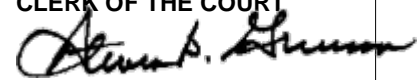


1 NOAS
2 LEACH KERN GRUCHOW
3 ANDERSON SONG
4 SEAN L. ANDERSON
5 Nevada Bar No. 7259
6 E-mail: sanderson@lkglawfirm.com
7 T. CHASE PITTSBARGER
8 Nevada Bar No. 13740
9 E-mail: cpittsbarger@lkglawfirm.com
10 2525 Box Canyon Drive
11 Las Vegas, Nevada 89128
12 Telephone: (702) 538-9074
13 Facsimile: (702) 538-9113
14 *Attorneys for Defendant El Capitan*
15 *Ranch Landscape Maintenance Association*

Electronically Filed
12/30/2021 10:57 AM
Steven D. Grierson
CLERK OF THE COURT



Electronically Filed
Jan 06 2022 02:24 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

DISTRICT COURT

CLARK COUNTY, NEVADA

12 DAISY TRUST, a Nevada trust,
13 Plaintiff,

14 vs.

15 EL CAPITAN RANCH LANDSCAPE
16 MAINTENANCE ASSOCIATION, a
17 domestic non-profit corporation,
18 Defendant.

Case No.: A-19-789674-C
Dept. No.: 14

NOTICE OF APPEAL

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NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that El Capitan Ranch Landscape Maintenance Association (the “Association”), Defendant in the above-captioned action, by and through counsel of record, hereby appeals to the Supreme Court of Nevada from: this Court’s Order of November 30, 2021, denying the Association’s Motion for Attorneys’ Fees and Costs, after a hearing on October 21, 2021, in this Court. The Notice of Entry of Order Denying El Capitan Ranch Landscape Maintenance Association’s Motion for Attorney Fees and Costs was served on December 2, 2021.

DATED this 30th day of December, 2021.

LEACH KERN GRUCHOW ANDERSON SONG

/s/ T. Chase Pittsenbarger

Sean L. Anderson
Nevada Bar No. 7259
T. Chase Pittsenbarger
Nevada Bar No. 13740
2525 Box Canyon Drive
Las Vegas, Nevada 89128
*Attorneys for Defendant El Capitan Ranch
Landscape Maintenance Association*

1 **CERTIFICATE OF SERVICE**

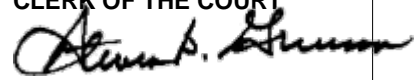
2 Pursuant to NRCP 5(b), the undersigned, an employee of LEACH KERN GRUCHOW
3 ANDERSON SONG, hereby certifies that on this 30th day of December 2021, service of the
4 foregoing, **NOTICE OF APPEAL**, was made on all parties via the Court's CM/ECF System, as
5 follows:

6 Roger P. Croteau
7 Christopher L. Benner
8 **ROGER P. CROTEAU & ASSOCIATES, LTD.**
9 2810 W. Charleston Boulevard, Suite 75
10 Las Vegas, Nevada 89148
11 croteaulaw@croteaulaw.com
12 *Attorneys for Plaintiff*

11 /s/ Bonnie Cibura

12 An Employee of LEACH KERN GRUCHOW
13 ANDERSON SONG
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LEACH KERN GRUCHOW ANDERSON SONG
2525 Box Canyon Drive, Las Vegas, Nevada 89128
Telephone: (702) 538-9074 – Facsimile (702) 538-9113



ASTA
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ANDERSON SONG
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2525 Box Canyon Drive
Las Vegas, Nevada 89128
Telephone: (702) 538-9074
Facsimile: (702) 538-9113
*Attorneys for Defendant El Capitan
Ranch Landscape Maintenance Association*

DISTRICT COURT

CLARK COUNTY, NEVADA

DAISY TRUST, a Nevada trust,
Plaintiff,

vs.

EL CAPITAN RANCH LANDSCAPE
MAINTENANCE ASSOCIATION, a
domestic non-profit corporation,
Defendant.

Case No.: A-19-789674-C
Dept. No.: 14

CASE APPEAL STATEMENT

The El Capitan Ranch Landscape Maintenance Association (the “Association”), Defendant in the above-captioned action, by and through counsel of record, submits the following Case Appeal Statement pursuant to NRAP 3(f)(3).

A. Name of Appellant filing the case appeal statement:

El Capitan Ranch Landscape Maintenance Association (the “Association”)

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

After hearing of this Court on October 21, 2021, Judge Adriana Escobar, Eighth Judicial District, Clark County, Nevada, in an Order entered on December 2, 2021 denied the Association’s Motion for Attorneys’ Fees and Costs.

C. Identify each appellant and the name/address of counsel for each appellant:

Appellant, El Capitan Ranch Landscape Maintenance Association, represented by Leach Kern Gruchow Anderson Song, by Sean L. Anderson, Esq. Nevada Bar No. 7259, and by

1 T. Chase Pittsenbarger, Esq., Nevada Bar No. 13740, address, 2525 Box Canyon Drive,
2 Las Vegas, Nevada 89128.

3 **D. Identify each respondent and the name/address of counsel for each respondent:**

4 Respondent, Daisy Trust is represented by Roger P. Croteau & Associates, LTD, Roger
5 P. Croteau, Esq., Nevada Bar No. 4958, and Christopher L. Benner, Esq., Nevada Bar
6 No. 8963, address, 2810 W. Charleston Blvd., Ste 75, Las Vegas, Nevada 89102.

7 **E. Indicate whether any attorney identified above in response to Question 3 or 4 is not**
8 **licensed to practice law in Nevada and, if so, whether the district court granted that**
9 **attorney permission to appear under SCS 42 (attach a copy of any district court order**
10 **granting such permission):**

11 Appellant counsel and Respondent's counsel are licensed to practice law in the State of
12 Nevada.

13 **F. Indicate whether appellant was represented by appointed or retained counsel in the**
14 **district court:**

15 Retained counsel represented Appellant in the district court.

16 **G. Indicate whether appellant is represented by appointed or retained counsel on appeal:**

17 Retained counsel represents Appellant on appeal.

18 **H. Indicate whether appellant was granted leave to proceed in forma pauperis, and the**
19 **date of entry of the district court order granting such leave:**

20 Appellant was not granted leave to proceed in forma pauperis.

21 **I. Indicate the date the proceeding commenced in the district court:**

22 The proceeding commenced in the district court on February 19, 2019 with the filing of
23 the Complaint by Daisy Trust.

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

27 On or about September 5, 2012 the Association conducted a foreclosure sale upon the
28 real property located at 8721 Country Pines Avenue, Nevada 89129, (the "Property")
pursuant to NRS 116. The Plaintiff was the successful bidder at the foreclosure sale
taking title to the Property by way of a Foreclosure Deed.

1 On February 19, 2019, Plaintiff filed its Complaint for misrepresentation, breach of duty
2 of good faith under NRS 116.1113 and civil conspiracy involving the Property. On or
3 about April 19, 2019, the case was assigned to the Court Annexed Arbitration Program.

4 On February 24, 2020, the Arbitration was held. On March 9, 2020, the Arbitrator issued
5 his decision finding in favor of the Association. On April 6, 2020, Plaintiff requested
6 Trial De Novo.

7
8 On May 27, 2021, the Association filed a Motion for Summary Judgment. On July 21,
9 2021, the Court found in favor of the Association and entered Findings of Fact,
10 Conclusions of Law.

11 On August 11, 2021, the Association filed its Motion for Attorneys' Fees and Costs. On
12 October 21, 2021, the Court heard oral argument on the Association's Motion for
13 Attorneys' Fees and Costs. On December 2, 2021, the Court entered an Order Denying
14 El Capitan Landscape Maintenance Association's Motion. This is the Order that the
15 Association is appealing.

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

19 On August 18, 2021, the Plaintiff appealed the Findings of Fact, Conclusions of Law
20 entered on July 21, 2021. The caption for the appeal is *Daisy Trust v. El Capitan Ranch*
21 *Landscape Maintenance Association*, Supreme Court Docket No. 83404.

22 **L. Indicate whether this appeal involves child custody or visitation:**

23 This appeal does not involve child custody or visitation.

24 ///

25 ///

26 ///

M. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

This appeal has the possibility of settlement.

DATED this 3rd day of January, 2022.

LEACH KERN GRUCHOW ANDERSON SONG

/s/ T. Chase Pittsenbarger

Sean L. Anderson
Nevada Bar No. 7259
T. Chase Pittsenbarger
Nevada Bar No. 13740
2525 Box Canyon Drive
Las Vegas, Nevada 89128
*Attorneys for Defendant El Capitan Ranch
Landscape Maintenance Association*

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), the undersigned, an employee of LEACH KERN GRUCHOW
3 ANDERSON SONG, hereby certifies that on this 3rd day of January 2022, service of the
4 foregoing, **CASE APPEAL STATEMENT**, was made on all parties via the Court's CM/ECF
5 System, as follows:

6 Roger P. Croteau
7 Christopher L. Benner
8 **ROGER P. CROTEAU & ASSOCIATES, LTD.**
9 2810 W. Charleston Boulevard, Suite 75
10 Las Vegas, Nevada 89148
11 croteaulaw@croteaulaw.com
12 *Attorneys for Plaintiff*

13 /s/ Yalonda Dekle

14 An Employee of LEACH KERN GRUCHOW
15 ANDERSON SONG
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LEACH KERN GRUCHOW ANDERSON SONG
2525 Box Canyon Drive, Las Vegas, Nevada 89128
Telephone: (702) 538-9074 – Facsimile (702) 538-9113

CASE SUMMARY**CASE NO. A-19-789674-C****Daisy Trust, Plaintiff(s)****vs.****El Capitan Ranch Landscape Maintenance Association,
Defendant(s)**§
§
§
§
§
§Location: **Department 14**Judicial Officer: **Escobar, Adriana**Filed on: **02/19/2019**Cross-Reference Case **A789674**

Number:

Supreme Court No.: **83404****CASE INFORMATION****Statistical Closures**

07/20/2021 Summary Judgment

Case Type: **Intentional Misconduct**Case
Status: **07/20/2021 Closed****DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number	A-19-789674-C
Court	Department 14
Date Assigned	02/19/2019
Judicial Officer	Escobar, Adriana

PARTY INFORMATION**Plaintiff****Daisy Trust***Lead Attorneys***Croteau, Roger P, ESQ***Retained*

702-254-7775(W)

Defendant**El Capitan Ranch Landscape Maintenance Association****Anderson, Sean L.***Retained*

702-538-9074(W)

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

02/19/2019

**Complaint**

Filed By: Plaintiff Daisy Trust

[1] Complaint

02/19/2019

**Initial Appearance Fee Disclosure**

Filed By: Plaintiff Daisy Trust

[2] Initial Appearance Fee Disclosure

02/19/2019

**Summons Electronically Issued - Service Pending**

Party: Plaintiff Daisy Trust

[3] Summons

02/22/2019

**Affidavit of Service**

Filed By: Plaintiff Daisy Trust

[4] Affidavit of Service

03/13/2019







**Answer**

Filed By: Defendant El Capitan Ranch Landscape Maintenance Association

[5] El Capitan Ranch Landscape Maintenance Association's Answer to Complaint







CASE SUMMARY

CASE NO. A-19-789674-C

03/13/2019	 Initial Appearance Fee Disclosure Filed By: Defendant El Capitan Ranch Landscape Maintenance Association <i>[6] Initial Appearance Fee Disclosure</i>
04/29/2019	 Appointment of Arbitrator <i>[7] Appointment of Arbitrator</i>
05/15/2019	 Arbitration Discovery Order Filed By: Arbitrator Leung, Ka H., ESQ <i>[8] DISCOVERY SCHEDULING ORDER AND NOTICE OF APPEAR FOR ARBITRATION HEARING</i>
10/03/2019	 Stipulation and Order Filed by: Plaintiff Daisy Trust <i>[9] Stipulation and Order to extend Deadlines and Continue Hearing</i>
10/03/2019	 Stipulation and Order Filed by: Plaintiff Daisy Trust <i>[10] Stipulation and Order to Extend Deadlines and Continue Hearing</i>
01/10/2020	 Notice to Appear for Arbitration Hearing Filed by: Arbitrator Leung, Ka H., ESQ <i>[11] Amended Notice to Appear for Arbitration Hearing</i>
02/20/2020	 Motion Filed By: Defendant El Capitan Ranch Landscape Maintenance Association <i>[12] El Capitan Ranch Landscape Maintenance Association's Motion to Dismiss Arbitration</i>
02/21/2020	 Opposition to Motion Filed By: Plaintiff Daisy Trust <i>[13] Plaintiff's Opposition To El Capitan Ranch Landscape Maintenance Association's Motion To Dismiss Arbitration</i>
03/09/2020	 Arbitration Award Filed By: Arbitrator Leung, Ka H., ESQ <i>[14] Arbitration Award</i>
03/09/2020	 Arbitrator's Decision <i>[15] Arbitrator's Decision</i>
03/13/2020	 Application for Attorney's Fees, Costs and/or Interest Filed by: Defendant El Capitan Ranch Landscape Maintenance Association <i>[16] El Capitan Ranch Landscape Maintenance Association's Application for Attorney's Fees and Costs</i>
03/18/2020	 Opposition Filed By: Plaintiff Daisy Trust <i>[17] Plaintiff's Opposition to El Capitan Ranch Landscape Maintenance Association's Application For Attorney's Fees And Costs</i>
03/25/2020	 Reply to Application for Attorney's Fees Filed by: Defendant El Capitan Ranch Landscape Maintenance Association <i>[18] El Capitan Ranch Landscape Maintenance Association's Reply in Support of Application for Attorney's Fees and Costs</i>

CASE SUMMARY

CASE NO. A-19-789674-C

04/02/2020	 Arbitrator's Decision on Request for Fees/Costs/Interest Filed by: Arbitrator Leung, Ka H., ESQ <i>[19] ARBITRATOR'S DECISION ON REQUEST FOR FEES/COSTS/INTEREST</i>
04/02/2020	 Arbitrators Bill for Fees and Costs Filed By: Arbitrator Leung, Ka H., ESQ <i>[20] Arbitrator's Bill for Fees and Costs</i>
04/06/2020	 Request for Trial De Novo Date Served: 04/06/2020 Filed by: Plaintiff Daisy Trust <i>[21] Request for Trial De Novo</i>
04/15/2020	 Demand for Removal from the Short Trial Program Filed By: Plaintiff Daisy Trust <i>[22] Demand for Removal from the Short Trial Program</i>
04/16/2020	 Demand for Jury Trial Filed By: Plaintiff Daisy Trust <i>[23] Demand for Jury Trial</i>
05/14/2020	 Joint Case Conference Report Filed By: Plaintiff Daisy Trust <i>[24] Joint Case Conference Report</i>
06/09/2020	 Mandatory Rule 16 Conference Order <i>[25] Mandatory Rule 16 Conference Order</i>
06/15/2020	 Mandatory Rule 16 Conference Order <i>[26] AMENDED MANDATORY RULE 16 PRE-TRIAL SCHEDULING CONFERENCE ORDER</i>
07/28/2020	 Order Setting Civil Jury Trial and Calendar Call <i>[27] Scheduling Order And Order Setting Civil Jury Trial</i>
05/27/2021	 Motion for Summary Judgment Filed By: Defendant El Capitan Ranch Landscape Maintenance Association <i>[28] El Capitan Ranch Landscape Maintenance Association's Motion for Summary Judgment</i>
05/27/2021	 Clerk's Notice of Hearing <i>[29] Notice of Hearing</i>
06/07/2021	 Motion to Compel Filed By: Defendant El Capitan Ranch Landscape Maintenance Association <i>[30] El Capitan Ranch Landscape Maintenance Association's Motion to Compel Responses to Discovery</i>
06/07/2021	 Appendix Filed By: Defendant El Capitan Ranch Landscape Maintenance Association <i>[31] Appendix of Exhibits to El Capitan Ranch Landscape Maintenance Association's Motion to Compel Response to Discovery</i>
06/07/2021	 Clerk's Notice of Hearing

CASE SUMMARY

CASE NO. A-19-789674-C

[32] Notice of Hearing

06/10/2021



Opposition to Motion For Summary Judgment

Filed By: Plaintiff Daisy Trust

[33] Plaintiff's Opposition to El Capitan Ranch Landscape Association's Motion for Summary Judgment

06/10/2021



Joint Case Conference Report

Filed By: Plaintiff Daisy Trust

[34] Joint Case Conference Report

06/21/2021



Opposition to Motion to Compel

Filed By: Plaintiff Daisy Trust

[35] Opposition to Motion to Compel

06/22/2021



Reply

Filed by: Defendant El Capitan Ranch Landscape Maintenance Association

[36] El Capitan Ranch Landscape Maintenance Association's Reply in Support of Motion for Summary Judgment

06/23/2021



Notice of Entry of Order

Filed By: Plaintiff Daisy Trust

[37] Notice of Entry of Order Setting Settlement Conference

07/16/2021



Order

[38] ORDER SETTING SETTLEMENT CONFERENCE

07/20/2021



Findings of Fact, Conclusions of Law and Judgment

Filed by: Defendant El Capitan Ranch Landscape Maintenance Association

[39] Findings of Fact, Conclusions of Law

07/21/2021



Notice of Entry of Findings of Fact, Conclusions of Law

Filed By: Defendant El Capitan Ranch Landscape Maintenance Association

[40] Notice of Entry of Findings of Fact, Conclusions of Law

07/23/2021



Memorandum of Costs and Disbursements

Filed By: Defendant El Capitan Ranch Landscape Maintenance Association

[41] Memorandum of Costs and Disbursements

07/23/2021



Order

[42] ORDER VACATING SETTLEMENT CONFERENCE

08/11/2021



Motion for Attorney Fees and Costs

Filed By: Defendant El Capitan Ranch Landscape Maintenance Association

[43] Defendant Motion for Attorneys' Fees and Costs

08/11/2021



Clerk's Notice of Hearing

[44] Notice of Hearing

08/18/2021



Notice of Appeal

Filed By: Plaintiff Daisy Trust

[45] Notice of Appeal

08/18/2021



Case Appeal Statement

CASE SUMMARY


CASE NO. A-19-789674-C

	Filed By: Plaintiff Daisy Trust <i>[46] Case Appeal Statement</i>
08/25/2021	 Opposition Filed By: Plaintiff Daisy Trust <i>[47] Daisy Trust's Opposition to El Capitan's Motion for Attorney Fees and Costs</i>
10/14/2021	 Reply in Support Filed By: Defendant El Capitan Ranch Landscape Maintenance Association <i>[48] Reply in Support of Motion for Attorney's Fees and Costs</i>
11/09/2021	 Request Filed by: Plaintiff Daisy Trust <i>[49] Request for Transcript of Proceedings</i>
11/30/2021	 Order Denying Motion Filed By: Plaintiff Daisy Trust <i>[50] Order Denying El Capitan Ranch Landscape Maintenance Association's Motion for Attorney Fees and Costs</i>
12/02/2021	 Notice of Entry of Order Filed By: Plaintiff Daisy Trust <i>[51] Notice of Entry of Order Denying El Capitan Ranch Maintenance Association's Motion for Attorney Fees and Costs</i>
12/29/2021	 Recorders Transcript of Hearing Party: Plaintiff Daisy Trust <i>[52] Recorder's Transcript of Hearing Re: El Capitan Ranch Landscape Maintenance Association's Motion for Summary Judgment heard on 6-29-21</i>
12/30/2021	 Notice of Appeal Filed By: Defendant El Capitan Ranch Landscape Maintenance Association <i>[53] Notice of Appeal</i>
01/03/2022	 Case Appeal Statement Filed By: Defendant El Capitan Ranch Landscape Maintenance Association <i>[54] Case Appeal Statement</i>

DISPOSITIONS

07/20/2021	Summary Judgment (Judicial Officer: Escobar, Adriana) Debtors: Daisy Trust (Plaintiff) Creditors: El Capitan Ranch Landscape Maintenance Association (Defendant) Judgment: 07/20/2021, Docketed: 07/21/2021
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HEARINGS

02/24/2020	Arbitration Hearing (7:00 AM)
07/08/2020	 Mandatory Rule 16 Conference (10:30 AM) (Judicial Officer: Escobar, Adriana) Trial Date Set; Journal Entry Details: <i>Case involves intentional misconduct with trial to last two to three days. Mr. Glover requested that deadlines be extended due to COVID-19. Mr. Pittsenbarger did not concur. The Court informed counsel the deadlines will be extended an additional sixty days. Colloquy regarding settlement discussions. COURT ORDERED, deadlines as follows: Discovery Cut Off, 4/29/21; Amend Pleadings and Add Parties, 1/27/21; Initial Disclosure, 1/27/21/ Rebuttal Disclosure, 2/26/21 Dispositive Motions, 5/27/21; Trial Ready Date, 7/26/21. COURT FURTHER</i>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-19-789674-C

ORDERED, trial and status check dates SET. 5/18/21 9:30 AM STATUS CHECK: SETTLEMENT PROGRESS 8/19/21 9:30 AM CALENDAR CALL 9/7/21 9:30 AM JURY TRIAL;

05/18/2021



Status Check (10:00 AM) (Judicial Officer: Escobar, Adriana)

Settlement Progress

Set Status Check;

Journal Entry Details:

Christopher Benner, Esq. present. Upon Court's inquiry, parties are conducting discovery and working through a discovery dispute and do not believe settlement discussion will be fruitful.

Colloquy. COURT ORDERED, parties to schedule and settlement conference and send a detailed e-mail to the Judicial Executive Assistant (JEA) and Law Clerk stating who the settlement is with, where, when, and the time. FURTHER ORDERED, status check SET.

06/16/21 STATUS CHECK: SETTLEMENT CONFERENCE (CHAMBERS CALENDAR);

06/16/2021

CANCELED Status Check (3:00 AM) (Judicial Officer: Escobar, Adriana)

Vacated - Case Closed

STATUS CHECK: SCHEDULING OF SETTLEMENT CONF.

06/29/2021



Motion for Summary Judgment (9:30 AM) (Judicial Officer: Escobar, Adriana)

El Capitan Ranch Landscape Maintenance Association's Motion for Summary Judgment

Granted;

Journal Entry Details:

All appearances made via the BlueJeans Videoconferencing Application Arguments by counsel regarding the merits of and opposition to the motion. COURT ORDERED, El Capitan Ranch

Landscape Maintenance Association's Motion for Summary Judgment GRANTED. Mr.

Pittsenbarger to prepare the order and submit it to opposing counsel for approval as to form and content. Court directed Mr. Pittsenbarger to include in the order the findings in his

pleadings.;

07/13/2021

CANCELED Motion to Compel (9:30 AM) (Judicial Officer: Truman, Erin)

Vacated

El Capitan Ranch Landscape Maintenance Association's Motion to Compel Responses to Discovery

08/12/2021

CANCELED Settlement Conference (10:30 AM)

Vacated

08/19/2021

CANCELED Calendar Call (2:00 PM) (Judicial Officer: Escobar, Adriana)

Vacated - Case Closed

09/07/2021

CANCELED Jury Trial (9:30 AM) (Judicial Officer: Escobar, Adriana)

Vacated - Case Closed

10/21/2021

Motion for Attorney Fees (10:00 AM) (Judicial Officer: Escobar, Adriana)

[43] Defendant Motion for Attorneys' Fees and Costs

Motion Denied;

DATE

FINANCIAL INFORMATION

Defendant El Capitan Ranch Landscape Maintenance Association

Total Charges

471.00

Total Payments and Credits

471.00

Balance Due as of 1/3/2022

0.00

Plaintiff Daisy Trust

Total Charges

294.00

Total Payments and Credits

294.00

Balance Due as of 1/3/2022

0.00

Defendant El Capitan Ranch Landscape Maintenance Association

Appeal Bond Balance as of 1/3/2022

500.00

CASE SUMMARY

CASE NO. A-19-789674-C

Plaintiff Daisy Trust

Short Trial - Removal Balance as of 1/3/2022

1,000.00

Plaintiff Daisy Trust

Appeal Bond Balance as of 1/3/2022

500.00

DISTRICT COURT CIVIL COVER SHEET

A-19-789674-C

Department 14

County, Nevada

Case No.

(Assigned by Clerk's Office)

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

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

Daisy Trust

c/o Roger P. Croteau & Associates, Ltd

2810 W. Charleston Blvd., Ste. 75

Las Vegas, NV 89102

Attorney (name/address/phone):

Roger P. Croteau, Esq. (SBN 4958)

2810 W. Charleston Blvd., Ste. 75

Las Vegas, NV 89102

702-254-7775

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

El Capitan Ranch Landscape Maintenance Assn.

Attorney (name/address/phone):

II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types**

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

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

2/19/19

Date

Signature of initiating party or representative

See other side for family-related case filings.

ORDR

ROGER P. CROTEAU, ESQ.
Nevada Bar No.: 4958
CHRISTOPHER L. BENNER, ESQ.
Nevada Bar No. 8963
ROGER P. CROTEAU & ASSOCIATES, LTD
2810 W. Charleston Blvd., Ste. 75
Las Vegas, Nevada 89102
(702) 254-7775
(702) 228-7719 (facsimile)
croteaulaw@croteaulaw.com
Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

DAISY TRUST, a Nevada trust,

Plaintiff,

vs.

EL CAPITAN RANCH LANDSCAPE
MAINTENANCE ASSOCIATION, a domestic
Nevada non-profit corporation,

Defendants.

Case No: A-19-789674-C
Dept. No: 14

**ORDER DENYING EL CAPITAN RANCH
LANDSCAPE MAINTENANCE
ASSOCIATION'S MOTION FOR
ATTORNEY FEES AND COSTS**

Hearing Date: October 21, 2021
Hearing Time: 10:00 a.m.

This matter came before the Court on Defendants El Capitan Ranch Landscape Maintenance Association's (the "HOA") Motion for Attorney's Fees and Costs (the "Motion") on October 21, 2021 at 10:00 a.m.. Mr. Christopher L. Benner, Esq., appeared on behalf of Plaintiff Daisy Trust ("Plaintiff"). Mr. Chase Pittsenbarger, Esq., appeared on behalf of the HOA. After a review of the pleadings, and good cause shown, the court FINDS and ORDERS as follows:

This action relates to real property commonly known as 8721 Country Pines Avenue, Las Vegas, Nevada 89129 (APN 138-08-611-076) ("Property"). Plaintiff is the current owner of the Property, which Plaintiff acquired at the HOA Foreclosure Sale at issue.

1 Plaintiff filed its Complaint on February 19, 2019, alleging three causes of action: (1)
2 intentional, or alternatively negligent, misrepresentation, (2) breach of the covenant of good faith,
3 and (3) conspiracy. Defendant HOA filed a Motion for Summary Judgment of Plaintiff's
4 Complaint ("MSJ") on May 27, 2021, which was opposed by Plaintiff. The MSJ was granted by
5 this Court on July 20, 2021. The Findings of Fact and Conclusions of Law granting the motion set
6 forth detailed reasons for the dismissal, and do not state Plaintiff's claims were baseless or brought
7 without reasonable ground. The HOA's Motion for Attorney's Fees was filed on August 11, 2021

8
9 NRS 116.4117 provides in relevant part:

10 1. Subject to the requirements set forth in subsection 2, if a declarant, community
11 manager or any other person subject to this chapter fails to comply with any of its
12 provisions or any provision of the declaration or bylaws, any person or class of
13 persons suffering actual damages from the failure to comply may bring a civil action
14 for damages or other appropriate relief.

15 2. Subject to the requirements set forth in NRS 38.310 and except as otherwise
16 provided in NRS 116.3111, a civil action for damages or other appropriate relief for
17 a failure or refusal to comply with any provision of this chapter or the governing
18 documents of an association may be brought:

19 (a) By the association against:

- 20 (1) A declarant;
- 21 (2) A community manager; or
- 22 (3) A unit's owner.

23 (b) By a unit's owner against:

- 24 (1) The association;
- 25 (2) A declarant; or
- 26 (3) Another unit's owner of the association.

27 (c) By a class of units' owners constituting at least 10 percent of the total
28 number of voting members of the association against a community manager.

29 Plaintiff's claims do not arise from the HOA's assessments or operation of the HOA, so
30 Section 116.4117 does not allow for an award of attorney's fees. *See* NRS 116.4117(1), (2).
31 Section 116.4117 allows a civil action to be brought "for a failure or refusal to comply with any
32 provision of this chapter or the governing documents of an association." This lawsuit, for
33 misrepresentation, civil conspiracy, and NRS 116.1113 violations of HOA and HOA's agents, does
34 not fit the types of actions covered by NRS 116.4117.

1 The Court ORDERS that Defendant HOA's motion shall be shall be DENIED.

2 DATED this Q. Escobar day of _____, 2021.

3 Dated this 30th day of November, 2021

4 Q. Escobar

5 DISTRICT COURT JUDGE

6 **F6B B07 A64B 96A5**

7 **Adriana Escobar**

8 **District Court Judge**

9 Submitted by:

Approved as to Form and Content, all
rights reserved:

10 ROGER P. CROTEAU &
11 ASSOCIATES, LTD.

12 /s/ Christopher L. Benner

13 Roger P. Crogeau, Esq.

14 Nevada State Bar No. 4958

15 Christopher L. Benner, Esq.

16 Nevada State Bar No. 8963

17 2810 W. Charleston Blvd., Ste. 75

18 Las Vegas, Nevada 89102

19 (702) 254-7775

20 ***Attorney for Plaintiff***

21 LEACH KERN GRUCHOW

22 ANDERSON SONG

23 /s/ T. Chase Pittsenbarger

24 Sean Anderson, Esq.

25 Nevada State Bar No. 7259

26 T. Chase Pittsenbarger, Esq.

27 Nevada State Bar No. 13740

28 2525 Box Canyon Drive

Las Vegas, NV 89128

(702) 538-9074

Attorneys for Defendant

29 *Daisy Trust v. El Capitan Ranch*

A-19-789674-C

Receptionist

From: Chase Pittsenbarger <CPittsenbarger@lkglawfirm.com>
Sent: Wednesday, November 17, 2021 1:16 PM
To: Chris Benner
Subject: RE: Daisy Trust v. El Capitan Ranch LMA A-19-789674-C Order of Attorney fees

You may file with my e-signature.



Chase Pittsenbarger
Attorney
2525 Box Canyon Drive
Las Vegas, Nevada 89128
Phone: (702) 538-9074
Fax: (702) 538-9113

Reno Office:
5421 Kietzke Lane, Suite 200
Reno, NV 89511
Phone: (775) 324-5930
Fax: (775) 324-6173

Email: cpittsenbarger@lkglawfirm.com
Website: <http://lkglawfirm.com/>

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From: Chris Benner <chris@croteaulaw.com>
Sent: Monday, November 8, 2021 2:37 PM
To: Chase Pittsenbarger <CPittsenbarger@lkglawfirm.com>
Cc: Receptionist <receptionist@croteaulaw.com>
Subject: Daisy Trust v. El Capitan Ranch LMA A-19-789674-C Order of Attorney fees

Sorry for the delay; I had really bad cold and this kind slipped past me, but getting back on rails. Please review and let me know of any changes, or, alternatively, if I may submit with your e-signature.

Sincerely,

Christopher L. Benner, Esq.
Roger P. Croteau & Associates
2810 Charleston Boulevard, No. H-75
Las Vegas, NV 89102
(702) 254-7775
chris@croteaulaw.com

The information contained in this email message is intended for the personal and confidential use of the intended recipient(s) only. This message may be an attorney/client communication and therefore privileged and confidential. If the reader of this message is not the intended recipient, you are hereby notified that any review, use, dissemination, forwarding, or copying of this message is strictly prohibited. If you have received this message in error, please notify us immediately by reply email or telephone and delete the original message and any attachments from your system. Please note that nothing in the accompanying communication is intended to qualify as an "electronic signature."

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Daisy Trust, Plaintiff(s)

CASE NO: A-19-789674-C

7 vs.

DEPT. NO. Department 14

8 El Capitan Ranch Landscape
9 Maintenance Association,
10 Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 11/30/2021

16 Roger Croteau

croteaulaw@croteaulaw.com

17 Croteau Admin

receptionist@croteaulaw.com

18 Sean Anderson

sanderson@lkglawfirm.com

19 Robin Callaway

rcallaway@lkglawfirm.com

20 Patty Gutierrez

pgutierrez@lkglawfirm.com

21 T. Pittsenbarger

cpittsenbarger@lkglawfirm.com

22 Yalonda Dekle

ydekle@lkglawfirm.com

23 Christopher Benner

chris@croteaulaw.com

24

25

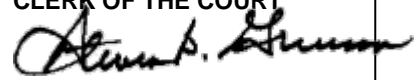
26

27

28

ROGER P. CROTEAU & ASSOCIATES, LTD.
• 2810 West Charleston Blvd, Suite 75 • Las Vegas, Nevada 89102 •
Telephone: (702) 254-7775 • Facsimile (702) 228-7719

Electronically Filed
12/2/2021 2:42 PM
Steven D. Grierson
CLERK OF THE COURT



1 **NEOJ**
2 ROGER P. CROTEAU, ESQ.
3 Nevada Bar No. 4958
4 CHRISTOPHER L. BENNER, ESQ.
5 Nevada Bar No. 8963
6 ROGER P. CROTEAU & ASSOCIATES, LTD.
7 2810 W. Charleston Blvd., Ste. 75
8 Las Vegas, Nevada 89102
9 (702) 254-7775
10 (702) 228-7719 (facsimile)
11 croteaulaw@croteaulaw.com
12 chris@croteaulaw.com
13 *Attorneys for Plaintiff*

14 **DISTRICT COURT**
15 **CLARK COUNTY, NEVADA**
16 *****

17 DAISY TRUST, a Nevada trust,
18
19 Plaintiff,

20 vs.

21 EL CAPITAN RANCH LANDSCAPE
22 MAINTENANCE ASSOCIATION, a
23 domestic Nevada non-profit corporation,
24
25 Defendants.

Case No: A-19-789674-C
Dept. No: 14

**NOTICE OF ENTRY OF ORDER
DENYING EL CAPITAN RANCH
LANDSCAPE MAINTENANCE
ASSOCIATION'S MOTION FOR
ATTORNEY FEES AND COSTS**

26 ///
27 ///
28 ///
///

ROGER P. CROTEAU & ASSOCIATES, LTD.
• 2810 West Charleston Blvd, Suite 75 • Las Vegas, Nevada 89102 •
Telephone: (702) 254-7775 • Facsimile (702) 228-7719

1 PLEASE TAKE NOTICE that an **ORDER DENYING EL CAPITAN RANCH**
2 **LANDSCAPE MAINTENANCE ASSOCIATION'S MOTION FOR ATTORNEY FEES**
3 **AND COSTS** was entered in the above-entitled action on November 30th, 2021, a copy of which
4 is attached hereto.
5

6
7 DATED this 2nd day of December, 2021.

8 **ROGER P. CROTEAU & ASSOCIATES, LTD.**

9 By: /s/ Roger P. Croteau
10 ROGER P. CROTEAU, ESQ
11 Nevada Bar No. 4958
12 2810 W. Charleston Blvd., Ste. 75
13 Las Vegas, Nevada 89102
14 (702) 254-7775
15 **Attorneys for Plaintiff**
16
17
18
19
20
21
22
23
24
25
26
27
28

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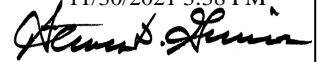
CERTIFICATE OF SERVICE

I hereby certify that on December 2nd, 2021 I served the foregoing document on all persons and parties in the E-Service Master List in the Eighth Judicial District Court E-Filing System, by electronic service in accordance with the mandatory electronic service requirements of Administrative Order 14-1 and the Nevada Electronic Filing and Conversion Rules.

/s/ Joe Koehle
An employee of
ROGER P. CROTEAU & ASSOCIATES, LTD.

EXHIBIT 1

EXHIBIT 1


CLERK OF THE COURT

ORDR

ROGER P. CROTEAU, ESQ.
Nevada Bar No.: 4958
CHRISTOPHER L. BENNER, ESQ.
Nevada Bar No. 8963
ROGER P. CROTEAU & ASSOCIATES, LTD
2810 W. Charleston Blvd., Ste. 75
Las Vegas, Nevada 89102
(702) 254-7775
(702) 228-7719 (facsimile)
croteaulaw@croteaulaw.com
Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

DAISY TRUST, a Nevada trust,

Plaintiff,

vs.

EL CAPITAN RANCH LANDSCAPE
MAINTENANCE ASSOCIATION, a domestic
Nevada non-profit corporation,

Defendants.

Case No: A-19-789674-C
Dept. No: 14

**ORDER DENYING EL CAPITAN RANCH
LANDSCAPE MAINTENANCE
ASSOCIATION'S MOTION FOR
ATTORNEY FEES AND COSTS**

Hearing Date: October 21, 2021
Hearing Time: 10:00 a.m.

This matter came before the Court on Defendants El Capitan Ranch Landscape Maintenance Association's (the "HOA") Motion for Attorney's Fees and Costs (the "Motion") on October 21, 2021 at 10:00 a.m.. Mr. Christopher L. Benner, Esq., appeared on behalf of Plaintiff Daisy Trust ("Plaintiff"). Mr. Chase Pittsenbarger, Esq., appeared on behalf of the HOA. After a review of the pleadings, and good cause shown, the court FINDS and ORDERS as follows:

This action relates to real property commonly known as 8721 Country Pines Avenue, Las Vegas, Nevada 89129 (APN 138-08-611-076) ("Property"). Plaintiff is the current owner of the Property, which Plaintiff acquired at the HOA Foreclosure Sale at issue.

1 Plaintiff filed its Complaint on February 19, 2019, alleging three causes of action: (1)
2 intentional, or alternatively negligent, misrepresentation, (2) breach of the covenant of good faith,
3 and (3) conspiracy. Defendant HOA filed a Motion for Summary Judgment of Plaintiff's
4 Complaint ("MSJ") on May 27, 2021, which was opposed by Plaintiff. The MSJ was granted by
5 this Court on July 20, 2021. The Findings of Fact and Conclusions of Law granting the motion set
6 forth detailed reasons for the dismissal, and do not state Plaintiff's claims were baseless or brought
7 without reasonable ground. The HOA's Motion for Attorney's Fees was filed on August 11, 2021

8
9 NRS 116.4117 provides in relevant part:

10 1. Subject to the requirements set forth in subsection 2, if a declarant, community
11 manager or any other person subject to this chapter fails to comply with any of its
12 provisions or any provision of the declaration or bylaws, any person or class of
13 persons suffering actual damages from the failure to comply may bring a civil action
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- 26 (3) Another unit's owner of the association.

27 (c) By a class of units' owners constituting at least 10 percent of the total
28 number of voting members of the association against a community manager.

29 Plaintiff's claims do not arise from the HOA's assessments or operation of the HOA, so
30 Section 116.4117 does not allow for an award of attorney's fees. *See* NRS 116.4117(1), (2).
31 Section 116.4117 allows a civil action to be brought "for a failure or refusal to comply with any
32 provision of this chapter or the governing documents of an association." This lawsuit, for
33 misrepresentation, civil conspiracy, and NRS 116.1113 violations of HOA and HOA's agents, does
34 not fit the types of actions covered by NRS 116.4117.

1 The Court ORDERS that Defendant HOA's motion shall be shall be DENIED.

2 DATED this Q. Escobar day of _____, 2021.

3 Dated this 30th day of November, 2021

4 Q. Escobar

5 DISTRICT COURT JUDGE

6 **F6B B07 A64B 96A5**

Adriana Escobar

District Court Judge

7 Submitted by:

Approved as to Form and Content, all
rights reserved:

8 ROGER P. CROTEAU &
9 ASSOCIATES, LTD.

10 /s/ Christopher L. Benner

Roger P. Crogeau, Esq.

11 Nevada State Bar No. 4958

Christopher L. Benner, Esq.

12 Nevada State Bar No. 8963

2810 W. Charleston Blvd., Ste. 75

13 Las Vegas, Nevada 89102

(702) 254-7775

14 ***Attorney for Plaintiff***

LEACH KERN GRUCHOW

ANDERSON SONG

15 /s/ T. Chase Pittsenbarger

Sean Anderson, Esq.

Nevada State Bar No. 7259

T. Chase Pittsenbarger, Esq.

Nevada State Bar No. 13740

2525 Box Canyon Drive

Las Vegas, NV 89128

(702) 538-9074

16 ***Attorneys for Defendant***

17 *Daisy Trust v. El Capitan Ranch*

A-19-789674-C

Receptionist

From: Chase Pittsenbarger <CPittsenbarger@lkglawfirm.com>
Sent: Wednesday, November 17, 2021 1:16 PM
To: Chris Benner
Subject: RE: Daisy Trust v. El Capitan Ranch LMA A-19-789674-C Order of Attorney fees

You may file with my e-signature.



Chase Pittsenbarger
Attorney
2525 Box Canyon Drive
Las Vegas, Nevada 89128
Phone: (702) 538-9074
Fax: (702) 538-9113

Reno Office:
5421 Kietzke Lane, Suite 200
Reno, NV 89511
Phone: (775) 324-5930
Fax: (775) 324-6173

Email: cpittsenbarger@lkglawfirm.com
Website: <http://lkglawfirm.com/>

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From: Chris Benner <chris@croteaulaw.com>
Sent: Monday, November 8, 2021 2:37 PM
To: Chase Pittsenbarger <CPittsenbarger@lkglawfirm.com>
Cc: Receptionist <receptionist@croteaulaw.com>
Subject: Daisy Trust v. El Capitan Ranch LMA A-19-789674-C Order of Attorney fees

Sorry for the delay; I had really bad cold and this kind slipped past me, but getting back on rails. Please review and let me know of any changes, or, alternatively, if I may submit with your e-signature.

Sincerely,

Christopher L. Benner, Esq.
Roger P. Croteau & Associates
2810 Charleston Boulevard, No. H-75
Las Vegas, NV 89102
(702) 254-7775
chris@croteaulaw.com

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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Daisy Trust, Plaintiff(s)

CASE NO: A-19-789674-C

7 vs.

DEPT. NO. Department 14

8 El Capitan Ranch Landscape
9 Maintenance Association,
10 Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

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20 Patty Gutierrez

pgutierrez@lkglawfirm.com

21 T. Pittsenbarger

cpittsenbarger@lkglawfirm.com

22 Yalonda Dekle

ydekle@lkglawfirm.com

23 Christopher Benner

chris@croteaulaw.com

25

26

27

28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

July 08, 2020

A-19-789674-C Daisy Trust, Plaintiff(s)
vs.
El Capitan Ranch Landscape Maintenance Association, Defendant(s)

**July 08, 2020 10:30 AM Mandatory Rule 16
Conference**

HEARD BY: Escobar, Adriana

COURTROOM: RJC Courtroom 14C

COURT CLERK: Denise Husted

RECORDER: Sandra Anderson

REPORTER:

PARTIES

PRESENT: Glover, Chet A. Attorney
 Pittsenbarger, Timothy C. Attorney

JOURNAL ENTRIES

- Case involves intentional misconduct with trial to last two to three days. Mr. Glover requested that deadlines be extended due to COVID-19. Mr. Pittsenbarger did not concur. The Court informed counsel the deadlines will be extended an additional sixty days. Colloquy regarding settlement discussions. COURT ORDERED, deadlines as follows: Discovery Cut Off, 4/29/21; Amend Pleadings and Add Parties, 1/27/21; Initial Disclosure, 1/27/21/ Rebuttal Disclosure, 2/26/21 Dispositive Motions, 5/27/21; Trial Ready Date, 7/26/21. COURT FURTHER ORDERED, trial and status check dates SET.

5/18/21 9:30 AM STATUS CHECK: SETTLEMENT PROGRESS

8/19/21 9:30 AM CALENDAR CALL

9/7/21 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

May 18, 2021

A-19-789674-C	Daisy Trust, Plaintiff(s) vs. El Capitan Ranch Landscape Maintenance Association, Defendant(s)
---------------	--

May 18, 2021 10:00 AM Status Check

HEARD BY: Escobar, Adriana **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Nylasia Packer

RECORDER: Stacey Ray

REPORTER:

PARTIES

PRESENT: Pittsenbarger, Timothy C. Attorney

JOURNAL ENTRIES

- Christopher Benner, Esq. present.

Upon Court's inquiry, parties are conducting discovery and working through a discovery dispute and do not believe settlement discussion will be fruitful. Colloquy. COURT ORDERED, parties to schedule and settlement conference and send a detailed e-mail to the Judicial Executive Assistant (JEA) and Law Clerk stating who the settlement is with, where, when, and the time. FURTHER ORDERED, status check SET.

06/16/21 STATUS CHECK: SETTLEMENT CONFERENCE (CHAMBERS CALENDAR)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

June 29, 2021

A-19-789674-C	Daisy Trust, Plaintiff(s) vs. El Capitan Ranch Landscape Maintenance Association, Defendant(s)
---------------	--

June 29, 2021	9:30 AM	Motion for Summary Judgment
----------------------	----------------	--

HEARD BY: Escobar, Adriana

COURTROOM: RJC Courtroom 14C

COURT CLERK: Nicole McDevitt

RECORDER: Stacey Ray

REPORTER:

PARTIES

PRESENT: Pittsenbarger, Timothy C. Attorney

JOURNAL ENTRIES

- All appearances made via the BlueJeans Videoconferencing Application

Arguments by counsel regarding the merits of and opposition to the motion. COURT ORDERED, El Capitan Ranch Landscape Maintenance Association's Motion for Summary Judgment GRANTED. Mr. Pittsenbarger to prepare the order and submit it to opposing counsel for approval as to form and content. Court directed Mr. Pittsenbarger to include in the order the findings in his pleadings.



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

SEAN L. ANDERSON, ESQ.
2525 BOX CANYON DR.
LAS VEGAS, NV 89128

DATE: January 3, 2022
CASE: A-19-789674-C

RE CASE: DAISY TRUST vs. EL CAPITAN RANCH LANDSCAPE MAINTENANCE ASSOCIATION

NOTICE OF APPEAL FILED: December 30, 2021

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

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

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

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

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

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

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

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING EL CAAPITAN RANCH LANDSCAPE MAINTENANCE ASSOCIATION'S MOTION FOR ATTORNEY FEES AND COSTS; NOTICE OF ENTRY OF ORDER DENYING EL CAPITAN RANCH LANDSCAPE MAINTENANCE ASSOCIATION'S MOTION FO R ATTORNEY FEES AND COSTS; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

DAISY TRUST,

Plaintiff(s),

vs.

EL CAPITAN RANCH LANDSCAPE
MAINTENANCE ASSOCIATION,

Defendant(s),

Case No: A-19-7899674-C

Dept No: XIV

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 3 day of January 2022.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

January 3, 2022

Elizabeth A. Brown
Clerk of the Court
201 South Carson Street, Suite 201
Carson City, Nevada 89701-4702

RE: DAISY TRUST vs. EL CAPITAN RANCH LANDSCAPE MAINTENANCE ASSOCIATION
D.C. CASE: A-19-789674-C

Dear Ms. Brown:

Please find enclosed a Notice of Appeal packet, filed December 30, 2021. Due to extenuating circumstances minutes from the date(s) listed below have not been included:

October 21, 2021

We do not currently have a time frame for when these minutes will be available.

If you have any questions regarding this matter, please contact me at (702) 671-0512.

Sincerely,
STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Amanda Hampton
Amanda Hampton, Deputy Clerk