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Steven D. Grierson
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Elizabeth A. Brown
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*Attorneys for City of Las Vegas*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

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| 180 LAND CO LLC, a Nevada limited liability company, FORE STARS, LTD., a Nevada limited liability company and SEVENTY ACRES, LLC, a Nevada limited liability company, DOE INDIVIDUALS I-X, DOE CORPORATIONS I-X, and DOE LIMITED LIABILITY COMPANIES I-X,<br><br>Plaintiffs,<br><br>v.<br><br>CITY OF LAS VEGAS, a political subdivision of the State of Nevada; ROE GOVERNMENT ENTITIES I-X; ROE CORPORATIONS I-X; ROE INDIVIDUALS I-X; ROE LIMITED-LIABILITY COMPANIES I-X; ROE QUASI-GOVERNMENTAL ENTITIES I-X,<br><br>Defendants. | CASE NO.: A-17-758528-J<br><br>DEPT. NO.: XVI<br><br>**DEFENDANT CITY OF LAS VEGAS' NOTICE OF APPEAL** |

Notice is hereby given that DEFENDANT CITY OF LAS VEGAS appeals to the Supreme Court of Nevada from:

1. The Findings of Fact and Conclusions of Law on Just Compensation filed on November 18, 2021, notice of entry of which was served electronically on November 24, 2021, (attached as **Exhibit A**) and all decisions, rulings and interlocutory orders made appealable by the foregoing;

McDONALD CARANO
2300 WEST SAHARA AVENUE, SUITE 1200 • LAS VEGAS, NEVADA 89102
PHONE 702.873.4100 • FAX 702.873.9966

2. The Findings of Fact and Conclusions of Law and Order Denying the City's Motion for Immediate Stay of Judgment; [sic] and Granting Plaintiff Landowners' Countermotion to Order the City to Pay the Just Compensation filed on February 9, 2022, notice of entry of which was served electronically on February 10, 2022 (attached as **Exhibit B**);

3. Order Granting in Part and Denying in Part the City of Las Vegas' Motion to Retax Memorandum of Costs filed on February 16, 2022, notice of entry of which was served electronically on February 17, 2022 (attached as **Exhibit C**);

4. Order Granting Plaintiffs Landowners' Motion for Reimbursement of Property Taxes filed on February 16, 2022, notice of entry of which was served electronically on February 17, 2022 (attached as **Exhibit D**);

5. Order Granting Plaintiff Landowners' Motion for Attorney Fees In Part and Denying In Part filed on February 18, 2022, notice of entry of which was served electronically on February 22, 2022 (attached as **Exhibit E**); and

6. The Order Denying City of Las Vegas' Motion to Amend Judgment (Rules 59(e) and 60(b)) and Stay of Execution filed on February 25, 2022, notice of entry of which was served electronically on February 28, 2022 (attached as **Exhibit F**).

DATED this 2nd day of March, 2022.

McDONALD CARANO LLP

By: */s/ George F. Ogilvie III*
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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on the 2nd day of March, 2022, I caused a true and correct copy of the foregoing **DEFENDANT CITY OF LAS VEGAS' NOTICE OF APPEAL** to be electronically served with the Clerk of the Court via the Clark County District Court Electronic Filing Program which will provide copies to all counsel of record registered to receive such electronic notification.

*/s/ Jelena Jovanovic*
An employee of McDonald Carano LLP

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# EXHIBIT “A”

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CLERK OF THE COURT

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*Attorneys for Plaintiff Landowners*

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

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| 180 LAND CO LLC, a Nevada limited-liability company; FORE STARS, LTD., a Nevada limited-liability company; DOE INDIVIDUALS I through X, ROE CORPORATIONS I through X, and ROE LIMITED LIABILITY COMPANIES I through X,<br><br>Plaintiffs,<br><br>v.<br><br>CITY OF LAS VEGAS, a political subdivision of the State of Nevada; ROE government entities I through X; ROE CORPORATIONS I through X; ROE INDIVIDUALS I through X; ROE LIMITED LIABILITY COMPANIES I through X; ROE quasi-governmental entities I through X,<br><br>Defendants. | CASE NO.: A-17-758528-J<br>DEPT. NO.: XVI<br><br>**NOTICE OF ENTRY OF FINDINGS OF FACT AND CONCLUSIONS OF LAW**<br><br>**ON JUST COMPENSATION** |

//

**PLEASE TAKE NOTICE** that the Findings of Fact and Conclusions of Law on Just Compensation was entered on the 18th day of November, 2021. A copy of the Findings of Fact and Conclusions of Law on Just Compensation is attached hereto

Dated this 24th day of November, 2021.

**LAW OFFICES OF KERMITT L. WATERS**

/s/ *Autumn L. Waters, Esq.*

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***Attorneys for Plaintiff Landowners***

## CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b)(2)(D) and E.D.C.R. 8.05, I hereby certify that on the 24th day of November, 2021, I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF FINDINGS OF FACT AND CONCLUSIONS OF LAW ON JUST COMPENSATION** to be submitted electronically for filing and service via the Court's Wiznet E-Filing system on the parties listed below. The date and time of the electronic proof of service is in place of the date and place of deposit in the mail.

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**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

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|---|---|
| 180 LAND CO., LLC, a Nevada limited liability company, FORE STARS Ltd., DOE INDIVIDUALS I through X, ROE CORPORATIONS I through X, and ROE LIMITED LIABILITY COMPANIES I through X,<br><br>Plaintiffs,<br><br>*vs.*<br><br>CITY OF LAS VEGAS, political subdivision of the State of Nevada, ROE government entities I through X, ROE CORPORATIONS I through X, ROE INDIVIDUALS I through X, ROE LIMITED LIABILITY COMPANIES I through X, ROE quasi-governmental entities I through X,<br><br>Defendant. | Case No.: A-17-758528-J<br>Dept. No.: XVI<br><br>**FINDINGS OF FACT AND CONCLUSIONS OF LAW**<br><br>**ON JUST COMPENSATION**<br><br>**BENCH TRIAL: October 27, 2021** |

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Case Number: A-17-758528-J

On October 27, 2021, the Court conducted a bench trial, with Plaintiffs, 180 LAND COMPANY, LLC and FORE STARS, Ltd. (hereinafter "Landowners") appearing through their counsel, Autumn L. Waters, Esq. and James Jack Leavitt, Esq., of the Law Offices of Kermitt L. Waters, along with the Landowners' in-house counsel Elizabeth Ghanem Ham, Esq., and with the City of Las Vegas (hereinafter "the City") appearing through its counsel, George F. Ogilvie III, Esq. of McDonald Carrano, LLP and Philip R. Byrnes, Esq. and Rebecca Wolfson, Esq., of the City Attorney's Office.

Having reviewed and considered the evidence presented, the file and other matters referenced herein, the Court hereby enters the following Findings of Fact and Conclusions of Law:

**I.**

**INVERSE CONDEMNATION PROCEDURE AND POSTURE OF THE CASE**

1. The Nevada Supreme Court has held that, when analyzing an inverse condemnation claim, the court must undertake two distinct sub-inquiries: "the court must first determine" the property rights "before proceeding to determine whether the governmental action constituted a taking." ASAP Storage v. City of Sparks, 123 Nev. 639, 642 (Nev. 2008); McCarran International Airport v. Sisolak, 122 Nev 645, 658 (Nev. 2006). The Nevada Supreme Court has held that "whether the Government has inversely condemned private property is a question of law …" Sisolak, at 661. To decide these issues, the Court relies on eminent domain and inverse condemnation cases. *See* County of Clark v. Alper, 100 Nev. 382, 391 (1984) ("[I]nverse condemnation proceedings are the constitutional equivalent to eminent domain actions and are governed by the same rules and principles that are applied to formal condemnation proceedings.").

2. The Court entertained extensive argument on the first sub-inquiry, the property rights issue, on September 17, 2020, and entered Findings of Fact and Conclusions of Law

Regarding Plaintiff Landowners' Motion to Determine "Property Interest," on October 12, 2020 (hereinafter "FFCL Re: Property Interest").

3. In the FFCL Re: Property Interest, the Court held: 1) Nevada eminent domain law provides that zoning must be relied upon to determine a landowners' property interest in an eminent domain case; 2) the 35 Acre Property at issue in this matter has been hard zoned R-PD7 at all relevant times; 3) the Las Vegas Municipal Code (chapter 19) lists single-family and multi-family as the legally permissible uses on R-PD7 zoned properties; and, 4) the permitted uses by right of the 35 Acre Property are single-family and multi-family residential.

4. The Court also entertained extensive argument on the second sub-inquiry, whether the City's actions had resulted in a taking, on September 23, 24, 27, and 28, 2021, and entered Findings of Fact and Conclusions of Law Granting Plaintiff Landowners' Motion to Determine Take and For Summary Judgment on the First, Third, and Fourth Claims for Relief and Denying the City of Las Vegas' Countermotion for Summary Judgment on the Second Claim for Relief (hereinafter "FFCL Re: Taking").

5. In the FFCL Re: Taking, the Court held that the City engaged in actions that amounted to a taking of the Landowners' 35 Acre Property.

6. Upon deciding the property interest and taking, the only issue remaining in this case is the just compensation to which the Landowners are entitled for the taking of the 35 Acre Property.

7. In preparation for the jury trial on the just compensation, on October 26, 2021, the Court entertained argument on motions in limine and also the parties' cross motions for summary judgment, orders having been entered on those matters.

8. This case was set for a jury trial, with jury selection to be October 27 and 28, 2021, and opening arguments on November 1, 2021.

9. On October 27, 2021, the parties appeared before the Court and agreed to waive the jury trial and, instead, have this matter decided by way of bench trial.

10. An agreement to the procedure for that bench trial was put on the record at the October 27, 2021, appearance.

11. Pursuant to the agreement of the parties, the Court conducted a bench trial on October 27, 2021, on the sole issue of the fair market value of the 35 Acre Property.

## II.

## FINDINGS OF FACT

**The Landowners' 35 Acre Property.**

12. The property at issue in this case is a 34.07 acre parcel of property generally located near the southeast corner of Hualapai Way and Alta Drive within the geographic boundaries of the City of Las Vegas, more particularly described as Clark County Assessor Parcel 138-31-201-005 (hereinafter "35 Acre Property"). As of September 14, 2017 and at the time of the October 27, 2021, bench trial, the 35 Acre Property was and remains vacant.

13. The 35 Acre Property is hard zoned R-PD7 at all relevant times herein, and the legally permitted uses of the property are single-family and multi-family residential. *See* FFCL Re: Property Interest and FFCL Re: Taking.

14. The Court has previously rejected challenges to this legally permissible use, including rejection of the City's arguments that there is a Peccole Ranch Master Plan and a City of Las Vegas Master Plan land use designation of PR-OS or open space that govern the use of the 35 Acre Property. *See* FFCL Re: Property Interest and FFCL Re: Taking.

/ / /

**Evidence Presented at the Bench Trial on Fair Market Value of the 35 Acre Property.**

15. Pursuant to the agreement of the parties,[1] the Landowners moved for admission of the appraisal report of Tio DiFederico (DiFederico Report) as the fair market value of the 35 Acre Property and the City did not object to nor contest the admissibility or admission of the DiFederico Report.

16. Appraiser Tio DiFederico is a Certified General Appraiser in the State of Nevada and earned the MAI designation from the Appraisal Institute, which is the highest designation for a real estate appraiser. TDG Rpt 000111-000113. DiFederico has appraised property in Las Vegas for over 35 years and has qualified to testify in Nevada Courts, including Clark County District Courts. Id.

17. The DiFederico Report was marked as Plaintiff Landowners' Trial Exhibit 5, with Bate's numbers TDG Rpt 000001 – 000136.

18. The DiFederico Report conforms to the Uniform Standards of Professional Appraisal Practice (USPAP) and the Code of Professional Ethics and Standards of Professional Appraisal Practice Institute. TDG Rpt 000002.

19. The DiFederico Report identifies the property being appraised (the Landowners 34.07 acre property – "35 Acre Property"), reviews the current ownership and sales history, the intended user of the report, provides the proper definition of fair market value under Nevada law, and provides the scope of his work. TDG Rpt 000003-000013.

20. The DiFederico Report also identifies the relevant date of valuation as September 14, 2017, and values the 35 Acre Property as of this date. TDG Rpt 000010.

21. The DiFederico Report includes a Market Area Analysis. TDG Rpt 000014-000032.

[1] The parties agreed that this matter does not involve the taking of, nor valuation of, any water rights the Landowners may or may not own.

22. The DiFederico Report includes a detailed analysis of the 35 Acre Property that analyzes location, size, configuration, topography, soils, drainage, utilities (sewer, water, solid waste, electricity, telephone, and gas), street frontage and access, legal use of the property based on zoning, the surrounding uses, and other legal and regulatory constraints. TDG Rpt 000033-000052. The DiFederico Report property analysis concludes, "[o]verall, the site's R-PD7 zoning and physical characteristics were suitable for residential development that was prevalent in this area and bordered the subject site." Id., 000044.

23. The DiFederico Report provides a detailed analysis of the "highest and best use" of the 35 Acre Property, including the elements of legal permissibility, physical possibility, financial feasibility, and maximally productive. TDG Rpt 000054-000067. The DiFederico Report concludes, based on this highest and best use analysis, that "a residential use best met the four tests of highest and best use [as] of the effective date of value, September 14, 2017." Id., at 000067. This use would be similar to the surrounding uses in the Queensridge and Summerlin Communities. Id.

24. Although the 35 Acre Property had been zoned R-PD7 since the early 1990s, the property had historically been used as a portion of the Badlands Golf Course. Id.

25. Therefore, the DiFederico Report also provides a detailed analysis of the past use of the 35 Acre Property as part of the Badlands golf course. TDG Rpt. 000060-000067. This golf course analysis is based on Mr. DiFederico's research, a report by Global Golf Advisors (GGA), and the past operations on the Badlands golf course. Id.

26. The DiFederico report finds that, according to a 2017 National Golf Foundation (NGF) report, from 1986 to 2005, golf course supply increased by 44%, which far outpaced growth in golf participation. Id. The trend experienced in 2016 was referred to as a "correction" as golf course closures occurring throughout the U.S. indicated there was an oversupply that required

market correction. Id. The local market data reflects that the Badlands wasn't an outlier struggling in a thriving golf course market. Id. Based on what was happening in the national golf course markets, Las Vegas was also experiencing this market "correction" and the Badlands golf course was part of the "correction." On December 1, 2016, the Badlands golf course closed. Id.

27. The Landowner leased the property to Elite Golf, a local operator managing the Badlands and five (5) other local golf courses. On December 1, 2016, the CEO of Elite Golf Management sent a letter to the Landowners stating that it could not generate a profit using the property for a golf course, even if Elite Golf were permitted to operate rent free: "it no longer makes sense for Elite Golf to remain at the facility under our lease agreement. The golf world continues to struggle, and Badlands revenues have continued to decrease over the years. This year we will finish 40% less in revenue than 2015 and 2015 was already 20% down from 2014. At that rate we cannot continue to sustain the property where it makes financial sense to stay. Even with your generosity of the possibility of staying with no rent, we do not see how we can continue forward without losing a substantial sum of money over the next year." Id., 000066.

28. The DiFederico Report includes further detailed analysis of relevant golf course data of the potential for a golf course operation on the 35 Acre Property. TDG Rpt 000060-000066.

29. The DiFederico Report also specifically considered the historical operations of the golf course, which were trending downward rapidly. Id.

30. The DiFederico Report concluded that operating the golf course was not a financially feasible use of the 35 Acre Property as of September 14, 2017.

31. The DiFederico Report golf course conclusion is further supported by the Clark County Tax Assessor analysis on the 250 acre land (of which the 35 Acre Property was included). On September 21, 2017, the Clark County Assessor sent the Landowner a letter that stated since the 35 Acre Property had ceased being used as a golf course on December 1, 2016, the land no

longer met the definition of open space and was "disqualified for open-space assessment." The Assessor converted the property to a residential designation for tax purposes and then the deferred taxes were owed as provided in NRS 361A.280. The following explains how they apply deferred taxes:

> "NRS 361A.280 Payment of deferred tax when property converted to a higher use. If the county assessor is notified or otherwise becomes aware that a parcel of real property which has received agricultural or open-space use assessment has been converted to a higher use, the county assessor shall add to the tax extended against that portion of the property on the next property tax statement the deferred taxes, which is the difference between the taxes that would have been paid or payable on the basis of the agricultural or open-space use valuation and the taxes which would have been paid or payable on the basis of the taxable value calculated pursuant to NRS 361A.277 for each year in which agricultural or open-space use assessment was in effect for the property during the fiscal year in which the property ceased to be used exclusively for agricultural use or approved open-space use and the preceding 6 fiscal years. The County assessor shall assess the property pursuant to NRS 361.2276 for the next fiscal year following the date of conversion to a higher use."

32. The Las Vegas City Charter states, "The County Assessor of the County is, ex officio, the City Assessor of the City." LV City Charter, sec. 3.120.

33. The City provided no evidence that a golf course use was financially feasible as of the September 14, 2017, date of value.

34. Once the DiFederico Report identified the highest and best use of the 35 Acre Property as residential, it then considered the three standard valuation methodologies – the cost approach, sales comparison approach, and income capitalization approach. TDG Rpt 000068. The DiFederico Report identifies the sales comparison and income capitalization approaches as appropriate methods to value the 35 Acre Property. Id.

35. Under the sales comparison approach, the DiFederico Report identifies five similar "superpad" properties that sold near in time to the September 14, 2017, date of valuation. Id., 000069-000075. The DiFederico Report defines a superpad site as a larger parcel of property that is sold to home developers for detached single-family residential developments. Id., 000069.

36. The DiFederico Report then makes adjustments to these five sales to compensate for the differences between the five sales and the 35 Acre Property. Id., 000076. These adjustments include time-market conditions, location, physical characteristics, etc. Id., 000076-000083.

37. After considering all five sales and making the appropriate adjustments to the five sales, the DiFederico Report concludes that the value of the 35 Acre Property as of September 14, 2017, under the sales comparison approach is $23.00 per square foot. Id., 000084. The exact square footage of the 35 Acre Property (34.07 acres) is 1,484,089 and applying the DiFederico Report's square foot value to this number arrives at a value of $34,135,000 for the 35 Acre Property as of September 14, 2017, under the sales comparison approach. Id., 000084.

38. As a check to the reasonableness of the $34,135,000 value concluded by the sales comparison approach, the DiFederico Report completed an income approach to value the 35 Acre Property, referred to as the discounted cash flow approach (hereinafter "DCF approach"). TDG Rpt 000085-000094. The DiFederico Report explains the steps under this DCF approach, which are generally to determine the value of finished lots, consider the time it would take to develop the finished lots, subtract out the costs, profit rate, and discount rate, and discount the net cash flow to arrive at a value of the property as of September 14, 2017. Id., 000086. A finished lot is one that has been put in a condition that it is ready to develop a residential unit on it.

39. The DiFederico Report confirms that the DCF approach is used in the real world by developers to determine the value of property. Id., 000086.

40. The DiFederico Report considers three scenarios under this DCF approach – a 61 lot, 16 lot, and 7 lot development. Id., 000085-000094.

41. The DiFederico Report provides detailed data for the value of finished lots on the 35 Acre Property, including sales of finished lots in the area of the 35 Acre Property that sold near the September 14, 2017, date of value. TDG Rp[t 000086-000088. This data showed that the

average value for finished lots selling in the area were $30, $49.28, and $71.84 per square foot., depending upon the area of Summerlin and the Queensridge Community. TDG Rpt 000086-000087. With this data, the DiFederico Report concluded at a value of $40 per square foot for the 61 lot scenario, $35 per square foot for the 16 lot scenario, and $32 per square foot for the 7 lot scenario. TDG Rpt 000087.

42. The DiFederico Report then provides a detailed, factual based, analysis of the time it would take to develop the finished lots, the expenses to develop the finished lots, the profit rate and discount rate, and the appropriate discount to the net cash flow. TDG Rpt 000088-000090.

43. With this factual based data, the DiFederico Report provides a discounted cash flow model for each of the three scenarios to arrive at a value for the 35 Acre Property under each scenario as follows: 1) for the 61 lot scenario, $32,820,000, 2) for the 16 lot scenario, $35,700,000, and, 3) for the 7 lot scenario, $34,400,000. TDG Rpt 000091-000094. The DiFederico Report uses this income approach to confirm the reasonableness of the $34,135,000 value under the sales comparison approach.

44. The DiFederico Report then concludes that, applying all of the facts and data in the Report, the fair market value of the 35 Acre Property as of September 14, 2017, is $34,135,000. TDG Rpt 000095.

45. The DiFederico Report also provides a detailed analysis of the City's actions toward the 35 Acre Property to determine the effect of the City's actions on the 35 Acre Property from a valuation viewpoint. TDG Rpt. 000096-000101. These City actions are the same actions set forth in the Court's FFCL Re: Taking.

46. The DiFederico Report concludes that the City's actions have taken all value from the 35 Acre Property.

47. The DiFederico Report concludes that the City's actions removed the possibility of residential development; however, the landowner is still required to pay property taxes as if the property could be developed with a residential use. TDG Rpt 000100. According to the DiFederico Report, this immediately added an annual expense that was over $205,000 and that amount would be expected to increase over time. Id.

48. The DiFederico Report concludes that, due to the City's actions, there is no market to sell the 35 Acre Property with these development restrictions along with the extraordinarily high annual expenses as the buyer would be paying for a property with no economic benefit that has annual expenses in excess of $205,000. TDG Rpt 000100.

49. The DiFederico Report concludes that the value of the 35 Acre Property as of September 14, 2017, is $34,135,000 and that the City's actions have taken all value from the property, resulting in "catastrophic damages to this property." TDG Rpt 000101.

50. The City did not produce an appraisal report or a review appraisal report during discovery or during the bench trial.

51. The City did not depose Mr. DiFederico.

52. The City represented at the October 27, 2021, bench trial that, based on the rulings entered by the Court rulings in this matter, including the FFCL Re: Property Interest, the FFCL Re: Take, the rulings on the three motions in limine, and the competing motions for summary judgment on October 26, 2021, the City did not have evidence to admit to rebut the DiFederico Report.

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## III.

## CONCLUSIONS OF LAW

53. Consistent with the property tax increase, the Landowners attempted to develop the 35 Acre Property for residential use. Notwithstanding the taxing and zoning of R-PD7 (residential), the City of Las Vegas prevented the legal use of the property as it would not allow the Landowners to develop the property according to its zoning and residential designation. Consequently, the City of Las Vegas prevented the legally permitted use of the property and required the property to remain vacant. *See also* FFCL Re: Property Interest and FFCL Re: Taking.

54. The Court has previously rejected challenges to the Landowners' legally permissible residential use. Specifically, the Court has rejected the City's arguments that there is a Peccole Ranch Master Plan and a City of Las Vegas Master Plan/ land use designation of PR-OS or open space that govern the use of the 35 Acre Property. *See* FFCL Re: Property Interest and FFCL Re: Taking.

55. Given that the Landowners had the legal right to use their 35 Acre Property for residential use and given that the City has taken the 35 Acre Property, the Court, based on the agreement of the parties, must determine the fair market value of the 35 Acre Property.

56. The Nevada Constitution provides that where property is taken it "shall be valued at is highest and best use." Nev. Const. art. 1, sec. 22 (3).

57. The Nevada Constitution further provides that in "all eminent domain actions where fair market value is applied, it shall be defined as the highest price the property would bring on the open market." Nev. Const. art. 1, sec. 22 (5).

58. NRS 37.120 provides that the date upon which taken property must be valued is the date of the first service of summons, except that if the action is not tried within two years after the date of the first service of summons, the date of valuation is the date of commencement of trial, if

a motion is brought to change the date of value to the date of trial and certain findings are made by the Court.

59. In the case of County of Clark v. Alper, 100 Nev. 382, 391 (1984), the Nevada Supreme Court held that NRS 37.120 applies to both eminent domain and inverse condemnation proceedings, reasoning, "inverse condemnation proceedings are the constitutional equivalent to eminent domain actions and are governed by the same rules and principles that are applied to formal condemnation proceedings." Id.

60. The date of the first service of summons in this case is September 14, 2017, and neither party sought to change the date of valuation to the date of trial.

61. Therefore, the date of valuation in this inverse condemnation proceeding is the date of the first service of summons, which is September 14, 2017.

62. The Court finds that Mr. DiFederico has the expertise to value the 35 Acre Property.

63. The Court further finds that the valuation methodologies applied in the DiFederico Report are accepted methodologies to appraise property and are relevant and reliable to determine the value of the 35 Acre Property as of September 14, 2017.

64. The Court further finds that the DiFederico Report is based on reliable data, including reliable comparable sales, and is well-reasoned. The conclusions therein are well-supported.

65. The Court finds that the DiFederico Report properly applied and followed Nevada's eminent domain and inverse condemnation laws and that the Report appropriately analyzed and arrived at a proper highest and best use of the 35 Acre Property as residential use. This highest and best use conclusion is also supported by the Court's previous FFCL Re: Property Interest and FFCL Re: Taking.

66. The Court finds that the DiFederico Report properly followed Nevada law in applying the "highest price" standard of fair market value.

67. The Court's final decision is based on a finding that the 35 Acre Property could be developed with a residential use in compliance with its R-PD7 zoning on September 14, 2017. Due to the effect of the government's unlawful taking of the 35 Acre Property, the DiFederico Report concluded there was no market to sell this property with the substantial tax burden and no potential use or income to offset the tax expense. Based on the City's actions, the Court hereby determines that just compensation for the fair market value of the 35 Acre Property due to the City's unlawful taking of the 35 Acre Property is the sum of $34,135,000, exclusive of attorney's fees, costs, interest, and reimbursement of taxes.

68. As a result, the Court hereby finds in favor of the Landowners and against the City in the sum of $34,135,000.

69. The Court will accept post trial briefing on the law and facts to determine attorney's fees, costs, interest, and reimbursement of taxes as Article 1 Section 22(4) provides that "[j]ust compensation shall include, but is not limited to, compounded interest and all reasonable costs and expenses actually incurred." Once the Court determines the compensation for these additional items, if any, the Court will write in the compensation for each of these items, if any, as follows:

The City shall pay to the Landowners attorney fees in the amount of

$ _____.

The City shall pay to the Landowners costs in the amount of $_____.

The City shall pay prejudgment interest in the amount of $_____ for interest up to the date of judgment (October 27, 2021) and a daily prejudgment interest thereafter in the amount of $ _____ until the date the judgment is satisfied. NRS 37.175.

The City shall reimburse the Landowners real estate taxes paid on the 35 Acre Property in the amount of $_____.

## IV.

## CONCLUSION

**IT IS HEREBY ORDERED THAT**, the City is ordered to pay the Landowners the amount of $34,135,000 as the fair market value for the taking of the Landowners 35 Acre Property, with the above items for attorney fees, interest, costs, and reimbursement of taxes reserved for post trial briefing.

**Dated this 18th day of November, 2021**

MH

**B88 955 81A8 4EC7**
**Timothy C. Williams**
**District Court Judge**

Respectfully Submitted By:

**LAW OFFICES OF KERMITT L. WATERS**

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***Attorneys for Plaintiff Landowners***

Content Reviewed and Approved By:

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Declined to sign
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***Attorneys for City of Las Vegas***

**From:** James Leavitt
**To:** Sandy Guerra
**Subject:** FW: 180 Land Company, LLC v. City of Las Vegas, Case No. A-17-758528-J- Proposed Order
**Date:** Wednesday, November 10, 2021 8:44:55 AM

---

Jim Leavitt, Esq.
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This e-mail, and any attachments thereto, is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please immediately notify me at (702) 733-8877 and permanently delete the original and any copy of any e-mail and any printout thereof. Further information about the firm will be provided upon request.

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**From:** James Leavitt
**Sent:** Wednesday, November 10, 2021 8:45 AM
**To:** 'George F. Ogilvie III' <gogilvie@Mcdonaldcarano.com>
**Cc:** Autumn Waters <autumn@kermittwaters.com>; Christopher Molina <cmolina@mcdonaldcarano.com>; No Scrub <NoScrub@mcdonaldcarano.com>; 'Elizabeth Ham (EHB Companies)' <eham@ehbcompanies.com>
**Subject:** RE: 180 Land Company, LLC v. City of Las Vegas, Case No. A-17-758528-J- Proposed Order

George:

Thank you for your edits. Unfortunately, it is clear we will not come to agreement on the language of the FFCL re: Just Compensation.

Therefore, we will be submitting the Landowners' proposed FFCL re: Just Compensation to Judge Williams this morning.

I hope you have a good holiday weekend.

Jim

Jim Leavitt, Esq.
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**From:** George F. Ogilvie III <gogilvie@Mcdonaldcarano.com>
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**Subject:** RE: 180 Land Company, LLC v. City of Las Vegas, Case No. A-17-758528-J- Proposed Order

Attached are the City's edits to the proposed FFCL.

**George F. Ogilvie III** | Partner
**McDONALD CARANO**
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---

**From:** James Leavitt <jim@kermittwaters.com>
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**Cc:** Autumn Waters <autumn@kermittwaters.com>
**Subject:** RE: 180 Land Company, LLC v. City of Las Vegas, Case No. A-17-758528-J- Proposed Order

George:

The only orders that have been submitted to the Court are:

FFCL on the motions in limine
FFCL on the denial of both summary judgment motions

We have not submitted the FFCL on just compensation (the most recent one I sent you). I intend to send the FFCL on just compensation to the Court Tuesday, end of business.

Jim

Jim Leavitt, Esq.
***Law Offices of Kermitt L. Waters***
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tel: (702) 733-8877

**CSERV**

DISTRICT COURT
CLARK COUNTY, NEVADA

| | |
|---|---|
| 180 Land Company LLC,<br>Petitioner(s)<br><br>vs.<br><br>Las Vegas City of,<br>Respondent(s) | CASE NO: A-17-758528-J<br><br>DEPT. NO. Department 16 |

**AUTOMATED CERTIFICATE OF SERVICE**

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# EXHIBIT “B”

Electronically Filed
2/10/2022 9:25 AM
Steven D. Grierson
CLERK OF THE COURT

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Facsimile: (702) 731-1964
***Attorneys for Plaintiff Landowners***

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

| | |
|---|---|
| 180 LAND CO., LLC, a Nevada limited liability company, FORE STARS Ltd., DOE INDIVIDUALS I through X, ROE CORPORATIONS I through X, and ROE LIMITED LIABILITY COMPANIES I through X,<br><br>Plaintiffs,<br><br>*vs.*<br><br>CITY OF LAS VEGAS, political subdivision of the State of Nevada, ROE government entities I through X, ROE CORPORATIONS I through X, ROE INDIVIDUALS I through X, ROE LIMITED LIABILITY COMPANIES I through X, ROE quasi-governmental entities I through X,<br><br>Defendant. | Case No.: A-17-758528-J<br>Dept. No.: XVI<br><br>**NOTICE OF ENTRY OF:**<br><br>**FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER DENYING THE CITY'S MOTION FOR IMMEDIATE STAY OF JUDGMENT; AND GRANTING PLAINTIFF LANDOWNERS' COUNTERMOTION TO ORDER THE CITY TO PAY THE JUST COMPENSATION**<br><br>**Hearing Date: January 19, 2022**<br><br>**Hearing Time: 10:00 a.m.** |

**PLEASE TAKE NOTICE** that the Findings of Fact and Conclusions of law and Order Denying the City's Motion for Immediate stay of Judgment; and Granting Plaintiff landowners' Countermotion to Order the City to Pay the Just Compensation ("Order") was entered on the 9th day of February, 2022.

///

A copy of the Order is attached hereto.

DATED this 10th day of February, 2022.

**LAW OFFICES OF KERMITT L. WATERS**

*/s/ James J. Leavitt*

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***Attorneys for Plaintiffs Landowners***

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the Law Offices of Kermitt L. Waters, and that on the 10th day of February, 2022, pursuant to NRCP 5(b), a true and correct copy of the foregoing: **NOTICE OF ENTRY OF: FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER DENYING THE CITY'S MOTION FOR IMMEDIATE STAY OF JUDGMENT; AND GRANTING PLAINTIFF LANDOWNERS' COUNTERMOTION TO ORDER THE CITY TO PAY THE JUST COMPENSATION** was served on the below via the Court's electronic filing/service system and/or deposited for mailing in the U.S. Mail, postage prepaid and addressed to, the following:

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*/s/ Sandy Guerra*
an employee of the Law Offices of Kermitt L. Waters

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***Attorneys for Plaintiffs Landowners***

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

| | |
|---|---|
| 180 LAND CO., LLC, a Nevada limited liability company, FORE STARS Ltd., DOE INDIVIDUALS I through X, ROE CORPORATIONS I through X, and ROE LIMITED LIABILITY COMPANIES I through X,<br><br>Plaintiffs,<br><br>*vs.*<br><br>CITY OF LAS VEGAS, political subdivision of the State of Nevada, ROE government entities I through X, ROE CORPORATIONS I through X, ROE INDIVIDUALS I through X, ROE LIMITED LIABILITY COMPANIES I through X, ROE quasi-governmental entities I through X,<br><br>Defendant. | Case No.: A-17-758528-J<br>Dept. No.: XVI<br><br>**FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER DENYING THE CITY'S MOTION FOR IMMEDIATE STAY OF JUDGMENT; AND GRANTING PLAINTIFF LANDOWNERS' COUNTERMOTION TO ORDER THE CITY TO PAY THE JUST COMPENSATION**<br><br>**Date of Hearing: January 19, 2022**<br>**Time of Hearing: 10:00 a.m.** |

This matter came before the Court on January 19, 2022, with Plaintiffs, 180 LAND COMPANY, LLC and FORE STARS, Ltd. (hereinafter "Landowners") appearing through their counsel, James Jack Leavitt, Esq., of the Law Offices of Kermitt L. Waters, along with the Landowners' in-house counsel Elizabeth Ghanem Ham, Esq., and with the City of Las Vegas



Case Number: A-17-758528-J

(hereinafter "City") appearing through its counsel, George F. Ogilvie III, Esq. and Christopher J. Molina, Esq. of McDonald Carano, LLP and Andrew M. Schwartz, Esq., of Shute, Mihaly and Weinberger, LLP.

Having reviewed and considered the pleadings, arguments of counsel, the evidence presented, the file and other matters referenced herein, the Court hereby enters the following Findings of Fact and Conclusions of Law and Order:

## I. FINDINGS OF FACT

### A) Procedural Posture

This is an inverse condemnation case brought by the Landowners against the City for the taking by inverse condemnation of their approximately 35 acre property ("Landowners' Property" or "Subject Property"). The Court has reviewed extensive pleadings and has allowed lengthy hearings on the facts and law relevant to the inverse condemnation issues in this matter and entered findings of fact and conclusions of law on those issues. On October 12, 2020, the Court determined the legally permissible use of the Landowners' Property prior to the City's actions at issue. *See Findings of Fact and Conclusions of Law Regarding Plaintiff Landowners' Motion to Determine "Property Interest" filed October 12, 2020.* After competing motions for summary judgment on liability were filed and following four days of hearings, the Court granted summary judgment in the Landowners' favor, finding the City took by inverse condemnation the Landowners' Property. S*ee Findings of Fact and Conclusions of Law Granting Plaintiffs Landowners' Motion to Determine Take and For Summary Judgment on The First, Third and Fourth Claims For Relief filed October 25, 2021 (hereinafter "FFCL Re: City's Taking").* Thereafter, the parties stipulated to a bench trial wherein uncontroverted evidence established that the value of the Landowners' Property taken by the City was $34,135,000 and the City was ordered to pay this amount as just

compensation for the taking. *Finding of Fact and Conclusions of Law on Just Compensation filed November 18, 2021* at ¶ 9, 15, 50 and 52.

The City moved the Court to stay payment of the award based on NRCP Rule 62 and NRAP Rule 8. The Landowners opposed the City's stay request and filed a countermotion to have the City pay the award based on NRS 37.140, 37.170 and State v. Second Judicial District Court, 75 Nev. 200 (1959).

**B) The City is in Possession of the Landowners' Property.**

Based upon the undisputed evidence in this case, this Court found the Landowners have established a ***"per se" taking*** of their property. *FFCL Re: City's Taking at ¶ 154-175.* A "per se" taking means the City is in possession of the Landowners' Property. Id. The City has taken the Landowners' Property for the surrounding neighbors' use and enjoyment and has prevented the Landowners from doing anything with the Subject Property that would interfere with the surrounding neighbors' use of the Subject Property. The City has preserved the Subject Property for public use and has authorized the public to use the Subject Property. The City has additionally denied any use of the Landowners' Property that would conflict with said public use resulting in a complete depravation of any economically beneficial use of the Subject Property.

For example, the City prevented the Landowners from constructing a fence around the Subject Property, as a fence would prevent the surrounding neighbors from using the Subject Property. *FFCL Re: City's Taking at ¶ 87-95*. The City passed ordinances (Bills 2018-5 and 2018-24) that: 1) targeted only the Landowners' Property; 2) made it impossible to develop; and 3) preserved the Landowners' Property for the surrounding neighbors' use by ensuring the surrounding neighbors had ongoing access to the Landowners' Property. *FFCL Re: City's Taking at ¶ 103-122.* The City ordinances authorized the surrounding neighbors to use the Landowners' Property for recreation and open space and the City went into the community and told the

surrounding neighbors that the Landowners' Property was theirs to use as their own recreation and open space. *FFCL Re: City's Taking at ¶ 116-122.* The City denied the Landowners access to their own property because the City did not want the Landowners' access to impact the surrounding neighbors use of the Landowners' Property. *FFCL Re: City's Taking at ¶ 96-103.* Uncontested expert opinion established that the City's actions left the Subject Property with zero value. *FFCL Re: City's Taking at ¶ 145-148.* Accordingly, the Landowners have been dispossessed of the Subject Property by the City and the City is in possession of the Subject Property for a public use.

## II. CONCLUSIONS OF LAW

"Inverse condemnation proceedings are the constitutional equivalent to eminent domain actions and are governed by the **same rules and principles that are applied to formal condemnation proceedings.**" County of Clark v. Alper, 100 Nev 382, 391 (1984)(emphasis added).

NRS 37.140 provides that any "sum of money assessed" against the government in an eminent domain or inverse condemnation action must be paid within 30 days of the final judgment – "The [government] must, within 30 days after final judgment, pay the sum of money assessed." NRS 37.140. This statute uses the mandatory "must" language and provides no exceptions.

NRS 37.170 mandates that, as a precondition to an appeal in an eminent domain or inverse condemnation case, the government must pay the award. NRS 37.170. The Nevada Supreme Court addressed the applicability of NRS 37.170 in the case of State v. Second Judicial District Court, 75 Nev. 200 (1959). In that case, the State of Nevada made the *same arguments the City made here* – that it does not need to pay an award as a condition to appeal. The district court in Second Judicial District Court denied the State's request and ordered payment of the award. Id., at 202. The State appealed. The Nevada Supreme Court affirmed, rejecting the State's arguments. Accordingly, as held in Second Judicial District Court "the deposit provided by NRS 37.170 is a

condition to the condemnor's right to maintain an appeal while remaining in possession." Id., at 205.

After considering the mandatory language under NRS 37.140, which grants a landowner a substantive right whereby the government must, within 30 days after final judgment, pay the sum of money assessed in an eminent domain or inverse condemnation case, as well as the mandate under NRS 37.170 which preconditions any appeal on payment of the sum of money assessed (addressed in Second Judicial District Court), the Court is compelled to deny the City's Motion for Immediate Stay of Judgment in this matter. The Court's decision is based on a determination that the more specific eminent domain statutes, such as NRS 37.140 and 37.170, which grant the Landowners substantive rights, take precedence in this special proceeding over the general rules of procedure relied upon by the City. *See* Doe Dancer I v. La Fuente, Inc., 137 Nev. Adv. Op. 3, 431 P.3d 860, 871 (2021) (recognizing the "general/specific canon" that when two statutes conflict, "the more specific statute will take precedence, and is construed as an exception to the more general statute." Id., at 871.); City of Sparks v. Reno Newspapers, Inc., 133 Nev. 398, 400, 401 (2017) ("it is an accepted rule of statutory construction that a provision which specifically applies to a given situation will take precedence over one that applies only generally." Id., at 400-401). Additionally, with the 30-day delay in payment under NRS 37.140, the City will have sufficient time to seek a stay, if appropriate, from the Nevada Supreme Court.

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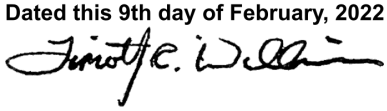
## III. ORDER

**IT IS HEREBY ORDERED THAT** the City's Motion for Immediate Stay of Judgment shall be **DENIED**. Additionally, the Landowners' Countermotion to Order the City of Las Vegas to pay the just compensation assessed shall be **GRANTED**. The City is hereby ordered to pay all sums assessed in this matter within 30 days of final judgment and as a condition to appeal.

**Dated this 9th day of February, 2022**



**58B 72C B710 CB01**
**Timothy C. Williams**
**District Court Judge**

MH

Respectfully Submitted By:

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**CSERV**

DISTRICT COURT
CLARK COUNTY, NEVADA

| | |
|---|---|
| 180 Land Company LLC,<br>Petitioner(s)<br><br>vs.<br><br>Las Vegas City of,<br>Respondent(s) | CASE NO: A-17-758528-J<br><br>DEPT. NO. Department 16 |

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| Lauren Tarpey | LTarpey@smwlaw.com |
| David Weibel | weibel@smwlaw.com |
| Sandy Guerra | sandy@kermittwaters.com |

| | |
|---|---|
| Jennifer Knighton | jknighton@ehbcompanies.com |
| Elizabeth Ham | EHam@ehbcompanies.com |
| Rebecca Wolfson | rwolfson@lasvegasnevada.gov |

# EXHIBIT “C”

Electronically Filed
2/17/2022 9:56 AM
Steven D. Grierson
CLERK OF THE COURT

**NOE**
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704 South Ninth Street
Las Vegas, Nevada 89101
Telephone: (702) 733-8877
Facsimile: (702) 731-1964
***Attorneys for Plaintiff Landowners***

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

| | |
|---|---|
| 180 LAND CO., LLC, a Nevada limited liability company, FORE STARS Ltd., DOE INDIVIDUALS I through X, ROE CORPORATIONS I through X, and ROE LIMITED LIABILITY COMPANIES I through X,<br><br>Plaintiffs,<br><br>*vs.*<br><br>CITY OF LAS VEGAS, political subdivision of the State of Nevada, ROE government entities I through X, ROE CORPORATIONS I through X, ROE INDIVIDUALS I through X, ROE LIMITED LIABILITY COMPANIES I through X, ROE quasi-governmental entities I through X,<br><br>Defendant. | Case No.: A-17-758528-J<br>Dept. No.: XVI<br><br>**NOTICE OF ENTRY OF:**<br><br>**ORDER GRANTING IN PART AND DENYING IN PART THE CITY OF LAS VEGAS' MOTION TO RETAX MEMORANDUM OF COSTS**<br><br>**Hearing Date: January 19, 2022**<br><br>**Hearing Time: 10:00 a.m.** |

**PLEASE TAKE NOTICE** that the Order Granting in Part and Denying in Part the City of Las Vegas' Motion to Retax Memorandum of Costs ("Order") was entered on the 16th day of February, 2022.

///

A copy of the Order is attached hereto.

DATED this 17th day of February, 2022.

**LAW OFFICES OF KERMITT L. WATERS**

*/s/ James J. Leavitt*

Kermitt L. Waters, Esq. (NSB 2571)
James J. Leavitt, Esq. (NSB 6032)
Michael A. Schneider, Esq. (NSB 8887)
Autumn L. Waters, Esq. (NSB 8917)
704 South Ninth Street
Las Vegas, Nevada 89101
Telephone: (702) 733-8877
Facsimile: (702) 731-1964
***Attorneys for Plaintiffs Landowners***

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the Law Offices of Kermitt L. Waters, and that on the 17th day of February, 2022, pursuant to NRCP 5(b), a true and correct copy of the foregoing: **NOTICE OF ENTRY OF: ORDER GRANTING IN PART AND DENYING IN PART THE CITY OF LAS VEGAS' MOTION TO RETAX MEMORANDUM OF COSTS** was served on the below via the Court's electronic filing/service system and/or deposited for mailing in the U.S. Mail, postage prepaid and addressed to, the following:

**McDONALD CARANO LLP**
George F. Ogilvie III, Esq.
Christopher Molina, Esq.
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**LAS VEGAS CITY ATTORNEY'S OFFICE**
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**SHUTE, MIHALY & WEINBERGER, LLP**
Andrew W. Schwartz, Esq.
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396 Hayes Street
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ltarpey@smwlaw.com

*/s/ Sandy Guerra*
an employee of the Law Offices of Kermitt L. Waters

ELECTRONICALLY SERVED
2/16/2022 6:07 AM

Electronically Filed
02/16/2022 6:07 AM
CLERK OF THE COURT

**ORDR**
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Telephone: (702) 733-8877
Facsimile: (702) 731-1964
***Attorneys for Plaintiffs Landowners***

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

| | |
|---|---|
| 180 LAND CO., LLC, a Nevada limited liability company, FORE STARS Ltd., DOE INDIVIDUALS I through X, ROE CORPORATIONS I through X, and ROE LIMITED LIABILITY COMPANIES I through X,<br><br>Plaintiffs,<br><br>*vs.*<br><br>CITY OF LAS VEGAS, political subdivision of the State of Nevada, ROE government entities I through X, ROE CORPORATIONS I through X, ROE INDIVIDUALS I through X, ROE LIMITED LIABILITY COMPANIES I through X, ROE quasi-governmental entities I through X,<br><br>Defendant. | Case No.: A-17-758528-J<br>Dept. No.: XVI<br><br>**ORDER GRANTING IN PART AND DENYING IN PART THE CITY OF LAS VEGAS' MOTION TO RETAX MEMORANDUM OF COSTS**<br><br>Date of Hearing: January 19, 2022<br>Time of Hearing: 10:00 a.m. |



Case Number: A-17-758528-J

Defendant City of Las Vegas' Motion to Retax Memorandum of Costs, having come before the Court on January 19, 2022, James J. Leavitt, Esq. of the Law Offices of Kermitt L Waters and Plaintiff's in-house counsel Elizabeth Ghanem, Esq. appearing on behalf of Plaintiff Landowners 180 Land Co and Fore Stars ("Landowners"), George F. Ogilvie III, Esq. and Christopher Molina, Esq. of McDonald Carano LLP and Andrew W. Schwartz, Esq. of Shute Mihaly and Weinberger LLP appearing on behalf of the City of Las Vegas ("City").

The Court having reviewed the papers and pleadings on file, heard argument of counsel, and for good cause appearing hereby **GRANTS IN PART** and **DENIES IN PART** the City of Las Vegas' Motion to Retax Memorandum of Costs and orders as follows:

The Landowners are entitled to recover costs actually incurred in this matter as the Nevada Constitution provides that the Landowners' "just compensation" award "shall include … all reasonable costs and expenses actually incurred." Nev. Const. art. I § 22 (4). See also the Federal Relocation Act. NRS 342.105 and 49 CFR § 24.107.

The Court finds the following costs to be reasonable and actually incurred in this matter as they were undisputed:

| | |
|---|---|
| 8th Judicial District Court Fees | $200.00 |
| Discovery Legal Services | $481.25 |
| LGM Transcription Services | $571.14 |
| Litigation Services, court reporting services | $3,933.49 |
| Margot Isom, court reporting services | $3,293.72 |
| National Court Reporters, court reporting services | $6,693.23 |
| Rhonda Aquilina, court reporting services | $1,031.09 |
| AT&T Conference Calls | $32.52 |

| | |
|---|---|
| Capriotti's | $84.88 |
| Parking and Lunch | $121.27 |
| **Total** | **$16,442.59** |

The Court further finds the following disputed costs to be reasonable and actually incurred in this matter and, therefore, **DENIES** the City's request to retax the following costs:

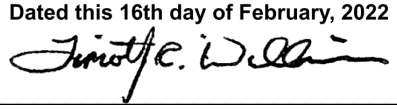
| | |
|---|---|
| HOLO Discovery | $14,422.81 |
| Nevada Supreme Court Law Library | $33.20 |
| Clark County Recorder | $171.00 |
| District Court Clerk | $119.00 |
| GGA Partners | $11,162.41 |
| Global Golf Advisors | $67,094.00 |
| The DiFederico Group | $114,250.00 |
| Jones Roach & Caringella | $29,625.00 |
| Legal Wings | $290.00 |
| 8th Judicial District Court E-Filing Fees | $773.50 |
| Oasis, court reporting services | $1,049.00 |
| In-house copy costs @ $.15 per B/W and $.25 for color | $6,345.40 |
| **Total** | **$245,335.32** |

The Court further finds the Westlaw billings to be reasonable and actually incurred in this matter, but **GRANTS,** in part, the City's request to retax by reducing the Westlaw billings 75% to account for the fact that all four related inverse condemnation cases (17, 35, 65, and 133 acre cases) were identified as just one client on the Westlaw billings. Therefore, the $50,669.02 Westlaw bill is retaxed to **$12,667.25.**

**THEREFORE, IT IS HEREBY ORDERED THAT** the City pay to the Landowners costs in the amount of **$274,445.16.**

**IT IS FURTHER ORDERED THAT** the judgment that is entered in this matter shall include this **$274,445.16** to be paid by the City to the Landowners.

**Dated this 16th day of February, 2022**



MH

**51A C54 4F89 7CD2**
**Timothy C. Williams**
**District Court Judge**

Submitted By:

LAW OFFICES OF KERMITT L. WATERS

By: */s/ James J. Leavitt*
Kermitt L. Waters (NV Bar No. 2571)
James J. Leavitt (NV Bar No. 6032)
Michael A. Schneider (NV Bar No. 8887)
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***Attorneys for Plaintiffs Landowners***

Content Reviewed and Approved by:

McDONALD CARANO LLP

By: *Did Not Respond*
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***Attorneys for City of Las Vegas***

| | |
|---|---|
| **From:** | Autumn Waters |
| **To:** | Sandy Guerra |
| **Subject:** | FW: 35 acres - Proposed Orders on Costs and Taxes |
| **Date:** | Wednesday, January 26, 2022 10:18:58 AM |
| **Attachments:** | Order Re Retax Costs.docx<br>Order Granting Motion to Reimburse Taxes.docx |

---

**From:** Autumn Waters
**Sent:** Friday, January 21, 2022 11:40 AM
**To:** 'gogilvie@mcdonaldcarano.com' <gogilvie@mcdonaldcarano.com>; 'cmolina@mcdonaldcarano.com' <cmolina@mcdonaldcarano.com>
**Cc:** James Leavitt <jim@kermittwaters.com>; Elizabeth Ham (EHB Companies) <eham@ehbcompanies.com>
**Subject:** 35 acres - Proposed Orders on Costs and Taxes

Hi George,

Attached for your review are the following proposed orders:

ORDER GRANTING IN PART AND DENYING IN PART THE CITY OF LAS VEGAS' MOTION TO RETAX MEMORANDUM OF COSTS

ORDER GRANTING PLAINTIFFS LANDOWNERS' MOTION FOR REIMBURSEMENT OF PROPERTY TAXES

Please let me know if I have your permission to attached your electronic signature to these proposed orders by Monday as we intend to submit them to the Court for signature first thing Tuesday morning.

Thank you and have a great weekend.

Autumn Waters, Esq.
Law Offices of Kermitt L. Waters
704 South Ninth Street
Las Vegas Nevada 89101
tel: (702) 733-8877
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This e-mail, and any attachments thereto, is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please immediately notify me at (702) 733-8877 and permanently delete the original and any copy of any e-mail and any printout thereof.

Further information about the firm will be provided upon request.

**CSERV**

DISTRICT COURT
CLARK COUNTY, NEVADA

| | |
|---|---|
| 180 Land Company LLC,<br>Petitioner(s)<br><br>vs.<br><br>Las Vegas City of,<br>Respondent(s) | CASE NO: A-17-758528-J<br><br>DEPT. NO. Department 16 |

**AUTOMATED CERTIFICATE OF SERVICE**

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

Service Date: 2/16/2022

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# EXHIBIT “D”

Electronically Filed
2/17/2022 9:41 AM
Steven D. Grierson
CLERK OF THE COURT

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Telephone: (702) 733-8877
Facsimile: (702) 731-1964
***Attorneys for Plaintiff Landowners***

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

| | |
|---|---|
| 180 LAND CO., LLC, a Nevada limited liability company, FORE STARS Ltd., DOE INDIVIDUALS I through X, ROE CORPORATIONS I through X, and ROE LIMITED LIABILITY COMPANIES I through X,<br><br>Plaintiffs,<br><br>*vs.*<br><br>CITY OF LAS VEGAS, political subdivision of the State of Nevada, ROE government entities I through X, ROE CORPORATIONS I through X, ROE INDIVIDUALS I through X, ROE LIMITED LIABILITY COMPANIES I through X, ROE quasi-governmental entities I through X,<br><br>Defendant. | Case No.: A-17-758528-J<br>Dept. No.: XVI<br><br>**NOTICE OF ENTRY OF:**<br><br>**ORDER GRANTING PLAINTIFFS LANDOWNERS' MOTION FOR REIMBURSEMENT OF PROPERTY TAXES**<br><br>**Hearing Date: January 19, 2022**<br><br>**Hearing Time: 10:00 a.m.** |

**PLEASE TAKE NOTICE** that the Order Granting Plaintiffs Landowners' Motion for Reimbursement of Property Taxes ("Order") was entered on the 16th day of February, 2022.

///

A copy of the Order is attached hereto.

DATED this 17th day of February, 2022.

**LAW OFFICES OF KERMITT L. WATERS**

*/s/ James J. Leavitt*

Kermitt L. Waters, Esq. (NSB 2571)
James J. Leavitt, Esq. (NSB 6032)
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Telephone: (702) 733-8877
Facsimile: (702) 731-1964
***Attorneys for Plaintiffs Landowners***

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the Law Offices of Kermitt L. Waters, and that on the 17th day of February, 2022, pursuant to NRCP 5(b), a true and correct copy of the foregoing: **NOTICE OF ENTRY OF: ORDER GRANTING PLAINTIFFS LANDOWNERS' MOTION FOR REIMBURSEMENT OF PROPERTY TAXES** was served on the below via the Court's electronic filing/service system and/or deposited for mailing in the U.S. Mail, postage prepaid and addressed to, the following:

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**LAS VEGAS CITY ATTORNEY'S OFFICE**
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Rebecca Wolfson, Esq.
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**SHUTE, MIHALY & WEINBERGER, LLP**
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*/s/ Sandy Guerra*
an employee of the Law Offices of Kermitt L. Waters

ELECTRONICALLY SERVED
2/16/2022 6:08 AM

Electronically Filed
02/16/2022 6:07 AM
CLERK OF THE COURT

**ORDR**
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Facsimile: (702) 731-1964
***Attorneys for Plaintiffs Landowners***

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

| | |
|---|---|
| 180 LAND CO., LLC, a Nevada limited liability company, FORE STARS Ltd., DOE INDIVIDUALS I through X, ROE CORPORATIONS I through X, and ROE LIMITED LIABILITY COMPANIES I through X,<br><br>Plaintiffs,<br><br>*vs.*<br><br>CITY OF LAS VEGAS, political subdivision of the State of Nevada, ROE government entities I through X, ROE CORPORATIONS I through X, ROE INDIVIDUALS I through X, ROE LIMITED LIABILITY COMPANIES I through X, ROE quasi-governmental entities I through X,<br><br>Defendant. | Case No.: A-17-758528-J<br>Dept. No.: XVI<br><br>**ORDER GRANTING PLAINTIFFS LANDOWNERS' MOTION FOR REIMBURSEMENT OF PROPERTY TAXES**<br><br>Date of Hearing: January 19, 2022<br>Time of Hearing: 10:00 a.m. |



Case Number: A-17-758528-J

Plaintiff Landowners' Motion for Reimbursement of Taxes, having come before the Court on January 19, 2022, James J. Leavitt, Esq. of the Law Offices of Kermitt L Waters and Plaintiff's in-house counsel Elizabeth Ghanem, Esq. appearing on behalf of Plaintiff Landowners 180 Land Co and Fore Stars. ("Landowners"), George F. Ogilvie III, Esq. and Christopher Molina, Esq. of McDonald Carano LLP and Andrew W. Schwartz, Esq. of Shute Mihaly and Weinberger LLP appearing on behalf of the City of Las Vegas ("City").

The Court having reviewed the papers and pleadings on file, heard argument of counsel, and for good cause appearing hereby finds and orders as follows:

Nevada law provides that "[a]n owner who is dispossessed from his or her land when it is taken for public use is no longer obligated to pay taxes" and the owner is entitled to reimbursement of property taxes actually paid after the land is taken. County of Clark v. Alper, 100 Nev. 382, 395 (1984).

This Court entered Findings of Fact and Conclusions of Law Granting Plaintiff Landowners' Motion to Determine Take and for Summary Judgment on the First, Third, and Fourth Claims for Relief and Denying the City of Las Vegas' Countermotion for Summary Judgment on the Second Claim for Relief, filed October 25, 2021 (FFCL Re: Take). The FFCL Re: Take details the actions by the City that resulted in a taking of the Landowners' Property, with the first date of compensable injury being August 2, 2017. FFCL Re: Take, pp. 11-19, findings 46-86.

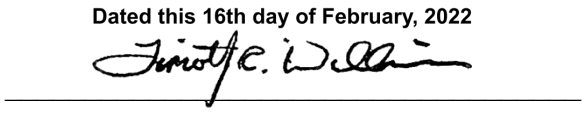
The Landowners presented uncontested evidence that they paid property taxes from August 2, 2017, up to the date of the hearing in this matter in the amount of $976,889.38.

**THEREFORE, IT IS HEREBY ORDERED THAT** Plaintiff Landowners' Motion for Reimbursement of Property Taxes is **GRANTED** and the City shall reimburse the Landowners

for the taxes paid on the Subject Property from August 2, 2017, forward in the amount of $976,889.38.

**IT IS FURTHER ORDERED THAT** the judgment that is entered in this matter shall include this $976,889.38 to be paid by the City to the Landowners.

**Dated this 16th day of February, 2022**



MH

**69B 1F6 D918 A34D**
**Timothy C. Williams**
**District Court Judge**

Submitted By:

LAW OFFICES OF KERMITT L. WATERS

By: */s/ James J. Leavitt*
Kermitt L. Waters (NV Bar No. 2571)
James J. Leavitt (NV Bar No. 6032)
Michael A. Schneider (NV Bar No. 8887)
Autumn L. Waters (NV Bar No. 8917)
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EHB COMPANIES
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1215 S. Fort Apache Road, Suite 120
Las Vegas, NV 89117

***Attorneys for Plaintiffs Landowners***

Content Reviewed and Approved by:

McDONALD CARANO LLP

By: *Did not respond*
George F. Ogilvie III (NV Bar No. 3552)
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2300 W. Sahara Avenue, Suite 1200
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LAS VEGAS CITY ATTORNEY'S OFFICE
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396 Hayes Street
San Francisco, California 94102
***Attorneys for City of Las Vegas***

| | |
|---|---|
| **From:** | Autumn Waters |
| **To:** | Sandy Guerra |
| **Subject:** | FW: 35 acres - Proposed Orders on Costs and Taxes |
| **Date:** | Wednesday, January 26, 2022 10:18:58 AM |
| **Attachments:** | Order Re Retax Costs.docx<br>Order Granting Motion to Reimburse Taxes.docx |

---

**From:** Autumn Waters
**Sent:** Friday, January 21, 2022 11:40 AM
**To:** 'gogilvie@mcdonaldcarano.com' <gogilvie@mcdonaldcarano.com>; 'cmolina@mcdonaldcarano.com' <cmolina@mcdonaldcarano.com>
**Cc:** James Leavitt <jim@kermittwaters.com>; Elizabeth Ham (EHB Companies) <eham@ehbcompanies.com>
**Subject:** 35 acres - Proposed Orders on Costs and Taxes

Hi George,

Attached for your review are the following proposed orders:

ORDER GRANTING IN PART AND DENYING IN PART THE CITY OF LAS VEGAS' MOTION TO RETAX MEMORANDUM OF COSTS

ORDER GRANTING PLAINTIFFS LANDOWNERS' MOTION FOR REIMBURSEMENT OF PROPERTY TAXES

Please let me know if I have your permission to attached your electronic signature to these proposed orders by Monday as we intend to submit them to the Court for signature first thing Tuesday morning.

Thank you and have a great weekend.

Autumn Waters, Esq.
Law Offices of Kermitt L. Waters
704 South Ninth Street
Las Vegas Nevada 89101
tel: (702) 733-8877
fax: (702) 731-1964

This e-mail, and any attachments thereto, is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please immediately notify me at (702) 733-8877 and permanently delete the original and any copy of any e-mail and any printout thereof.

Further information about the firm will be provided upon request.

**CSERV**

DISTRICT COURT
CLARK COUNTY, NEVADA

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|---|---|
| 180 Land Company LLC,<br>Petitioner(s)<br><br>vs.<br><br>Las Vegas City of,<br>Respondent(s) | CASE NO: A-17-758528-J<br><br>DEPT. NO. Department 16 |

**AUTOMATED CERTIFICATE OF SERVICE**

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Service Date: 2/16/2022

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# EXHIBIT “E”

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***Attorneys for Plaintiff Landowners***

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

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|---|---|
| 180 LAND CO., LLC, a Nevada limited liability company, FORE STARS Ltd., DOE INDIVIDUALS I through X, ROE CORPORATIONS I through X, and ROE LIMITED LIABILITY COMPANIES I through X,<br><br>Plaintiffs,<br><br>*vs.*<br><br>CITY OF LAS VEGAS, political subdivision of the State of Nevada, ROE government entities I through X, ROE CORPORATIONS I through X, ROE INDIVIDUALS I through X, ROE LIMITED LIABILITY COMPANIES I through X, ROE quasi-governmental entities I through X,<br><br>Defendant. | Case No.: A-17-758528-J<br>Dept. No.: XVI<br><br>**NOTICE OF ENTRY OF:**<br><br>**ORDER GRANTING PLAINTIFF LANDOWNERS' MOTION FOR ATTORNEY FEES IN PART AND DENYING IN PART**<br><br>**Hearing Date: February 3, 2022**<br><br>**Hearing Time: 1:30 p.m.** |

**PLEASE TAKE NOTICE** that the Order Granting Plaintiff Landowners' Motion for Attorney Fees in Part and Denying in Part ("Order") was entered on the 18th day of February, 2022.

///

A copy of the Order is attached hereto.

DATED this 22nd day of February, 2022.

**LAW OFFICES OF KERMITT L. WATERS**

*/s/Autumn L. Waters*

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***Attorneys for Plaintiffs Landowners***

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the Law Offices of Kermitt L. Waters, and that on the 22nd day of February, 2022, pursuant to NRCP 5(b), a true and correct copy of the foregoing: **NOTICE OF ENTRY OF: ORDER GRANTING PLAINTIFF LANDOWNERS' MOTION FOR ATTORNEY FEES IN PART AND DENYING IN PART** was served on the below via the Court's electronic filing/service system and/or deposited for mailing in the U.S. Mail, postage prepaid and addressed to, the following:

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*/s/ Sandy Guerra*
an employee of the Law Offices of Kermitt L. Waters

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**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

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| 180 LAND CO., LLC, a Nevada limited liability company, FORE STARS Ltd., DOE INDIVIDUALS I through X, ROE CORPORATIONS I through X, and ROE LIMITED LIABILITY COMPANIES I through X,<br><br>Plaintiffs,<br><br>*vs.*<br><br>CITY OF LAS VEGAS, political subdivision of the State of Nevada, ROE government entities I through X, ROE CORPORATIONS I through X, ROE INDIVIDUALS I through X, ROE LIMITED LIABILITY COMPANIES I through X, ROE quasi-governmental entities I through X,<br><br>Defendant. | Case No.: A-17-758528-J<br>Dept. No.: XVI<br><br>**ORDER GRANTING PLAINTIFF LANDOWNERS' MOTION FOR ATTORNEY FEES IN PART AND DENYING IN PART**<br><br>Date of Hearing: February 3, 2022<br>Time of Hearing: 1:30 p.m. |

Plaintiff Landowners' Motion for Attorney Fees, having come before the Court on February 3, 2022, James J. Leavitt, Esq. of the Law Offices of Kermitt L Waters and Plaintiff



Case Number: A-17-758528-J

Landowners' in-house counsel Elizabeth Ghanem, Esq. appearing on behalf of Plaintiff Landowners 180 Land Co and Fore Stars. ("Landowners"), George F. Ogilvie III, Esq. and Christopher Molina, Esq. of McDonald Carano LLP and Andrew W. Schwartz, Esq. of Shute Mihaly and Weinberger LLP appearing on behalf of the City of Las Vegas ("City").

The Court having reviewed the papers and pleadings on file, heard argument of counsel, and for good cause appearing hereby finds and orders as follows:

The Landowners moved for an award of attorney fees pursuant to the Uniform Relocation Assistance and Real Property Acquisition Act ("Relocation Act") which Nevada has adopted in its entirety pursuant to NRS 342.105; *see also McCarran Int'l Airport v. Sisolak*, 122 Nev. 645, 673 (2006) and *Tien Fu Hsu v. County of Clark*, 123 Nev. 625, 637 (2007); 2) the Nevada Constitution Article 1, Section 22 (4); and, 3) NRS 18.010(2)(b).

**A. The Relocation Act Provides for the Reimbursement of Attorney Fees**

The Relocation Act provides that an owner shall be "reimbursed for any reasonable expenses, including reasonable attorney…fees, which the owner actually incurred because of a condemnation proceeding" when, "[t]he court having jurisdiction renders a judgment in favor of the owner in an inverse condemnation proceeding" 49 CFR § 24.107(c)(2020); NRS 342.105. The Nevada Supreme Court has held that "[t]he Relocation Act requires that a state government entity receiving federal funds institute formal condemnation proceedings to acquire any interest in real property by exercising the power of eminent domain" and, if not, Nevada landowners may bring inverse condemnation claims and "may recover attorney fees and costs if they succeed in an inverse condemnation claim against the government." *Sisolak*, at 673. Here, the Landowners have established that the City inversely condemned their property and therefore may recover their

reasonable attorney fees actually incurred pursuant to the Relocation Act, NRS 342.105 and *Sisolak*.

The City argued that the Landowners had to establish a nexus between federal funds and the project which took the Landowners' Property to recover attorney fees under the Relocation Act. Insofar as a Nevada landowner may be required to show that the taking agency receives federal funds to recover attorney fees under the Relocation Act or that the taking program receives federal funds to recover attorney fees under the Relocation Act, the Landowners have established both. The City receives federal funds generally and the City receives federal funds for its parks, recreation and open space program, the program for which the City took the Landowners' Property. *See Landowners' Mot. at Exhibits 12-16. Exhibit 12, screenshot of the City's Website stating the City receives federal funds; Exhibit 13, the City's 2050 Master Plan where the City details how it receives federal funds, specifically for parks and open space, see ATTY FEE MOT 0226; Exhibit 14, the City's SNPLMA Projects (SNPLMA is a federal grant program where federal dollars are given to the City for Parks and Open Space); Exhibit 15, the City's 2017 Budget detailing federal dollars received; Exhibit 16, City's 2021 Budget detailing federal dollars received.* The Landowners are entitled to reimbursement of their reasonable attorney fees under the Relocation Act.

**B. Article 1, Section 22 Provides for the Reimbursement of Attorney Fees**

The Landowners also moved for attorney fees under the Nevada Constitution Article 1, Section 22 (4). The Nevada constitution provides, "[i]n all eminent domain actions, just compensation shall be defined as that sum of money, necessary to place the property owner back in the same position, monetarily, without any governmental offsets, as if the property had never

been taken." Nev. Const. Art I § 22(4).[1] The Constitution further provides that "Just compensation shall include, but is not limited to, compounded interest and all reasonable costs and expenses actually incurred." Nev. Const. Art I § 22(4) (emphasis added). Attorney fees are expenses actually incurred. When interpreting constitutional provisions, the normal and ordinary meaning of words **must** be utilized. *Strickland v. Waymire*, 126 Nev. 230, 234 (2010). The normal and ordinary meaning of the word *"expense,"* include "the amount of money that is needed to pay for or buy something" and "something on which money is spent." http://www.merriam-webster.com/dictionary/expense. These normal and ordinary meanings of *"expense"* includes the amount of money needed to pay for legal counsel. To the extent there is any question about the normal and ordinary meaning of the language in an initiative petition, the Argument Opposing Passage in the Sample Ballot specifically informed Nevada Voters in 2006 and 2008 that "Further, we believe **taxpayers may have to pay all lawyers fees** and court expenses for any legal actions brought by private parties on eminent domain!" (Bold added, "!" in original text). *See* Landowners' Motion *Exhibit 9,* p. 11 and *Exhibit 10,* p. 7. The Landowners are entitled to their attorney fees actually incurred pursuant to Article 1 Section 22(4).

### C. NRS 18.010(2)(b) Provides of Attorney Fees to the Prevailing Party

The Landowners also moved for attorney fees under NRS 18.010(2)(b) which also provides for the award of attorney fees to the prevailing party "when the court finds that the claim, counterclaim, cross-claim or third-party complaint or defense of the opposing party was brought

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[1] Consistent with long standing Nevada law, in *Nevadans for the Prot. Of Prop. Rights v. Heller*, 122 Nev. 894, 908, 141 P.3d 1235, 1244-1245 (2006), the Nevada Supreme Court acknowledged that Article 1 § 22 would apply to inverse condemnation actions. See also *Clark County v. Alper*, 100 Nev. 382, 395 (1984); *Argier v. Nevada Power Co.,* 114 Nev. 137, fn 2, 952 P.2d 1390 (1998).

or maintained without reasonable ground or to harass the prevailing party." The Court finds that, given the record of this case, it is also appropriate to award attorney fees pursuant to NRS 18.010(2)(b).

**D. Calculation of Attorney Fees**

Pursuant to *Tien Fu Hsu v. County of Clark*, 123 Nev. 625, 637 (2007), attorney fees shall be calculated based on the Lodestar analysis which requires "multiply the number of hours reasonably spent on the case by a reasonable hourly rate." Id., at 637. The Landowners' counsel provided affidavits pursuant to NRCP Rule 54(d0(2)(B)(v)(a) "swearing that the fees were actually and necessarily incurred and were reasonable." The affidavits further provide that the Landowners' counsel have charged a rate of $450 from August of 2017 up to May 31, 2019, and a rate of $675 per hour thereafter. The attorney hours submitted by Landowners' counsel from August of 2017 to February of 2022 totaled 3,906.91.

The Court finds the hours submitted by Landowners' counsel to be reasonable and actually incurred based on the affidavits of Landowners' counsel, the record in the case, the complexity of the case, the amount of work required in the case, and the fact that the City's private attorneys have billed the City for more hours than the Landowners' counsel. *Landowners' Reply at 8 and Exhibit 18, 18a and 18b*.

The Court further finds that the rates of $450 and $675 per hour are reasonable based on the specialized nature of this action, the skill and expertise of Landowners' counsel, the rate in the community (i.e. the City's counsel charged the City $550 per hour *Exhibit 17,* which the City did not contest is a government rate known to be lower than the normal rate charged), the level of difficulty and difficult nature of the case, the importance of the matters litigated, the large spread in the damage calculation between the parties, the work performed and time needed to perform the

work, as well as the success of Landowners' counsel in this case. *See Landowners' motion for attorney fees pp. 11-26.*

The Landowners have also submitted for reimbursement of the Attorney's legal assistant fees which were also actually and reasonably incurred. The hours for the legal assistants total 1,063.93 and the Landowners submitted for these hours to be reimbursed at the actually incurred rate of $50.00. There was no objection to the reasonableness of this time or rate.

To follow is a breakdown of the hours and rate for Landowners' counsel and legal assistants

**Attorney hours from August 2017 to May 31, 2019**

984.93 at $450 = $443,218.50

**Attorney hours from June 1, 2019 to October 31, 2021**

2,551.32 at $675 = $1,722,141.00

**Attorney hours from November 1, 2021 – January 25, 2022**

320.66 at $675 = $216,445.50

**Attorney hours from January 26, 2022-February 3, 2022**

50 at $675 = $33,750.00

**<u>Total Attorney Fees actually incurred = $2,415,555.00</u>**

**Legal Assistants hours August 2017- January 25, 2022**

1,041.63 x $50.00 = $52,081.50

**Legal Assistants hours from January 26, 2022 to February 3, 2022**

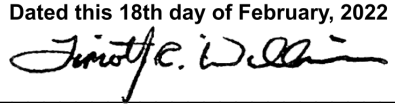
22.3 at $50 = $1,115.00

**<u>Total Legal Assistants Fees actually incurred= $53,196.50</u>**

The Landowners also moved for an upward adjustment of attorney fees pursuant to 12 Hsu Factors. *Tien Fu Hsu v. County of Clark*, 123 Nev. 625, 637 (2007). The Court declines to make such an adjustment.

**THEREFORE, IT IS HEREBY ORDERED THAT** The Plaintiff Landowners' Motion for Attorney Fees is **GRANTED in part** as to the attorney fees actually incurred and **DENIED in part**, as to an upward adjustment**.** The Landowners shall receive an award of their attorney fees actually incurred totaling $2,415,555.00 and legal assistant fees actually incurred totaling $53,196.50 for a total of **$2,468,751.50.**

**Dated this 18th day of February, 2022**



MH

**CAB 6B7 762F BC96**
**Timothy C. Williams**
**District Court Judge**

Submitted By:

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***Attorneys for City of Las Vegas***

**From:** Autumn Waters
**To:** George F. Ogilvie III; Christopher Molina; James Leavitt; Sandy Guerra
**Subject:** 35 acre Proposed Order Granting Attorney Fees in part
**Date:** Tuesday, February 8, 2022 11:52:23 AM
**Attachments:** Order Granting Motion for Attorney Fees in part.docx

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Hi George,

Attached hereto is the proposed ORDER GRANTING PLAINTIFF LANDOWNERS' MOTION FOR ATTORNEY FEES IN PART AND DENYING IN PART for your review. Please let me know if I have your permission to attached your electronic signature by Thursday, as I would like to submit the order on Friday. Thank you

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DISTRICT COURT
CLARK COUNTY, NEVADA

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# EXHIBIT “F”

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**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

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| 180 LAND CO., LLC, a Nevada limited liability company, FORE STARS Ltd., DOE INDIVIDUALS I through X, ROE CORPORATIONS I through X, and ROE LIMITED LIABILITY COMPANIES I through X,<br><br>Plaintiffs,<br><br>*vs.*<br><br>CITY OF LAS VEGAS, political subdivision of the State of Nevada, ROE government entities I through X, ROE CORPORATIONS I through X, ROE INDIVIDUALS I through X, ROE LIMITED LIABILITY COMPANIES I through X, ROE quasi-governmental entities I through X,<br><br>Defendant. | Case No.: A-17-758528-J<br>Dept. No.: XVI<br><br>**NOTICE OF ENTRY OF:**<br><br>**ORDER DENYING CITY OF LAS VEGAS' MOTION TO AMEND JUDGMENT (Rules 59(e) and 60(b)) AND STAY OF EXECUTION**<br><br>**Hearing Date: February 11, 2022**<br><br>**Hearing Time: 1:15 p.m.** |

**PLEASE TAKE NOTICE** that the Order Denying City of Las Vegas' Motion to Amend Judgment (Rules 59(e) and 60(b)) and Stay of Execution ("Order") was entered on the 25th day of February, 2022.

///

A copy of the Order is attached hereto.

DATED this 28th day of February, 2022.

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*/s/Autumn L. Waters*

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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the Law Offices of Kermitt L. Waters, and that on the 28th day of February, 2022, pursuant to NRCP 5(b), a true and correct copy of the foregoing: **NOTICE OF ENTRY OF: ORDER DENYING CITY OF LAS VEGAS' MOTION TO AMEND JUDGMENT (Rules 59(e) and 60(b)) AND STAY OF EXECUTION** was served on the below via the Court's electronic filing/service system and/or deposited for mailing in the U.S. Mail, postage prepaid and addressed to, the following:

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*/s/ Sandy Guerra*
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**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

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| 180 LAND CO., LLC, a Nevada limited liability company, FORE STARS Ltd., DOE INDIVIDUALS I through X, ROE CORPORATIONS I through X, and ROE LIMITED LIABILITY COMPANIES I through X,<br><br>Plaintiffs,<br><br>*vs.*<br><br>CITY OF LAS VEGAS, political subdivision of the State of Nevada, ROE government entities I through X, ROE CORPORATIONS I through X, ROE INDIVIDUALS I through X, ROE LIMITED LIABILITY COMPANIES I through X, ROE quasi-governmental entities I through X,<br><br>Defendant. | Case No.: A-17-758528-J<br>Dept. No.: XVI<br><br>**ORDER DENYING CITY OF LAS VEGAS' MOTION TO AMEND JUDGMENT (Rules 59(e) and 60(b)) AND STAY OF EXECUTION**<br><br>Date of Hearing: February 11, 2022<br>Time of Hearing: 1:15 p.m. |

The City of Las Vegas' Motion to Amend Judgment (Rules 59(e) and 60(b)) and Stay of Execution, having come before the Court on February 11, 2022, James J. Leavitt, Esq. of the Law



Case Number: A-17-758528-J

Offices of Kermitt L Waters and Plaintiff Landowners' in-house counsel Elizabeth Ghanem, Esq. appearing on behalf of Plaintiff Landowners 180 Land Co and Fore Stars. ("Landowners"), George F. Ogilvie III, Esq. and Christopher Molina, Esq. of McDonald Carano LLP and Andrew W. Schwartz, Esq. of Shute Mihaly and Weinberger LLP appearing on behalf of the City of Las Vegas ("City").

The Court having reviewed the papers and pleadings on file, heard argument of counsel, and for good cause appearing hereby finds and orders as follows:

The Nevada Supreme Court has held that "Inverse condemnation proceedings are the constitutional equivalent to eminent domain actions and are governed by the same rules and principles that are applied to formal condemnation proceedings." County of Clark v. Alper, 100 Nev 382, 391 (1984) (emphasis added). This has been the law in Nevada since 1984 and the Nevada Supreme Court has reaffirmed this law numerous times since then.

Therefore, this Court will follow the statutory mandate as provided in Nevada's eminent domain statutes, NRS Chapter 37, to resolve the pending matter in this inverse condemnation case.

This Court has previously entered findings of fact and conclusions of law that the City took by inverse condemnation the Landowners' 35 Acre Property and must, accordingly, pay just compensation.

NRS 37.160 provides the procedure for passing title to the City of Las Vegas through a final order of condemnation once the sums assessed against the City are paid to the Landowners. Therefore, once the City pays the sums assessed in this matter to the Landowners, this Court will enter a final order of condemnation as provided in NRS 37.160.

This Court further finds that the Landowners have reversionary rights to the 35 Acre Property as set forth in NRS 37.270 and article 1, section 22 (1) and (6) of the Nevada State Constitution. These reversionary rights shall be set forth in the final order of condemnation.

The Court has previously denied the City's motion to stay execution and the City has provided no facts or law to revisit or reconsider that prior ruling.

Based on the foregoing, **IT IS HEREBY ORDERED THAT** the City of Las Vegas Motion to Amend Judgement (Rules 59(e) and 60(b)) and Stay of Execution is **DENIED** and, once the City pays the sums assessed in this matter to the Landowners, the Court will enter a final order of condemnation as provided herein.

**Dated this 25th day of February, 2022**

MH

**338 491 34BF 1C81**
**Timothy C. Williams**
**District Court Judge**

Submitted By:

LAW OFFICES OF KERMITT L. WATERS

By: /s/ James J. Leavitt, Esq.
Kermitt L. Waters (NV Bar No. 2571)
James J. Leavitt (NV Bar No. 6032)
Michael A. Schneider (NV Bar No. 8887)
Autumn L. Waters (NV Bar No. 8917)
704 South Ninth Street
Las Vegas, Nevada 89101

EHB COMPANIES
Elizabeth Ghanem Ham, Esq. (NV Bar 6987)
1215 S. Fort Apache Road, Suite 120
Las Vegas, NV 89117

***Attorneys for Plaintiffs Landowners***

Content Reviewed and Approved by:

McDONALD CARANO LLP

By: Did not respond
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396 Hayes Street
San Francisco, California 94102
***Attorneys for City of Las Vegas***

**From:** James Leavitt
**To:** George F. Ogilvie III; Christopher Molina
**Cc:** Autumn Waters; Sandy Guerra
**Subject:** Proposed Order - Friday Hearing on City Motion to Amend
**Date:** Saturday, February 12, 2022 8:27:34 AM
**Attachments:** Order Denying CLV Motion to Amend Judgment.docx

---

George:

Attached hereto is the proposed order from the hearing on the City's motion to amend.

Please review and let me know of any changes. We intend to send to the Court Wednesday morning.

Thank you and have a good weekend,
Jim

Jim Leavitt, Esq.
***Law Offices of Kermitt L. Waters***
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Las Vegas Nevada 89101
tel: (702) 733-8877
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This e-mail, and any attachments thereto, is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please immediately notify me at (702) 733-8877 and permanently delete the original and any copy of any e-mail and any printout thereof. Further information about the firm will be provided upon request.

**CSERV**

DISTRICT COURT
CLARK COUNTY, NEVADA

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|---|---|
| 180 Land Company LLC,<br>Petitioner(s)<br><br>vs.<br><br>Las Vegas City of,<br>Respondent(s) | CASE NO: A-17-758528-J<br><br>DEPT. NO. Department 16 |

**AUTOMATED CERTIFICATE OF SERVICE**

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

Service Date: 2/25/2022

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(Additional Counsel Identified on Signature Page)

*Attorneys for City of Las Vegas*

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**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

| | |
|---|---|
| 180 LAND CO LLC, a Nevada limited liability company, FORE STARS, LTD., a Nevada limited liability company and SEVENTY ACRES, LLC, a Nevada limited liability company, DOE INDIVIDUALS I-X, DOE CORPORATIONS I-X, and DOE LIMITED LIABILITY COMPANIES I-X,<br><br>Plaintiffs,<br><br>v.<br><br>CITY OF LAS VEGAS, a political subdivision of the State of Nevada; ROE GOVERNMENT ENTITIES I-X; ROE CORPORATIONS I-X; ROE INDIVIDUALS I-X; ROE LIMITED-LIABILITY COMPANIES I-X; ROE QUASI-GOVERNMENTAL ENTITIES I-X,<br><br>Defendants. | CASE NO.: A-17-758528-J<br><br>DEPT. NO.: XVI<br><br>**CASE APPEAL STATEMENT** |

Defendant CITY OF LAS VEGAS submits the following Case Appeal Statement pursuant to Nevada Rules of Appellate Procedure 3(f):

**1. Name of Appellant filing this Case Appeal Statement**:

CITY OF LAS VEGAS

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

The Honorable Timothy C. Williams, Department 16, Eighth Judicial District Court, Clark County, Nevada

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

Appellant: City of Las Vegas

Represented by: George F. Ogilvie III, Esq. (NSBN 3552)
Christopher Molina (NV Bar No. 14092)
McDONALD CARANO LLP
2300 West Sahara Avenue, Suite 1200
Las Vegas, Nevada 89102

LAS VEGAS CITY ATTORNEY'S OFFICE
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SHUTE, MIHALY & WEINBERGER, LLP
Andrew W. Schwartz (CA Bar No. 87699)
(*Admitted pro hac vice*)
Lauren M. Tarpey (CA Bar No. 321775)
(*Admitted pro hac vice*)
396 Hayes Street
San Francisco, California 94102

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

Respondent: 180 Land Company LLC
Fore Stars Ltd.

Represented by: Kermitt L. Waters, Esq.
James J. Leavitt, Esq.
Michael A. Schneider, Esq.
Autumn L. Waters, Esq.,
LAW OFFICES OF KERMITT L. WATERS
704 South Ninth Street
Las Vegas, Nevada 89101

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

Andrew W. Schwartz and Lauren M. Tarpey are not licensed to practice law in Nevada but

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were admitted pro hac vice by the district court. A copy of the orders granting such permission is collectively attached hereto as **Exhibit A**.

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

Retained

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

Retained

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

N/A

**9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed):**

Respondent 180 Land Co LLC ("180 Land") filed a Petition for Judicial Review on July 18, 2017. On February 23, 2018, 180 Land filed its First Amended Complaint Pursuant to Court Order Entered on February 2, 2018 for Severed Alternative Verified Claims in Inverse Condemnation. The district court severed the inverse condemnation claims from the petition for judicial review. 180 Lands and Fore Stars are collectively referred to as "the Developer."

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

In 1990, the City approved the amended Peccole Ranch Master Plan ("PRMP") submitted by the Developer's predecessors, "the Peccoles". The City's approvals included, among other things, provisionally rezoning approximately 614 acres of the 1,569-acre PRMP to "R-PD7" (Residential Planned Development – 7 units/acre). The R-PD7 zoning category (Residential – Planned Development) was specifically designed to encourage and facilitate extensive use of open space in planned residential developments on large acreage parcels. *See* LVMC 19.10.050A. The approved PRMP set aside 211 acres of open space in the R-PD7-zoned area for a golf course and

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drainage to serve as an amenity for, and add economic value to, the remaining PRMP community. The remainder of the 614 acres was developed with houses. In the 1990's, the Peccoles combined the 211 acres with 39 adjoining acres of the PRMP to create the 250-acre Badlands Golf Course ("Badlands"). In Ordinances adopted in 1992, 2000, 2005, 2009, 2011, and 2018, the City designated the Badlands parks, recreation and open space ("PR-OS") in the City's General Plan. The Developer, among other developers, purchased land in the PRMP from the Peccoles and developed housing and retail on the property, earning greater returns on its investment as a result of the open space and drainage amenity provided by the Badlands. In total, 84% of the PRMP was developed in reliance on the Badlands amenity.

In March 2015, the Developer acquired the Badlands from the Peccoles in an arms-length transaction for less than $4.5 million. In 2016, the Developer closed the golf course and segmented the Badlands into four parcels of 17, 35, 65, and 133 acres. In February 2017, the City approved the Developer's application to construct 435 luxury housing units ("17-Acre Applications") on a 17-acre portion of the Badlands ("17-Acre Property"). The District Court invalidated the City's approval of the 17-Acre Applications. In September 2020, the Nevada Supreme Court reversed and reinstated the 17-Acre approvals. According to the Developer, the City's approval of construction of 435 luxury housing units on the 17-Acre Property increased the value of the 17-Acre Property alone to more than $26,000,000, six times the sum the Developer paid for the entire 250-Acre Badlands. Nevertheless, the Developer has elected not to build on the 17-Acre Property or to file the applications required by Nevada and Las Vegas law to develop the 65-Acre and 133-Acre segments of the Badlands. In June 2017, the City denied the Developer's application to build 61 houses (the "Application") on the 35-Acre segment (the "35-Acre Property").

In 2017 and 2018, rather than build the 435-unit project in the Badlands or file further applications to develop the 35-Acre, 65-Acre, or 133-Acre Properties, the Developer elected instead to file four lawsuits against the City for a regulatory taking for each of the four segmented parcels of the Badlands, including the 17-Acre Property for which the City approved the Developer's applications. This case involves the 35-Acre Property. The Developer filed a petition for judicial review of the City's denial and claims for a regulatory taking. The District Court denied the petition

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for judicial review, concluding as a matter of law that the City properly exercised its discretion to decline to lift the historic open space designation of the 35-Acre Property and to deny the Application to convert the 35-Acre Property to houses. The District Court further concluded that zoning does not confer a vested property interest to develop and, accordingly, the City properly exercised its discretion to deny the Application, even if the Application proposed a use permitted by zoning.

Notwithstanding the District Court's aforementioned conclusions of law, on October 12, 2020, when considering the Developer's inverse condemnation claims, the District Court found that (a) zoning confers a constitutionally protected property interest on property owners to use the property for any use the owner chooses as long as the use is a permitted use in the zoning district; (b) Nevada cities have no discretion to disapprove or condition an owner's proposed use of property as long as the use is a permitted use in the zoning district; (c) housing is the only permitted use in an R-PD7 zoning district; (d) the open space designation in the City's General Plan cannot prevent the owner from using its property for any use permitted by zoning; and (e) the parcel as a whole for purposes of regulatory takings analysis is the 35-Acre Property, rather than the 1,569-acre PRMP or the 250-acre Badlands. These conclusions were contrary to Nevada law and the City's development code and irreconcilable with the District Court's earlier and correct conclusions of law denying the Developer's petition for judicial review.

On October 25, 2021, the District Court found (a) the City has made a final decision that the City will never allow any development of housing on the 35-Acre Property, despite the Developer's filing only one set of applications to develop the individual 35-Acre Property; and (b) the City is liable for a taking of the 35-Acre Property. On November 24, 2021, the District Court concluded that the City is liable for a taking of the 35-Acre Property and ordered the City to pay the Developer $34,135,000 as just compensation (with all interlocutory orders leading thereto, "the Judgment"). The City filed its Motion to Amend Judgment (Rules 59(e) and 60(b)) and Stay of Execution to address that the Judgment required the City to pay damages to the Developer without an associated requirement for the Developer to convey its fee simple interest in the 35-Acre Property to the City. The City preserved all other challenges to the Judgment for appeal. The City

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also moved the district court to stay the Judgment pursuant to NRCP 62(b)(3) pending disposition of the Motion and, pursuant to NRCP 62(d)-(e) and NRAP 8(c), pending appeal. The district court denied all these motions.

In addition to the $34 million Judgment, the district court granted the Developer's post-trial motions for reimbursement of property taxes, attorneys' fees and costs in the sum of $4,707,002.04 and awarded the Developer approximately $9,416,116.37 in prejudgment interest (collectively, the "Additional Sums"), all of which derive from the legally unsupportable Judgment. As a result of the Judgment and post-Judgment orders, the district court has ordered the City to pay the Developer almost $50 million for an alleged taking of property for which the Developer paid $630,000,[1] but the Developer retains "reversionary rights"; deprived the City of its right to a stay pending appeal; and conditioned the City's right to appeal on payment of the Judgment "within 30 days of final judgment."

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

On December 31, 2018, 180 Land filed a Notice of Appeal, attached as **Exhibit B**, Nevada Supreme Court Case No. 77771. On April 22, 2019, the Nevada Supreme Court dismissed the appeal.

On May 17, 2019, the City filed a Petition for Writ of Mandamus, or in the alternative, Writ of Prohibition, of which the caption page only is attached as **Exhibit C**, Nevada Supreme Court Case No. 78792.

On February 11, 2022, the City filed an Emergency Petition for Writ of Mandamus, or in the Alternative, Writ of Certiorari, of which the caption page only is attached as **Exhibit D**, Nevada Supreme Court Case No. 84221.

. . .

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[1] The Developer paid less than $4,500,000 for the entire 250-Acre Badlands, or $18,000/acre. 35 acres x $18,000 = $630,000.

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

N/A

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

This is a civil case. The possibility of settlement is unknown at this point.

DATED this 2nd day of March, 2022.

McDONALD CARANO LLP

By: */s/ George F. Ogilvie III*

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Christopher Molina (NV Bar No. 14092)
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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on the 2nd day of March, 2022, I caused a true and correct copy of the foregoing **CASE APPEAL STATEMENT** to be electronically served with the Clerk of the Court via the Clark County District Court Electronic Filing Program which will provide copies to all counsel of record registered to receive such electronic notification.

*/s/ Jelena Jovanovic*
An employee of McDonald Carano LLP

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# EXHIBIT “A”

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(Additional Counsel Identified on Signature Page)

*Attorneys for City of Las Vegas*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

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|---|---|
| 180 LAND CO LLC, a Nevada limited liability company, FORE STARS, LTD., a Nevada limited liability company and SEVENTY ACRES, LLC, a Nevada limited liability company, DOE INDIVIDUALS I-X, DOE CORPORATIONS I-X, and DOE LIMITED LIABILITY COMPANIES I-X,<br><br>Plaintiffs,<br><br>v.<br><br>CITY OF LAS VEGAS, a political subdivision of the State of Nevada; ROE GOVERNMENT ENTITIES I-X; ROE CORPORATIONS I-X; ROE INDIVIDUALS I-X; ROE LIMITED-LIABILITY COMPANIES I-X; ROE QUASI-GOVERNMENTAL ENTITIES I-X,<br><br>Defendants. | CASE NO.: A-17-758528-J<br><br>DEPT. NO.: XVI<br><br>**ORDER GRANTING MOTION TO ASSOCIATE ANDREW WILLIAM SCHWARTZ** |

Andrew William Schwarz filed his Motion to Associate Counsel under Nevada Supreme Court Rule 42, together with a Verified Application for Association of counsel, Certificate of Good Standing from California, and the State Bar of Nevada's Statement Pursuant to Supreme Court Rule 42(3)(b). The Motion was served on all appearing parties, and no objections were filed. Good cause appearing,

. . .

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**IT IS HEREBY ORDERED** that the Motion is **GRANTED.** Andrew William Schwartz is hereby admitted to practice in this Court for the purpose of this matter only.

DATED this 2 day of April, 2020.

DISTRICT COURT JUDGE

CG

Submitted by:

McDONALD CARANO LLP

By: /s/ *George F. Ogilvie III*

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Amanda C. Yen (NV Bar #9726)
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(Additional Counsel Identified on Signature Page)

*Attorneys for City of Las Vegas*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

| | |
|---|---|
| 180 LAND CO LLC, a Nevada limited liability company, FORE STARS, LTD., a Nevada limited liability company and SEVENTY ACRES, LLC, a Nevada limited liability company, DOE INDIVIDUALS I-X, DOE CORPORATIONS I-X, and DOE LIMITED LIABILITY COMPANIES I-X,<br><br>Plaintiffs,<br><br>v.<br><br>CITY OF LAS VEGAS, a political subdivision of the State of Nevada; ROE GOVERNMENT ENTITIES I-X; ROE CORPORATIONS I-X; ROE INDIVIDUALS I-X; ROE LIMITED-LIABILITY COMPANIES I-X; ROE QUASI-GOVERNMENTAL ENTITIES I-X,<br><br>Defendants. | CASE NO.: A-17-758528-J<br><br>DEPT. NO.: XVI<br><br>**ORDER GRANTING MOTION TO ASSOCIATE LAUREN MARY TARPEY** |

Lauren Mary Tarpey filed her Motion to Associate Counsel under Nevada Supreme Court Rule 42, together with a Verified Application for Association of counsel, Certificate of Good Standing from California, and the State Bar of Nevada's Statement Pursuant to Supreme Court Rule 42(3)(b). The Motion was served on all appearing parties, and no objections were filed. Good cause appearing,

. . .

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PHONE 702.873.4100 • FAX 702.873.9966

**IT IS HEREBY ORDERED** that the Motion is **GRANTED.** Lauren Mary Tarpey is hereby admitted to practice in this Court for the purpose of this matter only.

DATED this 2 day of April, 2020.

DISTRICT COURT JUDGE

CG

Submitted by:

McDONALD CARANO LLP

By: /s/ *George F. Ogilvie III*

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Andrew W. Schwartz (CA Bar No. 87699)
(Pro hac vice pending)
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# EXHIBIT “B”

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12/20/2018 3:40 PM
Steven D. Grierson
CLERK OF THE COURT

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Dec 31 2018 12:33 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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*Attorneys for Petitioner*

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

| | |
|---|---|
| 180 LAND CO LLC, a Nevada limited-liability company; DOE INDIVIDUALS I through X; DOE CORPORATIONS I through X; and DOE LIMITED-LIABILITY COMPANIES I through X,<br><br>Petitioners,<br><br>v. | Case No. A-17-758528-J<br>Dept. No. XVI<br><br>**NOTICE OF APPEAL** |



Docket 77771 Document 2018-910932

| | |
|---|---|
| CITY OF LAS VEGAS, a political subdivision of the State of Nevada; ROE GOVERNMENT ENTITIES I through X; ROE CORPORATIONS I through X; ROE INDIVIDUALS I through X; ROE LIMITED-LIABILITY COMPANIES I through X; ROE QUASI-GOVERNMENTAL ENTITIES I through X,<br><br>Defendants. | |
| JACK B. BINION, an individual; DUNCAN R. and IRENE LEE, individuals and Trustees of the LEE FAMILY TRUST; FRANK A. SCHRECK, an individual; TURNER INVESTMENTS, LTD., a Nevada Limited Liability Company; ROGER P. and CAROLYN G. WAGNER, individuals and Trustees of the WAGNER FAMILY TRUST; BETTY ENGLESTAD AS TRUSTEE OF THE BETTY ENGLESTAD TRUST; PYRAMID LAKE HOLDINGS, LLC; JASON AND SHEREEN AWAD AS TRUSTEES OF THE AWAD ASSET PROTECTION TRUST; THOMAS LOVE AS TRUSTEE OF THE ZENA TRUST; STEVE AND KAREN THOMAS AS TRUSTEES OF THE STEVE AND KAREN THOMAS TRUST; SUSAN SULLIVAN AS TRUSTEE OF THE KENNETH J. SULLIVAN FAMILY TRUST, AND DR. GREGORY BIGLER AND SALLY BIGLER,<br><br>Intervenors. | |

Notice is given that 180 LAND CO LLC, Petitioner in the above-captioned matter, appeals to the Supreme Court of Nevada from the Findings of Fact, Conclusions of Law on Petition for Judicial Review, and Order which was entered by the district court on November 21, 2018.

Petitioner notes that the matter in district court was severed between a petition for judicial review and several claims sounding in inverse condemnation. However, the Order of November 21, 2018, not only denies judicial review, it dismisses all of the claims for inverse condemnation, with no recognition that the matter had been severed into two actions, and that separate pleadings were filed. Therefore, petitioner, the only petitioner in the severed actions below, appeals from all aspects of the district court's Order with respect to all of the pleaded but severed matters.

DATED this 20 day of December, 2018.


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## CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Hutchison & Steffen, PLLC and that on this 20th day of December, 2018, I caused the above and foregoing document entitled **NOTICE OF APPEAL** to be served as follows:

☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada; and/or

☐ to be served via facsimile; and/or

XXX pursuant to EDCR 8.05(a) and 8.05(f), to be electronically served through the Eighth Judicial District Court's electronic filing system, with the date and time of the electronic service substituted for the date and place of deposit in the mail; and/or

☐ to be hand-delivered;

to the attorneys and/or parties listed below at the address and/or facsimile number indicated below:

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An employee of Hutchison & Steffen, PLLC

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*Attorneys for Petitioner*

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

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|---|---|
| 180 LAND CO LLC, a Nevada limited-liability company; DOE INDIVIDUALS I through X; DOE CORPORATIONS I through X; and DOE LIMITED-LIABILITY COMPANIES I through X,<br><br>Petitioners,<br><br>v. | Case No. A-17-758528-J<br>Dept. No. XVI<br><br>**CASE APPEAL STATEMENT** |

| | |
|---|---|
| CITY OF LAS VEGAS, a political subdivision of the State of Nevada; ROE GOVERNMENT ENTITIES I through X; ROE CORPORATIONS I through X; ROE INDIVIDUALS I through X; ROE LIMITED-LIABILITY COMPANIES I through X; ROE QUASI-GOVERNMENTAL ENTITIES I through X,<br><br>Defendants.<br><br>JACK B. BINION, an individual; DUNCAN R. and IRENE LEE, individuals and Trustees of the LEE FAMILY TRUST; FRANK A. SCHRECK, an individual; TURNER INVESTMENTS, LTD., a Nevada Limited Liability Company; ROGER P. and CAROLYN G. WAGNER, individuals and Trustees of the WAGNER FAMILY TRUST; BETTY ENGLESTAD AS TRUSTEE OF THE BETTY ENGLESTAD TRUST; PYRAMID LAKE HOLDINGS, LLC; JASON AND SHEREEN AWAD AS TRUSTEES OF THE AWAD ASSET PROTECTION TRUST; THOMAS LOVE AS TRUSTEE OF THE ZENA TRUST; STEVE AND KAREN THOMAS AS TRUSTEES OF THE STEVE AND KAREN THOMAS TRUST; SUSAN SULLIVAN AS TRUSTEE OF THE KENNETH J. SULLIVAN FAMILY TRUST, AND DR. GREGORY BIGLER AND SALLY BIGLER,<br><br>Intervenors. | |

**1. Party filing this Case Appeal Statement.**

This appeal and case appeal statement is filed on behalf of petitioner 180 LAND CO LLC in the action above.

/ / /

**2. Judge issuing the decision, judgment or order appealed from.**

The Honorable District Judge Timothy C. Williams, Eighth Judicial District Court, Clark County, Department 16, District Court Case No. A-17-758528-J

**3. Parties to the proceedings in the district court.**

| | |
|---|---|
| 180 Land Co LLC | Petitioner |
| City of Las Vegas; ROE Government Entities; ROE Individuals; ROE QUASI-Governmental Entities | Defendants |
| Jack B. Binion, an individual; Duncan R. and Irene Lee, individuals and Trustees of the Lee Family Trust; Frank A. Schreck, an individual; Turner Investments, Ltd., a Nevada Limited Liability Company; Roger P. and Carolyn G. Wagner, individuals and Trustees of the Wagner Family Trust, Betty Englestad as Trustee of the Betty Englestad Trust; Pyramid Lake Holdings, LLC; Jason and Shereen Awad as Trustees of the Awad Asset Protection Trust, Thomas Love as Trustee of the Zena Trust; Steve and Karen Thomas as Trustees of the Steve and Karen Thomas Trust; Susan Sullivan as Trustee of the Kenneth J. Sullivan Family Trust, and Dr. Gregory Bigler and Sally Bigler | Intervenors |

**4. Parties involved in this appeal.**

| | |
|---|---|
| 180 Land Co LLC | Appellant |
| City of Las Vegas | Respondent |

**5. The name, law firms, addresses and telephone numbers of all counsel on appeal, and the party or parties they represent.**

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Attorneys for Intervenors

**6. Whether any attorney identified above is not licensed to practice law in Nevada and if so whether the District Court granted that attorney permission to appear under SCR 42.** (Attached copy of District Court's order).

N/A

**7. Whether respondents were represented by appointed or retained counsel in the district court.**

Respondents were represented by retained counsel.

**8. Whether appellant was represented by appointed or retained counsel in the district court.**

Appellant was represented by retained counsel.

**9. Whether appellant was granted leave to proceed in forma pauperis in the district court.**

N/A

**10. The date the proceedings commenced in district court.**

Petition for Judicial Review was filed July 18, 2017.

**11. Brief description of the nature of the action and result in district court.**

The action below was commenced by a petition for judicial review concerning four land development applications regarding a portion of a Residential Zoned Property, approximately 35 acres of 180 Land's property, to be developed into 61 large single family residential lots. Petitioner filed this petition for judicial review after the City Council denied the Applications contrary to the legal framework or correct application of NRS 278 and Title 19 of the Las Vegas Municipal Code. Petitioner then amended its petition to add several claims of inverse condemnation. The district court severed the petition for judicial review from the claims for inverse condemnation, but later denied the petition for judicial review and dismissed the claims for inverse condemnation in a single order.

**12. Whether the case has been the subject of a previous appeal.**

No.

**13. Whether the appeal involves child custody or visitation.**

N/A

**14. Whether the appeal involves the possibility of settlement.**

Settlement seems unlikely at this stage.

Dated this 20 day of December, 2018.

HUTCHISON & STEFFEN, PLLC

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*Attorneys for Petitioner*

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*Attorneys for Intervenors*

An employee of Hutchison & Steffen, PLLC

EIGHTH JUDICIAL DISTRICT COURT

# CASE SUMMARY

## CASE NO. A-17-758528-J

| | | | |
|---|---|---|---|
| **180 Land Company LLC, Petitioner(s)** | § | Location: | **Department 16** |
| **vs.** | § | Judicial Officer: | **Williams, Timothy C.** |
| **Las Vegas City of, Respondent(s)** | § | Filed on: | **07/18/2017** |
| | § | Cross-Reference Case Number: | **A758528** |
| | § | | |

### CASE INFORMATION

**Statistical Closures**
12/12/2018 Stipulated Judgment

Case Type: **Other Judicial Review/Appeal**

Case Status: **12/12/2018 Reopened**

| DATE | CASE ASSIGNMENT |
|---|---|

**Current Case Assignment**

| | |
|---|---|
| Case Number | A-17-758528-J |
| Court | Department 16 |
| Date Assigned | 07/18/2017 |
| Judicial Officer | Williams, Timothy C. |

### PARTY INFORMATION

| | | *Lead Attorneys* |
|---|---|---|
| **Petitioner** | **180 Land Company LLC** | **Hutchison, Mark A**<br>*Retained*<br>702-385-2500(W) |
| **Respondent** | **Las Vegas City of** | **Byrnes, Philip R.**<br>*Retained*<br>702-229-6629(W) |

| DATE | EVENTS & ORDERS OF THE COURT | INDEX |
|---|---|---|

**EVENTS**

07/18/2017 Petition for Judicial Review
Filed by: Petitioner 180 Land Company LLC
*Petition for Judicial Review*

07/18/2017 Initial Appearance Fee Disclosure
Filed By: Petitioner 180 Land Company LLC
*Initial Appearance Fee Disclosure*

07/19/2017 Summons Electronically Issued - Service Pending
Party: Petitioner 180 Land Company LLC
*Summons*

09/07/2017 Notice of Association of Counsel
*Notice of Association of Counsel*

09/07/2017 Petition for Judicial Review
*First Amended Petition for Judicial Review and Alternative Verified Claims in Inverse Condemnation*

09/14/2017 Summons Electronically Issued - Service Pending
Party: Petitioner 180 Land Company LLC

*Summons*

09/20/2017 Affidavit of Service
Filed By: Petitioner 180 Land Company LLC
*Affidavit of Service (City of Las Vegas)*

10/30/2017 Motion to Dismiss
Filed By: Respondent Las Vegas City of
*City of Las Vegas' Motion to Dismiss or, in the Alternative, Motion to Strike*

11/17/2017 Opposition and Countermotion
Filed By: Petitioner 180 Land Company LLC
*Petitioner s Opposition To City Of Las Vegas Motion To Dismiss And Countermotion To Stay Litigation Of Alternative Inverse Condemnation Claims Until Resolution Of The Petition For Judicial Review*

12/05/2017 Stipulation and Order
*Stipulation and Order to Continue Hearing on City of Las Vegas' Motion to Dismiss and Countermotion to Stay Litigation of Alternative Inverse Condemnation Claims Until Resolution of the Petition for Judicial Review*

12/06/2017 Notice of Entry of Order
*Notice of Entry of Order to Continue Hearing on City of Las Vegas' Motion to Dismiss and Countermotion to Stay Litigation of Alternative Inverse Condemnation Claims Until Resolution of the Petition for Judicial Review*

12/14/2017 Stipulation and Order
Filed by: Respondent Las Vegas City of
*Stipulation and Order to Extend Response Deadlines*

12/19/2017 Notice of Entry of Order
Filed By: Respondent Las Vegas City of
*Notice of Entry of Stipulation and Order to Extend Response Deadlines*

12/21/2017 Reply in Support
Filed By: Respondent Las Vegas City of
*City of Las Vegas' Reply in Support of its Motion to Dismiss and Opposition to Petitioner's Countermotion to Stay Litigation*

01/05/2018 Reply in Support
Filed By: Petitioner 180 Land Company LLC
*Petitioner s Reply In Support Of Its Countermotion To Stay Litigation Of Alternative Inverse Condemnation Claims Until Resolution Of The Petition For Judicial Review*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 1 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 2 of 157*

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| 01/18/2018 | Trasmittal of Record<br>Filed By: Respondent Las Vegas City of<br>*Transmittal of Record for Review, Volume 3 of 157* |
| 01/18/2018 | Trasmittal of Record<br>Filed By: Respondent Las Vegas City of<br>*Transmittal of Record for Review, Volume 4 of 157* |
| 01/18/2018 | Trasmittal of Record<br>Filed By: Respondent Las Vegas City of<br>*Transmital of Record for Review, Volume 5 of 157* |
| 01/18/2018 | Trasmittal of Record<br>Filed By: Respondent Las Vegas City of<br>*Transmittal of Record for Review, Volume 6 of 157* |
| 01/18/2018 | Trasmittal of Record<br>Filed By: Respondent Las Vegas City of<br>*Transmittal of Record for Review, Volume 7 of 157* |
| 01/18/2018 | Trasmittal of Record<br>Filed By: Respondent Las Vegas City of<br>*Transmittal of Record for Review, Volume 8 of 157* |
| 01/18/2018 | Trasmittal of Record<br>Filed By: Respondent Las Vegas City of<br>*Transmittal of Record for Review, Volume 9 of 157* |
| 01/18/2018 | Trasmittal of Record<br>Filed By: Respondent Las Vegas City of<br>*Transmittal of Record for Review, Volume 10 of 157* |
| 01/18/2018 | Trasmittal of Record<br>Filed By: Respondent Las Vegas City of<br>*Transmittal of Record for Review, Volume 11 of 157* |
| 01/18/2018 | Trasmittal of Record<br>Filed By: Respondent Las Vegas City of<br>*Transmittal of Record for Review, Volume 12 of 157* |
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| 01/18/2018 | |

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*Transmittal of Record for Review, Volume 30*

01/18/2018 Trasmittal of Record
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*Transmittal of Record for Review, Volume 26 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 28*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of

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01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 46 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 47 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 48 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 49 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 51 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 50 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 52 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 53 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 54 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 55 of 157*

01/18/2018 Trasmittal of Record

Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 56 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 57 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 58 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 59 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 60 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 61 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 62 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 63 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 64 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 65 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 66 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 67 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 69 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 68 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 71 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 72 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 70 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 75 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 74 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 81 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 83*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 82 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 76 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 86 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 77, Pages ROR016112-ROR016411*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 78, Pages ROR016412-ROR016711*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 79, Pages ROR016712-ROR016871*

01/18/2018

Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 80, Pages ROR016872-ROR017011*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 85, Pages ROR017912-ROR018211*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 87, Pages ROR018512-ROR018811*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 88, Pages ROR018812-ROR018971*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 89, Pages ROR018972-ROR019111*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 90, Pages ROR019112-ROR019411*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 91 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 92 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 93 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 98 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 100 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 94 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 97 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of

*Transmittal of Record for Review, Volume 95 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 96 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 84, Pages ROR017612-ROR07911*

01/19/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review, Volume 73 of 157*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal Of Record For Review Volume 108 of 157, Pages ROR023912 ROR024211*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal Of Record For ReviewVolume 109, Pages ROR024212 ROR024511*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 110, Pages ROR024512 ROR024811*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 111 of 157, Pages ROR024812 ROR025111*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 112 of 157, Pages ROR025112 ROR025411*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 113 of 157, Pages ROR025412 ROR025711*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 114 of 157, Pages ROR025712 ROR025866*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal Of Record For Review Volume 115 of 157, Pages ROR025867 ROR026011*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal Of Record For Review Volume 116 of 157, Pages ROR026012 ROR026311*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal Of Record For Review Volume 117 of 157, Pages ROR026312 ROR026461*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal Of Record For Review Volume 118 of 157, Pages ROR026462 ROR026611*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmital of Record for Review Volume 119 of 157, Pages ROR026612 ROR026791*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmital of Record for Review Volume 120 of 157, Pages ROR026792 ROR026911*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 121 of 157, Pages ROR026912 ROR026992*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 122 of 157, Pages ROR026993 ROR027237*

01/22/2018 Trasmittal of Record

Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 123 of 157, Pages ROR027238 ROR027482*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 124 of 157, Pages ROR027483 ROR027632*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal Of Record For Review Volume 125 of 157, Pages ROR027633 ROR027727*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 126 of 157, Pages ROR027728 ROR027972*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 127 of 157, Pages ROR027973 ROR028102*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 128 of 157, Pages ROR028103 ROR028217*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 129 of 157, Pages ROR028218 ROR028462*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 130 of 157, Pages ROR028463 ROR028707*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 131 of 157, Pages ROR028708 ROR028952*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 132 of 157, Pages ROR028953 ROR029197*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 133 of 157, Pages ROR029198 ROR029442*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 134 of 157, Pages ROR029443 ROR029687*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 135 of 157, Pages ROR029688 ROR029932*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 136 of 157, Pages ROR029933 ROR030040*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 137 of 157, Pages ROR030041 ROR030190*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 138 of 157, Pages ROR030191 ROR030330*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 139 of 157, Pages ROR030331 ROR030620*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 141 of 157, Pages ROR030911 ROR031060*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 140 of 157, Pages ROR030621 ROR030910*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 144 of 157, Pages ROR031491 ROR031780*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of record for Review Volume 145 of 157, Pages ROR031781 ROR032070*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 146 of 157, Pages ROR032071 ROR032360*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 147 of 157, Pages ROR032071 ROR032360*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 148 of 157, Pages ROR032651 ROR032800*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Trasnmittal of Record for Review Volume 149 of 157, Pages ROR032801 ROR032940*

01/22/2018 Transmittal
Party: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 150 of 157, Pages ROR032941 ROR033230*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 151 of 157, Pages ROR033231 ROR033520*

01/22/2018

Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 152 of 157, Pages ROR033521 ROR033810*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 153 of 157, Pages ROR033811 ROR034100*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 154 of 157, Pages ROR34101 ROR034390*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 156 of 157, Pages ROR034681 ROR034970*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 155 of 157, Pages ROR034391 ROR034680*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 157 of 157, Pages ROR034971 ROR035182*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 143 of 157, Pages ROR031201 ROR031490*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*Transmittal of Record for Review Volume 142, Pages ROR031061 ROR031200*

02/01/2018 Order
Filed By: Petitioner 180 Land Company LLC
*Order Denying Motion to Dismiss and Countermotion to Stay Litigation*

02/02/2018 Notice of Entry of Order
Filed By: Petitioner 180 Land Company LLC
*Notice of Entry of Order Denying Motion to Dismiss and Countermotion to Stay Litigation*

02/05/2018 Notice
*Notice of Disassociation*

02/05/2018 Answer to Complaint
Filed by: Respondent Las Vegas City of
*City of Las Vegas' Answer to First Amended Petition for Judicial Review*

02/13/2018 Stipulation and Order
Filed by: Petitioner 180 Land Company LLC
*Stipulation and Order to Set Briefing Schedule*

02/13/2018 Notice of Entry of Stipulation and Order
Filed By: Petitioner 180 Land Company LLC
*Notice of Entry of Stipulation and Order to Set Briefing Schedule*

02/13/2018 Notice of Entry of Stipulation and Order
Filed By: Petitioner 180 Land Company LLC
*Notice of Entry of Stipulation and Order to Set Briefing Schedule (Corrected)*

02/23/2018 First Amended Complaint
Filed By: Petitioner 180 Land Company LLC
*First Amended Complaint Pursuant to Court Order Entered on February 2, 2018 for Severed Alternative Verified Claims in Inverse Condemnation*

02/28/2018 Amended Petition
Filed By: Petitioner 180 Land Company LLC
*Second Amended Petition for Judicial Review to Sever Alternative Verified Claims in Inverse Condemnation per Court Order entered on February 1, 2018*

02/28/2018 Errata
Filed By: Petitioner 180 Land Company LLC
*Errata to First Amended Complaint Pursuant to Court Order Entered on February 1, 2018 for Severed Alternative Verified Claims in Inverse Condemnation*

03/13/2018 Answer to Amended Complaint
Filed By: Respondent Las Vegas City of
*City of Las Vegas' Answer to First Amended Complaint Pursuant to Court Order Entered on February 1, 2018 for Severed Alternative Verified Claims in Inverse Condemnation*

03/19/2018 Answer to Complaint
Filed by: Respondent Las Vegas City of
*City of Las Vegas' Answer to Second Amended Petition for Judicial Review*

03/28/2018 Stipulation and Order
Filed by: Petitioner 180 Land Company LLC
*Stipulation and Order to Extend Briefing Schedule Deadlines Relating to Petitioner's Second Amended Petition for Judicial Review*

03/28/2018 Notice of Entry of Stipulation and Order
Filed By: Petitioner 180 Land Company LLC
*Notice of Entry of Stipulation and order to Extend Briefing Schedule Deadlines Relating to Petitioner's Second Amended Petition for Judicial Review*

04/02/2018 Association of Counsel
Filed By: Respondent Las Vegas City of
*Association of Counsel/Notice of Appearance*

04/16/2018 Stipulation and Order
Filed by: Petitioner 180 Land Company LLC
*Stipulation and Order to Extend Briefing Schedule Deadlines Relating to Petitioner's Second Amended Petition for Judicial Review [Second Request]*

04/16/2018 Notice of Entry of Stipulation and Order
Filed By: Petitioner 180 Land Company LLC
*Notice of Entry of Stipulation and Order to Extend Briefing Schedule Deadlines Relating to Petitioner's Second Amended Petition for Judicial Review*

04/17/2018 Motion to Intervene
Party: Intervenor Binion, Jack B; Intervenor Lee, Duncan R; Intervenor Schreck, Frank

A; Intervenor Turner Investments LTD; Intervenor Wagner, Rover P; Intervenor Love, Thomas; Intervenor Thomas, Steve; Intervenor Sullivan, Susan; Intervenor Bigler, Gregory; Intervenor Lee, Irene
*Motion to Intervene on an Order Shortening Time*

04/17/2018 Petitioners Opening Brief
Filed by: Petitioner 180 Land Company LLC
*Petitioner's Memorandum of Points and Authorities in support of Second Amended Petition for Judicial Review*

04/20/2018 Substitution of Attorney
Filed by: Respondent Las Vegas City of
*Substitution of Counsel*

04/26/2018 Stipulation and Order
Filed by: Intervenor Binion, Jack B; Intervenor Lee, Duncan R; Intervenor Schreck, Frank A; Intervenor Turner Investments LTD; Intervenor Wagner, Rover P; Intervenor Englestad, Betty; Intervenor Pyramid Lake Holdings LLC; Intervenor Awad, Jason; Intervenor Love, Thomas; Intervenor Thomas, Steve; Intervenor Sullivan, Susan; Intervenor Bigler, Gregory; Intervenor Lee, Irene; Intervenor Wagner, Carolyn G; Intervenor Awad, Shereen; Intervenor Thomas, Karen; Intervenor Bigler, Sally; Intervenor Lee Family Trust; Intervenor Wagner Family Trust; Intervenor Betty Englestad Trust; Intervenor Awad Asset Protection Trust; Intervenor Zena Trust; Intervenor Steve and Karen Thomas Trust; Intervenor Kenneth J Sullivan Family Trust
*Stipulation And Order To Continue Hearing On Motion To Intervene*

04/26/2018 Notice of Entry of Order
Filed By: Intervenor Binion, Jack B; Intervenor Lee, Duncan R; Intervenor Schreck, Frank A; Intervenor Turner Investments LTD; Intervenor Wagner, Rover P; Intervenor Englestad, Betty; Intervenor Pyramid Lake Holdings LLC; Intervenor Awad, Jason; Intervenor Love, Thomas; Intervenor Thomas, Steve; Intervenor Sullivan, Susan; Intervenor Bigler, Gregory; Intervenor Lee, Irene; Intervenor Wagner, Carolyn G; Intervenor Awad, Shereen; Intervenor Thomas, Karen; Intervenor Bigler, Sally; Intervenor Lee Family Trust; Intervenor Wagner Family Trust; Intervenor Betty Englestad Trust; Intervenor Awad Asset Protection Trust; Intervenor Zena Trust; Intervenor Steve and Karen Thomas Trust; Intervenor Kenneth J Sullivan Family Trust
*Notice Of Entry Of Order*

05/02/2018 Opposition to Motion
Filed By: Petitioner 180 Land Company LLC
*Petitioner's Opposition to Motion to Intervene*

05/07/2018 Motion to Extend
Party: Respondent Las Vegas City of
*City of Las Vegas' Motion to Extend Briefing Schedule and Continue Hearing on 180 Land Co LLC's Second Amended Petition for Judicial Review on Order Shortening Time*

05/09/2018 Opposition
Filed By: Petitioner 180 Land Company LLC
*Petitioner's Opposition to Motion to Extend Briefing Schedule and Continue Hearing*

05/09/2018 Reply
Filed by: Respondent Las Vegas City of
*Reply in Support of City of Las Vegas' Motion to Extend Briefing Schedule and Continue Hearing on 180 Land Co LLC's Second Amended Petition for Judicial Review on Order Shortening Time*

06/06/2018 Stipulation and Order

Filed by: Petitioner 180 Land Company LLC
*Stipulation and Order to Extend Briefing Schedule Deadlines and Continue Hearing relating to Second Amended Petition for Judicial Review*

06/08/2018 Notice of Entry
Filed By: Petitioner 180 Land Company LLC
*Notice of Entry of Stipulation and Order to Extend Briefing Schedule Deadlines and Continue Hearing relating to Second Amended Petition for Judicial Review (third request)*

06/11/2018 Notice
Filed By: Intervenor Binion, Jack B
*Notice of Submission of Proposed Order*

06/21/2018 Errata
Filed By: Respondent Las Vegas City of
*Errata to Transmittal of Record for Review*

06/26/2018 Respondent's Answering Brief
Filed by: Respondent Las Vegas City of
*City of Las Vegas' Points and Authorities in Response to Second Amended Petition for Judicial Review*

06/26/2018 Request for Judicial Notice
Filed By: Respondent Las Vegas City of
*Request for Judicial Notice in Support of City of Las Vegas' Points and Authorities in Response to Second Amended Petition for Judicial Review*

06/26/2018 Appendix
Filed By: Intervenor Binion, Jack B
*Appendix to Intervenors' Answering Brief*

06/26/2018 Errata
Filed By: Petitioner 180 Land Company LLC
*Errata to Petitioner's Memorandum of Points and Authorities in Support of Second Amended Petition for Judicial Review*

06/26/2018 Answering Brief
Filed By: Intervenor Binion, Jack B; Intervenor Lee, Duncan R; Intervenor Schreck, Frank A; Intervenor Turner Investments LTD; Intervenor Wagner, Rover P; Intervenor Englestad, Betty; Intervenor Pyramid Lake Holdings LLC; Intervenor Awad, Jason; Intervenor Love, Thomas; Intervenor Thomas, Steve; Intervenor Sullivan, Susan; Intervenor Bigler, Gregory; Intervenor Lee, Irene; Intervenor Wagner, Carolyn G; Intervenor Awad, Shereen; Intervenor Thomas, Karen; Intervenor Bigler, Sally; Intervenor Lee Family Trust; Intervenor Wagner Family Trust; Intervenor Betty Englestad Trust; Intervenor Awad Asset Protection Trust; Intervenor Zena Trust; Intervenor Steve and Karen Thomas Trust; Intervenor Kenneth J Sullivan Family Trust
*Intervenors' Answering Brief*

06/28/2018 Errata
Filed By: Respondent Las Vegas City of
*City of Las Vegas' Errata to Points and Authorities in Response to Second Amended Petition for Judicial Review*

06/28/2018 Initial Appearance Fee Disclosure
Filed By: Intervenor Lee, Duncan R; Intervenor Schreck, Frank A; Intervenor Turner Investments LTD; Intervenor Wagner, Rover P; Intervenor Englestad, Betty; Intervenor Pyramid Lake Holdings LLC; Intervenor Awad, Jason; Intervenor Love,

Thomas; Intervenor Thomas, Steve; Intervenor Sullivan, Susan; Intervenor Bigler, Gregory; Intervenor Lee, Irene; Intervenor Wagner, Carolyn G; Intervenor Awad, Shereen; Intervenor Thomas, Karen; Intervenor Bigler, Sally; Intervenor Lee Family Trust; Intervenor Wagner Family Trust; Intervenor Betty Englestad Trust; Intervenor Awad Asset Protection Trust; Intervenor Zena Trust; Intervenor Steve and Karen Thomas Trust; Intervenor Kenneth J Sullivan Family Trust
*Initial Appearance Fee Disclosure*

06/28/2018 Order Granting Motion
Filed By: Intervenor Binion, Jack B
*Order Granting Motion to Intervene*

06/28/2018 Notice of Entry of Order
Filed By: Intervenor Binion, Jack B
*Notice of Entry of Order Granting Motion to Intervene*

06/28/2018 Request for Judicial Notice
Filed By: Petitioner 180 Land Company LLC
*REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF PETITIONER S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF SECOND AMENDED PETITION FOR JUDICIAL REVIEW*

06/29/2018 Motion to Strike
Filed By: Petitioner 180 Land Company LLC
*Emergency Motion to Strike "Errata to Transmittal of Record for Review" filed by the City of Las Vegas on June 21, 2018; Application for Order Shortening Tme*

07/02/2018 Exhibits
Filed By: Petitioner 180 Land Company LLC
*Petitioner 180 Land Co LLC's Hearing Exhibits to Petition for Judicial Review*

07/13/2018 Stipulation and Order
*Stipulation and Order Regarding Briefing Schedule and Hearing Date for Petitioner's Emergency Motion to Strike "Errata to Transmittal of Record of Review"*

07/17/2018 Notice of Entry of Stipulation and Order
Filed By: Petitioner 180 Land Company LLC
*Notice of Entry of Stipulation and Order regarding Briefing Schedule and Hearing Date for Petitioner's Emergency Motion to Strike "Errata to Transmittal of Record for Review"*

07/17/2018 Opposition to Motion
Filed By: Respondent Las Vegas City of
*City of Las Vegas' Opposition to Petitioner's Motion to Strike Errata to Transmittal of Record for Review*

07/20/2018 Reply to Opposition
Filed by: Petitioner 180 Land Company LLC
*180 Land's Reply to City of Las Vegas' Opposition to Motion to Strike*

07/31/2018 Stipulation and Order
*Stipulation and Order Regarding Post-Hearing Submissions*

07/31/2018 Notice of Entry of Stipulation and Order
*Notice of Entry of Stipulation and Order Regarding Post-Hearing Submissions*

07/31/2018

Reply
Filed by: Petitioner 180 Land Company LLC
*Petitioner's Post-Hearing Reply Brief*

08/06/2018 Errata
*Notice of Errata re Petitioner's Post-Hearing Reply Brief*

08/07/2018 Order Denying Motion
Filed By: Respondent Las Vegas City of
*Order Denying Petitioner's Emergency Motion to Strike Errata to Transmittal of Record for Review*

08/07/2018 Reply
Filed by: Respondent Las Vegas City of
*City of Las Vegas' Post-Hearing Sur-Reply Brief*

08/07/2018 Notice of Entry of Order
Filed By: Respondent Las Vegas City of
*Notice of Entry of Order Denying Petitioner's Emergency Motion to Strike Errata to Transmittal of Record*

08/07/2018 Brief
Filed By: Intervenor Binion, Jack B
*Intervenors' Post-Hearing Brief*

08/14/2018 Notice
Filed By: Petitioner 180 Land Company LLC
*Notice of Lodging Proposed Findings of Fact, Conclusions of Law and Order Granting Petition for Judicial Review*

08/14/2018 Notice
Filed By: Intervenor Binion, Jack B
*Notice of Submission of Proposed Findings of Fact, Conclusions of Law, and Order*

08/15/2018 Notice
Filed By: Petitioner 180 Land Company LLC
*Notice of Erratum for Proposed Findings of Fact, Conclusions of Law and Order Lodged August 14, 2018*

08/17/2018 Request
Filed by: Petitioner 180 Land Company LLC
*Petitioner's Request for Consideration of Additional Pleading*

08/21/2018 Request for Judicial Notice
Filed By: Petitioner 180 Land Company LLC
*REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF PETITIONER S PROPOSED REPLY TO CITY OF LAS VEGAS POST-HEARING SUR-REPLY BRIEF (REQUEST FOR CONSIDERATION OF THE REPLY FILED AUGUST 17, 2018)*

08/21/2018 Errata
Filed By: Respondent Las Vegas City of
*City of Las Vegas' Errata to Sur-Reply Brief and Proposed Findings of Fact and Conclusions of Law*

10/29/2018 Request for Judicial Notice

Filed By: Petitioner 180 Land Company LLC
*Request for Judicial Notice*

10/29/2018 Notice
Filed By: Respondent Las Vegas City of
*Notice of Submission of [Proposed] Findings of Fact and Conclusions of Law on Petition for Judicial Review*

11/06/2018 Notice
Filed By: Petitioner 180 Land Company LLC
*Notice Of Submission Of [Proposed] Findings Of Fact, Conclusions Of Law And Order Denying Petition For Judicial Review*

11/21/2018 Findings of Fact, Conclusions of Law and Order
Filed By: Respondent Las Vegas City of
*Findings of Fact and Conclusions of Law on Petition for Judicial Review*

11/26/2018 Notice of Entry of Findings of Fact, Conclusions of Law
Filed By: Respondent Las Vegas City of
*Notice of Entry of Findings of Fact and Conclusions of Law on Petition for Judicial Review*

12/11/2018 Ex Parte Application
Party: Petitioner 180 Land Company LLC
*Ex Parte Application to File Motion for Summary Judgment that Exceeds the EDCR 2.20(a) Page Limit*

12/11/2018 Appendix
Filed By: Petitioner 180 Land Company LLC
*Appendix of Exhibits in Support of Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 1*

12/11/2018 Appendix
*Appendix of Exhibits in Support of Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 2*

12/11/2018 Appendix
Filed By: Petitioner 180 Land Company LLC
*Appendix of Exhibits in Support of Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 3*

12/11/2018 Appendix
Filed By: Petitioner 180 Land Company LLC
*Appendix of Exhibits in Support of Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 7*

12/11/2018 Appendix
*Appendix of Exhibits in Support of Motion for Summary Judgement on Liability for the Landowners' Inverse Condemnation Claims, Vol. 16*

12/11/2018 Appendix
Filed By: Petitioner 180 Land Company LLC
*Appendix of Exhibits in Support of Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 4*

12/11/2018 Appendix

*Appendix of Exhibits in Support of Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 8*

12/11/2018 Appendix
Filed By: Petitioner 180 Land Company LLC
*Appendix of Exhibits in Support of Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 5*

12/11/2018 Appendix
Filed By: Petitioner 180 Land Company LLC
*Appendix of Exhibits in Support of Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 6*

12/11/2018 Appendix
Filed By: Petitioner 180 Land Company LLC
*Appendix of Exhibits in Support of Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 9*

12/11/2018 Appendix
*Appendix of Exhibits in Support of Motion Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 15*

12/11/2018 Appendix
Filed By: Petitioner 180 Land Company LLC
*Appendix of Exhibits in Support of Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 10*

12/11/2018 Appendix
Filed By: Petitioner 180 Land Company LLC
*Appendix of Exhibits in Support of Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 11*

12/11/2018 Appendix
Filed By: Petitioner 180 Land Company LLC
*Appendix of Exhibits in Support of Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 12*

12/11/2018 Appendix
*Appendix of Exhibits in Support of Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 13*

12/11/2018 Appendix
*Appendix of Exhibits in Support of Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 15*

12/11/2018 Appendix
*Appendix of Exhibits in Support of Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 14*

12/11/2018 Motion for Summary Judgment
Filed By: Petitioner 180 Land Company LLC
*Plaintiff Landowners' Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims*

12/11/2018 Motion
Filed By: Petitioner 180 Land Company LLC

*Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

12/12/2018 Order to Statistically Close Case
*Civil Order to Statistically Close Case*

12/13/2018 Exhibits
Filed By: Petitioner 180 Land Company LLC
*Exhibits 7 - 8 in Support of Motion for a New Trial Pursuant to NRCP 59(e) and Motion to Alter or Amend Pursuant to NRCP 52(b) and/or Reconsider the Findings of Fact and Conclusions of Law and Motion to Stay Pending Nevada Supreme Court Directives*

12/13/2018 Exhibits
Filed By: Petitioner 180 Land Company LLC
*Exhibits 1 - 6 in Support of Motion for a New Trial Pursuant to NRCP 59(e) and Motion to Alter or Amend Pursuant to NRCP 52(b) and/or Reconsider the Findings of Fact and Conclusions of Law and Motion to Stay Pending Nevada Supreme Court Directives*

12/13/2018 Motion for New Trial
Filed By: Petitioner 180 Land Company LLC
*Motion for a New Trial Pursuant to NRCP 59(e) and Motion to Alter or Amend Pursuant to NRCP 52(b) and/or Reconsider the Findings of Fact and Conclusions of Law and Motion to Stay Pending Nevada Supreme Court Directives*

12/14/2018 Supplement
Filed by: Petitioner 180 Land Company LLC
*Supplement to: Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

12/14/2018 Exhibits
Filed By: Petitioner 180 Land Company LLC
*Exhibit 5 - Supplement to: Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

12/14/2018 Exhibits
Filed By: Petitioner 180 Land Company LLC
*Exhibit 6 - Supplement to: Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

12/14/2018 Exhibits
Filed By: Petitioner 180 Land Company LLC
*Exhibit 7 - Supplement to: Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

12/14/2018 Exhibits
*Exhibit 8 - Supplement to: Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

12/14/2018 Exhibits
Filed By: Petitioner 180 Land Company LLC
*Exhibit 9 - Support to: Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

12/14/2018 Exhibits
Filed By: Petitioner 180 Land Company LLC
*Exhibit 11 - Supplement to: Plaintiff Landowners' Request for Rehearing/Reconsideration of*

*Order/Judgment Dismissing Inverse Condemnation Claims*

12/14/2018 Exhibits
Filed By: Petitioner 180 Land Company LLC
*Exhibit 12 - Supplement to: Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation*

12/14/2018 Exhibits
Filed By: Petitioner 180 Land Company LLC
*Exhibit 10 - Supplement to: Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

12/14/2018 Exhibits
Filed By: Petitioner 180 Land Company LLC
*Exhibit 13 - Supplement to: Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

12/14/2018 Exhibits
Filed By: Petitioner 180 Land Company LLC
*Exhibit 14 - Supplement to: Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

12/14/2018 Exhibits
Filed By: Petitioner 180 Land Company LLC
*Exhibit 16 - Supplement to: Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

12/14/2018 Exhibits
Filed By: Petitioner 180 Land Company LLC
*Exhibit 15 - Supplement to: Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

12/14/2018 Exhibits
Filed By: Petitioner 180 Land Company LLC
*Exhibit 17 - Supplement to: Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

12/14/2018 Exhibits
Filed By: Petitioner 180 Land Company LLC
*Exhibit 19 - Supplement to: Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

12/14/2018 Exhibits
Filed By: Petitioner 180 Land Company LLC
*Exhibit 18 - Supplement to: Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

12/14/2018 Exhibits
Filed By: Petitioner 180 Land Company LLC
*Exhibit 20 - Supplement to: Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

12/17/2018 Opposition to Motion
Filed By: Petitioner 180 Land Company LLC
*Plaintiff Landowners' Opposition to the City's Motion to Strike Plaintiffs' Motion for Summary Judgment on Liability for The Landowners' Inverse Condemnation Claims on Order*

*Shortening Time*

12/20/2018 Notice of Appeal
Filed By: Petitioner 180 Land Company LLC
*Notice of Appeal*

12/20/2018 Case Appeal Statement
Filed By: Petitioner 180 Land Company LLC
*Case Appeal Statement*

12/21/2018 Motion to Strike
Filed By: Respondent Las Vegas City of
*Motion to Strike Plaintiffs' Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims on Order Shortening Time*

## DISPOSITIONS

11/21/2018 **Order Denying Judicial Review** (Judicial Officer: Williams, Timothy C.)
Debtors: 180 Land Company LLC (Petitioner)
Creditors: Las Vegas City of (Respondent)
Judgment: 11/21/2018, Docketed: 11/26/2018

11/21/2018 **Order of Dismissal** (Judicial Officer: Williams, Timothy C.)
Debtors: 180 Land Company LLC (Petitioner)
Creditors: Las Vegas City of (Respondent)
Judgment: 11/21/2018, Docketed: 11/26/2018
Comment: Certain Claims

## HEARINGS

01/11/2018 **Motion to Dismiss** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
*City of Las Vegas' Motion to Dismiss or, in the Alternative, Motion to Strike*
Motion Denied;

01/11/2018 **Opposition and Countermotion** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
*Petitioner's Opposition to City of Las Vegas' Motion to Dismiss and Countermotion to Stay Litigation of Alternative Inverse Condemnation Claims Until Resolution of the Petition for Judicial Review*
Granted;

01/11/2018 **All Pending Motions** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
Matter Heard;
Journal Entry Details:
*CITY OF LAS VEGAS' MOTION TO DISMISS OR, IN THE ALTERNATIVE, MOTION TO STRIKE PETITIONER'S OPPOSITION TO CITY OF LAS VEGAS' MOTION TO DISMISS AND COUNTERMOTION TO STAY LITIGATION OF ALTERNATIVE INVERSE CONDEMNATION CLAIMS UNTIL RESOLUTION OF THE PETITION FOR JUDICIAL REVIEW Arguments by counsel regarding condemnation claims and initial pleading filed. Mr. Leavitt addressed the timeliness issue, stating the Petition was sent to clerk of the court in a timely manner pursuant to rules. Court ruled as a matter of law that the Amended Petition was timely filed due to an error with the clerk s office. Mr. Leavitt discussed the ripeness issue. Mr. Dorocak reviewed the Petition for Judicial Review as the initial pleading and inverse condemnation claims, stating it was improper and should be dismissed. Court s inquiry regarding administrative and judicial remedies of inverse condemnation claims. Upon court s inquiry, Mr. Dorocak stated the court could not sever pleadings because claims were not brought properly. Colloquy regarding the initial pleading. Court stated a hybrid petition was filed. COURT ORDERED, Motion to Dismiss DENIED, and Motion to Strike DENIED, the inverse condemnation claims severed, and the Motion to Stay the Inverse Condemnation Claims is GRANTED, and determined it would deal strictly with judicial review; COURT FURTHER ORDERED, the Amended Complaint would be filed with the inverse condemnation claim, and the Complaint must be filed within 30 days.;*

04/12/2018

**Status Check** (11:00 AM) (Judicial Officer: Williams, Timothy C.)

*Status Check (Telephonic) with Counsel re production of copies of cites to Record to the court [counsel to schedule conference call-court to dial in]*

Matter Heard;

Journal Entry Details:

*Mr. Kistler stated this matter is in the briefing stage; the Opening Brief had not yet been filed; a Stipulation would be filed with court regarding subsequent briefing. Colloquy regarding briefing procedure and disqualification of counsel. Court advised counsel to file a motion if there was an issue. Colloquy regarding date for the hearing. Court directed counsel to have briefing filed one week prior to the hearing, and ORDERED, hearing date SET. Upon counsels' request, COURT FURTHER ORDERED, page limitation for briefing waived. 6/22/18 9:30 AM PETITION FOR JUDICIAL REVIEW;*

05/08/2018

**Motion to Intervene** (9:00 AM) (Judicial Officer: Williams, Timothy C.)

*Motion to Intervene on an Order Shortening Time*

Motion Granted;

Journal Entry Details:

*Kirill Mikhaylov, Esq. present on behalf of Intervenors. Arguments by counsel regarding the Motion. COURT ORDERED, matter TAKEN UNDER ADVISEMENT and advised a decision would be issued.;*

05/10/2018

**Motion** (9:00 AM) (Judicial Officer: Williams, Timothy C.)

*City of Las Vegas' Motion to Extend Briefing Schedule and Continue Hearing on 180 Land Co LLC's Second Amended Petition for Judicial Review on Order Shortening Time*

Matter Heard;

Journal Entry Details:

*Mr. Ogilvie requested and parties stipulated to move the hearing to June 29. Petitioner agrees to respond through June 26. Mr. Holmes requested time to file a reply the day of the hearing or the next week. Mr. Hutchison requested a week after the opposition is due to file the reply. Mr. Ogilvie stated what is said in the reply might have some impact on his argument. Mr. Hutchison stated he would have the compressed reply brief in by the 28th. Court directed counsel to prepare a stipulation regarding deadlines. 6/29/18 9:30 AM HEARING: PETITION FOR JUDICIAL REVIEW;*

05/16/2018

**Minute Order** (3:00 AM) (Judicial Officer: Williams, Timothy C.)

Minute Order - No Hearing Held; re: Motion to Intervene on Order Shortening Time

Journal Entry Details:

*After a review and consideration of the points and authorities on file herein, and the argument of counsel, the Court determined as follows: It is important to point out that the instant action is one of many court actions stemming from the proposed development of the Badlands golf course and the surrounding Queensridge community. Consequently, the Court feels compelled to review the instant Motion to Intervene not based solely on the limited procedural history in this matter, but to also consider all past actions of the Las Vegas City Council as it relates to the development of the Badlands golf course. The Court has determined that the past history of the Las Vegas City Council is important. Pursuant to NRCP 24(a)(2), the Intervenors have demonstrated a sufficient interest in the litigation subject matter. The Intervenors could suffer impairment to their ability to protect their interests if they fail to intervene in this matter. The Intervenors application is timely. Regarding the third factor set forth by the Nevada Supreme Court in Hairr v. First Judicial District Court, 132 Nev. Adv. Op. 16 (2016), whether the Intervenors interests are adequately represented by existing parties to the current action, the Court is well aware of the assumption of adequacy of representation, especially when the government is acting on behalf of a constituency it represents. Thus, in an absence of a very compelling showing to the contrary, it will be presumed that the government adequately represents its citizens when the applicant shares the same interests. Based on history, the prior actions of the Las Vegas City Council as they relate to the development of the Badlands golf course have been adverse to the interests of the Intervenors in this matter. Moreover, the interests of the Intervenors relate to the ownership and protection of real property and its attributes, which has been recognized as unique under Nevada law. See Dixon v. Thatcher, 103 Nev. 414, 416 (1987). The Intervenors real property is adjacent to and will be affected by any subsequent development of the Badlands golf course, and that development is directly at issue in this litigation. In contrast, the City is not seeking to protect its property rights and has no standing to protect the unique property rights of the Intervenors. Thus, in light of the prior actions of the Las Vegas City Council and the potential impact on the Intervenors property*

*rights, this Court finds that the interests of the Intervenors are not adequately represented or protected by the City of Las Vegas, and grants the Motion to Intervene pursuant to NRCP 24 (a)(2). Lastly, the Intervenors also meet the requirements of NRCP 24(b)(2) as it relates to permissive intervention, so permissive intervention is also warranted. Based on the foregoing, the Motion to Intervene pursuant to NRCP 24(a)(2) and (b)(2) shall be GRANTED. Additionally, the Intervenors shall follow the briefing schedule that is forthcoming. Counsel for the Intervenors shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature. CLERK'S NOTE: A copy of this Minute Order was electronically served to all registered parties by the Judicial Executive Assistant.//ev 5/16/18;*

06/29/2018 **Petition for Judicial Review** (9:30 AM) (Judicial Officer: Williams, Timothy C.)

*Oral Argument on Petition for Judicial Review*

Denied;

Journal Entry Details:

*Colloquy regarding consideration of the emergency motion to strike pages and the June 21 hearing. Upon Court's inquiry, Mr. Hutchison agreed to go forward with today's hearing and the Court could ignore, if necessary. Mr. Holmes argued going forward today was putting the cart before the horse. Court advised it had not had an opportunity to review the Order Shortening Time, however would proceed with the hearing, and advised counsel to make an objection if something came up that should be stricken. Mr. Hutchison presented a binder of citations; stated 180 Land Company had an application to develop their property, had zoning permits, complied with every land use and development requirement; stated his clients were not land speculators. Court noted it was not concerned about how the parties were characterized. Ms. Allen provided an overview of the property and zoning. Court inquired regarding if it should hold the city council to the same standard as a trial court. Arguments by Mr. Hutchison and Mr. Holmes regarding the master plan and applicable statutory law. Mr. Hutchison discussed rights to the property under the zoning; argued his client complied with all of the City's requirements, and argued his client was denied specific reasoning regarding rejection of the development. Upon Court's inquiry, Mr. Hutchison responded there was no evidence that the City considered the ordinance during the meeting, and the City's ultimate decision, which occurred prior to the June 21 hearing, should not be considered. Court directed counsel to provide supplemental briefing regarding the development agreement. COURT ORDERED, counsel to discuss and agree regarding continuing the hearing date of July 3, 2018. Court inquired regarding what was applicable under the law. Mr. Ogilvie argued the City of Las Vegas does not have an interest or anything to gain by denying the Petitioner's request. Court stated there must be a basis for the City to make a decision. Court inquired what specific concerns there were by homeowners; Mr. Ogilvie replied congestion and the lack of open space were the issues. Discussion by Court and Mr. Ogilvie regarding the master plan and the developer of the property. Mr. Holmes argued regarding applicable statutory law. Court inquired regarding ordinance designation; discussed the term "master plan"; requested substantial evidence that supported the decision of the city counsel. Court stated it was not sure if the City Council's actions were arbitrary and capricious; argued regarding a causal link. Mr. Hutchison requested City Council's decision be reversed. Mr. Kaempher argued the Stratosphere decision is completely different and should not be used; argued master plans are ever-changing. COURT ORDERED, attorneys to meet and confer regarding the briefing schedules, and submit a stipulation; counsel to submit the Findings of Fact and Conclusions of Law in Microsoft Word format for editing.;*

07/03/2018 **Motion** (9:00 AM) (Judicial Officer: Williams, Timothy C.)

**07/03/2018, 07/25/2018**

*Emergency Motion to Strike " Errata to Transmittal of Record for Review" Filed by the City of Las Vegas on June 21, 2018; Application for Order Shortening Time*

**MINUTES**

Vacate; Counsel to submit Stipulation per Law Clerk

Motion Denied;

Journal Entry Details:

*Mr. Kistler argued regarding portions of the record being stricken unilaterally; stated the petition concerns actions taken by City Council; argued no portion of the record submitted to the court should be deleted; requested the errata be stricken, and if treated as a motion filed by the City, requested motion be denied, however would agree to stipulate to expanision of the record to include the four letters of 180 Land Company LLC's applications. Mr. Ogilvie*

*argued the City is attempting to make sure the court is given proper record and can make a determination on that record, the only issue on the merits is whether substantial evidence supported the decision on June 21, 2017, argued any action taking place after that hearing was not taken into consideration at the time City Council took action; stated items were inadvertently included in the record, should be removed, and should not be considered on the record. Mr. Kistler argued regarding the record, and what should be included. COURT ORDERED, Motion DENIED; Court advised the record in this case was limited to what was in front of City Council the day of or before the June 21, 2017 hearing; the errata stands.;*

**MINUTES**

Vacate; Counsel to submit Stipulation per Law Clerk
Motion Denied;
Journal Entry Details:
*Matter not called. Vacated; Counsel to submit Stipulation per Law Clerk.;*

07/16/2018 **Status Check** (1:30 PM) (Judicial Officer: Williams, Timothy C.)

*Telephonic Status Check*
Matter Heard;
Journal Entry Details:
*Joseph Kistler, Esq. present on behalf of Petitioner. All counsel present telephonically. Arguments by counsel regarding procedure for post-trial briefs and proposed findings of fact and conclusions of law. COURT ORDERED, briefing schedule SET; Mr. Kistler to file a reply to the brief filed by the City including any new issues, questions or concerns during the hearing on or before July 31, 2018; Intervenor to file a sur-reply regarding anything raised in the reply and questions the Court had during the hearing on or before August 6, 2018; each party to submit a findings of fact and conclusions of law for review on or before August 14, 2018; Court advised additional argument or briefing may be requested on or before August 17, 2018, and if requests are made, there would be limitations. Court directed Mr. Kistler to prepare the Order.;*

10/11/2018 **Minute Order** (1:53 PM) (Judicial Officer: Williams, Timothy C.)

*Re: Petition for Judicial Review*
Minute Order - No Hearing Held;
Journal Entry Details:
*After a review and consideration of the points and authorities on file herein, the record on appeal and argument of counsel, the Court determines as follows: Two issues were present for review: (1) whether substantial evidence supported the Las Vegas City Council s decision to deny developer 180 Land Company, LLC s application for residential development on land designated as open space/golf course/drainage; and (2) does Judge Crockett s decision -- holding that the Master Plan precludes any redevelopment by Seventy Acres, LLC of the open space/golf course/drainage area absent a proper and approved application for a Major Modification of the Master Plan -- bind the developer and its related entities such as 180 Land Company, LLC under the doctrine of issue/claims preclusion. In reviewing the decision of the Las Vegas City Council, the thrust and focus of the Court in the instant matter shall be limited. As the Nevada Supreme Court noted in Stratosphere Gaming Corp. v. City of Las Vegas, 120 Nev. 523, 528, [w]hen a district court has reviewed a zoning decision without taking additional evidence and the decision is appealed to the court, the scope of review is limited to a determination of whether the agency or municipality which made the decision appealed from committed an abuse of discretion. A decision that lacks support in the form of substantial evidence is arbitrary and capricious and, therefore, an abuse of discretion. We have defined substantial evidence as that which a reasonable mind might accept as adequate to support a conclusion (emphasis added). Based on a review of the record, the 35-acre parcel at issue was once part of the 250.92 acres of land commonly referred to as the Badlands Golf Course and subject to the specifications set forth in the Peccole Ranch Master Planned Community, which were initially approved by the City of Las Vegas in 1990. Under the Master Plan, in addition to use as a golf course, the Badlands parcel was designed to be in a major flood zone and was designated as flood drainage and open spaces. Of paramount significance, the 35 acres that are subject to judicial review were part of prior applications to develop the 250.92 acre Badlands Golf Course before the Las Vegas Planning Commission and City Council. Thus, the Las Vegas City Council s decision to accept or deny the application of Petitioners was not made in a vacuum. It was based on the Petitioner and its affiliates multiple applications to the City Council that resulted in a significant administrative history with numerous attempts to develop the Badlands Golf Course. A review of the record reveals that the Las Vegas City Council received major public opposition not only to the 35-acre parcel at issue, but public opposition to major modifications to the Master Plan regarding the 250.92 acre Badlands*

*property as well as a smaller sub-parcel consisting of 17.49 acres. For example, public meetings were well attended with overwhelming opposition and the City received approximately 586 written protests regarding a proposed 2016 Development Agreement and many emails in protest. The 2016 Development Agreement was an attempt to make a major modification to the Master Plan, which was ultimately withdrawn without prejudice. The record also reveals that the Mayor emphasized that the City Council sought a comprehensive redevelopment plan for the entire Badlands property to ensure compatibility with the surrounding properties and to provide adequate flood control. Also, the developers represented to the Mayor and City Council their desire to develop not just a portion of the Badlands property, but the entire parcel. Notwithstanding, the City Council approved the developer application regarding the 17.49 acre parcel without a major modification to the Master Plan. Not only was there public opposition, but certain nearby homeowners retained private counsel and sought relief from the Courts seeking judicial review of the City Council s approval of the 17.49 acre application. The ultimate outcome of the Petition for Judicial Review as to the 17.49 acre matter was not considered by this Court in reviewing the actions of the Las Vegas City Council. However, it underscores the fact that a group of homeowners were strident in their opposition to the development plans approved by the Las Vegas City Council regarding the 17.49 acre parcel. In assessing the actions of the Mayor and City Council and to determine whether there is substantial evidence in the record to support their decision, it is patently apparent that the pending Petition for Judicial Review is not a simple one-time application assessing whether to approve the developer s land use. The record reflects that the Mayor and City Council considered the Badland project history and negotiations between the City and the nearby property owners. There was steadfast and considerable public opposition to the Applications, including challenges to the compatibility with the surrounding areas. Also, the Court considered the piece-meal development argument presented by the Petitioner. However, the record reveals the Mayor and City Council, in light of the public opposition, wanted a unified agreement and development proposal for the entire Badlands property to ensure orderly development that would be compatible with the surrounding area as required by the Master Plan. Even expert testimony was provided by Ngai Pindall, a law professor who teaches Municipal Planning and Zoning. Professor Pindall opined that good land use practice required an amendment to the Master Plan because it gave all stakeholders a chance to be heard and considered. In light of the significant record, the Court hereby determines that there was substantial evidence in the record to support the decision of the Las Vegas City Council. The Court also considered whether the developer, 180 Land Company, LLC s Petition is barred under the doctrine of issue preclusion as asserted by Intervenors, based on the decision of Judge Crockett in the matter of Jack B. Binion, et al. v. The City of Las Vegas and Seventy Acres, LLC, Case No. A-17-752344-J. The Court reviewed recent Nevada case law and the expanded concept of privity which is to be broadly construed beyond its literal and historic meaning to include any situation in which the relationship between the parties is sufficiently close to supply preclusion. Thus, privity will now encompass a relationship in which there is a substantial identity between the parties which results in a sufficient commonality of interest. See, Mendenhall v. Tassinari, 403 P.3d 364 (Nev. 2017). Applying the expanded concept of privity, the Court considered the history of the land-use applications pertaining to the Badlands properties before the City Council and reviewed the Complaint filed in the United States District Court, Case 2:18-cv-00547-JCM-CWH, Plaintiffs 180 Land Co. LLC, Fore Stars, Ltd., Seventy Acres, LLC and Yohan Lowie in his individual capacity, to determine whether there is a substantial identity of the parties resulting in a sufficient commonality of interest and therefore privity. The Federal Complaint reveals that in March of 2015, Yohan Lowie and his partners acquired a membership interest in Fore Star Ltd., which at the time owned the 250.92 acre Badlands property. In June, 2015, Fore Star Ltd. redrew boundaries of various parcels that compromised the Badlands property, and in November 2015, ownership of approximately 178.27 acres of land was transferred to Petitioner, 180 Land Co. LLC and approximately 70.52 acres of land was transferred to Seventy Acres, LLC, a party in the Judge Crockett matter. The impact of Judge Crockett s Order, which the City of Las Vegas accepted and did not appeal, would require both the 180 Land Co., LLC and Seventy Acres, LLC s parcels of land to apply to the Las Vegas City Council for an amendment to the Master Plan before development of the entire Badlands properties. A review of the August 3, 2017 deposition of Yohan Lowie reveals a 50% ownership interest in both Seventy Acres, LLC and 180 Land Co., LLC. Thus, 180 Land Co., LLC would have received a substantial benefit had Judge Crockett denied the Petition for Judicial Review in that it would not be required to seek amendment to the Master Plan as a condition to develop the Badlands properties. Also, from the record, Mr. Lowie manages and controls the 180 Land Co., LLC and Seventy Acres, LLC. Therefore, the record demonstrates a substantial identity between the 180 Land Co., LLC and Seventy Acres, LLC based on shared interest and actions. Further, the issue raised by Intervenor, which once again challenges whether any attempt to develop part of the Badlands properties without first applying for and addressing a major modification to the Master Plan, is identical to the issues litigated before Judge Crockett. Lastly, this issue was fully*

*adjudicated. The Court hereby determines that the Doctrine of Issue Preclusion applies to the instant matter. Based on the foregoing, the Court has determined there is substantial evidence in the record to support the Decision of the Las Vegas City Council to deny the application at issue. Additionally, the Doctrine of Issue Preclusion controls and it would be improper after a determination of substantial identity between 180 Land Co., LLC and Seventy Acres, LLC, to permit the Petitioner to circumvent the decision of Judge Crockett on issues that were fully adjudicated. Therefore, the Petition for Judicial Review of 180 Land Company, LLC is hereby DENIED. Each party is requested to submit their proposed Finding of Fact, Conclusions of Law and Order based not only on the foregoing Minute Order, but also on the record on file herein. Any submissions made to the Court must be served on all parties. CLERK S NOTE: This Minute Order was electronically served to all parties registered through Odyssey eFile. ;*

11/08/2018 *CANCELED* **Calendar Call** (10:30 AM) (Judicial Officer: Williams, Timothy C.)
*Vacated - Set in Error*

01/17/2019 **Motion For Reconsideration** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
*Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

01/22/2019 **Motion for New Trial** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
*Motion for a New Trial Pursuant to NRCP 59(e) and Motion to Alter or Amend Pursuant to NRCP 52(b) and/or Reconsider the Findings of Fact and Conclusions of Law and Motion to Stay Pending Nevada Supreme Court Directives*

01/22/2019 **Motion to Strike** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
*Motion to Strike Plaintiff's Motion for Summary Judgment on Liability for the Landowners Inverse Condemnation Claims on Order Shortening Time*

02/06/2019 **Motion for Summary Judgment** (9:30 AM) (Judicial Officer: Williams, Timothy C.)
*Plaintiff Landowners' Motion for Summary Judgment on Liability for the Landowners' Inverse Comdemnation Claims*

| DATE | FINANCIAL INFORMATION | |
|---|---|---|
| | **Intervenor** Binion, Jack B | |
| | Total Charges | 703.00 |
| | Total Payments and Credits | 703.00 |
| | **Balance Due as of 12/26/2018** | **0.00** |
| | **Petitioner** 180 Land Company LLC | |
| | Total Charges | 494.00 |
| | Total Payments and Credits | 494.00 |
| | **Balance Due as of 12/26/2018** | **0.00** |
| | **Respondent** Las Vegas City of | |
| | Total Charges | 669.00 |
| | Total Payments and Credits | 669.00 |
| | **Balance Due as of 12/26/2018** | **0.00** |

A-17-758528-J

Department 16

# DISTRICT COURT CIVIL COVER SHEET

_____ County, Nevada

Case No. _____

*(Assigned by Clerk's Office)*

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

| Plaintiff(s) (name/address/phone): | Defendant(s) (name/address/phone): |
|---|---|
| 180 LAND COMPANY, LLC, a Nevada limited liability company | CITY OF LAS VEGAS, a political subdivision of the State of Nevada |
| Attorney (name/address/phone): Christopher L. Kaempfer (#1264); James E. Smyth II (#6506) and Stephanie H. Allen (#8486), KAEMPFER CROWELL, 1980 Festival Plaza Dr., Ste. 650, Las Vegas, NV 89135 (702) 792-7000 | Attorney (name/address/phone): |

## II. Nature of Controversy *(please select the one most applicable filing type below)*

### Civil Case Filing Types

| Real Property | Torts | |
|---|---|---|
| **Landlord/Tenant** | **Negligence** | **Other Torts** |
| ☐ Unlawful Detainer | ☐ Auto | ☐ Product Liability |
| ☐ Other Landlord/Tenant | ☐ Premises Liability | ☐ Intentional Misconduct |
| **Title to Property** | ☐ Other Negligence | ☐ Employment Tort |
| ☐ Judicial Foreclosure | **Malpractice** | ☐ Insurance Tort |
| ☐ Other Title to Property | ☐ Medical/Dental | ☐ Other Tort |
| **Other Real Property** | ☐ Legal | |
| ☐ Condemnation/Eminent Domain | ☐ Accounting | |
| ☐ Other Real Property | ☐ Other Malpractice | |

| Probate | Construction Defect & Contract | Judicial Review/Appeal |
|---|---|---|
| **Probate** *(select case type and estate value)* | **Construction Defect** | **Judicial Review** |
| ☐ Summary Administration | ☐ Chapter 40 | ☐ Foreclosure Mediation Case |
| ☐ General Administration | ☐ Other Construction Defect | ☐ Petition to Seal Records |
| ☐ Special Administration | **Contract Case** | ☐ Mental Competency |
| ☐ Set Aside | ☐ Uniform Commercial Code | **Nevada State Agency Appeal** |
| ☐ Trust/Conservatorship | ☐ Building and Construction | ☐ Department of Motor Vehicle |
| ☐ Other Probate | ☐ Insurance Carrier | ☐ Worker's Compensation |
| **Estate Value** | ☐ Commercial Instrument | ☐ Other Nevada State Agency |
| ☐ Over $200,000 | ☐ Collection of Accounts | **Appeal Other** |
| ☐ Between $100,000 and $200,000 | ☐ Employment Contract | ☐ Appeal from Lower Court |
| ☐ Under $100,000 or Unknown | ☐ Other Contract | ☒ Other Judicial Review/Appeal |
| ☐ Under $2,500 | | |

| Civil Writ | | Other Civil Filing |
|---|---|---|
| **Civil Writ** | | **Other Civil Filing** |
| ☐ Writ of Habeas Corpus | ☐ Writ of Prohibition | ☐ Compromise of Minor's Claim |
| ☐ Writ of Mandamus | ☐ Other Civil Writ | ☐ Foreign Judgment |
| ☐ Writ of Quo Warrant | | ☐ Other Civil Matters |

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

July 17, 2017

Date

Signature of Initiating party or representative

***See other side for family-related case filings.***

Nevada AOC - Research Statistics Unit
Pursuant to NRS 3.275

Form PA 201
Rev 3.1

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**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

| | |
|---|---|
| 180 LAND CO LLC, a Nevada limited-liability company; DOE INDIVIDUALS I through X; DOE CORPORATIONS I through X; and DOE LIMITED-LIABILITY COMPANIES I through X,<br><br>Plaintiffs,<br><br>v.<br><br>CITY OF LAS VEGAS, a political subdivision of the State of Nevada; ROE GOVERNMENT ENTITIES I through X; ROE CORPORATIONS I through X; ROE INDIVIDUALS I through X; ROE LIMITED-LIABILITY COMPANIES I through X; ROE QUASI-GOVERNMENTAL ENTITIES I through X,<br><br>Defendants. | CASE NO.: A-17-758528-J<br><br>DEPT. NO.: XVI<br><br>[Corrected]<br>**FINDINGS OF FACT AND CONCLUSIONS OF LAW ON PETITION FOR JUDICIAL REVIEW** |

OCT 30 2018

JACK B. BINION, an individual; DUNCAN R. and IRENE LEE, individuals and Trustees of the LEE FAMILY TRUST; FRANK A. SCHRECK, an individual; TURNER INVESTMENTS, LTD., a Nevada Limited Liability Company; ROGER P. and CAROLYN G. WAGNER, individuals and Trustees of the WAGNER FAMILY TRUST; BETTY ENGLESTAD AS TRUSTEE OF THE BETTY ENGLESTAD TRUST; PYRAMID LAKE HOLDINGS, LLC.; JASON AND SHEREEN AWAD AS TRUSTEES OF THE AWAD ASSET PROTECTION TRUST; THOMAS LOVE AS TRUSTEE OF THE ZENA TRUST; STEVE AND KAREN THOMAS AS TRUSTEES OF THE STEVE AND KAREN THOMAS TRUST; SUSAN SULLIVAN AS TRUSTEE OF THE KENNETH J. SULLIVAN FAMILY TRUST, AND DR. GREGORY BIGLER AND SALLY BIGLER,

Intervenors.

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Petitioner 180 Land Company, LLC filed a petition for judicial review ("Petition") of the Las Vegas City Council's June 21, 2017 decision to deny four land use applications ("Applications") filed by Petitioner to develop a 34.07-acre portion of the Badlands Golf Course ("the 35-Acre Property"). The Court granted a motion to intervene filed by surrounding homeowners ("Intervenors") whose real property is adjacent to and affected by the proposed development of the 35-Acre Property. The Court having reviewed the briefs submitted in support of and in opposition to the Petition, having conducted a hearing on the Petition on June 29, 2018, having considered the written and oral arguments presented, and being fully informed in the premises, makes the following findings of facts and conclusions of law:

## I. FINDINGS OF FACT

### A. The Badlands Golf Course and Peccole Ranch Master Development Plan

1. The 35-Acre Property is a portion of 250.92 acres of land commonly referred to as the Badlands Golf Course ("the Badlands Property"). (ROR 22140-201; 25819).

. . .

2. The Badlands Property is located between Alta Drive (to the north), Charleston Boulevard (to the south), Rampart Boulevard (to the east), and Hualapai Way (to the west), and is spread out within existing residential development, primarily the Queensridge Common Interest Community. (ROR 18831; 24093).

3. The Badlands Property is part of what was originally the Venetian Foothills Master Development Plan on 1,923 acres of land, which was approved by the Las Vegas City Council (the "Council") on May 7, 1986. (ROR 25820).

4. The plan included two 18-hole golf courses, one of which would later become known as "Badlands." (ROR 2635-36; 2646).

5. Both golf courses were designed to be in a major flood zone and were designated as flood drainage and open space. (ROR 2595-2604; 2635-36; 4587).

6. The Council required these designations when approving the plan to address flooding, and to provide open space in the master planned area. (*Id.*).

7. The City's General Plan identifies the Badlands Property as Parks, Recreation and Open Space ("PR-OS"). (ROR 25546).

8. The City holds a drainage easement within the Badlands Property. (ROR 4597; 5171; 5785).

9. The original master plan applicant, William Peccole/Western Devcor, Inc., conveyed its interest to an entity called Peccole Ranch Partnership. (ROR 2622; 20046-47; 25968).

10. On February 15, 1989, the Council approved a revised master development plan for 1,716.30 acres, known as "the Peccole Ranch Master Development Plan" ("the Master Development Plan"). (ROR 25821).

11. On April 4, 1990, the Council approved an amendment to the Master Development Plan to make changes related to Phase Two, and to reduce the overall acreage to 1,569.60 acres. (*Id.*).

12. Approximately 212 acres of land in Phase Two was set aside for a golf course, with the overall Peccole Ranch Master Plan having 253.07 net acres for golf course, open space and

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drainage. (ROR 2666; 25821).

13. Like its predecessor, the Master Development Plan identified the golf course area as being for flood drainage and golf course purposes, which satisfied the City's open space requirement. (ROR 2658-2660).

14. Phase Two of the Master Plan was completed such that the golf course is now surrounded by residential development. (ROR 32-33).

15. The 35-Acre Property that is the subject of the Applications at issue here lies within the Phase Two area of the Master Plan. (ROR 10).

16. Through a number of successive conveyances, Peccole Ranch Partnership's interest in the Badlands Property, amounting to 250.92 acres, was transferred to an entity called Fore Stars, Ltd., an affiliate of Petitioner. (ROR 24073-75; 25968).

17. On June 18, 2015, Fore Stars transferred 178.27 acres to Petitioner and 70.52 acres to Seventy Acres, LLC, another affiliate, and retained the remaining 2.13 acres. (*Id.*).

18. The three affiliated entities – Petitioner (i.e., 180 Land Co., LLC), Seventy Acres LLC and Fore Stars, Ltd. (collectively, "the Developer") – are all managed by EHB Companies, LLC, which, in turn, is managed by Paul Dehart, Vicki Dehart, Yohan Lowie and Frank Pankratz. (ROR 1070; 1147; 1154; 3607-3611; 4027; 5256-57; 5726-29). The Court takes judicial notice of the complaint filed by 180 Land Co., LLC, Fore Stars, Ltd., Seventy Acres, LLC, and Yohan Lowie in the United States District Court, Case No. 2:18-cv-00547-JCM-CWH ("the Federal Complaint"), which alleges these facts.

19. Mr. Lowie and various attorneys represented the Developer with regard to its development applications before the Council. (ROR 24466-24593).

**B. The Developer's Prior Applications to Develop the Badlands Property**

20. On November 15, 2015, the Developer filed applications for a General Plan Amendment, Re-zoning and Site Development Plan Review to change the classification of 17.49 acres within the 250.92-acre Badlands Property from Parks Recreation/Open Space to High Density ("the 17-Acres Applications"). (ROR 25546; ROR 25602; ROR 25607).

21. The 17-Acre Property is located in the northeast corner of the Badlands Property,

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distant from and not adjacent to existing residential development. (ROR 33).

22. In reviewing the 17-Acres Applications, the City's planning staff recognized that the 17-Acre Property was part of the Master Development Plan and stated that any amendment of the Master Development Plan must occur through a major modification pursuant to Title 19.10.040 of the City's Unified Development Code. (ROR 25532).

23. Members of the public opposed the 17-Acre Applications on numerous grounds. (ROR 25768-78).

24. On February 25, 2016, the Developer submitted an application for a major modification to the Master Development Plan (the "Major Modification Application") and a proposed development agreement (which it named the "2016 Peccole Ranch Master Plan") for the entire 250.92-acre Badlands Property ("the proposed 2016 Development Agreement"). (ROR 25729; 25831-34).

25. In support of the Major Modification Application, the Developer asserted that the proposed 2016 Development Agreement was in conformance with the Las Vegas General Plan Planning Guidelines to "[e]ncourage the master planning of large parcels under single ownership in the growth areas of the City to ensure a desirable living environment and maximum efficiency and savings in the provision of new public facilities and services." (ROR 25986).

26. The Developer also asserted that it would "guarantee that the development of the golf course property would be accomplished in a way that ensures that Queensridge will retain the uniqueness that makes living in Queensridge so special." (ROR 25966).

27. Thereafter, the Developer sought abeyances from the Planning Commission on the 17-Acres Applications to engage in dialogue with the surrounding neighbors, and to allow the hearings on the Major Modification Application and the 17-Acre Applications to proceed simultaneously. (ROR 25569; 25613; 25716; 25795; 26014; 26195; 26667; 27989).

28. The Council heard considerable opposition to the Major Modification Application and the proposed 2016 Development Agreement regarding, among other things, traffic, conservation, quality of life and schools. (ROR 25988-26010; 26017-45; 26072-89; 26091-107).

. . .

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29. At a March 28, 2016 neighborhood meeting, 183 members of the public attended who were "overwhelmingly opposed" to the proposed development. (ROR 25823-24).

30. The City received approximately 586 written protests regarding the proposed 2016 Development Agreement plus multiple e-mails to individual Council members in opposition. (ROR 31053; ROR 989-1069).

31. In approximately April 2016, City Attorney Brad Jerbic became involved in the negotiation of the proposed 2016 Development Agreement to facilitate discussions between the Developer and the nearby residents. Over the course of the next year, Mr. Jerbic and Planning Director Tom Perrigo met with the Developer's representatives and various members of the public, including representatives of the Queensridge HOA and individual homeowners, in an effort to reach consensus regarding a comprehensive development plan for the Badlands Property. (ROR 27990).

32. The Mayor continued to inquire about the status of the negotiations, and Council members expressed their desire that the parties negotiate a comprehensive master plan that meets the City's requirements for orderly and compatible development. (ROR 17335).

33. Prior to the Council voting on the Major Modification Application, the Developer requested to withdraw it without prejudice. (ROR 1; 5; 6262).

34. Several members of the public opposed the "without prejudice" request, arguing that the withdrawal should be with prejudice to ensure that the Developer would create a development plan for the entire Badlands Property with input from neighbors. (ROR 1077-79, 1083).

35. In response, the Mayor received assurances from the Developer's lawyer that the Developer would engage in good-faith negotiations with neighboring homeowners. (ROR 1115).

36. The Developer also represented that it did not seek to develop the Badlands Property in a piecemeal fashion: "[I]t's not our desire to just build 17.49 acres of property that we wanted to build the rest of it, and that's why we agreed to the withdrawal without prejudice to meet [with neighboring property owners] to try to do everything we can." (ROR 1325). Based on these assurances, the Council approved the Developer's request to withdraw the Major

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Modification Application and proposed 2016 Development Agreement without prejudice. (ROR 2; 1129-1135).

37. The Mayor reiterated that the Council sought a comprehensive plan for the entire Badlands Property to ensure that any development would be compatible with surrounding properties and provide adequate flood control. (ROR 17321-22).

38. The Developer's counsel acknowledged the necessity for a master development plan for the entire Badlands Property. (ROR 17335).

39. City Planning Staff recommended approval of the 17-Acres Applications with several conditions, including the approval of both (1) the Major Modification Application and (2) the proposed 2016 Development Agreement. (ROR 27625-26, 27629).

40. On October 18, 2016, the City's Planning Commission recommended granting the 17-Acres Applications but denying the Major Modification Application. (ROR 1; 31691-92).

41. The Council heard the 17-Acres Applications at its November 16, 2016 meeting. (ROR 1075-76).

42. The Council members expressed that a comprehensive plan for the entire Badlands Property was necessary to avoid piecemeal development and ensure compatible land densities and uses. (ROR 1310-14).

43. Nevertheless, the Council and the Planning Director recognized the 17-Acre Property as distinct from the rest of the Badlands Property due to its configuration, lot size, isolation and distance from existing development. (ROR 1311-12).

44. To allow time for negotiations between the Developer and the project opponents on a comprehensive development agreement, the Council held the 17-Acres Applications in abeyance until February 15, 2017. (ROR 1342; 6465-6470, 11231).

45. On February 15, 2017, the Council again considered the 17-Acres Applications. (ROR 17235).

46. The Developer stated that it had reduced the requested number of units from 720 to 435 to match the compatibility of adjacent Queensridge Towers. (ROR 17237-38).

. . .

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47. Based on the reduction and compatibility effort made by the Developer, the Council approved the 17-Acres Applications with certain modifications and conditions. (ROR 11233; 17352-57).

48. Certain nearby homeowners petitioned for judicial review of the Council's approval of the 17-Acres Applications. *See Jack B. Binion, et al v. The City of Las Vegas, et al.*, A-17-752344-J.

49. On March 5, 2018, the Honorable James Crockett granted the homeowners' petition for judicial review, concluding that a major modification of the Master Development Plan to change the open space designation of the Badlands Golf Course was legally required before the Council could approve the 17-Acres Applications ("the Crockett Order"). The Court takes judicial notice of the Crockett Order.

**C. The 35-Acres Applications at Issue in this Petition for Judicial Review**

50. The instant case seeks judicial review of the Council's denial of the Applications filed by Petitioner to develop the 35-Acre Property.

51. The Applications consisted of: an application for a General Plan Amendment for 166.99 acres to change the existing City's General Plan designation from Parks Recreation/Open Space to Low Density Residential (ROR 32657); a Waiver on the size of the private streets (ROR 34009); a Site Development Review for 61 lots (ROR 34050); and a Tentative Map Plan application for the 35-Acre Property. (ROR 34059).

52. The development proposed in the Applications was inconsistent with the proposed 2016 Development Agreement that was being negotiated. (ROR 1217-1221; 17250-52; 32657; 34050; 34059).

53. The Council members expressed concern that the Developer was not being forthcoming and was stringing along neighboring homeowners who were attempting to negotiate a comprehensive development plan that the Council could approve. (ROR 1305; 1319).

54. The Applications came up for consideration during the February 14, 2017 Planning Commission meeting. (ROR 33924).

. . .

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55. Numerous members of the public expressed opposition, specifically identifying the following areas of concern: (1) existing land use designations did not allow the proposed development; (2) the proposed development was inconsistent with the Master Development Plan and the City's General Plan; (3) the Planning Commission's decision would set a precedent that would enable development of open space and turn the expectations of neighboring homeowners upside down; (4) the Applications required a major modification of the Master Development Plan; (5) neighboring residents have a right to enjoyment of their property according to state statutes; (6) the proposed development would negatively affect property values and the characteristics of the neighborhood; and (7) the development would result in over-crowded schools. (ROR 33934-69).

56. Project opponents also expressed uncertainty and anxiety regarding the Developer's lack of a comprehensive development plan for the entire Badlands Property. (*Id.*).

57. The Planning Commission did not approve Petitioner's application for the General Plan Amendment, which required a super-majority vote, but did approve the Waiver, Site Development Review and the Tentative Map applications, subject to conditions as stated by City Staff and during the meeting. (ROR 33998-99; 34003).

58. After several abeyances (requested once by City Planning Staff and twice by Petitioner), the four Applications for the 35-Acre Property came before the Council on June 21, 2017. (ROR 17360; 18825-27; 20304-05; 24466).

59. The objections that had been presented in advance of and at the Planning Commission meeting were included in the Council's meeting materials. (ROR 22294-24196).

60. As had occurred throughout the two-year history of the Developer's various applications, the Council heard extensive public opposition, which included research, factual arguments, legal arguments and expert opinions. (ROR 22205-78; 22294-24196). The objections included, among others, the following:

a. The Council was allowing the Developer to submit competing applications for piecemeal development, which the City had never previously allowed for any other developer. (ROR 24205).

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b. The Applications did not follow the process required by planning principles. (Report submitted by Ngai Pindell, Boyd School of Law professor of property law, ROR 24222-23).

c. The General Plan Amendment application exceeds the allowable unit cap. (ROR 24225-229).

d. The Developer failed to conduct a development impact notice and assessment. (ROR 24231-36).

e. The Applications are not consistent with the Master Development Plan or the City's General Plan. (ROR 24231-36).

f. The design guidelines for Queensridge, which were approved by the City and recorded in 1996, reference the golf course, and residents purchased property and built homes in reliance on that document. (ROR 24237-38).

g. The Applications were a strategic effort by the Developer to gain leverage in the comprehensive development agreement negotiations that were ongoing. (Queensridge HOA attorney Shauna Hughes, ROR 24242-44).

h. Security would be a problem. (ROR 24246-47).

i. Approval of the Applications in the absence of a comprehensive plan for Badlands Property would be irresponsible. (ROR 24254-55).

j. The proposed General Plan Amendment would approve approximately 911 homes with no flood control or any other necessary requirements. (ROR 24262).

61. After considering the public's opposition, the Mayor inquired as to the status of negotiations related to a comprehensive development agreement for the entire Badlands Property. The City Attorney responded that no agreement had been reached. (ROR 24208-09).

62. The Developer and its counsel represented that only if the Council approved the four Applications would it then be willing to negotiate a comprehensive development agreement and plan for the entire Badlands Property. (ROR 24215, 24217, 24278-80).

63. The Council voted to deny the Applications. (ROR 24397).

64. On June 28, 2017, the City issued its final notices, which indicated that the

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Council's denial of the Applications was "due to significant public opposition to the proposed development, concerns over the impact of the proposed development on surrounding residents, and concerns on piecemeal development of the Master Development Plan area rather than a cohesive plan for the entire area." (ROR 35183-86).

65. The Petitioner filed this petition for judicial review to challenge the Council's denial of the Applications.

66. Petitioner has not presented any evidence to the Court that it has a pending application for a major modification for the 35-Acre Property at issue in this Petition for Judicial Review.

## II. CONCLUSIONS OF LAW

### A. Standard of Review

1. In a petition for judicial review under NRS 278.3195, the district court reviews the record below to determine whether the decision was supported by substantial evidence. *City of Reno v. Citizens for Cold Springs*, 126 Nev. 263, 271, 236 P.3d 10, 15-16 (2010) (*citing Kay v. Nunez*, 122 Nev. 1100, 1105, 146 P.3d 801, 805 (2006)).

2. "Substantial evidence is that which a reasonable mind could accept as sufficient to support a conclusion." *Id.*

3. The scope of the Court's review is limited to the record made before the administrative tribunal. *Bd. of Cty. Comm'rs of Clark Cty. v. C.A.G., Inc.*, 98 Nev. 497, 500, 654 P.2d 531, 533 (1982).

4. The Court may "not substitute its judgment for that of a municipal entity if substantial evidence supports the entity's action." *Id.*

5. "[I]t is not the business of courts to decide zoning issues… Because of the [governing body's] particular expertise in zoning, courts must defer to and not interfere with the [governing body's] discretion if this discretion is not abused." *Nevada Contractors v. Washoe Cty.*, 106 Nev. 310, 314, 792 P.2d 31, 33 (1990).

6. The decision of the City Council to grant or deny applications for a general plan amendment, rezoning, and site development plan review is a discretionary act. *See Enterprise*

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*Citizens Action Committee v. Clark County Bd. of Comm'rs*, 112 Nev. 649, 653, 918 P.2d 305, 308 (1996); *Stratosphere Gaming Corp. v. City of Las Vegas*, 120 Nev. 523, 528, 96 P.3d 756, 760 (2004).

7. "If a discretionary act is supported by substantial evidence, there is no abuse of discretion." *Cty. of Clark v. Doumani*, 114 Nev. 46, 53, 952 P.2d 13, 17 (1998), *superseded by statute on other grounds*.

8. Zoning actions are presumed valid. *Nova Horizon, Inc. v. City Council of the City of Reno*, 105 Nev. 92,94, 769 P.2d 721, 722 (1989).

9. A "presumption of propriety" attaches to governmental action on land use decisions. *City Council of City of Reno v. Irvine*, 102 Nev. 277, 280, 721 P.2d 371, 373 (1986). A disappointed applicant bears a "heavy burden" to overcome this presumption. *Id.*

10. On a petition for judicial review, the Court may not step into the shoes of the Council, reweigh the evidence, consider evidence not presented to the Council or make its own judgment calls as to how a land use application should have been decided. *See Bd. of Cty. Comm'rs of Clark Cty. v. C.A.G., Inc.*, 98 Nev. 497, 500, 654 P.2d 531, 533 (1982).

**B. Substantial Evidence Supported the City Council's Decision**

11. The record before the Court amply shows that the Council's June 21, 2017 decision to deny the Applications for the 35-Acre Property ("the Decision") was supported by substantial evidence.

12. "Substantial evidence can come in many forms" and "need not be voluminous." *Comstock Residents Ass'n v. Lyon County Bd. of Comm'rs*, 385 P.3d 607 (Nev. 2016) (unpublished disposition), *citing McKenzie v. Shelly*, 77 Nev. 237, 240, 362 P.2d. 268, 269 (1961); *City of Reno v. Estate of Wells*, 110 Nev. 1218, 1222, 885 P.2d 545, 548 (1994).

13. Public opposition to a proposed project is an adequate basis to deny a land use application. *Stratosphere Gaming*, 120 Nev. at 529, 96 P.3d at 760; *C.A.G.*, 98 Nev. at 501, 654 P.2d at 533.

14. "[A] local government may weigh public opinion in making a land-use decision." *Stratosphere Gaming*, 120 Nev. at 529, 96 P.3d at 760; *accord Eldorado Hills, LLC v. Clark*

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*County Bd. of Commissioners*, 386 P.3d 999, 2016 WL 7439360, *2 (Nev. Dec. 22, 2016) (unpublished disposition).

15. "[L]ay objections [that are] substantial and specific" meet the substantial evidence standard. *Clark Cty. Liquor & Gaming Licensing Bd. v. Simon & Tucker, Inc.*, 106 Nev. 96, 98, 787 P.2d 782, 783 (1990) (distinguishing *City Council, Reno v. Travelers Hotel, Ltd.*, 100 Nev. 436, 683 P.2d 960 (1984)); *Stratosphere Gaming*, 120 Nev. at 529-30, 96 P.3d at 761.

16. "Section 19.18.050(E)(5) [of the Las Vegas Municipal Code] provides that the site development plan review process is intended to ensure that the proposed development is 'harmonious and compatible with development in the area' and that it is not 'unsightly, undesirable, or obnoxious in appearance.' The language of this ordinance clearly invites public opinion." *Stratosphere Gaming*, 120 Nev. at 528–29, 96 P.3d at 760.

17. The considerable public opposition to the Applications that was in the record before the Council meets the substantial evidence standard. That record included written and stated objections, research, legal arguments and expert opinions regarding the project's incompatibility with existing uses and with the vision for the area specified in the City's General Plan and the Peccole Ranch Master Development Plan. (ROR 2658-2666, 22294-24196, 24492-24504, 25821). The opponents argued that a development must be consistent with the General Plan, and what the Developer proposed was inconsistent with the Parks, Recreation and Open Space designation for the Badlands Golf Course in the City's General Plan. (ROR 24492-24504, 32820-21; 32842-55; 33935-36). If the applications were granted, they argued, it would set a precedent that would enable development of open space in other areas, thereby defeating the financial and other expectations of people who purchased homes in proximity to open space. (ROR 24492-24504, 33936). Because of the open space designation in the Peccole Ranch Master Development Plan, the opponents contended, the Applications required a major modification, which had not been approved. (ROR 24494-95; 33938). The opponents also expressed concerns regarding compatibility with the neighborhood, school overcrowding and lack of a development plan for the entire Badlands Property. (ROR 24492-24504, 24526, 33934-69).

18. The record before the Council constitutes substantial evidence to support the

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Decision. *See Stratosphere Gaming*, 120 Nev. at 529, 96 P.3d at 760.

19. The Court rejects the evidence that the Developer contends conflicts with the Council's Decision because the Court may not substitute its judgment for that of the Council. "[J]ust because there was conflicting evidence does not compel interference with the Board's decision so long as the decision was supported by substantial evidence." *Liquor & Gaming Licensing Bd.*, 106 Nev. at 98, 787 P.2d at 783. The Court's job is to evaluate whether substantial evidence supports the Council's decision, not whether there is substantial evidence to support a contrary decision. *Nevada Power Co. v. Pub. Utilities Comm'n of Nevada*, 122 Nev. 821, 836 n.36, 138 P.3d 486, 497 (2006). This is because the administrative body alone, not a reviewing court, is entitled to weigh the evidence for and against a project. *Liquor & Gaming Licensing Bd.*, 106 Nev. at 99, 787 P.2d at 784.

**C. The Council's Decision Was Within the Bounds of the Council's Discretion Over Land Use Matters**

20. "For the purpose of promoting health, safety, morals, or the general welfare of the community, the governing bodies of cities and counties are authorized and empowered to regulate and restrict the improvement of land and to control the location and soundness of structures." NRS 278.020(1).

21. The City's discretion is broad:

> A city board acts arbitrarily and capriciously when it denies a [land use application] without any reason for doing so.... [The essence of the abuse of discretion, of the arbitrariness or capriciousness of governmental action in denying a[n] ... application, is most often found in an apparent absence of any grounds or reason for the decision. We did it just because we did it. .*Irvine*, 102 Nev. at 279-80, 721 P.2d at 372-73 (quotations omitted).

22. The Council's Decision was free from any arbitrary or capricious decision making because it provided multiple reasons for denial of the Applications, all of which are well supported in the record.

23. The Council properly exercised its discretion to conclude that the development proposed in the Applications was not compatible with surrounding areas and failed to set forth an orderly development plan to alter the open space designation found in both the City's General Plan and the Peccole Ranch Master Development Plan.

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24. The concept of "compatibility" is inherently discretionary, and the Council was well within its discretion to decide that the development presented in the Applications was not compatible with neighboring properties, including the open space designation on the remainder of the Badlands Golf Course. *See Stratosphere*, 120 Nev. at 529, 96 P.3d at 761.

25. Residential zoning alone does not determine compatibility. The City's General Plan, the Peccole Ranch Master Development Plan, density, design and other factors do as well. The property adjacent to the 35-Acre Property remains used for open space and drainage, as contemplated by the City's planning documents, so the Developer's comparison to adjacent residential development is an incomplete "compatibility" assessment.

26. The City's Unified Development Code seeks to, among other things, promote "orderly growth and development" in order to "maintain … the character and stability of present and future land use and development." Title 19.00.030(G). One stated purpose is:

> To coordinate and ensure the execution of the City's General Plan through effective implementation of development review requirements, adequate facility and services review and other goals, policies or programs contained in the General Plan. Title 19.00.030(I).

27. The City's Unified Development Code broadly lays out the various matters the Council should consider when exercising its discretion. Those considerations, which include broad goals as well as specific factors for each type of land use application, circumscribe the limits of the Council's discretion. UDC 19.00.030, 19.16.030, 19.16.100, 19.16.130.

28. The Council was within the bounds of its discretion to request a development agreement for the Badlands Property before allowing a General Plan Amendment to change a portion of the property from Parks, Recreation and Open Space to residential uses. *See* Title 19.00.030(I). A comprehensive plan already exists for the Badlands Property; it is found in the city's General Plan, which designates the property as Parks, Recreation and Open Space. The Developer sought to change that designation. Under these circumstances, it was reasonable for the Council to expect assurances that the Developer would create an orderly and comprehensive plan for the entire open space property moving forward.

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29. The Court rejects the Developer's argument that a comprehensive development plan was somehow inappropriate because the parcels that make up the Badlands Property have different owners. (PPA 17:12-18:13, 23:9-14). In presenting the Developer's arguments in favor of these Applications and other land use applications relating to the development of the Badlands Property, Yohan Lowie has leveraged the fact that the three owner entities of the Badlands Property are affiliates managed by one entity – EHB Companies, LLC – which in turn is managed by Mr. Lowie and just three others. (ROR 1325; 4027; 5256-57; 17336; 24544; 25968). The Developer promoted the EHB brand and other projects it has built in Las Vegas to advance the Applications. (ROR 3607-3611; 5726-29; 5870-76; 17336; 24549-50). Additionally, by proposing the 2016 Development Agreement for the entire Badlands Property, the Developer acknowledged that the affiliated entities are one and the same. (ROR 25729).

30. The cases cited by the Developer did not involve properties owned by closely affiliated entities and are therefore inapplicable. (PPA 35:3-37:7, *citing Tinseltown Cinema, LLC v. City of Olive Branch*, 158 So.3d 367, 371 (Miss. App. Ct. 2015); *Hwy. Oil, Inc. v. City of Lenexa*, 547 P.2d 330, 331 (Kan. 1976)). They also did not involve areas that are within a master development plan area.

31. There is no evidence in the record to support the Developer's contention that it is somehow being singled out for "special treatment" because the Council sought orderly planned development within a Master Development Plan area (PPA 37:11-23).

32. Planning staff's recommendation is immaterial to whether substantial evidence supported the Council's decision because a governing body has discretion to make land use decisions separate and apart from what staff may recommend. *See Redrock Valley Ranch, LLC v. Washoe Cty.*, 127 Nev. 451, 455, 254 P.3d 641, 644 (2011) (affirming County Commission's denial of special use permit even where planning staff recommended it be granted); *Stratosphere Gaming*, 120 Nev. at 529, 96 P.3d at 760 (affirming City Council's denial of site development plan application even where planning staff recommended approval). The Court notes that the Planning Commission denied the Developer's General Plan Amendment application.

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33. The statements of individual council members are not indicative of any arbitrary or capricious decision making. The action that the Court is tasked with reviewing is the decision of the governing body, not statements made by individual council members leading up to that decision. *See* NRS 278.3195(4); *Nevada Contractors*, 106 Nev. at 313, 792 P.2d at 33; *see also Comm'n on Ethics of the State of Nevada v. Hansen*, 134 Nev. Adv. Op. 40, 419 P.3d 140, 142 (2018) (discussing when action by board is required); *City of Corpus Christi v. Bayfront Assocs., Ltd.*, 814 S.W.2d 98, 105 (Tex. Ct. App. 1991) ("A city can act by and through its governing body; statements of individual council members are not binding on the city."). "The test is not what was said before or after, but what was done at the time of the voting." *Lopez v. Imperial Cty. Sheriff's Office*, 80 Cal. Rptr. 3d 557, 560 (Cal. Ct. App. 2008). The Council's action to deny the Applications occurred with its vote, not with the prior statements made by individual council members. NRS 241.03555(1). The Court finds nothing improper in the statements by individual Council members and rejects the Developer's contention that the statements of individual Council members require the Court to overturn the Council's Decision.

**D. The City's Denial of the Applications Was Fully Compliant With the Law**

34. The Court rejects the Developer's argument that the RPD-7 zoning designation on the Badlands Property somehow required the Council to approve its Applications.

35. A zoning designation does not give the developer a vested right to have its development applications approved. "In order for rights in a proposed development project to vest, zoning or use approvals ***must not be subject to further governmental discretionary action affecting project commencement***, and the developer must prove considerable reliance on the approvals granted." *Am. W. Dev., Inc. v. City of Henderson*, 111 Nev. 804, 807, 898 P.2d 110, 112 (1995) (emphasis added); *see also Stratosphere Gaming*, 120 Nev. at 527–28, 96 P.3d at 759–60 (holding that because City's site development review process under Title 19.18.050 involved discretionary action by Council, the project proponent had no vested right to construct).

36. "[C]ompatible zoning does not, *ipso facto*, divest a municipal government of the right to deny certain uses based upon considerations of public interest." *Tighe v. Von Goerken*, 108 Nev. 440, 443, 833 P.2d 1135, 1137 (1992); *see also Nevada Contractors*, 106 Nev. at 311,

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792 P.2d at 31-32 (affirming county commission's denial of a special use permit even though property was zoned for the use).

37. The four Applications submitted to the Council for a general plan amendment, tentative map, site development review and waiver were all subject to the Council's discretionary decision making, no matter the zoning designation. *See Am. W. Dev.*, 111 Nev. at 807, 898 P.2d at 112; *Doumani*, 114 Nev. at 53, 952 P.2d at 17; *Bd. of Cty. Comm'rs of Clark Cty. v. CMC of Nevada, Inc.*, 99 Nev. 739, 747, 670 P.2d 102, 107 (1983).

38. The Court rejects the Developer's attempt to distinguish the *Stratosphere* case, which concluded that the very same decision-making process at issue here was squarely within the Council's discretion, no matter that the property was zoned for the proposed use. *Id.* at 527; 96 P.3d at 759.

39. Statements from planning staff or the City Attorney that the Badlands Property has an RPD-7 zoning designation do not alter this conclusion. *See id.*

40. The Developer purchased its interest in the Badlands Golf Course knowing that the City's General Plan showed the property as designated for Parks Recreation and Open Space (PR-OS) and that the Peccole Ranch Master Development Plan identified the property as being for open space and drainage, as sought and obtained by the Developer's predecessor. (ROR 24073-75; 25968).

41. The General Plan sets forth the City's policy to maintain the golf course property for parks, open space and recreation. *See Nova Horizon*, 105 Nev. at 96, 769 P.2d at 723.

42. The City has an obligation to plan for these types of things, and when engaging in its General Plan process, chose to maintain the historical use for this area that dates back to the 1989 Peccole Ranch Master Development Plan presented by the Developer's predecessor. (ROR 24492-24504).

43. The golf course was part of a comprehensive development scheme, and the entire Peccole Ranch master planned area was built out around the golf course. (ROR 2595-2604; 2635-36; 4587; 25820).

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44. It is up to the Council – through its discretionary decision making – to decide whether a change in the area or conditions justify the development sought by the Developer and how any such development might look. *See Nova Horizon*, 105 Nev. at 96, 769 P.2d at 723.

45. The Clark County Assessor's assessment determinations regarding the Badlands Property did not usurp the Council's exclusive authority over land use decisions. The information cited by the Developer in support of this argument is not part of the record on review and therefore must be disregarded.[1] *See C.A.G.*, 98 Nev. at 500, 654 P.2d at 533. The Council alone and not the County Assessor, has the sole discretion to amend the open space designation for the Badlands Property. *See* NRS 278.020(1); *Doumani*, 114 Nev. at 53, 952 P.2d at 17.

46. The Applications included requests for a General Plan Amendment and Waiver. In that the Developer asked for exceptions to the rules, its assertion that approval was somehow mandated simply because there is RPD-7 zoning on the property is plainly wrong. It was well within the Council's discretion to determine that the Developer did not meet the criteria for a General Plan Amendment or Waiver found in the Unified Development Code and to reject the Site Development Plan and Tentative Map application, accordingly, no matter the zoning designation. UDC 19.00.030, 19.16.030, 19.16.050, 19.16.100, 19.16.130.

47. The City's General Plan provides the benchmarks to ensure orderly development. A city's master plan is the "standard that commands deference and presumption of applicability." *Nova Horizon*, 105 Nev. at 96, 769 P.2d at 723; *see also City of Reno v. Citizens for Cold Springs*, 126 Nev. 263, 266, 236 P.3d 10, 12 (2010) ("Master plans contain long-term comprehensive guides for the orderly development and growth for an area."). Substantial compliance with the master plan is required. *Nova*, 105 Nev. at 96-97, 769 P.2d at 723-24.

48. By submitting a General Plan Amendment application, the Developer acknowledged that one was needed to reconcile the differences between the General Plan

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[1] The documents attached as Exhibits 2-5 to Petitioner's points and authorities are not part of the Record on Review and are not considered by the Court. *See C.A.G.*, 98 Nev. at 500, 654 P.2d at 533. The documents attached as Exhibit 1, however, were inadvertently omitted from the Record on Review but were subsequently added by the City. *See Errata to Transmittal of Record on Review* filed June 20, 2018; ROR 35183-86.



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designation and the zoning. (ROR 32657). Even if the Developer now contends it only submitted the General Plan Amendment application at the insistence of the City, once the Developer submitted the application, nothing required the Council to approve it. Denial of the GPA application was wholly within the Council's discretion. *See Nevada Contractors*, 106 Nev. at 314, 792 P.2d at 33.

49. The Court rejects the Developer's contention that NRS 278.349(3)(e) abolishes the Council's discretion to deny land use applications.

50. First, NRS 278.349(3) merely provides that the governing body "shall consider" a list of factors when deciding whether to approve a tentative map. Subsection (e) upon which the Developer relies, however, is only one factor.

51. In addition, NRS 278.349(3)(e) relates only to tentative map applications, and the Applications at issue here also sought a waiver of the City's development standards, a General Plan Amendment to change the PR-OS designation and a Site Development Plan review. A tentative map is a mechanism by which a landowner may divide a parcel of land into five or more parcels for transfer or development; approval of a map alone does not grant development rights. NRS 278.019; NRS 278.320.

52. Finally, NRS 278.349(e) does not confer any vested rights.

53. "[M]unicipal entities must adopt zoning regulations that are in substantial agreement with the master plan." *See Am. W. Dev.*, 111 Nev. at 807, 898 P.2d at 112, *quoting Nova Horizon*, 105 Nev. at 96, 769 P.2d at 723; NRS 278.250(2).

54. The City's Unified Development Code states as follows:

> Compliance with General Plan
> Except as otherwise authorized by this Title, approval of all Maps, Vacations, Rezonings, *Site Development Plan Reviews*, Special Use Permits, Variances, *Waivers*, Exceptions, Deviations and Development Agreements shall be consistent with the spirit and intent of the General Plan. UDC 19.16.010(A).
>
> It is the intent of the City Council that all regulatory decisions made pursuant to this Title be consistent with the General Plan. For purposes of this Section, "consistency with the General Plan" means not only consistency with the Plan's land use and density designations, but also consistency with all policies and programs of the General Plan, including those that promote compatibility of uses and densities, and orderly development consistent with available resources. UDC 19.00.040.

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55. Consistent with this law, the City properly required that the Developer obtain approval of a General Plan Amendment in order to proceed with any development.

**E. The Doctrine of Issue Preclusion Bars Petitioner from Relitigating Issues Decided by Judge Crockett**

56. The Court further concludes that the doctrine of issue preclusion requires denial of the Petition for Judicial Review.

57. Issue preclusion applies when the following elements are satisfied: (1) the issue decided in the prior litigation must be identical to the issue presented in the current action; (2) the initial ruling must have been on the merits and have become final; (3) the party against whom the judgment is asserted must have been a party or in privity with a party to the prior litigation; and (4) the issue was actually and necessarily litigated. *Five Star Capital Corp. v. Ruby*, 124 Nev. 1048, 1055, 194 P.3d 709, 713 (2008).

58. Having taken judicial notice of Judge Crockett's Order, the Court concludes that the issue raised by Intervenors, which once again challenges the Developer's attempts to develop the Badlands Property without a major modification of the Master Plan, is identical to the issue Judge Crockett decided issue in *Jack B. Binion, et al v. The City of Las Vegas, et al,* A-17-752344-J. The impact the Crockett Order, which the City did not appeal, requires both Seventy Acres and Petitioner to seek a major modification of the Master Plan before developing the Badlands Property. The Court rejects Petitioner's argument that the issue here is not the same because it involves a different set of applications from those before Judge Crockett; that is a distinction without a difference. "Issue preclusion cannot be avoided by attempting to raise a new legal or factual argument that involves the same ultimate issue previously decided in the prior case." *Alcantara ex rel. Alcantara v. Wal-Mart Stores, Inc.*, 130 Nev. Adv. Op. 28, 321 P.3d 912, 916–17 (2014).

59. Judge Crockett's decision in *Jack B. Binion, et al v. The City of Las Vegas, et al,* A-17-752344-J was on the merits and has become final for purposes of issue preclusion. A judgment is final for purposes of issue preclusion if it is "sufficiently firm" and "procedurally

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definite" in resolving an issue. *See Kirsch v. Traber,* 134 Nev., Adv. Op. 22, 414 P.3d 818, 822–23 (Nev. 2018) (citing Restatement (Second) of Judgments § 13 & cmt. g). "Factors indicating finality include (a) that the parties were fully heard, (b) that the court supported its decision with a reasoned opinion, and (c) that the decision was subject to appeal." *Id.* at 822-823 (citations and punctuation omitted). Petitioner's appeal of the Crockett Order confirms that it was a final decision on the merits.

60. The Court reviewed recent Nevada case law and the expanded concept of privity, which is to be broadly construed beyond its literal and historic meaning to encompass relationships where there is "substantial identity between parties, that is, when there is sufficient commonality of interest." *Mendenhall v. Tassinari*, 133 Nev. Adv. Op. 78, 403 P.3d 364, 369 (2017) (quoting *Tahoe–Sierra Pres. Council, Inc. v. Tahoe Reg'l Planning Agency*, 322 F.3d 1064, 1081–82 (9th Cir. 2003) (internal quotation marks omitted). Applying the expanded concept of privity, the Court considered the history of the land-use applications pertaining to the Badlands Property and having taken judicial notice of the Federal Complaint, the Court concludes there is a substantial identity of interest between Seventy Acres and Petitioner, which satisfies the privity requirement. Petitioner's argument that it is not in privity with Seventy Acres is contradicted by the Federal Complaint, which reveals that Seventy Acres and Petitioner are under common ownership and control and acquired their respective interests in the Badlands Property through an affiliate, Fore Stars, Ltd.

61. The issue of whether a major modification is required for development of the Badlands Property was actually and necessarily litigated. "When an issue is properly raised and is submitted for determination, the issue is actually litigated." *Alcantara ex rel. Alcantara v. Wal-Mart Stores, Inc.*, 130 Nev. at 262, 321 P.3d at 918 (internal punctuation and quotations omitted) (citing *Frei v. Goodsell*, 129 Nev. 403, 407, 305 P.3d 70, 72 (2013)). "Whether an issue was necessarily litigated turns on 'whether the common issue was necessary to the judgment in the earlier suit.'" *Id.* (citing *Tarkanian v. State Indus. Ins. Sys.*, 110 Nev. 581, 599, 879 P.2d 1180, 1191 (1994)). Since Judge Crockett's decision was entirely dependent on this issue, the issue was necessarily litigated.

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62. Given the substantial identity of interest among Seventy Acres, LLC and Petitioner, it would be improper to permit Petitioner to circumvent the Crockett Order with respect to the issues that were fully adjudicated.

63. Where Petitioner has no vested rights to have its development applications approved, and the Council properly exercised its discretion to deny the applications, there can be no taking as a matter of law such that Petitioner's alternative claims for inverse condemnation must be dismissed. *See Landgraf v. USI Film Prod.*, 511 U.S. 244, 266 (1994) ("The Fifth Amendment's Takings Clause prevents the Legislature (and other government actors) from depriving private persons of vested property rights except for a 'public use' and upon payment of 'just compensation.'"); *Application of Filippini*, 66 Nev. 17, 22, 202 P.2d 535, 537 (1949).

64. Further, Petitioner's alternative claims for inverse condemnation must be dismissed for lack of ripeness. *See Herbst Gaming, Inc. v. Heller*, 141 P.3d 1224, 1230-31, 122 Nev. 877, 887 (2006).

65. "Nevada has a long history of requiring an actual justiciable controversy as a predicate to judicial relief." *Resnick v. Nev. Gaming Comm'n*, 104 Nev. 60, 65-66, 752 P.2d 229, 233 (1988), *quoting Doe v. Bryan*, 102 Nev. 523, 525, 728 P.2d 443, 444 (1986).

66. Here, Petitioner failed to apply for a major modification, a prerequisite to any development of the Badlands Property. *See* Crockett Order. Having failed to comply with this necessary prerequisite, Petitioner's alternative claims for inverse condemnation are not ripe and must be dismissed.

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**ORDER**

Accordingly, IT IS HEREBY ORDERED, ADJUDGED and DECREED that the Petition for Judicial Review is DENIED.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Petitioner's alternative claims in inverse condemnation are hereby DISMISSED.

DATED: 11/18, 2018.

TIMOTHY C. WILLIAMS
District Court Judge

Submitted By:

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By: /s/
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on the 21st day of November, 2018, a true and correct copy of the foregoing **FINDINGS OF FACT AND CONCLUSIONS OF LAW ON PETITION FOR JUDICIAL REVIEW** was electronically served with the Clerk of the Court via the Clark County District Court Electronic Filing Program which will provide copies to all counsel of record registered to receive such electronic notification.

*/s/ Jelena Jovanovic*
An employee of McDonald Carano LLP

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**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

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| 180 LAND CO LLC, a Nevada limited-liability company; DOE INDIVIDUALS I through X; DOE CORPORATIONS I through X; and DOE LIMITED-LIABILITY COMPANIES I through X,<br><br>Plaintiffs,<br><br>v.<br><br>CITY OF LAS VEGAS, a political subdivision of the State of Nevada; ROE GOVERNMENT ENTITIES I through X; ROE CORPORATIONS I through X; ROE INDIVIDUALS I through X; ROE LIMITED-LIABILITY COMPANIES I through X; ROE QUASI-GOVERNMENTAL ENTITIES I through X,<br><br>Defendants. | CASE NO.: A-17-758528-J<br><br>DEPT. NO.: XVI<br><br>**NOTICE OF ENTRY OF FINDINGS OF FACT AND CONCLUSIONS OF LAW ON PETITION FOR JUDICIAL REVIEW** |

JACK B. BINION, an individual; DUNCAN R. and IRENE LEE, individuals and Trustees of the LEE FAMILY TRUST; FRANK A. SCHRECK, an individual; TURNER INVESTMENTS, LTD., a Nevada Limited Liability Company; ROGER P. and CAROLYN G. WAGNER, individuals and Trustees of the WAGNER FAMILY TRUST; BETTY ENGLESTAD AS TRUSTEE OF THE BETTY ENGLESTAD TRUST; PYRAMID LAKE HOLDINGS, LLC.; JASON AND SHEREEN AWAD AS TRUSTEES OF THE AWAD ASSET PROTECTION TRUST; THOMAS LOVE AS TRUSTEE OF THE ZENA TRUST; STEVE AND KAREN THOMAS AS TRUSTEES OF THE STEVE AND KAREN THOMAS TRUST; SUSAN SULLIVAN AS TRUSTEE OF THE KENNETH J. SULLIVAN FAMILY TRUST, AND DR. GREGORY BIGLER AND SALLY BIGLER,

Intervenors.

NOTICE IS HEREBY GIVEN to all parties that Findings of Fact, Conclusions of Law were entered in the above-captioned case on the 21st day of November, 2018, a copy of which is attached hereto.

Dated this 26th day of November, 2018.

McDONALD CARANO LLP

By: */s/ George F. Ogilvie III*

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on the 26th day of November, 2018, a true and correct copy of the foregoing **NOTICE OF ENTRY OF FINDINGS OF FACT AND CONCLUSIONS OF LAW ON PETITION FOR JUDICIAL REVIEW** was electronically served with the Clerk of the Court via the Clark County District Court Electronic Filing Program which will provide copies to all counsel of record registered to receive such electronic notification.

*/s/ Jelena Jovanovic*
An employee of McDonald Carano LLP

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**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

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|---|---|
| 180 LAND CO LLC, a Nevada limited-liability company; DOE INDIVIDUALS I through X; DOE CORPORATIONS I through X; and DOE LIMITED-LIABILITY COMPANIES I through X,<br><br>Plaintiffs,<br><br>v.<br><br>CITY OF LAS VEGAS, a political subdivision of the State of Nevada; ROE GOVERNMENT ENTITIES I through X; ROE CORPORATIONS I through X; ROE INDIVIDUALS I through X; ROE LIMITED-LIABILITY COMPANIES I through X; ROE QUASI-GOVERNMENTAL ENTITIES I through X,<br><br>Defendants. | CASE NO.: A-17-758528-J<br><br>DEPT. NO.: XVI<br><br>[Corrected]<br>**FINDINGS OF FACT AND CONCLUSIONS OF LAW ON PETITION FOR JUDICIAL REVIEW** |

OCT 30 2018

JACK B. BINION, an individual; DUNCAN R. and IRENE LEE, individuals and Trustees of the LEE FAMILY TRUST; FRANK A. SCHRECK, an individual; TURNER INVESTMENTS, LTD., a Nevada Limited Liability Company; ROGER P. and CAROLYN G. WAGNER, individuals and Trustees of the WAGNER FAMILY TRUST; BETTY ENGLESTAD AS TRUSTEE OF THE BETTY ENGLESTAD TRUST; PYRAMID LAKE HOLDINGS, LLC.; JASON AND SHEREEN AWAD AS TRUSTEES OF THE AWAD ASSET PROTECTION TRUST; THOMAS LOVE AS TRUSTEE OF THE ZENA TRUST; STEVE AND KAREN THOMAS AS TRUSTEES OF THE STEVE AND KAREN THOMAS TRUST; SUSAN SULLIVAN AS TRUSTEE OF THE KENNETH J. SULLIVAN FAMILY TRUST, AND DR. GREGORY BIGLER AND SALLY BIGLER,

Intervenors.

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Petitioner 180 Land Company, LLC filed a petition for judicial review ("Petition") of the Las Vegas City Council's June 21, 2017 decision to deny four land use applications ("Applications") filed by Petitioner to develop a 34.07-acre portion of the Badlands Golf Course ("the 35-Acre Property"). The Court granted a motion to intervene filed by surrounding homeowners ("Intervenors") whose real property is adjacent to and affected by the proposed development of the 35-Acre Property. The Court having reviewed the briefs submitted in support of and in opposition to the Petition, having conducted a hearing on the Petition on June 29, 2018, having considered the written and oral arguments presented, and being fully informed in the premises, makes the following findings of facts and conclusions of law:

## I. FINDINGS OF FACT

### A. The Badlands Golf Course and Peccole Ranch Master Development Plan

1. The 35-Acre Property is a portion of 250.92 acres of land commonly referred to as the Badlands Golf Course ("the Badlands Property"). (ROR 22140-201; 25819).

. . .

2. The Badlands Property is located between Alta Drive (to the north), Charleston Boulevard (to the south), Rampart Boulevard (to the east), and Hualapai Way (to the west), and is spread out within existing residential development, primarily the Queensridge Common Interest Community. (ROR 18831; 24093).

3. The Badlands Property is part of what was originally the Venetian Foothills Master Development Plan on 1,923 acres of land, which was approved by the Las Vegas City Council (the "Council") on May 7, 1986. (ROR 25820).

4. The plan included two 18-hole golf courses, one of which would later become known as "Badlands." (ROR 2635-36; 2646).

5. Both golf courses were designed to be in a major flood zone and were designated as flood drainage and open space. (ROR 2595-2604; 2635-36; 4587).

6. The Council required these designations when approving the plan to address flooding, and to provide open space in the master planned area. (*Id.*).

7. The City's General Plan identifies the Badlands Property as Parks, Recreation and Open Space ("PR-OS"). (ROR 25546).

8. The City holds a drainage easement within the Badlands Property. (ROR 4597; 5171; 5785).

9. The original master plan applicant, William Peccole/Western Devcor, Inc., conveyed its interest to an entity called Peccole Ranch Partnership. (ROR 2622; 20046-47; 25968).

10. On February 15, 1989, the Council approved a revised master development plan for 1,716.30 acres, known as "the Peccole Ranch Master Development Plan" ("the Master Development Plan"). (ROR 25821).

11. On April 4, 1990, the Council approved an amendment to the Master Development Plan to make changes related to Phase Two, and to reduce the overall acreage to 1,569.60 acres. (*Id.*).

12. Approximately 212 acres of land in Phase Two was set aside for a golf course, with the overall Peccole Ranch Master Plan having 253.07 net acres for golf course, open space and

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drainage. (ROR 2666; 25821).

13. Like its predecessor, the Master Development Plan identified the golf course area as being for flood drainage and golf course purposes, which satisfied the City's open space requirement. (ROR 2658-2660).

14. Phase Two of the Master Plan was completed such that the golf course is now surrounded by residential development. (ROR 32-33).

15. The 35-Acre Property that is the subject of the Applications at issue here lies within the Phase Two area of the Master Plan. (ROR 10).

16. Through a number of successive conveyances, Peccole Ranch Partnership's interest in the Badlands Property, amounting to 250.92 acres, was transferred to an entity called Fore Stars, Ltd., an affiliate of Petitioner. (ROR 24073-75; 25968).

17. On June 18, 2015, Fore Stars transferred 178.27 acres to Petitioner and 70.52 acres to Seventy Acres, LLC, another affiliate, and retained the remaining 2.13 acres. (*Id.*).

18. The three affiliated entities – Petitioner (i.e., 180 Land Co., LLC), Seventy Acres LLC and Fore Stars, Ltd. (collectively, "the Developer") – are all managed by EHB Companies, LLC, which, in turn, is managed by Paul Dehart, Vicki Dehart, Yohan Lowie and Frank Pankratz. (ROR 1070; 1147; 1154; 3607-3611; 4027; 5256-57; 5726-29). The Court takes judicial notice of the complaint filed by 180 Land Co., LLC, Fore Stars, Ltd., Seventy Acres, LLC, and Yohan Lowie in the United States District Court, Case No. 2:18-cv-00547-JCM-CWH ("the Federal Complaint"), which alleges these facts.

19. Mr. Lowie and various attorneys represented the Developer with regard to its development applications before the Council. (ROR 24466-24593).

**B. The Developer's Prior Applications to Develop the Badlands Property**

20. On November 15, 2015, the Developer filed applications for a General Plan Amendment, Re-zoning and Site Development Plan Review to change the classification of 17.49 acres within the 250.92-acre Badlands Property from Parks Recreation/Open Space to High Density ("the 17-Acres Applications"). (ROR 25546; ROR 25602; ROR 25607).

21. The 17-Acre Property is located in the northeast corner of the Badlands Property,

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distant from and not adjacent to existing residential development. (ROR 33).

22. In reviewing the 17-Acres Applications, the City's planning staff recognized that the 17-Acre Property was part of the Master Development Plan and stated that any amendment of the Master Development Plan must occur through a major modification pursuant to Title 19.10.040 of the City's Unified Development Code. (ROR 25532).

23. Members of the public opposed the 17-Acre Applications on numerous grounds. (ROR 25768-78).

24. On February 25, 2016, the Developer submitted an application for a major modification to the Master Development Plan (the "Major Modification Application") and a proposed development agreement (which it named the "2016 Peccole Ranch Master Plan") for the entire 250.92-acre Badlands Property ("the proposed 2016 Development Agreement"). (ROR 25729; 25831-34).

25. In support of the Major Modification Application, the Developer asserted that the proposed 2016 Development Agreement was in conformance with the Las Vegas General Plan Planning Guidelines to "[e]ncourage the master planning of large parcels under single ownership in the growth areas of the City to ensure a desirable living environment and maximum efficiency and savings in the provision of new public facilities and services." (ROR 25986).

26. The Developer also asserted that it would "guarantee that the development of the golf course property would be accomplished in a way that ensures that Queensridge will retain the uniqueness that makes living in Queensridge so special." (ROR 25966).

27. Thereafter, the Developer sought abeyances from the Planning Commission on the 17-Acres Applications to engage in dialogue with the surrounding neighbors, and to allow the hearings on the Major Modification Application and the 17-Acre Applications to proceed simultaneously. (ROR 25569; 25613; 25716; 25795; 26014; 26195; 26667; 27989).

28. The Council heard considerable opposition to the Major Modification Application and the proposed 2016 Development Agreement regarding, among other things, traffic, conservation, quality of life and schools. (ROR 25988-26010; 26017-45; 26072-89; 26091-107).

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29. At a March 28, 2016 neighborhood meeting, 183 members of the public attended who were "overwhelmingly opposed" to the proposed development. (ROR 25823-24).

30. The City received approximately 586 written protests regarding the proposed 2016 Development Agreement plus multiple e-mails to individual Council members in opposition. (ROR 31053; ROR 989-1069).

31. In approximately April 2016, City Attorney Brad Jerbic became involved in the negotiation of the proposed 2016 Development Agreement to facilitate discussions between the Developer and the nearby residents. Over the course of the next year, Mr. Jerbic and Planning Director Tom Perrigo met with the Developer's representatives and various members of the public, including representatives of the Queensridge HOA and individual homeowners, in an effort to reach consensus regarding a comprehensive development plan for the Badlands Property. (ROR 27990).

32. The Mayor continued to inquire about the status of the negotiations, and Council members expressed their desire that the parties negotiate a comprehensive master plan that meets the City's requirements for orderly and compatible development. (ROR 17335).

33. Prior to the Council voting on the Major Modification Application, the Developer requested to withdraw it without prejudice. (ROR 1; 5; 6262).

34. Several members of the public opposed the "without prejudice" request, arguing that the withdrawal should be with prejudice to ensure that the Developer would create a development plan for the entire Badlands Property with input from neighbors. (ROR 1077-79, 1083).

35. In response, the Mayor received assurances from the Developer's lawyer that the Developer would engage in good-faith negotiations with neighboring homeowners. (ROR 1115).

36. The Developer also represented that it did not seek to develop the Badlands Property in a piecemeal fashion: "[I]t's not our desire to just build 17.49 acres of property that we wanted to build the rest of it, and that's why we agreed to the withdrawal without prejudice to meet [with neighboring property owners] to try to do everything we can." (ROR 1325). Based on these assurances, the Council approved the Developer's request to withdraw the Major

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Modification Application and proposed 2016 Development Agreement without prejudice. (ROR 2; 1129-1135).

37. The Mayor reiterated that the Council sought a comprehensive plan for the entire Badlands Property to ensure that any development would be compatible with surrounding properties and provide adequate flood control. (ROR 17321-22).

38. The Developer's counsel acknowledged the necessity for a master development plan for the entire Badlands Property. (ROR 17335).

39. City Planning Staff recommended approval of the 17-Acres Applications with several conditions, including the approval of both (1) the Major Modification Application and (2) the proposed 2016 Development Agreement. (ROR 27625-26, 27629).

40. On October 18, 2016, the City's Planning Commission recommended granting the 17-Acres Applications but denying the Major Modification Application. (ROR 1; 31691-92).

41. The Council heard the 17-Acres Applications at its November 16, 2016 meeting. (ROR 1075-76).

42. The Council members expressed that a comprehensive plan for the entire Badlands Property was necessary to avoid piecemeal development and ensure compatible land densities and uses. (ROR 1310-14).

43. Nevertheless, the Council and the Planning Director recognized the 17-Acre Property as distinct from the rest of the Badlands Property due to its configuration, lot size, isolation and distance from existing development. (ROR 1311-12).

44. To allow time for negotiations between the Developer and the project opponents on a comprehensive development agreement, the Council held the 17-Acres Applications in abeyance until February 15, 2017. (ROR 1342; 6465-6470, 11231).

45. On February 15, 2017, the Council again considered the 17-Acres Applications. (ROR 17235).

46. The Developer stated that it had reduced the requested number of units from 720 to 435 to match the compatibility of adjacent Queensridge Towers. (ROR 17237-38).

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47. Based on the reduction and compatibility effort made by the Developer, the Council approved the 17-Acres Applications with certain modifications and conditions. (ROR 11233; 17352-57).

48. Certain nearby homeowners petitioned for judicial review of the Council's approval of the 17-Acres Applications. *See Jack B. Binion, et al v. The City of Las Vegas, et al.*, A-17-752344-J.

49. On March 5, 2018, the Honorable James Crockett granted the homeowners' petition for judicial review, concluding that a major modification of the Master Development Plan to change the open space designation of the Badlands Golf Course was legally required before the Council could approve the 17-Acres Applications ("the Crockett Order"). The Court takes judicial notice of the Crockett Order.

**C. The 35-Acres Applications at Issue in this Petition for Judicial Review**

50. The instant case seeks judicial review of the Council's denial of the Applications filed by Petitioner to develop the 35-Acre Property.

51. The Applications consisted of: an application for a General Plan Amendment for 166.99 acres to change the existing City's General Plan designation from Parks Recreation/Open Space to Low Density Residential (ROR 32657); a Waiver on the size of the private streets (ROR 34009); a Site Development Review for 61 lots (ROR 34050); and a Tentative Map Plan application for the 35-Acre Property. (ROR 34059).

52. The development proposed in the Applications was inconsistent with the proposed 2016 Development Agreement that was being negotiated. (ROR 1217-1221; 17250-52; 32657; 34050; 34059).

53. The Council members expressed concern that the Developer was not being forthcoming and was stringing along neighboring homeowners who were attempting to negotiate a comprehensive development plan that the Council could approve. (ROR 1305; 1319).

54. The Applications came up for consideration during the February 14, 2017 Planning Commission meeting. (ROR 33924).

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55. Numerous members of the public expressed opposition, specifically identifying the following areas of concern: (1) existing land use designations did not allow the proposed development; (2) the proposed development was inconsistent with the Master Development Plan and the City's General Plan; (3) the Planning Commission's decision would set a precedent that would enable development of open space and turn the expectations of neighboring homeowners upside down; (4) the Applications required a major modification of the Master Development Plan; (5) neighboring residents have a right to enjoyment of their property according to state statutes; (6) the proposed development would negatively affect property values and the characteristics of the neighborhood; and (7) the development would result in over-crowded schools. (ROR 33934-69).

56. Project opponents also expressed uncertainty and anxiety regarding the Developer's lack of a comprehensive development plan for the entire Badlands Property. (*Id.*).

57. The Planning Commission did not approve Petitioner's application for the General Plan Amendment, which required a super-majority vote, but did approve the Waiver, Site Development Review and the Tentative Map applications, subject to conditions as stated by City Staff and during the meeting. (ROR 33998-99; 34003).

58. After several abeyances (requested once by City Planning Staff and twice by Petitioner), the four Applications for the 35-Acre Property came before the Council on June 21, 2017. (ROR 17360; 18825-27; 20304-05; 24466).

59. The objections that had been presented in advance of and at the Planning Commission meeting were included in the Council's meeting materials. (ROR 22294-24196).

60. As had occurred throughout the two-year history of the Developer's various applications, the Council heard extensive public opposition, which included research, factual arguments, legal arguments and expert opinions. (ROR 22205-78; 22294-24196). The objections included, among others, the following:

a. The Council was allowing the Developer to submit competing applications for piecemeal development, which the City had never previously allowed for any other developer. (ROR 24205).

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b. The Applications did not follow the process required by planning principles. (Report submitted by Ngai Pindell, Boyd School of Law professor of property law, ROR 24222-23).

c. The General Plan Amendment application exceeds the allowable unit cap. (ROR 24225-229).

d. The Developer failed to conduct a development impact notice and assessment. (ROR 24231-36).

e. The Applications are not consistent with the Master Development Plan or the City's General Plan. (ROR 24231-36).

f. The design guidelines for Queensridge, which were approved by the City and recorded in 1996, reference the golf course, and residents purchased property and built homes in reliance on that document. (ROR 24237-38).

g. The Applications were a strategic effort by the Developer to gain leverage in the comprehensive development agreement negotiations that were ongoing. (Queensridge HOA attorney Shauna Hughes, ROR 24242-44).

h. Security would be a problem. (ROR 24246-47).

i. Approval of the Applications in the absence of a comprehensive plan for Badlands Property would be irresponsible. (ROR 24254-55).

j. The proposed General Plan Amendment would approve approximately 911 homes with no flood control or any other necessary requirements. (ROR 24262).

61. After considering the public's opposition, the Mayor inquired as to the status of negotiations related to a comprehensive development agreement for the entire Badlands Property. The City Attorney responded that no agreement had been reached. (ROR 24208-09).

62. The Developer and its counsel represented that only if the Council approved the four Applications would it then be willing to negotiate a comprehensive development agreement and plan for the entire Badlands Property. (ROR 24215, 24217, 24278-80).

63. The Council voted to deny the Applications. (ROR 24397).

64. On June 28, 2017, the City issued its final notices, which indicated that the

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Council's denial of the Applications was "due to significant public opposition to the proposed development, concerns over the impact of the proposed development on surrounding residents, and concerns on piecemeal development of the Master Development Plan area rather than a cohesive plan for the entire area." (ROR 35183-86).

65. The Petitioner filed this petition for judicial review to challenge the Council's denial of the Applications.

66. Petitioner has not presented any evidence to the Court that it has a pending application for a major modification for the 35-Acre Property at issue in this Petition for Judicial Review.

## II. CONCLUSIONS OF LAW

### A. Standard of Review

1. In a petition for judicial review under NRS 278.3195, the district court reviews the record below to determine whether the decision was supported by substantial evidence. *City of Reno v. Citizens for Cold Springs*, 126 Nev. 263, 271, 236 P.3d 10, 15-16 (2010) (*citing Kay v. Nunez*, 122 Nev. 1100, 1105, 146 P.3d 801, 805 (2006)).

2. "Substantial evidence is that which a reasonable mind could accept as sufficient to support a conclusion." *Id.*

3. The scope of the Court's review is limited to the record made before the administrative tribunal. *Bd. of Cty. Comm'rs of Clark Cty. v. C.A.G., Inc.*, 98 Nev. 497, 500, 654 P.2d 531, 533 (1982).

4. The Court may "not substitute its judgment for that of a municipal entity if substantial evidence supports the entity's action." *Id.*

5. "[I]t is not the business of courts to decide zoning issues… Because of the [governing body's] particular expertise in zoning, courts must defer to and not interfere with the [governing body's] discretion if this discretion is not abused." *Nevada Contractors v. Washoe Cty.*, 106 Nev. 310, 314, 792 P.2d 31, 33 (1990).

6. The decision of the City Council to grant or deny applications for a general plan amendment, rezoning, and site development plan review is a discretionary act. *See Enterprise*

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*Citizens Action Committee v. Clark County Bd. of Comm'rs*, 112 Nev. 649, 653, 918 P.2d 305, 308 (1996); *Stratosphere Gaming Corp. v. City of Las Vegas*, 120 Nev. 523, 528, 96 P.3d 756, 760 (2004).

7. "If a discretionary act is supported by substantial evidence, there is no abuse of discretion." *Cty. of Clark v. Doumani*, 114 Nev. 46, 53, 952 P.2d 13, 17 (1998), *superseded by statute on other grounds*.

8. Zoning actions are presumed valid. *Nova Horizon, Inc. v. City Council of the City of Reno*, 105 Nev. 92,94, 769 P.2d 721, 722 (1989).

9. A "presumption of propriety" attaches to governmental action on land use decisions. *City Council of City of Reno v. Irvine*, 102 Nev. 277, 280, 721 P.2d 371, 373 (1986). A disappointed applicant bears a "heavy burden" to overcome this presumption. *Id.*

10. On a petition for judicial review, the Court may not step into the shoes of the Council, reweigh the evidence, consider evidence not presented to the Council or make its own judgment calls as to how a land use application should have been decided. *See Bd. of Cty. Comm'rs of Clark Cty. v. C.A.G., Inc.*, 98 Nev. 497, 500, 654 P.2d 531, 533 (1982).

**B. Substantial Evidence Supported the City Council's Decision**

11. The record before the Court amply shows that the Council's June 21, 2017 decision to deny the Applications for the 35-Acre Property ("the Decision") was supported by substantial evidence.

12. "Substantial evidence can come in many forms" and "need not be voluminous." *Comstock Residents Ass'n v. Lyon County Bd. of Comm'rs*, 385 P.3d 607 (Nev. 2016) (unpublished disposition), *citing McKenzie v. Shelly*, 77 Nev. 237, 240, 362 P.2d. 268, 269 (1961); *City of Reno v. Estate of Wells*, 110 Nev. 1218, 1222, 885 P.2d 545, 548 (1994).

13. Public opposition to a proposed project is an adequate basis to deny a land use application. *Stratosphere Gaming*, 120 Nev. at 529, 96 P.3d at 760; *C.A.G.*, 98 Nev. at 501, 654 P.2d at 533.

14. "[A] local government may weigh public opinion in making a land-use decision." *Stratosphere Gaming*, 120 Nev. at 529, 96 P.3d at 760; *accord Eldorado Hills, LLC v. Clark*

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*County Bd. of Commissioners*, 386 P.3d 999, 2016 WL 7439360, *2 (Nev. Dec. 22, 2016) (unpublished disposition).

15. "[L]ay objections [that are] substantial and specific" meet the substantial evidence standard. *Clark Cty. Liquor & Gaming Licensing Bd. v. Simon & Tucker, Inc.*, 106 Nev. 96, 98, 787 P.2d 782, 783 (1990) (distinguishing *City Council, Reno v. Travelers Hotel, Ltd.*, 100 Nev. 436, 683 P.2d 960 (1984)); *Stratosphere Gaming*, 120 Nev. at 529-30, 96 P.3d at 761.

16. "Section 19.18.050(E)(5) [of the Las Vegas Municipal Code] provides that the site development plan review process is intended to ensure that the proposed development is 'harmonious and compatible with development in the area' and that it is not 'unsightly, undesirable, or obnoxious in appearance.' The language of this ordinance clearly invites public opinion." *Stratosphere Gaming*, 120 Nev. at 528–29, 96 P.3d at 760.

17. The considerable public opposition to the Applications that was in the record before the Council meets the substantial evidence standard. That record included written and stated objections, research, legal arguments and expert opinions regarding the project's incompatibility with existing uses and with the vision for the area specified in the City's General Plan and the Peccole Ranch Master Development Plan. (ROR 2658-2666, 22294-24196, 24492-24504, 25821). The opponents argued that a development must be consistent with the General Plan, and what the Developer proposed was inconsistent with the Parks, Recreation and Open Space designation for the Badlands Golf Course in the City's General Plan. (ROR 24492-24504, 32820-21; 32842-55; 33935-36). If the applications were granted, they argued, it would set a precedent that would enable development of open space in other areas, thereby defeating the financial and other expectations of people who purchased homes in proximity to open space. (ROR 24492-24504, 33936). Because of the open space designation in the Peccole Ranch Master Development Plan, the opponents contended, the Applications required a major modification, which had not been approved. (ROR 24494-95; 33938). The opponents also expressed concerns regarding compatibility with the neighborhood, school overcrowding and lack of a development plan for the entire Badlands Property. (ROR 24492-24504, 24526, 33934-69).

18. The record before the Council constitutes substantial evidence to support the

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Decision. *See Stratosphere Gaming*, 120 Nev. at 529, 96 P.3d at 760.

19. The Court rejects the evidence that the Developer contends conflicts with the Council's Decision because the Court may not substitute its judgment for that of the Council. "[J]ust because there was conflicting evidence does not compel interference with the Board's decision so long as the decision was supported by substantial evidence." *Liquor & Gaming Licensing Bd.*, 106 Nev. at 98, 787 P.2d at 783. The Court's job is to evaluate whether substantial evidence supports the Council's decision, not whether there is substantial evidence to support a contrary decision. *Nevada Power Co. v. Pub. Utilities Comm'n of Nevada*, 122 Nev. 821, 836 n.36, 138 P.3d 486, 497 (2006). This is because the administrative body alone, not a reviewing court, is entitled to weigh the evidence for and against a project. *Liquor & Gaming Licensing Bd.*, 106 Nev. at 99, 787 P.2d at 784.

**C. The Council's Decision Was Within the Bounds of the Council's Discretion Over Land Use Matters**

20. "For the purpose of promoting health, safety, morals, or the general welfare of the community, the governing bodies of cities and counties are authorized and empowered to regulate and restrict the improvement of land and to control the location and soundness of structures." NRS 278.020(1).

21. The City's discretion is broad:

> A city board acts arbitrarily and capriciously when it denies a [land use application] without any reason for doing so.... [The essence of the abuse of discretion, of the arbitrariness or capriciousness of governmental action in denying a[n] ... application, is most often found in an apparent absence of any grounds or reason for the decision. We did it just because we did it. .*Irvine*, 102 Nev. at 279-80, 721 P.2d at 372-73 (quotations omitted).

22. The Council's Decision was free from any arbitrary or capricious decision making because it provided multiple reasons for denial of the Applications, all of which are well supported in the record.

23. The Council properly exercised its discretion to conclude that the development proposed in the Applications was not compatible with surrounding areas and failed to set forth an orderly development plan to alter the open space designation found in both the City's General Plan and the Peccole Ranch Master Development Plan.

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24. The concept of "compatibility" is inherently discretionary, and the Council was well within its discretion to decide that the development presented in the Applications was not compatible with neighboring properties, including the open space designation on the remainder of the Badlands Golf Course. *See Stratosphere*, 120 Nev. at 529, 96 P.3d at 761.

25. Residential zoning alone does not determine compatibility. The City's General Plan, the Peccole Ranch Master Development Plan, density, design and other factors do as well. The property adjacent to the 35-Acre Property remains used for open space and drainage, as contemplated by the City's planning documents, so the Developer's comparison to adjacent residential development is an incomplete "compatibility" assessment.

26. The City's Unified Development Code seeks to, among other things, promote "orderly growth and development" in order to "maintain … the character and stability of present and future land use and development." Title 19.00.030(G). One stated purpose is:

> To coordinate and ensure the execution of the City's General Plan through effective implementation of development review requirements, adequate facility and services review and other goals, policies or programs contained in the General Plan. Title 19.00.030(I).

27. The City's Unified Development Code broadly lays out the various matters the Council should consider when exercising its discretion. Those considerations, which include broad goals as well as specific factors for each type of land use application, circumscribe the limits of the Council's discretion. UDC 19.00.030, 19.16.030, 19.16.100, 19.16.130.

28. The Council was within the bounds of its discretion to request a development agreement for the Badlands Property before allowing a General Plan Amendment to change a portion of the property from Parks, Recreation and Open Space to residential uses. *See* Title 19.00.030(I). A comprehensive plan already exists for the Badlands Property; it is found in the city's General Plan, which designates the property as Parks, Recreation and Open Space. The Developer sought to change that designation. Under these circumstances, it was reasonable for the Council to expect assurances that the Developer would create an orderly and comprehensive plan for the entire open space property moving forward.

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29. The Court rejects the Developer's argument that a comprehensive development plan was somehow inappropriate because the parcels that make up the Badlands Property have different owners. (PPA 17:12-18:13, 23:9-14). In presenting the Developer's arguments in favor of these Applications and other land use applications relating to the development of the Badlands Property, Yohan Lowie has leveraged the fact that the three owner entities of the Badlands Property are affiliates managed by one entity – EHB Companies, LLC – which in turn is managed by Mr. Lowie and just three others. (ROR 1325; 4027; 5256-57; 17336; 24544; 25968). The Developer promoted the EHB brand and other projects it has built in Las Vegas to advance the Applications. (ROR 3607-3611; 5726-29; 5870-76; 17336; 24549-50). Additionally, by proposing the 2016 Development Agreement for the entire Badlands Property, the Developer acknowledged that the affiliated entities are one and the same. (ROR 25729).

30. The cases cited by the Developer did not involve properties owned by closely affiliated entities and are therefore inapplicable. (PPA 35:3-37:7, *citing Tinseltown Cinema, LLC v. City of Olive Branch*, 158 So.3d 367, 371 (Miss. App. Ct. 2015); *Hwy. Oil, Inc. v. City of Lenexa*, 547 P.2d 330, 331 (Kan. 1976)). They also did not involve areas that are within a master development plan area.

31. There is no evidence in the record to support the Developer's contention that it is somehow being singled out for "special treatment" because the Council sought orderly planned development within a Master Development Plan area (PPA 37:11-23).

32. Planning staff's recommendation is immaterial to whether substantial evidence supported the Council's decision because a governing body has discretion to make land use decisions separate and apart from what staff may recommend. *See Redrock Valley Ranch, LLC v. Washoe Cty.*, 127 Nev. 451, 455, 254 P.3d 641, 644 (2011) (affirming County Commission's denial of special use permit even where planning staff recommended it be granted); *Stratosphere Gaming*, 120 Nev. at 529, 96 P.3d at 760 (affirming City Council's denial of site development plan application even where planning staff recommended approval). The Court notes that the Planning Commission denied the Developer's General Plan Amendment application.

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33. The statements of individual council members are not indicative of any arbitrary or capricious decision making. The action that the Court is tasked with reviewing is the decision of the governing body, not statements made by individual council members leading up to that decision. *See* NRS 278.3195(4); *Nevada Contractors*, 106 Nev. at 313, 792 P.2d at 33; *see also Comm'n on Ethics of the State of Nevada v. Hansen*, 134 Nev. Adv. Op. 40, 419 P.3d 140, 142 (2018) (discussing when action by board is required); *City of Corpus Christi v. Bayfront Assocs., Ltd.*, 814 S.W.2d 98, 105 (Tex. Ct. App. 1991) ("A city can act by and through its governing body; statements of individual council members are not binding on the city."). "The test is not what was said before or after, but what was done at the time of the voting." *Lopez v. Imperial Cty. Sheriff's Office*, 80 Cal. Rptr. 3d 557, 560 (Cal. Ct. App. 2008). The Council's action to deny the Applications occurred with its vote, not with the prior statements made by individual council members. NRS 241.03555(1). The Court finds nothing improper in the statements by individual Council members and rejects the Developer's contention that the statements of individual Council members require the Court to overturn the Council's Decision.

**D. The City's Denial of the Applications Was Fully Compliant With the Law**

34. The Court rejects the Developer's argument that the RPD-7 zoning designation on the Badlands Property somehow required the Council to approve its Applications.

35. A zoning designation does not give the developer a vested right to have its development applications approved. "In order for rights in a proposed development project to vest, zoning or use approvals ***must not be subject to further governmental discretionary action affecting project commencement***, and the developer must prove considerable reliance on the approvals granted." *Am. W. Dev., Inc. v. City of Henderson*, 111 Nev. 804, 807, 898 P.2d 110, 112 (1995) (emphasis added); *see also Stratosphere Gaming*, 120 Nev. at 527–28, 96 P.3d at 759–60 (holding that because City's site development review process under Title 19.18.050 involved discretionary action by Council, the project proponent had no vested right to construct).

36. "[C]ompatible zoning does not, *ipso facto*, divest a municipal government of the right to deny certain uses based upon considerations of public interest." *Tighe v. Von Goerken*, 108 Nev. 440, 443, 833 P.2d 1135, 1137 (1992); *see also Nevada Contractors*, 106 Nev. at 311,

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792 P.2d at 31-32 (affirming county commission's denial of a special use permit even though property was zoned for the use).

37. The four Applications submitted to the Council for a general plan amendment, tentative map, site development review and waiver were all subject to the Council's discretionary decision making, no matter the zoning designation. *See Am. W. Dev.*, 111 Nev. at 807, 898 P.2d at 112; *Doumani*, 114 Nev. at 53, 952 P.2d at 17; *Bd. of Cty. Comm'rs of Clark Cty. v. CMC of Nevada, Inc.*, 99 Nev. 739, 747, 670 P.2d 102, 107 (1983).

38. The Court rejects the Developer's attempt to distinguish the *Stratosphere* case, which concluded that the very same decision-making process at issue here was squarely within the Council's discretion, no matter that the property was zoned for the proposed use. *Id.* at 527; 96 P.3d at 759.

39. Statements from planning staff or the City Attorney that the Badlands Property has an RPD-7 zoning designation do not alter this conclusion. *See id.*

40. The Developer purchased its interest in the Badlands Golf Course knowing that the City's General Plan showed the property as designated for Parks Recreation and Open Space (PR-OS) and that the Peccole Ranch Master Development Plan identified the property as being for open space and drainage, as sought and obtained by the Developer's predecessor. (ROR 24073-75; 25968).

41. The General Plan sets forth the City's policy to maintain the golf course property for parks, open space and recreation. *See Nova Horizon*, 105 Nev. at 96, 769 P.2d at 723.

42. The City has an obligation to plan for these types of things, and when engaging in its General Plan process, chose to maintain the historical use for this area that dates back to the 1989 Peccole Ranch Master Development Plan presented by the Developer's predecessor. (ROR 24492-24504).

43. The golf course was part of a comprehensive development scheme, and the entire Peccole Ranch master planned area was built out around the golf course. (ROR 2595-2604; 2635-36; 4587; 25820).

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44. It is up to the Council – through its discretionary decision making – to decide whether a change in the area or conditions justify the development sought by the Developer and how any such development might look. *See Nova Horizon*, 105 Nev. at 96, 769 P.2d at 723.

45. The Clark County Assessor's assessment determinations regarding the Badlands Property did not usurp the Council's exclusive authority over land use decisions. The information cited by the Developer in support of this argument is not part of the record on review and therefore must be disregarded.[1] *See C.A.G.*, 98 Nev. at 500, 654 P.2d at 533. The Council alone and not the County Assessor, has the sole discretion to amend the open space designation for the Badlands Property. *See* NRS 278.020(1); *Doumani*, 114 Nev. at 53, 952 P.2d at 17.

46. The Applications included requests for a General Plan Amendment and Waiver. In that the Developer asked for exceptions to the rules, its assertion that approval was somehow mandated simply because there is RPD-7 zoning on the property is plainly wrong. It was well within the Council's discretion to determine that the Developer did not meet the criteria for a General Plan Amendment or Waiver found in the Unified Development Code and to reject the Site Development Plan and Tentative Map application, accordingly, no matter the zoning designation. UDC 19.00.030, 19.16.030, 19.16.050, 19.16.100, 19.16.130.

47. The City's General Plan provides the benchmarks to ensure orderly development. A city's master plan is the "standard that commands deference and presumption of applicability." *Nova Horizon*, 105 Nev. at 96, 769 P.2d at 723; *see also City of Reno v. Citizens for Cold Springs*, 126 Nev. 263, 266, 236 P.3d 10, 12 (2010) ("Master plans contain long-term comprehensive guides for the orderly development and growth for an area."). Substantial compliance with the master plan is required. *Nova*, 105 Nev. at 96-97, 769 P.2d at 723-24.

48. By submitting a General Plan Amendment application, the Developer acknowledged that one was needed to reconcile the differences between the General Plan

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[1] The documents attached as Exhibits 2-5 to Petitioner's points and authorities are not part of the Record on Review and are not considered by the Court. *See C.A.G.*, 98 Nev. at 500, 654 P.2d at 533. The documents attached as Exhibit 1, however, were inadvertently omitted from the Record on Review but were subsequently added by the City. *See Errata to Transmittal of Record on Review* filed June 20, 2018; ROR 35183-86.



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designation and the zoning. (ROR 32657). Even if the Developer now contends it only submitted the General Plan Amendment application at the insistence of the City, once the Developer submitted the application, nothing required the Council to approve it. Denial of the GPA application was wholly within the Council's discretion. *See Nevada Contractors*, 106 Nev. at 314, 792 P.2d at 33.

49. The Court rejects the Developer's contention that NRS 278.349(3)(e) abolishes the Council's discretion to deny land use applications.

50. First, NRS 278.349(3) merely provides that the governing body "shall consider" a list of factors when deciding whether to approve a tentative map. Subsection (e) upon which the Developer relies, however, is only one factor.

51. In addition, NRS 278.349(3)(e) relates only to tentative map applications, and the Applications at issue here also sought a waiver of the City's development standards, a General Plan Amendment to change the PR-OS designation and a Site Development Plan review. A tentative map is a mechanism by which a landowner may divide a parcel of land into five or more parcels for transfer or development; approval of a map alone does not grant development rights. NRS 278.019; NRS 278.320.

52. Finally, NRS 278.349(e) does not confer any vested rights.

53. "[M]unicipal entities must adopt zoning regulations that are in substantial agreement with the master plan." *See Am. W. Dev.*, 111 Nev. at 807, 898 P.2d at 112, *quoting Nova Horizon*, 105 Nev. at 96, 769 P.2d at 723; NRS 278.250(2).

54. The City's Unified Development Code states as follows:

> Compliance with General Plan
> Except as otherwise authorized by this Title, approval of all Maps, Vacations, Rezonings, *Site Development Plan Reviews*, Special Use Permits, Variances, *Waivers*, Exceptions, Deviations and Development Agreements shall be consistent with the spirit and intent of the General Plan. UDC 19.16.010(A).
>
> It is the intent of the City Council that all regulatory decisions made pursuant to this Title be consistent with the General Plan. For purposes of this Section, "consistency with the General Plan" means not only consistency with the Plan's land use and density designations, but also consistency with all policies and programs of the General Plan, including those that promote compatibility of uses and densities, and orderly development consistent with available resources. UDC 19.00.040.

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55. Consistent with this law, the City properly required that the Developer obtain approval of a General Plan Amendment in order to proceed with any development.

**E. The Doctrine of Issue Preclusion Bars Petitioner from Relitigating Issues Decided by Judge Crockett**

56. The Court further concludes that the doctrine of issue preclusion requires denial of the Petition for Judicial Review.

57. Issue preclusion applies when the following elements are satisfied: (1) the issue decided in the prior litigation must be identical to the issue presented in the current action; (2) the initial ruling must have been on the merits and have become final; (3) the party against whom the judgment is asserted must have been a party or in privity with a party to the prior litigation; and (4) the issue was actually and necessarily litigated. *Five Star Capital Corp. v. Ruby*, 124 Nev. 1048, 1055, 194 P.3d 709, 713 (2008).

58. Having taken judicial notice of Judge Crockett's Order, the Court concludes that the issue raised by Intervenors, which once again challenges the Developer's attempts to develop the Badlands Property without a major modification of the Master Plan, is identical to the issue Judge Crockett decided issue in *Jack B. Binion, et al v. The City of Las Vegas, et al,* A-17-752344-J. The impact the Crockett Order, which the City did not appeal, requires both Seventy Acres and Petitioner to seek a major modification of the Master Plan before developing the Badlands Property. The Court rejects Petitioner's argument that the issue here is not the same because it involves a different set of applications from those before Judge Crockett; that is a distinction without a difference. "Issue preclusion cannot be avoided by attempting to raise a new legal or factual argument that involves the same ultimate issue previously decided in the prior case." *Alcantara ex rel. Alcantara v. Wal-Mart Stores, Inc.*, 130 Nev. Adv. Op. 28, 321 P.3d 912, 916–17 (2014).

59. Judge Crockett's decision in *Jack B. Binion, et al v. The City of Las Vegas, et al,* A-17-752344-J was on the merits and has become final for purposes of issue preclusion. A judgment is final for purposes of issue preclusion if it is "sufficiently firm" and "procedurally

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definite" in resolving an issue. *See Kirsch v. Traber,* 134 Nev., Adv. Op. 22, 414 P.3d 818, 822–23 (Nev. 2018) (citing Restatement (Second) of Judgments § 13 & cmt. g). "Factors indicating finality include (a) that the parties were fully heard, (b) that the court supported its decision with a reasoned opinion, and (c) that the decision was subject to appeal." *Id.* at 822-823 (citations and punctuation omitted). Petitioner's appeal of the Crockett Order confirms that it was a final decision on the merits.

60. The Court reviewed recent Nevada case law and the expanded concept of privity, which is to be broadly construed beyond its literal and historic meaning to encompass relationships where there is "substantial identity between parties, that is, when there is sufficient commonality of interest." *Mendenhall v. Tassinari*, 133 Nev. Adv. Op. 78, 403 P.3d 364, 369 (2017) (quoting *Tahoe–Sierra Pres. Council, Inc. v. Tahoe Reg'l Planning Agency*, 322 F.3d 1064, 1081–82 (9th Cir. 2003) (internal quotation marks omitted). Applying the expanded concept of privity, the Court considered the history of the land-use applications pertaining to the Badlands Property and having taken judicial notice of the Federal Complaint, the Court concludes there is a substantial identity of interest between Seventy Acres and Petitioner, which satisfies the privity requirement. Petitioner's argument that it is not in privity with Seventy Acres is contradicted by the Federal Complaint, which reveals that Seventy Acres and Petitioner are under common ownership and control and acquired their respective interests in the Badlands Property through an affiliate, Fore Stars, Ltd.

61. The issue of whether a major modification is required for development of the Badlands Property was actually and necessarily litigated. "When an issue is properly raised and is submitted for determination, the issue is actually litigated." *Alcantara ex rel. Alcantara v. Wal-Mart Stores, Inc.*, 130 Nev. at 262, 321 P.3d at 918 (internal punctuation and quotations omitted) (citing *Frei v. Goodsell*, 129 Nev. 403, 407, 305 P.3d 70, 72 (2013)). "Whether an issue was necessarily litigated turns on 'whether the common issue was necessary to the judgment in the earlier suit.'" *Id.* (citing *Tarkanian v. State Indus. Ins. Sys.*, 110 Nev. 581, 599, 879 P.2d 1180, 1191 (1994)). Since Judge Crockett's decision was entirely dependent on this issue, the issue was necessarily litigated.

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62. Given the substantial identity of interest among Seventy Acres, LLC and Petitioner, it would be improper to permit Petitioner to circumvent the Crockett Order with respect to the issues that were fully adjudicated.

63. Where Petitioner has no vested rights to have its development applications approved, and the Council properly exercised its discretion to deny the applications, there can be no taking as a matter of law such that Petitioner's alternative claims for inverse condemnation must be dismissed. *See Landgraf v. USI Film Prod.*, 511 U.S. 244, 266 (1994) ("The Fifth Amendment's Takings Clause prevents the Legislature (and other government actors) from depriving private persons of vested property rights except for a 'public use' and upon payment of 'just compensation.'"); *Application of Filippini*, 66 Nev. 17, 22, 202 P.2d 535, 537 (1949).

64. Further, Petitioner's alternative claims for inverse condemnation must be dismissed for lack of ripeness. *See Herbst Gaming, Inc. v. Heller*, 141 P.3d 1224, 1230-31, 122 Nev. 877, 887 (2006).

65. "Nevada has a long history of requiring an actual justiciable controversy as a predicate to judicial relief." *Resnick v. Nev. Gaming Comm'n*, 104 Nev. 60, 65-66, 752 P.2d 229, 233 (1988), *quoting Doe v. Bryan*, 102 Nev. 523, 525, 728 P.2d 443, 444 (1986).

66. Here, Petitioner failed to apply for a major modification, a prerequisite to any development of the Badlands Property. *See* Crockett Order. Having failed to comply with this necessary prerequisite, Petitioner's alternative claims for inverse condemnation are not ripe and must be dismissed.

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**ORDER**

Accordingly, IT IS HEREBY ORDERED, ADJUDGED and DECREED that the Petition for Judicial Review is DENIED.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Petitioner's alternative claims in inverse condemnation are hereby DISMISSED.

DATED: 11/18, 2018.

TIMOTHY C. WILLIAMS
District Court Judge

Submitted By:

McDONALD CARANO LLP

By: /s/
George F. Ogilvie III, Esq. (NV Bar #3552)
Debbie Leonard (NV Bar #8260)
Amanda C. Yen (NV Bar #9726)
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Las Vegas, NV 89102

LAS VEGAS CITY ATTORNEY'S OFFICE
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*Attorneys for City of Las Vegas*

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on the 21st day of November, 2018, a true and correct copy of the foregoing **FINDINGS OF FACT AND CONCLUSIONS OF LAW ON PETITION FOR JUDICIAL REVIEW** was electronically served with the Clerk of the Court via the Clark County District Court Electronic Filing Program which will provide copies to all counsel of record registered to receive such electronic notification.

*/s/ Jelena Jovanovic*
An employee of McDonald Carano LLP

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **January 11, 2018**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**January 11, 2018** **9:00 AM** **All Pending Motions**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 12D

**COURT CLERK:** Elizabeth Vargas

**RECORDER:**

**REPORTER:** Peggy Isom

**PARTIES PRESENT:**

| | |
|---|---|
| Daniels, Ryan W. | Attorney |
| Dorocak, Jeffry M. | Attorney |
| Leavitt, James J | Attorney |
| Schneider, Michael A. | Attorney |
| Waters, Kermitt L. | Attorney |

## JOURNAL ENTRIES

- CITY OF LAS VEGAS' MOTION TO DISMISS OR, IN THE ALTERNATIVE, MOTION TO STRIKE PETITIONER'S OPPOSITION TO CITY OF LAS VEGAS' MOTION TO DISMISS AND COUNTERMOTION TO STAY LITIGATION OF ALTERNATIVE INVERSE CONDEMNATION CLAIMS UNTIL RESOLUTION OF THE PETITION FOR JUDICIAL REVIEW

Arguments by counsel regarding condemnation claims and initial pleading filed. Mr. Leavitt addressed the timeliness issue, stating the Petition was sent to clerk of the court in a timely manner pursuant to rules. Court ruled as a matter of law that the Amended Petition was timely filed due to an error with the clerk s office. Mr. Leavitt discussed the ripeness issue. Mr. Dorocak reviewed the Petition for Judicial Review as the initial pleading and inverse condemnation claims, stating it was improper and should be dismissed. Court s inquiry regarding administrative and judicial remedies of inverse condemnation claims. Upon court s inquiry, Mr. Dorocak stated the court could not sever pleadings because claims were not brought properly. Colloquy regarding the initial pleading. Court stated a hybrid petition was filed. COURT ORDERED, Motion to Dismiss DENIED, and Motion to

Strike DENIED, the inverse condemnation claims severed, and the Motion to Stay the Inverse Condemnation Claims is GRANTED, and determined it would deal strictly with judicial review; COURT FURTHER ORDERED, the Amended Complaint would be filed with the inverse condemnation claim, and the Complaint must be filed within 30 days.

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

**Other Judicial Review/Appeal** **COURT MINUTES** **April 12, 2018**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**April 12, 2018** **11:00 AM** **Status Check**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 12D

**COURT CLERK:** Elizabeth Vargas

**RECORDER:**

**REPORTER:** Peggy Isom

**PARTIES PRESENT:**

| | |
|---|---|
| Byrnes, Philip R. | Attorney |
| Kistler, Joseph S. | Attorney |
| Stewart, Robert T. | Attorney |

**JOURNAL ENTRIES**

- Mr. Kistler stated this matter is in the briefing stage; the Opening Brief had not yet been filed; a Stipulation would be filed with court regarding subsequent briefing. Colloquy regarding briefing procedure and disqualification of counsel. Court advised counsel to file a motion if there was an issue. Colloquy regarding date for the hearing. Court directed counsel to have briefing filed one week prior to the hearing, and ORDERED, hearing date SET. Upon counsels' request, COURT FURTHER ORDERED, page limitation for briefing waived.

6/22/18 9:30 AM PETITION FOR JUDICIAL REVIEW

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **May 08, 2018**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**May 08, 2018** **9:00 AM** **Motion to Intervene**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 12D

**COURT CLERK:** Elizabeth Vargas

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Holmes, Dustun H | Attorney |
| Hutchison, Mark A | Attorney |
| Ogilvie, George F., III | Attorney |

## JOURNAL ENTRIES

- Kirill Mikhaylov, Esq. present on behalf of Intervenors. Arguments by counsel regarding the Motion. COURT ORDERED, matter TAKEN UNDER ADVISEMENT and advised a decision would be issued.

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

**Other Judicial Review/Appeal** **COURT MINUTES** **May 10, 2018**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**May 10, 2018** **9:00 AM** **Motion**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 12D

**COURT CLERK:** Elizabeth Vargas

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Holmes, Dustun H | Attorney |
| Hutchison, Mark A | Attorney |
| Ogilvie, George F., III | Attorney |
| Stewart, Robert T. | Attorney |

**JOURNAL ENTRIES**

- Mr. Ogilvie requested and parties stipulated to move the hearing to June 29. Petitioner agrees to respond through June 26. Mr. Holmes requested time to file a reply the day of the hearing or the next week. Mr. Hutchison requested a week after the opposition is due to file the reply. Mr. Ogilvie stated what is said in the reply might have some impact on his argument. Mr. Hutchison stated he would have the compressed reply brief in by the 28th. Court directed counsel to prepare a stipulation regarding deadlines.

6/29/18 9:30 AM HEARING: PETITION FOR JUDICIAL REVIEW

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

**Other Judicial Review/Appeal** **COURT MINUTES** **May 16, 2018**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**May 16, 2018** **3:00 AM** **Minute Order** **re: Motion to Intervene on Order Shortening Time**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 12D

**COURT CLERK:** Elizabeth Vargas

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

**JOURNAL ENTRIES**

- After a review and consideration of the points and authorities on file herein, and the argument of counsel, the Court determined as follows:

It is important to point out that the instant action is one of many court actions stemming from the proposed development of the Badlands golf course and the surrounding Queensridge community. Consequently, the Court feels compelled to review the instant Motion to Intervene not based solely on the limited procedural history in this matter, but to also consider all past actions of the Las Vegas City Council as it relates to the development of the Badlands golf course. The Court has determined that the past history of the Las Vegas City Council is important.

Pursuant to NRCP 24(a)(2), the Intervenors have demonstrated a sufficient interest in the litigation subject matter. The Intervenors could suffer impairment to their ability to protect their interests if they fail to intervene in this matter. The Intervenors application is timely.

Regarding the third factor set forth by the Nevada Supreme Court in Hairr v. First Judicial District Court, 132 Nev. Adv. Op. 16 (2016), whether the Intervenors interests are adequately represented by

existing parties to the current action, the Court is well aware of the assumption of adequacy of representation, especially when the government is acting on behalf of a constituency it represents. Thus, in an absence of a very compelling showing to the contrary, it will be presumed that the government adequately represents its citizens when the applicant shares the same interests.

Based on history, the prior actions of the Las Vegas City Council as they relate to the development of the Badlands golf course have been adverse to the interests of the Intervenors in this matter. Moreover, the interests of the Intervenors relate to the ownership and protection of real property and its attributes, which has been recognized as unique under Nevada law. See Dixon v. Thatcher, 103 Nev. 414, 416 (1987). The Intervenors real property is adjacent to and will be affected by any subsequent development of the Badlands golf course, and that development is directly at issue in this litigation. In contrast, the City is not seeking to protect its property rights and has no standing to protect the unique property rights of the Intervenors. Thus, in light of the prior actions of the Las Vegas City Council and the potential impact on the Intervenors property rights, this Court finds that the interests of the Intervenors are not adequately represented or protected by the City of Las Vegas, and grants the Motion to Intervene pursuant to NRCP 24(a)(2).

Lastly, the Intervenors also meet the requirements of NRCP 24(b)(2) as it relates to permissive intervention, so permissive intervention is also warranted.

Based on the foregoing, the Motion to Intervene pursuant to NRCP 24(a)(2) and (b)(2) shall be GRANTED. Additionally, the Intervenors shall follow the briefing schedule that is forthcoming.

Counsel for the Intervenors shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature.

CLERK'S NOTE: A copy of this Minute Order was electronically served to all registered parties by the Judicial Executive Assistant.//ev 5/16/18

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

**Other Judicial Review/Appeal** **COURT MINUTES** **June 29, 2018**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**June 29, 2018** **9:30 AM** **Petition for Judicial Review**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 12D

**COURT CLERK:** Elizabeth Vargas

**RECORDER:**

**REPORTER:** Peggy Isom

**PARTIES PRESENT:**

| | |
|---|---|
| Allen, Stephanie Hardie | Attorney |
| Holmes, Dustun H | Attorney |
| Hutchison, Mark A | Attorney |
| Kaempfer, Christopher Leigh | Attorney |
| Kistler, Joseph S. | Attorney |
| Leavitt, James J | Attorney |
| Mikhaylov, Kirll V. | Attorney |
| Ogilvie, George F., III | Attorney |
| Yen, Amanda C. | Attorney |

**JOURNAL ENTRIES**

- Colloquy regarding consideration of the emergency motion to strike pages and the June 21 hearing. Upon Court's inquiry, Mr. Hutchison agreed to go forward with today's hearing and the Court could ignore, if necessary. Mr. Holmes argued going forward today was putting the cart before the horse. Court advised it had not had an opportunity to review the Order Shortening Time, however would proceed with the hearing, and advised counsel to make an objection if something came up that should be stricken. Mr. Hutchison presented a binder of citations; stated 180 Land Company had an application to develop their property, had zoning permits, complied with every land use and development requirement; stated his clients were not land speculators. Court noted it was not concerned about how the parties were characterized. Ms. Allen provided an overview of the property and zoning. Court inquired regarding if it should hold the city council to the same standard as a trial

court. Arguments by Mr. Hutchison and Mr. Holmes regarding the master plan and applicable statutory law. Mr. Hutchison discussed rights to the property under the zoning; argued his client complied with all of the City's requirements, and argued his client was denied specific reasoning regarding rejection of the development. Upon Court's inquiry, Mr. Hutchison responded there was no evidence that the City considered the ordinance during the meeting, and the City's ultimate decision, which occurred prior to the June 21 hearing, should not be considered. Court directed counsel to provide supplemental briefing regarding the development agreement. COURT ORDERED, counsel to discuss and agree regarding continuing the hearing date of July 3, 2018. Court inquired regarding what was applicable under the law. Mr. Ogilvie argued the City of Las Vegas does not have an interest or anything to gain by denying the Petitioner's request. Court stated there must be a basis for the City to make a decision. Court inquired what specific concerns there were by homeowners; Mr. Ogilvie replied congestion and the lack of open space were the issues. Discussion by Court and Mr. Ogilvie regarding the master plan and the developer of the property. Mr. Holmes argued regarding applicable statutory law. Court inquired regarding ordinance designation; discussed the term "master plan"; requested substantial evidence that supported the decision of the city counsel. Court stated it was not sure if the City Council's actions were arbitrary and capricious; argued regarding a causal link. Mr. Hutchison requested City Council's decision be reversed. Mr. Kaempher argued the Stratosphere decision is completely different and should not be used; argued master plans are ever-changing. COURT ORDERED, attorneys to meet and confer regarding the briefing schedules, and submit a stipulation; counsel to submit the Findings of Fact and Conclusions of Law in Microsoft Word format for editing.

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

| **Other Judicial Review/Appeal** | **COURT MINUTES** | **July 03, 2018** |
|---|---|---|

| | |
|---|---|
| A-17-758528-J | 180 Land Company LLC, Petitioner(s)<br>vs.<br>Las Vegas City of, Respondent(s) |

| | | | |
|---|---|---|---|
| **July 03, 2018** | **9:00 AM** | **Motion** | **Counsel to submit Stipulation per Law Clerk** |

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Elizabeth Vargas

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

**JOURNAL ENTRIES**

- Matter not called. Vacated; Counsel to submit Stipulation per Law Clerk.

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

**Other Judicial Review/Appeal** **COURT MINUTES** **July 16, 2018**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**July 16, 2018** **1:30 PM** **Status Check**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 12D

**COURT CLERK:** Elizabeth Vargas

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Bice, Todd L | Attorney |
| Holmes, Dustun H | Attorney |
| Ogilvie, George F., III | Attorney |

**JOURNAL ENTRIES**

- Joseph Kistler, Esq. present on behalf of Petitioner. All counsel present telephonically. Arguments by counsel regarding procedure for post-trial briefs and proposed findings of fact and conclusions of law. COURT ORDERED, briefing schedule SET; Mr. Kistler to file a reply to the brief filed by the City including any new issues, questions or concerns during the hearing on or before July 31, 2018; Intervenor to file a sur-reply regarding anything raised in the reply and questions the Court had during the hearing on or before August 6, 2018; each party to submit a findings of fact and conclusions of law for review on or before August 14, 2018; Court advised additional argument or briefing may be requested on or before August 17, 2018, and if requests are made, there would be limitations. Court directed Mr. Kistler to prepare the Order.

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

**Other Judicial Review/Appeal** **COURT MINUTES** **July 25, 2018**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**July 25, 2018** **9:00 AM** **Motion**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Elizabeth Vargas

**RECORDER:**

**REPORTER:** Peggy Isom

**PARTIES PRESENT:**

| | |
|---|---|
| Bice, Todd L | Attorney |
| Holmes, Dustun H | Attorney |
| Kistler, Joseph S. | Attorney |
| Ogilvie, George F., III | Attorney |

**JOURNAL ENTRIES**

- Mr. Kistler argued regarding portions of the record being stricken unilaterally; stated the petition concerns actions taken by City Council; argued no portion of the record submitted to the court should be deleted; requested the errata be stricken, and if treated as a motion filed by the City, requested motion be denied, however would agree to stipulate to expanision of the record to include the four letters of 180 Land Company LLC's applications. Mr. Ogilvie argued the City is attempting to make sure the court is given proper record and can make a determination on that record, the only issue on the merits is whether substantial evidence supported the decision on June 21, 2017, argued any action taking place after that hearing was not taken into consideration at the time City Council took action; stated items were inadvertently included in the record, should be removed, and should not be considered on the record. Mr. Kistler argued regarding the record, and what should be included. COURT ORDERED, Motion DENIED; Court advised the record in this case was limited to what was in front of City Council the day of or before the June 21, 2017 hearing; the errata stands.

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

**Other Judicial Review/Appeal** **COURT MINUTES** **October 11, 2018**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**October 11, 2018** **1:53 PM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

**JOURNAL ENTRIES**

- After a review and consideration of the points and authorities on file herein, the record on appeal and argument of counsel, the Court determines as follows:

Two issues were present for review: (1) whether substantial evidence supported the Las Vegas City Council s decision to deny developer 180 Land Company, LLC s application for residential development on land designated as open space/golf course/drainage; and (2) does Judge Crockett s decision -- holding that the Master Plan precludes any redevelopment by Seventy Acres, LLC of the open space/golf course/drainage area absent a proper and approved application for a Major Modification of the Master Plan -- bind the developer and its related entities such as 180 Land Company, LLC under the doctrine of issue/claims preclusion.

In reviewing the decision of the Las Vegas City Council, the thrust and focus of the Court in the instant matter shall be limited. As the Nevada Supreme Court noted in Stratosphere Gaming Corp. v. City of Las Vegas, 120 Nev. 523, 528, [w]hen a district court has reviewed a zoning decision without taking additional evidence and the decision is appealed to the court, the scope of review is limited to a determination of whether the agency or municipality which made the decision appealed from committed an abuse of discretion. A decision that lacks support in the form of substantial evidence is arbitrary and capricious and, therefore, an abuse of discretion. We have defined substantial evidence

as that which a reasonable mind might accept as adequate to support a conclusion (emphasis added). Based on a review of the record, the 35-acre parcel at issue was once part of the 250.92 acres of land commonly referred to as the Badlands Golf Course and subject to the specifications set forth in the Peccole Ranch Master Planned Community, which were initially approved by the City of Las Vegas in 1990. Under the Master Plan, in addition to use as a golf course, the Badlands parcel was designed to be in a major flood zone and was designated as flood drainage and open spaces. Of paramount significance, the 35 acres that are subject to judicial review were part of prior applications to develop the 250.92 acre Badlands Golf Course before the Las Vegas Planning Commission and City Council. Thus, the Las Vegas City Council s decision to accept or deny the application of Petitioners was not made in a vacuum. It was based on the Petitioner and its affiliates multiple applications to the City Council that resulted in a significant administrative history with numerous attempts to develop the Badlands Golf Course.

A review of the record reveals that the Las Vegas City Council received major public opposition not only to the 35-acre parcel at issue, but public opposition to major modifications to the Master Plan regarding the 250.92 acre Badlands property as well as a smaller sub-parcel consisting of 17.49 acres. For example, public meetings were well attended with overwhelming opposition and the City received approximately 586 written protests regarding a proposed 2016 Development Agreement and many emails in protest. The 2016 Development Agreement was an attempt to make a major modification to the Master Plan, which was ultimately withdrawn without prejudice. The record also reveals that the Mayor emphasized that the City Council sought a comprehensive redevelopment plan for the entire Badlands property to ensure compatibility with the surrounding properties and to provide adequate flood control. Also, the developers represented to the Mayor and City Council their desire to develop not just a portion of the Badlands property, but the entire parcel. Notwithstanding, the City Council approved the developer application regarding the 17.49 acre parcel without a major modification to the Master Plan. Not only was there public opposition, but certain nearby homeowners retained private counsel and sought relief from the Courts seeking judicial review of the City Council s approval of the 17.49 acre application. The ultimate outcome of the Petition for Judicial Review as to the 17.49 acre matter was not considered by this Court in reviewing the actions of the Las Vegas City Council. However, it underscores the fact that a group of homeowners were strident in their opposition to the development plans approved by the Las Vegas City Council regarding the 17.49 acre parcel.

In assessing the actions of the Mayor and City Council and to determine whether there is substantial evidence in the record to support their decision, it is patently apparent that the pending Petition for Judicial Review is not a simple one-time application assessing whether to approve the developer s land use. The record reflects that the Mayor and City Council considered the Badland project history and negotiations between the City and the nearby property owners. There was steadfast and considerable public opposition to the Applications, including challenges to the compatibility with the surrounding areas. Also, the Court considered the piece-meal development argument presented by the Petitioner. However, the record reveals the Mayor and City Council, in light of the public opposition, wanted a unified agreement and development proposal for the entire Badlands property to ensure orderly development that would be compatible with the surrounding area as required by

the Master Plan. Even expert testimony was provided by Ngai Pindall, a law professor who teaches Municipal Planning and Zoning. Professor Pindall opined that good land use practice required an amendment to the Master Plan because it gave all stakeholders a chance to be heard and considered. In light of the significant record, the Court hereby determines that there was substantial evidence in the record to support the decision of the Las Vegas City Council.

The Court also considered whether the developer, 180 Land Company, LLC s Petition is barred under the doctrine of issue preclusion as asserted by Intervenors, based on the decision of Judge Crockett in the matter of Jack B. Binion, et al. v. The City of Las Vegas and Seventy Acres, LLC, Case No. A-17-752344-J. The Court reviewed recent Nevada case law and the expanded concept of privity which is to be broadly construed beyond its literal and historic meaning to include any situation in which the relationship between the parties is sufficiently close to supply preclusion. Thus, privity will now encompass a relationship in which there is a substantial identity between the parties which results in a sufficient commonality of interest. See, Mendenhall v. Tassinari, 403 P.3d 364 (Nev. 2017). Applying the expanded concept of privity, the Court considered the history of the land-use applications pertaining to the Badlands properties before the City Council and reviewed the Complaint filed in the United States District Court, Case 2:18-cv-00547-JCM-CWH, Plaintiffs 180 Land Co. LLC, Fore Stars, Ltd., Seventy Acres, LLC and Yohan Lowie in his individual capacity, to determine whether there is a substantial identity of the parties resulting in a sufficient commonality of interest and therefore privity. The Federal Complaint reveals that in March of 2015, Yohan Lowie and his partners acquired a membership interest in Fore Star Ltd., which at the time owned the 250.92 acre Badlands property. In June, 2015, Fore Star Ltd. redrew boundaries of various parcels that compromised the Badlands property, and in November 2015, ownership of approximately 178.27 acres of land was transferred to Petitioner, 180 Land Co. LLC and approximately 70.52 acres of land was transferred to Seventy Acres, LLC, a party in the Judge Crockett matter. The impact of Judge Crockett s Order, which the City of Las Vegas accepted and did not appeal, would require both the 180 Land Co., LLC and Seventy Acres, LLC s parcels of land to apply to the Las Vegas City Council for an amendment to the Master Plan before development of the entire Badlands properties.

A review of the August 3, 2017 deposition of Yohan Lowie reveals a 50% ownership interest in both Seventy Acres, LLC and 180 Land Co., LLC. Thus, 180 Land Co., LLC would have received a substantial benefit had Judge Crockett denied the Petition for Judicial Review in that it would not be required to seek amendment to the Master Plan as a condition to develop the Badlands properties. Also, from the record, Mr. Lowie manages and controls the 180 Land Co., LLC and Seventy Acres, LLC. Therefore, the record demonstrates a substantial identity between the 180 Land Co., LLC and Seventy Acres, LLC based on shared interest and actions. Further, the issue raised by Intervenor, which once again challenges whether any attempt to develop part of the Badlands properties without first applying for and addressing a major modification to the Master Plan, is identical to the issues litigated before Judge Crockett. Lastly, this issue was fully adjudicated. The Court hereby determines that the Doctrine of Issue Preclusion applies to the instant matter.

Based on the foregoing, the Court has determined there is substantial evidence in the record to support the Decision of the Las Vegas City Council to deny the application at issue. Additionally, the

Doctrine of Issue Preclusion controls and it would be improper after a determination of substantial identity between 180 Land Co., LLC and Seventy Acres, LLC, to permit the Petitioner to circumvent the decision of Judge Crockett on issues that were fully adjudicated.

Therefore, the Petition for Judicial Review of 180 Land Company, LLC is hereby DENIED. Each party is requested to submit their proposed Finding of Fact, Conclusions of Law and Order based not only on the foregoing Minute Order, but also on the record on file herein. Any submissions made to the Court must be served on all parties.

CLERK S NOTE: This Minute Order was electronically served to all parties registered through Odyssey eFile.

**EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE**

# NOTICE OF DEFICIENCY

**ON APPEAL TO NEVADA SUPREME COURT**

**MARK A. HUTCHISON, ESQ.**
**10080 W. ALTA DR., STE 200**
**LAS VEGAS, NV 89145**

**DATE: December 26, 2018**
**CASE: A-17-758528-J**

**RE CASE:** 180 LAND CO LLC vs. CITY OF LAS VEGAS

NOTICE OF APPEAL FILED: December 20, 2018

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

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

☒ $250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
- If the $250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.

☐ $24 – District Court Filing Fee (Make Check Payable to the District Court)**

☒ $500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
- NRAP 7: Bond For Costs On Appeal in Civil Cases

☐ Case Appeal Statement
- NRAP 3 (a)(1), Form 2

☐ Order

☐ Notice of Entry of Order

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

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

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

---

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

# Certification of Copy

**State of Nevada**
**County of Clark** } **SS:**

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

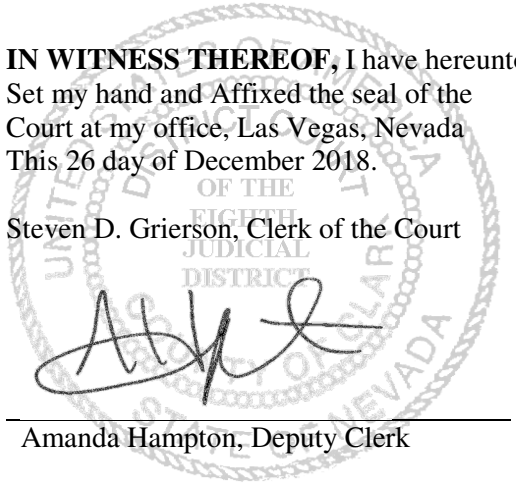
NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; FINDINGS OF FACT AND CONCLUSIONS OF LAW ON PETITION FOR JUDICIAL REVIEW; NOTICE OF ENTRY OF FINDINGS OF FACT AND CONCLUSIONS OF LAW ON PETITION FOR JUDICIAL REVIEW; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

| | |
|---|---|
| 180 LAND CO LLC,<br><br>Petitioner(s),<br><br>vs.<br><br>CITY OF LAS VEGAS,<br><br>Defendant(s), | Case No: A-17-758528-J<br><br>Dept No: XVI |

now on file and of record in this office.

**IN WITNESS THEREOF,** I have hereunto Set my hand and Affixed the seal of the Court at my office, Las Vegas, Nevada This 26 day of December 2018.

Steven D. Grierson, Clerk of the Court




Amanda Hampton, Deputy Clerk

# EXHIBIT “C”

Electronically Filed
5/17/2019 4:05 PM
Steven D. Grierson
CLERK OF THE COURT

**NOTC**
George F. Ogilvie III (NV Bar #3552)
Debbie Leonard (NV Bar #8260)
Amanda C. Yen (NV Bar #9726)
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*Attorneys for City of Las Vegas*

McDONALD CARANO
2300 WEST SAHARA AVENUE, SUITE 1200 • LAS VEGAS, NEVADA 89102
PHONE 702.873.4100 • FAX 702.873.9966

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

| | |
|---|---|
| 180 LAND CO LLC, a Nevada limited-liability company; DOE INDIVIDUALS I through X; DOE CORPORATIONS I through X; and DOE LIMITED-LIABILITY COMPANIES I through X,<br><br>Petitioners,<br><br>v.<br><br>CITY OF LAS VEGAS, a political subdivision of the State of Nevada; ROE GOVERNMENT ENTITIES I through X; ROE CORPORATIONS I through X; ROE INDIVIDUALS I through X; ROE LIMITED-LIABILITY COMPANIES I through X; ROE QUASI-GOVERNMENTAL ENTITIES I through X,<br><br>Respondents. | CASE NO.: A-17-758528-J<br><br>DEPT. NO.: XVI<br><br>**NOTICE OF FILING OF**<br><br>**PETITION FOR WRIT OF MANDAMUS, OR IN THE ALTERNATIVE, WRIT OF PROHIBITION**<br><br>**AND**<br><br>**EMERGENCY MOTION UNDER NRAP 27(e) FOR STAY IN THE NEVADA SUPREME COURT** |

# EXHIBIT “D”

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

**Case No. _____**

Electronically Filed
Feb 11 2022 10:34 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

CITY OF LAS VEGAS, a political subdivision of the State of Nevada,

Petitioner

v.

EIGHTH JUDICIAL DISTRICT COURT of the State of Nevada, in and for the County of Clark, and the Honorable Timothy C. Williams, District Judge,

Respondents

and

180 LAND CO, LLC, a Nevada limited-liability company, FORE STARS LTD., a Nevada limited liability company,

Real Parties in Interest

---

District Court Case No.: A-17-758528-J
Eighth Judicial District Court of Nevada

---

**EMERGENCY PETITION FOR WRIT OF MANDAMUS, OR IN THE ALTERNATIVE, WRIT OF CERTIORARI (action needed by February 23, 2022)**


| LAS VEGAS<br>CITY ATTORNEY'S OFFICE<br>Bryan K. Scott (#4381)<br>Philip R. Byrnes (#166)<br>Rebecca Wolfson (#14132)<br>495 S. Main Street, 6th Floor<br>Las Vegas, NV 89101<br>Phone: 702.229.6629 Fax: 702.386.1749<br>bscott@lasvegasnevada.gov<br>pbyrnes@lasvegasnevada.gov<br>rwolfson@lasvegasnevada.gov | McDONALD CARANO LLP<br>George F. Ogilvie III (#3552)<br>Amanda C. Yen (#9726)<br>Christopher Molina (#14092)<br>2300 W. Sahara Ave, Suite 1200<br>Las Vegas, NV 89102<br>Phone: 702.873.4100 Fax: 702.873.9966<br>gogilvie@mcdonaldcarano.com<br>ayen@mcdonaldcarano.com<br>cmolina@mcdonaldcarano.com |
|---|---|


Docket 84221 Document 2022-04636

EIGHTH JUDICIAL DISTRICT COURT

# CASE SUMMARY

## CASE NO. A-17-758528-J

| | | | |
|---|---|---|---|
| **180 Land Company LLC, Petitioner(s)** | § | Location: | **Department 16** |
| **vs.** | § | Judicial Officer: | **Williams, Timothy C.** |
| **Las Vegas City of, Respondent(s)** | § | Filed on: | **07/18/2017** |
| | § | Cross-Reference Case Number: | **A758528** |
| | § | Supreme Court No.: | **77771** |

### CASE INFORMATION

**Statistical Closures**
08/22/2019 Transferred (before trial)
12/12/2018 Stipulated Judgment

Case Type: **Other Judicial Review/Appeal**

Case Status: **02/19/2020 Reopened**

| DATE | CASE ASSIGNMENT |
|---|---|

**Current Case Assignment**

| | |
|---|---|
| Case Number | A-17-758528-J |
| Court | Department 16 |
| Date Assigned | 07/18/2017 |
| Judicial Officer | Williams, Timothy C. |

### PARTY INFORMATION

| | | *Lead Attorneys* |
|---|---|---|
| **Petitioner** | **180 Land Company LLC** | **Hutchison, Mark A**<br>*Retained*<br>702-385-2500(W) |
| | **Fore Stars Ltd** | **Ghanem, Elizabeth M.**<br>*Retained*<br>7028624450(W) |
| | **Seventy Acres LLC**<br>Removed: 06/15/2020<br>Dismissed | **Ghanem, Elizabeth M.**<br>*Retained*<br>7028624450(W) |
| **Respondent** | **Las Vegas City of** | **Scott, Bryan K.**<br>*Retained*<br>702-229-6629(W) |

| DATE | EVENTS & ORDERS OF THE COURT | INDEX |
|---|---|---|

## EVENTS

07/18/2017
Petition for Judicial Review
Filed by: Petitioner 180 Land Company LLC
*[1] Petition for Judicial Review*

07/18/2017
Initial Appearance Fee Disclosure
Filed By: Petitioner 180 Land Company LLC
*[2] Initial Appearance Fee Disclosure*

07/19/2017
Summons Electronically Issued - Service Pending
Party: Petitioner 180 Land Company LLC
*[3] Summons*

09/07/2017
Notice of Association of Counsel
*[4] Notice of Association of Counsel*

09/07/2017 Petition for Judicial Review
*[5] First Amended Petition for Judicial Review and Alternative Verified Claims in Inverse Condemnation*

09/14/2017 Summons Electronically Issued - Service Pending
Party: Petitioner 180 Land Company LLC
*[6] Summons*

09/20/2017 Affidavit of Service
Filed By: Petitioner 180 Land Company LLC
*[7] Affidavit of Service (City of Las Vegas)*

10/30/2017 Motion to Dismiss
Filed By: Respondent Las Vegas City of
*[8] City of Las Vegas' Motion to Dismiss or, in the Alternative, Motion to Strike*

11/17/2017 Opposition and Countermotion
Filed By: Petitioner 180 Land Company LLC
*[9] Petitioner s Opposition To City Of Las Vegas Motion To Dismiss And Countermotion To Stay Litigation Of Alternative Inverse Condemnation Claims Until Resolution Of The Petition For Judicial Review*

12/05/2017 Stipulation and Order
*[10] Stipulation and Order to Continue Hearing on City of Las Vegas' Motion to Dismiss and Countermotion to Stay Litigation of Alternative Inverse Condemnation Claims Until Resolution of the Petition for Judicial Review*

12/06/2017 Notice of Entry of Order
*[11] Notice of Entry of Order to Continue Hearing on City of Las Vegas' Motion to Dismiss and Countermotion to Stay Litigation of Alternative Inverse Condemnation Claims Until Resolution of the Petition for Judicial Review*

12/14/2017 Stipulation and Order
Filed by: Respondent Las Vegas City of
*[12] Stipulation and Order to Extend Response Deadlines*

12/19/2017 Notice of Entry of Order
Filed By: Respondent Las Vegas City of
*[13] Notice of Entry of Stipulation and Order to Extend Response Deadlines*

12/21/2017 Reply in Support
Filed By: Respondent Las Vegas City of
*[14] City of Las Vegas' Reply in Support of its Motion to Dismiss and Opposition to Petitioner's Countermotion to Stay Litigation*

01/05/2018 Reply in Support
Filed By: Petitioner 180 Land Company LLC
*[15] Petitioner s Reply In Support Of Its Countermotion To Stay Litigation Of Alternative Inverse Condemnation Claims Until Resolution Of The Petition For Judicial Review*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[16] Transmittal of Record for Review*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[17] Transmittal of Record for Review, Volume 1 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[18] Transmittal of Record for Review, Volume 2 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[19] Transmittal of Record for Review, Volume 3 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[20] Transmittal of Record for Review, Volume 4 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[21] Transmital of Record for Review, Volume 5 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[22] Transmittal of Record for Review, Volume 6 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[23] Transmittal of Record for Review, Volume 7 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[24] Transmittal of Record for Review, Volume 8 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[25] Transmittal of Record for Review, Volume 9 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[26] Transmittal of Record for Review, Volume 10 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[27] Transmittal of Record for Review, Volume 11 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[28] Transmittal of Record for Review, Volume 12 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[29] Transmittal of Record for Review, Volume 13 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of

*[30] Transmittal of Record for Review, Volume 14 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[31] Transmittal of Record for Review, Volume 15 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[32] Transmittal of Record for Review, Volume 16 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[33] Transmittal of Record for Review, Volume 17 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[34] Transmittal of Record for Review, Volume 18 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[35] Transmittal of Record for Review, Volume 19 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[36] Transmittal of Record for Review, Volume 20 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[37] Transmittal of Record for Review, Volume 21 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[38] Transmittal of Record for Review, Volume 22 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[39] Transmittal of Record for Review, Volume 23 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[40] Transmittal of Record for Review, Volume 24 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[41] Transmittal of Record for Review, Volume 25 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[42] Transmittal of Record for Review, Volume 30*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[43] Transmittal of Record for Review, Volume 26 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[44] Transmittal of Record for Review, Volume 28*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[45] Transmittal of Record for Review, Volume 27 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[46] Transmittal of Record for Review, Volume 29 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[47] Transmittal of Record for Review, Volume 31 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[48] Transmittal of Record for Review, Volume 34 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[49] Transmittal of Record for Review, Volume 33 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[50] Transmittal of Record for Review, Volume 35 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[51] Transmittal of Record for Review, Volume 37 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[52] Transmittal of Record for Review, Volume 32 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[53] Transmittal of Record for Review, Volume 36 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[54] Transmittal of Record for Review, Volume 38 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[55] Transmittal of Record for Review, Volume 39*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[56] Transmittal of Record for Review, Volume 40 of 157*

01/18/2018 Trasmittal of Record

Filed By: Respondent Las Vegas City of
*[57] Transmittal of Record for Review, Volume 41 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[58] Transmittal of Record for Review, Volume 42 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[59] Transmittal of Record for Review, Volume 43 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[60] Transmittal of Record for Review, Volume 45 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[61] Transmittal of Record for Review, Volume 44 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[62] Transmittal of Record for Review, Volume 46 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[63] Transmittal of Record for Review, Volume 47 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[64] Transmittal of Record for Review, Volume 48 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[65] Transmittal of Record for Review, Volume 49 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[66] Transmittal of Record for Review, Volume 51 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[67] Transmittal of Record for Review, Volume 50 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[68] Transmittal of Record for Review, Volume 52 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[69] Transmittal of Record for Review, Volume 53 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[70] Transmittal of Record for Review, Volume 54 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[71] Transmittal of Record for Review, Volume 55 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[72] Transmittal of Record for Review, Volume 56 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[73] Transmittal of Record for Review, Volume 57 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[74] Transmittal of Record for Review, Volume 58 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[75] Transmittal of Record for Review, Volume 59 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[76] Transmittal of Record for Review, Volume 60 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[77] Transmittal of Record for Review, Volume 61 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[78] Transmittal of Record for Review, Volume 62 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[79] Transmittal of Record for Review, Volume 63 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[80] Transmittal of Record for Review, Volume 64 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[81] Transmittal of Record for Review, Volume 65 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[82] Transmittal of Record for Review, Volume 66 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[83] Transmittal of Record for Review, Volume 67 of 157*

01/18/2018

Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[84] Transmittal of Record for Review, Volume 69 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[85] Transmittal of Record for Review, Volume 68 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[86] Transmittal of Record for Review, Volume 71 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[87] Transmittal of Record for Review, Volume 72 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[88] Transmittal of Record for Review, Volume 70 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[89] Transmittal of Record for Review, Volume 75 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[90] Transmittal of Record for Review, Volume 74 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[91] Transmittal of Record for Review, Volume 81 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[92] Transmittal of Record for Review, Volume 83*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[93] Transmittal of Record for Review, Volume 82 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[94] Transmittal of Record for Review, Volume 76 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[95] Transmittal of Record for Review, Volume 86 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[96] Transmittal of Record for Review, Volume 77, Pages ROR016112-ROR016411*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of

*[97] Transmittal of Record for Review, Volume 78, Pages ROR016412-ROR016711*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[98] Transmittal of Record for Review, Volume 79, Pages ROR016712-ROR016871*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[99] Transmittal of Record for Review, Volume 80, Pages ROR016872-ROR017011*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[100] Transmittal of Record for Review, Volume 85, Pages ROR017912-ROR018211*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[101] Transmittal of Record for Review, Volume 87, Pages ROR018512-ROR018811*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[102] Transmittal of Record for Review, Volume 88, Pages ROR018812-ROR018971*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[103] Transmittal of Record for Review, Volume 89, Pages ROR018972-ROR019111*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[104] Transmittal of Record for Review, Volume 90, Pages ROR019112-ROR019411*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[105] Transmittal of Record for Review, Volume 91 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[106] Transmittal of Record for Review, Volume 92 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[107] Transmittal of Record for Review, Volume 93 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[108] Transmittal of Record for Review, Volume 98 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[109] Transmittal of Record for Review, Volume 100 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[110] Transmittal of Record for Review, Volume 94 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[111] Transmittal of Record for Review, Volume 97 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[112] Transmittal of Record for Review, Volume 95 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[113] Transmittal of Record for Review, Volume 96 of 157*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[114] Transmittal of Record for Review*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[115] Transmittal of Record for Review*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[116] Transmittal of Record for Review*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[117] Transmittal of Record for Review*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[118] Transmittal of Record for Review*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[119] Transmittal of Record for Review*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[120] Transmittal of Record for Review*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[121] Transmittal of Record for Review*

01/18/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[123] Transmittal of Record for Review, Volume 84, Pages ROR017612-ROR07911*

01/19/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[122] Transmittal of Record for Review, Volume 73 of 157*

01/22/2018 Trasmittal of Record

Filed By: Respondent Las Vegas City of
*[124] Transmittal Of Record For Review Volume 108 of 157, Pages ROR023912 ROR024211*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[125] Transmittal Of Record For ReviewVolume 109, Pages ROR024212 ROR024511*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[126] Transmittal of Record for Review Volume 110, Pages ROR024512 ROR024811*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[127] Transmittal of Record for Review Volume 111 of 157, Pages ROR024812 ROR025111*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[128] Transmittal of Record for Review Volume 112 of 157, Pages ROR025112 ROR025411*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[129] Transmittal of Record for Review Volume 113 of 157, Pages ROR025412 ROR025711*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[130] Transmittal of Record for Review Volume 114 of 157, Pages ROR025712 ROR025866*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[131] Transmittal Of Record For Review Volume 115 of 157, Pages ROR025867 ROR026011*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[132] Transmittal Of Record For Review Volume 116 of 157, Pages ROR026012 ROR026311*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[133] Transmittal Of Record For Review Volume 117 of 157, Pages ROR026312 ROR026461*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[134] Transmittal Of Record For Review Volume 118 of 157, Pages ROR026462 ROR026611*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[135] Transmital of Record for Review Volume 119 of 157, Pages ROR026612 ROR026791*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[136] Transmital of Record for Review Volume 120 of 157, Pages ROR026792 ROR026911*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[137] Transmittal of Record for Review Volume 121 of 157, Pages ROR026912 ROR026992*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[138] Transmittal of Record for Review Volume 122 of 157, Pages ROR026993 ROR027237*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[139] Transmittal of Record for Review Volume 123 of 157, Pages ROR027238 ROR027482*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[140] Transmittal of Record for Review Volume 124 of 157, Pages ROR027483 ROR027632*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[141] Transmittal Of Record For Review Volume 125 of 157, Pages ROR027633 ROR027727*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[142] Transmittal of Record for Review Volume 126 of 157, Pages ROR027728 ROR027972*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[143] Transmittal of Record for Review Volume 127 of 157, Pages ROR027973 ROR028102*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[144] Transmittal of Record for Review Volume 128 of 157, Pages ROR028103 ROR028217*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[145] Transmittal of Record for Review Volume 129 of 157, Pages ROR028218 ROR028462*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[146] Transmittal of Record for Review Volume 130 of 157, Pages ROR028463 ROR028707*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[147] Transmittal of Record for Review Volume 131 of 157, Pages ROR028708 ROR028952*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[148] Transmittal of Record for Review Volume 132 of 157, Pages ROR028953 ROR029197*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[149] Transmittal of Record for Review Volume 133 of 157, Pages ROR029198 ROR029442*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[150] Transmittal of Record for Review Volume 134 of 157, Pages ROR029443 ROR029687*

01/22/2018

Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[151] Transmittal of Record for Review Volume 135 of 157, Pages ROR029688 ROR029932*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[152] Transmittal of Record for Review Volume 136 of 157, Pages ROR029933 ROR030040*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[153] Transmittal of Record for Review Volume 137 of 157, Pages ROR030041 ROR030190*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[154] Transmittal of Record for Review Volume 138 of 157, Pages ROR030191 ROR030330*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[155] Transmittal of Record for Review Volume 139 of 157, Pages ROR030331 ROR030620*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[156] Transmittal of Record for Review Volume 141 of 157, Pages ROR030911 ROR031060*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[157] Transmittal of Record for Review Volume 140 of 157, Pages ROR030621 ROR030910*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[158] Transmittal of Record for Review Volume 144 of 157, Pages ROR031491 ROR031780*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[159] Transmittal of record for Review Volume 145 of 157, Pages ROR031781 ROR032070*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[160] Transmittal of Record for Review Volume 146 of 157, Pages ROR032071 ROR032360*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[161] Transmittal of Record for Review Volume 147 of 157, Pages ROR032071 ROR032360*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[162] Transmittal of Record for Review Volume 148 of 157, Pages ROR032651 ROR032800*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[163] Trasnmittal of Record for Review Volume 149 of 157, Pages ROR032801 ROR032940*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of

*[164] Transmittal of Record for Review Volume 150 of 157, Pages ROR032941 ROR033230*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[165] Transmittal of Record for Review Volume 151 of 157, Pages ROR033231 ROR033520*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[166] Transmittal of Record for Review Volume 152 of 157, Pages ROR033521 ROR033810*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[167] Transmittal of Record for Review Volume 153 of 157, Pages ROR033811 ROR034100*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[168] Transmittal of Record for Review Volume 154 of 157, Pages ROR34101 ROR034390*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[169] Transmittal of Record for Review Volume 156 of 157, Pages ROR034681 ROR034970*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[170] Transmittal of Record for Review Volume 155 of 157, Pages ROR034391 ROR034680*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[171] Transmittal of Record for Review Volume 157 of 157, Pages ROR034971 ROR035182*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[172] Transmittal of Record for Review Volume 143 of 157, Pages ROR031201 ROR031490*

01/22/2018 Trasmittal of Record
Filed By: Respondent Las Vegas City of
*[173] Transmittal of Record for Review Volume 142, Pages ROR031061 ROR031200*

02/01/2018 Order
Filed By: Petitioner 180 Land Company LLC
*[174] Order Denying Motion to Dismiss and Countermotion to Stay Litigation*

02/02/2018 Notice of Entry of Order
Filed By: Petitioner 180 Land Company LLC
*[175] Notice of Entry of Order Denying Motion to Dismiss and Countermotion to Stay Litigation*

02/05/2018 Notice
*[176] Notice of Disassociation*

02/05/2018 Answer to Complaint
Filed by: Respondent Las Vegas City of
*[177] City of Las Vegas' Answer to First Amended Petition for Judicial Review*

02/13/2018 Stipulation and Order
Filed by: Petitioner 180 Land Company LLC
*[178] Stipulation and Order to Set Briefing Schedule*

02/13/2018 Notice of Entry of Stipulation and Order
Filed By: Petitioner 180 Land Company LLC
*[179] Notice of Entry of Stipulation and Order to Set Briefing Schedule*

02/13/2018 Notice of Entry of Stipulation and Order
Filed By: Petitioner 180 Land Company LLC
*[180] Notice of Entry of Stipulation and Order to Set Briefing Schedule (Corrected)*

02/23/2018 First Amended Complaint
Filed By: Petitioner 180 Land Company LLC
*[181] First Amended Complaint Pursuant to Court Order Entered on February 2, 2018 for Severed Alternative Verified Claims in Inverse Condemnation*

02/28/2018 Amended Petition
Filed By: Petitioner 180 Land Company LLC
*[182] Second Amended Petition for Judicial Review to Sever Alternative Verified Claims in Inverse Condemnation per Court Order entered on February 1, 2018*

02/28/2018 Errata
Filed By: Petitioner 180 Land Company LLC
*[183] Errata to First Amended Complaint Pursuant to Court Order Entered on February 1, 2018 for Severed Alternative Verified Claims in Inverse Condemnation*

03/13/2018 Answer to Amended Complaint
Filed By: Respondent Las Vegas City of
*[184] City of Las Vegas' Answer to First Amended Complaint Pursuant to Court Order Entered on February 1, 2018 for Severed Alternative Verified Claims in Inverse Condemnation*

03/19/2018 Answer to Complaint
Filed by: Respondent Las Vegas City of
*[185] City of Las Vegas' Answer to Second Amended Petition for Judicial Review*

03/28/2018 Stipulation and Order
Filed by: Petitioner 180 Land Company LLC
*[186] Stipulation and Order to Extend Briefing Schedule Deadlines Relating to Petitioner's Second Amended Petition for Judicial Review*

03/28/2018 Notice of Entry of Stipulation and Order
Filed By: Petitioner 180 Land Company LLC
*[187] Notice of Entry of Stipulation and order to Extend Briefing Schedule Deadlines Relating to Petitioner's Second Amended Petition for Judicial Review*

04/02/2018 Association of Counsel
Filed By: Respondent Las Vegas City of
*[188] Association of Counsel/Notice of Appearance*

04/16/2018 Stipulation and Order
Filed by: Petitioner 180 Land Company LLC
*[189] Stipulation and Order to Extend Briefing Schedule Deadlines Relating to Petitioner's Second Amended Petition for Judicial Review [Second Request]*

04/16/2018 Notice of Entry of Stipulation and Order
Filed By: Petitioner 180 Land Company LLC
*[190] Notice of Entry of Stipulation and Order to Extend Briefing Schedule Deadlines Relating to Petitioner's Second Amended Petition for Judicial Review*

04/17/2018 Motion to Intervene
Party: Intervenor Binion, Jack B; Intervenor Lee, Duncan R; Intervenor Schreck, Frank A; Intervenor Turner Investments LTD; Intervenor Wagner, Rover P; Intervenor Love, Thomas; Intervenor Thomas, Steve; Intervenor Sullivan, Susan; Intervenor Bigler, Gregory; Intervenor Lee, Irene
*[191] Motion to Intervene on an Order Shortening Time*

04/17/2018 Petitioners Opening Brief
Filed by: Petitioner 180 Land Company LLC
*[192] Petitioner's Memorandum of Points and Authorities in support of Second Amended Petition for Judicial Review*

04/20/2018 Substitution of Attorney
Filed by: Respondent Las Vegas City of
*[193] Substitution of Counsel*

04/26/2018 Stipulation and Order
Filed by: Intervenor Binion, Jack B; Intervenor Lee, Duncan R; Intervenor Schreck, Frank A; Intervenor Turner Investments LTD; Intervenor Wagner, Rover P; Intervenor Englestad, Betty; Intervenor Pyramid Lake Holdings LLC; Intervenor Awad, Jason; Intervenor Love, Thomas; Intervenor Thomas, Steve; Intervenor Sullivan, Susan; Intervenor Bigler, Gregory; Intervenor Lee, Irene; Intervenor Wagner, Carolyn G; Intervenor Awad, Shereen; Intervenor Thomas, Karen; Intervenor Bigler, Sally; Intervenor Lee Family Trust; Intervenor Wagner Family Trust; Intervenor Betty Englestad Trust; Intervenor Awad Asset Protection Trust; Intervenor Zena Trust; Intervenor Steve and Karen Thomas Trust; Intervenor Kenneth J Sullivan Family Trust
*[194] Stipulation And Order To Continue Hearing On Motion To Intervene*

04/26/2018 Notice of Entry of Order
Filed By: Intervenor Binion, Jack B; Intervenor Lee, Duncan R; Intervenor Schreck, Frank A; Intervenor Turner Investments LTD; Intervenor Wagner, Rover P; Intervenor Englestad, Betty; Intervenor Pyramid Lake Holdings LLC; Intervenor Awad, Jason; Intervenor Love, Thomas; Intervenor Thomas, Steve; Intervenor Sullivan, Susan; Intervenor Bigler, Gregory; Intervenor Lee, Irene; Intervenor Wagner, Carolyn G; Intervenor Awad, Shereen; Intervenor Thomas, Karen; Intervenor Bigler, Sally; Intervenor Lee Family Trust; Intervenor Wagner Family Trust; Intervenor Betty Englestad Trust; Intervenor Awad Asset Protection Trust; Intervenor Zena Trust; Intervenor Steve and Karen Thomas Trust; Intervenor Kenneth J Sullivan Family Trust
*[195] Notice Of Entry Of Order*

05/02/2018 Opposition to Motion
Filed By: Petitioner 180 Land Company LLC
*[196] Petitioner's Opposition to Motion to Intervene*

05/07/2018 Motion to Extend
Party: Respondent Las Vegas City of
*[197] City of Las Vegas' Motion to Extend Briefing Schedule and Continue Hearing on 180 Land Co LLC's Second Amended Petition for Judicial Review on Order Shortening Time*

05/09/2018 Opposition
Filed By: Petitioner 180 Land Company LLC
*[198] Petitioner's Opposition to Motion to Extend Briefing Schedule and Continue Hearing*

05/09/2018 Reply
Filed by: Respondent Las Vegas City of
*[199] Reply in Support of City of Las Vegas' Motion to Extend Briefing Schedule and Continue Hearing on 180 Land Co LLC's Second Amended Petition for Judicial Review on Order Shortening Time*

06/06/2018 Stipulation and Order
Filed by: Petitioner 180 Land Company LLC
*[200] Stipulation and Order to Extend Briefing Schedule Deadlines and Continue Hearing relating to Second Amended Petition for Judicial Review*

06/08/2018 Notice of Entry
Filed By: Petitioner 180 Land Company LLC
*[201] Notice of Entry of Stipulation and Order to Extend Briefing Schedule Deadlines and Continue Hearing relating to Second Amended Petition for Judicial Review (third request)*

06/11/2018 Notice
Filed By: Intervenor Binion, Jack B
*[202] Notice of Submission of Proposed Order*

06/21/2018 Errata
Filed By: Respondent Las Vegas City of
*[203] Errata to Transmittal of Record for Review*

06/26/2018 Respondent's Answering Brief
Filed by: Respondent Las Vegas City of
*[204] City of Las Vegas' Points and Authorities in Response to Second Amended Petition for Judicial Review*

06/26/2018 Request for Judicial Notice
Filed By: Respondent Las Vegas City of
*[205] Request for Judicial Notice in Support of City of Las Vegas' Points and Authorities in Response to Second Amended Petition for Judicial Review*

06/26/2018 Appendix
Filed By: Intervenor Binion, Jack B
*[206] Appendix to Intervenors' Answering Brief*

06/26/2018 Errata
Filed By: Petitioner 180 Land Company LLC
*[207] Errata to Petitioner's Memorandum of Points and Authorities in Support of Second Amended Petition for Judicial Review*

06/26/2018 Answering Brief
Filed By: Intervenor Binion, Jack B; Intervenor Lee, Duncan R; Intervenor Schreck, Frank A; Intervenor Turner Investments LTD; Intervenor Wagner, Rover P; Intervenor Englestad, Betty; Intervenor Pyramid Lake Holdings LLC; Intervenor Awad, Jason; Intervenor Love, Thomas; Intervenor Thomas, Steve; Intervenor Sullivan, Susan; Intervenor Bigler, Gregory; Intervenor Lee, Irene; Intervenor Wagner, Carolyn G; Intervenor Awad, Shereen; Intervenor Thomas, Karen; Intervenor Bigler, Sally; Intervenor Lee Family Trust; Intervenor Wagner Family Trust; Intervenor Betty Englestad Trust; Intervenor Awad Asset Protection Trust; Intervenor Zena Trust; Intervenor Steve and Karen Thomas Trust; Intervenor Kenneth J Sullivan Family Trust
*[209] Intervenors' Answering Brief*

06/28/2018 Errata

Filed By: Respondent Las Vegas City of
*[208] City of Las Vegas' Errata to Points and Authorities in Response to Second Amended Petition for Judicial Review*

06/28/2018 Initial Appearance Fee Disclosure
Filed By: Intervenor Lee, Duncan R; Intervenor Schreck, Frank A; Intervenor Turner Investments LTD; Intervenor Wagner, Rover P; Intervenor Englestad, Betty; Intervenor Pyramid Lake Holdings LLC; Intervenor Awad, Jason; Intervenor Love, Thomas; Intervenor Thomas, Steve; Intervenor Sullivan, Susan; Intervenor Bigler, Gregory; Intervenor Lee, Irene; Intervenor Wagner, Carolyn G; Intervenor Awad, Shereen; Intervenor Thomas, Karen; Intervenor Bigler, Sally; Intervenor Lee Family Trust; Intervenor Wagner Family Trust; Intervenor Betty Englestad Trust; Intervenor Awad Asset Protection Trust; Intervenor Zena Trust; Intervenor Steve and Karen Thomas Trust; Intervenor Kenneth J Sullivan Family Trust
*[210] Initial Appearance Fee Disclosure*

06/28/2018 Order Granting Motion
Filed By: Intervenor Binion, Jack B
*[211] Order Granting Motion to Intervene*

06/28/2018 Notice of Entry of Order
Filed By: Intervenor Binion, Jack B
*[212] Notice of Entry of Order Granting Motion to Intervene*

06/28/2018 Request for Judicial Notice
Filed By: Petitioner 180 Land Company LLC
*[213] REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF PETITIONER S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF SECOND AMENDED PETITION FOR JUDICIAL REVIEW*

06/29/2018 Motion to Strike
Filed By: Petitioner 180 Land Company LLC
*[214] Emergency Motion to Strike "Errata to Transmittal of Record for Review" filed by the City of Las Vegas on June 21, 2018; Application for Order Shortening Tme*

07/02/2018 Exhibits
Filed By: Petitioner 180 Land Company LLC
*[215] Petitioner 180 Land Co LLC's Hearing Exhibits to Petition for Judicial Review*

07/13/2018 Stipulation and Order
*[216] Stipulation and Order Regarding Briefing Schedule and Hearing Date for Petitioner's Emergency Motion to Strike "Errata to Transmittal of Record of Review"*

07/17/2018 Notice of Entry of Stipulation and Order
Filed By: Petitioner 180 Land Company LLC
*[217] Notice of Entry of Stipulation and Order regarding Briefing Schedule and Hearing Date for Petitioner's Emergency Motion to Strike "Errata to Transmittal of Record for Review"*

07/17/2018 Opposition to Motion
Filed By: Respondent Las Vegas City of
*[218] City of Las Vegas' Opposition to Petitioner's Motion to Strike Errata to Transmittal of Record for Review*

07/20/2018 Reply to Opposition
Filed by: Petitioner 180 Land Company LLC
*[219] 180 Land's Reply to City of Las Vegas' Opposition to Motion to Strike*

07/31/2018 Stipulation and Order
*[220] Stipulation and Order Regarding Post-Hearing Submissions*

07/31/2018 Notice of Entry of Stipulation and Order
*[221] Notice of Entry of Stipulation and Order Regarding Post-Hearing Submissions*

07/31/2018 Reply
Filed by: Petitioner 180 Land Company LLC
*[222] Petitioner's Post-Hearing Reply Brief*

08/06/2018 Errata
*[223] Notice of Errata re Petitioner's Post-Hearing Reply Brief*

08/07/2018 Order Denying Motion
Filed By: Respondent Las Vegas City of
*[224] Order Denying Petitioner's Emergency Motion to Strike Errata to Transmittal of Record for Review*

08/07/2018 Reply
Filed by: Respondent Las Vegas City of
*[225] City of Las Vegas' Post-Hearing Sur-Reply Brief*

08/07/2018 Notice of Entry of Order
Filed By: Respondent Las Vegas City of
*[226] Notice of Entry of Order Denying Petitioner's Emergency Motion to Strike Errata to Transmittal of Record*

08/07/2018 Brief
Filed By: Intervenor Binion, Jack B
*[227] Intervenors' Post-Hearing Brief*

08/14/2018 Notice
Filed By: Petitioner 180 Land Company LLC
*[228] Notice of Lodging Proposed Findings of Fact, Conclusions of Law and Order Granting Petition for Judicial Review*

08/14/2018 Notice
Filed By: Intervenor Binion, Jack B
*[229] Notice of Submission of Proposed Findings of Fact, Conclusions of Law, and Order*

08/15/2018 Notice
Filed By: Petitioner 180 Land Company LLC
*[230] Notice of Erratum for Proposed Findings of Fact, Conclusions of Law and Order Lodged August 14, 2018*

08/17/2018 Request
Filed by: Petitioner 180 Land Company LLC
*[231] Petitioner's Request for Consideration of Additional Pleading*

08/21/2018 Request for Judicial Notice
Filed By: Petitioner 180 Land Company LLC
*[232] REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF PETITIONER S PROPOSED REPLY TO CITY OF LAS VEGAS POST-HEARING SUR-REPLY BRIEF (REQUEST FOR CONSIDERATION OF THE REPLY FILED AUGUST 17, 2018)*

08/21/2018 Errata
Filed By: Respondent Las Vegas City of
*[233] City of Las Vegas' Errata to Sur-Reply Brief and Proposed Findings of Fact and Conclusions of Law*

10/29/2018 Request for Judicial Notice
Filed By: Petitioner 180 Land Company LLC
*[234] Request for Judicial Notice*

10/29/2018 Notice
Filed By: Respondent Las Vegas City of
*[235] Notice of Submission of [Proposed] Findings of Fact and Conclusions of Law on Petition for Judicial Review*

11/06/2018 Notice
Filed By: Petitioner 180 Land Company LLC
*[236] Notice Of Submission Of [Proposed] Findings Of Fact, Conclusions Of Law And Order Denying Petition For Judicial Review*

11/21/2018 Findings of Fact, Conclusions of Law and Order
Filed By: Respondent Las Vegas City of
*[237] Findings of Fact and Conclusions of Law on Petition for Judicial Review*

11/26/2018 Notice of Entry of Findings of Fact, Conclusions of Law
Filed By: Respondent Las Vegas City of
*[238] Notice of Entry of Findings of Fact and Conclusions of Law on Petition for Judicial Review*

12/11/2018 Ex Parte Application
Party: Petitioner 180 Land Company LLC
*[239] Ex Parte Application to File Motion for Summary Judgment that Exceeds the EDCR 2.20(a) Page Limit*

12/11/2018 Appendix
Filed By: Petitioner 180 Land Company LLC
*[240] Appendix of Exhibits in Support of Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 1*

12/11/2018 Appendix
*[241] Appendix of Exhibits in Support of Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 2*

12/11/2018 Appendix
Filed By: Petitioner 180 Land Company LLC
*[242] Appendix of Exhibits in Support of Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 3*

12/11/2018 Appendix
Filed By: Petitioner 180 Land Company LLC
*[243] Appendix of Exhibits in Support of Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 7*

12/11/2018 Appendix
*[244] Appendix of Exhibits in Support of Motion for Summary Judgement on Liability for the*

*Landowners' Inverse Condemnation Claims, Vol. 16*

12/11/2018 Appendix
Filed By: Petitioner 180 Land Company LLC
*[245] Appendix of Exhibits in Support of Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 4*

12/11/2018 Appendix
*[246] Appendix of Exhibits in Support of Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 8*

12/11/2018 Appendix
Filed By: Petitioner 180 Land Company LLC
*[247] Appendix of Exhibits in Support of Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 5*

12/11/2018 Appendix
Filed By: Petitioner 180 Land Company LLC
*[248] Appendix of Exhibits in Support of Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 6*

12/11/2018 Appendix
Filed By: Petitioner 180 Land Company LLC
*[249] Appendix of Exhibits in Support of Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 9*

12/11/2018 Appendix
*[250] Appendix of Exhibits in Support of Motion Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 15*

12/11/2018 Appendix
Filed By: Petitioner 180 Land Company LLC
*[251] Appendix of Exhibits in Support of Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 10*

12/11/2018 Appendix
Filed By: Petitioner 180 Land Company LLC
*[252] Appendix of Exhibits in Support of Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 11*

12/11/2018 Appendix
Filed By: Petitioner 180 Land Company LLC
*[253] Appendix of Exhibits in Support of Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 12*

12/11/2018 Appendix
*[254] Appendix of Exhibits in Support of Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 13*

12/11/2018 Appendix
*[255] Appendix of Exhibits in Support of Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 15*

12/11/2018 Appendix
*[256] Appendix of Exhibits in Support of Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 14*

12/11/2018 Motion for Summary Judgment
Filed By: Petitioner 180 Land Company LLC
*[257] Plaintiff Landowners' Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims*

12/11/2018 Motion
Filed By: Petitioner 180 Land Company LLC
*[259] Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

12/12/2018 Order to Statistically Close Case
*[258] Civil Order to Statistically Close Case*

12/13/2018 Exhibits
Filed By: Petitioner 180 Land Company LLC
*[260] Exhibits 7 - 8 in Support of Motion for a New Trial Pursuant to NRCP 59(e) and Motion to Alter or Amend Pursuant to NRCP 52(b) and/or Reconsider the Findings of Fact and Conclusions of Law and Motion to Stay Pending Nevada Supreme Court Directives*

12/13/2018 Exhibits
Filed By: Petitioner 180 Land Company LLC
*[261] Exhibits 1 - 6 in Support of Motion for a New Trial Pursuant to NRCP 59(e) and Motion to Alter or Amend Pursuant to NRCP 52(b) and/or Reconsider the Findings of Fact and Conclusions of Law and Motion to Stay Pending Nevada Supreme Court Directives*

12/13/2018 Motion for New Trial
Filed By: Petitioner 180 Land Company LLC
*[263] Motion for a New Trial Pursuant to NRCP 59(e) and Motion to Alter or Amend Pursuant to NRCP 52(b) and/or Reconsider the Findings of Fact and Conclusions of Law and Motion to Stay Pending Nevada Supreme Court Directives*

12/14/2018 Supplement
Filed by: Petitioner 180 Land Company LLC
*[262] Supplement to: Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

12/14/2018 Exhibits
Filed By: Petitioner 180 Land Company LLC
*[264] Exhibit 5 - Supplement to: Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

12/14/2018 Exhibits
Filed By: Petitioner 180 Land Company LLC
*[265] Exhibit 6 - Supplement to: Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

12/14/2018 Exhibits
Filed By: Petitioner 180 Land Company LLC
*[266] Exhibit 7 - Supplement to: Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

12/14/2018 Exhibits
*[267] Exhibit 8 - Supplement to: Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

12/14/2018 Exhibits
Filed By: Petitioner 180 Land Company LLC
*[268] Exhibit 9 - Support to: Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

12/14/2018 Exhibits
Filed By: Petitioner 180 Land Company LLC
*[269] Exhibit 11 - Supplement to: Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

12/14/2018 Exhibits
Filed By: Petitioner 180 Land Company LLC
*[270] Exhibit 12 - Supplement to: Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation*

12/14/2018 Exhibits
Filed By: Petitioner 180 Land Company LLC
*[271] Exhibit 10 - Supplement to: Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

12/14/2018 Exhibits
Filed By: Petitioner 180 Land Company LLC
*[272] Exhibit 13 - Supplement to: Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

12/14/2018 Exhibits
Filed By: Petitioner 180 Land Company LLC
*[273] Exhibit 14 - Supplement to: Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

12/14/2018 Exhibits
Filed By: Petitioner 180 Land Company LLC
*[274] Exhibit 16 - Supplement to: Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

12/14/2018 Exhibits
Filed By: Petitioner 180 Land Company LLC
*[275] Exhibit 15 - Supplement to: Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

12/14/2018 Exhibits
Filed By: Petitioner 180 Land Company LLC
*[276] Exhibit 17 - Supplement to: Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

12/14/2018 Exhibits
Filed By: Petitioner 180 Land Company LLC
*[277] Exhibit 19 - Supplement to: Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

12/14/2018 Exhibits
Filed By: Petitioner 180 Land Company LLC
*[278] Exhibit 18 - Supplement to: Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

12/14/2018 Exhibits

Filed By: Petitioner 180 Land Company LLC
*[279] Exhibit 20 - Supplement to: Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

12/17/2018 Opposition to Motion
Filed By: Petitioner 180 Land Company LLC
*[280] Plaintiff Landowners' Opposition to the City's Motion to Strike Plaintiffs' Motion for Summary Judgment on Liability for The Landowners' Inverse Condemnation Claims on Order Shortening Time*

12/20/2018 Notice of Appeal
Filed By: Petitioner 180 Land Company LLC
*[281] Notice of Appeal*

12/20/2018 Case Appeal Statement
Filed By: Petitioner 180 Land Company LLC
*[282] Case Appeal Statement*

12/21/2018 Motion to Strike
Filed By: Respondent Las Vegas City of
*[283] Motion to Strike Plaintiffs' Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims on Order Shortening Time*

12/27/2018 Joinder To Motion
Filed By: Intervenor Binion, Jack B; Intervenor Lee, Duncan R; Intervenor Schreck, Frank A; Intervenor Turner Investments LTD; Intervenor Wagner, Rover P; Intervenor Englestad, Betty; Intervenor Pyramid Lake Holdings LLC; Intervenor Awad, Jason; Intervenor Love, Thomas; Intervenor Thomas, Steve; Intervenor Sullivan, Susan; Intervenor Bigler, Gregory; Intervenor Lee, Irene; Intervenor Wagner, Carolyn G; Intervenor Awad, Shereen; Intervenor Thomas, Karen; Intervenor Bigler, Sally; Intervenor Lee Family Trust; Intervenor Wagner Family Trust; Intervenor Betty Englestad Trust; Intervenor Awad Asset Protection Trust; Intervenor Zena Trust; Intervenor Steve and Karen Thomas Trust; Intervenor Kenneth J Sullivan Family Trust
*[284] Joinder to Motion to Strike Plaintiffs' Motion For Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims*

01/02/2019 Notice of Filing Cost Bond
Filed By: Petitioner 180 Land Company LLC
*[285] Notice of Filing Cost Bond*

01/07/2019 Opposition to Motion
Filed By: Respondent Las Vegas City of
*[286] City of Las Vegas' Opposition to Motion for a New Trial Pursuant to NRCP 59(e) and Motion to Alter or Amend Pursuant to NRCP 52(b) and/or Reconsider the Findings of Fact and Conclusions of Law and Motion to Stay Pending Nevada Supreme Court Directives*

01/07/2019 Opposition to Motion
Filed By: Respondent Las Vegas City of
*[287] City of Las Vegas' Opposition to Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

01/07/2019 Opposition to Motion
Filed By: Intervenor Binion, Jack B; Intervenor Lee, Duncan R; Intervenor Schreck, Frank A; Intervenor Turner Investments LTD; Intervenor Wagner, Rover P; Intervenor Englestad, Betty; Intervenor Pyramid Lake Holdings LLC; Intervenor Awad, Jason; Intervenor Love, Thomas; Intervenor Thomas, Steve; Intervenor Sullivan, Susan; Intervenor Bigler, Gregory; Intervenor Lee, Irene; Intervenor Wagner, Carolyn G; Intervenor Awad, Shereen; Intervenor Thomas, Karen; Intervenor Bigler, Sally; Intervenor Lee Family

Trust; Intervenor Wagner Family Trust; Intervenor Betty Englestad Trust; Intervenor Awad Asset Protection Trust; Intervenor Zena Trust; Intervenor Steve and Karen Thomas Trust; Intervenor Kenneth J Sullivan Family Trust
*[288] Opposition to Motion for A New Trial Pursuant to NRCP 59(e); Motion to Alter or Amend Pursuant to NRCP 52(b) and/or Reconsideration the Findings of Fact and Conclusions of Law; and Motion to Stay Pending Nevada Supreme Court Directives*

01/09/2019 Joinder to Opposition to Motion
Filed by: Intervenor Binion, Jack B; Intervenor Lee, Duncan R; Intervenor Schreck, Frank A; Intervenor Turner Investments LTD; Intervenor Wagner, Rover P; Intervenor Englestad, Betty; Intervenor Pyramid Lake Holdings LLC; Intervenor Awad, Jason; Intervenor Love, Thomas; Intervenor Thomas, Steve; Intervenor Sullivan, Susan; Intervenor Bigler, Gregory; Intervenor Lee, Irene; Intervenor Wagner, Carolyn G; Intervenor Awad, Shereen; Intervenor Thomas, Karen; Intervenor Bigler, Sally; Intervenor Lee Family Trust; Intervenor Wagner Family Trust; Intervenor Betty Englestad Trust; Intervenor Awad Asset Protection Trust; Intervenor Zena Trust; Intervenor Steve and Karen Thomas Trust; Intervenor Kenneth J Sullivan Family Trust
*[289] Joinder to City of Las Vegas' Opposition to Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

01/10/2019 Stipulation and Order
Filed by: Respondent Las Vegas City of
*[290] Stipulation and Order re Briefing Schedule re Petitioner's Motion for a New Trial Pursuant to NRCP 59(E) and Motion to Alter or Amend Pursuant to NRCP 52(B) and/or Reconsider the Findings of Fact and Conclusions of Law and Motion to Stay Pending Nevada Supreme Court Directives*

01/10/2019 Notice of Entry of Order
*[291] Notice of Entry of Stipulation and Order re Briefing Schedule re Petitioner's Motion for a New Trial Pursuant to NRCP 59(E) and Motion to Alter or Amend Pursuant to NRCP 52(B) and/or Reconsider the Findings of Fact and Conclusions of Law and Motion to Stay Pending Nevada Supreme Court Directives*

01/10/2019 Reply in Support
Filed By: Respondent Las Vegas City of
*[292] Reply in Support of Motion to Strike Plaintiffs' Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims*

01/10/2019 Stipulation and Order
Filed by: Respondent Las Vegas City of
*[293] Stipulation and Order Re: City of Las Vegas' Motion to Strike Plaintiffs' Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims and Plaintiffs' Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims*

01/10/2019 Stipulation and Order
Filed by: Respondent Las Vegas City of
*[295] Stipulation and Order re Briefing Schedule and Hearing Date re Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

01/11/2019 Notice of Entry of Stipulation and Order
Filed By: Respondent Las Vegas City of
*[294] Notice of Entry of Stipulation and Order re City of Las Vegas' Motion to Strike Plaintiffs' Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims and Plaintiffs' Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims*

01/11/2019 Notice of Entry of Stipulation and Order

Filed By: Respondent Las Vegas City of
*[296] Notice of Entry of Stipulation and Order re Briefing Schedule and Hearing Date re Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*

01/14/2019 Reply
Filed by: Petitioner 180 Land Company LLC
*[297] Reply Re: Plaintiff Landowners' Request for Rehearing / Reconsideration of Order / Judgment Dismissing Inverse Condemnation Claims*

01/14/2019 Reply
Filed by: Petitioner 180 Land Company LLC
*[298] Petitioner's Omnibus Reply in Support of Motion for New Trial Pursuant to NRCP 59(e) and Motion to Alter or Amend Pursuant to NRCP 52(b) and/or Reconsider the Findings of Fact and Conclusions of Law and Motion to Stay Pending Nevada Supreme Court Directives*

01/29/2019 Demand for Jury Trial
Filed By: Petitioner 180 Land Company LLC
*[299] Demand for Jury Trial*

02/06/2019 Order Nunc Pro Tunc
Filed By: Petitioner 180 Land Company LLC
*[300] Order Nunc Pro Tunc Regarding Findings of Fact and Conclusion of Law Entered November 21, 2018*

02/06/2019 Notice of Entry of Order
Filed By: Petitioner 180 Land Company LLC
*[301] Notice of Entry of Order Nunc Pro Nunc Regarding Findings of Fact and Conclusion of Law Entered November 21, 2018*

02/13/2019 Motion for Judgment
Filed By: Respondent Las Vegas City of
*[302] City of Las Vegas' Motion for Judgment on the Pleadings on Developer's Inverse Condemnation Claims*

03/04/2019 Ex Parte Application
Party: Petitioner 180 Land Company LLC
*[303] Ex Parte Application to File Motion for Judicial Determination of Liability that Exceeds the EDCR 2.20(a) Page Limit*

03/04/2019 Opposition and Countermotion
*[304] Plaintiff Landowners' Opposition to City's Motion for Judgment on the Pleadings on Developer's Inverse Condemnation Claims and Countermotion for Judicial Determination of Liability on the Landowners' Condemnation Claims and Countermotion to Supplement/Amend the Pleading, If Required*

03/04/2019 Appendix
Filed By: Petitioner 180 Land Company LLC
*[305] Supplemental Appendix of Exhibits in Support of Plaintiff Landowners' Opposition to City's Motion for Judgment on the Pleadings on Developer's Inverse Condemnation Claims and Countermotion for Judicial Determination of Liability on the Landowners' Inverse Condemnation Claims and Countermotion to Supplement/Amend the, if Required*

03/08/2019 Motion
Filed By: Petitioner 180 Land Company LLC
*[306] Plaintiff Landowners' Motion to Estop the City's Private Attorney from Making the Major Modification Argument or for an Order to Show Cause Why the Argument May Proceed*

*in this Matter on Order Shortening Time*

03/08/2019 Appendix
Filed By: Petitioner 180 Land Company LLC
*[307] Supplement to Appendix of Exhibits in Support of Plaintiff Landowners' Motion to Estop the City's Private Attorney from Making the Major Modification Argument or for an Order to Show Cause Why the Argument May Proceed in this Matter on Order Shortening Time, Vol. 17*

03/11/2019 Order Granting
Filed By: Petitioner 180 Land Company LLC
*[308] (Proposed) Order Granting Ex Parte Application to File Motion for Judicial Determination of Liability in Excess of 30 Pages*

03/11/2019 Notice of Entry of Order
Filed By: Petitioner 180 Land Company LLC
*[309] Notice of Entry of Order Granting Ex Parte Application to File Motion for Judicial Determination of Liability in Excess of 30 Pages*

03/14/2019 Reply
Filed by: Respondent Las Vegas City of
*[310] City of Las Vegas' Reply in Support of Motion for Judgment on the Pleadings on Developer's Inverse Condemnation Claims*

03/18/2019 Opposition to Motion
Filed By: Respondent Las Vegas City of
*[311] City of Las Vegas' Opposition to Plaintiff Landowners' Countermotion for Judicial Determination of Liability on the Landowners' Inverse Condemnation Claims and Countermotion to Supplement/Amend the Pleadings, if Required*

03/18/2019 Opposition to Motion
Filed By: Respondent Las Vegas City of
*[312] City of Las Vegas' Opposition to Plaintiff Landowners' Motion to Estop the City's Private Attorney from Making the Major Modification Argument or for an Order to Show Cause Why the Argument May Proceed in this Matter on Order Shortening Time*

03/21/2019 Reply in Support
Filed By: Petitioner 180 Land Company LLC
*[313] Reply in Support of Plaintiff Landowners' Motion to Estop the City's Private Attorney for Making the Major Modification Argument or for an Order to Show Cause Why the Argument May Proceed in this Matter on Order Shortening Time*

03/21/2019 Reply in Support
Filed By: Petitioner 180 Land Company LLC
*[314] Landowners' Reply in Support of Countermotion for Judicial Determination of Liability on the Landowners' Inverse Condemnation Claims and Countermotion to Supplement/Amend the Pleadings, if Required*

03/21/2019 Appendix
Filed By: Petitioner 180 Land Company LLC
*[315] Supplement to Appendix of Exhibits in Support of Landowners' Reply in Support of Countermoption for Judicial Determination of Liability on the Landowners' Inverse Condemnation Claims and Countermotion to Supplement/Amend the Pleadings, if Required*

03/21/2019 Opposition to Motion
Filed By: Intervenor Binion, Jack B; Intervenor Lee, Duncan R; Intervenor Schreck, Frank A; Intervenor Turner Investments LTD; Intervenor Wagner, Rover P; Intervenor Englestad, Betty; Intervenor Pyramid Lake Holdings LLC; Intervenor Awad, Jason; Intervenor Love,

Thomas; Intervenor Thomas, Steve; Intervenor Sullivan, Susan; Intervenor Bigler, Gregory; Intervenor Lee, Irene; Intervenor Wagner, Carolyn G; Intervenor Awad, Shereen; Intervenor Thomas, Karen; Intervenor Bigler, Sally; Intervenor Lee Family Trust; Intervenor Wagner Family Trust; Intervenor Betty Englestad Trust; Intervenor Awad Asset Protection Trust; Intervenor Zena Trust; Intervenor Steve and Karen Thomas Trust; Intervenor Kenneth J Sullivan Family Trust
*[316] Opposition To Plaintiff Landowners' Motion To Estop The City's Private Attorney From Making The Major Modification Argument Or For An Order To Show Cause Why The Argument May Proceed In This Matter On Order Shortening Time*

03/21/2019 Reply
Filed by: Petitioner 180 Land Company LLC
*[317] Plaintiff Landowners' Reply and Request to Strike Neighbors' Opposition to Motion to Estop the City's Private Attorney from Making the Major Modification Argument or for an Order to Show Cause Why the Argument May Proceed in this Matter on Order Shortening Time as a Fugitive Document*

03/25/2019 Miscellaneous Filing
Filed by: Petitioner 180 Land Company LLC
*[318] Submittal of Powerpoint Slides*

04/23/2019 Motion to Stay
Filed By: Respondent Las Vegas City of
*[319] City of Las Vegas' Motion to Stay Proceedings Pending Resolution of Writ Petition to the Nevada Supreme Court on Order Shortening Time*

05/07/2019 Reporters Transcript
*[320] Court Reporters transcript of Proceedings (Civil) 1-22-19*

05/07/2019 Reporters Transcript
*[321] Court Reporters transcript of Proceedings (Civil) 5-8-18*

05/07/2019 Reporters Transcript
*[322] Court Reporters transcript of Proceedings (Civil) 7-25-18*

05/07/2019 Reporters Transcript
*[323] Court Reporters transcript of Proceedings (Civil) 1-11-18*

05/07/2019 Opposition and Countermotion
Filed By: Petitioner 180 Land Company LLC
*[324] Opposition to the City of Las Vegas' Motion to Stay Proceedings Pending Resolution of Writ Petition to the Nevada Supreme Court on Order Shortening Time and Countermotion for Nunc Pro Tunc Order*

05/07/2019 Findings of Fact, Conclusions of Law and Order
*[325] Findings of Fact and Conclusions of Law Regarding Plaintiff's Motion for a New Trial, Mtn to Alter or Amend*

05/08/2019 Notice of Entry of Findings of Fact, Conclusions of Law
*[326] Notice of Entry of Findings of Fact and Conclusions of Law*

05/10/2019 Reply
Filed by: Respondent Las Vegas City of
*[327] Reply in Support of City of Las Vegas Motion to Stay Proceedings Pending Resolution of Writ Petition to the Nevada Supreme Court on Order Shortening Time and Opposition to Countermotion for Nunc Pro Tunc Order*

05/13/2019 Joinder to Opposition to Motion
Filed by: Intervenor Binion, Jack B; Intervenor Lee, Duncan R; Intervenor Schreck, Frank A; Intervenor Turner Investments LTD; Intervenor Wagner, Rover P; Intervenor Englestad, Betty; Intervenor Pyramid Lake Holdings LLC; Intervenor Awad, Jason; Intervenor Love, Thomas; Intervenor Thomas, Steve; Intervenor Sullivan, Susan; Intervenor Bigler, Gregory; Intervenor Lee, Irene; Intervenor Wagner, Carolyn G; Intervenor Awad, Shereen; Intervenor Thomas, Karen; Intervenor Bigler, Sally; Intervenor Lee Family Trust; Intervenor Wagner Family Trust; Intervenor Betty Englestad Trust; Intervenor Awad Asset Protection Trust; Intervenor Zena Trust; Intervenor Steve and Karen Thomas Trust; Intervenor Kenneth J Sullivan Family Trust
*[328] Joinder to the City of Las Vegas' Opposition to Countermotion for Nunc Pro Tunc Order*

05/14/2019 Reply
Filed by: Petitioner 180 Land Company LLC
*[329] Landowners' Reply Re: Countermotion for Nunc Pro Nunc Order*

05/15/2019 Order
*[330] Order Granting the Landowners' Countermotion to Amend/Supplement the Pleadings; Denying the City's Motion for Judgment on the Pleadings on Developer's Inverse Condemnation Claims; and Denying the Landowners' Countermotion for Judicial Determination of Liability on the Landowners' Inverse Condemnation Claims*

05/15/2019 Notice of Entry of Order
Filed By: Petitioner 180 Land Company LLC
*[331] Notice of Entry of Order Granting the Landowners' Countermotion to Amend/Supplement the Pleadings; Denying the City's Motion for Judgment on the Pleadings on Developer's Inverse Condemnation Claims; and Denying Landowners' Countermotion for Judicial Determination of Liability on the Landowners' Inverse Condemnation Claims*

05/15/2019 Amended Complaint
Filed By: Petitioner 180 Land Company LLC
*[332] Second Amendment and First Supplement to Complaint for Severed Alternative Verified Claims in Inverse Condemnation*

05/16/2019 Order
*[333] Order re April 2, 2019 NRCP 16 Conference*

05/17/2019 Notice of Entry of Order
*[334] Notice of Entry of Order*

05/17/2019 Notice
Filed By: Respondent Las Vegas City of
*[335] Notice of Filing of Petition for Writ of Mandamus, or in the Alternative, Writ of Prohibition and Emergency Motion Under NRAP 27(e) for Stay in the Nevada Supreme Court*

05/19/2019 Reporters Transcript
*[336] Court Reporters transcript of Proceedings (Civil) 5-15-19*

05/20/2019 Certificate of Service
Filed by: Respondent Las Vegas City of
*[337] Certificate of Service*

05/21/2019 NV Supreme Court Clerks Certificate/Judgment - Dismissed
*[338] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed*

05/23/2019 Certificate of Service
Filed by: Petitioner 180 Land Company LLC
*[339] Certificate of Service*

06/05/2019 Change of Address
Filed By: Respondent Las Vegas City of
*[340] Notice of Change of Firm Affiliation and Contact Information*

06/13/2019 Case Conference Report
Filed By: Petitioner 180 Land Company LLC
*[341] Landowners' Individual Case Conference Report*

06/18/2019 Answer to Amended Complaint
Filed By: Respondent Las Vegas City of
*[342] City of Las Vegas' Answer to Plaintiff 180 Land Company's Second Amendment and First Supplement to Complaint for Severed Alternative Verified Claims in Inverse Condemnation*

06/27/2019 Individual Case Conference Report
Filed By: Respondent Las Vegas City of
*[343] Individual Case Conference Report*

06/28/2019 Errata
Filed By: Respondent Las Vegas City of
*[344] Errata to Notice of Change of Firm Affiliation and Contact Information*

07/16/2019 Status Report
Filed By: Respondent Las Vegas City of
*[345] The City of Las Vegas' Status Report for the July 23, 2019 Status Check*

07/16/2019 Status Report
Filed By: Petitioner 180 Land Company LLC
*[346] Status Report*

08/07/2019 Motion
Filed By: Petitioner 180 Land Company LLC
*[347] Plaintiff Landowners' Motion on the Procedure to Determine Liability in an Inverse Condemnation Proceeding*

08/08/2019 Notice of Hearing
Filed By: Petitioner 180 Land Company LLC
*[348] Notice of Hearing Re: Plaintiff Landowners Motion on the Procedure to Determine Liability in an Inverse Condemnation Proceeding*

08/08/2019 Clerk's Notice of Hearing
*[349] Clerk's Notice of Hearing*

08/09/2019 Notice of Rescheduling of Hearing
*[350] Notice of Rescheduling Hearing*

08/15/2019 Application for Issuance of Commission to Take Deposition
*[351] Application for Issuance of Commission to Take Out-Of-State Deposition of Clyde Spitze*

08/15/2019 Commission Issued

Filed by: Respondent Las Vegas City of
*[352] Commission to Take Out-Of-State Deposition of Clyde Spitze*

08/22/2019 Removal to Federal Court
Filed by: Respondent Las Vegas City of
*[353] Notice to State Court of Removal to the United States District Court*

02/19/2020 Order of Remand from Federal Court
*[354] Order*

02/26/2020 Motion to Compel
Filed By: Respondent Las Vegas City of
*[355] The City of Las Vegas' Motion to Compel Discovery*

02/26/2020 Clerk's Notice of Hearing
*[356] Notice of Hearing*

03/04/2020 Notice of Hearing
*[357] Notice of Hearing*

03/12/2020 Opposition to Motion to Compel
Filed By: Petitioner 180 Land Company LLC
*[358] Plaintiffs' Opposition to Defendant City of Las Vegas' Motion to Compel Discovery*

03/13/2020 Notice of Appearance
Party: Petitioner 180 Land Company LLC
*[359] Notice of Appearance*

03/13/2020 Notice of Association of Counsel
*[360] Notice of Association of Counsel*

03/16/2020 Motion to Associate Counsel
Filed By: Respondent Las Vegas City of
*[361] Motion to Associate Lauren Mary Tarpey (Hearing Requested)*

03/16/2020 Motion to Associate Counsel
Filed By: Respondent Las Vegas City of
*[362] Motion to Associate Andrew William Schwartz (Hearing Requested)*

03/17/2020 Clerk's Notice of Hearing
*[363] Notice of Hearing*

03/23/2020 Application for Issuance of Commission to Take Deposition
Party: Respondent Las Vegas City of
*[364] Application for Issuance of Commission to Take Out-of-State Deposition of Robert C. Weed, Jr.*

03/23/2020 Commission Issued
Filed by: Respondent Las Vegas City of
*[365] Commission to Take Out-of-State Deposition of Robert C. Weed, Jr.*

03/25/2020 Reply in Support
Filed By: Respondent Las Vegas City of

*[366] The City of Las Vegas Reply in Support of its Motion to Compel Discovery*

03/27/2020 Notice of Appearance
Party: Petitioner 180 Land Company LLC
*[367] Notice of Appearance*

03/30/2020 Status Report
Filed By: Respondent Las Vegas City of
*[368] The City of Las Vegas' Status Report Submitted in Advance of April 1, 2020 Status Conference*

03/30/2020 Appendix
Filed By: Respondent Las Vegas City of
*[369] Appendix to the City of Las Vegas' Status Report for the April 1, 2020 Status Check*

03/31/2020 Status Report
Filed By: Petitioner 180 Land Company LLC
*[370] Status Report for April 1, 2020 Status Conference*

04/03/2020 Order Granting Motion
Filed By: Respondent Las Vegas City of
*[371] Order Granting Motion to Associate Lauren Mary Tarpey*

04/03/2020 Order Granting Motion
*[372] Order Granting Motion to Associate Andrew William Schwartz*

04/03/2020 Notice of Entry of Order
Filed By: Respondent Las Vegas City of
*[373] Notice of Entry of Order Granting Motion to Associate Andrew William Schwartz*

04/03/2020 Notice of Entry of Order
Filed By: Respondent Las Vegas City of
*[374] Notice of Entry of Order Granting Motion to Associate Lauren Mary Tarpey*

04/24/2020 Clerk's Notice of Nonconforming Document
*[375] Clerk's Notice of Nonconforming Document*

04/28/2020 Motion to Dismiss
*[376] Plaintiff's Motion to Dismiss Seventy Acres LLC on Order Shortening Time*

05/12/2020 Opposition to Motion
Filed By: Respondent Las Vegas City of
*[377] City of Las Vegas' Opposition to Seventy Acres, LLC's Motion to Dismiss Seventy Acres, LLC on Order Shortening Time*

05/12/2020 Appendix
Filed By: Respondent Las Vegas City of
*[378] Appendix of Exhibits to City of Las Vegas' Opposition to Seventy Acres, LLC's Motion to Dismiss Seventy Acres, LLC on Order Shortening Time - Volume 1*

05/12/2020 Appendix
Filed By: Respondent Las Vegas City of
*[379] Appendix of Exhibits to City of Las Vegas' Opposition to Seventy Acres, LLC's Motion to Dismiss Seventy Acres, LLC on Order Shortening Time - Volume 2*

05/12/2020 Appendix
Filed By: Respondent Las Vegas City of
*[380] Appendix of Exhibits to City of Las Vegas' Opposition to Seventy Acres, LLC's Motion to Dismiss Seventy Acres, LLC on Order Shortening Time - Volume 3*

05/12/2020 Appendix
Filed By: Respondent Las Vegas City of
*[381] Appendix of Exhibits to City of Las Vegas' Opposition to Seventy Acres, LLC's Motion to Dismiss Seventy Acres, LLC on Order Shortening Time - Volume 4*

05/13/2020 Status Report
Filed By: Respondent Las Vegas City of
*[382] The City of Las Vegas Status Report Submitted in Advance of the May 14, 2020 Status Conference*

05/13/2020 Status Report
*[383] Status Report for May 14, 2020, Status Conference*

05/13/2020 Recorders Transcript of Hearing
*[384] Recorders Transcript of Hearing - The City of Las Vegas' Motion to Compel Discovery*

05/13/2020 Reply in Support
Filed By: Petitioner 180 Land Company LLC
*[385] Plaintiffs' Reply in Support of Motion to Dismiss Seventy Acres LLC on Order Shortening Time*

05/14/2020 Notice of Withdrawal of Attorney
Filed by: Respondent Las Vegas City of
*[386] Notice of Withdrawal as Counsel for Defendant City of Las Vegas*

06/10/2020 Status Report
Filed By: Respondent Las Vegas City of
*[387] The City of Las Vegas Status Report for June 11, 2020 Status Conference*

06/10/2020 Status Report
Filed By: Petitioner 180 Land Company LLC
*[388] Status Report for June 11, 2020 Status Conference*

06/15/2020 Order Granting Motion
*[389] Order Grantingn Plaintiffs' Motion to Dismiss Seventy Acres LLC on Order Shortening Time and Order Re Status Check*

06/15/2020 Notice of Entry of Order
Filed By: Petitioner 180 Land Company LLC
*[390] Notice of Entry of Order Granting Plaintiffs' Motion to Dismiss Seventy Acres LLC on Order Shortening Time and Order Re Status Check*

07/07/2020 Discovery Commissioners Report and Recommendations
*[391] Discovery Commissioner s Report and Recommendations -Originals*

07/08/2020 Status Report
*[392] Status Report for July 11, 2020, Status Conference*

07/08/2020 Errata
Filed By: Petitioner 180 Land Company LLC
*[393] Errata and Correction to Status Report for July 9, 2020, Status Conference*

07/08/2020 Status Report
Filed By: Respondent Las Vegas City of
*[394] The City of Las Vegas Status Report for July 9, 2020 Status Conference*

07/10/2020 Objection to Discovery Commissioners Report and Recommend
Filed By: Respondent Las Vegas City of
*[395] The City of Las Vegas Objection to the Discovery Commissioner s Report and Recommendations*

07/10/2020 Appendix
Filed By: Respondent Las Vegas City of
*[396] Appendix of Exhibits to the City of Las Vegas Objection to the Discovery Commissioner s Report and Recommendations*

07/10/2020 Errata
Filed By: Respondent Las Vegas City of
*[397] Errata to Appendix of Exhibits to the City of Las Vegas' Objection to the Discovery Commissioner's Report and Recommendation*

07/16/2020 Notice of Entry of Order
Filed By: Respondent Las Vegas City of
*[398] Notice of Entry of Order Granting The City of Las Vegas Request for the District Court to Decide All Discovery Disputes*

07/16/2020 Order Granting
Filed By: Respondent Las Vegas City of
*[399] Order Granting the City of Las Vegas' Request for the District Court to Decide All Discovery Disputes*

07/20/2020 Scheduling and Trial Order
*[400] Scheduling Order and Order Setting Civil Jury Trial, Pre-Trial/Calendar Call*

07/23/2020 Response
Filed by: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[401] Plaintiffs' Response to Defendant City of Las Vegas' Objection to DCRR*

07/24/2020 Order
*[402] Order re Discovery Commissioner's Report and Recommendations*

07/31/2020 Motion to Compel
Filed By: Respondent Las Vegas City of
*[403] The City of Las Vegas Motion to Compel and For an Order to Show Cause*

08/03/2020 Certificate of Service
Filed by: Respondent Las Vegas City of
*[404] Certificate of Service re: The City of Las Vegas Motion to Compel and for an Order to Show Cause*

08/04/2020 Clerk's Notice of Hearing
*[405] Notice of Hearing*

08/04/2020 Certificate of Service
Filed by: Respondent Las Vegas City of
*[406] Certificate of Service re: Notice of Hearing re The City of Las Vegas Motion to Compel and for an Order to Show Cause*

08/04/2020 Motion
Filed By: Petitioner 180 Land Company LLC
*[407] Plaintiff Landowners' Motion to Determine "Property Interest"*

08/06/2020 Clerk's Notice of Nonconforming Document
*[408] Clerk's Notice of Nonconforming Document*

08/07/2020 Clerk's Notice of Nonconforming Document and Curative Action
*[409] Clerk's Notice of Curative Action*

08/07/2020 Stipulation and Order
Filed by: Petitioner 180 Land Company LLC
*[410] STIPULATION AND ORDER TO EXTEND DISCOVERY [FIRST REQUEST]*

08/10/2020 Notice of Entry of Stipulation and Order
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[411] Notice of Entry of Stipulation and Order to Extend Discovery*

08/10/2020 Clerk's Notice of Hearing
*[412] Clerk's Notice of Hearing*

08/14/2020 Opposition to Motion to Compel
Filed By: Petitioner 180 Land Company LLC
*[413] Plaintiffs' Opposition to Defendant City of Las Vegas' Motion to Compel and for an Order to Show Cause*

08/18/2020 Status Report
Filed By: Respondent Las Vegas City of
*[414] The City of Las Vegas Status Report for August 19, 2020 Status Conference*

08/18/2020 Opposition to Motion
Filed By: Respondent Las Vegas City of
*[415] City s Opposition to Motion to Determine Property Interest*

08/18/2020 Appendix
Filed By: Respondent Las Vegas City of
*[416] Appendix of Exhibits to City s Opposition to Motion To Determine Property Interest Volume 1*

08/18/2020 Appendix
Filed By: Respondent Las Vegas City of
*[417] Appendix of Exhibits to City s Opposition to Motion To Determine Property Interest Volume 2, Part 1*

08/18/2020 Appendix
Filed By: Respondent Las Vegas City of
*[418] Appendix of Exhibits to City s Opposition to Motion To Determine Property Interest Volume 2, Part 2*

08/18/2020 Appendix
Filed By: Respondent Las Vegas City of
*[419] Appendix of Exhibits to City s Opposition to Motion To Determine Property Interest Volume 3*

08/18/2020 Appendix
Filed By: Respondent Las Vegas City of
*[420] Appendix of Exhibits to City s Opposition to Motion To Determine Property Interest Volume 4*

08/24/2020 Supplement to Opposition
Filed By: Petitioner 180 Land Company LLC
*[421] Supplement to Plaintiffs' Opposition to Defendant City of Las Vegas' Motion to Compel and for Order to Show Cause*

08/26/2020 Stipulation and Order to Extend Discovery Deadlines
Filed By: Petitioner 180 Land Company LLC
*[422] Stipulation and Order to Extend Discovery [Second Request]*

08/26/2020 Notice of Entry of Stipulation and Order
Filed By: Petitioner 180 Land Company LLC
*[423] Notice of Entry of Stipulation and Order to Extend Discovery [Second Request]*

08/31/2020 Amended Order Setting Jury Trial
*[424] AMENDED ORDER SETTING CIVIL JURY TRIAL, PRE-TRIAL/CALENDAR CALL*

09/02/2020 Reply in Support
Filed By: Respondent Las Vegas City of
*[425] The City of Las Vegas' Reply in Support of its Motion to Compel and for an Order to Show Cause*

09/08/2020 Status Report
Filed By: Respondent Las Vegas City of
*[426] The City of Las Vegas' Status Report for September 9, 2020 Status Conference*

09/09/2020 Reply in Support
Filed By: Petitioner 180 Land Company LLC
*[427] Reply in Support of Plaintiff Landowners' Motion to Determine "Property Interest"*

09/09/2020 Appendix
Filed By: Petitioner 180 Land Company LLC
*[428] Appendix of Exhibits to Reply in Support of Plaintiff Landowners' Motion to Determine "Property Interest", Volume 1*

10/02/2020 Notice
Filed By: Respondent Las Vegas City of
*[429] Notice of Submission of the City of Las Vegas Proposed Order Granting Motion to Determine Property Interest*

10/07/2020 Order Granting Motion
*[430] ORDER GRANTING THE CITY OF LAS VEGAS MOTION TO COMPEL AND FOR AN ORDER TO SHOW CAUSE*

10/07/2020 Notice of Entry of Order

Filed By: Respondent Las Vegas City of
*[431] Notice of Entry of Order Granting the City of Las Vegas' Motion to Compel and for an Order to Show Cause*

10/08/2020 Order
Filed By: Respondent Las Vegas City of
*[432] Order Directing the Parties to Meet and Confer*

10/08/2020 Notice of Entry of Order
Filed By: Respondent Las Vegas City of
*[433] Notice of Entry of Order Directing the Parties to Meet and Confer*

10/12/2020 Order Granting
Filed By: Respondent Las Vegas City of
*[435] Order Granting The City of Las Vegas' Objection to the Discovery Commissioner's Report and Recommendations*

10/12/2020 Finding of Fact and Conclusions of Law
Filed By: Petitioner 180 Land Company LLC
*[436] Findings of Fact and Conclusions of Law Regarding Plaintiff Landowners' Motion to Determine Property Interest*

10/12/2020 Notice of Entry of Order
Filed By: Respondent Las Vegas City of
*[437] Notice of Entry of Order Granting the City of Las Vegas Objection to the Discovery Commissioner s Report and Recommendations*

10/12/2020 Notice of Entry
Filed By: Petitioner 180 Land Company LLC
*[438] Notice of Entry of Findings of Fact and Conclusions of Law Regarding Plaintiff Landowners' Motion to Determine "Property Interest"*

10/20/2020 Status Report
Filed By: Respondent Las Vegas City of
*[439] The City of Las Vegas Status Report for October 21, 2020 Status Conference*

10/22/2020 Motion to Compel
*[440] The City Of Las Vegas Motion to Compel Discovery Responses, Documents and Damages Calculation and Related Documents on Order Shortening Time*

10/22/2020 Appendix
*[441] Appendix Of Exhibits In Support Of The City Of Las Vegas Motion To Compel Discovery Responses, Documents And Damages Calculation And Related Documents On Order Shortening Time Volume 1*

10/22/2020 Appendix
*[442] Appendix Of Exhibits In Support Of The City Of Las Vegas Motion To Compel Discovery Responses, Documents And Damages Calculation And Related Documents On Order Shortening Time Volume 2*

10/22/2020 Appendix
*[443] Appendix Of Exhibits In Support Of The City Of Las Vegas Motion To Compel Discovery Responses, Documents And Damages Calculation And Related Documents On Order Shortening Time Volume 3*

10/23/2020 Stipulation and Order

Filed by: Petitioner 180 Land Company LLC
*[444] Stipulation and Order to Extend Discovery (Third Request)*

10/23/2020 Notice of Entry of Stipulation and Order
Filed By: Petitioner 180 Land Company LLC
*[445] Notice of Entry of Stipulation and Order to Extend Discovery [Third Request]*

10/28/2020 Motion to Strike
Filed By: Petitioner 180 Land Company LLC
*[446] Plaintiff Landowners' Motion to Strike One Sentence Related to the Landowners' Protective Order from Order Granting the City of Las Vegas' Motion to Compel and for an Order to Show Case, Filed on October 12, 2020*

10/28/2020 Clerk's Notice of Hearing
*[447] Clerk's Notice of Hearing*

11/02/2020 Notice of Entry of Order
Filed By: Respondent Las Vegas City of
*[448] Notice of Entry of Order Directing 180 Land Co LLC to Supplement Discovery Responses and Setting November 18, 2020 Status Conference*

11/02/2020 Stipulation and Order
*[449] ORDER DIRECTING 180 LAND CO LLC TO SUPPLEMENT DISCOVERY RESPONSES AND SETTING NOVEMBER 18, 2020 STATUS CONFERENCE*

11/06/2020 Opposition to Motion to Compel
Filed By: Petitioner 180 Land Company LLC
*[450] Plaintiffs' Opposition to Defendant City of Las Vegas' Motion to Compel Discovery Responses and Damage Calculations*

11/12/2020 Opposition to Motion
Filed By: Respondent Las Vegas City of
*[451] Opposition to Motion to Strike One Sentence from Order Granting Motion to Compel and for an Order to Show Cause*

11/13/2020 Reply in Support
Filed By: Respondent Las Vegas City of
*[452] Reply in Support of Motion to Compel Discovery Responses and Damages Calculations and Documents*

11/13/2020 Appendix
Filed By: Respondent Las Vegas City of
*[453] Appendix of Exhibits in Support of Reply in Support of Motion to Compel Discovery Responses and Damages Calculations and Documents, Volume 1*

11/13/2020 Appendix
Filed By: Respondent Las Vegas City of
*[454] Appendix of Exhibits in Support of Reply in Support of Motion to Compel Discovery Responses and Damages Calculations and Documents, Volume 2*

11/13/2020 Appendix
Filed By: Respondent Las Vegas City of
*[455] Appendix of Exhibits in Support of Reply in Support of Motion to Compel Discovery Responses and Damages Calculations and Documents, Volume 3*

11/13/2020

Appendix
Filed By: Respondent Las Vegas City of
*[456] Appendix of Exhibits in Support of Reply in Support of Motion to Compel Discovery Responses and Damages Calculations and Documents, Volume 4*

11/17/2020 Status Report
Filed By: Respondent Las Vegas City of
*[457] The City of Las Vegas' Status Report for November 18, 2020 Status Conference*

11/25/2020 Notice of Rescheduling
*[458] Notice of Rescheduling Time of Hearings*

12/01/2020 Reply in Support
Filed By: Petitioner 180 Land Company LLC
*[459] Plaintiff Landowners' Reply in Support of Motion to Strike One Sentence Related to the Landowners' Protective Order*

12/07/2020 Status Report
Filed By: Respondent Las Vegas City of
*[460] The City of Las Vegas Status Report for the December 8, 2020 Status Conference*

12/15/2020 Stipulation and Order
*[461] STIPULATION AND ORDER TO CONTINUE HEARING*

12/16/2020 Notice of Entry of Stipulation and Order
Filed By: Petitioner 180 Land Company LLC
*[462] Notice of Entry of Stipulation and Order to Continue Hearing*

12/16/2020 Amended Order Setting Jury Trial
*[463] 2nd Amended Order Setting Civil Jury Trial, Pre-Trial/ Calendar Call*

01/08/2021 Motion to Compel
Filed By: Petitioner 180 Land Company LLC
*[464] Plaintiff Landowners' Motion to Compel the City to Answer Interrogatories*

01/12/2021 Clerk's Notice of Hearing
*[465] Clerks Notice of Hearing*

01/12/2021 Stipulation and Order
*[466] STIPULATION AND ORDER TO CONTINUE HEARING*

01/12/2021 Stipulation and Order
Filed by: Petitioner 180 Land Company LLC
*[467] Stipulation and Order to Continue Hearing*

01/13/2021 Notice of Entry of Stipulation and Order
Filed By: Petitioner 180 Land Company LLC
*[468] Notice of Entry of Stipulation and Order to Continue Hearing*

01/19/2021 Stipulation and Order
Filed by: Petitioner 180 Land Company LLC
*[469] STIPULATION AND ORDER TO CONTINUE HEARING*

01/26/2021 Opposition to Motion
Filed By: Respondent Las Vegas City of
*[470] Opposition to Motion to Compel the City to Answer Interrogatories*

02/02/2021 Status Report
Filed By: Respondent Las Vegas City of
*[471] The City of Las Vegas' Status Report for the February 3, 2021 Status Conference*

02/02/2021 Status Report
Filed By: Petitioner 180 Land Company LLC
*[472] Plaintiff Landowners' Status Report*

02/05/2021 Stipulation and Order
Filed by: Petitioner 180 Land Company LLC
*[473] Stipulation and Order to Extend Discovery (Fourth Request)*

02/05/2021 Status Report
Filed By: Respondent Las Vegas City of
*[474] The City of Las Vegas' Status Report for the February 8, 2021 Status Conference*

02/09/2021 Reply in Support
Filed By: Petitioner 180 Land Company LLC
*[475] Reply in Support of Plaintiff Landowners' Motion to Compel the City to Answer Interrogatories*

02/10/2021 Amended Order Setting Jury Trial
*[476] 3nd Amended Order Setting Civil Jury Trial, Pre-Trial/Calendar Call*

02/12/2021 Order
Filed By: Petitioner 180 Land Company LLC
*[477] ORDER GRANTING PLAINTIFF LANDOWNERS' MOTION TO STRIKE ONE SENTENCE RELATED TO THE LANDOWNERS' PROTECTIVE ORDER FROM ORDER GRANTING THE CITY OF LAS VEGAS' MOTION TO COMPEL AND FOR AN ORDER TO SHOW CAUSE, FILED ON OCTOBER 12, 2020*

02/16/2021 Notice of Entry of Order
Filed By: Petitioner 180 Land Company LLC
*[478] Notice of Entry of Order Granting Plaintiff Landowners' Motion to Strike One Sentence Related to the Landowners' Protective Order from Order Granting the City of Las Vegas' Motion to Compel and for an Order to Show Cause, Filed October 12, 2020*

02/24/2021 Order
Filed By: Petitioner 180 Land Company LLC
*[479] Order Granting in Part and Denying Part Defendant City of Las Vegas' Motion to Compel Discovery Responses, Documents and Damages Calculations and Related Documents*

02/24/2021 Order
Filed By: Petitioner 180 Land Company LLC
*[480] Protective Order Re Documents Produced in Response to City of Las Vegas' Request for Production of Documents Number 16 to Plaintiff-Landowner 180 Land Co LLC*

02/24/2021 Order
Filed By: Petitioner 180 Land Company LLC
*[481] Protective Order Re Documents Produced in Response to City of Las Vegas' First Set of Requests for Production of Documents to Plaintiffs*

02/25/2021 Notice of Entry of Order
Filed By: Petitioner 180 Land Company LLC
*[482] Notice of Entry of Order Granting in Part and Denying in Part Defendant City of Las Vegas' Motion to Compel Discovery Responses, Documents and Damages Calculations and Related Documents*

02/25/2021 Notice of Entry of Order
Filed By: Petitioner 180 Land Company LLC
*[483] Notice of Entry of Protective Order Re Documents Produced in Response to City of Las Vegas' Request for Production of Documents Number 16 to Plaintiff/Landowner 180 Land Co LLc*

02/25/2021 Notice of Entry of Order
Filed By: Petitioner 180 Land Company LLC
*[484] Notice of Entry of Protective Order Re Documents Produced in Response to City of Las Vegas' First Set of Request for Production of Documents to Plaintiffs*

03/01/2021 Notice of Entry of Stipulation and Order
Filed By: Petitioner 180 Land Company LLC
*[485] Notice of Entry of Stipulation and Order to Extend Discovery [Fourth Request]*

03/11/2021 Motion to Reconsider
Filed By: Respondent Las Vegas City of
*[486] City of Las Vegas' Motion for Reconsideration of Order Granting in Part and Denying in Part the City's Motion to Compel Discovery Responses, Documents and Damages Calculation and Related Documents*

03/11/2021 Appendix
Filed By: Respondent Las Vegas City of
*[487] Appendix of Exhibits in Support of Motion for Reconsideration of Order Granting in Part and Denying in Part the City s Motion to Compel Discovery Responses, Documents and Damages Calculation and Related Documents, Volume 1*

03/11/2021 Appendix
Filed By: Respondent Las Vegas City of
*[488] Appendix of Exhibits in Support of Motion for Reconsideration of Order Granting in Part and Denying in Part the City s Motion to Compel Discovery Responses, Documents and Damages Calculation and Related Documents, Volume 2*

03/12/2021 Clerk's Notice of Hearing
*[489] Notice of Hearing*

03/17/2021 Stipulation and Order
Filed by: Respondent Las Vegas City of
*[490] Stipulation and Order continuing March 18, 2021 Status Conference*

03/17/2021 Notice of Entry of Stipulation and Order
Filed By: Respondent Las Vegas City of
*[491] Notice of Entry of Stipulation and Order Continuing March 18, 2021 Status Conference*

03/24/2021 Status Report
Filed By: Respondent Las Vegas City of
*[492] The City of Las Vegas' Status Report for the March 25, 2021 Status Conference*

03/25/2021

Order
Filed By: Petitioner 180 Land Company LLC
*[493] Order Granting in Part and Denying in Part Plaintiff Landowners' Motion to Compel the City to Answer Interrogatories*

03/25/2021 Notice of Entry of Order
Filed By: Petitioner 180 Land Company LLC
*[494] Notice of Entry of Order Granting in Part and Denying in Part Plaintiff Landowners' Motion to Compel the City to Answer Interrogatories*

03/25/2021 Opposition to Motion
Filed By: Petitioner 180 Land Company LLC
*[495] Opposition to the City of Las Vegas' Motion for Reconsideration of Order Granting in Part and Denying in Part the City's Motion to Compel Discovery Responses, Documents and Damages Calculation and Related Documents; Request for Sanctions for Intentional Violation of the Protective Order*

03/26/2021 Ex Parte Application
Party: Petitioner 180 Land Company LLC
*[496] Ex Parte Application and Motion to File Landowners' Motion to Determine Take and for Summary Judgment on the First, Third and Fourth Claims for Relief that Exceeds the EDCR 2.20(a) Page Limit*

03/26/2021 Motion
*[497] Plaintiff Landowners' Motion to Determine Take and for Summary Judgment on the First, Third and Fourth Claims for Relief*

03/26/2021 Appendix
Filed By: Petitioner 180 Land Company LLC
*[498] Appendix of Exhibits in Support of Plaintiff Landowners' Motion to Determine Take and For Summary Judgment on the First, Third and Fourth Claim for Relief - Volume 1*

03/26/2021 Appendix
Filed By: Petitioner 180 Land Company LLC
*[499] Appendix of Exhibits in Support of Plaintiff Landowners' Motion to Determine Take and For Summary Judgment on the First, Third and Fourth Claim for Relief - Volume 2*

03/26/2021 Appendix
Filed By: Petitioner 180 Land Company LLC
*[500] Appendix of Exhibits in Support of Plaintiff Landowners' Motion to Determine Take and For Summary Judgment on the First, Third and Fourth Claim for Relief - Volume 3*

03/26/2021 Appendix
Filed By: Petitioner 180 Land Company LLC
*[501] Appendix of Exhibits in Support of Plaintiff Landowners' Motion to Determine Take and For Summary Judgment on the First, Third and Fourth Claim for Relief - Volume 4*

03/26/2021 Appendix
Filed By: Petitioner 180 Land Company LLC
*[502] Appendix of Exhibits in Support of Plaintiff Landowners' Motion to Determine Take and For Summary Judgment on the First, Third and Fourth Claim for Relief - Volume 6*

03/26/2021 Appendix
Filed By: Petitioner 180 Land Company LLC
*[503] Appendix of Exhibits in Support of Plaintiff Landowners' Motion to Determine Take and For Summary Judgment on the First, Third and Fourth Claim for Relief - Volume 5*

03/26/2021 Appendix
Filed By: Petitioner 180 Land Company LLC
*[504] Appendix of Exhibits in Support of Plaintiff Landowners' Motion to Determine Take and For Summary Judgment on the First, Third and Fourth Claim for Relief - Volume 7*

03/26/2021 Appendix
*[505] Appendix of Exhibits in Support of Plaintiff Landowners' Motion to Determine Take and For Summary Judgment on the First, Third and Fourth Claim for Relief - Volume 8*

03/26/2021 Appendix
Filed By: Petitioner 180 Land Company LLC
*[506] Appendix of Exhibits in Support of Plaintiff Landowners' Motion to Determine Take and For Summary Judgment on the First, Third and Fourth Claim for Relief - Volume 9*

03/26/2021 Appendix
Filed By: Petitioner 180 Land Company LLC
*[507] Appendix of Exhibits in Support of Plaintiff Landowners' Motion to Determine Take and For Summary Judgment on the First, Third and Fourth Claim for Relief - Volume 10*

03/26/2021 Appendix
Filed By: Petitioner 180 Land Company LLC
*[508] Appendix of Exhibits in Support of Plaintiff Landowners' Motion to Determine Take and For Summary Judgment on the First, Third and Fourth Claim for Relief - Volume 11*

03/26/2021 Appendix
Filed By: Petitioner 180 Land Company LLC
*[509] Appendix of Exhibits in Support of Plaintiff Landowners' Motion to Determine Take and For Summary Judgment on the First, Third and Fourth Claim for Relief - Volume 12*

03/26/2021 Appendix
Filed By: Petitioner 180 Land Company LLC
*[510] Appendix of Exhibits in Support of Plaintiff Landowners' Motion to Determine Take and For Summary Judgment on the First, Third and Fourth Claim for Relief - Volume 13*

03/26/2021 Appendix
Filed By: Petitioner 180 Land Company LLC
*[511] Appendix of Exhibits in Support of Plaintiff Landowners' Motion to Determine Take and For Summary Judgment on the First, Third and Fourth Claim for Relief - Volume 14*

03/26/2021 Appendix
Filed By: Petitioner 180 Land Company LLC
*[512] Appendix of Exhibits in Support of Plaintiff Landowners' Motion to Determine Take and For Summary Judgment on the First, Third and Fourth Claim for Relief - Volume 15*

03/26/2021 Appendix
*[513] Appendix of Exhibits in Support of Plaintiff Landowners' Motion to Determine Take and For Summary Judgment on the First, Third and Fourth Claim for Relief - Volume 16*

03/29/2021 Clerk's Notice of Hearing
*[514] Notice of Hearing*

03/31/2021 Declaration
Filed By: Petitioner 180 Land Company LLC
*[515] Declaration of Elizabeth Ghanem Ham in Support of Plaintiff Landowners' Motion to*

*Determine Take and For Summary Judgment on the First, Third and Fourth Claims for Relief*

04/01/2021 Order Granting Motion
*[516] Order Granting Ex Parte Application and Motion to File Landowners' Motion to Determine Take and For Summary Judgment on the First, Third and Fourth Claims for Relief that Exceeds the EDCR 2.20(a) Page Limit*

04/02/2021 Notice of Entry of Order
Filed By: Petitioner 180 Land Company LLC
*[517] Notice of Entry of Order Granting Ex Parte Application and Motion to File Landowners' Motion to Determine Take and For Summary Judgment on the First, Third and Fourth Claims for Relief that Exceeds the EDCR 2.20(a) Page Limit*

04/08/2021 Order Shortening Time
*[518] City's Rule 56(d) Motion on OST 4842-2437-0915 v.2*

04/08/2021 Appendix
Filed By: Respondent Las Vegas City of
*[519] Appendix of Exhibits in Support of City of Las Vegas' Rule 56(d) Motion on Order Shortening Time*

04/08/2021 Motion to Reconsider
Filed By: Respondent Las Vegas City of
*[520] City's Motion for Rehearing and Reconsideration of Court's Order Granting Plaintiffs' Motion to Compel Responses to Interrogatories*

04/08/2021 Appendix
Filed By: Respondent Las Vegas City of
*[521] Appendix of Exhibits in Support of City s Motion for Rehearing and Reconsideration of Court s Order Granting Plaintiffs Motion to Compel Responses to Interrogatories*

04/09/2021 Clerk's Notice of Hearing
*[522] Notice of Hearing*

04/09/2021 Reply in Support
Filed By: Respondent Las Vegas City of
*[523] Reply in Support of City of Las Vegas' Motion for Reconsideration of Order Granting in Part and Denying in Part the City's Motion to Compel Discovery Responses, Documents and Damages Calculation and Related Documents*

04/09/2021 Appendix
Filed By: Respondent Las Vegas City of
*[524] Appendix of Exhibits to Reply in Support of City of Las Vegas Motion for Reconsideration of Order Granting in Part and Denying in Part the City s Motion to Compel Discovery Responses, Documents and Damages Calculation and Related Documents*

04/15/2021 Stipulation and Order
Filed by: Respondent Las Vegas City of
*[525] Stipulation and Order to Extend Briefing Schedule and Continue Hearings*

04/16/2021 Notice of Entry of Stipulation and Order
Filed By: Respondent Las Vegas City of
*[526] Notice of Entry of Stipulation and Order to Extend Briefing Schedule and Continue Hearings*

04/16/2021 Opposition to Motion

Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[527] Plaintiffs' Opposition to City of Las Vegas' Rule 56(d) Motion on Order Shortening Time*

04/20/2021 Reply in Support
Filed By: Respondent Las Vegas City of
*[528] Reply in Support of City of Las Vegas' Rule 56(d) Motion on Order Shortening Time*

04/22/2021 Opposition
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[529] Opposition to the City of Las Vegas' Motion for Reconsideration of Order Granting in Part and Denying in Part the Landowners' Motion to Compel the City to Answer Interrogatories*

04/22/2021 Appendix
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[530] Appendix of Exhibits in Support of Plaintiff Landowners Opposition to the City of Las Vegas Motion for Reconsideration of Order Granting in Part and Denying in Part the Landowners Motion to Compel the City to Answer Interrogatories- Volume 1*

04/22/2021 Appendix
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[531] Appendix of Exhibits in Support of Plaintiff Landowners Opposition to the City of Las Vegas Motion for Reconsideration of Order Granting in Part and Denying in Part the Landowners Motion to Compel the City to Answer Interrogatories- Volume 2*

04/22/2021 Appendix
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[532] Appendix of Exhibits in Support of Plaintiff Landowners Opposition to the City of Las Vegas Motion for Reconsideration of Order Granting in Part and Denying in Part the Landowners Motion to Compel the City to Answer Interrogatories- Volume 3*

04/22/2021 Appendix
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[533] Appendix of Exhibits in Support of Plaintiff Landowners Opposition to the City of Las Vegas Motion for Reconsideration of Order Granting in Part and Denying in Part the Landowners Motion to Compel the City to Answer Interrogatories- Volume 4*

04/22/2021 Appendix
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[534] Appendix of Exhibits in Support of Plaintiff Landowners Opposition to the City of Las Vegas Motion for Reconsideration of Order Granting in Part and Denying in Part the Landowners Motion to Compel the City to Answer Interrogatories- Volume 5*

04/22/2021 Appendix
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[535] Appendix of Exhibits in Support of Plaintiff Landowners Opposition to the City of Las Vegas Motion for Reconsideration of Order Granting in Part and Denying in Part the Landowners Motion to Compel the City to Answer Interrogatories- Volume 6*

05/06/2021 Reply in Support
Filed By: Respondent Las Vegas City of
*[536] City's Reply in Support of Motion for Rehearing and Reconsideration of Court's Order Granting Plaintiffs' Motion to Compel Responses to Interrogatories*

06/01/2021 Order Granting Motion
*[537] Order Granting City's Motion to Reconsider and Compelling the City to Answer Interrogatories*

06/01/2021 Notice of Entry of Order
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[538] Notice of Entry of Order Granting City's Motion to Reconsider and Compelling the City to Answer Interrogatories*

06/08/2021 Notice of Appearance
Party: Respondent Las Vegas City of
*[539] Notice of Appearance*

08/06/2021 Notice of Rescheduling of Hearing
*[540] Notice of Rescheduling Pre-Trial/Calendar Call Hearing*

08/10/2021 Stipulation and Order
Filed by: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd; Petitioner Seventy Acres LLC
*[541] Stipulation and Order to Continue Hearing Re: Status Check: Trial Readiness*

08/10/2021 Notice of Entry of Stipulation and Order
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[542] Notice of Entry of Stipulation and Order to Continue Hearing Re: Status Check: Trial Readiness*

08/18/2021 Status Report
Filed By: Petitioner 180 Land Company LLC
*[543] Plaintiff Landowners' Status Report for August 19, 2021 Status Conference*

08/18/2021 Status Report
Filed By: Respondent Las Vegas City of
*[544] The City of Las Vegas' Status Report for the August 19, 2021 Status Check re Trial Readiness*

08/25/2021 Order
Filed By: Petitioner 180 Land Company LLC
*[545] Order Regarding August 19, 2021 Status Check Hearing*

08/25/2021 Opposition and Countermotion
Filed By: Respondent Las Vegas City of
*[546] City's Opposition to Developer's Motion to Determine Take and Motion for Summary Judgment on the First, Third and Fourth Claims for Relief and Counter-Motion for Summary Judgment*

08/25/2021 Ex Parte Application
Party: Respondent Las Vegas City of
*[547] City's Ex Parte Application and Motion for Leave to File Opposition to Developer's Motion to Determine Take and Motion for Summary Judgment on the First, Third and Fourth Claims for Relief and Countermotion for Summary Judgment that Exceeds EDCR 2.20 Page Limit*

08/25/2021 Appendix
Filed By: Respondent Las Vegas City of
*[548] Appendix of Exhibits in Support of City's Opposition to Plaintiff's Motion to Determine Take and for Summary Judgment on the First, Third, and Fourth Claims for Relief and Countermotion for Summary Judgment, Volume 1*

08/25/2021

Appendix
Filed By: Respondent Las Vegas City of
*[549] Appendix of Exhibits in Support of City's Opposition to Plaintiff's Motion to Determine Take and for Summary Judgment on the First, Third, and Fourth Claims for Relief and Countermotion for Summary Judgment, Volume 2*

08/25/2021 Appendix
Filed By: Respondent Las Vegas City of
*[550] Appendix of Exhibits in Support of City's Opposition to Plaintiff's Motion to Determine Take and for Summary Judgment on the First, Third, and Fourth Claims for Relief and Countermotion for Summary Judgment, Volume 3*

08/25/2021 Appendix
Filed By: Respondent Las Vegas City of
*[551] Appendix of Exhibits in Support of City's Opposition to Plaintiff's Motion to Determine Take and for Summary Judgment on the First, Third, and Fourth Claims for Relief and Countermotion for Summary Judgment, Volume 4*

08/25/2021 Appendix
Filed By: Respondent Las Vegas City of
*[552] Appendix of Exhibits in Support of City's Opposition to Plaintiff's Motion to Determine Take and for Summary Judgment on the First, Third, and Fourth Claims for Relief and Countermotion for Summary Judgment, Volume 5*

08/25/2021 Appendix
Filed By: Respondent Las Vegas City of
*[553] Appendix of Exhibits in Support of City's Opposition to Plaintiff's Motion to Determine Take and for Summary Judgment on the First, Third, and Fourth Claims for Relief and Countermotion for Summary Judgment, Volume 6*

08/25/2021 Appendix
Filed By: Respondent Las Vegas City of
*[554] Appendix of Exhibits in Support of City's Opposition to Plaintiff's Motion to Determine Take and for Summary Judgment on the First, Third, and Fourth Claims for Relief and Countermotion for Summary Judgment, Volume 7*

08/25/2021 Appendix
Filed By: Respondent Las Vegas City of
*[555] Appendix of Exhibits in Support of City's Opposition to Plaintiff's Motion to Determine Take and for Summary Judgment on the First, Third, and Fourth Claims for Relief and Countermotion for Summary Judgment, Volume 8*

08/25/2021 Motion
Filed By: Respondent Las Vegas City of
*[556] Motion for Leave to File Under Seal Exhibits FFFF-6 and FFFF-7 to City's Opposition to Plaintiff's Motion to Determine Take and for Summary Judgment on the First, Third, and Fourth Claims for Relief and Countermotion for Summary Judgment*

08/25/2021 Filed Under Seal
Filed By: Respondent Las Vegas City of
*[557] SEALED PER MINUTE ORDER 10/26/21 [557] Appendix of Exhibits in Support of City's Opposition to Plaintiff's Motion to Determine Take and for Summary Judgment on the First, Third, and Fourth Claims for Relief and Countermotion for Summary Judgment, Volume 9*

08/25/2021 Appendix
Filed By: Respondent Las Vegas City of

*[558] Appendix of Exhibits in Support of City's Opposition to Plaintiff's Motion to Determine Take and for Summary Judgment on the First, Third, and Fourth Claims for Relief and Countermotion for Summary Judgment, Volume 9*

08/25/2021 Appendix
Filed By: Respondent Las Vegas City of
*[559] Appendix of Exhibits in Support of City's Opposition to Plaintiff's Motion to Determine Take and for Summary Judgment on the First, Third, and Fourth Claims for Relief and Countermotion for Summary Judgment, Volume 10*

08/25/2021 Appendix
Filed By: Respondent Las Vegas City of
*[560] Appendix of Exhibits in Support of City's Opposition to Plaintiff's Motion to Determine Take and for Summary Judgment on the First, Third, and Fourth Claims for Relief and Countermotion for Summary Judgment, Volume 11*

08/25/2021 Appendix
Filed By: Respondent Las Vegas City of
*[561] Appendix of Exhibits in Support of City's Opposition to Plaintiff's Motion to Determine Take and for Summary Judgment on the First, Third, and Fourth Claims for Relief and Countermotion for Summary Judgment, Volume 12*

08/25/2021 Appendix
Filed By: Respondent Las Vegas City of
*[562] Appendix of Exhibits in Support of City's Opposition to Plaintiff's Motion to Determine Take and for Summary Judgment on the First, Third, and Fourth Claims for Relief and Countermotion for Summary Judgment, Volume 13*

08/25/2021 Appendix
Filed By: Respondent Las Vegas City of
*[563] Appendix of Exhibits in Support of City's Opposition to Plaintiff's Motion to Determine Take and for Summary Judgment on the First, Third, and Fourth Claims for Relief and Countermotion for Summary Judgment, Volume 14*

08/25/2021 Appendix
Filed By: Respondent Las Vegas City of
*[564] Appendix of Exhibits in Support of City's Opposition to Plaintiff's Motion to Determine Take and for Summary Judgment on the First, Third, and Fourth Claims for Relief and Countermotion for Summary Judgment, Volume 15*

08/25/2021 Appendix
Filed By: Respondent Las Vegas City of
*[565] Appendix of Exhibits in Support of City's Opposition to Plaintiff's Motion to Determine Take and for Summary Judgment on the First, Third, and Fourth Claims for Relief and Countermotion for Summary Judgment, Volume 16*

08/25/2021 Appendix
Filed By: Respondent Las Vegas City of
*[566] Appendix of Exhibits in Support of City's Opposition to Plaintiff's Motion to Determine Take and for Summary Judgment on the First, Third, and Fourth Claims for Relief and Countermotion for Summary Judgment, Volume 17*

08/25/2021 Appendix
Filed By: Respondent Las Vegas City of
*[567] Appendix of Exhibits in Support of City's Opposition to Plaintiff's Motion to Determine Take and for Summary Judgment on the First, Third, and Fourth Claims for Relief and Countermotion for Summary Judgment, Volume 18*

08/26/2021 Clerk's Notice of Hearing
*[568] Notice of Hearing*

08/26/2021 Notice of Entry
Filed By: Petitioner 180 Land Company LLC
*[569] Notice of Entry of Order Regarding August 19, 2021, Status Check Hearing*

09/07/2021 Declaration
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[570] Declaration of Elizabeth Ghanem Ham, Esq. in Support of Plaintiff Landowners' Motions in Limine*

09/07/2021 Motion in Limine
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[571] Plaintiffs Landowners' Motion in Limine No. 1: To Exclude 2005 Purchase Price*

09/07/2021 Appendix
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[572] Appendix of Exhibits in Support of Plaintiffs Landowners' Motion in Limine No. 1: To Exclude 2005 Purchase Price*

09/07/2021 Motion in Limine
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[573] Plaintiff Landowners' Motion in Limine No. 2: To Exclude Source of Funds*

09/07/2021 Motion in Limine
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[574] Plaintiffs Landowners' Motion in Limine No. 3: To Preclude City's Arguments That Land Was Dedicated as Open Space/City's PRMP and PROS Argument*

09/08/2021 Clerk's Notice of Hearing
*[575] Notice of Hearing*

09/09/2021 Miscellaneous Filing
Filed by: Petitioner 180 Land Company LLC
*[576] Plaintiff Landowners' Summary of Conflicting Issues in the Proposed Orders Submitted by the Landowners and the City In Regards to Plaintiff Landowners' Motion to Determine "Property Interest"*

09/15/2021 Reply in Support
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[577] Plaintiffs Landowners' Reply in Support of Motion to Determine Take and Motion for Summary Judgment on the First, Third and Fourth Claims for Relief and Opposition to the City's Counter-Motion for Summary Judgment*

09/15/2021 Appendix
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[578] Appendix of Exhibits in Support of Plaintiffs Landowners' Reply in Support of Motion to Determine Take and Motion for Summary Judgment on the First, Third and Fourth Claims for Relief and Opposition to the City's Counter-Motion for Summary Judgment- Volume 17*

09/15/2021 Appendix
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[579] Appendix of Exhibits in Support of Plaintiffs Landowners' Reply in Support of Motion to Determine Take and Motion for Summary Judgment on the First, Third and Fourth Claims for*

*Relief and Opposition to the City's Counter-Motion for Summary Judgment- Volume 18*

09/15/2021 Appendix
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[580] Appendix of Exhibits in Support of Plaintiffs Landowners' Reply in Support of Motion to Determine Take and Motion for Summary Judgment on the First, Third and Fourth Claims for Relief and Opposition to the City's Counter-Motion for Summary Judgment- Volume 19*

09/15/2021 Appendix
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[581] Appendix of Exhibits in Support of Plaintiffs Landowners' Reply in Support of Motion to Determine Take and Motion for Summary Judgment on the First, Third and Fourth Claims for Relief and Opposition to the City's Counter-Motion for Summary Judgment- Volume 20*

09/15/2021 Appendix
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[582] Appendix of Exhibits in Support of Plaintiffs Landowners' Reply in Support of Motion to Determine Take and Motion for Summary Judgment on the First, Third and Fourth Claims for Relief and Opposition to the City's Counter-Motion for Summary Judgment- Volume 21*

09/21/2021 Opposition to Motion in Limine
Filed By: Respondent Las Vegas City of
*[583] City's Opposition to Plaintiff's Motion in Limine No. 1: To Exclude 2005 Purchase Price*

09/21/2021 Motion to Seal/Redact Records
Filed By: Respondent Las Vegas City of
*[584] Motion for Leave to File Exhibits B through G to City's Opposition to Plaintiff's Motion in Limine No. 1: to Exclude 2005 Purchase Price Under Seal*

09/21/2021 Filed Under Seal
Filed By: Respondent Las Vegas City of
*[585] SEALED PER MINUTE ORDER 10/26/21 [585] Appendix of Exhibits in Support of City's Opposition to Plaintiff's Motion in Limine No. 1: To Exclude 2005 Purchase Price, Volume 1*

09/21/2021 Appendix
Filed By: Respondent Las Vegas City of
*[586] Appendix of Exhibits in Support of City's Opposition to Plaintiff's Motion in Limine No. 1: To Exclude 2005 Purchase Price, Volume 1*

09/21/2021 Appendix
Filed By: Respondent Las Vegas City of
*[587] Appendix of Exhibits in Support of City's Opposition to Plaintiff's Motion in Limine No. 1: To Exclude 2005 Purchase Price, Volume 2*

09/21/2021 Opposition to Motion in Limine
Filed By: Respondent Las Vegas City of
*[588] City's Opposition to Plaintiff's Motion in Limine No. 2: To Exclude Source of Funds*

09/21/2021 Opposition to Motion in Limine
Filed By: Respondent Las Vegas City of
*[589] City's Opposition to Plaintiff Landowner's Motion in Limine No. 3 to Preclude City's Arguments that Land was Dedicated as Open Space/City's PRMP and PROS Argument*

09/21/2021 Reply in Support
Filed By: Respondent Las Vegas City of

*[590] City's Reply in Support of Counter-Motion for Summary Judgment*

09/22/2021 Appendix
Filed By: Respondent Las Vegas City of
*[591] Supplement to Appendix of Exhibits in Support of City's Opposition to Plaintiff's Motion to Determine Take and for Summary Judgment on the First, Third, and Fourth Claims for Relief and Countermotion for Summary Judgment, Volume 19*

09/22/2021 Miscellaneous Filing
Filed by: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[592] Summary of Prior Rulings Relevant to Hearing on Landowners' Motion to Determine Take*

09/22/2021 Clerk's Notice of Hearing
*[593] Notice of Hearing*

09/23/2021 Miscellaneous Filing
Filed by: Respondent Las Vegas City of
*[594] City's Summary of Prior Rulings Relevant to Hearing on Dispositive Motions*

10/04/2021 Recorders Transcript of Hearing
*[595] Recorder's Transcript Status Check, August 19, 2021*

10/04/2021 Exhibits
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[596] Plaintiffs Landowners' Demonstrative Exhibits in Support of: Plaintiff Landowners' Motion to Determine Take and for Summary Judgment on the First, Third and Fourth Claims for Relief*

10/04/2021 Exhibits
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[597] Plaintiffs Landowners' Demonstrative Exhibits in Support of: Plaintiff Landowners' Motion to Determine Take and for Summary Judgment on the First, Third and Fourth Claims for Relief- (Exhibit 1)*

10/04/2021 Exhibits
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[598] Plaintiffs Landowners' Demonstrative Exhibits in Support of: Plaintiff Landowners' Motion to Determine Take and for Summary Judgment on the First, Third and Fourth Claims for Relief (Exhibit 2)*

10/04/2021 Exhibits
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[599] Plaintiffs Landowners' Demonstrative Exhibits in Support of: Plaintiff Landowners' Motion to Determine Take and for Summary Judgment on the First, Third and Fourth Claims for Relief (Exhibit 3 - Part 1 of 3)*

10/04/2021 Exhibits
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[600] Plaintiffs Landowners' Demonstrative Exhibits in Support of: Plaintiff Landowners' Motion to Determine Take and for Summary Judgment on the First, Third and Fourth Claims for Relief- (Exhibit 3 - Part 2 of 3))*

10/04/2021 Exhibits
Filed By: Petitioner 180 Land Company LLC
*[601] Plaintiffs Landowners' Demonstrative Exhibits in Support of: Plaintiff Landowners'*

*Motion to Determine Take and for Summary Judgment on the First, Third and Fourth Claims for Relief- (Exhibit 3 - Part 3 of 3))*

10/04/2021 Exhibits
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[602] Plaintiffs Landowners' Demonstrative Exhibits in Support of: Plaintiff Landowners' Motion to Determine Take and for Summary Judgment on the First, Third and Fourth Claims for Relief- (Exhibit 4)*

10/04/2021 Exhibits
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[603] Plaintiffs Landowners' Demonstrative Exhibits in Support of: Plaintiff Landowners' Motion to Determine Take and for Summary Judgment on the First, Third and Fourth Claims for Relief- (Exhibit 5)*

10/04/2021 Exhibits
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[604] Plaintiffs Landowners' Demonstrative Exhibits in Support of: Plaintiff Landowners' Motion to Determine Take and for Summary Judgment on the First, Third and Fourth Claims for Relief- (Exhibit 6)*

10/04/2021 Mandatory Pretrial Disclosure
Party: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[605] Plaintiffs Landowners' Pretrial Disclosures*

10/05/2021 Order Shortening Time
*[606] Plaintiff Landowners' Motion for Summary Judgment on Just Compensation on Order Shortening Time*

10/06/2021 Notice of Entry
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[607] Notice of Entry of Order Shortening Time Re: Plaintiff Landowners' Motion for Summary Judgment on Just Compensation On Order Shortening Time*

10/11/2021 Order Shortening Time
Filed By: Respondent Las Vegas City of
*[608] City of Las Vegas' Emergency Motion to Continue Trial on Order Shortening Time*

10/12/2021 Notice of Entry of Order
Filed By: Respondent Las Vegas City of
*[609] Notice of Entry of Order Shortening Time Re: City of Las Vegas' Emergency Motion to Continue Trial*

10/12/2021 Order Shortening Time
*[610] Motion for Immediate Stay Pending City's Writ Petition, 10.12.21*

10/13/2021 Appendix
Filed By: Respondent Las Vegas City of
*[611] Supplemental Appendix of Exhibits in Support of Motion for Immediate Stay While City's Petition for Writ of Mandate is Pending Before the Nevada Supreme Court on Order Shortening Time, Volume 20*

10/13/2021 Appendix
Filed By: Respondent Las Vegas City of
*[612] Supplemental Appendix of Exhibits in Support of Motion for Immediate Stay While City's Petition for Writ of Mandate is Pending Before the Nevada Supreme Court on Order*

*Shortening Time, Volume 21*

10/13/2021 Appendix
Filed By: Respondent Las Vegas City of
*[613] Supplemental Appendix of Exhibits in Support of Motion for Immediate Stay While City's Petition for Writ of Mandate is Pending Before the Nevada Supreme Court on Order Shortening Time, Volume 22*

10/13/2021 Notice of Entry of Order
Filed By: Respondent Las Vegas City of
*[614] Notice of Entry of Order Shortening Time Re: Motion for Immediate Stay Pending Nevada Supreme Court's Consideration of City of Las Vegas' Petition for Writ of Mandamus*

10/18/2021 Opposition to Motion
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[615] Plaintiff Landowners' Opposition to City of Las Vegas' Emergency Motion to Continue Trial on Order Shortening Time*

10/18/2021 Objection
Filed By: Respondent Las Vegas City of
*[616] City of Las Vegas' Objections to Pretrial Disclosures Pursuant to NRCP 16.1(a)(3)*

10/19/2021 Reply to Motion
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[617] Plaintiffs Landowners' Reply Re: Motion in Limine No. 1: To Exclude 2005 Purchase Price*

10/19/2021 Reply in Support
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[618] Plaintiffs' Reply in Support of Motion in Limine No. 2: To Exclude Source of Funds*

10/19/2021 Reply to Motion
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[619] Plaintiffs Landowners' Reply Re: Motion in Limine No. 3: To Preclude City's Arguments That Land Was Dedicated as Open Space/City's PRMP and PROS Argument*

10/19/2021 Opposition and Countermotion
Filed By: Respondent Las Vegas City of
*[620] City's Countermotion for Summary Judgment and Opposition to Developer's Motion for Summary Judgment on Just Compensation*

10/19/2021 Appendix
Filed By: Respondent Las Vegas City of
*[621] Supplemental Appendix of Exhibits in Support of City's Countermotion for Summary Judgment and Opposition to Developer's Motion for Summary Judgment, Volume 23*

10/21/2021 Pre-trial Memorandum
Filed by: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[622] Plaintiffs Landowners' Pre-Trial Memorandum*

10/21/2021 Notice of Withdrawal of Motion
Filed By: Respondent Las Vegas City of
*[623] Notice of Withdrawal of Motion for Immediate Stay Pending Nevada Supreme Court's Consideration of City of Las Vegas' Petition for Writ of Mandamus on Order Shortening Time*

10/22/2021

Pre-trial Memorandum
Filed by: Respondent Las Vegas City of
*[624] City of Las Vegas' Pre-Trial Memorandum*

10/25/2021 Reply
Filed by: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[625] Plaintiff Landowners' Reply in Support of Motion for Summary Judgment on Just Compensation and Opposition to the City's Countermotion for Summary Judgment on Order Shortening Time*

10/25/2021 Findings of Fact, Conclusions of Law and Judgment
Filed by: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[626] Findings of Fact and Conclusions of Law Granting Plaintiffs Landowners' Motio to Determine Take and for Summary Judgment on the First, Third and fourth Claims for Relief; and Denying the City of Las Vegas' Countermotion for Summary Judgment on the Second Claim for Relief*

10/25/2021 Notice of Entry of Findings of Fact, Conclusions of Law
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[627] Notice of Entry of Findings of Fact and Conclusions of Law Granting Plaintiffs Landowners Motion to Determine Take and for Summary Judgment on the First, Third and Fourth Claims for Relief; and Denying the City of Las Vegas Countermotion for Summary Judgment on the Second Claim for Relief*

10/28/2021 Decision and Order
*[628] Decision of the Court*

11/03/2021 Recorders Transcript of Hearing
*[629] Transcript of Proceedings: All Pending Motions, October 26, 2021*

11/03/2021 Recorders Transcript of Hearing
*[630] Transcript of Proceedings: Bench Trial, October 27, 2021*

11/04/2021 Findings of Fact, Conclusions of Law and Order
*[631] Findings of Fact and Conclusions olf Law Denying City of Las Vegas' Emergency Motion to Continue Trial on Order Shortening Time*

11/05/2021 Notice of Entry
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[632] Notice of Entry of Findings of Fact and Conclusions of Law Denying City of Las Vegas Emergency Motion to Continue Trial on Order Shortening Time*

11/16/2021 Order Denying Motion
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[633] Order Denying Plaintiff Landowners' Motion for Summary Jdubgment on Just compensation and Denying the City's Countermotion for Summary Judgment*

11/16/2021 Order Granting Motion
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[634] Order Granting Plaintiffs' Motions in Limine No 1 2 and 3 Precluding the City From Presenting to the Jury: 1-Any Evidence or Reference to the Purchase Price of the Land; 2-Any Evidence or Reference to Source of Funds; 3-Argument that the Land was Dedicated as Open Space/City's PRMP and PROS Argument*

11/18/2021 Notice of Entry
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd

*[635] Notice of Entry of: Order Granting Plaintiffs' Motions in Limine No. 1, 2 and 3 Precluding the City From Presenting to the Jury: 1. Any Evidence or Reference to the Purchase Price of the Land; 2. Any Evidence or Reference to Source of Funds; 3. Argument that the Land was Dedicated as Open Space/City's PRMP and PROS Argument*

11/18/2021 Notice of Entry
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[636] Notice of Entry of Order Denying Plaintiff Landowners Motion for Summary Judgment on Just Compensation and Denying the City s Countermotion for Summary Judgment*

11/18/2021 Findings of Fact, Conclusions of Law and Judgment
*[637] FFCL On Just Compensation*

11/24/2021 Notice of Entry of Findings of Fact, Conclusions of Law
Filed By: Petitioner 180 Land Company LLC
*[638] Notice of Entry of Findings of Fact and Conclusions of Law on Just Compensation*

11/24/2021 Memorandum
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[639] Verified Memorandum of Costs*

11/29/2021 Stipulation and Order
Filed by: Respondent Las Vegas City of
*[640] Stipulation and Order to Extend Time to file Motion to Retax Costs*

11/30/2021 Notice of Entry of Stipulation and Order
Filed By: Respondent Las Vegas City of
*[641] Notice of Entry of Stipulation and Order to Extend Time for Defendant City of Las Vegas to File Motion to Retax Costs*

12/06/2021 Motion
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[642] Plaintiff Landowners' Motion for Reimbursement of Property Taxes*

12/09/2021 Motion
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[643] Plaintiff Landowners' Motion to Determine Prejudgment Interest*

12/09/2021 Appendix
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[644] Appendix of Exhibits in Support of Plaintiff Landowners' Motion to Determine Prejudgment Interest*

12/09/2021 Motion for Attorney Fees
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[645] Plaintiff Landowners' Motion for Attorney Fees*

12/09/2021 Appendix
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[646] Appendix of Exhibits in Support of Plaintiff Landowners' Motion for Attorney Fees - Volume 1*

12/09/2021 Appendix
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[647] Appendix of Exhibits in Support of Plaintiff Landowners' Motion for Attorney Fees -*

*Volume 2*

12/10/2021 Clerk's Notice of Hearing
Party: Petitioner 180 Land Company LLC
*[648] Notice of Hearing*

12/10/2021 Motion to Retax
Filed By: Respondent Las Vegas City of
*[649] Motion to Retax Memorandum of Costs*

12/15/2021 Clerk's Notice of Hearing
*[650] Notice of Hearing*

12/15/2021 Clerk's Notice of Hearing
*[651] Amended Notice of Hearing*

12/20/2021 Opposition
Filed By: Respondent Las Vegas City of
*[652] City's Opposition to Developer's Motion for Reimbursement of Property Taxes*

12/20/2021 Appendix
Filed By: Respondent Las Vegas City of
*[653] Supplemental Appendix of Exhibits in Support of City's Post-Trial Motions, Volume 24*

12/21/2021 Motion to Amend Judgment
Filed By: Respondent Las Vegas City of
*[654] City of Las Vegas' Motion to Amend Judgment (Rules 59(e) and 60(b)) and Stay of Execution*

12/22/2021 Order Shortening Time
Filed By: Respondent Las Vegas City of
*[655] Motion for Immediate Stay of Judgment on Order Shortening Time (Hearing Requested0*

12/22/2021 Notice of Entry of Order
Filed By: Respondent Las Vegas City of
*[656] Notice of Entry of Order Shortening Time Re: City of Las Vegas' Motion for Immediate Stay of Judgment*

12/23/2021 Clerk's Notice of Hearing
Party: Respondent Las Vegas City of
*[657] Notice of Hearing*

12/23/2021 Transcript of Proceedings
Party: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[658] Reporter's Transcript of Proceedings on September 23, 2021*

12/23/2021 Transcript of Proceedings
Party: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[659] Reporter's Transcript of Proceedings on September 24, 2021*

12/23/2021 Transcript of Proceedings
Party: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[660] Reporter's Transcript of Proceedings on September 27, 2021*

12/23/2021 Transcript of Proceedings
Party: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[661] Reporter's Transcript of Proceedings on September 28, 2021*

12/23/2021 Opposition to Motion
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[662] Plaintiff Landowners' Opposition to City of Las Vegas' Motion to Retax Memorandum of Costs*

12/23/2021 Appendix
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[663] Appendix of Exhibits in Support of Plaintiff Landowners' Motion to Retax Memorandum of Costs*

12/23/2021 Opposition
Filed By: Respondent Las Vegas City of
*[664] City's Opposition to Developer's Motion to Determine Prejudgment Interest and Declaration of George F. Ogilvie III*

12/24/2021 Opposition
Filed By: Respondent Las Vegas City of
*[665] City's Opposition to Developer's Motion for Attorney's Fees*

01/04/2022 Opposition to Motion
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[666] Plaintiff Landowners' Opposition to City of Las Vegas' Motion to Amend Judgment (Rules 59(e) and 60(b)) and Stay of Execution*

01/05/2022 Opposition and Countermotion
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[667] Plaintiff Landowners Opposition to the City's Motion for Immediate Stay of Judgment and Countermotion to Order the City to Pay the Just Compensation Assessed*

01/11/2022 Reply in Support
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[668] Plaintiff Landowners' Reply in Support of Motion for Reimbursement of Property Taxes*

01/11/2022 Reply in Support
Filed By: Respondent Las Vegas City of
*[669] City's Reply in Support of Motion for Immediate Stay of Judgment*

01/11/2022 Reply in Support
Filed By: Respondent Las Vegas City of
*[670] City's Reply in Support of Motion to Retax Memorandum of Costs*

01/24/2022 Reply in Support
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[671] Plaintiff Landowners' Reply in Support of their Motion to Determine Prejudgment Interest*

01/27/2022 Reply in Support
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[672] Plaintiff Landowners' Reply in Support of Motion for Attorney Fees*

01/27/2022 Appendix

Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[673] Appendix of Exhibits in Support of Reply in Support of Motion for Attorney Fees-Volume 3*

01/27/2022 Appendix
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[674] Appendix of Exhibits in Support of Reply in Support of Motion for Attorney Fees-Volume 4*

01/27/2022 Appendix
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[675] Appendix of Exhibits in Support of Reply in Support of Motion for Attorney Fees-Volume 5*

01/27/2022 Appendix
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[676] Appendix of Exhibits in Support of Reply in Support of Motion for Attorney Fees-Volume 6*

01/27/2022 Appendix
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[677] Appendix of Exhibits in Support of Reply in Support of Motion for Attorney Fees-Volume 7*

01/27/2022 Appendix
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[678] Appendix of Exhibits in Support of Reply in Support of Motion for Attorney Fees-Volume 8*

02/01/2022 Reply in Support
Filed By: Respondent Las Vegas City of
*[679] Reply in Support of City of Las Vegas' Motion to Amend Judgment (Rules 59(e) and 60 (b)) and Stay of Execution*

02/07/2022 Recorders Transcript of Hearing
*[680] Transcript of Proceedings: All Pending Motions, January 19, 2022*

02/08/2022 Errata
Filed By: Respondent Las Vegas City of
*[681] Errata to Supplemental Appendix of Exhibits in Support of Motion for Immediate Stay while City's Petition for Writ of Mandate is Pending Before the Nevada Supreme Court on Order Shortening Time, Volume 20*

02/09/2022 Findings of Fact, Conclusions of Law and Order
*[682] Findings of Fact and Conclusion s of Law and Order Denying the City's Motion for Immediate Stay of Judgment; and Granting Plaintiff Landowners' Countermotion to Order the City to Pay the Just Compensation*

02/10/2022 Notice of Entry
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[683] Notice of Entry of Findings of Fact and Conclusions of Law and Order Denying the City's Motion for Immediate Stay of Judgment; and Granting Plaintiff Landowners' Countermotion to Order the City to Pay the Just Compensation*

02/14/2022 Recorders Transcript of Hearing
*[684] Transcript of Proceedings: City of Las Vegas' Motion to Amend Judgment (Rules 59(e)*

*and 60(b) and Stay of Execution, February 11, 2022*

02/16/2022 Order
*[685] Order Granting in Part and Denying in part the city of Las Vegas' Motion to Retax Memorandum of Costs*

02/16/2022 Order Granting Motion
*[686] Order Granting Plaintiffs Landowners' Motion for Reimbursement of Property Taxes*

02/17/2022 Notice of Entry of Order
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[687] Notice of Entry Of: Order Granting Plaintiffs Landowners' Motion for Reimbursement of Property Taxes*

02/17/2022 Notice of Entry of Order
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[688] Notice of Entry of: Order Granting in Part and Denying in Part the City of Las Vegas' Motion to Retax Memorandum of Costs*

02/18/2022 Order
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[689] Order Granting Motion for Attorney Fees in Part and Denying in Part*

02/22/2022 Notice of Entry of Order
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[690] Notice of Entry of: Order Granting Plaintiff Landowners' Motion for Attorney Fees in Part and Denying in Part*

02/25/2022 Order
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[691] Order Denying City of Las Vegas' Motion to Amend Judgment (Rules 56(e) and 60(b)) and Stay of Execution*

02/28/2022 Notice of Entry
Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd
*[692] Notice of Entry of Order Denying City of Las Vegas Motion to Amend Judgment (Rules 59(e) and 60(b)) and Stay of Execution*

03/02/2022 Notice of Appeal
Filed By: Respondent Las Vegas City of
*[693] Defendant City of Las Vegas' Notice of Appeal*

03/02/2022 Case Appeal Statement
Filed By: Respondent Las Vegas City of
*[694] Case Appeal Statement*

## DISPOSITIONS

11/21/2018 **Order Denying Judicial Review** (Judicial Officer: Williams, Timothy C.)
Debtors: 180 Land Company LLC (Petitioner)
Creditors: Las Vegas City of (Respondent)
Judgment: 11/21/2018, Docketed: 11/26/2018

11/21/2018 **Order of Dismissal** (Judicial Officer: Williams, Timothy C.)
Debtors: 180 Land Company LLC (Petitioner)
Creditors: Las Vegas City of (Respondent)
Judgment: 11/21/2018, Docketed: 11/26/2018

Comment: Certain Claims

05/21/2019 **Clerk's Certificate** (Judicial Officer: Williams, Timothy C.)
Debtors: 180 Land Company LLC (Petitioner)
Creditors: Las Vegas City of (Respondent)
Judgment: 05/21/2019, Docketed: 05/21/2019
Comment: Supreme Court No 77771 Appeal Dismissed

06/15/2020 **Order of Dismissal** (Judicial Officer: Williams, Timothy C.)
Debtors: Las Vegas City of (Respondent)
Creditors: Seventy Acres LLC (Petitioner)
Judgment: 06/15/2020, Docketed: 06/16/2020

10/25/2021 **Summary Judgment** (Judicial Officer: Williams, Timothy C.)
Debtors: Las Vegas City of (Respondent)
Creditors: 180 Land Company LLC (Petitioner), Fore Stars Ltd (Petitioner)
Judgment: 10/25/2021, Docketed: 10/26/2021
Comment: Certain Claims

02/16/2022 **Judgment** (Judicial Officer: Williams, Timothy C.)
Debtors: Las Vegas City of (Respondent)
Creditors: 180 Land Company LLC (Petitioner)
Judgment: 02/16/2022, Docketed: 02/16/2022
Total Judgment: 274,445.16

02/16/2022 **Judgment** (Judicial Officer: Williams, Timothy C.)
Debtors: Las Vegas City of (Respondent)
Creditors: 180 Land Company LLC (Petitioner)
Judgment: 02/16/2022, Docketed: 02/16/2022
Total Judgment: 976,889.38

02/18/2022 **Order** (Judicial Officer: Williams, Timothy C.)
Debtors: Las Vegas City of (Respondent)
Creditors: 180 Land Company LLC (Petitioner)
Judgment: 02/18/2022, Docketed: 02/22/2022
Total Judgment: 2,468,751.50

## HEARINGS

01/11/2018 **Motion to Dismiss** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
*City of Las Vegas' Motion to Dismiss or, in the Alternative, Motion to Strike*
Motion Denied;

01/11/2018 **Opposition and Countermotion** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
*Petitioner's Opposition to City of Las Vegas' Motion to Dismiss and Countermotion to Stay Litigation of Alternative Inverse Condemnation Claims Until Resolution of the Petition for Judicial Review*
Granted;

01/11/2018 **All Pending Motions** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
Matter Heard;
Journal Entry Details:

*CITY OF LAS VEGAS' MOTION TO DISMISS OR, IN THE ALTERNATIVE, MOTION TO STRIKE PETITIONER'S OPPOSITION TO CITY OF LAS VEGAS' MOTION TO DISMISS AND COUNTERMOTION TO STAY LITIGATION OF ALTERNATIVE INVERSE CONDEMNATION CLAIMS UNTIL RESOLUTION OF THE PETITION FOR JUDICIAL REVIEW Arguments by counsel regarding condemnation claims and initial pleading filed. Mr. Leavitt addressed the timeliness issue, stating the Petition was sent to clerk of the court in a timely manner pursuant to rules. Court ruled as a matter of law that the Amended Petition was timely filed due to an error with the clerk s office. Mr. Leavitt discussed the ripeness issue. Mr. Dorocak reviewed the Petition for Judicial Review as the initial pleading and inverse*

*condemnation claims, stating it was improper and should be dismissed. Court s inquiry regarding administrative and judicial remedies of inverse condemnation claims. Upon court s inquiry, Mr. Dorocak stated the court could not sever pleadings because claims were not brought properly. Colloquy regarding the initial pleading. Court stated a hybrid petition was filed. COURT ORDERED, Motion to Dismiss DENIED, and Motion to Strike DENIED, the inverse condemnation claims severed, and the Motion to Stay the Inverse Condemnation Claims is GRANTED, and determined it would deal strictly with judicial review; COURT FURTHER ORDERED, the Amended Complaint would be filed with the inverse condemnation claim, and the Complaint must be filed within 30 days.;*

04/12/2018 **Status Check** (11:00 AM) (Judicial Officer: Williams, Timothy C.)
*Status Check (Telephonic) with Counsel re production of copies of cites to Record to the court [counsel to schedule conference call-court to dial in]*
Matter Heard;
Journal Entry Details:
*Mr. Kistler stated this matter is in the briefing stage; the Opening Brief had not yet been filed; a Stipulation would be filed with court regarding subsequent briefing. Colloquy regarding briefing procedure and disqualification of counsel. Court advised counsel to file a motion if there was an issue. Colloquy regarding date for the hearing. Court directed counsel to have briefing filed one week prior to the hearing, and ORDERED, hearing date SET. Upon counsels' request, COURT FURTHER ORDERED, page limitation for briefing waived. 6/22/18 9:30 AM PETITION FOR JUDICIAL REVIEW;*

05/08/2018 **Motion to Intervene** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
*Motion to Intervene on an Order Shortening Time*
Motion Granted;
Journal Entry Details:
*Kirill Mikhaylov, Esq. present on behalf of Intervenors. Arguments by counsel regarding the Motion. COURT ORDERED, matter TAKEN UNDER ADVISEMENT and advised a decision would be issued.;*

05/10/2018 **Motion** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
*City of Las Vegas' Motion to Extend Briefing Schedule and Continue Hearing on 180 Land Co LLC's Second Amended Petition for Judicial Review on Order Shortening Time*
Matter Heard;
Journal Entry Details:
*Mr. Ogilvie requested and parties stipulated to move the hearing to June 29. Petitioner agrees to respond through June 26. Mr. Holmes requested time to file a reply the day of the hearing or the next week. Mr. Hutchison requested a week after the opposition is due to file the reply. Mr. Ogilvie stated what is said in the reply might have some impact on his argument. Mr. Hutchison stated he would have the compressed reply brief in by the 28th. Court directed counsel to prepare a stipulation regarding deadlines. 6/29/18 9:30 AM HEARING: PETITION FOR JUDICIAL REVIEW;*

05/16/2018 **Minute Order** (3:00 AM) (Judicial Officer: Williams, Timothy C.)
Minute Order - No Hearing Held; re: Motion to Intervene on Order Shortening Time
Journal Entry Details:

*After a review and consideration of the points and authorities on file herein, and the argument of counsel, the Court determined as follows: It is important to point out that the instant action is one of many court actions stemming from the proposed development of the Badlands golf course and the surrounding Queensridge community. Consequently, the Court feels compelled to review the instant Motion to Intervene not based solely on the limited procedural history in this matter, but to also consider all past actions of the Las Vegas City Council as it relates to the development of the Badlands golf course. The Court has determined that the past history of the Las Vegas City Council is important. Pursuant to NRCP 24(a)(2), the Intervenors have demonstrated a sufficient interest in the litigation subject matter. The Intervenors could suffer impairment to their ability to protect their interests if they fail to intervene in this matter. The Intervenors application is timely. Regarding the third factor set forth by the Nevada Supreme Court in Hairr v. First Judicial District Court, 132 Nev. Adv. Op. 16 (2016), whether the Intervenors interests are adequately represented by existing parties to the current action, the Court is well aware of the assumption of adequacy of representation, especially when the government is acting on behalf of a constituency it represents. Thus, in an absence of a very*

*compelling showing to the contrary, it will be presumed that the government adequately represents its citizens when the applicant shares the same interests. Based on history, the prior actions of the Las Vegas City Council as they relate to the development of the Badlands golf course have been adverse to the interests of the Intervenors in this matter. Moreover, the interests of the Intervenors relate to the ownership and protection of real property and its attributes, which has been recognized as unique under Nevada law. See Dixon v. Thatcher, 103 Nev. 414, 416 (1987). The Intervenors real property is adjacent to and will be affected by any subsequent development of the Badlands golf course, and that development is directly at issue in this litigation. In contrast, the City is not seeking to protect its property rights and has no standing to protect the unique property rights of the Intervenors. Thus, in light of the prior actions of the Las Vegas City Council and the potential impact on the Intervenors property rights, this Court finds that the interests of the Intervenors are not adequately represented or protected by the City of Las Vegas, and grants the Motion to Intervene pursuant to NRCP 24 (a)(2). Lastly, the Intervenors also meet the requirements of NRCP 24(b)(2) as it relates to permissive intervention, so permissive intervention is also warranted. Based on the foregoing, the Motion to Intervene pursuant to NRCP 24(a)(2) and (b)(2) shall be GRANTED. Additionally, the Intervenors shall follow the briefing schedule that is forthcoming. Counsel for the Intervenors shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature. CLERK'S NOTE: A copy of this Minute Order was electronically served to all registered parties by the Judicial Executive Assistant.//ev 5/16/18;*

06/29/2018 **Petition for Judicial Review** (9:30 AM) (Judicial Officer: Williams, Timothy C.)

*Oral Argument on Petition for Judicial Review*

Denied;

Journal Entry Details:

*Colloquy regarding consideration of the emergency motion to strike pages and the June 21 hearing. Upon Court's inquiry, Mr. Hutchison agreed to go forward with today's hearing and the Court could ignore, if necessary. Mr. Holmes argued going forward today was putting the cart before the horse. Court advised it had not had an opportunity to review the Order Shortening Time, however would proceed with the hearing, and advised counsel to make an objection if something came up that should be stricken. Mr. Hutchison presented a binder of citations; stated 180 Land Company had an application to develop their property, had zoning permits, complied with every land use and development requirement; stated his clients were not land speculators. Court noted it was not concerned about how the parties were characterized. Ms. Allen provided an overview of the property and zoning. Court inquired regarding if it should hold the city council to the same standard as a trial court. Arguments by Mr. Hutchison and Mr. Holmes regarding the master plan and applicable statutory law. Mr. Hutchison discussed rights to the property under the zoning; argued his client complied with all of the City's requirements, and argued his client was denied specific reasoning regarding rejection of the development. Upon Court's inquiry, Mr. Hutchison responded there was no evidence that the City considered the ordinance during the meeting, and the City's ultimate decision, which occurred prior to the June 21 hearing, should not be considered. Court directed counsel to provide supplemental briefing regarding the development agreement. COURT ORDERED, counsel to discuss and agree regarding continuing the hearing date of July 3, 2018. Court inquired regarding what was applicable under the law. Mr. Ogilvie argued the City of Las Vegas does not have an interest or anything to gain by denying the Petitioner's request. Court stated there must be a basis for the City to make a decision. Court inquired what specific concerns there were by homeowners; Mr. Ogilvie replied congestion and the lack of open space were the issues. Discussion by Court and Mr. Ogilvie regarding the master plan and the developer of the property. Mr. Holmes argued regarding applicable statutory law. Court inquired regarding ordinance designation; discussed the term "master plan"; requested substantial evidence that supported the decision of the city counsel. Court stated it was not sure if the City Council's actions were arbitrary and capricious; argued regarding a causal link. Mr. Hutchison requested City Council's decision be reversed. Mr. Kaempher argued the Stratosphere decision is completely different and should not be used; argued master plans are ever-changing. COURT ORDERED, attorneys to meet and confer regarding the briefing schedules, and submit a stipulation; counsel to submit the Findings of Fact and Conclusions of Law in Microsoft Word format for editing.;*

07/03/2018 **Motion** (9:00 AM) (Judicial Officer: Williams, Timothy C.)

**07/03/2018, 07/25/2018**

*Emergency Motion to Strike " Errata to Transmittal of Record for Review" Filed by the City of*

*Las Vegas on June 21, 2018; Application for Order Shortening Time*

**MINUTES**

Vacate; Counsel to submit Stipulation per Law Clerk
Motion Denied;
Journal Entry Details:
*Mr. Kistler argued regarding portions of the record being stricken unilaterally; stated the petition concerns actions taken by City Council; argued no portion of the record submitted to the court should be deleted; requested the errata be stricken, and if treated as a motion filed by the City, requested motion be denied, however would agree to stipulate to expanision of the record to include the four letters of 180 Land Company LLC's applications. Mr. Ogilvie argued the City is attempting to make sure the court is given proper record and can make a determination on that record, the only issue on the merits is whether substantial evidence supported the decision on June 21, 2017, argued any action taking place after that hearing was not taken into consideration at the time City Council took action; stated items were inadvertently included in the record, should be removed, and should not be considered on the record. Mr. Kistler argued regarding the record, and what should be included. COURT ORDERED, Motion DENIED; Court advised the record in this case was limited to what was in front of City Council the day of or before the June 21, 2017 hearing; the errata stands.;*

**MINUTES**

Vacate; Counsel to submit Stipulation per Law Clerk
Motion Denied;
Journal Entry Details:
*Matter not called. Vacated; Counsel to submit Stipulation per Law Clerk.;*

07/16/2018 **Status Check** (1:30 PM) (Judicial Officer: Williams, Timothy C.)

*Telephonic Status Check*
Matter Heard;
Journal Entry Details:
*Joseph Kistler, Esq. present on behalf of Petitioner. All counsel present telephonically. Arguments by counsel regarding procedure for post-trial briefs and proposed findings of fact and conclusions of law. COURT ORDERED, briefing schedule SET; Mr. Kistler to file a reply to the brief filed by the City including any new issues, questions or concerns during the hearing on or before July 31, 2018; Intervenor to file a sur-reply regarding anything raised in the reply and questions the Court had during the hearing on or before August 6, 2018; each party to submit a findings of fact and conclusions of law for review on or before August 14, 2018; Court advised additional argument or briefing may be requested on or before August 17, 2018, and if requests are made, there would be limitations. Court directed Mr. Kistler to prepare the Order.;*

10/11/2018 **Minute Order** (1:53 PM) (Judicial Officer: Williams, Timothy C.)

*Re: Petition for Judicial Review*
Minute Order - No Hearing Held;
Journal Entry Details:
*After a review and consideration of the points and authorities on file herein, the record on appeal and argument of counsel, the Court determines as follows: Two issues were present for review: (1) whether substantial evidence supported the Las Vegas City Council s decision to deny developer 180 Land Company, LLC s application for residential development on land designated as open space/golf course/drainage; and (2) does Judge Crockett s decision -- holding that the Master Plan precludes any redevelopment by Seventy Acres, LLC of the open space/golf course/drainage area absent a proper and approved application for a Major Modification of the Master Plan -- bind the developer and its related entities such as 180 Land Company, LLC under the doctrine of issue/claims preclusion. In reviewing the decision of the Las Vegas City Council, the thrust and focus of the Court in the instant matter shall be limited. As the Nevada Supreme Court noted in Stratosphere Gaming Corp. v. City of Las Vegas, 120 Nev. 523, 528, [w]hen a district court has reviewed a zoning decision without taking additional evidence and the decision is appealed to the court, the scope of review is limited to a determination of whether the agency or municipality which made the decision appealed from committed an abuse of discretion. A decision that lacks support in the form of substantial evidence is arbitrary and capricious and, therefore, an abuse of discretion. We have defined substantial evidence as that which a reasonable mind might accept as adequate to support a conclusion (emphasis added). Based on a review of the record, the 35-acre parcel at issue was once part of the 250.92 acres of land commonly referred to as the Badlands Golf Course and subject to the specifications set forth in the Peccole Ranch Master Planned Community, which*

*were initially approved by the City of Las Vegas in 1990. Under the Master Plan, in addition to use as a golf course, the Badlands parcel was designed to be in a major flood zone and was designated as flood drainage and open spaces. Of paramount significance, the 35 acres that are subject to judicial review were part of prior applications to develop the 250.92 acre Badlands Golf Course before the Las Vegas Planning Commission and City Council. Thus, the Las Vegas City Council s decision to accept or deny the application of Petitioners was not made in a vacuum. It was based on the Petitioner and its affiliates multiple applications to the City Council that resulted in a significant administrative history with numerous attempts to develop the Badlands Golf Course. A review of the record reveals that the Las Vegas City Council received major public opposition not only to the 35-acre parcel at issue, but public opposition to major modifications to the Master Plan regarding the 250.92 acre Badlands property as well as a smaller sub-parcel consisting of 17.49 acres. For example, public meetings were well attended with overwhelming opposition and the City received approximately 586 written protests regarding a proposed 2016 Development Agreement and many emails in protest. The 2016 Development Agreement was an attempt to make a major modification to the Master Plan, which was ultimately withdrawn without prejudice. The record also reveals that the Mayor emphasized that the City Council sought a comprehensive redevelopment plan for the entire Badlands property to ensure compatibility with the surrounding properties and to provide adequate flood control. Also, the developers represented to the Mayor and City Council their desire to develop not just a portion of the Badlands property, but the entire parcel. Notwithstanding, the City Council approved the developer application regarding the 17.49 acre parcel without a major modification to the Master Plan. Not only was there public opposition, but certain nearby homeowners retained private counsel and sought relief from the Courts seeking judicial review of the City Council s approval of the 17.49 acre application. The ultimate outcome of the Petition for Judicial Review as to the 17.49 acre matter was not considered by this Court in reviewing the actions of the Las Vegas City Council. However, it underscores the fact that a group of homeowners were strident in their opposition to the development plans approved by the Las Vegas City Council regarding the 17.49 acre parcel. In assessing the actions of the Mayor and City Council and to determine whether there is substantial evidence in the record to support their decision, it is patently apparent that the pending Petition for Judicial Review is not a simple one-time application assessing whether to approve the developer s land use. The record reflects that the Mayor and City Council considered the Badland project history and negotiations between the City and the nearby property owners. There was steadfast and considerable public opposition to the Applications, including challenges to the compatibility with the surrounding areas. Also, the Court considered the piece-meal development argument presented by the Petitioner. However, the record reveals the Mayor and City Council, in light of the public opposition, wanted a unified agreement and development proposal for the entire Badlands property to ensure orderly development that would be compatible with the surrounding area as required by the Master Plan. Even expert testimony was provided by Ngai Pindall, a law professor who teaches Municipal Planning and Zoning. Professor Pindall opined that good land use practice required an amendment to the Master Plan because it gave all stakeholders a chance to be heard and considered. In light of the significant record, the Court hereby determines that there was substantial evidence in the record to support the decision of the Las Vegas City Council. The Court also considered whether the developer, 180 Land Company, LLC s Petition is barred under the doctrine of issue preclusion as asserted by Intervenors, based on the decision of Judge Crockett in the matter of Jack B. Binion, et al. v. The City of Las Vegas and Seventy Acres, LLC, Case No. A-17-752344-J. The Court reviewed recent Nevada case law and the expanded concept of privity which is to be broadly construed beyond its literal and historic meaning to include any situation in which the relationship between the parties is sufficiently close to supply preclusion. Thus, privity will now encompass a relationship in which there is a substantial identity between the parties which results in a sufficient commonality of interest. See, Mendenhall v. Tassinari, 403 P.3d 364 (Nev. 2017). Applying the expanded concept of privity, the Court considered the history of the land-use applications pertaining to the Badlands properties before the City Council and reviewed the Complaint filed in the United States District Court, Case 2:18-cv-00547-JCM-CWH, Plaintiffs 180 Land Co. LLC, Fore Stars, Ltd., Seventy Acres, LLC and Yohan Lowie in his individual capacity, to determine whether there is a substantial identity of the parties resulting in a sufficient commonality of interest and therefore privity. The Federal Complaint reveals that in March of 2015, Yohan Lowie and his partners acquired a membership interest in Fore Star Ltd., which at the time owned the 250.92 acre Badlands property. In June, 2015, Fore Star Ltd. redrew boundaries of various parcels that compromised the Badlands property, and in November 2015, ownership of approximately 178.27 acres of land was transferred to Petitioner, 180 Land Co. LLC and approximately 70.52 acres of land was transferred to Seventy Acres, LLC, a party in the Judge Crockett matter. The impact of Judge Crockett s Order, which the City of Las Vegas accepted and did not appeal, would require both the 180 Land Co., LLC and Seventy Acres, LLC s parcels of land to apply to the Las Vegas City Council for an amendment to the Master Plan*

*before development of the entire Badlands properties. A review of the August 3, 2017 deposition of Yohan Lowie reveals a 50% ownership interest in both Seventy Acres, LLC and 180 Land Co., LLC. Thus, 180 Land Co., LLC would have received a substantial benefit had Judge Crockett denied the Petition for Judicial Review in that it would not be required to seek amendment to the Master Plan as a condition to develop the Badlands properties. Also, from the record, Mr. Lowie manages and controls the 180 Land Co., LLC and Seventy Acres, LLC. Therefore, the record demonstrates a substantial identity between the 180 Land Co., LLC and Seventy Acres, LLC based on shared interest and actions. Further, the issue raised by Intervenor, which once again challenges whether any attempt to develop part of the Badlands properties without first applying for and addressing a major modification to the Master Plan, is identical to the issues litigated before Judge Crockett. Lastly, this issue was fully adjudicated. The Court hereby determines that the Doctrine of Issue Preclusion applies to the instant matter. Based on the foregoing, the Court has determined there is substantial evidence in the record to support the Decision of the Las Vegas City Council to deny the application at issue. Additionally, the Doctrine of Issue Preclusion controls and it would be improper after a determination of substantial identity between 180 Land Co., LLC and Seventy Acres, LLC, to permit the Petitioner to circumvent the decision of Judge Crockett on issues that were fully adjudicated. Therefore, the Petition for Judicial Review of 180 Land Company, LLC is hereby DENIED. Each party is requested to submit their proposed Finding of Fact, Conclusions of Law and Order based not only on the foregoing Minute Order, but also on the record on file herein. Any submissions made to the Court must be served on all parties. CLERK S NOTE: This Minute Order was electronically served to all parties registered through Odyssey eFile. ;*

11/08/2018 *CANCELED* **Calendar Call** (10:30 AM) (Judicial Officer: Williams, Timothy C.)
*Vacated - Set in Error*

01/17/2019 **Motion For Reconsideration** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
*Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims*
Decision Made;

01/17/2019 **Motion to Strike** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
*Motion to Strike Plaintiff's Motion for Summary Judgment on Liability for the Landowners Inverse Condemnation Claims on Order Shortening Time*
Per 1/9/19 Stipulation and Order
Decision Made;

01/17/2019 **Joinder** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
*Joinder to Motion to Strike Plaintiff's Motion for Summary Judgment on Liability for the Landowners Inverse Condemnation Claims on Order Shortening Time*
Per 1/9/19 Stipulation and Order
Decision Made;

01/17/2019 **All Pending Motions** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
Matter Heard;
Journal Entry Details:
*MOTION TO STRIKE PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT ON LIABILITY FOR THE LANDOWNERS INVERSE CONDEMNATION CLAIMS ON ORDER SHORTENING TIME JOINDER TO MOTION TO STRIKE PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT ON LIABILITY FOR THE LANDOWNERS INVERSE CONDEMNATION CLAIMS ON ORDER SHORTENING TIME PLAINTIFF LANDOWNERS' REQUEST FOR REHEARING/RECONSIDERATION OF ORDER/JUDGMENT DISMISSING INVERSE CONDEMNATION CLAIMS Court directed Nunc Pro Tunc order superseding any determination as to severed case. Counsel for 180 Land Company to prepare and submit the order.;*

01/22/2019 **Motion for New Trial** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
*Motion for a New Trial Pursuant to NRCP 59(e) and Motion to Alter or Amend Pursuant to NRCP 52(b) and/or Reconsider the Findings of Fact and Conclusions of Law and Motion to Stay Pending Nevada Supreme Court Directives*
Motion Denied; See 3/22/19 Minute Order
Journal Entry Details:
*APPEARANCES CONTINUED: Elizabeth Ham, Esq. and Brett Harrison present on behalf of*

*180 Land Company. Arguments by counsel as to Motion for New Trial. Court advised will review matter and issue Minute Order. CONTINUED for Chambers Decision;*

02/06/2019 **Motion for Summary Judgment** (9:30 AM) (Judicial Officer: Williams, Timothy C.)
*Plaintiff Landowners' Motion for Summary Judgment on Liability for the Landowners' Inverse Comdemnation Claims*
Vacate;
Journal Entry Details:
*Matter of Plaintiff Landowners' Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims. Colloquy regarding preparation of stipulation as to briefing and hearing today's matter in light of finalized Nunc Pro Tunc order. COURT ORDERED, today's matter VACATED; future 2/12/19 Status Check on same matter VACATED. Court noted counsel will prepare stipulation on instant matter and instructs to include reference to vacated Status Check. Mr. Ogilvie advised anticipates filing of an intervening motion for judgment on the pleadings.;*

02/12/2019 *CANCELED* **Status Check** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
*Vacated - per Judge*
*Status Check: Setting Briefing and Hearing on Pltf. Landowners' Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims*

03/19/2019 **Motion for Judgment** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
**03/19/2019, 03/22/2019**
*City of Las Vegas' Motion for Judgment on the Pleadings on Developer's Inverse Condemnation Claims*
Matter Continued;
Motion Denied;
Matter Continued;
Motion Denied;

03/19/2019 **Opposition and Countermotion** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
**03/19/2019, 03/22/2019**
Events: 03/04/2019 Opposition and Countermotion
*Planttiff Landowners' Opposition to City's Motion for Judgment on the Pleadings on Developer's Inverse Condemnation Claims and Countermotion for Judicial Determination of Liability on the Landowners' Condemnation Claims and Countermotion to Supplement/Amend the Pleading, If Required*
Matter Continued;
Motion Denied;
Matter Continued;
Motion Denied;

03/19/2019 **Motion** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
**03/19/2019, 03/22/2019**
Events: 03/08/2019 Motion
*Plaintiff Landowners' Motion to Estop the City's Private Attorney from Making the Major Modification Argument or for an Order to Show Cause Why the Argument May Proceed in this Matter on Order Shortening Time*
Matter Continued;
Withdrawn;
Matter Continued;
Withdrawn;

03/19/2019 **All Pending Motions** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
Matter Heard;
Journal Entry Details:

*APPEARANCES CONTINUED: Todd Davis and Elizabeth Ham present as corporate representatives for 180 Land Company. PLAINTIFF LANDOWNERS' MOTION TO ESTOP THE CITY'S PRIVATE ATTORNEY FROM MAKING THE MAJOR MODIFICATION ARGUMENT OR FOR AN ORDER TO SHOW CAUSE WHY THE ARGUMENT MAY PROCEED IN THIS MATTER ON ORDER SHORTENING TIME...CITY OF LAS VEGAS'*

*MOTION FOR JUDGMENT ON THE PLEADINGS ON DEVELOPER'S INVERSE CONDEMNATION CLAIMS...PLANTTIFF LANDOWNERS' OPPOSITION TO CITY'S MOTION FOR JUDGMENT ON THE PLEADINGS ON DEVELOPER'S INVERSE CONDEMNATION CLAIMS AND COUNTERMOTION FOR JUDICIAL DETERMINATION OF LIABILITY ON THE LANDOWNERS' CONDEMNATION CLAIMS AND COUNTERMOTION TO SUPPLEMENT/AMEND THE PLEADING, IF REQUIRED Arguments by counsel. Colloquy regarding scheduling instant matters for inclusive briefing and related issues. COURT ORDERED, today's matters CONTINUED to 3/22/19; Reply brief as to Countermotion for Judicial Determination of Liability DUE Thursday, March 21, 2019 by 12:00 p.m. CONTINUED TO: 3/22/19 1:30 P.M. PENDING MOTIONS;*

03/22/2019 **All Pending Motions** (1:30 PM) (Judicial Officer: Williams, Timothy C.)
Matter Heard;
Journal Entry Details:
*CITY OF LAS VEGAS' MOTION FOR JUDGMENT ON THE PLEADINGS ON DEVELOPER'S INVERSE CONDEMNATION CLAIMS...PLANTTIFF LANDOWNERS' OPPOSITION TO CITY'S MOTION FOR JUDGMENT ON THE PLEADINGS ON DEVELOPER'S INVERSE CONDEMNATION CLAIMS AND COUNTERMOTION FOR JUDICIAL DETERMINATION OF LIABILITY ON THE LANDOWNERS' CONDEMNATION CLAIMS AND COUNTERMOTION TO SUPPLEMENT/AMEND THE PLEADING, IF REQUIRED...PLAINTIFF LANDOWNERS' MOTION TO ESTOP THE CITY'S PRIVATE ATTORNEY FROM MAKING THE MAJOR MODIFICATION ARGUMENT OR FOR AN ORDER TO SHOW CAUSE WHY THE ARGUMENT MAY PROCEED IN THIS MATTER ON ORDER SHORTENING TIME Arguments by Mr. Ogilvie and Mr. Leavitt. Colloquy regarding whether parties stipulate to Business Court in light of case posture. MATTER TRAILED. MATTER RECALLED. Mr. Leavitt advised the parties agree with Business Court designation. Further arguments of counsel as to pending Motions. Court FINDS date that would potentially trigger statue of limitations is acts of the City council. Consequently, COURT ORDERED, Motion pursuant to NRCP 12(c) to Dismiss DENIED as it is early in pleading stage. FURTHER ORDERED, cannot say as matter of law claims sought are futile in the amendment, therefore, GRANTED in that respect. ORDERED, Rule 56 Motion for Summary Judgment DENIED. ORDERED, Rule 16.1 Conference SET if no conflict as discussed. Court directed Mr. Leavitt to prepare the order. Mr. Leavitt advised Motion to Estop is withdrawn at this time; COURT SO NOTED. Mr. Bice advised he will monitor the Estop matter, reviewed position regarding same, and stated does not intend to participate in Rule 16.1 Conference. Mr. Hutchison advised he noted Estop matter withdrawn and no substantive arguments today. As to Motion for Reconsideration, Court stated Minutes Order forthcoming today. 4/2/19 10:30 AM MANDATORY RULE 16.1 CONFERENCE;*

03/22/2019 **Minute Order** (4:59 PM) (Judicial Officer: Williams, Timothy C.)
*re: Motion for New Trial Pursuant to NRCP 59(e) AND Motion to Alter or Amend Pursuant to NRCP 52(b) and/or Reconsider the FFCL AND Motion to Stay Pending Nevada Supreme Court Directives*
Minute Order - No Hearing Held;
Journal Entry Details:
*After a review and consideration of the record, the points and authorities on file herein, and oral argument of counsel, the Court determined as follows: First, Plaintiff seeks a new trial where no trial has occurred. Plaintiff s Motion for New Trial Pursuant to NRCP 59 shall be DENIED. Pursuant to EDCR 2.24(a), no motions once heard and disposed of may be renewed in the same cause, nor may the same matters therein embraced be reheard, unless by leave of the court. The Court declines to grant such leave. Plaintiff has raised no new facts, substantially different evidence or new issues of law for rehearing or reconsideration. In addition, Plaintiff has failed to show that the Court s previous findings that the City Council did not abuse its discretion or that sufficient privity exists to bar Plaintiff s petition under issue preclusion were clearly erroneous. The Supreme Court s affirmation of the Smith decisions has no impact on this Court s denial of the developer s Petition for Judicial Review. Thus, the Court finds no cause exists to alter or amend the Findings of Fact and Conclusions of Law Denying Plaintiff s Petition for Judicial Review. Plaintiff s Motion to Alter or Amend Pursuant to NRCP 52(b) and/or Reconsider the FFCL shall be DENIED. Plaintiff s Motion to Stay Pending Nevada Supreme Court Directives shall be DENIED. Finally, the Court is well aware of the standards that control its considerations when deciding petitions for judicial review. The court feels its decision here is based on a different evidentiary standard and thus shall not control the pending claims for inverse condemnation and therefore, this issue is subject to further briefing. Counsel for Defendant shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order, but also on the record on*

*file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature. CLERK S NOTE: This Minute Order has been electronically served to the parties through Odyssey eFile.;*

04/02/2019 **Discovery Conference** (10:30 AM) (Judicial Officer: Williams, Timothy C.)
*Mandatory Rule 16.1 Conference (Business Court Application Pending)*
Matter Heard;
Journal Entry Details:
*APPEARANCES CONTINUED: Elizabeth Ham present as corporate representative for 180 Land Company. Matter of Mandatory Rule 16.1 Conference. Colloquy regarding case proceeding without Business Court designation and whether discovery to proceed bifurcated as to liability and damages phases. Further colloquy regarding cost and delay issues anticipated by the parties. COURT ORDERED, discovery will be bifurcated; in light of time for future answer as discovery trigger, cut-off for discovery on liability phase will be 8/21/19, that is, 120 days after 4/23/19. FURTHER ORDERED, Status Check SET regarding liability discovery, damages discovery, trial setting, and scheduling order. Court stated will allow status report or supplemental 16.1 report as to liability phase. Mr. Kistler to prepare the order as to today's proceeding; if counsel cannot agree, may submit competing orders. 7/23/19 9:00 AM STATUS CHECK: LIABILITY DISCOVERY/DAMAGES DISCOVERY/TRIAL SETTING/SCHEDULING ORDER;*

05/15/2019 **Motion to Stay** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
Events: 04/23/2019 Motion to Stay
*City of Las Vegas' Motion to Stay Proceedings Pending Resolution of Writ Petition to the Nevada Supreme Court on Order Shortening Time*
Motion Denied;

05/15/2019 **Opposition and Countermotion** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
*Plaintiff's Opposition to the City of Las Vegas' Motion to Stay Proceedings Pending Resolution of Writ Petition to the Nevada Supreme Court on Order Shortening Time AND Countermotion for Nunc Pro Tunc Order*
Motion Denied; See 5/15/19 Minute Order

05/15/2019 **All Pending Motions** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
Matter Heard;
Journal Entry Details:
*CITY OF LAS VEGAS' MOTION TO STAY PROCEEDINGS PENDING RESOLUTION OF WRIT PETITION TO THE NEVADA SUPREME COURT ON ORDER SHORTENING TIME PLAINTIFF'S OPPOSITION TO THE CITY OF LAS VEGAS' MOTION TO STAY PROCEEDINGS PENDING RESOLUTION OF WRIT PETITION TO THE NEVADA SUPREME COURT ON ORDER SHORTENING TIME AND COUNTERMOTION FOR NUNC PRO TUNC ORDER Arguments by Mr. Ogilvie, Mr. Leavitt, and Mr. Bice. COURT ORDERED, Motion to Stay DENIED. Mr. Leavitt to prepare the order. Court stated will review Countermotion matter and issue decision. Colloquy regarding pendency of proposed order from prior decision and anticipated writ to follow. Court stated will issue the order promptly.;*

05/15/2019 **Minute Order** (3:25 PM) (Judicial Officer: Williams, Timothy C.)
*re: Plaintiff's Opposition to the City of Las Vegas' Motion to Stay Proceedings Pending Resolution of Writ Petition to the Nevada Supreme Court on Order Shortening Time AND Countermotion for Nunc Pro Tunc Order*
Minute Order - No Hearing Held;
Journal Entry Details:
*After a review and consideration of the record, the points and authorities on file herein, and oral argument of counsel, the Court determined as follows: The Court feels the record is clear as to its intent pertaining to the denial of Petition for Judicial Review. The Court did not intend for that decision to impact the property rights of Plaintiff as it relates to their claims set forth in the severed action seeking damages for inverse condemnation and improper taking by the government. Notwithstanding, the Court was required to make specific findings of fact and conclusions of law when addressing the Petition for Judicial Review. As a result, Plaintiff s Countermotion seeking a Nunc Pro Tunc clarification shall be DENIED. Counsel for Defendant shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based*

*not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature. CLERK'S NOTE: This Minute Order has been electronically served to the parties through Odyssey eFile.;*

07/23/2019 **Status Check** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
*Status Check: Liability/Damages/Discovery/Trial Setting/Scheduling Order*
Matter Heard;
Journal Entry Details:
*APPEARANCES CONTINUED: Elizabeth Ham present as corporate representative for 180 Land Company. Matter of Status Check: Liability/Damages/Discovery/Trial Setting/Scheduling Order. Colloquy regarding discovery conducted to date, discovery anticipated, trial protocol, and issue of determining liability. COURT ORDERED, motion for trial protocol DUE 8/7/19, heard in ordinary course; motion as to liability DUE 1/10/20 and hearing TO BE SET 2/10/20. FURTHER ORDERED; discovery cut-off as to the taking issue 12/18/19; expert disclosures DUE 10/16/19; rebuttal disclosures DUE 11/15/19. Mr. Leavitt to prepare today's order.;*

02/10/2020 *CANCELED* **Hearing** (9:30 AM) (Judicial Officer: Williams, Timothy C.)
*Vacated - Duplicate Entry*
*Hearing on Phase 1 Liability*

02/10/2020 *CANCELED* **Motion** (9:30 AM) (Judicial Officer: Williams, Timothy C.)
*Vacated*
*Plaintiff Landowners Motion on the Procedure to Determine Liability in an Inverse Condemnation Proceeding (Phase 1)*

03/25/2020 **Minute Order** (10:17 AM) (Judicial Officer: Williams, Timothy C.)
*re: 4/1/20 Hearing*
Minute Order - No Hearing Held;
Journal Entry Details:
*Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court offers two methods of appearance: telephonic conference through BlueJeans or CourtCall. As CourtCall involves a cost, the use of BlueJeans is strongly favored given the number of people the system can accommodate. If you prefer to use BlueJeans, please call in prior to your hearing to appear. The call-in number is: Dial the following number: 1-888-748-9073 Meeting ID: 628 071 459 To connect, dial the telephone number then enter the meeting ID and passcode followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing If you prefer to use CourtCall, please contact CourtCall to schedule your appearance. They can be reached toll-free at 1-888-882-6878 and/or on-line at www.courtcall.com. CLERK S NOTE: Minute Order amended to provide new call-in information as reflected above. This Minute Order has been electronically served to counsel through Odyssey eFile. /cd 3-30-20/ ;*

04/01/2020 **Status Check** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
**04/01/2020, 05/14/2020**
*Status Check re Remand from Federal Court/Discovery Deadlines/Rescheduling of Trial*
Matter Continued;
Matter Heard;
Matter Continued;
Matter Heard;
Journal Entry Details:

*APPEARANCES: James Leavitt, Esq., Autumn Waters, Esq., and Elizabeth Ghanem, Esq. present telephonically for Petitioner. George Ogilvie, Esq. and Seth Floyd, Esq. present telephonically for Respondent. Dustun Holmes, Esq. present telephonically for Intervenor. Attorney Andrew Schwartz, Pro Hac pending, also present telephonically. There being no objection, COURT ORDERED, Motion to Associate Lauren Tarpey and Motion to Associate Andrew Schwartz GRANTED. Prevailing party to prepare each order. Colloquy regarding*

*whether discovery period in this remanded matter to be 180 days counting from Governor's Declaration as to the recent public health issue. Court stated 180-day discovery period after the emergency declaration is acceptable and directed counsel prepare stipulation in that regard. Further colloquy regarding whether discovery to proceed joint or bifurcated with respect to liability and damages, and a related issue with computation of damages. Court stated it is appropriate to continue with the joint method of discovery at this time. Court noted the issue as to damages discussed is properly set before Discovery Commissioner; however; stated that computation of damages is a burden of Pltf. and damage claims are typically supported by expert testimony. Colloquy regarding whether matter stipulated as Business Court matter and additional issues with respect to subpoenas and depositions in light of recent public health concern. COURT ORDERED, Status Check SET in 45 days regarding status of discovery. Colloquy regarding removal of 70 Acres from case caption as a party. Court directed counsel prepare a stipulation regarding 70 Acres or file appropriate motion. CONTINUED TO: 5/14/20 9:00 AM STATUS CHECK: REMAND FROM FEDERAL COURT/DISCOVERY DEADLINES/RESCHEDULING OF TRIAL;*

04/16/2020 **Motion to Compel** (9:00 AM) (Judicial Officer: Truman, Erin)
*The City of Las Vegas' Motion to Compel Discovery*
Granted in Part; The City of Las Vegas' Motion to Compel Discovery
Journal Entry Details:
*Mr. Ogilvie stated the property at issue is the Bad Lands Golf Course in Queensridge. Four actions were brought for Land Use Applications to redevelop the golf course, and Mr. Ogilvie stated there is a failure and refusal to respond by Petitioner to Requests for Production of documents. Counsel attempted to work on a Stipulated Protective Order so City of Las Vegas can use the documents in other litigations. No agreement by counsel. Argument by Mr. Ogilvie; he is seeking to use the documents in any case where the City of Las Vegas is adverse to 180 Land Company LLC, or its affiliates as a party. Commissioner Will Not consider what is relevant in a case that is not before the Commissioner. Commissioner will protect the documents pursuant to NRCP 26(c) for use in this litigation only. No blanket Orders, and no Advisory Opinions from Commissioner Truman. Ms. Ghanem Ham has not refused to respond, but counsel requested Confidentiality. Commissioner DISCLOSED as a private attorney, she was Of Counsel for Hutchinson & Steffen from 2010 to May 2017. Commissioner has no personal knowledge of this case except what Commissioner has seen on the news. No objection by Ms. Ghanem Ham, or Mr. Ogilvie. Arguments by counsel. Ms. Ghanem Ham already allowed the City of Las Vegas to use documents in other inverse condemnation matters, and she requested a Stipulated Protective Order. Commissioner advised counsel that NRCP 33 allows 40 Interrogatories sent to each party. Mr. Ogilvie stated the City of Las Vegas agrees, and submits the matter. Mr. Leavitt stated Seventy Acres was inadvertently added by Mr. Leavitt's office; counsel requested to remove Seventy Acres as they do not have an interest in the action, but Mr. Ogilvie declined. Commissioner allowed discovery to go forward as Seventy Acres is currently a party. Ms. Ghanem Ham indicated Judge Williams stated if counsel cannot agree, the Court would consider a Motion to Dismiss. Ms. Ghanem Ham requested a Stay on Commissioner's decision to give Petitioner a chance to file a Motion to Dismiss. Arguments by counsel. COMMISSIONER RECOMMENDED, motion is GRANTED IN PART and DENIED IN PART; provide the documents, however, the documents are PROTECTED for use in this litigation only pursuant to NRCP 26(c). Commissioner advised counsel if the documents are requested, and the City of Las Vegas offers to make them Confidential in other cases, if Plaintiff refuses the documents, Commissioner would CONSIDER a Motion for Sanctions. COMMISSIONER RECOMMENDED, Commissioner COMPELLED responses to the discovery, however, Commissioner will provide relief under EDCR 2.34(e), and production is STAYED until the DCRR becomes a final Order of the Court; documents are due within 14 days after the DCRR becomes a final Order of the Court. Mr. Ogilvie to prepare the Report and Recommendations, and Ms. Ghanem Ham to approve as to form and content. Comply with Administrative Order 20-10, and submit the DCRR to DiscoveryInbox@clarkcountycourts.us. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution.;*

04/28/2020 *CANCELED* **Motion to Associate Counsel** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
*Vacated*
*Defendant's Motion to Associate Lauren Mary Tarpey*

04/28/2020 *CANCELED* **Motion to Associate Counsel** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
*Vacated*
*Defendant's Motion to Associate Andrew William Schwartz*

05/05/2020 **Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)
*re: 5/14/20 Hearing*
Minute Order - No Hearing Held;
Journal Entry Details:
*Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is: Dial the following number: 1-408-419-1715 Meeting ID: 508 617 932 To connect, dial the telephone number then enter the meeting ID followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: This Minute Order has been electronically served to counsel through Odyssey eFile.;*

05/14/2020 *CANCELED* **Status Check: Compliance** (3:00 AM) (Judicial Officer: Truman, Erin)
*Vacated*
*Status Check: Compliance / 4-16-2020 DCRR*

05/14/2020 **Motion to Dismiss** (9:30 AM) (Judicial Officer: Williams, Timothy C.)
*Plaintiff's Motion to Dismiss Seventy Acres LLC on OST*
Motion Granted;

05/14/2020 **All Pending Motions** (9:30 AM) (Judicial Officer: Williams, Timothy C.)
Matter Heard;
Journal Entry Details:
*PLTF'S MOTION TO DISMISS SEVENTY ACRES LLC ON OST...STATUS CHECK RE REMAND FROM FEDERAL COURT/DISCOVERY DEADLINES/RESCHEDULING OF TRIAL Counsel present telephonically. Arguments by counsel. Court FINDS Seventy Acres LLC was not a real party in interest; therefore, ORDERED, Motion GRANTED. Prevailing party to prepare the order. Colloquy regarding status check with respect to business court designation, developer activity, and 120-day discovery period. Court stated motion may be filed to address business court designation. Further colloquy regarding discovery issues to date and whether to determine start date of the 120-day discovery period at this time in light of current health crisis and related orders. COURT ORDERED, status check SET in 30 days with respect to the discovery period discussed. Court directed parties to accomplish what they are able to in the interim. 6/11/20 9:00 AM STATUS CHECK: STATUS OF 120-DAY DISCOVERY PERIOD;*

06/01/2020 **Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)
*Minute Order re: Hearing on 6/11/20 at 9:00 a.m.*
Minute Order - No Hearing Held;
Journal Entry Details:
*Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is: Dial the following number: 1-408-419-1715 Meeting ID: 948 657 904 To connect, dial the telephone number then enter the meeting ID followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: This Minute Order has been electronically served to counsel through Odyssey eFile. ;*

06/11/2020 **Status Check** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
*Status Check: Status of 120-Day Discovery Period*
Matter Heard;
Journal Entry Details:
*Counsel present telephonically. Mr. Leavitt advised parties agree on period of 120 days for discovery; disagree when to commence and asserted 7/1/20 as the date. Mr. Ogilvie advised*

*until lessee with the developer cures deficiencies cannot commence and requested further status hearing. Mr. Leavitt advised issues are for Discovery Commissioner. Court noted trial not set. Court inquired of parties as to availability for status check. COURT ORDERED, status check SET 7/9/20 regarding the 120-day discovery period and setting trial. 7/9/20 9:00 AM STATUS CHECK: 120-DAY DISCOVERY PERIOD/TRIAL SETTING;*

06/30/2020

**Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)
*Minute Order re: Hearing on 7/9/20 at 9:00 a.m.*
Minute Order - No Hearing Held;
Journal Entry Details:
*Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is: Dial the following number: 1-408-419-1715 Meeting ID: 979 480 011 To connect, dial the telephone number then enter the meeting ID followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: This Minute Order has been electronically served to counsel through Odyssey eFile.;*

07/09/2020

**Status Check** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
*Status Check: 120-day Discovery Period/Trial Setting*
Trial Date Set;
Journal Entry Details:
*All counsel present telephonically. Colloquy regarding concession and agreement for 120-day discovery period to begin 7/20/20 as well as ongoing status checks. Further colloquy regarding whether discovery matters handled through Discovery Commissioner or with this Court directly. COURT ORDERED, case schedule SET as follows: Close of Discovery 11/20/20; Amend Pleadings 8/21/20; Initial Disclosures 8/21/20; Rebuttal Disclosures 9/21/20; Dispositive Motions 12/21/20; Trial 2/22/21. Department to issue scheduling order. COURT FURTHER ORDERED, discovery disputes to be addressed to this Court as discussed; Status Check SET 8/19/20 regarding any discovery issues. 8/19/20 STATUS CHECK: DISCOVERY ISSUES 2/11/21 10:30 AM PRETRIAL/CALENDAR CALL 2/22/21 9:30 AM JURY TRIAL;*

08/07/2020

**Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)
*Minute Order re: Hearing on 8/13/20 at 9:00 a.m.*
Minute Order - No Hearing Held;
Journal Entry Details:
*Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is: Dial the following number: 1-408-419-1715 Meeting ID: 301 745 453 To connect, dial the telephone number then enter the meeting ID followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: This Minute Order has been electronically served to counsel through Odyssey eFile.;*

08/11/2020

**Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)
*Minute Order re: Hearing on 8/19/20 at 9:00 a.m.*
Minute Order - No Hearing Held;
Journal Entry Details:

*Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is: Dial the following number: 1-408-419-1715 Meeting ID: 301 745 453 To connect, dial the telephone*

*number then enter the meeting ID followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: This Minute Order has been electronically served to counsel through Odyssey eFile.;*

08/13/2020 **Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)
*Minute Order re: Hearing on 8/19/20 at 9:00 a.m.*
Minute Order - No Hearing Held;
Journal Entry Details:
*Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is: Dial the following number: 1-408-419-1715 Meeting ID: 301 745 453 To connect, dial the telephone number then enter the meeting ID followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: This Minute Order has been electronically served to counsel through Odyssey eFile.;*

08/13/2020 **Objection to Discovery Commissioner's Report** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
Over Ruled; See 8/31/20 Minute Order
Journal Entry Details:
*All parties present telephonically. Arguments by Mr. Ogilvie and Ms. Ghanem. COURT ORDERED, Discovery Commissioner's Report and Recommendations AFFIRMED; will issue minute order decision regarding remaining issue of documents usage and possession. Mr. Leavitt requested jury trial reset at this time in light of current public health climate to ensure statutory priority setting. COURT ORDERED, status check SET 8/19/20 regarding resetting trial date. 8/19/20 9:00 AM STATUS CHECK: RESETTING TRIAL DATE;*

08/19/2020 **Status Check** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
**08/19/2020, 09/09/2020**
*Status Check: Discovery Issues*
Matter Continued;
Matter Heard;
Matter Continued;
Matter Heard;

08/19/2020 **Status Check** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
*Status Check: Resetting Trial Date*
Trial Date Set;

08/19/2020 **All Pending Motions** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
Matter Heard;
Journal Entry Details:
*APPEARANCES CONTINUED: John Christopher Molina, Esq. present for City of Las Vegas. STATUS CHECK: RESETTING TRIAL DATE All parties present telephonically. Mr. Leavitt advised concern over trial setting in light of COVID crisis and requested to be placed on an April 2021 trial stack. Mr. Ogilvie advised no opposition. Court noted case has preferential setting. Colloquy regarding jury trial viability and realistic setting, as well as rescheduling pending Motion to Compel and Motion to Determine Property Interest. Mr. Ogilvie objected to possible discovery delay with respect to Motion to Compel; Court so noted. Following discussion, COURT ORDERED, Trial VACATED and RESET from 2/22/21 to 5/3/21; Motion to Compel RESET from 9/1/20 to 9/9/20; Motion to Determine Property Interest RESET from 9/10/20 to 9/17/20. Department to issue amended trial order. STATUS CHECK: DISCOVERY ISSUES Colloquy regarding 35,000 page discovery production and related issues. Court stated will not make a determination without briefing or stipulated recommendation from the parties. COURT ORDERED, status check SET 9/9/20 regarding discovery issues and whether today's issue brought by the City remains and whether or not to set briefing. 9/9/20 9:00 AM THE*

*CITY OF LAS VEGAS MOTION TO COMPEL AND FOR AN ORDER TO SHOW CAUSE...STATUS CHECK: DISCOVERY ISSUES...STATUS CHECK: PRODUCTION ISSUE BROUGHT BY CITY AND POSSIBLE BRIEFING 9/17/20 9:00 AM PLAINTIFF'S LANDOWNERS' MOTION TO DETERMINE PROPERTY INTEREST;*

08/31/2020 **Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)
*Minute Order re: Objection to Discovery Commissioner's Report (Issue of Documents Usage and Possession)*
Minute Order - No Hearing Held;
Journal Entry Details:
*After a review and consideration of the record, the points and authorities on file herein, and oral argument of counsel, the Court determined as follows: The Court notes that each judge must render a reasoned judgment by applying the law to the unique facts of the case that he or she presides over. Consequently, under the facts in the instant case, review of the DCCR, the briefs on file, and the stipulated protective agreement, the Court finds that it cannot limit the use of the confidential information to this litigation only. See DCRR at 9 and 10 and 3:23-24. Consequently, the Court OVERRULES the Discover Commissioners Recommendation that the protective information and documents may be used in this litigation only. See id. Defendant shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature. CLERK S NOTE: This Minute Order has been served to counsel electronically through Odyssey eFile.;*

09/01/2020 **Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)
*Minute Order re: Hearing on 9/9/20 at 9:00 a.m.*
Minute Order - No Hearing Held;
Journal Entry Details:
*Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is: Dial the following number: 1-408-419-1715 Meeting ID: 261 117 825 To connect, dial the telephone number then enter the meeting ID followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: This Minute Order has been electronically served to counsel through Odyssey eFile.;*

09/08/2020 **Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)
*Minute Order re: Hearing on 9/17/20 at 9:00 a.m.*
Minute Order - No Hearing Held;
Journal Entry Details:
*Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is: Dial the following number: 1-408-419-1715 Meeting ID: 261 117 825 To connect, dial the telephone number then enter the meeting ID followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: This Minute Order has been electronically served through Odyssey eFile to all parties with an email address on record.;*

09/09/2020 **Motion to Compel** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
*The City of Las Vegas Motion to Compel and For an Order to Show Cause*
See 8/19/20 Minutes
Motion Granted;

09/09/2020 **Status Check** (9:00 AM) (Judicial Officer: Williams, Timothy C.)

*Status Check: Production Issue Brought by City and Possible Briefing*
Matter Heard;

09/09/2020 **All Pending Motions** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
Matter Heard;
Journal Entry Details:
*STATUS CHECK: PRODUCTION ISSUE BROUGHT BY CITY AND POSSIBLE BRIEFING...STATUS CHECK: DISCOVERY ISSUES Hearing held telephonically. Colloquy regarding supplementation of documents from Petitioner, whether or not there are outstanding matters the developers are non-responsive to, and possible meet and confer before motion practice regarding same. There being agreement, COURT ORDERED, parties to meet and confer on the issue within 10 days; if unsuccessful, Mr. Ogilvie may file appropriate motion. THE CITY OF LAS VEGAS MOTION TO COMPEL AND FOR AN ORDER TO SHOW CAUSE Arguments by counsel. COURT FINDS record reflects no objection made timely as far as developer is concerned and ultimate issue of usage may be developed for later determination. Therefore, COURT ORDERED, Motion to Compel GRANTED; sanctions DENIED. Court stated the documents at issue are permitted for discovery, not for purposes of trial. Court directed Mr. Ogilvie to prepare the order. Proposed order(s) to be submitted electronically to DC16Inbox@clarkcountycourts.us.;*

09/17/2020 **Motion** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
*Plaintiff's Landowners' Motion to Determine Property Interest*
See 8/19/20 Minutes
Motion Granted;
Journal Entry Details:
*Hearing held telephonically. Arguments by Mr. Leavitt and Mr. Schwartz. Court stated ITS FINDINGS and ORDERED, Motion to Determine Property Interest GRANTED. Court directed Mr. Leavitt to prepare the order and circulate. Mr. Schwartz requested clarification on extent of Pltf's requests. Mr. Leavitt advised order will be limited to moving papers and what is not disputed. Court stated if parties cannot agree on form and content of the order, may submit competing orders. Proposed order(s) to be submitted electronically to DC16Inbox@clarkcountycourts.us.;*

10/12/2020 **Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)
*Minute Order re: Duplicate Order*
Minute Order - No Hearing Held;
Journal Entry Details:
*On October 7, 2020, this Court signed and filed an ORDER GRANTING THE CITY OF LAS VEGAS MOTION TO COMPEL AND FOR AN ORDER TO SHOW CAUSE. October 12, 2020, this Court signed a duplicate copy of this order. As such, it is hereby ORDERED that the duplicate ORDER GRANTING THE CITY OF LAS VEGAS MOTION TO COMPEL AND FOR AN ORDER TO SHOW CAUSE filed in Case No. A-17-758528-J on October 12, 2020 is hereby stricken from the record due to a filing error. CLERK S NOTE: Minute Order amended to properly reflect that duplicate order was filed October 12, 2020 as reflected above. A copy of this Minute Order was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System. ;*

10/14/2020 **Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)
*Minute Order re: Hearing on 10/21/20 at 9:00 a.m.*
Minute Order - No Hearing Held;
Journal Entry Details:

*Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is: Dial the following number: 1-408-419-1715 Meeting ID: 458 575 421 To connect, dial the telephone number then enter the meeting ID followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: A copy of this Minute Order was electronically served to all registered users on this case in the Eighth Judicial*

*District Court Electronic Filing System.;*

10/21/2020 **Status Check** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
**10/21/2020, 11/18/2020**
*Status Check re status of all outstanding issues between the parties*
Matter Continued;
Matter Heard;
Matter Continued;
Matter Heard;
Journal Entry Details:
*Hearing held telephonically. Mr. Leavitt requested extension of his disclosures. Colloquy regarding same including that of Mr. Ogilvie's rebuttal disclosures. There being agreement, COURT ORDERED, initial disclosures deadline RESET to 12/1/20; rebuttal disclosures RESET to 1/19/21. Court directed Mr. Leavitt to prepare an order with the dates. Colloquy regarding recently signed order and whether it agrees with Court's determination at hearing with respect to protective order remaining in place. Court stated can clarify concern by way of motion. Colloquy regarding documents and information due to City of Las Vegas, whether already produced, and their confirmation. Mr. Ogilvie requested response or supplement to same within 14 days; COURT SO ORDERED. COURT FURTHER ORDERED, further status check SET 11/18/20 regarding outstanding issues between the parties. CONTINUED TO: 11/18/20 9:00 AM STATUS CHECK RE STATUS OF ALL OUTSTANDING ISSUES BETWEEN THE PARTIES;*

11/09/2020 **Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)
*Minute Order re: Hearing on 11/17/20 at 1:30 p.m.*
Minute Order - No Hearing Held;
Journal Entry Details:
*Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is: Dial the following number: 1-408-419-1715 Meeting ID: 458 575 421 To connect, dial the telephone number then enter the meeting ID followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: A copy of this Minute Order was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;*

11/09/2020 **Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)
*Minute Order re: Hearing on 11/18/20 at 9:00 a.m.*
Minute Order - No Hearing Held;
Journal Entry Details:
*Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is: Dial the following number: 1-408-419-1715 Meeting ID: 458 575 421 To connect, dial the telephone number then enter the meeting ID followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: A copy of this Minute Order was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;*

11/17/2020 **Motion to Compel** (1:30 PM) (Judicial Officer: Williams, Timothy C.)
**11/17/2020-11/18/2020**
*The City Of Las Vegas Motion to Compel Discovery Responses, Documents and Damages Calculation and Related Documents on Order Shortening Time*
Matter Continued;

Motion Denied; See 1/19/21 Minute Order
Matter Continued;
Motion Denied; See 1/19/21 Minute Order
Journal Entry Details:
*Hearing held telephonically. Arguments by counsel. Colloquy regarding continuing instant matter to allow further discussion by the parties and possible resolution. There being agreement, COURT ORDERED, matter CONTINUED to 11/18/20; will honor agreement the parties reach. Court stated it would be anticipated that documents in possession supporting valuation be produced. CONTINUED TO: 11/18/20 9:00 AM THE CITY OF LAS VEGAS MOTION TO COMPEL DISCOVERY RESPONSES, DOCUMENTS AND DAMAGES CALCULATION AND RELATED DOCUMENTS ON ORDER SHORTENING TIME ;*

11/18/2020 **All Pending Motions** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
Matter Heard;
Journal Entry Details:
*THE CITY OF LAS VEGAS MOTION TO COMPEL DISCOVERY RESPONSES, DOCUMENTS AND DAMAGES CALCULATION AND RELATED DOCUMENTS ON ORDER SHORTENING TIME Hearing held telephonically. Ms. Ghanem advised they are willing to produce documents subject to Motion to Compel at issue; however, have certain concern regarding confidentiality. Ms. Ghanem requested an order that documents produced be under confidential protective order. Mr. Ogilvie advised ongoing issue as to whether protective order exists and the scope. Mr. Ogilvie requested Developer counsel submit the protective order and be given opportunity to review same with client; COURT SO ORDERED. COURT FURTHER ORDERED, status check SET 12/8/20 to see what has been accomplished and whether parties reached a protective order. Mr. Leavitt recalled request during Motion hearing yesterday for trial continuance and advised has been unable to prepare expert reports sufficiently. Mr. Leavitt requested trial continued to July for opportunity for certain deposition and to produce documents at issue. Mr. Ogilvie advised no objection to extension of deadlines and trial; however, has certain obligations in July and beginning of August. Further colloquy regarding appropriate case deadlines in light of possible conflicts. COURT ORDERED, Trial VACATED and RESET from 5/3/21 to 8/16/21; Mr. Ogilvie may attend Calendar Call remotely. Mr. Leavitt advised parties will prepare stipulation as to other case deadlines; Court so noted. Mr. Ogilvie advised there was other production subject of the Motion to Compel outstanding. Court stated will issue decision on the remainder of the Motion including issue with fees. STATUS CHECK RE STATUS OF ALL OUTSTANDING ISSUES BETWEEN THE PARTIES Mr. Ogilvie advised City submitted a status report. Mr. Ogilvie advised certain issue with Developer and production obligations with reference to November 4 event. Mr. Ogilvie requested the Developer be required to comply with Rule 34 obligations and identify which of the requests are related to or are responsive and that the documents be produced. Ms. Ghanem advised no objection to a remedy and advised some anticipated delay with respect to lack of assistance at this time. Court stated will make the response to request for production and corresponding bates to be subject of the 12/8/20 status check as well. 12/8/20 9:00 AM STATUS CHECK: PROTECTIVE ORDER/RULE 34 RESPONSE WITH BATES (FROM 11/18/20 HEARING) 8/5/21 10:30 AM PRETRIAL/CALENDAR CALL 8/16/21 9:30 AM JURY TRIAL ;*

12/01/2020 **Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)
*Minute Order re: Hearing on 12/8/20 at 9:30 a.m.*
Minute Order - No Hearing Held;
Journal Entry Details:
*Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is: Dial the following number: 1-408-419-1715 Meeting ID: 458 575 421 To connect, dial the telephone number then enter the meeting ID followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: A copy of this Minute Order was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;*

12/03/2020 *CANCELED* **Status Check: Trial Readiness** (9:00 AM) (Judicial Officer: Williams, Timothy

C.)
*Vacated*

12/08/2020 **Motion to Strike** (9:30 AM) (Judicial Officer: Williams, Timothy C.)
*Plaintiff Landowners' Motion to Strike One Sentence Related to the Landowners' Protective Order from Order Granting the City of Las Vegas' Motion to Compel and for an Order to Show Cause Filed on Oct. 12, 2020*
Motion Granted;

12/08/2020 **Status Check** (9:30 AM) (Judicial Officer: Williams, Timothy C.)
**12/08/2020, 01/13/2021, 02/03/2021**
*Status Check: Protective Order/Rule 34 Response with Bates (from 11/18/20 Hearing)*
Matter Continued;
Matter Continued;
Matter Heard;
Journal Entry Details:
*Hearing held telephonically. Mr. Leavitt advised protective order issue may resolve and that additional time for discovery may be required with continuance of trial. Ms. Ghanem advised two changes by the City as regards the protective order are at issue. Mr. Ogilvie advised additional time with respect to the experts issue is amenable and would be willing to stipulate to trial continuance. Mr. Ogilvie further advised he did not review Ms. Ghanem s response and requested Court not enter protective order submitted with the recent Status Report. Court stated it will not enter an order at this time. Colloquy regarding protective order issues, setting status check for a resolution of same, and resetting expert deadlines and trial. COURT ORDERED, status check SET 2/8/21 at 10:00 a.m. regarding a protective order and deadlines for expert disclosures. Court directed counsel provide notice if matter resolved and hearing may be vacated. COURT FURTHER ORDERED, Trial VACATED and RESET from 8/16/21 to 10/25/21. Department to issue amended trial order. 2/8/21 10:00 AM STATUS CHECK: PROTECTIVE ORDER/EXPERT DEADLINES 10/14/21 10:30 AM PRETRIAL/CALENDAR CALL 10/25/21 9:30 AM JURY TRIAL ;*
Matter Continued;
Matter Continued;
Matter Heard;
Journal Entry Details:
*No parties present. Court notes 1/12/21 Stipulation and Order to continue matter.;*
Matter Continued;
Matter Continued;
Matter Heard;

12/08/2020 **All Pending Motions** (9:30 AM) (Judicial Officer: Williams, Timothy C.)
Matter Heard;
Journal Entry Details:
*PLAINTIFF LANDOWNERS' MOTION TO STRIKE ONE SENTENCE RELATED TO THE LANDOWNERS' PROTECTIVE ORDER FROM ORDER GRANTING THE CITY OF LAS VEGAS' MOTION TO COMPEL AND FOR AN ORDER TO SHOW CAUSE FILED ON OCT. 12, 2020 STATUS CHECK: PROTECTIVE ORDER/RULE 34 RESPONSE WITH BATES (FROM 11/18/20 HEARING) Hearing held telephonically. Arguments by counsel. Court stated ITS FINDINGS and ORDERED, Motion GRANTED; does not stand for proposition confidential long-term as discussed. Court directed Mr. Leavitt to prepare and circulate the order; if parties cannot agree on form and content, may submit competing orders. Colloquy regarding issues and scope of production. Further colloquy regarding resetting discovery related status check. COURT ORDERED, status check matter CONTINUED to 12/16/20 at 1:30 p.m. Proposed order(s) to be submitted electronically to DC16Inbox@clarkcountycourts.us. CONTINUED TO: 12/16/20 1:30 PM STATUS CHECK: PROTECTIVE ORDER/RULE 34 RESPONSE WITH BATES (FROM 11/18/20 HEARING) ;*

12/14/2020 **Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)
*Minute Order re: Hearing on 12/16/20 at 1:30 p.m.*
Minute Order - No Hearing Held;
Journal Entry Details:
*Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard*

*via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is: Dial the following number: 1-408-419-1715 Meeting ID: 458 575 421 To connect, dial the telephone number then enter the meeting ID followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;*

01/05/2021 **Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)
*Minute Order re: Hearing on 1/13/21 at 9:00 a.m.*
Minute Order - No Hearing Held;
Journal Entry Details:
*Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conferences through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is: Dial the following number: 1-408-419-1715 Meeting ID: 552 243 859 To connect, dial the telephone number then enter the meeting ID followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;*

01/19/2021 **Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)
*Minute Order: The City Of Las Vegas Motion to Compel Discovery Responses, Documents and Damages Calculation and Related Documents on Order Shortening Time*
Minute Order - No Hearing Held;
Journal Entry Details:
*After review and consideration of the points and authorities on file herein, and oral argument of counsel, the Court determined as follows: The thrust of the Defendant City of Las Vegas Motion to Compel Discovery Responses and a Damage Calculation focuses on the adequacy of 180 Land Co. LLC s discovery responses and damage calculations. Addressing the damage calculation first, the Court is well aware of the mandate of NRCP 16.1, which requires Plaintiff to prepare and submit a damage calculation as early as the NRCP 16.1 early case conference. However, the instant action involves more than just a simple computation of past and future medical expenses in a tort case or the cost of repair in a Chapter 40 construction defect case. Plaintiff s damage claim is based on expert testimony and analysis, which is scheduled to be disclosed pursuant to the Court's scheduling order. In light of the unique nature of Plaintiff s damage claims and heavy reliance on expert opinions, the Court determined that Plaintiff s computation of damages may be produced in conjunction with its expert witness disclosures. As to the maintenance record s 180 Land has no ownership interest in the Badlands golf course. As a result, there are no records to be produced. Lastly, pertaining to communications with Chris Kaempher and Stephanie Allen, 57 pages of documents were produced in conjunction with a privilege log which was responsive to the Request for Production of documents. Based on the foregoing, Defendant City of Las Vegas Motion to Compel Discovery Responses shall be DENIED. Additionally, Plaintiff 180 Land Co. LLC s request for attorney s shall be DENIED. Counsel for Plaintiff, 180 Land Co., shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections prior to submitting to the Court for review and signature. CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;*

01/20/2021 *CANCELED* **Status Check** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
*Vacated - Duplicate Entry*

01/26/2021 **Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)

*Minute Order re: Hearing on 2/3/21 at 9:00 a.m.*
Minute Order - No Hearing Held;
Journal Entry Details:
*Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Orders 20-10 and 20-24, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conferences through BlueJeans conferencing, wherein you dial in prior to your hearing to appear. Also, please check in with the Courtroom Clerk by 8:55 a.m. The call-in number is: Dial the following number: 1-408-419-1715 Meeting ID: 552 243 859 To connect, dial the telephone number then enter the meeting ID followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;*

02/03/2021 *CANCELED* **Status Check** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
*Vacated*

02/08/2021 **Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)
*Minute Order re: Hearing on 2/8/21 at 10:00 a.m.*
Minute Order - No Hearing Held;
Journal Entry Details:
*Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Orders 20-10 and 20-24, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conferences through BlueJeans conferencing, wherein you dial in prior to your hearing to appear. The call-in number is: Dial the following number: 1-408-419-1715 Meeting ID: 552 243 859 To connect, dial the telephone number then enter the meeting ID followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;*

02/08/2021 **Status Check** (10:00 AM) (Judicial Officer: Williams, Timothy C.)
*Status Check: Protective Order/Expert Deadlines*
Matter Heard;
Journal Entry Details:
*Hearing held telephonically. Mr. Ogilvie advised matter resolved. Ms. Ghanem advised the representation is correct and requested further status check after the 2/16/21 Motion to Compel. Mr. Ogilvie advised no objection to setting status check.;*

02/10/2021 **Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)
*Minute Order re: Hearing on 2/16/21 at 9:05 a.m.*
Minute Order - No Hearing Held;
Journal Entry Details:
*Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Orders 20-10 and 20-24, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conferences through BlueJeans conferencing, wherein you dial in prior to your hearing to appear. Also, please check in with the Courtroom Clerk by 8:55 a.m. The call-in number is: Dial the following number: 1-408-419-1715 Meeting ID: 552 243 859 To connect, dial the telephone number then enter the meeting ID followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System. ;*

02/11/2021 *CANCELED* **Pretrial/Calendar Call** (10:30 AM) (Judicial Officer: Williams, Timothy C.)
*Vacated*

02/16/2021 **Motion to Compel** (9:05 AM) (Judicial Officer: Williams, Timothy C.)
*Plaintiff Landowners' Motion to Compel the City to Answer Interrogatories*
Granted in Part;
Journal Entry Details:
*Hearing held telephonically. Arguments by Mr. Leavitt and Mr. Ogilvie. Court stated ITS FINDINGS and ORDERED, Motion to Compel GRANTED IN PART and DENIED IN PART; GRANTED as to interrogatories 1, 2, and 3; DENIED as to interrogatory 6. Court directed Mr. Leavitt to prepare the order and circulate. Upon Court s inquiry, Mr. Ogilvie advised further status check in 3-4 weeks regarding discovery is advisable. COURT ORDERED, status check regarding discovery SET in 30 days. 3/18/21 9:00 AM STATUS CHECK: DISCOVERY ISSUES ;*

02/17/2021 *CANCELED* **Status Check: Trial Readiness** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
*Vacated*

02/22/2021 *CANCELED* **Jury Trial** (9:30 AM) (Judicial Officer: Williams, Timothy C.)
*Vacated*

03/11/2021 **Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)
*Minute Order re: Hearing on 3/18/21 at 9:00 a.m.*
Minute Order - No Hearing Held;
Journal Entry Details:
*Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Orders 20-10 and 20-24, Department 16 will temporarily require all matters to be heard via remote appearance. The court is currently scheduling all remote conferences through BlueJeans, wherein you dial in by phone or connect online prior to your hearing to appear. Also, please check in with the Courtroom Clerk by 8:55 a.m. The call-in number or website is: Dial the following number: 1-408-419-1715 Meeting ID: 552 243 859 Online: https://bluejeans.com/552243859 To connect by phone, dial the telephone number, then the meeting ID, followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;*

03/18/2021 **Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)
*Minute Order re: Hearing on 3/25/21 at 9:00 a.m.*
Minute Order - No Hearing Held;
Journal Entry Details:
*Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Orders 21-03, Department 16 will temporarily require all matters to be heard via remote appearance. The court is currently scheduling all remote conferences through BlueJeans, wherein you dial in by phone or connect online prior to your hearing to appear. Also, please check in with the Courtroom Clerk by 8:55 a.m. The call-in number or website is: Dial the following number: 1-408-419-1715 Meeting ID: 552 243 859 Online: https://bluejeans.com/552243859 To connect by phone, dial the telephone number, then the meeting ID, followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;*

03/25/2021 **Status Check** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
*Status Check: Discovery Issues*

Matter Heard;
Journal Entry Details:
*Hearing held by BlueJeans remote conferencing. Mr. Leavitt advised Mr. Ogilvie submitted Status Report yesterday and is an accurate reflection of matter status. Mr. Leavitt further advised discovery is on track and anticipates meeting all current dates. Mr. Ogilvie advised he has nothing further to add to the Status Report submitted yesterday. Colloquy regarding necessity of monthly status hearing. Court stated will keep current upcoming hearings as calendared.;*

04/13/2021 **Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)
*Minute Order re: Hearing on 4/15/21 at 9:05 a.m.*
Minute Order - No Hearing Held;
Journal Entry Details:
*Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Orders 21-03, Department 16 will temporarily require all matters to be heard via remote appearance. The court is currently scheduling all remote conferences through BlueJeans, wherein you dial in by phone or connect online prior to your hearing to appear. Also, please check in with the Courtroom Clerk by 8:55 a.m. The call-in number or website is: Dial the following number: 1-408-419-1715 Meeting ID: 552 243 859 Online: https://bluejeans.com/552243859 To connect by phone, dial the telephone number, then the meeting ID, followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;*

04/15/2021 **Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)
*Minute Order re: Hearing on 4/21/21 at 9:30 a.m.*
Minute Order - No Hearing Held;
Journal Entry Details:
*Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Orders 21-03, Department 16 will temporarily require all matters to be heard via remote appearance. The court is currently scheduling all remote conferences through BlueJeans, wherein you dial in by phone or connect online prior to your hearing to appear. The call-in number or website is: Dial the following number: 1-408-419-1715 Meeting ID: 552 243 859 Online: https://bluejeans.com/552243859 To connect by phone, dial the telephone number, then the meeting ID, followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;*

04/15/2021 **Motion For Reconsideration** (9:05 AM) (Judicial Officer: Williams, Timothy C.)
**04/15/2021, 04/21/2021**
*City of Las Vegas' Motion for Reconsideration of Order Granting in Part and Denying in Part the City's Motion to Compel Discovery Responses, Documents and Damages Calculation and Related Documents*
Matter Continued;
Motion Denied; See 5/3/21 Minute Order
Matter Continued;
Motion Denied; See 5/3/21 Minute Order
Journal Entry Details:
*No parties present. Matter continued pursuant to stipulation and order.;*

04/21/2021 **Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)
*Minute Order re: Hearing on 4/29/21 at 9:30 a.m.*
Minute Order - No Hearing Held;
Journal Entry Details:

*Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Orders 21-03, Department 16 will temporarily require all matters to be heard via remote appearance. The court is currently scheduling all remote conferences through BlueJeans, wherein you dial in by phone or connect online prior to your hearing to appear. The call-in number or website is: Dial the following number: 1-408-419-1715 Meeting ID: 552 243 859 Online: https://bluejeans.com/552243859 To connect by phone, dial the telephone number, then the meeting ID, followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;*

04/21/2021 **Motion** (9:30 AM) (Judicial Officer: Williams, Timothy C.)
*City of Las Vegas' Rule 56(d) Motion on OST*
Motion Granted; See 5/3/21 Minute Order

04/21/2021 **All Pending Motions** (9:30 AM) (Judicial Officer: Williams, Timothy C.)
Matter Heard;
Journal Entry Details:
*CITY OF LAS VEGAS' RULE 56(D) MOTION ON OST...CITY OF LAS VEGAS' MOTION FOR RECONSIDERATION OF ORDER GRANTING IN PART AND DENYING IN PART THE CITY'S MOTION TO COMPEL DISCOVERY RESPONSES, DOCUMENTS AND DAMAGES CALCULATION AND RELATED DOCUMENTS Hearing held by BlueJeans remote conferencing. Arguments by counsel. Court stated will review matters; decision forthcoming.;*

04/22/2021 *CANCELED* **Pretrial/Calendar Call** (10:30 AM) (Judicial Officer: Williams, Timothy C.)
*Vacated*

04/29/2021 **Motion for Summary Judgment** (9:30 AM) (Judicial Officer: Williams, Timothy C.)
**04/29/2021, 09/23/2021-09/24/2021, 09/27/2021-09/28/2021**
Events: 03/26/2021 Motion
*[497] Plaintiff Landowners' Motion to Determine Take and for Summary Judgment on the First, Third and Fourth Claims for Relief*
Matter Continued;
Per 5/3/21 Minute Order
Matter Continued;
Matter Continued;
Matter Continued;
Duplicate
Motion Granted;
Matter Continued;
Per 5/3/21 Minute Order
Matter Continued;
Matter Continued;
Matter Continued;
Duplicate
Motion Granted;
Matter Continued;
Per 5/3/21 Minute Order
Matter Continued;
Matter Continued;
Matter Continued;
Duplicate
Motion Granted;
Matter Continued;
Per 5/3/21 Minute Order
Matter Continued;
Matter Continued;
Matter Continued;
Duplicate

Motion Granted;
Matter Continued;
Per 5/3/21 Minute Order
Matter Continued;
Matter Continued;
Matter Continued;
Duplicate
Motion Granted;
Journal Entry Details:
*Matter continued pursuant to 4/15/2021 Stipulation and Order.;*

05/03/2021 **Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)
*Minute Order: Pending Motions*
Minute Order - No Hearing Held;
Journal Entry Details:
*After review and consideration of the points and authorities on file herein, and oral argument of counsel, the Court determined as follows: First, regarding the City of Las Vegas and its Motion for Reconsideration, the Court considered the standard as outlined in EDCR 2.24, and review of the City's Motion raises no new issues of law or fact. Moreover, in response to the Request for Production of Documents, Plaintiff 180 Land Co. has produced over 35,00 pages of documents based on the discovery limitations focusing on Plaintiff's computation of damages coupled with Plaintiff's expert witness disclosures. Additionally, the Court determined that the City was entitled to all documents that support Plaintiff's position that Plaintiff 180 Land Co. paid $45 million for the Badlands property. In regards to its decision, the Court considered both relevancy and proportionality. In light of the foregoing, Defendant City's Motion for Reconsideration shall be DENIED. Next, the Court considers Defendant City's Motion for NRCP 56(d) Relief. Initially, the Court considered whether it should wait and consider the requested relief until the time set for Plaintiff's Motion for Summary Judgement. However, the Court recognized judicial efficiency as a basis to consider Defendant's Rule 56 (d) relief. In light of Plaintiff's pending Motion for Summary Judgment where Plaintiff is seeking summary judgment as to its First Claim for Relief (Per Categorical Taking), the Third Claim for Relief (Per Se Regulatory Taking), and Fourth Claims for Relief (Non-Regulatory Taking/ Defacto) Defendant's Motion for Rule 56(d) Relief shall be GRANTED to permit the City to complete discovery on issues as to whether the City's actions deprive the subject property of "all economically beneficially or productive use of land" or whether the City's actions "directly and substantially interfere with an owner's property rights to the extent of rendering the property unusable or valueless. Thus, the City shall be permitted to conduct discovery regarding 180 Land Co.'s claim that the property has no economically beneficial use. As a result, Defendant City's Motion for Rule 56(d) Relief is GRANTED, and the Court will vacate Plaintiff's pending Motion for Summary Judgement to permit the City to depose Yohan Lowie, inspect the Badlands property, and complete the City's discovery in defense of this action. After the completion of this discovery, Plaintiff will be free to re-file its Motion for Summary Judgment. Counsel on behalf of the Defendant City of Las Vegas shall prepare a Findings of Fact, Conclusions of Law and Order based not only on the court's minute order but the pleadings on file herein, argument of counsel, and the entire record. Lastly, counsel is to circulate the order prior to submission to the Court to adverse counsel. If the counsel can't agree on the contents, the parties are to submit competing orders. CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System. ;*

05/03/2021 *CANCELED* **Jury Trial** (9:30 AM) (Judicial Officer: Williams, Timothy C.)
*Vacated*

05/05/2021 *CANCELED* **Status Check: Trial Readiness** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
*Vacated - per Stipulation and Order*

05/11/2021 **Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)
*Minute Order re: Hearing on 5/13/21 at 9:05 a.m.*
Minute Order - No Hearing Held;
Journal Entry Details:

*Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Orders 21-03, Department 16 will temporarily require all matters to be heard*

*via remote appearance. The court is currently scheduling all remote conferences through BlueJeans, wherein you dial in by phone or connect online prior to your hearing to appear. Also, please check in with the Courtroom Clerk by 8:55 a.m. The call-in number or website is: Dial the following number: 1-408-419-1715 Meeting ID: 552 243 859 Online: https://bluejeans.com/552243859 To connect by phone, dial the telephone number, then the meeting ID, followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;*

05/13/2021

**Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)

*Minute Order re: Hearing on 5/19/21 at 1:30 p.m.*
Minute Order - No Hearing Held;
Journal Entry Details:
*Department 16 Formal Request to Appear Remotely Please be advised that pursuant to Administrative Orders 21-03, Department 16 will temporarily require all matters to be heard via remote appearance. The court is currently scheduling all remote conferences through BlueJeans, wherein you dial in by phone or connect online prior to your hearing to appear. Also, please check in with the Courtroom Clerk by 8:55 a.m. The call-in number or website is: Dial the following number: 1-408-419-1715 Meeting ID: 552 243 859 Online: https://bluejeans.com/552243859 To connect by phone, dial the telephone number, then the meeting ID, followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;*

05/13/2021

**Motion For Reconsideration** (9:05 AM) (Judicial Officer: Williams, Timothy C.)

*City's Motion for Rehearing and Reconsideration of Court's Order Granting Plaintiffs' Motion to Compel Responses to Interrogatories*
Decision Made;
Journal Entry Details:
*Hearing held by BlueJeans remote conferencing. Arguments by Mr. Schwartz and Mr. Leavitt. COURT FINDS distinct difference in the process as pertains to member of legislature and discovery at issue more broadly permissible than admissibility at time of trial. Therefore, COURT ORDERED, Motion for Rehearing GRANTED and will let the three interrogatories STAND. Court directed Mr. Leavitt to prepare the order. Proposed order(s) to be submitted electronically to DC16Inbox@clarkcountycourts.us. ;*

08/05/2021

**Minute Order** (3:00 AM) (Judicial Officer: Williams, Timothy C.)

*Minute Order re: Hearing on 8/12/21 at 9:00 a.m.*
Minute Order - No Hearing Held;
Journal Entry Details:
*Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Order 21-04, Department 16 will temporarily require all matters to be heard via remote appearance. The court is currently scheduling all remote conferences through BlueJeans, wherein you dial in by phone or connect online prior to your hearing to appear. Also, please check in with the Courtroom Clerk by 8:55 a.m. The call-in number or website is: Dial the following number: 1-408-419-1715 Meeting ID: 305 354 001 Participant Passcode: 2258 Online: https://bluejeans.com/305354001/2258 To connect by phone, dial the telephone number, then the meeting ID, followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;*

08/05/2021 *CANCELED* **Pretrial/Calendar Call** (10:30 AM) (Judicial Officer: Williams, Timothy C.)
*Vacated*

08/12/2021 **Minute Order** (3:00 AM) (Judicial Officer: Williams, Timothy C.)
*Minute Order re: Hearing on 8/19/21 at 9:00 a.m.*
Minute Order - No Hearing Held;
Journal Entry Details:
*Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Order 21-04, Department 16 will temporarily require all matters to be heard via remote appearance. The court is currently scheduling all remote conferences through BlueJeans, wherein you dial in by phone or connect online prior to your hearing to appear. Also, please check in with the Courtroom Clerk by 8:55 a.m. The call-in number or website is: Dial the following number: 1-408-419-1715 Meeting ID: 305 354 001 Participant Passcode: 2258 Online: https://bluejeans.com/305354001/2258 To connect by phone, dial the telephone number, then the meeting ID, followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;*

08/16/2021 *CANCELED* **Jury Trial** (9:30 AM) (Judicial Officer: Williams, Timothy C.)
*Vacated*

08/19/2021 **Status Check: Trial Readiness** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
**08/19/2021, 09/24/2021, 09/27/2021-09/28/2021, 09/30/2021**
Matter Continued;
Matter Continued;
Matter Continued;
Matter Continued;
Matter Heard;
Matter Continued;
Matter Continued;
Matter Continued;
Matter Continued;
Matter Heard;
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Matter Continued;
Matter Heard;
Matter Continued;
Matter Continued;
Matter Continued;
Matter Continued;
Matter Heard;
Journal Entry Details:

*APPEARANCES CONTINUED: J. Christopher Molina, Esq. present for Respondent City of Las Vegas. Hearing held by BlueJeans remote conferencing. Colloquy regarding status of discovery, trial protocol, and a further status check regarding trial readiness. Further colloquy regarding pending motion to determine take and motion for summary judgment. COURT ORDERED, regarding Motion to Determine Take, opposition DUE 10 days from today as discussed, and hearing SET both 9/23/21 and 9/24/21. COURT FURTHER ORDERED, Status Check SET 9/24/21 regarding trial readiness. Mr. Leavitt advised he will prepare an order from today's hearing. 9/23/21 1:30 PM [497] PLAINTIFF LANDOWNERS' MOTION TO DETERMINE TAKE AND FOR SUMMARY JUDGMENT ON THE FIRST,*

*THIRD AND FOURTH CLAIMS FOR RELIEF 9/24/21 9:30 AM [497] PLAINTIFF LANDOWNERS' MOTION TO DETERMINE TAKE AND FOR SUMMARY JUDGMENT ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF...STATUS CHECK: TRIAL READINESS;*

09/20/2021 **Minute Order** (3:00 AM) (Judicial Officer: Williams, Timothy C.)
*Minute Order re: Hearings on 9/23/21, 9/24/21, and 9/30/21*
Minute Order - No Hearing Held;
Journal Entry Details:
*Department 16 Formal Request to Appear Remotely Please be advised that pursuant to Administrative Order 21-04, Department 16 will temporarily require all matters be heard remotely. The court utilizes BlueJeans for remote conferencing wherein you appear and participate by phone or through an internet enabled device. The call-in number or website to connect is: Telephone: Dial: 1-408-419-1715 Meeting ID: 305 354 001 Participant Passcode: 2258 Smartphone/Computer: Website: https://bluejeans.com/305354001/2258 If you appear by phone, please bear in mind: first, dial the telephone number, then meeting ID followed by #, and finally the participate passcode followed by #; secondly, dial *4 to unmute when you are ready to do so. If you appear by smartphone or computer, please bear in mind: enter the website address in your device s browser exactly as show above and follow the instructions on screen; optionally, download the BlueJeans app as indicated on this same website. If you wish to test your audio/video in advance of the hearing, please visit https://bluejeans.com/111. Protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Wait for the line to clear before speaking as the conference audio is one-way. Be mindful of background noises and echoing from using multiple devices. BlueJeans chat will not be available while court is in session. If you need to report an issue affecting your ability to appear, please send an email marked urgent to the following addresses: JEA, Lynn Berkheimer [Dept16EA@clarkcountycourts.us]; Law Clerk, Michael Holthus [Dept16LC@clarkcountycourts.us]; Court Clerk, Chris CJ Darling [DarlingC@clarkcountycourts.us] CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;*

09/23/2021 **Opposition and Countermotion** (1:30 PM) (Judicial Officer: Williams, Timothy C.)
**09/23/2021-09/24/2021, 09/27/2021-09/28/2021**
*City's Opposition to Developer's Motion to Determine Take and Motion for Summary Judgment on the First, Third and Fourth Claims for Relief and Counter-Motion for Summary Judgment*
Matter Continued;
Matter Continued;
Matter Continued;
Decision Made;
Matter Continued;
Matter Continued;
Matter Continued;
Decision Made;
Matter Continued;
Matter Continued;
Matter Continued;
Decision Made;
Matter Continued;
Matter Continued;
Matter Continued;
Decision Made;

09/23/2021 **All Pending Motions** (1:30 PM) (Judicial Officer: Williams, Timothy C.)
Matter Heard;
Journal Entry Details:

*APPEARANCES CONTINUED: J. Christopher Molina, Esq. present for Respondent City of Las Vegas. [497] PLAINTIFF LANDOWNERS' MOTION TO DETERMINE TAKE AND FOR SUMMARY JUDGMENT ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF...CITY'S OPPOSITION TO DEVELOPER'S MOTION TO DETERMINE TAKE AND*

*MOTION FOR SUMMARY JUDGMENT ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF AND COUNTER-MOTION FOR SUMMARY JUDGMENT Hearing held by BlueJeans remote conferencing. Arguments by Mr. Leavitt and Mr. Molina. COURT ORDERED, matter CONTINUED. CONTINUED TO: 9/24/21 9:30 AM [497] PLAINTIFF LANDOWNERS' MOTION TO DETERMINE TAKE AND FOR SUMMARY JUDGMENT ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF...CITY'S OPPOSITION TO DEVELOPER'S MOTION TO DETERMINE TAKE AND MOTION FOR SUMMARY JUDGMENT ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF AND COUNTER-MOTION FOR SUMMARY JUDGMENT;*

09/24/2021 **All Pending Motions** (9:30 AM) (Judicial Officer: Williams, Timothy C.)

Matter Heard;
Journal Entry Details:
*APPEARANCES CONTINUED: J. Christopher Molina, Esq. present for Respondent City of Las Vegas. [497] PLAINTIFF LANDOWNERS' MOTION TO DETERMINE TAKE AND FOR SUMMARY JUDGMENT ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF...CITY'S OPPOSITION TO DEVELOPER'S MOTION TO DETERMINE TAKE AND MOTION FOR SUMMARY JUDGMENT ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF AND COUNTER-MOTION FOR SUMMARY JUDGMENT...STATUS CHECK: TRIAL READINESS Arguments by Mr. Molina, Mr. Schwartz, and Mr. Leavitt. Colloquy regarding continuance. COURT ORDERED, matters CONTINUED to 9/27/21 at 9:15 a.m. and 9/28/21. COURT DIRECTED, Mr. Schwartz limited to 1 hour further argument; Mr. Leavitt limited to 2 hours further argument; also, 1 hour further rebuttal if necessary. CONTINUED TO: 9/27/21 9:15 AM [497] PLAINTIFF LANDOWNERS' MOTION TO DETERMINE TAKE AND FOR SUMMARY JUDGMENT ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF...CITY'S OPPOSITION TO DEVELOPER'S MOTION TO DETERMINE TAKE AND MOTION FOR SUMMARY JUDGMENT ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF AND COUNTER-MOTION FOR SUMMARY JUDGMENT...STATUS CHECK: TRIAL READINESS...STATUS CHECK: TRIAL READINESS CONTINUED TO: 9/28/21 9:15 AM [497] PLAINTIFF LANDOWNERS' MOTION TO DETERMINE TAKE AND FOR SUMMARY JUDGMENT ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF...CITY'S OPPOSITION TO DEVELOPER'S MOTION TO DETERMINE TAKE AND MOTION FOR SUMMARY JUDGMENT ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF AND COUNTER-MOTION FOR SUMMARY JUDGMENT...STATUS CHECK: TRIAL READINESS...STATUS CHECK: TRIAL READINESS;*

09/27/2021 **All Pending Motions** (9:15 AM) (Judicial Officer: Williams, Timothy C.)

Matter Heard;
Journal Entry Details:
*PLAINTIFF LANDOWNERS' MOTION TO DETERMINE TAKE AND FOR SUMMARY JUDGMENT ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF...CITY'S OPPOSITION TO DEVELOPER'S MOTION TO DETERMINE TAKE AND MOTION FOR SUMMARY JUDGMENT ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF AND COUNTER-MOTION FOR SUMMARY JUDGMENT...STATUS CHECK: TRIAL READINESS Following arguments by Mr. Schwartz and Mr. Leavitt COURT ORDERED Plaintiff Landowners' Motion to Determine Take and for Summary Judgement on the First, Third and Fourth Claims for Relief and City's Opposition to Developer's Motion to Determine Take and Motion for Summary Judgment on the First, Third and Fourth Claims for Relief and Counter-Motion for Summary Judgement CONTINUED. CONTINUED TO: 9/28/2021 9:15 AM PLAINTIFF LANDOWNERS' MOTION TO DETERMINE TAKE AND FOR SUMMARY JUDGMENT ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF...CITY'S OPPOSITION TO DEVELOPER'S MOTION TO DETERMINE TAKE AND MOTION FOR SUMMARY JUDGMENT ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF AND COUNTER-MOTION FOR SUMMARY JUDGMENT...STATUS CHECK: TRIAL READINESS;*

09/28/2021 **All Pending Motions** (9:15 AM) (Judicial Officer: Williams, Timothy C.)

Matter Heard;
Journal Entry Details:
*APPEARANCES CONTINUED: J. Christopher Molina, Esq. present for Respondent City of Las Vegas. [497] PLAINTIFF LANDOWNERS' MOTION TO DETERMINE TAKE AND FOR SUMMARY JUDGMENT ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF...CITY'S OPPOSITION TO DEVELOPER'S MOTION TO DETERMINE TAKE AND*

*MOTION FOR SUMMARY JUDGMENT ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF AND COUNTER-MOTION FOR SUMMARY JUDGMENT...STATUS CHECK: TRIAL READINESS Arguments by Mr. Leavitt and Mr. Schwartz. COURT FINDS, under facts and circumstances of this case, there was a taking. Therefore, COURT ORDERED, Pltf's Motion for Summary Judgment GRANTED with respect to categorical taking as well as third and fourth claims for relief; standard also met under Penn Central analysis. Court directed Mr. Leavitt to prepare findings of fact and conclusions of law from today's hearing including the vigorous discussion and argument on the record; if parties cannot agree on form and content, may submit competing orders. Court stated parties will next be before the court on 9/30/21 for trial readiness and calendar call. Proposed order(s) to be submitted to DC16Inbox@clarkcountycourts.us. 9/30/21 9:00 AM STATUS CHECK: TRIAL READINESS...PRETRIAL/CALENDAR CALL;*

09/30/2021 **Pretrial/Calendar Call** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
Trial Date Set;

09/30/2021 **All Pending Motions** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
Matter Heard;
Journal Entry Details:
*PRETRIAL/CALENDAR CALL...STATUS CHECK: TRIAL READINESS Hearing held by BlueJeans remote conferencing. Colloquy regarding whether or not trial was anticipated to proceed, status of pending motions schedule, anticipated length of trial, and availability for setting trial on the stack. Court noted trial anticipated to be 3-5 days. COURT ORDERED, Trial SET 10/27/12; Motions on 10/12/21 and 11/4/21 RESET to 10/26/21. CONTINUED TO: 10/26/21 9:05 AM CITY OF LAS VEGAS' MOTION FOR LEAVE TO FILE UNDER SEAL EXHIBITS FFFF-6 AND FFFF-7 TO CITY'S OPPOSITION TO PLAINTIFF'S MOTION TO DETERMINE TAKE AND FOR SUMMARY JUDGMENT ON THE FIRST, THIRD, AND FOURTH CLAIMS FOR RELIEF AND COUNTERMOTION FOR SUMMARY JUDGMENT...DEFENDANT CITY OF LAS VEGAS' MOTION FOR LEAVE TO FILE EXHIBITS B THROUGH G TO CITY'S OPPOSITION TO PLAINTIFF'S MOTION IN LIMINE NO. 1: TO EXCLUDE 2005 PURCHASE PRICE UNDER SEAL 10/27/21 10:30 AM JURY TRIAL - FIRM 10/28/21 9:30 AM JURY TRIAL - FIRM 11/1/21 9:30 AM JURY TRIAL - FIRM 11/2/21 9:30 AM JURY TRIAL - FIRM 11/3/21 9:30 AM JURY TRIAL - FIRM 11/4/21 9:30 AM JURY TRIAL - FIRM 11/5/21 9:30 AM JURY TRIAL - FIRM CLERK'S NOTE: After Court, Department JEA reset time for 10/27/21 jury selection from 9:00 a.m. to 10:30 a.m. based upon the court's availability. /cd 9-30-2021/;*

10/11/2021 *CANCELED* **All Pending Motions** (9:30 AM) (Judicial Officer: Williams, Timothy C.)
*Vacated*

10/12/2021 **Minute Order** (3:00 AM) (Judicial Officer: Williams, Timothy C.)
*Minute Order re: Hearing on 10/19/21 at 9:05 a.m.*
Minute Order - No Hearing Held;
Journal Entry Details:

*Department 16 Formal Request to Appear Remotely Please be advised that pursuant to Administrative Order 21-04, Department 16 will temporarily require all matters be heard remotely. The court utilizes BlueJeans for remote conferencing wherein you appear and participate by phone or through an internet enabled device. Please be sure to check in with the Courtroom Clerk at 8:55 a.m. on the date of your hearing. The call-in number or website to connect is: Telephone: Dial: 1-408-419-1715 Meeting ID: 305 354 001 Participant Passcode: 2258 Smartphone/Computer: Website: https://bluejeans.com/305354001/2258 If you appear by phone, please bear in mind: first, dial the telephone number, then meeting ID followed by #, and finally the participate passcode followed by #; secondly, dial *4 to unmute when you are ready to do so. If you appear by smartphone or computer, please bear in mind: enter the website address in your device s browser exactly as show above and follow the instructions on screen; optionally, download the BlueJeans app as indicated on this same website. If you wish to test your audio/video in advance of the hearing, please visit https://bluejeans.com/111. Protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Wait for the line to clear before speaking as the conference audio is one-way. Be mindful of background noises and echoing from using multiple devices. BlueJeans chat will not be available while court is in session. If you need to report an issue affecting your ability to appear, please send an email marked urgent to the following addresses: JEA, Lynn Berkheimer*

*[Dept16EA@clarkcountycourts.us]; Law Clerk, Michael Holthus [Dept16LC@clarkcountycourts.us]; Court Clerk, Chris CJ Darling [DarlingC@clarkcountycourts.us] CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;*

10/19/2021 **Minute Order** (3:00 AM) (Judicial Officer: Williams, Timothy C.)

*Minute Order re: Hearing on 10/26/21 at 9:05 a.m.*
Minute Order - No Hearing Held;
Journal Entry Details:
*Department 16 Formal Request to Appear Remotely Please be advised that pursuant to Administrative Order 21-04, Department 16 will temporarily require all matters be heard remotely. The court utilizes BlueJeans for remote conferencing wherein you appear and participate by phone or through an internet enabled device. Please be sure to check in with the Courtroom Clerk at 8:55 a.m. on the date of your hearing. The call-in number or website to connect is: Telephone: Dial: 1-408-419-1715 Meeting ID: 305 354 001 Participant Passcode: 2258 Smartphone/Computer: Website: https://bluejeans.com/305354001/2258 If you appear by phone, please bear in mind: first, dial the telephone number, then meeting ID followed by #, and finally the participate passcode followed by #; secondly, dial *4 to unmute when you are ready to do so. If you appear by smartphone or computer, please bear in mind: enter the website address in your device s browser exactly as show above and follow the instructions on screen; optionally, download the BlueJeans app as indicated on this same website. If you wish to test your audio/video in advance of the hearing, please visit https://bluejeans.com/111. Protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Wait for the line to clear before speaking as the conference audio is one-way. Be mindful of background noises and echoing from using multiple devices. BlueJeans chat will not be available while court is in session. If you need to report an issue affecting your ability to appear, please send an email marked urgent to the following addresses: JEA, Lynn Berkheimer [Dept16EA@clarkcountycourts.us]; Law Clerk, Michael Holthus [Dept16LC@clarkcountycourts.us]; Court Clerk, Chris CJ Darling [DarlingC@clarkcountycourts.us] CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;*

10/19/2021 **Minute Order** (3:00 AM) (Judicial Officer: Williams, Timothy C.)

*Minute Order: Emergency Motion to Continue Trial on Order Shortening Time*
Minute Order - No Hearing Held;
Journal Entry Details:
*Based on the Court s current trial calendar, Defendant City of Las Vegas Emergency Motion to Continue Trial on an Order Shortening Time shall be DENIED. Consequently, this matter shall continue to trial with jury selection on October 27, 2021 at 10:30 a.m. and October 28, 2021 at 9:30 a.m., and opening statements on November 1, 2021 at 9:30 a.m. Counsel on behalf of Plaintiff 180 Land Company, LLC shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections prior to submitting to the Court for review and signature. CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System. ;*

10/19/2021 **Motion to Continue Trial** (9:05 AM) (Judicial Officer: Williams, Timothy C.)

*Emergency Motion to Continue Trial on Order Shortening Time*
Motion Denied; See 10/19/21 Minute Order
Journal Entry Details:
*Hearing by BlueJeans remote conferencing. Arguments by Mr. Ogilvie and Ms. Ghanem-Ham. Colloquy regarding viability of proposed 11/15/21 trial date in this case in light of prior setting at Calendar Call. Court stated today it will contact trial counsel in the case previously set for 11/15/21; will issue minute order before close of business today in this case as to whether there was success in vacating the date.;*

10/26/2021 **Motion for Leave** (9:05 AM) (Judicial Officer: Williams, Timothy C.)

*City of Las Vegas' Motion for Leave to File Under Seal Exhibits FFFF-6 and FFFF-7 to City's*

*Opposition to Plaintiff's Motion to Determine Take and for Summary Judgment on the First, Third, and Fourth Claims for Relief and Countermotion for Summary Judgment*
See 9/30/21 Minutes
Motion Granted;

10/26/2021 **Motion in Limine** (9:05 AM) (Judicial Officer: Williams, Timothy C.)
*[571] Plaintiffs Landowners' Motion in Limine No. 1: To Exclude 2005 Purchase Price*
Motion Granted;

10/26/2021 **Motion in Limine** (9:05 AM) (Judicial Officer: Williams, Timothy C.)
*[573] Plaintiff Landowners' Motion in Limine No. 2: To Exclude Source of Funds*
Motion Granted;

10/26/2021 **Motion in Limine** (9:05 AM) (Judicial Officer: Williams, Timothy C.)
*[574] Plaintiffs Landowners' Motion in Limine No. 3: To Preclude City's Arguments That Land Was Dedicated as Open Space/City's PRMP and PROS Argument*
Motion Granted;

10/26/2021 **Motion for Leave** (9:05 AM) (Judicial Officer: Williams, Timothy C.)
Events: 09/21/2021 Motion to Seal/Redact Records
*Defendant City of Las Vegas' Motion for Leave to File Exhibits B through G to City's Opposition to Plaintiff's Motion in Limine No. 1: to Exclude 2005 Purchase Price Under Seal*
See 9/30/21 Minutes
Motion Granted;

10/26/2021 **Motion for Summary Judgment** (9:05 AM) (Judicial Officer: Williams, Timothy C.)
*Plaintiff Landowners' Motion for Summary Judgment on Just Compensation on Order Shortening Time*
Motion Denied;

10/26/2021 *CANCELED* **Motion For Stay** (9:05 AM) (Judicial Officer: Williams, Timothy C.)
*Vacated*
*Motion for Immediate Stay Pending City's Writ Petition*

10/26/2021 **Opposition and Countermotion** (9:05 AM) (Judicial Officer: Williams, Timothy C.)
*City's Countermotion for Summary Judgment and Opposition to Developer's Motion for Summary Judgment on Just Compensation*
Motion Denied;

10/26/2021 **All Pending Motions** (9:05 AM) (Judicial Officer: Williams, Timothy C.)
Minute Order - No Hearing Held;
Journal Entry Details:

*Hearing held by live and by BlueJeans remote conferencing. PLAINTIFF LANDOWNERS' MOTION FOR SUMMARY JUDGMENT ON JUST COMPENSATION ON ORDER SHORTENING TIME...CITY'S COUNTERMOTION FOR SUMMARY JUDGMENT AND OPPOSITION TO DEVELOPER'S MOTION FOR SUMMARY JUDGMENT ON JUST COMPENSATION Colloquy regarding order of matters. There being agreement, Court directed hearing proceed first with Motion for Summary Judgment. Arguments by Mr. Leavitt and Mr. Schwartz. Court stated ITS FINDINGS and ORDERED, both Motion and Countermotion DENIED; will allow the expert testimony discussed. Prevailing party to prepare the order. [571] PLAINTIFFS LANDOWNERS' MOTION IN LIMINE NO. 1: TO EXCLUDE 2005 PURCHASE PRICE Arguments by Mr. Leavitt and Mr. Schwartz. Court stated ITS FINDINGS and ORDERED, Motion GRANTED. Prevailing party to prepare the order. [573] PLAINTIFF LANDOWNERS' MOTION IN LIMINE NO. 2: TO EXCLUDE SOURCE OF FUNDS Arguments by Mr. Leavitt and Mr. Schwartz. Court stated ITS FINDINGS and ORDERED, Motion GRANTED; no need to mention public and/or tax payer. Prevailing party to prepare the order. [574] PLAINTIFFS LANDOWNERS' MOTION IN LIMINE NO. 3: TO PRECLUDE CITY'S ARGUMENTS THAT LAND WAS DEDICATED AS OPEN SPACE/CITY'S PRMP AND PROS ARGUMENT Arguments by Mr. Leavitt and Mr. Schwartz. Offer of proof by Mr. Schwartz. Court stated ITS FINDINGS and ORDERED, Motion GRANTED. Prevailing party to prepare the order. CITY OF LAS VEGAS' MOTION FOR LEAVE TO FILE UNDER SEAL EXHIBITS FFFF-6 AND FFFF-7 TO CITY'S OPPOSITION TO PLAINTIFF'S MOTION TO DETERMINE TAKE AND FOR SUMMARY*

*JUDGMENT ON THE FIRST, THIRD, AND FOURTH CLAIMS FOR RELIEF AND COUNTERMOTION FOR SUMMARY JUDGMENT...DEFENDANT CITY OF LAS VEGAS' MOTION FOR LEAVE TO FILE EXHIBITS B THROUGH G TO CITY'S OPPOSITION TO PLAINTIFF'S MOTION IN LIMINE NO. 1: TO EXCLUDE 2005 PURCHASE PRICE UNDER SEAL Mr. Leavitt advised no opposition. Therefore, COURT ORDERED, Motions GRANTED. Prevailing party to prepare the order. Colloquy regarding trial protocol, voir dire, and jury instructions. COURT DIRECTED, both sides are to have their jury instructions submitted by the end of this week for this Court's review. Court directed the appropriate orders be prepared from today's hearing. Proposed order(s) to be submitted to DC16Inbox@clarkcountycourts.us.;*

10/27/2021 **Bench Trial - FIRM** (10:30 AM) (Judicial Officer: Williams, Timothy C.)
See 9/30/21 Minutes
Decision Made; See 10/28/21 [628] Decision of the Court

See 10/27/21 Minutes
Journal Entry Details:
*Mr. Leavitt placed terms of agreement on the record respecting submission as non-jury trial, admission of certain appraiser report, preservation of appellate and post-trial rights, disposition of matters heard 10/26/21, and submission of findings of fact and conclusions of law. Mr. Ogilvie advised the statements made were correct. COURT ORDERED, will accept the waiver of right to proceed by jury; will proceed accordingly. Exhibit presented (see worksheet). Plaintiff rested. Defense rested. Court state it will review the evidence; will issue decision by close of business on 11/5/21; proposed findings of fact and conclusions of law to follow the decision. Upon Court's inquiry, Mr. Leavitt advised agreement for return of un-offerered and un-admitted exhibits; Mr. Ogilvie advised same. COURT ORDERED, all un-offerered and un-admitted exhibits to be returned to counsel.;*

01/10/2022 **Minute Order** (3:00 AM) (Judicial Officer: Williams, Timothy C.)
*Minute Order re: Hearing on 1/13/22 at 9:30 a.m.*
Minute Order - No Hearing Held;
Journal Entry Details:
*Department 16 Formal Request to Appear Remotely Effective December 20, 2021, Department 16 has relocated to Courtroom 16C. The court utilizes BlueJeans for remote conferencing on all status checks, Rule 16 conferences, and unopposed motions wherein you participate by phone or through an internet enabled device. Live appearances for OPPOSED motions will only be authorized if approval from the Court is obtained at least 48 hours prior to the hearing. Counsel may still appear via BlueJeans audio/video for opposed motions. The call-in number or website to connect is: Telephone: Dial: 1-408-419-1715 Meeting ID: 305 354 001 Participant Passcode: 2258 Smartphone/Computer: Website: https://bluejeans.com/305354001/2258 If you appear by phone, please bear in mind: first, dial the telephone number, then meeting ID followed by #, and finally the participate passcode followed by #; secondly, dial *4 to unmute when you are ready to do so. If you appear by smartphone or computer, please bear in mind: enter the website address in your device s browser exactly as show above and follow the instructions on screen; optionally, download the BlueJeans app as indicated on this same website. If you wish to test your audio/video in advance of the hearing, please visit https://bluejeans.com/111. Protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Wait for the line to clear before speaking as the conference audio is one-way. Be mindful of background noises and echoing from using multiple devices. BlueJeans chat will not be available while court is in session. If you need to report an issue affecting your ability to appear, please send an email marked urgent to the following addresses: JEA, Lynn Berkheimer [Dept16EA@clarkcountycourts.us]; Law Clerk, Michael Holthus [Dept16LC@clarkcountycourts.us]; Court Clerk, Chris CJ Darling [DarlingC@clarkcountycourts.us] CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;*

01/12/2022 **Minute Order** (3:00 AM) (Judicial Officer: Williams, Timothy C.)
*Minute Order re: Hearing on 1/18/22 at 9:05 a.m.*
Minute Order - No Hearing Held;
Journal Entry Details:

*Department 16 Formal Request to Appear Remotely Effective December 20, 2021, Department 16 has relocated to Courtroom 16C. The court utilizes BlueJeans for remote conferencing on all status checks, Rule 16 conferences, and unopposed motions wherein you participate by phone or through an internet enabled device. Live appearances for OPPOSED motions will only be authorized if approval from the Court is obtained at least 48 hours prior to the hearing. Counsel may still appear via BlueJeans audio/video for opposed motions. Please be sure to check in with the Courtroom Clerk at 8:55 a.m. on the date of your hearing. The call-in number or website to connect is: Telephone: Dial: 1-408-419-1715 Meeting ID: 305 354 001 Participant Passcode: 2258 Smartphone/Computer: Website: https://bluejeans.com/305354001/2258 If you appear by phone, please bear in mind: first, dial the telephone number, then meeting ID followed by #, and finally the participate passcode followed by #; secondly, dial *4 to unmute when you are ready to do so. If you appear by smartphone or computer, please bear in mind: enter the website address in your device s browser exactly as show above and follow the instructions on screen; optionally, download the BlueJeans app as indicated on this same website. If you wish to test your audio/video in advance of the hearing, please visit https://bluejeans.com/111. Protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Wait for the line to clear before speaking as the conference audio is one-way. Be mindful of background noises and echoing from using multiple devices. BlueJeans chat will not be available while court is in session. If you need to report an issue affecting your ability to appear, please send an email marked urgent to the following addresses: JEA, Lynn Berkheimer [Dept16EA@clarkcountycourts.us]; Law Clerk, Michael Holthus [Dept16LC@clarkcountycourts.us]; Court Clerk, Chris CJ Darling [DarlingC@clarkcountycourts.us] CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;*

01/13/2022 **Motion For Stay** (9:30 AM) (Judicial Officer: Williams, Timothy C.)
**01/13/2022, 01/19/2022**
*City's Motion for Immediate Stay of Judgment on OST*
Matter Continued;
Motion Denied; See 1/26/22 Minute Order
Matter Continued;
Motion Denied; See 1/26/22 Minute Order

01/13/2022 **Countermotion** (9:30 AM) (Judicial Officer: Williams, Timothy C.)
**01/13/2022, 01/19/2022**
*Plaintiff Landowners Opposition to the City s Motion for Immediate Stay of Judgment and Countermotion to Order the City to Pay the Just Compensation Assessed*
Matter Continued;
Motion Granted; See 1/26/22 Minute Order
Matter Continued;
Motion Granted; See 1/26/22 Minute Order

01/13/2022 **All Pending Motions** (9:30 AM) (Judicial Officer: Williams, Timothy C.)
Matter Heard;
Journal Entry Details:
*CITY'S MOTION FOR IMMEDIATE STAY OF JUDGMENT ON OST...PLAINTIFF LANDOWNERS OPPOSITION TO THE CITY S MOTION FOR IMMEDIATE STAY OF JUDGMENT AND COUNTERMOTION TO ORDER THE CITY TO PAY THE JUST COMPENSATION ASSESSED Hearing held by BlueJeans remote conferencing. Matter called at 12:26 p.m. Court stated matter to be reset to afford arguments. Colloquy regarding appropriate setting for same. There being agreement, COURT ORDERED, instant matters CONTINUED to 1/19/22 at 10:00 a.m. Mr. Ogilvie requested stay of execution of judgment until matter heard. Mr. Leavitt advised will not agree to stay; however, will await hearing before taking action toward City of Las Vegas. Mr. Ogilvie advised the representation is acceptable. CONTINUED TO: 1/19/22 10:00 AM CITY'S MOTION FOR IMMEDIATE STAY OF JUDGMENT ON OST...PLAINTIFF LANDOWNERS OPPOSITION TO THE CITY S MOTION FOR IMMEDIATE STAY OF JUDGMENT AND COUNTERMOTION TO ORDER THE CITY TO PAY THE JUST COMPENSATION ASSESSED;*

01/19/2022 **Motion** (10:00 AM) (Judicial Officer: Williams, Timothy C.)

*Plaintiff Landowner's Motion for Reimbursement of Property Taxes*
Email sent 1/14/22
Motion Granted;

01/19/2022 **Motion to Retax** (10:00 AM) (Judicial Officer: Williams, Timothy C.)
*Respondent's Motion to Retax Memorandum of Costs*
Email sent 1/14/22
Decision Made;

01/19/2022 **All Pending Motions** (10:00 AM) (Judicial Officer: Williams, Timothy C.)
Matter Heard;
Journal Entry Details:
*Hearing held by BlueJeans remote conferencing. CITY'S MOTION FOR IMMEDIATE STAY OF JUDGMENT ON OST...PLAINTIFF LANDOWNERS OPPOSITION TO THE CITY'S MOTION FOR IMMEDIATE STAY OF JUDGMENT AND COUNTERMOTION TO ORDER THE CITY TO PAY THE JUST COMPENSATION ASSESSED Arguments by Mr. Ogilvie and Mr. Leavitt. Court stated will review matter; decision forthcoming. RESPONDENT'S MOTION TO RETAX MEMORANDUM OF COSTS Arguments by Mr. Molina and Mr. Leavitt. COURT ORDERED, will REDUCE Westlaw fee by 75%; amounts STAND with respect to GGA Partners, Global Golf Advisors, DiFederico Group, and Jones, Roach & Caringella, Inc; all other claims as far as expenses and costs STAND. Prevailing party to prepare the order. PLAINTIFF LANDOWNER'S MOTION FOR REIMBURSEMENT OF PROPERTY TAXES Arguments by Mr. Leavitt and Mr. Schwartz. COURT ORDERED, Motion GRANTED. Prevailing party to prepare the order.;*

01/24/2022 **Minute Order** (3:00 AM) (Judicial Officer: Williams, Timothy C.)
*Minute Order re: Hearing on 2/1/22 at 9:05 a.m.*
Minute Order - No Hearing Held;
Journal Entry Details:
*Department 16 Formal Request to Appear Remotely Effective December 20, 2021, Department 16 has relocated to Courtroom 16C. The court utilizes BlueJeans for remote conferencing on all status checks, Rule 16 conferences, and unopposed motions wherein you participate by phone or through an internet enabled device. Live appearances for OPPOSED motions will only be authorized if approval from the Court is obtained at least 48 hours prior to the hearing. Counsel may still appear via BlueJeans audio/video for opposed motions. Please be sure to check in with the Courtroom Clerk at 8:55 a.m. on the date of your hearing. The call-in number or website to connect is: Telephone: Dial: 1-408-419-1715 Meeting ID: 305 354 001 Participant Passcode: 2258 Smartphone/Computer: Website: https://bluejeans.com/305354001/2258 If you appear by phone, please bear in mind: first, dial the telephone number, then meeting ID followed by #, and finally the participate passcode followed by #; secondly, dial *4 to unmute when you are ready to do so. If you appear by smartphone or computer, please bear in mind: enter the website address in your device s browser exactly as show above and follow the instructions on screen; optionally, download the BlueJeans app as indicated on this same website. If you wish to test your audio/video in advance of the hearing, please visit https://bluejeans.com/111. Protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Wait for the line to clear before speaking as the conference audio is one-way. Be mindful of background noises and echoing from using multiple devices. BlueJeans chat will not be available while court is in session. If you need to report an issue affecting your ability to appear, please send an email marked urgent to the following addresses: JEA, Lynn Berkheimer [Dept16EA@clarkcountycourts.us]; Law Clerk, Michael Holthus [Dept16LC@clarkcountycourts.us]; Court Clerk, Chris CJ Darling [DarlingC@clarkcountycourts.us] CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;*

01/26/2022 **Minute Order** (3:00 AM) (Judicial Officer: Williams, Timothy C.)
*Minute Order: Motion for Immediate Stay of Judgment; Countermotion for Just Compensation*
Minute Order - No Hearing Held;
Journal Entry Details:

*After review and consideration of the points and authorities on file herein, supplemental*

*briefing, and oral argument of counsel, the Court determined as follows: After considering the mandatory language under NRS 37,140, which grants a landowner a substantive right whereby the government must, within 30 days after final judgment, pay the sum of money assessed in an eminent domain or inverse condemnation case, this Court feels compelled to deny the City s Motion for Immediate Stay of Judgment in this matter. The Court s decision is based on a determination that the more specific eminent domain statutes, such as NRS 37.140, which grants landowners substantive rights, take precedence over the general rules of procedure relied upon by the City of Las Vegas. Additionally, based upon the 30-day delay in payment, the City would have time to seek a stay, if appropriate, from the Nevada Supreme Court. Based on the foregoing, Defendant City of Las Vegas Motion for Immediate Stay of Judgment shall be DENIED. Additionally, Plaintiff 180 Land Co. s Countermotion to Order the City of Las Vegas to pay the just compensation shall be GRANTED. Counsel on behalf of Plaintiff 180 Land Company shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections prior to submitting to the Court for review and signature. CLERK'S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System. /cd 1-26-2022/ CLERK S NOTE: Minutes amended to correct which party is to prepare the order. A copy of this Amended Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System. /cd 1-27-2022/;*

01/31/2022 **Minute Order** (3:00 AM) (Judicial Officer: Williams, Timothy C.)

*Minute Order re: Hearing on 2/3/22 at 1:30 p.m.*
Minute Order - No Hearing Held;
Journal Entry Details:
*Department 16 Formal Request to Appear Remotely Effective December 20, 2021, Department 16 has relocated to Courtroom 16C. The court utilizes BlueJeans for remote conferencing on all status checks, Rule 16 conferences, and unopposed motions wherein you participate by phone or through an internet enabled device. Live appearances for OPPOSED motions will only be authorized if approval from the Court is obtained at least 48 hours prior to the hearing. Counsel may still appear via BlueJeans audio/video for opposed motions. The call-in number or website to connect is: Telephone: Dial: 1-408-419-1715 Meeting ID: 305 354 001 Participant Passcode: 2258 Smartphone/Computer: Website: https://bluejeans.com/305354001/2258 If you appear by phone, please bear in mind: first, dial the telephone number, then meeting ID followed by #, and finally the participate passcode followed by #; secondly, dial *4 to unmute when you are ready to do so. If you appear by smartphone or computer, please bear in mind: enter the website address in your device s browser exactly as show above and follow the instructions on screen; optionally, download the BlueJeans app as indicated on this same website. If you wish to test your audio/video in advance of the hearing, please visit https://bluejeans.com/111. Protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Wait for the line to clear before speaking as the conference audio is one-way. Be mindful of background noises and echoing from using multiple devices. BlueJeans chat will not be available while court is in session. If you need to report an issue affecting your ability to appear, please send an email marked urgent to the following addresses: JEA, Lynn Berkheimer [Dept16EA@clarkcountycourts.us]; Law Clerk, Michael Holthus [Dept16LC@clarkcountycourts.us]; Court Clerk, Chris CJ Darling [DarlingC@clarkcountycourts.us] CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;*

02/01/2022 **Minute Order** (3:00 AM) (Judicial Officer: Williams, Timothy C.)

*Minute Order re: Hearing on 2/8/22 at 9:05 a.m.*
Minute Order - No Hearing Held;
Journal Entry Details:
*Department 16 Formal Request to Appear Remotely Effective December 20, 2021, Department 16 has relocated to Courtroom 16C. The court utilizes BlueJeans for remote conferencing on all status checks, Rule 16 conferences, and unopposed motions wherein you participate by phone or through an internet enabled device. Live appearances for OPPOSED motions will only be authorized if approval from the Court is obtained at least 48 hours prior to the hearing. Counsel may still appear via BlueJeans audio/video for opposed motions. Please be sure to check in with the Courtroom Clerk at 8:55 a.m. on the date of your hearing. The call-in*

*number or website to connect is: Telephone: Dial: 1-408-419-1715 Meeting ID: 305 354 001 Participant Passcode: 2258 Smartphone/Computer: Website: https://bluejeans.com/305354001/2258 If you appear by phone, please bear in mind: first, dial the telephone number, then meeting ID followed by #, and finally the participate passcode followed by #; secondly, dial *4 to unmute when you are ready to do so. If you appear by smartphone or computer, please bear in mind: enter the website address in your device s browser exactly as show above and follow the instructions on screen; optionally, download the BlueJeans app as indicated on this same website. If you wish to test your audio/video in advance of the hearing, please visit https://bluejeans.com/111. Protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Wait for the line to clear before speaking as the conference audio is one-way. Be mindful of background noises and echoing from using multiple devices. BlueJeans chat will not be available while court is in session. If you need to report an issue affecting your ability to appear, please send an email marked urgent to the following addresses: JEA, Lynn Berkheimer [Dept16EA@clarkcountycourts.us]; Law Clerk, Michael Holthus [Dept16LC@clarkcountycourts.us]; Court Clerk, Chris CJ Darling [DarlingC@clarkcountycourts.us] CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;*

02/03/2022 **Motion** (1:30 PM) (Judicial Officer: Williams, Timothy C.)
*Plaintiff Landowners' Motion to Determine Prejudgment Interest*
Motion Granted; See 2/28/22 Minute Order

02/03/2022 **Motion for Attorney Fees** (1:30 PM) (Judicial Officer: Williams, Timothy C.)
*[645] Plaintiff Landowners' Motion for Attorney Fees*
Motion Granted;

02/03/2022 **All Pending Motions** (1:30 PM) (Judicial Officer: Williams, Timothy C.)
Minute Order - No Hearing Held;
Journal Entry Details:
*Hearing held by BlueJeans remote conferencing. PLAINTIFF LANDOWNERS' MOTION TO DETERMINE PREJUDGMENT INTEREST Arguments by Mr. Leavitt and Mr. Schwartz. Court stated will review the issues; decision forthcoming shortly. [645] PLAINTIFF LANDOWNERS' MOTION FOR ATTORNEY FEES Arguments by Mr. Leavitt and Mr. Molina. COURT FINDS, attorney fees appropriate under Uniform Relocation Assistance and Real Property Act, Nevada Constitution, and NRS 18.010; will follow language in the Nevada Constitution with respect to fees actually incurred. Therefore, COURT ORDERED, Motion GRANTED as AWARD follows: Total Attorney Fees of $2,165,359.50; Total Fees for Additional Hours of $211,315.50; Total for Legal Assistants of $44,912.50; Total Additional for Legal Assistants of $7,023.50; also, time spend arguing today. Court directed Mr. Leavitt to prepare memorandum of fees awarded as set forth on the record. Mr. Leavitt advised conflict for the 2/8/22 hearing. Colloquy regarding same. There being agreement, Motion to Amend RESET from 2/8/22 to 2/11/22 at 1:15 p.m. Mr. Ogilvie requested clarification as to 30-day delay set forth in minute order decision. Arguments by Mr. Ogilvie and Mr. Leavitt in that regard. COURT ORDERED, will let Supreme Court issue proceed in due course. CONTINUED TO: 2/11/22 1:15 PM [654] CITY OF LAS VEGAS' MOTION TO AMEND JUDGMENT (RULES 59(E) AND 60(B)) AND STAY OF EXECUTION;*

02/04/2022 **Minute Order** (3:00 AM) (Judicial Officer: Williams, Timothy C.)
*Minute Order re: Hearing on 2/11/22 at 1:15 p.m.*
Minute Order - No Hearing Held;
Journal Entry Details:
*Department 16 Formal Request to Appear Remotely Effective December 20, 2021, Department 16 has relocated to Courtroom 16C. The court utilizes BlueJeans for remote conferencing on all status checks, Rule 16 conferences, and unopposed motions wherein you participate by phone or through an internet enabled device. Live appearances for OPPOSED motions will only be authorized if approval from the Court is obtained at least 48 hours prior to the hearing. Counsel may still appear via BlueJeans audio/video for opposed motions. The call-in number or website to connect is: Telephone: Dial: 1-408-419-1715 Meeting ID: 305 354 001 Participant Passcode: 2258 Smartphone/Computer: Website: https://bluejeans.com/305354001/2258 If you appear by phone, please bear in mind: first, dial*

*the telephone number, then meeting ID followed by #, and finally the participate passcode followed by #; secondly, dial *4 to unmute when you are ready to do so. If you appear by smartphone or computer, please bear in mind: enter the website address in your device s browser exactly as show above and follow the instructions on screen; optionally, download the BlueJeans app as indicated on this same website. If you wish to test your audio/video in advance of the hearing, please visit https://bluejeans.com/111. Protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Wait for the line to clear before speaking as the conference audio is one-way. Be mindful of background noises and echoing from using multiple devices. BlueJeans chat will not be available while court is in session. If you need to report an issue affecting your ability to appear, please send an email marked urgent to the following addresses: JEA, Lynn Berkheimer [Dept16EA@clarkcountycourts.us]; Law Clerk, Michael Holthus [Dept16LC@clarkcountycourts.us]; Court Clerk, Chris CJ Darling [DarlingC@clarkcountycourts.us] CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;*

02/11/2022 **Motion to Amend Judgment** (1:15 PM) (Judicial Officer: Williams, Timothy C.)
*[654] City of Las Vegas' Motion to Amend Judgment (Rules 59(e) and 60(b)) and Stay of Execution*
See 2/3/22 Minuteas
Motion Denied;

02/28/2022 **Minute Order** (3:00 AM) (Judicial Officer: Williams, Timothy C.)
*Minute Order: Plaintiff Landowners' Motion to Determine Prejudgment Interest*
Minute Order - No Hearing Held;
Journal Entry Details:
*After review and consideration of the points and authorities on file herein and oral argument of counsel, the Court determined as follows: Plaintiff s Motion for Pre-Judgment Interest shall be GRANTED. However, the interest calculation shall be based on the statutory rate, pursuant to NRS 37.175, of prime rate plus 2% interest. Counsel on behalf of Defendant City of Las Vegas shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections prior to submitting to the Court for review and signature. CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;*

01/10/2023 *CANCELED* **Motion** (9:05 AM) (Judicial Officer: Williams, Timothy C.)
*Vacated - Set in Error*
*Plaintiff Landowners' Motion for Reimbursement of Property Taxes*

| DATE | FINANCIAL INFORMATION | |
|---|---|---|
| | **Intervenor** Binion, Jack B | |
| | Total Charges | 703.00 |
| | Total Payments and Credits | 703.00 |
| | **Balance Due as of 3/4/2022** | **0.00** |
| | **Petitioner** 180 Land Company LLC | |
| | Total Charges | 694.00 |
| | Total Payments and Credits | 694.00 |
| | **Balance Due as of 3/4/2022** | **0.00** |
| | **Respondent** Las Vegas City of | |
| | Total Charges | 1,036.00 |
| | Total Payments and Credits | 1,036.00 |
| | **Balance Due as of 3/4/2022** | **0.00** |
| | **Petitioner** 180 Land Company LLC | |
| | Appeal Bond Balance as of 3/4/2022 | **500.00** |

A-17-758528-J

Department 16

# DISTRICT COURT CIVIL COVER SHEET

_____ County, Nevada

Case No. _____

*(Assigned by Clerk's Office)*

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

| Plaintiff(s) (name/address/phone): | Defendant(s) (name/address/phone): |
|---|---|
| 180 LAND COMPANY, LLC, a Nevada limited liability company | CITY OF LAS VEGAS, a political subdivision of the State of Nevada |
| Attorney (name/address/phone): Christopher L. Kaempfer (#1264); James E. Smyth II (#6506) and Stephanie H. Allen (#8486), KAEMPFER CROWELL, 1980 Festival Plaza Dr., Ste. 650, Las Vegas, NV 89135 (702) 792-7000 | Attorney (name/address/phone): |

## II. Nature of Controversy *(please select the one most applicable filing type below)*

### Civil Case Filing Types

| Real Property | Torts | |
|---|---|---|
| **Landlord/Tenant** | **Negligence** | **Other Torts** |
| ☐ Unlawful Detainer | ☐ Auto | ☐ Product Liability |
| ☐ Other Landlord/Tenant | ☐ Premises Liability | ☐ Intentional Misconduct |
| **Title to Property** | ☐ Other Negligence | ☐ Employment Tort |
| ☐ Judicial Foreclosure | **Malpractice** | ☐ Insurance Tort |
| ☐ Other Title to Property | ☐ Medical/Dental | ☐ Other Tort |
| **Other Real Property** | ☐ Legal | |
| ☐ Condemnation/Eminent Domain | ☐ Accounting | |
| ☐ Other Real Property | ☐ Other Malpractice | |

| Probate | Construction Defect & Contract | Judicial Review/Appeal |
|---|---|---|
| **Probate** *(select case type and estate value)* | **Construction Defect** | **Judicial Review** |
| ☐ Summary Administration | ☐ Chapter 40 | ☐ Foreclosure Mediation Case |
| ☐ General Administration | ☐ Other Construction Defect | ☐ Petition to Seal Records |
| ☐ Special Administration | **Contract Case** | ☐ Mental Competency |
| ☐ Set Aside | ☐ Uniform Commercial Code | **Nevada State Agency Appeal** |
| ☐ Trust/Conservatorship | ☐ Building and Construction | ☐ Department of Motor Vehicle |
| ☐ Other Probate | ☐ Insurance Carrier | ☐ Worker's Compensation |
| **Estate Value** | ☐ Commercial Instrument | ☐ Other Nevada State Agency |
| ☐ Over $200,000 | ☐ Collection of Accounts | **Appeal Other** |
| ☐ Between $100,000 and $200,000 | ☐ Employment Contract | ☐ Appeal from Lower Court |
| ☐ Under $100,000 or Unknown | ☐ Other Contract | ☒ Other Judicial Review/Appeal |
| ☐ Under $2,500 | | |

| Civil Writ | | Other Civil Filing |
|---|---|---|
| **Civil Writ** | | **Other Civil Filing** |
| ☐ Writ of Habeas Corpus | ☐ Writ of Prohibition | ☐ Compromise of Minor's Claim |
| ☐ Writ of Mandamus | ☐ Other Civil Writ | ☐ Foreign Judgment |
| ☐ Writ of Quo Warrant | | ☐ Other Civil Matters |

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

July 17, 2017

Date

Signature of Initiating party or representative

***See other side for family-related case filings.***

Nevada AOC - Research Statistics Unit
Pursuant to NRS 3.275

Form PA 201
Rev 3.1

Electronically Filed
11/18/2021 2:57 PM
CLERK OF THE COURT

**FFCL**
**LAW OFFICES OF KERMITT L. WATERS**
Kermitt L. Waters, Esq., Bar No. 2571
kermitt@kermittwaters.com
James J. Leavitt, Esq., Bar No. 6032
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autumn@kermittwaters.com
704 South Ninth Street
Las Vegas, Nevada 89101
Telephone: (702) 733-8877
Facsimile: (702) 731-1964
***Attorneys for Plaintiffs Landowners***

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

| | |
|---|---|
| 180 LAND CO., LLC, a Nevada limited liability company, FORE STARS Ltd., DOE INDIVIDUALS I through X, ROE CORPORATIONS I through X, and ROE LIMITED LIABILITY COMPANIES I through X,<br><br>Plaintiffs,<br><br>*vs.*<br><br>CITY OF LAS VEGAS, political subdivision of the State of Nevada, ROE government entities I through X, ROE CORPORATIONS I through X, ROE INDIVIDUALS I through X, ROE LIMITED LIABILITY COMPANIES I through X, ROE quasi-governmental entities I through X,<br><br>Defendant. | Case No.: A-17-758528-J<br>Dept. No.: XVI<br><br>**FINDINGS OF FACT AND CONCLUSIONS OF LAW**<br><br>**ON JUST COMPENSATION**<br><br>**BENCH TRIAL: October 27, 2021** |

///

On October 27, 2021, the Court conducted a bench trial, with Plaintiffs, 180 LAND COMPANY, LLC and FORE STARS, Ltd. (hereinafter "Landowners") appearing through their counsel, Autumn L. Waters, Esq. and James Jack Leavitt, Esq., of the Law Offices of Kermitt L. Waters, along with the Landowners' in-house counsel Elizabeth Ghanem Ham, Esq., and with the City of Las Vegas (hereinafter "the City") appearing through its counsel, George F. Ogilvie III, Esq. of McDonald Carrano, LLP and Philip R. Byrnes, Esq. and Rebecca Wolfson, Esq., of the City Attorney's Office.

Having reviewed and considered the evidence presented, the file and other matters referenced herein, the Court hereby enters the following Findings of Fact and Conclusions of Law:

**I.**

**INVERSE CONDEMNATION PROCEDURE AND POSTURE OF THE CASE**

1. The Nevada Supreme Court has held that, when analyzing an inverse condemnation claim, the court must undertake two distinct sub-inquiries: "the court must first determine" the property rights "before proceeding to determine whether the governmental action constituted a taking." ASAP Storage v. City of Sparks, 123 Nev. 639, 642 (Nev. 2008); McCarran International Airport v. Sisolak, 122 Nev 645, 658 (Nev. 2006). The Nevada Supreme Court has held that "whether the Government has inversely condemned private property is a question of law …" Sisolak, at 661. To decide these issues, the Court relies on eminent domain and inverse condemnation cases. *See* County of Clark v. Alper, 100 Nev. 382, 391 (1984) ("[I]nverse condemnation proceedings are the constitutional equivalent to eminent domain actions and are governed by the same rules and principles that are applied to formal condemnation proceedings.").

2. The Court entertained extensive argument on the first sub-inquiry, the property rights issue, on September 17, 2020, and entered Findings of Fact and Conclusions of Law

Regarding Plaintiff Landowners' Motion to Determine "Property Interest," on October 12, 2020 (hereinafter "FFCL Re: Property Interest").

3. In the FFCL Re: Property Interest, the Court held: 1) Nevada eminent domain law provides that zoning must be relied upon to determine a landowners' property interest in an eminent domain case; 2) the 35 Acre Property at issue in this matter has been hard zoned R-PD7 at all relevant times; 3) the Las Vegas Municipal Code (chapter 19) lists single-family and multi-family as the legally permissible uses on R-PD7 zoned properties; and, 4) the permitted uses by right of the 35 Acre Property are single-family and multi-family residential.

4. The Court also entertained extensive argument on the second sub-inquiry, whether the City's actions had resulted in a taking, on September 23, 24, 27, and 28, 2021, and entered Findings of Fact and Conclusions of Law Granting Plaintiff Landowners' Motion to Determine Take and For Summary Judgment on the First, Third, and Fourth Claims for Relief and Denying the City of Las Vegas' Countermotion for Summary Judgment on the Second Claim for Relief (hereinafter "FFCL Re: Taking").

5. In the FFCL Re: Taking, the Court held that the City engaged in actions that amounted to a taking of the Landowners' 35 Acre Property.

6. Upon deciding the property interest and taking, the only issue remaining in this case is the just compensation to which the Landowners are entitled for the taking of the 35 Acre Property.

7. In preparation for the jury trial on the just compensation, on October 26, 2021, the Court entertained argument on motions in limine and also the parties' cross motions for summary judgment, orders having been entered on those matters.

8. This case was set for a jury trial, with jury selection to be October 27 and 28, 2021, and opening arguments on November 1, 2021.

9. On October 27, 2021, the parties appeared before the Court and agreed to waive the jury trial and, instead, have this matter decided by way of bench trial.

10. An agreement to the procedure for that bench trial was put on the record at the October 27, 2021, appearance.

11. Pursuant to the agreement of the parties, the Court conducted a bench trial on October 27, 2021, on the sole issue of the fair market value of the 35 Acre Property.

## II.

## FINDINGS OF FACT

**The Landowners' 35 Acre Property.**

12. The property at issue in this case is a 34.07 acre parcel of property generally located near the southeast corner of Hualapai Way and Alta Drive within the geographic boundaries of the City of Las Vegas, more particularly described as Clark County Assessor Parcel 138-31-201-005 (hereinafter "35 Acre Property"). As of September 14, 2017 and at the time of the October 27, 2021, bench trial, the 35 Acre Property was and remains vacant.

13. The 35 Acre Property is hard zoned R-PD7 at all relevant times herein, and the legally permitted uses of the property are single-family and multi-family residential. *See* FFCL Re: Property Interest and FFCL Re: Taking.

14. The Court has previously rejected challenges to this legally permissible use, including rejection of the City's arguments that there is a Peccole Ranch Master Plan and a City of Las Vegas Master Plan land use designation of PR-OS or open space that govern the use of the 35 Acre Property. *See* FFCL Re: Property Interest and FFCL Re: Taking.

/ / /

**Evidence Presented at the Bench Trial on Fair Market Value of the 35 Acre Property.**

15. Pursuant to the agreement of the parties,[1] the Landowners moved for admission of the appraisal report of Tio DiFederico (DiFederico Report) as the fair market value of the 35 Acre Property and the City did not object to nor contest the admissibility or admission of the DiFederico Report.

16. Appraiser Tio DiFederico is a Certified General Appraiser in the State of Nevada and earned the MAI designation from the Appraisal Institute, which is the highest designation for a real estate appraiser. TDG Rpt 000111-000113. DiFederico has appraised property in Las Vegas for over 35 years and has qualified to testify in Nevada Courts, including Clark County District Courts. Id.

17. The DiFederico Report was marked as Plaintiff Landowners' Trial Exhibit 5, with Bate's numbers TDG Rpt 000001 – 000136.

18. The DiFederico Report conforms to the Uniform Standards of Professional Appraisal Practice (USPAP) and the Code of Professional Ethics and Standards of Professional Appraisal Practice Institute. TDG Rpt 000002.

19. The DiFederico Report identifies the property being appraised (the Landowners 34.07 acre property – "35 Acre Property"), reviews the current ownership and sales history, the intended user of the report, provides the proper definition of fair market value under Nevada law, and provides the scope of his work. TDG Rpt 000003-000013.

20. The DiFederico Report also identifies the relevant date of valuation as September 14, 2017, and values the 35 Acre Property as of this date. TDG Rpt 000010.

21. The DiFederico Report includes a Market Area Analysis. TDG Rpt 000014-000032.

[1] The parties agreed that this matter does not involve the taking of, nor valuation of, any water rights the Landowners may or may not own.

22. The DiFederico Report includes a detailed analysis of the 35 Acre Property that analyzes location, size, configuration, topography, soils, drainage, utilities (sewer, water, solid waste, electricity, telephone, and gas), street frontage and access, legal use of the property based on zoning, the surrounding uses, and other legal and regulatory constraints. TDG Rpt 000033-000052. The DiFederico Report property analysis concludes, "[o]verall, the site's R-PD7 zoning and physical characteristics were suitable for residential development that was prevalent in this area and bordered the subject site." Id., 000044.

23. The DiFederico Report provides a detailed analysis of the "highest and best use" of the 35 Acre Property, including the elements of legal permissibility, physical possibility, financial feasibility, and maximally productive. TDG Rpt 000054-000067. The DiFederico Report concludes, based on this highest and best use analysis, that "a residential use best met the four tests of highest and best use [as] of the effective date of value, September 14, 2017." Id., at 000067. This use would be similar to the surrounding uses in the Queensridge and Summerlin Communities. Id.

24. Although the 35 Acre Property had been zoned R-PD7 since the early 1990s, the property had historically been used as a portion of the Badlands Golf Course. Id.

25. Therefore, the DiFederico Report also provides a detailed analysis of the past use of the 35 Acre Property as part of the Badlands golf course. TDG Rpt. 000060-000067. This golf course analysis is based on Mr. DiFederico's research, a report by Global Golf Advisors (GGA), and the past operations on the Badlands golf course. Id.

26. The DiFederico report finds that, according to a 2017 National Golf Foundation (NGF) report, from 1986 to 2005, golf course supply increased by 44%, which far outpaced growth in golf participation. Id. The trend experienced in 2016 was referred to as a "correction" as golf course closures occurring throughout the U.S. indicated there was an oversupply that required

market correction. Id. The local market data reflects that the Badlands wasn't an outlier struggling in a thriving golf course market. Id. Based on what was happening in the national golf course markets, Las Vegas was also experiencing this market "correction" and the Badlands golf course was part of the "correction." On December 1, 2016, the Badlands golf course closed. Id.

27. The Landowner leased the property to Elite Golf, a local operator managing the Badlands and five (5) other local golf courses. On December 1, 2016, the CEO of Elite Golf Management sent a letter to the Landowners stating that it could not generate a profit using the property for a golf course, even if Elite Golf were permitted to operate rent free: "it no longer makes sense for Elite Golf to remain at the facility under our lease agreement. The golf world continues to struggle, and Badlands revenues have continued to decrease over the years. This year we will finish 40% less in revenue than 2015 and 2015 was already 20% down from 2014. At that rate we cannot continue to sustain the property where it makes financial sense to stay. Even with your generosity of the possibility of staying with no rent, we do not see how we can continue forward without losing a substantial sum of money over the next year." Id., 000066.

28. The DiFederico Report includes further detailed analysis of relevant golf course data of the potential for a golf course operation on the 35 Acre Property. TDG Rpt 000060-000066.

29. The DiFederico Report also specifically considered the historical operations of the golf course, which were trending downward rapidly. Id.

30. The DiFederico Report concluded that operating the golf course was not a financially feasible use of the 35 Acre Property as of September 14, 2017.

31. The DiFederico Report golf course conclusion is further supported by the Clark County Tax Assessor analysis on the 250 acre land (of which the 35 Acre Property was included). On September 21, 2017, the Clark County Assessor sent the Landowner a letter that stated since the 35 Acre Property had ceased being used as a golf course on December 1, 2016, the land no

longer met the definition of open space and was "disqualified for open-space assessment." The Assessor converted the property to a residential designation for tax purposes and then the deferred taxes were owed as provided in NRS 361A.280. The following explains how they apply deferred taxes:

> "NRS 361A.280 Payment of deferred tax when property converted to a higher use. If the county assessor is notified or otherwise becomes aware that a parcel of real property which has received agricultural or open-space use assessment has been converted to a higher use, the county assessor shall add to the tax extended against that portion of the property on the next property tax statement the deferred taxes, which is the difference between the taxes that would have been paid or payable on the basis of the agricultural or open-space use valuation and the taxes which would have been paid or payable on the basis of the taxable value calculated pursuant to NRS 361A.277 for each year in which agricultural or open-space use assessment was in effect for the property during the fiscal year in which the property ceased to be used exclusively for agricultural use or approved open-space use and the preceding 6 fiscal years. The County assessor shall assess the property pursuant to NRS 361.2276 for the next fiscal year following the date of conversion to a higher use."

32. The Las Vegas City Charter states, "The County Assessor of the County is, ex officio, the City Assessor of the City." LV City Charter, sec. 3.120.

33. The City provided no evidence that a golf course use was financially feasible as of the September 14, 2017, date of value.

34. Once the DiFederico Report identified the highest and best use of the 35 Acre Property as residential, it then considered the three standard valuation methodologies – the cost approach, sales comparison approach, and income capitalization approach. TDG Rpt 000068. The DiFederico Report identifies the sales comparison and income capitalization approaches as appropriate methods to value the 35 Acre Property. Id.

35. Under the sales comparison approach, the DiFederico Report identifies five similar "superpad" properties that sold near in time to the September 14, 2017, date of valuation. Id., 000069-000075. The DiFederico Report defines a superpad site as a larger parcel of property that is sold to home developers for detached single-family residential developments. Id., 000069.

36. The DiFederico Report then makes adjustments to these five sales to compensate for the differences between the five sales and the 35 Acre Property. Id., 000076. These adjustments include time-market conditions, location, physical characteristics, etc. Id., 000076-000083.

37. After considering all five sales and making the appropriate adjustments to the five sales, the DiFederico Report concludes that the value of the 35 Acre Property as of September 14, 2017, under the sales comparison approach is $23.00 per square foot. Id., 000084. The exact square footage of the 35 Acre Property (34.07 acres) is 1,484,089 and applying the DiFederico Report's square foot value to this number arrives at a value of $34,135,000 for the 35 Acre Property as of September 14, 2017, under the sales comparison approach. Id., 000084.

38. As a check to the reasonableness of the $34,135,000 value concluded by the sales comparison approach, the DiFederico Report completed an income approach to value the 35 Acre Property, referred to as the discounted cash flow approach (hereinafter "DCF approach"). TDG Rpt 000085-000094. The DiFederico Report explains the steps under this DCF approach, which are generally to determine the value of finished lots, consider the time it would take to develop the finished lots, subtract out the costs, profit rate, and discount rate, and discount the net cash flow to arrive at a value of the property as of September 14, 2017. Id., 000086. A finished lot is one that has been put in a condition that it is ready to develop a residential unit on it.

39. The DiFederico Report confirms that the DCF approach is used in the real world by developers to determine the value of property. Id., 000086.

40. The DiFederico Report considers three scenarios under this DCF approach – a 61 lot, 16 lot, and 7 lot development. Id., 000085-000094.

41. The DiFederico Report provides detailed data for the value of finished lots on the 35 Acre Property, including sales of finished lots in the area of the 35 Acre Property that sold near the September 14, 2017, date of value. TDG Rp[t 000086-000088. This data showed that the

average value for finished lots selling in the area were $30, $49.28, and $71.84 per square foot., depending upon the area of Summerlin and the Queensridge Community. TDG Rpt 000086-000087. With this data, the DiFederico Report concluded at a value of $40 per square foot for the 61 lot scenario, $35 per square foot for the 16 lot scenario, and $32 per square foot for the 7 lot scenario. TDG Rpt 000087.

42. The DiFederico Report then provides a detailed, factual based, analysis of the time it would take to develop the finished lots, the expenses to develop the finished lots, the profit rate and discount rate, and the appropriate discount to the net cash flow. TDG Rpt 000088-000090.

43. With this factual based data, the DiFederico Report provides a discounted cash flow model for each of the three scenarios to arrive at a value for the 35 Acre Property under each scenario as follows: 1) for the 61 lot scenario, $32,820,000, 2) for the 16 lot scenario, $35,700,000, and, 3) for the 7 lot scenario, $34,400,000. TDG Rpt 000091-000094. The DiFederico Report uses this income approach to confirm the reasonableness of the $34,135,000 value under the sales comparison approach.

44. The DiFederico Report then concludes that, applying all of the facts and data in the Report, the fair market value of the 35 Acre Property as of September 14, 2017, is $34,135,000. TDG Rpt 000095.

45. The DiFederico Report also provides a detailed analysis of the City's actions toward the 35 Acre Property to determine the effect of the City's actions on the 35 Acre Property from a valuation viewpoint. TDG Rpt. 000096-000101. These City actions are the same actions set forth in the Court's FFCL Re: Taking.

46. The DiFederico Report concludes that the City's actions have taken all value from the 35 Acre Property.

47. The DiFederico Report concludes that the City's actions removed the possibility of residential development; however, the landowner is still required to pay property taxes as if the property could be developed with a residential use. TDG Rpt 000100. According to the DiFederico Report, this immediately added an annual expense that was over $205,000 and that amount would be expected to increase over time. Id.

48. The DiFederico Report concludes that, due to the City's actions, there is no market to sell the 35 Acre Property with these development restrictions along with the extraordinarily high annual expenses as the buyer would be paying for a property with no economic benefit that has annual expenses in excess of $205,000. TDG Rpt 000100.

49. The DiFederico Report concludes that the value of the 35 Acre Property as of September 14, 2017, is $34,135,000 and that the City's actions have taken all value from the property, resulting in "catastrophic damages to this property." TDG Rpt 000101.

50. The City did not produce an appraisal report or a review appraisal report during discovery or during the bench trial.

51. The City did not depose Mr. DiFederico.

52. The City represented at the October 27, 2021, bench trial that, based on the rulings entered by the Court rulings in this matter, including the FFCL Re: Property Interest, the FFCL Re: Take, the rulings on the three motions in limine, and the competing motions for summary judgment on October 26, 2021, the City did not have evidence to admit to rebut the DiFederico Report.

///

## III.

## CONCLUSIONS OF LAW

53. Consistent with the property tax increase, the Landowners attempted to develop the 35 Acre Property for residential use. Notwithstanding the taxing and zoning of R-PD7 (residential), the City of Las Vegas prevented the legal use of the property as it would not allow the Landowners to develop the property according to its zoning and residential designation. Consequently, the City of Las Vegas prevented the legally permitted use of the property and required the property to remain vacant. *See also* FFCL Re: Property Interest and FFCL Re: Taking.

54. The Court has previously rejected challenges to the Landowners' legally permissible residential use. Specifically, the Court has rejected the City's arguments that there is a Peccole Ranch Master Plan and a City of Las Vegas Master Plan/ land use designation of PR-OS or open space that govern the use of the 35 Acre Property. *See* FFCL Re: Property Interest and FFCL Re: Taking.

55. Given that the Landowners had the legal right to use their 35 Acre Property for residential use and given that the City has taken the 35 Acre Property, the Court, based on the agreement of the parties, must determine the fair market value of the 35 Acre Property.

56. The Nevada Constitution provides that where property is taken it "shall be valued at is highest and best use." Nev. Const. art. 1, sec. 22 (3).

57. The Nevada Constitution further provides that in "all eminent domain actions where fair market value is applied, it shall be defined as the highest price the property would bring on the open market." Nev. Const. art. 1, sec. 22 (5).

58. NRS 37.120 provides that the date upon which taken property must be valued is the date of the first service of summons, except that if the action is not tried within two years after the date of the first service of summons, the date of valuation is the date of commencement of trial, if

a motion is brought to change the date of value to the date of trial and certain findings are made by the Court.

59. In the case of County of Clark v. Alper, 100 Nev. 382, 391 (1984), the Nevada Supreme Court held that NRS 37.120 applies to both eminent domain and inverse condemnation proceedings, reasoning, "inverse condemnation proceedings are the constitutional equivalent to eminent domain actions and are governed by the same rules and principles that are applied to formal condemnation proceedings." Id.

60. The date of the first service of summons in this case is September 14, 2017, and neither party sought to change the date of valuation to the date of trial.

61. Therefore, the date of valuation in this inverse condemnation proceeding is the date of the first service of summons, which is September 14, 2017.

62. The Court finds that Mr. DiFederico has the expertise to value the 35 Acre Property.

63. The Court further finds that the valuation methodologies applied in the DiFederico Report are accepted methodologies to appraise property and are relevant and reliable to determine the value of the 35 Acre Property as of September 14, 2017.

64. The Court further finds that the DiFederico Report is based on reliable data, including reliable comparable sales, and is well-reasoned. The conclusions therein are well-supported.

65. The Court finds that the DiFederico Report properly applied and followed Nevada's eminent domain and inverse condemnation laws and that the Report appropriately analyzed and arrived at a proper highest and best use of the 35 Acre Property as residential use. This highest and best use conclusion is also supported by the Court's previous FFCL Re: Property Interest and FFCL Re: Taking.

66. The Court finds that the DiFederico Report properly followed Nevada law in applying the "highest price" standard of fair market value.

67. The Court's final decision is based on a finding that the 35 Acre Property could be developed with a residential use in compliance with its R-PD7 zoning on September 14, 2017. Due to the effect of the government's unlawful taking of the 35 Acre Property, the DiFederico Report concluded there was no market to sell this property with the substantial tax burden and no potential use or income to offset the tax expense. Based on the City's actions, the Court hereby determines that just compensation for the fair market value of the 35 Acre Property due to the City's unlawful taking of the 35 Acre Property is the sum of $34,135,000, exclusive of attorney's fees, costs, interest, and reimbursement of taxes.

68. As a result, the Court hereby finds in favor of the Landowners and against the City in the sum of $34,135,000.

69. The Court will accept post trial briefing on the law and facts to determine attorney's fees, costs, interest, and reimbursement of taxes as Article 1 Section 22(4) provides that "[j]ust compensation shall include, but is not limited to, compounded interest and all reasonable costs and expenses actually incurred." Once the Court determines the compensation for these additional items, if any, the Court will write in the compensation for each of these items, if any, as follows:

The City shall pay to the Landowners attorney fees in the amount of

$ _____.

The City shall pay to the Landowners costs in the amount of $_____.

The City shall pay prejudgment interest in the amount of $_____ for interest up to the date of judgment (October 27, 2021) and a daily prejudgment interest thereafter in the amount of $ _____ until the date the judgment is satisfied. NRS 37.175.

The City shall reimburse the Landowners real estate taxes paid on the 35 Acre Property in the amount of $_____.

## IV.

## CONCLUSION

**IT IS HEREBY ORDERED THAT**, the City is ordered to pay the Landowners the amount of $34,135,000 as the fair market value for the taking of the Landowners 35 Acre Property, with the above items for attorney fees, interest, costs, and reimbursement of taxes reserved for post trial briefing.

**Dated this 18th day of November, 2021**

MH

**B88 955 81A8 4EC7**
**Timothy C. Williams**
**District Court Judge**

Respectfully Submitted By:

**LAW OFFICES OF KERMITT L. WATERS**

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Content Reviewed and Approved By:

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Declined to sign
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**From:** James Leavitt
**To:** Sandy Guerra
**Subject:** FW: 180 Land Company, LLC v. City of Las Vegas, Case No. A-17-758528-J- Proposed Order
**Date:** Wednesday, November 10, 2021 8:44:55 AM

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Jim Leavitt, Esq.
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**Subject:** RE: 180 Land Company, LLC v. City of Las Vegas, Case No. A-17-758528-J- Proposed Order

George:

Thank you for your edits. Unfortunately, it is clear we will not come to agreement on the language of the FFCL re: Just Compensation.

Therefore, we will be submitting the Landowners' proposed FFCL re: Just Compensation to Judge Williams this morning.

I hope you have a good holiday weekend.

Jim

Jim Leavitt, Esq.
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**Subject:** RE: 180 Land Company, LLC v. City of Las Vegas, Case No. A-17-758528-J- Proposed Order

Attached are the City's edits to the proposed FFCL.

**George F. Ogilvie III** | Partner
**McDONALD CARANO**
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---

**From:** James Leavitt <jim@kermittwaters.com>
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**Cc:** Autumn Waters <autumn@kermittwaters.com>
**Subject:** RE: 180 Land Company, LLC v. City of Las Vegas, Case No. A-17-758528-J- Proposed Order

George:

The only orders that have been submitted to the Court are:

FFCL on the motions in limine
FFCL on the denial of both summary judgment motions

We have not submitted the FFCL on just compensation (the most recent one I sent you). I intend to send the FFCL on just compensation to the Court Tuesday, end of business.

Jim

Jim Leavitt, Esq.
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**CSERV**

DISTRICT COURT
CLARK COUNTY, NEVADA

| | |
|---|---|
| 180 Land Company LLC,<br>Petitioner(s)<br><br>vs.<br><br>Las Vegas City of,<br>Respondent(s) | CASE NO: A-17-758528-J<br><br>DEPT. NO. Department 16 |

**AUTOMATED CERTIFICATE OF SERVICE**

This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing Findings of Fact, Conclusions of Law and Judgment was served via the court's electronic eFile system to all recipients registered for e-Service on the above entitled case as listed below:

Service Date: 11/18/2021

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*Attorneys for Plaintiff Landowners*

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

| | |
|---|---|
| 180 LAND CO LLC, a Nevada limited-liability company; FORE STARS, LTD., a Nevada limited-liability company; DOE INDIVIDUALS I through X, ROE CORPORATIONS I through X, and ROE LIMITED LIABILITY COMPANIES I through X,<br><br>Plaintiffs,<br><br>v.<br><br>CITY OF LAS VEGAS, a political subdivision of the State of Nevada; ROE government entities I through X; ROE CORPORATIONS I through X; ROE INDIVIDUALS I through X; ROE LIMITED LIABILITY COMPANIES I through X; ROE quasi-governmental entities I through X,<br><br>Defendants. | CASE NO.: A-17-758528-J<br>DEPT. NO.: XVI<br><br>**NOTICE OF ENTRY OF FINDINGS OF FACT AND CONCLUSIONS OF LAW**<br><br>**ON JUST COMPENSATION** |

//

**PLEASE TAKE NOTICE** that the Findings of Fact and Conclusions of Law on Just Compensation was entered on the 18th day of November, 2021. A copy of the Findings of Fact and Conclusions of Law on Just Compensation is attached hereto

Dated this 24th day of November, 2021.

**LAW OFFICES OF KERMITT L. WATERS**

/s/ *Autumn L. Waters, Esq.*

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***Attorneys for Plaintiff Landowners***

## CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b)(2)(D) and E.D.C.R. 8.05, I hereby certify that on the 24th day of November, 2021, I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF FINDINGS OF FACT AND CONCLUSIONS OF LAW ON JUST COMPENSATION** to be submitted electronically for filing and service via the Court's Wiznet E-Filing system on the parties listed below. The date and time of the electronic proof of service is in place of the date and place of deposit in the mail.

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***Attorneys for Plaintiffs Landowners***

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

| | |
|---|---|
| 180 LAND CO., LLC, a Nevada limited liability company, FORE STARS Ltd., DOE INDIVIDUALS I through X, ROE CORPORATIONS I through X, and ROE LIMITED LIABILITY COMPANIES I through X,<br><br>Plaintiffs,<br><br>*vs.*<br><br>CITY OF LAS VEGAS, political subdivision of the State of Nevada, ROE government entities I through X, ROE CORPORATIONS I through X, ROE INDIVIDUALS I through X, ROE LIMITED LIABILITY COMPANIES I through X, ROE quasi-governmental entities I through X,<br><br>Defendant. | Case No.: A-17-758528-J<br>Dept. No.: XVI<br><br>**FINDINGS OF FACT AND CONCLUSIONS OF LAW**<br><br>**ON JUST COMPENSATION**<br><br>**BENCH TRIAL: October 27, 2021** |

///



Case Number: A-17-758528-J

On October 27, 2021, the Court conducted a bench trial, with Plaintiffs, 180 LAND COMPANY, LLC and FORE STARS, Ltd. (hereinafter "Landowners") appearing through their counsel, Autumn L. Waters, Esq. and James Jack Leavitt, Esq., of the Law Offices of Kermitt L. Waters, along with the Landowners' in-house counsel Elizabeth Ghanem Ham, Esq., and with the City of Las Vegas (hereinafter "the City") appearing through its counsel, George F. Ogilvie III, Esq. of McDonald Carrano, LLP and Philip R. Byrnes, Esq. and Rebecca Wolfson, Esq., of the City Attorney's Office.

Having reviewed and considered the evidence presented, the file and other matters referenced herein, the Court hereby enters the following Findings of Fact and Conclusions of Law:

**I.**

**INVERSE CONDEMNATION PROCEDURE AND POSTURE OF THE CASE**

1. The Nevada Supreme Court has held that, when analyzing an inverse condemnation claim, the court must undertake two distinct sub-inquiries: "the court must first determine" the property rights "before proceeding to determine whether the governmental action constituted a taking." ASAP Storage v. City of Sparks, 123 Nev. 639, 642 (Nev. 2008); McCarran International Airport v. Sisolak, 122 Nev 645, 658 (Nev. 2006). The Nevada Supreme Court has held that "whether the Government has inversely condemned private property is a question of law …" Sisolak, at 661. To decide these issues, the Court relies on eminent domain and inverse condemnation cases. *See* County of Clark v. Alper, 100 Nev. 382, 391 (1984) ("[I]nverse condemnation proceedings are the constitutional equivalent to eminent domain actions and are governed by the same rules and principles that are applied to formal condemnation proceedings.").

2. The Court entertained extensive argument on the first sub-inquiry, the property rights issue, on September 17, 2020, and entered Findings of Fact and Conclusions of Law

Regarding Plaintiff Landowners' Motion to Determine "Property Interest," on October 12, 2020 (hereinafter "FFCL Re: Property Interest").

3. In the FFCL Re: Property Interest, the Court held: 1) Nevada eminent domain law provides that zoning must be relied upon to determine a landowners' property interest in an eminent domain case; 2) the 35 Acre Property at issue in this matter has been hard zoned R-PD7 at all relevant times; 3) the Las Vegas Municipal Code (chapter 19) lists single-family and multi-family as the legally permissible uses on R-PD7 zoned properties; and, 4) the permitted uses by right of the 35 Acre Property are single-family and multi-family residential.

4. The Court also entertained extensive argument on the second sub-inquiry, whether the City's actions had resulted in a taking, on September 23, 24, 27, and 28, 2021, and entered Findings of Fact and Conclusions of Law Granting Plaintiff Landowners' Motion to Determine Take and For Summary Judgment on the First, Third, and Fourth Claims for Relief and Denying the City of Las Vegas' Countermotion for Summary Judgment on the Second Claim for Relief (hereinafter "FFCL Re: Taking").

5. In the FFCL Re: Taking, the Court held that the City engaged in actions that amounted to a taking of the Landowners' 35 Acre Property.

6. Upon deciding the property interest and taking, the only issue remaining in this case is the just compensation to which the Landowners are entitled for the taking of the 35 Acre Property.

7. In preparation for the jury trial on the just compensation, on October 26, 2021, the Court entertained argument on motions in limine and also the parties' cross motions for summary judgment, orders having been entered on those matters.

8. This case was set for a jury trial, with jury selection to be October 27 and 28, 2021, and opening arguments on November 1, 2021.

9. On October 27, 2021, the parties appeared before the Court and agreed to waive the jury trial and, instead, have this matter decided by way of bench trial.

10. An agreement to the procedure for that bench trial was put on the record at the October 27, 2021, appearance.

11. Pursuant to the agreement of the parties, the Court conducted a bench trial on October 27, 2021, on the sole issue of the fair market value of the 35 Acre Property.

## II.

## FINDINGS OF FACT

**The Landowners' 35 Acre Property.**

12. The property at issue in this case is a 34.07 acre parcel of property generally located near the southeast corner of Hualapai Way and Alta Drive within the geographic boundaries of the City of Las Vegas, more particularly described as Clark County Assessor Parcel 138-31-201-005 (hereinafter "35 Acre Property"). As of September 14, 2017 and at the time of the October 27, 2021, bench trial, the 35 Acre Property was and remains vacant.

13. The 35 Acre Property is hard zoned R-PD7 at all relevant times herein, and the legally permitted uses of the property are single-family and multi-family residential. *See* FFCL Re: Property Interest and FFCL Re: Taking.

14. The Court has previously rejected challenges to this legally permissible use, including rejection of the City's arguments that there is a Peccole Ranch Master Plan and a City of Las Vegas Master Plan land use designation of PR-OS or open space that govern the use of the 35 Acre Property. *See* FFCL Re: Property Interest and FFCL Re: Taking.

/ / /

**Evidence Presented at the Bench Trial on Fair Market Value of the 35 Acre Property.**

15. Pursuant to the agreement of the parties,[1] the Landowners moved for admission of the appraisal report of Tio DiFederico (DiFederico Report) as the fair market value of the 35 Acre Property and the City did not object to nor contest the admissibility or admission of the DiFederico Report.

16. Appraiser Tio DiFederico is a Certified General Appraiser in the State of Nevada and earned the MAI designation from the Appraisal Institute, which is the highest designation for a real estate appraiser. TDG Rpt 000111-000113. DiFederico has appraised property in Las Vegas for over 35 years and has qualified to testify in Nevada Courts, including Clark County District Courts. Id.

17. The DiFederico Report was marked as Plaintiff Landowners' Trial Exhibit 5, with Bate's numbers TDG Rpt 000001 – 000136.

18. The DiFederico Report conforms to the Uniform Standards of Professional Appraisal Practice (USPAP) and the Code of Professional Ethics and Standards of Professional Appraisal Practice Institute. TDG Rpt 000002.

19. The DiFederico Report identifies the property being appraised (the Landowners 34.07 acre property – "35 Acre Property"), reviews the current ownership and sales history, the intended user of the report, provides the proper definition of fair market value under Nevada law, and provides the scope of his work. TDG Rpt 000003-000013.

20. The DiFederico Report also identifies the relevant date of valuation as September 14, 2017, and values the 35 Acre Property as of this date. TDG Rpt 000010.

21. The DiFederico Report includes a Market Area Analysis. TDG Rpt 000014-000032.

[1] The parties agreed that this matter does not involve the taking of, nor valuation of, any water rights the Landowners may or may not own.

22. The DiFederico Report includes a detailed analysis of the 35 Acre Property that analyzes location, size, configuration, topography, soils, drainage, utilities (sewer, water, solid waste, electricity, telephone, and gas), street frontage and access, legal use of the property based on zoning, the surrounding uses, and other legal and regulatory constraints. TDG Rpt 000033-000052. The DiFederico Report property analysis concludes, "[o]verall, the site's R-PD7 zoning and physical characteristics were suitable for residential development that was prevalent in this area and bordered the subject site." Id., 000044.

23. The DiFederico Report provides a detailed analysis of the "highest and best use" of the 35 Acre Property, including the elements of legal permissibility, physical possibility, financial feasibility, and maximally productive. TDG Rpt 000054-000067. The DiFederico Report concludes, based on this highest and best use analysis, that "a residential use best met the four tests of highest and best use [as] of the effective date of value, September 14, 2017." Id., at 000067. This use would be similar to the surrounding uses in the Queensridge and Summerlin Communities. Id.

24. Although the 35 Acre Property had been zoned R-PD7 since the early 1990s, the property had historically been used as a portion of the Badlands Golf Course. Id.

25. Therefore, the DiFederico Report also provides a detailed analysis of the past use of the 35 Acre Property as part of the Badlands golf course. TDG Rpt. 000060-000067. This golf course analysis is based on Mr. DiFederico's research, a report by Global Golf Advisors (GGA), and the past operations on the Badlands golf course. Id.

26. The DiFederico report finds that, according to a 2017 National Golf Foundation (NGF) report, from 1986 to 2005, golf course supply increased by 44%, which far outpaced growth in golf participation. Id. The trend experienced in 2016 was referred to as a "correction" as golf course closures occurring throughout the U.S. indicated there was an oversupply that required

market correction. Id. The local market data reflects that the Badlands wasn't an outlier struggling in a thriving golf course market. Id. Based on what was happening in the national golf course markets, Las Vegas was also experiencing this market "correction" and the Badlands golf course was part of the "correction." On December 1, 2016, the Badlands golf course closed. Id.

27. The Landowner leased the property to Elite Golf, a local operator managing the Badlands and five (5) other local golf courses. On December 1, 2016, the CEO of Elite Golf Management sent a letter to the Landowners stating that it could not generate a profit using the property for a golf course, even if Elite Golf were permitted to operate rent free: "it no longer makes sense for Elite Golf to remain at the facility under our lease agreement. The golf world continues to struggle, and Badlands revenues have continued to decrease over the years. This year we will finish 40% less in revenue than 2015 and 2015 was already 20% down from 2014. At that rate we cannot continue to sustain the property where it makes financial sense to stay. Even with your generosity of the possibility of staying with no rent, we do not see how we can continue forward without losing a substantial sum of money over the next year." Id., 000066.

28. The DiFederico Report includes further detailed analysis of relevant golf course data of the potential for a golf course operation on the 35 Acre Property. TDG Rpt 000060-000066.

29. The DiFederico Report also specifically considered the historical operations of the golf course, which were trending downward rapidly. Id.

30. The DiFederico Report concluded that operating the golf course was not a financially feasible use of the 35 Acre Property as of September 14, 2017.

31. The DiFederico Report golf course conclusion is further supported by the Clark County Tax Assessor analysis on the 250 acre land (of which the 35 Acre Property was included). On September 21, 2017, the Clark County Assessor sent the Landowner a letter that stated since the 35 Acre Property had ceased being used as a golf course on December 1, 2016, the land no

longer met the definition of open space and was "disqualified for open-space assessment." The Assessor converted the property to a residential designation for tax purposes and then the deferred taxes were owed as provided in NRS 361A.280. The following explains how they apply deferred taxes:

> "NRS 361A.280 Payment of deferred tax when property converted to a higher use. If the county assessor is notified or otherwise becomes aware that a parcel of real property which has received agricultural or open-space use assessment has been converted to a higher use, the county assessor shall add to the tax extended against that portion of the property on the next property tax statement the deferred taxes, which is the difference between the taxes that would have been paid or payable on the basis of the agricultural or open-space use valuation and the taxes which would have been paid or payable on the basis of the taxable value calculated pursuant to NRS 361A.277 for each year in which agricultural or open-space use assessment was in effect for the property during the fiscal year in which the property ceased to be used exclusively for agricultural use or approved open-space use and the preceding 6 fiscal years. The County assessor shall assess the property pursuant to NRS 361.2276 for the next fiscal year following the date of conversion to a higher use."

32. The Las Vegas City Charter states, "The County Assessor of the County is, ex officio, the City Assessor of the City." LV City Charter, sec. 3.120.

33. The City provided no evidence that a golf course use was financially feasible as of the September 14, 2017, date of value.

34. Once the DiFederico Report identified the highest and best use of the 35 Acre Property as residential, it then considered the three standard valuation methodologies – the cost approach, sales comparison approach, and income capitalization approach. TDG Rpt 000068. The DiFederico Report identifies the sales comparison and income capitalization approaches as appropriate methods to value the 35 Acre Property. Id.

35. Under the sales comparison approach, the DiFederico Report identifies five similar "superpad" properties that sold near in time to the September 14, 2017, date of valuation. Id., 000069-000075. The DiFederico Report defines a superpad site as a larger parcel of property that is sold to home developers for detached single-family residential developments. Id., 000069.

36. The DiFederico Report then makes adjustments to these five sales to compensate for the differences between the five sales and the 35 Acre Property. Id., 000076. These adjustments include time-market conditions, location, physical characteristics, etc. Id., 000076-000083.

37. After considering all five sales and making the appropriate adjustments to the five sales, the DiFederico Report concludes that the value of the 35 Acre Property as of September 14, 2017, under the sales comparison approach is $23.00 per square foot. Id., 000084. The exact square footage of the 35 Acre Property (34.07 acres) is 1,484,089 and applying the DiFederico Report's square foot value to this number arrives at a value of $34,135,000 for the 35 Acre Property as of September 14, 2017, under the sales comparison approach. Id., 000084.

38. As a check to the reasonableness of the $34,135,000 value concluded by the sales comparison approach, the DiFederico Report completed an income approach to value the 35 Acre Property, referred to as the discounted cash flow approach (hereinafter "DCF approach"). TDG Rpt 000085-000094. The DiFederico Report explains the steps under this DCF approach, which are generally to determine the value of finished lots, consider the time it would take to develop the finished lots, subtract out the costs, profit rate, and discount rate, and discount the net cash flow to arrive at a value of the property as of September 14, 2017. Id., 000086. A finished lot is one that has been put in a condition that it is ready to develop a residential unit on it.

39. The DiFederico Report confirms that the DCF approach is used in the real world by developers to determine the value of property. Id., 000086.

40. The DiFederico Report considers three scenarios under this DCF approach – a 61 lot, 16 lot, and 7 lot development. Id., 000085-000094.

41. The DiFederico Report provides detailed data for the value of finished lots on the 35 Acre Property, including sales of finished lots in the area of the 35 Acre Property that sold near the September 14, 2017, date of value. TDG Rp[t 000086-000088. This data showed that the

average value for finished lots selling in the area were $30, $49.28, and $71.84 per square foot., depending upon the area of Summerlin and the Queensridge Community. TDG Rpt 000086-000087. With this data, the DiFederico Report concluded at a value of $40 per square foot for the 61 lot scenario, $35 per square foot for the 16 lot scenario, and $32 per square foot for the 7 lot scenario. TDG Rpt 000087.

42. The DiFederico Report then provides a detailed, factual based, analysis of the time it would take to develop the finished lots, the expenses to develop the finished lots, the profit rate and discount rate, and the appropriate discount to the net cash flow. TDG Rpt 000088-000090.

43. With this factual based data, the DiFederico Report provides a discounted cash flow model for each of the three scenarios to arrive at a value for the 35 Acre Property under each scenario as follows: 1) for the 61 lot scenario, $32,820,000, 2) for the 16 lot scenario, $35,700,000, and, 3) for the 7 lot scenario, $34,400,000. TDG Rpt 000091-000094. The DiFederico Report uses this income approach to confirm the reasonableness of the $34,135,000 value under the sales comparison approach.

44. The DiFederico Report then concludes that, applying all of the facts and data in the Report, the fair market value of the 35 Acre Property as of September 14, 2017, is $34,135,000. TDG Rpt 000095.

45. The DiFederico Report also provides a detailed analysis of the City's actions toward the 35 Acre Property to determine the effect of the City's actions on the 35 Acre Property from a valuation viewpoint. TDG Rpt. 000096-000101. These City actions are the same actions set forth in the Court's FFCL Re: Taking.

46. The DiFederico Report concludes that the City's actions have taken all value from the 35 Acre Property.

47. The DiFederico Report concludes that the City's actions removed the possibility of residential development; however, the landowner is still required to pay property taxes as if the property could be developed with a residential use. TDG Rpt 000100. According to the DiFederico Report, this immediately added an annual expense that was over $205,000 and that amount would be expected to increase over time. Id.

48. The DiFederico Report concludes that, due to the City's actions, there is no market to sell the 35 Acre Property with these development restrictions along with the extraordinarily high annual expenses as the buyer would be paying for a property with no economic benefit that has annual expenses in excess of $205,000. TDG Rpt 000100.

49. The DiFederico Report concludes that the value of the 35 Acre Property as of September 14, 2017, is $34,135,000 and that the City's actions have taken all value from the property, resulting in "catastrophic damages to this property." TDG Rpt 000101.

50. The City did not produce an appraisal report or a review appraisal report during discovery or during the bench trial.

51. The City did not depose Mr. DiFederico.

52. The City represented at the October 27, 2021, bench trial that, based on the rulings entered by the Court rulings in this matter, including the FFCL Re: Property Interest, the FFCL Re: Take, the rulings on the three motions in limine, and the competing motions for summary judgment on October 26, 2021, the City did not have evidence to admit to rebut the DiFederico Report.

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## III.

## CONCLUSIONS OF LAW

53. Consistent with the property tax increase, the Landowners attempted to develop the 35 Acre Property for residential use. Notwithstanding the taxing and zoning of R-PD7 (residential), the City of Las Vegas prevented the legal use of the property as it would not allow the Landowners to develop the property according to its zoning and residential designation. Consequently, the City of Las Vegas prevented the legally permitted use of the property and required the property to remain vacant. *See also* FFCL Re: Property Interest and FFCL Re: Taking.

54. The Court has previously rejected challenges to the Landowners' legally permissible residential use. Specifically, the Court has rejected the City's arguments that there is a Peccole Ranch Master Plan and a City of Las Vegas Master Plan/ land use designation of PR-OS or open space that govern the use of the 35 Acre Property. *See* FFCL Re: Property Interest and FFCL Re: Taking.

55. Given that the Landowners had the legal right to use their 35 Acre Property for residential use and given that the City has taken the 35 Acre Property, the Court, based on the agreement of the parties, must determine the fair market value of the 35 Acre Property.

56. The Nevada Constitution provides that where property is taken it "shall be valued at is highest and best use." Nev. Const. art. 1, sec. 22 (3).

57. The Nevada Constitution further provides that in "all eminent domain actions where fair market value is applied, it shall be defined as the highest price the property would bring on the open market." Nev. Const. art. 1, sec. 22 (5).

58. NRS 37.120 provides that the date upon which taken property must be valued is the date of the first service of summons, except that if the action is not tried within two years after the date of the first service of summons, the date of valuation is the date of commencement of trial, if

a motion is brought to change the date of value to the date of trial and certain findings are made by the Court.

59. In the case of County of Clark v. Alper, 100 Nev. 382, 391 (1984), the Nevada Supreme Court held that NRS 37.120 applies to both eminent domain and inverse condemnation proceedings, reasoning, "inverse condemnation proceedings are the constitutional equivalent to eminent domain actions and are governed by the same rules and principles that are applied to formal condemnation proceedings." Id.

60. The date of the first service of summons in this case is September 14, 2017, and neither party sought to change the date of valuation to the date of trial.

61. Therefore, the date of valuation in this inverse condemnation proceeding is the date of the first service of summons, which is September 14, 2017.

62. The Court finds that Mr. DiFederico has the expertise to value the 35 Acre Property.

63. The Court further finds that the valuation methodologies applied in the DiFederico Report are accepted methodologies to appraise property and are relevant and reliable to determine the value of the 35 Acre Property as of September 14, 2017.

64. The Court further finds that the DiFederico Report is based on reliable data, including reliable comparable sales, and is well-reasoned. The conclusions therein are well-supported.

65. The Court finds that the DiFederico Report properly applied and followed Nevada's eminent domain and inverse condemnation laws and that the Report appropriately analyzed and arrived at a proper highest and best use of the 35 Acre Property as residential use. This highest and best use conclusion is also supported by the Court's previous FFCL Re: Property Interest and FFCL Re: Taking.

66. The Court finds that the DiFederico Report properly followed Nevada law in applying the "highest price" standard of fair market value.

67. The Court's final decision is based on a finding that the 35 Acre Property could be developed with a residential use in compliance with its R-PD7 zoning on September 14, 2017. Due to the effect of the government's unlawful taking of the 35 Acre Property, the DiFederico Report concluded there was no market to sell this property with the substantial tax burden and no potential use or income to offset the tax expense. Based on the City's actions, the Court hereby determines that just compensation for the fair market value of the 35 Acre Property due to the City's unlawful taking of the 35 Acre Property is the sum of $34,135,000, exclusive of attorney's fees, costs, interest, and reimbursement of taxes.

68. As a result, the Court hereby finds in favor of the Landowners and against the City in the sum of $34,135,000.

69. The Court will accept post trial briefing on the law and facts to determine attorney's fees, costs, interest, and reimbursement of taxes as Article 1 Section 22(4) provides that "[j]ust compensation shall include, but is not limited to, compounded interest and all reasonable costs and expenses actually incurred." Once the Court determines the compensation for these additional items, if any, the Court will write in the compensation for each of these items, if any, as follows:

The City shall pay to the Landowners attorney fees in the amount of

$ _____.

The City shall pay to the Landowners costs in the amount of $_____.

The City shall pay prejudgment interest in the amount of $_____ for interest up to the date of judgment (October 27, 2021) and a daily prejudgment interest thereafter in the amount of $ _____ until the date the judgment is satisfied. NRS 37.175.

The City shall reimburse the Landowners real estate taxes paid on the 35 Acre Property in the amount of $_____.

## IV.

## CONCLUSION

**IT IS HEREBY ORDERED THAT**, the City is ordered to pay the Landowners the amount of $34,135,000 as the fair market value for the taking of the Landowners 35 Acre Property, with the above items for attorney fees, interest, costs, and reimbursement of taxes reserved for post trial briefing.

**Dated this 18th day of November, 2021**

MH

**B88 955 81A8 4EC7**
**Timothy C. Williams**
**District Court Judge**

Respectfully Submitted By:

**LAW OFFICES OF KERMITT L. WATERS**

/s/ *James J. Leavitt*
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**From:** James Leavitt
**To:** Sandy Guerra
**Subject:** FW: 180 Land Company, LLC v. City of Las Vegas, Case No. A-17-758528-J- Proposed Order
**Date:** Wednesday, November 10, 2021 8:44:55 AM

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**Subject:** RE: 180 Land Company, LLC v. City of Las Vegas, Case No. A-17-758528-J- Proposed Order

George:

Thank you for your edits. Unfortunately, it is clear we will not come to agreement on the language of the FFCL re: Just Compensation.

Therefore, we will be submitting the Landowners' proposed FFCL re: Just Compensation to Judge Williams this morning.

I hope you have a good holiday weekend.

Jim

Jim Leavitt, Esq.
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**Subject:** RE: 180 Land Company, LLC v. City of Las Vegas, Case No. A-17-758528-J- Proposed Order

Attached are the City's edits to the proposed FFCL.

**George F. Ogilvie III** | Partner
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**Subject:** RE: 180 Land Company, LLC v. City of Las Vegas, Case No. A-17-758528-J- Proposed Order

George:

The only orders that have been submitted to the Court are:

FFCL on the motions in limine
FFCL on the denial of both summary judgment motions

We have not submitted the FFCL on just compensation (the most recent one I sent you). I intend to send the FFCL on just compensation to the Court Tuesday, end of business.

Jim

Jim Leavitt, Esq.
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**CSERV**

DISTRICT COURT
CLARK COUNTY, NEVADA

| | |
|---|---|
| 180 Land Company LLC,<br>Petitioner(s)<br><br>vs.<br><br>Las Vegas City of,<br>Respondent(s) | CASE NO: A-17-758528-J<br><br>DEPT. NO. Department 16 |

**AUTOMATED CERTIFICATE OF SERVICE**

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**FFCL/ORDER**
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Telephone: (702) 733-8877
Facsimile: (702) 731-1964
***Attorneys for Plaintiffs Landowners***

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

| | |
|---|---|
| 180 LAND CO., LLC, a Nevada limited liability company, FORE STARS Ltd., DOE INDIVIDUALS I through X, ROE CORPORATIONS I through X, and ROE LIMITED LIABILITY COMPANIES I through X,<br><br>Plaintiffs,<br><br>*vs.*<br><br>CITY OF LAS VEGAS, political subdivision of the State of Nevada, ROE government entities I through X, ROE CORPORATIONS I through X, ROE INDIVIDUALS I through X, ROE LIMITED LIABILITY COMPANIES I through X, ROE quasi-governmental entities I through X,<br><br>Defendant. | Case No.: A-17-758528-J<br>Dept. No.: XVI<br><br>**FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER DENYING THE CITY'S MOTION FOR IMMEDIATE STAY OF JUDGMENT; AND GRANTING PLAINTIFF LANDOWNERS' COUNTERMOTION TO ORDER THE CITY TO PAY THE JUST COMPENSATION**<br><br>**Date of Hearing: January 19, 2022**<br>**Time of Hearing: 10:00 a.m.** |

This matter came before the Court on January 19, 2022, with Plaintiffs, 180 LAND COMPANY, LLC and FORE STARS, Ltd. (hereinafter "Landowners") appearing through their counsel, James Jack Leavitt, Esq., of the Law Offices of Kermitt L. Waters, along with the Landowners' in-house counsel Elizabeth Ghanem Ham, Esq., and with the City of Las Vegas

(hereinafter "City") appearing through its counsel, George F. Ogilvie III, Esq. and Christopher J. Molina, Esq. of McDonald Carano, LLP and Andrew M. Schwartz, Esq., of Shute, Mihaly and Weinberger, LLP.

Having reviewed and considered the pleadings, arguments of counsel, the evidence presented, the file and other matters referenced herein, the Court hereby enters the following Findings of Fact and Conclusions of Law and Order:

## I. FINDINGS OF FACT

### A) Procedural Posture

This is an inverse condemnation case brought by the Landowners against the City for the taking by inverse condemnation of their approximately 35 acre property ("Landowners' Property" or "Subject Property"). The Court has reviewed extensive pleadings and has allowed lengthy hearings on the facts and law relevant to the inverse condemnation issues in this matter and entered findings of fact and conclusions of law on those issues. On October 12, 2020, the Court determined the legally permissible use of the Landowners' Property prior to the City's actions at issue. *See Findings of Fact and Conclusions of Law Regarding Plaintiff Landowners' Motion to Determine "Property Interest" filed October 12, 2020.* After competing motions for summary judgment on liability were filed and following four days of hearings, the Court granted summary judgment in the Landowners' favor, finding the City took by inverse condemnation the Landowners' Property. S*ee Findings of Fact and Conclusions of Law Granting Plaintiffs Landowners' Motion to Determine Take and For Summary Judgment on The First, Third and Fourth Claims For Relief filed October 25, 2021 (hereinafter "FFCL Re: City's Taking").* Thereafter, the parties stipulated to a bench trial wherein uncontroverted evidence established that the value of the Landowners' Property taken by the City was $34,135,000 and the City was ordered to pay this amount as just

compensation for the taking. *Finding of Fact and Conclusions of Law on Just Compensation filed November 18, 2021* at ¶ 9, 15, 50 and 52.

The City moved the Court to stay payment of the award based on NRCP Rule 62 and NRAP Rule 8. The Landowners opposed the City's stay request and filed a countermotion to have the City pay the award based on NRS 37.140, 37.170 and State v. Second Judicial District Court, 75 Nev. 200 (1959).

**B) The City is in Possession of the Landowners' Property.**

Based upon the undisputed evidence in this case, this Court found the Landowners have established a ***"per se" taking*** of their property. *FFCL Re: City's Taking at ¶ 154-175.* A "per se" taking means the City is in possession of the Landowners' Property. Id. The City has taken the Landowners' Property for the surrounding neighbors' use and enjoyment and has prevented the Landowners from doing anything with the Subject Property that would interfere with the surrounding neighbors' use of the Subject Property. The City has preserved the Subject Property for public use and has authorized the public to use the Subject Property. The City has additionally denied any use of the Landowners' Property that would conflict with said public use resulting in a complete depravation of any economically beneficial use of the Subject Property.

For example, the City prevented the Landowners from constructing a fence around the Subject Property, as a fence would prevent the surrounding neighbors from using the Subject Property. *FFCL Re: City's Taking at ¶ 87-95*. The City passed ordinances (Bills 2018-5 and 2018-24) that: 1) targeted only the Landowners' Property; 2) made it impossible to develop; and 3) preserved the Landowners' Property for the surrounding neighbors' use by ensuring the surrounding neighbors had ongoing access to the Landowners' Property. *FFCL Re: City's Taking at ¶ 103-122.* The City ordinances authorized the surrounding neighbors to use the Landowners' Property for recreation and open space and the City went into the community and told the

surrounding neighbors that the Landowners' Property was theirs to use as their own recreation and open space. *FFCL Re: City's Taking at ¶ 116-122.* The City denied the Landowners access to their own property because the City did not want the Landowners' access to impact the surrounding neighbors use of the Landowners' Property. *FFCL Re: City's Taking at ¶ 96-103.* Uncontested expert opinion established that the City's actions left the Subject Property with zero value. *FFCL Re: City's Taking at ¶ 145-148.* Accordingly, the Landowners have been dispossessed of the Subject Property by the City and the City is in possession of the Subject Property for a public use.

## II. CONCLUSIONS OF LAW

"Inverse condemnation proceedings are the constitutional equivalent to eminent domain actions and are governed by the **same rules and principles that are applied to formal condemnation proceedings.**" County of Clark v. Alper, 100 Nev 382, 391 (1984)(emphasis added).

NRS 37.140 provides that any "sum of money assessed" against the government in an eminent domain or inverse condemnation action must be paid within 30 days of the final judgment – "The [government] must, within 30 days after final judgment, pay the sum of money assessed." NRS 37.140. This statute uses the mandatory "must" language and provides no exceptions.

NRS 37.170 mandates that, as a precondition to an appeal in an eminent domain or inverse condemnation case, the government must pay the award. NRS 37.170. The Nevada Supreme Court addressed the applicability of NRS 37.170 in the case of State v. Second Judicial District Court, 75 Nev. 200 (1959). In that case, the State of Nevada made the *same arguments the City made here* – that it does not need to pay an award as a condition to appeal. The district court in Second Judicial District Court denied the State's request and ordered payment of the award. Id., at 202. The State appealed. The Nevada Supreme Court affirmed, rejecting the State's arguments. Accordingly, as held in Second Judicial District Court "the deposit provided by NRS 37.170 is a

condition to the condemnor's right to maintain an appeal while remaining in possession." Id., at 205.

After considering the mandatory language under NRS 37.140, which grants a landowner a substantive right whereby the government must, within 30 days after final judgment, pay the sum of money assessed in an eminent domain or inverse condemnation case, as well as the mandate under NRS 37.170 which preconditions any appeal on payment of the sum of money assessed (addressed in Second Judicial District Court), the Court is compelled to deny the City's Motion for Immediate Stay of Judgment in this matter. The Court's decision is based on a determination that the more specific eminent domain statutes, such as NRS 37.140 and 37.170, which grant the Landowners substantive rights, take precedence in this special proceeding over the general rules of procedure relied upon by the City. *See* Doe Dancer I v. La Fuente, Inc., 137 Nev. Adv. Op. 3, 431 P.3d 860, 871 (2021) (recognizing the "general/specific canon" that when two statutes conflict, "the more specific statute will take precedence, and is construed as an exception to the more general statute." Id., at 871.); City of Sparks v. Reno Newspapers, Inc., 133 Nev. 398, 400, 401 (2017) ("it is an accepted rule of statutory construction that a provision which specifically applies to a given situation will take precedence over one that applies only generally." Id., at 400-401). Additionally, with the 30-day delay in payment under NRS 37.140, the City will have sufficient time to seek a stay, if appropriate, from the Nevada Supreme Court.

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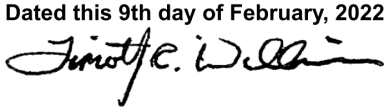
## III. ORDER

**IT IS HEREBY ORDERED THAT** the City's Motion for Immediate Stay of Judgment shall be **DENIED**. Additionally, the Landowners' Countermotion to Order the City of Las Vegas to pay the just compensation assessed shall be **GRANTED**. The City is hereby ordered to pay all sums assessed in this matter within 30 days of final judgment and as a condition to appeal.

**Dated this 9th day of February, 2022**



**58B 72C B710 CB01**
**Timothy C. Williams**
**District Court Judge**

MH

Respectfully Submitted By:

**LAW OFFICES OF KERMITT L. WATERS**

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**CSERV**

DISTRICT COURT
CLARK COUNTY, NEVADA

| | |
|---|---|
| 180 Land Company LLC,<br>Petitioner(s)<br><br>vs.<br><br>Las Vegas City of,<br>Respondent(s) | CASE NO: A-17-758528-J<br><br>DEPT. NO. Department 16 |

**AUTOMATED CERTIFICATE OF SERVICE**

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

Service Date: 2/9/2022

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***Attorneys for Plaintiff Landowners***

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

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| 180 LAND CO., LLC, a Nevada limited liability company, FORE STARS Ltd., DOE INDIVIDUALS I through X, ROE CORPORATIONS I through X, and ROE LIMITED LIABILITY COMPANIES I through X,<br><br>Plaintiffs,<br><br>*vs.*<br><br>CITY OF LAS VEGAS, political subdivision of the State of Nevada, ROE government entities I through X, ROE CORPORATIONS I through X, ROE INDIVIDUALS I through X, ROE LIMITED LIABILITY COMPANIES I through X, ROE quasi-governmental entities I through X,<br><br>Defendant. | Case No.: A-17-758528-J<br>Dept. No.: XVI<br><br>**NOTICE OF ENTRY OF:**<br><br>**FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER DENYING THE CITY'S MOTION FOR IMMEDIATE STAY OF JUDGMENT; AND GRANTING PLAINTIFF LANDOWNERS' COUNTERMOTION TO ORDER THE CITY TO PAY THE JUST COMPENSATION**<br><br>**Hearing Date: January 19, 2022**<br><br>**Hearing Time: 10:00 a.m.** |

**PLEASE TAKE NOTICE** that the Findings of Fact and Conclusions of law and Order Denying the City's Motion for Immediate stay of Judgment; and Granting Plaintiff landowners' Countermotion to Order the City to Pay the Just Compensation ("Order") was entered on the 9th day of February, 2022.

///

A copy of the Order is attached hereto.

DATED this 10th day of February, 2022.

**LAW OFFICES OF KERMITT L. WATERS**

*/s/ James J. Leavitt*

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***Attorneys for Plaintiffs Landowners***

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the Law Offices of Kermitt L. Waters, and that on the 10th day of February, 2022, pursuant to NRCP 5(b), a true and correct copy of the foregoing: **NOTICE OF ENTRY OF: FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER DENYING THE CITY'S MOTION FOR IMMEDIATE STAY OF JUDGMENT; AND GRANTING PLAINTIFF LANDOWNERS' COUNTERMOTION TO ORDER THE CITY TO PAY THE JUST COMPENSATION** was served on the below via the Court's electronic filing/service system and/or deposited for mailing in the U.S. Mail, postage prepaid and addressed to, the following:

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*/s/ Sandy Guerra*
an employee of the Law Offices of Kermitt L. Waters

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02/09/2022 4:51 PM
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**FFCL/ORDER**
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**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

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This matter came before the Court on January 19, 2022, with Plaintiffs, 180 LAND COMPANY, LLC and FORE STARS, Ltd. (hereinafter "Landowners") appearing through their counsel, James Jack Leavitt, Esq., of the Law Offices of Kermitt L. Waters, along with the Landowners' in-house counsel Elizabeth Ghanem Ham, Esq., and with the City of Las Vegas



Case Number: A-17-758528-J

(hereinafter "City") appearing through its counsel, George F. Ogilvie III, Esq. and Christopher J. Molina, Esq. of McDonald Carano, LLP and Andrew M. Schwartz, Esq., of Shute, Mihaly and Weinberger, LLP.

Having reviewed and considered the pleadings, arguments of counsel, the evidence presented, the file and other matters referenced herein, the Court hereby enters the following Findings of Fact and Conclusions of Law and Order:

## I. FINDINGS OF FACT

### A) Procedural Posture

This is an inverse condemnation case brought by the Landowners against the City for the taking by inverse condemnation of their approximately 35 acre property ("Landowners' Property" or "Subject Property"). The Court has reviewed extensive pleadings and has allowed lengthy hearings on the facts and law relevant to the inverse condemnation issues in this matter and entered findings of fact and conclusions of law on those issues. On October 12, 2020, the Court determined the legally permissible use of the Landowners' Property prior to the City's actions at issue. *See Findings of Fact and Conclusions of Law Regarding Plaintiff Landowners' Motion to Determine "Property Interest" filed October 12, 2020.* After competing motions for summary judgment on liability were filed and following four days of hearings, the Court granted summary judgment in the Landowners' favor, finding the City took by inverse condemnation the Landowners' Property. S*ee Findings of Fact and Conclusions of Law Granting Plaintiffs Landowners' Motion to Determine Take and For Summary Judgment on The First, Third and Fourth Claims For Relief filed October 25, 2021 (hereinafter "FFCL Re: City's Taking").* Thereafter, the parties stipulated to a bench trial wherein uncontroverted evidence established that the value of the Landowners' Property taken by the City was $34,135,000 and the City was ordered to pay this amount as just

compensation for the taking. *Finding of Fact and Conclusions of Law on Just Compensation filed November 18, 2021* at ¶ 9, 15, 50 and 52.

The City moved the Court to stay payment of the award based on NRCP Rule 62 and NRAP Rule 8. The Landowners opposed the City's stay request and filed a countermotion to have the City pay the award based on NRS 37.140, 37.170 and State v. Second Judicial District Court, 75 Nev. 200 (1959).

**B) The City is in Possession of the Landowners' Property.**

Based upon the undisputed evidence in this case, this Court found the Landowners have established a ***"per se" taking*** of their property. *FFCL Re: City's Taking at ¶ 154-175.* A "per se" taking means the City is in possession of the Landowners' Property. Id. The City has taken the Landowners' Property for the surrounding neighbors' use and enjoyment and has prevented the Landowners from doing anything with the Subject Property that would interfere with the surrounding neighbors' use of the Subject Property. The City has preserved the Subject Property for public use and has authorized the public to use the Subject Property. The City has additionally denied any use of the Landowners' Property that would conflict with said public use resulting in a complete depravation of any economically beneficial use of the Subject Property.

For example, the City prevented the Landowners from constructing a fence around the Subject Property, as a fence would prevent the surrounding neighbors from using the Subject Property. *FFCL Re: City's Taking at ¶ 87-95*. The City passed ordinances (Bills 2018-5 and 2018-24) that: 1) targeted only the Landowners' Property; 2) made it impossible to develop; and 3) preserved the Landowners' Property for the surrounding neighbors' use by ensuring the surrounding neighbors had ongoing access to the Landowners' Property. *FFCL Re: City's Taking at ¶ 103-122.* The City ordinances authorized the surrounding neighbors to use the Landowners' Property for recreation and open space and the City went into the community and told the

surrounding neighbors that the Landowners' Property was theirs to use as their own recreation and open space. *FFCL Re: City's Taking at ¶ 116-122.* The City denied the Landowners access to their own property because the City did not want the Landowners' access to impact the surrounding neighbors use of the Landowners' Property. *FFCL Re: City's Taking at ¶ 96-103.* Uncontested expert opinion established that the City's actions left the Subject Property with zero value. *FFCL Re: City's Taking at ¶ 145-148.* Accordingly, the Landowners have been dispossessed of the Subject Property by the City and the City is in possession of the Subject Property for a public use.

## II. CONCLUSIONS OF LAW

"Inverse condemnation proceedings are the constitutional equivalent to eminent domain actions and are governed by the **same rules and principles that are applied to formal condemnation proceedings.**" County of Clark v. Alper, 100 Nev 382, 391 (1984)(emphasis added).

NRS 37.140 provides that any "sum of money assessed" against the government in an eminent domain or inverse condemnation action must be paid within 30 days of the final judgment – "The [government] must, within 30 days after final judgment, pay the sum of money assessed." NRS 37.140. This statute uses the mandatory "must" language and provides no exceptions.

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condition to the condemnor's right to maintain an appeal while remaining in possession." Id., at 205.

After considering the mandatory language under NRS 37.140, which grants a landowner a substantive right whereby the government must, within 30 days after final judgment, pay the sum of money assessed in an eminent domain or inverse condemnation case, as well as the mandate under NRS 37.170 which preconditions any appeal on payment of the sum of money assessed (addressed in Second Judicial District Court), the Court is compelled to deny the City's Motion for Immediate Stay of Judgment in this matter. The Court's decision is based on a determination that the more specific eminent domain statutes, such as NRS 37.140 and 37.170, which grant the Landowners substantive rights, take precedence in this special proceeding over the general rules of procedure relied upon by the City. *See* Doe Dancer I v. La Fuente, Inc., 137 Nev. Adv. Op. 3, 431 P.3d 860, 871 (2021) (recognizing the "general/specific canon" that when two statutes conflict, "the more specific statute will take precedence, and is construed as an exception to the more general statute." Id., at 871.); City of Sparks v. Reno Newspapers, Inc., 133 Nev. 398, 400, 401 (2017) ("it is an accepted rule of statutory construction that a provision which specifically applies to a given situation will take precedence over one that applies only generally." Id., at 400-401). Additionally, with the 30-day delay in payment under NRS 37.140, the City will have sufficient time to seek a stay, if appropriate, from the Nevada Supreme Court.

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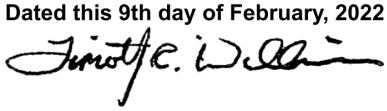
## III. ORDER

**IT IS HEREBY ORDERED THAT** the City's Motion for Immediate Stay of Judgment shall be **DENIED**. Additionally, the Landowners' Countermotion to Order the City of Las Vegas to pay the just compensation assessed shall be **GRANTED**. The City is hereby ordered to pay all sums assessed in this matter within 30 days of final judgment and as a condition to appeal.

**Dated this 9th day of February, 2022**



**58B 72C B710 CB01**
**Timothy C. Williams**
**District Court Judge**

MH

Respectfully Submitted By:

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**CSERV**

DISTRICT COURT
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| | |
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| 180 Land Company LLC,<br>Petitioner(s)<br><br>vs.<br><br>Las Vegas City of,<br>Respondent(s) | CASE NO: A-17-758528-J<br><br>DEPT. NO. Department 16 |

**AUTOMATED CERTIFICATE OF SERVICE**

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

Service Date: 2/9/2022

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| David Weibel | weibel@smwlaw.com |
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Telephone: (702) 733-8877
Facsimile: (702) 731-1964
***Attorneys for Plaintiffs Landowners***

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

| | |
|---|---|
| 180 LAND CO., LLC, a Nevada limited liability company, FORE STARS Ltd., DOE INDIVIDUALS I through X, ROE CORPORATIONS I through X, and ROE LIMITED LIABILITY COMPANIES I through X,<br><br>Plaintiffs,<br><br>*vs.*<br><br>CITY OF LAS VEGAS, political subdivision of the State of Nevada, ROE government entities I through X, ROE CORPORATIONS I through X, ROE INDIVIDUALS I through X, ROE LIMITED LIABILITY COMPANIES I through X, ROE quasi-governmental entities I through X,<br><br>Defendant. | Case No.: A-17-758528-J<br>Dept. No.: XVI<br><br>**ORDER GRANTING IN PART AND DENYING IN PART THE CITY OF LAS VEGAS' MOTION TO RETAX MEMORANDUM OF COSTS**<br><br>Date of Hearing: January 19, 2022<br>Time of Hearing: 10:00 a.m. |

Defendant City of Las Vegas' Motion to Retax Memorandum of Costs, having come before the Court on January 19, 2022, James J. Leavitt, Esq. of the Law Offices of Kermitt L Waters and Plaintiff's in-house counsel Elizabeth Ghanem, Esq. appearing on behalf of Plaintiff Landowners 180 Land Co and Fore Stars ("Landowners"), George F. Ogilvie III, Esq. and Christopher Molina, Esq. of McDonald Carano LLP and Andrew W. Schwartz, Esq. of Shute Mihaly and Weinberger LLP appearing on behalf of the City of Las Vegas ("City").

The Court having reviewed the papers and pleadings on file, heard argument of counsel, and for good cause appearing hereby **GRANTS IN PART** and **DENIES IN PART** the City of Las Vegas' Motion to Retax Memorandum of Costs and orders as follows:

The Landowners are entitled to recover costs actually incurred in this matter as the Nevada Constitution provides that the Landowners' "just compensation" award "shall include … all reasonable costs and expenses actually incurred." Nev. Const. art. I § 22 (4). See also the Federal Relocation Act. NRS 342.105 and 49 CFR § 24.107.

The Court finds the following costs to be reasonable and actually incurred in this matter as they were undisputed:

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| Discovery Legal Services | $481.25 |
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| **Total** | **$16,442.59** |

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| Clark County Recorder | $171.00 |
| District Court Clerk | $119.00 |
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| In-house copy costs @ $.15 per B/W and $.25 for color | $6,345.40 |
| **Total** | **$245,335.32** |

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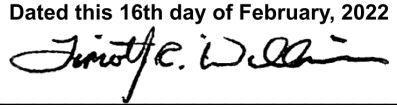
**THEREFORE, IT IS HEREBY ORDERED THAT** the City pay to the Landowners costs in the amount of **$274,445.16.**

**IT IS FURTHER ORDERED THAT** the judgment that is entered in this matter shall include this **$274,445.16** to be paid by the City to the Landowners.

**Dated this 16th day of February, 2022**



MH

**51A C54 4F89 7CD2**
**Timothy C. Williams**
**District Court Judge**

Submitted By:

LAW OFFICES OF KERMITT L. WATERS

By: */s/ James J. Leavitt*
Kermitt L. Waters (NV Bar No. 2571)
James J. Leavitt (NV Bar No. 6032)
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***Attorneys for Plaintiffs Landowners***

Content Reviewed and Approved by:

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San Francisco, California 94102
***Attorneys for City of Las Vegas***

| | |
|---|---|
| **From:** | Autumn Waters |
| **To:** | Sandy Guerra |
| **Subject:** | FW: 35 acres - Proposed Orders on Costs and Taxes |
| **Date:** | Wednesday, January 26, 2022 10:18:58 AM |
| **Attachments:** | Order Re Retax Costs.docx<br>Order Granting Motion to Reimburse Taxes.docx |

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**From:** Autumn Waters
**Sent:** Friday, January 21, 2022 11:40 AM
**To:** 'gogilvie@mcdonaldcarano.com' <gogilvie@mcdonaldcarano.com>; 'cmolina@mcdonaldcarano.com' <cmolina@mcdonaldcarano.com>
**Cc:** James Leavitt <jim@kermittwaters.com>; Elizabeth Ham (EHB Companies) <eham@ehbcompanies.com>
**Subject:** 35 acres - Proposed Orders on Costs and Taxes

Hi George,

Attached for your review are the following proposed orders:

ORDER GRANTING IN PART AND DENYING IN PART THE CITY OF LAS VEGAS' MOTION TO RETAX MEMORANDUM OF COSTS

ORDER GRANTING PLAINTIFFS LANDOWNERS' MOTION FOR REIMBURSEMENT OF PROPERTY TAXES

Please let me know if I have your permission to attached your electronic signature to these proposed orders by Monday as we intend to submit them to the Court for signature first thing Tuesday morning.

Thank you and have a great weekend.

Autumn Waters, Esq.
Law Offices of Kermitt L. Waters
704 South Ninth Street
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tel: (702) 733-8877
fax: (702) 731-1964

This e-mail, and any attachments thereto, is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please immediately notify me at (702) 733-8877 and permanently delete the original and any copy of any e-mail and any printout thereof.

Further information about the firm will be provided upon request.

**CSERV**

DISTRICT COURT
CLARK COUNTY, NEVADA

| | |
|---|---|
| 180 Land Company LLC,<br>Petitioner(s)<br><br>vs.<br><br>Las Vegas City of,<br>Respondent(s) | CASE NO: A-17-758528-J<br><br>DEPT. NO. Department 16 |

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***Attorneys for Plaintiff Landowners***

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

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| 180 LAND CO., LLC, a Nevada limited liability company, FORE STARS Ltd., DOE INDIVIDUALS I through X, ROE CORPORATIONS I through X, and ROE LIMITED LIABILITY COMPANIES I through X,<br><br>Plaintiffs,<br><br>*vs.*<br><br>CITY OF LAS VEGAS, political subdivision of the State of Nevada, ROE government entities I through X, ROE CORPORATIONS I through X, ROE INDIVIDUALS I through X, ROE LIMITED LIABILITY COMPANIES I through X, ROE quasi-governmental entities I through X,<br><br>Defendant. | Case No.: A-17-758528-J<br>Dept. No.: XVI<br><br>**NOTICE OF ENTRY OF:**<br><br>**ORDER GRANTING IN PART AND DENYING IN PART THE CITY OF LAS VEGAS' MOTION TO RETAX MEMORANDUM OF COSTS**<br><br>**Hearing Date: January 19, 2022**<br><br>**Hearing Time: 10:00 a.m.** |

**PLEASE TAKE NOTICE** that the Order Granting in Part and Denying in Part the City of Las Vegas' Motion to Retax Memorandum of Costs ("Order") was entered on the 16th day of February, 2022.

///

A copy of the Order is attached hereto.

DATED this 17th day of February, 2022.

**LAW OFFICES OF KERMITT L. WATERS**

*/s/ James J. Leavitt*

Kermitt L. Waters, Esq. (NSB 2571)
James J. Leavitt, Esq. (NSB 6032)
Michael A. Schneider, Esq. (NSB 8887)
Autumn L. Waters, Esq. (NSB 8917)
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Facsimile: (702) 731-1964
***Attorneys for Plaintiffs Landowners***

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the Law Offices of Kermitt L. Waters, and that on the 17th day of February, 2022, pursuant to NRCP 5(b), a true and correct copy of the foregoing: **NOTICE OF ENTRY OF: ORDER GRANTING IN PART AND DENYING IN PART THE CITY OF LAS VEGAS' MOTION TO RETAX MEMORANDUM OF COSTS** was served on the below via the Court's electronic filing/service system and/or deposited for mailing in the U.S. Mail, postage prepaid and addressed to, the following:

**McDONALD CARANO LLP**
George F. Ogilvie III, Esq.
Christopher Molina, Esq.
2300 W. Sahara Avenue, Suite 1200
Las Vegas, Nevada 89102
gogilvie@mcdonaldcarano.com
cmolina@mcdonaldcarano.com

**LAS VEGAS CITY ATTORNEY'S OFFICE**
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Philip R. Byrnes, Esq.
Rebecca Wolfson, Esq.
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**SHUTE, MIHALY & WEINBERGER, LLP**
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Lauren M. Tarpey, Esq.
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San Francisco, California 94102
schwartz@smwlaw.com
ltarpey@smwlaw.com

*/s/ Sandy Guerra*
an employee of the Law Offices of Kermitt L. Waters

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2/16/2022 6:07 AM

Electronically Filed
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CLERK OF THE COURT

**ORDR**
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***Attorneys for Plaintiffs Landowners***

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**CLARK COUNTY, NEVADA**

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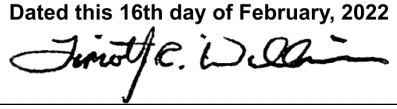
**Dated this 16th day of February, 2022**



MH

**51A C54 4F89 7CD2**
**Timothy C. Williams**
**District Court Judge**

Submitted By:

LAW OFFICES OF KERMITT L. WATERS

By: */s/ James J. Leavitt*
Kermitt L. Waters (NV Bar No. 2571)
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***Attorneys for Plaintiffs Landowners***

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San Francisco, California 94102
***Attorneys for City of Las Vegas***

| | |
|---|---|
| **From:** | Autumn Waters |
| **To:** | Sandy Guerra |
| **Subject:** | FW: 35 acres - Proposed Orders on Costs and Taxes |
| **Date:** | Wednesday, January 26, 2022 10:18:58 AM |
| **Attachments:** | Order Re Retax Costs.docx<br>Order Granting Motion to Reimburse Taxes.docx |

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**From:** Autumn Waters
**Sent:** Friday, January 21, 2022 11:40 AM
**To:** 'gogilvie@mcdonaldcarano.com' <gogilvie@mcdonaldcarano.com>; 'cmolina@mcdonaldcarano.com' <cmolina@mcdonaldcarano.com>
**Cc:** James Leavitt <jim@kermittwaters.com>; Elizabeth Ham (EHB Companies) <eham@ehbcompanies.com>
**Subject:** 35 acres - Proposed Orders on Costs and Taxes

Hi George,

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ORDER GRANTING IN PART AND DENYING IN PART THE CITY OF LAS VEGAS' MOTION TO RETAX MEMORANDUM OF COSTS

ORDER GRANTING PLAINTIFFS LANDOWNERS' MOTION FOR REIMBURSEMENT OF PROPERTY TAXES

Please let me know if I have your permission to attached your electronic signature to these proposed orders by Monday as we intend to submit them to the Court for signature first thing Tuesday morning.

Thank you and have a great weekend.

Autumn Waters, Esq.
Law Offices of Kermitt L. Waters
704 South Ninth Street
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This e-mail, and any attachments thereto, is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please immediately notify me at (702) 733-8877 and permanently delete the original and any copy of any e-mail and any printout thereof.

Further information about the firm will be provided upon request.

**CSERV**

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CLARK COUNTY, NEVADA

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Service Date: 2/16/2022

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02/16/2022 6:07 AM
CLERK OF THE COURT

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Telephone: (702) 733-8877
Facsimile: (702) 731-1964
***Attorneys for Plaintiffs Landowners***

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

| | |
|---|---|
| 180 LAND CO., LLC, a Nevada limited liability company, FORE STARS Ltd., DOE INDIVIDUALS I through X, ROE CORPORATIONS I through X, and ROE LIMITED LIABILITY COMPANIES I through X,<br><br>Plaintiffs,<br><br>*vs.*<br><br>CITY OF LAS VEGAS, political subdivision of the State of Nevada, ROE government entities I through X, ROE CORPORATIONS I through X, ROE INDIVIDUALS I through X, ROE LIMITED LIABILITY COMPANIES I through X, ROE quasi-governmental entities I through X,<br><br>Defendant. | Case No.: A-17-758528-J<br>Dept. No.: XVI<br><br>**ORDER GRANTING PLAINTIFFS LANDOWNERS' MOTION FOR REIMBURSEMENT OF PROPERTY TAXES**<br><br>Date of Hearing: January 19, 2022<br>Time of Hearing: 10:00 a.m. |

Plaintiff Landowners' Motion for Reimbursement of Taxes, having come before the Court on January 19, 2022, James J. Leavitt, Esq. of the Law Offices of Kermitt L Waters and Plaintiff's in-house counsel Elizabeth Ghanem, Esq. appearing on behalf of Plaintiff Landowners 180 Land Co and Fore Stars. ("Landowners"), George F. Ogilvie III, Esq. and Christopher Molina, Esq. of McDonald Carano LLP and Andrew W. Schwartz, Esq. of Shute Mihaly and Weinberger LLP appearing on behalf of the City of Las Vegas ("City").

The Court having reviewed the papers and pleadings on file, heard argument of counsel, and for good cause appearing hereby finds and orders as follows:

Nevada law provides that "[a]n owner who is dispossessed from his or her land when it is taken for public use is no longer obligated to pay taxes" and the owner is entitled to reimbursement of property taxes actually paid after the land is taken. County of Clark v. Alper, 100 Nev. 382, 395 (1984).

This Court entered Findings of Fact and Conclusions of Law Granting Plaintiff Landowners' Motion to Determine Take and for Summary Judgment on the First, Third, and Fourth Claims for Relief and Denying the City of Las Vegas' Countermotion for Summary Judgment on the Second Claim for Relief, filed October 25, 2021 (FFCL Re: Take). The FFCL Re: Take details the actions by the City that resulted in a taking of the Landowners' Property, with the first date of compensable injury being August 2, 2017. FFCL Re: Take, pp. 11-19, findings 46-86.

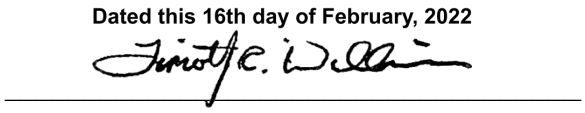
The Landowners presented uncontested evidence that they paid property taxes from August 2, 2017, up to the date of the hearing in this matter in the amount of $976,889.38.

**THEREFORE, IT IS HEREBY ORDERED THAT** Plaintiff Landowners' Motion for Reimbursement of Property Taxes is **GRANTED** and the City shall reimburse the Landowners

for the taxes paid on the Subject Property from August 2, 2017, forward in the amount of $976,889.38.

**IT IS FURTHER ORDERED THAT** the judgment that is entered in this matter shall include this $976,889.38 to be paid by the City to the Landowners.

**Dated this 16th day of February, 2022**



MH

**69B 1F6 D918 A34D**
**Timothy C. Williams**
**District Court Judge**

Submitted By:

LAW OFFICES OF KERMITT L. WATERS

By: */s/ James J. Leavitt*
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***Attorneys for Plaintiffs Landowners***

Content Reviewed and Approved by:

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By: *Did not respond*
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***Attorneys for City of Las Vegas***

| | |
|---|---|
| **From:** | Autumn Waters |
| **To:** | Sandy Guerra |
| **Subject:** | FW: 35 acres - Proposed Orders on Costs and Taxes |
| **Date:** | Wednesday, January 26, 2022 10:18:58 AM |
| **Attachments:** | Order Re Retax Costs.docx<br>Order Granting Motion to Reimburse Taxes.docx |

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**From:** Autumn Waters
**Sent:** Friday, January 21, 2022 11:40 AM
**To:** 'gogilvie@mcdonaldcarano.com' <gogilvie@mcdonaldcarano.com>; 'cmolina@mcdonaldcarano.com' <cmolina@mcdonaldcarano.com>
**Cc:** James Leavitt <jim@kermittwaters.com>; Elizabeth Ham (EHB Companies) <eham@ehbcompanies.com>
**Subject:** 35 acres - Proposed Orders on Costs and Taxes

Hi George,

Attached for your review are the following proposed orders:

ORDER GRANTING IN PART AND DENYING IN PART THE CITY OF LAS VEGAS' MOTION TO RETAX MEMORANDUM OF COSTS

ORDER GRANTING PLAINTIFFS LANDOWNERS' MOTION FOR REIMBURSEMENT OF PROPERTY TAXES

Please let me know if I have your permission to attached your electronic signature to these proposed orders by Monday as we intend to submit them to the Court for signature first thing Tuesday morning.

Thank you and have a great weekend.

Autumn Waters, Esq.
Law Offices of Kermitt L. Waters
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tel: (702) 733-8877
fax: (702) 731-1964

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**CSERV**

DISTRICT COURT
CLARK COUNTY, NEVADA

| | |
|---|---|
| 180 Land Company LLC,<br>Petitioner(s)<br><br>vs.<br><br>Las Vegas City of,<br>Respondent(s) | CASE NO: A-17-758528-J<br><br>DEPT. NO. Department 16 |

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Facsimile: (702) 731-1964
***Attorneys for Plaintiff Landowners***

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

| | |
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| 180 LAND CO., LLC, a Nevada limited liability company, FORE STARS Ltd., DOE INDIVIDUALS I through X, ROE CORPORATIONS I through X, and ROE LIMITED LIABILITY COMPANIES I through X,<br><br>Plaintiffs,<br><br>*vs.*<br><br>CITY OF LAS VEGAS, political subdivision of the State of Nevada, ROE government entities I through X, ROE CORPORATIONS I through X, ROE INDIVIDUALS I through X, ROE LIMITED LIABILITY COMPANIES I through X, ROE quasi-governmental entities I through X,<br><br>Defendant. | Case No.: A-17-758528-J<br>Dept. No.: XVI<br><br>**NOTICE OF ENTRY OF:**<br><br>**ORDER GRANTING PLAINTIFFS LANDOWNERS' MOTION FOR REIMBURSEMENT OF PROPERTY TAXES**<br><br>**Hearing Date: January 19, 2022**<br><br>**Hearing Time: 10:00 a.m.** |

**PLEASE TAKE NOTICE** that the Order Granting Plaintiffs Landowners' Motion for Reimbursement of Property Taxes ("Order") was entered on the 16th day of February, 2022.

///

A copy of the Order is attached hereto.

DATED this 17th day of February, 2022.

**LAW OFFICES OF KERMITT L. WATERS**

*/s/ James J. Leavitt*

Kermitt L. Waters, Esq. (NSB 2571)
James J. Leavitt, Esq. (NSB 6032)
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***Attorneys for Plaintiffs Landowners***

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the Law Offices of Kermitt L. Waters, and that on the 17th day of February, 2022, pursuant to NRCP 5(b), a true and correct copy of the foregoing: **NOTICE OF ENTRY OF: ORDER GRANTING PLAINTIFFS LANDOWNERS' MOTION FOR REIMBURSEMENT OF PROPERTY TAXES** was served on the below via the Court's electronic filing/service system and/or deposited for mailing in the U.S. Mail, postage prepaid and addressed to, the following:

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Christopher Molina, Esq.
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*/s/ Sandy Guerra*
an employee of the Law Offices of Kermitt L. Waters

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CLERK OF THE COURT

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***Attorneys for Plaintiffs Landowners***

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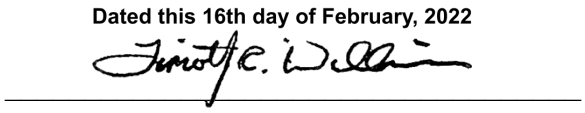

MH

**69B 1F6 D918 A34D**
**Timothy C. Williams**
**District Court Judge**

Submitted By:

LAW OFFICES OF KERMITT L. WATERS

By: */s/ James J. Leavitt*
Kermitt L. Waters (NV Bar No. 2571)
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***Attorneys for Plaintiffs Landowners***

Content Reviewed and Approved by:

McDONALD CARANO LLP

By: *Did not respond*
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***Attorneys for City of Las Vegas***

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| **Date:** | Wednesday, January 26, 2022 10:18:58 AM |
| **Attachments:** | Order Re Retax Costs.docx<br>Order Granting Motion to Reimburse Taxes.docx |

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**Sent:** Friday, January 21, 2022 11:40 AM
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**Cc:** James Leavitt <jim@kermittwaters.com>; Elizabeth Ham (EHB Companies) <eham@ehbcompanies.com>
**Subject:** 35 acres - Proposed Orders on Costs and Taxes

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Thank you and have a great weekend.

Autumn Waters, Esq.
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tel: (702) 733-8877
fax: (702) 731-1964

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CLARK COUNTY, NEVADA

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| 180 Land Company LLC,<br>Petitioner(s)<br><br>vs.<br><br>Las Vegas City of,<br>Respondent(s) | CASE NO: A-17-758528-J<br><br>DEPT. NO. Department 16 |

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02/18/2022 3:59 PM
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***Attorneys for Plaintiffs Landowners***

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

| | |
|---|---|
| 180 LAND CO., LLC, a Nevada limited liability company, FORE STARS Ltd., DOE INDIVIDUALS I through X, ROE CORPORATIONS I through X, and ROE LIMITED LIABILITY COMPANIES I through X,<br><br>Plaintiffs,<br><br>*vs.*<br><br>CITY OF LAS VEGAS, political subdivision of the State of Nevada, ROE government entities I through X, ROE CORPORATIONS I through X, ROE INDIVIDUALS I through X, ROE LIMITED LIABILITY COMPANIES I through X, ROE quasi-governmental entities I through X,<br><br>Defendant. | Case No.: A-17-758528-J<br>Dept. No.: XVI<br><br>**ORDER GRANTING PLAINTIFF LANDOWNERS' MOTION FOR ATTORNEY FEES IN PART AND DENYING IN PART**<br><br>Date of Hearing: February 3, 2022<br>Time of Hearing: 1:30 p.m. |

Plaintiff Landowners' Motion for Attorney Fees, having come before the Court on February 3, 2022, James J. Leavitt, Esq. of the Law Offices of Kermitt L Waters and Plaintiff

Landowners' in-house counsel Elizabeth Ghanem, Esq. appearing on behalf of Plaintiff Landowners 180 Land Co and Fore Stars. ("Landowners"), George F. Ogilvie III, Esq. and Christopher Molina, Esq. of McDonald Carano LLP and Andrew W. Schwartz, Esq. of Shute Mihaly and Weinberger LLP appearing on behalf of the City of Las Vegas ("City").

The Court having reviewed the papers and pleadings on file, heard argument of counsel, and for good cause appearing hereby finds and orders as follows:

The Landowners moved for an award of attorney fees pursuant to the Uniform Relocation Assistance and Real Property Acquisition Act ("Relocation Act") which Nevada has adopted in its entirety pursuant to NRS 342.105; *see also McCarran Int'l Airport v. Sisolak*, 122 Nev. 645, 673 (2006) and *Tien Fu Hsu v. County of Clark*, 123 Nev. 625, 637 (2007); 2) the Nevada Constitution Article 1, Section 22 (4); and, 3) NRS 18.010(2)(b).

**A. The Relocation Act Provides for the Reimbursement of Attorney Fees**

The Relocation Act provides that an owner shall be "reimbursed for any reasonable expenses, including reasonable attorney…fees, which the owner actually incurred because of a condemnation proceeding" when, "[t]he court having jurisdiction renders a judgment in favor of the owner in an inverse condemnation proceeding" 49 CFR § 24.107(c)(2020); NRS 342.105. The Nevada Supreme Court has held that "[t]he Relocation Act requires that a state government entity receiving federal funds institute formal condemnation proceedings to acquire any interest in real property by exercising the power of eminent domain" and, if not, Nevada landowners may bring inverse condemnation claims and "may recover attorney fees and costs if they succeed in an inverse condemnation claim against the government." *Sisolak*, at 673. Here, the Landowners have established that the City inversely condemned their property and therefore may recover their

reasonable attorney fees actually incurred pursuant to the Relocation Act, NRS 342.105 and *Sisolak*.

The City argued that the Landowners had to establish a nexus between federal funds and the project which took the Landowners' Property to recover attorney fees under the Relocation Act. Insofar as a Nevada landowner may be required to show that the taking agency receives federal funds to recover attorney fees under the Relocation Act or that the taking program receives federal funds to recover attorney fees under the Relocation Act, the Landowners have established both. The City receives federal funds generally and the City receives federal funds for its parks, recreation and open space program, the program for which the City took the Landowners' Property. *See Landowners' Mot. at Exhibits 12-16. Exhibit 12, screenshot of the City's Website stating the City receives federal funds; Exhibit 13, the City's 2050 Master Plan where the City details how it receives federal funds, specifically for parks and open space, see ATTY FEE MOT 0226; Exhibit 14, the City's SNPLMA Projects (SNPLMA is a federal grant program where federal dollars are given to the City for Parks and Open Space); Exhibit 15, the City's 2017 Budget detailing federal dollars received; Exhibit 16, City's 2021 Budget detailing federal dollars received.* The Landowners are entitled to reimbursement of their reasonable attorney fees under the Relocation Act.

**B. Article 1, Section 22 Provides for the Reimbursement of Attorney Fees**

The Landowners also moved for attorney fees under the Nevada Constitution Article 1, Section 22 (4). The Nevada constitution provides, "[i]n all eminent domain actions, just compensation shall be defined as that sum of money, necessary to place the property owner back in the same position, monetarily, without any governmental offsets, as if the property had never

been taken." Nev. Const. Art I § 22(4).[1] The Constitution further provides that "Just compensation shall include, but is not limited to, compounded interest and all reasonable costs and expenses actually incurred." Nev. Const. Art I § 22(4) (emphasis added). Attorney fees are expenses actually incurred. When interpreting constitutional provisions, the normal and ordinary meaning of words **must** be utilized. *Strickland v. Waymire*, 126 Nev. 230, 234 (2010). The normal and ordinary meaning of the word *"expense,"* include "the amount of money that is needed to pay for or buy something" and "something on which money is spent." http://www.merriam-webster.com/dictionary/expense. These normal and ordinary meanings of *"expense"* includes the amount of money needed to pay for legal counsel. To the extent there is any question about the normal and ordinary meaning of the language in an initiative petition, the Argument Opposing Passage in the Sample Ballot specifically informed Nevada Voters in 2006 and 2008 that "Further, we believe **taxpayers may have to pay all lawyers fees** and court expenses for any legal actions brought by private parties on eminent domain!" (Bold added, "!" in original text). *See* Landowners' Motion *Exhibit 9,* p. 11 and *Exhibit 10,* p. 7. The Landowners are entitled to their attorney fees actually incurred pursuant to Article 1 Section 22(4).

### C. NRS 18.010(2)(b) Provides of Attorney Fees to the Prevailing Party

The Landowners also moved for attorney fees under NRS 18.010(2)(b) which also provides for the award of attorney fees to the prevailing party "when the court finds that the claim, counterclaim, cross-claim or third-party complaint or defense of the opposing party was brought

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[1] Consistent with long standing Nevada law, in *Nevadans for the Prot. Of Prop. Rights v. Heller*, 122 Nev. 894, 908, 141 P.3d 1235, 1244-1245 (2006), the Nevada Supreme Court acknowledged that Article 1 § 22 would apply to inverse condemnation actions. See also *Clark County v. Alper*, 100 Nev. 382, 395 (1984); *Argier v. Nevada Power Co.,* 114 Nev. 137, fn 2, 952 P.2d 1390 (1998).

or maintained without reasonable ground or to harass the prevailing party." The Court finds that, given the record of this case, it is also appropriate to award attorney fees pursuant to NRS 18.010(2)(b).

**D. Calculation of Attorney Fees**

Pursuant to *Tien Fu Hsu v. County of Clark*, 123 Nev. 625, 637 (2007), attorney fees shall be calculated based on the Lodestar analysis which requires "multiply the number of hours reasonably spent on the case by a reasonable hourly rate." Id., at 637. The Landowners' counsel provided affidavits pursuant to NRCP Rule 54(d0(2)(B)(v)(a) "swearing that the fees were actually and necessarily incurred and were reasonable." The affidavits further provide that the Landowners' counsel have charged a rate of $450 from August of 2017 up to May 31, 2019, and a rate of $675 per hour thereafter. The attorney hours submitted by Landowners' counsel from August of 2017 to February of 2022 totaled 3,906.91.

The Court finds the hours submitted by Landowners' counsel to be reasonable and actually incurred based on the affidavits of Landowners' counsel, the record in the case, the complexity of the case, the amount of work required in the case, and the fact that the City's private attorneys have billed the City for more hours than the Landowners' counsel. *Landowners' Reply at 8 and Exhibit 18, 18a and 18b*.

The Court further finds that the rates of $450 and $675 per hour are reasonable based on the specialized nature of this action, the skill and expertise of Landowners' counsel, the rate in the community (i.e. the City's counsel charged the City $550 per hour *Exhibit 17,* which the City did not contest is a government rate known to be lower than the normal rate charged), the level of difficulty and difficult nature of the case, the importance of the matters litigated, the large spread in the damage calculation between the parties, the work performed and time needed to perform the

work, as well as the success of Landowners' counsel in this case. *See Landowners' motion for attorney fees pp. 11-26.*

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To follow is a breakdown of the hours and rate for Landowners' counsel and legal assistants

**Attorney hours from August 2017 to May 31, 2019**

984.93 at $450 = $443,218.50

**Attorney hours from June 1, 2019 to October 31, 2021**

2,551.32 at $675 = $1,722,141.00

**Attorney hours from November 1, 2021 – January 25, 2022**

320.66 at $675 = $216,445.50

**Attorney hours from January 26, 2022-February 3, 2022**

50 at $675 = $33,750.00

**<u>Total Attorney Fees actually incurred = $2,415,555.00</u>**

**Legal Assistants hours August 2017- January 25, 2022**

1,041.63 x $50.00 = $52,081.50

**Legal Assistants hours from January 26, 2022 to February 3, 2022**

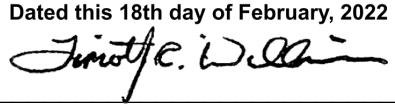
22.3 at $50 = $1,115.00

**<u>Total Legal Assistants Fees actually incurred= $53,196.50</u>**

The Landowners also moved for an upward adjustment of attorney fees pursuant to 12 Hsu Factors. *Tien Fu Hsu v. County of Clark*, 123 Nev. 625, 637 (2007). The Court declines to make such an adjustment.

**THEREFORE, IT IS HEREBY ORDERED THAT** The Plaintiff Landowners' Motion for Attorney Fees is **GRANTED in part** as to the attorney fees actually incurred and **DENIED in part**, as to an upward adjustment**.** The Landowners shall receive an award of their attorney fees actually incurred totaling $2,415,555.00 and legal assistant fees actually incurred totaling $53,196.50 for a total of **$2,468,751.50.**

**Dated this 18th day of February, 2022**



MH

**CAB 6B7 762F BC96**
**Timothy C. Williams**
**District Court Judge**

Submitted By:

LAW OFFICES OF KERMITT L. WATERS

By: */s/ Autumn L. Waters*
Kermitt L. Waters (NV Bar No. 2571)
James J. Leavitt (NV Bar No. 6032)
Michael A. Schneider (NV Bar No. 8887)
Autumn L. Waters (NV Bar No. 8917)
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Content Reviewed and Approved by:

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By: *Did not respond*
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San Francisco, California 94102
***Attorneys for City of Las Vegas***

**From:** Autumn Waters
**To:** George F. Ogilvie III; Christopher Molina; James Leavitt; Sandy Guerra
**Subject:** 35 acre Proposed Order Granting Attorney Fees in part
**Date:** Tuesday, February 8, 2022 11:52:23 AM
**Attachments:** Order Granting Motion for Attorney Fees in part.docx

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Hi George,

Attached hereto is the proposed ORDER GRANTING PLAINTIFF LANDOWNERS' MOTION FOR ATTORNEY FEES IN PART AND DENYING IN PART for your review. Please let me know if I have your permission to attached your electronic signature by Thursday, as I would like to submit the order on Friday. Thank you

Autumn Waters, Esq.
Law Offices of Kermitt L. Waters
704 South Ninth Street
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tel: (702) 733-8877
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This e-mail, and any attachments thereto, is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please immediately notify me at (702) 733-8877 and permanently delete the original and any copy of any e-mail and any printout thereof. Further information about the firm will be provided upon request.

**CSERV**

DISTRICT COURT
CLARK COUNTY, NEVADA

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|---|---|
| 180 Land Company LLC,<br>Petitioner(s)<br><br>vs.<br><br>Las Vegas City of,<br>Respondent(s) | CASE NO: A-17-758528-J<br><br>DEPT. NO. Department 16 |

**AUTOMATED CERTIFICATE OF SERVICE**

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

Service Date: 2/18/2022

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2/22/2022 10:26 AM
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Facsimile: (702) 731-1964
***Attorneys for Plaintiff Landowners***

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

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**PLEASE TAKE NOTICE** that the Order Granting Plaintiff Landowners' Motion for Attorney Fees in Part and Denying in Part ("Order") was entered on the 18th day of February, 2022.

///

A copy of the Order is attached hereto.

DATED this 22nd day of February, 2022.

**LAW OFFICES OF KERMITT L. WATERS**

*/s/Autumn L. Waters*

Kermitt L. Waters, Esq. (NSB 2571)
James J. Leavitt, Esq. (NSB 6032)
Michael A. Schneider, Esq. (NSB 8887)
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Las Vegas, Nevada 89101
Telephone: (702) 733-8877
Facsimile: (702) 731-1964
***Attorneys for Plaintiffs Landowners***

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the Law Offices of Kermitt L. Waters, and that on the 22nd day of February, 2022, pursuant to NRCP 5(b), a true and correct copy of the foregoing: **NOTICE OF ENTRY OF: ORDER GRANTING PLAINTIFF LANDOWNERS' MOTION FOR ATTORNEY FEES IN PART AND DENYING IN PART** was served on the below via the Court's electronic filing/service system and/or deposited for mailing in the U.S. Mail, postage prepaid and addressed to, the following:

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Christopher Molina, Esq.
2300 W. Sahara Avenue, Suite 1200
Las Vegas, Nevada 89102
gogilvie@mcdonaldcarano.com
cmolina@mcdonaldcarano.com

**LAS VEGAS CITY ATTORNEY'S OFFICE**
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Philip R. Byrnes, Esq.
Rebecca Wolfson, Esq.
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**SHUTE, MIHALY & WEINBERGER, LLP**
Andrew W. Schwartz, Esq.
Lauren M. Tarpey, Esq.
396 Hayes Street
San Francisco, California 94102
schwartz@smwlaw.com
ltarpey@smwlaw.com

*/s/ Sandy Guerra*
an employee of the Law Offices of Kermitt L. Waters

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2/18/2022 4:00 PM

Electronically Filed
02/18/2022 3:59 PM
CLERK OF THE COURT

**ORDR**
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**Attorney hours from June 1, 2019 to October 31, 2021**

2,551.32 at $675 = $1,722,141.00

**Attorney hours from November 1, 2021 – January 25, 2022**

320.66 at $675 = $216,445.50

**Attorney hours from January 26, 2022-February 3, 2022**

50 at $675 = $33,750.00

**<u>Total Attorney Fees actually incurred = $2,415,555.00</u>**

**Legal Assistants hours August 2017- January 25, 2022**

1,041.63 x $50.00 = $52,081.50

**Legal Assistants hours from January 26, 2022 to February 3, 2022**

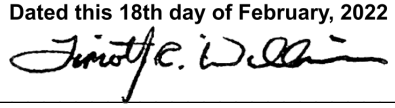
22.3 at $50 = $1,115.00

**<u>Total Legal Assistants Fees actually incurred= $53,196.50</u>**

The Landowners also moved for an upward adjustment of attorney fees pursuant to 12 Hsu Factors. *Tien Fu Hsu v. County of Clark*, 123 Nev. 625, 637 (2007). The Court declines to make such an adjustment.

**THEREFORE, IT IS HEREBY ORDERED THAT** The Plaintiff Landowners' Motion for Attorney Fees is **GRANTED in part** as to the attorney fees actually incurred and **DENIED in part**, as to an upward adjustment**.** The Landowners shall receive an award of their attorney fees actually incurred totaling $2,415,555.00 and legal assistant fees actually incurred totaling $53,196.50 for a total of **$2,468,751.50.**

**Dated this 18th day of February, 2022**



MH

**CAB 6B7 762F BC96**
**Timothy C. Williams**
**District Court Judge**

Submitted By:

LAW OFFICES OF KERMITT L. WATERS

By: */s/ Autumn L. Waters*
Kermitt L. Waters (NV Bar No. 2571)
James J. Leavitt (NV Bar No. 6032)
Michael A. Schneider (NV Bar No. 8887)
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***Attorneys for Plaintiffs Landowners***

Content Reviewed and Approved by:

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By: *Did not respond*
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***Attorneys for City of Las Vegas***

**From:** Autumn Waters
**To:** George F. Ogilvie III; Christopher Molina; James Leavitt; Sandy Guerra
**Subject:** 35 acre Proposed Order Granting Attorney Fees in part
**Date:** Tuesday, February 8, 2022 11:52:23 AM
**Attachments:** Order Granting Motion for Attorney Fees in part.docx

---

Hi George,

Attached hereto is the proposed ORDER GRANTING PLAINTIFF LANDOWNERS' MOTION FOR ATTORNEY FEES IN PART AND DENYING IN PART for your review. Please let me know if I have your permission to attached your electronic signature by Thursday, as I would like to submit the order on Friday. Thank you

Autumn Waters, Esq.
Law Offices of Kermitt L. Waters
704 South Ninth Street
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tel: (702) 733-8877
fax: (702) 731-1964

This e-mail, and any attachments thereto, is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please immediately notify me at (702) 733-8877 and permanently delete the original and any copy of any e-mail and any printout thereof. Further information about the firm will be provided upon request.

**CSERV**

DISTRICT COURT
CLARK COUNTY, NEVADA

| | |
|---|---|
| 180 Land Company LLC,<br>Petitioner(s)<br><br>vs.<br><br>Las Vegas City of,<br>Respondent(s) | CASE NO: A-17-758528-J<br><br>DEPT. NO. Department 16 |

**AUTOMATED CERTIFICATE OF SERVICE**

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***Attorneys for Plaintiffs Landowners***

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

| | |
|---|---|
| 180 LAND CO., LLC, a Nevada limited liability company, FORE STARS Ltd., DOE INDIVIDUALS I through X, ROE CORPORATIONS I through X, and ROE LIMITED LIABILITY COMPANIES I through X,<br><br>Plaintiffs,<br><br>*vs.*<br><br>CITY OF LAS VEGAS, political subdivision of the State of Nevada, ROE government entities I through X, ROE CORPORATIONS I through X, ROE INDIVIDUALS I through X, ROE LIMITED LIABILITY COMPANIES I through X, ROE quasi-governmental entities I through X,<br><br>Defendant. | Case No.: A-17-758528-J<br>Dept. No.: XVI<br><br>**ORDER DENYING CITY OF LAS VEGAS' MOTION TO AMEND JUDGMENT (Rules 59(e) and 60(b)) AND STAY OF EXECUTION**<br><br>Date of Hearing: February 11, 2022<br>Time of Hearing: 1:15 p.m. |

The City of Las Vegas' Motion to Amend Judgment (Rules 59(e) and 60(b)) and Stay of Execution, having come before the Court on February 11, 2022, James J. Leavitt, Esq. of the Law

Offices of Kermitt L Waters and Plaintiff Landowners' in-house counsel Elizabeth Ghanem, Esq. appearing on behalf of Plaintiff Landowners 180 Land Co and Fore Stars. ("Landowners"), George F. Ogilvie III, Esq. and Christopher Molina, Esq. of McDonald Carano LLP and Andrew W. Schwartz, Esq. of Shute Mihaly and Weinberger LLP appearing on behalf of the City of Las Vegas ("City").

The Court having reviewed the papers and pleadings on file, heard argument of counsel, and for good cause appearing hereby finds and orders as follows:

The Nevada Supreme Court has held that "Inverse condemnation proceedings are the constitutional equivalent to eminent domain actions and are governed by the same rules and principles that are applied to formal condemnation proceedings." County of Clark v. Alper, 100 Nev 382, 391 (1984) (emphasis added). This has been the law in Nevada since 1984 and the Nevada Supreme Court has reaffirmed this law numerous times since then.

Therefore, this Court will follow the statutory mandate as provided in Nevada's eminent domain statutes, NRS Chapter 37, to resolve the pending matter in this inverse condemnation case.

This Court has previously entered findings of fact and conclusions of law that the City took by inverse condemnation the Landowners' 35 Acre Property and must, accordingly, pay just compensation.

NRS 37.160 provides the procedure for passing title to the City of Las Vegas through a final order of condemnation once the sums assessed against the City are paid to the Landowners. Therefore, once the City pays the sums assessed in this matter to the Landowners, this Court will enter a final order of condemnation as provided in NRS 37.160.

This Court further finds that the Landowners have reversionary rights to the 35 Acre Property as set forth in NRS 37.270 and article 1, section 22 (1) and (6) of the Nevada State Constitution. These reversionary rights shall be set forth in the final order of condemnation.

The Court has previously denied the City's motion to stay execution and the City has provided no facts or law to revisit or reconsider that prior ruling.

Based on the foregoing, **IT IS HEREBY ORDERED THAT** the City of Las Vegas Motion to Amend Judgement (Rules 59(e) and 60(b)) and Stay of Execution is **DENIED** and, once the City pays the sums assessed in this matter to the Landowners, the Court will enter a final order of condemnation as provided herein.

**Dated this 25th day of February, 2022**

MH

**338 491 34BF 1C81**
**Timothy C. Williams**
**District Court Judge**

Submitted By:

LAW OFFICES OF KERMITT L. WATERS

By: /s/ James J. Leavitt, Esq.
Kermitt L. Waters (NV Bar No. 2571)
James J. Leavitt (NV Bar No. 6032)
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Autumn L. Waters (NV Bar No. 8917)
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EHB COMPANIES
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Las Vegas, NV 89117

***Attorneys for Plaintiffs Landowners***

Content Reviewed and Approved by:

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By: Did not respond
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***Attorneys for City of Las Vegas***

**From:** James Leavitt
**To:** George F. Ogilvie III; Christopher Molina
**Cc:** Autumn Waters; Sandy Guerra
**Subject:** Proposed Order - Friday Hearing on City Motion to Amend
**Date:** Saturday, February 12, 2022 8:27:34 AM
**Attachments:** Order Denying CLV Motion to Amend Judgment.docx

---

George:

Attached hereto is the proposed order from the hearing on the City's motion to amend.

Please review and let me know of any changes. We intend to send to the Court Wednesday morning.

Thank you and have a good weekend,
Jim

Jim Leavitt, Esq.
***Law Offices of Kermitt L. Waters***
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**CSERV**

DISTRICT COURT
CLARK COUNTY, NEVADA

| | |
|---|---|
| 180 Land Company LLC,<br>Petitioner(s)<br><br>vs.<br><br>Las Vegas City of,<br>Respondent(s) | CASE NO: A-17-758528-J<br><br>DEPT. NO. Department 16 |

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Steven D. Grierson
CLERK OF THE COURT

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Telephone: (702) 733-8877
Facsimile: (702) 731-1964
***Attorneys for Plaintiff Landowners***

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

| | |
|---|---|
| 180 LAND CO., LLC, a Nevada limited liability company, FORE STARS Ltd., DOE INDIVIDUALS I through X, ROE CORPORATIONS I through X, and ROE LIMITED LIABILITY COMPANIES I through X,<br><br>Plaintiffs,<br><br>*vs.*<br><br>CITY OF LAS VEGAS, political subdivision of the State of Nevada, ROE government entities I through X, ROE CORPORATIONS I through X, ROE INDIVIDUALS I through X, ROE LIMITED LIABILITY COMPANIES I through X, ROE quasi-governmental entities I through X,<br><br>Defendant. | Case No.: A-17-758528-J<br>Dept. No.: XVI<br><br>**NOTICE OF ENTRY OF:**<br><br>**ORDER DENYING CITY OF LAS VEGAS' MOTION TO AMEND JUDGMENT (Rules 59(e) and 60(b)) AND STAY OF EXECUTION**<br><br>**Hearing Date: February 11, 2022**<br><br>**Hearing Time: 1:15 p.m.** |

**PLEASE TAKE NOTICE** that the Order Denying City of Las Vegas' Motion to Amend Judgment (Rules 59(e) and 60(b)) and Stay of Execution ("Order") was entered on the 25th day of February, 2022.

///

A copy of the Order is attached hereto.

DATED this 28th day of February, 2022.

**LAW OFFICES OF KERMITT L. WATERS**

*/s/Autumn L. Waters*

Kermitt L. Waters, Esq. (NSB 2571)
James J. Leavitt, Esq. (NSB 6032)
Michael A. Schneider, Esq. (NSB 8887)
Autumn L. Waters, Esq. (NSB 8917)
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Las Vegas, Nevada 89101
Telephone: (702) 733-8877
Facsimile: (702) 731-1964
***Attorneys for Plaintiff Landowners***

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the Law Offices of Kermitt L. Waters, and that on the 28th day of February, 2022, pursuant to NRCP 5(b), a true and correct copy of the foregoing: **NOTICE OF ENTRY OF: ORDER DENYING CITY OF LAS VEGAS' MOTION TO AMEND JUDGMENT (Rules 59(e) and 60(b)) AND STAY OF EXECUTION** was served on the below via the Court's electronic filing/service system and/or deposited for mailing in the U.S. Mail, postage prepaid and addressed to, the following:

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*/s/ Sandy Guerra*
an employee of the Law Offices of Kermitt L. Waters

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***Attorneys for Plaintiffs Landowners***

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

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| 180 LAND CO., LLC, a Nevada limited liability company, FORE STARS Ltd., DOE INDIVIDUALS I through X, ROE CORPORATIONS I through X, and ROE LIMITED LIABILITY COMPANIES I through X,<br><br>Plaintiffs,<br><br>*vs.*<br><br>CITY OF LAS VEGAS, political subdivision of the State of Nevada, ROE government entities I through X, ROE CORPORATIONS I through X, ROE INDIVIDUALS I through X, ROE LIMITED LIABILITY COMPANIES I through X, ROE quasi-governmental entities I through X,<br><br>Defendant. | Case No.: A-17-758528-J<br>Dept. No.: XVI<br><br>**ORDER DENYING CITY OF LAS VEGAS' MOTION TO AMEND JUDGMENT (Rules 59(e) and 60(b)) AND STAY OF EXECUTION**<br><br>Date of Hearing: February 11, 2022<br>Time of Hearing: 1:15 p.m. |

The City of Las Vegas' Motion to Amend Judgment (Rules 59(e) and 60(b)) and Stay of Execution, having come before the Court on February 11, 2022, James J. Leavitt, Esq. of the Law



Case Number: A-17-758528-J

Offices of Kermitt L Waters and Plaintiff Landowners' in-house counsel Elizabeth Ghanem, Esq. appearing on behalf of Plaintiff Landowners 180 Land Co and Fore Stars. ("Landowners"), George F. Ogilvie III, Esq. and Christopher Molina, Esq. of McDonald Carano LLP and Andrew W. Schwartz, Esq. of Shute Mihaly and Weinberger LLP appearing on behalf of the City of Las Vegas ("City").

The Court having reviewed the papers and pleadings on file, heard argument of counsel, and for good cause appearing hereby finds and orders as follows:

The Nevada Supreme Court has held that "Inverse condemnation proceedings are the constitutional equivalent to eminent domain actions and are governed by the same rules and principles that are applied to formal condemnation proceedings." County of Clark v. Alper, 100 Nev 382, 391 (1984) (emphasis added). This has been the law in Nevada since 1984 and the Nevada Supreme Court has reaffirmed this law numerous times since then.

Therefore, this Court will follow the statutory mandate as provided in Nevada's eminent domain statutes, NRS Chapter 37, to resolve the pending matter in this inverse condemnation case.

This Court has previously entered findings of fact and conclusions of law that the City took by inverse condemnation the Landowners' 35 Acre Property and must, accordingly, pay just compensation.

NRS 37.160 provides the procedure for passing title to the City of Las Vegas through a final order of condemnation once the sums assessed against the City are paid to the Landowners. Therefore, once the City pays the sums assessed in this matter to the Landowners, this Court will enter a final order of condemnation as provided in NRS 37.160.

This Court further finds that the Landowners have reversionary rights to the 35 Acre Property as set forth in NRS 37.270 and article 1, section 22 (1) and (6) of the Nevada State Constitution. These reversionary rights shall be set forth in the final order of condemnation.

The Court has previously denied the City's motion to stay execution and the City has provided no facts or law to revisit or reconsider that prior ruling.

Based on the foregoing, **IT IS HEREBY ORDERED THAT** the City of Las Vegas Motion to Amend Judgement (Rules 59(e) and 60(b)) and Stay of Execution is **DENIED** and, once the City pays the sums assessed in this matter to the Landowners, the Court will enter a final order of condemnation as provided herein.

**Dated this 25th day of February, 2022**

MH

**338 491 34BF 1C81**
**Timothy C. Williams**
**District Court Judge**

Submitted By:

LAW OFFICES OF KERMITT L. WATERS

By: /s/ James J. Leavitt, Esq.
Kermitt L. Waters (NV Bar No. 2571)
James J. Leavitt (NV Bar No. 6032)
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Las Vegas, NV 89117

***Attorneys for Plaintiffs Landowners***

Content Reviewed and Approved by:

McDONALD CARANO LLP

By: Did not respond
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(Admitted pro hac vice)
396 Hayes Street
San Francisco, California 94102
***Attorneys for City of Las Vegas***

**From:** James Leavitt
**To:** George F. Ogilvie III; Christopher Molina
**Cc:** Autumn Waters; Sandy Guerra
**Subject:** Proposed Order - Friday Hearing on City Motion to Amend
**Date:** Saturday, February 12, 2022 8:27:34 AM
**Attachments:** Order Denying CLV Motion to Amend Judgment.docx

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George:

Attached hereto is the proposed order from the hearing on the City's motion to amend.

Please review and let me know of any changes. We intend to send to the Court Wednesday morning.

Thank you and have a good weekend,
Jim

Jim Leavitt, Esq.
***Law Offices of Kermitt L. Waters***
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**CSERV**

DISTRICT COURT
CLARK COUNTY, NEVADA

| | |
|---|---|
| 180 Land Company LLC,<br>Petitioner(s)<br><br>vs.<br><br>Las Vegas City of,<br>Respondent(s) | CASE NO: A-17-758528-J<br><br>DEPT. NO. Department 16 |

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Service Date: 2/25/2022

| | |
|---|---|
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| Philip Byrnes | pbyrnes@lasvegasnevada.gov |
| Todd Bice | tlb@pisanellibice.com |
| Dustun Holmes | dhh@pisanellibice.com |
| Jeffrey Andrews | jandrews@lasvegasnevada.gov |
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| Michael Wall | mwall@hutchlegal.com |
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| Autumn Waters | autumn@kermittwaters.com |
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| James Leavitt | jim@kermittwaters.com |
| Kermitt Waters | kermitt@kermittwaters.com |
| Elizabeth Ham | EHam@ehbcompanies.com |
| Jelena Jovanovic | jjovanovic@mcdonaldcarano.com |
| Amanda Yen | ayen@mcdonaldcarano.com |
| George Ogilvie III | gogilvie@Mcdonaldcarano.com |
| Karen Surowiec | ksurowiec@Mcdonaldcarano.com |
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|---|---|
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# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **January 11, 2018**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**January 11, 2018** **9:00 AM** **All Pending Motions**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 12D

**COURT CLERK:** Elizabeth Vargas

**RECORDER:**

**REPORTER:** Peggy Isom

**PARTIES PRESENT:**

| | |
|---|---|
| Daniels, Ryan W. | Attorney |
| Dorocak, Jeffry M. | Attorney |
| Leavitt, James J | Attorney |
| Schneider, Michael A. | Attorney |
| Waters, Kermitt L. | Attorney |

## JOURNAL ENTRIES

- CITY OF LAS VEGAS' MOTION TO DISMISS OR, IN THE ALTERNATIVE, MOTION TO STRIKE PETITIONER'S OPPOSITION TO CITY OF LAS VEGAS' MOTION TO DISMISS AND COUNTERMOTION TO STAY LITIGATION OF ALTERNATIVE INVERSE CONDEMNATION CLAIMS UNTIL RESOLUTION OF THE PETITION FOR JUDICIAL REVIEW

Arguments by counsel regarding condemnation claims and initial pleading filed. Mr. Leavitt addressed the timeliness issue, stating the Petition was sent to clerk of the court in a timely manner pursuant to rules. Court ruled as a matter of law that the Amended Petition was timely filed due to an error with the clerk s office. Mr. Leavitt discussed the ripeness issue. Mr. Dorocak reviewed the Petition for Judicial Review as the initial pleading and inverse condemnation claims, stating it was improper and should be dismissed. Court s inquiry regarding administrative and judicial remedies of inverse condemnation claims. Upon court s inquiry, Mr. Dorocak stated the court could not sever pleadings because claims were not brought properly. Colloquy regarding the initial pleading. Court stated a hybrid petition was filed. COURT ORDERED, Motion to Dismiss DENIED, and Motion to

Strike DENIED, the inverse condemnation claims severed, and the Motion to Stay the Inverse Condemnation Claims is GRANTED, and determined it would deal strictly with judicial review; COURT FURTHER ORDERED, the Amended Complaint would be filed with the inverse condemnation claim, and the Complaint must be filed within 30 days.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **April 12, 2018**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**April 12, 2018** **11:00 AM** **Status Check**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 12D

**COURT CLERK:** Elizabeth Vargas

**RECORDER:**

**REPORTER:** Peggy Isom

**PARTIES PRESENT:**

| | |
|---|---|
| Byrnes, Philip R. | Attorney |
| Kistler, Joseph S. | Attorney |
| Stewart, Robert T. | Attorney |

## JOURNAL ENTRIES

- Mr. Kistler stated this matter is in the briefing stage; the Opening Brief had not yet been filed; a Stipulation would be filed with court regarding subsequent briefing. Colloquy regarding briefing procedure and disqualification of counsel. Court advised counsel to file a motion if there was an issue. Colloquy regarding date for the hearing. Court directed counsel to have briefing filed one week prior to the hearing, and ORDERED, hearing date SET. Upon counsels' request, COURT FURTHER ORDERED, page limitation for briefing waived.

6/22/18 9:30 AM PETITION FOR JUDICIAL REVIEW

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **May 08, 2018**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**May 08, 2018** **9:00 AM** **Motion to Intervene**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Elizabeth Vargas

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Holmes, Dustun H | Attorney |
| Hutchison, Mark A | Attorney |
| Ogilvie, George F., III | Attorney |

## JOURNAL ENTRIES

- Kirill Mikhaylov, Esq. present on behalf of Intervenors. Arguments by counsel regarding the Motion. COURT ORDERED, matter TAKEN UNDER ADVISEMENT and advised a decision would be issued.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **May 10, 2018**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**May 10, 2018** **9:00 AM** **Motion**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 12D

**COURT CLERK:** Elizabeth Vargas

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Holmes, Dustun H | Attorney |
| Hutchison, Mark A | Attorney |
| Ogilvie, George F., III | Attorney |
| Stewart, Robert T. | Attorney |

## JOURNAL ENTRIES

- Mr. Ogilvie requested and parties stipulated to move the hearing to June 29. Petitioner agrees to respond through June 26. Mr. Holmes requested time to file a reply the day of the hearing or the next week. Mr. Hutchison requested a week after the opposition is due to file the reply. Mr. Ogilvie stated what is said in the reply might have some impact on his argument. Mr. Hutchison stated he would have the compressed reply brief in by the 28th. Court directed counsel to prepare a stipulation regarding deadlines.

6/29/18 9:30 AM HEARING: PETITION FOR JUDICIAL REVIEW

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

**Other Judicial Review/Appeal** **COURT MINUTES** **May 16, 2018**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**May 16, 2018** **3:00 AM** **Minute Order** **re: Motion to Intervene on Order Shortening Time**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 12D

**COURT CLERK:** Elizabeth Vargas

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

**JOURNAL ENTRIES**

- After a review and consideration of the points and authorities on file herein, and the argument of counsel, the Court determined as follows:

It is important to point out that the instant action is one of many court actions stemming from the proposed development of the Badlands golf course and the surrounding Queensridge community. Consequently, the Court feels compelled to review the instant Motion to Intervene not based solely on the limited procedural history in this matter, but to also consider all past actions of the Las Vegas City Council as it relates to the development of the Badlands golf course. The Court has determined that the past history of the Las Vegas City Council is important.

Pursuant to NRCP 24(a)(2), the Intervenors have demonstrated a sufficient interest in the litigation subject matter. The Intervenors could suffer impairment to their ability to protect their interests if they fail to intervene in this matter. The Intervenors application is timely.

Regarding the third factor set forth by the Nevada Supreme Court in Hairr v. First Judicial District Court, 132 Nev. Adv. Op. 16 (2016), whether the Intervenors interests are adequately represented by

existing parties to the current action, the Court is well aware of the assumption of adequacy of representation, especially when the government is acting on behalf of a constituency it represents. Thus, in an absence of a very compelling showing to the contrary, it will be presumed that the government adequately represents its citizens when the applicant shares the same interests.

Based on history, the prior actions of the Las Vegas City Council as they relate to the development of the Badlands golf course have been adverse to the interests of the Intervenors in this matter. Moreover, the interests of the Intervenors relate to the ownership and protection of real property and its attributes, which has been recognized as unique under Nevada law. See Dixon v. Thatcher, 103 Nev. 414, 416 (1987). The Intervenors real property is adjacent to and will be affected by any subsequent development of the Badlands golf course, and that development is directly at issue in this litigation. In contrast, the City is not seeking to protect its property rights and has no standing to protect the unique property rights of the Intervenors. Thus, in light of the prior actions of the Las Vegas City Council and the potential impact on the Intervenors property rights, this Court finds that the interests of the Intervenors are not adequately represented or protected by the City of Las Vegas, and grants the Motion to Intervene pursuant to NRCP 24(a)(2).

Lastly, the Intervenors also meet the requirements of NRCP 24(b)(2) as it relates to permissive intervention, so permissive intervention is also warranted.

Based on the foregoing, the Motion to Intervene pursuant to NRCP 24(a)(2) and (b)(2) shall be GRANTED. Additionally, the Intervenors shall follow the briefing schedule that is forthcoming.

Counsel for the Intervenors shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature.

CLERK'S NOTE: A copy of this Minute Order was electronically served to all registered parties by the Judicial Executive Assistant.//ev 5/16/18

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **June 29, 2018**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**June 29, 2018** **9:30 AM** **Petition for Judicial Review**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 12D

**COURT CLERK:** Elizabeth Vargas

**RECORDER:**

**REPORTER:** Peggy Isom

**PARTIES PRESENT:**

| | |
|---|---|
| Allen, Stephanie Hardie | Attorney |
| Holmes, Dustun H | Attorney |
| Hutchison, Mark A | Attorney |
| Kaempfer, Christopher Leigh | Attorney |
| Kistler, Joseph S. | Attorney |
| Leavitt, James J | Attorney |
| Mikhaylov, Kirll V. | Attorney |
| Ogilvie, George F., III | Attorney |
| Yen, Amanda C. | Attorney |

## JOURNAL ENTRIES

- Colloquy regarding consideration of the emergency motion to strike pages and the June 21 hearing. Upon Court's inquiry, Mr. Hutchison agreed to go forward with today's hearing and the Court could ignore, if necessary. Mr. Holmes argued going forward today was putting the cart before the horse. Court advised it had not had an opportunity to review the Order Shortening Time, however would proceed with the hearing, and advised counsel to make an objection if something came up that should be stricken. Mr. Hutchison presented a binder of citations; stated 180 Land Company had an application to develop their property, had zoning permits, complied with every land use and development requirement; stated his clients were not land speculators. Court noted it was not concerned about how the parties were characterized. Ms. Allen provided an overview of the property and zoning. Court inquired regarding if it should hold the city council to the same standard as a trial

court. Arguments by Mr. Hutchison and Mr. Holmes regarding the master plan and applicable statutory law. Mr. Hutchison discussed rights to the property under the zoning; argued his client complied with all of the City's requirements, and argued his client was denied specific reasoning regarding rejection of the development. Upon Court's inquiry, Mr. Hutchison responded there was no evidence that the City considered the ordinance during the meeting, and the City's ultimate decision, which occurred prior to the June 21 hearing, should not be considered. Court directed counsel to provide supplemental briefing regarding the development agreement. COURT ORDERED, counsel to discuss and agree regarding continuing the hearing date of July 3, 2018. Court inquired regarding what was applicable under the law. Mr. Ogilvie argued the City of Las Vegas does not have an interest or anything to gain by denying the Petitioner's request. Court stated there must be a basis for the City to make a decision. Court inquired what specific concerns there were by homeowners; Mr. Ogilvie replied congestion and the lack of open space were the issues. Discussion by Court and Mr. Ogilvie regarding the master plan and the developer of the property. Mr. Holmes argued regarding applicable statutory law. Court inquired regarding ordinance designation; discussed the term "master plan"; requested substantial evidence that supported the decision of the city counsel. Court stated it was not sure if the City Council's actions were arbitrary and capricious; argued regarding a causal link. Mr. Hutchison requested City Council's decision be reversed. Mr. Kaempher argued the Stratosphere decision is completely different and should not be used; argued master plans are ever-changing. COURT ORDERED, attorneys to meet and confer regarding the briefing schedules, and submit a stipulation; counsel to submit the Findings of Fact and Conclusions of Law in Microsoft Word format for editing.

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

| **Other Judicial Review/Appeal** | **COURT MINUTES** | **July 03, 2018** |
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|---|---|
| A-17-758528-J | 180 Land Company LLC, Petitioner(s)<br>vs.<br>Las Vegas City of, Respondent(s) |

| | | | |
|---|---|---|---|
| **July 03, 2018** | **9:00 AM** | **Motion** | **Counsel to submit Stipulation per Law Clerk** |

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Elizabeth Vargas

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

**JOURNAL ENTRIES**

- Matter not called. Vacated; Counsel to submit Stipulation per Law Clerk.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **July 16, 2018**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**July 16, 2018** **1:30 PM** **Status Check**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 12D

**COURT CLERK:** Elizabeth Vargas

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Bice, Todd L | Attorney |
| Holmes, Dustun H | Attorney |
| Ogilvie, George F., III | Attorney |

## JOURNAL ENTRIES

- Joseph Kistler, Esq. present on behalf of Petitioner. All counsel present telephonically. Arguments by counsel regarding procedure for post-trial briefs and proposed findings of fact and conclusions of law. COURT ORDERED, briefing schedule SET; Mr. Kistler to file a reply to the brief filed by the City including any new issues, questions or concerns during the hearing on or before July 31, 2018; Intervenor to file a sur-reply regarding anything raised in the reply and questions the Court had during the hearing on or before August 6, 2018; each party to submit a findings of fact and conclusions of law for review on or before August 14, 2018; Court advised additional argument or briefing may be requested on or before August 17, 2018, and if requests are made, there would be limitations. Court directed Mr. Kistler to prepare the Order.

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

**Other Judicial Review/Appeal** **COURT MINUTES** **July 25, 2018**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**July 25, 2018** **9:00 AM** **Motion**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Elizabeth Vargas

**RECORDER:**

**REPORTER:** Peggy Isom

**PARTIES PRESENT:**

| | |
|---|---|
| Bice, Todd L | Attorney |
| Holmes, Dustun H | Attorney |
| Kistler, Joseph S. | Attorney |
| Ogilvie, George F., III | Attorney |

**JOURNAL ENTRIES**

- Mr. Kistler argued regarding portions of the record being stricken unilaterally; stated the petition concerns actions taken by City Council; argued no portion of the record submitted to the court should be deleted; requested the errata be stricken, and if treated as a motion filed by the City, requested motion be denied, however would agree to stipulate to expanision of the record to include the four letters of 180 Land Company LLC's applications. Mr. Ogilvie argued the City is attempting to make sure the court is given proper record and can make a determination on that record, the only issue on the merits is whether substantial evidence supported the decision on June 21, 2017, argued any action taking place after that hearing was not taken into consideration at the time City Council took action; stated items were inadvertently included in the record, should be removed, and should not be considered on the record. Mr. Kistler argued regarding the record, and what should be included. COURT ORDERED, Motion DENIED; Court advised the record in this case was limited to what was in front of City Council the day of or before the June 21, 2017 hearing; the errata stands.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **October 11, 2018**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**October 11, 2018** **1:53 PM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

## JOURNAL ENTRIES

- After a review and consideration of the points and authorities on file herein, the record on appeal and argument of counsel, the Court determines as follows:

Two issues were present for review: (1) whether substantial evidence supported the Las Vegas City Council s decision to deny developer 180 Land Company, LLC s application for residential development on land designated as open space/golf course/drainage; and (2) does Judge Crockett s decision -- holding that the Master Plan precludes any redevelopment by Seventy Acres, LLC of the open space/golf course/drainage area absent a proper and approved application for a Major Modification of the Master Plan -- bind the developer and its related entities such as 180 Land Company, LLC under the doctrine of issue/claims preclusion.

In reviewing the decision of the Las Vegas City Council, the thrust and focus of the Court in the instant matter shall be limited. As the Nevada Supreme Court noted in Stratosphere Gaming Corp. v. City of Las Vegas, 120 Nev. 523, 528, [w]hen a district court has reviewed a zoning decision without taking additional evidence and the decision is appealed to the court, the scope of review is limited to a determination of whether the agency or municipality which made the decision appealed from committed an abuse of discretion. A decision that lacks support in the form of substantial evidence is arbitrary and capricious and, therefore, an abuse of discretion. We have defined substantial evidence

as that which a reasonable mind might accept as adequate to support a conclusion (emphasis added). Based on a review of the record, the 35-acre parcel at issue was once part of the 250.92 acres of land commonly referred to as the Badlands Golf Course and subject to the specifications set forth in the Peccole Ranch Master Planned Community, which were initially approved by the City of Las Vegas in 1990. Under the Master Plan, in addition to use as a golf course, the Badlands parcel was designed to be in a major flood zone and was designated as flood drainage and open spaces. Of paramount significance, the 35 acres that are subject to judicial review were part of prior applications to develop the 250.92 acre Badlands Golf Course before the Las Vegas Planning Commission and City Council. Thus, the Las Vegas City Council s decision to accept or deny the application of Petitioners was not made in a vacuum. It was based on the Petitioner and its affiliates multiple applications to the City Council that resulted in a significant administrative history with numerous attempts to develop the Badlands Golf Course.

A review of the record reveals that the Las Vegas City Council received major public opposition not only to the 35-acre parcel at issue, but public opposition to major modifications to the Master Plan regarding the 250.92 acre Badlands property as well as a smaller sub-parcel consisting of 17.49 acres. For example, public meetings were well attended with overwhelming opposition and the City received approximately 586 written protests regarding a proposed 2016 Development Agreement and many emails in protest. The 2016 Development Agreement was an attempt to make a major modification to the Master Plan, which was ultimately withdrawn without prejudice. The record also reveals that the Mayor emphasized that the City Council sought a comprehensive redevelopment plan for the entire Badlands property to ensure compatibility with the surrounding properties and to provide adequate flood control. Also, the developers represented to the Mayor and City Council their desire to develop not just a portion of the Badlands property, but the entire parcel. Notwithstanding, the City Council approved the developer application regarding the 17.49 acre parcel without a major modification to the Master Plan. Not only was there public opposition, but certain nearby homeowners retained private counsel and sought relief from the Courts seeking judicial review of the City Council s approval of the 17.49 acre application. The ultimate outcome of the Petition for Judicial Review as to the 17.49 acre matter was not considered by this Court in reviewing the actions of the Las Vegas City Council. However, it underscores the fact that a group of homeowners were strident in their opposition to the development plans approved by the Las Vegas City Council regarding the 17.49 acre parcel.

In assessing the actions of the Mayor and City Council and to determine whether there is substantial evidence in the record to support their decision, it is patently apparent that the pending Petition for Judicial Review is not a simple one-time application assessing whether to approve the developer s land use. The record reflects that the Mayor and City Council considered the Badland project history and negotiations between the City and the nearby property owners. There was steadfast and considerable public opposition to the Applications, including challenges to the compatibility with the surrounding areas. Also, the Court considered the piece-meal development argument presented by the Petitioner. However, the record reveals the Mayor and City Council, in light of the public opposition, wanted a unified agreement and development proposal for the entire Badlands property to ensure orderly development that would be compatible with the surrounding area as required by

the Master Plan. Even expert testimony was provided by Ngai Pindall, a law professor who teaches Municipal Planning and Zoning. Professor Pindall opined that good land use practice required an amendment to the Master Plan because it gave all stakeholders a chance to be heard and considered. In light of the significant record, the Court hereby determines that there was substantial evidence in the record to support the decision of the Las Vegas City Council.

The Court also considered whether the developer, 180 Land Company, LLC s Petition is barred under the doctrine of issue preclusion as asserted by Intervenors, based on the decision of Judge Crockett in the matter of Jack B. Binion, et al. v. The City of Las Vegas and Seventy Acres, LLC, Case No. A-17-752344-J. The Court reviewed recent Nevada case law and the expanded concept of privity which is to be broadly construed beyond its literal and historic meaning to include any situation in which the relationship between the parties is sufficiently close to supply preclusion. Thus, privity will now encompass a relationship in which there is a substantial identity between the parties which results in a sufficient commonality of interest. See, Mendenhall v. Tassinari, 403 P.3d 364 (Nev. 2017). Applying the expanded concept of privity, the Court considered the history of the land-use applications pertaining to the Badlands properties before the City Council and reviewed the Complaint filed in the United States District Court, Case 2:18-cv-00547-JCM-CWH, Plaintiffs 180 Land Co. LLC, Fore Stars, Ltd., Seventy Acres, LLC and Yohan Lowie in his individual capacity, to determine whether there is a substantial identity of the parties resulting in a sufficient commonality of interest and therefore privity. The Federal Complaint reveals that in March of 2015, Yohan Lowie and his partners acquired a membership interest in Fore Star Ltd., which at the time owned the 250.92 acre Badlands property. In June, 2015, Fore Star Ltd. redrew boundaries of various parcels that compromised the Badlands property, and in November 2015, ownership of approximately 178.27 acres of land was transferred to Petitioner, 180 Land Co. LLC and approximately 70.52 acres of land was transferred to Seventy Acres, LLC, a party in the Judge Crockett matter. The impact of Judge Crockett s Order, which the City of Las Vegas accepted and did not appeal, would require both the 180 Land Co., LLC and Seventy Acres, LLC s parcels of land to apply to the Las Vegas City Council for an amendment to the Master Plan before development of the entire Badlands properties.

A review of the August 3, 2017 deposition of Yohan Lowie reveals a 50% ownership interest in both Seventy Acres, LLC and 180 Land Co., LLC. Thus, 180 Land Co., LLC would have received a substantial benefit had Judge Crockett denied the Petition for Judicial Review in that it would not be required to seek amendment to the Master Plan as a condition to develop the Badlands properties. Also, from the record, Mr. Lowie manages and controls the 180 Land Co., LLC and Seventy Acres, LLC. Therefore, the record demonstrates a substantial identity between the 180 Land Co., LLC and Seventy Acres, LLC based on shared interest and actions. Further, the issue raised by Intervenor, which once again challenges whether any attempt to develop part of the Badlands properties without first applying for and addressing a major modification to the Master Plan, is identical to the issues litigated before Judge Crockett. Lastly, this issue was fully adjudicated. The Court hereby determines that the Doctrine of Issue Preclusion applies to the instant matter.

Based on the foregoing, the Court has determined there is substantial evidence in the record to support the Decision of the Las Vegas City Council to deny the application at issue. Additionally, the

Doctrine of Issue Preclusion controls and it would be improper after a determination of substantial identity between 180 Land Co., LLC and Seventy Acres, LLC, to permit the Petitioner to circumvent the decision of Judge Crockett on issues that were fully adjudicated.

Therefore, the Petition for Judicial Review of 180 Land Company, LLC is hereby DENIED. Each party is requested to submit their proposed Finding of Fact, Conclusions of Law and Order based not only on the foregoing Minute Order, but also on the record on file herein. Any submissions made to the Court must be served on all parties.

CLERK S NOTE: This Minute Order was electronically served to all parties registered through Odyssey eFile.

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

**Other Judicial Review/Appeal** **COURT MINUTES** **January 17, 2019**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**January 17, 2019** **9:00 AM** **All Pending Motions**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:** Peggy Isom

**PARTIES PRESENT:**

| | |
|---|---|
| Holmes, Dustun H | Attorney |
| Hutchison, Mark A | Attorney |
| Leavitt, James J | Attorney |
| Leonard, Debbie A. | Attorney |
| Ogilvie, George F., III | Attorney |
| Waters, Kermitt L. | Attorney |

**JOURNAL ENTRIES**

- MOTION TO STRIKE PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT ON LIABILITY FOR THE LANDOWNERS INVERSE CONDEMNATION CLAIMS ON ORDER SHORTENING TIME JOINDER TO MOTION TO STRIKE PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT ON LIABILITY FOR THE LANDOWNERS INVERSE CONDEMNATION CLAIMS ON ORDER SHORTENING TIME PLAINTIFF LANDOWNERS' REQUEST FOR REHEARING/RECONSIDERATION OF ORDER/JUDGMENT DISMISSING INVERSE CONDEMNATION CLAIMS

Court directed Nunc Pro Tunc order superseding any determination as to severed case. Counsel for 180 Land Company to prepare and submit the order.

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

| **Other Judicial Review/Appeal** | **COURT MINUTES** | **January 22, 2019** |
|---|---|---|

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

| **January 22, 2019** | **9:00 AM** | **Motion for New Trial** | **See 3/22/19 Minute Order** |
|---|---|---|---|

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:** Peggy Isom

**PARTIES PRESENT:**

| | |
|---|---|
| Bice, Todd L | Attorney |
| Holmes, Dustun H | Attorney |
| Hutchison, Mark A | Attorney |
| Leonard, Debbie A. | Attorney |
| Ogilvie, George F., III | Attorney |

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Elizabeth Ham, Esq. and Brett Harrison present on behalf of 180 Land Company.

Arguments by counsel as to Motion for New Trial. Court advised will review matter and issue Minute Order.

CONTINUED for Chambers Decision

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **February 06, 2019**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**February 06, 2019** **9:30 AM** **Motion for Summary Judgment**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Leavitt, James J | Attorney |
| Ogilvie, George F., III | Attorney |

## JOURNAL ENTRIES

- Matter of Plaintiff Landowners' Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims. Colloquy regarding preparation of stipulation as to briefing and hearing today's matter in light of finalized Nunc Pro Tunc order. COURT ORDERED, today's matter VACATED; future 2/12/19 Status Check on same matter VACATED. Court noted counsel will prepare stipulation on instant matter and instructs to include reference to vacated Status Check. Mr. Ogilvie advised anticipates filing of an intervening motion for judgment on the pleadings.

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

**Other Judicial Review/Appeal** **COURT MINUTES** **March 19, 2019**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**March 19, 2019** **9:00 AM** **All Pending Motions**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:** Peggy Isom

**PARTIES PRESENT:**

| | |
|---|---|
| Bice, Todd L | Attorney |
| Holmes, Dustun H | Attorney |
| Hutchison, Mark A | Attorney |
| Leavitt, James J | Attorney |
| Leonard, Debbie A. | Attorney |
| Ogilvie, George F., III | Attorney |
| Waters, Autumn L. | Attorney |
| Waters, Kermitt L. | Attorney |

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Todd Davis and Elizabeth Ham present as corporate representatives for 180 Land Company.

PLAINTIFF LANDOWNERS' MOTION TO ESTOP THE CITY'S PRIVATE ATTORNEY FROM MAKING THE MAJOR MODIFICATION ARGUMENT OR FOR AN ORDER TO SHOW CAUSE WHY THE ARGUMENT MAY PROCEED IN THIS MATTER ON ORDER SHORTENING TIME...CITY OF LAS VEGAS' MOTION FOR JUDGMENT ON THE PLEADINGS ON DEVELOPER'S INVERSE CONDEMNATION CLAIMS...PLANTTIFF LANDOWNERS' OPPOSITION TO CITY'S MOTION FOR JUDGMENT ON THE PLEADINGS ON DEVELOPER'S INVERSE CONDEMNATION CLAIMS AND COUNTERMOTION FOR JUDICIAL DETERMINATION OF LIABILITY ON THE LANDOWNERS' CONDEMNATION CLAIMS AND

COUNTERMOTION TO SUPPLEMENT/AMEND THE PLEADING, IF REQUIRED

Arguments by counsel. Colloquy regarding scheduling instant matters for inclusive briefing and related issues. COURT ORDERED, today's matters CONTINUED to 3/22/19; Reply brief as to Countermotion for Judicial Determination of Liability DUE Thursday, March 21, 2019 by 12:00 p.m.

CONTINUED TO: 3/22/19 1:30 P.M. PENDING MOTIONS

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

**Other Judicial Review/Appeal** **COURT MINUTES** **March 22, 2019**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**March 22, 2019** **1:30 PM** **All Pending Motions**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:** Peggy Isom

**PARTIES PRESENT:**

| | |
|---|---|
| Bice, Todd L | Attorney |
| Holmes, Dustun H | Attorney |
| Hutchison, Mark A | Attorney |
| Leavitt, James J | Attorney |
| Leonard, Debbie A. | Attorney |
| Ogilvie, George F., III | Attorney |
| Waters, Autumn L. | Attorney |
| Waters, Kermitt L. | Attorney |

**JOURNAL ENTRIES**

- CITY OF LAS VEGAS' MOTION FOR JUDGMENT ON THE PLEADINGS ON DEVELOPER'S INVERSE CONDEMNATION CLAIMS...PLANTTIFF LANDOWNERS' OPPOSITION TO CITY'S MOTION FOR JUDGMENT ON THE PLEADINGS ON DEVELOPER'S INVERSE CONDEMNATION CLAIMS AND COUNTERMOTION FOR JUDICIAL DETERMINATION OF LIABILITY ON THE LANDOWNERS' CONDEMNATION CLAIMS AND COUNTERMOTION TO SUPPLEMENT/AMEND THE PLEADING, IF REQUIRED...PLAINTIFF LANDOWNERS' MOTION TO ESTOP THE CITY'S PRIVATE ATTORNEY FROM MAKING THE MAJOR MODIFICATION ARGUMENT OR FOR AN ORDER TO SHOW CAUSE WHY THE ARGUMENT MAY PROCEED IN THIS MATTER ON ORDER SHORTENING TIME

Arguments by Mr. Ogilvie and Mr. Leavitt. Colloquy regarding whether parties stipulate to Business

Court in light of case posture. MATTER TRAILED. MATTER RECALLED. Mr. Leavitt advised the parties agree with Business Court designation. Further arguments of counsel as to pending Motions. Court FINDS date that would potentially trigger statue of limitations is acts of the City council. Consequently, COURT ORDERED, Motion pursuant to NRCP 12(c) to Dismiss DENIED as it is early in pleading stage. FURTHER ORDERED, cannot say as matter of law claims sought are futile in the amendment, therefore, GRANTED in that respect. ORDERED, Rule 56 Motion for Summary Judgment DENIED. ORDERED, Rule 16.1 Conference SET if no conflict as discussed. Court directed Mr. Leavitt to prepare the order. Mr. Leavitt advised Motion to Estop is withdrawn at this time; COURT SO NOTED. Mr. Bice advised he will monitor the Estop matter, reviewed position regarding same, and stated does not intend to participate in Rule 16.1 Conference. Mr. Hutchison advised he noted Estop matter withdrawn and no substantive arguments today. As to Motion for Reconsideration, Court stated Minutes Order forthcoming today.

4/2/19 10:30 AM MANDATORY RULE 16.1 CONFERENCE

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

**Other Judicial Review/Appeal** **COURT MINUTES** **March 22, 2019**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**March 22, 2019** **4:59 PM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

**JOURNAL ENTRIES**

- After a review and consideration of the record, the points and authorities on file herein, and oral argument of counsel, the Court determined as follows:

First, Plaintiff seeks a new trial where no trial has occurred. Plaintiff s Motion for New Trial Pursuant to NRCP 59 shall be DENIED.

Pursuant to EDCR 2.24(a), no motions once heard and disposed of may be renewed in the same cause, nor may the same matters therein embraced be reheard, unless by leave of the court. The Court declines to grant such leave.

Plaintiff has raised no new facts, substantially different evidence or new issues of law for rehearing or reconsideration. In addition, Plaintiff has failed to show that the Court s previous findings that the City Council did not abuse its discretion or that sufficient privity exists to bar Plaintiff s petition under issue preclusion were clearly erroneous. The Supreme Court s affirmation of the Smith decisions has no impact on this Court s denial of the developer s Petition for Judicial Review. Thus, the Court finds no cause exists to alter or amend the Findings of Fact and Conclusions of Law Denying Plaintiff s Petition for Judicial Review. Plaintiff s Motion to Alter or Amend Pursuant to NRCP 52(b) and/or Reconsider the FFCL shall be DENIED. Plaintiff s Motion to Stay Pending

Nevada Supreme Court Directives shall be DENIED.

Finally, the Court is well aware of the standards that control its considerations when deciding petitions for judicial review. The court feels its decision here is based on a different evidentiary standard and thus shall not control the pending claims for inverse condemnation and therefore, this issue is subject to further briefing.

Counsel for Defendant shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature.

CLERK S NOTE: This Minute Order has been electronically served to the parties through Odyssey eFile.

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

**Other Judicial Review/Appeal** **COURT MINUTES** **April 02, 2019**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**April 02, 2019** **10:30 AM** **Discovery Conference**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Kistler, Joseph S. | Attorney |
| Leavitt, James J | Attorney |
| Ogilvie, George F., III | Attorney |
| Waters, Autumn L. | Attorney |

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Elizabeth Ham present as corporate representative for 180 Land Company.

Matter of Mandatory Rule 16.1 Conference. Colloquy regarding case proceeding without Business Court designation and whether discovery to proceed bifurcated as to liability and damages phases. Further colloquy regarding cost and delay issues anticipated by the parties. COURT ORDERED, discovery will be bifurcated; in light of time for future answer as discovery trigger, cut-off for discovery on liability phase will be 8/21/19, that is, 120 days after 4/23/19. FURTHER ORDERED, Status Check SET regarding liability discovery, damages discovery, trial setting, and scheduling order. Court stated will allow status report or supplemental 16.1 report as to liability phase. Mr. Kistler to prepare the order as to today's proceeding; if counsel cannot agree, may submit competing orders.

7/23/19 9:00 AM STATUS CHECK: LIABILITY DISCOVERY/DAMAGES DISCOVERY/TRIAL SETTING/SCHEDULING ORDER

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **May 15, 2019**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**May 15, 2019** **9:00 AM** **All Pending Motions**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:** Peggy Isom

**PARTIES PRESENT:**

| | |
|---|---|
| Bice, Todd L | Attorney |
| Holmes, Dustun H | Attorney |
| Hutchison, Mark A | Attorney |
| Leavitt, James J | Attorney |
| Leonard, Debbie A. | Attorney |
| Waters, Autumn L. | Attorney |
| Waters, Kermitt L. | Attorney |

## JOURNAL ENTRIES

- CITY OF LAS VEGAS' MOTION TO STAY PROCEEDINGS PENDING RESOLUTION OF WRIT PETITION TO THE NEVADA SUPREME COURT ON ORDER SHORTENING TIME PLAINTIFF'S OPPOSITION TO THE CITY OF LAS VEGAS' MOTION TO STAY PROCEEDINGS PENDING RESOLUTION OF WRIT PETITION TO THE NEVADA SUPREME COURT ON ORDER SHORTENING TIME AND COUNTERMOTION FOR NUNC PRO TUNC ORDER

Arguments by Mr. Ogilvie, Mr. Leavitt, and Mr. Bice. COURT ORDERED, Motion to Stay DENIED. Mr. Leavitt to prepare the order. Court stated will review Countermotion matter and issue decision. Colloquy regarding pendency of proposed order from prior decision and anticipated writ to follow. Court stated will issue the order promptly.

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

**Other Judicial Review/Appeal** **COURT MINUTES** **May 15, 2019**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**May 15, 2019** **3:25 PM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

**JOURNAL ENTRIES**

- After a review and consideration of the record, the points and authorities on file herein, and oral argument of counsel, the Court determined as follows:

The Court feels the record is clear as to its intent pertaining to the denial of Petition for Judicial Review. The Court did not intend for that decision to impact the property rights of Plaintiff as it relates to their claims set forth in the severed action seeking damages for inverse condemnation and improper taking by the government.

Notwithstanding, the Court was required to make specific findings of fact and conclusions of law when addressing the Petition for Judicial Review. As a result, Plaintiff s Countermotion seeking a Nunc Pro Tunc clarification shall be DENIED. Counsel for Defendant shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature.

CLERK'S NOTE: This Minute Order has been electronically served to the parties through Odyssey eFile.

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

**Other Judicial Review/Appeal** **COURT MINUTES** **July 23, 2019**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**July 23, 2019** **9:00 AM** **Status Check**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:** Peggy Isom

**PARTIES PRESENT:**

| | |
|---|---|
| Leavitt, James J | Attorney |
| Leonard, Debbie A. | Attorney |
| Ogilvie, George F., III | Attorney |
| Waters, Autumn L. | Attorney |

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Elizabeth Ham present as corporate representative for 180 Land Company.

Matter of Status Check: Liability/Damages/Discovery/Trial Setting/Scheduling Order. Colloquy regarding discovery conducted to date, discovery anticipated, trial protocol, and issue of determining liability. COURT ORDERED, motion for trial protocol DUE 8/7/19, heard in ordinary course; motion as to liability DUE 1/10/20 and hearing TO BE SET 2/10/20. FURTHER ORDERED; discovery cut-off as to the taking issue 12/18/19; expert disclosures DUE 10/16/19; rebuttal disclosures DUE 11/15/19. Mr. Leavitt to prepare today's order.

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

**Other Judicial Review/Appeal** **COURT MINUTES** **March 25, 2020**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**March 25, 2020** **10:17 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

**JOURNAL ENTRIES**

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court offers two methods of appearance: telephonic conference through BlueJeans or CourtCall. As CourtCall involves a cost, the use of BlueJeans is strongly favored given the number of people the system can accommodate.
If you prefer to use BlueJeans, please call in prior to your hearing to appear. The call-in number is:
Dial the following number: 1-888-748-9073
Meeting ID: 628 071 459
To connect, dial the telephone number then enter the meeting ID and passcode followed by #.
PLEASE NOTE the following protocol each participant will be required to follow:
Place your telephone on mute while waiting for your matter to be called.
Do not place the conference on hold as it may play wait/hold music to others.
Identify yourself before speaking each and every time as a record is being made.
Please be mindful of sounds of rustling of papers or coughing
If you prefer to use CourtCall, please contact CourtCall to schedule your appearance. They can be reached toll-free at 1-888-882-6878 and/or on-line at www.courtcall.com.

CLERK S NOTE: Minute Order amended to provide new call-in information as reflected above. This

Minute Order has been electronically served to counsel through Odyssey eFile. /cd 3-30-20/

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

**Other Judicial Review/Appeal** **COURT MINUTES** **April 01, 2020**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**April 01, 2020** **9:00 AM** **Status Check**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

**JOURNAL ENTRIES**

- APPEARANCES: James Leavitt, Esq., Autumn Waters, Esq., and Elizabeth Ghanem, Esq. present telephonically for Petitioner. George Ogilvie, Esq. and Seth Floyd, Esq. present telephonically for Respondent. Dustun Holmes, Esq. present telephonically for Intervenor. Attorney Andrew Schwartz, Pro Hac pending, also present telephonically.

There being no objection, COURT ORDERED, Motion to Associate Lauren Tarpey and Motion to Associate Andrew Schwartz GRANTED. Prevailing party to prepare each order. Colloquy regarding whether discovery period in this remanded matter to be 180 days counting from Governor's Declaration as to the recent public health issue. Court stated 180-day discovery period after the emergency declaration is acceptable and directed counsel prepare stipulation in that regard. Further colloquy regarding whether discovery to proceed joint or bifurcated with respect to liability and damages, and a related issue with computation of damages. Court stated it is appropriate to continue with the joint method of discovery at this time. Court noted the issue as to damages discussed is properly set before Discovery Commissioner; however; stated that computation of damages is a burden of Pltf. and damage claims are typically supported by expert testimony. Colloquy regarding whether matter stipulated as Business Court matter and additional issues with respect to subpoenas and depositions in light of recent public health concern. COURT ORDERED, Status Check SET in 45 days regarding status of discovery. Colloquy regarding removal of 70 Acres from case caption as a

party. Court directed counsel prepare a stipulation regarding 70 Acres or file appropriate motion.

CONTINUED TO: 5/14/20 9:00 AM STATUS CHECK: REMAND FROM FEDERAL COURT/DISCOVERY DEADLINES/RESCHEDULING OF TRIAL

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

| **Other Judicial Review/Appeal** | **COURT MINUTES** | **April 16, 2020** |
|---|---|---|

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

| **April 16, 2020** | **9:00 AM** | **Motion to Compel** | **The City of Las Vegas' Motion to Compel Discovery** |
|---|---|---|---|

**HEARD BY:** Truman, Erin **COURTROOM:** RJC Level 5 Hearing Room

**COURT CLERK:** Jennifer Lott

**RECORDER:** Francesca Haak

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Ghanem, Elizabeth M. | Attorney |
| Leavitt, James J | Attorney |
| Ogilvie, George F., III | Attorney |

**JOURNAL ENTRIES**

- Mr. Ogilvie stated the property at issue is the Bad Lands Golf Course in Queensridge. Four actions were brought for Land Use Applications to redevelop the golf course, and Mr. Ogilvie stated there is a failure and refusal to respond by Petitioner to Requests for Production of documents. Counsel attempted to work on a Stipulated Protective Order so City of Las Vegas can use the documents in other litigations. No agreement by counsel. Argument by Mr. Ogilvie; he is seeking to use the documents in any case where the City of Las Vegas is adverse to 180 Land Company LLC, or its affiliates as a party.

Commissioner Will Not consider what is relevant in a case that is not before the Commissioner. Commissioner will protect the documents pursuant to NRCP 26(c) for use in this litigation only. No blanket Orders, and no Advisory Opinions from Commissioner Truman. Ms. Ghanem Ham has not refused to respond, but counsel requested Confidentiality. Commissioner DISCLOSED as a private attorney, she was Of Counsel for Hutchinson & Steffen from 2010 to May 2017. Commissioner has no

personal knowledge of this case except what Commissioner has seen on the news. No objection by Ms. Ghanem Ham, or Mr. Ogilvie.

Arguments by counsel. Ms. Ghanem Ham already allowed the City of Las Vegas to use documents in other inverse condemnation matters, and she requested a Stipulated Protective Order. Commissioner advised counsel that NRCP 33 allows 40 Interrogatories sent to each party. Mr. Ogilvie stated the City of Las Vegas agrees, and submits the matter. Mr. Leavitt stated Seventy Acres was inadvertently added by Mr. Leavitt's office; counsel requested to remove Seventy Acres as they do not have an interest in the action, but Mr. Ogilvie declined.

Commissioner allowed discovery to go forward as Seventy Acres is currently a party. Ms. Ghanem Ham indicated Judge Williams stated if counsel cannot agree, the Court would consider a Motion to Dismiss. Ms. Ghanem Ham requested a Stay on Commissioner's decision to give Petitioner a chance to file a Motion to Dismiss. Arguments by counsel. COMMISSIONER RECOMMENDED, motion is GRANTED IN PART and DENIED IN PART; provide the documents, however, the documents are PROTECTED for use in this litigation only pursuant to NRCP 26(c). Commissioner advised counsel if the documents are requested, and the City of Las Vegas offers to make them Confidential in other cases, if Plaintiff refuses the documents, Commissioner would CONSIDER a Motion for Sanctions.

COMMISSIONER RECOMMENDED, Commissioner COMPELLED responses to the discovery, however, Commissioner will provide relief under EDCR 2.34(e), and production is STAYED until the DCRR becomes a final Order of the Court; documents are due within 14 days after the DCRR becomes a final Order of the Court. Mr. Ogilvie to prepare the Report and Recommendations, and Ms. Ghanem Ham to approve as to form and content. Comply with Administrative Order 20-10, and submit the DCRR to DiscoveryInbox@clarkcountycourts.us. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **May 05, 2020**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**May 05, 2020** **8:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

## JOURNAL ENTRIES

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is:
Dial the following number: 1-408-419-1715
Meeting ID: 508 617 932
To connect, dial the telephone number then enter the meeting ID followed by #.
PLEASE NOTE the following protocol each participant will be required to follow:
Place your telephone on mute while waiting for your matter to be called.
Do not place the conference on hold as it may play wait/hold music to others.
Identify yourself before speaking each and every time as a record is being made.
Please be mindful of sounds of rustling of papers or coughing.

CLERK S NOTE: This Minute Order has been electronically served to counsel through Odyssey eFile.

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

**Other Judicial Review/Appeal** **COURT MINUTES** **May 14, 2020**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**May 14, 2020** **9:30 AM** **All Pending Motions**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:** Peggy Isom

**PARTIES PRESENT:**

| | |
|---|---|
| Floyd, Seth T, ESQ | Attorney |
| Ghanem, Elizabeth M. | Attorney |
| Leavitt, James J | Attorney |
| Ogilvie, George F., III | Attorney |
| Schwartz, Andrew W | Attorney |
| Tarpey, Lauren M. | Attorney |
| Waters, Autumn L. | Attorney |

**JOURNAL ENTRIES**

- PLTF'S MOTION TO DISMISS SEVENTY ACRES LLC ON OST...STATUS CHECK RE REMAND FROM FEDERAL COURT/DISCOVERY DEADLINES/RESCHEDULING OF TRIAL

Counsel present telephonically. Arguments by counsel. Court FINDS Seventy Acres LLC was not a real party in interest; therefore, ORDERED, Motion GRANTED. Prevailing party to prepare the order. Colloquy regarding status check with respect to business court designation, developer activity, and 120-day discovery period. Court stated motion may be filed to address business court designation. Further colloquy regarding discovery issues to date and whether to determine start date of the 120-day discovery period at this time in light of current health crisis and related orders. COURT ORDERED, status check SET in 30 days with respect to the discovery period discussed. Court directed parties to accomplish what they are able to in the interim.

6/11/20 9:00 AM STATUS CHECK: STATUS OF 120-DAY DISCOVERY PERIOD

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **June 01, 2020**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**June 01, 2020** **8:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

## JOURNAL ENTRIES

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is:
Dial the following number: 1-408-419-1715
Meeting ID: 948 657 904
To connect, dial the telephone number then enter the meeting ID followed by #.
PLEASE NOTE the following protocol each participant will be required to follow:
Place your telephone on mute while waiting for your matter to be called.
Do not place the conference on hold as it may play wait/hold music to others.
Identify yourself before speaking each and every time as a record is being made.
Please be mindful of sounds of rustling of papers or coughing.

CLERK S NOTE: This Minute Order has been electronically served to counsel through Odyssey eFile.

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

**Other Judicial Review/Appeal** **COURT MINUTES** **June 11, 2020**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**June 11, 2020** **9:00 AM** **Status Check**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:** Peggy Isom

**PARTIES PRESENT:**

| | |
|---|---|
| Byrnes, Philip R. | Attorney |
| Ghanem, Elizabeth M. | Attorney |
| Leavitt, James J | Attorney |
| Ogilvie, George F., III | Attorney |

**JOURNAL ENTRIES**

- Counsel present telephonically. Mr. Leavitt advised parties agree on period of 120 days for discovery; disagree when to commence and asserted 7/1/20 as the date. Mr. Ogilvie advised until lessee with the developer cures deficiencies cannot commence and requested further status hearing. Mr. Leavitt advised issues are for Discovery Commissioner. Court noted trial not set. Court inquired of parties as to availability for status check. COURT ORDERED, status check SET 7/9/20 regarding the 120-day discovery period and setting trial.

7/9/20 9:00 AM STATUS CHECK: 120-DAY DISCOVERY PERIOD/TRIAL SETTING

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

**Other Judicial Review/Appeal** **COURT MINUTES** **June 30, 2020**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**June 30, 2020** **8:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

**JOURNAL ENTRIES**

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is:
Dial the following number: 1-408-419-1715
Meeting ID: 979 480 011
To connect, dial the telephone number then enter the meeting ID followed by #.
PLEASE NOTE the following protocol each participant will be required to follow:
Place your telephone on mute while waiting for your matter to be called.
Do not place the conference on hold as it may play wait/hold music to others.
Identify yourself before speaking each and every time as a record is being made.
Please be mindful of sounds of rustling of papers or coughing.

CLERK S NOTE: This Minute Order has been electronically served to counsel through Odyssey eFile.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **July 09, 2020**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**July 09, 2020** **9:00 AM** **Status Check**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Floyd, Seth T, ESQ | Attorney |
| Leavitt, James J | Attorney |
| Ogilvie, George F., III | Attorney |
| Schwartz, Andrew W | Attorney |
| Tarpey, Lauren M. | Attorney |

## JOURNAL ENTRIES

- All counsel present telephonically. Colloquy regarding concession and agreement for 120-day discovery period to begin 7/20/20 as well as ongoing status checks. Further colloquy regarding whether discovery matters handled through Discovery Commissioner or with this Court directly. COURT ORDERED, case schedule SET as follows: Close of Discovery 11/20/20; Amend Pleadings 8/21/20; Initial Disclosures 8/21/20; Rebuttal Disclosures 9/21/20; Dispositive Motions 12/21/20; Trial 2/22/21. Department to issue scheduling order. COURT FURTHER ORDERED, discovery disputes to be addressed to this Court as discussed; Status Check SET 8/19/20 regarding any discovery issues.

8/19/20 STATUS CHECK: DISCOVERY ISSUES

2/11/21 10:30 AM PRETRIAL/CALENDAR CALL

2/22/21 9:30 AM JURY TRIAL

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **August 07, 2020**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**August 07, 2020** **8:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

## JOURNAL ENTRIES

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is:
Dial the following number: 1-408-419-1715
Meeting ID: 301 745 453
To connect, dial the telephone number then enter the meeting ID followed by #.
PLEASE NOTE the following protocol each participant will be required to follow:
Place your telephone on mute while waiting for your matter to be called.
Do not place the conference on hold as it may play wait/hold music to others.
Identify yourself before speaking each and every time as a record is being made.
Please be mindful of sounds of rustling of papers or coughing.

CLERK S NOTE: This Minute Order has been electronically served to counsel through Odyssey eFile.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **August 11, 2020**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**August 11, 2020** **8:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

## JOURNAL ENTRIES

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is:
Dial the following number: 1-408-419-1715
Meeting ID: 301 745 453
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Do not place the conference on hold as it may play wait/hold music to others.
Identify yourself before speaking each and every time as a record is being made.
Please be mindful of sounds of rustling of papers or coughing.

CLERK S NOTE: This Minute Order has been electronically served to counsel through Odyssey eFile.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **August 13, 2020**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**August 13, 2020** **8:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

## JOURNAL ENTRIES

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is:
Dial the following number: 1-408-419-1715
Meeting ID: 301 745 453
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Please be mindful of sounds of rustling of papers or coughing.

CLERK S NOTE: This Minute Order has been electronically served to counsel through Odyssey eFile.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **August 13, 2020**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**August 13, 2020** **9:00 AM** **Objection to Discovery Commissioner's Report** **See 8/31/20 Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:** Peggy Isom

**PARTIES PRESENT:**

| | |
|---|---|
| Byrnes, Philip R. | Attorney |
| Ghanem, Elizabeth M. | Attorney |
| Leavitt, James J | Attorney |
| Ogilvie, George F., III | Attorney |
| Schwartz, Andrew W | Attorney |

## JOURNAL ENTRIES

- All parties present telephonically. Arguments by Mr. Ogilvie and Ms. Ghanem. COURT ORDERED, Discovery Commissioner's Report and Recommendations AFFIRMED; will issue minute order decision regarding remaining issue of documents usage and possession. Mr. Leavitt requested jury trial reset at this time in light of current public health climate to ensure statutory priority setting. COURT ORDERED, status check SET 8/19/20 regarding resetting trial date.

8/19/20 9:00 AM STATUS CHECK: RESETTING TRIAL DATE

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **August 19, 2020**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**August 19, 2020** **9:00 AM** **All Pending Motions**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:** Peggy Isom

**PARTIES PRESENT:**

| | |
|---|---|
| Floyd, Seth T, ESQ | Attorney |
| Ghanem, Elizabeth M. | Attorney |
| Leavitt, James J | Attorney |
| Ogilvie, George F., III | Attorney |
| Schwartz, Andrew W | Attorney |
| Tarpey, Lauren M. | Attorney |

## JOURNAL ENTRIES

- APPEARANCES CONTINUED: John Christopher Molina, Esq. present for City of Las Vegas.

STATUS CHECK: RESETTING TRIAL DATE
All parties present telephonically. Mr. Leavitt advised concern over trial setting in light of COVID crisis and requested to be placed on an April 2021 trial stack. Mr. Ogilvie advised no opposition. Court noted case has preferential setting. Colloquy regarding jury trial viability and realistic setting, as well as rescheduling pending Motion to Compel and Motion to Determine Property Interest. Mr. Ogilvie objected to possible discovery delay with respect to Motion to Compel; Court so noted. Following discussion, COURT ORDERED, Trial VACATED and RESET from 2/22/21 to 5/3/21; Motion to Compel RESET from 9/1/20 to 9/9/20; Motion to Determine Property Interest RESET from 9/10/20 to 9/17/20. Department to issue amended trial order.

STATUS CHECK: DISCOVERY ISSUES

Colloquy regarding 35,000 page discovery production and related issues. Court stated will not make a determination without briefing or stipulated recommendation from the parties. COURT ORDERED, status check SET 9/9/20 regarding discovery issues and whether today's issue brought by the City remains and whether or not to set briefing.

9/9/20 9:00 AM THE CITY OF LAS VEGAS MOTION TO COMPEL AND FOR AN ORDER TO SHOW CAUSE...STATUS CHECK: DISCOVERY ISSUES...STATUS CHECK: PRODUCTION ISSUE BROUGHT BY CITY AND POSSIBLE BRIEFING

9/17/20 9:00 AM PLAINTIFF'S LANDOWNERS' MOTION TO DETERMINE PROPERTY INTEREST

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **August 31, 2020**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**August 31, 2020** **8:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

## JOURNAL ENTRIES

- After a review and consideration of the record, the points and authorities on file herein, and oral argument of counsel, the Court determined as follows:
The Court notes that each judge must render a reasoned judgment by applying the law to the unique facts of the case that he or she presides over. Consequently, under the facts in the instant case, review of the DCCR, the briefs on file, and the stipulated protective agreement, the Court finds that it cannot limit the use of the confidential information to this litigation only. See DCRR at 9 and 10 and 3:23-24.
Consequently, the Court OVERRULES the Discover Commissioners Recommendation that the protective information and documents may be used in this litigation only. See id. Defendant shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature.
CLERK S NOTE: This Minute Order has been served to counsel electronically through Odyssey eFile.

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

**Other Judicial Review/Appeal** **COURT MINUTES** **September 01, 2020**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**September 01, 2020** **8:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

**JOURNAL ENTRIES**

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is:
Dial the following number: 1-408-419-1715
Meeting ID: 261 117 825
To connect, dial the telephone number then enter the meeting ID followed by #.
PLEASE NOTE the following protocol each participant will be required to follow:
Place your telephone on mute while waiting for your matter to be called.
Do not place the conference on hold as it may play wait/hold music to others.
Identify yourself before speaking each and every time as a record is being made.
Please be mindful of sounds of rustling of papers or coughing.

CLERK S NOTE: This Minute Order has been electronically served to counsel through Odyssey eFile.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **September 08, 2020**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**September 08, 2020** **8:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

## JOURNAL ENTRIES

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is:
Dial the following number: 1-408-419-1715
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To connect, dial the telephone number then enter the meeting ID followed by #.
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Do not place the conference on hold as it may play wait/hold music to others.
Identify yourself before speaking each and every time as a record is being made.
Please be mindful of sounds of rustling of papers or coughing.

CLERK S NOTE: This Minute Order has been electronically served through Odyssey eFile to all parties with an email address on record.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **September 09, 2020**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**September 09, 2020** **9:00 AM** **All Pending Motions**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:** Peggy Isom

**PARTIES PRESENT:**

| | |
|---|---|
| Floyd, Seth T, ESQ | Attorney |
| Ghanem, Elizabeth M. | Attorney |
| Leavitt, James J | Attorney |
| Ogilvie, George F., III | Attorney |
| Schwartz, Andrew W | Attorney |
| Tarpey, Lauren M. | Attorney |

## JOURNAL ENTRIES

- STATUS CHECK: PRODUCTION ISSUE BROUGHT BY CITY AND POSSIBLE BRIEFING...STATUS CHECK: DISCOVERY ISSUES
Hearing held telephonically. Colloquy regarding supplementation of documents from Petitioner, whether or not there are outstanding matters the developers are non-responsive to, and possible meet and confer before motion practice regarding same. There being agreement, COURT ORDERED, parties to meet and confer on the issue within 10 days; if unsuccessful, Mr. Ogilvie may file appropriate motion.

THE CITY OF LAS VEGAS MOTION TO COMPEL AND FOR AN ORDER TO SHOW CAUSE
Arguments by counsel. COURT FINDS record reflects no objection made timely as far as developer is concerned and ultimate issue of usage may be developed for later determination. Therefore, COURT ORDERED, Motion to Compel GRANTED; sanctions DENIED. Court stated the documents at issue are permitted for discovery, not for purposes of trial. Court directed Mr. Ogilvie to prepare the order.

Proposed order(s) to be submitted electronically to DC16Inbox@clarkcountycourts.us.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **September 17, 2020**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**September 17, 2020** **9:00 AM** **Motion**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:** Peggy Isom

**PARTIES PRESENT:**

| | |
|---|---|
| Ghanem, Elizabeth M. | Attorney |
| Leavitt, James J | Attorney |
| Ogilvie, George F., III | Attorney |
| Schwartz, Andrew W | Attorney |

## JOURNAL ENTRIES

- Hearing held telephonically. Arguments by Mr. Leavitt and Mr. Schwartz. Court stated ITS FINDINGS and ORDERED, Motion to Determine Property Interest GRANTED. Court directed Mr. Leavitt to prepare the order and circulate. Mr. Schwartz requested clarification on extent of Pltf's requests. Mr. Leavitt advised order will be limited to moving papers and what is not disputed. Court stated if parties cannot agree on form and content of the order, may submit competing orders.

Proposed order(s) to be submitted electronically to DC16Inbox@clarkcountycourts.us.

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

**Other Judicial Review/Appeal** **COURT MINUTES** **October 12, 2020**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**October 12, 2020** **8:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

**JOURNAL ENTRIES**

- On October 7, 2020, this Court signed and filed an ORDER GRANTING THE CITY OF LAS VEGAS MOTION TO COMPEL AND FOR AN ORDER TO SHOW CAUSE.

October 12, 2020, this Court signed a duplicate copy of this order. As such, it is hereby ORDERED that the duplicate ORDER GRANTING THE CITY OF LAS VEGAS MOTION TO COMPEL AND FOR AN ORDER TO SHOW CAUSE filed in Case No. A-17-758528-J on October 12, 2020 is hereby stricken from the record due to a filing error.

CLERK S NOTE: Minute Order amended to properly reflect that duplicate order was filed October 12, 2020 as reflected above. A copy of this Minute Order was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

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

**Other Judicial Review/Appeal** **COURT MINUTES** **October 14, 2020**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**October 14, 2020** **8:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

**JOURNAL ENTRIES**

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is:
Dial the following number: 1-408-419-1715
Meeting ID: 458 575 421
To connect, dial the telephone number then enter the meeting ID followed by #.
PLEASE NOTE the following protocol each participant will be required to follow:
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Do not place the conference on hold as it may play wait/hold music to others.
Identify yourself before speaking each and every time as a record is being made.
Please be mindful of sounds of rustling of papers or coughing.

CLERK S NOTE: A copy of this Minute Order was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **October 21, 2020**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**October 21, 2020** **9:00 AM** **Status Check**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:** Peggy Isom

**PARTIES PRESENT:**

| | |
|---|---|
| Bice, Todd L | Attorney |
| Floyd, Seth T, ESQ | Attorney |
| Ghanem, Elizabeth M. | Attorney |
| Leavitt, James J | Attorney |
| Ogilvie, George F., III | Attorney |

## JOURNAL ENTRIES

- Hearing held telephonically. Mr. Leavitt requested extension of his disclosures. Colloquy regarding same including that of Mr. Ogilvie's rebuttal disclosures. There being agreement, COURT ORDERED, initial disclosures deadline RESET to 12/1/20; rebuttal disclosures RESET to 1/19/21. Court directed Mr. Leavitt to prepare an order with the dates. Colloquy regarding recently signed order and whether it agrees with Court's determination at hearing with respect to protective order remaining in place. Court stated can clarify concern by way of motion. Colloquy regarding documents and information due to City of Las Vegas, whether already produced, and their confirmation. Mr. Ogilvie requested response or supplement to same within 14 days; COURT SO ORDERED. COURT FURTHER ORDERED, further status check SET 11/18/20 regarding outstanding issues between the parties.

CONTINUED TO: 11/18/20 9:00 AM STATUS CHECK RE STATUS OF ALL OUTSTANDING ISSUES BETWEEN THE PARTIES

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

**Other Judicial Review/Appeal** **COURT MINUTES** **November 09, 2020**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**November 09, 2020** **8:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

**JOURNAL ENTRIES**

- Department 16 Formal Request to Appear Telephonically
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CLERK S NOTE: A copy of this Minute Order was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

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

**Other Judicial Review/Appeal** **COURT MINUTES** **November 09, 2020**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**November 09, 2020** **8:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

**JOURNAL ENTRIES**

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is:
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Identify yourself before speaking each and every time as a record is being made.
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CLERK S NOTE: A copy of this Minute Order was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **November 17, 2020**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**November 17, 2020** **1:30 PM** **Motion to Compel**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:** Peggy Isom

**PARTIES PRESENT:**

| | |
|---|---|
| Byrnes, Philip R. | Attorney |
| Ghanem, Elizabeth M. | Attorney |
| Leavitt, James J | Attorney |
| Ogilvie, George F., III | Attorney |
| Schwartz, Andrew W | Attorney |

## JOURNAL ENTRIES

- Hearing held telephonically. Arguments by counsel. Colloquy regarding continuing instant matter to allow further discussion by the parties and possible resolution. There being agreement, COURT ORDERED, matter CONTINUED to 11/18/20; will honor agreement the parties reach. Court stated it would be anticipated that documents in possession supporting valuation be produced.

CONTINUED TO: 11/18/20 9:00 AM THE CITY OF LAS VEGAS MOTION TO COMPEL DISCOVERY RESPONSES, DOCUMENTS AND DAMAGES CALCULATION AND RELATED DOCUMENTS ON ORDER SHORTENING TIME

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

**Other Judicial Review/Appeal** **COURT MINUTES** **November 18, 2020**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**November 18, 2020** **9:00 AM** **All Pending Motions**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Ghanem, Elizabeth M. | Attorney |
| Leavitt, James J | Attorney |
| Ogilvie, George F., III | Attorney |
| Schwartz, Andrew W | Attorney |

**JOURNAL ENTRIES**

- THE CITY OF LAS VEGAS MOTION TO COMPEL DISCOVERY RESPONSES, DOCUMENTS AND DAMAGES CALCULATION AND RELATED DOCUMENTS ON ORDER SHORTENING TIME

Hearing held telephonically. Ms. Ghanem advised they are willing to produce documents subject to Motion to Compel at issue; however, have certain concern regarding confidentiality. Ms. Ghanem requested an order that documents produced be under confidential protective order. Mr. Ogilvie advised ongoing issue as to whether protective order exists and the scope. Mr. Ogilvie requested Developer counsel submit the protective order and be given opportunity to review same with client; COURT SO ORDERED. COURT FURTHER ORDERED, status check SET 12/8/20 to see what has been accomplished and whether parties reached a protective order. Mr. Leavitt recalled request during Motion hearing yesterday for trial continuance and advised has been unable to prepare expert reports sufficiently. Mr. Leavitt requested trial continued to July for opportunity for certain deposition and to produce documents at issue. Mr. Ogilvie advised no objection to extension of deadlines and trial; however, has certain obligations in July and beginning of August. Further colloquy regarding appropriate case deadlines in light of possible conflicts. COURT ORDERED, Trial

VACATED and RESET from 5/3/21 to 8/16/21; Mr. Ogilvie may attend Calendar Call remotely. Mr. Leavitt advised parties will prepare stipulation as to other case deadlines; Court so noted. Mr. Ogilvie advised there was other production subject of the Motion to Compel outstanding. Court stated will issue decision on the remainder of the Motion including issue with fees.

STATUS CHECK RE STATUS OF ALL OUTSTANDING ISSUES BETWEEN THE PARTIES
Mr. Ogilvie advised City submitted a status report. Mr. Ogilvie advised certain issue with Developer and production obligations with reference to November 4 event. Mr. Ogilvie requested the Developer be required to comply with Rule 34 obligations and identify which of the requests are related to or are responsive and that the documents be produced. Ms. Ghanem advised no objection to a remedy and advised some anticipated delay with respect to lack of assistance at this time. Court stated will make the response to request for production and corresponding bates to be subject of the 12/8/20 status check as well.

12/8/20 9:00 AM STATUS CHECK: PROTECTIVE ORDER/RULE 34 RESPONSE WITH BATES (FROM 11/18/20 HEARING)

8/5/21 10:30 AM PRETRIAL/CALENDAR CALL

8/16/21 9:30 AM JURY TRIAL

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

**Other Judicial Review/Appeal** **COURT MINUTES** **December 01, 2020**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**December 01, 2020** **8:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

**JOURNAL ENTRIES**

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is:
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Do not place the conference on hold as it may play wait/hold music to others.
Identify yourself before speaking each and every time as a record is being made.
Please be mindful of sounds of rustling of papers or coughing.

CLERK S NOTE: A copy of this Minute Order was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **December 08, 2020**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**December 08, 2020** **9:30 AM** **All Pending Motions**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:** Peggy Isom

**PARTIES PRESENT:**

| | |
|---|---|
| Byrnes, Philip R. | Attorney |
| Ghanem, Elizabeth M. | Attorney |
| Leavitt, James J | Attorney |
| Ogilvie, George F., III | Attorney |

## JOURNAL ENTRIES

- PLAINTIFF LANDOWNERS' MOTION TO STRIKE ONE SENTENCE RELATED TO THE LANDOWNERS' PROTECTIVE ORDER FROM ORDER GRANTING THE CITY OF LAS VEGAS' MOTION TO COMPEL AND FOR AN ORDER TO SHOW CAUSE FILED ON OCT. 12, 2020
STATUS CHECK: PROTECTIVE ORDER/RULE 34 RESPONSE WITH BATES (FROM 11/18/20 HEARING)

Hearing held telephonically. Arguments by counsel. Court stated ITS FINDINGS and ORDERED, Motion GRANTED; does not stand for proposition confidential long-term as discussed. Court directed Mr. Leavitt to prepare and circulate the order; if parties cannot agree on form and content, may submit competing orders. Colloquy regarding issues and scope of production. Further colloquy regarding resetting discovery related status check. COURT ORDERED, status check matter CONTINUED to 12/16/20 at 1:30 p.m.

Proposed order(s) to be submitted electronically to DC16Inbox@clarkcountycourts.us.

CONTINUED TO: 12/16/20 1:30 PM STATUS CHECK: PROTECTIVE ORDER/RULE 34 RESPONSE WITH BATES (FROM 11/18/20 HEARING)

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

**Other Judicial Review/Appeal** **COURT MINUTES** **December 14, 2020**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**December 14, 2020** **8:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

**JOURNAL ENTRIES**

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is:
Dial the following number: 1-408-419-1715
Meeting ID: 458 575 421
To connect, dial the telephone number then enter the meeting ID followed by #.
PLEASE NOTE the following protocol each participant will be required to follow:
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Do not place the conference on hold as it may play wait/hold music to others.
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Please be mindful of sounds of rustling of papers or coughing.

CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

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

**Other Judicial Review/Appeal** **COURT MINUTES** **January 05, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**January 05, 2021** **8:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

**JOURNAL ENTRIES**

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conferences through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is:
Dial the following number: 1-408-419-1715
Meeting ID: 552 243 859
To connect, dial the telephone number then enter the meeting ID followed by #.
PLEASE NOTE the following protocol each participant will be required to follow:
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CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **January 13, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**January 13, 2021** **9:00 AM** **Status Check**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

## JOURNAL ENTRIES

- No parties present. Court notes 1/12/21 Stipulation and Order to continue matter.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **January 19, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**January 19, 2021** **8:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

## JOURNAL ENTRIES

- After review and consideration of the points and authorities on file herein, and oral argument of counsel, the Court determined as follows:
The thrust of the Defendant City of Las Vegas Motion to Compel Discovery Responses and a Damage Calculation focuses on the adequacy of 180 Land Co. LLC s discovery responses and damage calculations. Addressing the damage calculation first, the Court is well aware of the mandate of NRCP 16.1, which requires Plaintiff to prepare and submit a damage calculation as early as the NRCP 16.1 early case conference. However, the instant action involves more than just a simple computation of past and future medical expenses in a tort case or the cost of repair in a Chapter 40 construction defect case. Plaintiff s damage claim is based on expert testimony and analysis, which is scheduled to be disclosed pursuant to the Court's scheduling order. In light of the unique nature of Plaintiff s damage claims and heavy reliance on expert opinions, the Court determined that Plaintiff s computation of damages may be produced in conjunction with its expert witness disclosures. As to the maintenance record s 180 Land has no ownership interest in the Badlands golf course. As a result, there are no records to be produced. Lastly, pertaining to communications with Chris Kaempher and Stephanie Allen, 57 pages of documents were produced in conjunction with a privilege log which was responsive to the Request for Production of documents.
Based on the foregoing, Defendant City of Las Vegas Motion to Compel Discovery Responses shall be DENIED. Additionally, Plaintiff 180 Land Co. LLC s request for attorney s shall be DENIED.

Counsel for Plaintiff, 180 Land Co., shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections prior to submitting to the Court for review and signature.
CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **January 26, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**January 26, 2021** **8:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

## JOURNAL ENTRIES

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Orders 20-10 and 20-24, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conferences through BlueJeans conferencing, wherein you dial in prior to your hearing to appear. Also, please check in with the Courtroom Clerk by 8:55 a.m. The call-in number is:
Dial the following number: 1-408-419-1715
Meeting ID: 552 243 859
To connect, dial the telephone number then enter the meeting ID followed by #.
PLEASE NOTE the following protocol each participant will be required to follow:
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# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **February 03, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**February 03, 2021** **9:00 AM** **Status Check**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Ghanem, Elizabeth M. | Attorney |
| Leavitt, James J | Attorney |
| Ogilvie, George F., III | Attorney |
| Schwartz, Andrew W | Attorney |

## JOURNAL ENTRIES

- Hearing held telephonically. Mr. Leavitt advised protective order issue may resolve and that additional time for discovery may be required with continuance of trial. Ms. Ghanem advised two changes by the City as regards the protective order are at issue. Mr. Ogilvie advised additional time with respect to the experts issue is amenable and would be willing to stipulate to trial continuance. Mr. Ogilvie further advised he did not review Ms. Ghanem s response and requested Court not enter protective order submitted with the recent Status Report. Court stated it will not enter an order at this time. Colloquy regarding protective order issues, setting status check for a resolution of same, and resetting expert deadlines and trial. COURT ORDERED, status check SET 2/8/21 at 10:00 a.m. regarding a protective order and deadlines for expert disclosures. Court directed counsel provide notice if matter resolved and hearing may be vacated. COURT FURTHER ORDERED, Trial VACATED and RESET from 8/16/21 to 10/25/21. Department to issue amended trial order.

2/8/21 10:00 AM STATUS CHECK: PROTECTIVE ORDER/EXPERT DEADLINES

10/14/21 10:30 AM PRETRIAL/CALENDAR CALL

10/25/21 9:30 AM JURY TRIAL

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **February 08, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**February 08, 2021** **8:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

## JOURNAL ENTRIES

- Department 16 Formal Request to Appear Telephonically
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# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **February 08, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**February 08, 2021** **10:00 AM** **Status Check**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Byrnes, Philip R. | Attorney |
| Ghanem, Elizabeth M. | Attorney |
| Leavitt, James J | Attorney |
| Ogilvie, George F., III | Attorney |

## JOURNAL ENTRIES

- Hearing held telephonically. Mr. Ogilvie advised matter resolved. Ms. Ghanem advised the representation is correct and requested further status check after the 2/16/21 Motion to Compel. Mr. Ogilvie advised no objection to setting status check.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **February 10, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**February 10, 2021** **8:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

## JOURNAL ENTRIES

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Orders 20-10 and 20-24, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conferences through BlueJeans conferencing, wherein you dial in prior to your hearing to appear. Also, please check in with the Courtroom Clerk by 8:55 a.m. The call-in number is:
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# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **February 16, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**February 16, 2021** **9:05 AM** **Motion to Compel**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:** Peggy Isom

**PARTIES PRESENT:**

| | |
|---|---|
| Ghanem, Elizabeth M. | Attorney |
| Leavitt, James J | Attorney |
| Ogilvie, George F., III | Attorney |
| Schwartz, Andrew W | Attorney |

## JOURNAL ENTRIES

- Hearing held telephonically. Arguments by Mr. Leavitt and Mr. Ogilvie. Court stated ITS FINDINGS and ORDERED, Motion to Compel GRANTED IN PART and DENIED IN PART; GRANTED as to interrogatories 1, 2, and 3; DENIED as to interrogatory 6. Court directed Mr. Leavitt to prepare the order and circulate. Upon Court s inquiry, Mr. Ogilvie advised further status check in 3-4 weeks regarding discovery is advisable. COURT ORDERED, status check regarding discovery SET in 30 days.

3/18/21 9:00 AM STATUS CHECK: DISCOVERY ISSUES

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

**Other Judicial Review/Appeal** **COURT MINUTES** **March 11, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**March 11, 2021** **8:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

**JOURNAL ENTRIES**

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Orders 20-10 and 20-24, Department 16 will temporarily require all matters to be heard via remote appearance. The court is currently scheduling all remote conferences through BlueJeans, wherein you dial in by phone or connect online prior to your hearing to appear. Also, please check in with the Courtroom Clerk by 8:55 a.m. The call-in number or website is:
Dial the following number: 1-408-419-1715
Meeting ID: 552 243 859
Online: https://bluejeans.com/552243859
To connect by phone, dial the telephone number, then the meeting ID, followed by #.
PLEASE NOTE the following protocol each participant will be required to follow:
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# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **March 18, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**March 18, 2021** **8:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

## JOURNAL ENTRIES

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Orders 21-03, Department 16 will temporarily require all matters to be heard via remote appearance. The court is currently scheduling all remote conferences through BlueJeans, wherein you dial in by phone or connect online prior to your hearing to appear. Also, please check in with the Courtroom Clerk by 8:55 a.m. The call-in number or website is:
Dial the following number: 1-408-419-1715
Meeting ID: 552 243 859
Online: https://bluejeans.com/552243859
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# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **March 25, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**March 25, 2021** **9:00 AM** **Status Check**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Byrnes, Philip R. | Attorney |
| Leavitt, James J | Attorney |
| Ogilvie, George F., III | Attorney |
| Schwartz, Andrew W | Attorney |

## JOURNAL ENTRIES

- Hearing held by BlueJeans remote conferencing. Mr. Leavitt advised Mr. Ogilvie submitted Status Report yesterday and is an accurate reflection of matter status. Mr. Leavitt further advised discovery is on track and anticipates meeting all current dates. Mr. Ogilvie advised he has nothing further to add to the Status Report submitted yesterday. Colloquy regarding necessity of monthly status hearing. Court stated will keep current upcoming hearings as calendared.

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

**Other Judicial Review/Appeal** **COURT MINUTES** **April 13, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**April 13, 2021** **8:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

**JOURNAL ENTRIES**

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Orders 21-03, Department 16 will temporarily require all matters to be heard via remote appearance. The court is currently scheduling all remote conferences through BlueJeans, wherein you dial in by phone or connect online prior to your hearing to appear. Also, please check in with the Courtroom Clerk by 8:55 a.m. The call-in number or website is:
Dial the following number: 1-408-419-1715
Meeting ID: 552 243 859
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# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **April 15, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**April 15, 2021** **8:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

## JOURNAL ENTRIES

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Orders 21-03, Department 16 will temporarily require all matters to be heard via remote appearance. The court is currently scheduling all remote conferences through BlueJeans, wherein you dial in by phone or connect online prior to your hearing to appear. The call-in number or website is:
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CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **April 15, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**April 15, 2021** **9:05 AM** **Motion For Reconsideration**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:** Peggy Isom

**PARTIES PRESENT:**

## JOURNAL ENTRIES

- No parties present. Matter continued pursuant to stipulation and order.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **April 21, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**April 21, 2021** **8:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

## JOURNAL ENTRIES

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Orders 21-03, Department 16 will temporarily require all matters to be heard via remote appearance. The court is currently scheduling all remote conferences through BlueJeans, wherein you dial in by phone or connect online prior to your hearing to appear. The call-in number or website is:
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Online: https://bluejeans.com/552243859
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# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **April 21, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**April 21, 2021** **9:30 AM** **All Pending Motions**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:** Peggy Isom

**PARTIES PRESENT:**

| | |
|---|---|
| Ghanem, Elizabeth M. | Attorney |
| Leavitt, James J | Attorney |
| Ogilvie, George F., III | Attorney |
| Schwartz, Andrew W | Attorney |
| Waters, Autumn L. | Attorney |

## JOURNAL ENTRIES

- CITY OF LAS VEGAS' RULE 56(D) MOTION ON OST...CITY OF LAS VEGAS' MOTION FOR RECONSIDERATION OF ORDER GRANTING IN PART AND DENYING IN PART THE CITY'S MOTION TO COMPEL DISCOVERY RESPONSES, DOCUMENTS AND DAMAGES CALCULATION AND RELATED DOCUMENTS

Hearing held by BlueJeans remote conferencing. Arguments by counsel. Court stated will review matters; decision forthcoming.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **April 29, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**April 29, 2021** **9:30 AM** **Motion for Summary Judgment**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

## JOURNAL ENTRIES

- Matter continued pursuant to 4/15/2021 Stipulation and Order.

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

**Other Judicial Review/Appeal** **COURT MINUTES** **May 03, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**May 03, 2021** **8:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

**JOURNAL ENTRIES**

- After review and consideration of the points and authorities on file herein, and oral argument of counsel, the Court determined as follows:

First, regarding the City of Las Vegas and its Motion for Reconsideration, the Court considered the standard as outlined in EDCR 2.24, and review of the City's Motion raises no new issues of law or fact. Moreover, in response to the Request for Production of Documents, Plaintiff 180 Land Co. has produced over 35,00 pages of documents based on the discovery limitations focusing on Plaintiff's computation of damages coupled with Plaintiff's expert witness disclosures. Additionally, the Court determined that the City was entitled to all documents that support Plaintiff's position that Plaintiff 180 Land Co. paid $45 million for the Badlands property. In regards to its decision, the Court considered both relevancy and proportionality. In light of the foregoing, Defendant City's Motion for Reconsideration shall be DENIED.

Next, the Court considers Defendant City's Motion for NRCP 56(d) Relief. Initially, the Court considered whether it should wait and consider the requested relief until the time set for Plaintiff's Motion for Summary Judgement. However, the Court recognized judicial efficiency as a basis to consider Defendant's Rule 56(d) relief. In light of Plaintiff's pending Motion for Summary Judgment where Plaintiff is seeking summary judgment as to its First Claim for Relief (Per Categorical Taking),

the Third Claim for Relief (Per Se Regulatory Taking), and Fourth Claims for Relief (Non-Regulatory Taking/ Defacto) Defendant's Motion for Rule 56(d) Relief shall be GRANTED to permit the City to complete discovery on issues as to whether the City's actions deprive the subject property of "all economically beneficially or productive use of land" or whether the City's actions "directly and substantially interfere with an owner's property rights to the extent of rendering the property unusable or valueless. Thus, the City shall be permitted to conduct discovery regarding 180 Land Co.'s claim that the property has no economically beneficial use.

As a result, Defendant City's Motion for Rule 56(d) Relief is GRANTED, and the Court will vacate Plaintiff's pending Motion for Summary Judgement to permit the City to depose Yohan Lowie, inspect the Badlands property, and complete the City's discovery in defense of this action. After the completion of this discovery, Plaintiff will be free to re-file its Motion for Summary Judgment.

Counsel on behalf of the Defendant City of Las Vegas shall prepare a Findings of Fact, Conclusions of Law and Order based not only on the court's minute order but the pleadings on file herein, argument of counsel, and the entire record. Lastly, counsel is to circulate the order prior to submission to the Court to adverse counsel. If the counsel can't agree on the contents, the parties are to submit competing orders.

CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **May 11, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**May 11, 2021** **8:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

## JOURNAL ENTRIES

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Orders 21-03, Department 16 will temporarily require all matters to be heard via remote appearance. The court is currently scheduling all remote conferences through BlueJeans, wherein you dial in by phone or connect online prior to your hearing to appear. Also, please check in with the Courtroom Clerk by 8:55 a.m. The call-in number or website is:
Dial the following number: 1-408-419-1715
Meeting ID: 552 243 859
Online: https://bluejeans.com/552243859
To connect by phone, dial the telephone number, then the meeting ID, followed by #.
PLEASE NOTE the following protocol each participant will be required to follow:
Place your telephone on mute while waiting for your matter to be called.
Do not place the conference on hold as it may play wait/hold music to others.
Identify yourself before speaking each and every time as a record is being made.
Please be mindful of sounds of rustling of papers or coughing.

CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

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

**Other Judicial Review/Appeal** **COURT MINUTES** **May 13, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**May 13, 2021** **8:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

**JOURNAL ENTRIES**

- Department 16 Formal Request to Appear Remotely
Please be advised that pursuant to Administrative Orders 21-03, Department 16 will temporarily require all matters to be heard via remote appearance. The court is currently scheduling all remote conferences through BlueJeans, wherein you dial in by phone or connect online prior to your hearing to appear. Also, please check in with the Courtroom Clerk by 8:55 a.m. The call-in number or website is:
Dial the following number: 1-408-419-1715
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Online: https://bluejeans.com/552243859
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CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

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

**Other Judicial Review/Appeal** **COURT MINUTES** **May 13, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**May 13, 2021** **9:05 AM** **Motion For Reconsideration**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:** Peggy Isom

**PARTIES PRESENT:**

| | |
|---|---|
| Byrnes, Philip R. | Attorney |
| Ghanem, Elizabeth M. | Attorney |
| Leavitt, James J | Attorney |
| Ogilvie, George F., III | Attorney |
| Schwartz, Andrew W | Attorney |

**JOURNAL ENTRIES**

- Hearing held by BlueJeans remote conferencing.

Arguments by Mr. Schwartz and Mr. Leavitt. COURT FINDS distinct difference in the process as pertains to member of legislature and discovery at issue more broadly permissible than admissibility at time of trial. Therefore, COURT ORDERED, Motion for Rehearing GRANTED and will let the three interrogatories STAND. Court directed Mr. Leavitt to prepare the order.

Proposed order(s) to be submitted electronically to DC16Inbox@clarkcountycourts.us.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **August 05, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**August 05, 2021** **3:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

## JOURNAL ENTRIES

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Order 21-04, Department 16 will temporarily require all matters to be heard via remote appearance. The court is currently scheduling all remote conferences through BlueJeans, wherein you dial in by phone or connect online prior to your hearing to appear. Also, please check in with the Courtroom Clerk by 8:55 a.m. The call-in number or website is:
Dial the following number: 1-408-419-1715
Meeting ID: 305 354 001
Participant Passcode: 2258
Online: https://bluejeans.com/305354001/2258
To connect by phone, dial the telephone number, then the meeting ID, followed by #.
PLEASE NOTE the following protocol each participant will be required to follow:
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CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on

this case in the Eighth Judicial District Court Electronic Filing System.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **August 12, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**August 12, 2021** **3:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

## JOURNAL ENTRIES

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Order 21-04, Department 16 will temporarily require all matters to be heard via remote appearance. The court is currently scheduling all remote conferences through BlueJeans, wherein you dial in by phone or connect online prior to your hearing to appear. Also, please check in with the Courtroom Clerk by 8:55 a.m. The call-in number or website is:
Dial the following number: 1-408-419-1715
Meeting ID: 305 354 001
Participant Passcode: 2258
Online: https://bluejeans.com/305354001/2258
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Do not place the conference on hold as it may play wait/hold music to others.
Identify yourself before speaking each and every time as a record is being made.
Please be mindful of sounds of rustling of papers or coughing.

CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on

this case in the Eighth Judicial District Court Electronic Filing System.

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

**Other Judicial Review/Appeal** **COURT MINUTES** **August 19, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**August 19, 2021** **9:00 AM** **Status Check: Trial Readiness**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Christopher Darling

**RECORDER:** Rebeca Gomez

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Byrnes, Philip R. | Attorney |
| Ghanem, Elizabeth M. | Attorney |
| Leavitt, James J | Attorney |
| Wolfson, Rebecca L | Attorney |

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: J. Christopher Molina, Esq. present for Respondent City of Las Vegas.

Hearing held by BlueJeans remote conferencing. Colloquy regarding status of discovery, trial protocol, and a further status check regarding trial readiness. Further colloquy regarding pending motion to determine take and motion for summary judgment. COURT ORDERED, regarding Motion to Determine Take, opposition DUE 10 days from today as discussed, and hearing SET both 9/23/21 and 9/24/21. COURT FURTHER ORDERED, Status Check SET 9/24/21 regarding trial readiness. Mr. Leavitt advised he will prepare an order from today's hearing.

9/23/21 1:30 PM [497] PLAINTIFF LANDOWNERS' MOTION TO DETERMINE TAKE AND FOR SUMMARY JUDGMENT ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF

9/24/21 9:30 AM [497] PLAINTIFF LANDOWNERS' MOTION TO DETERMINE TAKE AND FOR

SUMMARY JUDGMENT ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF...STATUS CHECK: TRIAL READINESS

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **September 20, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**September 20, 2021** **3:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

## JOURNAL ENTRIES

- Department 16 Formal Request to Appear Remotely

Please be advised that pursuant to Administrative Order 21-04, Department 16 will temporarily require all matters be heard remotely. The court utilizes BlueJeans for remote conferencing wherein you appear and participate by phone or through an internet enabled device. The call-in number or website to connect is:
Telephone:
Dial: 1-408-419-1715
Meeting ID: 305 354 001
Participant Passcode: 2258
Smartphone/Computer:
Website: https://bluejeans.com/305354001/2258

If you appear by phone, please bear in mind: first, dial the telephone number, then meeting ID followed by #, and finally the participate passcode followed by #; secondly, dial *4 to unmute when you are ready to do so.

If you appear by smartphone or computer, please bear in mind: enter the website address in your

device s browser exactly as show above and follow the instructions on screen; optionally, download the BlueJeans app as indicated on this same website. If you wish to test your audio/video in advance of the hearing, please visit https://bluejeans.com/111.
Protocol each participant will be required to follow:
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Wait for the line to clear before speaking as the conference audio is one-way.
Be mindful of background noises and echoing from using multiple devices.

BlueJeans chat will not be available while court is in session. If you need to report an issue affecting your ability to appear, please send an email marked urgent to the following addresses: JEA, Lynn Berkheimer [Dept16EA@clarkcountycourts.us]; Law Clerk, Michael Holthus [Dept16LC@clarkcountycourts.us]; Court Clerk, Chris CJ Darling [DarlingC@clarkcountycourts.us]

CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

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

**Other Judicial Review/Appeal** **COURT MINUTES** **September 23, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**September 23, 2021** **1:30 PM** **All Pending Motions**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03C

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:** Kimberly Farkas

**PARTIES PRESENT:**

| | |
|---|---|
| Byrnes, Philip R. | Attorney |
| Ghanem, Elizabeth M. | Attorney |
| Leavitt, James J | Attorney |
| Schwartz, Andrew W | Attorney |
| Waters, Autumn L. | Attorney |
| Wolfson, Rebecca L | Attorney |

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: J. Christopher Molina, Esq. present for Respondent City of Las Vegas.

[497] PLAINTIFF LANDOWNERS' MOTION TO DETERMINE TAKE AND FOR SUMMARY JUDGMENT ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF...CITY'S OPPOSITION TO DEVELOPER'S MOTION TO DETERMINE TAKE AND MOTION FOR SUMMARY JUDGMENT ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF AND COUNTER-MOTION FOR SUMMARY JUDGMENT

Hearing held by BlueJeans remote conferencing. Arguments by Mr. Leavitt and Mr. Molina. COURT ORDERED, matter CONTINUED.

CONTINUED TO: 9/24/21 9:30 AM [497] PLAINTIFF LANDOWNERS' MOTION TO DETERMINE

TAKE AND FOR SUMMARY JUDGMENT ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF...CITY'S OPPOSITION TO DEVELOPER'S MOTION TO DETERMINE TAKE AND MOTION FOR SUMMARY JUDGMENT ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF AND COUNTER-MOTION FOR SUMMARY JUDGMENT

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **September 24, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**September 24, 2021** **9:30 AM** **All Pending Motions**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03C

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:** Kimberly Farkas

**PARTIES PRESENT:**

| | |
|---|---|
| Byrnes, Philip R. | Attorney |
| Ghanem, Elizabeth M. | Attorney |
| Leavitt, James J | Attorney |
| Schwartz, Andrew W | Attorney |
| Waters, Autumn L. | Attorney |

## JOURNAL ENTRIES

- APPEARANCES CONTINUED: J. Christopher Molina, Esq. present for Respondent City of Las Vegas.

[497] PLAINTIFF LANDOWNERS' MOTION TO DETERMINE TAKE AND FOR SUMMARY JUDGMENT ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF...CITY'S OPPOSITION TO DEVELOPER'S MOTION TO DETERMINE TAKE AND MOTION FOR SUMMARY JUDGMENT ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF AND COUNTER-MOTION FOR SUMMARY JUDGMENT...STATUS CHECK: TRIAL READINESS

Arguments by Mr. Molina, Mr. Schwartz, and Mr. Leavitt. Colloquy regarding continuance. COURT ORDERED, matters CONTINUED to 9/27/21 at 9:15 a.m. and 9/28/21. COURT DIRECTED, Mr. Schwartz limited to 1 hour further argument; Mr. Leavitt limited to 2 hours further argument; also, 1 hour further rebuttal if necessary.

CONTINUED TO: 9/27/21 9:15 AM [497] PLAINTIFF LANDOWNERS' MOTION TO DETERMINE TAKE AND FOR SUMMARY JUDGMENT ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF...CITY'S OPPOSITION TO DEVELOPER'S MOTION TO DETERMINE TAKE AND MOTION FOR SUMMARY JUDGMENT ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF AND COUNTER-MOTION FOR SUMMARY JUDGMENT...STATUS CHECK: TRIAL READINESS...STATUS CHECK: TRIAL READINESS

CONTINUED TO: 9/28/21 9:15 AM [497] PLAINTIFF LANDOWNERS' MOTION TO DETERMINE TAKE AND FOR SUMMARY JUDGMENT ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF...CITY'S OPPOSITION TO DEVELOPER'S MOTION TO DETERMINE TAKE AND MOTION FOR SUMMARY JUDGMENT ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF AND COUNTER-MOTION FOR SUMMARY JUDGMENT...STATUS CHECK: TRIAL READINESS...STATUS CHECK: TRIAL READINESS

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **September 27, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**September 27, 2021** **9:15 AM** **All Pending Motions**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03C

**COURT CLERK:** Rem Lord

**RECORDER:**

**REPORTER:** Rhonda Aquilina

**PARTIES PRESENT:**

| | |
|---|---|
| Byrnes, Philip R. | Attorney |
| Ghanem, Elizabeth M. | Attorney |
| Leavitt, James J | Attorney |
| Molina, J. Christopher | Attorney |
| Schwartz, Andrew W | Attorney |
| Waters, Autumn L. | Attorney |
| Waters, Kermitt L. | Attorney |
| Wolfson, Rebecca L | Attorney |

## JOURNAL ENTRIES

- PLAINTIFF LANDOWNERS' MOTION TO DETERMINE TAKE AND FOR SUMMARY JUDGMENT ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF...CITY'S OPPOSITION TO DEVELOPER'S MOTION TO DETERMINE TAKE AND MOTION FOR SUMMARY JUDGMENT ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF AND COUNTER-MOTION FOR SUMMARY JUDGMENT...STATUS CHECK: TRIAL READINESS

Following arguments by Mr. Schwartz and Mr. Leavitt COURT ORDERED Plaintiff Landowners' Motion to Determine Take and for Summary Judgement on the First, Third and Fourth Claims for Relief and City's Opposition to Developer's Motion to Determine Take and Motion for Summary Judgment on the First, Third and Fourth Claims for Relief and Counter-Motion for Summary Judgement CONTINUED.

CONTINUED TO: 9/28/2021 9:15 AM PLAINTIFF LANDOWNERS' MOTION TO DETERMINE TAKE AND FOR SUMMARY JUDGMENT ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF...CITY'S OPPOSITION TO DEVELOPER'S MOTION TO DETERMINE TAKE AND MOTION FOR SUMMARY JUDGMENT ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF AND COUNTER-MOTION FOR SUMMARY JUDGMENT...STATUS CHECK: TRIAL READINESS

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

**Other Judicial Review/Appeal** **COURT MINUTES** **September 28, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**September 28, 2021** **9:15 AM** **All Pending Motions**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03C

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:** Rhonda Aquilina

**PARTIES PRESENT:**

| | |
|---|---|
| Byrnes, Philip R. | Attorney |
| Leavitt, James J | Attorney |
| Schwartz, Andrew W | Attorney |

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: J. Christopher Molina, Esq. present for Respondent City of Las Vegas.

[497] PLAINTIFF LANDOWNERS' MOTION TO DETERMINE TAKE AND FOR SUMMARY JUDGMENT ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF...CITY'S OPPOSITION TO DEVELOPER'S MOTION TO DETERMINE TAKE AND MOTION FOR SUMMARY JUDGMENT ON THE FIRST, THIRD AND FOURTH CLAIMS FOR RELIEF AND COUNTER-MOTION FOR SUMMARY JUDGMENT...STATUS CHECK: TRIAL READINESS

Arguments by Mr. Leavitt and Mr. Schwartz. COURT FINDS, under facts and circumstances of this case, there was a taking. Therefore, COURT ORDERED, Pltf's Motion for Summary Judgment GRANTED with respect to categorical taking as well as third and fourth claims for relief; standard also met under Penn Central analysis. Court directed Mr. Leavitt to prepare findings of fact and conclusions of law from today's hearing including the vigorous discussion and argument on the record; if parties cannot agree on form and content, may submit competing orders. Court stated parties will next be before the court on 9/30/21 for trial readiness and calendar call.

Proposed order(s) to be submitted to DC16Inbox@clarkcountycourts.us.

9/30/21 9:00 AM STATUS CHECK: TRIAL READINESS...PRETRIAL/CALENDAR CALL

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **September 30, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**September 30, 2021** **9:00 AM** **All Pending Motions**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Byrnes, Philip R. | Attorney |
| Ghanem, Elizabeth M. | Attorney |
| Leavitt, James J | Attorney |
| Ogilvie, George F., III | Attorney |

## JOURNAL ENTRIES

- PRETRIAL/CALENDAR CALL...STATUS CHECK: TRIAL READINESS

Hearing held by BlueJeans remote conferencing. Colloquy regarding whether or not trial was anticipated to proceed, status of pending motions schedule, anticipated length of trial, and availability for setting trial on the stack. Court noted trial anticipated to be 3-5 days. COURT ORDERED, Trial SET 10/27/12; Motions on 10/12/21 and 11/4/21 RESET to 10/26/21.

CONTINUED TO: 10/26/21 9:05 AM CITY OF LAS VEGAS' MOTION FOR LEAVE TO FILE UNDER SEAL EXHIBITS FFFF-6 AND FFFF-7 TO CITY'S OPPOSITION TO PLAINTIFF'S MOTION TO DETERMINE TAKE AND FOR SUMMARY JUDGMENT ON THE FIRST, THIRD, AND FOURTH CLAIMS FOR RELIEF AND COUNTERMOTION FOR SUMMARY JUDGMENT...DEFENDANT CITY OF LAS VEGAS' MOTION FOR LEAVE TO FILE EXHIBITS B THROUGH G TO CITY'S OPPOSITION TO PLAINTIFF'S MOTION IN LIMINE NO. 1: TO EXCLUDE 2005 PURCHASE PRICE UNDER SEAL

10/27/21 10:30 AM JURY TRIAL - FIRM

10/28/21 9:30 AM JURY TRIAL - FIRM

11/1/21 9:30 AM JURY TRIAL - FIRM

11/2/21 9:30 AM JURY TRIAL - FIRM

11/3/21 9:30 AM JURY TRIAL - FIRM

11/4/21 9:30 AM JURY TRIAL - FIRM

11/5/21 9:30 AM JURY TRIAL - FIRM

CLERK'S NOTE: After Court, Department JEA reset time for 10/27/21 jury selection from 9:00 a.m. to 10:30 a.m. based upon the court's availability. /cd 9-30-2021/

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **October 12, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**October 12, 2021** **3:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

## JOURNAL ENTRIES

- Department 16 Formal Request to Appear Remotely

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Dial: 1-408-419-1715
Meeting ID: 305 354 001
Participant Passcode: 2258
Smartphone/Computer:
Website: https://bluejeans.com/305354001/2258

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JEA, Lynn Berkheimer [Dept16EA@clarkcountycourts.us]; Law Clerk, Michael Holthus [Dept16LC@clarkcountycourts.us]; Court Clerk, Chris CJ Darling [DarlingC@clarkcountycourts.us]

CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **October 19, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**October 19, 2021** **3:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

## JOURNAL ENTRIES

- Department 16 Formal Request to Appear Remotely

Please be advised that pursuant to Administrative Order 21-04, Department 16 will temporarily require all matters be heard remotely. The court utilizes BlueJeans for remote conferencing wherein you appear and participate by phone or through an internet enabled device. Please be sure to check in with the Courtroom Clerk at 8:55 a.m. on the date of your hearing. The call-in number or website to connect is:
Telephone:
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Smartphone/Computer:
Website: https://bluejeans.com/305354001/2258

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Wait for the line to clear before speaking as the conference audio is one-way.
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JEA, Lynn Berkheimer [Dept16EA@clarkcountycourts.us]; Law Clerk, Michael Holthus [Dept16LC@clarkcountycourts.us]; Court Clerk, Chris CJ Darling [DarlingC@clarkcountycourts.us]

CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

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

**Other Judicial Review/Appeal** **COURT MINUTES** **October 19, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**October 19, 2021** **3:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

**JOURNAL ENTRIES**

- Based on the Court s current trial calendar, Defendant City of Las Vegas Emergency Motion to Continue Trial on an Order Shortening Time shall be DENIED. Consequently, this matter shall continue to trial with jury selection on October 27, 2021 at 10:30 a.m. and October 28, 2021 at 9:30 a.m., and opening statements on November 1, 2021 at 9:30 a.m.

Counsel on behalf of Plaintiff 180 Land Company, LLC shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections prior to submitting to the Court for review and signature.

CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **October 19, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**October 19, 2021** **9:05 AM** **Motion to Continue Trial** **See 10/19/21 Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Christopher Darling

**RECORDER:** Maria Garibay

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Byrnes, Philip R. | Attorney |
| Ghanem, Elizabeth M. | Attorney |
| Leavitt, James J | Attorney |
| Molina, J. Christopher | Attorney |
| Ogilvie, George F., III | Attorney |
| Schwartz, Andrew W | Attorney |
| Wolfson, Rebecca L | Attorney |

## JOURNAL ENTRIES

- Hearing by BlueJeans remote conferencing. Arguments by Mr. Ogilvie and Ms. Ghanem-Ham. Colloquy regarding viability of proposed 11/15/21 trial date in this case in light of prior setting at Calendar Call. Court stated today it will contact trial counsel in the case previously set for 11/15/21; will issue minute order before close of business today in this case as to whether there was success in vacating the date.

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

**Other Judicial Review/Appeal** **COURT MINUTES** **October 26, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**October 26, 2021** **9:05 AM** **All Pending Motions**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Christopher Darling

**RECORDER:** Maria Garibay

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Ghanem, Elizabeth M. | Attorney |
| Leavitt, James J | Attorney |
| Molina, J. Christopher | Attorney |
| Ogilvie, George F., III | Attorney |
| Schwartz, Andrew W | Attorney |
| Waters, Autumn L. | Attorney |
| Wolfson, Rebecca L | Attorney |

**JOURNAL ENTRIES**

- Hearing held by live and by BlueJeans remote conferencing.

PLAINTIFF LANDOWNERS' MOTION FOR SUMMARY JUDGMENT ON JUST COMPENSATION ON ORDER SHORTENING TIME...CITY'S COUNTERMOTION FOR SUMMARY JUDGMENT AND OPPOSITION TO DEVELOPER'S MOTION FOR SUMMARY JUDGMENT ON JUST COMPENSATION
Colloquy regarding order of matters. There being agreement, Court directed hearing proceed first with Motion for Summary Judgment. Arguments by Mr. Leavitt and Mr. Schwartz. Court stated ITS FINDINGS and ORDERED, both Motion and Countermotion DENIED; will allow the expert testimony discussed. Prevailing party to prepare the order.

[571] PLAINTIFFS LANDOWNERS' MOTION IN LIMINE NO. 1: TO EXCLUDE 2005 PURCHASE

PRICE
Arguments by Mr. Leavitt and Mr. Schwartz. Court stated ITS FINDINGS and ORDERED, Motion GRANTED. Prevailing party to prepare the order.

[573] PLAINTIFF LANDOWNERS' MOTION IN LIMINE NO. 2: TO EXCLUDE SOURCE OF FUNDS
Arguments by Mr. Leavitt and Mr. Schwartz. Court stated ITS FINDINGS and ORDERED, Motion GRANTED; no need to mention public and/or tax payer. Prevailing party to prepare the order.

[574] PLAINTIFFS LANDOWNERS' MOTION IN LIMINE NO. 3: TO PRECLUDE CITY'S ARGUMENTS THAT LAND WAS DEDICATED AS OPEN SPACE/CITY'S PRMP AND PROS ARGUMENT
Arguments by Mr. Leavitt and Mr. Schwartz. Offer of proof by Mr. Schwartz. Court stated ITS FINDINGS and ORDERED, Motion GRANTED. Prevailing party to prepare the order.

CITY OF LAS VEGAS' MOTION FOR LEAVE TO FILE UNDER SEAL EXHIBITS FFFF-6 AND FFFF-7 TO CITY'S OPPOSITION TO PLAINTIFF'S MOTION TO DETERMINE TAKE AND FOR SUMMARY JUDGMENT ON THE FIRST, THIRD, AND FOURTH CLAIMS FOR RELIEF AND COUNTERMOTION FOR SUMMARY JUDGMENT...DEFENDANT CITY OF LAS VEGAS' MOTION FOR LEAVE TO FILE EXHIBITS B THROUGH G TO CITY'S OPPOSITION TO PLAINTIFF'S MOTION IN LIMINE NO. 1: TO EXCLUDE 2005 PURCHASE PRICE UNDER SEAL
Mr. Leavitt advised no opposition. Therefore, COURT ORDERED, Motions GRANTED. Prevailing party to prepare the order.

Colloquy regarding trial protocol, voir dire, and jury instructions. COURT DIRECTED, both sides are to have their jury instructions submitted by the end of this week for this Court's review. Court directed the appropriate orders be prepared from today's hearing.

Proposed order(s) to be submitted to DC16Inbox@clarkcountycourts.us.

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

**Other Judicial Review/Appeal** **COURT MINUTES** **October 27, 2021**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**October 27, 2021** **10:30 AM** **Bench Trial - FIRM** **See 10/28/21 [628] Decision of the Court**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 03C

**COURT CLERK:** Christopher Darling

**RECORDER:** Maria Garibay

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Byrnes, Philip R. | Attorney |
| Ghanem, Elizabeth M. | Attorney |
| Leavitt, James J | Attorney |
| Ogilvie, George F., III | Attorney |
| Waters, Autumn L. | Attorney |
| Wolfson, Rebecca L | Attorney |

**JOURNAL ENTRIES**

- Mr. Leavitt placed terms of agreement on the record respecting submission as non-jury trial, admission of certain appraiser report, preservation of appellate and post-trial rights, disposition of matters heard 10/26/21, and submission of findings of fact and conclusions of law. Mr. Ogilvie advised the statements made were correct. COURT ORDERED, will accept the waiver of right to proceed by jury; will proceed accordingly. Exhibit presented (see worksheet). Plaintiff rested. Defense rested. Court state it will review the evidence; will issue decision by close of business on 11/5/21; proposed findings of fact and conclusions of law to follow the decision. Upon Court's inquiry, Mr. Leavitt advised agreement for return of un-offerered and un-admitted exhibits; Mr. Ogilvie advised same. COURT ORDERED, all un-offerered and un-admitted exhibits to be returned to counsel.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **January 10, 2022**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**January 10, 2022** **3:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

## JOURNAL ENTRIES

- Department 16 Formal Request to Appear Remotely

Effective December 20, 2021, Department 16 has relocated to Courtroom 16C. The court utilizes BlueJeans for remote conferencing on all status checks, Rule 16 conferences, and unopposed motions wherein you participate by phone or through an internet enabled device. Live appearances for OPPOSED motions will only be authorized if approval from the Court is obtained at least 48 hours prior to the hearing. Counsel may still appear via BlueJeans audio/video for opposed motions. The call-in number or website to connect is:

Telephone:
Dial: 1-408-419-1715
Meeting ID: 305 354 001
Participant Passcode: 2258
Smartphone/Computer:
Website: https://bluejeans.com/305354001/2258

If you appear by phone, please bear in mind: first, dial the telephone number, then meeting ID followed by #, and finally the participate passcode followed by #; secondly, dial *4 to unmute when

you are ready to do so.

If you appear by smartphone or computer, please bear in mind: enter the website address in your device s browser exactly as show above and follow the instructions on screen; optionally, download the BlueJeans app as indicated on this same website. If you wish to test your audio/video in advance of the hearing, please visit https://bluejeans.com/111.
Protocol each participant will be required to follow:
Place your telephone on mute while waiting for your matter to be called.
Do not place the conference on hold as it may play wait/hold music to others.
Identify yourself before speaking each and every time as a record is being made.
Wait for the line to clear before speaking as the conference audio is one-way.
Be mindful of background noises and echoing from using multiple devices.

BlueJeans chat will not be available while court is in session. If you need to report an issue affecting your ability to appear, please send an email marked urgent to the following addresses:
JEA, Lynn Berkheimer [Dept16EA@clarkcountycourts.us]; Law Clerk, Michael Holthus [Dept16LC@clarkcountycourts.us]; Court Clerk, Chris CJ Darling [DarlingC@clarkcountycourts.us]

CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **January 12, 2022**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**January 12, 2022** **3:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

## JOURNAL ENTRIES

- Department 16 Formal Request to Appear Remotely

Effective December 20, 2021, Department 16 has relocated to Courtroom 16C. The court utilizes BlueJeans for remote conferencing on all status checks, Rule 16 conferences, and unopposed motions wherein you participate by phone or through an internet enabled device. Live appearances for OPPOSED motions will only be authorized if approval from the Court is obtained at least 48 hours prior to the hearing. Counsel may still appear via BlueJeans audio/video for opposed motions. Please be sure to check in with the Courtroom Clerk at 8:55 a.m. on the date of your hearing. The call-in number or website to connect is:

Telephone:
Dial: 1-408-419-1715
Meeting ID: 305 354 001
Participant Passcode: 2258
Smartphone/Computer:
Website: https://bluejeans.com/305354001/2258

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JEA, Lynn Berkheimer [Dept16EA@clarkcountycourts.us]; Law Clerk, Michael Holthus [Dept16LC@clarkcountycourts.us]; Court Clerk, Chris CJ Darling [DarlingC@clarkcountycourts.us]

CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

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

**Other Judicial Review/Appeal** **COURT MINUTES** **January 13, 2022**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**January 13, 2022** **9:30 AM** **All Pending Motions**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Christopher Darling

**RECORDER:** Maria Garibay

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Byrnes, Philip R. | Attorney |
| Ghanem, Elizabeth M. | Attorney |
| Leavitt, James J | Attorney |
| Ogilvie, George F., III | Attorney |
| Wolfson, Rebecca L | Attorney |

**JOURNAL ENTRIES**

- CITY'S MOTION FOR IMMEDIATE STAY OF JUDGMENT ON OST...PLAINTIFF LANDOWNERS OPPOSITION TO THE CITY S MOTION FOR IMMEDIATE STAY OF JUDGMENT AND COUNTERMOTION TO ORDER THE CITY TO PAY THE JUST COMPENSATION ASSESSED

Hearing held by BlueJeans remote conferencing. Matter called at 12:26 p.m. Court stated matter to be reset to afford arguments. Colloquy regarding appropriate setting for same. There being agreement, COURT ORDERED, instant matters CONTINUED to 1/19/22 at 10:00 a.m. Mr. Ogilvie requested stay of execution of judgment until matter heard. Mr. Leavitt advised will not agree to stay; however, will await hearing before taking action toward City of Las Vegas. Mr. Ogilvie advised the representation is acceptable.

CONTINUED TO: 1/19/22 10:00 AM CITY'S MOTION FOR IMMEDIATE STAY OF JUDGMENT ON OST...PLAINTIFF LANDOWNERS OPPOSITION TO THE CITY S MOTION FOR IMMEDIATE STAY OF JUDGMENT AND COUNTERMOTION TO ORDER THE CITY TO PAY THE JUST

COMPENSATION ASSESSED

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **January 19, 2022**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**January 19, 2022** **10:00 AM** **All Pending Motions**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Christopher Darling

**RECORDER:** Maria Garibay

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Ghanem, Elizabeth M. | Attorney |
| Leavitt, James J | Attorney |
| Molina, J. Christopher | Attorney |
| Ogilvie, George F., III | Attorney |
| Schwartz, Andrew W | Attorney |

## JOURNAL ENTRIES

- Hearing held by BlueJeans remote conferencing.

CITY'S MOTION FOR IMMEDIATE STAY OF JUDGMENT ON OST...PLAINTIFF LANDOWNERS OPPOSITION TO THE CITY'S MOTION FOR IMMEDIATE STAY OF JUDGMENT AND COUNTERMOTION TO ORDER THE CITY TO PAY THE JUST COMPENSATION ASSESSED
Arguments by Mr. Ogilvie and Mr. Leavitt. Court stated will review matter; decision forthcoming.

RESPONDENT'S MOTION TO RETAX MEMORANDUM OF COSTS
Arguments by Mr. Molina and Mr. Leavitt. COURT ORDERED, will REDUCE Westlaw fee by 75%; amounts STAND with respect to GGA Partners, Global Golf Advisors, DiFederico Group, and Jones, Roach & Caringella, Inc; all other claims as far as expenses and costs STAND. Prevailing party to prepare the order.

PLAINTIFF LANDOWNER'S MOTION FOR REIMBURSEMENT OF PROPERTY TAXES

Arguments by Mr. Leavitt and Mr. Schwartz. COURT ORDERED, Motion GRANTED. Prevailing party to prepare the order.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **January 24, 2022**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**January 24, 2022** **3:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

## JOURNAL ENTRIES

- Department 16 Formal Request to Appear Remotely

Effective December 20, 2021, Department 16 has relocated to Courtroom 16C. The court utilizes BlueJeans for remote conferencing on all status checks, Rule 16 conferences, and unopposed motions wherein you participate by phone or through an internet enabled device. Live appearances for OPPOSED motions will only be authorized if approval from the Court is obtained at least 48 hours prior to the hearing. Counsel may still appear via BlueJeans audio/video for opposed motions. Please be sure to check in with the Courtroom Clerk at 8:55 a.m. on the date of your hearing. The call-in number or website to connect is:

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Dial: 1-408-419-1715
Meeting ID: 305 354 001
Participant Passcode: 2258
Smartphone/Computer:
Website: https://bluejeans.com/305354001/2258

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JEA, Lynn Berkheimer [Dept16EA@clarkcountycourts.us]; Law Clerk, Michael Holthus [Dept16LC@clarkcountycourts.us]; Court Clerk, Chris CJ Darling [DarlingC@clarkcountycourts.us]

CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

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

**Other Judicial Review/Appeal** **COURT MINUTES** **January 26, 2022**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**January 26, 2022** **3:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

**JOURNAL ENTRIES**

- After review and consideration of the points and authorities on file herein, supplemental briefing, and oral argument of counsel, the Court determined as follows:
After considering the mandatory language under NRS 37,140, which grants a landowner a substantive right whereby the government must, within 30 days after final judgment, pay the sum of money assessed in an eminent domain or inverse condemnation case, this Court feels compelled to deny the City s Motion for Immediate Stay of Judgment in this matter. The Court s decision is based on a determination that the more specific eminent domain statutes, such as NRS 37.140, which grants landowners substantive rights, take precedence over the general rules of procedure relied upon by the City of Las Vegas.
Additionally, based upon the 30-day delay in payment, the City would have time to seek a stay, if appropriate, from the Nevada Supreme Court. Based on the foregoing, Defendant City of Las Vegas Motion for Immediate Stay of Judgment shall be DENIED. Additionally, Plaintiff 180 Land Co. s Countermotion to Order the City of Las Vegas to pay the just compensation shall be GRANTED.

Counsel on behalf of Plaintiff 180 Land Company shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a

competing Order or objections prior to submitting to the Court for review and signature.

CLERK'S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System. /cd 1-26-2022/

CLERK S NOTE: Minutes amended to correct which party is to prepare the order. A copy of this Amended Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System. /cd 1-27-2022/

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **January 31, 2022**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**January 31, 2022** **3:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

## JOURNAL ENTRIES

- Department 16 Formal Request to Appear Remotely

Effective December 20, 2021, Department 16 has relocated to Courtroom 16C. The court utilizes BlueJeans for remote conferencing on all status checks, Rule 16 conferences, and unopposed motions wherein you participate by phone or through an internet enabled device. Live appearances for OPPOSED motions will only be authorized if approval from the Court is obtained at least 48 hours prior to the hearing. Counsel may still appear via BlueJeans audio/video for opposed motions. The call-in number or website to connect is:

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Participant Passcode: 2258
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Website: https://bluejeans.com/305354001/2258

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CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **February 01, 2022**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**February 01, 2022** **3:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

## JOURNAL ENTRIES

- Department 16 Formal Request to Appear Remotely

Effective December 20, 2021, Department 16 has relocated to Courtroom 16C. The court utilizes BlueJeans for remote conferencing on all status checks, Rule 16 conferences, and unopposed motions wherein you participate by phone or through an internet enabled device. Live appearances for OPPOSED motions will only be authorized if approval from the Court is obtained at least 48 hours prior to the hearing. Counsel may still appear via BlueJeans audio/video for opposed motions. Please be sure to check in with the Courtroom Clerk at 8:55 a.m. on the date of your hearing. The call-in number or website to connect is:

Telephone:
Dial: 1-408-419-1715
Meeting ID: 305 354 001
Participant Passcode: 2258
Smartphone/Computer:
Website: https://bluejeans.com/305354001/2258

If you appear by phone, please bear in mind: first, dial the telephone number, then meeting ID

followed by #, and finally the participate passcode followed by #; secondly, dial *4 to unmute when you are ready to do so.

If you appear by smartphone or computer, please bear in mind: enter the website address in your device s browser exactly as show above and follow the instructions on screen; optionally, download the BlueJeans app as indicated on this same website. If you wish to test your audio/video in advance of the hearing, please visit https://bluejeans.com/111.
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BlueJeans chat will not be available while court is in session. If you need to report an issue affecting your ability to appear, please send an email marked urgent to the following addresses:
JEA, Lynn Berkheimer [Dept16EA@clarkcountycourts.us]; Law Clerk, Michael Holthus [Dept16LC@clarkcountycourts.us]; Court Clerk, Chris CJ Darling [DarlingC@clarkcountycourts.us]

CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **February 03, 2022**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**February 03, 2022** **1:30 PM** **All Pending Motions**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Christopher Darling

**RECORDER:** Maria Garibay

**REPORTER:**

**PARTIES PRESENT:**

| | |
|---|---|
| Byrnes, Philip R. | Attorney |
| Ghanem, Elizabeth M. | Attorney |
| Leavitt, James J | Attorney |
| Molina, J. Christopher | Attorney |
| Ogilvie, George F., III | Attorney |
| Schwartz, Andrew W | Attorney |
| Wolfson, Rebecca L | Attorney |

## JOURNAL ENTRIES

- Hearing held by BlueJeans remote conferencing.

PLAINTIFF LANDOWNERS' MOTION TO DETERMINE PREJUDGMENT INTEREST
Arguments by Mr. Leavitt and Mr. Schwartz. Court stated will review the issues; decision forthcoming shortly.

[645] PLAINTIFF LANDOWNERS' MOTION FOR ATTORNEY FEES
Arguments by Mr. Leavitt and Mr. Molina. COURT FINDS, attorney fees appropriate under Uniform Relocation Assistance and Real Property Act, Nevada Constitution, and NRS 18.010; will follow language in the Nevada Constitution with respect to fees actually incurred. Therefore, COURT ORDERED, Motion GRANTED as AWARD follows: Total Attorney Fees of $2,165,359.50; Total Fees for Additional Hours of $211,315.50; Total for Legal Assistants of $44,912.50; Total Additional for

Legal Assistants of $7,023.50; also, time spend arguing today. Court directed Mr. Leavitt to prepare memorandum of fees awarded as set forth on the record. Mr. Leavitt advised conflict for the 2/8/22 hearing. Colloquy regarding same. There being agreement, Motion to Amend RESET from 2/8/22 to 2/11/22 at 1:15 p.m. Mr. Ogilvie requested clarification as to 30-day delay set forth in minute order decision. Arguments by Mr. Ogilvie and Mr. Leavitt in that regard. COURT ORDERED, will let Supreme Court issue proceed in due course.

CONTINUED TO: 2/11/22 1:15 PM [654] CITY OF LAS VEGAS' MOTION TO AMEND JUDGMENT (RULES 59(E) AND 60(B)) AND STAY OF EXECUTION

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Judicial Review/Appeal** **COURT MINUTES** **February 04, 2022**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**February 04, 2022** **3:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

## JOURNAL ENTRIES

- Department 16 Formal Request to Appear Remotely

Effective December 20, 2021, Department 16 has relocated to Courtroom 16C. The court utilizes BlueJeans for remote conferencing on all status checks, Rule 16 conferences, and unopposed motions wherein you participate by phone or through an internet enabled device. Live appearances for OPPOSED motions will only be authorized if approval from the Court is obtained at least 48 hours prior to the hearing. Counsel may still appear via BlueJeans audio/video for opposed motions. The call-in number or website to connect is:

Telephone:
Dial: 1-408-419-1715
Meeting ID: 305 354 001
Participant Passcode: 2258
Smartphone/Computer:
Website: https://bluejeans.com/305354001/2258

If you appear by phone, please bear in mind: first, dial the telephone number, then meeting ID followed by #, and finally the participate passcode followed by #; secondly, dial *4 to unmute when

you are ready to do so.

If you appear by smartphone or computer, please bear in mind: enter the website address in your device s browser exactly as show above and follow the instructions on screen; optionally, download the BlueJeans app as indicated on this same website. If you wish to test your audio/video in advance of the hearing, please visit https://bluejeans.com/111.
Protocol each participant will be required to follow:
Place your telephone on mute while waiting for your matter to be called.
Do not place the conference on hold as it may play wait/hold music to others.
Identify yourself before speaking each and every time as a record is being made.
Wait for the line to clear before speaking as the conference audio is one-way.
Be mindful of background noises and echoing from using multiple devices.

BlueJeans chat will not be available while court is in session. If you need to report an issue affecting your ability to appear, please send an email marked urgent to the following addresses:
JEA, Lynn Berkheimer [Dept16EA@clarkcountycourts.us]; Law Clerk, Michael Holthus [Dept16LC@clarkcountycourts.us]; Court Clerk, Chris CJ Darling [DarlingC@clarkcountycourts.us]

CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

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

**Other Judicial Review/Appeal** **COURT MINUTES** **February 28, 2022**

A-17-758528-J 180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

**February 28, 2022** **3:00 AM** **Minute Order**

**HEARD BY:** Williams, Timothy C. **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES PRESENT:**

**JOURNAL ENTRIES**

- After review and consideration of the points and authorities on file herein and oral argument of counsel, the Court determined as follows:

Plaintiff s Motion for Pre-Judgment Interest shall be GRANTED. However, the interest calculation shall be based on the statutory rate, pursuant to NRS 37.175, of prime rate plus 2% interest.

Counsel on behalf of Defendant City of Las Vegas shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections prior to submitting to the Court for review and signature.

CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

# EXHIBIT(S) LIST

Case No.: **A758528**

Dept. No.: 16

Plaintiff: 180 Land Company

vs.

Defendant: City of Las Vegas

Hearing Date: 10/27/2021

Judge: Timothy C. Williams

Court Clerk: Christopher Darling

Recorder: Maria Garibay

Counsel for Plaintiff: James Leavitt, Esq., Elizabeth Ghanem, Esq., and Autumn Waters, Esq.

Counsel for Defendant: George Ogilvie, Esq., Philip Byrnes, Esq., and Rebecca Wolfson, Esq.

## TRIAL BEFORE THE COURT

**PLTF'S EXHIBITS**

All un-offered and un-admitted exhibits for both Pltf. and Deft. were returned to counsel.

| Ex. # | Exhibit Description | Date Offered | Objection | Date Admitted |
|---|---|---|---|---|
| | | | | |
| | See attached. | | | |
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| Exhibit No. | Document Name/Type | Bate Stamp # (if available) | Date Offered | Objection | Date Admitted |
|---|---|---|---|---|---|
| 1. | Aerials of subject property | None | | | |
| 2. | Placeholder- Aerial maps of the subject property as of the relevant date of valuation | Available for review at the Law Offices of Kermitt Waters | | | |
| 2a. | Aerial Map of Subject Property (demonstrative) | None | | | |
| 2b. | Aerial Map of Subject Property (demonstrative) | None | | | |
| 2c. | Aerial Map of Subject Property (demonstrative) | None | | | |
| 2d. | Aerial Map of Subject Property (demonstrative) | None | | | |
| 2e. | Aerial Map of Subject Property (demonstrative) | None | | | |
| 2f. | Aerial Map of Subject Property (demonstrative) | None | | | |
| 2g. | Aerial Map of Subject Property (demonstrative) | None | | | |
| 2h. | Aerial Map of Subject Property (demonstrative) | None | | | |
| 2i. | Aerial Map of Subject Property (demonstrative) | None | | | |
| 2j. | Aerial Map of Subject Property (demonstrative) | None | | | |
| 2k. | Aerial Map of Subject Property (demonstrative) | None | | | |
| 2l. | Aerial Map Surrounding Area Spring 2017 (demonstrative) | None | | | |
| 2m. | Aerial Map Immediate Area Spring 2017 (demonstrative) | None | | | |
| 2n. | Aerial Map Homes built by EHB in Queensridge (demonstrative) | None | | | |
| 2o. | Aerial Map General Area Spring 2017 (demonstrative) | None | | | |
| 3. | Map or different properties | LO 00000001 | | | |
| 4. | EHB 20 Years in the Neighborhood | LO 0034766 | | | |
| 5. | Appraisal report prepared by Tio DiFederico | TDG Rpt 000001-000136 | 10-27-21 | NO | 10-27-21 WA |
| 6. | Professional Qualification of Tio S. DiFederico MAI | TDG Rpt 000111-000113 | | | |
| 7. | Appraisal Certification of Tio DiFederico MAI | TDG Rpt 000114 | | | |

| Exhibit No. | Document Name/Type | Bate Stamp # (if available) | Date Offered | Objection | Date Admitted |
|---|---|---|---|---|---|
| 8. | Testimony of Depositions Tio S. DiFederico, MAI | TDG Rpt 000115 | | | |
| 9. | Legend of Photographs taken during August 12, 2020 site inspection | TDG Rpt 000033 | | | |
| 10. | Subject Photographs | TDG Rpt 000034-000039 | | | |
| 11. | Assessor parcel Map 138-31-2&138-31-3 | TDG Rpt 000046 | | | |
| 12. | Before Condition aerial | TDG Rpt 000045 | | | |
| 13. | Assessor's Parcel Map 138-31-2 | TDG Rpt 000047 | | | |
| 14. | Assessor's parcel Map 138-31-3 | TDG Rpt 000048 | | | |
| 15. | Site Plan for 61 Custom Home Lots (prepared by GCW 10/24/2017) | TDG Rpt 000049-000050 | | | |
| 16. | Site Plan for 16 Custom Home Lots (prepared by GCW 10/13/2020 | TDG Rpt 000051 | | | |
| 17. | Site Plan for 7 Custom Home Lots | TDG Rpt 000052 | | | |
| 18. | Comparable Land Sales Chart | TDG Rpt 000069 | | | |
| 19. | Comparable Land Sales Map | TDG Rpt 000070 | | | |
| 20. | Comparable Land Sale 1 | TDG Rpt 000071 | | | |
| 21. | Comparable Land Sale 2 | TDG Rpt 000072 | | | |
| 22. | Comparable Land Sale 3 | TDG Rpt 000073 | | | |
| 23. | Comparable Land Sale 4 | TDG Rpt 000074 | | | |
| 24. | Comparable Land Sale 5 | TDG Rpt 000075 | | | |
| 25. | Summary of Just Compensation Due Chart | TDG Rpt 000101, 103 | | | |
| 26. | Land Value Conclusion | TDG Rpt 000084 | | | |
| 27. | Summary of Salient Facts | TDG Rpt 000007 | | | |
| 28. | Southern Nevada Coincident Index | TDG Rpt 000017 | | | |
| 29. | Southern Nevada Leading Index | TDG 000018 | | | |
| 30. | Southern Nevada Construction Index | TDG 000019 | | | |
| 31. | Southern Nevada Tourism Index | TDG 000020 | | | |
| 32. | Market Area Analysis | TDG 000023 | | | |
| 33. | Placeholder- Income Approach – Before Condition charts and analysis and conclusion | | | | |

| Exhibit No. | Document Name/Type | Bate Stamp # (if available) | Date Offered | Objection | Date Admitted |
|---|---|---|---|---|---|
| 33a. | Income Approach – Before Condition charts and analysis and conclusion | TDG Rpt 000091 | | | |
| 33b. | Income Approach – Before Condition charts and analysis and conclusion | TDG Rpt 000092 | | | |
| 33c. | Income Approach – Before Condition charts and analysis and conclusion | TDG Rpt 000093 | | | |
| 33d. | Income Approach – Before Condition charts and analysis and conclusion | TDG Rpt 000094 | | | |
| 33e. | Income Approach – Before Condition charts and analysis and conclusion | TDG Rpt 000095 | | | |
| 34. | Golf Course Closure Letters, Par 4 | LO 001106-001107 | | | |
| 35. | Golf Course Closure Letter, Elite | LO 001108 | | | |
| 36. | Elite Golf Deposition, Keith Flatt | LO 001109 – 001159 | | | |
| 37. | Summary of Just Compensation Due to the Property Owner Due to the City's Actions | TDG Rpt 000101 | | | |
| 38. | Conclusion of Just Compensation | TDG Rpt 000103 | | | |
| 39. | Appraisal work file of Tio DiFederico | TDG WF 000001-006593; FP WF 000001-000456 | | | |
| 40. | Zoning Verification Letter | TDG WF 000028 | | | |
| 41. | LVMC 19.10.050 | TDG WF 000050 | | | |
| 42. | The Summit newspaper article | TDG WF 000134-136 | | | |
| 43. | 75% up newspaper article | TDG WF 000138-139 | | | |
| 44. | The New Vision | TDG WF 000145-153, 005804-5811 | | | |
| 45. | LVMC 19.12 – entire section | TDG WF 05523-5603 | | | |
| 46. | Summit Lot Sales Chart | TDG WF 005786-5788 | | | |
| 47. | Ridges / QR Lot Sales Chart | TDG WF 005789-5790 | | | |
| 48. | Land Sales Adjustment Grid | TDG WF 005802 | | | |
| 49. | Exhibit 49 Placeholder- 7 Lots Index | | | | |
| 49a. | 7 Lots Index | TDG WF 006137-006138 | | | |
| 49b. | Cost Comparison- 61, 16, 7 Lots | TDG WF 006139 | | | |
| 49c. | 7 Lots Index Map | TDG WF 006140 | | | |
| 50. | Drainage feasibility report | TDG WF 006141-6149 | | | |
| 51. | Geotechnical Engineering Report | TDG WF 006150-6167 | | | |

| Exhibit No. | Document Name/Type | Bate Stamp # (if available) | Date Offered | Objection | Date Admitted |
|---|---|---|---|---|---|
| 52. | Water Pressure Maps | TDG WF 006168-6169 | | | |
| 53. | Sewer Map | TDG WF 006170 | | | |
| 54. | GCW Report | TDG WF 006172-6185 | | | |
| 55. | Landscape Cost Estimate | TDG WF 006196 | | | |
| 56. | 16 Lots Index and attached documents and cost comparison chart | TDG WF 006206-6249 | | | |
| 57. | 61 Lots Index and attached documents and cost comparison chart | TDG WF 006251-6339 | | | |
| 58. | Las Vegas Luxury Market on the Rise article | TDG WF 006415-6422 | | | |
| 59. | Yohan Lowie's Work File | YL WF 000001 – YLWF 000818 | | | |
| 60. | Site Plan | YL WF 000001 | | | |
| 61. | 180 Land Cost Comparison 6 16 7 | YL WF 000002 | | | |
| 62. | Commercial Projects List | YL WF 000003 | | | |
| 63. | Commercial Projects Map | YL WF 000004 – YLWF 000005 | | | |
| 64. | Discovery Lands Summit Club Sells Custom Lots from $3 to $10 million LVRJ | YL WF 000006 – YL WF 000010 | | | |
| 65. | Hutchison Office Deed | YL WF 000011- YL WF 000014 | | | |
| 66. | Calida PSA (17 acres) | LO 00037070 – 00037093 *See Mr. Lowie's deposition* | | | |
| 67. | Calida PSA RA | YL 000050 – YL WF 000084 | | | |
| 68. | PSA Intermountain Health | YL WF 000084 – YL WF 000105 | | | |
| 69. | The New Vision | YL WF 000106-000207 | | | |
| 70. | QT Appraisal | YL WF 000208-000339 | | | |
| 71. | Valbridge Appraisal | YL WF 000340-000429 | | | |
| 72. | Panther Alta Corner Deed | YL WF 000430 – YL WF 000435 | | | |
| 73. | Panther Hualapai Deed | YL WF 000436 – YL WF 000445 | | | |
| 74. | Queensridge Home list and map | YLWF 000446-000447 | | | |

| Exhibit No. | Document Name/Type | Bate Stamp # (if available) | Date Offered | Objection | Date Admitted |
|---|---|---|---|---|---|
| 75. | Placeholder- Photos of Projects completed by EHB | | | | |
| 75a. | Photos of Projects completed by EHB | YL WF 000448 | | | |
| 75b. | Photos of Projects completed by EHB | YL WF 000449 | | | |
| 75c. | Photos of Projects completed by EHB | YL WF 000450 | | | |
| 75d. | Photos of Projects completed by EHB | YL WF 000451 | | | |
| 75e. | Photos of Projects completed by EHB | YL WF 000452 | | | |
| 75f. | Photos of Projects completed by EHB | YL WF 000453 | | | |
| 75g. | Photos of Projects completed by EHB | YL WF 000454 | | | |
| 75h. | Photos of Projects completed by EHB | YL WF 000455 | | | |
| 75i. | Photos of Projects completed by EHB | YL WF 000456 | | | |
| 75j. | Photos of Projects completed by EHB | YL WF 000457 | | | |
| 75k. | Photos of Projects completed by EHB | YL WF 000458 | | | |
| 75l. | Photos of Projects completed by EHB | YL WF 000459 | | | |
| 75m. | Photos of Projects completed by EHB | YL WF 000460 | | | |
| 75n. | Photos of Projects completed by EHB | YL WF 000461 | | | |
| 75o. | Photos of Projects completed by EHB | YL WF 000462 | | | |
| 76. | Yohan Deposition – Binion | YL WF 000463 – YL WF 000517 | | | |
| 77. | Back Up Data for Damages Disclosed in Mr. Lowie's testimony disclosure - $1,450,173.84 | YL WF 000518 – 000695 (A summary will also be provided) | | | |
| 78. | 35 acre Lots breakdown | YL WF 000696 | | | |
| 79. | CMA SUMMARY / Land | YL WF 000697 – YL WF 000700 | | | |
| 80. | RAS to DC Rampart Grant Bargain and Sale Deed | YL WF 000701 – YL WF 000776 | | | |
| 81. | Design – Build Lease | YL WF 000777 – YL WF 000818 | | | |
| 82. | Frank Pankratz Work File | FP WF 000001 – FP WF 000456 | | | |
| | 7 Lots Work File | FP WF 00003 – FP WF 000135 | | | |
| 83. | Cost Summary – 7 Lots | FP WF 000003 | | | |
| 84. | Preliminary Site Plan | FP WF 000004 | | | |

| Exhibit No. | Document Name/Type | Bate Stamp # (if available) | Date Offered | Objection | Date Admitted |
|---|---|---|---|---|---|
| 85. | Drainage | FP WF 000005 – 000007 | | | |
| 86. | Soils & Other Suitability | FP WF 000008 | | | |
| 87. | Hydraulic Grade Lines | FP WF 000009 – 000010 | | | |
| 88. | Sewer | FP WF 000011 | | | |
| 89. | Traffic | FP WF 000012 | | | |
| 90. | Wastewater | FP WF 000013 | | | |
| 91. | Soils Report Part 1 | FP WF 000014 – 000030 | | | |
| 92. | Soils Report Part 2 | FP WF 000031 – 000055 | | | |
| 93. | Soils Report Part 3 | FP WF 000056 – 000074 | | | |
| 94. | CTS Firm Overview | FP WF 000075 – 000078 | | | |
| 95. | CTS Firm Overview (supplemental) | FP WF 000079 | | | |
| 96. | Existing Sewer | FP WF 000080 | | | |
| 97. | LVVWD Pressure Zones | FP WF 000081 | | | |
| 98. | Prelim Grading Plan – Color | FP WF 000082 | | | |
| 99. | Prelim Grading Plan - B&W | FP WF 000083 | | | |
| 100. | Prelim Site Plan | FP WF 000084 | | | |
| 101. | Sewer | FP WF 000085 | | | |
| 102. | Water | FP WF 000086 | | | |
| 103. | Storm Drain | FP WF 000087 | | | |
| 104. | Roadways | FP WF 000088 | | | |
| 105. | Landscaping | FP WF 000089 | | | |
| 106. | Walls | FP WF 000090 | | | |
| 107. | Grading Details and Sections | FP WF 000091 | | | |
| 108. | GCW Firm overview | FP WF 000092 | | | |
| 109. | GCW Firm Overview (supplemental) | FP WF 000093 - 000094 | | | |
| 110. | Aggregate Cost Estimate | FP WF 000095 – 000099 | | | |
| 111. | Aggregate Company Overview | FP WF 000100 | | | |
| 112. | Hirschi Company Reference Letter | FP WF 000101 - 000102 | | | |
| 113. | Engineering & Mapping Proposal | FP WF 000103 – 000108 | | | |

| Exhibit No. | Document Name/Type | Bate Stamp # (if available) | Date Offered | Objection | Date Admitted |
|---|---|---|---|---|---|
| 114. | Bond Estimate | FP WF 000109 – 000116 | | | |
| 115. | Cost Estimate | FP WF 000117 | | | |
| 116. | NVE Planning Memo | FP WF 000118 | | | |
| 117. | 15% Cost increase description | FP WF 000119 – 000120 | | | |
| 118. | STF INC. Firm Overview | FP WF 000121 | | | |
| 119. | Landscaping Cost Estimate | FP WF 000127 | | | |
| 120. | Plan Check Fee Schedule | FP WF 000128 | | | |
| 121. | Water Fee Schedule | FP WF 000129 | | | |
| 122. | Mark Fakler Resume | FP WF 000130 - 000132 | | | |
| 123. | Telephone and Cable Cost Estimate | FP WF 000133 – 000134 | | | |
| 124. | Tand Company Overview | FP WF 000135 | | | |
| | 16 Lots Work File | FP WF 000136 - 000270 | | | |
| 125. | Cost Summary – 16 Lots | FP WF 000138 | | | |
| 126. | Prelim Site Plan | FP WF 000139 | | | |
| 127. | Drainage | FP WF 000140 – 000142 | | | |
| 128. | Soils & Other Suitability | FP WF 000143 | | | |
| 129. | Hydraulic Grade Lines | FP WF 000144-000145 | | | |
| 130. | Sewer | FP WF 000146 | | | |
| 131. | Traffic | FP WF 000147 | | | |
| 132. | Waste Water | FP WF 000148 | | | |
| 133. | Soils Report Part 1 | FP WF 000149 – 000165 | | | |
| 134. | Soils Report Part 2 | FP WF 000166 – 000190 | | | |
| 135. | Soils Report Part 3 | FP WF 000191 – 000209 | | | |
| 136. | CTS Firm Overview | FP WF 000210-000213 | | | |
| 137. | CTS Firm Overview (Supplemental) | FP WF 000214 | | | |
| 138. | Existing Sewer | FP WF 000215 | | | |
| 139. | LVVWD Pressure Zones | FP WF 000216 | | | |
| 140. | Prelim Grading Plan – Color | FP WF 000217 | | | |
| 141. | Prelim Grading Plan – B&W | FP WF 000218 | | | |
| 142. | Prelim Site Plan | FP WF 000219 | | | |

| Exhibit No. | Document Name/Type | Bate Stamp # (if available) | Date Offered | Objection | Date Admitted |
|---|---|---|---|---|---|
| 143. | Sewer | FP WF 000220 | | | |
| 144. | Water | FP WF 000221 | | | |
| 145. | Storm Drain | FP WF 000222 | | | |
| 146. | Roadways | FP WF 000223 | | | |
| 147. | Landscaping | FP WF 000224 | | | |
| 148. | Walls | FP WF 000225 | | | |
| 149. | Grading Detail and Sections | FP WF 000226 | | | |
| 150. | GCW Firm Overview | FP WF 000227 | | | |
| 151. | GCW Firm Overview (supplemental) | FP WF 000228- 000229 | | | |
| 152. | Aggregate Cost Estimate | FP WF 000230 – 000234 | | | |
| 153. | Aggregate Company Overview | FP WF 000235 | | | |
| 154. | Hirschi Company Reference Letter | FP WF 000236 - 000237 | | | |
| 155. | Engineering & mapping Proposal | FP WF 000238 | | | |
| 156. | Bond Estimate | FP WF 000244-000251 | | | |
| 157. | Cost Estimate | FP WF 000252 | | | |
| 158. | NVE Planning Memo | FP WF 000253 | | | |
| 159. | 15% Cost Increase Description | FP WF 000254 – 000255 | | | |
| 160. | STF In Firm Overview | FP WF 000256 | | | |
| 161. | Natural Gas Cost Estimate | FP WF 000257 – 00258 | | | |
| 162. | 15% Cost Increase Description | FP WF 000259 – 000260 | | | |
| 163. | STF Inc. Firm Overview | FP WF 000261 | | | |
| 164. | Landscaping Cost Estimate | FP WF 000262 | | | |
| 165. | Plan Check Fees Schedule | FP WF 000263 | | | |
| 166. | Water Fees Schedule | FP WF 000264 | | | |
| 167. | Mark Fakler Resume | FP WF 000265-000267 | | | |
| 168. | Telephone and Cable Cost Estimate | FP WF 000268 – 000269 | | | |
| 169. | Tand Company Overview | FP WF 000270 | | | |
| | 61 Lots Work File | FP WF 000271 - 000456 | | | |
| 170. | Cost Summary – 61 Lot | FP WF 000273 | | | |

| Exhibit No. | Document Name/Type | Bate Stamp # (if available) | Date Offered | Objection | Date Admitted |
|---|---|---|---|---|---|
| 171. | Approved SDR, TMP & Landscaping Plan | FP WF 000274 – 000289 | | | |
| 172. | Staff Report: SDR, TMP, WVR, GPA | FP WF 000290 – 000315 | | | |
| 173. | SDR Approval | FP WF 000316 – 000320 | | | |
| 174. | TMP Approval | FP WF 000321 – 000322 | | | |
| 175. | WVR Approval | FP WF 000323 – 000324 | | | |
| 176. | Drainage | FP WF 000325 -000327 | | | |
| 177. | Soils & Other Suitability | FP WF 000328 | | | |
| 178. | Hydraulic Grade Lines | FP WF 00329 – 000330 | | | |
| 179. | Sewer | FP WF 000331 | | | |
| 180. | Traffic | FP WF 000332 | | | |
| 181. | Wastewater | FP WF 000333 | | | |
| 182. | Soils Report Part 1 | FP WF 000334 - 000350 | | | |
| 183. | Soils Report Part 2 | FP WF 000351 - 000375 | | | |
| 184. | Soils Report Part 3 | FP WF 000376 – 000394 | | | |
| 185. | CTS Firm Overview | FP WF 000395 – 000398 | | | |
| 186. | CTS Firm Overview (supplemental) | FP WF 000399 | | | |
| 187. | Existing Sewer | FP WF 000400 | | | |
| 188. | LVVWD Pressure Zones | FP WF 000401 | | | |
| 189. | Prelim Grading Plan – Color | FP WF 000402 | | | |
| 190. | Prelim Grading Plan – B&W | FP WF 000403 | | | |
| 191. | Sewer | FP WF 000404 – 000405 | | | |
| 192. | Water | FP WF 000406 | | | |
| 193. | Storm Drain | FP WF 000407 | | | |
| 194. | Roadways | FP WF 000408 | | | |
| 195. | Landscaping | FP WF 000409 | | | |
| 196. | Walls | FP WF 000410 | | | |
| 197. | Grading Details and Sections | FP WF 000411 | | | |
| 198. | GCW Firm Overview | FP WF 000412 | | | |
| 199. | GCW Firm Overview (Supplemental) | FP WF 000413 – 000414 | | | |
| 200. | Aggregate Cost Estimate | FP WF 000415 - 000419 | | | |

| Exhibit No. | Document Name/Type | Bate Stamp # (if available) | Date Offered | Objection | Date Admitted |
|---|---|---|---|---|---|
| 201. | Aggregate Company Overview | FP WF 000420 | | | |
| 202. | Hirschi Company Reference Letter | FP WF 000421 - 000422 | | | |
| 203. | Engineering & Mapping Proposal | FP WF 000423 – 000428 | | | |
| 204. | Bond Estimate | FP WF 000429 – 000436 | | | |
| 205. | NVE Cost Estimate | FP WF 000437 | | | |
| 206. | NVE Planning Memo | FP WF 000438 | | | |
| 207. | 15% Cost Increase Description | FP WF 000439 – 000440 | | | |
| 208. | STF INC Firm Overview | FP WF 000441 | | | |
| 209. | SWG Cost Estimate | FP WF 000442 – 000443 | | | |
| 210. | 15% Cost Increase Description | FP WF 000444 – 000445 | | | |
| 211. | STF Inc. Firm Overview | FP WF 000446 | | | |
| 212. | Landscaping Cost Estimate | FP WF 000447 | | | |
| 213. | Landscaping Cost Estimate Memo | FP WF 000448 | | | |
| 214. | Plan Check Fees Schedule | FP WF 000449 | | | |
| 215. | Water Fees Schedule | FP WF 000450 | | | |
| 216. | Mark Fakler Resume | FP WF 000451 – 000453 | | | |
| 217. | Telephone and Cable Cost Estimate | FP WF 000454 – 000455 | | | |
| 218. | Tand Company Overview | FP WF 000456 | | | |
| 219. | Lowie Deposition Exhibits | FORE000798 | | | |
| 220. | Exhibit 6 – June 25, 2015- Letter from The Calida Group | LO 00037065 - 00037068 (Confidential) | | | |
| 221. | Exhibit 7 – Agreement of Purchase and Sale of Property | LO 00037070- LO 00037093 | | | |
| 222. | Exhibit 9 – CLV125530 | CLV 125530 | | | |
| 223. | Exhibit 11 – Record of Survey Boundary Line Adjustment | CLV305596 – CLV305600 | | | |
| 224. | Exhibit 12 – Flash Drive and Flash Drive | None | | | |
| 225. | Exhibit 13 – Terms Sheet | LO 00037589 – 00037608 (Confidential A-17-758528-J) | | | |

| Exhibit No. | Document Name/Type | Bate Stamp # (if available) | Date Offered | Objection | Date Admitted |
|---|---|---|---|---|---|
| 226. | Exhibit 14 – Securities Redemption Agreement dated September 14, 2005 | LO 00037571 - 00037588 (Confidential A-17-758528-J) | | | |
| 227. | Exhibit 15 – Securities Purchase Agreement (QT) | LO 00037485 - 00037522 (Confidential A-17-758528-J) | | | |
| 228. | Exhibit 16 – Securities Redemption Agreement | LO 00037547 - 00037559 (Confidential A-17-758528-J) | | | |
| 229. | Exhibit 17 – Securities Purchase Agreement (GW) | LO 00037459 - 00037484 (Confidential A-17-758528-J) | | | |
| 230. | Exhibit 18 – Securities Redemption Agreement | LO 00037560 - 00037567 (Confidential A-17-758528-J) | | | |
| 231. | Exhibit 19 – Securities Purchase Agreement (SH) | LO 00037523 - 00037546 (Confidential A-17-758528-J) | | | |
| 232. | Exhibit 20 – Badlands Golf Course Clubhouse Improvements Agreement | LO 00037620 - 00037657 (Confidential A-17-758528-J) | | | |
| 233. | Exhibit 22 – Settlement Agreement | PNC000677 – PNC000682 | | | |
| 234. | Exhibit 23 – Restrictive Covenant | CLV303971 – CLV303972 | | | |
| 235. | Exhibit 24 – Settlement Agreement and Mutual Release | LO 0021093 - 0021144 (Confidential and Privileged NRCP 26 A-17-758528-J) | | | |
| 236. | Exhibit 25 – PNC000748 | PNC 000748 | | | |
| 237. | Exhibit 26 – June 12, 2014 Letter | LO 0035970-0035972 (Confidential and Privileged NRCP 26 A-17-758528-J) | | | |
| 238. | Exhibit 27 – E-mail Exchange and Purchase and Sale Agreement | LO 0025237 - 0025263 (Confidential and Privileged NRCP 26c A-17-758528-J) | | | |
| 239. | Exhibit 28 – Emails | LO 0018062 - 0018064 (Confidential and Privileged NRCP 26c A-17-758528-J | | | |

| Exhibit No. | Document Name/Type | Bate Stamp # (if available) | Date Offered | Objection | Date Admitted |
|---|---|---|---|---|---|
| 240. | Exhibit 29 – PNC000756-PNC000757 | PNC 000756- PNC 000757 | | | |
| 241. | Exhibit 30 – PNC000082 | PNC 000082 | | | |
| 242. | Exhibit 31 – PNC001648-PNC001650 | PNC 001648 – PNC 001650 | | | |
| 243. | Exhibit 32 – E-mail and Membership Interest Purchase and Sale Agreement | LO 0018675 - 0018693 (Confidential and Privileged NRCP 26 A-17-758528-J) | | | |
| 244. | Exhibit 33 – E-mails | LO 0018821 - 0018822 (Confidential and Privileged NRCP 26 A-17-758528-J) | | | |
| 245. | Exhibit 34 – LO 0018084 | LO 0018084 (Confidential and Privileged NRCP 26c A-17-758528-J | | | |
| 246. | Exhibit 35 – PNC001241- PNC001242 | PNC 001241 – PNC 001242 | | | |
| 247. | Exhibit 36 – LO 0024862- LO 0024863 | LO 0024862 - 0024863 (Confidential and Privileged NRCP 26c A-17-758528-J | | | |
| 248. | Exhibit 37 – Membership Interest Purchase and Sale Agreement | LO 00004063 - 00004079 (Confidential) | | | |
| 249. | Exhibit 38 – PNC000373- PNC000380 | PNC 000373 – PNC 000373 | | | |
| 250. | Exhibit 39 – LO 0018083- LO 0018084 | LO 0018083 - 0018084 (Confidential and Privileged NRCP 26c A-17-758528-J | | | |
| 251. | Exhibit 40 – December 23, 2014 Letter from Bobby Weed Golf Design | LO 00008835 – 00008839 | | | |
| 252. | Exhibit 41 – LO 00009125 | LO 00009125 | | | |
| 253. | Exhibit 42 – Badlands Conceptual Land Use Scenario | LO 00008833 – 00008834 | | | |
| 254. | Exhibit 43 – February 16, 2017 Letter | None | | | |
| 255. | Exhibit 44 – May 27, 2016 Letter from The Calida Group | LO 00037105 (Confidential) | | | |
| | Bayne Deposition Exhibits | | | | |
| 256. | Exhibit 2 – Certificate of Amendment of the Articles of Incorporation of Peccole-Nevada Corporation | None | | | |

| Exhibit No. | Document Name/Type | Bate Stamp # (if available) | Date Offered | Objection | Date Admitted |
|---|---|---|---|---|---|
| 257. | Exhibit 3 – Peccole Generalized Land Use Plan 04/15/1981 | CLV 204367 | | | |
| 258. | Exhibit 3-A Peccole Generalized Land Use Plan 04/15/1981 | CLV 204367 | | | |
| 259. | Exhibit 3-B Peccole Generalized Land Use Plan 04/15/1981 | CLV 204367 | | | |
| 260. | Exhibit 4 -Peccole Ranch Phase One Land Use Case Files | CLV 204375 | | | |
| 261. | Exhibit 5 – Peccole Ranch Phase Two Land Use Case Files | CLV204366 | | | |
| 262. | Exhibit 6 -Grant, Bargain and Sale Deed | CLV088319 – CLV088323 | | | |
| 263. | Exhibit 7 – Termination of Operating Lease Agreement (Badlands Golf Club) | LO 0016180 (A-17-758528-J Confidential and Privileged NRCP 26c) | | | |
| 264. | Exhibit 9 – Operating Agreement of Queensridge Towers LLC | None | | | |
| 265. | Exhibit 10 – Option to Purchase Real Property | CLV 307031 – CLV 307034 | | | |
| 266. | Exhibit 20 – Planning & Development Department Application/Petition Form | None | | | |
| 267. | Exhibit 21 – Site Plan/ Landscape Plan, Townhomes at Rampart and Alta | None | | | |
| 268. | Exhibit 22 – JMA Architecture Studios Letter | None | | | |
| 269. | Exhibit 23 – JMA Architecture Studios Letter | None | | | |
| 270. | Exhibit 24 – Peccole Nevada Letter | None | | | |
| 271. | Exhibit 25 – JMA Architecture Studios Letter | None | | | |
| 272. | Exhibit 33 - E-mail | LO 0021073 | | | |
| 273. | Exhibit 34 – E-mail | PNC 001326- PNC 001327 | | | |
| 274. | Exhibit 35 – E-mail and Purchase and Sale Agreement | LO 0025688 - 0025717 (A-17-758528-J Confidential and Privileged NRCP 26c) | | | |
| 275. | Exhibit 37 – E-mail and Purchase and Sale Agreement | LO 0026221 - 0026248 (A-17-758528-J Confidential and Privileged NRCP 26c) | | | |

| Exhibit No. | Document Name/Type | Bate Stamp # (if available) | Date Offered | Objection | Date Admitted |
|---|---|---|---|---|---|
| 276. | Exhibit 41 – E-mail | LO 0018596 - 0018597 (A-17-758528-J Confidential and Privileged NRCP 26) | | | |
| 277. | Exhibit 42 – Lot Line Adjustment Agreement | LO 0021863 – 0021869 (A-17-758528-J Confidential and Privileged NRCP 26) | | | |
| 278. | Exhibit 47 – E-mail | PNC 001603 – 001605 | | | |
| 279. | Exhibit 51 – Grant, Bargain, Sale Deed | None | | | |
| 280. | Exhibit 52 – Record of Survey | None | | | |
| 281. | Exhibit 53 – Minutes of Special Meeting of Board of Directors of Peccole-Nevada Corporation | LO 00037342-37343 (Confidential A-17-758528-J) | | | |

# EXHIBIT(S) LIST

Case No.: **A758528**

Dept. No.: 16

Plaintiff: 180 Land Company

vs.

Defendant: City of Las Vegas

Hearing Date: 10/27/2021

Judge: Timothy C. Williams

Court Clerk: Christopher Darling

Recorder: Maria Garibay

Counsel for Plaintiff: James Leavitt, Esq., Elizabeth Ghanem, Esq., and Autumn Waters, Esq.

Counsel for Defendant: George Ogilvie, Esq., Philip Byrnes, Esq., and Rebecca Wolfson, Esq.

## TRIAL BEFORE THE COURT

**DEFT'S EXHIBITS**

| Ex. # | Exhibit Description | Date Offered | Objection | Date Admitted |
|---|---|---|---|---|
| | | | | |
| | See attached. | | | |
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| Exhibit No. | Document Description | Bates | Date Offered | Objected | Admitted |
|---|---|---|---|---|---|
| 500 | Uniform Standards of Professional Appraisal Practice (USPAP) | | | | |
| 501 | NRS 645C.650 | | | | |
| 502 | NRS 278.250(2) | | | | |
| 503 | NAC 645C.400(1) | | | | |
| 504 | 2020-2021 USPAP Standards 1-4 | | | | |
| 505 | Standards Rule 1-2(e)(i) and 2-2(a)(iv) | | | | |
| 506 | Declaration of Peter Lowenstein in Support of City of Las Vegas' Opposition to Developer's Briefs re Evidentiary Hearing and Renewed Motion for Summary Judgment | | | | |
| 507 | Exhibit 1 to Peter Lowenstein Declaration: Diagram of Existing Access Points | | | | |
| 508 | Exhibit 2 to Peter Lowenstein Declaration: July 5, 2017 Email from Mark Colloton | CLV259288-CLV259292 | | | |
| 509 | Exhibit 3 to Peter Lowenstein Declaration: June 28, 2017 Permit application | CLV259175-CLV259176 | | | |
| 510 | Exhibit 4 to Peter Lowenstein Declaration: June 29, 2017 Email from Mark Colloton re Rampart and Hualapai Access point letter | CLV219705-CLV219707 | | | |
| 511 | Exhibit 5 to Peter Lowenstein Declaration: August 24, 2017 Letter from City Department of Planning | LO00002365 | | | |
| 512 | Exhibit 6 to Peter Lowenstein Declaration: July 26, 2017 Email from Peter Lowenstein re Wall Fence | CLV259272 | | | |
| 513 | Exhibit 7 to Peter Lowenstein Declaration: August 10, 2017 Application for Walls, Fences, or Retaining Walls; related materials | LO00002345-LO00002352 | | | |
| 514 | Exhibit 8 to Peter Lowenstein Declaration: August 24, 2017 Email from Steve Gebeke re Meeting today regarding building permits C17-01047 & L17-00198 | CLV259081; CLV221343-CLV221348 | | | |
| 515 | Exhibit 9 to Peter Lowenstein Declaration: Bill No. 2018-24 | | | | |
| 516 | Exhibit 10 to Peter Lowenstein Declaration: Las Vegas City Council Ordinance No. 6056 and excerpts from Land Use & Rural Neighborhoods Preservation Element | | | | |
| 517 | Exhibit 11 to Peter Lowenstein Declaration: documents submitted to Las Vegas Planning Commission by Jim Jimmerson at February 14, 2017 Planning Commission meeting-Purchase Agreement, Earnest Money Receipt and Escrow Instructions | CLV055480-CLV055489 | | | |

| Exhibit No. | Document Description | Bates | Date Offered | Objected | Admitted |
|---|---|---|---|---|---|
| 518 | Chris Molina Declaration in Support of City of Las Vegas' Opposition to Developer's Briefs re Evidentiary Hearing and Renewed Motion for Summary Judgment | | | | |
| 519 | Fully Executed Copy of Membership Interest Purchase and Sale Agreement for Fore Stars Ltd. | PNC000660-PNC000676 | | | |
| 520 | Summary of Communications between Developer and Peccole family regarding acquisition of Badlands Property | | | | |
| 521 | Reference map of properties involved in transactions between Developer and Peccole family | | | | |
| 522 | Excerpt of appraisal for One Queensridge place dated October 13, 2005 | LO 0035305; LO 0035320 | | | |
| 523 | Site Plan Approval for One Queensridge Place (SDR-4206) | CLV113932-CLV113976 | | | |
| 524 | Badlands Golf Course Clubhouse Improvement Agreement dated September 6, 2005 | LO 0018451-LO 0018488 | | | |
| 525 | Settlement Agreement and Mutual Release dated June 28, 2013 | LO 0021093-LO 0021144 | | | |
| 526 | June 12, 2014 emails and Letter of Intent regarding the Badlands Golf Course | LO 0018030; LO 0035970-LO 0035972 | | | |
| 527 | July 25, 2014 email and initial draft of Golf Course Purchase Agreement | LO 0025237-LO 0025263 | | | |
| 528 | August 26, 2014 email from Todd Davis and revised purchase agreement | LO 0025688-LO 0025717 | | | |
| 529 | August 27, 2014 email from Billy Bayne regarding purchase agreement | LO 0018059-LO 0018061 | | | |
| 530 | September 15, 2014 email and draft letter to BGC Holdings LLC regarding right of first refusal | PNC000756-PNC000757 | | | |
| 531 | November 3, 2014 email regarding BGC Holdings LLC | PNC001648-PNC001650 | | | |
| 532 | November 26, 2014 email and initial draft of stock purchase and sale agreement | LO 0018675 - LO 0018693 | | | |
| 533 | December 1, 2014 emails regarding stock purchase agreement | LO 0018821-LO 0018822 | | | |
| 534 | December 1, 2014 email and fully executed signature page for stock purchase agreement | LO 0018083-LO 0018084 | | | |
| 535 | December 23, 2014 emails regarding separation of Fore Stars Ltd. and WRL LLC acquisitions into separate agreements | LO 0018103-LO 0018104 | | | |

| Exhibit No. | Document Description | Bates | Date Offered | Objected | Admitted |
|---|---|---|---|---|---|
| 536 | February 19, 2015 emails regarding notes and clarifications to purchase agreement | LO 0018142-LO 0018144 | | | |
| 537 | February 26, 2015 email regarding revised purchase agreements for Fore Stars Ltd. and WRL LLC | LO 0024792 | | | |
| 538 | February 27, 2015 emails regarding revised purchase agreements for Fore Stars Ltd. and WRL LLC | LO 0024862-LO 0024863 | | | |
| 539 | Fully executed Membership Interest Purchase Agreement for WRL LLC | PNC000373-PNC000380 | | | |
| 540 | June 12, 2015 email regarding clubhouse parcel and recorded parcel map | LO 0022045-LO 0022049 | | | |
| 541 | Quitclaim deed for Clubhouse Parcel from Queensridge Towers LLC to Fore Stars Ltd. | | | | |
| 542 | Quitclaim Deed | CLV034540 - CLV034543 | | | |
| 543 | Record of Survey for Hualapai Commons Ltd. | | | | |
| 544 | Deed from Hualapai Commons Ltd. to EHC Hualapai LLC | | | | |
| 545 | Purchase Agreement between Hualapai Commons Ltd. and EHC Hualapai LLC | CLV307081-CLV307097 | | | |
| 546 | City of Las Vegas' First Set of Interrogatories to Plaintiff | | | | |
| 547 | Plaintiff 180 Land Company LLC's Responses to City of Las Vegas' First Set of Interrogatories to Plaintiff, 3rd Supplement | | | | |
| 548 | City of Las Vegas' Second Set of Requests for Production of Documents to Plaintiff | | | | |
| 549 | Plaintiff 180 Land Company LLC's Response to Defendant City of Las Vegas' Second Set of Requests for Production of Documents to Plaintiff | | | | |
| 550 | September 14, 2020 Letter to Plaintiff regarding Response to Second Set of Requests for Production of Documents | | | | |
| 551 | First Supplement to Plaintiff Landowners Response to Defendant City of Las Vegas' Second Set of Requests for Production of Documents to Plaintiff | | | | |
| 552 | Motion to Compel Discovery Responses, Documents and Damages Calculation, and Related Documents on Order Shortening Time | | | | |

| Exhibit No. | Document Description | Bates | Date Offered | Objected | Admitted |
|---|---|---|---|---|---|
| 553 | Transcript of November 17, 2020 hearing regarding City's Motion to Compel Discovery Responses, Documents and Damages Calculation, and Related Documents on Order Shortening Time | | | | |
| 554 | February 24, 2021 Order Granting in Part and denying in part City's Motion to Compel Discovery Responses, Documents and Damages Calculation, and Related Documents on Order Shortening Time | | | | |
| 555 | April 1, 2021 Letter to Plaintiff regarding February 24, 2021 Order | | | | |
| 556 | April 6, 2021 email from Elizabeth Ghanem Ham regarding letter dated April 1, 2021 | | | | |
| 557 | Hydrologic Criteria and Drainage Design Manual, Section 200 | | | | |
| 558 | Hydrologic Criteria and Drainage Design Manual, Standard Form 1 | | | | |
| 559 | Hydrologic Criteria and Drainage Design Manual, Standard Form 2 | | | | |
| 560 | Email correspondence regarding minutes of August 13, 2018 meeting with GCW regarding Technical Drainage Study | LO35 00007687-LO35 00007690 | | | |
| 561 | Excerpts from Peccole Ranch Master Plan Phase II regarding drainage and open space | CLV038856; CLV038861; CLV038869; CLV038874-CLV038876 | | | |
| 562 | Aerial photos and demonstrative aids showing Badlands open space and drainage system | | | | |
| 563 | August 16, 2016 letter from City Streets & Sanitation Manager regarding Badlands Golf Course Drainage Maintenance | CLV219166-CLV219165 | | | |
| 564 | Excerpt from EHB Companies promotional materials regarding security concerns and drainage culverts | LO 0034791 | | | |
| 565 | Supplemental Declaration of Seth T. Floyd | | | | |
| 566 | 1981 Peccole Property Land Use Plan | CLV305002 | | | |
| 567 | 1985 Las Vegas General Plan | CLV033591-CLV033672 | | | |
| 568 | 1975 General Plan | CLV307308-CLV307403 | | | |
| 569 | Planning Commission meeting records regarding 1985 General Plan | CLV033177-CLV033404 | | | |

| Exhibit No. | Document Description | Bates | Date Offered | Objected | Admitted |
|---|---|---|---|---|---|
| 570 | 1986 Venetian Foothills Master Plan | CLV035040 | | | |
| 571 | 1989 Peccole Ranch Master Plan | CLV036241 | | | |
| 572 | 1990 Master Development Plan Amendment | CLV214946 | | | |
| 573 | Citizen's Advisory Committee records regarding 1992 General Plan | CLV053463-CLV053480 | | | |
| 574 | 1992 Las Vegas General Plan | CLV052990-CLV053035 | | | |
| 575 | 1992 Southwest Sector Map | CLV052989 | | | |
| 576 | Ordinance No. 5250 (Adopting 2020 Master Plan) | CLV208167-CLV208174 | | | |
| 577 | Las Vegas 2020 Master Plan | CLV063654-CLV063736 | | | |
| 578 | Ordinance No. 5787 (Adopting 2005 Land Use Element) | CLV208807-CLV208873 | | | |
| 579 | 2005 Land Use Element | CLV064163-CLV064220 | | | |
| 580 | Ordinance No. 6056 (Adopting 2009 Land Use and Rural Neighborhoods Preservation Element) | CLV212603-CLV212607 | | | |
| 581 | 2009 Land Use and Rural Neighborhoods Preservation Element | CLV072957-CLV073056 | | | |
| 582 | Ordinance No. 6152 (Adopting revisions to 2009 Land Use and Rural Neighborhoods Preservation Element) | CLV072504-CLV072513 | | | |
| 583 | Ordinance No. 6622 (Adopting 2018 Land Use and Rural Neighborhoods Preservation Element) | CLV305605-CLV305615 | | | |
| 584 | 2018 Land Use & Rural Neighborhoods Preservation Element | CLV072652-CLV072751 | | | |
| 585 | Supplemental declaration of Seth Floyd | | | | |
| 586 | Southwest Sector Land Use Map (1992) | CLV052989 | | | |
| 587 | 10/10/1991 Planning Commission Minutes | CLV305855-CLV305857 | | | |
| 588 | 10/22/1991 Planning Commission Minutes | CLV305858-CLV305862 | | | |
| 589 | 11/14/1991 Planning Commission Minutes | CLV305863-CLV305865 | | | |
| 590 | 11/26/1991 Planning Commission Minutes | CLV305866-CLV305868 | | | |
| 591 | 12/12/1991 Planning Commission Minutes | CLV305869-CLV305876 | | | |

| Exhibit No. | Document Description | Bates | Date Offered | Objected | Admitted |
|---|---|---|---|---|---|
| 592 | 12/12/1991 Planning Commission Resolution adopting 1992 General Plan | CLV053459-CLV053460 | | | |
| 593 | 2/5/1992 City Council Meeting Minutes | CLV305900 | | | |
| 594 | 2/18/1992 Recommending Committee Meeting Minutes | CLV305877-CLV305897 | | | |
| 595 | 2/19/1992 City Council Meeting Minutes | CLV305898-CLV305899 | | | |
| 596 | 3/12/1992 Planning Commission Meeting Minutes | CLV218628-CLV218629 | | | |
| 597 | 3/16/1992 Recommending Committee Meeting Minutes | CLV218636 | | | |
| 598 | 4/1/1992 City Council Meeting Minutes | CLV218630-CLV218632 | | | |
| 599 | Ordinance No. 3636 (adopting new general plan) | CLV208383-CLV208385 | | | |
| 600 | 2/13/1992 Citizens Advisory Committee Meeting Minutes | CLV085846-CLV085849 | | | |
| 601 | 3/27/1991 Citizens Advisory Committee Mailout | CLV053471-CLV053480 | | | |
| 602 | Supplemental Declaration of Seth Floyd | | | | |
| 603 | Master planned communities with R-PD Zoning | | | | |
| 604 | General Plan Maps for Master Planned Communities with R-PD zoning | | | | |
| 605 | Ownership Chart | FORE000798 | | | |
| 606 | Interrogatories - Verification dated August 1, 2019 | | | | |
| 607 | Interrogatories-Verification dated October 31, 2019 | | | | |
| 608 | Interrogatories 2nd Supplement | | | | |
| 609 | Interrogatories 3rd Supplement | | | | |
| 610 | June 25, 2015, Letter for the Calida Group | LO 00037065-LO 00037068 | | | |
| 611 | Agreement of Purchase and Sale of Property | LO00037070-LO00037093 | | | |
| 612 | Declaration of Yohan Lowie | | | | |
| 613 | Response to zoning request | CLV125530 | | | |
| 614 | Declaration of Yohan Lowie | | | | |
| 615 | Record of Survey Boundary Line Adjustment | CLV305596-305600 | | | |

| Exhibit No. | Document Description | Bates | Date Offered | Objected | Admitted |
|---|---|---|---|---|---|
| 616 | Video clips | | | | |
| 617 | Term Sheet | LO 00037589-LO 00037608 | | | |
| 618 | Securities Redemption Agreement dated September 14, 2005 | LO 00037571-LO 00037588 | | | |
| 619 | Securities Purchase Agreement (QT) | LO 00037485-LO 00037522 | | | |
| 620 | Securities Redemption Agreement | LO 00037547-LO 00037559 | | | |
| 621 | Securities Purchase Agreement (GW) | LO 00037459-LO 00037484 | | | |
| 622 | Securities Redemption Agreement | LO 00037560-LO 00037567 | | | |
| 623 | Securities Purchase Agreement (SH) | LO 00037523-LO 00037546 | | | |
| 624 | Badlands Golf Course Clubhouse Improvements Agreement | LO00037620-LO00037657 | | | |
| 625 | Complaint | | | | |
| 626 | Settlement Agreement | PNC000677-PNC000682 | | | |
| 627 | Restrictive Covenant | CLV303971-CLV30972 | | | |
| 628 | Settlement Agreement and Mutual Release | LO0021093-LO0021144 | | | |
| 629 | Email re GC LOI | PNC000748 | | | |
| 630 | E-mail re PSA | LO 0018062 LO 0018064 | | | |
| 631 | Email re BCG Holdings Letter (Section 3 Right of First Refusal) | PNC000756-PNC000757 | | | |
| 632 | Letter to Assaf Lang from William Bayne | PNC000082 | | | |
| 633 | Email re PSAs | PNC001241-PNC001242 | | | |
| 634 | December 23, 2014 letter from Bobby Weed Golf Design | LO 00008835-LO 00008839 | | | |
| 635 | Email re Revised Badlands Agreement | LO 0009125 | | | |
| 636 | Badlands Conceptual Land Use Scenario | LO 00008833-LO 00008834 | | | |
| 637 | February 16, 2017 City Council letters | CLV094446; CLV099259-CLV099262; CLV100503 | | | |

| Exhibit No. | Document Description | Bates | Date Offered | Objected | Admitted |
|---|---|---|---|---|---|
| 638 | May 27, 2016 letter from the Calida Group | LO 00037105 | | | |
| 639 | Peccole Generalized Land Use Plan 4/15/1981 | CLV204367 | | | |
| 640 | Peccole Generalized Land Use Plan 4/15/1981 | CLV204367 | | | |
| 641 | Peccole Generalized Land Use Plan 4/15/1981 | CLV204367 | | | |
| 642 | Peccole Ranch Phase One Land Use Case Files | CLV204375 | | | |
| 643 | Peccole Ranch Phase Two Land Use Case Files | CLV204366 | | | |
| 644 | Grant, Bargain and Sale Deed | CLV088319-CLV088323 | | | |
| 645 | Termination of Operating Lease Agreement (Badlands Golf Club) | LO 0016180-LO 0016183 | | | |
| 646 | Appraisal of Real Property - The DiFederico Group | TDG Rpt 000001-TDG Rpt 000010 | | | |
| 647 | Operating Agreement of Queensridge Towers LLC | | | | |
| 648 | Option to Purchase Real Property | CLV307031-CLV307034 | | | |
| 649 | Badlands Golf Course Clubhouse Improvements Agreement | LO 00037620-LO 00037657 | | | |
| 650 | BGC Holdings. V. Fore Stars Complaint | | | | |
| 651 | Planning & Development Department Application/Petition form | CLV110460 | | | |
| 652 | Site Plan/Landscape Plan, Townhomes at Rampart and Alta | CLV126707 | | | |
| 653 | JMA Architecture Studios Letter | CLV110456 | | | |
| 654 | JMA Architecture Studios Letter | CLV110434 | | | |
| 655 | Peccole Nevada Letter | CLV137869 | | | |
| 656 | JMA Architecture Studios Letter | CLV281626 | | | |
| 657 | Lot Line Adjustment Agreement | LO 0021863-LO 0021869 | | | |
| 658 | Email from Henry Lichtenberger re Executed IDB | LO 0021073 | | | |
| 659 | Email from Henry Lichtenberger re Golf Course Purchase Agreement | PNC001326-PNC001327 | | | |

| Exhibit No. | Document Description | Bates | Date Offered | Objected | Admitted |
|---|---|---|---|---|---|
| 660 | Email from Todd Davis to Henry Lichtenberger re Purchase and Sale Agreement | LO 0026221-LO 0026248 | | | |
| 661 | Email from Henry Lichtenberger to Todd Davis re BGC Holdings Waiver | LO 0018596-LO 0018597 | | | |
| 662 | Email from Yohan Lowie to Billy Bayne re PSAs | PNC001603-PNC001605 | | | |
| 663 | Membership Interest Purchase and Sale Agreement | LO 00004063-LO 00004079 | | | |
| 664 | Grant, Bargain and Sale Deed | | | | |
| 665 | Record of Survey | | | | |
| 666 | Minutes of Special Meeting of Board of Directors of Peccole-Nevada Corporation 216 | LO 00037342-LO 00037343 | | | |
| 667 | Valuation Consultants Appraisal | VC000001-VC000130 | | | |
| 668 | Western Valuation Advisors Appraisal | PNC001744-PNC001825 | | | |
| 669 | Tio Federico's Expert Report | TDG WF 000001-TDG WF 000136 | | | |
| 670 | City records regarding Peccole Ranch Master Plan and Z-139-88 phase I rezoning application | CLV65-000062-CLV65-000137 | | | |
| 671 | Ordinance No. 3472 and related records | CLV65-000114-CLV65-000106 | | | |
| 672 | City records regarding Amendment to Peccole Ranch Master Plan and Z-17-90 phase II rezoning application | CLV65-000138-CLV65-000194 | | | |
| 673 | Excerpts of 1992 City of Las Vegas General Plan | CLV65-000195-CLV65-000248 | | | |
| 674 | City records related to Badlands Golf Course expansion | CLV65-000249-CLV65-000254 | | | |
| 675 | Excerpt of land use case files for GPA-24-98 and GPA-6199 | CLV65-000255-CLV65-000257 | | | |
| 676 | Ordinance No. 5250 and Excerpts of Las Vegas 2020 Master Plan | CLV65-000258-CLV65-000273 | | | |
| 677 | Miscellaneous Southwest Sector Land Use Maps from 2002-2005 | CLV65-000274-CLV65-000277 | | | |
| 678 | Ordinance No. 5787 and Excerpts of 2005 Land Use Element | CLV65-000278-CLV65-000290 | | | |
| 679 | Ordinance No. 6056 and Excerpts of 2009 Land Use & Rural Neighborhoods Preservation Element | CLV65-000292-CLV65-000301 | | | |
| 680 | Ordinance No. 6152 and Excerpts of 2012 Land Use Element | CLV65-000302-CLV65-000317 | | | |

| Exhibit No. | Document Description | Bates | Date Offered | Objected | Admitted |
|---|---|---|---|---|---|
| 681 | Ordinance No. 6622 and Excerpts of 2018 Land Use & Rural Neighborhoods Preservation Element | CLV65-000318-CLV65-000332 | | | |
| 682 | Ordinance No. 1582 | CLV65-000333-CLV65-000339 | | | |
| 683 | Deeds transferring ownership of the Badlands Golf Course | CLV65-000365-CLV65-000377 | | | |
| 684 | Third Revised Justification Letter regarding the Major Modification to the 1990 Conceptual Peccole Ranch Master Plan | CLV65-000378-CLV65-000381 | | | |
| 685 | Parcel maps recorded by the Developer subdividing the Badlands Golf Course | CLV65-000382-CLV65-000410 | | | |
| 686 | EHB Companies promotional materials | LO 0034763-LO 0034797 | | | |
| 687 | General Plan Amendment (GPA-62387), Rezoning (ZON-62392) and Site Development Plan Review (SDR-62393) applications | CLV65-000446-CLV65-000466 | | | |
| 688 | Staff Report regarding 17-Acre Applications | CLV65-000467-CLV65-000482 | | | |
| 689 | Major Modification (MOD-63600), Rezoning (ZON-63601), General Plan Amendment (GPA-63599), and Development Agreement (DIR-63602) applications | CLV65-000483-CLV65-000582 | | | |
| 690 | Letter requesting withdrawal of MOD-63600, GPA-63599, ZON-63601, DIR-63602 applications | CLV65-000583 | | | |
| 691 | Transcript of February 15, 2017 City Council meeting | CLV65-000584-CLV65-000597 | | | |
| 692 | Judge Crockett's March 5, 2018 order granting Queensridge homeowners' petition for judicial review, Case No. A-17-752344-J | CLV65-000598-CLV65-000611 | | | |
| 693 | General Plan Amendment (GPA-68385), Site Development Plan Review (SDR-68481), Tentative Map (TMP-68482), and Waiver (68480) applications | CLV65-000644-CLV65-000671 | | | |
| 694 | June 21, 2017 City Council meeting minutes and transcript excerpt regarding GPA-68385, SDR-68481, TMP-68482, and 68480. | CLV65-000672-CLV65-000679 | | | |
| 695 | Development Agreement (DIR-70539) application | CLV65-000794-CLV65-000879 | | | |
| 696 | August 2, 2017 City Council minutes regarding DIR-70539 | CLV65-000880-CLV65-000882 | | | |
| 697 | Excerpt of the 1983 Edition of the Las Vegas Municipal Code | CLV65-000942-CLV65-000951 | | | |

| Exhibit No. | Document Description | Bates | Date Offered | Objected | Admitted |
|---|---|---|---|---|---|
| 698 | 1996 aerial photograph identifying Phase I and Phase II boundaries, produced by the City's Planning & Development Department, Office of Geographic Information Systems (GIS) | CLV65-000958 | | | |
| 699 | 1998 aerial photograph identifying Phase I and Phase II boundaries, produced by the City's Planning & Development Department, Office of Geographic Information Systems (GIS) | CLV65-000959 | | | |
| 700 | 2015 aerial photograph identifying Phase I and Phase II boundaries, retail development, hotel/casino, and Developer projects, produced by the City's Planning & Development Department, Office of Geographic Information Systems (GIS) | CLV65-000960 | | | |
| 701 | 2019 aerial photograph identifying Phase I and Phase II boundaries, and current assessor parcel numbers for the Badlands property, produced by the City's Planning & Development Department, Office of Geographic Information Systems (GIS) | CLV65-000962 | | | |
| 702 | 2019 aerial photograph identifying Phase I and Phase II boundaries, and areas subject to inverse condemnation litigation, produced by the City's Planning & Development Department, Office of Geographic Information Systems (GIS) | CLV65-000963 | | | |
| 703 | Membership Interest Purchase and Sale Agreement | LO 00036807-LO 00036823 | | | |
| 704 | Transcript of May 16, 2018 City Council meeting | CLV65-045459-CLV65-045532 | | | |
| 705 | City of Las Vegas' Amicus Curiae Brief, Seventy Acres, LLC v. Binion, Nevada Supreme Court Case No. 75481 | CLV65-001301-CLV65-001311 | | | |
| 706 | Nevada Supreme Court March 5, 2020 Order of Reversal, Seventy Acres, LLC v. Binion, Nevada Supreme Court Case No. 75481 | | | | |
| 707 | Nevada Supreme Court August 24, 2020 Remittitur, Seventy Acres, LLC v. Binion, Nevada Supreme Court Case No. 75481 | | | | |
| 708 | March 26, 2020 Letter from City of Las Vegas Office of the City Attorney to Counsel for the Developer Re: Entitlements on 17 Acres | CLV65-000965-CLV65-000966 | | | |
| 709 | September 1, 2020 Letter from City of Las Vegas Office of the City Attorney to Counsel for the Developer Re: Final Entitlements for 435-Unit Housing Development Project in Badlands | | | | |
| 710 | Plaintiff Landowners' Second Supplement to Initial Disclosures Pursuant to NRCP 16.1 in 65-Acre case | | | | |

| Exhibit No. | Document Description | Bates | Date Offered | Objected | Admitted |
|---|---|---|---|---|---|
| 711 | April 15, 2020 Letter from City of Las Vegas Office of the City Attorney to Counsel for the Developer Re: Entitlement Requests for 35 Acres | CLV65-000969-CLV65-000970 | | | |
| 712 | Valbridge Property Advisors, Lubawy & Associates Inc., Appraisal Report (Aug. 26, 2015) | LO 0035680-LO 0035769 | | | |
| 713 | Notice of Entry of Order Adopting the Order of the Nevada Supreme Court and Denying Petition for Judicial Review | | | | |
| 714 | Letters from City of Las Vegas Approval Letters for 17-Acre Property (Feb. 16, 2017) | CLV65-051219-CLV65-051224 | | | |
| 715 | Excerpt of Reporter's Transcript of Hearing on City of Las Vegas' Motion to Compel Discovery Responses, Documents and Damages Calculation and Related Documents on Order Shortening Time in 180 Land Co. LLC v. City of Las Vegas, Eighth Judicial District Court Case No. A-17-758528-J (Nov. 17, 2020) | | | | |
| 716 | Plaintiff Landowners' Sixteenth Supplement to Initial Disclosures in 180 Land Co., LLC v. City of Las Vegas, Eighth Judicial District Court Case No. A-17-758528-J (Nov. 10, 2020) | | | | |
| 717 | Notice of Entry of Findings of Facts and Conclusions of Law on Petition for Judicial Review in 180 Land Co. LLC v. City of Las Vegas, Eighth Judicial District Court Case No.A-17-758528-J (Nov. 26, 2018) | | | | |
| 718 | Ex. 150: Affidavit of Donald Richards with referenced pictures attached | | | | |
| 719 | Ex. 130: August 30, 2018 email between City employees | | | | |
| 720 | Justification Letter for General Plan Amendment [Submitted under Protest] to Assessor's Parcel ("APN(s)") 138-31-601-008, 138-31-702-003, 138-31-702-004 (consisting of 132.92 acres collectively "Property") - from PR-OS (Park, Recreation and Open Space) to ML (Medium Low Density Residential) as part of applications under PRJ-71990, PRJ-71991, and PRJ-71992 | CLV051928-CLV051930 | | | |
| 721 | Plaintiff Landowners' Evidentiary Hearing Brief #1 dated April 15, 2021 | | | | |
| 722 | NRS 278.150 | | | | |
| 723 | NRS 278.160 | | | | |
| 724 | UDC 19.00.040 - Relationship to General Plan | | | | |

| Exhibit No. | Document Description | Bates | Date Offered | Objected | Admitted |
|---|---|---|---|---|---|
| 725 | UDC 19.16.100 - Site Development Plan | | | | |
| 726 | UDC 19.10.050 - R-PD Districts | | | | |
| 727 | UDC 19.16.010 - General Requirements | | | | |
| 728 | UDC 19.16.030 - General Plan Amendment | | | | |
| 729 | UDC 19.16.050 - Tentative Map | | | | |
| 730 | UDC 19.16.090 - Rezoning | | | | |
| 731 | UDC 19.18.020 - Definition of Permitted Use | | | | |

# Certification of Copy

**State of Nevada**
**County of Clark** } **SS:**

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

DEFENDANT CITY OF LAS VEGAS' NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; FINDINGS OF FACT AND CONCLUSIONS OF LAW ON JUST COMPENSATION; NOTICE OF ENTRY OF FINDINGS OF FACT AND CONCLUSIONS OF LAW ON JUST COMPENSATION; FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER DENYING THE CITY'S MOTION FOR IMMEDIATE STAY OF JUDGMENT, AND GRANTING PLAINTIFF LANDOWNERS' COUNTERMOTION TO ORDER THE CITY OF PAY THE JUST COMPENSATION; NOTICE OF ENTRY OF: FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER DENYING THE CITY'S MOTION FOR IMMEDIATE STAY OF JUDGMENT, AND GRANTING PLAINTIFF LANDOWNERS' COUNTERMOTION TO ORDER THE CITY TO PAY THE JUST COMPENSATION; ORDER GRANTING IN PART AND DENYING IN PART THE CITY OF LAS VEGAS' MOTION TO RETAX MEMORANDUM OF COSTS; NOTICE OF ENTRY OF: ORDER GRANTING IN PART AND DENYING IN PART THE CITY OF LAS VEGAS' MOTION TO RETAX MEMORANDUM OF COSTS; ORDER GRANTING PLAINTIFFS LANDOWNERS' MOTION FOR REIMBURSEMENT OF PROPERTY TAXES; NOTICE OF ENTRY OF: ORDER GRANTING PLAINTIFFS LANDOWNERS' MOTION FOR REIMBURSEMENT OF PROPERTY TAXES; ORDER GRANTING PLAINTIFF LANDOWNERS' MOTION FOR ATTORNEY FEES IN PART AND DENYING IN PART; NOTICE OF ENTRY OF: ORDER GRANTING PLAINTIFF LANDOWNERS' MOTION FOR ATTORNEY FEES IN PART AND DENYING IN PART; ORDER DENYING CITY OF LAS VEGAS' MOTION TO AMEND JUDGMENT *RULES 59(E) AND 60(B)) AND STAY OF EXECUTION; NOTICE OF ENTRY OF: ORDER DENYING CITY OF LAS VEGAS' MOTION TO AMEND JUDGMENT (RULES 59(E) AND 60(B)) AND STAY OF EXECUTION; DISTRICT COURT MINUTES; EXHIBITS LIST

| | |
|---|---|
| 180 LAND CO LLC; FORE STARS, LTD.,<br><br>Plaintiff(s),<br><br>vs.<br><br>CITY OF LAS VEGAS, a political subdivision of the State of Nevada,<br><br>Defendant(s), | Case No: A-17-758528-J<br><br>Dept No: XVI |

now on file and of record in this office.

**IN WITNESS THEREOF,** I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 4 day of March 2022.

Steven D. Grierson, Clerk of the Court

Heather Ungermann, Deputy Clerk
A-17-758528-J

**EIGHTH JUDICIAL DISTRICT COURT**
**CLERK OF THE COURT**
REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd Fl.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

March 4, 2022

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

RE: 180 LAND CO LLC; FORE STARS, LTD. vs. CITY OF LAS VEGAS, a political subdivision of the State of Nevada
D.C. CASE: A-17-758528-J

Dear Ms. Brown:

Please find enclosed a Notice of Appeal packet, filed March 4, 2022. Due to extenuating circumstances minutes from the date(s) listed below have not been included:

February 11, 2022

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

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

Sincerely,
STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Heather Ungermann
Heather Ungermann, Deputy Clerk