

IN THE SUPREME COURT OF THE STATE OF NEVADA  
OFFICE OF THE CLERK

JOHN ILIESCU, JR.;  
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.

Electronically Filed  
Jul 02 2021 02:14 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Supreme Court No. 81753  
District Court Case No. CV19-00753

Appeal from judgment of the Second Judicial District Court of the State of Nevada  
In and For the County of Washoe  
District Court Case No.: CV19-00753  
The Honorable Kathleen Drakulich

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**SUPPLEMENTAL APPENDIX**  
**Vol. I of I**

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WOODBURN AND WEDGE  
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## CHRONOLOGICAL INDEX TO APPENDIX

<b>Document Title (<i>Chronological</i>)</b>	<b>Date</b>	<b>Vol.</b>	<b>Page No.</b>
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Motion in Limine to Exclude Evidence Pursuant to NRS 50.275, 50.285 and 50.305	2/11/2020	I	SA 0003 – SA 0007 <sup>1</sup>

## ALPHABETICAL INDEX TO APPENDIX

<b>Document Title (<i>Alphabetical</i>)</b>	<b>Date</b>	<b>Vol.</b>	<b>Page No.</b>
Motion in Limine to Exclude Evidence Pursuant to NRS 50.275, 50.285 and 50.305	2/11/2020	I	SA 0003 – SA 0007
Notice of Appearance	7/1/2019	I	SA 0001 – SA 0002

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<sup>1</sup> Plaintiff's Motion in Limine to Exclude Evidence Pursuant to NRS 50.275, 50.285 and 50.305, listed in the Table of Contents for the Joint Appendix (as JA0089-JA0093), was mistakenly omitted in the uploaded Joint Appendix.

**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of the law offices of Woodburn and Wedge, 6100 Neil Road, Suite 500, Reno, Nevada 89511, and that I caused to be served the foregoing **SUPPLEMENTAL APPENDIX Vol. I of I** to be electronically filed with the Nevada Supreme Court on **July 2, 2021**. Electronic Service of the foregoing document shall be made as follows:

Donald A. Lattin, Esq.  
Carolyn K. Renner, Esq.  
Michelle C. Mowry-Willems, Esq.  
MAUPIN, COX & LEGOY  
4785 Caughlin Parkway  
Reno, NV 89519  
*Attorneys for Appellant*

Dated: July 2, 2021.

  
\_\_\_\_\_  
An Employee of Woodburn and Wedge

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

6 *Attorney for Iliescu Defendants*

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

9 \* \* \* \* \*

10  
11 REGIONAL TRANSPORTATION  
12 COMMISSION OF WASHOE COUNTY, a  
13 special purpose unit of the government,

CASE NO. CV19-00753

DEPT. NO. 1

14 Plaintiff,

15 vs.

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

21 Defendants,

22 **NOTICE OF APPEARANCE**

23 COMES NOW Michael J. Morrison, Esq., and hereby gives notice of his appearance  
24 herein for JOHN ILIESCU, JR., AND SONNIA ILIESCU, TRUSTEES OF THE JOHN  
25 ILIESCU, JR. AND SONNIA ILIESCU 1992 FAMILY TRUST (“Trust”).  
26

27 /s/ Michael J. Morrison  
28 MICHAEL J. MORRISON, ESQ.  
Nevada State Bar No. 1665

Dated: July 1, 2019

1 1495 Ridgeview Dr., #220  
2 Reno, Nevada 89519  
3 (775) 827-6300

4 *Attorney for Defendant Iliescu*

5 **AFFIRMATION**  
6 **Pursuant to NRS 239B.030**

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

9 DATED this 1st day of July, 2019.

10 */s/ Michael J. Morrison*

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

16 *Attorney for Defendant Iliescu*

17 **CERTIFICATE OF SERVICE**

18 I hereby certify that on this date I personally caused to be served a true copy of  
19 the foregoing **NOTICE OF APPEARANCE** by the method indicated and addressed to  
20 the following:

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

25  Via U.S. Mail  
26  Via Overnight Mail  
27  Via Hand Delivery  
28  Via Facsimile  
 Via ECF

29 */s/ Christelle Morrison*

30 Christelle Morrison

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  
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9 Telephone: 775-688-3000  
10 Facsimile: 775-688-3088  
11 [gdepaoli@woodburnandwedge.com](mailto:gdepaoli@woodburnandwedge.com)  
12 [danderson@woodburnandwedge.com](mailto:danderson@woodburnandwedge.com)

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

15  
16  
17 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
18  
19 **IN AND FOR THE COUNTY OF WASHOE**

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

23 Plaintiff,

24 v.

25 JOHN ILIESCU, JR. and SONNIA ILIESCU,  
26 Trustees of The John Iliescu, Jr. and Sonnia  
27 Iliescu 1992 Family Trust Agreement, dated  
28 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

**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”) moves this Court pursuant to the authorities cited here for an order precluding defendants from offering evidence pursuant to NRS 50.275, 50.285 and 50.305 on the sole remaining issue in this case, the amount of just compensation due defendants for RTC’s acquisition of

1 the subject property interests. This motion is supported by the following memorandum of  
2 points and authorities and all other pleadings and papers on file in this matter,

3 **I. INTRODUCTION**

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

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

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, who will provide his stated opinion of value. Iliescu failed to  
22 timely disclose any experts. As such, they should be precluded from offering any  
23 evidence pursuant to NRS 50.275, 50.285 and 50.305.

24 **II. LAW AND ARGUMENT**

25 The purpose of a motion in limine is to determine the admissibility of evidence at  
26 the outset of trial. *Luce v. United States*, 469 U.S. 38, 40 n. 2, 105 S. Ct. 460, 462 n.2  
27 (1984); see also *Born v. Eisenman*, 114 Nev. 854, 962 P.2d 1227 (1998). Motions in  
28 limine are a simple and useful tool available to attorneys for the protection of their trial

1 evidence. *Bridges v. City of Richardson*, 354 S.W. 2d 366 (1962). Furthermore, pretrial  
2 motions are useful tools to resolve issues which would otherwise “clutter up” the trial...”  
3 *Palmerin v. City of Riverside*, 794 F.2d 1409, 1413 (9th Circ. 1986).

4 Such motions are brought in order to suppress evidence which is either not  
5 competent or is improper. In Nevada, it has been held that the “trial court is vested with  
6 broad discretion in determining the admissibility of evidence.” *State ex rel. Dept. of*  
7 *Highways v. Nevada Aggregates & Asphalt Co.*, 92 Nev. 370, 376, 551 P.2d 1095, 1098  
8 (1976). “The exercise of such discretion will not be interfered with on appeal in the  
9 absence of a showing of palpable abuse.” *Id.* While relevant evidence is admissible at  
10 trial, N.R.S. § 48.025(2) provides that “evidence which is not relevant is not admissible.”  
11 N.R.S. § 48.025.

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

18 Here, Iliescu has the burden of proving the amount of just compensation to which  
19 they claim they are entitled. But they have failed to timely disclose an expert witness.  
20 Therefore, Iliescu should be precluded from calling any witness at trial pursuant to NRS  
21 50.275, 50.285 and 50.305.

### 22 **III. CONCLUSION**

23 NRCP 16.1(a)(2) is clear. Witnesses who will give testimony pursuant to NRS  
24 50.275, 50.285 and 50.305 must be timely disclosed. The Scheduling Order imposed a  
25 deadline of February 7, 2020 for the parties to disclose initial experts. Iliescu bears the  
26 burden of proof in this case but failed to timely disclose an expert witness. Therefore,  
27 Iliescu should be precluded from offering any evidence pursuant to NRS 50.275, 50.285  
28 and 50.385 in this case.



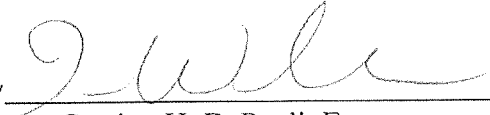
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Affirmation pursuant to NRS 239B.030

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

DATED: February 11, 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

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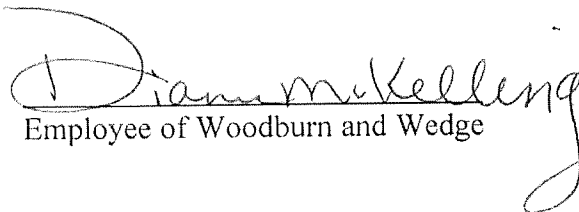
CERTIFICATE OF SERVICE

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 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](mailto: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: February 11, 2020.

  
Employee of Woodburn and Wedge