

1 GUS W. FLANGAS, ESQ.
Nevada Bar No. 4989
2 gwf@fdlawlv.com
FLANGAS LAW GROUP
3 3275 South Jones Blvd., Suite 105
Las Vegas, Nevada 89146
4 Telephone: (702) 307-9500
Facsimile: (702) 382-9452
5 *Attorney for Appellant/Cross Respondent*

Electronically Filed
Apr 22 2021 05:29 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

6
7
8 **IN THE SUPREME COURT OF THE STATE OF NEVADA**
9

10 LANCE GILMAN, an individual,
11 Appellant/Cross Respondent,
12 v.

Supreme Court Case No.: 81726
Supreme Court Case No.: 818174

13 SAM TOLL, an individual,
14 Respondent/Cross Appellant.
15

District Court Case No.: 18TRT00001E

16
17 **APPELLANT/CROSS-RESPONDENT'S RESPONSE TO THE**
18 **COURT'S ORDER DATED APRIL 16, 2021**

19 COMES NOW the Appellant/Cross-Respondent, LANCE GILMAN
20 (hereinafter "Appellant"), by and through his attorney, GUS W. FLANGAS, ESQ.
21 of the FLANGAS LAW GROUP, and hereby files "Appellant/Cross-Respondent's
22 Response to the Court's Order Dated April 16, 2021" (hereinafter the "Instant
23 Order").

24 The Instant Order requires Appellant to demonstrate that the documents
25 attached to Appellant's Opposition to Motion to Dismiss relate to the Appeal
26 bonds for the Appeals and that the bond for each Appeal has been paid on Appeal
27 Nos. 81726/81874.

28 For Appeal 81726, the Appeal bond was paid on January 27, 2021. A copy

1 of the documents showing that it was paid are attached hereto as **Exhibit** "1".

2 For Appeal 81874, it was believed that the payment on January 27, 2021,
3 covered the Appeal bond for both 81726 and 81874, because the matter had been
4 previously consolidated.¹ In addition, a Supersedeas Bond had been posted in the
5 amount of \$200,000 pursuant to the District Court's "Order Granting Motion For
6 Stay," and it was believed that it covered all costs.² A copy of the document
7 showing the Supersedeas Bond was posted is attached hereto as **Exhibit** "2".

8 For Appeal 81874, in responding as required to the Instant Order, there was
9 no Appeal bond filed specifically for that Appeal, because as stated, it was
10 believed it was not necessary. Regardless, out of an abundance of caution,
11 Appellant immediately paid a second Appeal bond on April 21, 2021. A copy of
12 the documents showing the Appeal bond was paid is attached hereto as **Exhibit**
13 "3".

14 The Undersigned sincerely apologizes for any and all inconvenience he has
15 imposed on the Court.

16 Respectfully Submitted this 22nd day of April, 2021.

17
18 
19 GUS W. FLANGAS, ESQ.
Nevada Bar No. 04989
20 gwf@fdlawlv.com
21 **FLANGAS LAW GROUP**
3275 South Jones Blvd., Suite 105
Las Vegas, Nevada 89146
22 Telephone: (702) 307-9500
Attorney for Appellant/Cross Respondent

23
24 ¹ At the time the Appeal bond was paid, the undersigned was out of the office for over three
25 weeks suffering from a serious case of COVID.

26 ² Rule 7 (a), entitled, *When Bond Required*. In a civil case, unless an appellant is exempted
27 by law, or has filed a supersedeas bond or other undertaking that includes security for the payment
28 of costs on appeal, the appellant shall file a bond for costs on appeal or equivalent security in the
district court with the notice of appeal. But a bond shall not be required of an appellant who is not
subject to costs.

LIST OF EXHIBITS

Exhibit "1": Copy of the documents showing that the Appeal bond for Appeal No. 81726 was paid.

Exhibit "2": Copy of the document showing the Supersedeas Bond was posted.

Exhibit "3": Copy of the documents showing that the Appeal bond for Appeal No. 81874 was paid.

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I am an employee of the FLANGAS LAW GROUP, and that on the 22nd
3 day of April, 2021, I served a true and correct copy of the foregoing APPELLANT/CROSS-
4 RESPONDENT'S RESPONSE TO THE COURT'S ORDER DATED APRIL 16, 2021 as indicated
5 below:

6 _____ By depositing the same in the United States mail, first-class, postage prepaid, in a
7 sealed envelope, at Las Vegas, Nevada pursuant to NRCP 5(b) addressed as
8 follows below

9 _____ By facsimile, pursuant to EDCR 7.26 (as amended)

10 _____ By receipt of copy as indicated below

11 X By submitting electronically for filing and/or service with the Clerk of the Nevada
12 Supreme Court, and therefore electronic service was made in accordance with the
13 Master Service List as Follows:

14 John L. Marshall SBN 6733
15 570 Marsh Avenue
16 Reno, NV 89509
17 Tel: 775-303-4882
18 johnladuemarshall@gmail.com

19 Luke A. Busby, SBN 10319
20 Luke Andrew Busby, Ltd.
21 316 California Ave. Ste. 82
22 Reno, NV 89509
23 Tel: 775-453-0112
24 luke@lukeandrewbusbyltd.com

25
26
27
28

An employee of Flangas Law Group

EXHIBIT “1”

FILED

2021 APR 22 PM 1:47

STOREY COUNTY CLERK

BY *ADuke*
DEPUTY

FIRST JUDICIAL DISTRICT COURT - STOREY COUNTY
P O DRAWER D
VIRGINIA CITY, NV 89440

Receipt Number 6718

Receipt Date 01/27/2021

Case Number 18 TRT 00001 1E

Description GILMAN, LANCE VS. TOLL, SAM

Received From GILMAN, LANCE

Total Received	500.00
Net Received	500.00
Change	0.00

Receipt Payments	Amount	Reference	Description
CREDIT CARD	500.00	87982651	

Receipt Applications	Amount
HOLDING	500.00

Balance Due 0.00

Comments: SUPREME COURT APPEALL BOND

Deputy Clerk: 1EADUKE Transaction Date 01/27/2021
15:49:12.00

ORIGINAL

Thank you for your payment!

This service has been provided by Storey County, NV and Point & Pay. We value your business. Please keep this receipt for future reference.

You have made a payment to Storey County, NV , your payment was processed at Clerk-Treasurer office . Storey County Thanks You for your payment.

Name: GUS W FLANGAS
Address: 3275 S JONES BL STE 105, LAS VEGAS NV, US, 89146
Contact: 7023079500
Comments:

Payment ID: 87982651
Date: 01/27/21 02:28 PM
Subtotal: \$500.00
Fee: \$15.00
Total: \$515.00
Method: Credit Card(*****5006)

Item Purchased	Transaction Description	Account	Amount
Clerk Fees	Storey Co Clerk	District Court	\$500.00

Signature: _____ **Date:** ____/____/____
By signing this receipt you agree to the terms and conditions of this service.

You will see one line item on your credit or debit card statement indicating the amount you paid and will be identified as *Storey Co Clerk* . If you have any questions about the charges please call 1-888-891-6064.

[Print Receipt](#) [Close Window](#)

**Basic Banking**

Account Details - District Court Holdings Storey 5053070644

Welcome **Dore Nevin**
Group **All Accounts**
Date Printed **31-Mar-2021, 01:23 PM PT**

Balances

Opening Day Balance	19,198.08 USD	As of 03/31/2021
Available Balance	19,198.08 USD	
Interest Earned This Period	2.53 USD	
Interest Paid Year to Date	4.86 USD	

Account Activity - All Transactions; All Available History

Date	Description	Amount USD
02/28/2021	INTEREST PAYMENT	2.32
02/17/2021	ONLINE TRANSFER APPEAL BOND FLANAGAS REF #BB09V4B4ZK	500.00

[Privacy, Security & Legal](#)

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FIRST JUDICIAL DISTRICT COURT - STOREY COUNTY
P O DRAWER D
VIRGINIA CITY, NV 89440

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Balance Due 0.00

Comments: SUPREME COURT APPEALL BOND

Deputy Clerk: 1EADUKE Transaction Date 01/27/2021
15:49:12.00

ORIGINAL

EXHIBIT “2”

UNDERTAKING



Power of Attorney

KNOW ALL MEN BY THESE PRESENTS, that ATLANTIC SPECIALTY INSURANCE COMPANY, a New York corporation with its principal office in Plymouth, Minnesota, does hereby constitute and appoint: **Richard Hallett, Aidan Smock, Marta Collett, Sandra Corona**, each individually if there be more than one named, its true and lawful Attorney-in-Fact, to make, execute, seal and deliver, for and on its behalf as surety, any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof; provided that no bond or undertaking executed under this authority shall exceed in amount the sum of: **unlimited** and the execution of such bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof in pursuance of these presents, shall be as binding upon said Company as if they had been fully signed by an authorized officer of the Company and sealed with the Company seal. This Power of Attorney is made and executed by authority of the following resolutions adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the President, any Senior Vice President or Vice-President (each an "Authorized Officer") may execute for and in behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and affix the seal of the Company thereto; and that the Authorized Officer may appoint and authorize an Attorney-in-Fact to execute on behalf of the Company any and all such instruments and to affix the Company seal thereto; and that the Authorized Officer may at any time remove any such Attorney-in-Fact and revoke all power and authority given to any such Attorney-in-Fact.

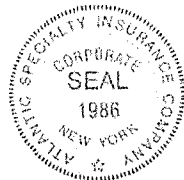
Resolved: That the Attorney-in-Fact may be given full power and authority to execute for and in the name and on behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and any such instrument executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed and sealed by an Authorized Officer and, further, the Attorney-in-Fact is hereby authorized to verify any affidavit required to be attached to bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof.

This power of attorney is signed and sealed by facsimile under the authority of the following Resolution adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:


Resolved: That the signature of an Authorized Officer, the signature of the Secretary or the Assistant Secretary, and the Company seal may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing an Attorney-in-Fact for purposes only of executing and sealing any bond, undertaking, recognizance or other written obligation in the nature thereof, and any such signature and seal where so used, being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

IN WITNESS WHEREOF, ATLANTIC SPECIALTY INSURANCE COMPANY has caused these presents to be signed by an Authorized Officer and the seal of the Company to be affixed this twenty-seventh day of April, 2020.

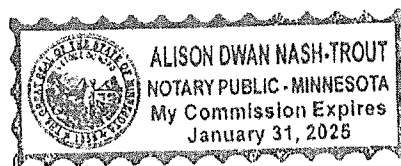
STATE OF MINNESOTA
HENNEPIN COUNTY




By


Paul J. Brehm, Senior Vice President

On this twenty-seventh day of April, 2020, before me personally came Paul J. Brehm, Senior Vice President of ATLANTIC SPECIALTY INSURANCE COMPANY, to me personally known to be the individual and officer described in and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn, that he is the said officer of the Company aforesaid, and that the seal affixed to the preceding instrument is the seal of said Company and that the said seal and the signature as such officer was duly affixed and subscribed to the said instrument by the authority and at the direction of the Company.



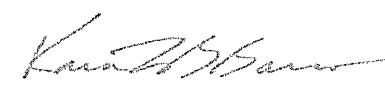

Notary Public

I, the undersigned, Secretary of ATLANTIC SPECIALTY INSURANCE COMPANY, a New York Corporation, do hereby certify that the foregoing power of attorney is in full force and has not been revoked, and the resolutions set forth above are now in force.

Signed and sealed. Dated 3rd day of December, 2020

This Power of Attorney expires
January 31, 2025




Kara Barrow, Secretary

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

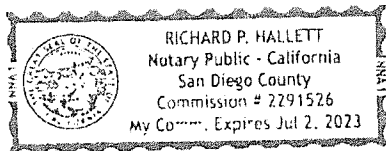
STATE OF CALIFORNIA

County of San Diego

On DEC 03 2020 before me, Richard P. Hallett, Notary Public,
Date Insert Name of Notary exactly as it appears on the official seal

personally appeared Sandra Corona

Name(s) of Signer(s)



Place Notary Seal Above

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of the form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer is Representing: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer is Representing: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

EXHIBIT “3”

FILED

2021 APR 22 PM 1:47

STOREY COUNTY CLERK

BY ADUKE
DEPUTY

FIRST JUDICIAL DISTRICT COURT - STOREY COUNTY
P O DRAWER D
VIRGINIA CITY, NV 89440

Receipt Number 6870

Receipt Date 04/21/2021

Case Number 18 TRT 00001 1E

Description GILMAN, LANCE VS. TOLL, SAM

Received From FLANGAS MCMILLIAN LAW GROUP INC

Total Received	500.00
Net Received	500.00
Change	0.00

Receipt Payments	Amount	Reference Description
CHECK	500.00	14369

Receipt Applications	Amount
HOLDING	500.00

Balance Due 0.00

Comments: NOTICE OF POSTING COST ON BOND ON APPEAL

Deputy Clerk: 1EADUKE Transaction Date 04/21/2021
13:57:58.44

ORIGINAL

FIRST JUDICIAL DISTRICT COURT - STOREY COUNTY
P O DRAWER D
VIRGINIA CITY, NV 89440

Receipt Number 6870

Receipt Date 04/21/2021

Case Number 18 TRT 00001 1E

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13:57:58.44

ORIGINAL