

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN ILIESCU, JR; AND SONNIA
ILIESCU, TRUSTEES OF THE JOHN
ILIESCU, JR. AND SONNIA ILIESCU
1992 FAMILY TRUST AGREEMENT,
DATED JANUARY 24, 1992,
Appellants.

vs.

THE REGIONAL TRANSPORTATION
COMMISSION OF WASHOE
COUNTY, A SPECIAL PURPOSE
UNIT OF THE GOVERNMENT,
Respondent.

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May 19 2021 02:24 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
Supreme Court No. 81753
District Court Case No.: CV 19-00753

APPEAL FROM THE SECOND JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

THE HONORABLE KATHLEEN DRAKULICH

**APPELLANTS' & RESPONDENT'S JOINT APPENDIX
VOL. I (JA001-JA147)**

DONALD A. LATTIN, ESQ.
Nevada State Bar No. 693
CAROLYN K RENNER, Esq.
Nevada State Bar NO. 9164
MICHELLE C. MOWRY-WILLEMS, ESQ.
Nevada State Bar No. 14929
MAUPIN, COX & LEGOY
4785 Caughlin Parkway
Reno, Nevada 89519
Attorneys for Appellants

GORDON H. DePAOLI, ESQ.
State Bar No. 195
DANE W. ANDERSON, ESQ.
State Bar No. 6883
WOODBURN AND WEDGE
6100 Neil Road, Suite 500
Reno, NV 89511
Attorneys for Respondent

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of MAUPIN, COX & LeGOY, Attorneys at Law, and in such capacity and on the date indicated below I served the foregoing document(s) as follows:

Via the E-Flex Electronic Filing System:

Gordon H. DePaoli, Esq.
Dane W. Anderson, Esq.
Woodburn and Wedge
6100 Neil Road, Suite 500
Reno, NV 89511
Attorneys for Respondent

Dated this 19th day of May, 2021.

/s/ Jennifer Salisbury
EMPLOYEE

1 \$1425
2 Gordon H. DePaoli, Esq.
3 Nevada Bar No. 195
4 Dane W. Anderson, Esq.
5 Nevada Bar No. 6883
6 **WOODBURN AND WEDGE**
7 6100 Neil Road, Suite 500
8 Reno, Nevada 89511
9 Telephone: 775-688-3000
10 Facsimile: 775-688-3088
11 gdepaoli@woodburnandwedge.com
12 danderson@woodburnandwedge.com

13 Attorneys for Plaintiff, the Regional Transportation
14 Commission of Washoe County

15
16 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF**
17 **NEVADA IN AND FOR THE COUNTY OF WASHOE**

18 THE REGIONAL TRANSPORTATION
19 COMMISSION OF WASHOE COUNTY, a
20 special purpose unit of the government,

21 Plaintiff,

22 v.

23 JOHN ILIESCU, JR. and SONNIA ILIESCU,
24 Trustees of The John Iliescu, Jr. and Sonnia
25 Iliescu 1992 Family Trust Agreement, dated
26 January 24, 1992; The City of Reno, a
27 political subdivision of the State of Nevada;
28 and DOES 1 – 20, inclusive,

Defendants.

Case No.:

Dept. No.:

VERIFIED COMPLAINT IN EMINENT DOMAIN

Plaintiff, the Regional Transportation Commission of Washoe County ("RTC"),
through its counsel, Woodburn and Wedge, alleges as follows:

1. RTC is a special purpose unit of government, duly organized and existing
under the laws of the State of Nevada. RTC's principal offices are located at 1105 Terminal
Way, Reno, Nevada. The RTC is charged with providing regional transportation services

1 which are of a quality and standard necessary to satisfactorily meet the needs of the traveling
2 public.

3 2. Pursuant to Chapters 37, 241 and 277A of the Nevada Revised Statutes, RTC
4 has the power to exercise the right of eminent domain to acquire property for public purposes
5 within the jurisdictional limits of local government if authority for the acquisition of the
6 property has been approved by said government and notice of the condemning agency's intent
7 to condemn has been given as required by law.

8 3. Pursuant to an Interlocal Cooperative Agreement, dated May 24, 2016, a copy
9 of which is attached hereto as **Exhibit 1** and incorporated herein by reference, the County of
10 Washoe and the Cities of Reno authorized the RTC to initiate condemnation proceedings, as
11 necessary, to acquire property needed for the construction of the Virginia Street Bus Rapid
12 Transit Extension Project ("the Project"). The Project addresses critical transportation needs
13 including improving transit connectivity, efficiency, and timeliness through connecting
14 RAPID to the University of Nevada, Reno (UNR), improving safety for all modes, correcting
15 ADA sidewalk deficiencies, and improving traffic operations.

16 4. The property RTC seeks to acquire by its power of eminent domain consists of
17 one (1) permanent easements and (1) temporary construction easement located upon Washoe
18 County Assessor Parcel Number ("APN") 014-063-11, and one (1) temporary construction
19 easement located upon APN 014-063-07, metes and bounds descriptions and depictions of
20 which are set forth in **Exhibit 2** attached hereto and incorporated herein by this reference.
21 APN 014-063-11 is more commonly known as 961 S. Virginia Street, Reno, Nevada, and
22 APN 014-063-07 is more commonly known as 999 S. Virginia Street, Reno, Nevada. The
23 two (2) temporary construction easements and one (1) permanent easement are referred to
24 herein as the "Property."

25 5. Based upon a preliminary title report dated February 10, 2017, the names of all
26 owners, occupants and claimants of the Property insofar as known to RTC are as follows:
27
28

1 a. Defendants John Iliescu, Jr. and Sonnia Iliescu, Trustees of The John
2 Iliescu, Jr. and Sonnia Iliescu 1992 Family Trust Agreement, dated January 24, 1992 (referred
3 to herein as “Iliescu”).

4 b. The City of Reno, a political subdivision of the State of Nevada.

5 6. The true names and capacities of defendants DOES 1 through 20 are unknown
6 to RTC at this time. RTC is informed and believes and thereupon alleges that each DOE
7 defendant may claim an interest in the Property. RTC will seek leave to amend this complaint
8 to insert their true names when the same can be ascertained. RTC seeks to condemn their
9 interests in the manner and for the purposes described herein.

10 7. On January 22, 2019, RTC caused a “Notice Letter Pursuant to NRS 241.034”
11 to be sent hand-delivery to the owner of the Property, Iliescu, advising that the RTC Board
12 would meet on February 15, 2019 to consider acquisition of the Property by the exercise of
13 eminent domain. A true and correct copy of that letter is attached hereto as **Exhibit 3** and
14 incorporated herein by reference.

15 8. On February 15, 2019, at a properly noticed public meeting, RTC adopted a
16 “Resolution of Condemnation” authorizing its counsel to proceed, if necessary, to acquire the
17 Property by the institution of eminent domain proceedings, and to apply for an order
18 permitting RTC to take immediate possession of the Property as may be necessary for the
19 construction of the Project. Pursuant to the “Resolution of Condemnation,” RTC determined
20 that the acquisition of the Property is to be applied to a public use, to wit, the Project. A true
21 and correct copy of the “Resolution of Condemnation” is attached hereto as **Exhibit 4** and is
22 incorporated herein by reference.

23 9. The Property RTC seeks to acquire is to be applied for the specific purpose of
24 constructing the Project, which is within RTC’s purpose of providing quality transportation
25 facilities, a public use authorized by law. This public use will improve traffic flow and
26 provide other benefits along South Virginia Street in Reno.

27 10. If there are two (2) or more estates or divided interests in the Property, then
28 NRS 37.115 entitles RTC to have the amount of the award for the property first determined as

1 between RTC and all Defendants claiming any interest therein. The respective rights of each
2 Defendant in and to the award are to be determined subsequently at a separate hearing in the
3 same proceeding.

4 11. Pursuant to NRS 37.055, all proceedings related to this matter take precedence
5 over all other causes and actions not involving the public interest so that all such proceedings
6 may be heard and determined in a timely manner.

7 WHEREFORE, RTC prays for the following relief:

- 8 1. That the Court decree that the taking of the Property as described herein for
9 use in the Project is a public use authorized by law;
- 10 2. That the Court decree that the taking of the Property and property rights as
11 described herein by RTC are necessary for public use;
- 12 3. That the Court decree that RTC be allowed immediate occupancy of the
13 Property upon application and compliance with the requirements of law;
- 14 4. That the Court ascertain and assess as between RTC and all Defendants the
15 value of the Property and property rights sought to be condemned and the
16 amount of any severance damages and/or special benefits;
- 17 5. That the Court ensure that any taxes or liens owing or due the City of Reno,
18 Washoe County or any other public agency on the Property sought to be
19 acquired by this action be paid prior to the entry of any order authorizing
20 withdrawal of any funds deposited by RTC pursuant to NRS 37.100 or NRS
21 37.150;
- 22 6. That the Court enter judgment granting RTC the one (1) permanent easement
23 and two (2) temporary construction easements and such other interest being
24 sought by RTC upon compliance with the terms of any judgment.
- 25 7. That the Court enter a Final Order of Condemnation pursuant to NRS 37.160;
- 26 8. For an order of fees and costs as allowed by law; and
- 27 9. Any further relief the Court deems just and property under the circumstances.
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Affirmation pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED: April 3, 2019.

WOODBURN AND WEDGE

By 

Gordon H. DePaoli, Esq.
Nevada Bar No. 195
Dane W. Anderson, Esq.
Nevada Bar No. 6883

Attorneys for Plaintiff, the Regional
Transportation Commission of Washoe County

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VERIFICATION

STATE OF NEVADA)
) ss
COUNTY OF WASHOE)

I, Lee Gibson, hereby swear under penalty of perjury that the assertions of this Verified Complaint are true and correct to the best of my knowledge.

The undersigned declares that he is the Executive Director of the Regional Transportation Commission of Washoe County and in such capacity has read the foregoing Verified Complaint In Eminent Domain and knows the contents thereof, that the same is true of his own knowledge, except as to the matters stated on information and belief, and that as to such matters, he believes them to be true.

Dated this 3rd day of April, 2019.

By: 

Lee Gibson, Executive Director
The Regional Transportation Commission
of Washoe County

Subscribed and sworn to before me
this 3 day of April, 2019.



NOTARY PUBLIC



EXHIBIT INDEX TO VERIFIED COMPLAINT IN EMINENT DOMAIN

EXHIBIT NO.	DESCRIPTION OF EXHIBIT	*NO. OF PAGES
1	Interlocal Cooperative Agreement, dated May 24, 2016, RTC000001-RTC000008	8
2	Metes and bounds descriptions and depictions of APN 014-063-11 and 014-063-07, RTC000009-RTC000017	9
3	Notice Letter Pursuant to NRS 241.034, dated January 22, 2019, RTC000018	1
4	Resolution of Condemnation, RTC000019-RTC000032	14

* The number of pages does not include the divider page that marks the exhibit number.

EXHIBIT 1

EXHIBIT1

**INTERLOCAL COOPERATIVE AGREEMENT
APPROVING RTC PROGRAM OF PROJECTS**

This Agreement is made and executed this 24th day of May, 2016, by and between the Board of Commissioners of Washoe County, Nevada, hereinafter referred to as "County", the City Council of Reno, Nevada, hereinafter referred to as "Reno", the City Council of Sparks, Nevada, hereinafter referred to as "Sparks", and the Regional Transportation Commission of Washoe County, hereinafter referred to as "RTC".

WITNESSETH:

WHEREAS, on April 15, 2016, the RTC approved the FY 2017 Program of Projects listed on Exhibit A attached to this Agreement. Each project on Exhibit A is referred to herein as a "Project" and all of such Projects are collectively referred to herein as the "Projects".

WHEREAS, the Projects will require pavement maintenance, rehabilitation, reconstruction, new construction or engineering and environmental analysis, and may require the acquisition of real property through consensual agreements with the owners or through eminent domain proceedings; and

WHEREAS, pursuant to the requirements of NRS 373.140, NRS 377A.080 and the Regional Road Impact Fee (RRIF) Program, the County, Reno, Sparks, and RTC desire by this Agreement to authorize the Projects and to set forth each entity's respective responsibilities with respect to the Projects.

NOW, THEREFORE, pursuant to the provisions of NRS 373.140, NRS 377A.080, NRS Chapter 277A, and the RRIF Ordinances/Manuals, and in consideration of the mutual promises contained herein and for other good and valuable consideration, it is hereby agreed by and between the parties hereto as follows:

I. APPROVAL OF PROJECTS

A. Reno, the County and Sparks hereby approve each and every Project and authorize the RTC to design, survey, engineer, acquire through purchase or eminent domain real property for, and construct, each of the Projects. Approval for any Project for any fiscal year shall be approval for all continued work by or on behalf of the RTC on that Project for any later

RTC000001

fiscal year. The RTC may expend money from one or more than one of the Regional Street and Highway Fund (the "Fuel Tax Fund"), the Transportation Sales Tax Fund (the "Sales Tax Fund") or the Regional Road Impact Fee Fund (the "RRIF Fund") on each Project as listed on the column next to the Project on Exhibit A. The cost of each Project is estimated by the RTC as shown on Exhibit A. These costs are only estimates and the RTC may expend additional monies from any one or more of the Fuel Tax Fund, the Sales Tax Fund or the RRIF Fund on each Project as such additional expenditures are reviewed and approved by the RTC Staff and/or the RTC Board of Commissioners pursuant to the RTC's policies and procedures.

B. Reno, the County and Sparks hereby authorize the RTC to adopt an appropriate resolution of condemnation and initiate and prosecute to judgment such eminent domain proceedings as may be necessary for the acquisition of such property within their respective jurisdictions as the RTC deems necessary for the construction and/or maintenance of any Project and, if prudent, future expansions of each Project identified by the Regional Transportation Plan.

II. RTC DUTIES

RTC agrees to perform the followings tasks and the County, Reno and Sparks hereby authorize the RTC to do so:

A. Provide all required services, including but not limited to design, environmental assessments and studies, surveying, construction engineering, construction management and quality assurance inspection, utilizing RTC staff and/or qualified consultants;

B. Obtain appraisal reports for any property being considered as necessary for the implementation of any Project and, if prudent, future expansions of the Project identified within the Regional Transportation Plan, conduct preliminary negotiations with the owners in an effort to arrive at a mutually agreeable purchase price and negotiate, execute and close contracts to purchase the property;

C. Offer not less than the appraisal value for the property and property rights deemed necessary for a Project and, where the prospect of reaching a mutually agreeable purchase price appears unlikely following reasonable negotiations, cause the RTC Board of Commissioners to adopt a "Resolution of Condemnation" finding that particular properties are necessary to the

RTC000002

success of a Project and authorize legal counsel to seek acquisition through eminent domain proceedings;

D. Coordinate all activities related to a Project including, but not limited to, advertising, receipt and review of construction bids, and execution of a contract with the contractor submitting the lowest responsive and responsible bid;

E. Maintain necessary files on each Project;

F. Pay all authorized Project costs from the Fuel Tax Fund, the RRIF Fund or the Sales Tax Fund. Payments for construction or engineering services will be paid to the contractor or consultant upon receipt of a claim or claims which have been certified as a true and correct account of the expenses incurred as a result of or in conjunction with the provisions of a contract entered into as a result of this Agreement. All submitted claims will have supporting documents attached which substantiate the basis of the claim. Such claim or claims shall be reviewed and approved in accordance with the policies and procedures of the RTC; and

G. Not permit the payment of non-reimbursable or non-payable items established by the policies and procedures of the RTC.

III. COUNTY'S, RENO'S AND SPARK'S DUTIES

The County, Reno and Sparks shall do the following:

A. Cooperate with RTC and its consultants in all phases of each Project located within their respective jurisdictions;

B. Assist the RTC in communicating with the public regarding the Project(s) located within their respective jurisdictions;

C. Accept ownership of and maintain each Project located wholly or partially within their respective jurisdictions upon completion of construction;

D. Upon notification from the RTC, require utilities having franchise agreements that require relocation to relocate their facilities prior to award of the Project in accordance with the franchise agreement; for utilities that do not address the issue of relocation in the franchise

agreement, require relocation of the subject facilities prior to the award of the Project if state law provides authority to do so; and

E. Coordinate development and administration of the Project with the RTC.

This Agreement is effective from and after the date first above written.

APPROVED AS TO LEGALITY AND FORM

BY:

Wade E. Ferguson
RTC GENERAL COUNSEL

**REGIONAL TRANSPORTATION COMMISSION
OF WASHOE COUNTY**

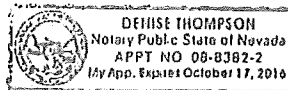
BY:

Neoma Jardon
NEOMA JARDON, CHAIR

State of Nevada
County of Washoe

This FY 2017 Interlocal Cooperative Agreement was acknowledged before me this 15th day of April, 2016, by Neoma Jardon, as Chair of the Regional Transportation Commission of Washoe County.

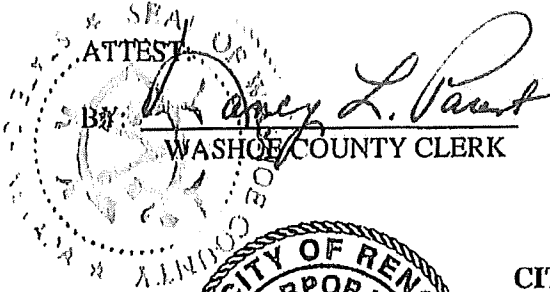
Denise Thompson
Notary Public



RTC000004

BOARD OF COMMISSIONERS,
WASHOE COUNTY, NEVADA

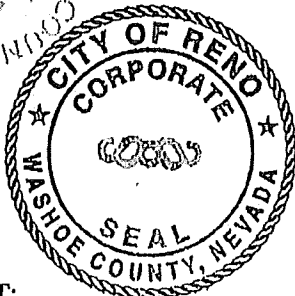
By: [Signature]
CHAIRMAN



ATTEST:
BY: [Signature]
WASHOE COUNTY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: [Signature]
ATTORNEY



CITY COUNCIL OF RENO, NEVADA

By: [Signature]
MAYOR

ATTEST:

BY: [Signature]
RENO CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: [Signature]
DEPUTY CITY ATTORNEY

CITY COUNCIL OF SPARKS, NEVADA

BY: [Signature]
MAYOR

ATTEST:

BY: [Signature]
SPARKS CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: [Signature]
DEPUTY CITY ATTORNEY

RTC000005

JA013

EXHIBIT A
RTC PROGRAM OF PROJECTS 2017

RTC000006

EXHIBIT A

PROPOSED RTC FISCAL YEAR (FY) 2017 PROGRAM OF PROJECTS (POP)
PAVEMENT PRESERVATION AND CORRIDOR IMPROVEMENT PROJECTS

* ACTIVITY CODES

C = CONSTRUCTION (INCLUDES CONSTRUCTION SERVICES)

D = DESIGN

H = ENVIRONMENTAL (NEPA, INCLUDES PRELIMINARY DESIGN)

P = PLANNING

R = RIGHT OF WAY

PROJECT (YEAR OF CONSTRUCTION) & TERMINI	PROJECT OBJECTIVE	TOTAL PROJECT ESTIMATE	FUNDING SOURCE	PREVIOUSLY APPROVED		FY 17 POP FUNDS (PROPOSED)		TOTAL FUNDS PROGRAMMED (PROPOSED)
				AMOUNT	ACTIVITY *	AMOUNT	ACTIVITY *	
4TH & PRATER BUS RAPID TRANSIT PROJECT (2016) EVANS TO PYRAMO	CORRIDOR/TRANSIT CAPACITY IMPROVEMENT	\$32,670,000 (INCLUDES BUSES)	RTC FUEL TAX RTC SALES TAX CHAO/STP/TXGER	\$5,850,000 \$6,250,000 \$18,000,000 \$30,100,000		\$15,100,000	C	\$5,850,000 \$6,250,000 \$33,100,000 \$45,200,000
VIRGINIA STREET BUS RAPID TRANSIT EXTENSION (2017) PLUMB TO LIBERTY & MAPLE TO 19TH	CORRIDOR/TRANSIT CAPACITY IMPROVEMENT	\$60,000,000	RTC FUEL TAX FTA CHAO	\$398,000 \$5,042,142 \$5,640,142	D, R, C	\$5,000,000	D, R	\$5,598,000 \$5,042,142 \$10,640,142
2015 PREVENTIVE MAINTENANCE (2015 & 2016) VARIOUS REGIONAL ROADS	PAVEMENT PRESERVATION	\$5,413,493	RTC FUEL TAX RTC SALES TAX	\$2,000,000 \$3,413,493 \$5,413,493	D, C			\$2,000,000 \$3,413,493 \$5,413,493
2015 CORRECTIVE MAINTENANCE (2015 & 2016) VARIOUS REGIONAL ROADS	PAVEMENT PRESERVATION	\$4,242,786	RTC FUEL TAX TMWA	\$4,017,786 \$225,000 \$4,242,786	D, C			\$4,017,786 \$225,000 \$4,242,786
2016 PAVEMENT MAINTENANCE (2016) VARIOUS REGIONAL ROADS	PAVEMENT PRESERVATION	\$3,500,000	RTC FUEL TAX			\$3,500,000	D, C	\$3,500,000

PAVEMENT PRESERVATION/CORRIDOR IMPROVEMENT SUMMARY	PREVIOUS APPROVED	FY 17 POP FUNDS (PROPOSED)	PROPOSED TOTAL
RTC FUEL TAX	\$12,465,786	\$8,500,000	
RTC SALES TAX	\$9,663,493	\$0	
FEDERAL/OTHER NON RTC	\$23,267,142	\$18,100,000	
TOTAL	\$45,396,421	\$26,600,000	\$68,996,421

RTC000007

JA015

EXHIBIT A

PROPOSED RTC FISCAL YEAR (FY) 2017 PROGRAM OF PROJECTS (POP)
CAPACITY AND CONGESTION RELIEF

* ACTIVITY CODES

C = CONSTRUCTION (INCLUDES CONSTRUCTION SERVICES)

D = DESIGN

H = ENVIRONMENTAL (HEPA, INCLUDES PRELIMINARY DESIGN)

P = PLANNING

R = RIGHT OF WAY

PROJECT (YEAR OF CONSTRUCTION) & TERMINI	PROJECT OBJECTIVE	TOTAL PROJECT ESTIMATE	FUNDING SOURCE	PREVIOUSLY APPROVED		FY 17 POP FUNDS (PROPOSED)		TOTAL FUNDS PROGRAMMED (PROPOSED)
				AMOUNT	ACTIVITY *	AMOUNT	ACTIVITY *	
SOUTHEAST CONNECTOR PHASE 2 (2015) SOUTH MEADOWS TO CLEAVE WATER	CAPACITY IMPROVEMENT	\$207,205,000	RTC BOND FUEL TAX UTILITY REIMBURSEMENT	\$140,000,000 \$66,006,657 \$1,188,343				\$140,000,000 \$66,006,657 \$1,188,343
				\$207,205,000	D, R, N, C			\$207,205,000
MCCARRAN/PYRAMID INTERSECTION (2016)	CAPACITY IMPROVEMENT	\$72,345,328	FUEL TAX NDOT/FED	\$3,318,411 \$69,026,915				\$3,318,411 \$69,026,915
				\$72,345,328	D, R, C			\$72,345,328
N MCCARRAN @ N VIRGINIA INTERSECTION IMPROVEMENT (2016)	CAPACITY IMPROVEMENT	\$4,000,000	RRIF	\$4,000,000	D, C			\$4,000,000
TRAFFIC ENGINEERING SPOT INTERSECTIONS 6 (2016) LOCATIONS TO BE DETERMINED	CAPACITY IMPROVEMENT	\$1,020,000	RRIF	\$1,020,000	D, C			\$1,000,000
BIKE & PEDESTRIAN IMPROVEMENTS 3, 4 & 5 (2016) EVANS - 4TH TO N. MCCARRAN	CAPACITY IMPROVEMENT	\$1,350,000	RRIF CMAQ	\$67,500 \$1,282,500				\$67,500 \$1,282,500
				\$1,350,000	D, C			\$1,350,000
PEDESTRIAN IMPROVEMENTS 2016 & 2017 (2017) SUN VALLEY BLVD	CAPACITY IMPROVEMENT	\$2,000,000	RRIF CMAQ	\$50,000 \$950,000		\$50,000 \$950,000	D, C, R	\$100,000 \$1,850,000
				\$1,000,000	D, C	\$1,000,000		\$2,000,000
LEMMON DRIVE SIDEWALK (2017) DELIST TO SURGE DR (WEST SIDE)	SAFETY	\$346,089	RTC FUEL TAX NDOT TAP			\$17,304 \$328,785		\$17,304 \$328,785
						\$346,089	D, C, R	\$346,089
NORTH VALLEYS IMPROVEMENTS (2016) LOCATIONS TO BE DETERMINED	CAPACITY IMPROVEMENT	\$5,692,000	FUEL TAX RRIF	\$250,000 \$442,000		\$1,600,000 \$3,600,000	D, C, R	\$1,750,000 \$3,842,000
				\$692,000		\$5,000,000		\$5,692,000
TRAFFIC ENGINEERING SPOT 6 INTERSECTION IMPROVEMENTS LOCATIONS TO BE DETERMINED	CAPACITY IMPROVEMENT	\$1,000,000	RRIF			\$1,000,000	D, C	
TRAFFIC MANAGEMENT 1 (2016) DESIGN & PILOT PROJECT	INTELLIGENT TRAFFIC SYSTEMS (ITS)	\$993,000	FUEL TAX CMAQ	\$49,493 \$940,367				\$49,493 \$940,367
				\$989,860	D, C			\$989,860
TRAFFIC MANAGEMENT 2A (2017) FIBER OPTIC CONNECTIVITY AND ITS EQUIPMENT INSTALLATION	INTELLIGENT TRAFFIC SYSTEMS (ITS)	\$1,000,000	RRIF CMAQ			\$50,000 \$950,000		\$50,000 \$950,000
						\$1,000,000	D, C	\$1,000,000
TRAFFIC MANAGEMENT 2B (2016) FIBER OPTIC CONNECTIVITY AND ITS EQUIPMENT INSTALLATION (WITH POTENTIAL RIGHT OF WAY)	INTELLIGENT TRAFFIC SYSTEMS (ITS)	\$1,000,000	RRIF CMAQ			\$50,000 \$950,000		\$50,000 \$950,000
						\$1,000,000	D, C, R	\$1,000,000

CAPACITY/CONGESTION RELIEF SUMMARY	PREVIOUS APPROVED	FY 17 POP FUNDS (PROPOSED)	PROPOSED TOTAL
RRIF/FUEL TAX:	\$75,204,051	\$8,167,304	
RTC BONDS:	\$140,000,000		
FEDERAL/OTHER NON RTC:	\$73,328,126	\$3,178,745	
TOTAL:	\$288,602,156	\$9,346,049	\$297,948,275

RTC000008

EXHIBIT 2

EXHIBIT 2



JOHNSON | PERKINS | GRIFFIN
REAL ESTATE APPRAISERS & CONSULTANTS

**PROPOSED PERMANENT EASEMENT
LEGAL DESCRIPTION**

EXHIBIT "A"
LEGAL DESCRIPTION OF PERMANENT EASEMENT
APN: 014-063-11

A permanent easement, situate within a portion of the North East 1/4 of Section 14, Township 19 North, Range 19 East, Mount Diablo Base and Meridian, City of Reno, County of Washoe, State of Nevada, more particularly described as follows:

Beginning at the north east corner of that certain parcel of land described in deed, recorded in the official records of Washoe County Recorder's Office on December 20, 1994, as Document File # 1858459, said point being a point of intersection with the southerly line of Martin Street and westerly line of South Virginia Street;

Thence South 20°04'24" East 0.29 feet along the east boundary line of said parcel;

Thence departing the east boundary line of said parcel, South 70°18'18" West 9.21 feet;

Thence North 46°39'20" West 0.28 feet to a point on the north boundary line of said parcel;

Thence North 70°03'09" East 9.33 feet along the north boundary line of said parcel to the **point of beginning**, containing 2 square feet, more or less.

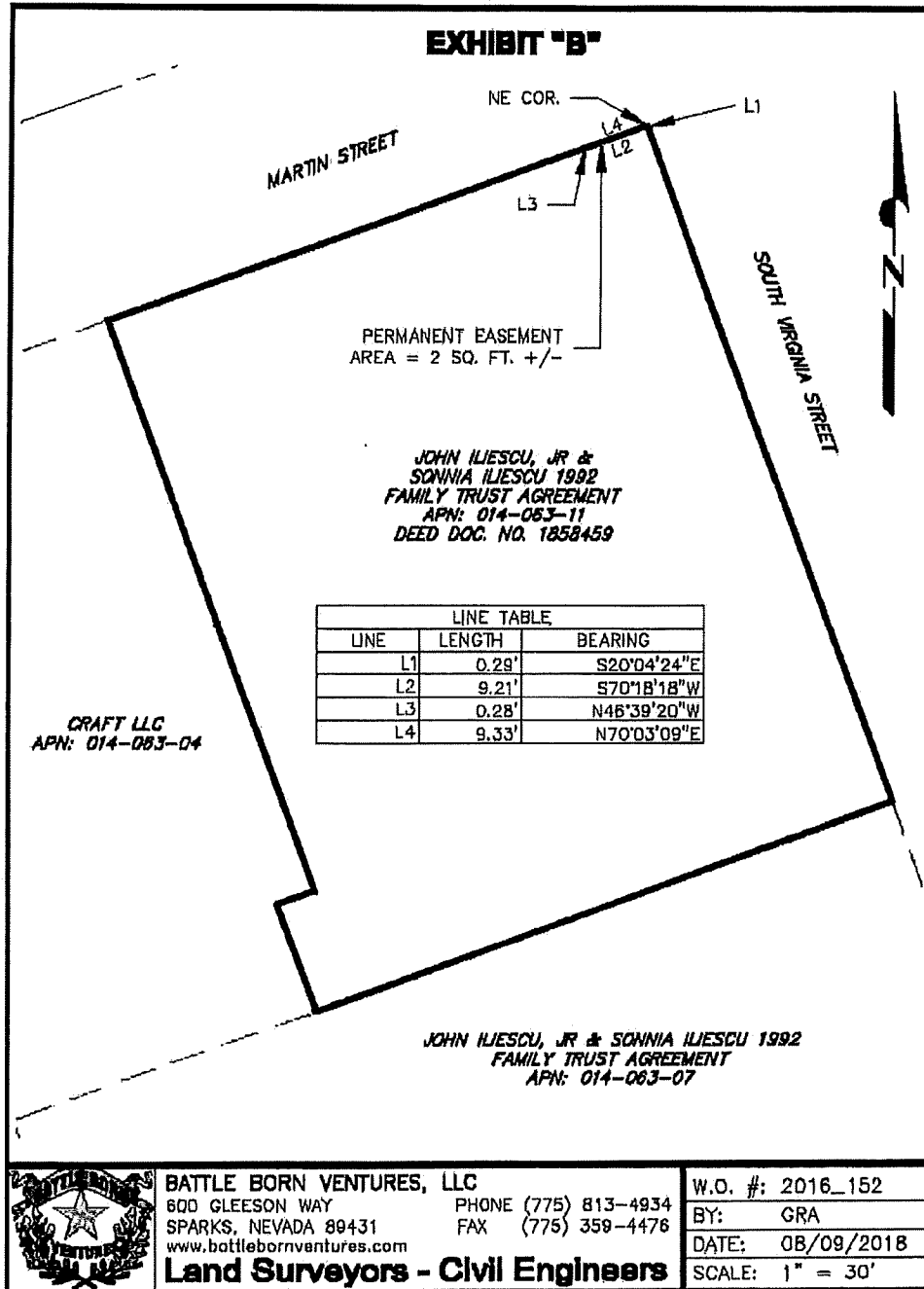
Basis of Bearings: NAD 83(94) Nevada State Plane Coordinate System, West Zone (2703).

Grant R. Alexander, P.L.S. 19051
Battle Born Ventures, LLC
600 Gleeson Way
Sparks, NV 89431



JOHNSON | PERKINS | GRIFFIN
REAL ESTATE APPRAISERS & CONSULTANTS

PROPOSED PERMANENT EASEMENT SKETCH





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REAL ESTATE APPRAISERS & CONSULTANTS

**PROPOSED TEMPORARY CONSTRUCTION EASEMENT
LEGAL DESCRIPTION
A.P.N. 014-063-07**

**EXHIBIT "A"
LEGAL DESCRIPTION OF TEMPORARY CONSTRUCTION EASEMENT
APN: 014-063-07**

A temporary construction easement, situate within a portion of the North East 1/4 of Section 14, Township 19 North, Range 19 East, Mount Diablo Base and Meridian, City of Reno, County of Washoe, State of Nevada, more particularly described as follows:

Beginning at the north east corner of that certain parcel of land described as Lot 3 in Block 4 of Amended Plat of Blocks 4, 5 and 9 of an Amended Plat of Martin Addition, Reno, Nevada, recorded in the official records of Washoe County Recorder's Office on May 28, 1907, as Tract Map # 73, said point being a point on the westerly line of South Virginia Street;

Thence South 20°04'24" East 50.00 feet along the east boundary line of said parcel to the south east corner of said parcel;

Thence South 70°07'54" West 6.17 feet along the south boundary line of said parcel;

Thence departing the south boundary line of said parcel, North 20°05'53" West 50.00 feet to a point on the north boundary line of said parcel;

Thence North 70°06'19" East 6.19 feet along the north boundary line of said parcel to the **point of beginning**, containing 309 square feet, more or less.

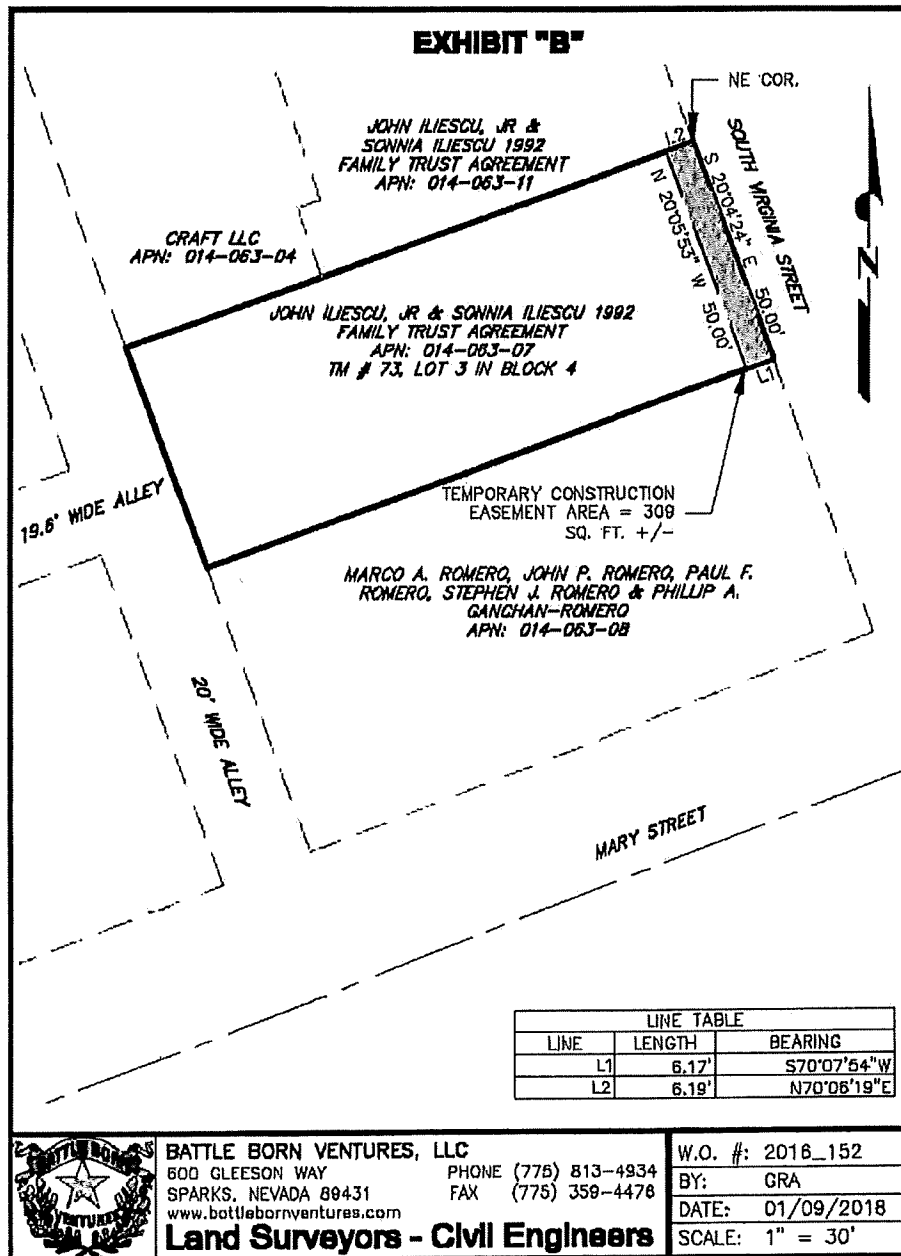
Basis of Bearings: NAD 83(94) Nevada State Plane Coordinate System, West Zone (2703).

Grant R. Alexander, P.L.S. 19051
Battle Born Ventures, LLC
600 Gleeson Way
Sparks, NV 89431



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PROPOSED TEMPORARY CONSTRUCTION EASEMENT SKETCH
A.P.N. 014-063-07





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REAL ESTATE APPRAISERS & CONSULTANTS

**PROPOSED TEMPORARY CONSTRUCTION EASEMENT
LEGAL DESCRIPTION
A.P.N. 014-063-11**

**EXHIBIT "A"
LEGAL DESCRIPTION OF TEMPORARY CONSTRUCTION EASEMENT
APN: 014-063-11**

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Thence South 20°04'24" East 0.29 feet along the east boundary line of said parcel to the **true point of beginning**;

Thence South 20°04'24" East 99.71 feet along the east boundary line of said parcel to the south east corner of said parcel;

Thence South 70°06'19" West 6.19 feet along the south boundary line of said parcel;

Thence departing the south boundary line of said parcel, North 20°05'53" West 40.09 feet;

Thence North 70°11'00" East 4.92 feet;

Thence North 20°13'28" West 1.55 feet;

Thence South 69°46'27" West 0.25 feet;

Thence North 20°13'28" West 12.07 feet;

Thence North 69°46'27" East 0.33 feet;

Thence North 20°13'28" West 2.23 feet;

Thence South 69°46'27" West 0.24 feet;

Thence North 20°13'28" West 8.39 feet;

Thence North 20°02'05" West 3.50 feet;

Thence North 69°57'58" East 0.26 feet;

Thence North 20°02'05" West 2.25 feet;

Thence South 69°57'58" West 0.26 feet;

Thence North 20°02'05" West 1.44 feet;

Thence North 76°37'39" West 3.34 feet;

Thence North 20°45'47" West 5.13 feet;

Thence North 35°29'29" East 3.46 feet;



JOHNSON | PERKINS | GRIFFIN
REAL ESTATE APPRAISERS & CONSULTANTS

**PROPOSED TEMPORARY CONSTRUCTION EASEMENT
LEGAL DESCRIPTION
A.P.N. 014-063-11 (CONTINUED)**

Thence North 20°02'05" West 1.26 feet;
Thence North 69°57'58" East 0.27 feet;
Thence North 20°02'05" West 2.27 feet;
Thence South 69°57'58" West 0.27 feet;
Thence North 20°10'03" West 11.89 feet;
Thence North 69°43'51" East 0.32 feet;
Thence North 20°16'34" West 2.23 feet;
Thence South 68°39'31" West 2.16 feet;
Thence South 21°20'29" East 0.22 feet;
Thence South 70°11'08" West 12.10 feet;
Thence North 20°17'59" West 0.29 feet;
Thence South 69°42'12" West 2.18 feet;
Thence South 20°17'59" East 0.29 feet;
Thence South 69°42'12" West 4.31 feet;
Thence South 19°01'46" East 3.44 feet;
Thence South 70°34'44" West 9.85 feet;
Thence North 20°39'44" West 0.18 feet;
Thence South 70°18'44" West 47.07 feet;
Thence North 19°58'15" West 5.00 feet;
Thence South 70°18'44" West 0.96 feet to a point on the west boundary line of said parcel;
Thence North 20°01'37" West 0.14 feet along the west boundary line of said parcel to the north west corner of said parcel;
Thence North 70°03'09" East 70.53 feet along the north boundary line of said parcel;
Thence departing the north boundary line of said parcel, South 46°39'20" East 0.28 feet;
Thence North 70°18'18" East 9.21 feet to the true point of beginning, containing 698 square feet, more or less.

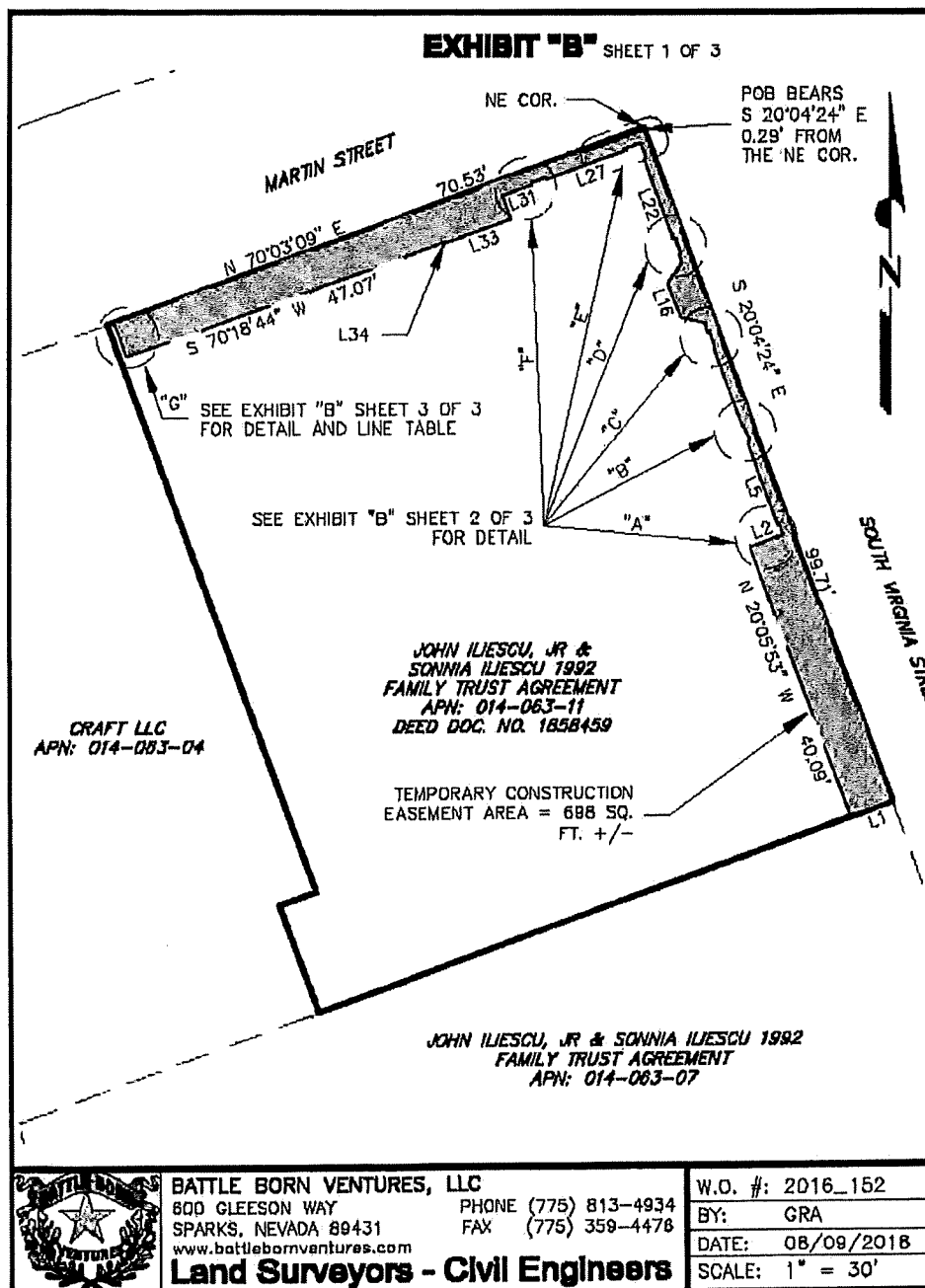
Basis of Bearings: NAD 83(94) Nevada State Plane Coordinate System, West Zone (2703).

Grant R. Alexander, P.L.S. 19051
Baille Born Ventures, LLC
600 Gleeson Way
Sparks, NV 89431



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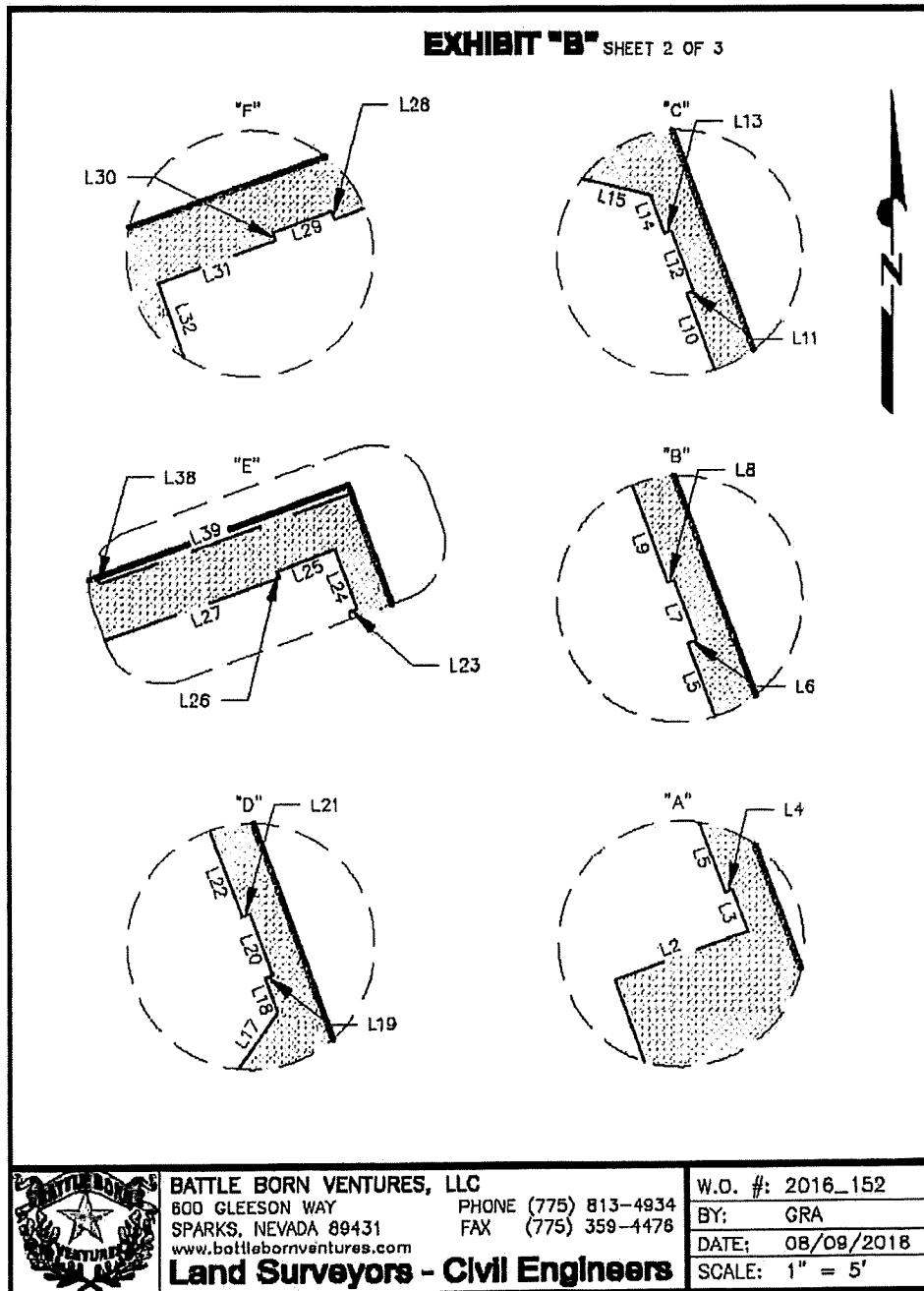
PROPOSED TEMPORARY CONSTRUCTION EASEMENT SKETCH
A.P.N. 014-063-11 (SHEET 1 OF 3)





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PROPOSED TEMPORARY CONSTRUCTION EASEMENT SKETCH
A.P.N. 014-063-11 (SHEET 2 OF 3)



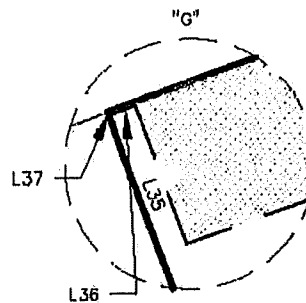


JOHNSON | PERKINS | GRIFFIN
REAL ESTATE APPRAISERS & CONSULTANTS

PROPOSED TEMPORARY CONSTRUCTION EASEMENT SKETCH
A.P.N. 014-063-11 (SHEET 3 OF 3)

EXHIBIT "B" SHEET 3 OF 3

LINE TABLE		
LINE	LENGTH	BEARING
L1	6.18'	S70°06'19"W
L2	4.92'	N70°11'00"E
L3	1.55'	N20°13'28"W
L4	0.25'	S69°46'27"W
L5	12.07'	N20°13'28"W
L6	0.33'	N69°46'27"E
L7	2.23'	N20°13'28"W
L8	0.24'	S69°46'27"W
L9	8.39'	N20°13'28"W
L10	3.50'	N20°02'05"W
L11	0.26'	N69°57'58"E
L12	2.25'	N20°02'05"W
L13	0.26'	S69°57'58"W
L14	1.44'	N20°02'05"W
L15	3.34'	N76°37'39"W
L16	5.13'	N20°45'47"W
L17	3.46'	N35°29'29"E
L18	1.26'	N20°02'05"W
L19	0.27'	N69°57'58"E
L20	2.27'	N20°02'05"W
L21	0.27'	S69°57'58"W
L22	11.69'	N20°10'03"W
L23	0.32'	N69°43'51"E
L24	2.23'	N20°16'34"W
L25	2.18'	S68°39'31"W
L26	0.22'	S21°20'29"E
L27	12.10'	S70°11'08"W
L28	0.28'	N20°17'59"W
L29	2.18'	S69°42'12"W
L30	0.29'	S20°17'59"E
L31	4.31'	S69°42'12"W
L32	3.44'	S19°01'46"E
L33	9.85'	S70°34'44"W
L34	0.18'	N20°39'44"W
L35	5.00'	N19°58'15"W
L36	0.96'	S70°18'44"W
L37	0.14'	N20°01'37"W
L38	0.28'	S46°39'20"E
L39	9.21'	N70°18'18"E



BATTLE BORN VENTURES, LLC
600 GLEESON WAY
SPARKS, NEVADA 89431
www.battlebornventures.com
PHONE (775) 813-4934
FAX (775) 359-4476
Land Surveyors - Civil Engineers

W.O. #: 2016_152
BY: GRA
DATE: 08/09/2018
SCALE: 1" = 5'

EXHIBIT 3

EXHIBIT 3



REGIONAL TRANSPORTATION COMMISSION

Metropolitan Planning • Public Transportation & Operations • Engineering & Construction

Metropolitan Planning Organization of Washoe County, Nevada

January 22, 2019

John Iliescu, Jr. and Sonnia Iliescu
1992 Family Trust Agreement dated January 24, 1992
200 Court Street
Reno, NV 89501

**Notice of Public Meeting –
RTC Board Meeting**

Virginia Street BRT Extension Project
Plumb Lane to Liberty Street & Maple
Street to 15th Street / North Virginia Street
RTC Project: 211003
APNs: 014-063-07 and 014-063-11

Via Hand Delivery

RE: **Notice Letter Pursuant to NRS 241.034**

Dear Property Owner:

On behalf of the Board of Directors for the Regional Transportation Commission (RTC), you are hereby notified that the RTC Board will convene on February 15, 2019, at 9:00 a.m., at the Washoe County Commission Chambers, located at 1001 E. Ninth Street, Building A, Reno, Nevada 89512. At that meeting, the Board will discuss whether to acquire, and may take action to acquire one (1) permanent easement and two (2) temporary construction easements (property rights), located on Assessor Parcel Numbers 014-063-07 and 014-063-11 by the exercise of the power of eminent domain.

APN 014-063-07 Temporary Construction Easement – 309 square feet

APN 014-063-11 Permanent Easement – 2 square feet
Temporary Construction Easement – 698 square feet

This notice is provided to you pursuant to Chapter 241 of the Nevada Revised Statutes. Also pursuant to Chapter 241, this meeting is an open meeting at which comments from the public are taken.

The Washoe County Commission Chambers is accessible to individuals with disabilities. Requests for auxiliary aids to assist individuals with disabilities should be made with as much advance notice as possible. For those requiring hearing or speech assistance, contact Relay Nevada at 1-800-326-6868 (TTY, VCO or HCO). Requests for supporting documents and all other requests should be directed to Denise Thompson at (775) 335-1826.

The RTC's preference is to continue the negotiation process with you to acquire the property rights needed for the project; however, the RTC may initiate an action in eminent domain to acquire them. Upon your response, we can schedule a meeting to work on a resolution.

If you have any questions, please contact Carrie Byron, Property Agent, by phone at (775) 332-2144.

Sincerely,

Lee G. Gibson, AICP
RTC Executive Director

LGG/CAB/mm

cc: Dale Ferguson, General Counsel, RTC
Brian Stewart, RTC Engineering Director

EXHIBIT 4

EXHIBIT 4

RESOLUTION OF CONDEMNATION

WHEREAS, it is necessary for the Regional Transportation Commission of Washoe County, hereinafter referred to as "RTC," to provide regional transportation facilities which are of a quality and standard necessary to satisfactorily meet the needs of the traveling public; and

WHEREAS, in recognition of such needs, the RTC approved the Virginia Street Bus Rapid Transit Extension Project, hereinafter referred to as "Project," as part of an Interlocal Cooperative Agreement ("ICA") dated May 24, 2016; and

WHEREAS, in the ICA dated May 24, 2016, the City of Reno authorized the RTC to initiate eminent domain proceedings on behalf of the City, if required, for the acquisition of right-of-way for the Project; and

WHEREAS, Chapter 277A of Nevada Revised Statutes provides that the RTC may exercise the power of eminent domain, if the city or county which has jurisdiction over the property approves; and

WHEREAS, the current owner of record of the property interests to be acquired, insofar as is known to the RTC, is John Iliescu, Jr. and Sonnia Iliescu, as Trustees of the John Iliescu, Jr. and Sonnia Iliescu 1992 Family Trust Agreement dated January 24, 1992.

NOW, THEREFORE, the members of the Regional Transportation Commission of Washoe County do hereby find:

1. That proper notice of the RTC's intent to consider eminent domain action to acquire the relevant property interests of the above referenced owner(s) has been given as required by NRS 241.034.
2. That RTC staff first contacted the landowner about the property interests of a temporary construction easement located on APN 014-063-07, and a permanent easement and a temporary construction easement located on APN 014-063-11 as described in Exhibit "A" and depicted on Exhibit "B," attached hereto and incorporated herein by reference, on or about December 4, 2018. While there have been discussions, proposals and offers made, all efforts to reach a mutually acceptable agreement for the acquisition of the property interests through purchase have been unsuccessful to date.
3. That the property interests to be acquired in conjunction with the above referenced Project are to be applied to a public use, to wit, the Virginia Street Bus Rapid Transit Extension Project.

4. That the property interests described herein are necessary to such public use.

Based on the aforementioned findings of fact, the RTC does hereby direct:

1. That RTC's legal counsel initiate, if needed, eminent domain proceedings on behalf of the RTC in accordance with provisions of Chapters 37 and 277A of Nevada Revised Statutes to acquire the property interests described in Exhibit "A" and depicted on Exhibit "B".

2. That said legal counsel shall commence and prosecute in the name of the RTC, eminent domain proceedings in the court having jurisdiction of the property interests described in Exhibit "A" and depicted on Exhibit "B."

3. That said legal counsel is authorized to pursue all actions deemed appropriate for the successful prosecution of this case, including but not limited to, an application to the court for an order permitting the RTC to take immediate possession of said property interests for the construction of the Project, upon complying with conditions imposed by law.

Upon motion of Commissioner Jordan, seconded by Commissioner Lucy, the foregoing Resolution was passed and adopted this 15th day of February, 2019, by the following vote of the Regional Transportation Commission:

AYES: 4 Lucy, Jordan, Hartung, Dahir
NAYS: 0
ABSTAIN: 0

Approved this 15th day of February, 2019.

REGIONAL TRANSPORTATION COMMISSION
OF WASHOE COUNTY, STATE OF NEVADA

BY: 

BOB LUCEY, CHAIR

STATE OF NEVADA
COUNTY OF WASHOE

The above-instrument was acknowledged before me this 15th day of February, 2019, by Bob Lucey,
Chair of the Regional Transportation Commission.

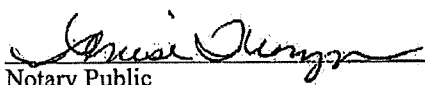

Notary Public



EXHIBIT A

EXHIBIT "A" LEGAL DESCRIPTION OF TEMPORARY CONSTRUCTION EASEMENT APN: 014-063-07

A temporary construction easement, situate within a portion of the North East 1/4 of Section 14, Township 19 North, Range 19 East, Mount Diablo Base and Meridian, City of Reno, County of Washoe, State of Nevada, more particularly described as follows:

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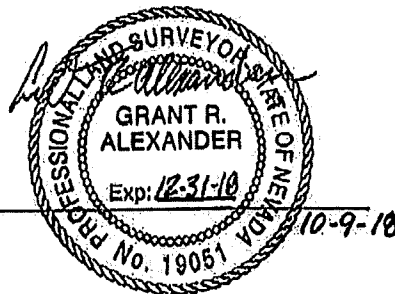
Thence South 20°04'24" East 50.00 feet along the east boundary line of said parcel to the south east corner of said parcel;

Thence South 70°07'54" West 6.17 feet along the south boundary line of said parcel;

Thence departing the south boundary line of said parcel, North 20°05'53" West 50.00 feet to a point on the north boundary line of said parcel;

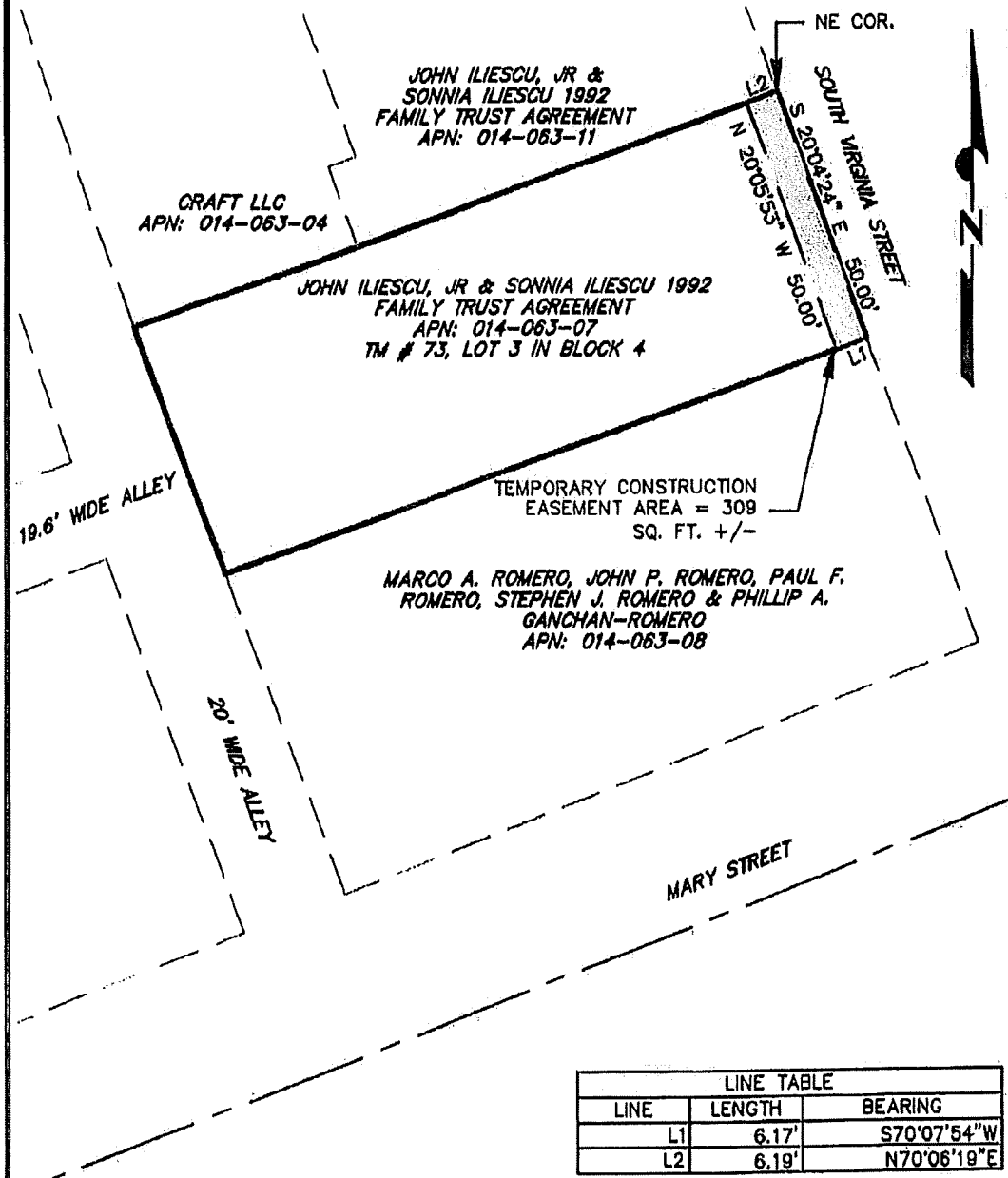
Thence North 70°06'19" East 6.19 feet along the north boundary line of said parcel to the point of beginning, containing 309 square feet, more or less.

Basis of Bearings: NAD 83(94) Nevada State Plane Coordinate System, West Zone (2703).



Grant R. Alexander, P.L.S. 19051
Battle Born Ventures, LLC
600 Gleeson Way
Sparks, NV 89431

EXHIBIT "B"



LINE TABLE		
LINE	LENGTH	BEARING
L1	6.17'	S70°07'54\"W
L2	6.19'	N70°06'19\"E



BATTLE BORN VENTURES, LLC
 600 GLEESON WAY
 SPARKS, NEVADA 89431
 www.battlebornventures.com

Land Surveyors - Civil Engineers

W.O. #: 2016_152
 BY: GRA
 DATE: 01/09/2018
 SCALE: 1" = 30'

EXHIBIT "A"
LEGAL DESCRIPTION OF PERMANENT EASEMENT
APN: 014-063-11

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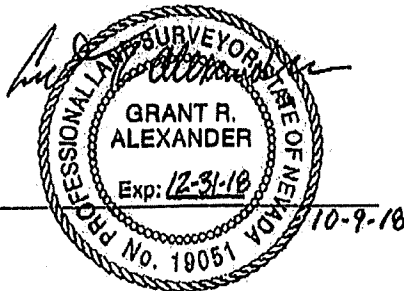
Thence South 20°04'24" East 0.29 feet along the east boundary line of said parcel;

Thence departing the east boundary line of said parcel, South 70°18'18" West 9.21 feet;

Thence North 46°39'20" West 0.28 feet to a point on the north boundary line of said parcel;

Thence North 70°03'09" East 9.33 feet along the north boundary line of said parcel to the point of beginning, containing 2 square feet, more or less.

Basis of Bearings: NAD 83(94) Nevada State Plane Coordinate System, West Zone (2703).



Grant R. Alexander, P.L.S. 19051
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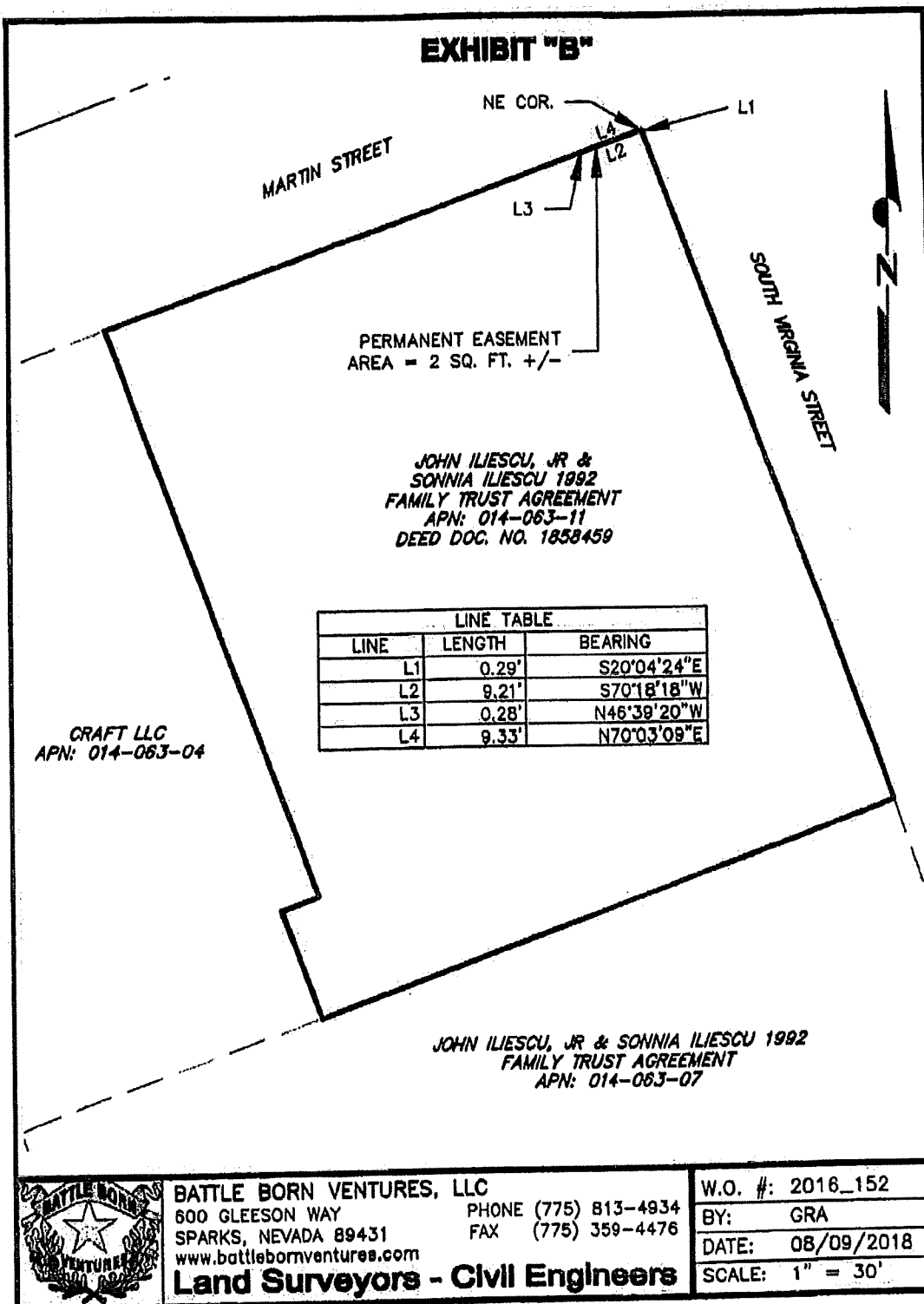


EXHIBIT "A"
LEGAL DESCRIPTION OF TEMPORARY CONSTRUCTION EASEMENT
APN: 014-063-11

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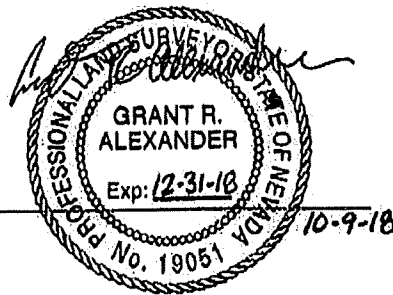
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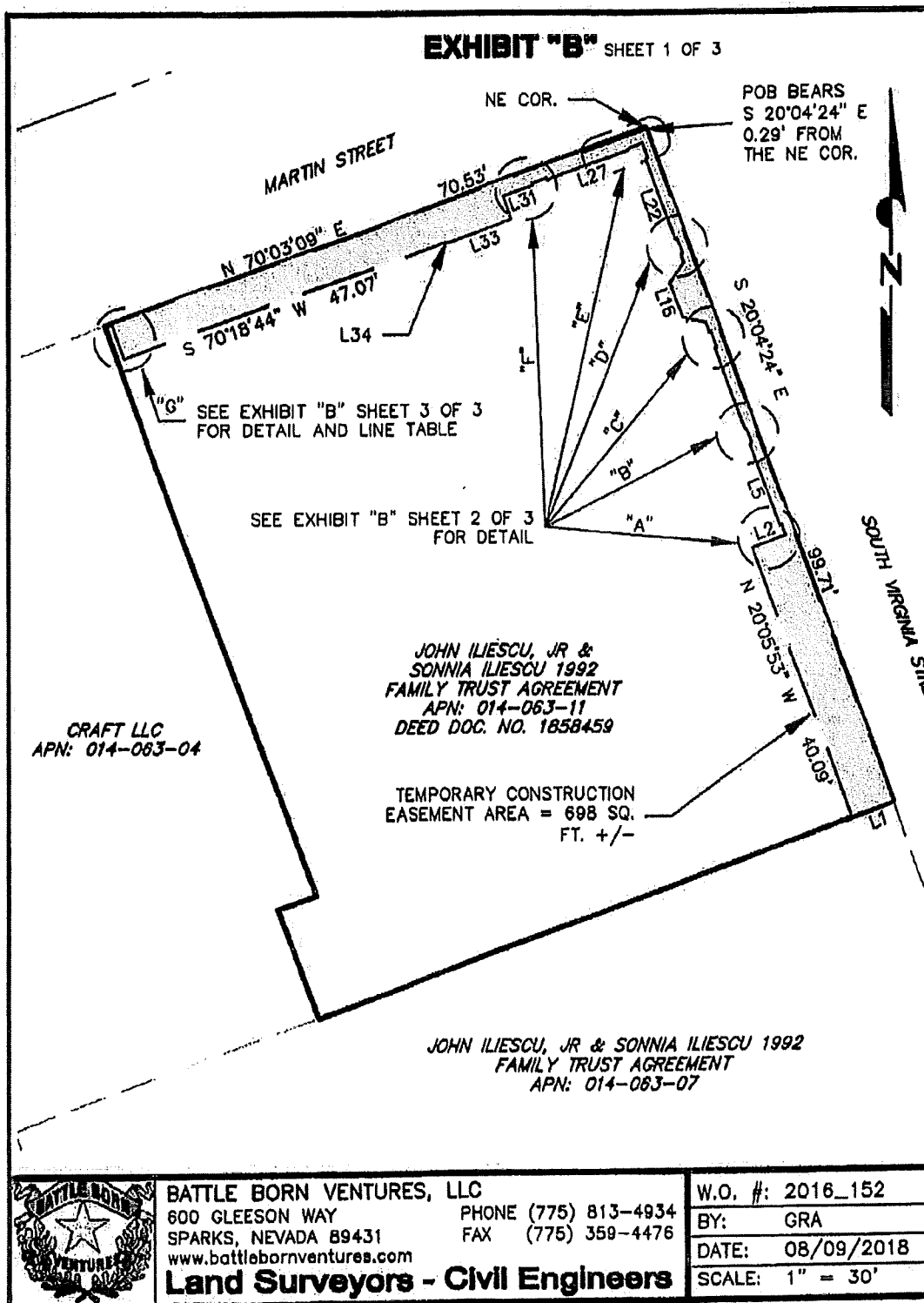
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Basis of Bearings: NAD 83(94) Nevada State Plane Coordinate System, West Zone (2703).



Grant R. Alexander, P.L.S. 19051
Battle Born Ventures, LLC
600 Gleeson Way
Sparks, NV 89431

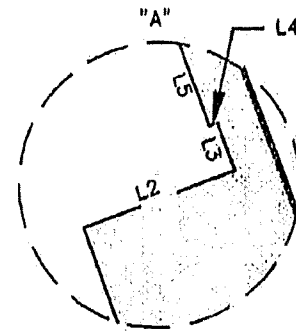
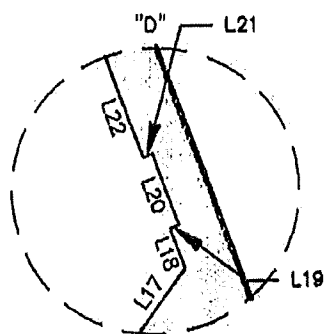
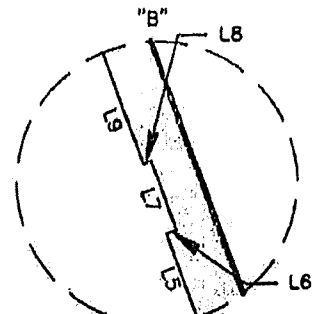
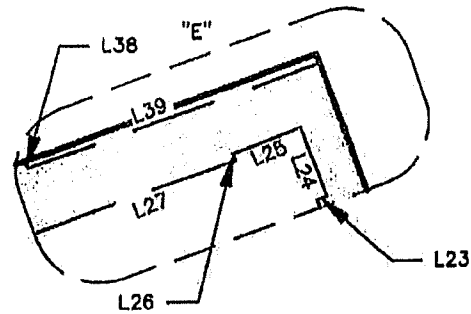
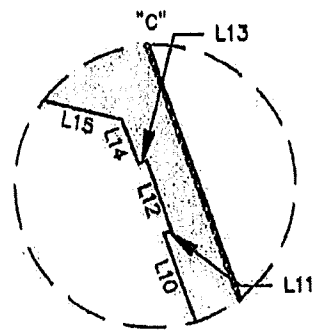
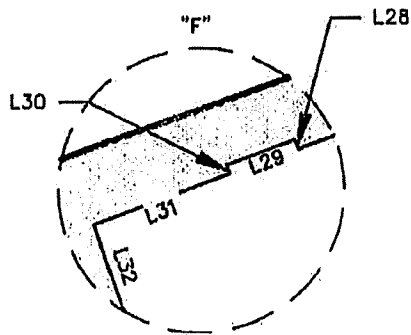
EXHIBIT "B" SHEET 1 OF 3



BATTLE BORN VENTURES, LLC
 600 GLEESON WAY
 SPARKS, NEVADA 89431
 www.battlebornventures.com
Land Surveyors - Civil Engineers

W.O. #: 2016_152
 BY: GRA
 DATE: 08/09/2018
 SCALE: 1" = 30'

EXHIBIT "B" SHEET 2 OF 3



BATTLE BORN VENTURES, LLC
 600 GLEESON WAY
 SPARKS, NEVADA 89431
 www.battlebornventures.com

PHONE (775) 813-4834
 FAX (775) 359-4476

Land Surveyors - Civil Engineers

W.O. #: 2016_152

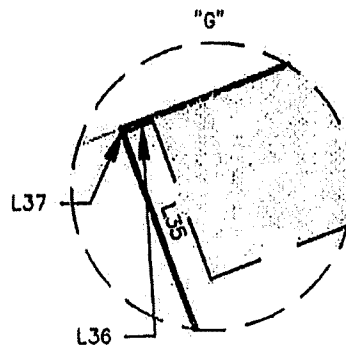
BY: GRA

DATE: 08/09/2018

SCALE: 1" = 5'

EXHIBIT "B" SHEET 3 OF 3

LINE TABLE		
LINE	LENGTH	BEARING
L1	6.19'	S70°06'19"W
L2	4.92'	N70°11'00"E
L3	1.55'	N20°13'28"W
L4	0.25'	S69°46'27"W
L5	12.07'	N20°13'28"W
L6	0.33'	N69°46'27"E
L7	2.23'	N20°13'28"W
L8	0.24'	S69°46'27"W
L9	8.39'	N20°13'28"W
L10	3.50'	N20°02'05"W
L11	0.26'	N69°57'58"E
L12	2.25'	N20°02'05"W
L13	0.26'	S69°57'58"W
L14	1.44'	N20°02'05"W
L15	3.34'	N76°37'39"W
L16	5.13'	N20°45'47"W
L17	3.46'	N35°29'29"E
L18	1.26'	N20°02'05"W
L19	0.27'	N69°57'58"E
L20	2.27'	N20°02'05"W
L21	0.27'	S69°57'58"W
L22	11.89'	N20°10'03"W
L23	0.32'	N69°43'51"E
L24	2.23'	N20°16'34"W
L25	2.16'	S68°39'31"W
L26	0.22'	S21°20'29"E
L27	12.10'	S70°11'08"W
L28	0.29'	N20°17'59"W
L29	2.18'	S69°42'12"W
L30	0.29'	S20°17'59"E
L31	4.31'	S69°42'12"W
L32	3.44'	S19°01'46"E
L33	9.85'	S70°34'44"W
L34	0.18'	N20°39'44"W
L35	5.00'	N19°58'15"W
L36	0.96'	S70°18'44"W
L37	0.14'	N20°01'37"W
L38	0.28'	S46°39'20"E
L39	9.21'	N70°18'18"E



BATTLE BORN VENTURES, LLC
 600 GLEESON WAY
 SPARKS, NEVADA 89431
 www.battlebornventures.com
Land Surveyors - Civil Engineers

W.O. #: 2016_152
 BY: GRA
 DATE: 08/09/2018
 SCALE: 1" = 5'

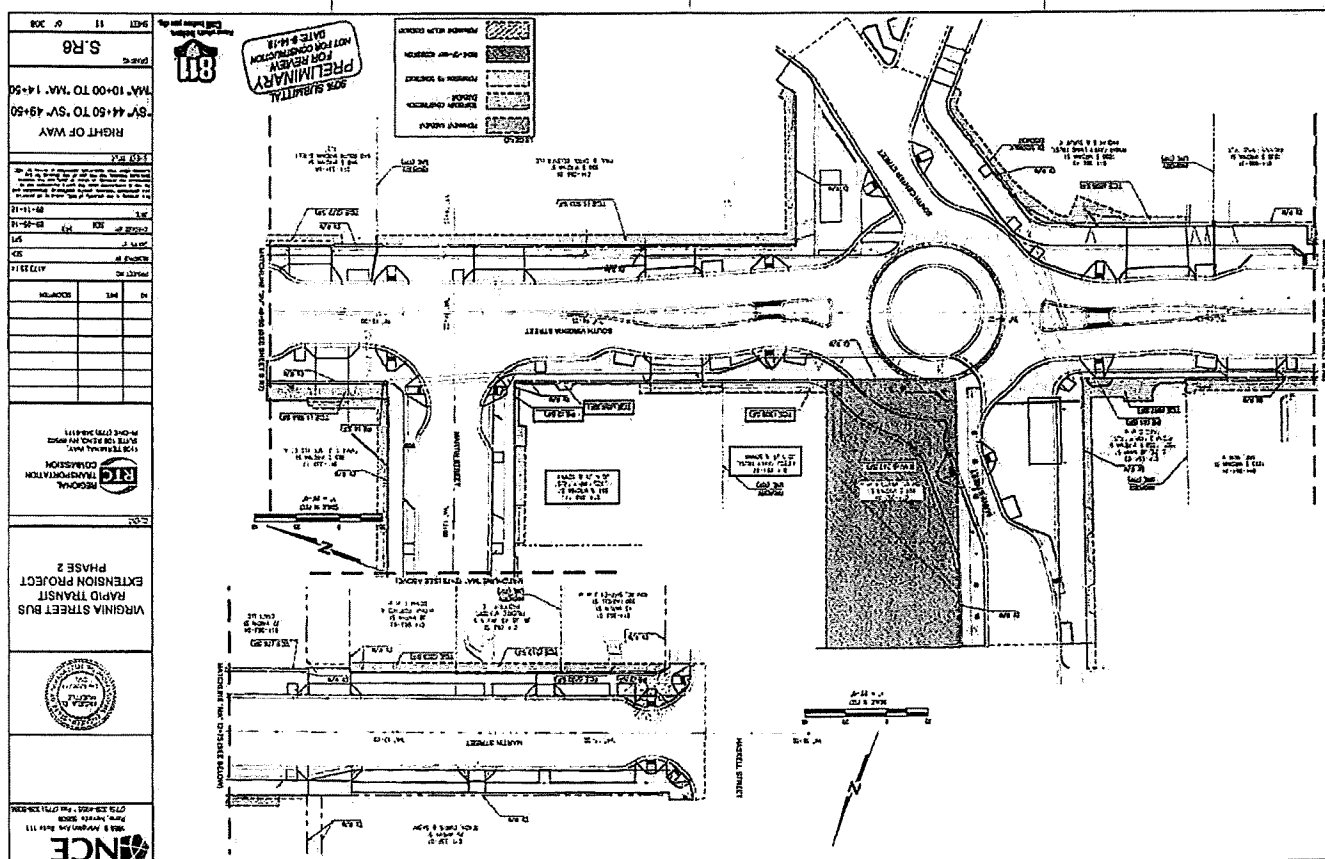


EXHIBIT B

1 **ANS**
2 John Iliescu, Jr. and Sonnia Iliescu
3 200 Court Street
4 Reno, Nevada 89501
5 Telephone: 775.771.2540
6 Email: sonniasi@sbcglobal.net

7 ***Defendant Landowners in Proper Person***

8
9 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF**
10 **NEVADA IN AND FOR THE COUNTY OF WASHOE**

11 THE REGIONAL TRANSPORTATION
12 COMMISSION OF WASHOE COUNTY, a special
13 purpose unit of the government,

14 Plaintiff,

15 vs.

16 JOHN ILIESCU, JR. and SONNIA ILIESCU, Trustees
17 of the John Iliescu and Sonnia Iliescu 1992 Family
18 Trust Agreement, dated January 24, 1992; The City of
19 Reno, a political subdivision of the State of Nevada;
20 and I through X, inclusive; ROE CORPORATIONS
21 I - 20, inclusive,

22 Defendants.

23 CASE NO.: CV19-00753

24 DEPT. NO.: 1

25 **DEFENDANT LANDOWNERS' ANSWER TO PLAINTIFF'S VERIFIED**
26 **COMPLAINT IN EMINENT DOMAIN**

27 Defendants JOHN ILIESCU, JR. and SONNIA ILIESCU, Trustees of the John Iliescu, Jr.
28 and Sonnia Iliescu 1992 Family Trust Agreement, dated January 24, 1992 (collectively referred to
as "Defendant Landowners"), in Proper Person, hereby answers the Complaint filed in this action
as follows and submits the following Prayers for Relief:

In answering Paragraph 1 of the Complaint, Defendant Landowners admit that Plaintiff is a
special purpose unit of government, duly organized and existing under the laws of the State of
Nevada.

In answer to Paragraphs 2 of the Complaint, Defendant Landowners admit the allegations
contained therein.

1 In answer to Paragraph 3 of the Complaint, Defendant Landowners are without sufficient
2 knowledge or information to either admit or deny the allegations therein, and therefore, denies each
3 allegation.

4 In answer to Paragraph 4 of the Complaint, Defendant Landowners are without sufficient
5 knowledge or information to either admit or deny the allegations therein, and therefore, denies each
6 allegation.

7 In answer to Paragraph 5 of the Complaint, Defendant Landowners admits the allegations
8 contained therein.

9 In answer to Paragraphs 6 of the Complaint Defendant Landowners are without sufficient
10 information to admit or deny the allegations contained therein and therefore denies the same.

11 In answering Paragraph 7 of the Complaint, Defendant Landowners Defendant Landowners
12 admit the allegations contained therein.

13 In answer to Paragraphs 8 of the Complaint, Defendant Landowners are without sufficient
14 information to admit or deny the allegations contained therein and therefore denies the same.

15 In answer to Paragraph 9 of the Complaint, are without sufficient information to admit or
16 deny the allegations contained therein and therefore denies the same.

17 In answer to Paragraph 10 of the Complaint, Defendant Landowners are without sufficient
18 information to admit or deny the allegations contained therein and therefore denies the same.

19 In answer to Paragraph 11 of the Complaint, Defendant Landowners admits the allegations
20 contained therein.

21 **WHEREFORE**, Defendant Landowners pray for the following relief:

22 1. A judgment against RTC in an amount to satisfy the constitutional requirements of
23 just compensation according to proof for the property taken and/or damaged by direct condemnation;

24 2. A judgment against RTC to satisfy the constitutional requirement that all costs and
25 expenses incurred by Defendant Landowners in this action be borne by the government including
26 but not limited to expert witness fees;

1 3. Prejudgment interest, including but not limited to, prejudgment interest commencing
2 from the date the RTC first announced an intent to take the Subject Property as defined in it's
3 verified complaint;

4 4. A preferential trial setting pursuant to NRS 37.055;

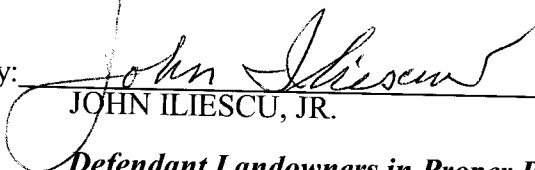
5 5. Severance damages;

6 6. Post judgment interest; and

7 7. Such other relief as this Court deems just and proper.

8 DATED this 30th day of April, 2019.

9
10 By:


JOHN ILIESCU, JR.

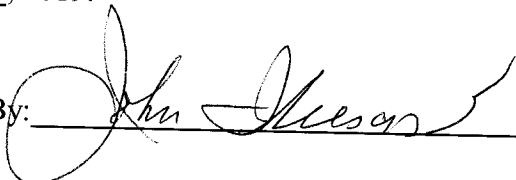
Defendant Landowners in Proper Person

1 **CERTIFICATE OF SERVICE**

2 I JOHN ILIESCU, JR. declare under penalty of perjury under the law of the State of Nevada
3 that the following is true and correct. That on the 1 day of May, 2019, service of
4 **DEFENDANT LANDOWNERS' ANSWER TO PLAINTIFF'S VERIFIED COMPLAINT IN**
5 **EMINENT DOMAIN** was made pursuant to NRCP 5(b) by depositing a copy in the U.S. Mail in
6 the State of Nevada, postage prepaid, addressed to:

7
8 Gordon H. DePaoli, Esq.
9 Dane W. Anderson, Esq.
10 **WOODBURN and WEDGE**
11 6100 Neil Road, Suite 500
12 Reno, Nevada 89511
13 gdepaoli@woodburnandwedge.com
14 danderson@woodburnandwedge.com

15 DATED this 1 day of May, 2019.

16 By: 

17
18 *see the notary attachment*
19
20
21
22
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28

Jurat Certificate

State of NEVADA

County of Washoe

Subscribed and sworn to (or affirmed) before me on this 1st

day of May, 2019, by John Iliescu

Place Seal Here

Notary Signature



LILIA CEBOTARI
NOTARY PUBLIC
STATE OF NEVADA
COUNTY OF WASHOE
My Comm. Expires 04-03-2021
Certificate No. 17-2088-2

Description of Attached Document

Type or Title of Document

Defendant Landowners' Answer to plaintiff's verified complaint in eminent domain

Document Date

05/01/2019

Number of Pages

5 including the notary attachment

Signer(s) Other Than Named Above

none

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SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE, STATE OF NEVADA

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document, _____

Defendant Landowners' answer to Plaintiff's
Verified Complaint in Eminent Domain
(Title of Document)

filed in case number: CV 19-00753

☒ Document does not contain the social security number of any person

- OR -

☐ Document contains the social security number of a person as required by:

☐ A specific state or federal law, to wit:

(State specific state or federal law)

- or -

☐ For the administration of a public program

- or -

☐ For an application for a federal or state grant

- or -

☐ Confidential Family Court Information Sheet
(NRS 123.130, NRS 125.230, and NRS 125B.055)

Date: 5-2-19

Sonnia Iliescu
(Signature)

SONNIA ILIESCU
(Print Name)

N/A
(Attorney for)

CODE: 3696

1
2
3
4
5
6 **IN THE SECOND JUDICIAL DISTRICT COURT OF**
7 **THE STATE OF NEVADA IN AND FOR THE**
8 **COUNTY OF WASHOE**

9 THE REGIONAL TRANSPORTATION
10 COMMISSION OF WASHOE COUNTY, a
special purpose unit of the government,

11 Plaintiff,

CASE NO.: CV19-00753

DEPT. NO.: 1

12
13 vs.

14 JOHN ILIESCU, JR. and SONNIA ILIESCU,
15 Trustees of The John Iliescu, Jr. and Sonnia Iliescu
16 1992 Family Trust Agreement, dated January 24,
1992; The City of Reno, a political subdivision of
the State of Nevada; and DOES 1 – 20, inclusive,

17 Defendants.
18 _____/

19 **PRETRIAL ORDER**

20 The procedures described in this pretrial order are designed to secure a just, speedy, and
21 inexpensive determination of this case. If any party believes a procedure required by this order will
22 not achieve these ends, that party should seek an immediate conference among all parties and this
23 Court so an alternative order may be discussed. **Otherwise, failure to comply with the provisions**
24 **in this order may result in the imposition of sanctions, which may include, but are not limited**
25 **to, dismissal of the action or entry of a default.** All references to "counsel" include self-
26 represented litigants.

27 ///

28 ///

I. TRIAL SETTING

Unless the parties have already done so, counsel for the parties shall set trial no later than twenty (20) days after entry of this order. Please contact the Department 1 Judicial Assistant at Dept1@washoecourts.us to schedule a setting appointment with the Department 1 Judicial Assistant. Plaintiff's counsel shall prepare the Application for Setting form and email it to the Department 1 Judicial Assistant at Dept1@washoecourts.us after receiving a scheduling appointment. The sections regarding juries only apply if a jury trial is requested.

II. PRETRIAL CONFERENCES

A. **Early Pretrial and Scheduling Conference.** No later than ten (10) days after entry of this Order and simultaneously with the trial setting appointment if the trial has not already been set, counsel for the parties shall set a pretrial scheduling conference, to be held within sixty (60) days.

1. **Purpose.** The pretrial scheduling conference provides the parties with an opportunity to meet directly with the Court in an effort to facilitate the purposes identified at NRCP 16(a), present suggestions regarding the matters identified at NRCP 16(c), and address disputes or problems arising out of the early case conference.

2. **Required Attendance.** Lead trial counsel for all parties, as well as all unrepresented parties, must attend the pretrial scheduling conference.

3. **Stipulation to Vacate Conference.** **The parties may stipulate to vacate the pretrial scheduling conference and the Court will order the same** if the Court is provided with a written stipulation stating the agreement of all parties that an early pretrial scheduling conference is not warranted, and including a stipulated scheduling order for entry in this case. The stipulated scheduling order must specify deadlines, using calendar dates, that comply with the provisions of NRCP 16.1(a) and (c) for:

- (a) filing motions to amend the pleadings or to add parties;
- (b) making initial expert disclosures;
- (c) making rebuttal expert disclosures;
- (d) completing discovery proceedings; and

1 (e) filing dispositive motions.

2 The stipulated scheduling order also must specify a calendar date by which all pretrial motions,
3 including dispositive motions and motions limiting or excluding an expert's testimony, must be
4 submitted for decision, said submission date must be no later than thirty (30) calendar days before
5 trial.

6 B. **Interim Pretrial Conferences.** This Court is available to meet with the parties
7 whenever the parties agree a meeting would be beneficial. This Court may also order one or more
8 pretrial conferences sua sponte or upon motion by any party.

9 C. **Final Pretrial Conference.** At the same time trial is scheduled, the parties must also
10 schedule the date for a final pretrial conference, to be held no later than thirty (30) days¹ prior to
11 trial.

12 1. Purpose. The conference is intended to develop a plan for trial, including a
13 protocol for facilitating the admission of evidence and to address any trial-related disputes, needs,
14 or requests.

15 2. Required Attendance. This conference must be attended by:

- 16 (a) the attorneys who will try the case (the parties, which includes an
17 authorized representative of any party that is an entity, may be
18 required to attend); and
19 (b) any unrepresented parties.

20 3. Use of Equipment at Trial. At the final pretrial conference, counsel must
21 advise the Court fully with respect to the following matters:

- 22 (a) the equipment to be used during trial, including any request to use the
23 Court's equipment;
24 (b) the presentation software to be used during trial, and whether each
25 party is able to receive and use digital files of presentation materials
26 prepared by another;

27
28 ¹ See WDCR 6

1 (c) any expected use of videoconferencing; and

2 (d) the reliability and positioning for any equipment to be brought to the
3 courtroom.

4 **D. Personal Appearance Required at all Conferences.** Counsel's personal
5 appearance is required at all conferences, except upon prior approval of the Court.

6 **F. Requests for Telephonic Appearance.** Any request for telephonic appearance by
7 and attorney and/or witness at a hearing or conference must be made in writing (cc'd to all counsel)
8 to Dept1@washoecourts.us at least ten (10) days prior to the hearing or conference. The written
9 request must provide the following:

- 10 1. Name of individual requesting telephonic appearance.
- 11 2. Location of individual requesting telephonic appearance.
- 12 3. The name of the party the attorney is representing, if applicable.
- 13 4. The reason for the telephonic attendance request.
- 14 5. Whether the matter set for hearing is contested.

15 **III. DISCOVERY**

16 **A. Discovery Deadline.** The deadline to complete discovery and all discovery
17 proceedings must be set no later than thirty (30) days before commencement of trial.

18 **B. Consultation Before Discovery Motion Practice.** Prior to filing any discovery
19 motion, the attorney for the moving party must consult with opposing counsel about the disputed
20 issues. Counsel for each side must present to each other the merits of their respective positions with
21 the same candor, specificity, and supporting material as would be used in connection with a
22 discovery motion. The Parties are reminded that the Discovery Commissioner is available to address
23 some disputes telephonically.

24 **C. Discovery Hearings.** Discovery motions typically are resolved without the need for
25 oral argument. However, if both sides desire a dispute resolution conference pursuant to NRC
26 16.l(d), counsel must contact the Discovery Commissioner's office at (775) 328-3293 to obtain a
27 convenient date and time for the conference. If the parties cannot agree upon the need for a
28 conference, the party seeking the conference must file and submit a motion in that regard.

1 D. **Effect of Trial Continuance.** A continuance of trial does not extend the deadline
2 for completing discovery. A request for an extension of the discovery deadline, if needed, must be
3 made separately or included as part of any motion for continuance of trial. The parties may include
4 an agreement to extend discovery in a stipulation to continue trial presented for court order.

5 E. **Computer Animations.** If any party intends to offer a computer-generated
6 animation either as an evidentiary exhibit or an illustrative aid, that party must disclose that intention
7 when expert disclosures are made pursuant to NRCP 16.1(a)(2). A copy of the animation must be
8 furnished to all other parties and the Court no later than 30 days prior to trial. Disclosure of the
9 animation includes copies of the underlying digital files as well as of the completed animation.

10 IV. SETTLEMENT AND ALTERNATIVE DISPUTE RESOLUTION

11 A. **Notice of Settlement.** In the event that this case is settled prior to trial, the parties
12 must promptly notify the department Judicial Assistant.

13 B. **Settlement Conference or Alternative Dispute Resolution.** This Court may order,
14 upon a party's request or sua sponte, that the parties and their attorneys 1) meet in person with a
15 judge other than the presiding judge in this case and attempt to settle the case, or 2) participate in
16 mediation or some other appropriate form of alternative dispute resolution in an effort to resolve this
17 case prior to trial.

18 V. TRIAL-RELATED PROCEDURES

19 A. **Motions in Limine.** All motions in limine, except motions in limine to exclude an
20 expert's testimony, must be submitted for decision no later than fifteen (15) calendar days before
21 trial.

22 B. **All Other Motions.** All motions, except motions in limine as defined above, must
23 be submitted for decision no later than thirty (30) calendar days before trial.

24 C. **Exhibits.** Trial counsel for the parties shall contact the Courtroom Clerk, Maria
25 Schuck at maria.schuck@washoecourts.us, no later than fifteen (15) judicial days before trial, to
26 arrange a date and time to mark trial exhibits. In no event shall the marking of exhibits take place
27 later than the Monday before trial, without leave of the Court.

1 1. Marking and Objections. All exhibits shall be marked in one numbered series
2 (Exhibit 1, 2, 3, etc.) and placed in one or more binders provided by counsel, unless the Court permits
3 a different procedure. When marking the exhibits with the clerk, counsel shall advise the clerk of
4 all exhibits which may be admitted without objection, and those that may be admissible subject to
5 objections. Any exhibits not timely submitted to opposing counsel and the clerk may not be offered
6 or referenced during the trial, without leave of the Court.

7 2. Copies. Counsel must cooperate to insure that the official exhibits and one
8 identical copy are provided to the Court.

9 3. Custody of Exhibits. After marking trial Exhibits by the clerk, the exhibits
10 will remain in the custody of the clerk, until an order is issued directing the disposition or return to
11 counsel.

12 4. Demonstrative Exhibits. Demonstrative Exhibits must be disclosed to
13 counsel and the Court within a reasonable period before their anticipated use to permit appropriate
14 objections, if any.

15 D. **Trial Statements.** Trial Statements must conform to WDCR 5. Trial Statements
16 must be filed and served no later than 5:00 p.m. five (5) calendar days before trial, unless otherwise
17 ordered by the Court. They must be served upon other parties by e-filing, personal delivery, fax, or
18 email. If the matter is a bench trial, findings of fact are to be submitted, not filed, to the Court in
19 Word format to Dept1@washoecourts.us with the trial statement, but not in lieu of the trial
20 statement.

21 E. **Jury Instructions and Verdict Forms.** All proposed jury instructions and verdict
22 forms must be submitted to the Court no later than 5:00 p.m. on the Wednesday before trial, unless
23 otherwise ordered by the court.²

24 1. Format. All original jury instructions must be provided to the Court in Word
25 format electronically at Dept1@washoecourts.us and must be accompanied by a separate copy of
26 each instruction containing a citation to the form instruction or to the authority supporting that
27

28 ² See WDCR 7(8).

1 instruction. All modifications made to instructions taken from statutory authority must be separately
2 underscored on the citation page.

3 2. Exchange. The parties must exchange all proposed jury instructions and
4 verdict forms no later than seven calendar days before trial, unless otherwise ordered by the Court.

5 3. Agreement and Submission. The parties must confer regarding the proposed
6 jury instructions and verdict forms before they are submitted to the Court and shall use their best
7 efforts to stipulate to uncontested instructions. All undisputed instructions and verdict forms must
8 be submitted jointly to the Court; the parties must separately submit any disputed instructions with
9 supporting research and citations and verdict forms at the time set forth in Section E above.

10 4. Disputes and Additional Instructions. After commencement of the trial, the
11 Court will meet with counsel to determine the jury instructions and verdict forms that will be used.
12 At that time, the Court will resolve all disputes over instructions and verdict forms, and consider the
13 need for any additional instructions which were not foreseen prior to trial.

14 F. **Juror Notes and Questions**. Jurors will be permitted to take notes during trial.
15 Jurors will be permitted to submit questions in writing during trial; however, juror questions will be
16 asked only after the questions are reviewed by counsel and approved by the Court.

17 G. **Use of Electronically Recorded Depositions**. No depositions recorded by other
18 than stenographic means may be edited until the Court rules on objections. If such a recording is to
19 be used at trial, it must be edited to eliminate cumulative testimony and to present only matters that
20 are relevant and material.

21 H. **Evidentiary Rulings**. Every witness that counsel intends to call at trial must be
22 informed by counsel about any rulings that restrict or limit testimony or evidence (e.g., rulings on
23 motions in limine) to inform them that they may not offer or mention any evidence that is subject to
24 that ruling.

25 I. **Examination Limits**. Absent extraordinary circumstances, counsel will be given the
26 opportunity for one re-direct and one re-cross examination.

27 VI. MISCELLANEOUS

28 A. **Civility**. The use of language which characterizes the conduct, arguments or ethics

1 of another is to be avoided unless relevant to a motion or proceeding before the Court. In the
2 appropriate case, the Court will upon motion or sua sponte, consider sanctions, including monetary
3 penalties and/or striking the pleading or document in which such improprieties appear, and may
4 order any other suitable measure the Court deems to be justified. This section of this Order includes,
5 but is not limited to, written material exchanged between counsel, briefs or other written materials
6 submitted to the Court, and conduct at depositions, hearings, trial or meetings with the Court.

7 **B. Communication with Department.** In addition to communication by telephone,
8 letter, or fax, counsel may communicate with Department 1 by e-mailing Dept1@washoecourts.us.
9 All written communications must be copied to all opposing counsel and unrepresented litigants.

10 **C. Page Limits.** All pleadings including accompanying legal memoranda submitted in
11 support of any motion may not exceed twenty (20) pages in length; opposition pleadings may not
12 exceed twenty (20) pages in length; and reply pleadings may not exceed ten pages in length. These
13 limitations are exclusive of exhibits. A party may file a pleading that exceeds these limits by five
14 pages, so long as it is filed with a certification of counsel that good cause existed to exceed the
15 standard page limits and the reasons therefore. Briefs in excess of five pages over these limits may
16 only be filed with prior leave of the Court, upon a showing of good cause.

17 **D. Request for Accommodation.** Counsel must notify the Court no later than 30 days
18 before trial of any reasonable accommodation needed because of a disability, or immediately upon
19 learning of the need if not known in advance.

20 **E. Etiquette and Decorum.** Counsel must at all times adhere to professional standards
21 of courtroom etiquette and decorum, including but not limited to the following:

- 22 • Counsel may not use speaking objections
- 23 • Counsel must stand when speaking
- 24 • Counsel may not address each other during their respective arguments
- 25 • Counsel must be punctual
- 26 • Counsel must be prepared

27 ///

28 ///

VII. CASE SPECIFIC REQUIREMENTS

Not Applicable

IT IS SO ORDERED.

Dated: June 10th, 2019.


KATHLEEN M. DRAKULICH
District Court Judge

CERTIFICATE OF SERVICE

CASE NO. CV19-00753

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the ^{10th} day of June, 2019, I electronically filed the **PRETRIAL ORDER** with the Clerk of the Court by using the ECF system.

I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

Electronically filed with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

GORDON DEPAOLI, ESQ. for THE REGIONAL TRANSPORTATION
COMMISSION OF WASHOE COUNTY

SUSAN ROTHE, ESQ. for CITY OF RENO

DANE ANDERSON, ESQ. for THE REGIONAL TRANSPORTATION
COMMISSION OF WASHOE COUNTY

Deposited to the Second Judicial District Court mailing system in a sealed envelope for postage and mailing by Washoe County using the United States Postal Service in Reno, Nevada:
[NONE]


DANIELLE KENT
Department 1 Judicial Assistant

MICHAEL J. MORRISON, ESQ.
Nevada State Bar No. 1665
1495 Ridgeview Dr., #220
Reno, Nevada 89519
(775) 827-6300

Attorney for Iliescu Defendants

**IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE**

* * * * *

REGIONAL TRANSPORTATION
COMMISSION OF WASHOE COUNTY, a
special purpose unit of the government,

CASE NO. CV19-00753

DEPT. NO. 1

Plaintiff,

vs.

JOHN ILIESCU, JR., AND SONNIA ILIESCU,
TRUSTEES OF THE JOHN ILIESCU, JR. AND
SONNIA ILIESCU 1992 FAMILY TRUST; THE
CITY OF RENO, a political subdivision of the
State of Nevada; and DOES 1 – 20, inclusive,

Defendants,

DEMAND FOR JURY TRIAL

COMES NOW Michael J. Morrison, Esq., and as attorney for JOHN ILIESCU, JR.,
AND SONNIA ILIESCU, TRUSTEES OF THE JOHN ILIESCU, JR. AND SONNIA
ILIESCU 1992 FAMILY TRUST (“**Trust**”), hereby respectfully demand a trial by jury herein.
The Jury Fees of \$320.00 is filed herewith.

/////

/////.

1
2 /s/ Michael J. Morrison
3 MICHAEL J. MORRISON, ESQ.
4 Nevada State Bar No. 1665
5 1495 Ridgeview Dr., #220
6 Reno, Nevada 89519
7 (775) 827-6300

Dated: July 1, 2019

Attorney for Defendant Iliescu

8 **AFFIRMATION**
9 **Pursuant to NRS 239B.030**

10 The undersigned does hereby affirm that the document to which this Affirmation
11 is attached does not contain the social security number of any person.

DATED this 1st day of July, 2019.

12 /s/ Michael J. Morrison

13 Michael J. Morrison, Esq.
14 Nevada State Bar No. 1665
15 1495 Ridgeview Dr., #220
16 Reno, Nevada 89519
17 (775) 827-6300

Attorney for Defendant Iliescu

18 **CERTIFICATE OF SERVICE**

19 I hereby certify that on this date I personally caused to be served a true copy of
20 the foregoing **DEMAND FOR JURY TRIAL** by the method indicated and addressed to
21 the following:

22
23 Dane W. Anderson, Esq.
24 Woodburn Wedge
25 6100 Neil Road, Suite 500
26 Reno, Nevada 89511

____ Via U.S. Mail
____ Via Overnight Mail
____ Via Hand Delivery
____ Via Facsimile
__x__ Via ECF

/s/ Christelle Morrison

Christelle Morrison

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1 **1250**

2 Gordon H. DePaoli, Esq.

3 Nevada Bar No. 195

4 Dane W. Anderson, Esq.

5 Nevada Bar No. 6883

6 **WOODBURN AND WEDGE**

7 6100 Neil Road, Suite 500

8 Reno, Nevada 89511

9 Telephone: 775-688-3000

10 Facsimile: 775-688-3088

11 gdepaoli@woodburnandwedge.com

12 danderson@woodburnandwedge.com

13 Attorneys for Plaintiff, the Regional Transportation
14 Commission of Washoe County

15 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF**

16 **NEVADA IN AND FOR THE COUNTY OF WASHOE**

17 THE REGIONAL TRANSPORTATION
18 COMMISSION OF WASHOE COUNTY, a
19 special purpose unit of the government,

Case No.: CV19-00753

Dept. No.: 1

20 Plaintiff,

21 v.

22 JOHN ILIESCU, JR. and SONNIA ILIESCU,
23 Trustees of The John Iliescu, Jr. and Sonnia
24 Iliescu 1992 Family Trust Agreement, dated
25 January 24, 1992; The City of Reno, a
26 political subdivision of the State of Nevada;
27 and DOES 1 – 20, inclusive,

28 Defendants.

APPLICATION FOR SETTING

TYPE OF ACTION: EMINENT DOMAIN

MATTER TO BE HEARD: Pretrial Conference, Final Pretrial Conference and Trial

Date of Application: July 1, 2019; Made by: Plaintiff's Counsel.

COUNSEL FOR PLAINTIFF: THE REGIONAL TRANSPORTATION COMMISSION
OF WASHOE COUNTY: Gordon H. DePaoli, Esq. and Dane W. Anderson, Esq.,
WOODBURN AND WEDGE

COUNSEL FOR DEFENDANTS: JOHN ILIESCU, JR. and SONNIA ILIESCU, Trustees of The John Iliescu, Jr. and Sonnia Iliescu 1992 Family Trust Agreement, dated January 24, 1992: Michael James Morrison, Esq.

Pretrial Conference Date: February 19, 2020 Time: 1:00 p.m.

Final Pretrial Conference Date: June 17, 2020 Time: 1:30 p.m.

Trial Date: July 20, 2020 Time: 9:30 a.m.

Estimated Duration: 7 Days Setting No. 1

X **Jury Demanded by:** Defendants on July 10, 2019

 No Jury Demanded: _____

COUNSEL FOR PLAINTIFF

/s/ Dane W. Anderson (phone consent)

Gordon H. DePaoli, Esq.

Nevada Bar No. 195

Dane W. Anderson, Esq.

Nevada Bar No. 6883

Woodburn and Wedge

6100 Neil Road, Suite 500

Reno, NV 89511

Tel: 775-688-3000

Fax: 775-688-3088

Attorneys for Plaintiff

The Regional Transportation

Commission of Washoe County

COUNSEL FOR DEFENDANT

/s/ Michael James Morrison (phone consent)

Michael James Morrison

1495 Ridgeview Drive, Suite 220

Reno, NV 89519

Tel: 775-827-6300

Fax: 775-827-6311

Attorneys for Defendants

John Iliescu, Jr. and Sonnia Iliescu,

Trustees of The John Iliescu, Jr. and

Sonnica Iliescu 1992 Family Trust

Agreement, dated January 24, 1992

3060

**IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF
NEVADA IN AND FOR THE COUNTY OF WASHOE**

THE REGIONAL TRANSPORTATION
COMMISSION OF WASHOE COUNTY, a
special purpose unit of the government,

Case No.: CV19-00753

Dept. No.: 1

Plaintiff,

v.

JOHN ILIESCU, JR. and SONNIA ILIESCU,
Trustees of The John Iliescu, Jr. and Sonnia
Iliescu 1992 Family Trust Agreement, dated
January 24, 1992; THE CITY OF RENO, a
political subdivision of the State of Nevada;
and DOES 1 – 20, inclusive,

Defendants.

**ORDER GRANTING MOTION FOR IMMEDIATE OCCUPANCY
PENDING FINAL JUDGMENT**

The Court, having reviewed the Motion for Immediate Occupancy Pending Final Judgment filed by plaintiff The Regional Transportation Commission of Washoe County (“RTC”) on April 3, 2019 (“Motion”), and having reviewed the entire file, finds, concludes and orders as follows:

1. All named defendants were served with a copy of the Motion, along with a copy of the summons and complaint.

2. This case involves the RTC’s exercise of its power of eminent domain for the purpose of acquiring one (1) permanent easement and one (1) temporary construction

1 easement located on Washoe County Assessor Parcel Number (“APN”) 014-063-11 and one
2 (1) temporary construction easement located upon APN 014-063-07, described in detail in
3 Exhibit 2 to the RTC’s Verified Complaint in Eminent Domain. APN 011-063-11 is more
4 commonly known as 961 S. Virginia Street, Reno, Nevada, and APN 014-063-07 is more
5 commonly known as 999 S. Virginia Street, Reno, Nevada. The permanent easement and two
6 temporary construction easements are referred to herein as the “Property.” RTC is acquiring
7 the Property for the purpose of constructing the Virginia Street Bus Rapid Transit Extension
8 Project (“the Project”).

9 3. According to title reports on public records, APNs 014-063-7 and 014-062-11
10 are owned by Defendants John Iliescu, Jr. and Sonnia Iliescu, Trustees of The John Iliescu, Jr.
11 and Sonnia Iliescu 1992 Family Trust Agreement, dated January 24, 1992 (hereafter
12 “Iliescu”). Iliescu has filed a Response to the present motion, stating that they have no
13 objections to RTC’s Motion. Similarly, Defendant the City of Reno has filed a non-
14 opposition to the present Motion.

15 4. The use for which the Property sought to be condemned is a public use
16 authorized by law and the taking thereof is necessary for such use. RTC has complied with
17 all statutory conditions precedent to instituting this action and seeking immediate occupancy
18 pending judgment. Immediate entry upon and possession of the Property sought to be
19 condemned are required so that the construction of the Project may proceed in an orderly
20 manner without delay or loss in utilization of construction time and/or without unnecessary
21 cost and expense to the condemning agency.

22 5. NRS 37.090 and 37.100 provide this Court with authority to enter an order
23 allowing RTC access to the Property sought to be condemned at any time after the
24 commencement of suit and pending entry of judgment, to do such work thereon as may be
25 required for the Project according to its nature.

26 6. The Court finds that, pursuant to NRS 37.100(4), the value of the Property
27 sought to be obtained and/or temporary utilized during construction plus damages is
28 \$15,955.00.

1 Based on the foregoing, and with good cause appearing, IT IS HEREBY ORDERED:

2 1. RTC may have immediate possession and occupancy of the Property, as
3 described in Exhibit 2 to the Complaint, by depositing with the Clerk of this Court the sum of
4 \$15,955.00 (the "Cash Deposit").

5 2. The Clerk of the Court shall deposit the Cash Deposit into an interest-bearing
6 account for the benefit of any party determined to be entitled to those amounts.

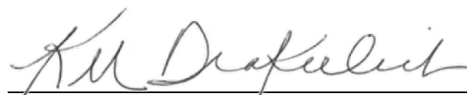
7 3. Upon making the Cash Deposit, RTC may immediately enter upon and occupy
8 the Property and perform such work thereon as may be necessary to construct and complete
9 the Project;

10 4. If any party applies to withdraw the Cash Deposit, they shall serve a notice on
11 the parties in this action of the application, giving each party 5 days after service of such
12 notice in which to file and serve objections to such withdrawal, if any;

13 5. If any such objections to the Application are filed, the Court will set a date and
14 time for a hearing thereon.

15 IT IS HEREBY FURTHER ORDERED that this order shall become effective upon
16 RTC's deposit of the Cash Deposit with the Clerk of this Court.

17 Dated this 15th day of July, 2019.

18 
19 _____
20 DISTRICT JUDGE

1 **1835**

2 Gordon H. DePaoli, Esq.

3 Nevada Bar No. 195

4 Dane W. Anderson, Esq.

5 Nevada Bar No. 6883

6 **WOODBURN AND WEDGE**

7 6100 Neil Road, Suite 500

8 Reno, Nevada 89511

9 Telephone: 775-688-3000

10 Facsimile: 775-688-3088

11 gdepauli@woodburnandwedge.com

12 danderson@woodburnandwedge.com

13 Attorneys for Plaintiff, the Regional Transportation

14 Commission of Washoe County

15 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

16 IN AND FOR THE COUNTY OF WASHOE

17 THE REGIONAL TRANSPORTATION
18 COMMISSION OF WASHOE COUNTY, a
19 special purpose unit of the government,

Case No.: CV19-00753

Dept. No.: 1

20 Plaintiff,

21 v.

22 JOHN ILIESCU, JR. and SONNIA ILIESCU,
23 Trustees of The John Iliescu, Jr. and Sonnia
24 Iliescu 1992 Family Trust Agreement, dated
25 January 24, 1992; The City of Reno, a
26 political subdivision of the State of Nevada;
27 and DOES 1 – 20, inclusive,

28 Defendants.

JOINT CASE CONFERENCE REPORT

DISCOVERY PLANNING/DISPUTE CONFERENCE REQUESTED:

YES: ____ NO: X

Plaintiff, The Regional Transportation Commission of Washoe County, by and
through its respective counsel of record, submit the following Joint Case Conference Report:

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I.

**BRIEF DESCRIPTION OF THE NATURE OF THE ACTION AND EACH CLAIM
FOR RELIEF OR DEFENSE: [NRCP 16.1(c)(2)(A)]**

A. **BRIEF DESCRIPTION OF THE ACTION:** This is a condemnation action. RTC seeks to exercise its power of eminent domain to acquire one (1) permanent easement and (1) temporary construction easement located upon Washoe County Assessor Parcel Number ("APN") 014-063-11, and one (1) temporary construction easement located upon APN 014-063-07, metes and bounds descriptions and depictions of which are set forth in Exhibit 2 attached to the Verified Complaint in Eminent Domain on file herein. APN 014-063-11 is more commonly known as 961 S. Virginia Street, Reno, Nevada, and APN 014-063-07 is more commonly known as 999 S. Virginia Street, Reno, Nevada.

The Court has entered an order for occupancy, and the only remaining issue is the just compensation due the Iliescus as a result of RTC's acquisition of the subject easements. The defendant City of Reno filed a disclaimer of interest with the Court on April 11, 2019.

The case conference was held on June 6, 2019, and further discussion on June 10, 2019. It was attended by Dane Anderson on behalf of RTC, and the Iliescus who at that time were representing themselves. The Iliescus have since engaged Michael Morrison as counsel in this matter.

B. **RTC'S CLAIMS FOR RELIEF:**

Plaintiff asserts a claim in eminent domain pursuant to NRS Chapter 37.

C. **DEFENDANT ILIESCU'S AFFIRMATIVE DEFENSES:**

Defendant Iliescu does not assert any affirmative defenses in Defendant Landowners' Answers to Plaintiff's Verified Complaint In Eminent Domain, filed on May 2, 2019.

II.

CONSIDERATION OF SETTLEMENT [NRCP 16.1(c)(2)(b)]

During the early case conference, the parties discussed and considered settlement, but were unable to reach an agreement.

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III.

DISCOVERY PLAN [NRCP 16.1 (c)(2)(C) AND 16.1 (b)(4)(C)]

- A. What changes, if any, should be made in the timing, form or requirements for disclosures under 16.1(a), including a statement as to when disclosures under 16.1(a)(1) were made or will be made:

Plaintiff's disclosures will be made on July 19, 2019.

Defendants' disclosures will be made on or before August 19, 2019.

- B. Should discovery be conducted in phases or limited to or focused upon particular issues?

Discovery should be limited to the issue of just compensation for the easements at issue.

- C. Anticipated issues with electronically stored information?

None are anticipated at this time.

- D. What issues about claims of privilege and whether the Court should enter any orders to address privilege issues?

None at this time.

- E. What changes should be made in the limitations on discovery imposed under these rules and what other limitations should be imposed.

None at this time.

- F. Any other orders that should be entered by the Court under Rule 26(c) or under Rule 16(b) and (c).

None at this time.

- G. Estimated time for trial:

7 days. Trial has been set for July 20, 2020.

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1 IV.

2 **LIST OF ALL NAMES, DOCUMENTS, DATA COMPILATIONS AND TANGIBLE**
3 **THINGS IN THE POSSESSION, CUSTODY OR CONTROL OF EACH PARTY**
4 **WHICH WERE IDENTIFIED PROVIDED AT OR AS A RESULT OF THE**
5 **EARLY CASE CONFERENCE: [NRCP 16.1(c)(2)(D), (E)]**

6 A. PLAINTIFF: See initial disclosures by Plaintiff, attached hereto as **Exhibit 1**,
7 without attachments.

8 B. DEFENDANT: Defendant' disclosures will be made on or before August 19,
9 2019.

10 C. The parties hereby reserve any objection to the authenticity and admissibility
11 of any of the documents produced.

12 V.

13 **WRITTEN LIST OF THE MEDICAL PROVIDERS IDENTIFIED UNDER**
14 **RULE 16.1(A)(1)(A)(III) [NRCP 16.1(C)(2)(f)]**

15 Not applicable.

16 VI.

17 **A STATEMENT OF DAMAGES COMPUTATIONS DISCLOSED**
18 **UNDER RULE 16.1(A)(1)(A)(IV) [NRCP 16.1(c)(2)(G)]**

19 RTC has obtained a professional appraisal which recommends just compensation as
20 \$15,955.

21 Defendants are assessing the issue of just compensation and will include that amount
22 in their disclosures when that is determined.

23 VII.

24 **A WRITTEN LIST OF THE INSURANCE AGREEMENTS DISCLOSED**
25 **UNDER RULE 16.1(A)(1)(A)(IV) [NRCP 16.1(c)(2)(H)]**

26 Not applicable.

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XIII.

**A WRITTEN LIST OF EXPERTS DISCLOSED UNDER RULE 16.1(A)(2) AND
STATEMENT INDICATING WHETHER THE IDENTIFIED EXPERTS WILL
PROVIDE OR HAVE PROVIDED EXPERT REPORTS [NRCP 16.1(c)(2)(I)]**

Expert reports will be due 90 days before the discovery cut-off. The report requirement is NOT waived.

IX.

**STATEMENT IDENTIFYING ANY ISSUES ABOUT PRESERVING
DISCOVERABLE INFORMATION [NRCP 16.1(c)(2)(J)]**

The parties do not presently anticipate issues concerning the preservation of discoverable information.

X.

**STATEMENT IDENTIFYING ANY ISSUES ABOUT TRADE SECRETS OR OTHER
CONFIDENTIAL INFORMATION [NRCP 16.1(c)(2)(K)]**

Presently, there are no anticipated issues concerning trade secrets or stipulating to a protective order if necessary.

XI.

DISCOVERY AND MOTION DATES [NRCP 16.1(c)(2)(L)-(P)]

A. Dates agreed by the parties:

1. Close of Discovery: **Friday, May 8, 2020** (73 days prior to trial)
2. Final date to file motions to amend pleadings or add parties (without further court order): **Friday, February 7, 2020** (91 days prior to close of discovery)
3. Final dates for expert disclosures:
 - i. Initial disclosures: **Friday, February 7, 2020** (91 days prior to close of discovery)
 - ii. Rebuttal disclosures: **Monday, March 9, 2020** (31 days after initial expert disclosures)
4. Final date to *file* dispositive motions: **Friday, May 29, 2020** (21 days after close of discovery)

- 1 5. Final date to *submit* dispositive motions, including motions for
2 summary judgment, and motions in limine to exclude an expert's
3 testimony shall be served, fully briefed, filed and submitted for
 decision: **Monday, June 22, 2020**¹ (30 calendar days prior to trial)
- 4 6. Final date to *submit* motions in limine, except motions in limine to
5 exclude an expert's testimony: **Monday, July 6, 2020**² (15 calendar
6 days prior to trial)
- 7 7. Estimated time for Trial: 7 full court days

7 **XII.**

8 **JURY DEMAND [16.1 (c)(2)(Q)]**

9 A jury demand has been filed.

10 **XIII.**

11 **INITIAL DISCLOSURES/OBJECTIONS [16.1(a)(1)]**

12 There were no objections by the parties to the requirement that the parties make initial
13 disclosures.

14 This report is signed in accordance with rule 26(g)(1) of the Nevada Rules of Civil
15 Procedure. Each signature constitutes a certification that to the best of the signer's
16 knowledge, information and belief, formed after a reasonable inquiry, the disclosures made by
17 the signer are complete and correct as of this time. The undersigned hereby affirm pursuant to
18 NRS 239B.030 that the preceding document does not contain the personal information of any
19 person.

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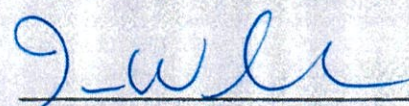
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¹ The 30 day deadline to submit dispositive motions, including motions for summary judgment, and motions in
27 limine to exclude an expert's testimony falls on a Saturday, June 20, 2020, therefore the calendar deadline has
 been adjusted to Monday, June 22, 2020 pursuant to NRCP 6.

28 ² The 15 day deadline to submit motions in limine, except motions in limine to exclude an expert's testimony
 falls on a Sunday, July 5, 2020, therefore the calendar deadline has been adjusted to Monday, July 6, 2020
 pursuant to NRCP 6.

1 Dated: July 23, 2019

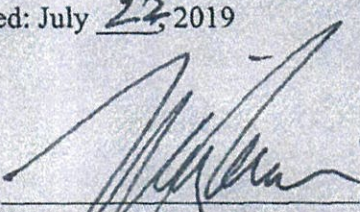
2 WOODBURN AND WEDGE

3
4 By: 

5 Gordon H. DePaoli, Esq.
6 Nevada Bar No. 195
7 Dane W. Anderson, Esq.
8 Nevada Bar No. 6883
9 6100 Neil Road, Suite 500
10 Reno, NV 89511

11 *Attorneys for Plaintiff*

Dated: July 22, 2019

By: 

Michael J. Morrison, Esq.
Nevada Bar No. 1665
1495 Ridgeview Drive, #220
Reno, NV 89519

Attorneys for Defendants Iliescu

1
2 **CERTIFICATE OF SERVICE**

3 It is hereby certified that service of the foregoing **JOINT CASE**
4 **CONFERENCE REPORT** was made through the Court's electronic filing and
5 notification or, as appropriate, by sending a copy thereof by first-class mail from Reno,
6 Nevada addressed as follows:
7

8
9 Michael J. Morrison, Esq.
10 1495 Ridgeview Drive#220
11 Reno, NV 89519
12 venturelawusa@gmail.com

13 *Attorneys for Defendants John Iliescu, Jr. and Sonnia Iliescu,*
14 *Trustees of the John Iliescu, Jr.*
15 *and Sonnia Iliescu 1992 Family Trust*

16 Karl S. Hall
17 Reno City Attorney
18 Susan Ball Rothe, Esq.
19 Deputy City Attorney
20 P.O. Box 1900
21 Reno, NV 89505
22 rothes@reno.gov

23 *Attorneys for Defendant City of Reno*

24
25 DATED: July 23rd, 2019.

26
27 /s/ Dianne M. Kelling
28 Employee of Woodburn and Wedge

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TABLE OF EXHIBITS

Exhibit	Exhibit No	No. of Pages (Including Exhibit Sheet).
Plaintiff's Initial Disclosure of Documents and Witnesses Pursuant to NRCP 16.1	1	6

FILED
Electronically
CV19-00753
2019-07-23 10:00:45 AM
Jacqueline Bryant
Clerk of the Court
Transaction # 7387565

EXHIBIT 1

EXHIBIT 1

1 **DISCOVERY**

2 Gordon H. DePaoli, Esq.

3 Nevada Bar No. 195

4 Dane W. Anderson, Esq.

5 Nevada Bar No. 6883

6 **WOODBURN AND WEDGE**

7 6100 Neil Road, Suite 500

8 Reno, Nevada 89511

9 Telephone: 775-688-3000

10 Facsimile: 775-688-3088

11 gdepaoli@woodburnandwedge.com

12 danderson@woodburnandwedge.com

13 Attorneys for Plaintiff, the Regional Transportation
14 Commission of Washoe County

15 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF**

16 **NEVADA IN AND FOR THE COUNTY OF WASHOE**

17 THE REGIONAL TRANSPORTATION
18 COMMISSION OF WASHOE COUNTY, a
19 special purpose unit of the government,

Case No.: CV19-00753

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20 Plaintiff,

21 v.

22 JOHN ILIESCU, JR. and SONNIA ILIESCU,
23 Trustees of The John Iliescu, Jr. and Sonnia
24 Iliescu 1992 Family Trust Agreement, dated
25 January 24, 1992; The City of Reno, a
26 political subdivision of the State of Nevada;
27 and DOES 1 – 20, inclusive,

28 Defendants.

29 **PLAINTIFF'S INITIAL DISCLOSURE OF DOCUMENTS AND WITNESSES**
30 **PURSUANT TO NRCP 16.1**

31 Plaintiff, The Regional Transportation Commission of Washoe County, by and
32 through its attorneys, Woodburn and Wedge, discloses the following documents and
33 witnesses known to plaintiff as of this date pursuant to NRCP 16.1.

34 **DOCUMENTS:**

35 Plaintiff discloses and produces the following documents:

Bates Start	Bates End	Description
RTC000001	RTC000008	Interlocal Cooperative Agreement, dated May 24, 2016 ¹
RTC000009	RTC000017	Metes and bounds description and depictions of APN 014-063-11 and 014-063-07
RTC000018	RTC000018	Notice Letter Pursuant to NRS 241.034, dated January 22, 2019
RTC000019	RTC000032	Resolution of Condemnation
JPG000001	JPG000133	Scott Griffin, MAI's Report, dated May 29, 2019

Plaintiff reserves the right to supplement or amend this document disclosure as this matter proceeds through discovery, including without limitation, documents related to its computation of damages below.

Plaintiff identifies and designates all documents disclosed by any other parties in this matter.

WITNESSES:

1. Brian Stewart
Director of Engineering
The Regional Transportation Commission of Washoe County
c/o Woodburn and Wedge
6100 Neil Road, Suite 500
Reno, NV 89511

Brian Stewart is expected to testify concerning his knowledge of the facts and circumstances surrounding this litigation.

2. Scott Q. Griffin, MAI
Johnson Perkins Griffin
245 E. Liberty Street, Suite 100
Reno, NV 89501
Telephone No. (775) 322-1155

Scott Q. Griffin, MAI, is a Principal Appraiser with Johnson-Perkins-Griffin in Reno, Nevada. Mr. Griffin is expected to testify concerning the appraisal her prepared for the property acquisition at issue in this litigation and is expected to testify concerning the

¹ Bates Nos. RTC000001-RTC000032 and JPG000001-JPG000133 have been previously produced to Defendants in pro per, but a copy of the documents are also contained on the enclosed USB.

1 appraisal for the property RTC seeks to acquire for the purposes of the Virginia Street Bus
2 Rapid Transit Extension Project, RTC Project No. 211003.

3 3. Sarah K. Fye, MBA
4 Johnson Perkins Griffin
5 245 E. Liberty Street, Suit 100
6 Reno, NV 89501
 Telephone No.: 775-322-1155

7 Sarah K. Fye, MBA with Johnson Perkins Griffin is expected to testify concerning the
8 appraisal she helped prepared with Scott Q. Griffin, MAI, for the property acquisition at
9 issue in this litigation and is expected to testify concerning the appraisal for the property
10 RTC seeks to acquire for the purposes of the Virginia Street Bus Rapid Transit Extension
11 Project, RTC Project No. 211003.

12 4. John Iliescu, Jr.
13 200 Court Street
14 Reno, NV 89501

15 John Iliescu is expected to testify concerning his knowledge of the facts and
16 circumstances surrounding this litigation.

17 5. Sonia Iliescu
18 200 Court Street
19 Reno, NV 89501

20 Sonia Iliescu is expected to testify concerning her knowledge of facts and
21 circumstances surrounding this litigation.

22 Plaintiff reserves the right to call any and all witnesses identified by Defendants by
23 any other party to this action.

24 Discovery has not yet commenced and Plaintiff reserves the right to supplement this
25 list of witnesses as this matter proceeds through discovery.

26 **C. COMPUTATION OF DAMAGES:** Plaintiff has obtained a professional
27 appraisal from Scott Griffin, MAI, who has recommended just compensation in the amount of
28 \$15,955.

1 **D. INSURANCE:** In accordance with NRCP 16.1(a)(1)(A)(v), Plaintiff is not
2 aware of any insurance policies applicable to this matter.

3 **Affirmation pursuant to NRS 239B.030**

4 The undersigned does hereby affirm pursuant to NRS 239B.030 that the preceding
5 document does not contain the personal information of any person.

6 DATED: July 18, 2019.

WOODBURN AND WEDGE

7
8 By: 

Gordon H. DePaoli, Esq.
Nevada Bar No. 195
Dane W. Anderson, Esq.
Nevada Bar No. 6883

*Attorneys for Plaintiff, the Regional
Transportation Commission of Washoe
County*

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Michael James Morrison, Esq.
1495 Ridgeview Drive, Suite 220
Reno, NV 89519
venturlawusa@gmail.com

Damen Kelling
Employee of Woodburn and Wedge

3915

**IN THE SECOND JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA IN AND FOR THE
COUNTY OF WASHOE**

THE REGIONAL TRANSPORTATION
COMMISSION OF WASHOE COUNTY, a
special purpose unit of the government,

CASE NO.: CV19-00753

Plaintiff,

DEPT. NO.: 1

vs.

JOHN ILIESCU, JR. and SONNIA ILIESCU,
Trustees of The John Iliescu, Jr. and Sonnia Iliescu
1992 Family Trust Agreement, dated January 24,
1992; The City of Reno, a political subdivision of
the State of Nevada; and DOES 1 – 20, inclusive,

Defendants.

SCHEDULING ORDER

Nature of Action: Eminent Domain

Date of Filing Joint Case Conference Report(s): *Joint Case Conference Report* ("JCCR")
filed July 23, 2019.

Trial Date: July 20, 2020 (#1)

Time Required for Trial: Seven (7) days; Jury Demand Filed: Defendants on 7/10/19

Dane W. Anderson, Esq. for Plaintiff; and,

Michael James Morrison, Esq. for Defendants John Iliescu, Jr. and Sonnia Iliescu, Trustees
of The John Iliescu, Jr. and Sonnia Iliescu 1992 Family Trust Agreement, dated January
24, 1992.

Defendant City of Reno filed a *Disclaimer of Interest* on April 11, 2019.

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3 1. Complete all discovery by **May 8, 2020** (pursuant to JCCR).

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8 16.1(a)(2) on or before **March 9, 2020** (pursuant to JCCR).

9 a. Written reports of experts waived: No

10 4. File dispositive motions on or before **May 29, 2020** (pursuant to JCCR).

11 5. **Submit for consideration fully briefed** dispositive motions and pretrial motions,
12 including motions for summary judgment and motions in limine to exclude an expert's testimony,
13 on or before **June 22, 2020** (pursuant to JCCR).

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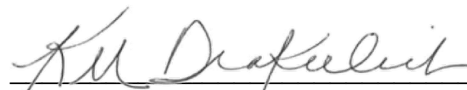
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16 (1993), and Bobby Beresini v. PETA, 114 Nev. 1348, 971 P.2d 383 (1998).

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18 Rules of Civil Procedure ("NRCP"), the District Court Rules ("DCR"), the Washoe District Court
19 Rules ("WDCR"), and the Nevada Revised Statutes ("NRS"), and failure to comply could result in
20 the imposition of sanctions.

21 DATED this 25th day of July, 2019.

22 
23 _____

24 KATHLEEN M. DRAKULICH
25 District Court Judge
26
27
28

CERTIFICATE OF SERVICE

CASE NO. CV19-00753

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 25th day of July, 2019, I electronically filed the **SCHEDULING ORDER** with the Clerk of the Court by using the ECF system.

I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

Electronically filed with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

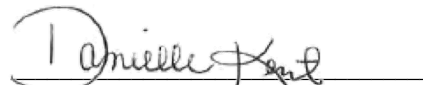
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Deposited to the Second Judicial District Court mailing system in a sealed envelope for postage and mailing by Washoe County using the United States Postal Service in Reno, Nevada:
[NONE]


DANIELLE KENT
Department 1 Judicial Assistant

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**IN THE SECOND JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA IN AND FOR THE
COUNTY OF WASHOE**

THE REGIONAL TRANSPORTATION
COMMISSION OF WASHOE COUNTY, a
special purpose unit of the government,

CASE NO.: CV19-00753

Plaintiff,

DEPT. NO.: 1

vs.

JOHN ILIESCU, JR. and SONNIA ILIESCU,
Trustees of The John Iliescu, Jr. and Sonnia Iliescu
1992 Family Trust Agreement, dated January 24,
1992; The City of Reno, a political subdivision of
the State of Nevada; and DOES 1 – 20, inclusive,

Defendants.

SCHEDULING ORDER

Nature of Action: Eminent Domain

Date of Filing Joint Case Conference Report(s): *Joint Case Conference Report* ("JCCR")
filed July 23, 2019.

Trial Date: July 20, 2020 (#1)

Time Required for Trial: Seven (7) days; Jury Demand Filed: Defendants on 7/10/19

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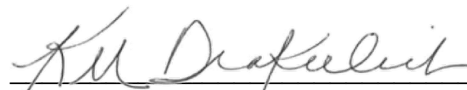
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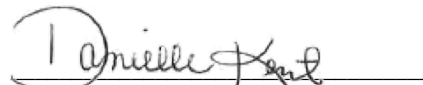
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[NONE]


DANIELLE KENT
Department 1 Judicial Assistant

2645
MICHAEL J. MORRISON, ESQ.
Nevada State Bar No. 1665
1495 Ridgeview Dr., #220
Reno, Nevada 89519
(775) 827-6300

Attorney for Defendants

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

* * * * *

THE REGIONAL TRANSPORTATION
COMMISSION OF WASHOE COUNTY, a
special purpose unit of the government,

CASE NO. CV19-00753

DEPT. NO. 1

Plaintiff,

v.

JOHN ILIESCU, JR., and SONNIA ILIESCU,
Trustees of the John Iliescu, Jr. and Sonnia
Iliescu 1992 Family Trust Agreement, dated
January 24, 1992; The City of Reno, a political
subdivision of the State of Nevada; and DOES
1-20, inclusive,

DEFENDANTS' OPPOSITION TO
MOTION IN LIMINE TO
EXCLUDE EVIDENCE
PURSUANT TO NRS 50.275,
50.285 and 50.305;
MOTION FOR EXTENSION OF
TIME TO DISCLOSE EXPERT

Defendants.

COME NOW DEFENDANTS JOHN ILIESCU, JR., AND SONNIA ILIESCU,
Trustees of the John Iliescu, Jr. and Sonnia Iliescu 1992 Family Trust ("the Iliescus"),
by and through their attorney, Michael J. Morrison, Esq., and: (1) oppose Plaintiff THE
REGIONAL TRANSPORTATION COMMISSION OF WASHOE COUNTY's ("the
RTC") motion in limine to exclude evidence pursuant to NRS 50.278, 50.285, and
50.305; and (2) move for an extension of time to disclose their expert witness. This
opposition and motion is made and based upon NRCP 6(b)(1)(B) and WDCR 11(1),
and is further supported the following points and authorities.

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1 **POINTS AND AUTHORITIES**

2 **I. OVERVIEW**

3 The RTC has moved this Court for an order precluding the Iliescus from
4 designating an expert witness in this case because they did not disclose an expert
5 witness on or before the February 7, 2020, expert witness disclosure deadline. The
6 RTC cites to NRCPP 16(a)(2) and this Court's July 25, 2019, scheduling order as the
7 basis for its motion, and relies on authority generally addressing this Court's discretion
8 in making discovery and other pre-trial evidentiary determinations. The Iliescus
9 acknowledge that they did not disclose an expert witness by the February 7, 2020,
10 deadline. That oversight was due to a calendaring error in the undersigned's office that,
11 as more fully explained below, was due to excusable neglect caused by an unexpected
12 and unforeseen medical event the undersigned suffered and for which he underwent
13 acute and ongoing treatment, but for which the undersigned nevertheless accepts
14 responsibility.

15 The Iliescus respectfully submit that their counsel's – the undersigned's –
16 oversight, however, is not and should not be, *ipso facto*, fatal to the Iliescus' ability to
17 disclose their expert witness, as this Court has the discretion, upon a showing of good
18 cause, to extend the time for expert disclosures to permit an untimely expert disclosure.
19 The Iliescus request that this Court exercise that discretion and permit them to disclose
20 their expert witness beyond the February 7, 2020, expert witness disclosure deadline.
21 Quite significantly, this requested protocol would allow the Iliescus to “have their day
22 in Court” and allow the parties to fully present the facts of this case for a well-informed
23 and fair determination by the fact finder(s). It is also noteworthy that the Iliescus'
24 retained expert in this case has performed many prior appraisals for the Iliescus in RTC
25 “taking” cases and is very familiar with the subject property.

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II. DISCUSSION

It is well established that trial courts assume the role of gatekeeper in assessing the admissibility of expert witnesses, and have wide discretion, within the parameters of the applicable governing statutes, to fulfill those gatekeeping duties. *See, Higgs v. State*, 126 Nev. 1, 8, 222 P.3d 648, 658 (Nev. 2010); *and see generally, State ex. rel. Dept. of Highways v. Nevada Aggregates & Asphalt Co.*, 92 Nev. 370, 376, 551 P.2d 1095, 1098 (1976) (the trial court is vested with broad discretion in determining the admissibility of evidence), as cited by the RTC. While the Iliescus did not timely disclose their expert witness as prescribed by NRCP 16.1(a)(2)(E) and this Court's July 25, 2019, scheduling order, nothing in the provisions of either requires that the Iliescus' expert be excluded on that basis. In fact, this Court specifically notes that a party's failure to comply with its scheduling order or the applicable procedural rules and statutes **could** (as opposed to "**will**" or "**shall**") result in the imposition of sanctions (*see*, scheduling order at 5, ¶ 18), which necessarily acknowledges this Court's plenary discretion in making, among others, pretrial evidentiary determinations. Moreover, the Nevada Rules of Civil Procedure and the Second Judicial District Court Rules generally permit this Court to grant extensions of time, even after the time for required event has expired. *See* NRCP 6(b)(1)(B)(ii) (permitting this Court, for good cause, to extend the time for a required action after the time for that action has expired upon motion where the party failed to act because of excusable neglect) and WDCR 11(1) (generally permitting parties to seek an extension of time).

Shortly after the RTC filed this case, the undersigned counsel for the Iliescus suffered significant neurological and spinal injuries in an accidental fall, for which extensive acute and ongoing care, testing, treatment and rehabilitation were and have been required, and are continuing. The undersigned has undergone that treatment and care at the Reno V.A. Hospital, as well as at numerous specialty medical clinics and medical treatment facilities in the Reno area. Both the undersigned's injuries and the

1 ensuing treatment and care negatively affected counsel's ability to work and,
2 unfortunately, was the principal source of the unintended scheduling error in reference
3 to the February 7, 2020, expert witness disclosure in this case – which precedes this
4 motion by only a couple of weeks. To that end, it was a scheduling error that resulted
5 from excusable neglect due to an unforeseen medical event and, therefore, constitutes
6 good cause to grant the Iliescus an extension of time in which to disclose their expert
7 witness. NRCP 6(b)(1)(B)(ii); WDCR 11(1); *accord, Pioneer Inv. Svcs. Co. v.*
8 *Brunswick Assocs. Ltd. P'ship*, 507 U.S. 380, 395 (1993) (identifying the guideposts for
9 consideration of whether neglect is excusable, including (1) the length of the delay, (2)
10 the reason for the delay, (3) whether the delay was within the reasonable control of the
11 movant, (4) and whether the movant acted in good faith).

12 Applying the *Pioneer* guideposts (*Id.*), the Iliescus seek the extension of the
13 deadline that (1) expired within a reasonable time (specifically, 18 days) in relation to
14 this motion; (2) was due to the undersigned's unforeseen accident injury/medical event
15 and the resulting and ensuing care and treatment; (3) was beyond the reasonable control
16 of the Iliescus (and their undersigned counsel); and (4) the Iliescus (and their
17 undersigned counsel) have acted in good faith, at all times.

18 Accordingly, the Iliescus respectfully submit that this analysis of the guideposts
19 in light of the facts extant herein provides this Court with cogent and compelling
20 factual support for a finding of the requisite "excusable neglect" by this Court. *Id.*

21 Therefore, the Iliescus request that this Court grant them an extension of time to
22 disclose their expert in this case to address the discrete issue relating to the value of the
23 property at issue in this case.

24 **III. CONCLUSION**

25 Based on the foregoing, the Iliescus request that this Court deny the RTC's
26 motion *in limine* and grant the Iliescus a 21-day extension of time in which to disclose
27 their expert witness and submit his report in this case.

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DATED this 25th day of February, 2020.

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Reno, Nevada 89511

☐ Via U.S. Mail
☐ Via Overnight Mail
☐ Via Hand Delivery
☐ Via Facsimile
☒ Via ECF

/s/ Michael J. Morrison

Michael J. Morrison

2645
MICHAEL J. MORRISON, ESQ.
Nevada State Bar No. 1665
1495 Ridgeview Dr., #220
Reno, Nevada 89519
(775) 827-6300

Attorney for Defendants

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

* * * * *

THE REGIONAL TRANSPORTATION
COMMISSION OF WASHOE COUNTY, a
special purpose unit of the government,

CASE NO. CV19-00753

DEPT. NO. 1

Plaintiff,

v.

JOHN ILIESCU, JR., and SONNIA ILIESCU,
Trustees of the John Iliescu, Jr. and Sonnia
Iliescu 1992 Family Trust Agreement, dated
January 24, 1992; The City of Reno, a political
subdivision of the State of Nevada; and DOES
1-20, inclusive,

DEFENDANTS' OPPOSITION TO
MOTION IN LIMINE TO
EXCLUDE EVIDENCE
PURSUANT TO NRS 50.275,
50.285 and 50.305;
MOTION FOR EXTENSION OF
TIME TO DISCLOSE EXPERT

Defendants.

COME NOW DEFENDANTS JOHN ILIESCU, JR., AND SONNIA ILIESCU,
Trustees of the John Iliescu, Jr. and Sonnia Iliescu 1992 Family Trust ("the Iliescus"),
by and through their attorney, Michael J. Morrison, Esq., and: (1) oppose Plaintiff THE
REGIONAL TRANSPORTATION COMMISSION OF WASHOE COUNTY's ("the
RTC") motion in limine to exclude evidence pursuant to NRS 50.278, 50.285, and
50.305; and (2) move for an extension of time to disclose their expert witness. This
opposition and motion is made and based upon NRCP 6(b)(1)(b) and WDCR 11(1), and
is further supported the following points and authorities.

///

///

POINTS AND AUTHORITIES

I. OVERVIEW

The RTC has moved this Court for an order precluding the Iliescus from designating an expert witness in this case because they did not disclose an expert witness on or before the February 7, 2020, expert witness disclosure deadline. The RTC cites to NRCp 16(a)(2) and this Court's July 25, 2019, scheduling order as the basis for its motion, and relies on authority generally addressing this Court's discretion in making discovery and other pre-trial evidentiary determinations. The Iliescus acknowledge that they did not disclose an expert witness by the February 7, 2020, deadline. That oversight was due to a calendaring error in the undersigned's office that, as more fully explained below, was due to excusable neglect caused by an unexpected and unforeseen medical event the undersigned suffered and for which he underwent acute and ongoing treatment, but for which the undersigned nevertheless accepts responsibility.

Plaintiffs respectfully submit that such oversight, however, is not and should not be, *ipso facto*, fatal to the Iliescus' ability to disclose their expert witness, as this Court has the discretion, upon a showing of good cause, to extend the time for expert disclosures to permit an untimely expert disclosure. The Iliescus hereby respectfully request that this Court exercise that discretion and permit them to disclose their expert witness beyond the February 7, 2020, expert witness disclosure deadline. Quite significantly, this requested protocol would allow the Iliescus to "have their day in Court" and allow the parties to fully present the facts of this case for a well-informed and fair determination by the factfinder(s). It is also noteworthy that the Iliescus' retained expert in this case has performed many prior appraisals for both the Iliescus and RTC regarding RTC "taking" cases and is familiar with the subject property.

II. DISCUSSION

It is well established that trial courts assume the role of gatekeeper in assessing the admissibility of expert witnesses, and have wide discretion, within the parameters of the applicable governing statutes, to fulfill those gatekeeping duties. *See, Higgs v. State*, 126 Nev. 1, 8, 222 P.3d 648, 658 (Nev. 2010); *and see generally, State ex. rel. Dept. of Highways v. Nevada Aggregates & Asphalt Co.*, 92 Nev. 370, 376, 551 P.2d 1095, 1098 (1976) (the trial court is vested with broad discretion in determining the admissibility of evidence), as cited by the RTC. While the Iliescus did not timely disclose their expert witness as prescribed by NRCP 16.1(a)(2)(E) and this Court's July 25, 2019, scheduling order, nothing in the provisions of either requires that the Iliescus' expert be excluded on that basis. In fact, this Court specifically notes that a party's failure to comply with its scheduling order or the applicable procedural rules and statutes **could** (as opposed to "**will**" or "**shall**") result in the imposition of sanctions (see, scheduling order at 5, ¶ 18), which necessarily acknowledges this Court's plenary discretion in making, among others, pretrial evidentiary determinations. Moreover, the Nevada Rules of Civil Procedure and the Second Judicial District Court Rules generally permit this Court to grant extensions of time, even after the time for the required event has expired. *See* NRCP 6(b)(1)(B)(ii) (permitting this Court, for good cause, to extend the time for a required action after the time for that action has expired upon motion where the party failed to act because of excusable neglect), and WDCR 11(1) (generally permitting parties to seek an extension of time).

Shortly after the RTC filed this case, the undersigned counsel for the Iliescus suffered significant neurological and spinal injuries in an accidental fall, for which extensive acute and ongoing care, testing, treatment and rehabilitation were and have been required, and are continuing. The undersigned has undergone such treatment and care at the Reno V.A. Hospital, as well as at numerous specialty medical clinics and medical treatment facilities in the Reno area. Both the undersigned's injuries and the

1 ensuing treatment and care negatively affected counsel's ability to work and,
2 unfortunately, was the principal source of the unintended scheduling error in reference
3 to the February 7, 2020, expert witness disclosure in this case – which precedes this
4 motion by only a couple of weeks. To that end, it was a scheduling error that resulted
5 from excusable neglect due to an unforeseen medical event and, therefore, constitutes
6 good cause to grant the Iliescus an extension of time in which to disclose their expert
7 witness. NRCP 6(b)(1)(B)(ii); WDCR 11(1); *accord, Pioneer Inv. Svcs. Co. v.*
8 *Brunswick Assocs. Ltd. P'ship*, 507 U.S. 380, 395 (1993) (identifying the guideposts for
9 consideration of whether neglect is excusable, including (1) the length of the delay, (2)
10 the reason for the delay, (3) whether the delay was within the reasonable control of the
11 movant and (4) whether the movant acted in good faith).

12 Applying the *Pioneer* guideposts, *Id.*, the Iliescus seek the extension of the
13 deadline that (1) expired within a reasonable time (specifically, 18 days) in relation to
14 this motion; (2) was due to the undersigned's unforeseen accidental injury/medical
15 event and the resulting and ensuing care and treatment; (3) was beyond the reasonable
16 control of the Iliescus (and their the undersigned counsel); and (4) the Iliescus (and
17 their undersigned counsel) have acted in good faith, at all times.

18 Accordingly, the Iliescus respectfully submit that this analysis of the guideposts
19 in light of the facts extant herein provides this Court with cogent and compelling
20 factual support for a finding of the requisite "excusable neglect" by this Court. *Id.*

21 Therefore, the Iliescus respectfully request that this Court grant them an
22 extension of time to disclose their expert in this case to address the discrete issue
23 relating to the value of the property at issue in this case.

24 25 **III. CONCLUSION**

26 Based on the foregoing, the Iliescus request that this Court deny the RTC's
27 motion *in limine* and grant the Iliescus a 45-day extension of time in which to disclose
28

1 their expert witness and submit his report in this case.

2
3 **AFFIRMATION**
Pursuant to NRS 239B.030

4 The undersigned does hereby affirm that the document to which this Affirmation
5 is attached does not contain the social security number of any person.

6 DATED this 2nd day of March, 2020.

7 /s/ Michael J. Morrison

8 Michael J. Morrison, Esq.
9 Nevada State Bar No. 1665
10 1495 Ridgeview Dr., #220
11 Reno, Nevada 89519
(775) 827-6300

12 *Attorney for Defendants*

13
14 **CERTIFICATE OF SERVICE**

15 I hereby certify that on this date I personally caused to be served a true copy of
16 the foregoing ERRATA TO PLAINTIFFS' OPPOSITION TO DEFENDANT'S
17 MOTION IN LIMINE TO EXCLUDE EVIDENCE PURSUANT TO NRS 50.275,
18 50.285 and 50.305; MOTION FOR EXTENSION OF TIME TO DISCLOSE EXPERT
19 indicated and addressed to the following:

20
21 Dane W. Anderson, Esq.
22 WOODBURN AND WEDGE
23 6100 Neil Road, Suite 500
Reno, Nevada 89511

____ Via U.S. Mail
____ Via Overnight Mail
____ Via Hand Delivery
____ Via Facsimile
 X Via ECF

24
25 DATED this 2nd day of March, 2020.

26
27 /s/ Michael J. Morrison

28 Michael J. Morrison

1 **3785**

2 Gordon H. DePaoli, Esq.

3 Nevada Bar No. 195

4 Dane W. Anderson, Esq.

5 Nevada Bar No. 6883

6 **WOODBURN AND WEDGE**

7 6100 Neil Road, Suite 500

8 Reno, Nevada 89511

9 Telephone: 775-688-3000

10 Facsimile: 775-688-3088

11 gdepaoli@woodburnandwedge.com

12 danderson@woodburnandwedge.com

13 Attorneys for Plaintiff, the Regional Transportation
14 Commission of Washoe County

15 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

16 **IN AND FOR THE COUNTY OF WASHOE**

17 THE REGIONAL TRANSPORTATION
18 COMMISSION OF WASHOE COUNTY, a
19 special purpose unit of the government,

Case No.: CV19-00753

Dept. No.: 1

20 Plaintiff,

21 v.

22 JOHN ILIESCU, JR. and SONNIA ILIESCU,
23 Trustees of The John Iliescu, Jr. and Sonnia
24 Iliescu 1992 Family Trust Agreement, dated
25 January 24, 1992; The City of Reno, a
26 political subdivision of the State of Nevada;
27 and DOES 1 – 20, inclusive,

28 Defendants.

29 **REPLY IN SUPPORT OF MOTION IN LIMINE TO EXCLUDE EVIDENCE**
30 **PURSUANT TO NRS 50.275, 50.285 and 50.305**

31 Plaintiff The Regional Transportation Commission of Washoe County ("RTC")
32 submits the following reply brief in support of its motion seeking to preclude defendants
33 from offering evidence pursuant to NRS 50.275, 50.285 and 50.305.

34 ///

1 **I. INTRODUCTION**

2 Defendants admit they failed to timely disclose an expert witness in compliance
3 with the Scheduling Order entered on July 25, 2019 but argue they should be relieved
4 from that failure due to the excusable neglect of their counsel. The alleged excusable
5 neglect is a medical event that occurred “[s]hortly after the RTC filed this case” and the
6 treatment that ensued.

7 This case was filed on April 3, 2019, nearly one year ago. Defendants initially
8 participated in pro per. On June 25, 2019, Defendants’ counsel advised that he would be
9 appearing in the case. See Exhibit 1, attached. At no time did Defendants’ counsel
10 advise the undersigned that there was any medical issue affecting his ability to
11 competently represent his clients. In fact, he participated in the preparation of the joint
12 case conference report and trial setting without mentioning any problems. Defendants’
13 counsel and plaintiffs’ counsel also had numerous discussions regarding another case
14 pending between RTC and the Defendants in Department 15.

15 The undersigned is sympathetic to counsel’s assertions, but the Court’s deadlines
16 are important. Counsel provides no detail about the alleged calendaring error and does
17 not identify the date that was actually calendared or any efforts between July 2019 and the
18 expert deadline of February 7, 2020 to review the case calendar and make sure deadlines
19 were being met. Nor does he provide the name of the alleged expert they intend to use or
20 when they first contacted that expert. Nor have they served an expert report despite the
21 passage of over 30 days since the expiration of the deadline.

22 RTC maintains that the alleged excusable neglect does not justify granting
23 Defendants relief from their failure to comply with the expert deadline. Should the Court
24 disagree, RTC requests an award of fees and costs incurred in relation to Defendants’
25 failure. RTC will submit a supporting declaration if provided such relief by the Court.

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Affirmation pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the personal information of any person.

DATED: March 16, 2020

WOODBURN AND WEDGE

By /s/ Dane W. Anderson
Gordon H. DePaoli, Esq.
Nevada Bar No. 195
Dane W. Anderson, Esq.
Nevada Bar No. 6883
Attorneys for Plaintiff, the Regional
Transportation Commission of Washoe County

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Woodburn and Wedge and that on this date,
I caused to be sent via electronic delivery through the Court's E-flex system a true and correct
copy of the **REPLY IN SUPPORT OF MOTION IN LIMINE TO EXCLUDE**
EVIDENCE PURSUANT TO NRS 50.275, 50.285 and 50.305 to:

Michael James Morrison, Esq.
1495 Ridgeview Drive, Suite 220
Reno, NV 89519
venturlawusa@gmail.com

*Attorneys for Defendants
John Iliescu, Jr. and Sonnia Iliescu,
Trustees of The John Iliescu, Jr. and Sonnia Iliescu
1992 Family Trust Agreement,
Dated January 24, 1992*

DATED: March 16, 2020.

/s/ Dianne M. Kelling
Employee of Woodburn and Wedge

EXHIBIT INDEX

EXHIBIT NO.	DESCRIPTION OF EXHIBIT	NO OF PAGES INCLUDING EXHIBIT PAGES
1	Email from Mike Morrison to Dane Anderson dated June 25, 2019	2

EXHIBIT 1

EXHIBIT 1

Dianne Kelling

From: Michael J. Morrison, Chtd. <venturelawusa@gmail.com>
Sent: Tuesday, June 25, 2019 4:39 PM
To: Dane Anderson
Subject: Iliescu

Hi Dane - Hope all is well with you and yours.

As noted in my VM to you earlier, I am coming into the Iliescu case and respectfully request that the setting take place in the morning of 1-3 July.

Thanks.

Best regards,
Mike

4105
Gordon H. DePaoli, Esq.
Nevada Bar No. 195
Dane W. Anderson, Esq.
Nevada Bar No. 6883
WOODBURN AND WEDGE
6100 Neil Road, Suite 500
Reno, Nevada 89511
Telephone: 775-688-3000
Facsimile: 775-688-3088
gdepaoli@woodburnandwedge.com
danderson@woodburnandwedge.com

Attorneys for Plaintiff, the Regional Transportation
Commission of Washoe County

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

THE REGIONAL TRANSPORTATION
COMMISSION OF WASHOE COUNTY, a
special purpose unit of the government,

Plaintiff,

v.

JOHN ILIESCU, JR. and SONNIA ILIESCU,
Trustees of The John Iliescu, Jr. and Sonnia
Iliescu 1992 Family Trust Agreement, dated
January 24, 1992; The City of Reno, a
political subdivision of the State of Nevada;
and DOES 1 – 20, inclusive,

Defendants.

Case No.: CV19-00753

Dept. No.: 1

**SUPPLEMENTAL REPLY IN SUPPORT OF MOTION IN LIMINE TO EXCLUDE
EVIDENCE PURSUANT TO NRS 50.275, 50.285 and 50.305**

Plaintiff The Regional Transportation Commission of Washoe County (“RTC”) submits the following supplement to its reply brief in support of its motion seeking to preclude defendants from offering evidence pursuant to NRS 50.275, 50.285 and 50.305. The purpose of this supplement is to advise the Court of events that have transpired—or rather

1 not transpired—since this matter was submitted for decision.

2 Defendants admittedly failed to timely disclose an expert witness in compliance with
3 the Court's July 25, 2019 Scheduling Order. Their opposition to RTC's motion in limine was
4 effectively a motion for an extension of the expert witness deadline, but they failed to file a
5 proper motion seeking such relief. Further, they requested an extension of 45 days from the
6 prior deadline of February 7, 2020, or **March 23, 2020**. However, that date passed without
7 Defendants serving a disclosure of expert witnesses. So, even if the Court considers
8 Defendants' opposition to be a proper motion for continuance of the expert witness deadline
9 and even if the Court granted Defendants the relief they requested, Defendants still have not
10 timely served an expert witness disclosure.

11 Therefore, RTC requests that the Court grant its motion in limine and preclude
12 defendants from offering evidence pursuant to NRS 50.275, 50.285 and 50.305.

13 **Affirmation pursuant to NRS 239B.030**

14 The undersigned does hereby affirm that the preceding document does not contain the
15 personal information of any person.

16 DATED: March 27, 2020

17 WOODBURN AND WEDGE

18
19 By /s/ Dane W. Anderson
20 Gordon H. DePaoli, Esq.
21 Nevada Bar No. 195
22 Dane W. Anderson, Esq.
23 Nevada Bar No. 6883
24 Attorneys for Plaintiff, the Regional
25 Transportation Commission of Washoe County
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CERTIFICATE OF SERVICE

It is hereby certified that service of the foregoing **SUPPLEMENTAL REPLY IN SUPPORT OF MOTION IN LIMINE TO EXCLUDE EVIDENCE PURSUANT TO NRS 50.275, 50.285 and 50.305** was made through the Court's electronic filing and notification or, as appropriate, by sending a copy thereof by first-class mail from Reno, Nevada addressed as follows:

Michael James Morrison, Esq. 1495 Ridgeview Drive, Suite 220 Reno, NV 89519 venturlawusa@gmail.com	<i>Attorneys for Defendants John Iliescu, Jr. and Sonnia Iliescu, Trustees of The John Iliescu, Jr. and Sonnia Iliescu 1992 Family Trust Agreement, Dated January 24, 1992</i>
Brett W. Maupin, Esq. Maupin, Cox & LeGoy 4785 Caughlin Parkway P.O. Box 30000 Reno, NV 89520 bmaupin@mcllawfirm.com	<i>Attorneys for Defendant John Iliescu, Jr. and Sonnia Iliescu</i>

DATED: March 27, 2020.

/s/ Dianne M. Kelling
Employee of Woodburn and Wedge

1 **\$2200**

2 Gordon H. DePaoli, Esq.

3 Nevada Bar No. 195

4 Dane W. Anderson, Esq.

5 Nevada Bar No. 6883

6 **WOODBURN AND WEDGE**

7 6100 Neil Road, Suite 500

8 Reno, Nevada 89511

9 Telephone: 775-688-3000

10 Facsimile: 775-688-3088

11 gdepaoli@woodburnandwedge.com

12 danderson@woodburnandwedge.com

13 Attorneys for Plaintiff, the Regional Transportation
14 Commission of Washoe County

15 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

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24 Iliescu 1992 Family Trust Agreement, dated
25 January 24, 1992; The City of Reno, a
26 political subdivision of the State of Nevada;
27 and DOES 1 – 20, inclusive,

28 Defendants.

MOTION FOR SUMMARY JUDGMENT

29 Plaintiff The Regional Transportation Commission of Washoe County (“RTC”) moves this Court pursuant to NRCP 56 for an order granting RTC summary judgment on the sole remaining issue in this case—the amount of just compensation due defendants for RTC’s acquisition of the property interests at issue in this condemnation action. This motion is supported by the following memorandum of points and authorities, the declaration of Scott Q. Griffin filed concurrently and all other pleadings and papers on file in this matter.

1 **I. INTRODUCTION**

2 This is a condemnation action in which RTC seeks to acquire certain easements on
3 property owned by The John Iliescu, Jr. and Sonnia Iliescu 1992 Family Trust dated
4 January 24, 1992 (“the Trust”). Defendants John Iliescu, Jr. and Sonnia Iliescu are the
5 trustees of the Trust (the Trust and these defendants are referred to collectively herein as
6 “Iliescu”). RTC seeks to acquire a permanent easement and temporary easement located
7 upon Washoe County Assessor Parcel Number (“APN”) 014-063-11 and a temporary
8 construction easement located upon APN 014-063-07, as further described in RTC’s
9 Verified Complaint in Eminent Domain on file herein (“the Property”).

10 On July 15, 2019, the Court entered its Order Granting Motion for Immediate
11 Occupancy Pending Final Judgment, finding that the use for which the Property is being
12 condemned is a public use authorized by law and that RTC’s taking of that property is
13 necessary to that public use.

14 Therefore, pursuant to NRS Chapter 37, the only remaining issue in this case—and
15 therefore the only material fact to be determined—is the amount of just compensation due
16 to Iliescu as a result of RTC’s acquisition of the Property—the value of the Property and
17 any severance damages. See NRS 37.110. As discussed below, Iliescu bears the burden
18 of proof on these issues.

19 The deadline to disclose initial expert witnesses pursuant to NRCP 16.1(a)(2) was
20 February 7, 2020. See Scheduling Order filed July 25, 2019. RTC timely disclosed its
21 appraiser, Scott Griffin. See Plaintiff’s Expert Witness Disclosure, attached as **Exhibit 1**
22 (without attachment). Mr. Griffin opines that the just compensation due Iliescu as a result
23 of RTC’s acquisition of the Property is \$15,955. See Declaration of Scott Q. Griffin filed
24 concurrently.

25 Iliescu failed to timely disclose any experts. As such, Iliescu cannot meet its
26 burden of proof and cannot controvert RTC’s evidence supporting the only material fact
27 in issue. Therefore, RTC is entitled to judgment as a matter of law based on its expert’s
28 opinion of just compensation.

1 **II. LAW AND ARGUMENT**

2 Summary judgment is appropriate when the pleadings and other evidence on file,
3 viewed in a light most favorable to the nonmoving party, demonstrate that there are no
4 genuine issues as to any material fact and that the moving party is entitled to a judgment
5 as a matter of law. NRCP 56(c); Wood v. Safeway, Inc., 121 Nev. 724, 729, 121 P.3d
6 1026, 1029 (2005). The substantive law controls which factual disputes are material and
7 will preclude summary judgment; other factual disputes are irrelevant. Wood, 121 Nev. at
8 731, 121 P.3d at 1031. A factual dispute is genuine when the evidence is such that a
9 rational trier of fact could return a verdict for the nonmoving party. Id.

10 The sole remaining issue in this case is the amount of just compensation to which
11 Iliescu is entitled as a result of RTC's acquisition of the Property. NRS 37.110 requires
12 the Court or the jury to ascertain and assess: (1) the value of the property sought to be
13 condemned and (2) the existence and amount of any severance damages.

14 In Nevada, once the issues of public use and necessity are established by the
15 condemning agency, as they have been here, the property owner has the burden of
16 proving, by a preponderance of the evidence, the value of the land taken and any
17 severance damages. *State v. Pinson*, 66 Nev. 227, 236-238, 207 P.2d 1105, 1109-1110
18 (1949); *City of Las Vegas v. Bustos*, 119 Nev. 360, 362, 75 P.3d 351, 352 (2003); *Pappas*
19 *v. State*, 104, Nev. 572, 575, 763 P.2d 348, 350 (1988).

20 Iliescu has failed to disclose any experts to establish the value of the land taken or
21 the existence and amount of any severance damages. Therefore, Iliescu cannot meet its
22 burden of proof in this case and RTC's evidence of value is uncontroverted. Thus, there is
23 no genuine issue as to the only material fact remaining to be determined—the amount of
24 just compensation due Iliescu—and RTC is entitled to judgment as a matter of law that
25 the amount of just compensation due Iliescu is \$15, 955.

26 ///

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28 ///

1 **III. CONCLUSION**

2 RTC requests the order granting its motion for summary judgment and concluding
3 that the amount of just compensation due Iliescu is \$15,955.

4 **Affirmation pursuant to NRS 239B.030**

5 The undersigned does hereby affirm that the preceding document does not contain
6 the personal information of any person.

7
8 DATED: March 31, 2020

9 WOODBURN AND WEDGE

10 By /s/ Dane W. Anderson
11 Gordon H. DePaoli, Esq.
12 Nevada Bar No. 195
13 Dane W. Anderson, Esq.
14 Nevada Bar No. 6883
15 Attorneys for Plaintiff, the Regional
16 Transportation Commission of Washoe County
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CERTIFICATE OF SERVICE

It is hereby certified that service of the foregoing **MOTION FOR SUMMARY JUDGMENT** was made through the Court's electronic filing and notification or, as appropriate, by sending a copy thereof by first-class mail from Reno, Nevada addressed as follows:

Michael James Morrison, Esq. 1495 Ridgeview Drive, Suite 220 Reno, NV 89519 venturlawusa@gmail.com	<i>Attorneys for Defendants John Iliescu, Jr. and Sonnia Iliescu, Trustees of The John Iliescu, Jr. and Sonnia Iliescu 1992 Family Trust Agreement, Dated January 24, 1992</i>
Brett W. Maupin, Esq. Maupin, Cox & LeGoy 4785 Caughlin Parkway P.O. Box 30000 Reno, NV 89520 bmaupin@mcllawfirm.com	<i>Attorneys for Defendant John Iliescu, Jr. and Sonnia Iliescu</i>

DATED: March 31, 2020.

/s/ Dianne M. Kelling
Employee of Woodburn and Wedge

EXHIBIT INDEX

EXHIBIT NO.	DESCRIPTION OF EXHIBIT	NO OF PAGES INCLUDING EXHIBIT PAGES
1	Plaintiff's Expert Witness Disclosure (without attachments)	5

EXHIBIT 1

EXHIBIT 1

1 **1610**

2 Gordon H. DePaoli, Esq.

3 Nevada Bar No. 195

4 Dane W. Anderson, Esq.

5 Nevada Bar No. 6883

6 **WOODBURN AND WEDGE**

7 6100 Neil Road, Suite 500

8 Reno, Nevada 89511

9 Telephone: 775-688-3000

10 Facsimile: 775-688-3088

11 gdepauli@woodburnandwedge.com

12 danderson@woodburnandwedge.com

13 Attorneys for Plaintiff, the Regional Transportation
14 Commission of Washoe County

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27 and DOES 1 – 20, inclusive,

28 Defendants.

Case No.: CV19-00753

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29 **PLAINTIFF'S EXPERT WITNESS DISCLOSURE**

30 Pursuant to NRCP 16.1(a)(2), Plaintiff The Regional Transportation Commission
31 of Washoe County ("RTC") discloses the identity of persons who may be used at trial to
32 present evidence under NRS 50.275, 50.285 and 50.305 on the only remaining issue of
33 just compensation as follows:

34 ///

1. Scott Q. Griffin, MAI
Johnson Perkins Griffin
245 E. Liberty Street, Suite 100
Reno, NV 89501
Telephone No. (775) 322-1155

Scott Q. Griffin, MAI, is a Certified General Appraiser with Johnson-Perkins-Griffin in Reno, Nevada. Mr. Griffin has prepared an appraisal related to the property RTC is acquiring in this action and is expected to testify concerning the opinions contained in the report that accompanies this disclosure. Mr. Griffin's report is included with this disclosure, Bates Nos. JPG000001-JPG000133.¹ Mr. Griffin's current hourly rate is \$350.00 per hour. His CV and qualifications are contained within his report.

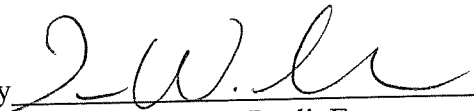
Plaintiff reserves the right to make such further expert witness and rebuttal expert witness disclosures as may be just and permitted under NRCP 16.1 and NRCP 26.

Affirmation pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the personal information of any person.

DATED: February 7th, 2020

WOODBURN AND WEDGE

By 

Gordon H. DePaoli, Esq.

Nevada Bar No. 195

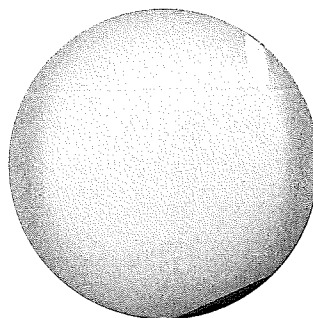
Dane W. Anderson, Esq.

Nevada Bar No. 6883

Attorneys for Plaintiff, the Regional
Transportation Commission of Washoe County

¹ Contained on the enclosed USB.

RTV v. Iliescu, et al.
Case No. CV19-00753



**Scott Q. Griffin, MAI's Report, Bates Nos.
JPG000001-JPG000133 (CV and Qualifications
Contained within the Report)**

1520
Gordon H. DePaoli, Esq.
Nevada Bar No. 195
Dane W. Anderson, Esq.
Nevada Bar No. 6883
WOODBURN AND WEDGE
6100 Neil Road, Suite 500
Reno, Nevada 89511
Telephone: 775-688-3000
Facsimile: 775-688-3088
gdepauli@woodburnandwedge.com
danderson@woodburnandwedge.com

Attorneys for Plaintiff, the Regional Transportation
Commission of Washoe County

**IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF
NEVADA IN AND FOR THE COUNTY OF WASHOE**

THE REGIONAL TRANSPORTATION
COMMISSION OF WASHOE COUNTY, a
special purpose unit of the government,

Plaintiff,

v.

JOHN ILIESCU, JR. and SONNIA ILIESCU,
Trustees of The John Iliescu, Jr. and Sonnia
Iliescu 1992 Family Trust Agreement, dated
January 24, 1992; The City of Reno, a
political subdivision of the State of Nevada;
and DOES 1 – 20, inclusive,

Defendants.

Case No.: CV19-00753

Dept. No.: 1

**DECLARATION OF SCOTT Q. GRIFFIN IN SUPPORT OF MOTION FOR
SUMMARY JUDGMENT**

1. I am over the age of 18 years and I am of sound mind.
2. I make this declaration in support of the Motion For Summary Judgment filed by Regional Transportation Commission of Washoe County (“RTC”). I have personal knowledge of the matters set forth in this declaration.

1 3. I am licensed as a Certified General Real Estate Appraiser in the State of
2 Nevada. I am a Principal Appraiser with Johnson Perkins Griffin LLC in Reno and have
3 worked in the appraisal field since 1997. I am a member of the Appraisal Institute and hold
4 the MAI (Member Appraisal Institute) designation. I have been admitted as an expert witness
5 for appraisal purposes on numerous occasions.

6 4. I was engaged to provide an appraisal of the property which RTC seeks to
7 acquire in this action for purposes of the Virginia Street Bus Rapid Transit Extension
8 Project (“the Project”). The permanent easement and two temporary construction easements
9 I have appraised are described in Exhibit 3 to the Verified Complaint In Eminent Domain on
10 file in this action.

11 5. The purpose of my appraisal was to assess real property compensation as
12 provided in NRS 37.110 due to the owner of the property being acquired as a result of the
13 RTC’s acquisition of the easements at issue.

14 6. I issued my appraisal report on May 29, 2019. A true and correct copy of a
15 summary of my conclusions in that report is attached hereto as **Exhibit 1**.

16 7. I have been advised that the owner of the property being acquired was served
17 with the summons and complaint in this action on April 8, 2019. Therefore, pursuant to NRS
18 37.120(1), that is the date of valuation to assess just compensation in this case.

19 8. As can be seen from my report attached as Exhibit 1, it is my opinion that the
20 value of the property and just compensation as of April 8, 2019, is \$15,955.00 for the
21 permanent easement and two temporary construction easements the RTC seeks to obtain in
22 this case.

23 I declare under penalty of perjury under the laws of the State of Nevada that the
24 foregoing is true and correct to the best of my knowledge.

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Affirmation pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Dated: this 31st day of March, 2020.

/s/ Scott Q. Griffin
SCOTT Q. GRIFFIN

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CERTIFICATE OF SERVICE

It is hereby certified that service of the foregoing **DECLARATION OF SCOTT Q. GRIFFIN IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT** was made through the Court's electronic filing and notification or, as appropriate, by sending a copy thereof by first-class mail from Reno, Nevada addressed as follows:

Michael James Morrison, Esq. 1495 Ridgeview Drive, Suite 220 Reno, NV 89519 venturlawusa@gmail.com	<i>Attorneys for Defendants John Iliescu, Jr. and Sonnia Iliescu, Trustees of The John Iliescu, Jr. and Sonnia Iliescu 1992 Family Trust Agreement, Dated January 24, 1992</i>
Brett W. Maupin, Esq. Maupin, Cox & LeGoy 4785 Caughlin Parkway P.O. Box 30000 Reno, NV 89520 bmaupin@mcllawfirm.com	<i>Attorneys for Defendant John Iliescu, Jr. and Sonnia Iliescu</i>

DATED: March 31, 2020.

/s/ Dianne M. Kelling
Employee of Woodburn and Wedge

EXHIBIT INDEX

EXHIBIT NO.	DESCRIPTION OF EXHIBIT	NO OF PAGES INCLUDING EXHIBIT PAGES
1	Report of Scott Q, Griffin, MAI, dated May 29, 2019	5

EXHIBIT 1

EXHIBIT 1



JOHNSON | PERKINS | GRIFFIN
REAL ESTATE APPRAISERS & CONSULTANTS

AN APPRAISAL
OF

A PERMANENT EASEMENT AND
TWO TEMPORARY CONSTRUCTION EASEMENTS

LOCATED AT

961 & 999 SOUTH VIRGINIA STREET,
RENO, WASHOE COUNTY, NEVADA
(WASHOE COUNTY A.P.N.'S 014-063-07 & 11)

OWNED BY

JOHN JR. & SONNIA ILIESCU 1992 TRUST

PREPARED FOR

WOODBURN AND WEDGE

VIRGINIA STREET BUS RAPID TRANSIT EXTENSION PROJECT
RTC PROJECT NO. 211003

FOR THE PURPOSE OF ESTIMATING MARKET VALUE
AND REAL PROPERTY COMPENSATION DUE THE OWNERS
AS A RESULT OF THE PROPOSED ACQUISITIONS
AS OF APRIL 8, 2019



JOHNSON | PERKINS | GRIFFIN
REAL ESTATE APPRAISERS & CONSULTANTS

245 E. Liberty Street, Suite 100, Reno, NV 89501
775.322.1155 | Fax 775.322.1156 | jpgnv.com

Stephen R. Johnson, MAI, SREA
Reese Perkins, MAI, SRA
Scott Q. Griffin, MAI
Cindy Lund Fogel, MAI
Sarah K. Fye, MBA

May 29, 2019

Via Email: danderson@woodburnandwedge.com

Mr. Dane Anderson, Esq.
Woodburn and Wedge
6100 Neil Road, Suite 500
Reno, NV 89505

RE: 961 & 999 South Virginia Street, Reno, Washoe County, Nevada
(Washoe County A.P.N.s 014-063-07 & 11)
Virginia Street Bus Rapid Transit Extension Project; RTC Project No. 211003

Dear Mr. Anderson:

This is in response to your request for an appraisal of a proposed permanent easement and two temporary construction easements to be located on two parcels of land situated at the southwest corner of South Virginia Street and Martin Street, Reno, Washoe County, Nevada. The subject larger parcel is identified as Washoe County Assessor's Parcel Numbers 014-063-07 and 11. The subject larger parcel contains 0.335± acres (14,578± square feet). The subject property is owned by the John Jr. & Sonnia Iliescu 1992 Trust.

The purpose of the appraisal is to estimate the Market Value of the fee simple interest in the subject larger parcel, the Market Value of a proposed permanent easement and the Market Rent of two temporary construction easements. This appraisal will recommend the real property compensation due to the owners of the property as a result of the proposed acquisitions, as of a current date of valuation.

The client in this appraisal assignment is Woodburn and Wedge. The intended users of the appraisal report are Woodburn and Wedge, The Regional Transportation Commission of Washoe County (RTC), Paragon Partners, Ltd., and The Second Judicial Court of the State of Nevada, County of Washoe. The intended use is for litigation purposes. Any other use of this appraisal report requires the written authorization of this appraisal firm.

In accordance with the requirements of the *Uniform Standards of Professional Appraisal Practice*, please be advised that I have performed services, as an appraiser, regarding the property that is the subject of this report within the three-year period immediately preceding completion of this assignment.

This is an appraisal report and adheres to the reporting requirements set forth under Standards Rule 2-2(a) of the *Uniform Standards of Professional Appraisal Practice* for an appraisal report. The appraisal report will present summary discussions of the data, reasoning and analyses that are used in the appraisal process to develop the appraisers' opinion of value. Supporting documentation concerning the subject data, reasoning and analyses will be retained in this appraisers' file. The depth of the discussion contained in the report is specific to the needs of the client and for the intended use as stated herein. This appraisal firm is not responsible for unauthorized use of the report.

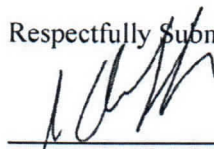
This appraisal has been completed subject to the following extraordinary assumptions:

- This appraisal report and the value conclusions set forth in this report are based upon the extraordinary assumption that the proposed easement acquisition area, as set forth on the exhibit maps and legal descriptions prepared by Battle Born Ventures, LLC are correct. Any change in the proposed easement area could impact the final Market Value and compensation conclusions set forth in this report.
- It is my understanding that the fencing located on Washoe County A.P.N. 014-063-07 may be temporarily displaced during construction; however, the subject's signage located on Washoe County A.P.N. 014-063-11 will be protected in place. This appraisal report and the value conclusions set forth in this report are based upon the extraordinary assumption that any fencing impacted by construction will be replaced in kind and that the subject's signage will be protected in place.

After careful consideration of all data available, and upon thorough personal investigation of the subject property and the comparable properties analyzed, it is my opinion that the Market Value and recommended Real Property Compensation due to the owner of the subject property as a result of the proposed permanent easement and temporary construction easements, as of April 8, 2019 is:

REAL PROPERTY COMPENSATION SUMMARY JOHN JR. & SONNIA ILIESCU 1992 TRUST (A.P.N.'s 014-063-07 & 11)		
Effective Date Of Valuation April 8, 2019	Value Conclusion	Recommended Compensation
Value of the Larger Parcel Before Right-Of-Way Acquisition	\$802,000 (Rd.)	
Value of the Acquisition		
Value of the Permanent Easement	\$1,000	
Total Value of the Acquisition	\$1,000	\$1,000
Damages	\$0	\$0
Special Benefits	\$0	\$0
Market Rent, TCE (A.P.N. 014-063-07)	\$4,590	\$4,590
Market Rent, TCE (A.P.N. 014-063-11)	\$10,365	\$10,365
RECOMMENDED REAL PROPERTY COMPENSATION		\$15,955

Respectfully Submitted,



 Scott Q. Griffin, MAI
 Nevada Certified General Appraiser
 License Number A.0003504-CG

3025

IN THE SECOND JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA IN AND FOR THE
COUNTY OF WASHOE

THE REGIONAL TRANSPORTATION
COMMISSION OF WASHOE COUNTY, a
special purpose unit of the government,

CASE NO.: CV19-00753

Plaintiff,

DEPT. NO.: 1

vs.

JOHN ILIESCU, JR. and SONNIA ILIESCU,
Trustees of The John Iliescu, Jr. and Sonnia Iliescu
1992 Family Trust Agreement, dated January 24,
1992; The City of Reno, a political subdivision of
the State of Nevada; and DOES 1 – 20, inclusive,

Defendants.

**ORDER GRANTING IN PART AND DENYING IN PART MOTION IN LIMINE TO
EXCLUDE EVIDENCE PURSUANT TO NRS 50.275, 50.285 AND 50.305**

Currently before the Court is the Regional Transportation Commission of Washoe County's ("Plaintiff") *Motion in Limine to Exclude Evidence Pursuant to NRS 50.275, 50.285 and 50.305* ("Motion") filed on February 11, 2020. On February 25, 2020 Defendants John Iliescu, Jr. and Sonnia Iliescu, Trustees of John Iliescu, Jr. and Sonnia Iliescu 1992 Family Trust ("Defendants"), filed *Defendants' Opposition to Motion in Limine to Exclude Evidence Pursuant to NRS 50.275, 50.285 and 50.305; Motion for Extension of Time to Disclose Expert*. On March 2, 2020 Defendants filed *Defendants' Opposition to Motion in Limine to Exclude Evidence Pursuant to NRS 50.275, 50.285 and 50.305; Motion for Extension of Time to Disclose Expert* that appears to be identical to

1 the Opposition filed on February 25, 2020. On March 16, 2020 Plaintiff filed a *Reply in Support of*
2 *Motion in Limine to Exclude Evidence Pursuant to NRS 50.275, 50.285 and 50.305*. On March 27,
3 2020 Plaintiff filed a *Supplemental Reply in Support of Motion in Limine to Exclude Evidence*
4 *Pursuant to NRS 50.275, 50.285 and 50.305*.

5 **I. Background**

6 This is condemnation action in which Plaintiff seeks to acquire certain easements on property
7 owned by Defendants. Mot. at 2:4–8. Plaintiff seeks a permanent easement and a temporary
8 easement located upon APN 014-063-11 and a temporary construction easement located upon APN
9 014-063-07. *Id.* at 2:8–11. On July 15, 2019, this Court entered its *Order Granting Motion for*
10 *Immediate Occupancy Pending Final Judgment* finding the use and taking of the property is proper,
11 but leaving for decision the amount of compensation due to Defendants as a result of Plaintiff’s
12 acquisition of the property and any severance damages. *Id.* at 2:12–18.

13 This Court’s *Scheduling Order* dated July 25, 2019 set the deadline to disclose initial expert
14 witnesses pursuant to NRCP 16.1(a)(2) as February 7, 2020. Plaintiff timely disclosed its expert
15 who will provide his stated opinion of value. *Id.* at 2:20–21. Defendants failed to timely disclose
16 any experts. *Id.* at 2:21–22. This case is currently set for a seven-day jury trial beginning July 20,
17 2020.

18 **II. Relevant Legal Authority**

19 Motions in limine may be made to serve two different purposes: (1) to procure a definitive
20 ruling on the admissibility of evidence at the outset of trial; and, (2) to prevent opposing counsel
21 from mentioning potentially inadmissible evidence in opening statement, or eliciting such evidence
22 from a witness, before the district court has an opportunity to rule on the evidence’s admissibility.
23 *See, e.g. Born v. Eisenmann*, 114 Nev. 854, 962 P.2d 1227 (1998); *see also* NRS 47.080. The district
24 court has a broad discretionary power to decide a motion in limine. *See State ex rel Dept. of*
25 *Highways v. Nevada Aggregates & Asphalt Co.*, 92 Nev. 370, 376, 551 P.2d 1095 (1976); *see also*
26 *Whistler v. State*, 121 Nev. 401, 406, 116 P.3d 59, 62 (2005) (stating that “[a] district court’s ruling
27 on a motion in limine is reviewed for an abuse of discretion”). Due to their anticipatory nature,
28 rulings on motions in limine are “subject to change when the case unfolds, particularly if the actual

1 testimony [or evidence] differs from what was contained,” in the pretrial motion itself. *Luce v.*
2 *United States*, 469 U.S. 38, 41, 105 S.Ct. 460, 463 (1984).

3 If a party fails to comply with a discovery order or any provision of Rule 16.1, the Court
4 should impose the appropriate sanction which may include “an order prohibiting the use of any
5 witness, document, or tangible thing that should have been disclosed, produced, exhibited, or
6 exchanged under Rule 16.1(a).” NRCP 16.1(e)(3)(B). NRCP 6(b)(1)(B)(ii) provides “the court
7 may, for good cause, extend the time . . . on motion made after the time has expired if the party failed
8 to act because of excusable neglect.”

9 In Nevada, once the issues of public use and necessity are established by the condemning
10 agency, the property owner has the burden of proving, by a preponderance of the evidence, the value
11 of the land taken and any severance damages. *State v. Pinson*, 66 Nev. 227, 236-238, 207 P.2d 1105,
12 1109-10 (1949); *City of Las Vegas v. Bustos*, 119 Nev. 360, 362, 75 P.3d 351, 352 (2003); *Pappas*
13 *v. State*, 104 Nev. 572, 575, 763 P.2d 348, 350 (1988).

14 **III. Analysis**

15 Plaintiff contends that because Defendants bear the burden to show the amount of just
16 compensation to which they are entitled and have failed to timely disclose an expert witness, they
17 should be prohibited from calling any expert witnesses. Mot. at 3:18-21. Plaintiff relies on the
18 mandatory nature of NRCP 16.1(a)(2) that expert witnesses must be timely disclosed. *Id.* at 3:23-
19 24. Plaintiff argues this is a violation of this Court’s *Scheduling Order* and therefore Defendants
20 should be precluded from offering any evidence pursuant to NRS 50.275, NRS 50.285, and 50.385
21 in this case. *Id.* at 3:24-28.

22 Defendants acknowledge that they did not timely disclose an expert witness but argue that
23 was due to a calendaring error in defense counsel’s office that was due to excusable neglect caused
24 by an unforeseen medical event, for which defense counsel accepts responsibility. Opp. at 2:8-14.
25 Defendants request this Court find good cause to extend the expert disclosure deadline to permit the
26 untimely disclosure. *Id.* at 2:17-20. Defendants point out without this, Defendants will be denied
27 their day in Court and the fact finder will lack facts to make a well-informed determination. *Id.* at
28 2:19-23. Defendants then state “The Iliescus’ retained expert in this case has performed many prior

1 appraisals for the Iliescus in RTC ‘taking’ cases and is very familiar with the subject property.” *Id.*
2 at 2:23–25.

3 Defendants argue this Court’s *Scheduling Order* uses the word could as opposed to will or
4 shall when referring to the imposition of sanctions for a failure to comply with its terms. *Id.* at 3:11–
5 14. Defendants state that shortly after Plaintiffs filed this case, defense counsel suffered significant
6 neurological and spinal injuries in an accidental fall for which extensive care, testing, treatment, and
7 rehabilitation are required. *Id.* at 3:22–25. Defense counsel states he has been undergoing treatment
8 at various medical treatment facilities in the Reno area and the injuries and his care have negatively
9 affected his ability to work. *Id.* at 3:25–4:2. Defense counsel also states that his care and injuries
10 are the principal source of the unintended scheduling error, and to that end constitute excusable
11 neglect and good cause to extend the time in which Defendants can disclose their expert witness. *Id.*
12 at 4:2–7. Defendants argue the deadline expired only eighteen days prior to the Motion, that the
13 scheduling error was beyond the Defendants’ control, and that Defendants and their counsel have
14 acted in good faith. *Id.* at 4:12–17. Defendants request a twenty-one day extension of time in which
15 to disclose their expert witness and submit his report in this case. *Id.* at 4:25–27.

16 Plaintiff responds that this case was filed nearly a year ago and at no time during this
17 litigation did defense counsel advise Plaintiff’s counsel that there was a medical issue affecting his
18 ability to represent his clients. *Id.* at 2:7–11. Plaintiff even states that defense counsel had numerous
19 discussions with Plaintiff’s counsel regarding another case pending in Department 15 between the
20 same parties. *Id.* at 2:12–14. Plaintiff states it is sympathetic to defense counsel’s assertions, but
21 points out defense counsel provides no detail about the alleged calendaring error, no detail about his
22 efforts to review the calendar, provides no name for the alleged expert Defendants intend to use, the
23 date they contacted that expert, nor have they served a report despite thirty days since the expiration
24 of the deadline. *Id.* at 2:15–21. Should this Court disagree and permit a continuance, Plaintiff
25 requests fees and costs associated with bringing the Motion. *Id.* at 2:22–25.

26 Plaintiff filed a Supplemental Reply that informed this Court that as of March 27, 2020,
27 Defendants have failed to disclose an expert witness. Suppl. at 1:28–2:10. Plaintiff states even if
28 this Court granted Defendants’ request for a forty-five day extension from the original expert

1 disclosure deadline, that would have passed on March 23, 2020. *Id.* As such, Plaintiff maintains
2 that even if this Court construes the Opposition as a proper motion seeking an extension, the
3 Defendants still have not served a timely expert witness disclosure. *Id.*

4 Having reviewed the pleadings on file and having reviewed the facts and legal support set
5 forth therein, this Court finds good cause to grant the Motion in part and deny it in part. Defense
6 counsel's injuries and care are a sufficient basis for this Court to find that the scheduling error was
7 a result of excusable neglect. This Court finds that the failure to disclose an expert in this case by
8 the February 7, 2020 deadline was the result of excusable neglect on behalf of defense counsel.

9 However, this Court cannot excuse Defendants' continued failure to disclose an expert.
10 Defendants were placed on notice of their failure to designate an expert witness by this Motion.
11 Defendants proceeded to not disclose an expert witness within the forty-five day extension that they
12 proposed in the Opposition. From the representations of defense counsel, the Defendants have
13 already retained an expert in this case, but have nonetheless failed to disclose said expert. Opp. at
14 2:23–25. This Court is unable to find that such a continued and prolonged delay is the result of
15 excusable neglect in this case.

16 Even if this Court were to construe Defendants' Opposition as a Motion for Extension of
17 Time, it specifically requested a forty-five day extension. This Court has reviewed the docket in this
18 case and notes Defendants have not filed anything in this case since March 2, 2020. Based upon the
19 Supplement, Defendants failed to disclose their expert within that forty-five day extension. As such,
20 the request to extend the expert disclosure deadline is denied as moot.

21 Accordingly, Defendants will be barred from disclosing an initial expert in this case. To
22 allow Defendants to untimely disclose an initial expert witness after Plaintiff's expert has already
23 produced his initial report would result in substantial prejudice to Plaintiff. Pursuant to this Court's
24 *Scheduling Order* filed July 25, 2019, the deadline for the close of discovery was May 8, 2020. This
25 Court will extend the discovery deadline and the deadline to make rebuttal expert disclosures
26 pursuant to NRCP 16.1(a)(2) to May 22, 2020. This extension is for the limited purpose of allowing
27 Defendants to disclose a rebuttal expert whose testimony will be limited to rebutting the expert
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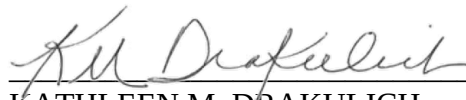
1 testimony filed by Plaintiff. This Court denies Plaintiff's request for costs and fees associated with
2 bringing this Motion.

3 Based upon the foregoing and good cause appearing,

4 IT IS HEREBY ORDERED that the *Motion in Limine to Exclude Evidence Pursuant to NRS*
5 *50.275, 50.285 and 50.305* is GRANTED IN PART and DENIED IN PART consistent with this
6 Order.

7 IT IS SO ORDERED.

8 DATED this 14th day of May, 2020.

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10 KATHLEEN M. DRAKULICH
11 District Court Judge
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1 **CERTIFICATE OF SERVICE**

2 CASE NO. CV19-00753

3 I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the
4 STATE OF NEVADA, COUNTY OF WASHOE; that on the 14th day of May, 2020, I electronically
5 filed the **ORDER GRANTING IN PART AND DENYING IN PART MOTION IN LIMINE**
6 **TO EXCLUDE EVIDENCE PURSUANT TO NRS 50.275, 50.285 AND 50.305** with the Clerk
7 of the Court by using the ECF system.

8 I further certify that I transmitted a true and correct copy of the foregoing document by the
9 method(s) noted below:

10 **Electronically filed with the Clerk of the Court by using the ECF system which will send a**
11 **notice of electronic filing to the following:**

12 SUSAN ROTHE, ESQ. for CITY OF RENO

13 BRETT MAUPIN, ESQ. for JOHN ILIESCU & SONNIA ILIESCU,
14 TRUSTEES

15 MICHAEL MORRISON, ESQ. for JOHN ILIESCU & SONNIA
16 ILIESCU, TRUSTEES

17 GORDON DEPAOLI, ESQ. for THE REGIONAL TRANSPORTATION
18 COMMISSION OF WASHOE COUNTY

19 DANE ANDERSON, ESQ. for THE REGIONAL TRANSPORTATION
20 COMMISSION OF WASHOE COUNTY

21 **Deposited to the Second Judicial District Court mailing system in a sealed envelope for postage**
22 **and mailing by Washoe County using the United States Postal Service in Reno, Nevada:**
23 **[NONE]**

24
25 
26 DANIELLE REDMOND
27 Department 1 Judicial Assistant
28

1 **2245**

2 Gordon H. DePaoli, Esq.

3 Nevada Bar No. 195

4 Dane W. Anderson, Esq.

5 Nevada Bar No. 6883

6 **WOODBURN AND WEDGE**

7 6100 Neil Road, Suite 500

8 Reno, Nevada 89511

9 Telephone: 775-688-3000

10 Facsimile: 775-688-3088

11 gdepauli@woodburnandwedge.com

12 danderson@woodburnandwedge.com

13 Attorneys for Plaintiff, the Regional Transportation
14 Commission of Washoe County

15 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

16 **IN AND FOR THE COUNTY OF WASHOE**

17 THE REGIONAL TRANSPORTATION
18 COMMISSION OF WASHOE COUNTY, a
19 special purpose unit of the government,

20 Plaintiff,

21 v.

22 JOHN ILIESCU, JR. and SONNIA ILIESCU,
23 Trustees of The John Iliescu, Jr. and Sonnia
24 Iliescu 1992 Family Trust Agreement, dated
25 January 24, 1992; The City of Reno, a
26 political subdivision of the State of Nevada;
27 and DOES 1 – 20, inclusive,

28 Defendants.

Case No.: CV19-00753

Dept. No.: 1

29 **MOTION IN LIMINE TO PRECLUDE DEFENDANTS FROM CALLING**
30 **WITNESSES AND PRESENTING DOCUMENTARY EVIDENCE**

31 Plaintiff The Regional Transportation Commission of Washoe County (“RTC”) moves
32 this Court pursuant to the authorities cited here for an order precluding Defendants from
33 calling witnesses and presenting any other evidence due to Defendants’ failure to make any
34 disclosures pursuant to NRCP 16.1(a). This motion is made pursuant to NRCP 16.1 and

37(c)(1) and is supported by the following memorandum of points and authorities and the entire file in this matter.

I. INTRODUCTION

This is a condemnation action in which RTC seeks to acquire certain easements on property owned by The John Iliescu, Jr. and Sonnia Iliescu 1992 Family Trust dated January 24, 1992 (“the Trust”). Defendants John Iliescu, Jr. and Sonnia Iliescu are the trustees of the Trust (the Trust and these defendants are referred to collectively herein as “Iliescu”). RTC seeks to acquire a permanent easement and temporary easement located upon Washoe County Assessor Parcel Number (“APN”) 014-063-11 and a temporary construction easement located upon APN 014-063-07, as further described in RTC’s Verified Complaint in Eminent Domain on file herein (“the Property”).

On July 15, 2019, the Court entered its Order Granting Motion for Immediate Occupancy Pending Final Judgment, finding that the use for which the Property is being condemned is a public use authorized by law and that RTC’s taking of that property is necessary to that public use. Therefore, pursuant to NRS Chapter 37, the only remaining issue in this case is the amount of just compensation due Iliescu as a result of RTC’s acquisition of the Property—the value of the Property and any severance damages. See NRS 37.110.

On July 23, 2019, the parties filed the Joint Case Conference Report, in which Iliescu agreed they would make their initial disclosure of witnesses and documents pursuant to NRCP 16.1(a)(1) on or before August 19, 2019. Iliescu never served any disclosures pursuant to NRCP 16.1(a)(1). The deadline to complete discovery was May 8, 2020. See Scheduling Order filed July 25, 2019. The Court recently extended the discovery deadline to May 22, 2020, but only for the limited purpose of allowing Iliescu to disclose a rebuttal expert. See Order Granting In Part And Denying In Part Motion In Limine To Exclude Evidence Pursuant To NRS 50.275, 50.285 And 50.305 entered May 14, 2020.

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1 Discovery for all other purposes is closed. Iliescu has made no disclosures required by
2 NRCP 16.1(a)(1). As such, they should be precluded from calling any witnesses in their case
3 in chief. The only witness Iliescu can possibly call is a rebuttal expert following RTC's case.

4 **II. LAW AND ARGUMENT**

5 The purpose of a motion in limine is to determine the admissibility of evidence at the
6 outset of trial. *Luce v. United States*, 469 U.S. 38, 40 n. 2, 105 S. Ct. 460, 462 n.2 (1984); see
7 also *Born v. Eisenman*, 114 Nev. 854, 962 P.2d 1227 (1998). Motions in limine are a simple
8 and useful tool available to attorneys for the protection of their trial evidence. *Bridges v. City*
9 *of Richardson*, 354 S.W. 2d 366 (1962). Furthermore, pretrial motions are useful tools to
10 resolve issues which would otherwise "clutter up" the trial..." *Palmerin v. City of Riverside*,
11 794 F.2d 1409, 1413 (9th Cir. 1986).

12 Such motions are brought in order to suppress evidence which is either not competent
13 or is improper. In Nevada, it has been held that the "trial court is vested with broad discretion
14 in determining the admissibility of evidence." *State ex rel. Dept. of Highways v. Nevada*
15 *Aggregates & Asphalt Co.*, 92 Nev. 370, 376, 551 P.2d 1095, 1098 (1976). "The exercise of
16 such discretion will not be interfered with on appeal in the absence of a showing of palpable
17 abuse." *Id.* While relevant evidence is admissible at trial, N.R.S. § 48.025(2) provides that
18 "evidence which is not relevant is not admissible." N.R.S. § 48.025.

19 In Nevada, once the issues of public use and necessity are established by the
20 condemning agency, as they have been here, the property owner has the burden of proving, by
21 a preponderance of the evidence, the value of the land taken and any severance damages.
22 *State v. Pinson*, 66 Nev. 227, 236-238, 207 P.2d 1105, 1109-1110 (1949); *City of Las Vegas*
23 *v. Bustos*, 119 Nev. 360, 362, 75 P.3d 351, 352 (2003); *Pappas v. State*, 104, Nev. 572, 575,
24 763 P.2d 348, 350 (1988).

25 NRCP 16.1(a)(1) requires a party to disclose all witnesses with relevant information
26 and all documents a party may use to support its claims and defenses. NRCP 37(c)(1)
27 provides sanctions for a party's failure to make required disclosures. This includes precluding

1 the party from calling witnesses or presenting information at trial, as well as awarding
2 reasonable attorney fees caused by the party's failure to disclose.

3 Here, Iliescu has the burden of proving the amount of just compensation to which they
4 claim they are entitled. In addition to failing to timely disclose an expert witness, Iliescu
5 completely failed to make *any* disclosures pursuant to NRCP 16.1(a)(1). Therefore, Iliescu
6 should be precluded from calling any witnesses in their case in chief and from presenting any
7 other evidence at trial, and the Court should award RTC reasonable attorney fees in having to
8 bring this motion.

9 **III. CONCLUSION**

10 The Scheduling Order imposed a discovery deadline of May 8, 2020. Iliescu failed to
11 make any disclosures pursuant to NRCP 16.1(a)(1). Therefore, Iliescu should be precluded
12 from calling any witnesses in their case in chief at trial and from presenting any other
13 evidence. Additionally, RTC should be awarded reasonable attorney fees in having to bring
14 this motion.

15 **Affirmation pursuant to NRS 239B.030**

16 The undersigned does hereby affirm that the preceding document does not contain the
17 personal information of any person.

18 DATED: May 15, 2020.

19 WOODBURN AND WEDGE

20
21 By /s/ Dane W. Anderson
22 Gordon H. DePaoli, Esq.
23 Nevada Bar No. 195
24 Dane W. Anderson, Esq.
25 Nevada Bar No. 6883
26 Attorneys for Plaintiff, the Regional
27 Transportation Commission of Washoe County

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Woodburn and Wedge and that on this date, I caused to be sent via electronic delivery through the Court's E-flex system a true and correct copy of the ***MOTION IN LIMINE TO PRECLUDE DEFENDANTS FROM CALLING WITNESSES AND PRESENTING DOCUMENTARY EVIDENCE*** to:

Michael James Morrison, Esq. 1495 Ridgeview Drive, Suite 220 Reno, NV 89519 venturlawusa@gmail.com	<i>Attorneys for Defendants John Iliescu, Jr. and Sonnia Iliescu, Trustees of The John Iliescu, Jr. and Sonnia Iliescu 1992 Family Trust Agreement, Dated January 24, 1992</i>
Brett W. Maupin, Esq. Maupin, Cox & LeGoy 4785 Caughlin Parkway P.O. Box 30000 Reno, NV 89520 bmaupin@mcllawfirm.com	<i>Attorneys for Defendant John Iliescu, Jr. and Sonnia Iliescu</i>

DATED: May 15, 2020.

/s/ Dianne M. Kelling
Dianne M. Kelling,
An Employee of Woodburn and Wedge