

1 NOA  
2 **DICKINSON WRIGHT PLLC**  
3 MICHAEL N. FEDER, Nevada Bar No. 7332  
4 Email: [mfeder@dickinson-wright.com](mailto:mfeder@dickinson-wright.com)  
5 GABRIEL BLUMBERG, Nevada Bar No. 12332  
6 Email: [gblumberg@dickinson-wright.com](mailto:gblumberg@dickinson-wright.com)  
7 8363 West Sunset Road, Suite 200  
8 Las Vegas, Nevada 89113-2210  
9 Tel: (702) 550-4400  
10 Fax: (844) 670-6009  
11 *Attorneys for Plaintiff O.P.H. of Las Vegas, Inc.*

Electronically Filed  
Sep 18 2018 10:49 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

7  
8 **DISTRICT COURT**  
9  
10 **CLARK COUNTY, NEVADA**

11 O.P.H. OF LAS VEGAS, INC.,  
12 Plaintiff,

Case No. A-12-672158-C  
Dept. No. XXVI

**NOTICE OF APPEAL**

13 vs.

14 OREGON MUTUAL INSURANCE COMPANY,  
15 DAVE SANDIN, AND SANDIN & CO.,  
16 Defendants.

17 Notice is hereby given that Plaintiff O.P.H. of Las Vegas, Inc. ("OPH"), by and through  
18 its attorneys, the law firm of Dickinson Wright PLLC, hereby appeals to the Supreme Court of  
19 Nevada from the March 14, 2018 *Finding of Facts, Conclusions of Law and Judgment in Favor*  
20 *of Dave Sandin and Sanin & Co. on their Motion for Attorneys' Fees and Costs* and June 11,  
21 *2018 Order Denying Plaintiff O.P.H of Las Vegas, Inc.'s Motion to Reconsider and/or Amend*  
22 *Judgment.*

23 DATED this 11<sup>th</sup> day of September 2018.

24 DICKINSON WRIGHT PLLC



25 Michael N. Feder, Nevada Bar No. 7332  
26 Gabriel A. Blumberg, Nevada Bar No. 12332  
27 8363 West Sunset Road, Suite 200  
28 Las Vegas, Nevada 89113-2210  
*Attorneys for Plaintiff O.P.H. of Las Vegas, Inc.*

DICKINSON WRIGHT PLLC  
8363 West Sunset Road, Suite 200  
Las Vegas, Nevada 89113-2210

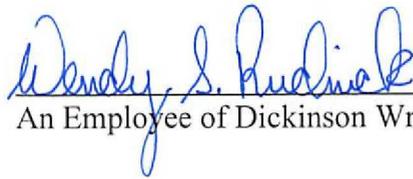
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

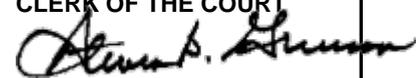
The undersigned, an employee of Dickinson Wright PLLC, hereby certifies that on the 11th day of September 2018, she caused a copy of **NOTICE OF APPEAL** to be transmitted via Odyssey E-Filing System pursuant to Rule 5(b)(2)(D) of the Nevada Rules of Civil Procedure and Rule 8.05 of the Eighth Judicial District Court Rules as follows:

Robert W. Freeman, Esq.  
Priscilla O'Briant, Esq.  
LEWIS BRISBOIS BISGAARD &  
SMITH LLP  
6385 S. Rainbow Blvd., Suite 600  
Las Vegas, NV 89118  
Email: robert.freeman@lewisbrisbois.com  
Email: pobriant@lewisbrisbois.com  
Attorneys for Defendant  
Oregon Mutual Insurance Company

Patricia Lee, Esq.  
HUTCHISON & STEFFEN, LLC  
10080 West Alta Drive, Suite 200  
Las Vegas, NV 89145  
Email: plee@hutchlegal.com  
Attorneys for Defendants  
Dave Sandin and Sandin & Co.



\_\_\_\_\_  
An Employee of Dickinson Wright PLLC



1 **ASTA**  
2 **DICKINSON WRIGHT PLLC**  
3 MICHAEL N. FEDER  
Nevada Bar No. 7332  
4 Email: [mfeder@dickinson-wright.com](mailto:mfeder@dickinson-wright.com)  
5 **GABRIEL BLUMBERG**  
6 Nevada Bar No. 12332  
7 Email: [gblumberg@dickinson-wright.com](mailto:gblumberg@dickinson-wright.com)  
8363 West Sunset Road, Suite 200  
Las Vegas, Nevada 89113-2210  
8 Tel: (702) 550-4400  
9 Fax: (844) 670-6009  
10 *Attorneys for Plaintiff O.P.H. of Las Vegas, Inc.*

8 **DISTRICT COURT**  
9 **CLARK COUNTY, NEVADA**

11 O.P.H. OF LAS VEGAS, INC.,

12 Plaintiff,

13 vs.

14 OREGON MUTUAL INSURANCE  
15 COMPANY, DAVE SANDIN AND SANDIN  
& CO.,

16 Defendants.

Case No.: A-12-672158-C

Dept. No.: XXVI

**CASE APPEAL STATEMENT**

Honorable Gloria Sturman

18 Plaintiff O.P.H. of LAS VEGAS, INC. ("OPH") by and through its attorneys of record,  
19 Michael N. Feder, Esq., and Gabriel Blumberg, Esq., of the law firm of Dickinson Wright PLLC,  
20 hereby submits this Case Appeal Statement as follows:

21  
22 **1. Name of Appellant filing this case appeal statement:**

23 O.P.H. of Las Vegas, Inc.

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

25 District Court Judge Gloria Sturman, Department XXVI.  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**3. Counsel for Appellant:**

Michael N. Feder, Esq.  
mfeder@dickinsonwright.com  
Gabriel Blumberg, Esq.  
gblumberg@dickinsonwright.com  
DICKINSON WRIGHT PLLC  
8363 W. Sunset Road, Suite 200  
Las Vegas, Nevada 89113  
Tel: (702) 550-4400  
Fax: (844) 670-6009

**4. Respondents and Counsel for Respondents:**

(a). Oregon Mutual Insurance Company (“OMI”)  
Robert W. Freeman, Esq.  
Robert.Freeman@lewisbrisbois.com  
Priscilla O’Briant, Esq.  
Priscilla.Obriant@lewisbrisbois.com  
LEWIS BRISBOIS BISGAARD & SMITH LLPS  
6385 S. Rainbow Blvd., Suite 600  
Las Vegas, NV 89118  
Tel: (702) 893-3383  
Fax: (702) 893-3789

(b). Dave Sandin and Sandin & Co. (“Sandin Defendants”)  
Patricia Lee, Esq.  
plee@hutchlegal.com  
HUTCHISON & STEFFEN, LLC  
10080 West Alta Drive, Suite 200  
Las Vegas, NV 89145  
Tel: (702) 385-2500  
Fax: (702) 385-2086

**5. Is any attorney identified above in response to question 3 or 4 not licensed to practice law in Nevada?**

All counsel are licensed to practice law in Nevada.

**6. Was appellant represented by appointed or retained counsel in the district court?**

Appellant was represented by retained counsel.

**7. Is appellant represented by appointed or retained counsel on appeal?**

Appellant is represented by retained counsel.

1 **8. Was appellant granted leave to proceed in forma pauperis?**

2 N/A.

3 **9. The date the proceedings commenced in the district court:**

4 November 19, 2012

5 **10. A brief description of the nature of the action and result in the district court,**  
6 **including the type of judgment or order being appealed and the relief granted by the**  
7 **district court:**

8 **A. Factual History**

9 In 1995, OPH opened an Original Pancake House restaurant at 4833 West Charleston  
10 Boulevard, Las Vegas, Nevada (the "Premises"). Seven years later, in 2002, Dave Sandin became  
11 OPH's insurance broker and began procuring commercial insurance policies for OPH.  
12 Throughout the course of the relationship between OPH and Dave Sandin, Mr. Sandin informed  
13 OPH on three separate occasions that OPH was late on an insurance premium payment. Indeed,  
14 Mr. Sandin made it his practice to inform clients of pre-cancellation notices because that gave his  
15 clients an opportunity to avoid having their policy terminate for non-payment. OPH relied on  
16 Sandin to be their "buffer" in the event of any problems with its insurance policies.

17 In 2011, Sandin recommended that OPH purchase insurance from OMI. As a result of  
18 Sandin's recommendation, OMI and OPH entered into a "Businessowners Protector Policy" that  
19 became effective on December 26, 2011 (the "Policy"). The Policy covered two restaurant  
20 locations: the Premises and 4170 South Fort Apache Road, Las Vegas, Nevada. The Policy  
21 provided a \$691,000 limit of insurance for the replacement cost of buildings and a \$350,000 limit  
22 of insurance for the replacement cost of business personal property for each location. The Policy  
23 also provided that OMI would reimburse OPH for loss of business income in the event of a  
24 covered loss. Furthermore, the Policy provided that OMI could not cancel the Policy absent  
25 providing OPH notice of cancellation at least ten days before the effective date of cancellation, if  
26 the cancellation was premised upon nonpayment of premium.

27 On July 31, 2012, OMI allegedly sent a Notice of Cancellation to OPH stating that the  
28 Policy would be cancelled effective August 16, 2012 if OPH did not make a premium payment by

1 August 15, 2012 (the "July 31 Notice").<sup>1</sup> OPH did not receive the July 31 Notice and Sandin  
2 failed to inform OPH of the July 31 Notice or the missed July premium.

3 On August 17, 2012, a fire completely destroyed the Premises (the "Loss"). OPH, via  
4 Sandin, reported the loss and OMI generated a claim number for the Loss on August 17, 2012.  
5 Three days later, however, OMI denied coverage, stating that the policy had been canceled  
6 effective August 16, 2012 for failure to pay the premium pursuant to the July 31 Notice.

7 **B. Procedural History**

8 On November 19, 2012, OPH filed a complaint against David Sandin and Sandin & Co.  
9 alleging damages in excess of \$50,000 relating to claims for fraud in the inducement, fraud, breach  
10 of fiduciary duty, and negligence.<sup>2</sup>

11 On December 26, 2012, the Sandin Defendants filed a motion to dismiss seeking to  
12 dismiss all of the claims against them for failure to state a claim pursuant to NRCP 12(b)(5). The  
13 district court orally denied the Sandin Defendants' motion to dismiss on February 13, 2013.

14 The very next day, on February 14, 2013, the Sandin Defendants served an offer of  
15 judgment on OPH offering to settle all claims for the sum of Two Thousand Dollars and No Cents  
16 (\$2,000.00) pursuant to NRCP 68 and/or NRS 17.115. OPH, who had just prevailed on the Sandin  
17 Defendants' motion to dismiss, had already expended more than \$2,000 in attorneys' fees, and  
18 was seeking hundreds of thousands of dollars in damages, reasonably rejected the offer of  
19 judgment.

20 A little more than a year later, on March 17, 2015, the Sandin Defendants filed their  
21 motion for summary judgment, seeking judgment in their favor on all of OPH's claims against  
22 them. The district court granted the Sandin Defendants' motion for summary judgment at a  
23 hearing on May 14, 2015. The written summary judgment order was entered on July 1, 2015 and,  
24 on August 13, 2015, judgment was entered in favor of the Sandin Defendants and against OPH on  
25 all of OPH's claims against the Sandin Defendants.

26  
27  
28 <sup>1</sup> The July 31 Notice failed to include the statutorily required language notifying OPH that it had the right to request additional information concerning the reason for the July 31 Notice.

<sup>2</sup> OPH also named OMI as an additional defendant and asserted various claims against OMI.

1           On September 2, 2015, the Sandin Defendants brought a Motion for Attorneys' Fees and  
2 Costs seeking to recover attorneys' fees as the prevailing party on their token \$2,000 offer of  
3 judgment. The matter came before the district court for oral argument on November 17, 2015, at  
4 which time the district court granted the Sandin Defendants' Motion for Costs and took their  
5 Motion for Attorneys' Fees under advisement.

6           In the meantime and following the notice of entry of judgment in favor of the Sandin  
7 Defendants, OPH appealed the district court's order granting the Sandin Defendants' motion for  
8 summary judgment. On September 14, 2017, the Nevada Supreme Court affirmed the ruling of  
9 the district court as to the summary disposition of OPH's claims against the Sandin Defendants  
10 and a remittur was issued on October 9, 2017.

11           The district court then held another hearing on the Sandin Defendants' Motion for  
12 Attorneys' Fees on February 6, 2018. At the hearing, the district court granted the Sandin  
13 Defendants' motion for attorneys' fees. OPH filed a motion for reconsideration, but the district  
14 court denied the motion. OPH now files the instant appeal challenging the district court's decision  
15 to award attorneys' fees to the Sandin Defendants based on a patently unreasonable offer of  
16 judgment.

17 **11. Has this case previously been the subject of an appeal to or original writ proceeding**  
18 **in the Supreme Court?**

19 Yes, this case was previously the subject of an appeal in Case No. 68543.

20 **12. Does this appeal involve child custody or visitation?**

21 This appeal does not involve child custody or visitation.

22 ...  
23 ...  
24 ...  
25 ...  
26 ...  
27 ...  
28 ...

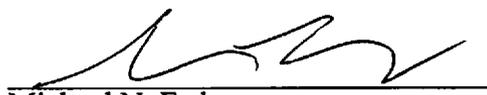
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**13. Does this appeal involve the possibility of settlement?**

This appeal has a possibility of settlement.

DATED this 11<sup>th</sup> day of September 2018.

DICKINSON WRIGHT PLLC



Michael N. Feder  
Nevada Bar No. 7332  
Gabriel Blumberg  
Nevada Bar No. 12332  
8363 West Sunset Road, Suite 200  
Las Vegas, Nevada 89113  
*Attorneys for Plaintiff O.P.H. of Las Vegas, Inc.*

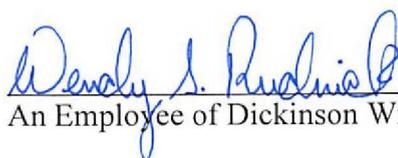
CERTIFICATE OF SERVICE

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

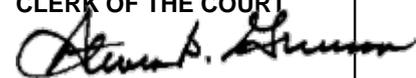
The undersigned, an employee of Dickinson Wright PLLC, hereby certifies that on the 14th day of September 2018, she caused a copy of the **CASE APPEAL STATEMENT** to be transmitted via Odyssey E-Filing System pursuant to Rule 5(b)(2)(D) of the Nevada Rules of Civil Procedure and Rule 8.05 of the Eighth Judicial District Court Rules as follows:

Robert W. Freeman, Esq.  
Priscilla O'Briant, Esq.  
LEWIS BRISBOIS BISGAARD &  
SMITH LLP  
6385 S. Rainbow Blvd., Suite 600  
Las Vegas, NV 89118  
Email: robert.freeman@lewisbrisbois.com  
Email: pobriant@lewisbrisbois.com  
Attorneys for Defendant  
Oregon Mutual Insurance Company

Patricia Lee, Esq.  
HUTCHISON & STEFFEN, LLC  
10080 West Alta Drive, Suite 200  
Las Vegas, NV 89145  
Email: plee@hutchlegal.com  
Attorneys for Defendants  
Dave Sandin and Sandin & Co.

  
An Employee of Dickinson Wright PLLC

LVEGAS 78140-1 236368v1



1 **PAB**  
2 **DICKINSON WRIGHT PLLC**  
3 MICHAEL N. FEDER, Nevada Bar No. 7332  
4 Email: [mfeder@dickinson-wright.com](mailto:mfeder@dickinson-wright.com)  
5 GABRIEL BLUMBERG, Nevada Bar No. 12332  
6 Email: [gblumberg@dickinson-wright.com](mailto:gblumberg@dickinson-wright.com)  
7 8363 West Sunset Road, Suite 200  
8 Las Vegas, Nevada 89113-2210  
9 Tel: (702) 550-4400  
10 Fax: (844) 670-6009  
11 *Attorneys for Plaintiff O.P.H. of Las Vegas, Inc.*

7  
8 **IN THE EIGHTH JUDICIAL DISTRICT COURT**  
9 **CLARK COUNTY, NEVADA**

9 O.P.H. OF LAS VEGAS, INC.,  
10  
11 Plaintiff,  
12 v.  
13 OREGON MUTUAL INSURANCE  
14 COMPANY, DAVE SANDIN, AND SANDIN  
15 & Co.  
16 Defendants.

CASE NO. A-12-672158-C  
DEPT. NO. XXVI

**NOTICE OF POSTING SUPERSEDEAS BOND**

15 Notice is hereby given that on September 11, 2018, Plaintiff O.P.H. of Las Vegas, Inc.  
16 ("OPH"), by and through its attorneys, the law firm of Dickinson Wright PLLC, posted a  
17 supersedeas bond pending appeal in the amount of \$148,173.80 pursuant to Nevada Rule of Civil  
18 Procedure ("NRCPP") 62, the receipt for which is attached hereto.

19 DATED this 11<sup>th</sup> day of September 2018.

21 DICKINSON WRIGHT PLLC



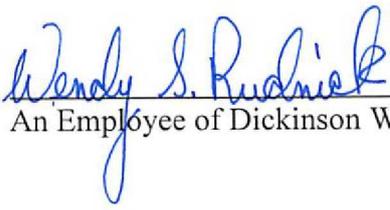
22  
23 Michael N. Feder, Nevada Bar No. 7332  
24 [mfeder@dickinson-wright.com](mailto:mfeder@dickinson-wright.com)  
25 Gabriel A. Blumberg, Nevada Bar No. 12332  
26 [gblumberg@dickinson-wright.com](mailto:gblumberg@dickinson-wright.com)  
27 8363 West Sunset Road, Suite 200  
28 Las Vegas, Nevada 89113-2210  
*Attorneys for Plaintiff O.P.H. of Las Vegas, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned, an employee of Dickinson Wright PLLC, hereby certifies that on the 11<sup>th</sup> day of September 2018, she caused a copy of the **NOTICE OF POSTING SUPERSEDEAS BOND** to be transmitted via Odyssey E-Filing System pursuant to Rule 5(b)(2)(D) of the Nevada Rules of Civil Procedure and Rule 8.05 of the Eighth Judicial District Court Rules as follows:

Robert W. Freeman, Esq.  
Priscilla O'Briant, Esq.  
LEWIS BRISBOIS BISGAARD &  
SMITH LLP  
6385 S. Rainbow Blvd., Suite 600  
Las Vegas, NV 89118  
Email: [robert.freeman@lewisbrisbois.com](mailto:robert.freeman@lewisbrisbois.com)  
Email: [pobriant@lewisbrisbois.com](mailto:pobriant@lewisbrisbois.com)  
*Attorneys for Defendant*  
*Oregon Mutual Insurance Company*

Patricia Lee, Esq.  
HUTCHISON & STEFFEN, LLC  
10080 West Alta Drive, Suite 200  
Las Vegas, NV 89145  
Email: [plee@hutchlegal.com](mailto:plee@hutchlegal.com)  
*Attorneys for Defendants*  
*Dave Sandin and Sandin & Co.*

  
An Employee of Dickinson Wright PLLC

DICKINSON WRIGHT PLLC  
8363 West Sunset Road, Suite 200  
Las Vegas, Nevada 89113-2210

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# OFFICIAL RECEIPT

District Court Clerk of the Court 200 Lewis Ave, 3rd Floor Las Vegas, NV 89101

Payor  
OPH of Las Vegas I

Receipt No.  
**2018-60342-CCCLK**

Transaction Date  
09/11/2018

Description	Amount Paid
-------------	-------------

On Behalf Of O.P.H. of Las Vegas, Inc.

A-12-672158-C

O.P.H. of Las Vegas, Inc., Plaintiff(s) vs. Oregon Mutual Insurance Company, Defendant(s)

Supersedeas Bond

Supersedeas Bond

148,173.80

**SUBTOTAL**

**148,173.80**

**PAYMENT TOTAL**

**148,173.80**

Check (Ref #004201) Tendered

148,173.80

Total Tendered

148,173.80

Change

0.00

09/11/2018  
03:31 PM

Cashier  
Station AIKO

Audit  
36253877

## OFFICIAL RECEIPT

DEPARTMENT 26  
**CASE SUMMARY**  
**CASE NO. A-12-672158-C**

**O.P.H. of Las Vegas, Inc., Plaintiff(s)**  
**vs.**  
**Oregon Mutual Insurance Company, Defendant(s)**

§  
§  
§  
§  
§  
§

Location: **Department 26**  
 Judicial Officer: **Sturman, Gloria**  
 Filed on: **11/19/2012**  
 Case Number History:  
 Cross-Reference Case **A672158**  
 Number:  
 Supreme Court No.: **68543**

CASE INFORMATION

**Statistical Closures**

09/07/2018 Stipulated Dismissal  
 06/30/2015 Summary Judgment

Case Type: **Breach of Contract**  
 Subtype: **Insurance Carrier**

Case Flags: **Appealed to Supreme Court**  
**Jury Demand Filed**  
**Arbitration Exemption Granted**

DATE

CASE ASSIGNMENT

**Current Case Assignment**

Case Number	A-12-672158-C
Court	Department 26
Date Assigned	01/31/2013
Judicial Officer	Sturman, Gloria

PARTY INFORMATION

<b>Plaintiff</b>	<b>O.P.H. of Las Vegas, Inc.</b>	<b>Feder, Michael N., ESQ</b> <i>Retained</i> 702-382-4002(W)
<b>Defendant</b>	<b>Oregon Mutual Insurance Company</b>	<b>Freeman, Robert W.</b> <i>Retained</i> 702-893-3383(W)
	<b>Sandin &amp; Co</b> Removed: 09/07/2018 Dismissed	
	<b>Sandin, Dave</b> Removed: 09/07/2018 Dismissed	

DATE

EVENTS & ORDERS OF THE COURT

INDEX

11/19/2012	 Complaint With Jury Demand Filed By: Plaintiff O.P.H. of Las Vegas, Inc. <i>Complaint with Jury Demand</i>	
11/19/2012	 Initial Appearance Fee Disclosure Filed By: Plaintiff O.P.H. of Las Vegas, Inc. <i>Initial Appearance Fee Disclosure</i>	
11/19/2012	 Affirmation Filed By: Plaintiff O.P.H. of Las Vegas, Inc. <i>Affirmation: Pursuant to NRS 239B.030/603A.040 (Initial Appearance)</i>	
11/19/2012	 Disclosure Statement Party: Plaintiff O.P.H. of Las Vegas, Inc.	

DEPARTMENT 26  
**CASE SUMMARY**  
**CASE NO. A-12-672158-C**

*Disclosure Statement*

11/19/2012 Case Opened

12/17/2012  Notice of Service  
Party: Plaintiff O.P.H. of Las Vegas, Inc.  
*Plaintiff's Notice and Submission of Service of Affidavit on Defendant Oregon Mutual*

12/21/2012  Initial Appearance Fee Disclosure  
Filed By: Defendant Oregon Mutual Insurance Company  
*Initial Appearance Fee Disclosure*

12/21/2012  Answer to Complaint  
Filed by: Defendant Oregon Mutual Insurance Company  
*Oregon Mutual Insurance Comopany's Answer To Plaintiff's Complaint*

12/26/2012  Motion to Dismiss  
Filed By: Defendant Sandin, Dave  
*Motion to Dismiss*

12/26/2012  Initial Appearance Fee Disclosure  
Filed By: Defendant Sandin, Dave  
*Initial Appearance Fee Disclosure (NRS Chapter 19)*

12/31/2012  Affidavit of Service  
Filed By: Plaintiff O.P.H. of Las Vegas, Inc.  
*Plaintiff's Notice and Submission of Service Affidavit on Defendant Sandin & Co*

12/31/2012  Affidavit of Service  
Filed By: Plaintiff O.P.H. of Las Vegas, Inc.  
*Plaintiff's Notice and Submission of Service Affidavit on Defendant Dave Sandin*

01/10/2013  Opposition to Motion to Dismiss  
Filed By: Plaintiff O.P.H. of Las Vegas, Inc.  
*Opposition to Sandin Defendant's Motion to Dismiss*

01/10/2013  Certificate of Service  
Filed by: Plaintiff O.P.H. of Las Vegas, Inc.  
*Certificate of Service*

01/22/2013 Case Reassigned to Department 28  
*Case reassigned from Judge Nancy Allf Dept 27*

01/24/2013  Reply in Support  
Filed By: Defendant Sandin, Dave  
*Reply in Support of the Sandin Defendants' Motion to Dismiss*

01/30/2013  Peremptory Challenge  
Filed by: Defendant Oregon Mutual Insurance Company  
*Oregon Mutual Insurance Company's Peremptory Challenge*

01/31/2013  **Motion to Dismiss (9:00 AM)** (Judicial Officer: Sturman, Gloria)  
**01/31/2013, 02/13/2013**  
Events: 12/26/2012 Motion to Dismiss

DEPARTMENT 26  
**CASE SUMMARY**  
**CASE NO. A-12-672158-C**

*Defendants David Sandin and Sandin & Company's Motion to Dismiss*

- 01/31/2013  Notice of Department Reassignment
- 02/14/2013  Consent to Service By Electronic Means  
Filed By: Defendant Sandin, Dave  
*Consent to Service by Electronic Means*
- 02/15/2013  Consent to Service By Electronic Means  
Filed By: Plaintiff O.P.H. of Las Vegas, Inc.  
*Consent to Service by Electronic Means*
- 02/26/2013  Consent to Service By Electronic Means  
Filed By: Defendant Oregon Mutual Insurance Company  
*Consent To Service By Electronic Means*
- 03/12/2013  Order Denying Motion  
*Order Denying the Sandin Defendants' Motion to Dismiss*
- 03/22/2013  Notice of Entry of Order  
Filed By: Defendant Sandin, Dave  
*Notice of Entry of Order Denying the Sandin Defendants' Motion to Dismiss*
- 04/03/2013  Answer to Complaint  
Filed by: Defendant Sandin, Dave  
*Dave Sandin and Sandin & Co.'s Answer to Complaint*
- 06/13/2013  Stipulation and Order  
Filed by: Defendant Oregon Mutual Insurance Company  
*Stipulated Confidentiality and Protective Order*
- 06/13/2013  Notice of Entry of Order  
Filed By: Defendant Oregon Mutual Insurance Company  
*Notice of Entry of Order*
- 09/09/2013  Opposition  
Filed By: Defendant Oregon Mutual Insurance Company  
*Oregon Mutual Insurance Company's Oppostion To Plaintiff's Request For Exemption From Arbitration; Declaration Of Kristin E. Meredith*
- 09/17/2013  Commissioners Decision on Request for Exemption - Granted  
*Commissioner's Decision on Request for Exemption - Granted*
- 10/18/2013  Arbitration File  
*Arbitration File*
- 10/21/2013  Arbitration File  
*Arbitration File*
- 11/08/2013  Joint Case Conference Report  
Filed By: Defendant Oregon Mutual Insurance Company  
*Joint Case Conference Report*

DEPARTMENT 26  
**CASE SUMMARY**  
**CASE NO. A-12-672158-C**

- 11/12/2013  Certificate of Mailing  
Filed By: Defendant Oregon Mutual Insurance Company  
*Certificate of Mailing*
- 11/26/2013  Scheduling Order  
*Scheduling Order*
- 11/27/2013  Initial Appearance Fee Disclosure  
Filed By: Plaintiff O.P.H. of Las Vegas, Inc.  
*Initial Appearance Fee Disclosure*
- 11/27/2013  Exhibits  
Filed By: Plaintiff O.P.H. of Las Vegas, Inc.  
*Exhibits to Motion for Partial Summary Judgment*
- 11/27/2013  Motion for Summary Judgment  
Filed By: Plaintiff O.P.H. of Las Vegas, Inc.  
*Motion for Partial Summary Judgment*
- 12/10/2013  Errata  
Filed By: Plaintiff O.P.H. of Las Vegas, Inc.  
*Errata to Exhibits to O.P.H.'s Motion for Partial Summary Judgment*
- 12/10/2013  Errata  
Filed By: Plaintiff O.P.H. of Las Vegas, Inc.  
*(Filed in Error) Errata to Exhibits to O.P.H.'s Motion for Partial Summary Judgment*
- 12/20/2013  Opposition to Motion For Summary Judgment  
Filed By: Defendant Oregon Mutual Insurance Company  
*Oregon Mutual Insurance Company's Opposition to Plaintiff's Motion for Partial Summary Judgment*
- 01/02/2014  Stipulation and Order  
Filed by: Defendant Oregon Mutual Insurance Company  
*Stipulation And Order To Continue Hearing*
- 01/06/2014  Notice of Entry of Order  
Filed By: Defendant Oregon Mutual Insurance Company  
*Notice Of Entry Of Order To Continue Hearing*
- 01/14/2014  Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call  
*Order Setting Civil Jury Trial*
- 01/15/2014  Reply in Support  
Filed By: Plaintiff O.P.H. of Las Vegas, Inc.  
*Reply in Support of Motion for Partial Summary Judgment*
- 01/22/2014  **Motion for Partial Summary Judgment (9:30 AM)** (Judicial Officer: Sturman, Gloria)  
*Plaintiff's Motion for Partial Summary Judgment*
- 02/19/2014  Order Denying Motion  
Filed By: Defendant Oregon Mutual Insurance Company  
*Order Denying Plaintiff's Motion For Partial Summary Judgment*

DEPARTMENT 26  
**CASE SUMMARY**  
CASE NO. A-12-672158-C

03/14/2014  Stipulation and Order  
Filed by: Defendant Oregon Mutual Insurance Company  
*Stipulation And Order For Extension Of Time To Complete Discovery Request*

03/17/2014  Notice of Entry of Order  
Filed By: Defendant Oregon Mutual Insurance Company  
*Notice of Entry of Order*

03/24/2014  Application for Issuance of Commission to Take Deposition  
*Application for Issuance of Commission to Take Deposition Outside State of Nevada*

03/28/2014  Notice of Entry of Order  
Filed By: Defendant Oregon Mutual Insurance Company  
*Notice of Entry of Order*

05/01/2014  Application for Issuance of Commission to Take Deposition  
*Application For The Issuance Of A Commission To Take The Deposition Of The Custodian Of Records for Moss & Company*

05/06/2014  Commission to Take Deposition Outside the State of Nevada  
Filed By: Defendant Oregon Mutual Insurance Company  
*Commission To Take The Deposition Outside The State Of Nevada*

05/07/2014  Application for Issuance of Commission to Take Deposition  
Party: Plaintiff O.P.H. of Las Vegas, Inc.  
*Application for Issuance of Commission to Take Deposition Outside the State of Nevada*

06/20/2014  Stipulation and Order  
Filed by: Plaintiff O.P.H. of Las Vegas, Inc.  
*Stipulation and Order for Extension of Time to Complete Discovery (Second Request)*

06/23/2014  Notice of Entry of Order  
Filed By: Plaintiff O.P.H. of Las Vegas, Inc.  
*Notice of Entry of Order*

07/18/2014  Order Setting Civil Jury Trial  
*Order Setting Civil Jury Trial*

08/05/2014  Stipulation and Order  
Filed by: Plaintiff O.P.H. of Las Vegas, Inc.  
*Stipulation and Order to Strike Offers of Judgment from Record*

08/06/2014  Notice of Entry of Order  
Filed By: Plaintiff O.P.H. of Las Vegas, Inc.  
*Notice of Entry of Order*

08/15/2014  Motion to Strike  
Filed By: Defendant Sandin, Dave  
*Motion to Strike Rebuttal Report of Neal Bordenave on Order Shortening Time*

08/19/2014  Joinder To Motion  
Filed By: Defendant Oregon Mutual Insurance Company

DEPARTMENT 26  
**CASE SUMMARY**  
**CASE NO. A-12-672158-C**

*Oregon Mutual Insurance Company's Joinder to Strike Rebuttal Expert Report of Neal Bordenave on Order Shortening Time*

- 08/26/2014  Stipulation and Order  
Filed by: Plaintiff O.P.H. of Las Vegas, Inc.  
*Stipulation and Order for Extension of Time to Complete Discovery (Third Request)*
- 08/28/2014  Opposition to Motion  
Filed By: Plaintiff O.P.H. of Las Vegas, Inc.  
*Opposition to Defendants' Motion to Strike Rebuttal Report of Neal Bordenave on Order Shortening Time*
- 08/29/2014 **Motion to Strike** (9:00 AM) (Judicial Officer: Bulla, Bonnie)  
*David Sandin and Sandin & Co.'s Motion to Strike Rebuttal Report of Neal Bordenave on OST*
- 08/29/2014 **Joinder** (9:00 AM) (Judicial Officer: Bulla, Bonnie)  
*Oregon Mutual Insurance Company's Joinder to Strike Rebuttal Expert Report of Neal Bordenave on OST*
- 08/29/2014  **All Pending Motions** (9:00 AM) (Judicial Officer: Bulla, Bonnie)  
*David Sandin and Sandin & Co.'s Motion to Strike Rebuttal Report of Neal Bordenave on OST ..... Oregon Mutual Insurance Company's Joinder to Strike Rebuttal Expert Report of Neal Bordenave on OST*
- 09/11/2014  Order Setting Civil Jury Trial  
*(Third) Order Setting Civil Jury Trial*
- 09/25/2014 **CANCELED Calendar Call** (11:00 AM) (Judicial Officer: Sturman, Gloria)  
*Vacated - per Commissioner*
- 09/30/2014  Supplemental Disclosure of Expert Witness  
Filed By: Plaintiff O.P.H. of Las Vegas, Inc.  
*Supplemented Designation of Expert Witness Neal Bordenave*
- 10/03/2014 **CANCELED Status Check: Compliance** (11:00 AM) (Judicial Officer: Bulla, Bonnie)  
*Vacated - per Commissioner*
- 10/07/2014  Discovery Commissioners Report and Recommendations  
Filed By: Defendant Sandin, Dave  
*Discovery Commissioners Report and Recommendations*
- 10/20/2014 **CANCELED Jury Trial** (9:00 AM) (Judicial Officer: Sturman, Gloria)  
*Vacated - per Commissioner*
- 12/05/2014  Designation of Expert Witness  
Filed By: Plaintiff O.P.H. of Las Vegas, Inc.  
*Designation of Rebuttal Expert Witness Pursuant to NRCPC 16.1(a)(2)*
- 12/08/2014  Notice of Appearance  
Party: Plaintiff O.P.H. of Las Vegas, Inc.  
*Notice of Appearance*
- 01/15/2015  Stipulation and Order  
Filed by: Defendant Oregon Mutual Insurance Company  
*Stipulation and Order for Extension of Time to Complete Discovery (Fourth Request)*

DEPARTMENT 26  
**CASE SUMMARY**  
**CASE NO. A-12-672158-C**

- 01/16/2015  Notice of Entry of Stipulation and Order  
Filed By: Defendant Oregon Mutual Insurance Company  
*Notice of Entry of Stipulation and Order for Extension of Time to Complete Discovery (Fourth Request)*
- 03/17/2015  Appendix  
Filed By: Defendant Sandin, Dave  
*Appendix of Exhibits to Dave Sandin and Sandin & Co.'s Motion for Summary Judgment*
- 03/17/2015  Motion for Summary Judgment  
Filed By: Defendant Oregon Mutual Insurance Company  
*Oregon Mutual Insurance Company's Motion For Summary Judgment On All Claims Against OMI*
- 03/17/2015  Request for Judicial Notice  
Filed By: Defendant Oregon Mutual Insurance Company  
*Request For Judicial Notice In Support Of Oregon Mutual Insurance Company's Motion For Summary Judgment On All Claims Against OMI*
- 03/17/2015  Motion for Summary Judgment  
Filed By: Defendant Sandin, Dave  
*Dave Sandin and Sandin & Co.'s Motion for Summary Judgment*
- 03/18/2015  Notice of Motion  
Filed By: Defendant Oregon Mutual Insurance Company  
*Notice of Motion on Oregon Mutual Insurance Company's Motion for Summary Judgment on All Claims Against OMI*
- 03/20/2015  Motion to Bifurcate  
Filed By: Plaintiff O.P.H. of Las Vegas, Inc.  
*OPH's Motion to Bifurcate Trial*
- 03/23/2015  Motion in Limine  
Filed By: Plaintiff O.P.H. of Las Vegas, Inc.  
*Motion in Limine to Exclude Reference to or Evidence of Rents Owed by Plaintiff*
- 03/23/2015  Motion in Limine  
Filed By: Plaintiff O.P.H. of Las Vegas, Inc.  
*Motion in Limine to Exclude Reference to or Evidence of Arson*
- 03/23/2015  Motion in Limine  
Filed By: Defendant Sandin, Dave  
*Dave Sandin and Sandin & Co.'s Motion in Limine to Exclude Evidence Re: Dave Sandin's Nevada License Status*
- 03/23/2015  Motion in Limine  
Filed By: Defendant Oregon Mutual Insurance Company  
*Defendant's Motion in Limine to Exclude Plaintiff's Speculative Damages (MIL No. 1)*
- 03/23/2015  Motion in Limine  
Filed By: Defendant Oregon Mutual Insurance Company  
*Defendant's Motion in Limine to Exclude Plaintiff's Experts' Testimony to the Extent it Constitutes Legal Opinion(s) (Motion in Limine #2)*
- 03/24/2015  Certificate of Service

DEPARTMENT 26  
**CASE SUMMARY**  
**CASE NO. A-12-672158-C**

Filed by: Defendant Oregon Mutual Insurance Company  
*Certificate of Service*

- 03/30/2015  Joinder to Motion in Limine  
Filed By: Defendant Sandin, Dave  
*Dave Sandin and Sandin & Co.'s Joinder to Oregon Mutual's Motion in Limine to Exclude Plaintiff's Speculative Damages*
- 03/31/2015  Opposition to Motion in Limine  
Filed By: Plaintiff O.P.H. of Las Vegas, Inc.  
*Opposition to Defendant's Motion in Limine to Exclude Plaintiff's Speculative Damages*
- 03/31/2015  Opposition to Motion in Limine  
Filed By: Plaintiff O.P.H. of Las Vegas, Inc.  
*Opposition to Defendant's Motion in Limine to Exclude Plaintiff's Expert Testimony to the Extent That It Constitutes Legal Opinion(s)*
- 03/31/2015  Opposition to Motion in Limine  
Filed By: Plaintiff O.P.H. of Las Vegas, Inc.  
*Plaintiff's Opposition to Dave Sandin and Sandin & Co.'s Motion in Limine To Exclude Evidence Re: Dave Sandin's Nevada License Status*
- 04/02/2015  **Calendar Call** (11:00 AM) (Judicial Officer: Sturman, Gloria)
- 04/08/2015  Order Setting Civil Jury Trial  
*(Fourth) Order Re-Setting Civil Jury Trial*
- 04/09/2015  Appendix  
Filed By: Defendant Sandin, Dave  
*Appendix of Exhibits to Dave Sandin and Sandin & Co.'s Opposition to Plaintiff's Motion in Limine to Exclude Reference to or Evidence of Rents Owed by Plaintiff*
- 04/09/2015  Opposition to Motion For Summary Judgment  
Filed By: Plaintiff O.P.H. of Las Vegas, Inc.  
*Opposition to Dave Sandin and Sandin & Co.'s Motion for Summary Judgment*
- 04/09/2015  Opposition to Motion For Summary Judgment  
Filed By: Plaintiff O.P.H. of Las Vegas, Inc.  
*Opposition to Oregon Mutual Insurance Company's Motion for Summary Judgment on All Claims Against OMI*
- 04/09/2015  Opposition to Motion  
Filed By: Defendant Oregon Mutual Insurance Company  
*Oregon Mutual Insurance Company's Limited Opposition to Plaintiff's Motion to Bifurcate Trial*
- 04/09/2015  Opposition to Motion in Limine  
Filed By: Defendant Oregon Mutual Insurance Company  
*Oregon Mutual Insurance Company's Opposition to Plaintiff's Motion in Limine to Exclude Reference to or Evidence of Rents Owed by Plaintiff*
- 04/09/2015  Opposition to Motion in Limine  
Filed By: Defendant Oregon Mutual Insurance Company  
*Oregon Mutual Insurance Company's Opposition to Plaintiff's Motion in Limine to Exclude Reference to or Evidence of Arson*

DEPARTMENT 26  
**CASE SUMMARY**  
**CASE NO. A-12-672158-C**

- 04/09/2015  Opposition to Motion in Limine  
Filed By: Defendant Sandin, Dave  
*Dave Sandin and Sandin & Co.'s Opposition to Plaintiff's Motion in Limine to Exclude Reference to or Evidence of Rents Owed by Plaintiff*
- 04/10/2015  Stipulation and Order  
Filed by: Defendant Oregon Mutual Insurance Company  
*Stipulation and Order to Move Hearing on all Pending Motions*
- 04/13/2015  Notice of Entry of Stipulation and Order  
Filed By: Defendant Oregon Mutual Insurance Company  
*Notice of Entry of Stipulation and Order to Move Hearing on All Pending Motions*
- 04/15/2015  Joinder to Opposition to Motion  
Filed by: Defendant Sandin, Dave  
*Dave Sandin and Sandin & Co.'s Joinder to Oregon Mutual Insurance Company's Limited Opposition to Plaintiff's Motion to Bifurcate Trial*
- 04/17/2015  Order Setting Civil Jury Trial  
*Fifth Order Setting Civil Jury Trial*
- 04/27/2015 **CANCELED Jury Trial (9:00 AM)** (Judicial Officer: Sturman, Gloria)  
*Vacated*
- 05/07/2015  Reply in Support  
Filed By: Defendant Sandin, Dave  
*Reply in Support of Dave Sandin and Sandin & Co.'s Motion in Limine to Exclude Evidence Re: Dave Sandin's Nevada License Status*
- 05/07/2015  Reply in Support  
Filed By: Defendant Sandin, Dave  
*Reply in Support of Dave Sandin and Sandin & Co.'s Motion for Summary Judgment*
- 05/07/2015  Reply in Support  
Filed By: Defendant Oregon Mutual Insurance Company  
*Oregon Mutual Insurance Company's Reply in Support of its Motion for Summary Judgment on All Claims Against OMI*
- 05/07/2015  Reply to Opposition  
Filed by: Plaintiff O.P.H. of Las Vegas, Inc.  
*Reply to Dave Sandin and Sandin & Co.'s Joinder to Oregon Mutual Insurance Company's Opposition to Plaintiff's Motion for Bifurcated Trial*
- 05/07/2015  Reply to Opposition  
Filed by: Plaintiff O.P.H. of Las Vegas, Inc.  
*Reply to Oregon Mutual Insurance Company's Opposition to Plaintiff's Motion for Bifurcated Trial*
- 05/07/2015  Reply to Opposition  
Filed by: Plaintiff O.P.H. of Las Vegas, Inc.  
*Reply to Oregon Mutual Insurance Company's Opposition to Plaintiff's Motion in Limine to Exclude Reference to or Evidence of Arson*
- 05/07/2015  Reply to Opposition

DEPARTMENT 26  
**CASE SUMMARY**  
**CASE NO. A-12-672158-C**

Filed by: Plaintiff O.P.H. of Las Vegas, Inc.  
*Reply to Dave Sandin and Sandin & Co.'s Opposition to Plaintiff's Motion in Limine to Exclude Reference to or Evidence of Rents Owed by Plaintiff*

05/07/2015

 Reply to Opposition

Filed by: Plaintiff O.P.H. of Las Vegas, Inc.  
*Reply to Oregon Mutual Insurance Company's Opposition to Plaintiff's Motion in Limine to Exclude Reference to or Evidence of Rents Owed by Plaintiff*

05/07/2015

 Reply in Support

Filed By: Defendant Oregon Mutual Insurance Company  
*Reply in Support of Defendant's Motion in Limine to Exclude Plaintiff's Experts' Testimony to the Extent it Constitutes Legal Opinion(s)*

05/07/2015

 Reply in Support

Filed By: Defendant Oregon Mutual Insurance Company  
*Reply in Support of Defendant's Motion in Limine to Exclude Plaintiff's Speculative Damages*

05/14/2015

**Motion for Summary Judgment** (10:00 AM) (Judicial Officer: Sturman, Gloria)  
*Dave Sandin and Sandin & Co.'s Motion for Summary Judgment*

05/14/2015

**Motion for Summary Judgment** (10:00 AM) (Judicial Officer: Sturman, Gloria)  
*Oregon Mutual Ins. Co.'s, Motion for Summary Judgment*

05/14/2015

**Motion to Bifurcate** (10:00 AM) (Judicial Officer: Sturman, Gloria)  
*Plaintiff's Motion to Bifurcate Trial*

05/14/2015

**Motion in Limine** (10:00 AM) (Judicial Officer: Sturman, Gloria)  
*Plaintiff's Motion in Limine to Exclude Reference to or Evidence of Rents Owed by Plaintiff*

05/14/2015

**Motion in Limine** (10:00 AM) (Judicial Officer: Sturman, Gloria)  
*Plaintiff's Motion in Limine to Exclude Reference to or Evidence of Arson*

05/14/2015

**Motion in Limine** (10:00 AM) (Judicial Officer: Sturman, Gloria)  
*Dave Sandin and Sandin & Co.'s Motion in Limine to Exclude Evidence Re: Dave Sandin's Nevada License Status*

05/14/2015

**Motion in Limine** (10:00 AM) (Judicial Officer: Sturman, Gloria)  
*Defendant's Motion in Limine to Exclude Plaintiff's Speculative Damages (MIL No. 1)*

05/14/2015

**Motion in Limine** (10:00 AM) (Judicial Officer: Sturman, Gloria)  
*Defendant's Motion in Limine to Exclude Plaintiff's Experts' Testimony to the Extent it Constitutes Legal Opinion(s) (Motion in Limine #2)*

05/14/2015

**Joinder to Motion in Limine** (10:00 AM) (Judicial Officer: Sturman, Gloria)  
*Dave Sandin and Sandin & Co.'s Joinder to Oregon Mutual's Motion in Limine to Exclude Plaintiff's Speculative Damages*

05/14/2015

 **All Pending Motions** (10:00 AM) (Judicial Officer: Sturman, Gloria)

05/26/2015

 Recorders Transcript of Hearing  
*Transcript of Proceedings All Pending Motions Thursday, May 14, 2015*

05/28/2015

 Stipulation and Order

Filed by: Plaintiff O.P.H. of Las Vegas, Inc.  
*Stipulation and Order to Extend the EDCR 7.21 Deadline for Submission of the Order on Oregon Mutual Insurance Company's Motion for Summary Judgment on All Claims*

DEPARTMENT 26  
**CASE SUMMARY**  
**CASE NO. A-12-672158-C**

05/28/2015	 Stipulation and Order Filed by: Plaintiff O.P.H. of Las Vegas, Inc. <i>Stipulation and Order to Extend the Submission Deadline for the Order Granting Summary Judgment</i>
05/28/2015	 Notice of Entry of Stipulation and Order Filed By: Plaintiff O.P.H. of Las Vegas, Inc. <i>Notice of Entry of Order</i>
05/28/2015	 Notice of Entry of Stipulation and Order Filed By: Plaintiff O.P.H. of Las Vegas, Inc. <i>Notice of Entry of Order</i>
06/30/2015	 Notice of Entry of Order Filed By: Defendant Oregon Mutual Insurance Company <i>Notice of Entry of Order Granting Defendant Oregon Mutual Insurance Company's Motion for Summary Judgment on All Claims Against OMI</i>
06/30/2015	 Order Filed By: Defendant Sandin, Dave <i>Order Granting Defendants Dave Sandin and Sandin &amp; Co.'s Motion for Summary Judgment</i>
06/30/2015	 Order Filed By: Defendant Oregon Mutual Insurance Company <i>Order Granting Defendant Oregon Mutual Insurance Company Motion for Summary Judgment on All Claims Against OMI</i>
06/30/2015	<b>Summary Judgment</b> (Judicial Officer: Sturman, Gloria) Debtors: O.P.H. of Las Vegas, Inc. (Plaintiff) Creditors: Oregon Mutual Insurance Company (Defendant) Judgment: 06/30/2015, Docketed: 07/07/2015
06/30/2015	<b>Summary Judgment</b> (Judicial Officer: Sturman, Gloria) Debtors: O.P.H. of Las Vegas, Inc. (Plaintiff) Creditors: Dave Sandin (Defendant), Sandin & Co (Defendant) Judgment: 06/30/2015, Docketed: 07/07/2015
07/01/2015	 Notice of Entry of Order Filed By: Defendant Sandin, Dave <i>Notice of Entry of Order</i>
07/08/2015	 Memorandum of Costs and Disbursements Filed By: Defendant Oregon Mutual Insurance Company <i>Memorandum of Costs and Disbursements</i>
07/13/2015	 Motion for Attorney Fees and Costs Filed By: Defendant Oregon Mutual Insurance Company <i>Defendant Oregon Mutual Insurance Company's Motion for Award of Attorney's Fees and Costs</i>
07/22/2015	 Notice of Change of Firm Name Filed By: Plaintiff O.P.H. of Las Vegas, Inc. <i>Notice of Change of Law Firm Affiliation</i>
07/28/2015	 Withdrawal of Attorney

DEPARTMENT 26  
**CASE SUMMARY**  
**CASE NO. A-12-672158-C**

Filed by: Plaintiff O.P.H. of Las Vegas, Inc.  
*Notice of Withdrawal of Attorney for Plaintiff*

07/30/2015  Notice of Change of Address  
Filed By: Plaintiff O.P.H. of Las Vegas, Inc.  
*Notice of Change of Address*

07/30/2015  Notice of Appeal  
Filed By: Plaintiff O.P.H. of Las Vegas, Inc.  
*Notice of Appeal*

07/30/2015  Case Appeal Statement  
Filed By: Plaintiff O.P.H. of Las Vegas, Inc.  
*Case Appeal Statement*

07/30/2015  Opposition  
Filed By: Plaintiff O.P.H. of Las Vegas, Inc.  
*Opposition to Oregon Mutual Insurance Company's Motion for Award of Attorney's Fees and Costs*

08/06/2015  Notice of Entry of Order  
Filed By: Defendant Oregon Mutual Insurance Company  
*Notice of Entry of Order Denying Plaintiff's Motion for Partial Summary Judgment*

08/11/2015  Reply in Support  
Filed By: Defendant Oregon Mutual Insurance Company  
*Oregon Mutual Insurance Company's Reply in Support of Its Motion for Award of Attorney's Fees and Costs*

08/13/2015  Notice of Entry of Judgment  
Filed By: Defendant Sandin, Dave  
*Notice of Entry of Judgment*

08/13/2015  Summary Judgment  
*Judgment*

08/13/2015 **Summary Judgment** (Judicial Officer: Sturman, Gloria)  
Debtors: O.P.H. of Las Vegas, Inc. (Plaintiff)  
Creditors: Dave Sandin (Defendant), Sandin & Co (Defendant)  
Judgment: 08/13/2015, Docketed: 08/20/2015

08/18/2015  **Motion for Attorney Fees and Costs** (9:00 AM) (Judicial Officer: Sturman, Gloria)  
*Defendant Oregon Mutual Insurance Company's Motion for Award of Attorney's Fees and Costs*

08/19/2015  Memorandum of Costs and Disbursements  
Filed By: Defendant Sandin, Dave  
*Memorandum of Costs*

08/20/2015 **CANCELED Calendar Call** (9:00 AM) (Judicial Officer: Sturman, Gloria)  
*Vacated - per Judge*

08/28/2015  Memorandum of Costs and Disbursements  
Filed By: Defendant Oregon Mutual Insurance Company  
*Amended Memorandum of Costs and Disbursements*

DEPARTMENT 26  
**CASE SUMMARY**  
**CASE NO. A-12-672158-C**

- 09/02/2015  Motion for Attorney Fees and Costs  
Filed By: Defendant Sandin, Dave  
*Dave Sandin and Sandin & Co.'s Motion for Attorney's Fees and Costs*
- 09/10/2015  Notice of Withdrawal of Attorney  
Filed by: Plaintiff O.P.H. of Las Vegas, Inc.  
*Notice of Withdrawal of Attorney for Palintiff*
- 09/14/2015 **CANCELED Jury Trial (9:00 AM)** (Judicial Officer: Sturman, Gloria)  
*Vacated - Superseding Order*
- 09/21/2015 **Motion for Costs (3:00 AM)** (Judicial Officer: Sturman, Gloria)  
*Defendants' Motion for Attorney's Fees and Costs*
- 09/25/2015  Stipulation and Order  
Filed by: Plaintiff O.P.H. of Las Vegas, Inc.  
*Stipulation and Order to Extend the Filing Deadlines Regarding Responses to Sandin Defendants' Motion for Attorneys' Fees and Costs and Vacating and Resetting Hearing Date*
- 09/28/2015  Notice of Entry of Order  
Filed By: Plaintiff O.P.H. of Las Vegas, Inc.  
*Notice of Entry of Order*
- 09/28/2015  Opposition  
Filed By: Plaintiff O.P.H. of Las Vegas, Inc.  
*Opposition to Dave Sandin and Sandin & Co.'s Motion for Attorney's Fees and Costs*
- 10/06/2015 **CANCELED Motion for Attorney Fees and Costs (1:30 PM)** (Judicial Officer: Sturman, Gloria)  
*Vacated - per Stipulation and Order*  
*Dave Sandin and Sandin & Co.'s Motion for Attorney's Fees and Costs*
- 11/10/2015  Request  
Filed by: Plaintiff O.P.H. of Las Vegas, Inc.  
*Request for Transcript of Proceedings*
- 11/10/2015  Reply in Support  
Filed By: Defendant Sandin & Co  
*Reply in Support of Dave Sandin and Sandin & Co.'s Motion for Attorney's Fees and Costs*
- 11/17/2015  **Motion for Attorney Fees and Costs (9:00 AM)** (Judicial Officer: Sturman, Gloria)  
**11/17/2015, 12/14/2015**  
*Dave Sandin and Sandin & Co.'s Motion for Attorney's Fees and Costs*
- 11/19/2015  Recorders Transcript of Hearing  
*Transcript of Proceedings Defendants David Sandin and Sandin & Company's Motion to Dismiss January 31, 2013*
- 12/21/2015  Recorders Transcript of Hearing  
*Recorder's Transcript of Proceeding: Plaintiff's Motion for Partial Summary Judgment Wednesday, January 22, 2014*
- 12/29/2015  Recorders Transcript of Hearing  
*Recorder's Transcript of Proceedings - David Sandin and Sandin & Co.'s Motion to Strike*

DEPARTMENT 26  
**CASE SUMMARY**  
**CASE NO. A-12-672158-C**

*Rebuttal Report of Neal Bordenave on OST; Oregon Mutual Insurance Company's Joinder to Strike Rebuttal Expert Report of Neal Bordenave on OST - heard on Aug. 29, 2014*

- 01/05/2016  **Recorders Transcript of Hearing**  
*Recorder's Transcript of Proceeding: Defendant Oregon Mutual Insurance Company's Motion for Award of Attorney's Fees and Costs Tuesday, August 18, 2015*
- 10/16/2017  **Order**  
*Order Setting Further Proceedings*
- 10/20/2017  **Memorandum of Costs and Disbursements**  
Filed By: Defendant Sandin, Dave; Defendant Sandin & Co  
*Memorandum of Costs and Disbursements*
- 10/21/2017  **NV Supreme Court Clerks Certificate/Judgment - Affd/Rev Part**  
*Nevada Supreme Court Clerk's Certificate Judgment - Affirmed in Part, Reversed in Part and Remand*
- 10/23/2017  **Motion**  
Filed By: Defendant Sandin, Dave; Defendant Sandin & Co  
*Motion for Decision on Attorneys' Fees and Motion for Additional Attorneys' Fees and Costs Associated With Appeal*
- 11/06/2017  **Objection**  
Filed By: Plaintiff O.P.H. of Las Vegas, Inc.  
*Objections to Memorandum of Costs and Disbursements*
- 11/09/2017 **CANCELED Further Proceedings (10:30 AM)** (Judicial Officer: Sturman, Gloria)  
*Vacated*
- 11/13/2017  **Order Scheduling Status Check**  
*Order Continuing Status Check: Hearing Set for 11-28-17*
- 11/15/2017  **Stipulation and Order**  
Filed by: Plaintiff O.P.H. of Las Vegas, Inc.  
*Stipulation and Order*
- 11/15/2017  **Notice of Entry of Stipulation and Order**  
Filed By: Plaintiff O.P.H. of Las Vegas, Inc.  
*Notice of Entry of Stipulation and Order*
- 11/28/2017 **CANCELED Status Check (9:00 AM)** (Judicial Officer: Sturman, Gloria)  
*Vacated - per Stipulation and Order*  
*Status of Case*
- 11/30/2017 **CANCELED Motion for Attorney Fees and Costs (9:00 AM)** (Judicial Officer: Sturman, Gloria)  
*Vacated*
- 11/30/2017  **Status Check (9:00 AM)** (Judicial Officer: Sturman, Gloria)  
*Re: Remittitur*
- 11/30/2017  **Opposition**  
Filed By: Plaintiff O.P.H. of Las Vegas, Inc.  
*Opposition to Defendants Dave Sandin and Sandin & Co. s Motion for Attorneys Fees and*

DEPARTMENT 26  
**CASE SUMMARY**  
**CASE NO. A-12-672158-C**

*Costs Associated With Appeal*

12/06/2017	 Reply in Support Filed By: Defendant Sandin, Dave; Defendant Sandin & Co <i>Defendants Dave Sandin and Sandin &amp; Co's Reply in Support of Their Motion for Decision on Attorneys' Fees and Motion for Additional Attorneys' Fees and costs Associated with Appeal</i>
12/08/2017	 Notice of Change of Hearing
12/08/2017	 Notice of Change of Hearing
12/15/2017	 Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call <i>Order Setting Civil Jury Trial</i>
01/29/2018	 Substitution of Attorney <i>Substitution of Counsel Plaintiff O.P.H. of Las Vegas, Inc.</i>
02/06/2018	 <b>Hearing</b> (9:30 AM) (Judicial Officer: Sturman, Gloria) <i>Motion for Attorney's Fees and Costs</i>
03/05/2018	 Recorders Transcript of Hearing Party: Plaintiff O.P.H. of Las Vegas, Inc. <i>Recorders Transcript of Hearing, Motion for Attorney's Fees and Costs, Tuesday, February 6, 2018</i>
03/14/2018	<b>Judgment</b> (Judicial Officer: Sturman, Gloria) Debtors: O.P.H. of Las Vegas, Inc. (Plaintiff) Creditors: Dave Sandin (Defendant), Sandin & Co (Defendant) Judgment: 03/14/2018, Docketed: 03/15/2018 Total Judgment: 134,788.55
03/14/2018	 Findings of Fact, Conclusions of Law and Judgment Filed by: Defendant Sandin & Co <i>Finding of Facts, Conclusions of Law and Judgment in Favor of Dave Sandin and Sandin &amp; Co. on their Motion for Attorneys' Fees and Costs</i>
03/16/2018	 Notice of Entry of Findings of Fact, Conclusions of Law Filed By: Defendant Sandin & Co <i>Notice of Entry Order Findings of Facts, Conclusion of Law and Judgment in Favor of Dave Sandin and Sandin &amp; Co. on their Motion for Attorneys' Fee and Costs</i>
03/30/2018	 Motion Filed By: Plaintiff O.P.H. of Las Vegas, Inc. <i>Plaintiff O.P.H. of Las Vegas Inc.'s Motion to Reconsider and/or Amend Judgment</i>
04/16/2018	 Opposition to Motion Filed By: Defendant Sandin & Co <i>Sandin Defendants' Opposition to Motion for Reconsideration</i>
04/24/2018	 Reply in Support Filed By: Plaintiff O.P.H. of Las Vegas, Inc. <i>Plaintiff O.P.H. of Las Vegas Inc.'s Reply in Support of Its Motion to Reconsider and/or Amend Judgment</i>
05/01/2018	

DEPARTMENT 26  
**CASE SUMMARY**  
**CASE NO. A-12-672158-C**

-  **Motion to Reconsider** (9:00 AM) (Judicial Officer: Sturman, Gloria)  
*Plaintiff O.P.H. of Las Vegas Inc.'s Motion to Reconsider and/or Amend Judgment*
- 06/11/2018  **Order Denying**  
Filed By: Defendant Sandin, Dave; Defendant Sandin & Co  
*Order Denying Plaintiff O.P.H. of Las Vegas, Inc.'s Motion to Reconsider and/or Amend Judgment*
- 06/12/2018  **Notice of Entry of Order**  
Filed By: Defendant Sandin, Dave; Defendant Sandin & Co  
*Notice of Entry of Order Denying Plaintiff O.P.H. of Las Vegas Inc.'s Motion to Reconsider and/or Amend Judgment*
- 06/15/2018  **Motion for Summary Judgment**  
Filed By: Defendant Oregon Mutual Insurance Company  
*Oregon Mutual Insurance Company's Motion For Summary Judgment*
- 06/18/2018  **Motion for Partial Summary Judgment**  
Filed By: Plaintiff O.P.H. of Las Vegas, Inc.  
*Plaintiff O.P.H. of Las Vegas, Inc.'s Motion for Partial Summary Judgment*
- 06/20/2018  **Notice of Hearing**  
Filed By: Defendant Oregon Mutual Insurance Company  
*Notice Of Hearing On Oregon Mutual Insurance Company s Motion For Summary Judgment*
- 06/26/2018  **Notice of Hearing**  
*Plaintiff O.P.H. of Las Vegas, Inc.'s Notice of Hearing Date For Its Summary Judgment Motion with Exhibit 1*
- 06/26/2018  **Notice**  
*Notice Of Errata To Defendant s Motion For Summary Judgment*
- 07/02/2018  **Motion in Limine**  
Filed By: Plaintiff O.P.H. of Las Vegas, Inc.  
*Plaintiff O.P.H. of Las Vegas, Inc.'s Motion in Limine to Preclude Testimony of Edward McKinnon and Strike Edward McKinnon's Initial Expert Report*
- 07/02/2018  **Opposition to Motion For Summary Judgment**  
*Plaintiff O.P.H. of Las Vegas, Inc.'s Opposition to Oregon Mutual Insurance Company's Motion for Summary Judgment*
- 07/02/2018  **Motion**  
Filed By: Plaintiff O.P.H. of Las Vegas, Inc.  
*Plaintiff O.P.H. of Las Vegas, Inc.'s Notice of Renewal of Motion in Limine to Exclude Reference to or Evidence of Rents Owed by Plaintiff*
- 07/02/2018  **Motion in Limine**  
*Defendant s Motion In Limine To Exclude Plaintiff s Speculative Damages (MIL NO, 1)*
- 07/02/2018  **Motion in Limine**  
*Defendant s Motion In Limine To Exclude Plaintiff s Experts Testimony To The Extent It Constitutes Legal Opinion(s) (Mil No. 2)*
- 07/03/2018  **Motion in Limine**

DEPARTMENT 26  
**CASE SUMMARY**  
**CASE NO. A-12-672158-C**

*Defendant's Motion In Limine To Exclude Testimony Of Neal Bordenave*

07/03/2018



Motion in Limine

*Defendant's Motion In Limine To Limit Testimony of Mary Heinz*

07/05/2018



Motion in Limine

Filed By: Plaintiff O.P.H. of Las Vegas, Inc.

*Plaintiff O.P.H. of Las Vegas, Inc.'s Motion in Limine to Exclude Certain Testimony of Edward McKinnon*

07/11/2018



Stipulation and Order

Filed by: Plaintiff O.P.H. of Las Vegas, Inc.

*Stipulation and Order Concerning Motions in Limine*

07/12/2018



**Calendar Call (9:00 AM)** (Judicial Officer: Sturman, Gloria)

07/12/2018



Opposition

*Opposition To Plaintiff O.P.H. Of Las Vegas, Inc. S Motion For Partial Summary Judgment*

07/13/2018



Notice of Entry of Stipulation and Order

Filed By: Plaintiff O.P.H. of Las Vegas, Inc.

*Notice of Entry of Stipulation and Order Concerning Motions in Limine*

07/19/2018



Stipulation and Order

*Stipulation And Order To Move Hearing On The Parties Motions For Summary Judgment Currently Set For July 24, 2017*

07/20/2018



Notice of Entry

*Notice Of Entry Of Order*

08/03/2018



Stipulation and Order

Filed by: Plaintiff O.P.H. of Las Vegas, Inc.

*Stipulation and Order to Move Hearing on the Parties' Motions for Summary Judgment and Motion in Limine Currently Set for August 7, 2018*

08/06/2018



Notice of Entry of Order

Filed By: Plaintiff O.P.H. of Las Vegas, Inc.

*Notice of Entry of Stipulation and Order to Move Hearing on the parties' Motion for Summary Judgment and Motions in Limine Currently Set for August 7, 2018*

09/07/2018

**Order of Dismissal With Prejudice** (Judicial Officer: Sturman, Gloria)

Debtors: Oregon Mutual Insurance Company (Defendant), Dave Sandin (Defendant), Sandin & Co (Defendant)

Creditors: O.P.H. of Las Vegas, Inc. (Plaintiff)

Judgment: 09/07/2018, Docketed: 09/07/2018

09/07/2018



Stipulation and Order for Dismissal With Prejudice

Filed By: Plaintiff O.P.H. of Las Vegas, Inc.

*Stipulation and Order for Dismissal with Prejudice*

09/11/2018



Notice of Entry of Stipulation & Order for Dismissal

Filed By: Plaintiff O.P.H. of Las Vegas, Inc.

*Notice of Entry of Stipulation and Order for Dismissal with Prejudice*

DEPARTMENT 26  
**CASE SUMMARY**  
**CASE NO. A-12-672158-C**

09/11/2018	 Notice of Appeal Filed By: Plaintiff O.P.H. of Las Vegas, Inc. <i>Notice of Appeal</i>
09/11/2018	 Case Appeal Statement Filed By: Plaintiff O.P.H. of Las Vegas, Inc. <i>Case Appeal Statement</i>
09/11/2018	 Posting of Appeal Bond Filed by: Plaintiff O.P.H. of Las Vegas, Inc. <i>Notice of Posting Supercedeas Bond</i>
09/18/2018	<b>CANCELED Motion for Partial Summary Judgment</b> (10:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Stipulation and Order</i> <i>Plaintiff O.P.H. of Las Vegas Inc's Motion for Partial Summary Judgment</i>
09/18/2018	<b>CANCELED Motion for Summary Judgment</b> (10:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Stipulation and Order</i> <i>Notice Of Hearing On Oregon Mutual Insurance Company s Motion For Summary Judgment</i>
09/18/2018	<b>CANCELED Motion in Limine</b> (10:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Stipulation and Order</i> <i>Plaintiff O.P.H. of Las Vegas, Inc.'s Motion in Limine to Preclude Testimony of Edward McKinnon and Strike Edward McKinnon's Initial Expert Report</i>
09/18/2018	<b>CANCELED Motion in Limine</b> (10:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Stipulation and Order</i> <i>Plaintiff O.P.H. of Las Vegas, Inc.'s Notice of Renewal of Motion in Limine to Exclude Reference to or Evidence of Rents Owed by Plaintiff</i>
09/18/2018	<b>CANCELED Motion in Limine</b> (10:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Stipulation and Order</i> <i>Defendant's Motion in Limine to Exclude Plaintiff's Speculative Damges Motion in Limine No 1</i>
09/18/2018	<b>CANCELED Motion in Limine</b> (10:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Stipulation and Order</i> <i>Defendant's Motion in Limine to Exclude Plaintiff's Expert's Testimony to the Extent it Constitutes Legal Opinion(s)</i>
09/18/2018	<b>CANCELED Motion in Limine</b> (10:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Stipulation and Order</i> <i>Defendant's Motion In Limine to Exclude Testimony of Neal Bordenave</i>
09/18/2018	<b>CANCELED Motion in Limine</b> (10:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Stipulation and Order</i> <i>Defendant's Motion In Limine #4 to Limine to Limit Testimony of Mary Heinz</i>
09/18/2018	<b>CANCELED Motion in Limine</b> (10:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Stipulation and Order</i> <i>Plaintiff O P H of Las Vegas Inc's Motion in Limine to Exclude Certain Testimony of Edward McKinnon</i>
11/01/2018	<b>CANCELED Calendar Call</b> (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Stipulation and Order</i>
11/19/2018	<b>CANCELED Jury Trial</b> (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Stipulation and Order</i>

DEPARTMENT 26  
**CASE SUMMARY**  
CASE NO. A-12-672158-C

Case No. \_\_\_\_\_

(Assigned by Clerk's Office)

**I. Party Information**

Plaintiff(s) (name/address/phone):

- 1. O.P.H. of Las Vegas Inc. / 4833 West Charleston Boulevard / Las Vegas, Nevada 89146 / (702) 870-1500

Attorney (name/address/phone):

Margaret A. McLetchie / 616 S. Eighth St. / Las Vegas, NV 89101 / (702) 471-6565

Defendant(s) (name/address/phone):

- 1. Oregon Mutual Insurance Company / P.O. BOX 808 / McMinnville, Oregon 97128 / (800) 888-2912 Ext. 2818
- 2. Dave Sandin / 46 Da Vinci Street / Lake Oswego, Oregon 97035 / (503) 381-8583
- 3. Sandin & Co. / 46 Da Vinci Street / Lake Oswego, Oregon 97035 / (503) 381-5570

Attorney (name/address/phone):

Clarke B. Holland / 5858 Horton Street / Suite 370 / Emeryville, California 94608 / (510) 841-7777

**II. Nature of Controversy** (Please check applicable bold category and applicable subcategory, if appropriate)

**Arbitration Requested**

**Civil Cases**

Real Property	Torts	
<input type="checkbox"/> <b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> <b>Title to Property</b> <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> <b>Condemnation/Eminent Domain</b> <input type="checkbox"/> <b>Other Real Property</b> <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	<input type="checkbox"/> <b>Negligence</b> <input type="checkbox"/> <b>Negligence – Auto</b> <input type="checkbox"/> <b>Negligence – Medical/Dental</b> <input type="checkbox"/> <b>Negligence – Premises Liability</b> (Slip/Fall) <input type="checkbox"/> <b>Negligence – Other</b>	<input type="checkbox"/> <b>Product Liability</b> <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> <b>Intentional Misconduct</b> <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> <b>Employment Torts</b> (Wrongful termination) <input type="checkbox"/> <b>Other Torts</b> <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition
Probate	Other Civil Filing Types	
Estimated Estate Value: _____ <input type="checkbox"/> <b>Summary Administration</b> <input type="checkbox"/> <b>General Administration</b> <input type="checkbox"/> <b>Special Administration</b> <input type="checkbox"/> <b>Set Aside Estates</b> <input type="checkbox"/> <b>Trust/Conservatorships</b> <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> <b>Other Probate</b>	<input type="checkbox"/> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input checked="" type="checkbox"/> <b>Breach of Contract</b> <input type="checkbox"/> Building & Construction <input checked="" type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Acct/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> <b>Civil Petition for Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker's Compensation Appeal	<input type="checkbox"/> <b>Appeal from Lower Court</b> (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> <b>Civil Writ</b> <input type="checkbox"/> Other Special Proceeding <input type="checkbox"/> <b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Foreign Judgment – Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input type="checkbox"/> Other Civil Matters

**III. Business Court Requested** (Please check applicable category; for Clark or Washoe Counties only.)

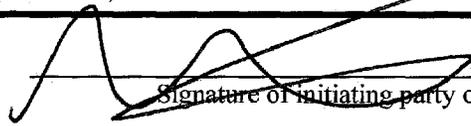
- NRS Chapters 78-88
- Commodities (NRS 90)
- Securities (NRS 90)

- Investments (NRS 104 Art. 8)
- Deceptive Trade Practices (NRS 598)
- Trademarks (NRS 600A)

- Enhanced Case Mgmt/Business
- Other Business Court Matters

11/19/2012

Date

  
Signature of initiating party or representative



1 **JGMT**  
Patricia Lee (8287)  
2 HUTCHISON & STEFFEN, LLC  
10080 West Alta Drive, Suite 200  
3 Las Vegas, NV 89145  
4 Tel: (702) 385-2500  
Fax: (702) 385-2086  
5 [plee@hutchlegal.com](mailto:plee@hutchlegal.com)

6 *Attorneys for defendants*  
7 *Dave Sandin and Sandin & Co.*

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 O.P.H. OF LAS VEGAS, INC.,  
11  
12 Plaintiff,

Case No.: A-12-672158-C

Dept. No.: XXVI

13 v.

14 OREGON MUTUAL INSURANCE  
COMPANY, DAVE SANDIN, and  
15 SANDIN & CO.,  
16 Defendants.

**FINDING OF FACTS, CONCLUSIONS  
OF LAW AND JUDGMENT IN  
FAVOR OF DAVE SANDIN AND  
SANDIN & CO. ON THEIR MOTION  
FOR ATTORNEYS' FEES AND  
COSTS**

17 Defendants Dave Sandin's and Sandin & Co.'s Motion for Decision on Attorneys' Fees  
18 and Motion for Additional Attorneys' Fees and Costs associated with Appeal came before this  
19 Court on February 6, 2018 at 9:30 a.m. Patricia Lee of the firm Hutchison & Steffen, PLLC  
20 appeared on behalf of Dave Sandin and Sandin & Co, (together the "Sandin Defendants").  
21 Priscilla O'Briant of Lewis Brisbois Bisgaard & Smith, LLP., appeared on behalf Oregon  
22 Mutual Insurance Company, ("OMI") and Gabriel Blumberg of the firm Dickinson Wright,  
23 PLLC appeared on behalf of Plaintiff, O.P.H. of Las Vegas, Inc. ("OPH").  
24

25 Having reviewed all papers and pleadings on file and entertained oral arguments  
26 presented by all counsel, this Court makes the following findings of fact, conclusions of law and  
27

1 judgment with respect to the Sandin Defendants' Motion for Decision on Attorneys' Fees and  
2 Motion for Additional Attorneys' Fees and Costs associated with Appeal:

3 **FINDINGS OF FACT**

4 1. OPH commenced this action on November 11, 2012, by filing claims against  
5 OMI and the Sandin Defendants based on the denial of insurance coverage from a fire on  
6 August 17, 2012 that destroyed OPH's restaurant located at 4833 West Charleston Boulevard in  
7 Las Vegas, Nevada.

8 2. OPH asserted claims for fraud in the inducement (third cause of action), fraud  
9 (fourth cause of action), breach of fiduciary duty (fifth cause of action), violations of NRS  
10 §686A.310 (sixth cause of action), and negligence (seventh cause of action) against the Sandin  
11 Defendants.

12 3. On December 26, 2012, the Sandin Defendants filed a motion to dismiss seeking  
13 to dismiss all of the claims against them for failure to state a claim pursuant to NRCP 12(b)(5).

14 4. The Sandin Defendants' motion to dismiss was denied without prejudice orally at a  
15 hearing on February 13, 2013 and by written order on March 12, 2013.

16 5. On February 14, 2013, the Sandin Defendants served an Offer of Judgment to  
17 OPH offering to settle all claims for the sum of Two Thousand Dollars and No Cents  
18 (\$2,000.00) pursuant to NRCP 68 and/or NRS 17.115.

19 6. OPH rejected the offer by failing to respond within the time proscribed.

20 7. At the time the offer was made, this matter was in the court annexed arbitration  
21 program in which the maximum amount of recovery would have been \$50,000.00 and the  
22 maximum amount of attorneys' fees recoverable would have been \$3,000.00.  
23  
24  
25  
26  
27

1           8.       Six months after the offer of judgment was made, OPH filed a Request for  
2 Exemption from Arbitration which request was granted on September 17, 2013.

3           9.       On March 17, 2015, the Sandin Defendants filed their motion for summary  
4 judgment, seeking judgment on all of OPH's claims against them.

5           10.      On May 14, 2015, a hearing was held before this Court on the Sandin  
6 defendants' motion for summary judgment.<sup>1</sup>

7           11.      At the hearing, the Court granted the Sandin Defendants' motion for summary  
8 judgment.

9           12.      An order was entered on July 1, 2015, granting the Sandin Defendants' motion  
10 for summary judgment.

11           13.      On August 13, 2015, judgment was entered in favor of the Sandin Defendants  
12 and against OPH an all of OPH's claims against the Sandin Defendants.

13           14.      Thereafter on September 2, 2015, the Sandin Defendants brought a Motion for  
14 Attorneys' Fees and Costs.

15           15.      The matter came before the Court for oral argument on November 17, 2015, at  
16 which the time the Court granted the Sandin Defendants' Motion for Costs<sup>2</sup> and took their  
17 Motion for Attorneys' Fees under advisement.

18           16.      In the meantime and following the notice of entry of judgment in favor of the  
19 Sandin Defendants, OPH appealed this Court's granting of the Sandin Defendants' Motion for  
20 Summary Judgment to the Nevada Supreme Court on July 30, 2015.

21  
22  
23  
24  
25           \_\_\_\_\_

<sup>1</sup> Also on hearing that day was OMI's Motion for Summary Judgment.

26           <sup>2</sup> The Court first re-taxed the costs to adjust expert witness fees down to the maximum statutory cap. Ultimately,  
27 Sandin Defendants were awarded a total of \$7,448.63 in costs.



1  
2 (2) Any applicable interest on the judgment for the period from the  
date of service of the offer to the date of entry of the judgment.

3 (3) Reasonable attorney's fees incurred by the party who made the  
4 offer for the period from the date of service of the offer to the date of entry of the judgment.

5 NRS 17.115(1) & (4).

6 21. The Sandin Defendants timely served their offer of judgment, which offer was  
7 rejected by OPH.

8 22. The Court must consider various factors when determining whether to award  
9 attorney's fees and costs under NRCPC 68. The factors are as follows: (1) whether the offeree's  
10 claims were brought in good faith; (2) whether the offeror's offer of judgment was reasonable  
11 and in good faith in both its timing and amount; (3) whether the offeree's decision to reject the  
12 offer and proceed to trial was grossly unreasonable or in bad faith; and (4) whether the fees  
13 sought by the offeror are reasonable and justified in amount. *See RTTC Commc'ns., LLC v.*  
14 *Saratoga Flier, Inc.*, 121 Nev. 34, 41, 110 P.3d 24, 28 (2005) (citing *Beattie v. Thomas*, 99 Nev.  
15 579, 588-89, 668 P.2d 268, 274 (1983)).

16 23. The Sandin Defendants' offer was brought in good faith, was reasonable and in  
17 good faith both in timing and amount and the fees sought by the Sandin Defendants are  
18 reasonable and justified in amount.

19 24. The fourth *Beattie* factor (whether the fees sought by the offeror are reasonable  
20 and justified in amount) implicates *Brunzell*, the 1969 Nevada Supreme Court case that sets  
21 forth factors for courts to consider in rendering attorneys' fees awards. *See Gunderson v. D.R.*  
22 *Horton, Inc.*, — Nev. —, 319 P.3d 606, 616 (2014), *reh'g denied* (Apr. 23, 2014) (concluding  
23 that the district court's failure to consider the *Brunzell* factors within its *Beattie* analysis  
24  
25  
26  
27

1 constitutes an abuse of discretion); see also *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345,  
2 349, 455 P.2d 31, 33 (1969).<sup>4</sup>

3 25. *Brunzell* establishes that the trial court must consider:

- 4 (1) the character and difficulty of the work performed;  
5 (2) the work actually performed by the attorney;  
6 (3) the qualities of the advocate; and  
7 (4) the result obtained.  
8

9 See *Brunzell*, 85 Nev. at 350, 455 P.2d at 33.

10 26. All of the *Brunzell* factors weigh in favor of granting the Sandin Defendants'  
11 Motion for Attorneys' Fees pre-appeal.

12 27. The Nevada Supreme Court has recognized that these statute and rules governing  
13 offers of judgment, permitting fee-shifting penalties to be assessed against an offeree who  
14 "rejects an offer and fails to obtain a more favorable judgment," extend to fees incurred on and  
15 after appeal. *In re: The Estate and Living Trust of Miller*, 125 Nev. 550, 555 (2009).

16 28. Weighing all of the factors articulated in *Beattie* and *Brunzell*, an award of post  
17 appeal attorneys' fees and costs in favor of the Sandin Defendants is warranted.  
18

19 29. Because the offer was made while this matter was in the court annexed  
20 arbitration program in which the maximum recovery for attorneys' fees would have been  
21

---

22 <sup>4</sup> ~~Error! Main Document Only~~ The Nevada Supreme Court has also ruled that other accepted methods may be  
23 used to calculate attorneys' fees, provided that the *Brunzell* factors are still considered. See *Haley v. Eighth*  
24 *Judicial Dist. Ct.*, — Nev. —, 273 P.3d 855, 860 (2012) ("[I]n determining the amount of fees to award, the court  
25 is not limited to one specific approach; its analysis may begin with any method rationally designed to calculate a  
26 reasonable amount,' so long as the requested amount is reviewed in light of the factors set forth in *Brunzell* . . .")  
27 (quoting *Shuette v. Beazer Homes Holdings Corp.*, 121 Nev. 837, 864-65, 124 P.3d 530, 549 (2005)).

1 \$3,000.00, the amount of attorneys' fees and costs incurred during this period should be  
2 discounted by the amount of attorneys' fees accrued in excess of \$3,000, i.e., by \$32,000.00.  
3  
4  
5

6  
7 **(THIS BOTTOM PORTION LEFT INTENTIONALLY BLANK)**  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

1 **JUDGMENT**

2 IT IS THEREFORE ORDERED that the Sandin Defendants' Motion for Attorneys'  
3 Fees and Costs is hereby GRANTED and that judgment be entered against OPH and in favor of  
4 the Sandin Defendants accordingly:  
5

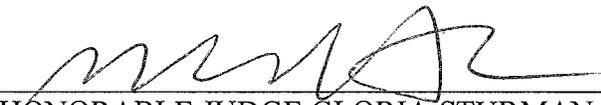
6 **Total Attorneys' Fees pre- and post appeal:** (\$140,857 pre-appeal + \$18,385  
7 post-appeal) = **\$159,242.00**

8 **Less arbitration discount:** (\$159,242.00 - \$32,000.00) =  
9 **(\$127,242.00)**

10 **Costs:** (\$7,448.63 pre appeal + \$97.92  
11 post appeal) = **\$7,546.55**

12 **TOTAL AMOUNT OF JUDGMENT: \$134,788.55**

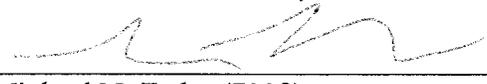
13 IT IS SO ORDERED this 8<sup>th</sup> day of March, 2018.

14   
15 HONORABLE JUDGE GLORIA STURMAN

16 HUTCHISON & STEFFEN, PLLC,

DICKINSON WRIGHT, PLLC

17   
18 Patricia Lee (8287)  
19 10080 W. Alta Drive, Suite-200  
20 Las Vegas, Nevada 89129  
21 E-Mail: [plee@hutchlegal.com](mailto:plee@hutchlegal.com)

  
Michael N. Feder (7332)  
Gabriel Blumberg (12332)  
8363 W. Sunset Rd., Suite 200  
Las Vegas, Nevada 89113  
E-Mail: [mfeder@dickinson-wright.com](mailto:mfeder@dickinson-wright.com)  
[gblumberg@dickinson-wright.com](mailto:gblumberg@dickinson-wright.com)

Attorneys for Dave Sandin and Sandin & Co.

22 Respectfully submitted by:

23 HUTCHISON & STEFFEN, LLC

24   
25 Patricia Lee (8287)  
26 10080 West Alta Drive, Suite 200  
27 Las Vegas, NV 89145

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of HUTCHISON & STEFFEN,  
3 LLC. and that on this 22<sup>nd</sup> day of February, 2018February, 2018, I caused the above and  
4 foregoing document entitled **FINDING OF FACTS, CONCLUSIONS OF LAW AND**  
5 **JUDGMENT IN FAVOR OF DAVE SANDIN AND SANDIN & CO. ON THEIR**  
6 **MOTION FOR ATTORNEYS' FEES AND COSTS**  
7 to be served as follows:

- 8  by placing same to be deposited for mailing in the United States Mail, in a sealed  
9 envelope upon which first class postage was prepaid in Las Vegas,  
10 Nevada; and/or  
11  to be served via electronic mail pursuant to the parties' consents to electronic  
12 service; and/or  
13  pursuant to Administrative Order 14-2, N.E.F.C.R. 9, EDCR 8.05(a) and 8.05(f),  
14 to be electronically served through the Eighth Judicial District Court's  
15 electronic filing system, with the date and time of the electronic service  
16 substituted for the date and place of deposit in the mail; and/or  
17  to be hand-delivered;

18 to the attorneys listed below at the address and emails indicated below:

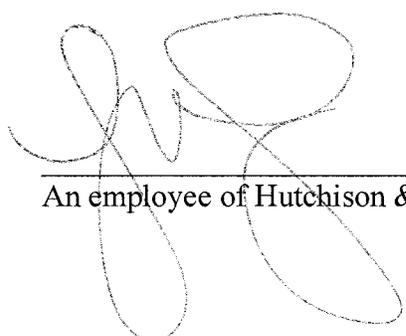
19 Michael N. Feder, Esq.  
20 Gabriel Blumberg, Esq.  
21 DICKINSON WRIGHT, PLLC  
22 8363 W. Sunset Rd., Suite 200  
23 Las Vegas, NV 89113

24 *Attorneys for plaintiff*  
25 *O.P.H. of Las Vegas Inc.*

26 Robert Freeman, Esq.  
27 Priscilla O'Briant, Esq.  
LEWIS BRISBOIS BISGAARD & SMITH LLP  
6385 S. Rainbow Blvd., Ste. 600  
Las Vegas, NV 89118

*Attorneys for Oregon Mutual Insurance  
Company*

28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448  
449  
450  
451  
452  
453  
454  
455  
456  
457  
458  
459  
460  
461  
462  
463  
464  
465  
466  
467  
468  
469  
470  
471  
472  
473  
474  
475  
476  
477  
478  
479  
480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513  
514  
515  
516  
517  
518  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569  
570  
571  
572  
573  
574  
575  
576  
577  
578  
579  
580  
581  
582  
583  
584  
585  
586  
587  
588  
589  
590  
591  
592  
593  
594  
595  
596  
597  
598  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
620  
621  
622  
623  
624  
625  
626  
627  
628  
629  
630  
631  
632  
633  
634  
635  
636  
637  
638  
639  
640  
641  
642  
643  
644  
645  
646  
647  
648  
649  
650  
651  
652  
653  
654  
655  
656  
657  
658  
659  
660  
661  
662  
663  
664  
665  
666  
667  
668  
669  
670  
671  
672  
673  
674  
675  
676  
677  
678  
679  
680  
681  
682  
683  
684  
685  
686  
687  
688  
689  
690  
691  
692  
693  
694  
695  
696  
697  
698  
699  
700  
701  
702  
703  
704  
705  
706  
707  
708  
709  
710  
711  
712  
713  
714  
715  
716  
717  
718  
719  
720  
721  
722  
723  
724  
725  
726  
727  
728  
729  
730  
731  
732  
733  
734  
735  
736  
737  
738  
739  
740  
741  
742  
743  
744  
745  
746  
747  
748  
749  
750  
751  
752  
753  
754  
755  
756  
757  
758  
759  
760  
761  
762  
763  
764  
765  
766  
767  
768  
769  
770  
771  
772  
773  
774  
775  
776  
777  
778  
779  
780  
781  
782  
783  
784  
785  
786  
787  
788  
789  
790  
791  
792  
793  
794  
795  
796  
797  
798  
799  
800  
801  
802  
803  
804  
805  
806  
807  
808  
809  
810  
811  
812  
813  
814  
815  
816  
817  
818  
819  
820  
821  
822  
823  
824  
825  
826  
827  
828  
829  
830  
831  
832  
833  
834  
835  
836  
837  
838  
839  
840  
841  
842  
843  
844  
845  
846  
847  
848  
849  
850  
851  
852  
853  
854  
855  
856  
857  
858  
859  
860  
861  
862  
863  
864  
865  
866  
867  
868  
869  
870  
871  
872  
873  
874  
875  
876  
877  
878  
879  
880  
881  
882  
883  
884  
885  
886  
887  
888  
889  
890  
891  
892  
893  
894  
895  
896  
897  
898  
899  
900  
901  
902  
903  
904  
905  
906  
907  
908  
909  
910  
911  
912  
913  
914  
915  
916  
917  
918  
919  
920  
921  
922  
923  
924  
925  
926  
927  
928  
929  
930  
931  
932  
933  
934  
935  
936  
937  
938  
939  
940  
941  
942  
943  
944  
945  
946  
947  
948  
949  
950  
951  
952  
953  
954  
955  
956  
957  
958  
959  
960  
961  
962  
963  
964  
965  
966  
967  
968  
969  
970  
971  
972  
973  
974  
975  
976  
977  
978  
979  
980  
981  
982  
983  
984  
985  
986  
987  
988  
989  
990  
991  
992  
993  
994  
995  
996  
997  
998  
999  
1000



An employee of Hutchison & Steffen, LLC



1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I hereby certify that I am an employee of Hutchison & Steffen,  
3 PLLC and that on this 16th day of March, 2018, I caused the above and foregoing document  
4 entitled **NOTICE OF ENTRY OF ORDER OF FINDING OF FACTS, CONCLUSIONS OF**  
5 **LAW AND JUDGMENT IN FAVOR OF DAVE SANDIN AND SANDIN & CO. ON THEIR**  
6 **MOTION FOR ATTORNEYS' FEES AND COSTS** to be served as follows:

- 7  by placing same to be deposited for mailing in the United States Mail, in  
8 a sealed envelope upon which first class postage was prepaid in Las  
9 Vegas, Nevada; and/or  
10  pursuant to EDCR 7.26, to be sent via facsimile; and/or  
11  pursuant to EDCR 8.05(a) and 8.05(f), to be electronically served  
12 through the Eighth Judicial District Court's electronic filing system, with  
13 the date and time of the electronic service substituted for the date and  
14 place of deposit in the mail; and/or  
15  to be hand-delivered;

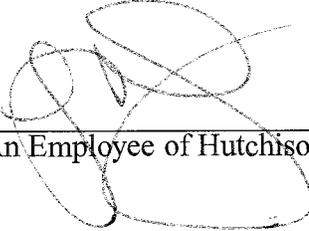
16 to the attorney(s) listed below at the address and/or facsimile number indicated below:

17 Margaret A. McLetchie, Esq.  
18 Matthew J. Rashbrook, Esq.  
19 MCCLETCHIE SHELL, LLC  
20 701 East Bridger Ave., Ste. 520  
21 Las Vegas, NV 89101

22 *Attorneys for plaintiff*  
23 *O.P.H. of Las Vegas Inc.*

24 Robert Freeman, Esq.  
25 Priscilla O'Briant, Esq.  
26 LEWIS BRISBOIS BISGAARD & SMITH,  
27 LLP  
28 6385 S. Rainbow Blvd., Ste. 600  
Las Vegas, NV 89118

*Attorneys for Oregon Mutual Insurance  
Company*

29   
30 \_\_\_\_\_  
31 An Employee of Hutchison & Steffen, PLLC

INTENTIONALLY LEFT BLANK  
EXHIBIT PAGE ONLY

HUTCHISON & STEFFEN

A PROFESSIONAL LLC

**EXHIBIT 1**



1 **JGMT**  
2 Patricia Lee (8287)  
3 HUTCHISON & STEFFEN, LLC  
4 10080 West Alta Drive, Suite 200  
5 Las Vegas, NV 89145  
6 Tel: (702) 385-2500  
7 Fax: (702) 385-2086  
8 [plee@hutchlegal.com](mailto:plee@hutchlegal.com)

9 *Attorneys for defendants*  
10 *Dave Sandin and Sandin & Co.*

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 O.P.H. OF LAS VEGAS, INC.,  
14 Plaintiff,

Case No.: A-12-672158-C

Dept. No.: XXVI

15 v.

16 OREGON MUTUAL INSURANCE  
17 COMPANY, DAVE SANDIN, and  
18 SANDIN & CO.,

**FINDING OF FACTS, CONCLUSIONS  
OF LAW AND JUDGMENT IN  
FAVOR OF DAVE SANDIN AND  
SANDIN & CO. ON THEIR MOTION  
FOR ATTORNEYS' FEES AND  
COSTS**

19 Defendants.

20 Defendants Dave Sandin's and Sandin & Co.'s Motion for Decision on Attorneys' Fees  
21 and Motion for Additional Attorneys' Fees and Costs associated with Appeal came before this  
22 Court on February 6, 2018 at 9:30 a.m. Patricia Lee of the firm Hutchison & Steffen, PLLC  
23 appeared on behalf of Dave Sandin and Sandin & Co, (together the "Sandin Defendants").  
24 Priscilla O'Briant of Lewis Brisbois Bisgaard & Smith, LLP., appeared on behalf Oregon  
25 Mutual Insurance Company, ("OMI") and Gabriel Blumberg of the firm Dickinson Wright,  
26 PLLC appeared on behalf of Plaintiff, O.P.H. of Las Vegas, Inc. ("OPH").

27 Having reviewed all papers and pleadings on file and entertained oral arguments  
presented by all counsel, this Court makes the following findings of fact, conclusions of law and

1 judgment with respect to the Sandin Defendants' Motion for Decision on Attorneys' Fees and  
2 Motion for Additional Attorneys' Fees and Costs associated with Appeal:

3 **FINDINGS OF FACT**

4 1. OPH commenced this action on November 11, 2012, by filing claims against  
5 OMI and the Sandin Defendants based on the denial of insurance coverage from a fire on  
6 August 17, 2012 that destroyed OPH's restaurant located at 4833 West Charleston Boulevard in  
7 Las Vegas, Nevada.

8 2. OPH asserted claims for fraud in the inducement (third cause of action), fraud  
9 (fourth cause of action), breach of fiduciary duty (fifth cause of action), violations of NRS  
10 §686A.310 (sixth cause of action), and negligence (seventh cause of action) against the Sandin  
11 Defendants.

12 3. On December 26, 2012, the Sandin Defendants filed a motion to dismiss seeking  
13 to dismiss all of the claims against them for failure to state a claim pursuant to NRCP 12(b)(5).

14 4. The Sandin Defendants' motion to dismiss was denied without prejudice orally at a  
15 hearing on February 13, 2013 and by written order on March 12, 2013.

16 5. On February 14, 2013, the Sandin Defendants served an Offer of Judgment to  
17 OPH offering to settle all claims for the sum of Two Thousand Dollars and No Cents  
18 (\$2,000.00) pursuant to NRCP 68 and/or NRS 17.115.

19 6. OPH rejected the offer by failing to respond within the time proscribed.

20 7. At the time the offer was made, this matter was in the court annexed arbitration  
21 program in which the maximum amount of recovery would have been \$50,000.00 and the  
22 maximum amount of attorneys' fees recoverable would have been \$3,000.00.  
23  
24  
25  
26  
27

1           8.     Six months after the offer of judgment was made, OPH filed a Request for  
2 Exemption from Arbitration which request was granted on September 17, 2013.

3           9.     On March 17, 2015, the Sandin Defendants filed their motion for summary  
4 judgment, seeking judgment on all of OPH's claims against them.

5           10.    On May 14, 2015, a hearing was held before this Court on the Sandin  
6 defendants' motion for summary judgment.<sup>1</sup>

7           11.    At the hearing, the Court granted the Sandin Defendants' motion for summary  
8 judgment.

9           12.    An order was entered on July 1, 2015, granting the Sandin Defendants' motion  
10 for summary judgment.

11           13.    On August 13, 2015, judgment was entered in favor of the Sandin Defendants  
12 and against OPH an all of OPH's claims against the Sandin Defendants.

13           14.    Thereafter on September 2, 2015, the Sandin Defendants brought a Motion for  
14 Attorneys' Fees and Costs.

15           15.    The matter came before the Court for oral argument on November 17, 2015, at  
16 which the time the Court granted the Sandin Defendants' Motion for Costs<sup>2</sup> and took their  
17 Motion for Attorneys' Fees under advisement.

18           16.    In the meantime and following the notice of entry of judgment in favor of the  
19 Sandin Defendants, OPH appealed this Court's granting of the Sandin Defendants' Motion for  
20 Summary Judgment to the Nevada Supreme Court on July 30, 2015.

21  
22  
23  
24  
25           <sup>1</sup> Also on hearing that day was OMI's Motion for Summary Judgment.

26           <sup>2</sup> The Court first re-taxed the costs to adjust expert witness fees down to the maximum statutory cap. Ultimately,  
27 Sandin Defendants were awarded a total of \$7,448.63 in costs.



1  
2 (2) Any applicable interest on the judgment for the period from the  
date of service of the offer to the date of entry of the judgment.

3 (3) Reasonable attorney's fees incurred by the party who made the  
4 offer for the period from the date of service of the offer to the date of entry of the judgment.

5 NRS 17.115(1) & (4).

6 21. The Sandin Defendants timely served their offer of judgment, which offer was  
7 rejected by OPH.

8 22. The Court must consider various factors when determining whether to award  
9 attorney's fees and costs under NRCP 68. The factors are as follows: (1) whether the offeree's  
10 claims were brought in good faith; (2) whether the offeror's offer of judgment was reasonable  
11 and in good faith in both its timing and amount; (3) whether the offeree's decision to reject the  
12 offer and proceed to trial was grossly unreasonable or in bad faith; and (4) whether the fees  
13 sought by the offeror are reasonable and justified in amount. *See RTTC Commc'ns., LLC v.*  
14 *Saratoga Flier, Inc.*, 121 Nev. 34, 41, 110 P.3d 24, 28 (2005) (citing *Beattie v. Thomas*, 99 Nev.  
15 579, 588-89, 668 P.2d 268, 274 (1983)).

16  
17  
18 23. The Sandin Defendants' offer was brought in good faith, was reasonable and in  
19 good faith both in timing and amount and the fees sought by the Sandin Defendants are  
20 reasonable and justified in amount.

21 24. The fourth *Beattie* factor (whether the fees sought by the offeror are reasonable  
22 and justified in amount) implicates *Brunzell*, the 1969 Nevada Supreme Court case that sets  
23 forth factors for courts to consider in rendering attorneys' fees awards. *See Gunderson v. D.R.*  
24 *Horton, Inc.*, — Nev. —, 319 P.3d 606, 616 (2014), *reh'g denied* (Apr. 23, 2014) (concluding  
25 that the district court's failure to consider the *Brunzell* factors within its *Beattie* analysis  
26  
27

1 constitutes an abuse of discretion); see also *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345,  
2 349, 455 P.2d 31, 33 (1969).<sup>4</sup>

3 25. *Brunzell* establishes that the trial court must consider:

- 4 (1) the character and difficulty of the work performed;
- 5 (2) the work actually performed by the attorney;
- 6 (3) the qualities of the advocate; and
- 7 (4) the result obtained.

8  
9 See *Brunzell*, 85 Nev. at 350, 455 P.2d at 33.

10 26. All of the *Brunzell* factors weigh in favor of granting the Sandin Defendants'  
11 Motion for Attorneys' Fees pre-appeal.

12 27. The Nevada Supreme Court has recognized that these statute and rules governing  
13 offers of judgment, permitting fee-shifting penalties to be assessed against an offeree who  
14 "rejects an offer and fails to obtain a more favorable judgment," extend to fees incurred on and  
15 after appeal. *In re: The Estate and Living Trust of Miller*, 125 Nev. 550, 555 (2009).

16 28. Weighing all of the factors articulated in *Beattie* and *Brunzell*, an award of post  
17 appeal attorneys' fees and costs in favor of the Sandin Defendants is warranted.

18 29. Because the offer was made while this matter was in the court annexed  
19 arbitration program in which the maximum recovery for attorneys' fees would have been  
20

21  
22 <sup>4</sup> ~~Error! Main Document Only~~ The Nevada Supreme Court has also ruled that other accepted methods may be  
23 used to calculate attorneys' fees, provided that the *Brunzell* factors are still considered. See *Haley v. Eighth*  
24 *Judicial Dist. Ct.*, — Nev. —, 273 P.3d 855, 860 (2012) ("[I]n determining the amount of fees to award, the court  
25 is not limited to one specific approach; its analysis may begin with any method rationally designed to calculate a  
26 reasonable amount,' so long as the requested amount is reviewed in light of the factors set forth in *Brunzell* . . .")  
27 (quoting *Shuette v. Beazer Homes Holdings Corp.*, 121 Nev. 837, 864-65, 124 P.3d 530, 549 (2005))).

1 \$3,000.00, the amount of attorneys' fees and costs incurred during this period should be  
2 discounted by the amount of attorneys' fees accrued in excess of \$3,000, i.e., by \$32,000.00.

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**(THIS BOTTOM PORTION LEFT INTENTIONALLY BLANK)**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**JUDGMENT**

IT IS THEREFORE ORDERED that the Sandin Defendants' Motion for Attorneys' Fees and Costs is hereby GRANTED and that judgment be entered against OPH and in favor of the Sandin Defendants accordingly:

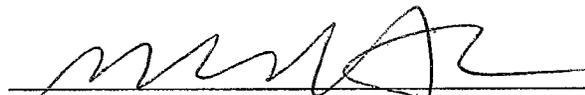
**Total Attorneys' Fees pre- and post appeal:** (\$140,857 pre-appeal + \$18,385 post-appeal) = **\$159,242.00**

**Less arbitration discount:** (\$159,242.00 - \$32,000.00) = **(\$127,242.00)**

**Costs:** (\$7,448.63 pre appeal + \$97.92 post appeal) = **\$7,546.55**

**TOTAL AMOUNT OF JUDGMENT: \$134,788.55**

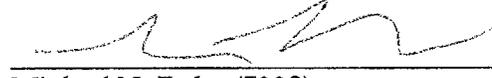
IT IS SO ORDERED this 8<sup>th</sup> day of March, 2018.

  
\_\_\_\_\_  
HONORABLE JUDGE GLORIA STURMAN

HUTCHISON & STEFFEN, PLLC,

DICKINSON WRIGHT, PLLC

  
\_\_\_\_\_  
Patricia Lee (8287)  
10080 W. Alta Drive, Suite 200  
Las Vegas, Nevada 89129  
E-Mail: [plee@hutchlegal.com](mailto:plee@hutchlegal.com)

  
\_\_\_\_\_  
Michael N. Feder (7332)  
Gabriel Blumberg (12332)  
8363 W. Sunset Rd., Suite 200  
Las Vegas, Nevada 89113  
E-Mail: [mfeder@dickinson-wright.com](mailto:mfeder@dickinson-wright.com)

*Attorneys for Dave Sandin and Sandin & Co.*

[gblumberg@dickinson-wright.com](mailto:gblumberg@dickinson-wright.com)

Respectfully submitted by:

HUTCHISON & STEFFEN, LLC

  
\_\_\_\_\_  
Patricia Lee (8287)  
10080 West Alta Drive, Suite 200  
Las Vegas, NV 89145

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of HUTCHISON & STEFFEN,  
3 LLC. and that on this ~~22~~<sup>23</sup> day of February, 2018~~February, 2018~~, I caused the above and  
4 foregoing document entitled **FINDING OF FACTS, CONCLUSIONS OF LAW AND**  
5 **MOTION FOR ATTORNEYS' FEES AND COSTS**  
6 to be served as follows:

7  by placing same to be deposited for mailing in the United States Mail, in a sealed  
8 envelope upon which first class postage was prepaid in Las Vegas,  
9 Nevada; and/or

10  to be served via electronic mail pursuant to the parties' consents to electronic  
11 service; and/or

12  pursuant to Administrative Order 14-2, N.E.F.C.R. 9, EDCR 8.05(a) and 8.05(f),  
13 to be electronically served through the Eighth Judicial District Court's  
14 electronic filing system, with the date and time of the electronic service  
15 substituted for the date and place of deposit in the mail; and/or

16  to be hand-delivered;

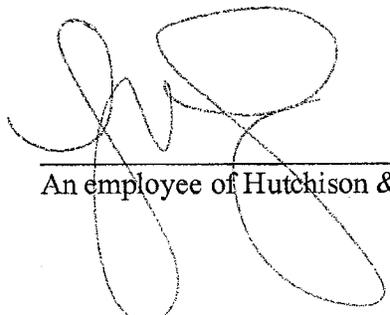
17 to the attorneys listed below at the address and emails indicated below:

18 Michael N. Feder, Esq.  
19 Gabriel Blumberg, Esq.  
20 DICKINSON WRIGHT, PLLC  
21 8363 W. Sunset Rd., Suite 200  
22 Las Vegas, NV 89113

23 *Attorneys for plaintiff*  
24 *O.P.H. of Las Vegas Inc.*

25 Robert Freeman, Esq.  
26 Priscilla O'Briant, Esq.  
27 LEWIS BRISBOIS BISGAARD & SMITH LLP  
6385 S. Rainbow Blvd., Ste. 600  
Las Vegas, NV 89118

*Attorneys for Oregon Mutual Insurance  
Company*

  
An employee of Hutchison & Steffen, LLC



1 **ORDD**  
Patricia Lee (8287)  
2 HUTCHISON & STEFFEN, LLC  
10080 West Alta Drive, Suite 200  
3 Las Vegas, NV 89145  
Tel: (702) 385-2500  
4 Fax: (702) 385-2086  
plee@hutchlegal.com  
5

6 *Attorneys for defendants*  
*Dave Sandin and Sandin & Co.*  
7

8 **DISTRICT COURT**  
9 **CLARK COUNTY, NEVADA**

10  
11 O.P.H. OF LAS VEGAS, INC.,  
12 Plaintiff,  
13 v.  
14 OREGON MUTUAL INSURANCE  
COMPANY, DAVE SANDIN, and SANDIN  
15 & CO.,  
16 Defendants.

Case No.: A-12-672158-C

Dept. No.: XXVI

**ORDER DENYING PLAINTIFF  
O.P.H. OF LAS VEGAS INC.'S  
MOTION TO RECONSIDER  
AND/OR AMEND JUDGMENT**

17  
18 Plaintiff O.P.H. OF LAS VEGAS, INC.'s Motion to Reconsider and/or Amend  
19 Judgment came before this Court on May 1, 2018 at 9:00 a.m. Patricia Lee of the firm  
20 Hutchison & Steffen, PLLC appeared on behalf of Dave Sandin and Sandin & Co, (together the  
21 "Sandin Defendants") and Gabriel Blumberg of the firm Dickinson Wright, PLLC appeared on  
22 behalf of Plaintiff, O.P.H. of Las Vegas, Inc. ("OPH").

23 Having reviewed all papers and pleadings on file and entertained oral arguments  
24 presented by all counsel, this Court makes the following Order:

25 For the reasons set forth on the record at the hearing, the Court believes it has properly  
26 considered and weighed all factors articulated in *Beattie v. Thomas*, 99 Nev. 579, 588-89, 668  
27 P.2d 268, 274 (1983) and *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 349, 455 P.2d  
28 31, 33 (1969), IT IS HEREBY ORDERED that Plaintiff O.P.H. OF LAS VEGAS, INC.'s

1 Motion to Reconsider and/or Amend Judgment is hereby DENIED.

2 IT IS SO ORDERED this 7<sup>th</sup> day of June, 2018.

3

4

  
HONORABLE JUDGE GLORIA STURMAN

5

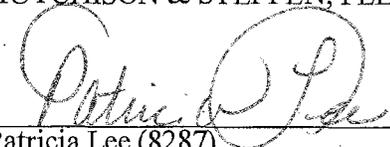
6

HUTCHISON & STEFFEN, PLLC

DICKINSON WRIGHT, PLLC

7

8

  
Patricia Lee (8287)  
10080 W. Alta Drive, Suite 200  
Las Vegas, Nevada 89129  
E-Mail: [plce@hutchlegal.com](mailto:plce@hutchlegal.com)

  
Michael N. Feder (7332)  
Gabriel Blumberg (12332)  
8363 W. Sunset Rd., Suite 200  
Las Vegas, Nevada 89113  
E-Mail: [mfeder@dickinson-wright.com](mailto:mfeder@dickinson-wright.com)  
[gblumberg@dickinson-wright.com](mailto:gblumberg@dickinson-wright.com)

9

10

11

*Attorneys for Dave Sandin and Sandin & Co.*

*Attorneys for plaintiff  
O.P.H. of Las Vegas Inc.*

12

13

14

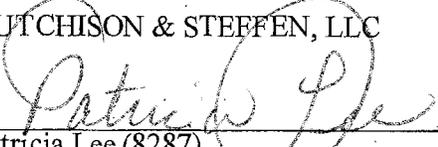
Respectfully submitted by:

15

HUTCHISON & STEFFEN, LLC

16

17

  
Patricia Lee (8287)  
10080 West Alta Drive, Suite 200  
Las Vegas, NV 89145

18

19

*Attorneys for Dave Sandin and Sandin & Co.*

20

21

22

23

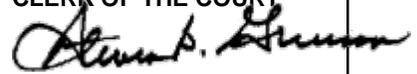
24

25

26

27

28



1 **NEOJ**  
Patricia Lee (8287)  
2 **HUTCHISON & STEFFEN, PLLC**  
Peccole Professional Park  
3 10080 West Alta Drive, Suite 200  
Las Vegas, Nevada 89145  
4 Telephone: (702) 385-2500  
Facsimile: (702) 385-2086  
5 plee@hutchlegal.com

6 *Attorneys for Defendants*  
7 *Dave Sandin and Sandin & Co.*

8 **DISTRICT COURT**  
9 **CLARK COUNTY, NEVADA**

10	O.P.H. PF LAS VEGAS, INC.,	)	Case No. A-12-672158-C
		)	Dept. No. XXVI
11	Plaintiff,	)	
		)	
12	v.	)	<b>NOTICE OF ENTRY OF ORDER</b>
		)	<b>DENYING PLAINTIFF O.P.H. OF LAS</b>
13	OREGON MUTUAL INSURANCE	)	<b>VEGAS INC.'S MOTION TO</b>
	COMPANY, DAVE SANDIN, and	)	<b>RECONSIDER AND/OR AMEND</b>
14	SANDIN & CO.;	)	<b>JUDGMENT</b>
		)	
15	Defendants.	)	

16  
17 PLEASE TAKE NOTICE that an Order Denying Plaintiff O.P.H. of Las Vegas Inc.'s  
18 Motion to reconsider and/or Amend Judgment was entered in the above-entitled action on the 11<sup>th</sup>  
19 day of June, 2018, a copy of which is attached hereto.

20  
21 DATED this 11<sup>th</sup> day of June, 2018

22 HUTCHISON & STEFFEN, PLLC

23  
24 /s/ Patricia Lee  
Patricia Lee (8287)  
25 HUTCHISON & STEFFEN, PLLC  
Peccole Professional Park  
26 10080 West Alta Drive, Suite 200  
Las Vegas, Nevada 89145

27 *Attorneys for Defendants*  
28 *Dave Sandin and Sandin & Co.*

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCPC 5(b), I hereby certify that I am an employee of Hutchison & Steffen,  
3 PLLC and that on this 11<sup>th</sup> day of June, 2018, I caused the above and foregoing document entitled  
4 **NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF O.P.H. OF LAS VEGAS INC.'S**  
5 **MOTION TO RECONSIDER AND/OR AMEND JUDGMENT** to be served as follows:

- 6  by placing same to be deposited for mailing in the United States Mail, in  
7 a sealed envelope upon which first class postage was prepaid in Las  
8 Vegas, Nevada; and/or
- 9  pursuant to EDCR 7.26, to be sent via facsimile; and/or
- 10  pursuant to EDCR 8.05(a) and 8.05(f), to be electronically served  
11 through the Eighth Judicial District Court's electronic filing system, with  
12 the date and time of the electronic service substituted for the date and  
13 place of deposit in the mail; and/or
- 14  to be hand-delivered;

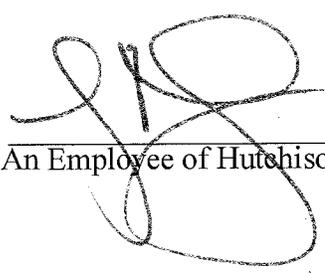
15 to the attorney(s) listed below at the address and/or facsimile number indicated below:

16 Michael N. Feder, esq.  
17 Gabriel Blumberg, Esq.  
18 DICKISON WRIGHT, PLLC  
19 8363 W. Sunset rd., Ste. 200  
20 Las Vegas, Nv 89113

21 *Attorneys for plaintiff*  
22 *O.P.H. of Las Vegas Inc.*

23 Robert Freeman, Esq.  
24 Priscilla O'Briant, Esq.  
25 LEWIS BRISBOIS BISGAARD & SMITH,  
26 LLP  
27 6385 S. Rainbow Blvd., Ste. 600  
28 Las Vegas, NV 89118

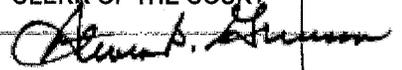
*Attorneys for Oregon Mutual Insurance  
company*

29   
30 \_\_\_\_\_  
31 An Employee of Hutchison & Steffen, PLLC

INTENTIONALLY LEFT BLANK  
EXHIBIT PAGE ONLY

HUTCHISON & STEFFEN  
A PROFESSIONAL LLC

**EXHIBIT 1**



1 **ORDD**  
Patricia Lee (8287)  
2 HUTCHISON & STEFFEN, LLC  
10080 West Alta Drive, Suite 200  
3 Las Vegas, NV 89145  
Tel: (702) 385-2500  
4 Fax: (702) 385-2086  
plee@hutchlegal.com  
5

6 *Attorneys for defendants*  
*Dave Sandin and Sandin & Co.*  
7

8 **DISTRICT COURT**  
9 **CLARK COUNTY, NEVADA**

10  
11 O.P.H. OF LAS VEGAS, INC.,  
12 Plaintiff,

13 v.  
14 OREGON MUTUAL INSURANCE  
COMPANY, DAVE SANDIN, and SANDIN  
15 & CO.,  
16 Defendants.

Case No.: A-12-672158-C

Dept. No.: XXVI

**ORDER DENYING PLAINTIFF  
O.P.H. OF LAS VEGAS INC.'S  
MOTION TO RECONSIDER  
AND/OR AMEND JUDGMENT**

17  
18 Plaintiff O.P.H. OF LAS VEGAS, INC.'s Motion to Reconsider and/or Amend  
19 Judgment came before this Court on May 1, 2018 at 9:00 a.m. Patricia Lee of the firm  
20 Hutchison & Steffen, PLLC appeared on behalf of Dave Sandin and Sandin & Co, (together the  
21 "Sandin Defendants") and Gabriel Blumberg of the firm Dickinson Wright, PLLC appeared on  
22 behalf of Plaintiff, O.P.H. of Las Vegas, Inc. ("OPH").

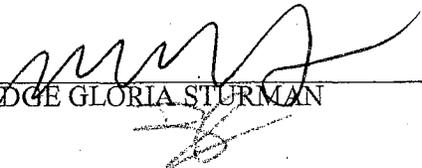
23 Having reviewed all papers and pleadings on file and entertained oral arguments  
24 presented by all counsel, this Court makes the following Order:

25 For the reasons set forth on the record at the hearing, the Court believes it has properly  
26 considered and weighed all factors articulated in *Beattie v. Thomas*, 99 Nev. 579, 588-89, 668  
27 P.2d 268, 274 (1983) and *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 349, 455 P.2d  
28 31, 33 (1969), IT IS HEREBY ORDERED that Plaintiff O.P.H. OF LAS VEGAS, INC.'s

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

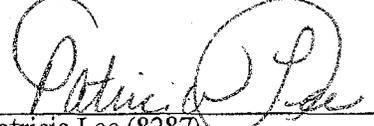
Motion to Reconsider and/or Amend Judgment is hereby DENIED.

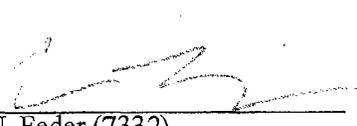
IT IS SO ORDERED this 7<sup>th</sup> day of June, 2018.

  
\_\_\_\_\_  
HONORABLE JUDGE GLORIA STURMAN

HUTCHISON & STEFFEN, PLLC

DICKINSON WRIGHT, PLLC

  
\_\_\_\_\_  
Patricia Lee (8287)  
10080 W. Alta Drive, Suite 200  
Las Vegas, Nevada 89129  
E-Mail: [plee@hutchlegal.com](mailto:plee@hutchlegal.com)

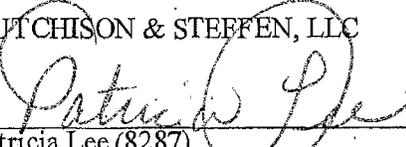
  
\_\_\_\_\_  
Michael N. Feder (7332)  
Gabriel Blumberg (12332)  
8363 W. Sunset Rd., Suite 200  
Las Vegas, Nevada 89113  
E-Mail: [mfeder@dickinson-wright.com](mailto:mfeder@dickinson-wright.com)  
[gblumberg@dickinson-wright.com](mailto:gblumberg@dickinson-wright.com)

*Attorneys for Dave Sandin and Sandin & Co.*

*Attorneys for plaintiff  
O.P.H. of Las Vegas Inc.*

Respectfully submitted by:

HUTCHISON & STEFFEN, LLC

  
\_\_\_\_\_  
Patricia Lee (8287)  
10080 West Alta Drive, Suite 200  
Las Vegas, NV 89145

*Attorneys for Dave Sandin and Sandin & Co.*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**January 31, 2013**

---

A-12-672158-C      O.P.H. of Las Vegas, Inc., Plaintiff(s)  
vs.  
Oregon Mutual Insurance Company, Defendant(s)

---

**January 31, 2013      9:00 AM      Motion to Dismiss      Defendants David Sandin and Sandin & Company's Motion to Dismiss**

**HEARD BY:** Israel, Ronald J.

**COURTROOM:** RJC Courtroom 15C

**COURT CLERK:** Kathy Klein

**RECORDER:** Judy Chappell

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- No parties present. Court noted it received a phone call yesterday from Counsel and Court received an unfiled copy of the Oregon Mutual Insurance Company's Peremptory Challenge. COURT ORDERED, Matter OFF CALENDAR, and case to be reassigned.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**February 13, 2013**

---

A-12-672158-C      O.P.H. of Las Vegas, Inc., Plaintiff(s)  
vs.  
Oregon Mutual Insurance Company, Defendant(s)

---

**February 13, 2013      9:00 AM      Motion to Dismiss**

**HEARD BY:** Sturman, Gloria      **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Ying Pan

**RECORDER:** Rosalyn Navara

**REPORTER:**

**PARTIES**

**PRESENT:**      Branson, Z. Kathryn, ESQ      Attorney  
Lee, Patricia      Attorney  
McLetchie, Margaret A., ESQ      Attorney

**JOURNAL ENTRIES**

- Attorney Kristin Meredith (Bar No. 11655) appearing for Attorney Vincent Cass, on behalf of Defendant, Oregon Mutual Insurance Company.

Arguments by counsel regarding duty of insurance broker, cancellation of policy, and licensing issue of insurance broker. Court FINDS, Nevada has a low pleading standard, Plaintiff should have an opportunity to conduct Discovery. COURT ORDERED, motion DENIED WITHOUT PREJUDICE.

Ms. McLetchie to prepare proposed Order.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**January 22, 2014**

A-12-672158-C      O.P.H. of Las Vegas, Inc., Plaintiff(s)  
vs.  
Oregon Mutual Insurance Company, Defendant(s)

**January 22, 2014      9:30 AM      Motion for Partial  
Summary Judgment**

**HEARD BY:** Sturman, Gloria      **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Linda Denman

**RECORDER:** Kerry Esparza

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Branson, Z. Kathryn, ESQ	Attorney
	Freeman, Robert W.	Attorney
	Heidtke, Daniel B.	Attorney
	McLetchie, Margaret A., ESQ	Attorney
	O'Briant, Priscilla L.	Attorney

**JOURNAL ENTRIES**

- Argument by counsel on PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT to establish defendant Oregon Mutual Insurance Company's liability. Mr. Heidtke argued the notice cancelling plaintiff's insurance due to non-payment lacked the required language under NRS 687(b) 360 which alerts an insured that they have an opportunity to be given specific reasons why a policy is being cancelled, which cancellation then becomes effective after ten (10) days. He explained the timeline in the current case was original notice sent 7/31; policy lapsed 8/16; building burned 8/17; notice with 360 language sent 8/21 so proper cancellation would be ten days following.

Mr. Freeman argued the notice specifically stated cancellation was for non-payment of premium as required in NRS 687(b) 320, which would make 360 unnecessary as there was nothing arbitrary or confusing about the notice.

COURT STATED ITS FINDINGS that what was required to trigger 360 was a question of fact and not

law. COURT ORDERED Motion for Partial Summary Judgment DENIED.

Mr. Freeman to prepare proposed Order; opposing counsel to review as to form and content.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**August 29, 2014**

A-12-672158-C      O.P.H. of Las Vegas, Inc., Plaintiff(s)  
vs.  
Oregon Mutual Insurance Company, Defendant(s)

**August 29, 2014      9:00 AM      All Pending Motions**

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

**COURT CLERK:** Jennifer Lott

**RECORDER:** Francesca Haak

**REPORTER:**

**PARTIES**

**PRESENT:**      Kelley, Michael S.      Attorney  
Langford, Robert L.      Attorney  
O'Briant, Priscilla L.      Attorney

**JOURNAL ENTRIES**

- David Sandin and Sandin & Co.'s Motion to Strike Rebuttal Report of Neal Bordenave on OST ..... Oregon Mutual Insurance Company's Joinder to Strike Rebuttal Expert Report of Neal Bordenave on OST

Commissioner did not receive Pltf's courtesy copy of Opposition. Oral opposition present by Mr. Langford. Commissioner will treat the rebuttal expert as an initial expert, but Defts will get a new initial expert date. COMMISSIONER RECOMMENDED, David Sandin and Sandin & Co.'s Motion to Strike Rebuttal Report of Neal Bordenave and Joinder are DENIED; alternative relief is provided; Neal Bordenave is not a rebuttal expert, and he will be treated as an initial expert in this case.

COMMISSIONER RECOMMENDED, discovery cutoff EXTENDED to 1/30/2015; adding parties, amended pleadings, and initial expert disclosures DUE 10/30/14 for Deft only; rebuttal expert disclosures DUE 12/1/14; FILE dispositive motions to 3/2/2015; Trial ready 4/13/2015. If Commissioner sees this conduct again, counsel will not get a pass. Commissioner advised counsel read the Rules.

Mr. Kelley to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Kelley to appear at status check hearing to report on the Report and Recommendations.

10/3/14 11:00 a.m. Status Check: Compliance

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**April 02, 2015**

A-12-672158-C      O.P.H. of Las Vegas, Inc., Plaintiff(s)  
vs.  
Oregon Mutual Insurance Company, Defendant(s)

**April 02, 2015      11:00 AM      Calendar Call**

**HEARD BY:** Sturman, Gloria      **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Linda Denman

**RECORDER:** Kerry Esparza

**REPORTER:**

**PARTIES**

**PRESENT:**      Langford, Robert L.      Attorney  
Lee, Patricia      Attorney  
O'Briant, Priscilla L.      Attorney

**JOURNAL ENTRIES**

- CALENDAR CALL

Counsel advised they are ready to go but had date conflicts. Counsel agreed to consolidate all upcoming hearings to one date. COURT ORDERED trial dates VACATED and RESET; hearing dates RESET. New Trial Order to issue.

4/28/2015 at 10:00AM      DAVE SANDI'S MOTION FOR SUMMARY JUDGMENT. . . . OMI'S MOTION FOR SUMMARY JUDGMENT

8/20/2015 AT 11:00AM CALENDAR CALL  
9/14 THRU 10/9/2015      TRIAL STACK

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**May 14, 2015**

A-12-672158-C      O.P.H. of Las Vegas, Inc., Plaintiff(s)  
vs.  
Oregon Mutual Insurance Company, Defendant(s)

**May 14, 2015      10:00 AM      All Pending Motions**

**HEARD BY:** Sturman, Gloria      **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Linda Denman

**RECORDER:** Kerry Esparza

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Freeman, Robert W.	Attorney
	Langford, Robert L.	Attorney
	Lee, Patricia	Attorney
	O'Briant, Priscilla L.	Attorney

**JOURNAL ENTRIES**

- OREGON MUTUAL INSURANCE CO.'S MOTION FOR SUMMARY JUDGMENT . . . DAVE SANDIN AND SANDIN & CO.'S MOTION FOR SUMMARY JUDGMENT. . . . Counsel argued whether there was reasonable notice given to plaintiff's that their insurance coverage would lapse by a certain date if the premiums were not paid. Counsel also argued whether plaintiff's agency, Sandin, received notice and if he was obligated to also call and notice plaintiff under course and conduct. Following argument, COURT ORDERED Oregon Mutual's Motion for Summary Judgment and Dave Sandin and Sandin & Co. s Motion for Summary Judgment GRANTED. COURT FURTHER ORDERED all future hearing and trial dates vacated.

PLAINTIFF'S MOTION TO BIFURCATE TRIAL . . . . VACATED.

PLAINTIFF'S MOTION IN LIMINE TO EXCLUDE REFERENCE TO OR EVIDENCE OF RENTS OWED BY PLAINTIFF . . . . VACATED.

PLAINTIFF'S MOTION IN LIMINE TO EXCLUDE REFERENCE TO OR EVIDENCE OF ARSON . . . .

. VACATED.

DEFENDANT OREGON MUTUAL'S MOTION IN LIMINE #1 TO EXCLUDE PLAINTIFF'S SPECULATIVE DAMAGES . . . DAVE SANDI AND SANDI & CO'S JOINDER THERETO . . . . . VACATED.

DEFENDANT OREGON MUTUAL'S MOTION IN LIMINE #2 TO EXCLUDE PLAINTIFF'S EXPERTS' TESTIMONY TO THE EXTENT IT CONSTITUTES LEGAL OPINION(S) . . . . . VACATED.

DAVE SANDIN AND SANDIN & CO.'S MOTION IN LIMINE TO EXCLUDE EVIDENCE RE: DAVE SANDIN'S NEVADA LICENSE STATUS . . . . . VACATED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**August 18, 2015**

A-12-672158-C      O.P.H. of Las Vegas, Inc., Plaintiff(s)  
vs.  
Oregon Mutual Insurance Company, Defendant(s)

**August 18, 2015      9:00 AM      Motion for Attorney Fees  
and Costs**

**HEARD BY:** Sturman, Gloria      **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Linda Denman

**RECORDER:** Kerry Esparza

**REPORTER:**

**PARTIES**

**PRESENT:**      O'Briant, Priscilla L.      Attorney  
                         Rashbrook, Matthew J.      Attorney

**JOURNAL ENTRIES**

- DEFENDANT OREGON MUTUAL INSURANCE COMPANY'S MOTION FOR AWARD OF ATTORNEY'S FEES AND COSTS . . . Upon inquiry of Court, Mr. Rashbrook advised plaintiff did not file a motion to retax but just an opposition to this motion. He stated plaintiff opposed the amount requested for work on motions in limine and requested the fees be reduced by \$2,980. COURT ORDERED attorney fees GRANTED in the amount requested less \$2,980. As to costs, Court explained expert fees are granted at the statutory limit of \$1500 when there is no trial. Court advised that all other costs look reasonable but in light of Cadle v Woods Ericsson, additional documentation is required to substantiate each item. Ms. O'Briant requested leave to supplement the motion for costs and COURT SO GRANTED. COURT ORDERED matter of costs CONTINUED to Chambers calendar.

Ms. O'Briant to prepare supplemental information and proposed Order.

9/21/2015 ON CHAMBERS CALENDAR    MOTION FOR COSTS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**November 17, 2015**

A-12-672158-C      O.P.H. of Las Vegas, Inc., Plaintiff(s)  
vs.  
Oregon Mutual Insurance Company, Defendant(s)

**November 17, 2015      9:00 AM      Motion for Attorney Fees  
and Costs**

**HEARD BY:** Sturman, Gloria      **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Linda Denman

**RECORDER:** Kerry Esparza

**REPORTER:**

**PARTIES**

**PRESENT:**      Lee, Patricia      Attorney  
Weaver, Melinda      Attorney

**JOURNAL ENTRIES**

- DAVE SANDIN AND SANIN & CO'S MOTION FOR ATTORNEY FEES AND COSTS

As to costs, Plaintiff disputed the amount requested for experts noting that the amount is statutorily capped at \$1500. Counsel argued the necessity of hiring an expert based on plaintiff's enquiries into custom and practice. COURT ORDERED costs GRANTED IN PART; FINDING the costs were verified by supporting documentation and found reasonable, customary, and necessarily incurred but only allowed the expert the statutorily mandated \$1500. As to fees, Plaintiff argued that during arbitration, attorney fees were capped at \$3000; however, when the plaintiff requested an exemption from arbitration, the fees were raised to \$35,000 for that time period. COURT ORDERED Motion for Attorney Fees CONTINUED PENDING A DECISION FROM CHAMBERS after reviewing the law.

CONTINUED TO 12/14/2015 AT 3:00AM (CHAMBERS CALENDAR)



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**February 06, 2018**

A-12-672158-C      O.P.H. of Las Vegas, Inc., Plaintiff(s)  
vs.  
Oregon Mutual Insurance Company, Defendant(s)

**February 06, 2018      9:30 AM      Hearing**

**HEARD BY:** Sturman, Gloria      **COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Lorna Shell

**RECORDER:** Kerry Esparza

**REPORTER:**

**PARTIES**

**PRESENT:**      Blumberg, Gabriel A      Attorney  
Lee, Patricia      Attorney  
O'Briant, Priscilla L.      Attorney

**JOURNAL ENTRIES**

- Ms. Lee argued the offer was reasonable at the time of the arbitration, that \$18,000 was reasonable to review the entire appeal, that this was just an insured who didn't pay their insurance premiums on time, that they knew her clients, the insurance brokers, didn't receive notice of the pending cancellation and therefore it was not possible for them to give notice, and that it goes to whether the claims were brought in good faith. Ms. O'Briant argued the Beatty Factors show the amount was unreasonable, that timing was the issue, and that they spent \$35,000 on a claim that was valued at \$2,000. Ms. O'Briant argued they spent over 1,000 hours on a case where they say the claim was meritless. COURT FINDS the discovery phase was handled appropriately on both sides, there was no block billing, no over billing, and all other factors in Brunzell were met AND THEREFORE ORDERED, Fees REDUCED by \$32,000 in the arbitration phase; appeal fees WARRANTED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**May 01, 2018**

---

A-12-672158-C      O.P.H. of Las Vegas, Inc., Plaintiff(s)  
vs.  
Oregon Mutual Insurance Company, Defendant(s)

---

**May 01, 2018      9:00 AM      Motion to Reconsider**

**HEARD BY:** Sturman, Gloria      **COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Madalyn Kearney

**RECORDER:** Patti Slattery

**REPORTER:**

**PARTIES**

**PRESENT:**      Blumberg, Gabriel A      Attorney  
Lee, Patricia      Attorney

**JOURNAL ENTRIES**

- Following arguments by counsel, COURT stated its FINDINGS and ORDERED, Plaintiff O.P.H. of Las Vegas Inc.'s Motion to Reconsider and/or Amend Judgment DENIED. Ms. Lee to prepare the Order.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Breach of Contract**

**COURT MINUTES**

**July 12, 2018**

---

A-12-672158-C      O.P.H. of Las Vegas, Inc., Plaintiff(s)  
vs.  
Oregon Mutual Insurance Company, Defendant(s)

---

**July 12, 2018      9:00 AM      Calendar Call**

**HEARD BY:** Sturman, Gloria      **COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Lorna Shell

**RECORDER:** Kerry Esparza

**REPORTER:**

**PARTIES**

**PRESENT:**      Feder, Michael N., ESQ      Attorney  
                         O'Briant, Priscilla L.      Attorney

**JOURNAL ENTRIES**

- Mr. Feder stated his expert was unavailable in August and requested the trial be pushed to the next stack.

There being no objection, COURT ORDERED, Trial Dates VACATED AND RESET; Judicial Executive Assistant to prepare new trial order.

11/01/18 9:00 AM CALENDAR CALL

11/19/18 9:00 AM JURY TRIAL



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

**MICHAEL N. FEDER, ESQ.**  
8363 WEST SUNSET RD., STE 200  
LAS VEGAS, NV 89113

**DATE: September 13, 2018**  
**CASE: A-12-672158-C**

**RE CASE:** O.P.H. OF LAS VEGAS, INC. vs. OREGON MUTUAL INSURANCE COMPANY;  
DAVE SANDIN; SANDIN & CO.

NOTICE OF APPEAL FILED: September 11, 2018

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

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

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

---

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

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

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

---

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

# Certification of Copy

State of Nevada }  
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; NOTICE OF POSTING SUPERSEDEAS BOND; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; FINDINGS OF FACTS, CONCLUSIONS OF LAW AND JUDGMENT IN FAVOR OF DAVE SANDIN AND SANDIN & CO. ON THEIR MOTION FOR ATTORNEYS' FEES AND COSTS; NOTICE OF ENTRY OF ORDER OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT IN FAVOR OF DAVE SANDIN AND SANDIN & CO. ON THEIR MOTION FOR ATTORNEYS' FEES AND COSTS; ORDER DENYING PLAINTIFF O.P.H. OF LAS VEGAS INC.'S MOTION TO RECONSIDER AND/OR AMEND JUDGMENT; NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF O.P.H. OF LAS VEGAS INC.'S MOTION TO RECONSIDER AND/OR AMEND JUDGMENT; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

O.P.H. OF LAS VEGAS, INC.,

Plaintiff(s),

vs.

OREGON MUTUAL INSURANCE  
COMPANY; DAVE SANDIN; SANDIN & CO.,

Defendant(s),

Case No: A-12-672158-C

Dept No: XXVI

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 13 day of September 2018.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk

