

1 **CODE: 1097**

2 D. CHRIS ALBRIGHT, ESQ.

3 Nevada Bar No. #004904

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10 *Attorneys for Plaintiffs/Appellants*

Electronically Filed  
Nov 10 2021 01:55 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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

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

13 JOHN ILIESCU, JR., AND SONNIA ILIESCU,  
14 TRUSTEES OF THE JOHN ILIESCU JR. AND  
15 SONNIA ILIESCU 1992 FAMILY TRUST;  
16 JOHN ILIESCU, JR., an individual; and SONNIA  
17 ILIESCU, an individual,

18 Plaintiffs,

19 v.

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

24 Defendants.

WASHOE COUNTY DISTRICT COURT  
CASE NO. CV19-00459

(Supreme Court Case No. 83212)

**AMENDED  
NOTICE OF APPEAL**

25 **NOTICE IS HEREBY GIVEN** that Plaintiffs, JOHN ILIESCU, JR., AND SONNIA  
26 ILIESCU, TRUSTEES OF THE JOHN ILIESCU JR. AND SONNIA ILIESCU 1992 FAMILY  
27 TRUST; JOHN ILIESCU, JR., an individual; and SONNIA ILIESCU, an individual, hereby  
28 appeal to the Supreme Court of the State of Nevada from the following rulings, orders, judgments,  
and decisions entered herein:

A. The "Order Granting Summary Judgment After Supplemental Arguments" entered  
in favor of Defendant, The Regional Transportation Commission of Washoe

1 County [Washoe County Clerk Transaction #8487964] on June 9, 2021, Notice of  
2 Entry of which Order was entered on June 10, 2021 [Transaction #8490380].<sup>1</sup>

3 B. "Order Granting Attorney's Fees and Entry of Judgment" in favor of Defendant,  
4 The Regional Transportation Commission of Washoe County [Washoe County  
5 Clerk Transaction #8701865] entered on October 18, 2021, which Order and  
6 Judgment awarded costs and attorney's fees to the Respondent, Notice of Entry of  
7 which Order was entered on October 18, 2021 [Transaction #8702337].

8 **AFFIRMATION**

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

11 DATED this 21<sup>st</sup> day of October, 2021.

12 **ALBRIGHT, STODDARD, WARNICK & ALBRIGHT**

13 

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20 *Attorneys for Plaintiffs/Appellants*

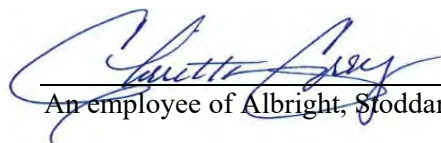
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27 <sup>1</sup> Said Order was previously timely appealed by and via that certain Notice of Appeal entered herein on July 9, 2021  
28 [Transaction #8536470]. The present Amended Notice of Appeal is filed in order to also appeal the subsequent  
attorney's fees award and judgment entered later.

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I am an employee of ALBRIGHT, STODDARD, WARNICK &  
3 ALBRIGHT and that on the 21<sup>st</sup> day of October, 2021, I served a true and correct copy of the  
4 foregoing **AMENDED NOTICE OF APPEAL** upon all counsel of record by electronically  
5 serving the document using the Court's electronic filing system:

6 Dane W. Anderson, Esq.  
7 Bronagh M. Kelly, Esq.  
8 WOODBURN AND WEDGE  
9 6100 Neil Road, Suite 500  
10 Reno, Nevada 89511  
11 [danderson@woodburnandwedge.com](mailto:danderson@woodburnandwedge.com)  
12 [bkelly@woodburnandwedge.com](mailto:bkelly@woodburnandwedge.com)  
13 *Attorneys for Defendant, the Regional*  
14 *Transportation Commission of Washoe County*

15 Michael J. Morrison, Esq.  
16 1495 Ridgeview Drive, #220  
17 Reno, Nevada 89519  
18 [venturelawusa@gmail.com](mailto:venturelawusa@gmail.com)  
19 *Trial Counsel for Plaintiffs*

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21  
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An employee of Albright, Stoddard, Warnick & Albright

1 **CODE: 1310**  
2 D. CHRIS ALBRIGHT, ESQ.  
3 Nevada Bar No. 4904  
4 **ALBRIGHT, STODDARD, WARNICK & ALBRIGHT**  
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9 [dca@albrightstoddard.com](mailto:dca@albrightstoddard.com)  
10 *Attorneys for Plaintiffs/Appellants*

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

13 JOHN ILIESCU, JR., AND SONNIA ILIESCU,  
14 TRUSTEES OF THE JOHN ILIESCU JR. AND  
15 SONNIA ILIESCU 1992 FAMILY TRUST;  
16 JOHN ILIESCU, JR., an individual; and SONNIA  
17 ILIESCU, an individual,

18 Plaintiffs,

19 v.

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

24 Defendants.

CASE NO. CV19-00459

**AMENDED CASE APPEAL  
STATEMENT**

25 1. The names of the Appellants filing this Amended Case Appeal Statement are John  
26 Iliescu and Sonnia Iliescu as Trustees of the John Iliescu, Jr. and Sonnia Iliescu 1992 Family Trust  
27 and John Iliescu, Jr., an individual and Sonnia Iliescu, an individual, which Appellants were the  
28 Plaintiffs in Case No. CV19-00459.

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

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

1 APPELLANTS: John Ilescu and Sonnia Ilescu as Trustees of the  
2 John Ilescu, Jr. and Sonnia Ilescu 1992 Family  
3 Trust, John Ilescu, Jr., an individual and Sonnia  
Ilescu, an individual

4 APPELLANTS' COUNSEL: D. Chris Albright, Esq.  
5 Nevada Bar No. 004904  
6 ALBRIGHT, STODDARD, WARNICK  
7 & ALBRIGHT  
8 801 South Rancho Drive, Suite D-4  
9 Las Vegas, Nevada 89106  
10 Tel: (702) 384-7111  
11 Fax: (702) 384-0605  
12 [dca@albrightstoddard.com](mailto:dca@albrightstoddard.com)

13 Appellants' Counsel was not their trial counsel. Trial counsel for Appellants was:

14 Michael J. Morrison, Esq.  
15 1495 Ridgeview Drive, #220  
16 Reno, Nevada 89519  
17 [venturelawusa@gmail.com](mailto:venturelawusa@gmail.com)

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

20 RESPONDENT: The Regional Transportation Commission of  
21 Washoe County.

22 RESPONDENT'S COUNSEL: Dane W. Anderson, Esq.  
23 Bronagh M. Kelly, Esq.  
24 WOODBURN AND WEDGE  
25 6100 Neil Road, Suite 500  
26 Reno, Nevada 89511  
27 Tel: (775) 688-3000  
28 Fax: (775) 688-3088  
[danderson@woodburnandwedge.com](mailto:danderson@woodburnandwedge.com)  
[bkelly@woodburnandwedge.com](mailto:bkelly@woodburnandwedge.com)

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.

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

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

12                   The District Court entered Summary Judgment in favor of RTC, rejecting  
13 Appellants’ claims as a matter of law, on June 9, 2021, which Judgment is now appealed herein.

14                   The District Court entered an “Order Granting Attorney’s Fees and Entry of  
15 Judgment” in favor of Defendant, on October 18, 2021, which Order and Judgment is also now  
16 being appealed herein, and is the reason for this *Amended* Case Appeal Statement, filed in  
17 conjunction with Plaintiffs’ recent Amended Notice of Appeal, filed for the same purpose.

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

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

21           13.      It is unknown at this time whether this appeal involves the possibility of settlement,  
22 but a prior Mandatory Appellant Mediation in this case was unsuccessful.

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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 22<sup>nd</sup> day of October, 2021.

**ALBRIGHT, STODDARD, WARNICK & ALBRIGHT**



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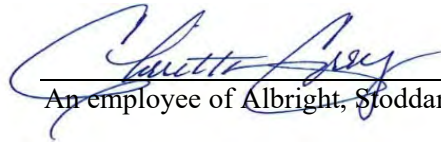
D. CHRIS ALBRIGHT, ESQ., #004904  
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[dca@albrightstoddard.com](mailto:dca@albrightstoddard.com)  
*Attorneys for Plaintiffs/Appellants*

**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of ALBRIGHT, STODDARD, WARNICK & ALBRIGHT and that on the 22<sup>nd</sup> day of October, 2021, I served a true and correct copy of the foregoing **AMENDED CASE APPEAL STATEMENT** 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.  
WOODBURN AND WEDGE  
6100 Neil Road, Suite 500  
Reno, Nevada 89511  
[danderson@woodburnandwedge.com](mailto:danderson@woodburnandwedge.com)  
[bkelly@woodburnandwedge.com](mailto:bkelly@woodburnandwedge.com)  
*Attorneys for Defendant, the Regional  
Transportation Commission of Washoe County*

Michael J. Morrison, Esq.  
1495 Ridgeview Drive, #220  
Reno, Nevada 89519  
[venturelawusa@gmail.com](mailto:venturelawusa@gmail.com)  
*Trial Counsel for Plaintiffs*



\_\_\_\_\_  
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 &amp; 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

Report Does Not Contain Sealed Cases or Confidential Information

- 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
- 20 Department: D15 -- Event: Request for Submission -- Scheduled Date & Time: 8/23/2021 at 11:31:00  
Extra Event Text: REPLY IN SUPPORT OF MOTION FOR ATTORNEY FEES AND FOR ENTRY OF JUDGMENT FOR ATTORNEY FEES AND COSTS  
Event Disposition: S200 - 8/25/2021
- 21 Department: D15 -- Event: Request for Submission -- Scheduled Date & Time: 8/23/2021 at 11:50:00  
Extra Event Text: MOTION FOR ATTORNEY FEES AND FOR ENTRY OF JUDGMENT FOR ATTORNEY FEES AND COSTS  
Event Disposition: S200 - 10/18/2021

### Actions

Filing Date - Docket Code & Description

**Report Does Not Contain Sealed Cases or Confidential Information**

- 1 2/27/2019 - \$PLTF - \$Addl Plaintiff/Complaint  
Additional Text: SONNIA ILIESCU INDIVIDUAL - 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 - \$1425 - \$Complaint - Civil  
Additional Text: COMPLAING (EXEMPTION FROM ARBITRATION - EQUITABLE RELIEF SOUGHT AND DAMAGES IN EXCESS OF \$50,000) - Transaction 7140095 - Approved By: YVILORIA : 02-28-2019:07:59:58
- 4 2/28/2019 - PAYRC - \*\*Payment Receipted  
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 - 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
- 55 4/1/2020 - 2185 - Mtn for Sanctions  
Additional Text: Motion for Discovery 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 EXCLUDE EVIDENCE OF DAMAGES - 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 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
- 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 - 1520 - Declaration  
Additional Text: in Support of Motion for Fees - Transaction 8517765 - Approved By: NOREVIEW : 06-29-2021:11:34:40
- 202 6/29/2021 - 2010 - Mtn for Attorney's Fee  
Additional Text: 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 - 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
- 208 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
- 209 7/9/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8536564 - Approved By: NOREVIEW : 07-09-2021:16:37:55
- 210 7/14/2021 - \$2515 - \$Notice/Appeal Supreme Court  
*No additional text exists for this entry.*
- 211 7/14/2021 - PAYRC - \*\*Payment Received  
Additional Text: A Payment of -\$24.00 was made on receipt DCDC676998.
- 212 7/14/2021 - SAB - \*\*Supreme Court Appeal Bond  
*No additional text exists for this entry.*
- 213 7/15/2021 - 1187 - \*\*Supreme Court Case No. ...  
Additional Text: SUPREME COURT NO. 83212 - ILIESCU JR
- 214 7/19/2021 - 1188 - Supreme Court Receipt for Doc  
Additional Text: SUPREME COURT NO. 83212 / RECEIPT FOR DOCUMENTS - Transaction 8550700 - Approved By: NOREVIEW : 07-19-2021:14:40:35

- 215 7/19/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8550721 - Approved By: NOREVIEW : 07-19-2021:14:42:01
- 216 7/23/2021 - 1188 - Supreme Court Receipt for Doc  
Additional Text: SUPREME COURT NO. 83212 / RECEIPT FOR DOCUMENTS - Transaction 8559107 - Approved By: NOREVIEW : 07-23-2021:14:10:16
- 217 7/23/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8559110 - Approved By: NOREVIEW : 07-23-2021:14:11:42
- 218 7/27/2021 - 2540 - Notice of Entry of Ord  
Additional Text: (1) Order Granting Stipulation for Entry of Order Dismissing Certain of Plaintiffs' Claims for Relief and Damages with Prejudice; and (2) Order Addressing Motion to Dismiss - Transaction 8564080 - Approved By: NOREVIEW : 07-27-2021:14:07:03
- 219 7/27/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8564084 - Approved By: NOREVIEW : 07-27-2021:14:11:24
- 220 8/14/2021 - 2645 - Opposition to Mtn ...  
Additional Text: PLAINTIFFS' OPPOSITION TO DEFENDANT'S MOTION FOR ATTORNEY FEES AND FOR ENTRY OF JUDGMENT FOR ATTORNEY FEES AND COSTS - Transaction 8595894 - Approved By: YVILORIA : 08-16-2021:08:19:57
- 221 8/16/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8596150 - Approved By: NOREVIEW : 08-16-2021:08:21:03
- 222 8/23/2021 - 3795 - Reply...  
Additional Text: REPLY IN SUPPORT OF MOTION FOR ATTORNEY FEES AND FOR ENTRY OF JUDGMENT FOR ATTORNEY FEES AND COSTS - Transaction 8608634 - Approved By: YVILORIA : 08-23-2021:11:41:27
- 223 8/23/2021 - 3860 - Request for Submission  
Additional Text: Transaction 8608634 - Approved By: YVILORIA : 08-23-2021:11:41:27  
DOCUMENT TITLE: REPLY IN SUPPORT OF MOTION FOR ATTORNEY FEES AND FOR ENTRY OF JUDGMENT FOR ATTORNEY FEES AND COSTS  
PARTY SUBMITTING: DANE ANDERSON ESQ  
DATE SUBMITTED: 8-23-21  
SUBMITTED BY: YV  
DATE RECEIVED JUDGE OFFICE:
- 224 8/23/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8608666 - Approved By: NOREVIEW : 08-23-2021:11:42:23
- 225 8/23/2021 - 3795 - Reply...  
Additional Text: REPLY IN SUPPORT OF MOTION FOR ATTORNEY FEES AND FOR ENTRY OF JUDGMENT FOR ATTORNEY FEES AND COSTS - Transaction 8608728 - Approved By: CSULEZIC : 08-23-2021:12:19:56
- 226 8/23/2021 - 3860 - Request for Submission  
Additional Text: - Transaction 8608728 - Approved By: CSULEZIC : 08-23-2021:12:19:56  
DOCUMENT TITLE: MOTION FOR ATTORNEY FEES AND FOR ENTRY OF JUDGMENT FOR ATTORNEY FEES AND COSTS  
PARTY SUBMITTING: DANE ANDERSON ESQ  
DATE SUBMITTED: 8/23/2021  
SUBMITTED BY: CS  
DATE RECEIVED JUDGE OFFICE:
- 227 8/23/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8608801 - Approved By: NOREVIEW : 08-23-2021:12:20:53
- 228 8/25/2021 - S200 - Request for Submission Complet  
Additional Text: REQUEST FOR SUBMISSION REMOVED AS SAME MOTION WAS SUBMITTED TWICE
- 229 9/20/2021 - F140 - Adj Summary Judgment  
*No additional text exists for this entry.*



- 230 10/7/2021 - 3870 - Request  
Additional Text: REQUEST FOR TRANSCRIPTS - Transaction 8686636 - Approved By: CSULEZIC : 10-07-2021:15:08:26
- 231 10/7/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8686753 - Approved By: NOREVIEW : 10-07-2021:15:09:28
- 232 10/18/2021 - 3105 - Ord Granting ...  
Additional Text: ORDER GRANTING ATTORNEY FEES AND ENTRY OF JUDGMENT - Transaction 8701865 - Approved By: NOREVIEW : 10-18-2021:09:30:19
- 233 10/18/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8701871 - Approved By: NOREVIEW : 10-18-2021:09:31:34
- 234 10/18/2021 - S200 - Request for Submission Complet  
Additional Text: ORDER GRANTING ATTORNEY'S FEES AND ENTRY OF JUDGMENT FILED OCTOBER 18, 2021
- 235 10/18/2021 - 2540 - Notice of Entry of Ord  
Additional Text: Transaction 8702337 - Approved By: NOREVIEW : 10-18-2021:11:33:50
- 236 10/18/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8702341 - Approved By: NOREVIEW : 10-18-2021:11:34:50
- 237 10/18/2021 - 2540 - Notice of Entry of Ord  
Additional Text: Transaction 8702375 - Approved By: NOREVIEW : 10-18-2021:11:44:16
- 238 10/18/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8702384 - Approved By: NOREVIEW : 10-18-2021:11:45:38
- 239 10/20/2021 - 3870 - Request  
Additional Text: AMENDED REQUEST FOR TRANSCRIPTS - Transaction 8708614 - Approved By: CSULEZIC : 10-20-2021:15:52:50
- 240 10/20/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8708638 - Approved By: NOREVIEW : 10-20-2021:15:55:51
- 241 10/21/2021 - 1097 - Amended Notice of Appeal  
Additional Text: Amended Notice of Appeal - Transaction 8709785 - Approved By: NOREVIEW : 10-21-2021:10:52:00
- 242 10/21/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8709791 - Approved By: NOREVIEW : 10-21-2021:10:53:27
- 243 10/22/2021 - 1087 - Amended Case Appeal Statement  
Additional Text: Amended Case Appeal Statement - Transaction 8712889 - Approved By: NOREVIEW : 10-22-2021:15:57:38
- 244 10/22/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8712891 - Approved By: NOREVIEW : 10-22-2021:15:58:36
- 245 11/1/2021 - 4185 - Transcript  
Additional Text: HEARING - JUNE 8, 2021 - Transaction 8725556 - Approved By: NOREVIEW : 11-01-2021:16:20:29
- 246 11/1/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8725559 - Approved By: NOREVIEW : 11-01-2021:16:21:50
- 247 11/4/2021 - 1350 - Certificate of Clerk  
Additional Text: CERTIFICATE OF CLERK AND TRANSMITTAL - AMENDED NOTICE OF APPEAL - Transaction 8731639 - Approved By: NOREVIEW : 11-04-2021:08:56:58

248 11/4/2021 - NEF - Proof of Electronic Service

Additional Text: Transaction 8731641 - Approved By: NOREVIEW : 11-04-2021:08:57:57

1 3095

2  
3  
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5  
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. 4<sup>th</sup> 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.

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.

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

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



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. 4<sup>th</sup> 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 9<sup>th</sup> day of June, 2021.

  
DISTRICT JUDGE

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

JOHN ILIESCU, JR., AND SONNIA ILIESCU,  
TRUSTEES OF THE JOHN ILIESCU, JR. AND  
SONNIA ILIESCU 1992 FAMILY TRUST,

Case No. CV19-00459  
Dept. No. 15

Plaintiff,

vs.

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

Defendants.

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**ORDER GRANTING ATTORNEY'S FEES AND ENTRY OF JUDGMENT**

Before this Court is Defendant Regional Transportation Commission of Washoe County's (RTC) opposed Motion for Attorney Fees and for Entry of Judgment for Attorney Fees and Costs. This Court has reviewed the moving papers, record, and relevant authorities.

The procedural history of this case is well-documented. Throughout the proceedings, this Court responded to Plaintiffs' procedural failures through various orders, including sanctions and summary judgment because Plaintiffs provided insufficient admissible evidence during pre-trial discovery. RTC now requests an award of attorney's fees under NRS 18.010(2)(b), arguing the action was groundless and frivolous

1 due to Plaintiffs' number and nature of claims, actions causing delay, and failure to  
2 produce evidence. RTC also requests an award of costs.

3 Upon review of the relevant papers, this Court must determine 1) the propriety of  
4 an award under NRS chapter 18, 2) the reasonable and just amount to award, and 3)  
5 whether costs should be awarded.

6 From this Court's experience with this case, it appears Plaintiffs sincerely believe  
7 they were harmed by RTC during the time RTC enjoyed a temporary construction  
8 easement over their property. But upon filing this complaint, they had a burden to prove  
9 the condition of the parking lot before RTC's arrival, the condition after RTC's departure,  
10 the scope of the harm allegedly caused by RTC, and the value of any damages. Plaintiffs  
11 failed to provide any expert witness or other evidence other than their own anecdotal  
12 observations to support these necessary elements. Thus, this Court finds an award of  
13 attorney's fees is warranted for all claims. However, under its broad discretion in  
14 determining the amount of fees to award, this Court finds a lesser amount than requested  
15 is reasonable and just under the circumstances. Finally, this Court finds an award of full  
16 costs is appropriate.

17 RTC asserts an award of attorney's fees for all work in this matter is appropriate  
18 under NRS 18.010(2)(b), which allows a court to grant an award where it finds a claim:

19 [W]as brought or maintained without reasonable ground or  
20 to harass the prevailing party. The court shall liberally  
21 construe the provisions of this paragraph in favor of  
22 awarding attorney's fees in all appropriate situations. It is  
23 the intent of the Legislature that the court award attorney's  
24 fees pursuant to this paragraph and impose sanctions  
25 pursuant to Rule 11 of the Nevada Rules of Civil Procedure  
26 in all appropriate situations to punish for and deter frivolous  
27 or vexatious claims and defenses because such claims and  
28 defenses overburden limited judicial resources, hinder the  
timely resolution of meritorious claims and increase the  
costs of engaging in business and providing professional  
services to the public.

NRS 18.010(2)(b).



1 This statute is an exception to the general rule that a prevailing party is not entitled  
2 to attorney's fees. See Smith v. Crown Financial Services, 111 Nev. 277, 890 P.2d 769 (1995)  
3 (analyzing the American and English rules regarding attorney's fees and their intersection  
4 with Nevada Law). While this Court will "liberally construe" the statute to grant fees  
5 when appropriate, the statute does not provide mandatory attorney's fees as fully  
6 requested, leaving the amount of fees to the court's discretion. Schmidt v. Washoe Cty.,  
7 124 Nev. 1506, 238 P.3d 852 (2008).

8 The ultimate inquiry is whether the proceedings were initiated or defended with  
9 "improper motives or without reasonable grounds." Bobby Berosini, Ltd. v. People for the  
10 Ethical Treatment of Animals, 114 Nev. 1348, 1354, 971 P.2d 383, 387 (1998). "A claim is  
11 frivolous or groundless if there is no credible evidence to support it." Rodriguez v.  
12 Primadonna Co., LLC, 125 Nev. 578, 588, 216 P.3d 793, 800 (2009).

13 The analysis for awarding fees under the statute after its 2003 amendment adding a  
14 ban on "maintaining" groundless claims is not limited to evidence presented at trial or  
15 whether a claim was frivolous at the time it was raised. S. Nevada Chinese Wkly. v.  
16 Chinese Am. Chamber of Com. of Nevada, 126 Nev. 757, 367 P.3d 821 (2010). The statute's  
17 current form also encourages a fee award when a party brings a large number of claims  
18 "hoping one would stick." Id.

19 The statute contemplates specific claims. Thus, courts may separate claims  
20 maintained without credible evidence from other viable claims when analyzing a request  
21 for attorney's fees. See Capanna v. Orth, 134 Nev. 888, 896, 432 P.3d 726, 734 (2018); see  
22 also Bergmann v. Boyce, 109 Nev. 670, 675-76, 856 P.2d 560, 563 (1993), superseded by  
23 statute on other grounds as stated in In re DISH Network Derivative Litig., 401 P.3d 1081,  
24 1093 n.6 (Nev. 2017).

25 Here, RTC is the prevailing party on all claims through dismissal or summary  
26 judgment. See 145 E. Harmon II Tr. v. Residences at MGM Grand - Tower A Owners'  
27 Ass'n, 136 Nev. 115, 120, 460 P.3d 455, 459 (2020) (explaining prevailing party status,  
28 including that voluntary dismissal with prejudice generally means a defendant

1 “prevailed” for purposes of fees, but courts should consider the circumstances of  
2 dismissal).

3 As this Court did not make direct findings of fact that any claims were frivolous or  
4 unreasonably maintained, Plaintiffs’ failure to present evidence at the summary judgment  
5 stage is not a *de facto* determination that fees are warranted. Rivero v. Rivero, 125 Nev.  
6 410, 441, 216 P.3d 213, 234 (2009); see also Schmidt, 124 Nev. 1506. However, Plaintiffs’  
7 failure would justify this Court in making such a finding of fact and awarding attorney’s  
8 fees. TMX, Inc. v. Volk, 448 P.3d 574 (Nev. 2019).

9 This Court granted summary judgment only after a prolonged discovery period  
10 where this Court intervened on several occasions, reminded Plaintiffs to produce  
11 discovery, ordered a discovery schedule, imposed sanctions for delays and failures to meet  
12 deadlines, and held hearings. Despite ample time and opportunity to either produce  
13 evidence or suffer summary adjudication, Plaintiffs failed to provide support for the  
14 remaining claims’ essential facts, some of which were central to the entire original  
15 complaint.

16 Plaintiffs filed a complaint with twelve claims involving RTC harming their parking  
17 lot, and then failed to provide evidence of the condition of the parking lot before or after  
18 the alleged misconduct, any action RTC took to cause the alleged damages, or evidence of  
19 costs of repair or loss of value. Plaintiffs filed a complaint involving a contract, and then  
20 failed to provide evidence of its terms. As this Court explained when granting summary  
21 judgment, Plaintiffs claimed damages and then did not provide a single expert witness  
22 necessary to explain liability or analyze damages. Though Plaintiffs no longer had the  
23 burden to support dismissed claims at the summary judgment stage, they had both the  
24 opportunity and burden to provide evidence for their remaining claims that would have  
25 also been essential to the original claims. Thus, Plaintiffs’ entire complaint may be  
26 “groundless” under the evidence analysis.

27 Plaintiffs’ delays and procedural behavior in this matter further justify an award  
28 under the statute’s liberal application. Plaintiffs brought twelve claims, including claims

1 their alleged facts did not support. Despite not wishing to disclose their own medical  
2 records, Plaintiffs brought claims relating to their mental health that required such  
3 disclosures. Under their own explanations of external hardships causing delays and  
4 procedural failures, Plaintiffs at some point should have known they could not adequately  
5 prosecute their case. Instead, they repeatedly missed deadlines and only participated in  
6 proceedings primarily when objecting to RTC's motions or requesting more time to  
7 perform. Thus, RTC incurred extra fees while Plaintiffs extended and delayed  
8 proceedings, doing enough to maintain their claims without the apparent ability to  
9 produce evidence for them. The length of time and number of delays and failures are  
10 especially egregious. Thus, Plaintiffs maintained their claims with at least a level of  
11 unreasonableness. Under the statute and in the interest of fairness, the circumstances  
12 warrant awarding attorney's fees to RTC.

13         However, this Court has broad discretion to determine the amount of attorney's  
14 fees, to be "'tempered only by reason and fairness.'" Albios v. Horizon Communities, Inc.,  
15 122 Nev. 409, 427, 132 P.3d 1022, 1034 (2006). This Court's approach in setting the amount  
16 of fees considers what is reasonable and fair, the language and purpose of the statute, and  
17 RTC's counsel's memoranda "in light of the Brunzell" factors. Id.; see also Logan v. Abe,  
18 131 Nev. 260, 266, 350 P.3d 1139, 1143 (2015).

19         As explained above, NRS 18.010(2)(b) is the exception to the general rule that  
20 parties pay their own fees. Fees are justified under that statute. However, this Court also  
21 finds some aspects of this case do not fully conform to the purposes underlying the statute.  
22 Thus, this Court considers what amount of fees most reasonably provides an exception to  
23 the general rule. This Court concludes that requiring Plaintiffs to pay attorney's fees for  
24 all work performed would be unreasonable insofar as Plaintiffs did not act with the type  
25 of frivolous or vexatious intent the award is meant to "punish for and deter." NRS  
26 18.010(2)(b).

27         Plaintiffs did not appear to maintain the action *for the purpose* of harassing RTC.  
28 This statutory language implies a *mens rea*, i.e., a knowing course of conduct in which

1 litigation is the tool to effect harassment of an opposing party. There is a distinction, both  
2 theoretical and actual, between intentionally harassing an opposing party and engaging in  
3 harassing conduct during litigation. Plaintiffs unduly subjected RTC to hardship because  
4 of repeated delays, but the record does not suggest any intentional harassment.

5 For instance, though Plaintiffs stipulated to dismiss tort claims rather than provide  
6 their medical records, they did so only four months after service, less than a month after  
7 the start of discovery, and prior to any papers or hearings on those claims. See Arellano v.  
8 Iglesias, 468 P.3d 375 (Nev. 2020); see also In re 12067 Oakland Hills, Las Vegas, Nevada  
9 89141, 134 Nev. 799, 803, 435 P.3d 672, 676 (Nev. App. 2018). Plaintiffs appear to have  
10 dismissed the claims in good faith rather than attempt to frivolously maintain them. See  
11 In re 12067 Oakland Hills, 134 Nev. 799 at 804.

12 Ultimately, the record suggests Plaintiffs believe they were damaged by RTC.  
13 Plaintiffs brought and maintained their case with the apparent hopes of obtaining relief,  
14 but ultimately failed to meet pre-trial procedural requirements. Plaintiffs repeatedly  
15 blame medical complications and the Covid pandemic for these failures. This Court  
16 acknowledges these hardships and notes they exacerbated communication challenges  
17 between Plaintiffs and their attorney. But this Court has previously made substantial  
18 accommodations because of the pandemic. While Plaintiffs ultimately failed to provide  
19 the evidence required, and therefore will pay attorney's fees under the statute, this Court  
20 is not persuaded that no evidence exists to support the Plaintiffs' perception of viable  
21 claims. The lack of sufficient evidence is a justifying factor for granting fees but not  
22 mandatory under the statute and within the context of the entire record.

23 Thus, Plaintiffs appear to have a good faith bases for their claims, but their counsel  
24 failed to produce discovery or dismiss the action if discovery would be impossible due to  
25 hardship. A "civil litigant is bound by the acts or omissions of its voluntarily chosen  
26 attorney." Huckabay Props. v. NC Auto Parts, 130 Nev. 196, 198, 322 P.3d 429, 430 (2014).  
27 Plaintiffs are responsible for counsel's actions or omissions as their own actions or  
28 omissions by imputation. Lange v. Hickman, 92 Nev. 41, 43, 544 P.2d 1208, 1209 (1976);

1 Id. at 204; Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship, 507 U.S. 380, 396, 113  
2 S. Ct. 1489, 1499, 123 L. Ed. 2d 74 (1993). Plaintiffs are responsible for delays and failure to  
3 produce discovery, whether or not through the fault of counsel.<sup>1</sup> Though these hardships  
4 do not relieve Plaintiffs' responsibility for fees, they are a feature of Plaintiffs' procedural  
5 failures that, as opposed to bad faith, resulted in dismissal and summary judgment.

6 The last mitigating factor is that this Court has already ordered sanctions and a  
7 case-ending order to punish the exact failures at issue in this analysis. This Court agrees  
8 with RTC that the award should be reduced by the amount of sanctions already awarded.  
9 This Court also considers to what extent its orders in this matter have already punished  
10 Plaintiffs for their delays and failure to provide evidence.

11 Finally, this Court weighs these considerations with the four Brunzell factors: "(1)  
12 the qualities of the advocate . . . (2) the character of the work to be done . . . (3) the work  
13 actually performed by the lawyer: . . . [and] (4) the result." Brunzell v. Golden Gate Nat.  
14 Bank, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969).

15 For the first factor, Plaintiffs concede RTC's counsel are well-respected, highly  
16 skilled, and experienced attorneys. Indeed, this Court notes the reduction of fees is in no  
17 way related to the exemplary work of RTC's counsel or the outcomes they obtained in this  
18 matter.

19 Second, the character of the work was fairly complicated given the circumstances.  
20 The claims themselves may not have been complicated, but the number of claims  
21 complicated counsel's work.

22 Third, counsel provided memoranda adequately detailing the hourly work  
23 performed. While Plaintiffs argue the reported hours for some tasks are disproportionate  
24 to the papers produced and the complexity of the claims, this Court finds the hours to be  
25 reasonable given the number of claims, allegations, hearings, motions, and possible  
26 defenses involved. This Court is also unpersuaded that the number of pages produced is  
27 disproportionate to the time reported given the subject matter. The quality of the pages is

28 \_\_\_\_\_  
<sup>1</sup> This Court does not intend to make any statements, and no inferences should be made, regarding any  
future disagreements between Plaintiffs and their attorney.

1 of more importance than the quantity. RTC wrote successful motions to dismiss, motions  
2 for summary judgment, and other filings. This was consistently high-quality work despite  
3 the ambiguities and uncertainties arising from Plaintiffs' sporadic participation and  
4 communications.

5 Fourth, RTC's counsel prevailed against all claims through three different avenues:  
6 stipulation to voluntary dismissal with prejudice, involuntary dismissal, and summary  
7 judgment.

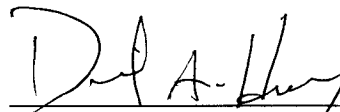
8 This Court concludes an award of \$61,057.07 for attorney's fees is justified upon  
9 review of the memorandum and Brunzell factors. This calculation reflects a 40% reduction  
10 of requested fees as reasonable and fair under the facts of this case. See Logan, 131 Nev.  
11 260 at 266; Haley v. Dist. Ct., 128 Nev. 171, 178, 273 P.3d 855, 860 (2012).

12 This Court concludes RTC's memorandum of costs to be adequate to show costs are  
13 reasonable, necessary, and actually incurred under NRS 18.110. Katz v. Incline Vill. Gen.  
14 Improvement Dist., 452 P.3d 411 (Nev. 2019), cert. denied, 141 S. Ct. 253, 208 L. Ed. 2d 26  
15 (2020). Costs are awarded in this case under NRS 18.020(3).

16 IT IS HEREBY ORDERED AND ADJUDGED that judgment shall be entered in  
17 favor of RTC and against Plaintiffs in the amount of \$3,647.35 as costs, with interest  
18 accruing thereon at the statutory rate, and \$61,057.07 in attorney's fees.

19 **IT IS SO ORDERED.**

20 Dated: October 18, 2021.

21   
22 \_\_\_\_\_  
23 David A. Hardy  
24 District Court Judge  
25  
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1 **CERTIFICATE OF MAILING**

2 Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial  
3 District Court of the State of Nevada, County of Washoe; that on this \_\_\_\_ day of October,  
4 2021, I deposited in the County mailing system for postage and mailing with the United  
5 States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:  
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12 **CERTIFICATE OF ELECTRONIC SERVICE**

13 I hereby certify that I am an employee of the Second Judicial District Court of the  
14 State of Nevada, in and for the County of Washoe; that on the 18 day of October, 2021,  
15 I electronically filed the foregoing with the Clerk of the Court by using the ECF system  
16 which will send a notice of electronic filing to the following:

17 MICHAEL MORRISON, ESQ.  
18 DANE ANDERSON, ESQ.  
19 BRONAGH KELLY, ESQ.  
20 D. ALBRIGHT, ESQ.

21   
22 Sheila Mansfield  
23 Judicial Assistant  
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1 **2540**

2 Dane W. Anderson, Esq.

3 Nevada Bar No. 6883

4 Bronagh M. Kelly, Esq.

5 Nevada Bar No. 14555

6 **WOODBURN AND WEDGE**

7 6100 Neil Road, Suite 500

8 Reno, Nevada 89511

9 Telephone: 775-688-3000

10 Facsimile: 775-688-3088

11 [danderson@woodburnandwedge.com](mailto:danderson@woodburnandwedge.com)

12 [bkelly@woodburnandwedge.com](mailto: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  
18 ILIESCU, TRUSTEES OF THE JOHN  
19 ILIESCU JR. AND SONNIA ILIESCU 1992  
20 FAMILY TRUST; JOHN ILIESCU, JR., an  
21 individual; AND SONNIA ILIESCU, an  
22 individual,

23 Plaintiffs,

24 v.

25 THE REGIONAL TRANSPORTATION  
26 COMMISSION OF WASHOE COUNTY;  
27 ROE CORPORATIONS 1-20; and DOES 1 –  
28 40, inclusive,

29 Defendants.

Case No.: CV19-00459

Dept. No.: 15

30 **NOTICE OF ENTRY OF ORDER**

31 TO: ALL INTERESTED PARTIES:

32 PLEASE TAKE NOTICE that an Order Granting Attorney's Fees and Entry of  
33 Judgment was entered in the above-entitled action on October 18, 2021, by this Court. A  
34 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 does not contain the personal information of any person.

Dated: October 18, 2021

**WOODBURN AND WEDGE**

By: /s/   
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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**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** to:

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

DATED: October 18, 2021.

/s/ Caitlin Pagni  
Employee of Woodburn and Wedge

FILED  
Electronically  
CV19-00459  
2021-10-18 11:28:20 AM  
Alicia L. Lerud  
Clerk of the Court  
Transaction # 870237

# EXHIBIT 1

# EXHIBIT 1

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

JOHN ILIESCU, JR., AND SONNIA ILIESCU,  
TRUSTEES OF THE JOHN ILIESCU, JR. AND  
SONNIA ILIESCU 1992 FAMILY TRUST,

Case No. CV19-00459  
Dept. No. 15

Plaintiff,

vs.

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

Defendants.

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**ORDER GRANTING ATTORNEY'S FEES AND ENTRY OF JUDGMENT**

Before this Court is Defendant Regional Transportation Commission of Washoe County's (RTC) opposed Motion for Attorney Fees and for Entry of Judgment for Attorney Fees and Costs. This Court has reviewed the moving papers, record, and relevant authorities.

The procedural history of this case is well-documented. Throughout the proceedings, this Court responded to Plaintiffs' procedural failures through various orders, including sanctions and summary judgment because Plaintiffs provided insufficient admissible evidence during pre-trial discovery. RTC now requests an award of attorney's fees under NRS 18.010(2)(b), arguing the action was groundless and frivolous

1 due to Plaintiffs' number and nature of claims, actions causing delay, and failure to  
2 produce evidence. RTC also requests an award of costs.

3 Upon review of the relevant papers, this Court must determine 1) the propriety of  
4 an award under NRS chapter 18, 2) the reasonable and just amount to award, and 3)  
5 whether costs should be awarded.

6 From this Court's experience with this case, it appears Plaintiffs sincerely believe  
7 they were harmed by RTC during the time RTC enjoyed a temporary construction  
8 easement over their property. But upon filing this complaint, they had a burden to prove  
9 the condition of the parking lot before RTC's arrival, the condition after RTC's departure,  
10 the scope of the harm allegedly caused by RTC, and the value of any damages. Plaintiffs  
11 failed to provide any expert witness or other evidence other than their own anecdotal  
12 observations to support these necessary elements. Thus, this Court finds an award of  
13 attorney's fees is warranted for all claims. However, under its broad discretion in  
14 determining the amount of fees to award, this Court finds a lesser amount than requested  
15 is reasonable and just under the circumstances. Finally, this Court finds an award of full  
16 costs is appropriate.

17 RTC asserts an award of attorney's fees for all work in this matter is appropriate  
18 under NRS 18.010(2)(b), which allows a court to grant an award where it finds a claim:

19 [W]as brought or maintained without reasonable ground or  
20 to harass the prevailing party. The court shall liberally  
21 construe the provisions of this paragraph in favor of  
22 awarding attorney's fees in all appropriate situations. It is  
23 the intent of the Legislature that the court award attorney's  
24 fees pursuant to this paragraph and impose sanctions  
25 pursuant to Rule 11 of the Nevada Rules of Civil Procedure  
26 in all appropriate situations to punish for and deter frivolous  
27 or vexatious claims and defenses because such claims and  
28 defenses overburden limited judicial resources, hinder the  
timely resolution of meritorious claims and increase the  
costs of engaging in business and providing professional  
services to the public.

NRS 18.010(2)(b).

1 This statute is an exception to the general rule that a prevailing party is not entitled  
2 to attorney's fees. See Smith v. Crown Financial Services, 111 Nev. 277, 890 P.2d 769 (1995)  
3 (analyzing the American and English rules regarding attorney's fees and their intersection  
4 with Nevada Law). While this Court will "liberally construe" the statute to grant fees  
5 when appropriate, the statute does not provide mandatory attorney's fees as fully  
6 requested, leaving the amount of fees to the court's discretion. Schmidt v. Washoe Cty.,  
7 124 Nev. 1506, 238 P.3d 852 (2008).

8 The ultimate inquiry is whether the proceedings were initiated or defended with  
9 "improper motives or without reasonable grounds." Bobby Berosini, Ltd. v. People for the  
10 Ethical Treatment of Animals, 114 Nev. 1348, 1354, 971 P.2d 383, 387 (1998). "A claim is  
11 frivolous or groundless if there is no credible evidence to support it." Rodriguez v.  
12 Primadonna Co., LLC, 125 Nev. 578, 588, 216 P.3d 793, 800 (2009).

13 The analysis for awarding fees under the statute after its 2003 amendment adding a  
14 ban on "maintaining" groundless claims is not limited to evidence presented at trial or  
15 whether a claim was frivolous at the time it was raised. S. Nevada Chinese Wkly. v.  
16 Chinese Am. Chamber of Com. of Nevada, 126 Nev. 757, 367 P.3d 821 (2010). The statute's  
17 current form also encourages a fee award when a party brings a large number of claims  
18 "hoping one would stick." Id.

19 The statute contemplates specific claims. Thus, courts may separate claims  
20 maintained without credible evidence from other viable claims when analyzing a request  
21 for attorney's fees. See Capanna v. Orth, 134 Nev. 888, 896, 432 P.3d 726, 734 (2018); see  
22 also Bergmann v. Boyce, 109 Nev. 670, 675-76, 856 P.2d 560, 563 (1993), superseded by  
23 statute on other grounds as stated in In re DISH Network Derivative Litig., 401 P.3d 1081,  
24 1093 n.6 (Nev. 2017).

25 Here, RTC is the prevailing party on all claims through dismissal or summary  
26 judgment. See 145 E. Harmon II Tr. v. Residences at MGM Grand - Tower A Owners'  
27 Ass'n, 136 Nev. 115, 120, 460 P.3d 455, 459 (2020) (explaining prevailing party status,  
28 including that voluntary dismissal with prejudice generally means a defendant

1 “prevailed” for purposes of fees, but courts should consider the circumstances of  
2 dismissal).

3 As this Court did not make direct findings of fact that any claims were frivolous or  
4 unreasonably maintained, Plaintiffs’ failure to present evidence at the summary judgment  
5 stage is not a *de facto* determination that fees are warranted. Rivero v. Rivero, 125 Nev.  
6 410, 441, 216 P.3d 213, 234 (2009); see also Schmidt, 124 Nev. 1506. However, Plaintiffs’  
7 failure would justify this Court in making such a finding of fact and awarding attorney’s  
8 fees. TMX, Inc. v. Volk, 448 P.3d 574 (Nev. 2019).

9 This Court granted summary judgment only after a prolonged discovery period  
10 where this Court intervened on several occasions, reminded Plaintiffs to produce  
11 discovery, ordered a discovery schedule, imposed sanctions for delays and failures to meet  
12 deadlines, and held hearings. Despite ample time and opportunity to either produce  
13 evidence or suffer summary adjudication, Plaintiffs failed to provide support for the  
14 remaining claims’ essential facts, some of which were central to the entire original  
15 complaint.

16 Plaintiffs filed a complaint with twelve claims involving RTC harming their parking  
17 lot, and then failed to provide evidence of the condition of the parking lot before or after  
18 the alleged misconduct, any action RTC took to cause the alleged damages, or evidence of  
19 costs of repair or loss of value. Plaintiffs filed a complaint involving a contract, and then  
20 failed to provide evidence of its terms. As this Court explained when granting summary  
21 judgment, Plaintiffs claimed damages and then did not provide a single expert witness  
22 necessary to explain liability or analyze damages. Though Plaintiffs no longer had the  
23 burden to support dismissed claims at the summary judgment stage, they had both the  
24 opportunity and burden to provide evidence for their remaining claims that would have  
25 also been essential to the original claims. Thus, Plaintiffs’ entire complaint may be  
26 “groundless” under the evidence analysis.

27 Plaintiffs’ delays and procedural behavior in this matter further justify an award  
28 under the statute’s liberal application. Plaintiffs brought twelve claims, including claims

1 their alleged facts did not support. Despite not wishing to disclose their own medical  
2 records, Plaintiffs brought claims relating to their mental health that required such  
3 disclosures. Under their own explanations of external hardships causing delays and  
4 procedural failures, Plaintiffs at some point should have known they could not adequately  
5 prosecute their case. Instead, they repeatedly missed deadlines and only participated in  
6 proceedings primarily when objecting to RTC's motions or requesting more time to  
7 perform. Thus, RTC incurred extra fees while Plaintiffs extended and delayed  
8 proceedings, doing enough to maintain their claims without the apparent ability to  
9 produce evidence for them. The length of time and number of delays and failures are  
10 especially egregious. Thus, Plaintiffs maintained their claims with at least a level of  
11 unreasonableness. Under the statute and in the interest of fairness, the circumstances  
12 warrant awarding attorney's fees to RTC.

13         However, this Court has broad discretion to determine the amount of attorney's  
14 fees, to be "'tempered only by reason and fairness.'" Albios v. Horizon Communities, Inc.,  
15 122 Nev. 409, 427, 132 P.3d 1022, 1034 (2006). This Court's approach in setting the amount  
16 of fees considers what is reasonable and fair, the language and purpose of the statute, and  
17 RTC's counsel's memoranda "in light of the Brunzell" factors. Id.; see also Logan v. Abe,  
18 131 Nev. 260, 266, 350 P.3d 1139, 1143 (2015).

19         As explained above, NRS 18.010(2)(b) is the exception to the general rule that  
20 parties pay their own fees. Fees are justified under that statute. However, this Court also  
21 finds some aspects of this case do not fully conform to the purposes underlying the statute.  
22 Thus, this Court considers what amount of fees most reasonably provides an exception to  
23 the general rule. This Court concludes that requiring Plaintiffs to pay attorney's fees for  
24 all work performed would be unreasonable insofar as Plaintiffs did not act with the type  
25 of frivolous or vexatious intent the award is meant to "punish for and deter." NRS  
26 18.010(2)(b).

27         Plaintiffs did not appear to maintain the action *for the purpose* of harassing RTC.  
28 This statutory language implies a *mens rea*, i.e., a knowing course of conduct in which



1 litigation is the tool to effect harassment of an opposing party. There is a distinction, both  
2 theoretical and actual, between intentionally harassing an opposing party and engaging in  
3 harassing conduct during litigation. Plaintiffs unduly subjected RTC to hardship because  
4 of repeated delays, but the record does not suggest any intentional harassment.

5 For instance, though Plaintiffs stipulated to dismiss tort claims rather than provide  
6 their medical records, they did so only four months after service, less than a month after  
7 the start of discovery, and prior to any papers or hearings on those claims. See Arellano v.  
8 Iglesias, 468 P.3d 375 (Nev. 2020); see also In re 12067 Oakland Hills, Las Vegas, Nevada  
9 89141, 134 Nev. 799, 803, 435 P.3d 672, 676 (Nev. App. 2018). Plaintiffs appear to have  
10 dismissed the claims in good faith rather than attempt to frivolously maintain them. See  
11 In re 12067 Oakland Hills, 134 Nev. 799 at 804.

12 Ultimately, the record suggests Plaintiffs believe they were damaged by RTC.  
13 Plaintiffs brought and maintained their case with the apparent hopes of obtaining relief,  
14 but ultimately failed to meet pre-trial procedural requirements. Plaintiffs repeatedly  
15 blame medical complications and the Covid pandemic for these failures. This Court  
16 acknowledges these hardships and notes they exacerbated communication challenges  
17 between Plaintiffs and their attorney. But this Court has previously made substantial  
18 accommodations because of the pandemic. While Plaintiffs ultimately failed to provide  
19 the evidence required, and therefore will pay attorney's fees under the statute, this Court  
20 is not persuaded that no evidence exists to support the Plaintiffs' perception of viable  
21 claims. The lack of sufficient evidence is a justifying factor for granting fees but not  
22 mandatory under the statute and within the context of the entire record.

23 Thus, Plaintiffs appear to have a good faith bases for their claims, but their counsel  
24 failed to produce discovery or dismiss the action if discovery would be impossible due to  
25 hardship. A "civil litigant is bound by the acts or omissions of its voluntarily chosen  
26 attorney." Huckabay Props. v. NC Auto Parts, 130 Nev. 196, 198, 322 P.3d 429, 430 (2014).  
27 Plaintiffs are responsible for counsel's actions or omissions as their own actions or  
28 omissions by imputation. Lange v. Hickman, 92 Nev. 41, 43, 544 P.2d 1208, 1209 (1976);

1 Id. at 204; Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship, 507 U.S. 380, 396, 113  
2 S. Ct. 1489, 1499, 123 L. Ed. 2d 74 (1993). Plaintiffs are responsible for delays and failure to  
3 produce discovery, whether or not through the fault of counsel.<sup>1</sup> Though these hardships  
4 do not relieve Plaintiffs' responsibility for fees, they are a feature of Plaintiffs' procedural  
5 failures that, as opposed to bad faith, resulted in dismissal and summary judgment.

6 The last mitigating factor is that this Court has already ordered sanctions and a  
7 case-ending order to punish the exact failures at issue in this analysis. This Court agrees  
8 with RTC that the award should be reduced by the amount of sanctions already awarded.  
9 This Court also considers to what extent its orders in this matter have already punished  
10 Plaintiffs for their delays and failure to provide evidence.

11 Finally, this Court weighs these considerations with the four Brunzell factors: "(1)  
12 the qualities of the advocate . . . (2) the character of the work to be done . . . (3) the work  
13 actually performed by the lawyer: . . . [and] (4) the result." Brunzell v. Golden Gate Nat.  
14 Bank, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969).

15 For the first factor, Plaintiffs concede RTC's counsel are well-respected, highly  
16 skilled, and experienced attorneys. Indeed, this Court notes the reduction of fees is in no  
17 way related to the exemplary work of RTC's counsel or the outcomes they obtained in this  
18 matter.

19 Second, the character of the work was fairly complicated given the circumstances.  
20 The claims themselves may not have been complicated, but the number of claims  
21 complicated counsel's work.

22 Third, counsel provided memoranda adequately detailing the hourly work  
23 performed. While Plaintiffs argue the reported hours for some tasks are disproportionate  
24 to the papers produced and the complexity of the claims, this Court finds the hours to be  
25 reasonable given the number of claims, allegations, hearings, motions, and possible  
26 defenses involved. This Court is also unpersuaded that the number of pages produced is  
27 disproportionate to the time reported given the subject matter. The quality of the pages is

28 \_\_\_\_\_  
<sup>1</sup> This Court does not intend to make any statements, and no inferences should be made, regarding any  
future disagreements between Plaintiffs and their attorney.

1 of more importance than the quantity. RTC wrote successful motions to dismiss, motions  
2 for summary judgment, and other filings. This was consistently high-quality work despite  
3 the ambiguities and uncertainties arising from Plaintiffs' sporadic participation and  
4 communications.

5 Fourth, RTC's counsel prevailed against all claims through three different avenues:  
6 stipulation to voluntary dismissal with prejudice, involuntary dismissal, and summary  
7 judgment.

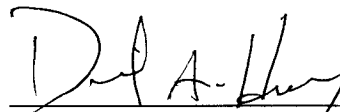
8 This Court concludes an award of \$61,057.07 for attorney's fees is justified upon  
9 review of the memorandum and Brunzell factors. This calculation reflects a 40% reduction  
10 of requested fees as reasonable and fair under the facts of this case. See Logan, 131 Nev.  
11 260 at 266; Haley v. Dist. Ct., 128 Nev. 171, 178, 273 P.3d 855, 860 (2012).

12 This Court concludes RTC's memorandum of costs to be adequate to show costs are  
13 reasonable, necessary, and actually incurred under NRS 18.110. Katz v. Incline Vill. Gen.  
14 Improvement Dist., 452 P.3d 411 (Nev. 2019), cert. denied, 141 S. Ct. 253, 208 L. Ed. 2d 26  
15 (2020). Costs are awarded in this case under NRS 18.020(3).

16 IT IS HEREBY ORDERED AND ADJUDGED that judgment shall be entered in  
17 favor of RTC and against Plaintiffs in the amount of \$3,647.35 as costs, with interest  
18 accruing thereon at the statutory rate, and \$61,057.07 in attorney's fees.

19 **IT IS SO ORDERED.**

20 Dated: October 18, 2021.

21   
22 \_\_\_\_\_  
23 David A. Hardy  
24 District Court Judge  
25  
26  
27  
28


1 **CERTIFICATE OF MAILING**

2 Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial  
3 District Court of the State of Nevada, County of Washoe; that on this \_\_\_\_ day of October,  
4 2021, I deposited in the County mailing system for postage and mailing with the United  
5 States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:  
6  
7  
8  
9  
10  
11

12 **CERTIFICATE OF ELECTRONIC SERVICE**

13 I hereby certify that I am an employee of the Second Judicial District Court of the  
14 State of Nevada, in and for the County of Washoe; that on the 18 day of October, 2021,  
15 I electronically filed the foregoing with the Clerk of the Court by using the ECF system  
16 which will send a notice of electronic filing to the following:

17 MICHAEL MORRISON, ESQ.  
18 DANE ANDERSON, ESQ.  
19 BRONAGH KELLY, ESQ.  
20 D. ALBRIGHT, ESQ.

21   
22 Sheila Mansfield  
23 Judicial Assistant  
24  
25  
26  
27  
28

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**

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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 25<sup>th</sup> 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 25<sup>th</sup> 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**

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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

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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

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

8 **JOHN ILIESCU, JR, AND SONNIA ILIESCU,**  
9 **TRUSTEES OF THE JOHN ILIESCU, JR. AND SONNIA**  
10 **ILIESCU 1992 FAMILY TRUST,**

**Case No. CV19-00459**

11 **Plaintiff,**

**Dept. No. 15**

12 **vs.**

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

16 **Defendants.**  
\_\_\_\_\_ /

17 **CERTIFICATE OF CLERK AND TRANSMITTAL – AMENDED NOTICE OF APPEAL**  
18

19 I certify that I am an employee of the Second Judicial District Court of the State of  
20 Nevada, County of Washoe; that on the 4th day of November, 2021 I electronically filed  
the Amended Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

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

23 Dated this 4th day of November, 2021.  
24

25 ALICIA L. LERUD  
26 Clerk of the Court  
27 By /s/Y.Viloria  
Y.Viloria  
28 Deputy Clerk