

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDGEWORTH FAMILY TRUST; AND
AMERICAN GRATING, LLC,

PETITIONERS

VS.

CLARK COUNTY DISTRICT COURT,
THE HONORABLE TIERRA XX JONES,
DISTRICT JUDGE, DEPT. 10,

Respondents,

DANIEL S. SIMON; THE LAW OFFICE
OF DANIEL S. SIMON,

Real Parties in Interest.

Electronically Filed
Feb 01 2022 01:20 p.m.
Case No. _____ Elizabeth A. Brown
Clerk of Supreme Court

Dist. Ct. Case No. A-18-767242-C
Consolidated with A-16-738444-C

**APPENDIX IN SUPPORT OF EDGEWORTHS'
PETITION FOR WRIT OF MANDAMUS TO RELEASE CLIENT FUNDS
IN EXCESS OF ADJUDICATED LIEN AMOUNT AND TO RELEASE THE
COMPLETE CLIENT FILE**

**VOLUME IV
P000623 – P000719**

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**EDGEWORTH FAMILY TRUST, ET AL. vs.
DANIEL S. SIMON; THE LAW OFFICE OF DANIEL S. SIMON
SUPREME COURT CASE NO.**

PETITIONERS' APPENDIX

CHRONOLOGICAL INDEX

DATE	DOCUMENT TITLE	VOL	BATES NOS.
2017-11-30	Notice of Attorney's Lien	I	P000001 – P000005
2018-01-02	Notice of Amended Attorney's Lien	I	P000006 – P000010
	UNUSED BATES NUMBERS	I	P000011 – P000028
2018-12-13	Plaintiffs' Motion for an Order Directing Simon to Release Plaintiffs' Funds	I	P000029- P000070
2019-01-11	Opposition to Plaintiffs' Motion for Release of Funds	I	P000071- P000089
2019-01-28	Plaintiffs' Reply to Opposition to Plaintiffs' Motion for Release of Funds	I	P000090- P000123
2019-02-05	Court Minutes – Minute Order Re: Motion to Release Funds	I	P000124
2021-04-13	Excerpts of Opposition to Mot. to Reconsider	I	P000124A- P000124E
2021-04-13	Nevada Supreme Court Clerk's Certificate Judgment Affirmed	I	P000125- P000141
2021-05-03	Plaintiffs' Renewed Motion for Reconsideration of Third-Amended Decision and Order Granting in Part and Denying in Part Simon's Motion for Attorney's Fees and Costs, and Motion for Reconsideration of Third Amended Decision and Order on Motion to Adjudicate Lien	I/II	P000142- P000247

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DATE	DOCUMENT TITLE	VOL	BATES NOS.
2021-05-13	Edgeworths' Motion for Order Releasing Client Funds and Requiring the Production of Complete Client File	II	P000248-P000322
2021-05-20	Opposition to Edgeworths' Motion for Order Releasing Client Funds and Requiring Production of File	II	P000323-P000371
2021-05-21	Edgeworths' Reply in Support of Motion for Order Releasing Client Funds and Requiring the Production of Complete Client File	II	P000372-P000391
2021-05-26	Letter Re: Funds Transfers	II	P000392-P000393
2021-05-27	Recorder's Transcript of Pending Motions	II	P000394-P000422
2021-06-03	Court Minutes – Minute Order Re: Motions for Reconsideration and for Release of Funds	III	P000423-P000424
2021-06-18	Notice of Entry of Decision and Order Denying Edgeworth's Motion for Order Releasing Client Funds and Requiring Production of Complete File	III	P000425-P000432
2021-07-01	Edgeworth's Motion for Reconsideration of Order on Motion for Order Releasing Client Funds and Requiring the Production of Complete Client File And Motion to Stay Execution of Judgments Pending Appeal	III	P000433-P000446

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DATE	DOCUMENT TITLE	VOL	BATES NOS.
2021-07-15	Opposition to the Third Motion to Reconsider	III	P000447-P000489
2021-07-17	Edgeworth's Reply in Support of Motion for Reconsideration of Order on Motion for Order Releasing Client Funds and Requiring the Production of Complete Client File And Motion to Stay Execution of Judgments Pending Appeal	III/IV	P000490-P000705
2021-09-14	Notice of Entry of Decision and Order Denying Edgeworths' Motion for Reconsideration of Order on Motion for Order Releasing Client Funds and Requiring the Production of Complete Client File and Motion to Stay Execution of Judgments Pending Appeal	IV	P000706-P000714
2021-12-13	Order Consolidating and Partially Dismissing Appeals_(Filed in Supreme Court Case No: 83258)	IV	P000715-P000719

***EDGEWORTH FAMILY TRUST, ET AL. vs.
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PETITIONERS' APPENDIX

ALPHABETICAL INDEX

DATE	DOCUMENT TITLE	VOL.	BATES NOS.
2019-02-05	Court Minutes – Minute Order Re: Motion to Release Funds	I	P000124
2021-06-03	Court Minutes – Minute Order Re: Motions for Reconsideration and for Release of Funds	III	P000423- P000424
2021-05-13	Edgeworths' Motion for Order Releasing Client Funds and Requiring the Production of Complete Client File	II	P000248- P000322
2021-07-01	Edgeworth's Motion for Reconsideration of Order on Motion for Order Releasing Client Funds and Requiring the Production of Complete Client File And Motion to Stay Execution of Judgments Pending Appeal	III	P000433- P000446
2021-05-21	Edgeworths' Reply in Support of Motion for Order Releasing Client Funds and Requiring the Production of Complete Client File	II	P000372- P000391
2021-07-17	Edgeworth's Reply in Support of Motion for Reconsideration of Order on Motion for Order Releasing Client Funds and Requiring the Production of Complete Client File And Motion to Stay Execution of Judgments Pending Appeal	III/IV	P000490- P000705
2021-04-13	Excerpts of Opposition to Mot. to Reconsider	I	P000124A- P000124E

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DATE	DOCUMENT TITLE	VOL.	BATES NOS.
2021-05-26	Letter Re: Funds Transfers	II	P000392- P000393
2021-04-13	Nevada Supreme Court Clerk's Certificate Judgment Affirmed	I	P000125- P000141
2018-01-02	Notice of Amended Attorney's Lien	I	P000006 – P000010
2017-11-30	Notice of Attorney's Lien	I	P000001 – P000005
2021-09-14	Notice of Entry of Decision and Order Denying Edgeworths' Motion for Reconsideration of Order on Motion for Order Releasing Client Funds and Requiring the Production of Complete Client File and Motion to Stay Execution of Judgments Pending Appeal	IV	P000706- P000714
2021-06-18	Notice of Entry of Decision and Order Denying Edgeworth's Motion for Order Releasing Client Funds and Requiring Production of Complete File	III	P000425- P000432
2021-05-20	Opposition to Edgeworths' Motion for Order Releasing Client Funds and Requiring Production of File	II	P000323- P000371
2019-01-11	Opposition to Plaintiffs' Motion for Release of Funds	I	P000071- P000089

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2018-12-13	Plaintiffs' Motion for an Order Directing Simon to Release Plaintiffs' Funds	I	P000029-P000070
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2019-01-28	Plaintiffs' Reply to Opposition to Plaintiffs' Motion for Release of Funds	I	P000090-P000123
2021-05-27	Recorder's Transcript of Pending Motions	II	P000394-P000422
	UNUSED BATES NUMBERS	I	P000011 – P000028

Daniel Simon

From: Daniel Simon
Sent: Friday, November 03, 2017 7:41 PM
To: Brian Edgeworth
Subject: Fwd: Notification of Service for Case: A-16-738444-C, Edgeworth Family Trust, Plaintiff(s)vs.Lange Plumbing, L.L.C., Defendant(s) for filing Service Only, Envelope Number: 1720911

Begin forwarded message:

From: "efilingmail@tylerhost.net" <efilingmail@tylerhost.net>
Date: November 3, 2017 at 4:24:28 PM PDT
To: Daniel Simon <dan@simonlawlv.com>
Subject: Notification of Service for Case: A-16-738444-C, Edgeworth Family Trust, Plaintiff(s)vs.Lange Plumbing, L.L.C., Defendant(s) for filing Service Only, Envelope Number: 1720911



Notification of Service

Case Number: A-16-738444-C
Case Style: Edgeworth Family Trust
Plaintiff(s)vs.Lange Plumbing, L.L.C.
Defendant(s)
Envelope Number: 1720911

This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

Filing Details	
Case Number	A-16-738444-C
Case Style	Edgeworth Family Trust, Plaintiff(s)vs.Lange Plumbing, L.L.C., Defendant(s)
Date/Time Submitted	11/3/2017 4:20 PM PST
Filing Type	Service Only
Filing Description	Correspondence to Discovery Commissioner Bulla regarding the 10.24.17 DCRR
Filed By	Daniel Simon
Service Contacts	Edgeworthy Family Trust: Daniel Simon (dan@danielsimonlaw.com)

Lange Plumbing, L.L.C.:

Eloisa Nunez (enunez@pnalaw.net)

Theodore Parker III (tparker@pnalaw.net)

Viking Corporation:

Seth Kerhsaw (kershaw@mmrs-law.com)

Evelyn Chun (chun@mmrs-law.com)

Kenton Robinson (robinson@mmrs-law.com)

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Gary Call (gcall@rlattorneys.com)

Giberti Construction Llc:

Michael Nunez (mnunez@murchisonlaw.com)

Tyler Ure (turre@murchisonlaw.com)

Nicole Garcia (ngarcia@murchisonlaw.com)

Other Service Contacts not associated with a party on the case:

"Janet Pancoast, Esq." . (janet.pancoast@zurichna.com)

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Daniel Simon . (lawyers@simonlawlv.com)

Jessica Rogers-Morrow . (jessica.rogers-morrow@zurichna.com)

Rhonda Onorato . (ronorato@rlattorneys.com)

Susan Carbone . (scarbone@rlattorneys.com)

Trina Hall . (trina.hall@zurichna.com)

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From: "efilingmail@tylerhost.net" <efilingmail@tylerhost.net>
Date: November 3, 2017 at 4:24:32 PM PDT
To: Daniel Simon <dan@simonlawlv.com>
Subject: Notification of Service for Case: A-16-738444-C, Edgeworth Family Trust, Plaintiff(s)vs.Lange Plumbing, L.L.C., Defendant(s) for filing Service Only, Envelope Number: 1720911



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Defendant(s)
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Case Style	Edgeworth Family Trust, Plaintiff(s)vs.Lange Plumbing, L.L.C., Defendant(s)
Date/Time Submitted	11/3/2017 4:20 PM PST
Filing Type	Service Only
Filing Description	Reply to Viking's Opposition to Plaintiffs' Motion to Reconsider Order Granting the Viking Defendants' Motions to Associate Counsel
Filed By	Daniel Simon
Service Contacts	Lange Plumbing, L.L.C.:
	Eloisa Nunez (enunez@pnalaw.net) Theodore Parker III (tparker@pnalaw.net)

Viking Corporation:

Seth Kerhsaw (kershaw@mmrs-law.com)

Evelyn Chun (chun@mmrs-law.com)

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Gary Call (gcall@rlattorneys.com)

Giberti Construction Llc:

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Tyler Ure (tire@murchisonlaw.com)

Nicole Garcia (ngarcia@murchisonlaw.com)

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Rhonda Onorato . (ronorato@rlattorneys.com)

Susan Carbone . (scarbone@rlattorneys.com)

Trina Hall . (trina.hall@zurichna.com)

Edgeworthy Family Trust:

Daniel Simon (dan@danielsimonlaw.com)

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Susan Carbone . (scarbone@rlattorneys.com)

Trina Hall . (trina.hall@zurichna.com)

Edgeworthy Family Trust:

Daniel Simon (dan@danielsimonlaw.com)

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Daniel Simon

From: Daniel Simon
Sent: Friday, November 03, 2017 7:40 PM
To: Brian Edgeworth
Subject: Fwd: Notification of Service for Case: A-16-738444-C, Edgeworth Family Trust, Plaintiff(s)vs.Lange Plumbing, L.L.C., Defendant(s) for filing Service Only, Envelope Number: 1721513

Begin forwarded message:

From: <efilingmail@tylerhost.net>
Date: November 3, 2017 at 5:45:29 PM PDT
To: <dan@danielsimonlaw.com>
Subject: Notification of Service for Case: A-16-738444-C, Edgeworth Family Trust, Plaintiff(s)vs.Lange Plumbing, L.L.C., Defendant(s) for filing Service Only, Envelope Number: 1721513



Notification of Service

Case Number: A-16-738444-C
Case Style: Edgeworth Family Trust
Plaintiff(s)vs.Lange Plumbing, L.L.C.
Defendant(s)
Envelope Number: 1721513

This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

Filing Details	
Case Number	A-16-738444-C
Case Style	Edgeworth Family Trust, Plaintiff(s)vs.Lange Plumbing, L.L.C., Defendant(s)
Date/Time Submitted	11/3/2017 5:41 PM PST
Filing Type	Service Only
Filing Description	Plaintiffs' Motion To Compel Viking Documents And For Order to Respond to Discovery On Order Shortening Time
Filed By	Daniel Simon
Service Contacts	Lange Plumbing, L.L.C.:
	Eloisa Nunez (enunez@pnalaw.net) Theodore Parker III (tparker@pnalaw.net)

Viking Corporation:

Seth Kerhsaw (kershaw@mmrs-law.com)

Evelyn Chun (chun@mmrs-law.com)

Kenton Robinson (robinson@mmrs-law.com)

Michael Nunez (mnunez@murchisonlaw.com)

Janet Pancoast (janet.pancoast@zurichna.com)

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Nicole Garcia (ngarcia@murchisonlaw.com)

Rimkus Consulting Group, Inc.:

Mariella Dumbrique (mdumbrique@blacklobello.law)

Maximiliano Couvillier, III (mcouvillier@blacklobello.law)

Other Service Contacts not associated with a party on the case:

"Janet Pancoast, Esq." . (janet.pancoast@zurichna.com)

Cisneros & Marias . (usz.lvccdc.e-filings@zurichna.com)

Daniel Simon . (lawyers@simonlawlv.com)

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Rhonda Onorato . (ronorato@rlattorneys.com)

Susan Carbone . (scarbone@rlattorneys.com)

	Trina Hall . (trina.hall@zurichna.com) Edgeworthy Family Trust: Daniel Simon (dan@danielsimonlaw.com)
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Document Details	
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Daniel Simon

From: Brian Edgeworth <brian@pediped.com>
Sent: Friday, November 03, 2017 2:56 PM
To: Ashley Ferrel; Daniel Simon
Subject: Insulation was installed day after Rough in.
Attachments: 3 Drop Ceilings on Defect Location.JPG

It pass final ceiling 4 days after (for the whole house)

Daniel Simon

From: Brian Edgeworth <brian@pediped.com>
Sent: Thursday, November 02, 2017 8:13 AM
To: Ashley Ferrel; Daniel Simon
Cc: 'Brian Edgeworth'
Subject: Carnahan's Exclusion (or Future Depo)

Here is what I found important in Carnahan's Depo. Let me know which ones really matter:

1. States two to three times that he likely could not tell the difference between creep that occurred just by force vs. just by heat with normal force vs. some combination of the two JUST BY LOOKING AT THE LINK.
 - a. States that he "knows" the creep he observed is from heat, ONLY BECAUSE of the experiments done at Viking on Load Creep. (because he cannot duplicate (in 30-40 attempts?) the same failures from load)).
2. Repeats numerous (too many to count) that all that matters is the UL Listed Load on Link of 12LBs and none of these could have been over 12LBs because his experiment demonstrates that. Never is asked to produce how he "knows" UL Listing is 12LBs. Knez at one point seems to imply LOL is VK456's LOL but drops that line of questioning at break (Jay interrupts constantly and demands breaks every hour).
3. States that the load on link experiments were designed by Viking. Dismissed all other tests that showed much higher loads. Dismissed 14LBs that he measured as "wrong" based on 2-4 similar turns he did that produced lower LOL. Outright dismisses the lever squeezing method as accurate.
4. Knez starts to info us that the VK456 link (the one with the 6.75LB MAXIMUM Load on Link) may actually be STRONGER than the VK457 link. Never follows up on all these questions.
5. Admits that we all know additional load was put on the links in some cases and we are only arguing about how much that could be.
6. Admits knowing and having read UL depositions but claims he does NOT agree the VK457 was never tested, just that no one can find the tests. (THAT PAGE I KEEP SENDING YOU COMPLETELY DISMISSES THAT CLAIM VIKUL00229). Knez starts to point that out but drops the line fast for some reason.
7. Argues that UL's Engineer that states in exhibit 2 (VKG-Carnahan 1495-6) VK457s with bent lever bars are NONCOMPLIANT does not mean noncompliant. Then he argues she is wrong and it is not Non-Compliant??
8. Admits that "all else being equal" other observed issues with the VK457 can all lead to creep failure.
 - a. Admits that voids are seen in the solder on the links and that can weaken the solder and allow creep to increase – but dismisses this as a cause because of his "experiments" on 40 links?
 - b. Admits that pressure on the water side can increase the load on link (does not expand on this much)
 - c. Admits that Load Screw increases Load on Link and varies among VK457 and that likely explains why some go off so quickly compared to others. But claims it never is above 12lbs.
9. Admits that he has no idea where the excessive heat he claims is obvious from the link occurred. Other than after it was produced.
10. Dismisses (but no reason offered and we do not have his rebuttal reports) that the 40-56 hours of heat treating the solder at 140-148F could start the creep process. (WHY would this be???)
11. Does not seem to have an answer and never asked Scott why Viking has a 130F label on the box is 100F is so critical.
12. Even though he admits that it requires "massive" water pressure to bend the lever bars (1000-1500 PSI) refuses to state that Scott's statement blaming water pressure in the warranty claim letters is not possible. Says he needs to do testing first. Refused to admit that 1000-1500 PSI would burst the 175PSI rated sprinkler pipes before bending the Lever Bars. Needs to do testing to eliminate other possibilities.
13. References a TX VK457 case he has worked on 2-3 times yet I do not see a TX case listed on our 170 list.
14. States that all activations he was aware of had attic exposure and he would be surprised to learn otherwise (viking's alleged FIRST activation in 2013 clearly states FIRST FLOOR VIKZ003731).

- a. While he will not answer questions without perfect information, he does not seem to need to rule out any variables in his testimony when it comes to HEAT, HEAT, HEAT. We could really destroy him on this.
 - i. He has no idea of how many have activated
 - ii. He has no idea of locations (other than one in UK and one in TX)
 - iii. He has no idea of location temperature
 - iv. He has no idea of the duration between install and failure nor manufacture and failure.
 - v. He has "been told" that all the materials on the VK457s he is testing now are the same as the ones that were failing (by the same people that have perjured themselves in this case).
- 15. Seems to be a conflict on activations we have been informed of. Viking has stated that there was ONLY one activation in 2013 and that was the RFS one (Irvine). Carnahan states several times that the first ones he worked on were in 2013 and it was the Imperial Valley Fire Department.
- 16. He might be a good witness on Scott's perjury. He states he worked with Geary on 5-10 activations, he later says McConnell later on 5-10 activations too. That is 10-20 activations. He details out in his notes in 2016, 42 activations in Knez's office. That ALONE in 2016 is 52-62 activations that Carnahan is aware of. In 2016. And he states that Scott came to the 3rd party lab meetings etc. We could make Carnahan count them all and then ask the exact questions you asked PMK and whether answering 46 would be a lie?

Daniel Simon

From: Brian Edgeworth <brian@pediped.com>
Sent: Wednesday, November 01, 2017 6:22 PM
To: Daniel Simon
Subject: Re: Viking BAKES the Soldered Links at 140-148F for 40-56 HOURS!!!!!!!

Yes. I never read it. Strange that they bake it to harden it.

Brian Edgeworth

On Nov 1, 2017, at 6:14 PM, Daniel Simon <dan@simonlawlv.com> wrote:

Did they ever produce this to us before

On Nov 1, 2017, at 5:35 PM, Brian Edgeworth <brian@pediped.com> wrote:

This is insane. That is more hours than the Government Temperature data shows exists above 110F for my house and more than it will show greater than 85F for the other Henderson house.

WTF? How does this not cause creep?

Why the huge range allowed too?

<VIK 000619 - VIK 000621 PNP Age Hardening of Soldered Elements, Doc 0906 20090514.pdf>

Daniel Simon

From: Daniel Simon
Sent: Wednesday, November 01, 2017 6:15 PM
To: Ashley Ferrel
Subject: Re: RE:
Attachments: IMG_3586.JPG

Yes

On Nov 1, 2017, at 5:22 PM, Ashley Ferrel <Ashley@SIMONLAWLV.COM> wrote:

This what you wanted?

From: Daniel Simon
Sent: Wednesday, November 01, 2017 4:43 PM
To: Ashley Ferrel
Subject: Fwd:

Can you take this pic and circle the link and write fusible link for exhibit to our reply

Begin forwarded message:

From: Brian Edgeworth <brian@pediped.com>
Date: November 1, 2017 at 2:59:54 PM PDT
To: <dan@simonlawlv.com>



Brian Edgeworth

<Fusible Link Pic.pdf>

Daniel Simon

From: Daniel Simon
Sent: Wednesday, November 01, 2017 6:15 PM
To: Brian Edgeworth
Subject: Re: Viking BAKES the Soldered Links at 140-148F for 40-56 HOURS!!!!!!

Did they ever produce this to us before

On Nov 1, 2017, at 5:35 PM, Brian Edgeworth <brian@pediped.com> wrote:

This is insane. That is more hours than the Government Temperature data shows exists above 110F for my house and more than it will show greater than 85F for the other Henderson house.

WTF? How does this not cause creep?

Why the huge range allowed too?

<VIK 000619 - VIK 000621 PNP Age Hardening of Soldered Elements, Doc 0906 20090514.pdf>

Daniel Simon

From: Brian Edgeworth <brian@pediped.com>
Sent: Wednesday, November 01, 2017 5:36 PM
To: Daniel Simon; Ashley Ferrel
Cc: 'Brian Edgeworth'
Subject: Viking BAKES the Soldered Links at 140-148F for 40-56 HOURS!!!!!!
Attachments: VIK 000619 - VIK 000621 PNP Age Hardening of Soldered Elements, Doc 0906 20090514.pdf

This is insane. That is more hours than the Government Temperature data shows exists above 110F for my house and more than it will show greater than 85F for the other Henderson house.

WTF? How does this not cause creep?

Why the huge range allowed too?

Daniel Simon

From: Brian Edgeworth <brian@pediped.com>
Sent: Wednesday, November 01, 2017 5:21 PM
To: Daniel Simon
Cc: Ashley Ferrel
Subject: RE: Activation Count Fraud

VKG-Carnahan 1296. He says he looked at one in Texas a couple years ago when asked where else in the USA other than CA?

I do not see Texas on the 170 list do you guys?

From: Daniel Simon [mailto:dan@simonlawlv.com]
Sent: Wednesday, November 01, 2017 4:32 PM
To: Brian Edgeworth <brian@pediped.com>
Subject: Re: Activation Count Fraud

Are these on the 170 they gave us

On Nov 1, 2017, at 3:49 PM, Brian Edgeworth <brian@pediped.com> wrote;

Viking's expert details 42 activations that he viewed at Knez's office. There are others that he viewed from being sent to Viking.

This was May of 2016. There were also site visits in these materials.

The lawyers appear to have been very active and present in all of this.

Is that enough to prove they were suborning perjury allowing the 46 Activations reported over a year after all this information was in their possession?

<Viking Expert List of Activations May 2016.pdf>

Daniel Simon

From: Brian Edgeworth <brian@pediped.com>
Sent: Wednesday, November 01, 2017 4:53 PM
To: Daniel Simon
Subject: RE: Activation Count Fraud

Not all of them. Just look at activation dates. 4, 22, 24 not there (23 is Henderson and we know they call that Activation 13 unknown date yet ...there it is on this list)

I would assume many of them are not on the 170 list and Jay has been retained for 5-10 cases of VK457 BEFORE Thorpe and FSS. That means JAY should know.

From: Daniel Simon [mailto:dan@simonlawlv.com]
Sent: Wednesday, November 01, 2017 4:32 PM
To: Brian Edgeworth <brian@pediped.com>
Subject: Re: Activation Count Fraud

Are these on the 170 they gave us

On Nov 1, 2017, at 3:49 PM, Brian Edgeworth <brian@pediped.com> wrote:

Viking's expert details 42 activations that he viewed at Knez's office. There are others that he view from being sent to Viking.

This was May of 2016. There were also site visits in these materials.

The lawyers appear to have been very active and present in all of this.

Is that enough to prove they were subjourning perjury allowing the 46 Activations reported over a year after all this information was in their possession?

<Viking Expert List of Activations May 2016.pdf>

Daniel Simon

From: Ashley Ferrel
Sent: Wednesday, November 01, 2017 4:44 PM
To: Daniel Simon
Subject: RE:

yes

From: Daniel Simon
Sent: Wednesday, November 01, 2017 4:43 PM
To: Ashley Ferrel
Subject: Fwd:

Can you take this pic and circle the link and write fusible link for exhibit to our reply

Begin forwarded message:

From: Brian Edgeworth <brian@pediped.com>
Date: November 1, 2017 at 2:59:54 PM PDT
To: <dan@simonlawlv.com>



Brian Edgeworth

Daniel Simon

From: Daniel Simon
Sent: Wednesday, November 01, 2017 4:43 PM
To: Ashley Ferrel
Subject: Fwd:
Attachments: IMG_3586.JPG

Can you take this pic and circle the link and write fusible link for exhibit to our reply

Begin forwarded message:

From: Brian Edgeworth <brian@pediped.com>
Date: November 1, 2017 at 2:59:54 PM PDT
To: <dan@simonlawlv.com>



Brian Edgeworth

Daniel Simon

From: Daniel Simon
Sent: Wednesday, November 01, 2017 4:32 PM
To: Brian Edgeworth
Subject: Re: Activation Count Fraud

Are these on the 170 they gave us

On Nov 1, 2017, at 3:49 PM, Brian Edgeworth <brian@pediped.com> wrote:

Viking's expert details 42 activations that he viewed at Knez's office. There are others that he view from being sent to Viking.

This was May of 2016. There were also site visits in these materials.

The lawyers appear to have been very active and present in all of this.

Is that enough to prove they were subjourning perjury allowing the 46 Activations reported over a year after all this information was in their possession?

<Viking Expert List of Activations May 2016.pdf>

Daniel Simon

From: Brian Edgeworth <brian@pediped.com>
Sent: Wednesday, November 01, 2017 3:49 PM
To: Daniel Simon; Ashley Ferrel
Subject: Activation Count Fraud
Attachments: Viking Expert List of Activations May 2016.pdf

Viking's expert details 42 activations that he viewed at Knez's office. There are others that he view from being sent to Viking.

This was May of 2016. There were also site visits in these materials.

The lawyers appear to have been very active and present in all of this.

Is that enough to prove they were subjourning perjury allowing the 46 Activations reported over a year after all this information was in their possession?

Daniel Simon

From: Brian Edgeworth <brian@pediped.com>
Sent: Wednesday, November 01, 2017 3:07 PM
To: Ashley Ferrel; Daniel Simon
Subject: UL Cast of Names

The email is From Jill Lively of UL labs (a Sr Engineering Associate) to Adam J Burns of UL (a lead market surveillance engineer)

Daniel Simon

From: Brian Edgeworth <brian@pediped.com>
Sent: Wednesday, November 01, 2017 3:03 PM
To: Ashley Ferrel; Daniel Simon
Cc: 'Brian Edgeworth'
Subject: UL Letter stating that bent lever bars are NON COMPLIANT
Attachments: 2587_001.pdf

Do we have this? This would seem to indicate that UL has already said all these failed sprinklers are not compliant with the UL Listing back in Jan 2017.

Daniel Simon

From: Brian Edgeworth <brian@pediped.com>
Sent: Wednesday, November 01, 2017 3:00 PM
To: Daniel Simon
Attachments: IMG_3586.JPG; ATT00001.txt

Daniel Simon

From: Daniel Simon
Sent: Wednesday, November 01, 2017 11:58 AM
To: Brian Edgeworth (brian@pediped.com)
Subject: FW: Carnahan Report and Depo Transcript in Thopre (attached separately)
Attachments: Carnahan Report in Thorpe.pdf; Carnahan Deposition in Thorpe (w. Exhibits).pdf

From: Ashley Ferrel
Sent: Tuesday, October 31, 2017 1:39 PM
To: Daniel Simon <dan@simonlawlv.com>
Subject: Carnahan Report and Depo Transcript in Thopre (attached separately)

The first email I sent had it all as one document. Here is the report separate in one PDF and the Deposition in a second PDF.

Saved in WPDocs/Edgeworth/ Carnahan Documents from FSS and Thopre

Ashley M. Ferrel, Esq.

Simon Law

810 S. Casino Center Blvd.
Las Vegas, NV 89101
Phone (702) 364-1650
Facsimile (702) 364-1655

EXHIBIT D

**Sample Email With Corresponding
Attachment Included**

LODS017583—86

Daniel Simon

From: Eloisa Nunez <ENunez@pnalaw.net>
Sent: Wednesday, November 29, 2017 11:58 AM
To: Daniel Simon; janet.pancoast@zurichna.com
Cc: Teddy Parker
Subject: Edgeworth Family Trust, et al. v. Lange Plumbing, LLC, et al. / Case No.: A-16-738444-C
Attachments: Simon.Pancoast 11.29.17.pdf

Please see attached correspondence dated November 29, 2017 from Mr. Parker regarding the above-referenced matter. Should you have any questions, please feel free to contact our office.

Thank you,



Eloisa Nuñez
Legal Assistant to Theodore Parker, III, Esq.
and Shana D. Weir, Esq.
2460 Professional Court, Suite 200
Las Vegas, Nevada 89128
Direct No. (702) 868-8014
Main No. (702) 868-8000
Fax No. (702) 868-8001
Email: enunez@pnalaw.net
www.pnalaw.net

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Theodore Parker III
tparker@pnalaw.net
Admitted in Nevada & South Carolina

Todd N. Nelson
1965-2003



Jacqueline Dixon Phillips
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Admitted in South Carolina

Casey D. Gish
Of Counsel
cgish@pnalaw.net
Admitted in Nevada & California

Jay T. Hopkins
jthopkins@pnalaw.net
Admitted in Nevada & California

November 29, 2017

VIA E-MAIL:

dan@danielsimonlaw.com

Daniel S. Simon, Esq.
SIMON LAW
810 S. Casino Center Boulevard
Las Vegas, NV 89101

VIA E-MAIL:

janet.pancoast@zurichna.com

Janet C. Pancoast, Esq.
CISNEROS & MARIAS
1160 N. Town Center Drive, Suite 130
Las Vegas, NV 89144

**RE: Edgeworth Family Trust, et al. v. Lange Plumbing, LLC, et al.
Case No.: A-16-738444-C**

Dear Counsel:

Please allow this correspondence to confirm our rather lengthy conversation of November 27, 2017. This correspondence also memorializes the conference call we participated in with Judge Jones' Law Clerk, Sarah White.

Pursuant to our conversation, Plaintiffs' expert depositions currently scheduled have been vacated. These depositions were set by The Viking Defendants. Moreover, these depositions were set by The Viking Defendants in cooperation with my office, relative to the deposition times to be taken as well as the dates for those depositions. Collectively, we have agreed to vacate these depositions and depending on the results of the settlement discussions between Plaintiffs and The Viking Defendants, these depositions will either be re-noticed by The Viking Defendants or by my office. As discussed, we intend to take all of Plaintiffs' experts' depositions. It is my understanding that Plaintiffs at this time have no interest in taking the depositions of Lange Plumbing's experts. Please be advised however that The Viking Defendants intended to take Lange Plumbing's experts' depositions if they were unable to resolve their claims with the Plaintiffs. With regards to rescheduling the depositions of Plaintiffs' experts, Mr. Simon has agreed to provide available dates so these depositions can be re-noticed.

Additionally, the currently scheduled deadlines for dispositive motions and motions in limine are based on the close of discovery of December 1, 2017, with the last day to file dispositive motions being December 11, 2017. Given the status of the settlement discussions between Plaintiffs and The Viking Defendants, it is my belief that we have agreed that the dispositive motion date, as well as the motion in limine date should be adjusted. Additionally, Mr. Simon pointed out that if Plaintiffs

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211 King Street, Suite 107 | Charleston, SC 29401

LODS017584

SIMONE#0004553

P000654

Counsel
November 29, 2017
Page 2

go forward against Lange Plumbing, its case will be different than the case it intended to pursue against The Viking Defendants and Lange Plumbing.

Plaintiffs' counsel requested that its current motion for summary judgment against Lange Plumbing be continued. Plaintiffs asked that Lange Plumbing agree to vacate the current hearing for December 7, 2017 and further asked for additional time to prepare its supplemental brief in support of its motion for summary judgment as well as its opposition to Lange Plumbing's countermotion for summary judgment. Based upon Mr. Simon's request, we contacted the Court and were able to schedule the hearing on Plaintiffs' Motion for Summary Judgment on January 9, 2017. Plaintiffs' responsive brief is now due December 15, 2017. Lange Plumbing's reply in support of its countermotion for summary judgment is due December 28, 2017.

The evidentiary hearing scheduled to take place between December 13, 2017 and December 15, 2017, is still on calendar. Mr. Simon indicated that Plaintiffs and The Viking Defendants are still working towards resolving their differences and should know better whether or not the hearing will be necessary shortly.

Based on the continuance of the expert depositions, the pending motion for summary judgment, as well as the pending settlement negotiations, it is suggested that the parties agree to extend the filing of dispositive motions until December 29, 2017 and that the deadline to file motions in limine be continued until January 29, 2018. It was further suggested that we ask the Court that this trial not go forward on February 5, 2018 to allow for the completion of discovery, the completion of the hearing of the motion for summary judgment, and if necessary, a finalization of the settlement agreements between Plaintiffs and The Viking Defendants.

I look forward to receiving from Mr. Simon proposed dates for each of his experts, which would include the following:

1. John Olivas;
2. Kevin Hastings;
3. Gerald Zamiski;
4. Crane Pomerantz;
5. Brian Garelli; and
6. Don Koch.

I look forward to receiving available dates for each of these experts. Thereafter we will send out notices of depositions for each. During our conversation Mr. Simon indicated that several of these experts will not provide any testimony relative to Plaintiffs' claims against Lange Plumbing. Please identify which experts will not provide testimony at the time of trial and/or will not provide testimony relative to Plaintiffs' claims against Lange Plumbing.

Counsel
November 29, 2017
Page 3

If the above does not accurately reflect your understanding of our conversation, please notify me immediately. Otherwise, I would ask that you each agree to an extension of the dispositive motion deadline as well as the timing for the filing of the motions in limine.

Thank you again for your cooperation and assistance in this matter.

Sincerely,

PARKER NELSON & ASSOCIATES, CHTD.



Theodore Parker, III, Esq.

TP/en

EXHIBIT E

12/12/17 Received from Sender

From: Janet Pancoast
To: Daniel Simon (dan@simonlawlv.com); Henriod, Joel D. (JHenriod@lrrc.com)
Cc: Jessica Rogers
Subject: Edgeworth - Checks -
Date: Tuesday, December 12, 2017 11:51:13 AM
Attachments: 201712121048.pdf
SPT 171212 Edgeworth SAO to Dismiss - Plaintiff.pdf

Danny –

I was using the Plaintiff's release to prepare a release for Giberti and came across the provision that required "certified checks." I was not aware of that provision and neither was the claims representative. I have the checks (attached) and am willing to give them to you in exchange for the signed stipulation for dismissal. However, there multiple parties that will delay the final entry of a joint stipulation for dismissal. Hence, to give me sufficient comfort level to release these checks, I request that you sign the attached stipulation for dismissal which is *only* for Plaintiff's claims against the Viking entities. Additionally, I ask that you sign the Stipulation for a Global Dismissal I emailed earlier. That way, I can file the dismissal with the Plaintiffs now and release the checks so that you can get the check in the bank and they can be cleared by 12/21/17. Getting the checks re-issued will take longer and the claims representative is not even sure if he can issue a certified check.

Hence, if you want to pick up these checks. Please sign **both** stipulations. Thanks.

Janet C. Pancoast, Esq.

CISNEROS & MARIAS

(Not a Partnership – Employee of Zurich American Insurance Company)

1160 No. Town Center Dr., Suite 130

Las Vegas, NV 89144

Off: 702.233.9660

Dir: 702.562.7616

Cell: 702.325.7876

Fax: 702.233.9665

janet.pancoast@zurichna.com

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2 JANET C. PANCOAST, ESQ.
3 Nevada Bar No. 5090
4 CISNEROS & MARIAS
5 1160 N. Town Center Dr., Suite 130
6 Las Vegas, NV 89144
7 Tel: (702) 233-9660
8 Fax: (702) 233-9665
9 janet.pancoast@zurichna.com
10 *in Association with*
11
12 S. Seth Kershaw, Esq.
13 State Bar No. 10639
14 MEYERS MCCONNELL REISZ SIDERMAN P.C.
15 11620 Wilshire Blvd., Suite 800
16 Los Angeles, CA 90025
17 Tel: 1-310-312-0772
18 Fax: 1-310-312-0656
19 kershaw@mmls-law.com
20
21 Attorneys for Defendant/Cross-Defendant
22 Cross-Claimant/Third Party Plaintiffs
23 The Viking Corporation & Supply Network, Inc.
24 d/b/a Viking Supplynet
25

16 **DISTRICT COURT**

17 **CLARK COUNTY, NEVADA**

18	EDGEWORTH FAMILY TRUST, and	)	CASE NO.: A-16-738444-C
19	AMERICAN GRATING, LLC)	
20	Plaintiffs,	)	DEPT. NO.: X
21	vs.)	
22	LANGE PLUMBING, LLC; THE VIKING)	
23	CORPORATION, a Michigan corporation;	)	STIPULATION FOR DISMISSAL
24	SUPPLY NETWORK, INC. d/b/a VIKING	)	WITH PREJUDICE OF PLAINTIFFS
25	SUPPLYNET, a Michigan corporation; and	)	CLAIMS AGAINST VIKING
26	DOES I through V and ROE CORPORATIONS	)	ENTITIES
27	VI through X, inclusive,)	
28	Defendants.)	

26 *Edge worth Family Trust v. Lange Plumbing, LLC, et. al.* Case No. A-16-738444-
27 Stipulation and Order for Dismissal of Viking Entities by Plaintiffs

1	LANGE PLUMBING, LLC,)
	Cross-Claimant,)
2)
	vs.)
3)
	THE VIKING CORPORATION, a Michigan)
4	corporation; SUPPLY NETWORK, INC. d/b/a)
	VIKING SUPPLYNET, a Michigan corporation;)
5	and DOES I through V and ROE)
	CORPORATIONS VI through X, inclusive.)
6	Cross-Defendants)
7	<hr/>	
	THE VIKING CORPORATION, a Michigan)
8	corporation; SUPPLY NETWORK, INC. d/b/a)
	VIKING SUPPLYNET, a Michigan corporation)
9	LANGE PLUMBING, LLC,)
	Counter-Claimant,)
10)
	vs.)
11)
	LANGE PLUMBING, LLC, and DOES I through)
12	V and ROE CORPORATIONS VI through X,)
	inclusive.)
13	Counter-Defendant)
14	<hr/>	
	THE VIKING CORPORATION, a Michigan)
15	corporation; SUPPLY NETWORK, INC. d/b/a)
	VIKING SUPPLYNET, a Michigan corporation,)
16	Defendants/Third Party Plaintiffs,)
17)
	v.)
18)
	GIBERTI CONSTRUCTION, LLC, a Nevada)
19	Limited Liability Company and DOES I through)
	V and ROE CORPORATIONS VI through X,)
20	inclusive,)
	Third Party Defendant.)
21	<hr/>	

22
23
24
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Edge worth Family Trust v. Lange Plumbing, LLC, et. al. Case No. A-16-738444-
Stipulation and Order for Dismissal of Viking Entities by Plaintiffs

1	GIBERTI CONSTRUCTION, LLC, a Nevada)
	Limited Liability Company,)
2)
	Counter-Claimant)
3)
	v.)
4)
	THE VIKING CORPORATION, a Michigan)
5	corporation; SUPPLY NETWORK, INC. d/b/a)
	VIKING SUPPLYNET, a Michigan corporation,)
6)
	Counter-Defendant.)
7)
8	GIBERTI CONSTRUCTION, LLC, a Nevada)
	Limited Liability Company,)
9)
	Cross-Claimant)
10)
	v.)
11)
	LANGE PLUMBING, LLC, and DOES I through)
12	V and ROE CORPORATIONS VI through X,)
	inclusive.)
13)
	Cross-Defendant.)
14)

15 COMES NOW, PLAINTIFFS EDGEWORTH FAMILY TRUST & AMERICAN

16 GRATING, LLC by and through their attorney of record Daniel Simon, Esq. of SIMON LAW;

17 DEFENDANTS/CROSS-DEFENDANTS/CROSS-CLAIMANTS THE VIKING CORPORATION

18 & SUPPLY NETWORK, INC. d/b/a VIKING SUPPLYNET by and through their attorney of record,

19 Janet C. Pancoast, Esq. of the law firm of CISNEROS & MARIAS, in association with counsel of

20 MEYERS MCCONNELL REISZ SIDERMAN P.C. and LEWIS ROCA ROTHGERBER

21 CHRISTIE, LLP; hereby stipulate that:

22

23 All claims asserted in any and all Complaints filed herein by PLAINTIFFS EDGEWORTH

24 FAMILY TRUST & AMERICAN GRATING, LLC and each and every cause of action alleged

25

26 *Edge worth Family Trust v. Lange Plumbing, LLC, et. al.* Case No. A-16-738444-

27 Stipulation and Order for Dismissal of Viking Entities by Plaintiffs

28

3 of 5

1 therein against THE VIKING CORPORATION & SUPPLY NETWORK, INC. d/b/a VIKING
2 SUPPLYNET and VIKING GROUP, shall be dismissed with prejudice.

3 Each party shall bear their own fees and costs.

4 Dated this ____ day of December, 2017.

Dated this ____ day of December, 2017.

5 SIMON LAW

CISNEROS & MARIAS

6
7 Daniel S. Simon, Esq.
8 810 South Casino Center Blvd.
9 Las Vegas, NV 89101
Attorney for Plaintiff

Janet C. Pancoast, Esq.
1160 Town Center Drive, Suite 130
Las Vegas, Nevada 89144

In Association with and with the agreement of
MEYERS REISZ SIDERMAN P.C. &
LEWIS ROCA ROTHGERBER CHRISTIE,
LLP
Attorneys for Viking Defendants

13 **ORDER**

14 Based on the Stipulation of the parties and good cause appearing, it is:

15
16 HEREBY ORDERED that all claims asserted in any and all Complaints filed herein by
17 PLAINTIFFS EDGEWORTH FAMILY TRUST & AMERICAN GRATING, LLC and each and
18 every cause of action alleged therein against THE VIKING CORPORATION & SUPPLY
19 NETWORK, INC. d/b/a VIKING SUPPLYNET and VIKING GROUP, shall be dismissed with
20 prejudice. Each party shall bear their own fees and costs.

21 Dated this ____ day of _____, 2017

22
23
24 _____
DISTRICT COURT JUDGE

25 //

26 ***Edge worth Family Trust v. Lange Plumbing, LLC, et. al.*** Case No. A-16-738444-
27 Stipulation and Order for Dismissal of Viking Entities by Plaintiffs

Submitted by:
CISNEROS & MARIAS

BY: Janet C. Pancoast, Esq.
1160 N. Town Center Drive, Suite 130
Las Vegas, NV 89144
Attorneys for Viking Defendants

Edge worth Family Trust v. Lange Plumbing, LLC, et. al. Case No. A-16-738444-
Stipulation and Order for Dismissal of Viking Entities by Plaintiffs

Viking Corporation

\$ 5,711,428.00

VALID

PAY

KD

AMOUNT

TAX ID

880354871

UBRGP

60 CLM

\$5,711,428.00

NON-NEGOTIABLE

THIS IS NOT A NEGOTIABLE INSTRUMENT

ZURICH AMERICAN INSURANCE COMPANY

P O BOX 66946 CHICAGO, IL 60666-6946

56-1544
441

NO. 299 0007622

CLAIM NO. 9260157452 -001

EXACTLY \$5,711,428**** DOLLARS AND 00**CENTS

CLAIM HANDLING OFFICE NO. 26

VOID AFTER 180 DAYS

PAY TO THE
ORDER OF

Edgeworth Family Trust and its Trustees Brian
Edgeworth & Angela Edgeworth; American Grating, LLC;
and the Law Office of Daniel Simon.

DATE	AMOUNT
12/8/2017	\$5,711,428.00

TO: JPMORGAN CHASE BANK, N.A.
COLUMBUS, OH

Christopher R. Harris
Shylo Harris

⑈ 2990007622⑈ ⑆044115443⑆

528291201⑈

P000664

THE VIKING CORPORATION

\$ 288,572.00

VALID PAY KD AMOUNT
PRDPD 60 CLM \$288,572.00

TAX ID 880354871

THIS IS NOT A NEGOTIABLE INSTRUMENT

NON-NEGOTIABLE

ZURICH AMERICAN INSURANCE COMPANY

P.O. BOX 66946 CHICAGO, IL 60666-6946

56-1544
441

NO. 299 0007621

CLAIM NO. 9620221400-001

EXACTLY \$288,572**** DOLLARS AND 00**CENTS

CLAIM HANDLING OFFICE NO. 26

VOID AFTER 180 DAYS

PAY TO THE ORDER OF Edgeworth Family Trust and its Trustees Brian
Edgeworth & Angela Edgeworth; American Grating, LLC;
and the Law Office of Daniel Simon.

DATE	AMOUNT
12/8/2017	\$288,572.00

TO: JPMORGAN CHASE BANK, N.A.
COLUMBUS, OH

Christine K
Edgeworth

⑈ 2990007621 ⑈ ⑆044115443⑆

528291201⑈

P000665

EXHIBIT F

**12/12/17 email from file produced by
Simon with Bates No. LODS017566, and
different version of attachments located
elsewhere in produced file with Bates Nos.
LOD031032-36 and LODS038159-60**

Daniel Simon

From: Janet Pancoast <janet.pancoast@zurichna.com>
Sent: Tuesday, December 12, 2017 11:51 AM
To: Daniel Simon; Henriod, Joel D. (JHenriod@lrrc.com)
Cc: Jessica Rogers
Subject: Edgeworth - Checks -
Attachments: 201712121048.pdf; SPT 171212 Edgeworth SAO to Dismiss - Plaintiff.pdf

Danny –

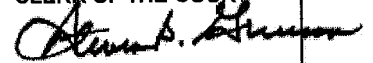
I was using the Plaintiff's release to prepare a release for Giberti and came across the provision that required "certified checks." I was not aware of that provision and neither was the claims representative. I have the checks (attached) and am willing to give them to you in exchange for the signed stipulation for dismissal. However, there multiple parties that will delay the final entry of a joint stipulation for dismissal. Hence, to give me sufficient comfort level to release these checks, I request that you sign the attached stipulation for dismissal which is *only* for Plaintiff's claims against the Viking entities. Additionally, I ask that you sign the Stipulation for a Global Dismissal I emailed earlier. That way, I can file the dismissal with the Plaintiffs now and release the checks so that you can get the check in the bank and they can be cleared by 12/21/17. Getting the checks re-issued will take longer and the claims representative is not even sure if he can issue a certified check.

Hence, if you want to pick up these checks. Please sign both stipulations. Thanks.

Janet C. Pancoast, Esq.
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(Not a Partnership – Employee of Zurich American Insurance Company)
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Las Vegas, NV 89144
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Cell: 702.325.7876
Fax: 702.233.9665
janet.pancoast@zurichna.com

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6 Las Vegas, NV 89144
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8 Fax: (702) 233-9665
9 janet.pancoast@zurichna.com
10 *in Association with*
11 S. Seth Kershaw, Esq.
12 State Bar No. 10639
13 MEYERS MCCONNELL REISZ SIDERMAN P.C.
14 11620 Wilshire Blvd., Suite 800
15 Los Angeles, CA 90025
16 Tel: 1-310-312-0772
17 Fax: 1-310-312-0656
18 kershaw@mmrs-law.com
19 Attorneys for Defendant/Cross-Defendant
20 Cross-Claimant/Third Party Plaintiffs
21 The Viking Corporation & Supply Network, Inc.
22 d/b/a Viking Supplynet

15 DISTRICT COURT

16 CLARK COUNTY, NEVADA

18 EDGEWORTH FAMILY TRUST, and	)	CASE NO.: A-16-738444-C
19 AMERICAN GRATING, LLC)	
20 Plaintiffs,	)	DEPT. NO.: X
21 vs.)	
22 LANGE PLUMBING, LLC; THE VIKING)	
23 CORPORATION, a Michigan corporation;)	
24 SUPPLY NETWORK, INC. d/b/a VIKING	)	STIPULATION FOR DISMISSAL
25 SUPPLYNET, a Michigan corporation; and	)	WITH PREJUDICE OF PLAINTIFFS
DOES I through V and ROE CORPORATIONS	)	CLAIMS AGAINST VIKING
VI through X, inclusive,	)	ENTITIES
Defendants.)	

26 *Edge worth Family Trust v. Lange Plumbing, LLC, et. al. Case No. A-16-738444-*
27 *Stipulation and Order for Dismissal of Viking Entities by Plaintiffs*

1	LANGE PLUMBING, LLC,)
	Cross-Claimant,)
2)
	vs.)
3)
4	THE VIKING CORPORATION, a Michigan)
	corporation; SUPPLY NETWORK, INC. d/b/a)
5	VIKING SUPPLYNET, a Michigan corporation;)
	and DOES I through V and ROE)
6	CORPORATIONS VI through X, inclusive.)
	Cross-Defendants)
7	<hr/>	
8	THE VIKING CORPORATION, a Michigan)
	corporation; SUPPLY NETWORK, INC. d/b/a)
9	VIKING SUPPLYNET, a Michigan corporation)
	LANGE PLUMBING, LLC,)
10	Counter-Claimant,)
)
11	vs.)
12	LANGE PLUMBING, LLC, and DOES I through)
	V and ROE CORPORATIONS VI through X,)
13	inclusive.)
	Counter-Defendant)
14	<hr/>	
15	THE VIKING CORPORATION, a Michigan)
	corporation; SUPPLY NETWORK, INC. d/b/a)
16	VIKING SUPPLYNET, a Michigan corporation,)
	Defendants/Third Party Plaintiffs,)
17)
	v.)
18	GIBERTI CONSTRUCTION, LLC, a Nevada)
19	Limited Liability Company and DOES I through)
20	V and ROE CORPORATIONS VI through X,)
	inclusive,)
	Third Party Defendant.)

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Edge worth Family Trust v. Lange Plumbing, LLC, et. al. Case No. A-16-738444-
Stipulation and Order for Dismissal of Viking Entities by Plaintiffs

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1 GIBERTI CONSTRUCTION, LLC, a Nevada
2 Limited Liability Company,

3 Counter-Claimant

4 v.

5 THE VIKING CORPORATION, a Michigan
6 corporation; SUPPLY NETWORK, INC. d/b/a
7 VIKING SUPPLYNET, a Michigan corporation,

8 Counter-Defendant.

9 GIBERTI CONSTRUCTION, LLC, a Nevada
10 Limited Liability Company,

11 Cross-Claimant

12 v.

13 LANGE PLUMBING, LLC, and DOES I through
14 V and ROE CORPORATIONS VI through X,
15 inclusive.

16 Cross-Defendant.

17 COMES NOW, PLAINTIFFS EDGEWORTH FAMILY TRUST & AMERICAN
18 GRATING, LLC by and through their attorney of record Daniel Simon, Esq. of SIMON LAW;
19 DEFENDANTS/CROSS-DEFENDANTS/CROSS-CLAIMANTS THE VIKING CORPORATION
20 & SUPPLY NETWORK, INC. d/b/a VIKING SUPPLYNET by and through their attorney of record,
21 Janet C. Pancoast, Esq. of the law firm of CISNEROS & MARIAS, in association with counsel of
22 MEYERS MCCONNELL REISZ SIDERMAN P.C. and LEWIS ROCA ROTHGERBER
23 CHRISTIE, LLP; hereby stipulate that:

24 All claims asserted in any and all Complaints filed herein by PLAINTIFFS EDGEWORTH
25 FAMILY TRUST & AMERICAN GRATING, LLC and each and every cause of action alleged

26 *Edge worth Family Trust v. Lange Plumbing, LLC, et. al.* Case No. A-16-738444-
27 Stipulation and Order for Dismissal of Viking Entities by Plaintiffs

1 therein against THE VIKING CORPORATION & SUPPLY NETWORK, INC. d/b/a VIKING
2 SUPPLYNET and VIKING GROUP, shall be dismissed with prejudice.

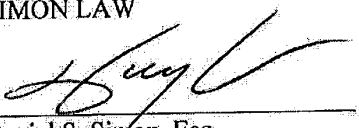
3 Each party shall bear their own fees and costs.

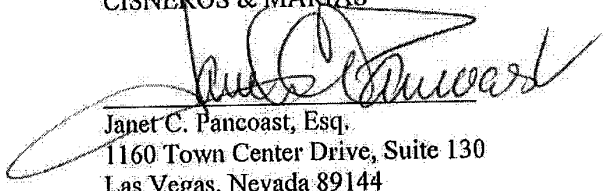
4 Dated this 18th day of December, 2017.

Dated this 18th day of December, 2017.

5 SIMON LAW

CISNEROS & MARIAS

6
7 
8 Daniel S. Simon, Esq.
9 810 South Casino Center Blvd.
10 Las Vegas, NV 89101
11 Attorney for Plaintiff

12 
13 Janet C. Pancoast, Esq.
14 1160 Town Center Drive, Suite 130
15 Las Vegas, Nevada 89144

16 *In Association with and with the agreement of*
17 MEYERS REISZ SIDERMAN P.C. &
18 LEWIS ROCA ROTHGERBER CHRISTIE,
19 LLP
20 *Attorneys for Viking Defendants*

21 **ORDER**

22 Based on the Stipulation of the parties and good cause appearing, it is:

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HEREBY ORDERED that all claims asserted in any and all Complaints filed herein by
PLAINTIFFS EDGEWORTH FAMILY TRUST & AMERICAN GRATING, LLC and each and
every cause of action alleged therein against THE VIKING CORPORATION & SUPPLY
NETWORK, INC. d/b/a VIKING SUPPLYNET and VIKING GROUP, shall be dismissed with
prejudice. Each party shall bear their own fees and costs.

21 Dated this 27 day of December, 2017

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DISTRICT COURT JUDGE JD

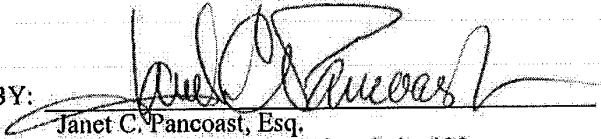
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26 *Edge worth Family Trust v. Lange Plumbing, LLC, et. al. Case No. A-16-738444-*
27 *Stipulation and Order for Dismissal of Viking Entities by Plaintiffs*

Submitted by:

CISNEROS & MARIAS

BY:


Janet C. Pancoast, Esq.
1160 N. Town Center Drive, Suite 130
Las Vegas, NV 89144
Attorneys for Viking Defendants

Edge worth Family Trust v. Lange Plumbing, LLC, et. al. Case No. A-16-738444-
Stipulation and Order for Dismissal of Viking Entities by Plaintiffs

C1-10269-I (07/16)

ZURICH AMERICAN INSURANCE COMPANY

P.O. BOX 66946 CHICAGO, IL 60686-6946

CLAIM NO.-SUB NO.	DATE ISSUED	ISSUING OFFICE	
9620221400-001	12/8/2017	HO	
POLICY NO.	DATE OF LOSS	ISSUED BY	PAYMENT SERVICE DATES
GLO-8250029-04	4/9/2016	8X	
INSURED			
The Viking Corporation			

NATURE OF PAYMENT

NO. 299 0007621

Settlement of all Fire sprinkler related
claims

\$ 288,572.00

VALID	PAY	KD	AMOUNT
<u>PRDPD</u>	60	CLM	\$288,572.00
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

TAX ID 880354871

NON-NEGOTIABLE

THIS IS NOT A NEGOTIABLE INSTRUMENT

ZURICH AMERICAN INSURANCE COMPANY

P.O. BOX 66946 CHICAGO, IL 60686-6946

56-1544
441

NO. 299 0007621

CLAIM NO. 9620221400-001

CLAIM HANDLING OFFICE NO. 26

EXACTLY \$288,572**** DOLLARS AND 00**CENTS

VOID AFTER 180 DAYS

PAY TO THE
ORDER OF Edgeworth Family Trust and its Trustees Brian
Edgeworth & Angela Edgeworth; American Grating, LLC;
and the Law Office of Daniel Simon.

DATE	AMOUNT
12/8/2017	\$288,572.00

TO: JPMORGAN CHASE BANK, N.A.
COLUMBUS, OH

Christine K
CM Fitz

⑈ 2990007621⑈ ⑆044115443⑆ 528291201⑈

L0DS038159

P000673

C1-10269-I (07/16)

ZURICH AMERICAN INSURANCE COMPANY

P.O. BOX 66946 CHICAGO, IL 60666-6946

CLAIM NO.-SUB NO. 9260157452 -001	DATE ISSUED 12/8/2017	ISSUING OFFICE HO	
POLICY NO. AUC-0144193-00	DATE OF LOSS 1/1/2016	ISSUED BY 8X	PAYMENT SERVICE DATES
INSURED Viking Corporation			

NATURE OF PAYMENT

NO. 299 0007622

Settlement of all Fire sprinkler related claims

\$ 5,711,428.00

TAX ID 880354871

VALID	PAY	KD	AMOUNT
<u>UBRGP</u>	<u>60</u>	<u>CLM</u>	<u>\$5,711,428.00</u>

NON-NEGOTIABLE**THIS IS NOT A NEGOTIABLE INSTRUMENT****ZURICH AMERICAN INSURANCE COMPANY**

P.O. BOX 66946 CHICAGO, IL 60666-6946

56-1544
441**NO. 299 0007622**

CLAIM NO. 9260157452 -001

CLAIM HANDLING OFFICE NO. 26

EXACTLY \$5,711,428**** DOLLARS AND 00**CENTS

VOID AFTER 180 DAYS

PAY TO THE
ORDER OF **Edgeworth Family Trust and its Trustees Brian
Edgeworth & Angela Edgworth; American Grating, LLC;
and the Law Office of Daniel Simon.**

DATE	AMOUNT
12/8/2017	\$5,711,428.00

TO: JPMORGAN CHASE BANK, N.A.
COLUMBUS, OH

Christina K.
Shylo Harris

⑈ 2990007622⑈ ⑆044115443⑆ 528291201⑈

LODS038160

P000674

EXHIBIT G

**12/16/17 Email from Pancoast with
Attachment
(from sender's file)**

From: Janet Pancoast
To: Daniel Simon (dan@simonlawlv.com)
Cc: Jessica Rogers; Floyd A. Hale
Subject: FW: Edgeworth v Viking and Lange Plumbing - Response to Mediator's Proposal
Date: Thursday, November 16, 2017 5:46:52 PM
Attachments: MED 171115 Edgeworth EMLtr Hale Accepting Mediator's Proposal.pdf

Danny -

Floyd asked me to send you a copy of Viking's letter regarding the mediator's proposal response. Here it is.

Janet C. Pancoast, Esq.
Dir: 702.562.7616
Cell: 702.325.7876

-----Original Message-----

From: Janet Pancoast
Sent: Wednesday, November 15, 2017 12:02 PM
To: 'Floyd A. Hale'
Cc: Robert Paine; Debbie Holloman (DHolloman@jamsadr.com); mcconnell@mmrs-law.com; robinson (robinson@mmrs-law.com); Jessica Rogers; Eva Cisneros
Subject: Edgeworth v Viking and Lange Plumbing - Response to Mediator's Proposal

Floyd -

Please find attached Viking's response to your mediator's proposal.

Janet C. Pancoast, Esq.
CISNEROS & MARIAS
(Not a Partnership – Employee of Zurich American Insurance Company)
1160 No. Town Center Dr., Suite 130
Las Vegas, NV 89144
Off: 702.233.9660
Dir: 702.562.7616
Cell: 702.325.7876
Fax: 702.233.9665
janet.pancoast@zurichna.com

***** PLEASE NOTE *****

This message, along with any attachments, is for the designated recipient(s) only and may contain privileged, proprietary, or otherwise confidential information. If this message has reached you in error, kindly destroy it without review and notify the sender immediately. Any other use of such misdirected e-mail by you is prohibited. Where allowed by local law, electronic communications with Zurich and its affiliates, including e-mail and instant messaging (including content), may be scanned for the purposes of information security and assessment of internal compliance with company policy.

P000676

Eva G. Cisneros
Craig M. Burkett
Jason C. Foulger
Kenneth M. Marias
Janet C. Pancoast

Law Offices of
Cisneros & Marias
Not a Partnership
Employees of Zurich American Insurance Company

1160 North Town Center Drive, Suite 130
Las Vegas, Nevada 89144
Telephone (702) 233-9660
Facsimile (702) 233-9665

janet.pancoast@zurichna.com
Direct: (702) 562-7616

November 15, 2017

VIA EMAIL TO fhale@floydhale.com

Floyd A. Hale
JAMS
3800 Howard Hughes Parkway, 11th Floor
Las Vegas, NV 89169

Re: ***Edgeworth Family Trust v. Lange Plumbing, LLC, et. al.***
Case No. A-16-738444-C

Dear Mr. Hale:

Please be advised that The Viking Corporation & Supply Network (hereinafter "Viking") will agree to your Mediator's Proposal of \$6,000,000. However, Plaintiffs will only be advised of Viking's willingness to meet Mediator's proposal if Plaintiffs also agree to that number. As stated in your proposal, this settlement must be subject to the Court approving a Motion for Good Faith Settlement and dismissing any claims being asserted against the Viking entities by Lange Plumbing, LLC. Further, this settlement would also include any claims against Viking Group as well.

A material term of this willingness to resolve this case for \$6,000,000 is that this settlement shall be subject to a confidentiality agreement. If Plaintiffs agree to the parameters as stated, then all matters now pending are to be immediately taken off calendar.

Your assistance in this matter is most appreciated.

Sincerely,

CISNEROS & MARIAS



JANET C. PANCOAST

Cc: Bob Paine (via email)

P000677

EXHIBIT H

**12/16/17 Email from Pancoast from File
Produced by Simon**

Daniel Simon

From: Janet Pancoast <janet.pancoast@zurichna.com>
Sent: Thursday, November 16, 2017 5:47 PM
To: Daniel Simon
Cc: Jessica Rogers; Floyd A. Hale
Subject: FW: Edgeworth v Viking and Lange Plumbing - Response to Mediator's Proposal
Attachments: MED 171115 Edgeworth EMLtr Hale Accepting Mediator's Proposal.pdf

Danny -

Floyd asked me to send you a copy of Viking's letter regarding the mediator's proposal response. Here it is.

Janet C. Pancoast, Esq.
Dir: 702.562.7616
Cell: 702.325.7876

-----Original Message-----

From: Janet Pancoast
Sent: Wednesday, November 15, 2017 12:02 PM
To: 'Floyd A. Hale'
Cc: Robert Paine; Debbie Holloman (DHolloman@jamsadr.com); mcconnell@mmrs-law.com; robinson (robinson@mmrs-law.com); Jessica Rogers; Eva Cisneros
Subject: Edgeworth v Viking and Lange Plumbing - Response to Mediator's Proposal

Floyd -

Please find attached Viking's response to your mediator's proposal.

Janet C. Pancoast, Esq.
CISNEROS & MARIAS
(Not a Partnership – Employee of Zurich American Insurance Company)
1160 No. Town Center Dr., Suite 130
Las Vegas, NV 89144
Off: 702.233.9660
Dir: 702.562.7616
Cell: 702.325.7876
Fax: 702.233.9665
janet.pancoast@zurichna.com

***** PLEASE NOTE ***** This message, along with any attachments, is for the designated recipient(s) only and may contain privileged, proprietary, or otherwise confidential information. If this message has reached you in error, kindly destroy it without review and notify the sender immediately. Any other use of such misdirected e-mail by you is prohibited. Where allowed by local law, electronic communications with Zurich and its

LODS017595

SIMONEH0004564

P000679

affiliates, including e-mail and instant messaging (including content), may be scanned for the purposes of information security and assessment of internal compliance with company policy.

EXHIBIT I

**Screen shot of where the check attachments
to the 12/12/17 email referenced in Ex. D
were located**

Seagate Portable Drive (D:) > Edgeworth, Brian > Settlement > CHECKS					Search CHECKS	
	Name	Date modified	Type	Size		
✱	Kinsale Check #0100019689 - 100k and roc	5/25/2020 7:19 PM	Adobe Acrobat D...	672 KB		
✱	Kinsale Ins - \$100K Check - EDGEWORTH	5/25/2020 7:19 PM	Adobe Acrobat D...	653 KB		
✱	Zurich Check # 2990007621 - \$288,572	5/25/2020 7:19 PM	Adobe Acrobat D...	654 KB		
✱	Zurich Check # 2990007622 - \$5,711,428	5/25/2020 7:19 PM	Adobe Acrobat D...	654 KB		

EXHIBIT J

Sample Emails re Expert Retention

Daniel Simon

From: Daniel Simon
Sent: Thursday, October 12, 2017 10:29 AM
To: 'Brian Edgeworth'
Subject: RE: Sklar Williams PLLC Monthly Invoice

I will pay and add to costs

-----Original Message-----

From: Brian Edgeworth [mailto:brian@pediped.com]
Sent: Wednesday, October 11, 2017 3:23 PM
To: Ashley Ferrel <Ashley@SIMONLAWLV.COM>; Daniel Simon <dan@simonlawlv.com>
Subject: FW: Sklar Williams PLLC Monthly Invoice

-----Original Message-----

From: Lizabeth A Rotert [mailto:admin@sklar-law.com]
Sent: Wednesday, October 11, 2017 2:44 PM
To: brian@pediped.com
Subject: Sklar Williams PLLC Monthly Invoice

Please review your invoice, which is attached to this message.

If your balance is zero (\$0.00), thank you for your payment!

If there is a balance due, please submit payment at your earliest convenience. Please make all checks payable to Sklar Williams PLLC. If you would prefer to pay by credit card, please call (702) 360-6000 and we will forward a Credit Card Authorization Form, to be completed and returned per the instructions on the Form.

Thank You!

Note: The attached bill is in PDF file format. Adobe Acrobat Reader is necessary to view this file. If you do not have Adobe Acrobat Reader installed, please download the free reader from the Adobe website (<http://www.adobe.com/products/acrobat/readstep2.html>) and install it on your computer.

Daniel Simon

From: Daniel Simon
Sent: Sunday, September 17, 2017 1:57 PM
To: 'Brian Edgeworth'
Subject: RE: litigation loan expert

I am paying them and then that will be on my costs with my bill. Just want to let you know when I get the bills. I will have Ashley look for suggs

From: Brian Edgeworth [mailto:brian@pediped.com]
Sent: Sunday, September 17, 2017 12:44 PM
To: Daniel Simon <dan@simonlawlv.com>
Subject: RE: litigation loan expert

Are you paying all these guys or was I supposed to pay Vollmer?
Where do I find each of the defense expert's pay scales? Some seem to state it but I do not see it For Sugg's (the construction expert). It does not have his Billing rate nor his resume. At least I cannot find it.

From: Daniel Simon [mailto:dan@simonlawlv.com]
Sent: Sunday, September 17, 2017 12:38 PM
To: Brian Edgeworth (brian@pediped.com) <brian@pediped.com>
Subject: litigation loan expert

From: Brian Garelli [mailto:brian@pcfcash.com]
Sent: Sunday, September 17, 2017 9:23 AM
To: Daniel Simon <dan@simonlawlv.com>
Subject: Fwd: Resume Brian

Here is my CV. My expert report will be sent to you on letterhead tomorrow. I would appreciate a retainer of \$5,000 for my work on this matter. Thanks.

Daniel Simon

From: Brian Edgeworth <brian@pediped.com>
Sent: Sunday, September 17, 2017 1:03 PM
To: Ashley Ferrel; Daniel Simon
Subject: David Suggs (bert howe consultants). Lange/Viking Construction Expert

On Sia's court thing, it says that David Suggs resume is attached but I cannot it. I also want to know what he is paid since that is DIRECTLY applicable to his argument that Mark and I do not deserve \$165 per hour as a billing rate.

LODS015205

SIMONEH0002174

P000686

Daniel Simon

From: Brian Edgeworth <brian@pediped.com>
Sent: Sunday, September 17, 2017 12:44 PM
To: Daniel Simon
Subject: RE: litigation loan expert

Are you paying all these guys or was I supposed to pay Vollmer?
Where do I find each of the defense expert's pay scales? Some seem to state it but I do not see it For Sugg's (the construction expert). It does not have his Billing rate nor his resume. At least I cannot find it.

From: Daniel Simon [mailto:dan@simonlawlv.com]
Sent: Sunday, September 17, 2017 12:38 PM
To: Brian Edgeworth (brian@pediped.com) <brian@pediped.com>
Subject: litigation loan expert

From: Brian Garelli [mailto:brian@pcfcash.com]
Sent: Sunday, September 17, 2017 9:23 AM
To: Daniel Simon <dan@simonlawlv.com>
Subject: Fwd: Resume Brian

Here is my CV. My expert report will be sent to you on letterhead tomorrow. I would appreciate a retainer of \$5,000 for my work on this matter. Thanks.

Daniel Simon

To: Brian Edgeworth (brian@pediped.com)
Subject: FW: Resume Brian
Attachments: Resume Brian.doc; ATT00001.htm

From: Brian Garelli [mailto:brian@pcfcash.com]
Sent: Sunday, September 17, 2017 9:23 AM
To: Daniel Simon <dan@simonlawlv.com>
Subject: Fwd: Resume Brian

Here is my CV. My expert report will be sent to you on letterhead tomorrow. I would appreciate a retainer of \$5,000 for my work on this matter. Thanks.

Sent from my iPhone

Begin forwarded message:

From: Brian Garelli <brian@pcfcash.com>
Date: September 17, 2017 at 11:19:55 AM CDT
To: Brian Garelli <brian@pcfcash.com>
Subject: Resume Brian

Daniel Simon

From: Daniel Simon
Sent: Tuesday, September 12, 2017 3:38 PM
To: 'Brian Edgeworth'
Cc: Ashley Ferrel
Subject: RE: Don Koch meeting set for Wednesday at 2pm at our office

I will be here with you and koch

From: Brian Edgeworth [mailto:brian@pediped.com]
Sent: Tuesday, September 12, 2017 3:18 PM
To: Daniel Simon <dan@simonlawlv.com>
Cc: Ashley Ferrel <Ashley@SIMONLAWLV.COM>
Subject: RE: Don Koch meeting set for Wednesday at 2pm at our office

Okay send them over when you are done.

I thought Janet was semi-reasonable. Her insurance company should be suing these scumbags for continuing to produce.

So yes or no on Don Koch. Me alone?

From: Daniel Simon [mailto:dan@simonlawlv.com]
Sent: Tuesday, September 12, 2017 3:10 PM
To: Brian Edgeworth <brian@pediped.com>
Cc: Ashley Ferrel <Ashley@SIMONLAWLV.COM>
Subject: RE: Don Koch meeting set for Wednesday at 2pm at our office

Yes, we have been very busy with the Edgeworths. We will send you the briefs we just filed. I have been fighting with your girl Janet. Angelas depo continued until next Monday. She should be also prepared to talk about the ongoing damage in the current house. I.e. cabinets, fireplace wood beams etc. I am good. See you tomorrow.

From: Brian Edgeworth [mailto:brian@pediped.com]
Sent: Tuesday, September 12, 2017 2:26 PM
To: Daniel Simon <dan@simonlawlv.com>
Cc: Ashley Ferrel <Ashley@SIMONLAWLV.COM>
Subject: RE: Don Koch meeting set for Wednesday at 2pm at our office

Since you two are busy, do you want me to meet with him or push meeting?

From: Daniel Simon [mailto:dan@simonlawlv.com]
Sent: Monday, September 11, 2017 4:42 PM
To: Brian Edgeworth <brian@pediped.com>
Subject: Fwd: Don Koch meeting set for Wednesday at 2pm at our office

FYI

Begin forwarded message:

LODS015254

SIMONEH0002223

P000689

Daniel Simon

From: Daniel Simon
Sent: Tuesday, September 05, 2017 2:54 PM
To: Brian Edgeworth
Subject: Fwd: Vollmer-Gray Invoice
Attachments: image003.jpg; ATT00001.htm; Vollmer-Gray Engineering Lab - Inv # 47013 - 8.31.17.pdf; ATT00002.htm

FYI just received

Begin forwarded message:

From: Jen <Jen@SIMONLAWLV.COM>
Date: September 5, 2017 at 2:43:32 PM PDT
To: Daniel Simon <dan@simonlawlv.com>
Subject: Vollmer-Gray Invoice

Daniel Simon

From: Daniel Simon
Sent: Tuesday, January 24, 2017 3:00 PM
To: Brian Edgeworth (brian@pediped.com)
Subject: FW: Viking Sprinkler Failure

Please let me know if this is ok to proceed. See below.

From: Gerry F. Zamiski [mailto:gzamiski@vglabs.com]
Sent: Tuesday, January 24, 2017 2:46 PM
To: Daniel Simon
Subject: RE: Viking Sprinkler Failure

Daniel

We do not have a conflict. The following is a protocol and budget.

- Visual examine with digital photographs.
- Keyence digital microscopic examination.
- Scanning electron microscopy (SEM).
- Energy dispersive x-ray spectroscopy (EDS).

The cost is: \$1175-\$2350.

Gerald F. Zamiski, Ph.D., P.E.
President
Vollmer-Gray Engineering Laboratories, Inc.
(562) 427-8435



From: Daniel Simon [mailto:dan@simonlawlv.com]
Sent: Monday, January 23, 2017 2:41 PM
To: Gerry F. Zamiski
Cc: Daniel Simon
Subject: RE: Viking Sprinkler Failure

DOL: April 10, 2016

Case Name below

DISTRICT COURT
CLARK COUNTY, NEVADA

EDGEWORTH FAMILY TRUST,)
LODS016079

SIMONEH0003048

P000691

Plaintiff,)	
)	
vs.	)	CASE NO.: A738444
	)	DEPT. NO.: X
LANGE PLUMBING, L.L.C.;)	
THE VIKING CORPORATION,)	
a Michigan corporation;)	
SUPPLY NETWORK, INC., dba VIKING)	
SUPPLYNET, a Michigan corporation;)	
and DOES I through V and ROE)	
CORPORATIONS VI through X, inclusive,)	
)	
Defendants.)	
_____)	

From: Gerry F. Zamiski [<mailto:gzamiski@vglabs.com>]
Sent: Monday, January 23, 2017 1:48 PM
To: Daniel Simon
Subject: Viking Sprinkler Failure

Dan

Good afternoon. Attached are my CV and Fee Schedule. Please send me case name and date of loss. I will then do a conflict check and send a budget.

Gerald F. Zamiski, Ph.D., P.E.
 President
 Vollmer-Gray Engineering Laboratories, Inc.
 (562) 427-8435



Daniel Simon

From: Daniel Simon
Sent: Monday, January 23, 2017 2:44 PM
To: Brian Edgeworth (brian@pediped.com)
Subject: FW: Viking Sprinkler Failure
Attachments: Gerald F. Zamiski.pdf; Fee Schedule.pdf

Fyi I spoke to this guy at length about your case. He has had several of these cases over the past few years involving the same solder issues as found by the Rimkus engineer. He is going to get me a budget and lets talk before I engage him.

From: Gerry F. Zamiski [mailto:gzamiski@vglabs.com]
Sent: Monday, January 23, 2017 1:48 PM
To: Daniel Simon
Subject: Viking Sprinkler Failure

Dan

Good afternoon. Attached are my CV and Fee Schedule. Please send me case name and date of loss. I will then do a conflict check and send a budget.

Gerald F. Zamiski, Ph.D., P.E.
President
Vollmer-Gray Engineering Laboratories, Inc.
(562) 427-8435



Daniel Simon

From: Brian Edgeworth <brian@pediped.com>
Sent: Monday, September 12, 2016 12:48 PM
To: Daniel Simon
Subject: RE: Ivey Engineering - Retainer Agreement - Viking - Fire Sprinkler

How do we proceed? Do I sign or you?

This is fine. One thing rob wanted to check is whether it matters if this Head was "re-worked" because from the first lab report he saw signs that would indicate it might have been pulled off the production line. There are tests that could be done to see (ie. Solder composition or Xray fluorescence). But if from a legal perspective it doesn't make a difference, it is not a big deal.

From: Daniel Simon [mailto:dan@simonlawlv.com]
Sent: Monday, September 12, 2016 11:40 AM
To: Brian Edgeworth (brian@pediped.com) <brian@pediped.com>
Subject: FW: Ivey Engineering - Retainer Agreement - Viking - Fire Sprinkler

From: Rush Porter [mailto:rporter@iveyengineering.com]
Sent: Monday, September 12, 2016 11:32 AM
To: Daniel Simon
Cc: Kevin Hastings; Gloria Rodriguez; File Manager
Subject: Ivey Engineering - Retainer Agreement - Viking - Fire Sprinkler

Danny,

I have attached our fee agreement for your review and signature. Included in the fee agreement is a proposed budget for an initial scope of work. This is a rough estimate that can be refined later if necessary. If you wish to discuss the budget or any other portion of the fee agreement, please contact me. I would be happy to help answer any questions.

Please return an executed copy of the fee agreement to our office, at your earliest convenience, attention Gloria (e-mail copied). It is our policy to not proceed with work until we have a signed fee agreement and paid retainer in place. We look forward to the relationship.

Sincerely,

Rush Porter
Director of Business Development
rporter@iveyengineering.com

Ivey Engineering, Inc.
8330 Juniper Creek Lane, San Diego, CA 92126
Office: (858) 587 2874 Cell (619) 733 5956 Fax: (858) 587 6749
HVAC - Plumbing - Electrical - Fire Investigation - Energy - Architecture
U.S. & Canada



LODS016414

SIMONEH0003383

P000694

www.iveyengineering.com
www.iveyengineering.com/blog/

Connect to us:



Daniel Simon

From: Daniel Simon
Sent: Monday, September 12, 2016 11:40 AM
To: Brian Edgeworth (brian@pediped.com)
Subject: FW: Ivey Engineering - Retainer Agreement - Viking - Fire Sprinkler
Attachments: Viking - Fire Sprinkler retainer agreement.pdf

From: Rush Porter [mailto:rporter@iveyengineering.com]
Sent: Monday, September 12, 2016 11:32 AM
To: Daniel Simon
Cc: Kevin Hastings; Gloria Rodriguez; File Manager
Subject: Ivey Engineering - Retainer Agreement - Viking - Fire Sprinkler

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Please return an executed copy of the fee agreement to our office, at your earliest convenience, attention Gloria (e-mail copied). It is our policy to not proceed with work until we have a signed fee agreement and paid retainer in place. We look forward to the relationship.

Sincerely,

Rush Porter
Director of Business Development
rporter@iveyengineering.com

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Office: (858) 587 2874 Cell (619) 733 5956 Fax: (858) 587 6749
HVAC - Plumbing - Electrical - Fire Investigation - Energy - Architecture
U.S. & Canada



www.iveyengineering.com
www.iveyengineering.com/blog/

Connect to us:



Daniel Simon

From: Daniel Simon
Sent: Tuesday, July 12, 2016 6:24 PM
To: Brian Edgeworth
Subject: Re: Sprinkler

That's the one. That's all I needed. FYI I spoke to all attys for all parties. We are amending lawsuit to include the distributor. They will be answering the lawsuit and then we are off to the races. I want to get your approval on hiring some experts. Yes they cost money.

> On Jul 12, 2016, at 11:55 AM, Brian Edgeworth <brian@pediped.com> wrote:

>

>

> <image1.JPG>

>

>

>

> Brian Edgeworth

>

>

> On Jul 12, 2016, at 2:48 PM, Daniel Simon <dan@simonlawlv.com> wrote:

>

> Can you verify whether the sprinkler is a Viking with model no. VK457

Daniel Simon

From: Jorie O. Yambao <jorie@iveyengineering.com>
Sent: Tuesday, December 13, 2016 1:36 PM
To: Daniel Simon
Cc: Kevin Hastings
Subject: Edgeworth Residence
Attachments: Edgeworth Residence retainer request.pdf

Dear Dan
Please see attached from Kevin Hastings.
Regards,

Jorie O. Yambao
Project Coordinator



8330 Juniper Creek Lane, San Diego, CA 92126
tel 858.587.2874 cel 858.205.9372 fax 858.587.6749

www.iveyengineering.com
www.iveyengineering.com/blog/



Daniel Simon

From: Daniel Simon
Sent: Wednesday, December 14, 2016 12:05 PM
To: Jen
Subject: Fwd: Edgeworth Residence
Attachments: image001.jpg; ATT00001.htm; image002.png; ATT00002.htm; image003.png; ATT00003.htm; image004.png; ATT00004.htm; image005.png; ATT00005.htm; Edgeworth retainer request.pdf; ATT00006.htm

Please put in bills

Begin forwarded message:

From: "Jorie O. Yambao" <jorie@iveyengineering.com>
Date: December 14, 2016 at 10:58:37 AM PST
To: Daniel Simon <dan@simonlawlv.com>
Cc: Kevin Hastings <khastings@iveyengineering.com>
Subject: Edgeworth Residence

Dear Dan
Please see attached.
Regard,

Jorie O. Yambao
Project Coordinator

Ashley Ferrel

From: Brian Edgeworth <brian@pediped.com>
Sent: Monday, October 02, 2017 3:01 PM
To: Ashley Ferrel; Daniel Simon
Subject: B.R. Stewart "article" -- Do we withhold?

Bill R. Stewart of Texas A&M's Extension School wrote a number of articles that would appear in farm town papers and magazines. The one that is cited in Rosenthal's notes is likely another one of them. It was not one of the papers that he published in the Extension School periodical. Those papers are on the list I gave Ashley and the only one really dealing with heat is about putting misters in green houses.

What seems to have happened is that Viking PMK had to find "proof" that attics got hot. PMK had to find temperatures ABOVE 150F (because Viking BlazeMaster piping does not even need to be insulated if temperatures are below 150F) but had to be BELOW 159F (because the solder on the 165F sprinklers melt between 159F and 170F and there have been NO signs of melted solder on failures).

PMK must have searched (or Exponent) for days finding "papers" that had attic temperatures listed between 150 and 158F. That is a tight range.

This B.R. Stewart reference now has been used in the following places:

1. Viking's Power Point presentation that Jeff Norton gave to industry parties
2. Viking's new rebuttal expert Donald Hopkins cites it in references note 17
3. Viking's weather expert Jay Rosenthal cites it in references note 21
4. Viking's expert Carnahan cites Rosenthal for attic temperature
5. VIK00135-6 "Independent" Professional Engineer James Langhorne cites it in his Article (which we find PMK wrote and Langhorne only deceptively put his name on the "white paper").

VC005862-3 detail Viking's hiring of the independent expert. VC005893-6 are Langhorne's resume and the confidentiality agreement he signed with Viking. VC5927-35 detail out the "marketing" plan that Viking undertook to blame away the VK457 issues. Specifically VC005930 Number 1 and 2 detail that VIKING PMK is writing papers and the Independent Expert James Langhorne will PUT AN INDEPENDENT ENGINEER's name to the pieces that were created by Viking and they will be getting these independent opinions published in industry periodicals.

VC006006-31 are lists of people. I think they may have sent this "independent's expert's" report to?

VC006026-31 is another paper written by Langhorn (maybe the "in-house" one?)

VC006033-37 specifically spells out the marketing plan that certainly seems deceitful when they explain the retired fire marshal is just putting his name on what PMK writes.

This point above might be better for trial? Combined with PMK's email that "experts will write whatever you pay them to"?

Ashley Ferrel

From: Brian Edgeworth <brian@pediped.com>
Sent: Monday, October 02, 2017 12:50 PM
To: Ashley Ferrel; Daniel Simon
Subject: Some Upsetting Photos

These photos are really upsetting when you know that Viking is aware that a certain number of VK457s will continue to ruin people's lives like this and has done NOTHING to prevent it. Their BS recall is only for the select few that are rich enough to sue Viking.

One is of a little girl's room that is ruined and I expect the parents run the daycare in the next photos. The next look like hard working people that if you look further in the pictures, you will see had to haul ALL THEIR POSSESSIONs and dump them in their yard.

When I was typing the sheet of activations, it is really upsetting to see how many had been installed for over two years and then failed and all the ones that failed right around major holidays RUINING those family days for the people involved.

The FILES ARE TOO BIG. I will put them in DROPBOX.

EXHIBIT K

**Sample Emails with Third-Party
Information (REDACTED)**

Daniel Simon

From: Brian Edgeworth <brian@pediped.com>
Sent: Wednesday, October 18, 2017 8:44 AM
To: Daniel Simon; Ashley Ferrel
Subject: Sent from Snipping Tool



REDACTED

LODS014973

SIMONEH0001942

P000703

Ashley Ferrel

From: Brian Edgeworth <brian@pediped.com>
Sent: Friday, October 20, 2017 2:53 PM
To: Ashley Ferrel
Subject: Re: Some Corrections to KPS Example of Deceptive Disclosure

I am at auction and cannot until late tonight

Brian Edgeworth

On Oct 20, 2017, at 12:53 PM, Ashley Ferrel <Ashley@SIMONLAWLV.COM> wrote:

Can you send this chart to me in pdf? I need to copy it into a brief, but its not working. Thx!

From: Brian Edgeworth [mailto:brian@pediped.com]
Sent: Friday, October 20, 2017 9:27 AM
To: Daniel Simon; Ashley Ferrel
Subject: Some Corrections to KPS Example of Deceptive Disclosure

I have added clarification because I have found a KPS activation that was disclosed as Victory Fire Services (Viking # 75). Don't forget, the only reason I can cross reference any of this is because Viking gave us these new documents this week (that are years old).

There are now 195 Activations before June 15, 2016. I have not yet entered the six activations from the Fire Marshals so the number will likely rise.

EXAMPLE OF CONTINUING DISCOVERABLE MATERIAL BEING WITHHELD:							
VIKING'S 2nd Supp Answers to 1st Set of Interrogatories on ACTIVATIONS							
#	Date	Claim Name	Claim	Return	ST	Co	Installer

REDACTED

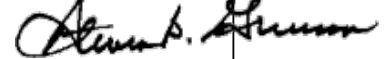
LODS018483

SIMONEH0005452

P000704

VIKING'S DEFINITION OF "UNVERIFIED" in VIKING'S 9/22/2017 DISCLOSURE							
FootNote 10. The "unverified" claims are those alleged, but Viking has not been able to examine the sprinklers.							
ACTUAL INFORMATION VIKING KNEW ABOUT EACH ACTIVATION							
#	Date	Claim Name and Other Information					

REDACTED



NEOJ

James R. Christensen Esq.
Nevada Bar No. 3861

JAMES R. CHRISTENSEN PC

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Las Vegas NV 89101
(702) 272-0406

-and-

Peter S. Christiansen, Esq.
Nevada Bar No. 5254

CHRISTIANSEN TRIAL LAWYERS

701 S. 7th Street
Las Vegas, NV 89101
(702) 240-7979

Attorneys for SIMON

Eighth Judicial District Court

District of Nevada

EDGEWORTH FAMILY TRUST; and
AMERICAN GRATING, LLC

Plaintiffs,

vs.

LANGE PLUMBING, LLC; THE
VIKING CORPORTATION, a
Michigan corporation; SUPPLY
NETWORK, INC., dba VIKING
SUPPLYNET, a Michigan
Corporation; and DOES 1 through 5;
and, ROE entities 6 through 10;
Defendants.

Case No.: A-18-767242-C
Dept No.: 10

Consolidated with

Case No.: A-16-738444-C
Dept No.: 10

**NOTICE OF ENTRY OF DECISION
AND ORDER DENYING
EDGEWORTHS' MOTION FOR
RECONSIDERATION OF ORDER
ON MOTION FOR ORDER
RELEASING CLIENT FUNDS AND
REQUIRING THE PRODUCTION
OF COMPLETE CLIENT FILE AND
MOTION TO STAY EXECUTION OF
JUDGMENTS PENDING APPEAL**

1 EDGEWORTH FAMILY TRUST;
2 AMERICAN GRATING, LLC
3 Plaintiffs,

4 vs.

5 DANIEL S. SIMON; THE LAW
6 OFFICE OF DANIEL S. SIMON, a
7 Professional Corporation d/b/a
8 SIMON LAW; DOES 1 through 10;
and, ROE entities 1 through 10;

9 Defendants.

10 PLEASE TAKE NOTICE: A Decision and Order Denying Edgeworths'
11 Motion for Reconsideration of Order on Motion for Order Releasing Client
12 Funds and Requiring the Production of Complete Client File and
13 Motion to Stay Execution of Judgments Pending Appeal was filed on the
14 docket on the 9th day of September 2021. A true and correct file-stamped
15 copy of the decision and order is attached hereto.
16

17 DATED this 14th day of September 2021.
18

19 /s/ James R. Christensen

20 James R. Christensen Esq.
21 Nevada Bar No. 3861
22 James R. Christensen PC
23 601 S. 6th Street
24 Las Vegas NV 89101
25 (702) 272-0406
(702) 272-0415 fax
jim@jchristensenlaw.com
Attorney for SIMON

CERTIFICATE OF SERVICE

I CERTIFY SERVICE of the foregoing Notice of Entry of Decision and Order was made by electronic service (via Odyssey) this 14th day of September 2021, to all parties currently shown on the Court's E-Service List.

N. Dawn Christensen
an employee of
JAMES R. CHRISTENSEN

ORDR

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(702) 240-7979
Attorneys for SIMON

Eighth Judicial District Court

District of Nevada

EDGEWORTH FAMILY TRUST; and
AMERICAN GRATING, LLC

Plaintiffs,

vs.

LANGE PLUMBING, LLC; THE
VIKING CORPORATION, a
Michigan corporation; SUPPLY
NETWORK, INC., dba VIKING
SUPPLYNET, a Michigan
Corporation; and DOES 1 through 5;
and, ROE entities 6 through 10;
Defendants.

Case No.: A-18-767242-C
Dept No.: 26

Consolidated with

Case No.: A-16-738444-C
Dept No.: 10

**DECISION AND ORDER DENYING
EDGEWORTHS' MOTION FOR
RECONSIDERATION OF ORDER
ON MOTION FOR ORDER
RELEASING CLIENT FUNDS AND
REQUIRING THE PRODUCTION
OF COMPLETE CLIENT FILE AND
MOTION TO STAY EXECUTION OF
JUDGMENTS PENDING APPEAL**

1 EDGEWORTH FAMILY TRUST;
2 AMERICAN GRATING, LLC
3 Plaintiffs,

4 vs.

5 DANIEL S. SIMON; THE LAW
6 OFFICE OF DANIEL S. SIMON, a
7 Professional Corporation d/b/a
8 SIMON LAW; DOES 1 through 10;
and, ROE entities 1 through 10;

9 Defendants.

10 This matter came on for hearing on July 29, 2021, in chambers, in the
11 Eighth Judicial District Court, Clark County, Nevada, the Honorable Tierra
12 Jones presiding. Defendants, Daniel Simon and Law Office of Daniel S.
13 Simon d/b/a Simon Law (jointly the “Defendants” or “Simon”) having
14 appeared by and through their attorneys of record, James Christensen,
15 Esq., and, Plaintiff Edgeworth Family Trust and American Grating,
16 (“Plaintiff” or “Edgeworths”) having appeared through by and through their
17 attorneys of record, the law firm of Morris Law Group, Steve Morris, Esq.
18 and Rosa Solis-Rainey, Esq. The Court having considered the evidence,
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1 arguments of counsel and being fully advised of the matters herein, the

2 **COURT FINDS** after review:

3 The Edgeworths' Motion for Reconsideration of Order on Motion for
4 Order Releasing Client Funds and Requiring Production of Complete Client
5 File and Motion to Stay Execution is DENIED.
6

7 The COURT FINDS that the Edgeworths have failed to demonstrate
8 any error of law or any new facts, as required for reconsideration.
9

10 The COURT FURTHER FINDS that the excessive security
11 agreement does not apply to the instant case.

12 The COURT FURTHER FINDS that there is no basis to reconsider
13 the bilateral agreement finding.
14

15 The COURT FURTHER FINDS that there is no basis to reconsider
16 the order regarding the client file.
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1 The COURT FURTHER FINDS that the Motion to Stay Execution is
2 premature.

Dated this 9th day of September, 2021

3 IT IS SO ORDERED.

4 
5 DISTRICT COURT JUDGE

6 49A 98C F62C A2A4
7 Tierra Jones
District Court Judge

8 Submitted By:
9 **JAMES R. CHRISTENSEN PC**

Approved as to Form and Content:
MORRIS LAW GROUP

10
11 /s/ James R. Christensen
12 James R. Christensen Esq.
13 Nevada Bar No. 3861
601 S. 6th Street
Las Vegas NV 89101
Attorney for SIMON

No response received
Steve Morris Esq.
Nevada Bar No. 1543
Rosa Solis-Rainey
Nevada Bar No. 7921
801 S. Rancho Drive, Ste. B4
Las Vegas NV 89106
Attorney for EDGEWORTHS

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Edgeworth Family Trust,
7 Plaintiff(s)

CASE NO: A-18-767242-C

8 vs.

DEPT. NO. Department 10

9 Daniel Simon, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

Service Date: 9/9/2021

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IN THE SUPREME COURT OF THE STATE OF NEVADA

EDGEWORTH FAMILY TRUST; AND
AMERICAN GRATING, LLC,

Appellants,

vs.

DANIEL S. SIMON; AND THE LAW
OFFICE OF DANIEL S. SIMON, A
PROFESSIONAL CORPORATION,
D/B/A SIMON LAW,

Respondents.

EDGEWORTH FAMILY TRUST; AND
AMERICAN GRATING, LLC,

Appellants,

vs.

DANIEL S. SIMON; AND THE LAW
OFFICE OF DANIEL S. SIMON, A
PROFESSIONAL CORPORATION,
D/B/A SIMON LAW,

Respondents.

No. 83258

FILED

DEC 13 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

No. 83260

ORDER CONSOLIDATING AND PARTIALLY DISMISSING APPEALS

These are appeals from district court orders (1) denying a motion for reconsideration of a third-amended order on a motion to adjudicate an attorney lien and (2) denying a motion for an order to release client funds in excess of a judgment and require production of the complete file. Appellants have filed motions to consolidate these appeals. The motions are unopposed. Cause appearing, we grant the motions to consolidate.

In addition, the parties have responded to this court's order to show cause in Docket No. 83258 as to why that appeal should not be partially dismissed for lack of jurisdiction. As explained in the order, although appellants' docketing statement characterized their challenge to

the district court's order denying a motion for an order to disperse funds and compel production of the client file as an appeal from a final judgment, the order is plainly not a final judgment. The parties have filed responses to the order to show cause. In appellants' response, they contend that the district court's order denying the motion to disperse funds and compel production of the client file is appealable as a special order entered after final judgment. We disagree.

This court has limited jurisdiction and may only consider appeals authorized by statute or court rule. *Brown v. MHC Stagecoach*, 129 Nev. 343, 345, 301 P.3d 850, 851 (2013). "[T]he burden rests squarely upon the shoulders of a party seeking to invoke our jurisdiction to establish, to our satisfaction, that this court does in fact have jurisdiction." *Moran v. Bonneville Square Assocs.*, 117 Nev. 525, 527, 25 P.3d 898, 899 (2001).

NRAP 3A(b)(8) allows an appeal from "[a] special order entered after final judgment." However, "not all post-judgment orders are appealable." *Burton v. Burton*, 99 Nev. 698, 700, 669 P.2d 703, 705 (1983). To qualify as an appealable special order entered after final judgment, the order "must be an order affecting the rights of some party to the action, growing out of the judgment previously entered." *Gumm v. Mainor*, 118 Nev. 912, 920, 59 P.3d 1220, 1225 (2002).

For example, in *Gumm v. Mainor*, this court concluded that a postjudgment order that distributed a significant portion of the appellant's judgment proceeds to certain lienholders was appealable because it altered his rights under the final judgment. *See id.* at 920, 59 P.3d at 1225. This court noted, in contrast, that a postjudgment order merely directing a portion of the appellant's judgment proceeds to be deposited with the

district court clerk pending resolution of the lien claims was not appealable. *See id.* at 914, 59 P.3d at 1225.

In a number of similar contexts, this court has consistently reiterated that postjudgment orders that do not affect the rights incorporated in the judgment are not appealable as special orders after final judgment. *See, e.g., Murray v. A Cab Taxi Service LLC*, No. 81641, 2020 WL 6585946 (Nev. Nov. 9, 2020) (Order Dismissing Appeal) (postjudgment order denying motions to allow judgment enforcement, distribute funds held by class counsel, and require the turnover of certain property of the debtor and granting a countermotion for a stay of collection activities pending appeal and reactivating a special master was not appealable); *Superpumper, Inc. v. Leonard Tr. for Morabito*, Nos. 79355 & 80214, 2020 WL 1129882 (Order Dismissing Appeal and Regarding Motions) (Nev. March 6, 2020) (orders denying claims of exemption asserted by appellants in post-judgment enforcement proceedings were not appealable); *Zandian v. Margolin*, No. 69372, 2016 WL 885408 (Order Dismissing Appeal) (Nev. March 4, 2016) (postjudgment order requiring appellant to appear for a debtor's examination and produce documents was not appealable).

Here, the district court's order denying the motion to disperse funds and compel production of the client file did not alter any judgment nor distribute any portion of any judgment. Instead, the order simply preserved the status quo during the pendency of the parties' fee dispute. Indeed, as noted in the district court's order and as reflected by the Edgeworths' appeal from the district court's adjudication of the attorney lien, the parties' underlying fee dispute is ongoing. Thus, because the district court's order did not affect the rights incorporated in any judgment, it is not appealable as a special order entered after final judgment. *See* 15B


Charles Alan Wright, Arthur R. Miller & Edward H. Cooper, *Federal Practice and Procedure* § 3916 (2d ed. 1992 and Supp. 2020) (an “appeal ordinarily should not be available as to any particular post-judgment proceeding before the trial court has reached its final disposition”).

Accordingly, as it does not appear that the order denying the motion to disperse funds and compel production of the client file is otherwise appealable at this time, we conclude that this court lacks jurisdiction, and partially¹ dismiss the appeals in these cases as they relate to that order.

The briefing schedule in Docket No. 83258 is reinstated. The briefing schedule in these consolidated appeals shall proceed as follows. Appellants shall have 45 days from the date of this order to file and serve a single opening brief and appendix. Thereafter, briefing in these consolidated appeals shall proceed as provided in NRAP 31(a)(1). The motion for extension of time filed on November 19, 2021, in Docket No. 83260 is denied as moot.

It is so ORDERED.


Parraguirre


Stiglich


Silver

¹Although the Edgeworths’ couched their appeal, in part, as one from an order denying a motion for reconsideration, an order denying such a motion is not separately appealable. *See AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 589, 245 P.3d 1190, 1197 (2010). Such a motion does, however, toll the underlying ruling, *see id.*, and we construe the Edgeworths’ appeal as challenging the district court’s order adjudicating the attorney lien on remand, which is an appealable determination. *See Gumm*, 118 Nev. at 919, 59 P.3d at 1225.

cc: Hon. Tierra Danielle Jones, District Judge
Morris Law Group
James R. Christensen
Christiansen Trial Lawyers
Eighth District Court Clerk

CERTIFICATE OF SERVICE

Pursuant to Nev. R. App. P. 25, I certify that I am an employee of MORRIS LAW GROUP; that, in accordance therewith, I caused a copy of the petitioners appendix to **APPENDIX IN SUPPORT OF EDGEWORTHS' PETITION FOR WRIT OF MANDAMUS TO RELEASE CLIENT FUNDS IN EXCESS OF ADJUDICATED LIEN AMOUNT AND TO RELEASE THE COMPLETE CLIENT FILE (VOL I – IV)**, to be electronically filed and served by the following method(s):

☒ Supreme Court's EFlex Electronic Filing System

Judge Tierra Jones (Hard Copy Hand-Delivered to Chambers)
Eighth Judicial District Court of
Clark County, Nevada
Regional Justice Center
200 Lewis Avenue
Las Vegas, Nevada 89155

Respondent

Peter S. Christiansen (Hard Copy Served by First Class U.S. Mail)
Kendele L. Works
CHRISTIANSEN LAW OFFICE
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Las Vegas, NV 89101

and

James R. Christensen
JAMES R. CHRISTENSEN PC
601 S. 6th Street
Las Vegas NV 89101

*Attorneys for Daniel S. Simon and the Law Firm of Daniel S. Simon
Real Parties in Interest*

DATED this 1st of February, 2022.

By: /s/ GABRIELA MERCADO