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9 *Attorneys for Plaintiff Landowners*

Electronically Filed
Apr 29 2022 02:43 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

10 **DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 180 LAND CO LLC, a Nevada limited liability
13 company, FORE STARS Ltd., DOE
14 INDIVIDUALS I through X, ROE
CORPORATIONS I through X, and ROE
LIMITED LIABILITY COMPANIES I through
X,

15 Plaintiffs,

16 vs.

17 CITY OF LAS VEGAS, political subdivision of
18 the State of Nevada, ROE government entities I
19 through X, ROE CORPORATIONS I through X,
20 ROE INDIVIDUALS I through X, ROE
LIMITED LIABILITY COMPANIES I through
X, ROE quasi-governmental entities I through X,

Defendant.

Case No.: A-17-758528-J
Dept. No.: XVI

PLAINTIFFS' NOTICE OF APPEAL

21 Plaintiffs 180 LAND CO LLC and FORE STARS Ltd., by and through their attorneys of
22 record, the Law Offices of Kermitt L. Waters, hereby appeal to the Supreme Court of Nevada from
23 the following:
24

1. The Final Judgment in Inverse Condemnation, only to the extent it refers to the issue of prejudgment interest, entered on April 18, 2022 and attached hereto as *Exhibit A*; and

2. The Findings of Fact and Conclusions of Law and Order Granting Plaintiffs' Motion for Pre-Judgment Interest, entered on April 1, 2022 and attached hereto as *Exhibit B*.

DATED this 25th day of April, 2022.

LAW OFFICES OF KERMITT L. WATERS

/s/ James J. Leavitt

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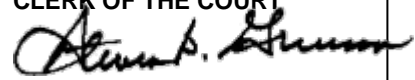
McDONALD CARANO LLP

LAS VEGAS CITY ATTORNEY'S OFFICE

SHUTE, MIHALY & WEINBERGER, LLP

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

Exhibit A



NOE
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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,

Plaintiffs,

vs.

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,

Defendant.

Case No.: A-17-758528-J

Dept. No.: XVI

NOTICE OF ENTRY OF:

**FINAL JUDGMENT IN INVERSE
CONDEMNATION**

PLEASE TAKE NOTICE that the Final Judgment in Inverse Condemnation
("Judgment") in the above referenced matter was entered on the 18th day of April, 2022.

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A copy of the Judgment is attached hereto.

DATED this 18th day of April, 2022.

LAW OFFICES OF KERMIT L. WATERS

/s/Autumn L. Waters
Kermitt L. Waters, Esq. (NSB 2571)
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Attorneys for Plaintiff Landowners

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that I am an employee of the Law Offices of Kermitt L. Waters, and
3 that on the 18th day of April, 2022, pursuant to NRCP 5(b), a true and correct copy of the foregoing:
4 **NOTICE OF ENTRY OF: FINAL JUDGMENT IN INVERSE CONDEMNATION** was
5 served on the below via the Court's electronic filing/service system and/or deposited for mailing
6 in the U.S. Mail, postage prepaid and addressed to, the following:

7 **McDONALD CARANO LLP**

8 George F. Ogilvie III, Esq.
9 Christopher Molina, Esq.
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10 gogilvie@mcdonaldcarano.com
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16 **SHUTE, MIHALY & WEINBERGER, LLP**

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20 /s/ Sandy Guerra

an employee of the Law Offices of Kermitt L. Waters

**JGMT
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autumn@kermittwaters.com
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,

Plaintiffs,

v.

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,

Defendants.

CASE NO.: A-17-758528-J
DEPT. NO.: XVI

FINAL JUDGMENT IN INVERSE CONDEMNATION

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’ corporate counsel Elizabeth Ghanem, Esq., and with the City

1 of Las Vegas (hereinafter “the City”) appearing through its counsel, George F. Ogilvie III, Esq.
2 of McDonald Carrano, LLP and Philip R. Byrnes, Esq. and Rebecca Wolfson, Esq., of the City
3 Attorney’s Office and thereafter this Court entered Findings of Fact and Conclusions of Law on
4 Just Compensation, notice of entry occurring on November 24, 2021. Thereafter, the Court
5 entertained briefing and oral argument on all relevant post trial issues and entered the following
6 Orders: 1) Order Granting in Part and Denying in Part the City of Las Vegas’ Motion to Retax
7 Memorandum of Costs, notice of entry occurring on February 17, 2022; 2) Order Granting
8 Plaintiff Landowners’ Motion for Reimbursement of Property Taxes, notice of entry occurring
9 on February 17, 2022; 3) Order Granting Plaintiff Landowners’ Motion for Attorney Fees in Part
10 and Denying in Part, notice of entry occurring on February 22, 2022; and, 4) Findings of Fact and
11 Conclusions of Law and Order Granting Plaintiff’s Motion for Pre-Judgment Interest, notice of
12 entry occurring on April 1, 2022.

13 Based on the referenced orders and findings of fact and conclusions of law having been
14 entered, pursuant to NRCP Rules 52(a)(1), 54(a), and 58, judgment is hereby entered in favor of
15 the Landowners and against the City of Las Vegas as follows:

16 The City shall pay to the Landowners for the taking of the 35 Acre Property **\$34,135,000.**

17 The City shall pay to the Landowners’ attorney fees in the amount of **\$2,468,751.50.**

18 The City shall pay to the Landowners’ costs in the amount of **\$274,445.16.**

19 The City shall reimburse the Landowners’ real estate taxes paid on the 35 Acre Property
20 in the amount of **\$976,889.38.**

21 The City shall pay prejudgment interest in the amount of **\$10,258,953.30** for interest up to
22 November 18, 2021, and shall pay interest on the judgment for any periods after November 18,
23 2021, up until the time the City satisfies the \$34,135,000 judgment, as provided in NRS 37.175(1),
24 which shall be calculated and determined consistent with Findings of Fact and Conclusions of Law
25 and Order Granting Plaintiff’s Motion for Pre-Judgment Interest, notice of entry occurring on April
26 1, 2022.
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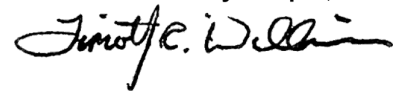
1 These sums assessed against the City and in favor of the Landowners shall be paid within
2 30 days and as a condition to appeal as provided in the Courts Findings of Fact and Conclusions
3 of Law and order Denying the City's Motion for Immediate Stay of Judgment; and Granting
4 Plaintiff Landowners' Countermotion to Order the City to Pay the Just Compensation, notice of
5 entry occurring on February 10, 2022.
6

7 Interest will continue to accrue on the final judgment until satisfied.

8 The Landowners shall serve all parties written notice of entry of final judgment.
9

10 Dated this ____ day of April, 2022.

Dated this 18th day of April, 2022



93A 140 093E 36D8
Timothy C. Williams
District Court Judge

MH

14 Respectfully Submitted By:

Content Reviewed and Approved By:

16 **LAW OFFICES OF KERMIT L. WATERS**

MCDONALD CARANO LLP

17 /s/ James J. Leavitt

Did not respond

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18 James J. Leavitt, Esq. (NV Bar No. 6032)

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San Francisco, California 94102

Attorneys for City of Las Vegas

From: [James Leavitt](#)
To: [Sandy Guerra](#)
Subject: FW: Final Judgment In Inverse Condemnation
Date: Wednesday, April 6, 2022 11:28:10 AM
Attachments: [Final Judgment 4.4.22 egh.docx](#)

Jim Leavitt, Esq.
Law Offices of Kermitt L. Waters
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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.

From: James Leavitt
Sent: Monday, April 4, 2022 1:58 PM
To: George F. Ogilvie III <gogilvie@Mcdonaldcarano.com>; Christopher Molina <cmolina@mcdonaldcarano.com>
Cc: Autumn Waters <autumn@kermittwaters.com>; Elizabeth Ham (EHB Companies) <eham@ehbcompanies.com>; Jennifer Knighton (EHB Companies) <jknighton@ehbcompanies.com>
Subject: Final Judgment In Inverse Condemnation

George:

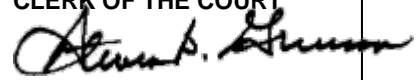
Attached is the Final Judgment in Inverse Condemnation. Please review and let me know if we have your permission to affix your signature.

We intend to submit to Judge Williams Wednesday, April 6, at 10:00 am.

Jim

Jim Leavitt, Esq.
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Exhibit B



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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,

Plaintiffs,

v.

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,

Defendants.

CASE NO.: A-17-758528-J

DEPT. NO.: XVI

**NOTICE OF ENTRY OF FINDINGS
OF FACT, CONCLUSIONS OF LAW
AND ORDER GRANTING
PLAINTIFF'S MOTION FOR PRE-
JUDGMENT INTEREST**

PLEASE TAKE NOTICE that the Findings of Fact and Conclusions of Law and Order
Granting Plaintiff's Motion for Pre-Judgment Interest was entered in the above-referenced case on
the 1st day of April, 2022, a copy of which is attached hereto.

...

...

...

1 DATED this 1st day of April, 2022.

2 McDONALD CARANO LLP

3 By: /s/ George F. Ogilvie III
4 George F. Ogilvie III (NV Bar No. 3552)
5 Christopher Molina (NV Bar No. 14092)
2300 W. Sahara Avenue, Suite 1200
Las Vegas, Nevada 89102

6 LAS VEGAS CITY ATTORNEY'S OFFICE
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10 Andrew W. Schwartz (Admitted *pro hac vice*)
11 Lauren M. Tarpey (Admitted *pro hac vice*)
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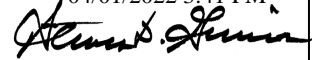
12 *Attorneys for City of Las Vegas*
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on the 1st day of April, 2022, I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING PLAINTIFF'S MOTION FOR PRE-JUDGMENT INTEREST** 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


CLERK OF THE COURT

FFCO

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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,

Plaintiffs,

v.

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,

Defendants.

CASE NO.: A-17-758528-J

DEPT. NO.: XVI

**[PROPOSED] FINDINGS OF FACT AND
CONCLUSIONS OF LAW AND ORDER
GRANTING PLAINTIFF'S MOTION FOR
PRE-JUDGMENT INTEREST**

Plaintiffs 180 Land Co LLC and Fore Stars Ltd. (collectively, "Plaintiffs") filed its Motion to Determine Pre-Judgment Interest (the "Motion") on December 9, 2021. The City of Las Vegas ("City") filed an opposition to the Motion on December 23, 2021. Plaintiffs filed a reply in support of the Motion on January 24, 2022.

...

1 The Motion came before the Court for hearing on February 3, 2022 at 1:40 p.m. James Jack
2 Leavitt, Autumn Waters, and Elizabeth Ghanem Ham appeared for Plaintiffs. George F. Ogilvie
3 III, Christopher Molina, and Andrew Schwartz appeared for the City. Having considered the points
4 and authorities on file with the Court and oral argument of counsel, the Court makes the following
5 findings of facts and conclusions of law:

6 **FINDINGS OF FACT**

7 1. In its November 18, 2021 Findings of Fact and Conclusions of Law on Just
8 Compensation, the Court awarded Plaintiffs \$34,135,000 for the City's taking of the 35-Acre
9 Property ("Judgment").

10 2. In its Motion to Determine Prejudgment Interest filed on December 9, 2021
11 ("Motion"), Plaintiffs contended that it is entitled to prejudgment interest on the \$34,135,000
12 Judgment under NRS 37.175 from the date of the City's taking, which Plaintiffs contend was
13 August 2, 2017, to February 2, 2022, the date Plaintiffs anticipated this Court would enter an order
14 granting prejudgment interest.

15 3. Plaintiffs further argued in its Motion that prejudgment interest could not be less
16 than the prime rate plus two percent, as provided in NRS 37.175(4)(b) and (c).

17 4. Plaintiffs further contended in the Motion that for Plaintiffs to be made whole; i.e.,
18 put in the same position monetarily as it would have been in had the City not taken the 35-Acre
19 Property, Plaintiffs should be awarded prejudgment interest on the Judgment at a rate equivalent to
20 the return that Plaintiffs would have achieved had Plaintiffs invested the Judgment in an
21 unidentified real estate venture in Las Vegas on the date of the alleged taking. Based on evidence
22 of appreciation in real estate values in Las Vegas from August 2017 through February 2022,
23 Plaintiffs claimed that it would have earned \$52,515,866.90 on its investment, plus \$46,687.19 per
24 day after February 2, 2022 until the Judgment is satisfied.

25 5. The City contended in its opposition that the rate of prejudgment interest should be
26 the statutory rate set forth in NRS 37.175, which is prime plus two percent.

27 ...

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CONCLUSIONS OF LAW

A. Interest on the Judgment at a rate higher than Prime plus 2 percent is not necessary to put Plaintiffs in the same monetary position as before the taking

1. Prejudgment interest on a money judgment for a regulatory taking may be awarded under Nevada Constitution Article 1, Section 22(4) and NRS 37.175. Nevada Constitution Article 1, Section 22(4) provides:

In 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. Just compensation shall include, but is not limited to, compounded interest and all reasonable costs and expenses actually incurred.

NRS 37.175, which implements Nevada Constitution Article 1, Section 22(4) provides in relevant part that:

4. The court shall determine, in a posttrial hearing, the award of interest and award as interest the amount of money which will put the person from whom the property is taken in as good a position monetarily as if the property had not been taken. The district court shall enter an order concerning:

(a) The date on which the computation of interest will commence;

(b) The rate of interest to be used to compute the award of interest, which must not be less than the prime rate of interest plus 2 percent; and

(c) Whether the interest will be compounded annually.

2. Accordingly, a taking claimant is entitled to a rate of prejudgment interest on a taking judgment higher than the statutory rate of prime plus two percent only if the higher rate is necessary to put the claimant in the same monetary position it would have been without the taking.

3. Here, Plaintiffs have not shown that an award of interest at a rate higher than the prime rate plus two percent is necessary to put Plaintiffs in as good a position monetarily as if the property had not been taken.

4. The Court rejects Plaintiffs' reliance on *State ex rel. Dept. of Transp. v. Barsity*, 113 Nev. 712, 718, 941 P.2d 971 (1997), applying an earlier version of NRS 37.175, for the proposition

that prejudgment interest should not be the prime rate plus two percent as indicated by the statute, but rather 23 percent, to make Plaintiffs whole. An interest rate of 23 percent is not necessary to put Plaintiffs in the same position as before the City's alleged taking. Neither *Barsy* nor the evidence supports this rate of interest.

5. In *Barsy*, the defendant in an eminent domain action owned a building occupied by two tenants. In 1988, the Nevada Department of Transportation ("NDOT") identified Barsy's property for acquisition by eminent domain for a highway construction project. In late 1988 or early 1989, a representative of NDOT informed Barsy's tenants "of the imminent project Due to NDOT's inability to indicate an accurate time frame for the acquisition of the property, the tenants refused to renew their leases upon expiration." 113 Nev. at 715-16, 941 P.2d at 974. "Barsy was unable to attract new tenants because of the uncertainty surrounding the acquisition by NDOT." *Id.* Barsy presumably had no income from his building after the tenants vacated. The NDOT delayed filing a condemnation action against Barsy until 1992, after Barsy's two tenants had vacated the premises. 113 Nev. at 716, 941 P.2d at 974. During the entire eminent domain action, Barsy was unable to attract new tenants and suffered lost income. *Id.*

6. In addition to awarding Barsy just compensation based on the fair market value of Barsy's property, the District Court awarded Barsy prejudgment interest of eight percent, two percent above the prime rate, rather than the rate specified in the eminent domain law at the time.¹ 100 Nev. at 178-19, 941 P.2d at 975-76. The court found that if the compensation had been paid before the judgment, Barsy could have used it to extend his mortgage, presumably at a lower rate, or invest in other property that would produce a return that would have made up for Barsy's lost income from before and during the litigation. Because the award of just compensation was insufficient to make Barsy whole, the higher interest rate was necessary to put Barsy in the same position monetarily as he would have been had his property not been taken. *See* NRS 37.175(4).

¹ At the time *Barsy* was decided, NRS 37.175 set prejudgment interest at the rate of interest paid on one year's United States Treasury bills. NRS 37.175 was later amended to require prejudgment interest at the prime rate plus two percent.

7. Through the payment of prime plus two percent, Plaintiffs will be made whole. Prejudgment interest at a rate higher than prime plus two percent is not necessary to put Plaintiffs in the same monetary position but for the taking. *Barsy*, therefore, provides no support to Plaintiffs, and the Court rejects Plaintiffs' reliance on that case.

B. No authority permits the award of profit that allegedly would have been earned from a speculative real estate investment under the guise of prejudgment "interest"

8. The Court finds that Plaintiffs request an award not of "interest" as defined in Nevada law, but rather "profit" from a hypothetical, and speculative, real estate investment. No authority supports this claim.

9. The Court rejects Plaintiffs' request to base prejudgment interest on the expert reports Plaintiffs presented as to the rate of return Plaintiffs could have earned investing in other real estate during the relevant period. The Court finds that the payment of prime plus two percent is sufficient to put Plaintiffs in the same position monetarily as it would have been had its property not been taken.

10. "Interest" is defined by Oxford Languages as "money paid regularly at a particular rate for the use of money lent, or for delaying the repayment of a debt." "Profit" is defined by Oxford Languages as "a financial gain, especially the difference between the amount earned and the amount spent in buying, operating, or producing something." "Interest" in this case, therefore, is the return Plaintiffs would have earned if it had received the judgment in 2017 and loaned it to others. The interest rate would logically be a rate competitive with the rates charged by other lenders. That rate would be close to the prime rate. In Nevada, the Legislature has set that rate for eminent domain actions at two percent above the prime lending rate of large banks. Profit, by contrast, would be money that Plaintiffs could earn if it invested the money in a real estate venture. In that case, the investment would "produce" something of value that Plaintiffs could then sell or rent, hence, "profit." Interest, by its definition, is a known amount that must be paid by contract; profit, in contrast, is speculative, and depends on a myriad of factors.

11. Here, Plaintiffs rely on market data obtained by its consultants to argue that had Plaintiffs invested the Judgment in an unidentified and hypothetical real estate investment project

in 2017, it would have made it a profit of 23 percent per year for more than four years. Even if the claim was not pure speculation, the return Plaintiffs claims it would have earned is not “interest.” Rather, it is “profit.” If this Court were to conflate “interest” with “profit” in the manner proposed by Plaintiffs, in every case of a money judgment in Nevada, the plaintiff could (a) contend that if it had been paid the money at the time of the damage, it could have invested the money in real estate, the stock market, its uncle’s business, or any other unidentified business venture; (b) obtain the testimony of an “expert” predicting that the investment in the hypothetical and unidentified venture would yield a profit of a certain amount; and (c) call the profit prejudgment “interest.” Profits from real estate investment and other businesses, however, are uncertain and generally too speculative to be admitted in evidence. *See Sargon Enterprises, Inc. v. University of S. Cal.*, 55 Cal.4th 747, 776 (2012) (excluding an expert’s lost profit estimates based on a hypothetical increased share of the market). Profit from a business investment lacks the certainty of the prime rate of interest, which is publicized by the federal government. The Nevada Supreme Court has determined that property owners are entitled to prejudgment “interest” on takings judgments, not prejudgment “profit” from speculative business ventures.

C. No Nevada court has awarded prejudgment interest in a taking case at a rate higher than prime plus two percent

12. There is no Nevada precedent for an award of annual prejudgment interest in a taking case greater than two percent above the prime rate and no precedent that prejudgment “interest” could be set by the speculative profit from an investment of the award of just compensation in another property or business venture.

13. In *County of Clark v. Alper*, 100 Nev. 381, 685 P.2d 943 (1984), the District Court awarded prejudgment interest of seven percent per year, which was the rate provided in NRS 37.175 at the time. 100 Nev. at 393, 685 P.2d at 950. The Nevada Supreme Court remanded the case to the District Court for an evidentiary hearing to determine whether a different rate of interest was warranted to make the property owners whole. 100 Nev. at 394, 685 P.2d at 951. The Court indicated that the proper rate of prejudgment interest should be based “on the actual market rate of interest during the years in question.” There is no suggestion in *Alper* that the rate of prejudgment

1 interest could be the profit the condemnee could make by investing the award of just compensation
2 during the litigation.

3 14. In *City of Sparks v. Armstrong*, 103 Nev. 619, 748 P.2d 7 (1987), the Court ordered
4 that prejudgment interest should be at the statutory rate under NRS 37.175, even though the subject
5 property was “vacant, unimproved, and held for investment purposes at the time of the taking.” 103
6 Nev. at 623. There is no suggestion that prejudgment “interest” could be interpreted as the value of
7 the profit from a speculative investment of the judgment.

8 15. Finally, in *Barsy*, the Court affirmed an award of prejudgment interest of eight
9 percent, which was two percent above the prime rate. The Court found that that loss was not fully
10 compensated in the award of just compensation and therefore it was necessary to restore Barsy to
11 his monetary position before NDOT caused his tenants to move out. 100 Nev. at 178-19, 941 P.2d
12 at 975-76. Because the statutory prejudgment interest rate has been increased to prime plus two
13 percent after *Barsy*, the Court finds that that rate is consistent with all Nevada authority.

14 **D. Prejudgment interest must be compounded annually**

15 16. NRS 37.175 indicates that the Court has discretion to order annual compounding of
16 prejudgment interest.

17 17. However, the Nevada Constitution, article 1, section 22 (4), states “Just
18 Compensation shall include ... compounded interest.”

19 18. Accordingly, the award of interest shall be compounded annually.

20 **ORDER**

21 Accordingly, IT IS HERBY ORDERED, ADJUDGED, and DECREED that:

22 1. The Motion is hereby GRANTED, IN PART.

23 2. Plaintiffs are entitled to prejudgment interest calculated at the statutory rate
24 prescribed by NRS 37.175 of prime rate plus 2 percent.

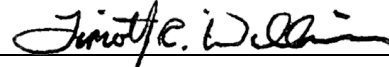
25 3. Accordingly, the prejudgment interest on the judgment of \$34,135,000 at a rate of
26 prime plus two percent and compounded annually from August 2, 2017 through November 18,
27 2021, is \$ \$10,258,953.30. See attached spreadsheet.

28

4. The City shall pay interest on the judgment for any periods after November 18, 2021, up until the time the City satisfies the \$34,135,000 judgment, as provided in NRS 37.175(1), which shall be calculated and determined consistent with the findings of fact and conclusions of law set forth herein.

DATED: this ___ day of _____, 2022.

Dated this 1st day of April, 2022



DISTRICT COURT JUDGE

MH

8F8 150 A597 9932
Timothy C. Williams
District Court Judge

Submitted By:

Reviewed and Approved as to form and
content By:

McDONALD CARANO LLP

LAW OFFICES OF KERMIT L. WATERS

/s/ George F. Ogilvie III

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/s/ James J. Leavitt

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Las Vegas, Nevada 89101

*Attorney for 180 Land Co LLC and Fore Stars
Ltd.*

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

Attorneys for City of Las Vegas

From: James Leavitt <jim@kermittwaters.com>
Sent: Friday, April 1, 2022 8:57 AM
To: Christopher Molina; George F. Ogilvie III; Jelena Jovanovic
Cc: Autumn Waters; Michael Schneider; Elizabeth Ham (EHB Companies); Jennifer Knighton (EHB Companies)
Subject: FW: FFCL Re: Prejudgment Interest
Attachments: City's Proposed FFCL re Motion for Pre-Judgment Interest, 3-17-22 - version 5.docx

Chris:

Good morning.

With the revisions made, you may affix my signature to the FFCL.

Thank you, and have a great weekend.

Jim

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

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From: Christopher Molina <cmolina@mcdonaldcarano.com>
Sent: Thursday, March 31, 2022 8:06 AM
To: James Leavitt <jim@kermittwaters.com>; George F. Ogilvie III <gogilvie@Mcdonaldcarano.com>
Cc: Autumn Waters <autumn@kermittwaters.com>; Michael Schneider <michael@kermittwaters.com>; Jelena Jovanovic <jjovanovic@mcdonaldcarano.com>; Elizabeth Ham (EHB Companies) <eham@ehbcompanies.com>; Jennifer Knighton (EHB Companies) <jknighton@ehbcompanies.com>
Subject: RE: FFCL Re: Prejudgment Interest

Good morning Jim,

We have no objection to changing "Developer" to Plaintiffs, which I have done in the attached version. We don't believe it's necessary to include additional findings regarding the evidence Plaintiffs presented to the court as it's already in the record and there's already a description of that evidence in conclusion of law #11.

I've now incorporated four rounds of revisions into this FFCL and it is long overdue. We will submit to chambers prior to our hearing this afternoon in the 133-acre case. Please let me know if I have permission to affix your signature.

Chris Molina | Attorney



P: 702.873.4100 | E: cmolina@mcdonaldcarano.com

From: James Leavitt <jim@kermittwaters.com>

Sent: Wednesday, March 30, 2022 2:22 PM

To: Christopher Molina <cmolina@mcdonaldcarano.com>; George F. Ogilvie III <gogilvie@Mcdonaldcarano.com>

Cc: Autumn Waters <autumn@kermittwaters.com>; Michael Schneider <michael@kermittwaters.com>; Jelena Jovanovic <jjovanovic@mcdonaldcarano.com>; Elizabeth Ham (EHB Companies) <eham@ehbcompanies.com>; Jennifer Knighton (EHB Companies) <jknighton@ehbcompanies.com>

Subject: RE: FFCL Re: Prejudgment Interest

Chris:

Attached is a redline with our clients edits. Two main changes:

1. The City wants to call our client "Developer" our client wants to be called "Landowners" - we changed this to "Plaintiffs".
2. Paragraph 4 – we more clearly identified the evidence that the Plaintiff Landowners presented to the Court – the two expert reports by DiFederico and Lenhart. This simply states the fact that these two reports were presented and in two sentences summarizes what was in both reports.

Let me know if this is good to go.

Jim

Jim Leavitt, Esq.

Law Offices of Kermitt L. Waters

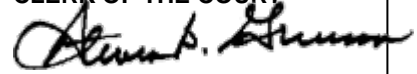
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704 South Ninth Street
Las Vegas, Nevada 89101
Telephone: (702) 733-8877
Facsimile: (702) 731-1964
Attorneys for Plaintiff Landowners

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,

Plaintiffs,

vs.

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,

Defendant.

Case No.: A-17-758528-J

Dept. No.: XVI

CASE APPEAL STATEMENT

Plaintiffs 180 LAND CO., LLC and FORE STARS Ltd. (“Appellants” or “Landowners”),
by and through their attorneys of record, the Law Offices of Kermitt L. Waters, hereby file this
Case Appeal Statement.

///

1 **1. Name of appellant(s) filing this Case Appeal Statement:**

2 180 LAND CO LLC and FORE STARS Ltd.

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

4 Honorable Timothy C. Williams, Eighth Judicial District, Department 16

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

6 180 LAND CO LLC and FORE STARS Ltd.

7 LAW OFFICES OF KERMIT L. WATERS

8 Kermitt L. Waters, Esq.

9 James J. Leavitt, Esq.

10 Michael Schneider, Esq.

11 Autumn Waters, Esq.

12 704 S. 9th Street

13 Las Vegas, Nevada 89101

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

18 CITY OF LAS VEGAS

19 McDONALD CARANO LLP

20 George F. Ogilvie III, Esq.

21 Christopher Molina, Esq.

22 2300 W. Sahara Avenue, Suite 1200

23 Las Vegas, Nevada 89102

24 LAS VEGAS CITY ATTORNEY'S OFFICE

 Bryan Scott, Esq., City Attorney

 Philip R. Byrnes, Esq.

 Rebecca Wolfson, Esq.

 495 S. Main Street, 6th Floor

 Las Vegas, Nevada 89101

 SHUTE, MIHALY & WEINBERGER, LLP

 Andrew W. Schwartz, Esq.

 Lauren M. Tarpey, Esq.

 396 Hayes Street

 San Francisco, California 94102

1
2 **5. Indicate whether any attorney licensed above in response to question 3 or 4 is not**
3 **licensed to practice law in Nevada and, if so, whether the district court granted**
4 **that attorney permission to appear under SCR 42 (attach a copy of any district**
5 **court order granting such permission):**

6 Andrew W. Schwartz and Lauren M. Tarpey are not licensed to practice law in Nevada but
7 were admitted pro hac vice by the district court. A copy of the orders granting such permission is
8 collectively attached hereto as *Exhibit A*.

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

11 Retained.

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

14 Retained.

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

17 N/A

18 **9. Indicate the date of the proceedings commenced in the district court (e.g., date of**
19 **complaint, indictment, Information, or petition filed):**

20 On July 18, 2017 a petition for judicial review was filed. On September 7, 2017 Inverse
21 Condemnation Claims were filed. The district court ordered the matters be severed (It was
22 determined by the Nevada Supreme Court in the April 22, 2019 order in case #77771 that the
23 district court ordered separate trials for the petition for judicial review and the inverse
24 condemnation claims pursuant NRCP 42), accordingly, amended complaints for both the petition

1 for judicial review independently and the inverse condemnation claims independently were filed.
2 The First Amended Complaint Pursuant to Court Order Entered on February 1, 2018 for Severed
3 Alternative Verified Claims in Inverse Condemnation was filed on February 23, 2018.

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

7 This is an Article 1, §§ 8 and 22 constitutional proceeding wherein the City of Las Vegas
8 (“the City”) has *per se* taken the Landowners’ Property for the surrounding neighbors’ use as
9 recreation and open space. The City informed the surrounding neighbors that the Landowners’
10 Property was the publics to use for recreation and open space and the public is using the property
11 as such. The City effectuated this taking by passing ordinances that authorize the public to use the
12 Landowners’ Property and the City denied the Landowners any use of their own privately-owned
13 property that would conflict with the public’s use for recreation and open space, which included
14 prohibiting the Landowners from fencing or accessing their own Property and denying all
15 development. The district court held the City “clearly” took the Landowners’ Property for public
16 use and awarded just compensation.

17 The district court properly followed Nevada’s three-step mandatory procedure for
18 resolving this inverse condemnation case, which is: (1) determine the property interest; (2)
19 determine if that property interest was taken; and (3) if so, determine just compensation for the
20 taking. *ASAP Storage v. City of Sparks*, 123 Nev. 639, 642 (2007). First, the district court decided
21 the Landowners’ property interest based on the R-PD7 residential zoning, which includes the right
22 to develop residential units. Second, the district court held a four-day evidentiary hearing on the
23 takings issue and concluded it was “clear” the City has taken the Landowners’ property. Third,
24 the district court held a bench trial and post-trial hearings that resulted in an award of just

1 compensation, which includes the value for the land taken, costs, attorney fees, and prejudgment
2 interest. Nev. Const. art. 1, section 22(4) (“Just compensation shall include, but is not limited to,
3 compounded interest and all reasonable costs and expenses actually incurred.”). The district court
4 then followed the mandatory rules in NRS 37.140, NRS 37.170, and *State v. Second Jud. Dist. Ct.*,
5 to order payment of the sums assessed within 30 days of the final judgment and as a precondition
6 to appeal.

7 In particular, the following relevant district court orders were entered after exhaustive
8 briefing and extensive oral argument and include all of the district court findings on the property
9 interest, take, and just compensation issues:

10 FFCL Regarding Plaintiff Landowners’ Motion to Determine Property Interest (FFCL Re:
11 Property interest);

12 FFCL Granting Landowners’ Motion to Determine Take (FFCL Re: Take)

13 FFCL on Just Compensation (“FFCL Re: Just Compensation”)

14 Order Granting Landowners’ Motion for Attorney Fees (“Order Re: Attorney Fees”)

15 FFCL Denying City’s Motion for Immediate Stay of Judgment (FFCL Re: Stay)

16 Order Granting Plaintiffs Landowners’ Motion for Reimbursement of Property Taxes

17 FFFCL and Order Granting Plaintiffs’ Motion for Pre-Judgment Interest

18 Final Judgment in Inverse Condemnation

19 Plaintiffs hereby appeal to the Supreme Court of Nevada from the following:

20 The Final Judgment in Inverse Condemnation, only to the extent it refers to the issue of
21 prejudgment interest, entered on April 18, 2022, and The Findings of Fact and Conclusions of
22 Law-and-Order Granting Plaintiffs’ Motion for Pre-Judgment Interest, entered on April 2, 2022.

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

1 On December 31, 2018, Plaintiffs filed a Notice of Appeal, Nevada Supreme Court
2 Case No. 77771. On April 22, 2019, the Nevada Supreme Court dismissed the appeal.

3 On May 17, 2019, the City filed a Petition for Writ of Mandamus, or in the alternative,
4 Writ of Prohibition, Nevada Supreme Court Case No. 78792.

5 On February 11, 2022, the City filed an Emergency Petition for Writ of Mandamus, or
6 in the Alternative, Writ of Certiorari, Nevada Supreme Court Case No. 84221.

7 On March 2, 2022, the City filed a Notice of Appeal, Nevada Supreme Court Case No.
8 84345.

9 Caption cover pages for the above referenced appeals/writ proceedings are attached
10 hereto as *Exhibit B*.

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

12 N/A

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

15 A settlement conference in Nevada Supreme Court Case No. 84345 is scheduled on May
16 2, 2022.

17 DATED this 25th day of April, 2022.

18 **LAW OFFICES OF KERMIT L. WATERS**

19 /s/ James J. Leavitt

20 Kermit L. Waters, Esq. (NSB 2571)

21 James J. Leavitt, Esq. (NSB 6032)

22 Michael A. Schneider, Esq. (NSB 8887)

23 Autumn L. Waters, Esq. (NSB 8917)

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Telephone: (702) 733-8877

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Attorneys for Plaintiff Landowners

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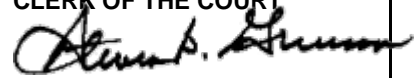
McDONALD CARANO LLP

LAS VEGAS CITY ATTORNEY'S OFFICE

SHUTE, MIHALY & WEINBERGER, LLP

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

EXHIBIT “A”



ORDER

Bradford R. Jerbic (NV Bar No. 1056)
Philip R. Byrnes (NV Bar No. 166)
Seth T. Floyd (NV Bar No. 11959)
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sfloyd@lasvegasnevada.gov

(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,

Plaintiffs,

v.

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,

Defendants.

CASE NO.: A-17-758528-J

DEPT. NO.: XVI

**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,
...

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

3 DATED this 2 day of April, 2020.

4
5 
6 DISTRICT COURT JUDGE CG

6 Submitted by:

7 McDONALD CARANO LLP

8
9 By: /s/ George F. Ogilvie III

10 George F. Ogilvie III, Esq. (NV Bar #3552)

11 Amanda C. Yen (NV Bar #9726)

12 Christopher Molina (NV Bar #14092)

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(Pro hac vice pending)

22 Lauren M. Tarpey (CA Bar No. 321775)

(Pro hac vice pending)

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San Francisco, California 94102

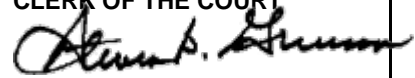
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25 Facsimile: (415) 552-5816

schwartz@smwlaw.com

26 ltarpey@smwlaw.com

27 *Attorneys for City of Las Vegas*



ORDER

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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,

Plaintiffs,

v.

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,

Defendants.

CASE NO.: A-17-758528-J

DEPT. NO.: XVI

**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,

...

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

3 DATED this 2 day of April, 2020.

4
5 
6 DISTRICT COURT JUDGE CG

6 Submitted by:

7 McDONALD CARANO LLP

8
9 By: /s/ George F. Ogilvie III

10 George F. Ogilvie III, Esq. (NV Bar #3552)
11 Amanda C. Yen (NV Bar #9726)
12 Christopher Molina (NV Bar #14092)
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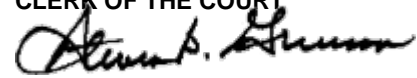
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25
26
27 *Attorneys for City of Las Vegas*
28

EXHIBIT “B”



Electronically Filed
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,

Petitioners,

v.

Case No. A-17-758528-J
Dept. No. XVI

NOTICE OF APPEAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

Case No. _____

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,
Real Party in Interest

Electronically Filed
May 17 2019 02:47 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

District Court Case No.: A-17-758528-J
Eighth Judicial District Court of Nevada

**PETITION FOR WRIT OF MANDAMUS,
OR IN THE ALTERNATIVE, WRIT OF PROHIBITION**

| | |
|--|--|
| <p>McDONALD CARANO LLP George F. Ogilvie III (#3552) Debbie Leonard (#8260) Amanda C. Yen (#9726) Christopher Molina (#14092) 2300 W. Sahara Ave, Suite 1200 Las Vegas, NV 89102 Phone: 702.873.4100 Fax: 702.873.9966 gogilvie@mcdonaldcarano.com dleonard@mcdonaldcarano.com ayen@mcdonaldcarano.com cmolina@mcdonaldcarano.com</p> | <p>LAS VEGAS CITY ATTORNEY'S OFFICE Bradford R. Jerbic (#1056) Philip R. Byrnes (#166) Seth T. Floyd (#11959) 495 S. Main Street, 6th Floor Las Vegas, NV 89101 Phone: 702.229.6629 Fax: 702.386.1749 bjerbic@lasvegasnevada.gov pbyrnes@lasvegasnevada.gov sfloyd@lasvegasnevada.gov</p> |
|--|--|

Attorneys for Petitioner

IN THE SUPREME COURT OF THE STATE OF NEVADA

Case No. _____

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

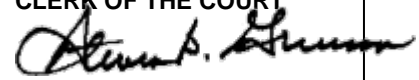
District Court Case No.: A-17-758528-J
Eighth Judicial District Court of Nevada

**EMERGENCY PETITION FOR WRIT OF MANDAMUS,
OR IN THE ALTERNATIVE, WRIT OF CERTIORARI
(action needed by February 23, 2022)**

| | |
|--|--|
| <p>LAS VEGAS CITY ATTORNEY'S OFFICE Bryan K. Scott (#4381) Philip R. Byrnes (#166) Rebecca Wolfson (#14132) 495 S. Main Street, 6th Floor Las Vegas, NV 89101 Phone: 702.229.6629 Fax: 702.386.1749 bscott@lasvegasnevada.gov pbyrnes@lasvegasnevada.gov rwolfson@lasvegasnevada.gov</p> | <p>McDONALD CARANO LLP George F. Ogilvie III (#3552) Amanda C. Yen (#9726) Christopher Molina (#14092) 2300 W. Sahara Ave, Suite 1200 Las Vegas, NV 89102 Phone: 702.873.4100 Fax: 702.873.9966 gogilvie@mcdonaldcarano.com ayen@mcdonaldcarano.com cmolina@mcdonaldcarano.com</p> |
|--|--|

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|--|--|
| <p>LEONARD LAW, PC Debbie Leonard (#8260) 955 S. Virginia St., Suite #220 Reno, NV 89502 775-964-4656 debbie@leonardlawpc.com</p> | <p>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</p> |
|--|--|

Attorneys for Petitioner



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Electronically Filed
Mar 09 2022 08:10 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

(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,

Plaintiffs,

v.

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,

Defendants.

CASE NO.: A-17-758528-J

DEPT. NO.: XVI

**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;

CASE SUMMARY**CASE NO. A-17-758528-J**

180 Land Company LLC, Petitioner(s)
vs.
Las Vegas City of, Respondent(s)

§
§
§
§
§
§
§

Location: **Department 16**
 Judicial Officer: **Williams, Timothy C.**
 Filed on: **07/18/2017**
 Cross-Reference Case Number: **A758528**
 Supreme Court No.: **77771**
84345

CASE INFORMATION**Statistical Closures**

04/18/2022 Summary Judgment
 08/22/2019 Transferred (before trial)
 12/12/2018 Stipulated Judgment

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

Case Status: **04/18/2022 Closed**


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


| | | |
|-------------------|--|---|
| Petitioner | 180 Land Company LLC | <i>Lead Attorneys</i> Hutchison, Mark A <i>Retained</i> 702-385-2500(W) |
| | Fore Stars Ltd | Ghanem, Elizabeth M. <i>Retained</i> 7028624450(W) |
| | Seventy Acres LLC Removed: 06/15/2020 Dismissed | Ghanem, Elizabeth M. <i>Retained</i> 7028624450(W) |
| Respondent | Las Vegas City of | Scott, Bryan K. <i>Retained</i> 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

CASE SUMMARY

CASE NO. A-17-758528-J

[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
















Transmittal of Record















Filed By: Respondent Las Vegas City of

[16] Transmittal of Record for Review














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

| | |
|------------|--|
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[17] Transmittal of Record for Review, Volume 1 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[18] Transmittal of Record for Review, Volume 2 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[19] Transmittal of Record for Review, Volume 3 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[20] Transmittal of Record for Review, Volume 4 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[21] Transmittal of Record for Review, Volume 5 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[22] Transmittal of Record for Review, Volume 6 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[23] Transmittal of Record for Review, Volume 7 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[24] Transmittal of Record for Review, Volume 8 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[25] Transmittal of Record for Review, Volume 9 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[26] Transmittal of Record for Review, Volume 10 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[27] Transmittal of Record for Review, Volume 11 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[28] Transmittal of Record for Review, Volume 12 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[29] Transmittal of Record for Review, Volume 13 of 157</i> |
| 01/18/2018 | |















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

| | |
|------------|--|
| |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[30] Transmittal of Record for Review, Volume 14 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[31] Transmittal of Record for Review, Volume 15 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[32] Transmittal of Record for Review, Volume 16 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[33] Transmittal of Record for Review, Volume 17 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[34] Transmittal of Record for Review, Volume 18 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[35] Transmittal of Record for Review, Volume 19 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[36] Transmittal of Record for Review, Volume 20 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[37] Transmittal of Record for Review, Volume 21 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[38] Transmittal of Record for Review, Volume 22 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[39] Transmittal of Record for Review, Volume 23 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[40] Transmittal of Record for Review, Volume 24 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[41] Transmittal of Record for Review, Volume 25 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[42] Transmittal of Record for Review, Volume 30</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of |














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

| | |
|------------|---|
| | <i>[43] Transmittal of Record for Review, Volume 26 of 157</i> |
| 01/18/2018 |  Transmittal of Record Filed By: Respondent Las Vegas City of <i>[44] Transmittal of Record for Review, Volume 28</i> |
| 01/18/2018 |  Transmittal of Record Filed By: Respondent Las Vegas City of <i>[45] Transmittal of Record for Review, Volume 27 of 157</i> |
| 01/18/2018 |  Transmittal of Record Filed By: Respondent Las Vegas City of <i>[46] Transmittal of Record for Review, Volume 29 of 157</i> |
| 01/18/2018 |  Transmittal of Record Filed By: Respondent Las Vegas City of <i>[47] Transmittal of Record for Review, Volume 31 of 157</i> |
| 01/18/2018 |  Transmittal of Record Filed By: Respondent Las Vegas City of <i>[48] Transmittal of Record for Review, Volume 34 of 157</i> |
| 01/18/2018 |  Transmittal of Record Filed By: Respondent Las Vegas City of <i>[49] Transmittal of Record for Review, Volume 33 of 157</i> |
| 01/18/2018 |  Transmittal of Record Filed By: Respondent Las Vegas City of <i>[50] Transmittal of Record for Review, Volume 35 of 157</i> |
| 01/18/2018 |  Transmittal of Record Filed By: Respondent Las Vegas City of <i>[51] Transmittal of Record for Review, Volume 37 of 157</i> |
| 01/18/2018 |  Transmittal of Record Filed By: Respondent Las Vegas City of <i>[52] Transmittal of Record for Review, Volume 32 of 157</i> |
| 01/18/2018 |  Transmittal of Record Filed By: Respondent Las Vegas City of <i>[53] Transmittal of Record for Review, Volume 36 of 157</i> |
| 01/18/2018 |  Transmittal of Record Filed By: Respondent Las Vegas City of <i>[54] Transmittal of Record for Review, Volume 38 of 157</i> |
| 01/18/2018 |  Transmittal of Record Filed By: Respondent Las Vegas City of <i>[55] Transmittal of Record for Review, Volume 39</i> |
| 01/18/2018 |  Transmittal of Record Filed By: Respondent Las Vegas City of <i>[56] Transmittal of Record for Review, Volume 40 of 157</i> |












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

| | |
|------------|---|
| 01/18/2018 |  Transmittal of Record Filed By: Respondent Las Vegas City of <i>[57] Transmittal of Record for Review, Volume 41 of 157</i> |
| 01/18/2018 |  Transmittal of Record Filed By: Respondent Las Vegas City of <i>[58] Transmittal of Record for Review, Volume 42 of 157</i> |
| 01/18/2018 |  Transmittal of Record Filed By: Respondent Las Vegas City of <i>[59] Transmittal of Record for Review, Volume 43 of 157</i> |
| 01/18/2018 |  Transmittal of Record Filed By: Respondent Las Vegas City of <i>[60] Transmittal of Record for Review, Volume 45 of 157</i> |
| 01/18/2018 |  Transmittal of Record Filed By: Respondent Las Vegas City of <i>[61] Transmittal of Record for Review, Volume 44 of 157</i> |
| 01/18/2018 |  Transmittal of Record Filed By: Respondent Las Vegas City of <i>[62] Transmittal of Record for Review, Volume 46 of 157</i> |
| 01/18/2018 |  Transmittal of Record Filed By: Respondent Las Vegas City of <i>[63] Transmittal of Record for Review, Volume 47 of 157</i> |
| 01/18/2018 |  Transmittal of Record Filed By: Respondent Las Vegas City of <i>[64] Transmittal of Record for Review, Volume 48 of 157</i> |
| 01/18/2018 |  Transmittal of Record Filed By: Respondent Las Vegas City of <i>[65] Transmittal of Record for Review, Volume 49 of 157</i> |
| 01/18/2018 |  Transmittal of Record Filed By: Respondent Las Vegas City of <i>[66] Transmittal of Record for Review, Volume 51 of 157</i> |
| 01/18/2018 |  Transmittal of Record Filed By: Respondent Las Vegas City of <i>[67] Transmittal of Record for Review, Volume 50 of 157</i> |
| 01/18/2018 |  Transmittal of Record Filed By: Respondent Las Vegas City of <i>[68] Transmittal of Record for Review, Volume 52 of 157</i> |
| 01/18/2018 |  Transmittal of Record Filed By: Respondent Las Vegas City of <i>[69] Transmittal of Record for Review, Volume 53 of 157</i> |
| 01/18/2018 |  Transmittal of Record |















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

| | |
|------------|--|
| | Filed By: Respondent Las Vegas City of <i>[70] Transmittal of Record for Review, Volume 54 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[71] Transmittal of Record for Review, Volume 55 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[72] Transmittal of Record for Review, Volume 56 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[73] Transmittal of Record for Review, Volume 57 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[74] Transmittal of Record for Review, Volume 58 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[75] Transmittal of Record for Review, Volume 59 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[76] Transmittal of Record for Review, Volume 60 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[77] Transmittal of Record for Review, Volume 61 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[78] Transmittal of Record for Review, Volume 62 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[79] Transmittal of Record for Review, Volume 63 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[80] Transmittal of Record for Review, Volume 64 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[81] Transmittal of Record for Review, Volume 65 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[82] Transmittal of Record for Review, Volume 66 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[83] Transmittal of Record for Review, Volume 67 of 157</i> |

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

| | |
|------------|--|
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[84] Transmittal of Record for Review, Volume 69 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[85] Transmittal of Record for Review, Volume 68 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[86] Transmittal of Record for Review, Volume 71 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[87] Transmittal of Record for Review, Volume 72 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[88] Transmittal of Record for Review, Volume 70 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[89] Transmittal of Record for Review, Volume 75 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[90] Transmittal of Record for Review, Volume 74 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[91] Transmittal of Record for Review, Volume 81 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[92] Transmittal of Record for Review, Volume 83</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[93] Transmittal of Record for Review, Volume 82 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[94] Transmittal of Record for Review, Volume 76 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[95] Transmittal of Record for Review, Volume 86 of 157</i> |
| 01/18/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[96] Transmittal of Record for Review, Volume 77, Pages ROR016112-ROR016411</i> |
| 01/18/2018 | |

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

| | |
|------------|--|
| |  <p>Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[97] Transmittal of Record for Review, Volume 78, Pages ROR016412-ROR016711</i></p> |
| 01/18/2018 |  <p>Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[98] Transmittal of Record for Review, Volume 79, Pages ROR016712-ROR016871</i></p> |
| 01/18/2018 |  <p>Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[99] Transmittal of Record for Review, Volume 80, Pages ROR016872-ROR017011</i></p> |
| 01/18/2018 |  <p>Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[100] Transmittal of Record for Review, Volume 85, Pages ROR017912-ROR018211</i></p> |
| 01/18/2018 |  <p>Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[101] Transmittal of Record for Review, Volume 87, Pages ROR018512-ROR018811</i></p> |
| 01/18/2018 |  <p>Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[102] Transmittal of Record for Review, Volume 88, Pages ROR018812-ROR018971</i></p> |
| 01/18/2018 |  <p>Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[103] Transmittal of Record for Review, Volume 89, Pages ROR018972-ROR019111</i></p> |
| 01/18/2018 |  <p>Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[104] Transmittal of Record for Review, Volume 90, Pages ROR019112-ROR019411</i></p> |
| 01/18/2018 |  <p>Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[105] Transmittal of Record for Review, Volume 91 of 157</i></p> |
| 01/18/2018 |  <p>Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[106] Transmittal of Record for Review, Volume 92 of 157</i></p> |
| 01/18/2018 |  <p>Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[107] Transmittal of Record for Review, Volume 93 of 157</i></p> |
| 01/18/2018 |  <p>Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[108] Transmittal of Record for Review, Volume 98 of 157</i></p> |
| 01/18/2018 |  <p>Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[109] Transmittal of Record for Review, Volume 100 of 157</i></p> |
| 01/18/2018 |  <p>Trasmittal of Record Filed By: Respondent Las Vegas City of</p> |

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

[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

CASE SUMMARY












CASE NO. A-17-758528-J

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| 01/22/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[124] Transmittal Of Record For Review Volume 108 of 157, Pages ROR023912 ROR024211</i> |
| 01/22/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[125] Transmittal Of Record For Review Volume 109, Pages ROR024212 ROR024511</i> |
| 01/22/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[126] Transmittal of Record for Review Volume 110, Pages ROR024512 ROR024811</i> |
| 01/22/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[127] Transmittal of Record for Review Volume 111 of 157, Pages ROR024812 ROR025111</i> |
| 01/22/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[128] Transmittal of Record for Review Volume 112 of 157, Pages ROR025112 ROR025411</i> |
| 01/22/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[129] Transmittal of Record for Review Volume 113 of 157, Pages ROR025412 ROR025711</i> |
| 01/22/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[130] Transmittal of Record for Review Volume 114 of 157, Pages ROR025712 ROR025866</i> |
| 01/22/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[131] Transmittal Of Record For Review Volume 115 of 157, Pages ROR025867 ROR026011</i> |
| 01/22/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[132] Transmittal Of Record For Review Volume 116 of 157, Pages ROR026012 ROR026311</i> |
| 01/22/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[133] Transmittal Of Record For Review Volume 117 of 157, Pages ROR026312 ROR026461</i> |
| 01/22/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[134] Transmittal Of Record For Review Volume 118 of 157, Pages ROR026462 ROR026611</i> |
| 01/22/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[135] Transmittal of Record for Review Volume 119 of 157, Pages ROR026612 ROR026791</i> |
| 01/22/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[136] Transmittal of Record for Review Volume 120 of 157, Pages ROR026792 ROR026911</i> |
| 01/22/2018 |  Trasmittal of Record |










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

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| | <p>Filed By: Respondent Las Vegas City of <i>[137] Transmittal of Record for Review Volume 121 of 157, Pages ROR026912 ROR026992</i></p> |
| 01/22/2018 | <p> Transmittal of Record Filed By: Respondent Las Vegas City of <i>[138] Transmittal of Record for Review Volume 122 of 157, Pages ROR026993 ROR027237</i></p> |
| 01/22/2018 | <p> Transmittal of Record Filed By: Respondent Las Vegas City of <i>[139] Transmittal of Record for Review Volume 123 of 157, Pages ROR027238 ROR027482</i></p> |
| 01/22/2018 | <p> Transmittal of Record Filed By: Respondent Las Vegas City of <i>[140] Transmittal of Record for Review Volume 124 of 157, Pages ROR027483 ROR027632</i></p> |
| 01/22/2018 | <p> Transmittal of Record Filed By: Respondent Las Vegas City of <i>[141] Transmittal Of Record For Review Volume 125 of 157, Pages ROR027633 ROR027727</i></p> |
| 01/22/2018 | <p> Transmittal of Record Filed By: Respondent Las Vegas City of <i>[142] Transmittal of Record for Review Volume 126 of 157, Pages ROR027728 ROR027972</i></p> |
| 01/22/2018 | <p> Transmittal of Record Filed By: Respondent Las Vegas City of <i>[143] Transmittal of Record for Review Volume 127 of 157, Pages ROR027973 ROR028102</i></p> |
| 01/22/2018 | <p> Transmittal of Record Filed By: Respondent Las Vegas City of <i>[144] Transmittal of Record for Review Volume 128 of 157, Pages ROR028103 ROR028217</i></p> |
| 01/22/2018 | <p> Transmittal of Record Filed By: Respondent Las Vegas City of <i>[145] Transmittal of Record for Review Volume 129 of 157, Pages ROR028218 ROR028462</i></p> |
| 01/22/2018 | <p> Transmittal of Record Filed By: Respondent Las Vegas City of <i>[146] Transmittal of Record for Review Volume 130 of 157, Pages ROR028463 ROR028707</i></p> |
| 01/22/2018 | <p> Transmittal of Record Filed By: Respondent Las Vegas City of <i>[147] Transmittal of Record for Review Volume 131 of 157, Pages ROR028708 ROR028952</i></p> |
| 01/22/2018 | <p> Transmittal of Record Filed By: Respondent Las Vegas City of <i>[148] Transmittal of Record for Review Volume 132 of 157, Pages ROR028953 ROR029197</i></p> |
| 01/22/2018 | <p> Transmittal of Record Filed By: Respondent Las Vegas City of <i>[149] Transmittal of Record for Review Volume 133 of 157, Pages ROR029198 ROR029442</i></p> |
| 01/22/2018 | <p> Transmittal of Record Filed By: Respondent Las Vegas City of <i>[150] Transmittal of Record for Review Volume 134 of 157, Pages ROR029443 ROR029687</i></p> |

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CASE NO. A-17-758528-J

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| 01/22/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[151] Transmittal of Record for Review Volume 135 of 157, Pages ROR029688 ROR029932</i> |
| 01/22/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[152] Transmittal of Record for Review Volume 136 of 157, Pages ROR029933 ROR030040</i> |
| 01/22/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[153] Transmittal of Record for Review Volume 137 of 157, Pages ROR030041 ROR030190</i> |
| 01/22/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[154] Transmittal of Record for Review Volume 138 of 157, Pages ROR030191 ROR030330</i> |
| 01/22/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[155] Transmittal of Record for Review Volume 139 of 157, Pages ROR030331 ROR030620</i> |
| 01/22/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[156] Transmittal of Record for Review Volume 141 of 157, Pages ROR030911 ROR031060</i> |
| 01/22/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[157] Transmittal of Record for Review Volume 140 of 157, Pages ROR030621 ROR030910</i> |
| 01/22/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[158] Transmittal of Record for Review Volume 144 of 157, Pages ROR031491 ROR031780</i> |
| 01/22/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[159] Transmittal of record for Review Volume 145 of 157, Pages ROR031781 ROR032070</i> |
| 01/22/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[160] Transmittal of Record for Review Volume 146 of 157, Pages ROR032071 ROR032360</i> |
| 01/22/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[161] Transmittal of Record for Review Volume 147 of 157, Pages ROR032071 ROR032360</i> |
| 01/22/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[162] Transmittal of Record for Review Volume 148 of 157, Pages ROR032651 ROR032800</i> |
| 01/22/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[163] Trasmittal of Record for Review Volume 149 of 157, Pages ROR032801 ROR032940</i> |
| 01/22/2018 | |

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|------------|---|
| |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[164] Trasmittal of Record for Review Volume 150 of 157, Pages ROR032941 ROR033230</i> |
| 01/22/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[165] Trasmittal of Record for Review Volume 151 of 157, Pages ROR033231 ROR033520</i> |
| 01/22/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[166] Trasmittal of Record for Review Volume 152 of 157, Pages ROR033521 ROR033810</i> |
| 01/22/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[167] Trasmittal of Record for Review Volume 153 of 157, Pages ROR033811 ROR034100</i> |
| 01/22/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[168] Trasmittal of Record for Review Volume 154 of 157, Pages ROR034101 ROR034390</i> |
| 01/22/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[169] Trasmittal of Record for Review Volume 156 of 157, Pages ROR034681 ROR034970</i> |
| 01/22/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[170] Trasmittal of Record for Review Volume 155 of 157, Pages ROR034391 ROR034680</i> |
| 01/22/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[171] Trasmittal of Record for Review Volume 157 of 157, Pages ROR034971 ROR035182</i> |
| 01/22/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[172] Trasmittal of Record for Review Volume 143 of 157, Pages ROR031201 ROR031490</i> |
| 01/22/2018 |  Trasmittal of Record Filed By: Respondent Las Vegas City of <i>[173] Trasmittal of Record for Review Volume 142, Pages ROR031061 ROR031200</i> |
| 02/01/2018 |  Order Filed By: Petitioner 180 Land Company LLC <i>[174] Order Denying Motion to Dismiss and Countermotion to Stay Litigation</i> |
| 02/02/2018 |  Notice of Entry of Order Filed By: Petitioner 180 Land Company LLC <i>[175] Notice of Entry of Order Denying Motion to Dismiss and Countermotion to Stay Litigation</i> |
| 02/05/2018 |  Notice <i>[176] Notice of Disassociation</i> |
| 02/05/2018 |  Answer to Complaint Filed by: Respondent Las Vegas City of |

CASE SUMMARY

CASE NO. A-17-758528-J

[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

CASE SUMMARY

CASE NO. A-17-758528-J

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 <i>[190] Notice of Entry of Stipulation and Order to Extend Briefing Schedule Deadlines Relating to Petitioner's Second Amended Petition for Judicial Review</i> |
| 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 <i>[191] Motion to Intervene on an Order Shortening Time</i> |
| 04/17/2018 |  Petitioners Opening Brief Filed by: Petitioner 180 Land Company LLC <i>[192] Petitioner's Memorandum of Points and Authorities in support of Second Amended Petition for Judicial Review</i> |
| 04/20/2018 |  Substitution of Attorney Filed by: Respondent Las Vegas City of <i>[193] Substitution of Counsel</i> |
| 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 <i>[194] Stipulation And Order To Continue Hearing On Motion To Intervene</i> |
| 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 <i>[195] Notice Of Entry Of Order</i> |
| 05/02/2018 |  Opposition to Motion Filed By: Petitioner 180 Land Company LLC <i>[196] Petitioner's Opposition to Motion to Intervene</i> |
| 05/07/2018 |  Motion to Extend Party: Respondent Las Vegas City of <i>[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</i> |
| 05/09/2018 |  Opposition Filed By: Petitioner 180 Land Company LLC |

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

[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 Intervenor's 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] Intervenor's Answering Brief

CASE SUMMARY

CASE NO. A-17-758528-J

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












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

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| | <i>[219] 180 Land's Reply to City of Las Vegas' Opposition to Motion to Strike</i> |
| 07/31/2018 |  Stipulation and Order <i>[220] Stipulation and Order Regarding Post-Hearing Submissions</i> |
| 07/31/2018 |  Notice of Entry of Stipulation and Order <i>[221] Notice of Entry of Stipulation and Order Regarding Post-Hearing Submissions</i> |
| 07/31/2018 |  Reply Filed by: Petitioner 180 Land Company LLC <i>[222] Petitioner's Post-Hearing Reply Brief</i> |
| 08/06/2018 |  Errata <i>[223] Notice of Errata re Petitioner's Post-Hearing Reply Brief</i> |
| 08/07/2018 |  Order Denying Motion Filed By: Respondent Las Vegas City of <i>[224] Order Denying Petitioner's Emergency Motion to Strike Errata to Transmittal of Record for Review</i> |
| 08/07/2018 |  Reply Filed by: Respondent Las Vegas City of <i>[225] City of Las Vegas' Post-Hearing Sur-Reply Brief</i> |
| 08/07/2018 |  Notice of Entry of Order Filed By: Respondent Las Vegas City of <i>[226] Notice of Entry of Order Denying Petitioner's Emergency Motion to Strike Errata to Transmittal of Record</i> |
| 08/07/2018 |  Brief Filed By: Intervenor Binion, Jack B <i>[227] Intervenor's Post-Hearing Brief</i> |
| 08/14/2018 |  Notice Filed By: Petitioner 180 Land Company LLC <i>[228] Notice of Lodging Proposed Findings of Fact, Conclusions of Law and Order Granting Petition for Judicial Review</i> |
| 08/14/2018 |  Notice Filed By: Intervenor Binion, Jack B <i>[229] Notice of Submission of Proposed Findings of Fact, Conclusions of Law, and Order</i> |
| 08/15/2018 |  Notice Filed By: Petitioner 180 Land Company LLC <i>[230] Notice of Erratum for Proposed Findings of Fact, Conclusions of Law and Order Lodged August 14, 2018</i> |
| 08/17/2018 |  Request Filed by: Petitioner 180 Land Company LLC <i>[231] Petitioner's Request for Consideration of Additional Pleading</i> |
| 08/21/2018 |  Request for Judicial Notice Filed By: Petitioner 180 Land Company LLC <i>[232] REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF PETITIONER S PROPOSED</i> |

CASE SUMMARY

CASE NO. A-17-758528-J

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 <i>[233] City of Las Vegas' Errata to Sur-Reply Brief and Proposed Findings of Fact and Conclusions of Law</i> |
| 10/29/2018 |  Request for Judicial Notice Filed By: Petitioner 180 Land Company LLC <i>[234] Request for Judicial Notice</i> |
| 10/29/2018 |  Notice Filed By: Respondent Las Vegas City of <i>[235] Notice of Submission of [Proposed] Findings of Fact and Conclusions of Law on Petition for Judicial Review</i> |
| 11/06/2018 |  Notice Filed By: Petitioner 180 Land Company LLC <i>[236] Notice Of Submission Of [Proposed] Findings Of Fact, Conclusions Of Law And Order Denying Petition For Judicial Review</i> |
| 11/21/2018 |  Findings of Fact, Conclusions of Law and Order Filed By: Respondent Las Vegas City of <i>[237] Findings of Fact and Conclusions of Law on Petition for Judicial Review</i> |
| 11/26/2018 |  Notice of Entry of Findings of Fact, Conclusions of Law Filed By: Respondent Las Vegas City of <i>[238] Notice of Entry of Findings of Fact and Conclusions of Law on Petition for Judicial Review</i> |
| 12/11/2018 |  Ex Parte Application Party: Petitioner 180 Land Company LLC <i>[239] Ex Parte Application to File Motion for Summary Judgment that Exceeds the EDCR 2.20(a) Page Limit</i> |
| 12/11/2018 |  Appendix Filed By: Petitioner 180 Land Company LLC <i>[240] Appendix of Exhibits in Support of Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 1</i> |
| 12/11/2018 |  Appendix <i>[241] Appendix of Exhibits in Support of Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 2</i> |
| 12/11/2018 |  Appendix Filed By: Petitioner 180 Land Company LLC <i>[242] Appendix of Exhibits in Support of Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 3</i> |
| 12/11/2018 |  Appendix Filed By: Petitioner 180 Land Company LLC <i>[243] Appendix of Exhibits in Support of Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 7</i> |
| 12/11/2018 | |

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CASE NO. A-17-758528-J



Appendix

[244] Appendix of Exhibits in Support of Motion for Summary Judgment 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

CASE SUMMARY

CASE NO. A-17-758528-J

| | |
|------------|---|
| 12/11/2018 |  Appendix <i>[256] Appendix of Exhibits in Support of Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims, Vol. 14</i> |
| 12/11/2018 |  Motion for Summary Judgment Filed By: Petitioner 180 Land Company LLC <i>[257] Plaintiff Landowners' Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims</i> |
| 12/11/2018 |  Motion Filed By: Petitioner 180 Land Company LLC <i>[259] Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims</i> |
| 12/12/2018 |  Order to Statistically Close Case <i>[258] Civil Order to Statistically Close Case</i> |
| 12/13/2018 |  Exhibits Filed By: Petitioner 180 Land Company LLC <i>[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</i> |
| 12/13/2018 |  Exhibits Filed By: Petitioner 180 Land Company LLC <i>[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</i> |
| 12/13/2018 |  Motion for New Trial Filed By: Petitioner 180 Land Company LLC <i>[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</i> |
| 12/14/2018 |  Supplement Filed by: Petitioner 180 Land Company LLC <i>[262] Supplement to: Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims</i> |
| 12/14/2018 |  Exhibits Filed By: Petitioner 180 Land Company LLC <i>[264] Exhibit 5 - Supplement to: Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims</i> |
| 12/14/2018 |  Exhibits Filed By: Petitioner 180 Land Company LLC <i>[265] Exhibit 6 - Supplement to: Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims</i> |
| 12/14/2018 |  Exhibits Filed By: Petitioner 180 Land Company LLC <i>[266] Exhibit 7 - Supplement to: Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims</i> |
| 12/14/2018 |  Exhibits |

CASE SUMMARY

CASE NO. A-17-758528-J

[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

CASE SUMMARY

CASE NO. A-17-758528-J

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,

CASE SUMMARY

CASE NO. A-17-758528-J

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

CASE SUMMARY










CASE NO. A-17-758528-J

Landowners' Inverse Condemnation Claims

| | |
|------------|--|
| 01/11/2019 |  Notice of Entry of Stipulation and Order Filed By: Respondent Las Vegas City of <i>[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</i> |
| 01/14/2019 |  Reply Filed by: Petitioner 180 Land Company LLC <i>[297] Reply Re: Plaintiff Landowners' Request for Rehearing / Reconsideration of Order / Judgment Dismissing Inverse Condemnation Claims</i> |
| 01/14/2019 |  Reply Filed by: Petitioner 180 Land Company LLC <i>[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</i> |
| 01/29/2019 |  Demand for Jury Trial Filed By: Petitioner 180 Land Company LLC <i>[299] Demand for Jury Trial</i> |
| 02/06/2019 |  Order Nunc Pro Tunc Filed By: Petitioner 180 Land Company LLC <i>[300] Order Nunc Pro Tunc Regarding Findings of Fact and Conclusion of Law Entered November 21, 2018</i> |
| 02/06/2019 |  Notice of Entry of Order Filed By: Petitioner 180 Land Company LLC <i>[301] Notice of Entry of Order Nunc Pro Tunc Regarding Findings of Fact and Conclusion of Law Entered November 21, 2018</i> |
| 02/13/2019 |  Motion for Judgment Filed By: Respondent Las Vegas City of <i>[302] City of Las Vegas' Motion for Judgment on the Pleadings on Developer's Inverse Condemnation Claims</i> |
| 03/04/2019 |  Ex Parte Application Party: Petitioner 180 Land Company LLC <i>[303] Ex Parte Application to File Motion for Judicial Determination of Liability that Exceeds the EDCR 2.20(a) Page Limit</i> |
| 03/04/2019 |  Opposition and Countermotion <i>[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</i> |
| 03/04/2019 |  Appendix Filed By: Petitioner 180 Land Company LLC <i>[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</i> |
| 03/08/2019 | |

CASE SUMMARY

CASE NO. A-17-758528-J

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|------------|--|
| |  Motion Filed By: Petitioner 180 Land Company LLC <i>[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</i> |
| 03/08/2019 |  Appendix Filed By: Petitioner 180 Land Company LLC <i>[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</i> |
| 03/11/2019 |  Order Granting Filed By: Petitioner 180 Land Company LLC <i>[308] (Proposed) Order Granting Ex Parte Application to File Motion for Judicial Determination of Liability in Excess of 30 Pages</i> |
| 03/11/2019 |  Notice of Entry of Order Filed By: Petitioner 180 Land Company LLC <i>[309] Notice of Entry of Order Granting Ex Parte Application to File Motion for Judicial Determination of Liability in Excess of 30 Pages</i> |
| 03/14/2019 |  Reply Filed by: Respondent Las Vegas City of <i>[310] City of Las Vegas' Reply in Support of Motion for Judgment on the Pleadings on Developer's Inverse Condemnation Claims</i> |
| 03/18/2019 |  Opposition to Motion Filed By: Respondent Las Vegas City of <i>[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</i> |
| 03/18/2019 |  Opposition to Motion Filed By: Respondent Las Vegas City of <i>[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</i> |
| 03/21/2019 |  Reply in Support Filed By: Petitioner 180 Land Company LLC <i>[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</i> |
| 03/21/2019 |  Reply in Support Filed By: Petitioner 180 Land Company LLC <i>[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</i> |
| 03/21/2019 |  Appendix Filed By: Petitioner 180 Land Company LLC <i>[315] Supplement to Appendix of Exhibits in Support of 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</i> |

CASE SUMMARY

CASE NO. A-17-758528-J

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



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CASE NO. A-17-758528-J

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|------------|---|
| | <p>Filed by: Respondent Las Vegas City of</p> <p><i>[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</i></p> |
| 05/13/2019 | <p> Joinder to Opposition to Motion</p> <p>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</p> <p><i>[328] Joinder to the City of Las Vegas' Opposition to Countermotion for Nunc Pro Tunc Order</i></p> |
| 05/14/2019 | <p> Reply</p> <p>Filed by: Petitioner 180 Land Company LLC</p> <p><i>[329] Landowners' Reply Re: Countermotion for Nunc Pro Tunc Order</i></p> |
| 05/15/2019 | <p> Order</p> <p><i>[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</i></p> |
| 05/15/2019 | <p> Notice of Entry of Order</p> <p>Filed By: Petitioner 180 Land Company LLC</p> <p><i>[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</i></p> |
| 05/15/2019 | <p> Amended Complaint</p> <p>Filed By: Petitioner 180 Land Company LLC</p> <p><i>[332] Second Amendment and First Supplement to Complaint for Severed Alternative Verified Claims in Inverse Condemnation</i></p> |
| 05/16/2019 | <p> Order</p> <p><i>[333] Order re April 2, 2019 NRCP 16 Conference</i></p> |
| 05/17/2019 | <p> Notice of Entry of Order</p> <p><i>[334] Notice of Entry of Order</i></p> |
| 05/17/2019 | <p> Notice</p> <p>Filed By: Respondent Las Vegas City of</p> <p><i>[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</i></p> |
| 05/19/2019 | <p> Reporters Transcript</p> <p><i>[336] Court Reporters transcript of Proceedings (Civil) 5-15-19</i></p> |
| 05/20/2019 | <p> Certificate of Service</p> <p>Filed by: Respondent Las Vegas City of</p> <p><i>[337] Certificate of Service</i></p> |

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CASE NO. A-17-758528-J

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|------------|--|
| 05/21/2019 |  NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>[338] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i> |
| 05/23/2019 |  Certificate of Service Filed by: Petitioner 180 Land Company LLC <i>[339] Certificate of Service</i> |
| 06/05/2019 |  Change of Address Filed By: Respondent Las Vegas City of <i>[340] Notice of Change of Firm Affiliation and Contact Information</i> |
| 06/13/2019 |  Case Conference Report Filed By: Petitioner 180 Land Company LLC <i>[341] Landowners' Individual Case Conference Report</i> |
| 06/18/2019 |  Answer to Amended Complaint Filed By: Respondent Las Vegas City of <i>[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</i> |
| 06/27/2019 |  Individual Case Conference Report Filed By: Respondent Las Vegas City of <i>[343] Individual Case Conference Report</i> |
| 06/28/2019 |  Errata Filed By: Respondent Las Vegas City of <i>[344] Errata to Notice of Change of Firm Affiliation and Contact Information</i> |
| 07/16/2019 |  Status Report Filed By: Respondent Las Vegas City of <i>[345] The City of Las Vegas' Status Report for the July 23, 2019 Status Check</i> |
| 07/16/2019 |  Status Report Filed By: Petitioner 180 Land Company LLC <i>[346] Status Report</i> |
| 08/07/2019 |  Motion Filed By: Petitioner 180 Land Company LLC <i>[347] Plaintiff Landowners' Motion on the Procedure to Determine Liability in an Inverse Condemnation Proceeding</i> |
| 08/08/2019 |  Notice of Hearing Filed By: Petitioner 180 Land Company LLC <i>[348] Notice of Hearing Re: Plaintiff Landowners Motion on the Procedure to Determine Liability in an Inverse Condemnation Proceeding</i> |
| 08/08/2019 |  Clerk's Notice of Hearing <i>[349] Clerk's Notice of Hearing</i> |
| 08/09/2019 |  Notice of Rescheduling of Hearing <i>[350] Notice of Rescheduling Hearing</i> |
| 08/15/2019 |  Application for Issuance of Commission to Take Deposition |

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

[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.

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













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| 03/25/2020 |  Reply in Support Filed By: Respondent Las Vegas City of <i>[366] The City of Las Vegas Reply in Support of its Motion to Compel Discovery</i> |
| 03/27/2020 |  Notice of Appearance Party: Petitioner 180 Land Company LLC <i>[367] Notice of Appearance</i> |
| 03/30/2020 |  Status Report Filed By: Respondent Las Vegas City of <i>[368] The City of Las Vegas' Status Report Submitted in Advance of April 1, 2020 Status Conference</i> |
| 03/30/2020 |  Appendix Filed By: Respondent Las Vegas City of <i>[369] Appendix to the City of Las Vegas' Status Report for the April 1, 2020 Status Check</i> |
| 03/31/2020 |  Status Report Filed By: Petitioner 180 Land Company LLC <i>[370] Status Report for April 1, 2020 Status Conference</i> |
| 04/03/2020 |  Order Granting Motion Filed By: Respondent Las Vegas City of <i>[371] Order Granting Motion to Associate Lauren Mary Tarpey</i> |
| 04/03/2020 |  Order Granting Motion <i>[372] Order Granting Motion to Associate Andrew William Schwartz</i> |
| 04/03/2020 |  Notice of Entry of Order Filed By: Respondent Las Vegas City of <i>[373] Notice of Entry of Order Granting Motion to Associate Andrew William Schwartz</i> |
| 04/03/2020 |  Notice of Entry of Order Filed By: Respondent Las Vegas City of <i>[374] Notice of Entry of Order Granting Motion to Associate Lauren Mary Tarpey</i> |
| 04/24/2020 |  Clerk's Notice of Nonconforming Document <i>[375] Clerk's Notice of Nonconforming Document</i> |
| 04/28/2020 |  Motion to Dismiss <i>[376] Plaintiff's Motion to Dismiss Seventy Acres LLC on Order Shortening Time</i> |
| 05/12/2020 |  Opposition to Motion Filed By: Respondent Las Vegas City of <i>[377] City of Las Vegas' Opposition to Seventy Acres, LLC's Motion to Dismiss Seventy Acres, LLC on Order Shortening Time</i> |
| 05/12/2020 |  Appendix Filed By: Respondent Las Vegas City of <i>[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</i> |
| 05/12/2020 |  Appendix |

CASE SUMMARY















CASE NO. A-17-758528-J

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| | <p>Filed By: Respondent Las Vegas City of <i>[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</i></p> |
| 05/12/2020 | <p> Appendix Filed By: Respondent Las Vegas City of <i>[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</i></p> |
| 05/12/2020 | <p> Appendix Filed By: Respondent Las Vegas City of <i>[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</i></p> |
| 05/13/2020 | <p> Status Report Filed By: Respondent Las Vegas City of <i>[382] The City of Las Vegas Status Report Submitted in Advance of the May 14, 2020 Status Conference</i></p> |
| 05/13/2020 | <p> Status Report <i>[383] Status Report for May 14, 2020, Status Conference</i></p> |
| 05/13/2020 | <p> Recorders Transcript of Hearing <i>[384] Recorders Transcript of Hearing - The City of Las Vegas' Motion to Compel Discovery</i></p> |
| 05/13/2020 | <p> Reply in Support Filed By: Petitioner 180 Land Company LLC <i>[385] Plaintiffs' Reply in Support of Motion to Dismiss Seventy Acres LLC on Order Shortening Time</i></p> |
| 05/14/2020 | <p> Notice of Withdrawal of Attorney Filed by: Respondent Las Vegas City of <i>[386] Notice of Withdrawal as Counsel for Defendant City of Las Vegas</i></p> |
| 06/10/2020 | <p> Status Report Filed By: Respondent Las Vegas City of <i>[387] The City of Las Vegas Status Report for June 11, 2020 Status Conference</i></p> |
| 06/10/2020 | <p> Status Report Filed By: Petitioner 180 Land Company LLC <i>[388] Status Report for June 11, 2020 Status Conference</i></p> |
| 06/15/2020 | <p> Order Granting Motion <i>[389] Order Granting Plaintiffs' Motion to Dismiss Seventy Acres LLC on Order Shortening Time and Order Re Status Check</i></p> |
| 06/15/2020 | <p> Notice of Entry of Order Filed By: Petitioner 180 Land Company LLC <i>[390] Notice of Entry of Order Granting Plaintiffs' Motion to Dismiss Seventy Acres LLC on Order Shortening Time and Order Re Status Check</i></p> |
| 07/07/2020 | <p> Discovery Commissioners Report and Recommendations <i>[391] Discovery Commissioner s Report and Recommendations -Originals</i></p> |
| 07/08/2020 | <p> Status Report</p> |

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| | <i>[392] Status Report for July 11, 2020, Status Conference</i> |
| 07/08/2020 |  Errata Filed By: Petitioner 180 Land Company LLC <i>[393] Errata and Correction to Status Report for July 9, 2020, Status Conference</i> |
| 07/08/2020 |  Status Report Filed By: Respondent Las Vegas City of <i>[394] The City of Las Vegas Status Report for July 9, 2020 Status Conference</i> |
| 07/10/2020 |  Objection to Discovery Commissioners Report and Recommend Filed By: Respondent Las Vegas City of <i>[395] The City of Las Vegas Objection to the Discovery Commissioner s Report and Recommendations</i> |
| 07/10/2020 |  Appendix Filed By: Respondent Las Vegas City of <i>[396] Appendix of Exhibits to the City of Las Vegas Objection to the Discovery Commissioner s Report and Recommendations</i> |
| 07/10/2020 |  Errata Filed By: Respondent Las Vegas City of <i>[397] Errata to Appendix of Exhibits to the City of Las Vegas' Objection to the Discovery Commissioner's Report and Recommendation</i> |
| 07/16/2020 |  Notice of Entry of Order Filed By: Respondent Las Vegas City of <i>[398] Notice of Entry of Order Granting The City of Las Vegas Request for the District Court to Decide All Discovery Disputes</i> |
| 07/16/2020 |  Order Granting Filed By: Respondent Las Vegas City of <i>[399] Order Granting the City of Las Vegas' Request for the District Court to Decide All Discovery Disputes</i> |
| 07/20/2020 |  Scheduling and Trial Order <i>[400] Scheduling Order and Order Setting Civil Jury Trial, Pre-Trial/Calendar Call</i> |
| 07/23/2020 |  Response Filed by: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[401] Plaintiffs' Response to Defendant City of Las Vegas' Objection to DCRR</i> |
| 07/24/2020 |  Order <i>[402] Order re Discovery Commissioner's Report and Recommendations</i> |
| 07/31/2020 |  Motion to Compel Filed By: Respondent Las Vegas City of <i>[403] The City of Las Vegas Motion to Compel and For an Order to Show Cause</i> |
| 08/03/2020 |  Certificate of Service Filed by: Respondent Las Vegas City of <i>[404] Certificate of Service re: The City of Las Vegas Motion to Compel and for an Order to Show Cause</i> |
| 08/04/2020 | |

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| |  Clerk's Notice of Hearing <i>[405] Notice of Hearing</i> |
| 08/04/2020 |  Certificate of Service Filed by: Respondent Las Vegas City of <i>[406] Certificate of Service re: Notice of Hearing re The City of Las Vegas Motion to Compel and for an Order to Show Cause</i> |
| 08/04/2020 |  Motion Filed By: Petitioner 180 Land Company LLC <i>[407] Plaintiff Landowners' Motion to Determine "Property Interest"</i> |
| 08/06/2020 |  Clerk's Notice of Nonconforming Document <i>[408] Clerk's Notice of Nonconforming Document</i> |
| 08/07/2020 |  Clerk's Notice of Nonconforming Document and Curative Action <i>[409] Clerk's Notice of Curative Action</i> |
| 08/07/2020 |  Stipulation and Order Filed by: Petitioner 180 Land Company LLC <i>[410] STIPULATION AND ORDER TO EXTEND DISCOVERY [FIRST REQUEST]</i> |
| 08/10/2020 |  Notice of Entry of Stipulation and Order Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[411] Notice of Entry of Stipulation and Order to Extend Discovery</i> |
| 08/10/2020 |  Clerk's Notice of Hearing <i>[412] Clerk's Notice of Hearing</i> |
| 08/14/2020 |  Opposition to Motion to Compel Filed By: Petitioner 180 Land Company LLC <i>[413] Plaintiffs' Opposition to Defendant City of Las Vegas' Motion to Compel and for an Order to Show Cause</i> |
| 08/18/2020 |  Status Report Filed By: Respondent Las Vegas City of <i>[414] The City of Las Vegas Status Report for August 19, 2020 Status Conference</i> |
| 08/18/2020 |  Opposition to Motion Filed By: Respondent Las Vegas City of <i>[415] City s Opposition to Motion to Determine Property Interest</i> |
| 08/18/2020 |  Appendix Filed By: Respondent Las Vegas City of <i>[416] Appendix of Exhibits to City s Opposition to Motion To Determine Property Interest Volume 1</i> |
| 08/18/2020 |  Appendix Filed By: Respondent Las Vegas City of <i>[417] Appendix of Exhibits to City s Opposition to Motion To Determine Property Interest Volume 2, Part 1</i> |
| 08/18/2020 |  Appendix Filed By: Respondent Las Vegas City of |

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| | <i>[418] Appendix of Exhibits to City s Opposition to Motion To Determine Property Interest Volume 2, Part 2</i> |
| 08/18/2020 |  Appendix Filed By: Respondent Las Vegas City of <i>[419] Appendix of Exhibits to City s Opposition to Motion To Determine Property Interest Volume 3</i> |
| 08/18/2020 |  Appendix Filed By: Respondent Las Vegas City of <i>[420] Appendix of Exhibits to City s Opposition to Motion To Determine Property Interest Volume 4</i> |
| 08/24/2020 |  Supplement to Opposition Filed By: Petitioner 180 Land Company LLC <i>[421] Supplement to Plaintiffs' Opposition to Defendant City of Las Vegas' Motion to Compel and for Order to Show Cause</i> |
| 08/26/2020 |  Stipulation and Order to Extend Discovery Deadlines Filed By: Petitioner 180 Land Company LLC <i>[422] Stipulation and Order to Extend Discovery [Second Request]</i> |
| 08/26/2020 |  Notice of Entry of Stipulation and Order Filed By: Petitioner 180 Land Company LLC <i>[423] Notice of Entry of Stipulation and Order to Extend Discovery [Second Request]</i> |
| 08/31/2020 |  Amended Order Setting Jury Trial <i>[424] AMENDED ORDER SETTING CIVIL JURY TRIAL, PRE-TRIAL/CALENDAR CALL</i> |
| 09/02/2020 |  Reply in Support Filed By: Respondent Las Vegas City of <i>[425] The City of Las Vegas' Reply in Support of its Motion to Compel and for an Order to Show Cause</i> |
| 09/08/2020 |  Status Report Filed By: Respondent Las Vegas City of <i>[426] The City of Las Vegas' Status Report for September 9, 2020 Status Conference</i> |
| 09/09/2020 |  Reply in Support Filed By: Petitioner 180 Land Company LLC <i>[427] Reply in Support of Plaintiff Landowners' Motion to Determine "Property Interest"</i> |
| 09/09/2020 |  Appendix Filed By: Petitioner 180 Land Company LLC <i>[428] Appendix of Exhibits to Reply in Support of Plaintiff Landowners' Motion to Determine "Property Interest", Volume 1</i> |
| 10/02/2020 |  Notice Filed By: Respondent Las Vegas City of <i>[429] Notice of Submission of the City of Las Vegas Proposed Order Granting Motion to Determine Property Interest</i> |
| 10/07/2020 |  Order Granting Motion <i>[430] ORDER GRANTING THE CITY OF LAS VEGAS MOTION TO COMPEL AND FOR AN ORDER TO SHOW CAUSE</i> |

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| 10/07/2020 |  Notice of Entry of Order Filed By: Respondent Las Vegas City of <i>[431] Notice of Entry of Order Granting the City of Las Vegas' Motion to Compel and for an Order to Show Cause</i> |
| 10/08/2020 |  Order Filed By: Respondent Las Vegas City of <i>[432] Order Directing the Parties to Meet and Confer</i> |
| 10/08/2020 |  Notice of Entry of Order Filed By: Respondent Las Vegas City of <i>[433] Notice of Entry of Order Directing the Parties to Meet and Confer</i> |
| 10/12/2020 |  Order Granting Filed By: Respondent Las Vegas City of <i>[435] Order Granting The City of Las Vegas' Objection to the Discovery Commissioner's Report and Recommendations</i> |
| 10/12/2020 |  Finding of Fact and Conclusions of Law Filed By: Petitioner 180 Land Company LLC <i>[436] Findings of Fact and Conclusions of Law Regarding Plaintiff Landowners' Motion to Determine Property Interest</i> |
| 10/12/2020 |  Notice of Entry of Order Filed By: Respondent Las Vegas City of <i>[437] Notice of Entry of Order Granting the City of Las Vegas Objection to the Discovery Commissioner s Report and Recommendations</i> |
| 10/12/2020 |  Notice of Entry Filed By: Petitioner 180 Land Company LLC <i>[438] Notice of Entry of Findings of Fact and Conclusions of Law Regarding Plaintiff Landowners' Motion to Determine "Property Interest"</i> |
| 10/20/2020 |  Status Report Filed By: Respondent Las Vegas City of <i>[439] The City of Las Vegas Status Report for October 21, 2020 Status Conference</i> |
| 10/22/2020 |  Motion to Compel <i>[440] The City Of Las Vegas Motion to Compel Discovery Responses, Documents and Damages Calculation and Related Documents on Order Shortening Time</i> |
| 10/22/2020 |  Appendix <i>[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</i> |
| 10/22/2020 |  Appendix <i>[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</i> |
| 10/22/2020 |  Appendix <i>[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</i> |

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



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| 10/23/2020 |  Stipulation and Order Filed by: Petitioner 180 Land Company LLC <i>[444] Stipulation and Order to Extend Discovery (Third Request)</i> |
| 10/23/2020 |  Notice of Entry of Stipulation and Order Filed By: Petitioner 180 Land Company LLC <i>[445] Notice of Entry of Stipulation and Order to Extend Discovery [Third Request]</i> |
| 10/28/2020 |  Motion to Strike Filed By: Petitioner 180 Land Company LLC <i>[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</i> |
| 10/28/2020 |  Clerk's Notice of Hearing <i>[447] Clerk's Notice of Hearing</i> |
| 11/02/2020 |  Notice of Entry of Order Filed By: Respondent Las Vegas City of <i>[448] Notice of Entry of Order Directing 180 Land Co LLC to Supplement Discovery Responses and Setting November 18, 2020 Status Conference</i> |
| 11/02/2020 |  Stipulation and Order <i>[449] ORDER DIRECTING 180 LAND CO LLC TO SUPPLEMENT DISCOVERY RESPONSES AND SETTING NOVEMBER 18, 2020 STATUS CONFERENCE</i> |
| 11/06/2020 |  Opposition to Motion to Compel Filed By: Petitioner 180 Land Company LLC <i>[450] Plaintiffs' Opposition to Defendant City of Las Vegas' Motion to Compel Discovery Responses and Damage Calculations</i> |
| 11/12/2020 |  Opposition to Motion Filed By: Respondent Las Vegas City of <i>[451] Opposition to Motion to Strike One Sentence from Order Granting Motion to Compel and for an Order to Show Cause</i> |
| 11/13/2020 |  Reply in Support Filed By: Respondent Las Vegas City of <i>[452] Reply in Support of Motion to Compel Discovery Responses and Damages Calculations and Documents</i> |
| 11/13/2020 |  Appendix Filed By: Respondent Las Vegas City of <i>[453] Appendix of Exhibits in Support of Reply in Support of Motion to Compel Discovery Responses and Damages Calculations and Documents, Volume 1</i> |
| 11/13/2020 |  Appendix Filed By: Respondent Las Vegas City of <i>[454] Appendix of Exhibits in Support of Reply in Support of Motion to Compel Discovery Responses and Damages Calculations and Documents, Volume 2</i> |
| 11/13/2020 |  Appendix Filed By: Respondent Las Vegas City of <i>[455] Appendix of Exhibits in Support of Reply in Support of Motion to Compel Discovery</i> |

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Responses and Damages Calculations and Documents, Volume 3

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| 11/13/2020 |  Appendix Filed By: Respondent Las Vegas City of <i>[456] Appendix of Exhibits in Support of Reply in Support of Motion to Compel Discovery Responses and Damages Calculations and Documents, Volume 4</i> |
| 11/17/2020 |  Status Report Filed By: Respondent Las Vegas City of <i>[457] The City of Las Vegas' Status Report for November 18, 2020 Status Conference</i> |
| 11/25/2020 |  Notice of Rescheduling <i>[458] Notice of Rescheduling Time of Hearings</i> |
| 12/01/2020 |  Reply in Support Filed By: Petitioner 180 Land Company LLC <i>[459] Plaintiff Landowners' Reply in Support of Motion to Strike One Sentence Related to the Landowners' Protective Order</i> |
| 12/07/2020 |  Status Report Filed By: Respondent Las Vegas City of <i>[460] The City of Las Vegas Status Report for the December 8, 2020 Status Conference</i> |
| 12/15/2020 |  Stipulation and Order <i>[461] STIPULATION AND ORDER TO CONTINUE HEARING</i> |
| 12/16/2020 |  Notice of Entry of Stipulation and Order Filed By: Petitioner 180 Land Company LLC <i>[462] Notice of Entry of Stipulation and Order to Continue Hearing</i> |
| 12/16/2020 |  Amended Order Setting Jury Trial <i>[463] 2nd Amended Order Setting Civil Jury Trial, Pre-Trial/ Calendar Call</i> |
| 01/08/2021 |  Motion to Compel Filed By: Petitioner 180 Land Company LLC <i>[464] Plaintiff Landowners' Motion to Compel the City to Answer Interrogatories</i> |
| 01/12/2021 |  Clerk's Notice of Hearing <i>[465] Clerks Notice of Hearing</i> |
| 01/12/2021 |  Stipulation and Order <i>[466] STIPULATION AND ORDER TO CONTINUE HEARING</i> |
| 01/12/2021 |  Stipulation and Order Filed by: Petitioner 180 Land Company LLC <i>[467] Stipulation and Order to Continue Hearing</i> |
| 01/13/2021 |  Notice of Entry of Stipulation and Order Filed By: Petitioner 180 Land Company LLC <i>[468] Notice of Entry of Stipulation and Order to Continue Hearing</i> |
| 01/19/2021 |  Stipulation and Order Filed by: Petitioner 180 Land Company LLC <i>[469] STIPULATION AND ORDER TO CONTINUE HEARING</i> |

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| 01/26/2021 |  Opposition to Motion Filed By: Respondent Las Vegas City of <i>[470] Opposition to Motion to Compel the City to Answer Interrogatories</i> |
| 02/02/2021 |  Status Report Filed By: Respondent Las Vegas City of <i>[471] The City of Las Vegas' Status Report for the February 3, 2021 Status Conference</i> |
| 02/02/2021 |  Status Report Filed By: Petitioner 180 Land Company LLC <i>[472] Plaintiff Landowners' Status Report</i> |
| 02/05/2021 |  Stipulation and Order Filed by: Petitioner 180 Land Company LLC <i>[473] Stipulation and Order to Extend Discovery (Fourth Request)</i> |
| 02/05/2021 |  Status Report Filed By: Respondent Las Vegas City of <i>[474] The City of Las Vegas' Status Report for the February 8, 2021 Status Conference</i> |
| 02/09/2021 |  Reply in Support Filed By: Petitioner 180 Land Company LLC <i>[475] Reply in Support of Plaintiff Landowners' Motion to Compel the City to Answer Interrogatories</i> |
| 02/10/2021 |  Amended Order Setting Jury Trial <i>[476] 3rd Amended Order Setting Civil Jury Trial, Pre-Trial/Calendar Call</i> |
| 02/12/2021 |  Order Filed By: Petitioner 180 Land Company LLC <i>[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</i> |
| 02/16/2021 |  Notice of Entry of Order Filed By: Petitioner 180 Land Company LLC <i>[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</i> |
| 02/24/2021 |  Order Filed By: Petitioner 180 Land Company LLC <i>[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</i> |
| 02/24/2021 |  Order Filed By: Petitioner 180 Land Company LLC <i>[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</i> |
| 02/24/2021 |  Order Filed By: Petitioner 180 Land Company LLC <i>[481] Protective Order Re Documents Produced in Response to City of Las Vegas' First Set of</i> |

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Requests for Production of Documents to Plaintiffs


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| 02/25/2021 |  Notice of Entry of Order Filed By: Petitioner 180 Land Company LLC <i>[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</i> |
| 02/25/2021 |  Notice of Entry of Order Filed By: Petitioner 180 Land Company LLC <i>[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</i> |
| 02/25/2021 |  Notice of Entry of Order Filed By: Petitioner 180 Land Company LLC <i>[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</i> |
| 03/01/2021 |  Notice of Entry of Stipulation and Order Filed By: Petitioner 180 Land Company LLC <i>[485] Notice of Entry of Stipulation and Order to Extend Discovery [Fourth Request]</i> |
| 03/11/2021 |  Motion to Reconsider Filed By: Respondent Las Vegas City of <i>[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</i> |
| 03/11/2021 |  Appendix Filed By: Respondent Las Vegas City of <i>[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</i> |
| 03/11/2021 |  Appendix Filed By: Respondent Las Vegas City of <i>[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</i> |
| 03/12/2021 |  Clerk's Notice of Hearing <i>[489] Notice of Hearing</i> |
| 03/17/2021 |  Stipulation and Order Filed by: Respondent Las Vegas City of <i>[490] Stipulation and Order continuing March 18, 2021 Status Conference</i> |
| 03/17/2021 |  Notice of Entry of Stipulation and Order Filed By: Respondent Las Vegas City of <i>[491] Notice of Entry of Stipulation and Order Continuing March 18, 2021 Status Conference</i> |
| 03/24/2021 |  Status Report Filed By: Respondent Las Vegas City of <i>[492] The City of Las Vegas' Status Report for the March 25, 2021 Status Conference</i> |

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| 03/25/2021 |  Order Filed By: Petitioner 180 Land Company LLC <i>[493] Order Granting in Part and Denying in Part Plaintiff Landowners' Motion to Compel the City to Answer Interrogatories</i> |
| 03/25/2021 |  Notice of Entry of Order Filed By: Petitioner 180 Land Company LLC <i>[494] Notice of Entry of Order Granting in Part and Denying in Part Plaintiff Landowners' Motion to Compel the City to Answer Interrogatories</i> |
| 03/25/2021 |  Opposition to Motion Filed By: Petitioner 180 Land Company LLC <i>[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</i> |
| 03/26/2021 |  Ex Parte Application Party: Petitioner 180 Land Company LLC <i>[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</i> |
| 03/26/2021 |  Motion <i>[497] Plaintiff Landowners' Motion to Determine Take and for Summary Judgment on the First, Third and Fourth Claims for Relief</i> |
| 03/26/2021 |  Appendix Filed By: Petitioner 180 Land Company LLC <i>[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</i> |
| 03/26/2021 |  Appendix Filed By: Petitioner 180 Land Company LLC <i>[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</i> |
| 03/26/2021 |  Appendix Filed By: Petitioner 180 Land Company LLC <i>[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</i> |
| 03/26/2021 |  Appendix Filed By: Petitioner 180 Land Company LLC <i>[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</i> |
| 03/26/2021 |  Appendix Filed By: Petitioner 180 Land Company LLC <i>[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</i> |
| 03/26/2021 |  Appendix Filed By: Petitioner 180 Land Company LLC <i>[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</i> |







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| 03/26/2021 |  Appendix Filed By: Petitioner 180 Land Company LLC <i>[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</i> |
| 03/26/2021 |  Appendix Filed By: Petitioner 180 Land Company LLC <i>[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</i> |
| 03/26/2021 |  Appendix Filed By: Petitioner 180 Land Company LLC <i>[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</i> |
| 03/26/2021 |  Appendix Filed By: Petitioner 180 Land Company LLC <i>[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</i> |
| 03/26/2021 |  Appendix Filed By: Petitioner 180 Land Company LLC <i>[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</i> |
| 03/26/2021 |  Appendix Filed By: Petitioner 180 Land Company LLC <i>[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</i> |
| 03/26/2021 |  Appendix Filed By: Petitioner 180 Land Company LLC <i>[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</i> |
| 03/26/2021 |  Appendix Filed By: Petitioner 180 Land Company LLC <i>[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</i> |
| 03/26/2021 |  Appendix Filed By: Petitioner 180 Land Company LLC <i>[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</i> |
| 03/26/2021 |  Appendix <i>[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</i> |
| 03/29/2021 |  Clerk's Notice of Hearing <i>[514] Notice of Hearing</i> |
| 03/31/2021 |  Declaration Filed By: Petitioner 180 Land Company LLC <i>[515] Declaration of Elizabeth Ghanem Ham in Support of Plaintiff Landowners' Motion to</i> |

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Determine Take and For Summary Judgment on the First, Third and Fourth Claims for Relief

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| 04/01/2021 |  Order Granting Motion <i>[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</i> |
| 04/02/2021 |  Notice of Entry of Order Filed By: Petitioner 180 Land Company LLC <i>[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</i> |
| 04/08/2021 |  Order Shortening Time <i>[518] City's Rule 56(d) Motion on OST 4842-2437-0915 v.2</i> |
| 04/08/2021 |  Appendix Filed By: Respondent Las Vegas City of <i>[519] Appendix of Exhibits in Support of City of Las Vegas' Rule 56(d) Motion on Order Shortening Time</i> |
| 04/08/2021 |  Motion to Reconsider Filed By: Respondent Las Vegas City of <i>[520] City's Motion for Rehearing and Reconsideration of Court's Order Granting Plaintiffs' Motion to Compel Responses to Interrogatories</i> |
| 04/08/2021 |  Appendix Filed By: Respondent Las Vegas City of <i>[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</i> |
| 04/09/2021 |  Clerk's Notice of Hearing <i>[522] Notice of Hearing</i> |
| 04/09/2021 |  Reply in Support Filed By: Respondent Las Vegas City of <i>[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</i> |
| 04/09/2021 |  Appendix Filed By: Respondent Las Vegas City of <i>[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</i> |
| 04/15/2021 |  Stipulation and Order Filed by: Respondent Las Vegas City of <i>[525] Stipulation and Order to Extend Briefing Schedule and Continue Hearings</i> |
| 04/16/2021 |  Notice of Entry of Stipulation and Order Filed By: Respondent Las Vegas City of <i>[526] Notice of Entry of Stipulation and Order to Extend Briefing Schedule and Continue Hearings</i> |
| 04/16/2021 |  Opposition to Motion |

CASE SUMMARY

CASE NO. A-17-758528-J









| | |
|------------|---|
| | <p>Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[527] Plaintiffs' Opposition to City of Las Vegas' Rule 56(d) Motion on Order Shortening Time</i></p> |
| 04/20/2021 | <p> Reply in Support Filed By: Respondent Las Vegas City of <i>[528] Reply in Support of City of Las Vegas' Rule 56(d) Motion on Order Shortening Time</i></p> |
| 04/22/2021 | <p> Opposition Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[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</i></p> |
| 04/22/2021 | <p> Appendix Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[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</i></p> |
| 04/22/2021 | <p> Appendix Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[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</i></p> |
| 04/22/2021 | <p> Appendix Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[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</i></p> |
| 04/22/2021 | <p> Appendix Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[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</i></p> |
| 04/22/2021 | <p> Appendix Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[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</i></p> |
| 04/22/2021 | <p> Appendix Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[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</i></p> |
| 05/06/2021 | <p> Reply in Support Filed By: Respondent Las Vegas City of <i>[536] City's Reply in Support of Motion for Rehearing and Reconsideration of Court's Order Granting Plaintiffs' Motion to Compel Responses to Interrogatories</i></p> |
| 06/01/2021 | <p> Order Granting Motion <i>[537] Order Granting City's Motion to Reconsider and Compelling the City to Answer Interrogatories</i></p> |

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

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| 06/01/2021 |  Notice of Entry of Order Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[538] Notice of Entry of Order Granting City's Motion to Reconsider and Compelling the City to Answer Interrogatories</i> |
| 06/08/2021 |  Notice of Appearance Party: Respondent Las Vegas City of <i>[539] Notice of Appearance</i> |
| 08/06/2021 |  Notice of Rescheduling of Hearing <i>[540] Notice of Rescheduling Pre-Trial/Calendar Call Hearing</i> |
| 08/10/2021 |  Stipulation and Order Filed by: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd; Petitioner Seventy Acres LLC <i>[541] Stipulation and Order to Continue Hearing Re: Status Check: Trial Readiness</i> |
| 08/10/2021 |  Notice of Entry of Stipulation and Order Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[542] Notice of Entry of Stipulation and Order to Continue Hearing Re: Status Check: Trial Readiness</i> |
| 08/18/2021 |  Status Report Filed By: Petitioner 180 Land Company LLC <i>[543] Plaintiff Landowners' Status Report for August 19, 2021 Status Conference</i> |
| 08/18/2021 |  Status Report Filed By: Respondent Las Vegas City of <i>[544] The City of Las Vegas' Status Report for the August 19, 2021 Status Check re Trial Readiness</i> |
| 08/25/2021 |  Order Filed By: Petitioner 180 Land Company LLC <i>[545] Order Regarding August 19, 2021 Status Check Hearing</i> |
| 08/25/2021 |  Opposition and Countermotion Filed By: Respondent Las Vegas City of <i>[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</i> |
| 08/25/2021 |  Ex Parte Application Party: Respondent Las Vegas City of <i>[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</i> |
| 08/25/2021 |  Appendix Filed By: Respondent Las Vegas City of <i>[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</i> |
| 08/25/2021 | |

CASE SUMMARY

CASE NO. A-17-758528-J

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|------------|---|
| |  Appendix Filed By: Respondent Las Vegas City of <i>[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 Counter-motion for Summary Judgment, Volume 2</i> |
| 08/25/2021 |  Appendix Filed By: Respondent Las Vegas City of <i>[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 Counter-motion for Summary Judgment, Volume 3</i> |
| 08/25/2021 |  Appendix Filed By: Respondent Las Vegas City of <i>[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 Counter-motion for Summary Judgment, Volume 4</i> |
| 08/25/2021 |  Appendix Filed By: Respondent Las Vegas City of <i>[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 Counter-motion for Summary Judgment, Volume 5</i> |
| 08/25/2021 |  Appendix Filed By: Respondent Las Vegas City of <i>[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 Counter-motion for Summary Judgment, Volume 6</i> |
| 08/25/2021 |  Appendix Filed By: Respondent Las Vegas City of <i>[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 Counter-motion for Summary Judgment, Volume 7</i> |
| 08/25/2021 |  Appendix Filed By: Respondent Las Vegas City of <i>[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 Counter-motion for Summary Judgment, Volume 8</i> |
| 08/25/2021 |  Motion Filed By: Respondent Las Vegas City of <i>[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 Counter-motion for Summary Judgment</i> |
| 08/25/2021 |  Filed Under Seal Filed By: Respondent Las Vegas City of <i>[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 Counter-motion for Summary Judgment, Volume 9</i> |
| 08/25/2021 |  Appendix Filed By: Respondent Las Vegas City of |

CASE SUMMARY

CASE NO. A-17-758528-J

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 Counter-motion 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 Counter-motion 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 Counter-motion 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 Counter-motion 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 Counter-motion 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 Counter-motion 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 Counter-motion 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 Counter-motion 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 Counter-motion for Summary Judgment, Volume 17

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

| | |
|------------|--|
| 08/26/2021 |  Clerk's Notice of Hearing <i>[568] Notice of Hearing</i> |
| 08/26/2021 |  Notice of Entry Filed By: Petitioner 180 Land Company LLC <i>[569] Notice of Entry of Order Regarding August 19, 2021, Status Check Hearing</i> |
| 09/07/2021 |  Declaration Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[570] Declaration of Elizabeth Ghanem Ham, Esq. in Support of Plaintiff Landowners' Motions in Limine</i> |
| 09/07/2021 |  Motion in Limine Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[571] Plaintiffs Landowners' Motion in Limine No. 1: To Exclude 2005 Purchase Price</i> |
| 09/07/2021 |  Appendix Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[572] Appendix of Exhibits in Support of Plaintiffs Landowners' Motion in Limine No. 1: To Exclude 2005 Purchase Price</i> |
| 09/07/2021 |  Motion in Limine Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[573] Plaintiff Landowners' Motion in Limine No. 2: To Exclude Source of Funds</i> |
| 09/07/2021 |  Motion in Limine Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[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</i> |
| 09/08/2021 |  Clerk's Notice of Hearing <i>[575] Notice of Hearing</i> |
| 09/09/2021 |  Miscellaneous Filing Filed by: Petitioner 180 Land Company LLC <i>[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"</i> |
| 09/15/2021 |  Reply in Support Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[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</i> |
| 09/15/2021 |  Appendix Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[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</i> |
| 09/15/2021 |  Appendix Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[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</i> |

CASE SUMMARY

CASE NO. A-17-758528-J

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

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

[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'

CASE SUMMARY

CASE NO. A-17-758528-J

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




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

Shortening Time, Volume 21

| | |
|------------|--|
| 10/13/2021 |  Appendix Filed By: Respondent Las Vegas City of <i>[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</i> |
| 10/13/2021 |  Notice of Entry of Order Filed By: Respondent Las Vegas City of <i>[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</i> |
| 10/18/2021 |  Opposition to Motion Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[615] Plaintiff Landowners' Opposition to City of Las Vegas' Emergency Motion to Continue Trial on Order Shortening Time</i> |
| 10/18/2021 |  Objection Filed By: Respondent Las Vegas City of <i>[616] City of Las Vegas' Objections to Pretrial Disclosures Pursuant to NRCP 16.1(a)(3)</i> |
| 10/19/2021 |  Reply to Motion Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[617] Plaintiffs Landowners' Reply Re: Motion in Limine No. 1: To Exclude 2005 Purchase Price</i> |
| 10/19/2021 |  Reply in Support Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[618] Plaintiffs' Reply in Support of Motion in Limine No. 2: To Exclude Source of Funds</i> |
| 10/19/2021 |  Reply to Motion Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[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</i> |
| 10/19/2021 |  Opposition and Countermotion Filed By: Respondent Las Vegas City of <i>[620] City's Countermotion for Summary Judgment and Opposition to Developer's Motion for Summary Judgment on Just Compensation</i> |
| 10/19/2021 |  Appendix Filed By: Respondent Las Vegas City of <i>[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</i> |
| 10/21/2021 |  Pre-trial Memorandum Filed by: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[622] Plaintiffs Landowners' Pre-Trial Memorandum</i> |
| 10/21/2021 |  Notice of Withdrawal of Motion Filed By: Respondent Las Vegas City of <i>[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</i> |
| 10/22/2021 | |

CASE SUMMARY

CASE NO. A-17-758528-J

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|------------|---|
| |  Pre-trial Memorandum Filed by: Respondent Las Vegas City of <i>[624] City of Las Vegas' Pre-Trial Memorandum</i> |
| 10/25/2021 |  Reply Filed by: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[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</i> |
| 10/25/2021 |  Findings of Fact, Conclusions of Law and Judgment Filed by: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[626] 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</i> |
| 10/25/2021 |  Notice of Entry of Findings of Fact, Conclusions of Law Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[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</i> |
| 10/28/2021 |  Decision and Order <i>[628] Decision of the Court</i> |
| 11/03/2021 |  Recorders Transcript of Hearing <i>[629] Transcript of Proceedings: All Pending Motions, October 26, 2021</i> |
| 11/03/2021 |  Recorders Transcript of Hearing <i>[630] Transcript of Proceedings: Bench Trial, October 27, 2021</i> |
| 11/04/2021 |  Findings of Fact, Conclusions of Law and Order <i>[631] Findings of Fact and Conclusions of Law Denying City of Las Vegas' Emergency Motion to Continue Trial on Order Shortening Time</i> |
| 11/05/2021 |  Notice of Entry Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[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</i> |
| 11/16/2021 |  Order Denying Motion Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[633] Order Denying Plaintiff Landowners' Motion for Summary Judgment on Just compensation and Denying the City's Countermotion for Summary Judgment</i> |
| 11/16/2021 |  Order Granting Motion Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[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</i> |
| 11/18/2021 |  Notice of Entry Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd |

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CASE NO. A-17-758528-J

[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 -

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

Volume 2





| | |
|------------|--|
| 12/10/2021 |  Clerk's Notice of Hearing Party: Petitioner 180 Land Company LLC <i>[648] Notice of Hearing</i> |
| 12/10/2021 |  Motion to Retax Filed By: Respondent Las Vegas City of <i>[649] Motion to Retax Memorandum of Costs</i> |
| 12/15/2021 |  Clerk's Notice of Hearing <i>[650] Notice of Hearing</i> |
| 12/15/2021 |  Clerk's Notice of Hearing <i>[651] Amended Notice of Hearing</i> |
| 12/20/2021 |  Opposition Filed By: Respondent Las Vegas City of <i>[652] City's Opposition to Developer's Motion for Reimbursement of Property Taxes</i> |
| 12/20/2021 |  Appendix Filed By: Respondent Las Vegas City of <i>[653] Supplemental Appendix of Exhibits in Support of City's Post-Trial Motions, Volume 24</i> |
| 12/21/2021 |  Motion to Amend Judgment Filed By: Respondent Las Vegas City of <i>[654] City of Las Vegas' Motion to Amend Judgment (Rules 59(e) and 60(b)) and Stay of Execution</i> |
| 12/22/2021 |  Order Shortening Time Filed By: Respondent Las Vegas City of <i>[655] Motion for Immediate Stay of Judgment on Order Shortening Time (Hearing Requested)</i> |
| 12/22/2021 |  Notice of Entry of Order Filed By: Respondent Las Vegas City of <i>[656] Notice of Entry of Order Shortening Time Re: City of Las Vegas' Motion for Immediate Stay of Judgment</i> |
| 12/23/2021 |  Clerk's Notice of Hearing Party: Respondent Las Vegas City of <i>[657] Notice of Hearing</i> |
| 12/23/2021 |  Transcript of Proceedings Party: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[658] Reporter's Transcript of Proceedings on September 23, 2021</i> |
| 12/23/2021 |  Transcript of Proceedings Party: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[659] Reporter's Transcript of Proceedings on September 24, 2021</i> |
| 12/23/2021 |  Transcript of Proceedings Party: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[660] Reporter's Transcript of Proceedings on September 27, 2021</i> |

CASE SUMMARY

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| 12/23/2021 |  Transcript of Proceedings Party: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[661] Reporter's Transcript of Proceedings on September 28, 2021</i> |
| 12/23/2021 |  Opposition to Motion Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[662] Plaintiff Landowners' Opposition to City of Las Vegas' Motion to Retax Memorandum of Costs</i> |
| 12/23/2021 |  Appendix Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[663] Appendix of Exhibits in Support of Plaintiff Landowners' Motion to Retax Memorandum of Costs</i> |
| 12/23/2021 |  Opposition Filed By: Respondent Las Vegas City of <i>[664] City's Opposition to Developer's Motion to Determine Prejudgment Interest and Declaration of George F. Ogilvie III</i> |
| 12/24/2021 |  Opposition Filed By: Respondent Las Vegas City of <i>[665] City's Opposition to Developer's Motion for Attorney's Fees</i> |
| 01/04/2022 |  Opposition to Motion Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[666] Plaintiff Landowners' Opposition to City of Las Vegas' Motion to Amend Judgment (Rules 59(e) and 60(b)) and Stay of Execution</i> |
| 01/05/2022 |  Opposition and Countermotion Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[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</i> |
| 01/11/2022 |  Reply in Support Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[668] Plaintiff Landowners' Reply in Support of Motion for Reimbursement of Property Taxes</i> |
| 01/11/2022 |  Reply in Support Filed By: Respondent Las Vegas City of <i>[669] City's Reply in Support of Motion for Immediate Stay of Judgment</i> |
| 01/11/2022 |  Reply in Support Filed By: Respondent Las Vegas City of <i>[670] City's Reply in Support of Motion to Retax Memorandum of Costs</i> |
| 01/24/2022 |  Reply in Support Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[671] Plaintiff Landowners' Reply in Support of their Motion to Determine Prejudgment Interest</i> |
| 01/27/2022 |  Reply in Support Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[672] Plaintiff Landowners' Reply in Support of Motion for Attorney Fees</i> |
| 01/27/2022 |  Appendix |

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

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| | <p>Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[673] Appendix of Exhibits in Support of Reply in Support of Motion for Attorney Fees-Volume 3</i></p> |
| 01/27/2022 | <p> Appendix Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[674] Appendix of Exhibits in Support of Reply in Support of Motion for Attorney Fees-Volume 4</i></p> |
| 01/27/2022 | <p> Appendix Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[675] Appendix of Exhibits in Support of Reply in Support of Motion for Attorney Fees-Volume 5</i></p> |
| 01/27/2022 | <p> Appendix Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[676] Appendix of Exhibits in Support of Reply in Support of Motion for Attorney Fees-Volume 6</i></p> |
| 01/27/2022 | <p> Appendix Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[677] Appendix of Exhibits in Support of Reply in Support of Motion for Attorney Fees-Volume 7</i></p> |
| 01/27/2022 | <p> Appendix Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[678] Appendix of Exhibits in Support of Reply in Support of Motion for Attorney Fees-Volume 8</i></p> |
| 02/01/2022 | <p> Reply in Support Filed By: Respondent Las Vegas City of <i>[679] Reply in Support of City of Las Vegas' Motion to Amend Judgment (Rules 59(e) and 60(b)) and Stay of Execution</i></p> |
| 02/07/2022 | <p> Recorders Transcript of Hearing <i>[680] Transcript of Proceedings: All Pending Motions, January 19, 2022</i></p> |
| 02/08/2022 | <p> Errata Filed By: Respondent Las Vegas City of <i>[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</i></p> |
| 02/09/2022 | <p> Findings of Fact, Conclusions of Law and Order <i>[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</i></p> |
| 02/10/2022 | <p> Notice of Entry Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[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</i></p> |
| 02/14/2022 | <p> Recorders Transcript of Hearing <i>[684] Transcript of Proceedings: City of Las Vegas' Motion to Amend Judgment (Rules 59(e)</i></p> |







CASE SUMMARY

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and 60(b) and Stay of Execution, February 11, 2022

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| 02/16/2022 |  Order <i>[685] Order Granting in Part and Denying in part the city of Las Vegas' Motion to Retax Memorandum of Costs</i> |
| 02/16/2022 |  Order Granting Motion <i>[686] Order Granting Plaintiffs Landowners' Motion for Reimbursement of Property Taxes</i> |
| 02/17/2022 |  Notice of Entry of Order Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[687] Notice of Entry Of: Order Granting Plaintiffs Landowners' Motion for Reimbursement of Property Taxes</i> |
| 02/17/2022 |  Notice of Entry of Order Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[688] Notice of Entry of: Order Granting in Part and Denying in Part the City of Las Vegas' Motion to Retax Memorandum of Costs</i> |
| 02/18/2022 |  Order Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[689] Order Granting Motion for Attorney Fees in Part and Denying in Part</i> |
| 02/22/2022 |  Notice of Entry of Order Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[690] Notice of Entry of: Order Granting Plaintiff Landowners' Motion for Attorney Fees in Part and Denying in Part</i> |
| 02/25/2022 |  Order Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[691] Order Denying City of Las Vegas' Motion to Amend Judgment (Rules 56(e) and 60(b)) and Stay of Execution</i> |
| 02/28/2022 |  Notice of Entry Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[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</i> |
| 03/02/2022 |  Notice of Appeal Filed By: Respondent Las Vegas City of <i>[693] Defendant City of Las Vegas' Notice of Appeal</i> |
| 03/02/2022 |  Case Appeal Statement Filed By: Respondent Las Vegas City of <i>[694] Case Appeal Statement</i> |
| 03/07/2022 |  Recorders Transcript of Hearing <i>[695] Transcript of Proceedings: Plaintiff's Landowners' Motion to Determine Prejudgment Interest...Plaintiff Landowners' Motion for Attorneys Fees, February 3, 2022</i> |
| 04/01/2022 |  Findings of Fact, Conclusions of Law and Order Filed By: Respondent Las Vegas City of <i>[696] Findings of Fact and Conclusions of Law and Order Granting Plaintiff's Motion for Pre-Judgment Interest</i> |



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

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| 04/01/2022 |  Notice of Entry of Findings of Fact, Conclusions of Law Filed By: Respondent Las Vegas City of <i>[697] Notice of Entry of Findings of Fact, Conclusions of Law and Order Granting Plaintiff's Motion for Pre-Judgment Interest</i> |
| 04/18/2022 |  Judgment <i>[698] Final Judgment in inverse Condemnation</i> |
| 04/18/2022 |  Notice of Entry of Judgment Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[699] Notice of Entry of: Final Judgment in Inverse Condemnation</i> |
| 04/25/2022 |  Notice of Appeal Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[700] Notice of Appeal</i> |
| 04/25/2022 |  Case Appeal Statement Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[701] Case Appeal Statement</i> |
| 04/25/2022 |  Notice of Cost Bond Filed By: Petitioner 180 Land Company LLC; Petitioner Fore Stars Ltd <i>[702] Notice of Posting Bond for Costs of Appeal</i> |

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 |

CASE SUMMARY**CASE NO. A-17-758528-J**

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| | 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 |
| 04/01/2022 | Judgment Plus Legal Interest (Judicial Officer: Williams, Timothy C.) Debtors: Las Vegas City of (Respondent) Creditors: 180 Land Company LLC (Petitioner), Fore Stars Ltd (Petitioner) Judgment: 04/01/2022, Docketed: 04/04/2022 Total Judgment: 10,258,953.30 |
| 04/18/2022 | Judgment of Condemnation (Judicial Officer: Williams, Timothy C.) Debtors: Las Vegas City of (Respondent) Creditors: 180 Land Company LLC (Petitioner), Fore Stars Ltd (Petitioner) Judgment: 04/18/2022, Docketed: 04/19/2022 Total Judgment: 14,013,174.34 |
| | <u>HEARINGS</u> |
| 01/11/2018 | Motion to Dismiss (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>City of Las Vegas' Motion to Dismiss or, in the Alternative, Motion to Strike</i> Motion Denied; |
| 01/11/2018 | Opposition and Countermotion (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>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</i> 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 |

CASE SUMMARY

CASE NO. A-17-758528-J

[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 Intervenor. 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 Intervenor have demonstrated a sufficient interest in the litigation subject matter. The Intervenor could suffer impairment to their ability to protect their interests if they fail to intervene in this matter. The Intervenor 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 Intervenor 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 Intervenor in this matter. Moreover, the interests of the Intervenor 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 Intervenor 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 Intervenor. Thus, in light of the prior actions of the Las Vegas City Council and the potential impact on the Intervenor property rights, this Court finds that the interests of the Intervenor are not adequately represented or protected by the City of Las Vegas, and grants the Motion to Intervene pursuant to NRCP 24*

CASE SUMMARY

CASE NO. A-17-758528-J

(a)(2). Lastly, the Intervenor 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 Intervenor shall follow the briefing schedule that is forthcoming. Counsel for the Intervenor 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 council. 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. Kaempfer 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 expansion 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

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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




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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 Intervenor, 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

CASE SUMMARY



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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. ;

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| 11/08/2018 | CANCELED Calendar Call (10:30 AM) (Judicial Officer: Williams, Timothy C.) <i>Vacated - Set in Error</i> |
| 01/17/2019 | Motion For Reconsideration (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Plaintiff Landowners' Request for Rehearing/Reconsideration of Order/Judgment Dismissing Inverse Condemnation Claims</i> Decision Made; |
| 01/17/2019 | Motion to Strike (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Motion to Strike Plaintiff's Motion for Summary Judgment on Liability for the Landowners Inverse Condemnation Claims on Order Shortening Time</i> Per 1/9/19 Stipulation and Order Decision Made; |
| 01/17/2019 | Joinder (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Joinder to Motion to Strike Plaintiff's Motion for Summary Judgment on Liability for the Landowners Inverse Condemnation Claims on Order Shortening Time</i> 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: <i>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.;</i> |
| 01/22/2019 |  Motion for New Trial (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>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</i> Motion Denied; See 3/22/19 Minute Order Journal Entry Details: <i>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;</i> |
| 02/06/2019 |  Motion for Summary Judgment (9:30 AM) (Judicial Officer: Williams, Timothy C.) <i>Plaintiff Landowners' Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims</i> Vacate; Journal Entry Details: <i>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</i> |

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| | <i>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.;</i> |
| 02/12/2019 | <p>CANCELED Status Check (9:00 AM) (Judicial Officer: Williams, Timothy C.)</p> <p><i>Vacated - per Judge</i></p> <p><i>Status Check: Setting Briefing and Hearing on Pltf. Landowners' Motion for Summary Judgment on Liability for the Landowners' Inverse Condemnation Claims</i></p> |
| 03/19/2019 | <p>Motion for Judgment (9:00 AM) (Judicial Officer: Williams, Timothy C.)</p> <p>03/19/2019, 03/22/2019</p> <p><i>City of Las Vegas' Motion for Judgment on the Pleadings on Developer's Inverse Condemnation Claims</i></p> <p>Matter Continued;</p> <p>Motion Denied;</p> <p>Matter Continued;</p> <p>Motion Denied;</p> |
| 03/19/2019 | <p>Opposition and Countermotion (9:00 AM) (Judicial Officer: Williams, Timothy C.)</p> <p>03/19/2019, 03/22/2019</p> <p>Events: 03/04/2019 Opposition and Countermotion</p> <p><i>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</i></p> <p>Matter Continued;</p> <p>Motion Denied;</p> <p>Matter Continued;</p> <p>Motion Denied;</p> |
| 03/19/2019 | <p>Motion (9:00 AM) (Judicial Officer: Williams, Timothy C.)</p> <p>03/19/2019, 03/22/2019</p> <p>Events: 03/08/2019 Motion</p> <p><i>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</i></p> <p>Matter Continued;</p> <p>Withdrawn;</p> <p>Matter Continued;</p> <p>Withdrawn;</p> |
| 03/19/2019 | <p> All Pending Motions (9:00 AM) (Judicial Officer: Williams, Timothy C.)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>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</i></p> <p><i>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;</i></p> |
| 03/22/2019 | <p> All Pending Motions (1:30 PM) (Judicial Officer: Williams, Timothy C.)</p> <p>Matter Heard;</p> |

CASE SUMMARY**CASE NO. A-17-758528-J****Journal Entry Details:**

CITY OF LAS VEGAS' MOTION FOR JUDGMENT ON THE PLEADINGS ON DEVELOPER'S INVERSE CONDEMNATION CLAIMS...PLANTIFF 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 statute 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

CASE SUMMARY

CASE NO. A-17-758528-J

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

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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*

CASE SUMMARY**CASE NO. A-17-758528-J***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

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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.;

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| 05/14/2020 | <p>CANCELED Status Check: Compliance (3:00 AM) (Judicial Officer: Truman, Erin)</p> <p><i>Vacated</i></p> <p><i>Status Check: Compliance / 4-16-2020 DCRR</i></p> |
| 05/14/2020 | <p>Motion to Dismiss (9:30 AM) (Judicial Officer: Williams, Timothy C.)</p> <p><i>Plaintiff's Motion to Dismiss Seventy Acres LLC on OST</i></p> <p><i>Motion Granted;</i></p> |
| 05/14/2020 | <p> All Pending Motions (9:30 AM) (Judicial Officer: Williams, Timothy C.)</p> <p><i>Matter Heard;</i></p> <p><i>Journal Entry Details:</i></p> <p><i>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;</i></p> |
| 06/01/2020 | <p> Minute Order (8:00 AM) (Judicial Officer: Williams, Timothy C.)</p> <p><i>Minute Order re: Hearing on 6/11/20 at 9:00 a.m.</i></p> <p><i>Minute Order - No Hearing Held;</i></p> <p><i>Journal Entry Details:</i></p> <p><i>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. ;</i></p> |
| 06/11/2020 | <p> Status Check (9:00 AM) (Judicial Officer: Williams, Timothy C.)</p> <p><i>Status Check: Status of 120-Day Discovery Period</i></p> <p><i>Matter Heard;</i></p> <p><i>Journal Entry Details:</i></p> <p><i>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;</i></p> |
| 06/30/2020 | <p> Minute Order (8:00 AM) (Judicial Officer: Williams, Timothy C.)</p> <p><i>Minute Order re: Hearing on 7/9/20 at 9:00 a.m.</i></p> <p><i>Minute Order - No Hearing Held;</i></p> <p><i>Journal Entry Details:</i></p> <p><i>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</i></p> |

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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

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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: RESETTRIAL 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: RESETTRIAL 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

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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

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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

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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.)

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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;

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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.

CASE SUMMARY

CASE NO. A-17-758528-J

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:

CASE SUMMARY

CASE NO. A-17-758528-J

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

CASE SUMMARY

CASE NO. A-17-758528-J

| | |
|------------|---|
| | ISSUES ; |
| 02/17/2021 | <p>CANCELED Status Check: Trial Readiness (9:00 AM) (Judicial Officer: Williams, Timothy C.)</p> <p><i>Vacated</i></p> |
| 02/22/2021 | <p>CANCELED Jury Trial (9:30 AM) (Judicial Officer: Williams, Timothy C.)</p> <p><i>Vacated</i></p> |
| 03/11/2021 | <p> Minute Order (8:00 AM) (Judicial Officer: Williams, Timothy C.)</p> <p><i>Minute Order re: Hearing on 3/18/21 at 9:00 a.m.</i></p> <p>Minute Order - No Hearing Held;</p> <p>Journal Entry Details:</p> <p><i>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.;</i></p> |
| 03/18/2021 | <p> Minute Order (8:00 AM) (Judicial Officer: Williams, Timothy C.)</p> <p><i>Minute Order re: Hearing on 3/25/21 at 9:00 a.m.</i></p> <p>Minute Order - No Hearing Held;</p> <p>Journal Entry Details:</p> <p><i>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.;</i></p> |
| 03/25/2021 | <p> Status Check (9:00 AM) (Judicial Officer: Williams, Timothy C.)</p> <p><i>Status Check: Discovery Issues</i></p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>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.;</i></p> |
| 04/13/2021 | <p> Minute Order (8:00 AM) (Judicial Officer: Williams, Timothy C.)</p> <p><i>Minute Order re: Hearing on 4/15/21 at 9:05 a.m.</i></p> <p>Minute Order - No Hearing Held;</p> <p>Journal Entry Details:</p> |

CASE SUMMARY

CASE NO. A-17-758528-J

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.;

CASE SUMMARY

CASE NO. A-17-758528-J

| | |
|------------|---|
| 04/21/2021 | <p>Motion (9:30 AM) (Judicial Officer: Williams, Timothy C.) <i>City of Las Vegas' Rule 56(d) Motion on OST</i> Motion Granted; See 5/3/21 Minute Order</p> |
| 04/21/2021 | <p> All Pending Motions (9:30 AM) (Judicial Officer: Williams, Timothy C.) Matter Heard; Journal Entry Details: <i>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.;</i></p> |
| 04/22/2021 | <p>CANCELED Pretrial/Calendar Call (10:30 AM) (Judicial Officer: Williams, Timothy C.) <i>Vacated</i></p> |
| 04/29/2021 | <p> 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 <i>[497] Plaintiff Landowners' Motion to Determine Take and for Summary Judgment on the First, Third and Fourth Claims for Relief</i> 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: <i>Matter continued pursuant to 4/15/2021 Stipulation and Order.;</i></p> |
| 05/03/2021 | <p> Minute Order (8:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Minute Order: Pending Motions</i></p> |

CASE SUMMARY

CASE NO. A-17-758528-J

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.)

CASE SUMMARY

CASE NO. A-17-758528-J

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

CASE NO. A-17-758528-J

Printed on 04/27/2022 at 8:13 AM

CASE SUMMARY**CASE NO. A-17-758528-J**

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 Counter-motion (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

CASE SUMMARY

CASE NO. A-17-758528-J

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.)

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

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 10/27/21; 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

CASE SUMMARY

CASE NO. A-17-758528-J

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;

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

| | |
|------------|--|
| 10/26/2021 | <p>Motion in Limine (9:05 AM) (Judicial Officer: Williams, Timothy C.) <i>[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</i> Motion Granted;</p> |
| 10/26/2021 | <p>Motion for Leave (9:05 AM) (Judicial Officer: Williams, Timothy C.) Events: 09/21/2021 Motion to Seal/Redact Records <i>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</i> See 9/30/21 Minutes Motion Granted;</p> |
| 10/26/2021 | <p>Motion for Summary Judgment (9:05 AM) (Judicial Officer: Williams, Timothy C.) <i>Plaintiff Landowners' Motion for Summary Judgment on Just Compensation on Order Shortening Time</i> Motion Denied;</p> |
| 10/26/2021 | <p>CANCELED Motion For Stay (9:05 AM) (Judicial Officer: Williams, Timothy C.) <i>Vacated</i> <i>Motion for Immediate Stay Pending City's Writ Petition</i></p> |
| 10/26/2021 | <p>Opposition and Countermotion (9:05 AM) (Judicial Officer: Williams, Timothy C.) <i>City's Countermotion for Summary Judgment and Opposition to Developer's Motion for Summary Judgment on Just Compensation</i> Motion Denied;</p> |
| 10/26/2021 | <p> All Pending Motions (9:05 AM) (Judicial Officer: Williams, Timothy C.) Minute Order - No Hearing Held; Journal Entry Details: <i>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</i> 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.;</p> |
| 10/27/2021 | <p> Bench Trial - FIRM (10:30 AM) (Judicial Officer: Williams, Timothy C.) See 9/30/21 Minutes</p> |

CASE SUMMARY

CASE NO. A-17-758528-J

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*

CASE SUMMARY

CASE NO. A-17-758528-J

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 **Counter-motion** (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 Counter-motion 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

CASE SUMMARY

CASE NO. A-17-758528-J

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

CASE SUMMARY

CASE NO. A-17-758528-J

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


CASE SUMMARY


CASE NO. A-17-758528-J

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

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-17-758528-J

[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;

Journal Entry Details:

Hearing held by BlueJeans remote conferencing and in-person appearance. Arguments by counsel. Following arguments by counsel, COURT ORDERED, Motion DENIED; Court will follow the statutory mandate as it pertains to payment under NRS 37.160, NRS 37.270 and the Nevada Constitution. Mr. Leavitt to prepare, circulate and submit the Order electronically to DC16Inbox@clarkcountycourts.us.;

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 4/27/2022

0.00

Petitioner 180 Land Company LLC

Total Charges

718.00

Total Payments and Credits

718.00

Balance Due as of 4/27/2022

0.00

Respondent Las Vegas City of

Total Charges

1,036.00

Total Payments and Credits

1,036.00

Balance Due as of 4/27/2022

0.00

Petitioner 180 Land Company LLC

Appeal Bond Balance as of 4/27/2022

1,000.00

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

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

July 17, 2017

Date

Signature of Initiating party or representative

See other side for family-related case filings.

**JGMT
LAW OFFICES OF KERMITT 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)
704 South Ninth Street
Las Vegas, Nevada 89101
Telephone: (702) 733-8877
Facsimile: (702) 731-1964
kermitt@kermittwaters.com
jim@kermittwaters.com
michael@kermittwaters.com
autumn@kermittwaters.com
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,

Plaintiffs,

v.

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,

Defendants.

CASE NO.: A-17-758528-J
DEPT. NO.: XVI

FINAL JUDGMENT IN INVERSE CONDEMNATION

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’ corporate counsel Elizabeth Ghanem, Esq., and with the City

1 of Las Vegas (hereinafter “the City”) appearing through its counsel, George F. Ogilvie III, Esq.
2 of McDonald Carrano, LLP and Philip R. Byrnes, Esq. and Rebecca Wolfson, Esq., of the City
3 Attorney’s Office and thereafter this Court entered Findings of Fact and Conclusions of Law on
4 Just Compensation, notice of entry occurring on November 24, 2021. Thereafter, the Court
5 entertained briefing and oral argument on all relevant post trial issues and entered the following
6 Orders: 1) Order Granting in Part and Denying in Part the City of Las Vegas’ Motion to Retax
7 Memorandum of Costs, notice of entry occurring on February 17, 2022; 2) Order Granting
8 Plaintiff Landowners’ Motion for Reimbursement of Property Taxes, notice of entry occurring
9 on February 17, 2022; 3) Order Granting Plaintiff Landowners’ Motion for Attorney Fees in Part
10 and Denying in Part, notice of entry occurring on February 22, 2022; and, 4) Findings of Fact and
11 Conclusions of Law and Order Granting Plaintiff’s Motion for Pre-Judgment Interest, notice of
12 entry occurring on April 1, 2022.

13 Based on the referenced orders and findings of fact and conclusions of law having been
14 entered, pursuant to NRCP Rules 52(a)(1), 54(a), and 58, judgment is hereby entered in favor of
15 the Landowners and against the City of Las Vegas as follows:

16 The City shall pay to the Landowners for the taking of the 35 Acre Property **\$34,135,000.**

17 The City shall pay to the Landowners’ attorney fees in the amount of **\$2,468,751.50.**

18 The City shall pay to the Landowners’ costs in the amount of **\$274,445.16.**

19 The City shall reimburse the Landowners’ real estate taxes paid on the 35 Acre Property
20 in the amount of **\$976,889.38.**

21 The City shall pay prejudgment interest in the amount of **\$10,258,953.30** for interest up to
22 November 18, 2021, and shall pay interest on the judgment for any periods after November 18,
23 2021, up until the time the City satisfies the \$34,135,000 judgment, as provided in NRS 37.175(1),
24 which shall be calculated and determined consistent with Findings of Fact and Conclusions of Law
25 and Order Granting Plaintiff’s Motion for Pre-Judgment Interest, notice of entry occurring on April
26 1, 2022.
27
28

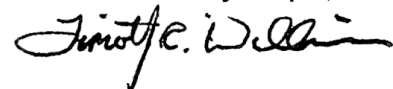
1 These sums assessed against the City and in favor of the Landowners shall be paid within
2 30 days and as a condition to appeal as provided in the Courts Findings of Fact and Conclusions
3 of Law and order Denying the City's Motion for Immediate Stay of Judgment; and Granting
4 Plaintiff Landowners' Countermotion to Order the City to Pay the Just Compensation, notice of
5 entry occurring on February 10, 2022.
6

7 Interest will continue to accrue on the final judgment until satisfied.

8 The Landowners shall serve all parties written notice of entry of final judgment.
9

10 Dated this _____ day of April, 2022.

Dated this 18th day of April, 2022



11
12
13 **93A 140 093E 36D8**
Timothy C. Williams
District Court Judge

MH

14 Respectfully Submitted By:

Content Reviewed and Approved By:

15 **LAW OFFICES OF KERMIT L. WATERS**

MCDONALD CARANO LLP

16 /s/ James J. Leavitt

Did not respond

17 Kermitt L. Waters, Esq. (NV Bar No. 2571)

George F. Ogilvie III, Esq. (NV Bar No. 3552)

18 James J. Leavitt, Esq. (NV Bar No. 6032)

Christopher Molina, Esq. (NV Bar No. 14092)

19 Michael A. Schneider, Esq. (NV Bar No. 8887)

2300 W. Sahara Avenue, Suite 1200

20 Autumn L. Waters, Esq. (NV Bar No. 8917)

Las Vegas, Nevada 89102

704 South Ninth Street

LAS VEGAS CITY ATTORNEY'S OFFICE

Las Vegas, Nevada 89101

Bryan K. Scott, Esq. (NV Bar No. 4381)

21 Telephone: (702) 733-8877

Philip R. Byrnes, Esq. (NV Bar No. 166)

22 Facsimile: (702) 731-1964

Rebecca Wolfson, Esq. (NV Bar No. 14132)

Attorneys for Plaintiff Landowners

495 South Main Street, 6th Floor

Las Vegas, Nevada 89101

SHUTE, MIHALY & WEINBERGER, LLP

Andrew W. Schwartz, Esq. (CA Bar No. 87699)

(Admitted *pro hac vice*)

Lauren M. Tarpey, Esq. (CA Bar No. 321775)

(Admitted *pro hac vice*)

396 Hayes Street

San Francisco, California 94102

Attorneys for City of Las Vegas

From: [James Leavitt](#)
To: [Sandy Guerra](#)
Subject: FW: Final Judgment In Inverse Condemnation
Date: Wednesday, April 6, 2022 11:28:10 AM
Attachments: [Final Judgment 4.4.22 egh.docx](#)

Jim Leavitt, 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.

From: James Leavitt
Sent: Monday, April 4, 2022 1:58 PM
To: George F. Ogilvie III <gogilvie@Mcdonaldcarano.com>; Christopher Molina <cmolina@mcdonaldcarano.com>
Cc: Autumn Waters <autumn@kermittwaters.com>; Elizabeth Ham (EHB Companies) <eham@ehbcompanies.com>; Jennifer Knighton (EHB Companies) <jknighton@ehbcompanies.com>
Subject: Final Judgment In Inverse Condemnation

George:

Attached is the Final Judgment in Inverse Condemnation. Please review and let me know if we have your permission to affix your signature.

We intend to submit to Judge Williams Wednesday, April 6, at 10:00 am.

Jim

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

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 180 Land Company LLC,
7 Petitioner(s)

CASE NO: A-17-758528-J

8 vs.

DEPT. NO. Department 16

9 Las Vegas City of,
10 Respondent(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

12
13 This automated certificate of service was generated by the Eighth Judicial District
14 Court. The foregoing 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:

15 Service Date: 4/18/2022

16 Jeffry Dorocak

jdorocak@lasvegasnevada.gov

17 Leah Jennings

ljennings@mcdonaldcarano.com

18 Philip Byrnes

pbyrnes@lasvegasnevada.gov

19 Todd Bice

tlb@pisanellibice.com

20 Dustun Holmes

dhh@pisanellibice.com

21 Jeffrey Andrews

jandrews@lasvegasnevada.gov

22 Robert McCoy

rmccoy@kcnvlaw.com

23 Stephanie Allen

sallen@kcnvlaw.com

24 Christopher Kaempfer

ckaempfer@kcnvlaw.com

25 Adar Bagus

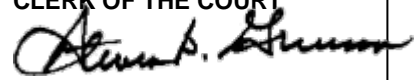
abagus@kcnvlaw.com

26
27
28

| | | |
|----|-----------------------|-------------------------------|
| 1 | Michael Wall | mwall@hutchlegal.com |
| 2 | Maddy Carnate-Peralta | mcarnate@hutchlegal.com |
| 3 | Autumn Waters | autumn@kermittwaters.com |
| 4 | Michael Schneider | michael@kermittwaters.com |
| 5 | James Leavitt | jim@kermittwaters.com |
| 6 | Kermitt Waters | kermitt@kermittwaters.com |
| 7 | Elizabeth Ham | EHam@ehbcompanies.com |
| 8 | Jelena Jovanovic | jjovanovic@mcdonaldcarano.com |
| 9 | Amanda Yen | ayen@mcdonaldcarano.com |
| 10 | George Ogilvie III | gogilvie@Mcdonaldcarano.com |
| 11 | Karen Surowiec | ksurowiec@Mcdonaldcarano.com |
| 12 | Christopher Molina | cmolina@mcdonaldcarano.com |
| 13 | Jennifer Knighton | jknighton@ehbcompanies.com |
| 14 | CluAynne Corwin | ccorwin@lasvegasnevada.gov |
| 15 | Evelyn Washington | evelyn@kermittwaters.com |
| 16 | Stacy Sykora | stacy@kermittwaters.com |
| 17 | Shannon Dinkel | sd@pisanellibice.com |
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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., DOE
INDIVIDUALS I through X, ROE
CORPORATIONS I through X, and ROE
LIMITED LIABILITY COMPANIES I through
X,

Plaintiffs,

vs.

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,

Defendant.

Case No.: A-17-758528-J

Dept. No.: XVI

NOTICE OF ENTRY OF:

**FINAL JUDGMENT IN INVERSE
CONDEMNATION**

PLEASE TAKE NOTICE that the Final Judgment in Inverse Condemnation
("Judgment") in the above referenced matter was entered on the 18th day of April, 2022.

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A copy of the Judgment is attached hereto.

DATED this 18th day of April, 2022.

LAW OFFICES OF KERMIT L. WATERS

/s/Autumn L. Waters
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Attorneys for Plaintiff Landowners

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that I am an employee of the Law Offices of Kermitt L. Waters, and
3 that on the 18th day of April, 2022, pursuant to NRCP 5(b), a true and correct copy of the foregoing:
4 **NOTICE OF ENTRY OF: FINAL JUDGMENT IN INVERSE CONDEMNATION** was
5 served on the below via the Court's electronic filing/service system and/or deposited for mailing
6 in the U.S. Mail, postage prepaid and addressed to, the following:

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20 /s/ Sandy Guerra

an employee of the Law Offices of Kermitt L. Waters

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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,

Plaintiffs,

v.

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,

Defendants.

CASE NO.: A-17-758528-J
DEPT. NO.: XVI

FINAL JUDGMENT IN INVERSE CONDEMNATION

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’ corporate counsel Elizabeth Ghanem, Esq., and with the City

1 of Las Vegas (hereinafter “the City”) appearing through its counsel, George F. Ogilvie III, Esq.
2 of McDonald Carrano, LLP and Philip R. Byrnes, Esq. and Rebecca Wolfson, Esq., of the City
3 Attorney’s Office and thereafter this Court entered Findings of Fact and Conclusions of Law on
4 Just Compensation, notice of entry occurring on November 24, 2021. Thereafter, the Court
5 entertained briefing and oral argument on all relevant post trial issues and entered the following
6 Orders: 1) Order Granting in Part and Denying in Part the City of Las Vegas’ Motion to Retax
7 Memorandum of Costs, notice of entry occurring on February 17, 2022; 2) Order Granting
8 Plaintiff Landowners’ Motion for Reimbursement of Property Taxes, notice of entry occurring
9 on February 17, 2022; 3) Order Granting Plaintiff Landowners’ Motion for Attorney Fees in Part
10 and Denying in Part, notice of entry occurring on February 22, 2022; and, 4) Findings of Fact and
11 Conclusions of Law and Order Granting Plaintiff’s Motion for Pre-Judgment Interest, notice of
12 entry occurring on April 1, 2022.

13 Based on the referenced orders and findings of fact and conclusions of law having been
14 entered, pursuant to NRCP Rules 52(a)(1), 54(a), and 58, judgment is hereby entered in favor of
15 the Landowners and against the City of Las Vegas as follows:

16 The City shall pay to the Landowners for the taking of the 35 Acre Property **\$34,135,000.**

17 The City shall pay to the Landowners’ attorney fees in the amount of **\$2,468,751.50.**

18 The City shall pay to the Landowners’ costs in the amount of **\$274,445.16.**

19 The City shall reimburse the Landowners’ real estate taxes paid on the 35 Acre Property
20 in the amount of **\$976,889.38.**

21 The City shall pay prejudgment interest in the amount of **\$10,258,953.30** for interest up to
22 November 18, 2021, and shall pay interest on the judgment for any periods after November 18,
23 2021, up until the time the City satisfies the \$34,135,000 judgment, as provided in NRS 37.175(1),
24 which shall be calculated and determined consistent with Findings of Fact and Conclusions of Law
25 and Order Granting Plaintiff’s Motion for Pre-Judgment Interest, notice of entry occurring on April
26 1, 2022.

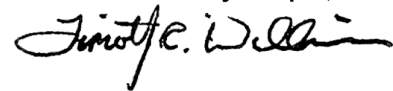
1 These sums assessed against the City and in favor of the Landowners shall be paid within
2 30 days and as a condition to appeal as provided in the Courts Findings of Fact and Conclusions
3 of Law and order Denying the City's Motion for Immediate Stay of Judgment; and Granting
4 Plaintiff Landowners' Countermotion to Order the City to Pay the Just Compensation, notice of
5 entry occurring on February 10, 2022.
6

7 Interest will continue to accrue on the final judgment until satisfied.

8 The Landowners shall serve all parties written notice of entry of final judgment.
9

10 Dated this _____ day of April, 2022.

Dated this 18th day of April, 2022



93A 140 093E 36D8
Timothy C. Williams
District Court Judge

MH

14 Respectfully Submitted By:

Content Reviewed and Approved By:

16 **LAW OFFICES OF KERMITT L. WATERS**

MCDONALD CARANO LLP

17 /s/ James J. Leavitt

Did not respond

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Attorneys for City of Las Vegas

From: [James Leavitt](#)
To: [Sandy Guerra](#)
Subject: FW: Final Judgment In Inverse Condemnation
Date: Wednesday, April 6, 2022 11:28:10 AM
Attachments: [Final Judgment 4.4.22 egh.docx](#)

Jim Leavitt, Esq.
Law Offices of Kermitt L. Waters
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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.

From: James Leavitt
Sent: Monday, April 4, 2022 1:58 PM
To: George F. Ogilvie III <gogilvie@Mcdonaldcarano.com>; Christopher Molina <cmolina@mcdonaldcarano.com>
Cc: Autumn Waters <autumn@kermittwaters.com>; Elizabeth Ham (EHB Companies) <eham@ehbcompanies.com>; Jennifer Knighton (EHB Companies) <jknighton@ehbcompanies.com>
Subject: Final Judgment In Inverse Condemnation

George:

Attached is the Final Judgment in Inverse Condemnation. Please review and let me know if we have your permission to affix your signature.

We intend to submit to Judge Williams Wednesday, April 6, at 10:00 am.

Jim

Jim Leavitt, Esq.
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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 180 Land Company LLC,
7 Petitioner(s)

CASE NO: A-17-758528-J

8 vs.

DEPT. NO. Department 16

9 Las Vegas City of,
10 Respondent(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

12
13 This automated certificate of service was generated by the Eighth Judicial District
14 Court. The foregoing 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:

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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,

Plaintiffs,

v.

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,

Defendants.

CASE NO.: A-17-758528-J

DEPT. NO.: XVI

**[PROPOSED] FINDINGS OF FACT AND
CONCLUSIONS OF LAW AND ORDER
GRANTING PLAINTIFF'S MOTION FOR
PRE-JUDGMENT INTEREST**

Plaintiffs 180 Land Co LLC and Fore Stars Ltd. (collectively, "Plaintiffs") filed its Motion to Determine Pre-Judgment Interest (the "Motion") on December 9, 2021. The City of Las Vegas ("City") filed an opposition to the Motion on December 23, 2021. Plaintiffs filed a reply in support of the Motion on January 24, 2022.

...

1 The Motion came before the Court for hearing on February 3, 2022 at 1:40 p.m. James Jack
2 Leavitt, Autumn Waters, and Elizabeth Ghanem Ham appeared for Plaintiffs. George F. Ogilvie
3 III, Christopher Molina, and Andrew Schwartz appeared for the City. Having considered the points
4 and authorities on file with the Court and oral argument of counsel, the Court makes the following
5 findings of facts and conclusions of law:

6 **FINDINGS OF FACT**

7 1. In its November 18, 2021 Findings of Fact and Conclusions of Law on Just
8 Compensation, the Court awarded Plaintiffs \$34,135,000 for the City's taking of the 35-Acre
9 Property ("Judgment").

10 2. In its Motion to Determine Prejudgment Interest filed on December 9, 2021
11 ("Motion"), Plaintiffs contended that it is entitled to prejudgment interest on the \$34,135,000
12 Judgment under NRS 37.175 from the date of the City's taking, which Plaintiffs contend was
13 August 2, 2017, to February 2, 2022, the date Plaintiffs anticipated this Court would enter an order
14 granting prejudgment interest.

15 3. Plaintiffs further argued in its Motion that prejudgment interest could not be less
16 than the prime rate plus two percent, as provided in NRS 37.175(4)(b) and (c).

17 4. Plaintiffs further contended in the Motion that for Plaintiffs to be made whole; i.e.,
18 put in the same position monetarily as it would have been in had the City not taken the 35-Acre
19 Property, Plaintiffs should be awarded prejudgment interest on the Judgment at a rate equivalent to
20 the return that Plaintiffs would have achieved had Plaintiffs invested the Judgment in an
21 unidentified real estate venture in Las Vegas on the date of the alleged taking. Based on evidence
22 of appreciation in real estate values in Las Vegas from August 2017 through February 2022,
23 Plaintiffs claimed that it would have earned \$52,515,866.90 on its investment, plus \$46,687.19 per
24 day after February 2, 2022 until the Judgment is satisfied.

25 5. The City contended in its opposition that the rate of prejudgment interest should be
26 the statutory rate set forth in NRS 37.175, which is prime plus two percent.

27 ...

28 ...

CONCLUSIONS OF LAW

A. Interest on the Judgment at a rate higher than Prime plus 2 percent is not necessary to put Plaintiffs in the same monetary position as before the taking

1. Prejudgment interest on a money judgment for a regulatory taking may be awarded under Nevada Constitution Article 1, Section 22(4) and NRS 37.175. Nevada Constitution Article 1, Section 22(4) provides:

In 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. Just compensation shall include, but is not limited to, compounded interest and all reasonable costs and expenses actually incurred.

NRS 37.175, which implements Nevada Constitution Article 1, Section 22(4) provides in relevant part that:

4. The court shall determine, in a posttrial hearing, the award of interest and award as interest the amount of money which will put the person from whom the property is taken in as good a position monetarily as if the property had not been taken. The district court shall enter an order concerning:

(a) The date on which the computation of interest will commence;

(b) The rate of interest to be used to compute the award of interest, which must not be less than the prime rate of interest plus 2 percent; and

(c) Whether the interest will be compounded annually.

2. Accordingly, a taking claimant is entitled to a rate of prejudgment interest on a taking judgment higher than the statutory rate of prime plus two percent only if the higher rate is necessary to put the claimant in the same monetary position it would have been without the taking.

3. Here, Plaintiffs have not shown that an award of interest at a rate higher than the prime rate plus two percent is necessary to put Plaintiffs in as good a position monetarily as if the property had not been taken.

4. The Court rejects Plaintiffs' reliance on *State ex rel. Dept. of Transp. v. Barsy*, 113 Nev. 712, 718, 941 P.2d 971 (1997), applying an earlier version of NRS 37.175, for the proposition

that prejudgment interest should not be the prime rate plus two percent as indicated by the statute, but rather 23 percent, to make Plaintiffs whole. An interest rate of 23 percent is not necessary to put Plaintiffs in the same position as before the City's alleged taking. Neither *Barsy* nor the evidence supports this rate of interest.

5. In *Barsy*, the defendant in an eminent domain action owned a building occupied by two tenants. In 1988, the Nevada Department of Transportation ("NDOT") identified Barsy's property for acquisition by eminent domain for a highway construction project. In late 1988 or early 1989, a representative of NDOT informed Barsy's tenants "of the imminent project Due to NDOT's inability to indicate an accurate time frame for the acquisition of the property, the tenants refused to renew their leases upon expiration." 113 Nev. at 715-16, 941 P.2d at 974. "Barsy was unable to attract new tenants because of the uncertainty surrounding the acquisition by NDOT." *Id.* Barsy presumably had no income from his building after the tenants vacated. The NDOT delayed filing a condemnation action against Barsy until 1992, after Barsy's two tenants had vacated the premises. 113 Nev. at 716, 941 P.2d at 974. During the entire eminent domain action, Barsy was unable to attract new tenants and suffered lost income. *Id.*

6. In addition to awarding Barsy just compensation based on the fair market value of Barsy's property, the District Court awarded Barsy prejudgment interest of eight percent, two percent above the prime rate, rather than the rate specified in the eminent domain law at the time.¹ 100 Nev. at 178-19, 941 P.2d at 975-76. The court found that if the compensation had been paid before the judgment, Barsy could have used it to extend his mortgage, presumably at a lower rate, or invest in other property that would produce a return that would have made up for Barsy's lost income from before and during the litigation. Because the award of just compensation was insufficient to make Barsy whole, the higher interest rate was necessary to put Barsy in the same position monetarily as he would have been had his property not been taken. *See* NRS 37.175(4).

¹ At the time *Barsy* was decided, NRS 37.175 set prejudgment interest at the rate of interest paid on one year's United States Treasury bills. NRS 37.175 was later amended to require prejudgment interest at the prime rate plus two percent.

7. Through the payment of prime plus two percent, Plaintiffs will be made whole. Prejudgment interest at a rate higher than prime plus two percent is not necessary to put Plaintiffs in the same monetary position but for the taking. *Barsy*, therefore, provides no support to Plaintiffs, and the Court rejects Plaintiffs' reliance on that case.

B. No authority permits the award of profit that allegedly would have been earned from a speculative real estate investment under the guise of prejudgment "interest"

8. The Court finds that Plaintiffs request an award not of "interest" as defined in Nevada law, but rather "profit" from a hypothetical, and speculative, real estate investment. No authority supports this claim.

9. The Court rejects Plaintiffs' request to base prejudgment interest on the expert reports Plaintiffs presented as to the rate of return Plaintiffs could have earned investing in other real estate during the relevant period. The Court finds that the payment of prime plus two percent is sufficient to put Plaintiffs in the same position monetarily as it would have been had its property not been taken.

10. "Interest" is defined by Oxford Languages as "money paid regularly at a particular rate for the use of money lent, or for delaying the repayment of a debt." "Profit" is defined by Oxford Languages as "a financial gain, especially the difference between the amount earned and the amount spent in buying, operating, or producing something." "Interest" in this case, therefore, is the return Plaintiffs would have earned if it had received the judgment in 2017 and loaned it to others. The interest rate would logically be a rate competitive with the rates charged by other lenders. That rate would be close to the prime rate. In Nevada, the Legislature has set that rate for eminent domain actions at two percent above the prime lending rate of large banks. Profit, by contrast, would be money that Plaintiffs could earn if it invested the money in a real estate venture. In that case, the investment would "produce" something of value that Plaintiffs could then sell or rent, hence, "profit." Interest, by its definition, is a known amount that must be paid by contract; profit, in contrast, is speculative, and depends on a myriad of factors.

11. Here, Plaintiffs rely on market data obtained by its consultants to argue that had Plaintiffs invested the Judgment in an unidentified and hypothetical real estate investment project

in 2017, it would have made it a profit of 23 percent per year for more than four years. Even if the claim was not pure speculation, the return Plaintiffs claims it would have earned is not “interest.” Rather, it is “profit.” If this Court were to conflate “interest” with “profit” in the manner proposed by Plaintiffs, in every case of a money judgment in Nevada, the plaintiff could (a) contend that if it had been paid the money at the time of the damage, it could have invested the money in real estate, the stock market, its uncle’s business, or any other unidentified business venture; (b) obtain the testimony of an “expert” predicting that the investment in the hypothetical and unidentified venture would yield a profit of a certain amount; and (c) call the profit prejudgment “interest.” Profits from real estate investment and other businesses, however, are uncertain and generally too speculative to be admitted in evidence. *See Sargon Enterprises, Inc. v. University of S. Cal.*, 55 Cal.4th 747, 776 (2012) (excluding an expert’s lost profit estimates based on a hypothetical increased share of the market). Profit from a business investment lacks the certainty of the prime rate of interest, which is publicized by the federal government. The Nevada Supreme Court has determined that property owners are entitled to prejudgment “interest” on takings judgments, not prejudgment “profit” from speculative business ventures.

C. No Nevada court has awarded prejudgment interest in a taking case at a rate higher than prime plus two percent

12. There is no Nevada precedent for an award of annual prejudgment interest in a taking case greater than two percent above the prime rate and no precedent that prejudgment “interest” could be set by the speculative profit from an investment of the award of just compensation in another property or business venture.

13. In *County of Clark v. Alper*, 100 Nev. 381, 685 P.2d 943 (1984), the District Court awarded prejudgment interest of seven percent per year, which was the rate provided in NRS 37.175 at the time. 100 Nev. at 393, 685 P.2d at 950. The Nevada Supreme Court remanded the case to the District Court for an evidentiary hearing to determine whether a different rate of interest was warranted to make the property owners whole. 100 Nev. at 394, 685 P.2d at 951. The Court indicated that the proper rate of prejudgment interest should be based “on the actual market rate of interest during the years in question.” There is no suggestion in *Alper* that the rate of prejudgment

1 interest could be the profit the condemnee could make by investing the award of just compensation
2 during the litigation.

3 14. In *City of Sparks v. Armstrong*, 103 Nev. 619, 748 P.2d 7 (1987), the Court ordered
4 that prejudgment interest should be at the statutory rate under NRS 37.175, even though the subject
5 property was “vacant, unimproved, and held for investment purposes at the time of the taking.” 103
6 Nev. at 623. There is no suggestion that prejudgment “interest” could be interpreted as the value of
7 the profit from a speculative investment of the judgment.

8 15. Finally, in *Barsy*, the Court affirmed an award of prejudgment interest of eight
9 percent, which was two percent above the prime rate. The Court found that that loss was not fully
10 compensated in the award of just compensation and therefore it was necessary to restore Barsy to
11 his monetary position before NDOT caused his tenants to move out. 100 Nev. at 178-19, 941 P.2d
12 at 975-76. Because the statutory prejudgment interest rate has been increased to prime plus two
13 percent after *Barsy*, the Court finds that that rate is consistent with all Nevada authority.

14 **D. Prejudgment interest must be compounded annually**

15 16. NRS 37.175 indicates that the Court has discretion to order annual compounding of
16 prejudgment interest.

17 17. However, the Nevada Constitution, article 1, section 22 (4), states “Just
18 Compensation shall include ... compounded interest.”

19 18. Accordingly, the award of interest shall be compounded annually.

20 **ORDER**

21 Accordingly, IT IS HERBY ORDERED, ADJUDGED, and DECREED that:

22 1. The Motion is hereby GRANTED, IN PART.

23 2. Plaintiffs are entitled to prejudgment interest calculated at the statutory rate
24 prescribed by NRS 37.175 of prime rate plus 2 percent.

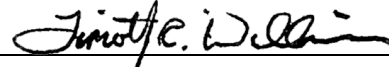
25 3. Accordingly, the prejudgment interest on the judgment of \$34,135,000 at a rate of
26 prime plus two percent and compounded annually from August 2, 2017 through November 18,
27 2021, is \$ \$10,258,953.30. See attached spreadsheet.

28

4. The City shall pay interest on the judgment for any periods after November 18, 2021, up until the time the City satisfies the \$34,135,000 judgment, as provided in NRS 37.175(1), which shall be calculated and determined consistent with the findings of fact and conclusions of law set forth herein.

DATED: this ___ day of _____, 2022.

Dated this 1st day of April, 2022



DISTRICT COURT JUDGE

MH

8F8 150 A597 9932
Timothy C. Williams
District Court Judge

Submitted By:

Reviewed and Approved as to form and
content By:

McDONALD CARANO LLP

LAW OFFICES OF KERMIT L. WATERS

/s/ George F. Ogilvie III

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/s/ James J. Leavitt

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*Attorney for 180 Land Co LLC and Fore Stars
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Attorneys for City of Las Vegas

From: James Leavitt <jim@kermittwaters.com>
Sent: Friday, April 1, 2022 8:57 AM
To: Christopher Molina; George F. Ogilvie III; Jelena Jovanovic
Cc: Autumn Waters; Michael Schneider; Elizabeth Ham (EHB Companies); Jennifer Knighton (EHB Companies)
Subject: FW: FFCL Re: Prejudgment Interest
Attachments: City's Proposed FFCL re Motion for Pre-Judgment Interest, 3-17-22 - version 5.docx

Chris:

Good morning.

With the revisions made, you may affix my signature to the FFCL.

Thank you, and have a great weekend.

Jim

Jim Leavitt, 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.

From: Christopher Molina <cmolina@mcdonaldcarano.com>
Sent: Thursday, March 31, 2022 8:06 AM
To: James Leavitt <jim@kermittwaters.com>; George F. Ogilvie III <gogilvie@Mcdonaldcarano.com>
Cc: Autumn Waters <autumn@kermittwaters.com>; Michael Schneider <michael@kermittwaters.com>; Jelena Jovanovic <jjovanovic@mcdonaldcarano.com>; Elizabeth Ham (EHB Companies) <eham@ehbcompanies.com>; Jennifer Knighton (EHB Companies) <jknighton@ehbcompanies.com>
Subject: RE: FFCL Re: Prejudgment Interest

Good morning Jim,

We have no objection to changing "Developer" to Plaintiffs, which I have done in the attached version. We don't believe it's necessary to include additional findings regarding the evidence Plaintiffs presented to the court as it's already in the record and there's already a description of that evidence in conclusion of law #11.

I've now incorporated four rounds of revisions into this FFCL and it is long overdue. We will submit to chambers prior to our hearing this afternoon in the 133-acre case. Please let me know if I have permission to affix your signature.

Chris Molina | Attorney



P: 702.873.4100 | E: cmolina@mcdonaldcarano.com

From: James Leavitt <jim@kermittwaters.com>

Sent: Wednesday, March 30, 2022 2:22 PM

To: Christopher Molina <cmolina@mcdonaldcarano.com>; George F. Ogilvie III <gogilvie@Mcdonaldcarano.com>

Cc: Autumn Waters <autumn@kermittwaters.com>; Michael Schneider <michael@kermittwaters.com>; Jelena Jovanovic <jjovanovic@mcdonaldcarano.com>; Elizabeth Ham (EHB Companies) <eham@ehbcompanies.com>; Jennifer Knighton (EHB Companies) <jknighton@ehbcompanies.com>

Subject: RE: FFCL Re: Prejudgment Interest

Chris:

Attached is a redline with our clients edits. Two main changes:

1. The City wants to call our client "Developer" our client wants to be called "Landowners" - we changed this to "Plaintiffs".
2. Paragraph 4 – we more clearly identified the evidence that the Plaintiff Landowners presented to the Court – the two expert reports by DiFederico and Lenhart. This simply states the fact that these two reports were presented and in two sentences summarizes what was in both reports.

Let me know if this is good to go.

Jim

Jim Leavitt, 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.

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 180 Land Company LLC,
7 Petitioner(s)

CASE NO: A-17-758528-J

8 vs.

DEPT. NO. Department 16

9 Las Vegas City of,
10 Respondent(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

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

17 Service Date: 4/1/2022

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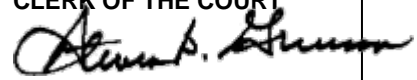
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| Elizabeth Ham | EHam@ehbcompanies.com |
| Rebecca Wolfson | rwolfson@lasvegasnevada.gov |



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sfloyd@lasvegasnevada.gov

(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,

Plaintiffs,

v.

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,

Defendants.

CASE NO.: A-17-758528-J

DEPT. NO.: XVI

**NOTICE OF ENTRY OF FINDINGS
OF FACT, CONCLUSIONS OF LAW
AND ORDER GRANTING
PLAINTIFF'S MOTION FOR PRE-
JUDGMENT INTEREST**

PLEASE TAKE NOTICE that the Findings of Fact and Conclusions of Law and Order
Granting Plaintiff's Motion for Pre-Judgment Interest was entered in the above-referenced case on
the 1st day of April, 2022, a copy of which is attached hereto.

...

...

...

1 DATED this 1st day of April, 2022.

2 McDONALD CARANO LLP

3 By: /s/ George F. Ogilvie III
4 George F. Ogilvie III (NV Bar No. 3552)
5 Christopher Molina (NV Bar No. 14092)
2300 W. Sahara Avenue, Suite 1200
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6 LAS VEGAS CITY ATTORNEY'S OFFICE
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10 Andrew W. Schwartz (Admitted *pro hac vice*)
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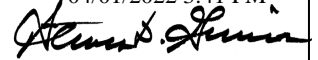
12 *Attorneys for City of Las Vegas*
13
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on the 1st day of April, 2022, I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING PLAINTIFF'S MOTION FOR PRE-JUDGMENT INTEREST** 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


CLERK OF THE COURT

FFCO

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rwolfson@lasvegasnevada.gov

(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,

Plaintiffs,

v.

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,

Defendants.

CASE NO.: A-17-758528-J

DEPT. NO.: XVI

**[PROPOSED] FINDINGS OF FACT AND
CONCLUSIONS OF LAW AND ORDER
GRANTING PLAINTIFF'S MOTION FOR
PRE-JUDGMENT INTEREST**

Plaintiffs 180 Land Co LLC and Fore Stars Ltd. (collectively, "Plaintiffs") filed its Motion to Determine Pre-Judgment Interest (the "Motion") on December 9, 2021. The City of Las Vegas ("City") filed an opposition to the Motion on December 23, 2021. Plaintiffs filed a reply in support of the Motion on January 24, 2022.

...

1 The Motion came before the Court for hearing on February 3, 2022 at 1:40 p.m. James Jack
2 Leavitt, Autumn Waters, and Elizabeth Ghanem Ham appeared for Plaintiffs. George F. Ogilvie
3 III, Christopher Molina, and Andrew Schwartz appeared for the City. Having considered the points
4 and authorities on file with the Court and oral argument of counsel, the Court makes the following
5 findings of facts and conclusions of law:

6 **FINDINGS OF FACT**

7 1. In its November 18, 2021 Findings of Fact and Conclusions of Law on Just
8 Compensation, the Court awarded Plaintiffs \$34,135,000 for the City's taking of the 35-Acre
9 Property ("Judgment").

10 2. In its Motion to Determine Prejudgment Interest filed on December 9, 2021
11 ("Motion"), Plaintiffs contended that it is entitled to prejudgment interest on the \$34,135,000
12 Judgment under NRS 37.175 from the date of the City's taking, which Plaintiffs contend was
13 August 2, 2017, to February 2, 2022, the date Plaintiffs anticipated this Court would enter an order
14 granting prejudgment interest.

15 3. Plaintiffs further argued in its Motion that prejudgment interest could not be less
16 than the prime rate plus two percent, as provided in NRS 37.175(4)(b) and (c).

17 4. Plaintiffs further contended in the Motion that for Plaintiffs to be made whole; i.e.,
18 put in the same position monetarily as it would have been in had the City not taken the 35-Acre
19 Property, Plaintiffs should be awarded prejudgment interest on the Judgment at a rate equivalent to
20 the return that Plaintiffs would have achieved had Plaintiffs invested the Judgment in an
21 unidentified real estate venture in Las Vegas on the date of the alleged taking. Based on evidence
22 of appreciation in real estate values in Las Vegas from August 2017 through February 2022,
23 Plaintiffs claimed that it would have earned \$52,515,866.90 on its investment, plus \$46,687.19 per
24 day after February 2, 2022 until the Judgment is satisfied.

25 5. The City contended in its opposition that the rate of prejudgment interest should be
26 the statutory rate set forth in NRS 37.175, which is prime plus two percent.

27 ...

28 ...

CONCLUSIONS OF LAW

A. Interest on the Judgment at a rate higher than Prime plus 2 percent is not necessary to put Plaintiffs in the same monetary position as before the taking

1. Prejudgment interest on a money judgment for a regulatory taking may be awarded under Nevada Constitution Article 1, Section 22(4) and NRS 37.175. Nevada Constitution Article 1, Section 22(4) provides:

In 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. Just compensation shall include, but is not limited to, compounded interest and all reasonable costs and expenses actually incurred.

NRS 37.175, which implements Nevada Constitution Article 1, Section 22(4) provides in relevant part that:

4. The court shall determine, in a posttrial hearing, the award of interest and award as interest the amount of money which will put the person from whom the property is taken in as good a position monetarily as if the property had not been taken. The district court shall enter an order concerning:

(a) The date on which the computation of interest will commence;

(b) The rate of interest to be used to compute the award of interest, which must not be less than the prime rate of interest plus 2 percent; and

(c) Whether the interest will be compounded annually.

2. Accordingly, a taking claimant is entitled to a rate of prejudgment interest on a taking judgment higher than the statutory rate of prime plus two percent only if the higher rate is necessary to put the claimant in the same monetary position it would have been without the taking.

3. Here, Plaintiffs have not shown that an award of interest at a rate higher than the prime rate plus two percent is necessary to put Plaintiffs in as good a position monetarily as if the property had not been taken.

4. The Court rejects Plaintiffs' reliance on *State ex rel. Dept. of Transp. v. Barsy*, 113 Nev. 712, 718, 941 P.2d 971 (1997), applying an earlier version of NRS 37.175, for the proposition

1 that prejudgment interest should not be the prime rate plus two percent as indicated by the statute,
2 but rather 23 percent, to make Plaintiffs whole. An interest rate of 23 percent is not necessary to
3 put Plaintiffs in the same position as before the City's alleged taking. Neither *Barsy* nor the evidence
4 supports this rate of interest.

5 5. In *Barsy*, the defendant in an eminent domain action owned a building occupied by
6 two tenants. In 1988, the Nevada Department of Transportation ("NDOT") identified Barsy's
7 property for acquisition by eminent domain for a highway construction project. In late 1988 or early
8 1989, a representative of NDOT informed Barsy's tenants "of the imminent project Due to
9 NDOT's inability to indicate an accurate time frame for the acquisition of the property, the tenants
10 refused to renew their leases upon expiration." 113 Nev. at 715-16, 941 P.2d at 974. "Barsy was
11 unable to attract new tenants because of the uncertainty surrounding the acquisition by NDOT." *Id.*
12 Barsy presumably had no income from his building after the tenants vacated. The NDOT delayed
13 filing a condemnation action against Barsy until 1992, after Barsy's two tenants had vacated the
14 premises. 113 Nev. at 716, 941 P.2d at 974. During the entire eminent domain action, Barsy was
15 unable to attract new tenants and suffered lost income. *Id.*

16 6. In addition to awarding Barsy just compensation based on the fair market value of
17 Barsy's property, the District Court awarded Barsy prejudgment interest of eight percent, two
18 percent above the prime rate, rather than the rate specified in the eminent domain law at the time.¹
19 100 Nev. at 178-19, 941 P.2d at 975-76. The court found that if the compensation had been paid
20 before the judgment, Barsy could have used it to extend his mortgage, presumably at a lower rate,
21 or invest in other property that would produce a return that would have made up for Barsy's lost
22 income from before and during the litigation. Because the award of just compensation was
23 insufficient to make Barsy whole, the higher interest rate was necessary to put Barsy in the same
24 position monetarily as he would have been had his property not been taken. *See* NRS 37.175(4).

25
26
27 ¹ At the time *Barsy* was decided, NRS 37.175 set prejudgment interest at the rate of interest paid
28 on one year's United States Treasury bills. NRS 37.175 was later amended to require prejudgment
interest at the prime rate plus two percent.

7. Through the payment of prime plus two percent, Plaintiffs will be made whole. Prejudgment interest at a rate higher than prime plus two percent is not necessary to put Plaintiffs in the same monetary position but for the taking. *Barsy*, therefore, provides no support to Plaintiffs, and the Court rejects Plaintiffs' reliance on that case.

B. No authority permits the award of profit that allegedly would have been earned from a speculative real estate investment under the guise of prejudgment "interest"

8. The Court finds that Plaintiffs request an award not of "interest" as defined in Nevada law, but rather "profit" from a hypothetical, and speculative, real estate investment. No authority supports this claim.

9. The Court rejects Plaintiffs' request to base prejudgment interest on the expert reports Plaintiffs presented as to the rate of return Plaintiffs could have earned investing in other real estate during the relevant period. The Court finds that the payment of prime plus two percent is sufficient to put Plaintiffs in the same position monetarily as it would have been had its property not been taken.

10. "Interest" is defined by Oxford Languages as "money paid regularly at a particular rate for the use of money lent, or for delaying the repayment of a debt." "Profit" is defined by Oxford Languages as "a financial gain, especially the difference between the amount earned and the amount spent in buying, operating, or producing something." "Interest" in this case, therefore, is the return Plaintiffs would have earned if it had received the judgment in 2017 and loaned it to others. The interest rate would logically be a rate competitive with the rates charged by other lenders. That rate would be close to the prime rate. In Nevada, the Legislature has set that rate for eminent domain actions at two percent above the prime lending rate of large banks. Profit, by contrast, would be money that Plaintiffs could earn if it invested the money in a real estate venture. In that case, the investment would "produce" something of value that Plaintiffs could then sell or rent, hence, "profit." Interest, by its definition, is a known amount that must be paid by contract; profit, in contrast, is speculative, and depends on a myriad of factors.

11. Here, Plaintiffs rely on market data obtained by its consultants to argue that had Plaintiffs invested the Judgment in an unidentified and hypothetical real estate investment project

in 2017, it would have made it a profit of 23 percent per year for more than four years. Even if the claim was not pure speculation, the return Plaintiffs claims it would have earned is not “interest.” Rather, it is “profit.” If this Court were to conflate “interest” with “profit” in the manner proposed by Plaintiffs, in every case of a money judgment in Nevada, the plaintiff could (a) contend that if it had been paid the money at the time of the damage, it could have invested the money in real estate, the stock market, its uncle’s business, or any other unidentified business venture; (b) obtain the testimony of an “expert” predicting that the investment in the hypothetical and unidentified venture would yield a profit of a certain amount; and (c) call the profit prejudgment “interest.” Profits from real estate investment and other businesses, however, are uncertain and generally too speculative to be admitted in evidence. *See Sargon Enterprises, Inc. v. University of S. Cal.*, 55 Cal.4th 747, 776 (2012) (excluding an expert’s lost profit estimates based on a hypothetical increased share of the market). Profit from a business investment lacks the certainty of the prime rate of interest, which is publicized by the federal government. The Nevada Supreme Court has determined that property owners are entitled to prejudgment “interest” on takings judgments, not prejudgment “profit” from speculative business ventures.

C. No Nevada court has awarded prejudgment interest in a taking case at a rate higher than prime plus two percent

12. There is no Nevada precedent for an award of annual prejudgment interest in a taking case greater than two percent above the prime rate and no precedent that prejudgment “interest” could be set by the speculative profit from an investment of the award of just compensation in another property or business venture.

13. In *County of Clark v. Alper*, 100 Nev. 381, 685 P.2d 943 (1984), the District Court awarded prejudgment interest of seven percent per year, which was the rate provided in NRS 37.175 at the time. 100 Nev. at 393, 685 P.2d at 950. The Nevada Supreme Court remanded the case to the District Court for an evidentiary hearing to determine whether a different rate of interest was warranted to make the property owners whole. 100 Nev. at 394, 685 P.2d at 951. The Court indicated that the proper rate of prejudgment interest should be based “on the actual market rate of interest during the years in question.” There is no suggestion in *Alper* that the rate of prejudgment

1 interest could be the profit the condemnee could make by investing the award of just compensation
2 during the litigation.

3 14. In *City of Sparks v. Armstrong*, 103 Nev. 619, 748 P.2d 7 (1987), the Court ordered
4 that prejudgment interest should be at the statutory rate under NRS 37.175, even though the subject
5 property was “vacant, unimproved, and held for investment purposes at the time of the taking.” 103
6 Nev. at 623. There is no suggestion that prejudgment “interest” could be interpreted as the value of
7 the profit from a speculative investment of the judgment.

8 15. Finally, in *Barsy*, the Court affirmed an award of prejudgment interest of eight
9 percent, which was two percent above the prime rate. The Court found that that loss was not fully
10 compensated in the award of just compensation and therefore it was necessary to restore Barsy to
11 his monetary position before NDOT caused his tenants to move out. 100 Nev. at 178-19, 941 P.2d
12 at 975-76. Because the statutory prejudgment interest rate has been increased to prime plus two
13 percent after *Barsy*, the Court finds that that rate is consistent with all Nevada authority.

14 **D. Prejudgment interest must be compounded annually**

15 16. NRS 37.175 indicates that the Court has discretion to order annual compounding of
16 prejudgment interest.

17 17. However, the Nevada Constitution, article 1, section 22 (4), states “Just
18 Compensation shall include ... compounded interest.”

19 18. Accordingly, the award of interest shall be compounded annually.

20 **ORDER**

21 Accordingly, IT IS HERBY ORDERED, ADJUDGED, and DECREED that:

22 1. The Motion is hereby GRANTED, IN PART.

23 2. Plaintiffs are entitled to prejudgment interest calculated at the statutory rate
24 prescribed by NRS 37.175 of prime rate plus 2 percent.

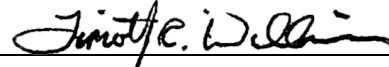
25 3. Accordingly, the prejudgment interest on the judgment of \$34,135,000 at a rate of
26 prime plus two percent and compounded annually from August 2, 2017 through November 18,
27 2021, is \$ \$10,258,953.30. See attached spreadsheet.

28

4. The City shall pay interest on the judgment for any periods after November 18, 2021, up until the time the City satisfies the \$34,135,000 judgment, as provided in NRS 37.175(1), which shall be calculated and determined consistent with the findings of fact and conclusions of law set forth herein.

DATED: this ___ day of _____, 2022.

Dated this 1st day of April, 2022



DISTRICT COURT JUDGE

MH

8F8 150 A597 9932
Timothy C. Williams
District Court Judge

Submitted By:

Reviewed and Approved as to form and
content By:

McDONALD CARANO LLP

LAW OFFICES OF KERMIT L. WATERS

/s/ George F. Ogilvie III

George F. Ogilvie III, Esq., Bar No. 3552
Christopher Molina, Esq., Bar No. 14092
2300 W. Sahara Avenue, Suite 1200
Las Vegas, Nevada 89102
LAS VEGAS CITY ATTORNEY'S OFFICE
Bryan K. Scott, Esq., Bar No. 4381
Philip R. Byrnes, Esq., Bar No. 166
Rebecca Wolfson (NV Bar No. 14132)
495 S. Main Street, 6th Floor
Las Vegas, Nevada 89101

/s/ James J. Leavitt

Kermitt L. Waters, Esq., Bar No. 2571
James J. Leavitt, Esq., Bar No. 6032
Michael A. Schneider, Esq., Bar No. 8887
Autumn L. Waters, Esq., Bar No. 8917
704 South Ninth Street
Las Vegas, Nevada 89101

*Attorney for 180 Land Co LLC and Fore Stars
Ltd.*

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

Attorneys for City of Las Vegas

From: James Leavitt <jim@kermittwaters.com>
Sent: Friday, April 1, 2022 8:57 AM
To: Christopher Molina; George F. Ogilvie III; Jelena Jovanovic
Cc: Autumn Waters; Michael Schneider; Elizabeth Ham (EHB Companies); Jennifer Knighton (EHB Companies)
Subject: FW: FFCL Re: Prejudgment Interest
Attachments: City's Proposed FFCL re Motion for Pre-Judgment Interest, 3-17-22 - version 5.docx

Chris:

Good morning.

With the revisions made, you may affix my signature to the FFCL.

Thank you, and have a great weekend.

Jim

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

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From: Christopher Molina <cmolina@mcdonaldcarano.com>
Sent: Thursday, March 31, 2022 8:06 AM
To: James Leavitt <jim@kermittwaters.com>; George F. Ogilvie III <gogilvie@Mcdonaldcarano.com>
Cc: Autumn Waters <autumn@kermittwaters.com>; Michael Schneider <michael@kermittwaters.com>; Jelena Jovanovic <jjovanovic@mcdonaldcarano.com>; Elizabeth Ham (EHB Companies) <eham@ehbcompanies.com>; Jennifer Knighton (EHB Companies) <jknighton@ehbcompanies.com>
Subject: RE: FFCL Re: Prejudgment Interest

Good morning Jim,

We have no objection to changing "Developer" to Plaintiffs, which I have done in the attached version. We don't believe it's necessary to include additional findings regarding the evidence Plaintiffs presented to the court as it's already in the record and there's already a description of that evidence in conclusion of law #11.

I've now incorporated four rounds of revisions into this FFCL and it is long overdue. We will submit to chambers prior to our hearing this afternoon in the 133-acre case. Please let me know if I have permission to affix your signature.

Chris Molina | Attorney



P: 702.873.4100 | E: cmolina@mcdonaldcarano.com

From: James Leavitt <jim@kermittwaters.com>

Sent: Wednesday, March 30, 2022 2:22 PM

To: Christopher Molina <cmolina@mcdonaldcarano.com>; George F. Ogilvie III <gogilvie@Mcdonaldcarano.com>

Cc: Autumn Waters <autumn@kermittwaters.com>; Michael Schneider <michael@kermittwaters.com>; Jelena Jovanovic <jjovanovic@mcdonaldcarano.com>; Elizabeth Ham (EHB Companies) <eham@ehbcompanies.com>; Jennifer Knighton (EHB Companies) <jknighton@ehbcompanies.com>

Subject: RE: FFCL Re: Prejudgment Interest

Chris:

Attached is a redline with our clients edits. Two main changes:

1. The City wants to call our client "Developer" our client wants to be called "Landowners" - we changed this to "Plaintiffs".
2. Paragraph 4 – we more clearly identified the evidence that the Plaintiff Landowners presented to the Court – the two expert reports by DiFederico and Lenhart. This simply states the fact that these two reports were presented and in two sentences summarizes what was in both reports.

Let me know if this is good to go.

Jim

Jim Leavitt, Esq.

Law Offices of Kermitt L. Waters

704 South Ninth Street

Las Vegas Nevada 89101

tel: (702) 733-8877

fax: (702) 731-1964

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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 180 Land Company LLC,
7 Petitioner(s)

CASE NO: A-17-758528-J

8 vs.

DEPT. NO. Department 16

9 Las Vegas City of,
10 Respondent(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

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

17 Service Date: 4/1/2022

18 Jeffry Dorocak

jdorocak@lasvegasnevada.gov

19 Leah Jennings

ljennings@mcdonaldcarano.com

20 Philip Byrnes

pbyrnes@lasvegasnevada.gov

21 Todd Bice

tlb@pisanellibice.com

22 Dustun Holmes

dhh@pisanellibice.com

23 Jeffrey Andrews

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24 Robert McCoy

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25 Stephanie Allen

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26 Christopher Kaempfer

ckaempfer@kcnvlaw.com

27 Adar Bagus

abagus@kcnvlaw.com

28

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| 2 | Maddy Carnate-Peralta | mcarnate@hutchlegal.com |
| 3 | Autumn Waters | autumn@kermittwaters.com |
| 4 | Michael Schneider | michael@kermittwaters.com |
| 5 | James Leavitt | jim@kermittwaters.com |
| 6 | Kermitt Waters | kermitt@kermittwaters.com |
| 7 | Elizabeth Ham | EHam@ehbcompanies.com |
| 8 | Jelena Jovanovic | jjovanovic@mcdonaldcarano.com |
| 9 | Amanda Yen | ayen@mcdonaldcarano.com |
| 10 | George Ogilvie III | gogilvie@Mcdonaldcarano.com |
| 11 | Karen Surowiec | ksurowiec@Mcdonaldcarano.com |
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| 17 | Desiree Staggs | dstaggs@kcnvlaw.com |
| 18 | Shannon Dinkel | sd@pisanellibice.com |
| 19 | Debbie Leonard | debbie@leonardlawpc.com |
| 20 | Andrew Schwartz | Schwartz@smwlaw.com |
| 21 | Lauren Tarpey | LTarpey@smwlaw.com |
| 22 | David Weibel | weibel@smwlaw.com |
| 23 | Sandy Guerra | sandy@kermittwaters.com |
| 24 | | |
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|-------------------|--|
| Jennifer Knighton | jknighton@ehbcompanies.com |
| Elizabeth Ham | EHam@ehbcompanies.com |
| Rebecca Wolfson | rwolfson@lasvegasnevada.gov |

**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 Hutchison, Mark A Ogilvie, George F., III Stewart, Robert T. | Attorney Attorney Attorney 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 Intervenor(s) have demonstrated a sufficient interest in the litigation subject matter. The Intervenor(s) could suffer impairment to their ability to protect their interests if they fail to intervene in this matter. The Intervenor(s) 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 Intervenor(s) 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 Intervenor in this matter. Moreover, the interests of the Intervenor 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 Intervenor's 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 Intervenor. Thus, in light of the prior actions of the Las Vegas City Council and the potential impact on the Intervenor's property rights, this Court finds that the interests of the Intervenor 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 Intervenor also meets 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 Intervenor shall follow the briefing schedule that is forthcoming.

Counsel for the Intervenor 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, Kirill 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)
vs.
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 expansion 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 Intervenor, 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...PLANTTIF 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...PLANTTIF 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 statute 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

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.

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 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

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

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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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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**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: RESETTRIAL 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

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

Meeting ID: 261 117 825

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 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

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.

**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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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
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Meeting ID: 458 575 421
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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:
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

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:

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.

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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

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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 #.

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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 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 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:

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 #.

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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 #.

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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 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:

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

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:

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

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 Judgment. 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:

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Meeting ID: 552 243 859

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

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

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

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

RECORDED:

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:

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

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>

To connect by phone, dial the telephone number, then the meeting ID, followed by #.

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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

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 shown 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

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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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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- Wait for the line to clear before speaking as the conference audio is one-way.
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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

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:

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 shown 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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- 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

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-offered and un-admitted exhibits; Mr. Ogilvie advised same. COURT ORDERED, all un-offered 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

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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 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

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Dial: 1-408-419-1715
Meeting ID: 305 354 001
Participant Passcode: 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

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

PRINT DATE: 04/27/2022

Page 133 of 148

Minutes Date: January 11, 2018

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:

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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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 Counter-motion 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

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Meeting ID: 305 354 001

Participant Passcode: 2258

Smartphone/Computer:

Website: <https://bluejeans.com/305354001/2258>

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**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

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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 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

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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 11, 2022

| | |
|---------------|--|
| A-17-758528-J | 180 Land Company LLC, Petitioner(s) vs. Las Vegas City of, Respondent(s) |
|---------------|--|

| | | |
|--------------------------|----------------|-------------------------------------|
| February 11, 2022 | 1:15 PM | Motion to Amend Judgment |
|--------------------------|----------------|-------------------------------------|

HEARD BY: Williams, Timothy C.

COURTROOM: RJC Courtroom 16C

COURT CLERK: Carolyn Jackson

RECORDER: Maria Garibay

REPORTER:

PARTIES

| | | |
|-----------------|-------------------------|----------|
| PRESENT: | Ghanem, Elizabeth M. | Attorney |
| | Leavitt, James J | Attorney |
| | Molina, J. Christopher | Attorney |
| | Ogilvie, George F., III | Attorney |

JOURNAL ENTRIES

- Hearing held by BlueJeans remote conferencing and in-person appearance.

Arguments by counsel. Following arguments by counsel, COURT ORDERED, Motion DENIED; Court will follow the statutory mandate as it pertains to payment under NRS 37.160, NRS 37.270 and the Nevada Constitution. Mr. Leavitt to prepare, circulate and submit the Order electronically to DC16Inbox@clarkcountycourts.us..

**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**

Hearing Date: **10/27/2021**

Dept. No.: **16**

Judge: **Timothy C. Williams**

Plaintiff: **180 Land Company**

Court Clerk: **Christopher Darling**

Recorder: **Maria Garibay**

Counsel for Plaintiff: **James Leavitt, Esq., Elizabeth**

Ghanem, Esq., and Autumn Waters, Esq.

vs.

Defendant: **City of Las Vegas**

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 of 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 <i>See Mr. Lowie's deposition</i> | | | |
| 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 000003 – 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 |
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| 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**

Hearing Date: **10/27/2021**

Dept. No.: **16**

Judge: **Timothy C. Williams**

Plaintiff: **180 Land Company**

Court Clerk: **Christopher Darling**

Recorder: **Maria Garibay**

Counsel for Plaintiff: **James Leavitt, Esq., Elizabeth**

Ghanem, Esq., and Autumn Waters, Esq.

vs.

Defendant: **City of Las Vegas**

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, 3 rd 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):

PLAINTIFFS' NOTICE OF APPEAL; CASE APPEAL STATEMENT;
DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; FINAL JUDGMENT IN INVERSE
CONDEMNATION; NOTICE OF ENTRY OF: FINAL JUDGMENT IN INVERSE CONDEMNATION;
[PROPOSED] FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER GRANTING
PLAINTIFF'S MOTION FOR PRE-JUDGMENT INTEREST; NOTICE OF ENTRY OF FINDINGS OF
FACT, CONCLUSIONS OF LAW AND ORDER GRANTING PLAINTIFF'S MOTION FOR PRE-
JUDGMENT INTEREST; DISTRICT COURT MINUTES; EXHIBITS LIST

180 LAND CO LLC; FORE STARS, LTD.,

Plaintiff(s),

vs.

CITY OF LAS VEGAS, a political subdivision
of the State of Nevada,

Defendant(s),

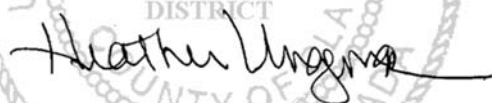
Case No: A-17-758528-J

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 27 day of April 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk
A-17-758528-J