

IN THE SUPREME COURT OF NEVADA

PANORAMA TOWERS CONDOMINIUM
UNIT OWNERS' ASSOCIATION, a Nevada
non-profit corporation,

Appellant,

vs.

LAURENT HALLIER, an individual;
PANORAMA TOWERS I, LLC, a Nevada
limited liability company; PANORAMA
TOWERS I MEZZ, LLC, a Nevada limited
liability company; and M.J. DEAN
CONSTRUCTION, INC., a Nevada
corporation,

Respondents.

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Elizabeth A. Brown
Clerk of Supreme Court

APPEAL

from the Eighth Judicial District Court, Clark County, Nevada
The Honorable Susan H. Johnson, District Judge
District Court Case No. A-16-744146-D

APPELLANT'S APPENDIX VOL 27 OF 27

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CHRONOLOGICAL TABLE OF CONTENTS TO APPENDIX

Document	Date	Vol.	Pages
Chapter 40 Notice	2/24/16	1	1–51
Complaint	9/28/16	1	52–73
Defendant’s Motion to Dismiss Complaint	12/7/16	1	74–85
Plaintiffs’ Opposition to Motion to Dismiss; Appendix	1/4/17	1–2	86–222
Defendant’s Reply in Support of Motion to Dismiss	1/17/17	2	223–230
Recorder’s Transcript of Proceedings	1/24/17	2	231–260
Order Denying Motion to Dismiss	2/9/17	2	261–262
Answer and Counterclaim	3/1/17	2	263–296
Plaintiffs’ Motion for Summary Judgment on Defendant’s Counter-Claim and Plaintiffs’ Motion for Partial Summary Judgment on Their Third Claim for Relief	3/20/17	2–4	297–400
Defendant’s Opposition to Motion for Summary Judgment	4/26/17	4	401–439
Plaintiffs’ Reply in Support of Motion for Summary Judgment	5/10/17	4	440–449
Recorder’s Transcript of Proceedings	6/20/17	4	450–496
Findings of Fact, Conclusions of Law, and Order	9/15/17	4	497–516
Defendant’s Motion for Clarification	10/10/17	4	517–546
Plaintiffs’ Opposition to Motion for Clarification	10/27/17	4	547–554
Defendant’s Reply in Support of Motion for Clarification	11/15/17	4	555–560
Recorder’s Transcript of Proceedings	11/21/17	4–5	561–583
Order Denying Motion for Clarification	2/1/18	5	584–585
Recorder’s Transcript of Proceedings	3/15/18	5	586–593
Amended Chapter 40 Notice of Claims	4/5/18	5	594–641
Recorder’s Transcript of Proceedings	4/12/18	5	642–650

Plaintiffs' Motion for Summary Judgment on Defendant's April 5, 2018 Amended Notice of Claims	8/3/18	5–6	651–839
Defendant's Opposition to Motion for Summary Judgment	9/4/18	6–7	840–1077
Plaintiffs' Reply in Support of Motion for Summary Judgment	9/25/18	7	1078–1092
Recorder's Transcript of Proceedings	10/2/18	7	1093–1179
Plaintiffs' Motion for Declaratory Relief Regarding Standing; Appendices I–III.	10/22/18	7–9	1180–1450
Defendant's Opposition to Motion for Declaratory Relief; Countermotions to Exclude Inadmissible Evidence and for Rule 56(f) Relief	11/16/18	9–10	1451–1501
Errata to Defendant's Opposition to Motion for Declaratory Relief and Countermotions to Exclude Inadmissible Evidence and for Rule 56(f) Relief	11/19/18	10	1502–1507
Findings of Fact, Conclusions of Law, and Order	11/30/18	10	1508–1525
Plaintiffs' Motion for Reconsideration of their Motion for Summary Judgment on Defendant's April 5, 2018 Amended Notice of Claims	12/17/18	10–11	1526–1638
Defendant's Opposition to Motion for Reconsideration	1/22/19	11	1639–1659
Plaintiffs' Reply in Support of Motion for Declaratory Relief Regarding Standing and Oppositions to Counter-Motions to Exclude Inadmissible Evidence and for Rule 56(f) Relief; Appendix	1/22/19	11	1660–1856
Defendant's Reply in Support of Counter-Motions to Exclude Inadmissible Evidence and for Rule 56(f) Relief	1/29/19	11	1857–1862

Plaintiffs/Counter-Defendants' Reply in Support of Motion for Reconsideration of their Motion for Summary Judgment on Defendant's April 5, 2018 Amended Notice of Claims	2/4/19	11–12	1863–1908
Errata to: Plaintiffs' Reply in support of Motion for Declaratory Relief Regarding Standing and Oppositions to Defendant's Counter-Motions to Exclude Inadmissible Evidence and for Rule 56(f) Relief	2/5/19	12	1909–1947
Errata to: Plaintiffs/Counter-Defendants' Motion for Declaratory Relief Regarding Standing	2/5/19	12–14	1948–2051
Plaintiffs/Counter-Defendants' Motion for Summary Judgment Pursuant to NRS 11.202(1)	2/11/19	14	2052–2141
Recorder's Transcript of Proceedings	2/12/19	14	2142–2198
Defendant's Opposition to Motion for Summary Judgment and Conditional Countermotion for Relief Pursuant to NRS 40.695(2)	3/1/19	14	2199–2227
Order Denying Plaintiffs/Counter-Defendants' Motion for Reconsideration of Their Motion for Summary Judgment on Defendant/Counter-Claimant's April 5, 2018 Amended Notice of Claims	3/11/19	14	2228–2230
Order Denying Plaintiffs/Counter-Defendants' Motion for Declaratory Relief Regarding Standing	3/11/19	15	2231–2233
Plaintiffs' Reply in Support of Their Motion for Summary Judgment Pursuant to NRS 11.202(1); Opposition to Conditional Countermotion; Appendix	3/15/19	15	2234–2269

Defendant's Reply in Support of Counter-motion	3/19/19	15	2270–2316
Recorder's Transcript of Proceedings	4/23/19	15	2317–2376
Findings of Fact, Conclusions of Law and Order	5/23/19	15–16	2377–2395
Notice of Entry of Order	5/28/19	16	2396–2417
Defendant's Motion to Retax and Settle Costs	5/31/19	16	2418–2428
Assembly Bill 421	6/3/19	16	2429–2443
Defendant's Motion for Reconsideration of the Court's May 23, 2019 Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs' Motion for Summary Judgment Pursuant to NRS 11.202(1) or, in the Alternative, Motion to Stay the Court's Order	6/3/19	16	2444–2474
Defendant's Motion for Reconsideration of the Court's May 23, 2019 Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs' Motion for Summary Judgment Pursuant to NRS 11.202(1)	6/13/19	16	2475–2505
Plaintiffs' Motion for Attorneys' Fees; Appendices I–II	6/16/19	16–22	2506–3663
Plaintiffs/Counter-Defendants' Opposition to Motion to Retax	6/21/19	22	3664–3733
Plaintiffs/Counter-Defendants' Opposition to Defendant's Motion for Reconsideration of the Court's May 23, 2019 Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs' Motion for Summary Judgment Pursuant to NRS 11.202(1) or, in the alternative, Motion to Stay the Court's Order; Appendix	6/21/19	22–24	3734–4042

Plaintiffs' Opposition to Defendant's Motion for Reconsideration of and/or to Alter or Amend the Court's May 23, 2019 Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs' Motion for Summary Judgment Pursuant to NRS 11.202(1)	7/1/19	24	4043–4052
Defendant's Opposition to Motion for Attorneys' Fees	7/1/19	24	4053–4070
Defendant's Reply in Support of Motion for Reconsideration of and/or to Alter or Amend the Court's May 23, 2019 Findings of Fact, Conclusions of Law and Order Granting Plaintiffs' Motion for Summary Judgment Pursuant to NRS 11.202(1)	7/9/19	24	4071–4077
Defendant's Reply in Support of Motion to Retax and Settle Costs	7/9/19	24	4078–4103
Defendant's Reply in Support of Defendant's Motion for Reconsideration, or in the Alternative, Motion to Stay the Court's Order	7/9/19	24	4104–4171
Plaintiffs/Counter-Defendants' Reply in Support of Motion for Attorneys' Fees	7/9/19	24	4172–4198
Recorder's Transcript of Proceedings	7/16/19	24	4199–4263
Plaintiffs' Opposition to Defendant's July 16, 2019 Oral Motion to Postpone to the Court's Ruling on the Reconsideration of and/or to Alter or Amend the Court's May 23, 2019 Findings of Fact, Conclusions of Law and Order Granting Summary Judgment	7/19/19	24–25	4264–4276
Plaintiffs' Motion to Certify Judgment as Final Under Rule 54(b) (On Order Shortening Time)	7/22/19	25	4277–4312

Order Denying Defendant's Motion for Reconsideration of the Court's May 23, 2019 Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs' Motion for Summary Judgment Pursuant to NRS 11.202(1) or, in the Alternative, Motion to Stay the Court's Order	7/24/19	25	4313–4315
Defendant's (1) Opposition to Plaintiffs/Counter-Defendants' Motion to Certify Judgment as Final Under Rule 54(b) and (2) Response to Plaintiffs' Opposition to Defendant's July 16, 2019 Oral Motion to Postpone the Court's Ruling on the Motion for Reconsideration of and/or to Alter or Amend the Court's May 23, 2019 Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs' Motion for Summary Judgment	8/1/19	25	4316–4333
Plaintiffs' Reply in Support of Motion to Certify Judgment as Final under Rule 54(b)	8/5/19	25	4334–4343
Recorder's Transcript of Proceedings	8/6/19	25	4344–4368
Order re: Defendant's Motion for Reconsideration and/or to Alter or Amend the Court's May 23, 2019 Findings of Fact, Conclusions of Law and Order Granting Plaintiffs' Motion for Summary Judgment Pursuant to NRS 11.202(1)	8/9/19	25	4369–4376
Order Re: Motion to Certify Judgment as Final Under NRCP 54(b)	8/12/19	25	4377–4389
Notice of Entry of Order Re: Motion to Certify Judgment as Final Under NRCP 54(b)	8/13/19	25	4390–4405

Defendant's Motion to Amend the Court's May 23, 2019 Findings of Fact, Conclusions of Law and Order Granting Plaintiffs' Motion for Summary Judgment Pursuant to NRS 11.202(1)	9/9/19	25–26	4406–4476
Plaintiffs' Opposition to Motion to Amend the Court's May 23, 2019 Findings of Fact, Conclusions of Law and Order Granting Plaintiffs' Motion for Summary Judgment Pursuant to NRS 11.202(1)	9/26/19	26	4477–4496
Defendant's Reply in Support of Motion to Amend the Court's May 23, 2019 Findings of Fact, Conclusions of Law and Order Granting Plaintiffs' Motion for Summary Judgment Pursuant to NRS 11.202(1)	10/10/19	26	4497–4508
Recorder's Transcript of Proceedings	10/17/19	26	4509–4525
Order Re: Defendant's Motion to Alter or Amend Court's Findings of Fact, Conclusions of Law and Order Entered May 23, 2019	1/14/20	26	4526–4534
Notice of Entry of Order Re: Defendant's Motion to Alter or Amend Court's Findings of Fact, Conclusions of Law and Order Entered May 23, 2019	1/16/20	26	4535–4546
Plaintiffs/Counter-Defendants' First Supplement to Motion for Attorneys' Fees; Exhibits	2/6/20	26–27	4547–4753
Plaintiffs' Opposition to Defendant's Renewed Motion to Retax and Settle Costs	2/10/20	27	4754–4771
Notice of Appeal	2/13/20	27	4772–4817
Defendant's Opposition to Plaintiffs/Counter-Defendants' First Supplement to Their Motion for Attorneys' Fees	2/20/20	27	4818–4833

ALPHABETICAL TABLE OF CONTENTS TO APPENDIX

Document	Date	Vol.	Pages
Amended Chapter 40 Notice of Claims	4/5/18	5	594–641
Answer and Counterclaim	3/1/17	2	263–296
Assembly Bill 421	6/3/19	16	2429–2443
Chapter 40 Notice	2/24/16	1	1–51
Complaint	9/28/16	1	52–73
Defendant’s (1) Opposition to Plaintiffs/Counter-Defendants’ Motion to Certify Judgment as Final Under Rule 54(b) and (2) Response to Plaintiffs’ Opposition to Defendant’s July 16, 2019 Oral Motion to Postpone the Court’s Ruling on the Motion for Reconsideration of and/or to Alter or Amend the Court’s May 23, 2019 Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs’ Motion for Summary Judgment	8/1/19	25	4316–4333
Defendant’s Motion for Clarification	10/10/17	4	517–546
Defendant’s Motion for Reconsideration of the Court’s May 23, 2019 Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs’ Motion for Summary Judgment Pursuant to NRS 11.202(1) or, in the Alternative, Motion to Stay the Court’s Order	6/3/19	16	2444–2474
Defendant’s Motion for Reconsideration of the Court’s May 23, 2019 Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs’ Motion for Summary Judgment Pursuant to NRS 11.202(1)	6/13/19	16	2475–2505
Defendant’s Motion to Amend the Court’s May 23, 2019 Findings of Fact, Conclusions of Law and Order Granting Plaintiffs’ Motion for Summary Judgment Pursuant to NRS 11.202(1)	9/9/19	25–26	4406–4476

Defendant's Motion to Dismiss Complaint	12/7/16	1	74–85
Defendant's Motion to Retax and Settle Costs	5/31/19	16	2418–2428
Defendant's Opposition to Motion for Attorneys' Fees	7/1/19	24	4053–4070
Defendant's Opposition to Motion for Declaratory Relief; Countermotions to Exclude Inadmissible Evidence and for Rule 56(f) Relief	11/16/18	9–10	1451–1501
Defendant's Opposition to Motion for Reconsideration	1/22/19	11	1639–1659
Defendant's Opposition to Motion for Summary Judgment	4/26/17	4	401–439
Defendant's Opposition to Motion for Summary Judgment	9/4/18	6–7	840–1077
Defendant's Opposition to Motion for Summary Judgment and Conditional Countermotion for Relief Pursuant to NRS 40.695(2)	3/1/19	14	2199–2227
Defendant's Opposition to Plaintiffs/Counter-Defendants' First Supplement to Their Motion for Attorneys' Fees	2/20/20	27	4818–4833
Defendant's Reply in Support of Countermotion	3/19/19	15	2270–2316
Defendant's Reply in Support of Counter-Motions to Exclude Inadmissible Evidence and for Rule 56(f) Relief	1/29/19	11	1857–1862
Defendant's Reply in Support of Defendant's Motion for Reconsideration, or in the Alternative, Motion to Stay the Court's Order	7/9/19	24	4104–4171
Defendant's Reply in Support of Motion for Clarification	11/15/17	4	555–560

Defendant's Reply in Support of Motion for Reconsideration of and/or to Alter or Amend the Court's May 23, 2019 Findings of Fact, Conclusions of Law and Order Granting Plaintiffs' Motion for Summary Judgment Pursuant to NRS 11.202(1)	7/9/19	24	4071–4077
Defendant's Reply in Support of Motion to Amend the Court's May 23, 2019 Findings of Fact, Conclusions of Law and Order Granting Plaintiffs' Motion for Summary Judgment Pursuant to NRS 11.202(1)	10/10/19	26	4497–4508
Defendant's Reply in Support of Motion to Dismiss	1/17/17	2	223–230
Defendant's Reply in Support of Motion to Retax and Settle Costs	7/9/19	24	4078–4103
Errata to Defendant's Opposition to Motion for Declaratory Relief and Countermotions to Exclude Inadmissible Evidence and for Rule 56(f) Relief	11/19/18	10	1502–1507
Errata to: Plaintiffs/Counter-Defendants' Motion for Declaratory Relief Regarding Standing	2/5/19	12–14	1948–2051
Errata to: Plaintiffs' Reply in support of Motion for Declaratory Relief Regarding Standing and Oppositions to Defendant's Counter-Motions to Exclude Inadmissible Evidence and for Rule 56(f) Relief	2/5/19	12	1909–1947
Findings of Fact, Conclusions of Law and Order	5/23/19	15–16	2377–2395
Findings of Fact, Conclusions of Law, and Order	9/15/17	4	497–516
Findings of Fact, Conclusions of Law, and Order	11/30/18	10	1508–1525
Notice of Appeal	2/13/20	27	4772–4817

Notice of Entry of Order	5/28/19	16	2396–2417
Notice of Entry of Order Re: Defendant’s Motion to Alter or Amend Court’s Findings of Fact, Conclusions of Law and Order Entered May 23, 2019	1/16/20	26	4535–4546
Notice of Entry of Order Re: Motion to Certify Judgment as Final Under NRCPP 54(b)	8/13/19	25	4390–4405
Order Denying Defendant’s Motion for Reconsideration of the Court’s May 23, 2019 Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs’ Motion for Summary Judgment Pursuant to NRS 11.202(1) or, in the Alternative, Motion to Stay the Court’s Order	7/24/19	25	4313–4315
Order Denying Motion for Clarification	2/1/18	5	584–585
Order Denying Motion to Dismiss	2/9/17	2	261–262
Order Denying Plaintiffs/Counter-Defendants’ Motion for Declaratory Relief Regarding Standing	3/11/19	15	2231–2233
Order Denying Plaintiffs/Counter-Defendants’ Motion for Reconsideration of Their Motion for Summary Judgment on Defendant/Counter-Claimant's April 5, 2018 Amended Notice of Claims	3/11/19	14	2228–2230
Order re: Defendant’s Motion for Reconsideration and/or to Alter or Amend the Court’s May 23, 2019 Findings of Fact, Conclusions of Law and Order Granting Plaintiffs’ Motion for Summary Judgment Pursuant to NRS 11.202(1)	8/9/19	25	4369–4376
Order Re: Defendant’s Motion to Alter or Amend Court’s Findings of Fact, Conclusions of Law and Order Entered May 23, 2019	1/14/20	26	4526–4534

Order Re: Motion to Certify Judgment as Final Under NRCP 54(b)	8/12/19	25	4377–4389
Plaintiffs/Counter-Defendants’ First Supplement to Motion for Attorneys’ Fees; Exhibits	2/6/20	26–27	4547–4753
Plaintiffs/Counter-Defendants’ Motion for Summary Judgment Pursuant to NRS 11.202(1)	2/11/19	14	2052–2141
Plaintiffs/Counter-Defendants’ Opposition to Defendant’s Motion for Reconsideration of the Court’s May 23, 2019 Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs’ Motion for Summary Judgment Pursuant to NRS 11.202(1) or, in the alternative, Motion to Stay the Court’s Order; Appendix	6/21/19	22–24	3734–4042
Plaintiffs/Counter-Defendants’ Opposition to Motion to Retax	6/21/19	22	3664–3733
Plaintiffs/Counter-Defendants’ Reply in Support of Motion for Attorneys’ Fees	7/9/19	24	4172–4198
Plaintiffs/Counter-Defendants’ Reply in Support of Motion for Reconsideration of their Motion for Summary Judgment on Defendant’s April 5, 2018 Amended Notice of Claims	2/4/19	11–12	1863–1908
Plaintiffs’ Motion for Attorneys’ Fees; Appendices I–II	6/16/19	16–22	2506–3663
Plaintiffs’ Motion for Declaratory Relief Regarding Standing; Appendices I–III.	10/22/18	7–9	1180–1450
Plaintiffs’ Motion for Reconsideration of their Motion for Summary Judgment on Defendant’s April 5, 2018 Amended Notice of Claims	12/17/18	10–11	1526–1638

Plaintiffs' Motion for Summary Judgment on Defendant's April 5, 2018 Amended Notice of Claims	8/3/18	5–6	651–839
Plaintiffs' Motion for Summary Judgment on Defendant's Counter-Claim and Plaintiffs' Motion for Partial Summary Judgment on Their Third Claim for Relief	3/20/17	2–4	297–400
Plaintiffs' Motion to Certify Judgment as Final Under Rule 54(b) (On Order Shortening Time)	7/22/19	25	4277–4312
Plaintiffs' Opposition to Defendant's July 16, 2019 Oral Motion to Postpone to the Court's Ruling on the Reconsideration of and/or to Alter or Amend the Court's May 23, 2019 Findings of Fact, Conclusions of Law and Order Granting Summary Judgment	7/19/19	24–25	4264–4276
Plaintiffs' Opposition to Defendant's Motion for Reconsideration of and/or to Alter or Amend the Court's May 23, 2019 Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs' Motion for Summary Judgment Pursuant to NRS 11.202(1)	7/1/19	24	4043–4052
Plaintiffs' Opposition to Defendant's Renewed Motion to Retax and Settle Costs	2/10/20	27	4754–4771
Plaintiffs' Opposition to Motion for Clarification	10/27/17	4	547–554
Plaintiffs' Opposition to Motion to Amend the Court's May 23, 2019 Findings of Fact, Conclusions of Law and Order Granting Plaintiffs' Motion for Summary Judgment Pursuant to NRS 11.202(1)	9/26/19	26	4477–4496
Plaintiffs' Opposition to Motion to Dismiss; Appendix	1/4/17	1–2	86–222

Plaintiffs' Reply in Support of Motion for Declaratory Relief Regarding Standing and Oppositions to Counter-Motions to Exclude Inadmissible Evidence and for Rule 56(f) Relief; Appendix	1/22/19	11	1660–1856
Plaintiffs' Reply in Support of Motion for Summary Judgment	5/10/17	4	440–449
Plaintiffs' Reply in Support of Motion for Summary Judgment	9/25/18	7	1078–1092
Plaintiffs' Reply in Support of Motion to Certify Judgment as Final under Rule 54(b)	8/5/19	25	4334–4343
Plaintiffs' Reply in Support of Their Motion for Summary Judgment Pursuant to NRS 11.202(1); Opposition to Conditional Countermotion; Appendix	3/15/19	15	2234–2269
Recorder's Transcript of Proceedings	1/24/17	2	231–260
Recorder's Transcript of Proceedings	6/20/17	4	450–496
Recorder's Transcript of Proceedings	11/21/17	4–5	561–583
Recorder's Transcript of Proceedings	3/15/18	5	586–593
Recorder's Transcript of Proceedings	4/12/18	5	642–650
Recorder's Transcript of Proceedings	10/2/18	7	1093–1179
Recorder's Transcript of Proceedings	2/12/19	14	2142–2198
Recorder's Transcript of Proceedings	4/23/19	15	2317–2376
Recorder's Transcript of Proceedings	7/16/19	24	4199–4263
Recorder's Transcript of Proceedings	8/6/19	25	4344–4368
Recorder's Transcript of Proceedings	10/17/19	26	4509–4525

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<u>Client</u>	<u>Trans Date</u>	<u>Tmkr</u>	<u>H P</u>	<u>Tcode/ Task Code</u>	<u>Rate</u>	<u>Hours to Bill</u>	<u>Amount</u>	<u>Ref #</u>
Client ID 1287.5581 ESIS Dallas AGL Claims (2)								
1287.5581	07/09/2019	432	A	L250 A103	165.00	0.05	8.25 ADJUSTER) (MOTION WORK APPROVED BY SHERILYN BRYDON WITH ESIS). DRAFT/REVISE (CONTINUE) REPLY IN SUPPORT OF MOTION FOR ATTORNEY'S FEES, RE: [REDACTED] [REDACTED] [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY SHERILYN BRYDON WITH ESIS).	ARCH
1287.5581	07/09/2019	585	A	L250 A104	165.00	0.20	33.00 REVIEW/ANALYZE BEGIN) ASSOCIATION'S REPLY IN SUPPORT OF MOTION FOR RECONSIDERATION OF AND/OR TO ALTER OR AMEND THE COURT'S MAY 23, 2019 FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT PURSUANT TO NRS 11.202(1), IN PREPARATION FOR DEVELOPING LEGAL ARGUMENTS AGAINST ASSOCIATION'S POSITION [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER SHERILYN BRYDON, WITH ESIS)	ARCH
1287.5581	07/09/2019	585	A	L250 A104	165.00	0.15	24.75 REVIEW/ANALYZE DEFENDANT'S REPLY IN SUPPORT OF MOTION TO RE-TAX AND SETTLE COSTS, IN PREPARATION FOR DEVELOPING LEGAL ARGUMENTS IN SUPPORT OF CLIENT BUILDERS' MEMORANDUM OF FEES AND COSTS, IN PREPARATION FOR UPCOMING HEARING ON THE ASSOCIATION'S MOTION TO TAX (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER SHERILYN BRYDON, WITH ESIS)	ARCH
1287.5581	07/09/2019	585	A	L250 A104	165.00	0.15	24.75 REVIEW/ANALYZE (BEGIN) ASSOCIATION'S REPLY IN SUPPORT OF MOTION FOR RECONSIDERATION OF AND/OR TO ALTER OR AMEND THE COURT'S MAY 23, 2019 FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT PURSUANT TO NRS 11.202(1) OR, IN THE ALTERNATIVE, MOTION TO STAY THE COURT'S ORDER, IN PREPARATION FOR DEVELOPING LEGAL ARGUMENTS AGAINST ASSOCIATION'S POSITION FOR PURPOSES OF UPCOMING ORAL ARGUMENT REGARDING THE ASSOCIATION'S MOTION TO TAX (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER SHERILYN BRYDON, WITH ESIS)	ARCH
1287.5581	07/09/2019	585	A	L250 A104	165.00	0.05	8.25 REVIEW/ANALYZE FILING NOTICE FROM COURT, RE: [REDACTED] [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
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1287.5581	07/09/2019	10	A	L250 A104	185.00	0.35	64.75 REVIEW/ANALYZE THE HOA'S REPLY IN SUPPORT OF THE MOTION TO TAX COSTS [REDACTED] [REDACTED]	ARCH

AA4698

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours to Bill	Amount	Ref #
Client ID 1287.5581 ESIS Dallas AGL Claims (2)								
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							DRAFT (CONTINUE) WORK ON AFFIDAVIT FOR REPLY BRIEF IN SUPPORT OF MOTION FOR ATTORNEY FEES RE: [REDACTED]	
							[REDACTED]	
							[REDACTED]	
							[REDACTED]	
							(AS PER CARRIER DIRECTIVE, TIME SPLIT WITH OTHER FILE IN SAME CASE DEALING WITH OTHER TOWER; ALL WORK ON MOTIONS PRE-APPROVED BY SHERILYN BRYDON OF ESIS).	
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							[REDACTED]	
							[REDACTED]	
							[REDACTED]	
							[REDACTED]	
							[REDACTED]	
							(AS PER CARRIER DIRECTIVE, TIME SPLIT WITH OTHER FILE IN SAME CASE DEALING WITH OTHER TOWER; ALL WORK ON MOTIONS PRE-APPROVED BY SHERILYN BRYDON OF ESIS).	
1287.5581	07/10/2019	432	A	L250	A103	165.00	0.95	156.75
							DRAFT/REVISE (CONTINUE) REDACTIONS TO BILLING RECORDS ON EARLY BILLING STATEMENTS, APPROXIMATELY 90 PAGES, BASED UPON ATTORNEY-CLIENT PRIVILEGE AND WORK PRODUCT DOCTRINE, ADDITIONAL REDACTIONS BASED UPON THE ABOVE IN ORDER TO PROVIDE TO THE COURT WITH A LETTER EXPLAINING WHY WE ARE SUBMITTING REDACTIONS, THE BASIS FOR SAME, AND TO REQUEST THAT THE COURT PERFORM IN CAMERA REVIEW OF THE REDACTED ITEMS TO DETERMINE WHETHER OR NOT THEY CAN BE CONSIDERED WORK PRODUCT AND/OR ATTORNEY CLIENT COMMUNICATIONS. TASK WAS NECESSARY DUE TO THE FACT THAT THE ASSOCIATION COMPLAINED OF OUR REDACTED BILLING STATEMENTS IN THE MOTION FOR ATTORNEY'S FEES, THEREFORE, SUBMISSION TO COURT WAS IMPERATIVE (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, WITH ESIS).	
							DRAFT/REVISE (BEGIN) CORRESPONDENCE TO THE JUDGE IN DEPARTMENT 22, RE: REDACTED BILLING STATEMENTS, REDACTIONS, EXPLAINING WHY WE ARE SUBMITTING REDACTIONS, THE BASIS FOR SAME, AND TO REQUEST THAT THE COURT PERFORM IN CAMERA REVIEW OF THE REDACTED ITEMS TO DETERMINE WHETHER OR NOT THEY CAN BE CONSIDERED WORK PRODUCT AND/OR ATTORNEY CLIENT COMMUNICATIONS. TASK WAS NECESSARY DUE TO THE FACT THAT THE ASSOCIATION COMPLAINED OF OUR REDACTED BILLING STATEMENTS IN THE MOTION FOR ATTORNEY'S FEES, THEREFORE, SUBMISSION TO COURT WAS IMPERATIVE (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED	

AA4699

<u>Client</u>	<u>Trans Date</u>	<u>Tmkr</u>	<u>H P</u>	<u>Tcode/ Task Code</u>	<u>Rate</u>	<u>Hours to Bill</u>	<u>Amount</u>	<u>Ref #</u>
Client ID 1287.5581 ESIS Dallas AGL Claims (2)								
1287.5581	07/11/2019	432	A	L250 A104	165.00	0.05	8.25 BY ADJUSTER, SHERILYN BRYDON, WITH ESIS). REVIEW/ANALYZE LETTER FROM THE COURT TO ALL PARTIES, RE: [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, OF ESIS)	ARCH
1287.5581	07/11/2019	432	A	L250 A104	165.00	0.15	24.75 REVIEW/ANALYZE STIPULATION AND ORDER WITH THE COURT REGARDING [REDACTED] IN PREPARATION FOR DRAFTING AN ORDER SHORTENING TIME AND DECLARATION UNDER PENALTY OF PERJURY TO GET OUR MOTION FOR FEES HEARD BEFORE THE COURT INSTEAD OF IN CHAMBERS (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, OF ESIS)	ARCH
1287.5581	07/11/2019	432	A	L250 A103	165.00	0.55	90.75 DRAFT/REVISE ORDER TO THE COURT ON SHORTENING TIME AND DECLARATION UNDER PENALTY OF PERJURY, RE: [REDACTED] [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, OF ESIS)	ARCH
1287.5581	07/11/2019	585	A	L120 A104	165.00	0.05	8.25 REVIEW/ANALYZE FILING NOTICE FROM COURT, RE: [REDACTED] [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	07/11/2019	585	A	L250 A104	165.00	0.05	8.25 REVIEW/ANALYZE (CONTINUE) STIPULATION AND ORDER FOR UPCOMING HEARING DATE JULY 16, 2019 ON UNDERLYING MOTIONS, IN PREPARATION FOR COURT HEARING OF ATTORNEY FEES MOTION ON BEHALF OF BUILDERS (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	07/11/2019	585	A	L250 A108	165.00	0.05	8.25 COMMUNICATE (OTHER EXTERNAL) PHONE CALL TO JUDGE JOHNSON'S COURT DEPT 22 (COURT OF APPLICABLE JULY 16, 2019 HEARING), RE: [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	07/11/2019	585	A	L250 A103	165.00	0.10	16.50 DRAFT/REVISE (BEGIN) ORDER SHORTENING TIME ON BEHALF OF BUILDERS, RE: [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	07/11/2019	585	A	L120 A104	165.00	0.20	33.00 REVIEW/ANALYZE (CONTINUE) ASSOCIATION'S REPLY IN SUPPORT OF MOTION TO RE-TAX AND SETTLE BUILDERS' COSTS, IN PREPARATION FOR DEVELOPING LEGAL ARGUMENTS IN OPPOSITION TO SAME FOR UPCOMING JULY 16, 2019 ORAL HEARING REGARDING THE ASSOCIATION'S MOTION TO TAX (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	07/12/2019	432	A	L120 A104	165.00	0.10	16.50 REVIEW/ANALYZE CORRESPONDENCE FROM THE COURT, RE: ORDER SHORTENING TIME AND DEADLINE TO PROVIDE SAME FOR FILING AND SERVICE ON ALL PARTIES, [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	07/12/2019	432	A	L120 A104	165.00	0.15	24.75 REVIEW/ANALYZE THE ASSOCIATION'S REPLY IN SUPPORT OF MOTION TO TAX OUR COSTS, RE: [REDACTED] [REDACTED] IN PREPARATION FOR UPCOMING [REDACTED] CONFERENCE CALL WITH CO-COUNSEL LEWIS	ARCH

AA4700

BREMER WHYTE BROWN & O'MEARA, LLP

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours to Bill	Amount	Ref #	
Client ID 1287.5581 ESIS Dallas AGL Claims (2)									
1287.5581	07/12/2019	432	A	L250	A103	165.00	0.60	99.00	
							ALTER OR AMEND THE COURT'S RULING, TO SHOW THAT THE ASSOCIATION SPECIFICALLY AGREED TO HOLD THE MOTIONS' HEARING DATE ON JULY 16, 2019, IN PREPARATION FOR DRAFTING AN OBJECTION TO THE ASSOCIATION'S UNNOTICED REQUEST FOR A RE-HEARING OF THE RECONSIDERATION MOTIONS, ANALYSIS OF (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK AND CO-COUNSEL WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, WITH ESIS). DRAFT/REVISE (BEGIN) OBJECTION TO THE ASSOCIATION'S UNNOTICED REQUEST FOR A RE-HEARING OF THE RECONSIDERATION MOTIONS, [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK AND CO-COUNSEL WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, WITH ESIS).		ARCH
1287.5581	07/12/2019	432	A	L250	A103	165.00	0.05	8.25	
							DRAFT/REVISE CORRESPONDENCE TO CO-COUNSEL, RE: [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK AND CO-COUNSEL WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, WITH ESIS).		ARCH
1287.5581	07/12/2019	432	A	L250	A104	165.00	0.05	8.25	
							REVIEW/ANALYZE CORRESPONDENCE FROM CO-COUNSEL, RE: [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK AND CO-COUNSEL WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, WITH ESIS).		ARCH
1287.5581	07/12/2019	432	A	L250	A104	165.00	0.10	16.50	
							REVIEW/ANALYZE CHANGES TO THE OBJECTION TO THE ASSOCIATION'S UNNOTICED REQUEST FOR A RE-HEARING OF THE RECONSIDERATION MOTIONS, [REDACTED] [REDACTED] [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK AND CO-COUNSEL WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, WITH ESIS).		ARCH
1287.5581	07/12/2019	432	A	L250	A103	165.00	0.15	24.75	
							DRAFT/REVISE OUR PROPOSED CHANGES TO THE OBJECTION TO THE ASSOCIATION'S UNNOTICED REQUEST FOR A RE-HEARING OF THE RECONSIDERATION MOTIONS, [REDACTED] [REDACTED] [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK AND CO-COUNSEL WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, WITH ESIS).		ARCH
1287.5581	07/12/2019	432	A	L250	A103	165.00	0.05	8.25	
							DRAFT/REVISE CORRESPONDENCE TO CO-COUNSEL, RE: [REDACTED]		ARCH

AA4703

<u>Client</u>	<u>Trans Date</u>	<u>Tmkr</u>	<u>H P</u>	<u>Tcode/ Task Code</u>	<u>Rate</u>	<u>Hours to Bill</u>	<u>Amount</u>	<u>Ref #</u>
Client ID 1287.5581 ESIS Dallas AGL Claims (2)								
							COURT CASE CITED IN ASSOCIATION'S REPLY IN SUPPORT OF MOTION TO RE-TAX, RE: [REDACTED] [REDACTED] [REDACTED] IN PREPARATION FOR PREPARING ORAL ARGUMENTS IN OPPOSITION TO THE ASSOCIATION'S MOTION TO RETAX FOR UPCOMING COURT HEARING SCHEDULED FOR JULY 16, 2019 (SPLIT WITH TOWER II CASE PER ADJUSTER)	
1287.5581	07/12/2019	10	A	L120 A109	185.00	0.60	111.00 APPEAR FOR/ATTEND CONFERENCE STRATEGY CALLS (2) WITH CO-COUNSEL RE: [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] (AS PER CARRIER DIRECTIVE, TIME SPLIT WITH OTHER FILE IN SAME CASE FOR OTHER TOWER; MOTION WORK PRE-APPROVED BY ADJUSTER, SHERILYN BRYDON, WITH ESIS).	ARCH
1287.5581	07/12/2019	10	A	L250 A103	185.00	0.05	9.25 DRAFT (FINALIZE) LETTER TO COURT REGARDING UNREDACTED BILLING ENTRIES BEING PROVIDED TO COURT (AS PER CARRIER DIRECTIVE, TIME SPLIT WITH OTHER FILE IN SAME CASE DEALING WITH OTHER TOWER; ALL MOTION WORK PRE-APPROVED BY SHERILYN BRYDON OF ESIS).	ARCH
1287.5581	07/14/2019	585	A	L250 A104	165.00	0.20	33.00 REVIEW/ANALYZE HKM II V. SWISHER AND HALL NEVADA DISTRICT COURT CASE, RE: [REDACTED] [REDACTED] [REDACTED], IN PREPARATION FOR PREPARING ORAL ARGUMENTS IN OPPOSITION TO THE ASSOCIATION'S MOTION TO RETAX FOR UPCOMING COURT HEARING SCHEDULED FOR JULY 16, 2019 (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	07/14/2019	585	A	L250 A104	165.00	0.25	41.25 REVIEW/ANALYZE BRAUNBERGER V. INTERSTATE ENG INC NEVADA COURT CASE CITED IN ASSOCIATION'S REPLY IN SUPPORT OF MOTION TO RE-TAX, RE: [REDACTED] [REDACTED] [REDACTED], IN PREPARATION FOR PREPARING ORAL ARGUMENTS IN OPPOSITION TO THE ASSOCIATION'S MOTION TO RETAX FOR UPCOMING COURT HEARING SCHEDULED FOR JULY 16, 2019 (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	07/14/2019	585	A	L250 A104	165.00	0.95	156.75 REVIEW/ANALYZE (CONTINUE) MEMO TO FILE OF KEY POINTS AND LEGAL AUTHORITY FOR UPCOMING ORAL ARGUMENT SCHEDULED JULY 16, 2019, RE: [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	07/14/2019	432	A	L250 A101	165.00	0.65	107.25 PLAN AND PREPARE FOR (BEGIN) UPCOMING HEARING ON THE ASSOCIATION'S MOTION FOR RECONSIDERATION OF THE COURT'S MAY 23, 2019 ORDER, OR IN THE ALTERNATIVE TO STAY THE COURT'S RULING, RE: [REDACTED] [REDACTED] [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, OF ESIS)	ARCH
1287.5581	07/14/2019	432	A	L250 A101	165.00	0.35	57.75 PLAN AND PREPARE FOR (CONTINUE) UPCOMING HEARING ON THE ASSOCIATION'S MOTION FOR RECONSIDERATION OF THE COURT'S MAY 23, 2019 ORDER GRANTING OUR MOTION FOR SUMMARY	ARCH

AA4704

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours to Bill	Amount	Ref #		
Client ID 1287.5581 ESIS Dallas AGL Claims (2)										
							JUDGMENT ON THE STATUTE OF REPOSE ISSUE, OR IN THE ALTERNATIVE TO STAY THE COURT'S RULING, RE: [REDACTED] [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, OF ESIS)			
1287.5581	07/14/2019	432	A	L250	A101	165.00	0.20	33.00	PLAN AND PREPARE FOR (CONTINUE) UPCOMING HEARING ON THE ASSOCIATION'S MOTION FOR RECONSIDERATION OF THE COURT'S MAY 23, 2019 ORDER GRANTING OUR MOTION FOR SUMMARY JUDGMENT ON THE STATUTE OF REPOSE ISSUE, OR IN THE ALTERNATIVE TO STAY THE COURT'S RULING, RE: [REDACTED] [REDACTED] [REDACTED] [REDACTED] DRAFTED NOTES BASED UPON FINDINGS (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, OF ESIS)	ARCH
1287.5581	07/14/2019	432	A	L250	A101	165.00	0.15	24.75	PLAN AND PREPARE FOR (CONTINUE) UPCOMING HEARING ON THE ASSOCIATION'S MOTION FOR RECONSIDERATION OF THE COURT'S MAY 23, 2019 ORDER GRANTING OUR MOTION FOR SUMMARY JUDGMENT ON THE STATUTE OF REPOSE ISSUE, OR IN THE ALTERNATIVE TO STAY THE COURT'S RULING, RE: [REDACTED] [REDACTED] [REDACTED] [REDACTED] DRAFTED NOTES BASED UPON FINDINGS (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, OF ESIS)	ARCH
1287.5581	07/14/2019	432	A	L250	A101	165.00	0.15	24.75	PLAN AND PREPARE FOR (CONTINUE) UPCOMING HEARING ON THE ASSOCIATION'S MOTION FOR RECONSIDERATION OF THE COURT'S MAY 23, 2019 ORDER GRANTING OUR MOTION FOR SUMMARY JUDGMENT ON THE STATUTE OF REPOSE ISSUE, OR IN THE ALTERNATIVE TO STAY THE COURT'S RULING, RE: [REDACTED] [REDACTED] [REDACTED] [REDACTED] DRAFTED NOTES BASED UPON FINDINGS (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, OF ESIS)	ARCH
1287.5581	07/14/2019	432	A	L250	A101	165.00	0.15	24.75	PLAN AND PREPARE FOR (CONTINUE) UPCOMING HEARING ON THE ASSOCIATION'S MOTION FOR RECONSIDERATION OF THE COURT'S MAY 23, 2019 ORDER GRANTING OUR MOTION FOR SUMMARY JUDGMENT ON THE STATUTE OF REPOSE ISSUE, OR IN THE ALTERNATIVE TO STAY THE COURT'S RULING, RE: [REDACTED] [REDACTED] [REDACTED] [REDACTED] DRAFTED NOTES BASED UPON FINDINGS (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, OF ESIS)	ARCH

AA4706

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours to Bill	Amount	Ref #	
Client ID 1287.5581 ESIS Dallas AGL Claims (2)									
							[REDACTED] [REDACTED] [REDACTED] DRAFTED NOTES BASED UPON FINDINGS (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, OF ESIS)		
1287.5581	07/14/2019	432	A	L250	A101	165.00	0.15	24.75	ARCH
							PLAN AND PREPARE FOR (CONTINUE) UPCOMING HEARING ON THE ASSOCIATION'S MOTION FOR RECONSIDERATION OF THE COURT'S MAY 23, 2019 ORDER GRANTING OUR MOTION FOR SUMMARY JUDGMENT ON THE STATUTE OF REPOSE ISSUE, OR IN THE ALTERNATIVE TO STAY THE COURT'S RULING, RE: [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] DRAFTED NOTES BASED UPON FINDINGS (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, OF ESIS)		
1287.5581	07/14/2019	432	A	L250	A101	165.00	0.10	16.50	ARCH
							PLAN AND PREPARE FOR (CONTINUE) UPCOMING HEARING ON THE ASSOCIATION'S MOTION FOR RECONSIDERATION OF THE COURT'S MAY 23, 2019 ORDER GRANTING OUR MOTION FOR SUMMARY JUDGMENT ON THE STATUTE OF REPOSE ISSUE, OR IN THE ALTERNATIVE TO STAY THE COURT'S RULING, RE: [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] DRAFTED NOTES BASED UPON FINDINGS (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, OF ESIS)		
1287.5581	07/14/2019	432	A	L250	A101	165.00	0.30	49.50	ARCH
							PLAN AND PREPARE FOR (BEGIN) UPCOMING HEARING ON THE ASSOCIATION'S MOTION FOR RECONSIDERATION OF THE COURT'S MAY 23, 2019 ORDER, OR IN THE ALTERNATIVE TO STAY THE COURT'S RULING, RE: [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, OF ESIS)		
1287.5581	07/15/2019	10	A	L250	A101	185.00	0.25	46.25	ARCH
							PLAN AND PREPARE (CONTINUE) FOR TOMORROW'S HEARINGS ON THE TWO MOTIONS FOR RECONSIDERATION AND THE MEMORANDUM OF COSTS RE: [REDACTED] [REDACTED] [REDACTED] [REDACTED] (AS PER CARRIER DIRECTIVE, TIME SPLIT WITH OTHER FILE IN SAME CASE DEALING WITH THE OTHER TOWER; ALL WORK ON MOTIONS PRE-APPROVED BY SHERILYN BRYDON OF ESIS).		
1287.5581	07/15/2019	10	A	L250	A101	185.00	1.35	249.75	ARCH
							PLAN AND PREPARE (CONTINUE) FOR BOTH TOMORROW'S HEARING ON THE TWO MOTIONS FOR RECONSIDERATION OF THE COURT'S RULING ON THE STATUTE OF REPOSE MOTION FOR		

AA4707

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours to Bill	Amount	Ref #	
Client ID 1287.5581 ESIS Dallas AGL Claims (2)									
							SUMMARY JUDGMENT AND THE MOTION TO TAX COSTS AND PRE-HEARING STRATEGY CONFERENCE CALL WITH CO-COUNSEL RE: ██████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ██████████ TIME SPLIT WITH OTHER FILE IN SAME CASE DEALING WITH OTHER TOWER; ALL WORK ON MOTIONS PRE-APPROVED BY SHERILYN BRYDON OF ESIS).		
1287.5581	07/15/2019	10	A	L250	A109	185.00	0.35	64.75	ARCH
							APPEAR FOR/ATTEND STRATEGY CONFERENCE CALL WITH CO-COUNSEL ██████████ ████████████████████████████████████████████████████████████████████████████████ (AS PER CARRIER DIRECTIVE, TIME SPLIT WITH OTHER FILE IN SAME CASE DEALING WITH OTHER TOWER; ALL WORK ON MOTIONS PRE-APPROVED BY SHERILYN BRYDON OF ESIS).		
1287.5581	07/15/2019	10	A	L250	A101	185.00	1.20	222.00	ARCH
							PLAN AND PREPARE (CONTINUE) FRO TOMORROW'S HEARING ON MOTIONS TO RECONSIDER THE MOTION FOR SUMMARY JUDGMENT RULING ON STATUTE OF REPOSE AND THE MOTION TO TAX COSTS RE: ██████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████████████████████████████████ ████████████████████████████████████████████████████		

AA4708

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours to Bill	Amount	Ref #
Client ID 1287.5581 ESIS Dallas AGL Claims (2)								
1287.5581	07/15/2019	585	A	L250	A104	165.00	0.20	33.00
[REDACTED] IN PREPARATION FOR PREPARING ORAL ARGUMENTS IN OPPOSITION TO THE ASSOCIATION'S MOTION TO RETAX FOR UPCOMING COURT HEARING SCHEDULED FOR JULY 16, 2019 (SPLIT WITH TOWER II CASE PER ADJUSTER) REVIEW/ANALYZE VILLAGE BUILDERS 96 V. US LABORATORIES NEVADA COURT CASE CITED IN ASSOCIATION'S REPLY IN SUPPORT OF MOTION TO RE-TAX, RE: [REDACTED]								ARCH
1287.5581	07/15/2019	585	A	L250	A104	165.00	0.95	156.75
[REDACTED] IN PREPARATION FOR PREPARING ORAL ARGUMENTS IN OPPOSITION TO THE ASSOCIATION'S MOTION TO RETAX FOR UPCOMING COURT HEARING SCHEDULED FOR JULY 16, 2019 (SPLIT WITH TOWER II CASE PER ADJUSTER) REVIEW/ANALYZE (CONTINUE) MEMO TO FILE OF KEY POINTS AND LEGAL AUTHORITY FOR UPCOMING ORAL ARGUMENT SCHEDULED JULY 16, 2019, RE: [REDACTED]								ARCH
1287.5581	07/15/2019	585	A	L250	A103	165.00	0.90	148.50
(SPLIT WITH TOWER II CASE PER ADJUSTER) DRAFT/REVISE (CONTINUE) MEMO TO FILE OF KEY POINTS AND LEGAL AUTHORITY FOR UPCOMING ORAL ARGUMENT SCHEDULED JULY 16, 2019, RE: [REDACTED]								ARCH
1287.5581	07/15/2019	585	A	L250	A103	165.00	0.85	140.25
(SPLIT WITH TOWER II CASE PER ADJUSTER) DRAFT/REVISE (CONTINUE) MEMO TO FILE OF KEY POINTS AND LEGAL AUTHORITY FOR UPCOMING ORAL ARGUMENT SCHEDULED JULY 16, 2019, RE: [REDACTED]								ARCH
1287.5581	07/15/2019	432	A	L250	A101	165.00	0.40	66.00
(SPLIT WITH TOWER II CASE PER ADJUSTER) PLAN AND PREPARE FOR (CONTINUE) UPCOMING HEARING ON THE ASSOCIATION'S MOTION FOR RECONSIDERATION OF THE COURT'S MAY 23, 2019 ORDER GRANTING OUR MOTION FOR SUMMARY JUDGMENT ON THE STATUTE OF REPOSE ISSUE, OR IN THE ALTERNATIVE TO STAY THE COURT'S RULING, RE: [REDACTED]								ARCH
1287.5581	07/15/2019	432	A	L250	A101	165.00	0.20	33.00
[REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, OF ESIS) PLAN AND PREPARE FOR (CONTINUE) UPCOMING HEARING ON THE ASSOCIATION'S MOTION FOR RECONSIDERATION OF THE COURT'S MAY 23, 2019 ORDER GRANTING OUR MOTION FOR SUMMARY JUDGMENT ON THE STATUTE OF REPOSE ISSUE, OR IN THE ALTERNATIVE TO STAY THE COURT'S RULING, RE: [REDACTED]								ARCH
1287.5581	07/15/2019	432	A	L250	A101	165.00	0.40	66.00
[REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, OF ESIS) PLAN AND PREPARE FOR (CONTINUE) UPCOMING HEARING ON THE ASSOCIATION'S MOTION FOR								ARCH

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours to Bill	Amount	Ref #		
Client ID 1287.5581 ESIS Dallas AGL Claims (2)										
							RECONSIDERATION OF THE COURT'S MAY 23, 2019 ORDER GRANTING OUR MOTION FOR SUMMARY JUDGMENT ON THE STATUTE OF REPOSE ISSUE, OR IN THE ALTERNATIVE TO STAY THE COURT'S RULING, RE: [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, OF ESIS)			
1287.5581	07/15/2019	432	A	L250	A101	165.00	0.15	24.75	PLAN AND PREPARE FOR CONTINUE) UPCOMING HEARING ON THE ASSOCIATION'S MOTION FOR RECONSIDERATION OF THE COURT'S MAY 23, 2019 ORDER GRANTING OUR MOTION FOR SUMMARY JUDGMENT ON THE STATUTE OF REPOSE ISSUE, OR IN THE ALTERNATIVE TO STAY THE COURT'S RULING, RE: [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, OF ESIS)	ARCH
1287.5581	07/15/2019	432	A	L250	A101	165.00	0.15	24.75	PLAN AND PREPARE FOR (CONTINUE) UPCOMING HEARING ON THE ASSOCIATION'S MOTION FOR RECONSIDERATION OF THE COURT'S MAY 23, 2019 ORDER GRANTING OUR MOTION FOR SUMMARY JUDGMENT ON THE STATUTE OF REPOSE ISSUE, OR IN THE ALTERNATIVE TO STAY THE COURT'S RULING, RE: [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, OF ESIS)	ARCH
1287.5581	07/15/2019	432	A	L250	A101	165.00	0.15	24.75	PLAN AND PREPARE FOR (CONTINUE) UPCOMING HEARING ON THE ASSOCIATION'S MOTION FOR RECONSIDERATION OF THE COURT'S MAY 23, 2019 ORDER GRANTING OUR MOTION FOR SUMMARY JUDGMENT ON THE STATUTE OF REPOSE ISSUE, OR IN THE ALTERNATIVE TO STAY THE COURT'S RULING, RE: [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, OF ESIS)	ARCH
1287.5581	07/15/2019	432	A	L250	A101	165.00	0.20	33.00	PLAN AND PREPARE FOR (CONTINUE) UPCOMING HEARING ON THE ASSOCIATION'S MOTION FOR RECONSIDERATION OF THE COURT'S MAY 23, 2019 ORDER GRANTING OUR MOTION FOR SUMMARY JUDGMENT ON THE STATUTE OF REPOSE ISSUE, OR IN THE ALTERNATIVE TO STAY THE COURT'S RULING, RE: [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, OF ESIS)	ARCH

AA4710

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours to Bill	Amount	Ref #
Client ID 1287.5581 ESIS Dallas AGL Claims (2)								
1287.5581	07/15/2019	432	A	L250	A101	165.00	0.20	33.00
1287.5581	07/15/2019	432	A	L250	A101	165.00	0.30	49.50
1287.5581	07/15/2019	432	A	L250	A101	165.00	0.20	33.00
1287.5581	07/15/2019	432	A	L250	A101	165.00	0.20	33.00
1287.5581	07/15/2019	432	A	L250	A101	165.00	0.15	24.75

AA4712

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours to Bill	Amount	Ref #	
Client ID 1287.5581 ESIS Dallas AGL Claims (2)									
							ORDER GRANTING OUR MOTION FOR SUMMARY JUDGMENT ON THE STATUTE OF REPOSE ISSUE, OR IN THE ALTERNATIVE TO STAY THE COURT'S RULING, RE: [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, OF ESIS)		
1287.5581	07/15/2019	432	A	L250	A109	165.00	0.40	66.00	ARCH
							APPEAR FOR/ATTEND PHONE CONFERENCE WITH CO-COUNSEL, RE: [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, OF ESIS)		
1287.5581	07/16/2019	10	A	L250	A101	185.00	0.85	157.25	ARCH
							PLAN AND PREPARE (CONTINUE) FOR TODAY'S HEARING ON VARIOUS MOTIONS RE: [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] (AS PER CARRIER DIRECTIVE, TIME SPLIT WITH THE OTHER FILE IN THE CASE DEALING WITH OTHER TOWER; ALL WORK ON MOTIONS PRE-APPROVED BY SHERILYN BRYDON OF ESIS).		
1287.5581	07/16/2019	10	A	L250	A109	185.00	1.75	323.75	ARCH
							APPEAR FOR/ATTEND HEARING ON THE HOA'S TWO MOTIONS FOR RECONSIDERATION AND THE MOTION TO TAX COSTS (AS PER CARRIER DIRECTIVE, TIME SPLIT WITH THE OTHER FILE IN THE CASE DEALING WITH OTHER TOWER; ALL WORK ON MOTIONS PRE-APPROVED BY SHERILYN BRYDON OF ESIS; ATTENDANCE BY PCB AT THE HEARING WITH DEVIN GIFFORD AND CYRUS WHITAKER PRE-APPROVED BY MS. BRYDON).		
1287.5581	07/16/2019	10	A	L250	A109	92.50	0.40	37.00	ARCH
							APPEAR FOR/ATTEND HEARING ON THE HOA'S MOTIONS FOR RECONSIDERATION AND MOTION TO TAX COSTS (AS PER CARRIER DIRECTIVE, TIME SPLIT WITH THE OTHER FILE IN THE CASE DEALING WITH OTHER TOWER; ALL WORK ON MOTIONS PRE-APPROVED BY SHERILYN BRYDON OF ESIS; ATTENDANCE BY PCB AT THE HEARING WITH DEVIN GIFFORD AND CYRUS WHITAKER PRE-APPROVED BY MS. BRYDON; AS PER CARRIER DIRECTIVE, TIME BILLED AT 1/2 REGULAR RATE).		
1287.5581	07/16/2019	10	A	L120	A101	185.00	0.30	55.50	ARCH
							PLAN AND PREPARE FOR NEXT STEPS IN THE LITIGATION FOLLOWING TODAY'S HEARING AND IN LIGHT OF THE JUDGE TAKING THE SECOND MOTION FOR RECONSIDERATION UNDER ADVISEMENT RE: [REDACTED] [REDACTED] [REDACTED] [REDACTED] (AS PER CARRIER DIRECTIVE, TIME SPLIT WITH OTHER FILE IN THE		

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours to Bill	Amount	Ref #
Client ID 1287.5581 ESIS Dallas AGL Claims (2)								
1287.5581	07/16/2019	10	A	L120	A107	185.00	0.10	18.50
							CASE DEALING WITH OTHER TOWER; ALL WORK ON MOTIONS PRE-APPROVED BY SHERILYN BRYDON OF ESIS).	
							COMMUNICATE (OTHER OUTSIDE COUNSEL) WITH CO-COUNSEL RE: [REDACTED]	
							[REDACTED] (AS PER CARRIER DIRECTIVE, TIME SPLIT WITH THE FILE IN THE CASE DEALING WITH OTHER TOWER; ALL WORK ON MOTIONS PRE-APPROVED BY SHERILYN BRYDON OF ESIS).	
1287.5581	07/16/2019	585	A	L250	A103	165.00	0.65	107.25
							DRAFT/REVISE (CONTINUE) MEMO TO FILE OF KEY POINTS AND LEGAL AUTHORITY FOR UPCOMING ORAL ARGUMENT SCHEDULED JULY 16, 2019, RE: [REDACTED]	
							[REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER)	
1287.5581	07/16/2019	585	A	L250	A109	165.00	1.95	321.75
							APPEAR FOR/ATTEND COURT HEARING FOR ASSOCIATION'S MOTION FOR RECONSIDERATION AND ASSOCIATION'S RENEWED MOTION FOR RECONSIDERATION, AS THE MOTION TO TAX HEARING WAS CONTINUED BY THE COURT TO ANOTHER DAY(SPLIT WITH TOWER II CASE PER ADJUSTER)	
1287.5581	07/16/2019	432	A	L250	A101	165.00	0.10	16.50
							PLAN AND PREPARE FOR (CONTINUE) UPCOMING HEARING ON THE ASSOCIATION'S MOTION FOR RECONSIDERATION OF THE COURT'S MAY 23, 2019 ORDER GRANTING OUR MOTION FOR SUMMARY JUDGMENT ON THE STATUTE OF REPOSE ISSUE, OR IN THE ALTERNATIVE TO STAY THE COURT'S RULING, RE: [REDACTED]	
							[REDACTED]	
							[REDACTED]	
							[REDACTED]	
							[REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, OF ESIS)	
1287.5581	07/16/2019	432	A	L250	A101	165.00	0.80	132.00
							PLAN AND PREPARE FOR (CONTINUE) UPCOMING HEARING ON THE ASSOCIATION'S MOTION FOR RECONSIDERATION OF THE COURT'S MAY 23, 2019 ORDER GRANTING OUR MOTION FOR SUMMARY JUDGMENT ON THE STATUTE OF REPOSE ISSUE, OR IN THE ALTERNATIVE TO STAY THE COURT'S RULING, RE: [REDACTED]	
							[REDACTED]	
							[REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, OF ESIS)	
1287.5581	07/16/2019	432	A	L250	A101	165.00	0.65	107.25
							PLAN AND PREPARE FOR (CONTINUE) UPCOMING HEARING ON THE ASSOCIATION'S MOTION FOR RECONSIDERATION OF THE COURT'S MAY 23, 2019 ORDER GRANTING OUR MOTION FOR SUMMARY JUDGMENT ON THE STATUTE OF REPOSE ISSUE, OR IN THE ALTERNATIVE TO STAY THE COURT'S RULING, RE: [REDACTED]	
							[REDACTED]	
							[REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, OF ESIS)	
1287.5581	07/16/2019	432	A	L250	A109	165.00	0.30	49.50
							APPEAR FOR/ATTEND DRIVE TIME TO HEARING ON THE ASSOCIATION'S MOTION FOR RECONSIDERATION OF THE COURT'S MAY 23, 2019	

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours to Bill	Amount	Ref #
Client ID 1287.5581 ESIS Dallas AGL Claims (2)								
1287.5581	07/16/2019	432	A	L250 A109	165.00	1.90	313.50 ORDER GRANTING OUR MOTION FOR SUMMARY JUDGMENT ON THE STATUTE OF REPOSE ISSUE, OR IN THE ALTERNATIVE TO STAY THE COURT'S RULING (BILLED AT 50% RATE) (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, OF ESIS)	ARCH
1287.5581	07/16/2019	432	A	L250 A103	165.00	0.15	24.75 APPEAR FOR/ATTEND HEARING ON HEARING ON THE ASSOCIATION'S MOTION FOR RECONSIDERATION OF THE COURT'S MAY 23, 2019 ORDER GRANTING OUR MOTION FOR SUMMARY JUDGMENT ON THE STATUTE OF REPOSE ISSUE, OR IN THE ALTERNATIVE TO STAY THE COURT'S RULING DRAFT/REVISE ORDER DENYING THE ASSOCIATION'S FIRST MOTION FOR RECONSIDERATION, [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	07/17/2019	601	A	L120 A104	165.00	0.35	57.75 (BEGIN) MAHEU V. EIGHTH JUDICIAL DIST. COURT, 88 NEV. 26, 493 P.2D 709 (1972), RE: [REDACTED] IN PREPARATION FOR DRAFTING MEMORANDUM TO FILE [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	07/17/2019	432	A	L250 A101	165.00	0.45	74.25 PLAN AND PREPARE STRATEGY FOR OPPOSITION TO THE ASSOCIATION'S ORAL MOTION TO DEFER THE COURT'S RULING ON THE SECOND MOTION FOR RECONSIDERATION UNTIL OCTOBER 1, 2019, RE: [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, OF ESIS)	ARCH
1287.5581	07/18/2019	601	A	L120 A104	165.00	0.55	90.75 REVIEW/ANALYZE (BEGIN) FRITZ HANSEN A/S V. EIGHTH JUDICIAL DIST. COURT, 116 NEV. 650, 6 P.3D 982 (2000), RE: [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	07/18/2019	601	A	L120 A104	165.00	0.20	33.00 REVIEW/ANALYZE (BEGIN) DEFENDANT'S REPLY IN SUPPORT OF MOTION FOR RECONSIDERATION OF THE COURT'S MAY 23, 2019 FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT PURSUANT TO NEVADA REVISED STATUTE 11.202(1) OR, IN THE ALTERNATIVE, MOTION TO STAY THE COURT'S ORDER, RE: [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	07/18/2019	601	A	L120 A104	165.00	0.10	16.50 REVIEW/ANALYZE (BEGIN) EIGHTH JUDICIAL DISTRICT COURT RULE 2.22, RE: [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	07/18/2019	601	A	L120 A104	165.00	0.30	49.50 REVIEW/ANALYZE (BEGIN) BECERRA V. UNITED STATES DOI, 276 F. SUPP. 3D 953 (2017), RE: [REDACTED]	ARCH

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours to Bill	Amount	Ref #
Client ID 1287.5581 ESIS Dallas AGL Claims (2)								
1287.5581	07/18/2019	601	A	L120	A104	165.00	0.60	ARCH
1287.5581	07/18/2019	601	A	L120	A104	165.00	0.55	ARCH
1287.5581	07/18/2019	601	A	L120	A104	165.00	0.70	ARCH
1287.5581	07/18/2019	601	A	L120	A104	165.00	0.65	ARCH
1287.5581	07/18/2019	601	A	L120	A103	165.00	0.20	ARCH
1287.5581	07/18/2019	432	A	L250	A104	165.00	0.40	ARCH
1287.5581	07/18/2019	432	A	L250	A104	165.00	0.20	ARCH

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours to Bill	Amount	Ref #
Client ID 1287.5581 ESIS Dallas AGL Claims (2)								
1287.5581	07/18/2019	432	A	L250	A104	165.00	0.10	16.50
							(SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, WITH ESIS) REVIEW/ANALYZE SICOR V SACKS CASE, [REDACTED]	
							[REDACTED]	
							[REDACTED]	
							[REDACTED]	
							[REDACTED]	
							[REDACTED]	
							[REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, WITH ESIS) REVIEW/ANALYZE BURDSAL V SIXTH JUDICIAL DISTRICT COURT CASE, [REDACTED]	
							[REDACTED]	
							[REDACTED]	
							[REDACTED]	
							[REDACTED]	
							[REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, WITH ESIS) REVIEW/ANALYZE TAM V EIGHTH JUDICIAL DISTRICT COURT CASE, [REDACTED]	
							[REDACTED]	
							[REDACTED]	
							[REDACTED]	
							[REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, WITH ESIS) REVIEW/ANALYZE WESTPARK OWNERS' ASS' N V. EIGHTH JUDICIAL DIST. CT. CASE, [REDACTED]	
							[REDACTED]	
							[REDACTED]	
							[REDACTED]	
							[REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, WITH ESIS) REVIEW/ANALYZE WHITTIER TRUST CO., CASE, [REDACTED]	
							[REDACTED]	
							[REDACTED]	
							[REDACTED]	
							[REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, WITH ESIS) REVIEW/ANALYZE MOTION FOR CERTIFICATION UNDER RULE 54(B), [REDACTED]	
							[REDACTED]	
							[REDACTED]	
							[REDACTED]	
							[REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, WITH ESIS) REVIEW/ANALYZE MOTION FOR CERTIFICATION UNDER RULE 54(B), [REDACTED]	
							[REDACTED]	

AA4717

<u>Client</u>	<u>Trans Date</u>	<u>Tmkr</u>	<u>H P</u>	<u>Tcode/ Task Code</u>	<u>Rate</u>	<u>Hours to Bill</u>	<u>Amount</u>	<u>Ref #</u>
Client ID 1287.5581 ESIS Dallas AGL Claims (2)								
							[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, WITH ESIS)	
1287.5581	07/18/2019	432	A	L250 A104	165.00	0.30	49.50 REVIEW/ANALYZE OUR OPPOSITION TO THE ASSOCIATION'S MOTION FOR RECONSIDERATION OF THE COURT'S [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, WITH ESIS)	ARCH
1287.5581	07/18/2019	432	A	L250 A104	165.00	0.30	49.50 REVIEW/ANALYZE ALSENZ V TWIN LAKES VILLAGE CASE, [REDACTED] [REDACTED] [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, WITH ESIS)	ARCH
1287.5581	07/18/2019	432	A	L250 A103	165.00	0.60	99.00 DRAFT/REVISE (BEGIN) OPPOSITION TO THE ASSOCIATION'S ORAL MOTION TO POSTPONE THE COURT'S RULING ON THE MOTION FOR RECONSIDERATION OF THE COURT'S MAY 23, 2019 ORDER OR IN THE ALTERNATIVE TO AMEND THE JUDGMENT, [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, WITH ESIS)	ARCH
1287.5581	07/18/2019	432	A	L250 A103	165.00	0.65	107.25 DRAFT/REVISE (CONTINUE) OPPOSITION TO THE ASSOCIATION'S ORAL MOTION TO POSTPONE THE COURT'S RULING ON THE MOTION FOR RECONSIDERATION OF THE COURT'S MAY 23, 2019 ORDER OR IN THE ALTERNATIVE TO AMEND THE JUDGMENT, [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, WITH ESIS)	ARCH
1287.5581	07/18/2019	432	A	L250 A103	165.00	0.55	90.75 DRAFT/REVISE (CONTINUE) OPPOSITION TO THE ASSOCIATION'S ORAL MOTION TO POSTPONE THE COURT'S RULING ON THE MOTION FOR RECONSIDERATION OF THE COURT'S MAY 23, 2019 ORDER OR IN THE ALTERNATIVE TO AMEND THE JUDGMENT, [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER, SHERILYN BRYDON, WITH ESIS)	ARCH
1287.5581	07/18/2019	432	A	L250 A103	165.00	0.40	66.00 DRAFT/REVISE (CONTINUE) OPPOSITION TO THE ASSOCIATION'S ORAL MOTION TO POSTPONE THE COURT'S RULING ON THE MOTION FOR RECONSIDERATION OF THE COURT'S MAY 23, 2019 ORDER OR IN THE ALTERNATIVE TO AMEND THE JUDGMENT, [REDACTED] [REDACTED] (SPLIT WITH	ARCH

AA4718

AA4719

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours to Bill	Amount	Ref #
Client ID 1287.5581 ESIS Dallas AGL Claims (2)								
1287.5581	07/24/2019	432	A	L250	A103	165.00	0.05	8.25
							OR IN THE ALTERNATIVE, TO STAY THE COURT'S ORDER ON OUR MOTION FOR SUMMARY JUDGMENT (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	07/24/2019	432	A	L120	A104	165.00	0.05	8.25
							DRAFT/REVISE NOTICE OF ENTRY OF ORDER DENYING THE ASSOCIATION'S MOTION FOR RECONSIDERATION OR IN THE ALTERNATIVE, TO STAY THE COURT'S ORDER ON OUR MOTION FOR SUMMARY JUDGMENT (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	07/24/2019	432	A	L120	A103	165.00	0.15	24.75
							REVIEW/ANALYZE RULE 54(B) MOTION FOR CERTIFICATION, IN ORDER TO INCORPORATE LANGUAGE FROM SAME INTO OUR LETTER TO JUDGE JOHNSON (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	07/24/2019	432	A	L340	A104	165.00	0.05	8.25
							DRAFT/REVISE LETTER TO JUDGE JOHNSON, RE: REQUEST FOR ACCOMMODATIONS FOR UPCOMING HEARING ON OUR MOTION FOR FEES AND THE MOTION TO TAX, [REDACTED]	ARCH
							[REDACTED]	
							[REDACTED]	
							[REDACTED]	
1287.5581	07/24/2019	432	A	L340	A103	165.00	0.10	16.50
							REVIEW/ANALYZE CORRESPONDENCE FROM EXPERT, MICHELLE ROBBINS, RE: [REDACTED]	ARCH
							[REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER)	
1287.5581	07/24/2019	585	A	L120	A104	165.00	0.05	8.25
							DRAFT/REVISE CORRESPONDENCE TO EXPERT, MKA, RE: [REDACTED]	ARCH
							[REDACTED] IN RESPONSE TO REQUEST FOR SAME (SPLIT WITH TOWER II CASE PER ADJUSTER)	
1287.5581	07/24/2019	432	A	L340	A101	165.00	0.10	16.50
							REVIEW/ANALYZE FILING NOTICE FROM COURT, RE: [REDACTED]	ARCH
							[REDACTED]	
							[REDACTED]	
							[REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER)	
1287.5581	07/25/2019	432	A	L340	A104	165.00	0.15	24.75
							REVIEW/ANALYZE CORRESPONDENCE FROM OPPOSING COUNSEL TO JUDGE JOHNSON, RE: OBJECTION TO THE BUILDERS' REQUEST FOR HEARING SETTING ON THE MOTIONS FOR FEES AND COSTS, [REDACTED]	ARCH
							[REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER)	
1287.5581	07/25/2019	432	A	L250	A104	165.00	0.10	16.50
							REVIEW/ANALYZE CORRESPONDENCE FROM OPPOSING COUNSEL TO THE JUDGE, RE: RESPONSE LETTER TO OUR REQUEST TO SET THE MOTIONS FOR FEES AND COSTS ON THE SAME DATE AS THE MOTION TO CERTIFY AS FINAL THE JUDGMENT, IN PREPARATION FOR DRAFTING REPLY TO SAME. (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
							PLAN AND PREPARE FOR REPLY LETTER IN SUPPORT OF OUR REQUEST FOR SET THE MOTIONS FOR FEES AND COSTS ON THE SAME DATE AS THE MOTION TO CERTIFY AS FINAL THE JUDGMENT.	ARCH
							REVIEW/ANALYZE CORRESPONDENCE TO JUDGE JOHNSON FROM THE BUILDERS, RE: [REDACTED]	ARCH
							[REDACTED]	
							[REDACTED]	
							[REDACTED]	
							[REDACTED]	
							[REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER)	

AA4720

<u>Client</u>	<u>Trans Date</u>	<u>Tmkr</u>	<u>H P</u>	<u>Tcode/ Task Code</u>	<u>Rate</u>	<u>Hours to Bill</u>	<u>Amount</u>	<u>Ref #</u>
Client ID 1287.5581 ESIS Dallas AGL Claims (2)								
1287.5581	07/25/2019	432	A	L250 A103	165.00	0.60	99.00 ADJUSTER) DRAFT/REVISE (BEGIN) LETTER TO JUDGE JOHNSON, RE: REPLY IN SUPPORT OF OUR REQUEST FOR HEARING ON THE MOTIONS FOR FEES AND COSTS, BEGAN DRAFTING ARGUMENTS IN SUPPORT OF OUR POSITION (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	07/25/2019	585	A	L120 A104	165.00	0.05	8.25 REVIEW/ANALYZE FILING NOTICE FROM COURT, RE: LETTER TO JUDGE JOHNSON FROM PLAINTIFF'S COUNSEL, TO EVALUATE POTENTIAL IMPACT ON CLIENT (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	07/26/2019	10	A	L250 A103	185.00	0.15	27.75 DRAFT (FINALIZE) LETTER TO JUDGE JOHNSON REITERATING ALL THE REASONS WHY THE MOTION FOR ATTORNEY FEES AND THE MOTION TO TAX COSTS SHOULD BE RE-SET FOR 8/6/19, ESPECIALLY GIVE THE 54B CERTIFICATION HEARING ON THE SAME DATE AND BECAUSE THE COURT HAS NOT REJECTED THE HOA'S SEPARATE ARGUMENT ABOUT COMPULSORY COUNTER-CLAIMS (AS PER CARRIER DIRECTIVE, ALL WORK SPLIT WITH OTHER FILE FOR OTHER TOWER; ALL WORK RELATED TO MOTIONS PRE-APPROVED BY SHERILYN BRYSON OF ESIS).	ARCH
1287.5581	07/26/2019	432	A	L250 A104	165.00	0.15	24.75 REVIEW/ANALYZE COURT'S MAY 23, 2019 ORDER, IN [REDACTED] [REDACTED] [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	07/26/2019	432	A	L250 A104	165.00	0.15	24.75 REVIEW/ANALYZE THE BUILDERS' MOTION FOR CERTIFICATION UNDER 54(B), TO EVALUATE THE ARGUMENTS AND CASE LAW THEREIN, [REDACTED] [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	07/26/2019	432	A	L250 A104	165.00	0.25	41.25 REVIEW/ANALYZE THE BUILDERS' OPPOSITIONS TO THE ASSOCIATION'S MOTIONS FOR RECONSIDERATION, BOTH OPPOSITIONS, TO EVALUATE THE ARGUMENTS AND CASE LAW THEREIN, [REDACTED] [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	07/26/2019	432	A	L250 A103	165.00	0.70	115.50 DRAFT/REVISE (CONTINUE) LETTER TO JUDGE JOHNSON, RE: REPLY IN SUPPORT OF OUR REQUEST FOR HEARING ON THE MOTIONS FOR FEES AND COSTS, CONTINUED LEGAL ARGUMENTS AND BASIS FOR SAME (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	08/01/2019	432	A	L120 A104	165.00	0.25	41.25 REVIEW/ANALYZE REPLY BRIEF IN SUPPORT OF OPPOSITION TO THE ASSOCIATION'S ORAL MOTION TO POSTPONE JUDGMENT ON THE SECOND MOTION FOR RECONSIDERATION OF THE COURT'S MAY 323, 2019 ORDER, [REDACTED] [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	08/01/2019	585	A	L250 A104	165.00	0.30	49.50 REVIEW/ANALYZE (BEGIN) DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION TO CERTIFY JUDGMENT AS FINAL UNDER RULE 54(B) AND RESPONSE TO PLAINTIFFS' OPPOSITION TO DEFENDANT JULY 16, 2019 ORAL MOTION TO POSTPONE THE COURT'S RULING ON THE MOTION FOR RECONSIDERATION AND CORRESPONDING CASE ANALYSIS WITHIN UNDERLYING BRIEF IN	ARCH

AA4721

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours to Bill	Amount	Ref #	
Client ID 1287.5581 ESIS Dallas AGL Claims (2)									
							PREPARATION FOR DEVELOPING STRATEGY [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER)		
1287.5581	08/02/2019	465	A	L320	A104	95.00	2.30	218.50	ARCH
							REVIEW/ANALYZE (BEGIN) CLARK COUNTY ASSESSOR RECORDS FOR TOWER II [UNITS 300-1100] RE: TO OBTAIN THE NAME OF THE HOMEOWNER FOR EACH UNIT, ORIGINAL CLOSE OF ESCROW DATE FOR EACH UNIT AND CURRENT CLOSE OF ESCROW DATE FOR EACH UNIT IN PREPARATION TO DRAFT A CLOSE OF ESCROW MATRIX FOR TOWER II.		
1287.5581	08/02/2019	465	A	L320	A103	95.00	0.60	57.00	ARCH
							DRAFT/REVISE (BEGIN) CLOSE OF ESCROW MATRIX FOR TOWER II [UNITS 300-1100] RE: TO INCORPORATE THE HOMEOWNER FOR EACH UNIT, ORIGINAL CLOSE OF ESCROW DATE FOR EACH UNIT AND CURRENT CLOSE OF ESCROW DATE FOR EACH UNIT.		
1287.5581	08/02/2019	10	A	L250	A104	185.00	0.65	120.25	ARCH
							REVIEW/ANALYZE (INITIAL REVIEW) OF THE HOA'S OPPOSITION TO THE MOTION FOR RULE 54(B) CERTIFICATION OF THE MOTION FOR SUMMARY JUDGMENT RULING ON THE STATUTE OF REPOSE, [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]		
1287.5581	08/02/2019	432	A	L120	A101	165.00	0.15	24.75	ARCH
							PLAN AND PREPARE FOR RESPONSE TO OPPOSITION TO OUR 54(B) CERTIFICATION MOTION, RE: ANALYZED THE ARGUMENTS PERTAINING TO COMPLETION OF HOMES AND UNITS, IN ORDER TO DEVELOP THE PLAN AND ADVISE ON WHEN UNITS WERE COMPLETED, WHEN THEY CLOSED ESCROW, WHO THE CURRENT CLAIMANTS ARE, [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER) (MOTION WORK APPROVED BY ADJUSTER SHERILYN BRYDON OF ESIS)		
1287.5581	08/02/2019	432	A	L250	A107	165.00	0.25	41.25	ARCH
							COMMUNICATE (OTHER OUTSIDE COUNSEL) COMMUNICATE WITH CO-COUNSEL, RE: [REDACTED] [REDACTED] [REDACTED] [REDACTED]		
1287.5581	08/02/2019	123	A	L320	A104	95.00	0.35	33.25	ARCH
							REVIEW/ANALYZE (BEGIN) CLARK COUNTY ASSESSOR WEBSITE FOR 4525 DEAN MARTIN DRIVE (34 UNITS TOTAL FOR FLOORS 3, 4 AND 5), RE: DETERMINING HOMEOWNER AND CLOSE OF ESCROW INFORMATION FOR UNITS ON SAID LEVELS, IN PREPARATION FOR DRAFTING CLOSE OF ESCROW MATRIX, IN PREPARATION FOR PROVIDING ATTORNEY, AS REQUESTED (AS PER CARRIER DIRECTIVE, TIME SPLIT WITH OTHER FILE IN SAME CASE-TOWER II).		
1287.5581	08/02/2019	123	A	L320	A103	95.00	0.10	9.50	ARCH
							DRAFT/REVISE (BEGIN) TOWER I-4525 DEAN MARTIN DRIVE CLOSE OF ESCROW MATRIX, RE: INCORPORATING FLOORS 3, 4 AND 5 (34 UNITS) CLOSE OF ESCROW INFORMATION OBTAINED FROM THE CLARK COUNTY ASSESSOR WEBSITE (AS PER CARRIER DIRECTIVE, TIME SPLIT WITH OTHER FILE IN SAME CASE-TOWER II).		
1287.5581	08/02/2019	123	A	L320	A104	95.00	0.40	38.00	ARCH
							REVIEW/ANALYZE (CONTINUE) CLARK COUNTY ASSESSOR WEBSITE FOR 4525 DEAN MARTIN DRIVE (39 UNITS TOTAL FOR FLOORS 6, 7 AND 8), RE: DETERMINING HOMEOWNER AND CLOSE OF ESCROW INFORMATION FOR UNITS ON SAID		

AA4722

<u>Client</u>	<u>Trans Date</u>	<u>Tmkr</u>	<u>H P</u>	<u>Tcode/ Task Code</u>	<u>Rate</u>	<u>Hours to Bill</u>	<u>Amount</u>	<u>Ref #</u>
Client ID 1287.5581 ESIS Dallas AGL Claims (2)								
1287.5581	08/02/2019	123	A	L320	A103	95.00	0.10	9.50
							LEVELS, IN PREPARATION FOR DRAFTING CLOSE OF ESCROW MATRIX, IN PREPARATION FOR PROVIDING ATTORNEY, AS REQUESTED (AS PER CARRIER DIRECTIVE, TIME SPLIT WITH OTHER FILE IN SAME CASE-TOWER II).	ARCH
1287.5581	08/02/2019	123	A	L320	A104	95.00	0.40	38.00
							DRAFT/REVISE (CONTINUE) TOWER I-4525 DEAN MARTIN DRIVE CLOSE OF ESCROW MATRIX, RE: INCORPORATING FLOORS 6, 7 AND 8 (39 UNITS) CLOSE OF ESCROW INFORMATION OBTAINED FROM THE CLARK COUNTY ASSESSOR WEBSITE (AS PER CARRIER DIRECTIVE, TIME SPLIT WITH OTHER FILE IN SAME CASE-TOWER II).	ARCH
1287.5581	08/02/2019	123	A	L320	A103	95.00	0.10	9.50
							REVIEW/ANALYZE (CONTINUE) CLARK COUNTY ASSESSOR WEBSITE FOR 4525 DEAN MARTIN DRIVE (39 UNITS TOTAL FOR FLOORS 9, 10 AND 11), RE: DETERMINING HOMEOWNER AND CLOSE OF ESCROW INFORMATION FOR UNITS ON SAID LEVELS, IN PREPARATION FOR DRAFTING CLOSE OF ESCROW MATRIX, IN PREPARATION FOR PROVIDING ATTORNEY, AS REQUESTED (AS PER CARRIER DIRECTIVE, TIME SPLIT WITH OTHER FILE IN SAME CASE-TOWER II).	ARCH
1287.5581	08/02/2019	123	A	L320	A104	95.00	0.45	42.75
							DRAFT/REVISE (CONTINUE) TOWER I-4525 DEAN MARTIN DRIVE CLOSE OF ESCROW MATRIX, RE: INCORPORATING FLOORS 9, 10 AND 11 (39 UNITS) CLOSE OF ESCROW INFORMATION OBTAINED FROM THE CLARK COUNTY ASSESSOR WEBSITE (AS PER CARRIER DIRECTIVE, TIME SPLIT WITH OTHER FILE IN SAME CASE-TOWER II).	ARCH
1287.5581	08/02/2019	123	A	L320	A103	95.00	0.10	9.50
							REVIEW/ANALYZE (CONTINUE) CLARK COUNTY ASSESSOR WEBSITE FOR 4525 DEAN MARTIN DRIVE (43 UNITS TOTAL FOR FLOORS 12, 14, 15 AND 16), RE: DETERMINING HOMEOWNER AND CLOSE OF ESCROW INFORMATION FOR UNITS ON SAID LEVELS, IN PREPARATION FOR DRAFTING CLOSE OF ESCROW MATRIX, IN PREPARATION FOR PROVIDING ATTORNEY, AS REQUESTED (AS PER CARRIER DIRECTIVE, TIME SPLIT WITH OTHER FILE IN SAME CASE-TOWER II).	ARCH
1287.5581	08/02/2019	123	A	L320	A104	95.00	0.45	42.75
							DRAFT/REVISE (CONTINUE) TOWER I-4525 DEAN MARTIN DRIVE CLOSE OF ESCROW MATRIX, RE: INCORPORATING FLOORS 12, 14, 15 AND 16 (43 UNITS) CLOSE OF ESCROW INFORMATION OBTAINED FROM THE CLARK COUNTY ASSESSOR WEBSITE (AS PER CARRIER DIRECTIVE, TIME SPLIT WITH OTHER FILE IN SAME CASE-TOWER II).	ARCH
1287.5581	08/02/2019	123	A	L320	A103	95.00	0.10	9.50
							REVIEW/ANALYZE (CONTINUE) CLARK COUNTY ASSESSOR WEBSITE FOR 4525 DEAN MARTIN DRIVE (40 UNITS TOTAL FOR FLOORS 17, 18, 19 AND 20), RE: DETERMINING HOMEOWNER AND CLOSE OF ESCROW INFORMATION FOR UNITS ON SAID LEVELS, IN PREPARATION FOR DRAFTING CLOSE OF ESCROW MATRIX, IN PREPARATION FOR PROVIDING ATTORNEY, AS REQUESTED (AS PER CARRIER DIRECTIVE, TIME SPLIT WITH OTHER FILE IN SAME CASE-TOWER II).	ARCH
1287.5581	08/02/2019	123	A	L320	A104	95.00	0.40	38.00
							DRAFT/REVISE (CONTINUE) TOWER I-4525 DEAN MARTIN DRIVE CLOSE OF ESCROW MATRIX, RE: INCORPORATING FLOORS 17, 18, 19 AND 20 (40 UNITS) CLOSE OF ESCROW INFORMATION OBTAINED FROM THE CLARK COUNTY ASSESSOR WEBSITE (AS PER CARRIER DIRECTIVE, TIME SPLIT WITH OTHER FILE IN SAME CASE-TOWER II).	ARCH
1287.5581	08/02/2019	123	A	L320	A104	95.00	0.40	38.00
							REVIEW/ANALYZE (CONTINUE) CLARK COUNTY ASSESSOR WEBSITE FOR 4525 DEAN MARTIN DRIVE (37 UNITS TOTAL FOR FLOORS 21, 22, 23 AND 24),	ARCH

AA4723

AA4724

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours to Bill	Amount	Ref #
Client ID 1287.5581 ESIS Dallas AGL Claims (2)								
1287.5581	08/03/2019	432	A	L120	A107	165.00	0.20	33.00
							CASE PER ADJUSTER)	ARCH
							COMMUNICATE (OTHER OUTSIDE COUNSEL)	
							CONFERENCE CALL WITH CO-COUNSEL, RE:	
							[REDACTED]	
							[REDACTED]	
							[REDACTED]	ARCH
							[REDACTED] (SPLIT	
							WITH TOWER II CASE PER ADJUSTER)	
1287.5581	08/04/2019	10	A	L120	A101	185.00	0.80	148.00
							PLAN AND PREPARE (CONTINUE) FOR TUESDAY'S	ARCH
							HEARING ON RULE 54(B) CERTIFICATION AND	
							OTHER ISSUES RE: GOING OVER THE	
							COUNTER-CLAIM, THE CLAIMS OF THE HOA, THE	
							OPPOSITION OF THE HOA TO THE RULE 54(B)	
							REQUEST, AND THE LIKELY ARGUMENTS THAT WILL	ARCH
							BE RAISED BY THE HOA AT THE HEARING; AND	
							OUTLINING OF POSSIBLE COUNTER-ARGUMENTS	
							(AS PER CARRIER DIRECTIVE, TIME SPLIT WITH	
							OTHER FILE IN SAME CASE DEALING WITH OTHER	
							TOWER; ALL WORK ON MOTIONS PRE-APPROVED	ARCH
							BY SHERILYN BRYSON OF ESIS).	
1287.5581	08/04/2019	10	A	L120	A101	185.00	0.25	46.25
							PLAN AND PREPARE (CONTINUE)FOR TUESDAY'S	ARCH
							HEARING ON RULE 54(B) CERTIFICATION AND	
							OTHER ISSUES RE: ADDITIONAL WORK ON THE	
							HOA'S CLAIMS AND WHY THEY ALL ARE TIED TO	
							THE CONSTRUCTION DEFECTS (AS PER CARRIER	
							DIRECTIVE, TIME SPLIT WITH OTHER FILE IN SAME	ARCH
							CASE DEALING WITH OTHER TOWER; ALL WORK ON	
							MOTIONS PRE-APPROVED BY SHERILYN BRYSON OF	
							ESIS).	
1287.5581	08/04/2019	432	A	L250	A101	165.00	0.80	132.00
							PLAN AND PREPARE FOR (BEGIN) REPLY IN SUPPORT	ARCH
							OF MOTION FOR CERTIFICATION UNDER RULE 54(B),	
							RE: ANALYZED STATUTES OF LIMITATIONS ON THE	
							VARIOUS CAUSES OF ACTION, EVALUATED HOW	
							THOSE STATUTES MIGHT IMPACT OUR CASE [REDACTED]	
							[REDACTED]	ARCH
							[REDACTED]	
							[REDACTED]	
							[REDACTED]	
							[REDACTED]	
							[REDACTED] (SPLIT WITH TOWER II CASE PER	ARCH
							ADJUSTER)	
1287.5581	08/04/2019	432	A	L250	A101	165.00	0.95	156.75
							PLAN AND PREPARE FOR (CONTINUE) REPLY IN	ARCH
							SUPPORT OF MOTION FOR CERTIFICATION UNDER	
							RULE 54(B), RE: ANALYZED NEVADA CASE LAW	
							REGARDING STATUTES OF LIMITATION [REDACTED]	
							[REDACTED]	
							[REDACTED]	ARCH
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Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours to Bill	Amount	Ref #	
Client ID 1287.5581 ESIS Dallas AGL Claims (2)									
1287.5581	08/04/2019	432	A	L250	A103	165.00	0.75	123.75	
							ADJUSTER)		
							DRAFT/REVISE CORRESPONDENCE TO CO-COUNSEL, RE: [REDACTED]	ARCH	
							[REDACTED]		
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							(SPLIT WITH TOWER II CASE PER ADJUSTER)		
1287.5581	08/04/2019	432	A	L250	A103	165.00	0.05	8.25	ARCH
							DRAFT/REVISE EMAIL TO CO-COUNSEL, RE: [REDACTED]		
							[REDACTED]		
							(SPLIT WITH TOWER II CASE PER ADJUSTER)		
1287.5581	08/04/2019	432	A	L250	A103	165.00	0.05	8.25	ARCH
							DRAFT/REVISE CORRESPONDENCE TO CO-COUNSEL, RE: [REDACTED]		
							[REDACTED]		
							[REDACTED]		
							[REDACTED]		
							(SPLIT WITH TOWER II CASE PER ADJUSTER)		
1287.5581	08/05/2019	465	A	L320	A104	95.00	2.10	199.50	ARCH
							REVIEW/ANALYZE (CONTINUE) CLARK COUNTY ASSESSOR RECORDS FOR TOWER II [UNITS 1101-2205] RE: TO OBTAIN THE NAME OF THE HOMEOWNER FOR EACH UNIT, ORIGINAL CLOSE OF ESCROW DATE FOR EACH UNIT AND CURRENT CLOSE OF ESCROW DATE FOR EACH UNIT IN PREPARATION TO DRAFT A CLOSE OF ESCROW MATRIX FOR TOWER II.		
							(SPLIT WITH TOWER II CASE PER ADJUSTER)		
1287.5581	08/05/2019	465	A	L320	A103	95.00	0.40	38.00	ARCH
							DRAFT/REVISE (CONTINUE) CLOSE OF ESCROW MATRIX FOR TOWER II [UNITS 1101-2205] RE: TO INCORPORATE THE HOMEOWNER FOR EACH UNIT, ORIGINAL CLOSE OF ESCROW DATE FOR EACH UNIT AND CURRENT CLOSE OF ESCROW DATE FOR EACH UNIT.		
							(SPLIT WITH TOWER II CASE PER ADJUSTER)		
1287.5581	08/05/2019	465	A	L320	A104	95.00	2.30	218.50	ARCH
							REVIEW/ANALYZE (CONTINUE) CLARK COUNTY ASSESSOR RECORDS FOR TOWER II [UNITS 2206-3401] RE: TO OBTAIN THE NAME OF THE HOMEOWNER FOR EACH UNIT, ORIGINAL CLOSE OF ESCROW DATE FOR EACH UNIT AND CURRENT CLOSE OF ESCROW DATE FOR EACH UNIT IN PREPARATION TO DRAFT A CLOSE OF ESCROW MATRIX FOR TOWER II.		
							(SPLIT WITH TOWER II CASE PER ADJUSTER)		
1287.5581	08/05/2019	465	A	L320	A103	95.00	0.60	57.00	ARCH
							DRAFT/REVISE (CONTINUE) CLOSE OF ESCROW MATRIX FOR TOWER II [UNITS 2206-3401] RE: TO INCORPORATE THE HOMEOWNER FOR EACH UNIT, ORIGINAL CLOSE OF ESCROW DATE FOR EACH UNIT AND CURRENT CLOSE OF ESCROW DATE FOR EACH UNIT.		
							(SPLIT WITH TOWER II CASE PER ADJUSTER)		
1287.5581	08/05/2019	10	A	L250	A104	185.00	0.05	9.25	ARCH
							REVIEW/ANALYZE TOWER I CLOSE OF ESCROW MATRIX [REDACTED]		
							[REDACTED]		
							[REDACTED]		
							[REDACTED]		
							[REDACTED] (AS PER		
							CARRIER DIRECTIVE, TIME SPLIT WITH OTHER FILE IN SAME CASE DEALING WITH OTHER TOWER; ALL WORK ON MOTIONS PRE-APPROVED BY SHERILYN BRYDON OF ESIS).		
							(SPLIT WITH TOWER II CASE PER ADJUSTER)		
1287.5581	08/05/2019	10	A	L250	A104	185.00	0.20	37.00	ARCH
							REVIEW/ANALYZE REPLY BRIEF IN SUPPORT OF MOTION FOR RULE 54(B) CERTIFICATION, AS DRAFTED BY CO-COUNSEL, MAKE NOTES FOR POSSIBLE REVISIONS TO SAME, AND CONTACT CO-COUNSEL [REDACTED]		
							[REDACTED] (AS PER CARRIER DIRECTIVE, TIME SPLIT		

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Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours to Bill	Amount	Ref #	
Client ID 1287.5581 ESIS Dallas AGL Claims (2)									
							(AS PER CARRIER DIRECTIVE, TIME SPLIT WITH OTHER FILE IN SAME CASE DEALING WITH OTHER TOWER, ALL WORK ON MOTIONS PRE-APPROVED BY SHERILYN BRYDON OF ESIS).		
1287.5581	08/09/2019	585	A	L120	A104	165.00	0.05	8.25 REVIEW/ANALYZE FILING NOTICE FROM COURT, RE: COURT'S ORDER PERTAINING TO DEFENDANT'S MOTION FOR RECONSIDERATION AND/OR TO ALTER OR AMEND THE COURT'S MAY 23, 2019 FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT PURSUANT TO NRS 11.202(1) FILED JUNE 13, 2019, TO EVALUATE POTENTIAL IMPACT ON CLIENT (SPLIT WITH TOWER II PER ADJUSTER)	ARCH
1287.5581	08/09/2019	585	A	L250	A104	165.00	0.20	33.00 REVIEW/ANALYZE (BEGIN) COURT'S ORDER PERTAINING TO DEFENDANT'S MOTION FOR RECONSIDERATION AND/OR TO ALTER OR AMEND THE COURT'S MAY 23, 2019 FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT PURSUANT TO NRS 11.202(1) FILED JUNE 13, 2019, IN PREPARATION FOR POSSIBLE SUBSEQUENT LITIGATION INVOLVING SAME (SPLIT WITH TOWER II PER ADJUSTER)	ARCH
1287.5581	08/09/2019	432	A	L250	A104	165.00	0.20	33.00 REVIEW/ANALYZE ORDER DENYING THE ASSOCIATION'S SECOND MOTION FOR RECONSIDERATION, (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	08/09/2019	432	A	L250	A109	165.00	0.10	16.50 APPEAR FOR/ATTEND CONFERENCE CALL WITH CO-COUNSEL, RE: (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	08/09/2019	432	A	L250	A103	165.00	0.15	24.75 DRAFT/REVISE NOTICE OF ENTRY OF ORDER DENYING THE ASSOCIATION'S SECOND MOTION FOR RECONSIDERATION, IN PREPARATION FOR FILING (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	08/11/2019	10	A	L250	A103	185.00	0.60	111.00 DRAFT UPDATE TO CARRIERS AND CLIENT CONTACT RE: (AS PER CARRIER DIRECTIVE, TIME SPLIT WITH OTHER FILE IN SAME CASE DEALING WITH OTHER TOWER; ALL WORK ON MOTIONS PRE-APPROVED BY SHERILYN BRYDON OF ESIS).	ARCH
1287.5581	08/12/2019	10	A	L250	A104	185.00	0.20	37.00 REVIEW/ANALYZE COURT'S RULING ON THE 54(B) MOTION AND ASSESS WHAT NEXT STEPS CAN BE TAKEN WITH REGARD TO THE HOA'S EFFORTS TO STILL GET YET ANOTHER BITE AT THE APPLE OF AB 421 (AS PER CARRIER GUIDELINES, TIME SPLIT WITH OTHER FILE IN SAME CASE DEALING WITH OTHER TOWER; ALL WORK ON MOTIONS PRE-APPROVED BY SHERILYN BRYDON OF ESIS).	ARCH
1287.5581	08/12/2019	10	A	L250	A104	185.00	0.35	64.75 REVIEW/ANALYZE POSSIBLE APPLICATION OF RULE 60(B) BY THE HOA TO THE STATUTE OF REPOSE RULING AND PREPARE DISCUSSION OF SAME TO CARRIERS AND TO CLIENT CONTACT GIVEN THE COURT'S GRANTING OF THE 54(B) MOTION (AS PER CARRIER DIRECTIVE, TIME SPLIT WITH OTHER FILE IN SAME CASE DEALING WITH OTHER TOWER; ALL	ARCH

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Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours to Bill	Amount	Ref #
Client ID 1287.5581 ESIS Dallas AGL Claims (2)								
							CONFER WITH CO-COUNSEL ON POSSIBLE RESPONSE TO SAME, AND SEND EMAIL TO CLIENT AND TO CARRIERS ████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████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<u>Client</u>	<u>Trans Date</u>	<u>Tmkr</u>	<u>H P</u>	<u>Tcode/ Task Code</u>	<u>Rate</u>	<u>Hours to Bill</u>	<u>Amount</u>	<u>Ref #</u>
Client ID 1287.5581 ESIS Dallas AGL Claims (2)								
							ANALYZED AA <i>PRIMO BUILDERS, LLC V. WASHINGTON</i> , 126. NEV. 578, 245 P.3D 1190 (2010), [REDACTED] [REDACTED] [REDACTED] SPLIT WITH TOWER II PER ADJUSTER	
1287.5581	09/19/2019	601	A	L250 A101	165.00	0.30	49.50 PLAN AND PREPARE FOR OPPOSING DEFENDANT'S MOTION TO ALTER OR AMEND THE COURT'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER ENTERED ON MAY 23, 2019, REVIEWED AND ANALYZED <i>LYTLE V. ROSEMERIE ESTATES PROP. OWNERS ASS'N</i> , 129 NEV. 923, 314 P. 946 (2013), [REDACTED] [REDACTED] [REDACTED] SPLIT WITH TOWER II PER ADJUSTER	ARCH
1287.5581	09/19/2019	601	A	L250 A101	165.00	0.20	33.00 PLAN AND PREPARE FOR OPPOSING DEFENDANT'S MOTION TO ALTER OR AMEND THE COURT'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER ENTERED ON MAY 23, 2019, REVIEWED AND ANALYZED <i>NELSON V. CITY OF ALBUQUERQUE</i> , 921 F.3D 925 (2019), [REDACTED] [REDACTED] [REDACTED] APPROVED BY SHERILYN BRIDEN, SPLIT WITH TOWER II PER ADJUSTER	ARCH
1287.5581	09/19/2019	601	A	L250 A101	165.00	0.15	24.75 PLAN AND PREPARE FOR OPPOSING DEFENDANT'S MOTION TO ALTER OR AMEND THE COURT'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER ENTERED ON MAY 23, 2019, REVIEWED AND ANALYZED <i>ANDREWS V. E.I. DU PONT DE NEMOURS & CO.</i> , 447 F.3D 510 (2006), [REDACTED] [REDACTED] [REDACTED] APPROVED BY SHERILYN BRIDEN, SPLIT WITH TOWER II PER ADJUSTER	ARCH
1287.5581	09/19/2019	601	A	L250 A101	165.00	0.15	24.75 PLAN AND PREPARE FOR OPPOSING DEFENDANT'S MOTION TO ALTER OR AMEND THE COURT'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER ENTERED ON MAY 23, 2019, REVIEWED AND ANALYZED <i>ARMSTRONG V. BROWN</i> , 857 F. SUPP. 2D 919 (2012), [REDACTED] [REDACTED] APPROVED BY SHERILYN BRIDEN, SPLIT WITH TOWER II PER ADJUSTER	ARCH
1287.5581	09/19/2019	601	A	L250 A101	165.00	0.20	33.00 PLAN AND PREPARE FOR OPPOSING DEFENDANT'S MOTION TO ALTER OR AMEND THE COURT'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER ENTERED ON MAY 23, 2019, REVIEWED AND ANALYZED <i>CASTRO-RAMIREZ V. DEPENDABLE HIGHWAY EXPRESS, INC.</i> , 2 CAL. APP. 5TH 1028 (2016), [REDACTED] [REDACTED] APPROVED BY SHERILYN BRIDEN, SPLIT WITH TOWER II PER ADJUSTER	ARCH
1287.5581	09/19/2019	601	A	L250 A101	165.00	0.20	33.00 PLAN AND PREPARE FOR OPPOSING DEFENDANT'S MOTION TO ALTER OR AMEND THE COURT'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER ENTERED ON MAY 23, 2019, REVIEWED AND ANALYZED <i>BLAICH V. BLAICH</i> , 114 NEV. 1446, 971 P.2D 822 (1998), [REDACTED] [REDACTED] [REDACTED] APPROVED BY SHERILYN BRIDEN, SPLIT WITH TOWER II PER ADJUSTER	ARCH
1287.5581	09/19/2019	601	A	L250 A101	165.00	0.15	24.75 PLAN AND PREPARE FOR OPPOSING DEFENDANT'S MOTION TO ALTER OR AMEND THE COURT'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER ENTERED ON MAY 23, 2019, REVIEWED AND	ARCH

AA4732

<u>Client</u>	<u>Trans Date</u>	<u>Tmkr</u>	<u>H P</u>	<u>Tcode/ Task Code</u>	<u>Rate</u>	<u>Hours to Bill</u>	<u>Amount</u>	<u>Ref #</u>
Client ID 1287.5581 ESIS Dallas AGL Claims (2)								
							ANALYZED <i>PETRUCELLI V. BOHRINGER & RATZINGER</i> , 46 F.3D 1298 (1995), [REDACTED] [REDACTED] [REDACTED] APPROVED BY SHERILYN BRIDEN, SPLIT WITH TOWER II PER ADJUSTER	
1287.5581	09/19/2019	432	A	L250 A101	165.00	0.70	115.50 PLAN AND PREPARE (CONTINUE) STRATEGY FOR OPPOSING THE MOTION FOR RECONSIDERATION, RE: [REDACTED] [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	09/19/2019	432	A	L250 A104	165.00	0.65	107.25 REVIEW/ANALYZE TRANSCRIPT FROM MOTION FOR SUMMARY JUDGMENT ON MAY 23, 2019, IN PREPARATION FOR DRAFTING OPPOSITION TO ASSOCIATION'S LATEST MOTION FOR RECONSIDERATION OF SAME (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	09/19/2019	432	A	L250 A104	165.00	0.60	99.00 REVIEW/ANALYZE TRANSCRIPT FROM PRIOR MOTION HEARING ON RECONSIDERATION MOTIONS IN JULY [REDACTED] [REDACTED] IN PREPARATION FOR DRAFTING OPPOSITION TO LATEST MOTION FOR RECONSIDERATION, FILED 9.9.19 (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	09/19/2019	432	A	L250 A104	165.00	0.05	8.25 REVIEW/ANALYZE TELEPHONE CALL WITH PLAINTIFF'S COUNSEL, RE: EXTENSION TO FILE OPPOSITION (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	09/19/2019	432	A	L250 A104	165.00	0.05	8.25 REVIEW/ANALYZE CORRESPONDENCE FROM PLAINTIFF'S COUNSEL, RE: EXTENSION TO FILE OPPOSITION (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	09/19/2019	432	A	L250 A103	165.00	0.05	8.25 DRAFT/REVISE CORRESPONDENCE TO PLAINTIFF'S COUNSEL, RE: EXTENSION TO FILE OPPOSITION AND PLAN FOR STIPULATION (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	09/19/2019	432	A	L250 A104	165.00	0.05	8.25 REVIEW/ANALYZE CORRESPONDENCE FROM OPPOSING COUNSEL, RE: STIPULATION AND ORDER TO EXTEND HEARING ON LATEST MOTION FILED 9.9.19, CHANGES AND ALTERATIONS, TO DETERMINE IF PROPOSITIONS ARE ACCEPTABLE (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	09/19/2019	432	A	L250 A103	165.00	0.05	8.25 DRAFT/REVISE (CONTINUE) STIPULATION AND ORDER TO EXTEND HEARING ON LATEST MOTION FILED 9.9.19, CHANGES AND ALTERATIONS, AS PROPOSED BY OPPOSING COUNSEL (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	09/19/2019	432	A	L250 A103	165.00	0.05	8.25 DRAFT/REVISE CORRESPONDENCE TO OPPOSING COUNSEL, RE: STIPULATION AND ORDER TO EXTEND HEARING ON LATEST MOTION FILED 9.9.19, CHANGES AND ALTERATIONS (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	09/20/2019	601	A	L250 A101	165.00	0.90	148.50 PLAN AND PREPARE FOR OPPOSING DEFENDANT'S MOTION TO ALTER OR AMEND THE COURT'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER ENTERED ON MAY 23, 2019, REVIEWED AND ANALYZED <i>DOE V. HARTFORD ROMAN CATHOLIC DIOCESAN CORP.</i> , 119 A.3D 462 (CONN. 2015) (50 PAGES), [REDACTED] [REDACTED] APPROVED BY SHERILYN BRIDEN, SPLIT WITH TOWER II PER ADJUSTER	ARCH
1287.5581	09/20/2019	601	A	L250 A101	165.00	0.60	99.00 PLAN AND PREPARE FOR OPPOSING DEFENDANT'S MOTION TO ALTER OR AMEND THE COURT'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND	ARCH

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours to Bill	Amount	Ref #	
Client ID 1287.5581 ESIS Dallas AGL Claims (2)									
							ORDER ENTERED ON MAY 23, 2019, REVIEWED AND ANALYZED 20TH CENTURY INS. CO. V. SUPERIOR COURT, 109 CAL. RPTR. 2D 611 (CAL. APP. 2001) (30 PAGES), [REDACTED] [REDACTED]		
1287.5581	09/20/2019	601	A	L250	A101	165.00	0.20	33.00	ARCH
							APPROVED BY SHERILYN BRIDEN, SPLIT WITH TOWER II PER ADJUSTER PLAN AND PREPARE FOR OPPOSING DEFENDANT'S MOTION TO ALTER OR AMEND THE COURT'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER ENTERED ON MAY 23, 2019, REVIEWED AND ANALYZED NELSON V. FLINTKOTE CO., 218 CAL. RPTR. 562 (CAL. APP. 1985), [REDACTED] [REDACTED]		
1287.5581	09/20/2019	601	A	L250	A101	165.00	0.15	24.75	ARCH
							[REDACTED] APPROVED BY SHERILYN BRIDEN, SPLIT WITH TOWER II PER ADJUSTER PLAN AND PREPARE FOR OPPOSING DEFENDANT'S MOTION TO ALTER OR AMEND THE COURT'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER ENTERED ON MAY 23, 2019, REVIEWED AND ANALYZED CAMPBELL V. HOLT, 115 U.S. 620 (1885), [REDACTED] [REDACTED]		
1287.5581	09/20/2019	601	A	L250	A101	165.00	0.20	33.00	ARCH
							[REDACTED] APPROVED BY SHERILYN BRIDEN, SPLIT WITH TOWER II PER ADJUSTER PLAN AND PREPARE FOR OPPOSING DEFENDANT'S MOTION TO ALTER OR AMEND THE COURT'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER ENTERED ON MAY 23, 2019, REVIEWED AND ANALYZED CHASE SECURITIES CORP. V. DONALDSON, 325 U.S. 304 (1945), [REDACTED] [REDACTED]		
1287.5581	09/20/2019	601	A	L250	A101	165.00	0.20	33.00	ARCH
							[REDACTED] APPROVED BY SHERILYN BRIDEN, SPLIT WITH TOWER II PER ADJUSTER PLAN AND PREPARE FOR OPPOSING DEFENDANT'S MOTION TO ALTER OR AMEND THE COURT'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER ENTERED ON MAY 23, 2019, REVIEWED AND ANALYZED ALSENZ V. TWIN LAKES VILLAGE, 108 NEV. 1117, 843 P.2D 834 (1992) [REDACTED] [REDACTED]		
1287.5581	09/20/2019	432	A	L250	A104	165.00	0.05	8.25	ARCH
							[REDACTED] APPROVED BY SHERILYN BRIDEN, SPLIT WITH TOWER II PER ADJUSTER REVIEW/ANALYZE CORRESPONDENCE FROM OPPOSING COUNSEL, RE: AGREEMENT ON STIPULATION AND ORDER TO EXTEND HEARING ON LATEST MOTION FILED 9.9.19, CHANGES AND ALTERATIONS (SPLIT WITH TOWER II CASE PER ADJUSTER)		
1287.5581	09/20/2019	432	A	L250	A103	165.00	0.05	8.25	ARCH
							DRAFT/REVISE CORRESPONDENCE TO OPPOSING COUNSEL, RE: AGREEMENT ON STIPULATION AND ORDER TO EXTEND HEARING ON LATEST MOTION FILED 9.9.19, CHANGES AND ALTERATIONS (SPLIT WITH TOWER II CASE PER ADJUSTER)		
1287.5581	09/20/2019	432	A	L250	A104	165.00	0.60	99.00	ARCH
							REVIEW/ANALYZE CASE LAW CITED TO IN THE TRANSCRIPT FROM THE PRIOR MOTIONS FOR RECONSIDERATION, [REDACTED] [REDACTED] IN PREPARATION FOR DRAFTING OPPOSITION TO LATEST MOTION FOR RECONSIDERATION, FILED 9.9.19 (SPLIT WITH TOWER II CASE PER ADJUSTER)		
1287.5581	09/20/2019	432	A	L250	A104	165.00	0.20	33.00	ARCH
							REVIEW/ANALYZE TRANSCRIPT FROM 54(B) CERTIFICATION MOTION, [REDACTED] [REDACTED]		

AA4734

<u>Client</u>	<u>Trans Date</u>	<u>Tmkr</u>	<u>H P</u>	<u>Tcode/ Task Code</u>	<u>Rate</u>	<u>Hours to Bill</u>	<u>Amount</u>	<u>Ref #</u>
Client ID 1287.5581 ESIS Dallas AGL Claims (2)								
1287.5581	09/20/2019	432	A	L250 A101	165.00	0.40	66.00 (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
							PLAN AND PREPARE (CONTINUE) STRATEGY FOR OPPOSING THE MOTION FOR RECONSIDERATION, RE: (SPLIT WITH TOWER II CASE PER ADJUSTER)	
1287.5581	09/20/2019	432	A	L250 A103	165.00	0.90	148.50 (SPLIT WITH TOWER II CASE PER ADJUSTER) DRAFT/REVISE (BEGIN) OPPOSITION TO PLAINTIFF'S SEPTEMBER 9, 2019 MOTION TO RECONSIDER AND AMEND THE COURT'S RULING ON THE MAY 23, 2019 ORDER, DRAFTED INTRODUCTION, AND STARTED ANALYSIS OF FIRST ARGUMENT ABOUT INAPPROPRIATELY BRINGING SUCCESSIVE MOTIONS WITH NEW INFORMATION. (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	09/20/2019	432	A	L250 A103	165.00	0.85	140.25 DRAFT/REVISE (CONTINUE) OPPOSITION TO PLAINTIFF'S SEPTEMBER 9, 2019 MOTION TO RECONSIDER AND AMEND THE COURT'S RULING ON THE MAY 23, 2019 ORDER, FINISHED PART I OF ARGUMENT A. (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	09/22/2019	432	A	L250 A103	165.00	0.80	132.00 DRAFT/REVISE (CONTINUE) OPPOSITION TO PLAINTIFF'S SEPTEMBER 9, 2019 MOTION TO RECONSIDER AND AMEND THE COURT'S RULING ON THE MAY 23, 2019 ORDER, FINISHED ARGUMENT A, INCLUDING PART II (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	09/22/2019	432	A	L250 A103	165.00	0.75	123.75 DRAFT/REVISE (CONTINUE) OPPOSITION TO PLAINTIFF'S SEPTEMBER 9, 2019 MOTION TO RECONSIDER AND AMEND THE COURT'S RULING ON THE MAY 23, 2019 ORDER, DRAFTED ARGUMENT B (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	09/22/2019	432	A	L250 A103	165.00	0.65	107.25 DRAFT/REVISE (CONTINUE) OPPOSITION TO PLAINTIFF'S SEPTEMBER 9, 2019 MOTION TO RECONSIDER AND AMEND THE COURT'S RULING ON THE MAY 23, 2019 ORDER, DRAFTED ARGUMENT C, PART I (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	09/22/2019	432	A	L250 A103	165.00	0.70	115.50 DRAFT/REVISE (CONTINUE) OPPOSITION TO PLAINTIFF'S SEPTEMBER 9, 2019 MOTION TO RECONSIDER AND AMEND THE COURT'S RULING ON THE MAY 23, 2019 ORDER, DRAFTED ARGUMENT C, PART II (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	09/22/2019	432	A	L250 A103	165.00	0.20	33.00 DRAFT/REVISE (CONTINUE) OPPOSITION TO PLAINTIFF'S SEPTEMBER 9, 2019 MOTION TO RECONSIDER AND AMEND THE COURT'S RULING ON THE MAY 23, 2019 ORDER, DRAFTED CONCLUSION (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	09/22/2019	432	A	L250 A103	165.00	0.30	49.50 DRAFT/REVISE (CONTINUE) OPPOSITION TO PLAINTIFF'S SEPTEMBER 9, 2019 MOTION TO RECONSIDER AND AMEND THE COURT'S RULING ON THE MAY 23, 2019 ORDER, WENT THROUGH EXHIBITS AND CITATIONS TO ENSURE THAT ALL ARE APPROPRIATE, ACCURATE AND COMPLETE (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	09/23/2019	432	A	L120 A104	165.00	0.05	8.25 REVIEW/ANALYZE DOCUMENTS RECEIVED FROM RUNNER, RE: STIPULATION AND ORDER EXECUTED BY THE JUDGE, EVALUATE FOR ANY ISSUES OR CONDITIONS TO ENFORCEMENT BEFORE INSTRUCTION TO FILE. (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	09/23/2019	432	A	L120 A103	165.00	0.05	8.25 DRAFT/REVISE NOTICE OF ENTRY OF ORDER GRANTING EXTENSION OF HEARING DEADLINE. (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH

AA4735

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours to Bill	Amount		Ref #	
Client ID 1287.5581 ESIS Dallas AGL Claims (2)										
1287.5581	09/26/2019	10	A	L250	A103	175.00	0.20	35.00	DRAFT (CONTINUE) WORK ON OPPOSITION TO THE HOA'S LATEST MOTION FOR RECONSIDERATION RE: ADDITIONAL WORK WITH APPELLATE COUNSEL ON THE VARIOUS ARGUMENTS (AS PER CARRIER DIRECTIVE, TIME SPLIT WITH OTHER FILE IN SAME CASE DEALING WITH OTHER TOWER; ALL WORK ON MOTIONS PRE-APPROVED BY SHERILYN BRYDON OF ESIS).	ARCH
1287.5581	10/01/2019	432	A	L250	A104	165.00	0.05	8.25	REVIEW/ANALYZE CORRESPONDENCE FROM APPELLATE COUNSEL, RE: [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	10/01/2019	432	A	L250	A104	165.00	0.25	41.25	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER)	[REDACTED]
1287.5581	10/01/2019	432	A	L250	A107	165.00	0.10	16.50	COMMUNICATE (OTHER OUTSIDE COUNSEL) TELEPHONE CALL WITH APPELLATE COUNSEL, RE: [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	10/08/2019	432	A	L120	A101	165.00	0.10	16.50	PLAN AND PREPARE STRATEGY FOR UPCOMING THIRD MOTION FOR RECONSIDERATION, RE: [REDACTED] [REDACTED] [REDACTED] (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	10/16/2019	10	A	L120	A107	175.00	0.15	26.25	COMMUNICATE (OTHER OUTSIDE COUNSEL) WITH CO-COUNSEL RE: [REDACTED] [REDACTED] (AS PER CARRIER DIRECTIVE, TIME SPLIT WITH OTHER FILE IN SAME CASE FOR OTHER TOWER; ALL WORK ON MOTIONS PRE-APPROVED BY SHERILYN BRYDON OF ESIS).	ARCH
1287.5581	10/16/2019	10	A	L250	A101	175.00	0.35	61.25	PLAN AND PREPARE (CONTINUE) FOR TOMORROW'S HEARING ON THE HOA'S 59(E) MOTION FOR RECONSIDERATION RE: CONTINUE TO GO OVER THE PLEADINGS, MAKING NOTES FOR ORAL ARGUMENT AS WELL AS FOR POSSIBLE ADDITIONAL STRATEGY DISCUSSION WITH CO-COUNSEL (AS PER CARRIER DIRECTIVE, TIME SPLIT WITH OTHER FILE IN SAME CASE FOR OTHER TOWER; ALL WORK ON MOTIONS PRE-APPROVED BY SHERILYN BRYDON OF ESIS).	ARCH
1287.5581	10/16/2019	432	A	L240	A101	165.00	0.75	123.75	PLAN AND PREPARE FOR UPCOMING HEARING ON THE MOTION FOR RECONSIDERATION OF THE COURT'S MAY 23, 2019 ORDER, ANALYZED MOTION, OPPOSITION AND REPLY, INCLUDING EXHIBITS, AND LOOKED AT IMPORTANT CASE LAW CITED TO IN THE BRIEFS (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	10/16/2019	432	A	L240	A101	165.00	0.15	24.75	PLAN AND PREPARE FOR UPCOMING HEARING ON THE MOTION FOR RECONSIDERATION OF THE COURT'S MAY 23, 2019 ORDER, MEET AND CONFER WITH APPELLATE COUNSEL REGARDING STRATEGY. (SPLIT WITH TOWER II CASE PER ADJUSTER)	ARCH
1287.5581	10/17/2019	10	A	L250	A101	175.00	0.25	43.75	PLAN AND PREPARE (FINAL PREPARATION) FOR TODAY'S HEARING ON THE HOA'S 59(E) MOTION FOR RECONSIDERATION RE: [REDACTED]	ARCH

AA4736

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours to Bill	Amount	Ref #
Client ID 1287.5581 ESIS Dallas AGL Claims (2)								
							█████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████████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Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours to Bill	Amount	Ref #
Client ID 1287.5581 ESIS Dallas AGL Claims (2)								
1287.5581	12/01/2019	432	P	L150 A103	165.00	0.35	57.75 DRAFT/REVISE UPDATED LITIGATION BUDGET FOR TOWER I AND TOWER II (SPLIT WITH TOWER II PER ADJUSTER)	3938
1287.5581	12/09/2019	432	P	L230 A104	165.00	0.05	8.25 REVIEW/ANALYZE NOTICE OF SPECIAL MASTER HEARING, SERVED BY SPECIAL MASTER, IN PREPARATION FOR FURTHER HANDLING (SPLIT WITH TOWER II CASE PER ADJUSTER)	3939
1287.5581	12/12/2019	119	P	302			0.00 WRITE-OFF (DMC)	3930
1287.5581	12/12/2019	119	P	302			0.00 WRITE-OFF (DMC)	3931
1287.5581	12/30/2019	119	P	302			0.00 WRITE-OFF	3932
1287.5581	01/14/2020	432	P	L120 A104	165.00	0.15	24.75 REVIEW/ANALYZE ORDER REGARDING DEFENDANT'S MOTION TO ALTER OR AMEND THE COURT'S FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER ENTERED MAY 23, 2019, TO EVALUATE THE COURT'S POSITION, ARGUMENTS AND LEGAL SUPPORT IN OUR FAVOR (SPLIT WITH TOWER II CASE PER ADJUSTER)	3940
1287.5581	01/14/2020	10	P	L250 A104	175.00	0.30	52.50 REVIEW/ANALYZE COURT ORDER DENYING THE HOA'S MOTION AND ASSESS THE NEXT STEPS IN THE CASE DEPENDING ON HOW THE HOA REACTS.	3941
1287.5581	01/14/2020	10	P	L250 A108	175.00	0.10	17.50 COMMUNICATE (OTHER EXTERNAL) WITH CARRIERS, COVERAGE COUNSEL AND CLIENT'S PERSONAL COUNSEL RE: [REDACTED]	3942
1287.5581	01/14/2020	10	P	L190 A108	175.00	0.05	8.75 COMMUNICATE (OTHER EXTERNAL) WITH JUSTICE (RET.) NANCY SAIITA RE: [REDACTED]	3943
Total for Client ID 1287.5581					Billable	211.90	34,096.12 ESIS Dallas AGL Claims (2) Panorama Tower II	
GRAND TOTALS								
					Billable	211.90	34,096.12	

Exhibit “Q”

Exhibit “Q”

ACCT. NO. 224781-00102

November 26, 2019

Invoice No. 1335314

ESIS**Sherilyn Brydon****P.O. Box 5129****Scranton, PA 18505-5129****email: sherilyn.brydon@esis.com****LEGAL SERVICES RENDERED THROUGH OCTOBER 17, 2019**

Hallier, et al. v. Panorama Towers Condominium

Unit Owners' Association (Tower I)

48062208278589 (Tower #1)

06-11-2019	A. Smith Call with Peter Brown regarding new Panorama Towers case and drafting opposition to motion for reconsideration	0.3	103.50
06-21-2019	A. Smith Draft opposition to motion for reconsideration	1.5	517.50
07-01-2019	D. Polsenberg Outline arguments on jurisdiction and Rule 54(b) for reply brief and hearing	0.9	675.00
07-01-2019	A. Smith Follow-up call with Peter Brown, Devin Gifford, and Dan Polsenberg	0.2	69.00
07-01-2019	A. Smith Revise opposition to motion for reconsideration (address constitutional arguments)	0.1	34.50
07-01-2019	A. Smith Call with Peter Brown on opposition to motion for reconsideration	0.5	172.50
07-01-2019	A. Smith Revise opposition to motion for reconsideration	1.2	414.00
07-12-2019	D. Polsenberg Study and analysis of arguments for court hearing; conference with co-counsel	1.6	1,200.00
07-12-2019	A. Smith Call with Peter Brown and Devin Gifford to prepare for hearing on Tuesday	0.2	69.00

07-12-2019	A. Smith Draft objection to stay request in reply brief	1.1	379.50
07-12-2019	A. Smith Further revisions to objection to continuance	0.2	69.00
07-15-2019	D. Polsenberg Study and analysis of arguments for court hearing; conference with co-counsel	1.9	1,425.00
07-15-2019	A. Smith Prepare for hearing on motions for reconsideration	0.3	103.50
07-15-2019	A. Smith Prepare Dan Polsenberg for argument on reconsideration	0.5	172.50
07-16-2019	D. Polsenberg Court appearance and argument at hearing; preparation	2.1	1,575.00
07-16-2019	A. Smith Draft motion to certify judgment as final under Rule 54(b) and application for order shortening time	2.2	759.00
07-17-2019	A. Smith Call with Peter Brown about motion for 54(b) certification	0.2	69.00
07-17-2019	A. Smith Draft motion to certify judgment as final under Rule 54(b) (argument on "no just reason for delay")	1.0	345.00
07-18-2019	A. Smith Revise motion for Rule 54(b) certification	1.6	552.00
07-19-2019	A. Smith Revise opposition to oral motion for stay	0.5	172.50
07-19-2019	A. Smith Call with Peter Brown	0.1	34.50
07-19-2019	A. Smith Revise motion for 54(b) certification (add arguments from federal authorities and Wright & Miller)	0.7	241.50
07-22-2019	A. Smith Panorama Towers Follow up on order shortening time for 54(b) motion	0.1	34.50

08-01-2019	D. Polsenberg Research statute of repose and retroactivity	1.6	1,200.00
08-01-2019	A. Smith Draft reply in support of motion for 54(b) certification	0.3	103.50
08-02-2019	D. Polsenberg Research arguments for closing off liability under concurrent state of repose; study and analysis of retroactive application of future statute; outline argument for final judgment under Rule 54(b)	1.6	1,200.00
08-02-2019	A. Smith Draft reply in support of motion for Rule 54(b) certification	0.4	138.00
08-02-2019	J. Helm Prepare briefs for hearing on motion to certify judgment	0.2	30.00
08-03-2019	D. Polsenberg Conference with co-counsel; devise arguments and issues for briefing and court hearing	1.4	1,050.00
08-03-2019	A. Smith Call with Peter Brown, Devin Gifford, and Cyrus Whittaker on reply brief in support of Rule 54(b) motion	0.2	69.00
08-04-2019	A. Smith Draft reply in support of motion for 54(b) certification (incorporate comments from Devin Gifford)	0.1	34.50
08-05-2019	D. Polsenberg Prepare for hearing	2.6	1,950.00
08-05-2019	A. Smith Draft reply in support of motion for 54(b) certification	3.8	1,311.00
08-05-2019	J. Helm Revise and finalize reply brief on motion to certify judgment	0.2	30.00
08-06-2019	D. Polsenberg Court hearing and argument	2.1	1,575.00
08-09-2019	A. Smith Call with Peter Brown regarding order denying reconsideration and notice of entry	0.1	34.50
08-13-2019	A. Smith Review rule amendments on deadlines for notice of appeal and prepare notice of entry on 54(b) ruling	0.5	172.50

08-29-2019	A. Smith Call with Peter Bloom on plan for writ petition, motion for stay, and motion for summary judgment	0.1	34.50
09-10-2019	A. Smith Draft opposition to 59(e) motion to alter or amend the judgment (invalidity of second motion, motion to advance hearing)	0.6	207.00
09-19-2019	A. Smith Call with Peter Brown regarding extension on 59(e) motion to alter or amend the judgment	0.1	34.50
09-26-2019	A. Smith Revise opposition to 59(e) motion to alter or amend the judgment (impact of successive 59(e) motions, interpretation of AB 421 to reach back to 2009, restructure argument on due process)	1.5	517.50
10-15-2019	D. Polsenberg Research and preparation for motion to alter and amend to change applicable law to reinstitute claims against client	4.2	3,150.00
10-16-2019	D. Polsenberg Research and preparation for motion to alter and amend to change applicable law to reinstitute claims against client	3.1	2,325.00
10-16-2019	A. Smith Call with Peter Brown and Devin Gifford regarding hearing on the association's 59(e) motion to alter or amend the judgment	0.1	34.50
10-17-2019	D. Polsenberg Hearing and argument on motion to alter and amend; research and preparation	2.6	1,950.00
10-17-2019	A. Smith Hearing on 59(e) motion to alter or amend the judgment	0.5	172.50
TOTAL HOURS		46.9	
TOTAL FEES			\$ 26,511.00

ADVANCES

07-12-2019	Filing Fees - : VENDOR: Eighth Judicial District Court	3.50
07-22-2019	Filing Fees - : VENDOR: Eighth Judicial District Court	3.50
08-05-2019	Filing Fees - : VENDOR: Eighth Judicial District Court	3.50
08-13-2019	Filing Fees - : VENDOR: Eighth Judicial District Court	3.50

TOTAL ADVANCES	\$ 14.00
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TIMEKEEPER SUMMARY

Timekeeper	Billed Per Hour	Hours Billed	Billed Amount
D. Polsenberg	750.00	25.7	19,275.00
A. Smith	345.00	20.8	7,176.00
J. Helm	150.00	0.4	60.00
Total All Timekeepers		46.9	\$26,511.00

ADVANCE SUMMARY

Description	Amount
Filing Fees	14.00
Total Advances	\$ 14.00

TOTAL FEES AND ADVANCES **\$26,525.00**
(U.S. FUNDS)

DUE AND PAYABLE UPON RECEIPT

November 26, 2019

Billing Attorney: D. Polsenberg

Account No. 224781-00102

Hallier, et al. v. Panorama Towers Condominium
Unit Owners' Association (Tower I)
48062208278589 (Tower #1)

1335314 11/26/19 26,525.00

TOTAL BALANCE DUE

\$26,525.00
(U.S. FUNDS)

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Bank Name: Wells Fargo Bank, NA
Bank Address: One Montgomery St., San Francisco, CA 94104
Account Name: Lewis Roca Rothgerber Christie LLP
Account #: 6334401020
Routing #: 122105278 (For ACH)
Routing #: 121000248 (For wires)
Swift Code: WFBUS6S

****Please reference account number or invoice number(s)****

ACCT. NO. 224781-00103

November 26, 2019

Invoice No. 1335315

ESIS**Sherilyn Brydon****P.O. Box 5129****Scranton, PA 18505-5129****email: sherilyn.brydon@esis.com****LEGAL SERVICES RENDERED THROUGH OCTOBER 17, 2019**

Hallier, et al. v. Panorama Towers Condominium

Unit Owners' Association (Tower #2)

5143220827859X (Tower #2)

06-11-2019	A. Smith Call with Peter Brown regarding new Panorama Towers case and drafting opposition to motion for reconsideration	0.3	103.50
06-21-2019	A. Smith Draft opposition to motion for reconsideration	1.5	517.50
07-01-2019	D. Polsenberg Outline arguments on jurisdiction and Rule 54(b) for reply brief and hearing	0.9	675.00
07-01-2019	A. Smith Revise opposition to motion for reconsideration (address constitutional arguments)	0.1	34.50
07-01-2019	A. Smith Follow-up call with Peter Brown, Devin Gifford, and Dan Polsenberg	0.2	69.00
07-01-2019	A. Smith Call with Peter Brown on opposition to motion for reconsideration	0.5	172.50
07-01-2019	A. Smith Revise opposition to motion for reconsideration	1.2	414.00
07-12-2019	D. Polsenberg Study and analysis of arguments for court hearing; conference with co-counsel	1.6	1,200.00
07-12-2019	A. Smith Call with Peter Brown and Devin Gifford to prepare for hearing on Tuesday	0.2	69.00

07-12-2019	A. Smith Draft objection to stay request in reply brief	1.1	379.50
07-12-2019	A. Smith Further revisions to objection to continuance	0.2	69.00
07-15-2019	D. Polsenberg Study and analysis of arguments for court hearing; conference with co-counsel	1.9	1,425.00
07-15-2019	A. Smith Prepare for hearing on motions for reconsideration	0.3	103.50
07-15-2019	A. Smith Prepare Dan Polsenberg for argument on reconsideration	0.5	172.50
07-16-2019	D. Polsenberg Court appearance and argument at hearing; preparation	2.1	1,575.00
07-16-2019	A. Smith Certify judgment as final under Rule 54(b) and application for order shortening time	2.2	759.00
07-17-2019	A. Smith Call with Peter Brown about motion for 54(b) certification	0.2	69.00
07-17-2019	A. Smith Draft motion to certify judgment as final under Rule 54(b) (argument on "no just reason for delay")	1.0	345.00
07-18-2019	A. Smith Revise motion for Rule 54(b) certification	1.6	552.00
07-19-2019	A. Smith Revise opposition to oral motion for stay	0.5	172.50
07-19-2019	A. Smith Call with Peter Brown	0.1	34.50
07-19-2019	A. Smith Revise motion for 54(b) certification (add arguments from federal authorities and Wright & Miller)	0.7	241.50
07-22-2019	A. Smith Follow up on order shortening time for 54(b) motion	0.1	34.50
08-01-2019	D. Polsenberg	1.6	1,200.00

	Research statute of repose and retroactivity		
08-01-2019	A. Smith Draft reply in support of motion for 54(b) certification	0.3	103.50
08-02-2019	D. Polsenberg Research arguments for closing off liability under concurrent state of repose; study and analysis of retroactive application of future statute; outline argument for final judgment under Rule 54(b)	1.6	1,200.00
08-02-2019	A. Smith Draft reply in support of motion for Rule 54(b) certification	0.4	138.00
08-02-2019	J. Helm Prepare briefs for hearing on motion to certify judgment	0.2	30.00
08-03-2019	D. Polsenberg Conference with co-counsel; devise arguments and issues for briefing and court hearing	1.4	1,050.00
08-03-2019	A. Smith Call with Peter Brown, Devin Gifford, and Cyrus Whittaker on reply brief in support of Rule 54(b) motion	0.2	69.00
08-04-2019	A. Smith Draft reply in support of motion for 54(b) certification (incorporate comments from Devin Gifford)	0.1	34.50
08-05-2019	D. Polsenberg Prepare for hearing	2.6	1,950.00
08-05-2019	A. Smith Draft reply in support of motion for 54(b) certification	3.8	1,311.00
08-05-2019	J. Helm Revise and finalize reply brief on motion to certify judgment	0.2	30.00
08-06-2019	D. Polsenberg Court hearing and argument	2.1	1,575.00
08-09-2019	A. Smith Call with Peter Brown regarding order denying reconsideration and notice of entry	0.1	34.50
08-13-2019	A. Smith Review rule amendments on deadlines for notice of appeal and prepare notice of entry on 54(b) ruling	0.5	172.50

08-29-2019	A. Smith Call with Peter Bloom on plan for writ petition, motion for stay and motion for summary judgment	0.1	34.50
09-10-2019	A. Smith Draft opposition to 59(e) motion to alter or amend the judgment (invalidity of second motion, motion to advance hearing)	0.6	207.00
09-19-2019	A. Smith Call with Joshua Carlson regarding extension on opposition to 59(e) motion to alter or amend the judgment	0.1	34.50
09-26-2019	A. Smith Revise opposition to 59(e) motion to alter or amend the judgment (impact of successive 59(e) motions, interpretation of AB 421 to reach back to 2009, restructure argument on due process)	1.5	517.50
10-15-2019	D. Polsenberg Research and preparation for motion to alter and amend to change applicable law to reinstitute claims against client	4.2	3,150.00
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10-17-2019	D. Polsenberg Hearing and argument on motion to alter and amend; research and preparation	2.6	1,950.00
10-17-2019	A. Smith Hearing on 59(e) motion to alter or amend the judgment	0.5	172.50
TOTAL HOURS		47.0	
TOTAL FEES			\$ 26,545.50

ADVANCES

08-13-2019	Filing Fees - : VENDOR: Eighth Judicial District Court	3.50
TOTAL ADVANCES		\$ 3.50

TIMEKEEPER SUMMARY

Timekeeper	Billed Per Hour	Hours Billed	Billed Amount
D. Polsenberg	750.00	25.7	19,275.00
A. Smith	345.00	20.9	7,210.50
J. Helm	150.00	0.4	60.00
Total All Timekeepers		47.0	\$26,545.50

ADVANCE SUMMARY

Description	Amount
Filing Fees	3.50
Total Advances	\$ 3.50

TOTAL FEES AND ADVANCES **\$26,549.00**
(U.S. FUNDS)

DUE AND PAYABLE UPON RECEIPT

November 26, 2019

Billing Attorney: D. Polsenberg

Account No. 224781-00103

Hallier, et al. v. Panorama Towers Condominium
Unit Owners' Association (Tower #2)
5143220827859X (Tower #2)

1335315 11/26/19 26,549.00

TOTAL BALANCE DUE

\$26,549.00
(U.S. FUNDS)

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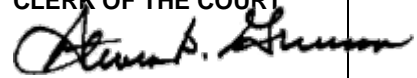
Remit Payments to:

Lewis Roca Rothgerber Christie LLP
Accounting Department
201 East Washington Street
Suite 1200
Phoenix, AZ 85004-2595

Wire/ACH Details:

Bank Name: Wells Fargo Bank, NA
Bank Address: One Montgomery St., San Francisco, CA 94104
Account Name: Lewis Roca Rothgerber Christie LLP
Account #: 6334401020
Routing #: 122105278 (For ACH)
Routing #: 121000248 (For wires)
Swift Code: WFBUS6S

****Please reference account number or invoice number(s)****



PETER C. BROWN, ESQ.
Nevada State Bar No. 5887
JEFFREY W. SAAB, ESQ.
Nevada State Bar No. 11261
DEVIN R. GIFFORD, ESQ.
Nevada State Bar No. 14055
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jsaab@bremerwhyte.com
dgifford@bremerwhyte.com

Attorneys for Plaintiffs/Counter-Defendants,
LAURENT HALLIER; PANORAMA TOWERS I, LLC;
PANORAMA TOWERS I MEZZ, LLC; and M.J. DEAN
CONSTRUCTION, INC.

DISTRICT COURT
CLARK COUNTY, NEVADA

LAURENT HALLIER, an individual;
PANORAMA TOWERS I, LLC, a Nevada
limited liability company; PANORAMA
TOWERS I MEZZ, LLC, a Nevada limited
liability company; and M.J. DEAN
CONSTRUCTION, INC., a Nevada Corporation,

Plaintiffs,

vs.

PANORAMA TOWERS CONDOMINIUM
UNIT OWNERS' ASSOCIATION, a Nevada
non-profit corporation,

Defendant.

PANORAMA TOWERS CONDOMINIUM
UNIT OWNERS' ASSOCIATION, a Nevada
non-profit corporation,

Counter-Claimant,

vs.

LAURENT HALLIER, an individual;
PANORAMA TOWERS I, LLC, a Nevada

) Case No. A-16-744146-D
)
) Dept. XXII
)
) **PLAINTIFFS/COUNTER-DEFENDANTS**
) **LAURENT HALLIER, PANORAMA**
) **TOWERS I, LLC, PANORAMA**
) **TOWERS I MEZZ, LLC AND M.J.**
) **DEAN CONSTRUCTION, INC.'S,**
) **OPPOSITION TO**
) **DEFENDANT/COUNTER-CLAIMANT'S**
) **RENEWED MOTION TO RE-TAX AND**
) **SETTLE COSTS**

1 limited liability company; PANORAMA)
TOWERS I MEZZ, LLC, a Nevada limited)
2 liability company; and M.J. DEAN)
CONSTRUCTION, INC., a Nevada Corporation;)
3 SIERRA GLASS & MIRROR, INC.; F.)
ROGERS CORPORATION; DEAN ROOFING)
4 COMPANY; FORD CONTRACTING, INC.;)
INSULPRO, INC.; XTREME EXCAVATION;)
5 SOUTHERN NEVADA PAVING, INC.;)
FLIPPINS TRENCHING, INC.; BOMBARD)
6 MECHANICAL, LLC; R. RODGERS)
CORPORATION; FIVE STAR PLUMBING &)
7 HEATING, LLC, dba SILVER STAR)
PLUMBING; and ROES 1 through , inclusive,)
8)
Counter-Defendants.)
9)

10 **PLAINTIFFS/COUNTER-DEFENDANTS LAURENT HALLIER, PANORAMA TOWERS**
11 **I, LLC, PANORAMA TOWERS I MEZZ, LLC AND M.J. DEAN CONSTRUCTION,**
12 **INC.'S, OPPOSITION TO DEFENDANT/COUNTER-CLAIMANT'S RENEWED**
MOTION TO RE-TAX AND SETTLE COSTS

13 COMES NOW, Plaintiffs/Counter-Defendants LAURENT HALLIER, PANORAMA
14 TOWERS I, LLC, PANORAMA TOWERS I MEZZ, LLC, and M.J. DEAN CONSTRUCTION,
15 INC. (herein after collectively referred to as "the Builders"), by and through their counsel of record,
16 Peter C. Brown, Esq., Jeffrey W. Saab, Esq. and Devin R. Gifford, Esq., of the law firm of Bremer
17 Whyte Brown & O'Meara, LLP, and hereby file their Opposition to Defendants/Counter-Claimants'
18 Renewed Motion to Re-Tax and Settle Costs.

19 This Opposition is made and based on the attached Memorandum of Points and Authorities,
20 the pleadings and papers on file herein, and all evidence and/or testimony accepted by this Honorable
21 Court at the time of the hearing on the Motion.

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 The Builders seek to recover their costs which were reasonably, necessarily and actually
4 incurred in this matter involving Defendant/Counter-Claimant Panorama Towers Condominium
5 Unit Owners' Association (hereinafter "the Association"). The Builders are the prevailing parties
6 following this Court's granting of the Builders' Motion for Summary Judgment Pursuant to NRS
7 11.202(a) filed on May 23, 2019 (hereinafter "Motion for Summary Judgment") whereby the
8 Builders obtained an Order granting judgment in their favor and dismissing with prejudice the
9 remaining claims asserted against the Builders by the Association through its Counter-Claim.
10 Despite repeated efforts by the Association, significant motion practice since the issuance of the May
11 23, 2019 Order has not altered this Court's ruling in favor of the Builders.

12 On May 28, 2019, the Builders filed their Verified Memorandum of Costs and
13 Disbursements. On May 29, 2019, the Builders filed an Errata to their Verified Memorandum of
14 Costs and Disbursements. On January 14, 2020, the Court filed its Order Re: Defendant's Motion
15 to Alter or Amend Court's Findings of Fact, Conclusions of Law and Order Entered May 23, 2019.
16 On January 16, 2020, the Builders filed a Notice of Entry of Order Re: Defendant's Motion to Alter
17 or Amend Court's Findings of Fact, Conclusions of Law and Order Entered May 23, 2019. On
18 January 20, 2020, the Builders filed their First Supplement to Verified Memorandum of Costs and
19 Disbursements.

20 **II. ARGUMENT**

21 The Association's Renewed Motion to Re-Tax and Settle Costs ("Motion") consists of a
22 potpourri of legal arguments that either rely on faulty premises or misinterpret the clear statutory
23 language of NRS 18.005. The cases presented by the Association do not support re-taxing the
24 Builders' costs, and certainly do not support complete denial of the Builders' recovery of costs. The
25 Builders address the Association's arguments below in the order in which they were presented.

26 ///

27 ///

1 **A. THE BUILDERS ARE ENTITLED TO RECOVER THEIR COSTS AS THE**
2 **PREVAILING PARTIES.**

3 The Association’s lead argument is that the Builders’ Memorandum for Fees and Costs
4 (hereinafter “Memorandum”), Errata, and Supplement are premature because the Builders’
5 Complaint still contains unresolved claims and that, consequently, there is not yet a “prevailing
6 party.” This argument is flawed for the principal reason that in regard to the Association’s Counter-
7 Claim itself (which requested grounds of relief independent from the Builders’ Complaint), the
8 Court’s Order has definitively determined the Builders to be the prevailing parties. The Association
9 is playing yet another disingenuous word game by attempting to characterize as one and the same
10 the prevailing parties for the Builders’ Complaint and the prevailing parties for the Association’s
11 Counter-Claim. Given this Court’s May 23, 2019 Order, the Builders are unequivocally the
12 prevailing parties on the Association’s Counter-Claim.

13 An award of costs (other than attorney’s fees) to the prevailing party is presumptive under
14 NRS 18.020: “Costs must be allowed of course to the prevailing party against any adverse party
15 against whom judgment is rendered” (*See*, NRS 18.020). The Nevada Supreme Court has defined
16 “prevailing party” as any party who succeeds on any significant issue in litigation which achieves
17 some of the benefit it sought in bringing the suit.” (*See, Hornwood v. Smith’s Food King*, 105 Nev.
18 188, 192; 772 P.2d 1284, 1287 (1989). The Supreme Court later expanded its definition to include
19 defendants, stating, “[T]he term ‘prevailing party is broadly construed so as to encompass plaintiffs,
20 counterclaimants, and defendants.” (*See, Valley Electric Association v. Overfield*, 121 Nev. 7, 10;
21 106 P.3d 1198, 1200 (2005)).

22 Here, the prevailing party determination is crystal clear. This Court granted the Builders’
23 Motion for Summary Judgment, which served to completely dispose of the Association’s requested
24 relief in its Counter-Claim. The Association’s argument that there is no prevailing party arises from
25 an erroneous presumption that all claims in the case must first be resolved rather than all claims
26 within the narrower scope of the pertinent Counter-Claim. While the Builders agree that all claims
27 within the Counter-Claim must be resolved, in accordance with the Association’s cited non-binding
28

1 case authority (*See*, Motion, Pg. 5, Lines 14-20), there is no justification whatsoever to support the
2 premise that all claims within the case as a whole must be resolved before the Builders can be deemed
3 the prevailing parties entitled to a recovery of their costs.

4 As clearly articulated in this Court's Findings of Fact, Conclusions of Law and Order
5 concerning Builders' Motion for Summary Judgment Pursuant to NRS 11.202(1),

6 "The Builders' claims in its Complaint are for breach of the prior settlement
7 agreement and declaratory relief regarding the sufficiency of the NRS 40.645
8 notice and application of AB 125. The Association's counterclaims of
9 negligence, intentional/negligent disclosure, breach of sales contract,
10 products liability, breach of express and implied warranties under and
11 violations of NRS Chapter 116, and breach of duty of good faith and fair
12 dealing are for monetary damages as a result of constructional defects to its
13 windows in the two towers." (*See*, Exhibit "A" from Original Opposition of
14 Motion to Re-Tax, Findings of Fact, Conclusions of Law and Order, Pg. 13,
15 Lines 22-28)

16 Even had the Court ruled against the Builders on their Complaint, the Association could still
17 have pled their own independent claims for relief. As this Court noted, the Association's
18 constructional defect claims were entirely distinct from the Builders' claims for relief.
19 Consequently, within the scope of Association's Counter-Claim, there is nothing unresolved. With
20 the entry of this Court's Order granting the Builders' Motion for Summary Judgment, a significant
21 change occurred in the relationship between the two parties because the Association lost its right to
22 continue to assert its claims against the Builders. Thus, in accordance with the Nevada Supreme
23 Court in *Hornwood v. Smith's Food King* (*See, Id*), the Builders are unquestionably the prevailing
24 parties in the context of the Association's Counter-Claim.

25 The Association asserts that "Nevada law makes clear that all claims by and between **all**
26 **parties** must be reduced to a final judgment before a court may determine the prevailing party for
27 purposes of awarding costs" pursuant to *Eberle v. State ex rel. Nell. J. Redfield Trust*, 108 Nev. 587,
28 590, 836 P.2d 67, 69 (1992). However, *Eberle* does not state this premise anywhere in the decision.
In fact, *Eberle* only comments on a singular "**prevailing party**"—not "**parties**" and not "**all parties**." The Association cannot cite to any NRS statute to support its "premature" theory. As

such, the Association's argument should be disregarded. Therefore, based on the foregoing, the Builders are entitled to recover their costs under NRS 18.110.

B. THE BUILDERS HAVE SUFFICIENTLY DEMONSTRATED THE COSTS THEY SEEK WERE REASONABLY, NECESSARILY AND ACTUALLY INCURRED.

The Association's second argument (consisting of four sub-parts) is that the Builders' asserted costs were unnecessary, avoidable, unreasonable or undocumented. The Association's analysis in support of this argument is misguided and incomplete. As demonstrated in the Builders' Memorandum and elaborated upon below, the Builders are entitled to an award of their costs as the prevailing parties and have provided sufficient documentation to support an award of all costs sought.

The Association disputes the following costs that the Builders have incurred:

Category	Errata	05/23/19 – 01/14/20	Total
Expert Witness Fees for Madsen, Kneppers & Associates	\$26,396.30	\$0	\$26,396.30
Expert Witness Fees for Reid Loadsman	\$11,691.40	\$140.00	\$11,778.90
Expert Witness Fees for EMP Consultants	\$3,907.58	\$0	\$3,907.58
Expert Witness Fees for John A. Martin & Associates	\$1,000.00	\$0	\$1,000.00
Vendor Fees for Holo Discovery	\$3,311.25	\$273.69	\$3,584.94
Special Master Fees	\$5,385.06	\$1,908.35	\$7,293.41
Mediator Fees (JAMS)	\$3,714.59	\$0	\$3,714.59
Court Fees for Hearing Transcripts	\$378.40	\$802.40	\$1,180.80
Depository Fees for Litigation Services	\$0	\$0	\$0
Deposition Transcripts	\$0	\$0	\$0
Reporter's Fees	\$0	\$0	\$0
Total Witness Fees	\$0	\$0	\$0
Total Fax Charges	\$0	\$0	\$0
Interpreter Fees	\$0	\$0	\$0
Notary Fees	\$0	\$0	\$0
Official Reporter (NRS 18.005(8))	\$0	\$0	\$0
Reproduction Costs	\$668.72	\$4.50	\$673.22
Local Travel Costs	\$170.06	\$76.10	\$246.16
Process Server Fees	\$140.54	\$0	\$140.54

1	Parking	\$59.00	\$88.00	\$147.00
2	Total Filing Fees	\$897.74	\$91.00	\$989.99
3	Outside Printing Fees	\$568.78	\$0	\$568.78
4	Attorney Services Fees	\$231.20	\$95.77	\$326.87
5	Court Services/Fees	\$655.20	\$389.70	\$1,044.90
6	Conference Call Services Fees	\$62.38	\$0	\$62.38
7	Photocopies	\$15.70	\$0	\$15.70
8	TOTAL	\$59,253.90	\$3,869.51	\$63,072.06

9 The Court should find that the Builders have provided sufficient documentation to support
10 an award of all costs sought in Builders' verified memorandum of costs. Each of the Association's
11 sub-arguments are addressed in the order presented in its Motion.

12 **C. THE BUILDERS SHOULD BE AWARDED COSTS INCURRED PRIOR TO**
13 **THE FILING OF THE BUILDERS' COMPLAINT.**

14 The Association contends that the Builders are not entitled to any costs that preceded the
15 Complaint. The Association fails to provide, however, any basis in law or fact to support its assertion
16 that the pre-litigation process is not associated with an action **or proceeding** such that the Builders'
17 costs should be denied. NRS 18.005 clearly allows for the Builders to recover costs **in connection**
18 with this action **or proceeding**. *See*, NRS 18.005(17). "Proceeding" is broader than "action," and
19 may include statutorily required proceedings (such as the entire pre-litigation Chapter 40 process).
20 NRS 18.005 does not limit recovery of costs to just an "action." Even if "action" means after a
21 lawsuit it filed, 18.005 is broader, and encompasses not just actions, but also, any proceedings.

22 "The determination of allowable costs is within the sound discretion of the trial court.
23 However, statutes permitting the recovery of costs are to be strictly construed because they are in
24 derogation of the common law." *Bobby Berosini, Ltd. V. People for the Ethical Treatment of*
25 *Animals*, 114 Nev. 1348, 1352, 971 P.2d 383 (1998). The Association incorrectly interprets the
26 phrase "in connection" to limit the relevant time period to that occurring after the filing of the
27 Complaint. However, no such temporal limitation is implied by the statute. While the Builders'
28 Complaint was filed on September 28, 2016, the Builders began incurring significant costs in
connection with this proceeding much earlier than that date.

1 The Association served its original Chapter 40 Notice on February 24, 2016. The Chapter
2 40 pre-litigation process is inseparable from any litigation that stems from the original Chapter 40
3 Notice. Under Nevada’s construction defect statute (codified in NRS Chapter 40), a claimant
4 homeowner may not file an action against a contractor for construction defects unless he or she first
5 provides the contractor with a notice of defect and allows the contractor an opportunity to inspect
6 and either repair the defect, make a monetary offer for the defect or dispute the existence of the
7 defect itself. *See* NRS 40.645, 40.647. This necessary pre-litigation process—that is directly
8 connected to the action—includes costs that are necessary, reasonable, and actually incurred
9 pursuant to *Cadle Co. v. Woods & Erickson, LLP*, 131 Nev. Adv. Op. 15, 345 P.3d 1049, 1054
10 (2015). Further support for this position is found in NRS 40.665, which allows for costs and fees
11 incurred to ascertain the nature and extent of the constructional defects. (*See*, NRS 40.665(e)(1)).
12 Obviously, the effort to ascertain the nature and extent of constructional defect allegations occurs
13 during the Chapter 40 pre-litigation process. If the roles were reversed in this case with the
14 Association as the prevailing party, would anyone seriously believe the Association would not seek
15 recovery of costs incurred during the pre-litigation process? Not likely. As NRS 40.655(e) allows
16 a claimant to recover reasonably incurred costs associated with the pre-litigation investigation, then
17 it stands to reason that the Builders, as the prevailing party, are entitled to recover their incurred
18 costs associated with pre-litigation investigation pursuant to NRS 18.005.

19 **D. THE TIMING OF THE BUILDERS’ DISPOSITIVE MOTION DOES NOT**
20 **PRECLUDE RECOVERY OF THE BUILDERS’ COSTS.**

21 The Association’s next attempt to deprive the Builders of their costs is based on the filing
22 date of the Builders’ Motion for Summary Judgment. Essentially, the Association’s argument is that
23 because the Builders did not bring their statute of repose motion earlier, “all costs unrelated to the
24 statute of repose motion were entirely unnecessary and, therefore, unrecoverable.” (*See*, Motion, Pg.
25 8, Lines 1-2).

26 On its face, this is a preposterous assertion because it assumes that the Builders could have
27 predicted which of its motions were going to prevail and when. Based on the Association’s logic,
28

1 any request for costs should be rejected unless the basis for those costs was the *first* dispositive
2 motion. The Association fails to ground this absurd proposition with any legal, or logical, basis.

3 Litigation, especially of the magnitude of the present case, involves significant risks and
4 costs. Each party enters into litigation knowing that should it not prevail it will potentially be subject
5 to significant monetary judgments. This is a case in which the Association chose to bring untimely
6 constructional defect claims and took the risk in doing so. The Builders’ “litany of separate and
7 unrelated potentially dispositive motions” (*See*, Motion, Pg. 7, Lines 15-17) were actually carefully
8 crafted with the goal of successfully disposing of the Association’s claims piece by piece. There is
9 no legal basis in law, nor any basis in logic, for depriving the Builders of their rightful recovery of
10 costs as the prevailing parties simply because the Association critiques the Builder’s “chosen legal
11 strategy.” (*See*, Motion, Pg. 7, Line 25 to Pg. 8 line 1).

12 The Builders were diligent in their efforts to assert all defenses once they were fully
13 evaluated. First, the substantial changes made by AB 125 to the statute of repose and its interplay
14 with the tolling provision were relatively new at the time of the Association’s Chapter 40 Notice.
15 An extensive analysis and evaluation of AB 125 and its potential application (considering both the
16 Panorama Towers construction history and the litigation history involving the property) was
17 necessary before the Builders could file any dispositive motion on those issues. Furthermore, there
18 was no operative pleading for the Builders to even address until the Association untimely filed its
19 Counter-Claim on March 1, 2017. And even after that date only a handful of cases had even
20 addressed the statute of repose issue.

21 One such case, *Byrne v. Sundridge Builder Inc.* Case No. A-16-742143-D, had similar
22 questions of law and fact as the Builders’ eventual Motion for Summary Judgment. The Honorable
23 Richard Scotti’s decision in that case granting the defendant’s Motion for Summary Judgment
24 pursuant to NRS 11.202(1) served as an impetus for the Builders filing their own Motion for
25 Summary Judgment on the statute of repose. Judge Scotti’s decision in *Byrne* was appealed on
26 December 11, 2018. Counsel for the Builders obtained a copy of Judge Scotti’s ruling from the
27 appellate papers in *Byrne*. Work on the Builders’ Motion for Summary Judgment commenced after
28

1 comparing the facts of the *Bryne* to the present case. There were, from the onset of this case up
2 thorough the appeal of Judge Scotti's ruling in *Bryne*, various motions being litigated between the
3 Builders and the Association. When it was both procedurally and strategically proper to do so, the
4 Builders brought their latest Motion for Summary Judgment.

5 **E. THE BUILDERS HAVE PROVIDED THE REQUISITE DOCUMENTATION**
6 **FOR THEIR COSTS.**

7 The Association's third attempt to prevent the Builders' recovery of costs is that "several of
8 the fees and costs" lack supporting documentation. The Association's assumption that the Builders
9 only billed the insurance carriers for \$21,361.05 is based on outdated and incomplete information.
10 The total costs actually incurred and documented are \$63,072.06. The Association ignores the Errata
11 and First Supplement, which provide documentation of additional costs. Furthermore, the
12 Association overlooks Exhibit 9 from the Builders' Original Memorandum referenced in Footnote 9
13 of the Memorandum. Exhibit 9 consists of 8 pages of the Builders' counsels' "Detail Cost
14 Transaction File List," and contains recorded documentation for all of the allegedly undocumented
15 costs that the Association is referring to (including reproduction costs, local travel costs, process
16 server costs, parking, total filing fees, outside printing fees, attorney services fees, court
17 services/fees, conference call services fees, and photocopies). The Detail Cost File List provides the
18 Court with invoicing and print logs which detail: (1) a brief description of the pertinent cost; (2) the
19 date of the cost; (3) the precise time spent for each cost; and (4) the amount in dollar fees for each
20 cost. The statutes mandating that the Builders be allowed to recover their costs as the prevailing party
21 require only an affidavit from the prevailing parties' attorney affirming the costs were reasonably,
22 actually, and necessarily incurred. Because the Builders have satisfied this requirement, the Builders
23 are entitled to receive costs for these documented amounts.

24 ///

26 ///

28 ///

1 **F. THE BUILDERS ARE ENTITLED TO MEDIATOR FEES AND SPECIAL**
2 **MASTER FEES BECAUSE SUCH FEES WERE REASONABLE AND**
3 **NECESSARY EXPENSES INCURRED IN CONNECTION WITH THE**
4 **ACTION.**

5 The Association argues that the Builders' request for costs of its Special Master and Mediator
6 fees, Local Travel Costs, and Attorney Travel Costs should be denied because they are not
7 recoverable under NRS 18.005. (*See*, Motion, Pg. 11, Lines 1-15). The Association, however, bases
8 this on a flawed interpretation of the statute.

9 NRS 18.005(17) specifically allows costs for “**any other reasonable and necessary expense**
10 **incurred in connection with the action**, including reasonable and necessary expenses for
11 computerized services for legal research.” (*See*, NRS 18.005(17), emphasis added). As shown in the
12 JAMS invoices as part of Exhibits 6 and 7, the Special Master fees and Mediator fees were for
13 mediation and Special Master hearings which directly pertained to the claims brought by the
14 Association against the Builders. NRS 18.005(17) is a catchall provision that enables the court to
15 broaden the scope of recoverable costs. Special Master fees are unique costs that are not ordinarily
16 incurred outside the construction defect context. It would be overinclusive of the drafters of 18.005
17 to include every potential cost in a given lawsuit, which is why the catch-all provision exists.

18 Local Travel Costs and Attorney Travel Costs are well documented. *See Original*
19 *Memorandum*, Exhibit 9 and Exhibit 17 from the First Supplement.. Travel was necessary to attend
20 mediation, Special Master Hearings, and Court Hearings. The amounts were also reasonable ranging
21 from \$2.00 to \$12.00. The Association provides no basis whatsoever for why these costs do not fit
22 within the breadth of NRS 18.005(17). On that basis, the Association's request to re-tax these
23 amounts should be denied.

24 ///

26 ///

1 **G. THIS COURT HAS AUTHORITY TO AWARD THE BUILDERS' EXPERT**
2 **COSTS, EVEN IF IN EXCESS OF \$1,500.00 PER EXPERT.**

3 Finally, the Association argues that that the Builders should be denied their costs for their
4 four expert witnesses because the Builders failed to demonstrate that such experts were necessary.
5 On the contrary, the Builders' experts were absolutely necessary in defending against the
6 Association's unreasonable pursuit of their claims, as explained below.

7 As the prevailing parties, the Builders are unquestionably entitled to an award of expert fees
8 of at least \$1,500.00 per expert pursuant to NRS 18.005(5). However, this Court has the discretion
9 to award expert fees in excess of \$1,500.00 per expert when it determines the circumstances
10 surrounding the retention each expert is of such necessity as to require the larger fee and subsequent
11 cost recovery. (*See*, NRS 18.005(5); *See also*, *Frazier v. Drake*, 131 Nev. Adv. Op. 64, 357 P.3d
12 365, 374 (2015); *See also*, *Logan v. Abe*, 350 P.3d 1139 (2015) (stating "that NRS 18.005(5) allows
13 the district court to award more than \$1,500 for an expert's fees if the larger fee was necessary");
14 *See also*, *Gilman v. State Bd. Of Veterinary Med. Exam'rs*, 120 Nev. 263 (2004) (Nevada Supreme
15 Court affirmed an award of \$7,145 in expert fees)).

16 The Association contends that none of the Builders' expert witnesses offered trial testimony
17 or were deposed. However, as this Court is no doubt aware, there is no rule of law, statute, code, or
18 other legal premise that the Builders' experts must be deposed or testify at the time of trial in order
19 for the Builders to recover said costs after judgment has been rendered in the Builders' favor. In
20 fact, the Nevada Supreme Court has clarified the law with respect to expert witness fees under NRS
21 18.005(5) and held that the recovery of expert fees in excess of \$1,500.00 per expert is permitted,
22 even when the expert has not testified, so long as the district court states the basis for the decision.
23 (*See*, *Public Employees Ret. Sys. V. Gitter*, 393 P.3d, 673, 681 (2017), 133 Nev. Adv. Rep. 18
24 (2017)). While the Builders' experts have not testified in deposition or trial in this case, they
25 completed a substantial amount of work directly related to the claims brought by the Association.

26 The *Frazier* Court identified the following factors in determining whether an award in excess
27 of \$1,500 is appropriate: (1) importance of the experts to the party's case, (2) the degree to which
28

1 the expert's opinion aided the trier of fact in deciding the case; (3) whether the expert's reports or
2 testimony were repetitive of other expert witnesses; (4) the extent and nature of the work performed
3 by the expert; (5) whether the expert had to conduct independent investigations or testing; (6) the
4 amount of time the expert spent in court, preparing a report, and preparing for trial; (7) the expert's
5 area of expertise; (8) the expert's education and training; (9) the fee actually charged to the party
6 who retained the expert; (10) the fees traditionally charged by the expert on related matters; (11)
7 comparable experts' fees charged in similar cases; and (12) if an expert is retained from outside the
8 area, the fees and costs that would have been incurred to hire a comparable expert from the area. *Id.*
9 at 377-78. These factors are non-exhaustive. (*See, Id* at 378). This Court need not consider every
10 factor and may consider other factors in determining the circumstances justifying awarding the
11 Builders their full costs incurred for their experts. (*See, Id*). Consideration of the *Frazier* factors and
12 the inherent complexity of the constructional defects alleged in the Association's Counter-Claim
13 supports awarding the Builders their full amount of incurred expert costs.

14 **i. Madsaen, Kneppers & Associates**

15 The Builders should be awarded the full costs incurred by Madsen, Kneppers & Associates
16 ("MKA") because the fees are reasonable, and the circumstances are such as to require a fee greater
17 than \$1,500.00. Consideration of the *Frazier* factors supports awarding the Builders all fees incurred
18 in retaining MKA in this matter.

19 The Association retained MKA to investigate and respond to the defect allegations alleged
20 in the Association's Amended Chapter 40 Notice. (*See, Panorama Towers Condominium Unit*
21 *Owners' Association's Amended Notice of Claims Pursuant to NRS Section 40.645, Exhibit "B"*
22 *from Original Opposition of Motion to Re-Tax*). Once the Builders were notified of the
23 Association's claims, the Builders were forced to retain MKA and thereafter have MKA travel to the
24 site, perform inspections, attend destructive testing, analyze construction documents from the
25 Association, and provide evidentiary expert bases for the many motions that followed the
26 Association's Chapter 40 Notice. The extent of this work was substantial: for example, the
27 Association alleged that the window defects required testing and possible replacement of every
28

1 single exterior window in both Towers. (*See, Id*). The Association's estimated testing and
2 inspections *alone* for the alleged window defects was stated at \$8,097,320.00. (*See, Affidavit of*
3 Omar Hindiyeh, Exhibit "C" from Original Opposition of Motion to Re-Tax). The significant
4 repair cost alleged by the Association demonstrates the importance of the Builders retaining their
5 own construction experts, as well justifying the, in comparison, relatively minor amount of MKA's
6 fees. The first *Frazier* factor supports awarding costs in the full amount incurred.

7 Michelle Robbins has over 35 years of experience in the construction industry and is both a
8 licensed General Contractor and Architect. (*See, CV, fee schedule and testimony list of Michelle*
9 Robbins, Ex. "D" from Original Opposition of Motion to Re-Tax). Her education and training
10 encompass all aspects of design, development, and construction. (*See, Id*). Her experience includes
11 teaching architecture courses in the areas of Environmental Design, Architectural Design, and Urban
12 Planning at the University of Nevada Las Vegas and the Southern California Institute of
13 Architecture. (*See, Id*).

14 There is no dispute the Builders actually incurred \$26,396.30 in expert's fees and costs in
15 retaining MKA to defend against the Association's defect allegations. Thus, consideration of the
16 *Frazier* factors, as demonstrated above, would support this Court's finding that the Builders
17 necessarily and reasonably retained MKA to defend against the Association's claims.

18 **ii. Reid Loadsman (Simon Loadsman)**

19 The Builders should be awarded the full costs incurred by Reid Loadsman, through expert
20 Simon Loadsman, because the fees are reasonable, and the circumstances are such as to require a fee
21 greater than \$1,500.00. Consideration of the *Frazier* factors supports awarding the Builders all fees
22 incurred in retaining Loadsman in this matter.

23 The Builders retained Mr. Loadsman to respond to the window defect allegations in the
24 Builder's Chapter 40 Notice. Mr. Loadsman assisted with reviewing documents, plans, reports, and
25 providing detailed expert testimony to rebut allegations of the Association's expert Omar Hindiyeh.

26 Mr. Loadsman has over 30 years of experience in the construction industry and has worked
27 in window manufacturing factories, managed window installation companies, and owned and
28

1 operated a glass company (Clearlite Window Systems, Inc) in England. (*See*, CV, fee schedule and
2 testimony list of Simon Loadsman, Ex. “E” from original Opposition of Motion to Re-Tax).

3 There is no dispute that the Builders actually incurred \$11,778.90 in expert’s fees and costs
4 in retaining Mr. Loadsman. A comparison of the fees charged by Mr. Loadsman to the fees of the
5 Association’s experts demonstrates Mr. Loadsman’s fees are comparable to other experts in his field.

6 Consideration of the *Frazier* factors and the inherent complexity of construction defect cases
7 justifies awarding the Builders their full costs incurred in retaining Mr. Loadsman.

8 **iii. EMP Consultants**

9 The Builders should be awarded the full costs incurred by EMP Consultants (“EMP”)
10 because the fees are reasonable, and the circumstances are such as to require a fee greater than
11 \$1,500. Consideration of the *Frazier* factors supports awarding the Builders all fees incurred in
12 retaining EMP Consultants (specifically Robert M. Smith) in this matter.

13 The Builders retained EMP Consultants to respond to allegations of the Association’s
14 construction defect claims in its Chapter 40 Notice. Mr. Smith attended site inspections, reviewed
15 expert analysis, and provided detailed evidentiary expert support for the ongoing motions following
16 the Association’s Chapter 40 Notice. Mr. Smith is a mechanical engineer licensed in multiple states
17 with over 42 years of experience in Building Technology Systems synthesis, design, operation, and
18 assessment. (*See*, CV of Robert M. Smith, Ex. “F” from Original Opposition of Motion to Re-Tax).

19 There is no dispute that the Builders actually incurred \$3,907.58 in expert’s fees and costs in
20 retaining EMP Consultants. Consideration of the *Frazier* factors, as demonstrated above, supports
21 this Court finding the Builders’ necessarily and reasonably retained EMP to defend against the
22 Association’s claims.

23 **iv. John A. Martin & Associates**

24 The Court need not give special attention to awarding the Builders the full amount incurred
25 in retaining John A. Martin & Associates as his expert’s fees and costs are within the amount taxable
26 pursuant to NRS 18.005(5). The Builders should be awarded costs for the fees incurred in retaining
27 John A. Martin & Associates in the amount of \$1,000.00.

1 Consideration of the *Frazier* factors supports awarding the Builders the full amount of costs
2 incurred in retaining experts to defend against the Association's Counter-Claim. Thus, this Court
3 should award the Builders the full amount of costs for their four different, uniquely qualified experts,
4 in the total amount of \$43,082.78, pursuant to NRS 18.005(5) and *Frazier v. Drake*.

5 **III. CONCLUSION**

6 Based on this Court's May 23, 2019 Order, which stands unchanged following repeated
7 efforts by the Association to challenge the Order, the Builders are the prevailing party with regard
8 to the Association's Counter-Claim and are entitled to the costs they reasonably and necessarily
9 incurred in their efforts to defend against the Association's construction defect claims. The Builders
10 seek to recover costs reasonably, necessarily, and actually incurred in connection with defending
11 against the Association's defect claims. Accordingly, the Builders respectfully request this Court
12 award costs in the total amount of \$63,072.06.

13
14 Dated: February 10, 2020.

BREMER WHYTE BROWN & O'MEARA LLP

15
16 By: 

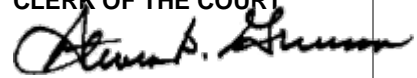
17 Peter C. Brown, Esq.
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19 Devin R. Gifford, Esq.
Nevada State Bar No. 14055
Attorneys for Plaintiffs/Counter-Defendants
20 LAURÉNT HALLIER, PANORAMA TOWERS I,
21 LLC, PANORAMA TOWERS I MEZZ, LLC, and
M.J. DEAN CONSTRUCTION, INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of February 2020 a true and correct copy of the foregoing document was electronically delivered to Odyssey for service upon all electronic service list recipients.



Alondra Reynolds, an employee of
Bremer, Whyte, Brown & O'Meara LLP



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*Counsel for Defendant/Counterclaimant Panorama
Towers Condominium Unit Owners' Association*

DISTRICT COURT

CLARK COUNTY, NEVADA

LAURENT HALLIER, an individual;
PANORAMA TOWERS I, LLC, a Nevada
limited liability company; PANORAMA
TOWERS I MEZZ, LLC, a Nevada limited
liability company; and M.J. DEAN
CONSTRUCTION, INC., a Nevada corporation,

Plaintiffs,

vs.

PANORAMA TOWERS CONDOMINIUM
UNIT OWNERS' ASSOCIATION, a Nevada
non-profit corporation,

Defendant.

Case No.: A-16-744146-D
Dept. No.: XXII

**PANORAMA TOWERS
CONDOMINIUM UNIT OWNERS'
ASSOCIATION'S NOTICE OF APPEAL**

1 PANORAMA TOWERS CONDOMINIUM
2 UNIT OWNERS' ASSOCIATION, a Nevada
3 non-profit corporation, and Does 1 through
4 1000,

Counterclaimants,

5 vs.

6 LAURENT HALLIER, an individual;
7 PANORAMA TOWERS I, LLC, a Nevada
8 limited liability company; PANORAMA
9 TOWERS I MEZZ, LLC, a Nevada limited
10 liability company; M.J. DEAN
11 CONSTRUCTION, INC., a Nevada
12 Corporation; SIERRA GLASS & MIRROR,
13 INC.; F. ROGERS CORPORATION; DEAN
14 ROOFING COMPANY; FORD
15 CONTRACTING, INC.; INSULPRO, INC.;
XTREME XCAVATION; SOUTHERN
NEVADA PAVING, INC.; FLIPPINS
TRENCHING, INC.; BOMBARD
MECHANICAL, LLC; R. RODGERS
CORPORATION; FIVE STAR PLUMBING &
HEATING, LLC, dba Silver Star Plumbing; and
ROES 1 through 1000, inclusive,

Counter-defendants.

16
17 PLEASE TAKE NOTICE that Defendant/Counterclaimant Panorama Towers
18 Condominium Unit Owners' Association hereby appeals to the Supreme Court of Nevada from
19 the Order Re: Motion to Certify Judgment as Final Under NRCP 54(b), filed on August 12, 2019
20 (the "Rule 54(b) Order"), in the Eighth Judicial District Court, Clark County, Nevada, attached
21 hereto as **Exhibit 1**, and all rulings and interlocutory orders made appealable thereby, including
22 but not limited to the Findings of Fact, Conclusions of Law and Order, filed on May 23, 2019, and
23 the Order Re: Defendant's Motion to Alter or Amend Court's Findings of Fact, Conclusions of
24 Law and Order Entered May 23, 2019, entered in this action on January 14, 2020 ("Rule 59(e)
25 Order"). The Notice of Entry of Order for the Rule 54(b) Order was filed and served on August
26 13, 2019, and the Notice of Entry of Order for the Rule 59(e) Order was filed and served on January
27
28

1 16, 2020, both of which are attached hereto as **Exhibit 2**.

2 DATED this 13th day of February, 2020.

3 Respectfully submitted,

4 KEMP, JONES & COULTHARD, LLP

5 /s/ Michael Gayan

6 MICHAEL J. GAYAN, ESQ. (#11125)

7 JOSHUA D. CARLSON, ESQ. (#11781)

8 KEMP, JONES & COULTHARD, LLP

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9 *Counsel for Defendant/Counterclaimant*

10 *Panorama Towers Condominium Unit Owners'*
11 *Association*

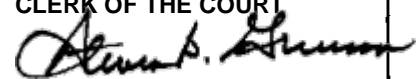
12
13
14 **CERTIFICATE OF SERVICE**

15 I hereby certify that on the 13th day of February, 2020 the foregoing **PANORAMA**
16 **TOWERS CONDOMINIUM UNIT OWNERS' ASSOCIATION'S NOTICE OF APPEAL**
17 was served on the following by Electronic Service to all parties on the Court's service list.

18
19 /s/ Angela D. Embrey

20 An employee of Kemp, Jones & Coulthard, LLP

EXHIBIT 1



1 OGM

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 LAURENT HALLIER, an individual;
7 PANORAMA TOWERS I, LLC, a Nevada
8 limited liability company; PANORAMA
9 TOWERS I MEZZ, LLC, a Nevada limited
10 liability company; and M.J. DEAN
11 CONSTRUCTION, INC., a Nevada
12 corporation,

13 Plaintiffs,

14 Vs.

15 PANORAMA TOWERS
16 CONDOMINIUM UNIT OWNERS'
17 ASSOCIATION, a Nevada non-profit
18 corporation.

19 Defendant.

20 PANORAMA TOWERS
21 CONDOMINIUM UNIT OWNERS'
22 ASSOCIATION, a Nevada non-profit
23 corporation,

24 Counter-Claimant,

25 Vs.

26 LAURENT HALLIER, an individual;
27 PANORAMA TOWERS I, LLC, a Nevada
28 limited liability company; PANORAMA
TOWERS I MEZZ, LLC, a Nevada limited
liability company; and M.J. DEAN
CONSTRUCTION, INC., a Nevada
Corporation,

Counter-Defendants.

Case No. A-16-744146-D

Dept. No. XXII

ORDER RE: MOTION TO
CERTIFY JUDGMENT AS
FINAL UNDER NRCP 54(b)

1 **PANORAMA TOWERS**
2 **CONDOMINIUM UNIT OWNERS'**
3 **ASSOCIATION, a Nevada non-profit**
4 **corporation,**

5 **Third-Party Plaintiff,**

6 **Vs.**

7 **SIERRA GLASS & MIRROR, INC.; F.**
8 **ROGERS CORPORATION; DEAN**
9 **ROOFING COMPANY; FORD**
10 **CONSTRUCTING, INC.; INSULPRO,**
11 **INC.; XTREME EXCAVATION;**
12 **SOUTHERN NEVADA PAVING, INC.;**
13 **FLIPPINS TRENCHING, INC.;**
14 **BOMBARD MECHANICAL, LLC; R.**
15 **RODGERS CORPORATION; FIVE**
16 **STAR PLUMBING & HEATING, LLC**
17 **dba SILVER STAR PLUMBING; and**
18 **ROES 1 through 1000, inclusive,**

19 **Third-Party Defendants.¹**

20 **ORDER RE: MOTION TO CERTIFY JUDGMENT AS FINAL UNDER NRCP 54(b)**

21 This matter concerning the Motion to Certify Judgment as Final Under NRCP 54(b) filed by
22 Plaintiffs/Counter-Defendants LAURENT HALLIER, PANORAMA TOWERS I, LLC,
23 PANORAMA TOWERS I MEZZ, LLC and M.J. DEAN CONSTRUCTION, INC. on July 22, 2019
24 was heard, on Order Shortening Time, on the 6th day of August 2019 at the hour of 8:30 a.m. before
25 Department XXII of the Eighth Judicial District Court, in and for Clark County, Nevada, with
26 JUDGE SUSAN H. JOHNSON presiding; Plaintiffs/Counter-Defendants LAURENT HALLIER,
27 PANORAMA TOWERS I, LLC, PANORAMA TOWERS I MEZZ, LLC and M.J. DEAN
28 CONSTRUCTION, INC. appeared by and through its attorneys, DANIEL F. POLSENBERG, ESQ.
of the law firm, LEWIS ROCA ROTHGERBER CHRISTIE, and PETER C. BROWN, ESQ. and

¹As the subcontractors are not listed as "plaintiffs" in the primary action, the matter against them is better characterized as a "third-party" claim, as opposed to "counter-claim."

1 CYRUS S. WHITTAKER, ESQ. of the law firm, BREMER WHYTE BROWN & O'MEARA; and
2 Defendant/Counter-Claimant/Third-Party Plaintiff PANORAMA TOWERS CONDOMINIUM
3 UNIT OWNERS' ASSOCIATION appeared by and through its attorneys, MICHAEL J. GAYAN,
4 ESQ. and WILLIAM L. COULTHARD, ESQ. of the law firm, KEMP JONES & COULTHARD.
5 Having reviewed the papers and pleadings on file, heard oral arguments of the lawyers and taken
6 this matter under advisement, this Court makes the following Findings of Fact and Conclusions of
7 Law:
8

9 **FINDINGS OF FACT AND PROCEDURAL HISTORY**

10 1. This case arises as a result of alleged constructional defects within both the common
11 areas and the 616 residential condominium units located within two tower structures of the
12 PANORAMA TOWERS located at 4525 and 4575 Dean Martin Drive in Las Vegas, Nevada. On
13 February 24, 2016, Defendant/Counter-Claimant PANORAMA TOWERS CONDOMINIUM UNIT
14 OWNERS' ASSOCIATION served its original NRS 40.645 Notice of Constructional Defects upon
15 Plaintiffs/Counter-Defendants (also identified herein as the "Contractors" or "Builders"), alleging
16 deficiencies within its residential tower windows, fire blocking, mechanical room piping and sewer.
17 Subsequently, after the parties engaged in the pre-litigation process ending with an unsuccessful
18 NRS 40.680 mediation held September 26, 2016, the Contractors filed their Complaint on
19 September 28, 2016 against the Owners' Association, asserting the following claims that, for the
20 most part, deal with their belief the NRS 40.645 notice was deficient:
21
22

- 23 1. Declaratory Relief—Application of AB 125;
- 24 2. Declaratory Relief—Claim Preclusion;
- 25 3. Failure to Comply with NRS 40.600, *et seq.*;
- 26 4. Suppression of Evidence/Spoliation;
- 27 5. Breach of Contract (Settlement Agreement in Prior Litigation);
- 28

6. Declaratory Relief—Duty to Defend; and

7. Declaratory Relief—Duty to Indemnify.

2. On March 1, 2017, PANORAMA TOWER CONDOMINIUM UNIT OWNERS' ASSOCIATION filed its Answer and Counter-Claim, alleging the following claims:

1. Breach of NRS 116.4113 and 116.4114 Express and Implied Warranties; as well as those of Habitability, Fitness, Quality and Workmanship;

2. Negligence and Negligence *Per Se*;

3. Products Liability (against the manufacturers);

4. Breach of (Sales) Contract;

5. Intentional/Negligent Disclosure; and

6. Duty of Good Faith and Fair Dealing; Violation of NRS 116.1113.

3. This Court previously dismissed the constructional defect claims within the mechanical room as being time-barred by virtue of the “catch-all” statute of limitations of four (4) years set forth in NRS 11.220.² With respect to challenges to the sufficiency and validity of the NRS 40.645 notice, this Court stayed the matter to allow PANORAMA TOWERS CONDOMINIUM UNIT OWNERS' ASSOCIATION to amend it with more specificity. This Court ultimately determined the amended NRS 40.645 notice served upon the Builders on April 15, 2018 was valid only with respect to the windows' constructional defects.³

4. On April 23, 2019, this Court heard two motions filed by the parties, to wit: (1) the Contractors' Motion for Summary Judgment Pursuant to NRS 11.202(1) filed February 11, 2019 and (2) the Association's Conditional Counter-Motion for Relief Pursuant to NRS 40.695(2) filed March 1, 2019. After hearing the parties' arguments, this Court took the matter under advisement, and on

²See Findings of Fact, Conclusions of Law and Order filed September 15, 2017.

³See Findings of Fact, Conclusions of Law and Order filed November 30, 2018.

1 May 23, 2019, issued its third Findings of Fact, Conclusions of Law and Order which granted the
2 Builders' motion, and denied the Association's Conditional Counter-Motion. As pertinent here, this
3 Court concluded the Owners' Association's remaining constructional defect claims lodged against
4 the Builders were time-barred by the six-year statute of repose set forth in NRS 11.202(1).

5 4. On June 3, 2019, the Association filed its Motion for Reconsideration and/or Stay of
6 the Court's May 23, 2019 Findings of Fact, Conclusions of Law and Order Granting Plaintiffs'
7 Motion for Summary Judgment or alternatively, a Motion to Stay the Court's Order.⁴ Ten days
8 later, on June 13, 2019, the Association filed a second Motion for Reconsideration and/or to Alter or
9 Amend the Court's May 23, 2019 Findings of Fact, Conclusions of Law and Order Granting
10 Plaintiffs' Motion for Summary Judgment. These two motions essentially were the same except the
11 second alerted the Court the Nevada Legislature passed AB 421 on June 1, 2019, and such was
12 signed by the Governor and formally enacted on June 3, 2019. As pertinent here, AB 421 amends
13 NRS 11.202 by extending the statute of repose period from six (6) to ten (10) years and it is to be
14 applied retroactively to actions in which the substantial completion of the improvement to real
15 property occurred before October 1, 2019, the date in which the amendment takes effect.

16 The Builders opposed the two motions on several grounds. First, they noted this Court
17 entered a final order on May 23, 2019, the Notice of Entry of Order was filed May 28, 2019, and
18 thus, by the time the Motion for Reconsideration and/or Stay was filed June 3, 2019, there was no
19 pending matter to stay. Second, while AB 421 was enacted and will apply retroactively, it does not
20 become effective until October 1, 2019, meaning, currently, there is no change in the law. That is,
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25 ⁴The Association moved this Court to stay the Order upon the basis the Nevada Legislature had passed
26 Assembly Bill (referred to as "AB" herein) 421 on June 1, 2019, which "immediately and retroactively extends the
27 statute of repose to 10 years." See Motion for Reconsideration of the Court's May 23, 2019 Findings of Fact,
28 Conclusions of Law and Order Granting Plaintiffs' Motion for Summary Judgment or alternatively, a Motion to Stay the
Court's Order filed June 3, 2019, p. 4. The Association urged this Court to stay the Order until such time as AB 241 was
enacted or rejected by the Governor. As set forth *infra*, the Governor signed the bill on June 3, 2019 which was to take
effect October 1, 2019.

1 as the law stands, the period for the statute of repose is six (6) years as enacted February 24, 2015,
2 and not ten (10). Third, as the Association's claims have already been adjudicated, AB 421 cannot
3 be interpreted to revive those causes of action.

4 This Court denied the Association's first Motion for Reconsideration and/or Stay filed June
5 3, 2019 at the July 16, 2019 hearing; it took the June 13, 2019 motion under advisement, and
6 ultimately, it was denied via Order filed August 9, 2019. In summary, this Court concluded the
7 newly-amended NRS 11.202 becomes effective October 1, 2019, whereby the current state of the
8 law is such the statute of repose is six (6) years, and not ten (10). If the Nevada Legislature had
9 intended AB 421's retroactive effect to be applied now, it would have said so just as it had in
10 enacting AB 125 in February 2015.

12 5. The Contractors have moved this Court to certify the May 23, 2019 Findings of Fact,
13 Conclusions of Law and Order as final under Rule 54(b) of the Nevada Rules of Civil Procedure
14 (NRCP). They argue the Order is final in that it granted summary judgment with respect to the
15 Association's claims in their entirety, and there is no just reason for delaying the entry of final
16 judgment. The Owners' Association opposes upon the bases (1) the May 23, 2019 Order is "silent
17 as to which of the Association's legal claims were resolved in this action,"⁵ and "[t] repeated
18 references to 'construction defect claims' are too vague and insufficient to make the [] Order final
19 and appealable;"⁶ (2) the Order "could not have resolved the Association's contract-based claims;"⁷
20 and (3) the Builders will not face hardship or injustice by waiting for the issue to be appealed after
21 all parties' claims are resolved.
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23

24 ...

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26 ⁵See Defendant's (1) Opposition to Plaintiffs'/Counter-Defendants' Motion to Certify Judgment as Final Under
27 Rule 54(b) and (2) Response to Plaintiffs'/Counter-Defendants' Opposition to Defendant's/Counter-Claimant's July 16,
28 2019 Oral Motion to Postpone the Court's Ruling on the Motion for Reconsideration of and/or to Alter or Amend the
Court's May 23, 2019 Findings of Fact, Conclusions of Law and Order filed August 1, 2019, p. 11.

⁶*Id.*, p. 12.

⁷*Id.*, p. 14.

CONCLUSIONS OF LAW

1
2 1. NRCP 54 was recently amended to reflect virtually the identical wording of Rule 54
3 of the Federal Rules of Civil Procedure (FRCP). NRCP 54(b) provides:

4 (b) *Judgment on Multiple Claims or Involving Multiple Parties.* When an action presents
5 more than one claim for relief—whether as a claim, counterclaim, crossclaim, or third-party
6 claim—or when multiple parties are involved, the court may direct entry of a final judgment
7 as to one or more, but fewer than all, claims or parties only if the court expressly determines
8 that there is no just reason for delay. Otherwise, any order or other decision, however
9 designated, that adjudicates fewer than all claims or the rights and liabilities of fewer than all
the parties does not end the action as to any of the claims or parties and may be revised at
any time before the entry of a judgment adjudicating all the claims and all the parties' rights
and liabilities.

10 Clearly, NRCP 54(b) permits district courts to authorize immediate appeal of dispositive rulings on
11 separate claims in a civil action raising multiple claims. This rule “was adopted...specifically to
12 avoid the possible injustice of delay[ing] judgment o[n] a *distinctly separate* claim [pending]
13 adjudication of the entire case....The Rule thus aimed to augment, not diminish, appeal
14 opportunity.” See Jewel v. National Security Agency, 810 F.3d 622, 628 (9th Cir. 2015), *quoting*
15 Gelboim v. Bank of America Corp., ____ U.S. ____ 135 S.Ct. 897, 902-903, 190 L.Ed.2d 789 (2015)
16 (interpreting FRCP 54).
17

18 2. Over sixty (60) years ago, the United States Supreme Court outlined steps to be
19 followed in making determinations under FRCP 54(b), of which NRCP 54(b) is now the same. See
20 Sears, Roebuck & Company v. Mackey, 351 U.S. 427, 76 S.Ct. 895, 100 L.Ed. 1297 (1956), *cited by*
21 Curtiss-Wright Corporation v. General Electric Company, 446 U.S. 1, 7, 100 S.Ct. 1460, 1464, 64
22 L.Ed.2d 1 (1980). The district court first must determine it is dealing with a “final judgment.” It
23 must be a “judgment” in the sense it is a decision upon a cognizable claim for relief, and it must be
24 “final” or an “an ultimate disposition of an individual claim entered in the course of a multiple
25 claims action.” *Id.*, *quoting* Sears, Roebuck & Company, 351 U.S. at 436, 76 S.Ct. at 900.
26
27 ...
28

1 3. Once it finds “finality,” the district court must determine whether there is any just
2 reason for delay. Not all final judgments on individual claims should be immediately appealable
3 even if they are separable from the remaining unresolved claims. It is left to the sound judicial
4 discretion of the district court to determine the appropriate time when each final decision in a
5 multiple claims action is ready for appeal. Curtiss-Wright Corporation, 446 U.S. at 8, 100 S.Ct. at
6 1464-1465, *citing* Sears, Roebuck & Company, 351 U.S. at 437, 76 S.Ct. at 899, 900. Thus, in
7 deciding whether there is no just reason to delay the appeal of the May 23, 2019 Findings of Fact,
8 Conclusions of Law and Order, which granted the Builders’ February 11, 2019 Motion for Summary
9 Judgment, this Court must take into account the judicial administrative interests as well as the
10 equities involved. Consideration of the former is necessary to assure application of NRCP 54(b) will
11 not result in the appellate courts deciding the same issues more than once on separate appeals.
12

13 4. Here, the Owners’ Association argues against NRCP 54(b) certification upon the
14 bases the May 23, 2019 Order is not final as it is “silent as to which of the Association’s legal claims
15 were resolved in this action”⁸ and further, the Order “could not have resolved the Association’s
16 contract-based claims.”⁹ This Court disagrees with both of the Association’s positions. The May
17 23, 2019 16-page Order specifically details this Court’s reasoning and conclusion the Owners’
18 Association’s constructional defect claims are time-barred by the six-year statute of repose.
19 Notably, this Court specifically set forth on page 13 of the Order “[t]he Association’s counter-claims
20 of negligence, intentional/negligent disclosure, breach of sales contract, products liability, breach of
21 express and implied warranties under and violations of NRS Chapter 116, and breach of duty of
22 good faith and fair dealing are for monetary damages as a result of constructional defects to its
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26 ⁸See Defendant’s (1) Opposition to Plaintiffs’/Counter-Defendants’ Motion to Certify Judgment as Final Under
27 Rule 54(b) and (2) Response to Plaintiffs’/Counter-Defendants’ Opposition to Defendant’s/Counter-Claimant’s July 16,
28 2019 Oral Motion to Postpone the Court’s Ruling on the Motion for Reconsideration of and/or to Alter or Amend the
Court’s May 23, 2019 Findings of Fact, Conclusions of Law and Order filed August 1, 2019, p. 11.

⁹*Id.*, p. 14.

1 windows in the two towers.” In short, the May 23, 2019 Order was not silent as to which of the
2 Association’s counter-claims were resolved; the Order specifically enumerated and decided all the
3 claims.

4 Further, while the Association argues the Order “could not have resolved the Association’s
5 contract-based claims.”¹⁰ a review of the Association’s Fourth Cause of Action entitled “Breach of
6 Contract” within the Counter-Claim indicates it is an action seeking monetary damages as a result of
7 constructional defects. It states, *inter alia*, the Developers entered into written contracts¹¹
8 representing the individual units were constructed in a professional and workmanlike manner and in
9 accordance with all applicable standards of care in the building industry. The Developers breached
10 the Sales Contracts “by selling units containing the Defects described above, *and as a direct result*
11 *of said breaches, The (sic) Association and its individual members have suffered the losses and*
12 *damages described above.*”¹² (Emphasis added) Clearly, the “Breach of Contract” action, seeking
13 monetary damages as a result of constructional defects, was addressed and analyzed within this
14 Court’s May 23, 2019 Order as time-barred by virtue of the six-year statute of repose. This Court
15 concludes its May 23, 2019 Findings of Fact, Conclusions of Law and Order is final as it was an
16 ultimate disposition of all the Association’s causes of action set forth within the Counter-Claim.
17
18

19 5. The next issue that must be determined is whether there is any just reason for delay.
20 In this regard, this Court considers whether the May 23, 2019 Findings of Fact, Conclusions of Law
21 and Order dealt with matters distinctly separable from the remaining unresolved claims. This Court,
22 therefore, turns to the claims for relief set forth in the Builders’ Complaint to determine which of
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26 ¹⁰*Id.*, p. 14.

27 ¹¹Notably, the Fourth Cause of Action does not state with whom the Developers entered into the Sales
28 Contracts. Presumably, the contracts were between the Developers and the members of the Association, and not with the
Association itself. The homeowners are not Counter-Claimants in this case.

¹²See Defendant Panorama Tower Condominium Unit Owners’ Association’s Answer to Complaint and
Counterclaim filed March 1, 2017, p. 32, Paragraph 71.

1 them remain unresolved, and if they are separate from the Association's causes of action contained
2 in the Counter-Claim.

3 The First Claim for Relief sought declaratory relief regarding the application of Assembly
4 Bill (AB) 125 enacted and effective as of February 24, 2015. In its various Findings of Fact,
5 Conclusions of Law and Orders issued in this case, this Court determined AB 125 reflects the state
6 of the law between February 24, 2015 to September 30, 2019' and was applied in this Court's
7 analyses whereby this cause of action is resolved. The Second Claim for Relief seeks a declaration
8 from this Court the Association's claims are precluded, as in this Builders' view, the rights and
9 obligations of the parties in this matter were resolved by way of Settlement Agreement reached in a
10 prior litigation. This Second Claim for Relief is distinctly different from the causes adjudged in the
11 May 23, 2019 Order, and thus, it is not yet resolved. The Third Claim for Relief accuses the
12 Association of failure to comply with the pre-litigation process set forth in NRS 40.600 through
13 40.695. This Court dealt with the issues presented in the Third Claim for Relief within its
14 September 15, 2017 and November 30, 2018 Findings of Fact, Conclusions of Law and Orders;
15 ultimately, it found the Association failed to provide an adequate NRS 40.645 notice with respect to
16 the constructional defects allegedly found in the Towers' sewer system¹³ and fire walls. It
17 determined the notice was adequate concerning the constructional defects found in the Towers'
18 windows. The Third Claim for Relief is resolved.

19 The Fourth Claim for Relief is entitled "suppression of evidence/spoliation," and essentially
20 the Contractors seek sanctions against the Association for its alleged failure to retain the parts and
21 mechanisms removed or replaced during the sewer repair, and prior to sending the Builders the NRS
22 40.645 notice. Assuming there were no other suppression of evidence or spoliation issues with
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28 ¹³The sewer system had been repaired prior to the Association sending the NRS 40.645 notice meaning the
Builders were not accorded their right to repair under NRS Chapter 40.

1 respect to constructional defects in the windows, fire walls or mechanical room, the Fourth Claim
2 for Relief also is resolved as this Court concluded, in its November 30, 2018 Order, the NRS 40.645
3 notice was insufficient with respect to the sewer deficiencies and the Builders were not notified of
4 the constructional defects prior to repair. If there are remaining suppression of evidence or
5 spoliation issues, such deal with whether this Court should issue sanctions upon the Association for
6 its failure to preserve. In this Court's view, such matters are moot given its prior conclusions claims
7 relating to the mechanical room are barred by the four-year statute of limitations, the NRS 40.645
8 notice was insufficient with respect to constructional defects allegedly within the fire walls, and
9 lastly, the window deficiencies are time-barred by the six-year statute of repose. In other words,
10 whether there remain spoliation issues, this Court concludes the Fourth Claim for Relief is moot.
11

12 The Fifth Claim for Relief for breach of the Settlement Agreement made in resolving party
13 differences in the prior litigation remains undecided for the same reason this Court concluded the
14 "claim preclusion" issues identified in the Second Claim for Relief were not determined. Likewise,
15 the Sixth and Seventh Claims for Relief, seeking declaratory relief given the Association's duty to
16 defend and indemnify under the Settlement Agreement, have not been decided. In short, the
17 remaining causes are the Second, Fifth, Sixth and Seventh Claims for Relief set forth in the
18 Contractors' Complaint and they are distinctly separate from the Associations' constructional defect
19 claims decided in the Findings of Fact, Conclusions of Law and Orders filed September 15, 2017,
20 November 30, 2018 and May 23, 2019.
21

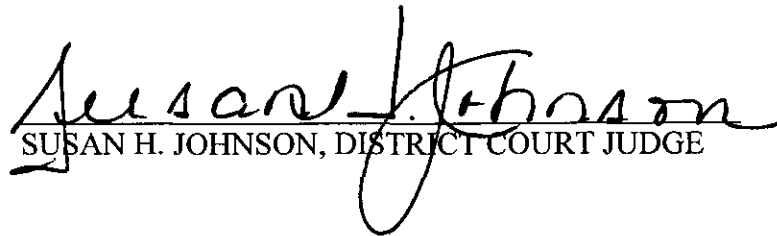
22 6. In summary, the May 23, 2019 Findings of Fact, Conclusions of Law and Order
23 resulted in a culmination of a final adjudication, wholly resolving the causes set forth within the
24 Association's Counter-Claim. The claims remaining are those are made by the Builders and deal
25 specifically with the adherence of the parties' concessions set forth within the prior litigation's
26 Settlement Agreement. These causes are distinctly different from the constructional defect claims
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1 alleged in the Counter-Claim. In this Court's view, entry of a separate judgment now would not
2 require any appellate court to decide the same issues more than once on separate appeals.

3 Accordingly, based upon the foregoing Findings of Fact and Conclusions of Law,

4 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** the Motion to Certify
5 Judgment as Final Under NRCP 54(b) filed by Plaintiffs/Counter-Defendants LAURENT
6 HALLIER, PANORAMA TOWERS I, LLC, PANORAMA TOWERS I MEZZ, LLC and M.J.
7 DEAN CONSTRUCTION, INC. on July 22, 2019 is granted.
8

9 DATED this 12th day of August 2019.

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12 SUSAN H. JOHNSON, DISTRICT COURT JUDGE
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CERTIFICATE OF SERVICE

I hereby certify, on the 12th day of August 2019, I electronically served (E-served), placed within the attorneys' folders located on the first floor of the Regional Justice Center or mailed a true and correct copy of the foregoing ORDER RE: MOTION TO CERTIFY JUDGMENT AS FINAL UNDER NRCP 54(b) to the following counsel of record, and that first-class postage was fully prepaid thereon:

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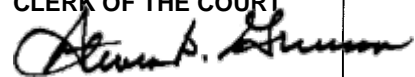
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14 *Attorneys for Plaintiffs Laurent Hallier;*
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15 *I Mezz, LLC; and M.J. Dean Construction, Inc.*

16 DISTRICT COURT
CLARK COUNTY, NEVADA

17 LAURENT HALLIER, an individual;
18 PANORAMA TOWERS I, LLC, a Nevada
limited liability company; PANORAMA
19 TOWERS I MEZZ, LLC, a Nevada
limited liability company; and M.J.
20 DEAN CONSTRUCTION, INC., a Nevada
Corporation,

21 Plaintiffs,

22 vs.

23 PANORAMA TOWERS CONDOMINIUM
24 UNIT OWNERS' ASSOCIATION, a
Nevada non-profit corporation,

25 Defendant.

26 And related counterclaims.
27
28

Case No. A-16-744146-D

Dept. No. 22

**NOTICE OF ENTRY OF ORDER RE:
MOTION TO CERTIFY JUDGMENT AS
FINAL UNDER NRCP 54(b)**

1 Please take notice that an "Order re: Motion to Certify Judgment as Final
2 under NRCP 54(b)" was entered on August 12, 2019. A true and correct copy is
3 attached hereto and made part hereof.

4 Dated this 13th day of August, 2019.

5 LEWIS ROCA ROTHGERBER CHRISTIE LLP

6 By: /s/Abraham G. Smith

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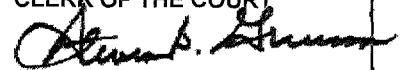
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DISTRICT COURT
CLARK COUNTY, NEVADA

Case No. A-16-744146-D

Dept. No. XXII

LAURENT HALLIER, an individual;
PANORAMA TOWERS I, LLC, a Nevada
limited liability company; PANORAMA
TOWERS I MEZZ, LLC, a Nevada limited
liability company; and M.J. DEAN
CONSTRUCTION, INC., a Nevada
corporation,

Plaintiffs,

Vs.

PANORAMA TOWERS
CONDOMINIUM UNIT OWNERS'
ASSOCIATION, a Nevada non-profit
corporation.

Defendant.

ORDER RE: MOTION TO
CERTIFY JUDGMENT AS
FINAL UNDER NRCP 54(b)

PANORAMA TOWERS
CONDOMINIUM UNIT OWNERS'
ASSOCIATION, a Nevada non-profit
corporation,

Counter-Claimant,

Vs.

LAURENT HALLIER, an individual;
PANORAMA TOWERS I, LLC, a Nevada
limited liability company; PANORAMA
TOWERS I MEZZ, LLC, a Nevada limited
liability company; and M.J. DEAN
CONSTRUCTION, INC., a Nevada
Corporation,

Counter-Defendants.

1 PANORAMA TOWERS
2 CONDOMINIUM UNIT OWNERS'
3 ASSOCIATION, a Nevada non-profit
4 corporation,

5
6 Third-Party Plaintiff,

7 Vs.

8 SIERRA GLASS & MIRROR, INC.; F.
9 ROGERS CORPORATION; DEAN
10 ROOFING COMPANY; FORD
11 CONSTRUCTING, INC.; INSULPRO,
12 INC.; XTREME EXCAVATION;
13 SOUTHERN NEVADA PAVING, INC.;
14 FLIPPINS TRENCHING, INC.;
15 BOMBARD MECHANICAL, LLC; R.
16 RODGERS CORPORATION; FIVE
17 STAR PLUMBING & HEATING, LLC
18 dba SILVER STAR PLUMBING; and
19 ROES 1 through 1000, inclusive,

20 Third-Party Defendants.¹

21 **ORDER RE: MOTION TO CERTIFY JUDGMENT AS FINAL UNDER NRCP 54(b)**

22 This matter concerning the Motion to Certify Judgment as Final Under NRCP 54(b) filed by
23 Plaintiffs/Counter-Defendants LAURENT HALLIER, PANORAMA TOWERS I, LLC,
24 PANORAMA TOWERS I MEZZ, LLC and M.J. DEAN CONSTRUCTION, INC. on July 22, 2019
25 was heard, on Order Shortening Time, on the 6th day of August 2019 at the hour of 8:30 a.m. before
26 Department XXII of the Eighth Judicial District Court, in and for Clark County, Nevada, with
27 JUDGE SUSAN H. JOHNSON presiding; Plaintiffs/Counter-Defendants LAURENT HALLIER,
28 PANORAMA TOWERS I, LLC, PANORAMA TOWERS I MEZZ, LLC and M.J. DEAN
CONSTRUCTION, INC. appeared by and through its attorneys, DANIEL F. POLSENBERG, ESQ.
of the law firm, LEWIS ROCA ROTHGERBER CHRISTIE, and PETER C. BROWN, ESQ. and

¹As the subcontractors are not listed as "plaintiffs" in the primary action, the matter against them is better characterized as a "third-party" claim, as opposed to "counter-claim."

1 CYRUS S. WHITTAKER, ESQ. of the law firm, BREMER WHYTE BROWN & O'MEARA; and
2 Defendant/Counter-Claimant/Third-Party Plaintiff PANORAMA TOWERS CONDOMINIUM
3 UNIT OWNERS' ASSOCIATION appeared by and through its attorneys, MICHAEL J. GAYAN,
4 ESQ. and WILLIAM L. COULTHARD, ESQ. of the law firm, KEMP JONES & COULTHARD.
5 Having reviewed the papers and pleadings on file, heard oral arguments of the lawyers and taken
6 this matter under advisement, this Court makes the following Findings of Fact and Conclusions of
7 Law:
8

9 **FINDINGS OF FACT AND PROCEDURAL HISTORY**

10 1. This case arises as a result of alleged constructional defects within both the common
11 areas and the 616 residential condominium units located within two tower structures of the
12 PANORAMA TOWERS located at 4525 and 4575 Dean Martin Drive in Las Vegas, Nevada. On
13 February 24, 2016, Defendant/Counter-Claimant PANORAMA TOWERS CONDOMINIUM UNIT
14 OWNERS' ASSOCIATION served its original NRS 40.645 Notice of Constructional Defects upon
15 Plaintiffs/Counter-Defendants (also identified herein as the "Contractors" or "Builders"), alleging
16 deficiencies within its residential tower windows, fire blocking, mechanical room piping and sewer.
17 Subsequently, after the parties engaged in the pre-litigation process ending with an unsuccessful
18 NRS 40.680 mediation held September 26, 2016, the Contractors filed their Complaint on
19 September 28, 2016 against the Owners' Association, asserting the following claims that, for the
20 most part, deal with their belief the NRS 40.645 notice was deficient:
21

- 22 1. Declaratory Relief—Application of AB 125;
- 23 2. Declaratory Relief—Claim Preclusion;
- 24 3. Failure to Comply with NRS 40.600, *et seq.*;
- 25 4. Suppression of Evidence/Spoliation;
- 26 5. Breach of Contract (Settlement Agreement in Prior Litigation);
- 27
- 28

6. Declaratory Relief—Duty to Defend; and

7. Declaratory Relief—Duty to Indemnify.

2. On March 1, 2017, PANORAMA TOWER CONDOMINIUM UNIT OWNERS' ASSOCIATION filed its Answer and Counter-Claim, alleging the following claims:

1. Breach of NRS 116.4113 and 116.4114 Express and Implied Warranties; as well as those of Habitability, Fitness, Quality and Workmanship;

2. Negligence and Negligence *Per Se*;

3. Products Liability (against the manufacturers);

4. Breach of (Sales) Contract;

5. Intentional/Negligent Disclosure; and

6. Duty of Good Faith and Fair Dealing; Violation of NRS 116.1113.

3. This Court previously dismissed the constructional defect claims within the mechanical room as being time-barred by virtue of the "catch-all" statute of limitations of four (4) years set forth in NRS 11.220.² With respect to challenges to the sufficiency and validity of the NRS 40.645 notice, this Court stayed the matter to allow PANORAMA TOWERS CONDOMINIUM UNIT OWNERS' ASSOCIATION to amend it with more specificity. This Court ultimately determined the amended NRS 40.645 notice served upon the Builders on April 15, 2018 was valid only with respect to the windows' constructional defects.³

4. On April 23, 2019, this Court heard two motions filed by the parties, to wit: (1) the Contractors' Motion for Summary Judgment Pursuant to NRS 11.202(1) filed February 11, 2019 and (2) the Association's Conditional Counter-Motion for Relief Pursuant to NRS 40.695(2) filed March 1, 2019. After hearing the parties' arguments, this Court took the matter under advisement, and on

²See Findings of Fact, Conclusions of Law and Order filed September 15, 2017.

³See Findings of Fact, Conclusions of Law and Order filed November 30, 2018.

1 May 23, 2019, issued its third Findings of Fact, Conclusions of Law and Order which granted the
2 Builders' motion, and denied the Association's Conditional Counter-Motion. As pertinent here, this
3 Court concluded the Owners' Association's remaining constructional defect claims lodged against
4 the Builders were time-barred by the six-year statute of repose set forth in NRS 11.202(1).

5 4. On June 3, 2019, the Association filed its Motion for Reconsideration and/or Stay of
6 the Court's May 23, 2019 Findings of Fact, Conclusions of Law and Order Granting Plaintiffs'
7 Motion for Summary Judgment or alternatively, a Motion to Stay the Court's Order.⁴ Ten days
8 later, on June 13, 2019, the Association filed a second Motion for Reconsideration and/or to Alter or
9 Amend the Court's May 23, 2019 Findings of Fact, Conclusions of Law and Order Granting
10 Plaintiffs' Motion for Summary Judgment. These two motions essentially were the same except the
11 second alerted the Court the Nevada Legislature passed AB 421 on June 1, 2019, and such was
12 signed by the Governor and formally enacted on June 3, 2019. As pertinent here, AB 421 amends
13 NRS 11.202 by extending the statute of repose period from six (6) to ten (10) years and it is to be
14 applied retroactively to actions in which the substantial completion of the improvement to real
15 property occurred before October 1, 2019, the date in which the amendment takes effect.

16 The Builders opposed the two motions on several grounds. First, they noted this Court
17 entered a final order on May 23, 2019, the Notice of Entry of Order was filed May 28, 2019, and
18 thus, by the time the Motion for Reconsideration and/or Stay was filed June 3, 2019, there was no
19 pending matter to stay. Second, while AB 421 was enacted and will apply retroactively, it does not
20 become effective until October 1, 2019, meaning, currently, there is no change in the law. That is,
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25 ⁴The Association moved this Court to stay the Order upon the basis the Nevada Legislature had passed
26 Assembly Bill (referred to as "AB" herein) 421 on June 1, 2019, which "immediately and retroactively extends the
27 statute of repose to 10 years." See Motion for Reconsideration of the Court's May 23, 2019 Findings of Fact,
28 Conclusions of Law and Order Granting Plaintiffs' Motion for Summary Judgment or alternatively, a Motion to Stay the
Court's Order filed June 3, 2019, p. 4. The Association urged this Court to stay the Order until such time as AB 241 was
enacted or rejected by the Governor. As set forth *infra*, the Governor signed the bill on June 3, 2019 which was to take
effect October 1, 2019.

1 as the law stands, the period for the statute of repose is six (6) years as enacted February 24, 2015,
2 and not ten (10). Third, as the Association's claims have already been adjudicated, AB 421 cannot
3 be interpreted to revive those causes of action.

4 This Court denied the Association's first Motion for Reconsideration and/or Stay filed June
5 3, 2019 at the July 16, 2019 hearing; it took the June 13, 2019 motion under advisement, and
6 ultimately, it was denied via Order filed August 9, 2019. In summary, this Court concluded the
7 newly-amended NRS 11.202 becomes effective October 1, 2019, whereby the current state of the
8 law is such the statute of repose is six (6) years, and not ten (10). If the Nevada Legislature had
9 intended AB 421's retroactive effect to be applied now, it would have said so just as it had in
10 enacting AB 125 in February 2015.

11
12 5. The Contractors have moved this Court to certify the May 23, 2019 Findings of Fact,
13 Conclusions of Law and Order as final under Rule 54(b) of the Nevada Rules of Civil Procedure
14 (NRCP). They argue the Order is final in that it granted summary judgment with respect to the
15 Association's claims in their entirety, and there is no just reason for delaying the entry of final
16 judgment. The Owners' Association opposes upon the bases (1) the May 23, 2019 Order is "silent
17 as to which of the Association's legal claims were resolved in this action,"⁵ and "[t] repeated
18 references to 'construction defect claims' are too vague and insufficient to make the [] Order final
19 and appealable;"⁶ (2) the Order "could not have resolved the Association's contract-based claims;"⁷
20 and (3) the Builders will not face hardship or injustice by waiting for the issue to be appealed after
21 all parties' claims are resolved.
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26 ⁵See Defendant's (1) Opposition to Plaintiffs'/Counter-Defendants' Motion to Certify Judgment as Final Under
27 Rule 54(b) and (2) Response to Plaintiffs'/Counter-Defendants' Opposition to Defendant's/Counter-Claimant's July 16,
28 Court's May 23, 2019 Findings of Fact, Conclusions of Law and Order filed August 1, 2019, p. 11.

⁶*Id.*, p. 12.

⁷*Id.*, p. 14.

CONCLUSIONS OF LAW

1
2 1. NRCP 54 was recently amended to reflect virtually the identical wording of Rule 54
3 of the Federal Rules of Civil Procedure (FRCP). NRCP 54(b) provides:

4 (b) *Judgment on Multiple Claims or Involving Multiple Parties.* When an action presents
5 more than one claim for relief—whether as a claim, counterclaim, crossclaim, or third-party
6 claim—or when multiple parties are involved, the court may direct entry of a final judgment
7 as to one or more, but fewer than all, claims or parties only if the court expressly determines
8 that there is no just reason for delay. Otherwise, any order or other decision, however
9 designated, that adjudicates fewer than all claims or the rights and liabilities of fewer than all
the parties does not end the action as to any of the claims or parties and may be revised at
any time before the entry of a judgment adjudicating all the claims and all the parties' rights
and liabilities.

10 Clearly, NRCP 54(b) permits district courts to authorize immediate appeal of dispositive rulings on
11 separate claims in a civil action raising multiple claims. This rule “was adopted...specifically to
12 avoid the possible injustice of delay[ing] judgment o[n] a *distinctly separate* claim [pending]
13 adjudication of the entire case....The Rule thus aimed to augment, not diminish, appeal
14 opportunity.” See Jewel v. National Security Agency, 810 F.3d 622, 628 (9th Cir. 2015), *quoting*
15 Gelboim v. Bank of America Corp., ____ U.S. ____ 135 S.Ct. 897, 902-903, 190 L.Ed.2d 789 (2015)
16 (interpreting FRCP 54).
17

18 2. Over sixty (60) years ago, the United States Supreme Court outlined steps to be
19 followed in making determinations under FRCP 54(b), of which NRCP 54(b) is now the same. See
20 Sears, Roebuck & Company v. Mackey, 351 U.S. 427, 76 S.Ct. 895, 100 L.Ed. 1297 (1956), *cited by*
21 Curtiss-Wright Corporation v. General Electric Company, 446 U.S. 1, 7, 100 S.Ct. 1460, 1464, 64
22 L.Ed.2d 1 (1980). The district court first must determine it is dealing with a “final judgment.” It
23 must be a “judgment” in the sense it is a decision upon a cognizable claim for relief, and it must be
24 “final” or an “an ultimate disposition of an individual claim entered in the course of a multiple
25 claims action.” *Id.*, *quoting* Sears, Roebuck & Company, 351 U.S. at 436, 76 S.Ct. at 900.
26
27 ...
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1 3. Once it finds “finality,” the district court must determine whether there is any just
2 reason for delay. Not all final judgments on individual claims should be immediately appealable
3 even if they are separable from the remaining unresolved claims. It is left to the sound judicial
4 discretion of the district court to determine the appropriate time when each final decision in a
5 multiple claims action is ready for appeal. Curtiss-Wright Corporation, 446 U.S. at 8, 100 S.Ct. at
6 1464-1465, *citing* Sears, Roebuck & Company, 351 U.S. at 437, 76 S.Ct. at 899, 900. Thus, in
7 deciding whether there is no just reason to delay the appeal of the May 23, 2019 Findings of Fact,
8 Conclusions of Law and Order, which granted the Builders’ February 11, 2019 Motion for Summary
9 Judgment, this Court must take into account the judicial administrative interests as well as the
10 equities involved. Consideration of the former is necessary to assure application of NRCP 54(b) will
11 not result in the appellate courts deciding the same issues more than once on separate appeals.
12

13 4. Here, the Owners’ Association argues against NRCP 54(b) certification upon the
14 bases the May 23, 2019 Order is not final as it is “silent as to which of the Association’s legal claims
15 were resolved in this action”⁸ and further, the Order “could not have resolved the Association’s
16 contract-based claims.”⁹ This Court disagrees with both of the Association’s positions. The May
17 23, 2019 16-page Order specifically details this Court’s reasoning and conclusion the Owners’
18 Association’s constructional defect claims are time-barred by the six-year statute of repose.
19 Notably, this Court specifically set forth on page 13 of the Order “[t]he Association’s counter-claims
20 of negligence, intentional/negligent disclosure, breach of sales contract, products liability, breach of
21 express and implied warranties under and violations of NRS Chapter 116, and breach of duty of
22 good faith and fair dealing are for monetary damages as a result of constructional defects to its
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26 ⁸See Defendant’s (1) Opposition to Plaintiffs’/Counter-Defendants’ Motion to Certify Judgment as Final Under
27 Rule 54(b) and (2) Response to Plaintiffs’/Counter-Defendants’ Opposition to Defendant’s/Counter-Claimant’s July 16,
28 Court’s May 23, 2019 Findings of Fact, Conclusions of Law and Order filed August 1, 2019, p. 11.

⁹*Id.*, p. 14.

1 windows in the two towers.” In short, the May 23, 2019 Order was not silent as to which of the
2 Association’s counter-claims were resolved; the Order specifically enumerated and decided all the
3 claims.

4 Further, while the Association argues the Order “could not have resolved the Association’s
5 contract-based claims.”¹⁰ a review of the Association’s Fourth Cause of Action entitled “Breach of
6 Contract” within the Counter-Claim indicates it is an action seeking monetary damages as a result of
7 constructional defects. It states, *inter alia*, the Developers entered into written contracts¹¹
8 representing the individual units were constructed in a professional and workmanlike manner and in
9 accordance with all applicable standards of care in the building industry. The Developers breached
10 the Sales Contracts “by selling units containing the Defects described above, *and as a direct result*
11 *of said breaches, The (sic) Association and its individual members have suffered the losses and*
12 *damages described above.*”¹² (Emphasis added) Clearly, the “Breach of Contract” action, seeking
13 monetary damages as a result of constructional defects, was addressed and analyzed within this
14 Court’s May 23, 2019 Order as time-barred by virtue of the six-year statute of repose. This Court
15 concludes its May 23, 2019 Findings of Fact, Conclusions of Law and Order is final as it was an
16 ultimate disposition of all the Association’s causes of action set forth within the Counter-Claim.
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19 5. The next issue that must be determined is whether there is any just reason for delay.
20 In this regard, this Court considers whether the May 23, 2019 Findings of Fact, Conclusions of Law
21 and Order dealt with matters distinctly separable from the remaining unresolved claims. This Court,
22 therefore, turns to the claims for relief set forth in the Builders’ Complaint to determine which of
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26 ¹⁰*Id.*, p. 14.

27 ¹¹Notably, the Fourth Cause of Action does not state with whom the Developers entered into the Sales
28 Contracts. Presumably, the contracts were between the Developers and the members of the Association, and not with the
Association itself. The homeowners are not Counter-Claimants in this case.

¹²See Defendant Panorama Tower Condominium Unit Owners’ Association’s Answer to Complaint and
Counterclaim filed March 1, 2017, p. 32, Paragraph 71.

1 them remain unresolved, and if they are separate from the Association's causes of action contained
2 in the Counter-Claim.

3 The First Claim for Relief sought declaratory relief regarding the application of Assembly
4 Bill (AB) 125 enacted and effective as of February 24, 2015. In its various Findings of Fact,
5 Conclusions of Law and Orders issued in this case, this Court determined AB 125 reflects the state
6 of the law between February 24, 2015 to September 30, 2019' and was applied in this Court's
7 analyses whereby this cause of action is resolved. The Second Claim for Relief seeks a declaration
8 from this Court the Association's claims are precluded, as in this Builders' view, the rights and
9 obligations of the parties in this matter were resolved by way of Settlement Agreement reached in a
10 prior litigation. This Second Claim for Relief is distinctly different from the causes adjudged in the
11 May 23, 2019 Order, and thus, it is not yet resolved. The Third Claim for Relief accuses the
12 Association of failure to comply with the pre-litigation process set forth in NRS 40.600 through
13 40.695. This Court dealt with the issues presented in the Third Claim for Relief within its
14 September 15, 2017 and November 30, 2018 Findings of Fact, Conclusions of Law and Orders;
15 ultimately, it found the Association failed to provide an adequate NRS 40.645 notice with respect to
16 the constructional defects allegedly found in the Towers' sewer system¹³ and fire walls. It
17 determined the notice was adequate concerning the constructional defects found in the Towers'
18 windows. The Third Claim for Relief is resolved.
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22 The Fourth Claim for Relief is entitled "suppression of evidence/spoliation," and essentially
23 the Contractors seek sanctions against the Association for its alleged failure to retain the parts and
24 mechanisms removed or replaced during the sewer repair, and prior to sending the Builders the NRS
25 40.645 notice. Assuming there were no other suppression of evidence or spoliation issues with
26

27
28 ¹³The sewer system had been repaired prior to the Association sending the NRS 40.645 notice meaning the
Builders were not accorded their right to repair under NRS Chapter 40.

1 respect to constructional defects in the windows, fire walls or mechanical room, the Fourth Claim
2 for Relief also is resolved as this Court concluded, in its November 30, 2018 Order, the NRS 40.645
3 notice was insufficient with respect to the sewer deficiencies and the Builders were not notified of
4 the constructional defects prior to repair. If there are remaining suppression of evidence or
5 spoliation issues, such deal with whether this Court should issue sanctions upon the Association for
6 its failure to preserve. In this Court's view, such matters are moot given its prior conclusions claims
7 relating to the mechanical room are barred by the four-year statute of limitations, the NRS 40.645
8 notice was insufficient with respect to constructional defects allegedly within the fire walls, and
9 lastly, the window deficiencies are time-barred by the six-year statute of repose. In other words,
10 whether there remain spoliation issues, this Court concludes the Fourth Claim for Relief is moot.
11

12 The Fifth Claim for Relief for breach of the Settlement Agreement made in resolving party
13 differences in the prior litigation remains undecided for the same reason this Court concluded the
14 "claim preclusion" issues identified in the Second Claim for Relief were not determined. Likewise,
15 the Sixth and Seventh Claims for Relief, seeking declaratory relief given the Association's duty to
16 defend and indemnify under the Settlement Agreement, have not been decided. In short, the
17 remaining causes are the Second, Fifth, Sixth and Seventh Claims for Relief set forth in the
18 Contractors' Complaint and they are distinctly separate from the Associations' constructional defect
19 claims decided in the Findings of Fact, Conclusions of Law and Orders filed September 15, 2017,
20 November 30, 2018 and May 23, 2019.
21


22 6. In summary, the May 23, 2019 Findings of Fact, Conclusions of Law and Order
23 resulted in a culmination of a final adjudication, wholly resolving the causes set forth within the
24 Association's Counter-Claim. The claims remaining are those are made by the Builders and deal
25 specifically with the adherence of the parties' concessions set forth within the prior litigation's
26 Settlement Agreement. These causes are distinctly different from the constructional defect claims
27
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1 alleged in the Counter-Claim. In this Court's view, entry of a separate judgment now would not
2 require any appellate court to decide the same issues more than once on separate appeals.

3 Accordingly, based upon the foregoing Findings of Fact and Conclusions of Law,

4 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** the Motion to Certify
5 Judgment as Final Under NRCP 54(b) filed by Plaintiffs/Counter-Defendants LAURENT
6 HALLIER, PANORAMA TOWERS I, LLC, PANORAMA TOWERS I MEZZ, LLC and M.J.
7 DEAN CONSTRUCTION, INC. on July 22, 2019 is granted.
8

9 DATED this 12th day of August 2019.

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12 SUSAN H. JOHNSON, DISTRICT COURT JUDGE
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CERTIFICATE OF SERVICE

I hereby certify, on the 12th day of August 2019, I electronically served (E-served), placed within the attorneys' folders located on the first floor of the Regional Justice Center or mailed a true and correct copy of the foregoing ORDER RE: MOTION TO CERTIFY JUDGMENT AS FINAL UNDER NRCP 54(b) to the following counsel of record, and that first-class postage was fully prepaid thereon:

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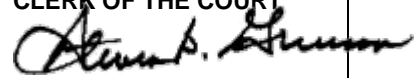
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PANORAMA TOWERS I MEZZ, LLC; and M.J. DEAN
CONSTRUCTION, INC.

DISTRICT COURT
CLARK COUNTY, NEVADA

LAURENT HALLIER, an individual;
PANORAMA TOWERS I, LLC, a Nevada
limited liability company; PANORAMA
TOWERS I MEZZ, LLC, a Nevada limited
liability company; and M.J. DEAN
CONSTRUCTION, INC., a Nevada Corporation,

Plaintiffs,

vs.

PANORAMA TOWERS CONDOMINIUM
UNIT OWNERS' ASSOCIATION, a Nevada
non-profit corporation,

Defendant.

PANORAMA TOWERS CONDOMINIUM
UNIT OWNERS' ASSOCIATION, a Nevada
non-profit corporation,

Counter-Claimant,

vs.

LAURENT HALLIER, an individual;
PANORAMA TOWERS I, LLC, a Nevada
limited liability company; PANORAMA

) Case No. A-16-744146-D

) Dept. XXII

) **NOTICE OF ENTRY OF ORDER RE:**
) **DEFENDANT'S MOTION TO ALTER**
) **OR AMEND COURT'S FINDINGS OF**
) **FACTS, CONCLUSIONS OF LAW AND**
) **ORDER ENTERED MAY 23, 2019**

1 TOWERS I MEZZ, LLC, a Nevada limited)
liability company; and M.J. DEAN)
2 CONSTRUCTION, INC., a Nevada Corporation;)
SIERRA GLASS & MIRROR, INC.; F.)
3 ROGERS CORPORATION; DEAN ROOFING)
COMPANY; FORD CONTRACTING, INC.;)
4 INSULPRO, INC.; XTREME EXCAVATION;)
SOUTHERN NEVADA PAVING, INC.;)
5 FLIPPINS TRENCHING, INC.; BOMBARD)
MECHANICAL, LLC; R. RODGERS)
6 CORPORATION; FIVE STAR PLUMBING &)
HEATING, LLC, dba SILVER STAR)
7 PLUMBING; and ROES 1 through , inclusive,)
Counter-Defendants.)
8)
9)

10
11 PLEASE TAKE NOTICE that an Order Re: Defendant's Motion to Alter or Amend Court's
12 Findings of Facts, Conclusions Of Law and Order Entered May 23, 2019 was entered on the 14th day
13 of January 2020. A true copy is attached hereto and made part hereof.
14

15 Dated: January 16, 2020

BREMER WHYTE BROWN & O'MEARA LLP


16
17
18 By: 

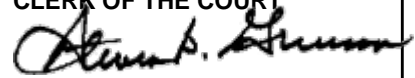
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TOWERS I MEZZ, LLC, and M.J. DEAN
CONSTRUCTION, INC.

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CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of January 2020, a true and correct copy of the foregoing document was electronically served through Odyssey upon all parties on the master e-file and serve list.


Kimberley Chapman, and employee of
Bremer Whyte Brown & O'Meara



1 **ORDR**

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5
6 **LAURENT HALLIER, an individual;**
7 **PANORAMA TOWERS I, LLC, a Nevada**
8 **limited liability company; PANORAMA**
9 **TOWERS I MEZZ, LLC, a Nevada limited**
10 **liability company; and M.J. DEAN**
11 **CONSTRUCTION, INC., a Nevada**
12 **corporation,**

13 **Plaintiffs,**

14 **Vs.**

15 **PANORAMA TOWERS**
16 **CONDOMINIUM UNIT OWNERS'**
17 **ASSOCIATION, a Nevada non-profit**
18 **corporation.**

19 **Defendant.**

20 **PANORAMA TOWERS**
21 **CONDOMINIUM UNIT OWNERS'**
22 **ASSOCIATION, a Nevada non-profit**
23 **corporation,**

24 **Counter-Claimant,**

25 **Vs.**

26 **LAURENT HALLIER, an individual;**
27 **PANORAMA TOWERS I, LLC, a Nevada**
28 **limited liability company; PANORAMA**
TOWERS I MEZZ, LLC, a Nevada limited
liability company; and M.J. DEAN
CONSTRUCTION, INC., a Nevada
Corporation,

Counter-Defendants.

Case No. A-16-744146-D

Dept. No. XXII

ORDER RE: DEFENDANT'S
MOTION TO ALTER OR
AMEND COURT'S FINDINGS
OF FACT, CONCLUSIONS OF
LAW AND ORDER ENTERED
MAY 23, 2019

1 PANORAMA TOWERS
2 CONDOMINIUM UNIT OWNERS'
3 ASSOCIATION, a Nevada non-profit
4 corporation,

5 Third-Party Plaintiff,

6 Vs.

7 SIERRA GLASS & MIRROR, INC.; F.
8 ROGERS CORPORATION; DEAN
9 ROOFING COMPANY; FORD
10 CONSTRUCTING, INC.; INSULPRO,
11 INC.; XTREME EXCAVATION;
12 SOUTHERN NEVADA PAVING, INC.;
13 FLIPPINS TRENCHING, INC.;
14 BOMBARD MECHANICAL, LLC; R.
15 RODGERS CORPORATION; FIVE
16 STAR PLUMBING & HEATING, LLC
17 dba SILVER STAR PLUMBING; and
18 ROES 1 through 1000, inclusive,

19 Third-Party Defendants.¹

20 **ORDER RE: DEFENDANT'S MOTION TO ALTER OR AMEND COURT'S FINDINGS OF**
21 **FACT, CONCLUSIONS OF LAW AND ORDER ENTERED MAY 23, 2019**

22 This matter concerning Defendant/Counter-Claimant/Third-Party Plaintiff PANORAMA
23 TOWERS CONDOMINIUM UNIT OWNERS' ASSOCIATION'S Motion to Alter or Amend
24 Court's Findings of Fact, Conclusions of Law and Order Entered May 23, 2019 which was filed
25 September 9, 2019, came on for hearing on the 17th day of October 2019 at the hour of 9:00 a.m.
26 before Department XXII of the Eighth Judicial District Court, in and for Clark County, Nevada with
27 JUDGE SUSAN H. JOHNSON presiding; Plaintiffs/Counter-Defendants LAURENT HALLIER,
28 PANORAMA TOWERS I, LLC, PANORAMA TOWERS I MEZZ, LLC and M.J. DEAN
CONSTRUCTION, INC. appeared by and through their attorneys, DANIEL F. POLSENBERG,

¹As the subcontractors are not listed as "plaintiffs" in the primary action, the matter against them is better characterized as a "third-party" claim, as opposed to "counter-claim."

1 ESQ. of the law firm, LEWIS ROCA ROTHGERBER CHRISTIE, and PETER C. BROWN, ESQ.
2 and DEVIN R. GIFFORD, ESQ. of the law firm, BREMER WHYTE BROWN & O'MEARA; and
3 Defendant/Counter-Claimant/Third-Party Plaintiff PANORAMA TOWERS CONDOMINIUM
4 UNIT OWNERS' ASSOCIATION appeared by and through its attorneys, FRANCIS I. LYNCH,
5 ESQ. of the law firm, LYNCH & ASSOCIATES, and WILLIAM L. COUTHARD, ESQ. and
6 MICHAEL J. GAYAN, ESQ. of the law firm, KEMP JONES COULTHARD. Having reviewed the
7 papers and pleadings on file herein, heard oral arguments of the lawyers and taken this matter under
8 advisement, this Court makes the following Findings of Fact and Conclusions of Law.

10 **FINDINGS OF FACT AND PROCEDURAL HISTORY**

11 1. The facts and procedural history have been set forth several times within this Court's
12 various orders filed in this case with the most updated and recent information being written in the
13 August 9, 2019 Order Re: Defendant's Motion for Reconsideration and/or to Alter or Amend the
14 Court's May 23, 2019 Findings of Fact, Conclusions of Law and Order Granting Plaintiffs' Motion
15 for Summary Judgment Pursuant to NRS 11.202(1). This Court adopts its Findings of Fact and
16 Procedural History as set forth within the August 9, 2019 Order, and incorporates them as though
17 fully set forth herein.

19 2. Defendant/Counter-Claimant/Third-Party Plaintiff PANORAMA TOWERS
20 CONDOMINIUM UNIT OWNERS' ASSOCIATION filed its most recent motion on September 9,
21 2019, arguing, by the time this matter is heard, it will be after October 1, 2019 when Assembly Bill
22 (referred to as "AB" herein) 421 becomes effective, and the retroactive application of the new ten-
23 year Statute of Repose is to be applied. In the view of the Owners' Association, the now-controlling
24 law no longer supports dismissal of its claims as time-barred by the six-year Statute of Repose in
25 effect prior to October 1, 2019. PANORAMA TOWERS CONDOMINIUM UNIT OWNERS'
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1 ASSOCIATION, therefore, seeks an order altering or amending this Court's May 23, 2019 Order
2 with the finding its claims were timely filed.

3 3. Plaintiffs LAURENT HALLIER, PANORAMA TOWERS I, LLC, PANORAMA
4 TOWERS I MEZZ, LLC and M.J. DEAN CONSTRUCTION, INC. oppose upon the bases AB 421
5 does not resurrect claims previously adjudicated as time-barred under 2015 Legislature's AB 125's
6 six (6) year Statute of Repose. Further, if AB 421 were to be applied to revive the association's
7 constructional defect claims, such would result in a "clear constitutional infringement" ²on the
8 builders' vested due process rights.
9

10 CONCLUSIONS OF LAW

11 1. As alluded to above, PANORAMA TOWERS CONDOMINIUM UNIT OWNERS'
12 ASSOCIATION moves this Court to amend or alter its May 23, 2019 decision pursuant to Rule 59
13 of the Nevada Rules of Civil Procedure (NRCP). NRCP 59 accords litigants the opportunity to
14 move the Court to alter or amend a judgment or seek a new trial for any of the following causes or
15 grounds materially affecting the substantial rights of the moving party:
16

17 A. Irregularity in the proceedings of the court, jury, master or adverse party or in
18 any order of the court or master, or any abuse of discretion by which either party was
19 prevented from having a fair trial;

20 B. Misconduct of the jury or prevailing party;

21 C. Accident or surprise that ordinary prudence could not have guarded against;

22 D. Newly discovered evidence material for the party making the motion that the
23 party could not, with reasonable diligence, have discovered and produced at the trial;

24 E. Manifest disregard by the jury of the instructions of the Court;
25
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27
28 ²See Plaintiffs'/Counter-Defendants' Opposition to Defendants'/Counter-Claimants' Motion to Alter or Amend
the Court's Findings of Fact, Conclusions of Law, and Order Entered on May 23, 2019 filed September 26, 2019, p.4.

1 F. Excessive damages appearing to have been given under the influence of
2 passion or prejudice; or

3 G. Error in law occurring at the trial and objected to by the party making the
4 motion.

5 Case law interpreting NRCP 59 provides the motion to amend or alter must state the grounds with
6 particularity and the relief sought. *See United Pacific Insurance Co. v. St. Denis*, 81 Nev. 103, 399
7 P.3d 135 (1965). Further, the motion to alter or amend a judgment must be filed no later than 28
8 days after service of written notice of entry of judgment. *See* NRCP 59(e). In this case, there was
9 no argument presented to suggest PANORAMA TOWERS CONDOMINIUM UNIT OWNERS'
10 ASSOCIATION'S motion was untimely.³

11
12 3. The basis for the Owners' Association's position this Court should amend or alter its
13 May 23, 2019 decision stems from the enactment of AB 421 which, as stated above, became
14 effective October 1, 2019. AB 421 extends the statute of repose addressed in NRS 11.202 from six
15 (6) to ten (10) years. AB 421, Section 7, states in part:

17 NRS 11.202 is hereby amended to read as follows:

18 11.202 1. No action may be commenced against the owner, occupier or any person
19 performing or furnishing the design, planning, supervision or observation of construction, or
20 the construction of an improvement to real property more than **10** years after the substantial
completion of such an improvement. ... (Emphasis in original)

21 AB 421, Section 11, Subsection 4 also provides "[t]he period of limitations on actions set forth in
22 NRS 11.202, as amended by section 7 of this act, apply *retroactively* to actions in which the
23 substantial completion of the improvement to real property occurred before October 1, 2019."
24 (Emphasis added). This Court now considers whether AB 421 should be applied retroactively to
25

26
27 ³On September 9, 2019, the Owners' Association moved this Court to amend or alter its decision expressed
28 within its Findings of Fact, Conclusions of Law and Order filed May 23, 2019. The May 23, 2019 Order became final
and appealable on August 12, 2019 when this Court granted Plaintiffs' Motion to Certify Judgment as Final and
Appealable under NRCP 54(b), whereby the motion is timely under NRCP 59(e).

1 resurrect the Owners' Association's constructional defect claims under the new ten-year Statute of
2 Repose when they previously had expired under the prior six-year period as set forth within this
3 Court's May 23, 2019 Findings of Fact, Conclusions of Law and Order.

4 4. It has long been established in American jurisprudence a court is to apply the law in
5 effect at the time it renders its decision unless doing so would result in manifest injustice or there is
6 statutory direction or legislative history to the contrary. Bradley v. School Board of City of
7 Richmond, 416 U.S. 696, 710, 94 S.Ct. 2006, 2016, 40 L.Ed.2d 476 (1974). The origin and
8 justification for this rule are found in the words of Mr. Chief Justice Marshall in United States v.
9 Schooner Peggy, 1 Cranch 103, 110, 2 L.Ed. 49 (1801):

11 It is in the general true that the province of an appellate court is only to enquire whether a
12 judgment when rendered was erroneous or not. But if subsequent to the judgment and before
13 the decision of the appellate court, a law intervenes and positively changes the rule which
14 governs, the law must be obeyed, or its obligation denied. If the law be constitutional...I
15 know of no court which can contest its obligation. It is true that in mere private cases
16 between individuals, a court will and ought to struggle hard against a construction which
17 will, by a retrospective operation, affect the rights of parties, but in great national
18 concerns...the court must decide according to existing laws, and if it be necessary to set
19 aside a judgment, rightful when rendered, but which cannot be affirmed but in violation of
20 law, the judgment must be set aside.

21 5. In keeping with the dictates set forth by the United States Supreme Court, this Court
22 considers whether its application of NRS 11.202 (2015)'s six-year statute of repose within its May
23 23, 2019 Order would not be affirmed or result in manifest injustice, as, unfortunately, there appears
24 to be no statutory directive or legislative history to the contrary.

25 6. "[O]nce a statute of limitations has expired, the defendant has a vested right to invoke
26 the bar of the limitations period as a defense to a cause of action. That right cannot be taken away
27 by the legislature without offending...due process protections...." Doe A. v. Diocese of Dallas, 234
28 Ill.2d 393, 409, 917 N.E.2d 475, 485 (2009), *quoting* M.E.H. v. L.H., 177 Ill.2d 207, 214-215, 685
N.E.2d 335 (1997). Accordingly, "[i]f the claims were time-barred under the old law, they remain

1 time-barred after the repose period was abolished by the legislature.” M.E.H., 177 Ill.2d at 215, 685
2 N.E.2d 335.

3 7. It is clear when the bar of a statute of limitations has become complete by the running
4 of the full statutory period, the right to plead the statute as a defense is a vested right, which cannot
5 be destroyed by legislation, since it is protected therefrom by Section 1 of the Fourteenth
6 Amendment to the United States Constitution, as well as the Nevada Constitution.⁴ Thus, while the
7 Nevada Legislature most certainly has the authority to enact or change NRS 11.202 to reflect a
8 longer Statute of Repose period with retroactive effect, it lacks the power to reach back and breathe
9 life into a time-barred claim.
10

11 8. Suffice it to say, in its view, this Court’s application of NRS 11.202 (2015) at the
12 time it rendered its May 23, 2019 Findings of Fact and Conclusions of Law was, and still is correct.
13 Arguably, manifest injustice would result if this Court were to amend or alter its prior ruling to
14 reverse itself and revive PANORAMA TOWERS CONDOMINIUM UNIT OWNERS’
15 ASSOCIATION’S time-barred claims. Notwithstanding the aforementioned, this Court notes none
16 of the factors set forth by NRCP 59 for amending or altering its May 23, 2019 decision are present
17 here. Indeed, there were no irregularities in the proceedings. There was no misconduct by any
18 party. There were no accidents or surprises, or errors in law. For these reasons, this Court denies
19 Defendant/Counter-Claimant/Third-Party Plaintiff PANORAMA TOWERS CONDOMINIUM
20 UNIT OWNERS’ ASSOCIATION’S Motion to Alter or Amend Court’s Findings of Fact,
21 Conclusions of Law and Order Entered May 23, 2019 which was filed September 9, 2019.
22

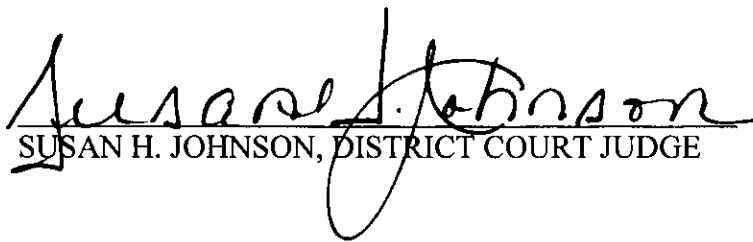
23 ...
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25
26 ⁴Section 1 of the Fourteenth Amendment to the United States Constitution provides “[a]ll persons born or
27 naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State
28 wherein they reside. *No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*” (Emphasis added). *Also see* Article 1, Sections 1 and 2 of the Nevada Constitution.

1 Based upon the foregoing Findings of Fact and Conclusions of Law,

2 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** Defendant/Counter-
3 Claimant/Third-Party Plaintiff PANORAMA TOWERS CONDOMINIUM UNIT OWNERS'
4 ASSOCIATION'S Motion to Alter or Amend Court's Findings of Fact, Conclusions of Law and
5 Order Entered May 23, 2019 which was filed September 9, 2019, is denied.

6 DATED this 14th day of January 2020.

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9 SUSAN H. JOHNSON, DISTRICT COURT JUDGE
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify, on the 14th day of January 2020, I electronically served (E-served), placed
3 within the attorneys' folders located on the first floor of the Regional Justice Center or mailed a true
4 and correct copy of the foregoing ORDER RE: DEFENDANT'S MOTION TO ALTER OR
5 AMEND COURT'S FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER ENTERED
6 MAY 23, 2019 to the following counsel of record, and that first-class postage was fully prepaid
7 thereon:
8


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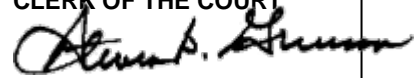
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*Counsel for Defendant Panorama Towers
Condominium Unit Owners' Association*

DISTRICT COURT

CLARK COUNTY, NEVADA

LAURENT HALLIER, an individual;
PANORAMA TOWERS I, LLC, a Nevada
limited liability company; PANORAMA
TOWERS I MEZZ, LLC, a Nevada limited
liability company; and M.J. DEAN
CONSTRUCTION, INC., a Nevada
corporation,

Plaintiffs,

vs.

PANORAMA TOWERS CONDOMINIUM
UNIT OWNERS' ASSOCIATION, a Nevada
non-profit corporation,

Defendant.

Case No.: A-16-744146-D
Dept. No.: XXII

HEARING REQUESTED

**DEFENDANT'S OPPOSITION TO
PLAINTIFFS/COUNTER-DEFENDANTS'
FIRST SUPPLEMENT TO THEIR
MOTION FOR ATTORNEYS FEES
PURSUANT TO NRS 18.010(2)(B)**

PANORAMA TOWERS CONDOMINIUM
UNIT OWNERS' ASSOCIATION, a Nevada
non-profit corporation, and Does 1 through
1000,

Counterclaimants,

vs.

LAURENT HALLIER, an individual;
PANORAMA TOWERS I, LLC, a Nevada
limited liability company; PANORAMA
TOWERS I MEZZ, LLC, a Nevada limited
liability company; M.J. DEAN
CONSTRUCTION, INC., a Nevada
Corporation; SIERRA GLASS & MIRROR,
INC.; F. ROGERS CORPORATION;; DEAN
ROOFING COMPANY; FORD
CONTRACTING, INC.; INSULPRO, INC.;
XTREME XCAVATION; SOUTHERN
NEVADA PAVING, INC.; FLIPPINS
TRENCHING, INC.; BOMBARD
MECHANICAL, LLC; R. RODGERS
CORPORATION; FIVE STAR PLINBING &
HEATING, LLC, dba Silver Star Plumbing;
and ROES 1 through 1000, inclusive,

Counterdefendants.

Defendant Panorama Towers Condominium Unit Owners' Association (the "Association"), by
and through its counsel of record, hereby submits its Opposition to Plaintiffs/Counter-Defendants
Laurent Hallier, Panorama Towers I, LLC, Panorama Towers I Mezz, LLC, and M.J. Dean
Construction, Inc.'s (the "Builders") First Supplement to their Motion for Attorneys Fees Pursuant to
NRS 18.010(2)(b).

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1 This Opposition is made and based upon the following Memorandum of Points and Authorities,
2 any exhibits attached thereto, the pleadings and papers on file herein, the oral argument of counsel, and
3 such other or further information as this Honorable Court may request.

4 DATED: February 20, 2020

5 KEMP JONES, LLP

7 /s/ Michael Gayan

8 Michael J. Gayan, Esq. (#11125)
9 Joshua D. Carlson, Esq. (#11781)
3800 Howard Hughes Parkway, 17th Floor
Las Vegas, Nevada 89169

11 **MEMORANDUM OF POINTS AND AUTHORITIES**

12 **I.**

13 **INTRODUCTION**

14 The Builders supplement their original request for attorneys' fees pursuant to NRS
15 18.010(2)(b)¹ based on the false premise that the Association's requests for reconsideration and request
16 to alter or amend the final judgment were all vexatious, untenable, and redundant Rule 59(e) motions.
17 The Builders' argument is baseless. The Association's first and only request to alter or amend the
18 Court's May 23, 2019 Order pursuant to Rule 59(e) was filed on September 9, 2019. Relief under Rule
19 59(e) was not available until the Court certified its May 23, 2019 Order as final pursuant to Rule
20 54(b)—an event that did not occur until August 13, 2019. As for the Association's reconsideration
21 requests, those motions were all filed, and ultimately denied by the Court, based on other grounds, not
22 Rule 59(e). The Builders continue to rely on revisionist history because NRS 18.010(2)(b) only allows
23 fee-shifting if the Association's claims violated Rule 11. Until they sought attorney's fees, the Builders
24 never made that argument. NRS 18.010(2)(b) does not permit an award of fees.

27 ¹ The Association incorporates by reference the arguments made in its Opposition to the Builders'
28 initial motion, which it filed on July 1, 2019. This Opposition responds to the Builders' supplement
filed on February 6, 2020.

1 Even if the Court determines an award of attorney's fees is appropriate in some amount, the
2 vast majority of the Builders' claimed fees were not reasonable or justified. *See Brunzell v. Golden*
3 *Gate Nat'l Bank*, 85 Nev. 345, 455 P.2d 31 (1969). For example, had the Builders filed their statute of
4 repose motion first, a decision they have *never* explained, more than two years of needless litigation
5 and fees would and should have been avoided. The Builders' request for attorney's fees suffers from
6 numerous other defects that preclude any award. Under the circumstances, the *Brunzell* factors preclude
7 an award of attorney's fees for the Builders' work unrelated to the statute of repose motion because it
8 was entirely unnecessary.

9 II.

10 STATEMENT OF FACTS

11 A. The Relevant Procedural History.

12 This case has its beginnings in February 2016 when the Panorama Towers Condominium Unit
13 Owner's Association (the "Association") served the Builders with a Chapter 40 Notice alleging
14 construction defects in the HOA's two towers. After the Builders conducted perfunctory pre-litigation
15 inspections, the parties participated in the mandatory pre-litigation mediation.

16 On September 28, 2016, just two days after that mediation ended without any resolution of the
17 Association's claims, the Builders filed this action against the Association seeking to enforce a prior
18 contractual agreement and obtain declaratory relief. On March 1, 2017, after the Court denied the
19 Association's motion to dismiss, the Association filed its Answer and Counterclaims against the
20 Builders and others.

21 By March 20, 2017, the Builders filed the first in their carefully planned series of motions for
22 summary judgment. *See* Opp. to Mot. to Retax at 8:19-20, filed June 21, 2019. The Builders first chose
23 to challenge the contents of the Association's Chapter 40 Notice. On June 20, 2017, after substantial
24 briefing by the parties, the Court heard and granted in part the Builders' motion. By its Order entered
25 on September 15, 2017, the Court gave the Association leave to amend its Chapter 40 Notice and
26 stayed the action for six (6) months.

27 On April 5, 2018, the Association timely served its Amended Chapter 40 Notice on the
28 Builders. On August 3, 2018, after the Association stipulated to extend the stay at the Builders' request,

1 the Builders filed their next motion for summary judgment. This time, the Builders challenged the
2 contents of the Association's Amended Chapter 40 Notice. On October 2, 2018, the Court heard
3 arguments of counsel on the Builders' motion. By its Order entered on November 30, 2018, the Court
4 granted in part the Builders' motion and determined the Association's Amended Notice sufficiently
5 identified the window-related defects.

6 On October 22, 2018, just weeks after the last hearing and more than a month before the Court
7 entered its Order, the Builders filed their next motion for summary judgment—this time challenging
8 the Association's standing to assert the window-related claims. On December 17, 2018, the Builders
9 filed a motion seeking reconsideration of the Court's Order addressing the Association's Amended
10 Notice. The Association agreed to consolidate and continue the hearings on both of the Builders'
11 motions to accommodate counsel's schedule. On February 12, 2019, after more substantial briefing
12 by the parties, the Court heard and denied both of the Builders' motions.

13 On February 11, 2019, the Builders filed their fourth motion for summary judgment, this time
14 challenging the timeliness of the Association's construction defect counterclaims under NRS
15 11.202(1). On March 1, 2019, the Association filed its opposition to the motion and a countermotion.
16 On April 23, 2019, the Court heard the Builders' motion and the Association's countermotion. On May
17 23, 2019, the Court entered its Order granting the Builders' motion and denying the Association's
18 countermotion ("Repose Order"). In its Order, the Court determined the dates of substantial completion
19 for the two high-rise towers at issue are "January 16, 2008 (Tower I) and March 16, 2008 (Tower II) .
20 . . ." On May 28, 2019, the Builders filed a notice of entry for the Repose Order. Later that same day,
21 the Builders filed their memorandum of costs.

22 On June 1, 2019, the Nevada Legislature passed Assembly Bill 421 and delivered it to Governor
23 Sisolak for consideration. On June 3, 2019, the Association filed a motion for reconsideration of the
24 Order. In the reconsideration motion, the Association noted the status of AB421 and the possibility of
25 filing another motion for reconsideration should the bill become Nevada law. On June 13, 2019, the
26 Association filed a separate motion for reconsideration of the May 23, 2019 Order based on AB 421's
27 enactment. On June 16, 2019, the Builders filed their original motion for attorneys' fees.

On July 16, 2019, the Court heard both of the Association’s motions and denied the Association’s June 3, 2019, reconsideration request, but took the June 13, 2019 reconsideration request under advisement. The Court also took the Builder’s memorandum of costs under advisement pending the outcome of the reconsideration request and vacated the Builder’s premature motion for attorneys’ fees. On August 9, 2019, the Court entered its order denying the Association’s motion for reconsideration specifically related to AB421 (“Reconsideration Order”). Later on August 9, 2019, the Builders filed a notice of entry of the Reconsideration Order.

On July 22, 2019, the Builders filed their motion requesting to certify the Repose Order as a final judgment pursuant to Rule 54(b). The Association filed its opposition on August 1, 2019. On August 12, 2019, the Court filed its order granting the Builders’ motion and certifying the Repose Order as final judgment under NRCP 54(b) (“Rule 54(b) Order”). On August 13, 2019, the Builders filed a notice of entry of the Rule 54(b) Order.

On September 9, 2019, the Homeowners Association filed its Motion to Alter or Amend the Court’s Findings of Fact, Conclusions of Law and Order Entered on May 23, 2019, requesting for the **first time** to alter or amend the May 23, 2019 Order pursuant to NRCP 59(e). On January 14, 2020, the Court filed its Order Re: Defendant’s Motion to Alter or Amend Court’s Findings of Fact, Conclusions of Law and Order Entered May 23, 2019 (“Rule 59(e) Order”), denying the motion. On January 16, 2020, the Builders filed a notice of entry of the Rule 59(e) Order.

On February 12, 2020, the Homeowners Association timely filed its Notice of Appeal of the district court’s various orders, including but not limited to the May 23, 2019 Order, the Rule 54(b) Order, and the Rule 59(e) Order.

B. A Timeline of Relevant Events.

For the Court’s convenience, the following timeline details the events relevant to the Builders’ Motion:

Date	Event
May 24, 1983	Nevada adopted 10-year statute of repose for construction-related claims
Jan./Mar. 2008	Court-determined dates of substantial completion for Panorama Towers
Feb. 24, 2015	AB 125’s effective date, shortened statute of repose from 10 to 6 years

Date	Event
Feb. 24, 2016	Association served Chapter 40 Notice on Builders, within AB 125's deadline per this Court's order
Sept. 28, 2016	Builders filed Complaint against Association
Feb. 6, 2017	2017 Legislature in session (until Jun. 6, 2017)
Mar. 1, 2017	Association filed Counterclaim against Builders
Mar. 20, 2017	Builders filed their first motion for summary judgment to challenge the HOA's Chapter 40 Notice ("First Motion")
June 20, 2017	Court heard the Builders' First Motion
Sept. 15, 2017	Court entered Order granting the Builders' First Motion and staying case for six (6) months (through March 15, 2018) to allow the HOA to serve an Amended Chapter 40 Notice
April 5, 2018	HOA served the Builders with its Amended Chapter 40 Notice
June 3, 2018	Builders filed their second motion for summary judgment to challenge the HOA's Amended Notice of Claims ("Second Motion")
Oct. 2, 2018	Court heard the Builders' Second Motion
Oct. 22, 2018	Builders filed their third motion for summary judgment to challenge the HOA's standing ("Third Motion")
Nov. 30, 2018	Court entered Order partially granting the Builders' Second Motion
Dec. 17, 2018	Builders filed their motion for reconsideration of the Order resolving their Second Motion ("Fourth Motion")
Feb. 11, 2019	Builders filed motion regarding statute of repose ("Repose Motion")
Mar. 22, 2019	Builders stipulated to continue the hearing on their Repose Motion from March 26 to April 23
Mar. 25, 2019	AB 421 introduced in Committee on Judiciary
Apr. 23, 2019	Court heard the Repose Motion
May 23, 2019	Court issued order resolving the Repose Motion
May 28, 2019	Builders filed Notice of Entry of Repose Order
May 28, 2019	Builders file Verified Memorandum of Costs
May 31, 2019	Association filed Motion to Retax and Settle Costs
June 1, 2019	AB 421 passed by 2019 Legislature
June 3, 2019	Association filed motion for reconsideration of Repose Order on various grounds
June 3, 2019	AB 421 signed into law by Governor

Date	Event
June 13, 2019	Association filed motion for reconsideration of Repose Order based on AB 421 being signed into law, alternatively sought Rule 59(e) relief if Court deemed Repose Order a final judgment (which Association disputed)
June 16, 2019	Builders file Motion for Attorneys' Fees
July 16, 2019	Court heard Association's motions for reconsideration. The Court also deferred ruling on the Association's request to retax and settle costs and vacated the Builders' premature motion for attorneys' fees
July 22, 2019	Builders filed motion for Rule 54(b) certification of Repose Order
July 24, 2019	Court issued order denying Association's motion for reconsideration filed on June 3, 2019
Aug. 6, 2019	Court heard Builders' motion for Rule 54(b) certification of Repose Order
Aug. 9, 2019	Court issued order denying Association's motion for reconsideration filed on June 13, 2019
Aug. 12, 2019	Court issued order granting Builders' motion for Rule 54(b) certification of Repose Order (expressly/implicitly held Repose Order not a final judgment until that time)
Aug. 13, 2019	Notice of Entry filed for Rule 54(b) Order
Sept. 9, 2019	Association filed Motion for Rule 59(e) relief (to alter/amend judgment)
Oct. 17, 2019	Hearing on Motion for Rule 59(e) relief (to alter/amend judgment)
Jan. 14, 2020	Court issued order denying the Association's Motion for Rule 59(e) relief (to alter/amend judgment)
Feb.13, 2020	Association filed Notice of Appeal

C. The Builders' Requested Attorneys' Fees Raise Serious Questions and are Far from Reasonable, Necessary, or Justified.

Since June 2019, just seven (7) months ago, the Builders claim to have incurred additional attorneys' fees totaling \$119,428.25—more than 62 percent of the fees the Builders allegedly incurred in the first 37 months of this case (February 2016 to June 2019). *See* Supp to Mot. at 9:3. The Builders' fee request and accompanying invoices raise several significant concerns regarding the reasonableness, necessity, and justification for much of the requested fees. First, the Builders do not explain how much of the time/fees identified on these invoices the carriers (or anyone else) actually paid. *See generally* Supp to Motion for Attorneys Fees. This is especially pertinent when Dan Polsenberg, Esq. and Abraham Smith, Esq. from Lewis Roca, Rothergerber, Christie ("Lewis Roca") charge \$750 per hour

1 and \$345 per hour, respectively. *See* Ex. Q at p. 6 of Lewis Roca Invoice dated November 26, 2019. In
2 stark contrast, counsel from Bremer Whyte Brown & O'Mera, LLP ("Bremer Whyte") charge between
3 \$185 per hour to \$165 per hour. *See generally* Ex. P. As the Court is aware, insurance carriers
4 sometimes contract legal counsel at a reduced billing rates and cut and/or reject certain billing entries
5 or work in the entirety. As the Builders once again offer no information on the fees its client or carriers
6 actually incurred/paid in the matter, the Builders have no way of demonstrating the amount of fees
7 **incurred** since June 14, 2019.

8 Second, the Bremer Whyte invoices do not indicate the identity of the individual allegedly
9 performing the task set forth in the invoice. *See generally* Ex. P. It is impossible for the Association or
10 the Court to evaluate the reasonableness of the billing entries without knowing the identity of the billing
11 individual.

12 Third, the Builders' purported attorneys' fees are excessive, outrageous, and, in many instances,
13 completely unnecessary and unjustified, particularly in light of the fact that since June 2019 the
14 Builders have done so little work (i.e., opposed three (3) motions and filed one motion). An additional
15 \$119,428.25 for one motion, one reply, and three oppositions is grossly excessive in light of the fact
16 that the Builders originally sought to recover \$191,431.52 for 37 months of work. *See* Reply in Support
17 of Mot. for Attorney's Fees at 12:12, filed July 9, 2019. No discovery has been conducted in this matter
18 to date, so the Builders somehow amassed these exorbitant legal bills for a few briefs and court
19 hearings. Additionally, the Association should not have to pay for the attorneys' fees incurred by the
20 Builders in preparing and briefing their premature motion for attorneys' fees filed on June 16, 2019
21 (Matter No. 1287.5511) and 1-6 (Matter No. 1287.5581).

22 Finally, as pointed out in its opposition to the Builders' original motion for attorney's fees, had
23 the Builders raised the repose issue at the outset of the case they could and would have avoided
24 incurring attorney's fees and wasting this Court's valuable time related to challenging the Association's
25 Chapter 40 Notice, the amended Chapter 40 Notice, and the Association's standing.

26
27 ///

III.

ARGUMENT

A. The Association’s Request for Reconsideration Pursuant to Rule 60(b) and Request to Alter or Amend the Final Judgment Pursuant to Rule 59(e) After Entry of Same Do Not Give Rise to an Award of Attorney’s Fees Under NRS 18.010(2)(b).

1. Nevada Law Sets a Stringent Legal Standard for an Award of Attorney’s Fees Under NRS 18.010(2)(b).

The decision to award attorney’s fees under NRS 18.010(2)(b) is within the sound discretion of the district courts. *See Allianz Ins. Co. v. Gagnon*, 109 Nev. 990, 995, 860 P.2d 720, 724 (1993). NRS 18.010(2)(b) provides:

In addition to the cases where an allowance is authorized by specific statute, the court may make an allowance of attorney’s fees **to a prevailing party**:

...

(b) Without regard to the recovery sought, when the court finds that the claim, counterclaim, cross-claim or third-party complaint or defense of the opposing party was **brought without reasonable ground or to harass the prevailing party**. It is the **intent of the Legislature** that the court award attorney’s fees pursuant to this paragraph and **impose sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure** in all appropriate situations **to punish for and deter frivolous or vexatious claims** and defenses because such claims and defenses overburden limited judicial resources, hinder the timely resolution of meritorious claims and increase the costs of engaging in business and providing professional services to the public.

NEV. REV. STAT. § 18.010(2)(b) (emphasis added). To support such an award, however, “there must be evidence in the record supporting the proposition that the **complaint** was brought without reasonable grounds or to harass the other party.” *Chowdhry v. NLVH, Inc.*, 109 Nev. 478, 486, 851 P.2d 459, 464 (1993) (emphasis added).

The Nevada Supreme Court explained that while it understands “the Legislature’s desire to deter frivolous lawsuits, [the provisions of NRS 18.010(2)(b)] must be balanced with the need for attorneys to pursue novel legal issues or argue for clarification or modification of existing law.” *Frederic & Barbara Rosenberg Living Tr. v. MacDonald Highlands Realty, LLC*, 134 Nev. Adv. Op. 69, 427 P.3d 104, 113 (2018) (citing *Stubbs v. Strickland*, 129 Nev. 146, 153–54, 297 P.3d 326, 330–31 (2013) (determining that a party did not file suit for an improper purpose because he argued for a change or clarification in existing law)); *see also Baldonado v. Wynn Las Vegas, LLC*, 124 Nev. 951,

1 968, 194 P.3d 96, 107 (2008) (holding district court did not abuse its discretion in **denying** attorney’s
2 fees under NRS 18.010(2)(b) where case involved **complex** and unsettled questions).

3 NRS 18.010(2)(b) also expressly conditions the potential recovery of attorney’s fees on the
4 existence of grounds meriting Rule 11 sanctions. Rule 11 sanctions are disfavored and “the courts must
5 exercise extreme caution in sanctioning attorneys under Rule 11” *Larez v. Holcomb*, 16 F.3d 1513,
6 1522 (9th Cir. 1994). For a legal argument to warrant sanctions under Rule 11, “**it must be clear under**
7 **existing precedents that there is no chance of success.**” *Allstate Ins. Co. v. Valley Physical Medicine*
8 *& Rehabilitation*, P.C. 475 F.Supp.2d 213, 234-5 (E.D.N.Y. 2007) (emphasis added), quoting *Shafi v.*
9 *British Airways, PLC*, 83 F.3d 566, 570 (2d Cir. 1996). “Rule 11 must be read in light of concerns that
10 it will . . . chill vigorous advocacy.” *Larez*, 16 F.3d at 1522 (quoting *Cooter & Gell v. Hartmarx Corp.*,
11 496 U.S. at 393, 110 S.Ct. at 2454 (1990)).

12 **2. *The Association’s requests for reconsideration of and to alter or amend the Repose***
13 ***Order were firmly grounded in fact and law and reasonable under the unique***
14 ***circumstance of an intervening change in the statute of repose period.***

15 All of the Association’s motions filed after entry of the Repose Order were founded on the
16 applicable rules of procedure, the facts, and the law. The Court’s decision to take most of those issues
17 under advisements illustrates the legitimacy and complexity of the issues. But now, in a shameless
18 attempt to pile on the Association by seeking an excessive fee award, the Builders attempt to rewrite
19 history to fit the only potential fee-shifting statute (i.e., NRS 18.010(2)(b)). *See* Supp. to Mot. at 10–
20 15. The Court should flatly reject the Builders’ request to engage in revisionist history and deny the
21 Motion and this Supplement.

22 The Builders twist the Association’s three most recent motions to align with the Builders’ newly
23 concocted theory. The timing and legal foundation of the Association’s motions demonstrate the
24 properness of the requests to reconsider and to alter or amend the Repose Order. Rule 59(e) authorizes
25 the Association to seek an order altering or amending the Repose Order within 28 days of the notice of
26 entry of the Rule 54(b) Order—the first time the Repose Order became a final, appealable judgment.
27 *See* NEV. R. CIV. P. 59(e). The Association filed its reconsideration requests after the Court entered its
28 Repose Order but before that order was certified as a final judgment pursuant to Rule 54(b). *See* EDCR
2.24. Once the Court certified the Repose Order as a final judgment, the Association timely sought to

1 alter or amend it under Rule 59(e). The Association has done nothing other than follow the procedural
2 rules to seek a just outcome based on the applicable law.

3 The Builders' contention that the Association has brought three successive Rule 59(e) motions
4 finds no support in the facts or the applicable law. In denying the request for reconsideration, the Court
5 exclusively relied on Rule 60(b) and never considered or mentioned Rule 59(e). *See* Reconsideration
6 Order at 5:19–28, 7:8–11. Until the Court entered the Rule 54(b) Order, the Association could not
7 obtain relief under Rule 59(e)—relief only available after entry of a final judgment. While the
8 Association did assert an alternative argument asking to alter or amend the Repose Order under Rule
9 59(e) in the event the Court incorrectly considered the order to be a final judgment prior to Rule 54(b)
10 certification, the Court never considered this alternate argument because it determined the Repose
11 Order was not a judgment. *See id.* The Court should reject the Builders' feigned misunderstanding of
12 the procedural history.

13 The Builders do not dispute that Rule 59(e) permits this Court to alter or amend the Order based
14 on an intervening change of controlling law—an event that, according to this Court's prior orders, has
15 occurred. Because the Association timely filed a Rule 59(e) motion challenging the merits of the
16 Repose Order, a fact the Court acknowledged, it had no basis to file a notice of appeal until after the
17 Court resolved that motion. *See* Rule 59(e) Order at 5:9-11. Accordingly, the Builders' argument that
18 Association's reconsideration motions and motion seeking to alter or amend the final judgment were
19 merely brought with vexatious intent is unsubstantiated and without merit.

20 Furthermore, while NRS 18.010(2)(b) expressly equates its allowance for the recovery of
21 attorney's fees to situations meriting Rule 11 sanctions, the Builders never served the Association's
22 counsel with a Rule 11 letter for any of the motions that the Builders now assert were frivolous or
23 vexatious. *See* NEV. REV. STAT. § 18.010(2)(b) (equating statutory fee-shifting provision to Rule 11
24 sanctions). The Builders cannot seek, and the Court cannot award, Rule 11 sanctions absent the required
25 safe-harbor letter. *See* NEV. R. CIV. P. 11(c)(2). The lack of a Rule 11 letter shows the Builders have
26 contrived their present outrage to fit their new narrative.

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1 **B. Even if an Award of Attorney's Fees Had a Statutory Basis, which it does not, the Court**
2 **May Only Award Reasonable and Justified Attorney's Fees Incurred in the Action.**

3 Assuming, *arguendo*, that the Court determines the Builders are entitled to an award of
4 attorney's fees under NRS 18.010(2)(b), which is a completely unsupported proposition, Nevada law
5 requires the Court to significantly limit the Builders' supplemental attorney' fee request because most
6 of the new fees were not reasonable or justified and the Builders offer no evidence that any of the new
7 fees were actually incurred.

8 This Court must determine the **reasonable** value of the attorney services provided. *See Brunzell*
9 *v. Golden Gate Nat. Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969). The general factors to be
10 considered in making such a determination are: (1) the qualities of the advocate: his ability, training,
11 education, experience, professional standing and skill; (2) the character of the work to be done: its
12 difficulty, its intricacy, its importance, time and skill required, the responsibility imposed and the
13 prominence and character of the parties where they affect the importance of the litigation; (3) the work
14 actually performed by the lawyer: the skill, time and attention given to the work; (4) the result: whether
15 the attorney was successful and what benefits were derived. *See id.* Any such fee award **must be**
16 **limited to fees that are reasonable and justified.** *See id.*

17 The Builders' litigation strategy resulted in the Builders, not to mention the Association,
18 incurring significant fees in this matter that could and should have been avoided. Given that most of
19 the Builders' attorney's fees were easily avoidable and incurred solely based upon the Builders' chosen
20 (and inadequately justified) legal strategy, all attorney's fees unrelated to the statute of repose motion
21 were entirely unnecessary and unjustified. Under *Brunzell*, the Court may not award any of the
22 \$272,063.27 in attorney's fees² that the Builders have utterly failed to justify.

23 As detailed above, the Builders cannot demonstrate that the attorneys' fees it seeks to recover
24 were reasonable, necessary, and justified. The Builders failed to provide any information to the Court
25 detailing which of the billed fees its client or carrier actually incurred/paid in the matter. Additionally,
26 the failure to identify the attorney or paralegal allegedly performing the tasks detailed in Bremer

27 _____
28 ² These attorneys' fees reflect the total amount of attorneys' fees sought by the Builders (\$310,859.77)
less legal fees incurred for the statute of repose motion (\$38,796.50).

Whyte's billings prevents the Association and the Court from evaluating the quality of the advocate, the reasonableness of the time spent, and amount billed for the task. *See generally* Ex. P. Moreover, the Builders' purported attorneys' fees in the amount of \$119,428.25 are generally excessive, outrageous, and, in many instances, completely unnecessary and unjustified in light of the fact that the Builders opposed three motions and filed one motion for Rule 54(b) certification—a task that counsel at Lewis Roca boasted about doing on a regular basis.

In addition to the broad concerns with the Builders' exorbitant attorneys' fees, several other time entries are facially unreasonable or unjustified and should not be awarded by the Court. First, Bremer Whyte has a billing entry on June 18, 2019, in both the 1287.5511 and 1287.5581 matters, for a meeting with attorneys at Lewis Roca (appellate counsel), but Lewis Roca's timesheets do not have a corresponding entry for this alleged meeting. *Compare* Ex. P at 12 (Matter No. 1287.5511) *with* 10 (Matter No. 1287.5581) and Ex. Q. These inconsistent billing entries at least raise a concern about unjustified, improper, or misplaced billing entries by Bremer Whyte in this matter.

Second, Mr. Polsenberg billed 8.4 hours on October 15, 2019, and 6.2 hours on October 16, 2019, for "Research and preparation for motion to alter and amend to change applicable law to reinstitute claims against client." *See* Ex. Q, Invoice Nos. 1335314 at 4 and 1335315 at 4. While Mr. Polsenberg is a highly experienced litigator and appellate specialist, it is unreasonable and unjustified for Mr. Polsenberg to charge \$750 per hour for 14.6 hours of unexplained legal research that could have been performed by another attorney at a substantially reduced rate.

Lastly, the Builders' inability to demonstrate the requested attorneys' fees were actually incurred, reasonable, and justified is fatal to their instant request to be awarded additional attorneys' fees in this matter.

IV.

CONCLUSION

The Builders' strained attempt to convince the Court to award attorney's fees under NRS 18.010(2)(b), is once again unpersuasive. The facts in this case come nowhere close to meeting the requirements to award attorney's fees under the statute or as a Rule 11 sanction.

1 Based on the foregoing, the HOA respectfully requests the Builders' Motion for Attorneys Fees
2 Pursuant to NRS 18.010(2)(b) and the First Supplement be denied in its entirety.

3 DATED: February 20, 2020

4 Respectfully submitted,

5 KEMP JONES, LLP

6
7 /s/ Michael Gayan

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Certificate of Service

I hereby certify that on the 20th day of February, 2020, the foregoing **DEFENDANT'S OPPOSITION TO PLAINTIFFS/COUNTER-DEFENDANTS' FIRST SUPPLEMENT TO THEIR MOTION FOR ATTORNEYS FEES PURSUANT TO NRS 18.010(2)(B)** was served on the following by Electronic Service to all parties on the Court's service list.

/s/ Angela Embrey

An employee of Kemp Jones, LLP