

1 Todd R. Alexander, Esq., NSB #10846
2 Lemons, Grundy & Eisenberg
3 6005 Plumas Street, Suite 300
4 Reno, Nevada 89519
5 (775) 786-6868
6 Attorneys for Plaintiff
7 tra@lqe.net

RECEIVED

FEB 18 2021

Douglas County
District Court Clerk

FILED

2021 FEB 18 PM 12:19

Electronically Filed
Mar 02 2021 09:54 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

JEROME MORETTO, Trustee of the Jerome
F. Moretto 2006 Trust,

Plaintiff,

vs.

ELK POINT COUNTRY CLUB HOMEOWNERS
ASSOCIATION, INC., a Nevada non-profit
corporation, and DOES 1-10, inclusive,

Defendants.

Case No. 19-CV-0242

Dept. No. I

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Plaintiff, JEROME MORETTO, Trustee of the Jerome F. Moretto 2006 Trust hereby appeals to the Nevada Supreme Court from the judgment/order entered on January 8, 2021 (attached as **Exhibit A**), and from all other orders and judgments made final and appealable by the foregoing.

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

Dated: February 18, 2021.

By: T R Alexander

Todd R. Alexander, Esq.
Attorneys for Plaintiff

1 **CERTIFICATE OF MAILING**

2 Pursuant to NRCP 5(b), I certify that I am an employee of Lemons, Grundy & Eisenberg
3 and that on February 18, 2021, I deposited in the United States Mail, with postage fully
4 prepaid, a true and correct copy of the within **NOTICE OF APPEAL**, addressed to the following:

5 Karen L. Winters, Esq.
6 P. O. Box 1987
7 Minden, Nevada 89423
8 *Attorney for Plaintiff*

9 Prescott Jones, Esq.
10 Resnick & Louis, P.C.
11 8925 West Russell Road, Suite 220
12 Las Vegas, Nevada 89148
13 *Attorney for Defendant*

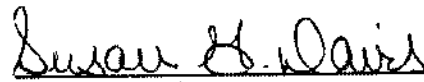
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Susan G. Davis

EXHIBIT A

EXHIBIT A

1 RESNICK & LOUIS, P.C.

2 Prescott Jones, Esq.,

3 Nevada Bar No. 11617

4 pjones@rlattorneys.com

5 Joshua Ang, Esq.

6 Nevada Bar No. 14026

7 jang@rlattorneys.com

8 8925 W. Russell Road, Suite 220

9 Las Vegas, NV 89148

10 Telephone: (702) 997-3800

11 Facsimile: (702) 997-3800

12 *Attorneys for Defendant*

13 *Elk Point Country Club Homeowners Assn., Inc.*

14 NOV-30 PM 4:22

15 K WILFERT

16 K WILFERT
17 DEPUTY

18 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

19 IN AND FOR THE COUNTY OF DOUGLAS

20 JEROME MORETTO, Trustee of the Jerome
21 F. Moretto 2006 Trust,

22 Plaintiffs,

23 v.

24 ELK POINT COUNTRY CLUB
25 HOMEOWNERS ASSOCIATION, INC., a
26 Nevada non-profit corporation, and DOES 1-10
27 inclusive.

28 Defendants.

CASE NO.: 19-CV-0242

DEPT: 1

ORDER GRANTING IN PART AND
DENYING IN PART MOTIONS FOR
SUMMARY JUDGMENT

21 On November 30, 2020, at 10:00 a.m., the above-captioned case came before the
22 Honorable Judge Nathan Tod Young, regarding Plaintiff JEROME MORETTO's *Motion for*
23 *Summary Judgment or, in the Alternative, Motion for Summary Adjudication of Issues*, and
24 Defendant ELK POINT COUNTRY CLUB HOMEOWNERS ASSOCIATION, INC.'s *Motion*
25 *for Summary Judgment*, with Karen Winters, Esq. appearing on behalf of Plaintiff JEROME
26 MORETTO, and Prescott T. Jones, Esq. of RESNICK & LOUIS P.C. appearing on behalf of
27 Defendant ELK POINT COUNTRY CLUB HOMEOWNERS ASSOCIATION, INC. The
28

1 Court, having reviewed the Motions, the papers and pleadings on file herein, and the arguments
2 of counsel, finds and orders as follows:

3 **FINDINGS OF FACT**

- 4 1. The Court finds that the Jerome F. Moretto 2006 Trust is the owner of the property
5 located at 476 Lakeview Avenue, Zephyr Cove, Nevada, which is a part of the Elk
6 Point Country Club development.
- 7 2. The Court finds that Plaintiff Jerome Moretto first took title to the property located at
8 476 Lakeview Avenue in 1990, and he took title "subject at all times to the by-laws,
9 and rules and regulations" of the Elk Point Country Club.
- 10 3. The Court finds that the Bylaws of the Elk Point Country Club state, in Article 3,
11 section 2, that the Executive Board shall have the authority to . . . make rules and
12 regulations not inconsistent with the laws of the State of Nevada, the Articles of
13 Incorporation, and the Bylaws of the Corporation."
- 14 4. The Court finds that the Bylaws of the Elk Point Country Club, in Article 16, Section
15 2, restrict properties to single family residential use only.
- 16 5. The Court finds that the Bylaws of the Elk Point Country Club state, in Article 16,
17 Section 3, that "[n]o structure of any kind shall be erected or permitted upon the
18 premises of any Unit Owner, unless the plans and specifications shall have first been
19 submitted to and approved by the Executive Board.
- 20 6. The Elk Point Country Club does not have a Covenant of Conditions and Restrictions,
21 and instead has developed Rules and Regulations.
- 22 7. The Elk Point Country Club has developed Architectural Design Guidelines which
23 have been incorporated into the Rules and Regulations.
- 24 8. The Elk Point Country Club has created an Architectural Review Committee which
25 issues recommendations to the Executive Board on issues related to Architectural
26 issues in the community.
- 27
- 28

ORDER

IT IS ORDERED THAT, based on the findings above, Plaintiff's *Motion for Summary Judgment or, in the Alternative, Motion for Summary Adjudication of Issues*, is granted in part and denied in part as follows:

1. Plaintiff's Motion for Summary Judgment or, in the Alternative, Motion for Summary Adjudication of Issues is denied as to the first cause of action for Breach of Elk Point Country Club Bylaws.
2. Plaintiff's Motion for Summary Judgment or, in the Alternative, Motion for Summary Adjudication of Issues is granted in part as to the second cause of action for Violations of NRS 116.31065 only such that the Elk Point Country Club is enjoined from denying any architectural application for "purely aesthetic reasons." Plaintiff's Motion for Summary Judgment or, in the Alternative, Motion for Summary Adjudication of Issues is otherwise denied as to the remaining architectural guidelines.
3. Plaintiff's Motion for Summary Judgment or, in the Alternative, Motion for Summary Adjudication of Issues is denied as to the third cause of action for Violation of Plaintiff's Property Rights.
4. Plaintiff's Motion for Summary Judgment or, in the Alternative, Motion for Summary Adjudication of Issues is denied as to the fourth cause of action for Violation of NRS 116.31175.
5. Plaintiff's Motion for Summary Judgment or, in the Alternative, Motion for Summary Adjudication of Issues is granted in part as to the fifth cause of action for Declaratory Relief only such that the Elk Point Country Club is enjoined from denying any architectural application for "purely aesthetic reasons." Plaintiff's Motion for Summary Judgment or, in the Alternative, Motion for Summary Adjudication of Issues is otherwise denied as to the remaining architectural guidelines.

IT IS FURTHER ORDERED THAT, based on the findings above, Defendant's *Motion for Summary Judgment* is granted in part and denied in part as follows:

1. Defendant's Motion for Summary Judgment is granted as to the first cause of action for Breach of Elk Point Country Club Bylaws.
2. Defendant's Motion for Summary Judgment is denied in part as to the second cause of action for Violations of NRS 116.31065 only such that the Elk Point Country Club is enjoined from denying any architectural application for "purely aesthetic reasons." Defendant's Motion for Summary Judgment is otherwise granted as to the remaining architectural guidelines.
3. Defendant's Motion for Summary Judgment is granted as to the third cause of action for Violation of Plaintiff's Property Rights.
4. Defendant's Motion for Summary Judgment is granted as to the fourth cause of action for Violation of NRS 116.31175.
5. Defendant's Motion for Summary Judgment is denied in part as to the fifth cause of action for Declaratory Relief only such that the Elk Point Country Club is enjoined from denying any architectural application for "purely aesthetic reasons." Defendant's Motion for Summary Judgment is otherwise granted as to the remaining architectural guidelines.

DATED this Y day of December, 2020.

DISTRICT COURT JUDGE

1 DATED this 14th day of December, 2020

2 RESNICK & LOUIS, P.C.

3

4

Prescott Jones, Esq.,

5 Nevada Bar No. 11617

Joshua Ang, Esq.

6 Nevada Bar No. 14026

8925 W. Russell Road, Suite 220

7 Las Vegas, NV 89148

Telephone: (702) 997-1029

8 Facsimile: (702) 997-3800

9 *Attorneys for Defendant*

Elk Point Country Club Homeowners Assn., Inc.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 Todd R. Alexander, Esq., NSB #10846
2 Lemons, Grundy & Eisenberg
3 6005 Plumas Street, Suite 300
4 Reno, Nevada 89519
5 (775) 786-6868
6 *Attorneys for Plaintiff*
7 tra@lge.net

FILED
FEB 18 PM 12:19

CLERK
JEROME MORETTO
ELK POINT COUNTRY CLUB HOMEOWNERS
ASSOCIATION, INC.

8
9 **IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
10
11 **IN AND FOR THE COUNTY OF DOUGLAS**

12 JEROME MORETTO, Trustee of the Jerome
13 F. Moretto 2006 Trust,

14 Plaintiff,

Case No. 19-CV-0242

15 vs.

Dept. No. I

16 ELK POINT COUNTRY CLUB HOMEOWNERS
17 ASSOCIATION, INC., a Nevada non-profit
18 corporation, and DOES 1-10, inclusive,

19 Defendants.

20 **NOTICE OF FILING COST BOND**

21 PLEASE TAKE NOTICE that Plaintiff has posted cash in the amount of \$500 for the costs
22 on appeal, pursuant to NRAP 7.

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

25 Dated: February 18, 2021.

26 By: T. Alexander


27 Todd R. Alexander, Esq.
28 *Attorneys for Plaintiff*

1 **CERTIFICATE OF MAILING**

2 Pursuant to NRCP 5(b), I certify that I am an employee of Lemons, Grundy & Eisenberg
3 and that on February 18, 2021, I deposited in the United States Mail, with postage fully
4 prepaid, a true and correct copy of the within **NOTICE OF FILING COST BOND**, addressed to the
5 following:

6 Karen L. Winters, Esq.
7 P. O. Box 1987
8 Minden, Nevada 89423
9 *Attorney for Plaintiff*

10 Prescott Jones, Esq.
11 Resnick & Louis, P.C.
12 8925 West Russell Road, Suite 220
13 Las Vegas, Nevada 89148
14 *Attorney for Defendant*

15
16
17
18
19
20
21
22
23
24
25
26
27
28

Susan G. Davis

1 Todd R. Alexander, Esq., NSB #10846
2 Lemons, Grundy & Eisenberg
3 6005 Plumas Street, Suite 300
4 Reno, Nevada 89519
5 (775) 786-6868
6 *Attorneys for Plaintiff*
7 tra@lge.net

RECEIVED

FEB 18 2021

Douglas County
District Court Clerk

2021 FEB 18 PM 12:19

CLERK
[Signature] DEPUTY

8
9 **IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
10
11 **IN AND FOR THE COUNTY OF DOUGLAS**

12 JEROME MORETTO, Trustee of the Jerome
13 F. Moretto 2006 Trust,

14 Plaintiff,

15 vs.

16 ELK POINT COUNTRY CLUB HOMEOWNERS
17 ASSOCIATION, INC., a Nevada non-profit
18 corporation, and DOES 1-10, inclusive,

19 Defendants.

Case No. 19-CV-0242

Dept. No. 1

20 **CASE APPEAL STATEMENT**

21 Pursuant to NRAP 3(f), Jerome Moretto, Trustee of the Jerome F. Moretto 2006 Trust,
22 hereby submits the following case appeal statement:

23 A. District court case number and caption, showing names of all parties to the
24 proceedings (without using et al.): The full case numbers and captions, showing names of all
25 parties, are as follows: Case Number: 19-CV-0242; Department Number 1; Case name: Jerome
26 Moretto, Trustee of the Jerome F. Moretto 2006 Trust, Plaintiff, vs. Elk Point Country Club
27 Homeowners Association, Inc., a Nevada non-profit corporation, and Does 1-10, inclusive,
28 Defendants.

B. Name of judge who entered order or judgment being appealed: Hon. Nathan Tod
Young

C. Name of each appellant, and name and address of counsel for each appellant:
Appellant: Jerome Moretto, Trustee of the Jerome F. Moretto 2006 Trust

Attorneys: Robert L. Eisenberg, Esq. and Todd R. Alexander, Esq., Lemons, Grundy & Eisenberg, 6005 Plumas Street, Third Floor, Reno, Nevada 89519; Telephone: (775)786-6868; Email: rle@lge.net; tra@lge.net.

D. Name of each respondent, and name and address of each respondent's appellate counsel, if known: Respondent: Elk Point Country Club Homeowners Association, Inc., a Nevada non-profit corporation

Attorneys: Prescott Jones, Esq. and Joshua Ang, Esq., Resnick & Louis, P.C., 8925 W. Russell Road, Ste. 220, Las Vegas, Nevada 89148; Telephone: (702)997-3800; Email: pjones@rlattorneys.com; jang@rlattorneys.com.

E. Whether attorneys identified in subparagraph D are not licensed to practice law in Nevada; and if so, whether the district court granted permission to appear under SCR 42 (include copy of district court order granting permission): All attorneys are licensed in Nevada.

F. Whether appellant was represented by appointed counsel in the district court or on appeal: No appointed counsel; retained counsel only.

G. Whether any appellant was granted leave to proceed *in forma pauperis*: No.

H. Date proceedings were commenced in district court: August 16, 2019.

I. Brief description of nature of the action and result in district court, including type of judgment or order being appealed and relief granted by district court: An action for breach of a homeowners association bylaws, a breach of applicable statutes, violation of property rights, and declaratory relief arising from the association's unilateral imposition of restrictions on the use of individually owned property, after the owner purchased the property unencumbered by any such restrictions, without proper legal authority to do so, and without the property owner's consent. Summary judgment was entered in favor of the association on all but a portion of one of appellant's claims for relief. Appeal is from order granting in part and denying in part the parties' competing motions for summary judgment.

J. Whether case was previously subject of appeal or writ proceeding in Nevada Supreme Court or Court of Appeals, and if so, caption and docket number of prior proceeding:
Not Applicable.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

K. Whether appeal involves child custody or visitation: No.

L. Whether appeal involves possibility of settlement: Possible, but unlikely.

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

Dated: February 18, 2021.

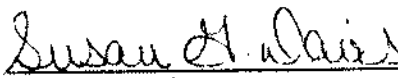
By: Todd R. Alexander
Todd R. Alexander, Esq.
Attorneys for Plaintiff

1 **CERTIFICATE OF MAILING**

2 Pursuant to NRCP 5(b), I certify that I am an employee of Lemons, Grundy & Eisenberg
3 and that on February 18, 2021, I deposited in the United States Mail, with postage fully
4 prepaid, a true and correct copy of the within **CASE APPEAL STATEMENT**, addressed to the
5 following:

6 Karen L. Winters, Esq.
7 P. O. Box 1987
8 Minden, Nevada 89423
Attorney for Plaintiff

9 Prescott Jones, Esq.
10 Resnick & Louis, P.C.
11 8925 West Russell Road, Suite 220
Las Vegas, Nevada 89148
Attorney for Defendant

12 
13 Susan G. Davis

Douglas County District Court

Case Summary Report

Case #: 2019-CV-00242
Case Title: Jerome Moretto vs. Elk Point Country Club Homeowners Association
Filed: 08/16/2019
Cause: Other Civil Matters DV: N

Case Status: Active Date: 08/16/2019

Archived: 03/10/2020, 02/24/2020, 10/24/2019

Parties

<u>Party</u>	<u>Name</u>	<u>Status</u>
Plaintiff	Moretto, Jerome	
Defendant	Elk Point Country Club Homeowners Association, Inc.	

<u>Party</u>	<u>Name</u>	<u>Bar #</u>	<u>Status</u>	<u>Representing</u>
Attorney	Jones, Prescott	11617	Current	
Attorney	Winters, Karen	003086	Current	
Attorney	Gilbert, Nancy A	6891	Current	

Events

<u>Date/Time</u>	<u>Type</u>	<u>Result</u>	<u>Reason</u>
03/09/2020	Bench Trial	Concluded	
07/30/2020	Pre-Trial Conference	Vacated	
08/31/2020	Jury Trial	Vacated	
09/02/2020	Jury Trial	Vacated	
09/03/2020	Jury Trial	Vacated	
09/04/2020	Jury Trial	Vacated	
11/10/2020	Pre-Trial Conference	Concluded	
11/30/2020	Settlement Conference	Concluded	
12/02/2020	Jury Trial	Vacated	
12/03/2020	Jury Trial	Vacated	
12/04/2020	Jury Trial	Vacated	

Documents

<u>Date</u>	<u>Code</u>	<u>Description</u>
	MINS	Minutes
	MINS	Minutes
	MINS	Minutes
08/16/2019	DCOM	Complaint - Complaint
08/16/2019	DSBA	Summons Issued - Summons Issued
09/04/2019	DDEC	Declaration of - Declaration of Jerome Moretto in Support of Motion for Preliminary Injunction
09/04/2019	DARM	Affirmation Pursuant to NRS 239B.030 - Affirmation Pursuant to NRS 239B.030
09/04/2019	MMOT	Motion - Notice of Motion and Motion for Preliminary Injunction; Memorandum of Points and Authorities
09/05/2019	DIRO	Auto Reopen (not for manual use)
09/16/2019	DPRS	Proof of Service - Proof of Personal Service
10/04/2019	DDMD	Demand For - Demand For All Prior Pleadings & Discovery
10/04/2019	MMOT	Motion - Motion to Intervene
10/04/2019	DNAC	Notice of Appearance of Counsel - Notice of Appearance of Counsel
10/04/2019	DCOS	Certificate of Service - Amended Certificate of Service for Defendant Elk Point Country Club Homeowners Association, Inc.'s Opposition to Plaintiff's Motion for Preliminary Injunction
10/04/2019	DREQ	Request - Request for Judicial Notice in Support of Defendant Elk Point Country Club Homeowners Association, Inc.'s Opposition to Plaintiff's Motion for Preliminary Injunction

<u>Date</u>	<u>Code</u>	<u>Description</u>
10/04/2019	DOPP	Opposition to Motion - Defendant Elk Point Country Club Homeowners Association, Inc.'s Opposition to Plaintiff's Motion for Preliminary Injunction
10/04/2019	DASR	Answer - Defendant's Answer to Plaintiff's Complaint
10/07/2019	DIRO	Auto Reopen (not for manual use)
10/11/2019	DOPT	Opposition to - Opposition To Defendant's Request for Judicial Notice
10/11/2019	MMOT	Motion - Notice of Motion and Motion to Strike the "Declaration of Robert Felton in Support of Opposition to Motion for Preliminary Injunction"
10/11/2019	DREQ	Request - Plaintiff's Request for Judicial Notice
10/11/2019	DDEC	Declaration of - Declaration of Jerome Moretto in Support of Reply to Opposition to Motion for Preliminary Injunction
10/11/2019	DREP	Reply to - Reply to Opposition to Motion for Preliminary Injunction
10/14/2019	DIRO	Auto Reopen (not for manual use)
10/18/2019	DOBJ	Objection to - Objection to Motion to Strike "Motion to Intervene" and "Demand for all Prior Pleadings and Discovery" Filed Without Service on the Parties
10/21/2019	DOPT	Opposition to - Defendant Elk Point Country Club Homeowners Association, Inc.'s Opposition to the Gilbert Family Trust's Motion to Intervene
10/23/2019	DREP	Reply to - Defendant Elk Point Country Club Homeowners Association Inc's Opposition to the Gilbert Family Trust's Motion to Intervene
10/24/2019	DERR	Errata to - Motion to Intervene
10/24/2019	MMOT	Motion - Notice and Motion to Strike "Intervener's Partial Joinder to Defendant's Opposition to Motion for Preliminary Injunction" Filed as a Fugitive Document
10/28/2019	DREP	Reply to - Plaintiff's Objection
10/30/2019	DJOI	Joinder - Plaintiff's Joinder in Defendant's Opposition to Motion to Intervene
10/30/2019	DN	Notice of - Notice to Movant/Intervenor Pursuant to NRCP 11(c)(1) of Violation of NRCP 11(b)(3) in Movant's "Reply to Plaintiff's Objection, or in the Alternative, Motion to Strike"
10/30/2019	DDEC	Declaration of - Karen L. Winters in Support of Notice to Movant/Intervenor Pursuant to NRCP 11(c)(1) of Violation of NRCP 11(b)(3) in Movant's "Reply to Plaintiff's Objection, or in the Alternative, Motion to Strike"
10/31/2019	DOPT	Opposition to - Plaintiff's Motion to Strike Movant's Motion to Intervene, Demand for all Prior Pleadings and Discovery Filed without Service on the Parties
11/01/2019	DOPP	Opposition to Motion - Defendant Elk Point Country Club Homeowner's Association, Inc.'s Opposition to Plaintiff's Motion to Strike and to Plaintiff's Objections to Request for Judicial Notice; Countermotion for Leave to Cure Illegibility to Any Extent Necessary
11/04/2019	DOPT	Opposition to - Plaintiff's Motion To Strike Movant's Partial Joinder to Defendant's Opposition to Motion for Preliminary Injunction
11/07/2019	DREP	Reply to - Defendant's Opposition to Plaintiff's Motion to Strike the Declaration of Robert Felton Filed in Support of Opposition to Motion for Preliminary Injunction
11/07/2019	DREP	Reply to - Defendant's Opposition to Plaintiff's Objections to Defendant's Request for Judicial Notice and Opposition to Alternative Countermotion for Leave to Cure Illegibility
11/07/2019	DN	Notice of - Movant/Intervener's Notice to the Court Concerning Plaintiff's Notice of NRCP 11(b)(3) Violation in Movant/Intervenor's Reply to Plaintiff's Objection or in the Alternative, Opposition to Plaintiff's Motion to Strike
11/08/2019	DREP	Reply to - Movant/Intervener's Opposition to Plaintiff's Motion to Strike "Intervener's Partial Joinder to Defendant's Opposition to Motion for Preliminary Injunction" Filed as a Fugitive Document
11/13/2019	DRES	Response to - Movant/Intervener's Response to Plaintiff's Notice of NRCP 11(b)(3) Violation in Movant/Intervenor's Reply to Plaintiff's Objection or in the Alternative, Opposition to Plaintiff's Motion to Strike
11/14/2019	DREP	Reply to - Movant/Intervenor's Notice to the Court Concerning Plaintiff's Notice of NRCP 11(b)(3) Violation in Movant/Intervenor's Reply to Plaintiff's Objection or in the Alternative, Opposition to Plaintiff's Motion to Strike

<u>Date</u>	<u>Code</u>	<u>Description</u>
11/14/2019	DDEC	Declaration of - Karen L. Winters in Support of Reply to Movant/Intervener's Notice to the Court Concerning Plaintiff's Notice of NRCF 11(b)(3) Violation in Movant/Intervenor's Reply to Plaintiff's
11/20/2019	DREP	Objection or in the Alternative, Opposition to Plaintiff's Motion to Strike Reply to - Reply in Support of Countermotion for Leave to Cure Illegibility to Any Extent Necessary
12/06/2019	DORD	Order
12/16/2019	DCER	Certificate of - Mailing
12/26/2019	DOPP	Opposition to Motion - Plaintiff's Opposition to Motion to Intervene
12/26/2019	DDEC	Declaration of - Karen L. Winters in Support of Opposition to Motion to Intervene
12/31/2019	DREP	Reply to - Opposition to Motion to Intervene
03/09/2020	DDJT	Demand for Jury Trial
03/31/2020	DJCR	Joint Case Conference Report
04/07/2020	DODE	Order Denying - Motion to Intervene
04/07/2020	DORD	Order
04/13/2020	DNEO	Notice of Entry of Order - Denying Motion to Intervene
04/28/2020	DORD	Order - on Plaintiff's Motion for Preliminary Injunction
05/08/2020	DIFQ	Information Questionnaire
05/11/2020	DPTC	Scheduling Order 16.1 Trial and PTC
05/29/2020	DNEO	Notice of Entry of Order
06/02/2020	DEXA	Ex Parte Application - for an Order Shortening Time to Hear Plaintiff's Motion to Modify Scheduling Order and Supporting Declaration of Karen L. Winters
06/02/2020	MMOT	Motion - Notice of Motion and Motion to Modify the Scheduling Order
06/02/2020	DDEC	Declaration of - Karen L. Winters in Support of Motion to Modify Scheduling Order
06/03/2020	DORD	Order - Shortening Time to Hear Plaintiff's Motion to Modify Scheduling Order
06/12/2020	DREP	Reply to - Opposition to Motion to Modify the Scheduling Order
06/15/2020	DOPT	Opposition to - Defendant Elk Point Country Club Homeowner's Association, Inc.'s Opposition and Limited Contingent Countermotion to Plaintiff's Motion to Modify the Scheduling Order on an Order Shortening Time
06/15/2020	MPRT	Motion for Protective Order - Notice of Motion and Motion for Protective Order
06/15/2020	DDEC	Declaration of - Karen L. Winters in Support of Motion for a Protective Order
06/15/2020	DEXA	Ex Parte Application - for an Order Shortening Time to hear Plaintiff's Motion for Protective Order and Supporting Declaration of Karen L. Winters
06/15/2020	DEXA	Ex Parte Application - for an Order Shortening Time to Hear Plaintiff's Motion for Protective Order and Supporting Declaration of Karen L. Winters
06/15/2020	DDEC	Declaration of - Karen L. Winters in Support of Motion for a Protective Order
06/15/2020	MMOT	Motion - Notice of Motion and Motion for Protective Order
06/15/2020	DORD	Order - Shortening Time to Hear Plaintiff's Motion for a Protective Order
06/17/2020	DNEO	Notice of Entry of Order - Shortening Time to Hear Plaintiff's Motion for a Protective Order
06/18/2020	DREP	Reply to - Defendant Elk Point Country Club Homeowners Association, Inc.'s Reply in Support of Limited Contingent Countermotion to Plaintiff's Motion to Modify the Scheduling Order on an Order Shortening Time and Contingent Countermotion to Strike Plaintiff's Initial
06/24/2020	DOPP	Opposition to Motion - Defendant Elk Point Country Club Homeowners Association, Inc.'s Opposition to Plaintiff's Motion for Protective Order
06/24/2020	DREP	Reply to - Opposition to Motion for Protective Order
06/24/2020	DDEC	Declaration of - Karen L. Winters in Support of Reply to Opposition to Motion for a Protective Order
06/24/2020	DOPP	Opposition to Motion - Objection and Opposition to "Contingent Counter" Motion to Strike Plaintiff's Initial Expert Disclosures
06/25/2020	DORD	Order - Protective Order
06/25/2020	DORD	Order
07/13/2020	DPTC	Scheduling Order 16.1 Trial and PTC

<u>Date</u>	<u>Code</u>	<u>Description</u>
09/01/2020	MMOT	Motion - Notice of Motion and Motion to Compel Defendant to Provide Further Responses to Interrogatories and Production of Documents and for Attorneys Fees; Memorandum of Points and Authorities
09/01/2020	DDEC	Declaration of - Karen L. Winters in Support of Notice of Motion and Motion to Compel Defendant to Provide Further Responses to Interrogatories and Production of Documents and for Attorneys Fees
09/21/2020	DOPT	Opposition to - Plaintiff's Motion to Compel Discovery Responses
09/24/2020	DREP	Reply to - Opposition to Motion to Compel Defendant to Provide Further Responses to Interrogatories and Production of Documents and for Attorneys Fees
09/28/2020	DEXM	Ex Parte Motion - Defendant Elk Point Country Club Homeowners Association, Inc.'s Ex Parte Request for an Order Shortening Time and Motion for Limited Extension of Discovery
09/30/2020	DORD	Order - Shortening Time
10/02/2020	DORD	Order - Granting Plaintiff's Motion to Compel Further Responses to Interrogatories and Request for Production of Documents, and For Attorney Fees
10/05/2020	DOPT	Opposition to - Plaintiff's Opposition to Defendant's Motion for Limited Extension of Discovery
10/05/2020	DNEO	Notice of Entry of Order - Granting Plaintiff's Motion to Compel Further Responses to Interrogatories and Requests for Production of Documents, and For Attorney Fees
10/08/2020	DORD	Order
10/09/2020	DDEC	Declaration of - Karen L. Winters in Support of Attorneys Fees after Order compelling Further Discovery and Awarding Attorney's Fees
10/12/2020	DREP	Reply to - Defendant Elk Point Country Club Homeowners Association, INC.'s Reply in Support of Motion for Limited Extension of Discovery
10/19/2020	DAFF	Affidavit of - Karen L. Winters in Further Support of Attorneys Fees After Order Compelling Further Discovery and Awarding Attorney Fees
10/29/2020	DOPT	Opposition to - Defendant's Opposition/Objection to Fees Asserted in the Declaration of Karen L. Winters in Support of Attorneys Fees after Order Compelling Further Discovery and Awarding Attorneys Fees
11/02/2020	MJSM	Motion for Summary Judgment - Notice of Motion and Motion for Summary Judgment or, In the Alternative, Summary Adjudication of Issues
11/02/2020	MMOT	Motion - Notice of Motion and Motion for Summary Judgment or, In The Alternative, Summary Adjudication of Issues
11/02/2020	DREQ	Request - Plaintiff's Request for Judicial Notice in Support of Plaintiff's Motion for Summary Judgment or, In The Alternative, Summary Adjudication of Issues
11/02/2020	DDEC	Declaration of - Karen L. Winters in Support of Motion for Summary Judgment or, In the Alternative, Summary Adjudication of Issues
11/03/2020	DSMD	Statement - Plaintiff's Pretrial Conference Statement
11/04/2020	DREP	Reply to - Defendant's Opposition/Objection to Fees Asserted in the Declaration of Karen L. Winters in Support of Attorney Fees After Order Compelling Further discovery and Awarding Attorney Fees
11/04/2020	MJSM	Motion for Summary Judgment - Defendant's Motion for Summary Judgment
11/04/2020	DDCL	Disclosure - Defendants' Pretrial Disclosure Pursuant to NRCP 16.1(a)(3)
11/10/2020	DSMD	Statement - Defendant's Pretrial Statement
11/10/2020	DORD	Order - for Attorneys Fees After Order Compelling Further Discovery and Awarding Attorney Fees
11/12/2020	DNEO	Notice of Entry of Order - for Attorneys Fees After Order Compelling Further Discovery and Awarding Attorney Fees
11/16/2020	DOPP	Opposition to Motion - Plaintiff's Opposition to Defendant's Motion for Summary Judgment
11/16/2020	DDEC	Declaration of - Karen L. Winters in Support of Opposition to Defendant's Motion for Summary Judgment
11/17/2020	DORD	Order
11/23/2020	DOPT	Opposition to - Defendant's Opposition to Plaintiff's Motion for Summary Judgment
11/24/2020	DREP	Reply to - Plaintiff's Reply to Defendant's Opposition to Motion for Summary Judgment
11/24/2020	DRFN	Request for Notice - Plaintiff's Request for Judicial Notice in Support of Plaintiff's Reply to Defendant's Opposition to Motion for Summary Judgment or, in the Alternative, Summary Adjudication of Issues

<u>Date</u>	<u>Code</u>	<u>Description</u>
11/24/2020	DDEC	Declaration of - Deborah Moretto in Support of Deborah Moretto in Support of Reply to Defendant's Opposition to Motion for Summary Judgment
11/30/2020	DREP	Reply to - Defendant's Reply in Support of Defendant's Motion for Summary Judgment
12/22/2020	DOBJ	Objection to - Plaintiff's Objection to Defendant's Proposed "Order Denying in Part Plaintiff's Motion for Summary Judgment or, in the Alternative, Summary Adjudication of Issues"
01/08/2021	DORD	Order - Granting in Part and Denying in Part Motion for Summary Judgment
01/25/2021	DNEO	Notice of Entry of Order
02/18/2021	DAOC	Association of Counsel - Notice of Association of Counsel
02/18/2021	DNOA	Notice of Appeal
02/18/2021	DN	Notice of - Filing Cost Bond
02/18/2021	DCAP	Case Appeal Statement
02/23/2021	DOPP	Opposition to Motion - Plaintiff's Opposition to Defendant's Motion for Attorney Fees

RECEIVED

DEC 17 2020

Douglas County
District Court Clerk

FILED

2021 JAN -8 PM 4: 22

LOUISE WILLIAMS

CLERK
[Signature] DEPUTY

RESNICK & LOUIS, P.C.

Prescott Jones, Esq.,

Nevada Bar No. 11617

pjones@rlattorneys.com

Joshua Ang, Esq.

Nevada Bar No. 14026

jang@rlattorneys.com

8925 W. Russell Road, Suite 220

Las Vegas, NV 89148

Telephone: (702) 997-3800

Facsimile: (702) 997-3800

Attorneys for Defendant

Elk Point Country Club Homeowners Assn., Inc.

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

JEROME MORETTO, Trustee of the Jerome
F. Moretto 2006 Trust,

Plaintiffs,

v.

ELK POINT COUNTRY CLUB
HOMEOWNERS ASSOCIATION, INC., a
Nevada non-profit corporation, and DOES 1-10
inclusive,

Defendants.

CASE NO.: 19-CV-0242

DEPT: 1

**ORDER GRANTING IN PART AND
DENYING IN PART MOTIONS FOR
SUMMARY JUDGMENT**

On November 30, 2020, at 10:00 a.m., the above-captioned case came before the Honorable Judge Nathan Tod Young, regarding Plaintiff JEROME MORETTO's *Motion for Summary Judgment or, in the Alternative, Motion for Summary Adjudication of Issues*, and Defendant ELK POINT COUNTRY CLUB HOMEOWNERS ASSOCIATION, INC.'s *Motion for Summary Judgment*, with Karen Winters, Esq. appearing on behalf of Plaintiff JEROME MORETTO, and Prescott T. Jones, Esq. of RESNICK & LOUIS P.C. appearing on behalf of Defendant ELK POINT COUNTRY CLUB HOMEOWNERS ASSOCIATION, INC. The

1 Court, having reviewed the Motions, the papers and pleadings on file herein, and the arguments
2 of counsel, finds and orders as follows:

3 **FINDINGS OF FACT**

- 4 1. The Court finds that the Jerome F. Moretto 2006 Trust is the owner of the property
5 located at 476 Lakeview Avenue, Zephyr Cove, Nevada, which is a part of the Elk
6 Point Country Club development.
- 7 2. The Court finds that Plaintiff Jerome Moretto first took title to the property located at
8 476 Lakeview Avenue in 1990, and he took title "subject at all times to the by-laws,
9 and rules and regulations" of the Elk Point Country Club.
- 10 3. The Court finds that the Bylaws of the Elk Point Country Club state, in Article 3,
11 section 2, that the Executive Board shall have the authority to . . . make rules and
12 regulations not inconsistent with the laws of the State of Nevada, the Articles of
13 Incorporation, and the Bylaws of the Corporation."
- 14 4. The Court finds that the Bylaws of the Elk Point Country Club, in Article 16, Section
15 2, restrict properties to single family residential use only.
- 16 5. The Court finds that the Bylaws of the Elk Point Country Club state, in Article 16,
17 Section 3, that "[n]o structure of any kind shall be erected or permitted upon the
18 premises of any Unit Owner, unless the plans and specifications shall have first been
19 submitted to and approved by the Executive Board.
- 20 6. The Elk Point Country Club does not have a Covenant of Conditions and Restrictions,
21 and instead has developed Rules and Regulations.
- 22 7. The Elk Point Country Club has developed Architectural Design Guidelines which
23 have been incorporated into the Rules and Regulations.
- 24 8. The Elk Point Country Club has created an Architectural Review Committee which
25 issues recommendations to the Executive Board on issues related to Architectural
26 issues in the community.
27
28

Abstract

2

5

88

1

4

19

22

24

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

IT IS ORDERED THAT, based on the findings above, Plaintiff's *Motion for Summary*

- 1. Plaintiff's Motion for Summary Judgment or, in the Alternative, Motion for Summary**

IT IS FURTHER ORDERED THAT, based on the findings above, Defendant's *Motion for Summary Judgment* is granted in part and denied in part as follows:

1. Defendant's Motion for Summary Judgment is granted as to the first cause of action for Breach of Elk Point Country Club Bylaws.
2. Defendant's Motion for Summary Judgment is denied in part as to the second cause of action for Violations of NRS 116.31065 only such that the Elk Point Country Club is enjoined from denying any architectural application for "purely aesthetic reasons." Defendant's Motion for Summary Judgment is otherwise granted as to the remaining architectural guidelines.
3. Defendant's Motion for Summary Judgment is granted as to the third cause of action for Violation of Plaintiff's Property Rights.
4. Defendant's Motion for Summary Judgment is granted as to the fourth cause of action for Violation of NRS 116.31175.
5. Defendant's Motion for Summary Judgment is denied in part as to the fifth cause of action for Declaratory Relief only such that the Elk Point Country Club is enjoined from denying any architectural application for "purely aesthetic reasons." Defendant's Motion for Summary Judgment is otherwise granted as to the remaining architectural guidelines.

DATED this 8 day of December, 2020.

DISTRICT COURT JUDGE

1 DATED this 14th day of December, 2020

2 **RESNICK & LOUIS, P.C.**

3

4

Prescott Jones, Esq.,

5 Nevada Bar No. 11617

Joshua Ang, Esq.

6 Nevada Bar No. 14026

8925 W. Russell Road, Suite 220

7 Las Vegas, NV 89148

Telephone: (702) 997-1029

8 Facsimile: (702) 997-3800

9 *Attorneys for Defendant*

Elk Point Country Club Homeowners Assn., Inc.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

CASE NO: 2019-CV-00242

DEPT NO. 1

Jerome Moretto

v.

Elk Point County Club Homeowners Association

DATE: 03/09/2020

JUDGE: Nathan Tod Young

CLERK: Delores Goelz

COURT REPORTER: Kathy Jackson

PLAINTIFFS COUNSEL: Karen Winters

DEFENDANTS COUNSEL: Prescott Jones

LAW CLERK: John Seddon

BAILIFFS: David Nishikida

OTHERS PRESENT: Nancy Gilbert - Counsel for Intervener
Timothy Gilbert - Intervener

The above-entitled matter was before the Court this being the time set for MOTION FOR PRELIMINARY INJUNCTION. The plaintiff was present in court and represented by counsel. The defendant was present in court and represented by counsel.

WITNESSES SWORN AND TESTIFIED:
JEROME MORETTO
JEFFREY TURNER
DEBORAH MORETTO

EXHIBITS MARKED AND ADMITTED:
1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13

MOTION TO INTERVENE:
Ms. Gilbert presented argument.

Mr. Jones presented argument.

Ms. Winters presented argument.

Ms. Gilbert presented final argument.

The Court denied the Motion to Intervene.

MOTION TO STRIKE DECLARATION OF ROBERT FELTON:

Ms. Winters presented argument.

Mr. Jones presented argument.

The Court denied the Motion to Strike the Declaration of Robert Felton but will not consider his opinions.

MOTION FOR PRELIMINARY INJUNCTION:

Ms. Winters presented argument.

Mr. Jones presented argument.

The Court finds that there is not enough evidence to support that a Preliminary Injunction is needed to protect the plaintiff from irreparable harm and the Motion for Preliminary Injunction is denied.

Mr. Jones will prepare the order.

CASE NO: 2019-CV-00242

DEPT NO. 1

Jerome Moretto

v.

Elk Point Country Club Homeowners Association

DATE: 11/10/2020

JUDGE: Nathan Tod Young

CLERK: Mary Biaggini

COURT REPORTER: Not Reported

PLAINTIFFS COUNSEL: Karen Winters

DEFENDANTS COUNSEL: Prescott Jones (via GoToMeeting)

LAW CLERK: John Seddon

BAILIFFS: David Nishikida

The above-entitled matter was before the Court this being the time set for PRE-TRIAL CONFERENCE. The plaintiff was present in court and represented by counsel. The defendant was present in court and represented by counsel.

Ms. Winters presented statements.

Mr. Jones presented statements.

A hearing for the Defendant's Motion for Summary Judgment is set for Monday, November 30, 2020, at 10:00 a.m.

The Court ordered the Trial vacated.

Ms. Winters presented argument regarding her request for attorney fees.

Mr. Jones presented argument.

The Court finds that the rate requested by Ms. Winters is reasonable and entered an Order for Attorneys Fees After Order Compelling Further Discovery and Awarding Attorney Fees.

CASE NO: 2019-CV-00242

DEPT NO. I

Jerome Moretto

v.

Elk Point Country Club Homeowners Association

DATE: 11/30/2020

JUDGE: Nathan Tod Young

CLERK: Mary Biaggini

COURT REPORTER:

PLAINTIFFS COUNSEL: Karen Winters (via GoToMeeting)

DEFENDANTS COUNSEL: Prescott Jones (via GoToMeeting)

LAW CLERK: John Seddon

BAILIFFS: David Nishikida

OTHERS PRESENT: Robert Felton
Charles Jennings

The above-entitled matter was before the Court this being the time set for DEFENDANT'S MOTION FOR SUMMARY JUDGMENT FILED NOVEMBER 4, 2020, AND PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, SUMMARY ADJUDICATION OF ISSUES FILED NOVEMBER 2, 2020. The plaintiff was present in court and represented by counsel. The defendant was present in court and represented by counsel.

EXHIBIT MARKED AND ADMITTED:

1

Mr. Jones presented argument.

Ms. Winter presented argument.

Mr. Jones presented argument.

The Court finds that the Plaintiff's Motion for Summary Judgment or, in the Alternative, Motion

for Summary Adjudication of Issues, is granted in part and denied in part as follows:

- * as to the first cause of action in the complaint for breach of Elk Point Country Club Bylaws is denied. Mr. Moretto purchased the property subject to the Bylaws and the Defendant's Motion for Summary Judgment as to the first cause is granted;

- * Plaintiff's Motion for Summary Judgment or, in the Alternative, Motion for Summary Adjudication of Issues is granted as to the second cause of action subject to aesthetic reasons. The Defendant's Motion for Summary Judgment is granted as to the remainder of the second cause of action;

- * As to the third cause of action the Defendant's Motion for Summary Judgment is granted;

- * As to the fourth cause of action the Defendant's Motion for Summary Judgment is granted;

- * As to the fifth cause of action which is a request that the Court issue declaratory relief, the Summary Judgment will issue for the defendant except as to the second cause of action of the aesthetic issue, the Court will enjoin the defendant from invoking that provision of its rules for enforcement.

Mr. Jones will prepare the order.

EXHIBIT LIST

CASE NAME: MORETTO VS. ELK POINT COUNTRY CLUB HOA

CASE NUMBER: 2019-CV-00242

DATE OF HEARING: NOVEMBER 30, 2020

JUDGE: NATHAN TOD YOUNG

DEPT NO: I

ATTORNEY: PRESCOTT JONES AND KAREN WINTERS

PURPOSE OF HEARING: SETTLEMENT CONFERENCE

[illegible]

EXHIBIT LIST

CASE NAME: MORETTO V ELK POINT COUNTRY CLUB

CASE NUMBER: 2019-CV-00242

DATE OF HEARING: MARCH 9, 2020

JUDGE: NATHAN TOD YOUNG

DEPT NO: I

ATTORNEY: PRESCOTT JONES/NANCY GILBERT/KAREN WINTERS

PURPOSE OF HEARING: MOTION FOR PRELIMINARY INJUNCTION


Exhibit #	Description	Marked for ID	Admitted	Not Admitted
1	DOUGLAS COUNTY ASSESSOR'S DOC #0653319	X	X	
2	DOUGLAS COUNTY ASSESSOR'S DOC #0758100	X	X	
3	DOUGLAS COUNTY ASSESSOR'S DOC #0758100	X	X	
4	DOUGLAS COUNTY ASSESSOR'S DOC #0792378	X	X	
5	DOUGLAS COUNTY ASSESSOR'S DOC #0828991	X	X	
6	DOUGLAS COUNTY ASSESSOR'S DOC #2016- 887335	X	X	
7	DOUGLAS COUNTY ASSESSOR'S DOC #2016- 887439	X	X	
8	DOUGLAS COUNTY ASSESSOR'S DOC #2018- 909415	X	X	
9	DOUGLAS COUNTY ASSESSOR'S DOC #2018- 917776	X	X	
10	ELK POINT COUNTRY CLUB HOMEOWNERS ASSOCIATION ARCHITECTURAL AND DESIGN CONTROL STANDARDS AND GUIDELINES	X	X	
11	ALLISON MACKENZIE CORRESPONDENCE DATED FEBRUARY 5, 2019	X	X	
12	SECTION 4: DOCUMENT	X	X	
13	LARGE DIAGRAM OF MORETTO RESIDENCE	X	X	

1 STATE OF NEVADA)
2) ss
3
4 COUNTY OF DOUGLAS)
5

FILED
2021 FEB 26 PM 3:59
BOBBIE R. WILLIAMS
CLERK
Marney
DEPUTY

6 I, BOBBIE R. WILLIAMS, Clerk of the Ninth Judicial
7 District Court, State of Nevada, in and for the said County of
8 Douglas; said Court being a Court of Record, having common law
9 jurisdiction, and a Clerk and a Seal, do hereby certify that the
10 foregoing are the full, true copies of the original pleadings
11 filed in Case No. 2019-CV-00242 (JEROME MORETTO VS. ELK POINT
12 COUNTRY CLUB HOMEOWNERS ASSOCIATION, INC. ET AL).
13

14 IN TESTIMONY WHEREOF, I have hereunto set my hand and
15 affixed my Official Seal at Minden, in said County and State this
16 26th day of February, 2021.

17 
18 Clerk of the Court
19 *Marney*
20 Deputy Clerk
21
22
23
24
25
26
27
28



BOBBIE R. WILLIAMS
CLERK OF COURT
COURT ADMINISTRATOR
JURY COMMISSIONER

District Court Clerk's Office
(775) 782-9820
Tahoe Justice Court
(775) 586-7200
East Fork Justice Court
(775) 782-9955

Transmittal to the Supreme Court

To: Nevada Supreme Court
210 South Carson Street
Carson City, Nevada 89710


Date: February 26, 2021

Re: District Court Case #: 2019-CV-00242
District Court Case Name: JEROME MORETTO VS. ELK POINT COUNTRY CLUB
HOMEOWNERS, ASSOCIATION, INC. et al

The following documents are transmitted to the Supreme Court pursuant to the July 22, 1996 revisions to the Nevada Rules of Appellate Procedure. Checked items are NOT included in this appeal:

- ☐ Notice of Appeal
- ☐ Case Appeal Statement
- ☒ Certificate That No Transcript Is Being Requested
- ☒ Defendant's Request for Transcript of Proceedings
- ☒ Notice of Posting of Appeal Bond
- ☐ District Court Docket entries
- ☐ Judgment(s) or order(s) appealed from
- ☒ Order (NRAP FORM 4)
- ☐ Notice of entry of the judgment(s) or order(s) appealed from
- ☒ Certification order directing entry of judgment pursuant to NRCP 54(b)
- ☐ District Court Minutes
- ☐ Exhibit Lists
- ☒ Supreme Court filing fee (\$250.00), if applicable

Respectfully,
BOBBIE WILLIAMS
CLERK OF THE COURT

By: 
Deputy Court Clerk