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Attorneys for Appellant

Electronically Filed  
Oct 23 2020 11:08 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

|                        |   |                     |
|------------------------|---|---------------------|
| CHEYENNE NALDER,       | ) |                     |
|                        | ) |                     |
| Appellant,             | ) | Case No. 81710      |
|                        | ) |                     |
| vs.                    | ) |                     |
|                        | ) |                     |
| GARY LEWIS, and UNITED | ) |                     |
| AUTOMOBILE INSURANCE   | ) |                     |
| COMPANY,               | ) | DOCKETING STATEMENT |
|                        | ) | CIVIL APPEALS       |
| Respondents.           | ) |                     |
| _____                  | ) |                     |

1. Judicial District: Eighth Judicial District Court Department: XX

County: Clark County

Judge: Eric Johnson

District Ct. Case No.: 07A549111

2. **Attorney filing this docketing statement:**

Attorney: David A. Stephens, Esq.

Telephone: 702-656-2355

Firm: Stephens Law Offices  
Address: 3636 N. Rancho Drive  
Las Vegas, NV 89130

Client: Cheyenne Nalder

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

**3. Attorney representing respondents:**

Attorney: Daniel F. Polsenberg, Esq. Telephone: 702-949-8200  
Firm: Lewis Roca Rothgerber Christie, LLP  
Address: 3993 Howard Hughes Parkway, #600  
Las Vegas, NV 89169

And

Attorney: Matthew J. Douglas, Esq. Telephone: 702-243-7000  
Firm: Winner & Sherrod  
Address: 1117 S. Rancho Drive  
Las Vegas, NV 89102

Client: Intervenor - United Automobile Insurance Company

Attorney: Breen E. Arntz, Esq. Telephone: 702-384-8000  
Address: 5545 Mountain Vista, #E  
Las Vegas, NV 89120

Client: Gary Lewis as Defendant

Attorney: Thomas F. Christensen, Esq. Telephone: 702-870-1000  
Address: Christensen Law Offices  
1000 S. Valley View Boulevard  
Las Vegas, NV 89107

Client: Gary Lewis as Third Party Plaintiff

**4. Nature of disposition below (check all that apply):**

- |   |   |
|---|---|
| <input type="checkbox"/> Judgment after bench trial         | <input type="checkbox"/> Dismissal:   |
| <input type="checkbox"/> Judgment after jury verdict        | <input type="checkbox"/> Lack of jurisdiction   |
| <input type="checkbox"/> Summary judgment                   | <input type="checkbox"/> Failure to state a claim   |
| <input checked="" type="checkbox"/> Default judgment        | <input type="checkbox"/> Failure to prosecute   |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief  | <input checked="" type="checkbox"/> Other (specify): Order<br>denying motion for attorney<br>fees |
| <input type="checkbox"/> Grant/Denial of injunction         | <input type="checkbox"/> Divorce Decree:  |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification                           |
| <input type="checkbox"/> Review of agency determination     | <input type="checkbox"/> Other disposition (specify):   |

**5. Does this appeal raise issues concerning any of the following?**

- ☐ Child Custody
- ☐ Venue
- ☐ Termination of parental rights

**6. Pending and prior proceedings in this court.** List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

To the best of Appellant's knowledge:

Case No. 70504

Case No. 79487

Case No. 78085

Case No. 78243

Case No. 80965

**7. Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

To the best of Appellant's knowledge:

Ninth Circuit Court of Appeals, Case No. 13-17441, dismissed 6/4/2020

United States District Court, Case No. 09-CV-01348-RCJ-GWF, still pending

Eight Judicial District Court, Case No. A-18-722220-C, still pending, (The District Court recently granted summary judgment on this case, but no written order has been entered as of this writing.)

**8. Nature of the action.** Briefly describe the nature of the action and the result below:

Cheyenne Nalder, ("Cheyenne"), was injured in an automobile accident in 2007. The Court entered a default judgment against Gary Lewis, ("Gary"), for her damages. In March, 2018, she moved to amend the judgment to replace her father, who was her guardian ad litem, with her name, in that she had reached the age of majority. This motion was granted. Subsequently United Automobile Insurance Company, ("UAIC"), was

allowed to intervene. UAIC filed a motion to set aside the amended judgment which was denied. This Court issued a Writ setting aside the intervention in this case of UAIC. Cheyenne filed a motion for attorney's fees and costs. The costs were granted. The attorney's fees were denied.

**9. Issues on appeal.** State specifically all issues in this appeal (attach separate sheets as necessary):

1. Whether Cheyenne is entitled to an award of attorney's fees against UAIC under all of the circumstances.

**10. Pending proceedings in this court raising the same or similar issues.** If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

To the best of the knowledge of the Appellant, there are no pending proceedings before this Court which raise the same or a similar issue.

**11. Constitutional issues.** If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☒ N/A

☐ Yes

☐ No

If not, explain:

**12. Other issues.** Does this appeal involve any of the following issues?

- ☐ Reversal of well-settled Nevada precedent (identify the case(s))
- ☐ An issue arising under the United States and/or Nevada Constitutions
- ☐ A substantial issue of first impression
- ☐ An issue of public policy
- ☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions
- ☐ A ballot question

If so, explain:

**13. Trial.** If this action proceeded to trial, how many days did the trial last?

N/A

Was it a bench or jury trial? N/A

**14. Judicial Disqualification.** Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?

Cheyenne does not intend to file a motion to disqualify a justice or to have a justice recuse himself or herself from participation in this appeal.

#### **TIMELINESS OF NOTICE OF APPEAL**

**15. Date of entry of written judgment or order appealed from:** July 24, 2020

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

**16. Date written notice of entry of judgment or order was served:** July 27,

2020

Was service by:

☐ Delivery

☒ Mail/electronic/fax (through the Eighth Judicial District Court ECF system)

**17. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)**

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b) Date of filing

☐ NRCP 52(b) Date of filing

☐ NRCP 59 Date of filing

**NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. \_\_\_\_ , 24, 5 P.3d 1190 (2010).**

(b) Date of entry of written order resolving tolling motion

(c) Date written notice of entry of order resolving tolling motion was served

Was service by:

☐ Delivery

☐ Mail

**18. Date notice of appeal filed: August 26, 2020**

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

**19. Specify statute or rule governing the time limit for filing the notice of appeal, *e.g.*, NRAP 4(a) or other**

NRAP 4(a)

**SUBSTANTIVE APPEALABILITY**

**20. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:**

(a)

☐ NRAP 3A(b)(1)

☐ NRS 38.205

☐ NRAP 3A(b)(2)

☐ NRS 233B.150

☐ NRAP 3A(b)(3)

☐ NRS 703.376

☒ Other (specify) NRAP 3A(b)(8)

(b) Explain how each authority provides a basis for appeal from the judgment or order:

The order denying the motion for attorney's fees was entered after the final judgment was entered and there are no other proceedings before this Department of the District Court on this matter.

**21. List all parties involved in the action or consolidated actions in the district court:**

(a) Parties:



Appellant: Cheyenne Nalder

Respondent: United Automobile Insurance Company  
Gary Lewis

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

Gary Lewis is not involved in this appeal because the motion for attorney's fees did not seek attorney's fees from him.

**22. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.**

Negligence - the original judgment was entered on June 3, 2008

**23. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?**

☐ Yes

☒ No

**24. If you answered "No" to question 23, complete the following:**

(a) Specify the claims remaining pending below:

At this time there are no remaining claims below. At the time the order appealed from was entered, Defendant Gary Lewis had a pending motion for attorney's fees before the District Court. On July 30, 2020, the District Court issued a minute order denying the motion for attorney's fees

filed by Gary Lewis. This Order resolved the remaining claim.

(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b )?

☐ Yes

☒ No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

☐ Yes

☒ No

**25. If you answered "No" to any part of question 24, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):**

Although all claims were not resolved when the order denying the Appellant's motion for attorney's fees was entered, all claims were resolved prior to filing the Notice of Appeal.

**26. Attach file-stamped copies of the following documents:**

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, crossclaims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal

- Notices of entry for each attached order

Exhibit 1: Latest filed complaint

Exhibit 2: Original Judgment

Exhibit 3: Amended Judgment

Exhibit 4: Order denying Appellant's Motion for Attorney's Fees

Exhibit 5: Notice of Entry of Order denying Appellant's motion for attorney's fees

### VERIFICATION

**I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.**

Cheyenne Nalder  
Name of appellant

David A. Stephens, Esq.  
Name of counsel of record

October 23, 2020  
Date

S/ David A Stephens  
Signature of counsel of record

Clark County, Nevada  
State and county where signed

## **CERTIFICATE OF SERVICE**

I hereby certify that this “Docketing Statement” was filed electronically with the Nevada Supreme Court on the 23<sup>rd</sup> day of October, 2020. Electronic service of the foregoing “Docketing Statement” shall be made in accordance with the Master Service List as follows:

E. Breen Arntz  
5545 Mountain Vista, Suite E  
Las Vegas, Nevada 89120

Thomas F. Christensen  
Christensen Law Offices  
1000 S. Valley View Blvd.  
Las Vegas, Nevada 89107

Daniel F. Polsenberg, Esq.  
Lewis Roca Rothgerber Christie, LLP  
3993 Howard Hughes Parkway, #600  
Las Vegas, NV 89169

Matthew J. Douglas, Esq.  
Winner & Sherrod  
1117 S. Rancho Drive  
Las Vegas, NV 89102

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:

Paul M. Haire  
10161 Park Run Drive, Suite 150  
Las Vegas, Nevada 89145

Dated this 23<sup>rd</sup> day of October, 2020

S/ M L Goldstein  
An Employee of Stephens Law Offices

## Exhibit 1

1 COMP  
2 DAVID F. SAMPSON, ESQ.,  
3 Nevada Bar #6811  
4 THOMAS CHRISTENSEN, ESQ.,  
5 Nevada Bar #2326  
6 1000 S. Valley View Blvd.  
7 Las Vegas, Nevada 89107  
8 (702) 870-1000  
9 Attorney for Plaintiff,  
10 JAMES NALDER As Guardian Ad  
11 Litem for minor, CHEYENNE NALDER

FILED

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*Chris Christensen*  
CLERK OF THE COURT

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DISTRICT COURT  
CLARK COUNTY, NEVADA

JAMES NALDER, individually )  
and as Guardian ad Litem for )  
CHEYENNE NALDER, a minor. )

Plaintiffs, )

vs. )

CASE NO: A549111  
DEPT. NO: VI

GARY LEWIS, and DOES I )  
through V, inclusive ROES I )  
through V )

Defendants. )

COMPLAINT

COMES NOW the Plaintiff, JAMES NALDER as Guardian Ad Litem for CHEYENNE NALDER, a minor, by and through Plaintiff's attorney, DAVID F. SAMPSON, ESQ., of CHRISTENSEN LAW OFFICES, LLC, and for a cause of action against the Defendants, and each of them, alleges as follows:

1. Upon information and belief, that at all times relevant to this action, the Defendant, GARY LEWIS, was a resident of Las Vegas, Nevada.
2. That Plaintiffs, JAMES NALDER, individually and as Guardian Ad Litem for CHEYENNE NALDER, a minor, (hereinafter referred to as Plaintiffs) were at the time of the accident residents of the County of Clark, State of Nevada.





1 3. That the true names or capacities, whether individual, corporate, associate or otherwise, of  
2 Defendants named as DOES I through V, inclusive, are unknown to Plaintiff, who therefore  
3 sues said Defendants by such fictitious names. Plaintiff is informed and believes and thereon  
4 alleges that each of the Defendants designated herein as DOE is responsible in some manner  
5 for the events and happenings referred to and caused damages proximately to Plaintiff as herein  
6 alleged, and that Plaintiff will ask leave of this Court to amend this Complaint to insert the true  
7 names and capacities of DOES I through V, when the same have been ascertained, and to join  
8 such Defendants in this action.  
9

10  
11 4. Upon information and belief, Defendant, Gary Lewis, was the owner and operator of a  
12 certain 1996 Chevy Pickup (hereinafter referred to as "Defendant" vehicle") at all time relevant  
13 to this action.

14 5. On the 8th day of July, 2007, Defendant, Gary Lewis, was operating the Defendant's  
15 vehicle on private property located in Lincoln County, Nevada; that Plaintiff, Cheyenne Nalder  
16 was playing on private property; that Defendant, did carelessly and negligently operate  
17 Defendant's vehicle so to strike the Plaintiff, Cheyenne Nalder and that as a direct and  
18 proximate result of the aforesaid negligence of Defendant, Gary Lewis, and each of the  
19 Defendants, Plaintiff, Cheyenne Nalder sustained the grievous and serious personal injuries and  
20 damages as hereinafter more particularly alleged.  
21

22  
23 6. At the time of the accident herein complained of, and immediately prior thereto,  
24 Defendant, Gary Lewis in breaching a duty owed to the Plaintiffs, was negligent and careless,  
25 inter alia, in the following particulars:

26 A. In failing to keep Defendant's vehicle under proper control;

27 B. In operating Defendant's vehicle without due caution for the rights of the Plaintiff;  
28



1 C. In failing to keep a proper lookout for plaintiffs

2 D. The Defendant violated certain Nevada revised statutes and Clark County Ordinances,  
3 and the Plaintiff will pray leave of Court to insert the exact statutes or ordinances at the time of  
4 trial.  
5

6 7. By reason of the premises, and as a direct and proximate result of the aforesaid negligence  
7 and carelessness of Defendants, and each of them, Plaintiff, Cheyenne Nalder, sustained a  
8 broken leg and was otherwise injured in and about her neck, back, legs, arms, organs, and  
9 systems, and was otherwise injured and caused to suffer great pain of body and mind, and all or  
10 some of the same is chronic and may be permanent and disabling, all to her damage in an  
11 amount in excess of \$10,000.00.  
12

13 8. By reason of the premises, and as a direct and proximate result of the aforesaid negligence  
14 and carelessness of the Defendants, and each of them, Plaintiff, Cheyenne Nalder, has been  
15 caused to expend monies for medical and miscellaneous expenses as of this time in excess of  
16 \$41,851.89, and will in the future be caused to expend additional monies for medical expenses  
17 and miscellaneous expenses incidental thereto, in a sum not yet presently ascertainable, and  
18 leave of Court will be requested to include said additional damages when the same have been  
19 fully determined.  
20

21 9. Prior to the injuries complained of herein, Plaintiff, Cheyenne Nalder, was an able-bodied  
22 male, capable of being gainfully employed and capable of engaging in all other activities for  
23 which Plaintiff was otherwise suited. By reason of the premises, and as a direct and proximate  
24 result of the negligence of the said Defendants, and each of them, Plaintiff, Cheyenne Nalder,  
25 was caused to be disabled and limited and restricted in her occupations and activities, and/or  
26 diminution of Plaintiff's earning capacity and future loss of wages, all to her damage in a sum  
27  
28





1 not yet presently ascertainable, the allegations of which Plaintiff prays leave of Court to insert  
2 herein when the same shall be fully determined.

3 10. Plaintiff has been required to retain the law firm of CHRISTENSEN LAW OFFICES,  
4 LLC to prosecute this action, and is entitled to a reasonable attorney's fee.

5 CLAIM FOR RELIEF:

- 6
- 7 1. General damages in an amount in excess of \$10,000.00;
- 8 2. Special damages for medical and miscellaneous expenses in excess of \$41,851.89, plus  
9 future medical expenses and the miscellaneous expenses incidental thereto in a presently  
10 unascertainable amount;
- 11 3. Special damages for loss of wages in an amount not yet ascertained and/or diminution of  
12 Plaintiff's earning capacity, plus possible future loss of earnings and/or diminution of Plaintiff's  
13 earning capacity in a presently unascertainable amount;
- 14 4. Costs of this suit;
- 15 5. Attorney's fees; and
- 16 6. For such other and further relief as to the Court may seem just and proper in the  
17 premises.

18 DATED this 1st day of Oct, 2007.

19 CHRISTENSEN LAW OFFICES, LLC

20 BY: \_\_\_\_\_

21 DAVID F. SAMPSON, ESQ.,  
22 Nevada Bar #2326  
23 THOMAS CHRISTENSEN, ESQ.,  
24 Nevada Bar #2326  
25 1000 S. Valley View Blvd.  
26 Las Vegas, Nevada 89107  
27 Attorney for Plaintiff  
28

EXHIBIT 2

EXHIBIT 2

1 JMT  
2 THOMAS CHRISTENSEN, ESQ.,  
3 Nevada Bar #2326  
4 DAVID F. SAMPSON, ESQ.,  
5 Nevada Bar #6811  
6 1000 S. Valley View Blvd.  
7 Las Vegas, Nevada 89107  
8 (702) 870-1000  
9 Attorney for Plaintiff,

*CRaf*  
CLERK OF THE COURT

JUN 3 1 52 PM '08

FILED

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 JAMES NALDER, )  
10 as Guardian ad Litem for )  
11 CHEYENNE NALDER, a minor. )  
12 )  
13 Plaintiffs, )  
14 )  
15 vs. )  
16 )  
17 GARY LEWIS, and DOES I )  
18 through V, inclusive )  
19 )  
20 Defendants. )  
21 )

CASE NO: A549111  
DEPT. NO: VI

JUDGMENT

22 In this action the Defendant, GARY LEWIS, having been regularly served with the  
23 Summons and having failed to appear and answer the Plaintiff's complaint filed herein, the  
24 legal time for answering having expired, and no answer or demurrer having been filed, the  
25 Default of said Defendant, GARY LEWIS, in the premises, having been duly entered according  
26 to law; upon application of said Plaintiff, Judgment is hereby entered against said Defendant as  
27 follows:  
28

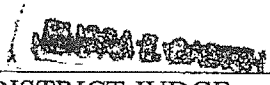
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...

1 IT IS ORDERED THAT PLAINTIFF HAVE JUDGMENT AGAINST DEFENDANT in the  
2 sum of \$3,500,000.00, which consists of \$65,555.37 in medical expenses, and \$3,434,444.63 in  
3 pain, suffering, and disfigurement, with interest thereon at the legal rate from October 9, 2007,  
4 until paid in full.

5  
6 DATED THIS 2 day of June, 2008.

7  
8   
9 DISTRICT JUDGE

10  
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12  
13 Submitted by:  
14 CHRISTENSEN LAW OFFICES, LLC.

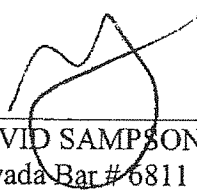
15  
16 BY:   
17 DAVID SAMPSON  
18 Nevada Bar #6811  
19 1000 S. Valley View  
20 Las Vegas, Nevada 89107  
21 Attorney for Plaintiff  
22  
23  
24  
25  
26  
27  
28

EXHIBIT 3

EXHIBIT 3



1 **JMT**  
2 DAVID A. STEPHENS, ESQ.  
3 Nevada Bar No. 00902  
4 STEPHENS GOURLEY & BYWATER  
5 3636 North Rancho Dr  
6 Las Vegas, Nevada 89130  
7 Attorneys for Plaintiff  
8 T: (702) 656-2355  
9 F: (702) 656-2776  
10 E: dstephens@sbgllawfirm.com  
11 Attorney for Cheyenne Nalder

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

11  
12 CHEYENNE NALDER,  
13  
14 Plaintiff,  
15  
16 vs.  
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18 GARY LEWIS,  
19  
20 Defendant.

07A549111  
CASE NO: A549111  
DEPT. NO: XXIX

17 **AMENDED JUDGMENT**

18  
19 In this action the Defendant, Gary Lewis, having been regularly served with the Summons  
20 and having failed to appear and answer the Plaintiff's complaint filed herein, the legal time for  
21 answering having expired, and no answer or demurrer having been filed, the Default of said  
22 Defendant, GARY LEWIS, in the premises, having been duly entered according to law; upon  
23 application of said Plaintiff, Judgment is hereby entered against said Defendant as follows:

24 ...

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1 JMT

2 DAVID A. STEPHENS, ESQ.

3 Nevada Bar No. 00902

4 STEPHENS GOURLEY & BYWATER

5 3636 North Rancho Dr

6 Las Vegas, Nevada 89130

7 Attorneys for Plaintiff

8 T: (702) 656-2355

9 F: (702) 656-2776

10 E: dstephens@sbglawfirm.com

11 Attorney for Cheyenne Nalder

12 DISTRICT COURT

13 CLARK COUNTY, NEVADA

14 CHEYENNE NALDER,

15 Plaintiff,

16 vs.

17 GARY LEWIS,

18 Defendant.

19 CASE NO: <sup>07A549111</sup> A549111

20 DEPT. NO: XXIX

21 AMENDED JUDGMENT

22 In this action the Defendant, Gary Lewis, having been regularly served with the Summons  
23 and having failed to appear and answer the Plaintiff's complaint filed herein, the legal time for  
24 answering having expired, and no answer or demurrer having been filed, the Default of said  
25 Defendant, GARY LEWIS, in the premises, having been duly entered according to law; upon  
26 application of said Plaintiff, Judgment is hereby entered against said Defendant as follows:

27 ...

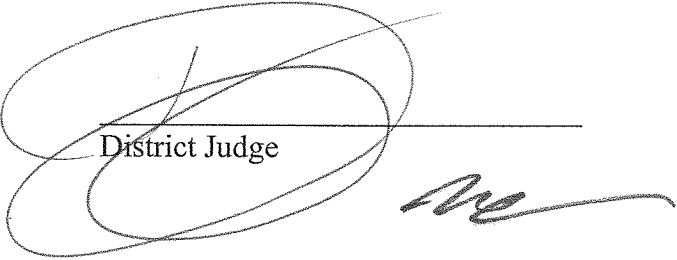
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...

1 IT IS ORDERED THAT PLAINTIFF HAVE JUDGMENT AGAINST DEFENDANT in the *mc*  
2 ~~\$3,500,000.00~~ *\$3,434,444.63*  
3 sum of \$3,500,000.00, which consists of \$65,555.37 in medical expenses, and ~~\$3,434,444.63~~  
4 in pain, suffering, and disfigurement, with interest thereon at the legal rate from October 9,  
5 2007, until paid in full.

6 DATED this *26* day of March, 2018.

7  
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10   
11 District Judge

12 Submitted by:  
13 STEPHENS GOURLEY & BYWATER

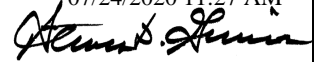
14 

15 DAVID A. STEPHENS, ESQ.  
16 Nevada Bar No. 00902  
17 STEPHENS GOURLEY & BYWATER  
18 3636 North Rancho Dr  
19 Las Vegas, Nevada 89130  
20 Attorneys for Plaintiff  
21  
22  
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## EXHIBIT 4

## EXHIBIT 4

  
CLERK OF THE COURT

**ORDR**

MATTHEW J. DOUGLAS (SBN 11,371)  
WINNER & SHERROD  
1117 South Rancho Drive  
Las Vegas, Nevada 89102  
(702) 243-7000  
[MDouglas@AWSLawyers.com](mailto:MDouglas@AWSLawyers.com)

DANIEL F. POLSENBERG (SBN 2376)  
JOEL D. HENRIOD (SBN 8492)  
ABRAHAM G. SMITH (SBN 13,250)  
LEWIS ROCA ROTHGERBER CHRISTIE LLP  
3993 Howard Hughes Parkway, Suite 600  
Las Vegas, Nevada 89169-5996  
(702) 949-8200  
[DPolsenberg@LRRC.com](mailto:DPolsenberg@LRRC.com)  
[JHenriod@LRRC.com](mailto:JHenriod@LRRC.com)  
[ASmith@LRRC.com](mailto:ASmith@LRRC.com)

*Attorneys for United Automobile Insurance Company*

DISTRICT COURT  
CLARK COUNTY, NEVADA

CHEYENNE NALDER,  
Plaintiff,

vs.

GARY LEWIS; DOES I through V,  
inclusive,  
Defendants.

UNITED AUTOMOBILE INSURANCE  
COMPANY,  
Intervener.

Case No. 07A549111

Dep't No. 20

**ORDER REGARDING CHEYENNE  
NALDER'S MOTION FOR COSTS  
AND ATTORNEY'S FEES**

Hearing Date: July 7, 2020  
Hearing Time: 8:30 a.m.

On July 7, 2020, this Court heard plaintiff Cheyenne Nalder's motion for costs and attorney's fees.

Having considered the briefing and oral argument by counsel for plaintiff, defendant Gary Lewis, and United Automobile Insurance Company, this Court orders as follows:

Plaintiff's motion is GRANTED as to costs in the amount of \$458.52, which were documented and unopposed.

1 As to attorney's fees, this Court notes that attorney's fees are not recover-  
2 able costs according to NRS 12.130, and UAIC did not maintain its position  
3 without reasonable ground or in bad faith so as to otherwise support an award  
4 of attorney's fees. Therefore, plaintiff's motion is DENIED as to the request for  
5 attorney's fees.

Dated this 24th day of July, 2020

6 Dated this \_\_\_\_ day of July, 2020.

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DISTRICT COURT JUDGE

9 Respectfully submitted by:  
10 LEWIS ROCA ROTHGERBER CHRISTIE LLP

02B D83 58BF 3375  
Eric Johnson  
District Court Judge

11  
12 By: /s/ Abraham G. Smith  
13 DANIEL F. POLSENBERG (SBN 2376)  
14 J CHRISTOPHER JORGENSEN (SBN 5382)  
15 JOEL D. HENRIOD (SBN 8492)  
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18 *Insurance Company*  
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1 **CSERV**

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3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 James Nalder

CASE NO: 07A549111

7 vs

DEPT. NO. Department 20

8 Gary Lewis  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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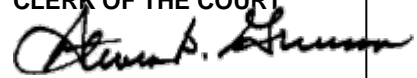
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EXHIBIT 5

EXHIBIT 5



1 **NOEJ**

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3 WINNER & SHERROD

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5 Las Vegas, Nevada 89102

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

CHEYENNE NALDER,

Plaintiff,

vs.

GARY LEWIS; DOES I through V,  
inclusive,

Defendants.

UNITED AUTOMOBILE INSURANCE  
COMPANY,

Intervener.

Case No. 07A549111

Dep't No. 20

**NOTICE OF ENTRY OF ORDER  
REGARDING CHEYENNE  
NALDER'S MOTION FOR COSTS  
AND ATTORNEY'S FEES**

Hearing Date: July 7, 2020

Hearing Time: 8:30 a.m.

Please take notice that the attached "Order Regarding Cheyenne Nalder's Motion for Costs and Attorney's Fees" was entered on July 24, 2020.

Dated this 27<sup>th</sup> day of July, 2020.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By: /s/ Abraham G. Smith

DANIEL F. POLSENBERG (SBN 2376)

J CHRISTOPHER JORGENSEN (SBN 5382)

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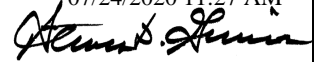
*Attorneys for United Automobile  
Insurance Company*



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I certify that on July 27, 2020, I served the foregoing “Notice of Entry of Order Regarding Cheyenne Nalder’s Motion for Costs and Attorney’s Fees” through the Court’s electronic filing system upon all parties on the master e-file and serve list.

/s/ Lisa M. Noltie  
An Employee of Lewis Roca Rothgerber Christie LLP

  
CLERK OF THE COURT

**ORDR**

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*Attorneys for United Automobile Insurance Company*

DISTRICT COURT  
CLARK COUNTY, NEVADA

CHEYENNE NALDER,  
Plaintiff,

vs.

GARY LEWIS; DOES I through V,  
inclusive,  
Defendants.

UNITED AUTOMOBILE INSURANCE  
COMPANY,  
Intervener.

Case No. 07A549111

Dep't No. 20

**ORDER REGARDING CHEYENNE  
NALDER'S MOTION FOR COSTS  
AND ATTORNEY'S FEES**

Hearing Date: July 7, 2020  
Hearing Time: 8:30 a.m.

On July 7, 2020, this Court heard plaintiff Cheyenne Nalder's motion for costs and attorney's fees.

Having considered the briefing and oral argument by counsel for plaintiff, defendant Gary Lewis, and United Automobile Insurance Company, this Court orders as follows:

Plaintiff's motion is GRANTED as to costs in the amount of \$458.52, which were documented and unopposed.

1 As to attorney's fees, this Court notes that attorney's fees are not recover-  
2 able costs according to NRS 12.130, and UAIC did not maintain its position  
3 without reasonable ground or in bad faith so as to otherwise support an award  
4 of attorney's fees. Therefore, plaintiff's motion is DENIED as to the request for  
5 attorney's fees.

Dated this 24th day of July, 2020

6 Dated this \_\_\_\_ day of July, 2020.

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DISTRICT COURT JUDGE

9 Respectfully submitted by:  
10 LEWIS ROCA ROTHGERBER CHRISTIE LLP

02B D83 58BF 3375  
Eric Johnson  
District Court Judge

11  
12 By: /s/ Abraham G. Smith  
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1 **CSERV**

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3 DISTRICT COURT  
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5  
6 James Nalder

CASE NO: 07A549111

7 vs

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