IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Mar 03 2022 12:21 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

MICHAEL EDWARD HATCH, an individual; and ALISHA SUZANNE HATCH, an individual,

Appellants,

v.

KARI ANNE JOHNSON,

Respondent.

Supreme Court No.: 83692
(District Court Case No. CV21-00246)

JOINT APPENDIX VOL. 5

MARK G. SIMONS, ESQ.
Nevada Bar No. 5132
SIMONS HALL JOHNSTON PC
690 Sierra Rose Drive
Reno, Nevada 89511
T: (775) 785-0088
Email: msimons@shjnevada.com
Attorneys for Appellants

Docket 83692 Document 2022-06805

CHRONOLOGICAL INDEX			
DOCUMENT	**DATE**	**VOL.**	**BATES**
Verified Complaint	2/10/2021	1	JA_00001-67
Notice of Pendency of Action (Lis Pendens)	2/10/2021	1	JA_00068-69
Summons (Michael Edward Hatch)	2/19/2021	1	JA_00070-74
Summons (Alisha Suzanne Hatch)	2/19/2021	1	JA_00075-79
Notice of Appearance (M. Simons)	3/4/2021	1	JA_00080-82
Request for Hearing Pursuant to NRS 14.015	3/5/2021	1	JA_00083-85
Ex Parte Motion for Order Shortening Time	3/5/2021	1	JA_00086-89
Emergency Motion to Expunge Lis Pendens	3/5/2021	1	JA_00090-121
Motion to Dismiss	3/5/2021	1	JA_00122-154
Opposition to Ex Parte Motion for Order Shortening Time	3/8/2021	1	JA_00155-158
Reply in Support of Ex Parte Motion for Order Shortening Time	3/9/2021	1	JA_00159-163
Request for Submission	3/9/2021	1	JA_00164-166
Order Setting Hearing	3/10/2021	1	JA_00167-172
Notice of Hearing	3/11/2021	1	JA_00173-175
Notice of Appearance (H. Winston)	3/12/2021	1	JA_00176-178
Demand for Jury	3/12/2021	1	JA_00179-181

Supplement to Emergency Motion to Expunge Lis Pendens	3/15/2021	1	JA_00182-184
Verified First Amended Complaint	3/16/2021	1-2	JA-00185-254
Opposition to Motion to Dismiss	3/16/2021	2	JA_00255-377
Opposition to Emergency Motion to Expunge Lis Pendens	3/16/2021	2	JA_00378-430
Affidavit of Kari Anne Johnson in Support of Opposition to Emergency Motion to Expunge Lis Pendens	3/17/2021	2	JA_00431-436
Notice of Proposed Exhibits (Plaintiff)	3/17/2021	2-3	JA_00437-570
Reply in Support of Emergency Motion to Expunge Lis Pendens	3/19/2021	3	JA_00571-586
Request for Submission	3/19/2021	3	JA_00587-589
Transcript of 3/22/2021 Hearing	3/22/2021	3	JA_00590-616
Motion for Leave to File Second Amended Complaint	3/25/2021	3	JA_00617-697
Motion to Dismiss First Amended Complaint	3/30/2021	3-4	JA_00698-773
Request for Submission	3/31/2021	4	JA_00774-782
Plaintiff's Objection to Defendants' Proposed Order Granting Motion to Expunge Lis Pendens	4/1/2021	4	JA_00783-799

Opposition to Motion to Dismiss Verified First Amended Complaint	4/8/2021	4	JA_00800-822
Opposition to Motion for Leave to File Second Amended Complaint	4/8/2021	4	JA_00823-859
Defendants' Response to Plaintiff's Objection to Defendants' Proposed Order Granting Motion to Expunge Lis Pendens	4/8/2021	4	JA_00860-875
Reply in Support of Motion to Dismiss Verified First Amended Complaint	4/8/2021	4	JA_00876-885
Request for Submission	4/8/2021	4	JA_00886-888
Reply in Support of Plaintiff's Objection to Defendants' Proposed Order Granting Motion to Expunge Lis Pendens	4/12/2021	4	JA_00889-893
Request for Submission	4/12/2021	4	JA_00894-896
Reply in Support of Motion for Leave to File Second Amended Complaint	4/14/2021	4	JA_00897-903
Request for Submission	4/14/2021	4	JA_00904-906
Order Granting Motion to Expunge Lis Pendens	4/27/2021	4	JA_00907-911
Notice of Entry of Order	4/27/2021	4	JA_00912-921
Notice of Release of Lis Pendens	4/28/2021	4	JA_00922-924
Order to Set	5/21/2021	4	JA_00925-927

Plaintiff's Motion for Leave to File Motion for Reconsideration of Order to Set or, Alternatively, Request for Clarification of Order to Set	5/25/2021	4	JA_00928-936
Notice of Hearing	6/1/2021	4	JA_00937-939
Minutes	6/8/2021	4	JA_00940
Opposition to Motion for Leave to File Motion for Reconsideration of Order to Set, or, Alternatively, Request for Clarification to Set	6/8/2021	4	JA_00941-944
Reply in Support of Plaintiff's Motion for Leave to File Motion for Reconsideration of Order to Set, or, Alternatively, Request for Clarification of Order to Set	6/10/2021	4	JA_00945-947
Request for Submission	6/10/2021	4	JA_00948-950
Request for Judicial Notice	6/23/2021	4-5	JA_00951-1069
Order Regarding the Court's May 21, 2021, Order to Set	6/29/2021	5	JA_01070-1073
Request for Judicial Notice re: Notary Public Documents and Signatures	7/6/2021	5	JA_001074-1096
Opposition to Request for Judicial Notice	7/7/2021	5	JA_01097-1103
Minutes	7/14/2021	5	JA_01104-1105
Order Addressing Motions	8/2/2021	5	JA_01106-1107
Notice of Entry of Order	8/2/2021	5	JA_01108-1113

Notice of Voluntary Dismissal	8/12/2021	5	JA_01114-1116
Motion for Attorney's Fee	8/19/2021	5	JA_01117-1173
Memorandum of Costs	8/19/2021	5	JA_01174-1182
Motion to Retax Costs	8/20/2021	5	JA_01183-1189
Opposition to Motion for an Award of Attorneys' Fees and Costs	8/27/2021	5	JA_01190-1197
Reply in Support of Motion for an Award of Attorneys' Fees and Costs	9/2/2021	5	JA_01198-1214
Opposition to Motion to Retax	9/2/2021	5	JA_01215-1217
Request for Submission	9/2/2021	5	JA_01218-1224
Reply to Opposition to Motion to Retax Costs	9/8/2021	5	JA_01225-1231
Request for Submission	9/8/2021	5	JA_01232-1233
Order Regarding Attorneys' Fees and Costs	10/1/2021	5	JA_01234-1238
Notice of Appearance (K. Robison)	10/5/2021	5	JA_01239-1241
Notice of Entry of Order	10/21/2021	6	JA_01242-1251
Notice of Appeal	10/21/2021	6	JA_01252-1254
Notice of Cross Appeal	10/27/2021	6	JA_01255-1257

ALPHABETICAL INDEX			
DOCUMENT	**DATE**	**VOL.**	**BATES**
Affidavit of Kari Anne Johnson in Support of Opposition to Emergency Motion to Expunge Lis Pendens	3/17/2021	2	JA_00431-436
Defendants' Response to Plaintiff's Objection to Defendants' Proposed Order Granting Motion to Expunge Lis Pendens	4/8/2021	4	JA_00860-875
Demand for Jury	3/12/2021	1	JA_00179-181
Emergency Motion to Expunge Lis Pendens	3/5/2021	1	JA_00090-121
Ex Parte Motion for Order Shortening Time	3/5/2021	1	JA_00086-89
Memorandum of Costs	8/19/2021	5	JA_01174-1182
Minutes	6/8/2021	4	JA_00940
Minutes	7/14/2021	5	JA_01104-1105
Motion for Attorney's Fee	8/19/2021	5	JA_01117-1173
Motion for Leave to File Second Amended Complaint	3/25/2021	3	JA_00617-697
Motion to Dismiss	3/5/2021	1	JA_00122-154
Motion to Dismiss First Amended Complaint	3/30/2021	3-4	JA_00698-773
Motion to Retax Costs	8/20/2021	5	JA_01183-1189
Notice of Appeal	10/21/2021	6	JA_01252-1254
Notice of Appearance (H. Winston)	3/12/2021	1	JA_00176-178
Notice of Appearance (K. Robison)	10/5/2021	5	JA_01239-1241

Notice of Appearance (M. Simons)	3/4/2021	1	JA_00080-82
Notice of Cross Appeal	10/27/2021	6	JA_01255-1257
Notice of Entry of Order	4/27/2021	4	JA_00912-921
Notice of Entry of Order	8/2/2021	5	JA_01108-1113
Notice of Entry of Order	10/21/2021	6	JA_01242-1251
Notice of Hearing	3/11/2021	1	JA_00173-175
Notice of Hearing	6/1/2021	4	JA_00937-939
Notice of Pendency of Action (Lis Pendens)	2/10/2021	1	JA_00068-69
Notice of Proposed Exhibits (Plaintiff)	3/17/2021	2-3	JA_00437-570
Notice of Release of Lis Pendens	4/28/2021	4	JA_00922-924
Notice of Voluntary Dismissal	8/12/2021	5	JA_01114-1116
Opposition to Emergency Motion to Expunge Lis Pendens	3/16/2021	2	JA_00378-430
Opposition to Ex Parte Motion for Order Shortening Time	3/8/2021	1	JA_00155-158
Opposition to Motion for an Award of Attorneys' Fees and Costs	8/27/2021	5	JA_01190-1197
Opposition to Motion for Leave to File Motion for Reconsideration of Order to Set, or, Alternatively, Request for Clarification to Set	6/8/2021	4	JA_00941-944

Opposition to Motion for Leave to File Second Amended Complaint	4/8/2021	4	JA_00823-859
Opposition to Motion to Dismiss	3/16/2021	2	JA_00255-377
Opposition to Motion to Dismiss Verified First Amended Complaint	4/8/2021	4	JA_00800-822
Opposition to Motion to Retax	9/2/2021	5	JA_01215-1217
Opposition to Request for Judicial Notice	7/7/2021	5	JA_01097-1103
Order Addressing Motions	8/2/2021	5	JA_01106-1107
Order Granting Motion to Expunge Lis Pendens	4/27/2021	4	JA_00907-911
Order Regarding Attorneys' Fees and Costs	10/1/2021	5	JA_01234-1238
Order Regarding the Court's May 21, 2021, Order to Set	6/29/2021	5	JA_01070-1073
Order Setting Hearing	3/10/2021	1	JA_00167-172
Order to Set	5/21/2021	4	JA_00925-927
Plaintiff's Motion for Leave to File Motion for Reconsideration of Order to Set or, Alternatively, Request for Clarification of Order to Set	5/25/2021	4	JA_00928-936
Plaintiff's Objection to Defendants' Proposed Order Granting Motion to Expunge Lis Pendens	4/1/2021	4	JA_00783-799

Reply in Support of Emergency Motion to Expunge Lis Pendens	3/19/2021	3	JA_00571-586
Reply in Support of Ex Parte Motion for Order Shortening Time	3/9/2021	1	JA_00159-163
Reply in Support of Motion for an Award of Attorneys' Fees and Costs	9/2/2021	5	JA_01198-1214
Reply in Support of Motion for Leave to File Second Amended Complaint	4/14/2021	4	JA_00897-903
Reply in Support of Motion to Dismiss Verified First Amended Complaint	4/8/2021	4	JA_00876-885
Reply in Support of Plaintiff's Motion for Leave to File Motion for Reconsideration of Order to Set, or, Alternatively, Request for Clarification of Order to Set	6/10/2021	4	JA_00945-947
Reply in Support of Plaintiff's Objection to Defendants' Proposed Order Granting Motion to Expunge Lis Pendens	4/12/2021	4	JA_00889-893
Reply to Opposition to Motion to Retax Costs	9/8/2021	5	JA_01225-1231
Request for Hearing Pursuant to NRS 14.015	3/5/2021	1	JA_00083-85
Request for Judicial Notice	6/23/2021	4-5	JA_00951-1069
Request for Judicial Notice re: Notary Public Documents and Signatures	7/6/2021	5	JA_001074-1096

Request for Submission	3/9/2021	1	JA_00164-166
Request for Submission	3/19/2021	3	JA_00587-589
Request for Submission	3/31/2021	4	JA_00774-782
Request for Submission	4/8/2021	4	JA_00886-888
Request for Submission	4/12/2021	4	JA_00894-896
Request for Submission	4/14/2021	4	JA_00904-906
Request for Submission	6/10/2021	4	JA_00948-950
Request for Submission	9/2/2021	5	JA_01218-1224
Request for Submission	9/8/2021	5	JA_01232-1233
Summons (Alisha Suzanne Hatch)	2/19/2021	1	JA_00075-79
Summons (Michael Edward Hatch)	2/19/2021	1	JA_00070-74
Supplement to Emergency Motion to Expunge Lis Pendens	3/15/2021	1	JA_00182-184
Transcript of 3/22/2021 Hearing	3/22/2021	3	JA_00590-616
Verified Complaint	2/10/2021	1	JA_00001-67
Verified First Amended Complaint	3/16/2021	1-2	JA-00185-254

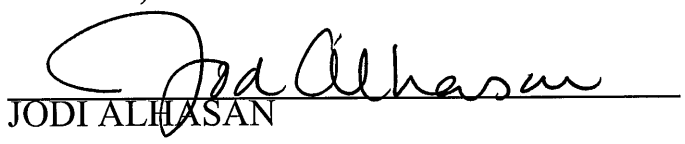
CERTIFICATE OF SERVICE

Pursuant to NRAP 25, I certify that I am an employee of SIMONS HALL JOHNSTON PC, and that on this date I caused to be served a true copy of the **JOINT APPENDIX VOL. 5** on all parties to this action by the method(s) indicated below:

K by using the Supreme Court Electronic Filing System:

Kent R. Robison
Clayton P. Brust
Stefanie T. Sharp
Hannah E. Winston
Robison, Sharp, Sullivan & Brust
71 Washington St.
Reno, NV 89503
Attorneys for Respondents

DATED: This 3 day of March, 2022.



JODI ALHASAN

DOC #3737282
03/09/2009 04:05:59 PM
Electronic Recording Requested By
STEWART TITLE OF NEVADA RENO
Washoe County Recorder
Kathryn L. Burke - Recorder
Fee: $15.00 RPTT: $3157.00
Page 1 of 2

A.P.N. #	040-930-05
R.P.T.T.	$3,157.00
Escrow No.	1015968

Recording Requested By:

stewart title of nevada

Mail Tax Statements To: *Same as below*

When Recorded Mail To:
Kari Anne Johnson
16845 RueDu Parc
Reno, Nevada 89511

GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH: That **William Richard Hayes Jr. and Anne Gilliland Hayes, Trustees of the Hayes Family Trust, U/A dtd 11/6/97**

for valuable consideration, the receipt of which is hereby acknowledged, does hereby Grant, Bargain Sell and Convey to **Kari Anne Johnson LLC, a Nevada Limited Liability Company** II

, all that real property situated in the County of Washoe, State of Nevada, bounded and described as follows:

See Exhibit "A" attached hereto and by reference made a part hereof for complete legal description.

Together with all and singular the tenements, hereditaments and appurtenances, including water rights , if any thereunto belonging or in anywise appertaining, and any reversions, remainders, rents, issues or profits thereof.

Dated: 3/5/09

William Richard Hayes Jr./Trustee

Anne Gilliland Hayes/Trustee

State of Nevada }
} ss.
County of Washoe }

This instrument was acknowledged before me on 3-5-09
by: William Richard Hayes Jr./Trustee, Anne Gilliland Hayes/Trustee

Signature: Notary Public

LORI HENRY
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 02-72697-2 - Expires December 26, 2009

(One Inch Margin on all sides of Document for Recorder's use Only)

Exhibit A
LEGAL DESCRIPTION

File Number: 1015968

Lot 5 of LAKESIDE RANCH ESTATES PHASE 1, according to the official map thereof, filed in the office of the Washoe County Recorder, State of Nevada on March 29, 2000, as Document No. 2434600, and as Tract Map No. 3814, and by Certificate of Amendment Recorded June 7, 2001,, Document No. 2561323, Official Records

APN: 040-930-05

Copy

F I L E D
Electronically
CV21-00246
2021-06-23 12:38:54 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8509309 : sacordag

EXHIBIT 8

EXHIBIT 8

DOC # 4061026
11/22/2011 04:25:13 PM
Requested By
AVANSINO MELARKEY KNOBEL
Washoe County Recorder
Kathryn L. Burke - Recorder
Fee: $15.00 RPTT: $1,476.00
Page 1 of 2

APN: 040-930-05

AFTER RECORDING RETURN TO:
John B. Mulligan, Esq.
AVANSINO, MELARKEY, KNOBEL,
MULLIGAN & McKENZIE
4795 Caughlin Parkway, Suite 100
Reno, NV 89519

GRANTEE'S ADDRESS IS &
MAIL TAX STATEMENTS TO:
Kari Anne Johnson
16845 Rue du Parc
Reno NV 89511

The undersigned hereby affirm that this document submitted for recording does not contain the social security number of any person or persons. (Per NRS 239B.030).

QUITCLAIM DEED

THIS DEED is entered into this 9th day of November, 2011, between KARI ANNE JOHNSON, LLC II, a Nevada limited liability company, Grantor, and KARI ANNE JOHNSON L.L.C., Grantee.

Grantor, without consideration, quitclaims and conveys to the Grantee, and to its successors and assigns, its interest in and to all that certain real property situate in the County of Washoe, State of Nevada, and more particularly described as follows:

Lot 5 of LAKESIDE RANCH ESTATES PHASE 1, according to the official map thereof, filed in the office of the Washoe County Recorder, State of Nevada on March 29, 2000, as Document No. 2434600, and as Tract Map No. 3814, and by Certificate of Amendment recorded June 7, 2001, Document No. 2561323, Official Records.

BEING the same premises conveyed to Grantor herein by deed recorded in the Washoe County Recorder's Office on March 9, 2009 as Document No. 3737282.

TOGETHER WITH the tenements, hereditaments and appurtenances

thereunto belonging or appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; together with all water and water rights, ditches and ditch rights, appurtenant thereto or used in connection therewith.

TO HAVE AND TO HOLD with all the appurtenances, unto the Grantee, and to its successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand the day and year first above written.

KARI ANNE JOHNSON, LLC II

By: _____
Kari Anne Johnson
Its: Manager

STATE OF NEVADA)
)ss:
COUNTY OF WASHOE)

This instrument was acknowledged before me on November 9, 2011 by Kari Anne Johnson as Manager of KARI ANNE JOHNSON, LLC II, a Nevada limited liability company.

_____
Notary Public

LINDA WENDELL
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 90-0972-2 - Expires May 22, 2012

F I L E D
Electronically
CV21-00246
2021-06-23 12:38:54 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8509309 : sacordag

EXHIBIT 9

EXHIBIT 9

Home » Assessor » Real Property Assessment Data

Owner Information

APN	**040-930-05**	Card 1 of 1
Situs 1	2720 LAST CHANCE CT WASHOE COUNTY NV 89511	Bld # 1
Owner 1	KARI ANNE JOHNSON LLC	OWNER
Mail Address	2710 ALASTOR WAY RENO NV 89521	

Parcel Information

Keyline Desc	LAKESIDE RANCH EST 1 LT 5		
Subdivision	LAKESIDE RANCH ESTATES PHASE 1		
Section	**Township** 18	**Range** 19	
Record of Survey Map	**: Parcel Map#**	**: Sub Map#** 3814	
Special Property Code			
2021 Tax District	4000	**Prior APN**	040-611-01
2020 Tax District	4000	**Tax Cap Status**	Use does not qualify for Low Cap, High Cap Applied
PERMITS	kjohns 04/20/2021		

Building Information

XFOB SUBAREA

Bld #1 Situs	2720 LAST CHANCE CT	**Property Name**	
Quality	RHG 10.0 HIGH VALUE CLASS IV	**Building Type**	Single Family Residence
Stories	1 Story	**2nd Occupancy**	
Year Built	2021	WAY	2021
Bedrooms	4	Square Feet	5605
Full Baths	4	**Finished Bsmt**	0
Half Baths	1	**Unfin Bsmt**	0
Fixtures	24	**Basement Type**	
Fireplaces	2	**Gar Conv Sq Feet**	0
Heat Type	HIGH VALUE COMPLETE HEATING AND COOL	**Total Garage Area**	0
2nd Heat Type		**Garage Type**	
Exterior Walls	HV STUCCO ON FRAME	**Detached Garage**	3248
2nd Ext Walls	HV STONE VEN ON FRAME	**Basement Gar Door**	0
Roof Cover	METAL	**Sub Floor**	WOOD
% Complete	65	**Frame**	
Obso/Bldg Adj	0	Units/Bldg	1
Construction Modifier		Units/Parcel	1

Land Information

LAND DETAILS

Land Use	200	DOR Code	200	Sewer	Municipal	Neighborhood	OCKG	OC Neighborhood Map
Size	152,634.24 SqFt	Size	3.504 Acres	Street	Paved	Zoning Code	HDR	
				Water	Muni			

Sales and Transfer Records

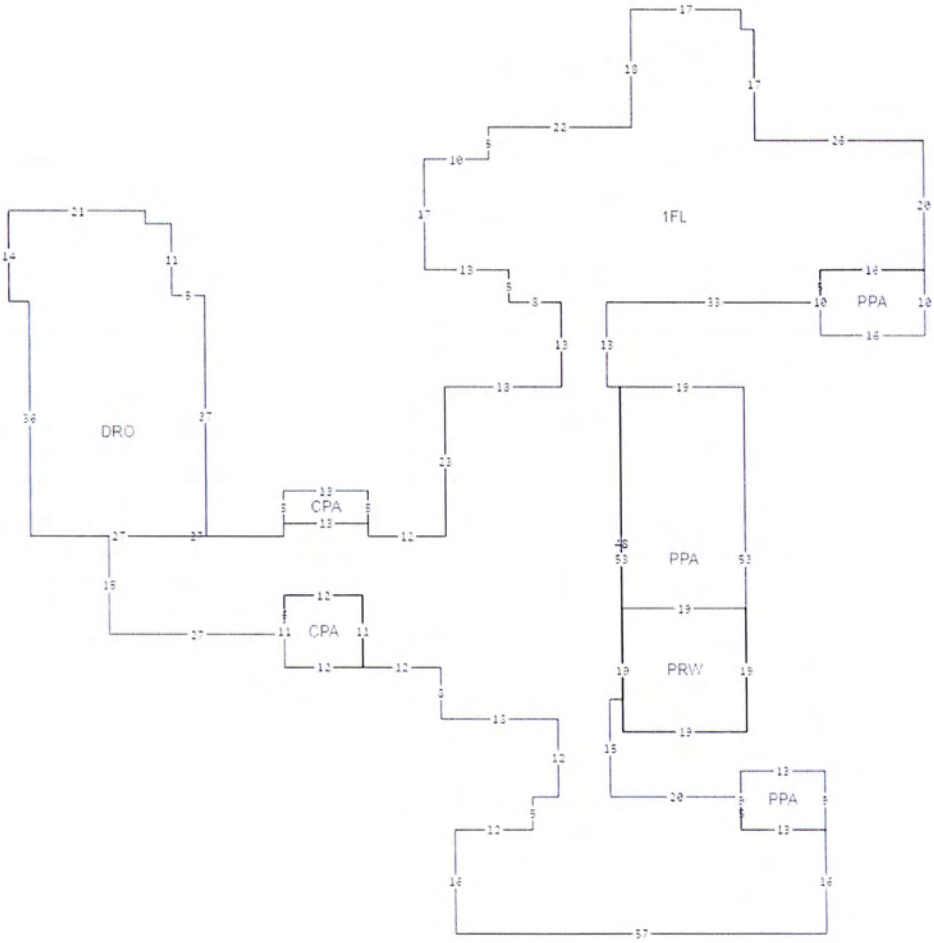
RECORDER SEARCH

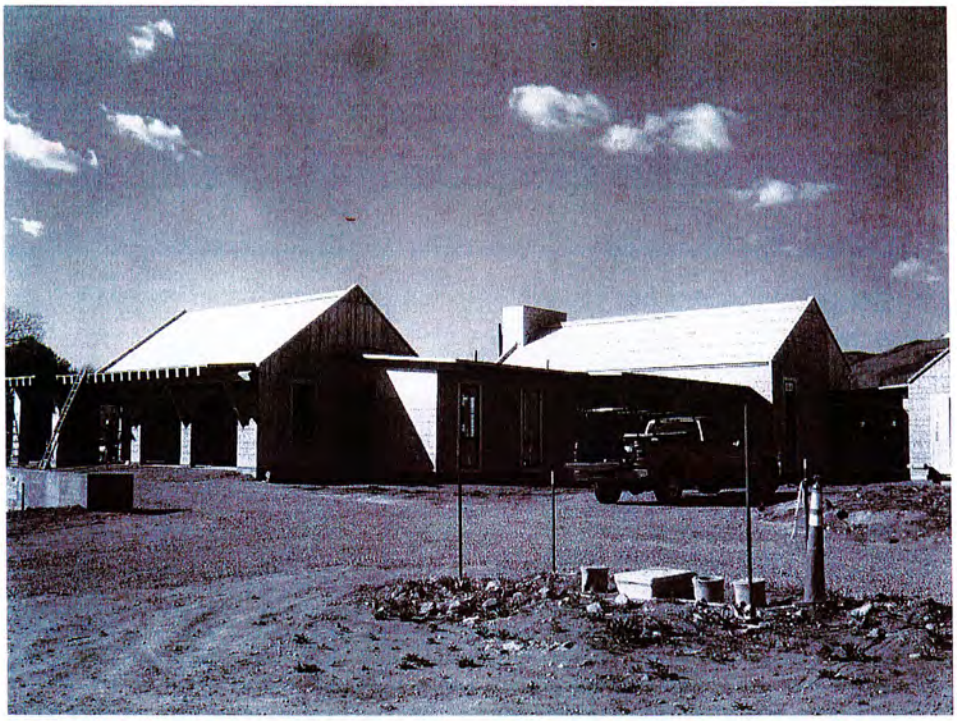
Grantor	Grantee	Doc #	Doc Type	Doc Date	DOR Code	Value/Sale Price	Sale Code	Note
JOHNSON LLC II, KARI ANNE	JOHNSON LLC, KARI ANNE	4061026	DEED	11-22-2011	180	0	3BGG	
HAYES FAMILY TRUST,	JOHNSON LLC II,KARI ANNE	3737282	DEED	03-09-2009	180	770,000	1G	DOC $ AMT INCLUDES DOC 3737283 (WATER RIGHTS DOC) OWNER PURCHASED AS AN INVESTMENT WITH NO PLANS TO BUILD AT THIS POINT.
	HAYES FAMILY TRUST	2453380	DEED	06-06-2000	120	400,000	1G	S SVL-VERIFIED

Valuation Information

The 2021/2022 values are preliminary values and subject to change.

	Taxable Land	New Value	Taxable Imps	OBSO	Tax Cap Value	Taxable Total	Land Assessed	Imps Assessed	Total Assessed	Exemption Value
2021/22 ROQ	568,750	1,586,956	1,679,159	0		2,247,909	199,062	587,705	786,768	0
2021/22 NR	568,750	0	92,203	0		660,953	199,062	32,271	231,334	0
2021/22 VN	568,750	0	92,203	0		660,953	199,062	32,271	231,334	0


1FL
PPA
DRO
CPA
CPA
PPA
PRW
PPA



All parcel data on this page is for use by the Washoe County Assessor for assessment purposes only. The summary data on this page may not be a complete representation of the parcel or of the improvements thereon. Building information, including unit counts and number of permitted units, should be verified with the appropriate building and planning agencies. Zoning information should be verified with the appropriate planning agency. All parcels are reappraised each year. This is a true and accurate copy of the records of the Washoe County Assessor's Office as of 06-01-2021

If you have questions or corrections about our property data you can call us at 775-328-2277 or email us at exemptions@washoecounty.us

F I L E D
Electronically
CV21-00246
2021-06-23 12:38:54 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8509309 : sacordag

EXHIBIT 10

EXHIBIT 10

DOC #4737426
08/25/2017 09:01:53 AM
Electronic Recording Requested By
FIRST CENTENNIAL - RENO (MAIN OF
Washoe County Recorder
Lawrence R. Burtness
Fee: $19.00 RPTT: $13632.50
Page 1 of 3

APN: 123-272-03

Escrow No. 00230283 - 003 - 14
RPTT 13,632.50
When Recorded Return to:
Kari Anne Johnson LLC
2710 Alastor Way
Reno, NV 89521
Mail Tax Statements to:
Grantee same as above

SPACE ABOVE FOR RECORDERS USE

Grant, Bargain, Sale Deed

THIS INDENTURE WITNESSETH: That
Jeffrey J. Katz and Mindy S. Katz, Trustees of the Jeffrey Jay & Mindy Sue Katz AB Living Trust dated January 9th, 2012

In consideration of $10.00, the receipt of which is hereby acknowledged, do(es) hereby Grant, Bargain, Sell and Convey to
Kari Anne Johnson LLC, a Colorado Limited Liability Company

all that real property situate in the City of Incline Village, County of Washoe, State of Nevada, described as follows:

See Exhibit A attached hereto and made a part hereof.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

SPACE BELOW FOR RECORDER

Witness my/our hand(s) this 18 day of August, 2017

Jeffrey Jay & Mindy Sue Katz AB Living Trust dated January 9th, 2012

Jeffrey J. Katz, Trustee

Jeffrey Jay & Mindy Sue Katz AB Living Trust dated January 9th, 2012

Mindy S. Katz, Trustee

STATE OF NEVADA
COUNTY OF WASHOE

This instrument was acknowledged before me on 8.18.17,
By Jeffrey J. Katz and Mindy S. Katz.

NOTARY PUBLIC

S. PISANO
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 99-51198-2 - Expires October 10, 2018

SPACE BELOW FOR RECORDER

Exhibit A

PARCEL 1:

Unit No. 3, as shown upon the Condominium Map and diagrammatic floor plan entitled AMENDED OFFICIAL PLAT STILLWATER COVE, a Condominium, filed in the office of the County Recorder of Washoe County, State of Nevada, on June 13, 1980, as Document No. 677636, Subdivision Map No. 1937A, B, C, D and E and as further defined and described in that certain "Stillwater Cove Amended Declaration of Covenants and Restrictions Establishing a Plan of Condominium Ownership" recorded on June 17, 1980, in the Official Records of the County of Washoe, State of Nevada, as File No. 678114.

PARCEL 2:

An undivided interest in and to all of Block A, of STILLWATER COVE, a Condominium, as shown and described on the Amended Map thereof, filed in the office of the County Recorder of Washoe County, Nevada, on June 13, 1980, as File No. 677636.

EXCEPTING FROM said Parcel 2, Units 1 through 48, inclusive, as shown and described on said map.

FURTHER EXCEPTING THEREFROM any portion of said land lying below the ordinary high water line of Lake Tahoe.

SPACE BELOW FOR RECORDER

F I L E D
Electronically
CV21-00246
2021-06-23 12:38:54 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8509309 : sacordag

EXHIBIT 11

EXHIBIT 11

Home » Assessor » Real Property Assessment Data

3,325,000

Owner Information

APN	**123-272-03**	Card 1 of 1
Situs 1	120 STATE ROUTE 28 CRYSTAL BAY NV 89402	Bld # 1
Owner 1	KARI ANNE JOHNSON LLC	
Mail Address	2710 ALASTOR WAY RENO NV 89521	

Parcel Information

Keyline Desc	STILLWATER COVE AMD LT 3 BLK A		
Subdivision	STILLWATER COVE AMENDED		
	Section **Township** 16 **Range** 18		
Record of Survey Map : **Parcel Map#** 0 : **Sub Map#**			
	Special Property Code		
2021 Tax District	5200	**Prior APN**	
2020 Tax District	5200	**Tax Cap Status**	Low Cap Qualified Primary Residence
PERMITS	jtung 06/08/2016		

Building Information

XFOB SUBAREA

Bld #1 Situs	120 STATE ROUTE 28	**Property Name**	
Quality	R60 Excellent	**Building Type**	Townhouse
Stories	3 Story End Unit	**2nd Occupancy**	
Year Built	1980	WAY	1985
Bedrooms	4	Square Feet	3064
Full Baths	4	**Finished Bsmt**	0
Half Baths	1	**Unfin Bsmt**	0
Fixtures	19	**Basement Type**	
Fireplaces	3	**Gar Conv Sq Feet**	0
Heat Type	FORCED AIR	**Total Garage Area**	0
2nd Heat Type		**Garage Type**	
Exterior Walls	WOOD SHINGLE ON FRAME	**Detached Garage**	0
2nd Ext Walls		**Basement Gar Door**	0
Roof Cover	COMPOSITION SHINGLE	**Sub Floor**	WOOD
% Complete	100	**Frame**	FRAME
Obso/Bldg Adj	0	Units/Bldg	1
Construction Modifier		Units/Parcel	1

Land Information

LAND DETAILS

Land Use	210	**DOR Code**	210	**Sewer**	Municipal	**Neighborhood**	PCBA PC Neighborhood Map
Size	43 SqFt	**Size**	0.001 Acres	**Street**	Paved	**Zoning Code**	MDS
				Water	Muni		

Sales and Transfer Records

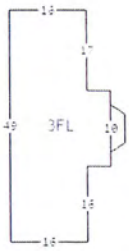
RECORDER SEARCH

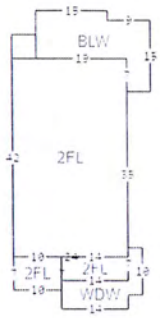
Grantor	Grantee	Doc #	Doc Type	Doc Date	DOR Code	Value/Sale Price	Sale Code	Note
KATZ AB LIVING TRUST, JEFFREY J & MINDY S	KARI ANNE JOHNSON LLC	4787426	DEED	08-25-2017	210	3,325,000	1G	
CALVY LIVING TRUST	KATZ AB LIVING TRUST, JEFFREY J & MINDY S	4391828	DEED	09-12-2014	210	2,450,000	2D	
CALVY, WILLIAM J & CATHERINE A	CALVY LIVING TRUST	4216503	DEED	03-19-2013	210	0	3BGG	INTO TRUST
CALVY, WILLIAM J & CATHERINE A	CALVY,WILLIAM J & CATHERINE A	4216456	DEED	03-19-2013	210	0	3NTT	CHANGE IN VESTING
MORRICE, BRUCE A	CALVY,WILLIAM J & CATHERINE A	3504921	DEED	03-05-2007	210	2,300,000	1G	SVL-VERIFIED.

Valuation Information

The 2021/2022 values are preliminary values and subject to change.

	Taxable Land	New Value	Taxable Imps	OBSO	Tax Cap Value	Taxable Total	Land Assessed	Imps Assessed	Total Assessed	Exemption Value
2021/22 NR	1,489,400	0	303,217	0		1,792,617	521,290	106,125	627,416	0
2021/22 VN	1,489,400	0	303,217	0		1,792,617	521,290	106,125	627,416	0
2020/21 FV	1,432,100	0	304,637	0	961,988	1,736,737	501,235	106,622	607,858	0


3FL


BLW
2FL
2FL
2FL
WDW

WDW
1FL
STR

All parcel data on this page is for use by the Washoe County Assessor for assessment purposes only. The summary data on this page may not be a complete representation of the parcel or of the improvements thereon. Building information, including unit counts and number of permitted units, should be verified with the appropriate building and planning agencies. Zoning information should be verified with the appropriate planning agency. All parcels are reappraised each year. This is a true and accurate copy of the records of the Washoe County Assessor's Office as of 06-01-2021

If you have questions or corrections about our property data you can call us at 775-328-2277 or email us at exemptions@washoecounty.us

F I L E D
Electronically
CV21-00246
2021-06-23 12:38:54 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8509309 : sacordag

EXHIBIT 12

EXHIBIT 12

ENTITY INFORMATION

ENTITY INFORMATION

Entity Name:

KARI ANNE JOHNSON L.L.C.

Entity Number:

LLC9670-2002

Entity Type:

Domestic Limited-Liability Company (86)

Entity Status:

Active

Formation Date:

08/09/2002

NV Business ID:

NV20021098324

Termination Date:

8/9/2502

Annual Report Due Date:

8/31/2021

Series LLC:

Restricted LLC:

REGISTERED AGENT INFORMATION

Name of Individual or Legal Entity:

SIERRA CORPORATE SERVICES - RENO

Status:

Active

CRA Agent Entity Type:

Registered Agent Type:

Commercial Registered Agent

NV Business ID:

Office or Position:

Jurisdiction:

NEVADA

Street Address:

100 WEST LIBERTY STREET 10TH FLOOR, Reno, NV, 89501, USA

Mailing Address:

Individual with Authority to Act:

Micki Arguello

Fictitious Website or Domain Name:

OFFICER INFORMATION

☐ **VIEW HISTORICAL DATA**

Title	Name	Address	Last Updated	Status
Manager	WILLIAM CHARLES BAILEY	5925 LAKE GENEVA COURT, Reno, NV, 89511, USA	08/18/2020	Active
Manager	DONNA RAE JOHNSON	5925 LAKE GENEVA COURT, Reno, NV, 89511, USA	08/18/2020	Active
Manager	KARI JOHNSON	5925 LAKE GENEVA COURT, Reno, NV, 89511, USA	08/18/2020	Active

Title	Name	Address	Last Updated	Status
Manager	TOM L JOHNSON	5925 LAKE GENEVA COURT, Reno, NV, 89511, USA	08/18/2020	Active

Page 1 of 1, records 1 to 4 of 4

Filing History Name History Mergers/Conversions

Return to Search Return to Results

F I L E D
Electronically
CV21-00246
2021-06-23 12:38:54 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8509309 : sacordag

EXHIBIT 13

EXHIBIT 13

ENTITY INFORMATION

ENTITY INFORMATION

Entity Name:

KAJ PROPERTIES II, LLC

Entity Number:

E0839722005-8

Entity Type:

Domestic Limited-Liability Company (86)

Entity Status:

Dissolved

Formation Date:

11/30/2005

NV Business ID:

NV20051755630

Termination Date:

11/1/2055

Annual Report Due Date:

11/30/2016

Series LLC:

Restricted LLC:

REGISTERED AGENT INFORMATION

Name of Individual or Legal Entity:

.RESIGNED

Status:

Active

CRA Agent Entity Type:

Registered Agent Type:

Non-Commercial Registered Agent

NV Business ID:

NV20091402243

Office or Position:

Jurisdiction:

Street Address:

Mailing Address:

Individual with Authority to Act:

Fictitious Website or Domain Name:

OFFICER INFORMATION

☐ **VIEW HISTORICAL DATA**

Title	Name	Address	Last Updated	Status
Managing Member	KARI JOHNSON	2710 ALASTOR WAY, RENO, NV, 89521, USA	11/25/2015	Active

Page 1 of 1, records 1 to 1 of 1

Filing History Name History Mergers/Conversions

Return to Search Return to Results

F I L E D
Electronically
CV21-00246
2021-06-23 12:38:54 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8509309 : sacordag

EXHIBIT 14

EXHIBIT 14

ENTITY INFORMATION

ENTITY INFORMATION

Entity Name:

JOHNSON INVESTMENTS MANAGEMENT LLC

Entity Number:

LLC2687-2004

Entity Type:

Domestic Limited-Liability Company (86)

Entity Status:

Active

Formation Date:

02/10/2004

NV Business ID:

NV20041029449

Termination Date:

2/10/2504

Annual Report Due Date:

2/28/2022

Series LLC:

Restricted LLC:

REGISTERED AGENT INFORMATION

Name of Individual or Legal Entity:

SIERRA CORPORATE SERVICES - RENO

Status:

Active

CRA Agent Entity Type:

Registered Agent Type:

Commercial Registered Agent

NV Business ID:

Office or Position:

Jurisdiction:

NEVADA

Street Address:

100 WEST LIBERTY STREET 10TH FLOOR, Reno, NV, 89501, USA

Mailing Address:

Individual with Authority to Act:

Micki Arguello

Fictitious Website or Domain Name:

OFFICER INFORMATION

☐ **VIEW HISTORICAL DATA**

Title	Name	Address	Last Updated	Status
Manager	KEVIN JOHNSON	5925 LAKE GENEVA COURT, RENO, NV, 89511, USA	02/27/2019	Active
Manager	NANCY SIMMONS	5925 LAKE GENEVA COURT, RENO, NV, 89511, USA	02/27/2019	Active
Manager	WILLIAM BAILEY	5925 LAKE GENEVA COURT, RENO, NV, 89511, USA	02/27/2019	Active
Manager	KARI JOHNSON	5925 LAKE GENEVA COURT, RENO, NV, 89511, USA	02/27/2019	Active
Manager	DON SIMMONS	5925 LAKE GENEVA COURT, RENO, NV, 89511, USA	02/27/2019	Active

Page 1 of 1, records 1 to 5 of 5

Filing History Name History Mergers/Conversions

Return to Search Return to Results

F I L E D
Electronically
CV21-00246
2021-06-23 12:38:54 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8509309 : sacordag

EXHIBIT 15

EXHIBIT 15

ENTITY INFORMATION

ENTITY INFORMATION

Entity Name:

WASHOE ZEPHYR INVESTMENTS, LLC

Entity Number:

E0166012019-5

Entity Type:

Domestic Limited-Liability Company (86)

Entity Status:

Active

Formation Date:

04/10/2019

NV Business ID:

NV20191276292

Termination Date:

Perpetual

Annual Report Due Date:

4/30/2022

Series LLC:

Restricted LLC:

REGISTERED AGENT INFORMATION

Name of Individual or Legal Entity:

SIERRA CORPORATE SERVICES - RENO

Status:

Active

CRA Agent Entity Type:

Registered Agent Type:

Commercial Registered Agent

NV Business ID:

Office or Position:

Jurisdiction:

NEVADA

Street Address:

100 WEST LIBERTY STREET 10TH FLOOR, Reno, NV, 89501, USA

Mailing Address:

Individual with Authority to Act:

Micki Arguello

Fictitious Website or Domain Name:

OFFICER INFORMATION

☐ **VIEW HISTORICAL DATA**

Title	Name	Address	Last Updated	Status
Manager	COLIN GROVER	18124 WEDGE PARKWAY #145, RENO, NV, 89511, USA	04/10/2019	Active
Manager	KARI JOHNSON	18124 WEDGE PARKWAY #145, RENO, NV, 89511, USA	04/10/2019	Active
Manager	BRITTNI JOHNSON	18124 WEDGE PARKWAY #145, RENO, NV, 89511, USA	04/10/2019	Active

Title	Name	Address	Last Updated	Status
Manager	KEVIN JOHNSON	18124 WEDGE PARKWAY #145, RENO, NV, 89511, USA	04/10/2019	Active

Page 1 of 1, records 1 to 4 of 4

Filing History Name History Mergers/Conversions

Return to Search Return to Results

F I L E D
Electronically
CV21-00246
2021-06-23 12:38:54 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8509309 : sacordag

EXHIBIT 16

EXHIBIT 16

ENTITY INFORMATION

ENTITY INFORMATION

Entity Name:

SIERRA INVESTMENTS I, LLC

Entity Number:

LLC13681-2002

Entity Type:

Domestic Limited-Liability Company (86)

Entity Status:

Active

Formation Date:

11/06/2002

NV Business ID:

NV20021138438

Termination Date:

11/6/2502

Annual Report Due Date:

11/30/2021

Series LLC:

Restricted LLC:

REGISTERED AGENT INFORMATION

Name of Individual or Legal Entity:

SIERRA CORPORATE SERVICES - RENO

Status:

Active

CRA Agent Entity Type:

Registered Agent Type:

Commercial Registered Agent

NV Business ID:

Office or Position:

Jurisdiction:

NEVADA

Street Address:

100 WEST LIBERTY STREET 10TH FLOOR, Reno, NV, 89501, USA

Mailing Address:

Individual with Authority to Act:

Micki Arguello

Fictitious Website or Domain Name:

OFFICER INFORMATION

☐ **VIEW HISTORICAL DATA**

Title	Name	Address	Last Updated	Status
Managing Member	Sierra Investments I, LLC	PO Box 19765, Reno, NV, 89511, USA	11/26/2019	Active
Managing Member	KARI JOHNSON	2710 ALASTOR WAY, RENO, NV, 89521, USA	10/08/2018	Active

Page 1 of 1, records 1 to 2 of 2

Filing History Name History Mergers/Conversions

Return to Search Return to Results

F I L E D
Electronically
CV21-00246
2021-06-23 12:38:54 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8509309 : sacordag

EXHIBIT 17

EXHIBIT 17

ENTITY INFORMATION

ENTITY INFORMATION

Entity Name:

SEASIDE INVESTMENTS, LLC

Entity Number:

E0422662015-9

Entity Type:

Domestic Limited-Liability Company (86)

Entity Status:

Dissolved

Formation Date:

09/03/2015

NV Business ID:

NV20151524539

Termination Date:

Perpetual

Annual Report Due Date:

9/30/2018

Series LLC:

Restricted LLC:

REGISTERED AGENT INFORMATION

Name of Individual or Legal Entity:

.RESIGNED

Status:

Active

CRA Agent Entity Type:

Registered Agent Type:

Non-Commercial Registered Agent

NV Business ID:

NV20091402243

Office or Position:

Jurisdiction:

Street Address:

Mailing Address:

Individual with Authority to Act:

Fictitious Website or Domain Name:

OFFICER INFORMATION

☐ **VIEW HISTORICAL DATA**

Title	Name	Address	Last Updated	Status
Manager	KARI JOHNSON	PO BOX 19765, RENO, NV, 89511, USA	09/06/2017	Active

Page 1 of 1, records 1 to 1 of 1

Filing History Name History Mergers/Conversions

Return to Search Return to Results

F I L E D
Electronically
CV21-00246
2021-06-23 12:38:54 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8509309 : sacordag

EXHIBIT 18

EXHIBIT 18

WASHOE COUNTY ASSESSOR PROPERTY DATA

Owner Information

APN	**226-071-18**	Card 1 of 1
Situs 1	705 W PLEASANT OAK TRL RENO NV 89511	Bld # 1
Owner 1	SIERRA INVESTMENTS I LLC	
Mail Address	PO BOX 19765 RENO NV 89511	

Parcel Information

Keyline Desc	RANCHARRAH VILLAGES 1, 2 & 3 LOT 16		
Subdivision	RANCHARRAH VILLAGES 1, 2 & 3		
	Section 36 **Township** 19 **Range** 19		
Record of Survey Map	**: Parcel Map#**	**: Sub Map#** 5217	
	Special Property Code		
2021 Tax District	1000	**Prior APN**	040-900-26
2020 Tax District	1000	**Tax Cap Status**	2020 Initial Form Mailed, High Cap Applied
PERMITS	kjohns 06/19/2020		

Building Information

XFOB SUBAREA

Bld #1 Situs	705 W PLEASANT OAK TRL	**Property Name**	
Quality	R40 Good	**Building Type**	Single Family Residence
Stories	1 Story	**2nd Occupancy**	
Year Built	2020	WAY	2020
Bedrooms	3	Square Feet	2608
Full Baths	3	**Finished Bsmt**	0
Half Baths	1	**Unfin Bsmt**	0
Fixtures	16	**Basement Type**	
Fireplaces	1	**Gar Conv Sq Feet**	0
Heat Type	FA/AC	**Total Garage Area**	682
2nd Heat Type		**Garage Type**	ATTACHED
Exterior Walls	STUCCO ON FRAME	**Detached Garage**	0
2nd Ext Walls	STONE VENEER ON FRAME	**Basement Gar Door**	0
Roof Cover	COMPOSITION SHINGLE	**Sub Floor**	SLAB
% Complete	100	**Frame**	FRAME
Obso/Bldg Adj	0	Units/Bldg	1
Construction Modifier		Units/Parcel	1

Land Information

LAND DETAILS

Land Use	200	DOR Code	200	Sewer	Municipal	Neighborhood	OCMC	OC Neighborhood Map
Size	6,234 SqFt	Size	0.143 Acres	Street	Paved	Zoning Code	PD	
				Water	Muni			

Sales and Transfer Records

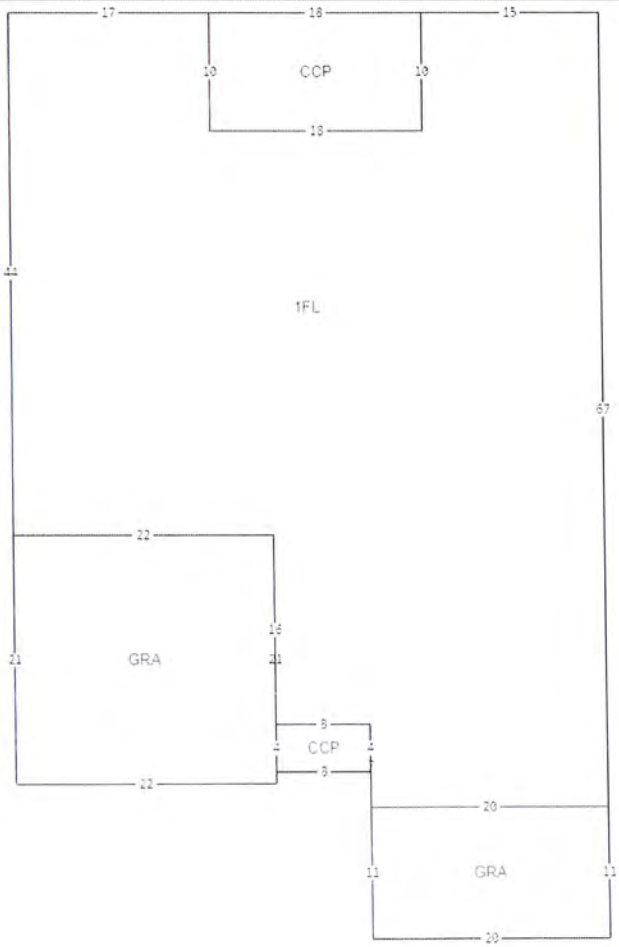
RECORDER SEARCH

Grantor	Grantee	Doc #	Doc Type	Doc Date	DOR Code	Value/Sale Price	Sale Code	Note
TOLL SOUTH RENO LLC	SIERRA INVESTMENTS I LLC	5004444	DEED	02-26-2020	120	914,204	2D	
RANCHARRAH HOLDINGS LLC	TOLL SOUTH RENO LLC	4801617	DEED	04-03-2018	120	10,800,000	1MGA	
RANCHARRAH HOLDINGS LLC	RANCHARRAH HOLDINGS LLC	4725030	SUB	07-20-2017		0	3NTT	

Valuation Information

The 2021/2022 values are preliminary values and subject to change.

	Taxable Land	New Value	Taxable Imps	OBSO	Tax Cap Value	Taxable Total	Land Assessed	Imps Assessed	Total Assessed	Exemption Value
2021/22 NR	286,000	0	401,496	0		687,496	100,100	140,523	240,624	0
2021/22 VN	286,000	0	401,496	0		687,496	100,100	140,523	240,624	0
2020/21 FV	260,000	451,578	399,843	0	659,846	659,843	91,000	139,945	230,945	0



All parcel data on this page is for use by the Washoe County Assessor for assessment purposes only. The summary data on this page may not be a complete representation of the parcel or of the improvements thereon. Building information, including unit counts and number of permitted units, should be verified with the appropriate building and planning agencies. Zoning information should be verified with the appropriate planning agency. All parcels are reappraised each year. This is a true and accurate copy of the records of the Washoe County Assessor's Office as of 06-01-2021

If you have questions or corrections about our property data you can call us at 775-328-2277 or email us at exemptions@washoecounty.us

F I L E D
Electronically
CV21-00246
2021-06-23 12:38:54 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8509309 : sacordag

EXHIBIT 19

EXHIBIT 19

Owner Information

APN	**034-510-08**	Card 1 of 1
Situs 1	680 E GLENDALE AVE SPARKS NV 89431	Bld # 1
Owner 1	WASHOE ZEPHYR PROPERTIES LLC	
Mail Address	680 E GLENDALE AVE SPARKS NV 89431	

Parcel Information

Keyline Desc	TURNER CROSSING BUSINESS PARK LT 20		
Subdivision	TURNER CROSSING BUSINESS PARK		
	Section Township Range		
Record of Survey Map	**: Parcel Map# : Sub Map#**		
	Special Property Code		
2021 Tax District	2000	**Prior APN**	034-311-08
2020 Tax District	2000	**Tax Cap Status**	Use does not qualify for Low Cap, High Cap Applied
PERMITS	06/25/2020		

Building Information

XFOB SUBAREA

Bld #1 Situs	680 E GLENDALE AVE	**Property Name**	
Quality	C15 Commercial 1.5 (Fair)	**Building Type**	Industrial Flex Building
Stories	1	**2nd Occupancy**	
Year Built	1974	WAY	1974
Bedrooms	0	Square Feet	11200
Full Baths	0	**Finished Bsmt**	0
Half Baths	0	**Unfin Bsmt**	0
Fixtures	0	**Basement Type**	
Fireplaces	0	**Gar Conv Sq Feet**	0
Heat Type	SPACE HEATER	**Total Garage Area**	0
2nd Heat Type	PACKAGE UNIT	**Garage Type**	
Exterior Walls	CONCRETE, TILT-UP	**Detached Garage**	0
2nd Ext Walls		**Basement Gar Door**	0
Roof Cover		**Sub Floor**	
% Complete	100	**Frame**	MASONRY BRNG
Obso/Bldg Adj	0	Units/Bldg	1
Construction Modifier		Units/Parcel	1

Land Information

LAND DETAILS

Land Use	500	**DOR Code**	500	**Sewer**	Municipal	**Neighborhood**	NGFT NG Neighborhood Map
Size	10,949 SqFt	**Size**	0.251 Acres	**Street**	Paved	**Zoning Code**	I
				Water	Muni		

Sales and Transfer Records

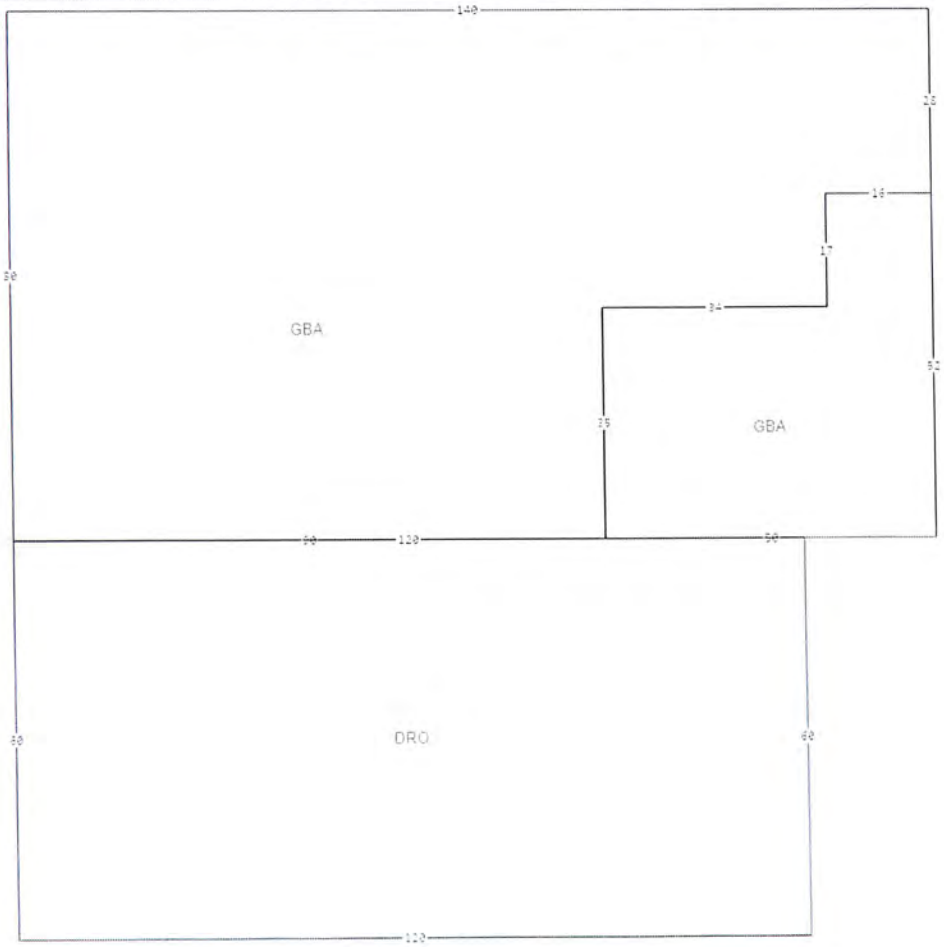
RECORDER SEARCH

Grantor	Grantee	Doc #	Doc Type	Doc Date	DOR Code	Value/Sale Price	Sale Code	Note
MARMILLION MANAGEMENT LLC	WASHOE ZEPHYR PROPERTIES LLC	4924143	DEED	06-27-2019	500	1,500,000	1G	
MARMILLION MINING LLC	MARMILLION MANAGEMENT LLC	4905607	QC	04-26-2019	500	391,943	3BGG	
TOF SPARKS LLC	MARMILLION MINING LLC	4407352	DEED	11-07-2014	500	781,309	1SVR	
TOF SPARKS LLC,	TOF SPARKS LLC	4116620	SUB	05-29-2012	500	0	3NTT	

Valuation Information

The 2021/2022 values are preliminary values and subject to change.

	Taxable Land	New Value	Taxable Imps	OBSO	Tax Cap Value	Taxable Total	Land Assessed	Imps Assessed	Total Assessed	Exemption Value
2021/22 NR	240,878	0	206,365	0		447,243	84,307	72,227	156,535	0
2021/22 VN	240,878	0	206,365	0		447,243	84,307	72,227	156,535	0
2020/21 FV	240,878	0	217,745	0	409,217	458,623	84,307	76,210	160,518	0



All parcel data on this page is for use by the Washoe County Assessor for assessment purposes only. The summary data on this page may not be a complete representation of the parcel or of the improvements thereon. Building information, including unit counts and number of permitted units, should be verified with the appropriate building and planning agencies. Zoning information should be verified with the appropriate planning agency. All parcels are reappraised each year. This is a true and accurate copy of the records of the Washoe County Assessor's Office as of 06-01-2021

If you have questions or corrections about our property data you can call us at 775-328-2277 or email us at exemptions@washoecounty.us

F I L E D
Electronically
CV21-00246
2021-06-23 12:38:54 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8509309 : sacordag

EXHIBIT 20

EXHIBIT 20

Home » Assessor » Real Property Assessment Data

WASHOE COUNTY ASSESSOR PROPERTY DATA

Owner Information

APN	**046-060-01**	Card 1 of 1
Situs 1	24525 US HIGHWAY 395 S WASHOE COUNTY NV 89704	Bld #
Owner 1	WASHOE ZEPHYR INVESTMENTS LLC	
Mail Address	18124 WEDGE PKWY # 145 RENO NV 89511	

Parcel Information

Keyline Desc	FR N2 SEC 24 TWP 17 RGE 19 (R/S 1330)		
Subdivision	_UNSPECIFIED		
	Section 24 **Township** 17 **Range** 19		
Record of Survey Map 1330	**: Parcel Map#**	**: Sub Map#**	
	Special Property Code		
2021 Tax District	4000	**Prior APN**	
2020 Tax District	4000	**Tax Cap Status**	Use does not qualify for Low Cap, High Cap Applied
PERMITS	pkinne 04/18/2014		

Building Information

XFOB SUBAREA

Bld #1 Situs	24525 US HIGHWAY 395 S	**Property Name**	
Quality		**Building Type**	
Stories		**2nd Occupancy**	
Year Built	0	WAY	0
Bedrooms	0	Square Feet	
Full Baths	0	**Finished Bsmt**	0
Half Baths	0	**Unfin Bsmt**	0
Fixtures		**Basement Type**	
Fireplaces	0	**Gar Conv Sq Feet**	0
Heat Type		**Total Garage Area**	0
2nd Heat Type		**Garage Type**	
Exterior Walls		**Detached Garage**	0
2nd Ext Walls		**Basement Gar Door**	0
Roof Cover		**Sub Floor**	
% Complete	0	**Frame**	
Obso/Bldg Adj	0	Units/Bldg	0
Construction Modifier		Units/Parcel	0

Land Information

LAND DETAILS

Land Use	110	DOR Code	120	Sewer	None	Neighborhood	JCAZ	JC Neighborhood Map
Size	1,172,635.2 SqFt	Size	26.92 Acres	Street	Paved	Zoning Code	GR	
				Water	None			

Sales and Transfer Records

RECORDER SEARCH

Grantor	Grantee	Doc #	Doc Type	Doc Date	DOR Code	Value/Sale Price	Sale Code	Note
WALTERS FAMILY TRUST WALTERS TRUSTEE, BRIEN B BIEL-WALTERS TRUSTEE, MIRTA	WASHOE ZEPHYR INVESTMENTS LLC	5149823	DEED	03-05-2021	120	399,000	4BV	
WALTERS, BRIEN B & MIRTA B	WALTERS FAMILY TRUST	4079947	DEED	01-30-2012	120	0	3BGG	INTO TRUST
LAN, SHU & TISA	WALTERS,BRIEN B & MIRTA B	4057810	DEF	11-10-2011	120	254,427	3BF	
LAN, SHU & TISA	LAN,SHU & TISA	3910820	DEED	08-11-2010	120	0	3BGG	\
WALTERS, BRIEN B & MIRTA B	LAN,SHU & TISA	3156150	DEED	01-13-2005	120	500,000	1GCR	SVL-VERIFIED. INCL $66000 WATER RIGHTS. 1 BUYER IS RE AGENT.

Valuation Information

The 2021/2022 values are preliminary values and subject to change.

	Taxable Land	New Value	Taxable Imps	OBSO	Tax Cap Value	Taxable Total	Land Assessed	Imps Assessed	Total Assessed	Exemption Value
2021/22 NR	134,600	0	0	0		134,600	47,110	0	47,110	0
2021/22 VN	134,600	0	0	0		134,600	47,110	0	47,110	0
2020/21 FV	134,600	0	0	0	134,600	134,600	47,110	0	47,110	0

If the property sketch is not available on-line you can obtain a copy by calling (775) 328-2277 or send an email to exemptions@washoecounty.us with 'Sketch Request' in the subject line. Please include the APN.

All parcel data on this page is for use by the Washoe County Assessor for assessment purposes only. The summary data on this page may not be a complete representation of the parcel or of the improvements thereon. Building information, including unit counts and number of permitted units, should be verified with the appropriate building and planning agencies. Zoning information should be verified with the appropriate planning agency. All parcels are reappraised each year. This is a true and accurate copy of the records of the Washoe County Assessor's Office as of 06-01-2021

If you have questions or corrections about our property data you can call us at 775-328-2277 or email us at exemptions@washoecounty.us

F I L E D
Electronically
CV21-00246
2021-06-23 12:38:54 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8509309 : sacordag

EXHIBIT 21

EXHIBIT 21

Owner Information

APN	**132-063-17**	Card 1 of 1
Situs 1	929 NORTHWOOD BLVD INCLINE VILLAGE NV 89451	Bld # 1
Owner 1	WASHOE ZEPHYR INVESTMENTS LLC	
Mail Address	18124 WEDGE PKWY # 145 RENO NV 89511	

Parcel Information

Keyline Desc	THIRD CREEK CONDO LT 59 BLDG 15		
Subdivision	THIRD CREEK CONDOMINIUMS		
	Section	**Township** 16	**Range** 18
Record of Survey Map	**: Parcel Map#** 0	**: Sub Map#**	
	Special Property Code		
2021 Tax District	5200	**Prior APN**	
2020 Tax District	5200	**Tax Cap Status**	2021 Change Form Mailed, High Cap Applied
PERMITS	tlburns 11/04/2011		

Building Information

			XFOB SUBAREA
Bld #1 Situs	929 NORTHWOOD BLVD	**Property Name**	
Quality	R60 Excellent	**Building Type**	Townhouse
Stories	3 Story Inside Unit	**2nd Occupancy**	
Year Built	1982	WAY	1982
Bedrooms	3	Square Feet	2404
Full Baths	2	**Finished Bsmt**	0
Half Baths	1	**Unfin Bsmt**	0
Fixtures	10	**Basement Type**	
Fireplaces	2	**Gar Conv Sq Feet**	0
Heat Type	BASEBOARD HOT WATER	**Total Garage Area**	0
2nd Heat Type		**Garage Type**	
Exterior Walls	SIDING ON FRAME	**Detached Garage**	220
2nd Ext Walls		**Basement Gar Door**	0
Roof Cover	COMPOSITION SHINGLE	**Sub Floor**	WOOD
% Complete	100	**Frame**	FRAME
Obso/Bldg Adj	0	Units/Bldg	1
Construction Modifier		Units/Parcel	1

Land Information

LAND DETAILS

Land Use 210	DOR Code 210	Sewer Municipal	Neighborhood PFAA	PF Neighborhood Map
Size 43.56 SqFt	Size 0.001 Acres	Street Paved	Zoning Code LDU	
		Water Muni		

Sales and Transfer Records

RECORDER SEARCH

Grantor	Grantee	Doc #	Doc Type	Doc Date	DOR Code	Value/Sale Price	Sale Code	Note
DELGADO TRUST, ROGER R JR & LINDA F DELGADO TRUSTEE, ROGER R JR & LINDA F	WASHOE ZEPHYR INVESTMENTS LLC	5075113	DEED	09-03-2020	210	869,000	2D	
DELGADO, ROGER R	DELGADO TRUST, ROGER R JR & LINDA F	2812169	DEED	02-27-2003	210	0	3NTT	
DELGADO, ROGER R JR & LINDA S	DELGADO,ROGER R	2809203	DEED	02-21-2003	210	0	3NTT	
	DELGADO,ROGER R JR & LINDA S	1470771		04-09-1991		0		
		CHK		12-01-1985	210	250,000	1G	

Valuation Information

The 2021/2022 values are preliminary values and subject to change.

	Taxable Land	New Value	Taxable Imps	OBSO	Tax Cap Value	Taxable Total	Land Assessed	Imps Assessed	Total Assessed	Exemption Value
2021/22 NR	193,500	0	201,398	0		394,898	67,725	70,489	138,214	0
2021/22 VN	193,500	0	201,398	0		394,898	67,725	70,489	138,214	0
2020/21 FV	193,500	0	202,551	0	341,822	396,051	67,725	70,892	138,618	0

All parcel data on this page is for use by the Washoe County Assessor for assessment purposes only. The summary data on this page may not be a complete representation of the parcel or of the improvements thereon. Building information, including unit counts and number of permitted units, should be verified with the appropriate building and planning agencies. Zoning information should be verified with the appropriate planning agency. All parcels are reappraised each year. This is a true and accurate copy of the records of the Washoe County Assessor's Office as of 06-01-2021

If you have questions or corrections about our property data you can call us at 775-328-2277 or email us at exemptions@washoecounty.us

F I L E D
Electronically
CV21-00246
2021-06-23 12:38:54 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8509309 : sacordag

EXHIBIT 22

EXHIBIT 22

Owner Information

APN	**148-361-13**	Card 1 of 1
Situs 1	16945 SALUT CT WASHOE COUNTY NV 89511	Bld #
Owner 1	WASHOE ZEPHYR INVESTMENTS LLC	
Mail Address	18124 WEDGE PKWY # 145 RENO NV 89511-8134	

Parcel Information

Keyline Desc	MONTREUX 8 LT 810		
Subdivision	MONTREUX 8		
	Section **Township** 17 **Range** 19		
Record of Survey Map	**: Parcel Map#** **: Sub Map#** 4550		
	Special Property Code		
2021 Tax District	4000	**Prior APN**	148-010-06
2020 Tax District	4000	**Tax Cap Status**	Use does not qualify for Low Cap, High Cap Applied

Building Information

XFOB SUBAREA

Bld #1 Situs	16945 SALUT CT	**Property Name**	
Quality		**Building Type**	
Stories		**2nd Occupancy**	
Year Built	0	WAY	0
Bedrooms	0	Square Feet	
Full Baths	0	**Finished Bsmt**	0
Half Baths	0	**Unfin Bsmt**	0
Fixtures		**Basement Type**	
Fireplaces	0	**Gar Conv Sq Feet**	0
Heat Type		**Total Garage Area**	0
2nd Heat Type		**Garage Type**	
Exterior Walls		**Detached Garage**	0
2nd Ext Walls		**Basement Gar Door**	0
Roof Cover		**Sub Floor**	
% Complete	0	**Frame**	
Obso/Bldg Adj	0	Units/Bldg	0
Construction Modifier		Units/Parcel	0

Land Information

LAND DETAILS

Land Use	120	DOR Code	120	Sewer	Municipal	Neighborhood	JCIF
Size	20,650 SqFt	**Size**	0.474 Acres	**Street**	Paved	**Zoning Code**	LDS
				Water	Muni		

JC Neighborhood Map

Sales and Transfer Records

RECORDER SEARCH

Grantor	Grantee	Doc #	Doc Type	Doc Date	DOR Code	Value/Sale Price	Sale Code	Note
BORDIGIONI FAMILY TRUST BORDIGIONI TRUSTEE, THOMAS A & JANICE K	WASHOE ZEPHYR INVESTMENTS LLC	5036365	DEED	06-03-2020	120	359,000	1G	
MONTREUX DEVELOPMENT GROUP LLC,	BORDIGIONI FAMILY TRUST BORDIGIONI TRUSTEE, THOMAS A & JANICE K	3291602	DEED	10-13-2005	120	666,667	1MGA	SVL-VERIFIED, SAYS $333K PER LOT. INCL 148-361-09, 13.
MONTREUX JOINT VENTURE,	MONTREUX DEVELOPMENT GROUP LLC	3287308	SUB	10-05-2005	110	0	3NTT	OWNERSHIP CORRECTION 1/10/06

Valuation Information The 2021/2022 values are preliminary values and subject to change.

	Taxable Land	New Value	Taxable Imps	OBSO	Tax Cap Value	Taxable Total	Land Assessed	Imps Assessed	Total Assessed	Exemption Value
2021/22 NR	300,000	0	11,691	0		311,691	105,000	4,091	109,092	0
2021/22 VN	300,000	0	11,691	0		311,691	105,000	4,091	109,092	0
2020/21 FV	275,000	0	11,895	0	120,687	286,895	96,250	4,163	100,413	0

If the property sketch is not available on-line you can obtain a copy by calling (775) 328-2277 or send an email to exemptions@washoecounty.us with 'Sketch Request' in the subject line. Please include the APN.

All parcel data on this page is for use by the Washoe County Assessor for assessment purposes only. The summary data on this page may not be a complete representation of the parcel or of the improvements thereon. Building information, including unit counts and number of permitted units, should be verified with the appropriate building and planning agencies. Zoning information should be verified with the appropriate planning agency. All parcels are reappraised each year. This is a true and accurate copy of the records of the Washoe County Assessor's Office as of 06-01-2021

If you have questions or corrections about our property data you can call us at 775-328-2277 or email us at exemptions@washoecounty.us

F I L E D
Electronically
CV21-00246
2021-06-23 12:38:54 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8509309 : sacordag

EXHIBIT 23

EXHIBIT 23

WASHOE COUNTY ASSESSOR PROPERTY DATA

Owner Information

APN	**148-372-02**	Card 1 of 1
Situs 1	6360 DE CHARDIN LN WASHOE COUNTY NV 89511	Bld #
Owner 1	WASHOE ZEPHYR INVESTMENTS LLC	
Mail Address	18124 WEDGE PKWY # 145 RENO NV 89511	

Parcel Information

Keyline Desc	MONTREUX 9 LT 904		
Subdivision	MONTREUX 9		
	Section 11 **Township** 17 **Range** 19		
Record of Survey Map	**: Parcel Map#** **: Sub Map#** 4672		
	Special Property Code		
2021 Tax District	4000	**Prior APN**	148-010-54
2020 Tax District	4000	**Tax Cap Status**	Use does not qualify for Low Cap, High Cap Applied

Building Information

XFOB SUBAREA

Bld #1 Situs	6360 DE CHARDIN LN	**Property Name**	
Quality		**Building Type**	
Stories		**2nd Occupancy**	
Year Built	0	WAY	0
Bedrooms	0	Square Feet	
Full Baths	0	**Finished Bsmt**	0
Half Baths	0	**Unfin Bsmt**	0
Fixtures		**Basement Type**	
Fireplaces	0	**Gar Conv Sq Feet**	0
Heat Type		**Total Garage Area**	0
2nd Heat Type		**Garage Type**	
Exterior Walls		**Detached Garage**	0
2nd Ext Walls		**Basement Gar Door**	0
Roof Cover		**Sub Floor**	
% Complete	0	**Frame**	
Obso/Bldg Adj	0	Units/Bldg	0
Construction Modifier		Units/Parcel	0

Land Information

LAND DETAILS

Land Use	120	DOR Code	120	Sewer	Municipal	Neighborhood	JCIF	JC Neighborhood Map
Size	23,827 SqFt	Size	0.547 Acres	Street	Paved	Zoning Code	LDS	
				Water	Muni			

Sales and Transfer Records

RECORDER SEARCH

Grantor	Grantee	Doc #	Doc Type	Doc Date	DOR Code	Value/Sale Price	Sale Code	Note
MONTREUX DEVELOPMENT GROUP LLC	WASHOE ZEPHYR INVESTMENTS LLC	5045095	DEED	06-26-2020	120	182,500	2QC	
MONTREUX GOLF CLUB LTD,	MONTREUX DEVELOPMENT GROUP LLC	3408605	SUB	06-30-2006	440	0	3NTT	

Valuation Information The 2021/2022 values are preliminary values and subject to change.

	Taxable Land	New Value	Taxable Imps	OBSO	Tax Cap Value	Taxable Total	Land Assessed	Imps Assessed	Total Assessed	Exemption Value
2021/22 NR	227,500	0	2,092	0		229,592	79,625	732	80,357	0
2021/22 VN	227,500	0	2,092	0		229,592	79,625	732	80,357	0
2020/21 FV	231,000	0	2,130	0	107,900	233,130	80,850	745	81,596	0

If the property sketch is not available on-line you can obtain a copy by calling (775) 328-2277 or send an email to exemptions@washoecounty.us with 'Sketch Request' in the subject line. Please include the APN.

All parcel data on this page is for use by the Washoe County Assessor for assessment purposes only. The summary data on this page may not be a complete representation of the parcel or of the improvements thereon. Building information, including unit counts and number of permitted units, should be verified with the appropriate building and planning agencies. Zoning information should be verified with the appropriate planning agency. All parcels are reappraised each year. This is a true and accurate copy of the records of the Washoe County Assessor's Office as of 06-01-2021

If you have questions or corrections about our property data you can call us at 775-328-2277 or email us at exemptions@washoecounty.us

F I L E D
Electronically
CV21-00246
2021-06-29 09:02:12 AM
Alicia L. Lerud
Clerk of the Court
Transaction # 8517267

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

***

KARI ANNE JOHNSON,

Plaintiff,

Case No.: CV21-00246

vs.

Dept. No.: 7

MICHAEL EDWARD HATCH, an individual; ALISHA SUZANNE HATCH, an individual; and DOES 1-X, inclusive,

Defendants.
_____/

ORDER REGARDING THE COURT'S MAY 21, 2021, ORDER TO SET

Presently before the Court is the *Plaintiff's Motion for Leave to File Motion for Reconsideration of Order to Set, or, Alternatively, Request for Clarification of Order to Set* ("the Motion"). Plaintiff KARI ANNE JOHNSON ("the Plaintiff") filed the Motion on May 25, 2021. Defendants MICHAEL EDWARD HATCH and ALISHA SUZANNE HATCH ("the Defendants") filed the *Opposition to Motion for Leave to File Motion for Reconsideration of Order to Set, or Alternatively, Request for Clarification to Set* ("the Opposition") on June 8, 2021. The Plaintiff filed the *Reply in Support of Plaintiff's Motion for Leave to File Motion for Reconsideration of Order to Set, or, Alternatively, Request for Clarification of Order to Set* on June 10, 2021, and contemporaneously submitted the Motion for the Court's consideration.

On May 21, 2021, the Court entered an Order setting a hearing on the *Motion to Dismiss Verified First Amended Complaint* (Mar. 30, 2021) and the *Motion for Leave to File Second Amended Complaint* (Mar. 25, 2021). *See Order to Set* (Mar. 21, 2021). Plaintiffs seeks leave to file a motion for reconsideration or clarification on the Court's instruction that the "parties shall be prepared to offer any evidence, or highlight any undisputed evidence, which support or contradict the assertion in their motion work." Order to Set 2:5-6. The Plaintiff contends the Court has scheduled an evidentiary hearing and is unsure of the purpose and scope of such hearing considering a Rule 12(b)(5) standard of review. The Plaintiff claims it is also unsure whether the Court is viewing the pending motions as one for summary judgment; and if so, the Plaintiff requests the opportunity to brief the need for discovery prior to the hearing. The Motion 1:26-28; 2:1-10.

The Defendants argues the Motion is improper "because the Court can only 'reconsider' an order after actually ruling on a motion," which has not happened here. The Opposition 2:12-14. The Defendants contend the Court did not set an evidentiary hearing, but specifically set oral arguments. The Opposition 2:19-28; 31-7. The Plaintiff argues the "Rules do not provide a direct method to seek clarification of an order setting hearing," which is why she styled the Motion seeking alternative forms of requested relief. The Reply 1:27, fn. 1. The Plaintiff "respectfully requests that this Court provide clarification that the Court is not seeking the presentation of evidence at the hearing, but is seeking oral arguments based on the allegations in the complaint and exhibits attached thereto." The Reply 2:13-15.

The Court intends to hear oral arguments on the Motion to Dismiss and Motion for Leave to File Second Amended Complaint on July 8, 2021. As explained in the Order to Set, the Court expects the parties to be prepared to support or contradict the assertions in the motion work at the hearing.

DATED this 28 day of June, 2021.

EGAN K. WALKER
District Judge
CV21-00246

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this _____ day of April, 2021, I deposited in the County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe; that on the ____ day of April 2021, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

_____
Judicial Assistant

FILED
Electronically
CV21-00246
2021-07-06 04:11:27 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8528910 : nmason

3870
Mark G. Simons, Esq. (SBN 5132)
Anthony L Hall, Esq. (SBN 5977)
SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, Nevada 89509
Telephone: (775) 785-0088
Facsimile: (775) 785-0087
Email: MSimons@SHJNevada.com
AHall@SHJNevada.com

Attorneys for Defendants

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

IN THE SECOND JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

KARI ANNE JOHNSON, an individual; Plaintiffs, v. MICHAEL EDWARD HATCH, an individual; ALISHA SUZANNE HATCH, an individual; and DOES I to X, inclusive Defendants.	**CASE NO.: CV21-00246** **DEPT. NO.: 7** **REQUEST FOR JUDICIAL NOTICE RE: NOTARY PUBLIC DOCUMENTS AND SIGNATURES**

Defendants Michael Edward Hatch and Alisha Suzanne Hatch (the "Hatches"), by and through their attorney Mark G. Simons of SIMONS HALL JOHNSTON PC, hereby submit this Request for Judicial Notice Re: Notary Public Documents and Signatures.

I. BASIS FOR REQUEST FOR JUDICIAL NOTICE.

This basic facts of this case as alleged by Plaintiff Kari Anne Johnson ("Johnson") is that she only recently discovered she was not included on the Hatches' Deed for the property commonly known as 9845 Firefoot Lane, Reno, Nevada (the "Hatch Property"). The Hatches' Deed was recorded with the Washoe County Recorder's Office as

Document Number 4500519 on **August 6, 2015.** This case presents the application of Nevada's constructive notice rule of law which bar Plaintiff's claims as more fully discussed in the Hatches' Motion to Dismiss the Amended Complaint on file herein. *Bemis v. Bemis*, 114 Nev. 1021, 1026, fn.2, 967 P.2d 437, 441 fn. 2 (1998) the Nevada Supreme Court reiterated the "**well-known principal that the public recording of real estate deeds constitutes constructive notice of the transaction**" (emphasis added)).[1]

Attached hereto are an extensive itemization of additional public records demonstrating Johnson's extensive history of signing real property deeds and related documents.

II. STANDARDS FOR APPLICATION OF JUDICIAL NOTICE.

NRS 47.170 provides that the Court can take judicial notice of any fact or law "at any stage of the proceedings prior to submission to the court" for decision. When requested by a party, the Court is obligated to take judicial notice when supplied with the necessary information. NRS 47.150(2) ("A judge or court shall take judicial notice if requested by a party and supplied with the necessary information.").

It is public record that Alisha Hatch is a Notary Public pursuant to the provisions of NRS Chapter 240. Alisha Hatch is appointed by the Secretary of State for Nevada. NRS

[1] This well-known bright line rule of law that the recording of a real estate deed constitutes constructive notice of the transaction was previously articulated in *Allen v. Webb*, 87 Nev. 261, 270, 485 P.2d 677, 682 (1971); see also *Edelstein v. Bank of New York Mellon*, 128 Nev. 505, 519, 286 P.3d 249, 259 (2012) ("In Nevada, the purpose of recording a beneficial interest under a deed of trust is to provide 'constructive notice . . . to all persons.'" (citation omitted)). This rule of law has been "well-known" in Nevada jurisprudence for at least fifty years.

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

240.010. Alisha Hatch is vested with the authority to perform "Notarial" acts such as: taking an acknowledgment; administering an oath or affirmation; certifying a copy; executing a jurat; noting a protest of a negotiable instrument; and performing such other duties as may be prescribed by a specific statute." NRS 240.004. Alisha Hatch is a "notarial officer" as defined by NRS 240.005. Pursuant to her duties and responsibilities, Alisha Hatch must retain a journal of all notarial acts performed by her in the public record known as a "notarial record." NRS 240.0055.

I. ALISHA HATCHES' NOTARY PUBLIC CERTIFICATES.

Exhibit 24. Alisha Hatch's Secretary of State Notary Public Certificates issued by the Nevada Secretary of State for the time period February 9, 2016 through February 9, 2024.

II. ALISHA HATCHES' "NOTARIAL RECORD".

Exhibit 25: Alisha Hatch's "Notarial Record" for time period 4/27/2016-4/20/2020.

RELEVANCE: These records demonstrate Johnson's execution of 32 various deeds and documents during the relevant periods of time.

True and correct copies of these documents are attached hereto.

AFFIRMATION: This document does not contain the social security number of any person.

DATED this 6th day of July, 2021.

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509

By: _____
MARK G. SIMONS
ANTHONY L. HALL
Attorneys for Defendants

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of SIMONS HALL JOHNSTON PC and that on this date I caused to be served a true copy of **REQUEST FOR JUDICIAL NOTICE RE: NOTARY PUBLIC DOCUMENTS AND SIGNATURES** on all parties to this action by the method(s) indicated below:

☐ by placing an original or true copy thereof in a sealed envelope, with sufficient postage affixed thereto, in the United States mail at Reno, Nevada, addressed to:

☒ I hereby certify that on the date below, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which served the following parties electronically:

Stefanie T. Sharp
Clayton P. Brust
Hannah Winston
Attorneys for Defendants

☐ by personal delivery/hand delivery addressed to:

☐ by facsimile (fax) addressed to:

☐ by Federal Express/UPS or other overnight delivery addressed to:

DATED this 6 day of July, 2021.

Employee of Simons Hall Johnston PC

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

EXHIBIT LIST

NO.	DESCRIPTION	PAGES
24	Alisha Hatch's Secretary of State Notary Public Certificates	2
25	Alisha Hatch's	14

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

F I L E D
Electronically
CV21-00246
2021-07-06 04:11:27 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8528910 : nmason

EXHIBIT 24

EXHIBIT 24

SECRETARY OF STATE

STATE OF NEVADA

To All Whom These Presents Shall Come, Greetings;
KNOW YE, that I, Barbara K. Cegavske, Secretary of State of Nevada, by the authority vested in me by the laws thereof, do hereby appoint:

Alisha Hatch

of Washoe County

A NOTARY PUBLIC

IN AND FOR THE STATE OF NEVADA

Under Chapter 240 of the Nevada Revised Statutes; and I authorize the appointee to discharge, according to law, the duties of said office, and to hold and enjoy the same, together with all the powers, privileges and emoluments thereunder appertaining, for the term beginning

February 9, 2020, and expiring on February 9, 2024

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of State of Nevada. Done at Carson City, Nevada, this 4th day of February, 2020.

Barbara K. Cegavske

Barbara K. Cegavske
Secretary of State

By: P. Gillen

Notary Clerk

No: 20-1124-02

SECRETARY OF STATE

STATE OF NEVADA

To All Whom These Presents Shall Come, Greetings:
KNOW YE, that I, Barbara K. Cegavske, Secretary of State of Nevada, by the authority vested in me by the laws thereof, do hereby appoint:

ALISHA S. HATCH

of WASHOE COUNTY

A NOTARY PUBLIC

IN AND FOR THE STATE OF NEVADA

under Chapter 240 of the Nevada Revised Statutes; and I authorize the appointee to discharge, according to law, the duties of said office, and to hold and enjoy the same, together with all the powers, privileges and emoluments thereunder appertaining, for the term beginning

February 9, 2016, and expiring on February 9, 2020

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Nevada. Done at Carson City, Nevada, this 18th day of March, 2016 .

Barbara K. Cegavske

Barbara K. Cegavske
Secretary of State

By: Connie R. Lewis
Notary Clerk

No: 16-1643-2

F I L E D
Electronically
CV21-00246
2021-07-06 04:11:27 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8528910 : nmason

EXHIBIT 25

EXHIBIT 25

1	Month/Day/Year/Time of Notarization	Kind or Type of Notarization/Certificate	Address Where Notarization Performed	Document Kind or Type/Date	Name and Address of Signer
1	April 27, 2016 10:15 AM	Power of Attorney for Medical Care	150 Country Estates Circle #105 Reno NV. 89511	Power of Attorney Date of Document: 4/27/2016	Kari Johnson 2710 Alastor Way Reno, NV. 89521
2	June 1, 2016 11:40 AM	Declaration TRC #33	150 Country Estates Circle #105 Reno, NV. 89511	Declaration Date of Document: 6/1/2016	Kari Johnson 2710 Alastor Way Reno, NV. 89521
3	July 28, 2016 2:15 PM.	Assignment of Water rights/Jurat	2710 Alastor Wy. Reno, NV. 89521	Assignment of Water Rights Date of Document: 7/28/2016	Kari Johnson 2710 Alastor Way Reno, NV. 89521
4	Oct. 7 2016. 11:00 AM	Jurat	150 Country Estates Circle #105 Reno NV 89511	Name Change- Date of Document: 10/7/16	Kari Johnson 2710 Alastor Way Reno, NV. 89521
5	10/26/2016 9:30 AM	Jurat	150 Country Estates Cir. #105 Reno NV. 89511	USCG Bill of Sale Date of Document: 10/26/2016	Kari Johnson 2710 Alastor Way Reno, NV. 89521
6	10/26/2016 9:30 AM	Jurat	150 Country Estates Cir. #105 Reno, NV. 89511	USCG Bill of Sale Date of Document: 10/26/2016	Kari Johnson 2710 Alastor Way Reno, NV. 89521
7	10/26/2016 9:30 AM	Jurat	150 Country Estates Cir. #105 Reno, NV. 89511	General Bill of Sales Date of Document: 10/26/2016	Kari Johnson 2710 Alastor Way Reno, NV. 89521
8	10/26/2016 9:30 AM.	Jurat	150 Country Estates Cir. #105 Reno, NV. 89511	General Bill of Sales Date of Document: 10/26/2016	Kari Johnson 2710 Alastor Way Reno, NV. 89521

Identification of Signer	Additional Information	Notary Fee	Signature of Signer	Right Thumbprint of Signer	2
☐ Personally Known by the Notary ☒ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness NV Drivers License-DMV 3200686589 exp 7/3/22	Mother- (Taylor's Field Trip)	$0	x Lori A. Johnson	Top of thumb here	1
☐ Personally Known by the Notary ☒ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness N.V. D.L - (DMV) 3200686589 exp: 7/3/22	Declaration of no subdivision of property.	$0	x Paul A. Johnson	Top of thumb here	2
☐ Personally Known by the Notary ☒ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness N.V. D.L. (DMV) 3200686589 exp: 7/3/22	Assignment of Water Rights for Sale of Mt. Rose property	$0	x Paul A. Johnson	Top of thumb here	3
☐ Personally Known by the Notary ☒ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness N.V. Drivers license - DMV 3200686589 exp. 7/3/22	Toyota loan name change request	$0	x Paul A. Johnson	Top of thumb here	4
☐ Personally Known by the Notary ☒ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness DMV N.V. Drivers license 3200686589 exp. 7/3/22	Sea Ray Bill of Sale (USCG)	$0	x Paul A. Johnson	Top of thumb here	5
☐ Personally Known by the Notary ☒ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness DMV NV Drivers license 3200686589 exp. 7/3/22	Sea Ray Bill of Sale (USCG)	$0	x Paul A. Johnson	Top of thumb here	6
☐ Personally Known by the Notary ☒ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness DMV N.V. Drivers license 3200686589 exp 7/3/22	Sea Ray General Bill of Sale	$0	x Paul A. Johnson	Top of thumb here	7
☐ Personally Known by the Notary ☒ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness DMV NV Drivers license 3200686589 exp. 7/3/22	Sea Ray General Bill of Sale	$0	x Paul A. Johnson	Top of thumb here	8

3	Month/Day/Year/Time of Notarization	Kind or Type of Notarization/Certificate	Address Where Notarization Performed	Document Kind or Type/Date	Name and Address of Signer
1	October 26, 2016 9:30 AM	Jurat	150 Country Estates Cir. #105 Reno, NV. 89511	Warranty Of Title Date of Document: 10/26/2016	Kari Johnson 2710 Alastor Way Reno, NV. 89521
2	October 26, 2016 9:30 AM	Jurat	150 Country Estates Cir. #105 Reno, NV. 89511	Power Of Attorney Date of Document: 10/26/2016	Kari Johnson 2710 Alastor Way Reno, NV. 89521
3	October 26, 2016 10:30	Jurat	150 Country Estates Cir #105 Reno, NV. 89511	Power Of Attorney Date of Document: 10/26/2016	Colin Grover 2710 Alastor Way Reno, NV. 89521
4	October 26, 2016 10:30.	Jurat	150 Country Estates Cir. #105 Reno, NV. 89511	Warranty Of Title Date of Document: 10/26/2016	Colin Grover 2710 Alastor Way Reno, NV. 89521
5	October 26, 2016 10:30	Jurat	150 Country Estates Cir. #105 Reno, NV. 89511	General Bill Of Sale Date of Document: 10/26/2016	Colin Grover 2710 Alastor Way Reno, NV. 89521
6	October 26, 2016 10:30	Jurat	150 Country Estates Cir. #105 Reno, NV. 89511	General Bill Of Sale. Date of Document: 10/26/2016	Colin Grover 2710 Alastor Way Reno, NV. 89521
7	October 26, 2016 10:30	Jurat	150 Country Estates Cir. #105 Reno, NV. 89511	USCG Bill Of Sale Date of Document: 10/26/2016	Colin Grover 2710 Alastor Way Reno, NV. 89521
8	October 26, 2016 10:30.	Jurat	150 Country Estates Cir. #105 Reno, NV. 89511	USCG Bill Of Sale Date of Document: 10/26/2016	Colin Grover 2710 Alastor Way Reno, NV. 89521

Identification of Signer	Additional Information	Notary Fee	Signature of Signer	Right Thumbprint of Signer	4
☐ Personally Known by the Notary ☒ ID Cards: — Describe each card below ☐ Credible Witness(es) — Include signature of each witness DMV NV. Drivers License 32001686589 exp. 7/3/22	Sea Ray Sale	$0	x	Top of thumb here	1
☐ Personally Known by the Notary ☒ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness DMV NV Drivers License 32001686589 exp 7/3/22	Sea Ray Sale.	$0	x	Top of thumb here	2
☐ Personally Known by the Notary ☒ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness DMV NV. Drivers License 08023169890 exp 12/12/16.	Sea Ray Sale	$0	x	Top of thumb here	3
☐ Personally Known by the Notary ☒ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness DMV NV. Drivers License 08023169890 exp 12/12/16	Sea Ray Sale	$0	x	Top of thumb here	4
☐ Personally Known by the Notary ☒ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness DMV NV. Drivers License 08023169890 exp.12/12/16	Sea Ray Sale	$0	x	Top of thumb here	5
☐ Personally Known by the Notary ☒ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness DMV NV. Drivers License 08023169890 exp.12/12/16	Sea Ray Sale.	$0	x	Top of thumb here	6
☐ Personally Known by the Notary ☒ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness DMV NV Drivers License 08023169890 exp.12/12/16	Sea Ray Sale	$0	x	Top of thumb here	7
☐ Personally Known by the Notary ☒ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness DMV NV Drivers License 08023169890 exp.12/12/16.	Sea Ray Sale.	$0	x	Top of thumb here	8

5.	Month/Day/Year/Time of Notarization	Kind or Type of Notarization/Certificate	Address Where Notarization Performed	Document Kind or Type/Date	Name and Address of Signer
1	November 7, 2016 12:00	Affidavit	150 Country Estate Circle #105 Reno, NV. 89	Lost Title Affidavit Date of Document: 11/7/16	Kari Johnson 2710 Alastor Way Reno, NV. 89521
2	November 7, 2016 12:00	Jurat	150 Country Estates Circle #105 Reno, NV. 89511	Application for Duplicate Date of Document: Title 11/7/16	Kari Johnson 2710 Alastor Way Reno, NV. 89521
3	November 30 2016 2:00	Jurat	" "	Quit Claim Deed Date of Document: 11/30/16	" "
4	November 30, 2016 2:00	Jurat	" "	Quit Claim Deed Date of Document: 11/30/2016	" "
5	November 30, 2016 2:00	Jurat	150 Country Estates SIERRA INVESTMENTS, LLC. #105 P.O. BOX 19765 RENO, NV 8951	Quit Claim Deed Date of Document: 11/30/2016	" "
6	November 30, 2016 2:00	Jurat.	" "	Correction Deed Date of Document: 11/30/2016	" "
7	November 30, 2016 2:00	Jurat	" "	Correction Deed Date of Document: 11/30/2016	" "
8	Jan. 11th 2017 12:15	Jurat	" "	Quit Claim deed Date of Document: 11/2017	" "

Identification of Signer	Additional Information	Notary Fee	Signature of Signer	Right Thumbprint of Signer	6
☐ Personally Known by the Notary ☒ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness DMV NV D.L. # 3200686589 exp. 7/3/22	DMV lost title for Toyota Tundra	$0	x Carl Johnson	Top of thumb here	1
☐ Personally Known by the Notary ☒ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness DMV NV. DL # 3200686589 exp. 7/3/22.	DMV duplicate title for Tundra	$0	x Carl Johnson	Top of thumb here	2
☐ Personally Known by the Notary ☐ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness " "	Quit Claim Deed for Caughlin to Sierra Investments II	$0	x Carl Johnson	Top of thumb here	3
☐ Personally Known by the Notary ☐ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness " "	Quit Claim Deed for NV. St to Sierra Investments I	$0	x Carl Johnson	Top of thumb here	4
☐ Personally Known by the Notary ☐ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness " "	Quit Claim Deed for Seminary to Sierra Investments I	$0	x Carl Johnson	Top of thumb here	5
☐ Personally Known by the Notary ☐ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness " "	Correction Deed for TRC #33 to Sierra Investments I	$0	x Carl Johnson	Top of thumb here	6
☐ Personally Known by the Notary ☐ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness " "	Correction Deed for West St. to Sierra Investments I	$0	x Carl Johnson	Top of thumb here	7
☐ Personally Known by the Notary ☐ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness " "	Quit Claim deed for West St. to Sierra Inv.	$0	x Carl Johnson	Top of thumb here	8

7	Month/Day/Year/Time of Notarization	Kind or Type of Notarization/Certificate	Address Where Notarization Performed	Document Kind or Type/Date	Name and Address of Signer
1	January 11th 2017	Jurat	150 Country Estates Dr. #105 Reno, NV 89511	Quit Claim Deed Date of Document: 1/11/2017	Kari Johnson 2710 Alastor Way Reno, NV. 89521
2	5/5/2017	Jurat	150 Country Estates Dr. #105 Reno, NV. 89511	Power of attorney Date of Document: 5/5/17	Kari Johnson 2710 Alastor Way Reno, NV. 89521
3	5/12/17	Jurat	150 Country Estates Dr. #105 Reno NV 89511	Power of attorney Date of Document: 5/12/17	Kari Johnson 2710 Alastor Way Reno, NV. 89521
4	9/8/17	Jurat	150 Country Estates Dr. #105 Reno, NV 89511	9/8/17 Grant Deed Date of Document:	Kari Johnson 2710 Alastor Way Reno, NV. 89521
5	9/8/17	Jurat	150 Country Estates Dr. #105 Reno, NV. 89511	Quit 9/8/17 Claim Deed Date of Document:	Kari Johnson 2710 Alastor Way Reno, NV. 89521
6	10/9/17	Jurat	"	Date of Document:	"
7	11/13/17	Jurat	9845 Sierra Pt Dr. Reno NV. 89521	Date of Document: 11/13/17	Tom Johnson 5925 Lake Geneva Ct. Reno NV. 89511
8	11/22/17	Jurat	150 Country Estates Circle #105 Reno 89511	11/22/17 Date of Document:	Kari Johnson 2710 Alastor Way Reno, NV. 89521

Identification of Signer	Additional Information	Notary Fee	Signature of Signer	Right Thumbprint of Signer	8
☐ Personally Known by the Notary ☒ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness DMV. NV DL# 32001686589 exp: 7/3/22	Quit Claim Deed for TRC to Sena Unw.	$0	x	Top of thumb here	1
☐ Personally Known by the Notary ☒ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness DMV NV DL# 32001686589 exp: 7/3/22	Power of Attorney for Taylors Field trip	$0	x	Top of thumb here	2
☐ Personally Known by the Notary ☒ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness DMV NV DL # 32001686589 exp: 7/3/22	Power of attorney for Sell of Sequoia	$0	x	Top of thumb here	3
☐ Personally Known by the Notary ☒ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness DMV NV DL # 32001686589 exp: 7/3/22	Grant Deed - Sell of Newcastle (Seaside)	$0	x	Top of thumb here	4
☐ Personally Known by the Notary ☒ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness DMV NV DL # 32001686589 exp: 7/3/22	Quit Claim Deed - For C.P. to S.I.I, LLC.	$0	x	Top of thumb here	5
☐ Personally Known by the Notary ☐ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness " "	Surrendered license plate affidavit	$0	x	Top of thumb here	6
☒ Personally Known by the Notary ☐ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness	affidavit	$0	x	Top of thumb here	7
☐ Personally Known by the Notary ☐ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness	Bill of Sale - 4795 Caughlin	$0	x	Top of thumb here	8

9	Month/Day/Year/Time of Notarization	Kind or Type of Notarization/Certificate	Address Where Notarization Performed	Document Kind or Type/Date	Name and Address of Signer
1	1/4/2018 11:40 AM	Jurat	150 Country Estates Cir. #105	Grant Deed - Date of Document: 1/3/18	Kari Johnson
2	1/11/18 10:00 am	Jurat	" "	Statement of delivery outside CA. Date of Document: 1/10/18	" "
3	2/24/2018 6:10 pm		2710 Alastor Way Reno, NV. 89521	Amendment Date of Document:	Nancy Carol Simmons
4	2/24/2018 6:10 pm		" "	Amendment Date of Document:	Nancy Carol Simmons
5	2/24/2018 6:10 pm.		" "	Amendment. Date of Document:	Nancy Simmons Carol
6	2/24/2018 6:20		" "	Amendment Date of Document:	Kari A. Johnson
7	2/24/2018 6:20		" "	Revocable Trust Date of Document:	Nancy Carol Simmons
8	2/24/2018 6:20		" "	Revocable Trust Date of Document:	Don Simmons

Identification of Signer	Additional Information	Notary Fee	Signature of Signer	Right Thumbprint of Signer	10
Personally Known by the Notary ID Cards — Describe each card below Credible Witness(es) — Include signature of each witness	Grant Deed- Sale of Kilkenny New Gold Cast delivery	$0	x	Top of thumb here	1
Personally Known by the Notary ID Cards — Describe each card below Credible Witness(es) — Include signature of each witness		$0	x	Top of thumb here	2
Personally Known by the Notary ID Cards — Describe each card below Credible Witness(es) — Include signature of each witness	Amendment to Johnson Dynasty Trust	$0	x Nancy Carol Simmons	Top of thumb here	3
Personally Known by the Notary ID Cards — Describe each card below Credible Witness(es) — Include signature of each witness	Johnson Dynasty Insurance Trust Amendment	$0	x Nancy Carol Simmons	Top of thumb here	4
Personally Known by the Notary ID Cards — Describe each card below Credible Witness(es) — Include signature of each witness	Johnson II Dynasty Trust	$0	x Nancy Carol Simmons	Top of thumb here	5
Personally Known by the Notary ID Cards — Describe each card below Credible Witness(es) — Include signature of each witness	" "	$0	x	Top of thumb here	6
Personally Known by the Notary ID Cards — Describe each card below Credible Witness(es) — Include signature of each witness	" "	$0	x	Top of thumb here	7
Personally Known by the Notary ID Cards — Describe each card below Credible Witness(es) — Include signature of each witness	" "	$0	x Dan Simmons	Top of thumb here	8

11	Month/Day/Year/Time of Notarization	Kind or Type of Notarization/Certificate	Address Where Notarization Performed	Document Kind or Type/Date	Name and Address of Signer
1	2/24/2018 10:20		~~2710 Master Way Reno, NV. 89521~~	Johnson Family Amended Trust with PRS. Date of Document: 1st J Revocable Trust.	Donna R. Johnson
2	2/24/2018 10:20		Kona Bay Estates Kailua-Kona, HI 96740	" " Date of Document:	Tom L. Johnson
3	4/27/2018		150 Country Estates Circle #105 Reno, NV. 8952	Special Power of Attorney for Date of Document: Medical Care	Kari Johnson
4	5/27/2018		120 State Route 28 #03 Crystal Bay, NV. 89402	Statement of Delivery outside Date of Document: CA. 5/27/18	Doug Wilsey 2821 North Fork Ln. Minden, NV 89423-7869
5	5/27/2018		" "	" " Date of Document:	Kari Johnson
6	8/15/2018		150 Country Estates Circle #105 Reno NV 89511	Power of Attorney Date of Document: 8/15/18	Kari Johnson
7	3/14/2019	Jurat	2710 Master Way Reno, NV. 89521	Power of attorney Date of Document: 3/14/19	Colin Graves
8	8/12/19		" "	Power of attorney Date of Document: 8/12/19	Kari Johnson

Identification of Signer	Additional Information	Notary Fee	Signature of Signer	Right Thumbprint of Signer	12
Personally Known by the Notary ID Cards — Describe each card below Credible Witness(es) — Include signature of each witness	• Joinder Agreement • Johnson II Dynasty Trust	$ Ø	x	Top of thumb here	1
Personally Known by the Notary ID Cards — Describe each card below Credible Witness(es) — Include signature of each witness	" "	$ Ø	x	Top of thumb here	2
Personally Known by the Notary ID Cards — Describe each card below Credible Witness(es) — Include signature of each witness	MVH field trip power of Attorney	$ Ø	x	Top of thumb here	3
Personally Known by the Notary ID Cards — Describe each card below Credible Witness(es) — Include signature of each witness NV. DL # 08004622239	Boat delivery outside CA.		x	Top of thumb here	4
Personally Known by the Notary ID Cards — Describe each card below Credible Witness(es) — Include signature of each witness	" "		x	Top of thumb here	5
Personally Known by the Notary ID Cards — Describe each card below Credible Witness(es) — Include signature of each witness	DMV Power of Attorney for new RV Registration	$ Ø	x	Top of thumb here	6
Personally Known by the Notary ID Cards — Describe each card below Credible Witness(es) — Include signature of each witness	Taylors 6th grade field trip power of attorney	$ Ø	x	Top of thumb here	7
Personally Known by the Notary ID Cards — Describe each card below Credible Witness(es) — Include signature of each witness	Taylors 7th grade field trip power of attorney	$ Ø	x	Top of thumb here	8

13	Month/Day/Year/Time of Notarization	Kind or Type of Notarization/Certificate	Address Where Notarization Performed	Document Kind or Type/Date	Name and Address of Signer
1	8/27/2019 2:00pm	Jurat	150 Country Estates Dr. #105	Deed Restriction Date of Document: 8/27/19	Kari Johnson 2710 Alastor Way Reno NV. 89521
2	10/30/2019 8:00 AM	Jurat	2710 Alastor Way Reno, NV. 89521	Quit Claim Deed Date of Document: 10/29/2019	Kari Johnson 2710 Alastor Way Reno NV. 89521
3	2/10/2020 2:00pm	ACK	150 Country Estates Dr. #105 Reno Nv. 89521	NV. Energy Application for Build Date of Document: 2/10/2020	Kari Johnson 2710 Alastor Way Reno, NV. 89521
4	4/20/2020		150 Country Estates Dr. #105 Reno, NV. 89521	Creation of Trust. Date of Document: 4/20/2020.	Kari Johnson 2710 Alastor Way Reno, NV. 89521
5	4/20/2020	ACK.		" " Date of Document:	Colin Grover 2710 Alastor Way Reno, NV. 89521
6				Date of Document:	
7				Date of Document:	
8				Date of Document:	

Identification of Signer	Additional Information	Notary Fee	Signature of Signer	Right Thumbprint of Signer	14
☒ Personally Known by the Notary ☐ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness			x	Top of thumb here	1
☒ Personally Known by the Notary ☐ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness	Quit Claim Deed Kari Anne Johnson II, LLC → Kari Anne Johnson, LLC.		x	Top of thumb here	2
☒ Personally Known by the Notary ☐ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness	NV. Energy application for Build @ Last Chance Ct.		x	Top of thumb here	3
☒ Personally Known by the Notary ☐ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness	Creation of Trust		x	Top of thumb here	4
☒ Personally Known by the Notary ☐ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness	Creation of Trust		x	Top of thumb here	5
☐ Personally Known by the Notary ☐ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness			x	Top of thumb here	6
☐ Personally Known by the Notary ☐ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness			x	Top of thumb here	7
☐ Personally Known by the Notary ☐ ID Cards — Describe each card below ☐ Credible Witness(es) — Include signature of each witness			x	Top of thumb here	8

F I L E D
Electronically
CV21-00246
2021-07-07 04:29:32 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8531993 : yviloria

2645
STEFANIE T. SHARP, ESQ.
Nevada State Bar No. 8661
CLAYTON P. BRUST, ESQ.
Nevada State Bar No. 5234
HANNAH E. WINSTON, ESQ.
Nevada State Bar No. 14520
ROBISON, SHARP, SULLIVAN & BRUST, LTD.
a Professional Corporation
71 Washington Street
Reno, Nevada 89503
Telephone: (775) 329-3151
Facsimile: (775) 329-7169
Email: ssharp@rssblaw.com

Attorneys for Plaintiff Kari Anne Johnson

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

KARI ANNE JOHNSON, an individual, Plaintiff, vs. MICHAEL EDWARD HATCH, an individual; ALISHA SUZANNE HATCH, an individual; and DOES I THROUGH X, inclusive; Defendants.	**CASE NO.: CV21-00246** **DEPT. NO.: 7**

OPPOSITION TO REQUEST FOR JUDICIAL NOTICE

Plaintiff KARI ANNE JOHNSON (hereinafter "Kari" or "Plaintiff"), by and through her counsel of record herein, CLAYTON P. BRUST, ESQ., STEFANIE T. SHARP, ESQ. and HANNAH E. WINSTON, ESQ. of the law firm of ROBISON, SHARP, SULLIVAN & BRUST, LTD., hereby responds to the Request for Judicial Notice (the "RJN") filed by Defendants MICHAEL EDWARD HATCH and ALISHA SUZANNE HATCH ("Defendants"). This Response is made pursuant to Rule 12 of the Nevada Rules of Civil Procedure, the papers and pleadings on file with this Court, and the attached Memorandum of Points and Authorities.

///

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Defendants have filed their RJN nearly *three months* after submitting their Motion to Dismiss Plaintiff's First Amended Complaint (the "Motion to Dismiss"). The Defendants moved to dismiss the First Amended Complaint ("FAC") on the basis that Plaintiff's claims are time barred *as a matter of law* because the improper deed at issue in this case was recorded in 2015. According to Defendants, the publicly recorded deed, alone, means that Plaintiff had constructive notice of her claims against the Defendants and therefore, each of her claims is time barred regardless of whether Plaintiff had a reason to investigate the deed. Defendants maintain that their theory is a "bright line rule of law" that has been "well-known" in Nevada jurisprudence for at least fifty years." RJN, p. 2 n.1.[1]

Notwithstanding, three months after submitting the Motion to Dismiss, Defendants ask this Court not only to take judicial notice of over 100 documents that are outside the four corners of the FAC, but also to draw inferences *against* Plaintiff and *in favor of* Defendants to make the *factual conclusion* that Plaintiff knew or should have known to investigate the improper deed. As discussed in Plaintiff's Opposition to the Motion to Dismiss, when Plaintiff knew or should have known to investigate the improper deed is a question of fact to be determined by the trier of fact at trial. . Indeed, the Nevada Supreme Court has made clear that this question is one of fact that is based on the particular circumstances of each case making it inappropriate to resolve on a Rule 12(b)(5) motion. *See, e.g. Allen v. Webb,* 87 Nev. 261485 P.2d 677 (1971); *also see Bemis v. Estate of Bemis,* 114 Nev. 1021, 967 P.2d 437 (1998).

Defendants' RJN is truly an improper supplement to their Motion to Dismiss, which Defendants did not seek leave to file. Moreover, Defendants' RJN cannot be used to as a mechanism to have this Court make factual conclusions or draw inferences in favor of the Defendants in

[1] Defendants make such representation despite the fact that the very case they cite refutes their position. *See Allen v. Webb*, 87 Nev. 261, 270, 485 P.2d 677, 682 (1971) ("[T]he mere fact of the record notice does not provide sufficient basis for holding the Allens to have had notice ***unless they had reason to check the real estate records***.") (emphasis added).

Robison, Sharp,
Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151

conjunction with a Rule 12(b)(5) Motion to Dismiss. Accordingly, the RJN should be entirely disregarded by this Court.

II. THE RJN IS PROCEDURALLY IMPROPER.

The Motion to Dismiss has been submitted to this Court for almost three months. If Defendants wanted the RJN and the accompanying documents to be considered as part of their Motion to Dismiss, they should have filed it concurrently therewith. Neither the Nevada Rules of Civil Procedure nor the Washoe District Court Rules allow for a supplement or sur-reply to be filed without leave of court. Therefore, the RJN is improperly filed and should not be considered by this Court in ruling on the pending motions.

III. JUDICIAL NOTICE CANNOT BE TAKEN WHEN THE FACTS ARE DISPUTED.

If this Court considers granting the RJN, the scope of this Court's judicial notice should be limited. As this Court is well aware, in considering a motion to dismiss, courts must "presume[ ] all factual allegations in the complaint are true and draw[ ] all inferences in favor of the plaintiff." *Vacation Village, Inc. v. Hitachi Am. Ltd.,* 110 Nev. 481, 484, 874 P.2d 744, 746 (1994). Defendants have steadfastly maintained that constructive notice, alone, begins the clock running for all claims associated with a publicly recorded deed.

Now, Defendants apparently concede that constructive notice is not the conclusive factor in determining whether the statute of limitations has run because Defendants ask this Court to take judicial notice of public documents "to demonstrate Johnson's history and familiarity with the recordation of deeds, real property transactions, tax instructions for tax bills contained in deeds, and online real property data that is accessible from the Washoe County Assessor's Office." RJN, 2-3. If, as Defendants have previously argued to this Court, such a bright line rule regarding constructive notice had existed in Nevada for fifty years, Plaintiff's diligence in discovering her claims would be irrelevant. Defendants' RJN demonstrates their understanding that it is inquiry notice, not constructive notice, that begins the clock for the statute of limitations.

Regardless, and as discussed more fully below, Defendants cannot use the RJN to establish that Plaintiff did not act with due diligence in discovering the Defendants' fraud.

/ / /

Robison, Sharp,
Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151

A. Courts Can Only Take Judicial Notice of Indisputable Facts.

Judicial notice is appropriate only for facts that are "generally known or capable of verification from a reliable source," or "facts that are [c]apable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned, so that the fact is not subject to reasonable dispute." *Mack v. Est. of Mack*, 125 Nev. 80, 91, 206 P.3d 98, 106 (2009) (internal quotation marks omitted) (citing NRS 47.130(2)(b)). As the Nevada Supreme Court has explained, "Judicial notice has been applied to a wide range of subjects from the facts of ordinary life to the arts, sciences and professions, confined only to those things which any well informed person would be presumed to know." *Lemel v. Smith*, 64 Nev. 545, 566, 187 P.2d 169, 179 (1947).

Thus, while the fact that a document has been publicly filed is subject to judicial notice, the "*truth of the content, and the inferences properly drawn from them, however, is not a proper subject of judicial notice*". *Gerritsen v. Warner Bros. Ent. Inc.*, 112 F. Supp. 3d 1011, 1032 (C.D. Cal. 2015) (internal quotation marks omitted) (emphasis in original). Indeed, in holding that judicial notice was appropriate regarding the fact of a courthouse's operating hours, the Nevada Supreme Court emphasized that such judicial notice was only appropriate for the operating hours but could not be applied to determine questions of reasonableness, whether a judge was available during the operating hours, "or to a question of diligence or lack of diligence". *Lemel*, 64 Nev. at 566, 187 P.2d at 179.

Therefore, judicial notice is only proper regarding indisputable facts that are generally known, and judicial notice cannot be applied to establish facts and inferences from documents that are otherwise susceptible to judicial notice. *See Khoja v. Orexigen Therapeutics, Inc.*, 899 F.3d 988, 999 (9th Cir. 2018) ("Just because the document itself is susceptible to judicial notice does not mean that every assertion of fact within that document is judicially noticeable for its truth.").

B. This Court Cannot Take Judicial Notice of Defendants' Inferences.

Through the RJN, Defendants ask this Court to take judicial notice not of indisputable facts but of their inferences that, among other things, Plaintiff has knowledge of recordation procedures,

Robison, Sharp,
Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151

could have obtained the deed easily at any time,[2] that Plaintiff is a businesswoman with real estate and business acumen, and ultimately, that Plaintiff should have checked the deed to make sure she was on title to the property. Defendants' inferences are not "facts that are [c]apable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned, so that the fact is not subject to reasonable dispute." *Mack*, 125 Nev. at 91, 206 P.3d at 106 (internal quotation marks omitted).

The fundamental reason Defendants' Motion to Dismiss cannot be granted is because "[w]hen the plaintiff knew or in the exercise of proper diligence should have known of the facts constituting the elements of [her] cause of action is a question of fact for the trier of fact." *Siragusa v. Brown*, 114 Nev. 1384, 1393, 971 P.2d 801, 807 (1998). Defendants cannot use the RJN to try and determine the factual question of whether Plaintiff should have discovered the Defendants' wrongdoing in order to support their Motion to Dismiss because Plaintiff alleges that the Defendants wrongfully caused her to sign the deed and that she trusted the Defendants' representations regarding the deed. FAC, ¶14-18.

Defendants' RJN is completely contrary to the purpose of judicial review. *See Khoja v. Orexigen Therapeutics, Inc.*, 899 F.3d 988, 1001 (9th Cir. 2018) (holding that judicial notice is not appropriate to determine the factual question of what a document establishes); *United States v. Ritchie*, 342 F.3d 903, 909 (9th Cir. 2003) (explaining that courts can take judicial notice of indisputable facts and that "[t]he underlying facts relevant to the adjudication of this case—what notice procedures the DEA used, whether Horner had actual notice, and so on—do not remotely fit the requirements of Rule 201"); *Gerritsen*, 112 F. Supp. 3d at 1032 (It is only appropriate[, however,] for the court to take judicial notice of the content of the SEC Forms [ ] and the fact that they were filed with the agency. *The truth of the content, and the inferences properly drawn from them, however, is not a proper subject of judicial notice under Rule 201*.").

---

[2] Notably, the Nevada Supreme Court has rejected similar arguments that a plaintiff should be attributed with knowledge because of the ease with which one can investigate the title to real property, explaining that "[a] party is not under a duty to make a reasonable investigation unless the recipient has information which would serve as a danger signal and a red light to any normal person of his intelligence and experience." *Blanchard v. Blanchard*, 108 Nev. 908, 913, 839 P.2d 1320, 1323 (1992) (internal quotation marks omitted).

Robison, Sharp,
Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151

Therefore, in ruling on the Motion to Dismiss, this Court should accept the allegations in the FAC as true, draw all inferences therefrom in favor of Plaintiff, and disregard the inferences that Defendants draw from the documents attached to the RJN which are outside the four corners of the FAC and improper for consideration on a motion to dismiss. *See In re Washington Mut., Inc. Sec., Derivative & ERISA Litig.*, 259 F.R.D. 490, 495 (W.D. Wash. 2009) (explaining that the Court would "draw no inferences in favor of Defendants from judicially-noticed facts").;

IV. CONCLUSION

Based upon the foregoing, Plaintiff respectfully requests that this Court deny the RJN in its entirety or, at a minimum, limit the scope of any judicial review consistently with the appropriate parameters set forth herein. Finally, Plaintiff respectfully requests that this Court deny the Motion to Dismiss as Plaintiff has stated claims upon which relief can be granted and the RJN is an inappropriate attempt to challenge the allegations in Plaintiff's pleadings.

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

DATED: This 7th day of July 2021.

ROBISON, SHARP, SULLIVAN & BRUST, LTD.
a Professional corporation
71 Washington Street
Reno, NV 89503

BY *\/s/ Stefanie T. Sharp*
STEFANIE T. SHARP, ESQ.
CLAYTON P. BRUST, ESQ.
HANNAH E. WINSTON, ESQ.
Attorneys for Plaintiff Kari Anne Johnson

Robison, Sharp,
Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of ROBISON, SHARP, SULLIVAN & BRUST, and that on this date I caused to be served a true copy of **OPPOSITION TO REQUEST FOR JUDICIAL NOTICE** on all parties to this action by the method(s) indicated below:

____ by placing true copy thereof in a sealed envelope, with sufficient postage affixed thereto, in the United States mail at Reno, Nevada, addressed to:

__x_ by using the Court's CM/ECF Electronic Notification System addressed to:

Mark G. Simons, Esq.
Anthony L. Hall, Esq.
SIMONS HALL JOHNSTON PC
Email: MSimons@SHJNevada.com
AHall@SHJNevada.com
Attorneys for Defendants

_____ by personal delivery/hand delivery addressed to:

_____ by facsimile (fax) addressed to:

_____ by Federal Express/UPS or other overnight delivery addressed to:

DATED: This 7th day of July 2021.

/s/ *Mary Carroll Davis*
Employee of Robison, Sharp, Sullivan & Brust

Robison, Sharp,
Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151

F I L E D
Electronically
CV21-00246
2021-07-14 11:19:09 AM
Alicia L. Lerud
Clerk of the Court
Transaction # 8542632

CASE NO. CV21-00246 KARI A. JOHNSON vs. MICHAEL E. HATCH et al.

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES-HEARING	CONTINUED TO
07/08/2021 HONORABLE EGAN WALKER DEPT. NO. 7 K. Oates J. Encallado-Alvarez (Clerks) S. Koetting (Reporter)	MOTIONS HEARING Hearing conducted via Zoom Video conferencing. Clay Brust, Esq., Stephanie Sharp, Esq., and Hannah Winston, Esq., were present in Court on behalf of Plaintiff Kari Johnson. Mark Simons, Esq. was present in Court on behalf of Defendants Michael and Alisha Hatch. This hearing was held remotely because of the closure of the courthouse at 75 Court Street in Reno, Washoe County, Nevada due to the National and Local emergency caused by COVID-19. The Court and all the participants appeared via simultaneous audiovisual transmission. The Court was physically located in Reno, Washoe County, Nevada which was the site of the court session. Counsel acknowledged Notice that the hearing was taking place pursuant to Nevada Supreme Court Rules – Part 9 relating to simultaneous audiovisual transmissions and counsel stated they had no objection to going forward in this manner. 1:30 p.m. – Court convened with Court and counsel present. The Court recited a procedural history of this case. Counsel Winston, on behalf of the Plaintiff, addressed the Court and advised the parties are present today to argue the Defendants' Motion to Dismiss and Plaintiff's Motion for Leave to File Second Amended Complaint. Further, counsel argued in support of Plaintiff's Motion for Leave to File Second Amended Complaint and in opposition to Defendants' Motion to Dismiss. The Court addressed the deficiencies associated with the First Amended Complaint. Counsel Winston responded as to the deficiencies, including subject matter jurisdiction, and that those deficiencies can be remedied in the Second Amended Complaint if the Court grants the Plaintiff's Motion. Counsel Simons, on behalf of the Defendants, addressed the Court and argued in support of the Defendants' Motion to Dismiss and in opposition to the Plaintiff's Motion for Leave to File Second Amended Complaint. Further, counsel Simons argued the Second Amended Complaint should not be filed and that subject matter jurisdiction is lacking. Counsel Winston responded, presented additional argument, and further advised the Plaintiff objects to the Defendants' request for judicial notice, or the documents attached thereto.	

COURT ORDERED: The Plaintiff's First Amended Complaint is DISMISSED, and Plaintiff's Motion for Leave to File Second Amended Complaint is GRANTED. Further, the Defendants' Motion to Dismiss is DENIED, however, leave shall be extended to refile the Motion to Dismiss after the Second Amended Complaint has been filed.

Counsel Winston to prepare and submit the proposed order to the Court.

2:32 p.m. – Court stood in recess.

FILED
Electronically
CV21-00246
2021-08-02 08:18:15 AM
Alicia L. Lerud
Clerk of the Court
Transaction # 8571993

3370

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

KARI ANNE JOHNSON, an individual, Plaintiff, vs. MICHAEL EDWARD HATCH, an individual; ALISHA SUZANNE HATCH, an individual; and DOES I THROUGH X, inclusive; Defendants.	**CASE NO.: CV21-00246** **DEPT. NO.: 7**

ORDER ADDRESSING MOTIONS

Presently before the Court is Plaintiff's KARI ANNE JOHNSON ("Plaintiff") Motion for Leave to File Second Amended Complaint, filed March 25, 2021, and Defendants' MICHAEL EDWARD HATCH and ALISHA SUZANNE HATCH ("Defendants") Motion to Dismiss Verified First Amended Complaint, filed March 30, 2021. This Court heard oral arguments on July 8, 2021. Having considered the pleadings and papers on file herein and the oral arguments, the Court orders as follows:

IT IS HEREBY ORDERED that the Verified First Amended Complaint is dismissed for failure to include the jurisdictional statement required by Rule 8(a)(1).

IT IS FURTHER ORDERED that the Plaintiff's Motion for Leave to File a Second Amended Complaint is **GRANTED**. Plaintiff's request to file the attached Verified Second Amended Complaint to her Motion is denied because of the failure to include the jurisdictional statement required by Rule 8(a)(1). Plaintiff may file a second amended complaint no later than 14

Robison, Sharp, Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151

days after entry of this Order.

IT IS FURTHER ORDERED that the Defendants' Motion to Dismiss the Verified First Amended Complaint is **DENIED** without prejudice. Defendants may refile the Motion to Dismiss after the Second Amended Complaint has been filed.

DATED this 1 day of August, 2021.

DISTRICT JUDGE

Robison, Sharp,
Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151

FILED
Electronically
CV21-00246
2021-08-02 08:33:21 AM
Alicia L. Lerud
Clerk of the Court
Transaction # 8572057

2540
Mark G. Simons, Esq. (SBN 5132)
Anthony L Hall, Esq. (SBN 5977)
SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, Nevada 89509
Telephone: (775) 785-0088
Facsimile: (775) 785-0087
Email: MSimons@SHJNevada.com
and AHall@SHJNevada.com

Attorneys for Defendants

IN THE SECOND JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

KARI ANNE JOHNSON, an individual; Plaintiffs, v. MICHAEL EDWARD HATCH, an individual; ALISHA SUZANNE HATCH, an individual; and DOES I to X, inclusive Defendants.	**CASE NO.: CV21-00246** **DEPT. NO.: 7** **NOTICE OF ENTRY OF ORDER**

PLEASE TAKE NOTICE that an Order Addressing Motions was entered by the Court on August 2, 2021, a copy of which is attached hereto as **Exhibit 1**.

Affirmation: This document does not contain the social security number of any person.

DATED this 2nd day of August, 2021.

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509

By: /s/ Mark G. Simons
MARK G. SIMONS
ANTHONY L. HALL
Attorneys for Defendants

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of SIMONS HALL JOHNSTON PC and that on this date I caused to be served a true copy of **NOTICE OF ENTRY OF ORDER** on all parties to this action by the method(s) indicated below:

☐ by placing an original or true copy thereof in a sealed envelope, with sufficient postage affixed thereto, in the United States mail at Reno, Nevada, addressed to:

☒ I hereby certify that on the date below, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which served the following parties electronically:

Stefanie T. Sharp
Clayton P. Brust
Hannah Winston
Attorneys for Defendants

☐ by personal delivery/hand delivery addressed to:

☐ by facsimile (fax) addressed to:

☐ by Federal Express/UPS or other overnight delivery addressed to:

DATED this 2 day of August, 2021.

Employee of Simons Hall Johnston PC

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

EXHIBIT LIST

NO.	DESCRIPTION	PAGES
1	Order	2

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

F I L E D
Electronically
CV21-00246
2021-08-02 08:33:21 AM
Alicia L. Lerud
Clerk of the Court
Transaction # 8572057

EXHIBIT 1

EXHIBIT 1

FILED
Electronically
CV21-00246
2021-08-02 08:18:15 AM
Alicia L. Lerud
Clerk of the Court
Transaction # 8571993

3370

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

KARI ANNE JOHNSON, an individual, Plaintiff, vs. MICHAEL EDWARD HATCH, an individual; ALISHA SUZANNE HATCH, an individual; and DOES I THROUGH X, inclusive; Defendants.	**CASE NO.: CV21-00246** **DEPT. NO.: 7**

ORDER ADDRESSING MOTIONS

Presently before the Court is Plaintiff's KARI ANNE JOHNSON ("Plaintiff") Motion for Leave to File Second Amended Complaint, filed March 25, 2021, and Defendants' MICHAEL EDWARD HATCH and ALISHA SUZANNE HATCH ("Defendants") Motion to Dismiss Verified First Amended Complaint, filed March 30, 2021. This Court heard oral arguments on July 8, 2021. Having considered the pleadings and papers on file herein and the oral arguments, the Court orders as follows:

IT IS HEREBY ORDERED that the Verified First Amended Complaint is dismissed for failure to include the jurisdictional statement required by Rule 8(a)(1).

IT IS FURTHER ORDERED that the Plaintiff's Motion for Leave to File a Second Amended Complaint is **GRANTED**. Plaintiff's request to file the attached Verified Second Amended Complaint to her Motion is denied because of the failure to include the jurisdictional statement required by Rule 8(a)(1). Plaintiff may file a second amended complaint no later than 14

Robison, Sharp, Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151

days after entry of this Order.

IT IS FURTHER ORDERED that the Defendants' Motion to Dismiss the Verified First Amended Complaint is **DENIED** without prejudice. Defendants may refile the Motion to Dismiss after the Second Amended Complaint has been filed.

DATED this 1 day of August, 2021.

DISTRICT JUDGE

Robison, Sharp,
Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151

F I L E D
Electronically
CV21-00246
2021-08-12 01:36:38 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8592726

2630
STEFANIE T. SHARP, ESQ.
Nevada State Bar No. 8661
CLAYTON P. BRUST, ESQ.
Nevada State Bar No. 5234
HANNAH E. WINSTON, ESQ.
Nevada State Bar No. 14520
ROBISON, SHARP, SULLIVAN & BRUST, LTD.
a Professional Corporation
71 Washington Street
Reno, Nevada 89503
Telephone: (775) 329-3151
Facsimile: (775) 329-7169
Email: ssharp@rssblaw.com
Email: cbrust@rssblaw.com
Email: hwinston@rssblaw.com

Attorneys for Plaintiff Kari Anne Johnson

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

KARI ANNE JOHNSON, an individual, Plaintiff, vs. MICHAEL EDWARD HATCH, an individual; ALISHA SUZANNE HATCH, an individual; and DOES I THROUGH X, inclusive; Defendants.	**CASE NO.: CV21-00246** **DEPT. NO.: 7**

NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE

COMES NOW, Plaintiff KARI ANNE JOHNSON, by and through her counsel of record herein, STEFANIE T. SHARP, ESQ., CLAYTON P. BRUST, ESQ. and HANNAH E. WINSTON, ESQ. of the law firm of ROBISON, SHARP, SULLIVAN & BRUST, LTD., and, pursuant to NRCP 41, hereby voluntarily dismisses the above-entitled action, without prejudice.

/·/·/

/·/·/

AFFIRMATION

Pursuant to NRS 239B.030

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

DATED this 12th day of August 2021.

ROBISON, SHARP, SULLIVAN & BRUST
71 Washington Street
Reno, Nevada 89503

By: */s/ Stefanie T. Sharp*
STEFANIE T. SHARP
CLAYTON P. BRUST
HANNAH E. WINSTON
Attorneys for Plaintiff

Robison, Sharp,
Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of ROBISON, SHARP, SULLIVAN & BRUST, and that on this date I caused to be served a true copy of the foregoing **NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE** on all parties to this action by the method(s) indicated below:

____ by placing a true copy thereof in a sealed envelope, with sufficient postage affixed thereto, in the United States mail at Reno, Nevada, addressed to:

_X_ by using the Court's CM/ECF Electronic Notification System addressed to:

Mark G. Simons, Esq.
Anthony L. Hall, Esq.
SIMONS HALL JOHNSTON PC
Email: MSimons@SHJNevada.com
AHall@SHJNevada.com
Attorneys for Defendants

_____ by personal delivery/hand delivery addressed to:

_____ by facsimile (fax) addressed to:

_____ by Federal Express/UPS or other overnight delivery addressed to:

DATED: This 12th day of August 2021.

/s/ Christine O'Brien
An Employee of Robison, Sharp, Sullivan & Brust

Robison, Sharp,
Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151

FILED
Electronically
CV21-00246
2021-08-19 01:22:45 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8604551

2010
Mark G. Simons, Esq. (SBN 5132)
Anthony L Hall, Esq. (SBN 5977)
SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, Nevada 89509
Telephone: (775) 785-0088
Facsimile: (775) 785-0087
Email: MSimons@SHJNevada.com
AHall@SHJNevada.com

Attorneys for Defendants

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

IN THE SECOND JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

KARI ANNE JOHNSON, an individual; Plaintiffs, v. MICHAEL EDWARD HATCH, an individual; ALISHA SUZANNE HATCH, an individual; and DOES I to X, inclusive, Defendants.	**CASE NO.: CV21-00246** **DEPT. NO.: 7** **MOTION FOR AN AWARD OF ATTORNEYS' FEES AND COSTS**

Pursuant to NRS 18.010(2)(b), Michael Edward Hatch and Alisha Suzanne Hatch (the "Hatches"), by and through their attorney Mark G. Simons of SIMONS HALL JOHNSTON PC, hereby submit the following Motion for An Award of Attorneys' fees and Costs ("Motion") against Kari Anne Johnson ("Johnson"). The Hatches seek an award of $63,710.30 in attorneys' fees and costs incurred in responding to and defending against the factually, legally and procedurally baseless claims asserted against them by Johnson in these proceedings. This Motion is based upon the following memorandum of points and authorities, the pleadings and papers on file in this matter and anything further the Court

wishes to consider.

DATED this 19th day of August, 2021.

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509

By: _____
MARK G. SIMONS
Attorneys for Defendants

MEMORANDUM OF POINTS AND AUTHORITIES

I. BASIS OF ACTION.

The Court is very familiar with the history of this case and the procedurally and substantively baseless claims asserted by Johnson. Johnson filed this action in this Court even though this Court did not have subject matter jurisdiction over the dispute. Johnson wrongfully recorded a Lis Pendens against the Hatches' property. Johnson amended her complaint three (3) times trying to avoid dismissal of this action. Finally, when faced with Rule 11 sanctions, Johnson has conceded this action had no merit factually, legally or procedurally.

It is in this context that NRS 18.010(2)(b) mandates the Court award the Hatches their attorneys' fees and costs unnecessarily incurred in defending this frivolous litigation. Demonstrating the frivolous nature of this litigation, when faced with NRCP Rule 11 sanctions, Johnson voluntarily elected to allow this case to remain dismissed by the Court. Even though there was no action pending, Johnson conceded the lack of merit of

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

this action by filing Notice of Voluntary Dismissal.[1] As detailed herein, the Hatches incurred significant attorneys' fees and costs in the amount of $63,710.30 for which they are entitled to obtain recovery due to Johnson's litigious conduct.

II. BACKGROUND FACTS.

The basic facts of this case as alleged by Johnson is that seven (7) years ago, she entered into an agreement with the Hatches "to loan" them money to buy the property commonly known as 9845 Firefoot Lane, Reno, Nevada (the "Property"). This loan was purportedly evidenced by an unsecured installment Note. Johnson terminated her friendship with the Hatches then instituted this litigation as a punitive and vindictive assault on the Hatches seeking to punish them and force them to needlessly incur attorneys' fees and costs in defending themselves.[2]

A. ORIGINAL VERIFIED COMPLAINT AND LIS PENDENS.

On February 10, 2021, Johnson filed her Original Verified Complaint ("Original Complaint") and recorded a Lis Pendens (the "Lis Pendens") against the Hatches' Property. Johnson's Original Complaint attached a copy of the Hatches' Deed for the Property, which Johnson claimed wrongfully did not include her as an owner. Orig. Comp., ¶14. Johnson again affirms under the penalty of perjury that the Deed attached to

---

[1] Again, Johnson's conduct in purporting to file a NRCP 41 Notice of Voluntary Dismissal is procedurally improper. First, no action was pending since the prior complaint had been dismissed by the Court. Next, NRCP 41 requires as a condition precedent the payment of the Hatches' filing fees incurred in this action. NRCP 41(a)(1)(C). Accordingly, the Notice of Voluntary Dismissal is a legally nullity, however, the filing of this document constitutes Johnson's recognition that this action was frivolous mandating an award of attorneys' fees and costs in the Hatches' favor.

[2] As detailed in the Hatches' Request for Judicial Notice filed June 23, 2021, Johnson owns or controls almost $10 million in assets and has exploited her superior wealth to fund this baseless litigation against the Hatches.

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

her Original Complaint was a "true and correct copy" of the Deed. *Id.* The Deed was recorded with the Washoe County Recorder's Office as Document Number 4500519 on **August 6, 2015.** *Id.* The Complaint was filed 5 years, 6 months and 4 days after the recordation of the Deed and facially triggered the applicable statutes of limitations due to Nevada's constructive notice statute and case law (triggering the initiation of all statutes of limitations based upon the recordation of a deed in the public records).

Of critical import, Johnson judicially admitted three (3) dispositive facts in her Original Verified Complaint that demonstrated the factually, procedurally, and legally baseless nature of this action.[3] First, Johnson admitted the Note was an installment contract and only $5,614.40 was owed at the time Johnson filed her Original Verified Complaint in this Court knowing full well that this claim for damages did not satisfy this Court's subject matter jurisdiction threshold.[4] Orig. Comp., ¶¶13, 27. Under an installment contract, Johnson admitted that the Note did not contain an acceleration of the underlying debt. *Id.*, ¶20.

Second, Johnson admitted that the Deed was recorded on **August 6, 2015,** and that she knew of the recordation of the Deed and even specifically requested a copy of the Deed when it was recorded. *Id.*, ¶16. This judicial admission affirms Johnson's awareness of the recordation of the Deed and conclusively demonstrated the applicability

---

[3] In *Reyburn Lawn & Landscape Designers, Inc. v. Plaster Development Co., Inc.*, 127 Nev. 331, 343, 255 P.3d 268, 276 (2011) the Nevada Supreme Court discussed the application of judicial admissions as follows: "Judicial admissions are defined as deliberate, clear, unequivocal statements by a party about a concrete fact within that party's knowledge." *Id.* (citation omitted).

[4] Nev. Const. art. 6, § 6(1); NRS 4.370 (claims in district court must exceed $15,000).

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

of Nevada's substantive law on constructive notice triggering the commencement of the applicable statutes of limitations.[5]

Third, Johnson admitted the financial relationship with the Hatches was solely a "loan." Johnson repeatedly described herself in her numerous verified complaints, *under oath and subject to the penalty of perjury,* as solely a lender of money claiming she made an unsecured "loan" to the Hatches as follows:

Para 8:	"Defendants approached Kari about loaning Defendants money to buy [the Property]."
Para. 9:	"Kari agreed to loan (the "Loan") the money to the Defendants."
Para. 12:	"The Loan is evidenced by a 'Promissory Note' . . . ."
Para. 15:	"Kari never would have loaned the money . . . ."
Para. 18:	"Kari would never have extended the Loan to the Defendants . . . ."
Para. 21:	"[Hatches] obtained the Loan from [Johnson] . . . ."

Johnson improperly filed this action and sought to wrongfully impose a lis pendens on the Hatches' Property as security for repayment of the installment Note. Orig. Comp., ¶53 ("The Property is believed to be the only possible source of repayment of the Loan."). Johnson's conduct was expressly stated by the Nevada Supreme Court in *Levinson v. Eighth Judicial Dist. Court*, 109 Nev. 747, 750, 857 P.2d 18, 20 (1993) to be abusive and inappropriate litigation activity as follows: "**[L]is pendens are not appropriate**

[5] In *Bemis v. Bemis*, 114 Nev. 1021, 1026, fn.2, 967 P.2d 437, 441 fn. 2 (1998) the Nevada Supreme Court reiterated the "**well-known principal that the public recording of real estate deeds constitutes constructive notice of the transaction**". (Emphasis added). Consequently, this rule of law has been "well-known" in Nevada jurisprudence for at least fifty years.

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

instruments for use in promoting recoveries in actions for personal or money judgments." (emphasis added)).

In addition to the foregoing, Johnson claimed *under oath* that her signature on an endorsement removing her name from the Purchase and Sale Agreement for the Property (the "PSA") was both her signature **and** a forgery. *Id.*, ¶14. Johnson attempted to plead inconsistent "facts" under oath asserting these diametrically opposite facts were both "true". Lastly, the Original Verified Complaint did not comply with NRCP 8(a)(1)'s provision containing the mandatory jurisdictional basis of the action.

Each of the foregoing defects were included in Johnson's Original Complaint. When faced with the Hatches' Motion to Dismiss and the Motion to Expunge Lis Pendens, what did Johnson do? Rather than recognize her conduct was factually, legally and procedurally baseless, she instead vigorously opposed the Hatches' efforts to terminate this needless action and embarked on filing a multitude of additional amended complaints all pursuing greater and more extravagant baseless claims. This Motion should be granted as requested since the Hatches were needlessly forced to incur their legal fees due solely to Johnson's litigious conduct. There is a consequence for Johnson's conduct, that consequence is simply to reimburse the Hatches for their legal fees incurred, which would not have been incurred "but for" Johnson's conduct.

B. HATCHES' MOTION TO DISMISS AND MOTION TO EXPUNGE LIS PENDENS.

In response to Hatches' Original Complaint and the recordation of the Lis Pendens, Hatches were forced to file a Motion to Dismiss the Original Complaint ("1st Motion to Dismiss") and a Motion to Expunge the Lis Pendens ("Motion to Expunge").

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

The 1st Motion to Dismiss demonstrated dismissal of the action was proper because of the following fatal defects:

1. **1st Claim:** breach of contract on the Note.

   Fatal Defect: a. Damage amount does not trigger this Court's subject matter jurisdiction. Claim asserts damages in the amount of $5,614.40 plus interest which amount is not within the subject matter jurisdiction of this Court and this claim must be dismissed.[6]

2. **2nd Claim:** captioned "Demand on the Loan Documents":

   Fatal Defect: a. The law does not recognize a claim for "demand on loan documents".
   b. The claim is duplicative of the breach of contract claim, and, as such, must be stricken.[7]
   c. Even if considered as a viable claim, it is not within this court's subject matter jurisdiction.

3. **3rd Claim:** Unjust Enrichment:

   Fatal Defects: a. Barred by statute of limitations.
   b. Barred by breach of contract claim on alleged Note.

4. **4th Claim:** Fraud in the Inducement:

   Fatal Defects: a. Barred by statute of limitations.

5. **5th Claim:** Equitable Lien:

   Fatal Defects: a. Barred by statute of limitations.
   b. Barred because an equitable lien is a remedy—not a claim.

6. **6th Claim:** Constructive Trust:

---

[6] *See* NRCP 12(b)(1) ("lack of subject matter jurisdiction" may be brought by motion).

[7] See NRCP 12(f) ("redundant [and] immaterial" matters are to be stricken from a pleading.")

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

Fatal Defects: a. Barred by statute of limitations.
b. Barred because a constructive trust is a remedy—not a claim.

7. **7th Claim:** Injunctive Relief:

Fatal Defects: a. Barred by statute of limitations.
b. Barred because an injunction is a remedy—not a claim.

Hatches also were forced to file their Motion to Expunge the wrongfully filed Lis Pendens, detailing the multitude of reasons the lawsuit was procedurally, factually and legally baseless. As detailed in this motion, and as recognized by the Court, Johnson's abusive use of the Lis Pendens as a mechanism to act as "security" for the repayment of the instalment Note expressly contradicted the Nevada Supreme Court's holding in *Levinson v. Eighth Judicial Dist. Court*, 109 Nev. 747, 750, 857 P.2d 18, 20 (1993): "**[L]is pendens are not appropriate instruments for use in promoting recoveries in actions for personal or money judgments.**" (emphasis added)). In addition, the equitable applicability of a lis pendens was precluded by the simple money judgment Johnson plead. *See Crockett & Myers, Ltd. v. Napier, Fitzgerald & Kirby, LLP*, 440 F.Supp.2d 1184, 1197 (D. Nev. 2006) ("Where a plaintiff can maintain an action at law and the legal remedy is adequate, resort to equity is not appropriate.").

C. JOHNSON'S RESPONSE TO HATCHES' MOTION TO DISMISS AND MOTION TO EXPUNGE LIS PENDENS.

Rather than recognize the impropriety of filing the Original Complaint and wrongfully recording the Lis Pendens, Johnson escalated her litigious behavior in this action. First, Johnson immediately filed her Amended Verified Complaint ("1st Amended Complaint"). Johnson's 1st Amended Complaint attempted to plead around the fatal deficiencies identified in Hatch's 1st Motion to Dismiss. Second, Johnson filed an

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

opposition to the Motion to Expunge necessitating further legal fees and costs to be incurred by the Hatches demanding a hearing on the Hatches' motion.

Of critical note, Johnson's 1st Amended Complaint sought to avoid both the Note was an installment contract (which did not trigger this Court's subject matter jurisdiction) and sought to avoid Nevada's constructive notice statute and case law triggering the commencement of all statutes of limitation on the date of recordation of Hatches' Deed. Johnson's 1st Amended Complaint then attempted to add a new claim for breach of the PSA (trying to create a 6-year statute of limitation to avoid dismissal); claimed the installment contract was anticipatorily repudiated allowing for acceleration of the total debt (seeking to avoid dismissal for lack of subject matter jurisdiction); asserted new claim for breach of a confidential relationship (barred by a 3-yr statute of limitations); and asserted a new claim for fraud in the inducement (also barred by a 3-yr statute of limitations).

D. HATCHES' MOTION TO DISMISS 1ST AMENDED COMPLAINT.

The Hatches were then forced to file their Second Motion to Dismiss seeking dismissal of Johnson's 1st Amended Complaint demonstrating the original claims and all of Johnson's "new" claims were also factually, legally and procedurally baseless (the "2nd Motion to Dismiss"). The 2nd Motion to Dismiss detailed the abusiveness of the "new" claims and the factual and legal reasoning demonstrating not a single "new" claim survived dismissal.

While the Hatches do not need to repeat the multitude of facts and law demonstrating the baseless nature of the "new" claims, a summary of the arguments are presented herein. First, Johnson alleged the Hatches breached the PSA. However, the

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

Hatches demonstrated there were a multitude of facts and law demonstrating this claim was facially baseless.[8]

Next, attempting to avoid dismissal for lack of subject matter jurisdiction, Johnson's Amended Complaint then contradicted its prior judicial admission that the Note was an installment contract by claiming all amounts under the Note were accelerated based upon a theory of *anticipator repudiation*. 1st Am. Comp., ¶34. Johnson's new contention was egregious not only because Johnson contradicted her prior judicial admissions that the Note was an installment contract and not accelerated, but because Johnson then consciously ignored controlling Nevada law—and relying upon the extra-jurisdictional case of *LeTarte v. W. Side Dev., LLC*, 855 A.2d 505 (N.H. 2004) for this inapplicable legal theory.

In *Cain v. Price*, 134 Nev. 193, 198, 415 P.3d 25, 30 (2018), the Nevada Supreme Court adopted section 243 of the Restatement (Second) of Contracts Section 243 (Am. Law. Inst. 1981).[9] Section 243(3) states that a breach of an installment contract whether

---

[8] The fatal defects of this claim were detailed in the Hatches' motion as follows: a. No contractual obligation to put Johnson on deed exists; b. alleged claim of a security interest agreement in the PSA is barred by waiver clause in PSA; c. alleged claim of a security interest agreement in the PSA is barred by integration/merger clause in PSA; d. alleged claim of a security interest agreement in the PSA is barred by unambiguous terms the Note; e. alleged claim of a security interest barred by parol evidence rule; f. alleged claim of a security interest barred by statute of frauds; g. any oral agreement for a security interest is barred by statute of limitations; and h. Johnson judicially admitted she was merely a lender and not a legal "owner" of the Hatches' Property.

[9] In addition to the adoption of Section 243, Nevada has adopted a multitude of other Restatement (Second) of Contracts provisions. *Cain v. Price*, 134 Nev. 193, 197, 415 P.3d 25, 30 (2018) (citing to Restatement (Second) of Contracts §§ 237, 309, 347); *Dynalectric Co. of Nevada v. Clark & Sullivan Constructors, Inc.*, 127 Nev. 480, 483-485, 255 P.3d 286, 288-289 (2011) (citing Restatement (Second) of Contracts §§ 90, 351, 352); *Certified Fire Prot. Inc. v. Precision Constr.*, 128 Nev. 371, 378, 283 P.3d 250, 255 (2012) (citing Restatement (Second) of Contracts § 131); *A.C. Shaw Const., Inc. v.*

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

or not followed by repudiation, "does not give rise to a claim for damages for total breach" as follows:

> (3) Where at the time of the breach the only remaining duties of performance are those of the party in breach and are for the payment of money in installments not related to one another, his **breach by non-performance as to less than the whole, whether or not accompanied or followed by a repudiation, does not give rise to a claim for damages for total breach**.

Id. (emphasis added). Comment c then goes on to explain that "a breach as to any number less than the whole of such installments gives rise to a claim merely for damages for partial breach." *Id.* As this language makes clear, anticipatory repudiation does not apply to payment of an installment note.[10]

Washoe Cty., 105 Nev. 913, 914, 784 P.2d 9, 9 (1989) (citing Restatement (Second) of Contracts §205). For most attorneys, it appears well-known Nevada typically follows the Restatement (Second) of Contracts.

[10] Dispositively, the Restatement (Second) of Contracts even provides useful illustrations for lawyers to follow when trying to determine if an anticipatory repudiation applies to installment contracts in Nevada. When one reads the illustrations, it is clear that *anticipatory repudiation does not apply to installment contracts:*

> 4. A borrows $10,000 from B and promises to repay with interest in ten monthly installments. A unjustifiably fails to pay the first four installments. B has a claim against A merely for damages for partial breach for non-payment of the four unpaid installments. **The result is the same even if A repudiates by telling B that he will not make the payments**.
>
> 5. A, an insurer, issues a policy of disability insurance to B under which monthly payments are to be made to B and the payment of additional premiums waived if B is totally and permanently disabled. B suffers total and permanent disability. A makes monthly payments for a year and then unjustifiably fails to make further payments. After A has been in default for a year, B sues A. B has a claim against A merely for damages for partial breach for non-payment during the second year. **The result is the same even if A repudiates by telling B that he will not make the payments.**

Restatement (Second) of Contracts §243, Illustrations 4 and 5 (emphasis added). Accordingly, Nevada clearly applies section 243 which clearly and unmistakably states that a claim for anticipatory repudiation does not apply to an installment contract.

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

Next, Johnson's new claim for claim for breach of a confidential relationship and for fraud in the inducement were also facially barred by the applicable three-year statute of limitations. Again, the statute of limitations barred both these claims because the statute was triggered upon the recordation of the Deed based upon Nevada's constructive notice statute and case law.

Lastly, Johnson's 1st Amended Complaint also failed to comply with NRCP 8(a)(1)'s provision containing the mandatory jurisdictional basis of the action.

E. JOHNSON'S THIRD VERIFIED COMPLAINT.

When faced with the Hatches' 2nd Motion to Dismiss, Johnson again refused to acknowledge the meritless basis of this action and instead, doubled-down again and filed a motion with this Court seeking leave to file their third iteration of their complaint. Specifically, Johnson sought to leave to file their Second Amended Verified Complaint ("2nd Amended Complaint") alleging more outlandish claims against Johnson.

In addition, Johnson filed this motion while the Hatches' 2nd Motion to Dismiss was still pending and before the hearing on the Motion to Expunge was even conducted. This action again demonstrates that Johnson conceded and admitted that their 1st Amended Complaint was still facially improper and was seeking relief to file a third complaint to avoid dismissal. This conduct epitomizes bad faith and frivolous conduct necessitating an award of fees and costs in the Hatches' favor as requested.

///

///

///

Accordingly, Johnson's 2nd claim fails to trigger this Court's subject matter jurisdiction as a matter of law and must be dismissed.

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

F. HATCHES' OPPOSITION TO JOHNSON'S MOTION FOR LEAVE TO FILE 2ND AMENDED COMPLAINT.

Johnson sought to file her 2nd Amended Complaint seeking to assert even more claims for the Hatches alleged breach and intentional interference with the PSA which again is facially invalid as a matter of law. For instance, Johnson alleged she had an ownership right in the Hatches Property because she originally signed the PSA (later removing herself from the PSA via the Endorsement). Johnson filed this claim even though this contention was specifically rejected by the Nevada Supreme Court in *Dimick v. Dimick*, 112 Nev. 402, 915 P.2d 254 (1996) when the court held: "pursuant to NRS 111.105, merely signing a purchase agreement is insufficient to convey an interest in property." *Id.* at 407, 915 P.2d at 257. Similarly, Johnson's claim for reformation was facially barred by Nevada's three-year statute of limitations. Lastly, Johnson's 1st Amended Complaint also failed to comply with NRCP 8(a)(1)'s provision containing the mandatory jurisdictional basis of the action.[11]

Johnson's abuses were not simple mistakes of fact or simple unawareness of controlling Nevada law, but were a systematic abuse of the legal system, a systematic abuse of the Hatches' legal rights, and were a systematic disregard of controlling Nevada law. This action was not brought to collect minor past-due monthly payments on the installment Note, instead this action was initiated to perpetrate an abusive overreaching and taking of the Hatches' real property rights so Johnson could exploit her financial

[11] It is unfathomable that Johnson's proposed 2nd Amended Complaint continued to ignore this mandatory provision after the Hatches continued to point out this facial deficiency in their multiple filings with this Court. Hatches assert that continuing to file and/or seek to file amended complaints which facially violate NRCP 8 is bad faith in and of itself warranting the granting of this motion.

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

superiority and wrongfully seek a "security" interest in the Hatches' home as a source of repayment of the minor amounts due. 2nd Am. Comp., ¶86 ("The Property is believed to be the only possible source of repayment of the Loan."). Johnson's abusive conduct cannot be rewarded by the Court and the Hatches cannot be penalized for standing up for their legal rights.

G. THE HEARING ON HATCHES' MOTION TO EXPUNGE.

On March 22, 2021, the Court conducted oral arguments on Hatches' Motion to Expunge. The Court found that Johnson's action was an attempt to collect on a "simple note." **Exhibit 1**, excerpts of transcript of March 22, 2021 hearing, p. 24:14.[12] The Court found that Johnson's Lis Pendens sought "to color" the Hatches title in their Property claiming a security interest in the Hatches' Property. Exh. 1, p. 24:21. Simply stated, the Court found that Johnson wanted security for repayment of the installment Note. *Id.*, p. 25:2. The Court also recognized that Johnson executed the Endorsement removing her from any claim of title to the Hatches' Property and that Johnson specifically admitted she asked for a copy of the recorded Deed. *Id.*, p. 25:8-17. In granting the Hatches' motion, the Court found:

> [T]he plaintiff is [not] likely to prevail or has a fair chance of success given my understanding of the additional legal could relating to the statute of limitations . . . .
>
> . . .
>
> I do not find the plaintiff is likely to prevail or even has a fair chance of success coupled with the hardship that she didn't know of or understand.

Id., pp. 25:19-26:2.

/ / /

[12] See also **Exhibit 2**, Affidavit of Mark G. Simons ("Simons' Aff.") at ¶5.

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

G. THE HEARING ON HATCHES' 2ND MOTION TO DISMISS AND JOHNSON'S MOTION FOR LEAVE TO FILE 2ND AMENDED COMPLAINT.

On July 8, 2021, the Court conducted oral arguments on Hatches' 2nd Motion to Dismiss and Johnson's Motion for Leave to file her 2nd Amended Complaint. The Court granted the Hatches' 2nd Motion to Dismiss seeking dismissal of Johnson's 1st Amended Complaint. **Exhibit 3**, excerpts of transcript of July 8, 2021, hearing, p. 36:13-15. [13]

The Court then denied Johnson's request to file the proposed 2nd Amended Complaint because it too failed to comply with NRCP 8(a)(1)'s provision containing the mandatory jurisdictional basis of the action. The Court then granted Johnson leave to file a revised Second Amended Complaint stating the following:

> 1. "I expunged the lien in this case, because I believed there was no legal basis or factual basis for it. I am very deeply concerned all but one of the plaintiff's proposed claims are precluded by the statute of limitations and that all of their claims are precluded by the jurisdiction of the Court." Exh. 3 at p. 37:5-7.
>
> 2. "If in fact there is a motion to dismiss in the future, as I know there will be, and it is granted, as I fear it may be, the fees that will accrue to the plaintiff may likely be very substantial, because I likely would be in the position of finding that pursuant to Rule 11 there was no good faith basis for the claims factually. That is not a statement about the lawyers involved. It is instead a statement about the factual allegations of the client." *Id.*, p. 37:11-18.

The Court's August 2, 2021, Order addressing the foregoing motion practice allowed Johnson 14 days to file a second amended complaint. **Exhibit 4**.

Accordingly as of August 2, 2021, Johnson's 1st Amended Complaint was dismissed and no action was pending. Johnson was granted leave to file a second amended complaint, however, Johnson, finally recognizing the factually and legally

---

[13] *See also* Simons' Aff. at ¶6.

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

baseless contentions asserted against the Hatches in her pleadings, conceded the lack of merit and filed the Notice of Voluntary Dismissal.[14]

III. BASIS FOR ATTORNEY'S FEES AND COSTS.

Hatches seek an award of attorney fees and costs pursuant to NRS 18.010(2)(b).[15] A party may be awarded attorney fees when those fees are authorized by rule, statute or contract. *Henry Prods., Inc. v. Tarmu*, 114 Nev. 1017, 1020, 967 P.2d 444, 446 (1998). NRS 18.010(2)(b) permits this Court to award "attorney's fees to a prevailing party" when this Court finds that the claims of the opposing party "was brought or maintained without reasonable ground or to harass the prevailing party." The purpose behind NRS 18.010(2)(b) is to deter frivolous claims and frivolous litigation activities. *Id.* The Court is instructed that it "shall liberally construe the provisions of [NRS 18.010(2)(b)] in favor of awarding attorney's fees in all appropriate situations." *Id.*

IV. HATCHES' REQUESTED FEES ARE REASONABLE.

In determining whether the requested attorney fees and costs are reasonable, this Court considers: (1) the qualities of the advocate; (2) the character of the work to be done; (3) the work actually performed; and (4) the result. *Schouweiler v. Yancy Co.*, 101 Nev. 827, 712 P.2d 786, 790 (1985). An analysis of these factors justifies an award to Defendants of their attorney fees in the amount of $62,731.50.

---

[14] *See supra* footnote 1 discussing the procedural nullity of Johnson notice.

[15] Subsequent to the July 8, 2021 hearing, counsel for the parties attempted to negotiate terms upon which a settlement could be discussed as directed by the Court. Without divulging the substance of the discussions, negotiations could not proceed given the unresolved nature of the significant legal fees incurred by the Hatches in this action. Accordingly, this motion proceeds.

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

A. THE QUALITIES OF THE ADVOCATE.

This Court is in the best position to consider and determine the abilities of the advocates before this Court. Mark G. Simons, Esq., has practiced law for twenty-eight (28) years with the majority of his practice in business and commercial litigation. Mr. Simons received his juris doctorate from the University of Utah in 1993, and passed the Nevada bar in 1993 and the Utah Bar in 1994. Mr. Simons has been admitted as litigation counsel in California state courts, the Federal Bankruptcy Court for the Northern and Southern District of Nevada, the Federal Bankruptcy Court for the District of Arizona as well as the Nevada, Utah, Western District of Pennsylvania and Central District of California Federal courts. In addition, Mr. Simons is admitted to practice in the Ninth Circuit Court of Appeals as well as before the Ninth Circuit Bankruptcy Appellate Panel. Mr. Simons is also a member of the Washoe County Bar and the Nevada and Utah Trial Lawyers Associations. In addition, Mr. Simons has been recognized as a Western States Super Lawyer and has been repeatedly recognized as a Legal Elite in Nevada Business Magazine.

B. CHARACTER OF THE WORK DONE.

Mr. Simons' representation of the Hatches required knowledge and understanding of the procedural rules and statutes relating to litigation practice, the substantive and procedural aspects of challenging and successfully expunging Johnson's Lis Pendens, and the substantive legal aspects of the multitude of vexatious claims asserted by Johnson that continued to expand and become more extravagant and far-reaching as this case progressed.

///

///

C. WORK ACTUALLY PERFORMED.

The work actually performed by Mr. Simons is set forth with specificity in the billing records attached hereto as **Exhibit 5**.[16] The work performed was instrumental in defining the legal and factual issues in this case. Further, all work was necessary and required to successfully protect the Hatches' interests. Simons' Aff. at ¶6.

Mr. Simons performed 112.40 hours of work for total fees in the amount of $59,010.00. Mr. Simons' hourly rate was increased to $525.00 per hour beginning in January 2021. His prior rate of $450.00 per hour was his normal customary billing rate that had been charged for the preceding three (3) years. *Id.* at ¶9.

In addition, Anthony Hall, a partner in my office performed 1.7 hours of work at the rate of $450.00 per hour, which is his normal customary billing rate, totaling $765.00. *Id.* at ¶10.

In addition, Jodi Alhasan, a paralegal in my office performed 21.90 hours of work at the rate of $135.00 per hour, which is her normal customary billing rate, totaling $2,956.50. *Id.* at ¶11.

D. THE RESULT.

The result in this case is self-explanatory. The Hatches successfully defeated and expunged Johnson's wrongful recordation of the Lis Pendens against their Property, defeated Johnson's Original Complaint, her 1st Amended Complaint, her 2nd Amended Complaint and successfully prevailed on finally terminating this litigation by Johnson's concession that she would not file her 4th attempt at a complaint against the Hatches.

---

[16] See also Simons' Aff., at ¶7.

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

E. CONCLUSION.

Based upon the foregoing, Hatches respectfully request that this Court award them their attorney fees in the amount of $62,731.50. These fees were fair, reasonable, and necessary. Simons Aff. at ¶9. If additional amounts are sought as a result of the preparation of any reply brief, the attorney fees will be documents and requested in the reply brief as appropriate.

F. COSTS IN THE AMOUNT OF $978.80.

Attached as **Exhibit 6** is a copy of the Hatches contemporaneously filed Memorandum of Costs which details the costs in the amount of $978.80.

IV. CONCLUSION.

This is a case where the award of fees under NRCP 18.010(2)(b) is appropriate and warranted. For the foregoing reasons, Defendants respectfully request that this Court award Defendants their attorney fees and costs as follows:

1.	Award of Attorney Fees	$62,731.50
2.	Award of Costs	$978.80
TOTAL		**$63,710.30**

AFFIRMATION: This document does not contain the social security number of any person.

DATED this 19th day of August, 2021.

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509

By: _____
MARK G. SIMONS
ANTHONY L. HALL
Attorneys for Defendants

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of SIMONS HALL JOHNSTON PC and that on this date I caused to be served a true copy of **MOTION FOR AN AWARD OF ATTORNEYS' FEES AND COSTS** on all parties to this action by the method(s) indicated below:

☐ by placing an original or true copy thereof in a sealed envelope, with sufficient postage affixed thereto, in the United States mail at Reno, Nevada, addressed to:

☒ I hereby certify that on the date below, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which served the following parties electronically:

Stefanie T. Sharp
Clayton P. Brust
Attorneys for Defendants

☐ by personal delivery/hand delivery addressed to:

☐ by facsimile (fax) addressed to:

☐ by Federal Express/UPS or other overnight delivery addressed to:

DATED this 19 day of August, 2021.

Jodi Johnson
Employee of Simons Hall Johnston PC

EXHIBIT LIST

NO.	DESCRIPTION	PAGES
1	3/22/21 Transcript Excerpts	6
2	Simons' Aff.	3
3	7/8/21 Transcript Excerpts	4
4	Order Addressing Motions	2
5	Billing Records	6
6	Memo of Costs	9

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

F I L E D
Electronically
CV21-00246
2021-08-19 01:22:45 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8604551

EXHIBIT 1

EXHIBIT 1

4185

STEPHANIE KOETTING

CCR #207

75 COURT STREET

RENO, NEVADA

IN THE SECOND JUDICIAL DISTRICT COURT

IN AND FOR THE COUNTY OF WASHOE

THE HONORABLE EGAN WALKER, DISTRICT JUDGE

--oOo--

KARI A. JOHNSON,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CV21-00246
	)	
MICHAEL EDWARD HATCH and ALISHA SUZANNE HATCH,	)	Department 7
	)	
Defendants.	)	

TRANSCRIPT OF PROCEEDINGS

HEARING

March 22, 2021

1:30 p.m.

Reno, Nevada

Reported by: STEPHANIE KOETTING, CCR #207, Computer-Aided Transcription

APPEARANCES:

For the Plaintiff:

SIMONS HALL JOHNSTON
By: MARK SIMONS, ESQ.
6490 S. McCarran
Reno, Nevada

For the Defendant:

ROBISON SHARP SULLIVAN & BRUST
By: HANNAH WINSTON, ESQ.
71 Washington
Reno, Nevada

1 address that and say, look, we recognize we're only asking
2 for remedies and there's a distinction under the law between
3 remedies and claims and that's what the law says across the
4 country.
5 I feel, as you can tell, extremely confident on
6 this one. So is there any questions you have of me, because
7 I'm more than happy to address what is concerning you rather
8 than what I would like to talk about.
9 THE COURT: I appreciate that. No, I don't have
10 any questions, Mr. Simons. I'm prepared to rule on the
11 motion to expunge the lis pendens. A lis pendens is a
12 creature of statute in Nevada. The applicable statute is NRS
13 14.015, not notably NRS 14.010, not a mortgage instrument,
14 it's a simple note.
15 The reason to my eye the Nevada Supreme Court has
16 confirmed that lis pendens is not appropriate when equitable
17 remedies are implicated is not so much the distinction
18 between a remedy and a cause of action as it is this: For
19 example, the plaintiff seeks a constructive trust, claiming,
20 I was defrauded, and so I should color this -- be able to
21 color this title so that my security is perfected.
22 That is the problem. A grant of this lis pendens
23 or the, said differently, allowing this lis pendens to remain
24 would be to give the plaintiffs the remedy of constructive

1 trust without a trial.

2 What plaintiffs want is security. Plaintiff

3 claims she loaned money to the defendants. She loaned money

4 to the defendants, and Ms. Winston eloquently argues, who

5 loans $600,000 to people without security? Well, I don't

6 know.

7 In fact, in the plaintiff's own documents are

8 this: Exhibit 5 to the complaint and the amended first

9 verified complaint is a document entitled endorsement to

10 agreement of sale, which is purportedly signed by the

11 plaintiff on July 29th, 2015, which removes her from the

12 agreement at closing so that she will be removed and not

13 referenced in any conveyance document provided by any of them

14 for any reason, apparently. After that, the deed was

15 recorded on August 6th.

16 The plaintiff's own affidavit indicates she asked

17 for a copy of the deed, never got it for reasons that she

18 will no doubt have an explanation for.

19 On those facts, I cannot say the plaintiff is

20 likely to prevail or has a fair chance of success given my

21 understanding of the additional legal clouds related to

22 statute of limitations, jurisdiction, et cetera.

23 To be clear, my ruling is narrowly on NRS 14.015,

24 subsection three. I do not find the plaintiff is likely to

prevail or even has a fair chance of success coupled with the hardship that she didn't know of or understand.

Mr. Simons, I'm going to ask you to craft the order expunging the lien. Do you have any questions for purposes of drafting that order?

MR. SIMONS: No. You were very clear. Thank you.

THE COURT: Ms. Winston, is there anything you would like to place into the record?

MS. WINSTON: I would just like the order to reflect that Mr. Simons did not present any counter affidavits or actual evidence for this Court's consideration.

THE COURT: I'm not going to place that in the order. If that is the status of the record, it is. In the end, of course, you bear the burden of proof and using your own evidence is appropriate in the ruling. So thank you for that.

It appears to me, counsel, that you're all healthy. I'm fond of all of you. I hope it is true. I hope your extended families are likewise healthy. These are remarkable times. Please take good care. I look forward to being of assistance to this case as the case proceeds in whatever manner it does.

--oOo--

STATE OF NEVADA)
) ss.
County of Washoe)

I, STEPHANIE KOETTING, a Certified Court Reporter of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe, do hereby certify;

That I was present in Department No. 7 of the above-entitled Court on March 22, 2021, at the hour of 1:30 p.m. and took verbatim stenotype notes of the proceedings had upon the hearing in the matter of KARI A. JOHNSON, Plaintiff, vs. MICHAEL EDWARD HATCH and ALISHA SUZANNE HATCH, Defendants, Case No. CV21-00246, and thereafter, by means of computer-aided transcription, transcribed them into typewriting as herein appears;

That the foregoing transcript, consisting of pages 1 through 27, both inclusive, contains a full, true and complete transcript of my said stenotype notes, and is a full, true and correct record of the proceedings had at said time and place.

DATED: At Reno, Nevada, this 24th day of March 2021.

S/s Stephanie Koetting
STEPHANIE KOETTING, CCR #207

F I L E D
Electronically
CV21-00246
2021-08-19 01:22:45 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8604551

EXHIBIT 2

EXHIBIT 2

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

AFFIDAVIT OF MARK G. SIMONS IN SUPPORT OF MOTION FOR AN AWARD OF ATTORNEYS' FEES AND COSTS

STATE OF NEVADA)
):ss
COUNTY OF WASHOE)

I, MARK G. SIMONS, under penalty of perjury, hereby state:

1. I am a licensed attorney in the State of Nevada, and am a partner at SIMONS HALL JOHNSTON PC.

2. I am counsel for Defendants Michael Edward Hatch and Alisha Suzanne Hatch (the "Hatches") in this matter.

3. I have personal knowledge of the facts set forth in this affidavit, and if I am called as a witness, I would and could testify competently as to each fact set herein.

4. I submit this affidavit in support of the Hatches' Motion for an Award of Attorneys' Fees and Costs ("Motion"), to which this affidavit is attached as Exhibit 2.

5. Exhibit 1 to the Motion are true and correct excerpts of the transcript of the March 22, 2021, hearing conducted in this matter.

6. Exhibit 3 to the Motion are true and correct excerpts of the transcript of the July 8, 2021, hearing conducted in this matter.

7. Exhibit 5 to the Motion are true and correct copies of the billing records in this matter.

8. I have practiced law for over twenty-eight (28) years with a majority of my practice in business and commercial litigation. I received my juris doctorate from the University of Utah in 1993, and passed the Nevada Bar in 1993 and the Utah Bar in 1994. I have been admitted as litigation counsel in California state courts, the Federal Bankruptcy Court for the Northern District of Nevada and Southern District of Nevada, the

Federal Bankruptcy Court for the District of Arizona as well as the Nevada, Utah, Western District of Pennsylvania and Central District of California Federal Courts. In addition, I have been admitted to practice in the 9th Circuit Court of Appeals as well as the Bankruptcy Appellate Panel. I am also a member of the Washoe County Bar and the Nevada and Utah Trial Lawyers Associations.

6. I have personally reviewed the billing records as they pertain to the efforts in representing Defendant in this litigation. The work performed was instrumental in defining the legal and factual issues in the case. Further, all work was necessary and required to protect the Hatches' interests.

9. My fees incurred in this matter were fair, reasonable, and necessary, and comprised 112.40 hours totaling $59,010.00 in fees, at my hourly rate of $525.00. My hourly rate was increased to $525.00 per hour beginning in January 2021. My prior rate of $450.00 per hour was my normal customary billing rate that had been charged for the preceding three (3) years.

11. In addition, Anthony Hall, a partner in my office performed 1.7 hours of work at the rate of $450.00 per hour, which is his normal customary billing rate, totaling $765.00.

11. In addition, Jodi Alhasan, a paralegal in my office performed 21.90 hours of work at the rate of $135.00 per hour, which is her normal customary billing rate, totaling $2,956.50.

12. It is anticipated that additional attorney's fees and costs may be incurred in responding to any objection to this motion.

///

///

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

FURTHER AFFIANT SAYETH NAUGHT.

Dated this 19th day of August, 2021.

MARK G. SIMONS

STATE OF NEVADA)
):ss
COUNTY OF WASHOE)

Subscribed and sworn to before me this 19 day of August, 2021, by Mark G. Simons at Reno, Nevada.

NOTARY PUBLIC

JODI L. ALHASAN
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 14-13483-2 - Expires January 3, 2022

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

F I L E D
Electronically
CV21-00246
2021-08-19 01:22:45 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8604551

EXHIBIT 3

EXHIBIT 3

4185

STEPHANIE KOETTING

CCR #207

75 COURT STREET

RENO, NEVADA

IN THE SECOND JUDICIAL DISTRICT COURT

IN AND FOR THE COUNTY OF WASHOE

THE HONORABLE EGAN WALKER, DISTRICT JUDGE

--oOo--

KARI A. JOHNSON,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CV21-00246
	)	
MICHAEL EDWARD HATCH and ALISHA SUZANNE HATCH,	)	Department 7
	)	
Defendants.	)	

TRANSCRIPT OF PROCEEDINGS

HEARING

July 8, 2021

1:30 p.m.

Reno, Nevada

Reported by: STEPHANIE KOETTING, CCR #207, Computer-Aided Transcription

1 First, I am aware from the allegations of the
2 various pleadings that the plaintiff and defendants were
3 former friends and I suspect are no longer because money has
4 come between them. That's a recipe for disaster probably in
5 any relationship.
6 The attorneys involved were former law partners or
7 law associates. The tenor of the pleadings has been
8 hard-edged and full of sharp elbows. I invite you all to
9 take a step back from that.
10 Parties who are already polarized don't need their
11 polarization magnified by the polarization of the attorneys.
12 The pleadings in this case have come fast and furious.
13 I dismiss the first amended complaint. It is
14 jurisdictionally defective, because it fails to allege the
15 jurisdiction of the Court specifically.
16 In the reply, the plaintiffs offer that they'll
17 amend, again, the proposed second amended complaint to
18 contain the jurisdictional assertion necessary. Technically,
19 a reply is not supposed to include new averments or
20 allegations not contained in the motion and the motion did
21 not contain a suggestion that the complaint would be
22 corrected. I decline to find the amendment futile for that
23 reason.
24 I grant lenity at the beginning of this case

1 before discovery has occurred for the plaintiffs to amend
2 their complaint. I leave to the plaintiffs a determination
3 of the causes of action they intend to include in light of my
4 comments.
5 Here is a warning, however. I expunged the lien
6 in this case, because I believed there was no legal basis or
7 factual basis for it. I am very deeply concerned all but one
8 of the plaintiff's proposed claims are precluded by the
9 statute of limitations and that all of their claims are
10 precluded by the jurisdiction of the Court.
11 If in fact there is a motion to dismiss in the
12 future, as I know there will be, and it is granted, as I fear
13 it may be, the fees that will accrue to the plaintiff may
14 likely be very substantial, because I likely would be in the
15 position of finding that pursuant to Rule 11 there was no
16 good faith basis for the claims factually. That is not a
17 statement about the lawyers involved. It is instead a
18 statement about the factual allegations of the client.
19 This case needs a settlement. I'm willing to
20 undertake that. If the parties are at all concerned with me
21 being the settlement officer, I'll find you another judge.
22 Before the bleeding continues and before bad facts lead to
23 bad law among broken hearted friends, I implore you all to
24 seek to resolve this matter.

STATE OF NEVADA)
) ss.
County of Washoe)

I, STEPHANIE KOETTING, a Certified Court Reporter of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe, do hereby certify;

That I was present in Department No. 7 of the above-entitled Court on July 8, 2021, at the hour of 1:30 p.m., and took verbatim stenotype notes of the proceedings had upon the hearing in the matter of KARI A. JOHNSON, Plaintiff, vs. MICHAEL EDWARD HATCH and ALISHA SUZANNE HATCH, Defendant, Case No. CV21-00246, and thereafter, by means of computer-aided transcription, transcribed them into typewriting as herein appears;

That the foregoing transcript, consisting of pages 1 through 39, both inclusive, contains a full, true and complete transcript of my said stenotype notes, and is a full, true and correct record of the proceedings had at said time and place.

DATED: At Reno, Nevada, this 22nd day of July 2021.

S/s Stephanie Koetting
STEPHANIE KOETTING, CCR #207

F I L E D
Electronically
CV21-00246
2021-08-19 01:22:45 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8604551

EXHIBIT 4

EXHIBIT 4

FILED
Electronically
CV21-00246
2021-08-02 08:18:15 AM
Alicia L. Lerud
Clerk of the Court
Transaction # 8571993

3370

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

KARI ANNE JOHNSON, an individual, Plaintiff, vs. MICHAEL EDWARD HATCH, an individual; ALISHA SUZANNE HATCH, an individual; and DOES I THROUGH X, inclusive; Defendants.	**CASE NO.: CV21-00246** **DEPT. NO.: 7**

ORDER ADDRESSING MOTIONS

Presently before the Court is Plaintiff's KARI ANNE JOHNSON ("Plaintiff") Motion for Leave to File Second Amended Complaint, filed March 25, 2021, and Defendants' MICHAEL EDWARD HATCH and ALISHA SUZANNE HATCH ("Defendants") Motion to Dismiss Verified First Amended Complaint, filed March 30, 2021. This Court heard oral arguments on July 8, 2021. Having considered the pleadings and papers on file herein and the oral arguments, the Court orders as follows:

IT IS HEREBY ORDERED that the Verified First Amended Complaint is dismissed for failure to include the jurisdictional statement required by Rule 8(a)(1).

IT IS FURTHER ORDERED that the Plaintiff's Motion for Leave to File a Second Amended Complaint is **GRANTED**. Plaintiff's request to file the attached Verified Second Amended Complaint to her Motion is denied because of the failure to include the jurisdictional statement required by Rule 8(a)(1). Plaintiff may file a second amended complaint no later than 14

Robison, Sharp, Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151

days after entry of this Order.

IT IS FURTHER ORDERED that the Defendants' Motion to Dismiss the Verified First Amended Complaint is **DENIED** without prejudice. Defendants may refile the Motion to Dismiss after the Second Amended Complaint has been filed.

DATED this 1 day of August, 2021.

DISTRICT JUDGE

Robison, Sharp,
Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151

FILED
Electronically
CV21-00246
2021-08-19 01:22:45 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8604551

EXHIBIT 5

EXHIBIT 5

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours to Bill	Amount		Ref #
Timekeeper 1 Mark G. Simons									
30751.001	02/16/2021	1	A	1	525.00	2.50	1,312.50	Review and analyze documents. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	02/17/2021	1	A	1	525.00	2.50	1,312.50	Research defenses to claims and attacks on lis pendens. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	02/19/2021	1	A	1	525.00	2.00	1,050.00	File and document review; extensive communications with clients regarding situation. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	02/22/2021	1	A	1	525.00	2.00	1,050.00	Prepare for and meet with clients. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	02/23/2021	1	A	1	525.00	5.60	2,940.00	Research applicable statutes of limitations; research claims and remedies; research equitable liens and unjust enrichment claims; research constructive trusts (2.3); outline motion to expunge (2.2); research acceleration clauses and lack of enforcement (1.1). Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	02/25/2021	1	A	1	525.00	3.30	1,732.50	Commence drafting motion to dismiss (2.2); research regarding subject matter jurisdiction, Nevada Constitution and Justice Court Rules (1.1). Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	03/01/2021	1	A	1	525.00	4.00	2,100.00	Proceed with drafting motion to dismiss (2.6); research unjust enrichment claim, equitable lien, etc. (1.4). Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	03/02/2021	1	A	1	525.00	7.40	3,885.00	Continue drafting motion to dismiss and circulate to client and A. Hall for review and comment (3.3); research regarding lis pendens basis and lack of real property interest (2.5); commence drafting motion to expunge lis pendens (1.6). Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	03/03/2021	1	A	1	525.00	4.10	2,152.50	Draft, revise and edit motion to expunge (2.7); prepare notice and requests (.5); prepare motion for order shortening time (.9). Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	03/04/2021	1	A	1	525.00	1.80	945.00	Edit and finalize all motions; notice of appearance; recusal; conference call with filing office regarding reassignment. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	03/05/2021	1	A	1	525.00	1.10	577.50	Finalize filings; update client; letter to opposing counsel. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	03/08/2021	1	A	1	525.00	1.10	577.50	Research void contracts and NV Constitution. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	03/09/2021	1	A	1	525.00	1.40	735.00	Communicate with court regarding status of action (.4); prepare reply in support of motion for order shortening time. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	03/14/2021	1	A	1	525.00	0.90	472.50	Research and prepare supplement to motion to	ARCH

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours to Bill	Amount		Ref #
Timekeeper 1 Mark G. Simons									
								expunge. Hatch/Michael & Alisha adv. Kari Anne Johnston	
30751.001	03/16/2021	1	A	1	525.00	1.00	525.00	Review oppositions. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	03/17/2021	1	A	1	525.00	2.50	1,312.50	Review recent filings; prepare for and meet with clients (1.0); research regarding anticipatory repudiation and applicability of restatement's provisions; research case law cited by opposing counsel (1.5) Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	03/18/2021	1	A	1	525.00	4.20	2,205.00	Email court regarding dismissal status (.2); research issues raised in reply (.8); research and draft reply on motion to expunge lis pendens (2.0); review amended complaint (.4); research defenses and statute of limitations on all new claims (.8). Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	03/19/2021	1	A	1	525.00	2.60	1,365.00	Email court regarding dismissal status (.2); edit and finalize reply on motion to expunge lis pendens and request for submission (2.4). Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	03/22/2021	1	A	1	525.00	2.50	1,312.50	Prepare for and attend hearing. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	03/23/2021	1	A	1	525.00	0.50	262.50	Review PSA regarding terms for summary judgment. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	03/25/2021	1	A	1	525.00	3.30	1,732.50	Draft motion to dismiss 1st amended complaint; research discovery rule, statute of limitations confidential relationship. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	03/29/2021	1	A	1	525.00	4.30	2,257.50	Draft and edit motion to dismiss. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	03/30/2021	1	A	1	525.00	1.90	997.50	Edit and finalize motion to dismiss (1.3); prepare order expunging lis pendens (.6). Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	03/31/2021	1	A	1	525.00	3.20	1,680.00	Prepare opposition to motion to amend. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	04/01/2021	1	A	1	525.00	4.00	2,100.00	Proceed with drafting motion to dismiss (2.6); research unjust enrichment claim, equitable lien, etc. (1.4). Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	04/03/2021	1	A	1	525.00	1.00	525.00	Research "conveyance" under a PSA. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	04/06/2021	1	A	1	525.00	1.50	787.50	Edit and revise opposition to motion to amend. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	04/08/2021	1	A	1	525.00	2.20	1,155.00	Edit and revise opposition and response on objection to order (2.2); prepare reply in support of motion to dismiss (2.4). Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours to Bill	Amount		Ref #
Timekeeper 1 Mark G. Simons									
30751.001	04/09/2021	1	A	1	525.00	1.50	787.50	Meet with clients regarding status. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	04/27/2021	1	A	1	525.00	0.40	210.00	Review order; prepare notice of entry; communicate with opposing counsel regarding expunging the lis pendens. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	04/28/2021	1	A	1	525.00	0.40	210.00	Review and communicate with opposing counsel regarding release of Lis Pendens. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	04/29/2021	1	A	1	525.00	0.50	262.50	Various communications with opposing counsel and client regarding release of Lis Pendens. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	05/26/2021	1	A	1	525.00	0.80	420.00	Review communications with court and opposing party's motion; communicate with court and client regarding status and hearing. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	05/28/2021	1	A	1	525.00	1.50	787.50	Review court order and motion practice regarding selection of "facts" by plaintiff; research can't plead alternative facts. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	06/01/2021	1	A	1	525.00	2.50	1,312.50	Prepare payment letter; meet with clients regarding status and background. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	06/02/2021	1	A	1	525.00	2.80	1,470.00	Prepare request for judicial notice; research additional transactions involving KAJ, KAJ II, Washoe Zephyr, Seaside, Sierra Investments, Johnston Investments, etc. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	06/08/2021	1	A	1	525.00	1.50	787.50	Prepare opposition to motion to reconsider. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	06/09/2021	1	A	1	525.00	0.50	262.50	Prepare letter to opposing counsel regarding payment; various communications with client regarding same. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	06/21/2021	1	A	1	525.00	1.00	525.00	Work on request for judicial notice. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	06/22/2021	1	A	1	525.00	2.20	1,155.00	Edit and finalize request for judicial notice. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	06/23/2021	1	A	1	525.00	0.80	420.00	Draft, edit and finalize request for judicial notice. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	06/28/2021	1	A	1	525.00	3.50	1,837.50	Prepare for hearing; prepare note and deed of trust and revise agreement for hourly/contingency agreement; meeting with clients. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	06/30/2021	1	A	1	525.00	1.00	525.00	Prepare letter regarding settlement proposal. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	07/06/2021	1	A	1	525.00	0.70	367.50	Prepare and finalize request for judicial notice	ARCH

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours to Bill	Amount		Ref #
Timekeeper 1 Mark G. Simons									
								regarding notary documents. Hatch/Michael & Alisha adv. Kari Anne Johnston	
30751.001	07/06/2021	1	A	1	525.00	0.70	367.50	Prepare and finalize request for judicial notice regarding notary documents. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	07/08/2021	1	A	1	525.00	3.30	1,732.50	Prepare for and participate in hearing. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	07/12/2021	1	A	1	525.00	2.00	1,050.00	Prepare letter to counsel. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	07/15/2021	1	A	1	525.00	1.50	787.50	Review letter and response. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	08/12/2021	1	P	1	525.00	2.20	1,155.00	Review notice of dismissal (.2); research prior orders (.2); research motion for award of fees (.8); initial draft of motion (1.0). Hatch/Michael & Alisha adv. Kari Anne Johnston	75
30751.001	08/13/2021	1	P	1	525.00	0.80	420.00	Continue drafting motion for fees. Hatch/Michael & Alisha adv. Kari Anne Johnston	76
30751.001	08/16/2021	1	P	1	525.00	1.50	787.50	Continue drafting motion for fees. Hatch/Michael & Alisha adv. Kari Anne Johnston	77
30751.001	08/18/2021	1	P	1	525.00	2.50	1,312.50	Continue drafting motion; edit and revise motion. Hatch/Michael & Alisha adv. Kari Anne Johnston	78
30751.001	08/18/2021	1	P	1	525.00	1.90	997.50	Edit and finalize motion for fees and supporting documentation. Hatch/Michael & Alisha adv. Kari Anne Johnston	80
Total for Timekeeper 1					Billable	112.40	59,010.00	Mark G. Simons	
Timekeeper 2 Anthony L. Hall									
30751.001	02/21/2021	2	A	1	450.00	0.50	225.00	Review documents and time line from clients. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	02/22/2021	2	A	1	450.00	1.20	540.00	Meet with clients and M. Simons regarding facts, options and strategies. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
Total for Timekeeper 2					Billable	1.70	765.00	Anthony L. Hall	
Timekeeper 7 Jodi L. Alhasan									
30751.001	02/16/2021	7	A	1	135.00	0.30	40.50	Review and organize documents received. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	02/22/2021	7	A	1	135.00	1.90	256.50	Prepare document binder and engagement letter. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	02/23/2021	7	A	1	135.00	0.50	67.50	Prepare caption and shell motion to dismiss. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	03/03/2021	7	A	1	135.00	3.00	405.00	Draft motion for order shortening time and request for hearing on motion to expunge; edit motion to expunge and motion to dismiss. Hatch/Michael & Alisha	ARCH

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours to Bill	Amount		Ref #
Timekeeper 7 Jodi L. Alhasan									
								adv. Kari Anne Johnston	
30751.001	03/04/2021	7	A	1	135.00	1.10	148.50	Prepare peremptory challenge and notice of appearance; edit various motions and request for hearing. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	03/05/2021	7	A	1	135.00	1.80	243.00	Finalize motion to dismiss, motion to expunge, motion for order shortening time and request for hearing; draft letter to opposing counsel with copies of all filings. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	03/09/2021	7	A	1	135.00	0.20	27.00	Edit and finalize reply in support of motion for order shortening time and request for submission. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	03/11/2021	7	A	1	135.00	0.70	94.50	Review court's order and various emails setting hearing date; prepare and file notice of hearing. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	03/30/2021	7	A	1	135.00	1.30	175.50	Edit, finalize and file motion to dismiss amended complaint. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	04/08/2021	7	A	1	135.00	2.90	391.50	Edit opposition to motion for leave and response to objection to proposed order. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	04/27/2021	7	A	1	135.00	0.20	27.00	Prepare notice of entry of order. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	06/01/2021	7	A	1	135.00	0.30	40.50	Prepare notice of hearing. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	06/08/2021	7	A	1	135.00	1.20	162.00	Work on request for judicial notice. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	06/09/2021	7	A	1	135.00	0.80	108.00	Work on request for judicial notice. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	06/22/2021	7	A	1	135.00	0.20	27.00	Edit request for judicial notice. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	06/23/2021	7	A	1	135.00	1.20	162.00	Edit and finalize request for judicial notice; organize and bates label documents. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	06/28/2021	7	A	1	135.00	0.60	81.00	Calculate fees; edit note, deed of trust and revised fee agreement. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	07/06/2021	7	A	1	135.00	0.20	27.00	Edit and finalize request for judicial notice regarding notary. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	07/06/2021	7	A	1	135.00	0.20	27.00	Edit and finalize request for judicial notice. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	07/07/2021	7	A	1	135.00	0.60	81.00	Prepare hearing binder. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	07/08/2021	7	A	1	135.00	0.60	81.00	Continue preparing hearing binder regarding	ARCH

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours to Bill	Amount		Ref #
Timekeeper 7 Jodi L. Alhasan									
								motion to dismiss and motion for leave to amend. Hatch/Michael & Alisha adv. Kari Anne Johnston	
30751.001	07/15/2021	7	A	1	135.00	0.20	27.00	Email and finalize letter to counsel; forward to client. Hatch/Michael & Alisha adv. Kari Anne Johnston	ARCH
30751.001	08/18/2021	7	P	1	135.00	1.20	162.00	Edit motion for fees; draft affidavit of M. Simons in support. Hatch/Michael & Alisha adv. Kari Anne Johnston	79
30751.001	08/18/2021	7	P	1	135.00	0.70	94.50	Finalize motion for fees, affidavit of M. Simons and Memorandum of Costs. Hatch/Michael & Alisha adv. Kari Anne Johnston	81
Total for Timekeeper 7					Billable	21.90	2,956.50	Jodi L. Alhasan	

GRAND TOTALS

Billable	136.00	62,731.50

F I L E D
Electronically
CV21-00246
2021-08-19 01:22:45 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8604551

EXHIBIT 6

EXHIBIT 6

1950
Mark G. Simons, Esq. (SBN 5132)
Anthony L Hall, Esq. (SBN 5977)
SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, Nevada 89509
Telephone: (775) 785-0088
Facsimile: (775) 785-0087
Email: MSimons@SHJNevada.com
and AHall@SHJNevada.com

Attorneys for Defendants

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

IN THE SECOND JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

KARI ANNE JOHNSON, an individual; Plaintiffs, v. MICHAEL EDWARD HATCH, an individual; ALISHA SUZANNE HATCH, an individual; and DOES I to X, inclusive Defendants.	**CASE NO.: CV21-00246** **DEPT. NO.: 7** **MEMORANDUM OF COSTS**

Court Clerk filing fees [18.005(1)] [1]	$688.00
Reporter Fees [18.005(8)] [2]	$290.80
TOTAL	**$978.80**

[1] See **Exhibit 1**, specific back-up documentation for court costs incurred.

[2] See **Exhibit 2,** specific back-up information for reporter fees.

STATE OF NEVADA)
:SS
COUNTY OF WASHOE)

MARK G. SIMONS being duly sworn, deposes and says that the items contained in the above memorandum are correct, to the best of my knowledge and belief, and the said costs have been necessarily incurred in said action or proceeding against Defendants.

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

DATED this 19th day of August, 2021.

MARK G. SIMONS

Subscribed and sworn before me
this 19 day of August, 2021
by Mark G. Simons in Reno, Nevada.

NOTARY PUBLIC

JODI L. ALHASAN
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 14-13483-2 - Expires January 3, 2022

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of SIMONS HALL JOHNSTON PC and that on this date I caused to be served a true copy of **MEMORANDUM OF COSTS** on all parties to this action by the method(s) indicated below:

☐ by placing an original or true copy thereof in a sealed envelope, with sufficient postage affixed thereto, in the United States mail at Reno, Nevada, addressed to:

☒ I hereby certify that on the date below, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which served the following parties electronically:

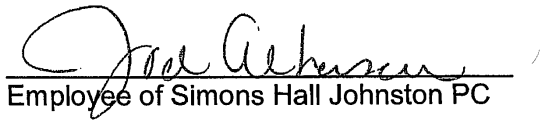
Stefanie T. Sharp
Clayton P. Brust
Hannah Winston
Attorneys for Defendants

☐ by personal delivery/hand delivery addressed to:

☐ by facsimile (fax) addressed to:

☐ by Federal Express/UPS or other overnight delivery addressed to:

DATED this 19 day of August, 2021.



Employee of Simons Hall Johnston PC

EXHIBIT LIST

NO.	DESCRIPTION	PAGES
1	Filing fee back-up	2
2	Court reporter back-up	2

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

EXHIBIT 1

EXHIBIT 1

Second Judicial District Court
State of Nevada
Washoe County

Electronic Filing

Home eFile Cases My Profile Log Out

user: Mark G. Simons

Filing Charges

Filing Charges

Report Month March

March 2021 Charges for Mark G. Simons

Case Title	Client #	Court Case #	Court Division	Description	Date	Account	Authorization Code	Receipt	Fee
KARI A. JOHNSON VS MICHAEL E. HATCH ETAL (D4)		CV21-00246	Civil	Other Real Property: Other Real Property - RO	03-04-2021:02:34	XC376	144585832	DCDC670502	$238.00
KARI A. JOHNSON VS MICHAEL E. HATCH ETAL (D4)		CV21-00246	Civil	Other Real Property: Other Real Property - RO	03-04-2021:02:43	X15C9	144586858	DCDC670503	$450.00
								Total Charges:	**$688.00**

30751.001

User Manual | terms of use | privacy policy | payment policy | support | contact us | about Tybera Development Group, Inc.

© 2001-16 Tybera Development Group, Inc. All rights reserved.

13

EXHIBIT 2

EXHIBIT 2

Stephanie Koetting, CCR #207

INVOICE

1822 Fox Run Rd.
Reno, Nevada 89523
stephkoetting@gmail.com

DATE: March 24, 2021
INVOICE # 2007
FOR: *Court reporting*

Bill To:
Simons Hall Johnston
Mark Simons, Esq.
6490 S. McCarran
Reno, Nevada 89509

30751.001

DESCRIPTION	AMOUNT
3/22/2021 - One-half reporting fee - Johnson vs. Hatch, CV21-00246	$ 20.00
3/22/2021 - Transcript of hearing - Johnson vs. Hatch, CV21-00246	$ 102.60
TOTAL	$ 122.60

Make all checks payable to Stephanie Koetting, CCR #207

If you have any questions, please contact at (775) 846-2266 or stephkoetting@gmail.com

Stephanie Koetting, CCR #207

INVOICE

1822 Fox Run Rd.
Reno, Nevada 89523
stephkoetting@gmail.com

DATE: July 22, 2021
INVOICE # 2025
FOR: *Court reporting*

30751.001

Bill To:
Simons Hall Johnston
Mark Simons, Esq.
6490 S. McCarran
Reno, Nevada 89509

DESCRIPTION	AMOUNT
7/8/2021 - One-half reporting fee, Johnson vs. Hatch, CV21-00246	$ 20.00
7/8/2021 - Transcript of proceedings, Johnson vs. Hatch, CV21-00246	$ 148.20
TOTAL	$ 168.20

Make all checks payable to Stephanie Koetting, CCR #207

If you have any questions, please contact at (775) 846-2266 or stephkoetting@gmail.com

FILED
Electronically
CV21-00246
2021-08-19 01:22:45 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8604551

1950
Mark G. Simons, Esq. (SBN 5132)
Anthony L Hall, Esq. (SBN 5977)
SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, Nevada 89509
Telephone: (775) 785-0088
Facsimile: (775) 785-0087
Email: MSimons@SHJNevada.com
and AHall@SHJNevada.com

Attorneys for Defendants

IN THE SECOND JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

KARI ANNE JOHNSON, an individual; Plaintiffs, v. MICHAEL EDWARD HATCH, an individual; ALISHA SUZANNE HATCH, an individual; and DOES I to X, inclusive Defendants.	**CASE NO.: CV21-00246** **DEPT. NO.: 7** **MEMORANDUM OF COSTS**

Court Clerk filing fees [18.005(1)] [1]	$688.00
Reporter Fees [18.005(8)] [2]	$290.80
TOTAL	**$978.80**

[1] See **Exhibit 1**, specific back-up documentation for court costs incurred.

[2] See **Exhibit 2,** specific back-up information for reporter fees.

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

STATE OF NEVADA)
:SS
COUNTY OF WASHOE)

MARK G. SIMONS being duly sworn, deposes and says that the items contained in the above memorandum are correct, to the best of my knowledge and belief, and the said costs have been necessarily incurred in said action or proceeding against Defendants.

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

DATED this 19th day of August, 2021.

MARK G. SIMONS

Subscribed and sworn before me
this 19 day of August, 2021
by Mark G. Simons in Reno, Nevada.

NOTARY PUBLIC

JODI L. ALHASAN
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 14-13483-2 - Expires January 3, 2022

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of SIMONS HALL JOHNSTON PC and that on this date I caused to be served a true copy of **MEMORANDUM OF COSTS** on all parties to this action by the method(s) indicated below:

☐ by placing an original or true copy thereof in a sealed envelope, with sufficient postage affixed thereto, in the United States mail at Reno, Nevada, addressed to:

☒ I hereby certify that on the date below, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which served the following parties electronically:

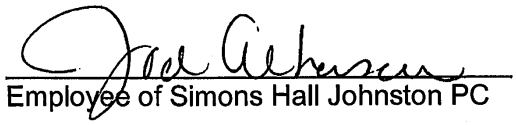
Stefanie T. Sharp
Clayton P. Brust
Hannah Winston
Attorneys for Defendants

☐ by personal delivery/hand delivery addressed to:

☐ by facsimile (fax) addressed to:

☐ by Federal Express/UPS or other overnight delivery addressed to:

DATED this 19 day of August, 2021.



Employee of Simons Hall Johnston PC

EXHIBIT LIST

NO.	DESCRIPTION	PAGES
1	Filing fee back-up	2
2	Court reporter back-up	2

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

F I L E D
Electronically
CV21-00246
2021-08-19 01:22:45 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8604551

EXHIBIT 1

EXHIBIT 1

Second Judicial District Court
State of Nevada
Washoe County

Electronic Filing

Home eFile Cases My Profile Log Out

user: Mark G. Simons

Filing Charges

Filing Charges

Report Month March

March 2021 Charges for Mark G. Simons

Case Title	Client #	Court Case #	Court Division	Description	Date	Account	Authorization Code	Receipt	Fee
KARI A. JOHNSON VS MICHAEL E. HATCH ETAL (D4)		CV21-00246	Civil	Other Real Property: Other Real Property - RO	03-04-2021:02:34	XC376	144585832	DCDC670502	$238.00
KARI A. JOHNSON VS MICHAEL E. HATCH ETAL (D4)		CV21-00246	Civil	Other Real Property: Other Real Property - RO	03-04-2021:02:43	X15C9	144586858	DCDC670503	$450.00
								Total Charges:	**$688.00**

30751.001

User Manual | terms of use | privacy policy | payment policy | support | contact us | about Tybera Development Group, Inc.

© 2001-16 Tybera Development Group, Inc. All rights reserved.

13

F I L E D
Electronically
CV21-00246
2021-08-19 01:22:45 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8604551

EXHIBIT 2

EXHIBIT 2

Stephanie Koetting, CCR #207

INVOICE

1822 Fox Run Rd.
Reno, Nevada 89523
stephkoetting@gmail.com

DATE: March 24, 2021
INVOICE # 2007
FOR: *Court reporting*

Bill To:
Simons Hall Johnston
Mark Simons, Esq.
6490 S. McCarran
Reno, Nevada 89509

30751.001

DESCRIPTION	AMOUNT
3/22/2021 - One-half reporting fee - Johnson vs. Hatch, CV21-00246	$ 20.00
3/22/2021 - Transcript of hearing - Johnson vs. Hatch, CV21-00246	$ 102.60
TOTAL	$ 122.60

Make all checks payable to Stephanie Koetting, CCR #207

If you have any questions, please contact at (775) 846-2266 or stephkoetting@gmail.com

Stephanie Koetting, CCR #207

INVOICE

1822 Fox Run Rd.
Reno, Nevada 89523
stephkoetting@gmail.com

DATE: July 22, 2021
INVOICE # 2025
FOR: *Court reporting*

30751.001

Bill To:
Simons Hall Johnston
Mark Simons, Esq.
6490 S. McCarran
Reno, Nevada 89509

DESCRIPTION	AMOUNT
7/8/2021 - One-half reporting fee, Johnson vs. Hatch, CV21-00246	$ 20.00
7/8/2021 - Transcript of proceedings, Johnson vs. Hatch, CV21-00246	$ 148.20
TOTAL	$ 168.20

Make all checks payable to Stephanie Koetting, CCR #207

If you have any questions, please contact at (775) 846-2266 or stephkoetting@gmail.com

FILED
Electronically
CV21-00246
2021-08-20 01:56:00 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8606734

2430
STEFANIE T. SHARP, ESQ.
Nevada State Bar No. 8661
CLAYTON P. BRUST, ESQ.
Nevada State Bar No. 5234
HANNAH E. WINSTON, ESQ.
Nevada State Bar No. 14520
ROBISON, SHARP, SULLIVAN & BRUST, LTD.
a Professional Corporation
71 Washington Street
Reno, Nevada 89503
Telephone: (775) 329-3151
Facsimile: (775) 329-7169
Email: ssharp@rssblaw.com
Email: cbrust@rssblaw.com
Email: hwinston@rssblaw.com

Attorneys for Plaintiff Kari Anne Johnson

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

KARI ANNE JOHNSON, an individual, Plaintiff, vs. MICHAEL EDWARD HATCH, an individual; ALISHA SUZANNE HATCH, an individual; and DOES I THROUGH X, inclusive; Defendants.	**CASE NO.: CV21-00246** **DEPT. NO.: 7**

MOTION TO RETAX COSTS

Plaintiff KARI ANNE JOHNSON, by and through her counsel of record herein, STEFANIE T. SHARP, ESQ., CLAYTON P. BRUST, ESQ. and HANNAH E. WINSTON, ESQ. of the law firm of ROBISON, SHARP, SULLIVAN & BRUST, LTD, hereby move to retax the Memorandum of Costs filed by Defendants MICHAEL EDWARD HATCH and ALISHA SUZANNE HATCH ("Defendants"). This Motion is made and based on the attached Memorandum of Points and

Authorities and the papers and pleadings on file with this Court.

DATED this 20th day of August 2021.

ROBISON, SHARP, SULLIVAN & BRUST
71 Washington Street
Reno, Nevada 89503

By: */s/ Stefanie T. Sharp*
STEFANIE T. SHARP
CLAYTON P. BRUST
HANNAH E. WINSTON
Attorneys for Plaintiff

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION.

Defendants' Memorandum of Costs is unwarranted. Simply put, there has been no judgment entered in this case. Therefore, the Memorandum of Costs must be retaxed in its entirety.

II. LEGAL ARGUMENT.

NRS 18.110 provides that "[t]he party in whose favor judgment is rendered, and who claims costs, must file with the clerk, and serve a copy upon the adverse party, within 5 days after the entry of judgment, or such further time as the court or judge may grant, a memorandum of the items of the costs in the action or proceeding . . . ." **There has been no judgment entered in this case.**

The Plaintiff voluntarily dismissed this matter without prejudice pursuant to NRCP 41. Accordingly, Defendants are not the prevailing party and should not receive their costs.

Furthermore, even if judgment were entered making an award of costs a possibility, in this court must have before it evidence that the costs were reasonable, necessary, and actually incurred. *Cadle Co. v. Woods & Erickson, LLP*, 2015, 345 P.3d 1049. "To support an award of costs, justifying documentation must be provided to the district court to 'demonstrate how such claimed costs were necessary to and incurred in the present action." *Matter of DISH Network Derivative Litig.*, 401 P.3d 1081, 1093 (citing *Bobby Berosini, Ltd. v. PETA*, 114 Nev. 1348, 1352–53, 971 P.2d 383, 386 (1998)).

Additionally, this court should not permit an untimely Memorandum where the lateness was caused by nothing more than lack of diligence. *Valladares v. DMJ, Inc.*, 110 Nev. 1291, 1294, 885

Robison, Sharp, Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151

P.2d 580, 582 (1994).

The voluntary dismissal was filed on August 12, 2021. The Memorandum of Cost was filed on August 19, 2021, 7 days later, and is untimely. Defendants' have not provided any reason in the Memorandum why they could not have filed a timely Memorandum, and this is another basis for retaxing the Memorandum of Costs in its entirety.

The Memorandum also contains a charge for a filing fee for a peremptory challenge, in the amount of $450.00, which was "filed erroneously per conversation with Attorney Mark Simons, Esq." according to the on line court docket for the case. *See*, Exhibit 1. The Defendants' admit that this cost was incurred in error and it should be taxed.

III. CONCLUSION

Defendants are not the prevailing party. No judgment has been entered. The memorandum of Costs should be retaxed in its entirety. Even if judgment were entered making an award of costs a possibility, the Memorandum of Costs is untimely, which is another basis to retax it in its entirety. The inappropriate nature of the Memorandum of Costs is further demonstrated by the fact that it requests costs which Defendants admit were incurred in error. It is clear that the Memorandum is inappropriate and untimely must be retaxed in its entirety.

AFFIRMATION

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

DATED this 20th day of August 2021.

ROBISON, SHARP, SULLIVAN & BRUST
71 Washington Street
Reno, Nevada 89503

By: */s/ Stefanie T. Sharp*
STEFANIE T. SHARP
CLAYTON P. BRUST
HANNAH E. WINSTON
Attorneys for Plaintiff

Robison, Sharp,
Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of ROBISON, SHARP, SULLIVAN & BRUST, and that on this date I caused to be served a true copy of the foregoing **MOTION TO RETAX COSTS** on all parties to this action by the method(s) indicated below:

____ by placing a true copy thereof in a sealed envelope, with sufficient postage affixed thereto, in the United States mail at Reno, Nevada, addressed to:

_X_ by using the Court's CM/ECF Electronic Notification System addressed to:

Mark G. Simons, Esq.
Anthony L. Hall, Esq.
SIMONS HALL JOHNSTON PC
Email: MSimons@SHJNevada.com
AHall@SHJNevada.com
Attorneys for Defendants

_____ by personal delivery/hand delivery addressed to:

_____ by facsimile (fax) addressed to:

_____ by Federal Express/UPS or other overnight delivery addressed to:

DATED: This 20th day of August 2021.

/s/ Leslie M. Lucero
An Employee of Robison, Sharp, Sullivan & Brust

Robison, Sharp,
Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151

EXHIBIT LIST

Exhibit #	Description	Pages
Exhibit "1"	On Line Court Docket Page 8	1

Robison, Sharp,
Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151

Exhibit "1"

FILED
Electronically
CV21-00246
2021-08-20 01:56:00 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8606734

Exhibit "1"

	Ord of Recusal ORDER OF RECUSAL AND FOR RANDOM REASSIGNMENT - Transaction 8332105 - Approved By: NOREVIEW : 03-09-2021:09:39:51
03-09-2021	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 8331818 - Approved By: NOREVIEW : 03-09-2021:08:20:10
03-08-2021 Plaintiff	Opposition to Mtn Filed by: STEFANIE T. SHARP, ESQ. Opposition to Mtn ... OPPOSITION TO EX PARTE MOTION FOR ORDER SHORTENING TIME - Transaction 8331505 - Approved By: CSULEZIC : 03-09-2021:08:19:09
03-05-2021	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 8328216 - Approved By: NOREVIEW : 03-05-2021:14:30:05
03-05-2021 Defendant	Mtn to Dismiss Filed by: MARK G. SIMONS, ESQ. Mtn to Dismiss ... Transaction 8328090 - Approved By: YVILORIA : 03-05-2021:14:28:54 - Exhibit 1 - Exhibit 2
03-05-2021 Defendant	Motion Filed by: MARK G. SIMONS, ESQ. Motion ... EMERGENCY MOTION TO EXPUNGE LIS PENDENS - Transaction 8328090 - Approved By: YVILORIA : 03-05-2021:14:28:54 - Exhibit 1 - Exhibit 2
03-05-2021 Defendant	Ex-Parte Mtn Filed by: MARK G. SIMONS, ESQ. Ex-Parte Mtn... EX PARTE MOTION FOR ORDER SHORTENING TIME - Transaction 8328090 - Approved By: YVILORIA : 03-05-2021:14:28:54
03-05-2021 Defendant	Request for Hearing Filed by: MARK G. SIMONS, ESQ. Request for Hearing REQUEST FOR HEARING PURSUANT TO NRS 14.015 - Transaction 8328090 - Approved By: YVILORIA : 03-05-2021:14:28:54
03-04-2021	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 8326067 - Approved By: NOREVIEW : 03-04-2021:14:43:50
03-04-2021	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 8326031 - Approved By: NOREVIEW : 03-04-2021:14:34:40
03-04-2021 Defendant	Peremptory Challenge Filed by: MARK G. SIMONS, ESQ. $Peremptory Challenge FILED ERRONEOUSLY PER CONVERSATION WITH ATTORNEY MARK SIMONS, ESQ.- Transaction 8326042 - Approved By: CSULEZIC : 03-04-2021:14:42:53
03-04-2021 Defendant	Notice of Appearance Filed by: MARK G. SIMONS, ESQ. Notice of Appearance MARK SIMONS OBO MICHAEL & ALISHA HATCH - Transaction 8325975 - Approved By: CSULEZIC : 03-04-2021:14:33:45
02-19-2021	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 8303161 - Approved By: NOREVIEW : 02-19-2021:11:13:33
02-19-2021	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 8303155 - Approved By: NOREVIEW : 02-19-2021:11:10:33
02-19-2021 Plaintiff	Summons Filed Filed by: STEFANIE T. SHARP, ESQ. Summons Filed Summons Filed (Alisha Suzanne Hatch - 2/17/2021 Transaction 8303159 - Approved By: NOREVIEW : 02-19-2021:11:12:41
02-19-2021 Plaintiff	Summons Filed Filed by: STEFANIE T. SHARP, ESQ. Summons Filed Summons Filed (Defendant Michael Edward Hatch) - 2/17/2021 Transaction 8303151 - Approved By: NOREVIEW : 02-19-2021:11:09:41
02-11-2021	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 8291198 - Approved By: NOREVIEW : 02-11-2021:10:34:49

F I L E D
Electronically
CV21-00246
2021-08-27 03:28:45 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8618823 : nmason

2645
STEFANIE T. SHARP, ESQ.
Nevada State Bar No. 8661
CLAYTON P. BRUST, ESQ.
Nevada State Bar No. 5234
HANNAH E. WINSTON, ESQ.
Nevada State Bar No. 14520
ROBISON, SHARP, SULLIVAN & BRUST, LTD.
a Professional Corporation
71 Washington Street
Reno, Nevada 89503
Telephone: (775) 329-3151
Facsimile: (775) 329-7169
Email: ssharp@rssblaw.com

Attorneys for Plaintiff Kari Anne Johnson

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

KARI ANNE JOHNSON, an individual, Plaintiff, vs. MICHAEL EDWARD HATCH, an individual; ALISHA SUZANNE HATCH, an individual; and DOES I THROUGH X, inclusive; Defendants.	**CASE NO.: CV21-00246** **DEPT. NO.: 7**

OPPOSITION TO MOTION FOR AN AWARD OF ATTORNEY'S FEES AND COSTS

Plaintiff KARI ANNE JOHNSON (hereinafter "Kari" or "Plaintiff"), by and through her counsel of record herein, CLAYTON P. BRUST, ESQ., STEFANIE T. SHARP, ESQ. and HANNAH E. WINSTON, ESQ. of the law firm of ROBISON, SHARP, SULLIVAN & BRUST, LTD., hereby opposes the Motion for Attorney's Fees and Costs (the "Motion") filed by Defendants MICHAEL EDWARD HATCH and ALISHA SUZANNE HATCH ("Defendants"). This Opposition is made pursuant to NRS 18.010, Rule 41 of the Nevada Rules of Civil Procedure, the papers and pleadings on file with this Court, including without limitation, Plaintiffs' Motion to Retax Costs filed herein on August 20, 2021, and the attached Memorandum of Points and

Authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

The law is clear. Defendants are not entitled to an award of attorney's fees or costs in this matter. NRCP Rule 41 allows a plaintiff to voluntarily dismiss the complaint at any time before the defendant files an answer or summary judgment is rendered, and no award of attorney's fees or costs is permitted until judgment on the merits is entered. The Motion should be denied in its entirety.

II. PRIOR PROCEEDINGS

In the Motion, the Defendants mischaracterize the proceedings in this case prior to the voluntary dismissal of this action by the Plaintiff on August 12. Plaintiff's claims in this action were not presented for any improper purpose. Moreover, while Defendants disagree (as nearly all opposing parties do), Plaintiff's factual contentions had evidentiary support. All of this is clearly demonstrated by the pleadings and papers filed by Plaintiff herein prior to her voluntary dismissal of this case, all of which are incorporated herein by this reference.

As this Court is aware, and noted on the record at the last hearing, the level of hostility between the parties was clear from the record. The Court also stated "The tenor of the pleadings has been hard-edged and full of sharp elbows. I invite you all to take a step back from that." *See,* Motion, Exhibit 3, Transcript of Proceedings (July 8, 2021). Clearly, counsel for the Defendants has not heeded that advice as demonstrated by the vitriol which emanates from the Motion. It is clear under applicable law that the Defendants are not entitled to an award of costs or fees, and that the Motion was brought in retaliation. At the last hearing this Court gave Plaintiff the option, in her discretion, to either file a second amended complaint or decline to do so.

In doing so, the Court cautioned that if the Plaintiff decided to file a second amended complaint, and a subsequent motion to dismiss was filed, that the Court might be in the position of considering a Rule 11 Motion if that motion were properly before the Court[1]. *Id.* This Court clarified

[1] Rule 11 requires that a Rule 11 Motion for sanctions must be made separately from any other motion and must describe the specific conduct that allegedly violates Rule 11(b). The motion must be served under Rule 5, but it must not be filed or be presented to the court if the challenged paper, claim, defense, contention, or denial is withdrawn or appropriately corrected within 21 days after service.

Robison, Sharp,
Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151

its statement, by noting that it was concerned about the factual allegations being able to support the claims asserted in the first amended complaint and noted that the case "needs a settlement." *Id.*

On August 2, 2021, this Court entered its Order Addressing Motions in this matter which provides as follows:

> "**IT IS HEREBY ORDERED** that the Verified First Amended Complaint is dismissed for failure to include the jurisdictional statement required by Rule 8(a)(1).
>
> **IT IS FURTHER ORDERED** that the Plaintiff's Motion for Leave to File a Second Amended Complaint is **GRANTED**. Plaintiff's request to file the attached Verified Second Amended Complaint to her Motion is denied because of the failure to include the jurisdictional statement required by Rule 8(a)(1). Plaintiff may file a second amended complaint no later than 14 days after entry of this Order.
>
> **IT IS FURTHER ORDERED** that the Defendants' Motion to Dismiss the Verified First Amended Complaint is **DENIED** without prejudice. Defendants may refile the Motion to Dismiss after the Second Amended Complaint has been filed."

See, Order Addressing Motions, filed herein on August 2, 2021.

Instead of filing a second amended complaint, Plaintiff filed her voluntary dismissal on August 12, 2021, prior to the deadline for filing a second amended complaint set forth in this Court's August 2, 2021 order.

III. DISCUSSION

Defendants seek fees pursuant to NRS 18.010(2)(b), which provides that "the court may make an allowance of attorney's fees to a prevailing party . . . . when the court finds that the claim, counterclaim, cross-claim or third-party complaint or defense of the opposing party was brought or maintained without reasonable ground or to harass the prevailing party."

Defendants' Motion fails because (1) they are not the prevailing party, and (2) there has been no finding that this case was filed or maintained without reasonable ground.

A. Defendants are not the prevailing party under NRS 18.010

In this case, Plaintiff exercised her right to voluntarily dismiss this case, which she was permitted to do under NRCP 41(a)(1) which provides, in pertinent part, as follows:

Robison, Sharp,
Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151

Rule 41. Dismissal of Actions

(a) **Voluntary Dismissal: Effect Thereof.**

(1) **By the Plaintiff.**

(A) **Without a Court Order.** Subject to Rules2 23(f), 23.1, 23.2, 66, and any applicable statute, the plaintiff may dismiss an action without a court order by filing:

(i) *a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment*; or

(ii) a stipulation of dismissal signed by all parties who have appeared.

(B) **Effect.** Unless the notice or stipulation states otherwise, the dismissal is without prejudice. But if the plaintiff previously dismissed any federal- or state-court action based on or including the same claim, a notice of dismissal operates as an adjudication on the merits.

NRCP 41(a) (emphasis added); *also see, Stubbs v. Strickland,* 129 Nev. 146, 151, 297 P.3d 326, 329 (2013) (A plaintiff may voluntarily dismiss an action at any time before service by an adverse party of an answer or motion for summary judgment.)

In order to request attorney's fees and costs under NRS 18.010, there must be a "prevailing party." *MB America, Inc. v. Alaska Pac. Leasing,* 132 Nev. 78, 88 - 89, 367 P.3d 1286, 1292 – 1293 (2016); and *Northern Nevada Homes, LLC v. GL Construction, Inc.,* 134 Nev. 498, 500, 422 P.3d 1234, 1236-1237. If judgment is entered against one party, and an order dismissing certain claims is also entered, then recovery of fees is possible under NRS 18.010. *MB America, supra,* 111 Nev. at 88-89, 367 P.3d at 1292-1293. There was no order entered dismissing this case. This Court granted Plaintiff leave to file a second amended complaint with whatever claims Plaintiff decided to assert. Instead of filing a second amended complaint, Plaintiff filed a voluntary dismissal on August 12, 2021, prior to the deadline for filing a second amended complaint set forth in this Court's August 2, 2021 order. A voluntary dismissal is not a judgment conferring prevailing party status in order to seek fees under NRS 18.010.

To be sure, in *145 East Harmon II Trust*, the Nevada Supreme Court expressly determined that only a dismissal with prejudice can confer prevailing party status because it is akin to a judgment on the merits. *145 E. Harmon II Tr. v. Residences at MGM Grand - Tower A Owners' Ass'n*, 136 Nev. 115, 120, 460 P.3d 455, 459 (2020) (emphasis added) ("We agree with the reasoning of the federal courts and therefore hold that a voluntary dismissal with prejudice generally equates to a

[2] None of these rules are applicable here. Rule 23(f) concerns class actions, Rule 23.1 concerns derivative actions by shareholders, Rule 23.2 concerns actions relating to unincorporated associations and Rule 66 concerns actions where a Receiver has been appointed.

Robison, Sharp, Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151

judgment on the merits sufficient to confer prevailing party status upon the defendant."). The "reasoning of the federal courts" to which the Court refers includes the Ninth and Seventh Circuit Court of Appeals' analyses distinguishing between dismissals with prejudice and dismissals without prejudice. Both circuits have confirmed that dismissals without prejudice are not sufficient to confer prevailing party status because the plaintiff can refile the case. *See id.* ("The Ninth Circuit distinguishes between dismissals with and without prejudice, explaining that a 'dismissal without prejudice does not alter the legal relationship of the parties because the defendant remains subject to the risk of re-filing.'") (quoting *Cadkin v. Loose*, 569 F.3d 1142, 1148 (9th Cir. 2009); *see also id.* ("a dismissal without prejudice does not decide the case on the merits because the plaintiff may refile the complaint and therefore is not sufficient to confer prevailing party status") (quoting *Szabo Food Serv., Inc. v. Canteen Corp.*, 823 F.2d 1073, 1077 (7th Cir. 1987)).

Indeed, Plaintiff did decide to refile the action in Justice Court. *See,* Justice Court of Reno Township, Case No. RJC2021-113035. As this Court is well aware, Plaintiff adamantly contends that her claims in the pleadings in this case are valid, timely, and that Nevada law on inquiry notice precludes dismissal. Nevertheless, Plaintiff had to conduct a cost benefit analysis of reasserting all of her claims given that Defendants made clear they would force another round of briefing on a motion to dismiss. While this Court did understand that inquiry, rather than constructive, notice applied, this Court expressed concern about the fact that Plaintiff asked for a copy of the deed. As noted at July hearing, Plaintiff would have loved to conduct discovery and to have had this Court hear testimony from both parties on the bizarre transaction that occurred. However, given that this Court made clear its pre-discovery thoughts about Plaintiff asking for a copy of the deed, Plaintiff had to conduct a cost benefit analysis of pursuing her claims in this context. This cost benefit analysis does not only contemplate the financial ramifications of further briefing on an additional motion to dismiss and potential appeal of any adverse decision, but also includes the time and emotional expense of litigation. Plaintiff desires to resolve the issues between the parties, so she decided to do so in the most efficient manner.

Notably, even where a plaintiff voluntarily dismisses an action <u>with prejudice</u>, an award of attorney fees to the defendant is not absolute. Rather, the Court must consider the circumstances of

Robison, Sharp,
Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151

the case and the reason plaintiff dismissed the action. Plaintiff's cost benefit analysis provides a perfect example of a justification for dismissal that does not allow the defendant to be labeled the prevailing party. *See, 145 E. Harmon II Tr. v. Residences at MGM Grand - Tower A Owners' Ass'n*, 136 Nev. 115, 120, 460 P.3d 455, 459 (2020) ("This rule is not absolute, as there may be circumstances in which a party agrees to dismiss its case but the other party should not be considered a prevailing party. For instance, a party may have a strong case or defense but nonetheless stipulate to a dismissal with prejudice because it is without funds to pursue litigation.").

In this matter, even if Plaintiff had dismissed this case with prejudice, it appeared that this Court agreed with Plaintiff that the Defendants were incorrect in their unwavering position that constructive notice, as a matter of law, barred Plaintiff's claims. Indeed, this Court only referred to inquiry notice when discussing the applicable standard. Therefore, Defendants' Motions to Dismiss were not based on a correct understanding of the law and there would not be a basis to award Defendants' attorney's fees even if the dismissal was with prejudice.

There is no basis for an award of attorney's fees to the Defendants in this matter. The Motion must be denied in its entirety.

B. Plaintiff did not file this action for an improper purpose

As noted above, Plaintiff filed this case to adjudicate her claims against the Defendants. Defendants may disagree with Plaintiff's allegations in her pleadings, but it is a rare day that opposing parties agree on the facts and legal claims at issue. Defendants emphasize that Plaintiff alleged in a verified complaint the allegations concerning fraud. Defendants have never refuted those allegations by verified statements or otherwise. At best, this Court expressed statements in Court implying that Plaintiff was unreasonable for not further inquiring into the status of the deed after requesting it. But there has never been a finding or even evidence presented to draw an inference that Plaintiff has lied to this Court.

Plaintiff's pleadings were not frivolous. Rather, Defendants have taken (and maintain, though notably, with less fervor) that constructive notice bars all of Plaintiff's claims. This Court disagreed. This Court focused on inquiry notice—the doctrine which Plaintiff repeatedly tried to explain to Defendants was applicable in this case. This Court did not dismiss the First Amended

Robison, Sharp,
Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151

Complaint on the merits nor in a manner that would allow this Court to now make *findings* that Plaintiff proceeded with this case for an improper purpose. The Motion should be denied.

C. Defendants' requested attorney fees are unreasonable

Defendants' exorbitant fee request is highly unreasonable. Plaintiff does not dispute that Mr. Simons and the lawyers at his firm are excellent advocates. However, Defendants' counsel essentially copied and pasted the exact same arguments in each filing in this case (including the instant Motion) (sometimes more than once within the same document). And that argument regarding constructive notice was incorrect. Defendants were billed thousands of dollars for this, which, respectfully, is not reasonable. Moreover, Defendants were billed thousands of dollars for requests for judicial notice that were completely untimely and improper. Therefore, should this Court even consider fees, the requested fees are unreasonable.

IV. CONCLUSION

Based upon the foregoing, Plaintiff respectfully requests that this Court deny the Motion.

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

DATED: This 27th day of August 2021.

ROBISON, SHARP, SULLIVAN & BRUST, LTD.
a Professional corporation
71 Washington Street
Reno, NV 89503

BY *__/s/ Stefanie T. Sharp__*
STEFANIE T. SHARP, ESQ.
CLAYTON P. BRUST, ESQ.
HANNAH E. WINSTON, ESQ.
Attorneys for Plaintiff Kari Anne Johnson

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of ROBISON, SHARP, SULLIVAN & BRUST, and that on this date I caused to be served a true copy of **OPPOSITION TO MOTION FOR AN AWARD OF ATTORNEY'S FEES AND COSTS** on all parties to this action by the method(s) indicated below:

____ by placing true copy thereof in a sealed envelope, with sufficient postage affixed thereto, in the United States mail at Reno, Nevada, addressed to:

__x_ by using the Court's CM/ECF Electronic Notification System addressed to:

Mark G. Simons, Esq.
Anthony L. Hall, Esq.
SIMONS HALL JOHNSTON PC
Email: MSimons@SHJNevada.com
AHall@SHJNevada.com
Attorneys for Defendants

_____ by personal delivery/hand delivery addressed to:

_____ by facsimile (fax) addressed to:

_____ by Federal Express/UPS or other overnight delivery addressed to:

DATED: This 27th day of August 2021.

/s/ Leslie M. Lucero
Employee of Robison, Sharp, Sullivan & Brust

Robison, Sharp,
Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151

FILED
Electronically
CV21-00246
2021-09-02 01:00:15 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8628149 : yviloria

3795
Mark G. Simons, Esq. (SBN 5132)
Anthony L Hall, Esq. (SBN 5977)
SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, Nevada 89509
Telephone: (775) 785-0088
Facsimile: (775) 785-0087
Email: MSimons@SHJNevada.com
AHall@SHJNevada.com

Attorneys for Defendants

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

IN THE SECOND JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

KARI ANNE JOHNSON, an individual; Plaintiffs, v. MICHAEL EDWARD HATCH, an individual; ALISHA SUZANNE HATCH, an individual; and DOES I to X, inclusive, Defendants.	**CASE NO.: CV21-00246** **DEPT. NO.: 7** **REPLY IN SUPPORT OF MOTION FOR AN AWARD OF ATTORNEYS' FEES AND COSTS**

Pursuant to NRS 18.010(2)(b), Michael Edward Hatch and Alisha Suzanne Hatch (the "Hatches"), by and through their attorney Mark G. Simons of SIMONS HALL JOHNSTON PC, hereby submit the following reply in support of their Motion for An Award of Attorneys' Fees and Costs ("Motion") against Kari Anne Johnson ("Johnson"). The Hatches seek an award of **$69,486.00** in attorneys' fees and costs incurred in responding to and defending against the factually, legally and procedurally baseless claims asserted

against them by Johnson in these proceedings.[1]

I. JOHNSON'S ARGUMENTS FAIL AND THIS MOTION SHOULD BE GRANTED.

Johnson's opposition relies on the single proposition that the Notice of Voluntary Dismissal (the "Notice") precludes the Hatches from being prevailing parties entitled to attorneys' fees and costs as requested. This representation is incorrect and again ignores the procedural posture of the case. Johnson also ignores many material facts and arguments presented by the Hatches thereby conceding the merits of the Hatches' Motion. *See e.g., Alam v. Reno Hilton Corp.*, 819 F. Supp. 905, 908 fn. 3 (D. Nev. 1993) ("Plaintiffs did not argue to the contrary to this issue in their opposition papers, thereby conceding this point.").

A. JOHNSON'S RELIANCE ON *EAST HARMON* IS IMPROPER.

Johnson exclusively relies on the proposition that her Notice precludes this Court finding the Hatches are the prevailing parties citing *145 East Harmon II Trust, v. Residences at MGM Grant -Tower A Owners' Ass'n*, 136 Nev. 115, 460 P.3d 455 (2020) ("*East Harmon*"). Johnson's reliance on *East Harmon* is misplaced because the facts and analysis of that case is inapplicable to the facts and circumstances of this case. First, in *East Harmon*, the matter at issue was a stipulated dismissal of the action.[2] This case does not involve a stipulation for dismissal. Instead, this case involves this Court's Order dated August 2, 2021, dismissing Johnson's 1st Amended Complaint and denying

---

[1] Since the filing of the opening Motion, the Hatches have incurred an additional $5,775.70 in attorneys' fees.

[2] *145 E. Harmon II Tr. v. Residences at MGM Grand - Tower A Owners' Ass'n*, 136 Nev. 115, 117, 460 P.3d 455, 457 (2020) ("the parties resolved the matter by stipulating to dismiss the Association . . . .").

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

Johnson the ability to file her proposed 2nd Amended Complaint. Again, there is no stipulation for dismissal involved in this case making *East Harmon* facially distinguishable.

Second, the district court held in *East Harmon* the Association was a prevailing party for purposes of NRCP 18.010(2) because the pending motion to dismiss "would" have been granted. *Id.* In this case, the Court actually granted the Hatches' Motion to Dismiss 1st Amended Complaint and precluded Johnson from filing her proposed 2nd Amended Complaint. Again, *East Harmon* is easily distinguishable and non-applicable.

Third, the Nevada Supreme Court expressly identified the issue in *East Harmon* as whether an action "proceeds to judgment . . . when the parties agree to dismiss the action." *Id.*, at 118, 460 P.3d at 457. The court then analyzed whether a voluntary dismissal contained in the parties' stipulation constituted a "judgment" for purposes of prevailing party analysis. The present case does not involve a stipulated dismissal. This case involves an order granting the Hatches' Motion to Dismiss, which constitutes a "judgment" for purposes of NRS 18.010(2)(b). The Notice filed by Johnson is a legal nullity. It is simply a litigation tactic employed by Johnson in an effort to avoid an award of attorneys' fees and costs in favor of the Hatches.

As extensively detailed in the Hatches' Motion, the Order granting dismissal of Johnson's 1st Amended Complaint is the "judgment" upon which the Hatches' Motion is premised. The Hatches' Motion ***is not*** based upon the defective Notice. Accordingly, reliance on the Notice is entirely irrelevant to the resolution of the Hatches' Motion. *Compare* East Harmon seeking an award of fees based upon a voluntary dismissal—not an order granting a motion to dismiss. Accordingly, Johnson's reliance on *East Harmon* is legally and procedurally incorrect.

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

B. JOHNSON'S NOTICE IS A LEGAL NULLITY.

In addition to the foregoing, as detailed in the Motion, the Notice is a legal nullity. Johnson's Opposition entirely ignores the Court's Order dismissing her 1st Amended Complaint. Johnson's failure to address the legal ramification of the Court's Order dismissing her 1st Amended Complaint is a concession of the merits of this argument.[3]

This Court's dismissal of the 1st Amended Complaint is the basis of the Hatches' Motion. A simple review of Nevada's Rules of Civil Procedure demonstrate the Notice is a legal nullity. Rule 2 provides: "There is one form of action — the civil action." Rule 3 then states: "A civil action is commenced by filing a complaint with the court." As a matter of law, upon dismissal of the 1st Amended Complaint, there existed no civil action that could be voluntarily dismissed under NRCP 41.

The Nevada Supreme Court has addressed this very issue in *Emerson v. Eighth Judicial Dist. Court of State, ex rel. County of Clark*, 127 Nev. 672, 677, 263 P.3d 224, 227 (2011), holding: "We have previously held that jurisdiction over matters related to the merits of a case terminates upon dismissal.". In *Jeep Corp. v. District Court*, 98 Nev. 440, 443-44, 652 P.2d 1183, 1186 (1982), the Nevada Supreme Court held the district court's lacked jurisdiction over the case because a dismissal "terminated [the action] and the court is without further jurisdiction in the matter." *Id.* at 444, 652 P.2d at 1186. Expounding further on this concept, the court stated upon dismissal "the action is terminated . . . ." Here, no "civil action" was pending because dismissal of the action was effectuated by this Court's Order and the action was "terminated".

---

[3] *See e.g., Alam v. Reno Hilton Corp.*, 819 F. Supp. 905, 908 fn. 3 (D. Nev. 1993) ("Plaintiffs did not argue to the contrary to this issue in their opposition papers, thereby conceding this point.").

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

Stated another way, Johnson argues she can voluntarily dismiss an action even though this Court has already entered an order "dismissing" the action. Such reasoning is illogical and is mere gamesmanship. If a party could voluntarily dismiss an action after a court granted a motion to dismiss then the concept of a prevailing party would be meaningless. A plaintiff could simply lose at any time, incur dismissal of her action, then immediately file a voluntary dismissal seeking to trump a Court's order dismissing the baseless action. It is suggested the Court should not follow this nonsensical reasoning that contradicts the Rules of Civil Procedure and Nevada Supreme Court's and Nevada Court of Appeal's affirmance of awards of attorneys' fees and costs to prevailing litigants who succeed on obtaining orders dismissing baseless claims.[4]

C. THE HATCHES PREVAILED IN OBTAINING THE EXPUNGEMENT OF THE LIS PENDENS AND INVOLUNTARY DISMISSAL OF THIS ACTION BY COURT ORDER.

The Hatches are clearly the prevailing parties in this action. Johnson asserted an ownership interest in the Hatches' Property by the recordation of the Lis Pendens. The Hatches filed their Motion to Expunge Lis Pendens which was granted. The Hatches prevailed in this action by conclusively establishing the superiority of their rights, title and interest in their home against Johnson's claim.[5] Furthermore, a defendant need not

---

[4] *Compare Weddell v. Sharp*, 131 Nev. 233, 236, 350 P.3d 80, 82 (2015) (award of fees for dismissal under NRS 18.010(2)(b) appropriate only if claim supported by "reasonable grounds").

[5] In granting the Hatches' motion, the Court found:

> [T]he plaintiff is [not] likely to prevail or has a fair chance of success given my understanding of the additional legal clouds relating to the statute of limitations . . . .
> . . .
> I do not find the plaintiff is likely to prevail or even has a fair chance of success coupled with the hardship that she didn't know of or understand.

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

mount a successful merits-based defense in order to be a prevailing party. *See, e.g., CRST Van Expedited, Inc. v. Equal Emp't Opportunity Comm'n*, 578 U.S. ——, ——, 136 S. Ct. 1642, 1651 (2016) ("[A] defendant need not obtain a favorable judgment on the merits in order to be a 'prevailing party.' ").

Further, the Hatches obtained dismissal of the 1st Amended Complaint wherein Johnson sought over $600,000 in damages, sought punitive damages and subjected the Hatches to a multitude of claims for breach of a purchase contract, breach of fiduciary duties, breach of confidential relations, fraud, and a variety of other claims. Of critical note, Johnson sought to plead that the installment note obligations were accelerated and all due and payable in support of her claim. All these claims have been conceded as baseless and without merit by Johnson. In such a circumstance, courts find that a plaintiff's election not to pursue further litigation against a party is a recognition that the defendant is a prevailing party because the plaintiff concedes a material change in the parties' legal relationship.

For instance, in *Miles v. State of California*, 320 F.3d 986, 989 (9th Cir. 2003), the underlying case was dismissed "without prejudice to Miles' right to seek any available relief in the state court." This disposition was deemed a "material alteration in the legal relationship of the parties" within the meaning of the test established by the Supreme Court. The dismissal eliminated claims from further legal proceedings in federal court and thus changed the legal relationship of Miles with respect to the State. *Id.* As in *Miles*, Johnson's concession to not pursue a multitude of breach of contract claims, multiple tort

---

Ex. 1., pp. 25:19-26:2.

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

claims (and seek over $600,000 in compensatory and punitive damages against the Hatches) is clearly a victory for the Hatches. As a matter of law, a material alteration has occurred in favor of the Hatches by their success in obtaining an expungement of the Lis Pendens and the dismissal of Johnson's claims in this action.

Next, strangely, Johnson argues that her prosecution of an alleged breach of the installment note in Justice Court does not mean her claims in this action were baseless. Hatches disagree. In *Bergmann v. Boyce*, 109 Nev. 670, 675, 856 P.2d 560, 563 (1993), the Nevada Supreme Court held "[t]he prosecution of one colorable claim does not excuse the prosecution of five groundless claims." Here, Johnson escalated each amended complaint to assert more egregious and baseless claims until finally her 1st Amended Complaint was dismissed by Court order. Of critical note, Johnson filed her action in Justice Court asserting a single claim for an alleged breach of the "installment note".

In this action, Johnson filed multiple Verified Complaints seeking to disavow the legal existence of the "installment note" and instead claimed to sue on the acceleration of the total debt under the Note in excess of $600,000. This conduct clearly demonstrates Johnson's conduct in this action was filed in bad faith, filed for an ulterior purpose and filed to harass the Hatches seeking to force them to incur unnecessary attorneys' fees and costs.

As previously detailed extensively in the Hatches' Motion, Johnson's conduct clearly triggers the applicability of NRS 18.010(2)(b)'s provisions. Courts routinely award attorneys' fees to "prevailing parties" who obtain dismissal of cases. 10 Charles Alan Wright et al., Federal Practice and Procedure § 2667, at 180 (2d ed. 1983) ("[A] dismissal of the action, whether on the merits or not, generally means that defendant is the

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

prevailing party."); *see also MACOM Tech. Sols. Inc. v. Litrinium, Inc.*, WL 2892614, at *3 (C.D.Cal. 2020) ("Defendants prevailed on a practical level by succeeding on two motions to dismiss which led to Plaintiffs' voluntary dismissal on their claims. Accordingly, Defendants are the prevailing party.")

"[T]o warrant an award of attorney fees, there must be evidence that plaintiff filed an action with no colorable basis in the law; the Court finds that there is such evidence herein and that an award of costs and attorney fees is warranted." *Komasinski v. I.R.S.*, 588 F. Supp. 974, 979 (N.D. Ind. 1984). Bad faith has been defined as conduct "'without at least a colorable basis in law.'" *Id.* As detailed in the Hatches' Motion, Johnson's various complaints and the recordation of the Lis Pendens was pursued in bad faith. The claims asserted violated well-established Nevada law, violated and/or contradicted legal precedent facially barring such claims, were facially barred by applicable statutes of limitations and did not even satisfy this Court's subject matter jurisdiction. The undersigned cannot imagine a case more worthy of an award of attorneys' fees and costs to the prevailing party as presented in this case. Accordingly, it is respectfully requested the Hatches' Motion be granted based upon the erroneous procedural and baseless factual and legal claims asserted by Johnson in this action. *See Baldonado v. Wynn Las Vegas, LLC*, 124 Nev. 951, 968, 194 P.3d 96, 106-107 (2008) (NRS 18.010(2)(b) "requires the court to inquire into the actual circumstances of the case, 'rather than a hypothetical set of facts 107 favoring plaintiff's averments.'").

///

///

///

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

D. HATCHES' REQUESTED FEES ARE NOT SUBSTANTIVELY CHALLENGED.

Johnson's opposition does not substantively challenge the amount of attorneys' fees requested other than to generally argue the amounts are excessive. Johnson incorrectly claims that there was "cut and paste" from various motions that were filed. While indeed certain arguments were duplicated due to Johnson's continued refiling of ever-expanding claims under the various complaints, each new complaint required further and more extensive research and writing—all caused by Johnson's own litigation activities. Hatches should not be punished for Johnson's aggressive litigation tactics which caused them to incur significant fees and costs.

Johnson fails to identify with specificity any alleged impropriety other than the foregoing objection. Johnson's failure to specifically identify any objectionable billing is a concession that the Hatches' requested attorneys' fees and costs are appropriate. *See e.g., Carmen v. San Francisco Unified Sch. Dist.*, 237 F.3d 1026, 1029 (9th Cir. 2001) (the court is "not required to comb through the record to find some reason to deny a motion for summary judgment" (citation omitted)).

In addition, Hatches' counsel has incurred $5,775,70 in attorneys' fees from the date of original filing of the Motion. Accordingly, these additionally incurred attorneys' fees are also sought herein.[6]

///

///

///

[6] See also **Exhibit 7**, Affidavit of Mark G. Simons.

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

IV. CONCLUSION.

This is a case where the award of fees under NRCP 18.010(2)(b) is appropriate and warranted. For the foregoing reasons, Defendants respectfully request that this Court award Defendants their attorney fees and costs as follows:

1.	Award of Attorney Fees	$62,731.50
2.	Post-Motion incurred attorneys' fees[7]:	$5,775.70
2.	Award of Costs	$978.80
TOTAL		**$69,486.00**

AFFIRMATION: This document does not contain the social security number of any person.

DATED this 2nd day of September, 2021.

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509

By: _____
MARK G. SIMONS
ANTHONY L. HALL
Attorneys for Defendants

[7] See **Exhibit 8.**

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of SIMONS HALL JOHNSTON PC and that on this date I caused to be served a true copy of **REPLY IN SUPPORT OF MOTION FOR AN AWARD OF ATTORNEYS' FEES AND COSTS** on all parties to this action by the method(s) indicated below:

☐ by placing an original or true copy thereof in a sealed envelope, with sufficient postage affixed thereto, in the United States mail at Reno, Nevada, addressed to:

☑ I hereby certify that on the date below, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which served the following parties electronically:

Stefanie T. Sharp
Clayton P. Brust
Hannah Winston
Attorneys for Defendants

☐ by personal delivery/hand delivery addressed to:

☐ by facsimile (fax) addressed to:

☐ by Federal Express/UPS or other overnight delivery addressed to:

DATED this 2nd day of September, 2021.

Employee of Simons Hall Johnston PC

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

EXHIBIT LIST

NO.	DESCRIPTION	PAGES
7	Simons Aff.	2
8	Billing Records	1

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

F I L E D
Electronically
CV21-00246
2021-09-02 01:00:15 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8628149 : yviloria

EXHIBIT 7

EXHIBIT 7

AFFIDAVIT OF MARK G. SIMONS IN SUPPORT OF REPLY IN SUPPORT OF MOTION FOR AN AWARD OF ATTORNEYS' FEES AND COSTS

STATE OF NEVADA)
):ss
COUNTY OF WASHOE)

I, MARK G. SIMONS, under penalty of perjury, hereby state:

1. I am a licensed attorney in the State of Nevada, and am a partner at SIMONS HALL JOHNSTON PC.

2. I am counsel for Defendants Michael Edward Hatch and Alisha Suzanne Hatch (the "Hatches") in this matter.

3. I have personal knowledge of the facts set forth in this affidavit, and if I am called as a witness, I would and could testify competently as to each fact set herein.

4. I submit this affidavit in support of the Hatches' Reply in Support of Motion for an Award of Attorneys' Fees and Costs ("Reply"), to which this affidavit is attached as Exhibit 7.

5. Exhibit 8 to the Reply are true and correct copies of the billing records for the additional fees incurred in this matter since the date of filing the original Motion.

6. I have personally reviewed the billing records as they pertain to the efforts in representing Defendants in this litigation. The work performed was instrumental in defining the legal and factual issues in the case. Further, all work was necessary and required to protect the Hatches' interests.

///

///

///

///

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

FURTHER AFFIANT SAYETH NAUGHT.

Dated this 2nd day of September, 2021.

MARK G. SIMONS

STATE OF NEVADA)
):ss
COUNTY OF WASHOE)

Subscribed and sworn to before me this 2nd day of September, 2021, by Mark G. Simons at Reno, Nevada.

NOTARY PUBLIC

JODI L. ALHASAN
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 14-13483-2 - Expires January 3, 2022

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

F I L E D
Electronically
CV21-00246
2021-09-02 01:00:15 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8628149 : yviloria

EXHIBIT 8

EXHIBIT 8

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours to Bill	Amount		Ref #
Client ID 30751.001 Hatch/Michael & Alisha									
30751.001	08/24/2021	1	P	1	525.00	2.30	1,207.50	Research and draft opposition to motion to retax.	83
30751.001	08/27/2021	1	P	1	525.00	1.00	525.00	Meet with clients regarding status and strategy; review opposition to motion for fees.	84
30751.001	08/31/2021	1	P	100			2,807.20	Check issued to Kari Anne Johnson - Sept. Payment	8
30751.001	09/01/2021	1	P	1	525.00	2.20	1,155.00	Review opposition to motion for fees; research and draft reply.	82
30751.001	09/02/2021	7	P	1	135.00	0.60	81.00	Edit and finalize reply; prepare request for submission.	85
Total for Client ID 30751.001					Billable	6.10	5,775.70	Hatch/Michael & Alisha adv. Kari Anne Johnston	

GRAND TOTALS

Billable	6.10	5,775.70

FILED
Electronically
CV21-00246
2021-09-02 01:00:15 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8628149 : yviloria

3860
Mark G. Simons, Esq. (SBN 5132)
Anthony L Hall, Esq. (SBN 5977)
SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, Nevada 89509
Telephone: (775) 785-0088
Facsimile: (775) 785-0087
Email: MSimons@SHJNevada.com
AHall@SHJNevada.com

Attorneys for Defendants

IN THE SECOND JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

KARI ANNE JOHNSON, an individual; Plaintiffs, v. MICHAEL EDWARD HATCH, an individual; ALISHA SUZANNE HATCH, an individual; and DOES I to X, inclusive Defendants.	**CASE NO.: CV21-00246** **DEPT. NO.: 7**

REQUEST FOR SUBMISSION

It is hereby requested that Defendants Motion for an Award for Attorneys' Fees and Costs that was filed with the Court on August 19, 2021, be submitted for decision in this matter.

/ / /

/ / /

/ / /

/ / /

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

AFFIRMATION: This document does not contain the social security number of any person.

DATED this 2nd day of September, 2021.

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509

By: _____
MARK G. SIMONS
ANTHONY L. HALL
Attorneys for Defendants

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of SIMONS HALL JOHNSTON PC and that on this date I caused to be served a true copy of **REQUEST FOR SUBMISSION** on all parties to this action by the method(s) indicated below:

☐ by placing an original or true copy thereof in a sealed envelope, with sufficient postage affixed thereto, in the United States mail at Reno, Nevada, addressed to:

☑ I hereby certify that on the date below, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which served the following parties electronically:

Stefanie T. Sharp
Clayton P. Brust
Hannah Winston
Attorneys for Plaintiff

☐ by personal delivery/hand delivery addressed to:

☐ by facsimile (fax) addressed to:

☐ by Federal Express/UPS or other overnight delivery addressed to:

DATED this 2nd day of September, 2021.

Employee of Simons Hall Johnston PC

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

FILED
Electronically
CV21-00246
2021-09-02 01:00:15 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8628149 : yviloria

2645
Mark G. Simons, Esq. (SBN 5132)
Anthony L Hall, Esq. (SBN 5977)
SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, Nevada 89509
Telephone: (775) 785-0088
Facsimile: (775) 785-0087
Email: MSimons@SHJNevada.com
and AHall@SHJNevada.com

Attorneys for Defendants

IN THE SECOND JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

KARI ANNE JOHNSON, an individual; Plaintiffs, v. MICHAEL EDWARD HATCH, an individual; ALISHA SUZANNE HATCH, an individual; and DOES I to X, inclusive Defendants.	**CASE NO.: CV21-00246** **DEPT. NO.: 7** **OPPOSITION TO MOTION TO RETAX**

Defendants Michael Edward Hatch and Alisha Suzanne Hatch (the "Hatches"), by and through their attorney Mark G. Simons of SIMONS HALL JOHNSTON PC, hereby Oppose the Motion to Retax ("Motion") filed by Kari Anne Johnson ("Johnson").

I. COSTS MUST BE AWARDED AS REQUESTED.

Johnson asserts a number of arguments seeking to avoid the entry of costs in the Hatches' favor. Each of the arguments will be addressed below. Initially, NRS 18.020 provides that costs "must be allowed of course to the prevailing party against any adverse party against whom judgment is rendered, in the following cases: 1. In an action for the

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

recovery of real property or a possessory right thereto . . . 3. In an action for the recovery of money or damages, where the plaintiff seeks to recover more than $2,500." Johnson sought to impose a lis pendens on the Hatches' property (which was expunged by Court order) and also sought damages in excess of $2,500.00. Accordingly, costs "must" be awarded in the Hatches' favor.

A. A JUDGMENT HAS BEEN ENTERED IN THIS ACTION IN FAVOR OF THE HATCHES.

A "judgment" for awarding costs has been entered. Johnson argues that because some document labeled a judgment was not entered in this case, costs cannot be awarded. Johnson's argument ignores that the use of the term "judgment" denotes any order that "disposes" of the case. *Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) ("To avoid any confusion regarding this matter, we clarify that a final judgment is one that disposes of all the issues presented in the case, and leaves nothing for the future consideration of the court, except for post judgment issues such as attorney's fees and costs."); *Valley Bank of Nev. v. Ginsburg*, 110 Nev. 440, 445, 874 P.2d 729, 733 (1994) ("A judgment is final and appealable when it 'disposes of the issues presented in the case . . . and leaves nothing for the future consideration of the court.'" (internal citations omitted)).

Further, NRCP 54(a) states: "'**Judgment' as used in these rules includes a decree and any order from which an appeal lies**." (emphasis added). An appeal lies from this Court's Order of August 2, 2021, dismissing Johnson's 1st Amended Complaint. *See e.g., Michniak v. Argent Mortg. Co., LLC*, 128 Nev. 918, 381 P.3d 641 (2012) ("The district court granted both motions to dismiss and entered a final order dismissing the complaint. This appeal followed."). Accordingly, for purposes of NRS 18.020, an order

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

entering judgment dismissing Johnson's 1st Amended Complaint is an order from which an appeal lies and is, therefore, a judgment awarding costs in this action is appropriate. Accordingly, this argument is baseless.

B. JOHNSON IS NOT A PREVAILING PARTY.

Johnson claims the Hatches are not a prevailing party because Johnson elected not to file her 4th attempt at an Amended Complaint. Johnson ignores that the Court granted the Hatches' Motion to Dismiss Johnson's 1st Amended Complaint and denied Johnson's request to file a facially defective proposed 2nd Amended Complaint. Johnson's filing of a Notice of Voluntarily Dismissal is a legal nullity because no action was pending so there was legally no action to voluntarily dismiss.[1] Accordingly, this argument is baseless.

C. THE HATCHES ARE THE PREVAILING PARTY.

Furthermore, the Hatches are the prevailing party. The Hatches obtained the expungement of Johnson's wrongfully recorded Lis Pendens and obtained dismissal of Johnson's baseless lawsuit. Under any standard, the Hatches are the prevailing party in this action

In *Chowdhry v. NLVH, Inc.*, 109 Nev. 478, 485-86, 851 P.2d 459, 464 (1993) the Nevada Supreme Court discussed what constitutes "prevailing party" as follows:

[1] No action was pending since the prior complaint had been dismissed by the Court. Next, NRCP 41 requires as a condition precedent the payment of the Hatches' filing fees incurred in this action. NRCP 41(a)(1)(C). Accordingly, the Notice of Voluntary Dismissal is a legally nullity, however, the filing of this document constitutes Johnson's recognition that this action was frivolous mandating an award of attorneys' fees and costs in the Hatches' favor.

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

> In *Hornwood v. Smith's Food King*, 105 Nev. 188, 772 P.2d 1284 (1989), we defined "prevailing party" thusly: " 'A plaintiff *486 may be considered the prevailing party for attorney's fee purposes if it succeeds on any significant issue in litigation which achieves some of the benefit is [sic] sought in bringing the suit.' "

See also Women's Federal Savings & Loan Assoc. v. Nevada National Bank, 623 F. Supp. 469 (D. Nev. 1985) ("A plaintiff may be considered the prevailing party for attorney fee purposes if it succeeds on any significant issue in litigation which achieves some of the benefit it sought in bringing the suit.").

In this action, Johnson failed on every front. Johnson did not succeed on a single significant issue in this litigation and instead, abused the legal process necessitating the Hatches incur legal fees and costs in defending against the baseless claims. Accordingly, the Hatches are the prevailing party.

D. THE COSTS SOUGHT ARE REASONABLE AND ACTUALLY INCURRED.

Johnson asserts the Hatches' costs are not actually incurred. All costs sought were actually incurred and paid. Johnson notes that an erroneously filed Preemptory Challenge was filed. This is a correct statement. A Preemptory Challenge was filed after Department 8 had issued a Notice of Recusal, but notice had not yet been provided to Hatches' counsel of this activity. Accordingly, once this case was assigned to Department 7, the Preemptory Challenge was moot as a preexisting order transferring the case to Department 7 was entered. Hatches' counsel has attempted to obtain a refund but to date has been unsuccessful. Assuming the amount of $450.00 is refunded, then this cost also becomes moot. Until such time, however, it is believed the cost must remain as an allowed cost since reimbursement remains outstanding. Assuming this cost is awarded against Johnson, in the event a refund is obtained, the refund will be provided

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

to Johnson. The Hatches' counsel will also supplement this information if a refund is obtained in the interim.

E. THE MEMORANDUM OF COSTS IS TIMELY.

Johnson claims her Notice of Dismissal is the triggering date for determining if the Memorandum of Costs is timely. This is not a correct statement of the law. The Notice of Dismissal is a legal nullity as discussed in footnote 1 and accompanying text.

The Court's Order dismissing the 1st Amended Complaint was filed on August 2, 2021, providing Johnson 14 days to file another amended complaint. Hatches filed their Notice of Entry of the August 2, 2021, Order on August 2, 2021. The 14-day time period expired on August 16, 2021. The August 2, 2021, Notice of Entry triggered the filing of the Memorandum of Costs.

NRS 18.110(1) provides that a Memorandum of Costs must be filed within five (5) days after the Notice of Entry of the order. Applying this 5-day period to August 16, 2021, made the filing date for the Memorandum of Costs August 21, 2021. The Memorandum of Costs was filed on August 19, 2021—2 days before it was due. Johnson's reliance on her Notice of Voluntary Dismissal is baseless as that legal nullity has no bearing on the calculation of the time periods imposed in NRS 18.110(1).

II. CONCLUSION.

Based on the foregoing, Johnson's motion to retax should be denied.

/ / /

/ / /

/ / /

/ / /

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

AFFIRMATION: This document does not contain the social security number of any person.

DATED this 2nd day of September, 2021.

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509

By: _____
MARK G. SIMONS
ANTHONY L. HALL
Attorneys for Defendants

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of SIMONS HALL JOHNSTON PC and that on this date I caused to be served a true copy of **OPPOSITION TO MOTION TO RETAX** on all parties to this action by the method(s) indicated below:

☐ by placing an original or true copy thereof in a sealed envelope, with sufficient postage affixed thereto, in the United States mail at Reno, Nevada, addressed to:

☒ I hereby certify that on the date below, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which served the following parties electronically:

Stefanie T. Sharp
Clayton P. Brust
Hannah Winston
Attorneys for Plaintiff

☐ by personal delivery/hand delivery addressed to:

☐ by facsimile (fax) addressed to:

☐ by Federal Express/UPS or other overnight delivery addressed to:

DATED this 2nd day of September, 2021.

Employee of Simons Hall Johnston PC

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088

FILED
Electronically
CV21-00246
2021-09-08 02:58:18 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8635992 : sacordag

3795
STEFANIE T. SHARP, ESQ.
Nevada State Bar No. 8661
CLAYTON P. BRUST, ESQ.
Nevada State Bar No. 5234
HANNAH E. WINSTON, ESQ.
Nevada State Bar No. 14520
ROBISON, SHARP, SULLIVAN & BRUST, LTD.
a Professional Corporation
71 Washington Street
Reno, Nevada 89503
Telephone: (775) 329-3151
Facsimile: (775) 329-7169
Email: ssharp@rssblaw.com
Email: cbrust@rssblaw.com
Email: hwinston@rssblaw.com

Attorneys for Plaintiff Kari Anne Johnson

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

KARI ANNE JOHNSON, an individual, Plaintiff, vs. MICHAEL EDWARD HATCH, an individual; ALISHA SUZANNE HATCH, an individual; and DOES I THROUGH X, inclusive; Defendants.	**CASE NO.: CV21-00246** **DEPT. NO.: 7**

REPLY TO OPPOSITION TO MOTION TO RETAX COSTS

I. This Court's Order is Not a Judgment Conferring Prevailing Party Status Upon Defendants.

The Defendants' Opposition to Plaintiff's Motion to Retax Costs ignores the plain language of the statutes upon which it relies, NRS 18.020 and NRS 18.110(1).

NRS 18.020 allows costs to the **prevailing party**. NRS 18.110(1) requires the party **in whose favor judgment is rendered** to file a memorandum of costs.

Defendants boldly, unilaterally, and without basis declare themselves to be the prevailing party. Nevada law is clear. There is no prevailing party until there is a final judgment. The Nevada Supreme Court has explained that prevailing party status is conferred when a party obtains a judgment on the merits in a case or obtains a money judgment. *145 E. Harmon II Tr. v. Residences at MGM Grand - Tower A Owners' Ass'n*, 136 Nev. 115, 120, 460 P.3d 455, 459 (2020) '*N. Nevada Homes, LLC v. GL Constr., Inc.*, 134 Nev. 498, 500, 422 P.3d 1234, 1237 (2018) ("A party to an action cannot be considered a prevailing party within the contemplation of NRS 18.010, where the action has not proceeded to judgment.").

There was no prevailing party in this case. This Court did not enter judgment in favor of Defendants. Rather, the district granted Plaintiff leave to file a second amended complaint—with whatever claims the Plaintiff so chose. Plaintiff declined to file a second amended complaint and instead, voluntarily dismissed this matter without prejudice pursuant to NRCP 41. Accordingly, Defendants are not the prevailing party and should not receive their costs. There was no determination on the merits in this case.

Contrary to the position taken by the Defendants in the Opposition, this Court **did not enter an order which was a final dismissal** of this matter in its August 2, 2021 Order Addressing Motions. This Court denied the Defendants' Motion to Dismiss the First Amended Complaint without prejudice and gave Plaintiff the option of whether or not to file a second amended complaint. The pertinent provision of the Order Addressing Motions is as follows.

> "**IT IS HEREBY ORDERED** that the Verified First Amended Complaint is dismissed for failure to include the jurisdictional statement required by Rule 8(a)(1).
>
> **IT IS FURTHER ORDERED** that the Plaintiff's Motion for Leave to File a Second Amended Complaint is **GRANTED**. Plaintiff's request to file the attached Verified Second Amended Complaint to her Motion is denied because of the failure to include the jurisdictional statement required by Rule 8(a)(1). Plaintiff may file a second amended complaint no later than 14 days after entry of this Order.
>
> **IT IS FURTHER ORDERED** that the Defendants' Motion to Dismiss the Verified First Amended Complaint is **DENIED** without prejudice. Defendants may refile the Motion

Robison, Sharp,
Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151

to Dismiss after the Second Amended Complaint has been filed."

See, Order Addressing Motions, filed herein on August 2, 2021.

Clearly, this Court's Order was not one dismissing this case with prejudice. This Court granted Plaintiff leave to file a second amended complaint with whatever claims Plaintiff decided to assert. Instead of filing a second amended complaint, Plaintiff filed a voluntary dismissal on August 12, 2021, prior to the deadline for filing a second amended complaint set forth in this Court's August 2, 2021 order. The case was pending until Plaintiff filed her voluntary dismissal. A voluntary dismissal is not a judgment conferring prevailing party status in order to seek costs under NRS 18.010.

To be sure, in *145 East Harmon II Trust*, the Nevada Supreme Court expressly determined that only a dismissal with prejudice can confer prevailing party status because it is akin to a judgment on the merits. *145 E. Harmon II Tr. v. Residences at MGM Grand - Tower A Owners' Ass'n*, 136 Nev. 115, 120, 460 P.3d 455, 459 (2020) (emphasis added) ("We agree with the reasoning of the federal courts and therefore hold that a voluntary dismissal with prejudice generally equates to a judgment on the merits sufficient to confer prevailing party status upon the defendant."). The "reasoning of the federal courts" to which the Court refers includes the Ninth and Seventh Circuit Court of Appeals' analyses distinguishing between dismissals with prejudice and dismissals without prejudice. Both circuits have confirmed that dismissals without prejudice are not sufficient to confer prevailing party status because the plaintiff can refile the case. *See id.* ("The Ninth Circuit distinguishes between dismissals with and without prejudice, explaining that a 'dismissal without prejudice does not alter the legal relationship of the parties because the defendant remains subject to the risk of re-filing.'") (quoting *Cadkin v. Loose*, 569 F.3d 1142, 1148 (9th Cir. 2009); *see also id.* ("a dismissal without prejudice does not decide the case on the merits because the plaintiff may refile the complaint and therefore is not sufficient to confer prevailing party status") (quoting *Szabo Food Serv., Inc. v. Canteen Corp.*, 823 F.2d 1073, 1077 (7th Cir. 1987)).

Indeed, Plaintiff did decide to refile the action in Justice Court. *See,* Justice Court of Reno Township, Case No. RJC2021-113035. As this Court is well aware, Plaintiff adamantly contends that her claims in the pleadings in this case are valid, timely, and that Nevada law on inquiry notice precludes dismissal. Nevertheless, Plaintiff had to conduct a cost benefit analysis of reasserting all

Robison, Sharp,
Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151

of her claims given that Defendants made clear they would force another round of briefing on a motion to dismiss. While this Court did understand that inquiry, rather than constructive, notice applied, this Court expressed concern about the fact that Plaintiff asked for a copy of the deed. As noted at the July hearing in this matter, Plaintiff would have loved to conduct discovery and to have had this Court hear testimony from both parties on the bizarre transaction that occurred. However, given that this Court made clear its pre-discovery thoughts about Plaintiff asking for a copy of the deed, Plaintiff had to conduct a cost benefit analysis of pursuing her claims in this context. This cost benefit analysis does not only contemplate the financial ramifications of further briefing on an additional motion to dismiss and potential appeal of any adverse decision, but also includes the time and emotional expense of litigation. Plaintiff desires to resolve the issues between the parties, so she decided to do so in the most efficient manner.

Instead of filing a second amended complaint, Plaintiff filed her voluntary dismissal on August 12, 2021, prior to the deadline for filing a second amended complaint set forth in this Court's August 2, 2021 order. Plaintiff was entitled, and elected to, voluntarily dismiss this action without pursuant to NRCP 41. *See,* NRCP 41(a); *also see, Stubbs v. Strickland*, 129 Nev. 146, 151, 297 P.3d 326, 329 (2013) (A plaintiff may voluntarily dismiss an action at any time before service by an adverse party of an answer or motion for summary judgment.) It is clear that, a plaintiff may voluntarily dismiss an action at any time before service by an adverse party of an answer or motion for summary judgment. Therefore, no judgment on the merits was entered in this case and there is no prevailing party. The Motion should be granted.

II. Defendants Provide No Authority to Support Their Position

All of the cases cited by the Defendants' in their Opposition support the proposition that there can be no award of costs until after entry of a money judgment or determination on the merits. To wit:

1. In *Lee v. GNLV Corp.,* 116 Nev. 424, 996 P.2d. 416 (2000), summary judgment was granted to the Defendants on all issues and the Court held that the aggrieved party could appeal the order granting the motion before the formal judgment was entered, noting that the order granting summary judgment was a determination on the merits disposing all of the issues between the parties.

Robison, Sharp,
Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151

2. In *Valley Bank of Nevada v. Ginsberg,* 110 Nev. 440, 874 P.2d 729 (1994), in dismissing an appeal for lack of jurisdiction, the Court held that the district court's order approving a settlement proposal was not a final judgment or appealable order.

3. *Michiak v. Argent Mortg. Co.,* 128 Nev. 918, 381 P.3d 641 (2012), an unpublished disposition, which Defendants do not disclose in their Opposition, may only be cited for its persuasive value; however the case does not support the position of the Defendants. The *Michiak* case is distinguishable from the facts of this case. *Michiak* involved an appeal of an order dismissing the entire case where the plaintiff was not granted leave to amend. As noted above, there was no order entered herein dismissing this case which did not allow Plaintiff leave to amend. *See,* August 2, 2021 Order on Motions.

4. *Chowdry v. NLVH, Inc.,* 109 Nev. 478, 851 P.2d. 459 (1993), at trial, on the claims that went to the jury, the plaintiff lost on all claims. After entry of judgment defendants sought, and were awarded, attorney's fees as the prevailing party under NRS 18.010(2)(b). On appeal the Nevada Supreme Court reversed the decision of the district court on the appealed fee award.

5. *Hornwood v. Smith's Food King No. 1*, 105 Nev. 188, 772 P.2d. 1284, involved the appeal of an award of attorney's fees to a prevailing party under a lease agreement after trial and entry of judgment.

6. The case of *Women's Federal Sav. and Loan Ass'n of Cleveland v. Nevada National Bank*, 623 F. Supp. 469 (D.Nev. 1985) involved a motion for attorney's fees by the successful party after a full trial on the merits before the Honorable Edward Reed and entry of judgment after several appeals on other substantive issues. *See, case history, Women's Federal Sav. and Loan Ass'n of Cleveland v. Nevada National Bank,* 607 F.Supp. 1129 (D.Nev. 1985); 108 F.R.D. 396 (D. Nev. 1985); 623 F.Supp. 469 (D.Nev. 1985); 673 F.Supp. 401 (D.Nev. 1987); 673 F.Supp. 405 (D.Nev. 1987); and 811 F.2d 1255 (9th Cir. 1987).

Defendants can also not escape the fact that even if judgment were entered making an award of costs a possibility, the Memorandum of Costs is untimely, which is another basis to retax it in its entirety. The Defendants offer no justification for filing a late memorandum and take the position in one paragraph of the Opposition that the filing of the Notice of Entry of Order of the Court's Order

Robison, Sharp,
Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151

on Motions triggered the start of the deadline to file their memorandum of costs, which would make the filing deadline August 9, 2021. *See*, Opposition pg. 5, lns. 11 – 12; and NRS 18.110. Under this scenario, the deadline to file the Memorandum of Costs, which was not filed until August 19, 2021, was filed 10 days late. The Defendants' argument that the "trigger date" is August 16, 2021 is completely contradictory and illogical. The Defendants' argument is contradictory because they argue that the notice of voluntary dismissal is a "legal nullity" but then try to use the filing of the notice as the triggering date. Moreover, the Defendants' argument is illogical because it is contrary to the plain language of the statute. Finally, Defendants' position emphasizes that even Defendants recognize they are not the prevailing party. If this Court's Order Addressing Motions was a final judgment on the merits sufficient to confer prevailing party status on the Defendants, then they would have known as much in time to file a timely Memorandum of Costs. They did not do so. Regardless, using either the date of the voluntary dismissal or the notice of entry of the Order on Motions on August 2, 2021 as the trigger date, the Memorandum was untimely filed. The Motion should be granted.

The Defendants have filed an improper Memorandum which has no basis in fact or law. The overreaching an improper nature of the Memorandum is also demonstrated by the request for costs incurred due solely to an error on the part of counsel for the Defendants. The Defendants' own arguments demonstrate that they are not the prevailing party. Plaintiff commenced a separate action. The Defendants can seek fees and costs in that forum. Accordingly, The Motion should be granted and the Memorandum of Costs retaxed in its entirety.

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

DATED this 8th day of September 2021.

ROBISON, SHARP, SULLIVAN & BRUST

By: */s/ Stefanie T. Sharp*
STEFANIE T. SHARP
CLAYTON P. BRUST
HANNAH E. WINSTON
Attorneys for Plaintiff

Robison, Sharp,
Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of ROBISON, SHARP, SULLIVAN & BRUST, and that on this date I caused to be served a true copy of the foregoing **REPLY TO OPPOSITION TO MOTION TO RETAX COSTS** on all parties to this action by the method(s) indicated below:

____ by placing a true copy thereof in a sealed envelope, with sufficient postage affixed thereto, in the United States mail at Reno, Nevada, addressed to:

_X_ by using the Court's CM/ECF Electronic Notification System addressed to:

Mark G. Simons, Esq.
Anthony L. Hall, Esq.
SIMONS HALL JOHNSTON PC
Email: MSimons@SHJNevada.com
AHall@SHJNevada.com
Attorneys for Defendants

_____ by personal delivery/hand delivery addressed to:

_____ by facsimile (fax) addressed to:

_____ by Federal Express/UPS or other overnight delivery addressed to:

DATED: This 8th day of September 2021.

/s/ Leslie M. Lucero
An Employee of Robison, Sharp, Sullivan & Brust

Robison, Sharp,
Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151

FILED
Electronically
CV21-00246
2021-09-08 03:03:57 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8636009

3860
STEFANIE T. SHARP, ESQ.
Nevada State Bar No. 8661
CLAYTON P. BRUST, ESQ.
Nevada State Bar No. 5234
HANNAH E. WINSTON, ESQ.
Nevada State Bar No. 14520
ROBISON, SHARP, SULLIVAN & BRUST, LTD.
a Professional Corporation
71 Washington Street
Reno, Nevada 89503
Telephone: (775) 329-3151
Facsimile: (775) 329-7169
Email: ssharp@rssblaw.com
Attorneys for Plaintiff Kari Anne Johnson

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

KARI ANNE JOHNSON, an individual, Plaintiff, vs. MICHAEL EDWARD HATCH, an individual; ALISHA SUZANNE HATCH, an individual; and DOES I THROUGH X, inclusive; Defendants.	**CASE NO.: CV21-00246** **DEPT. NO.: 7**

REQUEST FOR SUBMISSION OF PLAINTIFF'S MOTION TO RETAX COSTS

Plaintiff Kari Anne Johnson ("Plaintiff") by and through her counsel, respectfully requests that Plaintiff's **MOTION TO RETAX COSTS** filed with this Court on August 20, 2021, be submitted to the Court for decision.

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

DATED this 8th day of September 2021.

ROBISON, SHARP, SULLIVAN & BRUST

By: */s/ Stefanie T. Sharp*
STEFANIE T. SHARP
CLAYTON P. BRUST
HANNAH E. WINSTON
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of ROBISON, SHARP, SULLIVAN & BRUST, and that on this date I caused to be served a true copy of **REQUEST FOR SUBMISSION OF PLAINTIFF'S MOTION TO RETAX COSTS** on all parties to this action by the method(s) indicated below:

____ by placing true copy thereof in a sealed envelope, with sufficient postage affixed thereto, in the United States mail at Reno, Nevada, addressed to:

__x_ by using the Court's CM/ECF Electronic Notification System addressed to:

Mark G. Simons, Esq.
Anthony L. Hall, Esq.
SIMONS HALL JOHNSTON PC
Email: MSimons@SHJNevada.com
AHall@SHJNevada.com
Attorneys for Defendants

_____ by personal delivery/hand delivery addressed to:

_____ by facsimile (fax) addressed to:

_____ by Federal Express/UPS or other overnight delivery addressed to:

DATED: This 8th day of September 2021.

/s/ Leslie M. Lucero
An Employee of Robison, Sharp, Sullivan & Brust

Robison, Sharp,
Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151

F I L E D
Electronically
CV21-00246
2021-10-01 01:52:10 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8677342

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

***

KARI ANNE JOHNSON,

Plaintiff,

vs.

MICHAEL EDWARD HATCH, an individual; ALISHA SUZANNE HATCH, an individual; and DOES 1-X, inclusive,

Defendants.
_____/

Case No.: CV21-00246

Dept. No.: 7

ORDER REGARDING ATTORNEYS' FEES AND COSTS

Presently before the Court is Defendant's *Motion for an Award of Attorneys' Fees and Costs* ("the Motion"). Defendants MICHAEL EDWARD HATCH and ALISHA SUZANNE HATCH ("Defendants") filed the Motion on August 19, 2021. Plaintiff KARI ANNE JOHNSON ("Plaintiff") filed *Opposition to Motion for an Award of Attorneys' Fees and Costs* ("the Opposition") on August 27, 2021. Defendants filed *Reply in Support of Motion for Attorneys' Fees and Costs* on September 2, 2021, and contemporaneously submitted the Motion for the Court's consideration. Also before the Court is Plaintiffs *Motion to Retax Costs* ("Motion to Retax") filed on August 20, 2021. Defendants filed *Opposition to Motion to Retax* on September 2, 2021. Plaintiffs filed *Reply to Opposition to Motion to Retax Costs* on

September 8, 2021, and contemporaneously submitted the Motion to Retax for the Courts review.

Having reviewed all the pleadings and related documents, the Court finds and orders as follows:

This case involves a lis pendens attached to the Defendants' real property and multiple claims regarding breach of contract.

Attorneys' fees are available to a prevailing party pursuant to NRS 18.010:

> In addition to the cases where an allowance is authorized by specific statute, the court may make an allowance of attorney's fees to a prevailing party:
>
> Without regard to the recovery sought, when the court finds that the claim, counterclaim, cross-claim or third-party complaint or defense of the opposing party was brought or maintained without reasonable ground or to harass the prevailing party. The court shall liberally construe the provisions of this paragraph in favor of awarding attorney's fees in all appropriate situations. It is the intent of the Legislature that the court award attorney's fees pursuant to this paragraph and impose sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure in all appropriate situations to punish for and deter frivolous or vexatious claims and defenses because such claims and defenses overburden limited judicial resources, hinder the timely resolution of meritorious claims and increase the costs of engaging in business and providing professional services to the public

NRS 18.010(2)(b)

[L]is pendens are not appropriate instruments for use in promoting recoveries in actions for personal or money judgments. *Levinson v. Eighth Judicial Dist. Court,* 109 Nev. 747, 750, 857 P.2d 18, 20 (1993).

The Court finds Plaintiff's claims were brought without reasonable grounds. Plaintiff attempted to use a lis pendens as a tool to recover overdue money in an installment contract. This was not appropriate.

Defendants argue they are entitled to attorneys' fees of $68,507.20 and costs of $978.80 because they are the prevailing party in the lawsuit. Plaintiff contends there is no prevailing party because she voluntarily dismissed the lawsuit and therefore no attorneys' fees are available.

The Court finds the Defendants are the prevailing party in that her defenses both succeeded in expunging the lien on the property and revealed the defects in the Plaintiff's claims either because of the passage of the statutes of limitation, or because of a lack of subject matter jurisdiction which resulted in a voluntary withdrawal of the action in the District Court. While a claim for accrued installments remains, the entire nature and circumstances of the action have materially changed in light of the successful defense at the District Court level. Defendant is entitled to fees for expunging the lien; all hours will be compensated, but at a reduced rate of $450 per hour consistent with practice within the firm and in the community. The Court will award an additional 10 hours of time for the work to related to the motions to dismiss, again at $450 per hour, but not the entire amount. The unnecessary animus expressed by the Defendants in their pleadings weighs against a full award. The Court suspects that had the animus been left out, the parties likely could have avoided the volume and tenor of the pleadings actually filed.

The Court finds the following as work relating to expunging the lis pendens:

- 02/16 – 2.5 hours – Review and analyze documents
- 02/17 – 2.5 hours – Research defenses to claims and attacks on lis pendens
- 02/23 – 2.2 hours – Outline motion to expunge
- 03/02 – 2.5 hours – Research regarding lis pendens basis and lack of real property interest
- 03/02 – 1.6 hours – commence drafting motion to expunge lis pendens
- 03/03 – 2.7 hours – Draft, revise, and edit motion to expunge
- 03/14 – 0.9 hours – Research and prepare supplement to motion to expunge
- 03/18 – 2.0 hours – Research and draft reply on motion to expunge lis pendens
- 03/19 – 2.4 hours – edit and finalize reply on motion to expunge lis pendens and request for submission
- 03/22 – 2.5 hours – Prepare for and attend hearing

- 03/30 – 0.6 hours – prepare order expunging lis pendens
- 04/27 – 0.4 hours – Review order; prepare notice of entry; communicate with opposing counsel regarding expunging the lis pendens
- 04/28 – 0.4 hours – Review and communicate with opposing counsel regarding release of lis pendens
- 04/29 – 0.5 hours – Various communications with opposing counsel and client regarding release of lis pendens

The total hours spent working on expunging the lis pendens was 23.7 hours. With the additional 10 hours granted for work on the motion to dismiss, the total hours of attorneys' fees are 33.7 hours. At $450/hour, the total award of attorneys' fees Plaintiff owes Defendants is $15,165.

Additionally, Defendants are entitled to costs pursuant to NRS 18.020(1). Defendants request $978.80. Defendants aver they are awaiting reimbursement from the court for an erroneous filing fee. The erroneous filing fee is $450. Defendants request Plaintiff to pay the full costs and should Defendants be reimbursed by the court, they will return the money to Plaintiff. Plaintiff requests the filing fee not be included in a grant of costs. The Court will award Defendants costs, minus the erroneous filing fee. Thus, Plaintiff will pay Defendants costs in the amount of $528.80.

IT IS HEREBY ORDERED Plaintiff will pay Defendants attorneys' fees totaling $15,165 and costs totaling $528.80.

Defendants' *Motion for an Award of Attorneys' Fees and Costs* is **GRANTED** in part and **DENIED** in part.

Plaintiff's *Motion to Retax Costs* is **GRANTED** in part and **DENIED** in part.

IT IS SO ORDERED

DATED this 1 day of October, 2021.

EGAN K. WALKER
District Judge

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe; that on the 1___ day of April 2021, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

STEFANIE SHARP, ESQ.
CLAYTON BRUST, ESQ.
MARK SIMONS, ESQ.
ANTHONY HALL, ESQ.
HANNAH WINSTON, ESQ.

Laura Watts-Vial
Judicial Assistant

FILED
Electronically
CV21-00246
2021-10-05 03:07:01 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8682330 : sacordag

2520
KENT R. ROBISON, ESQ. – NSB #1167
STEFANIE T. SHARP, ESQ. – NSB #8661
CLAYTON P. BRUST, ESQ. – NSB #5234
HANNAH E. WINSTON, ESQ. – NSB #14520
ROBISON, SHARP, SULLIVAN & BRUST, LTD.
A Professional Corporation
71 Washington Street
Reno, Nevada 89503
Telephone: (775) 329-3151
Facsimile: (775) 329-7169
Email: krobison@rssblaw.com; ssharp@rssblaw.com; cbrust@rssblaw.com; hwinston@rssblaw.com
Attorneys for Plaintiff Kari Anne Johnson

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

KARI ANNE JOHNSON, an individual, Plaintiff, vs. MICHAEL EDWARD HATCH, an individual; ALISHA SUZANNE HATCH, an individual; and DOES I THROUGH X, inclusive; Defendants.	**CASE NO.: CV21-00246** **DEPT. NO.: 7** **NOTICE OF APPEARANCE**

PLEASE TAKE NOTICE that Plaintiff Kari Anne Johnson is hereby represented by Kent R. Robison, Esq., in addition to Stefanie T. Sharp, Esq., Clayton P. Brust, Esq., and Hannah E. Winston, Esq., of the law firm Robison, Sharp, Sullivan & Brust in the above-entitled action (CV21-00246). Accordingly, all parties are hereby requested to forward all future correspondence and court filings to:

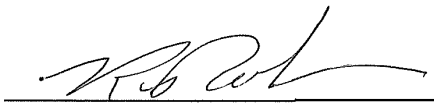
Kent R. Robison, Esq.
Robison, Sharp, Sullivan & Brust
71 Washington Street
Reno, Nevada 89503
Telephone: (775) 329-3151
Facsimile: (775) 329-7169
Email: krobison@rssblaw.com

AFFIRMATION: The undersigned does hereby affirm that this document does not

contain the social security number of any person.

DATED this 5th day of October, 2021.

ROBISON, SHARP, SULLIVAN & BRUST, LTD.
A Professional Corporation
71 Washington Street
Reno, Nevada 89503



KENT R. ROBISON
STEFANIE T. SHARP
CLAYTON P. BRUST
HANNAH E. WINSTON
Attorneys for Plaintiff Kari Anne Johnson

Robison, Sharp,
Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of ROBISON, SHARP, SULLIVAN & BRUST, and that on this date I caused to be served a true copy of **NOTICE OF APPEARANCE** on all parties to this action by the method(s) indicated below:

_____ by placing true copy thereof in a sealed envelope, with sufficient postage affixed thereto, in the United States mail at Reno, Nevada, addressed to:

__x__ by using the Court's CM/ECF Electronic Notification System addressed to:

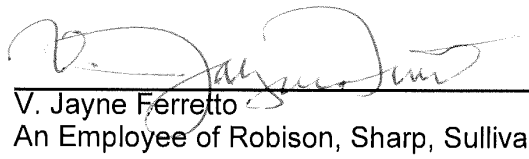
Mark G. Simons, Esq.
Anthony L. Hall, Esq.
SIMONS HALL JOHNSTON PC
Email: MSimons@SHJNevada.com
AHall@SHJNevada.com
Attorneys for Defendants

_____ by personal delivery/hand delivery addressed to:

_____ by facsimile (fax) addressed to:

_____ by Federal Express/UPS or other overnight delivery addressed to:

DATED: This 5th day of October, 2021.



V. Jayne Ferretto
An Employee of Robison, Sharp, Sullivan & Brust

Robison, Sharp, Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151