

CODE: \$2515
Richard D. Williamson, Esq., SBN 9932
Jonathan Joel Tew, Esq., SBN 11874
ROBERTSON, JOHNSON, MILLER & WILLIAMSON
50 West Liberty Street, Suite 600
Reno, Nevada 89501
(775) 329-5600
Rich@nvlawyers.com
Jon@nvlawyers.com

Robert L. Eisenberg, Esq., SBN 0950
LEMONS, GRUNDY & EISENBERG
6005 Plumas Street, Third Floor
Reno, Nevada 89519
(775) 786-6868
rle@lge.net

Attorneys for Plaintiffs/Counterdefendants

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

LARRY J. WILLARD, individually and as
Trustee of the Larry James Willard Trust Fund;
OVERLAND DEVELOPMENT
CORPORATION, a California corporation;
EDWARD E. WOOLEY AND JUDITH A.
WOOLEY, individually and as trustees of the
Edward C. Wooley and Judith A. Wooley
Intervivos Revocable Trust 2000,

Plaintiffs,

vs.

BERRY-HINCKLEY INDUSTRIES, a Nevada
corporation; and JERRY HERBST,

Defendants.

BERRY-HINCKLEY INDUSTRIES a Nevada
corporation; and JERRY HERBST,

Counterclaimants,

vs.

LARRY J. WILLARD, individually and as
Trustee of the Larry James Willard Trust Fund;
OVERLAND DEVELOPMENT
CORPORATION, a California corporation,

Counterdefendants.

Case No. CV14-01712

Dept. No. 6

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Affirmation

Pursuant to NRS § 239B.030, the undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

ROBERTSON, JOHNSON,
MILLER & WILLIAMSON

By: /s/ Richard D. Williamson
Richard D. Williamson, Esq.
Jonathan Joel Tew, Esq.

and

LEMONS, GRUNDY & EISENBERG

By: /s/ Robert L. Eisenberg
Robert L. Eisenberg, Esq.

Attorneys for Plaintiffs/Counterdefendants

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John P. Desmond, Esq. Brian R. Irvine, Esq. Anjali D. Webster, Esq. Dickinson Wright 100 West Liberty Street, Suite 940 Reno, NV 89501 <i>Attorneys for Defendants/Counterclaimants</i>	Robert L. Eisenberg, Esq. Lemons, Grundy & Eisenberg 6005 Plumas Street, Third Floor Reno NV 89519 775-786-6868 <i>Attorneys for Plaintiffs/ Counterdefendants</i>
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An Employee of Robertson, Johnson, Miller & Williamson

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Index of Exhibits

<u>Exhibit</u>	<u>Description</u>	<u>Pages</u>
1	Order Denying Willard Plaintiffs' Motion for Relief Under NRCP 60(b)(5)&(6), entered on May 10, 2022	8

CODE: 1310
Richard D. Williamson, Esq., SBN 9932
Jonathan Joel Tew, Esq., SBN 11874
ROBERTSON, JOHNSON, MILLER & WILLIAMSON
50 West Liberty Street, Suite 600
Reno, Nevada 89501
(775) 329-5600
Rich@nvlawyers.com
Jon@nvlawyers.com

Robert L. Eisenberg, Esq., SBN 0950
LEMONS, GRUNDY & EISENBERG
6005 Plumas Street, Third Floor
Reno, Nevada 89519
(775) 786-6868
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LARRY J. WILLARD, individually and as
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WOOLEY, individually and as trustees of the
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Intervivos Revocable Trust 2000,

Plaintiffs,

vs.

BERRY-HINCKLEY INDUSTRIES, a Nevada
corporation; and JERRY HERBST,

Defendants.

BERRY-HINCKLEY INDUSTRIES a Nevada
corporation; and JERRY HERBST,

Counterclaimants,

vs.

LARRY J. WILLARD, individually and as
Trustee of the Larry James Willard Trust Fund;
OVERLAND DEVELOPMENT
CORPORATION, a California corporation,

Counterdefendants.

Case No. CV14-01712

Dept. No. 6

1 **CASE APPEAL STATEMENT**

2 Pursuant to NRAP 3(f), Plaintiff Larry J. Willard, individually and as trustee of the Larry
3 James Willard Trust Fund, and Plaintiff Overland Development Corporation (collectively, the
4 “Willard Plaintiffs”) hereby submit the following case appeal statement:

5 A. District court case number and caption, showing names of all parties to the
6 proceedings (without using *et al.*):

7 LARRY J. WILLARD, individually and as
8 Trustee of the Larry James Willard Trust Fund;
9 OVERLAND DEVELOPMENT
10 CORPORATION, a California corporation;
11 EDWARD E. WOOLEY AND JUDITH A.
12 WOOLEY, individually and as trustees of the
13 Edward C. Wooley and Judith A. Wooley
14 Intervivos Revocable Trust 2000,

11 Plaintiffs,

12 vs.

13 BERRY-HINCKLEY INDUSTRIES, a Nevada
14 corporation; and JERRY HERBST, an individual,

15 Defendants.

16 BERRY-HINCKLEY INDUSTRIES a Nevada
17 corporation; and JERRY HERBST, an individual,

18 Counterclaimants,

19 vs.

20 LARRY J. WILLARD, individually and as
21 Trustee of the Larry James Willard Trust Fund;
22 OVERLAND DEVELOPMENT
23 CORPORATION, a California corporation,

Counterdefendants.

Case No. CV14-01712

Dept. No. 6

24 On February 22, 2019, Defendant Berry-Hinckley Industries and Timothy P. Herbst,
25 Special Administrator of the Estate of Jerry Herbst, filed a Suggestion of Death explaining that
26 Defendant Jerry Herbst passed away on November 27, 2018. That same day, Defendant Berry-
27 Hinckley Industries filed a Motion to Substitute Proper Party to substitute Timothy P. Herbst, as
28 Special Administrator of the Estate of Jerry Herbst, deceased, for Defendant Jerry Herbst. That

1 motion included a proposed order. On February 26, 2019, Defendant Berry-Hinckley Industries
2 filed an Addendum to Motion to Substitute Proper Party, which attached a revised proposed
3 order. On March 29, 2019, Willard Plaintiffs filed a Notice of Non-Opposition to Substitution
4 confirming that they did not oppose either the Motion to Substitute Proper Party or the
5 Addendum to Motion to Substitute Proper Party. To date however, the Court has not ruled on
6 that motion. Therefore, the caption has not yet officially changed.

7 B. Name of judge who entered order or judgment being appealed:

8 Hon. Lynne K. Simons

9 C. Name of each appellant, and name and address of counsel for each appellant:

10 Appellants are Plaintiff Larry J. Willard, individually and as trustee of the Larry James
11 Willard Trust Fund, and Plaintiff Overland Development Corporation

12 Counsel for Appellants are:

13 Robert L. Eisenberg (SBN 950)
14 Lemons, Grundy & Eisenberg
15 6005 Plumas Street, Third Floor
16 Reno NV 89519

17 Richard D. Williamson (SBN 9932)
18 Jonathan Joel Tew (SBN 11874)
19 Robertson, Johnson, Miller, & Williamson
20 50 W. Liberty St. Suite 600
21 Reno, NV 89501

22 D. Name of each respondent, and name and address of each respondent's appellate
23 counsel, if known:

24 Respondents are Defendant Berry-Hinckley Industries and Defendant Jerry Herbst
25 (and/or Timothy P. Herbst, as Special Administrator of the Estate of Jerry Herbst, deceased, for
26 Defendant Jerry Herbst).

27 Counsel for Respondents are:

28 John P. Desmond, Esq.
Brian R. Irvine, Esq.
Anjali D. Webster, Esq.
Dickinson Wright
100 West Liberty Street, Suite 940
Reno, NV 89501

1 E. Whether attorneys identified in subparagraph D are not licensed to practice law in
2 Nevada; and if so, whether the district court granted permission to appear under SCR 42 (include
3 copy of district court order granting permission):

4 All of the attorneys that are currently representing the parties are licensed to practice law
5 in Nevada.

6 F. Whether appellant was represented by appointed counsel in the district court or on
7 appeal: No appointed counsel; retained counsel only.

8 G. Whether any appellant was granted leave to proceed *in forma pauperis*: No.

9 H. Date proceedings were commenced in district court: August 8, 2014.

10 I. Brief description of nature of the action and result in district court, including type
11 of judgment or order being appealed and relief granted by district court:

12 This litigation involves the lease, strategic breach, and ultimate abandonment of
13 commercial property in Reno. After plaintiffs' former counsel failed to oppose several pending
14 motions, the district court issued a sanction consisting of dismissal of plaintiffs' claims. The
15 district court also denied a motion for relief under NRCP 60(b)(1) and entered judgment.

16 After a first appeal, the Nevada Supreme Court entered an opinion, which stated in part
17 that "district courts must issue express factual findings, preferably in writing, pursuant to each
18 *Yochum* factor to facilitate our appellate review. Accordingly, we reverse the district court's
19 order denying the NRCP 60(b)(1) motion and remand to the district court for further
20 consideration." *Willard v. Berry-Hinckley Indus.*, 136 Nev. 467, 468, 469 P.3d 176, 178 (2020).

21 Defendants sought rehearing of that opinion, which was denied. Defendants then sought
22 en banc reconsideration of that opinion. On February 23, 2021, the Nevada Supreme Court
23 entered an Order Denying En Banc Reconsideration, in which it ordered that "neither party may
24 present any new arguments or evidence on remand; the district court's consideration of the
25 factors set forth in *Yochum v. Davis*, 98 Nev. 484, 486, 653 P.2d 1215, 1216 (1982), is limited to
26 the record currently before the court."

27 While that appeal was still pending, the Nevada Supreme Court enacted a new subsection
28 to NRCP 60, effective March 1, 2019. This new subsection provides that courts are not limited

to only excusable neglect, but can now grant relief from an order for “any other reason that justifies relief.” NRCp 60(b)(6).

Therefore, after additional evidence became available in 2021, and after the Rule 60(b)(1) motion was resubmitted to the district court, the Willard Plaintiffs promptly filed a motion for relief under NRCp 60(b)(5)&(6) on July 13, 2021. The district court denied the motion, and the Willard Plaintiffs have appealed from the denial.

J. Whether case was previously subject of appeal or writ proceeding in Nevada Supreme Court or Court of Appeals, and if so, caption and docket number of prior proceeding:

Yes, this case has been the subject on one prior appeal and is the subject of another currently-pending appeal. The caption and docket number for the first appeal are set forth below:

LARRY J. WILLARD, individually and as Trustee
of the Larry James Willard Trust Fund; and
OVERLAND DEVELOPMENT CORPORATION,
a California corporation,
Appellants,
vs.
BERRY-HINCKLEY INDUSTRIES, a Nevada
corporation; and JERRY HERBST, an individual,
Respondents.

Docket No. 77780

The caption and docket number for the currently-pending appeal are:

LARRY J. WILLARD, individually and as Trustee
of the Larry James Willard Trust Fund; and
OVERLAND DEVELOPMENT CORPORATION,
a California corporation,
Appellants,
vs.
BERRY-HINCKLEY INDUSTRIES, a Nevada
corporation; JERRY HERBST, an individual; and
TIMOTHY P. HERBST, as Special Administrator of
the Estate of Jerry Herbst, deceased,
Respondents.

Docket No. 83640

K. Whether appeal involves child custody or visitation: No.

L. Whether appeal involves possibility of settlement: Yes.

Affirmation

Pursuant to NRS § 239B.030, the undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

1 DATED this 6th day of June, 2022.

2 ROBERTSON, JOHNSON,
3 MILLER & WILLIAMSON

4 By: /s/ Richard D. Williamson
5 Richard D. Williamson, Esq.
6 Jonathan Joel Tew, Esq.

7 and

8 LEMONS, GRUNDY & EISENBERG

9 By: /s/ Robert L. Eisenberg
10 Robert L. Eisenberg, Esq.

11 *Attorneys for Plaintiffs/Counterdefendants/*
12 *Appellants*

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of Robertson, Johnson, Miller & Williamson, 50 West Liberty Street, Suite 600, Reno, Nevada 89501, over the age of 18, and not a party within this action. I further certify that on the 6th day of June, 2022, I electronically filed the foregoing **CASE APPEAL STATEMENT** with the Clerk of the Court by using the ECF system which served the following parties electronically:

John P. Desmond, Esq.
Brian R. Irvine, Esq.
Anjali D. Webster, Esq.
Dickinson Wright
100 West Liberty Street, Suite 940
Reno, NV 89501
Attorneys for Defendants/Counterclaimants

Robert L. Eisenberg, Esq.
Lemons, Grundy & Eisenberg
6005 Plumas Street, Third Floor
Reno NV 89519
775-786-6868
*Attorneys for Plaintiffs/
Counterdefendants*

/s/ Stefanie E. Smith

An Employee of Robertson, Johnson, Miller & Williamson

SECOND JUDICIAL DISTRICT COURT**STATE OF NEVADA****COUNTY OF WASHOE****Case History - CV14-01712****Case Description: LARRY J. WILLARD, ETAL VS BERRY-HINCKLEY, ETAL (D6)****Case Number: CV14-01712 Case Type: OTHER CONTRACTS/ACCT/JUDG - Initially Filed On: 8/8/2014****Parties**

<u>Party Type & Name</u>	<u>Party Status</u>
JUDG - LYNNE K. SIMONS - D6	Active
PLTF - OVERLAND DEVELOPMENT CORPORATION - @1262966	Active
PLTF - LARRY J WILLARD - @1262965	Active
PLTF - JUDITH A WOOLEY - @1166448	Active
PLTF - LARRY JAMES WILLARD TRUST FUND - @1262967	Active
PLTF - EDWARD C WOOLEY AND JUDITH A WOOLEY REVOCABLE TRUST - @1166449	Active
PLTF - EDWARD C WOOLEY - @1166447	Active
DEFT - JH, INC. - @1135067	Active
DEFT - BERRY-HINCKLEY INDUSTRIES - @14113	Active
DEFT - JERRY HERBST - @1251632	Active
ATTY - Jonathan J. Tew, Esq. - 11874	Active
ATTY - John P. Desmond, Esq. - 5618	Active
ATTY - David C. O'Mara, Esq. - 8599	Party ended on: 3/15/2018 12:00:00AM
ATTY - Richard D. Williamson, Esq. - 9932	Active
ATTY - Brian R. Irvine, Esq. - 7758	Active
ATTY - Kathleen M. Brady, Esq. - 11525	Party ended on: 2/10/2017 12:00:00AM
ATTY - Robert L. Eisenberg, Esq. - 950	Active
ATTY - Anjali D. Webster, Esq. - 12515	Active
OATP - Brian P. Moquin, Esq. - A1237	Active

Disposed Hearings

- 1 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 6/26/2015 at 14:29:00
Extra Event Text: REQUEST FOR SUBMISSION OF DEFENDANTS' MOTION TO COMPEL DISCOVERY RESPONSES - UNOPPOSED, MICHAEL HAS PROPOSED
Event Disposition: S200 - 7/1/2015
- 2 Department: D6 -- Event: STATUS HEARING -- Scheduled Date & Time: 8/17/2015 at 11:00:00
Extra Event Text: RE: DISCOVERY ISSUES
Event Disposition: D435 - 8/17/2015
- 3 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 8/17/2015 at 13:48:00
Extra Event Text: DEFENDANTS' SECOND MOTION TO COMPEL DISCOVERY RESPONSES
Event Disposition: S200 - 8/18/2015
- 4 Department: B -- Event: STATUS CONFERENCE -- Scheduled Date & Time: 8/31/2015 at 10:00:00
Extra Event Text: RE: DISCOVERY
Event Disposition: D855 - 8/31/2015
- 5 Department: D6 -- Event: TRIAL - NON JURY -- Scheduled Date & Time: 1/11/2016 at 09:00:00
Extra Event Text: NO 1, BENCH, 8 DAYS
Event Disposition: D870 - 9/3/2015

- 6 Department: D6 -- Event: PRE-TRIAL CONFERENCE -- Scheduled Date & Time: 7/26/2016 at 10:00:00
Extra Event Text: TRIAL: 8/29/16
Event Disposition: D870 - 5/2/2016
- 7 Department: D6 -- Event: TRIAL - NON JURY -- Scheduled Date & Time: 8/29/2016 at 09:00:00
Extra Event Text: NO 1, 8 DAYS, BENCH
Event Disposition: D870 - 5/2/2016
- 8 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 9/19/2016 at 10:55:00
Extra Event Text: MOTION FOR PARTIAL SUMMARY JUDGMENT
Event Disposition: S200 - 12/9/2016
- 9 Department: D6 -- Event: ORAL ARGUMENTS -- Scheduled Date & Time: 1/10/2017 at 09:30:00
Extra Event Text: RE: MOTION FOR PARTIAL SJ
Event Disposition: D425 - 1/10/2017
- 10 Department: D6 -- Event: PRE-TRIAL CONFERENCE -- Scheduled Date & Time: 3/14/2017 at 13:30:00
Extra Event Text: TRIAL - 5/1/17
Event Disposition: D870 - 2/9/2017
- 11 Department: D6 -- Event: TRIAL - NON JURY -- Scheduled Date & Time: 5/1/2017 at 09:00:00
Extra Event Text: NO 2, BENCH, 8 DAYS
Event Disposition: D870 - 2/9/2017
- 12 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 12/8/2017 at 09:19:00
Extra Event Text: MOTION TO STRIKE AND/OR MOTION IN LIMINE TO EXCLUDE THE EXPERT TESTIMONY OF DANIEL GLUHAICH FILED 11-14-17
Event Disposition: S200 - 12/12/2017
- 13 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 12/8/2017 at 09:20:00
Extra Event Text: MOTION FOR PARTIAL SUMMARY JUDGMENT FILED 11-15--17
Event Disposition: S200 - 12/12/2017
- 14 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 12/8/2017 at 09:20:00
Extra Event Text: MOTION FOR SANCTIONS FILED 11-15-17
Event Disposition: S200 - 12/12/2017
- 15 Department: D6 -- Event: PRE-TRIAL CONFERENCE -- Scheduled Date & Time: 12/12/2017 at 10:00:00
Extra Event Text: TRIAL - 1/29/18
Event Disposition: D435 - 12/12/2017
- 16 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 12/18/2017 at 13:22:00
Extra Event Text: DEFENDANTS/COUNTERCLAIMANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT
Event Disposition: S200 - 1/4/2018
- 17 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 12/18/2017 at 13:46:00
Extra Event Text: DEFENDANTS/COUNTERCLAIMANTS' MOTION TO STRIKE AND/OR MOTION IN LIMINE TO EXCLUDE THE EXPERT TESTIMONY OF DANIE
Event Disposition: S200 - 1/4/2018
- 18 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 12/18/2017 at 13:22:00
Extra Event Text: DEFENDANTS/COUNTERCLAIMANTS' MOTION FOR SANCTIONS
Event Disposition: S200 - 1/4/2018
- 19 Department: D6 -- Event: ORAL ARGUMENTS -- Scheduled Date & Time: 1/12/2018 at 13:00:00
Extra Event Text: (ALL PENDING MOTIONS)
Event Disposition: D845 - 1/4/2018

- 20 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 1/23/2018 at 07:00:00
Extra Event Text: PROPOSED ORDERS SUBMITTED TO D6
Event Disposition: S200 - 3/6/2018
- 21 Department: D6 -- Event: TRIAL - NON JURY -- Scheduled Date & Time: 1/29/2018 at 09:00:00
Extra Event Text: NO 2, BENCH, 8 DAYS
Event Disposition: D845 - 1/18/2018
- 22 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 3/27/2018 at 15:34:00
Extra Event Text: REQUEST FOR ENTRY OF JUDGMENT FILED 3/09/18 - PROPOSED ORDER ATTACHED TO REQUEST
Event Disposition: S200 - 6/4/2018
- 23 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 3/27/2018 at 10:33:00
Extra Event Text: MOTION TO DISMISS COUNTERCLAIMS - PROPOSED ORDER ATTACHED TO NOTICE OF NON-OPPO FILED 3/27
Event Disposition: S200 - 4/13/2018
- 24 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 5/31/2018 at 08:46:00
Extra Event Text: REPLY IN SUPPORT OF WILLARD PLAINTIFFS' RULE 60(B) MOTION FOR RELIEF
Event Disposition: S200 - 7/11/2018
- 25 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 6/6/2018 at 10:24:00
Extra Event Text: REQUEST FOR SUBMISSION OF DEFENDANTS' MOTION TO EXCEED PAGE LIMIT ON DEFENDANTS' OPPOSITION TO THE WILLARD PLA
Event Disposition: S200 - 7/11/2018
- 26 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 6/11/2018 at 11:22:00
Extra Event Text: DEFENDANTS/COUNTERCLAIMANTS' MOTION FOR ATTORNEYS' FEES FILED 4-27-18
Event Disposition: S200 - 7/11/2018
- 27 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 6/29/2018 at 13:26:00
Extra Event Text: DEFENDANTS/COUNTERCLAIMANTS' MOTION TO STRIKE, OR IN THE ALTERNATIVE, MOTION FOR LEAVE TO FILE SUR-REPLY FILED 6-1
Event Disposition: S200 - 9/4/2018
- 28 Department: D6 -- Event: ORAL ARGUMENTS -- Scheduled Date & Time: 9/4/2018 at 13:30:00
Extra Event Text: PLAINTIFF'S RULE 60(b) MOTION
Event Disposition: D840 - 9/4/2018
- 29 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 9/4/2018 at 17:00:00
Extra Event Text: PLAINTIFF'S RULE 60(B) MOTION TAKEN UNDER ADVISMENT
Event Disposition: S200 - 11/30/2018
- 30 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 12/4/2018 at 16:03:00
Extra Event Text: REQUEST FOR ENTRY OF JUDGMENT
Event Disposition: S200 - 12/11/2018
- 31 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 1/3/2019 at 10:06:00
Extra Event Text: MOTION FOR ATTORNEYS' FEES FIELD 427-18 AND ITS SUPPLEMENT TO MOTION FOR ATTORNEYS FEE (SUPPLEMENT) FILED 12-11-18
Event Disposition: S200 - 3/8/2019
- 32 Department: D6 -- Event: STATUS HEARING -- Scheduled Date & Time: 4/21/2021 at 11:00:00
Extra Event Text: REMAND FROM SUP CT
Event Disposition: D260 - 4/21/2021
- 33 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 6/29/2021 at 16:14:00
Extra Event Text: MOTION TO STRIKE DEFENDANTS PROPOSED ORDER OR IN THE ALTERNATIVE OBJECTION TO DEFENDANTS PROPOSED ORDER ON
Event Disposition: S200 - 9/10/2021

- 34 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 8/19/2021 at 09:37:00
Extra Event Text: MOTION FOR RELIEF UNDER NRCP 60(B)(5)&(6) FILED 7/13/2021 - BINDER BUILT
Event Disposition: S200 - 11/10/2021
- 35 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 8/27/2021 at 14:06:00
Extra Event Text: REQUEST FOR SUBMISSION OF DEFENDANTS' MOTION TO EXCEED PAGE LIMITS ON DEFENDANTS' OPPOSITION TO THE WILLARD PL
Event Disposition: S200 - 10/29/2021
- 36 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 12/2/2021 at 10:05:00
Extra Event Text: Motion for Leave to File Motion for Reconsideration and Motion for Reconsideration of Order Holding Plaintiffs' Motion for Relief Under NRCP 60(b)
Event Disposition: S200 - 2/10/2022

Actions

- | | <u>Filing Date</u> | <u>-</u> | <u>Docket Code & Description</u> |
|----|--------------------|----------|--|
| 1 | 8/8/2014 | - | \$1425 - \$Complaint - Civil
Additional Text: Transaction 4554518 - Approved By: MFERNAND : 08-11-2014:08:58:03 |
| 2 | 8/8/2014 | - | \$PLTF - \$Addl Plaintiff/Complaint
Additional Text: EDWARD C. WOOLEY - Transaction 4554518 - Approved By: MFERNAND : 08-11-2014:08:58:03 |
| 3 | 8/8/2014 | - | \$PLTF - \$Addl Plaintiff/Complaint
Additional Text: JUDITH A. WOOLEY - Transaction 4554518 - Approved By: MFERNAND : 08-11-2014:08:58:03 |
| 4 | 8/8/2014 | - | \$PLTF - \$Addl Plaintiff/Complaint
Additional Text: OVERLAND DEVELOPMENT CORPORATION - Transaction 4554518 - Approved By: MFERNAND : 08-11-2014:08:58:03 |
| 5 | 8/8/2014 | - | \$PLTF - \$Addl Plaintiff/Complaint
Additional Text: LARRY JAMES WILLARD TRUST FUND - Transaction 4554518 - Approved By: MFERNAND : 08-11-2014:08:58:03 |
| 6 | 8/8/2014 | - | \$PLTF - \$Addl Plaintiff/Complaint
Additional Text: EDWARD C. WOOLEY AND JUDITH A. WOOLEY REVOCABLE TRUST - Transaction 4554518 - Approved By: MFERNAND : 08-11-2014:08:58:03 |
| 7 | 8/11/2014 | - | PAYRC - **Payment Received
Additional Text: A Payment of \$410.00 was made on receipt DCDC465428. |
| 8 | 8/11/2014 | - | 4090 - ** Summons Issued
Additional Text: X3 |
| 9 | 9/5/2014 | - | 1005 - Acceptance of Service
Additional Text: ACCEPTANCE OF SERVICE OF SUMMONS AND COMPLAINT ON BEHALF OF DEFTS, BERRY-HINCKLEY INDUSTRIES, JERRY HERBST, AND JH, INC - Transaction 4594499 - Approved By: ADEGAYNE : 09-05-2014:16:46:20 |
| 10 | 9/5/2014 | - | NEF - Proof of Electronic Service
Additional Text: Transaction 4594520 - Approved By: NOREVIEW : 09-05-2014:16:47:29 |
| 11 | 10/6/2014 | - | 1130 - Answer ...
Additional Text: DEFENDANTS' ANSWER TO PLAINTIFFS' COMPLAINT - Transaction 4638541 - Approved By: YVILORIA : 10-06-2014:15:04:52 |
| 12 | 10/6/2014 | - | \$1560 - \$Def 1st Appearance - CV
Additional Text: BERRY HINCKLEY INDUSTRIES - Transaction 4638541 - Approved By: YVILORIA : 10-06-2014:15:04:52 |
| 13 | 10/6/2014 | - | \$DEFT - \$Addl Def/Answer - Prty/Appear
Additional Text: JERRY HERBST - Transaction 4638541 - Approved By: YVILORIA : 10-06-2014:15:04:52 |

- 14 10/6/2014 - 2155 - Mtn Partial Dismissal ...
Additional Text: MOTION TO PARTIALLY DISMISS PLAINTIFF'S COMPLAINT - Transaction 4638582 - Approved By: ASMITH : 10-06-2014:15:19:30
- 15 10/6/2014 - PAYRC - **Payment Receipted
Additional Text: A Payment of \$243.00 was made on receipt DCDC473125.
- 16 10/6/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4638911 - Approved By: NOREVIEW : 10-06-2014:15:05:49
- 17 10/6/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4638981 - Approved By: NOREVIEW : 10-06-2014:15:20:28
- 18 10/6/2014 - 3975 - Statement ...
Additional Text: DEFENDANTS' NEVADA RULE OF CIVIL PROCEDURE 7.1 DISCLOSURE STATEMENT - Transaction 4639344 - Approved By: MCHOLICO : 10-07-2014:08:46:06
- 19 10/7/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4639781 - Approved By: NOREVIEW : 10-07-2014:08:46:58
- 20 10/28/2014 - 2490 - Motion ...
Additional Text: MOTION TO ASSOCIATE COUNSEL - Transaction 4672894 - Approved By: YLLOYD : 10-29-2014:10:48:19
- 21 10/29/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4673457 - Approved By: NOREVIEW : 10-29-2014:10:49:16
- 22 10/29/2014 - 2610 - Notice ...
Additional Text: DEFT'S NOTICE OF NON-OPPOSITION TO PLAINTIFFS' MOTION TO ASSOCIATE COUNSEL - Transaction 4674760 - Approved By: YLLOYD : 10-30-2014:10:29:56
- 23 10/30/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4675503 - Approved By: NOREVIEW : 10-30-2014:10:30:41
- 24 11/3/2014 - A190 - Exempt from Arb (over \$50,000)
Additional Text: Transaction 4679022 - Approved By: NMASON : 11-03-2014:15:33:29
- 25 11/3/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4679128 - Approved By: NOREVIEW : 11-03-2014:15:34:32
- 26 11/10/2014 - 1250E - Application for Setting eFile
Additional Text: TRIAL - 1/11/16 - Transaction 4689820 - Approved By: NOREVIEW : 11-10-2014:15:33:00
- 27 11/10/2014 - 3696 - Pre-Trial Order
Additional Text: Transaction 4689820 - Approved By: NOREVIEW : 11-10-2014:15:33:00
- 28 11/10/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4689825 - Approved By: NOREVIEW : 11-10-2014:15:33:59
- 29 11/13/2014 - 2673 - Ord Admit to Practice PerSCR42
Additional Text: BRIAN P. MOQUIN, ESQ. - Transaction 4693280 - Approved By: NOREVIEW : 11-13-2014:09:50:52
- 30 11/13/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4693285 - Approved By: NOREVIEW : 11-13-2014:09:51:38
- 31 11/19/2014 - 2540 - Notice of Entry of Ord
Additional Text: Transaction 4703771 - Approved By: NOREVIEW : 11-19-2014:16:23:04

- 32 11/19/2014 - NEF - Proof of Electronic Service
Additional Text: Transaction 4703780 - Approved By: NOREVIEW : 11-19-2014:16:25:59
- 33 1/21/2015 - 1090 - Amended Complaint
Additional Text: Transaction 4782758 - Approved By: YLLOYD : 01-22-2015:09:05:39
- 34 1/22/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 4783171 - Approved By: NOREVIEW : 01-22-2015:09:06:37
- 35 1/23/2015 - 1360 - Certificate of Service
Additional Text: Transaction 4787093 - Approved By: YLLOYD : 01-26-2015:09:25:25
- 36 1/26/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 4787443 - Approved By: NOREVIEW : 01-26-2015:09:26:20
- 37 2/2/2015 - 1140 - Answer to Amended Complaint
Additional Text: DEFENDANTS' ANSWER TO PLAINTIFFS' AMENDED COMPLAINT - Transaction 4799508 - Approved By: MCHOLICO : 02-02-2015:16:58:17
- 38 2/2/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 4799673 - Approved By: NOREVIEW : 02-02-2015:16:59:09
- 39 2/4/2015 - 1835 - Joint Case Conference Report
Additional Text: Transaction 4803603 - Approved By: MCHOLICO : 02-04-2015:16:57:00
- 40 2/4/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 4803731 - Approved By: NOREVIEW : 02-04-2015:16:57:58
- 41 4/13/2015 - IMG - **Entered/Imaged on Wrong Case
Additional Text: 04-13-2015:13:48:16
- 42 4/13/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 4903899 - Approved By: NOREVIEW : 04-13-2015:13:49:15
- 43 4/13/2015 - 3980 - Stip and Order...
Additional Text: TO AMEND DEFENDANTS ANSWER PURSUANT TO NRCP 15(a) - Transaction 4904023 - Approved By: NOREVIEW : 04-13-2015:14:18:07
- 44 4/13/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 4904031 - Approved By: NOREVIEW : 04-13-2015:14:18:57
- 45 4/21/2015 - 1085 - Amended Answer
Additional Text: DEFENDANTS' AMENDED ANSWER TO PLAINTIFFS' AMENDED COMPLAINT AND COUNTERCLAIM - Transaction 4916942 - Approved By: CSULEZIC : 04-22-2015:09:00:25
- 46 4/22/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 4917536 - Approved By: NOREVIEW : 04-22-2015:09:01:26
- 47 4/23/2015 - 1650 - Errata...
Additional Text: Transaction 4920285 - Approved By: YLLOYD : 04-23-2015:13:13:29
- 48 4/23/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 4920643 - Approved By: NOREVIEW : 04-23-2015:13:14:20
- 49 5/27/2015 - 1145 - Answer to Counterclaim-Civil
Additional Text: PLAINTIFFS LARRY J. WILLARD AND OVERLAND DEVELOPMENT CORPORATION'S ANSWER TO DEFENDANT'S COUNTERCLAIM - Transaction 4971207 - Approved By: YVILORIA : 05-27-2015:14:17:34

- 50 5/27/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 4971317 - Approved By: NOREVIEW : 05-27-2015:14:18:34
- 51 6/17/2015 - 2610 - Notice ...
Additional Text: NOTICE OF CHANGE OF LAW FIRM AFFILIATION - Transaction 5004813 - Approved By: MCHOLICO : 06-17-2015:14:09:31
- 52 6/17/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5005081 - Approved By: NOREVIEW : 06-17-2015:14:10:34
- 53 6/17/2015 - 3373 - Other ...
Additional Text: COMMISSION AND AUTHORITY FOR ISSUANCE OF A SUBPOENA DUCES TECUM - Transaction 5005238 - Approved By: BRAMIREZ : 06-17-2015:14:50:51
- 54 6/17/2015 - 1030 - Affidavit in Support...
Additional Text: AFFIDAVIT OF BRIAN R IRVINE IN SUPPORT OF APPLICATION FOR ISSUANCE OF A COMMISSION TO SERVE SUBPOENA DUCES TECUM OUT OF STATE - Transaction 5005238 - Approved By: BRAMIREZ : 06-17-2015:14:50:51
- 55 6/17/2015 - 1270 - Application ...
Additional Text: APPLICATION FOR ISSUANCE OF COMMISSION TO SERVE OUT OF STATE SUBPOENA DUCES TECUM - Transaction 5005238 - Approved By: BRAMIREZ : 06-17-2015:14:50:51
- 56 6/17/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5005242 - Approved By: NOREVIEW : 06-17-2015:14:51:54
- 57 6/18/2015 - 1270 - Application ...
Additional Text: APPLICATION FOR ISSUANCE OF COMMISSION TO SERVE OUT OF STATE SUBPOENA DUCES TECUM
- 58 6/18/2015 - 1417 - Comm/Take Out/State Depo
No additional text exists for this entry.
- 59 6/18/2015 - 1030 - Affidavit in Support...
Additional Text: AFFIDAVIT OF BRIAN R. IRVINE IN SUPPORT OF APPLICATION FOR ISSUANCE OF A COMMISSION TO SERVE SUBPOENA DUCES TECUM OUT OF STATE
- 60 6/23/2015 - 2270 - Mtn to Compel...
Additional Text: DEFENDANTS' MOTION TO COMPEL DISCOVERY RESPONSES - Transaction 5013490 - Approved By: MCHOLICO : 06-23-2015:16:22:19
- 61 6/23/2015 - 1670 - Ex-Parte Mtn...
Additional Text: DEFENDANTS' EX PARTE MOTION FOR AN ORDER SHORTENING TIME - Transaction 5013506 - Approved By: MCHOLICO : 06-23-2015:16:31:02
- 62 6/23/2015 - 2520 - Notice of Appearance
Additional Text: ANJALI D. WEBSTER, ESQ FOR BERRY HINCKLEY IND. & JERRY HERBST - Transaction 5013655 - Approved By: CSULEZIC : 06-23-2015:16:46:47
- 63 6/23/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5013929 - Approved By: NOREVIEW : 06-23-2015:16:24:03
- 64 6/23/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5013982 - Approved By: NOREVIEW : 06-23-2015:16:32:00
- 65 6/23/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5014062 - Approved By: NOREVIEW : 06-23-2015:16:50:18
- 66 6/24/2015 - 3245 - Ord Shortening Time
Additional Text: Transaction 5014294 - Approved By: NOREVIEW : 06-24-2015:08:14:51

- 67 6/24/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5014298 - Approved By: NOREVIEW : 06-24-2015:08:15:51
- 68 6/24/2015 - 2540 - Notice of Entry of Ord
Additional Text: Transaction 5014829 - Approved By: NOREVIEW : 06-24-2015:10:19:12
- 69 6/24/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5014833 - Approved By: NOREVIEW : 06-24-2015:10:20:14
- 70 6/26/2015 - 2610 - Notice ...
Additional Text: NOTICE OF NON-OPPOSITION TO DEFENDANTS' MOTION TO COMPEL DISCOVERY RESPONSES - Transaction 5019676 - Approved By: YVILORIA : 06-26-2015:14:11:11
- 71 6/26/2015 - 3860 - Request for Submission
Additional Text: Transaction 5019704 - Approved By: YVILORIA : 06-26-2015:14:28:09
DOCUMENT TITLE: REQUEST FOR SUBMISSION OF DEFENDANTS' MOTION TO COMPEL DISCOVERY RESPONSES
PARTY SUBMITTING: JOHN P. DESMON
DATE SUBMITTED: JUNE 26, 2015
SUBMITTED BY: YVILORIA
DATE RECEIVED JUDGE OFFICE:
- 72 6/26/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5020106 - Approved By: NOREVIEW : 06-26-2015:14:12:09
- 73 6/26/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5020165 - Approved By: NOREVIEW : 06-26-2015:14:29:52
- 74 6/30/2015 - 1005 - Acceptance of Service
Additional Text: ACCEPTANCE OF SERVICE FOR DANIEL GLUHAICH - Transaction 5023355 - Approved By: YVILORIA : 06-30-2015:11:05:41
- 75 6/30/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5023756 - Approved By: NOREVIEW : 06-30-2015:11:08:21
- 76 7/1/2015 - S200 - Request for Submission Complet
Additional Text: order
- 77 7/1/2015 - 3060 - Ord Granting Mtn ...
Additional Text: TO COMPEL DISCOVERY RESPONSES - Transaction 5026316 - Approved By: NOREVIEW : 07-01-2015:11:06:30
- 78 7/1/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5026318 - Approved By: NOREVIEW : 07-01-2015:11:07:28
- 79 7/1/2015 - 2540 - Notice of Entry of Ord
Additional Text: Notice of Entry of Order Granting Defendants' Motion to Compel Discovery Responses - Transaction 5026791 - Approved By: NOREVIEW : 07-01-2015:13:36:34
- 80 7/1/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5026802 - Approved By: NOREVIEW : 07-01-2015:13:37:39
- 81 7/2/2015 - 3725 - Proof ...
Additional Text: RETURNED PROOF OF SERVICE - Transaction 5028916 - Approved By: YVILORIA : 07-02-2015:13:44:54
- 82 7/2/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5029075 - Approved By: NOREVIEW : 07-02-2015:13:45:57

- 83 7/10/2015 - 1270 - Application ...
Additional Text: APPLICATION FOR ISSUANCE OF COMMISSION TO SERVE OUT OF STATE SUBPOENA - Transaction 5039738 - Approved By: PMSEWELL : 07-10-2015:11:14:57
- 84 7/10/2015 - 1030 - Affidavit in Support...
Additional Text: AFFIDAVIT OF BRIAN R. IRVINE IN SUPPORT OF APPLICATION FOR ISSUANCE OF A COMMISSION TO SERVE SUBPOENA OUT OF STATE - Transaction 5039738 - Approved By: PMSEWELL : 07-10-2015:11:14:57
- 85 7/10/2015 - 2610 - Notice ...
Additional Text: NOTICE OF DEPOSITION OF DANIEL GLUHAICH - Transaction 5039738 - Approved By: PMSEWELL : 07-10-2015:11:14:57
- 86 7/10/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5039742 - Approved By: NOREVIEW : 07-10-2015:11:15:53
- 87 7/23/2015 - 1005 - Acceptance of Service
Additional Text: ACCEPTANCE OF SERVICE FOR DANIEL GLUHAICH - Transaction 5060473 - Approved By: YVILORIA : 07-24-2015:09:15:29
- 88 7/24/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5060803 - Approved By: NOREVIEW : 07-24-2015:09:16:24
- 89 7/24/2015 - 2490 - Motion ...
Additional Text: MOTION FOR CONTEMPT PURSUANT TO NRCP 45(e) AND MOTION FOR SANCTIONS AGAINST PLAINTIFFS' COUNSEL PURSUANT TO NRCP 37 - Transaction 5062411 - Approved By: MCHOLICO : 07-27-2015:09:20:48
- 90 7/24/2015 - 1670 - Ex-Parte Mtn...
Additional Text: DEFENDANTS' EX PARTE MOTION FOR AN ORDER SHORTENING TIME - Transaction 5062424 - Approved By: MCHOLICO : 07-27-2015:09:37:07
- 91 7/27/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5062618 - Approved By: NOREVIEW : 07-27-2015:09:21:38
- 92 7/27/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5062697 - Approved By: NOREVIEW : 07-27-2015:09:38:09
- 93 7/28/2015 - 3245 - Ord Shortening Time
Additional Text: Transaction 5065501 - Approved By: NOREVIEW : 07-28-2015:11:36:06
- 94 7/28/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5065510 - Approved By: NOREVIEW : 07-28-2015:11:37:16
- 95 7/28/2015 - 2540 - Notice of Entry of Ord
Additional Text: ORDER SHORTENING TIME ON DEFENDANTS' MOTION FOR CONTEMPT - Transaction 5066050 - Approved By: NOREVIEW : 07-28-2015:14:21:21
- 96 7/28/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5066057 - Approved By: NOREVIEW : 07-28-2015:14:22:46
- 97 8/7/2015 - 2270 - Mtn to Compel...
Additional Text: DEFENDANTS' SECOND MOTION TO COMPEL DISCOVERY RESPONSES - Transaction 5084135 - Approved By: CSULEZIC : 08-07-2015:16:17:01
- 98 8/7/2015 - 1670 - Ex-Parte Mtn...
Additional Text: DEFENDANTS' EX PARTE MOTION FOR AN ORDER SHORTENING TIME - Transaction 5084148 - Approved By: CSULEZIC : 08-07-2015:16:21:37
- 99 8/7/2015 - 3870 - Request
Additional Text: EMERGENCY REQUEST FOR STATUS CONFERENCE - Transaction 5084160 - Approved By: CSULEZIC : 08-07-2015:16:25:16

- 100 8/7/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5084332 - Approved By: NOREVIEW : 08-07-2015:16:18:02
- 101 8/7/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5084356 - Approved By: NOREVIEW : 08-07-2015:16:22:25
- 102 8/7/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5084369 - Approved By: NOREVIEW : 08-07-2015:16:26:03
- 103 8/11/2015 - 3245 - Ord Shortening Time
Additional Text: Transaction 5088563 - Approved By: NOREVIEW : 08-11-2015:15:22:38
- 104 8/11/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5088569 - Approved By: NOREVIEW : 08-11-2015:15:23:39
- 105 8/11/2015 - 2540 - Notice of Entry of Ord
Additional Text: ORDER SHORTENING TIME ON DEFENDANTS' SECOND MOTION TO COMPEL DISCOVERY RESPONSES - Transaction 5088869 - Approved By: NOREVIEW : 08-11-2015:16:27:10
- 106 8/11/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5088888 - Approved By: NOREVIEW : 08-11-2015:16:31:19
- 107 8/12/2015 - 3242 - Ord Setting Hearing
Additional Text: Transaction 5089844 - Approved By: NOREVIEW : 08-12-2015:11:20:20
- 108 8/12/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5089849 - Approved By: NOREVIEW : 08-12-2015:11:21:09
- 109 8/17/2015 - 3860 - Request for Submission
Additional Text: Transaction 5096449 - Approved By: YLLOYD : 08-17-2015:13:48:20
DOCUMENT TITLE: DEFENDANTS' SECOND MOTION TO COMPEL DISCOVERY RESPONSES (NO PAPER ORDER)
PARTY SUBMITTING: BRIAN IRVINE ESQ
DATE SUBMITTED: 8/17/15
SUBMITTED BY: YLLOYD
DATE RECEIVED JUDGE OFFICE:
- 110 8/17/2015 - 3105 - Ord Granting ...
Additional Text: Order Granting Defendant's Second Motion to Compel Discovery Responses - Transaction 5096818 - Approved By: NOREVIEW : 08-17-2015:12:19:57
- 111 8/17/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5096819 - Approved By: NOREVIEW : 08-17-2015:12:20:47
- 112 8/17/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5097014 - Approved By: NOREVIEW : 08-17-2015:13:49:20
- 113 8/18/2015 - S200 - Request for Submission Complet
Additional Text: order
- 114 9/3/2015 - MIN - ***Minutes
Additional Text: Status Hearing re: Discovery Issues - Transaction 5125808 - Approved By: NOREVIEW : 09-03-2015:10:32:40
- 115 9/3/2015 - NEF - Proof of Electronic Service
Additional Text: Transaction 5125811 - Approved By: NOREVIEW : 09-03-2015:10:33:42
- 116 9/3/2015 - 4045 - Stipulation to Continuance

Additional Text: STIPULATION AND ORDER TO CONTINUE TRIAL (FIRST REQUEST) - Transaction 5126559 - Approved By: TBRITTON : 09-03-2015:14:11:20

117 9/3/2015 - NEF - Proof of Electronic Service

Additional Text: Transaction 5126780 - Approved By: NOREVIEW : 09-03-2015:14:14:02

118 9/3/2015 - 4030 - Stip & Ord Continue Trial

Additional Text: Transaction 5127223 - Approved By: NOREVIEW : 09-03-2015:15:34:46

119 9/3/2015 - NEF - Proof of Electronic Service

Additional Text: Transaction 5127225 - Approved By: NOREVIEW : 09-03-2015:15:35:49

120 9/18/2015 - 1250 - Application for Setting

Additional Text: 7/26/16 (PTC) - 8/29/16 (TRIAL) - Transaction 5148698 - Approved By: CSULEZIC : 09-18-2015:15:36:20

121 9/18/2015 - NEF - Proof of Electronic Service

Additional Text: Transaction 5148919 - Approved By: NOREVIEW : 09-18-2015:15:37:20

122 3/14/2016 - 3980 - Stip and Order...

Additional Text: TO AMEND EXPERT DISCLOSURE DEADLINE - Transaction 5415641 - Approved By: NOREVIEW : 03-14-2016:14:36:14

123 3/14/2016 - NEF - Proof of Electronic Service

Additional Text: Transaction 5415644 - Approved By: NOREVIEW : 03-14-2016:14:37:12

124 5/2/2016 - 4030 - Stip & Ord Continue Trial

Additional Text: Transaction 5493313 - Approved By: NOREVIEW : 05-02-2016:11:05:40

125 5/2/2016 - NEF - Proof of Electronic Service

Additional Text: Transaction 5493317 - Approved By: NOREVIEW : 05-02-2016:11:06:38

126 5/9/2016 - 1250E - Application for Setting eFile

Additional Text: Transaction 5506807 - Approved By: NOREVIEW : 05-09-2016:16:44:27

127 5/9/2016 - NEF - Proof of Electronic Service

Additional Text: Transaction 5506809 - Approved By: NOREVIEW : 05-09-2016:16:45:16

128 6/22/2016 - 1320 - Case Conference Report

Additional Text: AMENDED JOINT RULE 16.1 CASE CONFERENCE REPORT - Transaction 5575415 - Approved By: RKWATKIN : 06-22-2016:16:35:54

129 6/22/2016 - NEF - Proof of Electronic Service

Additional Text: Transaction 5575550 - Approved By: NOREVIEW : 06-22-2016:16:37:08

130 8/1/2016 - 2490 - Motion ...

Additional Text: DEFENDANTS' MOTION TO EXCEED PAGE LIMIT ON DEFENDANTS/COUNTERCLAIMANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT - Transaction 5636441 - Approved By: BRAMIREZ : 08-01-2016:16:18:11

131 8/1/2016 - NEF - Proof of Electronic Service

Additional Text: Transaction 5636797 - Approved By: NOREVIEW : 08-01-2016:16:19:06

132 8/1/2016 - \$2160 - \$Mtn Partial Sum Judgment

Additional Text: DEFENDANTS/COUNTERCLAIMANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT - Transaction 5636821 - Approved By: CSULEZIC : 08-02-2016:09:07:09

133 8/2/2016 - PAYRC - **Payment Receipted

Additional Text: A Payment of \$200.00 was made on receipt DCDC548267.

- 134 8/2/2016 - NEF - Proof of Electronic Service
Additional Text: Transaction 5637206 - Approved By: NOREVIEW : 08-02-2016:09:10:13
- 135 8/16/2016 - 3060 - Ord Granting Mtn ...
Additional Text: ORDER GRANTING MOTION TO EXCEED PAGE LIMIT - Transaction 5660710 - Approved By: NOREVIEW : 08-16-2016:11:58:17
- 136 8/16/2016 - NEF - Proof of Electronic Service
Additional Text: Transaction 5660712 - Approved By: NOREVIEW : 08-16-2016:11:59:08
- 137 8/30/2016 - 2650 - Opposition to ...
Additional Text: PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT - Transaction 5685608 - Approved By: TBRITTON : 08-31-2016:11:07:54
- 138 8/30/2016 - 1046 - Affidavit of Plaintiff
Additional Text: AFFIDAVIT OF LARRY J. WILLARD - Transaction 5685608 - Approved By: TBRITTON : 08-31-2016:11:07:54
- 139 8/30/2016 - 1046 - Affidavit of Plaintiff
Additional Text: AFFIDAVIT OF EDWARD C. WOOLEY - Transaction 5685608 - Approved By: TBRITTON : 08-31-2016:11:07:54
- 140 8/30/2016 - 1075 - Affidavit ...
Additional Text: AFFIDAVIT OF BRIAN P. MOQUIN - Transaction 5685608 - Approved By: TBRITTON : 08-31-2016:11:07:54
- 141 8/31/2016 - NEF - Proof of Electronic Service
Additional Text: Transaction 5686337 - Approved By: NOREVIEW : 08-31-2016:11:09:26
- 142 9/16/2016 - 2490 - Motion ...
Additional Text: DEFENDANTS/COUNTERCLAIMANTS' MOTION TO EXCEED PAGE LIMIT ON REPLY IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT - Transaction 5712301 - Approved By: YLLOYD : 09-16-2016:16:36:36
- 143 9/16/2016 - NEF - Proof of Electronic Service
Additional Text: Transaction 5712779 - Approved By: NOREVIEW : 09-16-2016:16:37:39
- 144 9/16/2016 - 3795 - Reply...
Additional Text: DEFENDANTS' REPLY BRIEF IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT - Transaction 5712853 - Approved By: YVILORIA : 09-19-2016:08:59:36
- 145 9/19/2016 - NEF - Proof of Electronic Service
Additional Text: Transaction 5713129 - Approved By: NOREVIEW : 09-19-2016:09:00:52
- 146 9/19/2016 - 3860 - Request for Submission
Additional Text: MOTION FOR PARTIAL SUMMARY JUDGMENT - Transaction 5713181 - Approved By: CSULEZIC : 09-19-2016:10:06:50
PARTY SUBMITTING: BRIAN IRVINE ESQ
DATE SUBMITTED: 9/19/16
SUBMITTED BY: CS
DATE RECEIVED JUDGE OFFICE:
- 147 9/19/2016 - NEF - Proof of Electronic Service
Additional Text: Transaction 5713382 - Approved By: NOREVIEW : 09-19-2016:10:07:48
- 148 9/20/2016 - 3105 - Ord Granting ...
Additional Text: MOTION TO EXCEED PAGE LIMIT ON REPLY & ORDER FOR COURTESY COPIES - Transaction 5717232 - Approved By: NOREVIEW : 09-20-2016:16:05:56
- 149 9/20/2016 - NEF - Proof of Electronic Service
Additional Text: Transaction 5717243 - Approved By: NOREVIEW : 09-20-2016:16:07:14
- 150 12/2/2016 - 1610 - Disclosure of Expert Witness
Additional Text: DEFENDANTS' DISCLOSURE OF EXPERT WITNESS MICHELLE SALAZAR - Transaction 5834869 - Approved By: YVILORIA : 12-05-2016:08:47:13

- 151 12/5/2016 - NEF - Proof of Electronic Service
Additional Text: Transaction 5835126 - Approved By: NOREVIEW : 12-05-2016:08:48:11
- 152 12/5/2016 - 1368 - Certificate ...
Additional Text: AMENDED CERTIFICATE OF SERVICE - Transaction 5835833 - Approved By: PMSEWELL : 12-05-2016:11:50:59
- 153 12/5/2016 - NEF - Proof of Electronic Service
Additional Text: Transaction 5835928 - Approved By: NOREVIEW : 12-05-2016:11:52:16
- 154 12/9/2016 - 3242 - Ord Setting Hearing
Additional Text: Transaction 5846456 - Approved By: NOREVIEW : 12-09-2016:14:51:10
- 155 12/9/2016 - S200 - Request for Submission Complet
Additional Text: ORDER
- 156 12/9/2016 - NEF - Proof of Electronic Service
Additional Text: Transaction 5846469 - Approved By: NOREVIEW : 12-09-2016:14:52:30
- 157 12/14/2016 - 1250 - Application for Setting
Additional Text: DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT - JANUARY 10, 2017 AT 9:30 AM - Transaction 5853591
- Approved By: TBRITTON : 12-14-2016:13:34:24
- 158 12/14/2016 - NEF - Proof of Electronic Service
Additional Text: Transaction 5853762 - Approved By: NOREVIEW : 12-14-2016:13:35:07
- 159 12/20/2016 - 4105 - Supplemental ...
Additional Text: SUPPLEMENT TO DEFENDANTS/COUNTERCLAIMANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT - Transaction 5863245 - Approved By: CSULEZIC : 12-20-2016:11:23:38
- 160 12/20/2016 - NEF - Proof of Electronic Service
Additional Text: Transaction 5863359 - Approved By: NOREVIEW : 12-20-2016:11:26:30
- 161 1/16/2017 - 4185 - Transcript
Additional Text: 1/10/17 - Hearing on Motion for Partial Summary Judgment - Transaction 5898584 - Approved By: NOREVIEW : 01-16-2017:15:25:36
- 162 1/16/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 5898585 - Approved By: NOREVIEW : 01-16-2017:15:26:26
- 163 1/30/2017 - 2630 - Objection to ...
Additional Text: PLAINTIFFS' OBJECTIONS TO DEFENDANTS' PROPOSED ORDER GRANTING PARTIAL SUMMARY JUDGMENT IN FAVOR OF DEFENDANTS - Transaction 5923951 - Approved By: YVILORIA : 01-30-2017:15:07:08
- 164 1/30/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 5924139 - Approved By: NOREVIEW : 01-30-2017:15:08:04
- 165 1/31/2017 - MIN - ***Minutes
Additional Text: Oral Arguments 1/10/17 - Transaction 5926360 - Approved By: NOREVIEW : 01-31-2017:14:21:22
- 166 1/31/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 5926384 - Approved By: NOREVIEW : 01-31-2017:14:23:01
- 167 2/2/2017 - 3880 - Response...
Additional Text: DEFENDANTS/COUNTERCLAIMANTS' RESPONSE TO PLAINTIFFS' OBJECTIONS TO DEFENDANTS' PROPOSED ORDER GRANTING PARTIAL SUMMARY JUDGMENT IN FAVOR OF DEFENDANTS - Transaction 5931033 - Approved By: TBRITTON : 02-02-2017:13:27:12

- 168 2/2/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 5931052 - Approved By: NOREVIEW : 02-02-2017:13:28:11
- 169 2/9/2017 - 4030 - Stip & Ord Continue Trial
Additional Text: Transaction 5943531 - Approved By: NOREVIEW : 02-09-2017:13:14:43
- 170 2/9/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 5943534 - Approved By: NOREVIEW : 02-09-2017:13:15:43
- 171 2/9/2017 - 2610 - Notice ...
Additional Text: NOTICE OF DISASSOCIATION OF COUNSEL AND REQUEST TO BE REMOVED FROM ELECTRONIC NOTICING ON THIS MATTER - Transaction 5944914 - Approved By: YVILORIA : 02-10-2017:08:07:24
- 172 2/10/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 5944986 - Approved By: NOREVIEW : 02-10-2017:08:08:27
- 173 2/16/2017 - 1250E - Application for Setting eFile
Additional Text: Transaction 5954691 - Approved By: NOREVIEW : 02-16-2017:12:39:34
- 174 2/16/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 5954693 - Approved By: NOREVIEW : 02-16-2017:12:40:26
- 175 5/30/2017 - 3105 - Ord Granting ...
Additional Text: PARTIAL SUMMARY JUDGMENT IN FAVOR OF DEFENDANTS - Transaction 6123806 - Approved By: NOREVIEW : 05-30-2017:16:42:21
- 176 5/30/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 6123812 - Approved By: NOREVIEW : 05-30-2017:16:43:22
- 177 5/31/2017 - 2540 - Notice of Entry of Ord
Additional Text: Transaction 6124745 - Approved By: NOREVIEW : 05-31-2017:11:10:55
- 178 5/31/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 6124752 - Approved By: NOREVIEW : 05-31-2017:11:11:55
- 179 10/17/2017 - \$2200 - \$Mtn for Summary Judgment
Additional Text: DFX: INDEX OF EXHIBITS IS MARKED AS EXHIBIT ONE INSTEAD OF ATTACHED TO THE MOTION - MOTION FOR SUMMARY JUDGMENT OF PLAINTIFFS EDWARD C. WOOLEY AND JUDITH A. WOOLEY - Transaction 6351933 - Approved By: CSULEZIC : 10-18-2017:09:35:48
- 180 10/17/2017 - 1520 - Declaration
Additional Text: Affidavit of Edward C. Wooley - Transaction 6351933 - Approved By: CSULEZIC : 10-18-2017:09:35:48
- 181 10/17/2017 - 1520 - Declaration
Additional Text: Affidavit of Daniel Gluhaich - Transaction 6351933 - Approved By: CSULEZIC : 10-18-2017:09:35:48
- 182 10/17/2017 - 1520 - Declaration
Additional Text: Affidavit of Brian P. Moquin - Transaction 6351933 - Approved By: CSULEZIC : 10-18-2017:09:35:48
- 183 10/18/2017 - PAYRC - **Payment Receipted
Additional Text: A Payment of \$200.00 was made on receipt DCDC589507.
- 184 10/18/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 6352252 - Approved By: NOREVIEW : 10-18-2017:09:37:52

- 185 10/18/2017 - \$2200 - \$Mtn for Summary Judgment
Additional Text: MOTION FOR SUMMARY JUDGMENT OF PLAINTIFFS LARRY J. WILLARD AND OVERLAND DEVELOPMENT CORPORATION - Transaction 6353981 - Approved By: CSULEZIC : 10-18-2017:16:18:43
- 186 10/18/2017 - 1520 - Declaration
Additional Text: Affidavit of Larry J. Willard - Transaction 6353981 - Approved By: CSULEZIC : 10-18-2017:16:18:43
- 187 10/18/2017 - 1520 - Declaration
Additional Text: Affidavit of Daniel Gluhaich - Transaction 6353981 - Approved By: CSULEZIC : 10-18-2017:16:18:43
- 188 10/18/2017 - 1520 - Declaration
Additional Text: Affidavit of Brian P. Moquin - Transaction 6353981 - Approved By: CSULEZIC : 10-18-2017:16:18:43
- 189 10/18/2017 - PAYRC - **Payment Receipted
Additional Text: A Payment of \$200.00 was made on receipt DCDC589603.
- 190 10/18/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 6354049 - Approved By: NOREVIEW : 10-18-2017:16:19:50
- 191 10/25/2017 - COC - Evidence Chain of Custody Form
No additional text exists for this entry.
- 192 11/13/2017 - 2490 - Motion ...
Additional Text: DEFENDANTS'/COUNTERCLAIMANTS' MOTION TO EXCEED PAGE LIMIT ON DEFENDANTS'/COUNTERCLAIMANTS' OPPOSITION TO LARRY J. WILLARD AND OVERLAND DEVELOPMENT CORPORATIONS' MOTION FOR SUMMARY JUDGMENT - Transaction 6391047 - Approved By: CSULEZIC : 11-13-2017:13:14:15
- 193 11/13/2017 - 2490 - Motion ...
Additional Text: DEFENDANTS'/COUNTERCLAIMANTS' MOTION TO EXCEED PAGE LIMIT ON DEFENDANTS'/COUNTERCLAIMANTS' OPPOSITION TO EDWARD C. WOOLEY AND JUDITH A. WOOLEYS' MOTION FOR SUMMARY JUDGMENT - Transaction 6391080 - Approved By: CSULEZIC : 11-13-2017:13:24:51
- 194 11/13/2017 - 2645 - Opposition to Mtn ...
Additional Text: DEFENDANTS'/COUNTERCLAIMANTS' OPPOSITION TO EDWARD C. WOOLEY AND JUDITH A. WOOLEYS' MOTION FOR SUMMARY JUDGMENT - Transaction 6391524 - Approved By: BVIRREY : 11-13-2017:14:15:42
- 195 11/13/2017 - 2645 - Opposition to Mtn ...
Additional Text: DEFENDANTS'/COUNTERCLAIMANTS' OPPOSITION TO LARRY WILLARD AND OVERLAND DEVELOPMENT CORPORATION'S MOTION FOR SUMMARY JUDGMENT - Transaction 6391650 - Approved By: BVIRREY : 11-13-2017:14:20:27
- 196 11/13/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 6391676 - Approved By: NOREVIEW : 11-13-2017:13:15:15
- 197 11/13/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 6391740 - Approved By: NOREVIEW : 11-13-2017:13:25:48
- 198 11/13/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 6391999 - Approved By: NOREVIEW : 11-13-2017:14:18:32
- 199 11/13/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 6392044 - Approved By: NOREVIEW : 11-13-2017:14:22:46
- 200 11/14/2017 - 2490 - Motion ...
Additional Text: DEFENDANTS'/COUNTERCLAIMANTS' MOTION TO EXCEED PAGE LIMIT ON DEFENDANTS'/COUNTERCLAIMANTS' MOTION TO STRIKE AND/OR MOTION IN LIMINE TO EXCLUDE THE EXPERT TESTIMONY OF D. GLUHAICH - Transaction 6393437 - Approved By: PMSEWELL : 11-14-2017:11:33:30
- 201 11/14/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 6393683 - Approved By: NOREVIEW : 11-14-2017:11:34:33

- 202 11/14/2017 - 2475 - Mtn to Strike...
Additional Text: DEFENDANTS'/COUNTERCLAIMANTS' MOTION TO STRIKE AND/OR MOTION IN LIMINE TO EXCLUDE THE EXPERT TESTIMONY OF DANIEL. GLUHAICH - Transaction 6394696 - Approved By: PMSEWELL : 11-14-2017:16:33:26
- 203 11/14/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 6394868 - Approved By: NOREVIEW : 11-14-2017:16:34:30
- 204 11/15/2017 - \$2160 - \$Mtn Partial Sum Judgment
Additional Text: DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT - Transaction 6395866 - Approved By: PMSEWELL : 11-15-2017:13:23:11
- 205 11/15/2017 - PAYRC - **Payment Receipted
Additional Text: A Payment of \$200.00 was made on receipt DCDC592564.
- 206 11/15/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 6396015 - Approved By: NOREVIEW : 11-15-2017:13:24:25
- 207 11/15/2017 - 2490 - Motion ...
Additional Text: DEFENDANTS'/COUNTERCLAIMANTS' MOTION TO EXCEED PAGE LIMIT ON DEFENDANTS'/COUNTERCLAIMANTS' MOTION FOR SANCTIONS - Transaction 6397062 - Approved By: PMSEWELL : 11-16-2017:08:37:10
- 208 11/15/2017 - 2185 - Mtn for Sanctions
Additional Text: DEFENDANTS'/COUNTERCLAIMANTS' MOTION FOR SANCTIONS - Transaction 6397083 - Approved By: PMSEWELL : 11-16-2017:08:44:30
- 209 11/16/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 6397241 - Approved By: NOREVIEW : 11-16-2017:08:38:11
- 210 11/16/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 6397290 - Approved By: NOREVIEW : 11-16-2017:08:46:14
- 211 12/6/2017 - 2075 - Mtn for Extension of Time
Additional Text: PLTF'S REQUEST FOR A BRIEF EXTENSION OF TIME TO RESPOND TO DEFTS' THREE PENDING MOTIONS, AND TO EXTEND THE DEADLINE FOR SUBMISSION OF DISPOSITIVE MOTIONS - Transaction 6426442 - Approved By: SWILLIAM : 12-06-2017:15:21:41
- 212 12/6/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 6426533 - Approved By: NOREVIEW : 12-06-2017:15:22:42
- 213 12/7/2017 - 2610 - Notice ...
Additional Text: NOTICE OF NON-OPPOSITION TO DEFENDANTS'/COUNTERCLAIMANTS MOTION FOR PARTIAL SUMMARY JUDGMENT - Transaction 6429596 - Approved By: PMSEWELL : 12-08-2017:08:45:16
- 214 12/7/2017 - 2610 - Notice ...
Additional Text: NOTICE OF NON-OPPOSITION TO DEFENDANTS'/COUNTERCLAIMANTS MOTION FOR SANCTIONS - Transaction 6429615 - Approved By: PMSEWELL : 12-08-2017:09:14:54
- 215 12/7/2017 - 2610 - Notice ...
Additional Text: NOTICE OF NON-OPPOSITION TO DEFENDANTS'/COUNTERCLAIMANTS MOTION TO STRIKE AND/OR MOTION IN LIMINE TO EXCLUDE THE EXPERT TESTIMONY OF DANIEL GLUHAICH - Transaction 6429645 - Approved By: YVILORIA : 12-08-2017:08:34:57
- 216 12/7/2017 - 3860 - Request for Submission
Additional Text: Transaction 6429670 - Approved By: YVILORIA : 12-08-2017:08:42:59
DOCUMENT TITLE: MOTION FOR PARTIAL SUMMARY JUDGMENT FILED 11-15--17
PARTY SUBMITTING: BRIAN R. IRVINE ESQ
DATE SUBMITTED: DEC 8, 2017
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:
- 217 12/7/2017 - 3860 - Request for Submission

Additional Text: Transaction 6429683 - Approved By: YVILORIA : 12-08-2017:08:44:11

DOCUMENT TITLE: MOTION FOR SANCTIONS FILED 11-15-17 -

PARTY SUBMITTING: BRIAN R IRVINE ESQ

DATE SUBMITTED: DEC 8, 2017

SUBMITTED BY: YVILORIA

DATE RECEIVED JUDGE OFFICE:

218 12/7/2017 - 3860 - Request for Submission

Additional Text: Transaction 6429701 - Approved By: YVILORIA : 12-08-2017:08:45:30

DOCUMENT TITLE: MOTION TO STRIKE AND/OR MOTION IN LIMINE TO EXCLUDE THE EXPERT TESTIMONY OF DANIEL GLUHAICH
FILED 11-14-17

PARTY SUBMITTING: BRIAN R. IRVINE ESQ

DATE SUBMITTED: DEC 8, 2017

SUBMITTED BY: YVILORIA

DATE RECEIVED JUDGE OFFICE:

219 12/8/2017 - NEF - Proof of Electronic Service

Additional Text: Transaction 6429874 - Approved By: NOREVIEW : 12-08-2017:08:35:56

220 12/8/2017 - NEF - Proof of Electronic Service

Additional Text: Transaction 6429886 - Approved By: NOREVIEW : 12-08-2017:08:43:59

221 12/8/2017 - NEF - Proof of Electronic Service

Additional Text: Transaction 6429889 - Approved By: NOREVIEW : 12-08-2017:08:45:08

222 12/8/2017 - NEF - Proof of Electronic Service

Additional Text: Transaction 6429893 - Approved By: NOREVIEW : 12-08-2017:08:46:18

223 12/8/2017 - NEF - Proof of Electronic Service

Additional Text: Transaction 6429895 - Approved By: NOREVIEW : 12-08-2017:08:46:27

224 12/8/2017 - NEF - Proof of Electronic Service

Additional Text: Transaction 6429948 - Approved By: NOREVIEW : 12-08-2017:09:16:17

225 12/12/2017 - S200 - Request for Submission Complet

Additional Text: PLAINTIFF SHALL RESPOND NO LATER THAN 12/18/17; DEFENDANT SHALL REPLY NO LATER THAN 1/8/18; ORAL
ARGUMENTS SET FOR 1/12/18 AT 1:00 P.M.

226 12/12/2017 - S200 - Request for Submission Complet

Additional Text: PLAINTIFF SHALL RESPOND NO LATER THAN 12/18/17; DEFENDANT SHALL REPLY NO LATER THAN 1/8/18; ORAL
ARGUMENTS SET FOR 1/12/18 AT 1:00 P.M.

227 12/12/2017 - S200 - Request for Submission Complet

Additional Text: PLAINTIFF SHALL RESPOND NO LATER THAN 12/18/17; DEFENDANT SHALL REPLY NO LATER THAN 1/8/18; ORAL
ARGUMENTS SET FOR 1/12/18 AT 1:00 P.M.

228 12/14/2017 - 4185 - Transcript

Additional Text: 121217.hearing - Transaction 6440497 - Approved By: NOREVIEW : 12-14-2017:19:02:37

229 12/14/2017 - NEF - Proof of Electronic Service

Additional Text: Transaction 6440498 - Approved By: NOREVIEW : 12-14-2017:19:03:36

230 12/18/2017 - 2610 - Notice ...

Additional Text: NOTICE OF NON-OPPOSITION TO DEFENDANTS/COUNTERCLAIMANTS MOTION FOR PARTIAL SUMMARY JUDGMENT -
Transaction 6443150 - Approved By: YVILORIA : 12-18-2017:13:09:06

231 12/18/2017 - 2610 - Notice ...

Additional Text: NOTICE OF NON-OPPOSITION TO DEFENDANTS/COUNTERCLAIMANTS MOTION FOR SANCTIONS - Transaction
6443159 - Approved By: YVILORIA : 12-18-2017:13:09:20

- 232 12/18/2017 - 2610 - Notice ...
Additional Text: NOTICE OF NON-OPPOSITION TO DEFENDANTS/COUNTERCLAIMANTS' MOTION TO STRIKE AND/OR MOTION IN LIMINE TO EXCLUDE THE EXPERT TESTIMONY OF DANIEL GLUHAICH - Transaction 6443172 - Approved By: YVILORIA : 12-18-2017:13:14:14
- 233 12/18/2017 - 3860 - Request for Submission
Additional Text: - Transaction 6443177 - Approved By: YVILORIA : 12-18-2017:13:15:42
DOCUMENT TITLE: DEFENDANTS/COUNTERCLAIMANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT
PARTY SUBMITTING: BRIAN R IRVINE ESQ
DATE SUBMITTED: DEC 18, 2017
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:
- 234 12/18/2017 - 3860 - Request for Submission
Additional Text: Transaction 6443180 - Approved By: YVILORIA : 12-18-2017:13:19:02
DOCUMENT TITLE: DEFENDANTS/COUNTERCLAIMANTS' MOTION FOR SANCTIONS
PARTY SUBMITTING: BRIAN R IRVINE ESQ
DATE SUBMITTED: DEC 18, 2017
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:
- 235 12/18/2017 - 3860 - Request for Submission
Additional Text: Transaction 6443182 - Approved By: YVILORIA : 12-18-2017:13:29:09
DOCUMENT TITLE: DEFENDANTS/COUNTERCLAIMANTS' MOTION TO STRIKE AND/OR MOTION IN LIMINE TO EXCLUDE THE EXPERT TESTIMONY OF DANIEL GLUHAICH
PARTY SUBMITTING: BRIAN R IRVINE ESQ
DATE SUBMITTED: DEC 18, 2017
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:
- 236 12/18/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 6443364 - Approved By: NOREVIEW : 12-18-2017:13:10:02
- 237 12/18/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 6443366 - Approved By: NOREVIEW : 12-18-2017:13:10:21
- 238 12/18/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 6443378 - Approved By: NOREVIEW : 12-18-2017:13:15:11
- 239 12/18/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 6443382 - Approved By: NOREVIEW : 12-18-2017:13:16:41
- 240 12/18/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 6443387 - Approved By: NOREVIEW : 12-18-2017:13:20:01
- 241 12/18/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 6443418 - Approved By: NOREVIEW : 12-18-2017:13:29:52
- 242 1/4/2018 - 3060 - Ord Granting Mtn ...
Additional Text: DEFENDANTS/COUNTERCLAIMANTS MOTION TO STRIKE AND/OR MOTION IN LIMINE TO EXCLUDE THE EXPERT TESTIMONY OF DANIEL GLUHAICH - Transaction 6466778 - Approved By: NOREVIEW : 01-04-2018:16:54:34
- 243 1/4/2018 - S200 - Request for Submission Complet
Additional Text: ORDER
- 244 1/4/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6466789 - Approved By: NOREVIEW : 01-04-2018:16:55:44
- 245 1/4/2018 - S200 - Request for Submission Complet
Additional Text: ORDER

- 246 1/4/2018 - S200 - Request for Submission Complet
Additional Text: ORDER
- 247 1/4/2018 - 3060 - Ord Granting Mtn ...
Additional Text: DEFENDANTS/COUNTERCLAIMANTS MOTION FOR SANCTIONS - Transaction 6466861 - Approved By: NOREVIEW : 01-04-2018:17:32:10
- 248 1/4/2018 - 3105 - Ord Granting ...
Additional Text: DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT - Transaction 6466867 - Approved By: NOREVIEW : 01-04-2018:17:33:20
- 249 1/4/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6466866 - Approved By: NOREVIEW : 01-04-2018:17:33:19
- 250 1/4/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6466870 - Approved By: NOREVIEW : 01-04-2018:17:34:16
- 251 1/5/2018 - 2540 - Notice of Entry of Ord
Additional Text: Notice of Entry of Order Granting Defendants'/Counterclaimants' Motion to Strike and/or Motion in Limine to Exclude the Expert Testimony of Daniel Gluhaich - Transaction 6468337 - Approved By: NOREVIEW : 01-05-2018:13:39:54
- 252 1/5/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6468341 - Approved By: NOREVIEW : 01-05-2018:13:40:49
- 253 1/5/2018 - 2540 - Notice of Entry of Ord
Additional Text: Notice of Entry of Order Granting Defendants' Motion for Partial Summary Judgment - Transaction 6468348 - Approved By: NOREVIEW : 01-05-2018:13:44:00
- 254 1/5/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6468351 - Approved By: NOREVIEW : 01-05-2018:13:44:59
- 255 1/5/2018 - 2540 - Notice of Entry of Ord
Additional Text: Notice of Entry of Order Granting Defendants'/Counterclaimants' Motion for Sanctions - Transaction 6468357 - Approved By: NOREVIEW : 01-05-2018:13:46:53
- 256 1/5/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6468366 - Approved By: NOREVIEW : 01-05-2018:13:49:38
- 257 3/6/2018 - S200 - Request for Submission Complet
Additional Text: orders
- 258 3/6/2018 - 3370 - Order ...
Additional Text: FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER RE: DEFENDANTS' MOTION FOR SANCTIONS - Transaction 6564287 - Approved By: NOREVIEW : 03-06-2018:16:23:04
- 259 3/6/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6564290 - Approved By: NOREVIEW : 03-06-2018:16:23:52
- 260 3/6/2018 - 2842 - Ord Denying Motion
Additional Text: MOTION TO PARTIALLY DISMISS PLAINTIFFS' COMPLAINT AS MOOT - Transaction 6564297 - Approved By: NOREVIEW : 03-06-2018:16:25:44
- 261 3/6/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6564302 - Approved By: NOREVIEW : 03-06-2018:16:26:43
- 262 3/6/2018 - 2540 - Notice of Entry of Ord
Additional Text: NOTICE OF ENTRY OF FINDINGS OF FACTS AND CONCLUSIONS OF LAW AND ORDER - Transaction 6564488 - Approved By: NOREVIEW : 03-06-2018:17:45:50

- 263 3/6/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6564489 - Approved By: NOREVIEW : 03-06-2018:17:48:40
- 264 3/6/2018 - 2540 - Notice of Entry of Ord
Additional Text: NOTICE OF ENTRY OF ORDER DENYING PLAINTIFFS' MOTION TO PARTIALLY DISMISS PLAINTIFFS' COMPLAINT AS MOOT - Transaction 6564490 - Approved By: NOREVIEW : 03-06-2018:17:50:50
- 265 3/6/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6564493 - Approved By: NOREVIEW : 03-06-2018:17:51:50
- 266 3/8/2018 - 2490 - Motion ...
Additional Text: DEFENDANTS/COUNTERCLAIMANTS' MOTION TO DISMISS COUNTERCLAIMS - Transaction 6567830 - Approved By: JAPARICI : 03-08-2018:14:00:24
- 267 3/8/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6567942 - Approved By: NOREVIEW : 03-08-2018:14:01:30
- 268 3/9/2018 - 3870 - Request
Additional Text: REQUEST FOR ENTRY OF JUDGMENT - Transaction 6569817 - Approved By: CSULEZIC : 03-09-2018:12:40:53
- 269 3/9/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6570047 - Approved By: NOREVIEW : 03-09-2018:12:41:55
- 270 3/12/2018 - MIN - ***Minutes
Additional Text: 12/12/17 PRE-TRIAL CONFERENCE - Transaction 6572395 - Approved By: NOREVIEW : 03-12-2018:13:45:47
- 271 3/12/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6572398 - Approved By: NOREVIEW : 03-12-2018:13:46:37
- 272 3/15/2018 - 4300 - Withdrawal of Counsel
Additional Text: DAVID C. O'MARA ESQ / PLAINTIFFS - Transaction 6580103 - Approved By: YVILORIA : 03-15-2018:16:43:38
- 273 3/15/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6580237 - Approved By: NOREVIEW : 03-15-2018:16:44:39
- 274 3/26/2018 - 2520 - Notice of Appearance
Additional Text: RICHARD WILLIAMSON, ESQ. AND JONATHAN TEW, ESQ. FOR PLAINTIFFS - Transaction 6596669 - Approved By: PMSEWELL : 03-26-2018:16:28:40
- 275 3/26/2018 - 2645 - Opposition to Mtn ...
Additional Text: OPPOSITION TO REQUEST FOR ENTRY OF JUDGMENT - Transaction 6596669 - Approved By: PMSEWELL : 03-26-2018:16:28:40
- 276 3/26/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6596727 - Approved By: NOREVIEW : 03-26-2018:16:29:39
- 277 3/27/2018 - 2610 - Notice ...
Additional Text: NOTICE OF NON-OPPOSITION TO DEFENDANTS/COUNTERCLAIMANTS' MOTION TO DISMISS COUNTERCLAIMS - Transaction 6597394 - Approved By: CSULEZIC : 03-27-2018:10:27:01
- 278 3/27/2018 - 3860 - Request for Submission
Additional Text: MOTION TO DISMISS COUNTERCLAIMS - Transaction 6597399 - Approved By: CSULEZIC : 03-27-2018:10:32:07
PARTY SUBMITTING: BRIAN IRVINE ESQ
DATE SUBMITTED: 3/27/18
SUBMITTED BY: CS
DATE RECEIVED JUDGE OFFICE:
- 279 3/27/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6597509 - Approved By: NOREVIEW : 03-27-2018:10:28:15

- 280 3/27/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6597543 - Approved By: NOREVIEW : 03-27-2018:10:33:10
- 281 3/27/2018 - 3795 - Reply...
Additional Text: REPLY IN SUPPORT OF DEFENDANTS/COUNTERCLAIMANTS' REQUEST FOR ENTRY OF JUDGMENT - Transaction 6598618 - Approved By: PMSEWELL : 03-27-2018:15:42:39
- 282 3/27/2018 - 3860 - Request for Submission
Additional Text: REQUEST FOR ENTRY OF JUDGMENT FILED 3/09/18 - Transaction 6598628 - Approved By: CSULEZIC : 03-27-2018:15:25:30
PARTY SUBMITTING: BRIAN IRVINE ESQ
DATE SUBMITTED: 3/27/18
SUBMITTED BY: CS
DATE RECEIVED JUDGE OFFICE:
- 283 3/27/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6598694 - Approved By: NOREVIEW : 03-27-2018:15:26:30
- 284 3/27/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6598792 - Approved By: NOREVIEW : 03-27-2018:15:43:46
- 285 4/12/2018 - 4050 - Stipulation ...
Additional Text: STIPULATION FOR DISMISAL WITH PREJUDICE AND [PROPOSED] ORDER - Transaction 6626047 - Approved By: JAPARICI : 04-12-2018:12:53:41
- 286 4/12/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6626396 - Approved By: NOREVIEW : 04-12-2018:12:54:36
- 287 4/13/2018 - 3060 - Ord Granting Mtn ...
Additional Text: DEFENDANTS/COUNTERCLAIMANTS' MOTION TO DISMISS COUNTERCLAIMS - Transaction 6628496 - Approved By: NOREVIEW : 04-13-2018:11:10:22
- 288 4/13/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6628507 - Approved By: NOREVIEW : 04-13-2018:11:11:56
- 289 4/13/2018 - 2910 - Ord Dismissal w/Prejudice
Additional Text: CLAIMS OF WOOLEY PLAINTIFFS - Transaction 6628513 - Approved By: NOREVIEW : 04-13-2018:11:13:04
- 290 4/13/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6628519 - Approved By: NOREVIEW : 04-13-2018:11:13:59
- 291 4/13/2018 - S200 - Request for Submission Complet
Additional Text: ORDER
- 292 4/16/2018 - 2540 - Notice of Entry of Ord
Additional Text: NOTICE OF ENTRY OF ORDER DISMISSING THE CLAIMS OF WOOLEY PLAINTIFFS WITH PREJUDICE - Transaction 6630140 - Approved By: NOREVIEW : 04-16-2018:09:31:58
- 293 4/16/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6630152 - Approved By: NOREVIEW : 04-16-2018:09:33:14
- 294 4/16/2018 - 2540 - Notice of Entry of Ord
Additional Text: NOTICE OF ENTRY OF ORDER GRANTING DEFENDANTS/COUNTERCLAIMANTS' MOTION TO DISMISS COUNTERCLAIMS - Transaction 6630162 - Approved By: NOREVIEW : 04-16-2018:09:35:13
- 295 4/16/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6630166 - Approved By: NOREVIEW : 04-16-2018:09:36:08

- 296 4/18/2018 - 2490 - Motion ...
Additional Text: WILLARD PLAINTIFFS' RULE 60(b) MOTION FOR RELIEF - Transaction 6636476 - Approved By: YVILORIA : 04-18-2018:16:00:05
- 297 4/18/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6636763 - Approved By: NOREVIEW : 04-18-2018:16:01:24
- 298 4/27/2018 - 2010 - Mtn for Attorney's Fee
Additional Text: MOTION FOR ATTORNEYS' FEES - Transaction 6651655 - Approved By: CSULEZIC : 04-27-2018:11:04:25
- 299 4/27/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6651822 - Approved By: NOREVIEW : 04-27-2018:11:06:35
- 300 5/18/2018 - 2490 - Motion ...
Additional Text: DEFENDANTS' MOTION TO EXCEED PAGE LIMIT ON DEFENDANTS' OPPOSITION TO THE WILLARD PLAINTIFFS' RULE 60(b) MOTION FOR RELIEF - Transaction 6687914 - Approved By: CVERA : 05-18-2018:15:11:09
- 301 5/18/2018 - 2645 - Opposition to Mtn ...
Additional Text: DEFENDANTS/COUNTERCLAIMANTS' OPPOSITION TO RULE 60(b) MOTION FOR RELIEF - Transaction 6687973 - Approved By: JAPARICI : 05-18-2018:15:21:02
- 302 5/18/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6687981 - Approved By: NOREVIEW : 05-18-2018:15:12:29
- 303 5/18/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6688034 - Approved By: NOREVIEW : 05-18-2018:15:22:00
- 304 5/29/2018 - 3795 - Reply...
Additional Text: REPLY IN SUPPORT OF THE WILLARD PLAINTIFFS' RULE 60(b) MOTION FOR RELIEF - Transaction 6702327 - Approved By: CVERA : 05-30-2018:08:39:48
- 305 5/29/2018 - 2645 - Opposition to Mtn ...
Additional Text: Plaintiffs' Opposition to Defendants' Motion to Exceed Page Limit - Transaction 6702439 - Approved By: CSULEZIC : 05-30-2018:08:41:21
- 306 5/30/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6702532 - Approved By: NOREVIEW : 05-30-2018:08:40:53
- 307 5/30/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6702538 - Approved By: NOREVIEW : 05-30-2018:08:42:26
- 308 5/30/2018 - 3860 - Request for Submission
Additional Text: Transaction 6704564 - Approved By: CVERA : 05-31-2018:08:26:48
DOCUMENT TITLE: REPLY IN SUPPORT OF WILLARD PLAINTIFFS' RULE 60(B) MOTION FOR RELIEF
PARTY SUBMITTING: RICHARD D. WILLIAMSON, ESQ.
DATE SUBMITTED: 05/31/18
SUBMITTED BY: CVERA
DATE RECEIVED JUDGE OFFICE:
- 309 5/31/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6705232 - Approved By: NOREVIEW : 05-31-2018:08:27:47
- 310 6/1/2018 - 2645 - Opposition to Mtn ...
Additional Text: OPPOSITION TO MOTION FOR ATTORNEYS' FEES - Transaction 6709193 - Approved By: YVILORIA : 06-01-2018:16:16:55
- 311 6/1/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6709459 - Approved By: NOREVIEW : 06-01-2018:16:19:42

- 312 6/4/2018 - 2682 - Ord Addressing Motions
Additional Text: REQUEST FOR ENTRY OF JUDGMENT - Transaction 6710052 - Approved By: NOREVIEW : 06-04-2018:10:13:27
- 313 6/4/2018 - S200 - Request for Submission Complet
Additional Text: ORDER
- 314 6/4/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6710055 - Approved By: NOREVIEW : 06-04-2018:10:14:29
- 315 6/5/2018 - 3795 - Reply...
Additional Text: DEFENDANTS' REPLY IN SUPPORT OF MOTION TO EXCEED PAGE LIMIT ON DEFENDANTS' OPPOSITION TO THE WILLARD PLAINTIFFS' RULE 60(B) MOTION FOR RELIEF - Transaction 6713926 - Approved By: JAPARICI : 06-06-2018:08:59:51
- 316 6/5/2018 - 3860 - Request for Submission
Additional Text: - Transaction 6713948 - Approved By: JAPARICI : 06-06-2018:08:56:44
DOCUMENT TITLE: REQUEST FOR SUBMISSION OF DEFENDANTS' MOTION TO EXCEED PAGE LIMIT ON DEFENDANTS' OPPOSITION TO THE WILLARD PLAINTIFFS' RULE 60(b) MOTION FOR RELIEF
PARTY SUBMITTING: BRIAN R. IRVINE, ESQ
DATE SUBMITTED: 06/06/2018
SUBMITTED BY: JAPARICIO
DATE RECEIVED JUDGE OFFICE:
- 317 6/6/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6714239 - Approved By: NOREVIEW : 06-06-2018:08:57:53
- 318 6/6/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6714263 - Approved By: NOREVIEW : 06-06-2018:09:01:28
- 319 6/6/2018 - 2475 - Mtn to Strike...
Additional Text: DEFENDANTS' MOTION TO STRIKE, OR IN THE ALTERNATIVE, MOTION FOR LEAVE TO FILE SUR-REPLY - Transaction 6716429 - Approved By: CSULEZIC : 06-06-2018:16:47:17
- 320 6/6/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6716521 - Approved By: NOREVIEW : 06-06-2018:16:48:24
- 321 6/11/2018 - 3795 - Reply...
Additional Text: DEFENDANTS' REPLY IN SUPPORT OF MOTION FOR ATTORNEYS' FEES - Transaction 6722044 - Approved By: CVERA : 06-11-2018:11:20:35
- 322 6/11/2018 - 3860 - Request for Submission
Additional Text: Transaction 6722061 - Approved By: YVILORIA : 06-11-2018:11:21:31
DOCUMENT TITLE: DEFENDANTS/COUNTERCLAIMANTS' MOTION FOR ATTORNEYS' FEES FILED 4-27-18
PARTY SUBMITTING: BRIAN IRVINE ESQ
DATE SUBMITTED: JUN 11, 2018
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:
- 323 6/11/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6722062 - Approved By: NOREVIEW : 06-11-2018:11:21:35
- 324 6/11/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6722066 - Approved By: NOREVIEW : 06-11-2018:11:22:31
- 325 6/22/2018 - 2645 - Opposition to Mtn ...
Additional Text: OPPOSITION TO DEFENDANTS' MOTION TO STRIKE, OR IN THE ALTERNATIVE, MOTION FOR LEAVE TO FILE SUR-REPLY - Transaction 6743308 - Approved By: YVILORIA : 06-22-2018:15:46:45
- 326 6/22/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6743466 - Approved By: NOREVIEW : 06-22-2018:15:47:46

- 327 6/29/2018 - 3795 - Reply...
Additional Text: REPLY IN SUPPORT OF MOTION TO STRIKE, OR IN THE ALTERNATIVE, MOTION FOR LEAVE TO FILE SUR-REPLY - Transaction 6754895 - Approved By: YVILORIA : 06-29-2018:13:24:33
- 328 6/29/2018 - 3860 - Request for Submission
Additional Text: Transaction 6754925 - Approved By: YVILORIA : 06-29-2018:13:25:47
DOCUMENT TITLE: DEFENDANTS/COUNTERCLAIMANTS' MOTION TO STRIKE, OR IN THE ALTERNATIVE, MOTION FOR LEAVE TO FILE SUR-REPLY FILED 6-6-18
PARTY SUBMITTING: BRIAN R IRVINE ESQ
DATE SUBMITTED: JUNE 29, 2018
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:
- 329 6/29/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6754952 - Approved By: NOREVIEW : 06-29-2018:13:25:35
- 330 6/29/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6754955 - Approved By: NOREVIEW : 06-29-2018:13:26:44
- 331 7/11/2018 - 3370 - Order ...
Additional Text: RE: MOTION FOR ATTORNEYS' FEES - Transaction 6771891 - Approved By: NOREVIEW : 07-11-2018:16:39:18
- 332 7/11/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6771896 - Approved By: NOREVIEW : 07-11-2018:16:41:58
- 333 7/11/2018 - 3060 - Ord Granting Mtn ...
Additional Text: DEFENDANTS' MOTION TO EXCEED PAGE LIMIT ON DEFENDANTS' OPPOSITION TO WILLARD PLAINTIFFS' RULE 60(B) MOTION FOR RELIEF - Transaction 6771902 - Approved By: NOREVIEW : 07-11-2018:16:42:02
- 334 7/11/2018 - 3242 - Ord Setting Hearing
Additional Text: Transaction 6771906 - Approved By: NOREVIEW : 07-11-2018:16:42:54
- 335 7/11/2018 - S200 - Request for Submission Complet
Additional Text: ORDER SETTING HEARING
- 336 7/11/2018 - S200 - Request for Submission Complet
Additional Text: ORDER
- 337 7/11/2018 - S200 - Request for Submission Complet
Additional Text: ORDER
- 338 7/11/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6771912 - Approved By: NOREVIEW : 07-11-2018:16:44:03
- 339 7/11/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6771922 - Approved By: NOREVIEW : 07-11-2018:16:45:11
- 340 7/19/2018 - 1250E - Application for Setting eFile
Additional Text: Transaction 6785734 - Approved By: NOREVIEW : 07-19-2018:13:41:19
- 341 7/19/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6785739 - Approved By: NOREVIEW : 07-19-2018:13:42:23
- 342 9/4/2018 - S200 - Request for Submission Complet
Additional Text: IN ORAL ARGUMENTS, COUNSEL FOR PLAINTIFF STIPULATED TO THE FILING OF THE SUR-REPLY. MOTION IS NOW MOOT.

- 343 11/30/2018 - 2840 - Ord Denying ...
Additional Text: Transaction 7001598 - Approved By: NOREVIEW : 11-30-2018:16:08:53
- 344 11/30/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 7001607 - Approved By: NOREVIEW : 11-30-2018:16:10:25
- 345 11/30/2018 - S200 - Request for Submission Complet
Additional Text: PLAINTIFF'S RULE 60B MOTION DENIED
- 346 12/3/2018 - 2540 - Notice of Entry of Ord
Additional Text: NOTICE OF ENTRY OF ORDER DENYING PLAINTIFFS' RULE 60(b) MOTION FOR RELIEF - Transaction 7002654 -
Approved By: NOREVIEW : 12-03-2018:11:18:07
- 347 12/3/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 7002658 - Approved By: NOREVIEW : 12-03-2018:11:19:07
- 348 12/4/2018 - 3860 - Request for Submission
Additional Text: Transaction 7006848 - Approved By: YVILORIA : 12-04-2018:16:01:43
DOCUMENT TITLE: REQUEST FOR ENTRY OF JUDGMENT
PARTY SUBMITTING: BRIAN IRVINE ESQ
DATE SUBMITTED: 12-4-18
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:
- 349 12/4/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 7006993 - Approved By: NOREVIEW : 12-04-2018:16:04:09
- 350 12/11/2018 - 1880 - Judgment
Additional Text: Transaction 7018896 - Approved By: NOREVIEW : 12-11-2018:15:23:30
- 351 12/11/2018 - S200 - Request for Submission Complet
Additional Text: JUDGMENT
- 352 12/11/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 7018899 - Approved By: NOREVIEW : 12-11-2018:15:24:28
- 353 12/11/2018 - 4105 - Supplemental ...
Additional Text: SUPPLEMENT TO MOTION FOR ATTORNEYS' FEES - Transaction 7019323 - Approved By: YVILORIA :
12-12-2018:10:09:12
- 354 12/11/2018 - 2535 - Notice of Entry of Judgment
Additional Text: NOTICE OF ENTRY OF JUDGMENT - Transaction 7019340 - Approved By: NOREVIEW : 12-11-2018:16:42:20
- 355 12/11/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 7019360 - Approved By: NOREVIEW : 12-11-2018:16:44:21
- 356 12/12/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 7019849 - Approved By: NOREVIEW : 12-12-2018:10:10:20
- 357 12/21/2018 - 2645 - Opposition to Mtn ...
Additional Text: OPPOSITION TO SUPPLEMENT TO MOTION FOR ATTORNEY FEES - Transaction 7037083 - Approved By: YVILORIA :
12-21-2018:15:50:27
- 358 12/21/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 7037186 - Approved By: NOREVIEW : 12-21-2018:15:53:04

359 12/28/2018 - \$2515 - \$Notice/Appeal Supreme Court

No additional text exists for this entry.

360 12/28/2018 - 1310 - Case Appeal Statement

No additional text exists for this entry.

361 12/28/2018 - 2547 - Notice of Filing Costs/Appeal

No additional text exists for this entry.

362 12/28/2018 - PAYRC - **Payment Received

Additional Text: A Payment of -\$34.00 was made on receipt DCDC627800.

363 12/28/2018 - SAB - **Supreme Court Appeal Bond

Additional Text: Bond ID: SAB-18-00104; Total Bond Amount: \$500.00.

Bond Code, SAB, Receipted for: SITE DEFINED TRUST DEPOSIT, on 28-DEC-2018 in the amount of \$500.00 on case ID CV14-01712.

364 12/28/2018 - 1350 - Certificate of Clerk

Additional Text: CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 7043398 - Approved By: NOREVIEW : 12-28-2018:14:44:23

365 12/28/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 7043401 - Approved By: NOREVIEW : 12-28-2018:14:45:24

366 1/2/2019 - 1187 - **Supreme Court Case No. ...

Additional Text: SUPREME COURT NO. 77780 - WILLARD

367 1/3/2019 - 3795 - Reply...

Additional Text: DEFENDANT'S REPLY IN SUPPORT OF SUPPLEMENT TO MOTION FOR ATTORNEYS' FEES - Transaction 7048760 - Approved By: YVILORIA : 01-03-2019:09:59:36

368 1/3/2019 - 3860 - Request for Submission

Additional Text: REQUEST FOR SUBMISSION OF MOTION FOR ATTORNEYS' FEES AND SUPPLEMENT TO MOTION FOR ATTORNEYS' FEES - Transaction 7048774 - Approved By: YVILORIA : 01-03-2019:10:02:36

DOCUMENT TITLE: MOTION FOR ATTORNEYS' FEES FIELD 427-18 AND ITS SUPPLEMENT TO MOTION FOR ATTORNEYS FEE (SUPPLEMENT) FILED 12-11-18

PARTY SUBMITTING: BRIAN IRVINE ESQ

DATE SUBMITTED: 1-3-19

SUBMITTED BY: YV

DATE RECEIVED JUDGE OFFICE:

369 1/3/2019 - NEF - Proof of Electronic Service

Additional Text: Transaction 7048806 - Approved By: NOREVIEW : 01-03-2019:10:00:39

370 1/3/2019 - NEF - Proof of Electronic Service

Additional Text: Transaction 7048824 - Approved By: NOREVIEW : 01-03-2019:10:06:21

371 1/7/2019 - 1188 - Supreme Court Receipt for Doc

Additional Text: SUPREME COURT NO. 77780 / RECEIPT FOR DOCUMENTS - Transaction 7053501 - Approved By: NOREVIEW : 01-07-2019:10:00:06

372 1/7/2019 - NEF - Proof of Electronic Service

Additional Text: Transaction 7053507 - Approved By: NOREVIEW : 01-07-2019:10:01:07

373 1/7/2019 - 1188 - Supreme Court Receipt for Doc

Additional Text: SUPREME COURT NO. 77780 / RECEIPT FOR DOCUMENTS - Transaction 7053521 - Approved By: NOREVIEW : 01-07-2019:10:03:37

- 374 1/7/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7053525 - Approved By: NOREVIEW : 01-07-2019:10:04:53
- 375 1/17/2019 - MIN - ***Minutes
Additional Text: 09/04/18 ORAL ARGUMENTS - Transaction 7072472 - Approved By: NOREVIEW : 01-17-2019:09:18:17
- 376 1/17/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7072484 - Approved By: NOREVIEW : 01-17-2019:09:19:40
- 377 2/22/2019 - 4080 - Suggestion of Death on Record
Additional Text: DEFENDANT JERRY HERBST - Transaction 7130195 - Approved By: SACORDAG : 02-22-2019:08:23:54
- 378 2/22/2019 - 2490 - Motion ...
Additional Text: MOTION TO SUBSTITUTE PROPER PARTY - Transaction 7130207 - Approved By: SACORDAG : 02-22-2019:08:41:39
- 379 2/22/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7130215 - Approved By: NOREVIEW : 02-22-2019:08:24:51
- 380 2/22/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7130278 - Approved By: NOREVIEW : 02-22-2019:08:42:35
- 381 2/26/2019 - 1020 - Addendum
Additional Text: ADDENDUM TO MOTION TO SUBSTITUTE PROPER PARTY - Transaction 7137399 - Approved By: YVILORIA : 02-26-2019:15:54:10
- 382 2/26/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7137510 - Approved By: NOREVIEW : 02-26-2019:15:55:20
- 383 3/8/2019 - 3370 - Order ...
Additional Text: RE SUPPLEMENT TO MOTION FOR ATTORNEY'S FEES - Transaction 7156344 - Approved By: NOREVIEW : 03-08-2019:11:59:18
- 384 3/8/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7156347 - Approved By: NOREVIEW : 03-08-2019:12:00:22
- 385 3/8/2019 - S200 - Request for Submission Complet
Additional Text: ORDER
- 386 3/14/2019 - 2540 - Notice of Entry of Ord
Additional Text: Transaction 7167607 - Approved By: NOREVIEW : 03-14-2019:16:51:39
- 387 3/14/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7167615 - Approved By: NOREVIEW : 03-14-2019:16:52:42
- 388 3/29/2019 - 2501 - Non-Opposition ...
Additional Text: NOTICE OF NON-OPPOSITION TO SUBSTITUTION - Transaction 7193724 - Approved By: CSULEZIC : 04-01-2019:08:43:46
- 389 4/1/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7193904 - Approved By: NOREVIEW : 04-01-2019:08:47:25
- 390 5/28/2019 - 4185 - Transcript
Additional Text: Transaction 7289424 - Approved By: NOREVIEW : 05-28-2019:08:30:26
- 391 5/28/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7289425 - Approved By: NOREVIEW : 05-28-2019:08:31:15

- 392 6/3/2019 - 3870 - Request
Additional Text: REQUEST FOR TRANSCRIPT OF PROCEEDINGS - Transaction 7300871 - Approved By: YVILORIA : 06-03-2019:16:44:51
- 393 6/3/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7301476 - Approved By: NOREVIEW : 06-03-2019:16:46:05
- 394 8/26/2019 - 4125 - Supreme Court Order...
Additional Text: SUPREME COURT NO. 77780 / ORDER PARTIALLY DISMISSING APPEAL AND REINSTATING BRIEFING - Transaction 7449838 - Approved By: NOREVIEW : 08-26-2019:14:10:27
- 395 8/26/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7449842 - Approved By: NOREVIEW : 08-26-2019:14:11:27
- 396 8/19/2020 - 2610 - Notice ...
Additional Text: NOTICE OF RELATED ACTION - Transaction 8028006 - Approved By: CSULEZIC : 08-19-2020:16:51:34
- 397 8/19/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 8028025 - Approved By: NOREVIEW : 08-19-2020:16:52:34
- 398 9/18/2020 - 3347 - Ord to Set
Additional Text: AFTER REMAND - Transaction 8074358 - Approved By: NOREVIEW : 09-18-2020:11:46:09
- 399 9/18/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 8074361 - Approved By: NOREVIEW : 09-18-2020:11:47:08
- 400 11/5/2020 - 4128 - Supreme Court Order Denying
Additional Text: SUPREME COURT NO. 77780 / ORDER DENYING REHEARING - Transaction 8150014 - Approved By: NOREVIEW : 11-05-2020:16:57:03
- 401 11/5/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 8150021 - Approved By: NOREVIEW : 11-05-2020:16:58:04
- 402 2/26/2021 - 4128 - Supreme Court Order Denying
Additional Text: SUPREME COURT 77780 / ORDER DENYING EN BANC RECONSIDERATION - Transaction 8316787 - Approved By: NOREVIEW : 02-26-2021:15:47:40
- 403 2/26/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8316793 - Approved By: NOREVIEW : 02-26-2021:15:48:38
- 404 3/25/2021 - 4145 - Supreme Court Remittitur
Additional Text: SUPREME COURT NO. 77780 / REMITTITUR - Transaction 8361828 - Approved By: NOREVIEW : 03-25-2021:16:34:53
- 405 3/25/2021 - 4111 - Supreme Ct Clk's Cert & Judg
Additional Text: SUPREME COURT NO. 77780 / CLERK'S CERTIFICATE & JUDGMENTS - Transaction 8361828 - Approved By: NOREVIEW : 03-25-2021:16:34:53
- 406 3/25/2021 - 4128 - Supreme Court Order Denying
Additional Text: SUPREME COURT NO. 77780 / ORDER DENYING EN BANC RECONSIDERATION - Transaction 8361828 - Approved By: NOREVIEW : 03-25-2021:16:34:53
- 407 3/25/2021 - 4128 - Supreme Court Order Denying
Additional Text: SUPREME COURT NO. 77780 / ORDER DENYING REHEARING - Transaction 8361828 - Approved By: NOREVIEW : 03-25-2021:16:34:53
- 408 3/25/2021 - 4120 - Supreme Court Opinion
Additional Text: SUPREME COURT NO. 77780 / 136 NEV., ADVANCE OPINION 53 - Transaction 8361828 - Approved By: NOREVIEW : 03-25-2021:16:34:53

409 3/25/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8361830 - Approved By: NOREVIEW : 03-25-2021:16:35:43

410 3/25/2021 - 3863 - **Submit regarding Appeals
Additional Text: DOCUMENT TITLE: SUPREME COURT NO. 77780 / 136 NEV., ADVANCE OPINION 53 (no s1 built)
PARTY SUBMITTING: NEVADA SUPREME COURT
DATE SUBMITTED: 3-25-21
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:

411 3/29/2021 - 2610 - Notice ...
Additional Text: NOTICE OF ASSOCIATION OF COUNSEL - ROBERT EISENBERG, ESQ - Transaction 8366724 - Approved By: CSULEZIC : 03-30-2021:08:20:36

412 3/30/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8367060 - Approved By: NOREVIEW : 03-30-2021:08:21:47

413 3/30/2021 - 3870 - Request
Additional Text: REQUEST FOR STATUS CONFERENCE - Transaction 8368965 - Approved By: CSULEZIC : 03-30-2021:16:11:03

414 3/30/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8369037 - Approved By: NOREVIEW : 03-30-2021:16:12:24

415 4/1/2021 - 2980 - Ord Return of Appeal Bond
Additional Text: Transaction 8373755 - Approved By: NOREVIEW : 04-01-2021:15:49:41

416 4/1/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8373763 - Approved By: NOREVIEW : 04-01-2021:15:50:47

417 4/2/2021 - 3347 - Ord to Set
Additional Text: Transaction 8374555 - Approved By: NOREVIEW : 04-02-2021:10:03:55

418 4/2/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8374561 - Approved By: NOREVIEW : 04-02-2021:10:06:53

419 4/6/2021 - CHECK - **Trust Disbursement
Additional Text: A Disbursement of \$500.00 on Check Number 12341

420 4/14/2021 - 3370 - Order ...
Additional Text: AND NOTICE OF AV HEARING - Transaction 8394054 - Approved By: NOREVIEW : 04-14-2021:10:16:16

421 4/14/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8394059 - Approved By: NOREVIEW : 04-14-2021:10:17:10

422 5/21/2021 - 2610 - Notice ...
Additional Text: NOTICE OF SUBMISSION OF PROPOSED ORDER - Transaction 8458742 - Approved By: CSULEZIC : 05-21-2021:16:42:08

423 5/21/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8458805 - Approved By: NOREVIEW : 05-21-2021:16:44:15

424 5/21/2021 - 2610 - Notice ...
Additional Text: NOTICE OF SUBMISSION OF PROPOSED ORDER - Transaction 8459005 - Approved By: CSULEZIC : 05-24-2021:08:22:06

425 5/24/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8459322 - Approved By: NOREVIEW : 05-24-2021:08:23:16

- 426 6/9/2021 - 2475 - Mtn to Strike...
Additional Text: MOTION TO STRIKE DEFENDANTS' PROPOSED ORDER OR, IN THE ALTERNATIVE, OBJECTION TO DEFENDANTS' PROPOSED ORDER - Transaction 8487759 - Approved By: CSULEZIC : 06-09-2021:15:00:17
- 427 6/9/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8487769 - Approved By: NOREVIEW : 06-09-2021:15:01:05
- 428 6/23/2021 - 2645 - Opposition to Mtn ...
Additional Text: DEFENDANTS BERRY-HINCKLEY INDUSTRIES AND JERRY HERBST'S OPPOSITION TO PLAINTIFF LARRY J. WILLARD'S MOTION TO STRIKE DEFTS' PROPOSED ORDER OR, IN THE ALTERNATIVE, OBJECTION TO DEFTS' PROPOSED ORDER - Transaction 8509034 - Approved By: CSULEZIC : 06-23-2021:13:14:13
- 429 6/23/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8509379 - Approved By: NOREVIEW : 06-23-2021:13:15:24
- 430 6/29/2021 - 3795 - Reply...
Additional Text: REPLY IN SUPPORT OF MOTION TO STRIKE DEFENDANTS' PROPOSED ORDER OR, IN THE ALTERNATIVE, OBJECTION TO DEFENDANTS' PROPOSED ORDER - Transaction 8518226 - Approved By: YVILORIA : 06-29-2021:14:30:13
- 431 6/29/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8518357 - Approved By: NOREVIEW : 06-29-2021:14:31:34
- 432 6/29/2021 - 3860 - Request for Submission
Additional Text: Transaction 8518924 - Approved By: NOREVIEW : 06-29-2021:16:18:50
DOCUMENT TITLE: MOTION TO STRIKE DEFENDANTS PROPOSED ORDER OR IN THE ALTERNATIVE OBJECTION TO DEFENDANTS PROPOSED ORDER ON JUNE 9, 2021
PARTY SUBMITTING: RICHARD WILLIASON ESQ
DATE SUBMITTED: 6/29/2021
SUBMITTED BY: CS
DATE RECEIVED JUDGE OFFICE:
- 433 6/29/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8518932 - Approved By: NOREVIEW : 06-29-2021:16:19:48
- 434 7/13/2021 - 2490 - Motion ...
Additional Text: WILLARD PLAINTIFFS' MOTION FOR RELIEF UNDER NRCP 60(b)(5)&(6) - Transaction 8539625 - Approved By: CSULEZIC : 07-13-2021:09:53:58
- 435 7/13/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8539853 - Approved By: NOREVIEW : 07-13-2021:09:55:05
- 436 8/10/2021 - 2490 - Motion ...
Additional Text: DEFENDANTS' MOTION TO EXCEED PAGE LIMITS ON DEFENDANTS' OPPOSITION TO THE WILLARD PLAINTIFFS' MOTION FOR RELIEF UNDER NRCP 60(b)(5) &(6) - Transaction 8587786 - Approved By: CSULEZIC : 08-10-2021:13:19:39
- 437 8/10/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8587801 - Approved By: NOREVIEW : 08-10-2021:13:20:38
- 438 8/10/2021 - 2645 - Opposition to Mtn ...
Additional Text: DEFENDANTS' OPPOSITION TO THE WILLARD PLAINTIFFS' MOTION FOR RELIEF UNDER NRCP 60(b)(5) &(6) - Transaction 8587831 - Approved By: CSULEZIC : 08-10-2021:13:36:06
- 439 8/10/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8587869 - Approved By: NOREVIEW : 08-10-2021:13:37:08
- 440 8/17/2021 - 3795 - Reply...
Additional Text: REPLY IN SUPPORT OF WILLARD PLAINTIFFS' MOTION FOR RELIEF UNDER NRCP 60(b)(5)&(6) - Transaction 8600025 - Approved By: CSULEZIC : 08-17-2021:14:57:46
- 441 8/17/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8600103 - Approved By: NOREVIEW : 08-17-2021:14:59:32

- 442 8/19/2021 - 3860 - Request for Submission
Additional Text: Transaction 8603923 - Approved By: NOREVIEW : 08-19-2021:09:43:44
DOCUMENT TITLE: MOTION FOR RELIEF UNDER NRCP 60(B)(5)&(6) FILED 7/13/2021
PARTY SUBMITTING: RICHARD WILLIAMSON ESQ
DATE SUBMITTED: 8/19/2021
SUBMITTED BY: CS
DATE RECEIVED JUDGE OFFICE:
- 443 8/19/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8603928 - Approved By: NOREVIEW : 08-19-2021:09:44:46
- 444 8/24/2021 - 2645 - Opposition to Mtn ...
Additional Text: WILLARD PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO EXCEED - Transaction 8612490 - Approved By: CSULEZIC : 08-25-2021:08:14:06
- 445 8/25/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8612665 - Approved By: NOREVIEW : 08-25-2021:08:15:12
- 446 8/27/2021 - 3795 - Reply...
Additional Text: DEFENDANTS' REPLY IN SUPPORT OF MOTION TO EXCEED PAGE LIMITS ON DEFENDANTS' OPPOSITION TO THE WILLARD PLAINTIFFS' MOTION FOR RELIEF UNDER NRCP 60(b)(5) &(6) - Transaction 8618499 - Approved By: CSULEZIC : 08-27-2021:14:22:50
- 447 8/27/2021 - 3860 - Request for Submission
Additional Text: - Transaction 8618516 - Approved By: NOREVIEW : 08-27-2021:14:13:39
DOCUMENT TITLE: REQUEST FOR SUBMISSION OF DEFENDANTS' MOTION TO EXCEED PAGE LIMITS ON DEFENDANTS' OPPOSITION TO THE WILLARD PLAINTIFFS' MOTION FOR RELIEF UNDER NRCP 60(b)(5) &(6)
PARTY SUBMITTING: BRIAN IRVINE ESQ
DATE SUBMITTED: 8/27/2021
SUBMITTED BY: CS
DATE RECEIVED JUDGE OFFICE:
- 448 8/27/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8618530 - Approved By: NOREVIEW : 08-27-2021:14:15:00
- 449 8/27/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8618556 - Approved By: NOREVIEW : 08-27-2021:14:23:53
- 450 9/10/2021 - 2842 - Ord Denying Motion
Additional Text: to Strike Defendants' Proposed Order or, in the Alternative, Objection to Defendants' Proposed Order - Transaction 8640059 - Approved By: NOREVIEW : 09-10-2021:10:38:03
- 451 9/10/2021 - S200 - Request for Submission Complet
Additional Text: Order Denying Motion to Strike Defendants' Proposed Order filed 10 SEP 2021
- 452 9/10/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8640066 - Approved By: NOREVIEW : 09-10-2021:10:39:21
- 453 9/13/2021 - 2540 - Notice of Entry of Ord
Additional Text: Transaction 8642360 - Approved By: NOREVIEW : 09-13-2021:10:18:22
- 454 9/13/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8642367 - Approved By: NOREVIEW : 09-13-2021:10:19:44
- 455 9/13/2021 - 3370 - Order ...
Additional Text: After Remand Denying Plaintiffs' Rule 60(b) Motion for Relief - Transaction 8643933 - Approved By: NOREVIEW : 09-13-2021:16:28:25
- 456 9/13/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8643946 - Approved By: NOREVIEW : 09-13-2021:16:29:26

457 9/14/2021 - 2540 - Notice of Entry of Ord
Additional Text: Transaction 8644717 - Approved By: NOREVIEW : 09-14-2021:10:04:43

458 9/14/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8644722 - Approved By: NOREVIEW : 09-14-2021:10:05:40

459 10/11/2021 - 1310 - Case Appeal Statement
Additional Text: Transaction 8691728 - Approved By: YVILORIA : 10-12-2021:08:09:50

460 10/11/2021 - \$2515 - \$Notice/Appeal Supreme Court
Additional Text: Transaction 8691728 - Approved By: YVILORIA : 10-12-2021:08:09:50

461 10/11/2021 - 2547 - Notice of Filing Costs/Appeal
Additional Text: Transaction 8691728 - Approved By: YVILORIA : 10-12-2021:08:09:50

462 10/12/2021 - PAYRC - **Payment Receipted
Additional Text: A Payment of \$24.00 was made on receipt DCDC681218.

463 10/12/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8692076 - Approved By: NOREVIEW : 10-12-2021:08:10:57

464 10/12/2021 - SAB - **Supreme Court Appeal Bond
Additional Text: LARRY J. WILLARD - Transaction 8692149 - Approved By: YVILORIA : 10-12-2021:08:41:09

465 10/12/2021 - PAYRC - **Payment Receipted
Additional Text: A Payment of \$500.00 was made on receipt DCDC681220.

466 10/12/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8692159 - Approved By: NOREVIEW : 10-12-2021:08:43:15

467 10/12/2021 - 4113 - District Ct Deficiency Notice
Additional Text: NOTICE OF APPEAL DEFICIENCY NOTICE - SUPREME COURT FEE - Transaction 8692462 - Approved By: NOREVIEW : 10-12-2021:09:58:13

468 10/12/2021 - 1350 - Certificate of Clerk
Additional Text: CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 8692462 - Approved By: NOREVIEW : 10-12-2021:09:58:13

469 10/12/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8692467 - Approved By: NOREVIEW : 10-12-2021:09:59:12

470 10/18/2021 - 1187 - **Supreme Court Case No. ...
Additional Text: SUPREME COURT NO. 83640 - WILLARD

471 10/22/2021 - 1188 - Supreme Court Receipt for Doc
Additional Text: SUPREME COURT NO. 83640 / RECEIPT FOR DOCUMENTS - Transaction 8711716 - Approved By: NOREVIEW : 10-22-2021:10:41:56

472 10/22/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8711720 - Approved By: NOREVIEW : 10-22-2021:10:42:56

473 10/29/2021 - 3060 - Ord Granting Mtn ...
Additional Text: Motion to Exceed Page Limits on Defendants' Opposition to the Willard Plaintiffs' Motion for Relief Under NRCP 60(b)(5) & (6) - Transaction 8723343 - Approved By: NOREVIEW : 10-29-2021:18:03:51

474 10/29/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8723344 - Approved By: NOREVIEW : 10-29-2021:18:04:51

- 475 10/29/2021 - S200 - Request for Submission Complet
Additional Text: Order Granting Defendants' Motion to Exceed Page Limits on Defendants' Opposition to the Willard Plaintiffs' Motion for Relief under NRCP 60(b)(5) & (6) filed 29 OCT 2021
- 476 11/1/2021 - 2540 - Notice of Entry of Ord
Additional Text: Transaction 8723965 - Approved By: NOREVIEW : 11-01-2021:10:17:48
- 477 11/1/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8723967 - Approved By: NOREVIEW : 11-01-2021:10:18:59
- 478 11/10/2021 - 3370 - Order ...
Additional Text: Holding Entry of Order Ruling on Willard Plaintiffs' Motion for Relief Under NRCP 60(b)(5) & (6) in Abeyance - Transaction 8743649 - Approved By: NOREVIEW : 11-10-2021:12:02:30
- 479 11/10/2021 - S200 - Request for Submission Complet
Additional Text: Order Holding Entry of Order Ruling on Willard Plaintiffs' Motion for Relief Under NRCP 60(b)(5) & (6) in Abeyance filed 10 NOV 2021
- 480 11/10/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8743675 - Approved By: NOREVIEW : 11-10-2021:12:06:27
- 481 11/24/2021 - 2175 - Mtn for Reconsideration
Additional Text: MOTION FOR LEAVE TO FILE MOTION FOR RECONSIDERATION AND MOTION FOR RECONSIDERATION OF ORDER HOLDING PLAINTIFFS' MOTION FOR RELIEF UNDER NRCP 60(b)(5)&(6) IN ABEYANCE - Transaction 8766283 - Approved By: SACORDAG : 11-24-2021:10:06:43
- 482 11/24/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8766593 - Approved By: NOREVIEW : 11-24-2021:10:09:48
- 483 11/30/2021 - 3880 - Response...
Additional Text: RESPONSE TO MOTION FOR RECONSIDERATION OF ORDER HOLDING PLAINTIFFS' MOTION FOR RELIEF UNDER NRCP 60(b)(5)&(6) IN ABEYANCE - Transaction 8772274 - Approved By: CSULEZIC : 11-30-2021:16:37:08
- 484 11/30/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8773058 - Approved By: NOREVIEW : 11-30-2021:16:38:45
- 485 12/1/2021 - 3870 - Request
Additional Text: APPELLANTS' REQUEST FOR TRANSCRIPT OF PROCEEDINGS - Transaction 8775756 - Approved By: AZAMORA : 12-02-2021:09:51:19
- 486 12/2/2021 - 3795 - Reply...
Additional Text: REPLY IN SUPPORT OF MOTION FOR LEAVE TO FILE MOTION FOR RECONSIDERATION AND MOTION FOR RECONSIDERATION OF ORDER HOLDING PLAINTIFFS' MOTION FOR RELIEF UNDER NRCP 60(b)(5)&(6) IN ABEYANCE - Transaction 8776396 - Approved By: CSULEZIC : 12-02-2021:10:30:07
- 487 12/2/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8776414 - Approved By: NOREVIEW : 12-02-2021:09:52:22
- 488 12/2/2021 - 3860 - Request for Submission
Additional Text: Transaction 8776501 - Approved By: NOREVIEW : 12-02-2021:10:11:13
DOCUMENT TITLE: Motion for Leave to File Motion for Reconsideration and Motion for Reconsideration of Order Holding Plaintiffs' Motion for Relief Under NRCP 60(b)(5)&(6) in Abeyance
PARTY SUBMITTING: RICHARD WILLIAMSON, ESQ.
DATE SUBMITTED: 12/2/21
SUBMITTED BY: NM
DATE RECEIVED JUDGE OFFICE:
- 489 12/2/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8776516 - Approved By: NOREVIEW : 12-02-2021:10:15:06

- 490 12/2/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8776587 - Approved By: NOREVIEW : 12-02-2021:10:31:23
- 491 12/8/2021 - 4185 - Transcript
Additional Text: Transaction 8786669 - Approved By: NOREVIEW : 12-08-2021:11:37:20
- 492 12/8/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8786677 - Approved By: NOREVIEW : 12-08-2021:11:38:56
- 493 2/10/2022 - 3060 - Ord Granting Mtn ...
Additional Text: for Leave to File Motion for Reconsideration; Order Granting Motion for Reconsideration of Order Holding Plaintiffs' Motion for Relief Under NRCP 60(b)(5) & (6) in Abeyance - Transaction 8891394 - Approved By: NOREVIEW : 02-10-2022:13:26:35
- 494 2/10/2022 - NEF - Proof of Electronic Service
Additional Text: Transaction 8891404 - Approved By: NOREVIEW : 02-10-2022:13:28:05
- 495 2/10/2022 - S200 - Request for Submission Complet
Additional Text: Motion for Leave to File Motion for Reconsideration and Motion for Reconsideration of Order Holding Plaintiffs' Motion for Relief Under NRCP 60(b)(5)&(6) in Abeyance filed 10 FEB 2022; Motion for NRCP Rule 60 Relief is deemed submitted.
- 496 5/10/2022 - 2842 - Ord Denying Motion
Additional Text: Order Denying Willard Plaintiffs' Motion for Relief under NRCP 60(B)(5)&(6) - Transaction 9040806 - Approved By: NOREVIEW : 05-10-2022:13:31:05
- 497 5/10/2022 - NEF - Proof of Electronic Service
Additional Text: Transaction 9040807 - Approved By: NOREVIEW : 05-10-2022:13:31:34
- 498 5/13/2022 - 2540 - Notice of Entry of Ord
Additional Text: Denying Willard Plaintiffs' Motion for Relief Under NRCP 60(B)(5)&(6) - Transaction 9047927 - Approved By: NOREVIEW : 05-13-2022:13:54:52
- 499 5/13/2022 - NEF - Proof of Electronic Service
Additional Text: Transaction 9047935 - Approved By: NOREVIEW : 05-13-2022:13:55:29
- 500 6/6/2022 - \$2515 - \$Notice/Appeal Supreme Court
Additional Text: Transaction 9085058 - Approved By: YVILORIA : 06-06-2022:15:54:03
- 501 6/6/2022 - 1310 - Case Appeal Statement
Additional Text: Transaction 9085063 - Approved By: NOREVIEW : 06-06-2022:15:52:23
- 502 6/6/2022 - 2547 - Notice of Filing Costs/Appeal
Additional Text: Transaction 9085063 - Approved By: NOREVIEW : 06-06-2022:15:52:23
- 503 6/6/2022 - NEF - Proof of Electronic Service
Additional Text: Transaction 9085068 - Approved By: NOREVIEW : 06-06-2022:15:53:04
- 504 6/6/2022 - PAYRC - **Payment Receipted
Additional Text: A Payment of \$24.00 was made on receipt DCDC692844.
- 505 6/6/2022 - NEF - Proof of Electronic Service
Additional Text: Transaction 9085088 - Approved By: NOREVIEW : 06-06-2022:15:56:50
- 506 6/6/2022 - SAB - **Supreme Court Appeal Bond
Additional Text: RICHARD D. WILLIAMSON FOR PLAINTIFFS - Transaction 9085093 - Approved By: YVILORIA : 06-06-2022:16:01:16
- 507 6/6/2022 - PAYRC - **Payment Receipted
Additional Text: A Payment of \$500.00 was made on receipt DCDC692845.

508 6/6/2022 - NEF - Proof of Electronic Service

Additional Text: Transaction 9085108 - Approved By: NOREVIEW : 06-06-2022:16:02:02

509 6/8/2022 - 4113 - District Ct Deficiency Notice

Additional Text: NOTICE OF APPEAL DEFICIENCY - SUPREME COURT FILING FEE - Transaction 9088563 - Approved By: NOREVIEW : 06-08-2022:08:45:32

510 6/8/2022 - 1350 - Certificate of Clerk

Additional Text: CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 9088563 - Approved By: NOREVIEW : 06-08-2022:08:45:32

511 6/8/2022 - NEF - Proof of Electronic Service

Additional Text: Transaction 9088568 - Approved By: NOREVIEW : 06-08-2022:08:46:14

1 CODE NO. 2842

2
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4
5 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
6 IN AND FOR THE COUNTY OF WASHOE
7

8 LARRY J. WILLARD, individually and as
9 trustee of the Larry James Willard Trust Fund;
10 OVERLAND DEVELOPMENT
11 CORPORATION, a California corporation;
12 EDWARD C. WOOLEY AND JUDITH A
13 WOOLEY, individually and as trustees of the
14 Edward C. Wooley and Judith A. Wooley
15 Intervivos Revocable Trust 2000,

16 Plaintiffs,

17 vs.

18 BERRY-HINCKLEY INDUSTRIES, a Nevada
19 Corporation; and JERRY HERBST, an
20 individual,

21 Defendants.
22 _____/

23 BERRY-HINCKLEY INDUSTRIES, a
24 Nevada corporation; and JERRY HERBST,
25 an individual;

26 Counterclaimants,

27 vs

28 LARRY J. WILLARD, individually and as
trustee of the Larry James Willard Trust Fund;
OVERLAND DEVELOPMENT
CORPORATION, a California corporation;

Counter-defendants.
_____/

Case No. CV14-01712

Dept. No. 6

**ORDER DENYING WILLARD
PLAINTIFFS' MOTION FOR
RELIEF UNDER NRCP 60(B)(5)&(6)**

1 **ORDER DENYING WILLARD PLAINTIFFS'**
2 **MOTION FOR RELIEF UNDER NRCP 60(B)(5)&(6)**

3 Before this Court is *Willard Plaintiffs' Motion for Relief Under NRCP 60(b)(5)&(6)*
4 ("Motion") filed by Plaintiffs LARRY J. WILLARD, individually, and as Trustee of the Larry
5 James Willard Trust Fund, and OVERLAND DEVELOPMENT CORPORATION (collectively,
6 "Plaintiffs" unless named individually), by and through its counsel of record, Robertson,
7 Johnson, Miller & Williamson, and Lemons, Grundy & Eisenberg.
8

9 Defendants BERRY-HINCKLEY INDUSTRIES, a Nevada corporation, and JERRY
10 HERBST (collectively, "Defendants" unless named individually) filed *Defendants' Opposition*
11 *to the Willard Plaintiffs' Motion for Relief Under NRCP 60(b)(5)&(6)* ("Opposition"), by and
12 through their counsel of record, Dickinson Wright, PLLC.
13

14 Plaintiffs filed their *Reply in Support of Willard Plaintiffs' Motion for Relief Under*
15 *NRCP 60(b)(5)&(6)* ("Reply") and the matter was thereafter submitted for the Court's
16 consideration.

17 **I. RELEVANT FACTUAL AND PROCEDURAL HISTORY.**
18

19 On April 18, 2018, Plaintiffs filed *Willard Plaintiffs' Rule 60(b) Motion for Relief*
20 (*"NRCP 60(b) Motion"*) on the grounds Brian Moquin's ("Mr. Moquin") mental illness
21 constituted excusable neglect.

22 On December 11, 2018, the Court entered *Judgment* in favor of Defendants and
23 dismissed Plaintiffs' claims with prejudice.
24

25 On September 13, 2021, the Court entered its *Order After Remand Denying*
26 *Plaintiffs' Rule 60(b) Motion for Relief*, which Plaintiffs appealed on October 11, 2021, and is
27 presently pending appeal.
28

1 In their *Motion*, Plaintiffs argue there are exceptional circumstances to warrant NRCP
2 60(b)(6) relief because the Court has been presented with newly available evidence of Mr.
3 Moquin's disciplinary records, which were previously unavailable to Plaintiffs because Mr.
4 Moquin purportedly deceived Plaintiffs by failing to provide such evidence and Mr. Moquin
5 was disciplined after Plaintiffs filed their request for relief under NRCP 60(b)(1). See
6 generally *Motion*, pp. 7, 11-12. Furthermore, Plaintiffs identify fifteen (15) purported
7 significant changes in the factual conditions of this case to warrant relief under NRCP
8 60(b)(5). *Motion*, pp. 13-14.

9
10
11 In their *Opposition*, Defendants assert each of the six (6) categories of relief under
12 Rule 60 of the Rules of Civil Procedure are mutually exclusive. *Opposition*, pp. 8-9 (citing
13 various persuasive federal authority). Defendants argue Plaintiffs' arguments demonstrate
14 their *Motion* is an attempt to improperly and untimely bolster their NRCP 60(b)(1)
15 arguments. *Opposition*, pp. 9-11. Defendants contend Plaintiffs' *Motion* is untimely
16 because Plaintiffs fail to explain why the *Motion* comes two (2) years after Mr. Moquin's
17 conditional guilty plea entered in April 2019. *Opposition*, pp. 13-14. Likewise, Defendants
18 contend Plaintiffs request for relief under NRCP 60(b)(5) is untimely and NRCP 60(b)(5)
19 relief does not apply prospectively to final judgments. *Opposition*, pp. 21-22.

20
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22 In their *Reply*, Plaintiffs assert they did not state the *Motion* is a supplement to their
23 previously filed NRCP 60(b) motion. *Reply*, p. 2. Plaintiffs contend they filed their *Motion*
24 within a reasonable time because disciplinary and conviction records were not publicly filed.
25 Furthermore, Plaintiffs cite authority they urge is persuasive for the premise NRCP 60(b)(6)
26 relief is available when personal problems of counsel cause counsel to grossly neglect a
27 client's case and mislead the client. *Reply*, p. 3. Additionally, Plaintiffs argue their *Motion*
28

1 was filed within a reasonable time and Mr. Moquin's abandonment of Plaintiffs constitutes
2 extraordinary circumstances to award relief under NRCP 60(b)(6). *Reply*, pp. 3-4.

3 **II. APPLICABLE LAW AND ANALYSIS.**

4 **A. NRCP 60(b)(5)**

5 Section 60(b)(5) of the Nevada Rules of Civil Procedure provides, in pertinent part, a
6 court may relieve a party from a final judgment, order, or proceeding for the following
7 reasons, including "the judgment has been satisfied, released, or discharged; it is based on
8 an earlier judgment that has been reversed or vacated; or applying it prospectively is no
9 longer equitable." NRCP 60(b)(5).
10

11 A motion for relief under NRCP 60(b)(5) requires the district court find "a significant
12 change either in factual conditions or in law." S.E.C. v. Coldicutt, 258 F.3d 939, 942 (9th
13 Cir. 2001) (citing Rufo v. Inmates of Suffolk County Jail, 502 U.S. 367, 384, 112 S. Ct. 748,
14 760 (1992)). A two-step process is required for relief under NRCP 60(b)(5): (1) the moving
15 party must satisfy their burden of showing significant change either in factual conditions or in
16 the law; and (2) "whether the proposed modification is suitably tailored to resolve the
17 problems created by the changed factual or legal conditions." U.S. v. Asarco Inc., 430 F.3d
18 972, 979 (9th Cir. 2005) (citing Rufo v. Inmates of Suffolk County Jail, 502 U.S. 367, 384,
19 391, 112 S. Ct. 748 (1992)).
20
21
22

23 The Court finds the newly published disciplinary actions of Mr. Moquin do not
24 constitute significant changes in factual conditions. The Court's prior finding that Plaintiffs
25 were represented by Mr. Moquin and Mr. O'Mara has not changed. *Order*, pp. 42-43.
26 Further, the newly published disciplinary actions are still based on the information the Court
27 had before it previously. Therefore, the proposed modification is not suitably tailored to
28

1 resolve the problems created by claimed changed factual conditions argued to support
2 Plaintiffs' position Moquin's mental illness constituted excusable neglect. The Court finds
3 NRCP 60(b)(5) does not provide a basis for relief from the Court's prior ruling.

4
5 **B. NRCP 60(b)(6)**

6 ADKT 0522 amended Rule 60(b) of the Nevada Rules of Civil Procedure adding
7 subsection six (6) to Rule 60(b) to conform with Rule 60(b)(6) of the Federal Rules of Civil
8 Procedure. See ADKT 0522 and Advisory Committee Note-2019 Amendment ("[t]he
9 amendments generally conform to Rule 60 to FRCP 60, including incorporating FRCP
10 60(b)(6) as Rule 60(b)(6)."). NRCP 60(b)(6) provides, in pertinent part, a court may relieve
11 a party from a final judgment, order, or proceeding for the following reasons, including "any
12 other reason that justified relief." NRCP 60(b)(6) (emphasis supplied). NRCP 60(b)(6) was
13 specifically amended to conform with FRCP 60(b)(6). As such, it has long been held federal
14 decisions interpreting the "Federal Rules of Civil Procedure are strong persuasive authority,
15 because the Nevada Rules of Civil Procedure are based in large part upon their federal
16 counterparts." Exec. Mgmt., Ltd. v. Tigor Title Ins. Co., 118 Nev. 46, 53, 38 P.3d 872, 876
17 (2002) (internal quotations omitted) (citing Las Vegas Novelty v. Fernandez, 106 Nev. 113,
18 119, 787 P.2d 772, 776 (1990)); see also Nelson v. Heer, 121 Nev. 832, 834, 122 P.3d
19 1252, 1253 (2005).

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23 "The district court has broad discretion to grant or deny a motion to set aside a
24 judgment under NRCP 60(b), and [i]ts determination will not be disturbed on appeal absent
25 an abuse of discretion." Byrd v. Byrd, No. 80548-COA, 2021 WL 4494633, at *3, 137 Nev.
26 Adv. Op. 60, (Nev. Ct. App. Sept. 30, 2021) (internal quotations omitted); see also Cook v.
27 Cook, 112 Nev. 179, 181-82, 919 P.2d 264, 265 (1996). An abuse of discretion occurs if
28

1 the district court's discretion is arbitrary, capricious, or exceeds the bounds of law or reason.
2 Byrd, 2021 WL 4494633, at *3.

3 Recently, the Nevada Court of Appeals held "NRCP 60(b)(6) provides an
4 independent basis for relief that is mutually exclusive of clauses (1)-(5)." Byrd, 2021 WL
5 4494633, at *4. Federal courts have also concluded the same.¹ A party seeking relief
6 under NRCP 60(b)(6) must satisfy three (3) elements: (1) the motion "cannot be premised
7 on another ground delineated in" NRCP 60; (2) the motion was filed within a reasonable
8 time; and (3) there are extraordinary circumstances justifying reopening the judgment.
9
10 Bynoe v. Baca, 966 F.3d 972, 979 (9th Cir. 2020).

11
12 In this case, the Court concludes Plaintiffs' NRCP 60(b)(6) relief is precluded
13 because the *Motion* is premised on another ground delineated in NRCP 60. Both the *NRCP*
14 *60(b) Motion* and the instant *Motion* request relief based on NRCP 60(b)(5) and specifically
15 on the facts of Mr. Moquin's mental illness and the effect on his representation of Plaintiffs.
16 In the instant *Motion*, Plaintiffs argue newly published disciplinary records of Mr. Moquin are
17 additional evidence the Court can now, and should, consider which in effect supplements
18 their previously filed *NRCP 60(b) Motion*.²

19
20 //

21
22 ¹ See Gonzalez v. Crosby, 545 U.S. 524, 528-29, 125 S. Ct. 2641, 2646 (2005) ("Rule 60(b)(6) . . .
23 permits reopening [of a judgment] when the movant shows any . . . reason justifying relief from the
24 operation of the judgment other than the more specific circumstances set out in Rules 60(b)(1)-(5).")
25 (internal quotations omitted); Liljeberg v. Health Services Acquisition Corp., 486 U.S. 847, 863, 108
S. Ct. 2194, 2204 (1988) (to prevail under Rule 60(b)(6) the motion must be "made within a
reasonable time and is not premised on one of the grounds for relief enumerated in clauses (b)(1)
through (b)(5).").

26 ² *Motion*, p. 2 ("Now, additional evidence exists to support the Willard Plaintiffs' claims surrounding
27 Moquin's mental illness. This evidence was not previously available."); p. 3 (Plaintiffs state the Court
28 should now consider Mr. Moquin's 2019 disciplinary action and documents filed therein as additional
evidence.); pp. 12-13 ("Now, however, there is additional and compelling evidence proving that
substantial justice requires this Court set aside its prior orders and allow this matter to be decide on
its merits.").

Notwithstanding this, the Court did consider whether the circumstances at hand are extraordinary and justify reopening the Court's decision. The Court finds, based on all of the circumstances that were before it then, and those that are argued now, do not warrant the relief requested.

II. ORDER.

Accordingly, and good cause appearing therefor,

IT IS HEREBY ORDERED the *Willard Plaintiffs' Motion for Relief Under NRCP*
60(b)(5)&(6) is DENIED.

DATED this 9th day of May, 2022.

DISTRICT JUDGE

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JOHN DESMOND, ESQ.
ANJALI WEBSTER, ESQ.
ROBERT EISENBERG, ESQ.
RICHARD WILLIAMSON, ESQ.
BRIAN IRVINE, ESQ.
JONATHAN TEW, ESQ.

Holly W. Longe

2540

DICKINSON WRIGHT PLLC

JOHN P. DESMOND

Nevada Bar No. 5618

BRIAN R. IRVINE

Nevada Bar No. 7758

ANJALI D. WEBSTER

Nevada Bar No. 12515

100 West Liberty Street, Suite 940

Reno, NV 89501

Tel: (775) 343-7500

Fax: (844) 670-6009

Email: Jdesmond@dickinsonwright.com

Email: Birvine@dickinsonwright.com

Email: Awebster@dickinsonwright.com

Attorney for Berry Hinckley Industries and Jerry Herbst

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

LARRY J. WILLARD, individually and as
trustee of the Larry James Willard Trust Fund;
OVERLAND DEVELOPMENT
CORPORATION, a California corporation;
EDWARD E. WOOLEY AND JUDITH A.
WOOLEY, individually and as trustees of the
Edward C. Wooley and Judith A. Wooley
Intervivos Revocable Trust 2000,

Plaintiffs,

vs.

BERRY-HINCKLEY INDUSTRIES, a Nevada
corporation; and JERRY HERBST, an
Individual;

Defendants.

CASE NO. CV14-01712

DEPT. 6

BERRY-HINCKLEY INDUSTRIES, a
Nevada corporation; and JERRY HERBST,
an individual;

Counterclaimants,

vs

LARRY J. WILLARD, individually and as
trustee of the Larry James Willard Trust Fund;
OVERLAND DEVELOPMENT
CORPORATION, a California corporation;

Counter-defendants.

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Richard D. Williamson, Esq.
Jonathan Joel Tew, Esq.
ROBERTSON, JOHNSON, MILLER &
WILLIAMSON
50 West Liberty Street, Suite 600
Reno, Nevada 89501
rich@nvlawyers.com
jon@nvlawyers.com

Attorneys for Plaintiffs/Counterdefendants

Attorneys for Plaintiffs/Counterdefendants

/s/ Angela M. Shoults
An employee of DICKINSON WRIGHT PLLC

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EXHIBIT TABLE

Exhibit	Description	Pages ¹
1	ORDER DENYING WILLARD PLAINTIFFS' MOTION FOR RELIEF UNDER NRCP 60(b)(5) & (6)	8

¹ Exhibit Page counts are exclusive of exhibit slip sheets.

FILED
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Alicia L. Lerud
Clerk of the Court
Transaction # 9047927

EXHIBIT 1

EXHIBIT 1

1 CODE NO. 2842

2
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5 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
6 IN AND FOR THE COUNTY OF WASHOE
7

8 LARRY J. WILLARD, individually and as
9 trustee of the Larry James Willard Trust Fund;
10 OVERLAND DEVELOPMENT
11 CORPORATION, a California corporation;
12 EDWARD C. WOOLEY AND JUDITH A
13 WOOLEY, individually and as trustees of the
14 Edward C. Wooley and Judith A. Wooley
15 Intervivos Revocable Trust 2000,

16 Plaintiffs,

17 vs.

18 BERRY-HINCKLEY INDUSTRIES, a Nevada
19 Corporation; and JERRY HERBST, an
20 individual,

21 Defendants.
22 _____/

23 BERRY-HINCKLEY INDUSTRIES, a
24 Nevada corporation; and JERRY HERBST,
25 an individual;

26 Counterclaimants,

27 vs

28 LARRY J. WILLARD, individually and as
trustee of the Larry James Willard Trust Fund;
OVERLAND DEVELOPMENT
CORPORATION, a California corporation;

Counter-defendants.
_____/

Case No. CV14-01712

Dept. No. 6

**ORDER DENYING WILLARD
PLAINTIFFS' MOTION FOR
RELIEF UNDER NRCP 60(B)(5)&(6)**

1 **ORDER DENYING WILLARD PLAINTIFFS'**
2 **MOTION FOR RELIEF UNDER NRCP 60(B)(5)&(6)**

3 Before this Court is *Willard Plaintiffs' Motion for Relief Under NRCP 60(b)(5)&(6)*
4 ("Motion") filed by Plaintiffs LARRY J. WILLARD, individually, and as Trustee of the Larry
5 James Willard Trust Fund, and OVERLAND DEVELOPMENT CORPORATION (collectively,
6 "Plaintiffs" unless named individually), by and through its counsel of record, Robertson,
7 Johnson, Miller & Williamson, and Lemons, Grundy & Eisenberg.
8

9 Defendants BERRY-HINCKLEY INDUSTRIES, a Nevada corporation, and JERRY
10 HERBST (collectively, "Defendants" unless named individually) filed *Defendants' Opposition*
11 *to the Willard Plaintiffs' Motion for Relief Under NRCP 60(b)(5)&(6)* ("Opposition"), by and
12 through their counsel of record, Dickinson Wright, PLLC.
13

14 Plaintiffs filed their *Reply in Support of Willard Plaintiffs' Motion for Relief Under*
15 *NRCP 60(b)(5)&(6)* ("Reply") and the matter was thereafter submitted for the Court's
16 consideration.

17 **I. RELEVANT FACTUAL AND PROCEDURAL HISTORY.**
18

19 On April 18, 2018, Plaintiffs filed *Willard Plaintiffs' Rule 60(b) Motion for Relief*
20 (*"NRCP 60(b) Motion"*) on the grounds Brian Moquin's ("Mr. Moquin") mental illness
21 constituted excusable neglect.

22 On December 11, 2018, the Court entered *Judgment* in favor of Defendants and
23 dismissed Plaintiffs' claims with prejudice.
24

25 On September 13, 2021, the Court entered its *Order After Remand Denying*
26 *Plaintiffs' Rule 60(b) Motion for Relief*, which Plaintiffs appealed on October 11, 2021, and is
27 presently pending appeal.
28

1 In their *Motion*, Plaintiffs argue there are exceptional circumstances to warrant NRCP
2 60(b)(6) relief because the Court has been presented with newly available evidence of Mr.
3 Moquin's disciplinary records, which were previously unavailable to Plaintiffs because Mr.
4 Moquin purportedly deceived Plaintiffs by failing to provide such evidence and Mr. Moquin
5 was disciplined after Plaintiffs filed their request for relief under NRCP 60(b)(1). See
6 generally *Motion*, pp. 7, 11-12. Furthermore, Plaintiffs identify fifteen (15) purported
7 significant changes in the factual conditions of this case to warrant relief under NRCP
8 60(b)(5). *Motion*, pp. 13-14.

9
10
11 In their *Opposition*, Defendants assert each of the six (6) categories of relief under
12 Rule 60 of the Rules of Civil Procedure are mutually exclusive. *Opposition*, pp. 8-9 (citing
13 various persuasive federal authority). Defendants argue Plaintiffs' arguments demonstrate
14 their *Motion* is an attempt to improperly and untimely bolster their NRCP 60(b)(1)
15 arguments. *Opposition*, pp. 9-11. Defendants contend Plaintiffs' *Motion* is untimely
16 because Plaintiffs fail to explain why the *Motion* comes two (2) years after Mr. Moquin's
17 conditional guilty plea entered in April 2019. *Opposition*, pp. 13-14. Likewise, Defendants
18 contend Plaintiffs request for relief under NRCP 60(b)(5) is untimely and NRCP 60(b)(5)
19 relief does not apply prospectively to final judgments. *Opposition*, pp. 21-22.

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22 In their *Reply*, Plaintiffs assert they did not state the *Motion* is a supplement to their
23 previously filed NRCP 60(b) motion. *Reply*, p. 2. Plaintiffs contend they filed their *Motion*
24 within a reasonable time because disciplinary and conviction records were not publicly filed.
25 Furthermore, Plaintiffs cite authority they urge is persuasive for the premise NRCP 60(b)(6)
26 relief is available when personal problems of counsel cause counsel to grossly neglect a
27 client's case and mislead the client. *Reply*, p. 3. Additionally, Plaintiffs argue their *Motion*
28

1 was filed within a reasonable time and Mr. Moquin's abandonment of Plaintiffs constitutes
2 extraordinary circumstances to award relief under NRCP 60(b)(6). *Reply*, pp. 3-4.

3 **II. APPLICABLE LAW AND ANALYSIS.**

4 **A. NRCP 60(b)(5)**

5
6 Section 60(b)(5) of the Nevada Rules of Civil Procedure provides, in pertinent part, a
7 court may relieve a party from a final judgment, order, or proceeding for the following
8 reasons, including "the judgment has been satisfied, released, or discharged; it is based on
9 an earlier judgment that has been reversed or vacated; or applying it prospectively is no
10 longer equitable." NRCP 60(b)(5).

11
12 A motion for relief under NRCP 60(b)(5) requires the district court find "a significant
13 change either in factual conditions or in law." S.E.C. v. Coldicutt, 258 F.3d 939, 942 (9th
14 Cir. 2001) (citing Rufo v. Inmates of Suffolk County Jail, 502 U.S. 367, 384, 112 S. Ct. 748,
15 760 (1992)). A two-step process is required for relief under NRCP 60(b)(5): (1) the moving
16 party must satisfy their burden of showing significant change either in factual conditions or in
17 the law; and (2) "whether the proposed modification is suitably tailored to resolve the
18 problems created by the changed factual or legal conditions." U.S. v. Asarco Inc., 430 F.3d
19 972, 979 (9th Cir. 2005) (citing Rufo v. Inmates of Suffolk County Jail, 502 U.S. 367, 384,
20 391, 112 S. Ct. 748 (1992)).
21
22

23 The Court finds the newly published disciplinary actions of Mr. Moquin do not
24 constitute significant changes in factual conditions. The Court's prior finding that Plaintiffs
25 were represented by Mr. Moquin and Mr. O'Mara has not changed. *Order*, pp. 42-43.
26 Further, the newly published disciplinary actions are still based on the information the Court
27 had before it previously. Therefore, the proposed modification is not suitably tailored to
28

1 resolve the problems created by claimed changed factual conditions argued to support
2 Plaintiffs' position Moquin's mental illness constituted excusable neglect. The Court finds
3 NRCP 60(b)(5) does not provide a basis for relief from the Court's prior ruling.

4
5 **B. NRCP 60(b)(6)**

6 ADKT 0522 amended Rule 60(b) of the Nevada Rules of Civil Procedure adding
7 subsection six (6) to Rule 60(b) to conform with Rule 60(b)(6) of the Federal Rules of Civil
8 Procedure. See ADKT 0522 and Advisory Committee Note-2019 Amendment ("[t]he
9 amendments generally conform to Rule 60 to FRCP 60, including incorporating FRCP
10 60(b)(6) as Rule 60(b)(6)."). NRCP 60(b)(6) provides, in pertinent part, a court may relieve
11 a party from a final judgment, order, or proceeding for the following reasons, including "any
12 other reason that justified relief." NRCP 60(b)(6) (emphasis supplied). NRCP 60(b)(6) was
13 specifically amended to conform with FRCP 60(b)(6). As such, it has long been held federal
14 decisions interpreting the "Federal Rules of Civil Procedure are strong persuasive authority,
15 because the Nevada Rules of Civil Procedure are based in large part upon their federal
16 counterparts." Exec. Mgmt., Ltd. v. Tigor Title Ins. Co., 118 Nev. 46, 53, 38 P.3d 872, 876
17 (2002) (internal quotations omitted) (citing Las Vegas Novelty v. Fernandez, 106 Nev. 113,
18 119, 787 P.2d 772, 776 (1990)); see also Nelson v. Heer, 121 Nev. 832, 834, 122 P.3d
19 1252, 1253 (2005).

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23 "The district court has broad discretion to grant or deny a motion to set aside a
24 judgment under NRCP 60(b), and [i]ts determination will not be disturbed on appeal absent
25 an abuse of discretion." Byrd v. Byrd, No. 80548-COA, 2021 WL 4494633, at *3, 137 Nev.
26 Adv. Op. 60, (Nev. Ct. App. Sept. 30, 2021) (internal quotations omitted); see also Cook v.
27 Cook, 112 Nev. 179, 181-82, 919 P.2d 264, 265 (1996). An abuse of discretion occurs if
28

1 the district court's discretion is arbitrary, capricious, or exceeds the bounds of law or reason.
2 Byrd, 2021 WL 4494633, at *3.

3 Recently, the Nevada Court of Appeals held "NRCP 60(b)(6) provides an
4 independent basis for relief that is mutually exclusive of clauses (1)-(5)." Byrd, 2021 WL
5 4494633, at *4. Federal courts have also concluded the same.¹ A party seeking relief
6 under NRCP 60(b)(6) must satisfy three (3) elements: (1) the motion "cannot be premised
7 on another ground delineated in" NRCP 60; (2) the motion was filed within a reasonable
8 time; and (3) there are extraordinary circumstances justifying reopening the judgment.
9
10 Bynoe v. Baca, 966 F.3d 972, 979 (9th Cir. 2020).

11
12 In this case, the Court concludes Plaintiffs' NRCP 60(b)(6) relief is precluded
13 because the *Motion* is premised on another ground delineated in NRCP 60. Both the *NRCP*
14 *60(b) Motion* and the instant *Motion* request relief based on NRCP 60(b)(5) and specifically
15 on the facts of Mr. Moquin's mental illness and the effect on his representation of Plaintiffs.
16 In the instant *Motion*, Plaintiffs argue newly published disciplinary records of Mr. Moquin are
17 additional evidence the Court can now, and should, consider which in effect supplements
18 their previously filed *NRCP 60(b) Motion*.²

19
20 //

21
22 ¹ See Gonzalez v. Crosby, 545 U.S. 524, 528-29, 125 S. Ct. 2641, 2646 (2005) ("Rule 60(b)(6) . . .
23 permits reopening [of a judgment] when the movant shows any . . . reason justifying relief from the
24 operation of the judgment other than the more specific circumstances set out in Rules 60(b)(1)-(5).")
25 (internal quotations omitted); Liljeberg v. Health Services Acquisition Corp., 486 U.S. 847, 863, 108
S. Ct. 2194, 2204 (1988) (to prevail under Rule 60(b)(6) the motion must be "made within a
reasonable time and is not premised on one of the grounds for relief enumerated in clauses (b)(1)
through (b)(5).").

26 ² *Motion*, p. 2 ("Now, additional evidence exists to support the Willard Plaintiffs' claims surrounding
27 Moquin's mental illness. This evidence was not previously available."); p. 3 (Plaintiffs state the Court
28 should now consider Mr. Moquin's 2019 disciplinary action and documents filed therein as additional
evidence.); pp. 12-13 ("Now, however, there is additional and compelling evidence proving that
substantial justice requires this Court set aside its prior orders and allow this matter to be decide on
its merits.").

Notwithstanding this, the Court did consider whether the circumstances at hand are extraordinary and justify reopening the Court's decision. The Court finds, based on all of the circumstances that were before it then, and those that are argued now, do not warrant the relief requested.

II. ORDER.

Accordingly, and good cause appearing therefor,

IT IS HEREBY ORDERED the *Willard Plaintiffs' Motion for Relief Under NRCP*
60(b)(5)&(6) is DENIED.

DATED this 9th day of May, 2022.

DISTRICT JUDGE

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RICHARD WILLIAMSON, ESQ.
BRIAN IRVINE, ESQ.
JONATHAN TEW, ESQ.

Holly W. Lange

CASE NO. CV14-01712 LARRY WILLARD ET AL V BERRY-HINCKLEY ET AL

**DATE, JUDGE
OFFICERS OF
COURT PRESENT**

APPEARANCES - HEARING

CONT'D TO

8/17/2015
HONORABLE
LYNNE SIMONS
DEPT. NO. 6
Y. GENTRY
(Clerk)
Amundson
(Reporter)
A. Bickerton
(Bailiff)

ORDER TO SHOW CAUSE

Attorney David O'Mara was present on behalf of Plaintiffs. Attorney Brian Moquin was present, via telephone, on behalf of Plaintiffs. Attorney Brian Irvine was present on behalf of Defendants.

COURT advised this is the time set for a Status Hearing.

Appearances put on the record.

COURT advised that it has requested Discovery Commissioner Ayers to be present today. COURT further advised that there are several motions in front of the Court and with lack of opposition: Defendant's second motion to compel discovery responses and a motion for contempt.

Counsel O'Mara addressed the Court and advised the Motion for Contempt is for Third Party.

COURT GRANTED Second Motion for Discovery; that there was no opposition; no response filed.

COURT further advised that the jury trial is approaching in January; that there is not a lot of room regarding production; that Plaintiffs should be in position to file all documents and to go forward with full production.

COURT further advised that Commissioner Ayers is going to handle discovery and set scheduling and hearings regarding status.

Counsel Moquin addressed the Court and advised that Plaintiffs have not filed an opposition to Defendant's Second Motion to Compel Discovery. Counsel presented argument of why not, personal issues; that there shouldn't be any other issues going forward.

COURT GRANTED Second Motion to Compel Discovery Responses. Court read order into record for Counsel Moquin, who was present by phone.

**DATE, JUDGE
OFFICERS OF
COURT PRESENT****APPEARANCES - HEARING****CONT'D TO**

8/17/2015
HONORABLE
LYNNE SIMONS
DEPT. NO. 6
Y. GENTRY
(Clerk)
Amundson
(Reporter)
A. Bickerton
(Bailiff)

ORDER TO SHOW CAUSE

COURT further advised it will entertain fees and costs, but Defendants did not file affidavit.

Counsel Irvine advised there are several depositions coming up back to back and is requesting response by Noon Wednesday; that another motion to compel has not been filed and counsel does not want to file, but need production of documents. Counsel presented argument regarding four (4) outstanding documents; that counsel just wants discovery pursuant to 16.1.

COURT issued general admonishment; that delays have to stop; that consequences will come if further delays. "If you can produce it, you can use it."

Counsel O'Mara addressed the Court and requested to keep hearing going with Commissioner Ayers since everyone is present.

Counsel Irvin concurred with Counsel O'Mara.

COURT closed the hearing before the Court and handed over to Discovery Commission Ayers.

COURT and staff left courtroom.

CASE NO. CV14-01712 LARRY WILLARD ET AL V BERRY-HINCKLEY ETAL

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

1/10/17

HONORABLE
LYNNE SIMONS
DEPT. NO. 6
Y. GENTRY
(Clerk)
Eisenberg
(Reporter)
Masters
(Bailliff)

ORAL ARGUMENTS RE: MOTION FOR PARTIAL SUMMARY JUDGMENT

Attorneys David O'Mara and Brian Moquin were present on behalf of Plaintiffs. Plaintiffs Larry Willard and Edward Wooley were present. Attorney Brian Irvine was present on behalf of Defendants, Berry-Hinckley et al.
Appearances put on the record.

COURT advised it has read pleadings. Counsel may proceed with arguments.

Counsel Irvine addressed the Court regarding filing motion for summary judgment; that counsel would like to focus remaining issues to streamline presentation regarding future motions for summary judgments and trial. Counsel presented argument regarding Plaintiffs seeking damages for future restitution and unforeseeable damages in the future; damages are overreaching and Plaintiffs are not entitled. Counsel argued Willard Plaintiffs are seeking 4.4 million in earnest money; 3 million in tax consequences; and \$500k in closing costs; that Willard Plaintiffs are also seeking attorney fees damages. Counsel presented further argument regarding fee damages associated with Plaintiff's bankruptcy. Counsel presented further argument regarding Plaintiff's Baring Boulevard claim of damages; that all damages are precluded under Nevada law. Counsel cited Hilton Hotel case.

Discussion ensued between Court and Counsel Irvine regarding Hilton case.

Counsel presented further argument requesting partial summary judgment; that burden has not been met by Plaintiffs. Counsel cited Margolese, Enak Realty, and Boise cases regarding rents/leases; that summary judgment should be granted under Rule 56e.

Counsel presented argument regarding claim of damages for Baring Boulevard property and when lease was executed; that Wooley Plaintiffs did not own property at time of executed lease. Counsel Irvine presented argument regarding attorney fees damages; cited Homes v Liu. Counsel reiterated that all damages are precluded as a matter of law under Nevada law.

Discussion ensued regarding Margolese case being binding on this case.

Counsel Irving further addressed the Court regarding section 20b (of the lease) is sole source of remedy.

Further discussion ensued.

Counsel Moquin addressed the Court and presented argument in opposition of section 20b; that it is not the sole source of remedy; that section 15 also applies.

Discussion ensued between Court and Counsel Moquin regarding language in agreements and damages.

Counsel Moquin advised Court that Plaintiffs are withdrawing on closing costs and cost associated with short sale. Counsel argued further regarding tax consequences and earnest monies.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

1/10/17

HONORABLE
LYNNE SIMONS
DEPT. NO. 6
Y. GENTRY
(Clerk)Eisenberg
(Reporter)
Masters
(Bailiff)ORAL ARGUMENTS RE: MOTION FOR PARTIAL SUMMARY JUDGMENT

Discussion between Court and Counsel Moquin regarding withdrawing of claims and diminution of value claim.

Counsel Moquin presented further argument opposing summary judgment and argued further regarding indemnification clause.

10:53 a.m. Court recessed for morning break.

11:25 a.m. Court reconvened. All parties present.

Counsel Moquin advised that Plaintiff Wooley paid taxes. Counsel presented further argument regarding lease agreements; subrogation agreement; damages provisions. Counsel Irvine further addressed the Court and argued further for summary judgment; argued concept of foreseeability; that Plaintiffs didn't argue attorney fees.

Counsel Irvine argued regarding indemnity provision regarding third party claims and damages. Cited Boise, May Department Store, Pacificorp, and Kmart cases. Counsel argued further opposing attorney fees; that they can only be recovered as special damages; that plaintiff should be precluded from seeking; that all damages sought by Plaintiffs are all precluded as a matter of law. Counsel further argued regarding Plaintiffs claims and 16.1 issues.

COURT advised it has applied Rule 56 standards.

COURT FOUND Motion for summary Judgment should be GRANTED: As to Willard Plaintiffs, short sale damages incurred as a result of selling property, tax consequence because of canceling mortgage debt and closing costs, and attorney fees because of voluntary bankruptcy and California action. As to Wooley Plaintiffs, the Court is considering Summary Judgment as it relates to \$600,000.00 in damages because of selling of Baring property and attorney fees in California action.

COURT FOUND Christopher Holmes v Liu case applies regarding special damages regarding attorney fees.

COURT ORDERED Counsel Irvine to prepare proposed order with conclusions of law and applicable authority. Proposed order is to be prepared within 15 days.

COURT FURTHER ORDERED Plaintiffs to serve within 15 days an entry of Summary Judgment and an updated 16.1 disclosure.

Court adjourned.

**DATE, JUDGE
OFFICERS OF
COURT PRESENT****APPEARANCES-HEARING****CONT'D TO**

12/12/17
HONORABLE
LYNNE K. SIMONS
DEPT. NO. 6
J. Martin
(Clerk)
D. Cecere
(Reporter)

PRE-TRIAL CONFERENCE

David O'Mara, Esq. was present on behalf of the Plaintiffs. Brian Moquin, Esq. was present on behalf of the Plaintiffs. Brian Irvine, Esq. was present on behalf of the Defendants, Berry Hinckley and Jerry Herbst.

COURT directed respective counsel to submit proposed orders to the Court; discussed Oral Arguments; and inquired as to the expected length of Trial.

Counsel O'Mara discussed late filing of the oppositions.

Counsel Irvine argued the Plaintiff's lack of compliance should result in dismissal of the matter. Counsel Irvine argued in opposition to a 4th continuance of the Trial date.

Counsel Irvine indicated the Motion for Contempt filed July 24, 2015, was never submitted and he will withdraw that Motion.

Discussion ensued regarding the procedural history of the matter.

COURT granted Defendant extension to reply to the Motion for Summary Judgment until this Friday.

Counsel O'Mara requested subsequent time to file oppositions to pending motions.

Counsel Irvine argued against any extensions of time as the deadlines have passed.

Counsel Moquin stated that the morning the oppositions were due he had computer issues and all of his work was lost. Counsel Moquin requested until Monday or Friday to respond.

Counsel Irvine discussed the upcoming holidays and argued that there has been no compliance with rules or Court orders through this matter by Plaintiff.

COURT indicated it is not inclined to continue the current Trial date; Plaintiff granted extension to oppose Defendant's three Motions; Plaintiff shall respond no later than December 18, 2017, at 10:00 a.m.; Defendant shall reply no later than January 8, 2018; Oral Arguments set for January 12, 2018, at 1:00 p.m.; Court further indicated there will be no further extensions of time granted; Court directed respective counsel to file Trial Statements no later than five judicial days prior to Trial and to include proposed findings of fact and conclusions of law.

**DATE, JUDGE
OFFICERS OF
COURT PRESENT****APPEARANCES-HEARING****CONT'D TO**

09/04/18
HONORABLE
LYNNE K. SIMONS
DEPT. NO. 6
L. Gillings
(Clerk)
E. Ferretto
(Reporter)

ORAL ARGUMENTS/PLAINTIFFS RULE 60(b) MOTION

Richard Williamson, Esq. and Jonathan Tew, Esq. were present on behalf of Larry Willard who was also present. Richard Williamson, Esq. and Johnathan Tew, Esq. were also present on behalf of the Plaintiffs, Larry James Willard Trust Fund, Overland Development Corporation, Edward and Judith Wooley. Brian Irvine, Esq. and Brooks Westergard, Esq. were present on behalf of the Defendants, Berry Hinckley Industries and Jerry Herbst.

COURT reviewed the procedural history of the matter.

Counsel Irvine addressed the Court and presented arguments in support of Defendant's Motion to Strike, or in the Alternative, Motion for Leave to File Sur-Reply filed June 29, 2018 and the attached exhibits to reply Briefs filed by the Plaintiffs.

Counsel Williamson argued in opposition of Defendant's Motion to Strike, or in the Alternative, Motion for Leave to File Sur-Reply, and stated exhibits were proper rebuttal and the Defendant has had multiple opportunities to respond.

COURT noted opposition filed by Plaintiffs and confirmed that a stipulation was reached to allow for sur-reply to be filed. There, the Court determined that there is no need to rule on the Motion to Strike.

Counsel Williamson addressed the Court on behalf of Plaintiff's Motions and provided information regarding counsel Moquin's mental health status.

Counsel Irvine provided further arguments in opposition of Rule 60(b) Motion.

Counsel Williamson addressed the merits of the case and discussed any attorney's fees or costs awarded to the Defendants as sanction should be the obligation of Counsel Moquin and argued that Plaintiff's burden should be resolved via diminution of the value of damages.

Counsel Irvine discussed damages and disclosure requirements per NRCP 16.1 and discussed prejudice the Defendant's. Counsel Irvine commented on Plaintiff's alleged damages and responded to Rule 60(b) Motion and discussed role of Moquin. Counsel Irvine provided further reasoning to the Court to dismiss Motion.

COURT noted if failure to proceed in favor of denying the Motion rules was solely due to counsel Moquin's mental health status should Plaintiff be responsible.

Counsel Irvine responded to the Court and argued that Plaintiff's should be penalized and further discussed Court's rulings. Counsel Irvine discussed deadlines to which the Plaintiff's should be held responsible for. Counsel Irvine further discussed Moquin's mental health issues and

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES-HEARING	CONT'D TO
09/04/18 HONORABLE LYNNE K. SIMONS DEPT. NO. 6 L. Gillings (Clerk) E. Ferretto (Reporter)	<p>role of counsel pertaining to case law.</p> <p>Discussion ensued regarding the amount of attorney's fees owed.</p> <p>Counsel Irvine further argued in opposition to Rule 60(b) Motion.</p> <p>Counsel Williamson argued in support of Rule 60(b) Motion and discussed evidence in the case.</p> <p>COURT ORDER Rule 60(b) Motion will be taken under advisement; Respective counsel shall have two days to provide additional information to the Court for the Court's consideration. The Court directed respective counsel to inform Court staff if no additional information will be provided.</p>	

Code 1350

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

LARRY J. WILLARD, individually and as
trustee of the Larry James Willard Trust Fund;
OVERLAND DEVELOPMENT
CORPORATION, a California corporation;
EDWARD C. WOOLEY AND JUDITH A
WOOLEY, individually and as trustees of the
Edward C. Wooley and Judith A. Wooley
Intervivos Revocable Trust 2000,,

Case No. CV14-01712

Dept. No. 6

Plaintiffs,

vs.

BERRY-HINCKLEY INDUSTRIES, a Nevada
Corporation; and **JERRY HERBST**, an
individual,

Defendants.

BERRY-HINCKLEY INDUSTRIES, a
Nevada corporation; and **JERRY HERBST**,
an individual,

Counterclaimants,

vs.

LARRY J. WILLARD, individually and as
trustee of the Larry James Willard Trust Fund;
OVERLAND DEVELOPMENT
CORPORATION, a California corporation,

Counter-Defendants.

CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL

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

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3 I certify that I am an employee of the Second Judicial District Court of the State of

4 Nevada, County of Washoe; that on the 8th day of June, 2022, I electronically filed the Notice

5 of Appeal in the above entitled matter to the Nevada Supreme Court.

6 I further certify that the transmitted record is a true and correct copy of the original

7 pleadings on file with the Second Judicial District Court.

8 Dated this 8th day of June, 2022.

9 Alicia L. Lerud

10 Clerk of the Court

11 By /s/Y.Viloria

12 Y.Viloria

13 Deputy Clerk

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Code 4132

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

LARRY J. WILLARD, individually and as
trustee of the **Larry James Willard Trust Fund**;
OVERLAND DEVELOPMENT
CORPORATION, a California corporation;
EDWARD C. WOOLEY AND JUDITH A
WOOLEY, individually and as trustees of the
Edward C. Wooley and Judith A. Wooley
Intervivos Revocable Trust 2000,,

Plaintiffs,

vs.

BERRY-HINCKLEY INDUSTRIES, a Nevada
Corporation; and **JERRY HERBST**, an
individual,

Defendants.

BERRY-HINCKLEY INDUSTRIES, a
Nevada corporation; and **JERRY HERBST**,
an individual,

Counterclaimants,

vs.

LARRY J. WILLARD, individually and as
trustee of the **Larry James Willard Trust Fund**;
OVERLAND DEVELOPMENT
CORPORATION, a California corporation,

Counter-Defendants.

Case No. CV14-01712

Dept. No. 6

**NOTICE OF APPEAL
DEFICIENCY**

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On June 6th, 2022, Attorney Richard Williamson, Esq. for Plaintiffs/Counter-defendants, filed a Notice of Appeal with the Court. Attorney Williamson failed to include the Two Hundred Fifty Dollar (\$250.00) Supreme Court filing fee.

Pursuant to NRAP 3(a)(3), on June 8th, 2022, the Notice of Appeal was filed with the Nevada Supreme Court. By copy of this notice Attorney Williamson, was apprised of the deficiency by electronic mail.

Alicia L. Lerud
Clerk of the Court

By: /s/Y.Viloria
Y.Viloria
Deputy Clerk

CERTIFICATE OF SERVICE

CASE NO. CV14-01712

I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County Of Washoe; that on the 8th day of June, 2022, I electronically filed the Notice of Appeal Deficiency with the Clerk of the Court by using the ECF system.

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

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

JOHN DESMOND, ESQ. for BERRY-HINCKLEY INDUSTRIES, JERRY HERBST

RICHARD WILLIAMSON, ESQ. for JUDITH A WOOLEY, EDWARD C WOOLEY AND JUDITH A WOOLEY REVOCABLE TRUST, LARRY JAMES WILLARD TRUST FUND, LARRY J WILLARD, OVERLAND DEVELOPMENT CORPORATION, EDWARD C WOOLEY

ANJALI WEBSTER, ESQ. for BERRY-HINCKLEY INDUSTRIES, JERRY HERBST

ROBERT EISENBERG, ESQ. for JUDITH A WOOLEY, EDWARD C WOOLEY AND JUDITH A WOOLEY REVOCABLE TRUST, LARRY JAMES WILLARD TRUST FUND, LARRY J WILLARD, OVERLAND DEVELOPMENT CORPORATION, EDWARD C WOOLEY

JONATHAN TEW, ESQ. for JUDITH A WOOLEY, EDWARD C WOOLEY AND JUDITH A WOOLEY REVOCABLE TRUST, LARRY JAMES WILLARD TRUST FUND, LARRY J WILLARD, OVERLAND DEVELOPMENT CORPORATION, EDWARD C WOOLEY

BRIAN IRVINE, ESQ. for BERRY-HINCKLEY INDUSTRIES, JERRY HERBST

Deposited in the Washoe County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada:

By:/s/Y.VILORIA

Y.VILORIA

Deputy Clerk