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(775) 323-5556

Attorney for plaintiff

Electronically Filed
Aug 11 2021 03:44 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

GREGORY O. GARMONG,

Plaintiff,

vs.

CASE NO. : CV12-01271

WESPAC; GREG CHRISTIAN;
DOES 1-10, inclusive,

DEPT. NO. : 6

Defendants.

NOTICE OF APPEAL

NOTICE IS GIVEN that plaintiff Gregory O. Garmong appeals to the Supreme Court of Nevada from the following orders entered in the District Court in the above-captioned case:

1. Final judgment, entered on July 16, 2021;
2. Order granting defendants' second amended motion for attorney's fees; Order confirming arbitrator's final award, entered on July 12, 2021;
3. Order denying plaintiff's motion for extension of time to file opposition to defendants' second amended motion for attorney's fees and costs, entered on June 11, 2021;
4. Order denying motion to strike declaration of Thomas C. Bradley in support of

1 second amended motion for attorney's fees and costs, entered on July 7, 2021.

2 DATED this 10th day of August, 2021.

3 **THE UNDERSIGNED DOES HEREBY AFFIRM THAT THIS DOCUMENT DOES NOT**
4 **CONTAIN THE SOCIAL SECURITY NUMBER OF ANY PERSON.**

5

6

/S/ Carl M. Hebert
CARL M. HEBERT, ESQ.

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Counsel for plaintiff/appellant
Gregory O. Garmon

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Attorney for plaintiff

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

GREGORY O. GARMONG,
Plaintiff,

vs.

CASE NO. : CV12-01271

WESPAC; GREG CHRISTIAN;
DOES 1-10, inclusive,

DEPT. NO. : 6

Defendants.

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement: Gregory O. Garmong.

2. Identify the judge issuing the decision, judgment, or order appealed from:

Honorable Lynne K. Simons.

3. Identify each appellant and the name and address of counsel for each

appellant: Carl M. Hebert, Esq., 2215 Stone View Drive, Sparks, NV 89436, 775-323-5556, representing appellant Gregory O. Garmong.

4. Identify each respondent and the name and address of appellate counsel,

if known, for each respondent: Thomas C. Bradley, Esq., 435 Marsh Ave., Reno, NV 89509, 775-323-5178, for respondents WESPAC and Greg Christian.

5. Indicate whether any attorney identified above in response to questions

3 or 4 is not licensed to practice law in Nevada: None.

6. Indicate whether appellant was represented by appointed or retained

counsel in the district court: Retained counsel.

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

3 **8. Indicate whether appellant was granted leave to proceed in forma**
4 **pauperis:** No; not applicable.

5 **9. Indicate the date proceedings commenced in the district court (e.g. date**
6 **complaint was filed):** May 9, 2012.

7 **10. Provide a brief description of the nature of the action and result in the**
8 **district court, including the type of judgment or order being appealed from and the**
9 **relief granted by the district court:** This is an action for professional negligence by a
10 financial adviser. The case was ordered to arbitration, where the defendants/respondents
11 prevailed. The arbitrator's award was confirmed by the District Court in an order entered
12 on August 8, 2019. The plaintiff appealed from the confirmation of the arbitration award,
13 which was affirmed by the Court of Appeals on December 1, 2020.

14 The defendants moved for additional attorney's fees incurred while on appeal. The
15 district court granted additional fees in a final judgment entered on July 16, 2021. It is from
16 this judgment awarding additional fees, and associated included orders, that the plaintiff
17 appeals.

18 **11. Indicate whether the case has previously been the subject of an appeal**
19 **to the Nevada Supreme Court and, if so, the caption and Supreme Court docket**

20 **number of the prior proceeding:** There was a previous petition for a writ of prohibition
21 following an order compelling arbitration. The docket number was 65899; the caption was
22 "Gregory Garmong, petitioner, vs. The Second Judicial District Court of the State of
23 Nevada, in and for the County of Washoe; and the Honorable Brent T. Adams, District
24 Judge, respondents, and WESPAC and Greg Christian, real parties in interest."

25 Further, the plaintiff appealed from the confirmation of the arbitration award in this
26 case. The docket number was 80376-COA. The caption was "Gregory O. Garmong,
27 appellant, vs. WESPAC and Greg Christian, respondents."
28

12. Indicate whether this appeal involves child custody or visitation: Not applicable.

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement: Highly doubtful, given the previous history of the parties and the result in the District Court.

DATED this 10th day of August, 2021.

**THE UNDERSIGNED DOES HEREBY AFFIRM THAT THIS DOCUMENT DOES NOT
CONTAIN THE SOCIAL SECURITY NUMBER OF ANY PERSON.**

/S/ Carl M. Hebert
CARL M. HEBERT, ESQ.

Counsel for plaintiff/appellant
Gregory O. Garmong

SECOND JUDICIAL DISTRICT COURT**STATE OF NEVADA****COUNTY OF WASHOE****Case History - CV12-01271****Case Description: GREGORY GARMONG VS WESPAC ET AL (D6)****Case Number: CV12-01271 Case Type: OTHER CIVIL MATTERS - Initially Filed On: 5/9/2012****Parties**

<u>Party Type & Name</u>	<u>Party Status</u>
JUDG - LYNNE K. SIMONS - D6	Active
PLTF - GREGORY GARMONG - @1200326	Active
DEFT - WESPAC - @1223052	Active
DEFT - GREG CHRISTIAN - @1223053	Active
ATTY - Thomas Charles Bradley, Esq. - 1621	Active
ATTY - Carl Martin Hebert, Esq. - 250	Active

Disposed Hearings

- 1 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 12/5/2012 at 08:35:00
Extra Event Text: DEFTS MOTION TO DISMISS AND TO COMPEL ARBITRATION (NO PAPER ORDER PROVIDED)
Event Disposition: S200 - 12/13/2012
- 2 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 2/10/2014 at 15:52:00
Extra Event Text: COMBINED MOTIONS FOR LEAVE TO REHEAR AND FOR REHEARING OF THE ORDER OF DECEMBER 13, 2012 COMPELLING ARBITRATION
Event Disposition: S200 - 4/2/2014
- 3 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 7/7/2016 at 13:42:00
Extra Event Text: MOTION FOR A COURT-APPOINTED ARBITRATOR (NO ORDER)
Event Disposition: S200 - 7/12/2016
- 4 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 9/2/2016 at 10:09:00
Extra Event Text: DEFENDANT'S WESPAC AND GREG CHRISTIAN'S SUBMISSION OF POTENTIAL ARBITRATORS (PAPER ORDER NOT PROVIDED)
Event Disposition: S200 - 9/13/2016
- 5 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 10/18/2016 at 08:28:00
Extra Event Text: STIPULATION TO SELECT ONE ARBITRATOR
Event Disposition: S200 - 10/31/2016
- 6 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 2/8/2017 at 16:01:00
Extra Event Text: STIPULATION TO APPOINT ONE OF TWO REMAINING ARBITRATOR CANDIDATES
Event Disposition: S200 - 2/21/2017
- 7 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 6/7/2017 at 15:59:00
Extra Event Text: ORDER TO SHOW CAUSE WHY ACTION SHOULD NOT BE DISMISSED FOR WANT OF PROSECUTION UNDER NRCP 41(E) FILED 5/24/17
Event Disposition: S200 - 6/30/2017
- 8 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 11/6/2017 at 14:56:00
Extra Event Text: MOTION TO STRIKE FILED 10/11/17
Event Disposition: S200 - 11/13/2017
- 9 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 4/9/2018 at 10:44:00
Extra Event Text: PLAINTIFF'S MOTION FOR RECONSIDERATION OF ORDER OF 11/13/17
Event Disposition: S200 - 5/31/2018

- 10 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 9/17/2018 at 08:40:00
Extra Event Text: PLAINTIFF'S MOTION TO DISQUALIFY ARBITRATOR PRO VACATE ORDER DENYING MOTION FOR SUMMARY JUDGMENT AND APPOINT
Event Disposition: S200 - 11/29/2018
- 11 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 10/3/2018 at 12:03:00
Extra Event Text: DEFENDANTS MOTION FOR LIMITED RELIEF FROM STAY TO FILE MOTION FOR ATTORNEY'S FEES AND SANCTIONS FILED 7-26-18
Event Disposition: S200 - 12/10/2018
- 12 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 10/22/2018 at 13:44:00
Extra Event Text: NOTICE OF COMPLETION OF ARBITRATION HEARING
Event Disposition: S200 - 12/10/2018
- 13 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 5/20/2019 at 16:56:00
Extra Event Text: PETITION FOR AN ORDER CONFIRMING ARBITRATORS FINAL AWARD AND REDUCE AWARD TO JUDGMENT, INCLUDING, ATTORNEYS F
Event Disposition: S200 - 8/8/2019
- 14 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 5/22/2019 at 15:39:00
Extra Event Text: PLAINTIFF'S MOTION TO VACATE ARBITRATOR'S AWARD OF ATTORNEY'S FEES AND REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDA
Event Disposition: S200 - 8/8/2019
- 15 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 5/22/2019 at 15:33:00
Extra Event Text: PLAINTIFF'S MOTIONS TO VACATE ARBITRATOR'S AWARD OF DENIAL OF PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT AN
Event Disposition: S200 - 8/8/2019
- 16 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 5/22/2019 at 16:16:00
Extra Event Text: PLAINTIFFS MOTION TO VACATE ARBITRATORS FIANL AWARD FILED 5/22/19
Event Disposition: S200 - 8/8/2019
- 17 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 6/3/2019 at 11:45:00
Extra Event Text: DEFENDANTS' MOTION FOR AN ORDER TO FILE EXHIBIT AS CONFIDENTIAL FILED 5-16-19, PLAINTIFF'S OPPOSITION TO DEFENDANT'S
Event Disposition: S200 - 8/8/2019
- 18 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 8/21/2019 at 16:52:00
Extra Event Text: STIPULATION (ORDER ATTACHED AS EXHIBIT 1)
Event Disposition: S200 - 8/27/2019
- 19 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 9/25/2019 at 13:29:00
Extra Event Text: PLAINTIFF'S MOTION TO ALTER OR AMEND ORDER RE MOTION ENTERED 8/8/19
Event Disposition: S200 - 12/6/2019
- 20 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 12/23/2019 at 11:16:00
Extra Event Text: DEFT'S AMENDED MOTION FOR ATTORNEY'S FEES FIELD 12-9-19 - NO OPPOSITION FILED
Event Disposition: S200 - 3/9/2020
- 21 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 4/21/2021 at 10:24:00
Extra Event Text: Second Amended Motion for Attorney's Fees - BINDER BUILT
Event Disposition: S200 - 7/12/2021
- 22 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 5/12/2021 at 09:56:00
Extra Event Text: MOTION FOR EXTENSION OF TIME TO FILE OPPOSITION TO DEFT'S SECOND AMENDED MOTION FOR ATTORNEY'S FEES AND COSTS -
Event Disposition: S200 - 6/11/2021
- 23 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 5/12/2021 at 11:41:00
Extra Event Text: MOTION TO STRIKE THE DECLARATION OF THOMAS C. BRADLEY IN SUPPORT OF SECOND AMENDED MOTION FOR ATTORNEY'S FEES
Event Disposition: S200 - 5/17/2021

- 24 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 5/12/2021 at 09:56:00
Extra Event Text: MOTION TO STRIKE DECLARATION OF THOMAS C. BRADLEY IN SUPPORT OF SECOND AMENDED MOTION FOR ATTORNEY'S FEES AND
Event Disposition: S200 - 7/7/2021
- 25 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 7/14/2021 at 10:57:00
Extra Event Text: PROPOSED FINAL JUDGMENT (ORDER PROVIDED)
Event Disposition: S200 - 7/16/2021

Actions

- | | <u>Filing Date</u> | <u>-</u> | <u>Docket Code & Description</u> |
|----|--------------------|----------|---|
| 1 | 5/9/2012 | - | COV - **Civil Cover Sheet
<i>No additional text exists for this entry.</i> |
| 2 | 5/9/2012 | - | 4090 - ** Summons Issued
Additional Text: X2 |
| 3 | 5/9/2012 | - | \$1425 - \$Complaint - Civil
<i>No additional text exists for this entry.</i> |
| 4 | 5/9/2012 | - | PAYRC - **Payment Receipted
Additional Text: A Payment of -\$260.00 was made on receipt DCDC359217. |
| 5 | 8/29/2012 | - | 2520 - Notice of Appearance
<i>No additional text exists for this entry.</i> |
| 6 | 9/8/2012 | - | 1067 - Affidavit of Service
Additional Text: WESPAC SERVED ON 9/4/12 - Transaction 3203348 - Approved By: MCHOLICO : 09-10-2012:08:17:11 |
| 7 | 9/8/2012 | - | 1067 - Affidavit of Service
Additional Text: GREG CHRISTIAN SERVED ON 9/6/12 - Transaction 3203349 - Approved By: MCHOLICO : 09-10-2012:08:16:24 |
| 8 | 9/10/2012 | - | NEF - Proof of Electronic Service
Additional Text: Transaction 3203446 - Approved By: NOREVIEW : 09-10-2012:08:18:42 |
| 9 | 9/10/2012 | - | NEF - Proof of Electronic Service
Additional Text: Transaction 3203448 - Approved By: NOREVIEW : 09-10-2012:08:19:14 |
| 10 | 9/19/2012 | - | \$1560 - \$Def 1st Appearance - CV
<i>No additional text exists for this entry.</i> |
| 11 | 9/19/2012 | - | 2270 - Mtn to Compel...
Additional Text: MOTION TO DISMISS AND TO COMPEL ARBITRATION |
| 12 | 9/19/2012 | - | \$DEFT - \$Addl Def/Answer - Prty/Appear
<i>No additional text exists for this entry.</i> |
| 13 | 9/19/2012 | - | 1046 - Affidavit of Plaintiff
Additional Text: AFFIDAVIT OF GREG CHRISTIAN |
| 14 | 9/19/2012 | - | PAYRC - **Payment Receipted
Additional Text: A Payment of -\$243.00 was made on receipt DCDC377263. |

- 15 10/29/2012 - 2645 - Opposition to Mtn ...
Additional Text: Transaction 3309632 - Approved By: APOMA : 10-29-2012:14:02:10
- 16 10/29/2012 - NEF - Proof of Electronic Service
Additional Text: Transaction 3309672 - Approved By: NOREVIEW : 10-29-2012:14:04:01
- 17 12/3/2012 - 3795 - Reply...
Additional Text: DEFTS REPLY TO PLTFS OPPOSITION TO DEFTS MOTION TO DISMISS AND TO COMPEL ARBITRATION
- 18 12/4/2012 - 3860 - Request for Submission
Additional Text: DOCUMENT TITLE: DEFTS MOTION TO DISMISS AND TO COMPEL ARBITRATION (NO PAPER ORDER PROVIDED)
PARTY SUBMITTING: BRADLEY, ESQ., THOMAS CHARLES
DATE SUBMITTED: 12/4/12
SUBMITTED BY: ACROGHAN
DATE RECEIVED JUDGE OFFICE:
- 19 12/13/2012 - S200 - Request for Submission Complet
Additional Text: order
- 20 12/13/2012 - 3370 - Order ...
Additional Text: GRANTING MOTION TO COMPEL ARBITRATION AND DENYING MOTION TO DISMISS - Transaction 3404818 - Approved By: NOREVIEW : 12-13-2012:11:34:05
- 21 12/13/2012 - NEF - Proof of Electronic Service
Additional Text: Transaction 3404841 - Approved By: NOREVIEW : 12-13-2012:11:36:50
- 22 12/31/2012 - 2490 - Motion ...
Additional Text: COMBINED MOTIONS FOR LEAVE TO REHEAR AND FOR REHEARING OF THE ORDER OF DECEMBER 13, 2012 COMPELLING ARBITRATION - Transaction 3435926 - Approved By: MCHOLICO : 01-02-2013:08:20:50
- 23 1/2/2013 - NEF - Proof of Electronic Service
Additional Text: Transaction 3436070 - Approved By: NOREVIEW : 01-02-2013:08:22:33
- 24 1/9/2013 - 2645 - Opposition to Mtn ...
Additional Text: DEFENDANTS' OPPOSITION TO PLAINTIFF'S COMBINED MOTIONS FOR LEAVE TO REHEAR AND FOR REHEARING OF THE ORDER OF DECEMBER 13, 2012 COMPELLING ARBITRATION AND REQUEST FOR ATTORNEY'S FEES - Transaction 3452039 - Approved By: JYOST : 01-09-2013:11:18:34
- 25 1/9/2013 - NEF - Proof of Electronic Service
Additional Text: Transaction 3452188 - Approved By: NOREVIEW : 01-09-2013:11:20:57
- 26 1/13/2014 - 3330 - Ord to Proceed ...
Additional Text: Transaction 4251991 - Approved By: NOREVIEW : 01-13-2014:10:24:36
- 27 1/13/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4251998 - Approved By: NOREVIEW : 01-13-2014:10:26:18
- 28 2/3/2014 - 3795 - Reply...
Additional Text: PLAINTIFF'S REPLY TO "DEFENDANT'S OPPOSITION TO PLAINTIFF'S COMBINED MOTION FOR LEAVE TO REHEAR AND FOR REHEARING OF THE ORDER OF DECEMBER 13, 2012, COMPELLING ARBITRATION AND REQUEST FOR ATTORNEY'S FEES" - Transaction 4287098 - Approved By: MELWOOD : 02-03-2014:15:46:45
- 29 2/3/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4287466 - Approved By: NOREVIEW : 02-03-2014:15:49:30
- 30 2/10/2014 - 3860 - Request for Submission

Additional Text: COMBINED MOTIONS FOR LEAVE TO REHEAR AND FOR REHEARING OF THE ORDER OF DECEMBER 13, 2012
COMPELLING ARBITRATION (NO PAPER ORDER PROVIDED) - Transaction 4298026 - Approved By: PDBROWN : 02-10-2014:14:31:51
PARTY SUBMITTING: CARL M. HEBERT, ESQ.
DATE SUBMITTED: 02-10-14
SUBMITTED BY: PDBROWN
DATE RECEIVED JUDGE OFFICE:

31 2/10/2014 - 3880 - Response...

Additional Text: RESPONSE TO ORDER OF JANUARY 13, 2014 - Transaction 4298093 - Approved By: MELWOOD :
02-10-2014:14:21:23

32 2/10/2014 - NEF - Proof of Electronic Service

Additional Text: Transaction 4298399 - Approved By: NOREVIEW : 02-10-2014:14:24:30

33 2/10/2014 - NEF - Proof of Electronic Service

Additional Text: Transaction 4298436 - Approved By: NOREVIEW : 02-10-2014:14:32:57

34 4/2/2014 - S200 - Request for Submission Complet

Additional Text: ORDER

35 4/2/2014 - 3370 - Order ...

Additional Text: DENYING MOTION TO REHEAR AND REHEARING OF COURT'S 12/13/12 ORDER - Transaction 4370203 - Approved By:
NOREVIEW : 04-02-2014:13:36:33

36 4/2/2014 - NEF - Proof of Electronic Service

Additional Text: Transaction 4370205 - Approved By: NOREVIEW : 04-02-2014:13:37:33

37 7/16/2014 - 1188 - Supreme Court Receipt for Doc

Additional Text: SUPREME COURT NO. 65899/RECEIPT FOR DOCUMENTS - Transaction 4518972 - Approved By: NOREVIEW :
07-16-2014:10:28:24

38 7/16/2014 - NEF - Proof of Electronic Service

Additional Text: Transaction 4518975 - Approved By: NOREVIEW : 07-16-2014:10:29:25

39 12/18/2014 - 4128 - Supreme Court Order Denying

Additional Text: SUPREME COURT NO. 65899/ORDER DENYING PETITION FOR WRIT OF MANDAMUS OR PROHIBITION - Transaction
4742321 - Approved By: NOREVIEW : 12-18-2014:10:19:51

40 12/18/2014 - NEF - Proof of Electronic Service

Additional Text: Transaction 4742324 - Approved By: NOREVIEW : 12-18-2014:10:20:52

41 3/18/2015 - 4128 - Supreme Court Order Denying

Additional Text: SUPREME COURT NO. 65899/ORDER DENYING REHEARING - Transaction 4866324 - Approved By: NOREVIEW :
03-18-2015:11:36:00

42 3/18/2015 - NEF - Proof of Electronic Service

Additional Text: Transaction 4866332 - Approved By: NOREVIEW : 03-18-2015:11:37:04

43 5/1/2015 - 4128 - Supreme Court Order Denying

Additional Text: SUPREME COURT NO. 65899/ORDER DENYING EN BANC RECONSIDERATION - Transaction 4932705 - Approved By:
NOREVIEW : 05-01-2015:09:03:20

44 5/1/2015 - NEF - Proof of Electronic Service

Additional Text: Transaction 4932719 - Approved By: NOREVIEW : 05-01-2015:09:04:59

45 5/21/2015 - 4133 - Supreme Court Notice

Additional Text: SUPREME COURT NO. 65899/NOTICE IN LIEU OF REMITTITUR - Transaction 4964996 - Approved By: NOREVIEW :
05-21-2015:14:23:41

46 5/21/2015 - NEF - Proof of Electronic Service

Additional Text: Transaction 4965001 - Approved By: NOREVIEW : 05-21-2015:14:24:42

- 47 11/17/2015 - 3370 - Order ...
Additional Text: Transaction 5238561 - Approved By: NOREVIEW : 11-17-2015:10:36:38
- 48 11/17/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5238580 - Approved By: NOREVIEW : 11-17-2015:10:37:46
- 49 12/1/2015 - 2610 - Notice ...
Additional Text: NOTICE OF STATUS REPORT - Transaction 5256972 - Approved By: YVILORIA : 12-01-2015:11:48:19
- 50 12/1/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5257098 - Approved By: NOREVIEW : 12-01-2015:11:49:18
- 51 6/8/2016 - 2490 - Motion ...
Additional Text: PLAINTIFF'S MOTION FOR A COURT-APPOINTED ARBITRATOR - Transaction 5552357 - Approved By: YVILORIA : 06-08-2016:12:13:20
- 52 6/8/2016 - NEF - Proof of Electronic Service
Additional Text: Transaction 5552696 - Approved By: NOREVIEW : 06-08-2016:12:14:14
- 53 6/23/2016 - 2645 - Opposition to Mtn ...
Additional Text: DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION FOR A COURT-APPOINTED ARBITRATOR - Transaction 5576662 - Approved By: CSULEZIC : 06-23-2016:13:35:18
- 54 6/23/2016 - NEF - Proof of Electronic Service
Additional Text: Transaction 5576975 - Approved By: NOREVIEW : 06-23-2016:13:36:21
- 55 7/5/2016 - 3795 - Reply...
Additional Text: PLAINTIFF'S REPLY TO "DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION FOR A COURT-APPOINTED ARBITRATOR" - Transaction 5593653 - Approved By: RKWATKIN : 07-06-2016:11:04:07
- 56 7/6/2016 - NEF - Proof of Electronic Service
Additional Text: Transaction 5594480 - Approved By: NOREVIEW : 07-06-2016:11:05:10
- 57 7/7/2016 - 3860 - Request for Submission
Additional Text: Transaction 5597399 - Approved By: RKWATKIN : 07-07-2016:13:42:08
DOCUMENT TITLE: MOTION FOR A COURT-APPOINTED ARBITRATOR (NO ORDER)
PARTY SUBMITTING: THOMAS BRADLEY, ESQ
DATE SUBMITTED: 7/7/16
SUBMITTED BY: RKWATKIN
DATE RECEIVED JUDGE OFFICE:
- 58 7/7/2016 - NEF - Proof of Electronic Service
Additional Text: Transaction 5597872 - Approved By: NOREVIEW : 07-07-2016:13:43:06
- 59 7/12/2016 - S200 - Request for Submission Complet
Additional Text: ORDER
- 60 7/12/2016 - 3370 - Order ...
Additional Text: RE: ARBITRATION - Transaction 5604778 - Approved By: NOREVIEW : 07-12-2016:15:42:10
- 61 7/12/2016 - NEF - Proof of Electronic Service
Additional Text: Transaction 5604784 - Approved By: NOREVIEW : 07-12-2016:15:43:13
- 62 7/27/2016 - 1405 - Clarification of Ord
Additional Text: STIPULATION REQUESTING CLARIFICATION - Transaction 5630799 - Approved By: TBRIITON : 07-28-2016:08:50:44

- 63 7/28/2016 - NEF - Proof of Electronic Service
Additional Text: Transaction 5631155 - Approved By: NOREVIEW : 07-28-2016:08:52:19
- 64 9/1/2016 - 2490 - Motion ...
Additional Text: DEFENDANTS WESPAC AND GREG CHRISTIAN'S SUBMISSION OF POTENTIAL ARBITRATORS - Transaction 5689679 - Approved By: TBRIITON : 09-02-2016:08:43:43
- 65 9/1/2016 - 3860 - Request for Submission
Additional Text: DEFENDANT'S WESPAC AND GREG CHRISTIAN'S SUBMISSION OF POTENTIAL ARBITRATORS (PAPER ORDER NOT PROVIDED) - Transaction 5689701 - Approved By: TBRIITON : 09-02-2016:09:25:33
PARTY SUBMITTING: THOMAS C. BRADLEY, ESQ.
DATE SUBMITTED: SEPTEMBER 1, 2016
SUBMITTED BY: TBRIITON
DATE RECEIVED JUDGE OFFICE:
- 66 9/1/2016 - A600 - List of Stricken Arbitrators
Additional Text: Plaintiff's List of Arbitration Candidates - Transaction 5690224 - Approved By: YVILORIA : 09-02-2016:11:07:42
- 67 9/2/2016 - NEF - Proof of Electronic Service
Additional Text: Transaction 5690415 - Approved By: NOREVIEW : 09-02-2016:08:44:30
- 68 9/2/2016 - NEF - Proof of Electronic Service
Additional Text: Transaction 5690556 - Approved By: NOREVIEW : 09-02-2016:09:26:26
- 69 9/2/2016 - NEF - Proof of Electronic Service
Additional Text: Transaction 5690906 - Approved By: NOREVIEW : 09-02-2016:11:10:07
- 70 9/13/2016 - S200 - Request for Submission Complet
Additional Text: order
- 71 9/13/2016 - 3370 - Order ...
Additional Text: APPOINTING ARBITRATION PANEL - Transaction 5705056 - Approved By: NOREVIEW : 09-13-2016:15:24:00
- 72 9/13/2016 - NEF - Proof of Electronic Service
Additional Text: Transaction 5705066 - Approved By: NOREVIEW : 09-13-2016:15:25:22
- 73 10/17/2016 - 4050 - Stipulation ...
Additional Text: STIPULATION TO SELECT ONE ARBITRATOR - Transaction 5761303 - Approved By: YLLOYD : 10-18-2016:08:27:39
- 74 10/17/2016 - 3860 - Request for Submission
Additional Text: Transaction 5761311 - Approved By: YLLOYD : 10-18-2016:08:28:08
DOCUMENT TITLE: STIPULATION TO SELECT ONE ARBITRATOR (NO PAPER ORDER)
PARTY SUBMITTING: THOMAS BRADLEY ESQ
DATE SUBMITTED: 10/17/16
SUBMITTED BY: YLLOYD
DATE RECEIVED JUDGE OFFICE:
- 75 10/18/2016 - NEF - Proof of Electronic Service
Additional Text: Transaction 5761789 - Approved By: NOREVIEW : 10-18-2016:08:28:41
- 76 10/18/2016 - NEF - Proof of Electronic Service
Additional Text: Transaction 5761791 - Approved By: NOREVIEW : 10-18-2016:08:29:01
- 77 10/31/2016 - 2745 - Ord Appointing ...
Additional Text: ARBITRATOR - Transaction 5781488 - Approved By: NOREVIEW : 10-31-2016:08:33:15

- 78 10/31/2016 - S200 - Request for Submission Complet
Additional Text: order
- 79 10/31/2016 - NEF - Proof of Electronic Service
Additional Text: Transaction 5781490 - Approved By: NOREVIEW : 10-31-2016:08:34:25
- 80 2/8/2017 - 4050 - Stipulation ...
Additional Text: STIPULATION TO APPOINT ONE OF TWO REMAINING ARBITRATOR CANDIDATES - Transaction 5940782 - Approved By: CSULEZIC : 02-08-2017:13:22:02
- 81 2/8/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 5941102 - Approved By: NOREVIEW : 02-08-2017:13:23:04
- 82 2/8/2017 - 3860 - Request for Submission
Additional Text: STIPULATION TO APPOINT ONE OF TWO REMAINING ARBITRATOR CANDIDATES - Transaction 5941184 - Approved By: CSULEZIC : 02-08-2017:14:46:06
PARTY SUBMITTING: CARL HEBERT ESQ
DATE SUBMITTED: 2/08/17
SUBMITTED BY: CS
DATE RECEIVED JUDGE OFFICE:
- 83 2/8/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 5941538 - Approved By: NOREVIEW : 02-08-2017:14:47:13
- 84 2/21/2017 - 3370 - Order ...
Additional Text: APPOINTING ARBITRATOR - Transaction 5960277 - Approved By: NOREVIEW : 02-21-2017:16:57:00
- 85 2/21/2017 - S200 - Request for Submission Complet
Additional Text: ORDER
- 86 2/21/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 5960280 - Approved By: NOREVIEW : 02-21-2017:16:57:50
- 87 3/27/2017 - 2630 - Objection to ...
Additional Text: PLAINTIFF'S OBJECTION PURSUANT TO NRS 38.231.(3) AND 38.241(1)(E) THAT THERE IS NO AGREEMENT TO ARBITRATE; NOTIFICATION OF OBJECTION TO THE COURT - Transaction 6018228 - Approved By: PMSEWELL : 03-27-2017:12:20:48
- 88 3/27/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 6018254 - Approved By: NOREVIEW : 03-27-2017:12:23:25
- 89 5/23/2017 - 3355 - Ord to Show Cause
Additional Text: WHY ACTION SHOULD NOT BE DISMISSED FOR WANT OF PROSECUTION - Transaction 6113144 - Approved By: NOREVIEW : 05-23-2017:09:29:01
- 90 5/23/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 6113146 - Approved By: NOREVIEW : 05-23-2017:09:30:03
- 91 5/24/2017 - 3880 - Response...
Additional Text: PLAINTIFF'S RESPONSE TO ORDER TO SHOW CAUSE WHY ACTION SHOULD NOT BE DISMISSED FOR WANT OF PROSECUTION UNDER NRCP 41(e) - Transaction 6116178 - Approved By: TBRITTON : 05-24-2017:13:01:42
- 92 5/24/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 6116241 - Approved By: NOREVIEW : 05-24-2017:13:03:30
- 93 6/7/2017 - 3860 - Request for Submission

Additional Text: ORDER TO SHOW CAUSE WHY ACTION SHOULD NOT BE DISMISSED FOR WANT OF PROSECUTION UNDER NRCP 41(E) FILED 5/24/17 - Transaction 6136674 - Approved By: CSULEZIC : 06-07-2017:12:25:49
PARTY SUBMITTING: CARL HEBERT ESQ
DATE SUBMITTED: 6/07/17
SUBMITTED BY: CS
DATE RECEIVED JUDGE OFFICE:

- 94 6/7/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 6136953 - Approved By: NOREVIEW : 06-07-2017:12:26:36
- 95 6/30/2017 - 3370 - Order ...
Additional Text: Transaction 6176446 - Approved By: NOREVIEW : 06-30-2017:15:56:03
- 96 6/30/2017 - S200 - Request for Submission Complet
Additional Text: ORDER
- 97 6/30/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 6176450 - Approved By: NOREVIEW : 06-30-2017:15:56:53
- 98 9/18/2017 - 1090 - Amended Complaint
Additional Text: Transaction 6304598 - Approved By: SWILLIAM : 09-18-2017:15:17:53
- 99 9/18/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 6304731 - Approved By: NOREVIEW : 09-18-2017:15:20:52
- 100 10/11/2017 - 2475 - Mtn to Strike...
Additional Text: Transaction 6341419 - Approved By: PMSEWELL : 10-11-2017:11:18:43
- 101 10/11/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 6341582 - Approved By: NOREVIEW : 10-11-2017:11:19:46
- 102 10/30/2017 - 2645 - Opposition to Mtn ...
Additional Text: PLAINTGIF'S OPPOSITION TO DEFENDANTS' MOTION TO STRIKE - Transaction 6370693 - Approved By: MPURDY : 10-30-2017:16:45:00
- 103 10/30/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 6370848 - Approved By: NOREVIEW : 10-30-2017:16:45:58
- 104 11/6/2017 - 3795 - Reply...
Additional Text: DEFENDANTS' REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO STRIKE - Transaction 6381324 - Approved By: CSULEZIC : 11-06-2017:14:14:08
- 105 11/6/2017 - 3860 - Request for Submission
Additional Text: MOTION TO STRIKE FILED 10/11/17 - Transaction 6381331 - Approved By: CSULEZIC : 11-06-2017:14:18:25
PARTY SUBMITTING: THOMAS BRADLEY ESQ
DATE SUBMITTED: 11/06/17
SUBMITTED BY: CS
DATE RECEIVED JUDGE OFFICE:
- 106 11/6/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 6381525 - Approved By: NOREVIEW : 11-06-2017:14:15:06
- 107 11/6/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 6381540 - Approved By: NOREVIEW : 11-06-2017:14:19:28
- 108 11/13/2017 - 3060 - Ord Granting Mtn ...
Additional Text: DEFENDANTS' MOTION TO STRIKE - Transaction 6392831 - Approved By: NOREVIEW : 11-13-2017:17:09:07

- 109 11/13/2017 - S200 - Request for Submission Complet
Additional Text: ORDER
- 110 11/13/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 6392834 - Approved By: NOREVIEW : 11-13-2017:17:10:07
- 111 12/4/2017 - 2175 - Mtn for Reconsideration
Additional Text: PLAINTIFF'S MOTION FOR LEAVE TO RECONSIDER AND MOTION FOR RECONSIDERATION OF ORDER OF NOVEMBER 13, 2017 GRANTING "DEFENDANTS' MOTIO TO STRIKE - Transaction 6422162 - Approved By: YVILORIA : 12-04-2017:16:47:58
- 112 12/4/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 6422366 - Approved By: NOREVIEW : 12-04-2017:16:51:01
- 113 12/29/2017 - 2645 - Opposition to Mtn ...
Additional Text: DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION FOR LEAVE TO RECONSIDER AND MOTION FOR RECONSIDERATION OF ORDER GRANTING DEFENDANTS' MOTION TO STRIKE - Transaction 6458312 - Approved By: YVILORIA : 12-29-2017:09:56:20
- 114 12/29/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 6458327 - Approved By: NOREVIEW : 12-29-2017:09:57:19
- 115 4/9/2018 - 3795 - Reply...
Additional Text: PLAINTIFF'S REPLY TO DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION FOR LEAVE TO RECONSIDER AND MOTION FOR RECONSIDERATION TOF ORDER GRANTING DEFENDANTS' MOTION TO STRIKE - Transaction 6618053 - Approved By: YVILORIA : 04-09-2018:10:19:29
- 116 4/9/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6618083 - Approved By: NOREVIEW : 04-09-2018:10:20:21
- 117 4/9/2018 - 3860 - Request for Submission
Additional Text: Transaction 6618133 - Approved By: CVERA : 04-09-2018:10:42:36
DOCUMENT TITLE: PLAINTIFF'S MOTION FOR RECONSIDERATION OF ORDER OF 11/13/17
PARTY SUBMITTING: CARL MARTIN HEBERT, ESQ.
DATE SUBMITTED: 04/09/18
SUBMITTED BY: CVERA
DATE RECEIVED JUDGE OFFICE:
- 118 4/9/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6618180 - Approved By: NOREVIEW : 04-09-2018:10:43:22
- 119 5/31/2018 - S200 - Request for Submission Complet
Additional Text: ORDER
- 120 5/31/2018 - 2842 - Ord Denying Motion
Additional Text: PLAINTIFF'S MOTION FOR LEAVE TO RECONSIDER AND MOTION FOR RECONSIDERATIOAN OF ORDER OF NOVEMBER 13, 2017 GRANTING "DEFENDANTS' MOTION TO STRIKE" - Transaction 6707193 - Approved By: NOREVIEW : 05-31-2018:16:17:39
- 121 5/31/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6707196 - Approved By: NOREVIEW : 05-31-2018:16:18:24
- 122 7/22/2018 - 2490 - Motion ...
Additional Text: PLAINTIFF'S MOTION TO DISQUALIFY ARBITRATOR PRO, VACATE ORDER DENYING MOTION FOR SUMMARY JUDGMENT AND APPOINT NEW ARBITRATOR - Transaction 6789215 - Approved By: CSULEZIC : 07-23-2018:08:37:33
- 123 7/23/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6789404 - Approved By: NOREVIEW : 07-23-2018:08:39:25
- 124 7/26/2018 - 2490 - Motion ...
Additional Text: MOTION FOR LIMITED RELIEF FROM STAY TO FILE MOTIO FOR ATTORNEY'S FEES AND SANCTIONS - Transaction 6797923 - Approved By: YVILORIA : 07-26-2018:14:50:06

- 125 7/26/2018 - 2645 - Opposition to Mtn ...
Additional Text: OPPOSITION TO MOTION TO DISQUALIFY ARBITRATOR PRO, VACATE ORDER DENYING MOTION FOR SUMMARY JUDGMENT AND APPOINT NET ARBITRATOR - Transaction 6797923 - Approved By: YVILORIA : 07-26-2018:14:50:06
- 126 7/26/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6798047 - Approved By: NOREVIEW : 07-26-2018:14:51:24
- 127 8/28/2018 - 3795 - Reply...
Additional Text: PLAINTIFF'S REPLY TO OPPOSITION TO MOTION TO DISQUALIFY ARBITRATOR - Transaction 6851198 - Approved By: YVILORIA : 08-28-2018:09:05:41
- 128 8/28/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6851464 - Approved By: NOREVIEW : 08-28-2018:09:06:44
- 129 8/30/2018 - 2650 - Opposition to ...
Additional Text: PLAINTIFF'S OPPOSITION TO DEFENDANTS' "MOTION FOR LIMITED RELIEF FROM STAY TO FILE MOTION FOR ATTORNEY'S FEES AND SANCTIONS" - Transaction 6856035 - Approved By: YVILORIA : 08-30-2018:08:53:01
- 130 8/30/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6856241 - Approved By: NOREVIEW : 08-30-2018:08:54:02
- 131 9/17/2018 - 3860 - Request for Submission
Additional Text: Transaction 6881758 - Approved By: YVILORIA : 09-17-2018:08:39:21
DOCUMENT TITLE: PLAINTIFF'S MOTION TO DISQUALIFY ARBITRATOR PRO VACATE ORDER DENYING MOTION FOR SUMMARY JUDGMENT AND APPOINT NEW ARBITRATOR
PARTY SUBMITTING: CARL HEBERT ESQ
DATE SUBMITTED: SEPT 17, 2018
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:
- 132 9/17/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6881801 - Approved By: NOREVIEW : 09-17-2018:08:40:25
- 133 10/3/2018 - 3860 - Request for Submission
Additional Text: Transaction 6909214 - Approved By: YVILORIA : 10-03-2018:12:01:46
DOCUMENT TITLE: DEFENDANTS MOTION FOR LIMITED RELIEF FROM STAY TO FILE MOTION FOR ATTORNEY'S FEES AND SANCTIONS FILED 7-26-18
PARTY SUBMITTING: THOMAS CHARLES BRADLEY ESQ
DATE SUBMITTED: OCT 3, 2018
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:
- 134 10/3/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6909323 - Approved By: NOREVIEW : 10-03-2018:12:03:15
- 135 10/22/2018 - 2610 - Notice ...
Additional Text: NOTICE OF COMPLETION OF ARBITRATION HEARING - Transaction 6939329 - Approved By: YVILORIA : 10-22-2018:13:34:05
- 136 10/22/2018 - 3860 - Request for Submission
Additional Text: Transaction 6939335 - Approved By: YVILORIA : 10-22-2018:13:42:35
DOCUMENT TITLE: NOTICE OF COMPLETION OF ARBITRATION HEARING
PARTY SUBMITTING: THOMAS BRADLEY ESQ
DATE SUBMITTED: OCT 22, 2018
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:
- 137 10/22/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6939553 - Approved By: NOREVIEW : 10-22-2018:13:34:58

- 138 10/22/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6939588 - Approved By: NOREVIEW : 10-22-2018:13:43:29
- 139 11/29/2018 - 2842 - Ord Denying Motion
Additional Text: PLAINTIFF'S MOTION TO DISQUALIFY ARBITRATOR PRO; DENYING MOTION TO VACATE ORDER DENYING MOTION FOR SJ; ORDER DENYING MOTIOON TO APPOINT NEW ARBITRATOR - Transaction 6998027 - Approved By: NOREVIEW : 11-29-2018:11:59:56
- 140 11/29/2018 - S200 - Request for Submission Complet
Additional Text: ORDER
- 141 11/29/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6998028 - Approved By: NOREVIEW : 11-29-2018:12:00:52
- 142 12/10/2018 - 3370 - Order ...
Additional Text: RE DEFENDANT - Transaction 7015067 - Approved By: NOREVIEW : 12-10-2018:09:57:38
- 143 12/10/2018 - S200 - Request for Submission Complet
Additional Text: ORDER
- 144 12/10/2018 - S200 - Request for Submission Complet
Additional Text: ORDER
- 145 12/10/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 7015072 - Approved By: NOREVIEW : 12-10-2018:09:58:40
- 146 12/12/2018 - 2540 - Notice of Entry of Ord
Additional Text: Notice of Entry of Order for Order for Order RE Defendants' Motion for Limited Relief from Stay to File Motion for Attorney's Fees and Sanctions - Transaction 7020152 - Approved By: NOREVIEW : 12-12-2018:11:31:33
- 147 12/12/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 7020156 - Approved By: NOREVIEW : 12-12-2018:11:32:33
- 148 12/12/2018 - 2540 - Notice of Entry of Ord
Additional Text: Notice of Entry of Order for Order Deny Plaintiff's Motion to Disqualify Arbitrator Pro; Order Deny Motion to Vacate Order Deny Motion for Summ Judgment; Order Deny Motion to Appoint New Arbitrator - Transaction 7020171 - Approved By: NOREVIEW : 12-12-2018:11:37:27
- 149 12/12/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 7020180 - Approved By: NOREVIEW : 12-12-2018:11:38:59
- 150 2/28/2019 - 2525 - Notice of Change of Address
Additional Text: Notice of Change of Address for Thomas C. Bradley, Esq. - Transaction 7141212 - Approved By: CSULEZIC : 02-28-2019:12:28:40
- 151 2/28/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7141226 - Approved By: NOREVIEW : 02-28-2019:12:29:42
- 152 4/15/2019 - 3645 - Petition ...
Additional Text: DEFENDANTS' PETITION FOR AN ORDER CONFIRMING ARBITRATOR'S FINAL AWARD AND REDUCE AWARD TO JUDGMENT, INCLUDING, ATTORNEYS' FEES AND COSTS - Transaction 7218326 - Approved By: YVILORIA : 04-15-2019:11:38:50
- 153 4/15/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7218514 - Approved By: NOREVIEW : 04-15-2019:11:40:00
- 154 4/22/2019 - 2490 - Motion ...
Additional Text: PLAINTIFF'S MOTION TO VACATE ARBITRATOR'S FINAL AWARD - Transaction 7232416 - Approved By: CSULEZIC : 04-23-2019:10:16:07

- 155 4/22/2019 - 2610 - Notice ...
Additional Text: NOTICE OF FILING OF CONTINUATION EXHIBITS IN SUPPORT OF PLAINTIFF'S MOTION TO VACATE ARBITRATOR'S FINAL AWARD - Transaction 7232445 - Approved By: CSULEZIC : 04-23-2019:10:20:27
- 156 4/22/2019 - 2610 - Notice ...
Additional Text: SECOND NOTICE OF FILING OF CONTINUATION EXHIBITS IN SUPPORT OF PLAINTIFF'S MOTION TO VACATE ARBITRATOR'S FINAL AWARD - Transaction 7232448 - Approved By: CSULEZIC : 04-23-2019:10:26:15
- 157 4/22/2019 - 2490 - Motion ...
Additional Text: Plaintiff's Motion to Vacate Arbitrator's Award of Attorney's Fees - Transaction 7232452 - Approved By: CSULEZIC : 04-23-2019:09:33:45
- 158 4/22/2019 - 2490 - Motion ...
Additional Text: PLAINTIFF'S MOTIONS TO VACATE ARBITRATOR'S AWARD OF DENIAL OF PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT AND FOR THE COURT TO DECIDE AND GRANT PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT - Transaction 7232457 - Approved By: CSULEZIC : 04-23-2019:09:34:30
- 159 4/23/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7232702 - Approved By: NOREVIEW : 04-23-2019:09:35:07
- 160 4/23/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7232710 - Approved By: NOREVIEW : 04-23-2019:09:35:53
- 161 4/23/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7232946 - Approved By: NOREVIEW : 04-23-2019:10:18:50
- 162 4/23/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7232965 - Approved By: NOREVIEW : 04-23-2019:10:22:46
- 163 4/23/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7232978 - Approved By: NOREVIEW : 04-23-2019:10:27:25
- 164 4/25/2019 - 2610 - Notice ...
Additional Text: DFX: SUB-EXHIBITS ATTACHED INCORRECTLY - NOTICE OF FILING OF EXHIBITS IN SUPPORT OF PLAINTIFF'S MOTIONS TO VACATE ARBITRATOR'S AWARD OF DENIAL OF PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT AND FOR THE COURT TO DECIDE AND GRANT PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT-PART 1 - Transaction 7238227 - Approved By: YVILORIA : 04-25-2019:14:32:47
- 165 4/25/2019 - 2610 - Notice ...
Additional Text: DFX: SUB-EXHIBITS ATTACHED INCORRECTLY - NOTICE OF FILING OF EXHIBITS IN SUPPORT OF PLAINTIFF'S MOTIONS TO VACATE ARBITRATOR'S AWARD OF DENIAL OF PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT AND FOR THE COURT TO DECIDE AND GRANT PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT- PART 2 - Transaction 7238461 - Approved By: YVILORIA : 04-25-2019:15:26:13
- 166 4/25/2019 - 2610 - Notice ...
Additional Text: DFX: SUB-EXHIBITS PRESENTED INCORRECTLY - NOTICE OF FILING OF EXHIBITS IN SUPPORT OF PLAINTIFF'S MOTIONS TO VACATE ARBITRATOR'S AWARD OF DENIAL OF PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT AND FOR THE COURT TO DECIDE AND GRANT PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT-PART 3- Transaction 7238629 - Approved By: YVILORIA : 04-25-2019:16:28:23
- 167 4/25/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7238634 - Approved By: NOREVIEW : 04-25-2019:14:34:11
- 168 4/25/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7238869 - Approved By: NOREVIEW : 04-25-2019:15:30:50
- 169 4/25/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7239225 - Approved By: NOREVIEW : 04-25-2019:16:31:02

- 170 4/25/2019 - 2650 - Opposition to ...
Additional Text: PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO CONFIRM ARBITRATOR'S AWARD - Transaction 7239477 - Approved By: CSULEZIC : 04-26-2019:09:05:29
- 171 4/26/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7239706 - Approved By: NOREVIEW : 04-26-2019:09:10:29
- 172 5/6/2019 - 3790 - Reply to/in Opposition
Additional Text: DFX: EX4 SET TO LEVEL 3 DUE TO PERSONAL INFO - DEFENDANTS' REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO CONFIRM ARBITRATOR'S AWARD - Transaction 7255481 - Approved By: YVILORIA : 05-07-2019:08:21:00
- 173 5/7/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7256064 - Approved By: NOREVIEW : 05-07-2019:08:21:58
- 174 5/9/2019 - 2645 - Opposition to Mtn ...
Additional Text: DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO VACATE ARBITRATOR'S FINAL AWARD - Transaction 7261598 - Approved By: YVILORIA : 05-09-2019:10:35:50
- 175 5/9/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7261643 - Approved By: NOREVIEW : 05-09-2019:10:36:46
- 176 5/9/2019 - 2645 - Opposition to Mtn ...
Additional Text: DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTIONS TO VACATE ARBITRATOR'S AWARD OF DENIAL OF PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT AND FOR THE COURT TO DECIDE AND GRANT PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT - Transaction 7261736 - Approved By: YVILORIA : 05-09-2019:11:26:33
- 177 5/9/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7261800 - Approved By: NOREVIEW : 05-09-2019:11:27:34
- 178 5/9/2019 - 2645 - Opposition to Mtn ...
Additional Text: DEEFNDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO VACATE ARBITRATOR'S AWARD OF ATTORNEY'S FEES AND REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANTS' PETITION FOR AN ORDER CONFIRMING ARBITRATOR'S FINAL AWARD AND REDUCE AWARD TO JUDGMENT, INCLUDING, ATTORNEYS - Transaction 7262680 - Approved By: YVILORIA : 05-09-2019:16:11:47
- 179 5/9/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7263025 - Approved By: NOREVIEW : 05-09-2019:16:12:59
- 180 5/16/2019 - 2490 - Motion ...
Additional Text: MOTION FOR AN ORDER TO FILE EXHIBIT AS CONFIDENTIAL - Transaction 7274242 - Approved By: SWOLFE : 05-17-2019:07:44:22
- 181 5/17/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7275118 - Approved By: NOREVIEW : 05-17-2019:07:45:11
- 182 5/20/2019 - 3795 - Reply...
Additional Text: PLAINTIFF'S REPLY TO DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO VACATE ARBITRATOR'S AWARD OF ATTORNEY'S FEES & REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANTS' PETITION FOR AN ORDER CONFIRMING ARBITRATOR'S FINAL AWARD & REDUCE AWARD TO JUDGMENT - Transaction 7277526 - Approved By: SWOLFE : 05-20-2019:09:31:05
- 183 5/20/2019 - 3795 - Reply...
Additional Text: PLAINTIFF'S REPLY TO DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTIONS TO VACATE ARBITRATOR'S AWARD OF DENIAL OF PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT AND FOR THE COURT TO DECIDE AND GRANT PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT - Transaction 7277573 - Approved By: CSULEZIC : 05-20-2019:11:14:56
- 184 5/20/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7277638 - Approved By: NOREVIEW : 05-20-2019:09:32:25
- 185 5/20/2019 - 3795 - Reply...
Additional Text: PLAINTIFF'S REPLY TO DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO VACATE ARBITRATOR'S FINAL AWARD - Transaction 7277660 - Approved By: CSULEZIC : 05-20-2019:11:28:46

- 186 5/20/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7278102 - Approved By: NOREVIEW : 05-20-2019:11:16:12
- 187 5/20/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7278193 - Approved By: NOREVIEW : 05-20-2019:11:30:03
- 188 5/20/2019 - 3860 - Request for Submission
Additional Text: PETITION FOR AN ORDER CONFIRMING ARBITRATORS FINAL AWARD AND REDUCE AWARD TO JUDGMENT, INCLUDING, ATTORNEYS FEES AND COSTS FILED 4/15/19 - Transaction 7279086 - Approved By: CSULEZIC : 05-20-2019:16:54:48
PARTY SUBMITTING: THOMAS BRADLEY ESQ
DATE SUBMITTED: 5/20/19
SUBMITTED BY: CS
DATE RECEIVED JUDGE OFFICE:
- 189 5/20/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7279573 - Approved By: NOREVIEW : 05-20-2019:16:56:03
- 190 5/21/2019 - 3980 - Stip and Order...
Additional Text: Transaction 7280604 - Approved By: NOREVIEW : 05-21-2019:11:45:15
- 191 5/21/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7280623 - Approved By: NOREVIEW : 05-21-2019:11:47:42
- 192 5/22/2019 - 3860 - Request for Submission
Additional Text: - Transaction 7283565 - Approved By: CSULEZIC : 05-22-2019:15:46:32
DOCUMENT TITLE: PLAINTIFFS MOTION TO VACATE ARBITRATORS FINAL AWARD FILED 5/22/19
PARTY SUBMITTING: THOMAS BRADLEY ESQ
DATE SUBMITTED: 5/22/19
SUBMITTED BY: CS
DATE RECEIVED JUDGE OFFICE:
- 193 5/22/2019 - 3860 - Request for Submission
Additional Text: REQUEST FOR SUBMISSION - Transaction 7283621 - Approved By: YVILORIA : 05-22-2019:15:31:25
DOCUMENT TITLE: PLAINTIFF'S MOTIONS TO VACATE ARBITRATOR'S AWARD OF DENIAL OF PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT AND FOR THE COURT TO DECIDE AND GRANT PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT
PARTY SUBMITTING: THOMAS BRADLEY ESQ
DATE SUBMITTED: 5-22-19
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:
- 194 5/22/2019 - 3860 - Request for Submission
Additional Text: REQUEST FOR SUBMISSION - Transaction 7283638 - Approved By: YVILORIA : 05-22-2019:15:38:07
DOCUMENT TITLE: PLAINTIFF'S MOTION TO VACATE ARBITRATOR'S AWARD OF ATTORNEY'S FEES AND REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANTS' PETITION FOR AN ORDER CONFIRMING ARBITRATOR'S FINAL AWARD AND REDUCE AWARD TO JUDGMENT, INCLUDING ATTORNEY'S FEES AND COSTS
PARTY SUBMITTING: THOMAS BRADLEY ESQ
DATE SUBMITTED: 5-22-19
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:
- 195 5/22/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7283829 - Approved By: NOREVIEW : 05-22-2019:15:33:33
- 196 5/22/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7283864 - Approved By: NOREVIEW : 05-22-2019:15:39:08
- 197 5/22/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7283944 - Approved By: NOREVIEW : 05-22-2019:15:48:47

- 198 5/28/2019 - 2650 - Opposition to ...
Additional Text: PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR AN ORDER TO FILE EXHIBIT AS CONFIDENTIAL - Transaction 7290594 - Approved By: YVILORIA : 05-28-2019:15:25:59
- 199 5/28/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7290992 - Approved By: NOREVIEW : 05-28-2019:15:26:58
- 200 6/3/2019 - 3790 - Reply to/in Opposition
Additional Text: REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR AN ORDER TO FILE EXHIBIT AS CONFIDENTIAL - Transaction 7299930 - Approved By: YVILORIA : 06-03-2019:11:41:01
- 201 6/3/2019 - 3790 - Reply to/in Opposition
Additional Text: REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR AN ORDER TO FILE EXHIBIT AS CONFIDENTIAL - Transaction 7299943 - Approved By: YVILORIA : 06-03-2019:11:44:03
- 202 6/3/2019 - 3860 - Request for Submission
Additional Text: REQUEST FOR SUBMISSION - Transaction 7299943 - Approved By: YVILORIA : 06-03-2019:11:44:03
DOCUMENT TITLE: DEFENDANTS' MOTION FOR AN ORDER TO FILE EXHIBIT AS CONFIDENTIAL FILED 5-16-19, PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR AN ORDER TO FILE EXHIBIT AS CONFIDENTIAL, FILED 5-28-19; DEFENDANT'S REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR AN ORDER TO FILE EXHIBIT AS CONFIDENTIAL FILED 6-3-19
PARTY SUBMITTING: THOMAS BRADLEY ESQ
DATE SUBMITTED: 6-3-19
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:
- 203 6/3/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7300121 - Approved By: NOREVIEW : 06-03-2019:11:43:39
- 204 6/3/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7300132 - Approved By: NOREVIEW : 06-03-2019:11:45:05
- 205 6/14/2019 - 4050 - Stipulation ...
Additional Text: DFX: CASE NUMBER ON DOCUMENT DOES NOT MATCH CASE FILING INTO.STIPULATION AND ORDER TO PERMIT TJ JESKY TO RESIGN AS CO-DERIVATIVE PLAINTIFF - Transaction 7321429 - Approved By: SWOLFE : 06-14-2019:10:33:03
- 206 6/14/2019 - 3860 - Request for Submission
Additional Text: DFX: CASE NUMBER ON DOCUMENT DOES NOT MATCH CASE FILING INTO. NO S1 BUILT - Transaction 7321429 - Approved By: SWOLFE : 06-14-2019:10:33:03
- 207 6/14/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7321673 - Approved By: NOREVIEW : 06-14-2019:10:36:10
- 208 8/8/2019 - 2682 - Ord Addressing Motions
Additional Text: Transaction 7418877 - Approved By: NOREVIEW : 08-08-2019:11:55:15
- 209 8/8/2019 - S200 - Request for Submission Complet
Additional Text: ORDER
- 210 8/8/2019 - S200 - Request for Submission Complet
Additional Text: ORDER
- 211 8/8/2019 - S200 - Request for Submission Complet
Additional Text: ORDER
- 212 8/8/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7418884 - Approved By: NOREVIEW : 08-08-2019:11:56:22
- 213 8/8/2019 - S200 - Request for Submission Complet
Additional Text: ORDER

- 214 8/8/2019 - S200 - Request for Submission Complet
Additional Text: ORDER
- 215 8/8/2019 - 2540 - Notice of Entry of Ord
Additional Text: Transaction 7419104 - Approved By: NOREVIEW : 08-08-2019:13:05:29
- 216 8/8/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7419107 - Approved By: NOREVIEW : 08-08-2019:13:06:24
- 217 8/8/2019 - 2010 - Mtn for Attorney's Fee
Additional Text: Transaction 7419708 - Approved By: NOREVIEW : 08-08-2019:15:24:18
- 218 8/8/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7419720 - Approved By: NOREVIEW : 08-08-2019:15:25:50
- 219 8/16/2019 - 4047 - Stip Extension of Time ...
Additional Text: NOTICE ATTACHED - NOTICE OF STRICKEN DOCUMENT FILED AUGUST 16, 2019 STRIKING THE STIPULATION FOR THE FOLLOWING REASON: DOCUMENT IS AN UNSIGNED ORDER THAT IS NOT IDENTIFIED AS A PROPOSED ORDER – WDCR 10(c)(1)

Transaction 7433073 - Approved By: NOREVIEW : 08-16-2019:12:26:10
- 220 8/16/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7433078 - Approved By: NOREVIEW : 08-16-2019:12:27:07
- 221 8/21/2019 - 4050 - Stipulation ...
Additional Text: Transaction 7441955 - Approved By: NOREVIEW : 08-21-2019:12:17:09
- 222 8/21/2019 - 3860 - Request for Submission
Additional Text: Transaction 7441955 - Approved By: NOREVIEW : 08-21-2019:12:17:09
DOCUMENT TITLE: STIPULATION (ORDER ATTACHED AS EXHIBIT 1)
PARTY SUBMITTING: THOMAS BRADLEY, ESQ
DATE SUBMITTED: AUGUST 21, 2019
SUBMITTED BY: BBLOUGH
DATE RECEIVED JUDGE OFFICE:
- 223 8/21/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7441965 - Approved By: NOREVIEW : 08-21-2019:12:20:17
- 224 8/27/2019 - S200 - Request for Submission Complet
No additional text exists for this entry.
- 225 8/27/2019 - 3370 - Order ...
Additional Text: Transaction 7453486 - Approved By: NOREVIEW : 08-27-2019:16:20:47
- 226 8/27/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7453491 - Approved By: NOREVIEW : 08-27-2019:16:21:51
- 227 9/5/2019 - 2250 - Mtn Alter or Amend Judgment
Additional Text: PLAINTIFF'S MOTION TO ALTER OR AMEND ORDER RE MOTIONS ENTERED AUGUST 8, 2019 - Transaction 7468273 - Approved By: YVILORIA : 09-05-2019:13:30:34
- 228 9/5/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7468379 - Approved By: NOREVIEW : 09-05-2019:13:31:33
- 229 9/12/2019 - 2645 - Opposition to Mtn ...
Additional Text: OPPOSITION TO PLAINTIFF'S MOTION TO ALTER OR AMEND "ORDER RE MOTIONS" ENTERED AUGUST 8, 2019 - Transaction 7480788 - Approved By: CSULEZIC : 09-12-2019:11:23:38

- 230 9/12/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7480894 - Approved By: NOREVIEW : 09-12-2019:11:24:45
- 231 9/24/2019 - 3795 - Reply...
Additional Text: PLAINTIFF'S REPLY POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO ALTER OR AMEND "ORDER RE MOTIONS" ENTERED ON AUGUST 8, 2019 - Transaction 7502292 - Approved By: YVILORIA : 09-25-2019:09:12:30
- 232 9/25/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7502532 - Approved By: NOREVIEW : 09-25-2019:09:13:29
- 233 9/25/2019 - 3860 - Request for Submission
Additional Text: Transaction 7503018 - Approved By: NOREVIEW : 09-25-2019:10:46:52
DOCUMENT TITLE: PLAINTIFF'S MOTION TO ALTER OR AMEND ORDER RE MOTION ENTERED 8/8/19
PARTY SUBMITTING: THOMAS C BRADLEY, ESQ ATTY FOR DEFTS
DATE SUBMITTED: 9/25/19
SUBMITTED BY: MDIONICI
DATE RECEIVED JUDGE OFFICE:
- 234 9/25/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7503031 - Approved By: NOREVIEW : 09-25-2019:10:48:26
- 235 12/6/2019 - 2842 - Ord Denying Motion
Additional Text: TO ALTER OR AMEND JUDGMENT - Transaction 7625279 - Approved By: NOREVIEW : 12-06-2019:15:46:55
- 236 12/6/2019 - S200 - Request for Submission Complet
Additional Text: ORDER
- 237 12/6/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7625333 - Approved By: NOREVIEW : 12-06-2019:15:53:58
- 238 12/9/2019 - 2540 - Notice of Entry of Ord
Additional Text: Transaction 7626059 - Approved By: NOREVIEW : 12-09-2019:08:52:26
- 239 12/9/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7626060 - Approved By: NOREVIEW : 12-09-2019:08:53:20
- 240 12/9/2019 - 1120 - Amended ...
Additional Text: DEFENDANTS' AMENDED MOTION FOR ATTORNEY'S FEES - Transaction 7627206 - Approved By: NOREVIEW : 12-09-2019:13:29:47
- 241 12/9/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7627212 - Approved By: NOREVIEW : 12-09-2019:13:30:49
- 242 12/23/2019 - 3860 - Request for Submission
Additional Text: Transaction 7652277 - Approved By: NOREVIEW : 12-23-2019:11:17:11
DOCUMENT TITLE: DEFT'S AMENDED MOTION FOR ATTORNEY'S FEES FIELD 12-9-19
PARTY SUBMITTING: THOMAS BRADLEY ESQ
DATE SUBMITTED: 12-23-19
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:
- 243 12/23/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7652284 - Approved By: NOREVIEW : 12-23-2019:11:18:22
- 244 1/7/2020 - 1310 - Case Appeal Statement
Additional Text: CASE APPEAL STATEMENT - Transaction 7671937 - Approved By: NOREVIEW : 01-07-2020:12:57:30

- 245 1/7/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7671944 - Approved By: NOREVIEW : 01-07-2020:12:58:46
- 246 1/7/2020 - 2515 - Notice of Appeal Supreme Court
Additional Text: NOTICE OF APPEAL - Transaction 7671827 - Approved By: YVILORIA : 01-07-2020:13:12:13
- 247 1/7/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7671994 - Approved By: NOREVIEW : 01-07-2020:13:13:14
- 248 1/7/2020 - \$2515 - \$Notice/Appeal Supreme Court
Additional Text: APPEAL PREVIOUSLY FILED
- 249 1/7/2020 - PAYRC - **Payment Receipted
Additional Text: A Payment of -\$24.00 was made on receipt DCDC652663.
- 250 1/7/2020 - SAB - **Supreme Court Appeal Bond
Additional Text: Bond ID: SAB-20-00002; Total Bond Amount: \$500.00.

Bond Code, SAB, Receipted for: SITE DEFINED TRUST DEPOSIT, on 07-JAN-2020 in the amount of \$500.00 on case ID CV12-01271.
- 251 1/7/2020 - 1350 - Certificate of Clerk
Additional Text: CERTIFICIATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 7673097 - Approved By: NOREVIEW : 01-07-2020:16:28:05
- 252 1/7/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7673113 - Approved By: NOREVIEW : 01-07-2020:16:30:00
- 253 1/10/2020 - 1187 - **Supreme Court Case No. ...
Additional Text: SUPREME COURT NO. 80376 - GARMONG
- 254 1/13/2020 - 1188 - Supreme Court Receipt for Doc
Additional Text: SUPREME COURT NO. 80376 / RECEIPT FOR DOCUMENTS - Transaction 7682254 - Approved By: NOREVIEW : 01-13-2020:13:48:08
- 255 1/13/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7682268 - Approved By: NOREVIEW : 01-13-2020:13:50:07
- 256 3/9/2020 - 3370 - Order ...
Additional Text: HOLDING ISSUANCE OF ORDER ON DEFENDANTS' AMENDED MOTION FOR ATTORNEY'S FEES IN ABEYANCE - Transaction 7782911 - Approved By: NOREVIEW : 03-09-2020:15:59:23
- 257 3/9/2020 - S200 - Request for Submission Complet
Additional Text: ORDER
- 258 3/9/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7782920 - Approved By: NOREVIEW : 03-09-2020:16:00:42
- 259 9/22/2020 - 4133 - Supreme Court Notice
Additional Text: SUPREME COURT NO. 80376 / NOTICE OF TRANSFER TO COURT OF APPEALS - Transaction 8078836 - Approved By: NOREVIEW : 09-22-2020:09:07:49
- 260 9/22/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 8078841 - Approved By: NOREVIEW : 09-22-2020:09:08:45
- 261 12/8/2020 - 4134 - Supreme Court Order Affirming
Additional Text: SUPREME COURT NO. 80376 / ORDER OF AFFIRMANCE - Transaction 8193721 - Approved By: NOREVIEW : 12-08-2020:09:03:56

- 262 12/8/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 8193724 - Approved By: NOREVIEW : 12-08-2020:09:04:44
- 263 2/18/2021 - 1120 - Amended ...
Additional Text: DEFENDANTS SECOND AMENDED MOTION FOR ATTORNEY FEES - Transaction 8300593 - Approved By: NOREVIEW : 02-18-2021:10:05:38
- 264 2/18/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8300595 - Approved By: NOREVIEW : 02-18-2021:10:06:34
- 265 2/22/2021 - 4128 - Supreme Court Order Denying
Additional Text: SUPREME COURT NO. 80376 / ORDER DENYING REHEARING - Transaction 8306529 - Approved By: NOREVIEW : 02-22-2021:14:58:51
- 266 2/22/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8306531 - Approved By: NOREVIEW : 02-22-2021:14:59:50
- 267 3/1/2021 - 4047 - Stip Extension of Time ...
Additional Text: for Plaintiff to Oppose the Defendant's 2nd Amended Motion for Attorney's Fees - Transaction 8317488 - Approved By: NOREVIEW : 03-01-2021:07:56:07
- 268 3/1/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8317491 - Approved By: NOREVIEW : 03-01-2021:07:57:07
- 269 3/1/2021 - 2777 - Ord Approving ...
Additional Text: STIPULATION - Transaction 8319278 - Approved By: NOREVIEW : 03-01-2021:16:16:24
- 270 3/1/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8319288 - Approved By: NOREVIEW : 03-01-2021:16:17:56
- 271 4/8/2021 - 4128 - Supreme Court Order Denying
Additional Text: SUPREME COURT NO. 80376 / ORDER DENYING PETITION FOR REVIEW - Transaction 8385870 - Approved By: NOREVIEW : 04-08-2021:14:59:13
- 272 4/8/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8385885 - Approved By: NOREVIEW : 04-08-2021:15:00:42
- 273 4/21/2021 - 3860 - Request for Submission
Additional Text: Transaction 8405365 - Approved By: NOREVIEW : 04-21-2021:10:28:03
DOCUMENT TITLE: Second Amended Motion for Attorney's Fees
PARTY SUBMITTING: THOMAS BRADLEY, ESQ.
DATE SUBMITTED: 4/21/21
SUBMITTED BY: NM
DATE RECEIVED JUDGE OFFICE:
- 274 4/21/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8405376 - Approved By: NOREVIEW : 04-21-2021:10:29:01
- 275 4/26/2021 - 2475 - Mtn to Strike...
Additional Text: MOTION TO STRIKE DECLARATION OF THOMAS C. BRADLEY IN SUPPORT OF SECOND AMENDED MOTION FOR ATTORNEY'S FEES AND COSTS - Transaction 8411659 - Approved By: CSULEZIC : 04-26-2021:10:09:59
- 276 4/26/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8411682 - Approved By: NOREVIEW : 04-26-2021:10:11:56
- 277 4/27/2021 - 2075 - Mtn for Extension of Time
Additional Text: MOTION FOR EXTENSION OF TIME TO FILE OPPOSITION TO DEFENDANTS' SECOND AMENDED MOTION FOR ATTORNEY'S FEES AND COSTS; OPPOSITION POINTS AND AUTHORITIES - Transaction 8415145 - Approved By: YVILORIA : 04-27-2021:13:26:14

- 278 4/27/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8415343 - Approved By: NOREVIEW : 04-27-2021:13:28:53
- 279 5/5/2021 - 2645 - Opposition to Mtn ...
Additional Text: DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO STRIKE - Transaction 8428321 - Approved By: CSULEZIC : 05-05-2021:09:40:48
- 280 5/5/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8428490 - Approved By: NOREVIEW : 05-05-2021:09:41:51
- 281 5/6/2021 - 2645 - Opposition to Mtn ...
Additional Text: DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION FOR EXTENSION OF TIME - Transaction 8431203 - Approved By: CSULEZIC : 05-06-2021:11:37:33
- 282 5/6/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8431221 - Approved By: NOREVIEW : 05-06-2021:11:38:30
- 283 5/12/2021 - 3860 - Request for Submission
Additional Text: Transaction 8440366 - Approved By: NOREVIEW : 05-12-2021:10:00:39
DOCUMENT TITLE: MOTION FOR EXTENSION OF TIME TO FILE OPPOSITION TO DEFT'S SECOND AMENDED MOTION FOR ATTORNEY'S FEES AND COSTS
PARTY SUBMITTING: THOMAS BRADLEY ESQ
DATE SUBMITTED: 5/12/2021
SUBMITTED BY: CS
DATE RECEIVED JUDGE OFFICE:
- 284 5/12/2021 - 3860 - Request for Submission
Additional Text: Transaction 8440366 - Approved By: NOREVIEW : 05-12-2021:10:00:39
DOCUMENT TITLE: MOTION TO STRIKE DECLARATION OF THOMAS C. BRADLEY IN SUPPORT OF SECOND AMENDED MOTION FOR ATTORNEY'S FEES AND COSTS FILED 4/26/2021
PARTY SUBMITTING: THOMAS BRADLEY ESQ
DATE SUBMITTED: 5/12/2021
SUBMITTED BY: CS
DATE RECEIVED JUDGE OFFICE:
- 285 5/12/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8440370 - Approved By: NOREVIEW : 05-12-2021:10:01:42
- 286 5/12/2021 - 3795 - Reply...
Additional Text: REPLY TO DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION TO STRIKE - Transaction 8440748 - Approved By: YVILORIA : 05-12-2021:11:40:22
- 287 5/12/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8440811 - Approved By: NOREVIEW : 05-12-2021:11:41:13
- 288 5/12/2021 - 3860 - Request for Submission
Additional Text: of Plaintiff's Motion to Strike the Declaration of Thomas C. Bradley - Transaction 8440834 - Approved By: NOREVIEW : 05-12-2021:11:45:28
DOCUMENT TITLE: MOTION TO STRIKE THE DECLARATION OF THOMAS C. BRADLEY IN SUPPORT OF SECOND AMENDED MOTION FOR ATTORNEY'S FEES AND COSTS FILED 4/26/2021
PARTY SUBMITTING: CARL HEBERT ESQ
DATE SUBMITTED: 5/12/2021
SUBMITTED BY:
DATE RECEIVED JUDGE OFFICE:
- 289 5/12/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8440841 - Approved By: NOREVIEW : 05-12-2021:11:46:26
- 290 5/13/2021 - 3795 - Reply...

Additional Text: REPLY POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR EXTENSION OF TIME AND OPPOSITION TO THE DEFENDANTS' SECOND AMENDED MOTION FOR ATTORNEY'S FEES AND COSTS - Transaction 8443074 - Approved By: YVILORIA : 05-13-2021:11:48:45

291 5/13/2021 - NEF - Proof of Electronic Service

Additional Text: Transaction 8443128 - Approved By: NOREVIEW : 05-13-2021:11:51:39

292 5/14/2021 - 4145 - Supreme Court Remittitur

Additional Text: SUPREME COURT NO. 80376 / REMITTITUR - Transaction 8445796 - Approved By: NOREVIEW : 05-14-2021:13:52:17

293 5/14/2021 - 4111 - Supreme Ct Clk's Cert & Judg

Additional Text: SUPREME COURT NO. 80376 / CLERK'S CERTIFICATE & JUDGMENTS - Transaction 8445796 - Approved By: NOREVIEW : 05-14-2021:13:52:17

294 5/14/2021 - NEF - Proof of Electronic Service

Additional Text: Transaction 8445802 - Approved By: NOREVIEW : 05-14-2021:13:53:21

295 5/17/2021 - S200 - Request for Submission Complet

Additional Text: duplicate submission

296 6/11/2021 - 2842 - Ord Denying Motion

Additional Text: FOR EXTENSION OF TIME TO FILE OPPOSITION TO DEFENDANTS' SECOND AMENDED MOTION FOR ATTORNEY'S FEES AND COSTS - Transaction 8491419 - Approved By: NOREVIEW : 06-11-2021:11:26:14

297 6/11/2021 - NEF - Proof of Electronic Service

Additional Text: Transaction 8491423 - Approved By: NOREVIEW : 06-11-2021:11:27:14

298 6/11/2021 - S200 - Request for Submission Complet

Additional Text: ORDER

299 6/14/2021 - 2540 - Notice of Entry of Ord

Additional Text: Transaction 8493315 - Approved By: NOREVIEW : 06-14-2021:10:31:57

300 6/14/2021 - NEF - Proof of Electronic Service

Additional Text: Transaction 8493319 - Approved By: NOREVIEW : 06-14-2021:10:32:55

301 6/15/2021 - 2980 - Ord Return of Appeal Bond

Additional Text: Transaction 8495043 - Approved By: NOREVIEW : 06-15-2021:05:53:29

302 6/15/2021 - NEF - Proof of Electronic Service

Additional Text: Transaction 8495044 - Approved By: NOREVIEW : 06-15-2021:05:54:27

303 6/23/2021 - CHECK - **Trust Disbursement

Additional Text: A Disbursement of \$500.00 on Check Number 12688

304 7/7/2021 - 2842 - Ord Denying Motion

Additional Text: to Strike Declaration of Thomas C. Bradley - Transaction 8531218 - Approved By: NOREVIEW : 07-07-2021:14:00:39

305 7/7/2021 - S200 - Request for Submission Complet

Additional Text: ORDER DENYING MOTION TO STRIKE FILED 7 JUL 2021

306 7/7/2021 - NEF - Proof of Electronic Service

Additional Text: Transaction 8531225 - Approved By: NOREVIEW : 07-07-2021:14:01:38

307 7/8/2021 - 2540 - Notice of Entry of Ord

Additional Text: Transaction 8532828 - Approved By: NOREVIEW : 07-08-2021:11:05:19

- 308 7/8/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8532831 - Approved By: NOREVIEW : 07-08-2021:11:06:19
- 309 7/12/2021 - 3105 - Ord Granting ...
Additional Text: Defendants' Second Amended Motion for Attorney's Fees; Order Confirming Arbitrator's Final Award - Transaction 8537770 - Approved By: NOREVIEW : 07-12-2021:11:53:23
- 310 7/12/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8537775 - Approved By: NOREVIEW : 07-12-2021:11:54:23
- 311 7/12/2021 - S200 - Request for Submission Complet
Additional Text: ORDER FILED 12 JUL 2021
- 312 7/14/2021 - 3860 - Request for Submission
Additional Text: Transaction 8542575 - Approved By: NOREVIEW : 07-14-2021:11:02:22
DOCUMENT TITLE: PROPOSED FINAL JUDGMENT (ORDER PROVIDED)
PARTY SUBMITTING: THOMAS BRADLEY ESQ
DATE SUBMITTED: 7/14/2021
SUBMITTED BY: CS
DATE RECEIVED JUDGE OFFICE:
- 313 7/14/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8542578 - Approved By: NOREVIEW : 07-14-2021:11:03:22
- 314 7/16/2021 - 1880 - Judgment
Additional Text: Transaction 8547189 - Approved By: NOREVIEW : 07-16-2021:11:02:31
- 315 7/16/2021 - S200 - Request for Submission Complet
Additional Text: FINAL JUDGMENT 16 JUL 2021
- 316 7/16/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8547194 - Approved By: NOREVIEW : 07-16-2021:11:03:36
- 317 7/16/2021 - F230 - Other Manner of Disposition
No additional text exists for this entry.
- 318 7/16/2021 - 2535 - Notice of Entry of Judgment
Additional Text: Transaction 8547449 - Approved By: NOREVIEW : 07-16-2021:12:11:05
- 319 7/16/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8547458 - Approved By: NOREVIEW : 07-16-2021:12:12:28
- 320 8/10/2021 - \$2515 - \$Notice/Appeal Supreme Court
Additional Text: Transaction 8588503 - Approved By: YVILORIA : 08-10-2021:15:52:03
- 321 8/10/2021 - PAYRC - **Payment Receipted
Additional Text: A Payment of \$24.00 was made on receipt DCD678186.
- 322 8/10/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8588528 - Approved By: NOREVIEW : 08-10-2021:15:53:02
- 323 8/10/2021 - 1310 - Case Appeal Statement
Additional Text: Transaction 8588621 - Approved By: NOREVIEW : 08-10-2021:16:11:06
- 324 8/10/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8588635 - Approved By: NOREVIEW : 08-10-2021:16:14:10

325 8/10/2021 - SAB - **Supreme Court Appeal Bond

Additional Text: GREGORY GARMONG - Transaction 8588693 - Approved By: YVILORIA : 08-11-2021:07:59:43

326 8/11/2021 - PAYRC - **Payment Receipted

Additional Text: A Payment of \$500.00 was made on receipt DCDC678191.

327 8/11/2021 - NEF - Proof of Electronic Service

Additional Text: Transaction 8589085 - Approved By: NOREVIEW : 08-11-2021:08:00:45

328 8/11/2021 - 1350 - Certificate of Clerk

Additional Text: CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 8589210 - Approved By: NOREVIEW : 08-11-2021:08:47:30

329 8/11/2021 - 4113 - District Ct Deficiency Notice

Additional Text: NOTICE OF APPEAL DEFICIENCY NOTICE - SUPREME COURT FILING FEE - Transaction 8589210 - Approved By: NOREVIEW : 08-11-2021:08:47:30

1 CODE NO. 3370
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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
8

9 GREGORY O. GARMONG,

Case No. CV12-01271

10 Plaintiff,

Dept. No. 6

11 vs.

12 WESPAC; GREG CHRISTIAN; DOES 1-10,
13 inclusive,

14 Defendants.
15 _____/

16 **ORDER DENYING MOTION FOR EXTENSION OF TIME TO FILE OPPOSITION TO**
17 **DEFENDANTS' SECOND AMENDED MOTION FOR ATTORNEY'S FEES AND COSTS**

18 Before this Court is a *Motion for Extension of Time to File Opposition to Defendants'*
19 *Second Amended Motion for Attorney's Fees and Costs; Opposition Points and Authorities*
20 *("Motion")* filed by Plaintiff GREGORY O. GARMONG ("Mr. Garmong"), by and through his
21 attorney of record, Carl M. Herbert, Esq.
22

23 Defendants WESPAC and GREG CHRISTIAN (collectively "Defendants" unless
24 individually referenced) filed the *Defendants' Opposition to Plaintiff's Motion for Extension of*
25 *Time ("Opposition")* by and through their attorney of record, Thomas C. Bradley, Esq.
26

27 //

28 //

1 Mr. Garmong filed the *Reply Points and Authorities in Support of Motion for*
2 *Extension of Time and Opposition to the Defendants' Second Amended Motion for*
3 *Attorney's Fees and Costs ("Reply")* and the matter was thereafter submitted to the Court for
4 consideration.¹

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6 **I. PROCEDURAL BACKGROUND.**

7 This is an action for breach of a financial management agreement and carries with it
8 a robust procedural history. Mr. Garmong filed his *Complaint* on May 9, 2012, alleging the
9 following claims for relief:

- 10 1) Breach of Contract;
- 11 2) Breach of Nevada Deceptive Trade Practices Act;
- 12 3) Breach of Implied Covenant of Good Faith and Fair Dealing;
- 13 4) Unjust Enrichment;
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- 15 6) Malpractice; and
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20 *Arbitration*. On December 13, 2012, the Court entered its *Order* granting Defendants'
21 request to compel arbitration but denying the motion to dismiss. Mr. Garmong then filed his
22 *Combined Motions for Leave to Rehear and for Rehearing of the Order of December 13,*
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27 ¹ Also currently pending before the Court is Defendants' *Second Amended Motion for Attorney's*
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1 until January 13, 2014, when the Court entered its *Order to Proceed*. Mr. Garmong filed his
2 reply on February 3, 2014. The *Reconsider Motion* was denied on April 2, 2014.

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4 18, 2014, the Nevada Supreme Court entered its *Order Denying Petition for Writ of*
5 *Mandamus or Prohibition*. The Supreme Court next entered its *Order Denying Rehearing*
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9 After the Nevada Supreme Court's orders were entered, this Court again entered an
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11 November 17, 2015. In response, the parties indicated they had initiated an arbitration
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21 After it was determined Mr. Ornstil was unavailable, Mr. Garmong stipulated to the
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25 On November 13, 2017, this Court entered its *Order Granting Motion to Strike*, which
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12 Garmong and Defendants were ordered numerous times to participate in arbitration as early
13 as December 13, 2012.” The Court found the file did not contain any evidence the parties
14 had proceeded to arbitration as ordered. *OSC Order*, p. 4. Accordingly, the Court ordered
15 the parties to show cause why the action should not be dismissed for want of prosecution
16 and required each party to file one responsive brief. *OSC Order*, p. 4.

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18 In the responsive briefs, the parties state they attended their first arbitration
19 conference in April 2017. The Court acknowledged sufficient cause was shown in the *Order*
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22 On July 22, 2018, without asking for leave of Court to lift the stay, Mr. Garmong filed
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25 its *Order Denying Plaintiff's Motion to Disqualify Arbitrator Pro; Order Denying Motion to*
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27 *New Arbitrator* (“*Arbitrator Order*”) on November 11, 2019.
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1 Defendants thereafter filed *Defendants' Motion for Limited Relief From Stay to File*
2 *Motion for Attorney's Fees and Sanctions* ("Motion for Sanctions") requesting limited relief
3 from this Court's order staying the proceeding pending the outcome of arbitration. While the
4 *Motion for Sanctions* was under consideration, Defendants filed their *Notice of Completion*
5 *of Arbitration Hearing* on October 22, 2018. The Court found, with completion of the
6 arbitration, Defendants' *Motion for Sanctions* was moot. Additionally, the Court took notice
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15 law because Mr. Garmong did not establish his claims by a preponderance of the evidence.
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17 See Final Award, p. 8-9. Furthermore, after weighing the necessary factors required by
18 Brunzell v. Golden Gate National Bank, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969), Judge
19 Pro found Defendants were entitled to an award of reasonable attorneys' fees in the total
20 sum of \$111,649.96. *Final Award*, p. 11.
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22 After the *Final Award*, the litigation proceeded with several filings. On August 8,
23 2019, this Court entered its *Order Re Motions* ("ORM"): (1) granting *Defendants' Petition for*
24 *an Order Confirming Arbitrator's Final Award and Reducing Award to Judgment, Including,*
25 *Attorneys' Fees and Costs*; (2) denying *Plaintiff's Motion to Vacate Arbitrator's Final Award*;
26 (3) denying *Plaintiff's Motion to Vacate Arbitrator's Award of Attorneys' Fees*; (4) denying
27 *Plaintiff's Motions to Vacate Arbitrator's Award of Denial of Plaintiff's Motion for Partial*
28

1 *Summary Judgment and for the Court to Decide and Grant Plaintiff's Motion for Partial*
2 *Summary Judgment ("Motion to Vacate MSJ Decision"); and, (5) granting Defendants'*
3 *Motion for an Order to File Exhibit as Confidential. ORM, p. 15-16.*

4
5 On August 27, 2019, this Court entered its *Order* directing: (1) WESPAC to file an
6 *Amended Motion for the Award of Attorneys' Fees*; (2) allowing Mr. Garmong the standard
7 response time to file and serve his opposition to Defendants' *Amended Motion for the*
8 *Award of Attorneys' Fees*; and, (3) providing WESPAC would not be required to file a
9 *Proposed Final Judgment* until ten (10) days following this Court's ruling on WESPAC's
10 *Amended Motion for the Award of Attorneys' Fees. Order, p. 1.*

11
12 On December 6, 2019, this Court entered its *Order Denying Motion to Alter or Amend*
13 *Judgment ("AA Order")* maintaining its prior rulings within the *ORM*. On January 7, 2020,
14 Mr. Garmong filed his *Notice of Appeal* to the Nevada Supreme Court regarding this Court's
15 *Arbitrator Order, ORM, and AA Order.*

16
17 On December 9, 2019, the *Defendants' Amended Motion for Attorney's Fees* was
18 filed. Mr. Garmong filed his *Notice of Appeal* on January 7, 2020, and the Court entered the
19 *Order Holding Issuance of Order on Defendants' Amended Motion for Attorney's Fees in*
20 *Abeyance.* On December 1, 2020, the Nevada Supreme Court issued its *Order of*
21 *Affirmance* upholding this Court's judgment in its entirety and noting Defendants may seek
22 amended fees pursuant to the fee shifting provision in NRCP 68 that extends to fees
23 incurred on and after appeal.

24
25 On February 18, 2021, Defendants filed the *Defendants' Second Amended Motion*
26 *for Attorney's Fees.* On February 22, 2021, the Nevada Supreme Court entered its *Order*
27 *Denying Rehearing* pursuant to NRAP 40(c). Next, the parties entered into a stipulation to
28

1 extending the time for Mr. Garmong to file an opposition to the *Defendants' Second*
2 *Amended Motion for Attorney's Fees*. The stipulation is memorialized in the *Order*
3 *Extending Time for Plaintiff to File Points and Authorities in Opposition to the Defendants'*
4 *Second Amended Motion for Fees* entered by the Court on March 1, 2021 and allows Mr.
5 Garmong ten calendar days after the Nevada Supreme Court acts on Mr. Garmong's
6 petition for review of the *Order of Affirmance*. On April 6, 2021, the Nevada Supreme Court
7 entered the *Order Denying Petition for Review*. On April 21, 2021, Mr. Bradley, counsel for
8 Defendants, filed a *Request for Submission* for *Defendants' Second Amended Motion for*
9 *Attorney's Fees*.

12 On April 26, 2021, Mr. Garmong filed his *Motion to Strike Declaration of Thomas C.*
13 *Bradley in Support of Second Amended Motion for Attorney's Fees and Costs* ("*Motion to*
14 *Strike*"). On April 27, 2021, Mr. Garmong filed the instant *Motion*.

16 In the *Motion*, Mr. Garmong states the deadline for him to file his opposition was April
17 16, 2021, and counsel overlooked deadline. *Motion*, p. 2. Mr. Garmong notes counsel has
18 worked together on extensions of time and have liberally granted extensions, however,
19 when counsel for Defendants noticed Mr. Garmong had not filed an opposition, he
20 submitted the *Defendants' Second Amended Motion for Attorney's Fees* instead of reaching
21 out to counsel pursuant to Rule of Professional Conduct ("RPC") Rule 3.5A. *Motion*, p. 3.
22 Mr. Garmong likens the situation to Defendants seeking a default against Mr. Garmong. *Id.*
23 Mr. Garmong argues there is a preference to decide cases on the merits and then
24 addresses the merits of the *Defendants' Second Amended Motion for Attorney's Fees* and
25 Mr. Garmong's *Motion to Strike*. *Motion*, p. 4.

1 In the *Opposition*, Defendants note District Court Rule 13(3) carries no requirement
2 that counsel remind the opposing party of their duty to timely file an opposition. *Opposition*,
3 p. 2. Defendants state Mr. Garmong's reliance on RPC 3.5A is misplaced because Rule
4 3.5A applies when counsel seeks entry of a default or complete dismissal of an action and
5 does not relate to a litigant's responsibility to timely file a pleading. *Id.* Defendant likewise
6 argues the merits of the *Defendants' Second Amended Motion for Attorney's Fees* and the
7 *Motion to Strike*.³ *Opposition*, pp. 2-4. Defendants next contend Mr. Garmong is a
8 vexatious litigant who has filed frivolous, unsuccessful cases against multiple defendants
9 and therefore Mr. Garmong is not entitled to an extension of time. *Opposition*, p. 4.
10
11

12 In the *Reply*, Mr. Garmong notes Defendants filed a *Request for Submission* for the
13 instant *Motion*, however, the Defendants' *Request for Submission* was premature because
14 DCR 13(4) was amended and allowed seven days for a reply brief to be filed. *Reply*, p. 2.
15 Mr. Garmong maintains there will be no prejudice to Defendants if he is granted a short
16 extension of time as the *Motion* has effectively been pending since August 8, 2019. *Reply*,
17 p. 3. Mr. Garmong denies he is a vexatious and notes he has never been declared a
18 vexatious litigant by any court, nor has this Court sanctioned Mr. Garmong for bad faith
19 litigation. *Reply*, pp. 6-7.
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28 ³ Pursuant to Washoe District Court Rule 10(3)(a), "[a]ny motion, opposition, reply, etc., must be filed as a separate document unless it is pleaded in the alternative." Mr. Garmong does not plead in the alternative and the Court declines to consider these matters here as each will be decided on the merits in their respective orders.

1 **II. APPLICABLE LAW AND ANALYSIS.**

2 Nevada Rules of Civil Procedure Rule 6 governs extending time and states, in
3 pertinent part:
4

5 (1) In General. When an act may or must be done within a specified
6 time:

7 (A) the parties may obtain an extension of time by stipulation if approved
8 by the court, provided that the stipulation is submitted to the court before
9 the original time or its extension expires; or

10 (B) the court may, for good cause, extend the time:

11 (i) with or without motion or notice if the court acts, or if a request is
12 made, before the original time or its extension expires; or

13 (ii) on motion made after the time has expired if the party failed to act
14 because of excusable neglect.

15 (2) Exceptions. A court must not extend the time to act under Rules
16 50(b) and (d), 52(b), 59(b), (d), and (e), and 60(c)(1), and must not
17 extend the time after it has expired under Rule 54(d)(2).

18 NRCP 6(b)(1)-(2). In Huckabay Props. V. NC Auto Parts, 130 Nev. 196, 198, 322 P.3d 429,
19 430 (2014), the Nevada Supreme Court explained the policy of deciding cases on the merits
20 “is not absolute and must be balanced against countervailing policy considerations.” These
21 considerations include “the public’s interest in expeditious resolution of appeals, the parties’
22 interests in bringing litigation to a final and stable judgment, prejudice to the opposing side,
23 ad judicial administrations concerns, such as the court’s need to manage its sizeable and
24 growing docket.” Id., 130 Nev. at 198, 322 P.3d at 430-31.

25 The Court does not find good cause exists to extend the deadline for Mr. Garmong to
26 file an opposition in light of the policy considerations discussed in Huckabay Props. Mr.
27 Garmong has received an adverse judgment through arbitration which has been reviewed
28 by the Nevada Supreme Court and affirmed in its entirety; the petition for rehearing was
denied; and, Mr. Garmong’s petition for review was denied. See Order of Affirmance, p. 10.
As Huckabay Props describes, there is a strong public interest in resolving cases

1 expeditiously and this case has languished for over nine years. The parties' interests in
2 reaching a stable and final judgment are high as the parties have undoubtedly lost time at
3 great expense over the past nine years and allowing further litigation of attorney's fees after
4 the arbitrator's award has been confirmed only extends that time and expense for both
5 parties.
6

7 Defendants would suffer prejudice as they would have to again incur costs to file a
8 reply to Mr. Garmong's opposition and may have to field a motion for reconsideration. Mr.
9 Garmong missed his deadline even after the parties stipulated to allow Mr. Garmong to
10 respond after the Nevada Supreme Court acted on his petition for review, and Mr. Garmong
11 notes Defendants have been generous with extensions in the past.⁴ Nothing requires
12 Defendants to do so now at the end of litigation as RPC 3.5A applies to defaults. It is also
13 worth noting Defendants filed the *Request for Submission* five days after Mr. Garmong's
14 opposition was due, giving Mr. Garmong further time to respond. Mr. Garmong's argument
15 that Defendants would not suffer prejudice because the *Defendants' Second Amended*
16 *Motion for Attorney's Fees* has been pending since August of 2019, illustrates the point that
17 Defendants have had judgment in their favor for nearly two years and, yet, this case still has
18 not concluded. Finally, this Court has an interest in concluding this litigation and efficiently
19 manage its remaining docket.
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⁴ See Order Extending Time for Plaintiff to File Points and Authorities in Opposition to the Defendants' Second Amended Motion for Fees entered by the Court on March 1, 2021.

1 **III. ORDER.**

2 For the foregoing reasons, and good cause appearing therefor,

3 **IT IS HEREBY ORDERED** *Motion for Extension of Time to File Opposition to*
4 *Defendants' Second Amended Motion for Attorney's Fees and Costs* is DENIED.
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6 Dated this 11th day of June, 2021.

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9 DISTRICT JUDGE

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I certify that I am an employee of THE SECOND JUDICIAL DISTRICT COURT; that on the 11th day of June, 2021, I electronically filed the foregoing with the Clerk of the Court system which will send a notice of electronic filing to the following:

CARL HEBERT, ESQ.
THOMAS BRADLEY, ESQ.

And, I deposited in the County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true and correct copy of the attached document addressed as follows:

21
22
23
24
25
26
27
28

1 CODE: 2540
2 THOMAS C. BRADLEY, ESQ.
3 NV Bar. No. 1621
4 435 Marsh Avenue
5 Reno, Nevada 89509
6 Telephone: (775) 323-5178
7 Tom@TomBradleyLaw.com
8 Attorney for Defendants

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17 **NOTICE OF ENTRY OF ORDER**

18 PLEASE TAKE NOTICE that on the 11th day of June, 2021, the Court issued its Order
19 Denying Motion for Extension of Time to File Opposition to Defendants' Second Amended Motion
20 for Attorney's Fees and Costs in the above-captioned matter, a filed-stamped copy of which is
21 attached.

22 ***Affirmation:** The undersigned verifies that this document does not contain the personal*
23 *information of any person.*

24 DATED this 14th day of June, 2021.

25 /s/ Thomas C. Bradley
26 THOMAS C. BRADLEY, ESQ.
27 Attorney for Defendants
28

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24 individually referenced) filed the *Defendants' Opposition to Plaintiff's Motion for Extension of*
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22 After the *Final Award*, the litigation proceeded with several filings. On August 8,
23 2019, this Court entered its *Order Re Motions* ("ORM"): (1) granting *Defendants' Petition for*
24 *an Order Confirming Arbitrator's Final Award and Reducing Award to Judgment, Including,*
25 *Attorneys' Fees and Costs*; (2) denying *Plaintiff's Motion to Vacate Arbitrator's Final Award*;
26 (3) denying *Plaintiff's Motion to Vacate Arbitrator's Award of Attorneys' Fees*; (4) denying
27 *Plaintiff's Motions to Vacate Arbitrator's Award of Denial of Plaintiff's Motion for Partial*
28

1 *Summary Judgment and for the Court to Decide and Grant Plaintiff's Motion for Partial*
2 *Summary Judgment ("Motion to Vacate MSJ Decision"); and, (5) granting Defendants'*
3 *Motion for an Order to File Exhibit as Confidential. ORM, p. 15-16.*

4
5 On August 27, 2019, this Court entered its *Order* directing: (1) WESPAC to file an
6 *Amended Motion for the Award of Attorneys' Fees*; (2) allowing Mr. Garmong the standard
7 response time to file and serve his opposition to Defendants' *Amended Motion for the*
8 *Award of Attorneys' Fees*; and, (3) providing WESPAC would not be required to file a
9 *Proposed Final Judgment* until ten (10) days following this Court's ruling on WESPAC's
10 *Amended Motion for the Award of Attorneys' Fees. Order, p. 1.*

11
12 On December 6, 2019, this Court entered its *Order Denying Motion to Alter or Amend*
13 *Judgment ("AA Order")* maintaining its prior rulings within the *ORM*. On January 7, 2020,
14 Mr. Garmong filed his *Notice of Appeal* to the Nevada Supreme Court regarding this Court's
15 *Arbitrator Order, ORM, and AA Order.*

16
17 On December 9, 2019, the *Defendants' Amended Motion for Attorney's Fees* was
18 filed. Mr. Garmong filed his *Notice of Appeal* on January 7, 2020, and the Court entered the
19 *Order Holding Issuance of Order on Defendants' Amended Motion for Attorney's Fees in*
20 *Abeyance*. On December 1, 2020, the Nevada Supreme Court issued its *Order of*
21 *Affirmance* upholding this Court's judgment in its entirety and noting Defendants may seek
22 amended fees pursuant to the fee shifting provision in NRCP 68 that extends to fees
23 incurred on and after appeal.

24
25 On February 18, 2021, Defendants filed the *Defendants' Second Amended Motion*
26 *for Attorney's Fees*. On February 22, 2021, the Nevada Supreme Court entered its *Order*
27 *Denying Rehearing* pursuant to NRAP 40(c). Next, the parties entered into a stipulation to
28

1 extending the time for Mr. Garmong to file an opposition to the *Defendants' Second*
2 *Amended Motion for Attorney's Fees*. The stipulation is memorialized in the *Order*
3 *Extending Time for Plaintiff to File Points and Authorities in Opposition to the Defendants'*
4 *Second Amended Motion for Fees* entered by the Court on March 1, 2021 and allows Mr.
5 Garmong ten calendar days after the Nevada Supreme Court acts on Mr. Garmong's
6 petition for review of the *Order of Affirmance*. On April 6, 2021, the Nevada Supreme Court
7 entered the *Order Denying Petition for Review*. On April 21, 2021, Mr. Bradley, counsel for
8 Defendants, filed a *Request for Submission* for *Defendants' Second Amended Motion for*
9 *Attorney's Fees*.

12 On April 26, 2021, Mr. Garmong filed his *Motion to Strike Declaration of Thomas C.*
13 *Bradley in Support of Second Amended Motion for Attorney's Fees and Costs* ("*Motion to*
14 *Strike*"). On April 27, 2021, Mr. Garmong filed the instant *Motion*.

16 In the *Motion*, Mr. Garmong states the deadline for him to file his opposition was April
17 16, 2021, and counsel overlooked deadline. *Motion*, p. 2. Mr. Garmong notes counsel has
18 worked together on extensions of time and have liberally granted extensions, however,
19 when counsel for Defendants noticed Mr. Garmong had not filed an opposition, he
20 submitted the *Defendants' Second Amended Motion for Attorney's Fees* instead of reaching
21 out to counsel pursuant to Rule of Professional Conduct ("RPC") Rule 3.5A. *Motion*, p. 3.
22 Mr. Garmong likens the situation to Defendants seeking a default against Mr. Garmong. *Id.*
23 Mr. Garmong argues there is a preference to decide cases on the merits and then
24 addresses the merits of the *Defendants' Second Amended Motion for Attorney's Fees* and
25 Mr. Garmong's *Motion to Strike*. *Motion*, p. 4.

1 In the *Opposition*, Defendants note District Court Rule 13(3) carries no requirement
2 that counsel remind the opposing party of their duty to timely file an opposition. *Opposition*,
3 p. 2. Defendants state Mr. Garmong's reliance on RPC 3.5A is misplaced because Rule
4 3.5A applies when counsel seeks entry of a default or complete dismissal of an action and
5 does not relate to a litigant's responsibility to timely file a pleading. *Id.* Defendant likewise
6 argues the merits of the *Defendants' Second Amended Motion for Attorney's Fees* and the
7 *Motion to Strike*.³ *Opposition*, pp. 2-4. Defendants next contend Mr. Garmong is a
8 vexatious litigant who has filed frivolous, unsuccessful cases against multiple defendants
9 and therefore Mr. Garmong is not entitled to an extension of time. *Opposition*, p. 4.
10
11

12 In the *Reply*, Mr. Garmong notes Defendants filed a *Request for Submission* for the
13 instant *Motion*, however, the Defendants' *Request for Submission* was premature because
14 DCR 13(4) was amended and allowed seven days for a reply brief to be filed. *Reply*, p. 2.
15 Mr. Garmong maintains there will be no prejudice to Defendants if he is granted a short
16 extension of time as the *Motion* has effectively been pending since August 8, 2019. *Reply*,
17 p. 3. Mr. Garmong denies he is a vexatious and notes he has never been declared a
18 vexatious litigant by any court, nor has this Court sanctioned Mr. Garmong for bad faith
19 litigation. *Reply*, pp. 6-7.
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28 ³ Pursuant to Washoe District Court Rule 10(3)(a), "[a]ny motion, opposition, reply, etc., must be filed as a separate document unless it is pleaded in the alternative." Mr. Garmong does not plead in the alternative and the Court declines to consider these matters here as each will be decided on the merits in their respective orders.

1 **II. APPLICABLE LAW AND ANALYSIS.**

2 Nevada Rules of Civil Procedure Rule 6 governs extending time and states, in
3 pertinent part:
4

5 (1) In General. When an act may or must be done within a specified
6 time:

7 (A) the parties may obtain an extension of time by stipulation if approved
8 by the court, provided that the stipulation is submitted to the court before
9 the original time or its extension expires; or

10 (B) the court may, for good cause, extend the time:

11 (i) with or without motion or notice if the court acts, or if a request is
12 made, before the original time or its extension expires; or

13 (ii) on motion made after the time has expired if the party failed to act
14 because of excusable neglect.

15 (2) Exceptions. A court must not extend the time to act under Rules
16 50(b) and (d), 52(b), 59(b), (d), and (e), and 60(c)(1), and must not
17 extend the time after it has expired under Rule 54(d)(2).

18 NRCP 6(b)(1)-(2). In Huckabay Props. V. NC Auto Parts, 130 Nev. 196, 198, 322 P.3d 429,
19 430 (2014), the Nevada Supreme Court explained the policy of deciding cases on the merits
20 “is not absolute and must be balanced against countervailing policy considerations.” These
21 considerations include “the public’s interest in expeditious resolution of appeals, the parties’
22 interests in bringing litigation to a final and stable judgment, prejudice to the opposing side,
23 ad judicial administrations concerns, such as the court’s need to manage its sizeable and
24 growing docket.” Id., 130 Nev. at 198, 322 P.3d at 430-31.

25 The Court does not find good cause exists to extend the deadline for Mr. Garmong to
26 file an opposition in light of the policy considerations discussed in Huckabay Props. Mr.
27 Garmong has received an adverse judgment through arbitration which has been reviewed
28 by the Nevada Supreme Court and affirmed in its entirety; the petition for rehearing was
denied; and, Mr. Garmong’s petition for review was denied. See Order of Affirmance, p. 10.
As Huckabay Props describes, there is a strong public interest in resolving cases

1 expeditiously and this case has languished for over nine years. The parties' interests in
2 reaching a stable and final judgment are high as the parties have undoubtedly lost time at
3 great expense over the past nine years and allowing further litigation of attorney's fees after
4 the arbitrator's award has been confirmed only extends that time and expense for both
5 parties.
6

7 Defendants would suffer prejudice as they would have to again incur costs to file a
8 reply to Mr. Garmong's opposition and may have to field a motion for reconsideration. Mr.
9 Garmong missed his deadline even after the parties stipulated to allow Mr. Garmong to
10 respond after the Nevada Supreme Court acted on his petition for review, and Mr. Garmong
11 notes Defendants have been generous with extensions in the past.⁴ Nothing requires
12 Defendants to do so now at the end of litigation as RPC 3.5A applies to defaults. It is also
13 worth noting Defendants filed the *Request for Submission* five days after Mr. Garmong's
14 opposition was due, giving Mr. Garmong further time to respond. Mr. Garmong's argument
15 that Defendants would not suffer prejudice because the *Defendants' Second Amended*
16 *Motion for Attorney's Fees* has been pending since August of 2019, illustrates the point that
17 Defendants have had judgment in their favor for nearly two years and, yet, this case still has
18 not concluded. Finally, this Court has an interest in concluding this litigation and efficiently
19 manage its remaining docket.
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⁴ See Order Extending Time for Plaintiff to File Points and Authorities in Opposition to the Defendants' Second Amended Motion for Fees entered by the Court on March 1, 2021.

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1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of Thomas C. Bradley, Esq., and on
3 the date set forth below, I served a true copy of the foregoing document on the party(ies) identified
4 herein, via the following means:

5
6 X Second Judicial District Court Eflex system

7 Carl Hebert, Esq.
8 carl@cmhebertlaw.com
9 202 California Avenue
10 Reno, Nevada 89509
11 Attorney for Plaintiff

12 DATED this 14th day of June, 2021.

13
14 By: /s/ Mehi Aonga
15 Employee of THOMAS C. BRADLEY, Esq.
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1 CODE NO. 3370
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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
8

9 GREGORY O. GARMONG,

Case No. CV12-01271

10 Plaintiff,

Dept. No. 6

11 vs.

12 WESPAC; GREG CHRISTIAN;
13 DOES 1-10, inclusive,

14 Defendants.
15 _____/

16 **ORDER DENYING MOTION TO STRIKE DECLARATION OF THOMAS C. BRADLEY IN**
17 **SUPPORT OF SECOND AMENDED MOTION FOR ATTORNEY'S FEES AND COSTS**

18 Before this Court is a *Motion to Strike Declaration of Thomas C. Bradley in Support of*
19 *Second Amended Motion for Attorney's Fees and Costs* ("Motion") filed by Plaintiff
20 GREGORY O. GARMONG ("Mr. Garmong"), by and through his counsel, Carl M. Herbert,
21 Esq.
22

23 Defendants WESPAC and GREG CHRISTIAN (collectively "Defendants" unless
24 individually referenced) filed *Defendants' Opposition to Plaintiff's Motion to Strike*
25 (*"Opposition"*), by and through their counsel, Thomas C. Bradley, Esq.
26

27 Mr. Garmong filed his *Reply to Defendants' Opposition to Plaintiff's Motion to Strike*
28 (*"Reply"*) and the matter was thereafter submitted to the Court for consideration.

1 **I. PROCEDURAL BACKGROUND.**

2 This is an action for breach of a financial management agreement and carries with it
3 a robust procedural history. Mr. Garmong filed his *Complaint* on May 9, 2012, alleging the
4 following claims for relief:
5

- 6 1) Breach of Contract;
- 7 2) Breach of Nevada Deceptive Trade Practices Act;
- 8 3) Breach of Implied Covenant of Good Faith and Fair Dealing;
- 9 4) Unjust Enrichment;
- 10 5) Breach of Fiduciary Duty;
- 11 6) Malpractice; and
- 12 7) Negligence.

13
14 On September 19, 2012, Defendants filed their *Motion to Dismiss and Compel*
15 *Arbitration*. On December 13, 2012, the Court entered its *Order* granting Defendants'
16 request to compel arbitration but denying the motion to dismiss. Mr. Garmong then filed his
17 *Combined Motions for Leave to Rehear and for Rehearing of the Order of December 13,*
18 *2012 Compelling Arbitration ("Reconsider Motion")*. The motion was opposed by
19 Defendants. Mr. Garmong did not file a reply and this case was stagnant for nearly a year
20 until January 13, 2014, when the Court entered its *Order to Proceed*. Mr. Garmong filed his
21 reply on February 3, 2014. The *Reconsider Motion* was denied on April 2, 2014.
22

23
24 Mr. Garmong then sought writ relief from the Nevada Supreme Court. On December
25 18, 2014, the Nevada Supreme Court entered its *Order Denying Petition for Writ of*
26 *Mandamus or Prohibition*. The Supreme Court next entered its *Order Denying Rehearing*
27
28

1 on March 18, 2015, and, subsequently, entered its *Order Denying En Banc Reconsideration*
2 on May 1, 2015.

3 After the Nevada Supreme Court's orders were entered, this Court again entered an
4 *Order for Response*, instructing the parties to proceed with this case. *Order for Response*,
5 November 17, 2015. In response, the parties indicated they had initiated an arbitration
6 proceeding with JAMS in Las Vegas. *Notice of Status Report*, December 1, 2015.

7
8 On June 8, 2016, Mr. Garmong filed his *Motion for a Court-Appointed Arbitrator*,
9 arguing the JAMS arbitrators were prejudiced against Mr. Garmong. This matter was fully
10 briefed; and, on July 12, 2016, this Court entered its *Order re: Arbitration* requiring each
11 party to submit three arbitrators to the Court so the Court could select one name to act as
12 arbitrator. The parties then stipulated to select one arbitrator, to reduce costs. *Stipulation to*
13 *Select One Arbitrator*, October 17, 2016. In accordance, this Court entered its *Order*
14 *Appointing Arbitrator* on October 31, 2016, appointing Michael G. Ornstil, Esq., as arbitrator.
15 After it was determined Mr. Ornstil was unavailable, Mr. Garmong stipulated to the
16 appointment of either retired Judge Phillip M. Pro,¹ or Lawrence R. Mills. Esq.

17
18
19 On November 13, 2017, this Court entered its *Order Granting Motion to Strike*, which
20 stayed the proceeding pending the outcome of the arbitration, and directed the parties to file
21 an amended complaint and other responsive papers at the direction of Judge Phillip M. Pro.
22 *Order Granting Motion to Strike*, p. 2. On February 21, 2017, this Court entered its *Order*
23 *Appointing Arbitrator*, appointing Judge Phillip M. Pro ("Judge Pro").

24
25 On March 27, 2017, Mr. Garmong filed *Plaintiff's Objection Pursuant to NRS*
26 *38.231(3) and 38.241(e) That There is No Agreement to Arbitrate; Notification of Objection*
27

28

¹ Mr. Garmong stipulated to Judge Pro despite previously moving to preclude a judge from serving as an arbitrator.

1 to the Court. Despite prior determinative orders from this Court, Mr. Garmong again
2 objected to arbitration on the basis there was no agreement to arbitrate.

3 On May 23, 2017, this Court entered its *Order to Show Cause Why Action Should not*
4 *be Dismissed for Want of Prosecution Pursuant to NRCP 41(E)* (“OSC Order”), finding “Mr.
5 Garmong and Defendants were ordered numerous times to participate in arbitration as early
6 as December 13, 2012.” The Court found the file did not contain any evidence the parties
7 had proceeded to arbitration as ordered. *OSC Order*, p. 4. Accordingly, the Court ordered
8 the parties to show cause why the action should not be dismissed for want of prosecution
9 and required each party to file one responsive brief. *OSC Order*, p. 4.

10 In the responsive briefs, the parties state they attended their first arbitration
11 conference in April 2017. The Court acknowledged sufficient cause was shown in the *Order*
12 entered June 30, 2017.

13 On July 22, 2018, without asking for leave of Court to lift the stay, Mr. Garmong filed
14 his *Motion to Disqualify Arbitrator Pro, Vacate Order Denying Motion for Summary*
15 *Judgment and Appoint New Arbitrator* (“*Motion to Disqualify*”). The Court thereafter entered
16 its *Order Denying Plaintiff’s Motion to Disqualify Arbitrator Pro; Order Denying Motion to*
17 *Vacate Order Denying Motion for Summary Judgment; Order Denying Motion to Appoint*
18 *New Arbitrator* (“*Arbitrator Order*”) on November 11, 2019.

19 Defendants thereafter filed *Defendants’ Motion for Limited Relief From Stay to File*
20 *Motion for Attorney’s Fees and Sanctions* (“*Motion for Sanctions*”) requesting limited relief
21 from this Court’s order staying the proceeding pending the outcome of arbitration. While the
22 *Motion for Sanctions* was under consideration, Defendants filed their *Notice of Completion*
23 *of Arbitration Hearing* on October 22, 2018. The Court found, with completion of the

1 arbitration, Defendants' *Motion for Sanctions* was moot. Additionally, the Court took notice
2 of Defendants' *Notice of Completion of Arbitration* and determined there were additional
3 decisions to be rendered regarding the *Notice of Completion of Arbitration*.

4
5 Judge Pro found Mr. Garmong's claims for: (1) Breach of Contract; (2) Breach of
6 Implied Warranty; (3) Breach of the Implied Covenant of Good Faith and Fair Dealing; (4)
7 Nevada's Deceptive Trade Practices Act; (5) Breach of Fiduciary Duty of Full Disclosure, (6)
8 Intentional Infliction of Emotional Distress; and (7) Unjust Enrichment all failed as a matter of
9 law because Mr. Garmong did not establish his claims by a preponderance of the evidence.
10
11 See Final Award, p. 8-9. Furthermore, after weighing the necessary factors required by
12 Brunzell v. Golden Gate National Bank, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969), Judge
13 Pro found Defendants were entitled to an award of reasonable attorneys' fees in the total
14 sum of \$111,649.96. *Final Award*, p. 11.

15
16 After the *Final Award*, the litigation proceeded with several filings. On August 8,
17 2019, this Court entered its *Order Re Motions* ("ORM"): (1) granting *Defendants' Petition for*
18 *an Order Confirming Arbitrator's Final Award and Reducing Award to Judgment, Including,*
19 *Attorneys' Fees and Costs*; (2) denying *Plaintiff's Motion to Vacate Arbitrator's Final Award*;
20 (3) denying *Plaintiff's Motion to Vacate Arbitrator's Award of Attorneys' Fees*; (4) denying
21 *Plaintiff's Motions to Vacate Arbitrator's Award of Denial of Plaintiff's Motion for Partial*
22 *Summary Judgment and for the Court to Decide and Grant Plaintiff's Motion for Partial*
23 *Summary Judgment* ("*Motion to Vacate MSJ Decision*"); and (5) granting *Defendants'*
24 *Motion for an Order to File Exhibit as Confidential*. *ORM*, p. 15-16.

25
26 On August 27, 2019, this Court entered its *Order* directing and allowing, respectively:
27 (1) WESPAC to an *Amended Motion for the Award of Attorneys' Fees*; (2) Mr. Garmong the
28

1 standard response time to file and serve his opposition to Defendants' *Amended Motion for*
2 *the Award of Attorneys' Fees*; and (3) WESPAC was not required to file a *Proposed Final*
3 *Judgment* until ten (10) days following this Court's ruling on WESPAC's *Amended Motion for*
4 *the Award of Attorneys' Fees*. Order, p. 1.

5
6 On December 6, 2019, this Court entered its *Order Denying Motion to Alter or Amend*
7 *Judgment* ("AA Order") maintaining its prior rulings within the ORM. On January 7, 2020,
8 Mr. Garmong filed his *Notice of Appeal* to the Nevada Supreme Court regarding this Court's
9 *Arbitrator Order*, ORM, and AA Order.

10
11 On December 9, 2019, the *Defendants' Amended Motion for Attorney's Fees* was
12 filed. Mr. Garmong filed his *Notice of Appeal* on January 7, 2020, and the Court entered the
13 *Order Holding Issuance of Order on Defendants' Amended Motion for Attorney's Fees in*
14 *Abeyance*. On December 1, 2020, the Nevada Court of Appeals issued its *Order of*
15 *Affirmance* upholding this Court's judgment in its entirety and noting Defendants may seek
16 amended fees pursuant to the fee shifting provision in NRCP 68 that extends to fees
17 incurred on and after appeal.

18
19 On February 18, 2021, Defendants filed the *Defendants' Second Amended Motion*
20 *for Attorney's Fees*. On February 22, 2021, the Nevada Court of Appeals entered its *Order*
21 *Denying Rehearing* pursuant to NRAP 40(c). Next, the parties entered into a stipulation to
22 extend the time for Mr. Garmong to file an opposition to the *Defendants' Second Amended*
23 *Motion for Attorney's Fees*. The stipulation is memorialized in the *Order Extending Time for*
24 *Plaintiff to File Points and Authorities in Opposition to the Defendants' Second Amended*
25 *Motion for Fees* entered by the Court on March 1, 2021 and allows Mr. Garmong ten (10)
26 calendar days after the Nevada Supreme Court acts on Mr. Garmong's petition for review of
27
28

1 the *Order of Affirmance*. On April 6, 2021, the Nevada Supreme Court entered the *Order*
2 *Denying Petition for Review*. On April 21, 2021, Mr. Bradley, counsel for Defendants, filed a
3 *Request for Submission for Defendants' Second Amended Motion for Attorney's Fees*. The
4 instant briefing followed.

5
6 In the *Motion*, Mr. Garmong moves to strike the declaration of Mr. Bradley filed in
7 support of the Defendants' *Second Amended Motion for Attorney's Fees*. *Motion*, p. 1. Mr.
8 Garmong argues declarations in support of attorney's fee awards should be based upon
9 personal knowledge and Mr. Bradley's is legally insufficient because it does not include a
10 statement regarding personal knowledge. *Motion*, p. 3.

11
12 In the *Opposition*, Defendants acknowledge the law requires declarations to contain
13 information within the declarant's own personal knowledge, however, there is no
14 requirement that the declaration include the words "personal knowledge" as long as the
15 averments are within the declarant's personal knowledge. *Opposition*, p. 2. Defendants
16 confirm the information presented in the declaration is within Mr. Bradley's personal
17 knowledge and provide an updated declaration including the words personal knowledge. Id.

18
19 In the *Reply*, Mr. Garmong argues the second declaration is an admission the first
20 declaration was legally insufficient, and the rules expressly require service of a proper
21 declaration with the *Second Amended Motion for Attorney's Fees*. *Reply*, p. 2. Mr.
22 Garmong contends the rules do not allow a party to file a second legally sufficient
23 declaration and reply briefs cannot contain new arguments or evidence. Id. Mr. Garmong
24 next argues the first and second declarations do not indicate if Mr. Bradley bills and collects
25 from other clients at a comparable rate nor do they compare Mr. Bradley's rates to other
26 Reno attorneys. *Reply*, p. 4.

1 **II. APPLICABLE LAW AND ANALYSIS.**

2 Pursuant to NRCP 56(c)(4), an affidavit or declaration used to support or oppose a
3 motion must be made on personal knowledge, set out facts that would be admissible in
4 evidence, and show that the affiant or declarant is competent to testify on the matters
5 stated. “An affidavit which states no fact within the knowledge of the person making it would
6 be of but little weight in any legal proceeding.” Morgan v. Board of Com’rs of Eureka Cty., 9
7 Nev. 360, 368 (1874).
8

9 The Court is satisfied Mr. Bradley’s first declaration is legally sufficient because “it
10 states positively the facts and circumstances upon which such belief is founded” as required
11 by Morgan. Id. For example, Mr. Bradley details the ten reasons he believes his hourly rate
12 of \$395.00 per hour is fair. Additionally, Mr. Garmong cites no authority which strictly
13 requires the words “personal knowledge” to be included in the declaration and it is clear Mr.
14 Bradley’s declaration is based on facts he has personal knowledge of.
15
16

17 As Mr. Garmong’s *Reply* states, new arguments and evidence should not be made in
18 a reply brief. Mr. Garmong first raises arguments about the contents of Mr. Bradley’s billing
19 statements in the *Reply* which the Court cannot consider. Mr. Garmong asserts Mr. Bradley
20 does not compare his rates to other attorneys and does not state whether he bills other
21 clients at the same rate. The Court does not consider those arguments as they are not
22 properly raised.
23

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1 **III. ORDER.**

2 For the foregoing reasons, and good cause appearing therefor,

3 **IT IS HEREBY ORDERED** *Motion to Strike Declaration of Thomas C. Bradley in*
4
5 *Support of Second Amended Motion for Attorney's Fees and Costs* is DENIED.

6 DATED this 7th day of July, 2021.

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9 DISTRICT JUDGE

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CARL HEBERT, ESQ.
THOMAS BRADLEY, ESQ.

Holly Longe

1 CODE: 2540
2 THOMAS C. BRADLEY, ESQ.
3 NV Bar. No. 1621
4 435 Marsh Avenue
5 Reno, Nevada 89509
6 Telephone: (775) 323-5178
7 Tom@TomBradleyLaw.com
8 Attorney for Defendants

9 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
10 **IN AND FOR THE COUNTY OF WASHOE**

11 GREGORY GARMONG, CASE NO. CV12-01271
12 Plaintiff, DEPT. NO. 6

13 v.

14 WESPAC, GREG CHRISTIAN, and
15 Does 1-10,
16 Defendants.

17 **NOTICE OF ENTRY OF ORDER**

18 PLEASE TAKE NOTICE that on the 7th day of July, 2021, the Court issued its Order Denying
19 Motion to Strike Declaration of Thomas C. Bradley in Support of Second Amended Motion for
20 Attorney's Fees and Costs in the above-captioned matter, a filed-stamped copy of which is attached.

21 ***Affirmation:** The undersigned verifies that this document does not contain the personal*
22 *information of any person.*

23 DATED this 8th day of July, 2021.

24 /s/ Thomas C. Bradley
25 THOMAS C. BRADLEY, ESQ.
26 Attorney for Defendants
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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
8

9 GREGORY O. GARMONG,

Case No. CV12-01271

10 Plaintiff,

Dept. No. 6

11 vs.

12 WESPAC; GREG CHRISTIAN;
13 DOES 1-10, inclusive,

14 Defendants.
15 _____/

16 **ORDER DENYING MOTION TO STRIKE DECLARATION OF THOMAS C. BRADLEY IN**
17 **SUPPORT OF SECOND AMENDED MOTION FOR ATTORNEY'S FEES AND COSTS**

18 Before this Court is a *Motion to Strike Declaration of Thomas C. Bradley in Support of*
19 *Second Amended Motion for Attorney's Fees and Costs* ("Motion") filed by Plaintiff
20 GREGORY O. GARMONG ("Mr. Garmong"), by and through his counsel, Carl M. Herbert,
21 Esq.
22

23 Defendants WESPAC and GREG CHRISTIAN (collectively "Defendants" unless
24 individually referenced) filed *Defendants' Opposition to Plaintiff's Motion to Strike*
25 (*"Opposition"*), by and through their counsel, Thomas C. Bradley, Esq.
26

27 Mr. Garmong filed his *Reply to Defendants' Opposition to Plaintiff's Motion to Strike*
28 (*"Reply"*) and the matter was thereafter submitted to the Court for consideration.

1 **I. PROCEDURAL BACKGROUND.**

2 This is an action for breach of a financial management agreement and carries with it
3 a robust procedural history. Mr. Garmong filed his *Complaint* on May 9, 2012, alleging the
4 following claims for relief:
5

- 6 1) Breach of Contract;
- 7 2) Breach of Nevada Deceptive Trade Practices Act;
- 8 3) Breach of Implied Covenant of Good Faith and Fair Dealing;
- 9 4) Unjust Enrichment;
- 10 5) Breach of Fiduciary Duty;
- 11 6) Malpractice; and
- 12 7) Negligence.

13
14 On September 19, 2012, Defendants filed their *Motion to Dismiss and Compel*
15 *Arbitration*. On December 13, 2012, the Court entered its *Order* granting Defendants'
16 request to compel arbitration but denying the motion to dismiss. Mr. Garmong then filed his
17 *Combined Motions for Leave to Rehear and for Rehearing of the Order of December 13,*
18 *2012 Compelling Arbitration ("Reconsider Motion")*. The motion was opposed by
19 Defendants. Mr. Garmong did not file a reply and this case was stagnant for nearly a year
20 until January 13, 2014, when the Court entered its *Order to Proceed*. Mr. Garmong filed his
21 reply on February 3, 2014. The *Reconsider Motion* was denied on April 2, 2014.
22

23
24 Mr. Garmong then sought writ relief from the Nevada Supreme Court. On December
25 18, 2014, the Nevada Supreme Court entered its *Order Denying Petition for Writ of*
26 *Mandamus or Prohibition*. The Supreme Court next entered its *Order Denying Rehearing*
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1 on March 18, 2015, and, subsequently, entered its *Order Denying En Banc Reconsideration*
2 on May 1, 2015.

3 After the Nevada Supreme Court's orders were entered, this Court again entered an
4 *Order for Response*, instructing the parties to proceed with this case. *Order for Response*,
5 November 17, 2015. In response, the parties indicated they had initiated an arbitration
6 proceeding with JAMS in Las Vegas. *Notice of Status Report*, December 1, 2015.

7
8 On June 8, 2016, Mr. Garmong filed his *Motion for a Court-Appointed Arbitrator*,
9 arguing the JAMS arbitrators were prejudiced against Mr. Garmong. This matter was fully
10 briefed; and, on July 12, 2016, this Court entered its *Order re: Arbitration* requiring each
11 party to submit three arbitrators to the Court so the Court could select one name to act as
12 arbitrator. The parties then stipulated to select one arbitrator, to reduce costs. *Stipulation to*
13 *Select One Arbitrator*, October 17, 2016. In accordance, this Court entered its *Order*
14 *Appointing Arbitrator* on October 31, 2016, appointing Michael G. Ornstil, Esq., as arbitrator.
15 After it was determined Mr. Ornstil was unavailable, Mr. Garmong stipulated to the
16 appointment of either retired Judge Phillip M. Pro,¹ or Lawrence R. Mills. Esq.

17
18 On November 13, 2017, this Court entered its *Order Granting Motion to Strike*, which
19 stayed the proceeding pending the outcome of the arbitration, and directed the parties to file
20 an amended complaint and other responsive papers at the direction of Judge Phillip M. Pro.
21 *Order Granting Motion to Strike*, p. 2. On February 21, 2017, this Court entered its *Order*
22 *Appointing Arbitrator*, appointing Judge Phillip M. Pro ("Judge Pro").

23
24 On March 27, 2017, Mr. Garmong filed *Plaintiff's Objection Pursuant to NRS*
25 *38.231(3) and 38.241(e) That There is No Agreement to Arbitrate; Notification of Objection*
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¹ Mr. Garmong stipulated to Judge Pro despite previously moving to preclude a judge from serving as an arbitrator.

1 to the Court. Despite prior determinative orders from this Court, Mr. Garmong again
2 objected to arbitration on the basis there was no agreement to arbitrate.

3 On May 23, 2017, this Court entered its *Order to Show Cause Why Action Should not*
4 *be Dismissed for Want of Prosecution Pursuant to NRCP 41(E)* (“OSC Order”), finding “Mr.
5 Garmong and Defendants were ordered numerous times to participate in arbitration as early
6 as December 13, 2012.” The Court found the file did not contain any evidence the parties
7 had proceeded to arbitration as ordered. *OSC Order*, p. 4. Accordingly, the Court ordered
8 the parties to show cause why the action should not be dismissed for want of prosecution
9 and required each party to file one responsive brief. *OSC Order*, p. 4.

10 In the responsive briefs, the parties state they attended their first arbitration
11 conference in April 2017. The Court acknowledged sufficient cause was shown in the *Order*
12 entered June 30, 2017.

13 On July 22, 2018, without asking for leave of Court to lift the stay, Mr. Garmong filed
14 his *Motion to Disqualify Arbitrator Pro, Vacate Order Denying Motion for Summary*
15 *Judgment and Appoint New Arbitrator* (“*Motion to Disqualify*”). The Court thereafter entered
16 its *Order Denying Plaintiff’s Motion to Disqualify Arbitrator Pro; Order Denying Motion to*
17 *Vacate Order Denying Motion for Summary Judgment; Order Denying Motion to Appoint*
18 *New Arbitrator* (“*Arbitrator Order*”) on November 11, 2019.

19 Defendants thereafter filed *Defendants’ Motion for Limited Relief From Stay to File*
20 *Motion for Attorney’s Fees and Sanctions* (“*Motion for Sanctions*”) requesting limited relief
21 from this Court’s order staying the proceeding pending the outcome of arbitration. While the
22 *Motion for Sanctions* was under consideration, Defendants filed their *Notice of Completion*
23 *of Arbitration Hearing* on October 22, 2018. The Court found, with completion of the

1 arbitration, Defendants' *Motion for Sanctions* was moot. Additionally, the Court took notice
2 of Defendants' *Notice of Completion of Arbitration* and determined there were additional
3 decisions to be rendered regarding the *Notice of Completion of Arbitration*.

4
5 Judge Pro found Mr. Garmong's claims for: (1) Breach of Contract; (2) Breach of
6 Implied Warranty; (3) Breach of the Implied Covenant of Good Faith and Fair Dealing; (4)
7 Nevada's Deceptive Trade Practices Act; (5) Breach of Fiduciary Duty of Full Disclosure, (6)
8 Intentional Infliction of Emotional Distress; and (7) Unjust Enrichment all failed as a matter of
9 law because Mr. Garmong did not establish his claims by a preponderance of the evidence.
10
11 See Final Award, p. 8-9. Furthermore, after weighing the necessary factors required by
12 Brunzell v. Golden Gate National Bank, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969), Judge
13 Pro found Defendants were entitled to an award of reasonable attorneys' fees in the total
14 sum of \$111,649.96. *Final Award*, p. 11.

15
16 After the *Final Award*, the litigation proceeded with several filings. On August 8,
17 2019, this Court entered its *Order Re Motions* ("ORM"): (1) granting *Defendants' Petition for*
18 *an Order Confirming Arbitrator's Final Award and Reducing Award to Judgment, Including,*
19 *Attorneys' Fees and Costs*; (2) denying *Plaintiff's Motion to Vacate Arbitrator's Final Award*;
20 (3) denying *Plaintiff's Motion to Vacate Arbitrator's Award of Attorneys' Fees*; (4) denying
21 *Plaintiff's Motions to Vacate Arbitrator's Award of Denial of Plaintiff's Motion for Partial*
22 *Summary Judgment and for the Court to Decide and Grant Plaintiff's Motion for Partial*
23 *Summary Judgment* ("*Motion to Vacate MSJ Decision*"); and (5) granting *Defendants'*
24 *Motion for an Order to File Exhibit as Confidential*. *ORM*, p. 15-16.

25
26 On August 27, 2019, this Court entered its *Order* directing and allowing, respectively:
27 (1) WESPAC to an *Amended Motion for the Award of Attorneys' Fees*; (2) Mr. Garmong the
28

1 standard response time to file and serve his opposition to Defendants' *Amended Motion for*
2 *the Award of Attorneys' Fees*; and (3) WESPAC was not required to file a *Proposed Final*
3 *Judgment* until ten (10) days following this Court's ruling on WESPAC's *Amended Motion for*
4 *the Award of Attorneys' Fees*. Order, p. 1.

6 On December 6, 2019, this Court entered its *Order Denying Motion to Alter or Amend*
7 *Judgment* ("AA Order") maintaining its prior rulings within the ORM. On January 7, 2020,
8 Mr. Garmong filed his *Notice of Appeal* to the Nevada Supreme Court regarding this Court's
9 *Arbitrator Order*, ORM, and AA Order.

11 On December 9, 2019, the *Defendants' Amended Motion for Attorney's Fees* was
12 filed. Mr. Garmong filed his *Notice of Appeal* on January 7, 2020, and the Court entered the
13 *Order Holding Issuance of Order on Defendants' Amended Motion for Attorney's Fees in*
14 *Abeyance*. On December 1, 2020, the Nevada Court of Appeals issued its *Order of*
15 *Affirmance* upholding this Court's judgment in its entirety and noting Defendants may seek
16 amended fees pursuant to the fee shifting provision in NRCP 68 that extends to fees
17 incurred on and after appeal.

19 On February 18, 2021, Defendants filed the *Defendants' Second Amended Motion*
20 *for Attorney's Fees*. On February 22, 2021, the Nevada Court of Appeals entered its *Order*
21 *Denying Rehearing* pursuant to NRAP 40(c). Next, the parties entered into a stipulation to
22 extend the time for Mr. Garmong to file an opposition to the *Defendants' Second Amended*
23 *Motion for Attorney's Fees*. The stipulation is memorialized in the *Order Extending Time for*
24 *Plaintiff to File Points and Authorities in Opposition to the Defendants' Second Amended*
25 *Motion for Fees* entered by the Court on March 1, 2021 and allows Mr. Garmong ten (10)
26 calendar days after the Nevada Supreme Court acts on Mr. Garmong's petition for review of
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1 the *Order of Affirmance*. On April 6, 2021, the Nevada Supreme Court entered the *Order*
2 *Denying Petition for Review*. On April 21, 2021, Mr. Bradley, counsel for Defendants, filed a
3 *Request for Submission for Defendants' Second Amended Motion for Attorney's Fees*. The
4 instant briefing followed.

5
6 In the *Motion*, Mr. Garmong moves to strike the declaration of Mr. Bradley filed in
7 support of the Defendants' *Second Amended Motion for Attorney's Fees*. *Motion*, p. 1. Mr.
8 Garmong argues declarations in support of attorney's fee awards should be based upon
9 personal knowledge and Mr. Bradley's is legally insufficient because it does not include a
10 statement regarding personal knowledge. *Motion*, p. 3.

11
12 In the *Opposition*, Defendants acknowledge the law requires declarations to contain
13 information within the declarant's own personal knowledge, however, there is no
14 requirement that the declaration include the words "personal knowledge" as long as the
15 averments are within the declarant's personal knowledge. *Opposition*, p. 2. Defendants
16 confirm the information presented in the declaration is within Mr. Bradley's personal
17 knowledge and provide an updated declaration including the words personal knowledge. Id.

18
19 In the *Reply*, Mr. Garmong argues the second declaration is an admission the first
20 declaration was legally insufficient, and the rules expressly require service of a proper
21 declaration with the *Second Amended Motion for Attorney's Fees*. *Reply*, p. 2. Mr.
22 Garmong contends the rules do not allow a party to file a second legally sufficient
23 declaration and reply briefs cannot contain new arguments or evidence. Id. Mr. Garmong
24 next argues the first and second declarations do not indicate if Mr. Bradley bills and collects
25 from other clients at a comparable rate nor do they compare Mr. Bradley's rates to other
26 Reno attorneys. *Reply*, p. 4.

1 **II. APPLICABLE LAW AND ANALYSIS.**

2 Pursuant to NRCP 56(c)(4), an affidavit or declaration used to support or oppose a
3 motion must be made on personal knowledge, set out facts that would be admissible in
4 evidence, and show that the affiant or declarant is competent to testify on the matters
5 stated. “An affidavit which states no fact within the knowledge of the person making it would
6 be of but little weight in any legal proceeding.” Morgan v. Board of Com’rs of Eureka Cty., 9
7 Nev. 360, 368 (1874).
8

9 The Court is satisfied Mr. Bradley’s first declaration is legally sufficient because “it
10 states positively the facts and circumstances upon which such belief is founded” as required
11 by Morgan. Id. For example, Mr. Bradley details the ten reasons he believes his hourly rate
12 of \$395.00 per hour is fair. Additionally, Mr. Garmong cites no authority which strictly
13 requires the words “personal knowledge” to be included in the declaration and it is clear Mr.
14 Bradley’s declaration is based on facts he has personal knowledge of.
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17 As Mr. Garmong’s *Reply* states, new arguments and evidence should not be made in
18 a reply brief. Mr. Garmong first raises arguments about the contents of Mr. Bradley’s billing
19 statements in the *Reply* which the Court cannot consider. Mr. Garmong asserts Mr. Bradley
20 does not compare his rates to other attorneys and does not state whether he bills other
21 clients at the same rate. The Court does not consider those arguments as they are not
22 properly raised.
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III. ORDER.

For the foregoing reasons, and good cause appearing therefor,

IT IS HEREBY ORDERED *Motion to Strike Declaration of Thomas C. Bradley in Support of Second Amended Motion for Attorney's Fees and Costs* is DENIED.

DATED this 7th day of July, 2021.


DISTRICT JUDGE

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CARL HEBERT, ESQ.
THOMAS BRADLEY, ESQ.

Holly Longe

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Thomas C. Bradley, Esq., and on the date set forth below, I served a true copy of the foregoing document on the party(ies) identified herein, via the following means:

 X Second Judicial District Court Eflex system

Carl Hebert, Esq.
carl@cmhebertlaw.com
202 California Avenue
Reno, Nevada 89509
Attorney for Plaintiff

DATED this 8th day of July, 2021.

By: /s/ Mehi Aonga
Employee of THOMAS C. BRADLEY, Esq.

1 CODE NO. 3370
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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
8

9 GREGORY O. GARMONG,

Case No. CV12-01271

10 Plaintiff,

Dept. No. 6

11 vs.

12 WESPAC; GREG CHRISTIAN; DOES 1-10,
13 inclusive,

14 Defendants.
15 _____/

16 **ORDER GRANTING DEFENDANTS' SECOND AMENDED MOTION**
17 **FOR ATTORNEY'S FEES; ORDER CONFIRMING ARBITRATOR'S FINAL AWARD**

18 Before this Court is *Defendants' Second Amended Motion for Attorney's Fees*
19 (*"Motion"*) filed by Defendants WESPAC and GREG CHRISTIAN (collectively "Defendants"
20 unless individually referenced).
21

22 Plaintiff GREGORY O. GARMONG ("Mr. Garmong") did not timely file an opposition
23 but instead filed a *Motion for Extension of Time to File Opposition to Defendants' Second*
24 *Amended Motion for Attorney's Fees and Costs*.

25 Next, the Court entered its *Order Denying Motion for Extension of Time to File*
26 *Opposition to Defendants' Second Amended Motion for Attorney's Fees and Costs*, finding
27 //
28

1 good cause did not exist to extend the deadline for Mr. Garmong to oppose the *Motion* and
2 Defendants would be prejudiced by further extension.

3 **I. PROCEDURAL BACKGROUND.**

4 This is an action for breach of a financial management agreement and carries with it
5 a robust procedural history. Mr. Garmong filed his *Complaint* on May 9, 2012, alleging the
6 following claims for relief:
7

- 8 1) Breach of Contract;
- 9 2) Breach of Nevada Deceptive Trade Practices Act;
- 10 3) Breach of Implied Covenant of Good Faith and Fair Dealing;
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18 *Arbitration*. On December 13, 2012, this Court¹ entered its *Order* granting Defendants'
19 request to compel arbitration but denying the motion to dismiss. Mr. Garmong then filed his
20 *Combined Motions for Leave to Rehear and for Rehearing of the Order of December 13,*
21 *2012 Compelling Arbitration ("Reconsider Motion")*. The motion was opposed by
22 Defendants. Mr. Garmong did not file a reply and this case was stagnant for nearly a year
23 until January 13, 2014, when the Court entered its *Order to Proceed*. Mr. Garmong filed his
24 reply on February 3, 2014. The *Reconsider Motion* was denied on April 2, 2014.
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¹ Judge Brent T. Adams originally presided over this proceeding in Department 6 before his
retirement. Judge Lynne K. Simons was sworn in on January 5, 2015, and is presiding in
Department 6.

1 Mr. Garmong then sought writ relief from the Nevada Supreme Court. On December
2 18, 2014, the Nevada Supreme Court entered its *Order Denying Petition for Writ of*
3 *Mandamus or Prohibition*. The Supreme Court next entered its *Order Denying Rehearing*
4 on March 18, 2015, and, subsequently, entered its *Order Denying En Banc Reconsideration*
5 on May 1, 2015.
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8 *Order for Response*, instructing the parties to proceed with this case. *Order for Response*,
9 November 17, 2015. In response, the parties indicated they had initiated an arbitration
10 proceeding with JAMS in Las Vegas. *Notice of Status Report*, December 1, 2015.
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14 briefed; and, on July 12, 2016, this Court entered its *Order re: Arbitration* requiring each
15 party to submit three arbitrators to the Court so the Court could select one name to act as
16 arbitrator. The parties then stipulated to select one arbitrator, to reduce costs. *Stipulation to*
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19 After it was determined Mr. Ornstil was unavailable, Mr. Garmong stipulated to the
20 appointment of either retired Judge Philip M. Pro,² or Lawrence R. Mills. Esq.
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23 On November 13, 2017, this Court entered its *Order Granting Motion to Strike*, which
24 stayed the proceeding pending the outcome of the arbitration, and directed the parties to file
25 an amended complaint and other responsive papers at the direction of Judge Philip M. Pro.
26 *Order Granting Motion to Strike*, p. 2. On February 21, 2017, this Court entered its *Order*
27

28 ² Mr. Garmong stipulated to Judge Pro despite previously moving to preclude a judge from serving
as an arbitrator.

1 *Appointing Arbitrator*, appointing Honorable Philip M. Pro (Ret.) (“Judge Pro”).

2 On March 27, 2017, Mr. Garmong filed *Plaintiff’s Objection Pursuant to NRS*
3 *38.231(3) and 38.241(e) That There is No Agreement to Arbitrate; Notification of Objection*
4 *to the Court*. Despite prior determinative orders from this Court, Mr. Garmong again
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8 *be Dismissed for Want of Prosecution Pursuant to NRCP 41(E)* (“OSC Order”), finding “Mr.
9 Garmong and Defendants were ordered numerous times to participate in arbitration as early
10 as December 13, 2012.” The Court found the file did not contain any evidence the parties
11 had proceeded to arbitration as ordered. *OSC Order*, p. 4. Accordingly, the Court ordered
12 the parties to show cause why the action should not be dismissed for want of prosecution
13 and required each party to file one responsive brief. *OSC Order*, p. 4.
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15 In the responsive briefs, the parties state they attended their first arbitration
16 conference in April 2017. The Court acknowledged sufficient cause was shown in the *Order*
17 entered June 30, 2017.
18

19 On July 22, 2018, without asking for leave of Court to lift the stay, Mr. Garmong filed
20 his *Motion to Disqualify Arbitrator Pro, Vacate Order Denying Motion for Summary*
21 *Judgment and Appoint New Arbitrator*. The Court thereafter entered its *Order Denying*
22 *Plaintiff’s Motion to Disqualify Arbitrator Pro; Order Denying Motion to Vacate Order*
23 *Denying Motion for Summary Judgment; Order Denying Motion to Appoint New Arbitrator*
24 (“*Arbitrator Order*”) on November 11, 2019.
25

26 Defendants thereafter filed *Defendants’ Motion for Limited Relief From Stay to File*
27 *Motion for Attorney’s Fees and Sanctions* (“*Motion for Sanctions*”) requesting limited relief
28

1 from this Court's order staying the proceeding pending the outcome of arbitration. While the
2 *Motion for Sanctions* was under consideration, Defendants filed their *Notice of Completion*
3 *of Arbitration Hearing* on October 22, 2018. The Court found, with completion of the
4 arbitration, Defendants' *Motion for Sanctions* was moot. Additionally, the Court took notice
5 of Defendants' *Notice of Completion of Arbitration* and determined there were additional
6 decisions to be rendered regarding the *Notice of Completion of Arbitration*.
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8 Judge Pro found Mr. Garmong's claims, for: (1) Breach of Contract; (2) Breach of
9 Implied Warranty; (3) Breach of the Implied Covenant of Good Faith and Fair Dealing; (4)
10 Nevada's Deceptive Trade Practices Act; (5) Breach of Fiduciary Duty of Full Disclosure; (6)
11 Intentional Infliction of Emotional Distress; and, (7) Unjust Enrichment all failed as a matter
12 of law because Mr. Garmong did not establish his claims by a preponderance of the
13 evidence. See Final Award, p. 8-9. Furthermore, after weighing the necessary factors
14 required by Brunzell v. Golden Gate National Bank, 85 Nev. 345, 349, 455 P.2d 31, 33
15 (1969), Judge Pro found Defendants were entitled to an award of reasonable attorneys' fees
16 in the total sum of \$111,649.96. *Final Award*, p. 11.
17

18
19 After the *Final Award*, the litigation proceeded with several filings. On August 8,
20 2019, this Court entered its *Order Re Motions* ("ORM"): (1) granting *Defendants' Petition for*
21 *an Order Confirming Arbitrator's Final Award and Reducing Award to Judgment, Including,*
22 *Attorneys' Fees and Costs*; (2) denying *Plaintiff's Motion to Vacate Arbitrator's Final Award*;
23 (3) denying *Plaintiff's Motion to Vacate Arbitrator's Award of Attorneys' Fees*; (4) denying
24 *Plaintiff's Motions to Vacate Arbitrator's Award of Denial of Plaintiff's Motion for Partial*
25 *Summary Judgment and for the Court to Decide and Grant Plaintiff's Motion for Partial*
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1 *Summary Judgment*; and, (5) granting *Defendants' Motion for an Order to File Exhibit as*
2 *Confidential*. *ORM*, p. 15-16.

3 On August 27, 2019, this Court entered its *Order* directing: (1) WESPAC to file an
4 *Amended Motion for the Award of Attorneys' Fees*; (2) allowing Mr. Garmong the standard
5 response time to file and serve his opposition to *Defendants' Amended Motion for the*
6 *Award of Attorneys' Fees*; and (3) providing WESPAC would not be required to file a
7 *Proposed Final Judgment* until ten (10) days following this Court's ruling on WESPAC's
8 *Amended Motion for the Award of Attorneys' Fees*. *Order*, p. 1.

9 On December 6, 2019, this Court entered its *Order Denying Motion to Alter or Amend*
10 *Judgment* ("AA Order") maintaining its prior rulings within the *ORM*. On January 7, 2020,
11 Mr. Garmong filed his *Notice of Appeal* to the Nevada Supreme Court regarding this Court's
12 *Arbitrator Order*, *ORM*, and *AA Order*.

13 On December 9, 2019, the *Defendants' Amended Motion for Attorney's Fees* was
14 filed. Mr. Garmong filed his *Notice of Appeal* on January 7, 2020, and the Court entered the
15 *Order Holding Issuance of Order on Defendants' Amended Motion for Attorney's Fees in*
16 *Abeyance*. On December 1, 2020, the Nevada Court of Appeals issued the *Order of*
17 *Affirmance* upholding this Court's judgment in its entirety and noting Defendants may seek
18 amended fees pursuant to the fee shifting provision in NRCP 68 that extends to fees
19 incurred on and after appeal.

20 On February 18, 2021, Defendants filed the *Defendants' Second Amended Motion*
21 *for Attorney's Fees*. On February 22, 2021, the Nevada Court of Appeals entered its *Order*
22 *Denying Rehearing* pursuant to NRAP 40(c). Next, the parties entered into a stipulation to
23 extend the time for Mr. Garmong to file an opposition to the *Defendants' Second Amended*

1 *Motion for Attorney's Fees*. The stipulation is memorialized in the *Order Extending Time for*
2 *Plaintiff to File Points and Authorities in Opposition to the Defendants' Second Amended*
3 *Motion for Fees* entered by the Court on March 1, 2021, and allows Mr. Garmong ten (10)
4 calendar days after the Nevada Supreme Court acts on Mr. Garmong's petition for review of
5 the *Order of Affirmance*. On April 6, 2021, the Nevada Supreme Court entered the *Order*
6 *Denying Petition for Review*. The Court now considers the *Motion*.
7

8 In the *Motion*, Defendants note this Court previously confirmed the Arbitration Award,
9 including the Arbitrator's award of fees and costs and states Defendants have now incurred
10 substantial fees seeking confirmation of the Arbitration Award. *Motion*, p. 2. Defendants
11 make their *Motion* pursuant to NRS 38.239, 38.241, 38.242, and 38.243(3). *Id.* Defendants
12 verify the fees requested are reasonable considering the Brunzell factors. *Motion*, pp. 3-4.
13

14 **II. APPLICABLE LAW AND ANALYSIS.**

15 Chapter 38 of the Nevada Revised Statutes addresses attorney's fees under the
16 Uniform Arbitration Act of 2000. After a party to an arbitration proceeding receives notice of
17 an award, the party may make a motion to the Court for an order confirming the award at
18 which time the Court shall issue a confirming order. NRS 38.239. If the Court denies a
19 motion to vacate an award, it shall confirm the award unless a motion to modify or correct
20 the award is pending. NRS 38.241(4). Unless a motion to vacate is pending, the Court
21 shall confirm the award. NRS 38.242(2). On application of a prevailing party under NRS
22 38.239, 38.241 or 38.242, the Court may add reasonable attorney's fees and other
23 reasonable expenses of litigation incurred in a judicial proceeding after the award is made to
24 a judgment confirming, vacating without directing a rehearing, modifying or correcting an
25 award. NRS 38.243(3).
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1 Accordingly, this Court examines the reasonableness of Defendants' attorney's fees
2 under the factors set forth in Brunzell v. Golden Gate Nat. Bank:

3 (1) the qualities of the advocate: his ability, his training, education, experience,
4 professional standing and skill; (2) the character of the work to be done: its
5 difficulty, its intricacy, its importance, time and skill required, the responsibility
6 imposed and the prominence and character of the parties where they affect
7 the importance of the litigation; (3) the work actually performed by the lawyer:
the skill, time and attention given to the work; (4) the result: whether the
attorney was successful and what benefits were derived.

8 85 Nev. 345, 349, 455 P.2d 31, 33 (1969).

9 The district court's decision to award attorney fees is within its discretion and will not
10 be disturbed on appeal absent a manifest abuse of discretion. Capanna v. Orth, 134 Nev.
11 888, 895, 432 P.3d 726, 734 (2018). Furthermore, district courts have great discretion to
12 award attorney fees, and this discretion is tempered only by reason and fairness. Haley v.
13 Dist. Ct., 128 Nev. 171, 178, 273 P.3d 855, 860 (2012).

14 The Court finds an additional award of attorney's fees is appropriate.³ In the *Order re*
15 *Motions* entered August 8, 2019, the Court affirmed the Arbitrator's award, and the Nevada
16 Court of Appeals entered the *Order of Affirmance* confirming this Court's decision on
17 December 1, 2020. The prerequisites to awarding attorney's fees in this matter have
18 therefore been met. NRS 38.242(3).

19 The Court now evaluates the reasonableness of the fees Defendants requested
20 pursuant to Brunzell. First, the quality of the advocates is high. The *Declaration of Thomas*
21 *C. Bradley* ("*Bradley Decl.*") states Mr. Bradley has worked in private practice for over
22 twenty years and has represented parties in over 200 securities arbitration cases. *Bradley*
23 *Decl.*, ¶¶ 2. Mr. Bradley retained Mr. Michael Hume to assist Mr. Bradley and Mr. Hume

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³ The Court previously confirmed Judge Pro's award of \$111,649.96 prior to Mr. Garmong's appeal of the Arbitrator's Award. See Order Denying Motion to Alter or Amend Judgment entered December 6, 2019, p. 13.

1 likewise has over twenty years of experience in securities arbitration, increasing the quality
2 of the work provided. *Bradley Decl.*, ¶ 5.

3 Second, the work done was complex as securities arbitration necessitates
4 specialized knowledge. The case lasted over nine years, and Mr. Bradley verifies Mr.
5 Garmong submitted detailed and voluminous motions against Defendants which Mr. Bradley
6 navigated and responded to. *Bradley Decl.*, ¶ 3. Mr. Bradley was successful in defending
7 the Arbitrator's Award at the Nevada Court of Appeals and in defending against Mr.
8 Garmong's motions since the *Order of Affirmance* issued.

9
10 Third, Mr. Bradley has represented Defendants in this matter since the inception of
11 the case in May of 2012. Mr. Bradley successfully compelled arbitration and was generally
12 successful in the motions he filed and defended against. Additionally, the record reflects
13 Mr. Bradley worked to keep the case progressing as he promptly replied to motions when
14 filed. Mr. Bradley has provided the Court with records of his billing statements detailing the
15 work completed in this matter.

16
17 Fourth, Mr. Bradley achieved a favorable Arbitrator's Award for his clients and then
18 defended the award at both the district court and appeals court level.

19
20 The Court has reviewed the *Bradley Decl.*, the *Motion*, and the attached exhibits.
21 The total amount of fees requested incurred in the confirmation of the Arbitrator's Award
22 before this Court and the Nevada Court of Appeals totals \$45,084.50. The final amount of
23 fees incurred by Defendants in this suit totals \$156,734.46.

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1 **III. CONCLUSION AND ORDER.**

2 For the foregoing reasons, and good cause appearing therefor,

3 **IT IS HEREBY ORDERED** Defendants' *Second Amended Motion for Attorney's Fees*
4 is GRANTED.
5

6 **IT IS FURTHER ORDERED** pursuant to the *Order* entered August 27, 2019,
7 Defendants shall have ten (10) days following the entry of this order to file a proposed Final
8 Judgment.

9 Dated this 10th day of July, 2021.
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12 DISTRICT JUDGE
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CARL HEBERT, ESQ.
THOMAS BRADLEY, ESQ.

Holly Longe

1 CODE: 1880
2 THOMAS C. BRADLEY, ESQ.
3 NV Bar. No. 1621
4 435 Marsh Avenue
5 Reno, Nevada 89509
6 Telephone: (775) 323-5178
7 Tom@TomBradleyLaw.com
8 Attorney for Defendants

9 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
10 **IN AND FOR THE COUNTY OF WASHOE**

11 GREGORY GARMONG, CASE NO. CV12-01271
12 Plaintiff, DEPT. NO. 6
13 v.

14 WESPAC, GREG CHRISTIAN, and
15 Does 1-10,
16 Defendants.

17 **FINAL JUDGMENT**

18 On April 11, 2019, Judge Pro, the JAMS Arbitrator who was appointed by this Court, issued
19 his Final Arbitration Award. In the Final Arbitration Award, Judge Pro denied all of Plaintiff
20 Garmong's claims and awarded Defendants WESPAC and GREG CHRISTIAN \$111,649.96 as
21 reasonable attorneys' fees and costs. On August 9, 2019, this Court confirmed the Final Arbitration
22 Award including the Arbitrator's award of fees and costs in the amount of \$111,649.96.

23 **Accordingly, it is hereby Ordered that Defendants WESPAC and GREG CHRISTIAN,**
24 **shall recover from the Plaintiff, GREGORY GARMONG, the sum of \$111,649.96 together with**
25 **interest thereon at the rate as provided by Nevada law from August 9, 2019, until satisfied in**
26 **full.**

27 Furthermore, on July 12, 2021, this Court granted the Defendants' Second Amended Motion
28 for Attorney's Fees and awarded Defendants additional attorney's fees in the amount of \$45,084.50

1 which represented the attorney fees incurred by Defendants to support, confirm, and defend the Final
2 Arbitration Award before this Court and the Nevada Court of Appeals.

3 **Accordingly, it is hereby Ordered that Defendants, WESPAC and GREG CHRISTIAN,**
4 **shall ALSO recover from the Plaintiff, GREGORY GARMONG, the sum of \$45,084.50 together**
5 **with interest thereon at the rate as provided by Nevada law from July 12, 2021 until satisfied in**
6 **full.**

7 IT IS SO ORDERED.

8 DATED this 16th date of July, 2021.

9
10
11 
12 DISTRICT JUDGE

13 Prepared and Submitted by:

14 /s/ Thomas C. Bradley

15 THOMAS C. BRADLEY, ESQ.
16 Attorney for Defendants,
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1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of THE SECOND JUDICIAL DISTRICT
3 COURT; that on the 16th day of July, 2021, I electronically filed the foregoing with
4 the Clerk of the Court system which will send a notice of electronic filing to the
5 following:

6 CARL HEBERT, ESQ.
7 THOMAS BRADLEY, ESQ.
8

9 And, I deposited in the County mailing system for postage and mailing with the
10 United States Postal Service in Reno, Nevada, a true and correct copy of the attached
11 document addressed as follows:

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13 Holly Longe
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1 CODE: 2540
2 THOMAS C. BRADLEY, ESQ.
3 NV Bar. No. 1621
4 435 Marsh Avenue
5 Reno, Nevada 89509
6 Telephone: (775) 323-5178
7 Tom@TomBradleyLaw.com
8 Attorney for Defendants

9 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
10 **IN AND FOR THE COUNTY OF WASHOE**

11 GREGORY GARMONG, CASE NO. CV12-01271
12 Plaintiff, DEPT. NO. 6
13 v.
14 WESPAC, GREG CHRISTIAN, and
15 Does 1-10,
16 Defendants.

17 **NOTICE OF ENTRY OF JUDGMENT**

18 PLEASE TAKE NOTICE that on the 16th day of July, 2021, the Court issued its Final
19 Judgment in the above-captioned matter, a filed-stamped copy of which is attached.

20 ***Affirmation:** The undersigned verifies that this document does not contain the personal*
21 *information of any person.*

22 DATED this 16th day of July, 2021.

23 /s/ Thomas C. Bradley
24 THOMAS C. BRADLEY, ESQ.
25 Attorney for Defendants
26
27
28

1 CODE: 1880
2 THOMAS C. BRADLEY, ESQ.
3 NV Bar. No. 1621
4 435 Marsh Avenue
5 Reno, Nevada 89509
6 Telephone: (775) 323-5178
7 Tom@TomBradleyLaw.com
8 Attorney for Defendants

9 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
10 **IN AND FOR THE COUNTY OF WASHOE**

11 GREGORY GARMONG, CASE NO. CV12-01271
12 Plaintiff, DEPT. NO. 6
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26 **full.**

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28 for Attorney's Fees and awarded Defendants additional attorney's fees in the amount of \$45,084.50

1 which represented the attorney fees incurred by Defendants to support, confirm, and defend the Final
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3 **Accordingly, it is hereby Ordered that Defendants, WESPAC and GREG CHRISTIAN,**
4 **shall ALSO recover from the Plaintiff, GREGORY GARMONG, the sum of \$45,084.50 together**
5 **with interest thereon at the rate as provided by Nevada law from July 12, 2021 until satisfied in**
6 **full.**

7 IT IS SO ORDERED.

8 DATED this 16th date of July, 2021.

9
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11 
12 DISTRICT JUDGE

13 Prepared and Submitted by:

14 /s/ Thomas C. Bradley

15 THOMAS C. BRADLEY, ESQ.
16 Attorney for Defendants,
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CARL HEBERT, ESQ.
THOMAS BRADLEY, ESQ.

Holly Longe

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Thomas C. Bradley, Esq., and on the date set forth below, I served a true copy of the foregoing document on the party(ies) identified herein, via the following means:

 X Second Judicial District Court Eflex system

Carl Hebert, Esq.
carl@cmhebertlaw.com
202 California Avenue
Reno, Nevada 89509
Attorney for Plaintiff

DATED this 16th day of July, 2021.

By: /s/ Mehi Aonga
Employee of THOMAS C. BRADLEY, Esq.

Code 1350

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

GREGORY O. GARMONG,

Plaintiff,

vs.

Case No. CV12-01271

Dept. No. 6

**WESPAC; GREG CHRISTIAN;
DOES 1-10, inclusive,**

Defendants.

CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL

I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on the 11th day of August, 2021, I electronically filed the Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

I further certify that the transmitted record is a true and correct copy of the original pleadings on file with the Second Judicial District Court.

Dated this 11th day of August, 2021.

Alicia Lerud, Interim
Clerk of the Court
By /s/Y.Viloria
Y.Viloria
Deputy Clerk

ORIGINAL

CIVIL COVER SHEET

Washoe County, Nevada

Case No.

CV12 01271

(Assigned by Clerk's Office)

I. Party Information

Plaintiff(s) (name/address/phone):

DOB: Gregory Garmong

11 Dee Court, Smith, NV 89430

775-465-2981

Attorney (name/address/phone):

In proper person

Defendant(s) (name/address/phone):

DOB: 1. Wespac

2. Greg Christian

10425 Double R Blvd., Reno, NV 89521

Attorney (name/address/phone):

ph. 888-695-2869

II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)

☐ Arbitration Requested

Civil Cases

Real Property

☐ Landlord/Tenant - LT☐ Unlawful Detainer - UD☐ Easement to Property☐ Foreclosure - FC☐ Liens - LE☐ Quiet Title - QT☐ Specific Performance - SP☐ Condemnation/Eminent Domain - CD☐ Inter Real Property - RO☐ Partition - PT☐ Planning/Zoning - PZ

Negligence

☐ Negligence - Auto - VP☐ Negligence - Medical/Dental - MD☐ Negligence - Premises Liability - SF
(Slip/Fall)☐ Negligence - Other - NO

Torts

☐ Product Liability☐ Product Liability/Motor Vehicle - VH☐ Other Torts/Product Liability - PL☐ Intentional Misconduct☐ Torts/Defamation (Libel/Slander) - DF☐ Interfere with Contract Rights - IR☐ Employment Torts (Wrongful Term) - WT☐ Other Torts - TO☐ Anti-trust - AT☐ Fraud/Misrepresentation - FM☐ Insurance - IN☐ Legal Tort - LG☐ Unfair Competition - UC

Probate

☐ Summary Administration - SU☐ General Administration - FA☐ Special Administration - SL☐ Set Aside Estates - SE☐ Trust/Conservatorships☐ Individual Trustee - TR☐ Corporate Trustee - TM☐ Other Probate - OP

Other Civil Filing Types

☐ Construction Defect - CF☐ Chapter 40☐ General☐ Breach of Contract☐ Building & Construction - BC☐ Insurance Carrier - BF☐ Commercial Instrument - CI☐ Other Contracts/Acct/Judg. - CO☐ Collection of Actions - CT☐ Employment Contract - EC☐ Guarantee - GU☐ Sale Contract - SC☐ Uniform Commercial Code - UN☐ Civil Petition for Judicial Review☐ Foreclosure Mediation - FO☐ Other Administrative Law - AO☐ Department of Motor Vehicles - DM☐ Worker's Compensation Appeal - SI☐ Appeal from Lower Court☐ Transfer from Justice Court - TJ☐ Justice Court Civil Appeal - CA☐ Civil Writ☐ Other Special Proceeding - SS☐ Other Civil Filing☐ Compromise of Minor's Claim - CM☐ Conversion of Property - CN☐ Damage to Property - DG☐ Employment Security - ES☐ Enforcement of Judgment - EJ☐ Foreign Judgment - Civil - FJ☐ Other Personal Property - PO☐ Recovery of Property - RE☐ Stockholder Suit - ST☒ Other Civil Matters - GC☐ Confession of Judgment - CJ☐ Name Change - Adult - NC☐ Out of State Commission - OS☐ Petition to Seal Criminal Records - PS

III. Business Court Requested (If you check a box below, you must check an additional box above to determine case type.)

☐ NRS Chapters 78-88☐ Commodities (NRS 90)☐ Securities (NRS 90)☐ Investments (NRS 104 Art. 8)☐ Deceptive Trade Practices (NRS 598)☐ Trademarks (NRS 600A)☐ Enhanced Case Mgmt/Business☐ Other Business Court Matters

May 8, 2012

Date

Signature of initiating party or representative

Gregory Garmong, In proper person

Form PA 201
Rev. 2.4ECV12-01271
DC-9900035035-056
GREGORY GARMONG VS WESPAC ET AL Page
District Court 05/09/2012 10:16 AM
Washoe County
CLERK'S OFFICE

Code 4132

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

GREGORY O. GARMONG,

Case No. CV12-01271

Plaintiff,

Dept. No. 6

vs.

**WESPAC; GREG CHRISTIAN;
DOES 1-10, inclusive,**

Defendants.

NOTICE OF APPEAL DEFICIENCY

TO: Clerk of the Court, Nevada Supreme Court,
and All Parties or their Respective Counsel Of Record:

On August 10th, 2021, Attorney Carl M. Hebert, Esq. for Plaintiff, Gregory O. Garmong, filed a Notice of Appeal with the Court. Attorney failed to include the Two Hundred Fifty Dollar (\$250.00) Supreme Court filing fee.

Pursuant to NRAP 3(a)(3), on August 11th, 2021, the Notice of Appeal was filed with the Nevada Supreme Court. By copy of this notice Attorney Hebert, was apprised of the deficiency.

Dated this 11th day of August, 2021.

Alicia L. Lerud, Interim
Clerk of the Court

By: /s/Y.Viloria
Y.Viloria
Deputy Clerk

CERTIFICATE OF SERVICE

CASE NO. CV12-01271

I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County Of Washoe; that on the 11th day of August, 2021, I electronically filed the Notice of Appeal Deficiency with the Clerk of the Court by using the ECF system.

I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

Electronically filed with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

CARL HEBERT, ESQ. for GREGORY GARMONG

THOMAS BRADLEY, ESQ. for WESPAC et al

Deposited in the Washoe County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada:

By:/s/Y.Viloria

Y.Viloria

Deputy Clerk