

Electronically Filed  
May 11 2021 03:37 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Lisa A. Rasmussen, Esq.  
Nevada Bar No. 7491  
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Attorneys for Plaintiffs

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

FORE STARS, LTD., a Nevada limited  
liability company; 180 LAND CO., LLC; A  
NEVADA LIMITED LIABILITY  
COMPANY; SEVENTY ACRES, LLC, a  
Nevada limited liability company,

Plaintiffs,

vs.

DANIEL OMERZA, DARREN BRESEE,  
STEVE CARIA, and DOES 1 THROUGH  
100,

Defendants.

Case No.: A-18-771224-C

Dept: XIX

**NOTICE OF APPEAL**

NOTICE OF APPEAL - 1

1 The Plaintiffs, Fore Stars, Ltd., 180 Land Co., LLC and Seventy Acres, LLC, by  
2 and through their counsel, hereby file this Notice of Appeal to the District Court's  
3 Order granting the Defendants' Motion for Attorney's Fees and Costs, entered on April  
4 16, 2021.

5 A true and correct copy of the Notice of Entry of Order, which includes the order  
6 itself, is attached hereto as Exhibit 1.

7 DATED: May 5, 2021.

8 Respectfully submitted,

9 THE LAW OFFICES OF KRISTINA WILDEVELD & ASSOCIATES,

10 /s/ Lisa A. Rasmussen

11 LISA A. RASMUSSEN, ESQ.  
12 NEVADA BAR NO. 7491  
13 ATTORNEYS FOR PLAINTIFFS

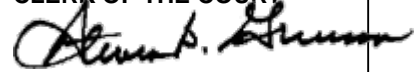
14  
15 **CERTIFICATE OF SERVICE**

16  
17 I hereby certify that I served a copy of the foregoing Notice of Appeal via this  
18 court's Efile and Serve program on all parties receiving service in this case on this 5<sup>th</sup>  
19 day of May, 2021, including, but not limited to:

20  
21 Mr. Mitchell Langberg, Esq.  
22 Counsel for the Defendants

23 /s/ Lisa A. Rasmussen

24 Lisa A. Rasmussen, Esq.



1 **NEOJ**

2 MITCHELL J. LANGBERG, ESQ., Bar No. 10118

3 [mlangberg@bhfs.com](mailto:mlangberg@bhfs.com)

4 BROWNSTEIN HYATT FARBER SCHRECK, LLP

5 100 North City Parkway, Suite 1600

6 Las Vegas, NV 89106-4614

7 Telephone: 702.382.2101

8 Facsimile: 702.382.8135

9 *Counsel for Defendants,*

10 DANIEL OMERZA, DARREN BRESEE, and

11 STEVE CARIA

12 **DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 FORE STARS, LTD., a Nevada limited  
15 liability company; 180 LAND CO., LLC; a  
16 Nevada limited liability company;  
17 SEVENTY ACRES, LLC, a Nevada  
18 limited liability company,

19 Plaintiffs,

20 v.

21 DANIEL OMERZA, DARREN BRESEE,  
22 STEVE CARIA, and DOES 1 THROUGH  
23 100,

24 Defendants,

CASE NO.: A-18-771224-C

DEPT NO.: 19

**NOTICE OF ENTRY OF ORDER RE:  
DEFENDANTS' MOTION FOR ATTORNEYS'  
FEES AND ADDITIONAL MONETARY  
RELIEF PURSUANT TO NRS 41.670 AND  
NRS 18.010(2)**

25 PLEASE TAKE NOTICE that the Order Re: Defendants' Motion for Attorneys' Fees and  
26 Additional Monetary Relief Pursuant to NRS 41.060 and NRS 18.010(2) was entered on April 16,  
27 2021.

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A true and correct copy of said Order is attached hereto.

DATED this 16th day of April, 2021.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

BY: /s/ Mitchell J. Langberg

MITCHELL J. LANGBERG, ESQ., Bar No. 10118

[mlangberg@bhfs.com](mailto:mlangberg@bhfs.com)

100 North City Parkway, Suite 1600

Las Vegas, NV 89106-4614

Telephone: 702.382.2101

Facsimile: 702.382.8135

*Counsel for Defendants*

DANIEL OMERZA, DARREN BRESEE, and  
STEVE CARIA

**CERTIFICATE OF SERVICE**

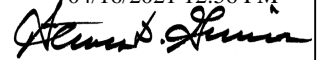
I HEREBY CERTIFY that I am an employee of Brownstein Hyatt Farber Schreck, LLP, and pursuant to NRCP 5(b), EDCR 8.05, Administrative Order 14-2, and NEFCR 9, I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER RE: DEFENDANTS' MOTION FOR ATTORNEYS' FEES AND ADDITIONAL MONETARY RELIEF PURSUANT TO NRS 41.670 AND NRS 18.010(2)** be submitted electronically for filing and/or service with the Eighth Judicial District Court via the Court's Electronic Filing System on the 16th day of April, 2021, to the following:

Lisa A. Rasmussen, Esq.  
The Law Offices of Kristina Wildeveld & Associates  
550 E. Charleston Boulevard, Suite A  
Las Vegas, Nevada 89104  
Email: [lisa@lrasmussenlaw.com](mailto:lisa@lrasmussenlaw.com)

Elizabeth Ham, Esq.  
EHB Companies, LLC  
9755 West Charleston Boulevard  
Las Vegas, Nevada 89117  
Email: [eham@ehbcompanies.com](mailto:eham@ehbcompanies.com)

*Attorneys for Plaintiffs*  
FORE STARS, LTD., 180 LAND CO., LLC;  
and SEVENTY ACRES, LLC

/s/ Wendy Cosby  
an employee of Brownstein Hyatt Farber Schreck, LLP

  
CLERK OF THE COURT

**ORDR**

MITCHELL J. LANGBERG, ESQ., Bar No. 10118  
[mlangberg@bhfs.com](mailto:mlangberg@bhfs.com)  
BROWNSTEIN HYATT FARBER SCHRECK, LLP  
100 North City Parkway, Suite 1600  
Las Vegas, NV 89106-4614  
Telephone: 702.382.2101  
Facsimile: 702.382.8135

*Counsel for Defendants,*  
DANIEL OMERZA, DARREN BRESEE, and  
STEVE CARIA

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

FORE STARS, LTD., a Nevada limited  
liability company; 180 LAND CO., LLC; a  
Nevada limited liability company;  
SEVENTY ACRES, LLC, a Nevada  
limited liability company,

Plaintiffs,

v.

DANIEL OMERZA, DARREN BRESEE,  
STEVE CARIA, and DOES 1 THROUGH  
100,

Defendants,

CASE NO.: A-18-771224-C  
DEPT. NO.: 19

**ORDER RE: DEFENDANTS' MOTION  
FOR ATTORNEYS' FEES AND  
ADDITIONAL MONETARY RELIEF  
PURSUANT TO NRS 41.670 AND NRS  
18.010(2)**

Defendants' Motion for Attorneys' Fees and Additional Monetary Relief Pursuant To NRS 41.670 and NRS 18.010(2) ("Motion") came on for hearing before this Court on March 31, 2021.

Having considered the Motion, the opposition and reply thereto, all papers related thereto, oral argument, and the papers and pleadings on file herein, the Court find:

1 Defendants' anti-SLAPP Motion to Dismiss filed pursuant to NRS 41.635, et. seq. was granted in full and all of Plaintiffs' claims were dismissed by way of the Findings of Fact, Conclusions of Law, and Order entered on December 10, 2020;

2. Defendants' filed a timely motion seeking attorneys' fees and additional monetary relief pursuant to NRS 41.670 and NRS 18.010(2);

1           3.       Plaintiffs filed a timely opposition to the Motion and Defendants filed a timely reply;

2           4.       In the Motion, Defendants seek attorneys' fees based on the Lodestar method (rate  
3 multiplied by hours) in the amount of and an enhancement because Defendants' counsel agreed to  
4 prosecute the anti-SLAPP motion on a contingency basis;

5           5.       Defendants also seek an additional monetary award of \$10,000 per Defendant  
6 pursuant to NRS 41.670;

7           6.       For the reasons stated by the Court on the record (NRCP 52(a)(3)), the Court finds  
8 that the hourly rates and the hours requested by Defendants for attorneys' fees are reasonable and  
9 that the Lodestar fees based on those reasonable rates and hours are \$363,244.00;

10          7.       For the reasons stated by the Court on the record, the Court also finds that a fee  
11 enhancement, as requested by Defendants, is not appropriate in this matter;

12          8.       For the reasons stated by the Court on the record, the Court also finds that an  
13 additional monetary award to Defendants pursuant to NRS 41.670 is not appropriate in this matter,

14               Therefore, it is hereby ORDERED, ADJUDGED AND DECREED that:

15           1.       Defendants' Motion is GRANTED; and

16           2.       Plaintiffs are hereby jointly and severally ORDERED to pay to Defendants  
17 attorneys' fees in the amount of \$363,244.00.

18               IT IS SO ORDERED

19  
20          Dated: \_\_\_\_\_

Dated this 16th day of April, 2021



\_\_\_\_\_  
DISTRICT COURT JUDGE

8B9 93E EFF3 0F62  
Crystal Eller  
District Court Judge

22

23

24

25

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28

- SIGNATURES ON NEXT PAGE -

1 Respectfully Submitted By:

2 BROWNSTEIN HYATT FARBER SCHRECK, LLP

3  
4 By: /s/ Mitchell J. Langberg

MITCHELL J. LANGBERG, ESQ., Bar No. 10118

[mlangberg@bhfs.com](mailto:mlangberg@bhfs.com)

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Las Vegas, Nevada 89106-4614

Telephone: 702.382.2101

Facsimile: 702.382.8135

*Counsel for Defendants*

DANIEL OMERZA, DARREN BRESEE, and

STEVE CARIA

10  
11 Approved as to form:

12 THE LAW OFFICES OF KRISTINA WILDEVELD & ASSOCIATES

13  
14 By: /s/ Lisa A. Rasmussen

LISA A. RASMUSSEN, ESQ., Bar No. 7491

[lisa@lasmussenlaw.com](mailto:lisa@lasmussenlaw.com)

550 E. Charleston Boulevard, Suite A

Las Vegas, Nevada 89104

Telephone: 702.222.0007

Facsimile: 702.222.0001

*Counsel for Plaintiffs*

FORE STARS, LTD., 180 LAND CO., LLC; and

SEVENTY ACRES, LLC



## **Cosby, Wendy C.**

---

**From:** Lisa Rasmussen <Lisa@Veldlaw.com>  
**Sent:** Friday, April 16, 2021 8:55 AM  
**To:** Langberg, Mitchell  
**Subject:** RE: Draft order re fees

Okay to add my signature.

Lisa

Sent from [Mail](#) for Windows 10

---

**From:** [Langberg, Mitchell](#)  
**Sent:** Friday, April 16, 2021 7:22 AM  
**To:** [Lisa@Veldlaw.com](#)  
**Subject:** Draft order re fees

Lisa,

Attached is a draft order regarding fees. Please let me know if I may /s/ sign for you.

Thanks,

Mitch

**Mitchell J. Langberg**  
**Brownstein Hyatt Farber Schreck, LLP**  
100 North City Parkway, Suite 1600  
Las Vegas, NV 89106  
702.464.7098 tel  
[mlangberg@bhfs.com](mailto:mlangberg@bhfs.com)

STATEMENT OF CONFIDENTIALITY & DISCLAIMER: The information contained in this email message is attorney privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this email is strictly prohibited. If you have received this email in error, please notify us immediately by calling (303) 223-1300 and delete the message. Thank you.

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Fore Stars, Ltd., Plaintiff(s) CASE NO: A-18-771224-C  
7 vs. DEPT. NO. Department 19  
8 Daniel Omerza, Defendant(s)  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

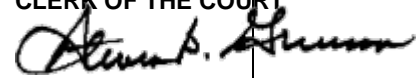
11 This automated certificate of service was generated by the Eighth Judicial District  
12 Court. The foregoing Order was served via the court's electronic eFile system to all  
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 4/16/2021

15 Elizabeth Ham	EHam@ehbcompanies.com
16 Todd Davis	tdavis@ehbcompanies.com
17 Jennifer Knighton	jknighton@ehbcompanies.com
18 Mitchell Langberg	mlangberg@bhfs.com
19 Lisa Rasmussen	Lisa@Veldlaw.com
20 Kristina Wildeveld	Kristina@Veldlaw.com
21 Mitchell Langberg	mlangberg@bhfs.com
22 Lisa Rasmussen	Lisa@Veldlaw.com
23 Lisa Rasmussen	Lisa@Veldlaw.com
24 Mitchell Langberg	mlangberg@bfhs.com
25 Samuel Reyes	Sam@veldlaw.com

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Lisa A. Rasmussen, Esq.  
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Email: [EHam@ehbcompanies.com](mailto:EHam@ehbcompanies.com)

Attorneys for Plaintiffs

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

FORE STARS, LTD., a Nevada limited  
liability company; 180 LAND CO., LLC; A  
NEVADA LIMITED LIABILITY  
COMPANY; SEVENTY ACRES, LLC, a  
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Plaintiffs,

vs.

DANIEL OMERZA, DARREN BRESEE,  
STEVE CARIA, and DOES 1 THROUGH  
100,

Defendants.

Case No.: A-18-771224-C

Dept: XIX

**CASE APPEAL STATEMENT**

CASE APPEAL STATEMENT - 1

1 The Plaintiffs, Fore Stars, Ltd., 180 Land Co., LLC and Seventy Acres, LLC, by  
2 and through their counsel, hereby submit this Case Appeal Statement in accordance  
3 with NRAP 3(f) as follows:

4 **1. Name of appellants filing this case appeal statement:**

5 Plaintiffs Fore Stars, LTD; 180 Land Co. LLC; Seventy Acres, LLC

6 **2. The Judge issuing the decision, judgment or order appealed from:**

7 The Honorable Crystal Eller

8 **3. Identify each appellant and the name and address of counsel for each**  
9 **appellant:**

- 10 a. Fore Stars, LTD, a Nevada limited liability company;  
11 b. 180 Land Co, LLC, a Nevada limited liability company; and  
12 c. Seventy Acres, LLC, a Nevada limited liability company.

13  
14 Lisa Rasmussen, Esq. (NV Bar 7491)  
15 The Law Offices of Kristina Wildeveld & Associates  
16 550 E. Charleston Blvd., Suite A  
17 Las Vegas, NV 89104  
18 (702) 222-0007  
[Lisa@Veldlaw.com](mailto:Lisa@Veldlaw.com)

19 Elizabeth G. Ham, Esq.  
20 Nevada Bar No. 6987  
21 EHB Companies  
22 1215 S. Ft. Apache Road, Suite 120  
23 Las Vegas, NV 89117  
24 (702) 940-6930  
25 Email: [EHam@ehbcompanies.com](mailto:EHam@ehbcompanies.com)

26 **4. Identify each respondent and the name and address of appellate counsel,**  
27 **if known, for each respondent:**

- 28 a. Daniel Omerza;

- b. Darren Bresee; and  
c. Steve Caria

Mitchell J. Langberg, Esq. (NV Bar No. 10118)  
Brownstein, Hyatt Farber Schreck, LLP  
100 North City Parkway, Suite 1600  
Las Vegas, NV 89106-4614  
(702) 382-2101  
Email: [mlangberg@bhfs.com](mailto:mlangberg@bhfs.com)

- 5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42.**

None/NA

- 6. Indicate whether appellants were represented by appointed or retained counsel in the district court:**

Appellants were represented by retained counsel in the district court.

- 7. Indicate whether appellants are represented by appointed or retained counsel on appeal:**

Appellants are represented by retained counsel on appeal.

- 8. Indicate whether appellants were granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:**

No/NA

- 9. Indicate the date the proceedings commenced in the district court (e.g., date of complaint, indictment, information or petition):**

Plaintiffs' Complaint was filed on March 15, 2018 in the Eighth Judicial District Court.

1                   **10. Provide a brief description of the nature of the action and results in the**  
2                   **district court, including the type of judgment or order being appealed and**  
3                   **the relief granted by the district court:**

4                   Plaintiffs are limited liability companies whose assets are parcels of land that  
5                   previously comprised the Badlands Golf Course and the parcels are adjacent  
6                   to the Queensridge residential community. Plaintiffs alleged generally that  
7                   defendants made false statements and encouraged, aided, abetted and  
8                   caused others to make false statements to the City of Las Vegas in order to  
9                   prevent development on the Plaintiff parcels, and that their conduct resulted  
10                  in damages to Plaintiffs. Plaintiffs sought injunctive relief and monetary  
11                  recompense in their complaint. Defendants filed a Special Motion to  
12                  Dismiss pursuant to Nevada's anti-SLAPP statute (NRS 41.635, et seq). The  
13                  Anti-SLAPP motion was granted and was separately appealed in January  
14                  2021. The matter appealed herein is on the order awarding attorney's fees to  
15                  the Defendants totaling \$363,244.

16                   **11. Indicate whether the case has previously been the subject of an appeal to**  
17                   **or original writ proceeding in the Supreme Court and, if so, the caption**  
18                   **and the Supreme Court docket number of the prior proceeding:**

19                   Yes, as noted, there is a prior appeal on the same matter as follows:

20                                 Daniel Omerza, et al v. Fore Stars, Ltd, et al

21                                 NSC Docket No. 76273

22                   Additionally, there is a pending appeal on the substantive merits (dismissal  
23                   under NRS 41.635, et seq.) as follows:

24                                 Fore Stars, et al v. Daniel Omerza, et al

25                                 NSC Docket No. 82338  
26  
27  
28

1 The latter matter is in the settlement program and if that appeal is not  
2 resolved within that process Appellants will seek to consolidate these  
3 appeals.

4 **12. Indicate whether this appeal involves child custody or visitation:**

5 No/NA

6 **13. If this is a civil case, indicate whether this appeal involves the possibility**  
7 **of settlement:**

8 The parties will do their best to try to resolve this attorney fee award and the  
9 underlying appeal (Docket 82338) within the settlement conference  
10 proceedings, scheduled to occur on May 10, 2021. If they are not able to  
11 resolve all issues in that proceeding, an additional order directing the parties  
12 to settlement proceedings for this matter will not be helpful or requested by  
13 Appellants.  
14

15 DATED: May 5, 2021.

16 Respectfully submitted,

17 **THE LAW OFFICES OF KRISTINA WILDEVELD & ASSOCIATES,**

18 */s/ Lisa A. Rasmussen*

19 LISA A. RASMUSSEN, ESQ.

20 NEVADA BAR NO. 7491

21 ATTORNEYS FOR PLAINTIFFS  
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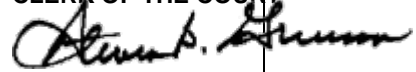
1  
2 **CERTIFICATE OF SERVICE**  
3

4 I hereby certify that I served a copy of the foregoing CASE APPEAL  
5 STATEMENT via this court's Efile and Serve program on all parties receiving service  
6  
7 in this case on this 5<sup>th</sup> day of May, 2021, including, but not limited to:

8 Mr. Mitchell Langberg, Esq.  
9 Counsel for the Defendants

10 */s/ Lisa A. Rasmussen*

11 \_\_\_\_\_  
12 Lisa A. Rasmussen, Esq.  
13  
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1 Lisa A. Rasmussen, Esq.  
Nevada Bar No. 7491  
2 **The Law Offices of Kristina**  
**Wildeveld & Associates**  
3 550 E Charleston Blvd. Suite A  
Las Vegas, NV 89104  
4 Tel. (702) 222-0007  
Fax. (702) 222-0001  
[Lisa@Veldlaw.com](mailto:Lisa@Veldlaw.com)

5 Attorneys for Plaintiffs  
6 Fore Stars, 180 Land Co,  
and Seventy Acres  
7

8 **EIGHTH JUDICIAL DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 FORE STARS, LTD., a Nevada limited  
11 liability company; 180 LAND CO., LLC; A  
12 NEVADA LIMITED LIABILITY  
13 COMPANY; SEVENTY ACRES, LLC, a  
Nevada limited liability company,

14 Plaintiffs,

15 vs.

16 DANIEL OMERZA, DARREN BRESEE,  
STEVE CARIA, and DOES 1 THROUGH  
17 100,

18 Defendants.  
19

DC Case No.: A-18-771224-C

Dept No. XIX

**REQUEST FOR TRANSCRIPTS**

20 TO: BRITTANY AMOROSO, Court Recorder for District Court Department XIX:

21 The Plaintiffs, by and through the undersigned counsel, hereby request a transcript of the  
22 proceeding that took place on the date listed below:

23 March 31, 2021 Hearing on Motion for Attorney's Fees and Other Monetary Relief  
24

1 Please notify us of the fees due so that we may send you payment.

2 Dated this 5<sup>th</sup> day of May 2021.

3 Respectfully submitted,

4 **THE LAW OFFICES OF KRISTINA**  
5 **WILDEVELD & ASSOCIATES**

6 */s/ Lisa A. Rasmussen*

7 \_\_\_\_\_  
8 LISA A. RASMUSSEN, ESQ.  
9 NV Bar No. 7491

10 **CERTIFICATE OF SERVICE**

11 I hereby certify that I served a copy of the foregoing REQUEST FOR TRANSCRIPTS  
12 via this court's EFile and Serve program on all parties receiving service in this case on this 11<sup>th</sup>  
13 day of February 2021, including but not limited to:

14 Mr. Mitchell Langberg, Esq.

15 and via United States mail, addressed to the following persons:

16 Brittany Amoroso  
17 Court Reporter/Recorder  
18 200 Lewis Avenue  
19 Las Vegas, NV 89101

20 */s/ Lisa A. Rasmussen*

21 \_\_\_\_\_  
22 Lisa A. Rasmussen, Esq.  
23  
24

**CASE SUMMARY****CASE NO. A-18-771224-C**

**Fore Stars, Ltd., Plaintiff(s)**  
**vs.**  
**Daniel Omerza, Defendant(s)**

§  
§  
§  
§  
§  
§  
§

Location: **Department 19**  
 Judicial Officer: **Eller, Crystal**  
 Filed on: **03/15/2018**  
 Case Number History:  
 Cross-Reference Case Number: **A771224**  
 Supreme Court No.: **76273**  
**82338**

**CASE INFORMATION**Case Type: **Other Civil Matters**

Case  
Status: **03/15/2018 Open**



**DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number A-18-771224-C  
 Court Department 19  
 Date Assigned 01/04/2021  
 Judicial Officer Eller, Crystal

**PARTY INFORMATION**

		<i>Lead Attorneys</i>
<b>Plaintiff</b>	<b>180 Land Co., LLC</b>	<b>Rasmussen, Lisa A.</b> <i>Retained</i> 702-222-0007(W)
	<b>Fore Stars, Ltd.</b>	<b>Rasmussen, Lisa A.</b> <i>Retained</i> 702-222-0007(W)
	<b>Seventy Acres, LLC</b>	<b>Rasmussen, Lisa A.</b> <i>Retained</i> 702-222-0007(W)
<b>Defendant</b>	<b>Bresee, Darren</b>	<b>Langberg, Mitchell J.</b> <i>Retained</i> 702-382-2101(W)
	<b>Caria, Steve</b>	<b>Langberg, Mitchell J.</b> <i>Retained</i> 702-382-2101(W)
	<b>Omerza, Daniel</b>	<b>Langberg, Mitchell J.</b> <i>Retained</i> 702-382-2101(W)

**DATE****EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**

03/15/2018	 Initial Appearance Fee Disclosure Filed By: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC <i>Initial Appearance Fee Disclosure</i>	
03/15/2018	 Complaint	

## CASE SUMMARY

CASE NO. A-18-771224-C

	Filed By: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC <i>Complaint</i>
03/16/2018	 Summons Electronically Issued - Service Pending Party: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC <i>Summons</i>
03/16/2018	 Summons Electronically Issued - Service Pending Party: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC <i>Summons</i>
03/16/2018	 Summons Electronically Issued - Service Pending Party: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC <i>Summons</i>
03/26/2018	 Affidavit of Service Filed By: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC <i>Affidavit of Service</i>
03/26/2018	 Summons Filed by: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC <i>Summons</i>
03/26/2018	 Summons Filed by: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC <i>Summons</i>
03/26/2018	 Summons Filed by: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC <i>Summons</i>
03/27/2018	 Affidavit of Service Filed By: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC <i>Affidavit of Service</i>
03/27/2018	 Affidavit of Service Filed By: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC <i>Affidavit of Service</i>
04/06/2018	 Notice of Appearance Party: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren <i>Notice of Appearance</i>
04/06/2018	 Initial Appearance Fee Disclosure Filed By: Defendant Caria, Steve; Defendant Bresee, Darren <i>Initial Appearance Fee Disclosure</i>
04/13/2018	 Request for Judicial Notice

# CASE SUMMARY

CASE NO. A-18-771224-C

*Defendants' Request for Judicial Notice In Support of (1) Defendants' Special Motion to Dismiss (Anti-SLAPP Motion) Plaintiffs' Complaint Pursuant to NRS 41.635 et. seq. and (2) Defendants' Motion to Dismiss Pursuant to NRCP 12(b)(5)*

04/13/2018



Motion to Dismiss

Filed By: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren  
*Defendants' Motion to Dismiss Pursuant to NRCP 12(b)(5)*

04/13/2018



Motion

Filed By: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren  
*Defendants' Special Motion to Dismiss (Anti-SLAPP Motion) Plaintiffs' Complaint Pursuant to NRS 41.635 et. seq.*

04/17/2018



Notice of Department Reassignment

*Notice of Department Reassignment*

04/19/2018



Peremptory Challenge

Filed by: Plaintiff Fore Stars, Ltd.  
*Peremptory Challenge of Judge*

04/20/2018



Notice of Department Reassignment

*Notice of Department Reassignment*

05/01/2018



Stipulation and Order

Filed by: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren  
*Stipulation and Order Continuing Hearing Dates for Defendants' Motion to Dismiss and Special Motion to Dismiss (Anti-SLAPP Motion) and Related Briefing Deadlines*

05/02/2018



Notice of Entry of Stipulation and Order

Filed By: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren  
*Notice of Entry of Stipulation and Order Continuing Hearing Dates for Defendants' Motion to Dismiss and Special Motion to Dismiss (Anti-SLAPP Motion) and Related Briefing Deadlines*

05/04/2018



Opposition

Filed By: Plaintiff Fore Stars, Ltd.  
*Plaintiffs' Opposition to Defendants' Special Motion to Dismiss (Anti-SLAPP Motion) Plaintiffs' Complaint Pursuant to NRS 41.635 Et Seq.*

05/07/2018



Opposition

Filed By: Plaintiff Fore Stars, Ltd.  
*Plaintiffs' Opposition to Defendants' Motion to Dismiss Pursuant to NRCP 12(b)(5)*

05/09/2018



Reply in Support

Filed By: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren  
*Defendants' Reply In Support of Special Motion To Dismiss (Anti-SLAPP Motion) Plaintiffs' Complaint Pursuant to NRS 41.635 Et. Seq.*

05/09/2018



Reply in Support

Filed By: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren  
*Defendants' Reply Brief In Support of Motion to Dismiss Pursuant to NRCP 12(B)(5)*

05/09/2018



Request for Judicial Notice

Filed By: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren  
*Defendants' Request for Judicial Notice In Support of (1) Defendants' Reply In Support of Special Motion To Dismiss (Anti-SLAPP Motion) Plaintiffs' Complaint Pursuant to NRS*

# CASE SUMMARY

CASE NO. A-18-771224-C

41.635 Et. Seq. and (2) Defendants' Reply In Support of Motion To Dismiss Pursuant to NRCPL 12(B)(5)

05/11/2018



Supplement

Filed by: Plaintiff Fore Stars, Ltd.

*Plaintiffs' First Supplement to their Opposition to Defendants' Special Motion to Dismiss*

05/11/2018



Supplement

Filed by: Plaintiff Fore Stars, Ltd.

*Plaintiffs' Second Supplement to their Opposition to Defendants' Special Motion to Dismiss*

05/11/2018



Notice of Association of Counsel

Filed By: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC

*Notice of Association of Counsel*

05/14/2018



Notice

Filed By: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC

*Plaintiffs' Notice of Submitting A Physical Thumb Drive Containing the Video File (.MOV) Labelled "Omerza Video" Attached to "Plaintiffs' First Supplement to Their Opposition to Defendants' Special Motion to Dismiss (Anti-Slapp Motion) Plaintiffs' Complaint Pursuant to NRS 41.635 ET SEQ." to the Court's Exhibit Vault*

05/17/2018



Recorders Transcript of Hearing

*All Pending Motions 5-14-18*

05/23/2018



Supplemental Brief

Filed By: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren  
*Defendants' Supplemental Brief In Support of Special Motion To Dismiss (Anti-SLAPP Motion) Plaintiffs' Complaint Pursuant to NRS 41.635 Et. Seq.*

05/23/2018



Supplement

Filed by: Plaintiff Fore Stars, Ltd.

*Plaintiffs' Supplement in Support of Opposition to Defendants' Special Motion to Dismiss (Anti-SLAPP)*

05/25/2018



Motion to Strike

Filed By: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren  
*Defendants' Motion to Strike Portions of Plaintiffs' Supplement in Support of Opposition to Defendants' Special Motion to Dismiss or in the Alternative, for Further Supplemental Briefing*

05/30/2018



Notice of Early Case Conference

Filed By: Plaintiff Fore Stars, Ltd.

*Notice of Early Case Conference*

06/11/2018



Errata

Filed By: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC

*Errata to Complaint*

06/12/2018



Notice

Filed By: Plaintiff Fore Stars, Ltd.

*Notice of Vacating Early Case Conference*

06/12/2018

# CASE SUMMARY

CASE NO. A-18-771224-C

	 Amended Notice Filed By: Plaintiff Fore Stars, Ltd. <i>Amended Notice of Early Case Conference</i>
06/14/2018	 Opposition Filed By: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC <i>Plaintiffs' Opposition to Defendants' Motion to Strike Portions of Plaintiff's Supplement in Support of Opposition to Defendants' Special Motion to Dismiss or in the Alternative for Further Supplemental Briefing</i>
06/20/2018	 Findings of Fact, Conclusions of Law and Order Filed By: Plaintiff Fore Stars, Ltd. <i>Findings of Fact, Conclusions of Law, and Order</i>
06/21/2018	 Notice of Entry of Findings of Fact, Conclusions of Law Filed By: Plaintiff Fore Stars, Ltd. <i>Notice of Entry of Findings of Fact, Conclusions of Law, and Order</i>
06/27/2018	 Case Appeal Statement Filed By: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren <i>Case Appeal Statement</i>
06/27/2018	 Notice of Appeal Filed By: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren <i>Notice of Appeal</i>
06/28/2018	 Posting of Appeal Bond Filed by: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren <i>Notice of Posting Bond on Appeal</i>
09/14/2018	 Motion Filed By: Plaintiff Fore Stars, Ltd. <i>Plaintiffs' Motion for Order Allowing Commencement of Discovery</i>
10/01/2018	 Opposition to Motion Filed By: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren <i>Defendants' Opposition to Plaintiffs' Motion for Order Allowing Commencement of Discovery and Defendants' Request for Sanctions Pursuant to EDCR 7.60(b)</i>
10/12/2018	 Reply in Support Filed By: Plaintiff Fore Stars, Ltd.
10/17/2018	 Supplement Filed by: Plaintiff Fore Stars, Ltd. <i>Plaintiffs' Supplemental Exhibit in Further Support of Their Motion for Order Allowing Commencement of Discovery</i>
10/18/2018	 Supplemental Filed by: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren <i>Defendants' Supplemental Exhibits In Further Support of Their Opposition To Plaintiffs' Motion for Order Allowing Commencement of Discovery And Defendants Request for Sanctions Pursuant to EDCR 7.60(b)</i>
10/31/2018	 Recorders Transcript of Hearing



# CASE SUMMARY

CASE NO. A-18-771224-C

*Recorders Transcript of Hearing - Plaintiffs' Motion for Order Allowing Commencement of Discovery - heard on Oct. 19, 2018*

01/03/2019	 Objection to Discovery Commissioners Report and Recommend Filed By: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren <i>Defendants' Objections to Discovery Commissioner's Report and Recommendation</i>
01/30/2019	 Response Filed by: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC <i>PLAINTIFFS RESPONSE TO DEFENDANTS OBJECTIONS TO DISCOVERY COMMISSIONER S REPORT AND RECOMMENDATIONS</i>
02/04/2019	 Discovery Commissioners Report and Recommendations Filed By: Plaintiff Fore Stars, Ltd. <i>Discovery Commissioner's Report and Recommendations</i>
03/22/2019	 Notice of Withdrawal <i>The Jimmerson Law Firm, P.C.'s Notice of Withdrawal as Co-Counsel of Record</i>
04/11/2019	 Order Denying Motion Filed By: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren <i>Order Denying Plaintiff's Motion to Commence Discovery</i>
04/11/2019	 Notice of Entry of Order Filed By: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren <i>Notice of Entry of Order Denying Plaintiffs' Motion To Commence Discovery</i>
09/11/2019	 Order Scheduling Status Check <i>Order Scheduling Status Check Re: Joint Case Conference Report</i>
09/12/2019	 Order Scheduling Status Check <i>Order Scheduling Status Check RE: Joint Case Conference Report/Special Motion Appeal</i>
03/02/2020	 Change of Status Filed By: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren <i>Status Update Regarding Supreme Court Appeal</i>
03/02/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
04/01/2020	 NV Supreme Court Clerks Certificate/Judgment -Remanded <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Vacated and Remand</i>
04/28/2020	 Notice of Appearance Party: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC <i>Notice of Apperance of Counsel for Plaintiffs</i>
05/06/2020	 Brief Filed By: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC <i>Plaintiffs' Brief in Support of Limited Discovery</i>
05/11/2020	 Brief

# CASE SUMMARY

CASE NO. A-18-771224-C

Filed By: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren  
*Defendants' Brief in Opposition to Request for Limited Discovery*

05/29/2020



Request

Filed by: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren  
*Defendant's Request for Clarification Re May 29, 2020 Order*

06/15/2020



Recorders Transcript of Hearing

Party: Defendant Omerza, Daniel  
*Recorders Transcript of Video Conference Hearing: Status Check: Supreme Court Appeal 4.29.20*

07/02/2020



Motion for Protective Order

Filed By: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren  
*Defendants' Motion For Protective Order Limiting Discovery on Order Shortening Time*

07/07/2020



Response

Filed by: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC  
*Plaintiff's Response to Motion for Protective Order*

07/09/2020



Reply in Support

Filed By: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren  
*Defendant's Reply In Support of Motion For Protective Order Limiting Discovery*

07/17/2020



Memorandum

*07/29/20 Blue Jeans Hearing Information for Department 2*

08/03/2020



Order Granting Motion

Filed By: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren  
*Order Granting Defendants' Motion For Protective Order Limited Discovery*

08/04/2020



Certificate of Service

08/05/2020



Notice of Entry of Order

Filed By: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren  
*Notice of Entry of Order Granting Defendants' Motion for Protective Order Limiting Discovery*

09/30/2020



Notice of Hearing

*Notice of Hearing on Motion to Dismiss*

10/06/2020



Stipulation

Filed by: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC  
*Stipulation Regarding Briefing Deadlines*

10/07/2020



Stipulation and Order

Filed by: Attorney Rasmussen, Lisa A.; Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC  
*Stipulation and Order Regarding Briefing Deadlines*

10/07/2020



Memorandum

*10/26/20 Blue Jeans Hearing Information for Department 2*












# CASE SUMMARY

CASE NO. A-18-771224-C

10/14/2020	 Supplement to Opposition Filed By: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC <i>Supplement to Opposition to Special Motion to Dismiss (Anti-SLAPP)</i>
10/14/2020	 Exhibits Filed By: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC <i>Exhibits 1 through 3</i>
10/14/2020	 Exhibits Filed By: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC <i>Exhibits 4 through 6</i>
10/14/2020	 Exhibits Filed By: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC <i>Exhibits 7 through 13</i>
10/14/2020	 Exhibits Filed By: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC <i>Exhibits 14 through 19</i>
10/14/2020	 Errata Filed By: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC <i>Errata to Supplemental Opposition to Special Motion to Dismiss</i>
10/15/2020	 Motion to Strike Filed By: Defendant Caria, Steve; Defendant Bresee, Darren <i>Motion to Strike and for Imposition of Sanction and Request for Order Shortening Time</i>
10/15/2020	 Stipulation and Order Filed by: Plaintiff Fore Stars, Ltd.; Plaintiff 180 Land Co., LLC <i>Stipulation Regarding Briefing deadlines (Second Stipulation)</i>
10/20/2020	 Opposition and Countermotion Filed By: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC <i>Opposition to Motion to Strike &amp; for Sanctions / Countermotion for Sanctions</i>
10/21/2020	 Reply Filed by: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren <i>Defendants' Reply In Support of Motion To Strike and for Sanctions; Opposition to Countermotion</i>
10/30/2020	 Supplemental Brief Filed By: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren <i>Defendants' Supplemental Brief In Support of Special Motion To Dismiss (Anti-SLAPP Motion) Plaintiffs' Complaint Pursuant to NRS 41.635 Et. Seq.</i>
10/30/2020	 Declaration

# CASE SUMMARY

CASE NO. A-18-771224-C

	<p>Filed By: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren  <i>Declaration of Mitchell J. Langberg In Support of Defendants' Supplemental Brief In Support of Special Motion To Dismiss (Anti-SLAPP Motion) Plaintiffs' Complaint Pursuant to NRS 41.635 Et. Seq.</i></p>
11/04/2020	<p> Stipulation and Order            Filed by: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren  <i>Stipulation and Order Re Defendant Supplemental Re in Support of Anti- Slap</i></p>
11/04/2020	<p> Notice of Entry of Stipulation and Order            Filed By: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren  <i>Notice of Entry of Stipulation and Order Re Defendants' Supplemental Reply In Support of Anti-SLAPP</i></p>
11/05/2020	<p> Memorandum  <i>11/09/20 Blue Jeans Hearing Information for Department 2</i></p>
11/30/2020	<p> Stipulation and Order            Filed by: Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC  <i>STIPULATION REGARDING DEADLINE TO SUBMIT PROPOSED ORDER; ORDER THEREON</i></p>
12/03/2020	<p> Objection            Filed By: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC  <i>Objection to Defendants' Proposed Order and Submission of Plaintiffs' Proposed Order</i></p>
12/10/2020	<p> Findings of Fact, Conclusions of Law and Judgment            Filed by: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren  <i>Findings of Fact Conclusions of Law and Order</i></p>
12/10/2020	<p> Notice of Entry of Order            Filed By: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren  <i>Notice of Entry of Findings of Facts, Conclusions of Law, and Order</i></p>
12/24/2020	<p> Motion to Reconsider            Filed By: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC  <i>Motion to Reconsider Court's Order Dated December 10, 2020 Order</i></p>
12/29/2020	<p> Clerk's Notice of Hearing  <i>Notice of Hearing</i></p>
12/31/2020	<p> Motion for Attorney Fees            Filed By: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren  <i>Defendants' Motion for Attorneys' Fees and Additional Monetary Relief Pursuant to NRS 41.670 and NRS 18.010(2)</i></p>
01/04/2021	<p>Case Reassigned to Department 19  <i>Judicial Reassignment to Judge Crystal Eller</i></p>
01/05/2021	<p> Clerk's Notice of Hearing  <i>Clerk's Notice of Hearing</i></p>
01/07/2021	<p> Opposition to Motion</p>

## CASE SUMMARY

CASE NO. A-18-771224-C

Filed By: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren  
*Defendants' Opposition To Plaintiffs' Motion for Reconsideration of Court's Order Dated December 10, 2020*

01/08/2021



Notice of Appeal

Filed By: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC

*Notice of Appeal*

01/08/2021



Case Appeal Statement

Filed By: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC

*Case Appeal Statement*

01/14/2021



Reply to Opposition

Filed by: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC

*Plaintiffs' Reply to Defendants' Opposition to Motion for Reconsideration of Court's Order Dated December 10 2020*

01/14/2021



Errata

Filed By: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC

*Errata to Plaintiffs' Reply to Defendants' Opposition to Motion for Reconsideration of Court's Order Dated December 10 2020 (Exhibit 1 to Reply)*

01/20/2021



Stipulation and Order

Filed by: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC

*STIPULATION REGARDING BRIEFING DEADLINES AND HEARING ON MOTION FOR ATTORNEY'S FEES*

01/22/2021



Opposition to Motion

Filed By: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC

*Response in Opposition to Defendants' Motion for Attorney's Fees and Additional Monetary Relief Pursuant to NRS 41.670 and 18.010(2)*

01/28/2021



Memorandum

*Notice of Change of Hearing Dates*

02/02/2021



Motion to Reconsider

Filed By: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC

*Motion to Reconsider January 29, 2021 Minute Order (re: Motion to Reconsider Anti-Slapp Order)*

02/03/2021



Clerk's Notice of Hearing

*Notice of Hearing*

02/03/2021



Statement

Filed by: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren  
*Defendants' Statement of Limited Non-Opposition To Plaintiff's Motion To Reconsider Minute Order Ruling Re Motion To Reconsider (Anti-SLAPP)*












02/04/2021



Order

# CASE SUMMARY

CASE NO. A-18-771224-C

	<p>Filed By: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren  <i>Order Denying Plaintiffs' Motion for Reconsideration of Court's order Dated December 10, 2020</i></p>
02/04/2021	<p> Notice of Entry of Order</p> <p>Filed By: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren  <i>Notice of Entry of Order Denying Plaintiffs' Motion for Reconsideration of Court's Order Dated December 10, 2020</i></p>
02/11/2021	<p> Request</p> <p>Filed by: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC  <i>Request for Transcripts</i></p>
02/11/2021	<p> Notice of Posting Bond</p> <p>Filed By: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC  <i>Notice of Posting of Bond on Appeal</i></p>
02/12/2021	<p> Supplement</p> <p>Filed by: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC  <i>Declaration of Lisa Rasmussen Submitted as Supplement to Plaintiffs' Opposition to Motion for Attorney's Fees</i></p>
02/12/2021	<p> Reply</p> <p>Filed by: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren  <i>Defendants' Reply To Plaintiffs' Response In Opposition To Motion For Attorneys' Fees and Additional Monetary Relief Pursuant To NRS 41.670 and NRS 18.010(2)</i></p>
03/23/2021	<p> Recorders Transcript of Hearing</p> <p><i>RECORDER'S TRANSCRIPT OF HEARING: DEFENDANT'S MOTION TO DISMISS</i></p>
03/23/2021	<p> Recorders Transcript of Hearing</p> <p><i>Recorders Transcript of Hearing Re: Defendants' Motion for Protective Order Limiting Discovery on Order Shortening Time, July 13, 2020</i></p>
04/07/2021	<p> Order</p> <p>Filed By: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren  <i>Order Re: 1. Granting Plaintiff's Motion To Reconsider January 25, 2021 Minute Order Ruling Re: Motion To Reconsider (Anti-SLAPP); and 2. On Reconsideration Denying Motion to Reconsider (Anti-Slapp)</i></p>
04/07/2021	<p> Notice of Entry of Order</p> <p>Filed By: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren  <i>Notice of Entry of Order Re: 1. Granting Plaintiff's Motion To Reconsider January 25, 2021 Minute Order Ruling Re: Motion To Reconsider (Anti-SLAPP); and 2. On Reconsideration Denying Motion to Reconsider (Anti-SLAPP)</i></p>
04/16/2021	<p> Order</p> <p>Filed By: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren  <i>Order RE: Defendants' Motion for Attorneys' Fees and Additional Monetary Relief Pursuant of NRS 41.070 and NRS 18.010(2)</i></p>
04/16/2021	<p> Notice of Entry of Order</p> <p>Filed By: Defendant Omerza, Daniel; Defendant Caria, Steve; Defendant Bresee, Darren</p>

# CASE SUMMARY

CASE NO. A-18-771224-C

*Notice of Entry of Order Re: Defendants' Motion for Attorneys' Fees and Additional Monetary Relief Pursuant to NRS 41.670 and NRS 18.010(2)*

05/05/2021



Notice of Appeal

Filed By: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC

*Notice of Appeal*

05/05/2021



Case Appeal Statement

Filed By: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC

*Case Appeal Statement*

05/05/2021



Request

Filed by: Plaintiff Fore Stars, Ltd.; Plaintiff Seventy Acres, LLC; Plaintiff 180 Land Co., LLC

*Request for Transcript*

## **DISPOSITIONS**

04/01/2020

**Clerk's Certificate** (Judicial Officer: Scotti, Richard F.)

Debtors: Daniel Omerza (Defendant), Steve Caria (Defendant), Darren Bresee (Defendant)

Creditors: Seventy Acres, LLC (Plaintiff), 180 Land Co., LLC (Plaintiff), Daniel Omerza

(Defendant), Steve Caria (Defendant), Darren Bresee (Defendant)

Judgment: 04/01/2020, Docketed: 04/02/2020

Comment: Supreme Court No. 76273; Denied

12/10/2020

**Order of Dismissal** (Judicial Officer: Scotti, Richard F.)

Debtors: Fore Stars, Ltd. (Plaintiff), Seventy Acres, LLC (Plaintiff), 180 Land Co., LLC

(Plaintiff)

Creditors: Daniel Omerza (Defendant), Steve Caria (Defendant), Darren Bresee (Defendant)

Judgment: 12/10/2020, Docketed: 12/11/2020

Comment: Certain Claims

04/16/2021

**Order** (Judicial Officer: Eller, Crystal)

Debtors: Fore Stars, Ltd. (Plaintiff), Seventy Acres, LLC (Plaintiff), 180 Land Co., LLC

(Plaintiff)

Creditors: Daniel Omerza (Defendant), Steve Caria (Defendant), Darren Bresee (Defendant)

Judgment: 04/16/2021, Docketed: 04/19/2021

Total Judgment: 363,244.00

## **HEARINGS**

04/16/2018



**Minute Order** (1:00 PM) (Judicial Officer: Kishner, Joanna S.)

Minute Order - No Hearing Held;

Journal Entry Details:

*Although the Court could and would rule fairly and without bias, recusal is appropriate in the present case in accordance with Canon 2.11(A)(3) of the Nevada Code of Judicial Conduct in order to avoid the appearance of impartiality or implied bias as the Court could be viewed to have information relating to the facts and/or circumstances regarding the underlying issues.*

*Thus, the Court recuses itself from the matter and requests that it be randomly reassigned in accordance with appropriate procedures.;*

05/14/2018



**Motion to Dismiss** (9:00 AM) (Judicial Officer: Scotti, Richard F.)

**05/14/2018, 05/23/2018**

*Defendants' Motion to Dismiss Pursuant to NRCP 12(b)(5)*

Matter Continued;

Matter Continued;

DENIED WITHOUT PREJUDICE - Defendants Special Motion to Dismiss (Anti-SLAPP Motion) Plaintiffs Complaint

Journal Entry Details:



# CASE SUMMARY

CASE NO. A-18-771224-C

*These matters are continued to the May 30, 2018 Chambers Calendar. CLERK'S NOTE: This minute order was electronically served by Courtroom Clerk, Natalie Ortega, to all registered parties for Odyssey File & Serve. ndo/5/23/18 ;*

Matter Continued;

Matter Continued;


DENIED WITHOUT PREJUDICE - Defendants Special Motion to Dismiss (Anti-SLAPP Motion) Plaintiffs Complaint

05/14/2018 **Motion** (9:00 AM) (Judicial Officer: Scotti, Richard F.)

**05/14/2018, 05/23/2018**

*Defendants' Special Motion to Dismiss (Anti-Slapp Motion) Plaintiffs' Complaint Pursuant to NRS 41.635 Et. Seq*


Matter Continued;

05/14/2018  **All Pending Motions** (9:00 AM) (Judicial Officer: Scotti, Richard F.)

Matter Heard;

Journal Entry Details:

*Arguments by Mr. Langberg and Mr. Jimmerson. Court DIRECTED, counsel to submit a 2 page Supplemental Briefing by close of business day Wednesday 05/23/18, if counsel believes there is additional information. COURT ORDERED, matter CONTINUED to 05/23/18 Chamber Calendar. CONTINUED TO: 05/23/18 (CHAMBER CALENDAR);*

05/29/2018  **Minute Order** (10:41 AM) (Judicial Officer: Scotti, Richard F.)

*Defendants Special Motion to Dismiss (Anti-SLAPP Motion) Plaintiffs Complaint*

Minute Order - No Hearing Held; Defendants' Special Motion to Dismiss (Anti-SLAPP Motion) Plaintiffs Complaint


Journal Entry Details:

*The Court DENIES without prejudice Defendants Special Motion to Dismiss (Anti-SLAPP Motion) Plaintiffs Complaint pursuant to NRS 41.635 et. Seq. Nevada s anti-SLAPP statute does not apply to fraudulent conduct, which Plaintiffs have alleged. Even if it did so apply, at this early stage in the litigation and given the numerous allegations of fraud, the Court is not convinced by a preponderance of the evidence that Defendants conduct constituted good faith communications in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern, as described in NRS 41.637. The Court also DENIES Defendants Motion to Dismiss Pursuant to NRCP 12(b)(5). Plaintiffs have stated valid claims for relief. Plaintiffs shall prepare the proposed Order, adding appropriate context and authorities. The 5/30/2018 Chambers Hearing on this matter hereby VACATED. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Jennifer Lott, to all registered parties for Odyssey File & Serve. jl;*

06/27/2018 **CANCELED Motion to Strike** (3:00 AM) (Judicial Officer: Scotti, Richard F.)

*Vacated - per Clerk*

*Defendant's Motion to Strike Portions of Plaintiff's Supplement in Support of Opposition to Defendant's Special Motion to Dismiss or in the Alternative for Further Supplemental Briefing*

10/19/2018  **Motion for Order** (9:00 AM) (Judicial Officer: Truman, Erin)

*Plaintiffs' Motion for Order Allowing Commencement of Discovery*

Granted in Part; Plaintiffs' Motion for Order Allowing Commencement of Discovery

Journal Entry Details:





*Mr. Jimmerson addressed Judge Scotti's ruling and the Court found that Defts' anti-slapp Motion did not apply to intentional torts pled by Plaintiffs in the case, and the Motion to Dismiss on the basis of anti-slapp was Denied. There is an immediate right to Appeal which Defts availed themselves to. Mr. Jimmerson attempted to file an Early Case Conference, however, counsel have returned before the Commissioner to begin discovery. Defts have failed to filed an Answer, but Mr. Jimmerson doesn't intent to default Defts. The case needs to go forward and begin discovery. Argument by Mr. Jimmerson. Mr. Langberg discussed whether or not the anti-slapp Statute applies to the tort causes of action that Plaintiffs asserted. Defs filed a Writ of Mandamus, however, it was not brought on the same grounds as the anti-slapp. Mr. Langberg stated the Statute says if an anti-slapp Motion is filed, discovery is stayed pending a ruling on the Motion. Argument by Mr. Langberg. Commissioner stated based on the Supreme Court Denial of the Petition for Writ, the case is ready to be Answered, and 16.1 should be complied with. Mr. Langberg stated the Appeal is still pending. There was a Writ as*



# CASE SUMMARY

CASE NO. A-18-771224-C

to the Denial of the 12(b)(5) Motion because there is no Appeal from that. Mr. Langberg stated there is an automatic Appeal on Denial of an anti-slap Motion, the Appeal is still pending, and the Opening Brief is due 10-22-18. Upon Commissioner's inquiry, Mr. Jimmerson stated there are no exigent circumstances that would warrant discovery before 16.1 is complied with. Given the fact that the Appeal is still pending, and an Answer is not yet required, COMMISSIONER RECOMMENDED, there is no reasonable basis for discovery to go forward at this point, and counsel will wait until the Supreme Court hears the issue. Following that the Answer will be due, and 16.1 will be complied with. Mr. Jimmerson stated there will be a 18 month to 2 year delay. Arguments by counsel. Mr. Langberg read the Statute into the record. Commissioner doesn't believe the case is stayed under the authority cited by Mr. Langberg. The Court determined that it doesn't apply to the causes of action, therefore, COMMISSIONER RECOMMENDED, motion is GRANTED IN PART; discovery needs to go forward and within 30 days of Judge Scotti's ruling on the forthcoming Objection counsel should comply with 16.1 and file the JCCR. Mr. Langberg requested an extension to object to the Report and Recommendation. Colloquy. Mr. Jimmerson to prepare the Report and Recommendations, and Mr. Langberg to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.;

12/20/2018	<b>CANCELED Status Check: Compliance (3:00 AM)</b> (Judicial Officer: Bulla, Bonnie) <i>Vacated - per Commissioner</i> <i>Status Check: Compliance (10-19-18 Report and Recommendation)</i>
02/20/2019	 <b>Hearing (9:00 AM)</b> (Judicial Officer: Scotti, Richard F.) <i>re DCRR (set by telephone conference 02/04/19)</i> Matter Heard; Journal Entry Details: <i>Arguments by counsel whether anti-slap statute applies and whether motion was filed in good faith. COURT ORDERED, matter UNDER ADVISEMENT. Court needs to review the Patton v. Lee case and whether it has jurisdiction, as well as the case law just presented. ;</i>
03/15/2019	 <b>Minute Order (10:00 AM)</b> (Judicial Officer: Scotti, Richard F.) Minute Order - No Hearing Held; Journal Entry Details: <i>The Court DENIES Plaintiff's Motion to Commence Discovery, pursuant to NRS 41.660(3)(e). The Court had denied Defendants Special Motion to Dismiss, in part, on the grounds that Defendants did not meet their threshold burden of establishing, by a preponderance of the evidence, that the Land owners claims against them are based on their good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern. . See Plaintiff's Motion at p. 6 (quoting NRS 41.660(3)(a). Under these circumstances the statute mandates that the Court stay discovery pending an appeal of an Order denying the Special Motion to Dismiss. Defendants to prepare the Order. CLERK'S NOTE: A copy of this Minute Order has been distributed to the following: James Jimmerson, Esq. (JJJ@jimmersonlawfirm.com) and Mitchell Langberg, Esq. (mlangberg@bhfs.com). //ev 3/15/19;</i>
08/21/2019	 <b>Status Check (3:00 AM)</b> (Judicial Officer: Scotti, Richard F.) <i>ISC - Supreme Court Appeal</i> Matter Heard; Journal Entry Details: <i>Matter heard.;</i>
10/02/2019	 <b>Status Check (9:00 AM)</b> (Judicial Officer: Scotti, Richard F.) Stayed; Journal Entry Details: <i>Mr. Langberg conveyed Elizabeth Ghanem emailed him that morning and advised this matter was pending in Supreme Court and she had a conflict, and the matter was still before the Supreme Court regarding the denial of the Motion to Dismiss. COURT ORDERED, Stay CONTINUED. Mr. Langberg advised discovery never commenced. COURT ORDERED, parties to SUBMIT a one-page status update 30 days after the Supreme Court rules on the Appeal from the denial of the Motion to Dismiss.;</i>
03/25/2020	

# CASE SUMMARY

CASE NO. A-18-771224-C

	 <b>Status Check</b> (3:00 AM) (Judicial Officer: Scotti, Richard F.) <i>Remittitur</i> Matter Heard; Journal Entry Details: <i>Matter heard.;</i>
03/26/2020	<b>CANCELED Status Check</b> (3:00 AM) (Judicial Officer: Scotti, Richard F.) <i>Vacated</i> <i>ISC - Supreme Court Appeal</i>
04/06/2020	 <b>Motion</b> (3:00 AM) (Judicial Officer: Scotti, Richard F.) <i>Status Update Regarding Supreme Court Appeal</i> Granted; Journal Entry Details: <i>The Court GRANTS the Motion for a Status Update and hereby SETS a Status Check for Wednesday, April 29, 2020 at 9AM. Further, in light of the continued ban on in-person hearings, the Court directs the parties to make the appropriate arrangements necessary to appear remotely through the available audio (CourtCall) or audiovisual (Blue Jeans) platforms in preparation for this hearing. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Elizabeth Vargas, to all registered parties for Odyssey File &amp; Serve and mailed to the following: Seventy Acres LLC 1215 S. Fort Apache Rd. Ste 120 Las Vegas, NV 89117 180 Land Co 1215 S. Fort Apache Rd. Ste 120 Las Vegas, NV 89117 Daniel Omerza 800 Petit Chalet Court Las Vegas, NV 89145 //ev 4/20/20;</i>
04/29/2020	 <b>Status Check</b> (9:00 AM) (Judicial Officer: Scotti, Richard F.) <i>Status Check: Supreme Court Appeal</i> Matter Heard; Journal Entry Details: <i>Lisa Rasmussen, Esq. also present on behalf of Plaintiffs. Court provided a brief overview of the history of the case. Arguments by counsel regarding additional supplemental briefing and additional discovery. Court stated counsel would be given an opportunity to provide additional briefing limited to 5 pages regarding why additional discovery was needed. COURT ORDERED, Plaintiff to provide supplemental briefing by May 6, Defendants' Opposition to the Motion due May 11, and Reply, if needed, due May 13. Court inquired if there were any issues left to decide other than limited discovery. Ms. Rasmussen stated the Supreme Court focused on one prong and not the other, and additional briefing may be needed regarding the second prong. Court stated in the event limited discovery was denied, ruling on the Motion to Dismiss would proceed. Court stated any emergency requests would be considered, and a decision would be provided by May 18, 2020 regarding the Motion for Limited Discovery. 5/13/20 STATUS CHECK: OPTIONAL REPLY (CHAMBERS) 5/18/20 MOTION FOR LIMITED DISCOVERY (CHAMBERS) 5/25/20 DECISION: MOTION TO DISMISS (CHAMBERS);</i>
05/13/2020	 <b>Status Check</b> (3:00 AM) (Judicial Officer: Scotti, Richard F.) <i>Status Check: Optional Reply</i> Matter Heard; Journal Entry Details: <i>Matter heard.;</i>
05/18/2020	<b>Motion</b> (3:00 AM) (Judicial Officer: Scotti, Richard F.) <i>Motion for Limited Discovery</i> Granted in Part;
05/27/2020	<b>CANCELED Decision</b> (3:00 AM) (Judicial Officer: Scotti, Richard F.) <i>Vacated</i> <i>Decision: Motion to Dismiss</i>
05/29/2020	 <b>Minute Order</b> (10:00 AM) (Judicial Officer: Scotti, Richard F.) Minute Order - No Hearing Held; Journal Entry Details: <i>The Court GRANTS in part, and DENIES in part, Plaintiff's request for limited discovery.</i>

# CASE SUMMARY

CASE NO. A-18-771224-C

*Plaintiff may serve one set of requests for production of documents, with no more than a total of fifteen (15) requests for documents to be allocated among the defendants, as Plaintiff sees fit; Defendants shall have two weeks to respond to such requests. Further, Plaintiff may take the depositions of the three defendants, each limited to four (4) hours. This limited discovery period commences immediately, and concludes on Friday, July 17, 2020, absent stipulation of the parties. The defendants have the option of appearing for deposition in person, or appearing by audio/visual means (at their own arrangements). The depositions may be set on two week s notice, at the time and place noticed by Plaintiff after good faith attempt to meet and confer on the same. Any discovery dispute shall be brought before this Court upon request for an Order Shortening Time. Plaintiff may file a supplemental brief in opposition to the Motion to Dismiss by Wednesday, July 22, 2020. Plaintiff may file a supplemental reply by Monday, July 27, 2020. The Court will conduct a Hearing on the Defendants Motion to Dismiss on Wednesday, July 29, 2020. The parties may modify this schedule by written stipulation approved by the Court. 7/29/20 9:30 AM DEFENDANTS' MOTION TO DISMISS CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Elizabeth Vargas, to all registered parties for Odyssey File & Serve. //ev 5/29/20;*

06/05/2020



**Minute Order (12:00 PM) (Judicial Officer: Scotti, Richard F.)**

Minute Order - No Hearing Held;

Journal Entry Details:

*With regard to this Court s May 29, 2020 Minute Order, granting in part and denying in Part Plaintiff s request for limited discovery, the Court issues this clarification: The discovery permitted by the prior order must relate to the second prong of the anti-SLAPP analysis, and is limited to the matters identified in Plaintiff s papers, or the matters identified by the Plaintiff at the April 29th hearing. CLERK'S NOTE: A copy of this Minute Order was electronically served to all registered parties by the Courtroom Clerk, Elizabeth Vargas via Odyssey Efile and Serve. //ev 6/5/20;*

07/13/2020



**Motion for Protective Order (9:00 AM) (Judicial Officer: Scotti, Richard F.)**

*Defendants' Motion For Protective Order Limiting Discovery on Order Shortening Time*

Motion Granted;

Journal Entry Details:

*Court stated procedural aspect of Plaintiff's response to the motion, noting they expressed concerns that this Court issued a minute order providing clarification of its prior discovery order before having had a chance to receive and review Plaintiff's Response to Defendant's written request for clarification. This matter came back after a remand from the Nevada Supreme Court where it appeared to the Court that the Supreme Court had resolved prong 1 and was remanding back to this Court for appropriate proceedings regarding prong 2, whether limited discovery should go forward and resolve the issue of the litigation privilege. Following arguments by counsel regarding their respective positions, Court advised it was not one hundred percent convinced that prong 1 was completely disposed of by the Nevada Supreme Court, after hearing Ms. Rasmussen paraphrasing the order. Court advised it needs to go back and review the Supreme Court order. COURT ORDERED, matter TAKEN UNDER ADVISEMENT; discovery STAYED pending ruling on motion for protective order and if Court needs additional briefing regarding the litigation privilege issue, it will inform the parties by minute order.;*

07/21/2020



**Minute Order (3:00 PM) (Judicial Officer: Scotti, Richard F.)**

Minute Order - No Hearing Held;

Journal Entry Details:

*The Court GRANTS Defendants Motion for Protective Order Limiting Discovery. Discovery is limited to the second prong of the anti-SLAPP analysis. Discovery is limited to what is identified by Plaintiffs on p.5, lines 15-21 of Plaintiffs Brief in Support of Request for Limited Discovery (5-6-20). The Defendants shall prepare the proposed Order, consistent with the relief sought in their motion. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Carolyn Jackson, to all registered parties for Odyssey File & Serve. /cj 07/21/20;*

07/29/2020



**Motion to Dismiss (9:30 AM) (Judicial Officer: Scotti, Richard F.)**

*Defendants' Motion to Dismiss*

Matter Continued; Date to be determined

Journal Entry Details:

*Court noted this matter was set for a continued hearing on the Motion to Dismiss. Mr.*

# CASE SUMMARY

CASE NO. A-18-771224-C

*Langberg stated he believes on the 21st the Court issued a minute order on their Motion for Protective Order defining the scope of discovery. The parties should conduct the discovery the Court ordered, noting they have been working on a formal order. Mr. Langberg stated he does not believe they have any dispute about what the Court ordered to occur however, there is a disagreement as to the findings that led to that decision. Court advised it would be its preference if the parties could work out and decrease the number of findings and get to the heart of the matter on the scope of discovery. Ms. Rasmussen stated by minimizing the findings in the proposed order that will probably resolve all their issues and they should be able to get the proposed order over to the Court today. Ms. Rasmussen stated they did their own proposed briefing schedule which takes them out into October; it allows the Court to set a date for the continued hearing. COURT ORDERED, hearing for Motion to Dismiss CONTINUED, to a date to be determined. COURT FURTHER ORDERED, matter SET for status check. 9/28/20 STATUS CHECK: STATUS OF CASE (CHAMBERS) ;*

09/28/2020



**Status Check (3:00 AM)** (Judicial Officer: Scotti, Richard F.)

Status Check: Status of Case

Matter Heard;

Journal Entry Details:

Matter heard.;

10/22/2020

**Motion to Strike (3:00 AM)** (Judicial Officer: Scotti, Richard F.)

*Defendants' Motion to Strike and for Imposition of Sanctions (on OST)*

Matter Heard;

10/22/2020

**Opposition and Countermotion (3:00 AM)** (Judicial Officer: Scotti, Richard F.)

*Opposition to Motion to Strike & for Sanctions / Countermotion for Sanctions*

Matter Heard;

10/22/2020



**All Pending Motions (3:00 AM)** (Judicial Officer: Scotti, Richard F.)

Matter Heard;

Journal Entry Details:

*DEFENDANTS' MOTION TO STRIKE AND FOR IMPOSITION OF SANCTIONS (ON OST)...OPPOSITION TO MOTION TO STRIKE & FOR SANCTIONS / COUNTERMOTION FOR SANCTIONS The Court will issue a Minute Order resolving this matter.;*

10/26/2020



**Minute Order (3:00 AM)** (Judicial Officer: Scotti, Richard F.)

Minute Order - No Hearing Held;

Journal Entry Details:

*The Court DENIES Defendants Motion to Strike and for Imposition of Sanctions. The Court places no restriction on the content Plaintiff may include in its Brief. Plaintiff did not violate EDCR 7.60(b). The Court, further, DENIES Plaintiff's Countermotion because Defendants motion was meritless, but not frivolous. Plaintiff to prepare and submit the Order, pursuant to the electronic submission requirements of AO 20-17. CLERK'S NOTE: This Minute Order was e-mailed by Courtroom Clerk, Grecia Snow to: Lisa Rasmussen Esq., at Lisa@Veldlaw.com, Mitchell J. Langberg Esq., at mlangber@bhfs.com, and Elizabeth M. Ghanem Esq., at eghanem@gs-lawyers.com. 10/26/20 gs;*

11/09/2020



**Motion to Dismiss (9:30 AM)** (Judicial Officer: Scotti, Richard F.)

*Anti-Slapp*

Granted;

Journal Entry Details:

*Court noted it read the motion, support briefs, and orders. Arguments by counsel. COURT took matter UNDER ADVISEMENT, stated it would issue a minute order. Ms. Rasmussen stated it filed a support brief and Mr. Langberg moved to strike, requested Court review the Motion to strike and respond.;*

11/09/2020



**Minute Order (12:16 PM)** (Judicial Officer: Thompson, Charles)

Minute Order - No Hearing Held;

Journal Entry Details:

*On June 20, 2018, Judge Scotti entered Findings of Fact, Conclusions of Law and an Order denying this motion. Defendants appealed and on January 23, 2020, the Nevada Supreme*

## CASE SUMMARY

CASE NO. A-18-771224-C

Court entered an Order vacating Judge Scotti's order and remanding with an opportunity for Plaintiffs to conduct limited discovery. Plaintiffs first argue that they may revisit step one of the anti-SLAPP analysis. On July 13, 2020, Judge Scotti entered a minute order including the following: This matter came back after a remand from the Nevada Supreme Court where it appeared to the Court that the Supreme Court had resolved prong 1 and was remanding back to this Court for appropriate proceedings regarding prong 2, whether limited discovery should go forward and resolve the issue of the litigation privilege. Following arguments by counsel regarding their respective positions, Court advised it was not one hundred percent convinced that prong 1 was completely disposed of by the Nevada Supreme Court, after hearing Ms. Rasmussen paraphrasing the order. Court advised it needs to go back and review the Supreme Court order. On July 21, 2020, after reviewing the Supreme Court Order, Judge Scotti entered a minute order which contained the following: Discovery is limited to the second prong of the anti-SLAPP analysis. It is clear from this minute order that Judge Scotti believed that prong 1 was resolved and that the limited discovery was only allowed with regard to prong 2. This Court agrees with Judge Scotti. It is clear from the Supreme Court's order filed January 23, 2020, that the Defendants met their burden at step one of the anti-SLAPP analysis. In other words, the Court found that the Defendant's communications were in furtherance of their right to petition the government in connection with an issue of public concern and that the communications were in good faith. The Court then held that the Plaintiffs had not met their step-two burden of demonstrating with prima facie evidence a probability of prevailing on their claims. However, they believed that the Plaintiffs should be permitted limited discovery to see if they could meet that step-two burden. Thereafter, Judge Scotti entered an order prescribing the limited discovery that would be permitted. Plaintiffs complain that the order was too limited. I believe that the judge appropriately exercised his discretion in this regard. Also, I do not sit as an appellate court over Judge Scotti. Thus, I decline to find that his Order was in any way in error. Defendants first argue that the litigation privilege is dispositive of the prong 2 issue. I find that the argument has merit. First, the City Council proceedings were quasi-judicial and the privilege does apply to quasi-judicial proceedings. Also, the privilege applies even though the communications are not directed at the Council itself. *Fink v. Oshins*, 118 Nev. 428 (2002). In accordance with the holding in *Oshins*, communications between the residents would be included. Today, Ms. Rasmussen cited *Spencer v. Klementi*, 466 P.3d 1241 (Nev. 2020), for the proposition that the privilege does not apply to quasi-judicial proceedings where due process protections similar to those provided in a court of law are not present. This Court believes that *Spencer* is distinguishable from the current matter. *Spencer* involved a defamation suit arising out of defamatory comments made to a public body during a public comment session. The speaker was not under oath. No opportunity to respond was provided. No cross-examination was allowed and the holding in the decision appears to be expressly limited to defamation suits. I believe that the *Oshins* case is more on point. The civil conspiracy claim is the only claim that Plaintiff has argued meets the prong two test. However, a civil conspiracy must be to accomplish some unlawful objective where damage results. There was no unlawful objective here. Further, no damage to Plaintiffs may be claimed because the proceeding never occurred. Even if the litigation privilege is not dispositive of the prong two issue, I find that Plaintiff has failed to demonstrate with prima facie evidence a probability of prevailing on any of their claims. For the reasons set forth in Defendants Supplemental Brief filed October 30, 2020, the Motion to Dismiss is GRANTED. Mr. Langberg is directed to prepare a proposed appropriate order with findings. Further, he is directed to submit the Order, pursuant to the electronic submission requirements of AO 20-17. CLERK'S NOTE: The above minute order has been distributed to: Lisa Rasmussen: Lisa@VeldLaw.Com, Mitchell Langberg: mlangber@bhfs.com. 11/10 km;

01/25/2021

**Motion For Reconsideration (3:00 AM) (Judicial Officer: Eller, Crystal)**

Motion to Reconsider Court's Order Dated December 10, 2020 Order

Denied;

Journal Entry Details:

The Court DENIES Plaintiffs' Motion for Reconsideration for lack of jurisdiction. "[A] timely notice of appeal divests the district court of jurisdiction to act and vests jurisdiction in [the Supreme Court]." *Rust v. Clark Cty. Sch. Dist.*, 103 Nev. 686, 688 (1987). However, "where the issue is 'entirely collateral to and independent from that part of the case taken up by appeal, and in no way affected the merits of the appeal,'" this Court may proceed with hearing the matter. *Kantor v. Kantor*, 116 Nev. 886, 895 (2000). Here, Plaintiffs seek reconsideration of this Court's December 10, 2020 Order. However, on January 8, 2021, Plaintiffs appealed that very same Order to the Nevada Supreme Court. As the matters in Plaintiffs' motion and on appeal are identical, and neither "collateral to" nor "independent from" each other, this Court lacks jurisdiction to hear Plaintiffs' motion. Defendant shall prepare and submit the Order, pursuant to the electronic submission requirements of AOs 20-17 and 20-24. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Dauriana Simpson, to all



EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-18-771224-C

registered parties for Odyssey File and Serve. 1/29/2021/ds;

03/01/2021



**Motion for Attorney Fees** (3:00 AM) (Judicial Officer: Eller, Crystal)

*Defendants' Motion for Attorneys' Fees and Additional Monetary Relief Pursuant to NRS 41.670 & NRS 18.010(2)*

Minute Order - No Hearing Held;

Journal Entry Details:

*The Court shall issue a Minute Order resolving this matter.;*

03/08/2021



**Motion to Reconsider** (3:00 AM) (Judicial Officer: Eller, Crystal)

*Plaintiff's Motion to Reconsider January 29, 2021 Minute Order (re: Motion to Reconsider Anti-Slapp Order)*

Matter Heard;

Journal Entry Details:

*The Court will issue a Minute Order resolving this matter.;*

03/22/2021



**Minute Order** (3:00 AM) (Judicial Officer: Eller, Crystal)

Minute Order - No Hearing Held;

Journal Entry Details:

*The Court GRANTS Plaintiffs Motion to Reconsider January 25, 2021 Minute Order. [A] court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record. NRCP 60(a). This may be done by the court sua sponte or on a timely motion from the parties, and does not require notice by the court. Id. Further, to prevail on a motion for reconsideration, the moving party must establish that there was an error of law, substantially new evidence discovered, or that the Court's decision was clearly erroneous. See Masonry & Tile Contractors Ass'n of S. Nevada v. Jolley, Urga, & Wirth, Ltd., 113 Nev. 737, 741 (1997). As Plaintiff notes, when a case is on appeal, NRCP 62.1 allows a court to (1) defer considering the motion; (2) deny the motion; or (3) issue a statement that it will grant the motion, if remanded for that purpose, or that the motion raises a substantial issue. In the January 25th Minute Order, this Court failed to specify which of the above three options were in application. Accordingly, the Court reconsiders its prior Order, only for the sake of clarifying that Plaintiffs original Motion for Reconsideration is DENIED pursuant to item number two (2) of NRCP 62.1. The Court leaves resolution of that matter to the Supreme Court appeal. Defendant shall prepare a modified version of its February 2, 2021 Order and resubmit with all necessary email authorizations, and in PDF format, pursuant to AOs 20-17 and 20-24 to DC19Inbox@clarkcountycourts.us within ten (10) days, allowing opposing counsel a minimum of twenty-four (24) hours for review as to form and content. The Court also addresses that matter of Defendants Motion for Attorneys Fees and Additional Monetary Relief, filed on December 31, 2020. The Court has read and reviewed the parties submitted papers. However, the Court has some questions and concerns that can only be resolved by oral argument. Accordingly, the Court temporarily defers issuing a ruling on the matter, and SETS the motion for a hearing on Wednesday, March 31, 2021 at 9:00 AM. Pursuant to AO 20-24's strong discouragement of in-person appearances, the Court provides the March 31st Blue Jeans information below. 3/31/2021 Phone #: 408.419.1715 Session ID: 121 893 497 <https://bluejeans.com/121893497> CLERK'S NOTE: A copy of this Minute Order was provided to: Lisa Rasmussen: Lisa@VeldLaw.com; Mitchell Langberg: mlangber@bhfs.com. 3-22-21 sa ;*

03/31/2021



**Motion for Attorney Fees** (9:00 AM) (Judicial Officer: Eller, Crystal)

*Defendants' Motion for Attorneys' Fees and Additional Monetary Relief Pursuant to NRS 41.670 and NRS 18.010 (2)*

Granted in Part;

Journal Entry Details:

*Counsel appeared via BlueJeans. Arguments by Mr. Langberg in support of and by Ms. Rasmussen in opposition to the motion. COURT stated its findings and ORDERED, motion GRANTED in PART, attorney's fees granted in the amount of \$339,777.00 and \$23,467.00 for a total of \$363,244.00 and DENIED in PART regarding the additional monetary relief. Mr. Langberg to prepare the order.;*

DATE

FINANCIAL INFORMATION

**Defendant** Caria, Steve  
Total Charges

24.00

# CASE SUMMARY

CASE NO. A-18-771224-C

Total Payments and Credits	24.00
<b>Balance Due as of 5/7/2021</b>	<b>0.00</b>
<b>Defendant</b> Omerza, Daniel	
Total Charges	283.00
Total Payments and Credits	283.00
<b>Balance Due as of 5/7/2021</b>	<b>0.00</b>
<b>Plaintiff</b> Fore Stars, Ltd.	
Total Charges	828.00
Total Payments and Credits	828.00
<b>Balance Due as of 5/7/2021</b>	<b>0.00</b>
<b>Defendant</b> Omerza, Daniel	
Appeal Bond Balance as of 5/7/2021	<b>500.00</b>
<b>Plaintiff</b> Fore Stars, Ltd.	
Appeal Bond Balance as of 5/7/2021	<b>500.00</b>

# DISTRICT COURT CIVIL COVER SHEET

County, Nevada

A-18-771224-C

Case No. \_\_\_\_\_

(Assigned by Clerk's Office)

Department 31

## I. Party Information *(provide both home and mailing addresses if different)*

Plaintiff(s) (name/address/phone): <div style="text-align: center;">Fore Stars, Ltd., a Nevada Limited Liability Company</div> <div style="text-align: center;">1215 S. Fort Apache Rd., Suite 120</div> <div style="text-align: center;">Las Vegas, NV 89117</div> <div style="text-align: center;">(702) 940-6930</div>	Defendant(s) (name/address/phone): <div style="text-align: center;">Daniel Omerza and Steve Caria</div> <div style="text-align: center;">800 Petit Chalet Court</div> <div style="text-align: center;">Las Vegas, NV 89145</div>
Attorney (name/address/phone): <div style="text-align: center;">James J. Jimmerson, Esq. (702) 388-7171</div> <div style="text-align: center;">Jimmerson Law Firm, P.C.</div> <div style="text-align: center;">415 S. 6th Street, Suite 100</div> <div style="text-align: center;">Las Vegas, NV 89101</div>	Attorney (name/address/phone): 

## II. Nature of Controversy *(please select the one most applicable filing type below)*

### Civil Case Filing Types

<b>Real Property</b> <b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<b>Negligence</b> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<b>Torts</b> <b>Other Torts</b> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
<b>Probate</b> <b>Probate</b> <i>(select case type and estate value)</i> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <b>Estate Value</b> <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	<b>Construction Defect &amp; Contract</b> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<b>Judicial Review/Appeal</b> <b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<b>Civil Writ</b> <b>Civil Writ</b> <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		<b>Other Civil Filing</b> <b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input checked="" type="checkbox"/> Other Civil Matters

*Business Court filings should be filed using the Business Court civil coversheet.*

3/15/18

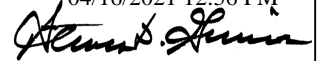
Date

/s/James J. Jimmerson

Signature of initiating party or representative

*See other side for family-related case filings.*





CLERK OF THE COURT

**ORDR**

MITCHELL J. LANGBERG, ESQ., Bar No. 10118  
[mlangberg@bhfs.com](mailto:mlangberg@bhfs.com)  
BROWNSTEIN HYATT FARBER SCHRECK, LLP  
100 North City Parkway, Suite 1600  
Las Vegas, NV 89106-4614  
Telephone: 702.382.2101  
Facsimile: 702.382.8135

*Counsel for Defendants,*  
DANIEL OMERZA, DARREN BRESEE, and  
STEVE CARIA

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

FORE STARS, LTD., a Nevada limited  
liability company; 180 LAND CO., LLC; a  
Nevada limited liability company;  
SEVENTY ACRES, LLC, a Nevada  
limited liability company,

Plaintiffs,

v.

DANIEL OMERZA, DARREN BRESEE,  
STEVE CARIA, and DOES 1 THROUGH  
100,

Defendants,

CASE NO.: A-18-771224-C  
DEPT. NO.: 19

**ORDER RE: DEFENDANTS' MOTION  
FOR ATTORNEYS' FEES AND  
ADDITIONAL MONETARY RELIEF  
PURSUANT TO NRS 41.670 AND NRS  
18.010(2)**

Defendants' Motion for Attorneys' Fees and Additional Monetary Relief Pursuant To NRS 41.670 and NRS 18.010(2) ("Motion") came on for hearing before this Court on March 31, 2021.

Having considered the Motion, the opposition and reply thereto, all papers related thereto, oral argument, and the papers and pleadings on file herein, the Court find:

1 Defendants' anti-SLAPP Motion to Dismiss filed pursuant to NRS 41.635, et. seq. was granted in full and all of Plaintiffs' claims were dismissed by way of the Findings of Fact, Conclusions of Law, and Order entered on December 10, 2020;

2. Defendants' filed a timely motion seeking attorneys' fees and additional monetary relief pursuant to NRS 41.670 and NRS 18.010(2);

1           3.       Plaintiffs filed a timely opposition to the Motion and Defendants filed a timely reply;

2           4.       In the Motion, Defendants seek attorneys' fees based on the Lodestar method (rate  
3 multiplied by hours) in the amount of and an enhancement because Defendants' counsel agreed to  
4 prosecute the anti-SLAPP motion on a contingency basis;

5           5.       Defendants also seek an additional monetary award of \$10,000 per Defendant  
6 pursuant to NRS 41.670;

7           6.       For the reasons stated by the Court on the record (NRCP 52(a)(3)), the Court finds  
8 that the hourly rates and the hours requested by Defendants for attorneys' fees are reasonable and  
9 that the Lodestar fees based on those reasonable rates and hours are \$363,244.00;

10          7.       For the reasons stated by the Court on the record, the Court also finds that a fee  
11 enhancement, as requested by Defendants, is not appropriate in this matter;

12          8.       For the reasons stated by the Court on the record, the Court also finds that an  
13 additional monetary award to Defendants pursuant to NRS 41.670 is not appropriate in this matter,

14               Therefore, it is hereby ORDERED, ADJUDGED AND DECREED that:

15           1.       Defendants' Motion is GRANTED; and

16           2.       Plaintiffs are hereby jointly and severally ORDERED to pay to Defendants  
17 attorneys' fees in the amount of \$363,244.00.

18               IT IS SO ORDERED

19  
20       Dated: \_\_\_\_\_

Dated this 16th day of April, 2021



\_\_\_\_\_  
DISTRICT COURT JUDGE

8B9 93E EFF3 0F62  
Crystal Eller  
District Court Judge

22

23

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- SIGNATURES ON NEXT PAGE -

1 Respectfully Submitted By:

2 BROWNSTEIN HYATT FARBER SCHRECK, LLP

3  
4 By: /s/ Mitchell J. Langberg

MITCHELL J. LANGBERG, ESQ., Bar No. 10118

[mlangberg@bhfs.com](mailto:mlangberg@bhfs.com)

100 North City Parkway, Suite 1600

Las Vegas, Nevada 89106-4614

Telephone: 702.382.2101

Facsimile: 702.382.8135

*Counsel for Defendants*

DANIEL OMERZA, DARREN BRESEE, and

STEVE CARIA

10  
11 Approved as to form:

12 THE LAW OFFICES OF KRISTINA WILDEVELD & ASSOCIATES

13  
14 By: /s/ Lisa A. Rasmussen

LISA A. RASMUSSEN, ESQ., Bar No. 7491

[lisa@lasmussenlaw.com](mailto:lisa@lasmussenlaw.com)

550 E. Charleston Boulevard, Suite A

Las Vegas, Nevada 89104

Telephone: 702.222.0007

Facsimile: 702.222.0001

*Counsel for Plaintiffs*

FORE STARS, LTD., 180 LAND CO., LLC; and

SEVENTY ACRES, LLC

## Cosby, Wendy C.

---

**From:** Lisa Rasmussen <Lisa@Veldlaw.com>  
**Sent:** Friday, April 16, 2021 8:55 AM  
**To:** Langberg, Mitchell  
**Subject:** RE: Draft order re fees

Okay to add my signature.

Lisa

Sent from [Mail](#) for Windows 10

---

**From:** [Langberg, Mitchell](#)  
**Sent:** Friday, April 16, 2021 7:22 AM  
**To:** [Lisa@Veldlaw.com](#)  
**Subject:** Draft order re fees

Lisa,

Attached is a draft order regarding fees. Please let me know if I may /s/ sign for you.

Thanks,

Mitch

**Mitchell J. Langberg**  
**Brownstein Hyatt Farber Schreck, LLP**  
100 North City Parkway, Suite 1600  
Las Vegas, NV 89106  
702.464.7098 tel  
[mlangberg@bhfs.com](mailto:mlangberg@bhfs.com)

STATEMENT OF CONFIDENTIALITY & DISCLAIMER: The information contained in this email message is attorney privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this email is strictly prohibited. If you have received this email in error, please notify us immediately by calling (303) 223-1300 and delete the message. Thank you.

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4	
5	
6 Fore Stars, Ltd., Plaintiff(s)	CASE NO: A-18-771224-C
7 vs.	DEPT. NO. Department 19
8 Daniel Omerza, Defendant(s)	
9	

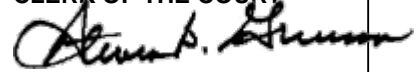
10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District  
12 Court. The foregoing Order was served via the court's electronic eFile system to all  
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 4/16/2021

15 Elizabeth Ham	EHam@ehbcompanies.com
16 Todd Davis	tdavis@ehbcompanies.com
17 Jennifer Knighton	jknighton@ehbcompanies.com
18 Mitchell Langberg	mlangberg@bhfs.com
19 Lisa Rasmussen	Lisa@Veldlaw.com
20 Kristina Wildeveld	Kristina@Veldlaw.com
21 Mitchell Langberg	mlangberg@bhfs.com
22 Lisa Rasmussen	Lisa@Veldlaw.com
23 Lisa Rasmussen	Lisa@Veldlaw.com
24 Mitchell Langberg	mlangberg@bfhs.com
25 Samuel Reyes	Sam@veldlaw.com
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1 **NEOJ**

2 MITCHELL J. LANGBERG, ESQ., Bar No. 10118

3 [mlangberg@bhfs.com](mailto:mlangberg@bhfs.com)

4 BROWNSTEIN HYATT FARBER SCHRECK, LLP

5 100 North City Parkway, Suite 1600

6 Las Vegas, NV 89106-4614

7 Telephone: 702.382.2101

8 Facsimile: 702.382.8135

9 *Counsel for Defendants,*

10 DANIEL OMERZA, DARREN BRESEE, and

11 STEVE CARIA

12 **DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 FORE STARS, LTD., a Nevada limited  
15 liability company; 180 LAND CO., LLC; a  
16 Nevada limited liability company;  
17 SEVENTY ACRES, LLC, a Nevada  
18 limited liability company,

19 Plaintiffs,

20 v.

21 DANIEL OMERZA, DARREN BRESEE,  
22 STEVE CARIA, and DOES 1 THROUGH  
23 100,

24 Defendants,

CASE NO.: A-18-771224-C

DEPT NO.: 19

**NOTICE OF ENTRY OF ORDER RE:  
DEFENDANTS' MOTION FOR ATTORNEYS'  
FEES AND ADDITIONAL MONETARY  
RELIEF PURSUANT TO NRS 41.670 AND  
NRS 18.010(2)**

25 PLEASE TAKE NOTICE that the Order Re: Defendants' Motion for Attorneys' Fees and  
26 Additional Monetary Relief Pursuant to NRS 41.060 and NRS 18.010(2) was entered on April 16,  
27 2021.

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A true and correct copy of said Order is attached hereto.

DATED this 16th day of April, 2021.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

BY: /s/ Mitchell J. Langberg

MITCHELL J. LANGBERG, ESQ., Bar No. 10118

[mlangberg@bhfs.com](mailto:mlangberg@bhfs.com)

100 North City Parkway, Suite 1600

Las Vegas, NV 89106-4614

Telephone: 702.382.2101

Facsimile: 702.382.8135

*Counsel for Defendants*

DANIEL OMERZA, DARREN BRESEE, and  
STEVE CARIA



**CERTIFICATE OF SERVICE**

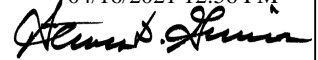
I HEREBY CERTIFY that I am an employee of Brownstein Hyatt Farber Schreck, LLP, and pursuant to NRCP 5(b), EDCR 8.05, Administrative Order 14-2, and NEFCR 9, I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER RE: DEFENDANTS' MOTION FOR ATTORNEYS' FEES AND ADDITIONAL MONETARY RELIEF PURSUANT TO NRS 41.670 AND NRS 18.010(2)** be submitted electronically for filing and/or service with the Eighth Judicial District Court via the Court's Electronic Filing System on the 16th day of April, 2021, to the following:

Lisa A. Rasmussen, Esq.  
The Law Offices of Kristina Wildeveld & Associates  
550 E. Charleston Boulevard, Suite A  
Las Vegas, Nevada 89104  
Email: [lisa@lrasmussenlaw.com](mailto:lisa@lrasmussenlaw.com)

Elizabeth Ham, Esq.  
EHB Companies, LLC  
9755 West Charleston Boulevard  
Las Vegas, Nevada 89117  
Email: [eham@ehbcompanies.com](mailto:eham@ehbcompanies.com)

*Attorneys for Plaintiffs*  
FORE STARS, LTD., 180 LAND CO., LLC;  
and SEVENTY ACRES, LLC

/s/ Wendy Cosby  
an employee of Brownstein Hyatt Farber Schreck, LLP

  
CLERK OF THE COURT

**ORDR**

MITCHELL J. LANGBERG, ESQ., Bar No. 10118  
[mlangberg@bhfs.com](mailto:mlangberg@bhfs.com)  
BROWNSTEIN HYATT FARBER SCHRECK, LLP  
100 North City Parkway, Suite 1600  
Las Vegas, NV 89106-4614  
Telephone: 702.382.2101  
Facsimile: 702.382.8135

*Counsel for Defendants,*  
DANIEL OMERZA, DARREN BRESEE, and  
STEVE CARIA

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

FORE STARS, LTD., a Nevada limited  
liability company; 180 LAND CO., LLC; a  
Nevada limited liability company;  
SEVENTY ACRES, LLC, a Nevada  
limited liability company,

Plaintiffs,

v.

DANIEL OMERZA, DARREN BRESEE,  
STEVE CARIA, and DOES 1 THROUGH  
100,

Defendants,

CASE NO.: A-18-771224-C  
DEPT. NO.: 19

**ORDER RE: DEFENDANTS' MOTION  
FOR ATTORNEYS' FEES AND  
ADDITIONAL MONETARY RELIEF  
PURSUANT TO NRS 41.670 AND NRS  
18.010(2)**

Defendants' Motion for Attorneys' Fees and Additional Monetary Relief Pursuant To NRS 41.670 and NRS 18.010(2) ("Motion") came on for hearing before this Court on March 31, 2021.

Having considered the Motion, the opposition and reply thereto, all papers related thereto, oral argument, and the papers and pleadings on file herein, the Court find:

1 Defendants' anti-SLAPP Motion to Dismiss filed pursuant to NRS 41.635, et. seq. was granted in full and all of Plaintiffs' claims were dismissed by way of the Findings of Fact, Conclusions of Law, and Order entered on December 10, 2020;

2. Defendants' filed a timely motion seeking attorneys' fees and additional monetary relief pursuant to NRS 41.670 and NRS 18.010(2);

1           3.       Plaintiffs filed a timely opposition to the Motion and Defendants filed a timely reply;

2           4.       In the Motion, Defendants seek attorneys' fees based on the Lodestar method (rate  
3 multiplied by hours) in the amount of and an enhancement because Defendants' counsel agreed to  
4 prosecute the anti-SLAPP motion on a contingency basis;

5           5.       Defendants also seek an additional monetary award of \$10,000 per Defendant  
6 pursuant to NRS 41.670;

7           6.       For the reasons stated by the Court on the record (NRCP 52(a)(3)), the Court finds  
8 that the hourly rates and the hours requested by Defendants for attorneys' fees are reasonable and  
9 that the Lodestar fees based on those reasonable rates and hours are \$363,244.00;

10          7.       For the reasons stated by the Court on the record, the Court also finds that a fee  
11 enhancement, as requested by Defendants, is not appropriate in this matter;

12          8.       For the reasons stated by the Court on the record, the Court also finds that an  
13 additional monetary award to Defendants pursuant to NRS 41.670 is not appropriate in this matter,

14               Therefore, it is hereby ORDERED, ADJUDGED AND DECREED that:

15           1.       Defendants' Motion is GRANTED; and

16           2.       Plaintiffs are hereby jointly and severally ORDERED to pay to Defendants  
17 attorneys' fees in the amount of \$363,244.00.

18               IT IS SO ORDERED

19  
20       Dated: \_\_\_\_\_

Dated this 16th day of April, 2021



\_\_\_\_\_  
DISTRICT COURT JUDGE

8B9 93E EFF3 0F62  
Crystal Eller  
District Court Judge

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27               - SIGNATURES ON NEXT PAGE -  
28

1 Respectfully Submitted By:

2 BROWNSTEIN HYATT FARBER SCHRECK, LLP

3  
4 By: /s/ Mitchell J. Langberg  
5 MITCHELL J. LANGBERG, ESQ., Bar No. 10118  
6 [mlangberg@bhfs.com](mailto:mlangberg@bhfs.com)  
7 100 North City Parkway, Suite 1600  
8 Las Vegas, Nevada 89106-4614  
9 Telephone: 702.382.2101  
10 Facsimile: 702.382.8135

11 *Counsel for Defendants*  
12 DANIEL OMERZA, DARREN BRESEE, and  
13 STEVE CARIA

14 Approved as to form:

15 THE LAW OFFICES OF KRISTINA WILDEVELD & ASSOCIATES

16 By: /s/ Lisa A. Rasmussen  
17 LISA A. RASMUSSEN, ESQ., Bar No. 7491  
18 [lisa@lasmussenlaw.com](mailto:lisa@lasmussenlaw.com)  
19 550 E. Charleston Boulevard, Suite A  
20 Las Vegas, Nevada 89104  
21 Telephone: 702.222.0007  
22 Facsimile: 702.222.0001

23 *Counsel for Plaintiffs*  
24 FORE STARS, LTD., 180 LAND CO., LLC; and  
25 SEVENTY ACRES, LLC  
26  
27  
28

## **Cosby, Wendy C.**

---

**From:** Lisa Rasmussen <Lisa@Veldlaw.com>  
**Sent:** Friday, April 16, 2021 8:55 AM  
**To:** Langberg, Mitchell  
**Subject:** RE: Draft order re fees

Okay to add my signature.

Lisa

Sent from [Mail](#) for Windows 10

---

**From:** [Langberg, Mitchell](#)  
**Sent:** Friday, April 16, 2021 7:22 AM  
**To:** [Lisa@Veldlaw.com](#)  
**Subject:** Draft order re fees

Lisa,

Attached is a draft order regarding fees. Please let me know if I may /s/ sign for you.

Thanks,

Mitch

**Mitchell J. Langberg**  
**Brownstein Hyatt Farber Schreck, LLP**  
100 North City Parkway, Suite 1600  
Las Vegas, NV 89106  
702.464.7098 tel  
[mlangberg@bhfs.com](mailto:mlangberg@bhfs.com)

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1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Fore Stars, Ltd., Plaintiff(s) CASE NO: A-18-771224-C  
7 vs. DEPT. NO. Department 19  
8 Daniel Omerza, Defendant(s)  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District  
12 Court. The foregoing Order was served via the court's electronic eFile system to all  
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 4/16/2021

15 Elizabeth Ham	EHam@ehbcompanies.com
16 Todd Davis	tdavis@ehbcompanies.com
17 Jennifer Knighton	jknighton@ehbcompanies.com
18 Mitchell Langberg	mlangberg@bhfs.com
19 Lisa Rasmussen	Lisa@Veldlaw.com
20 Kristina Wildeveld	Kristina@Veldlaw.com
21 Mitchell Langberg	mlangberg@bhfs.com
22 Lisa Rasmussen	Lisa@Veldlaw.com
23 Lisa Rasmussen	Lisa@Veldlaw.com
24 Mitchell Langberg	mlangberg@bfhs.com
25 Samuel Reyes	Sam@veldlaw.com

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**April 16, 2018**

---

A-18-771224-C      Fore Stars, Ltd., Plaintiff(s)  
vs.  
Daniel Omerza, Defendant(s)

---

**April 16, 2018      1:00 PM      Minute Order**

**HEARD BY:** Kishner, Joanna S.

**COURTROOM:** Chambers

**COURT CLERK:** Tena Jolley

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Although the Court could and would rule fairly and without bias, recusal is appropriate in the present case in accordance with Canon 2.11(A)(3) of the Nevada Code of Judicial Conduct in order to avoid the appearance of impartiality or implied bias as the Court could be viewed to have information relating to the facts and/or circumstances regarding the underlying issues. Thus, the Court recuses itself from the matter and requests that it be randomly reassigned in accordance with appropriate procedures.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**May 14, 2018**

---

A-18-771224-C	Fore Stars, Ltd., Plaintiff(s)
	vs.
	Daniel Omerza, Defendant(s)

---

<b>May 14, 2018</b>	<b>9:00 AM</b>	<b>All Pending Motions</b>
---------------------	----------------	----------------------------

<b>HEARD BY:</b> Scotti, Richard F.	<b>COURTROOM:</b> RJC Courtroom 11D
-------------------------------------	-------------------------------------

**COURT CLERK:** Vanessa Medina

**RECORDER:** Dalayne Easley

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Ghanem, Elizabeth M.	Attorney
	Jimmerson, James Joseph, ESQ	Attorney
	Langberg, Mitchell J.	Attorney

**JOURNAL ENTRIES**

- Arguments by Mr. Langberg and Mr. Jimmerson. Court DIRECTED, counsel to submit a 2 page Supplemental Briefing by close of business day Wednesday 05/23/18, if counsel believes there is additional information. COURT ORDERED, matter CONTINUED to 05/23/18 Chamber Calendar.

CONTINUED TO: 05/23/18 (CHAMBER CALENDAR)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**May 23, 2018**

---

A-18-771224-C      Fore Stars, Ltd., Plaintiff(s)  
vs.  
Daniel Omerza, Defendant(s)

---

**May 23, 2018      3:00 AM      Motion to Dismiss**

**HEARD BY:** Scotti, Richard F.      **COURTROOM:** No Location

**COURT CLERK:** Natalie Ortega

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- These matters are continued to the May 30, 2018 Chambers Calendar.

CLERK'S NOTE: This minute order was electronically served by Courtroom Clerk, Natalie Ortega, to all registered parties for Odyssey File & Serve. ndo/5/23/18

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

May 29, 2018

A-18-771224-C      Fore Stars, Ltd., Plaintiff(s)  
vs.  
Daniel Omerza, Defendant(s)

May 29, 2018	10:41 AM	Minute Order	<b>Defendants' Special Motion to Dismiss (Anti-SLAPP Motion) Plaintiffs Complaint</b>
--------------	----------	--------------	---

**HEARD BY:** Scotti, Richard F.**COURTROOM:** No Location**COURT CLERK:** Jennifer Lott**RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- The Court DENIES without prejudice Defendants Special Motion to Dismiss (Anti-SLAPP Motion) Plaintiffs Complaint pursuant to NRS 41.635 et. Seq. Nevada s anti-SLAPP statute does not apply to fraudulent conduct, which Plaintiffs have alleged. Even if it did so apply, at this early stage in the litigation and given the numerous allegations of fraud, the Court is not convinced by a preponderance of the evidence that Defendants conduct constituted good faith communications in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern, as described in NRS 41.637. The Court also DENIES Defendants Motion to Dismiss Pursuant to NRCP 12(b)(5). Plaintiffs have stated valid claims for relief. Plaintiffs shall prepare the proposed Order, adding appropriate context and authorities.

The 5/30/2018 Chambers Hearing on this matter hereby VACATED.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Jennifer Lott, to

all registered parties for Odyssey File & Serve. jl

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

October 19, 2018

A-18-771224-C      Fore Stars, Ltd., Plaintiff(s)  
vs.  
Daniel Omerza, Defendant(s)

October 19, 2018	9:00 AM	Motion for Order	Plaintiffs' Motion for Order Allowing Commencement of Discovery
------------------	---------	------------------	--

HEARD BY: Truman, Erin

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Jimmerson, James Joseph, ESQ	Attorney
	Jimmerson, James M.	Attorney
	Langberg, Mitchell J.	Attorney

**JOURNAL ENTRIES**

- Mr. Jimmerson addressed Judge Scotti's ruling and the Court found that Defts' anti-slapp Motion did not apply to intentional torts pled by Plaintiffs in the case, and the Motion to Dismiss on the basis of anti-slapp was Denied. There is an immediate right to Appeal which Defts availed themselves to. Mr. Jimmerson attempted to file an Early Case Conference, however, counsel have returned before the Commissioner to begin discovery. Defts have failed to file an Answer, but Mr. Jimmerson doesn't intent to default Defts. The case needs to go forward and begin discovery. Argument by Mr. Jimmerson. Mr. Langberg discussed whether or not the anti-slapp Statute applies to the tort causes of action that Plaintiffs asserted. Defts filed a Writ of Mandamus, however, it was not brought on the same grounds as the anti-slapp. Mr. Langberg stated the Statute says if an anti-slapp Motion is filed, discovery is stayed pending a ruling on the Motion. Argument by Mr. Langberg.

Commissioner stated based on the Supreme Court Denial of the Petition for Writ, the case is ready to

be Answered, and 16.1 should be complied with. Mr. Langberg stated the Appeal is still pending. There was a Writ as to the Denial of the 12(b)(5) Motion because there is no Appeal from that. Mr. Langberg stated there is an automatic Appeal on Denial of an anti-slapp Motion, the Appeal is still pending, and the Opening Brief is due 10-22-18. Upon Commissioner's inquiry, Mr. Jimmerson stated there are no exigent circumstances that would warrant discovery before 16.1 is complied with.

Given the fact that the Appeal is still pending, and an Answer is not yet required, COMMISSIONER RECOMMENDED, there is no reasonable basis for discovery to go forward at this point, and counsel will wait until the Supreme Court hears the issue. Following that the Answer will be due, and 16.1 will be complied with. Mr. Jimmerson stated there will be a 18 month to 2 year delay. Arguments by counsel. Mr. Langberg read the Statute into the record.

Commissioner doesn't believe the case is stayed under the authority cited by Mr. Langberg. The Court determined that it doesn't apply to the causes of action, therefore, COMMISSIONER RECOMMENDED, motion is GRANTED IN PART; discovery needs to go forward and within 30 days of Judge Scotti's ruling on the forthcoming Objection counsel should comply with 16.1 and file the JCCR. Mr. Langberg requested an extension to object to the Report and Recommendation. Colloquy. Mr. Jimmerson to prepare the Report and Recommendations, and Mr. Langberg to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**February 20, 2019**

---

A-18-771224-C      Fore Stars, Ltd., Plaintiff(s)  
vs.  
Daniel Omerza, Defendant(s)

---

**February 20, 2019      9:00 AM      Hearing**

**HEARD BY:** Scotti, Richard F.      **COURTROOM:** RJC Courtroom 03B

**COURT CLERK:** Louisa Garcia

**RECORDER:** Dalayne Easley

**REPORTER:**

**PARTIES**

**PRESENT:**      Jimmerson, James Joseph, ESQ      Attorney  
                 Jimmerson, James M.      Attorney  
                 Langberg, Mitchell J.      Attorney

**JOURNAL ENTRIES**

- Arguments by counsel whether anti-slap statute applies and whether motion was filed in good faith.  
COURT ORDERED, matter UNDER ADVISEMENT. Court needs to review the Patton v. Lee case  
and whether it has jurisdiction, as well as the case law just presented.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**March 15, 2019**

---

A-18-771224-C      Fore Stars, Ltd., Plaintiff(s)  
vs.  
Daniel Omerza, Defendant(s)

---

**March 15, 2019      10:00 AM      Minute Order**

**HEARD BY:** Scotti, Richard F.      **COURTROOM:** Chambers

**COURT CLERK:** Elizabeth Vargas

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- The Court DENIES Plaintiff s Motion to Commence Discovery, pursuant to NRS 41.660(3)(e). The Court had denied Defendants Special Motion to Dismiss, in part, on the grounds that Defendants did not meet their threshold burden of establishing, by a preponderance of the evidence, that the Land owners claims against them are based on their good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern. . See Plaintiff s Motion at p. 6 (quoting NRS 41.660(3)(a). Under these circumstances the statute mandates that the Court stay discovery pending an appeal of an Order denying the Special Motion to Dismiss. Defendants to prepare the Order.

CLERK'S NOTE: A copy of this Minute Order has been distributed to the following: James Jimmerson, Esq. (JJJ@jimmersonlawfirm.com) and Mitchell Langberg, Esq. (mlangberg@bhfs.com).  
//ev 3/15/19



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**August 21, 2019**

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A-18-771224-C      Fore Stars, Ltd., Plaintiff(s)  
vs.  
Daniel Omerza, Defendant(s)

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**August 21, 2019      3:00 AM      Status Check**

**HEARD BY:** Scotti, Richard F.      **COURTROOM:** Chambers

**COURT CLERK:** Elizabeth Vargas

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Matter heard.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**October 02, 2019**

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A-18-771224-C      Fore Stars, Ltd., Plaintiff(s)  
vs.  
Daniel Omerza, Defendant(s)

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**October 02, 2019      9:00 AM      Status Check**

**HEARD BY:** Scotti, Richard F.      **COURTROOM:** RJC Courtroom 03B

**COURT CLERK:** Elizabeth Vargas

**RECORDER:** Dalayne Easley

**REPORTER:**

**PARTIES**

**PRESENT:**      Langberg, Mitchell J.      Attorney

**JOURNAL ENTRIES**

- Mr. Langberg conveyed Elizabeth Ghanem emailed him that morning and advised this matter was pending in Supreme Court and she had a conflict, and the matter was still before the Supreme Court regarding the denial of the Motion to Dismiss. COURT ORDERED, Stay CONTINUED. Mr. Langberg advised discovery never commenced. COURT ORDERED, parties to SUBMIT a one-page status update 30 days after the Supreme Court rules on the Appeal from the denial of the Motion to Dismiss.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**March 25, 2020**

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A-18-771224-C      Fore Stars, Ltd., Plaintiff(s)  
vs.  
Daniel Omerza, Defendant(s)

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**March 25, 2020      3:00 AM      Status Check**

**HEARD BY:** Scotti, Richard F.      **COURTROOM:** RJC Courtroom 03B

**COURT CLERK:** Elizabeth Vargas

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Matter heard.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**April 06, 2020**

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A-18-771224-C      Fore Stars, Ltd., Plaintiff(s)  
vs.  
Daniel Omerza, Defendant(s)

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**April 06, 2020**

**3:00 AM**

**Motion**

**HEARD BY:** Scotti, Richard F.

**COURTROOM:** RJC Courtroom 03B

**COURT CLERK:** Elizabeth Vargas

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- The Court GRANTS the Motion for a Status Update and hereby SETS a Status Check for Wednesday, April 29, 2020 at 9AM. Further, in light of the continued ban on in-person hearings, the Court directs the parties to make the appropriate arrangements necessary to appear remotely through the available audio (CourtCall) or audiovisual (Blue Jeans) platforms in preparation for this hearing.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Elizabeth Vargas, to all registered parties for Odyssey File & Serve and mailed to the following:

Seventy Acres LLC  
1215 S. Fort Apache Rd. Ste 120  
Las Vegas, NV 89117

180 Land Co  
1215 S. Fort Apache Rd. Ste 120  
Las Vegas, NV 89117

Daniel Omerza

**A-18-771224-C**

800 Petit Chalet Court  
Las Vegas, NV 89145

//ev 4/20/20

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

April 29, 2020

A-18-771224-C      Fore Stars, Ltd., Plaintiff(s)  
vs.  
Daniel Omerza, Defendant(s)

**April 29, 2020      9:00 AM      Status Check**

**HEARD BY:** Scotti, Richard F.      **COURTROOM:** RJC Courtroom 03B

**COURT CLERK:** Elizabeth Vargas

**RECORDER:** Dalayne Easley

**REPORTER:**

**PARTIES**

**PRESENT:**      Ghanem, Elizabeth M.      Attorney  
Langberg, Mitchell J.      Attorney

**JOURNAL ENTRIES**

- Lisa Rasmussen, Esq. also present on behalf of Plaintiffs. Court provided a brief overview of the history of the case. Arguments by counsel regarding additional supplemental briefing and additional discovery. Court stated counsel would be given an opportunity to provide additional briefing limited to 5 pages regarding why additional discovery was needed. COURT ORDERED, Plaintiff to provide supplemental briefing by May 6, Defendants' Opposition to the Motion due May 11, and Reply, if needed, due May 13. Court inquired if there were any issues left to decide other than limited discovery. Ms. Rasmussen stated the Supreme Court focused on one prong and not the other, and additional briefing may be needed regarding the second prong. Court stated in the event limited discovery was denied, ruling on the Motion to Dismiss would proceed. Court stated any emergency requests would be considered, and a decision would be provided by May 18, 2020 regarding the Motion for Limited Discovery.

5/13/20 STATUS CHECK: OPTIONAL REPLY (CHAMBERS)

5/18/20 MOTION FOR LIMITED DISCOVERY (CHAMBERS)

5/25/20 DECISION: MOTION TO DISMISS (CHAMBERS)



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**May 13, 2020**

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A-18-771224-C      Fore Stars, Ltd., Plaintiff(s)  
vs.  
Daniel Omerza, Defendant(s)

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**May 13, 2020      3:00 AM      Status Check**

**HEARD BY:** Scotti, Richard F.      **COURTROOM:** RJC Courtroom 03B

**COURT CLERK:** Elizabeth Vargas

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Matter heard.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

May 29, 2020

A-18-771224-C      Fore Stars, Ltd., Plaintiff(s)  
vs.  
Daniel Omerza, Defendant(s)

May 29, 2020      10:00 AM      Minute Order

HEARD BY: Scotti, Richard F.      COURTROOM: Chambers

COURT CLERK: Elizabeth Vargas

RECORDER:

REPORTER:

PARTIES  
PRESENT:

**JOURNAL ENTRIES**

- The Court GRANTS in part, and DENIES in part, Plaintiff s request for limited discovery. Plaintiff may serve one set of requests for production of documents, with no more than a total of fifteen (15) requests for documents to be allocated among the defendants, as Plaintiff sees fit; Defendants shall have two weeks to respond to such requests. Further, Plaintiff may take the depositions of the three defendants, each limited to four (4) hours. This limited discovery period commences immediately, and concludes on Friday, July 17, 2020, absent stipulation of the parties. The defendants have the option of appearing for deposition in person, or appearing by audio/visual means (at their own arrangements). The depositions may be set on two week s notice, at the time and place noticed by Plaintiff after good faith attempt to meet and confer on the same. Any discovery dispute shall be brought before this Court upon request for an Order Shortening Time. Plaintiff may file a supplemental brief in opposition to the Motion to Dismiss by Wednesday, July 22, 2020. Plaintiff may file a supplemental reply by Monday, July, 27, 2020. The Court will conduct a Hearing on the Defendants Motion to Dismiss on Wednesday, July 29, 2020. The parties may modify this schedule by written stipulation approved by the Court.

7/29/20 9:30 AM DEFENDANTS' MOTION TO DISMISS

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Elizabeth Vargas,

to all registered parties for Odyssey File & Serve. //ev 5/29/20

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**June 05, 2020**

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A-18-771224-C	Fore Stars, Ltd., Plaintiff(s)
	vs.
	Daniel Omerza, Defendant(s)

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<b>June 05, 2020</b>	<b>12:00 AM</b>	<b>Minute Order</b>
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<b>HEARD BY:</b> Scotti, Richard F.	<b>COURTROOM:</b> Chambers
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**COURT CLERK:** Elizabeth Vargas

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- With regard to this Court's May 29, 2020 Minute Order, granting in part and denying in Part Plaintiff's request for limited discovery, the Court issues this clarification: The discovery permitted by the prior order must relate to the second prong of the anti-SLAPP analysis, and is limited to the matters identified in Plaintiff's papers, or the matters identified by the Plaintiff at the April 29th hearing.

CLERK'S NOTE: A copy of this Minute Order was electronically served to all registered parties by the Courtroom Clerk, Elizabeth Vargas via Odyssey Efile and Serve. //ev 6/5/20

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

July 13, 2020

A-18-771224-C      Fore Stars, Ltd., Plaintiff(s)  
vs.  
Daniel Omerza, Defendant(s)

**July 13, 2020      9:00 AM      Motion for Protective  
Order**

**HEARD BY:** Scotti, Richard F.**COURTROOM:** RJC Courtroom 03B**COURT CLERK:** Louisa Garcia**RECORDER:** Brittany Amoroso**REPORTER:****PARTIES**

**PRESENT:**      Langberg, Mitchell J.      Attorney  
                         Rasmussen, Lisa A.      Attorney

**JOURNAL ENTRIES**

- Court stated procedural aspect of Plaintiff's response to the motion, noting they expressed concerns that this Court issued a minute order providing clarification of its prior discovery order before having had a chance to receive and review Plaintiff's Response to Defendant's written request for clarification. This matter came back after a remand from the Nevada Supreme Court where it appeared to the Court that the Supreme Court had resolved prong 1 and was remanding back to this Court for appropriate proceedings regarding prong 2, whether limited discovery should go forward and resolve the issue of the litigation privilege. Following arguments by counsel regarding their respective positions, Court advised it was not one hundred percent convinced that prong 1 was completely disposed of by the Nevada Supreme Court, after hearing Ms. Rasmussen paraphrasing the order. Court advised it needs to go back and review the Supreme Court order. **COURT ORDERED, matter TAKEN UNDER ADVISEMENT; discovery STAYED** pending ruling on motion for protective order and if Court needs additional briefing regarding the litigation privilege issue, it will inform the parties by minute order.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**July 21, 2020**

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A-18-771224-C	Fore Stars, Ltd., Plaintiff(s)
	vs.
	Daniel Omerza, Defendant(s)

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<b>July 21, 2020</b>	<b>3:00 PM</b>	<b>Minute Order</b>
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<b>HEARD BY:</b> Scotti, Richard F.	<b>COURTROOM:</b> Chambers
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**COURT CLERK:** Carolyn Jackson

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- The Court GRANTS Defendants Motion for Protective Order Limiting Discovery. Discovery is limited to the second prong of the anti-SLAPP analysis. Discovery is limited to what is identified by Plaintiffs on p.5, lines 15-21 of Plaintiffs Brief in Support of Request for Limited Discovery (5-6-20). The Defendants shall prepare the proposed Order, consistent with the relief sought in their motion.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Carolyn Jackson, to all registered parties for Odyssey File & Serve. /cj 07/21/20

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

July 29, 2020

A-18-771224-C      Fore Stars, Ltd., Plaintiff(s)  
vs.  
Daniel Omerza, Defendant(s)

July 29, 2020

9:30 AM

Motion to Dismiss

Date to be  
determined

HEARD BY: Scotti, Richard F.

COURTROOM: RJC Courtroom 03B

COURT CLERK: Louisa Garcia

RECORDER: Brittany Amoroso

REPORTER:

**PARTIES**

**PRESENT:**      Langberg, Mitchell J.      Attorney  
                         Rasmussen, Lisa A.      Attorney

**JOURNAL ENTRIES**

- Court noted this matter was set for a continued hearing on the Motion to Dismiss. Mr. Langberg stated he believes on the 21st the Court issued a minute order on their Motion for Protective Order defining the scope of discovery. The parties should conduct the discovery the Court ordered, noting they have been working on a formal order. Mr. Langberg stated he does not believe they have any dispute about what the Court ordered to occur however, there is a disagreement as to the findings that led to that decision. Court advised it would be its preference if the parties could work out and decrease the number of findings and get to the heart of the matter on the scope of discovery. Ms. Rasmussen stated by minimizing the findings in the proposed order that will probably resolve all their issues and they should be able to get the proposed order over to the Court today. Ms. Rasmussen stated they did their own proposed briefing schedule which takes them out into October; it allows the Court to set a date for the continued hearing. COURT ORDERED, hearing for Motion to Dismiss CONTINUED, to a date to be determined. COURT FURTHER ORDERED, matter SET for status check.

9/28/20 STATUS CHECK: STATUS OF CASE (CHAMBERS)



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**September 28, 2020**

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A-18-771224-C      Fore Stars, Ltd., Plaintiff(s)  
vs.  
Daniel Omerza, Defendant(s)

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**September 28, 2020      3:00 AM      Status Check**

**HEARD BY:** Scotti, Richard F.      **COURTROOM:** RJC Courtroom 03B

**COURT CLERK:** Elizabeth Vargas

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Matter heard.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**October 22, 2020**

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A-18-771224-C      Fore Stars, Ltd., Plaintiff(s)  
vs.  
Daniel Omerza, Defendant(s)

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**October 22, 2020      3:00 AM      All Pending Motions**

**HEARD BY:** Scotti, Richard F.      **COURTROOM:** RJC Courtroom 03B

**COURT CLERK:** Grecia Snow

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- DEFENDANTS' MOTION TO STIRKE AND FOR IMPOSITION OF SANCTIONS (ON  
OST)...OPPOSITION TO MOTION TO STRIKE & FOR SANCTIONS / COUNTERMOTION FOR  
SANCTIONS

The Court will issue a Minute Order resolving this matter.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**October 26, 2020**

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A-18-771224-C      Fore Stars, Ltd., Plaintiff(s)  
vs.  
Daniel Omerza, Defendant(s)

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**October 26, 2020      3:00 AM      Minute Order**

**HEARD BY:** Scotti, Richard F.

**COURTROOM:** Chambers

**COURT CLERK:** Grecia Snow

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- The Court DENIES Defendants Motion to Strike and for Imposition of Sanctions. The Court places no restriction on the content Plaintiff may include in its Brief. Plaintiff did not violate EDCR 7.60(b). The Court, further, DENIES Plaintiff s Countermotion because Defendants motion was meritless, but not frivolous. Plaintiff to prepare and submit the Order, pursuant to the electronic submission requirements of AO 20-17.

CLERK'S NOTE: This Minute Order was e-mailed by Courtroom Clerk, Grecia Snow to: Lisa Rasmussen Esq., at Lisa@Veldlaw.com, Mitchell J. Langberg Esq., at mlangber@bhfs.com, and Elizabeth M. Ghanem Esq., at eghanem@gs-lawyers.com. 10/26/20 gs

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**November 09, 2020**

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A-18-771224-C      Fore Stars, Ltd., Plaintiff(s)  
vs.  
Daniel Omerza, Defendant(s)

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**November 09, 2020      9:30 AM      Motion to Dismiss**

**HEARD BY:** Scotti, Richard F.; Thompson, Charles      **COURTROOM:** RJC Courtroom 03B

**COURT CLERK:** Kathryn Hansen-McDowell

**RECORDER:** Brittany Amoroso

**REPORTER:**

**PARTIES**

**PRESENT:**      Langberg, Mitchell J.      Attorney  
                 Rasmussen, Lisa A.      Attorney

**JOURNAL ENTRIES**

- Court noted it read the motion, support briefs, and orders. Arguments by counsel. COURT took matter UNDER ADVISEMENT, stated it would issue a minute order. Ms. Rasmussen stated it filed a support brief and Mr. Langberg moved to strike, requested Court review the Motion to strike and respond.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**November 09, 2020**

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A-18-771224-C	Fore Stars, Ltd., Plaintiff(s)
	vs.
	Daniel Omerza, Defendant(s)

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**November 09, 2020      12:16 AM      Minute Order**

**HEARD BY:** Thompson, Charles

**COURTROOM:** No Location

**COURT CLERK:** Kathryn Hansen-McDowell

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- On June 20, 2018, Judge Scotti entered Findings of Fact, Conclusions of Law and an Order denying this motion. Defendants appealed and on January 23, 2020, the Nevada Supreme Court entered an Order vacating Judge Scotti's order and remanding with an opportunity for Plaintiffs to conduct limited discovery.

Plaintiffs first argue that they may revisit step one of the anti-SLAPP analysis. On July 13, 2020, Judge Scotti entered a minute order including the following: This matter came back after a remand from the Nevada Supreme Court where it appeared to the Court that the Supreme Court had resolved prong 1 and was remanding back to this Court for appropriate proceedings regarding prong 2, whether limited discovery should go forward and resolve the issue of the litigation privilege. Following arguments by counsel regarding their respective positions, Court advised it was not one hundred percent convinced that prong 1 was completely disposed of by the Nevada Supreme Court, after hearing Ms. Rasmussen paraphrasing the order. Court advised it needs to go back and review the Supreme Court order.

On July 21, 2020, after reviewing the Supreme Court Order, Judge Scotti entered a minute order which contained the following: Discovery is limited to the second prong of the anti-SLAPP analysis. It is clear from this minute order that Judge Scotti believed that prong 1 was resolved and that the

limited discovery was only allowed with regard to prong 2.

This Court agrees with Judge Scotti. It is clear from the Supreme Court's order filed January 23, 2020, that the Defendants met their burden at step one of the anti-SLAPP analysis. In other words, the Court found that the Defendant's communications were in furtherance of their right to petition the government in connection with an issue of public concern and that the communications were in good faith. The Court then held that the Plaintiffs had not met their step-two burden of demonstrating with prima facie evidence a probability of prevailing on their claims. However, they believed that the Plaintiffs should be permitted limited discovery to see if they could meet that step-two burden.

Thereafter, Judge Scotti entered an order prescribing the limited discovery that would be permitted. Plaintiffs complain that the order was too limited. I believe that the judge appropriately exercised his discretion in this regard. Also, I do not sit as an appellate court over Judge Scotti. Thus, I decline to find that his Order was in any way in error.

Defendants first argue that the litigation privilege is dispositive of the prong 2 issue. I find that the argument has merit. First, the City Council proceedings were quasi-judicial and the privilege does apply to quasi-judicial proceedings. Also, the privilege applies even though the communications are not directed at the Council itself. *Fink v. Oshins*, 118 Nev. 428 (2002). In accordance with the holding in *Oshins*, communications between the residents would be included.

Today, Ms. Rasmussen cited *Spencer v. Klementi*, 466 P.3d 1241 (Nev. 2020), for the proposition that the privilege does not apply to quasi-judicial proceedings where due process protections similar to those provided in a court of law are not present. This Court believes that *Spencer* is distinguishable from the current matter. *Spencer* involved a defamation suit arising out of defamatory comments made to a public body during a public comment session. The speaker was not under oath. No opportunity to respond was provided. No cross-examination was allowed and the holding in the decision appears to be expressly limited to defamation suits. I believe that the *Oshins* case is more on point.

The civil conspiracy claim is the only claim that Plaintiff has argued meets the prong two test. However, a civil conspiracy must be to accomplish some unlawful objective where damage results. There was no unlawful objective here. Further, no damage to Plaintiffs may be claimed because the proceeding never occurred.

Even if the litigation privilege is not dispositive of the prong two issue, I find that Plaintiff has failed to demonstrate with prima facie evidence a probability of prevailing on any of their claims.

For the reasons set forth in Defendants' Supplemental Brief filed October 30, 2020, the Motion to Dismiss is GRANTED. Mr. Langberg is directed to prepare a proposed appropriate order with findings. Further, he is directed to submit the Order, pursuant to the electronic submission requirements of AO 20-17.

CLERK'S NOTE: The above minute order has been distributed to: Lisa Rasmussen:  
Lisa@VeldLaw.Com, Mitchell Langberg: mlangber@bhfs.com. 11/10 km

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**January 25, 2021**

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A-18-771224-C      Fore Stars, Ltd., Plaintiff(s)  
vs.  
Daniel Omerza, Defendant(s)

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**January 25, 2021      3:00 AM      Motion For  
Reconsideration**

**HEARD BY:** Eller, Crystal

**COURTROOM:** Chambers

**COURT CLERK:**  
Dauriana Simpson

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- The Court DENIES Plaintiffs' Motion for Reconsideration for lack of jurisdiction.

"[A] timely notice of appeal divests the district court of jurisdiction to act and vests jurisdiction in [the Supreme Court]." Rust v. Clark Cty. Sch. Dist., 103 Nev. 686, 688 (1987). However, "where the issue is 'entirely collateral to and independent from that part of the case taken up by appeal, and in no way affected the merits of the appeal,'" this Court may proceed with hearing the matter. Kantor v. Kantor, 116 Nev. 886, 895 (2000). Here, Plaintiffs seek reconsideration of this Court's December 10, 2020 Order. However, on January 8, 2021, Plaintiffs appealed that very same Order to the Nevada Supreme Court. As the matters in Plaintiffs' motion and on appeal are identical, and neither "collateral to" not "independent from" each other, this Court lacks jurisdiction to hear Plaintiffs' motion.

Defendant shall prepare and submit the Order, pursuant to the electronic submission requirements of AOs 20-17 and 20-24.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Dauriana

Simpson, to all registered parties for Odyssey File and Serve. 1/29/2021/ds



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**March 01, 2021**

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A-18-771224-C      Fore Stars, Ltd., Plaintiff(s)  
vs.  
Daniel Omerza, Defendant(s)

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**March 01, 2021      3:00 AM      Motion for Attorney Fees**

**HEARD BY:** Eller, Crystal      **COURTROOM:** Chambers

**COURT CLERK:** Louisa Garcia

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- The Court shall issue a Minute Order resolving this matter.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**March 08, 2021**

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A-18-771224-C      Fore Stars, Ltd., Plaintiff(s)  
vs.  
Daniel Omerza, Defendant(s)

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**March 08, 2021      3:00 AM      Motion to Reconsider**

**HEARD BY:** Eller, Crystal      **COURTROOM:** Chambers

**COURT CLERK:**

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- The Court will issue a Minute Order resolving this matter.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**March 22, 2021**

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A-18-771224-C	Fore Stars, Ltd., Plaintiff(s) vs. Daniel Omerza, Defendant(s)
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<b>March 22, 2021</b>	<b>3:00 AM</b>	<b>Minute Order</b>
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**HEARD BY:** Eller, Crystal

**COURTROOM:** Chambers

**COURT CLERK:** Samantha Albrecht

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- The Court GRANTS Plaintiffs Motion to Reconsider January 25, 2021 Minute Order.

[A] court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record. NRCP 60(a). This may be done by the court sua sponte or on a timely motion from the parties, and does not require notice by the court. Id. Further, to prevail on a motion for reconsideration, the moving party must establish that there was an error of law, substantially new evidence discovered, or that the Court's decision was clearly erroneous. See *Masonry & Tile Contractors Ass'n of S. Nevada v. Jolley, Urga, & Wirth, Ltd.*, 113 Nev. 737, 741 (1997).

As Plaintiff notes, when a case is on appeal, NRCP 62.1 allows a court to (1) defer considering the motion; (2) deny the motion; or (3) issue a statement that it will grant the motion, if remanded for that purpose, or that the motion raises a substantial issue. In the January 25th Minute Order, this Court failed to specify which of the above three options were in application. Accordingly, the Court reconsiders its prior Order, only for the sake of clarifying that Plaintiffs original Motion for Reconsideration is DENIED pursuant to item number two (2) of NRCP 62.1. The Court leaves resolution of that matter to the Supreme Court appeal.

Defendant shall prepare a modified version of its February 2, 2021 Order and resubmit with all

necessary email authorizations, and in PDF format, pursuant to AOs 20-17 and 20-24 to DC19Inbox@clarkcountycourts.us within ten (10) days, allowing opposing counsel a minimum of twenty-four (24) hours for review as to form and content.

The Court also addresses that matter of Defendants Motion for Attorneys Fees and Additional Monetary Relief, filed on December 31, 2020. The Court has read and reviewed the parties submitted papers. However, the Court has some questions and concerns that can only be resolved by oral argument. Accordingly, the Court temporarily defers issuing a ruling on the matter, and SETS the motion for a hearing on Wednesday, March 31, 2021 at 9:00 AM. Pursuant to AO 20-24's strong discouragement of in-person appearances, the Court provides the March 31st Blue Jeans information below.

3/31/2021 Phone #: 408.419.1715 Session ID: 121 893 497 <https://bluejeans.com/121893497>

CLERK'S NOTE: A copy of this Minute Order was provided to: Lisa Rasmussen: Lisa@VeldLaw.com; Mitchell Langberg: mlangber@bhfs.com. 3-22-21 sa

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**March 31, 2021**

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A-18-771224-C      Fore Stars, Ltd., Plaintiff(s)  
vs.  
Daniel Omerza, Defendant(s)

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**March 31, 2021      9:00 AM      Motion for Attorney Fees**

**HEARD BY:** Eller, Crystal      **COURTROOM:** RJC Courtroom 03B

**COURT CLERK:** Cynthia Moleres

**RECORDER:** Brittany Amoroso

**REPORTER:**

**PARTIES**

**PRESENT:**      Langberg, Mitchell J.      Attorney  
                 Rasmussen, Lisa A.      Attorney

**JOURNAL ENTRIES**

- Counsel appeared via BlueJeans.

Arguments by Mr. Langberg in support of and by Ms. Rasmussen in opposition to the motion. COURT stated its findings and ORDERED, motion GRANTED in PART, attorney's fees granted in the amount of \$339,777.00 and \$23,467.00 for a total of \$363,244.00 and DENIED in PART regarding the additional monetary relief. Mr. Langberg to prepare the order.



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE  
**NOTICE OF DEFICIENCY**  
ON APPEAL TO NEVADA SUPREME COURT

LISA A. RASMUSSEN, ESQ.  
550 E. CHARLESTON BLVD., SUITE A  
LAS VEGAS, NV 89104

DATE: May 7, 2021  
CASE: A-18-771224-C

RE CASE: FORE STARS, LTD.; 180 LAND CO., LLC; SEVENTY ACRES, LLC vs. DANIEL OMERZA;  
DARREN BRESEE; STEVE CARIA

NOTICE OF APPEAL FILED: May 5, 2021

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)\*\*
  - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)\*\*
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)\*\*
  - NRAP 7: Bond For Costs On Appeal in Civil Cases
  - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☐ Case Appeal Statement
  - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

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NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

***Please refer to Rule 3 for an explanation of any possible deficiencies.***

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***\*\*Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; REQUEST FOR TRANSCRIPTS; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER RE: DEFENDANTS' MOTION FOR ATTORNEYS' FEES AND ADDITIONAL MONETARY RELIEF PURSUANT TO NRS 41.670 AND NRS 18.010(2); NOTICE OF ENTRY OF ORDER RE: DEFENDANTS' MOTION FOR ATTORNEYS' FEES AND ADDITIONAL MONETARY RELIEF PURSUANT TO NRS 41.670 AND NRS 18.010(2); DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

FORE STARS, LTD.; 180 LAND CO., LLC;  
SEVENTY ACRES, LLC,

Plaintiff(s),

vs.

DANIEL OMERZA; DARREN BRESEE;  
STEVE CARIA,

Defendant(s),

Case No: A-18-771224-C

Dept No: XIX

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 7 day of May 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk