judicial Officer Cadish, Elissa F.)
ALL PENDING MOTIONS 4-30-08 Court Clerk: Keith Reed Reporter/Recorder: Jessica Ramirez Heard By: ELISSA CADISH
[Parties Present](#)
[Minutes](#)
Result: Matter Heard
05/15/2008 **Application**
APPLICATION FOR JUDGMENT BY DEFAULT
07A5491110016.tif pages
05/15/2008 **Notice**
NOTICE OF PAYING SANCTIONS
07A5491110017.tif pages
05/16/2008 **Application**
AMENDED APPLICATION FOR JUDGMENT BY DEFAULT
07A5491110018.tif pages
05/21/2008 **Minute Order** (3:00 AM) (Judicial Officer Cadish, Elissa F.)
MINUTE ORDER RE: BLOCKED ACCOUNT Relief Clerk: Phyllis Irby/pi Heard By: ELISSA CADISH
[Minutes](#)
Result: Matter Heard
05/22/2008 **Prove Up/Default** (9:00 AM) (Judicial Officer Cadish, Elissa F.)
PROVE UP OF DEFAULT /5 Relief Clerk: Phyllis Irby/pi Reporter/Recorder: Jessica Ramirez Heard By: ELISSA CADISH
[Parties Present](#)
[Minutes](#)
Result: Motion Granted
05/28/2008 **Conversion Case Event Type**
MINUTE ORDER RE: BLOCKED ACCOUNT
07A5491110019.tif pages
05/29/2008 **Conversion Case Event Type**
STATUS CHECK: PAYMENT OF SANCTIONS/ FURTHER PROCEEDINGS
07A5491110020.tif pages
05/29/2008 **Conversion Case Event Type**
STATUS CHECK: BLOCKED ACCOUNT
07A5491110021.tif pages
05/29/2008 **CANCELED Status Check: Blocked Account** (9:00 AM) (Judicial Officer Cadish, Elissa F.)
Vacated
05/29/2008 **CANCELED Status Check** (9:00 AM) (Judicial Officer Cadish, Elissa F.)
Vacated
05/29/2008 **Status Check** (9:00 AM) (Judicial Officer Cadish, Elissa F.)
STATUS CHECK: PAYMENT OF SANCTIONS/ FURTHER PROCEEDINGS Relief Clerk: Nora Pena Reporter/Recorder: Jessica Ramirez Heard By: ELISSA CADISH

[Parties Present](#)
[Minutes](#)
Result: Matter Heard
06/03/2008 **Judgment**
DEFAULT JUDGMENT PLUS LEGAL INTEREST
07A5491110022.tif pages
06/03/2008 **Judgment**
DEFAULT JUDGMENT PLUS LEGAL INTEREST
07A5491110023.tif pages
06/26/2008 **Status Check** (9:00 AM) (Judicial Officer Cadish, Elissa F.)
STATUS CHECK: BLOCKED ACCOUNT Court Clerk: Keith Reed Reporter/Recorder: Jessica Ramirez Heard By: ELISSA CADISH
[Parties Present](#)
[Minutes](#)
Result: Blocked Account / Proof Filed
06/30/2008 **Acknowledgment**
ACKNOWLEDGEMENT OF BLOCKED ACCOUNT
07A5491110024.tif pages
08/01/2008 **Motion**
PLTF'S MTN TO STRIKE SOCIAL SECURITY NUMBER/11 (vj 9/2/08)
07A5491110025.tif pages
08/26/2008 **Notice of Entry of Judgment**
NOTICE OF ENTRY OF JUDGMENT
07A5491110028.tif pages
09/02/2008 **Conversion Case Event Type**
MINUTE ORDER RE: PLTF'S MTN TO STRIKE SOCIAL SECURITY NUMBER
07A5491110026.tif pages
09/02/2008 **Minute Order** (3:00 AM) (Judicial Officer Cadish, Elissa F.)
MINUTE ORDER RE: PLTF'S MTN TO STRIKE SOCIAL SECURITY NUMBER Relief Clerk: Monica Schmidt Heard By: ELISSA CADISH
[Minutes](#)
Result: Matter Heard
09/03/2008 **Conversion Case Event Type**
STATUS CHECK: HEARING VI 10-3-08
07A5491110027.tif pages
09/03/2008 **CANCELED Motion to Strike** (3:00 AM) (Judicial Officer Cadish, Elissa F.)
Vacated
09/05/2008 **Acknowledgment**
ACKNOWLEDGEMENT OF BLOCKED ACCOUNT
07A5491110029.tif pages
10/06/2008 **CANCELED Status Check** (3:00 AM) (Judicial Officer Cadish, Elissa F.)
Vacated
[Minutes](#)
Result: Matter Heard
07/29/2009 **Writ of Execution**
02/01/2010 **Affidavit of Service**
Affidavit of Service
06/24/2011 **Case Reassigned to Department 29**
Case reassigned from Judge Kathleen E. Delaney
01/02/2017 **Case Reassigned to Department 29**
Case reassigned from Judge Susan Scann Dept 29
03/22/2018 **Ex Parte Motion**
Ex Parte Motion to Amend Judgment in the Name of Cheyenne Nalder, Individually
03/28/2018 **Amended Judgment**
Amended Judgment
05/18/2018 **Notice of Entry**
Notice of Entry of Amended Judgment
08/17/2018 **Motion to Intervene**
UAIC's Motion to Intervene
09/17/2018 **Opposition**
Plaintiff's Opposition to Motion to Intervene
09/18/2018 **Reply in Support**
UAIC's Reply in Support of its Motion to Intervene
09/19/2018 **Motion to Intervene** (3:00 AM) (Judicial Officer Jones, David M)
UAIC's Motion to Intervene
[Minutes](#)
Result: Granted
09/27/2018 **Initial Appearance Fee Disclosure**
Initial Appearance Fee Disclosure (NRS Chapter 19)
10/08/2018 **Opposition**
Plaintiff's Opposition to Defendant's Motion for Relief from Judgment
10/17/2018 **Motion to Strike**
Defendant's Motion to Strike Defendant's Motion for Relief from Judgment
10/19/2018 **Order Granting Motion**
Order Granting UAIC's Motion to Intervene
10/19/2018 **Initial Appearance Fee Disclosure**
Initial Appearance Fee Disclosure
10/19/2018 **Notice of Entry of Order**
Notice of Entry of Order on Intervenor United Automobile Insurance Company's Motion to Intervene
10/19/2018 **Motion**
UAIC's Motion for Relief from Judgment Pursuant to NRCP 60
10/24/2018 **Minute Order** (10:55 AM) (Judicial Officer Jones, David M)

Minute Order Re: Recusal
[Parties Present](#)
[Minutes](#)
Result: Recused

10/29/2018 **Notice of Department Reassignment**
Notice of Department Reassignment

10/29/2018 **Notice of Department Reassignment**
Amended Notice of Department Reassignment

10/29/2018 **Opposition**
Defendant's Opposition to Intervenor's Motion for Relief From Judgment Pursant to NRCP 60

10/29/2018 **Opposition**
Plaintiff's Opposition to UAIC's Motion for Relief from Judgment

11/01/2018 **Opposition**
Opposition to Gary Lewis' Motion to Strike Motion to Set Aside Judgment

11/02/2018 **Opposition**
UAIC'S Opposition to Defendant's Motion to Strike Defendant's Motion for Relief from Judgment & Counter-Motion for Evidentiary Hearing for a Fraud Upon the Court or, Alternatively, for the Court to Vacate the 3/28/18 Amended Judgment on Its Own Motion

11/08/2018 **Motion for Sanctions**
NRCP 11 Motion for Sanctions

11/08/2018 **Notice of Hearing**
Notice of Hearing

11/15/2018 **Opposition**
Defendant's Opposition To Counter-Motion For Evidentiary Hearing For A Fraud Upon The Court Or, Alternatively, For The Court To Vacate The 3/28/18 Amended Judgment On It's Own Motion

11/20/2018 **Opposition and Countermotion**
Plaintiff's Opposition to UAIC's Counter Motion for Evidentiary Hearing for Fraud Upon the Court or, Alternatively, for the Court to Vacate the 3/28/2018 Amended Judgment on its Own Motion

11/26/2018 **Motion to Consolidate**
Intervenor's Motion to Consolidate on Order Shortening Time

11/27/2018 **Opposition**
Plaintiff's Opposition to Intervenor UAIC's Motion to Consolidate

11/27/2018 **Opposition**
Opposition to UAIC's Motion to Consolidate and Countermotion to Set Aside Void Order and To Strike All Filings By Intervenor

11/28/2018 **CANCELED Motion to Consolidate** (10:30 AM) (Judicial Officer Johnson, Eric)
Vacated

11/28/2018 **CANCELED Motion to Consolidate** (10:30 AM) (Judicial Officer Johnson, Eric)
Intervenor's Motion to Consolidate on OST
Vacated - per Law Clerk

11/28/2018 **Opposition**
Intervenor's Motion to Consolidate on Order Shortening Time
UAIC's Opposition to Defendant Lewis' Motions for Sanctions Against Randall Tindall, Esq.

11/30/2018 **Minute Order** (11:30 AM) (Judicial Officer Johnson, Eric)
[Minutes](#)
Result: Minute Order - No Hearing Held

12/03/2018 **Notice of Hearing**
Notice of Hearings

12/10/2018 **Motion**
(1/3/18 Withdrawn) Motion For Relief From Orders And Joinder In Motions For Relief From Orders

12/12/2018 **Motion**
(2/14/19 Withdrawn- Filed also in A772220) - Motion For Relief From Orders And Joinder In Motions For Relief From Orders On Order Shortening Time

12/12/2018 **Stipulation and Order**
Stipulation Regarding Scheduling Of Hearing Dates

12/13/2018 **Motion to Set Aside**
Plaintiff's Motion to Set Aside Order, Pursuant to NRCP 60(b) Allowing UAIC to Intervene

12/14/2018 **Opposition**
UAIC s Opposition To Third Party Plaintiff Lewis Counter-Motion For Summary Judgment & Counter-Motion To Strike Affidavit Of Lewis In Support Of Same Counter-Motion For Summary Judgment And/Or Stay Proceedings Pending Appellate Ruling And/Or Stay Counter-Motion For Summary Judgment Pending Necessary Discovery Pursuant To N.R.C.P. 56(F)

12/20/2018 **Opposition to Motion For Summary Judgment**
UAIC s Opposition To Plaintiff Nalder s Motion For Summary Judgment & Counter-Motion To Stay Proceedings Pending Appellate Ruling

12/20/2018 **Opposition to Motion**
Randall Tindall, Esq., and Resnick & Louis P.C.'s Opposition to Defendant/Cross-Claimant's NRCP 11 Motion for Sanctions

12/27/2018 **Stipulation**
Stipulation Re: Early Case Conference and Early Case Conference Report

12/27/2018 **Order Granting Motion**
Order Granting Intervenor's Motion to Consolidate Cases on Order Shortening Time

12/28/2018 **Notice of Entry**
Notice of Entry of Order Granting Intervenor's Motion to Consolidate Cases on Order Shortening Time

12/31/2018 **Opposition**
UAIC s Opposition to Third Party Plaintiff Lewis Motion for Relief from Order and Joinder in Motions for Relief from Orders on Order Shortening Time as well as UAIC s Opposition to Plaintiff s Motion to Set Aside Order, Pursuant To N.R.C.P. 60(B), Allowing UAIC to Intervene & Opposition to Defendant Lewis Motion for Relief from Orders and Joinder in Motions for Relief from Orders and, UAIC s Counter-Motion to Stay Pending Ruling on Appeal

01/02/2019 **Reply in Support**
UAIC's Reply in Support of its Motion for Relief from Judgment Pursuant to NRCP 60

01/02/2019 **Reply in Support**
UAIC s Reply In Support of Its Counter-Motion for Evidentiary Hearing for a Fraud Upon the Court or, Alternatively, for the Court to Vacate The 3/28/18 Amended Judgment on its Own Motion

01/02/2019 **Reply in Support**
UAIC'S REPLY IN SUPPORT OF ITS MOTION TO DISMISS PLAINTIFF'S COMPLAINT & MOTION FOR COURT TO DENY STIPULATION TO ENTER JUDGMENT BETWEEN PLAINTIFF AND LEWIS and/or, IN THE ALTERNATIVE TO STAY SAME PENDING HEARING ON MOTION TO

01/02/2019 **DISMISS**
Opposition
Opposition to Counter-Motion to Strike Affidavit of Lewis in Support of his Counter-Motion for Summary Judgment AND Opposition to UAIC's Counter-Motion to Stay proceedings pending Appellate Ruling and Stay Counter-Motion for Summary Judgment Pending Necessary Discovery Pursuant to NRCP 56(f) and Reply in Support of Motion to Set Aside Order Allowing Intervention and Oppositions and Replies in Support of any other Motions to be heard on January 9, 2019

01/02/2019 **Withdrawal**
Defendant's Withdrawal Of Defendant's Motion For Relief From Judgment Pursuant To NRCP 60

01/02/2019 **Withdrawal**
Defendant's Withdrawal Of Defendant's Motion To Dismiss And Withdrawal Of Defendant's Motion For Relief From Judgment Pursuant To NRCP 60

01/07/2019 **Motion to Withdraw As Counsel**
Motion to Withdraw As Counsel on Order Shortening Time

01/09/2019 **Motion for Relief** (8:30 AM) (Judicial Officer Johnson, Eric)
Defendant's Motion for Relief from Judgment Pursuant to NRCP 60
10/31/2018 Reset by Court to 11/21/2018
11/21/2018 Reset by Court to 12/12/2018
12/12/2018 Reset by Court to 01/09/2019
Result: Withdrawn

01/09/2019 **Motion to Strike** (8:30 AM) (Judicial Officer Johnson, Eric)
Defendant's Motion to Strike Defendant's Motion for Relief from Judgment
12/12/2018 Reset by Court to 01/09/2019
12/12/2018 Reset by Court to 12/12/2018
Result: Granted

01/09/2019 **Motion for Relief** (8:30 AM) (Judicial Officer Johnson, Eric)
UAIC's Motion for Relief from Judgment Pursuant to NRCP 60
12/12/2018 Reset by Court to 01/09/2019
12/12/2018 Reset by Court to 12/12/2018
Result: Denied

01/09/2019 **Motion to Dismiss** (8:30 AM) (Judicial Officer Johnson, Eric)
Defendant's Motion to Dismiss
12/19/2018 Reset by Court to 01/09/2019
Result: Withdrawn

01/09/2019 **Motion to Dismiss** (8:30 AM) (Judicial Officer Johnson, Eric)
UAIC's Motion to Dismiss Plaintiff's Complaint and Motion for Court to Deny Stipulation to Enter Judgment Between Plaintiff and Lewis and/or in the Alternative to Stay Same Pending Hearing on Motion to Dismiss
12/19/2018 Reset by Court to 01/09/2019
Result: Granted in Part

01/09/2019 **Motion for Relief** (8:30 AM) (Judicial Officer Johnson, Eric)
Defendant's Motion for Relief From Judgment Pursuant to NRCP 60
12/19/2018 Reset by Court to 01/09/2019
Result: Withdrawn

01/09/2019 **Motion to Strike** (8:30 AM) (Judicial Officer Johnson, Eric)
Defendant's Motion to Strike Both Defendant's Motion for Relief from Judgment and Defendant's Motion to Dismiss
Result: Granted

01/09/2019 **Joinder** (8:30 AM) (Judicial Officer Johnson, Eric)
Motion For Relief From Orders And Joinder In Motions For Relief From Orders On Order Shortening Time
Result: Denied

01/09/2019 **Motion to Set Aside** (8:30 AM) (Judicial Officer Johnson, Eric)
Plaintiff's Motion to Set Aside Order, Pursuant to NRCP 60(b) Allowing UAIC to Intervene
01/23/2019 Reset by Court to 01/09/2019
Result: Denied

01/09/2019 **Opposition and Countermotion** (8:30 AM) (Judicial Officer Johnson, Eric)
UAIC s Opposition to Third Party Plaintiff Lewis Motion for Relief from Order and Joinder in Motions for Relief from Orders on Order Shortening Time as well as UAIC s Opposition to Plaintiff s Motion to Set Aside Order, Pursuant To N.R.C.P. 60(B), Allowing UAIC to Intervene & Opposition to Defendant Lewis Motion for Relief from Orders and Joinder in Motions for Relief from Orders and, UAIC s Counter-Motion to Stay Pending Ruling on Appeal
Result: Granted in Part

01/09/2019 **Motion to Withdraw as Counsel** (8:30 AM) (Judicial Officer Johnson, Eric)
Defense's Motion to Withdraw As Counsel on OST
Result: Granted

01/09/2019 **CANCELED Motion to Withdraw as Counsel** (8:30 AM) (Judicial Officer Johnson, Eric)
Vacated - Duplicate Entry
Motion to Withdraw As Counsel on Order Shortening Time

01/09/2019 **All Pending Motions** (8:30 AM) (Judicial Officer Johnson, Eric)
[Parties Present](#)
[Minutes](#)
Result: Matter Heard

01/16/2019 **Reply in Support**
UAIC's Reply in Support of its Motion to Dismiss Lewis' Third Party Complaint & Replies in Support of its Counter-Motion to Strike Affidavit of Lewis in Support of the Counter-Motion for Summary Judgment and/or to Stay Proceedings Pending Appellate Ruling and/or Stay Counter-Motion for Summary Judgment Pending Necessary Discovery Pursuant to N.R.C.P. 56(f)

01/16/2019 **Reply**
Third Party Plaintiff's Reply in Support of his Counter-Motion for Summary Judgment

01/16/2019 **Reply in Support**
Plaintiff's Reply in Support of Her Motion for Summary Judgment and Opposition to Countermotion for Stay

01/22/2019 **Minute Order** (7:15 AM) (Judicial Officer Johnson, Eric)
[Minutes](#)

01/22/2019 Result: Minute Order - No Hearing Held

01/22/2019 **Notice of Acceptance of Offer**
Notice of Acceptance of Offer of Judgment in Case 18-A-772220

01/22/2019 **Judgment**
(A772220) Judgment Pursuant to NRCP 68 in Case No. 18-A-772220

01/23/2019 **CANCELED Motion for Sanctions** (8:30 AM) (Judicial Officer Johnson, Eric)
Vacated - per Law Clerk
NRCP 11 Motion for Sanctions
12/19/2018 Reset by Court to 01/23/2019

01/23/2019 **CANCELED Motion for Sanctions** (8:30 AM) (Judicial Officer Johnson, Eric)
Vacated - per Law Clerk
NRCP 11 Motion for Sanctions
12/19/2018 Reset by Court to 01/09/2019
12/19/2018 Reset by Court to 01/23/2019
01/09/2019 Reset by Court to 12/19/2018

01/23/2019 **CANCELED Motion for Summary Judgment** (8:30 AM) (Judicial Officer Johnson, Eric)
Vacated - per Law Clerk
Plaintiff's Motion for Summary Judgment and Relief From Order Pursuant to NRCP 60(b)

01/23/2019 **CANCELED Motion to Dismiss** (8:30 AM) (Judicial Officer Johnson, Eric)
Vacated - per Law Clerk
UAIC's Motion to Dismiss Third Party Plaintiff Lewis's Third Party Complaint

01/23/2019 **CANCELED Opposition and Countermotion** (8:30 AM) (Judicial Officer Johnson, Eric)
Vacated - per Law Clerk
Opposition to UAIC's Motion to Dismiss and Countermotion for Summary Judgment

01/23/2019 **CANCELED Opposition and Countermotion** (8:30 AM) (Judicial Officer Johnson, Eric)
Vacated - per Law Clerk
Uaic s Opposition To Third Party Plaintiff Lewis Counter-Motion For Summary Judgment & Counter-Motion To Strike Affidavit Of Lewis In Support Of Same Counter-Motion For Summary Judgment And/Or Stay Proceedings Pending Appellate Ruling And/Or Stay Counter-Motion For Summary Judgment Pending Necessary Discovery Pursuant To N.R.C.P. 56(F)

01/23/2019 **CANCELED Opposition and Countermotion** (8:30 AM) (Judicial Officer Johnson, Eric)
Vacated - per Law Clerk
UAIC s Opposition To Plaintiff Nalder s Motion For Summary Judgment & Counter-Motion To Stay Proceedings Pending Appellate Ruling

01/28/2019 **Notice of Entry of Judgment**
Notice of Entry of Judgment

01/28/2019 **Stipulation and Order**
Stipulation and Order for Dismissal of All Third-Party Claims with Prejudice Against Third-Party Defendants Randall Tindall, Esq. and Resnick & Louis P.C.

01/29/2019 **Notice of Entry of Stipulation & Order for Dismissal**
Notice of Entry Stipulation and Order for Dismissal of all Third-Party Claims, With Prejudice, Against Third Party Defendants Randall Tindall, Esq., And Resnick & Louis, P.C.

01/30/2019 **CANCELED Motion to Dismiss** (10:30 AM) (Judicial Officer Johnson, Eric)
Vacated - per Law Clerk
Third-Party Defendants Randall Tindall, Esq., and Resnick & Louis P.C.'s (1) Motion to Dismiss or, (2) In the Alternative for a More Definite Statement or (3) In the Alternative, to Dismiss Resnick & Louis for Failure to State a Claim

02/05/2019 **Order Granting Motion**
A549111 and A772220 Order Granting Randall Tindall's Resnick & Louis P.C.'s Motion to Withdraw As Counsel

02/05/2019 **Notice of Entry of Order**
Notice of Entry of Order Granting Randall Tindall and Resnick & Louis P.C.'s Motion to Withdraw as Counsel

02/11/2019 **Motion for Relief**
UAIC s Motion For Relief From Judgment, Entered 1/23/19 In Case No A-18-772220-C, Pursuant to NRCP 60 and/or, in The Alternative, Motion for Rehearing on Motion to Dismiss Plaintiff s First Cause of Action in Case No A-18-772220-C on an Order Shortening Time

02/14/2019 **Order**
Order Granting in Part Motion for Relief From Judgment, Entered 1/23/19 In Case No A-18-772220-C, Pursuant To NRCP 60 And/Or, In the Alternative, Motion for Rehearing on Motion to Dismiss Plaintiff's First Cause of Action In Case No A-18-772220-C On An Order Shortening Time

02/14/2019 **Notice of Entry of Order**
NOTICE OF ENTRY OF ORDER GRANTING IN PART MOTION FOR RELIEF FROM JUDGMENT, ENTERED 1123/19 IN CASE NO A-18-772220-C, PURSUANT TO NRCP 60 AND/OR, IN THE ALTERNATIVE, MOTION FOR REHEARING ON MOTION TO DISMISS PLAINTIFF'S FIRST CAUSE OF ACTION IN CASE NO A.18.772220-C ON AN ORDER SHORTENING TIME

02/14/2019 **Transcript of Proceedings**
Defense's Motion to Withdraw on Order Shortening Time Defendant's Motions to Dismiss and Motions for Relief Defendant's Motions to Strike Motions to Dismiss and for Relief UAIC's Motion for Relief, Motion to Dismiss Plaintiffs' Complaint, Motion for Court to Deny Stipulation to Enter Judgment Between Plaintiff and Lewis, and Opposition to Third Party Plaintiff Lewis's Motion for Relief From Order and Joinder in Motions for Relief From Orders on Order Shortening Time, January 9, 2019

02/14/2019 **Order**
Order on Motions Heard on January 9, 2019

02/14/2019 **Order**
Order on Motions for January 23, 2019

02/15/2019 **Notice of Entry of Order**
NOTICE OF ENTRY OF ORDER ON MOTIONS HEARD ON JANUARY 23, 2019

02/15/2019 **Notice of Entry of Order**
NOTICE OF ENTRY OF ORDER ON MOTIONS HEARD ON JANUARY 9, 2019

02/15/2019 **Request**
Request for Stay

02/20/2019 **CANCELED Motion for Relief** (8:30 AM) (Judicial Officer Johnson, Eric)
Vacated
UAIC's Motion for Relief from Judgment, Entered 01/23/19 in Case No. A-18-772220-C, Pursuant to NRCP 60 and/or, In the Alternative, Motion for Rehearing on Motion to Dismiss Plaintiff's First Cause of Action in Case No. A-18-772220-C on OST

03/01/2019 **Motion**
Motion for Reconsideration, Motion for hearing and Motion for Relief from Order

03/04/2019 **Motion**
Motion for Reconsideration of Orders signed 2/11/19, Motion for Hearing and Motion for Relief from Orders

04/03/2019 **Motion For Reconsideration** (8:30 AM) (Judicial Officer Johnson, Eric)

FINANCIAL INFORMATION

Conversion Extended Connection Type No Convert Value @ 07A549111			
	Total Financial Assessment		161.00
	Total Payments and Credits		161.00
	Balance Due as of 03/04/2019		0.00
10/02/2007	Transaction Assessment		148.00
10/02/2007	Conversion Payment	Receipt # 01384855	(148.00)
07/22/2009	Transaction Assessment		6.00
07/22/2009	Payment (Window)	Receipt # 2009-40253-FAM	(6.00)
02/25/2010	Transaction Assessment		7.00
02/25/2010	Payment (Window)	Receipt # 2010-11919-FAM	(7.00)
Defendant Lewis, Gary			
	Total Financial Assessment		231.00
	Total Payments and Credits		231.00
	Balance Due as of 03/04/2019		0.00
09/28/2018	Transaction Assessment		223.00
09/28/2018	Efile Payment	Receipt # 2018-64986-CCCLK	(223.00)
01/23/2019	Transaction Assessment		8.00
01/23/2019	Payment (Window)	Receipt # 2019-04784-CCCLK	(8.00)
Intervenor United Automobile Insurance Company			
	Total Financial Assessment		223.00
	Total Payments and Credits		223.00
	Balance Due as of 03/04/2019		0.00
10/19/2018	Transaction Assessment		223.00
10/19/2018	Efile Payment	Receipt # 2018-70094-CCCLK	(223.00)
Third Party Defendant Resnick & Louis P.C. Randall Tindall, Esq.			
	Total Financial Assessment		3.50
	Total Payments and Credits		3.50
	Balance Due as of 03/04/2019		0.00
01/30/2019	Transaction Assessment		3.50
01/30/2019	Efile Payment	Receipt # 2019-06163-CCCLK	(3.50)
Third Party Defendant Tindall, Randall Esq			
	Total Financial Assessment		10.50
	Total Payments and Credits		10.50
	Balance Due as of 03/04/2019		0.00
12/21/2018	Transaction Assessment		3.50
12/21/2018	Efile Payment	Receipt # 2018-83811-CCCLK	(3.50)
12/21/2018	Transaction Assessment		3.50
12/21/2018	Efile Payment	Receipt # 2018-84091-CCCLK	(3.50)
01/29/2019	Transaction Assessment		3.50
01/29/2019	Efile Payment	Receipt # 2019-05821-CCCLK	(3.50)

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EXHIBIT 4

**United States District Court
District of Nevada (Las Vegas)
CIVIL DOCKET FOR CASE #: 2:09-cv-01348-RCJ-GWF**

Nalder et al v. United Automobile Insurance Company
Assigned to: Chief Judge Robert C. Jones
Referred to: Magistrate Judge George Foley, Jr
Case in other court: 9th Circuit Court of Appeal, 11-15010
9th Circuit Court of Appeal, 11-15462
9th Circuit Court of Appeals, 13-17441
Eighth Judicial District Court, A590967
Cause: 28:1332 Diversity-Insurance Contract

Date Filed: 07/24/2009
Date Terminated: 10/30/2013
Jury Demand: Both
Nature of Suit: 110 Insurance
Jurisdiction: Diversity

Plaintiff

James Nalder
Gaurdian Ad Litem
on behalf of
Cheyanne Nalder

represented by **David F Sampson**
Law Office of David Sampson, LLC.
200 E. Charleston Blvd.
Las Vegas, NV 89104
702-605-1099
Fax: 888-209-4199
Email: davidsampsonlaw@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas F. Christensen
Christensen Law Offices LLC
1000 S Valley View Blvd
Las Vegas, NV 89107-
702-870-1000
Fax: 702-870-6152
Email: courtnotices@injuryhelpnow.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Gary Lewis

represented by **David F Sampson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas F. Christensen
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

United Automobile Insurance Company

represented by **Thomas E. Winner**

Atkin Winner & Sherrod
1117 South Rancho Drive
Las Vegas, NV 89102
702-243-7000
Fax: 702-234-7059
Email: twinner@awsvlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Douglas M Rowan

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Dicker LLP
300 South Fourth Street, 11th Floor
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702-727-1400
Fax: 702-727-1401
Email: douglas.rowan@wilsonelser.com
ATTORNEY TO BE NOTICED

Matthew John Douglas

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1117 South Rancho
Las Vegas, NV 89102
702-245-7000
Email: mdouglas@awslawyers.com
ATTORNEY TO BE NOTICED

Susan M Sherrod

Atkin Winner Sherrod
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Fax: 702-234-7059
Email: ssherrod@awslawyers.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/24/2009	<u>1</u>	PETITION FOR REMOVAL from Eighth Judicial District Court, Case Number A590967, (Filing fee \$ 350 receipt number 09780000000001309652), filed by United Automobile Insurance Company. Certificate of Interested Parties due by 8/3/2009. (Rowan, Douglas) (Entered: 07/24/2009)

07/24/2009	<u>2</u>	CERTIFICATE of Interested Parties filed by United Automobile Insurance Company.. There are no known interested parties other than those participating in the case. (Rowan, Douglas) (Entered: 07/24/2009)
07/24/2009		Case assigned to Judge Edward C. Reed, Jr and Magistrate Judge George Foley, Jr. (SD) (Entered: 07/24/2009)
07/24/2009	3	NOTICE PURSUANT TO LOCAL RULE IB 2-2: In accordance with 28 USC § 636(c) and FRCP 73, the parties in this action are provided with a link to the "AO 85 Notice of Availability, Consent, and Order of Reference - Exercise of Jurisdiction by a U.S. Magistrate Judge" form on the Court's website - www.nvd.uscourts.gov . Consent forms should NOT be electronically filed. Upon consent of all parties, counsel are advised to manually file the form with the Clerk's Office. (no image attached) (SD) (Entered: 07/24/2009)
07/24/2009	<u>4</u>	MINUTE ORDER IN CHAMBERS of the Honorable Judge Edward C. Reed, Jr, on 7/24/2009. Statement regarding removed action is due by 8/11/2009. Joint Status Report regarding removed action is due by 8/26/2009. (Copies have been distributed pursuant to the NEF - SD) (Entered: 07/24/2009)
07/24/2009	<u>5</u>	DEMAND for Trial by Jury by Plaintiffs Gary Lewis, James Nalder. (Sampson, David) (Entered: 07/24/2009)
07/24/2009	<u>6</u>	CERTIFICATE of Interested Parties filed by Gary Lewis, James Nalder.. There are no known interested parties other than those participating in the case <i>JURY TRIAL REQUESTED</i> . (Sampson, David) (Entered: 07/24/2009)
08/06/2009	<u>7</u>	ANSWER to Complaint with Jury Demand <i>with Affirmative Defenses</i> filed by United Automobile Insurance Company. Certificate of Interested Parties due by 8/16/2009. Discovery Plan/Scheduling Order due by 9/20/2009.(Winner, Thomas) (Entered: 08/06/2009)
08/07/2009	<u>8</u>	STATEMENT RE: REMOVAL filed by Defendant United Automobile Insurance Company. (Douglas, Matthew) (Entered: 08/07/2009)
08/24/2009	<u>9</u>	Interim STATUS REPORT by Plaintiffs Gary Lewis, James Nalder. (Sampson, David) (Entered: 08/24/2009)
09/03/2009	<u>10</u>	PROPOSED Discovery Plan/Scheduling Order filed by Plaintiffs Gary Lewis, James Nalder, Defendant United Automobile Insurance Company. (Sampson, David) (Entered: 09/03/2009)
09/04/2009	<u>11</u>	SCHEDULING ORDER. Discovery due by 5/6/2010. Motions due by 6/7/2010. Proposed Joint Pretrial Order due by 7/7/2010. Signed by Magistrate Judge George Foley, Jr on 9/4/2009. (Copies have been distributed pursuant to the NEF - SD) (Entered: 09/08/2009)
02/05/2010	<u>12</u>	MOTION to Compel <i>to Overrule Objections and Compel Plaintiff's Answers to Written Interrogatories and Requests for Production Under FRCP 37(a)(3)(B)(iii)</i> by Defendant United Automobile Insurance Company. Responses due by 2/22/2010. (Attachments: # <u>1</u> Exhibit Group, # <u>2</u> Exhibit Group, # <u>3</u> Exhibit Group, # <u>4</u> Exhibit Group, # <u>5</u> Exhibit Group)(Rowan, Douglas) (Entered: 02/05/2010)
02/11/2010	13	NOTICE of Hearing on <u>12</u> Defendant's MOTION <i>to Overrule Objections and Compel Plaintiff's Answers to Written Interrogatories and Requests for Production Under</i>

		<i>FRCP 37(a)(3)(B)(iii)</i> : Motion Hearing set for Monday, March 8, 2010, at 9:30 AM in LV Courtroom 3A before Magistrate Judge George Foley Jr.(JBW) (Entered: 02/11/2010)
02/22/2010	14	RESPONSE to 12 MOTION to Compel to <i>Overrule Objections and Compel Plaintiff's Answers to Written Interrogatories and Requests for Production Under FRCP 37(a)(3)(B)(iii)</i> MOTION to Compel to <i>Overrule Objections and Compel Plaintiff's Answers to Written Interrogatories and Requests for Production Under FRCP 37(a)(3)(B)(iii)</i> , filed by Plaintiff Gary Lewis. Replies due by 3/4/2010. (Sampson, David) (Entered: 02/22/2010)
03/03/2010	15	REPLY to Response to 12 MOTION to Compel to <i>Overrule Objections and Compel Plaintiff's Answers to Written Interrogatories and Requests for Production Under FRCP 37(a)(3)(B)(iii)</i> MOTION to Compel to <i>Overrule Objections and Compel Plaintiff's Answers to Written Interrogatories and Requests for Production Under FRCP 37(a)(3)(B)(iii)</i> ; filed by Defendant United Automobile Insurance Company. (Rowan, Douglas) (Entered: 03/03/2010)
03/08/2010	16	MINUTES OF PROCEEDINGS - Motion Hearing held on 3/8/2010 before Magistrate Judge George Foley, Jr. Crtrm Administrator: <i>Donna Smith</i> ; Pla Counsel: <i>David Sampson</i> ; Def Counsel: <i>Matthew Douglas, Thomas Winner</i> ; Court Reporter/FTR #: 9:29:24-9:45:58; Time of Hearing: 9:30 a.m.; Courtroom: 3A; Representations of Mr. Douglas and Mr. Sampson heard. Defendant's 12 Motion to Compel is granted as stated on the record. The Court declines to award costs or impose sanctions at this time. Mr. Sampson moves for an extension of the discovery deadline. The Court denies the motion. (Copies have been distributed pursuant to the NEF - DES) (Entered: 03/08/2010)
03/18/2010	17	MOTION for Summary Judgment <i>on all Claims; Alternatively Motion for Summary Judgment on Extra-Contractual Remedies; or Further in the Alternative, Motion to Stay Discovery and Bifurcate Claims for Extra-Contractual Remedies; Finally in the Alternative, Motion for Leave to Amend</i> by Defendant United Automobile Insurance Company. Responses due by 4/11/2010. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit, # 5 Exhibit)(Rowan, Douglas) (Entered: 03/18/2010)
03/18/2010	18	DECLARATION of Jan Cook re 17 MOTION for Summary Judgment <i>on all Claims; Alternatively Motion for Summary Judgment on Extra-Contractual Remedies; or Further in the Alternative, Motion to Stay Discovery and Bifurcate Claims for Extra-Contractual Remedies; Finally in the Alternat</i> ; by Defendant United Automobile Insurance Company. (Rowan, Douglas) (Entered: 03/18/2010)
03/18/2010	19	DECLARATION of Denise Davis re 17 Motion for Summary Judgment; by Defendant United Automobile Insurance Company. (Rowan, Douglas) Docket entry relationship added on 3/23/2010. (MJZ) (Entered: 03/18/2010)
04/09/2010	20	RESPONSE to 17 MOTION for Summary Judgment <i>on all Claims; Alternatively Motion for Summary Judgment on Extra-Contractual Remedies; or Further in the Alternative, Motion to Stay Discovery and Bifurcate Claims for Extra-Contractual Remedies; Finally in the Alternat</i> , filed by Plaintiffs Gary Lewis, James Nalder. Replies due by 4/26/2010. (Attachments: # 1 Exhibit UAIC Claims File, # 2 Exhibit UAIC Claims File, # 3 Exhibit UAIC Claims File, # 4 Exhibit Judgment, # 5 Exhibit Interrogatory Answers, # 6 Exhibit Expert Report)(Sampson, David) (Entered: 04/09/2010)

		04/09/2010)
04/26/2010	<u>21</u>	REPLY to Response to <u>17</u> MOTION for Summary Judgment <i>on all Claims; Alternatively Motion for Summary Judgment on Extra-Contractual Remedies; or Further in the Alternative, Motion to Stay Discovery and Bifurcate Claims for Extra-Contractual Remedies; Finally in the Alternat ;</i> filed by Defendant United Automobile Insurance Company. Reply in Support (Rowan, Douglas) (Entered: 04/26/2010)
05/05/2010	<u>22</u>	STIPULATION and Order to Amend the Discovery Plan and Scheduling Order (First Request) by Defendant United Automobile Insurance Company. (Rowan, Douglas) (Entered: 05/05/2010)
05/06/2010	23	NOTICE of Hearing: Discovery Hearing regarding the Stipulation and Order to Amend the Discovery Plan and Scheduling Order (First Request) (#22) is set for Thursday, May 13, 2010, at 9:30 AM in LV Courtroom 3A before Magistrate Judge George Foley Jr.(JBW) (Entered: 05/06/2010)
05/13/2010	<u>24</u>	SCHEDULING ORDER re: <u>22</u> Stipulation to Amend Discovery Plan and Scheduling Order. Discovery due by 9/1/2010. Motions due by 10/1/2010. Proposed Joint Pretrial Order due by 11/2/2010. Signed by Magistrate Judge George Foley, Jr on 5/13/10. (Copies have been distributed pursuant to the NEF - ASB) (Entered: 05/13/2010)
05/13/2010	25	MINUTES OF PROCEEDINGS - Status Conference held on 5/13/2010 before Magistrate Judge George Foley, Jr. Crtrm Administrator: <i>Melissa Jaime</i> ; Pla Counsel: <i>David Sampson</i> ; Def Counsel: <i>Thomas Winner</i> ; Court Reporter/FTR #: 9:30 a.m.; Time of Hearing: 9:30 - 9:35 a.m.; Courtroom: 3A; The Court makes an inquiry of counsel with respect to <u>22</u> Stipulation and Order to Amend the Discovery Plan and Scheduling Order. The parties represent that there are no issues regarding completing discovery. The Court will APPROVE <u>22</u> Stipulation to Amend Discovery Plan and Scheduling Order. (no image attached) (Copies have been distributed pursuant to the NEF - MAJ) (Entered: 05/14/2010)
08/24/2010	<u>26</u>	SUPPLEMENT to <u>17</u> MOTION for Summary Judgment <i>on all Claims; Alternatively Motion for Summary Judgment on Extra-Contractual Remedies; or Further in the Alternative, Motion to Stay Discovery and Bifurcate Claims for Extra-Contractual Remedies; Finally in the Alternat, <u>20</u> Response to Motion,, ;</i> by Plaintiffs Gary Lewis, James Nalder. (Attachments: # <u>1</u> Exhibit Deposition, # <u>2</u> Exhibit Deposition, # <u>3</u> Exhibit Deposition, # <u>4</u> Exhibit Receipt, # <u>5</u> Exhibit Poliy)(Sampson, David) (Entered: 08/24/2010)
08/24/2010	<u>27</u>	MOTION for Leave to File Response by Plaintiffs Gary Lewis, James Nalder. Responses due by 9/10/2010. (Sampson, David) Event type corrected on 8/25/2010. (MJZ) (Entered: 08/24/2010)
09/08/2010	<u>28</u>	SUBPOENA Returned Executed as to Plaintiff (Sampson, David) (Entered: 09/08/2010)
09/10/2010	<u>29</u>	RESPONSE to <u>27</u> MOTION for Leave to File Response, filed by Defendant United Automobile Insurance Company. <i>Opposition to Plaintiff's Motion for Leave to File a Supplement to his Opposition to Motion for Summary Judgment on all Claims and Other Issues; Alternatively Defendant COUNTER-MOTIONS for Leave to File a Response to Plaintiff's Supplement and for Leave to Defendant to file a Supplement to its Original Motion</i> Replies due by 9/27/2010. (Rowan, Douglas) (Entered: 09/10/2010)

10/25/2010	<u>30</u>	MINUTE ORDER IN CHAMBERS of the Honorable Judge Edward C. Reed, Jr, on 10/25/2010. Plaintiffs Motion for Leave <u>27</u> to file a Supplement <u>26</u> to Defendants Motion for Summary Judgment <u>17</u> is GRANTED. Defendants shall have twenty-one (21) days within which to file a supplement to its Reply <u>21</u> in support of Defendants Motion for Summary Judgment <u>17</u> . (Copies have been distributed pursuant to the NEF - ECS) (Entered: 10/25/2010)
10/25/2010	<u>31</u>	MINUTE ORDER IN CHAMBERS of the Honorable Judge Edward C. Reed, Jr, on 10/25/2010. A hearing is scheduled for 1:00 p.m., 12/7/10, on Defendants Motion for Summary Judgment <u>17</u> . The hearing will be held at the Lloyd D. George United States Courthouse, Las Vegas, Nevada. At the hearing, each side shall be allowed one (1) hour for oral argument. (Copies have been distributed pursuant to the NEF - ECS) (Entered: 10/25/2010)
11/05/2010	<u>32</u>	PROPOSED Pretrial Order <i>Joint</i> by Defendant United Automobile Insurance Company. (Rowan, Douglas) (Entered: 11/05/2010)
11/15/2010	<u>33</u>	RESPONSE to <u>17</u> MOTION for Summary Judgment <i>on all Claims; Alternatively Motion for Summary Judgment on Extra-Contractual Remedies; or Further in the Alternative, Motion to Stay Discovery and Bifurcate Claims for Extra-Contractual Remedies; Finally in the Alternat</i> , filed by Defendant United Automobile Insurance Company. <i>Response to Plaintiffs' Supplement to their Opposition to Defendant's Motion for Summary Judgment on all Claims; Alternatively, Motion for Summary Judgment on Extra-Contractual Remedies; or Furhter, in the Alternative, Motion to Stay Discovery and Bifurcate Claims for Extra-Contractual Remedies; Finall, in teh Alternative, Motion for Leave to Amend Replies due by 12/2/2010.</i> (Rowan, Douglas) (Entered: 11/15/2010)
11/15/2010	<u>34</u>	EXHIBIT(s) <i>1</i> to <u>33</u> Response to Motion,, ; filed by Defendant United Automobile Insurance Company. (Rowan, Douglas) (Entered: 11/15/2010)
11/15/2010	<u>35</u>	EXHIBIT(s) <i>2</i> to <u>33</u> Response to Motion,, ; filed by Defendant United Automobile Insurance Company. (Rowan, Douglas) (Entered: 11/15/2010)
11/15/2010	<u>36</u>	EXHIBIT(s) <i>3</i> to <u>33</u> Response to Motion,, ; filed by Defendant United Automobile Insurance Company. (Rowan, Douglas) (Entered: 11/15/2010)
11/15/2010	<u>37</u>	EXHIBIT(s) <i>4</i> to <u>33</u> Response to Motion,, ; filed by Defendant United Automobile Insurance Company. (Rowan, Douglas) (Entered: 11/15/2010)
11/15/2010	<u>38</u>	EXHIBIT(s) <i>5</i> to <u>33</u> Response to Motion,, ; filed by Defendant United Automobile Insurance Company. (Rowan, Douglas) (Entered: 11/15/2010)
11/18/2010	<u>39</u>	MINUTE ORDER IN CHAMBERS of the Honorable Judge Edward C. Reed, Jr, on 11/18/2010. By Deputy Clerk: C. Larsen. RE: <u>17</u> MOTION for Summary Judgment <i>on all Claims; Alternatively Motion for Summary Judgment on Extra-Contractual Remedies; or Further in the Alternative, Motion to Stay Discovery and Bifurcate Claims for Extra-Contractual Remedies; Finally in the Alternat Motion Hearing set for 12/7/2010 at 1:30, is RESCHEDULED on 12/7/2010 at 02:00 PM in LV Courtroom 4B before Judge Edward C. Reed Jr..(no image attached)</i> (Copies have been distributed pursuant to the NEF - CLL) (Entered: 11/18/2010)
12/03/2010	<u>40</u>	ERRATA to Response to <u>17</u> MOTION for Summary Judgment, by United Automobile Insurance Company. (Rowan, Douglas) Event type corrected on 12/6/2010. (MJZ) (Entered: 12/03/2010)

12/06/2010		NOTICE of Docket Correction to 40 RESPONSE to Motion. ERROR: Wrong event selected by attorney <u>Douglas Rowan</u> . CORRECTION: Entry corrected by court to 40 ERRATA. (no image attached) (MJZ) (Entered: 12/06/2010)
12/07/2010	41	MINUTES OF PROCEEDINGS - Motion Hearing held on 12/7/2010 before Judge Edward C. Reed, Jr. Crtrm Administrator: <i>C. Larsen</i> ; Pla Counsel: <i>D. Sampson</i> ; Def Counsel: <i>M. Douglas</i> ; <i>T. Winner</i> ; Court Reporter/FTR #: <i>F. Zabin</i> ; Time of Hearing: <i>2:15 PM to 4:35 PM</i> ; Arguments presented; written order to follow. (Copies have been distributed pursuant to the NEF - CLL) (Entered: 12/07/2010)
12/20/2010	42	ORDER granting Defendant's 17 Motion for Summary Judgment with respect to all of Plaintiffs' claims. Signed by Judge Edward C. Reed, Jr on 12/17/10. (Copies have been distributed pursuant to the NEF - ECS) (Entered: 12/20/2010)
12/20/2010	43	CLERK'S JUDGMENT in favor of United Automobile Insurance Company against Gary Lewis, James Nalder. Signed by Clerk of Court, Lance S. Wilson on 12/20/10. (Copies have been distributed pursuant to the NEF - ECS) (Entered: 12/20/2010)
12/22/2010	44	BILL OF COSTS by Defendant United Automobile Insurance Company. Tax or object to Bill of Costs by 1/9/2011. (Rowan, Douglas) (Entered: 12/22/2010)
12/22/2010	45	MOTION for Attorney Fees by Defendant United Automobile Insurance Company. Responses due by 1/8/2011. (Attachments: # 1 Exhibit Exhibit A)(Rowan, Douglas) (Entered: 12/22/2010)
01/03/2011	46	NOTICE OF APPEAL by Plaintiff Gary Lewis. Filing fee \$ 455, receipt number 0978-1839446. E-mail notice (NEF) sent to the US Court of Appeals, Ninth Circuit. (Sampson, David) (Entered: 01/03/2011)
01/04/2011	47	USCA Appeal Fees received \$455 receipt number 0978-1839446 re 46 Notice of Appeal filed by Gary Lewis. E-mail notice (NEF) sent to the US Court of Appeals, Ninth Circuit. (JAG) (Entered: 01/04/2011)
01/04/2011	48	Designation of Transcripts and Transcript Order forms and instructions for 46 Notice of Appeal. The forms may also be obtained on the Court's website at www.nvd.uscourts.gov/Forms.aspx . (JAG) (Entered: 01/04/2011)
01/07/2011	49	RESPONSE to 45 MOTION for Attorney Fees, filed by Plaintiffs Gary Lewis, James Nalder. Replies due by 1/17/2011. (Sampson, David) (Entered: 01/07/2011)
01/07/2011	50	OBJECTION to 44 Bill of Costs ; filed by Plaintiffs Gary Lewis, James Nalder. (Sampson, David) (Entered: 01/07/2011)
01/07/2011	51	ORDER for Time Schedule as to 46 Notice of Appeal filed by Gary Lewis. USCA Case Number 11-15010 . (JAG) (Entered: 01/07/2011)
01/11/2011	52	ERRATA to 45 MOTION for Attorney Fees ; filed by Defendant United Automobile Insurance Company. (Rowan, Douglas) (Entered: 01/11/2011)
01/14/2011	53	REPLY to Response to 45 MOTION for Attorney Fees ; filed by Defendant United Automobile Insurance Company. <i>Combined reply to Plaintiff's Response to Motion for Attorneys Fees and Objection to Bill of Costs and Motion for Leave to Amend Bill of Costs to include Documentation of Costs</i> (Rowan, Douglas) (Entered: 01/14/2011)
01/14/2011	54	EXHIBIT(s) to Reply to Response to 45 MOTION for Attorney Fees, 58 MOTION to Amend/Correct 44 Bill of Costs; filed by Defendant United Automobile Insurance

		Company. (Rowan, Douglas) Docket entry relationship added on 1/24/2011. (MJZ) (Entered: 01/14/2011)
01/14/2011	55	EXHIBIT(s) <i>Group Exhibit A Part 1</i> to Reply to Response to 45 MOTION for Attorney Fees, 58 MOTION to Amend/Correct 44 Bill of Costs ; filed by Defendant United Automobile Insurance Company. (Rowan, Douglas) Docket entry relationship added on 1/24/2011. (MJZ) (Entered: 01/14/2011)
01/14/2011	56	EXHIBIT(s) <i>Group Exhibit A Part 3</i> to Reply to Response to 45 MOTION for Attorney Fees, 58 MOTION to Amend/Correct 44 Bill of Costs; filed by Defendant United Automobile Insurance Company. (Rowan, Douglas) Docket entry relationship added on 1/24/2011. (MJZ) (Entered: 01/14/2011)
01/14/2011	57	EXHIBIT(s) <i>Group Exhibit A Part 4</i> to Reply to Response to 45 MOTION for Attorney Fees, 58 MOTION to Amend/Correct 44 Bill of Costs; filed by Defendant United Automobile Insurance Company. (Rowan, Douglas) Docket entry relationship added on 1/24/2011. (MJZ) (Entered: 01/14/2011)
01/14/2011	58	MOTION to Amend/Correct 44 Bill of Costs, by Defendant United Automobile Insurance Company. Responses due by 1/31/2011. (MJZ) (Entered: 01/24/2011)
01/24/2011		NOTICE of Docket Correction to 53 REPLY to Response to Motion. ERROR: Document should've been filed as <i>two</i> separate entries by attorney Douglas Rowan in accordance with Special Order 109. CORRECTION: Entry refiled by Court as 58 MOTION to Amend/Correct 44 Bill of Costs. (no image attached) (MJZ) (Entered: 01/24/2011)
01/26/2011	59	MINUTE ORDER IN CHAMBERS of the Honorable Judge Edward C. Reed, Jr, on 1/26/2011. By Deputy Clerk: Colleen Larsen. Granting 58 Motion to Amend/Correct 44 Bill of Costs. Bill of Costs due by 2/2/2011. Tax or object to Bill of Costs by 2/12/2011. (Copies have been distributed pursuant to the NEF - ASB) (Entered: 01/27/2011)
01/26/2011	60	MINUTE ORDER IN CHAMBERS of the Honorable Judge Edward C. Reed, Jr, on 1/26/2011. By Deputy Clerk: Colleen Larsen. Denying 45 Motion for Attorney Fees. (Copies have been distributed pursuant to the NEF - ASB) (Entered: 01/27/2011)
02/01/2011	61	BILL OF COSTS by Defendant United Automobile Insurance Company. Tax or object to Bill of Costs by 2/19/2011. (Attachments: # 1 Exhibit Exhibit 1, # 2 Exhibit Group Exhibit 2, # 3 Exhibit Exhibit 3, # 4 Exhibit Exhibit 4, # 5 Exhibit Exhibit 5, # 6 Exhibit Exhibit 6, # 7 Exhibit Exhibit 7, # 8 Exhibit Exhibit 8, # 9 Exhibit Exhibit 9)(Rowan, Douglas) (Entered: 02/01/2011)
02/01/2011	62	DESIGNATION of Transcripts by Plaintiff James Nalder re 46 Notice of Appeal. (ECS) (Entered: 02/02/2011)
02/01/2011	63	NOTICE: Attorney Notification of Error re 62 Designation of Transcripts. Attorney David F. Sampson advised to file any future Designation of Transcripts electronically. (no image attached) (ECS) (Entered: 02/02/2011)
02/10/2011	64	OBJECTION to 61 Bill of Costs, 44 Bill of Costs ; filed by Plaintiffs Gary Lewis, James Nalder. (Sampson, David) (Entered: 02/10/2011)
02/10/2011	65	MOTION for Re-Taxation of Costs by Plaintiffs Gary Lewis, James Nalder. Responses due by 2/27/2011. (Sampson, David) (Entered: 02/10/2011)

02/16/2011	<u>66</u>	MINUTE ORDER IN CHAMBERS of the Honorable Judge Edward C. Reed, Jr, on 2/16/2011. By Deputy Clerk: Colleen Larsen. Denying <u>65</u> Motion for Re-Taxation of Costs. (Copies have been distributed pursuant to the NEF - ASB) (Entered: 02/17/2011)
02/18/2011	<u>67</u>	REPLY to <u>61</u> Bill of Costs, ; <i>Defendant United Automobile Insurance Company's Reply to Plaintiff's Objection to Amended Bill of Costs</i> filed by Defendant United Automobile Insurance Company. (Rowan, Douglas) (Entered: 02/18/2011)
02/24/2011	<u>68</u>	NOTICE OF APPEAL as to <u>60</u> Order on Motion for Attorney Fees, Minute Order by Defendant United Automobile Insurance Company. Filing fee \$ 455, receipt number 0978-1896982. E-mail notice (NEF) sent to the US Court of Appeals, Ninth Circuit. (Rowan, Douglas) (Entered: 02/24/2011)
02/24/2011	<u>69</u>	TRANSCRIPT of Proceedings, 16 Order on Motion to Compel, Motion Hearing, held on 3/8/2010, before Magistrate Judge George Foley, Jr. Transcriber: Felicia Zabin, 702-676-1087. Tape Number: 9:29:24 to 9:45:48. Transcript may be viewed at the court public terminal or purchased through the Transcriber using the court's "Transcript Order" form available on our website www.nvd.uscourts.gov before the deadline for Release of Transcript Restriction. After that date, it may be obtained either through the Transcriber or PACER. Redaction Request due 3/17/2011. Redacted Transcript Deadline set for 3/27/2011. Release of Transcript Restriction set for 5/25/2011. (FRZ) (Entered: 02/24/2011)
02/24/2011	<u>70</u>	TRANSCRIPT of Proceedings, <u>41</u> Reporter's Transcript of Motion Hearing, held on 12/7/2010, before Judge Edward C. Reed, Jr. Court Reporter: Felicia Zabin, 702-676-1087. Transcript may be viewed at the court public terminal or purchased through the Transcriber using the court's "Transcript Order" form available on our website www.nvd.uscourts.gov before the deadline for Release of Transcript Restriction. After that date, it may be obtained either through the Court Reporter or PACER. Redaction Request due 3/17/2011. Redacted Transcript Deadline set for 3/27/2011. Release of Transcript Restriction set for 5/25/2011. (FRZ) (Entered: 02/24/2011)
02/25/2011	71	USCA Appeal Fees received \$455 receipt number 0978-1896982 re <u>68</u> Notice of Appeal, filed by United Automobile Insurance Company. E-mail notice (NEF) sent to the US Court of Appeals, Ninth Circuit. (JAG) (Entered: 02/25/2011)
02/25/2011	<u>72</u>	Designation of Transcripts and Transcript Order forms and instructions for <u>68</u> Notice of Appeal,. The forms may also be obtained on the Court's website at www.nvd.uscourts.gov/Forms.aspx . (JAG) (Entered: 02/25/2011)
02/28/2011	<u>73</u>	ORDER for Time Schedule as to <u>68</u> Notice of Appeal, filed by United Automobile Insurance Company. USCA Case Number 11-15462 . (JAG) (Entered: 02/28/2011)
03/01/2011	<u>74</u>	COSTS TAXED in the amount of \$8,552.24 and included in the judgment re <u>61</u> Bill of Costs. (MJZ) (Entered: 03/01/2011)
08/02/2011	<u>75</u>	MOTION for Bond <i>Defendant United Automobile Insurance Company's Motion for Plaintiff to Post Cost Bond on Appeal Pursuant to F.R.A.P.7</i> by Defendant United Automobile Insurance Company. Responses due by 8/19/2011. (Rowan, Douglas) (Entered: 08/02/2011)

08/09/2011	76	<p>CERTIFICATE OF RECORD on 46 Notice of Appeal.</p> <p>The record on appeal, consisting of the reporter's transcripts and the United States District Court clerk's record is ready for the purpose of the appeal.</p> <p>This file exists in electronic format and is accessible via CM/ECF - PACER. The documents comprising the United States District Court clerk's record have been numbered in conformance with Rule 11(b) of the Federal Rules of Appellate Procedure. These document numbers are reflected on the United States District Court's docket sheet and should be used for reference purposes in the briefs.</p> <p>Appeals in Habeas Corpus and 28 USC 2255 Motion to Vacate Sentence cases are treated as civil appeals in the Court of Appeals. Criminal appeals briefing schedules will be issued upon the filing of this document.</p> <p>E-mail notice (NEF) sent to the US Court of Appeals, Ninth Circuit. (no image attached) (JAG) (Entered: 08/09/2011)</p>
08/09/2011	77	<p>USCA Appeal Fees received \$455 receipt number 0978-1896982 re 68 Notice of Appeal, filed by United Automobile Insurance Company. E-mail notice (NEF) sent to the US Court of Appeals, Ninth Circuit. (JAG) (Entered: 08/09/2011)</p>
08/09/2011	78	<p>Designation of Transcripts and Transcript Order forms and instructions for 68 Notice of Appeal,. The forms may also be obtained on the Court's website at www.nvd.uscourts.gov/Forms.aspx. (JAG) (Entered: 08/09/2011)</p>
08/15/2011	79	<p>RESPONSE to 75 MOTION for Bond <i>Defendant United Automobile Insurance Company's Motion for Plaintiff to Post Cost Bond on Appeal Pursuant to F.R.A.P.7</i>, filed by Plaintiffs Gary Lewis, James Nalder. Replies due by 8/25/2011. (Sampson, David) (Entered: 08/15/2011)</p>
08/22/2011	80	<p>REPLY to Response to 75 MOTION for Bond <i>Defendant United Automobile Insurance Company's Motion for Plaintiff to Post Cost Bond on Appeal Pursuant to F.R.A.P.7</i> ; filed by Defendant United Automobile Insurance Company. <i>Defendant United Automobile Insurance Company's Reply in Support of Its Motion for Plaintiff to Post Cost Bond on Appeal Pursuant to F.R.A.P.7</i> (Rowan, Douglas) (Entered: 08/22/2011)</p>
10/14/2011	81	<p>ORDER Denying 75 Motion for Plaintiff to Post Cost Bond on Appeal Pursuant to F.R.A.P.7. Signed by Judge Edward C. Reed, Jr on 10/14/11. (Copies have been distributed pursuant to the NEF - ASB) (Entered: 10/14/2011)</p>
12/17/2012	82	<p>MEMORANDUM/OPINION of USCA, Ninth Circuit, REVERSING AND REMANDING in part and AFFIRMING in part 68 Notice of Appeal and 46 Notice of Appeal filed by Gary Lewis. (EDS) (Entered: 12/17/2012)</p>
01/11/2013	83	<p>MANDATE of USCA, Ninth Circuit, as to 82 USCA Memorandum/Opinion REVERSING AND REMANDING in part and AFFIRMING in part as to 46 and 68 Notices of Appeal. (MMM) (Entered: 01/18/2013)</p>
01/29/2013	85	<p>MINUTE ORDER IN CHAMBERS of the Honorable Chief Judge Robert C. Jones, on 1/29/2013. IT IS ORDERED that this case is reassigned to Chief Judge Robert C. Jones for all further proceedings. Judge Edward C. Reed, Jr no longer assigned to case. All further documents must bear the correct case number 2:09-cv-01348-RCJ-GWF.</p>

		(no image attached) (Copies have been distributed pursuant to the NEF - MMM) (Entered: 01/29/2013)
02/22/2013	<u>86</u>	Submission of PROPOSED ORDER on <u>83</u> USCA Mandate, <u>82</u> USCA Memorandum/Opinion, <u>68</u> Notice of Appeal, <u>46</u> Notice of Appeal ;. (BLG) (Entered: 02/22/2013)
02/25/2013	<u>87</u>	ORDER on Mandate as to <u>82</u> USCA Memorandum/Opinion and <u>83</u> USCA Mandate AFFIRMING, REVERSING, and REMANDING judgment of the US District Court re <u>68</u> and <u>46</u> Notices of Appeal. Signed by Chief Judge Robert C. Jones on 2/22/13. (EDS) (Entered: 02/25/2013)
03/04/2013	<u>88</u>	MOTION for Summary Judgment by Plaintiff James Nalder. Responses due by 3/28/2013. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7)(Christensen, Thomas) (Entered: 03/04/2013)
03/26/2013	<u>89</u>	Counter MOTION for Summary Judgment <i>on All Extra-Contractual Claims or Remedies; or in the Alternative, Motion to Bifurcate Claims for Extra-Contractual Claims or Remedies; Further, in the Alternative, Motion for Leave to Amend Answer to File Counter-Claim Oral Argument Requested</i> by Defendant United Automobile Insurance Company. Responses due by 4/19/2013. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Declaration, # <u>13</u> Declaration)(Sherrod, Susan) (Entered: 03/26/2013)
03/26/2013	<u>90</u>	RESPONSE to <u>88</u> MOTION for Summary Judgment, filed by Defendant United Automobile Insurance Company. <i>Oral Argument Requested</i> Replies due by 4/12/2013. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit)(Sherrod, Susan) (Entered: 03/26/2013)
03/26/2013	<u>91</u>	DECLARATION re <u>89</u> Counter MOTION for Summary Judgment <i>on All Extra-Contractual Claims or Remedies; or in the Alternative, Motion to Bifurcate Claims for Extra-Contractual Claims or Remedies; Further, in the Alternative, Motion for Leave to Amend Answer to File Counte ; by Defendant United Automobile Insurance Company. (Sherrod, Susan) (Entered: 03/26/2013)</i>
03/26/2013	<u>92</u>	ERRATA to <u>89</u> Counter MOTION for Summary Judgment <i>on All Extra-Contractual Claims or Remedies; or in the Alternative, Motion to Bifurcate Claims for Extra-Contractual Claims or Remedies; Further, in the Alternative, Motion for Leave to Amend Answer to File Counte ; filed by Defendant United Automobile Insurance Company. (Sherrod, Susan) (Entered: 03/26/2013)</i>
03/26/2013	<u>93</u>	DECLARATION of Jan Cook <i>in Support of Defendant's Opposition to Plaintiff's Motion for Summary Judgment</i> by Defendant United Automobile Insurance Company. (Sherrod, Susan) (Entered: 03/26/2013)
03/26/2013	<u>94</u>	DECLARATION of Denise Davis re <u>90</u> Response to Motion, ; <i>Defendant's Opposition to Plaintiff's Motion for Summary Judgment</i> by Defendant United Automobile Insurance Company. (Sherrod, Susan) (Entered: 03/26/2013)
04/12/2013	<u>95</u>	REPLY to Response to <u>88</u> MOTION for Summary Judgment filed by Plaintiffs Gary Lewis, James Nalder. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8)(Christensen, Thomas) (Entered: 04/12/2013)

04/18/2013	<u>96</u>	RESPONSE to <u>89</u> Counter MOTION for Summary Judgment <i>on All Extra-Contractual Claims or Remedies; or in the Alternative, Motion to Bifurcate Claims for Extra-Contractual Claims or Remedies; Further, in the Alternative, Motion for Leave to Amend Answer to File Counte</i> , filed by Plaintiffs Gary Lewis, James Nalder. Replies due by 5/5/2013. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7)(Christensen, Thomas) (Entered: 04/18/2013)
05/03/2013	<u>97</u>	REPLY to Response to <u>89</u> Counter MOTION for Summary Judgment <i>on All Extra-Contractual Claims or Remedies; or in the Alternative, Motion to Bifurcate Claims for Extra-Contractual Claims or Remedies; Further, in the Alternative, Motion for Leave to Amend Answer to File Cou</i> by Defendant United Automobile Insurance Company. (Sherrod, Susan) (Entered: 05/03/2013)
05/03/2013		NOTICE of Docket Correction to <u>97</u> Reply Brief. ERROR: Wrong event selected by attorney <u>Susan Sherrod</u> . CORRECTION: Clerk's office modified event as <u>97</u> REPLY to Response to Motion. (no image attached) (ASB) (Entered: 05/03/2013)
07/19/2013	<u>98</u>	MOTION for Hearing re <u>88</u> MOTION for Summary Judgment by Plaintiffs Gary Lewis, James Nalder. Motion ripe 7/19/2013. (Christensen, Thomas) (Entered: 07/19/2013)
09/25/2013	99	<p>MINUTE ORDER IN CHAMBERS of the Honorable Chief Judge Robert C. Jones, on September 25, 2013, by Carrie Lipparelli, Judicial Assistant.</p> <p>IT IS HEREBY ORDERED that Plaintiffs Request for Hearing (ECF #98) is GRANTED.</p> <p>IT IS HEREBY ORDERED that ORAL ARGUMENT RE: (ECF #88) Motion for Summary Judgment and (ECF #89) Defendant United Automobile Insurance Companys Counter-Motion for Summary Judgment on All Extra-Contractual Claims or Remedies; or, in the Alternative, Motion to Bifurcate Claims for Extra-Contractual Claims or Remedies; Further, in the Alternative, Motion for Leave to Amend Answer to File Counter-Claim is set for TUESDAY, OCTOBER 22, 2013, 09:00 A.M., in LAS VEGAS COURTROOM 4B, before Chief Judge Robert C. Jones.</p> <p>IT IS SO ORDERED. Signed Chief Judge Robert C. Jones.</p> <p>(Copies have been distributed pursuant to the NEF - CL) (Entered: 09/25/2013)</p>
10/21/2013	100	<p>MINUTE ORDER IN CHAMBERS of the Honorable Chief Judge Robert C. Jones, on 10/21/2013. By Deputy Clerk: Lesa Ettinger.</p> <p>IT IS ORDERED that oral argument RE: <u>88</u> MOTION for Summary Judgment, <u>89</u> Counter MOTION for Summary Judgment currently set for 10/22/2013 9:00 AM is RESCHEDULED (IN TIME ONLY) to 02:00 PM in LV Courtroom 4B before Chief Judge Robert C. Jones.</p> <p>(no image attached) (Copies have been distributed pursuant to the NEF - LE) (Entered: 10/21/2013)</p>
10/22/2013	101	MINUTES OF PROCEEDINGS - Motion Hearing held on 10/22/2013 before Chief Judge Robert C. Jones. Crtrm Administrator: <i>Eileen Wood</i> ; Pla Counsel: <i>Thomas Christensen</i> ; Def Counsel: <i>Matthew Douglas</i> ; Court Reporter: <i>Kathy Eismann</i> ; Time

		of Hearing: 1:58-2:33 PM; Courtroom: 4B. Representations of counsel are heard re 88 MOTION for Summary Judgment and 89 Counter MOTION for Summary Judgment. The Court takes this matter under advisement and a written order will issue.(no image attached) (Copies have been distributed pursuant to the NEF - EW) (Entered: 10/22/2013)
10/30/2013	102	ORDER Granting in part and Denying in part 88 Motion for Summary Judgment. Granting 89 Motion for Summary Judgment. Signed by Chief Judge Robert C. Jones on 10/30/2013. (Copies have been distributed pursuant to the NEF - SLR) (Entered: 10/30/2013)
10/30/2013	103	CLERK'S JUDGMENT. The Court grants summary judgment in favor of Nalder and finds that the insurance renewal statement contained an ambiguity and, thus, the statement is construed in favor of coverage during the time of the accident. The Court denies summary judgment on Nalders remaining bad-faith claims. The Court grants summary judgment on all extra-contractual claims and/or bad faith claims in favor of Defendant. The Court directs Defendant to pay Cheyanne Nalder the policy limits on Gary Lewiss implied insurance policy at the time of the accident. Signed by Clerk of Court, Lance S. Wilson on 10/30/2013. (Copies have been distributed pursuant to the NEF - SLR) (Entered: 10/30/2013)
11/13/2013	104	MOTION for Attorney Fees by Defendant United Automobile Insurance Company. Responses due by 11/30/2013. (Sherrod, Susan) (Entered: 11/13/2013)
11/13/2013	105	BILL OF COSTS <i>against Defendant United Automobile Insurance Company</i> by Plaintiffs Gary Lewis, James Nalder. Tax or object to Bill of Costs by 12/1/2013. (Christensen, Thomas) (Entered: 11/13/2013)
11/13/2013	106	MOTION for Attorney Fees filed by Plaintiffs Gary Lewis, James Nalder. Responses due by 11/30/2013. (Christensen, Thomas) (Entered: 11/13/2013)
11/21/2013	107	OBJECTION to 105 Bill of Costs ; filed by Defendant United Automobile Insurance Company. (Sherrod, Susan) (Entered: 11/21/2013)
11/25/2013	108	MOTION to Strike 106 MOTION for Attorney Fees , <i>Costs and Prejudgment Interest Affidavit of Jason S. Gordon, Esq.</i> by Defendant United Automobile Insurance Company. Responses due by 12/12/2013. (Sherrod, Susan) (Entered: 11/25/2013)
11/25/2013	109	REPLY to Response to 106 MOTION for Attorney Fees , <i>Costs and Prejudgment Interest</i> filed by Defendant United Automobile Insurance Company. (Sherrod, Susan) (Entered: 11/25/2013)
11/25/2013	110	RESPONSE to 106 MOTION for Attorney Fees , <i>Costs and Prejudgment Interest</i> , filed by Defendant United Automobile Insurance Company. Replies due by 12/5/2013. (Sherrod, Susan) (Entered: 11/25/2013)
11/27/2013	111	RESPONSE to 104 MOTION for Attorney Fees , filed by Plaintiffs Gary Lewis, James Nalder. Replies due by 12/7/2013. (Christensen, Thomas) (Entered: 11/27/2013)
11/27/2013	112	NOTICE OF APPEAL as to 102 Order on Motion for Summary Judgment, 103 Clerk's Judgment,, by Plaintiffs Gary Lewis, James Nalder. Filing fee \$ 455, receipt number 0978-3049606. E-mail notice (NEF) sent to the US Court of Appeals, Ninth Circuit. (Christensen, Thomas) (Entered: 11/27/2013)

11/27/2013	<u>114</u>	ORDER for Time Schedule as to <u>112</u> Notice of Appeal, filed by Gary Lewis and James Nalder. USCA Case Number 13-17441 . (EDS) (Entered: 12/03/2013)
12/02/2013	<u>113</u>	Designation of Transcripts and Transcript Order forms and instructions for <u>112</u> Notice of Appeal,. The forms may also be obtained on the Court's website at www.nvd.uscourts.gov/Forms.aspx . (ASB) (Entered: 12/02/2013)
12/03/2013	<u>115</u>	MINUTE ORDER IN CHAMBERS of the Honorable Chief Judge Robert C. Jones, on 12/3/2013. ORDERED that Oral Argument RE: <u>104</u> MOTION for Attorney Fees; <u>106</u> MOTION for Costs, Attorney's Fees and Pre-Judgment Interest; and <u>108</u> MOTION to Strike Affidavit of Jason S. Gordon, Esq., in Support of Plaintiffs' Motion for Costs, Attorneys' Fees, and Pre-Judgment Interest Pursuant to F.R.C.P. 56(e) is set for 10:00 a.m. on Thursday, February 13, 2014, in LV Courtroom 4B before Chief Judge Robert C. Jones. (Copies have been distributed pursuant to the NEF - MMM) (Entered: 12/03/2013)
12/05/2013	<u>116</u>	REPLY to Response to <u>104</u> MOTION for Attorney Fees filed by Defendant United Automobile Insurance Company. <i>Reply in Support of its Motion for Attorney Fees</i> (Sherrod, Susan) (Entered: 12/05/2013)
12/05/2013	<u>117</u>	REPLY to Response to <u>106</u> MOTION for Attorney Fees , <i>Costs and Prejudgment Interest</i> filed by Plaintiffs Gary Lewis, James Nalder. (Christensen, Thomas) (Entered: 12/05/2013)
12/12/2013	<u>118</u>	RESPONSE to <u>108</u> MOTION to Strike <u>106</u> MOTION for Attorney Fees , <i>Costs and Prejudgment Interest Affidavit of Jason S. Gordon, Esq.</i> , filed by Plaintiffs Gary Lewis, James Nalder. Replies due by 12/22/2013. (Christensen, Thomas) (Entered: 12/12/2013)
12/19/2013	<u>119</u>	REPLY to Response to <u>108</u> MOTION to Strike <u>106</u> MOTION for Attorney Fees , <i>Costs and Prejudgment Interest Affidavit of Jason S. Gordon, Esq.</i> filed by Defendant United Automobile Insurance Company. (Sherrod, Susan) (Entered: 12/19/2013)
12/27/2013	<u>120</u>	TRANSCRIPT DESIGNATION by Plaintiffs Gary Lewis, James Nalder re <u>112</u> Notice of Appeal, <u>70</u> Transcript,, <u>41</u> Motion Hearing, 101 Motion Hearing,, <u>69</u> Transcript,, 16 Order on Motion to Compel,,, Motion Hearing,,. (Christensen, Thomas) (Entered: 12/27/2013)
01/14/2014	<u>121</u>	TRANSCRIPT of Proceedings, 101 Motion for Summary Judgment, held on October 22, 2013, before Judge Robert C. Jones. Court Reporter: Kathy Eismann, 702-431-1919. Transcript may be viewed at the court public terminal or purchased through the Court Reporter using the court's "Transcript Order" form available on our website www.nvd.uscourts.gov before the deadline for Release of Transcript Restriction. After that date it may be obtained through the court reporter or PACER Redaction Request due 2/4/2014. Redacted Transcript Deadline set for 2/14/2014. Release of Transcript Restriction set for 4/14/2014. (KE) (Entered: 01/14/2014)
01/15/2014	<u>122</u>	STRICKEN & VACATED see <u>123</u> MINUTE ORDER IN CHAMBERS of the Honorable Judge Robert C. Jones, on 1/15/2014 by Deputy Clerk: Ari Caytuero. IT IS ORDERED that a Motion Hearing re: <u>104</u> Defendant's Motion for Attorney Fees, <u>106</u> Plaintiff's Motion for Attorney Fees , <i>Costs and Prejudgment Interest</i> and <u>108</u> Defendant's Motion to Strike is set for 2/6/2014 10:00 AM in LV Courtroom 4B before Judge Robert C. Jones. (Copies have been distributed pursuant to the NEF – AC) Modified on 1/24/2014 (BLG). (Entered: 01/15/2014)

01/24/2014	<u>123</u>	MINUTE ORDER IN CHAMBERS of the Honorable Judge Robert C. Jones, on 1/24/2014. IT IS HEREBY ORDERED that Minute Order (#122) is STRICKEN and VACATED. IT IS FURTHER ORDERED that Oral Argument RE: (#104) Defendant United Automobile Insurance Companys Motion for Attorneys Fees; (#106) Plaintiffs Motion for Costs, Attorneys Fees and Pre-Judgment Interest; and (#108) Defendant United Automobile Insurance Companys Motion to Strike Affidavit of Jason A. Gordon, Esq., in Support of Plaintiffs Motion for Costs, Attorneys Fees, and Pre-Judgment Interest Pursuant to F.R.C.P. 56(e) WILL REMAIN ON CALENDAR for 10:00 A.M., Thursday, February 13, 2014, in Las Vegas Courtroom 4B, before Judge Robert C. Jones (#115). IT IS FURTHER ORDERED that the Clerk of the Court shall strike Minute Order (#122) from the record. (Copies have been distributed pursuant to the NEF - BLG) (Entered: 01/24/2014)
02/13/2014	124	MINUTES OF PROCEEDINGS - Motion Hearing RE: <u>104</u> MOTION for Attorney Fees , <u>106</u> MOTION for Attorney Fees , <i>Costs and Prejudgment Interest</i> , <u>108</u> MOTION to Strike <u>106</u> MOTION for Attorney Fees , <i>Costs and Prejudgment Interest Affidavit of Jason S. Gordon, Esq.</i> held on 2/13/2014 before Judge Robert C. Jones. Crtrm Administrator: <i>Lesa Ettinger</i> ; Court Reporter/FTR #: <i>Margaret Griener</i> ; Time of Hearing: <i>10:02 - 10:11 a.m.</i> ; Courtroom: <i>4B</i> ; Court convenes. Appearances are noted on the record. Arguments of counsel are heard with respect to the motions at issue. The Court takes this matter under submission. Written ruling of the Court will issue. Court adjourns. (no image attached) (Copies have been distributed pursuant to the NEF - LE) (Entered: 02/13/2014)
03/20/2014	<u>125</u>	AMENDED BILL OF COSTS filed by Plaintiffs Gary Lewis, James Nalder. Tax or object to Bill of Costs by 4/7/2014. (Christensen, Thomas) (Entered: 03/20/2014)
03/20/2014	<u>126</u>	ERRATA to <u>106</u> MOTION for Attorney Fees, <u>117</u> Reply to Response to Motion; filed by Plaintiffs Gary Lewis, James Nalder. (Christensen, Thomas) (Entered: 03/20/2014)
03/21/2014	<u>127</u>	MOTION to Strike <u>126</u> Errata To Plaintiffs Motion For Costs, Attorneys Fees And Prejudgment Interest And Plaintiffs Amended Bill Of Costs by Defendant United Automobile Insurance Company. Responses due by 4/7/2014. (Sherrod, Susan) (Entered: 03/21/2014)
04/07/2014	<u>128</u>	OBJECTION to <u>125</u> Bill of Costs ; <i>Plaintiff's Amended Bill of Costs</i> filed by Defendant United Automobile Insurance Company. (Sherrod, Susan) (Entered: 04/07/2014)
04/07/2014	<u>129</u>	RESPONSE To Plaintiffs <u>126</u> Errata To Their <u>106</u> Motion For Costs, Attorneys Fees, And Pre-Judgment Interest filed by Defendant United Automobile Insurance Company. (Sherrod, Susan) <u>Linked to documents.</u> (ASB) (Entered: 04/07/2014)
04/07/2014	<u>130</u>	RESPONSE to <u>127</u> MOTION to Strike <u>126</u> Errata To Plaintiffs Motion For Costs, Attorneys Fees And Prejudgment Interest And Plaintiffs Amended Bill Of Costs, filed by Plaintiffs Gary Lewis, James Nalder. Replies due by 4/17/2014. (Christensen, Thomas) (Entered: 04/07/2014)
04/16/2014	<u>131</u>	REPLY to Response to <u>127</u> MOTION to Strike <u>126</u> Errata To Plaintiffs Motion For Costs, Attorneys Fees And Prejudgment Interest And Plaintiffs Amended Bill Of Costs filed by Defendant United Automobile Insurance Company. (Sherrod, Susan) (Entered: 04/16/2014)

06/03/2014	<u>132</u>	ORDER Granting in part and Denying in part <u>106</u> Plaintiffs' Motion for Attorney Fees. Plaintiffs are hereby awarded prejudgment interest in the amount of \$3,378.24, costs in the amount of \$8,028.40, and attorney fees in the amount of \$72,546.18. IT IS FURTHER ORDERED that <u>104</u> Defendant's Motion for Attorney Fees is DENIED. IT IS FURTHER ORDERED that <u>108</u> and <u>127</u> Defendant's Motions to Strike are DENIED as moot. Signed by Judge Robert C. Jones on 06/03/2014. (Copies have been distributed pursuant to the NEF - AC) (Entered: 06/03/2014)
06/03/2014	<u>133</u>	JUDGMENT on Attorney Fees and Costs are awarded in favor of Plaintiffs James Nalder and Gary Lewis and against Defendant United Automobile Insurance Company in the amount of \$3,378.24 in prejudgment interest, \$8,028.40 in costs, and \$72,546.18 in attorney fees. Signed by Clerk of Court, Lance S. Wilson on 06/03/2014. (Copies have been distributed pursuant to the NEF - AC) (Entered: 06/03/2014)
07/01/2014	<u>134</u>	SATISFACTION OF JUDGMENT entered In favor of United Automobile Insurance Company Against James Nalder, In favor of James Nalder Against United Automobile Insurance Company by Defendant United Automobile Insurance Company. (Sherrod, Susan) (Entered: 07/01/2014)
03/05/2015	<u>135</u>	SATISFACTION OF JUDGMENT entered In favor of Gary Lewis Against United Automobile Insurance Company, In favor of United Automobile Insurance Company Against United Automobile Insurance Company <i>Partial Satisfaction of Judgment</i> by Defendant United Automobile Insurance Company. (Sherrod, Susan) (Entered: 03/05/2015)
12/27/2017	<u>136</u>	ORDER of USCA, Ninth Circuit, as to ECF No. <u>112</u> Notice of Appeal. The panel certified a question of law to the Nevada Supreme Court. USCA Case No. 13-17441 . (Copies have been distributed pursuant to the NEF - LH) (Entered: 01/04/2018)

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EXHIBIT 5

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 11-15010
Nature of Suit: 4110 Insurance
James Nalder, et al v. United Automobile Insurance Co
Appeal From: U.S. District Court for Nevada, Las Vegas
Fee Status: Paid

Docketed: 01/04/2011
Termed: 12/17/2012

Case Type Information:

- 1) civil
- 2) private
- 3) null

Originating Court Information:

District: 0978-2 : [2:09-cv-01348-ECR-GWF](#)
Court Reporter: Felicia Zabin
Trial Judge: Edward C. Reed, Junior, Senior District Judge
Date Filed: 07/24/2009
Date Order/Judgment: 12/20/2010

Date Order/Judgment EOD:
12/20/2010

Date NOA Filed:
01/03/2011

Date Rec'd COA:
01/03/2011

Prior Cases:

None

Current Cases:

	Lead	Member	Start	End
Cross-Appeal	11-15010	11-15462	08/23/2011	

JAMES NALDER, Guardian Ad Litem on behalf of Cheyanne Nalder

Plaintiff - Appellant,

Thomas Christensen, Esquire, Attorney
Direct: 702-870-1000
[COR LD NTC Retained]
Christensen Law Offices, LLC
1000 South Valley View Boulevard
Las Vegas, NV 89107

Daniel Martin Ryan, Esquire
Direct: 702-286-2687
[COR NTC Retained]
The Cottle Firm
8635 South Eastern Avenue
Las Vegas, NV 89123

GARY LEWIS, individually
Plaintiff - Appellant,

Thomas Christensen, Esquire, Attorney
Direct: 702-870-1000
[COR LD NTC Retained]
(see above)

Daniel Martin Ryan, Esquire
Direct: 702-286-2687
[COR NTC Retained]
(see above)

v.

UNITED AUTOMOBILE INSURANCE COMPANY
Defendant - Appellee,

Matthew J. Douglas, Attorney
Direct: 702-243-7000
[COR NTC Retained]
Atkin Winner & Sherrod
Firm: 702-243-7000
1117 South Rancho Drive
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Douglas M. Rowan, Esquire, Attorney
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1117 South Rancho Drive
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Thomas E. Winner, Esquire, Attorney
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Atkin Winner & Sherrod
Firm: 702-243-7000
1117 South Rancho Drive
Las Vegas, NV 89102

JAMES NALDER, Guardian Ad Litem on behalf of Cheyanne Nalder; GARY LEWIS, individually,

Plaintiffs - Appellants,

v.

UNITED AUTOMOBILE INSURANCE COMPANY,

Defendant - Appellee.

01/04/2011	<input type="checkbox"/> 1	Deleted Incorrect Entry (Duplicate Entry). [7598748] (GR) [Entered: 01/04/2011 10:18 AM]
01/04/2011	<input type="checkbox"/> 2 15 pg, 688.13 KB	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND MQ: Yes. The schedule is set as follows: Mediation Questionnaire due on 01/11/2011. Transcript ordered by 02/02/2011. Transcript due 03/04/2011. Appellant Gary Lewis and Appellant James Nalder opening brief due 04/13/2011. Appellee United Automobile Insurance Company answering brief due 05/13/2011. Appellant's optional reply brief is due 14 days after service of the answering brief. [7598769] (GR) [Entered: 01/04/2011 10:22 AM]
01/10/2011	<input type="checkbox"/> 3 4 pg, 67.39 KB	Filed (ECF) Appellants Gary Lewis and James Nalder Mediation Questionnaire. Date of service: 01/10/2011. [7606575] (Sampson, David) [Entered: 01/10/2011 03:50 PM]
02/02/2011	<input type="checkbox"/> 4 5 pg, 50.19 KB	Filed order MEDIATION (EPM): The Mediation Program of the Ninth Circuit Court of Appeals facilitates settlement while appeals are pending. The court has scheduled a telephone settlement assessment conference, with counsel only, on February 22, 2011, at 2:00 p.m. PACIFIC (San Francisco) Time to discuss whether this case is appropriate for participation in the Mediation Program. [7633942] (AF) [Entered: 02/02/2011 02:38 PM]
02/23/2011	<input type="checkbox"/> 5 1 pg, 22.92 KB	Filed order MEDIATION (PWS): On or before March 9, 2011, counsel is requested to contact the Circuit Mediator to report on the status of the case. [7657064] (AF) [Entered: 02/23/2011 10:19 AM]
03/03/2011	<input type="checkbox"/> 6 1 pg, 120.13 KB	Filed (ECF) Appellee United Automobile Insurance Company Correspondence: Designation of Transcripts to be Used in Record on Appeal. Date of service: 03/03/2011 [7667460] (Douglas, Matthew) [Entered: 03/03/2011 03:28 PM]
05/12/2011	<input type="checkbox"/> 7 2 pg, 30.89 KB	Filed order MEDIATION (PWS): On or before June 6, 2011, counsel for appellant is requested to contact the Circuit Mediator by email at Peter_Sherwood@ca9.uscourts.gov to report on the status of the cases. The briefing schedule previously set by the court is vacated. [7750424] [11-15010, 11-15462] (SAM) [Entered: 05/12/2011 02:09 PM]
08/22/2011	<input type="checkbox"/> 8 2 pg, 24.84 KB	Filed order MEDIATION (PWS): The court has determined that these appeals will not be selected for inclusion in the Mediation Program. The briefing schedule previously set by the court is reset as follows: appellants shall file an opening brief on or before October 17, 2011; appellees shall file an answering brief on or before November 16, 2011; appellants may file an optional reply brief on or before November 30, 2011. Counsel are requested to contact the Circuit Mediator should circumstances develop that warrant further settlement discussions while the appeals are pending. [7866210] [11-15010, 11-15462] (AF) [Entered: 08/22/2011 02:34 PM]
08/23/2011	<input type="checkbox"/> 9 2 pg, 28 KB	Filed amended order MEDIATION (PWS): This order will supersede the order entered herein on August 22, 2011. The court has determined that these appeals will not be selected for inclusion in the Mediation Program. The briefing schedule previously set by the court is reset as follows. These appeals will be placed on a cross-appeal briefing schedule: Nalder and Lewis shall file the first cross-appeal brief on or before October 17, 2011; United Automobile Insurance Co. shall file the second cross-appeal brief on or before December 16, 2011; Nalder and Lewis shall file the third cross-appeal brief on or before February 14, 2012; United Automobile Insurance Co. may file an optional crossappeal reply brief by March 6, 2012. Counsel are requested to contact the Circuit Mediator should circumstances develop that warrant further settlement discussions while the appeals are pending. [7867365] [11-15010, 11-15462] (AF) [Entered: 08/23/2011 11:19 AM]
10/04/2011	<input type="checkbox"/> 10	14 day oral extenstion by phone to file Appellants Gary Lewis, James Nalder cross-appeal brief. First cross appeal brief due 10/31/2011. Second brief on cross appeal due 11/30/2011 Third brief on cross appeal due 12/30/2011. The optional reply cross-appeal brief is due 14 days after service of the third cross-appeal brief [7915471] (CG) [Entered: 10/04/2011 11:36 AM]
10/04/2011	<input type="checkbox"/> 11 1 pg, 44.87 KB	Filed (ECF) Appellants Gary Lewis and James Nalder in 11-15010, Appellee Gary Lewis in 11-15462 Correspondence: Correspondence Regarding Extension. Date of service: 10/04/2011 [7915804] [11-15010, 11-15462] (Sampson, David) [Entered: 10/04/2011 01:44 PM]
10/25/2011	<input type="checkbox"/> 12 53 pg, 129.81 KB	Submitted (ECF) First Brief on Cross-Appeal for review. Submitted by Appellants Gary Lewis and James Nalder. Date of service: 10/25/2011. [7941917] --[COURT UPDATE: Replaced PDF of brief (cover now includes case number 11-15462). Edited docket text to reflect the correct type of brief and spread filing to case number 11-15462. Resent NDA. 10/26/2011 by DB] (Sampson, David) [Entered: 10/25/2011 03:40 PM]
10/26/2011	<input type="checkbox"/> 13 2 pg, 26.63 KB	Filed order MEDIATION (PWS): The briefing schedule previously set by the court is reset as follows. Insurance Co. shall file the second cross-appeal brief on or before December 30, 2011; Nalder and Lewis shall file the third cross-appeal brief on or before February 28, 2012; United Automobile Insurance Co. may file an optional crossappeal reply brief by March 20, 2012. [7943376] [11-15010, 11-15462] (SAM) [Entered: 10/26/2011 01:52 PM]
10/28/2011	<input type="checkbox"/> 14 2 pg, 85.34 KB	Filed clerk order: The first brief on cross-appeal [12] submitted by Gary Lewis and James Nalder is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, with a blue cover, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. [7946233] [11-15010, 11-15462] (WWP) [Entered: 10/28/2011 09:40 AM]

10/31/2011	<input type="checkbox"/> 15	Filed Appellants Gary Lewis and James Nalder excerpts of record in 8 volumes. Served on 10/25/2011. [7948048] [11-15010, 11-15462] (WWP) [Entered: 10/31/2011 11:26 AM]
10/31/2011	<input type="checkbox"/> 16	Received Appellant's excerpts on CD (records) [7949074] [11-15010, 11-15462] (WWP) [Entered: 11/01/2011 07:13 AM]
10/31/2011	<input type="checkbox"/> 17	Received 7 paper copies of First Brief on Cross-Appeal brief [12] filed by Gary Lewis and James Nalder. [7949373] [11-15010, 11-15462] (SD) [Entered: 11/01/2011 10:08 AM]
12/30/2011	<input type="checkbox"/> 18 78 pg, 346.08 KB	Submitted (ECF) Second Brief on Cross-Appeal brief for review. Submitted by Appellee United Automobile Insurance Company in 11-15010, Appellant United Automobile Insurance Company in 11-15462. Date of service: 12/30/2011. [8016209] [11-15010, 11-15462] (Douglas, Matthew) [Entered: 12/30/2011 01:57 PM]
12/30/2011	<input type="checkbox"/> 19 2 pg, 102.77 KB	Filed clerk order: The second brief on cross-appeal [18] submitted by United Automobile Insurance Company is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: red. [8016372] [11-15010, 11-15462] (LA) [Entered: 12/30/2011 05:08 PM]
01/03/2012	<input type="checkbox"/> 20	Filed Appellee United Automobile Insurance Company supplemental excerpts of record on appeal in 2 volumes. [8017190] [11-15010, 11-15462] (WWP) [Entered: 01/03/2012 11:46 AM]
01/04/2012	<input type="checkbox"/> 21	Received 7 paper copies of Second Brief on Cross-Appeal brief [18] filed by United Automobile Insurance Company. [8019372] [11-15010, 11-15462] (SD) [Entered: 01/04/2012 02:25 PM]
02/22/2012	<input type="checkbox"/> 22 27 pg, 136.88 KB	Submitted (ECF) Third Brief on Cross-Appeal for review. Submitted by Appellants Gary Lewis and James Nalder in 11-15010, Appellee Gary Lewis in 11-15462. Date of service: 02/22/2012. [8076557] [11-15010, 11-15462]--[COURT UPDATE : Edited docket text to reflect content of filing. Resent NDA. 02/22/2012 by TW] (Sampson, David) [Entered: 02/22/2012 08:59 AM]
02/22/2012	<input type="checkbox"/> 23	COURT DELETED INCORRECT/DUPLICATE ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: [22] . Original Text: Submitted (ECF) Answering brief for review. Submitted by Appellants Gary Lewis and James Nalder in 11-15010, Appellee Gary Lewis in 11-15462. Date of service: 02/22/2012. [8076563] [11-15010, 11-15462] (Sampson, David) [Entered: 02/22/2012 09:01 AM]
02/22/2012	<input type="checkbox"/> 24 2 pg, 85.34 KB	Filed clerk order: The third brief on cross-appeal [22] submitted by Gary Lewis and James Nalder is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: yellow. [8077499] [11-15010, 11-15462] (WWP) [Entered: 02/22/2012 01:55 PM]
02/29/2012	<input type="checkbox"/> 25	Received 7 paper copies of Third Brief on Cross-Appeal brief [22] filed by Gary Lewis and James Nalder. [8086237] [11-15010, 11-15462] (SD) [Entered: 03/01/2012 11:41 AM]
03/20/2012	<input type="checkbox"/> 26 24 pg, 285.74 KB	Submitted (ECF) Cross-Appeal Reply Brief brief for review. Submitted by Appellee United Automobile Insurance Company in 11-15010, Appellant United Automobile Insurance Company in 11-15462. Date of service: 03/20/2012. [8110570] [11-15010, 11-15462] (Douglas, Matthew) [Entered: 03/20/2012 01:45 PM]
03/20/2012	<input type="checkbox"/> 27 2 pg, 85.35 KB	Filed clerk order: The cross-appeal reply brief [26] submitted by United Automobile Insurance Company is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: gray. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. [8110653] [11-15010, 11-15462] (WWP) [Entered: 03/20/2012 02:06 PM]
03/22/2012	<input type="checkbox"/> 28	Received 7 paper copies of Cross-Appeal Reply Brief brief [26] filed by United Automobile Insurance Company. [8113811] [11-15010, 11-15462] (DB) [Entered: 03/22/2012 12:32 PM]
10/09/2012	<input type="checkbox"/> 29 10 pg, 449.97 KB	Notice of Oral Argument on Friday, December 7, 2012 - 9:30 AM - Courtroom 3, 3rd Floor - James R. Browning US Courthouse - San Francisco, CA. Please return ACKNOWLEDGMENT OF HEARING NOTICE form to: SAN FRANCISCO Office. Please open attached documents to view details about your case. [8352571] [11-15010, 11-15462] (RB) [Entered: 10/09/2012 02:08 PM]
10/30/2012	<input type="checkbox"/> 30 1 pg, 79.02 KB	Filed (ECF) Acknowledgment of hearing notice. Location: San Francisco. Filed by Attorney Matthew John Douglas, Esquire for Appellee United Automobile Insurance Company in 11-15010, Attorney Matthew John Douglas, Esquire for Appellant United Automobile Insurance Company in 11-15462. [8382043] [11-15010, 11-15462] (Douglas, Matthew) [Entered: 10/30/2012 04:36 PM]
11/30/2012	<input type="checkbox"/> 31 3 pg, 92.06 KB	Filed (ECF) notice of appearance of Daniel, Martin, Ryan for Appellees Gary Lewis and James Nalder in 11-15462, Appellants Gary Lewis and James Nalder in 11-15010. Date of service: 11/30/2012. [8421300] [11-15462, 11-15010]--[COURT UPDATE: Attached certificate of service. Resent NDA. 12/03/2012 by RY] (Christensen, Thomas) [Entered: 11/30/2012 01:18 PM]

11/30/2012	<input type="checkbox"/> 32 3 pg, 165.14 KB	Filed (ECF) Acknowledgment of hearing notice. Location: San Francisco. Filed by Attorney Mr. Thomas Christensen, Esquire for Appellees Gary Lewis and James Nalder in 11-15462. [8421302] [11-15462, 11-15010]--[COURT UPDATE: Attached certificate of service. Resent NDA. 12/03/2012 by RY] (Christensen, Thomas) [Entered: 11/30/2012 01:20 PM]
11/30/2012	<input type="checkbox"/> 33	Attorneys David F. Sampson substituted by Attorney Daniel Martin Ryan. [8421315] [11-15010, 11-15462] (EL) [Entered: 11/30/2012 01:24 PM]
11/30/2012	<input type="checkbox"/> 34	COURT DELETED INCORRECT ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: 31 . Original Text: Filed (ECF) notice of appearance of Daniel, Martin, Ryan for Appellees Gary Lewis and James Nalder in 11-15462, Appellants Gary Lewis and James Nalder in 11-15010. Date of service: 11/30/2012. [8421403] [11-15462, 11-15010] (Christensen, Thomas) [Entered: 11/30/2012 01:45 PM]
11/30/2012	<input type="checkbox"/> 35	COURT DELETED INCORRECT ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: 32 . Original Text: Filed (ECF) Acknowledgment of hearing notice. Location: San Francisco. Filed by Attorney Daniel Martin Ryan, Esquire for Appellees Gary Lewis and James Nalder in 11-15462. [8421409] [11-15462, 11-15010] (Christensen, Thomas) [Entered: 11/30/2012 01:46 PM]
12/07/2012	<input type="checkbox"/> 36	ARGUED AND SUBMITTED TO BARRY G. SILVERMAN, RONALD M. GOULD and MORGAN B. CHRISTEN. [11-15010, 11-15462] [8430520] (ST) [Entered: 12/07/2012 02:37 PM]
12/17/2012	<input type="checkbox"/> 37 8 pg, 391.82 KB	FILED MEMORANDUM DISPOSITION (BARRY G. SILVERMAN, RONALD M. GOULD and MORGAN B. CHRISTEN) REVERSED; REMANDED IN PART; AFFIRMED IN PART. Each party shall bear its own costs. FILED AND ENTERED JUDGMENT. [8441300] [11-15010, 11-15462] (DD) [Entered: 12/17/2012 09:37 AM]
01/11/2013	<input type="checkbox"/> 38 2 pg, 87.96 KB	MANDATE ISSUED.(BGS, RMG and MBC) [8470422] [11-15010, 11-15462] (Walker, Synitha) [Entered: 01/11/2013 09:01 AM]

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EXHIBIT 6

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 13-17441

Docketed: 11/27/2013

Nature of Suit: 4110 Insurance

James Nalder, et al v. United Automobile Insurance Co

Appeal From: U.S. District Court for Nevada, Las Vegas

Fee Status: Paid

Case Type Information:

- 1) civil
- 2) private
- 3) null

Originating Court Information:

District: 0978-2 : [2:09-cv-01348-RCJ-GWF](#)

Court Reporter: Felicia Zabin

Trial Judge: Robert Clive Jones, Senior District Judge

Date Filed: 07/24/2009

Date Order/Judgment:

10/30/2013

Date Order/Judgment EOD:

10/30/2013

Date NOA Filed:

11/27/2013

Date Rec'd COA:

11/27/2013

Prior Cases:

[11-15010](#)

Date Filed: 01/04/2011

Date Disposed: 12/17/2012

Disposition: Reversed, Remanded - Memorandum

[11-15462](#)

Date Filed: 02/24/2011

Date Disposed: 12/17/2012

Disposition: Reversed, Remanded - Memorandum

Current Cases:

None

JAMES NALDER, Guardian Ad Litem on behalf of Cheyanne Nalder

Plaintiff - Appellant,

Thomas Christensen, Esquire, Attorney

Direct: 702-870-1000

[COR LD NTC Retained]

Christensen Law Offices, LLC

1000 South Valley View Boulevard

Las Vegas, NV 89107

Dennis M. Prince, Attorney

Direct: 702-450-5400

[COR LD NTC Retained]

Eglet Prince

400 South Seventh Street

Suite 400

Las Vegas, NV 89101

GARY LEWIS, individually

Plaintiff - Appellant,

Thomas Christensen, Esquire, Attorney

Direct: 702-870-1000

[COR LD NTC Retained]

(see above)

Dennis M. Prince, Attorney

Direct: 702-450-5400

[COR LD NTC Retained]

(see above)

v.

UNITED AUTOMOBILE INSURANCE COMPANY

Defendant - Appellee,

Matthew J. Douglas, Attorney

Direct: 702-243-7000

[COR LD NTC Retained]

Atkin Winner & Sherrod

Firm: 702-243-7000

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Las Vegas, NV 89102

Susan M. Sherrod, Esquire, Attorney

Direct: 702-243-7000

[LD NTC Retained]

Atkin Winner & Sherrod

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1117 South Rancho Drive
Las Vegas, NV 89102

Thomas E. Winner, Esquire, Attorney
[COR LD NTC Retained]
Atkin Winner & Sherrod
Firm: 702-243-7000
1117 South Rancho Drive
Las Vegas, NV 89102

JAMES NALDER, Guardian Ad Litem on behalf of Cheyanne Nalder; GARY LEWIS, individually,

Plaintiffs - Appellants,

v.

UNITED AUTOMOBILE INSURANCE COMPANY,

Defendant - Appellee.

11/27/2013 ☐ [1](#)
17 pg, 627.84 KB DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND MQ: Yes. The schedule is set as follows: Mediation Questionnaire due on 12/04/2013. Transcript ordered by 12/27/2013. Transcript due 01/27/2014. Appellants Gary Lewis and James Nalder opening brief due 03/07/2014. Appellee United Automobile Insurance Company answering brief due 04/07/2014. Appellant's optional reply brief is due 14 days after service of the answering brief. [8882091] (RT) [Entered: 11/27/2013 04:07 PM]

12/03/2013 ☐ [2](#)
3 pg, 1.3 MB Filed (ECF) Appellee United Automobile Insurance Company Mediation Questionnaire. Date of service: 12/03/2013. [8886773] (Douglas, Matthew) [Entered: 12/03/2013 03:11 PM]

12/04/2013 ☐ [3](#)
4 pg, 387.16 KB Filed (ECF) Appellants Gary Lewis and James Nalder Mediation Questionnaire. Date of service: 12/04/2013. [8889347] (Christensen, Thomas) [Entered: 12/04/2013 08:53 PM]

12/10/2013 ☐ [4](#)
5 pg, 144.13 KB MEDIATION CONFERENCE SCHEDULED - The court has scheduled a telephone Assessment Conference, 01/14/2014, 2:00 p.m. PACIFIC Time... The Circuit Mediator will initiate the conference call by contacting each person on the attached list. Please be available for the call at least five minutes before the scheduled time. Counsel should review the attached list and inform the Mediation Assistant by email at least 72 hours in advance of the scheduled call of any corrections to the list....The briefing schedule previously set by the court remains in effect.. [COURT UPDATE - Correction to the assessment conference year. 12/12/13 by JI. Resend NDA][8895539] (VS) [Entered: 12/10/2013 10:50 AM]

12/10/2013 ☐ 5
Mail returned on 12/09/2013 addressed to Susan M. Sherrod, Esquire for United Automobile Insurance Company, re: Case opening packet dated 11/27/2013. Resending to: Atkin Winner & Sherrod, 1117 South Rancho Drive Las Vegas, NV 89102; Ph: 702-243-7000. [8895593] (AF) [Entered: 12/10/2013 11:02 AM]

01/16/2014 ☐ [9](#)
1 pg, 32.47 KB Filed order MEDIATION (PWS): On January 14, 2014, a telephone conference was held with Circuit Mediator Peter W. Sherwood. The court has determined that this appeal will not be selected for inclusion in the Mediation Program. Counsel are requested to contact the Circuit Mediator should circumstances develop that warrant further settlement discussions while the appeal is pending. [8942166] (BJB) [Entered: 01/16/2014 03:47 PM]

03/06/2014 ☐ [10](#)
42 pg, 253.09 KB Submitted (ECF) Opening Brief for review. Submitted by Appellants Gary Lewis and James Nalder. Date of service: 03/06/2014. [9004795] (Christensen, Thomas) [Entered: 03/06/2014 11:30 AM]

03/06/2014 ☐ [11](#)
782 pg, 27.2 MB Submitted (ECF) excerpts of record. Submitted by Appellants Gary Lewis and James Nalder. Date of service: 03/06/2014. [9004818]--[COURT UPDATE: Attached corrected volume 4 of excerpts. Resent NDA. 03/17/2014 by RY] (Christensen, Thomas) [Entered: 03/06/2014 11:36 AM]

03/17/2014 ☐ [12](#)
2 pg, 86.65 KB Filed clerk order: The opening brief [\[10\]](#) submitted by Gary Lewis and James Nalder is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: blue. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. The Court has reviewed the excerpts of record [\[11\]](#) submitted by Gary Lewis and James Nalder. Within 7 days of this order, filer is ordered to file 4 copies of the excerpts in paper format, with a white cover. The paper copies must be in the format described in 9th Circuit Rule 30-1.6. [9018185] (CT) [Entered: 03/17/2014 11:37 AM]

03/21/2014 ☐ [13](#)
7 pg, 199.68 KB Filed (ECF) Appellee United Automobile Insurance Company Motion to extend time to file a response until 05/22/2014. Date of service: 03/21/2014. [9026754] (Douglas, Matthew) [Entered: 03/21/2014 03:58 PM]

03/24/2014 ☐ [14](#)
1 pg, 39.8 KB Filed clerk order (Deputy Clerk: AMT): Appellee's motion for an extension of time to file the answering brief is granted. The answering brief is due May 22, 2014. Appellee's counsel is reminded that all filings must be served on all parties and be accompanied by proof of service. See Fed. R. app. P. 25(b); 9th Cir. R. 25-5(f). The optional reply brief is due within 14 days after service of the answering brief. This order was issued prior to the expiration of time within which a response may be filed. See Fed. R. App. P. 27(b). [9028849] (BJB) [Entered: 03/24/2014 03:04 PM]

03/26/2014 ☐ 15
Mail returned on 03/26/2014 addressed to Susan M. Sherrod, Esquire for United Automobile Insurance Company, re: Order filed 12/10/2013. Resending to: 1117 South Rancho Drive, Las Vegas, NV 89102. [9032489] (AF) [Entered: 03/26/2014 02:38 PM]

03/27/2014 ☐ [16](#)
2 pg, 194.09 KB Received Appellants Gary Lewis and James Nalder excerpts of record [\[11\]](#) in 4 volumes. Deficiencies: excerpts are bound improperly. Notified counsel (See attached notice). [9033823] (CT) [Entered: 03/27/2014 11:20 AM]

03/27/2014 ☐ 17
Received 7 paper copies of Opening brief [\[10\]](#) filed by Gary Lewis and James Nalder. [9035737] (SD) [Entered: 03/28/2014 01:27 PM]

04/02/2014 ☐ 18
Received correctly bound excerpts of record from Appellants Gary Lewis and James Nalder. [9041977] (CT) [Entered: 04/02/2014 03:33 PM]

04/02/2014 ☐ 19
Filed Appellants Gary Lewis and James Nalder paper copies of excerpts of record [\[11\]](#) in 4 volume(s). [9041988] (CT) [Entered: 04/02/2014 03:34 PM]

05/21/2014 ☐ [20](#)
999 pg, 15.49 MB Submitted (ECF) Answering Brief and supplemental excerpts of record for review. Submitted by Appellee United Automobile Insurance Company. Date of service: 05/21/2014. [9104883] (Douglas, Matthew) [Entered: 05/21/2014 03:50 PM]

05/21/2014 ☐ [21](#)
2 pg, 86.71 KB Filed clerk order: The answering brief [\[20\]](#) submitted by United Automobile Insurance Company is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: red. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. The Court has reviewed the supplemental excerpts of record [\[20\]](#) submitted by United Automobile Insurance Company. Within 7 days of this order, filer is ordered to file 4 copies of the excerpts in paper format, with a white cover. The paper copies must be in the format described in 9th Circuit Rule 30-1.6. [9105027] (CT) [Entered: 05/21/2014 04:47 PM]

05/23/2014 ☐ 22 Received 7 paper copies of Answering brief [\[20\]](#) filed by United Automobile Insurance Company. [9107330] (SD) [Entered: 05/23/2014 01:41 PM]

05/23/2014 ☐ 23 Filed Appellee United Automobile Insurance Company paper copies of supplemental excerpts of record [\[20\]](#) in 4 volumes. [9107860] (CT) [Entered: 05/23/2014 04:06 PM]

06/04/2014 ☐ [24](#)
16 pg, 87 KB Submitted (ECF) Reply Brief for review. Submitted by Appellants Gary Lewis and James Nalder. Date of service: 06/04/2014. [9119780] (Christensen, Thomas) [Entered: 06/04/2014 01:06 PM]

06/04/2014 ☐ [25](#)
2 pg, 86.23 KB Filed clerk order: The reply brief [\[24\]](#) submitted by Gary Lewis and James Nalder is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: gray. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. [9119892] (CT) [Entered: 06/04/2014 01:44 PM]

06/11/2014 ☐ 26 Received 7 paper copies of Reply brief [\[24\]](#) filed by Gary Lewis and James Nalder. [9128022] (SD) [Entered: 06/11/2014 10:47 AM]

10/06/2015 ☐ 27 This case is being considered for the January 2016 oral argument calendar. The exact date of your oral argument has not been determined at this time.
The following is a link to the upcoming court sessions: http://cdn.ca9.uscourts.gov/datastore/uploads/calendar/sitdates_2016.pdf.
Please review these upcoming dates *immediately* to determine if you have any conflicts with them. If you do have conflicts, please inform the Court immediately by sending a letter to the Court using CM/ECF (**Type of Document:** File Correspondence to Court; **Subject:** regarding availability for oral argument).
The Court discourages motions to continue after this 7-day period.
The clerk's office takes conflict dates into consideration in scheduling oral arguments but cannot guarantee that every request will be honored. Your case will be assigned to a calendar approximately 10 weeks before the scheduled oral argument date.
In addition, if parties are discussing settlement or would like to discuss settlement before argument, they should contact the mediation unit immediately (ca09_mediation@ca9.uscourts.gov). Once the case is calendared, it is unlikely that the court will postpone argument for settlement discussions. [9708238] (KS) [Entered: 10/06/2015 10:31 AM]

10/08/2015 ☐ 28 Terminated Jason A. Gordon for James Nalder and Gary Lewis in 13-17441 (due to incorrect account info) [9711545] (JT) [Entered: 10/08/2015 10:18 AM]

10/27/2015 ☐ 29 Notice of Oral Argument on Wednesday, January 6, 2016 - 09:30 A.M. - Courtroom 1 - James R Browning US Ctse, 95 7th St, San Francisco, CA.

View the Oral Argument Calendar for your case [here](#).

When you have reviewed the calendar, download the [ACKNOWLEDGMENT OF HEARING NOTICE form](#), complete the form, and file it via Appellate ECF or return the completed form to: SAN FRANCISCO Office. [9734139] (GEV) [Entered: 10/27/2015 11:32 AM]

11/02/2015 ☐ [30](#)
2 pg, 89.46 KB Filed Acknowledgment of hearing notice. Location: San Francisco. Filed by Attorney Matthew John Douglas, Esquire for Appellee United Automobile Insurance Company. [9741605] (RR) [Entered: 11/02/2015 02:38 PM]

11/03/2015 ☐ [31](#)
1 pg, 19.13 KB Filed (ECF) Acknowledgment of hearing notice. Location: San Francisco. Filed by Attorney Mr. Thomas Christensen, Esquire for Appellants Gary Lewis and James Nalder. [9743361] [13-17441] (Christensen, Thomas) [Entered: 11/03/2015 02:38 PM]

12/22/2015 ☐ [32](#)
30 pg, 5.16 MB Filed (ECF) Appellants Gary Lewis and James Nalder citation of supplemental authorities. Date of service: 12/22/2015. [9802149] [13-17441] (Christensen, Thomas) [Entered: 12/22/2015 11:48 AM]

12/23/2015 ☐ [33](#)
2 pg, 35.64 KB Filed clerk order (Deputy Clerk: PA): 60 Minutes/CBS News applied to video/audio record for later broadcast, the cases captioned above, scheduled to be heard at The James R. Browning, U.S. Courthouse in San Francisco, California, on Wednesday, January 6, 2016. C-Span's request to video/audio record for later broadcast is GRANTED. (PANEL) [9803695] [13-16909, 13-70156, 14-15684, 13-17441, 13-60113] (PA) [Entered: 12/23/2015 11:22 AM]

12/29/2015 ☐ [34](#) revised Notice of Oral Argument on Wednesday, January 6, 2016 - 09:00 A.M. - Courtroom 1 - San Francisco CA. ** note change in time allotment **

View the Oral Argument Calendar for your case [here](#).

When you have reviewed the calendar, download the [ACKNOWLEDGMENT OF HEARING NOTICE form](#), complete the form, and file it via Appellate ECF or return the completed form to: SAN FRANCISCO Office. [9809205] (AW) [Entered: 12/29/2015 04:28 PM]

12/30/2015 ☐ [35](#)
23 pg, 2.36 MB Filed (ECF) Appellee United Automobile Insurance Company citation of supplemental authorities. Date of service: 12/30/2015. [9810301] [13-17441]--[COURT UPDATE: Edited docket text to reflect correct filing type. 12/30/2015 by RY] --[COURT UPDATE: Exhibit B stricken per order [\[38\]](#). 01/12/2016 by TYL] (Douglas, Matthew) [Entered: 12/30/2015 02:05 PM]

12/31/2015 ☐ [36](#)
1 pg, 41.18 KB Filed (ECF) Acknowledgment of hearing notice. Location: San Francisco. Filed by Attorney Mr. Thomas Christensen, Esquire for Appellants Gary Lewis and James Nalder. [9811651] [13-17441] (Christensen, Thomas) [Entered: 12/31/2015 10:55 AM]

01/06/2016 ☐ [37](#) ARGUED AND SUBMITTED TO ALEX KOZINSKI, JOHN T. NOONAN and DIARMUID F. O'SCANNLAIN. [9817040] (Buccinio, Gabriela) [Entered: 01/06/2016 11:41 AM]

01/11/2016 ☐ [38](#)
1 pg, 45.85 KB Filed order (ALEX KOZINSKI, JOHN T. NOONAN and DIARMUID F. O'SCANNLAIN) The Clerk is ordered to strike Exhibit B of Appellee's 28(j) letter filed on December 30, 2015. Rule 28(j) only permits the citation of "pertinent and significant authorities." See Fed. R. App. P. 28(j) (emphasis added). [9822097] (WL) [Entered: 01/11/2016 10:06 AM]

06/01/2016 ☐ [39](#)
10 pg, 85.32 KB Filed Order for PUBLICATION (ALEX KOZINSKI, JOHN T. NOONAN and DIARMUID F. O'SCANNLAIN) Pursuant to Rule 5 of the Nevada Rules of Appellate Procedure, we certify to the Nevada Supreme Court the question of law set forth in Part II of this order. The answer to this question may be determinative of the cause pending before this court, and there is no controlling precedent in the decisions of the Nevada Supreme Court or the Nevada Court of Appeals. Further proceedings in this court are stayed pending receipt of an answer to the certified question. Submission is withdrawn pending further order. The parties shall notify the Clerk of this court within one week after the Nevada Supreme Court accepts or rejects the certified question, and again within one week after the Nevada Supreme Court renders its opinion. (SEE ORDER FOR FULL TEXT) The clerk of this court shall forward a copy of this order, under official seal, to the Nevada Supreme Court, along with copies of all briefs and excerpts of record that have been filed with this court. IT IS SO ORDERED. [9997579] (RMM) [Entered: 06/01/2016 08:32 AM]

06/01/2016 ☐ [40](#)
1 pg, 12.01 KB Transmitted to the Nevada State Supreme Court: an original certification order; 3 copies of the order, a copy of the certified docket report; all briefs and excerpts of record. Tracking Information: UPS 1Z 950 159 03 4693 9224. [9998992] (RMM) [Entered: 06/01/2016 04:23 PM]

08/09/2016 ☐ [41](#)
2 pg, 271.64 KB Filed (ECF) notice of appearance of Dennis M. Prince for Appellants James Nalder and Gary Lewis. Date of service: 08/09/2016. [10080409] [13-17441] (Prince, Dennis) [Entered: 08/09/2016 10:27 AM]

08/09/2016 ☐ [42](#) Added attorney Dennis M. Prince for Gary Lewis James Nalder, in case 13-17441. [10080497] (RR) [Entered: 08/09/2016 10:50 AM]

12/12/2016 ☐ [43](#)
1 pg, 278.92 KB Filed clerk order (Deputy Clerk: WL): Pursuant to G.O. 3.2(h), Judge W. Fletcher has been drawn to replace Judge Noonan. The panel will now consists of Circuit Judges KOZINSKI, O'SCANNLAIN and W. FLETCHER. [10229240] (WL) [Entered: 12/12/2016 02:10 PM]

03/14/2017 ☐ [44](#)
23 pg, 1.52 MB Filed (ECF) Appellee United Automobile Insurance Company Motion to dismiss the case. Date of service: 03/14/2017. [10355364] [13-17441] --[COURT UPDATE: Attached searchable version of motion. 3/13/2017 by TYL] (Douglas, Matthew) [Entered: 03/14/2017 11:07 AM]

03/27/2017 ☐ [45](#)
14 pg, 163.75 KB Filed (ECF) Appellants James Nalder and Gary Lewis response to motion ([[44](#)] Motion (ECF Filing), [[44](#)] Motion (ECF Filing) motion to dismiss the case). Date of service: 03/27/2017. [10373107] [13-17441] (Prince, Dennis) [Entered: 03/27/2017 03:29 PM]

04/06/2017 ☐ [46](#)
12 pg, 381.36 KB Filed (ECF) Appellee United Automobile Insurance Company reply to response (). Date of service: 04/06/2017. [10385981] [13-17441] (Douglas, Matthew) [Entered: 04/06/2017 10:02 AM]

06/15/2017 ☐ [47](#)
3 pg, 24.64 KB Received Supreme Court of the State of Nevada notice re: we are staying our consideration of the certified question until after the Ninth Circuit grants or denies the motion to dismiss. [10475749] (RR) [Entered: 06/15/2017 04:20 PM]

12/27/2017	<input type="checkbox"/> 48 10 pg, 88.41 KB	Filed Order for PUBLICATION (DIARMUID F. O'SCANNLAIN and WILLIAM A. FLETCHER) The panel certified the following question of law to the Nevada Supreme Court: Under Nevada law, if a plaintiff has filed suit against an insurer seeking damages based on a separate judgment against its insured, does the insurer's liability expire when the statute of limitations on the judgment runs, notwithstanding that the suit was filed within the six-year life of the judgment? (SEE ORDER FOR FULL TEXT) [10704142] (MM) [Entered: 12/27/2017 08:48 AM]
12/27/2017	<input type="checkbox"/> 49 1 pg, 32.52 KB	Filed clerk order (Deputy Clerk: WL): Pursuant to G.O. § 3.2.h, Judge Paez has been drawn as the replacement for Judge Kozinski. The panel for this case will now consist of Judges O'Scannlain, W Fletcher, Paez. [10704805] (WL) [Entered: 12/27/2017 01:16 PM]
12/27/2017	<input type="checkbox"/> 50 1 pg, 37.43 KB	Transmitted to the Nevada State Supreme Court: an original certification order; a copy of the certified docket report; briefsand excerpts of record previously sent with earlier order certifying. See docket [40] . State Supreme Court Case Number: 70504. Tracking Information: FedEx 410518218174. [10704899] (MM) [Entered: 12/27/2017 01:49 PM]
01/10/2018	<input type="checkbox"/> 51 1 pg, 42.32 KB	Transmitted to the Nevada State Supreme Court: an original signed certification order. State Supreme Court Case Number: 70504. Tracking Information: FedEx 410518218428. [10720417] (MM) [Entered: 01/10/2018 03:05 PM]
01/29/2019	<input type="checkbox"/> 52 34 pg, 3.19 MB	Filed (ECF) Appellants James Nalder and Gary Lewis citation of supplemental authorities. Date of service: 01/29/2019. [11171327] [13-17441] (Christensen, Thomas) [Entered: 01/29/2019 01:25 PM]
02/01/2019	<input type="checkbox"/> 53 21 pg, 1.57 MB	Filed (ECF) Appellants Gary Lewis, James Nalder and Appellee United Automobile Insurance Company citation of supplemental authorities. Date of service: 02/01/2019. [11175820] [13-17441] (Douglas, Matthew) [Entered: 02/01/2019 11:14 AM]
02/15/2019	<input type="checkbox"/> 54 13 pg, 1.81 MB	Filed (ECF) Appellee United Automobile Insurance Company citation of supplemental authorities. Date of service: 02/15/2019. [11192063] [13-17441] (Douglas, Matthew) [Entered: 02/15/2019 12:02 PM]

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EXHIBIT 7

REGISTER OF ACTIONS**CASE NO. A-18-772220-C****Cheyenne Nalder, Plaintiff(s) vs. Gary Lewis, Defendant(s)**§
§
§
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§
§
§Case Type: **Negligence - Auto**Date Filed: **04/03/2018**Location: **Department 20**Cross-Reference Case Number: **A772220****RELATED CASE INFORMATION****Related Cases**

07A549111 (Consolidated)

PARTY INFORMATION

Defendant	Lewis, Gary	Lead Attorneys E. Breen Arntz <i>Retained</i> 702-384-8000(W)
Intervenor	United Automobile Insurance Company	Matthew J Douglas <i>Retained</i> 702-243-7000(W)
Plaintiff	Nalder, Cheyenne	David Allen Stephens <i>Retained</i> 702-656-2355(W)

EVENTS & ORDERS OF THE COURT**DISPOSITIONS**

09/13/2018	Judgment Plus Legal Interest (Judicial Officer: Jones, David M) Debtors: Gary Lewis (Defendant) Creditors: Cheyenne Nalder (Plaintiff) Judgment: 09/13/2018, Docketed: 09/13/2018 Total Judgment: 5,696,820.41
02/14/2019	Order of Dismissal (Judicial Officer: Johnson, Eric) Debtors: Cheyenne Nalder (Plaintiff), Gary Lewis (Defendant) Creditors: United Automobile Insurance Company (Intervenor) Judgment: 02/14/2019, Docketed: 02/15/2019 Comment: Certain Claims. Doc filed in 07A549111
02/14/2019	Amended Judgment Plus Legal Interest (Judicial Officer: Johnson, Eric) Reason: Vacated Debtors: Gary Lewis (Defendant) Creditors: Cheyenne Nalder (Plaintiff) Judgment: 02/14/2019, Docketed: 01/29/2019 Total Judgment: 5,696,810.41 Comment: 2/14/19 Per Order, Judgment Withdrawn, Filed in A549111 01/29/2019 Judgment Plus Legal Interest (Judicial Officer: Johnson, Eric) Debtors: Gary Lewis (Defendant) Creditors: Cheyenne Nalder (Plaintiff) Judgment: 01/29/2019, Docketed: 01/29/2019 Total Judgment: 5,696,810.41 Comment: Filed in A549111

OTHER EVENTS AND HEARINGS

04/03/2018	Initial Appearance Fee Disclosure <i>Initial Appearance Fee Disclosure</i>
04/03/2018	Complaint <i>Complaint</i>
05/10/2018	Summons Electronically Issued - Service Pending

Summons

07/18/2018 **Summons**
Summons

07/18/2018 **Three Day Notice**
Three Day Notice to Plead

08/16/2018 **Motion to Intervene**
UAIC Motion to Intervene

09/13/2018 **Stipulation**
Stipulation to Enter Judgment

09/17/2018 **Opposition**
Plaintiff's Opposition to Motion to Intervene

09/18/2018 **Reply in Support**
UAIC'S Reply in Support of its Motion to Intervene

09/18/2018 **Reply in Support**
UAIC's Reply to Lewis' Opposition in Support of its Motion to Intervene

09/19/2018 **Motion to Intervene** (3:00 AM) (Judicial Officer Jones, David M)
UAIC's Motion to Intervene
[Minutes](#)
Result: Granted

09/21/2018 **Opposition to Motion**
Defendant's Opposition to Motion to Intervene and Joinder to Plaintiff's Opposition to Motion to Intervene

09/26/2018 **Initial Appearance Fee Disclosure**
Initial Appearance Fee Disclosure (NRS Chapter 19)

10/05/2018 **Notice of Hearing**
Amended Notice of Hearing

10/08/2018 **Opposition to Motion to Dismiss**
Plaintiff's Opposition to Defendant's Motion to Dismiss

10/11/2018 **Opposition**
Plaintiff's Opposition to Defendant's Motion to Set Aside Judgment

10/17/2018 **Motion to Strike**
(2/14/19 Withdrawn) Defendant's Motion to Strike Both Defendant's Motion for Relief from Judgment and Defendant's Motion to Dismiss

10/19/2018 **Order Granting**
Order Granting UAIC's Motion to Intervene

10/19/2018 **Initial Appearance Fee Disclosure**
Initial Appearance Fee Disclosure

10/19/2018 **Notice of Entry of Order**
Notice of Entry of Order on Intervenor United Automobile Insurance Company's Motion to Intervene

10/19/2018 **Motion**
UAIC s Motion To Dismiss Plaintiff s Complaint & Motion For Court To Deny Stipulation to Enter Judgment Between Plaintiff and Lewis and/or, In The Alternative To Stay Same Pending Hearing On Motion To Dismiss

10/24/2018 **Hearing** (9:00 AM) (Judicial Officer Jones, David M)
[Parties Present](#)
[Minutes](#)
Result: Recused

10/24/2018 **Third Party Complaint**
Third Party Complaint

10/24/2018 **Answer**
Answer to Complaint

10/29/2018 **Notice of Department Reassignment**
Notice of Department Reassignment

10/29/2018 **Opposition to Motion to Dismiss**
Cross-Claimant's Opposition to UAIC's Motion to Dismiss Plaintiff's Complaint & Opposition to Motion for Court to Deny Stipulation to Enter Judgment Between Plaintiff and Lewis And/Or in the Alternative to Stay Same Pending Hearing on Motion to Dismiss

10/29/2018 **Opposition**
Plaintiff's Opposition to UAIC's Motion to Dismiss, to Deny Stipulation for Judgment and for a Stay of the Proceedings

10/30/2018 **Summons Electronically Issued - Service Pending**
Summons

10/30/2018 **Summons Electronically Issued - Service Pending**
Summons

10/30/2018 **Summons Electronically Issued - Service Pending**
Summons

10/30/2018 **Peremptory Challenge**
Intervenor United Automobile Insurance Company's Peremptory Challenge of Judge

10/31/2018 **Notice of Department Reassignment**
Notice of Department Reassignment

11/01/2018 **Opposition**
Opposition to Gary Lewis' Motion to Strike Motion to Set Aside Judgment

11/06/2018 **Affidavit of Service**
Affidavit Of Service

11/06/2018 **Affidavit of Service**
Affidavit Of Service

11/06/2018 **Affidavit of Service**
Affidavit Of Service

11/08/2018 **Motion for Relief** (3:00 AM) (Judicial Officer Kephart, William D.)
Defendant's Motion for Relief form Judgment Pursuant to NRCP 60
[Minutes](#)
10/31/2018 Reset by Court to 11/08/2018
11/08/2018 Reset by Court to 11/08/2018
Result: Matter Continued

11/08/2018 **Motion for Sanctions**
NRCP 11 Motion for Sanctions

11/08/2018	Notice of Hearing <i>Notice of Hearing</i>
11/13/2018	Request for Exemption From Arbitration
11/15/2018	Motion to Dismiss <i>UAIC'S Motion to Dismiss Third Party Plaintiff Lewis's Third Party Complaint</i>
11/26/2018	Motion to Consolidate <i>Intervenor's Motion to Consolidate on Order Shortening Time</i>
11/27/2018	Opposition <i>Opposition to UAIC's Motion to Dismiss and Countermotion for Summary Judgment</i>
11/27/2018	Opposition <i>Opposition to UAIC's Motion to Consolidate and Countermotion to Set aside Void Order and to Strike all Filings by Intervenor, or, in the Alternative, for Summary Judgment</i>
11/28/2018	CANCELED Motion to Consolidate (10:30 AM) (Judicial Officer Johnson, Eric) <i>Vacated - per Law Clerk</i> <i>Intervenor's Motion to Consolidate on Order Shortening Time</i>
11/28/2018	Initial Appearance Fee Disclosure <i>Initial Appearance Fee Disclosure</i>
11/28/2018	Motion for Summary Judgment <i>Plaintiff's Motion for Summary Judgment</i>
11/30/2018	Minute Order (11:30 AM) (Judicial Officer Johnson, Eric) Minutes Result: Minute Order - No Hearing Held
12/03/2018	Commissioners Decision on Request for Exemption - Granted <i>COMMISSIONER'S DECISION ON REQUEST FOR EXEMPTION - GRANTED</i>
12/04/2018	Notice of Early Case Conference <i>Notice of Early Case Conference</i>
12/11/2018	CANCELED Motion to Dismiss (9:00 AM) (Judicial Officer Kephart, William D.) <i>Vacated</i> <i>Defendant's Motion to Dismiss</i> <i>10/31/2018 Reset by Court to 11/13/2018</i> <i>11/13/2018 Reset by Court to 12/11/2018</i>
12/11/2018	CANCELED Motion to Dismiss (9:00 AM) (Judicial Officer Kephart, William D.) <i>Vacated</i> <i>UAIC s Motion To Dismiss Plaintiff s Complaint & Motion For Court To Deny Stipulation to Enter Judgment Between Plaintiff and Lewis and/or, In The Alternative To Stay Same Pending Hearing On Motion To Dismiss</i> <i>12/12/2018 Reset by Court to 12/11/2018</i> <i>12/12/2018 Reset by Court to 12/12/2018</i>
12/13/2018	CANCELED Motion to Strike (3:00 AM) (Judicial Officer Kephart, William D.) <i>Vacated</i> <i>Defendant's Motion to Strike Both Defendant's Motion for Relief from Judgment and Defendant's Motion to Dismiss</i> <i>12/12/2018 Reset by Court to 12/13/2018</i> <i>12/13/2018 Reset by Court to 12/13/2018</i>
12/13/2018	CANCELED Motion for Sanctions (3:00 AM) (Judicial Officer Kephart, William D.) <i>Vacated</i> <i>NRCP 11 Motion for Sanctions</i>
01/15/2019	CANCELED Motion to Dismiss (9:00 AM) (Judicial Officer Kephart, William D.) <i>Vacated</i> <i>UAIC'S Motion to Dismiss Third Party Plaintiff Lewis's Third Party Complaint</i>
01/15/2019	CANCELED Opposition and Countermotion (9:00 AM) (Judicial Officer Kephart, William D.) <i>Vacated</i> <i>Opposition to UAIC's Motion to Dismiss and Countermotion for Summary Judgment</i>
01/15/2019	CANCELED Motion for Summary Judgment (9:00 AM) (Judicial Officer Kephart, William D.) <i>Vacated</i> <i>Plaintiff's Motion for Summary Judgment and Relief From Order Pursuant to NRCP 60(b)</i>

FINANCIAL INFORMATION

Defendant Lewis, Gary			
Total Financial Assessment			558.00
Total Payments and Credits			558.00
Balance Due as of 02/21/2019			0.00
09/27/2018	Transaction Assessment		223.00
09/27/2018	Efile Payment	Receipt # 2018-64487-CCCLK	(223.00)
10/24/2018	Transaction Assessment		135.00
10/24/2018	Efile Payment	Receipt # 2018-70959-CCCLK	(135.00)
11/28/2018	Transaction Assessment		200.00
11/28/2018	Efile Payment	Receipt # 2018-78576-CCCLK	(200.00)
Intervenor United Automobile Insurance Company			
Total Financial Assessment			673.00
Total Payments and Credits			673.00
Balance Due as of 02/21/2019			0.00
10/19/2018	Transaction Assessment		223.00
10/19/2018	Efile Payment	Receipt # 2018-70057-CCCLK	(223.00)

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10/31/2018	Transaction Assessment			450.00
10/31/2018	Efile Payment	Receipt # 2018-72510-CCCLK	United Automobile Insurance Company	(450.00)
	Plaintiff Nalder, Cheyenne			
	Total Financial Assessment			470.00
	Total Payments and Credits			470.00
	Balance Due as of 02/21/2019			0.00
04/04/2018	Transaction Assessment			270.00
04/04/2018	Efile Payment	Receipt # 2018-23353-CCCLK	Nalder, Cheyenne	(270.00)
11/29/2018	Transaction Assessment			200.00
11/29/2018	Efile Payment	Receipt # 2018-78718-CCCLK	Nalder, Cheyenne	(200.00)

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EXHIBIT 8

CASE INFORMATION

[Case Information](#) | [Register Of Actions](#) | [FUTURE HEARINGS](#) | [PARTY INFORMATION](#) | [Documents Filed](#) | [Proceedings Held](#)

Case Number: KS021378

CHEYENNE NALDER ET AL VS GARY LEWIS

Filing Courthouse: Pomona Courthouse South

Filing Date: 06/28/2018

Case Type: Sister State Judgment (General Jurisdiction)

Status: Legacy Judgment 07/24/2018

[Click here to access document images for this case](#)

If this link fails, you may go to the Case Document Images site and search using the case number displayed on this page

FUTURE HEARINGS

[Case Information](#) | [Register Of Actions](#) | [FUTURE HEARINGS](#) | [PARTY INFORMATION](#) | [Documents Filed](#) | [Proceedings Held](#)

None

PARTY INFORMATION

[Case Information](#) | [Register Of Actions](#) | [FUTURE HEARINGS](#) | [PARTY INFORMATION](#) | [Documents Filed](#) | [Proceedings Held](#)

DEITZ JOSHUA M. - Attorney for Plaintiff

INAMINE BRIAN S. ESQ - Intervenor

INAMINE BRIAN SEISHIN - Attorney for Plaintiff in Intervention

LEWIS GARY - Defendant

NALDER CHEYENNE - Plaintiff

NALDER JAMES - Plaintiff

UNITED AUTO INSURANCE COMPANY - Plaintiff in Intervention

DOCUMENTS FILED

[Case Information](#) | [Register Of Actions](#) | [FUTURE HEARINGS](#) | [PARTY INFORMATION](#) | [Documents Filed](#) | [Proceedings Held](#)

Documents Filed (Filing dates listed in descending order)

01/17/2019 Notice (name extension) (Withdrawal of its Motion to Set Aside the Sister State Judgment)

Filed by United Auto Insurance Company (Plaintiff in Intervention)

01/14/2019 Minute Order ((United Automobile Insurance Company's Ex-Parte Motion To Exte...))

Filed by Clerk

01/14/2019 Opposition (name extension) (To United Insurance Company's Ex Parte Motion For a Stay)

Filed by CHEYENNE NALDER (Plaintiff); JAMES NALDER (Plaintiff)

01/14/2019 Declaration (name extension) (of Samantha L. Barron In Support of United Auto Insurance Company's Ex Parte Motion to Extend Stay)

Filed by United Auto Insurance Company (Plaintiff in Intervention)

01/14/2019 Ex Parte Application (name extension) (To Extend Stay of Proceedings and Enforcement of Sister State Judgment per CCP Section 1710.50)

Filed by United Auto Insurance Company (Plaintiff in Intervention)

12/14/2018 Order (name extension) (Granting Second Request for Judicial Notice)
Filed by United Auto Insurance Company (Plaintiff in Intervention)

12/14/2018 Request for Judicial Notice (Second Notice)
Filed by United Auto Insurance Company (Plaintiff in Intervention)

12/14/2018 Minute Order ((Hearing on Motion for Leave to Intervene;))
Filed by Clerk

12/14/2018 Notice of Lodging (name extension) (Joint Stipulation to Continue Stay of Enforcement of Sister State Judgment)
Filed by United Auto Insurance Company (Plaintiff in Intervention)

12/14/2018 Stipulation (name extension) - No Order (Joint Stipulation to Continue Stay of Enforcement of Sister State Judgment)
Filed by United Auto Insurance Company (Plaintiff in Intervention)

12/14/2018 Order Appointing Court Approved Reporter as Official Reporter Pro Tempore
Filed by Clerk

12/14/2018 Order (name extension) (Ruling on the Court's Tentative Ruling)
Filed by Clerk

12/03/2018 Notice of Lodging (name extension) (re proposed sister state judgment)
Filed by United Auto Insurance Company (Plaintiff in Intervention)

12/03/2018 Motion to Vacate (name extension) (United Automobile Insurance Company's (Proposed) notice and motion to vacate or set aside Judgment and Points and Authorities in support thereof)
Filed by United Auto Insurance Company (Plaintiff in Intervention)

11/26/2018 Notice of Continuance
Filed by United Auto Insurance Company (Plaintiff in Intervention)

11/21/2018 Stipulation and Order (name extension) (to allow United Auto Insurance Company's to file a supplemental reply in support of its Motion to Intervene)
Filed by CHEYENNE NALDER (Plaintiff); JAMES NALDER (Plaintiff)

11/20/2018 Order Appointing Court Approved Reporter as Official Reporter Pro Tempore

11/20/2018 Minute Order ((Intervener, United Automobile Insurance Company's Motion for ...))
Filed by Clerk

11/13/2018 Reply (name extension) (rsv 180823342638)

11/07/2018 Notice of Continuance
Filed by United Auto Insurance Company (Plaintiff in Intervention)

10/31/2018 Reply (name extension) (in support of Its Motion to Intervene)
Filed by United Auto Insurance Company (Plaintiff in Intervention)

10/31/2018 Declaration (name extension) (OF Matthew J. Douglas rsv 180823342638)
Filed by United Auto Insurance Company (Plaintiff in Intervention)

10/31/2018 Declaration (name extension) (of Brandon Carroll RSV 180823342638)
Filed by United Auto Insurance Company (Plaintiff in Intervention)

10/31/2018 Proof of Service (not Summons and Complaint) (proof)

10/31/2018 Declaration (name extension) (OF Samantha L. Barron)
Filed by United Auto Insurance Company (Plaintiff in Intervention)

10/31/2018 Reply (name extension) (to plttfs opposition to to motion to intervene RSV 180823342638)
Filed by United Auto Insurance Company (Plaintiff in Intervention)

10/31/2018 Reply (name extension) (in support of its motion to intervene RSV 180823342638)
Filed by United Auto Insurance Company (Plaintiff in Intervention)

10/25/2018 Opposition (name extension) (to united auto insurance co motion to intervene rsv 180823342638)
Filed by JAMES NALDER (Plaintiff)

10/25/2018 Other - (name extension) (APPENDIX OF OUT OF STATE AUTHORITEIS REFERENCED WITHIN PLAINTIFFS
OPPOSITION TO UNTIED AUTOMOBILE INSURANCE CO. MOTIONH FOR LEAVE TO INTERVENE)

Filed by GARY LEWIS (Defendant)

10/25/2018 Other - (name extension) (Appendix of Exhibits in Support of Opposition)

Filed by GARY LEWIS (Defendant)

10/25/2018 Opposition (name extension) (To Motion for Leave)

Filed by GARY LEWIS (Defendant)

10/25/2018 Declaration (name extension) (Of Arthur I. Willner)

Filed by GARY LEWIS (Defendant)

10/11/2018 Request for Judicial Notice

Filed by United Auto Insurance Company (Plaintiff in Intervention)

10/11/2018 Proof of Service (not Summons and Complaint) (Re: Motion for Leave)

Filed by Brian S. Inamine, Esq (Legacy Party); United Auto Insurance Company (Plaintiff in Intervention)

10/11/2018 Declaration (name extension) (Of Brandon Carroll in Support OF Motion for Leave)

10/11/2018 Notice of Lodging (name extension) (Of (Proposed) Orders)

Filed by Brian S. Inamine, Esq (Legacy Party)

10/11/2018 Motion for Leave (name extension) (To Intervene and Points and Authorities in support Thereof)

Filed by Brian S. Inamine, Esq (Legacy Party)

08/24/2018 Proof of Service (not Summons and Complaint)

08/24/2018 Proof of Service (not Summons and Complaint)

Filed by Intervenor

08/23/2018 Declaration

Filed by Intervenor

08/23/2018 Ex-Parte Application

Filed by Intervenor

08/23/2018 Ex-Parte Application

Filed by Intervenor

08/23/2018 Minute Order

Filed by Clerk

08/23/2018 Request for Judicial Notice

Filed by Intervenor

08/23/2018 Notice of Lodging

08/23/2018 Ex Parte Application

08/23/2018 Declaration

08/23/2018 Declaration

08/23/2018 Notice of Lodging

08/23/2018 Request for Judicial Notice

08/23/2018 Declaration

08/23/2018 Order Appointing Court Approved Reporter as Official Reporter Pro Tempore

08/23/2018 Notice of Lodging

08/23/2018 Declaration

08/23/2018 Ex Parte Application

08/23/2018 Declaration

08/23/2018 Order Appointing Court Approved Reporter as Official Reporter Pro Tempore
Filed by Court

08/23/2018 Opposition
Filed by CHEYENNE NALDER (Plaintiff); JAMES NALDER (Plaintiff)

08/23/2018 Opposition
Filed by GARY LEWIS (Defendant)

08/23/2018 Declaration
Filed by Intervenor

08/23/2018 Notice of Lodging
Filed by Intervenor

08/23/2018 Notice of Lodging
Filed by Intervenor

08/23/2018 Request for Judicial Notice
Filed by Intervenor

08/23/2018 Notice of Lodging
Filed by Intervenor

08/03/2018 Proof of Service (not Summons and Complaint)
Filed by CHEYENNE NALDER (Plaintiff); JAMES NALDER (Plaintiff)

08/03/2018 Proof of Service (not Summons and Complaint)

07/24/2018 Notice
Filed by CHEYENNE NALDER (Plaintiff); JAMES NALDER (Plaintiff)

07/24/2018 Sister State Judgment
Filed by CHEYENNE NALDER (Plaintiff); JAMES NALDER (Plaintiff)

07/24/2018 Judgment

07/24/2018 Notice of Entry of Judgment on Sister-State Judgment

07/17/2018 Application for Entry of Judgment on Sister-State Judgment AMENDED

07/17/2018 Application for Entry of Judgment on Sister-State Judgment (Amended: 2018-07-17)
Filed by CHEYENNE NALDER (Plaintiff); JAMES NALDER (Plaintiff)

06/28/2018 Civil Case Cover Sheet
Filed by CHEYENNE NALDER (Plaintiff); JAMES NALDER (Plaintiff)

06/28/2018 Application for Entry of Judgment on Sister-State Judgment
Filed by CHEYENNE NALDER (Plaintiff); JAMES NALDER (Plaintiff)

PROCEEDINGS HELD

[Case Information](#) | [Register Of Actions](#) | [FUTURE HEARINGS](#) | [PARTY INFORMATION](#) | [Documents Filed](#) | [Proceedings Held](#)

Proceedings Held (Proceeding dates listed in descending order)

02/11/2019 at 08:30 AM in Department O, Peter A. Hernandez, Presiding
Hearing on Motion to Set Aside/Vacate Default and Default Judgment (CCP 473.5) - **Not Held - Vacated by Court**

02/05/2019 at 08:30 AM in Department O, Peter A. Hernandez, Presiding
Hearing on Motion to Set Aside/Vacate Default and Default Judgment (CCP 473.5) - **Not Held - Rescheduled by Party**

01/30/2019 at 08:31 AM in Department O, Peter A. Hernandez, Presiding
(Motion to Set Aside) - **Not Held - Rescheduled by Party**

01/14/2019 at 09:00 AM in Department O, Peter A. Hernandez, Presiding
Ex-Parte Proceedings

12/14/2018 at 08:30 AM in Department O, Peter A. Hernandez, Presiding
Hearing on Motion for Leave to Intervene - **Held - Motion Denied**

12/10/2018 at 08:31 AM in Department O, Peter A. Hernandez, Presiding
Hearing on Motion - Other (name extension) (Set Aside) - **Not Held - Continued - Party's Motion**

11/20/2018 at 08:30 AM in Department O, Peter A. Hernandez, Presiding
Hearing on Motion for Leave to Intervene - **Held - Continued**

11/07/2018 at 08:31 AM in Department O, Peter A. Hernandez, Presiding
Hearing on Motion for Leave (name extension) - **Not Held - Continued - Court's Motion**

08/23/2018 at 09:00 AM in Department O
Ex-Parte Proceedings (Exparte proceeding; Motion Denied) -

REGISTER OF ACTIONS

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Register of Actions (Listed in descending order)

Click on any of the below link(s) to see Register of Action Items on or before the date indicated:

[07/17/2018](#)

02/11/2019 at 08:30 AM in Department O, Peter A. Hernandez, Presiding
Hearing on Motion to Set Aside/Vacate Default and Default Judgment (CCP 473.5) - **Not Held - Vacated by Court**

02/05/2019 at 08:30 AM in Department O, Peter A. Hernandez, Presiding
Hearing on Motion to Set Aside/Vacate Default and Default Judgment (CCP 473.5) - **Not Held - Rescheduled by Party**

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01/17/2019 Notice (name extension) (Withdrawal of its Motion to Set Aside the Sister State Judgment)
Filed by United Auto Insurance Company (Plaintiff in Intervention)

01/14/2019 at 09:00 AM in Department O, Peter A. Hernandez, Presiding
Ex-Parte Proceedings

01/14/2019 Opposition (name extension) (To United Insurance Company's Ex Parte Motion For a Stay)
Filed by CHEYENNE NALDER (Plaintiff); JAMES NALDER (Plaintiff)

01/14/2019 Minute Order ((United Automobile Insurance Company's Ex-Parte Motion To Exte...))
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01/14/2019 Ex Parte Application (name extension) (To Extend Stay of Proceedings and Enforcement of Sister State Judgment per CCP Section 1710.50)
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12/14/2018 at 08:30 AM in Department O, Peter A. Hernandez, Presiding
Hearing on Motion for Leave to Intervene - **Held - Motion Denied**

12/14/2018 Order (name extension) (Granting Second Request for Judicial Notice)
Filed by United Auto Insurance Company (Plaintiff in Intervention)

12/14/2018 Request for Judicial Notice (Second Notice)
Filed by United Auto Insurance Company (Plaintiff in Intervention)

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12/14/2018 Notice of Lodging (name extension) (Joint Stipulation to Continue Stay of Enforcement of Sister State Judgment)

Filed by United Auto Insurance Company (Plaintiff in Intervention)

12/14/2018 Stipulation (name extension) - No Order (Joint Stipulation to Continue Stay of Enforcement of Sister State Judgment)

Filed by United Auto Insurance Company (Plaintiff in Intervention)

12/10/2018 at 08:31 AM in Department O, Peter A. Hernandez, Presiding

Hearing on Motion - Other (name extension) (Set Aside) - **Not Held - Continued - Party's Motion**

12/03/2018 Notice of Lodging (name extension) (re proposed sister state judgment)

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Filed by United Auto Insurance Company (Plaintiff in Intervention)

11/26/2018 Notice of Continuance

Filed by United Auto Insurance Company (Plaintiff in Intervention)

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Filed by CHEYENNE NALDER (Plaintiff); JAMES NALDER (Plaintiff)

11/20/2018 at 08:30 AM in Department O, Peter A. Hernandez, Presiding

Hearing on Motion for Leave to Intervene - **Held - Continued**

11/20/2018 Order Appointing Court Approved Reporter as Official Reporter Pro Tempore

11/20/2018 Minute Order ((Intervener, United Automobile Insurance Company's Motion for ...))

Filed by Clerk

11/13/2018 Reply (name extension) (rsv 180823342638)

11/07/2018 at 08:31 AM in Department O, Peter A. Hernandez, Presiding

Hearing on Motion for Leave (name extension) - **Not Held - Continued - Court's Motion**

11/07/2018 Notice of Continuance

Filed by United Auto Insurance Company (Plaintiff in Intervention)

10/31/2018 Reply (name extension) (in support of its motion to intervene RSV 180823342638)

Filed by United Auto Insurance Company (Plaintiff in Intervention)

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Filed by United Auto Insurance Company (Plaintiff in Intervention)

10/25/2018 Declaration (name extension) (Of Arthur I. Willner)

Filed by GARY LEWIS (Defendant)

10/25/2018 Other - (name extension) (Appendix of Exhibits in Support of Opposition)

Filed by GARY LEWIS (Defendant)

10/25/2018 Opposition (name extension) (to united auto insurance co motion to intervene rsv 180823342638)

Filed by JAMES NALDER (Plaintiff)

10/25/2018 Other - (name extension) (APPENDIX OF OUT OF STATE AUTHORITEIS REFERENCED WITHIN PLAINTIFFS
OPPOSITION TO UNTIED AUTOMOBILE INSURANCE CO. MOTIONH FOR LEAVE TO INTERVENE)

Filed by GARY LEWIS (Defendant)

10/25/2018 Opposition (name extension) (To Motion for Leave)

Filed by GARY LEWIS (Defendant)

10/11/2018 Motion for Leave (name extension) (To Intervene and Points and Authorities in support Thereof)

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10/11/2018 Declaration (name extension) (Of Brandon Carroll in Support OF Motion for Leave)

10/11/2018 Proof of Service (not Summons and Complaint) (Re: Motion for Leave)

Filed by Brian S. Inamine, Esq (Legacy Party); United Auto Insurance Company (Plaintiff in Intervention)

10/11/2018 Request for Judicial Notice

Filed by United Auto Insurance Company (Plaintiff in Intervention)

08/24/2018 Proof of Service (not Summons and Complaint)

08/24/2018 Proof of Service (not Summons and Complaint)

Filed by Intervenor

08/23/2018 at 09:00 AM in Department O

Ex-Parte Proceedings (Exparte proceeding; Motion Denied) -

08/23/2018 Declaration

08/23/2018 Ex Parte Application

08/23/2018 Notice of Lodging

08/23/2018 Declaration

08/23/2018 Notice of Lodging

08/23/2018 Request for Judicial Notice

08/23/2018 Declaration

08/23/2018 Order Appointing Court Approved Reporter as Official Reporter Pro Tempore

08/23/2018 Notice of Lodging

08/23/2018 Declaration

08/23/2018 Ex Parte Application

08/23/2018 Declaration

08/23/2018 Order Appointing Court Approved Reporter as Official Reporter Pro Tempore

Filed by Court

08/23/2018 Opposition

Filed by CHEYENNE NALDER (Plaintiff); JAMES NALDER (Plaintiff)

08/23/2018 Opposition

Filed by GARY LEWIS (Defendant)

08/23/2018 Notice of Lodging

Filed by Intervenor

08/23/2018 Declaration

Filed by Intervenor

08/23/2018 Notice of Lodging

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08/23/2018 Request for Judicial Notice

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08/23/2018 Notice of Lodging

Filed by Intervenor

08/23/2018 Declaration

Filed by Intervenor

08/23/2018 Ex-Parte Application

Filed by Intervenor

08/23/2018 Ex-Parte Application

Filed by Intervenor

08/23/2018 Request for Judicial Notice

Filed by Intervenor

08/23/2018 Minute Order

Filed by Clerk

08/03/2018 Proof of Service (not Summons and Complaint)

08/03/2018 Proof of Service (not Summons and Complaint)

Filed by CHEYENNE NALDER (Plaintiff); JAMES NALDER (Plaintiff)

07/24/2018 Sister State Judgment

Filed by CHEYENNE NALDER (Plaintiff); JAMES NALDER (Plaintiff)

07/24/2018 Notice

Filed by CHEYENNE NALDER (Plaintiff); JAMES NALDER (Plaintiff)

07/24/2018 Judgment

07/24/2018 Notice of Entry of Judgment on Sister-State Judgment

Click on any of the below link(s) to see Register of Action Items on or before the date indicated:

[TOP 07/17/2018](#)

07/17/2018 Application for Entry of Judgment on Sister-State Judgment (Amended: 2018-07-17)

Filed by CHEYENNE NALDER (Plaintiff); JAMES NALDER (Plaintiff)

07/17/2018 Application for Entry of Judgment on Sister-State Judgment AMENDED

06/28/2018 Application for Entry of Judgment on Sister-State Judgment

Filed by CHEYENNE NALDER (Plaintiff); JAMES NALDER (Plaintiff)

06/28/2018 Civil Case Cover Sheet

Filed by CHEYENNE NALDER (Plaintiff); JAMES NALDER (Plaintiff)

Click on any of the below link(s) to see Register of Action Items on or before the date indicated:

[TOP 07/17/2018](#)