

1 CODE: 1097
2 D. CHRIS ALBRIGHT, ESQ.
3 Nevada Bar No. 4904
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Electronically Filed
Jul 15 2021 09:18 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

10 JOHN ILIESCU, JR., AND SONNIA ILIESCU,
11 TRUSTEES OF THE JOHN ILIESCU JR. AND
12 SONNIA ILIESCU 1992 FAMILY TRUST;
13 JOHN ILIESCU, JR., an individual; and SONNIA
14 ILIESCU, an individual,

CASE NO. CV19-00459

Plaintiffs,

NOTICE OF APPEAL

v.

16 THE REGIONAL TRANSPORTATION
17 COMMISSION OF WASHOE COUNTY; ROE
18 CORPORATIONS 1-20; and DOES 1 through 40
19 inclusive,

Defendants.

20 **NOTICE IS HEREBY GIVEN** that Plaintiffs, JOHN ILIESCU, JR., AND SONNIA
21 ILIESCU, TRUSTEES OF THE JOHN ILIESCU JR. AND SONNIA ILIESCU 1992 FAMILY
22 TRUST; JOHN ILIESCU, JR., an individual; and SONNIA ILIESCU, an individual, hereby
23 appeal to the Supreme Court of the State of Nevada from the following:

- 24 A. "Order Granting Summary Judgment After Supplemental Arguments" in
25 favor of Defendant, The Regional Transportation Commission of Washoe
26 County [Washoe County Clerk Transaction #8487964] entered on June 9,
27 2021.
28 B. Any other orders, judgments, decisions, or rulings of the District Court
during this litigation which led to or resulted from the foregoing order, or
which would need to be overturned in order to afford the Plaintiffs full and
adequate appellate relief herein.

1 DATED this 9th day of July, 2021.

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4 D. CHRIS ALBRIGHT, ESQ.

5 Nevada Bar No. 4904

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11 *Attorneys for Appellants*

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AFFIRMATION

The undersigned does hereby affirm that the preceding document filed in the Second
Judicial District Court does not contain the social security number of any person.

DATED this 9th day of July, 2021.



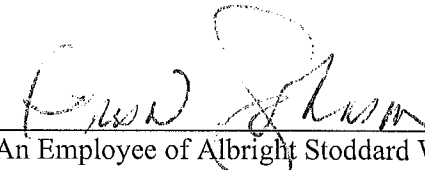
D. CHRIS ALBRIGHT, ESQ.
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Attorneys for Appellants

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of ALBRIGHT, STODDARD, WARNICK & ALBRIGHT and that on the 9th day of July, 2021, I served a true and correct copy of the foregoing **NOTICE OF APPEAL** upon all counsel of record by electronically serving the document using the Court’s electronic filing system:

Dane W. Anderson, Esq.
Bronagh M. Kelly, Esq.
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6100 Neil Road, Suite 500
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*Attorneys for Defendant, the Regional
Transportation Commission of Washoe County*

Michael J. Morrison, Esq.
1495 Ridgeview Drive, #220
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venturelawusa@gmail.com
Trial Counsel for Plaintiffs


An Employee of Albright Stoddard Warnick & Albright

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**IN THE SUPREME COURT
OF THE STATE OF NEVADA**

JOHN ILIESCU, JR., AND SONNIA
ILIESCU, TRUSTEES OF THE JOHN
ILIESCU JR. AND SONNIA ILIESCU
1992 FAMILY TRUST; JOHN ILIESCU,
JR., an individual; and SONNIA
ILIESCU, an individual,

Appellants,

v.

THE REGIONAL TRANSPORTATION
COMMISSION OF WASHOE COUNTY;
ROE CORPORATIONS 1-20; and DOES
1 through 40 inclusive,

Respondents.

CASE NO.

DISTRICT COURT

CASE NO: CV19-00459

CASE APPEAL STATEMENT

ALBRIGHT, STODDARD, WARNICK & ALBRIGHT

801 South Rancho Drive, Suite D-4

Las Vegas, Nevada 89106

Tel: (702) 384-7111

D. CHRIS ALBRIGHT, ESQ.

Nevada Bar No. 4904

dca@albrightstoddard.com

Attorneys for Appellants

1. The names of the Appellants filing this Case Appeal Statement are John Ilescu and Sonnia Ilescu as Trustees of the John Ilescu, Jr. and Sonnia Ilescu 1992 Family Trust and John Ilescu, Jr., an individual and Sonnia Ilescu, an individual, which Appellants were the Plaintiffs in Case No. CV19-00439.

2. The following Judge issued the decision(s), judgment(s), or order(s) appealed from: The Honorable David A. Hardy, Second Judicial District Court, Washoe County, Nevada.

3. The identity of each Appellant and the name and address of counsel for each Appellant are as follows:

APPELLANTS:	John Ilescu and Sonnia Ilescu as Trustees of the John Ilescu, Jr. and Sonnia Ilescu 1992 Family Trust, John Ilescu, Jr., an individual and Sonnia Ilescu, an individual
APPELLANTS' COUNSEL:	D. Chris Albright, Esq. Nevada Bar No. 004904 ALBRIGHT, STODDARD, WARNICK & ALBRIGHT 801 South Rancho Drive, Suite D-4 Las Vegas, Nevada 89106 Tel: (702) 384-7111 Fax: (702) 384-0605 dca@albrightstoddard.com

Appellants Counsel was not their trial counsel. Trial counsel for appellants were:

Michael J. Morrison, Esq.
1495 Ridgeview Drive, #220
Reno, Nevada 89519
venturelawusa@gmail.com

4. The identity of each Respondent and the name and address of anticipated appellate counsel, which was also trial counsel, for each Respondent are as follows:

RESPONDENT: The Regional Transportation Commission
of Washoe County.

RESPONDENT'S
COUNSEL: Dane W. Anderson, Esq.
Bronagh M. Kelly, Esq.
WOODBURN AND WEDGE
6100 Neil Road, Suite 500
Reno, Nevada 89511
danderson@woodburnandwedge.com
bkelly@woodburnandwedge.com
*Attorneys for Respondent, the Regional
Transportation Commission of Washoe County*

5. All counsel identified in paragraphs 3 and 4 above are licensed to practice law in the State of Nevada.

6. Appellants were represented by retained counsel in the District Court.

7. Appellants are represented by retained counsel on appeal.

8. Appellants have not sought nor have they been granted leave to proceed in forma pauperis.

9. The date the proceedings commenced in the district court is as follows: The Iliescus' Complaint initiating the action, and commencing Case No. CV19-00459 was filed on February 27, 2019.

10. A brief description of the nature of the action and result in the district court, including the type of judgment and orders being appealed and the relief granted by the district court are as follows: This case involved a suit against the Respondent, Regional Transportation Commission of Washoe County (hereinafter the “RTC”), seeking damages and other relief for the RTC having, in conjunction with condemning a small portion of a real property parcel owned by Appellants, denied the Appellants their use and access towards the entirety of the remainder of the parcel, for a time, and having damaged other portions of the parcel beyond that portion which was condemned.

The District Court entered summary judgment in favor of RTC, rejecting appellants’ claims as a matter of law, on June 9, 2021, which judgment is now appealed herein.

11. This case has not previously been the subject of an appeal or an original writ proceeding to the Nevada Supreme Court.

12. This appeal does not involve child custody or visitation.

13. It is unknown at this time whether this appeal involves the possibility of settlement.

DATED this 9th day of July, 2021.



D. CHRIS ALBRIGHT, ESQ.

Nevada Bar No. 4904

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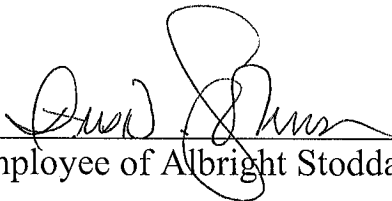
Attorneys for Appellants

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of ALBRIGHT, STODDARD, WARNICK & ALBRIGHT and that on the 9th day of July, 2021, I served a true and correct copy of the foregoing **CASE APPEAL STATEMENT** upon all counsel of record by electronically serving the document using the Court's electronic filing system:

Dane W. Anderson, Esq.
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WOODBURN AND WEDGE
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danderson@woodburnandwedge.com
bkelly@woodburnandwedge.com
*Attorneys for Respondent, the Regional
Transportation Commission of Washoe County*

Michael J. Morrison, Esq.
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venturelawusa@gmail.com
Trial Counsel for Appellants



An Employee of Albright Stoddard Warnick & Albright

SECOND JUDICIAL DISTRICT COURT

STATE OF NEVADA

COUNTY OF WASHOE

Case History - CV19-00459

Case Description: JOHN ILIESCU JR ETAL VS RTC WASHOE CO (D15)

Case Number: CV19-00459 Case Type: OTHER CIVIL MATTERS - Initially Filed On: 2/27/2019

Parties

<u>Party Type & Name</u>	<u>Party Status</u>
JUDG - DAVID A. HARDY - D15	Active
PLTF - JOHN ILIESCU & SONNIA ILIESCU, TRUSTEES - @1310994	Active
PLTF - JOHN JR. ILIESCU - @326792	Active
PLTF - SONNIA ILIESCU - @77375	Active
DEFT - THE REGIONAL TRANSPORTATION COMMISSION OF WASHOE COUNTY - @1288539	Active
ATTY - Dane W. Anderson, Esq. - 6883	Active
ATTY - D. Chris Albright, Esq. - 4904	Active
ATTY - Michael James Morrison, Esq. - 1665	Active
ATTY - Bronagh Mary Kelly, Esq. - 14555	Active

Disposed Hearings

- 1 Department: D15 -- Event: Request for Submission -- Scheduled Date & Time: 11/12/2019 at 16:45:00
Extra Event Text: MOTION TO DISMISS FILED 9/25/19
Event Disposition: S200 - 1/7/2020
- 2 Department: D15 -- Event: Request for Submission -- Scheduled Date & Time: 2/13/2020 at 10:35:00
Extra Event Text: SUPPLEMENTAL MOTION TO DISMISS FILED 1/30/2020 -
Event Disposition: S200 - 3/20/2020
- 3 Department: B -- Event: Request for Submission -- Scheduled Date & Time: 3/6/2020 at 14:50:00
Extra Event Text: MOTION TO COMPEL FILED 2-20-2020
Event Disposition: S200 - 4/3/2020
- 4 Department: DISC -- Event: Request for Submission -- Scheduled Date & Time: 4/20/2020 at 13:42:00
Extra Event Text: MOTION FOR DISCOVERY SANCTIONS FILED 4-1-2020
Event Disposition: S200 - 6/10/2020
- 5 Department: D15 -- Event: Request for Submission -- Scheduled Date & Time: 5/18/2020 at 15:30:00
Extra Event Text: Motion for Sanctions Pursuant to NRCP 37(b)(1)
Event Disposition: S200 - 6/10/2020
- 6 Department: D15 -- Event: Request for Submission -- Scheduled Date & Time: 7/16/2020 at 10:53:00
Extra Event Text: DECLARATION OF DANE W. ANDERSON REGARDING EXPENSES TO BE REIMBURSED BY DEFENDANTS [SIC] (NO ORDER PROVIDED)
Event Disposition: S200 - 8/5/2020
- 7 Department: D15 -- Event: Request for Submission -- Scheduled Date & Time: 8/6/2020 at 14:37:00
Extra Event Text: MOTION IN LIMINE TO PRECLUDE PLAINTIFFS FROM OFFERING DOCUMENTS NOT PRODUCED TO RTC ON OR BEFORE JUNE 30, 2020
Event Disposition: S200 - 8/19/2020
- 8 Department: D15 -- Event: CASE MANAGEMENT CONFERENCE -- Scheduled Date & Time: 9/29/2020 at 16:30:00
Extra Event Text: LIKELY TO VACATE
Event Disposition: D260 - 9/29/2020

- 9 Department: D15 -- Event: Request for Submission -- Scheduled Date & Time: 2/25/2021 at 13:02:00
Extra Event Text: MOTION FOR SANCTIONS PURSUANT TO NRCP 16.1(c) FILED JAN 19, 2021 -
Event Disposition: S200 - 3/25/2021

- 10 Department: D15 -- Event: STATUS HEARING -- Scheduled Date & Time: 4/27/2021 at 14:00:00
Extra Event Text: TO ENSURE CASE RETURNS TO PROCEDURAL NORMALCY AND IS PROSECUTED IN COMPLIANCE WIHT 3/25/21 ORDER
Event Disposition: D435 - 4/27/2021

- 11 Department: D15 -- Event: Request for Submission -- Scheduled Date & Time: 4/28/2021 at 11:52:00
Extra Event Text: REPLY IN SUPPORT OF MOTION IN LIMINE TO EXCLUDE EVIDENCE OF DAMAGES FILED APRIL 27, 2021
Event Disposition: S200 - 6/9/2021

- 12 Department: D15 -- Event: Request for Submission -- Scheduled Date & Time: 4/28/2021 at 11:52:00
Extra Event Text: REPLY IN SUPPORT OF MOTION IN LIMINE TO PRECLUDE PLAINTIFFS FROM PRESENTING EVIDENCE PURSUANT TO NRS 50.275, 50.28
Event Disposition: S200 - 6/9/2021

- 13 Department: D15 -- Event: Request for Submission -- Scheduled Date & Time: 4/29/2021 at 10:53:00
Extra Event Text: MOTION FOR SUMMARY JUDGMENT FILED 3/09/2021
Event Disposition: S200 - 6/9/2021

- 14 Department: D15 -- Event: ORAL ARGUMENTS -- Scheduled Date & Time: 5/6/2021 at 09:30:00
Extra Event Text: (2 HOURS)
Event Disposition: D844 - 4/28/2021

- 15 Department: D15 -- Event: ORAL ARGUMENTS -- Scheduled Date & Time: 5/12/2021 at 14:00:00
Extra Event Text: (2 HOURS)
Event Disposition: D425 - 5/12/2021

- 16 Department: D15 -- Event: STATUS HEARING -- Scheduled Date & Time: 5/26/2021 at 15:00:00
Extra Event Text: TS-6 90 DAY STATUS HEARING
Event Disposition: D860 - 5/25/2021

- 17 Department: D15 -- Event: ORAL ARGUMENTS -- Scheduled Date & Time: 6/8/2021 at 10:00:00
Extra Event Text: ON MOTION FOR RECONSIDERATION
Event Disposition: D840 - 6/8/2021

- 18 Department: D15 -- Event: PRE-TRIAL CONFERENCE -- Scheduled Date & Time: 7/9/2021 at 10:00:00
Extra Event Text: TS-6 FCC/PTC
Event Disposition: D845 - 6/9/2021

- 19 Department: D15 -- Event: TRIAL - JURY -- Scheduled Date & Time: 8/9/2021 at 13:00:00
Extra Event Text: DAY 1 OF 5
Event Disposition: D845 - 6/9/2021

Actions

-
- | | <u>Filing Date</u> | - | <u>Docket Code & Description</u> |
|---|--------------------|---|--|
| 1 | 2/27/2019 | - | \$1425 - \$Complaint - Civil

Additional Text: COMPLAINING (EXEMPTION FROM ARBITRATION - EQUITABLE RELIEF SOUGHT AND DAMAGES IN EXCESS OF \$50,000)
- Transaction 7140095 - Approved By: YVILORIA : 02-28-2019:07:59:58 |
| 2 | 2/27/2019 | - | \$PLTF - \$Addl Plaintiff/Complaint

Additional Text: JOHN ILIESCU JR INDIVIDUAL - Transaction 7140095 - Approved By: YVILORIA : 02-28-2019:07:59:58 |

- 3 2/27/2019 - \$PLTF - \$Addl Plaintiff/Complaint
Additional Text: SONNIA ILIESCU INDIVIDUAL - Transaction 7140095 - Approved By: YVILORIA : 02-28-2019:07:59:58
- 4 2/28/2019 - PAYRC - **Payment Received
Additional Text: A Payment of \$320.00 was made on receipt DCDC631984.
- 5 7/1/2019 - 3355 - Ord to Show Cause
Additional Text: FILE PROOF OF SERVICE OR SHOW CAUSE FOR AN EXTENSION - Transaction 7349801 - Approved By: NOREVIEW : 07-01-2019:13:50:28
- 6 7/1/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7349806 - Approved By: NOREVIEW : 07-01-2019:13:51:45
- 7 7/22/2019 - 2075 - Mtn for Extension of Time
Additional Text: MOTION FOR EXTENSION OF TIME - Transaction 7386969 - Approved By: YVILORIA : 07-22-2019:16:57:42
- 8 7/22/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7387024 - Approved By: NOREVIEW : 07-22-2019:16:59:35
- 9 7/30/2019 - 3030 - Ord Granting Extension Time
Additional Text: 10 MORE DAYS TO SERVE PROCESS - Transaction 7402741 - Approved By: NOREVIEW : 07-30-2019:16:00:34
- 10 7/30/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7402754 - Approved By: NOREVIEW : 07-30-2019:16:01:59
- 11 8/5/2019 - 4090 - ** Summons Issued
No additional text exists for this entry.
- 12 8/8/2019 - 1005 - Acceptance of Service
Additional Text: NOTICE OF ACCEPTANCE OF SERVICE - DALE FERGUSTON ESQ 8-8-19 - Transaction 7419581 - Approved By: YVILORIA : 08-08-2019:15:26:17
- 13 8/8/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7419735 - Approved By: NOREVIEW : 08-08-2019:15:27:34
- 14 9/25/2019 - 2315 - Mtn to Dismiss ...
Additional Text: Transaction 7504491 - Approved By: CSULEZIC : 09-25-2019:15:53:14
- 15 9/25/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7504669 - Approved By: NOREVIEW : 09-25-2019:15:55:56
- 16 10/30/2019 - 4050 - Stipulation ...
Additional Text: to Conduct Discovery Prior to Holding NRCP 16.1 Conference and Prior to Filing the JCCR - Transaction 7563184 - Approved By: NOREVIEW : 10-30-2019:09:34:00
- 17 10/30/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7563197 - Approved By: NOREVIEW : 10-30-2019:09:35:27
- 18 11/7/2019 - 2645 - Opposition to Mtn ...
Additional Text: PLAINTIFFS' OPPOSITION TO DEFENDANT'S PARTIAL MOTION TO DISMISS PLAINTIFF'S COMPLAINT - Transaction 7576382 - Approved By: CSULEZIC : 11-07-2019:10:40:43
- 19 11/7/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7577120 - Approved By: NOREVIEW : 11-07-2019:10:41:38
- 20 11/12/2019 - 3795 - Reply...
Additional Text: REPLY IN SUPPORT OF MOTION TO DISMISS - Transaction 7583646 - Approved By: CSULEZIC : 11-12-2019:16:43:36

- 21 11/12/2019 - 3860 - Request for Submission
Additional Text: MOTION TO DISMISS FILED 9/25/19 - Transaction 7583646 - Approved By: CSULEZIC : 11-12-2019:16:43:36
PARTY SUBMITTING: DANE ANDERSON ESQ
DATE SUBMITTED: 11/12/19
SUBMITTED BY: CS
DATE RECEIVED JUDGE OFFICE:
- 22 11/12/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7584356 - Approved By: NOREVIEW : 11-12-2019:16:44:54
- 23 11/18/2019 - 3105 - Ord Granting ...
Additional Text: STIPULATION TO CONDUCT DISCOVERY - Transaction 7593663 - Approved By: NOREVIEW : 11-18-2019:13:24:30
- 24 11/18/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7593668 - Approved By: NOREVIEW : 11-18-2019:13:25:39
- 25 12/6/2019 - 4050 - Stipulation ...
Additional Text: For Entry of Order Dismissing Certain Plaintiffs' Claims for Relief and Damages With Prejudice - Transaction 7623980 -
Approved By: NOREVIEW : 12-06-2019:11:12:22
- 26 12/6/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7623989 - Approved By: NOREVIEW : 12-06-2019:11:13:47
- 27 12/10/2019 - 3105 - Ord Granting ...
Additional Text: STIPULATION FOR ENTRY OF ORDER DISMISSING CERTAIN OF PLAINTIFF'S CLAIMS FOR RELIEF AND DAMAGES WITH
PREJUDICE - Transaction 7629013 - Approved By: NOREVIEW : 12-10-2019:10:18:05
- 28 12/10/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7629023 - Approved By: NOREVIEW : 12-10-2019:10:19:30
- 29 1/7/2020 - 2682 - Ord Addressing Motions
Additional Text: ORDER ADDRESSING MOTION TO DISMISS - PLAINTIFF TO FILE AMENDED COMPLAINT - Transaction 7673003 -
Approved By: NOREVIEW : 01-07-2020:16:12:45
- 30 1/7/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7673020 - Approved By: NOREVIEW : 01-07-2020:16:14:31
- 31 1/7/2020 - S200 - Request for Submission Complet
Additional Text: MOTION TO DISMISS FILED 9/25/19 - DENIED AS MOOT
- 32 1/21/2020 - 1090 - Amended Complaint
Additional Text: Transaction 7695926 - Approved By: BBLOUGH : 01-21-2020:16:48:25
- 33 1/21/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7696658 - Approved By: NOREVIEW : 01-21-2020:16:50:58
- 34 1/30/2020 - 4105 - Supplemental ...
Additional Text: Motion to Dismiss - Transaction 7712316 - Approved By: NOREVIEW : 01-30-2020:09:24:56
- 35 1/30/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7712321 - Approved By: NOREVIEW : 01-30-2020:09:26:01
- 36 2/10/2020 - 3795 - Reply...
Additional Text: PLAINTIFFS' OPPOSITION TO DEFENDANT'S SUPPLEMENTAL MOTION TO DISMISS - Transaction 7732495 - Approved
By: YVILORIA : 02-10-2020:16:26:09
- 37 2/10/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7732505 - Approved By: NOREVIEW : 02-10-2020:16:27:09

- 38 2/13/2020 - 3795 - Reply...
Additional Text: REPLY IN SUPPORT OF SUPPLEMENTAL MOTION TO DISMISS - Transaction 7739174 - Approved By: CSULEZIC : 02-13-2020:10:25:06
- 39 2/13/2020 - 3860 - Request for Submission
Additional Text: SUPPLEMENTAL MOTION TO DISMISS FILED 1/30/2020 - Transaction 7739174 - Approved By: CSULEZIC : 02-13-2020:10:25:06
PARTY SUBMITTING: DANE ANDERSON ESQ
DATE SUBMITTED: 2/13/2020
SUBMITTED BY: CS
DATE RECEIVED JUDGE OFFICE:
- 40 2/13/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7739194 - Approved By: NOREVIEW : 02-13-2020:10:26:35
- 41 2/20/2020 - 2270 - Mtn to Compel...
Additional Text: Transaction 7750935 - Approved By: BBLOUGH : 02-20-2020:14:18:39
- 42 2/20/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7751018 - Approved By: NOREVIEW : 02-20-2020:14:20:13
- 43 3/6/2020 - 3860 - Request for Submission
Additional Text: Transaction 7780001 - Approved By: NOREVIEW : 03-06-2020:14:53:02
DOCUMENT TITLE: MOTION TO COMPEL FILED 2-20-2020
PARTY SUBMITTING: DANE ANDERSON ESQ
DATE SUBMITTED: 3-6-2020
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:
- 44 3/6/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7780006 - Approved By: NOREVIEW : 03-06-2020:14:54:07
- 45 3/11/2020 - 2528 - Not/Doc/Rc'd/Not/Cons/by Crt
Additional Text: CONTIANS CONFIDENTIAL MEDICAL RECORDS - Transaction 7786510 - Approved By: NOREVIEW : 03-11-2020:10:23:20
- 46 3/11/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7786520 - Approved By: NOREVIEW : 03-11-2020:10:24:44
- 47 3/20/2020 - 3060 - Ord Granting Mtn ...
Additional Text: ORDER GRANTING MOTION TO DIMISS - Transaction 7801281 - Approved By: NOREVIEW : 03-20-2020:09:15:46
- 48 3/20/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7801283 - Approved By: NOREVIEW : 03-20-2020:09:16:45
- 49 3/20/2020 - S200 - Request for Submission Complet
Additional Text: SUPPLEMENTAL MOTION TO DISMISS FILED - partially granted
- 50 3/20/2020 - 2540 - Notice of Entry of Ord
Additional Text: Transaction 7802297 - Approved By: NOREVIEW : 03-20-2020:14:38:24
- 51 3/20/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7802301 - Approved By: NOREVIEW : 03-20-2020:14:39:23
- 52 3/23/2020 - 1140 - Answer to Amended Complaint
Additional Text: ANSWER TO FIRST AMENDED COMPLAINT - Transaction 7804469 - Approved By: SACORDAG : 03-23-2020:12:29:45

- 53 3/23/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7804537 - Approved By: NOREVIEW : 03-23-2020:12:30:43
- 54 4/1/2020 - 2185 - Mtn for Sanctions
Additional Text: Motion for Discovery Sanctions - Transaction 7818895 - Approved By: SACORDAG : 04-01-2020:16:56:45
- 55 4/1/2020 - 1520 - Declaration
Additional Text: DECLARATION OF DANE W. ANDERSON IN SUPPORT OF MOTION FOR MSCOVERY SANCTIONS - Transaction 7818895 - Approved By: SACORDAG : 04-01-2020:16:56:45
- 56 4/1/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7818929 - Approved By: NOREVIEW : 04-01-2020:16:57:43
- 57 4/3/2020 - 1945 - Master's Recommendation/Ord
Additional Text: RECOMMENDATION FOR ORDER - Transaction 7822158 - Approved By: NOREVIEW : 04-03-2020:16:39:59
- 58 4/3/2020 - S200 - Request for Submission Complet
Additional Text: Submission on 3/6/20
- 59 4/3/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7822161 - Approved By: NOREVIEW : 04-03-2020:16:41:02
- 60 4/20/2020 - 2690 - Ord Affirming Master Recommend
Additional Text: CONFIRMING ORDER - Transaction 7841718 - Approved By: NOREVIEW : 04-20-2020:11:28:39
- 61 4/20/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7841721 - Approved By: NOREVIEW : 04-20-2020:11:29:36
- 62 4/20/2020 - 3860 - Request for Submission
Additional Text: Transaction 7842053 - Approved By: NOREVIEW : 04-20-2020:13:43:00
DOCUMENT TITLE: MOTION FOR DISCOVERY SANCTIONS FILED 4-1-2020
PARTY SUBMITTING: DANE ANDERSON ESQ
DATE SUBMITTED: 4-20-2020
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:
- 63 4/20/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7842055 - Approved By: NOREVIEW : 04-20-2020:13:43:56
- 64 4/20/2020 - 2185 - Mtn for Sanctions
Additional Text: Transaction 7842166 - Approved By: CSULEZIC : 04-20-2020:14:24:24
- 65 4/20/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7842243 - Approved By: NOREVIEW : 04-20-2020:14:25:40
- 66 4/21/2020 - A120 - Exemption from Arbitration
Additional Text: Transaction 7844844 - Approved By: NOREVIEW : 04-21-2020:16:51:37
- 67 4/21/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7844848 - Approved By: NOREVIEW : 04-21-2020:16:52:38
- 68 4/22/2020 - 3696 - Pre-Trial Order
Additional Text: Transaction 7845782 - Approved By: NOREVIEW : 04-22-2020:12:26:15
- 69 4/22/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7845785 - Approved By: NOREVIEW : 04-22-2020:12:27:11

- 70 5/14/2020 - 2645 - Opposition to Mtn ...
Additional Text: PLAINTIFFS' OPPOSITION TO DEFENDANT'S MOTION FOR SANCTIONS - Transaction 7878297 - Approved By: BBLOUGH : 05-15-2020:08:14:25
- 71 5/15/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7878434 - Approved By: NOREVIEW : 05-15-2020:08:15:24
- 72 5/18/2020 - 3795 - Reply...
Additional Text: Reply in Support of Motion for Sanctions Pursuant to NRCP 37(b)(1) - Transaction 7882116 - Approved By: SACORDAG : 05-18-2020:15:29:19
- 73 5/18/2020 - 3860 - Request for Submission
Additional Text: Transaction 7882116 - Approved By: SACORDAG : 05-18-2020:15:29:19
DOCUMENT TITLE: Motion for Sanctions Pursuant to NRCP 37(b)(1)
PARTY SUBMITTING: DANE ANDERSON, ESQ
DATE SUBMITTED: 05/18/2020
SUBMITTED BY: SJA
DATE RECEIVED JUDGE OFFICE:
- 74 5/18/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7882130 - Approved By: NOREVIEW : 05-18-2020:15:30:26
- 75 6/10/2020 - 1945 - Master's Recommendation/Ord
Additional Text: RECOMMENDATION FOR ORDER - Transaction 7919122 - Approved By: NOREVIEW : 06-10-2020:15:45:24
- 76 6/10/2020 - S200 - Request for Submission Complet
No additional text exists for this entry.
- 77 6/10/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7919129 - Approved By: NOREVIEW : 06-10-2020:15:46:17
- 78 6/10/2020 - S200 - Request for Submission Complet
Additional Text: Motion for Sanctions Pursuant to NRCP 37(b)(1) - addressed in Commissioner Ayres recommendation
- 79 6/22/2020 - 1520 - Declaration
Additional Text: DECLARATION OF DANE W. ANDERSON REGARDING EXPENSES TO BE REIMBURSED BY DEFENDANTS Transaction 7937253 - Approved By: NOREVIEW : 06-22-2020:15:52:25
- 80 6/22/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7937259 - Approved By: NOREVIEW : 06-22-2020:15:53:25
- 81 6/25/2020 - 2520 - Notice of Appearance
Additional Text: NOTICE OF APPEARANCE: BRONAGH KELLY ESQ / DEFT RTC - Transaction 7943730 - Approved By: YVILORIA : 06-25-2020:15:51:52
- 82 6/25/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7943783 - Approved By: NOREVIEW : 06-25-2020:15:52:56
- 83 6/30/2020 - 2690 - Ord Affirming Master Recommend
Additional Text: CONFIRMING ORDER - Transaction 7949738 - Approved By: NOREVIEW : 06-30-2020:14:37:22
- 84 6/30/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7949742 - Approved By: NOREVIEW : 06-30-2020:14:38:22
- 85 6/30/2020 - 3347 - Ord to Set
Additional Text: FILE NOTICE TO SET WITHIN 14 DAYS - Transaction 7949756 - Approved By: NOREVIEW : 06-30-2020:14:42:22

- 86 6/30/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7949759 - Approved By: NOREVIEW : 06-30-2020:14:43:24
- 87 6/30/2020 - 2645 - Opposition to Mtn ...
Additional Text: PLAINTIFFS' NOTICE ON INTENT TO FILE OPPOSITION TO DEFENDANT'S STATEMENT OF CLAIMED COSTS AND FEES - Transaction 7950620 - Approved By: BBLOUGH : 07-01-2020:08:04:16
- 88 7/1/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7950707 - Approved By: NOREVIEW : 07-01-2020:08:05:19
- 89 7/6/2020 - 3880 - Response...
Additional Text: PLAINTIFFS' RESPONSE TO DECLARATION OF DANE W. ANDERSON REGARDING EXPENSES TO BE REIMBURSED BY DEFENDANTS - Transaction 7956088 - Approved By: CSULEZIC : 07-06-2020:13:14:26
- 90 7/6/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7956170 - Approved By: NOREVIEW : 07-06-2020:13:15:29
- 91 7/13/2020 - 3795 - Reply...
Additional Text: RTC'S REPLY TO PLAINTIFFS' RESPONSE TO DECLARATION OF DANE W. ANDERSON REGARDING EXPENSES TO BE REIMBURSED BY DEFENDANTS - Transaction 7966844 - Approved By: CSULEZIC : 07-13-2020:10:35:15
- 92 7/13/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7966896 - Approved By: NOREVIEW : 07-13-2020:10:37:23
- 93 7/13/2020 - 1250E - Application for Setting eFile
Additional Text: JURY TRIAL 8/9/21, PTC 7/9/21, ESC 9/29/2020 - Transaction 7968101 - Approved By: NOREVIEW : 07-13-2020:15:19:03
- 94 7/13/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7968106 - Approved By: NOREVIEW : 07-13-2020:15:20:01
- 95 7/14/2020 - JF - **First Day Jury Fees Deposit
Additional Text: Transaction 7969228 - Approved By: CSULEZIC : 07-14-2020:11:14:53
- 96 7/14/2020 - PAYRC - **Payment Received
Additional Text: A Payment of \$320.00 was made on receipt DCDC660960.
- 97 7/14/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7969547 - Approved By: NOREVIEW : 07-14-2020:11:15:59
- 98 7/16/2020 - 3860 - Request for Submission
Additional Text: Transaction 7973986 - Approved By: NOREVIEW : 07-16-2020:10:54:20
DOCUMENT TITLE: DECLARATION OF DANE W. ANDERSON REGARDING EXPENSES TO BE REIMBURSED BY DEFENDANTS [SIC] (NO ORDER PROVIDED)
PARTY SUBMITTING: DANE ANDERSON, ESQ
DATE SUBMITTED: JULY 16, 2020
SUBMITTED BY: BBLOUGH
DATE RECEIVED JUDGE OFFICE:
- 99 7/16/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7973990 - Approved By: NOREVIEW : 07-16-2020:10:57:14
- 100 7/21/2020 - 4105 - Supplemental ...
Additional Text: Declaration of Dane W. Anderson Re Expenses to be Reimbursed by Plaintiffs - Transaction 7981140 - Approved By: NOREVIEW : 07-21-2020:13:53:26
- 101 7/21/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7981142 - Approved By: NOREVIEW : 07-21-2020:13:54:25

- 102 7/21/2020 - 2245 - Mtn in Limine
Additional Text: MOTION IN LIMINE TO PRECLUDE PLAINTIFFS FROM OFFERING DOCUMENTS NOT PRODUCED TO RTC ON OR BEFORE JUNE 30, 2020 Transaction 7981600 - Approved By: NOREVIEW : 07-21-2020:15:44:48
- 103 7/21/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7981603 - Approved By: NOREVIEW : 07-21-2020:15:45:56
- 104 7/27/2020 - 3880 - Response...
Additional Text: PLAINTIFFS' RESPONSE TO THE SUPPLEMENTAL DECLARATION OF DANE W. ANDERSON REGARDING EXPENSES TO BE REIMBURSED BY PLAINTIFFS - Transaction 7990157 - Approved By: BBLOUGH : 07-27-2020:16:04:48
- 105 7/27/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7990313 - Approved By: NOREVIEW : 07-27-2020:16:05:43
- 106 7/29/2020 - 3790 - Reply to/in Opposition
Additional Text: RTC'S REPLY TO PLAINTIFFS' RESPONSE TO THE SUPPLEMENTAL DECLARATION OF DANE W. ANDERSON REGARDING EXPENSES TO BE REIMBURSED BY DEFENDANTS - Transaction 7993047 - Approved By: BBLOUGH : 07-29-2020:09:01:45
- 107 7/29/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7993075 - Approved By: NOREVIEW : 07-29-2020:09:03:59
- 108 8/5/2020 - 3370 - Order ...
Additional Text: ORDER REGARDING DECLARATIONS OF EXPENSES - Transaction 8004713 - Approved By: NOREVIEW : 08-05-2020:13:15:39
- 109 8/5/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 8004719 - Approved By: NOREVIEW : 08-05-2020:13:16:50
- 110 8/5/2020 - S200 - Request for Submission Complet
Additional Text: DECLARATION OF DANE W. ANDERSON REGARDING EXPENSES TO BE REIMBURSED BY DEFENDANTS [SIC]
- 111 8/6/2020 - 2540 - Notice of Entry of Ord
Additional Text: Transaction 8007281 - Approved By: NOREVIEW : 08-06-2020:14:19:59
- 112 8/6/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 8007284 - Approved By: NOREVIEW : 08-06-2020:14:20:58
- 113 8/6/2020 - 3860 - Request for Submission
Additional Text: Transaction 8007357 - Approved By: NOREVIEW : 08-06-2020:14:39:17
DOCUMENT TITLE: MOTION IN LIMINE TO PRECLUDE PLAINTIFFS FROM OFFERING DOCUMENTS NOT PRODUCED TO RTC ON OR BEFORE JUNE 30, 2020 FILED 7-21-2020
PARTY SUBMITTING: DANE ANDERSON ESQ
DATE SUBMITTED: 8-6-2020
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:
- 114 8/6/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 8007365 - Approved By: NOREVIEW : 08-06-2020:14:42:14
- 115 8/19/2020 - 3060 - Ord Granting Mtn ...
Additional Text: IN LIMINE TO PRECLUDE OFFERING DOCUMENTS NOT PRODUCED TO RTC ON OR BEFORE JUNE 30, 2020 - Transaction 8027856 - Approved By: NOREVIEW : 08-19-2020:16:17:27
- 116 8/19/2020 - S200 - Request for Submission Complet
Additional Text: MOTION IN LIMINE TO PRECLUDE PLAINTIFFS FROM OFFERING DOCUMENTS NOT PRODUCED TO RTC ON OR BEFORE JUNE 30, 2020 FILED 7-21-2020
- 117 8/19/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 8027859 - Approved By: NOREVIEW : 08-19-2020:16:18:19

- 118 8/20/2020 - 2540 - Notice of Entry of Ord
Additional Text: Transaction 8029028 - Approved By: NOREVIEW : 08-20-2020:10:48:18
- 119 8/20/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 8029035 - Approved By: NOREVIEW : 08-20-2020:10:49:18
- 120 9/23/2020 - 1580 - Demand for Jury
Additional Text: DFX: FEE PAID 7/14/2020 - DEMAND FOR JURY TRIAL - Transaction 8082710 - Approved By: YVILORIA : 09-23-2020:15:23:50
- 121 9/23/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 8082810 - Approved By: NOREVIEW : 09-23-2020:15:24:45
- 122 9/30/2020 - MIN - ***Minutes
Additional Text: 9/29/20 CASE MANAGEMENT CONFERENCE (ESC) - Transaction 8093137 - Approved By: NOREVIEW : 09-30-2020:13:15:06
- 123 9/30/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 8093157 - Approved By: NOREVIEW : 09-30-2020:13:16:42
- 124 10/8/2020 - 4050 - Stipulation ...
Additional Text: STIPULATION FOR ENTRY OF SCHEDULING ORDER Transaction 8107608 - Approved By: NOREVIEW : 10-08-2020:16:48:52
- 125 10/8/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 8107613 - Approved By: NOREVIEW : 10-08-2020:16:49:54
- 126 10/12/2020 - 3915 - Scheduling Order
Additional Text: AMENDED STIPULATED SCHEDULING ORDER - Transaction 8111324 - Approved By: NOREVIEW : 10-12-2020:14:33:51
- 127 10/12/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 8111336 - Approved By: NOREVIEW : 10-12-2020:14:35:05
- 128 1/19/2021 - 2185 - Mtn for Sanctions
Additional Text: MOTION FOR SANCTIONS PURSUANT TO NRCP 16.1(e) - Transaction 8252375 - Approved By: YVILORIA : 01-19-2021:13:32:09
- 129 1/19/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8252396 - Approved By: NOREVIEW : 01-19-2021:13:32:53
- 130 2/18/2021 - 2645 - Opposition to Mtn ...
Additional Text: for Sanctions - Transaction 8302448 - Approved By: AZAMORA : 02-19-2021:08:03:57
- 131 2/19/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8302524 - Approved By: NOREVIEW : 02-19-2021:08:04:52
- 132 2/25/2021 - 3795 - Reply...
Additional Text: RTC'S REPLY IN SUPPORT OF MOTION FOR SANCTIONS PURSUANT TO NRCP 16.1(c) - Transaction 8313712 - Approved By: YVILORIA : 02-25-2021:13:41:01
- 133 2/25/2021 - 3860 - Request for Submission
Additional Text: Transaction 8313712 - Approved By: YVILORIA : 02-25-2021:13:41:01
DOCUMENT TITLE: MOTION FOR SANCTIONS PURSUANT TO NRCP 16.1(c) FILED JAN 19, 2021
PARTY SUBMITTING: DANE ANDERSON ESQ
DATE SUBMITTED: 2-25-21
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:

- 134 2/25/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8313882 - Approved By: NOREVIEW : 02-25-2021:13:41:56
- 135 3/9/2021 - 2200 - Mtn for Summary Judgment
Additional Text: Transaction 8332645 - Approved By: SACORDAG : 03-09-2021:11:42:40
- 136 3/9/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8332701 - Approved By: NOREVIEW : 03-09-2021:11:43:35
- 137 3/9/2021 - 2245 - Mtn in Limine
Additional Text: MOTION IN LIMINE TO PRECLUDE PLAINTIFFS FROM PRESENTING EVIDENCE PURSUANT TO NRS 50.275, 50.285 AND 50.305 Transaction 8333168 - Approved By: NOREVIEW : 03-09-2021:13:55:47
- 138 3/9/2021 - 2245 - Mtn in Limine
Additional Text: MOTION IN LIMINE TO EXCLUDE EVIDENCE OF DAMAGES - Transaction 8333168 - Approved By: NOREVIEW : 03-09-2021:13:55:47
- 139 3/9/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8333171 - Approved By: NOREVIEW : 03-09-2021:13:56:47
- 140 3/11/2021 - 1250E - Application for Setting eFile
Additional Text: 90 DAY STATUS HEARING 5/26/21 - Transaction 8337959 - Approved By: NOREVIEW : 03-11-2021:13:33:42
- 141 3/11/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8337966 - Approved By: NOREVIEW : 03-11-2021:13:34:39
- 142 3/25/2021 - 2842 - Ord Denying Motion
Additional Text: FOR SANCTIONS - Transaction 8361465 - Approved By: NOREVIEW : 03-25-2021:14:57:03
- 143 3/25/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8361474 - Approved By: NOREVIEW : 03-25-2021:14:58:20
- 144 3/25/2021 - S200 - Request for Submission Complet
Additional Text: MOTION FOR SANCTIONS PURSUANT TO NRCP 16.1(c) FILED JAN 19, 2021 - DENIED WITH F/U HEARING ON 4/27/21 AT 2:00
- 145 4/2/2021 - 2645 - Opposition to Mtn ...
Additional Text: PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT - Transaction 8376225 - Approved By: YVILORIA : 04-02-2021:16:49:13
- 146 4/2/2021 - 2645 - Opposition to Mtn ...
Additional Text: PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION IN LIMINE TO EXCLUDE EVIDENCE OF DAMAGES - Transaction 8376231 - Approved By: YVILORIA : 04-02-2021:16:50:21
- 147 4/2/2021 - 2645 - Opposition to Mtn ...
Additional Text: PLAINTIFFS' OPPOSITION TO DEFENDANT'S MOTION IN LIMINE TO EXCLUDE EVIDENCE PURSUANT TO NRS 50.275, 50.285, AND 50.305 - Transaction 8376236 - Approved By: YVILORIA : 04-02-2021:16:57:05
- 148 4/2/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8376238 - Approved By: NOREVIEW : 04-02-2021:16:51:28
- 149 4/2/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8376239 - Approved By: NOREVIEW : 04-02-2021:16:51:38
- 150 4/2/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8376255 - Approved By: NOREVIEW : 04-02-2021:16:57:48

- 151 4/2/2021 - 2645 - Opposition to Mtn ...
Additional Text: PLAINTIFFS' OPPOSITION TO DEFENDANT'S MOTION IN LIMINE TO EXCLUDE EVIDENCE PURSUANT TO NRS 50.275, - Transaction 8376273 - Approved By: AZAMORA : 04-05-2021:08:00:57
- 152 4/5/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8376615 - Approved By: NOREVIEW : 04-05-2021:08:03:40
- 153 4/27/2021 - 3795 - Reply...
Additional Text: in Support of Motion in Limine to Preclude Plaintiffs From Presengint Evidence Pursuant to NRS 50.275, 50.285 and 50.305 - Transaction 8416238 - Approved By: NMASON : 04-28-2021:08:17:57
- 154 4/27/2021 - 3795 - Reply...
Additional Text: in Support of Motion in Limine to Exclude Evidence of Damages - Transaction 8416263 - Approved By: NMASON : 04-28-2021:08:23:22
- 155 4/28/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8416550 - Approved By: NOREVIEW : 04-28-2021:08:18:55
- 156 4/28/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8416561 - Approved By: NOREVIEW : 04-28-2021:08:24:48
- 157 4/28/2021 - 3860 - Request for Submission
Additional Text: - Transaction 8417512 - Approved By: NOREVIEW : 04-28-2021:11:56:20
DOCUMENT TITLE: REPLY IN SUPPORT OF MOTION IN LIMINE TO PRECLUDE PLAINTIFFS FROM PRESENTING EVIDENCE PURSUANT TO NRS 50.275, 50.285 AND 50.305 FILED APRIL 27, 2021
PARTY SUBMITTING: DANE ANDERSON ESQ
DATE SUBMITTED: 4-28-21
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:
- 158 4/28/2021 - 3860 - Request for Submission
Additional Text: - Transaction 8417518 - Approved By: NOREVIEW : 04-28-2021:11:56:59
DOCUMENT TITLE: REPLY IN SUPPORT OF MOTION IN LIMINE TO EXCLUDE EVIDENCE OF DAMAGES FILED APRIL 27, 2021
PARTY SUBMITTING: DANE ANDERSON ESQ
DATE SUBMITTED: 4-28-21
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:
- 159 4/28/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8417520 - Approved By: NOREVIEW : 04-28-2021:11:57:22
- 160 4/28/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8417525 - Approved By: NOREVIEW : 04-28-2021:11:57:59
- 161 4/28/2021 - 3242 - Ord Setting Hearing
Additional Text: RESETTING ORAL ARGUMENTS TO MAY 12, 2021 AT 2:00 P.M. - Transaction 8419081 - Approved By: NOREVIEW : 04-28-2021:16:52:07
- 162 4/28/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8419086 - Approved By: NOREVIEW : 04-28-2021:16:52:57
- 163 4/29/2021 - 3795 - Reply...
Additional Text: REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT - Transaction 8420046 - Approved By: CSULEZIC : 04-29-2021:11:10:27
- 164 4/29/2021 - 3860 - Request for Submission
Additional Text: - Transaction 8420046 - Approved By: CSULEZIC : 04-29-2021:11:10:27
DOCUMENT TITLE: MOTION FOR SUMMARY JUDGMENT FILED 3/09/2021
PARTY SUBMITTING: DANE ANDERSON ESQ
DATE SUBMITTED: 4/29/2021
SUBMITTED BY: CS
DATE RECEIVED JUDGE OFFICE:

- 165 4/29/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8420097 - Approved By: NOREVIEW : 04-29-2021:11:11:25
- 166 5/6/2021 - MIN - ***Minutes
Additional Text: 4/27/2021 - STATUS HRG - Transaction 8430816 - Approved By: NOREVIEW : 05-06-2021:09:46:10
- 167 5/6/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8430821 - Approved By: NOREVIEW : 05-06-2021:09:48:46
- 168 5/12/2021 - MIN - ***Minutes
Additional Text: 5/12/2021 - ORAL ARGUMENTS - Transaction 8441847 - Approved By: NOREVIEW : 05-12-2021:15:58:51
- 169 5/12/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8441850 - Approved By: NOREVIEW : 05-12-2021:15:59:41
- 170 5/12/2021 - 4185 - Transcript
Additional Text: Transaction 8442136 - Approved By: NOREVIEW : 05-12-2021:17:28:01
- 171 5/12/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8442137 - Approved By: NOREVIEW : 05-12-2021:17:28:51
- 172 5/13/2021 - 2610 - Notice ...
Additional Text: NOTICE OF INTENT TO FILE MOTION - Transaction 8444437 - Approved By: YVILORIA : 05-13-2021:16:57:04
- 173 5/13/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8444451 - Approved By: NOREVIEW : 05-13-2021:16:58:00
- 174 5/24/2021 - 3880 - Response...
Additional Text: RESPONSE TO NOTICE OF INTENT TO FILE MOTION - Transaction 8461146 - Approved By: YVILORIA : 05-24-2021:16:33:28
- 175 5/24/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8461319 - Approved By: NOREVIEW : 05-24-2021:16:34:14
- 176 5/25/2021 - 3366 - Ord Vacating
Additional Text: 90-DAY STATUS HEARING - Transaction 8462543 - Approved By: NOREVIEW : 05-25-2021:12:07:06
- 177 5/25/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8462553 - Approved By: NOREVIEW : 05-25-2021:12:08:09
- 178 6/1/2021 - 3795 - Reply...
Additional Text: DFX: NO EXHIBITS ATTACHED - PLAINTIFFS' MOTION FOR RECONSIDERATION AND REHEARING OF, OR, IN THE ALTERNATIVE, MOTION TO SET ASIDE THIS COURT'S ORDER PURSUANT TO NRCP 60(b)(1) and (6) - Transaction 8473201 - Approved By: CSULEZIC : 06-02-2021:08:38:51
- 179 6/2/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8473561 - Approved By: NOREVIEW : 06-02-2021:08:41:45
- 180 6/2/2021 - 3795 - Reply...
Additional Text: FIRST ERRATA TO PLAINTIFFS' MOTION FOR RECONSIDERATION AND REHEARING OF, OR, IN THE ALTERNATIVE, MOTION TO SET ASIDE THIS COURT'S ORDER PURSUANT TO NRCP 60(b)(1) and (6) - Transaction 8474224 - Approved By: CSULEZIC : 06-02-2021:11:46:29
- 181 6/2/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8474522 - Approved By: NOREVIEW : 06-02-2021:11:47:36

- 182 6/2/2021 - 3242 - Ord Setting Hearing
Additional Text: ORAL ARGUMENT 6/8/21 AT 10:00 A.M. - Transaction 8474916 - Approved By: NOREVIEW : 06-02-2021:13:42:12
- 183 6/2/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8474919 - Approved By: NOREVIEW : 06-02-2021:13:43:04
- 184 6/7/2021 - 2645 - Opposition to Mtn ...
Additional Text: OPPOSITION TO MOTION FOR RECONSIDERATION AND REHEARING OF, OR IN THE ALTERNATIVE, MOTION TO SET ASIDE THIS COURT'S ORDER PURSUANT TO NRCP 60(b)(1) and (6) [INCLUDING THE "FIRST" AND ANY OTHER "ERRATAS" THAT MAY BE FILED] - Transaction 8483047 - Approved By: YVILORIA : 06-07-2021:16:15:41
- 185 6/7/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8483070 - Approved By: NOREVIEW : 06-07-2021:16:16:37
- 186 6/8/2021 - 4105 - Supplemental ...
Additional Text: Exhibit to Motion for Reconsideration - Transaction 8483818 - Approved By: NOREVIEW : 06-08-2021:09:24:18
- 187 6/8/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8483825 - Approved By: NOREVIEW : 06-08-2021:09:25:16
- 188 6/8/2021 - MIN - ***Minutes
Additional Text: 6/8/2021 - ORAL ARGUMENTS - Transaction 8484485 - Approved By: NOREVIEW : 06-08-2021:11:43:19
- 189 6/8/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8484488 - Approved By: NOREVIEW : 06-08-2021:11:44:18
- 190 6/9/2021 - 3095 - Ord Grant Summary Judgment
Additional Text: ORDER GRANTING SUMMARY JUDGMENT AFTER SUPPLEMENTAL ARGUMENTS - Transaction 8487964 - Approved By: NOREVIEW : 06-09-2021:15:49:25
- 191 6/9/2021 - S200 - Request for Submission Complet
Additional Text: ORDER GRANTING SUMMARY JUDGMENT AFTER SUPPLEMENTAL ARGUMENTS FILED JUNE 9, 2021
- 192 6/9/2021 - S200 - Request for Submission Complet
Additional Text: ORDER GRANTING SUMMARY JUDGMENT AFTER SUPPLMENTAL ARGUMENTS FILED JUNE 9, 2021
- 193 6/9/2021 - S200 - Request for Submission Complet
Additional Text: ORDER GRANTING SUMMARY JUDGMENT AFTER SUPPLEMENTAL ARGUMENTS FILED JUNE 9, 2021
- 194 6/9/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8487974 - Approved By: NOREVIEW : 06-09-2021:15:50:41
- 195 6/10/2021 - 2535 - Notice of Entry of Judgment
Additional Text: Notice of Entry of Order Granting Summary Judgment - Transaction 8490380 - Approved By: NOREVIEW : 06-10-2021:16:32:14
- 196 6/10/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8490383 - Approved By: NOREVIEW : 06-10-2021:16:35:07
- 197 6/15/2021 - 1950 - Memorandum of Costs
Additional Text: Transaction 8495869 - Approved By: NOREVIEW : 06-15-2021:11:29:13
- 198 6/15/2021 - 1520 - Declaration
Additional Text: of Dane W. Anderson in Support of Memorandum of Costs - Transaction 8495884 - Approved By: NOREVIEW : 06-15-2021:11:33:01

- 199 6/15/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8495874 - Approved By: NOREVIEW : 06-15-2021:11:30:12
- 200 6/15/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8495888 - Approved By: NOREVIEW : 06-15-2021:11:33:52
- 201 6/29/2021 - 2010 - Mtn for Attorney's Fee
Additional Text: Transaction 8517765 - Approved By: NOREVIEW : 06-29-2021:11:34:40
- 202 6/29/2021 - 1520 - Declaration
Additional Text: in Support of Motion for Fees - Transaction 8517765 - Approved By: NOREVIEW : 06-29-2021:11:34:40
- 203 6/29/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8517775 - Approved By: NOREVIEW : 06-29-2021:11:35:57
- 204 7/9/2021 - 2515 - Notice of Appeal Supreme Court
Additional Text: DFX: FILER HAVING ISSUES WITH CREDIT CARD, WILL SEND \$24.00 AND \$500.00 BY MAIL - NOTICE OF APPEAL - Transaction 8536470 - Approved By: YVILORIA : 07-09-2021:16:08:10
- 205 7/9/2021 - 1310 - Case Appeal Statement
Additional Text: Transaction 8536470 - Approved By: YVILORIA : 07-09-2021:16:08:10
- 206 7/9/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8536481 - Approved By: NOREVIEW : 07-09-2021:16:09:17
- 207 7/9/2021 - 4113 - District Ct Deficiency Notice
Additional Text: NOTICE OF APPEAL DEFICIENCY NOTICE - FILING FEES - Transaction 8536561 - Approved By: NOREVIEW : 07-09-2021:16:36:55
- 208 7/9/2021 - 1350 - Certificate of Clerk
Additional Text: CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 8536561 - Approved By: NOREVIEW : 07-09-2021:16:36:55
- 209 7/9/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8536564 - Approved By: NOREVIEW : 07-09-2021:16:37:55

1 3095

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6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**

8
9 JOHN ILIESCU, JR., AND SONNIA
10 ILIESCU, TRUSTEES OF THE JOHN
11 ILIESCU JR. AND SONNIA ILIESCU 1992
12 FAMILY TRUST; JOHN ILIESCU, JR., an
13 individual; AND SONNIA ILIESCU, an
14 individual,

15 Plaintiffs,

16 v.

17 THE REGIONAL TRANSPORTATION
18 COMMISSION OF WASHOE COUNTY;
19 ROE CORPORATIONS 1-20; and DOES 1 –
20 40, inclusive,

21 Defendants.

Case No.: CV19-00459

Dept. No.: 15

22 **ORDER GRANTING SUMMARY JUDGMENT AFTER**
23 **SUPPLEMENTAL ARGUMENTS**

24 Before the Court is RTC's Motion for Summary Judgment. RTC filed the motion on
25 March 29, 2021. Plaintiffs filed their opposition brief on April 2, 2021. RTC filed its reply
26 brief on April 29, 2021, and the matter was submitted for the Court's decision. The Court
27 scheduled oral argument for May 12, 2020, at which it heard argument from RTC's counsel.
28 Plaintiffs' counsel did not appear at oral argument. At the conclusion of oral arguments this
Court orally pronounced that it would grant summary judgment and deny the pending motions
in limine as moot; it directed RTC's Counsel, Dane Anderson Esq., to prepare and submit the

1 order.

2 On May 13, 2021 Plaintiffs filed a notice of intent to file motion to request a rehearing
3 on RTC's Motion for Summary Judgment because "Plaintiffs were denied, inter alia, their
4 Constitutional right to appear and be heard" due to "a technical error, oversight, mistake
5 and/or inadvertence relating. . . to the Zoom platform and its operation." See May 13, 2021
6 Notice. RTC filed a response on May 24, 2021, arguing a rehearing is not proper and
7 plaintiffs were provided proper notice and an opportunity to be heard and further fail to
8 demonstrate how their participation would have yielded different results. Thereafter,
9 Plaintiffs filed a motion for reconsideration and hearing or alternative motion to set aside
10 order, to which the RTC filed an opposition on June 7, 2021. This Court allowed
11 supplemental arguments on June 8, 2021, and the parties have been fully heard. This Court
12 now orders as follows:
13
14

15 **PROCEDURAL BACKGROUND**

16 1. Plaintiffs filed this action on February 27, 2019. Their complaint asserted
17 twelve claims for relief: (1) injunctive relief; (2) breach of contract; (3) breach of the implied
18 covenant of good faith and fair dealing; (4) breach of fiduciary duty/breach of trust; (5)
19 declaratory relief; (6) waste; (7) conversion; (8) trespass; (9) civil conspiracy; (10)
20 negligence; (11) elder abuse; and (12) intentional and/or negligent infliction of emotional
21 distress/tort of outrage. Plaintiffs' claims were all based on the RTC's alleged improper use
22 of the parking lot on Plaintiffs' property at 642 E. 4th Street in Reno. Plaintiffs alleged
23 damages to the parking lot, personal injuries (including emotional distress, anxiety and
24 depression) and also sought punitive damages against RTC.
25

26 2. Plaintiffs failed to timely serve process pursuant to NRCP 4(d), causing this
27 Court to enter an Order To Show Cause on July 1, 2019. In response, Plaintiffs filed a Motion
28

1 For Extension Of Time in which Plaintiffs' counsel cited certain health issues as the reason
2 service had not been timely accomplished. This became a recurring explanation for Plaintiffs'
3 procedural failures throughout the case. The Court granted Plaintiffs' motion but also noted
4 that RTC, as a government entity, is easy to serve and gave Plaintiffs ten days to do so.

5
6 3. After being served, RTC file a motion to dismiss certain claims. While that
7 motion was pending, the parties filed a Stipulation To Conduct Discovery Prior To Holding
8 The NRCF 16.1 Conference And Prior To Filing The Joint Case Conference Report. The
9 stipulation was based on Plaintiffs' ages and allegations in the complaint regarding Plaintiffs'
10 medical issues. Significantly, the stipulation allowed *both* parties to conduct early discovery.
11 The Court granted the stipulation on November 18, 2019.

12
13 4. Pursuant to the stipulation and order for early discovery, RTC served written
14 requests for production on Plaintiffs, including requests seeking information regarding
15 Plaintiffs' alleged damages—both damages to the parking lot as well as alleged personal
16 injury and emotional distress damages. In response to these requests, Plaintiffs indicated they
17 did not wish to disclose their medical records. Therefore, on December 6, 2019, the parties
18 entered into a Stipulation For Entry Of Order Dismissing Certain Plaintiffs' Claims For Relief
19 And Damages With Prejudice. By way of that stipulation, Plaintiffs expressly stated they no
20 longer wished to pursue any damages for emotional distress or personal injury and had
21 decided to limit their compensatory damages solely to the property damage to their parking
22 lot. Plaintiffs agreed to dismiss with prejudice their claim for intentional and/or negligent
23 infliction of emotional distress as well as any claims for damages other than those specifically
24 related to their parking lot and punitive damages. Plaintiffs acknowledged that RTC was
25 relying on that agreement by withdrawing its discovery requests relating to Plaintiffs' medical
26 records and treating physicians.
27
28

1 5. On December 10, 2019, the Court entered its Order Granting Stipulation For
2 Entry Of Order Dismissing Certain Of Plaintiffs' Claims For Relief And Damages With
3 Prejudice. That order specifically adopted the parties' agreement that Plaintiffs'
4 compensatory damages would be limited to alleged damage to the parking lot, and that any
5 damages for emotional distress or personal injury were dismissed with prejudice.
6

7 6. Shortly thereafter, the Court ordered Plaintiffs to file an amended complaint
8 consistent with the parties' stipulation. Plaintiffs filed their Amended Complaint on January
9 21, 2020, asserting eleven claims for relief: (1) injunctive relief; (2) breach of contract; (3)
10 contractual breach of the implied covenant of good faith and fair dealing; (4) breach of
11 fiduciary duty/breach of trust; (5) declaratory relief; (6) waste; (7) conversion; (8) trespass;
12 (9) civil conspiracy; (10) negligence; (11) tortious breach of the implied covenant of good
13 faith and fair dealing.
14

15 7. On January 30, 2020, RTC filed a Supplemental Motion To Dismiss. After
16 briefing, the Court entered an Order Granting Motion To Dismiss on March 20, 2020,
17 dismissing Plaintiffs' claims for injunctive relief, breach of fiduciary duty/breach of trust,
18 waste, conversion and tortious breach of the implied covenant of good faith and fair dealing.
19 The Court denied RTC's motion to dismiss the civil conspiracy claim, noting the pre-trial
20 resolution of that claim, if any, could only be considered through a motion for summary
21 judgment after appropriate discovery is conducted. Thus, the case proceeded on Plaintiffs'
22 claims for breach of contract, contractual breach of the implied covenant of good faith and
23 fair dealing, declaratory relief, trespass, civil conspiracy, and negligence.
24

25 8. On January 20, 2020, RTC filed a Motion To Compel because Plaintiffs had
26 failed to serve responses to RTC's requests for production of documents pursuant to NRCP 34
27 and the parties' stipulation for early discovery. Plaintiffs did not respond to that motion and,
28

1 on April 20, 2020, the Court entered a Confirming Order approving the Master's
2 Recommendation For Order that Plaintiffs produce responses, including responsive
3 documents within their possession, custody or control, no later than April 17, 2020 and that
4 Plaintiffs pay RTC \$1,000 as a sanction for their discovery failures.
5

6 9. On March 23, 2020, RTC filed its Answer to First Amended Complaint.
7 Thereafter, Plaintiffs failed to schedule an early case conference and failed to file a case
8 conference report. This failure will be addressed further below.

9 10. On April 1, 2020, RTC filed a Motion For Discovery Sanctions based on
10 Plaintiffs' failure to appear at their properly noticed depositions and other discovery failures.
11 On April 20, 2020, RTC filed a Motion For Sanctions Pursuant To NRCP 37(b)(1) based on
12 Plaintiffs failure to comply with the Court's April 20, 2020 Confirming Order. Among other
13 things, the Court ordered Plaintiffs to produce documents responsive to RTC's requests for
14 production no later than June 30, 2020. The Court further ordered RTC to submit a
15 declaration setting forth RTC's reasonable expenses incurred in connection with the discovery
16 motions. After briefing, the Court ordered Plaintiffs to pay \$10,684.90 to RTC in sanctions
17 for their discovery failures.
18

19 11. On July 21, 2020, RTC filed a Motion In Limine To Preclude Plaintiffs From
20 Offering Documents Not Produced To RTC On Or Before June 30, 2020. Plaintiffs did not
21 oppose this motion and, on August 19, 2020, the Court entered an order granting it.
22

23 12. On October 12, 2020, the Court entered an Order Granting Stipulated
24 Scheduling Order. Among other deadlines, the Court ordered that the deadline to make expert
25 disclosures was February 26, 2021, and the deadline to disclose rebuttal experts was March
26 29, 2021. The Court noted the NRCP 16.1 case conference had not been held and nothing in
27 the scheduling order should be construed as a waiver of RTC's rights under the August 19,
28

1 2020 Order granting RTC's motion in limine.

2 13. On January 19, 2021, RTC filed a Motion For Sanctions Pursuant To NRCP
3 16.1(e), seeking dismissal of this case due to Plaintiffs' failure to hold an early case
4 conference pursuant to NRCP 16.1 and consequent failure to file a case conference report.
5 Following briefing, the Court entered an Order Denying Motion For Sanctions on March 25,
6 2021. The Court denied the requested sanction of dismissal because it wanted to decide the
7 case on its merits, but it noted Plaintiffs' repeated failure to prosecute their case. The Court
8 ordered the parties to conduct an NRCP 16(b) conference and also ordered the parties to
9 appear before the Court for a status hearing on April 27, 2020.
10

11 14. On March 9, 2021, RTC filed its Motion For Summary Judgment, along with
12 two motions in limine: (1) Motion In Limine To Preclude Plaintiffs From Presenting
13 Evidence Pursuant To NRS 50.275, 50.285 and 50.305 ("Motion In Limine Re Experts"); and
14 (2) Motion In Limine To Exclude Evidence Of Damages. The Motion In Limine Re Experts
15 was based on Plaintiffs' failure to timely disclose any expert witnesses. The Motion In
16 Limine To Exclude Evidence Of Damages was based on Plaintiffs' failure to provide a
17 computation of damages pursuant to NRCP 16.1(a)(1) and their failure to provide any
18 documentation to support their damages claim. Those motions in limine are pending and will
19 be denied as moot in light of the Court's ruling on the Motion for Summary Judgment.
20
21

22 15. Plaintiffs filed their opposition briefs on April 2, 2021. The primary theme of
23 these oppositions was that the Court's March 25, 2021 Order Denying Motion For Sanctions
24 was a "reset" of this case excusing Plaintiffs from their repeated procedural failures.

25 16. On April 27, 2021, the Court held a status conference, at which Plaintiffs'
26 counsel asserted the parties' stipulation for early discovery somehow restricted Plaintiffs from
27 conducting discovery in this case. As discussed below, the Court finds this assertion to be
28

1 unsupported by the documents of record. Following the hearing, the Court set oral arguments
2 on RTC's Motion For Summary Judgment for May 12, 2021 at 2:00 p.m.

3 **FINDINGS OF FACT**

4 17. In entering the December 6, 2019, Stipulation For Entry Of Order Dismissing
5 Certain Plaintiffs' Claims For Relief And Damages With Prejudice, which the Court granted
6 by its Order of December 10, 2019, Plaintiffs expressly waived, with prejudice, any claim for
7 compensatory damages other than compensation for physical damage to the parking lot.
8

9 18. Plaintiffs failed to timely disclose an expert witness on any subject, including
10 Plaintiffs' alleged damages. This Court concludes expert evidence is necessary to determine
11 causation, scope of repair, diminishment in value, and damages. As a result, Plaintiffs have
12 no expert evidence as to the cost to repair the parking lot or the loss of value to the property
13 based on the alleged damage to the parking lot. Plaintiffs are not qualified to provide such
14 evidence and were not designated to provide such testimony.
15

16 19. Plaintiffs have not conducted discovery necessary to prosecute their case.

17 20. The October 30, 2019 Stipulation To Conduct Discovery Prior To Holding The
18 NRCP 16.1 Conference And Prior To Filing The Joint Case Conference Report expressly
19 allowed *both* parties to conduct discovery. Nothing in that Stipulation or the November 18,
20 2019 Order granting the Stipulation, restricted Plaintiffs' right or ability to conduct discovery.
21 The Court does not find that RTC or its counsel in any way precluded Plaintiffs from
22 prosecuting their case.
23

24 21. In opposing summary judgment, Plaintiffs presented no declarations or any
25 other admissible evidence to support their claims. The documents Plaintiffs submitted to the
26 Court suffer from several evidentiary infirmities.

27 22. There is no admissible evidence supporting each of the elements of Plaintiffs'
28

1 claims.

2 23. There is no admissible evidence of Plaintiffs' alleged damages.

3 24. The Court's March 25, 2021 Order Denying Motion For Sanctions was not a
4 "reset" of the entire case. The Court simply wished to avoid imposing case ending sanctions
5 based solely on Plaintiffs' failure to hold an early case conference. That Order was not
6 intended to, and did not, relieve Plaintiffs of any other procedural failures in this case.
7 Contrary to Plaintiffs' suggestion, the March 25, 2021 order did not override or supersede the
8 Court's August 19, 2020 Order Granting Motion In Limine To Preclude Plaintiffs From
9 Offering Documents Not Produced To RTC On Or Before June 30, 2020.
10

11 **CONCLUSIONS OF LAW**

12 25. Summary judgment is appropriate and "shall be rendered forthwith" when the
13 pleadings and other evidence on file demonstrate that no "genuine issue as to any material fact
14 [remains] and that the moving party is entitled to a judgment as a matter of law." *Wood v.*
15 *Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005).
16

17 26. In opposing summary judgment, the nonmoving party "must, by affidavit or
18 otherwise, set forth specific facts demonstrating the existence of a genuine issue for trial or
19 have summary judgment entered against him." *Id.*, 121 Nev. at 732, 121 P.3d at 1031.
20 "Evidence introduced in...opposition to a motion for summary judgment must be admissible
21 evidence." *Collins v. Union Fed. Savings & Loan*, 99 Nev. 284, 302, 662 P.2d 610, 621
22 (1983), citing NRCP 56(e).
23

24 27. Summary judgment serves an important role in promoting sound judicial
25 economy. Courts should not hesitate to discourage litigation in instances where claims are
26 deficient of evidentiary support and are based on little more than the complainants'
27 conclusory allegations and accusations. *Boesiger v. Desert Appraisals, LLC*, 135 Nev. 192,
28

1 193, 444 P.3d 436, 438 (2019). In doing so, courts avoid the unwarranted consumption of
2 public and private resources. *Id.*, 135 Nev. at 194, 444 P.3d at 438.

3 28. Here, the Court concludes that RTC is entitled to summary judgment on all of
4 Plaintiffs' remaining claims: (1) breach of contract; (2) contractual breach of the implied
5 covenant of good faith and fair dealing; (3) civil conspiracy; (4) trespass; (5) negligence; and
6 (6) declaratory relief. Each is addressed in turn.
7

8 29. "Basic contract principles require, for an enforceable contract, an offer and
9 acceptance, meeting of the minds and consideration." *Certified Fire Prot. Inc. v. Precision*
10 *Construction, Inc.*, 128 Nev. 371, 378, 283 P.3d 250, 255 (2012). "A meeting of the minds
11 exists when the parties have agreed upon the contract's essential terms." *Id.* There is no
12 evidence supporting any of these elements, nor is there any evidence of Plaintiffs' alleged
13 damages. Plaintiffs' breach of contract claim fails.
14

15 30. A claim for breach of the implied covenant of good faith and fair dealing
16 requires the plaintiff to prove the existence of a contract. *Perry v. Jordan*, 111 Nev. 943, 900
17 P.2d 335 (1995). Plaintiffs have failed to prove the existence of a contract with RTC and
18 have provided no evidence of damages. Therefore, Plaintiffs' claim for breach of the implied
19 covenant of good faith and fair dealing fails.
20

21 31. A civil conspiracy claim exists when a combination of two or more persons
22 who, by some concerted action, intend to accomplish some unlawful objective for the purpose
23 of harming another and resulting in damages. *Collins, supra*, 99 Nev. at 303, 662 P.2d at 622.
24 To succeed on a civil conspiracy claim, a plaintiff must prove both an agreement between
25 tortfeasors and that the conduct of each defendant is tortious. *GES, Inc. v. Corbitt*, 117 Nev.
26 265, 271, 21 P.3d 11, 15 (2001). Here, there is no evidence of the existence or identity of any
27 alleged co-conspirator, no evidence of any agreement between RTC and anyone else, and no
28

1 evidence of Plaintiffs' alleged damages. As noted above, there is no evidence of the cost of
2 repair or loss of value based on the alleged damage to the parking lot and Plaintiffs have
3 waived all other damages by way of the December 6, 2019 stipulation. Plaintiffs' civil
4 conspiracy claim fails.

5
6 32. To prove trespass, the claimant must show that the defendant invaded the
7 claimant's real property. *Lied v. County of Clark*, 94 Nev. 275, 279, 579 P.2d 171, 173-174
8 (1978). A plaintiff may recover compensatory, nominal, and/or punitive damages under a
9 trespass claim. *See True v. Bosch*, 73 Nev. 270, 317 P.2d 1089 (1957) (compensatory
10 damages to property); *Land Baron Invs., Inc. v. Bonnie Springs Family Ltd. P'ship*, 131 Nev.
11 686, 700, 356 P.3d 511, 521 (2015) (plaintiff asserting a trespass claim may recover damages
12 for annoyance and discomfort). Here, Plaintiffs waived any damages other than
13 compensatory damages for the physical damage to the parking lot and punitive damages.
14 Therefore, they cannot recover nominal damages or general damages for annoyance,
15 discomfort, emotional distress, anxiety or depression. There is no evidence of cost of repair
16 or loss of value based on the alleged physical damage. There is also no evidence that would
17 support an award of punitive damages.

18
19 33. To establish a negligence claim, a plaintiff must demonstrate: (1) that
20 defendant owed plaintiff a duty of care; (2) that defendant breached that duty; (3) the breach
21 was the legal cause of plaintiff's injuries; and (4) plaintiff sustained damages. *Scialabba v.*
22 *Brandise Construction Co.*, 112 Nev. 965, 921 P.2d 928 (1996). Here, Plaintiffs have failed
23 to present any evidence identifying the duty RTC allegedly owed them, nor have they
24 presented any evidence of damages. Plaintiffs' negligence claim fails.

25
26 34. Plaintiffs' declaratory relief claim also fails. Plaintiffs sought a declaration
27 that (1) RTC failed to perform under the "RTC-Trust agreement" or its "condemnation
28

1 activities”; (2) Plaintiffs are the sole and exclusive owners of their “Property” at 642 E. 4th St.
2 in Reno; (3) RTC has no right, title or interest in the Property and no right to use the Property;
3 (4) RTC “knowingly and wrongfully used the Remaining Property” without paying
4 compensation to Plaintiffs; and (5) RTC wrongfully parked its vehicles on the Remaining
5 Property, causing extensive damage in callous disregard of the law. First, there is no evidence
6 of any contract between RTC and Plaintiffs and any issue involving RTC’s “condemnation
7 activities” was already adjudicated in the previous condemnation action between the parties.
8 Second, while Plaintiffs own “the Property,” they own it subject to RTC’s valid and existing
9 easements established by way of the prior condemnation action between the parties. Third,
10 RTC has the rights, title and interest in the easements on the Property acquired by way of that
11 condemnation action and for which Plaintiffs received just compensation. Finally, there is no
12 evidence of Plaintiffs’ damages and no evidence RTC “callously disregarded” the law.
13 Plaintiffs’ claim for declaratory relief fails.
14
15

16 36. In sum, there is no admissible evidence to support Plaintiffs’ claims. All of
17 Plaintiffs’ remaining claims are dismissed. No genuine issues remain as to any material facts.
18 RTC is entitled to judgment as a matter of law on all of Plaintiffs’ claims.

19 Based on the foregoing and with good cause appearing,

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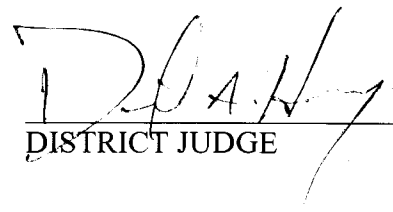
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IT IS HEREBY ORDERED that RTC's Motion for Summary Judgment is GRANTED. The Court denies as moot RTC's pending Motion In Limine To Preclude Plaintiffs From Presenting Evidence Pursuant To NRS 50.275, 50.285 and 50.305 and the Motion In Limine To Exclude Evidence Of Damages. The jury trial currently set for August 9, 2021 is vacated.

Dated this 9th day of June, 2021.


DISTRICT JUDGE

1 **2535**

2 Dane W. Anderson, Esq.

3 Nevada Bar No. 6883

4 Bronagh M. Kelly, Esq.

5 Nevada Bar No. 14555

6 **WOODBURN AND WEDGE**

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12 bkelly@woodburnandwedge.com

13 Attorneys for Defendant, the Regional Transportation

14 Commission of Washoe County

15 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

16 **IN AND FOR THE COUNTY OF WASHOE**

17 JOHN ILIESCU, JR., AND SONNIA
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28 40, inclusive,

Defendants.

Case No.: CV19-00459

Dept. No.: 15

NOTICE OF ENTRY OF ORDER GRANTING SUMMARY JUDGMENT

TO: ALL INTERESTED PARTIES:

PLEASE TAKE NOTICE that an Order Granting Summary Judgment After Supplemental Arguments was entered in the above-entitled action on June 9, 2021, by this Court. A copy of the Order is attached hereto as **Exhibit 1**.

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Affirmation pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Notice of Entry of Order Granting Summary Judgment does not contain any personal information.

Dated: June 10, 2021

WOODBURN AND WEDGE

By: /s/ Dane W. Anderson
Dane W. Anderson, Esq.
Nevada Bar No. 6883
Bronagh M. Kelly, Esq.
Nevada Bar No. 14555

*Attorneys for Defendant
The Regional Transportation
Commission of Washoe County*

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TABLE OF EXHIBITS

Exhibit	No. of Pages (Including Exhibit Sheet)	Exhibit No.
Order Granting Summary Judgment After Supplemental Arguments filed June 9, 2021	13	1

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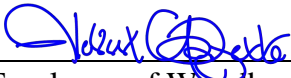
CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Woodburn and Wedge and that on this date, I caused to be sent via electronic delivery through the Court's E-flex system a true and correct copy of the **NOTICE OF ENTRY OF ORDER GRANTING SUMMARY JUDGMENT** to:

MICHAEL J. MORRISON, ESQ.
1495 Ridgeview Dr., #220
Reno, Nevada 89519
venturelawusa@gmail.com

Attorneys for Plaintiffs

DATED: June 10, 2021



Employee of Woodburn and Wedge

FILED
Electronically
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2021-06-10 04:27:54 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 8490380

EXHIBIT “1”

EXHIBIT “1”

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6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**

8
9 JOHN ILIESCU, JR., AND SONNIA
10 ILIESCU, TRUSTEES OF THE JOHN
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23 **SUPPLEMENTAL ARGUMENTS**

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25 March 29, 2021. Plaintiffs filed their opposition brief on April 2, 2021. RTC filed its reply
26 brief on April 29, 2021, and the matter was submitted for the Court's decision. The Court
27 scheduled oral argument for May 12, 2020, at which it heard argument from RTC's counsel.
28 Plaintiffs' counsel did not appear at oral argument. At the conclusion of oral arguments this
Court orally pronounced that it would grant summary judgment and deny the pending motions
in limine as moot; it directed RTC's Counsel, Dane Anderson Esq., to prepare and submit the

1 order.

2 On May 13, 2021 Plaintiffs filed a notice of intent to file motion to request a rehearing
3 on RTC's Motion for Summary Judgment because "Plaintiffs were denied, inter alia, their
4 Constitutional right to appear and be heard" due to "a technical error, oversight, mistake
5 and/or inadvertence relating. . . to the Zoom platform and its operation." See May 13, 2021
6 Notice. RTC filed a response on May 24, 2021, arguing a rehearing is not proper and
7 plaintiffs were provided proper notice and an opportunity to be heard and further fail to
8 demonstrate how their participation would have yielded different results. Thereafter,
9 Plaintiffs filed a motion for reconsideration and hearing or alternative motion to set aside
10 order, to which the RTC filed an opposition on June 7, 2021. This Court allowed
11 supplemental arguments on June 8, 2021, and the parties have been fully heard. This Court
12 now orders as follows:
13
14

15 **PROCEDURAL BACKGROUND**

16 1. Plaintiffs filed this action on February 27, 2019. Their complaint asserted
17 twelve claims for relief: (1) injunctive relief; (2) breach of contract; (3) breach of the implied
18 covenant of good faith and fair dealing; (4) breach of fiduciary duty/breach of trust; (5)
19 declaratory relief; (6) waste; (7) conversion; (8) trespass; (9) civil conspiracy; (10)
20 negligence; (11) elder abuse; and (12) intentional and/or negligent infliction of emotional
21 distress/tort of outrage. Plaintiffs' claims were all based on the RTC's alleged improper use
22 of the parking lot on Plaintiffs' property at 642 E. 4th Street in Reno. Plaintiffs alleged
23 damages to the parking lot, personal injuries (including emotional distress, anxiety and
24 depression) and also sought punitive damages against RTC.
25

26 2. Plaintiffs failed to timely serve process pursuant to NRCP 4(d), causing this
27 Court to enter an Order To Show Cause on July 1, 2019. In response, Plaintiffs filed a Motion
28

1 For Extension Of Time in which Plaintiffs' counsel cited certain health issues as the reason
2 service had not been timely accomplished. This became a recurring explanation for Plaintiffs'
3 procedural failures throughout the case. The Court granted Plaintiffs' motion but also noted
4 that RTC, as a government entity, is easy to serve and gave Plaintiffs ten days to do so.

5
6 3. After being served, RTC file a motion to dismiss certain claims. While that
7 motion was pending, the parties filed a Stipulation To Conduct Discovery Prior To Holding
8 The NRCF 16.1 Conference And Prior To Filing The Joint Case Conference Report. The
9 stipulation was based on Plaintiffs' ages and allegations in the complaint regarding Plaintiffs'
10 medical issues. Significantly, the stipulation allowed *both* parties to conduct early discovery.
11 The Court granted the stipulation on November 18, 2019.

12
13 4. Pursuant to the stipulation and order for early discovery, RTC served written
14 requests for production on Plaintiffs, including requests seeking information regarding
15 Plaintiffs' alleged damages—both damages to the parking lot as well as alleged personal
16 injury and emotional distress damages. In response to these requests, Plaintiffs indicated they
17 did not wish to disclose their medical records. Therefore, on December 6, 2019, the parties
18 entered into a Stipulation For Entry Of Order Dismissing Certain Plaintiffs' Claims For Relief
19 And Damages With Prejudice. By way of that stipulation, Plaintiffs expressly stated they no
20 longer wished to pursue any damages for emotional distress or personal injury and had
21 decided to limit their compensatory damages solely to the property damage to their parking
22 lot. Plaintiffs agreed to dismiss with prejudice their claim for intentional and/or negligent
23 infliction of emotional distress as well as any claims for damages other than those specifically
24 related to their parking lot and punitive damages. Plaintiffs acknowledged that RTC was
25 relying on that agreement by withdrawing its discovery requests relating to Plaintiffs' medical
26 records and treating physicians.
27
28

1 5. On December 10, 2019, the Court entered its Order Granting Stipulation For
2 Entry Of Order Dismissing Certain Of Plaintiffs' Claims For Relief And Damages With
3 Prejudice. That order specifically adopted the parties' agreement that Plaintiffs'
4 compensatory damages would be limited to alleged damage to the parking lot, and that any
5 damages for emotional distress or personal injury were dismissed with prejudice.
6

7 6. Shortly thereafter, the Court ordered Plaintiffs to file an amended complaint
8 consistent with the parties' stipulation. Plaintiffs filed their Amended Complaint on January
9 21, 2020, asserting eleven claims for relief: (1) injunctive relief; (2) breach of contract; (3)
10 contractual breach of the implied covenant of good faith and fair dealing; (4) breach of
11 fiduciary duty/breach of trust; (5) declaratory relief; (6) waste; (7) conversion; (8) trespass;
12 (9) civil conspiracy; (10) negligence; (11) tortious breach of the implied covenant of good
13 faith and fair dealing.
14

15 7. On January 30, 2020, RTC filed a Supplemental Motion To Dismiss. After
16 briefing, the Court entered an Order Granting Motion To Dismiss on March 20, 2020,
17 dismissing Plaintiffs' claims for injunctive relief, breach of fiduciary duty/breach of trust,
18 waste, conversion and tortious breach of the implied covenant of good faith and fair dealing.
19 The Court denied RTC's motion to dismiss the civil conspiracy claim, noting the pre-trial
20 resolution of that claim, if any, could only be considered through a motion for summary
21 judgment after appropriate discovery is conducted. Thus, the case proceeded on Plaintiffs'
22 claims for breach of contract, contractual breach of the implied covenant of good faith and
23 fair dealing, declaratory relief, trespass, civil conspiracy, and negligence.
24

25 8. On January 20, 2020, RTC filed a Motion To Compel because Plaintiffs had
26 failed to serve responses to RTC's requests for production of documents pursuant to NRCP 34
27 and the parties' stipulation for early discovery. Plaintiffs did not respond to that motion and,
28

1 on April 20, 2020, the Court entered a Confirming Order approving the Master's
2 Recommendation For Order that Plaintiffs produce responses, including responsive
3 documents within their possession, custody or control, no later than April 17, 2020 and that
4 Plaintiffs pay RTC \$1,000 as a sanction for their discovery failures.
5

6 9. On March 23, 2020, RTC filed its Answer to First Amended Complaint.
7 Thereafter, Plaintiffs failed to schedule an early case conference and failed to file a case
8 conference report. This failure will be addressed further below.

9 10. On April 1, 2020, RTC filed a Motion For Discovery Sanctions based on
10 Plaintiffs' failure to appear at their properly noticed depositions and other discovery failures.
11 On April 20, 2020, RTC filed a Motion For Sanctions Pursuant To NRCP 37(b)(1) based on
12 Plaintiffs failure to comply with the Court's April 20, 2020 Confirming Order. Among other
13 things, the Court ordered Plaintiffs to produce documents responsive to RTC's requests for
14 production no later than June 30, 2020. The Court further ordered RTC to submit a
15 declaration setting forth RTC's reasonable expenses incurred in connection with the discovery
16 motions. After briefing, the Court ordered Plaintiffs to pay \$10,684.90 to RTC in sanctions
17 for their discovery failures.
18

19 11. On July 21, 2020, RTC filed a Motion In Limine To Preclude Plaintiffs From
20 Offering Documents Not Produced To RTC On Or Before June 30, 2020. Plaintiffs did not
21 oppose this motion and, on August 19, 2020, the Court entered an order granting it.
22

23 12. On October 12, 2020, the Court entered an Order Granting Stipulated
24 Scheduling Order. Among other deadlines, the Court ordered that the deadline to make expert
25 disclosures was February 26, 2021, and the deadline to disclose rebuttal experts was March
26 29, 2021. The Court noted the NRCP 16.1 case conference had not been held and nothing in
27 the scheduling order should be construed as a waiver of RTC's rights under the August 19,
28

1 2020 Order granting RTC's motion in limine.

2 13. On January 19, 2021, RTC filed a Motion For Sanctions Pursuant To NRCP
3 16.1(e), seeking dismissal of this case due to Plaintiffs' failure to hold an early case
4 conference pursuant to NRCP 16.1 and consequent failure to file a case conference report.
5 Following briefing, the Court entered an Order Denying Motion For Sanctions on March 25,
6 2021. The Court denied the requested sanction of dismissal because it wanted to decide the
7 case on its merits, but it noted Plaintiffs' repeated failure to prosecute their case. The Court
8 ordered the parties to conduct an NRCP 16(b) conference and also ordered the parties to
9 appear before the Court for a status hearing on April 27, 2020.
10

11 14. On March 9, 2021, RTC filed its Motion For Summary Judgment, along with
12 two motions in limine: (1) Motion In Limine To Preclude Plaintiffs From Presenting
13 Evidence Pursuant To NRS 50.275, 50.285 and 50.305 ("Motion In Limine Re Experts"); and
14 (2) Motion In Limine To Exclude Evidence Of Damages. The Motion In Limine Re Experts
15 was based on Plaintiffs' failure to timely disclose any expert witnesses. The Motion In
16 Limine To Exclude Evidence Of Damages was based on Plaintiffs' failure to provide a
17 computation of damages pursuant to NRCP 16.1(a)(1) and their failure to provide any
18 documentation to support their damages claim. Those motions in limine are pending and will
19 be denied as moot in light of the Court's ruling on the Motion for Summary Judgment.
20
21

22 15. Plaintiffs filed their opposition briefs on April 2, 2021. The primary theme of
23 these oppositions was that the Court's March 25, 2021 Order Denying Motion For Sanctions
24 was a "reset" of this case excusing Plaintiffs from their repeated procedural failures.

25 16. On April 27, 2021, the Court held a status conference, at which Plaintiffs'
26 counsel asserted the parties' stipulation for early discovery somehow restricted Plaintiffs from
27 conducting discovery in this case. As discussed below, the Court finds this assertion to be
28

1 unsupported by the documents of record. Following the hearing, the Court set oral arguments
2 on RTC's Motion For Summary Judgment for May 12, 2021 at 2:00 p.m.

3 **FINDINGS OF FACT**

4 17. In entering the December 6, 2019, Stipulation For Entry Of Order Dismissing
5 Certain Plaintiffs' Claims For Relief And Damages With Prejudice, which the Court granted
6 by its Order of December 10, 2019, Plaintiffs expressly waived, with prejudice, any claim for
7 compensatory damages other than compensation for physical damage to the parking lot.
8

9 18. Plaintiffs failed to timely disclose an expert witness on any subject, including
10 Plaintiffs' alleged damages. This Court concludes expert evidence is necessary to determine
11 causation, scope of repair, diminishment in value, and damages. As a result, Plaintiffs have
12 no expert evidence as to the cost to repair the parking lot or the loss of value to the property
13 based on the alleged damage to the parking lot. Plaintiffs are not qualified to provide such
14 evidence and were not designated to provide such testimony.
15

16 19. Plaintiffs have not conducted discovery necessary to prosecute their case.

17 20. The October 30, 2019 Stipulation To Conduct Discovery Prior To Holding The
18 NRCP 16.1 Conference And Prior To Filing The Joint Case Conference Report expressly
19 allowed *both* parties to conduct discovery. Nothing in that Stipulation or the November 18,
20 2019 Order granting the Stipulation, restricted Plaintiffs' right or ability to conduct discovery.
21 The Court does not find that RTC or its counsel in any way precluded Plaintiffs from
22 prosecuting their case.
23

24 21. In opposing summary judgment, Plaintiffs presented no declarations or any
25 other admissible evidence to support their claims. The documents Plaintiffs submitted to the
26 Court suffer from several evidentiary infirmities.

27 22. There is no admissible evidence supporting each of the elements of Plaintiffs'
28

1 claims.

2 23. There is no admissible evidence of Plaintiffs' alleged damages.

3 24. The Court's March 25, 2021 Order Denying Motion For Sanctions was not a
4 "reset" of the entire case. The Court simply wished to avoid imposing case ending sanctions
5 based solely on Plaintiffs' failure to hold an early case conference. That Order was not
6 intended to, and did not, relieve Plaintiffs of any other procedural failures in this case.
7 Contrary to Plaintiffs' suggestion, the March 25, 2021 order did not override or supersede the
8 Court's August 19, 2020 Order Granting Motion In Limine To Preclude Plaintiffs From
9 Offering Documents Not Produced To RTC On Or Before June 30, 2020.
10

11 **CONCLUSIONS OF LAW**

12 25. Summary judgment is appropriate and "shall be rendered forthwith" when the
13 pleadings and other evidence on file demonstrate that no "genuine issue as to any material fact
14 [remains] and that the moving party is entitled to a judgment as a matter of law." *Wood v.*
15 *Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005).
16

17 26. In opposing summary judgment, the nonmoving party "must, by affidavit or
18 otherwise, set forth specific facts demonstrating the existence of a genuine issue for trial or
19 have summary judgment entered against him." *Id.*, 121 Nev. at 732, 121 P.3d at 1031.
20 "Evidence introduced in...opposition to a motion for summary judgment must be admissible
21 evidence." *Collins v. Union Fed. Savings & Loan*, 99 Nev. 284, 302, 662 P.2d 610, 621
22 (1983), citing NRCP 56(e).
23

24 27. Summary judgment serves an important role in promoting sound judicial
25 economy. Courts should not hesitate to discourage litigation in instances where claims are
26 deficient of evidentiary support and are based on little more than the complainants'
27 conclusory allegations and accusations. *Boesiger v. Desert Appraisals, LLC*, 135 Nev. 192,
28

1 193, 444 P.3d 436, 438 (2019). In doing so, courts avoid the unwarranted consumption of
2 public and private resources. *Id.*, 135 Nev. at 194, 444 P.3d at 438.

3 28. Here, the Court concludes that RTC is entitled to summary judgment on all of
4 Plaintiffs' remaining claims: (1) breach of contract; (2) contractual breach of the implied
5 covenant of good faith and fair dealing; (3) civil conspiracy; (4) trespass; (5) negligence; and
6 (6) declaratory relief. Each is addressed in turn.
7

8 29. "Basic contract principles require, for an enforceable contract, an offer and
9 acceptance, meeting of the minds and consideration." *Certified Fire Prot. Inc. v. Precision*
10 *Construction, Inc.*, 128 Nev. 371, 378, 283 P.3d 250, 255 (2012). "A meeting of the minds
11 exists when the parties have agreed upon the contract's essential terms." *Id.* There is no
12 evidence supporting any of these elements, nor is there any evidence of Plaintiffs' alleged
13 damages. Plaintiffs' breach of contract claim fails.
14

15 30. A claim for breach of the implied covenant of good faith and fair dealing
16 requires the plaintiff to prove the existence of a contract. *Perry v. Jordan*, 111 Nev. 943, 900
17 P.2d 335 (1995). Plaintiffs have failed to prove the existence of a contract with RTC and
18 have provided no evidence of damages. Therefore, Plaintiffs' claim for breach of the implied
19 covenant of good faith and fair dealing fails.
20

21 31. A civil conspiracy claim exists when a combination of two or more persons
22 who, by some concerted action, intend to accomplish some unlawful objective for the purpose
23 of harming another and resulting in damages. *Collins, supra*, 99 Nev. at 303, 662 P.2d at 622.
24 To succeed on a civil conspiracy claim, a plaintiff must prove both an agreement between
25 tortfeasors and that the conduct of each defendant is tortious. *GES, Inc. v. Corbitt*, 117 Nev.
26 265, 271, 21 P.3d 11, 15 (2001). Here, there is no evidence of the existence or identity of any
27 alleged co-conspirator, no evidence of any agreement between RTC and anyone else, and no
28

1 evidence of Plaintiffs' alleged damages. As noted above, there is no evidence of the cost of
2 repair or loss of value based on the alleged damage to the parking lot and Plaintiffs have
3 waived all other damages by way of the December 6, 2019 stipulation. Plaintiffs' civil
4 conspiracy claim fails.

5
6 32. To prove trespass, the claimant must show that the defendant invaded the
7 claimant's real property. *Lied v. County of Clark*, 94 Nev. 275, 279, 579 P.2d 171, 173-174
8 (1978). A plaintiff may recover compensatory, nominal, and/or punitive damages under a
9 trespass claim. *See True v. Bosch*, 73 Nev. 270, 317 P.2d 1089 (1957) (compensatory
10 damages to property); *Land Baron Invs., Inc. v. Bonnie Springs Family Ltd. P'ship*, 131 Nev.
11 686, 700, 356 P.3d 511, 521 (2015) (plaintiff asserting a trespass claim may recover damages
12 for annoyance and discomfort). Here, Plaintiffs waived any damages other than
13 compensatory damages for the physical damage to the parking lot and punitive damages.
14 Therefore, they cannot recover nominal damages or general damages for annoyance,
15 discomfort, emotional distress, anxiety or depression. There is no evidence of cost of repair
16 or loss of value based on the alleged physical damage. There is also no evidence that would
17 support an award of punitive damages.

18
19 33. To establish a negligence claim, a plaintiff must demonstrate: (1) that
20 defendant owed plaintiff a duty of care; (2) that defendant breached that duty; (3) the breach
21 was the legal cause of plaintiff's injuries; and (4) plaintiff sustained damages. *Scialabba v.*
22 *Brandise Construction Co.*, 112 Nev. 965, 921 P.2d 928 (1996). Here, Plaintiffs have failed
23 to present any evidence identifying the duty RTC allegedly owed them, nor have they
24 presented any evidence of damages. Plaintiffs' negligence claim fails.

25
26 34. Plaintiffs' declaratory relief claim also fails. Plaintiffs sought a declaration
27 that (1) RTC failed to perform under the "RTC-Trust agreement" or its "condemnation
28

1 activities”; (2) Plaintiffs are the sole and exclusive owners of their “Property” at 642 E. 4th St.
2 in Reno; (3) RTC has no right, title or interest in the Property and no right to use the Property;
3 (4) RTC “knowingly and wrongfully used the Remaining Property” without paying
4 compensation to Plaintiffs; and (5) RTC wrongfully parked its vehicles on the Remaining
5 Property, causing extensive damage in callous disregard of the law. First, there is no evidence
6 of any contract between RTC and Plaintiffs and any issue involving RTC’s “condemnation
7 activities” was already adjudicated in the previous condemnation action between the parties.
8 Second, while Plaintiffs own “the Property,” they own it subject to RTC’s valid and existing
9 easements established by way of the prior condemnation action between the parties. Third,
10 RTC has the rights, title and interest in the easements on the Property acquired by way of that
11 condemnation action and for which Plaintiffs received just compensation. Finally, there is no
12 evidence of Plaintiffs’ damages and no evidence RTC “callously disregarded” the law.
13 Plaintiffs’ claim for declaratory relief fails.
14
15

16 36. In sum, there is no admissible evidence to support Plaintiffs’ claims. All of
17 Plaintiffs’ remaining claims are dismissed. No genuine issues remain as to any material facts.
18 RTC is entitled to judgment as a matter of law on all of Plaintiffs’ claims.

19 Based on the foregoing and with good cause appearing,

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IT IS HEREBY ORDERED that RTC's Motion for Summary Judgment is GRANTED. The Court denies as moot RTC's pending Motion In Limine To Preclude Plaintiffs From Presenting Evidence Pursuant To NRS 50.275, 50.285 and 50.305 and the Motion In Limine To Exclude Evidence Of Damages. The jury trial currently set for August 9, 2021 is vacated.

Dated this 9th day of June, 2021.


DISTRICT JUDGE

CASE NO. CV19-00459

JOHN ILIESCU, JR. ET. AL VS. RTC WASHOE CO

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

COURT PRESENT	APPEARANCES-HEARING	CONTINUED TO
9/29/20 HONORABLE DAVID A. HARDY Dept. No. 15 A. Dick (Clerk) L. Shaw (Reporter) ZOOM WEBINAR	<u>CASE MANAGEMENT CONFERENCE</u> Michael Morrison, Esq. represented Plaintiffs John Iliescu and Sonnia Iliescu who were not present. Dane Anderson, Esq. represented Defendant Regional Transportation Commission and a representative was not present. <i>Pursuant to the national and local COVID-19 emergency response that caused temporary closure of the courthouse located at 75 Court Street in Reno, Washoe County, NV, this hearing was conducted remotely. This Court and all participants appeared electronically via Zoom Webinar. This Court was physically located in Washoe County, NV.</i>	July 9, 2021 10:00 a.m. Pretrial Conference Aug. 9, 2021 1:00 p.m. Jury Trial (5 days)

4:35 p.m. – Court convened, via Zoom Webinar, with counsel present.

ATTY Anderson addressed and advised CT Defendant agreed to take Plaintiffs' depositions via Zoom and also agreed to extend the deposition date(s) approximately 2 months. Counsel further advised last week opposing counsel provided a proposed scheduling order for review; however, there is a dispute requiring this Court's assistance between the parties regarding 16.1 disclosures before entering a scheduling order in this case.

ATTY Morrison addressed CT referenced this Court's order granting Defendant's MIL precluding Plaintiffs from offering documents not produced to RTC prior to 6/30/20.

COURT stated it would expect Plaintiffs to seek leave if deemed appropriate; further, it was its intention for a 16.1 conference to commence and other discovery to commence.

ATTY Anderson indicated discovery should be properly conducted, the problem being there has not been a 16.1 conference, and it is the Plaintiffs' obligation to move this case forward. Counsel further indicated Plaintiffs should submit a proposed scheduling order to D15 staff.

ATTY Morrison indicated D15's JA previously provided a proposed scheduling order template for counsels' use and did not object to providing said order to D15 staff. Counsel further indicated parties are open to settlement discussions.

COURT ORDERED: No later than Tuesday, 10/6, counsel Anderson shall respond to counsel Morrison regarding the previously provided proposed scheduling order. Further, no later

than Thursday, 10/8, counsel Morrison shall submit to D15 staff said proposed order.

COURT stated at counsel Anderson's discretion he may include reservation language in the proposed scheduling order regarding this Court's Order Granting Defendant's MIL entered 8/19/20.

COURT ORDERED: Matter continued for pretrial conference and trial by jury.

Court stood in recess.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

4/27/2021
HONORABLE
DAVID A.
HARDY
DEPT. NO. 15
M. Merkouris
(Clerk)
N. Alexander
(Reporter)
**Zoom
Webinar**

STATUS HEARING

2:00 p.m. – Court convened via Zoom.

Michael Morrison, Esq., was present on behalf of Plaintiffs John & Sonnia Iliescu.
Dane Anderson, Esq., was present on behalf of Defendant RTC Washoe County.

Pursuant to the national and local COVID-19 emergency response that caused temporary closure of the courthouse located at 75 Court Street in Reno, Washoe County, Nevada, this hearing was conducted remotely. This Court and all participants appeared electronically via Zoom Webinar. This Court was physically located in Washoe County, Nevada.

COURT reviewed the procedural history of the case; the pending motions and issues in the case; and the Order Denying Motion for Sanctions filed on March 25, 2021. Counsel Morrison responded to the Court regarding the March 25th Order, noting that they have held a 16.1 conference and discussed some of the issues raised by the Court. Counsel Morrison further gave the Court information regarding the case, discovery issues, and lack of cooperation from counsel Anderson, noting that he is at a bit of a loss and of course the Defendants are ready for trial because they were allowed to get everything they needed and he has been foreclosed on getting what he needs; and he further indicated that he believes the March 25th Order got the case back on track, and he requested that the Court give the Plaintiffs consideration in this unusual situation where the Defendants were permitted to get everything they needed, and he has been foreclosed from doing anything.

COURT questioned counsel Morrison regarding the damage to the property. Counsel Morrison indicated that there is damage to the surface of the asphalt due to RTC's heavy trucks being parked there, and the Plaintiffs have asked RTC to move them. Counsel Morrison further advised the Court that Mr. Iliescu has consulted repair specialists and had people out to look at the damage, however the damage continues today; and he further indicated that Mr. Iliescu has determined that the repairs could be done and would be expensive, however stating that number today would be inappropriate.

COURT questioned counsel Morrison regarding how he has disclosed to the Defendants his method for calculating market value loss. Counsel Morrison indicated that expert opinions have been provided to the Defendants, but it was not timely, and that is why the Defendants are trying to keep that evidence out. Counsel Morrison further indicated that it is not that the Defendants did not know about the expert opinion, however RTC does not think the damage is their problem, and there will be evidence that RTC parked their vehicles and all other trucks from surrounding properties on Mr. Iliescu's property, noting that Mr. Iliescu has photos of the lot when it was clean and unmarked prior to RTC using it.

COURT advised respective counsel that he paused when he heard that counsel Morrison did not want to disclose the cost of the repairs, noting that the purpose of discovery and pretrial disclosures is to tell the Defendants what the cost would be to repair the property.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

Pg. 2

APPEARANCES-HEARING

4/27/2021

STATUS HEARING

HONORABLE

Counsel Morrison advised the Court that he did have a conversation with counsel Anderson today regarding the bids, noting that they range from \$40k to \$70k just to restore the property.

DAVID A.

HARDY

Upon questioning by the Court regarding the how the Plaintiffs are doing, counsel Morrison indicated that they are feeling better, however they are still not doing very good.

DEPT. NO. 15

M. Merkouris
(Clerk)

At this point in the hearing, the Court took a very brief recess.

N. Alexander

(Reporter)

Counsel Anderson responded to counsel Morrison, noting that first and foremost he wishes the Iliescu's the best, and he is sorry to hear they have had health problems.

Zoom

Counsel Anderson further indicated that if the parking lot can be repaired, there is no loss of value; he believes Apex gave an estimate for repairs, but it has not been disclosed yet; and he has received no appraisals other than what is in the file.

Webinar

Upon questioning by the Court, counsel Anderson indicated that his clients do not acknowledge that they damaged the lot, and they would testify at trial that the parking lot was damaged before they started using it.

Counsel Anderson further advised the Court that this is a cost of repair to a parking lot case, but this not how it was pled, and the Complaint contains scorched earth claims; he agrees with counsel Morrison that the Plaintiffs should be leading this case; he became concerned that the Plaintiffs may not be able to testify at trial and that is why he requested early discovery; and he further gave the Court information regarding delays in the case, noting that stipulation went both ways and he never stopped counsel Morrison from obtaining discovery. Counsel Anderson further indicated that he resents the accusation that he has somehow hamstrung the Plaintiffs from getting the discovery they need, and he is at a loss as to why they would accuse him of perpetuating some scheme to stop them from obtaining discovery, noting that they have access to the lot and people who can evaluate the damage; he has filed a procedurally appropriate motion regarding the Plaintiffs' failure to comply with discovery deadlines and he would welcome oral arguments on the Motion for Summary Judgment.

Upon questioning by the Court, counsel Anderson gave the Court information regarding the 16.1 conference and he summarized the discovery that has occurred to date, noting the Plaintiffs have not disclosed their damages or provided an expert report, and he is not obligated to prove their case for them.

COURT questioned counsel Morrison regarding his argument that discovery still needs to be conducted, and that the Motion for Summary Judgment is premature.

Counsel Morrison gave the Court information regarding what discovery is still needed, and he replied to counsel Anderson.

Counsel Anderson further responded.

COURT advised respective counsel that oral arguments should be set, and discussion ensued regarding an acceptable date and time.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

4/27/2021
HONORABLE
DAVID A.
HARDY
DEPT. NO. 15
M. Merkouris
(Clerk)
N. Alexander
(Reporter)
Zoom
Webinar

STATUS HEARING

COURT ORDERED: Oral arguments on the Motion for Summary Judgment (filed March 9, 2021) shall be set for May 6, 2021 at 9:30 a.m. (2 hours). **COURT** directed counsel Anderson to have the reply filed by close of business this Friday, April 30, 2021. **COURT** noted that the hearing will be set for 2 hours only, and he gave counsel information regarding what their arguments should be focused on.
3:09 p.m. – Court adjourned.

CASE NO. CV19-00459

JOHN ILIESCU JR. ETAL VS. RTC WASHOE COUNTY

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

5/12/2021

ORAL ARGUMENTS

HONORABLE

2:03 p.m. – Court convened via Zoom.

DAVID A.

Plaintiffs' counsel, Michael Morrison, Esq., was not present.

HARDY

Dane Anderson, Esq., and Bronagh Kelly, Esq., were present on behalf of Defendant RTC Washoe County.

DEPT. NO. 15

M. Merkouris
(Clerk)

Pursuant to the national and local COVID-19 emergency response that caused temporary closure of the courthouse located at 75 Court Street in Reno, Washoe County, Nevada, this hearing was conducted remotely. This Court and all participants appeared electronically via Zoom Webinar. This Court was physically located in Washoe County, Nevada.

T. Amundson

(Reporter)

Zoom

Webinar

COURT noted that this is the time set to address the Motion for Summary Judgment, filed March 9, 2021, and counsel Morrison is not present.

COURT reviewed the case and Motion for Summary Judgment, giving counsel Anderson some of his preliminary thoughts on the matter.

Counsel Anderson advised the Court that even though counsel Morrison is not present, he will not argue that the claims have been abandoned and he would like to proceed on the merits of the Motion for Summary Judgment.

Counsel Anderson presented argument in support of the Motion for Summary Judgment. Counsel Anderson further gave the Court information regarding the early discovery conducted in this case, noting it was bilateral, and he in no way prevented counsel Morrison from conducting discovery or proving his case; and he further argued that RTC is entitled to summary judgment on all claims.

Discussion ensued between the Court and counsel Anderson regarding the Motion for Summary Judgment and the stipulation regarding discovery and abandonment of some of the claims.

COURT set forth findings of facts and conclusions of law.

COURT GRANTED the Motion for Summary Judgment, filed March 9, 2021; counsel Anderson shall prepare the order.

Counsel Anderson inquired about the two pending Motions in Limine.

COURT DENIED the two pending Motions in Limine as moot.

3:05 p.m. – Court adjourned.

CASE NO. CV19-00459

JOHN ILIESCU JR. ETAL VS. RTC WASHOE COUNTY

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

6/8/2021
HONORABLE
DAVID A.
HARDY
DEPT. NO. 15
M. Merkouris
(Clerk)
S. Koetting
(Reporter)
**Zoom
Webinar**

ORAL ARGUMENTS ON MOTION FOR RECONSIDERATION

10:05 a.m. – Court convened via Zoom.

Michael Morrison, Esq., was present on behalf of Plaintiffs John & Sonnia Iliescu. Dane Anderson, Esq., and Bronagh Kelly, Esq., were present on behalf of Defendant RTC Washoe County.

Pursuant to the national and local COVID-19 emergency response that caused temporary closure of the courthouse located at 75 Court Street in Reno, Washoe County, Nevada, this hearing was conducted remotely. This Court and all participants appeared electronically via Zoom Webinar. This Court was physically located in Washoe County, Nevada.

COURT noted that this is the time set to address the Plaintiffs' Motion for Reconsideration and Rehearing of, or, in the Alternative, Motion to Set Aside This Court's Order Pursuant to NRCP 60(b)(1) and (6), filed June 1, 2021, however if counsel Morrison was unable to join the Zoom Webinar on May 12, 2021, this Court will accept that representation and will allow him to present argument in opposition of the Motion for Summary Judgment.

Counsel Anderson indicated that he has no reason to doubt counsel Morrison's representation that he unsuccessfully attempted to join the Zoom Webinar on May 12, 2021 and has no objection to the Court allowing him to present argument on the Motion for Summary Judgment.

COURT ORDERED: Counsel Morrison's Motion for Reconsideration is GRANTED, and he may present argument on the Motion for Summary Judgment.

Counsel Morrison advised the Court that he was prepared to argue the Motion for Reconsideration this morning, and he would request a brief recess to allow him to gather his documents on the Motion for Summary Judgment.

10:10 a.m. – Court stood in recess.

10:15 a.m. – Court reconvened.

Counsel Morrison presented argument in opposition of the Motion for Summary Judgment, filed March 9, 2021.

Counsel Anderson lodged a continuing objection to counsel Morrison arguing and testifying to facts not in evidence.

COURT noted counsel Anderson's objection, and allowed counsel Morrison to continue. Counsel Morrison further presented argument in opposition of the Motion for Summary Judgment.

Counsel Anderson responded; and he further argued in support of the Motion for Summary Judgment.

Counsel Morrison replied; and he presented further argument in opposition of the Motion for Summary Judgment.

COURT ORDERED: Matter taken under advisement; the Court will speak through a written order.

11:32 a.m. – Court adjourned.

1 Code 1350
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4 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
5 IN AND FOR THE COUNTY OF WASHOE

6 **JOHN ILIESCU, JR. AND SONNIA ILIESCU,**
7 **TRUSTEES OF THE JOHN ILIESCU JR. AND**
8 **SONNIA ILIESCU 1992 FAMILY TRUST; JOHN**
9 **ILIESCU, JR. an individual and SONNIA ILIESCU,**
10 **an individual,**

Case No. CV19-00459

Dept. No. 15

11 **Plaintiffs,**

12 **vs.**

13 **THE REGIONAL TRANSPORTATION**
14 **COMMISSION OF WASHOE COUNTY; ROE**
15 **CORPORATIONS 1-20, and DOES 1 through 40**
16 **inclusive,**

17 **Defendants.**
18 _____ /

19 **CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL**

20 I certify that I am an employee of the Second Judicial District Court of the State of
21 Nevada, County of Washoe; that on the 9th day of July, 2021, I electronically filed the Notice
22 of Appeal in the above entitled matter to the Nevada Supreme Court.

23 I further certify that the transmitted record is a true and correct copy of the original
24 pleadings on file with the Second Judicial District Court.

25 Dated this 9th day of July, 2021.

26 Alicia Lerud, Interim
27 Clerk of the Court
28 By /s/Y.VILORIA
Y.VILORIA
Deputy Clerk

1 Code 4132

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3 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
4 IN AND FOR THE COUNTY OF WASHOE

5
6 **JOHN ILIESCU, JR. AND SONNIA ILIESCU,**
7 **TRUSTEES OF THE JOHN ILIESCU JR. AND**
8 **SONNIA ILIESCU 1992 FAMILY TRUST; JOHN**
9 **ILIESCU, JR. an individual and SONNIA ILIESCU,**
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16 **inclusive,**

17 **Defendants.**

18 _____ /
19 **NOTICE OF APPEAL DEFICIENCY**

20 TO: Clerk of the Court, Nevada Supreme Court,
21 and All Parties or their Respective Counsel of Record:

22 On July 9th, 2021, Attorney D. Chris Albright, Esq. for Plaintiffs, filed a Notice of
23 Appeal with the Court. Attorney Albright was unable to include the Twenty-Four Dollar (24.00)
24 Notice of Appeal filing fee and the Five Hundred Dollar (\$500.00) Appeal Bond fee due to
25 technical issues with e-filing and the Two Hundred Fifty Dollar (\$250.00) Supreme Court filing
26 fee due to the public closure of the Second Judicial District Court Administrative Order 2021-
27 05(A).

28 Pursuant to NRAP 3(a)(3), on July 9th, 2021, the Notice of Appeal will be filed with the
Nevada Supreme Court. By copy of this notice. Attorney Albright was notified by electronic
mail of the deficiency. (A notice to pay will be issued once the Notice of Appeal is filed in by
the Nevada Supreme Court.)

Dated this 9th day of July, 2021.

Alicia Lerud, Interim
Clerk of the Court
By: /s/Y.VILORIA
Y.VILORIA
Deputy Clerk

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CERTIFICATE OF SERVICE

CASE NO. CV19-00459

I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County Of Washoe; that on the 9th day of July, 2021, I electronically filed the Notice of Appeal Deficiency with the Clerk of the Court by using the ECF system.

I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

Electronically filed with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

MICHAEL MORRISON, ESQ. for JOHN ILIESCU & SONNIA ILIESCU, TRUSTEES, JOHN JR. ILIESCU

D. ALBRIGHT, ESQ. for JOHN ILIESCU & SONNIA ILIESCU, TRUSTEES et al

DANE ANDERSON, ESQ. for THE REGIONAL TRANSPORTATION COMMISSION OF WASHOE COUNTY

BRONAGH KELLY, ESQ. for THE REGIONAL TRANSPORTATION COMMISSION OF WASHOE COUNTY

/s/Y.V.ILORIA
Y.VILORIA
Deputy Clerk