

**IN THE SUPREME COURT OF NEVADA**

DEKKER/PERICH/SABATINI LTD.; NEVADA BY DESIGN, LLC D/B/A  
NEVADA BY DESIGN; MELROY ENGINEERING, INC. D/B/A MSA  
ENGINEERING CONSULTANTS; JW ZUNINO & ASSOCIATES, LLC; AND  
NINYO AND MOORE GEOTECHNICAL CONSULTANTS; RICHARDSON  
CONSTRUCTION, INC., THE GUARANTEE COMPANY OF NORTH  
AMERICA USA; AND JACKSON FAMILY PARTNERSHIP LLC D/B/A  
STARGATE PLUMBING,  
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF CLARK; AND THE HONORABLE TREVOR  
L. ATKIN, DISTRICT JUDGE,  
Respondents,  
and  
CITY OF NORTH LAS VEGAS,  
Real Party in Interest,

---

**RESPONSE OF AMICUS CURIAE NEVADA JUSTICE ASSOCIATION IN  
SUPPORT OF REAL PARTY IN INTEREST'S ANSWER TO PETITION  
FOR EN BANC RECONSIDERATION**

---

PETITION FOR WRIT OF MANDAMUS  
From the Eighth Judicial District Court  
The Honorable Trevor L. Atkin<sup>1</sup>  
District Court Case No. No. A-19-798346-C

---

<sup>1</sup> The challenged orders in this matter were issued by Judge Trevor L. Atkin, after which the case was transferred to Judge Veronica M. Barisich.

Eva G. Segerblom, Esq. (# 10749)  
Ardea G. Canepa-Rotoli, Esq. (# 12345)  
MADDOX SEGERBLOM and CANEPA, LLP  
10403 Double R Blvd.  
Reno, Nevada 89521

*ATTORNEYS FOR AMICUS CURIAE NEVADA JUSTICE ASSOCIATION*

**NRAP 26.1 DISCLOSURE**

Pursuant to NRAP 26.1, the undersigned counsel of record certifies that there are no persons or entities as described in NRAP 26.1(a) that must be disclosed. The law firm of Maddox, Segerblom and Canepa, LLP represents the *Amicus Curiae*: the Nevada Justice Association.

DATED: APRIL 26, 2022

MADDOX, SEGERBLOM AND  
CANEPA, LLP

*/s/ Eva G. Segerblom*

---

EVA G. SEGERBLOM (#10749)

*Attorneys for Amicus Curiae Nevada  
Justice Association*

## **TABLE OF CONTENTS**

NRAP 26.1 Disclosure .....	iii
Table of Contents .....	iv
Table of Authorities .....	v
I. Introduction.....	1
II. Legislative History of AB 421.....	1
III. Argument .....	2
A. The Language and Intent of AB 421 are Unambiguous. ....	2
B. This Court’s Opinion Is Correct, Well-Reasoned and In Line with Other Jurisdictions.....	5
C. Public Policy Would Be Abrogated by Reconsideration of this Matter .....	7
IV. Conclusion .....	10
Certificate of Compliance .....	12
Certificate of Service .....	14

## TABLE OF AUTHORITIES

	<u>Page</u>
<b>Cases</b>	
<i>Cromer v. Wilson</i> , 126 Nev. 106, 225 P.3d 788 (2010) .....	2
<i>Doe v. Hartford Roman Catholic Diocesan Corp.</i> , 119 A. 3d 462 (Conn. 2015) .....	6
<i>Duluth Firemen's Relief Ass'n v. City of Duluth</i> , 361 N.W.2d 381 (Minn. 1985) .....	4
<i>Harris Assoc. v. Clark County School Dist.</i> , 119 Nev. 638, 81 P.3d 532 (2003) .....	3
<i>In re Individual 35W Bridge Litig.</i> , 787 N.W. 2d 643, 651 (Minn. App. 2010) .....	6
<i>Nelson v. Heer</i> , 123 Nev. 217, 163 P.3d 420 (2007) .....	2
<i>Nortley v. Hurst</i> , 321 Mich. App. 566, 908 N.W.2d 919 (2017) .....	4
<i>Petersen v. Bruen</i> , 106 Nev. 271, 792 P.2d 18 (1990) .....	7
<i>Shadburne-Vinton v. Dalkon Shield Claimants Trust</i> , 60 F.3d 1071 (4th Cir. 1995) .....	5
<i>State Div. of Ins. v. State Farm Mutual Auto Ins. Co.</i> , 116 Nev. 290, 995 P.2d 482 (2000) .....	2
<i>Unruh v. Cacchiotti</i> , 257 P.3d 631 (Wash. 2011) .....	4
<i>U.S. Home Corp. v. Zimmerman Stucco &amp; Plaster, Inc.</i> , 749 N.W.2d 98 (Minn. App. 2006) .....	6

<i>U.S. Home Corp. v. Zimmerman Stucco &amp; Plaster, Inc.</i> , 806 N.W. 2d 820 (Minn. 2011) .....	6
<i>Wesley Theological Seminary of United Methodist Church v. U.S. Gypsum Co.</i> , 876 F.2d 119 (D.C. Cir. 1989) .....	6

## **Statutes and Rules**

A.B. 125, 2015 Nev. Stat., .....	1
AB 421, 2019 Nev. Stat. ....	passim
Alaska Statute 09.10.055 .....	8
CA. Civ. Proc. Code § 337.15 .....	8
DC Code § 12–310 (2021) .....	8
Fla. Stat. § 95.11(3)(c) .....	8
Haw. Rev. Stat. § 657-8 .....	8
735 I.L.C.S. § 5/13-214 .....	8
Ind. Code Ann. § 32-30-1-5 .....	8
Iowa Code § 614.1(11)(2) .....	8
Kan. Stat. Ann. § 60-513(b) .....	8
Md. Code Ann., Cts. & Jud. Proc. § 5-108(b) .....	8
Me. Rev. Stat. tit. 14, § 752-A .....	8
Mich. Comp. Laws Serv. § 600.5839(1)(b) .....	8
Minn. Stat. Ann. § 541.051(1)(a) .....	8
Mo. Rev. Stat. § 516.097(1) .....	8
Mont. Code Ann. § 27-2-208(1) .....	8

N.D. Cent. Code § 28-01-44(1) .....	8
Neb. Rev. Stat. Ann § 25-223(1) .....	8
NRS 11.202 .....	passim
N.J. Stat. § 2A:14-1.1(a) .....	8
N.M. Stat. Ann. § 37-1-27 .....	8
N.Y. C.P.L.R. § 214-d(1) .....	8
Ohio Rev. Code Ann. § 2305.131(A)(1) .....	9
Okla. Stat. tit. 12, § 10 .....	9
Or. Rev. Stat. Ann. § 12.135(1) .....	9
42 Pa. Cons. Stat. Ann. § 5536(a) .....	9
R.I. Gen. Laws Section 9-1-29.....	9
S.D. Codified Laws § 15-2A-3 .....	9
Tex. Civ. Prac. & Rem. Code § 16.009(a) .....	9
W. Va. Code § 55-2-6a .....	9
Wis. Stat. Ann. § 893.89(3) .....	9
Wyo. Stat. Ann. § 1-3-111(a) .....	9

## Other Authorities

51 Am.Jur.2d <i>Limitation of Actions</i> § 18 (1970) .....	7
Hearing on AB 421 Before the Assembly Judiciary Comm., 80th Leg. (Nev., April 9, 2019) .....	1, 2, 4
Hearing on AB 421 Before the Senate Judiciary Comm., 80th Leg. (Nev., May 15, 2019) .....	2

## **I. Introduction**

*Amicus curiae*, the Nevada Justice Association (“NJA”), joins in opposing *en banc* reconsideration of this Court’s retroactive application of NRS 11.202 because the analysis and outcome are required by the legislative purpose, spirit, and intent of the Chapter 40 prelitigation scheme—protecting Nevada homeowners. The NJA strongly disagrees with Petitioners’ request for *en banc* reconsideration because Petitioners’ argument is contrary to the text of the statute and overall intent of a statute of repose. More importantly, the application of Petitioners’ position, if accepted, will have profoundly adverse repercussions for homeowners (and all other real property owners) and will create a slippery slope that would thwart NRS Chapter 40 construction defect law, such that builders and sub-contractors could escape liability under a statute of repose defense.

## **II. Legislative History of AB 421**

The Eightieth Session of the Nevada Legislature in 2019 introduced and passed AB 421 specifically to give Nevada homeowners more time to bring a claim for constructional defects. From its first introduction, AB 421’s intent was to reinstate the right to bring claims in certain cases for certain defects that had been stripped from homeowners in 2015 with the passage of AB 125. *See Minutes of Hearing on AB 421 Before the Assembly Judiciary Comm., 80th Leg. (Nev., April 9, 2019), at 7.* The policy behind AB 421 and purpose of retroactively enlarging the



statute of repose for construction defects was also discussed because many defects take time to manifest. *See id.* at 11. Ultimately, at the time AB 421 was presented to the Senate Judiciary Committee, the bill was presented as a joint bill by both homeowner and subcontractor representatives. *See Minutes of Hearing on AB 421 Before the Senate Judiciary Comm., 80th Leg. (Nev., May 15, 2019), at 15 (Statement of Josh Griffin).*

### **III. Argument**

#### **A. The Language and Intent of AB 421 are Unambiguous.**

“It is well established that when ‘the language of a statute is plain and unambiguous, and its meaning clear and unmistakable, there is no room for construction, and the courts are not permitted to search for its meaning beyond the statute itself.’” *Nelson v. Heer*, 123 Nev. 217, 224, 163 P.3d 420, 425 (2007) (quoting *State Div. of Ins. v. State Farm Mutual Auto Ins. Co.*, 116 Nev. 290, 293, 995 P.2d 482, 485 (2000)). “The ultimate goal of statutory construction is to effect the Legislature’s intent.” *Cromer v. Wilson*, 126 Nev. 106, 109, 225 P.3d 788, 790 (2010).

First, the language of NRS 11.202(1) post passage of AB 421 is clear (emphasis added):

1. No action may be commenced against the owner, occupier or any person performing or furnishing the design, planning, supervision or observation of construction, or the construction of an improvement to real property more than **10 years after the**

**substantial completion of such an improvement**, for the recovery of damages for:

- (a) Except as otherwise provided in subsection 2, any deficiency in the design, planning, supervision or observation of construction or the construction of such an improvement;
- (b) Injury to real or personal property caused by any such deficiency; or
- (c) Injury to or the wrongful death of a person caused by any such deficiency.

NRS 11.202(1) is unambiguous because it is not capable of more than one reasonable interpretation. The plain language of NRS 11.202(1) provides a clear, outside time limit of “10 years after the substantial completion of . . . an improvement” to bring a claim for a construction defect. That is, if an owner or builder simply reads NRS 11.202(1), they will clearly understand that a claim must be brought within 10 years from the date of substantial completion.

The purpose of having clear and definite triggering events is to allow the general consumer to know exactly when the statute of repose period begins for their claims. For instance, a certificate of occupancy for a newly built home is of public record and is something that a homeowner can look up on their own and can easily and definitively calculate their time under which to pursue a claim against a builder.

Second, the legislative intent of AB 421 is unambiguous. Because the ultimate goal of statutory interpretation is to achieve the legislative intent, what

legislators said about a statute is important. *Harris Assoc. v. Clark County School Dist.*, 119 Nev. 638, 642; 81 P.3d 532, 534 (2003).

As stated in the bill’s first introduction, “What it is seeking to do is to **restore** Nevada’s construction defect law to a position where homeowners with legitimate construction defect claims can bring a claim within a reasonable amount of time to be made whole.” Minutes of Hearing on AB 421 Before the Assembly Judiciary Comm., 80th Leg. (Nev., April 9, 2019), at 4 (Statement of Ardea G. Canepa-Rotoli) (emphasis added).

Section 11, Subsection 4 of AB 421, as enrolled, unequivocally provides (emphasis added):

**The period of limitations on actions set forth in NRS 11.202, as amended by section 7 of this act, apply retroactively to actions in which the substantial completion of the improvement to the real property occurred before October 1, 2019.**

The intent of the 80<sup>th</sup> Nevada Legislature here is clear – the enlarged ten-year statute of repose for claims under NRS 11.202 apply to all improvements substantially completed ten or less years before the date on which an action is commenced.<sup>2</sup> The fundamental purpose of a statute of repose is to create a fixed,

---

<sup>2</sup> In analyzing whether a statute of repose should be applied prospectively or retroactively, other courts have based their decision on whether retroactive application was the clear legislative intention. *Unruh v. Cacchiotti*, 257 P.3d 631, 640 (Wash. 2011); *Nortley v. Hurst*, 321 Mich. App. 566, 571, 908 N.W.2d 919, 922 (2017); *Duluth Firemen's Relief Ass'n v. City of Duluth*, 361 N.W.2d 381, 385 (Minn. 1985).

bright-line point from which a temporal limitation to file suit begins. As such, AB 421 is both clear in its intent and its application.

**B. This Court's Opinion Is Correct, Well-Reasoned and In Line with Other Jurisdictions**

Aside from asking this Court to reverse its own well-reasoned opinion and to provide an opinion contrary to the legislature's clear directive, Petitioners are also asking this Court to veer from other jurisdictions that have upheld retroactive enlargement of time-barring statutes.

That is, many other jurisdictions have addressed similar issues regarding the retroactive enlargement of a statutes of limitation and repose and have found the same to be lawful and constitutional. In recognition of and deference to this Court's case load, we will cite just a few exemplar opinions that may be persuasive to this Court.

In the Fourth Circuit Court of Appeals, in analyzing Oregon's clear retroactive enlargement of the statutes of repose for product defect actions, the Court held that the retroactive enlargement was constitutional because the statute served a legitimate legislative purpose that was furthered by rational means. *Shadburne-Vinton v. Dalkon Shield Claimants Trust*, 60 F.3d 1071, 1077 (4th Cir. 1995). Such is the case here where the Nevada legislature clearly wanted to provide homeowners with a fair opportunity to litigate their claims, some of which do not manifest for many years. *See supra* § II.

The Court of Appeals of Minnesota upheld the retroactive enlargement of statutes of repose for indemnity and contribution claims against a subcontractor specifically to revive claims that may have already been barred because there is no “vested right to repose.” *In re Individual 35W Bridge Litig.*, 787 N.W. 2d 643, 651 (Minn. App. 2010), *citing U.S. Home Corp. v. Zimmerman Stucco & Plaster, Inc.*, 749 N.W.2d 98, 101 (Minn. App. 2006), affirmed by Supreme Court of Minnesota at 806 N.W. 2d 820 (Minn. 2011). The Court of Appeals of Minnesota thus reasoned that “[a] right is not vested unless it is something more than a mere expectation . . . [i]t must be some right or interest in property that has become fixed . . . [and] **there is no vested right in an existing law nor in an action until final judgment has been entered.**” *Id.* (emphasis added); *see also Doe v. Hartford Roman Catholic Diocesan Corp.*, 119 A. 3d 462, 504 (Conn. 2015) (upholding the retroactive application of enlargement of limitations to revive otherwise time-barred claims because it found there is no vested right in the lapsing of a period of limitations such that retroactive enlargement of the time to bring a claim would alter a substantive right) and *Wesley Theological Seminary of United Methodist Church v. United States Gypsum Co.*, 876 F.2d 119, 122-123 (D.C. Cir. 1989) (finding retroactive application of a modified repose period rational and constitutional).

While it is true that most appellate decisions deciding whether retroactive statutes of repose should be upheld involve the reduction of the limitations period to

bring a claim, it is also inevitable that that Courts have repeatedly upheld retroactive enlargement of limitations periods because there is no vested right to not be sued until or unless final judgment is rendered. That is, the expectation of existing law is not a vested right and there is no vested right to repose. In the instant matter, there is also the very clear legislative intent to make the enlarged repose period retroactive, and for the legitimate purpose of giving homeowners a longer period to bring a claim.

**C. Public Policy Would Be Abrogated by Reconsideration of this Matter**

The public policy behind statutes of limitation and repose, generally, is two-fold.<sup>3</sup> First, to give injured parties a bright-line outside limit to bring a claim, and to easily assess and ascertain that outside limit. Second, to give potential defendants a time certain by which they know no further claims may be brought against them.

---

<sup>3</sup> See *Petersen v. Bruen*, 106 Nev. 271, 274, 792 P.2d 18, 19-20 (1990), *citing* 51 Am.Jur.2d *Limitation of Actions* § 18 (1970) (footnotes and citations omitted) (emphasis added):

[S]tatutes of limitation embody important public policy considerations in that they **stimulate activity, punish negligence, and promote repose by giving security and stability to human affairs**. Thus, statutes of limitation rest upon reasons of sound public policy in that they tend to promote the peace and welfare of society, safeguard against fraud and oppression, and compel the settlement of claims within a reasonable period after their origin and while the evidence remains fresh in the memory of the witnesses.

In Nevada, enlarging the statutes of repose for construction defect actions served and continues to serve these dual public policies. Moreover, Nevada's now ten-year statute of repose for construction defects is on par with most other states in the nation, which have also decided that ten years as an outside limit for bringing a construction defect action is reasonable and necessary to protect homeowners and contractors alike. Specifically, Nevada, the District of Columbia and 30 other states currently have a statute of repose of ten years or more for construction defect actions: Alaska,<sup>4</sup> California,<sup>5</sup> District of Columbia,<sup>6</sup> Florida,<sup>7</sup> Hawaii,<sup>8</sup> Illinois,<sup>9</sup> Indiana,<sup>10</sup> Iowa,<sup>11</sup> Kansas,<sup>12</sup> Maine,<sup>13</sup> Maryland,<sup>14</sup> Michigan,<sup>15</sup> Minnesota,<sup>16</sup> Missouri,<sup>17</sup>

---

<sup>4</sup> Alaska Statute 09.10.055.

<sup>5</sup> CA. Civ. Proc. Code § 337.15.

<sup>6</sup> DC Code § 12-310 (2021).

<sup>7</sup> Fla. Stat. § 95.11(3)(c).

<sup>8</sup> Haw. Rev. Stat. § 657-8.

<sup>9</sup> 735 I.L.C.S. § 5/13-214.

<sup>10</sup> Ind. Code Ann. § 32-30-1-5.

<sup>11</sup> Iowa Code § 614.1(11)(2).

<sup>12</sup> Kan. Stat. Ann. § 60-513(b).

<sup>13</sup> Me. Rev. Stat. tit. 14, § 752-A.

<sup>14</sup> Md. Code Ann., Cts. & Jud. Proc. § 5-108(b).

<sup>15</sup> Mich. Comp. Laws Serv. § 600.5839(1)(b).

<sup>16</sup> Minn. Stat. Ann. § 541.051(1)(a).

<sup>17</sup> Mo. Rev. Stat. § 516.097(1).

Montana,<sup>18</sup> Nebraska,<sup>19</sup> New Jersey,<sup>20</sup> New Mexico,<sup>21</sup> New York,<sup>22</sup> North Dakota,<sup>23</sup> Ohio,<sup>24</sup> Oklahoma,<sup>25</sup> Oregon,<sup>26</sup> Pennsylvania,<sup>27</sup> Rhode Island,<sup>28</sup> South Dakota,<sup>29</sup> Texas,<sup>30</sup> Vermont,<sup>31</sup> West Virginia,<sup>32</sup> Wisconsin,<sup>33</sup> and Wyoming.<sup>34</sup>

Acceptance of Petitioners' argument to allow for arbitrary, unverifiable statutes of repose will create a number of loopholes and will permit contractors to avoid liability for construction defects. By weakening AB 421, as well as its intent and its purpose, we could reach a situation where no homeowner, attorney or court would be able to decipher when the statute of repose period ends. That is, accepting Petitioners' argument would actually force a number of unnecessary and wasteful lawsuits to be filed in order to conduct litigation discovery merely to discover that a statute of repose period has passed. This would be waste of time and money for

---

<sup>18</sup> Mont. Code Ann. § 27-2-208(1).

<sup>19</sup> Neb. Rev. Stat. Ann § 25-223(1).

<sup>20</sup> N.J. Stat. § 2A:14-1.1(a).

<sup>21</sup> N.M. Stat. Ann. § 37-1-27.

<sup>22</sup> N.Y. C.P.L.R. § 214-d(1).

<sup>23</sup> N.D. Cent. Code § 28-01-44(1).

<sup>24</sup> Ohio Rev. Code Ann. § 2305.131(A)(1).

<sup>25</sup> Okla. Stat. tit. 12, § 10.

<sup>26</sup> Or. Rev. Stat. Ann. § 12.135(1).

<sup>27</sup> 42 Pa. Cons. Stat. Ann. § 5536(a).

<sup>28</sup> R.I. Gen. Laws Section 9-1-29.

<sup>29</sup> S.D. Codified Laws § 15-2A-3.

<sup>30</sup> Tex. Civ. Prac. & Rem. Code § 16.009(a).

<sup>31</sup> Vermont does not have a statute of repose specific to construction.

<sup>32</sup> W. Va. Code § 55-2-6a.

<sup>33</sup> Wis. Stat. Ann. § 893.89(3).

<sup>34</sup> Wyo. Stat. Ann. § 1-3-111(a).



plaintiffs, defendants and the courts. All of this can be avoided by affirming the purpose of a statute of repose period, which is to create fixed bright-line repose period, all of which are easily ascertained if the repose is ten years from the date of substantial completion, a date which is also easily verifiable by homeowners and contractors alike.

The public policy behind the Legislature's enactment of AB 421 and the attendant enlargement of the statutes of repose for construction defects is worthy and promotes the fair dispensation of justice and access to the Courts in the State of Nevada. This Court should not reverse itself to impede this public policy.

#### **IV. Conclusion**

This Court's opinion should not be reconsidered because it 1) the language of AB 421 is clear as is the legislative intent that the statute of repose should be enlarged retroactively; 2) Petitioners have failed to meet the high burden that this Court's underlying well-reasoned decision should be reversed; 3) this Court's underlying opinion is in line with other Courts that have analyzed the questions of constitutionality of enlarging statutes of repose retroactively because there is no vested right in repose; and 4) public policy supports denying the Petition for *En Banc* Reconsideration.

//

//

DATED: April 26, 2022

MADDOX, SEGERBLOM AND  
CANEPA, LLP

/s/ Eva G. Segerblom

EVA G. SEGERBLOM (#10749)  
ARDEA CANEPA-ROTOLO (#12345)  
MADDOX, SEGERBLOM AND  
CANEPA, LLP  
10403 Double R Blvd.  
Reno, NV 89521  
*Attorneys for Amicus Curiae Nevada  
Justice Association*

### **CERTIFICATE OF COMPLIANCE**

1. I hereby certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style of NRAP 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word 2016 in size 14 font in Time New Roman.

2. I further certify that this brief complies with the page- or type-volume limitations of NRAP 28.1(e)(2)(B)(i) and NRAP 32(a)(7)(A)(ii) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is proportionately spaced, has a typeface of 14 points or more and contains 2,332 words.

3. Finally, I hereby certify that I have read this appellate brief, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for an improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

//

DATED: April 26, 2022

MADDOX, SEGERBLOM AND  
CANEPA, LLP

/s/ Eva G. Segerblom

EVA G. SEGERBLOM (#10749)  
ARDEA G. CANEPA-ROTOLI 12345)  
MADDOX, SEGERBLOM AND  
CANEPA, LLP  
10403 Double R Blvd.  
Reno, NV 89521  
*Attorneys for Amicus Curiae  
Nevada Justice Association*

### CERTIFICATE OF SERVICE

I certify that on the 26th day of April, 2022, I caused to be served via the Nevada Supreme Court's e-filing system and pursuant to NRAP 25(b) and NEFCR 9, and electronically filed the foregoing RESPONSE OF AMICUS CURIAE NEVADA JUSTICE ASSOCIATION IN SUPPORT OF REAL PARTY IN INTEREST'S ANSWER TO PETITION FOR EN BANC RECONSIDERATION with the Clerk of the Court for the Nevada Supreme Court by using the Nevada Supreme Court's E-filing system (Eflex). Participants in the case who are registered Eflex users will be served by the Eflex system as follows:

John T. Wendland  
Anthony D. Platt  
W&D LAW, LLP  
861 Coronado Center Drive, Ste. 231  
Henderson, NV 89052  
*Attorneys for Petitioners  
Dekker/Perich/Sabatini Ltd. and  
Nevada By Design, LLC d/b/a Nevada  
By Design*

Jeremy R. Kilber  
W&D LAW, LLP  
861 Coronado Center Drive, Ste 231  
Henderson, NV 89052  
*Attorneys for Petitioner  
MSA Engineering Consultants*

Shannon G. Splaine  
Paul D. Ballou  
LINCOLD, GUSTAFSON &  
CERCOS,  
3960 Howard Hughes Parkway,  
Suite 200  
Las Vegas, NV 89169

Philip Goodhart  
THORNDAL ARMSTRONG DELK  
BALKERBUSH & EISINGER  
1100 E. Bridger Ave.  
Las Vegas, NV 89101  
*Attorneys for Petitioner  
Jackson Family Partnership  
LLC dba Stargate Plumbing*

Jorge A. Ramirez  
Jonathan C. Pattillo  
WILSON ELSER MOSKOWITS  
EDELMAN & DICKER, LLC  
6689 Las Vegas Blvd. South, Ste 200  
Las Vegas, NV 89119  
*Attorneys for Petitioner Ninyo & Ninyo  
& Moore Geotechnical Consultants*

Jorge A. Ramirez  
Jonathan C. Pattillo  
WILSON ELSER MOSKOWITS  
EDELMAN & DICKER, LLC  
6689 Las Vegas Blvd. South, Ste 200  
Las Vegas, NV 89119  
*Attorneys for Petitioner Ninyo & Ninyo  
& Moore Geotechnical Consultants*

Michael J. Gayan  
Joshua D. Carlson  
KEMP JONES, LLP  
3800 Howard Hughes Pwky, 17th Fl.  
Las Vegas, NV 89169  
*Attorneys for Amicus Curiae Panorama  
Tower Condominium Unit Owners  
Association*

Scott Williams (pro hac vice)  
WILLIAMS & GUMBINER, LLP  
1010 B Street, Ste 200  
San Rafael, CA 94901  
*Attorneys for Amicus Curiae Panorama  
Tower Condominium Unit Owners  
Association*

Dylan P. Todd  
Lee H. Gorlin  
CLYDE & CO., LLP  
3960 Howard Hughes Parkway,  
Suite 500  
Las Vegas, NV 89169  
*Attorneys for Petitioner  
JW Zunio & Associates, LLC*

Aleem A. Dhalla  
SNELL & WILMER  
3883 Howard Hughes Parkway, Suite  
1100  
Las Vegas, NV 89169  
*Attorney for Real Party in Interest City  
of North Las Vegas*

Francis I. Lynch  
LYNCH & ASSOCIATES LAW  
GROUP  
1445 American Pacific Drive  
Suite 110 #293  
Henderson, NV 89074  
*Attorneys for Amicus Curiae Panorama  
Tower Condominium Unit Owners  
Association*

//

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, at Las Vegas, Nevada, addressed as follows:

The Honorable Judge Veronica Barisich  
Eighth Judicial District Court  
Department No. 5, Phoenix Building  
Courtroom 11th Floor 110  
330 S. 3rd Street  
Las Vegas, NV 89101  
[dept05lc@clarkcountycourts.us](mailto:dept05lc@clarkcountycourts.us)

/s/ Eva G. Segerblom  
An employee of Maddox, Segerblom  
and Canepa, LLP