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*Attorneys for Defendant, Ingrid Patin*

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

TON VINH LEE, an individual,  
  
Plaintiff,

v.

INGRID PATIN, an individual, and PATIN  
LAW GROUP, PLLC, a Nevada  
Professional LLC,  
  
Defendants.

CASE NO.: A-15-723134-C  
DEPT NO.: XXVI

**NOTICE OF APPEAL**

Defendant, Ingrid Patin, an individual, by and through her counsels of record, Christian M. Morris, Esq. and Victoria R. Allen, Esq. of the law firm Nettles | Morris, hereby appeal to the Supreme Court of Nevada from the Decision and Order granting Defendant Ingrid Patin's Motion for Attorneys' Fees, Costs, and Interest, related to Micah Echols attorney's fees, filed on April 23, 2021 and the Notice of Entry of Order was entered on April 23, 2021, and attached hereto as **Exhibit A**. Supreme Court case number is 83213.

Dated this 22<sup>nd</sup> day of July, 2021.

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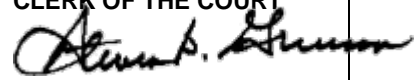
/s/ Christian M. Morris

CHRISTIAN M. MORRIS, ESQ.

Nevada Bar No. 011218

*Attorneys for Defendant, Ingrid Patin*

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7/22/2021 4:15 PM  
Steven D. Grierson  
CLERK OF THE COURT



Electronically Filed  
Jul 28 2021 09:45 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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**CERTIFICATE OF SERVICE**

Pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26, I hereby certify that on this 22<sup>nd</sup> day of July, 2021, a true and correct copy of the foregoing **NOTICE OF APPEAL** was served to the following parties by electronic transmission through the Odyssey E-File NV System:

Myraleigh Alberto	malberto@rlattorneys.com
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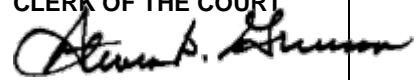
/s/ Jenn Alexy

An Employee of NETTLES | MORRIS

# **EXHIBIT A**

# **EXHIBIT A**

# **EXHIBIT A**



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*Attorney for Defendant, Ingrid Patin*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

TON VINH LEE, an individual,  
  
Plaintiff,

v.

INGRID PATIN, an individual, and PATIN  
LAW GROUP, PLLC, a Nevada  
Professional LLC,  
  
Defendants.

CASE NO.: A-15-723134-C  
DEPT NO.: 26

**NOTICE OF ENTRY OF DECISION  
AND ORDER**

TO: ALL PARTIES; and  
TO: THEIR RESPECTIVE ATTORNEYS:

**PLEASE TAKE NOTICE** that a Decision and Order was duly entered in the above-entitled matter on the 23<sup>rd</sup> day of April, 2021, a true and correct copy of said Decision and Order is attached hereto.

DATED this 23<sup>rd</sup> day of April, 2021.

NETTLES | MORRIS



CHRISTIAN M. MORRIS, ESQ.  
Nevada Bar No. 011218  
*Attorney for Defendant, Ingrid Patin*

**CERTIFICATE OF SERVICE**

Pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26, I hereby certify that on this 23<sup>rd</sup> day of April, 2021, a true and correct copy of the foregoing **NOTICE OF ENTRY OF DECISION AND ORDER** was served to the following parties by electronic transmission through the Odyssey eFileNV system and/or by depositing in the US Mail, postage prepaid, addressed as follows:

Kerry Doyle	kdoyle@doylelawgrouplv.com
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Lisa Bell	lbell@rlattorneys.com
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An Employee of NETTLES | MORRIS

DAO

DISTRICT COURT  
CLARK COUNTY, NEVADA

TON LEE,

Plaintiff(s)

vs

INGRID PATIN,

Defendant(s)

CASE NO.: A-15-723134-C

Department 26

**DECISION AND ORDER**

Plaintiff Ton Vinh Lee, DDS (Lee) filed the instant defamation action against attorney Ingrid Patin (Patin) and Patin Law Group PLLC (PLG) on August 17, 2015. The alleged defamatory statement was an online posting by Patin reporting the verdict in a wrongful death lawsuit filed against Plaintiff, the dental practice he owned at the time and individual dentists who treated the decedent. A verdict was initially entered in favor of the decedent's wife and child against the practice and individual dentist; Plaintiff in his individual capacity received a defense verdict, and the jury assessed 25% comparative negligence to the decedent.

The procedural history of both cases is discussed below, but the instant Motion is before the Court following Summary Judgment in favor of Patin and Patin Law Group. As prevailing party, Defendants Patin and PLG filed the motions currently before the Court each seeking fees and costs, pursuant to Offers of Judgment.

## FACTS

On Feb. 7, 2012, a lawsuit was filed against Plaintiff, his dental practice, and two assisting dentists, alleging dental malpractice (underlying case). The jury awarded \$3.4million against the individual dentist and the dental practice. Lee received a verdict in his favor and was awarded his costs against Plaintiff Singletary. Patin Law Group, as counsel for the decedent Singletary's widow and minor child in the underlying lawsuit, posted a statement on its website about the winning verdict. Following the statement being posted, the district court granted a renewed motion for judgment as a matter of law, overturning the jury award. The defense verdict in favor of Lee was not affected. The web post was removed. After the jury award in favor of the Singletarys was overturned, an appeal was filed and the verdict in favor of the Singletarys was eventually reinstated by the Supreme Court.

Plaintiff Lee filed the instant defamation action against attorney Patin and Patin Law Group on August 17, 2015. The Defendants' motion to dismiss was denied, and that denial was appealed. Defendants then filed an Anti-SLAPP motion, which was also denied, and another appeal was filed as to that issue. This case was stayed in part pending the outcome of the appeals. The Appeal of the order denying the first Motion to Dismiss was eventually dismissed. The Supreme Court affirmed denial of the Anti-SLAPP motion in a published decision. See,

*Patin v Lee*, 134 Nev. Adv. Op. 87, 429 P. 3d 1248 (2018). On January 19, 2017, during the pendency of the appeals, Defendant Patin served an Offer of Judgement in the amount of \$1,000 “inclusive of all accrued interest, costs, and attorneys fees and *any other sums that could be claimed by Defendant...*” Thereafter, on January 26, 2017 codefendant PLG served its offer of judgement for \$1,000 with the same language: “inclusive of all accrued interest, costs, and attorneys fees and *any other sums that could be claimed by Defendant...*” These offers were not accepted and the litigation continued.

After the remittitur, Defendant Patin filed a Motion for Summary Judgment which this Court denied on the ground that genuine issues of material fact existed. Following a period of discovery, Defendant Ingrid Patin filed a Motion for Summary Judgment, which Patin Law joined. The Court granted the Motion for Summary Judgment finding that the statement on the website was a fair and impartial reporting of the facts of the underlying case, and that statements regarding judicial proceedings are protected against defamation by the fair reporting privilege. The Court found that there is no distinction under the fair reporting privilege between an individual and a corporation, and the privilege would apply to both Defendant Ingrid Patin individually and Patin Law Group. During Plaintiff’s sworn deposition testimony, Plaintiff admitted every sentence of the statement was true, but did not admit it was true in its entirety.

## LEGAL ISSUES

### 1. Offer of Judgment

Patin and PLG each seek an award of attorney's fees pursuant to NRCP 68. The Nevada Supreme Court addressed the rules for considering a request for attorney's fees pursuant to an offer of judgment in *Wynn, v. Smith*, 117 Nev. 6, 16 P3d 424 (2001).

In exercising its discretion under [NRCP 68](#), the district court must carefully evaluate the following factors: (1) whether the plaintiff's claim was brought in good faith; (2) whether the defendant's offer of judgment was reasonable and in good faith in both its timing and amount; (3) whether the plaintiff's decision to reject the offer and proceed to trial was grossly unreasonable or in bad faith; and (4) whether the fees sought by the offer or are reasonable and justified in amount. *Beattie v. Thomas*, [99 Nev. 579, 588-89, 668 P.2d 268, 274 \(1983\)](#).<sup>1</sup>

The court's goal in considering offers of judgment is predictability and fairness. Shifting fees and costs between parties is in derogation of common law, so application of the rule should be strictly construed. This includes meeting time deadlines and other formal requirements. *See, Quinlan, v. Camden USA, Inc.*, 126 Nev. Adv. Op. 30, 236 P.3d 613, 615 (2010, *citations omitted*) There is no question that the offers of judgment were timely served.

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<sup>1</sup> *Beattie v Thomas* was decided under Nevada's former statutory offer of judgment provision NRS 17.115, but the analysis has been extended to offers pursuant to NRCP 68.

Defendants argue Plaintiff Lee's case was not brought in good faith. The Court does not agree, this matter was vigorously contested on a number of complex legal theories, with two appeals during the pendency of the litigation. Plaintiff argues that much of the motion practice regarding these legal issues was initiated by the Defendants, and when they lost, they pursued interim appeals, which they also lost. The initial Motions for Summary Judgment, brought before any discovery was conducted, were denied on the grounds that questions of fact existed. Next Defendants pursued an Anti-SLAPP defense, also denied, which was appealed as a matter of right, but again Defendants lost, but which resulted in a published decision as the case raised a question of first impression in Nevada. Only after discovery was concluded and Defendants filed another Motion for Summary Judgment did the Court find in favor of Defendants. For this reason, the Court finds Plaintiff Lee brought the case in good faith.

The next element addressed in *Wynn v Smith*, which is relevant to the issue herein, is whether the offers were reasonable in timing and amount. The Defendants' offers were made during the pendency of their appeal of the initial denial of their motions to dismiss. This appeal was not successful, thus Plaintiff Lee argues the timing was not reasonable as the offers were so early in the litigation, and at a point where Defendants had not been successful in

their efforts to dismiss the case. Further, Plaintiff argues he beat Defendants' Offers of Judgement, which were inclusive of attorney fees. The respective offers of the Defendants each in the amount of \$1,000 inclusive of interest, costs and attorney fees did not present a more favorable outcome for Plaintiff based on the amount he has spent in attorney fees alone. However, this analysis does not include the entirety of the language of the offers, which were not inclusive of *Plaintiff's* attorneys fees, but of the Defendants attorney's fees and "any other sums that could be claimed by Defendant... against Plaintiff." Considering the entirety of the language of the offer, the Court finds that the Offers of Judgement were reasonable in timing and amount, as Defendants had signaled they intended to vigorously litigate the legal issues presented in the defamation case.

The third factor is whether Plaintiff's decision to reject the offers was grossly unreasonable or in bad faith. Plaintiff argues that it was reasonable for him to reject the offers at the time they were made, when Defendants had unsuccessfully sought dismissal of the case before the trial court, and were facing dismissal of their appeal of that decision. The Court agrees that the offers were made early in the litigation, at a time when Plaintiff Lee was in a favorable position with respect to the then pending appeal. However, Plaintiff incorrectly analyzed the offer based on the amount of the offer being

insufficient amount to pay his fees and costs at the time, when the offers should have been analyzed in light of the risk to him of paying Defendants' fees and costs. This factor is a close call between the parties as Defendants' offers were very early in the case when they were not in a favorable position, but Plaintiff did not properly consider the risk to him if Defendants ultimately prevailed. While the Court does not find Plaintiff's incorrect analysis of the offers to be "in bad faith," his choice to reject the offers was "unreasonable," although not "grossly unreasonable." The purpose of the fee shifting provision of NRCP 68 is to encourage settlement, and Defendants offered Plaintiff an early opportunity to take judgment against them, when he rejected their offers he accepted the risk that he would be responsible for attorneys fees and "any other sums that could be claimed by Defendant... against Plaintiff." See, *In re Rose Miller*, Id., at 553.

The final element, reasonableness of the fees sought is analyzed under the "*Brunzell*" test established by the Nevada Supreme Court for analysis of attorney's fees awards.

## **2. Reasonableness of Attorney's Fees**

In the event attorney's fees are awarded, the amount must be reasonable. *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345 (Nev. 1969). The Court is

generally familiar with hourly billing rates in the local community for the type of litigation and finds that the rate charged by counsel is reasonable. The total amount of fees requested appears reasonable when evaluated under the four general categories defined in *Brunzell*: (1) the qualities of the advocate; (2) the character of the work to be done; (3) the work actually performed by the lawyer; and (4) the result.

The Supreme Court has held that the determination of “a reasonable fee” is subject to the discretion of the court “tempered only by reason and fairness.” See, *Schuette, v. Beazer Homes*, 121 Nev. 837, 123 P.3d 530 (2005). By weighing the *Brunzell* factors “...the result will prove reasonable as long as the court provides sufficient reasoning and findings in support of its ultimate determination.” *Schuette*, Id. at 864-865.

Here, counsel for both Defendants provided invoices based on hourly billing. While Plaintiff contends that the attorney fees sought are unreasonable, the qualities of the advocates were not challenged; instead the opposition focused on the reasonableness of the time billed, as well as was the work actually done pursuing motion practice or unsuccessful appeals. Plaintiff objects to the fees sought by PLG for attorney Micah Echols who handled the appeal of the denial of the Anti-SLAPP motion; the Motion and the Appeal were unsuccessful and Plaintiff argues added needlessly to the litigation. Plaintiff extends this argument

to fees sought by counsel for Defendant Patin. The Defendants argue that fees and costs incurred on *appeal can be awarded by the trial court. See, In re Estate and Living Trust of Rose Miller*, 125 Nev 550, 216 P.3d 239 (2009):

In other contexts, we have held that an attorney fees award includes fees incurred on appeal. *See Musso v. Binick*, 104 Nev. 613, 614, 764 P.2d 477, 477–78 (1988) (holding that “a contract provision for attorney’s fees includes an award of fees for *successfully bringing or defending an appeal*”). Additionally, nothing in the language of NRCP 68...suggests that their fee-shifting provisions cease operation when the case leaves trial court. We therefore hold that the fee-shifting provisions in NRCP 68...extend to fees incurred on and after appeal. *Id.*, at 555 (*emphasis added*)

Here, the issue raised by Plaintiff is not so much whether fees incurred by the successful party may include fees for an appeal, but whether it is *reasonable* to award fees where the party was unsuccessful on an interim appeal, although ultimately *successful* in the case. Anti-SLAPP motions are a creature of statute, and attorneys fees may be awarded against the party who brings an unsuccessful anti-SLAPP motion if it is found “frivolous or vexatious.” NRS 41.670 (2). No such finding was made in this case, and the Court notes that the anti-SLAPP appeal presented unique issues of law resulting in a published decision. This statutory provision factors into the analysis of the reasonableness of the fee request.

In *Rose Miller*, the Supreme Court noted that it had held, in the context of an award of fees based on fee provision in a contract, that fees for “successful” defense of an appeal could be recovered, but that the question was better left to the

trial court to determine. See, *Musso v. Binick*, 104 Nev. 613, 614. *Rose Miller* was an offer of judgment case wherein a jury verdict in favor of Respondents was overturned on appeal, and as a result they ultimately failed to recover a verdict more favorable than that offered by the Appellant, the Supreme Court determined that upon remand to the District Court should have awarded fees for the *successful* appeal. Id, 125 Nev. at 552.

The Court will consider the reasonableness of the fee request in light of the *Brunzell* factors: the character of the work, the work actually performed, and the result. These same rules apply to those fees incurred for the *unsuccessful* appeals.

**Patin Law Group PLLC:** PLG requested attorney's fees for attorney Kerry Doyle for the defense of the case in the District Court from September 5, 2019 through the successful Summary Judgment Motion. Attorney Doyle's fees are all related to the post-appeal phase of the litigation, and appear reasonable for the tasks described. The rate of \$400 is reasonable in the community for an attorney of Mr. Doyle's expertise.

The Defendants had separate counsel because the interests of the corporate entity PLG and the individual, attorney Patin, were separate, therefore, the court does not find unnecessary duplication of effort as both counsel attended depositions and appeared at hearings. The attorney's fees billed by Mr. Doyle of \$10, 200 are reasonable in light of the *Brunzell* factors.

PLG retained separate counsel to handle the unsuccessful appeal of the denial of anti-SLAPP motion, attorney Micah Echols an appellate specialist. As mentioned, the anti-SLAPP issue presented a question of first impression with respect to the Nevada statute and resulted in a published decision; however, the same reasonableness factors must be applied to both the district court fees and the appellate fees. Anti-SLAPP motions involve a sophisticated and complex area of litigation; however, Plaintiff argues pursuing the issue was unreasonable and the Defendants were unsuccessful. The anti-SLAPP statute provides that attorney's fees are recoverable against a party who pursues a frivolous or vexatious motion. Further, the party whose anti-SLAPP motion is denied is entitled to an appeal as a matter of right. NRS 41.670 (4). The unique nature of the anti-SLAPP statutes factor into the consideration of whether the "result" of an unsuccessful anti-SLAPP motion and appeal should be considered to be unreasonable in a *Brunzell* analysis.

Mr. Echols billing records consist of block billed entries. In considering an award of attorney's fees where counsel block billed time, the Nevada Supreme Court has held that practice is not necessarily inappropriate so long as each entry is sufficiently detailed that the nature of the tasks billed can be determined. See, *In re Margaret Mary Adams 2006 Trust*, Case No. 61710, March 2015 (unpublished). Here, billing entries are sufficiently detailed such that, when read in context with other entries, the court can determine what tasks were performed. As a specialist

in appellate practice the hourly fee of \$500 is not unreasonable. Given the nature of the issue, it was not unreasonable to retain separate counsel for the appeal, but the Court cannot overcome the fact that the “result” of the appeal was not in Defendants’ favor. For this reason the Court finds the fees billed for the unsuccessful appeal do not satisfy the Brunzell factors, and will not be awarded. The requested costs are addressed below.

**Ingrid Patin:** Attorney Patin had separate counsel, Christian Morris, who represented the Defendant throughout the litigation including both appeals. Ms. Morris submitted detailed time sheets which separated pre offer of judgment hours from the post offer time. Reviewing the time sheets the Court finds no clearly identifiable post offer billing entries related to the first unsuccessful appeal, additionally most of the billing at the District Court level on the special motion to dismiss pursuant to NRS 41.635-70 (anti-SLAPP motion) pre dates the offer. Ms. Morris’ post offer billing entries detail approximately 16 hours clearly related to the anti-SLAPP appeal. Ms. Morris’ billing rate is \$500 per hour, more than reasonable given her expertise. The Court does not find the time billed for the other motion practice at the District Court level to have been unreasonable, even though the first Summary Judgment motion was denied given questions of fact at the early stage of the litigation. Generally time billed during the discovery phase seems does not appear to have been overly duplicative as both attorney Patin and

PLG had separate counsel and separate interests to defend. The post offer time billed by Ms. Morris totals 217 hours, the Court will round this down to 200 hours after deducting hours related to the unsuccessful anti-SLAPP appeal. The Court will award Ms. Morris \$100,000 attorneys fees, plus costs as discussed below.

### **3. Costs**

The Nevada Supreme Court has held that pursuant to NRCP 68(f)(2) a party who fails to improve upon a rejected offer of judgment “...*shall pay the offeror’s post-offer costs ...and reasonable attorney’s fees, if any be allowed, actually incurred by the offeror from the time of the offer....*” See, *Logan v Abe*, 131 Nev. 260, 264-265, 350 P.3d 1139 (2015) (*Emphasis original*) Based on this language the award of costs is mandatory, while the award of attorneys fees must go through the reasonableness analysis.

Allowable costs are defined by NRS 18.005. The determination of allowable costs is within the discretion of the district court. *Gibellini v Klindt*, 110 Nev. 1201, 1205 885 P2d 540, 542-543 (Nev. 1994) However, statutes permitting costs are in derogation of the common law and therefore should be strictly construed. *Id.* The district court has courts wide, but not unlimited, discretion to award costs to prevailing parties. Cost must be documented such that the court can determine the costs were reasonable necessary and actually incurred. See, *Cadle Co., v. Woods Erickson LLP*, 131 Nev. 114, 120, 345 P.3d 1049 (2015)

Here, attorney Morris provided detailed documentation for the costs incurred, in the form of a Memorandum of Costs, affidavit of counsel stating the costs were true and correct, and necessarily incurred, and attached supporting documentation for each item except in house copy costs. However, only post-offer costs may be awarded so costs related to the initial filings and first appeal must be deducted. The deductions are: \$353.69 for filing fees, \$230 for Supreme Court filing fees, and \$500 Supreme Court Appeal Bond. Costs for the second appeal, even though unsuccessful, are recoverable under NRS 18.005 and NRS 68. It is not possible to differentiate how much of the copy costs line items were incurred prior to the offer of judgment; however, the total number of pages (812) over five years of litigation at twenty five cents per page is de minimis.

The billing statement provided by Mr. Echols from his former law firm does not include any supporting documentation provided for the costs on appeal, most of which are related to travel for the appellate argument, and Westlaw charges. The Court assumes the amounts recorded are correct; however, *Cadle* requires that the Court base an award of costs on evidence. Here, Mr. Echols has provided an affidavit that the costs incurred are accurate, but the information provided does not meet the requirements of *Cadle*.

## CONCLUSION

With this guidance in mind, the court has reviewed the fees to determine whether the fees requested satisfy the reasonableness requirements of Brunzell. The Court finds that sufficient information is present upon which to evaluate the reasonableness of the claim for attorneys' fees under *Brunzell*. The Court finds that fees paid to Mr. Doyle by Patin Law Group are recoverable, but the fees and costs requested for the unsuccessful appeal billed by Mr. Echols are not reasonable, and cannot be recovered; further, absent appropriate documentation for costs, the costs must also be denied. The fee requests for Ms. Morris as adjusted for the unsuccessful appeal are recoverable, and the post offer costs are sufficiently documented to be recoverable.

**WHEREFORE**, the Patin Law Group, PLLC Motion for an Award of Fees and Costs is **GRANTED** in part pursuant to NRCP 68 as to the \$10,200 for fees paid to Mr. Doyle, and **DENIED** as to the fees and costs paid to Mr. Echols former law firm.

**FURTHER**, Defendant Ingrid Patin's Motion for an Award of Fees and Costs is **GRANTED** pursuant to NRCP 68 as to attorney's fees paid to Ms. Morris

in the amount of \$100,000, and **GRANTED** as to post offer costs in the amount of \$10,600 pursuant to NRCP 68 and NRS 18.005.

**IT IS SO ORDERED**

DATED: April 20, 2021

Dated this 21st day of April, 2021



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Gloria Sturman  
District Court Judge**

Counsel for defendant to prepare a Notice of Entry.

1 **CSERV**

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3 **DISTRICT COURT**  
4 **CLARK COUNTY, NEVADA**

5  
6 Ton Lee, Plaintiff(s)

CASE NO: A-15-723134-C

7 vs.

DEPT. NO. Department 26

8 Ingrid Patin, 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 Decision and Order was served via the court's electronic eFile system  
13 to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 4/21/2021

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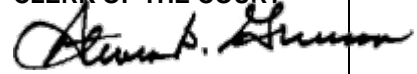
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*Attorneys for Defendant, Ingrid Patin*

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

TON VINH LEE, an individual,  
  
Plaintiff,

v.

INGRID PATIN, an individual, and PATIN  
LAW GROUP, PLLC, a Nevada  
Professional LLC,

Defendants.

CASE NO.: A-15-723134-C  
DEPT NO.: XXVI

**CASE APPEAL STATEMENT**

**CASE APPEAL STATEMENT**

Defendant, Ingrid Patin, by and through her counsels of record, Christian M. Morris, Esq. and Victoria R. Allen, Esq., of the law firm Nettles | Morris, hereby file this Case Appeal Statement.

1. Name of appellant filing this Case Appeal Statement: Defendant, Ingrid Patin.
2. Identify the Judge issuing the decision, judgment, or order appealed from:  
  
Honorable Gloria Sturman.
3. Identify each appellant and the name and address of counsel for each appellant:  
  
Appellant: Ingrid Patin

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Attorneys: Christian M. Morris, Esq.  
Victoria R. Allen, Esq.  
Nettles | Morris  
1389 Galleria Drive, Suite 200  
Henderson, NV 89014

4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicated as much and provide the name and address of that respondent's trial counsel):

Respondents: Ton Vinh Lee  
Attorneys: Prescott T. Jones, Esq.  
Myraleigh A. Alberto, Esq.  
Resnick & Louis, PC  
8925 W. Russell Road, Suite 220  
Las Vegas, NV 89144

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 (attach a copy of any district court order granting such permission): N/A.

6. Indicated whether appellant was represented by appointed or retained counsel in the district court: Retained.

7. Indicate whether appellant is represented by appointed or retained counsel on appeal: Retained.

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave: N/A.

9. Indicate the date the proceedings commenced in the district court (e.g., date complaint indictment, information, or petition was filed): The complaint was filed on August 17, 2015.

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

This appeal is taken from the denial of attorneys' fees for Micah Echols after the Motion for Summary Judgment was granted in favor of Defendant and an Offer of Judgment was

exceeded by Defendants. The hearing on this appeal was held on February 9, 2021. Defendants are appealing only the Court's decision to deny attorney's fees to Micah Echols, Esq., and not appealing the granting of attorneys' fees and costs to Christian M. Morris, Esq at Nettles Morris or the granting of fees to Kerry Doyle, Esq.

Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding: Yes. There have been four appeals in this litigation.

- i Ingrid Patin, an individual and Patin Law Group, PLLC, a professional LLC v. Ton Vinh Lee, an individual. Supreme Court Case No. 69928 and Supreme Court Case No. 72122.
- i Ton Vinh Lee, an individual v. Ingrid Patin, an individual and Patin Law Group, PLLC, a professional LLC. Supreme Court Case No. 82516.
- i Ton Vinh Lee, an individual v. Ingrid Patin, an individual and Patin Law Group, PLLC, a professional LLC. Supreme Court Case No. 83213.

11. Indicate whether this appeal involves child custody or visitation: N/A.

12. If this is a civil case, indicate whether this appeal involves the possibility of settlement: This case does involve the possibility of a settlement.

Dated this 22<sup>nd</sup> day of July, 2021.

NETTLES | MORRIS

/s/ Christian M. Morris

CHRISTIAN M. MORRIS, ESQ.

Nevada Bar No. 011218

VICTORIA R. ALLEN, ESQ.

Nevada Bar No. 15005

1389 Galleria Drive, Suite 200

Las Vegas, Nevada 89014

*Attorneys for Defendant, Ingrid Patin*

700 124 8080 / 700 124 1488 (fax)

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**CERTIFICATE OF SERVICE**

Pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26, I hereby certify that on this 22<sup>nd</sup> day of July, 2021, a true and correct copy of the foregoing **CASE APPEAL STATEMENT** was served to the following parties by electronic transmission through the Odyssey E-File NV System:

Myraleigh Alberto	malberto@rlattorneys.com
Melanie Herman	mail@rlattorneys.com
Brittany Willis	bwillis@rlattorneys.com
Kerry Doyle	kdoyle@doylelawgrouplv.com
Mikayla Hurtt	admin@doylelawgrouplv.com
Coreene Drose	cdrose@rlattorneys.com
Ingrid Patin	ingrid@patinlaw.com
Lisa Bell	lbell@rlattorneys.com
Prescott Jones	pjones@rlattorneys.com
Susan Carbone	scarbone@rlattorneys.com
Jessica Humphrey	jhumphrey@rlattorneys.com

/s/ Jenn Alexy

An Employee of NETTLES | MORRIS

## EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY****CASE NO. A-15-723134-C**

**Ton Lee, Plaintiff(s)**  
**vs.**  
**Ingrid Patin, Defendant(s)**

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Location: **Department 26**  
 Judicial Officer: **Sturman, Gloria**  
 Filed on: **08/17/2015**  
 Case Number History:  
 Cross-Reference Case Number: **A723134**  
 Supreme Court No.: **69928**  
**72144**  
**82516**  
**83213**

**CASE INFORMATION****Statistical Closures**

04/21/2021 Summary Judgment  
 10/29/2020 Summary Judgment

Case Type: **Other Tort**

Case  
Status: **04/21/2021 Closed**

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

Case Number A-15-723134-C  
 Court Department 26  
 Date Assigned 03/15/2017  
 Judicial Officer Sturman, Gloria

**PARTY INFORMATION**

<b>Plaintiff</b>	<b>Lee, Ton Vinh</b>	<i>Lead Attorneys</i> <b>Jones, Prescott T.</b> <i>Retained</i> 702-997-3800(W)
<b>Defendant</b>	<b>Patin Law Group PLLC</b>	<b>Larsen, Paul Edward</b> <i>Retained</i> 702383888(W)
	<b>Patin, Ingrid</b>	<b>Nettles, Brian D.</b> <i>Retained</i> 7024348282(W)
<b>Cross Claimant</b>	<b>Patin, Ingrid</b>	<b>Nettles, Brian D.</b> <i>Retained</i> 7024348282(W)
<b>Cross Defendant</b>	<b>Patin Law Group PLLC</b>	<b>Larsen, Paul Edward</b> <i>Retained</i> 702383888(W)

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

08/17/2015



Complaint

Filed By: Plaintiff Lee, Ton Vinh  
 [1] Complaint

08/31/2015



Affidavit of Service

Filed By: Plaintiff Lee, Ton Vinh  
 [2] Affidavit of Service

# CASE SUMMARY

CASE NO. A-15-723134-C

09/08/2015	 Motion to Dismiss Filed By: Plaintiff Lee, Ton Vinh <i>[3] Defendants' Motion to Dismiss</i>
09/23/2015	 Affidavit of Service Filed By: Plaintiff Lee, Ton Vinh <i>[4] Affidavit of Service</i>
09/25/2015	 Opposition to Motion to Dismiss Filed By: Plaintiff Lee, Ton Vinh <i>[5] Plaintiff's Opposition To Defendants' Motion To Dismiss</i>
10/06/2015	 Initial Appearance Fee Disclosure Filed By: Plaintiff Lee, Ton Vinh <i>[7] Defendants' Initial Appearance Fee Disclosure</i>
10/06/2015	 Reply to Opposition Filed by: Cross Claimant Patin, Ingrid <i>[6] Defendants' Reply to Plaintiff's Opposition to Motion to Dismiss</i>
10/14/2015	 Supplement to Opposition Filed By: Plaintiff Lee, Ton Vinh <i>[8] Plaintiff's Supplement to Opposition to Defendants' Motion to Dismiss</i>
10/16/2015	 Motion Filed By: Plaintiff Lee, Ton Vinh <i>[9] Special Motion to Dismiss Pursuant to Nevada Revised Statute 41.635-70 or in the Alternative Motion to Dismiss Pursuant to NRS 12(b)(5)</i>
10/20/2015	 Objection Filed By: Plaintiff Lee, Ton Vinh <i>[10] Plaintiff's Objection To Defendant's Request For Expedited Hearing On Special Motion To Dismiss</i>
10/22/2015	 Order Denying Motion Filed By: Plaintiff Lee, Ton Vinh <i>[11] Order Denying Defendants' Motion to Dismiss</i>
10/23/2015	 Notice of Entry of Order Filed By: Plaintiff Lee, Ton Vinh <i>[12] Notice Of Entry Of Order Denying Defendants' Motion To Dismiss</i>
11/02/2015	 Opposition to Motion Filed By: Plaintiff Lee, Ton Vinh <i>[13] Plaintiff's Opposition To Defendants' Special Motion To Dismiss Pursuant To NRS 41.635-70, Or In The Alternative Motion To Dismiss Pursuant To NRS 12(B)(5)</i>
11/12/2015	 Reply Filed by: Cross Claimant Patin, Ingrid <i>[14] Reply to Plaintiff's Opposition to Defendants' Special Motion to Dismiss Pursuant to Nevada Revised Statute 41.635-70, Or In The Alternative Motion to Dismiss Pursuant to NRS 12(b)(5)</i>
11/16/2015	 Motion to Strike

# CASE SUMMARY

CASE NO. A-15-723134-C

	<p>Filed By: Plaintiff Lee, Ton Vinh  <i>[15] Plaintiff's Motion To Strike Defendants' Reply In Support Of Special Motion To Dismiss; Or In The Alternative Plaintiff's Motion To Continue Hearing On Order Shortening Time</i></p>
11/17/2015	<p> Reply to Opposition            Filed by: Plaintiff Lee, Ton Vinh  <i>[16] Plaintiff's Sur-Reply in Opposition to Defendant's Special Motion to Dismiss</i></p>
11/25/2015	<p> Supplemental            Filed by: Plaintiff Lee, Ton Vinh  <i>[17] Supplement To Plaintiff's Sur-Reply In Opposition To Defendants' Special Motion To Dismiss</i></p>
01/27/2016	<p> Motion to Dismiss            Filed By: Cross Claimant Patin, Ingrid  <i>[18] Defendants' Motion to Dismiss Pursuant to NRCP 12(b)(5)</i></p>
02/04/2016	<p> Order Denying            Filed By: Plaintiff Lee, Ton Vinh  <i>[19] Order Denying Defendants' Special Motion to Dismiss Pursuant to NRS 41.635-70, or in the Alternative, Motion to Dismiss Pursuant to NRCP 12(b)(5)</i></p>
02/04/2016	<p> Notice of Entry of Order            Filed By: Plaintiff Lee, Ton Vinh  <i>[20] Notice Of Entry Of Order Denying Defendants' Special Motion To Dismiss Pursuant To NRS 41.635-70, Or In The Alternative, Motion To Dismiss Pursuant To NRCP 12(B)(5)</i></p>
02/05/2016	<p> Motion to Strike            Filed By: Plaintiff Lee, Ton Vinh  <i>[21] Plaintiff's Motion To Strike Defendants' Third-Filed Motion To Dismiss Pursuant To NRCP 12(B)(5) On Order Shortening Time</i></p>
02/09/2016	<p> Opposition to Motion            Filed By: Cross Claimant Patin, Ingrid  <i>[22] Defendants' Opposition to Plaintiff's Motion to Strike Defendants' Third-Filed Motion to Dismiss Pursuant to NRCP 12(b)(5) on Order Shortening Time</i></p>
02/09/2016	<p> Reply in Support            Filed By: Plaintiff Lee, Ton Vinh  <i>[23] Plaintiff's Reply in Support of Motion to Strike Defendants' Third-Filed Motion to Dismiss Pursuant to NRCP, 12(B)(5) on Order Shortening Time</i></p>
02/22/2016	<p> Motion to Reconsider            Filed By: Cross Claimant Patin, Ingrid  <i>[24] Defendants' Motion for Reconsideration</i></p>
02/23/2016	<p> Amended Complaint            Filed By: Plaintiff Lee, Ton Vinh  <i>[25] First Amended Complaint</i></p>
02/23/2016	<p> Opposition to Motion to Dismiss            Filed By: Plaintiff Lee, Ton Vinh  <i>[26] Plaintiff's Opposition To Defendants' Motion To Dismiss</i></p>
02/29/2016	<p> Order</p>

# CASE SUMMARY

CASE NO. A-15-723134-C

Filed By: Plaintiff Lee, Ton Vinh  
*[27] Order Denying Plaintiff's Motion to Strike Defendants' Third-Filed Motion to Dismiss Pursuant to NRCP 12(B)(5) on Order Shortening Time*

03/01/2016



Notice of Entry of Order

Filed By: Cross Defendant Patin Law Group PLLC  
*[28] Notice of Entry of Order*

03/02/2016



Reply to Opposition

Filed by: Cross Claimant Patin, Ingrid  
*[29] Defendant's Reply to Plaintiff's Opposition to Defendant's [sic] Motion to Dismiss Pursuant to NRCP 12(b)(5)*

03/04/2016



Notice of Appeal

Filed By: Cross Claimant Patin, Ingrid  
*[30] Notice of Appeal*

03/04/2016



Case Appeal Statement

Filed By: Cross Claimant Patin, Ingrid  
*[31] Case Appeal Statement*

03/11/2016



Opposition

Filed By: Plaintiff Lee, Ton Vinh  
*[32] Plaintiff's Opposition to Defendants' Motion for Reconsideration*

03/23/2016



Reply to Opposition

Filed by: Cross Claimant Patin, Ingrid  
*[33] Defendants' Reply to Plaintiff's Opposition to Defendant's Motion for Reconsideration*

04/11/2016



Order

Filed By: Plaintiff Lee, Ton Vinh  
*[34] Order Denying Defendants' Motion To Dismiss Pursuant To NRCP 12(B)(5)*

04/11/2016



Second Amended Complaint

Filed By: Plaintiff Lee, Ton Vinh  
*[36] Second Amended Complaint*

04/11/2016



Notice of Entry of Order

Filed By: Plaintiff Lee, Ton Vinh  
*[35] Notice of Entry of Order Denying Defendants' Motion to Dismiss Pursuant to NRCP 12 (B)(5)*

04/22/2016



Motion to Stay

Filed By: Cross Claimant Patin, Ingrid  
*[37] Motion for Stay Pending Appeal on Order Shortening Time*

05/02/2016



Motion

Filed By: Cross Claimant Patin, Ingrid  
*[38] Defendants' Motion for Enlargement of Time to Respond to Plaintiff's Second Amended Complaint on an Order Shortening Time*

05/03/2016















Opposition

Filed By: Plaintiff Lee, Ton Vinh  
*[39] Plaintiff's Opposition to Defendants' Motion for Stay Pending Appeal on Order Shortening Time*

# CASE SUMMARY

CASE NO. A-15-723134-C

05/09/2016	 Opposition to Motion Filed By: Plaintiff Lee, Ton Vinh <i>[40] Plaintiff's Opposition To Defendants' Motion For Enlargement Of Time To Respond To Plaintiff's Second Amended Complaint On An Order Shortening Time</i>
05/12/2016	 Order Filed By: Cross Claimant Patin, Ingrid <i>[41] Order Partially Granting and Partially Denying Defendant's Motion for Stay Pending Appeal</i>
05/16/2016	 Notice of Entry of Order Filed By: Cross Claimant Patin, Ingrid <i>[42] Notice of Entry of Order</i>
05/24/2016	 Motion to Dismiss Filed By: Cross Claimant Patin, Ingrid <i>[43] Defendants' Renewed Special Motion to Dismiss Pursuant to Nevada Revised Statutes 41.635-70</i>
06/13/2016	 Opposition Filed By: Plaintiff Lee, Ton Vinh <i>[44] Plaintiff's Opposition to Defendants' "Renewed" Special Motion to Dismiss Pursuant To NRS 41.635-70</i>
06/22/2016	 Reply to Opposition Filed by: Cross Claimant Patin, Ingrid <i>[45] Defendants' Reply to Plaintiff's Opposition to Renewed Special Motion to Dismiss Pursuant to Nevada Revised Statutes 41.635-70</i>
09/07/2016	 Substitution of Attorney Filed by: Plaintiff Lee, Ton Vinh <i>[46] Substitution of Counsel</i>
09/29/2016	 Notice of Entry Filed By: Plaintiff Lee, Ton Vinh <i>[48] Notice of Entry of Order Denying Defendants' Renewed Special Motion to Dismiss Pursuant to Nevada Revised Statutes 41.635-70</i>
09/29/2016	 Order Denying Motion Filed By: Plaintiff Lee, Ton Vinh <i>[47] Order Denying Defendants' Renewed Special Motion to Dismiss Pursuant to Nevada Revised Statute 41.635-70</i>
10/06/2016	 Substitution of Attorney Filed by: Cross Claimant Patin, Ingrid <i>[49] Substitution of Counsel</i>
10/07/2016	 Answer and Crossclaim Filed By: Cross Claimant Patin, Ingrid <i>[50] Defendant, Ingrid Patin's Answer to Plaintiff's Second Complaint and Counterclaim against Patin Law Group, PLLC</i>
10/18/2016	 Answer Filed By: Cross Defendant Patin Law Group PLLC

# CASE SUMMARY

CASE NO. A-15-723134-C

*[51] Defendant Patin Law Group, PLLC's Answer to Plaintiff's Second Amended Complaint And Defendant Ingrid Patin's Crossclaim*

10/28/2016



Amended Case Appeal Statement

Party: Cross Claimant Patin, Ingrid

*[52] Amended Case Appeal Statement*

01/05/2017



Amended Notice of Appeal

Party: Cross Claimant Patin, Ingrid

*[53] Amended Notice of Appeal*

02/01/2017



Recorders Transcript of Hearing

*[54] Recorder's Transcript Re: Defendant's Renewed Special Motion to Dismiss Pursuant to Nevada Revised Statutes 41.635.70 - Wednesday, August 10, 2016*

02/10/2017



Motion for Summary Judgment

Filed By: Cross Claimant Patin, Ingrid

*[55] Defendant, Ingrid Patin's Motion for Summary Judgment*

02/13/2017



Recorders Transcript of Hearing

*[56] Recorder's Transcript Re: Defendants' Renewed Special Motion to Dismiss Pursuant to Nevada Revised Statutes 41.635-70 or, in the Alternative, Motion to Dismiss Pursuant to NRS 12 (b) (5)*

02/13/2017



Recorders Transcript of Hearing

*[57] Recorder's Transcript Re: Defendants' Special Motion to Dismiss Pursuant to Nevada Revised Statute 41.635-70 or, in the Alternative, Motion to Dismiss Pursuant to NRS 12 (b) (5); Plaintiff's Motion to Strike Defendants' Reply in Support of Special Motion to Dismiss or, in the Alternative, Plaintiff's Motion to Continue Hearing on Order Shortening Time - Wednesday, November 18, 2015*

02/13/2017



Recorders Transcript of Hearing

*[58] Recorder's Transcript Re: Defendants' Renewed Special Motion to Dismiss Pursuant to Nevada Revised Statutes 41.635-70 - Wednesday, July 20, 2016*

02/13/2017



Errata

Filed By: Cross Claimant Patin, Ingrid

*[59] Errata to Defendant, Ingrid Patin's Motion for Summary Judgment*

02/15/2017



Joinder

Filed By: Cross Defendant Patin Law Group PLLC

*[60] Defendant Patin Law Group, Plc's Joinder To Motion For Summary Judgment And Errata To Motion For Summary Judgment*

02/16/2017



Initial Appearance Fee Disclosure

Filed By: Cross Defendant Patin Law Group PLLC

*[61] DEFENDANT PATIN LAW GROUP, PLLC'S INITIAL APPEARANCE FEE DISCLOSURE*

03/02/2017



Opposition

Filed By: Plaintiff Lee, Ton Vinh

*[62] Plaintiff Ton Vinh Lee's Opposition to Defendant Ingrid Patin's Motion for Summary Judgment and Joinders Thereto*

03/08/2017



Reply to Opposition

Filed by: Cross Claimant Patin, Ingrid




# CASE SUMMARY

CASE NO. A-15-723134-C

	<i>[63] Defendant Ingrid Patin's Reply to Plaintiff's Opposition to Motion for Summary Judgment</i>
03/15/2017	 Notice of Department Reassignment <i>[64] Notice of Department Reassignment</i>
03/22/2017	 Stipulation and Order Filed by: Cross Claimant Patin, Ingrid <i>[65] Stipulation and Order to Continue Hearing to May 9, 2017</i>
03/22/2017	 Notice of Entry of Stipulation and Order Filed By: Cross Claimant Patin, Ingrid <i>[66] Notice of Entry of Stipulation and Order</i>
05/25/2017	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>[67] Nevada Supreme Court Clerk's Certificate Judgment - Dismissed</i>
05/30/2017	 Initial Appearance Fee Disclosure <i>[68] Initial Appearance Fee Disclosure</i>
05/30/2017	 Motion for Summary Judgment Filed By: Cross Claimant Patin, Ingrid <i>[69] Defendant Ingrid Patin's Motion for Summary Judgment</i>
05/31/2017	 Joinder to Motion For Summary Judgment Filed By: Cross Defendant Patin Law Group PLLC <i>[70] Defendant Patin Law Group, PLLC's Joinder to Motion for Summary Judgment</i>
06/02/2017	 Order Denying Motion Filed By: Plaintiff Lee, Ton Vinh <i>[71] Order Denying Defendant Ingrid Patin's Motion for Summary Judgment</i>
06/05/2017	 Notice of Entry of Order Filed By: Plaintiff Lee, Ton Vinh <i>[72] Notice of Entry of Order Denying Defendant Ingrid Patin's Motion for Summary Judgment</i>
06/09/2017	 Recorders Transcript of Hearing Party: Cross Claimant Patin, Ingrid; Cross Defendant Patin Law Group PLLC <i>[73] Recorder's Transcript of Proceeding: All Pending Motions, Tuesday, May 9, 2017</i>
06/16/2017	 Opposition and Countermotion Filed By: Plaintiff Lee, Ton Vinh <i>[74] Plaintiff Ton Vinh Lee's Opposition to Defendant Ingrid Patin's Motion for Summary Judgment and Joinders Thereto; Countermotion to Stay Litigation</i>
07/03/2017	 Reply to Opposition Filed by: Cross Claimant Patin, Ingrid <i>[75] Defendant Ingrid Patin's Reply to Plaintiff's Opposition to Motion for Summary Judgment and Opposition to Plaintiff's Countermotion to Stay Litigation</i>
07/06/2017	 Reply in Support Filed By: Plaintiff Lee, Ton Vinh <i>[76] Plaintiff Ton Vinh Lee's Reply in Support of Courtermotion to Stay Litigation</i>

# CASE SUMMARY

CASE NO. A-15-723134-C

07/26/2017	 Motion to Stay Filed By: Plaintiff Lee, Ton Vinh <i>[77] Plaintiff Ton Vinh Lee's Motion to Stay Litigation Pending Appeal Pursuant to NRAP 8(a) On Order Shortening Time</i>
08/08/2017	 Notice of Firm Name Change Filed By: Cross Defendant Patin Law Group PLLC <i>[78] Notice of Firm Name Change</i>
08/10/2017	 Order Granting Motion Filed By: Plaintiff Lee, Ton Vinh <i>[79] Order Granting Plaintiff's Motion to Stay Litigation</i>
08/10/2017	Order to Stay Proceedings <i>[84]</i>
08/14/2017	 Notice of Entry of Order Filed By: Plaintiff Lee, Ton Vinh <i>[80] Notice of Entry of Order Granting Plaintiff's Motion to Stay Litigation</i>
08/17/2017	 Order Denying Motion Filed By: Plaintiff Lee, Ton Vinh <i>[81] Order Denying Defendant Ingrid Patin's Motion for Summary Judgment</i>
08/17/2017	 Notice of Entry of Order Filed By: Plaintiff Lee, Ton Vinh <i>[82] Notice of Entry of Order Denying Defendant Ingrid Patin's Motion for Summary Judgment</i>
06/12/2018	 ADR - Action Required <i>[83] ADR - Action Required</i>
12/14/2018	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[85] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>
12/14/2018	 Notice of Firm Name Change Filed By: Cross Claimant Patin, Ingrid <i>[86] Notice of Firm Name Change</i>
12/14/2018	 Order <i>[87] Order Setting Status Check Post Appeal</i>
02/04/2019	 Order <i>[88] Order Lifting Stay of Litigation</i>
02/05/2019	 Notice of Entry of Order <i>[89] Notice of Entry of Order</i>
02/08/2019	 Request for Exemption From Arbitration <i>[90] Plaintiff's Request for Exemption from Arbitration</i>
02/15/2019	 Opposition to Request for Exemption Filed by: Cross Claimant Patin, Ingrid; Cross Defendant Patin Law Group PLLC <i>[91] Defendants' Opposition to Plaintiff's Request for Exemption from Arbitration</i>

# CASE SUMMARY

CASE NO. A-15-723134-C

02/20/2019	 Reply to Opposition to Request for Exemption <i>[92] Plaintiff's Reply in Support of Request for Exemption from Arbitration</i>
04/23/2019	 Order <i>[93] Rule 16 Conference Court Order</i>
04/25/2019	 Commissioners Decision on Request for Exemption - Granted <i>[94] Commissioner's Decision on Request for Exemption - GRANTED</i>
04/30/2019	 Objection to Commissioner's Decision on Request for Exemptio Filed by: Cross Claimant Patin, Ingrid <i>[95] Defendants' Objection to Commissioner's Decision on Request for Exemption from Arbitration</i>
06/03/2019	 Order <i>[96] Order on Objection to Commissioner's Decision Regarding Arbitration Exemption</i>
06/13/2019	 Reply to Opposition to Request for Exemption <i>[97] Plaintiff's Response to Defendant's Objection to Commissioner's Decision on Request for Exemption from Arbitration</i>
07/03/2019	 Order <i>[98] Order Denying Defendant's Objection to Commissioner's Decision on Request for Exemption from Arbitration</i>
07/03/2019	 Notice of Entry of Order <i>[99] Notice of Entry of Order</i>
07/15/2019	 Motion to Dismiss Filed By: Cross Claimant Patin, Ingrid <i>[100] Defendants' Motion to Dismiss pursuant to NRCP 16.1(e)(1)</i>
07/15/2019	 Notice <i>[101] Notice of Early Case Conference</i>
07/15/2019	 Clerk's Notice of Hearing <i>[102] Notice of Hearing</i>
07/16/2019	 Objection Filed By: Cross Claimant Patin, Ingrid <i>[103] Defendants' Objection to Notice of Early Case Conference</i>
07/26/2019	 Notice <i>[104] Amended Notice of Early Case Conference</i>
07/29/2019	 Opposition to Motion to Dismiss Filed By: Plaintiff Lee, Ton Vinh <i>[105] Plaintiff Ton Vinh Lee's Opposition to Defendants' Motion to Dismiss Pursuant to NRCP 16.1(E)(1) and Countermotion for NRCP 11 Sanctions</i>
08/13/2019	 Reply to Opposition Filed by: Cross Claimant Patin, Ingrid

# CASE SUMMARY

CASE NO. A-15-723134-C

*[106] Defendants' Reply to Plaintiff's Opposition to Defendants' Motion to Dismiss Pursuant to NRCP 16.1(e)(1) and Opposition to Plaintiff's Countermotion for NRCP 11 Sanctions*

09/05/2019



Substitution of Attorney

Filed by: Cross Defendant Patin Law Group PLLC

*[107] Substitution of Counsel*

09/09/2019



Notice

*[108] Second Amended Notice of Early Case Conference*

09/10/2019



Order

*[109] Order Denying Defendants' Motion to Dismiss Pursuant to NRCP 16.1(e)(1)*

09/10/2019



Notice of Entry of Order

*[110] Notice of Entry of Order*

09/24/2019



Motion to Strike

Filed By: Cross Claimant Patin, Ingrid

*[111] Defendant Ingrid Patin's Objection and Motion to Strike Notice of Entry of Order Denying Defendant's Motion to Dismiss*

09/24/2019



Clerk's Notice of Hearing

*[112] Notice of Hearing*

09/24/2019



Notice

Filed By: Cross Claimant Patin, Ingrid

*[113] Defendant Ingrid Patin's Notice of Withdrawal of Objection and Motion to Strike Notice of Entry of Order Denying Defendant's Motion to Dismiss*

10/11/2019



Joint Case Conference Report

*[114] Joint Case Conference Report*

10/14/2019



Mandatory Rule 16 Conference Order

*[115] Mandatory Rule 16 Conference Order*

11/19/2019



Demand for Jury Trial

Filed By: Cross Claimant Patin, Ingrid

*[116] Defendant Ingrid Patin's Demand for Jury Trial*

12/06/2019



Scheduling and Trial Order

*[117] Civil Non-Jury Trial Order*

12/09/2019



Scheduling and Trial Order

*[118] Civil Jury Trial Order*

12/10/2019



Scheduling and Trial Order

*[119] Corrected Scheduling Order and Order Setting Civil Jury Trial*

01/30/2020



Motion to Compel

Filed By: Cross Claimant Patin, Ingrid

*[120] Defendant Ingrid Patin's Motion to Compel Plaintiff's Computation of Damages*

01/30/2020



Clerk's Notice of Hearing

# CASE SUMMARY

CASE NO. A-15-723134-C

[121] Notice of Hearing

02/13/2020



Opposition to Motion to Compel

Filed By: Plaintiff Lee, Ton Vinh

[122] Plaintiff Ton Vinh Lee's Opposition To Defendants' Motion To Compel

02/13/2020



Opposition to Motion to Compel

Filed By: Plaintiff Lee, Ton Vinh

[123] Plaintiff Ton Vinh Lee's Opposition To Defendants' Motion To Compel

02/13/2020



Errata

Filed By: Plaintiff Lee, Ton Vinh

[124] Errata to Plaintiff Ton Vinh Lee's Opposition to Defendants Motion to Compel.

02/26/2020



Reply to Opposition

Filed by: Cross Claimant Patin, Ingrid

[125] Defendant Ingrid Patin's Reply to Plaintiff's Opposition to Defendant's Motion to Compel Plaintiff's Computation of Damages

03/26/2020



Discovery Commissioners Report and Recommendations

[126] Discovery Commissioner s Report and Recommendations -Originals

04/14/2020



Order Approving

Filed By: Cross Claimant Patin, Ingrid

[127] Order Re: Discovery Commissioner's Report and Recommendations

04/30/2020



Stipulation and Order

[128] Extend Deadline for Compliance

06/16/2020



Motion

Filed By: Plaintiff Lee, Ton Vinh

[129] Motion to Extend Discovery Deadline -- First Request

06/17/2020



Clerk's Notice of Hearing

[130] Notice of Hearing

06/30/2020



Notice of Entry of Order

Filed By: Cross Claimant Patin, Ingrid

[131] Notice of Entry of Order re: Discovery Commissioner's Report and Recommendations

06/30/2020



Opposition to Motion

Filed By: Cross Claimant Patin, Ingrid

[132] Defendant Ingrid Patin's Opposition to Plaintiff's Motion to Extend Discovery Deadlines

07/07/2020



Joinder

Filed By: Cross Defendant Patin Law Group PLLC

[133] DEFENDANT'S PATIN LAW GROUP, PLLC'S JOINDER TO DEFENDANT INGRID PATIN'S OPPOSITION TO PLAINTIFF'S MOTION TO EXTEND DISCOVERY DEADLINES

07/08/2020



Recorders Transcript of Hearing

[134] Recorders Transcript of Hearing - Defendant Ingrid Patin's Motion to Compel Plaintiff's Computation of Damages - heard on Mar. 3, 2020

07/23/2020



Opposition to Motion

# CASE SUMMARY

CASE NO. A-15-723134-C

	<p>Filed By: Cross Claimant Patin, Ingrid  <i>[135] Defendant Ingrid Patin's Supplemental Opposition to Plaintiff's Motion to Extend Discovery Deadlines and Request for Sanctions</i></p>
07/28/2020	<p> Reply in Support  <i>[136] Plaintiff's Reply in Support of Motion to Extend Discovery -- First Request</i></p>
07/29/2020	<p> Notice of Hearing  <i>[137] Instructions for Bluejeans Videoconference</i></p>
07/31/2020	<p> Motion to Strike  <p>Filed By: Plaintiff Lee, Ton Vinh  <i>[138] (8/13/20 Withdrawn) Plaintiff Ton Vinh Lee's Motion to Strike Defendant Ingrid Patin's Supplemental Opposition to Plaintiff's Motion to Extend Discovery Deadlines and Request for Sanctions</i></p> </p>
08/03/2020	<p> Clerk's Notice of Hearing  <i>[139] Notice of Hearing</i></p>
08/04/2020	<p> Notice of Hearing  <i>[140] Instructions for Bluejeans Videoconference</i></p>
08/04/2020	<p> Joinder  <p>Filed By: Cross Defendant Patin Law Group PLLC  <i>[141] Defendant Patin Law Group, PLLC's Joinder to Defendant Ingrid Patin's Supplemental Opposition to Plaintiff's Motion to Extend Discovery Deadlines</i></p> </p>
08/07/2020	<p> Motion for Summary Judgment  <p>Filed By: Cross Claimant Patin, Ingrid  <i>[142] Defendant Ingrid Patin's Motion for Judgment on the Pleadings, in the Alternative, Motion for Summary Judgment</i></p> </p>
08/10/2020	<p> Joinder  <p>Filed By: Cross Defendant Patin Law Group PLLC  <i>[143] Defendant Patin Law Group, PLLC's Joinder to Defendant Ingrid Patin's Motion for Judgment on the Pleadings, in the Alternative, Motion for Summary Judgment</i></p> </p>
08/10/2020	<p> Clerk's Notice of Hearing  <i>[144] Notice of Hearing</i></p>
08/13/2020	<p> Notice of Withdrawal  <p>Filed by: Plaintiff Lee, Ton Vinh  <i>[145] Notice of Withdrawal of Plaintiff Ton Vinh Lee's Motion to Strike Defendant Ingrid Patin's Supplemental Opposition to Plaintiff's Motion to Extend Discovery Deadlines</i></p> </p>
08/18/2020	<p> Designation of Expert Witness  <i>[146] Plaintiff's Designation of Expert Witness</i></p>
08/19/2020	<p> Application  <p>Filed By: Cross Claimant Patin, Ingrid  <i>[147] APPLICATION FOR COMMISSION TO TAKE OUT-OF-STATE DEPOSITION</i></p> </p>
08/19/2020	<p> Commission Issued  <p>Filed by: Cross Claimant Patin, Ingrid  <i>[148] COMMISSION TO TAKE OUT-OF STATE DEPOSITION</i></p> </p>

# CASE SUMMARY

CASE NO. A-15-723134-C

08/20/2020	 Order Granting Motion Filed By: Plaintiff Lee, Ton Vinh <i>[149] Order Granting Plaintiff's Motion to Extend Discovery Deadlines First Request</i>
08/21/2020	 Notice of Entry of Order Filed By: Plaintiff Lee, Ton Vinh <i>[150] Notice of Entry of Order</i>
08/26/2020	 Opposition to Motion Filed By: Plaintiff Lee, Ton Vinh <i>[151] Plaintiff Ton Vinh Lee's Opposition to Defendant Ingrid Patin's Motion for Judgment on the Pleadings, in the Alternative, Motion for Summary Judgment</i>
09/08/2020	 Reply to Opposition Filed by: Cross Claimant Patin, Ingrid <i>[152] Defendant Ingrid Patin's Reply to Plaintiff's Opposition to Defendant Ingrid Patin's Motion for Judgment on the Pleadings, in the Alternative, Motion for Summary Judgment</i>
09/09/2020	 Joinder Filed By: Cross Defendant Patin Law Group PLLC <i>[153] Defendant Patin Law Group, PLLC's Joinder to Defendant Ingrid Patin's Motion for Judgment on the Pleadings, in the Alternative, Motion for Summary Judgment</i>
09/09/2020	 Clerk's Notice of Hearing <i>[154] Notice of Hearing</i>
09/10/2020	 Notice of Hearing <i>[155] Instructions for Bluejeans Videoconference Hearing</i>
10/28/2020	 Order <i>[156] Order Granting Defendant Patin's Motion for Summary Judgment and Patin Law Group's Joinder</i>
10/30/2020	 Notice of Entry of Order Filed By: Cross Claimant Patin, Ingrid <i>[157] Notice of Entry of Order granting Defendant Patin's Motion for Summary Judgment and Patin Law Group's Joinder</i>
11/13/2020	 Motion to Reconsider Filed By: Plaintiff Lee, Ton Vinh <i>[158] Plaintiff Ton Vinh Lee's Motion for Reconsideration of the Court's Order Granting Defendant Ingrid Patin's Motion for Summary Judgment</i>
11/16/2020	 Clerk's Notice of Hearing <i>[159] Notice of Hearing</i>
11/19/2020	 Motion for Attorney Fees and Costs Filed By: Cross Claimant Patin, Ingrid <i>[160] Defendant Ingrid Patin's Motion for Attorneys' Fees, Costs and Interest</i>
11/19/2020	 Motion for Attorney Fees and Costs Filed By: Cross Defendant Patin Law Group PLLC <i>[161] DEFENDANT PATIN LAW GROUP, PLLC S MOTION FOR ATTORNEYS FEES AND</i>

# CASE SUMMARY

CASE NO. A-15-723134-C

## INTEREST

11/20/2020	 Clerk's Notice of Hearing <i>[162] Notice of Hearing</i>
11/20/2020	 Clerk's Notice of Hearing <i>[163] Notice of Hearing</i>
11/24/2020	 Motion to Reconsider Filed By: Plaintiff Lee, Ton Vinh <i>[164] Plaintiff Ton Vinh Lee S Motion To Alter Or Amend Judgment Pursuant To NRCP 59(e)</i>
11/25/2020	 Opposition to Motion Filed By: Cross Claimant Patin, Ingrid <i>[165] Defendant Ingrid Patin's Opposition to Plaintiff's Motion for Reconsideration of the Court's Order Granting Defendant's Motion for Summary Judgment</i>
11/30/2020	 Clerk's Notice of Hearing <i>[166] Notice of Hearing</i>
12/01/2020	 Joinder Filed By: Cross Defendant Patin Law Group PLLC <i>[167] Defendant Patin Law Group, PLLC's Joinder to Defendant Ingrid Patin's Opposition to Plaintiff's Motion for Reconsideration of the Court's Order Granting Defendant's Motion for Summary Judgement</i>
12/03/2020	 Opposition <i>[168] Plaintiff's Opposition to Defendant Ingrid Patin's Motion for Attorneys' Fees</i>
12/03/2020	 Opposition <i>[169] Plaintiff's Opposition to Defendant Patin Law Group's Motion for Attorney's Fees</i>
12/08/2020	 Opposition to Motion Filed By: Cross Claimant Patin, Ingrid <i>[170] Defendant Ingrid Patin's Opposition to Plaintiff's Motion to Alter or Amend Judgment Pursuant to NRCP 59(e)</i>
12/09/2020	 Joinder Filed By: Cross Defendant Patin Law Group PLLC <i>[171] Defendant Patin Law Group, PLLC's Joinder to Defendant Ingrid Patin's Opposition to Plaintiff's Motion to Alter or Amend Judgement Pursuant to NRCP 59(e)</i>
12/09/2020	 Supplement Filed by: Cross Defendant Patin Law Group PLLC <i>[172] Defendant Patin Law Group, PLLC's Supplement to Motion for Attorneys' Fees and Interests</i>
12/29/2020	 Reply Filed by: Cross Claimant Patin, Ingrid <i>[173] Defendant Ingrid Patin's Reply to Plaintiff's Opposition to Defendant Ingrid Patin's Motion for Attorney's Fees, Costs and Interest</i>
12/29/2020	 Notice of Hearing <i>[174] Instructions for Bluejeans Videoconference</i>

# CASE SUMMARY

CASE NO. A-15-723134-C

12/29/2020	 Reply Filed by: Cross Defendant Patin Law Group PLLC <i>[175] Defendant Patin Law Group, Pllc's Reply to Plaintiff's Opposition to Defendant Patin Law Group, Pllc's Motion for Attorneys' Fees and Interest</i>
12/30/2020	 Reply in Support Filed By: Plaintiff Lee, Ton Vinh <i>[176] Plaintiff Ton Vinh Lee's Reply in Support of Motion to Alter or Amend Judgment Pursuant to NRCP 59(e)</i>
12/30/2020	 Reply in Support Filed By: Plaintiff Lee, Ton Vinh <i>[177] Plaintiff Ton Vinh Lee's Reply in Support of Motion for Reconsideration</i>
01/14/2021	 Recorders Transcript of Hearing Party: Plaintiff Lee, Ton Vinh <i>[178] Recorder's Transcript of Pending Motions, Tuesday, September 15, 2020</i>
01/21/2021	 Order Denying Motion Filed By: Cross Claimant Patin, Ingrid <i>[179] Order Denying Plaintiff's Motion to Alter/ Amend Judgment and Order continuing Plaintiff's Motion for Reconsideration, Defendant Ingrid Patin's Motions for Fees, Cost, and Interest and Defendant Patin Law Group, PLLC's Motion for Attorneys Fees and Interest</i>
01/21/2021	 Notice of Entry of Order Filed By: Cross Claimant Patin, Ingrid <i>[180] Notice of Entry of Order</i>
02/02/2021	 Notice of Hearing <i>[181] Instructions for Bluejeans Videoconference</i>
02/03/2021	 Supplement Filed by: Plaintiff Lee, Ton Vinh <i>[182] Plaintiff Ton Vinh Lee's Supplemental Opposition to Defendant Ingrid Patin's Motion for Attorneys Fees and Cost, and Interest</i>
02/03/2021	 Supplement Filed by: Plaintiff Lee, Ton Vinh <i>[183] Plaintiff Ton Vinh Lee's Supplemental Opposition to Defendant Patin Law Group's Motion for Attorneys Fees and Interest</i>
02/18/2021	 Notice of Appeal <i>[184] Notice of Appeal</i>
02/18/2021	 Case Appeal Statement <i>[185] Case Appeal Statement</i>
02/25/2021	 Order Denying Filed By: Plaintiff Lee, Ton Vinh <i>[186] Order Denying Plaintiff's Motion for Reconsideration</i>
02/25/2021	 Notice of Entry of Order <i>[187] Notice of Entry of Order</i>

# CASE SUMMARY








CASE NO. A-15-723134-C

04/21/2021	 Decision and Order <i>[188] Decision and Order Re: Attorney Fees</i>
04/23/2021	 Notice of Entry of Order Filed By: Cross Claimant Patin, Ingrid <i>[189] Notice of Entry of Decision and Order</i>
04/23/2021	 Request <i>[190] Request for Transcript of Proceedings</i>
05/07/2021	 Motion Filed By: Plaintiff Lee, Ton Vinh <i>[191] Plaintiff Ton Vihh Lee's Motion for Reconsideration, or in the Alternative, Motion to Alter or Amend Judgment Pursuant to NRCP 59(e)</i>
05/07/2021	 Clerk's Notice of Hearing <i>[192] Notice of Hearing</i>
05/07/2021	 Order Shortening Time <i>[193] Motion for Reconsideration on OST</i>
05/13/2021	 Notice of Hearing <i>[194] Instructions for Bluejeans Videoconference</i>
05/17/2021	 Opposition to Motion Filed By: Cross Claimant Patin, Ingrid <i>[195] Defendant Ingrid Patin's Opposition to Plaintiff's Motion for Reconsideration, or in the Alternative, Motion to Alter or Amend Judgment Pursuant to NRCP 59(e)</i>
05/18/2021	 Recorders Transcript of Hearing Party: Plaintiff Lee, Ton Vinh <i>[196] Recorder's Transcript of Pending Motions, Tuesday, July 11, 2017</i>
05/18/2021	 Recorders Transcript of Hearing Party: Plaintiff Lee, Ton Vinh <i>[197] Recorder's Transcript of Pending Motions, Tuesday, August 20, 2019</i>
05/18/2021	 Recorders Transcript of Hearing Party: Plaintiff Lee, Ton Vinh <i>[198] Recorder's Transcript of Pending Motions, Wednesday, January 6, 2021</i>
05/18/2021	 Joinder to Opposition to Motion Filed by: Cross Defendant Patin Law Group PLLC <i>[199] Defendants Patin Law Group, PLLC's Joinder to Defendant Ingrid Patin's Opposition to Plaintiff's Motion for Reconsideration, or in the Alternative, Motion to Alter or Amend Judgment Pursuant to NRCP 59(e)</i>
05/18/2021	 Recorders Transcript of Hearing Party: Plaintiff Lee, Ton Vinh <i>[200] Recorder's Transcript of Pending Motions, Tuesday, February 9, 2021</i>
05/25/2021	 Recorders Transcript of Hearing <i>[201] Recorder's Transcript Re: Defendant's Renewed Motion to Dismiss Pursuant to Nevada</i>

# CASE SUMMARY

CASE NO. A-15-723134-C

*Revised Statute 41.635-70 - June 29, 2016*

- 06/02/2021  **Recorders Transcript of Hearing**  
Party: Plaintiff Lee, Ton Vinh  
*[202] Recorder's Transcript of Hearing: Plaintiff's Motion for Reconsideration, or in the Alternative, Motion to Alter or Amend Judgement Pursuant to NRCP 59(E), Wednesday, May 19, 2021*
- 06/11/2021  **Order Denying Motion**  
Filed By: Plaintiff Lee, Ton Vinh  
*[203] Order Denying Motion for Reconsideration or in the Alternative, Motion to Amend or Alter Judgment Pursuant to NRCP 59(E)*
- 06/11/2021  **Notice of Entry of Order**  
Filed By: Plaintiff Lee, Ton Vinh  
*[204] Notice of Entry of Order*
- 07/08/2021  **Notice of Appeal**  
*[205] Notice of Appeal*
- 07/08/2021  **Case Appeal Statement**  
*[206] Case Appeal Statement*
- 07/22/2021  **Notice of Appeal**  
Filed By: Cross Claimant Patin, Ingrid  
*[207] Notice of Appeal*
- 07/22/2021  **Case Appeal Statement**  
Filed By: Cross Claimant Patin, Ingrid  
*[208] Case Appeal Statement*

## **DISPOSITIONS**

- 04/11/2016 **Order of Dismissal** (Judicial Officer: Togliatti, Jennifer)  
Debtors: Ingrid Patin (Defendant), Patin Law Group PLLC (Defendant)  
Creditors: Ton Vinh Lee (Plaintiff)  
Judgment: 04/11/2016, Docketed: 04/18/2016  
Comment: Certain Claims
- 05/25/2017 **Clerk's Certificate** (Judicial Officer: Sturman, Gloria)  
Debtors: Ingrid Patin (Defendant), Patin Law Group PLLC (Defendant)  
Creditors: Ton Vinh Lee (Plaintiff)  
Judgment: 05/25/2017, Docketed: 06/01/2017  
Comment: Supreme Court No. 72144 APPEAL DISMISSED
- 12/14/2018 **Clerk's Certificate** (Judicial Officer: Sturman, Gloria)  
Debtors: Ingrid Patin (Defendant), Patin Law Group PLLC (Defendant)  
Creditors: Ton Vinh Lee (Plaintiff)  
Judgment: 12/14/2018, Docketed: 12/21/2018  
Comment: APPEAL AFFIRMED Supreme Court No. 69928
- 10/28/2020 **Summary Judgment** (Judicial Officer: Sturman, Gloria)  
Debtors: Ton Vinh Lee (Plaintiff)  
Creditors: Ingrid Patin (Defendant), Patin Law Group PLLC (Defendant)  
Judgment: 10/28/2020, Docketed: 10/29/2020

## **HEARINGS**

# CASE SUMMARY

CASE NO. A-15-723134-C

10/14/2015



**Motion to Dismiss** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)

*Defendants' Motion to Dismiss*

Dismissed Without Prejudice;

Journal Entry Details:

*Court made a record of all documents reviewed. Ms. Morris advised an anti-slap law may also be applicable and noted the bar complaint has been dealt with. Court advised it does not think professional conduct is relevant and the motion is really a Motion for Summary Judgment. Court reviewed the statement made and noted the verdict was against a dba, which is not a legal entity. Court requested information as to who owns the dba corporation. Ms. Morris advised she can get the information from the Secretary of State, noting that she believes Summerlin Smiles is owned by Ton V. Lee. Colloquy regarding the owner. Mr. Jones argued there is no verdict against his client as it was vacated by the Judge, although it is on appeal. Court made a record of Exhibit B and the 12 page order it has reviewed. Colloquy regarding the documenting statement. Mr. Jones objected to the statement of facts since they did not have an opportunity to respond. COURT ORDERED, motion DENIED WITHOUT PREJUDICE, noting any further motions must be re-filed. Further, Court noted if the Motion is treated as a Motion for Summary Judgment the motion is denied 56F. Mr. Jones to prepare the order and submit to opposing counsel prior to final submission to the Court.;*

11/18/2015



**Motion to Dismiss** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)

**11/18/2015, 12/02/2015**

*Defendants' Special Motion to Dismiss Pursuant to Nevada Revised Statute 41.635-70 or in the Alternative Motion to Dismiss Pursuant to NRS 12(b)(5)*

Continued;

Under Advisement;

Journal Entry Details:

*Also present: Edward Wynder, Esq. on behalf of Defendant. Ms. Morris argued in support of the motion, noting that the statement is accurate. Further, Ms. Morris argued that it is free speech and an issue for public concern. Ms. Morris advised the Plaintiff must prove a false and defamatory statement and they cannot prove damages. With respect to the Motion to Dismiss, Ms. Morris argued that Ton V. Lee DDS is the owner of Summerlin Smiles and the statement in the advertisement is factually correct. Mr. Jones argued there is no verdict for the Plaintiff. Upon Court's inquiry, Mr. Jones advised the Plaintiff filed a counter appeal for fees and costs only, not for any verdict unless the Nevada Supreme Court reverses the Judge's ruling. Mr. Jones further argued against the motion noting the statement is defamatory and that the verdict as vacated. Further argument by counsel. COURT ORDERED, matter UNDER ADVISEMENT and matter SET for status check, noting a minute order will issue. 12/09/15 (CHAMBERS) STATUS CHECK: DECISION;*

Continued;

Under Advisement;

11/18/2015

**Motion to Strike** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)

*Plaintiff's Motion To Strike Defendants' Reply In Support Of Special Motion To Dismiss; Or In The Alternative Plaintiff's Motion To Continue Hearing On Order Shortening Time*  
Granted in Part;

11/18/2015



**All Pending Motions** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)

Matter Heard;

Journal Entry Details:

*DEFENDANTS' SPECIAL MOTION TO DISMISS PURSUANT TO NEVADA REVISED STATUTE 41.635-70 OR IN THE ALTERNATIVE MOTION TO DISMISS PURSUANT TO NRS 12(B)(5) ... PLAINTIFF'S MOTION TO STRIKE DEFENDANTS' REPLY IN SUPPORT OF SPECIAL MOTION TO DISMISS; OR IN THE ALTERNATIVE PLAINTIFF'S MOTION TO CONTINUE HEARING ON ORDER SHORTENING TIME* Mr. Jones argued the Plaintiff's Motion is untimely and argued for the reply to be stricken, noting there are arguments made for the first time in the brief. Ms. Morris argued there are no new facts in the brief. COURT ORDERED, Plaintiff Motion to Strike Defendant's Reply in Support of Special Motion to Dismiss DENIED; Motion to Continued GRANTED to allow a sur-reply to be filed. 12/02/15 9:00 AM DEFENDANTS' SPECIAL MOTION TO DISMISS PURSUANT TO NEVADA REVISED STATUTE 41.635-70 OR IN THE ALTERNATIVE MOTION TO DISMISS PURSUANT TO NRS 12(B)(5);

12/09/2015

# CASE SUMMARY

CASE NO. A-15-723134-C



**Status Check** (3:00 AM) (Judicial Officer: Togliatti, Jennifer)

Decision

Continued;

Journal Entry Details:

*COURT ORDERED, matter CONTINUED. CONTINUED TO: 1/13/16 (CHAMBERS);*

01/13/2016



**Status Check** (3:00 AM) (Judicial Officer: Togliatti, Jennifer)

Minute Order - No Hearing Held;

Journal Entry Details:

*This Court having considered the Defendants Special Motion to Dismiss Pursuant to NRS 41.635-70, or in the Alternative Motion to Dismiss Pursuant to NRS 12(b)(5), all related pleadings, and oral arguments of counsel, first FINDS Defendants Motion is timely filed pursuant to NRS 41.660. Next, this Court FINDS the communication at issue (as detailed by the Plaintiff in his Opposition to this Motion) under the circumstances of the nature, content, and location of the communication is not a 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. Specifically, NRS 41.637(3) doesn't apply because the communication does not reference an appeal, nor does there appear to be any connection to the communication and its timing to any purpose other than attorney advertising. NRS 41.637(4) does not apply because it appears there is no direct connection to a matter of public interest, and instead it appears to be for the purpose of attorney advertising. However, even if NRS 41.637(3) or (4) did apply to complained of communication, this Court cannot find at this juncture that the Plaintiff hasn't put forth prima facie evidence demonstrating a probability of prevailing on this claim. This is particularly true because the truth or falsity of an allegedly defamatory statement is an issue for the jury to determine. Posadas v. City of Reno, 109 Nev. 448, 453 (1993). Further, because if found to be defamatory and the statement is such that would tend to injure the Plaintiff in his business or profession, then it will be deemed defamation per se and damages will be presumed. Nevada Ind. Broadcasting v. Allen, 99 Nev. 404, 409 (1983). Therefore, for the reasons stated herein Court ORDERS Special Motion to Dismiss pursuant to Nevada's anti-SLAPP laws DENIED. Next, this Court FINDS all of Defendants other arguments are not properly decided in a Motion to Dismiss and/or are without merit and ORDERS Defendants Alternative 12(b)(5) Motion to Dismiss DENIED. Further, this Court DENIES Plaintiff's Countermotion for attorney's fees and costs as this Court does not find the special motion to be frivolous or vexatious. Further, the misstatement of the evidentiary burden cannot be considered more than a harmless error on the part of counsel considering the facts here. Finally, this Court notes that the parties have not in any Motion to Dismiss thus far distinguished between allegations of conduct of the individual Defendant versus the corporate Defendant, and therefore, this Court notes that any rulings herein and regarding the previous Motion to Dismiss do not address that issue. Counsel for the Plaintiff is to prepare the proposed order tracking the language of this minute order and allow for Defendants counsel's signature as to form and content. CLERK'S NOTE: A copy of this Minute Order shall be placed in the Attorney folders for the following: Prescott T. Jones, Esq., August B. Hotchkin, Esq., and Bremer Whyte Brown & O'Meara LLP./pi;*

01/13/2016

**CANCELED Minute Order** (1:00 PM) (Judicial Officer: Barker, David)

*Vacated - On in Error*

02/10/2016



**Motion to Strike** (9:30 AM) (Judicial Officer: Togliatti, Jennifer)

**02/10/2016, 02/16/2016**

*Plaintiff's Motion To Strike Defendants' Third-Filed Motion To Dismiss Pursuant To NRCP 12 (B)(5) On Order Shortening Time*

Continued;

Denied;

Journal Entry Details:

*This Court, having considered the motion to Strike Defendants Third-Filed Motion to Dismiss Pursuant to NRCP 12(b)(5), the Opposition to the Motion, Reply in Support of Motion, and oral arguments of counsel ORDERS the Motion to Strike DENIED. Further, this Court ORDERS the Defendants Countermotion for Attorney's Fees and Costs DENIED, as the Court does not find that the Motion was filed for the purposes of harassment. Counsel for Defendants is directed to prepare the proposed order for the Court's signature. CLERK'S NOTE: A copy of this minute order has been e-mailed to Prescott Jones, Esq. and Christian Morris, Esq.;*

Continued;

Denied;

## CASE SUMMARY

CASE NO. A-15-723134-C

## Journal Entry Details:

*Court made a record of all documents reviewed. Mr. Jones argued in support of the motion, noting a subsequent 12(b) motion cannot be filed after the first 12(b) motion was filed. Further, Mr. Jones moved to strike the Motion to Dismiss and requested the answer be filed. Ms. Morris argued the motion was filed for a failure to state a claim against the Defendant individually and there is not a claim against the LLC. Upon Court's inquiry, Ms. Morris advised the LLC has not answered yet as time has not run out yet. Further argument by counsel. COURT ORDERED, matter CONTINUED for decision, noting a minute order will issue. CONTINUED TO: 2/17/16 (CHAMBERS);*

03/09/2016

**Motion to Dismiss** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)

03/09/2016, 03/16/2016

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

Continued;

Denied in Part;

## Journal Entry Details:

*This Court having considered the Defendant's Motion to Dismiss Pursuant to NRCP 12(b)(5), and the arguments of counsel FINDS that because Defendants have not yet answered there is a properly filed Amended Complaint on file without leave of the Court which alleges that the individual Defendant Patin directed the alleged statement be published on the firm website. In light of the allegations in the Amended Complaint which this Court must accept as true, the Court ORDERS the Motion to Dismiss DENIED. This Court GRANTS the Motion to Dismiss as to the alter ego claim as Plaintiff's allegations on information and belief amount to a fishing expedition and potentially could result in abusive and harassing litigation tactics. Counsel for the Plaintiff is to prepare an order consistent with these minutes and the minutes for the hearing date on March 9, 2016. CLERK'S NOTE: A copy of this minute order has been e-mailed to Prescott Jones, Esq. and Christian Morris, Esq. -amt 3/21/16;*

Continued;

Denied in Part;

## Journal Entry Details:

*Argument by Ms. Morris, noting the First Amended Complaint is a rogue document and cannot be addressed. Mr. Jones argued they are allowed to amend the complaint. Further arguments by counsel in support of their respective positions. Court noted Mr. Jones has advised he will only focus on the alleged tortious acts. COURT Sua Sponte ORDERED Mr. Jones to file a Second Amended Complaint to remove the allegations of alter ego and noted that no discovery into the corporate assets, bank accounts, or anything solely related to alter ego will be allowed. Further, Court noted any language as to personal gain is to be STRICKEN. COURT ORDERED, Motion CONTINUED to the Court's Chamber Calendar for decision. CONTINUED TO: 3/16/16 (CHAMBERS);*

03/30/2016

**Motion For Reconsideration** (3:00 AM) (Judicial Officer: Togliatti, Jennifer)

*Defendants' Motion for Reconsideration*

Denied;

## Journal Entry Details:

*This Court, having considered the Defendants Motion for Reconsideration, all related pleadings and the record first FINDS that this matter is properly heard on the Court's chamber calendar without oral argument pursuant to EDCR 2.23. This Court previously found that the matter was not ripe for 12(b)(5) dismissal. Defendant's Motion for Reconsideration arguing that this Court's decision is erroneous does not persuade this Court the previous Motion should have been granted. The allegations in the First Amended Complaint filed 2/23/16, or the previously filed Complaint, if taken as true as this Court must do pursuant to the case law on Motions to Dismiss, could state a claim for which relief may be granted. All facts cited by Defendant, whether supported by affidavit, deposition or judicial notice of facts found in another case, require this Court to look outside of the Plaintiff's Complaint. Defendant refers to Exhibits including Exhibits A,B,C, D, H, I, J, K, L, M in support of reconsideration to address facts outside of the Plaintiff's Complaint, which is why this Court ruled that the issues raised by Defendant are not proper for a Motion to Dismiss or not properly considered in a Motion to Dismiss because the Defendants wish this Court to look outside of Plaintiff's Complaint and dismiss the case based upon facts presented or argued in the Motion to Dismiss. This Court again disagrees with the Defendants position that the Court should review or consider evidence outside, or contradicting, the Complaint and dismiss. Court ORDERS Motion for Reconsideration of Court's Denial of Defendant's Alternative 12(b)(5) Motion to Dismiss DENIED. CLERK'S NOTE: A copy of this minute order has been e-mailed to Prescott Jones, Esq. and Christian Morris, Esq. -amt 4/6/16;*

# CASE SUMMARY

CASE NO. A-15-723134-C

05/04/2016



**Motion For Stay** (3:00 AM) (Judicial Officer: Togliatti, Jennifer)

*Defendants' Motion for Stay Pending Appeal on Order Shortening Time*

Granted in Part;

Journal Entry Details:

*This Court, having considered the Defendant's Motion for Stay and Plaintiff's Opposition GRANTS IN PART and DENIES IN PART Defendant's Motion. NRS 41.660 provides for the mandatory stay of discovery pending disposition of the appeal and therefore the Defendant's Motion to Stay is GRANTED as to discovery. When considering the factors for a stay of the entire litigation, in this Court's view none favor Defendants. First, the object of the appeal will not be defeated. Next, there is no irreparable injury because litigation expenses do not constitute irreparable harm. Here, if the Supreme Court agrees with Defendant's they would recover reasonable costs and attorney's fees from Plaintiff based upon NRS 41.670. Additionally, Plaintiff would face the possibility of up to \$10,000.00 in sanctions against Plaintiff, therefore, any financial impact on Defendant's would be rectified if Defendants are successful on appeal. Therefore, the Motion to Stay the Litigation in its entirety is DENIED IN PART and only discovery is stayed. CLERK'S NOTE: A copy of this minute order has been e-mailed to Prescott Jones, Esq. and Christian Morris, Esq. -amt 5/4/16;*

05/11/2016



**Motion** (3:00 AM) (Judicial Officer: Togliatti, Jennifer)

*Defendants' Motion for Enlargement of Time to Respond to Plaintiff's Second Amended Complaint on an Order Shortening Time*

Granted;

Journal Entry Details:

*This Court, having reviewed the pleadings, notes, the partial stay, and notwithstanding Plaintiff's Opposition, there is nominal prejudice to the Plaintiff when considering the statutorily mandated stay of discovery. COURT ORDERS, Motion for Enlargement of Time GRANTED. CLERK'S NOTE: A copy of this minute order has been e-mailed to Prescott Jones, Esq. and Christian Morris, Esq. -amt 5/11/16;*

06/29/2016



**Motion to Dismiss** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)

**06/29/2016, 07/20/2016, 07/27/2016, 08/10/2016**

*Defendants' Renewed Special Motion to Dismiss Pursuant to Nevada Revised Statutes 41.635-70*

Continued;

Continued for Chambers Decision;

Matter Continued;

Denied;

Journal Entry Details:

*The Court noted it is aware of a case that counsel needs to do research on Jacobs vs. Sands A627691. There are Orders in that case that was filed on 11/16/15 with a footnote by Judge Gonzalez where she references decisions being applicable to a subsequent Amended Complaint. The Court believes it was done in this case because the Supreme Court and this very issue that Plt's counsel would suggest is an abusive litigation is exactly what happened in the Jacob vs. Sands case that Judge Gonzales makes reference to in her footnote. COURT ORDERED, MOTION DENIED as it relates to the Amended Complaint. The previous STAY of the Discovery in the case is in force and effect as it relates to the Amended Complaint. Mr. Jones to prepare an Order consistent with the previous Order. ;*

Continued;

Continued for Chambers Decision;

Matter Continued;

Denied;

Journal Entry Details:

*Court ORDERS counsel to appear August 10, 2016 at the 9:00 a.m. hearing calendar to further address the Court regarding Defendant's Renewed Special Motion to Dismiss Pursuant to Nevada Revised Statutes 41.635-70 and therefore ORDERS the Defendant's Motion continued to be heard on that date. CONTINUED TO: 8/10/16 9:00 AM CLERK'S NOTE: A copy of this Minute Order was placed in the attorney folder of: Prescott James, Esq. & Christian Morris, Esq. -se8/4/16 ;*

Continued;

Continued for Chambers Decision;

Matter Continued;

Denied;

# CASE SUMMARY

CASE NO. A-15-723134-C

**Journal Entry Details:**

*Mr. Morris informed the Court they now have a new Complaint. COURT ORDERED, it will issue a minute order next week on the Chambers calendar. 7-27-16 CHAMBERS CALENDAR (DEPT. IX);*

Continued;

Continued for Chambers Decision;

Matter Continued;

Denied;

**Journal Entry Details:**

*Court advised it was notified that Defense counsel would be requesting a continuance.*

*Colloquy regarding continuance date. COURT ORDERED, matter CONTINUED.*

*CONTINUED TO: 7/20/16 9:00 AM CLERK'S NOTE: A copy of this minute order has been e-mailed to Christian Morris, Esq. and Prescott Jones, Esq. -amt 6/29/16;*

03/14/2017



**Minute Order (3:00 AM)** (Judicial Officer: Togliatti, Jennifer)

Minute Order - No Hearing Held;

**Journal Entry Details:**

*The Court became aware of the substitution of counsel for Defendant Patin Law Group after beginning review of the Motion for Summary Judgment briefs today, as there have been no motions before Court since the substitution was filed, until the instant Motion for Summary Judgment. As a result of a conflict, tomorrow's hearing is being vacated because this Court must recuse to avoid the appearance of impropriety and implied bias. This is due to a close personal friendship with attorney J. Thompson and his spouse, as well as Paul Larsen and his spouse. In light of this Court's prolonged, recent, and regular social contact with attorneys for Patin Law Group, including but not limited to performing their wedding ceremonies and regular social contact, the Court RECUSES and ORDERS the matter randomly reassigned. CLERK'S NOTE: A copy of this minute order has been e-mailed to Prescott Jones, Esq. and Paul Larsen, Esq. -amt 3/14/17;*

03/15/2017

**CANCELED Motion for Summary Judgment (9:00 AM)** (Judicial Officer: Togliatti, Jennifer)

*Vacated - per Law Clerk*

*Defendant, Ingrid Patin's Motion for Summary Judgment*

03/15/2017

**CANCELED Joinder (9:00 AM)** (Judicial Officer: Togliatti, Jennifer)

*Vacated - per Law Clerk*

*Defendant Patin Law Group, Plc's Joinder To Motion For Summary Judgment And Errata To Motion For Summary Judgment*

05/09/2017

**Motion for Summary Judgment (9:30 AM)** (Judicial Officer: Sturman, Gloria)

*Defendant, Ingrid Patin's Motion for Summary Judgment*

Denied Without Prejudice; Defendant, Ingrid Patin's Motion for Summary Judgment

05/09/2017

**Joinder (9:30 AM)** (Judicial Officer: Sturman, Gloria)

*Defendant Patin Law Group, Plc's Joinder To Motion For Summary Judgment And Errata To Motion For Summary Judgment*

Denied Without Prejudice; Defendant Patin Law Group, Plc's Joinder To Motion For Summary Judgment And Errata To Motion For Summary Judgment

05/09/2017



**All Pending Motions (9:30 AM)** (Judicial Officer: Sturman, Gloria)




Matter Heard;

**Journal Entry Details:**

*Ms. Morris indicated that the appeal had been decided by the Supreme Court; the trial jury verdict had been reinstated and has now been paid. That we are here regarding the posting that was made on the website; that there is currently an appeal pending on the issue of anti-slap; and argued that now that the verdict has been reinstated, the statement was true that there was in fact a verdict in that amount does not state that the verdict was against Ton Vinh Lee, just that he was sued. Court reiterated what the posting stated and indicated it implies a judgment was received against all defendants. Ms. Morris argued it is a question of law if the statement was false and defamatory. Mr. Jones argued the statement to be false; that no discovery has been conducted to date; and the motion is premature. Court questioned whether it was a question for the jury or if more discovery would be necessary. Mr. Jones believes more discovery was needed. Ms. Morris further argued that everything in the statement was*

# CASE SUMMARY

CASE NO. A-15-723134-C

	<i>absolutely true; that it is plaintiff's burden to show a genuine issue of material fact exists and argued that it is a question of law if there was a defamatory statement. COURT ORDERED, Motion DENIED WITHOUT PREJUDICE as premature as there is a partial stay in place and the Court cannot say as a matter of law that the statement is or is not defamatory. Ms. Morris to prepare the Order.;</i>
07/11/2017	<b>Motion for Summary Judgment (9:30 AM)</b> (Judicial Officer: Sturman, Gloria) <i>Defendant Ingrid Patin's Motion for Summary Judgment</i> Denied Without Prejudice;
07/11/2017	<b>Joinder (9:30 AM)</b> (Judicial Officer: Sturman, Gloria) <i>Defendant Patin Law Group, PLLC's Joinder to Motion for Summary Judgment</i> Denied Without Prejudice;
07/11/2017	<b>Opposition and Countermotion (9:30 AM)</b> (Judicial Officer: Sturman, Gloria) <i>Plaintiff Ton Vinh Lee's Opposition to Defendant Ingrid Patin's Motion for Summary Judgment and Joinders Thereto; Countermotion to Stay Litigation</i> Denied Without Prejudice;
07/11/2017	 <b>All Pending Motions (9:30 AM)</b> (Judicial Officer: Sturman, Gloria) <i>Ingrid Patin's Motion for Summary Judgment... Patin Law Group PLLC's Joinder to Motion for Summary Judgment...Pltf Lee's Opp and Countermotion to Stay Litigation</i> Decision Made; Ingrid Patin's Motion for Summary Judgment... Patin Law Group PLLC's Joinder to Motion for Summary Judgment...Pltf Lee's Opp and Countermotion to Stay Litigation Journal Entry Details: <i>Ingrid Patin's Motion for Summary Judgment... Patin Law Group PLLC's Joinder to Motion for Summary Judgment...Pltf Lee's Opp and Countermotion to Stay Litigation Following arguments by counsels, COURT ORDERED, Ingrid Patin's Motion for Summary Judgment and all Joinders, DENIED WITHOUT PREJUDICE. COURT FURTHER ORDERED, Pltf's Countermotion to Stay Litigation and for finding of vexatious litigant, DENIED WITHOUT PREJUDICE. ;</i>
07/31/2017	 <b>Motion For Stay (10:00 AM)</b> (Judicial Officer: Sturman, Gloria) <i>Plaintiff's Motion for Stay of Litigation Pending Appeal Pursuant to NRAP 8(a)</i> Motion Granted; Journal Entry Details: <i>Mr. Jones advised he had not heard anything from opposing counsel and he didn't see any opposition. COURT ORDERED, Motion GRANTED; temporary 90-day stay in place; matter SET for status check. Mr. Jones to prepare the Order. 10/31/2017 - 9:00 AM - STATUS CHECK: STAY;</i>
10/31/2017	 <b>Status Check (9:00 AM)</b> (Judicial Officer: Sturman, Gloria) <b>10/31/2017, 01/25/2018, 05/01/2018, 10/30/2018</b> <i>Status Check: Stay</i> Matter Continued; See 01/25/18 Advance Decision Matter Heard; Matter Continued; Matter Continued; Held on 1/8/19 Journal Entry Details: <i>Mr. Jones stated the appeal was heard on July 9, 2018 and they were just waiting on the decision. COURT ORDERED, Status Check: Stay CONTINUED. CONTINUED TO: 01/29/18 9:00 AM;</i> Matter Continued; See 01/25/18 Advance Decision Matter Heard; Matter Continued; Matter Continued; Held on 1/8/19

# CASE SUMMARY

CASE NO. A-15-723134-C

**Journal Entry Details:**

*Upon Court's inquiry, counsel agreed to continue the matter six months. COURT ORDERED, matter CONTINUED. CONTINUED TO: 10/30/18 9:00 AM;*

Matter Continued;

See 01/25/18 Advance Decision

Matter Heard;

Matter Continued;

Matter Continued;

Held on 1/8/19

**Journal Entry Details:**

*COURT FINDS at the October 31, 2017 hearing counsel indicated their appeal was due November 2, 2017 and the Status Check was extended to January 30, 2018. COURT ORDERED, Counsel to forward to the Court a WRITTEN UPDATE of the appeal status and advise when the next status check is requested, otherwise the Status Check shall be continued to May 1, 2018; Status Check currently set for January 30, 2018 VACATED. CLERK'S NOTE: A copy of this minute order was faxed or placed in the attorney folder(s) of: Prescott Jones, Esq. (702-997-3800 Resnic & Lewis), Paul Larsen, Esq. (702-784-5252 Snell & Wilmer), and Brian Nettles, Esq. (702-434-1488 Nettles Law Firm)./ ls 1-25-18 ;*

Matter Continued;

See 01/25/18 Advance Decision

Matter Heard;

Matter Continued;

Matter Continued;

Held on 1/8/19

**Journal Entry Details:**

*Mr. Winder stated the appeal was due on November 2, 2017. Upon inquiry by the Court regarding whether the matter was fully briefed, Mr. Winder requested 90 days. COURT ORDERED, Status Check: Stay CONTINUED; Stay EXTENDED to 01/30/18. 01/30/18 9:00 AM STATUS CHECK: STAY;*

01/08/2019



**Status Check (9:00 AM)** (Judicial Officer: Sturman, Gloria)

Referred to Discovery Commissioner;

**Journal Entry Details:**

*Court noted the case had been stayed for a year and indicated the case would be coming up on the five-year rule. Ms. Morris stated the only thing they'd done during the stay was file an answer. Court inquired if the parties wished to proceed in the ordinary course. Mr. Jones stated the ADR Commissioner had requested information from the parties during the stay. COURT ORDERED, Stay LIFTED; Parties REFERRED to ADR; Parties REFERRED to Discovery Commissioner; Counsel to calculate how long the case was stayed and determine when the five year rule runs.;*

05/29/2019

**CANCELED Mandatory Rule 16 Conference (10:30 AM)** (Judicial Officer: Sturman, Gloria)  
*Vacated - per Letter*

06/18/2019



**Objection to the Arbitration Commissioner's Report (9:30 AM)** (Judicial Officer: Sturman, Gloria)

Denied;

**Journal Entry Details:**

*Ms. Morris argued their request for exemption was after the deadline and as such prejudicial, that their request for exemption stated lost revenue of \$50,000 with no evidence, that this was a sole practitioner's web site with no evidence of anyone looking at the post, and that they must show intent and evidence of damages. Ms. Morris argued Pltf.'s allege a loss of over \$1 million for a posting the Deft. never received any referrals from and that Pltf.'s argued this was public policy; however when Deft.'s argued public policy they argued it wasn't. Ms. Morris argued there was no evidence anyone read the post and that the prejudice to Deft. was great. Mr. Jones argued discovery hadn't even opened due to the appeal, there was no prejudice, that in this type of case it was difficult to quantify and even more difficult to prove. Mr. Jones further argued the case the Deft.'s cite was worth well over \$50,000 in current dollars and that his client was seeking to sell a portion of his practice and the first thing that comes up when you google search him is this post. Mr. Jones argued good cause existed, there were substantial damages claimed, and there was good cause to waive timelines due to the issues raised. Ms. Morris argued the Pltf. did not state any good cause, there was extreme delay, and the only way to proceed would be to keep the case in the arbitration program. COURT STATED*

# CASE SUMMARY

CASE NO. A-15-723134-C

*FINDINGS AND ORDERED, Objection DENIED; counsel to proceed with the litigation in a timely manner. ;*

08/20/2019



**Motion to Dismiss** (9:30 AM) (Judicial Officer: Sturman, Gloria)

*Defendants' Motion to Dismiss Pursuant to NRCP 16.1(e)(1)*

Denied;

Journal Entry Details:

*Mr. Morris argued regarding the Moon case, that if the case was never accepted in the arbitration program then there was no tolling, that they were prevented from noticing, and that they had to ask for a continuance and show compelling or extra ordinary circumstances. Mr. Morris advised regarding how the case proceeded and further argued regarding the tolling time frames. Mr. Morris argued nothing prevented Deft.'s from noticing and scheduling the Early Case Conference (ECC). Mr. Jones argued there was a stay prior to the first answer by Deft.'s and his client couldn't have filed the ECC, that the Moon case was never raised in the initial motion, and if the Court was going to rely on it he would request an opportunity to brief it. Mr. Jones further argued the 180 days ran on July 7, that he attempted to contact Deft. on July 10 but was told he was unavailable, and that he hadn't heard from Deft. until he filed his motion on Monday. Mr. Jones argued he set the ECC and Deft. did not appear. Following further arguments regarding the time frame to file the ECC, COURT ORDERED, Motion DENIED as the Court does not think a party gets additional time; however there was the argument that they didn't have to schedule anything during the time period, that they were entitled to claim additional time which was good cause; Pltf. to prepare the order.;*

09/06/2019



**Status Check** (3:00 AM) (Judicial Officer: Sturman, Gloria)

**09/06/2019, 09/20/2019**

*Is JCCR Filed*

Matter Continued;

Matter Continued;

JCCR Filed

Journal Entry Details:

*COURT FINDS the Joint Case Conference Report to be filed and a meeting held on September 13, 2019. COURT ORDERED, Status Check CONTINUED 30 days to allow counsel the necessary time to file. CONTINUED TO: 10/18/19 Chambers Calendar. CLERK'S NOTE: Minutes CORRECTED to reflect the JCCR was to be filed. A copy of this minute order has been electronically served to all registered parties for Odyssey File & Serve./s 09-20-19;*

Matter Continued;

Matter Continued;

JCCR Filed

Journal Entry Details:

*COURT FINDS a Status Check on the Chambers Calendar Re: Joint Case Conference Report, with the order on August 20, 2019 hearing having been submitted, COURT THEREFORE ORDERED, Status Check CONTINUED. CONTINUED TO: 09/20/19 Chambers Calendar CLERK'S NOTE: A copy of this minute order has been electronically served to all registered parties for Odyssey File & Serve./s 09-06-19;*

10/29/2019

**CANCELED Motion to Strike** (9:00 AM) (Judicial Officer: Sturman, Gloria)

*Vacated - per Judge*

*Defendant Ingrid Patin's Objection and Motion to Strike Notice of Entry of Order Denying*

*Defendant's Motion to Dismiss*

10/29/2019

**CANCELED Motion to Strike** (9:30 AM) (Judicial Officer: Sturman, Gloria)

*Vacated - On in Error*

*Defendant Ingrid Patin's Objection and Motion to Strike Notice of Entry of Order Denying*

*Defendant's Motion to Dismiss*

11/13/2019



**Mandatory Rule 16 Conference** (10:30 AM) (Judicial Officer: Sturman, Gloria)

Trial Date Set;

Journal Entry Details:

*Following colloquy, COURT ORDERED, Trial Dates Set. 01/28/21 9:00 AM CALENDAR CALL 02/16/21 9:00 AM BENCH TRIAL Ms. Doyle stated the damages claim was for \$10 million and as of this date she had not received a computation of damages, that the case had been going on since 2015, and that as of this date she'd not received any information*

**CASE SUMMARY****CASE NO. A-15-723134-C**

regarding losses. Mr. Jones stated disclosures were filed two months ago and that this was a discovery issue and better handled by the Discovery Commissioner. Mr. Jones stated a 2.67 hearing may be needed. Court stated the Deft.'s were entitled to know if this was personal or public and that they needed to know if they can stick to this timeline. Mr. Jones stated his client's damages were personal, that he was working to get the documents diligently, that this was defamation per se, and that it was regarding diminution of value of a business. Mr. Jones stated he planned to supplement discovery by December and that he thought discovery could be completed in nine months. Court stated that would be a six week delay and the documents would require a great deal of analysis and that the Deft.'s were entitled to discovery; however she thought discovery could be completed in nine months. **COURT ORDERED, Case REFERRED** to the Discovery Commissioner regarding a dispute resolution conference.;

03/03/2020

**Motion to Compel** (10:00 AM) (Judicial Officer: Truman, Erin)

*Defendant Ingrid Patin's Motion to Compel Plaintiff's Computation of Damages*  
 Granted in Part; Defendant Ingrid Patin's Motion to Compel Plaintiff's Computation of Damages

Journal Entry Details:

*Arguments by counsel. Mr. Jones addressed the potential business disparagement claim; the potential sale that did not go forward, but the sale was less than what it would have been due to the defamatory statement. COMMISSIONER RECOMMENDED, motion is GRANTED IN PART and DENIED IN PART; any calculation Plaintiff has at this point must be disclosed when it is available, or at expert disclosure; supplement the calculation of damages, and the amount will be supplemented; if Plaintiff is claiming a decline in business, any economic damages that can be identified must be supplemented; expert disclosures may change that amount; disclose information within 30 days from today. Ms. Morris to prepare the Report and Recommendations, and Mr. Jones to approve as to form and content. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution.;*

04/02/2020

**CANCELED Status Check: Compliance** (3:00 AM) (Judicial Officer: Truman, Erin)

*Vacated*

*Status Check: Compliance / 3-3-2020 DCRR*

08/04/2020

**Motion to Extend Discovery** (9:00 AM) (Judicial Officer: Sturman, Gloria)

*Plaintiff Motion to Extend Discovery Deadline -- First Request*

Granted Without Prejudice;

Journal Entry Details:

*Arguments by counsel regarding Plaintiff's Motion to Extend Discovery Deadline - First Request. COURT stated FINDINGS and ORDERED, motion GRANTED under 17 and 18 of the Administrative Order to allow additional time for discovery, additional time for expert and rebuttal disclosures,. Further, however much time was necessary to depose the Plaintiff. COURT NOTED the motion was GRANTED WITHOUT PREJUDICE to the Defendant to move to exclude the information. As the information appeared to predate Co-Vid. Additionally, the Court was not prepared to exclude the expert at this point. Court expressed concern that the Plaintiff did not produce relevant information to the Defendant at an earlier point in time. Party allowed to produce the expert witness report, allowed an additional sixty days to file an opposition to the report, and allow deposition of the Plaintiff, not limited by any number of hours as necessary. COURT FURTHER NOTED all was without prejudice to the Defendant to raise issues with why this information was not disclosed sooner. Mr. Jones advised based on opposing parties request the expert's name was Christopher Money. Court noted the expert's name should be included in the Order. COURT DIRECTED Mr. Jones to prepare the Order and the expert should be disclosed / identified. ;*

08/25/2020

**Minute Order** (3:00 AM) (Judicial Officer: Sturman, Gloria)

Minute Order - No Hearing Held;

Journal Entry Details:

*There being no response filed and the filing of a Notice of Withdraw of the Motion to Strike Defendant Ingrid Patin s Supplemental Opposition to Plaintiff's Motion to Extend Discovery Deadlines and Request for Sanctions, as well as request to vacate the hearing, COURT ORDERED, the September 8, 2020 Plaintiff Ton Vinh Lee's Motion to Strike Defendant Ingrid Patin's Supplemental Opposition to Plaintiff's Motion to Extend Discovery Deadlines and Request for Sanctions VACATED as MOOT. CLERK'S NOTE: This minute order was electronically served by Courtroom Clerk, Natalie Ortega, to all registered parties for Odyssey File & Serve and/or served via facsimile. ndo/08/25/20;*

# CASE SUMMARY

CASE NO. A-15-723134-C

09/08/2020	<b>CANCELED Motion to Strike</b> (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Attorney or Pro Per</i> <i>Plaintiff Ton Vinh Lee's Motion to Strike Defendant Ingrid Patin's Supplemental Opposition to Plaintiff's Motion to Extend Discovery Deadlines and Request for Sanctions</i>
09/15/2020	<b>Motion for Summary Judgment</b> (9:30 AM) (Judicial Officer: Sturman, Gloria) <i>Defendant Ingrid Patin's Motion for Judgment on the Pleadings, in the Alternative, Motion for Summary Judgment</i> Granted;
09/15/2020	<b>Joinder</b> (9:30 AM) (Judicial Officer: Sturman, Gloria) <i>Defendant Patin Law Group, PLLC's Joinder to Defendant Ingrid Patin's Motion for Judgment on the Pleadings, in the Alternative, Motion for Summary Judgment</i> Granted;
09/15/2020	<b>Joinder</b> (9:30 AM) (Judicial Officer: Sturman, Gloria) <i>Defendant Patin Law Group, PLLC's Joinder to Defendant Ingrid Patin's Motion for Judgment on the Pleadings, in the Alternative, Motion for Summary Judgment</i> Granted;
09/15/2020	 <b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Sturman, Gloria) Matter Heard; Journal Entry Details: <i>DEFENDANT INGRID PATIN'S MOTION FOR JUDGMENT ON THE PLEADINGS, IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT . . . DEFENDANT PATIN LAW GROUP, PLLC'S JOINDER TO DEFENDANT INGRID PATIN'S MOTION FOR JUDGMENT ON THE PLEADINGS, IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT . . . DEFENDANT PATIN LAW GROUP, PLLC'S JOINDER TO DEFENDANT INGRID PATIN'S MOTION FOR JUDGMENT ON THE PLEADINGS, IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT. Arguments by counsel. Colloquy regarding discovery that has not been completed. Court inquired if there was any evidence to go on. Further arguments by counsel. COURT stated its FINDINGS and ORDERED Summary Judgment GRANTED as to Ms. Patin. Ms. Morris to prepare the order.;</i>
01/06/2021	<b>Motion</b> (9:30 AM) (Judicial Officer: Sturman, Gloria) <b>01/06/2021, 02/09/2021</b> <i>Plaintiff Ton Vinh Lee's Motion for Reconsideration of the Court's Order Granting Defendant Ingrid Patin's Motion for Summary Judgment</i> Matter Continued; Motion Denied; Plaintiff Ton Vinh Lee's Motion for Reconsideration of the Court's Order Granting Defendant Ingrid Patin's Motion for Summary Judgment Matter Continued; Motion Denied; Plaintiff Ton Vinh Lee's Motion for Reconsideration of the Court's Order Granting Defendant Ingrid Patin's Motion for Summary Judgment
01/06/2021	<b>Motion</b> (9:30 AM) (Judicial Officer: Sturman, Gloria) <b>01/06/2021, 02/09/2021</b> <i>Defendant Ingrid Patin's Motion for Attorneys' Fees, and Costs, and Interest</i> Matter Continued; Matter Heard; Defendant Ingrid Patin's Motion for Attorneys' Fees, and Costs, and Interest Decision 4/21/21 Matter Continued; Matter Heard; Defendant Ingrid Patin's Motion for Attorneys' Fees, and Costs, and Interest Decision 4/21/21
01/06/2021	<b>Motion for Attorney Fees</b> (9:30 AM) (Judicial Officer: Sturman, Gloria) <b>01/06/2021, 02/09/2021</b> <i>Defendant Patin Law Group, PLLC's Motion for Attorneys' Fees and Interest</i> Matter Continued; Matter Heard; Defendant Patin Law Group, PLLC's Motion for Attorneys' Fees and Interest Decision 4.21.21

# CASE SUMMARY

CASE NO. A-15-723134-C


	<p>Matter Continued; Matter Heard; Defendant Patin Law Group, PLLC's Motion for Attorneys' Fees and Interest Decision 4.21.21</p>
01/06/2021	<p><b>Motion to Amend Judgment</b> (9:30 AM) (Judicial Officer: Becker, Nancy) <i>Plaintiff Ton Vinh Lee S Motion To Alter Or Amend Judgment Pursuant To NRCP 59(e)</i> Denied;</p>
01/06/2021	<p><b>Joinder</b> (9:30 AM) (Judicial Officer: Sturman, Gloria) <b>01/06/2021, 02/09/2021</b> <i>Defendant Patin Law Group, PLLC's Joinder to Defendant Ingrid Patin's Opposition to Plaintiff's Motion for Reconsideration of the Court's Order Granting Defendant's Motion for Summary Judgement</i> Matter Continued; Motion Denied; Defendant Patin Law Group, PLLC's Joinder to Defendant Ingrid Patin's Opposition to Plaintiff's Motion for Reconsideration of the Court's Order Granting Defendant's Motion for Summary Judgement Matter Continued; Motion Denied; Defendant Patin Law Group, PLLC's Joinder to Defendant Ingrid Patin's Opposition to Plaintiff's Motion for Reconsideration of the Court's Order Granting Defendant's Motion for Summary Judgement</p>
01/06/2021	<p><b>Joinder</b> (9:30 AM) (Judicial Officer: Becker, Nancy) <i>Defendant Patin Law Group, PLLC's Joinder to Defendant Ingrid Patin's Opposition to Plaintiff's Motion to Alter or Amend Judgement Pursuant to NRCP 59(e)</i> Denied;</p>
01/06/2021	<p> <b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Becker, Nancy) Matter Heard; Journal Entry Details: <i>PLTF. TON VINH LEE S MOTION TO ALTER OR AMEND JUDGMENT PURSUANT TO NRCP 59(e)...DEFT. PATIN LAW GROUP, PLLC'S JOINDER TO DEFT. INGRID PATIN'S OPPOSITION TO PLTF'S MOTION TO ALTER OR AMEND JUDGMENT PURSUANT TO NRCP 59(e): Court stated there is no such thing as an alter or amend judgment in this context, therefore, ORDERED, Motion DENIED. PLTF. TON VINH LEE'S MOTION FOR RECONSIDERATION OF THE COURT'S ORDER GRANTING DEFT. INGRID PATIN'S MOTION FOR SUMMARY JUDGMENT...DEFT. PATIN LAW GROUP, PLLC'S JOINDER TO DEFT. INGRID PATIN'S OPPOSITION TO PLTF'S MOTION FOR RECONSIDERATION OF THE COURT'S ORDER GRANTING DEFT'S MOTION FOR SUMMARY JUDGMENT...DEFT. PATIN LAW GROUP, PLLC'S MOTION FOR ATTORNEYS' FEES AND INTEREST...DEFT. INGRID PATIN'S MOTION FOR ATTORNEYS' FEES, COSTS AND INTEREST: Court stated there has been a request from Ms. Morris to continue these matters as it was Judge Sterman who made the decisions and is most familiar with the case. Court stated it is prepared to rule on the motions, however, would like to hear from counsel regarding the request to continue. Counsel stated that based on the history Judge Sterman has with this case, request it be continued for Judge Sturman to hear these matters. COURT ORDERED, Motions CONTINUED. 2/09/21 9:30 AM PLTF. TON VINH LEE'S MOTION FOR RECONSIDERATION OF THE COURT'S ORDER GRANTING DEFT. INGRID PATIN'S MOTION FOR SUMMARY JUDGMENT...DEFT. PATIN LAW GROUP, PLLC'S JOINDER TO DEFT. INGRID PATIN'S OPPOSITION TO PLTF'S MOTION FOR RECONSIDERATION OF THE COURT'S ORDER GRANTING DEFT'S MOTION FOR SUMMARY JUDGMENT...DEFT. PATIN LAW GROUP, PLLC'S MOTION FOR ATTORNEYS' FEES AND INTEREST...DEFT. INGRID PATIN'S MOTION FOR ATTORNEYS' FEES, COSTS AND INTEREST;</i></p>
01/06/2021	<p><b>CANCELED All Pending Motions</b> (9:30 AM) (Judicial Officer: Becker, Nancy) <i>Vacated - Duplicate Entry</i></p>
01/28/2021	<p><b>CANCELED Calendar Call</b> (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Judge</i></p>
02/09/2021	<p> <b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Sturman, Gloria) Matter Heard;</p>

**CASE SUMMARY****CASE No. A-15-723134-C**

## Journal Entry Details:

*PLAINTIFF TON VINH LEE'S MOTION FOR RECONSIDERATION OF THE COURT'S ORDER GRANTING DEFENDANT INGRID PATIN'S MOTION FOR SUMMARY JUDGMENT ..DEFENDANT PATIN LAW GROUP, PLLC'S JOINDER TO DEFENDANT INGRID PATIN'S OPPOSITION TO PLAINTIFF'S MOTION FOR RECONSIDERATION OF THE COURT'S ORDER GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGEMENT... DEFENDANT INGRID PATIN'S MOTION FOR ATTORNEYS' FEES, AND COSTS, AND INTEREST.... DEFENDANT PATIN LAW GROUP, PLLC's MOTION FOR ATTORNEYS' FEES AND INTEREST* Mr. Jones argued in support of Motion for Reconsideration and stated the order for argument was already made and decided by the predecessor Court. Ms. Morris argued in opposition as there was no new information and Plaintiff has not met any of the prongs for reconsideration. Mr. Doyle had no additional issues to raise. Further argument. Court advised it seems like at this point where we have further discovery, it was a different time in the case and different information upon which to base the summary judgment and it was granted on that basis. Subsequently, the case evolved over this period of time. **COURT ORDERED, Motion for Reconsideration DENIED.** Arguments by counsel regarding Motions for Attorney's Fees. Mr. Kerry stated the arguments were the same; the only difference is the amount of fees and costs. Court believes there were valid offers of judgment; however, they has to do the Beattie analysis and it wants to look at the Rose Miller case and billing statements, noting the costs appeared to be reasonable. **COURT ORDERED, Motions for Attorney's Fees CONTINUED** to chambers for decision, noting it had a question whether there should be attorney's fees under those offers, and if it was reasonable and how much. Mr. Jones to prepare Order, approved as to form and content by opposing counsel. **CONTINUED TO 3/26/21 (CHAMBERS) DEFENDANT INGRID PATIN'S MOTION FOR ATTORNEYS' FEES, AND COSTS, AND INTEREST....DEFENDANT PATIN LAW GROUP, PLLC's MOTION FOR ATTORNEYS' FEES AND INTEREST ;**

02/16/2021 **CANCELED Jury Trial** (9:00 AM) (Judicial Officer: Sturman, Gloria)  
*Vacated - per Judge*

05/19/2021  **Motion For Reconsideration** (9:00 AM) (Judicial Officer: Sturman, Gloria)  
*Plaintiff Ton Vihh Lee's Motion for Reconsideration, or in the Alternative, Motion to Alter or Amend Judgment Pursuant to NRCP 59(e)*  
Denied;  
Journal Entry Details:  
*Arguments by counsel regarding the merits of Plaintiff Ton Vihh Lee's Motion for Reconsideration, or in the Alternative, Motion to Alter or Amend Judgment Pursuant to NRCP 59(e). COURT stated FINDINGS and ORDERED, Motion for Reconsideration DENIED as well as Motion to Alter DENIED.;*

**DATE****FINANCIAL INFORMATION****Cross Defendant** Patin Law Group PLLC

Total Charges	430.00
Total Payments and Credits	430.00
<b>Balance Due as of 7/26/2021</b>	<b>0.00</b>

**Cross Claimant** Patin, Ingrid

Total Charges	871.00
Total Payments and Credits	871.00
<b>Balance Due as of 7/26/2021</b>	<b>0.00</b>

**Plaintiff** Lee, Ton Vinh

Total Charges	318.00
Total Payments and Credits	318.00
<b>Balance Due as of 7/26/2021</b>	<b>0.00</b>

**Cross Claimant** Patin, Ingrid

Appeal Bond Balance as of 7/26/2021	<b>1,000.00</b>
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## DISTRICT COURT CIVIL COVER SHEET

A-15-723134-C

Clark County, Nevada  
 Case No. \_\_\_\_\_  
 (Assigned by Clerk's Office)

IX

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

Plaintiff(s) (name/address/phone): Ton V. Lee, DDS 9525 W. Russell Rd. Las Vegas, NV 89148 (702) 579-7645	Defendant(s) (name/address/phone): Ingrid Patin, individual; Patin Law Group, PLLC 6671 S. Las Vegas, Blvd., Suite 210 Las Vegas, NV 89119 (702) 461-5241
Attorney (name/address/phone): Prescott T. Jones, Esq.--Bremer Whyte Brown & O'Meara, LLP 1160 North Town Center Dr., Suite 250 Las Vegas, NV 89144 (702) 258-6665	Attorney (name/address/phone): Patin Law Group, PLLC 6671 S. Las Vegas Blvd., Suite 210 Las Vegas, NV 89119 (702) 461-5241


**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 checked="" type="checkbox"/> Other Tort
<b>Probate</b> <b>Probate</b> (select case type and estate value) <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 type="checkbox"/> Other Civil Matters

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

August 17, 2015

Date

  
 Signature of initiating party or representative

See other side for family-related case filings.

DAO

DISTRICT COURT  
CLARK COUNTY, NEVADA

TON LEE,

Plaintiff(s)

vs

INGRID PATIN,

Defendant(s)

CASE NO.: A-15-723134-C

Department 26

**DECISION AND ORDER**

Plaintiff Ton Vinh Lee, DDS (Lee) filed the instant defamation action against attorney Ingrid Patin (Patin) and Patin Law Group PLLC (PLG) on August 17, 2015. The alleged defamatory statement was an online posting by Patin reporting the verdict in a wrongful death lawsuit filed against Plaintiff, the dental practice he owned at the time and individual dentists who treated the decedent. A verdict was initially entered in favor of the decedent's wife and child against the practice and individual dentist; Plaintiff in his individual capacity received a defense verdict, and the jury assessed 25% comparative negligence to the decedent.

The procedural history of both cases is discussed below, but the instant Motion is before the Court following Summary Judgment in favor of Patin and Patin Law Group. As prevailing party, Defendants Patin and PLG filed the motions currently before the Court each seeking fees and costs, pursuant to Offers of Judgment.

## FACTS

On Feb. 7, 2012, a lawsuit was filed against Plaintiff, his dental practice, and two assisting dentists, alleging dental malpractice (underlying case). The jury awarded \$3.4million against the individual dentist and the dental practice. Lee received a verdict in his favor and was awarded his costs against Plaintiff Singletary. Patin Law Group, as counsel for the decedent Singletary's widow and minor child in the underlying lawsuit, posted a statement on its website about the winning verdict. Following the statement being posted, the district court granted a renewed motion for judgment as a matter of law, overturning the jury award. The defense verdict in favor of Lee was not affected. The web post was removed. After the jury award in favor of the Singletarys was overturned, an appeal was filed and the verdict in favor of the Singletarys was eventually reinstated by the Supreme Court.

Plaintiff Lee filed the instant defamation action against attorney Patin and Patin Law Group on August 17, 2015. The Defendants' motion to dismiss was denied, and that denial was appealed. Defendants then filed an Anti-SLAPP motion, which was also denied, and another appeal was filed as to that issue. This case was stayed in part pending the outcome of the appeals. The Appeal of the order denying the first Motion to Dismiss was eventually dismissed. The Supreme Court affirmed denial of the Anti-SLAPP motion in a published decision. See,

*Patin v Lee*, 134 Nev. Adv. Op. 87, 429 P. 3d 1248 (2018). On January 19, 2017, during the pendency of the appeals, Defendant Patin served an Offer of Judgement in the amount of \$1,000 “inclusive of all accrued interest, costs, and attorneys fees and *any other sums that could be claimed by Defendant...*” Thereafter, on January 26, 2017 codefendant PLG served its offer of judgement for \$1,000 with the same language: “inclusive of all accrued interest, costs, and attorneys fees and *any other sums that could be claimed by Defendant...*” These offers were not accepted and the litigation continued.

After the remittitur, Defendant Patin filed a Motion for Summary Judgment which this Court denied on the ground that genuine issues of material fact existed. Following a period of discovery, Defendant Ingrid Patin filed a Motion for Summary Judgment, which Patin Law joined. The Court granted the Motion for Summary Judgment finding that the statement on the website was a fair and impartial reporting of the facts of the underlying case, and that statements regarding judicial proceedings are protected against defamation by the fair reporting privilege. The Court found that there is no distinction under the fair reporting privilege between an individual and a corporation, and the privilege would apply to both Defendant Ingrid Patin individually and Patin Law Group. During Plaintiff’s sworn deposition testimony, Plaintiff admitted every sentence of the statement was true, but did not admit it was true in its entirety.

## LEGAL ISSUES

### 1. Offer of Judgment

Patin and PLG each seek an award of attorney's fees pursuant to NRCP 68. The Nevada Supreme Court addressed the rules for considering a request for attorney's fees pursuant to an offer of judgment in *Wynn, v. Smith*, 117 Nev. 6, 16 P3d 424 (2001).

In exercising its discretion under [NRCP 68](#), the district court must carefully evaluate the following factors: (1) whether the plaintiff's claim was brought in good faith; (2) whether the defendant's offer of judgment was reasonable and in good faith in both its timing and amount; (3) whether the plaintiff's decision to reject the offer and proceed to trial was grossly unreasonable or in bad faith; and (4) whether the fees sought by the offer or are reasonable and justified in amount. *Beattie v. Thomas*, [99 Nev. 579, 588-89, 668 P.2d 268, 274 \(1983\)](#).<sup>1</sup>

The court's goal in considering offers of judgment is predictability and fairness. Shifting fees and costs between parties is in derogation of common law, so application of the rule should be strictly construed. This includes meeting time deadlines and other formal requirements. *See, Quinlan, v. Camden USA, Inc.*, 126 Nev. Adv. Op. 30, 236 P.3d 613, 615 (2010, *citations omitted*) There is no question that the offers of judgment were timely served.

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<sup>1</sup> *Beattie v Thomas* was decided under Nevada's former statutory offer of judgment provision NRS 17.115, but the analysis has been extended to offers pursuant to NRCP 68.

Defendants argue Plaintiff Lee's case was not brought in good faith. The Court does not agree, this matter was vigorously contested on a number of complex legal theories, with two appeals during the pendency of the litigation. Plaintiff argues that much of the motion practice regarding these legal issues was initiated by the Defendants, and when they lost, they pursued interim appeals, which they also lost. The initial Motions for Summary Judgment, brought before any discovery was conducted, were denied on the grounds that questions of fact existed. Next Defendants pursued an Anti-SLAPP defense, also denied, which was appealed as a matter of right, but again Defendants lost, but which resulted in a published decision as the case raised a question of first impression in Nevada. Only after discovery was concluded and Defendants filed another Motion for Summary Judgment did the Court find in favor of Defendants. For this reason, the Court finds Plaintiff Lee brought the case in good faith.

The next element addressed in *Wynn v Smith*, which is relevant to the issue herein, is whether the offers were reasonable in timing and amount. The Defendants' offers were made during the pendency of their appeal of the initial denial of their motions to dismiss. This appeal was not successful, thus Plaintiff Lee argues the timing was not reasonable as the offers were so early in the litigation, and at a point where Defendants had not been successful in

their efforts to dismiss the case. Further, Plaintiff argues he beat Defendants' Offers of Judgement, which were inclusive of attorney fees. The respective offers of the Defendants each in the amount of \$1,000 inclusive of interest, costs and attorney fees did not present a more favorable outcome for Plaintiff based on the amount he has spent in attorney fees alone. However, this analysis does not include the entirety of the language of the offers, which were not inclusive of *Plaintiff's* attorneys fees, but of the Defendants attorney's fees and "any other sums that could be claimed by Defendant... against Plaintiff." Considering the entirety of the language of the offer, the Court finds that the Offers of Judgement were reasonable in timing and amount, as Defendants had signaled they intended to vigorously litigate the legal issues presented in the defamation case.

The third factor is whether Plaintiff's decision to reject the offers was grossly unreasonable or in bad faith. Plaintiff argues that it was reasonable for him to reject the offers at the time they were made, when Defendants had unsuccessfully sought dismissal of the case before the trial court, and were facing dismissal of their appeal of that decision. The Court agrees that the offers were made early in the litigation, at a time when Plaintiff Lee was in a favorable position with respect to the then pending appeal. However, Plaintiff incorrectly analyzed the offer based on the amount of the offer being

insufficient amount to pay his fees and costs at the time, when the offers should have been analyzed in light of the risk to him of paying Defendants' fees and costs. This factor is a close call between the parties as Defendants' offers were very early in the case when they were not in a favorable position, but Plaintiff did not properly consider the risk to him if Defendants ultimately prevailed. While the Court does not find Plaintiff's incorrect analysis of the offers to be "in bad faith," his choice to reject the offers was "unreasonable," although not "grossly unreasonable." The purpose of the fee shifting provision of NRCP 68 is to encourage settlement, and Defendants offered Plaintiff an early opportunity to take judgment against them, when he rejected their offers he accepted the risk that he would be responsible for attorneys fees and "any other sums that could be claimed by Defendant... against Plaintiff." See, *In re Rose Miller*, Id., at 553.

The final element, reasonableness of the fees sought is analyzed under the "*Brunzell*" test established by the Nevada Supreme Court for analysis of attorney's fees awards.

## **2. Reasonableness of Attorney's Fees**

In the event attorney's fees are awarded, the amount must be reasonable. *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345 (Nev. 1969). The Court is

generally familiar with hourly billing rates in the local community for the type of litigation and finds that the rate charged by counsel is reasonable. The total amount of fees requested appears reasonable when evaluated under the four general categories defined in *Brunzell*: (1) the qualities of the advocate; (2) the character of the work to be done; (3) the work actually performed by the lawyer; and (4) the result.

The Supreme Court has held that the determination of “a reasonable fee” is subject to the discretion of the court “tempered only by reason and fairness.” See, *Schuette, v. Beazer Homes*, 121 Nev. 837, 123 P.3d 530 (2005). By weighing the *Brunzell* factors “...the result will prove reasonable as long as the court provides sufficient reasoning and findings in support of its ultimate determination.” *Schuette*, Id. at 864-865.

Here, counsel for both Defendants provided invoices based on hourly billing. While Plaintiff contends that the attorney fees sought are unreasonable, the qualities of the advocates were not challenged; instead the opposition focused on the reasonableness of the time billed, as well as was the work actually done pursuing motion practice or unsuccessful appeals. Plaintiff objects to the fees sought by PLG for attorney Micah Echols who handled the appeal of the denial of the Anti-SLAPP motion; the Motion and the Appeal were unsuccessful and Plaintiff argues added needlessly to the litigation. Plaintiff extends this argument

to fees sought by counsel for Defendant Patin. The Defendants argue that fees and costs incurred on *appeal can be awarded by the trial court. See, In re Estate and Living Trust of Rose Miller*, 125 Nev 550, 216 P.3d 239 (2009):

In other contexts, we have held that an attorney fees award includes fees incurred on appeal. *See Musso v. Binick*, 104 Nev. 613, 614, 764 P.2d 477, 477–78 (1988) (holding that “a contract provision for attorney’s fees includes an award of fees for *successfully bringing or defending an appeal*”). Additionally, nothing in the language of NRCP 68...suggests that their fee-shifting provisions cease operation when the case leaves trial court. We therefore hold that the fee-shifting provisions in NRCP 68...extend to fees incurred on and after appeal. *Id.*, at 555 (*emphasis added*)

Here, the issue raised by Plaintiff is not so much whether fees incurred by the successful party may include fees for an appeal, but whether it is *reasonable* to award fees where the party was unsuccessful on an interim appeal, although ultimately *successful* in the case. Anti-SLAPP motions are a creature of statute, and attorneys fees may be awarded against the party who brings an unsuccessful anti-SLAPP motion if it is found “frivolous or vexatious.” NRS 41.670 (2). No such finding was made in this case, and the Court notes that the anti-SLAPP appeal presented unique issues of law resulting in a published decision. This statutory provision factors into the analysis of the reasonableness of the fee request.

In *Rose Miller*, the Supreme Court noted that it had held, in the context of an award of fees based on fee provision in a contract, that fees for “successful” defense of an appeal could be recovered, but that the question was better left to the

trial court to determine. See, *Musso v. Binick*, 104 Nev. 613, 614. *Rose Miller* was an offer of judgment case wherein a jury verdict in favor of Respondents was overturned on appeal, and as a result they ultimately failed to recover a verdict more favorable than that offered by the Appellant, the Supreme Court determined that upon remand to the District Court should have awarded fees for the *successful* appeal. Id, 125 Nev. at 552.

The Court will consider the reasonableness of the fee request in light of the *Brunzell* factors: the character of the work, the work actually performed, and the result. These same rules apply to those fees incurred for the *unsuccessful* appeals.

**Patin Law Group PLLC:** PLG requested attorney's fees for attorney Kerry Doyle for the defense of the case in the District Court from September 5, 2019 through the successful Summary Judgment Motion. Attorney Doyle's fees are all related to the post-appeal phase of the litigation, and appear reasonable for the tasks described. The rate of \$400 is reasonable in the community for an attorney of Mr. Doyle's expertise.

The Defendants had separate counsel because the interests of the corporate entity PLG and the individual, attorney Patin, were separate, therefore, the court does not find unnecessary duplication of effort as both counsel attended depositions and appeared at hearings. The attorney's fees billed by Mr. Doyle of \$10, 200 are reasonable in light of the *Brunzell* factors.

PLG retained separate counsel to handle the unsuccessful appeal of the denial of anti-SLAPP motion, attorney Micah Echols an appellate specialist. As mentioned, the anti-SLAPP issue presented a question of first impression with respect to the Nevada statute and resulted in a published decision; however, the same reasonableness factors must be applied to both the district court fees and the appellate fees. Anti-SLAPP motions involve a sophisticated and complex area of litigation; however, Plaintiff argues pursuing the issue was unreasonable and the Defendants were unsuccessful. The anti-SLAPP statute provides that attorney's fees are recoverable against a party who pursues a frivolous or vexatious motion. Further, the party whose anti-SLAPP motion is denied is entitled to an appeal as a matter of right. NRS 41.670 (4). The unique nature of the anti-SLAPP statutes factor into the consideration of whether the "result" of an unsuccessful anti-SLAPP motion and appeal should be considered to be unreasonable in a *Brunzell* analysis.

Mr. Echols billing records consist of block billed entries. In considering an award of attorney's fees where counsel block billed time, the Nevada Supreme Court has held that practice is not necessarily inappropriate so long as each entry is sufficiently detailed that the nature of the tasks billed can be determined. See, *In re Margaret Mary Adams 2006 Trust*, Case No. 61710, March 2015 (unpublished). Here, billing entries are sufficiently detailed such that, when read in context with other entries, the court can determine what tasks were performed. As a specialist

in appellate practice the hourly fee of \$500 is not unreasonable. Given the nature of the issue, it was not unreasonable to retain separate counsel for the appeal, but the Court cannot overcome the fact that the “result” of the appeal was not in Defendants’ favor. For this reason the Court finds the fees billed for the unsuccessful appeal do not satisfy the Brunzell factors, and will not be awarded. The requested costs are addressed below.

**Ingrid Patin:** Attorney Patin had separate counsel, Christian Morris, who represented the Defendant throughout the litigation including both appeals. Ms. Morris submitted detailed time sheets which separated pre offer of judgment hours from the post offer time. Reviewing the time sheets the Court finds no clearly identifiable post offer billing entries related to the first unsuccessful appeal, additionally most of the billing at the District Court level on the special motion to dismiss pursuant to NRS 41.635-70 (anti-SLAPP motion) pre dates the offer. Ms. Morris’ post offer billing entries detail approximately 16 hours clearly related to the anti-SLAPP appeal. Ms. Morris’ billing rate is \$500 per hour, more than reasonable given her expertise. The Court does not find the time billed for the other motion practice at the District Court level to have been unreasonable, even though the first Summary Judgment motion was denied given questions of fact at the early stage of the litigation. Generally time billed during the discovery phase seems does not appear to have been overly duplicative as both attorney Patin and

PLG had separate counsel and separate interests to defend. The post offer time billed by Ms. Morris totals 217 hours, the Court will round this down to 200 hours after deducting hours related to the unsuccessful anti-SLAPP appeal. The Court will award Ms. Morris \$100,000 attorneys fees, plus costs as discussed below.

### **3. Costs**

The Nevada Supreme Court has held that pursuant to NRCP 68(f)(2) a party who fails to improve upon a rejected offer of judgment “...*shall pay the offeror’s post-offer costs ...and reasonable attorney’s fees, if any be allowed, actually incurred by the offeror from the time of the offer....*” See, *Logan v Abe*, 131 Nev. 260, 264-265, 350 P.3d 1139 (2015) (*Emphasis original*) Based on this language the award of costs is mandatory, while the award of attorneys fees must go through the reasonableness analysis.

Allowable costs are defined by NRS 18.005. The determination of allowable costs is within the discretion of the district court. *Gibellini v Klindt*, 110 Nev. 1201, 1205 885 P2d 540, 542-543 (Nev. 1994) However, statutes permitting costs are in derogation of the common law and therefore should be strictly construed. *Id.* The district court has courts wide, but not unlimited, discretion to award costs to prevailing parties. Cost must be documented such that the court can determine the costs were reasonable necessary and actually incurred. See, *Cadle Co., v. Woods Erickson LLP*, 131 Nev. 114, 120, 345 P.3d 1049 (2015)

Here, attorney Morris provided detailed documentation for the costs incurred, in the form of a Memorandum of Costs, affidavit of counsel stating the costs were true and correct, and necessarily incurred, and attached supporting documentation for each item except in house copy costs. However, only post-offer costs may be awarded so costs related to the initial filings and first appeal must be deducted. The deductions are: \$353.69 for filing fees, \$230 for Supreme Court filing fees, and \$500 Supreme Court Appeal Bond. Costs for the second appeal, even though unsuccessful, are recoverable under NRS 18.005 and NRS 68. It is not possible to differentiate how much of the copy costs line items were incurred prior to the offer of judgment; however, the total number of pages (812) over five years of litigation at twenty five cents per page is de minimis.

The billing statement provided by Mr. Echols from his former law firm does not include any supporting documentation provided for the costs on appeal, most of which are related to travel for the appellate argument, and Westlaw charges. The Court assumes the amounts recorded are correct; however, *Cadle* requires that the Court base an award of costs on evidence. Here, Mr. Echols has provided an affidavit that the costs incurred are accurate, but the information provided does not meet the requirements of *Cadle*.

## CONCLUSION

With this guidance in mind, the court has reviewed the fees to determine whether the fees requested satisfy the reasonableness requirements of Brunzell. The Court finds that sufficient information is present upon which to evaluate the reasonableness of the claim for attorneys' fees under *Brunzell*. The Court finds that fees paid to Mr. Doyle by Patin Law Group are recoverable, but the fees and costs requested for the unsuccessful appeal billed by Mr. Echols are not reasonable, and cannot be recovered; further, absent appropriate documentation for costs, the costs must also be denied. The fee requests for Ms. Morris as adjusted for the unsuccessful appeal are recoverable, and the post offer costs are sufficiently documented to be recoverable.

**WHEREFORE**, the Patin Law Group, PLLC Motion for an Award of Fees and Costs is **GRANTED** in part pursuant to NRCP 68 as to the \$10,200 for fees paid to Mr. Doyle, and **DENIED** as to the fees and costs paid to Mr. Echols former law firm.

**FURTHER**, Defendant Ingrid Patin's Motion for an Award of Fees and Costs is **GRANTED** pursuant to NRCP 68 as to attorney's fees paid to Ms. Morris

in the amount of \$100,000, and **GRANTED** as to post offer costs in the amount of \$10,600 pursuant to NRCP 68 and NRS 18.005.

**IT IS SO ORDERED**

DATED: April 20, 2021

Dated this 21st day of April, 2021



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**D7A 7E7 92BB 91AE  
Gloria Sturman  
District Court Judge**

Counsel for defendant to prepare a Notice of Entry.

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 Ton Lee, Plaintiff(s)

CASE NO: A-15-723134-C

7 vs.

DEPT. NO. Department 26

8 Ingrid Patin, 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 Decision and Order was served via the court's electronic eFile system  
13 to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 4/21/2021

15 "Christian M. Morris, Esq." . christianmorris@nettleslawfirm.com

16 "Jeremy J. Thompson, Esq." . jthompson@mpplaw.com

17 "Paul E Larsen, Esq." . plarsen@mpplaw.com

18 Coreene Drose . cdrose@rlattorneys.com

19 Cristina Robertson . crobertson@mpplaw.com

20 Debbie Surowiec . dsurowiec@mpplaw.com

21 Ingrid Patin . ingrid@patinlaw.com

22 Jenn Alexy . jenn@nettleslawfirm.com

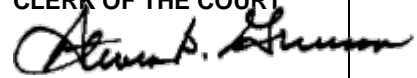
23 Joyce Ulmer . julmer@mpplaw.com

24 Lisa Bell . lbell@rlattorneys.com

25 Nancy C. Rodriguez . nrodriguez@mpplaw.com

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5	Mikayla Hurtt	admin@doylelawgroup.lv.com
6	Emily Arriviello	emily@nettlesmorris.com
7	Myraleigh Alberto	malberto@rlattorneys.com
8	Brittany Willis	bwillis@rlattorneys.com
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*Attorney for Defendant, Ingrid Patin*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

TON VINH LEE, an individual,  
  
Plaintiff,

v.

INGRID PATIN, an individual, and PATIN  
LAW GROUP, PLLC, a Nevada  
Professional LLC,  
  
Defendants.

CASE NO.: A-15-723134-C  
DEPT NO.: 26

**NOTICE OF ENTRY OF DECISION  
AND ORDER**

TO: ALL PARTIES; and  
TO: THEIR RESPECTIVE ATTORNEYS:

**PLEASE TAKE NOTICE** that a Decision and Order was duly entered in the above-entitled matter on the 23<sup>rd</sup> day of April, 2021, a true and correct copy of said Decision and Order is attached hereto.

DATED this 23<sup>rd</sup> day of April, 2021.

NETTLES | MORRIS



CHRISTIAN M. MORRIS, ESQ.  
Nevada Bar No. 011218  
*Attorney for Defendant, Ingrid Patin*

**CERTIFICATE OF SERVICE**

Pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26, I hereby certify that on this 23<sup>rd</sup> day of April, 2021, a true and correct copy of the foregoing **NOTICE OF ENTRY OF DECISION AND ORDER** was served to the following parties by electronic transmission through the Odyssey eFileNV system and/or by depositing in the US Mail, postage prepaid, addressed as follows:

Kerry Doyle	kdoyle@doylelawgroupnv.com
Mikayla Hurtt	admin@doylelawgroupnv.com
Coreene Drose	cdrose@rlattorneys.com
Ingrid Patin	ingrid@patinlaw.com
Lisa Bell	lbell@rlattorneys.com
Prescott Jones	pjones@rlattorneys.com
Susan Carbone	scarbone@rlattorneys.com
Jessica Humphrey	jhumphrey@rlattorneys.com



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An Employee of NETTLES | MORRIS

DAO

DISTRICT COURT  
CLARK COUNTY, NEVADA

TON LEE,

Plaintiff(s)

vs

INGRID PATIN,

Defendant(s)

CASE NO.: A-15-723134-C

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*Patin v Lee*, 134 Nev. Adv. Op. 87, 429 P. 3d 1248 (2018). On January 19, 2017, during the pendency of the appeals, Defendant Patin served an Offer of Judgement in the amount of \$1,000 “inclusive of all accrued interest, costs, and attorneys fees and *any other sums that could be claimed by Defendant...*” Thereafter, on January 26, 2017 codefendant PLG served its offer of judgement for \$1,000 with the same language: “inclusive of all accrued interest, costs, and attorneys fees and *any other sums that could be claimed by Defendant...*” These offers were not accepted and the litigation continued.

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### 1. Offer of Judgment

Patin and PLG each seek an award of attorney's fees pursuant to NRCP 68. The Nevada Supreme Court addressed the rules for considering a request for attorney's fees pursuant to an offer of judgment in *Wynn, v. Smith*, 117 Nev. 6, 16 P3d 424 (2001).

In exercising its discretion under [NRCP 68](#), the district court must carefully evaluate the following factors: (1) whether the plaintiff's claim was brought in good faith; (2) whether the defendant's offer of judgment was reasonable and in good faith in both its timing and amount; (3) whether the plaintiff's decision to reject the offer and proceed to trial was grossly unreasonable or in bad faith; and (4) whether the fees sought by the offer or are reasonable and justified in amount. *Beattie v. Thomas*, [99 Nev. 579, 588-89, 668 P.2d 268, 274 \(1983\)](#).<sup>1</sup>

The court's goal in considering offers of judgment is predictability and fairness. Shifting fees and costs between parties is in derogation of common law, so application of the rule should be strictly construed. This includes meeting time deadlines and other formal requirements. *See, Quinlan, v. Camden USA, Inc.*, 126 Nev. Adv. Op. 30, 236 P.3d 613, 615 (2010, *citations omitted*) There is no question that the offers of judgment were timely served.

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<sup>1</sup> *Beattie v Thomas* was decided under Nevada's former statutory offer of judgment provision NRS 17.115, but the analysis has been extended to offers pursuant to NRCP 68.

Defendants argue Plaintiff Lee's case was not brought in good faith. The Court does not agree, this matter was vigorously contested on a number of complex legal theories, with two appeals during the pendency of the litigation. Plaintiff argues that much of the motion practice regarding these legal issues was initiated by the Defendants, and when they lost, they pursued interim appeals, which they also lost. The initial Motions for Summary Judgment, brought before any discovery was conducted, were denied on the grounds that questions of fact existed. Next Defendants pursued an Anti-SLAPP defense, also denied, which was appealed as a matter of right, but again Defendants lost, but which resulted in a published decision as the case raised a question of first impression in Nevada. Only after discovery was concluded and Defendants filed another Motion for Summary Judgment did the Court find in favor of Defendants. For this reason, the Court finds Plaintiff Lee brought the case in good faith.

The next element addressed in *Wynn v Smith*, which is relevant to the issue herein, is whether the offers were reasonable in timing and amount. The Defendants' offers were made during the pendency of their appeal of the initial denial of their motions to dismiss. This appeal was not successful, thus Plaintiff Lee argues the timing was not reasonable as the offers were so early in the litigation, and at a point where Defendants had not been successful in

their efforts to dismiss the case. Further, Plaintiff argues he beat Defendants' Offers of Judgement, which were inclusive of attorney fees. The respective offers of the Defendants each in the amount of \$1,000 inclusive of interest, costs and attorney fees did not present a more favorable outcome for Plaintiff based on the amount he has spent in attorney fees alone. However, this analysis does not include the entirety of the language of the offers, which were not inclusive of *Plaintiff's* attorneys fees, but of the Defendants attorney's fees and "any other sums that could be claimed by Defendant... against Plaintiff." Considering the entirety of the language of the offer, the Court finds that the Offers of Judgement were reasonable in timing and amount, as Defendants had signaled they intended to vigorously litigate the legal issues presented in the defamation case.

The third factor is whether Plaintiff's decision to reject the offers was grossly unreasonable or in bad faith. Plaintiff argues that it was reasonable for him to reject the offers at the time they were made, when Defendants had unsuccessfully sought dismissal of the case before the trial court, and were facing dismissal of their appeal of that decision. The Court agrees that the offers were made early in the litigation, at a time when Plaintiff Lee was in a favorable position with respect to the then pending appeal. However, Plaintiff incorrectly analyzed the offer based on the amount of the offer being

insufficient amount to pay his fees and costs at the time, when the offers should have been analyzed in light of the risk to him of paying Defendants' fees and costs. This factor is a close call between the parties as Defendants' offers were very early in the case when they were not in a favorable position, but Plaintiff did not properly consider the risk to him if Defendants ultimately prevailed. While the Court does not find Plaintiff's incorrect analysis of the offers to be "in bad faith," his choice to reject the offers was "unreasonable," although not "grossly unreasonable." The purpose of the fee shifting provision of NRCP 68 is to encourage settlement, and Defendants offered Plaintiff an early opportunity to take judgment against them, when he rejected their offers he accepted the risk that he would be responsible for attorneys fees and "any other sums that could be claimed by Defendant... against Plaintiff." See, *In re Rose Miller*, Id., at 553.

The final element, reasonableness of the fees sought is analyzed under the "*Brunzell*" test established by the Nevada Supreme Court for analysis of attorney's fees awards.

## **2. Reasonableness of Attorney's Fees**

In the event attorney's fees are awarded, the amount must be reasonable. *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345 (Nev. 1969). The Court is

generally familiar with hourly billing rates in the local community for the type of litigation and finds that the rate charged by counsel is reasonable. The total amount of fees requested appears reasonable when evaluated under the four general categories defined in *Brunzell*: (1) the qualities of the advocate; (2) the character of the work to be done; (3) the work actually performed by the lawyer; and (4) the result.

The Supreme Court has held that the determination of “a reasonable fee” is subject to the discretion of the court “tempered only by reason and fairness.” See, *Schuetz, v. Beazer Homes*, 121 Nev. 837, 123 P.3d 530 (2005). By weighing the *Brunzell* factors “...the result will prove reasonable as long as the court provides sufficient reasoning and findings in support of its ultimate determination.” *Schuetz, Id.* at 864-865.

Here, counsel for both Defendants provided invoices based on hourly billing. While Plaintiff contends that the attorney fees sought are unreasonable, the qualities of the advocates were not challenged; instead the opposition focused on the reasonableness of the time billed, as well as was the work actually done pursuing motion practice or unsuccessful appeals. Plaintiff objects to the fees sought by PLG for attorney Micah Echols who handled the appeal of the denial of the Anti-SLAPP motion; the Motion and the Appeal were unsuccessful and Plaintiff argues added needlessly to the litigation. Plaintiff extends this argument

to fees sought by counsel for Defendant Patin. The Defendants argue that fees and costs incurred on *appeal can be awarded by the trial court. See, In re Estate and Living Trust of Rose Miller*, 125 Nev 550, 216 P.3d 239 (2009):

In other contexts, we have held that an attorney fees award includes fees incurred on appeal. *See Musso v. Binick*, 104 Nev. 613, 614, 764 P.2d 477, 477–78 (1988) (holding that “a contract provision for attorney’s fees includes an award of fees for *successfully bringing or defending an appeal*”). Additionally, nothing in the language of NRCP 68...suggests that their fee-shifting provisions cease operation when the case leaves trial court. We therefore hold that the fee-shifting provisions in NRCP 68...extend to fees incurred on and after appeal. *Id.*, at 555 (*emphasis added*)

Here, the issue raised by Plaintiff is not so much whether fees incurred by the successful party may include fees for an appeal, but whether it is *reasonable* to award fees where the party was unsuccessful on an interim appeal, although ultimately *successful* in the case. Anti-SLAPP motions are a creature of statute, and attorneys fees may be awarded against the party who brings an unsuccessful anti-SLAPP motion if it is found “frivolous or vexatious.” NRS 41.670 (2). No such finding was made in this case, and the Court notes that the anti-SLAPP appeal presented unique issues of law resulting in a published decision. This statutory provision factors into the analysis of the reasonableness of the fee request.

In *Rose Miller*, the Supreme Court noted that it had held, in the context of an award of fees based on fee provision in a contract, that fees for “successful” defense of an appeal could be recovered, but that the question was better left to the

trial court to determine. See, *Musso v. Binick*, 104 Nev. 613, 614. *Rose Miller* was an offer of judgment case wherein a jury verdict in favor of Respondents was overturned on appeal, and as a result they ultimately failed to recover a verdict more favorable than that offered by the Appellant, the Supreme Court determined that upon remand to the District Court should have awarded fees for the *successful* appeal. Id, 125 Nev. at 552.

The Court will consider the reasonableness of the fee request in light of the *Brunzell* factors: the character of the work, the work actually performed, and the result. These same rules apply to those fees incurred for the *unsuccessful* appeals.

**Patin Law Group PLLC:** PLG requested attorney's fees for attorney Kerry Doyle for the defense of the case in the District Court from September 5, 2019 through the successful Summary Judgment Motion. Attorney Doyle's fees are all related to the post-appeal phase of the litigation, and appear reasonable for the tasks described. The rate of \$400 is reasonable in the community for an attorney of Mr. Doyle's expertise.

The Defendants had separate counsel because the interests of the corporate entity PLG and the individual, attorney Patin, were separate, therefore, the court does not find unnecessary duplication of effort as both counsel attended depositions and appeared at hearings. The attorney's fees billed by Mr. Doyle of \$10, 200 are reasonable in light of the *Brunzell* factors.

PLG retained separate counsel to handle the unsuccessful appeal of the denial of anti-SLAPP motion, attorney Micah Echols an appellate specialist. As mentioned, the anti-SLAPP issue presented a question of first impression with respect to the Nevada statute and resulted in a published decision; however, the same reasonableness factors must be applied to both the district court fees and the appellate fees. Anti-SLAPP motions involve a sophisticated and complex area of litigation; however, Plaintiff argues pursuing the issue was unreasonable and the Defendants were unsuccessful. The anti-SLAPP statute provides that attorney's fees are recoverable against a party who pursues a frivolous or vexatious motion. Further, the party whose anti-SLAPP motion is denied is entitled to an appeal as a matter of right. NRS 41.670 (4). The unique nature of the anti-SLAPP statutes factor into the consideration of whether the "result" of an unsuccessful anti-SLAPP motion and appeal should be considered to be unreasonable in a *Brunzell* analysis.

Mr. Echols billing records consist of block billed entries. In considering an award of attorney's fees where counsel block billed time, the Nevada Supreme Court has held that practice is not necessarily inappropriate so long as each entry is sufficiently detailed that the nature of the tasks billed can be determined. See, *In re Margaret Mary Adams 2006 Trust*, Case No. 61710, March 2015 (unpublished). Here, billing entries are sufficiently detailed such that, when read in context with other entries, the court can determine what tasks were performed. As a specialist

in appellate practice the hourly fee of \$500 is not unreasonable. Given the nature of the issue, it was not unreasonable to retain separate counsel for the appeal, but the Court cannot overcome the fact that the “result” of the appeal was not in Defendants’ favor. For this reason the Court finds the fees billed for the unsuccessful appeal do not satisfy the Brunzell factors, and will not be awarded. The requested costs are addressed below.

**Ingrid Patin:** Attorney Patin had separate counsel, Christian Morris, who represented the Defendant throughout the litigation including both appeals. Ms. Morris submitted detailed time sheets which separated pre offer of judgment hours from the post offer time. Reviewing the time sheets the Court finds no clearly identifiable post offer billing entries related to the first unsuccessful appeal, additionally most of the billing at the District Court level on the special motion to dismiss pursuant to NRS 41.635-70 (anti-SLAPP motion) pre dates the offer. Ms. Morris’ post offer billing entries detail approximately 16 hours clearly related to the anti-SLAPP appeal. Ms. Morris’ billing rate is \$500 per hour, more than reasonable given her expertise. The Court does not find the time billed for the other motion practice at the District Court level to have been unreasonable, even though the first Summary Judgment motion was denied given questions of fact at the early stage of the litigation. Generally time billed during the discovery phase seems does not appear to have been overly duplicative as both attorney Patin and

PLG had separate counsel and separate interests to defend. The post offer time billed by Ms. Morris totals 217 hours, the Court will round this down to 200 hours after deducting hours related to the unsuccessful anti-SLAPP appeal. The Court will award Ms. Morris \$100,000 attorneys fees, plus costs as discussed below.

### **3. Costs**

The Nevada Supreme Court has held that pursuant to NRCP 68(f)(2) a party who fails to improve upon a rejected offer of judgment “...*shall pay the offeror’s post-offer costs ...and reasonable attorney’s fees, if any be allowed, actually incurred by the offeror from the time of the offer....*” See, *Logan v Abe*, 131 Nev. 260, 264-265, 350 P.3d 1139 (2015) (*Emphasis original*) Based on this language the award of costs is mandatory, while the award of attorneys fees must go through the reasonableness analysis.

Allowable costs are defined by NRS 18.005. The determination of allowable costs is within the discretion of the district court. *Gibellini v Klindt*, 110 Nev. 1201, 1205 885 P2d 540, 542-543 (Nev. 1994) However, statutes permitting costs are in derogation of the common law and therefore should be strictly construed. *Id.* The district court has courts wide, but not unlimited, discretion to award costs to prevailing parties. Cost must be documented such that the court can determine the costs were reasonable necessary and actually incurred. See, *Cadle Co., v. Woods Erickson LLP*, 131 Nev. 114, 120, 345 P.3d 1049 (2015)

Here, attorney Morris provided detailed documentation for the costs incurred, in the form of a Memorandum of Costs, affidavit of counsel stating the costs were true and correct, and necessarily incurred, and attached supporting documentation for each item except in house copy costs. However, only post-offer costs may be awarded so costs related to the initial filings and first appeal must be deducted. The deductions are: \$353.69 for filing fees, \$230 for Supreme Court filing fees, and \$500 Supreme Court Appeal Bond. Costs for the second appeal, even though unsuccessful, are recoverable under NRS 18.005 and NRS 68. It is not possible to differentiate how much of the copy costs line items were incurred prior to the offer of judgment; however, the total number of pages (812) over five years of litigation at twenty five cents per page is de minimis.

The billing statement provided by Mr. Echols from his former law firm does not include any supporting documentation provided for the costs on appeal, most of which are related to travel for the appellate argument, and Westlaw charges. The Court assumes the amounts recorded are correct; however, *Cadle* requires that the Court base an award of costs on evidence. Here, Mr. Echols has provided an affidavit that the costs incurred are accurate, but the information provided does not meet the requirements of *Cadle*.

## CONCLUSION

With this guidance in mind, the court has reviewed the fees to determine whether the fees requested satisfy the reasonableness requirements of Brunzell. The Court finds that sufficient information is present upon which to evaluate the reasonableness of the claim for attorneys' fees under *Brunzell*. The Court finds that fees paid to Mr. Doyle by Patin Law Group are recoverable, but the fees and costs requested for the unsuccessful appeal billed by Mr. Echols are not reasonable, and cannot be recovered; further, absent appropriate documentation for costs, the costs must also be denied. The fee requests for Ms. Morris as adjusted for the unsuccessful appeal are recoverable, and the post offer costs are sufficiently documented to be recoverable.

**WHEREFORE**, the Patin Law Group, PLLC Motion for an Award of Fees and Costs is **GRANTED** in part pursuant to NRCP 68 as to the \$10,200 for fees paid to Mr. Doyle, and **DENIED** as to the fees and costs paid to Mr. Echols former law firm.

**FURTHER**, Defendant Ingrid Patin's Motion for an Award of Fees and Costs is **GRANTED** pursuant to NRCP 68 as to attorney's fees paid to Ms. Morris

in the amount of \$100,000, and **GRANTED** as to post offer costs in the amount of \$10,600 pursuant to NRCP 68 and NRS 18.005.

**IT IS SO ORDERED**

DATED: April 20, 2021

Dated this 21st day of April, 2021



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**D7A 7E7 92BB 91AE  
Gloria Sturman  
District Court Judge**

Counsel for defendant to prepare a Notice of Entry.

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 Ton Lee, Plaintiff(s)

CASE NO: A-15-723134-C

7 vs.

DEPT. NO. Department 26

8 Ingrid Patin, 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 Decision and Order was served via the court's electronic eFile system  
13 to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 4/21/2021

15 "Christian M. Morris, Esq." . christianmorris@nettleslawfirm.com

16 "Jeremy J. Thompson, Esq." . jthompson@mpplaw.com

17 "Paul E Larsen, Esq." . plarsen@mpplaw.com

18 Coreene Drose . cdrose@rlattorneys.com

19 Cristina Robertson . crobertson@mpplaw.com

20 Debbie Surowiec . dsurowiec@mpplaw.com

21 Ingrid Patin . ingrid@patinlaw.com

22 Jenn Alexy . jenn@nettleslawfirm.com

23 Joyce Ulmer . julmer@mpplaw.com

24 Lisa Bell . lbell@rlattorneys.com

25 Nancy C. Rodriguez . nrodriguez@mpplaw.com

26  
27  
28

1	Prescott Jones .	pjones@rlattorneys.com
2	Christian Morris	christian@nettlesmorris.com
3	Tori Allen	victoria@nettlesmorris.com
4	Kerry Doyle	kdoyle@doylelawgroup.lv.com
5	Mikayla Hurtt	admin@doylelawgroup.lv.com
6	Emily Arriviello	emily@nettlesmorris.com
7	Myraleigh Alberto	malberto@rlattorneys.com
8	Brittany Willis	bwillis@rlattorneys.com
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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort****COURT MINUTES****October 14, 2015**

A-15-723134-C      Ton Lee, Plaintiff(s)  
                                  vs.  
                                  Ingrid Patin, Defendant(s)

**October 14, 2015      9:00 AM      Motion to Dismiss**

**HEARD BY:** Togliatti, Jennifer      **COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Athena Trujillo

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

**PRESENT:**      Jones, Prescott T.      Attorney  
                          Morris, Christian      Attorney

**JOURNAL ENTRIES**

- Court made a record of all documents reviewed. Ms. Morris advised an anti-slap law may also be applicable and noted the bar complaint has been dealt with. Court advised it does not think professional conduct is relevant and the motion is really a Motion for Summary Judgment. Court reviewed the statement made and noted the verdict was against a dba, which is not a legal entity. Court requested information as to who owns the dba corporation. Ms. Morris advised she can get the information from the Secretary of State, noting that she believes Summerlin Smiles is owned by Ton V. Lee. Colloquy regarding the owner. Mr. Jones argued there is no verdict against his client as it was vacated by the Judge, although it is on appeal. Court made a record of Exhibit B and the 12 page order it has reviewed. Colloquy regarding the documenting statement. Mr. Jones objected to the statement of facts since they did not have an opportunity to respond. **COURT ORDERED**, motion **DENIED WITHOUT PREJUDICE**, noting any further motions must be re-filed. Further, Court noted if the Motion is treated as a Motion for Summary Judgment the motion is denied 56F. Mr. Jones to prepare the order and submit to opposing counsel prior to final submission to the Court.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**November 18, 2015**

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A-15-723134-C	Ton Lee, Plaintiff(s)
	vs.
	Ingrid Patin, Defendant(s)

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**November 18, 2015     9:00 AM**

**All Pending Motions**

**HEARD BY:** Togliatti, Jennifer

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Athena Trujillo

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Jones, Prescott T.	Attorney
	Morris, Christian	Attorney
	Patin, Ingrid	Defendant

**JOURNAL ENTRIES**

- DEFENDANTS' SPECIAL MOTION TO DISMISS PURSUANT TO NEVADA REVISED STATUTE 41.635-70 OR IN THE ALTERNATIVE MOTION TO DISMISS PURSUANT TO NRS 12(B)(5) ... PLAINTIFF'S MOTION TO STRIKE DEFENDANTS' REPLY IN SUPPORT OF SPECIAL MOTION TO DISMISS; OR IN THE ALTERNATIVE PLAINTIFF'S MOTION TO CONTINUE HEARING ON ORDER SHORTENING TIME

Mr. Jones argued the Plaintiff's Motion is untimely and argued for the reply to be stricken, noting there are arguments made for the first time in the brief. Ms. Morris argued there are no new facts in the brief. COURT ORDERED, Plaintiff Motion to Strike Defendant's Reply in Support of Special Motion to Dismiss DENIED; Motion to Continued GRANTED to allow a sur-reply to be filed.

12/02/15 9:00 AM DEFENDANTS' SPECIAL MOTION TO DISMISS PURSUANT TO NEVADA REVISED STATUTE 41.635-70 OR IN THE ALTERNATIVE MOTION TO DISMISS PURSUANT TO NRS 12(B)(5)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Tort

# COURT MINUTES

**December 02, 2015**

A-15-723134-C                      Ton Lee, Plaintiff(s)  
vs.  
Ingrid Patin, Defendant(s)

**December 02, 2015      9:00 AM      Motion to Dismiss**

**HEARD BY:** Togliatti, Jennifer

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Athena Trujillo

**RECORDER:** Yvette G. Sison

**REPORTER:**

## PARTIES

<b>PRESENT:</b>	Hotchkin, August B., ESQ	Attorney
	Jones, Prescott T.	Attorney
	Morris, Christian	Attorney
	Patin, Ingrid	Defendant

## JOURNAL ENTRIES

- Also present: Edward Wynder, Esq. on behalf of Defendant.

Ms. Morris argued in support of the motion, noting that the statement is accurate. Further, Ms. Morris argued that it is free speech and an issue for public concern. Ms. Morris advised the Plaintiff must prove a false and defamatory statement and they cannot prove damages. With respect to the Motion to Dismiss, Ms. Morris argued that Ton V. Lee DDS is the owner of Summerlin Smiles and the statement in the advertisement is factually correct. Mr. Jones argued there is no verdict for the Plaintiff. Upon Court's inquiry, Mr. Jones advised the Plaintiff filed a counter appeal for fees and costs only, not for any verdict unless the Nevada Supreme Court reverses the Judge's ruling. Mr. Jones further argued against the motion noting the statement is defamatory and that the verdict as vacated. Further argument by counsel. COURT ORDERED, matter UNDER ADVISEMENT and matter SET for status check, noting a minute order will issue.

12/09/15 (CHAMBERS) STATUS CHECK: DECISION

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**December 09, 2015**

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A-15-723134-C      Ton Lee, Plaintiff(s)  
vs.  
Ingrid Patin, Defendant(s)

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**December 09, 2015      3:00 AM      Status Check**

**HEARD BY:** Togliatti, Jennifer      **COURTROOM:** No Location

**COURT CLERK:** Athena Trujillo

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT ORDERED, matter CONTINUED.

CONTINUED TO: 1/13/16 (CHAMBERS)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort****COURT MINUTES****January 13, 2016**

A-15-723134-C      Ton Lee, Plaintiff(s)  
vs.  
Ingrid Patin, Defendant(s)

**January 13, 2016      3:00 AM      Status Check**

**HEARD BY:** Togliatti, Jennifer**COURTROOM:** No Location**COURT CLERK:** Phyllis Irby**RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- This Court having considered the Defendants Special Motion to Dismiss Pursuant to NRS 41.635-70, or in the Alternative Motion to Dismiss Pursuant to NRS 12(b)(5), all related pleadings, and oral arguments of counsel, first FINDS Defendants Motion is timely filed pursuant to NRS 41.660. Next, this Court FINDS the communication at issue (as detailed by the Plaintiff in his Opposition to this Motion) under the circumstances of the nature, content, and location of the communication is not a 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. Specifically, NRS 41.637(3) doesn t apply because the communication does not reference an appeal, nor does there appear to be any connection to the communication and its timing to any purpose other than attorney advertising. NRS 41.637(4) does not apply because it appears there is no direct connection to a matter of public interest, and instead it appears to be for the purpose of attorney advertising.

However, even if NRS 41. 637(3) or (4) did apply to complained of communication, this Court cannot find at this juncture that the Plaintiff hasn t put forth prima facie evidence demonstrating a probability of prevailing on this claim. This is particularly true because the truth or falsity of an allegedly defamatory statement is an issue for the jury to determine. Posadas v. City of Reno, 109 Nev. 448, 453 (1993). Further, because if found to be defamatory and the statement is such that would tend to injure the Plaintiff in his business or profession, then it will be deemed defamation per se and

damages will be presumed. Nevada Ind. Broadcasting v. Allen, 99 Nev. 404, 409 (1983). Therefore, for the reasons stated herein Court ORDERS Special Motion to Dismiss pursuant to Nevada's anti-SLAPP laws DENIED.

Next, this Court FINDS all of Defendants' other arguments are not properly decided in a Motion to Dismiss and/or are without merit and ORDERS Defendants' Alternative 12(b)(5) Motion to Dismiss DENIED. Further, this Court DENIES Plaintiff's Countermotion for attorney's fees and costs as this Court does not find the special motion to be frivolous or vexatious. Further, the misstatement of the evidentiary burden cannot be considered more than a harmless error on the part of counsel considering the facts here.

Finally, this Court notes that the parties have not in any Motion to Dismiss thus far distinguished between allegations of conduct of the individual Defendant versus the corporate Defendant, and therefore, this Court notes that any rulings herein and regarding the previous Motion to Dismiss do not address that issue. Counsel for the Plaintiff is to prepare the proposed order tracking the language of this minute order and allow for Defendants' counsel's signature as to form and content.

CLERK'S NOTE: A copy of this Minute Order shall be placed in the Attorney folders for the following:

Prescott T. Jones, Esq., August B. Hotchkin, Esq., and Bremer Whyte Brown & O'Meara LLP./pi

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**February 10, 2016**

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A-15-723134-C      Ton Lee, Plaintiff(s)  
vs.  
Ingrid Patin, Defendant(s)

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**February 10, 2016      9:30 AM      Motion to Strike**

**HEARD BY:** Togliatti, Jennifer

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Athena Trujillo

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Jones, Prescott T.	Attorney
	Morris, Christian	Attorney
	Patin, Ingrid	Defendant

**JOURNAL ENTRIES**

- Court made a record of all documents reviewed. Mr. Jones argued in support of the motion, noting a subsequent 12(b) motion cannot be filed after the first 12(b) motion was filed. Further, Mr. Jones moved to strike the Motion to Dismiss and requested the answer be filed. Ms. Morris argued the motion was filed for a failure to state a claim against the Defendant individually and there is not a claim against the LLC. Upon Court's inquiry, Ms. Morris advised the LLC has not answered yet as time has not run out yet. Further argument by counsel. COURT ORDERED, matter CONTINUED for decision, noting a minute order will issue.

CONTINUED TO: 2/17/16 (CHAMBERS)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**February 16, 2016**

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A-15-723134-C      Ton Lee, Plaintiff(s)  
vs.  
Ingrid Patin, Defendant(s)

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**February 16, 2016      3:00 AM      Motion to Strike**

**HEARD BY:** Togliatti, Jennifer      **COURTROOM:** No Location

**COURT CLERK:** Athena Trujillo

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- This Court, having considered the motion to Strike Defendants Third-Filed Motion to Dismiss Pursuant to NRCP 12(b)(5), the Opposition to the Motion, Reply in Support of Motion, and oral arguments of counsel ORDERS the Motion to Strike DENIED. Further, this Court ORDERS the Defendants Countermotion for Attorney s Fees and Costs DENIED, as the Court does not find that the Motion was filed for the purposes of harassment. Counsel for Defendants is directed to prepare the proposed order for the Court s signature.

CLERK'S NOTE: A copy of this minute order has been e-mailed to Prescott Jones, Esq. and Christian Morris, Esq.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort****COURT MINUTES****March 09, 2016**

A-15-723134-C      Ton Lee, Plaintiff(s)  
                                  vs.  
                                  Ingrid Patin, Defendant(s)

**March 09, 2016      9:00 AM      Motion to Dismiss**

**HEARD BY:** Togliatti, Jennifer      **COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Athena Trujillo

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Jones, Prescott T.	Attorney
	Morris, Christian	Attorney
	Patin, Ingrid	Defendant

**JOURNAL ENTRIES**

- Argument by Ms. Morris, noting the First Amended Complaint is a rogue document and cannot be addressed. Mr. Jones argued they are allowed to amend the complaint. Further arguments by counsel in support of their respective positions. Court noted Mr. Jones has advised he will only focus on the alleged tortuous acts. COURT Sua Sponte ORDERED Mr. Jones to file a Second Amended Complaint to remove the allegations of alter ego and noted that no discovery into the corporate assets, bank accounts, or anything solely related to alter ego will be allowed. Further, Court noted any language as to personal gain is to be STRICKEN. COURT ORDERED, Motion CONTINUED to the Court's Chamber Calendar for decision.

CONTINUED TO: 3/16/16 (CHAMBERS)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**March 16, 2016**

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A-15-723134-C      Ton Lee, Plaintiff(s)  
vs.  
Ingrid Patin, Defendant(s)

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**March 16, 2016      3:00 AM      Motion to Dismiss**

**HEARD BY:** Togliatti, Jennifer      **COURTROOM:** No Location

**COURT CLERK:** Athena Trujillo

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- This Court having considered the Defendant s Motion to Dismiss Pursuant to NRCP 12(b)(5), and the arguments of counsel FINDS that because Defendants have not yet answered there is a properly filed Amended Complaint on file without leave of the Court which alleges that the individual Defendant Patin directed the alleged statement be published on the firm website. In light of the allegations in the Amended Complaint which this Court must accept as true, the Court ORDERS the Motion to Dismiss DENIED. This Court GRANTS the Motion to Dismiss as to the alter ego claim as Plaintiff s allegations on information and belief amount to a fishing expedition and potentially could result in abusive and harassing litigation tactics. Counsel for the Plaintiff is to prepare an order consistent with these minutes and the minutes for the hearing date on March 9, 2016.

CLERK S NOTE: A copy of this minute order has been e-mailed to Prescott Jones, Esq. and Christian Morris, Esq. -amt 3/21/16

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort****COURT MINUTES****March 30, 2016**

A-15-723134-C      Ton Lee, Plaintiff(s)  
vs.  
Ingrid Patin, Defendant(s)

**March 30, 2016      3:00 AM      Motion For  
Reconsideration**

**HEARD BY:** Togliatti, Jennifer**COURTROOM:** No Location**COURT CLERK:** Athena Trujillo**RECORDER:****REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- This Court, having considered the Defendants Motion for Reconsideration, all related pleadings and the record first FINDS that this matter is properly heard on the Court s chamber calendar without oral argument pursuant to EDCR 2.23. This Court previously found that the matter was not ripe for 12(b)(5) dismissal. Defendant s Motion for Reconsideration arguing that this Court s decision is erroneous does not persuade this Court the previous Motion should have been granted. The allegations in the First Amended Complaint filed 2/23/16, or the previously filed Complaint, if taken as true as this Court must do pursuant to the case law on Motions to Dismiss, could state a claim for which relief may be granted. All facts cited by Defendant, whether supported by affidavit, deposition or judicial notice of facts found in another case, require this Court to look outside of the Plaintiff s Complaint. Defendant refers to Exhibits including Exhibits A,B,C, D, H, I, J, K, L, M in support of reconsideration to address facts outside of the Plaintiff s Complaint, which is why this Court ruled that the issues raised by Defendant are not proper for a Motion to Dismiss or not properly considered in a Motion to Dismiss because the Defendants wish this Court to look outside of Plaintiff s Complaint and dismiss the case based upon facts presented or argued in the Motion to Dismiss. This Court again disagrees with the Defendants position that the Court should review or consider evidence outside, or contradicting, the Complaint and dismiss. Court ORDERS Motion for Reconsideration of Court s Denial of Defendant s Alternative 12(b)(5) Motion to Dismiss DENIED.

CLERK S NOTE: A copy of this minute order has been e-mailed to Prescott Jones, Esq. and Christian Morris, Esq. -amt 4/6/16

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort****COURT MINUTES****May 04, 2016**

A-15-723134-C      Ton Lee, Plaintiff(s)  
vs.  
Ingrid Patin, Defendant(s)

**May 04, 2016      3:00 AM      Motion For Stay**

**HEARD BY:** Togliatti, Jennifer      **COURTROOM:** No Location

**COURT CLERK:** Athena Trujillo

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- This Court, having considered the Defendant's Motion for Stay and Plaintiff's Opposition GRANTS IN PART and DENIES IN PART Defendant's Motion. NRS 41.660 provides for the mandatory stay of discovery pending disposition of the appeal and therefore the Defendant's Motion to Stay is GRANTED as to discovery. When considering the factors for a stay of the entire litigation, in this Court's view none favor Defendants. First, the object of the appeal will no be defeated. Next, there is no irreparable injury because litigation expenses do not constitute irreparable harm. Here, if the Supreme Court agrees with Defendant's they would recover reasonable costs and attorney's fees from Plaintiff based upon NRS 41.670. Additionally, Plaintiff would face the possibility of up to \$10,000.00 in sanctions against Plaintiff, therefore, any financial impact on Defendant's would be rectified if Defendants are successful on appeal. Therefore, the Motion to Stay the Litigation in it's entirety is DENIED IN PART and only discovery is stayed.

CLERK'S NOTE: A copy of this minute order has been e-mailed to Prescott Jones, Esq. and Christian Morris, Esq. -amt 5/4/16

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**May 11, 2016**

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A-15-723134-C      Ton Lee, Plaintiff(s)  
vs.  
Ingrid Patin, Defendant(s)

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**May 11, 2016**

**3:00 AM**

**Motion**

**HEARD BY:** Togliatti, Jennifer

**COURTROOM:** No Location

**COURT CLERK:** Athena Trujillo

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- This Court, having reviewed the pleadings, notes, the partial stay, and not withstanding Plaintiff's Opposition, there is nominal prejudice to the Plaintiff when considering the statutorily mandated stay of discovery. COURT ORDERS, Motion for Enlargement of Time GRANTED.

CLERK'S NOTE: A copy of this minute order has been e-mailed to Prescott Jones, Esq. and Christian Morris, Esq. -amt 5/11/16

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**June 29, 2016**

---

A-15-723134-C      Ton Lee, Plaintiff(s)  
vs.  
Ingrid Patin, Defendant(s)

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**June 29, 2016      9:00 AM      Motion to Dismiss**

**HEARD BY:** Bixler, James      **COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Athena Trujillo

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

**PRESENT:**      Carlston, Jon J      Attorney  
Patin, Ingrid      Defendant

**JOURNAL ENTRIES**

- Court advised it was notified that Defense counsel would be requesting a continuance. Colloquy regarding continuance date. COURT ORDERED, matter CONTINUED.

CONTINUED TO: 7/20/16 9:00 AM

CLERK'S NOTE: A copy of this minute order has been e-mailed to Christian Morris, Esq. and Prescott Jones, Esq. -amt 6/29/16

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**July 20, 2016**

---

A-15-723134-C      Ton Lee, Plaintiff(s)  
vs.  
Ingrid Patin, Defendant(s)

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**July 20, 2016      9:00 AM      Motion to Dismiss**

**HEARD BY:** Togliatti, Jennifer      **COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Phyllis Irby

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

**PRESENT:** Jones, Prescott T.      Attorney  
Morris, Christian      Attorney

**JOURNAL ENTRIES**

- Mr. Morris informed the Court they now have a new Complaint. COURT ORDERED, it will issue a minute order next week on the Chambers calendar.

7-27-16 CHAMBERS CALENDAR (DEPT. IX)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**July 27, 2016**

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A-15-723134-C	Ton Lee, Plaintiff(s)
	vs.
	Ingrid Patin, Defendant(s)

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**July 27, 2016**

**3:00 AM**

**Motion to Dismiss**

**HEARD BY:** Togliatti, Jennifer

**COURTROOM:** No Location

**COURT CLERK:** Athena Trujillo

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Court ORDERS counsel to appear August 10, 2016 at the 9:00 a.m. hearing calendar to further address the Court regarding Defendant s Renewed Special Motion to Dismiss Pursuant to Nevada Revised Statutes 41.635-70 and therefore ORDERS the Defendant s Motion continued to be heard on that date.

CONTINUED TO: 8/10/16 9:00 AM

CLERK'S NOTE: A copy of this Minute Order was placed in the attorney folder of:  
Prescott James, Esq. & Christian Morris, Esq. -se8/4/16

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**August 10, 2016**

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A-15-723134-C	Ton Lee, Plaintiff(s) vs. Ingrid Patin, Defendant(s)
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<b>August 10, 2016</b>	<b>9:00 AM</b>	<b>Motion to Dismiss</b>
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<b>HEARD BY:</b> Togliatti, Jennifer	<b>COURTROOM:</b> RJC Courtroom 10C
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**COURT CLERK:** Phyllis Irby

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Jones, Prescott T. Wynder, Edward J.	Attorney Attorney
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**JOURNAL ENTRIES**

- The Court noted it is aware of a case that counsel needs to do research on Jacobs vs. Sands A627691. There are Orders in that case that was filed on 11/16/15 with a footnote by Judge Gonzalez where she references decisions being applicable to a subsequent Amended Complaint. The Court believes it was done in this case because the Supreme Court and this very issue that Pltf's counsel would suggest is an abusive litigation is exactly what happened in the Jacob vs. Sands case that Judge Gonzales makes reference to in her footnote.

COURT ORDERED, MOTION DENIED as it relates to the Amended Complaint. The previous STAY of the Discovery in the case is in force and effect as it relates to the Amended Complaint. Mr. Jones to prepare an Order consistent with the previous Order.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort****COURT MINUTES****March 14, 2017**

A-15-723134-C      Ton Lee, Plaintiff(s)  
                                  vs.  
                                  Ingrid Patin, Defendant(s)

**March 14, 2017      3:00 AM      Minute Order**

**HEARD BY:** Togliatti, Jennifer      **COURTROOM:** No Location

**COURT CLERK:** Athena Trujillo

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- The Court became aware of the substitution of counsel for Defendant Patin Law Group after beginning review of the Motion for Summary Judgment briefs today, as there have been no motions before Court since the substitution was filed, until the instant Motion for Summary Judgment. As a result of a conflict, tomorrow s hearing is being vacated because this Court must recuse to avoid the appearance of impropriety and implied bias. This is due to a close personal friendship with attorney J. Thompson and his spouse, as well as Paul Larsen and his spouse. In light of this Court s prolonged, recent, and regular social contact with attorneys for Patin Law Group, including but not limited to performing their wedding ceremonies and regular social contact, the Court RECUSES and ORDERS the matter randomly reassigned.

CLERK S NOTE: A copy of this minute order has been e-mailed to Prescott Jones, Esq. and Paul Larsen, Esq. -amt 3/14/17

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort****COURT MINUTES****May 09, 2017**

A-15-723134-C      Ton Lee, Plaintiff(s)  
vs.  
Ingrid Patin, Defendant(s)

**May 09, 2017      9:30 AM      All Pending Motions**

**HEARD BY:** Sturman, Gloria      **COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Tena Jolley

**RECORDER:** Kerry Esparza

**REPORTER:**

**PARTIES**

**PRESENT:**      Jones, Prescott T.      Attorney  
Larsen, Paul Edward      Attorney  
Morris, Christian      Attorney

**JOURNAL ENTRIES**

- Ms. Morris indicated that the appeal had been decided by the Supreme Court; the trial jury verdict had been reinstated and has now been paid. That we are here regarding the posting that was made on the website; that there is currently an appeal pending on the issue of anti-slap; and argued that now that the verdict has been reinstated, the statement was true that there was in fact a verdict in that amount does not state that the verdict was against Ton Vinh Lee, just that he was sued. Court reiterated what the posting stated and indicated it implies a judgment was received against all defendants. Ms. Morris argued it is a question of law if the statement was false and defamatory. Mr. Jones argued the statement to be false; that no discovery has been conducted to date; and the motion is premature. Court questioned whether it was a question for the jury or if more discovery would be necessary. Mr. Jones believes more discovery was needed. Ms. Morris further argued that everything in the statement was absolutely true; that it is plaintiff's burden to show a genuine issue of material fact exists and argued that it is a question of law if there was a defamatory statement. COURT ORDERED, Motion DENIED WITHOUT PREJUDICE as premature as there is a partial stay in place and the Court cannot say as a matter of law that the statement is or is not defamatory. Ms. Morris to prepare the Order.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort****COURT MINUTES****July 11, 2017**

A-15-723134-C

Ton Lee, Plaintiff(s)

vs.

Ingrid Patin, Defendant(s)

**July 11, 2017****9:30 AM****All Pending Motions**

**Ingrid Patin's Patin's  
Motion for Summary  
Judgment... Patin  
Law Group PLLC's  
Joinder to Motion for  
Summary  
Judgment...Pltf Lee's  
Opp and  
Countermotion to  
Stay Litigation**

**HEARD BY:** Sturman, Gloria**COURTROOM:** RJC Courtroom 10D**COURT CLERK:** Sharon Chun**RECORDER:** Kerry Esparza**REPORTER:****PARTIES****PRESENT:**

Jones, Prescott T.

Attorney

Morris, Christian

Attorney

**JOURNAL ENTRIES**

- Ingrid Patin's Motion for Summary Judgment... Patin Law Group PLLC's Joinder to Motion for Summary Judgment...Pltf Lee's Opp and Countermotion to Stay Litigation

Following arguments by counsels, COURT ORDERED, Ingrid Patin's Motion for Summary Judgment and all Joinders, DENIED WITHOUT PREJUDICE.

COURT FURTHER ORDERED, Pltf's Countermotion to Stay Litigation and for finding of vexatious litigant, DENIED WITHOUT PREJUDICE.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**July 31, 2017**

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A-15-723134-C      Ton Lee, Plaintiff(s)  
vs.  
Ingrid Patin, Defendant(s)

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**July 31, 2017      10:00 AM      Motion For Stay**

**HEARD BY:** Sturman, Gloria      **COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Keri Cromer

**RECORDER:** Kerry Esparza

**REPORTER:**

**PARTIES**

**PRESENT:** Jones, Prescott T.      Attorney

**JOURNAL ENTRIES**

- Mr. Jones advised he had not heard anything from opposing counsel and he didn't see any opposition. COURT ORDERED, Motion GRANTED; temporary 90-day stay in place; matter SET for status check. Mr. Jones to prepare the Order.

10/31/2017 - 9:00 AM - STATUS CHECK: STAY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**October 31, 2017**

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A-15-723134-C      Ton Lee, Plaintiff(s)  
vs.  
Ingrid Patin, Defendant(s)

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**October 31, 2017      9:00 AM      Status Check**

**HEARD BY:** Sturman, Gloria      **COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Lorna Shell

**RECORDER:** Kerry Esparza

**REPORTER:**

**PARTIES**

**PRESENT:** Wynder, Edward J.      Attorney

**JOURNAL ENTRIES**

- Mr. Winder stated the appeal was due on November 2, 2017. Upon inquiry by the Court regarding whether the matter was fully briefed, Mr. Winder requested 90 days. COURT ORDERED, Status Check: Stay CONTINUED; Stay EXTENDED to 01/30/18.

01/30/18 9:00 AM STATUS CHECK: STAY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**January 25, 2018**

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A-15-723134-C	Ton Lee, Plaintiff(s) vs. Ingrid Patin, Defendant(s)
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**January 25, 2018      10:00 AM      Status Check**

**HEARD BY:** Sturman, Gloria

**COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Lorna Shell

**RECORDER:** Kerry Esparza

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- COURT FINDS at the October 31, 2017 hearing counsel indicated their appeal was due November 2, 2017 and the Status Check was extended to January 30, 2018. COURT ORDERED, Counsel to forward to the Court a WRITTEN UPDATE of the appeal status and advise when the next status check is requested, otherwise the Status Check shall be continued to May 1, 2018; Status Check currently set for January 30, 2018 VACATED.

CLERK'S NOTE: A copy of this minute order was faxed or placed in the attorney folder(s) of: Prescott Jones, Esq. (702-997-3800 Resnic & Lewis), Paul Larsen, Esq. (702-784-5252 Snell & Wilmer), and Brian Nettles, Esq. (702-434-1488 Nettles Law Firm)./ ls 1-25-18

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**May 01, 2018**

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A-15-723134-C      Ton Lee, Plaintiff(s)  
vs.  
Ingrid Patin, Defendant(s)

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**May 01, 2018      9:00 AM      Status Check**

**HEARD BY:** Sturman, Gloria      **COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Madalyn Kearney

**RECORDER:** Patti Slattery

**REPORTER:**

**PARTIES**

**PRESENT:** Jones, Prescott T.      Attorney  
Wynder, Edward J.      Attorney

**JOURNAL ENTRIES**

- Upon Court's inquiry, counsel agreed to continue the matter six months. COURT ORDERED, matter CONTINUED.

CONTINUED TO: 10/30/18 9:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**October 30, 2018**

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A-15-723134-C      Ton Lee, Plaintiff(s)  
vs.  
Ingrid Patin, Defendant(s)

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**October 30, 2018      9:00 AM      Status Check**

**HEARD BY:** Sturman, Gloria      **COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Lorna Shell

**RECORDER:** Kerry Esparza

**REPORTER:**

**PARTIES**

**PRESENT:**      Jones, Prescott T.      Attorney  
Wynder, Edward J.      Attorney

**JOURNAL ENTRIES**

- Mr. Jones stated the appeal was heard on July 9, 2018 and they were just waiting on the decision.  
COURT ORDERED, Status Check: Stay CONTINUED.

CONTINUED TO: 01/29/18 9:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**January 08, 2019**

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A-15-723134-C      Ton Lee, Plaintiff(s)  
vs.  
Ingrid Patin, Defendant(s)

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**January 08, 2019      9:00 AM      Status Check**

**HEARD BY:** Sturman, Gloria      **COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Lorna Shell

**RECORDER:** Kerry Esparza

**REPORTER:**

**PARTIES**

**PRESENT:**      Jones, Prescott T.      Attorney  
                         Morris, Christian      Attorney

**JOURNAL ENTRIES**

- Court noted the case had been stayed for a year and indicated the case would be coming up on the five-year rule.

Ms. Morris stated the only thing they'd done during the stay was file an answer.

Court inquired if the parties wished to proceed in the ordinary course.

Mr. Jones stated the ADR Commissioner had requested information from the parties during the stay.

COURT ORDERED, Stay LIFTED; Parties REFERRED to ADR; Parties REFERRED to Discovery Commissioner; Counsel to calculate how long the case was stayed and determine when the five year rule runs.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**June 18, 2019**

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A-15-723134-C      Ton Lee, Plaintiff(s)  
vs.  
Ingrid Patin, Defendant(s)

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**June 18, 2019      9:30 AM      Objection to the  
Arbitration  
Commissioner's Report**

**HEARD BY:** Sturman, Gloria

**COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Lorna Shell

**RECORDER:** Kerry Esparza

**REPORTER:**

**PARTIES**

**PRESENT:**      Allen, Victoria R.      Attorney  
                     Jones, Prescott T.      Attorney  
                     Morris, Christian      Attorney

**JOURNAL ENTRIES**

- Ms. Morris argued their request for exemption was after the deadline and as such prejudicial, that their request for exemption stated lost revenue of \$50,000 with no evidence, that this was a sole practitioner's web site with no evidence of anyone looking at the post, and that they must show intent and evidence of damages. Ms. Morris argued Pltf.'s allege a loss of over \$1 million for a posting the Deft. never received any referrals from and that Pltf.'s argued this was public policy; however when Deft.'s argued public policy they argued it wasn't. Ms. Morris argued there was no evidence anyone read the post and that the prejudice to Deft. was great.

Mr. Jones argued discovery hadn't even opened due to the appeal, there was no prejudice, that in this type of case it was difficult to quantify and even more difficult to prove. Mr. Jones further argued the case the Deft.'s cite was worth well over \$50,000 in current dollars and that his client was seeking to sell a portion of his practice and the first thing that comes up when you google search him is this post. Mr. Jones argued good cause existed, there were substantial damages claimed, and there was good cause to waive timelines due to the issues raised.

Ms. Morris argued the Pltf. did not state any good cause, there was extreme delay, and the only way to proceed would be to keep the case in the arbitration program.

COURT STATED FINDINGS AND ORDERED, Objection DENIED; counsel to proceed with the litigation in a timely manner.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**August 20, 2019**

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A-15-723134-C	Ton Lee, Plaintiff(s)
	vs.
	Ingrid Patin, Defendant(s)

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**August 20, 2019      9:30 AM      Motion to Dismiss**

**HEARD BY:** Sturman, Gloria      **COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Lorna Shell

**RECORDER:** Kerry Esparza

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Jones, Prescott T.	Attorney
	Morris, Christian	Attorney

**JOURNAL ENTRIES**

- Mr. Morris argued regarding the Moon case, that if the case was never accepted in the arbitration program then there was no tolling, that they were prevented from noticing, and that they had to ask for a continuance and show compelling or extra ordinary circumstances. Mr. Morris advised regarding how the case proceeded and further argued regarding the tolling time frames. Mr. Morris argued nothing prevented Deft.'s from noticing and scheduling the Early Case Conference (ECC).

Mr. Jones argued there was a stay prior to the first answer by Deft.'s and his client couldn't have filed the ECC, that the Moon case was never raised in the initial motion, and if the Court was going to rely on it he would request an opportunity to brief it. Mr. Jones further argued the 180 days ran on July 7, that he attempted to contact Deft. on July 10 but was told he was unavailable, and that he hadn't heard from Deft. until he filed his motion on Monday. Mr. Jones argued he set the ECC and Deft. did not appear.

Following further arguments regarding the time frame to file the ECC, COURT ORDERED, Motion DENIED as the Court does not think a party gets additional time; however there was the argument that they didn't have to schedule anything during the time period, that they were entitled to claim additional time which was good cause; Pltf. to prepare the order.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Tort

# COURT MINUTES

September 06, 2019

A-15-723134-C                      Ton Lee, Plaintiff(s)  
vs.  
Ingrid Patin, Defendant(s)

**September 06, 2019      3:00 AM      Status Check**

**HEARD BY:** Sturman, Gloria

**COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Lorna Shell

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

## JOURNAL ENTRIES

- COURT FINDS a Status Check on the Chambers Calendar Re: Joint Case Conference Report, with the order on August 20, 2019 hearing having been submitted, COURT THEREFORE ORDERED, Status Check CONTINUED.

CONTINUED TO: 09/20/19 Chambers Calendar

CLERK'S NOTE: A copy of this minute order has been electronically served to all registered parties for Odyssey File & Serve./ls 09-06-19

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**September 20, 2019**

---

A-15-723134-C      Ton Lee, Plaintiff(s)  
vs.  
Ingrid Patin, Defendant(s)

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**September 20, 2019      3:00 AM      Status Check**

**HEARD BY:** Sturman, Gloria

**COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Lorna Shell

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT FINDS the Joint Case Conference Report to be filed and a meeting held on September 13, 2019. COURT ORDERED, Status Check CONTINUED 30 days to allow counsel the necessary time to file.

CONTINUED TO: 10/18/19 Chambers Calendar.

CLERK'S NOTE: Minutes CORRECTED to reflect the JCCR was to be filed. A copy of this minute order has been electronically served to all registered parties for Odyssey File & Serve./ls 09-20-19

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**November 13, 2019**

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A-15-723134-C      Ton Lee, Plaintiff(s)  
vs.  
Ingrid Patin, Defendant(s)

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**November 13, 2019      10:30 AM      Mandatory Rule 16  
Conference**

**HEARD BY:** Sturman, Gloria

**COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Lorna Shell

**RECORDER:** Kerry Esparza

**REPORTER:**

**PARTIES**

**PRESENT:**      Doyle, Kerry J.      Attorney  
                 Jones, Prescott T.      Attorney  
                 Morris, Christian      Attorney

**JOURNAL ENTRIES**

- Following colloquy, COURT ORDERED, Trial Dates Set.

01/28/21 9:00 AM CALENDAR CALL

02/16/21 9:00 AM BENCH TRIAL

Ms. Doyle stated the damages claim was for \$10 million and as of this date she had not received a computation of damages, that the case had been going on since 2015, and that as of this date she'd not received any information regarding losses.

Mr. Jones stated disclosures were filed two months ago and that this was a discovery issue and better handled by the Discovery Commissioner. Mr. Jones stated a 2.67 hearing may be needed.

Court stated the Deft.'s were entitled to know if this was personal or public and that they needed to know if they can stick to this timeline.

Mr. Jones stated his client's damages were personal, that he was working to get the documents diligently, that this was defamation per se, and that it was regarding diminution of value of a business. Mr. Jones stated he planned to supplement discovery by December and that he thought discovery could be completed in nine months.

Court stated that would be a six week delay and the documents would require a great deal of analysis and that the Deft.'s were entitled to discovery; however she thought discovery could be completed in nine months.

COURT ORDERED, Case REFERRED to the Discovery Commissioner regarding a dispute resolution conference.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

March 03, 2020

A-15-723134-C      Ton Lee, Plaintiff(s)  
vs.  
Ingrid Patin, Defendant(s)

<b>March 03, 2020</b>	<b>10:00 AM</b>	<b>Motion to Compel</b>	<b>Defendant Ingrid Patin's Motion to Compel Plaintiff's Computation of Damages</b>
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**HEARD BY:** Truman, Erin**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Francesca Haak**REPORTER:****PARTIES**

<b>PRESENT:</b>	Jones, Prescott T.	Attorney
	Morris, Christian	Attorney

**JOURNAL ENTRIES**

- Arguments by counsel. Mr. Jones addressed the potential business disparagement claim; the potential sale that did not go forward, but the sale was less than what it would have been due to the defamatory statement. COMMISSIONER RECOMMENDED, motion is GRANTED IN PART and DENIED IN PART; any calculation Plaintiff has at this point must be disclosed when it is available, or at expert disclosure; supplement the calculation of damages, and the amount will be supplemented; if Plaintiff is claiming a decline in business, any economic damages that can be identified must be supplemented; expert disclosures may change that amount; disclose information within 30 days from today. Ms. Morris to prepare the Report and Recommendations, and Mr. Jones to approve as to form and content. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort****COURT MINUTES****August 04, 2020**

A-15-723134-C      Ton Lee, Plaintiff(s)  
vs.  
Ingrid Patin, Defendant(s)

**August 04, 2020      9:00 AM      Motion to Extend  
Discovery**

**HEARD BY:** Sturman, Gloria      **COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Natalie Ortega

**RECORDER:** Kerry Esparza

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Doyle, Kerry J.	Attorney
	Jones, Prescott T.	Attorney
	Morris, Christian	Attorney

**JOURNAL ENTRIES**

- Arguments by counsel regarding Plaintiff's Motion to Extend Discovery Deadline - First Request. COURT stated FINDINGS and ORDERED, motion GRANTED under 17 and 18 of the Administrative Order to allow additional time for discovery, additional time for expert and rebuttal disclosures,. Further, however much time was necessary to depose the Plaintiff. COURT NOTED the motion was GRANTED WITHOUT PREJUDICE to the Defendant to move to exclude the information. As the information appeared to predate Co-Vid. Additionally, the Court was not prepared to exclude the expert at this point. Court expressed concern that the Plaintiff did not produce relevant information to the Defendant at an earlier point in time. Party allowed to produce the expert witness report, allowed an additional sixty days to file an opposition to the report, and allow deposition of the Plaintiff, not limited by any number of hours as necessary. COURT FURTHER NOTED all was without prejudice to the Defendant to raise issues with why this information was not disclosed sooner. Mr. Jones advised based on opposing parties request the expert's name was Christopher Money. Court noted the expert's name should be included in the Order. COURT DIRECTED Mr. Jones to prepare the Order and the expert should be disclosed / identified.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**August 25, 2020**

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A-15-723134-C      Ton Lee, Plaintiff(s)  
vs.  
Ingrid Patin, Defendant(s)

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**August 25, 2020      3:00 AM      Minute Order**

**HEARD BY:** Sturman, Gloria      **COURTROOM:** Chambers

**COURT CLERK:** Natalie Ortega

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- There being no response filed and the filing of a Notice of Withdraw of the Motion to Strike Defendant Ingrid Patin s Supplemental Opposition to Plaintiff s Motion to Extend Discovery Deadlines and Request for Sanctions, as well as request to vacate the hearing, COURT ORDERED, the September 8, 2020 Plaintiff Ton Vinh Lee's Motion to Strike Defendant Ingrid Patin's Supplemental Opposition to Plaintiff's Motion to Extend Discovery Deadlines and Request for Sanctions VACATED as MOOT.

CLERK'S NOTE: This minute order was electronically served by Courtroom Clerk, Natalie Ortega, to all registered parties for Odyssey File & Serve and/or served via facsimile. ndo/08/25/20

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**September 15, 2020**

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A-15-723134-C      Ton Lee, Plaintiff(s)  
vs.  
Ingrid Patin, Defendant(s)

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**September 15, 2020    9:30 AM      All Pending Motions**

**HEARD BY:** Sturman, Gloria      **COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Kathryn Hansen-McDowell

**RECORDER:** Kerry Esparza

**REPORTER:**

**PARTIES**

**PRESENT:**      Doyle, Kerry J.      Attorney  
                 Jones, Prescott T.      Attorney  
                 Morris, Christian      Attorney

**JOURNAL ENTRIES**

- DEFENDANT INGRID PATIN'S MOTION FOR JUDGMENT ON THE PLEADINGS, IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT . . . DEFENDANT PATIN LAW GROUP, PLLC'S JOINDER TO DEFENDANT INGRID PATIN'S MOTION FOR JUDGMENT ON THE PLEADINGS, IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT . . . DEFENDANT PATIN LAW GROUP, PLLC'S JOINDER TO DEFENDANT INGRID PATIN'S MOTION FOR JUDGMENT ON THE PLEADINGS, IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT.

Arguments by counsel. Colloquy regarding discovery that has not been completed. Court inquired if there was any evidence to go on. Further arguments by counsel. COURT stated its FINDINGS and ORDERED Summary Judgment GRANTED as to Ms. Patin. Ms. Morris to prepare the order.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort****COURT MINUTES****January 06, 2021**

A-15-723134-C      Ton Lee, Plaintiff(s)  
vs.  
Ingrid Patin, Defendant(s)

**January 06, 2021      9:30 AM      All Pending Motions**

**HEARD BY:** Becker, Nancy      **COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Kristen Brown

**RECORDER:** Kerry Esparza

**REPORTER:**

**PARTIES**

**PRESENT:**      Doyle, Kerry J.      Attorney  
                     Jones, Prescott T.      Attorney  
                     Morris, Christian      Attorney

**JOURNAL ENTRIES**

- PLTF. TON VINH LEE S MOTION TO ALTER OR AMEND JUDGMENT PURSUANT TO NRCP 59(e)...DEFT. PATIN LAW GROUP, PLLC'S JOINDER TO DEFT. INGRID PATIN'S OPPOSITION TO PLTF'S MOTION TO ALTER OR AMEND JUDGMENT PURSUANT TO NRCP 59(e): Court stated there is no such thing as an alter or amend judgment in this context, therefore, ORDERED, Motion DENIED.

PLTF. TON VINH LEE'S MOTION FOR RECONSIDERATION OF THE COURT'S ORDER GRANTING DEFT. INGRID PATIN'S MOTION FOR SUMMARY JUDGMENT...DEFT. PATIN LAW GROUP, PLLC'S JOINDER TO DEFT. INGRID PATIN'S OPPOSITION TO PLTF'S MOTION FOR RECONSIDERATION OF THE COURT'S ORDER GRANTING DEFT'S MOTION FOR SUMMARY JUDGMENT...DEFT. PATIN LAW GROUP, PLLC'S MOTION FOR ATTORNEYS' FEES AND INTEREST...DEFT. INGRID PATIN'S MOTION FOR ATTORNEYS' FEES, COSTS AND INTEREST: Court stated there has been a request from Ms. Morris to continue these matters as it was Judge Sterman who made the decisions and is most familiar with the case. Court stated it is prepared to rule on the motions, however, would like to hear from counsel regarding the request to continue. Counsel stated that based on the history Judge Sterman has with this case, request it be continued for

Judge Sturman to hear these matters. COURT ORDERED, Motions CONTINUED.

2/09/21 9:30 AM PLTF. TON VINH LEE'S MOTION FOR RECONSIDERATION OF THE COURT'S ORDER GRANTING DEFT.

INGRID PATIN'S MOTION FOR SUMMARY JUDGMENT...DEFT. PATIN LAW GROUP, PLLC'S JOINDER TO DEFT.

INGRID PATIN'S OPPOSITION TO PLTF'S MOTION FOR RECONSIDERATION OF THE COURT'S ORDER GRANTING

DEFT'S MOTION FOR SUMMARY JUDGMENT...DEFT. PATIN LAW GROUP, PLLC'S MOTION FOR ATTORNEYS'

FEES AND INTEREST...DEFT. INGRID PATIN'S MOTION FOR ATTORNEYS' FEES, COSTS AND INTEREST

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort****COURT MINUTES****February 09, 2021**

A-15-723134-C      Ton Lee, Plaintiff(s)  
                                  vs.  
                                  Ingrid Patin, Defendant(s)

**February 09, 2021      9:30 AM      All Pending Motions**

**HEARD BY:** Sturman, Gloria      **COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Louisa Garcia

**RECORDER:** Kerry Esparza

**REPORTER:**

**PARTIES**

**PRESENT:**      Doyle, Kerry J.      Attorney  
                          Jones, Prescott T.      Attorney  
                          Morris, Christian      Attorney

**JOURNAL ENTRIES**

- PLAINTIFF TON VINH LEE'S MOTION FOR RECONSIDERATION OF THE COURT'S ORDER GRANTING DEFENDANT INGRID PATIN'S MOTION FOR SUMMARY JUDGMENT ..DEFENDANT PATIN LAW GROUP, PLLC'S JOINDER TO DEFENDANT INGRID PATIN'S OPPOSITION TO PLAINTIFF'S MOTION FOR RECONSIDERATION OF THE COURT'S ORDER GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGEMENT... DEFENDANT INGRID PATIN'S MOTION FOR ATTORNEYS' FEES, AND COSTS, AND INTEREST.... DEFENDANT PATIN LAW GROUP, PLLC's MOTION FOR ATTORNEYS' FEES AND INTEREST

Mr. Jones argued in support of Motion for Reconsideration and stated the order for argument was already made and decided by the predecessor Court. Ms. Morris argued in opposition as there was no new information and Plaintiff has not met any of the prongs for reconsideration. Mr. Doyle had no additional issues to raise. Further argument. Court advised it seems like at this point where we have further discovery, it was a different time in the case and different information upon which to base the summary judgment and it was granted on that basis. Subsequently, the case evolved over this period of time. COURT ORDERED, Motion for Reconsideration DENIED.

Arguments by counsel regarding Motions for Attorney's Fees. Mr. Kerry stated the arguments were the same; the only difference is the amount of fees and costs. Court believes there were valid offers of judgment; however, they has to do the Beattie analysis and it wants to look at the Rose Miller case and billing statements, noting the costs appeared to be reasonable. COURT ORDERED, Motions for Attorney's Fees CONTINUED to chambers for decision, noting it had a question whether there should be attorney's fees under those offers, and if it was reasonable and how much. Mr. Jones to prepare Order, approved as to form and content by opposing counsel.

CONTINUED TO 3/26/21 (CHAMBERS) DEFENDANT INGRID PATIN'S MOTION FOR ATTORNEYS' FEES, AND COSTS, AND INTEREST....DEFENDANT PATIN LAW GROUP, PLLC's MOTION FOR ATTORNEYS' FEES AND INTEREST

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**May 19, 2021**

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A-15-723134-C      Ton Lee, Plaintiff(s)  
vs.  
Ingrid Patin, Defendant(s)

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**May 19, 2021      9:00 AM      Motion For  
Reconsideration**

**HEARD BY:** Sturman, Gloria      **COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Natalie Ortega

**RECORDER:** Kerry Esparza

**REPORTER:**

**PARTIES**

**PRESENT:**      Doyle, Kerry J.      Attorney  
                 Jones, Prescott T.      Attorney  
                 Morris, Christian      Attorney

**JOURNAL ENTRIES**

- Arguments by counsel regarding the merits of Plaintiff Ton Vihh Lee's Motion for Reconsideration, or in the Alternative, Motion to Alter or Amend Judgment Pursuant to NRCP 59(e). COURT stated FINDINGS and ORDERED, Motion for Reconsideration DENIED as well as Motion to Alter DENIED.



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

CHRISTIAN M. MORRIS, ESQ.  
1389 GALLERIA DR., STE 200  
HENDERSON, NV 89014

DATE: July 26, 2021  
CASE: A-15-723134-C

RE CASE: TON VINH LEE vs. INGRID PATIN; PATIN LAW GROUP, PLLC

NOTICE OF APPEAL FILED: July 22, 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; DISTRICT COURT  
DOCKET ENTRIES; CIVIL COVER SHEET; DECISION AND ORDER; NOTICE OF ENTRY OF  
DECISION AND ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

TON VINH LEE,

Plaintiff(s),

vs.

INGRID PATIN; PATIN LAW GROUP, PLLC,

Defendant(s),

Case No: A-15-723134-C

Dept No: XXVI

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 26 day of July 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk