

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDGEWORTH FAMILY TRUST; AND
AMERICAN GRATING, LLC,

APPELLANTS,

VS.

DANIEL S. SIMON; THE LAW
OFFICE OF DANIEL S. SIMON,

RESPONDENTS.

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Elizabeth A. Brown
Clerk of Supreme Court
Supreme Court Case No. 86676
Dist. Ct. Case No. A-18-767242-C
Consolidated with A-16-738444-C

**EDGEWORTH APPELLANTS' APPENDIX TO
OPENING BRIEF**

**VOLUME VI
BATES AA1048-AA1265**

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***EDGEWORTH FAMILY TRUST, ET AL. vs.
DANIEL S. SIMON; THE LAW OFFICE OF DANIEL S. SIMON
SUPREME COURT CASE NO. 86676
APPELLANTS' APPENDIX***

CHRONOLOGICAL INDEX

DATE	DOCUMENT TITLE	VOL	BATES NOS.
2018-08-27	Excerpts of Evidentiary Hearing Transcript (Day 1)	I	AA0001-06
2018-08-30	Excerpts of Evidentiary Hearing Transcript (Day 4)	I	AA0007-22
2018-10-11	Decision and Order on Motion to Adjudicate Lien (original)	I	AA0023-48
2018-11-19	Decision and Order on Motion to Adjudicate Lien (Amended)	I	AA0049-71
2020-12-30	Nevada Supreme Court Order Affirming in Part, Vacating in Part Remanding	I	AA0072-86
2021-03-16	Second Amended Decision and Order on Motion to Adjudicate Lien	I	AA0087-111
2021-03-30	Defendant's Motion for Reconsideration of Lien & Attorney's Fees & Costs Orders and Second Amended Decision and Order on Motion to Adjudicate Lien	I/II	AA0112-406
2021-04-13	Nevada Supreme Court Clerk's Certificate Judgment Affirmed	II	AA0407-423
2021-04-13	Opposition to Motion to Reconsider & Request for Sanctions; Counter Motion to Adjudicate Lien on Remand	III	AA0424-626
2021-04-19	Third Amended Decision and Order on Motion to Adjudicate Lien	IV	AA0627-651

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DATE	DOCUMENT TITLE	VOL	BATES NOS.
2021-05-03	Plaintiffs' Renewed Motion for Reconsideration of Third-Amended Decision and Order Granting in Part and Denying in Part Simon's Motion for Attorney's Fees and Costs, and Motion for Reconsideration of Third Amended Decision and Order on Motion to Adjudicate Lien	IV	AA0652-757
2021-05-13	Edgeworths' Motion for Order Releasing Client Funds and Requiring Production of Complete Client File	IV	AA0758-832
2021-05-13	Opposition to the Second Motion to Reconsider Counter Motion to Adjudicate Lien on Remand	V	AA0833-937
2021-05-20	Edgeworths' Reply ISO Motion for Reconsideration of Amended Decision and Order Granting in Part and Denying in Part Simon's Motion for Attorney's Fees and Costs, and Third Amended Decision and Order on Motion to Adjudicate Lien	V	AA0938-978
2021-05-20	Opposition to Edgeworths' Motion for Order Releasing Client Funds and Requiring Production of File	V	AA0979-1027
2021-05-21	Reply ISO Edgeworths' Motion for Order Releasing Client Funds and Requiring Production of Complete Client File	V	AA1028-1047

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DATE	DOCUMENT TITLE	VOL	BATES NOS.
2021-05-24	Notice of Entry of Order Re Second Amended Decision and Order Granting in Part and Denying in Part Simon's Motion for Attorney's Fees and Costs	VI	AA1048-1056
2021-05-27	Transcript of 05-27-21 Hearing Re-Pending Motions	VI	AA1057-1085
2021-06-18	Notice of Entry of Order of Decision & Order Denying Plaintiffs' Renewed Motion for Reconsideration of Third Amended Decision and Order on Motion to Adjudicate Lien and Denying Simon's Counter Motion to Adjudicate Lien on Remand	VI	AA1086-1093
2021-07-22	Notice of Appeal	VI	AA1094-1265
2021-08-13	Docketing Statement (83260)	VII	AA1266-1277
2021-08-16	Docketing Statement (83258)	VII	AA1278-1289
2021-09-19	Amended Docketing Statement	VII	AA1290-1301
2021-12-13	Order Consolidating and Partially Dismissing Appeals	VII	AA1302-1306
2022-09-16	Order on Edgeworths' Writ Petition (Case No. 84159)	VII	AA1307-1312
2022-09-16	Order Vacating Judgment and Remanding (Case No. 83258-83260)	VII	AA1313-1317
2022-09-27	Fourth Amended Decision & Order on Motion to Adjudicate Lien	VII	AA1318-1343
2022-09-27	Order to Release to the Edgeworth's Their Complete Client File	VII	AA1344-1347
2022-12-15	Remittitur (signed and filed)	VII	AA1348-1351

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2023-02-09	Simon's Motion for Adjudication Following Remand	VII	AA1352-1376
2023-02-23	Edgeworths' Response to Motion for Adjudication Following Remand	VII/VI II	AA1377-1649
2023-03-14	Reply ISO Motion for Adjudication Following Remand	VIII	AA1650-1717
2023-03-28	Fifth Amended Decision and Order on Motion to Adjudicate Lien	IX	AA1718-1748
2023-04-24	Notice of Entry of Fifth Amended Decision and Order on Motion to Adjudicate Lien	IX	AA1749-1781
2023-05-24	Notice of Appeal	IX	AA1782-1784

***EDGEWORTH FAMILY TRUST, ET AL. vs.
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PETITIONERS' APPENDIX

ALPHABETICAL INDEX

DATE	DOCUMENT TITLE	VOL.	BATES NOS.
2021-09-19	Amended Docketing Statement	VII	AA1290-1301
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2023-03-28	Fifth Amended Decision and Order on Motion to Adjudicate Lien	IX	AA1718-1748
2022-09-27	Fourth Amended Decision & Order on Motion to Adjudicate Lien	VII	AA1318-1343
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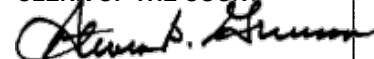
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2021-05-27	Transcript of 05-27-21 Hearing Re-Pending Motions	VI	AA1057-1085



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11 Attorney for Plaintiff
12 Edgeworth Family Trust and
13 American Grating, LLC
14

15 DISTRICT COURT
16 CLARK COUNTY, NEVADA

17 EDGEWORTH FAMILY TRUST;)
18 and AMERICAN GRATING, LLC,)
19)

20 Plaintiffs,)

21 vs.)

22 CASE NO.: A-16-738444-C
23 DEPT NO.: X

24 LANGE PLUMBING, LLC; THE)
25 VIKING CORPORATION, a)
26 Michigan Corporation; SUPPLY)
27 NETWORK, INC., dba VIKING)
28 SUPPLYNET, a Michigan)
Corporation; and DOES 1through)
5; and ROE entities 6 through 10,)

29 Defendants)

30 Consolidated with

31 CASE NO.: A-18-767242-C
32 DEPT NO.: X

33 EDGEWORTH FAMILY TRUST;)
34 and AMERICAN GRATING, LLC,)
35)

36 Plaintiffs,)

37 vs.)
38)
39)

40 NOTICE OF ENTRY OF ORDER

1 DANIEL S. SIMON; THE LAW)
2 OFFICE OF DANIEL S. SIMON, a)
3 Professional Corporation d/b/a)
4 SIMON LAW; DOES 1 through 10;)
5 and, ROE entities 1 through 10,)
6 Defendants.)

7 PLEASE TAKE NOTICE that a Second Amended Decision and Order
8 Granting in Part and Denying in Part, Simon's Motion for Attorney's Fees
9 and Costs was entered by the Court on May 24, 2021.

10 MORRIS LAW GROUP

11 By: /s/ STEVE MORRIS
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14 801 S. Rancho Drive, Suite B4
15 Las Vegas, Nevada 89106

16 Attorneys for Plaintiffs
17 Edgeworth Family Trust and
18 American Grating, LLC
19
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CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b), I certify that I am an employee of MORRIS LAW GROUP, and that the following document was electronically filed with the Clerk of the Court and caused a true and accurate copy of the same to be served via the Odyssey File and Serve system upon all registered counsel of record:

DATED this 24th day of May, 2021.

By: /s/TRACI K. BAEZ
An Employee of Morris Law Group

Heather S. Simon
CLERK OF THE COURT

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Attorney for Plaintiff
Edgeworth Family Trust and
American Grating, LLC

DISTRICT COURT
CLARK COUNTY, NEVADA

EDGEWORTH FAMILY TRUST;)
and AMERICAN GRATING, LLC,)

Plaintiffs,)

vs.)

CASE NO.: A-16-738444-C
DEPT NO.: X

LANGE PLUMBING, LLC; THE)
VIKING CORPORATION, a)
Michigan Corporation; SUPPLY)
NETWORK, INC., dba VIKING)
SUPPLYNET, a Michigan)
Corporation; and DOES 1through)
5; and ROE entities 6 through 10,)

Defendants)

Consolidated with

CASE NO.: A-18-767242-C
DEPT NO.: X

EDGEWORTH FAMILY TRUST;)
and AMERICAN GRATING, LLC,)

Plaintiffs,)

vs.)

SECOND AMENDED DECISION
AND ORDER GRANTING IN
PART AND DENYING IN PART,
SIMON'S MOTION FOR
ATTORNEY'S FEES AND COSTS

1 DANIEL S. SIMON; THE LAW)
2 OFFICE OF DANIEL S. SIMON, a)
3 Professional Corporation d/b/a)
4 SIMON LAW; DOES 1 through 10;)
5 and, ROE entities 1 through 10,)
6 Defendants.)

7 **SECOND MENDED DECISION AND ORDER ON ATTORNEY'S FEES**

8 This case came on for a hearing on January 15, 2019, in the Eighth
9 Judicial District Court, Clark County, Nevada, the Honorable Tierra Jones
10 presiding. Defendants and movant, Daniel Simon and Law Office of Daniel
11 S. Simon d/b/a Simon Law ("Defendants" or "Law Office" or "Simon" or
12 "Mr. Simon") having appeared in person and by and through their
13 attorneys of record, Peter S. Christiansen, Esq. and James Christensen, Esq.
14 and Plaintiff Edgeworth Family Trust and American Grating, ("Plaintiff" or
15 "Edgeworths") having appeared through Brian and Angela Edgeworth, and
16 by and through their attorneys of record, the law firm of Vannah and
17 Vannah, Chtd.

18 The Court having considered the evidence, arguments of counsel and
19 being fully advised of the matters herein, the **COURT FINDS after review:**

20 The Motion for Attorney's Fees is GRANTED in part, DENIED in
21 part.

22 1. The Court finds that the claim for conversion was not
23 maintained on reasonable grounds, as the Court previously found that
24 when the complaint was filed on January 4, 2018, Mr. Simon was not in
25 possession of the settlement proceeds as the checks were not endorsed or
26 deposited in the trust account. (*Amended Decision and Order on Motion to*
27 *Dismiss NRCP 12(b)(5)*). As such, Mr. Simon could not have converted the
28 Edgeworth's property. As such, the Motion for Attorney's Fees is
GRANTED under 18.010(2)(b) as to the Conversion claim as it was not

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1 maintained upon reasonable grounds, since it was an impossibility for Mr.
2 Simon to have converted the Edgeworth's property, at the time the lawsuit
3 was filed.

4 2. Further, The Court finds that the purpose of the evidentiary
5 hearing was primarily on the Motion to Adjudicate Lien. The Motion for
6 Attorney's Fees is DENIED as it relates to other claims. In considering the
7 amount of attorney's fees and costs, the Court finds that the services of Mr.
8 James Christensen, Esq. and Mr. Peter Christiansen, Esq. were obtained
9 after the filing of the lawsuit against Mr. Simon, on January 4, 2018.

10 However, they were also the attorneys in the evidentiary hearing on the
11 Motion to Adjudicate Lien, which this Court has found was primarily for
12 the purpose of adjudicating the lien by Mr. Simon. The Court further finds
13 that the costs of Mr. Will Kemp, Esq. were solely for the purpose of the
14 Motion to Adjudicate Lien filed by Mr. Simon, but the costs of Mr. David
15 Clark, Esq. were solely for the purposes of defending the lawsuit filed
16 against Mr. Simon by the Edgeworths.

17 3. The court has considered all of the *Brunzell* factors pertinent to
18 attorney's fees and attorney's fees are GRANTED. In determining the
19 reasonable value of services provided for the defense of the conversion
20 claim, the COURT FINDS that 64 hours was reasonably spent by Mr.
21 Christensen in preparation and defense of the conversion claim, for a total
22 amount of \$25,600.00. The COURT FURTHER FINDS that 30.5 hours was
23 reasonably spent by Mr. Christiansen in preparation of the defense of the
24 conversion claim, for a total of \$24,400.00. As such, the award of attorney's .

25 ...

26 ...

27 ...

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1 fees is GRANTED in the amount of \$50,000.00 and costs are GRANTED in
2 the amount of \$2,520.00. Dated this 24th day of May, 2021

3 IT IS SO ORDERED this ____ day of May, 2021.

4 
5 DISTRICT COURT JUDGE

6
7 Approved as to Form:

8 MORRIS LAW GROUP

5AB 94F 90B4 23DA
Tierra Jones
District Court Judge

9 By: /s/ STEVE MORRIS

10 Steve Morris, Bar No. 1543
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13 Attorneys for Plaintiffs
14 Edgeworth Family Trust and
15 American Grating, LLC
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1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 Edgeworth Family Trust,
7 Plaintiff(s)

CASE NO: A-16-738444-C

8 vs.

DEPT. NO. Department 10

9 Lange Plumbing, L.L.C.,
10 Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

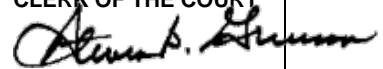
12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Decision and Order was served via the court's electronic eFile system
14 to all recipients registered for e-Service on the above entitled case as listed below:

15 Service Date: 5/24/2021

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DISTRICT COURT

CLARK COUNTY, NEVADA

EDGEWORTH FAMILY TRUST, ET
AL.,

Plaintiffs,

vs.

DANIEL SIMON, ET AL.,

Defendants.

CASE#: A-18-767242

COMBINED WITH
CASE#: A-16-738444-C

DEPT. X

BEFORE THE HONORABLE TIERRA JONES
DISTRICT COURT JUDGE
THURSDAY, MAY 27, 2021

RECORDER'S TRANSCRIPT OF PENDING MOTIONS

APPEARANCES VIA BLUEJEANS:

For the Plaintiffs: STEVE L. MORRIS, ESQ.

For the Defendants: JAMES R. CHRISTENSEN, ESQ.

RECORDED BY: VICTORIA BOYD, COURT RECORDER

1 Las Vegas, Nevada, Thursday, May 27, 2021

2
3 [Case called at 9:25 a.m.]

4 THE COURT: We are going to go on the record in A738444,
5 Edgeworth Family Trust v. Lange Plumbing. This case is also
6 consolidated -- okay, I need everybody on BlueJeans to mute. Okay.
7 Also consolidated with the Edgeworth Family Trust v. Daniel Simon.

8 May the record reflect we are here for the renewed motion to
9 reconsider, as well as there was a countermotion to adjudicate the lien
10 on remand. I have read Plaintiff's renewed motion to reconsider the
11 third amended decision and order. I have also read the opposition, as
12 well as the countermotion. And I have read the reply in regards to the
13 motion to reconsider. And there's also a motion for an order releasing
14 the client funds, which we'll get to second.

15 So let's start with the renewed motion for reconsideration.
16 Plaintiff, I have read everything that was submitted by the parties. Do
17 you have anything you would like to add to what you previously
18 submitted?

19 MR. MORRIS: Yes, Your Honor. I'm Steve Morris. I know
20 that you just said you've read the papers. Still, however, I think it's
21 necessary to -- for Mr. Edgeworth to make a record here of this hearing.

22 We point out in our papers, as you've probably recognized
23 that the third amended order does not comply with the Supreme Court's
24 mandate that brings this case back to your court. There isn't in the third
25 amended -- in the third lien order, there isn't any basis or explanation for

1 -- to provide a basis for the \$200,000 in quantum merit award that you
2 awarded Mr. Simon for post discharge work, and I think that it's
3 necessary to do that. We don't have in the record -- we, of course, have
4 your decision, which says, among other things, the Court must establish
5 or determine the amount of a reasonable fee, but we don't have findings
6 from you or, as the Supreme Court said, an explanation to support the
7 \$200,000 as reasonable for work that was done post discharge.

8 The work that was done post discharge in your order is not
9 identified, and there is no statement by you or any opinion by you of the
10 value of that work that benefited the Edgeworths. So we don't have --
11 going back to the Supreme Court's words, we don't have from you, in
12 your third order, an explanation of the reasonableness of the \$200,000
13 that you ordered.

14 Now you're required to make an explanation of that, and the
15 Court also said, that in doing so -- and I know that you said in your order
16 that you considered the *Brunzell* factors, but you didn't point out, the
17 Supreme Court observed, what it is in the *Brunzell* factors that you found
18 and applied to the post-discharge work that would support your \$200,000
19 award.

20 In the opposition to this motion, which, Your Honor, you also
21 say you've read, the opposition says there's more than what Mr. Simon
22 described in his super bill as the work he did post discharge and the
23 opposition, however, doesn't cite anything. It just simply says substance
24 -- we had a five day hearing, and that five day hearing covered a lot of
25 ground and had a lot of information in it.

1 The point is, and it's illustrated by Exhibit LL to our motion
2 for reconsideration, that's the color coded chart that breaks down by
3 about a job -- it's about a job description, the time that was spent by Mr.
4 Simon and his associate, Ashley Ferrel, in wrapping up, or in my words,
5 closing out the file of his representation in this case. He's been
6 compensated for the work that he did, that you found impressive, and
7 we're not disputing that. What we're disputing and what we're asking
8 you to consider is did he work 71 -- he and his associate work 71.10
9 hours -- point 1 hours. And it describes, largely, garden variety close out
10 work to conclude his representation of the Edgeworths in this case.

11 That super bill was the only record we have of Simon's post
12 discharge work, and as you pointed out at one time, it may be -- it may
13 be even questionable at that. But at the very most, if you credit
14 everything that he says on that bill -- and, by the way, give him credit for
15 71.10 hours, you would be compensating him at almost \$3,000 an hour if
16 you were to confirm this \$200,000 quantum meruit award.

17 We say that's unreasonable, and we point to, in saying that
18 in our papers, that our belief is, and we ask you to consider it, that the
19 work he did should not be valued any more than -- and we describe it at
20 most, and it's still generous -- at the rate of which he was compensated
21 prior to post discharge, because the work that you found that justified
22 what he was claiming, and you ordered for previous charged work, is not
23 the work that he did post discharge. Post discharge is telephone calls,
24 administration, reading emails, and so on to wrap up his participation in
25 the case. It's just routine, as I say, close out administrative work.

1 In addition, the third amended order has an error in it, which
2 we describe as a scrivener's error for \$71,594.93 in costs that, as you
3 acknowledged in your order on page 18, that had already been paid. The
4 Edgeworths had paid those. Those costs should not have been added
5 back into this order adjudicating the lien.

6 So, Your Honor, to summarize this, I think we can say that at
7 the very most, considering the work that was done, the character of that
8 work, and the absence of findings to show that it had had some
9 substance as opposed to just routine clean-up work to get out of the case
10 and close his file on it, \$34,000 or just a little less than that, 33,000 nine
11 plus will be more than sufficient to compensate Mr. Simon for his post
12 discharge work, and we ask you to enter and reconsider in doing so,
13 your third order, and conclude in accordance with the directions from
14 the Supreme Court that that work that he did is worth no more than
15 \$34,000.

16 THE COURT: Okay. Thank you, counsel. Mr. Christensen,
17 your response.

18 MR. CHRISTENSEN: Yes, Your Honor. I'm going to first
19 address the Edgeworth's motion, and then I'll address the
20 countermotion.

21 THE COURT: Okay.

22 MR. CHRISTENSEN: The difficulty with the Edgeworth's
23 motion is that they haven't set forth grounds for reconsideration. The
24 claim that the Court's latest order did not comply with the mandate , for
25 example, didn't take note of the fact that there was a *Brunzell* analysis

1 that was added in, and that there were also additional findings added in
2 concerning the work that Simon did to uphold the Court's quantum
3 merit analysis.

4 There's several kind of throw up on the wall issues that are
5 raised as an attempt to gain reconsideration. One of them is that they
6 say they were not provided with an opportunity to file a reply. I pointed
7 out in the opposition that they didn't make any showing that that's
8 actually a fundamental right, that they had a due process right to file a
9 reply and, lastly, that they did not establish what their argument would
10 have been. They didn't provide it. So they did not establish undue
11 prejudice and thereby they cannot ask for reconsideration.

12 The reply is fairly telling, and it kind of goes in line with the
13 general theme of all of these recent filings. They argue that they did not
14 make a due process argument, that they were merely stating a fact that
15 they were denied their, quote, "right to reply," and that, quote, "should
16 not have been denied that right as a fact."

17 So they kind of bootstrapped themselves into their own relief
18 by ignoring the fact that they have two false premises. They just skip
19 over them. One is no right to reply; and, two, is no undue prejudice. At
20 most, it's -- if you can't say what you would have said in your reply that
21 would have changed the mind of the Court, then it's [indiscernible -
22 audio/video frozen].

23 So we never get to actually examining their arguments in the
24 first place because they haven't established a right to reconsideration.
25 But I would like to go to them anyway because, if nothing else, to

1 support the Court's quantum meruit analysis. You know, at the outset,
2 they're promoting an hourly computation of the fees to Simon. That's
3 not the only route that the Court can take. Under a quantum meruit, it's
4 within the Court's discretion to use a wide variety of metrics on how to
5 add up the fees. One of them is market rate. Another one is -- you know,
6 under -- there are arguments that are not well stated in the moving
7 papers concerning contingency fee, flat fee, all of that.

8 But we know from the very early case of *Fracasse v. Brent*,
9 which came out of California in 1972, that when a lawyer is fired on the
10 courthouse steps of either a good result, or a good trial result, or a
11 judgment, or a settlement, that the lawyer is not bound by any artificial
12 restrictions, the lawyer gets the full value of their work. And Nevada law
13 follows right along from *Fracasse*. *Fracasse* has been cited a number of
14 times.

15 So let's take a look at the actual arguments that are
16 submitted by the Edgeworths. They use terms like garden variety. They
17 had [indiscernible - audio/video frozen]

18 THE COURT: Mr. Christensen, can you hear us? Because I'm
19 having difficulty hearing you now and your video is gone.

20 MR. CHRISTENSEN: I can hear you.

21 THE COURT: Okay. We can't hear you, because now you're
22 on the screen, but you're frozen.

23 MR. CHRISTENSEN: I could hold up notes.

24 THE COURT: Can you log out and log back in?

25 MR. CHRISTENSEN: Yes, I can. I will do that.

1 THE COURT: Okay. Never mind, we can hear you now.

2 MR. CHRISTENSEN: Okay.

3 THE COURT: Yeah, we can hear you now.

4 MR. CHRISTENSEN: I'm sorry, Your Honor. You know, my
5 office is downtown and Cox it's a challenge to us all.

6 THE COURT: I get it. I get it.

7 MR. CHRISTENSEN: I want to just focus in on one area that
8 they complain about, kind of to remove the curtain from this fallacy of
9 the garden variety argument that they have.

10 So they go all around on when the Viking settlement was
11 finalized, when the release was finalized. They make very definitive
12 statements that it was all over by the 27th. As I pointed out in the
13 opposition, they ignored the Court's finding of fact number 13 on that
14 point. In the reply, they never provided a basis for how they can ignore
15 that finding of fact or get around it. They simply say more of the same.

16 So let's get into it. There was discussion, and some of it is
17 cited by the Edgeworths. For example, on page 16 of day 4 transcript,
18 the Court asked this question. "And you got the mutual release on
19 11/27." And Mr. Simon replied, "Right in that range, yeah." So he
20 doesn't say it was exactly on the 27th. In fact, he discusses that it was
21 before he got the letter of direction, which, of course, didn't come into
22 his office until the 30th, and we have a finding of fact on that as well.

23 And then on page 17 of the same transcript, Mr. Simon
24 further described that he went on over to Joel Henriod's office and
25 actually sat down with him and worked on the release and finished it up.

1 These folks put a great deal of strength in the super bill. If you take a
2 look at that, there it is, there's a November 30th entry on page 75, when
3 he was -- when Mr. Simon was negotiating the release with Mr. Henriod.
4 And there are other entries throughout that time when they were
5 negotiating the release, including the 29th, the 27th. That was an active
6 issue, and it was active all the way through the 30th, which is after the
7 time he was discharged.

8 So, you know, these are not garden variety items. If they're
9 garden variety items, Mr. Vannah would not have been so assertive in
10 the hearing before Your Honor when he said, I don't know what's going
11 on, and he didn't want to get involved with the release. He didn't want
12 to sign it. And he said in open court, that he didn't want to get involved.
13 And, in fact, he sent an email, which is also referenced in the Court's
14 findings about the number of hours that it would take him to get up to
15 speed in order to address these, what are now termed as garden variety
16 items.

17 So there was value added to the case. This is not simple
18 hourly billing or else Mr. Vannah could have handled it. He's an
19 immensely qualified attorney. If he's saying he's not able to handle it
20 without a whole lot of study, and work, and over a week's time of
21 reviewing the file and getting up to speed, then all of that needs to be
22 taken into consideration when you evaluate the value of Mr. Simon's
23 services, assuming that you start the clock on November 29th.

24 Moving on to Mr. Simon's argument. We have a legal
25 argument; we have promoted that legal argument before. As pointed

1 out in the reply, it appears to be a cut and paste. That is accurate. Very
2 astute. Mainly it is. Surprisingly, although it's a cut and paste, and
3 although the Edgeworths have seen this argument before, they still don't
4 put up an argument as to why the law cited in that argument does not
5 apply. As you know, Your Honor, our argument is that once the contract
6 was found as being discharged that then, as a matter of law, the
7 payment term of the discharged contract cannot be enforced. That's it.
8 Simply put.

9 So we say that the quantum meruit clock should start back in
10 September. There is another unrebutted declaration of Will Kemp
11 submitted, which is in line with his prior unrebutted testimony that there
12 was a tremendous amount of value added to the case from September
13 forward. And the counterargument is going to be that, well, the
14 Supreme Court didn't address that or doesn't allow that type of an
15 analysis in their mandate, and we disagree with that.

16 When you take a look -- a course grained look at the case as a
17 whole, you have to include the order where the petition for writ by Mr.
18 Simon was denied as moot. And in that petition, Simon sought relief
19 because of the argument that once the implied in fact contract was
20 discharged, that it was improper to enforce the payment term.

21 So clearly the Supreme Court is saying we're sending it back
22 down anyway, so we don't have to address this. We're going to throw it
23 back to the District Court. Now they can come up with a
24 counterargument to that, certainly, but we have two competing
25 arguments at this time, and they're both based upon the record. So that

1 question is left to this Court. And if the Court finds that, yes, we do get
2 to address that issue, then I would submit that Mr. Simon has shown the
3 legal basis for reconsideration because of the error of law argument.

4 Also, on the QM argument, there is one thing to remember,
5 that Mr. Simon also increased the value of the Lange settlement. There
6 was a rather odd argument made that because the -- in the reply, that
7 because the settlement document had a December date on it, that clearly
8 everything was done back in December. I'm not sure how that holds.
9 Even if the date is the same, every other word, other than the date, could
10 have been changed. Of course, that didn't happen. Only the numbers
11 changed. But the mere fact that the date predated the increase in value,
12 it doesn't mean that other parts of the release does not change. That's
13 another unsound argument.

14 Unless Your Honor has any questions. Thank you.

15 THE COURT: Thank you, Mr. Christensen. Mr. Morris, any
16 reply to what Mr. Christensen just argued?

17 MR. MORRIS: Yes, Your Honor. Thank you. I just want to
18 make a couple of observations -- well, more than a couple, several.

19 Once is that your latest order, the third order, which we're
20 asking you to reconsider and modify in accordance with the Supreme
21 Court's direction, is the same order that was before the Nevada Supreme
22 Court. Your order with respect to quantum meruit hasn't changed in the
23 sequence of the orders that have been entered in this case on that
24 subject.

25 So it isn't as if we are coming up at the last moment with

1 something in the way of an analysis to try to effect reconsideration.
2 We're asking you to reconsider this order on the same basis that the
3 Nevada Supreme Court directed you to do so. And we don't claim -- as
4 Mr. Christensen erroneously argues, we don't claim that there's been
5 any denial of due process. We don't claim -- and we point out in our
6 reply that we don't claim that the denial of the right to file a reply to the
7 second order was reserved by that jurisdiction and, certainly, affects us
8 here. We're just pointing out the history of this litigation and the fact
9 that we should have been -- we should have been allowed, and
10 particularly the local rule, to file a reply. We have filed a reply now. It's
11 the reply in support of reconsideration of this third order.

12 Mr. Christensen also went on to say that there are other
13 factors that you can consider, other than the hourly rate that Mr. Simon
14 was paid predischarge for the work that he did, and he referred to
15 something like the market rate. He wouldn't elaborate on that. But the
16 market rate, you know, is what Mr. Simon, in the first instance, offered
17 his super bill in support of. And I want to come back to that super bill in
18 just a moment.

19 But I would point out in making that argument, Mr.
20 Christensen is flying in the face or in the heat of the Supreme Court's
21 order that this quantum meruit finding, which has been consistent -- the
22 quantum meruit portion of your decisions, which was inconsistent from
23 the date of appeal until today, to say that you cannot consider, which is
24 largely what Mr. Christensen is arguing, you can't consider in
25 establishing quantum meruit the work that was done predischarge, and

1 that's our point.

2 We also point out, when he takes issue with us ignoring
3 finding of fact number 13, we addressed that in our reply. We pointed
4 out that Mr. Christensen miscited and misquoted finding of fact number
5 13. You didn't say in that finding that -- anything about on or after.
6 What you said was on or about, and we point that out in a footnote in
7 our reply. So it's necessary, I think, to correct the record on that.

8 Mr. Christensen's argument that Mr. Simon is entitled to
9 almost \$3,000 an hour for work that he did to close up the file, which
10 [indiscernible] not I described as, but I'll adopt that description as garden
11 variety closing up the file work. That \$3,000 an hour -- or it's actually
12 \$2789 an hour for each of the 71.1 hours that are on that super bill, that
13 is just extraordinary. And consider it in this light, Your Honor. If Mr.
14 Simon had not been fired, his compensation would have been -- would
15 have been established as you did with respect to, that he was owed
16 pre-discharge -- his work post discharge, or if he hadn't been fired, his
17 work would be to the end of his time, would have been on an hourly
18 basis.

19 So to get into that hourly basis, which *Brunzell* says you can
20 consider. It doesn't say you disregard it and throw it out the window
21 when the lawyer is terminated, but had he not been fired his
22 compensation would be exactly as we ask you to award, and that is not
23 more than \$34,000, which we put in our papers.

24 I want to point out another thing that Mr. Christensen said
25 that is contrary to Mr. Simon's testimony to you, and especially in

1 response to a question you asked him. You asked him if negotiations
2 have been completed before -- before he sat down to write his
3 November 27th letter to Edgeworth -- to the Edgeworths saying that he
4 wanted several million dollars more than he had agreed to take
5 previously. And he said that negotiations on the 27th, when he wrote
6 that letter to the Edgeworths, were complete before he knew that he --
7 that Vannah had been hired.

8 So I think that is -- pardon me?

9 UNIDENTIFIED SPEAKER: And before he wrote the letter.

10 MR. MORRIS: And before he wrote the letter. Yes, before he
11 wrote the letter and he knew that Vannah had been discharged, he had
12 completed negotiations.

13 He announced the end result on November 30th, but he also
14 established that the end result had already been negotiated. And you
15 made a finding that the Edgeworth's signed the consent to settle the
16 Lange case on December the 7th. That wasn't consequence of any work
17 that Mr. Simon was doing during that time.

18 This brings us to, I think, one of the most important parts of
19 this motion practice and all of this is included in our papers as exhibits.
20 And again I would like to refer you to Exhibit LL in support of the
21 principal motion. If you look at that, that's excerpts from Mr. Simon's
22 super bill. And here is the character of the work that he said he was
23 doing on and after he was discharged. He drafted and sent an email. He
24 reviewed and analyzed Lange's supplemental brief. He got an email
25 from his client. He drafted a letter to Teddy Parker. He reviewed a

1 release. He called Teddy Parker. He called someone that he refers to as
2 ANF. He looked at a bill. He negotiated a release with Mr. Henriod on
3 November the 30th, for three-and-a-half hours. He had a conversation
4 with Mr. Green.

5 He's trying to get -- he's trying to establish that he was doing
6 substantive work on and after the date he was discharged, but the super
7 bill simply does not support it, and that's the only record, Your Honor,
8 that we have of what he did do during this time period.

9 So we would say if you look at this testimony that ties the
10 contract negotiations that he was being compensated before he wrote to
11 the Edgeworths, that trends down the contract negotiations with respect
12 to Lange and Viking as have been substantively completed as of
13 November the 27th.

14 So, in sum, what we have here is dancing between the
15 raindrops in an effort to escape what in fact Mr. Simon has testified to
16 and what his super bill shows that he actually did. He put in some non-
17 substantive garden variety hours to close out his file and his
18 representation of the Edgeworths, and that totals 71.10 hours.

19 Mr. Christensen also raised the point that just simply -- it
20 defies rational analysis, and that is the Supreme Court's denial of Mr.
21 Simon's writ petition. He seemed to overturn the Court's determination
22 that he was entitled to \$200,000 in quantum meruit compensation and
23 that order simply says, as well as the Supreme Court entered, denying
24 writ petition. We reviewed the order in a direct appeal in docket number
25 77678 where they vacated the quantum meruit award and remanded it

1 for further proceedings.

2 Your Honor, those further proceedings are this proceeding.
3 We are now addressing that and that is precisely what the Supreme
4 Court asked to be done in its decision that it entered on December the
5 30th, saying that although there is evidence in the record that Simon and
6 his associate performed work after the constructive discharge, the
7 District Court did not explain how it views that evidence to calculate its
8 award. Thus, it was unclear whether the \$200,000 was a reasonable
9 amount to award for the work done after constructive discharge. That's
10 not for the work that was done prior to, as Mr. Christensen likes to
11 analogize it, to being fired on the courthouse steps. And the case then
12 goes ahead, apparently, in court.

13 But the point is that Mr. Simon was fired after the
14 substantive negotiations and agreements for settling the Viking, in
15 particular, and the Lange claims were completed, and he was
16 compensated for that. You've compensated him for that. We didn't
17 appeal that. What we appealed was, and what the Supreme Court sent
18 this back for, was the \$200,000 in quantum meruit.

19 And our point is, and as we point out in our -- in the opening
20 page of our reply in this particular proceeding is we're here on a very
21 limited basis. We're here only for the purpose of establishing what
22 would be reasonable, if it can be justified as reasonable, the \$200,000
23 that you awarded Mr. Simon in quantum meruit. And as we point out,
24 when you examine the record of what he did, that the Supreme Court
25 referred to, we see that Mr. Christensen describes as garden variety work

1 the 71.1 hours and \$2700 -- \$2789 per hour for each one of those 71
2 hours.

3 We say that's unreasonable. We say that ignores what
4 *Brunzell* said and other cases have said since then. Hourly rates to the
5 point of discharge can be considered, but they're not exclusive. You can
6 consider other factors too. And when you consider those other factors,
7 you've got to take into consideration what it is that the advocate
8 apparently did during the post discharge period.

9 We've covered that with you in Exhibit LL that describes all
10 of the work Mr. Simon and his associate, Ms. Ferrel did, and we have
11 concluded, and we ask you to accept our conclusion that Mr. Simon is
12 entitled to, at most -- we don't think he's entitled to \$34,000, but we
13 understand that you have some discretion here, that you have to ask
14 yourself that discretion on the basis of a record before you. And we
15 show that the record before you just simply will not support as the
16 Supreme Court, asked you to [indiscernible] anything more than \$34,000
17 for the work Mr. Simon and his associate did post discharge. Thank you
18 for listening to me.

19 THE COURT: Thank you very much.

20 MR. CHRISTENSEN: Your Honor, may I have one minute in
21 reply to of motion?

22 THE COURT: No, Mr. Christensen. We have litigated this
23 case for the last four years. I have heard everything under the sun about
24 this case. I have read everything that you guys have filed for four years.
25 I am going to issue a minute order on this decision.

1 Moving on to the second motion. The second motion is the
2 motion for an order releasing the client funds and requiring the
3 production of the complete client files. I have read the motion. Mr.
4 Christensen, you did cover this in your opposition. In your one
5 document, you did cover your opposition to both of these motions. And
6 I have also read the reply.

7 Mr. Morris, I have read everything, and I am very well aware
8 of what's going on with the funds in this case. My question in regards to
9 this is, if this Court were to deny your motion to reconsider, and you
10 appeal this decision, what is your position as to what that would do to
11 the funds and why should they be released before the appeal?

12 MR. MORRIS: I think we can find the answer to that in
13 *Nelson v. Heer*, which is 121 Nev. 832, a 2005 case, which says that
14 Simon is only entitled to security for the judgment that you enter in his
15 favor that we might appeal.

16 And, Your Honor, I would say that holding \$1,970,000 to
17 secure a judgment of less than 400,000 -- \$500,000 altogether, if you
18 denied our motion, would be unreasonable. And that means, I think, that
19 7055 still applies. The Court said in *Nelson v. Heer* that -- pardon?

20 UNIDENTIFIED SPEAKER: In *Morse*.

21 MR. MORRIS: I'm sorry, *Morse*. In the *Morse* case, that all
22 that Simon is entitled to is adequate security for the judgment that is
23 being appealed. And if your judgment is the \$200,000 that you're going
24 to stick with, when you add that to what has already been adjudicated,
25 and that's the maximum amount that he is entitled to, and that satisfies

1 the requirements of 7.055 and requires him --

2 THE COURT: Mr. Morris, just one second.

3 MR. MORRIS: -- to turn over the funds.

4 THE COURT: Mr. Morris, just one second. I need everybody
5 on BlueJeans to mute your microphones. Okay. Go ahead, Mr. Morris.

6 MR. MORRIS: I'm sorry.

7 THE COURT: And I'm sorry, Mr. Morris, I had to cut you --

8 MR. MORRIS: I didn't catch your last remark.

9 THE COURT: Yeah, I had to cut you off because I was getting
10 a lot of other feedback that wasn't you.

11 MR. MORRIS: Oh, oh, okay.

12 THE COURT: So, go ahead.

13 MR. MORRIS: Well, if it was feedback from me, I hope it was
14 persuasive.

15 In any event, Your Honor, we point out that that statute,
16 together with security, that is retained for Mr. Simon, supports the
17 turnover of the complete file to the Edgeworths as they've asked.
18 Remember there is still other litigation pending here that is not before
19 you that might have relevance to, and we would be entitled to examine
20 the files to deal with that or to address the issues in the other case.

21 Your Honor, we point out, and I know Mr. Christensen toils
22 with this and says he's produced everything that we're entitled to, but
23 the file we received, as we point out on page 4 of our motion, if you take
24 a look at Exhibit I --

25 THE COURT: And, Mr. Morris.

1 MR. MORRIS: -- to substantiate this.

2 THE COURT: Mr. Morris. Mr. Morris, I hate to cut you off,
3 but I have read every single page of every single thing that you have
4 submitted.

5 MR. MORRIS: Okay.

6 THE COURT: So can we address issues that I don't know
7 about from reading all of your briefing instead of just going over
8 everything that you wrote, because I've read it. I've spent hours
9 prepping for this hearing and reading everything that you guys
10 submitted.

11 MR. MORRIS: Okay. I guess, the best we could say here is if
12 you've read everything --

13 THE COURT: I have.

14 MR. MORRIS: -- is that, you know, we're not -- we're not
15 seeking documents that are propriety to Viking and Lange. We're
16 seeking emails to and from Viking and Lange that are not proprietary to
17 them. We're seeking information with respect to communications with
18 third parties. We're seeking communications with respect to the experts,
19 and the reports that they filed, and the research memos, and the search
20 that was done by Mr. Simon, that's in his file or should be in his file, and
21 that's what we're -- that's really the substance of what we're after.

22 THE COURT: Okay.

23 MR. MORRIS: So in the motion to release funds and produce
24 the files that were also referred to, and you've already pointed out
25 you've read everything, I won't belabor it, but Mr. Simon is entitled to all

1 uncontested amounts, and he's entitled to adequate security. So that's
2 all he's entitled to. He's not entitled to keep our file. He's not entitled to
3 tie up almost \$2 million in funds to a judgment that he says that could be
4 entered -- affirmed on appeal for less than -- for about \$535,000, when
5 you put everything together. That's including the 52,520 that was
6 submitted to you in an order, and you signed the day before yesterday,
7 plus the \$284,000 that you awarded predischarge. So that's our point.

8 THE COURT: Okay. Thank you very much. Mr. Christensen,
9 your response. And I would also remind you I have read everything that
10 was submitted in this case.

11 MR. CHRISTENSEN: I understand, Your Honor. I'll try to
12 keep it short. There are three different issues that were raised, and I
13 think we've confused some of them.

14 One, the reply did not respond to the opposition on the
15 distribution of the money. I think your question at the beginning was
16 very apt, and I also think it highlighted a problem. This motion is
17 premature. When the Court issues its order, if the Court reevaluates and
18 awards a larger QM number from September, as we've asked, then
19 that's one answer. That's one set we'll have to look at. If the Court
20 drives the number down and provides reasons, that provides us with
21 something else to look at. If the Court leaves the numbers the way they
22 are, that gives us a third thing to look at.

23 All of those may lead to different answers on what's going to
24 happen with the money held in trust. You cannot prejudge that. I don't
25 know why they filed this motion prematurely. They didn't reply in

1 support of their motion to disburse fund in their reply. I had assumed
2 they had dropped that, understanding that the motion was premature.
3 Apparently not. But this issue is premature. Let's wait and see what the
4 Court does, then we address it. That's the normal way things proceed.

5 There was a request to transfer funds. We did that. We
6 didn't do it as quickly as they wanted. They filed a motion after only ten
7 days without allowing for the fact that some folks are busy, and some
8 folks are out of town, and working, and we had to look at it. We had to
9 get an okay from them. And in so doing, in filing that motion, they said
10 some pretty nasty things.

11 You know, Mr. Vannah came up with the idea of putting the
12 money in Bank of America, and we agreed, and I don't know why that's
13 such a huge problem now. You're just talking about where the money is.
14 If it's over in Bank of America, they make interest. If it's over in the Steve
15 Morris trust account, then they don't get interest. That's about the only
16 difference.

17 THE COURT: And isn't the interest -- and to my recollection
18 when this happened in 2018, isn't the interest going to the Edgeworths?

19 MR. CHRISTENSEN: Yes.

20 THE COURT: Okay.

21 MR. CHRISTENSEN: They're making interest on their money
22 and on whatever money is eventually awarded and paid to Mr. Simon.
23 So they're -- so, whatever. We've agreed to it. We didn't have a
24 problem with it. We just didn't do it at the speed that they wanted,
25 although they didn't really have a basis to ask for it, but that's another

1 issue, and I think that issue is moot.

2 So let's go to turning over the file. You know -- I'm sorry, I'm
3 going to have to go back to the distribution money. In addition to it
4 being premature, you know, this is the first time they cited *Nelson v.*
5 *Heer*. I just looked through their papers. It's not in there. I would need a
6 chance to review the case. The last time I read it was years ago. And
7 they might be right, but you know something, the time to raise that
8 argument is after this Court issues its order.

9 Turning over the file. So on its face, 7.055 does not apply.
10 Mr. Simon has not been paid yet. I understand their security argument,
11 but that's not what the statute says. So we don't have a general
12 objection to turn over parts of the file that they can have, but there is an
13 NDA, Section 13 of the NDA does state that the NDA continues to exist
14 and be enforced after settlement of the underlying case. Section 13 does
15 state that archival copies that are held in counsel's file like expert
16 reports, et cetera, et cetera, that include confidential information, which
17 these expert reports do, are confidential under the NDA and continue to
18 do so.

19 You know, here's the problem. Mr. Simon signed the NDA.
20 If something happens to that confidential information that Viking or
21 Lange disagree with, he's the one who's going to be left holding the bag.
22 And you can't just ignore it and say, oh, we don't want proprietary
23 documents, but we do want the expert reports that contain proprietary
24 documents, and comment on the proprietary documents, and
25 incorporate them into the reports. It doesn't work that way. There's --

1 the NDA has to be addressed.

2 So there's two things that have to happen. One, they've got
3 to sign Exhibit A; and, number two, they have to establish under the
4 NDA why they have a current need for the documents. Now if they have
5 a current need for the documents in the other suit, then bring this motion
6 in the other suit.

7 I want to go to the security argument. Here's the problem
8 with that. *Morse* is a 1948 case. *Figliuzzi* was in the '90s. Both of them
9 predate the change to our statute, 18.015 in 2013. In 2013, the legal
10 landscape changed. The statute changed. *Morse* dealt with a case
11 where there was an ongoing underlying case and where the client could
12 establish prejudice if they didn't have access to the file. And the
13 Supreme Court said, yeah, as long as the District Court sets some sort of
14 reasonable security, then you can turn the file over, because at that time
15 in Nevada a retaining lien was a common law remedy. It wasn't
16 statutory and the same thing in *Figliuzzi*.

17 And in *Morse*, in fact, they even distinguished the difference
18 between a statutory charging lien and a retaining lien and said, you
19 know, the Court's got a lot more discretion with a common law retaining
20 lien than it does with a statutory charging lien. So let's fast forward.

21 In 2013, they added in language about the retaining lien. It's
22 in 18.015(1)(b). And, Your Honor, I apologize, I would have raised this in
23 the opposition, but this argument was brought up in the reply, so I
24 apologize for that.

25 So now we have a statutory retaining lien. And subsection 3

1 says -- I'm sorry, hang on. Here we go. Subsection 4(b), the lien
2 attaches to any file or other property left in the possession of the
3 attorney, including, without limitation, copies of the attorney's file -- and
4 it goes on -- and authorizes the attorney to retain any such file or
5 property until such time as an adjudication is made pursuant to
6 Subsection 6. That's the lien adjudication, which we're still here fighting
7 over.

8 So, again, their motion is premature. *Morse* and *Figliuzzi* no
9 longer apply. The statute changed. You know, if they had raised that in
10 their initial pleading, I could have gone a little bit more in depth in that,
11 and we could have addressed it a little bit more thoroughly. I apologize
12 for doing it during oral argument, but they raised it in the reply.

13 So that's the situation. We have a problem here with that
14 NDA, and they're not willing to address it. Even in *Morse*, the Supreme
15 Court said that they could retain confidential correspondence in that case
16 back in 1948. Here we have a written, enforceable NDA that we have to
17 deal with.

18 We also have to deal with the practical question of -- you
19 know, these folks raise the issue, and they say all this stuff is
20 indecipherable, it's vague, but they don't tell us why. So how do we
21 address that problem? Is it a particular file? Is it a folder? Is it the
22 pleading? Is it correspondence? What is it? What do we have to
23 reproduce? They won't tell us. They allege there's a problem, but they
24 won't tell us what it is, and then they tell us to fix it. I don't know how to
25 react to that, other than producing the file again in toto, which we

1 shouldn't have to do. We already gave them the file once. How many
2 times do they need it?

3 So there's practical issues, which they're just overlooking.
4 The rule does not make an attorney produce a file more than once. The
5 rule does not make an attorney ignore a binding NDA. And the rule does
6 not make an attorney produce the same parts of a file more than once.
7 They haven't produced any law on any of those issues. So we're willing
8 to cooperate, but there are some practical issues here that have to be
9 addressed, and I don't think the Edgeworths have given this Court
10 enough information to rule on this, if in fact 7.055 applied yet, which it
11 does not as Mr. Simon has not yet been paid under the statute. Thank
12 you, Your Honor.

13 THE COURT: Thank you, Mr. Christensen. Mr. Morris, your
14 response?

15 MR. MORRIS: Your Honor, in 2013, the legislature did not
16 amend 7.055 to overrule either *Morse* or *Figliuzzi*, as Mr. Christensen
17 suggests. That's just false. They're still -- all Mr. Simon is entitled to --
18 of course, he's entitled to get paid, but we are disputing what that
19 amount is. And if we're disputing what that amount is, he is secured for
20 the amount that he thinks should be paid, that's sufficient. That's all the
21 statute requires to require him to obey 7.055 and turn over his files.

22 Mr. Christensen said a moment ago that there's an NDA
23 here, and he made quite a bit to do about that. I point out, as we have in
24 our papers, you've read them, that we're bound by that NDA also. I also
25 point out, as we also put in our papers that we thought we had agreed

1 with Simon and Mr. Christensen that any confidential documents would
2 be excluded from the production that we received and would be
3 deposited with the Court and scheduled on [indiscernible] so we can
4 appropriately challenge those.

5 He doesn't address that, and I can understand why, because
6 that's something that would require a little bit more work than what they
7 did in producing what it is that we have and that was really by hard
8 drive. It wasn't on a thumb drive, and it wasn't in a banker's box that
9 was indexed. We got a hard drive from them of documents. Whether he
10 wants to describe those as archived or not, we got a hard drive with tens
11 of thousands of documents on it, disorganized, no guide post to what's
12 in there, and many of them -- and much of what we got from them was
13 indecipherable.

14 I know he doesn't have to produce documents more than one
15 time, but he has to produce documents and turn over that file that are
16 comprehensible and that have been filed in the order in which they were
17 received or sent, and he has not done that.

18 And with respect to the point that he's just baffled by what it
19 is that we wanted to -- when we say they're short, we know from what
20 we received and what we negotiated with him that we have not received
21 what we're entitled to and that is the complete client's file of Mr. Simon
22 in a comprehensible and understandable format.

23 We also know that the -- we've asked and have been turned
24 down, or we've been ignored -- Mr. Christensen doesn't raise this point
25 about well tell us what it is that we have withheld so we can then deal

1 with it. In point of fact, we did that. We wrote an email to him earlier
2 this month, and we pointed out on May the 11th, that -- what it is that --
3 what it is -- and we put that in our reply too, what it is that is missing
4 from the files that were produced, or if they were included in the hard
5 drive, they're not decipherable to us. We just can't make that
6 determination.

7 So we've done as much with respect to telling him what
8 we're entitled to, although we shouldn't have to do that. They should
9 simply have to turn over the file, and if they believe that there are items
10 in there that rise to the level of privilege from disclosure under the NDA,
11 then they should tender those with a privilege log to the Court, so that
12 we can challenge those withholdings and address it appropriately with
13 you.

14 That's essentially what I have to say, Your Honor, and I think
15 that that will conclude our [indiscernible] on you having to read and visit
16 these issues so many times.

17 THE COURT: Okay. Well, I do need to make a decision in
18 regard to the other motion before I can address this motion, so when I
19 put out the minute order on the other motion, I will put out a minute
20 order on this motion as well.

21 Thank you, counsel.

22 ////

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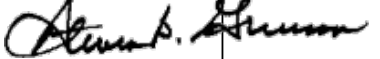
MR. CHRISTENSEN: Thank you, Your Honor.

MR. MORRIS: Thank you.

[Proceedings concluded at 10:23 a.m.]

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-visual recording of the proceeding in the above entitled case to the best of my ability.


Maukele Transcribers, LLC
Jessica B. Cahill, Transcriber, CER/CET-708



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Attorneys for SIMON

**Eighth Judicial District Court
District of Nevada**

EDGEWORTH FAMILY TRUST; and
AMERICAN GRATING, LLC

Plaintiffs,

vs.

LANGE PLUMBING, LLC; THE VIKING
CORPORTATION, a Michigan corporation;
SUPPLY NETWORK, INC., dba VIKING
SUPPLYNET, a Michigan Corporation; and
DOES 1 through 5; and, ROE entities 6 through
10;
Defendants.

EDGEWORTH FAMILY TRUST;
AMERICAN GRATING, LLC

Plaintiffs,

vs.

DANIEL S. SIMON; THE LAW OFFICE OF
DANIEL S. SIMON, a Professional Corporation
d/b/a SIMON LAW; DOES 1 through 10; and,
ROE entities 1 through 10;

Defendants.

CASE NO.: A-18-767242-C
DEPT NO.: XXVI

Consolidated with

CASE NO.: A-16-738444-C
DEPT NO.: X

**NOTICE OF ENTRY OF DECISION AND
ORDER DENYING PLAINTIFFS'
RENEWED MOTION FOR
RECONSIDERATION OF THIRD-
AMENDED DECISION AND ORDER ON
MOTION TO ADJUDICATE LIEN AND
DENYING SIMON'S COUNTERMOTION
TO ADJUDICATE LIEN ON REMAND**

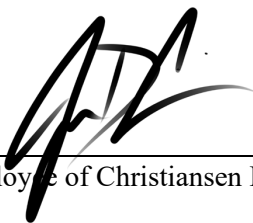
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DATED this 18th day of June, 2021.

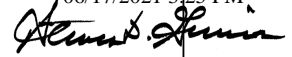
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of CHRISTIANSEN TRIAL LAWYERS, and that on this 18th day of June, 2021 I caused the foregoing document entitled ***NOTICE OF ENTRY OF DECISION AND ORDER DENYING PLAINTIFFS' RENEWED MOTION FOR RECONSIDERATION OF THIRD- AMENDED DECISION AND ORDER ON MOTION TO ADJUDICATE LIEN AND DENYING SIMON'S COUNTERMOTION TO ADJUDICATE LIEN ON REMAND*** to be served upon those persons designated by the parties in the E-Service Master List for the above-referenced matter in the Eighth Judicial District Court eFiling System in accordance with the mandatory electronic service requirements of Administrative Order 14-2 and the Nevada Electronic Filing and Conversion Rules.



An employee of Christiansen Law Offices


CLERK OF THE COURT

ORDR

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Nevada Bar No. 3861

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Attorneys for SIMON

**Eighth Judicial District Court
District of Nevada**

EDGEWORTH FAMILY TRUST; and
AMERICAN GRATING, LLC

Plaintiffs,

vs.

LANGE PLUMBING, LLC; THE VIKING
CORPORATION, a Michigan corporation;
SUPPLY NETWORK, INC., dba VIKING
SUPPLYNET, a Michigan Corporation; and
DOES 1 through 5; and, ROE entities 6 through
10;
Defendants.

EDGEWORTH FAMILY TRUST;
AMERICAN GRATING, LLC

Plaintiffs,

vs.

DANIEL S. SIMON; THE LAW OFFICE OF
DANIEL S. SIMON, a Professional Corporation
d/b/a SIMON LAW; DOES 1 through 10; and,
ROE entities 1 through 10;

Defendants.

CASE NO.: A-18-767242-C
DEPT NO.: XXVI

Consolidated with

CASE NO.: A-16-738444-C
DEPT NO.: X

**DECISION AND ORDER DENYING
PLAINTIFFS' RENEWED MOTION FOR
RECONSIDERATION OF THIRD-
AMENDED DECISION AND ORDER ON
MOTION TO ADJUDICATE LIEN AND
DENYING SIMON'S COUNTERMOTION
TO ADJUDICATE LIEN ON REMAND**

1 **DECISION AND ORDER DENYING PLAINTIFFS' RENEWED MOTION FOR**
2 **RECONSIDERATION OF THIRD- AMENDED DECISION AND ORDER ON MOTION**
3 **TO ADJUDICATE LIEN AND DENYING SIMON'S COUNTERMOTION TO**
4 **ADJUDICATE LIEN ON REMAND**

5 This matter came on for hearing on May 27, 2021, in the Eighth Judicial
6 District Court, Clark County, Nevada, the Honorable Tierra Jones presiding.
7 Defendants, Daniel Simon and Law Office of Daniel S. Simon d/b/a Simon Law
8 (jointly the "Defendants" or "Simon") having appeared by and through their
9 attorneys of record, James Christensen, Esq. and Peter Christiansen, Esq.; and,
10 Plaintiff Edgeworth Family Trust and American Grating, ("Plaintiff" or
11 "Edgeworths") having appeared through by and through their attorneys of record,
12 the law firm of Morris Law Group, Steve Morris, Esq. and Rosa Solis-Rainey, Esq.
13 The Court having considered the evidence, arguments of counsel and being fully
14 advised of the matters herein, the **COURT FINDS** after review:
15

16 The Edgeworths' Renewed Motion for Reconsideration of Third Amended
17 Decision and Order on Motion to Adjudicate Lien is DENIED.

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

1 Simon's Countermotion to Adjudicate the Lien on Remand is DENIED.

2 Dated this 17th day of June, 2021

3 IT IS SO ORDERED.

4 

5 DISTRICT COURT JUDGE

6 478 B49 725D 8E26

7 Tierra Jones

8 District Court Judge

9 Submitted By:

Approved as to Form and Content:

10 JAMES R. CHRISTENSEN PC

MORRIS LAW GROUP

11 /s/ James R. Christensen

12 James R. Christensen Esq.

13 Nevada Bar No. 3861

601 S. 6th Street

Las Vegas NV 89101

Attorney for SIMON

Declined

Steve Morris Esq.

Nevada Bar No. 1543

801 S. Rancho Drive, Ste. B4

Las Vegas NV 89106

Attorney for EDGEWORTHS

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Edgeworth Family Trust,
7 Plaintiff(s)

CASE NO: A-16-738444-C

8 vs.

DEPT. NO. Department 10

9 Lange Plumbing, L.L.C.,
10 Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

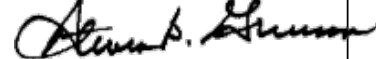
12
13 This automated certificate of service was generated by the Eighth Judicial District
14 Court. The foregoing Order was served via the court's electronic eFile system to all
recipients registered for e-Service on the above entitled case as listed below:

15 Service Date: 6/17/2021

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7	Lauren Calvert	lcalvert@messner.com
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13	David Gould	dgould@messner.com
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15	Traci Baez	tkb@morrislawgroup.com
16	Jessie Church	jchurch@vannahlaw.com
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7/17/2021 2:30 PM
Steven D. Grierson
CLERK OF THE COURT



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Jul 22 2021 04:03 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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7 Telephone: (702) 474-9400
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9 Email: sm@morrislawgroup.com
10 Email: rsr@morrislawgroup.com

11 Attorneys for Defendant
12 Edgeworth Family Trust and
13 American Grating, LLC

14 **DISTRICT COURT**
15 **CLARK COUNTY, NEVADA**

16 **EDGEWORTH FAMILY TRUST;**) Case No: A-16-738444-C
17 **AMERICAN GRATING, LLC,**) Dept. No: X

18 Plaintiffs,

19 v.

20 **LANGE PLUMBING, LLC ET AL.,**

21 Defendants.

22 **EDGEWORTH FAMILY TRUST;**
23 **AMERICAN GRATING, LLC,**

24 Plaintiffs,

25 v.

26 **DANIEL S. SIMON, AT AL.,**

27 Defendants.

28) Case No: A-18-767242-C
) Dept. No. X

NOTICE OF APPEAL

MORRIS LAW GROUP
801 S. RANCHO DR., STE. B4 · LAS VEGAS, NEVADA 89106
702/474-9400 · FAX 702/474-9422

1 Please take notice that Plaintiffs Edgeworth Family Trust, American
2 Grating, LLC hereby appeal to the Supreme Court of Nevada from the
3 following orders and all rulings made appealable by these orders:

- 4 1. Decision and Order Entered June 18, 2021 Denying Motion styled
5 as Plaintiff's Renewed Motion for Reconsideration of April 19, 2021
6 Third-Amended Decision and refusing to obey the mandate of this
7 Court expressed in its Order of December 30, 2020 (Remittitur
8 Issued April 13, 2021) in Case Nos. 77678/78176;¹
9 2. Decision and Order Denying Edgeworth's Motion for Order
10 Releasing Client Funds in Excess of the Judgment, and Requiring
11 Production of Complete File, entered on June 18, 2021.

12 MORRIS LAW GROUP

13 By: /s/ STEVE MORRIS

14 Steve Morris, Bar No. 1543
15 Rosa Solis-Rainey, Bar No. 7921
16 801 S. Rancho Dr., Ste. B4
17 Las Vegas, Nevada 89106

18 Attorneys for Defendants
19 Edgeworth Family Trust and
20 American Grating, LLC

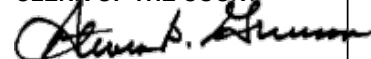
21 ¹ This Decision and Order of the district court could be potentially
22 confusing because of the district court's issuance of orders when it did not
23 have jurisdiction, prior to issuance of remittitur, and the court's April 19,
24 2021 republishing a prior order issued *sua sponte* without jurisdiction and
25 without consideration of this Court's mandate to reconsider the award of
26 attorney fees to Respondent Simon under the *Brunzell* factors. The
27 Edgeworths' effort to bring that *Brunzell* issue on remand to the district
28 court was styled Motion for Reconsideration of Third Amended Decision
and Order on Motion to Adjudicate lien. That motion was the first effort to
bring to the district court's attention the fact that she had not responded to
this Court's *Brunzell* mandate, which she still declined to do in her order of
June 18, 2021, denying the Edgeworths' motion.

CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b) and NEFCR 9, I certify that I am an employee of MORRIS LAW GROUP, and that I caused the following to be served via the Court's mandatory e-filing and service system to those persons designated by the parties in the E-Service Master list for the above-referenced matter: **NOTICE OF APPEAL**

DATED this 17th day of June, 2021.

By: /s/ GABRIELA MERCADO
An employee of Morris Law Group



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11 Attorneys for Defendant
12 Edgeworth Family Trust and
13 American Grating, LLC

14 **DISTRICT COURT**
15 **CLARK COUNTY, NEVADA**

16 **EDGEWORTH FAMILY TRUST;**) Case No: A-16-738444-C
17 **AMERICAN GRATING, LLC,**) Dept. No: X
18)

19 Plaintiffs,

20 v.

21 **LANGE PLUMBING, LLC ET AL.,**

22 Defendants.

23 **EDGEWORTH FAMILY TRUST;**
24 **AMERICAN GRATING, LLC,**

25 Plaintiffs,

26 v.

27 **DANIEL S. SIMON, AT AL.,**

28 Defendants.

Case No: A-18-767242-C
Dept. No. X

**EDGEWORTH FAMILY TRUST
AND AMERICAN GRATING LLC'S
CASE APPEAL STATEMENT**

Please take notice that Plaintiffs Edgeworth Family Trust, American Grating, LLC hereby submit the following Case Appeal Statement pursuant to NRAP 3(f).

1. Name of appellant(s) filing this case appeal statement:

Edgeworth Family Trust and American Grating, LLC

2. Presiding Judge:

The Hon. Tierra Jones, Clark County District Court Judge,
Department X.

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

Appellants Edgeworth Family Trust and American Grating, LLC
are both represented by

MORRIS LAW GROUP
Steve Morris
Rosa Solis-Rainey
801 S. Rancho Dr., Ste B4,
Las Vegas, NV 89106

4. Identify each respondent and the name and address of appellate counsel:

The undersigned believes that Respondent Daniel S. Simon and
the Law Office of Daniel S. Simon, A Professional Corporation,
will be represented by

CHRISTIANSEN LAW OFFICES
Peter S. Christiansen
Kendele L. Works
810 S. Casino Center Blvd.,
Ste 104
Las Vegas, Nevada 89101
and/or

JAMES R. CHRISTENSEN
601 S. Third Street
Las Vegas, NV 89101

1 5. Whether any attorney identified in response to subparagraph 3
2 or 4 is not licensed to practice law in Nevada.

3 None, all are licensed in Nevada.

4 6. Whether appellants were represented by appointed or retained
5 counsel in the district court:

6 Retained.

7 7. Whether any appellant was granted leave to proceed *in forma*
8 *pauperis*:

9 Not applicable.

10 8. Indicate the date the proceedings commenced in the district
11 court:

12 The Complaint in the underlying property damage/products
13 defect dispute was filed on June 4, 2016; the lien was filed on
14 November 30, 2017 and amended on January 2, 2018.

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

18 The underlying action involved a property damage claim due to
19 a defective product. This appeal, like the proceedings referenced
20 in #10 below, arise from the attorney lien adjudication
21 proceedings that followed settlement of the underlying action.
22 This Court affirmed the district court's lien adjudication, its
23 finding that the attorney, Daniel Simon, was constructively
24 discharged, and remanded for the district court to (1) explain the
25 basis of the \$200,000 quantum meruit award and its
26 reasonableness under *Brunzell*, and (2) to also explain the
27 reasonableness under *Brunzell* of the \$55,000 attorney's fees and
28 costs award entered by the district court. On remand, the district

1 court entered an order explaining the reasonableness of the
2 \$50,000 attorney fee award and remitted the cost amount to the
3 actual amount incurred (\$2,520). With respect to No. 1, however,
4 the district court entered an amended order awarding the same
5 \$200,000 in quantum meruit without offering any explanation as
6 to its basis or its reasonableness under *Brunzell* as the Supreme
7 Court expressly directed it to do. The district court also refused
8 to enter an order releasing the excess between the more than
9 \$2M in funds being withheld from Appellants since 2018, and
10 the unpaid judgments. The district court also refused to order
11 Respondents to turn over the complete Edgeworth client file to
12 Appellants, despite the fact that Respondent Simon's fees were
13 fully secured.

14 **10. Whether the case has previously been the subject of an appeal to**
15 **or original writ proceeding in the Supreme Court or Court of**
16 **Appeals and, if so, the caption and docket number of the prior**
17 **proceeding:**

18 This case has been the subject of two appeals and one writ
19 proceeding:

- 20 a. Case No. 77678. Appellants: Edgeworth Family Trust and
21 American Grating, LLC; Respondents: Daniel S. Simon; and
22 the Law Office of Daniel S. Simon, a Professional Corporation.
23 b. Case No. 78176 (consolidated with 77878).
24 Appellants: Edgeworth Family Trust and American Grating,
25 LLC; Respondents: Daniel S. Simon; and the Law Office of
26 Daniel S. Simon, a Professional Corporation.
27 c. Case No. 79821. Writ of Prohibition or Mandamus.
28

Petitioner: Law Office of Daniel Simon; Respondent: Eighth
Judicial district Court, the Hon. Tierra Jones; Real Parties in
Interest: Edgeworth Family Trust and American Grating,
LLC.

11. **Whether this appeal involves child custody or visitation:**

No.

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

Not Likely.

MORRIS LAW GROUP

By: /s/ STEVE MORRIS

Steve Morris, Bar No. 1543
Rosa Solis-Rainey, Bar No. 7921
801 S. Rancho Dr., Ste. B4
Las Vegas, Nevada 89106

Attorneys for Defendants
Edgeworth Family Trust and
American Grating, LLC

CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b) and NEFCR 9, I certify that I am an employee of MORRIS LAW GROUP, and that I caused the following to be served via the Court's mandatory e-filing and service system to those persons designated by the parties in the E-Service Master list for the above-referenced matter: **EDGEWORTH FAMILY TRUST AND AMERICAN GRATING LLC'S CASE APPEAL STATEMENT**

DATED this 17th day of July, 2021.

By: /s/ GABRIELA MERCADO
An employee of Morris Law Group

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY**CASE NO. A-16-738444-C**

Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

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§
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§
§
§
§

Location: **Department 10**
 Judicial Officer: **Jones, Tierra**
 Filed on: **06/14/2016**
 Case Number History:
 Cross-Reference Case **A738444**
 Number:
 Supreme Court No.: **77678**
78176

CASE INFORMATION**Related Cases**

A-18-767242-C (Consolidated)

Case Type: **Product Liability****Statistical Closures**

06/17/2021 Other Manner of Disposition
 04/28/2021 Other Manner of Disposition
 03/16/2021 Other Manner of Disposition
 03/16/2021 Other Manner of Disposition
 11/19/2018 Summary Judgment

Case
 Status: **06/17/2021 Closed**

DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number A-16-738444-C
 Court Department 10
 Date Assigned 02/10/2021
 Judicial Officer Jones, Tierra

PARTY INFORMATION*Lead Attorneys***Plaintiff****American Grating LLC**

Removed: 02/20/2018
 Dismissed

American Grating LLC

Removed: 03/15/2018
 Data Entry Error

Edgeworth Family Trust

Simon, Daniel S., ESQ
Retained
 7023641650(W)

Defendant**Lange Plumbing, L.L.C.**

Parker, Theodore
Retained
 7028388600(W)

Law Office of Daniel S Simon

Removed: 03/15/2018
 Data Entry Error

Law Office of Daniel Simon, PC

Removed: 02/20/2018
 Dismissed

Simon, Daniel S

Removed: 03/15/2018
 Data Entry Error

Supply Network Inc

Removed: 01/02/2018
 Dismissed

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-16-738444-C

Viking Automatic Sprinkler Co
Removed: 08/24/2016
Inactive

Viking Corporation
Removed: 01/02/2018
Dismissed

Viking Group Inc
Removed: 01/02/2018
Dismissed

Counter Claimant **Giberti Construction Llc**
Removed: 02/20/2018
Dismissed

Supply Network Inc
Removed: 02/20/2018
Dismissed

Viking Corporation
Removed: 02/20/2018
Dismissed

Counter Defendant **Lange Plumbing, L.L.C.**
Removed: 02/20/2018
Dismissed

Parker, Theodore
Retained
7028388600(W)

Supply Network Inc
Removed: 02/20/2018
Dismissed

Viking Corporation
Removed: 02/20/2018
Dismissed

Cross Claimant **Lange Plumbing, L.L.C.**
Removed: 02/20/2018
Dismissed

Parker, Theodore
Retained
7028388600(W)



Cross Defendant **Supply Network Inc**
Removed: 02/20/2018
Dismissed

Viking Corporation
Removed: 02/13/2018
Dismissed

Third Party Defendant **Giberti Construction Llc**
Removed: 12/08/2017
Dismissed














Third Party Plaintiff **Supply Network Inc**
Removed: 12/01/2017
Dismissed

Viking Corporation
Removed: 12/01/2017
Dismissed

DATE	EVENTS & ORDERS OF THE COURT	INDEX
	<u>EVENTS</u>	
06/14/2016	 Complaint Filed By: Plaintiff Edgeworth Family Trust <i>[1] Complaint</i>	
07/01/2016	 Declaration	

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C

	Filed By: Plaintiff Edgeworth Family Trust <i>[3] Declaration of Service</i>
07/01/2016	 Affidavit of Service Filed By: Plaintiff Edgeworth Family Trust <i>[2] Affidavit of Service</i>
07/15/2016	 Answer to Complaint Filed by: Defendant Lange Plumbing, L.L.C. <i>[4] Defendant Lange Plumbing, LLC's Answer to Plaintiff's Complaint</i>
07/15/2016	 Initial Appearance Fee Disclosure Filed By: Defendant Lange Plumbing, L.L.C. <i>[5] Initial Appearance Fee Disclosure</i>
07/15/2016	 Demand for Jury Trial Filed By: Defendant Lange Plumbing, L.L.C. <i>[6] Demand for Jury Trial</i>
08/22/2016	 Stipulation and Order Filed by: Plaintiff Edgeworth Family Trust <i>[7] Stipulation and Order to Amend Complaint</i>
08/23/2016	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Edgeworth Family Trust <i>[8] Notice of Entry of Stipulation and Order to Amend Complaint</i>
08/24/2016	 Amended Complaint Filed By: Plaintiff Edgeworth Family Trust <i>[9] Amended Complaint</i>
09/02/2016	 Acceptance of Service Filed By: Plaintiff Edgeworth Family Trust <i>[10] Acceptance of Service</i>
09/06/2016	 Acceptance of Service Filed By: Plaintiff Edgeworth Family Trust <i>[11] Acceptance of Service</i>
09/07/2016	 Commissioners Decision on Request for Exemption - Granted <i>[12] Commissioner's Decision on Request for Exemption - Granted</i>
09/21/2016	 Answer to Complaint Filed by: Defendant Lange Plumbing, L.L.C. <i>[13] Defendant Lange Plumbing, LLC's Answer to Plaintiff's Amended Complaint and Cross Claim</i>
09/29/2016	 Answer to Amended Complaint Filed By: Counter Defendant Viking Corporation <i>[14] Defendants The Viking Corporation and Supply Network, Inc. dba Viking Supplynet's Answer to Amended Complaint</i>
09/30/2016	 Initial Appearance Fee Disclosure Filed By: Counter Defendant Viking Corporation

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C

[15] Defendants The Viking Corporation and Supply Network, Inc. dba Viking Supplynet's Initial Appearance Fee Disclosure

11/10/2016



Answer and Counterclaim

Filed By: Defendant Viking Automatic Sprinkler Co

[16] Cross-Defendants The Viking Corporation and Supply Network, Inc. dba Viking Supplynet's (1) Answer to Cross-Claim by Lange Plumbing, L.L.C. and (2) Counterclaim against Lange Plumbing, L.L.C.

11/30/2016



Answer to Counterclaim

Filed By: Defendant Lange Plumbing, L.L.C.

[17] Defendant/Cross-Claimant Lange Plumbing LLC's Answer to Cross-Defendants the Viking Corporation's and Supply Network, Inc's Counterclaim

12/20/2016



Substitution of Attorney

Filed by: Counter Defendant Viking Corporation

[18] Defendants The Viking Corporation and Supply Network, Inc.'s Substitution of Counsel

01/04/2017



Joint Case Conference Report

Filed By: Plaintiff Edgeworth Family Trust

[19] Joint Case Conference Report

01/09/2017



Demand for Prior Discovery

Filed By: Counter Defendant Viking Corporation

[20] Defendants The Viking Corporation & Supply Network, Inc.'s Demand for Prior Pleadings and Discovery

01/13/2017



Motion for Summary Judgment

Filed By: Plaintiff Edgeworth Family Trust

[21] Plaintiffs Motion for Summary Judgment

01/18/2017



Opposition to Motion For Summary Judgment

Filed By: Counter Defendant Viking Corporation

[22] Defendants The Viking Corporation & Supply Network, Inc.'s Opposition to Plaintiff's Motion for Summary Judgment

01/30/2017



Subpoena Duces Tecum

Filed by: Counter Defendant Viking Corporation

[25] Subpoena Duces Tecum For American Grating, LLC

01/30/2017



Objection

Filed By: Plaintiff Edgeworth Family Trust

[24] Plaintiff's NRCP 45 Objections to Defendant The Viking Corporation's Subpoena Duces Tecum Directed to the Custodian of Records for American Grating, LLC

01/30/2017



Objection

Filed By: Plaintiff Edgeworth Family Trust

[23] Plaintiff's NRCP 45 Objections to Defendant The Viking Corporation's Deposition Subpoena Duces Tecum Directed to the Custodian of Records for Giberti Construction, LLC

02/01/2017



Subpoena Duces Tecum

Filed by: Counter Defendant Viking Corporation

[26] Subpoena Duces Tecum for Giberti Construction, LLC














02/02/2017



Opposition

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C

	Filed By: Defendant Lange Plumbing, L.L.C. <i>[27] Defendant Lange Plumbing's Opposition to Plaintiff's Motion for Summary Judgment</i>
02/13/2017	 Order Shortening Time Filed By: Plaintiff Edgeworth Family Trust <i>[28] Plaintiff's Motion to Amend the Complaint on Order Shortening Time</i>
02/21/2017	 Scheduling Order <i>[29] Scheduling Order</i>
02/21/2017	 Opposition Filed By: Defendant Lange Plumbing, L.L.C. <i>[30] Defendant Lange Plumbing, LLC's Limited Opposition to Plaintiff's Motion to Amend Complaint on Order Shortening Time</i>
02/27/2017	 Reply to Opposition Filed by: Plaintiff Edgeworth Family Trust <i>[31] Reply to Defendant Lange Plumbing, LLC's Limited Opposition to Plaintiffs' Motion to Amend the Complaint on Order Shortening Time</i>
02/28/2017	 Reply to Opposition Filed by: Plaintiff Edgeworth Family Trust <i>[32] Reply to All Defendants Opposition to Plaintiffs Motion for Summary Judgment</i>
03/01/2017	 Order Setting Civil Jury Trial <i>[33] Order Setting Civil Jury Trial</i>
03/07/2017	 Motion for Summary Judgment Filed By: Plaintiff Edgeworth Family Trust <i>[37] Plaintiffs' Motion for Summary Judgment Against Lange Plumbing, LLC, Only</i>
03/07/2017	 Initial Appearance Fee Disclosure Filed By: Plaintiff American Grating LLC <i>[35] Initial Appearance Fee Disclosure</i>
03/07/2017	 Affidavit of Service Filed By: Plaintiff Edgeworth Family Trust <i>[36] Affidavit of Service</i>
03/07/2017	 Second Amended Complaint Filed By: Plaintiff Edgeworth Family Trust <i>[34] Second Amended Complaint</i>
03/10/2017	 Subpoena Duces Tecum Filed by: Plaintiff Edgeworth Family Trust <i>[38] Subpoena - Civil</i>
03/16/2017	 Order Denying Motion Filed By: Plaintiff Edgeworth Family Trust <i>[39] Order Denying Plaintiffs Motion for Summary Judgment</i>
03/20/2017	 Notice of Entry of Order Filed By: Plaintiff Edgeworth Family Trust <i>[40] Notice of Entry of Order Denying Plaintiffs Motion for Summary Judgment</i>












CASE SUMMARY

CASE NO. A-16-738444-C

03/21/2017	 Order Filed By: Plaintiff Edgeworth Family Trust <i>[41] Order Granting Plaintiffs Motion to Amend the Complaint</i>
03/22/2017	 Notice of Entry of Order Filed By: Plaintiff Edgeworth Family Trust <i>[42] Notice of Entry of Order Granting Plaintiffs' Motion to Amend the Complaint</i>
03/29/2017	 Stipulation and Order Filed by: Plaintiff Edgeworth Family Trust <i>[43] Stipulation and Order to Continue Plaintiffs Motion for Summary Judgment Against Lange Plumbing, LLC, Only</i>
03/30/2017	 Notice of Entry Filed By: Plaintiff Edgeworth Family Trust <i>[44] Notice of Entry of Stipulation and Order to Continue Plaintiffs Motion for Summary Judgment Against Lange Plumbing, LLC, Only</i>
04/04/2017	 Answer to Amended Complaint Filed By: Counter Defendant Viking Corporation <i>[45] Defendants The Viking Corporation & Supply Network, Inc.'s Answer to Plaintiffs' Second Amended Complaint & Third Party Complaint Against Giberti Construction LLC</i>
04/05/2017	 Initial Appearance Fee Disclosure Filed By: Counter Defendant Viking Corporation <i>[46] Defendants/Third-Party Plaintiffs The Viking Corporation & Supply Network, Inc.'s Initial Appearance Fee Disclosure [Third-Party Complaint]</i>
04/07/2017	 Opposition Filed By: Defendant Lange Plumbing, L.L.C. <i>[47] Defendant Lange Plumbing, LLC's Opposition to Plaintiff's Motion for Summary Judgment</i>
04/12/2017	 Answer to Amended Complaint Filed By: Defendant Lange Plumbing, L.L.C. <i>[48] Defendant Lange Plumbing's Answer to Plaintiff's Second Amended Complaint and Cross Claim</i>
04/14/2017	 Joinder to Motion For Summary Judgment Filed By: Counter Defendant Viking Corporation <i>[49] The Viking Corporation & Supply Network, Inc.'s Joinder with Additional Points & Authorities to Lange's Opposition to Plaintiff's Second Motion for Summary Judgment</i>
04/18/2017	 Reply to Motion Filed By: Plaintiff Edgeworth Family Trust <i>[50] Plaintiffs' Reply to Motion for Summary Judgment Against Lange Plumbing Only</i>
05/01/2017	 Motion Filed By: Plaintiff Edgeworth Family Trust <i>[51] Plaintiffs' Motion for An Order to Show cause and Compel James Kreason to Appear for Deposition</i>
05/04/2017	 Subpoena Duces Tecum Filed by: Plaintiff Edgeworth Family Trust













EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C

	<i>[52] Subpoena Duces Tecum</i>
05/04/2017	 Motion Filed By: Plaintiff Edgeworth Family Trust <i>[53] Plaintiffs Motion to Compel the Deposition of Defendant Lange Plumbing, LLC's 30b6 Designee and for Sanctions</i>
05/05/2017	 Motion Filed By: Defendant Lange Plumbing, L.L.C. <i>[54] Defendant Lange Plumbing's Motion to Compel Plaintiff's to Release Sprinkler Heads for Testing by Lange Plumbing on an Order Shortening Time</i>
05/08/2017	 Receipt of Copy Filed by: Defendant Lange Plumbing, L.L.C. <i>[55] Receipt of Copy for Lange Plumbing's Motion to Compel</i>
05/08/2017	 Summons Filed by: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>[56] Summons with Affidavit of Service- Giberti</i>
05/15/2017	 Opposition Filed By: Plaintiff Edgeworth Family Trust <i>[57] Plaintiffs' Opposition to Defendant Lange Plumbing, LLC's Motion to Compel Plaintiffs to Release Sprinkler Heads for Testing by Lange Plumbing, LLC on Order Shortening Time</i>
05/17/2017	 Opposition Filed By: Defendant Lange Plumbing, L.L.C. <i>[58] Lange Plumbing's Limited Opposition to Plaintiffs' Motion for an Order to Show Cause & Compel James Kreason to Appear for Deposition</i>
05/22/2017	Administrative Reassignment - Judicial Officer Change <i>From Judge Jessie Walsh to Judge Tierra Jones</i>
05/24/2017	 Answer & Counterclaim (Criminal) Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>[59] Defendants The Viking Corporation & Supply Network, Inc.'s Answer to Lange Plumbing, LLC's Amended Cross-Claim and Amended Counter Claim</i>
05/31/2017	 Affidavit of Service Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>[60] Proof of Service</i>
06/01/2017	 Opposition Filed By: Defendant Lange Plumbing, L.L.C. <i>[61] Defendant Lange Plumbing, LLC's Opposition to Plaintiff's Motion to Compel the Deposition of Defendant Lange Plumbing, LLC's 30(B)(6) Designee and for Sanctions and Countermotion for Sanctions</i>
06/01/2017	 Reply to Opposition Filed by: Plaintiff Edgeworth Family Trust <i>[62] Reply to Defendant Lange Plumbing, LLC's Limited Opposition to Plaintiffs' Motion for An Order to Show Cause and Compel James Kreason to Appear for Deposition</i>
06/02/2017	 Deposition Subpoena Filed By: Plaintiff Edgeworth Family Trust <i>[63] Subpoena</i>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C

06/05/2017	 Reply to Opposition <i>[64] Reply to Defendant Lange's Opposition to Plaintiffs' Motion to Compel the Deposition of Defendant Lange Plumbing, LLC's 30(B)(6) Designee and for Sanctions</i>
06/06/2017	 Notice of Hearing Filed By: Plaintiff Edgeworth Family Trust <i>[65] Notice of Hearing</i>
06/06/2017	 Certificate of Mailing Filed By: Plaintiff Edgeworth Family Trust <i>[66] Certificate of mailing</i>
06/12/2017	 Answer to Third Party Complaint Filed By: Counter Claimant Giberti Construction Llc <i>[67] Third-Party Defendant Giberti Construction LLC's Answer to Defendant/Third-Party Plaintiffs' Third Party Complaint; Counterclaim Against Viking Corporation and Supply Network, Inc. dba Viking Supplynet; and Cross-Complaint Against Lange Plumbing, LLC</i>
06/12/2017	 Initial Appearance Fee Disclosure <i>[68] Defendant Giberti Construction LLC's Initial Appearance Fee Disclosure</i>
06/12/2017	 Demand for Jury Trial Filed By: Counter Claimant Giberti Construction Llc <i>[69] Third Party Defendant Giberti Construction LLC's Demand for Jury Trial</i>
06/14/2017	 Demand for Prior Discovery Filed By: Counter Claimant Giberti Construction Llc <i>[70] THIRD PARTY DEFENDANT GIBERTI CONSTRUCTION, LLC S REQUEST FOR PRIOR PLEADINGS, DISCOVERY, RECORDS AND DEPOSITION TRANSCRIPTS</i>
06/16/2017	 Subpoena Duces Tecum Filed by: Plaintiff Edgeworth Family Trust <i>[71] Subpoena Duces Tecum</i>
06/20/2017	 Response Filed by: Plaintiff Edgeworth Family Trust <i>[72] Plaintiffs Response to Third Party Defendant Giberti Construction LLC's Request for Prior PLeadings, Discovery, Records and Deposition Transcripts</i>
06/26/2017	 Motion to Extend Discovery Filed By: Counter Claimant Giberti Construction Llc <i>[73] Giberti Construction, LLC's Motion to Extend Discovery Deadlines on an Order Shortening Time</i>
06/27/2017	 Joinder Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>[74] The Viking Corporation & Supply Network, Inc.'s Joinder to Giberti Construction, LLC's Motion to Continue Discovery Deadlines</i>
06/29/2017	 Stipulated Protective Order Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>[75] Stipulated Protective Order</i>
06/29/2017	

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C

	 Discovery Commissioners Report and Recommendations Filed By: Defendant Lange Plumbing, L.L.C. <i>[76] Discovery Commissioner's Report and Recommendations</i>
06/29/2017	 Notice of Change of Address Filed By: Counter Claimant Giberti Construction Llc <i>[77] Notice of Change of Address</i>
07/05/2017	 Response <i>[78] Defendant/Cross claimant Lange Plumbing, LLC's Response to Third Party Defendant Giberti Construction, LLC's Demand for All Prior Pleadings and Discovery</i>
07/11/2017	 Answer to Crossclaim <i>[79] Defendant/Cross Claimant/Cross Defendant Lange Plumbing, LLC's Answer to Giberti Construction, LLC's Cross Claim</i>
07/11/2017	 Answer to Crossclaim <i>[80] Defendant/Cross Claimant/Cross Defendant Lange Plumbing, LLC's Answer to The Viking Corporation's & Supply Network's Amended Cross Claim</i>
07/11/2017	 Supplement Filed by: Plaintiff Edgeworth Family Trust <i>[81] Supplement to Plaintiffs' Motion to Compel the Deposition of Defendant Lange Plumbing, LLC's 30(b)(6) Designee and for Sanctions</i>
07/11/2017	 Opposition Filed By: Plaintiff Edgeworth Family Trust <i>[82] Plaintiffs' Opposition to Defendant Giberti Construction, LLC's Motion to Extend Discovery Deadlines on an Order Shortening Time</i>
07/13/2017	 Answer to Counterclaim Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>[83] Defendants The Viking Corporation & Supply Network, Inc.'s Answer to Giberti Construction, LLC's Counter Claim</i>
07/14/2017	 Supplement Filed by: Plaintiff Edgeworth Family Trust <i>[84] Second Supplement to Plaintiffs' Motion to Compel the Deposition of Defendant Lange Plumbing, LLC's 30(b)(6) Designee and for Sanctions</i>
07/14/2017	 Motion to Extend Discovery Filed By: Counter Claimant Giberti Construction Llc <i>[85] Giberti Construction, LLC's Mtn to Extend Discovery Deadlines on OST</i>
07/17/2017	 Opposition Filed By: Plaintiff Edgeworth Family Trust <i>[86] Plaintiffs' Opposition to Defendant Giberti Construction, LLC's Motion to Extend Discovery Deadlines on an Order Shortening Time</i>
07/19/2017	 Application for Issuance of Commission to Take Deposition Party: Plaintiff Edgeworth Family Trust <i>[87] Application For Issuance of Commission to Take Out of State Deposition</i>
07/19/2017	 Commission Issued Filed by: Plaintiff Edgeworth Family Trust

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C

[88] *Commission to Take Out of State Deposition*

07/19/2017



Objection

Filed By: Plaintiff Edgeworth Family Trust

[89] *Plaintiffs' Objection to Confidentiality Designation Pursuant to the Protective Order*

07/21/2017



Joinder To Motion

Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc

[90] *The Viking Corporation & Supply Network, Inc.'s Joinder to Giberti Construction, LLC's Motion to Continue Discovery Deadlines*

07/26/2017



Supplemental Joint Case Conference Report

Party: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc

[91] *Supplemental Joint Case Conference Report*

07/26/2017



Discovery Commissioners Report and Recommendations

Filed By: Plaintiff Edgeworth Family Trust

[92] *Discovery Commissioners Report and Recommendations*

07/27/2017



Joinder

[93] *Defendant Lange Plumbing, LLC's Joinder to Plaintiffs' Objection to Confidentiality Designation Pursuant to the Protective Order*

07/27/2017



Motion for Protective Order

Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc

[94] *The Viking Corporation & Supply Network, Inc.'s Motion for Protective Order & Request for Order Shortening Time*

08/04/2017



Subpoena Duces Tecum

Filed by: Plaintiff Edgeworth Family Trust

[95] *Subpoena Duces Tecum*

08/07/2017



Subpoena Duces Tecum

Filed by: Plaintiff Edgeworth Family Trust

[96] *Subpoena Duces Tecum*

08/07/2017



Motion for Protective Order

Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc

[97] *Defendants The Viking Corporation and Supply Network, Inc.'s Motion for Protective Order No. 2 & Request for Order Shortening Time*

08/14/2017



Transcript of Proceedings

[98] *Transcript of Proceedings All Pending Motions Tuesday, April 25, 2017*

08/14/2017



Transcript of Proceedings

[99] *Transcript of Proceedings All Pending Motions Tuesday, March 7, 2017*

08/14/2017



Motion

Filed By: Plaintiff Edgeworth Family Trust

[100] *Plaintiffs' Motion to Amend the Complaint to Add Viking Group, Inc.*

08/14/2017



Designation of Expert Witness













Filed By: Plaintiff Edgeworth Family Trust

[101] *Plaintiffs Edgeworth Family Trust and American Grating, LLC's Initial Designation of*

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C

Expert Witnesses and Reports

08/15/2017	 Opposition Filed By: Plaintiff Edgeworth Family Trust <i>[102] Plaintiffs' Opposition to Defendant the Viking Corporation & Supp Network, Inc.'s Motions for Protective Orders & Requests for Order Shortening Time</i>
08/16/2017	 Proof of Service Filed by: Defendant Lange Plumbing, L.L.C. <i>[103] Proof of Service</i>
08/17/2017	 Order Shortening Time Filed By: Plaintiff Edgeworth Family Trust <i>[104] Plaintiffs Motion to Compel Viking Documents and for Order to Respond to Discovery and for Sanctions on Order Shortening Time</i>
08/17/2017	 Reply Filed by: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>[105] Defendants The Viking Corporation & Supply Network, Inc.'s Reply Re: Motions for Protective Order [NOS. 1 & 2]</i>
08/18/2017	 Receipt of Copy Filed by: Plaintiff Edgeworth Family Trust <i>[106] Receipt of Copy</i>
08/18/2017	 Opposition Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>[107] Defendants The Viking Corporation & Supply Network, Inc.'s Opposition to Plaintiffs' Motion to Compel</i>
08/18/2017	 Notice of Association of Counsel <i>[108] Notice of Association of Counsel</i>
08/18/2017	 Motion Filed By: Plaintiff Edgeworth Family Trust <i>[109] Plaintiffs' Motion to Compel Rimkus Consulting to Respond to the Notice of Deposition and Subpoena Duces Tecum</i>
08/21/2017	 Reply to Opposition Filed by: Plaintiff Edgeworth Family Trust <i>[110] Reply to Viking's Opposition to Plaintiffs' Motion to Compel Viking Documents and for Order to Respond to Discovery and for Sanctions on Order Shortening Time</i>
08/29/2017	 Order Granting Motion Filed By: Counter Claimant Giberti Construction Llc <i>[111] Order Granting Giberti Construction, LLC's Motion to Extend Discovery Deadlines (1st Request)</i>
08/30/2017	 Notice of Entry of Order <i>[112] Notice of Entry of Order Granting Giberti Construction LLC's Motion to Extend Discovery Deadlines</i>
08/31/2017	 Opposition Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>[113] Defendants the Viking Corporation and Supply Network, Inc. dba Viking Supplinet's</i>

EIGHTH JUDICIAL DISTRICT COURT


CASE SUMMARY
CASE NO. A-16-738444-C

Opposition to Plaintiffs' Motion to Amend Complaint to Add Viking Group, Inc.

09/01/2017	 Motion to Associate Counsel Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>[114] Motion to Associate Counsel</i>
09/01/2017	 Motion to Associate Counsel Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>[115] Motion to Associate Counsel (Kenton L. Robinson)</i>
09/01/2017	 Application for Issuance of Commission to Take Deposition Party: Plaintiff Edgeworth Family Trust <i>[116] Application For Issuance of Commission to Take Out of State Deposition</i>
09/01/2017	 Commission to Take Deposition Outside the State of Nevada Filed By: Plaintiff Edgeworth Family Trust <i>[117] Commission to Take Deposition Outside the State of Nevada</i>
09/05/2017	 Opposition Filed By: Plaintiff Edgeworth Family Trust <i>[118] Plaintiffs' Limited Opposition to Viking's Motions to Associate Counsel on an Order Shortening Time</i>
09/05/2017	 Opposition and Countermotion Filed By: Other Rimkus Consulting Group, Inc. <i>[119] NonParty Rimkus Consulting Group, Inc.'s Opposition to Plaintiffs' Motion to Compel Rimkus Consulting Group [Group, Inc.] to Respond to the Notice of Deposition and Subpoena Duces Tecum; and Counter-Motion to Quash, and Motion for Protective Order</i>
09/11/2017	 Motion to Compel Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>[120] Defendants The Viking Corporation & Supply Network, Inc.'s Motion to Compel Home Inspection & or in the Alternative Motion to Strike Portions of Expert Testimony & Order Shortening Time</i>
09/12/2017	 Reply Filed by: Plaintiff Edgeworth Family Trust <i>[121] Reply to Defendants the Viking Corporation and Supply Network, Inc. dba Viking SupplyNet's Opposition to Plaintiffs' Motion to Amend the Complaint to Add Viking Group, Inc.</i>
09/12/2017	 Opposition Filed By: Plaintiff Edgeworth Family Trust <i>[122] Plaintiffs' Opposition to Defendants the Viking Corporation & Supply Network, Inc.'s Motion to Compel Home Inspection & or In the Alternative Motion to Strike Portions of Expert Testimony on Order Shortening Time</i>
09/12/2017	 Supplement to Opposition Filed By: Other Rimkus Consulting Group, Inc. <i>[123] Nonparty Rimkus Consulting Group, Inc.'s Supplement to its Opposition to Plaintiffs' Motion to Compel Rimkus Consulting [Group, Inc.] to Respond to the Notice of Deposition and Subpoena Duces Tecum; and Counter-Motion to Quash, and Motion for Protective Order</i>
09/13/2017	 Order Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>[124] Order Admitting to Practice (John W. McConnell, III)</i>












EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C










09/13/2017	 Order Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>[125] Order Admitting to Practice (Kenton L. Robinson)</i>
09/13/2017	 Order Setting Civil Jury Trial <i>[126] Amended Order Setting Civil Jury Trial</i>
09/13/2017	 Application for Issuance of Commission to Take Deposition Party: Plaintiff Edgeworth Family Trust <i>[127] Application for Issuance of Commission to Take Out of State Deposition</i>
09/13/2017	 Commission to Take Deposition Outside the State of Nevada Filed By: Plaintiff Edgeworth Family Trust <i>[128] Commission to Take Out of State Deposition</i>
09/13/2017	 Application for Issuance of Commission to Take Deposition Party: Plaintiff Edgeworth Family Trust <i>[129] Application for Issuance of Commission to Take Out of State Deposition</i>
09/13/2017	 Commission to Take Deposition Outside the State of Nevada Filed By: Plaintiff Edgeworth Family Trust <i>[130] Commission to Take Out of State Deposition</i>
09/13/2017	 Application for Issuance of Commission to Take Deposition Party: Plaintiff Edgeworth Family Trust <i>[131] Application for Issuance of Commission to Take Out of State Deposition</i>
09/13/2017	 Commission to Take Deposition Outside the State of Nevada Filed By: Plaintiff Edgeworth Family Trust <i>[132] Commission to Take Out of State Deposition</i>
09/13/2017	 Application for Issuance of Commission to Take Deposition Party: Plaintiff Edgeworth Family Trust <i>[133] Application for Issuance of Commission to Take Out of State Deposition</i>
09/13/2017	 Commission to Take Deposition Outside the State of Nevada Filed By: Plaintiff Edgeworth Family Trust <i>[134] Commission to Take Out of State Deposition</i>
09/13/2017	 Application for Issuance of Commission to Take Deposition Party: Plaintiff Edgeworth Family Trust <i>[135] Application for Issuance of Commission to Take Out of State Deposition</i>
09/13/2017	 Commission to Take Deposition Outside the State of Nevada Filed By: Plaintiff Edgeworth Family Trust <i>[136] Commission to Take Out of State Deposition</i>
09/14/2017	 Subpoena Duces Tecum Filed by: Plaintiff Edgeworth Family Trust <i>[137] Subpoena Duces Tecum</i>
09/14/2017	 Subpoena Duces Tecum

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C

	Filed by: Plaintiff Edgeworth Family Trust <i>[138] Subpoena Duces Tecum</i>
09/14/2017	 Reply to Opposition Filed by: Plaintiff Edgeworth Family Trust <i>[139] Reply to Non-Party Rimkus Consulting Group, Inc.'s Opposition to Plaintiffs' Motion to Compel Rimkus Consulting [Group, Inc.] to Respond to the Notice of Deposition and Subpoena Duces Tecum and Opposition to Counter Motion to Quash and Motion for Protective Order</i>
09/18/2017	 Designation of Expert Witness Filed By: Plaintiff Edgeworth Family Trust <i>[140] Plaintiff Edgeworth Family Trust and American Grating, LLC's Rebuttal Designation of Expert Witnesses and Reports</i>
09/20/2017	 Notice of Entry of Order Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>[141] Notice of Entry of Order (JWM)</i>
09/20/2017	 Notice of Entry of Order Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>[142] Notice of Entry of Order (KLR)</i>
09/20/2017	 Motion Filed By: Plaintiff Edgeworth Family Trust <i>[143] Plaintiffs Motion to Compel Testimony and Evidence of Defendants, the Viking Corporation & Supply Network, Inc. dba Viking Supplynet's Expert, Robert Carnahan, or in the Alternative, Strike Robert Carnahan as an Expert on Order Shortening Time</i>
09/21/2017	 Receipt of Copy Filed by: Plaintiff Edgeworth Family Trust <i>[144] Receipt of Copy</i>
09/21/2017	 Motion for Summary Judgment Filed By: Plaintiff Edgeworth Family Trust <i>[145] Plaintiffs' Motion for Summary Judgment Against Lange Plumbing, LLC. Only</i>
09/21/2017	 Motion Filed By: Plaintiff Edgeworth Family Trust <i>[146] Plaintiffs Motion in Limine to Exclude Defendants The Viking Corporation & Supply Network, Inc. dba Viking Supplynet's Expert Jay Rosenthal on Order Shortening Time</i>
09/22/2017	 Receipt of Copy Filed by: Plaintiff Edgeworth Family Trust <i>[147] Receipt of Copy</i>
09/26/2017	 Joinder Filed By: Counter Claimant Giberti Construction Llc <i>[148] Third Party Defendant Giberti Construction LLC's Joinder to Plaintiffs' Motion to Compel Testimony and Evidence of Defendants, The Viking Corporation & Supply Network, Inc. dba Viking Supplynet's Expert, Robert Carnahan, or in the Alternative, Strike Robert Carnahan as an expert on Order Shortening Time</i>
09/27/2017	 Discovery Commissioners Report and Recommendations Filed By: Plaintiff Edgeworth Family Trust <i>[149] Discovery Commissioners Report and Recomendations</i>

CASE SUMMARY **CASE NO. A-16-738444-C**

09/28/2017	 Joinder Filed By: Counter Claimant Giberti Construction Llc <i>[150] Third Party Defendant Giberti Corporation LLC's Joinder to Exclude Defendants, The Viking Corporation & Supply Network, Inc. dba Viking Supplynet's Expert, Jay Rosenthal on Order Shortening Time</i>
09/29/2017	 Order Shortening Time Filed By: Plaintiff Edgeworth Family Trust <i>[151] Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on an Order Shortening Time</i>
09/29/2017	 Order Shortening Time Filed By: Plaintiff Edgeworth Family Trust <i>[152] Plaintiffs' Motion to Strike the Viking Defendants' Answer on Order Shortening Time</i>
10/02/2017	 Receipt of Copy Filed by: Plaintiff Edgeworth Family Trust <i>[153] Receipt of Copy</i>
10/02/2017	 Joinder <i>[154] Third Party Defendant Giberti Corporation LLC's Joinder to Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on an Order Shortening Time</i>
10/02/2017	 Opposition to Motion in Limine Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>[155] The Viking Corporation & Supply Network, Inc. S Oppositon to Plaintiffs' Motion in Limine to Exclude Expert, Jay Roenthal</i>
10/03/2017	 Opposition to Motion to Compel Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>[156] Defendants The Viking Corporation and Supply Network, Inc. dba Viking Supplynet's Opposition to Plaintiffs' Motion to Compel Testimony and Evidence of Expert Robert Carnahan or Alternatively Strike Expert</i>
10/04/2017	 Motion to Reconsider Filed By: Plaintiff Edgeworth Family Trust <i>[157] Plaintiffs Motion to Reconsider Order Granting The Viking Defendants Motions to Associate Counsel</i>
10/05/2017	 Recorders Transcript of Hearing <i>[158] Recorders Transcript of Hearing - All Pending Motions - heard on August 23, 2017</i>
10/06/2017	 Joinder Filed By: Counter Claimant Giberti Construction Llc <i>[159] Third Party Defendant Giberti Construction LLC's Joinder to Plaintiff's Motion to Strike Viking's Answer on OST</i>
10/11/2017	 Opposition <i>[160] Defendant Lange Plumbing's Opposition to Plaintiffs' Motion for Summary Judgment and Motion to Bifurcate Trial and Countermotion to Strike</i>
10/11/2017	 Exhibits <i>[161] Exhibits to Lange Plumbing's Opposition to Plaintiffs' Motion for Summary Judgment and Bifurcate Trial</i>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C

10/11/2017	 Opposition to Motion Filed By: Counter Defendant Viking Corporation <i>[162] Defendant The Viking Corporation and Supply Network, Inc. dba Viking Supplynet's Opposition to Plaintiffs' Motion to Strike The Viking Defendants' Answer on Order Shortening Time</i>
10/11/2017	 Declaration Filed By: Counter Defendant Viking Corporation <i>[163] Declaration of Janet C. Pancoast in Support of Opposition to Plaintiffs' Motion to Strike The Viking Defendants' Answer on Order Shortening Time</i>
10/11/2017	 Application for Issuance of Commission to Take Deposition Party: Plaintiff Edgeworth Family Trust <i>[164] Application for Issuance of Commission to Take Out of State Deposition of Person Most Knowledgeable for Underwriters Laboratories, Inc</i>
10/11/2017	 Commission to Take Deposition Outside the State of Nevada Filed By: Plaintiff Edgeworth Family Trust <i>[165] Commission to Take Out of State Deposition of Person Most Knowledgeable for Underwriters Laboratories, Inc.</i>
10/12/2017	 Recorders Transcript of Hearing <i>[166] Recorders Transcript of Hearing - All Pending Motions - heard on October 4, 2017</i>
10/12/2017	 Application for Issuance of Commission to Take Deposition Party: Plaintiff Edgeworth Family Trust <i>[167] Application for Issuance of Commission to Take Out of State Deposition of Person Most Knowledgeable for Viking Group, Inc.</i>
10/12/2017	 Application for Issuance of Commission to Take Deposition <i>[168] Application for Issuance of Commission to Take Out of State Deposition of Harold Rodgers</i>
10/12/2017	 Commission to Take Deposition Outside the State of Nevada Filed By: Plaintiff Edgeworth Family Trust <i>[169] Commission to Take Out of State Deposition of Person Most Knowledgeable for Viking Group Inc.</i>
10/12/2017	 Commission to Take Deposition Outside the State of Nevada Filed By: Plaintiff Edgeworth Family Trust <i>[170] Commission to Take Out of State Deposition for Harold Rodgers</i>
10/12/2017	 Motion <i>[172] Non-Party Zurich American Insurance Company s Motion For A Protective Order, Or In The Alternative To Quash Subpoenas</i>
10/13/2017	 Opposition to Motion Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>[171] Defendants The Viking Corporation and Supply Network, Inc. dba Viking Supplynet's Supplement to Opposition to Plaintiffs' Motion to Strike The Viking Defendants' Answer on Order Shortening Time</i>
10/16/2017	 Reply to Opposition Filed by: Plaintiff Edgeworth Family Trust

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C

[173] Reply to Viking's Opposition to Plaintiffs Motion to Strike the Viking Defendants' Answer on Order Shortening Time

10/17/2017



Supplement

Filed by: Plaintiff Edgeworth Family Trust

[174] Supplement to Reply to Viking's Opposition to Plaintiffs' Motion to Strike the Viking Defendants' Answer on Order Shortening Time

10/19/2017



Subpoena Duces Tecum

Filed by: Plaintiff Edgeworth Family Trust

[175] Subpoena Duces Tecum

10/19/2017



Affidavit of Service

Filed By: Plaintiff Edgeworth Family Trust

[176] Affidavit of Service

10/19/2017



Certificate of Electronic Service

Filed By: Plaintiff Edgeworth Family Trust

[177] Certificate of E-Service

10/19/2017



Discovery Commissioners Report and Recommendations

Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc

[178] Discovery Commissioner's Report & Recommendation- Hearing 8.23.17

10/19/2017



Motion for Determination of Good Faith Settlement

Filed By: Counter Claimant Giberti Construction Llc

[179] Third Party Defendant Giberti Construction LLC's Motion for Good Faith Settlement

10/20/2017



Reporters Transcript

[180] Transcripts of Proceedings Tuesday, October 3, 2017

10/20/2017



Motion in Limine

Filed By: Plaintiff Edgeworth Family Trust

[181] Plaintiffs Motion in Limine to Exclude Defendants The Viking Corporation & Supply Network, Inc., dba Viking Supplynet's Expert Robert Carnahan on Order Shortening Time

10/20/2017



Receipt of Copy

Filed by: Plaintiff Edgeworth Family Trust

[182] Receipt of Copy

10/23/2017



Notice of Association of Counsel

Filed By: Defendant Lange Plumbing, L.L.C.

[183] Notice of Association of Counsel

10/23/2017



Supplemental

Filed by: Plaintiff Edgeworth Family Trust

[184] Second Supplement to Reply to Viking's Opposition to Plaintiffs' Motion to Strike the Viking Defendants' Answer on Order Shortening Time

10/23/2017














Reply to Motion

Filed By: Plaintiff Edgeworth Family Trust

[185] Plaintiffs' Reply to Motion for Summary Judgement Against Lange Plumbing, LLC, Only and Reply to Opposition to Motion to Bifurcate Trial and Opposition to Strike Matters from the Record

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C

10/23/2017	 Non Opposition Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>[186] Defendants The Viking Corporation & Supply Network, Inc.'s Notice of Non-Opposition to Third-Party Defendant Giberti Construction, LLC's Motion for Determination for Good faith Settlement</i>
10/23/2017	 Opposition to Motion Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>[187] Defendants The Viking Corporation and Supply Network, Inc. dba Viking Supplynet's Opposition to Plaintiffs' Motion to Reconsider Order Granting the Viking Defendants' Motions to Associate Counsel</i>
10/23/2017	 Joinder to Opposition to Motion Filed by: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>[188] Defendants The Viking Corporation and Supply Network, Inc. dba Viking Supplynet's Joinder to Lange Plumbing, LLC's Opposition to Plaintiffs' Motion for Summary Judgment with Additional Points and Authorities</i>
10/23/2017	 Recorders Transcript of Hearing <i>[189] Recorders Transcript of Hearing - Re: All Pending Motions - heard on October 18, 2017</i>
10/24/2017	 Supplement Filed by: Plaintiff Edgeworth Family Trust <i>[190] Supplement to Plaintiffs' Reply to Motion for Summary Judgment Against Lange Plumbing, LLC, Only and Reply to Viking's Joinder</i>
10/26/2017	 Opposition to Motion Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>[191] Defendants the Viking Corporation and Supply Network, Inc. dba Viking Supplynet's Opposition to Plaintiffs' Motion in Limine to Exclude Defendants the Viking Corporation & Supply Network, Inc. dba Viking Supplynet's Expert, Robert Carnahan</i>
10/30/2017	 Notice <i>[192] Notice of Withdrawal of Counsel</i>
10/30/2017	 Objection Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>[193] Defendants The Viking Corporation & Supply Network, Inc.'s Objection to Discovery Commissioners' Report & Recommendation on Defendants' Motion to Compel Home Inspection</i>
11/01/2017	 Recorders Transcript of Hearing <i>[194] Recorders Transcript of Hearing - Defendants The Viking Corporation & Supply Network, Inc.'s Motion to Compel Home Inspection and/or in the Alternative Motion to Strike Portions of Expert Testimony on Order Shortening Time - heard on Sept. 13, 2017</i>
11/01/2017	 Motion to Stay Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>[195] Defendants the Viking Corporation & Supply Network, Inc.'s Motion to Stay Enforcement of discovery Commissioner's Report & Recommendation Pursuant to EDCR 2.34 (e) & Request for Order Shortening Time</i>
11/01/2017	 Recorders Transcript of Hearing <i>[196] Recorders Transcript of Hearing - All Pending Motions - heard on October 24, 2017</i>











EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C

11/01/2017	 Motion to Strike Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>[197] Defendants The Viking Corporation & Supply Network, Inc.'s Motion to Strike Plaintiffs' Untimely Disclosed Expert Crane Pomerantz & Request for Order Shortening Time</i>
11/01/2017	 Opposition and Countermotion Filed By: Plaintiff Edgeworth Family Trust <i>[198] Plaintiffs' Opposition to Non-Party Zurich American Insurance Company's Motion for a Protective Order, or in the Alternative to Quash Subpoenas and Counter-Motion to Compel</i>
11/01/2017	 Order Filed By: Plaintiff Edgeworth Family Trust <i>[199] Order Granting Plaintiffs Motion to Amend the Complaint to Add Viking Group, Inc.</i>
11/03/2017	 Notice of Entry of Order Filed By: Plaintiff Edgeworth Family Trust <i>[200] Notice of Entry of Order Granting Plaintiffs Motion to Amend the Complaint to Add Viking Group, Inc.</i>
11/03/2017	 Reply to Opposition Filed by: Plaintiff Edgeworth Family Trust <i>[201] Reply to Viking's Opposition to Plaintiffs' Motion to Reconsider Order Granting the Viking Defendants' Motions to Associate Counsel</i>
11/03/2017	 Motion Filed By: Plaintiff Edgeworth Family Trust <i>[202] Plaintiffs Motion to Compel Viking Documents and For Order to Respond to Discovery on Order Shortening Time</i>
11/03/2017	 Motion Filed By: Plaintiff Edgeworth Family Trust <i>[203] Plaintiffs Motion to Compel Viking Documents and for Order to Respond to Discovery Regarding Their Financial Information on Order Shortening Time</i>
11/06/2017	 Receipt of Copy Filed by: Plaintiff Edgeworth Family Trust <i>[204] Receipt of Copy</i>
11/07/2017	 Reply to Opposition Filed by: Plaintiff Edgeworth Family Trust <i>[205] Plaintiffs' Reply to Viking's Opposition to Motion in Limine to Exclude Defendants The Viking Corporation & Supply Network, Inc., dba Viking Supplynet's Expert Robert Carnahan on Order Shortening Time</i>
11/08/2017	 Substitution of Attorney Filed by: Defendant Lange Plumbing, L.L.C. <i>[206] Substitution of Attorneys for Lange Plumbing</i>
11/09/2017	 Reply to Opposition Filed by: Subpoena'd (Non) Party Zurich American Insurance Company <i>[207] Non-Party Zurich American Insurance Company s Reply To Plaintiffs Opposition To Motion For A Protective Order, Or In The Alternative To Quash Subpoenas, And Counter Motion To Compel</i>
11/13/2017	 Stipulation and Order















EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C

	Filed by: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>[208] Stipulation Regarding Motion in Limine Briefing Schedule</i>
11/14/2017	 Application for Issuance of Commission to Take Deposition Party: Plaintiff Edgeworth Family Trust <i>[209] Application for Issuance of Commission to Take Out of State Deposition</i>
11/14/2017	 Commission to Take Deposition Outside the State of Nevada Filed By: Plaintiff Edgeworth Family Trust <i>[210] Commission to Take Out of State Deposition</i>
11/16/2017	 Opposition to Motion Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>[211] Defendant The Viking Corporation's Opposition to Plaintiffs' Motion to Compel Documents and Respond to Discovery Regarding Financial Information</i>
11/16/2017	 Opposition to Motion Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>[212] Defendants The Viking Corporation and Supply Network, Inc. dba Viking Supplynet's Opposition to Plaintiffs' Motion to Compel Viking Documents</i>
11/16/2017	 Opposition and Countermotion Filed By: Plaintiff Edgeworth Family Trust <i>[213] Plaintiffs' Opposition to Viking's Motion to Strike Untimely Disclosed Expert Crane Pomerantz on an Order Shortening Time and Counter Motion to Disclose Crane Pomerantz as an Initial Expert</i>
11/20/2017	 Discovery Commissioners Report and Recommendations Filed By: Plaintiff Edgeworth Family Trust <i>[214] Discovery Commissioners Report and Recommendations</i>
11/22/2017	 Supplemental Filed by: Defendant Lange Plumbing, L.L.C. <i>[215] Lange Plumbing, LLC s Supplemental Brief in Support of its Opposition to Plaintiffs Motion for Summary Judgment Against Lange Plumbing, LLC, Only and Countermotion Pursuant to EDCR 2.20(e)</i>
11/30/2017	 Notice of Attorney Lien Filed By: Plaintiff Edgeworth Family Trust <i>[216] Notice of Attorney Lien</i>
12/05/2017	 Subpoena Duces Tecum Filed by: Plaintiff Edgeworth Family Trust <i>[217] Subpoena Duces Tecum for Athanasia E. Dalacas, Esq.</i>
12/07/2017	 Motion for Determination of Good Faith Settlement Filed By: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>[218] Defendants The Viking Corporation & Supply Network, Inc.'s Motion for Good Faith Settlement & Request for Order Shortening Time</i>
12/08/2017	 Order Granting Motion Filed By: Counter Claimant Giberti Construction Llc <i>[219] Order Granting Third Party Defendant Giberti Construction LLC's Motion for Good Faith Settlement</i>
12/13/2017	














EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C

	 Notice of Entry of Order Filed By: Counter Claimant Giberti Construction Llc <i>[220] Notice of Entry of Order Granting Third Party Defendant Giberti Constructin LLC's Motion for Good Fiath Settlement</i>
12/14/2017	 Recorders Transcript of Hearing <i>[221] Recorder's transcript re All Pending Motions, Tuesday, November 14, 2017</i>
01/02/2018	 Stipulation and Order for Dismissal Filed by: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>[222] Stipulation For Dismissal with Prejudice of Plaintiffs' Claims against Viking Entities</i>
01/02/2018	 Notice of Attorney Lien Filed By: Plaintiff Edgeworth Family Trust <i>[223] Notice of Amended Attorney's Lien</i>
01/05/2018	 Motion for Determination of Good Faith Settlement Filed By: Defendant Lange Plumbing, L.L.C. <i>[224] Joint Motion for Determination of Good Faith Settlement</i>
01/17/2018	 Memorandum of Costs and Disbursements Filed By: Plaintiff Edgeworth Family Trust <i>[225] Plaintiffs' Memorandum of Outstanding Costs and Disbursements</i>
01/18/2018	 Notice of Appearance <i>[226] Notice of Appearance</i>
01/24/2018	 Motion to Adjudicate Attorney's Lien <i>[227] Motion to Adjudicate Attorney Lien of the Law Office of Daniel Simon PC; Order Shortening Time</i>
01/24/2018	 Motion to Consolidate <i>[228] Motion to Consolidate on Order Shortening Time</i>
01/25/2018	 Motion Filed By: Plaintiff Edgeworth Family Trust <i>[229] Plaintiffs Emergency Motion to Extend Date for Hearing on Motion to Consolidate and Motion to Adjudicate on an Order Shortening Time (First Request)</i>
02/02/2018	 Opposition Filed By: Plaintiff Edgeworth Family Trust <i>[230] Plaintiffs Oppositions to Defendant's Motions to Consolidate and to Adjudicate Attorney Lien</i>
02/05/2018	 Reply in Support Filed By: Plaintiff Edgeworth Family Trust <i>[231] Reply in Support of Motion to Adjudicate Attorney Lien and Motion for Consolidation</i>
02/05/2018	 Notice of Appearance <i>[233] Notice of Appearance on Behalf of the Law Offices of Daniel S. Simon, P.C.</i>
02/06/2018	 Initial Appearance Fee Disclosure Filed By: Other Law Office of Daniel S. Simon, PC <i>[232] Initial Appearance Fee Disclosure (NRS Chapter 19)</i>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C

02/16/2018	 Supplement Filed by: Other Law Office of Daniel S. Simon, PC <i>[234] Supplement to Motion to Adjudicate Attorney Lien of the Law Office of Daniel Simon, PC</i>
02/16/2018	 Opposition Filed By: Plaintiff Edgeworth Family Trust <i>[237] Plaintiffs Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint</i>
02/20/2018	 Stipulation and Order for Dismissal Filed by: Counter Defendant Viking Corporation; Counter Defendant Supply Network Inc <i>[235] Stipulation and Order for Dismissal with Prejudice of all Claims & of Entire Action</i>
02/20/2018	 Opposition and Countermotion Filed By: Plaintiff Edgeworth Family Trust; Plaintiff American Grating LLC <i>[236] Plaintiffs Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint</i>
02/20/2018	 Recorders Transcript of Hearing Party: Plaintiff Edgeworth Family Trust <i>[238] Recorder's Transcript of Hearing, February 6, 2018, Motion and Status Check: Settlement Documents</i>
02/22/2018	 Order Granting Motion <i>[239] Order Granting Defendants The Viking Corporation & Supply Network, Inc.'s Motion for Good Faith Settlement</i>
03/01/2018	 Supplemental Brief Filed By: Plaintiff Edgeworth Family Trust <i>[240] Plaintiffs Supplement to Their Countermotion to Amend Complaint</i>
03/02/2018	 Motion to Dismiss Filed By: Defendant Lange Plumbing, L.L.C. <i>[241] Special Motion to Dismiss: Anti-Slapp; Order Shortening Time</i>
03/06/2018	 Reporters Transcript <i>[242] Recorder's Partial Transcript of Hearing Status Check: February 20, 2018 Settlement Documents Defendant Daniel S. Simon D/B/A Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC; Order Shortening Time</i>
03/06/2018	 Notice of Entry of Order <i>[243] Notice of Entry of Order Granting Defendants The Viking Corporation & Supply Network, Inc.'s Motion for Good Faith Settlement</i>
03/07/2018	 Order <i>[244] Order Re Motion to Consolidate; Motion to Adjudicate Attorney's Lien</i>
03/15/2018	 Amended Complaint Filed By: Plaintiff Edgeworth Family Trust <i>[245] (A767242) Amended Complaint</i>
03/15/2018	 Summons Electronically Issued - Service Pending Party: Plaintiff Edgeworth Family Trust

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C

[246] Summons

03/16/2018



Opposition

Filed By: Plaintiff Edgeworth Family Trust

[247] Plaintiffs Opposition to Defendants Special Motion to Dismiss: Anti-Slapp

03/19/2018



Exhibits

[248] Exhibit 1 to Plaintiffs Opposition to Defendants Special Motion to Dismiss

03/19/2018



Exhibits

[249] Exhibit 2 to Plaintiffs Opposition to Defendants Special Motion to Dismiss Anti-Slapp

03/19/2018



Exhibits

[250] Exhibit 3 to Plaintiffs Opposition to Defendants Special Motion to Dismiss: Anti-Slapp

03/19/2018



Exhibits

[251] Exhibit 4 to Plaintiffs Opposition to Defendants Special Motion to Dismiss: Anti Slapp

03/19/2018



Exhibits

[252] Exhibit 5 to Plaintiffs Opposition to Defendants Special Motion to Dismiss: Anti-Slapp

03/20/2018



Notice of Entry of Order

[253] Notice of Entry of Order

03/20/2018



Acceptance of Service

Filed By: Plaintiff Edgeworth Family Trust

[254] Acceptance of Service of The Summons and Amended Complaint

03/21/2018



Reply in Support

[255] Reply in Support of Special Motion to Dismiss: Anti-Slapp

03/23/2018



Reply in Support

[256] Reply in Support of Motion to Dismiss Plaintiffs' Complaint Pursuant to NRCP 12(b)(5)

04/02/2018



Order Granting

Filed By: Defendant Lange Plumbing, L.L.C.

[257] Order Granting Joint Motion for Determination of Good Faith Settlement

04/02/2018



Notice of Entry of Order

Filed By: Defendant Lange Plumbing, L.L.C.

[258] Notice of Entry of Order Granting Joint Motion for Determination of Good Faith Settlement

04/03/2018



Notice of Entry of Stipulation & Order for Dismissal

Filed By: Defendant Lange Plumbing, L.L.C.

[259] Notice of Entry of Stipulation and Order for Dismissal With Prejudice of All Claims & of Entire Action

04/09/2018



Motion to Dismiss

[260] Motion to Dismiss Plaintiffs' Amended Complaint Pursuant to NRCP 12(b)(5)

04/24/2018



Opposition

Filed By: Plaintiff Edgeworth Family Trust

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C

[261] Plaintiffs Opposition to Defendant's (Third) Motion to Dismiss

05/02/2018



Transcript of Proceedings

[262] Recorder's Transcript of Hearing All Pending Motions April 3, 2018

05/10/2018



Motion to Dismiss

[263] Special Motion to Dismiss the Amended Complaint: Anit-SLAPP

05/18/2018



Brief

[264] Defendants' Brief Re: Evidentiary Hearing

05/18/2018



Brief

Filed By: Plaintiff Edgeworth Family Trust

[265] Plaintiffs' Bench Brief

05/23/2018



Opposition

Filed By: Plaintiff Edgeworth Family Trust

[266] Plaintiffs Opposition to Defendants Second Special Motion to Dismiss: Anti-Slapp

09/17/2018



Trial Brief

Filed By: Plaintiff Edgeworth Family Trust

[267] Simon Law's Trial Brief Requesting an Adverse Inference for Invoking Spousal Privilege

10/11/2018



Decision and Order

[268] Decision and Order on Motion to Adjudicate Lien

10/11/2018



Order

[269] Decision and Order on Motion to Dismiss NRCP 12(B)(5)

10/11/2018



Order

[270] Decision and ORder on Special Motion to Dismiss Anti-Slapp

10/24/2018



Notice of Entry of Decision and Order

[271] Notice of Entry of Decision and Order on Motion to Dismiss NRCP 12(B)(5)

10/29/2018



Motion

[272] Motion to Amend Findings

10/31/2018



Motion to Amend

[273] Motion to Amend Findings Under NRCP 52; and/or for Reconsideration; Order Shortening Time

11/08/2018



Opposition

Filed By: Plaintiff Edgeworth Family Trust

[274] Plaintiffs' Opposition to Simon's Motion to Amend Findings Under NRCP 52; and/or, for Reconsideration

11/14/2018



Reply in Support

Filed By: Plaintiff Edgeworth Family Trust

[275] Reply in Support of Motion to Amend Findings Under NRCP 52; and/or for Reconsideration

11/19/2018



Amended Order

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C

[276] Amended Decision and Order on Motion to Dismiss NRCP 12(B)(5)

11/19/2018



Order

[277] Decision and Order on Motion to Adjudicate Lien

12/07/2018



Case Appeal Statement

Filed By: Plaintiff Edgeworth Family Trust

[278] Case Appeal Statement

12/07/2018



Notice of Appeal

Filed By: Plaintiff Edgeworth Family Trust

[279] Notice of Appeal

12/07/2018



Motion for Attorney Fees and Costs

[280] Motion for Attorney Fees and Costs

12/13/2018



Motion for Order

Filed By: Plaintiff Edgeworth Family Trust

[281] Plaintiffs' Motion For An Order Directing Simon To Release Plaintiffs' Funds

12/17/2018



Opposition to Motion

Filed By: Plaintiff Edgeworth Family Trust

[282] Plaintiffs' Opposition to Simon's Motion for Fees and Costs

12/17/2018



Transcript of Proceedings

Party: Defendant Lange Plumbing, L.L.C.

[283] Recorder's Transcript of Proceedings re: Motion to amend findings, Thursday, November 15, 2018

12/17/2018



Notice of Appeal

[284] Notice of Cross Appeal

12/17/2018



Case Appeal Statement

[285] Case Appeal Statement

12/27/2018



Notice of Entry of Order

Filed By: Plaintiff Edgeworth Family Trust

[286] Notice of Entry of Orders

12/27/2018



Notice of Filing Cost Bond

[287] Notice of Posting Cost Bond

12/28/2018



Notice of Filing Cost Bond

Filed By: Plaintiff Edgeworth Family Trust

[288] Notice of Posting Cost Bond

12/28/2018



Notice of Hearing

Filed By: Plaintiff Edgeworth Family Trust

[289] Notice of Hearing on Plaintiffs' Motion for Release of Funds

01/08/2019

















Reply in Support

[290] Reply in Support of Motion for Attorney Fees and Costs














EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C

01/09/2019	 Notice of Entry of Decision and Order <i>[291] Notice of Entry of Decision and Order on Special Motion to Dismiss Anti-Slapp</i>
01/11/2019	 Opposition to Motion <i>[292] Opposition to Plaintiffs' Motion for Release of Funds</i>
01/28/2019	 Reply Filed by: Plaintiff Edgeworth Family Trust <i>[293] Plaintiffs' Reply to Opposition to Plaintiffs' Motion for Release of Funds</i>
01/30/2019	 Transcript of Proceedings <i>[294] Recorder's Transcript of Proceedings re Motion for Attorney's Fees and Costs</i>
02/08/2019	 Decision and Order <i>[295] (A738444 and A767242) Decision and Order Granting in Part and Denying in Part, Simon's Motion for Attorney Fees and Costs</i>
02/08/2019	 Notice of Entry of Decision and Order <i>[296] Notice of Entry of Decision and Order Granting in Part and Denying in Part, Simon's Motion for Attorney's Fees and Costs</i>
02/15/2019	 Notice of Appeal Filed By: Plaintiff Edgeworth Family Trust <i>[297] Notice of Appeal</i>
02/15/2019	 Case Appeal Statement Filed By: Plaintiff Edgeworth Family Trust <i>[298] Case Appeal Statement</i>
04/12/2019	 Request Filed by: Plaintiff Edgeworth Family Trust <i>[299] Plaintiffs' Request for Transcript of Proceedings</i>
04/15/2019	 Transcript of Proceedings Party: Plaintiff Edgeworth Family Trust <i>[300] Evidentiary Hearing, Day 2 -Excerpt Testimony of Brian Edgeworth, Wednesday, August 27, 2018</i>
04/15/2019	 Transcript of Proceedings Party: Plaintiff Edgeworth Family Trust <i>[301] Evidentiary Hearing, Day 2 - Excerpt Testimony of Brian Edgeworth - Tuesday, August 28, 2018</i>
04/15/2019	 Transcript of Proceedings Party: Plaintiff Edgeworth Family Trust <i>[302] Evidentiary Hearing - Day 3, Excerpt Testimony of Brian Edgeworth - Wednesday, August 29, 2018</i>
05/08/2019	 Transcript of Proceedings <i>[303] Recorder's Transcript of Proceedings re Evidentiary Hearing - Day 5, Tuesday, September 18, 2018</i>
05/08/2019	 Transcript of Proceedings <i>[304] Recorder's Transcript of Proceedings re Pending Motions - Tuesday, May 29, 2018</i>

EIGHTH JUDICIAL DISTRICT COURT














CASE SUMMARY
CASE NO. A-16-738444-C

05/08/2019	 Transcript of Proceedings <i>[305] Recorder's Transcript of Proceedings re Evidentiary Hearing - Day 1, Monday, August 27, 2018</i>
05/08/2019	 Transcript of Proceedings <i>[306] Recorder's Transcript of Proceedings re Evidentiary Hearing - Day 2, Tuesday, August 28, 2019</i>
05/08/2019	 Transcript of Proceedings <i>[307] Recorder's Transcript of Proceedings re Evidentiary Hearing, Day 2, Wednesday, August 29, 2018</i>
05/08/2019	 Transcript of Proceedings <i>[308] Recorder's Transcript of Proceedings re Evidentiary Hearing, Day 4- Thursday, August 30, 2018</i>
06/13/2019	 Transcript of Proceedings <i>[309] Recorder's Transcript of Proceedings re Pending Motions - Tuesday, May 29, 2018</i>
06/13/2019	 Transcript of Proceedings <i>[310] Recorder's Transcript of Proceedings re Evidentiary Hearing Day 1, Monday, August 27, 2018</i>
06/13/2019	 Transcript of Proceedings <i>[311] Recorder's Transcript of Proceedings re Evidentiary Hearing, Day 3, Wednesday, August 29, 2018</i>
06/13/2019	 Transcript of Proceedings <i>[312] Recorder's Transcript of Proceedings re Evidentiary Hearing Day 4, Thursday, August 30, 2018</i>
06/13/2019	 Transcript of Proceedings <i>[313] Recorder's Transcript of Proceedings re Evidentiary Hearing Day 5, Tuesday, September 18, 2018</i>
06/13/2019	 Transcript of Proceedings <i>[314] Recorder's Transcript of Proceedings re Evidentiary Hearing Day 2 - Tuesday, August 28, 2018</i>
09/17/2019	 Amended Order <i>[315] Amended Decision and Order on Special Motion to Dismiss Anti-Slapp</i>
09/18/2019	 Notice of Entry of Decision and Order <i>[316] Notice of Entry of Amended Decision and Order</i>
09/08/2020	Case Reassigned to Department 3 <i>Case Reassignment from Judge Tierra Jones to Judge Douglas W. Herndon</i>
09/16/2020	 Transcript of Proceedings Party: Defendant Lange Plumbing, L.L.C. <i>[317] Recorder's Transcript of Hearing re Pending Motion - Tuesday, February 5, 2019</i>
01/04/2021	Administrative Reassignment - Judicial Officer Change

EIGHTH JUDICIAL DISTRICT COURT














CASE SUMMARY
CASE NO. A-16-738444-C

Judicial Reassignment to Judge Monica Trujillo

02/10/2021	 Notice of Department Reassignment <i>[318] Notice of Department Reassignment</i>
03/16/2021	 Order <i>[319] Amended Decision and Order Granting in Part and Denying in Part Simon's Motion for Attorneys Fees and Costs</i>
03/16/2021	 Order <i>[320] Second Amended Decision and Order on Motion to Adjudicate Lien</i>
03/24/2021	 Substitution of Attorney Filed by: Plaintiff Edgeworth Family Trust <i>[321] Substitution of Attorneys</i>
03/30/2021	 Motion to Reconsider Filed By: Plaintiff Edgeworth Family Trust <i>[322] Defendant's Motion for Reconsideration Regarding Court's Amended Decision and Order Granting in Part and Denying in Part Simon's Motion for Attorney's Fees and Costs and Second Amended Decision and Order on Motion to Adjudicate Lien</i>
03/31/2021	 Clerk's Notice of Hearing <i>[323] Notice of Hearing</i>
04/13/2021	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[324] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed in Part, Vacated in Part and Remand; Rehearing Denied</i>
04/13/2021	 Opposition and Countermotion <i>[325] Opposition to Motion to Reconsider and Request for Sanctions; Counter Motion to Adjudicate Lien on Remand</i>
04/28/2021	 Order <i>[326] Third Amended Decision and Order on Motion to Adjudicate Lien</i>
05/03/2021	 Notice of Association of Counsel Filed By: Plaintiff Edgeworth Family Trust <i>[327] Notice of Association of Counsel</i>
05/03/2021	 Motion to Reconsider Filed By: Plaintiff Edgeworth Family Trust <i>[328] Plaintiffs' Renewed Motion for Reconsideration of Third Amended Decision and Order Granting in Part and Denying in Part Simon's Motion for Attorneys Fees and Costs, and Motion for Reconsideration of Third Amended Decision and Order on Motion to Adjudicate Lien</i>
05/11/2021	 Notice of Hearing <i>[329] Plaintiff's Renewed Motion for Reconsideration of Third Amended Decision and Order</i>
05/13/2021	 Motion for Order Filed By: Plaintiff Edgeworth Family Trust <i>[330] Edgeworth's Motion for Order Releasing Client Funds and Requiring the Production of Complete Client File</i>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C

05/13/2021	 Clerk's Notice of Hearing <i>[331] Notice of Hearing</i>
05/13/2021	 Opposition and Countermotion <i>[332] Opposition to Second Motion to Reconsider; Counter Motion to Adjudicate Lien on Remand</i>
05/16/2021	 Notice of Entry of Order <i>[333] Notice of Entry of Orders</i>
05/20/2021	 Opposition to Motion <i>[334] Opposition to Edgeworths' Motion for Order Releasing Client Funds and Requiring Production of File</i>
05/20/2021	 Reply Filed by: Plaintiff Edgeworth Family Trust <i>[335] Reply ISO Plaintiffs' Renewed Motion for Reconsideration of Amended Decision and Order Granting in Part and Denying in Part Simon's Motion for Attorneys Fees and Costs, and Motion for Reconsideration of Third Amended Decision and Order on Motion to Adjudicate Lien</i>
05/21/2021	 Reply in Support Filed By: Plaintiff Edgeworth Family Trust <i>[336] Edgeworths' Reply In Support of Motion for Order Releasing Client Funds and Requiring the Production of Complete Client File</i>
05/24/2021	 Decision and Order Filed By: Plaintiff Edgeworth Family Trust <i>[337] Second Amended Decision and Order Granting in Part and Denying in Part, Simon's Motion for Attorney's Fees and Costs</i>
05/24/2021	 Notice of Entry of Order Filed By: Plaintiff Edgeworth Family Trust <i>[338] Notice of Entry of Order</i>
06/17/2021	 Decision and Order Filed By: Plaintiff Edgeworth Family Trust <i>[339] Decison and Order Denying Plaintiff's Renewed Motion For Reconsideration of Third Amended Decision and Order on Motion to Adjudicate Lien and Denying Simon's Counter Motion to Adjudicate Lien on Remand</i>
07/01/2021	 Motion to Reconsider Filed By: Plaintiff Edgeworth Family Trust <i>[340] Edgeworths' Motion for Reconsideration of Order on Motion for Order Releasing Client Funds and Requiring the Production of Complete Client File and Motion to Stay Execution of Judgments Pending Appeal</i>
07/07/2021	 Clerk's Notice of Hearing <i>[341] Notice of Hearing</i>
07/15/2021	 Opposition to Motion <i>[342] Opposition to Third Motion to Reconsider</i>
07/17/2021	 Reply Filed by: Plaintiff Edgeworth Family Trust

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C

[343] Reply ISO Motion to Reconsider Order re Funds and File

07/17/2021



Notice of Appeal

Filed By: Plaintiff Edgeworth Family Trust

[344] Notice of Appeal

07/17/2021



Case Appeal Statement

[345] Edgeworth Family Trust and American Grating LLC's Case Appeal Statement

DISPOSITIONS

12/08/2017

Order of Dismissal With Prejudice (Judicial Officer: Jones, Tierra)

Debtors: Viking Corporation (Third Party Plaintiff), Supply Network Inc (Third Party Plaintiff)

Creditors: Giberti Construction Llc (Third Party Defendant)

Judgment: 12/08/2017, Docketed: 12/08/2017

01/02/2018

Order of Dismissal With Prejudice (Judicial Officer: Jones, Tierra)

Debtors: Edgeworth Family Trust (Plaintiff), American Grating LLC (Plaintiff)

Creditors: Viking Corporation (Defendant), Supply Network Inc (Defendant), Viking Group Inc (Defendant)

Judgment: 01/02/2018, Docketed: 01/02/2018

02/20/2018

Order of Dismissal With Prejudice (Judicial Officer: Jones, Tierra)

Debtors: Edgeworth Family Trust (Plaintiff), American Grating LLC (Plaintiff), Rimkus Consulting Group, Inc. (Other), Law Office of Daniel S. Simon, PC (Other)

Creditors: Lange Plumbing, L.L.C. (Defendant), Law Office of Daniel Simon, PC (Defendant)

Judgment: 02/20/2018, Docketed: 02/20/2018

Debtors: Viking Corporation (Cross Defendant), Supply Network Inc (Cross Defendant)

Creditors: Lange Plumbing, L.L.C. (Cross Claimant)

Judgment: 02/20/2018, Docketed: 02/20/2018

Debtors: Lange Plumbing, L.L.C. (Counter Defendant), Viking Corporation (Counter Defendant), Supply Network Inc (Counter Defendant)

Creditors: Viking Corporation (Counter Claimant), Supply Network Inc (Counter Claimant), Giberti Construction Llc (Counter Claimant)

Judgment: 02/20/2018, Docketed: 02/20/2018

02/22/2018

Order of Dismissal With Prejudice (Judicial Officer: Jones, Tierra)

Debtors: Edgeworth Family Trust (Plaintiff)

Creditors: Viking Corporation (Defendant)

Judgment: 02/22/2018, Docketed: 02/22/2018

11/19/2018

Amended Order of Dismissal (Judicial Officer: Jones, Tierra)

Debtors: Lange Plumbing, L.L.C. (Defendant), Viking Automatic Sprinkler Co (Defendant), Viking Corporation (Defendant), Supply Network Inc (Defendant), Viking Group Inc (Defendant), Law Office of Daniel Simon, PC (Defendant), Law Office of Daniel S Simon (Defendant)

Creditors: Edgeworth Family Trust (Plaintiff), American Grating LLC (Plaintiff)

Judgment: 11/19/2018, Docketed: 10/11/2018

04/13/2021

Clerk's Certificate (Judicial Officer: Jones, Tierra)

Debtors: Daniel S Simon (Defendant), Law Office of Daniel S Simon (Defendant)

Creditors: Edgeworth Family Trust (Plaintiff), American Grating LLC (Plaintiff)

Judgment: 04/13/2021, Docketed: 04/14/2021

Comment: Supreme Court No 77678 - "APPEAL AFFIRMED IN PART/VACATED IN PART"

05/24/2021

Amended Order (Judicial Officer: Jones, Tierra)

Debtors: Edgeworth Family Trust (Plaintiff)

Creditors: Daniel S Simon (Defendant)




Judgment: 05/24/2021, Docketed: 02/08/2019

Total Judgment: 52,520.00

CASE SUMMARY
CASE NO. A-16-738444-C



Comment: In Part

HEARINGS

03/07/2017	<p>Motion for Summary Judgment (9:00 AM) (Judicial Officer: Barker, David) Events: 01/13/2017 Motion for Summary Judgment <i>Plaintiffs Motion for Summary Judgment</i> Denied;</p>
03/07/2017	<p>Motion to Amend Complaint (9:00 AM) (Judicial Officer: Barker, David) <i>Plaintiffs Motion to Amend the Complaint on Order Shortening Time</i> Granted;</p>
03/07/2017	<p> All Pending Motions (9:00 AM) (Judicial Officer: Barker, David) Matter Heard; Journal Entry Details: <i>PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT...PLAINTIFF'S MOTION TO AMEND THE COMPLAINT ON ORDER SHORTENING TIME Following arguments by counsel, COURT ORDERED, Plaintiff's Motion to Amend the Complaint, GRANTED. COURT FURTHER ORDERED, Plaintiff's Motion for Summary Judgment, DENIED. ;</i></p>
04/25/2017	<p> Motion for Summary Judgment (9:30 AM) (Judicial Officer: Bonaventure, Joseph T.) <i>Plaintiffs' Motion for Summary Judgment Against Lange Plumbing, LLC, Only</i> Denied Without Prejudice; Journal Entry Details: <i>Court noted it reviewed everything. Further, its only been a short time for discovery. Following arguments by counsel, Court Stated its Findings, and ORDERED, Plaintiffs' Motion for Summary Judgment Against Lange Plumbing, LLC, Only, DENIED WITHOUT PREJUDICE. Counsel can re-file after the production of the rebuttal experts reports. Plaintiff's counsel to prepare the order.;</i></p>
05/17/2017	<p> Motion to Compel (9:30 AM) (Judicial Officer: Bulla, Bonnie) <i>Deft Lange Plumbing's Motion to Compel Plaintiff's to Release Sprinkler Heads for Testing by Lange Plumbing on OST</i> Granted; Deft Lange Plumbing's Motion to Compel Plaintiff's to Release Sprinkler Heads for Testing by Lange Plumbing on OST Journal Entry Details: <i>Commissioner advised counsel they need a joint protocol for destructive testing. Ms. Dalacas stated some sprinkler heads were inspected, and testing was requested on eight sprinkler heads. Colloquy re: transporting sprinklers, and if items are lost, who gets the adverse inference. Arguments by counsel. Pltf's expert is in San Diego. Commissioner suggested a paralegal or secretary fly to pick up spinklers. COMMISSIONER RECOMMENDED, motion is ALLOWED with CAVEATS; destructive testing is allowed for no more than 10 sprinkler heads as identified by experts; coordinate as other experts will be present or not, but filming is REQUIRED; Commissioner REQUIRED Defense counsel work with Pltf's counsel to determine how sprinkler heads will be transported; Deft Lange Plumbing will bear the costs of transfer and costs for risk of sprinkler heads not arriving at destination here in Las Vegas, and an adverse inference may be given if appropriate. Ms. Pancoast stated implicating Lange Plumbing with an adverse inference could impact Viking. Ms. Pancoast stated another party is coming into the case. COMMISSIONER RECOMMENDED, discovery cutoff EXTENDED to 10-16-17 adding parties, amended pleadings, and initial expert disclosures DUE 7-17-17; rebuttal expert disclosures DUE 8-17-17; file dispositive motions by 11-16-17; 1-8-2018 Trial date STANDS. Commissioner advised counsel to let the new party know about destructive testing. Commissioner is available by conference call if necessary. Ms. Dalacas to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.;</i></p>
06/07/2017	<p>Motion to Compel (9:30 AM) (Judicial Officer: Bulla, Bonnie) <i>Plaintiffs Motion to Compel the Deposition of Defendant Lange Plumbing, LLC's 30b6</i> <i>Designee and for Sanctions</i> Granted;</p>

EIGHTH JUDICIAL DISTRICT COURT



CASE SUMMARY
CASE NO. A-16-738444-C

06/07/2017	<p>Opposition and Countermotion (9:30 AM) (Judicial Officer: Bulla, Bonnie)</p> <p><i>Defendant Lange Plumbing, LLC's Opposition to Plaintiff's Motion to Compel the Deposition of Defendant Lange Plumbing, LLC's 30(B)(6) Designee and for Sanctions and Countermotion for Sanctions</i></p> <p>Denied;</p>
06/07/2017	<p> All Pending Motions (9:30 AM) (Judicial Officer: Bulla, Bonnie)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>Plaintiffs Motion to Compel the Deposition of Defendant Lange Plumbing, LLC's 30b6 Designee and for Sanctions Deft Lange Plumbing, LLC's Opposition / Countermotion for Sanctions Commissioner advised counsel the knowledge requirement was removed from the 30(b)(6) deposition. Arguments by counsel. Commissioner will consider Mr. Simon's request for fees. MATTER TRAILED for counsel to conduct a 2.34 conference. MATTER RECALLED: Mr. Simon stated Ms. Dalacas will try to produce one of four witnesses and produce a 30(b)(6) Deponent on 6-29-17, and produce 1,000 personnel records by 6-14-17. Mr. Simon needs to see records to determine fees. Argument by Ms. Dalacas, and counsel requested Commissioner deny the fees. COMMISSIONER RECOMMENDED, Pltfs' Motion for an Order to Show Cause on 6-21-17 STANDS. COMMISSIONER RECOMMENDED, Mr. Simon's Request for Fees is UNDER ADVISEMENT; Plaintiffs Motion to Compel the Deposition of Defendant Lange Plumbing, LLC's 30(b)(6) Designee and for Sanctions is GRANTED, and include agreement in the body of Report and Recommendations; Status Check SET on Compliance; Commissioner will continue matter if counsel have a conflict; Deft Lange Plumbing, LLC's Countermotion for Sanctions is DENIED. Mr. Simon to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Further arguments by counsel. Ms. Dalacas's family member passed away. 7-12-17 9:00 a.m. Status Check: Mr. Simon's Request for Fees SC: Compliance;</i></p>
07/12/2017	<p>CANCELED Motion for Order to Show Cause (9:00 AM) (Judicial Officer: Bulla, Bonnie)</p> <p><i>Vacated</i></p> <p><i>Plaintiffs' Motion for An Order to Show cause and Compel James Kreason to Appear for Deposition</i></p>
07/12/2017	<p> Status Check (9:00 AM) (Judicial Officer: Bulla, Bonnie)</p> <p><i>Status Check: Mr. Simon's Request for Fees SC: Compliance</i></p> <p>Matter Heard; Status Check: Mr. Simon's Request for Fees SC: Compliance</p> <p>Journal Entry Details:</p> <p><i>Mr. Simon stated the 30(b)(6) witness was produced, and witness information is missing re: who installed sprinklers inside the home; Kyle Mao (Installer) was disclosed June 2017, Mr. Simon took his deposition and he was employed the entire time and is still employed. No information on Clinton Stephon or Al (maybe Alfonso). Argument by Mr. Simon; supplement provided to Commissioner in Open Court. On 6-14-17, Ms. Dalacas stated 3,000 Pages were produced, 14 employee personnel files, and counsel confirmed Mr. Mao was disclosed in a 16.1 disclosure within the last few months. Arguments by counsel. Mr. Simon will supplement costs for the 30(b)(6) deposition unless counsel work it out. Commissioner will uphold counsels' negotiations. Based on the Memorandum of Costs, COMMISSIONER RECOMMENDED, Commissioner awarded \$3,850, and payment due within 30 days after Court signs the recommendation. Commissioner accepted the analysis in supplemental memorandum, and Mr. Simon must apply the Brunzell factors; fees run to Lange Plumbing only, not the attorney; fees for court reporter and videographer for second 30(b)(6) deposition are UNDER ADVISEMENT; Status Check SET; if counsel believe documents are insufficient, have a 2.34 conference on the last 30(b)(6) discovery. Mr. Simon requested measurements, raw data, and videotape from destructive testing on sprinklers, but portions weren't videotaped, and sprinklers must be transported back to Pltfs' expert in California. Ms. Dalacas's expert has sprinklers in his possession, and counsel has no problem releasing them with a protocol in place. Colloquy. COMMISSIONER RECOMMENDED, counsel to work out the protocol; Ms. Dalacas must turn over videotape, raw data, and raw data sheet to all parties by 7-19-17. Expert disclosure deadlines discussed. Based on counsels' agreement, COMMISSIONER RECOMMENDED, move dates two weeks except dispositive motions. Ms. Shaine advised Commissioner she has a pending Motion on OST to extend deadlines and the Trial date. Commissioner stated the Judge's Order would supercede today's Recommendation from the Commissioner. Ms. Ferrel to prepare the Report and Recommendations, and counsel</i></p>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C

to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. 8-9-17 9:00 a.m. Status Check: Fees (VACATED) CLERK'S NOTE: In addition to the attorneys' fees awarded above, the Discovery Commissioner awards Plaintiffs their costs of \$973.20 for the Court Reporter and Videographer for the deposition of Bernie Lange taken on June 29, 2017. These costs are to be included in the July 12, 2017 Report and Recommendations to be prepared by Plaintiffs' counsel and submitted within ten (10) days. The Status Check hearing set 8-9-17 is VACATED. (JL 7-21-17) CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: David Simon Athanasia Dalacas - Resnick & Louis Janet Pancoast - Cisneros & Marias Cher Shaine - O'Reilly Law;

07/13/2017	CANCELED Status Check: Compliance (3:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated - per Commissioner</i>
07/14/2017	CANCELED Motion to Extend Discovery (9:30 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated - per Commissioner</i> <i>Giberti Construction, LLC's Motion to Extend Discovery Deadlines on OST</i>
07/14/2017	CANCELED Joinder (9:30 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated - per Commissioner</i> <i>The Viking Corporation & Supply Network, Inc.'s Joinder to Giberti Construction, LLC's Motion to Continue Discovery Deadlines</i>
07/25/2017	 Motion (9:30 AM) (Judicial Officer: Jones, Tierra) <i>Giberti Construction LLC's Motion to Extend Discovery Deadlines on an Order Shortening Time</i> Granted; Journal Entry Details: <i>Following arguments by counsel, Court stated its findings and ORDERED, As to Giberti Construction LLC's Motion to Extend Discovery Deadlines, based on the original discovery disclosure deadline of 7-17-17, discovery extended for thirty 30 days. Deadlines are as follows: Close of Discovery will be 11-13-17; Last day to file motions to amend pleadings or add parties will be 8-14-17; Initial expert disclosure will be 8-14-17; Rebuttal expert disclosure 9-18-17; Last day to file dispositive motions will be 12-11-17. Colloquy regarding trial stacks. Upon Counsel's request, Court noted the 2-5-18 trial date will be the governing trial date for supplemental reports by experts. Court noted Judge Bonaventure's ruling on 4-24-17 that the motion for summary Judgment motion could be renewed after rebuttal expert reports, the Court will let that ruling Stand.;</i>
08/03/2017	CANCELED Status Check: Compliance (3:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated - per Commissioner</i>
08/09/2017	CANCELED Status Check (9:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated</i> <i>Status Check: Fees</i>
08/23/2017	Motion for Protective Order (9:30 AM) (Judicial Officer: Bulla, Bonnie) <i>The Viking Corporation & Supply Network, Inc.'s Motion for Protective Order & Request for OST</i> Granted in Part;
08/23/2017	Motion for Protective Order (9:30 AM) (Judicial Officer: Bulla, Bonnie) <i>Defendant's The Viking Corporation & Supply Network Inc's Motion for Protective Order (No. 2) & Request for OST</i> Granted in Part;
08/23/2017	Motion to Compel (9:30 AM) (Judicial Officer: Bulla, Bonnie) <i>Plaintiffs' Motion to Compel Viking Documents and for Order to Respond to Discovery and for Sanctions on OST</i> Granted in Part;
08/23/2017	 All Pending Motions (9:30 AM) (Judicial Officer: Bulla, Bonnie)

EIGHTH JUDICIAL DISTRICT COURT
CASE SUMMARY
CASE NO. A-16-738444-C

Matter Heard;

Journal Entry Details:

Plaintiffs' Motion to Compel Viking Documents and for Order to Respond to Discovery and for Sanctions on OST Defendant's The Viking Corporation & Supply Network Inc.'s Motion for Protective Order (No. 2) & Request for OST The Viking Corporation & Supply Network, Inc.'s Motion for Protective Order & Request for OST COMMISSIONER RECOMMENDED, Plaintiffs' Motion to Compel Viking Documents and for Order to Respond to Discovery and for Sanctions is GRANTED IN PART; go back five years prior to date of this incident and produce models that use fusible link solder LIMITED to the United States for timeframe of January 1, 2012 up to the present time (any geographical locations where VK457 sprinkler heads were distributed). Arguments by counsel. Incident occurred April 2016. Two Attorneys are in the courtroom, but they haven't been admitted Pro Hac Vice. Email provided to Commissioner in Open Court from Mr. Simon. If an email is produced, Commissioner stated the attachments must be produced. MATTER TRAILED for a meaningful 2.34 conference. MATTER RECALLED: Mr. Simon stated Ms. Pancoast will produce more information. Arguments by counsel. Mr. Simon stated California litigation involves the same sprinkler heads and the same activation issue. Mr. Simon contacted counsel for Plaintiffs, but they refused to speak with him. The California case did not go to Trial. Colloquy re: what the Protective Order covered. COMMISSIONER RECOMMENDED, turn over expert depositions, reports, and Deft depositions or 30(b)(6) depositions. Colloquy re: turning over documents filed or attached to dispositive motions unless the Court seals the entire case. COMMISSIONER RECOMMENDED, produce Pltf depositions (Harold Rogers and Patrick Human), and Mr. Simon will pay reasonable copy costs under Rule 34(d). COMMISSIONER RECOMMENDED, in Motion to Compel - 1) VK457 produce all documents dealing with sprinkler activations worldwide from 1-1-2012 to the present; 2) production and decision to release 7800 sprinklers to the public December 2013 is a 30(b)(6) Topic - produce information and Pltf will pay reasonable copy charges; 3) drawings - provide information related to VK457; 4) all emails and attachments must be produced as discussed; 5) supplement answers and documents for VK457 and provide U.K. information related to VK457; 6) documents LIMITED to activation issues and over-tightening of screw or solder problem pertaining to VK457. Upon Mr. Simon's request for an organized production, COMMISSIONER RECOMMENDED, produce by date (month and year, earliest date first). Colloquy. COMMISSIONER RECOMMENDED, Request for Sanctions is DEFERRED, and Status Check SET; supplemental information due 9-22-17. Commissioner offered a Mandatory Settlement Conference. Ms. Pancoast stated the parties are setting up private Mediation in October. Contact Commissioner for assistance with a MSC if necessary. Colloquy re: resetting Mr. Carnahan's deposition on 9-7-17. Commissioner will not give a second deposition after the rebuttal report. COMMISSIONER RECOMMENDED, counsel must comply with Rule 16.1(a)(2); overly burdensome production is DENIED with the CAVEAT, after taking Mr. Carnahan's deposition, request the transcript. Colloquy re: asking questions about Mr. Carnahan's participation with the Law Firm. Mr. Simon made the Demand on the record. COMMISSIONER RECOMMENDED, reports and deposition transcripts from Thorpe litigation and SSF litigation must be available, and the whole work file for this case; every report, deposition transcripts, and billing records are PROTECTED unless there was a specific report pertaining to VK457 or a deposition given in Thorpe or SSF cases; if under a Protective Order, assert a privilege, and provide a copy of the Court Order to Mr. Simon. Colloquy re: emails not marked should not be confidential. Document provided to Commissioner in Open Court from Mr. Simon. Arguments by counsel. Mr. Simon brought four discs re: document production. COMMISSIONER RECOMMENDED, for Rule 30(b)(6) deposition, subjects 621, 622, 623, 624, are LIMITED to VK457 for 1-1-2012 to the present, but are Not Limited to the United States; Interrogatory 1 - identify document and bates label, or answer and verify; Interrogatory 2 is LIMITED to VK457; Request for Production 7 and 16 - answer them for five years prior to subject incident LIMITED to VK457, and email attachments must be produced; RTP 1, 2, 3 - production is Not Limited to the U.S., but is LIMITED to VK457 for 1-1-2012 to the present; if Defts don't have documents, explain efforts and why Defts don't have documents; supplement due 9-22-17. COMMISSIONER RECOMMENDED, The Viking Corporation & Supply Network, Inc.'s Motion for Protective Order & Request is GRANTED IN PART; Defendant's The Viking Corporation & Supply Network Inc's Motion for Protective Order (No. 2) & Request is GRANTED IN PART. Ms. Pancoast to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 20 days of the hearing. Otherwise, counsel will pay a contribution. 10-11-17 10:30 a.m. Status Check: Claims ;

09/07/2017 **CANCELED Status Check: Compliance (3:00 AM)** (Judicial Officer: Bulla, Bonnie)
Vacated - per Commissioner

09/07/2017 **Motion to Associate Counsel (3:00 AM)** (Judicial Officer: Jones, Tierra)


CASE SUMMARY

CASE NO. A-16-738444-C

	Granted;
09/07/2017	Motion to Associate Counsel (3:00 AM) (Judicial Officer: Jones, Tierra) <i>Defendant Viking Corporation's Motion to Associate Counsel</i> Granted;
09/07/2017	 All Pending Motions (3:00 AM) (Judicial Officer: Jones, Tierra) Matter Heard; Journal Entry Details: <i>Motion to Associate Counsel: Following a review of the papers and pleadings on file herein, the Court finds that the Motion to Associate Counsel is GRANTED ;</i>
09/13/2017	 Motion to Compel (10:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Defendants The Viking Corporation & Supply Network, Inc.'s Motion to Compel Home Inspection & or in the Alternative Motion to Strike Portions of Expert Testimony & OST Denied Without Prejudice; Defendants The Viking Corporation & Supply Network, Inc.'s Motion to Compel Home Inspection & or in the Alternative Motion to Strike Portions of Expert Testimony & OST</i> Journal Entry Details: <i>Commissioner will not strike expert testimony. Colloquy re: numerous requests to inspect, and Defts wanted to conduct a heat test and inspect the property (wasn't done); Defts want a one hour test, Pltfs who live in the house could remain (but they won't without Pltf's counsel present). Unless there is a change in circumstance, Commissioner inquired why another inspection is needed. Argument by Ms. Pancoast; counsel stated the inspection is to see the present condition of the house. The house was listed for sale May 2017. Commissioner will give the Realtor expert some consideration. Ms. Pancoast will take the attic off the list based on the discussion, and the General Contractor will deal with claims from Page 41 on Appraiser's report. Commissioner asked Ms. Pancoast to articulate what Deft wants to inspect. Statement by Ms. Dalacas. Colloquy re: expert disclosures. Argument by Mr. Simon; Pltf hasn't been deposed. Nothing has changed in the house, Pltf completed repairs as much as they could to list the house; things disclosed from day one are ultimately unrepairable, and Mr. Simon stated that is the case. Arguments by counsel. Pltfs are still living in the house. Commissioner will not continue the Trial date. Counsel were Directed not to speak and argue with each other, but present arguments to Commissioner. Colloquy re: status of the fireplace. Mr. Simon stated the house was fully repaired to the best it could be, and listed for sale May 2017. Commissioner is asking questions, and counsel must answer without interruption. COMMISSIONER RECOMMENDED, motion is DENIED WITHOUT PREJUDICE. Ms. Pancoast requested color copies of photos from Pltf Appraisal expert's report. Provided as discussed. Ms. Ferrel to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.;</i>
09/19/2017	 Motion to Amend Complaint (9:30 AM) (Judicial Officer: Jones, Tierra) <i>Plaintiffs' Motion to Amend the Complaint to Add Viking Group, Inc.</i> Granted; Journal Entry Details: <i>Following arguments by counsel, Court Stated its Findings and ORDERED, Plaintiffs' Motion to Amend the Complaint to Add Viking Group, Inc, GRANTED. Mr. Simon to prepare the order.;</i>
09/20/2017	Motion to Compel (9:30 AM) (Judicial Officer: Bulla, Bonnie) <i>Plaintiffs' Motion to Compel Rimkus Consulting to Respond to the Notice of Deposition and Subpoena Duces Tecum</i> Granted;
09/20/2017	Opposition and Countermotion (9:30 AM) (Judicial Officer: Bulla, Bonnie) <i>NonParty Rimkus Consulting Group, Inc.'s Opposition to Plaintiffs' Motion to Compel Rimkus Consulting Group [Group, Inc.] to Respond to the Notice of Deposition and Subpoena Duces Tecum; and Counter-Motion to Quash, and Motion for Protective Order</i> Denied;
09/20/2017	 All Pending Motions (9:30 AM) (Judicial Officer: Bulla, Bonnie)

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C

	<p>Matter Heard; Journal Entry Details: <i>Plaintiffs' Motion to Compel Rimkus Consulting to Respond to the Notice of Deposition and Subpoena Duces Tecum NonParty Rimkus Construing Group, Inc.'s Opposition to Plaintiffs' Motion to Compel Rimkus Consulting Group [Group, Inc.] to Respond to the Notice of Deposition and Subpoena Duces Tecum; and Counter-Motion to Quash, and Motion for Protective Order Mr. Simon stated during the deposition, the Engineer agreed to prepare a list, a bill was sent, and Mr. Simon paid it. Then there was an objection. Commissioner advised counsel to modify the Subpoena. Arguments by counsel. COMMISSIONER RECOMMENDED, Plaintiffs' Motion to Compel Rimkus Consulting to Respond to the Notice of Deposition and Subpoena Duces Tecum is GRANTED, scope of Subpoena is MODIFIED and limited to the VK457 sprinkler heads list by Mr. Johnson; REDACT name of person or entity on ownership where sprinklers were examined; the entire list Will Not be shared with anyone outside of litigation, and the consulting type reviews are PROTECTED under Rule 26 (c) until such time as otherwise ordered by the District Court Judge; for matters reviewed involving litigation, identify and go back four years pursuant to Rule 16.1; if there are court cases, there is no privilege. Upon Mr. Simon's request, COMMISSIONER RECOMMENDED, whatever list Mr. Johnson contemplated at the time of his deposition will be disclosed; if the list includes a case already in litigation, it is Not Protected. COMMISSIONER RECOMMENDED, NonParty Rimkus Construing Group, Inc.'s Counter-Motion to Quash, and Motion for Protective Order is DENIED. Mr. Couvillier requested cost sharing. Commissioner stated Mr. Simon will not be charged more money. Ms. Ferrel to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.;</i></p>
10/03/2017	<p>Motion in Limine (9:30 AM) (Judicial Officer: Jones, Tierra) <i>Plaintiffs' Motion in Limine to Exclude Defendants the Viking Corporation & Supply Network, Inc. dba Viking Supplynet's Expert, Jay Rosenthal on Order Shortening Time</i> Granted;</p>
10/03/2017	<p>Joinder to Motion in Limine (9:30 AM) (Judicial Officer: Jones, Tierra) <i>Third Party Defendant Giberti Corporation LLC's Joinder to Exclude Defendants, The Viking Corporation & Supply Network, Inc. dba Viking Supplynet's Expert, Jay Rosenthal on Order Shortening Time</i> Granted;</p>
10/03/2017	<p> All Pending Motions (9:30 AM) (Judicial Officer: Jones, Tierra) Matter Heard; Journal Entry Details: <i>Plaintiffs' Motion in Limine to Exclude Defendants the Viking Corporation & Supply Network, Inc. dba Viking Supplynet's Expert, Jay Rosenthal on Order Shortening Time....Third Party Defendant Giberti Construction LLC's Joinder to Plaintiff's Motion to Strike Viking's Answer on OST Court noted it received an opposition in chambers late yesterday, however, the one the Court has does not have a file stamp. The parties agree to go forward. Mr. Simon submitted photo's to the Court and lodged as Court's exhibits. COURT ORDERED, Joinder GRANTED. Following arguments by counsel, Court stated its Findings and ORDERED, Plaintiffs' Motion in Limine to Exclude Defendants the Viking Corporation & Supply Network, Inc. dba Viking Supplynet's Expert, Jay Rosenthal, GRANTED. Court noted if for some reason, that changes and counsel finds out additional information and goes through the proper procedures, counsel can readdress that. Plaintiff's counsel to prepare the order and submit to Court for signature.;</i></p>
10/04/2017	<p>Motion to Compel (9:30 AM) (Judicial Officer: Bulla, Bonnie) <i>Plaintiffs' Motion to Compel Testimony and Evidence of Defts, the Viking corporation & Supply Network Inc dba Viking Supplynet's Expert, Robert Carnahan, or in the Alternative, Strike Robert Carnahan as an Expert on OST</i> Granted;</p>
10/04/2017	<p>Joinder (9:30 AM) (Judicial Officer: Bulla, Bonnie) <i>Third Party Deft Giberti Corporation LLC's Joinder to Plaintiff's Motion to Compel Testimony and Evidence of Defts The Viking Corporation & Supply Network Inc. dba Viking Suplynet's Expert Robert Carnahan or in the Alternative Strike Robert Carnahan as an Expert on OST</i> Granted;</p>
10/04/2017	<p>Motion (9:30 AM) (Judicial Officer: Bulla, Bonnie)</p>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C

10/04/2017, 10/18/2017, 10/24/2017, 11/17/2017

Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST

Matter Continued;
Matter Continued;
Matter Continued;
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10/04/2017

Joinder (9:30 AM) (Judicial Officer: Bulla, Bonnie)

10/04/2017, 10/18/2017, 10/24/2017, 11/17/2017

Third Party Deft Giberti Corporation LLC's Joinder to Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST

Matter Continued;
Matter Continued;
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10/04/2017



All Pending Motions (9:30 AM) (Judicial Officer: Bulla, Bonnie)

Matter Heard;
Journal Entry Details:

Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their DocumentsThird Party Deft Giberti Corporation LLC's Joinder COMMISSIONER RECOMMENDED, submit amended privilege log to Commissioner as soon as possible but by 10-13-17 (10-10-17 RESCINDED); hand deliver to Commissioner, Pltf, and co-Defense counsel (no ex-parte). Defts agreed to provide an Opposition by 10-11-17 to Motion to Strike the Answer. COMMISSIONER RECOMMENDED, Motion to De-Designate and the Joinder are CONTINUED. Plaintiffs' Motion to Compel Testimony and Evidence of Defts, the Viking Corporation & Supply Network Inc dba Viking Supplynet's Expert, Robert Carnahan, or in the Alternative, Strike Robert Carnahan as an Expert on OST Third Party Deft Giberti Corporation LLC's Joinder Commissioner addressed confidential document production and the Protective Order. Colloquy. Argument by Mr. Kershaw and Mr. Simon. Two documents produced in this case by Viking were provided to Commissioner from Mr. Simon in Open Court. COMMISSIONER RECOMMENDED, whatever Mr. Carnahan reviewed / authored in preparation for his deposition and testimony will be produced (including UL documents and billing records). Arguments by counsel. COMMISSIONER RECOMMENDED, Motion to Compel and Joinders are GRANTED within parameters; Mr. Carnahan will provide testimony on sprinkler head VK457 and materials; to the extent Mr. Carnahan did testing in other venues for opinions he relied on in this case, costs of three tests, and Mr. Carnahan's compensation, the information must be produced, and address related bias issues; no other billing.

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C

COMMISSIONER RECOMMENDED, costs of Mr. Carnahan's second deposition borne by Deft including pay expert fees, Court Reporter fee, and pay for Plaintiff's transcript. Mr. Carnahan is in Los Angeles. Under these circumstances, COMMISSIONER RECOMMENDED, the second deposition can be a video conference for 3 1/2 hours, and send documents to the Court Reporter in advance; Deft will pay for video conference and Videographer. COMMISSIONER RECOMMENDED, produce additional documents to Plt's counsel no later than 10-25-17 (RESCIND 10-31-17), and complete Mr. Carnahan's deposition by 11-15-17 (RESCIND 11-30-17); alternative relief is DENIED WITHOUT PREJUDICE, and the expert Is Not Stricken; documents discussed will be covered by the Protective Order in this case. Ms. Dalacas had no chance to question Mr. Carnahan, and counsel requested time to question the expert. Commissioner advised Ms. Dalacas and Defense counsel they must pay the expert's time (invoice after deposition). Mr. Simon stated the Judge gave a somewhat Firm Trial date of 2-5-18; discovery cutoff EXTENDED to 12-1-17; dispositive motions deadline STANDS; no repetitive questioning. COMMISSIONER RECOMMENDED, deposition is one day, do not exceed seven hours. Commissioner is available by conference call. Mr. Simon stated Mediation is set 10-10-17. Ms. Ferrel to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. 10-18-17 10:30 a.m. Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST and Joinder;

10/18/2017 **Status Check: Compliance** (10:30 AM) (Judicial Officer: Bulla, Bonnie)

Status Check: Compliance / Discovery

Matter Heard;

10/18/2017 **Motion to Strike** (10:30 AM) (Judicial Officer: Bulla, Bonnie)

10/18/2017, 10/24/2017

Plaintiffs' Motion to Strike the Viking Defendants' Answer on OST

Matter Continued;

Deferred Ruling;

Matter Continued;

Deferred Ruling;

10/18/2017 **Joinder** (10:30 AM) (Judicial Officer: Bulla, Bonnie)

10/18/2017, 10/24/2017


Third Party Defendant Giberti Construction LLC's Joinder to Plaintiffs' Motion to Strike the Viking Defendants' Answer on OST

Matter Continued;

Deferred Ruling;

Matter Continued;

Deferred Ruling;

10/18/2017  **All Pending Motions** (10:30 AM) (Judicial Officer: Bulla, Bonnie)

Matter Heard;

Journal Entry Details:


Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST Plaintiffs' Motion to Strike the Viking Defendants' Answer on OST Status Check: Compliance I Discovery Third Party Deft Giberti Corporation LLC's Joinder to Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST Third Party Defendant Giberti Construction LLC's Joinder to Plaintiffs' Motion to Strike the Viking Defendants Answer on OST Kenton L. Robinson, Esquire, for The Viking Corporation and Supply Network Inc. Commissioner advised Mr. Simon to make a list of all discovery abuses. Commissioner inquired 1) was there actual in fact any type of head testing on sprinklerhead VK457; 2) whether testing associated with VK456 formed the basis of testing or resolution on VK457, and information that supports how many sprinklers prematurely activated causing a claim, knowledge of a claim, or knowledge it actually happened (loss or not); how many premature activations were there, and if information was known prior to this lawsuit in 2016. Mr. Simon cannot address certain information as it hasn't been disclosed, and Defts were not forthcoming. Argument by Mr. Simon. Document provided to Commissioner in Open Court. Discovery abuse 1 - misrepresentation and failure to produce documents; 2 - failure to produce relevant emails and attachments as previously ordered. Argument by Mr. Simon. Commissioner addressed previous recommendation including protection of VK456. Discovery abuse 3 - misrepresentation and failure to provide testing of VK457 specifically for UL testing. Sia Dalacas, Esquire, present for Lange Plumbing LLC. Upon Commissioner's inquiry, Ms.

CASE SUMMARY **CASE NO. A-16-738444-C**

Dalacas stated Lange Plumbing replaced all heads with Tyco heads in 2016, and Lange Plumbing paid for it; no reimbursement. Document provided to Commissioner from Mr. Simon in Open Court. Discovery abuse 4 - misrepresentations for failure to timely produce evidence of premature activations of sprinklerhead VK457. Argument by Mr. Robinson in opposition to Discovery abuses 1, 2, 3, 4. Colloquy re: findings of testing sprinklerheads. Mr. Simon responded to opposition. Document provided to Commissioner in Open Court from Mr. Simon. Arguments by counsel. Mr. Simon requested Discovery abuse 5 - the reason VK457 was discontinued. Commissioner asked if counsel are interested in a Mandatory Settlement Conference. No objection by Ms. Dalacas; no objection by Mr. Robinson to a Mediation or Settlement Conference with a Judge. Mr. Simon stated Pltf will attend, however, counsel doesn't know how fruitful it will be as Mr. Simon is still trying to obtain information. Mr. Simon stated expert depositions are being scheduled. Colloquy. COMMISSIONER RECOMMENDED, Status Check SET. Commissioner addressed the difficulty of the 55 Page privilege log. Argument by Ms. Pancoast. Commissioner advised counsel to meet and discuss what constitutes a protected document. Commissioner advised counsel if there is a case termination sanction, the District Court Judge will conduct the Evidentiary Hearing. Mr. Simon requested a stay on expert depositions. Commissioner suggested counsel move expert depositions. COMMISSIONER RECOMMENDED, Motion and Joinders are UNDER ADVISEMENT and CONTINUED. 10-24-17 11:00 a.m. same as above;

10/19/2017 **CANCELED Status Check: Compliance (3:00 AM)** (Judicial Officer: Bulla, Bonnie)
Vacated - per Commissioner

10/24/2017 **Status Check (11:00 AM)** (Judicial Officer: Bulla, Bonnie)
*Status Check: Status of case
Matter Heard;*

10/24/2017  **All Pending Motions (11:00 AM)** (Judicial Officer: Bulla, Bonnie)
*Matter Heard;
Journal Entry Details:*

Status Check: Status of case Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST Third Party Deft Giberti Corporation LLC's Joinder to Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST Plaintiffs' Motion to Strike the Viking Defendants' Answer on OST Third Party Defendant Giberti Construction LLC's Joinder to Plaintiffs' Motion to Strike the Viking Defendants Answer on OST ATTORNEYS PRESENT: Athanasia Dalacas (Lange Plumbing LLC) and Kenton Robinson (Supply Network Inc. and Viking Corporation). Colloquy re: load on link testing (pressure test), and soder creep testing (heat, pressure, time); discussion re: UL testing and product shipped in 2009. First premature activation of sprinkler head in 2013, and this incident was 4-9-16. Trial date is 1-8-18; Pltf's dispositive Motion against Lange Plumbing set 10-31-17. Ms. Pancoast stated the Judge advised counsel to be Trial ready 2-5-18. Theodore Parker, Esquire, present for Lange Plumbing. Commissioner advised counsel an Evidentiary Hearing is needed to determine whether or not there were intentional acts of misrepresentation, and an Evidentiary Hearing is DEFERRED to the District Court Judge. Commissioner addressed counsel regarding the combination of factors that led the case to where it is today. Based on a review of the papers, pleadings, and supplements in this case, COMMISSIONER FINDS 1) there was a misrepresentation to Pltfs in this case made by Viking Defts that UL testing was performed on the VK457 sprinkler head at or near the time the sprinkler head was marketed in 2008/2009 when this in fact had not occurred; 2) additional misrepresentations made by Viking Defts that UL had properly tested VK457, and there were no manufacturing defects in VK457 in production of VK457 in spite of the fact it had performed load on link testing in this case with this sprinkler head; 3) critical UL testing of sprinkler head - what the proper heat exposure could be for VK457 to start to disintegrate and cause premature activation, and whether there was a manufacturing defect (tightening screws causing lever to bend and pressure to increase on link causing premature activation of VK457); 4) number of premature activations of VK457 prior to filing this lawsuit. It is unclear to Commissioner the cause of one other premature activation in Clark County, and nothing was done until May 2017. COMMISSIONER FINDS 5) in spite of current knowledge of VK457 Deft continued to answer written discovery that UL testing was done in this case, and giving inconsistent answers to written discovery different than what their 30(b)(6) witness testified to and what their expert testified to. Colloquy re: Request for Admission 19. After an Evidentiary Hearing, if the Judge issues case terminating sanctions, Commissioner's Recommendation will be Moot. COMMISSIONER RECOMMENDED, Plaintiffs' Motion to Strike the Viking Defendants' Answer and Joinder are DEFERRED to the Judge. In lieu of striking Viking's Answers, alternative relief is provided, and COMMISSIONER RECOMMENDED the Jury be advised by

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C


proper Jury instruction that contrary to initial representations made by Viking Defts in this case, no UL testing was performed on VK457 that involved load on link testing and/or heat tolerance testing; 2) due to misrepresentations made re: UL testing, there were significant costs incurred to determine testing was not completed; Commissioner understands testing is now being done, however, COMMISSIONER RECOMMENDED current testing on sprinkler head Not Be Allowed at Trial; Deft Will Not be able to utilize the heat defense at the time of Trial; all references to such be STRICKEN, and no expert testimony re: failure of VK457 due to heat in the attic. Argument by Mr. Parker. Fees and costs are DEFERRED to the Judge; COMMISSIONER RECOMMENDED an award of fees and costs for bringing a Motion to Strike Answers, for supplements, and Hearings for Pltfs' counsel; Deft could put together fees and costs to defend with the Brunzell factors. If Answers are Not Stricken and case is sent back to Commissioner to determine fees and costs, Commissioner will hear the matter. Arguments by counsel. Language discussed on an adverse inference Jury instruction. Commissioner stated in lieu of striking the Answers, there should be a Jury instruction given that contrary to representations made, UL did not test VK457 sprinkler head. Arguments by counsel. COMMISSIONER RECOMMENDED Viking's heat defense / theory why the VK457 sprinklers prematurely activated be STRICKEN; load on link testing defense is DEFERRED to the Judge. Mr. Simon requested to stay expert discovery. Commissioner has no opposition, but terms of stay are DEFERRED to the Judge. Commissioner offered a Mandatory Settlement Conference or Mediation; speak to the clients. Mr. Simon addressed revising the privilege log. Argument by Ms. Pancoast. Commissioner will review documents in camera. Arguments by counsel re: document production. Court Clerk received an email that Ms. Pancoast is needed in Department 6. COMMISSIONER RECOMMENDED, documents produced in this case will REMAIN PROTECTED until otherwise ordered by the District Court Judge; if any documents contain factual information, that information is not protected. Document provided to Commissioner from Mr. Simon in Open Court. COMMISSIONER RECOMMENDED, personal identifiers are PROTECTED; Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents and Joinder are CONTINUED. Ms. Ferrel to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. 11-17-17 10:00 a.m. Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST Third Party Deft Giberti Corporation LLC's Joinder to Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST;

10/31/2017 **Motion for Summary Judgment (9:30 AM)** (Judicial Officer: Jones, Tierra)
10/31/2017, 11/14/2017

Plaintiffs' Motion for Summary Judgment Against Lange Plumbing LLC Only...Motion to Bifurcate
Continued;

10/31/2017 **Motion in Limine (9:30 AM)** (Judicial Officer: Jones, Tierra)
10/31/2017, 11/14/2017

Plaintiffs Motion in Limine to Exclude Defendants The Viking Corporation & Supply Network, Inc., dba Viking Supplynet's Expert Robert Carnahan on Order Shortening Time
Continued;

10/31/2017  **All Pending Motions (9:30 AM)** (Judicial Officer: Jones, Tierra)

Matter Heard;
Journal Entry Details:
Plaintiffs Motion in Limine to Exclude Defendants The Viking Corporation & Supply Network, Inc., dba Viking Supplynet's Expert Robert Carnahan on Order Shortening Time...Plaintiffs' Motion for Summary Judgment Against Lange Plumbing LLC Only APPEARANCES CONTINUED, Kenton Robinson Esq., present on behalf of Supply Network Inc. and Viking Corporation. Court advised it spoke with Commissioner Bulla regarding the discovery violations found, and that Commissioner Bulla kicked the Heat Defense. Upon Court's inquiry regarding the load on link testing, and Commissioner Bulla's ruling as to that portion being left up to this Court, Mr. Simon advised there's some new current load on link testing, and not a single document has been produced. Further, Commissioner Bulla said they're never using that new testing. As far as the heat defense she's striking that. As to the load on link defense, based on the UL testing that wasn't done, that issue was deferred to this Court. As to all fees and costs regarding the discovery violations, that was deferred to this Court. Argument by Mr. Simon in support of Plaintiffs Motion in Limine to Exclude Defendants The Viking Corporation & Supply Network, Inc., dba Viking Supplynet's Expert Robert Carnahan. Opposition by Mr. Robinson. Court noted it would like to review Commissioner Bulla's findings that are not available in Odyssey yet, before ruling on this motion. Mr. Simon to submit Reply to

CASE SUMMARY **CASE NO. A-16-738444-C**

Opposition by the end of the week. Representations by Mr. Parker requesting the Court continue the matter, advising he asked Mr. Simon for an extension on this hearing, as he just received the file last week and he hasn't seen the discovery. Further, counsel is still waiting on correspondence files from withdrawing counsel, and there may have been a mistake with the thumb drive and he hasn't received the written discovery. Upon Court's inquiry, the opposition was filed by the withdrawing counsel. Mr. Simon requested previous counsel be present. Colloquy regarding previous counsel. Mr. Parker advised if they get the substitution of counsel done, it should alleviate some of the Court's concerns. COURT ORDERED, matters CONTINUED to the date given. 11/14/17 9:30 A.M. Plaintiffs Motion in Limine to Exclude Defendants The Viking Corporation & Supply Network, Inc., dba Viking Supplynet's Expert Robert Carnahan on Order Shortening Time...Plaintiffs' Motion for Summary Judgment Against Lange Plumbing LLC Only ;

11/09/2017



Motion to Reconsider (3:00 AM) (Judicial Officer: Jones, Tierra)

11/09/2017, 11/14/2017

Status Check: Plaintiffs Motion to Reconsider Order Granting The Viking Defendants Motions to Associate Counsel

Continued;

Journal Entry Details:

Plaintiff's Motion to Reconsider Order Granting The Viking Defendants Motions to Associate Counsel Following a review of the papers and pleadings on file herein, COURT ORDERED a Status Check Hearing on November 14, 2017 at 9:30 a.m. 11/14/17 9:30 A.M. Status Check: Plaintiff's Motion to Reconsider Order Granting The Viking Defendants Motions to Associate Counsel ;

11/14/2017



All Pending Motions (9:30 AM) (Judicial Officer: Jones, Tierra)


Matter Heard;

Journal Entry Details:

Status Check: Plaintiffs Motion to Reconsider Order Granting The Viking Defendants Motions to Associate Counsel...Plaintiffs' Motion for Summary Judgment Against Lange Plumbing LLC Only...Plaintiffs Motion in Limine to Exclude Defendants The Viking Corporation & Supply Network, Inc., dba Viking Supplynet's Expert Robert Carnahan on Order Shortening Time APPEARANCES CONTINUED: Kenton Robinson Esq., for Supply Network Inc. and Viking Corporation. Mr. Polsenburg, present, pending counsel. Court noted Plaintiff had a motion on the Court moved Plaintiffs Motion to Reconsider Order Granting The Viking Defendants Motions to Associate Counsel from its chamber's calendar since all parties were here today. Further, the Court spoke with Discovery Commissioner Bulla and her recommendations from the last hearing in October should be out next week or the week after and those are the subject of the evidentiary hearing. Upon Court's inquiry, Mr. Simon advised counsel will need 3 full days for the hearing. Colloquy regarding Court's schedule and counsel's availability. Mr. Parker advised he would like to see the Giberti file and American Grating. Court noted counsel was to confer on this. Court directed counsel to meet Thursday or Friday. Further, if counsel has discovery issues, they can address those with Discovery Commissioner Bulla. COURT ORDERED, Evidentiary Hearing Set for 12-13-17, at 10:30 a.m., 12-14-17 and 12-15-17 at 9:00 a.m. Argument by Mr. Simon in support Plaintiffs Motion in Limine to Exclude Defendants The Viking Corporation & Supply Network, Inc., dba Viking Supplynet's Expert Robert Carnahan on Order Shortening Time. Argument in opposition by Mr. Robinson. COURT ORDERED, Ruling DEFERRED until the conclusion of the Evidentiary Hearing. Argument by Mr. Simon in support of Plaintiffs' Motion for Summary Judgment Against Lange Plumbing LLC Only. Argument in Opposition by Mr. Parker. Court directed Mr. Parker to supplement the Opposition, by 11-22-17 at close of business. Further, Mr. Simon to file Reply to Opposition by 12-1-17 at close of business. and hearing set on 12-7-17 at 9:30 a.m. Further, Motion to Bifurcate to be heard on 12-7-17 at 9:30 a.m. As to Plaintiffs Motion to Reconsider Order Granting The Viking Defendants Motions to Associate Counsel, Court noted it doesn't have Discovery Commissioner Bulla's Recommendations and the Evidentiary Hearing. Colloquy regarding the dispositive motion deadline, and outstanding depositions, Ms. Pancoast advised the parties moved all the deadlines and focusing on the 2-5-18 trial date and the close of discovery is January 1, 2018, based on the Motion to Continue trial. Further, counsel requested a order for Settlement Conference. Opposition by Mr. Simon. Court noted it will talk to Commissioner Bulla, and counsel can revisit the issue if something has changed. 12/07/17 9:00 a.m. Plaintiffs' Motion for Summary Judgment Against Lange Plumbing LLC Only...Motion to Bifurcate 12-13-17 10:30 a.m. Evidentiary Hearing 12-14-17 9:00 a.m. Evidentiary Hearing 12-15-17 9:00 a.m. Evidentiary Hearing Ruling: Plaintiffs Motion in Limine to Exclude Defendants The Viking Corporation & Supply Network, Inc., dba Viking Supplynet's Expert Robert Carnahan on Order Shortening Time...Plaintiffs Motion to



EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C

	<i>Reconsider Order Granting The Viking Defendants Motions to Associate Counsel ;</i>
11/14/2017	CANCELED All Pending Motions (9:30 AM) (Judicial Officer: Jones, Tierra) <i>Vacated</i>
11/16/2017	CANCELED Status Check: Compliance (3:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated - per Commissioner</i> <i>Status Check: Compliance</i>
11/16/2017	CANCELED Status Check: Compliance (3:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated - per Commissioner</i>
11/17/2017	Motion for Protective Order (10:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Non-Party Zurich American Insurance Company's Motion For A Protective Order, Or In The Alternative To Quash Subpoenas, and Counter Motion to Compel</i> Matter Continued; Case Settled
11/17/2017	Motion to Stay (10:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Defits the Viking Corporation & Supply Network, Inc.'s Motion to Stay Enforcement of Discovery Commissioner's Report & Recommendation Pursuant to EDCR 2.34(e) & Request for OST</i> Matter Continued; Case Settled
11/17/2017	Motion to Strike (10:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Defendants The Viking Corporation & Supply Network Inc's Motion to Strike Plaintiff's Untimely Disclosed Expert Crane Pomerantz & Request for OST</i> Matter Continued; Case Settled
11/17/2017	Opposition and Countermotion (10:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Plaintiffs' Opposition to Non-Party Zurich American Insurance Co.'s Motion for a Protective Order, or in the Alternative to Quash Subpoenas and Counter Motion to Compel</i> Matter Continued; Case Settled
11/17/2017	Motion to Compel (10:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Plaintiffs' Motion to Compel Viking Documents and for Order to Respond to Discovery on OST</i> Matter Continued; Case Settled
11/17/2017	Motion to Compel (10:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Plaintiffs' Motion to Compel Viking Documents and for Order to Respond to Discovery Regarding Their Financial Information on OST</i> Matter Continued;
11/17/2017	 All Pending Motions (10:00 AM) (Judicial Officer: Bulla, Bonnie) Matter Heard; Journal Entry Details: <i>Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST Third Party Deft Giberti Corporation LLC's Joinder to Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST Non-Party Zurich American Insurance Company's Motion For A Protective Order, Or In The Alternative To Quash Subpoenas, and Counter Motion to Compel Defits the Viking Corporation & Supply Network, Inc.'s Motion to Stay Enforcement of Discovery Commissioner's Report & Recommendation Pursuant to EDCR 2.34 (e) & Request for OST Defendants The Viking Corporation & Supply Network Inc's Motion to Strike Plaintiff's Untimely Disclosed Expert Crane Pomerantz & Request for OST Plaintiffs' Opposition to Non-Party Zurich American Insurance Co.'s Motion for a Protective Order, or in the Alternative to Quash Subpoenas and Counter Motion to Compel Plaintiffs' Motion to</i>


EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C

	<p><i>Compel Viking Documents and for Order to Respond to Discovery on OST Plaintiffs' Motion to Compel Viking Documents and for Order to Respond to Discovery Regarding Their Financial Information on OST Kenton Robinson, Esquire, for Viking Corporation and Supply Network Inc. All counsel agreed to work together in good faith and requested to continue all Motions. COMMISSIONER RECOMMENDED, all matters CONTINUED to 12-1-17. 12-1-17 8:30 a.m. same as above;</i></p>
11/21/2017	<p> Motion for Determination of Good Faith Settlement (9:30 AM) (Judicial Officer: Jones, Tierra)</p> <p><i>Third Party Defendant Giberti Construction LLC's Motion for Good Faith Settlement</i> Granted; Third Party Defendant Giberti Construction LLC's Motion for Good Faith Settlement Journal Entry Details: <i>Colloquy regarding the motion being unopposed. COURT ORDERED, Motion for Good Faith Settlement, GRANTED. COURT FURTHER ORDERED, Third-Party Defendant, Giberti Construction, DISMISSED. Mr. Nunez to prepare the order. Upon Court's inquiry of settlement for the remaining parties, Ms. Ferrel advised the Court she would inform chambers if the case should settle.;</i></p>
12/07/2017	<p>CANCELED Status Check: Compliance (3:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated - per Commissioner</i></p>
12/12/2017	<p> Motion for Determination of Good Faith Settlement (8:45 AM) (Judicial Officer: Jones, Tierra)</p> <p><i>Defendants The Viking Corporation & Supply Network, Inc's Motion for Good Faith Settlement & Request for Order Shortening Time</i> Granted; Defendants The Viking Corporation & Supply Network, Inc's Motion for Good Faith Settlement & Request for Order Shortening Time Journal Entry Details: <i>The Court noting there was no opposition. Mr. Parker indicated they intended to file an opposition however he and Mr. Simon were able to arrive at a settlement yesterday evening and he will be presenting his own motion for determination of good faith settlement shortly. Ms. Pancoast stated as part of the resolution that Lange's cross-claims against the Viking entities is also resolved. Mr. Parker stated the agreement with Mr. Simon would include Lange paying plaintiffs and dropping their cross-claims and requested that any order that is presented by Viking to include a dismissal of their cross-claims and in turn Lange will also do the same as part of our order. Mr. Simon placed the terms of the settlement on the record indicating there will be a mutual release, Lange will dismiss their cross-claims against Viking and that will also be a full and final settlement for Plaintiffs claims against Lange. COURT FINDS the settlement was made in good faith and ORDERED Defendants The Viking Corporation & Supply Network, Inc's Motion for Good Faith Settlement is GRANTED. Viking's counsel to prepare the Order. Ms. Pancoast noted that the funds need to be tendered by December 21, 2017, and will be preparing a stipulation for all parties to sign. COURT FURTHER ORDERED all future hearings are VACATED and matter SET for Status Check regarding Settlement Documents. The Court will notify Commissioner Bulla that the future dates before the Commissioner have also been vacated. 1/23/18 9:30 AM STATUS CHECK: SETTLEMENT DOCUMENTS;</i></p>
12/13/2017	<p>CANCELED Evidentiary Hearing (10:30 AM) (Judicial Officer: Jones, Tierra) <i>Vacated - per Judge</i></p>
12/21/2017	<p>CANCELED Status Check: Compliance (3:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated - per Judge</i></p>
12/21/2017	<p>CANCELED Calendar Call (9:30 AM) (Judicial Officer: Jones, Tierra) <i>Vacated - per Judge</i></p>
01/02/2018	<p>CANCELED Calendar Call (9:00 AM) (Judicial Officer: Jones, Tierra) <i>Vacated - Superseding Order</i></p>
01/08/2018	<p>CANCELED Jury Trial (1:00 PM) (Judicial Officer: Jones, Tierra) <i>Vacated - per Judge</i></p>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C

01/09/2018	CANCELED Motion to Bifurcate (9:30 AM) (Judicial Officer: Jones, Tierra) <i>Vacated - per Judge</i>
02/06/2018	Status Check: Settlement Documents (9:30 AM) (Judicial Officer: Jones, Tierra) Matter Heard;
02/06/2018	Motion for Determination of Good Faith Settlement (9:30 AM) (Judicial Officer: Jones, Tierra) <i>Plaintiffs' Joint Motion for Determination of Good Faith Settlement</i> Granted;
02/06/2018	Motion (9:30 AM) (Judicial Officer: Jones, Tierra) 02/06/2018, 02/08/2018, 02/20/2018, 05/29/2018, 08/27/2018-08/30/2018, 09/18/2018 <i>Defendant Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC; Order Shortening Time</i> Continued; Continued; Matter Continued; Decision Made; Continued; Continued; Matter Continued; Decision Made; Continued; Continued; Matter Continued; Decision Made; Continued; Continued; Matter Continued; Decision Made;
02/06/2018	Motion to Consolidate (9:30 AM) (Judicial Officer: Jones, Tierra) 02/06/2018, 02/08/2018 <i>Defendant Daniel S. Simon, d/b/a Simon Law's Motion to Consolidate on Order Shortening Time</i> Continued; Granted; Continued; Granted;
02/06/2018	 All Pending Motions (9:30 AM) (Judicial Officer: Jones, Tierra) Matter Heard; Journal Entry Details: <i>Plaintiffs' Joint Motion for Determination of Good Faith Settlement...Status Check: Settlement Documents....Defendant Daniel S. Simon, d/b/a Simon Law's Motion to Consolidate on Order Shortening Time...Defendant Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC; Order Shortening Time APPEARANCES CONTINUED: Mr. Parker Esq., present via Court Call, on behalf of Lange Plumbing, Robert Vannah Esq., and John Greene on behalf of Edgeworth Family Trust, and Peter Christiansen Esq., on behalf of Daniel Simon. There being no opposition, COURT ORDERED, Plaintiffs' Joint Motion for Determination of Good Faith Settlement, GRANTED. Upon Court's inquiry as to the settlement documents, Ms. Pancoast advised the checks were issued long ago from the Viking entities. Further counsel has a stipulation she brought today to get signatures to get Viking out. Further, Mr. Simon did sign a dismissal to get Viking out. However, they would like to get this wrapped up. Mr. Christensen advised the closing documents for Lange took some time. Further, they have been signed by the client yesterday, and provided to Mr. Simon. Mr. Vannah, advised they signed everything yesterday and the underlying case is about to be dismissed. Colloquy regarding stipulation. Mr. Parker advised the Good Faith Settlement determination as well as the stipulation they will be signing, include the resolution of all claims between the defendant, the crossclaims and any additional insured obligations the defendants</i>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C

may of had amongst each other, as well as the cross-plaintiff's claims. All parties agreed. Further, Mr. Parker advised they do have their settlement check and he will have it sent over to Mr. Simon's office in exchange for the settlement documents. Court noted the stipulation can be signed when the check is exchanged. Defendant Daniel S. Simon, d/b/a Simon Law's Motion to Consolidate on Order Shortening Time, Following arguments by counsel, COURT ORDERED, Matters CONTINUED to this Court's Chamber's calendar for Decision on the date given. Further, COURT ORDERED, matter set for status check on settlement documents on the date given. 02/08/18 (CHAMBERS) Decision: Defendant Daniel S. Simon, d/b/a Simon Law's Motion to Consolidate on Order Shortening Time...Defendant Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC; Order Shortening Time 02/20/18 9:30 A.M. STATUS CHECK: SETTLEMENT DOCUMENTS ;

02/08/2018



All Pending Motions (3:00 AM) (Judicial Officer: Jones, Tierra)

Matter Heard;

Journal Entry Details:

Defendant Daniel S. Simon, d/b/a Simon Law s Motion to Consolidate on Order Shortening Time...Defendant Daniel S. Simon, d/b/a Simon Law s Motion to Adjudicate Attorney Lien of the Law Office of Daniel Simon PC Following review of the papers and pleadings on file herein and the arguments of counsel, COURT ORDERED, As to Defendant Daniel S. Simon, d/b/a Simon Law s Motion to Consolidate on Order Shortening Time is GRANTED, case A-18-767242-C is consolidated into A-16-738444-C. COURT FURTHER ORDERED, Defendant Daniel S. Simon, d/b/a Simon Law s Motion to Adjudicate Attorney Lien of the Law Office of Daniel Simon PC is continued to the status check on February 20, 2018 at 9:30 a.m. 02/20/18 9:30 A.M. Defendant Daniel S. Simon, d/b/a Simon Law s Motion to Adjudicate Attorney Lien of the Law Office of Daniel Simon PC CLERK'S NOTE: A copy of this minute order distributed to the as follows: Emailed to Mr. Parker Esq., at tparker@phalaw.net, Daniel Simon Esq., Clerk's office Attorney file folder for the Law office of Daniel S. Simon, emailed to Peter Christiansen Esq., at pete@christiansenlaw.com, emailed to Janet Pancoast Esq., at janet.pancoast@zurichna.com, emailed to Robert Vannah Esq., at rvannah@vannahlaw.net, and emailed to James Christensen at jim@christensenlaw.com /tb;

02/20/2018

Status Check: Settlement Documents (9:30 AM) (Judicial Officer: Jones, Tierra)

02/20/2018



All Pending Motions (9:30 AM) (Judicial Officer: Jones, Tierra)

Matter Heard;

Journal Entry Details:

Defendant Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC; Order Shortening Time...Status Check: Settlement Documents APPEARANCES CONTINUED: Janet Pancoast on behalf of Viking Corporation, Peter Christiansen on behalf of Law Office of Daniel Simon, PC, Robert Vannah and John Greene on behalf of the Edgeworth Family Trust Upon Court's inquiry, Mr. Simon advised the Edgeworth's signed the releases, Mr. Vannah and Mr. Greene did not sign, counsel has not signed yet, and Mr. Parker client still has not signed the release. Mr. Vannah, advised his office is not involved in the case. Colloquy regarding form and content. Mr. Vannah agreed to sign. Mr. Parker advised there's two releases and he brought the check for \$100,000.00 provided in open Court. Further, counsel will get it signed by Lange Plumbing and provide copies to all parties. Colloquy regarding Stip and Order for Dismissal and Order for Good Faith Settlement. Ms. Pancoast submitted Stip and Order for Dismissal and following review, Order SIGNED IN OPEN COURT. As to the Order for Good Faith Settlement, Court noted Mr. Parker can sign today in Court. As to Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC, Following arguments by counsel, COURT ORDERED, parties to do a MANDATORY SETTLEMENT CONFERENCE in regards to the lien. Further, Judge Williams as well as Judge Weiss has agreed to do the Settlement Conference. Argument by Mr. Parker in opposition. Argument by Mr. Vannah. Court directed counsel to get in touch with one of the Judge's that agreed to do the Settlement Conference. Colloquy regarding timeframes and discovery. COURT ORDERED, matter set for status check on settlement conference on the date given. Mr. Simon advised he's given the settlement check from Mr Parker, to Mr. Vannah, and he's going to have his clients sign and return so counsel can put it in the trust account. Court so noted. 04/03/18 8:30 A.M. STATUS CHECK: SETTLEMENT CONFERENCE.;

03/23/2018




Settlement Conference (1:00 PM) (Judicial Officer: Williams, Timothy C.)

MINUTES

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C

	<p>Not Settled; Journal Entry Details: <i>The above-referenced matter came on for a settlement conference with Judge Williams on March 23, 2018. The Plaintiffs, Edgeworthy Family Trust and American Grating, LLC, were present by and through attorneys Robert Vannah, Esq. and John Greene, Esq. The Defendant Daniel Simon was present and was represented by James R. Christensen Esq. Unfortunately, the parties were unable to resolve their differences and the case did not settle. The case is now referred back to the originating department for further handling. ;</i></p>
04/03/2018	<p>Motion to Dismiss (9:30 AM) (Judicial Officer: Jones, Tierra) 04/03/2018, 05/29/2018, 08/27/2018-08/30/2018, 09/18/2018 <i>Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Complaint Pursuant to NRCP 12(b)(5)</i> Matter Continued; Decision Made; Matter Continued; Decision Made;</p>
04/03/2018	<p>Status Check (9:30 AM) (Judicial Officer: Jones, Tierra) <i>Status Check: Settlement Conference</i></p>
04/03/2018	<p>Opposition and Countermotion (9:30 AM) (Judicial Officer: Jones, Tierra) 04/03/2018, 05/29/2018, 08/27/2018-08/30/2018, 09/18/2018 <i>Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint (Consolidated Case No. A767242)</i> Matter Continued; Decision Made; Matter Continued; Decision Made;</p>
04/03/2018	<p>Opposition and Countermotion (9:30 AM) (Judicial Officer: Jones, Tierra) 04/03/2018, 05/29/2018, 08/27/2018-08/30/2018, 09/18/2018 <i>Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint</i> Matter Continued; Decision Made; Matter Continued; Decision Made;</p>
04/03/2018	<p>Motion to Dismiss (9:30 AM) (Judicial Officer: Jones, Tierra) <i>Defendant Daniel S. Simon d/b/a Simon Law's Special Motion to Dismiss: Anti-Slapp; Order Shortening Time</i> Denied;</p>
04/03/2018	<p> All Pending Motions (9:30 AM) (Judicial Officer: Jones, Tierra) Matter Heard; Journal Entry Details: <i>APPEARANCES CONTINUED: Robert Vannah, and Robert Greene, present. Defendant Daniel S. Simon d/b/a Simon Law's Special Motion to Dismiss: Anti-Slapp; Order Shortening Time....Status Check: Settlement Conference...Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Complaint Pursuant to NRCP 12(b)(5)...Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint (Consolidated Case No. A767242)...Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint Following arguments by counsel, COURT ORDERED, Defendant Daniel S. Simon d/b/a Simon Law's Special Motion to Dismiss: Anti-Slapp, DENIED. COURT FURTHER ORDERED, Defendant Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC. Set for Evidentiary Hearing on the dates as Follows: 05-29-18 11:00 a.m., 05-30-18, at 10:30 a.m., and 5-31-18 at 9:00 a.m. Court notes is will rule on the Motion to Dismiss at the conclusion of the hearing. COURT FURTHER</i></p>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C

ORDERED, Counsel to submit briefs by 5-18-18 and courtesy copy chambers. 05/29/18 11:00 A.M. EVIDENTIARY HEARING 05/30/18 10:30 A.M. CONTINUED EVIDENTIARY HEARING 05/31/18 9:00 A.M. CONTINUED EVIDENTIARY HEARING ;

05/29/2018

Evidentiary Hearing (9:30 AM) (Judicial Officer: Jones, Tierra)
05/29/2018, 08/27/2018-08/30/2018, 09/18/2018

Matter Continued;
Decision Made;
Matter Continued;
Decision Made;

05/29/2018



All Pending Motions (9:30 AM) (Judicial Officer: Jones, Tierra)

Matter Heard;
Journal Entry Details:
EVIDENTIARY HEARING...PLTF. EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC'S OPPOSITION TO DEFT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT...DEFT. DANIEL S. SIMON'S MOTION TO DISMISS PLTF'S COMPLAINT PURSUANT TO NRCP 12(B)(5)...PLTF. EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC'S OPPOSITION TO DEFT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT (CONSOLIDATED CASE NO. A767242)...DEFT. DANIEL S. SIMON D/B/A SIMON LAW'S MOTION TO ADJUDICATE ATTORNEY LIEN OF THE LAW OFFICE DANIEL SIMON, PC; ORDER SHORTENING TIME Robert D. Vannah, Esq., John B. Greene, Esq., present with regards to consolidated case A767242. Court noted a letter was received in chambers from Mr. Christiansen who is in trial and cannot do evidentiary hearing this week. Mr. Vannah stated counsel has had conversation and all agree in August would be a good date. Mr. Christiansen stated he is not in the jurisdiction until the 13th of August. COURT ORDERED, motions CONTINUED and matter SET for evidentiary hearing. Mr. Vannah stated subpoena's have been done, clients available those dates and requested to have associate available that worked on file. Also, counsel would like billing person available as well. Mr. Simon stated Ms. White will be available. Mr. Simon inquired if Edgeworth representatives will be available. Mr. Vannah advised they will be present. Colloquy. 8/27/18 10:30 AM EVIDENTIARY HEARING...PLTF. EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC'S OPPOSITION TO DEFT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT...DEFT. DANIEL S. SIMON'S MOTION TO DISMISS PLTF'S COMPLAINT PURSUANT TO NRCP 12(B)(5)...PLTF. EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC'S OPPOSITION TO DEFT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT (CONSOLIDATED CASE NO. A767242)...DEFT. DANIEL S. SIMON D/B/A SIMON LAW'S MOTION TO ADJUDICATE ATTORNEY LIEN OF THE LAW OFFICE DANIEL SIMON, PC; ORDER SHORTENING TIME 8/28/18 11:00 AM EVIDENTIARY HEARING...PLTF. EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC'S OPPOSITION TO DEFT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT...DEFT. DANIEL S. SIMON'S MOTION TO DISMISS PLTF'S COMPLAINT PURSUANT TO NRCP 12(B)(5)...PLTF. EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC'S OPPOSITION TO DEFT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT (CONSOLIDATED CASE NO. A767242)...DEFT. DANIEL S. SIMON D/B/A SIMON LAW'S MOTION TO ADJUDICATE ATTORNEY LIEN OF THE LAW OFFICE DANIEL SIMON, PC; ORDER SHORTENING TIME 8/29/18 10:30 AM EVIDENTIARY HEARING...PLTF. EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC'S OPPOSITION TO DEFT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT...DEFT. DANIEL S. SIMON'S MOTION TO DISMISS PLTF'S COMPLAINT PURSUANT TO NRCP 12(B)(5)...PLTF. EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC'S OPPOSITION TO DEFT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT (CONSOLIDATED CASE NO. A767242)...DEFT. DANIEL S. SIMON D/B/A SIMON LAW'S MOTION TO ADJUDICATE ATTORNEY LIEN OF THE LAW OFFICE DANIEL SIMON, PC; ORDER SHORTENING TIME ;

05/30/2018




CANCELED Evidentiary Hearing (10:30 AM) (Judicial Officer: Jones, Tierra)
Vacated - per Judge

05/31/2018

CANCELED Evidentiary Hearing (9:00 AM) (Judicial Officer: Jones, Tierra)
Vacated - per Judge

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C


08/27/2018	<p>Motion to Dismiss (10:30 AM) (Judicial Officer: Jones, Tierra) 08/27/2018-08/30/2018, 09/18/2018 <i>Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Amended Complaint Pursuant to NRCP 12(b)(5)</i></p> <p>Decision Made;</p>
08/27/2018	<p>Motion to Dismiss (10:30 AM) (Judicial Officer: Jones, Tierra) 08/27/2018-08/30/2018, 09/18/2018 <i>Defendant Daniel S. Simon's Special Motion to Dismiss the Amended Complaint: Anit-SLAPP</i></p> <p>Decision Made;</p>
08/27/2018	<p> All Pending Motions (10:30 AM) (Judicial Officer: Jones, Tierra)</p> <p>Matter Heard; Journal Entry Details: <i>Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint...Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint (Consolidated Case No. A767242)... Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Complaint Pursuant to NRCP 12(b)(5)...Defendant Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC; Order Shortening Time...Defendant Daniel S. Simon's Special Motion to Dismiss the Amended Complaint: Anit-SLAPP...Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Amended Complaint Pursuant to NRCP 12(b)(5) APPEARANCES CONTINUED: James Christensen Esq., and Pete Christiansen Esq., on behalf of Daniel Simon, and Robert Vannah Esq., and John Greene Esq. of behalf of Edgeworth Family Trust. Following arguments by counsel, COURT ORDERED, Mr. Vannah to produce his fee agreement, without notes, or conversations. Mr. Vannah provided copies to opposing counsel in OPEN COURT. As to the Attorney Lien: HEARING HELD: Testimony and exhibits presented. (See worksheets). COURT ADJOURNED.;</i></p>
08/28/2018	<p> All Pending Motions (11:00 AM) (Judicial Officer: Jones, Tierra)</p> <p>Matter Heard; Journal Entry Details: <i>Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint...Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint (Consolidated Case No. A767242)... Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Complaint Pursuant to NRCP 12(b)(5)...Defendant Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC; Order Shortening Time...Defendant Daniel S. Simon's Special Motion to Dismiss the Amended Complaint: Anit-SLAPP...Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Amended Complaint Pursuant to NRCP 12(b)(5) APPEARANCES CONTINUED: James Christensen Esq., and Pete Christiansen Esq., on behalf of Daniel Simon, and Robert Vannah Esq., and John Greene Esq. of behalf of Edgeworth Family Trust. Hearing Held: Continued testimony and exhibits presented. (See worksheets). Following testimony, COURT ADJOURNED.;</i></p>
08/29/2018	<p> All Pending Motions (10:30 AM) (Judicial Officer: Jones, Tierra)</p> <p>Matter Heard; Journal Entry Details: <i>Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint...Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint (Consolidated Case No. A767242)... Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Complaint Pursuant to NRCP 12(b)(5)...Defendant Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC; Order Shortening Time...Defendant Daniel S. Simon's Special Motion to Dismiss the Amended Complaint: Anit-SLAPP...Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Amended Complaint Pursuant to NRCP 12(b)(5) APPEARANCES CONTINUED: James Christensen Esq., and Pete Christiansen Esq., on behalf of Daniel Simon, and Robert Vannah Esq., and John Greene Esq. of behalf of Edgeworth Family Trust. HEARING CONTINUED: Testimony and exhibits presented. (See worksheets). COURT</i></p>


EIGHTH JUDICIAL DISTRICT COURT


CASE SUMMARY
CASE NO. A-16-738444-C


ORDERED, Ms. Ferrel and Mr. Simon to produce cell phone records only as to calls with regards to this case. Counsel agree that this can be heard on another day. Following testimony, of Mr. Simon, COURT ADJOURNED.;

08/29/2018 **CANCELED All Pending Motions (10:30 AM)** (Judicial Officer: Jones, Tierra)
Vacated

08/30/2018  **All Pending Motions (9:00 AM)** (Judicial Officer: Jones, Tierra)
Matter Heard;
Journal Entry Details:
Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint...Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint (Consolidated Case No. A767242)... Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Complaint Pursuant to NRCP 12(b)(5)...Defendant Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC; Order Shortening Time...Defendant Daniel S. Simon's Special Motion to Dismiss the Amended Complaint: Anit-SLAPP...Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Amended Complaint Pursuant to NRCP 12(b)(5) APPEARANCES CONTINUED: James Christensen Esq., and Pete Christiansen Esq., on behalf of Daniel Simon, and Robert Vannah Esq., and John Greene Esq. of behalf of Edgeworth Family Trust. Continued testimony and exhibits presented. (See worksheets). Following testimony of Mr. Kemp, Counsel called next witness Ms. Angela Edgeworth. Court noted there is not enough time to get through this witness today. Colloquy regarding re-setting the hearing. COURT ORDERED, hearing CONTINUED to the date given. COURT ADJOURNED. 09/18/18 11:00 A.M. HEARING CONTINUED;

09/18/2018  **All Pending Motions (11:00 AM)** (Judicial Officer: Jones, Tierra)
Matter Heard;
Journal Entry Details:
DEFENDANT DANIEL S. SIMON d/b/a SIMON LAW'S MOTION TO ADJUDICATE ATTORNEY LIEN OF THE LAW OFFICE DANIEL SIMON PC; ORDER SHORTENING TIME.... PLAINTIFFS EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC's OPPOSITION TO DEFENDANT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT.... PLAINTIFFS EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC's OPPOSITION TO DEFENDANT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT (CONSOLIDATED CASE No. A767242)..... DEFENDANT DANIEL S. SIMON'S MOTION TO DISMISS PLAINTIFFS' COMPLAINT PURSUANT TO NRCP 12(b)(5)..... EVIDENTIARY HEARING... DEFENDANT DANIEL S. SIMON'S SPECIAL MOTION TO DISMISS THE AMENDED COMPLAINT: ANTI-SLAPP..... DEFENDANT DANIEL S. SIMON'S MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT PURSUANT TO NRCP 12(b)(5). Testimony and exhibits presented (see worksheet). COURT ORDERED, Counsel to submit Blind Closing arguments to the Court by Monday, 9/24/18 at 5:00 pm. FURTHER ORDERED, MOTIONS UNDER ADVISEMENT. The Court shall issue Minute Orders on the above Motions.;

11/15/2018  **Motion to Amend (9:30 AM)** (Judicial Officer: Jones, Tierra)
Motion to Amend Findings Under NRCP 52; and/or for Reconsideration; Order Shortening Time
Matter Heard;
Journal Entry Details:
APPEARANCES CONTINUED: James Christensen Esq., and Pete Christiansen Esq., on behalf of Daniel Simon, and Robert Vannah Esq., and John Greene Esq. of behalf of Edgeworth Family Trust. Following arguments by counsel, Court advised it will issue a ruling from chambers by Monday, 11-19-18.;

11/16/2018  **Decision (9:30 AM)** (Judicial Officer: Jones, Tierra)
Motion to Amend Findings Under NRCP 52; and/or for Reconsideration; Order Shortening Time
Minute Order - No Hearing Held;
Journal Entry Details:
Motion to Amend Findings Under NRCP 52; and/or for Reconsideration; Order Shortening


EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C

Time Following review of the papers and pleadings on file herein, and the arguments of counsel, COURT ORDERS, Motion to Amend and/or Motion for Reconsideration is Motion GRANTED IN PART, DENIED IN PART. The Court finds that the implied oral contact language in the Decision and Order on Motion to Dismiss pursuant to NRCP 12(b) (5) should be amended as the Court found, in the Decision and Order on Motion to Adjudicate Lien, that an implied contract existed based on past performance, but the Court found no oral nature of the contract. As such, the Court will issue an Amended Decision and Order for the Motion to Dismiss pursuant to NRCP 12(b)(5), under Rule 52, reflecting the implied contract. The Court further finds that the cost award in the Decision and Order on Motion to Adjudicate Lien should be clarified. The amended attorney lien asserted by Simon, in January of 2018, originally sought reimbursement for advances costs of \$71,594.93. The amount sought for advanced costs was later changed to \$68,844.93. In March of 2018, the Edgeworths paid the outstanding advanced costs, so there are no advance costs outstanding, as of the time of the Court's Decision and Order on Motion to Adjudicate Lien. As such, the Court will issue an Amended Decision and Order on Motion to Adjudicate Lien under Rule 52 reflecting the payment of advanced costs. The Court further finds that the Viking claim settled on or about December 1, 2017, and Viking's first settlement offer was made on November 15, 2017. As such, Finding of Fact #13, in the Court's Decision and Order on Motion to Adjudicate Lien will be amended, under Rule 52, to reflect the dates of December 1, 2017 and November 15, 2017. The Court further finds that there was sufficient evidence presented at the evidentiary hearing to support the Court's findings, regarding the determination of Simon's fees, in the Decision and Order on Motion to Adjudicate Lien. The Court further finds that its findings of fact were not clearly erroneous, regarding the determination of Simon's fees. As such, the fees will only be amended to reflect the subtraction of the outstanding costs. As such, the Motion to Amend the Court's findings, regarding the determination of Simon's fees, under Rule 52 is DENIED. CLERK'S NOTE: A copy of this minute order distributed to the as follows: Emailed to Peter Christiansen Esq., at pete@christiansenlaw.com, emailed to Robert Vannah Esq., at rvannah@vannahlaw.net, and emailed to James Christensen at jim@christensenlaw.com, and emailed to John Greene Esq., at jgreene@vannahlaw.com /tb ;

11/19/2018 **CANCELED Decision** (8:30 AM) (Judicial Officer: Jones, Tierra)
Vacated
Motion to Amend Findings Under NRCP 52; and/or for Reconsideration; Order Shortening Time

11/29/2018 **CANCELED Motion to Amend** (3:00 AM) (Judicial Officer: Jones, Tierra)
Vacated - Duplicate Entry
Motion to Amend Findings Under NRCP 52 and/or for Reconsideration

01/15/2019  **Motion for Attorney Fees and Costs** (9:30 AM) (Judicial Officer: Jones, Tierra)
01/15/2019, 01/17/2019
Decision
Matter Heard;
Granted in Part;
Journal Entry Details:

The Motion for Attorney's Fees is GRANTED in part, DENIED in part. The Court finds that the claim for conversion was not maintained on reasonable grounds, as the Court previously found that when the complaint was filed on January 4, 2018, Mr. Simon was not in possession of the settlement proceeds as the checks were not endorsed or deposited in the trust account. (Amended Decision and Order on Motion to Dismiss NRCP 12(b)(5)). As such, Mr. Simon could not have converted the Edgeworth's property. Further, the Court finds that the purpose of the evidentiary hearing was primarily for the Motion to Adjudicate Lien. It has been argued that the Court's statement of during the course of that evidentiary hearing, I will also rule on the Motion to Dismiss at the end of the close of evidence, because I think that evidence is interrelated (Motion Hearing April 3, 2018, pg. 18) should be construed to mean that the evidentiary hearing was for the Motions to Dismiss as well as the Motion to Adjudicate Lien. While the Court acknowledges said statement, during the same hearing, the Court also stated So in regards to the Motion to Adjudicate the Lien, we're going to set an evidentiary hearing to determine what Mr. Simon's remaining fees are. (Motion Hearing April 3, 2018, pg. 17). During that same hearing, it was made clear that the primary focus of the evidentiary hearing was to determine the amount of fees owed to Mr. Simon. So, the primary purpose of the evidentiary hearing was for the Motion to Adjudicate Lien. As such, the Motion for Attorney's Fees is GRANTED under 18.010(2)(b) as to the Conversion claim as it was not maintained upon reasonable grounds, since it was an impossibility for Mr. Simon to have converted the Edgeworth's property, at the time the lawsuit was filed. The Motion for Attorney's Fees is

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C

DENIED as it relates to the other claims. In considering the amount of attorney s fees and costs, the Court finds that the services of Mr. James Christensen, Esq. and Mr. Peter Christiansen, Esq. were obtained after the filing of the lawsuit against Mr. Simon, on January 4, 2018. However, they were also the attorneys in the evidentiary hearing on the Motion to Adjudicate Lien, which this Court has found was primarily for the purpose of adjudicating the lien asserted by Mr. Simon. Further, the Motion to Consolidate The Court further finds that the costs of Mr. Will Kemp Esq. were solely for the purpose of the Motion to Adjudicate Lien filed by Mr. Simon, but the costs of Mr. David Clark Esq. were solely for the purposes of defending the lawsuit filed against Mr. Simon by the Edgeworths. As such, the Court has considered all of the factors pertinent to attorney s fees and attorney s fees are GRANTED in the amount of \$50,000.00 and costs are GRANTED in the amount of \$5,000.00. ;

Matter Heard;

Granted in Part;

Journal Entry Details:

APPEARANCES CONTINUED: James Christensen Esq., and Pete Christiansen Esq., on behalf of Daniel Simon, and John Greene Esq. of behalf of Edgeworth Family Trust. Following arguments by counsel, COURT ORDERED, matter CONTINUED for Decision of the date given. 01/18/19 (CHAMBERS) DECISION: Motion for Attorney Fees and Costs ;

02/05/2019



Motion (9:30 AM) (Judicial Officer: Jones, Tierra)

Plaintiffs' Motion For An Order Directing Simon To Release Plaintiffs' Funds

Denied;

Journal Entry Details:

APPEARANCES CONTINUED: Mr. Peter Christiansen Esq., present on behalf of Daniel Simon, robert Vannah Esq., and Brandonn Grossman Esq., on behalf of Edgeworth Family Trust. Following arguments by counsel. COURT ORDERED, Motion DENIED. This Court does not have Jurisdiction as this case has been bean appealed to the Supreme Court, and the a main issue is the funds. Plaintiff's counsel to prepare the order and submit to opposing counsel for review before submission to the Court.;

02/09/2021



Minute Order (3:00 AM) (Judicial Officer: Allf, Nancy)

Minute Order - No Hearing Held;

Journal Entry Details:

COURT FINDS after review that this case was originally in Department 10. COURT FURTHER FINDS that on September 8, 2020, this case was reassigned to Dept 3 from Dept 10. COURT FURTHER FINDS that an appeal was filed with the Supreme Court of Nevada. COURT FURTHER FINDS that the issue on appeal was heard before Judge Tierra Jones, Department 10. COURT FURTHER FINDS that on December 30, 2020, the Supreme Court affirmed in part, denied in part and remanded the case. COURT FURTHER FINDS that findings are required relating to a five-day evidentiary hearing that Judge Tierra Jones presided over. THEREFORE COURT ORDERS for good cause appearing and after review that the case is hereby reassigned back to Department 10. ;

04/15/2021

Motion For Reconsideration (3:00 AM) (Judicial Officer: Jones, Tierra)

Defendant's Motion for Reconsideration Regarding Court's Amended Decision and Order Granting in Part and Denying in Part Simon's Motion for Attorney's Fees and Costs and Second Amended Decision and Order on Motion to Adjudicate Lien

Denied;

04/15/2021

Opposition and Countermotion (3:00 AM) (Judicial Officer: Jones, Tierra)

Defendant Daniel S. Simon's Opposition to Motion to Reconsider and Request for Sanctions; Counter Motion to Adjudicate Lien on Remand

Granted;

04/15/2021



Minute Order (3:00 AM) (Judicial Officer: Jones, Tierra)

Minute Order - No Hearing Held;

Journal Entry Details:

Following review of the papers and pleadings on file herein, COURT ORDERED, Defendant s Motion for Reconsideration Regarding Court s Amended Decision and Order Granting in Part and Denying in Part Simon s Motion for Attorney s Fees and Costs and Second Amended Decision and Order on Motion to Adjudicate Lien is DENIED. The COURT FURTHER ORDERED that the Request for Sanctions is DENIED; and the Countermotion to Adjudicate Lien on Remand is GRANTED and that the reasonable fee due to the Law Office of Daniel

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-16-738444-C

Simon is \$ 556,577.43, which includes outstanding costs. This Court's Order, filed on November 19, 2018, and the order filed on February 8, 2019 were affirmed by the Nevada Supreme Court in most respects. The Nevada Supreme Court ordered a limited remand for the purpose of the quantum meruit fee award imposed by the Court. There was a Petition for Hearing filed by the Edgeworths, in the Nevada Supreme Court, and the petition was accepted after the remand was issued. This Court then issued a Second Amended Decision and Order on Motion to Adjudicate Lien, in compliance with the Nevada Supreme Court remand, on March 16, 2021. The Nevada Supreme Court denied the Edgeworth's Motion for Rehearing on March 18, 2021. The Nevada Supreme Court affirmed this Court's finding that the conversion was impossible. As such, that is the law of the case and will not be disturbed by a Motion to Reconsider absent (1) newly discovered evidence; (2) the court committing clear error on the initial decision and it was manifestly unjust; or (3) there is an intervening change in the controlling law. The COURT FINDS that neither of the three reasons for reconsideration are present in the instant case, making the previous rulings by this Court the law of the case. As such, Defendant's Motion for Reconsideration Regarding Court's Amended Decision and Order Granting in Part and Denying in Part Simon's Motion for Attorney's Fees and Costs and Second Amended Decision and Order on Motion to Adjudicate Lien is DENIED. The Countermotion to Adjudicate Lien on Remand is GRANTED and the COURT FINDS that the reasonable fee due to the Law Office of Daniel Simon is \$556,577.43, which includes outstanding costs. The Court will issue a Third Amended Decision and Order on Motion to Adjudicate Lien, to address any jurisdictional issues, in accordance with the remand from the Nevada Supreme Court. Clerk's Note: This Minute Order was electronically served by Courtroom Clerk, Teri Berkshire, to all registered parties for Odyssey File & Serve. /tb ;

- 05/27/2021 **Motion** (9:30 AM) (Judicial Officer: Jones, Tierra)
Plaintiffs' Renewed Motion for Reconsideration of Third Amended Decision and Order Granting in Part and Denying in Part Simon's Motion for Attorneys Fees and Costs, and Motion for Reconsideration of Third Amended Decision and Order on Motion to Adjudicate Lien
Granted in Part;
- 05/27/2021 **Motion for Order** (9:30 AM) (Judicial Officer: Jones, Tierra)
Edgeworth's Motion for Order Releasing Client Funds and Requiring the Production of Complete Client File
Denied;
- 05/27/2021 **Opposition and Countermotion** (9:30 AM) (Judicial Officer: Jones, Tierra)
Opposition to Second Motion to Reconsider; Counter Motion to Adjudicate Lien on Remand
Denied;
- 05/27/2021  **All Pending Motions** (9:30 AM) (Judicial Officer: Jones, Tierra)
Matter Heard;
Journal Entry Details:
APPEARANCES CONTINUED: Parties present via video, through bluejeans technology. Plaintiffs' Renewed Motion for Reconsideration of Third Amended Decision and Order Granting in Part and Denying in Part Simon's Motion for Attorneys Fees and Costs, and Motion for Reconsideration of Third Amended Decision and Order on Motion to Adjudicate Lien...Edgeworth's Motion for Order Releasing Client Funds and Requiring the Production of Complete Client File...Opposition to Second Motion to Reconsider; Counter Motion to Adjudicate Lien on Remand Hearing held. Following arguments by counsel, COURT ORDERED, this Court will issue a minute order. ;
- 06/03/2021  **Minute Order** (2:00 PM) (Judicial Officer: Jones, Tierra)
Minute Order - No Hearing Held;
Journal Entry Details:
Following review of the papers and pleadings on file herein and considering the arguments of counsel, COURT ORDERED, Plaintiff's Motion for Reconsideration of Third Amended Decision and Order on Motion to Adjudicate Lien is DENIED. The COURT FURTHER ORDERED that Plaintiff's Renewed Motion for Reconsideration of Third Amended Decision and Order Granting in Part and Denying in Part Simon's Motion for Attorney's Fees and Costs is GRANTED IN PART and DENIED IN PART. The COURT is GRANTING the Motion regarding the appropriate costs to be assessed for the work of David Clark, and the Court further GRANTS the refiling of the Order regarding fees and costs. However, the Second Amended Decision and Order Granting in Part and Denying in Part, Simon's Motion for

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-16-738444-C

	<p><i>Attorney s Fees and Costs that was filed on May 24, 2021 addresses this issue. As such, there is no need for an additional order relating to costs. The COURT is DENYING the Renewed Motion for Reconsideration of the Third Amended Decision and Order Granting in Part and Denying in Part Simon s Motion for Attorney s Fees and Costs as it relates to attorney s fees. However, the Court would note that the proper order for reconsideration is the Amended Decision and Order Granting in Part and Denying in Part, Simon s Motion for Attorney s Fees and Costs and not the Third Amended Decision and Order Granting in Part and Denying in Part Simon s Motion for Attorney s Fees and Costs. Following a review of the papers and pleadings on file herein and considering the arguments of counsel, COURT ORDERED, Simon s Countermotion to Adjudicate Lien on Remand is DENIED. Following a review of the papers and pleadings on file herein and considering the arguments of counsel, COURT ORDERED, Edgeworth s Motion for Order Releasing Client Funds and Requiring the Production of Complete File is DENIED. The COURT FINDS that the Motion is premature regarding the releasing of client funds as the litigation in this case is still ongoing at this time, as the Court has not issued a final order in this matter and the time for appeal has not run. As for the transfer of the trust, the COURT FURTHER ORDERS that there is a bilateral agreement to hold the disputed funds in an interest-bearing account at the bank and until new details are agreed upon to invalidate said agreement and a new agreement is reached, the bilateral agreement is controlling and the disputed funds will remain in accordance with the agreement. The COURT FURTHER FINDS that the issue of requiring the production of the complete file is DENIED as it is prevented by the Non-Disclosure Agreement (NDA). Counsel for Simon is ordered to prepare orders consistent with this minute order within 10 days of the filing of this minute order, submit said orders to Edgeworth s counsel for signature, and submit said orders to the Court for signature within 20 days of the filing of this minute order. Clerk's Note: This Minute Order was electronically served by Courtroom Clerk, Teri Berkshire, to all registered parties for Odyssey File & Serve. /tb ;</i></p>
07/29/2021	<p>Motion For Reconsideration (3:00 AM) (Judicial Officer: Jones, Tierra)</p> <p><i>Edgeworths Motion for Reconsideration of Order on Motion for Order Releasing Client Funds and Requiring the Production of Complete Client File and Motion to Stay Execution of Judgments Pending Appeal</i></p>

DATE	FINANCIAL INFORMATION
	<p>Plaintiff American Grating LLC</p> <p>Total Charges 30.00</p> <p>Total Payments and Credits 30.00</p> <p>Balance Due as of 7/20/2021 0.00</p> <p>Counter Claimant Giberti Construction Llc</p> <p>Total Charges 223.00</p> <p>Total Payments and Credits 223.00</p> <p>Balance Due as of 7/20/2021 0.00</p> <p>Counter Defendant Supply Network Inc</p> <p>Total Charges 30.00</p> <p>Total Payments and Credits 30.00</p> <p>Balance Due as of 7/20/2021 0.00</p> <p>Counter Defendant Viking Corporation</p> <p>Total Charges 358.00</p> <p>Total Payments and Credits 358.00</p> <p>Balance Due as of 7/20/2021 0.00</p> <p>Defendant Lange Plumbing, L.L.C.</p> <p>Total Charges 223.00</p> <p>Total Payments and Credits 223.00</p> <p>Balance Due as of 7/20/2021 0.00</p> <p>Plaintiff Edgeworth Family Trust</p> <p>Total Charges 1,189.00</p> <p>Total Payments and Credits 1,189.00</p> <p>Balance Due as of 7/20/2021 0.00</p> <p>Defendant Simon, Daniel S</p> <p>Appeal Bond Balance as of 7/20/2021 500.00</p>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-16-738444-C

Plaintiff Edgeworth Family Trust
Appeal Bond Balance as of 7/20/2021

1,000.00

DISTRICT COURT CIVIL COVER SHEET

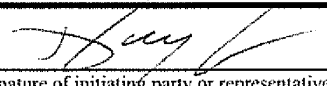
County, Nevada A - 1 6 7 3 8 4 4 4 - C
Case No. X
(Assigned by Clerk's Office)

I. Party Information <i>(provide both home and mailing addresses if different)</i>	
Plaintiff(s) (name/address/phone): EDGEWORTH FAMILY TRUST	Defendant(s) (name/address/phone): LANGE PLUMBING, L.L.C. VIKING AUTOMATIC SPRINKLER CO.
Attorney (name/address/phone): Daniel S. Simon 702-364-1650 810 S. Casino Center Blvd., LV, NV 89101	Attorney (name/address/phone):

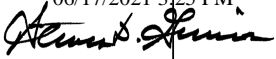
II. Nature of Controversy <i>(please select the one most applicable filing type below)</i>		
Civil Case Filing Types		
Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure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

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

6-14-16
Date


Signature of initiating party or representative

See other side for family-related case filings.


CLERK OF THE COURT

ORDR

James R. Christensen Esq.
Nevada Bar No. 3861

JAMES R. CHRISTENSEN PC

601 S. 6th Street
Las Vegas NV 89101
(702) 272-0406

-and-

Peter S. Christiansen, Esq.
Nevada Bar No. 5254

CHRISTIENSEN TRIAL LAWYERS

701 S. 7th Street
Las Vegas, NV 89101
(702) 240-7979

Attorneys for SIMON

**Eighth Judicial District Court
District of Nevada**

EDGEWORTH FAMILY TRUST; and
AMERICAN GRATING, LLC

Plaintiffs,

vs.

LANGE PLUMBING, LLC; THE VIKING
CORPORTATION, a Michigan corporation;
SUPPLY NETWORK, INC., dba VIKING
SUPPLYNET, a Michigan Corporation; and
DOES 1 through 5; and, ROE entities 6 through
10;
Defendants.

EDGEWORTH FAMILY TRUST;
AMERICAN GRATING, LLC

Plaintiffs,

vs.

DANIEL S. SIMON; THE LAW OFFICE OF
DANIEL S. SIMON, a Professional Corporation
d/b/a SIMON LAW; DOES 1 through 10; and,
ROE entities 1 through 10;

Defendants.

CASE NO.: A-18-767242-C
DEPT NO.: XXVI

Consolidated with

CASE NO.: A-16-738444-C
DEPT NO.: X

**DECISION AND ORDER DENYING
PLAINTIFFS' RENEWED MOTION FOR
RECONSIDERATION OF THIRD-
AMENDED DECISION AND ORDER ON
MOTION TO ADJUDICATE LIEN AND
DENYING SIMON'S COUNTERMOTION
TO ADJUDICATE LIEN ON REMAND**

1 **DECISION AND ORDER DENYING PLAINTIFFS' RENEWED MOTION FOR**
2 **RECONSIDERATION OF THIRD- AMENDED DECISION AND ORDER ON MOTION**
3 **TO ADJUDICATE LIEN AND DENYING SIMON'S COUNTERMOTION TO**
4 **ADJUDICATE LIEN ON REMAND**

5 This matter came on for hearing on May 27, 2021, in the Eighth Judicial
6 District Court, Clark County, Nevada, the Honorable Tierra Jones presiding.
7 Defendants, Daniel Simon and Law Office of Daniel S. Simon d/b/a Simon Law
8 (jointly the "Defendants" or "Simon") having appeared by and through their
9 attorneys of record, James Christensen, Esq. and Peter Christiansen, Esq.; and,
10 Plaintiff Edgeworth Family Trust and American Grating, ("Plaintiff" or
11 "Edgeworths") having appeared through by and through their attorneys of record,
12 the law firm of Morris Law Group, Steve Morris, Esq. and Rosa Solis-Rainey, Esq.
13 The Court having considered the evidence, arguments of counsel and being fully
14 advised of the matters herein, the **COURT FINDS** after review:
15

16 The Edgeworths' Renewed Motion for Reconsideration of Third Amended
17 Decision and Order on Motion to Adjudicate Lien is DENIED.

18 ///

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20 ///

21 ///

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24 ///

1 Simon's Countermotion to Adjudicate the Lien on Remand is DENIED.

2 Dated this 17th day of June, 2021

3 IT IS SO ORDERED.

4 

5 DISTRICT COURT JUDGE

6 478 B49 725D 8E26

7 Tierra Jones

8 District Court Judge

9 Submitted By:

Approved as to Form and Content:

10 JAMES R. CHRISTENSEN PC

MORRIS LAW GROUP

11 /s/ James R. Christensen

12 James R. Christensen Esq.

13 Nevada Bar No. 3861

14 601 S. 6th Street

15 Las Vegas NV 89101

16 Attorney for SIMON

Declined

Steve Morris Esq.

Nevada Bar No. 1543

801 S. Rancho Drive, Ste. B4

Las Vegas NV 89106

Attorney for EDGEWORTHS

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Edgeworth Family Trust,
Plaintiff(s)

CASE NO: A-16-738444-C

7 vs.

DEPT. NO. Department 10

8
9 Lange Plumbing, L.L.C.,
Defendant(s)

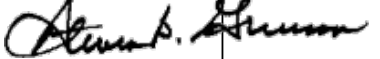
10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 6/17/2021

16 Daniel Simon .	lawyers@simonlawlv.com
17 Rhonda Onorato .	ronorato@rlattorneys.com
18 Mariella Dumbrique	mdumbrique@blacklobello.law
19 Michael Nunez	mnunez@murchisonlaw.com
20 Tyler Ure	ngarcia@murchisonlaw.com
21 Nicole Garcia	ngarcia@murchisonlaw.com
22 Bridget Salazar	bsalazar@vannahlaw.com
23 John Greene	jgreene@vannahlaw.com
24 James Christensen	jim@jchristensenlaw.com
25 Daniel Simon	dan@danielsimonlaw.com

1	Michael Nunez	mnunez@murchisonlaw.com
2		
3	Gary Call	gcall@rlattorneys.com
4	J. Graf	Rgraf@blacklobello.law
5	Robert Vannah	rvannah@vannahlaw.com
6	Christine Atwood	catwood@messner.com
7	Lauren Calvert	lcalvert@messner.com
8	James Alvarado	jalvarado@messner.com
9	Christopher Page	chrispage@vannahlaw.com
10	Nicholle Pendergraft	npendergraft@messner.com
11		
12	Rosa Solis-Rainey	rsr@morrislawgroup.com
13	David Gould	dgould@messner.com
14	Steve Morris	sm@morrislawgroup.com
15	Traci Baez	tkb@morrislawgroup.com
16	Jessie Church	jchurch@vannahlaw.com
17	James Christensen	jim@jchristensenlaw.com
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NEO

James R. Christensen Esq.
Nevada Bar No. 3861

JAMES R. CHRISTENSEN PC

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-and-

Peter S. Christiansen, Esq.
Nevada Bar No. 5254

CHRISTIENSEN TRIAL LAWYERS

701 S. 7th Street
Las Vegas, NV 89101
(702)240-7979

Attorneys for SIMON

**Eighth Judicial District Court
District of Nevada**

EDGEWORTH FAMILY TRUST; and
AMERICAN GRATING, LLC

Plaintiffs,

vs.

LANGE PLUMBING, LLC; THE VIKING
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SUPPLYNET, a Michigan Corporation; and
DOES 1 through 5; and, ROE entities 6 through
10;
Defendants.

EDGEWORTH FAMILY TRUST;
AMERICAN GRATING, LLC

Plaintiffs,

vs.

DANIEL S. SIMON; THE LAW OFFICE OF
DANIEL S. SIMON, a Professional Corporation
d/b/a SIMON LAW; DOES 1 through 10; and,
ROE entities 1 through 10;

Defendants.

CASE NO.: A-18-767242-C
DEPT NO.: XXVI

Consolidated with

CASE NO.: A-16-738444-C
DEPT NO.: X

**NOTICE OF ENTRY OF DECISION AND
ORDER DENYING PLAINTIFFS'
RENEWED MOTION FOR
RECONSIDERATION OF THIRD-
AMENDED DECISION AND ORDER ON
MOTION TO ADJUDICATE LIEN AND
DENYING SIMON'S COUNTERMOTION
TO ADJUDICATE LIEN ON REMAND**

1 **NOTICE OF ENTRY OF DECISION AND ORDER DENYING PLAINTIFFS'**
2 **RENEWED MOTION FOR RECONSIDERATION OF THIRD- AMENDED DECISION**
3 **AND ORDER ON MOTION TO ADJUDICATE LIEN AND DENYING SIMON'S**
4 **COUNTERMOTION TO ADJUDICATE LIEN ON REMAND**

5 PLEASE TAKE NOTICE, a Decision and Order Denying Plaintiffs' Renewed Motion
6 for Reconsideration of Third-Amended Decision and Order on Motion to Adjudicate Lien and
7 Denying Simon's Countermotion to Adjudicate Lien on Remand was entered on the 17th day of
8 June, 2021. A true and correct copy of the file-stamped Decision and Order is attached hereto.

9 DATED this 18th day of June, 2021.

10 **JAMES R. CHRISTENSEN PC**

11 /s/ James R. Christensen

12 James R. Christensen Esq.
13 Nevada Bar No. 3861
14 601 S. 6th Street
15 Las Vegas NV 89101
16 (702) 272-0406

17 -and-

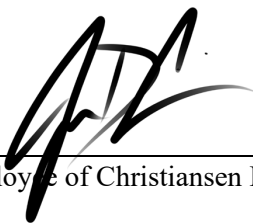
18 Peter S. Christiansen, Esq.
19 Nevada Bar No. 5254

20 **CHRISTIENSEN TRIAL LAWYERS**

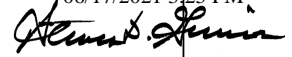
21 701 S. 7th Street
22 Las Vegas, NV 89101
23 (702)240-7979
24 Attorneys for SIMON
25

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of CHRISTIANSEN TRIAL LAWYERS, and that on this 18th day of June, 2021 I caused the foregoing document entitled ***NOTICE OF ENTRY OF DECISION AND ORDER DENYING PLAINTIFFS' RENEWED MOTION FOR RECONSIDERATION OF THIRD- AMENDED DECISION AND ORDER ON MOTION TO ADJUDICATE LIEN AND DENYING SIMON'S COUNTERMOTION TO ADJUDICATE LIEN ON REMAND*** to be served upon those persons designated by the parties in the E-Service Master List for the above-referenced matter in the Eighth Judicial District Court eFiling System in accordance with the mandatory electronic service requirements of Administrative Order 14-2 and the Nevada Electronic Filing and Conversion Rules.



An employee of Christiansen Law Offices


CLERK OF THE COURT

ORDR

James R. Christensen Esq.
Nevada Bar No. 3861

JAMES R. CHRISTENSEN PC

601 S. 6th Street
Las Vegas NV 89101
(702) 272-0406

-and-

Peter S. Christiansen, Esq.
Nevada Bar No. 5254

CHRISTIENSEN TRIAL LAWYERS

701 S. 7th Street
Las Vegas, NV 89101
(702) 240-7979

Attorneys for SIMON

**Eighth Judicial District Court
District of Nevada**

EDGEWORTH FAMILY TRUST; and
AMERICAN GRATING, LLC

Plaintiffs,

vs.

LANGE PLUMBING, LLC; THE VIKING
CORPORTATION, a Michigan corporation;
SUPPLY NETWORK, INC., dba VIKING
SUPPLYNET, a Michigan Corporation; and
DOES 1 through 5; and, ROE entities 6 through
10;
Defendants.

EDGEWORTH FAMILY TRUST;
AMERICAN GRATING, LLC

Plaintiffs,

vs.

DANIEL S. SIMON; THE LAW OFFICE OF
DANIEL S. SIMON, a Professional Corporation
d/b/a SIMON LAW; DOES 1 through 10; and,
ROE entities 1 through 10;

Defendants.

CASE NO.: A-18-767242-C
DEPT NO.: XXVI

Consolidated with

CASE NO.: A-16-738444-C
DEPT NO.: X

**DECISION AND ORDER DENYING
PLAINTIFFS' RENEWED MOTION FOR
RECONSIDERATION OF THIRD-
AMENDED DECISION AND ORDER ON
MOTION TO ADJUDICATE LIEN AND
DENYING SIMON'S COUNTERMOTION
TO ADJUDICATE LIEN ON REMAND**

1 **DECISION AND ORDER DENYING PLAINTIFFS' RENEWED MOTION FOR**
2 **RECONSIDERATION OF THIRD- AMENDED DECISION AND ORDER ON MOTION**
3 **TO ADJUDICATE LIEN AND DENYING SIMON'S COUNTERMOTION TO**
4 **ADJUDICATE LIEN ON REMAND**

5 This matter came on for hearing on May 27, 2021, in the Eighth Judicial
6 District Court, Clark County, Nevada, the Honorable Tierra Jones presiding.
7 Defendants, Daniel Simon and Law Office of Daniel S. Simon d/b/a Simon Law
8 (jointly the "Defendants" or "Simon") having appeared by and through their
9 attorneys of record, James Christensen, Esq. and Peter Christiansen, Esq.; and,
10 Plaintiff Edgeworth Family Trust and American Grating, ("Plaintiff" or
11 "Edgeworths") having appeared through by and through their attorneys of record,
12 the law firm of Morris Law Group, Steve Morris, Esq. and Rosa Solis-Rainey, Esq.
13 The Court having considered the evidence, arguments of counsel and being fully
14 advised of the matters herein, the **COURT FINDS** after review:
15

16 The Edgeworths' Renewed Motion for Reconsideration of Third Amended
17 Decision and Order on Motion to Adjudicate Lien is DENIED.

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

1 Simon's Countermotion to Adjudicate the Lien on Remand is DENIED.

2 Dated this 17th day of June, 2021

3 IT IS SO ORDERED.

4 

5 DISTRICT COURT JUDGE

6 478 B49 725D 8E26

7 Tierra Jones

8 District Court Judge

9 Submitted By:

Approved as to Form and Content:

10 JAMES R. CHRISTENSEN PC

MORRIS LAW GROUP

11 /s/ James R. Christensen

12 James R. Christensen Esq.

13 Nevada Bar No. 3861

14 601 S. 6th Street

15 Las Vegas NV 89101

16 Attorney for SIMON

Declined

Steve Morris Esq.

Nevada Bar No. 1543

801 S. Rancho Drive, Ste. B4

Las Vegas NV 89106

Attorney for EDGEWORTHS

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5
6 Edgeworth Family Trust,
Plaintiff(s)

CASE NO: A-16-738444-C

7 vs.

DEPT. NO. Department 10

8
9 Lange Plumbing, L.L.C.,
Defendant(s)

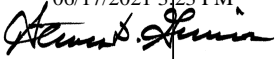
10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 6/17/2021

16 Daniel Simon .	lawyers@simonlawlv.com
17 Rhonda Onorato .	ronorato@rlattorneys.com
18 Mariella Dumbrique	mdumbrique@blacklobello.law
19 Michael Nunez	mnunez@murchisonlaw.com
20 Tyler Ure	ngarcia@murchisonlaw.com
21 Nicole Garcia	ngarcia@murchisonlaw.com
22 Bridget Salazar	bsalazar@vannahlaw.com
23 John Greene	jgreene@vannahlaw.com
24 James Christensen	jim@jchristensenlaw.com
25 Daniel Simon	dan@danielsimonlaw.com

1	Michael Nunez	mnunez@murchisonlaw.com
2		
3	Gary Call	gcall@rlattorneys.com
4	J. Graf	Rgraf@blacklobello.law
5	Robert Vannah	rvannah@vannahlaw.com
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7	Lauren Calvert	lcalvert@messner.com
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12	Rosa Solis-Rainey	rsr@morrislawgroup.com
13	David Gould	dgould@messner.com
14	Steve Morris	sm@morrislawgroup.com
15	Traci Baez	tkb@morrislawgroup.com
16	Jessie Church	jchurch@vannahlaw.com
17	James Christensen	jim@jchristensenlaw.com
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28		


CLERK OF THE COURT

ORDR

James R. Christensen Esq.
Nevada Bar No. 3861

JAMES R. CHRISTENSEN PC

601 S. 6th Street
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(702) 272-0406

-and-

Peter S. Christiansen, Esq.
Nevada Bar No. 5254

CHRISTIENSEN TRIAL LAWYERS

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(702) 240-7979

Attorneys for SIMON

**Eighth Judicial District Court
District of Nevada**

EDGEWORTH FAMILY TRUST; and
AMERICAN GRATING, LLC

Plaintiffs,

vs.

LANGE PLUMBING, LLC; THE VIKING
CORPORTATION, a Michigan corporation;
SUPPLY NETWORK, INC., dba VIKING
SUPPLYNET, a Michigan Corporation; and
DOES 1 through 5; and, ROE entities 6 through
10;
Defendants.

EDGEWORTH FAMILY TRUST;
AMERICAN GRATING, LLC

Plaintiffs,

vs.

DANIEL S. SIMON; THE LAW OFFICE OF
DANIEL S. SIMON, a Professional Corporation
d/b/a SIMON LAW; DOES 1 through 10; and,
ROE entities 1 through 10;

Defendants.

CASE NO.: A-18-767242-C
DEPT NO.: XXVI

Consolidated with

CASE NO.: A-16-738444-C
DEPT NO.: X

**DECISION AND ORDER DENYING
EDGEWORTH'S MOTION FOR ORDER
RELEASING CLIENT FUNDS AND
REQUIRING PRODUCTION OF
COMPLETE FILE**

1 **DECISION AND ORDER DENYING EDGEWORTH'S MOTION FOR ORDER**
2 **RELEASING CLIENT FUNDS AND REQUIRING PRODUCTION**
3 **OF COMPLETE FILE**

4 This matter came on for hearing on May 27, 2021, in the Eighth Judicial
5 District Court, Clark County, Nevada, the Honorable Tierra Jones presiding.
6 Defendants, Daniel Simon and Law Office of Daniel S. Simon d/b/a Simon Law
7 (jointly the "Defendants" or "Simon") having appeared by and through their
8 attorneys of record, James Christensen, Esq. and Peter Christiansen, Esq.; and,
9 Plaintiff Edgeworth Family Trust and American Grating, ("Plaintiff" or
10 "Edgeworths") having appeared through by and through their attorneys of record,
11 the law firm of Morris Law Group, Steve Morris, Esq. and Rosa Solis-Rainey, Esq.
12 The Court having considered the evidence, arguments of counsel and being fully
13 advised of the matters herein, the **COURT FINDS** after review:
14

15 The Motion for Order Releasing Client funds and Requiring Production of
16 Complete file is DENIED.
17

18 The Court finds that the Motion is premature regarding the releasing of
19 client funds, as the litigation in this case is still ongoing at this time because the
20 Court has not issued a final order in this matter and the time for appeal has not run.
21

22 The Court further finds and orders that there is a bilateral agreement to hold
23 the disputed funds in an interest-bearing account at the bank and until new details
24 are agreed upon to invalidate said agreement and a new agreement is reached, the
25

1 bilateral agreement is controlling and the disputed funds will remain in accordance
2 with the agreement.

3 The Court further finds that the issue of requiring the production of the
4 complete file is prevented by the Non-Disclosure Agreement (NDA) and the
5 request is DENIED.
6

7 IT IS SO ORDERED.

Dated this 17th day of June, 2021

8
9
10 
11 DISTRICT COURT JUDGE

12 **D0B 497 4775 23BB**
13 **Tierra Jones**
District Court Judge

14 Submitted By:

15 **JAMES R. CHRISTENSEN PC**

16
17 /s/ James R. Christensen
18 James R. Christensen Esq.
19 Nevada Bar No. 3861
20 601 S. 6th Street
21 Las Vegas NV 89101
22 Attorney for SIMON

Approved as to Form and Content:

15 **MORRIS LAW GROUP**

16
17 Declined
18 Steve Morris Esq.
19 Nevada Bar No. 1543
20 801 S. Rancho Drive, Ste. B4
21 Las Vegas NV 89106
22 Attorney for EDGEWORTHS

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Edgeworth Family Trust,
7 Plaintiff(s)

CASE NO: A-18-767242-C

8 vs.

DEPT. NO. Department 10

9 Daniel Simon, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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13 Court. The foregoing Order was served via the court's electronic eFile system to all
14 recipients registered for e-Service on the above entitled case as listed below:

Service Date: 6/17/2021

15 Peter Christiansen

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23 Debra Marquez

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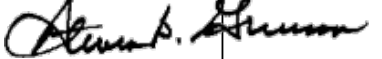
24 Chandi Melton

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1	John Greene	jgreene@vannahlaw.com
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3	James Christensen	jim@jchristensenlaw.com
4	Robert Vannah	rvannah@vannahlaw.com
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6	Daniel Simon	lawyers@simonlawlv.com
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NEO

James R. Christensen Esq.
Nevada Bar No. 3861

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601 S. 6th Street
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(702) 272-0406

-and-

Peter S. Christiansen, Esq.
Nevada Bar No. 5254

CHRISTIENSEN TRIAL LAWYERS

701 S. 7th Street
Las Vegas, NV 89101
(702) 240-7979

Attorneys for SIMON

**Eighth Judicial District Court
District of Nevada**

EDGEWORTH FAMILY TRUST; and
AMERICAN GRATING, LLC

Plaintiffs,

vs.

LANGE PLUMBING, LLC; THE VIKING
CORPORTATION, a Michigan corporation;
SUPPLY NETWORK, INC., dba VIKING
SUPPLYNET, a Michigan Corporation; and
DOES 1 through 5; and, ROE entities 6 through
10;
Defendants.

EDGEWORTH FAMILY TRUST;
AMERICAN GRATING, LLC

Plaintiffs,

vs.

DANIEL S. SIMON; THE LAW OFFICE OF
DANIEL S. SIMON, a Professional Corporation
d/b/a SIMON LAW; DOES 1 through 10; and,
ROE entities 1 through 10;

Defendants.

CASE NO.: A-18-767242-C
DEPT NO.: XXVI

Consolidated with

CASE NO.: A-16-738444-C
DEPT NO.: X

**NOTICE OF ENTRY OF DECISION AND
ORDER DENYING EDGEWORTH'S
MOTION FOR ORDER RELEASING
CLIENT FUNDS AND REQUIRING
PRODUCTION OF COMPLETE FILE**

1 **NOTICE OF ENTRY OF DECISION AND ORDER DENYING EDGEWORTH'S**
2 **MOTION FOR ORDER RELEASING CLIENT FUNDS AND REQUIRING**
3 **PRODUCTION OF COMPLETE FILE**

4 PLEASE TAKE NOTICE, a Decision and Order Denying Edgeworth's Motion for Order
5 Releasing Client Funds and Requiring Production of Complete File was entered on the 17th day
6 of June, 2021. A true and correct copy of the file-stamped Decision and Order is attached hereto.

7 DATED this 18th day of June, 2021.

8 **JAMES R. CHRISTENSEN PC**

9 /s/ James R. Christensen

10 James R. Christensen Esq.
11 Nevada Bar No. 3861
12 601 S. 6th Street
13 Las Vegas NV 89101
14 (702) 272-0406

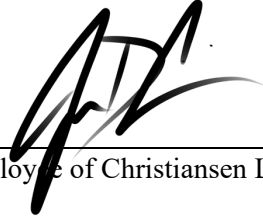
15 -and-

16 Peter S. Christiansen, Esq.
17 Nevada Bar No. 5254

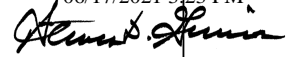
18 **CHRISTIANSEN TRIAL LAWYERS**
19 701 S. 7th Street
20 Las Vegas, NV 89101
21 (702)240-7979
22 Attorneys for SIMON

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of CHRISTIANSEN TRIAL LAWYERS, and that on this 18th day of June, 2021 I caused the foregoing document entitled ***NOTICE OF ENTRY OF DECISION AND ORDER DENYING EDGEWORTH'S MOTION FOR ORDER RELEASING CLIENT FUNDS AND REQUIRING PRODUCTION OF COMPLETE FILE*** to be served upon those persons designated by the parties in the E-Service Master List for the above-referenced matter in the Eighth Judicial District Court eFiling System in accordance with the mandatory electronic service requirements of Administrative Order 14-2 and the Nevada Electronic Filing and Conversion Rules.



An employee of Christiansen Law Offices


CLERK OF THE COURT

ORDR

James R. Christensen Esq.
Nevada Bar No. 3861

JAMES R. CHRISTENSEN PC

601 S. 6th Street
Las Vegas NV 89101
(702) 272-0406

-and-

Peter S. Christiansen, Esq.
Nevada Bar No. 5254

CHRISTIENSEN TRIAL LAWYERS

701 S. 7th Street
Las Vegas, NV 89101
(702) 240-7979

Attorneys for SIMON

**Eighth Judicial District Court
District of Nevada**

EDGEWORTH FAMILY TRUST; and
AMERICAN GRATING, LLC

Plaintiffs,

vs.

LANGE PLUMBING, LLC; THE VIKING
CORPORATION, a Michigan corporation;
SUPPLY NETWORK, INC., dba VIKING
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DOES 1 through 5; and, ROE entities 6 through
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Defendants.

EDGEWORTH FAMILY TRUST;
AMERICAN GRATING, LLC

Plaintiffs,

vs.

DANIEL S. SIMON; THE LAW OFFICE OF
DANIEL S. SIMON, a Professional Corporation
d/b/a SIMON LAW; DOES 1 through 10; and,
ROE entities 1 through 10;

Defendants.

CASE NO.: A-18-767242-C
DEPT NO.: XXVI

Consolidated with

CASE NO.: A-16-738444-C
DEPT NO.: X

**DECISION AND ORDER DENYING
EDGEWORTH'S MOTION FOR ORDER
RELEASING CLIENT FUNDS AND
REQUIRING PRODUCTION OF
COMPLETE FILE**

1 **DECISION AND ORDER DENYING EDGEWORTH'S MOTION FOR ORDER**
2 **RELEASING CLIENT FUNDS AND REQUIRING PRODUCTION**
3 **OF COMPLETE FILE**

4 This matter came on for hearing on May 27, 2021, in the Eighth Judicial
5 District Court, Clark County, Nevada, the Honorable Tierra Jones presiding.
6 Defendants, Daniel Simon and Law Office of Daniel S. Simon d/b/a Simon Law
7 (jointly the "Defendants" or "Simon") having appeared by and through their
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12 The Court having considered the evidence, arguments of counsel and being fully
13 advised of the matters herein, the **COURT FINDS** after review:
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15 The Motion for Order Releasing Client funds and Requiring Production of
16 Complete file is DENIED.
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18 The Court finds that the Motion is premature regarding the releasing of
19 client funds, as the litigation in this case is still ongoing at this time because the
20 Court has not issued a final order in this matter and the time for appeal has not run.
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3 The Court further finds that the issue of requiring the production of the
4 complete file is prevented by the Non-Disclosure Agreement (NDA) and the
5 request is DENIED.
6

7 IT IS SO ORDERED.

Dated this 17th day of June, 2021

8
9
10 
DISTRICT COURT JUDGE

11
12 **D0B 497 4775 23BB**
13 **Tierra Jones**
District Court Judge

14 Submitted By:

15 **JAMES R. CHRISTENSEN PC**

16
17 /s/ James R. Christensen
18 James R. Christensen Esq.
19 Nevada Bar No. 3861
20 601 S. 6th Street
21 Las Vegas NV 89101
22 Attorney for SIMON

Approved as to Form and Content:

15 **MORRIS LAW GROUP**

16
17 Declined
18 Steve Morris Esq.
19 Nevada Bar No. 1543
20 801 S. Rancho Drive, Ste. B4
21 Las Vegas NV 89106
22 Attorney for EDGEWORTHS

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Edgeworth Family Trust,
7 Plaintiff(s)

CASE NO: A-18-767242-C

8 vs.

DEPT. NO. Department 10

9 Daniel Simon, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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15 Peter Christiansen	pete@christiansenlaw.com
16 Whitney Barrett	wbarrett@christiansenlaw.com
17 Kendelee Leascher Works	kworks@christiansenlaw.com
18 R. Todd Terry	tterry@christiansenlaw.com
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20 Jonathan Crain	jcrain@christiansenlaw.com
21 David Clark	dclark@lipsonneilson.com
22 Susana Nutt	snutt@lipsonneilson.com
23 Debra Marquez	dmarquez@lipsonneilson.com
24 Chandi Melton	chandi@christiansenlaw.com
25 Bridget Salazar	bsalazar@vannahlaw.com

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3	Robert Vannah	rvannah@vannahlaw.com
4	Candice Farnsworth	candice@christiansenlaw.com
5	Daniel Simon	lawyers@simonlawlv.com
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15	Jessie Church	jchurch@vannahlaw.com
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

March 07, 2017

A-16-738444-C	Edgeworth Family Trust, Plaintiff(s) vs. Lange Plumbing, L.L.C., Defendant(s)
---------------	---

March 07, 2017 9:00 AM All Pending Motions

HEARD BY: Barker, David **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Call, Gary W.	Attorney
	Dalacas, Athanasia E.	Attorney
	Pancoast, Janet C	Attorney
	Simon, Daniel S., ESQ	Attorney

JOURNAL ENTRIES

- PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT...PLAINTIFF'S MOTIONN TO AMEND THE COMPLAINT ON ORDER SHORTENING TIME

Following arguments by counsel, COURT ORDERED, Plaintiff's Motion to Amend the Complaint, GRANTED. COURT FURTHER ORDERED, Plaintiff's Motion for Summary Judgment, DENIED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

April 25, 2017

A-16-738444-C	Edgeworth Family Trust, Plaintiff(s) vs. Lange Plumbing, L.L.C., Defendant(s)
---------------	---

April 25, 2017	9:30 AM	Motion for Summary Judgment
-----------------------	----------------	--

HEARD BY: Bonaventure, Joseph T. **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Dalacas, Athanasia E.	Attorney
	Pancoast, Janet C	Attorney
	Simon, Daniel S., ESQ	Attorney

JOURNAL ENTRIES

- Court noted it reviewed everything. Further, its only been a short time for discovery. Following arguments by counsel, Court Stated its Findings, and ORDERED, Plaintiffs' Motion for Summary Judgment Against Lange Plumbing, LLC, Only, DENIED WITHOUT PREJUDICE. Counsel can re-file after the production of the rebuttal experts reports. Plaintiff's counsel to prepare the order.

Pltf's counsel to determine how sprinkler heads will be transported; Deft Lange Plumbing will bear the costs of transfer and costs for risk of sprinkler heads not arriving at destination here in Las Vegas, and an adverse inference may be given if appropriate. Ms. Pancoast stated implicating Lange Plumbing with an adverse inference could impact Viking. Ms. Pancoast stated another party is coming into the case.

COMMISSIONER RECOMMENDED, discovery cutoff EXTENDED to 10-16-17 adding parties, amended pleadings, and initial expert disclosures DUE 7-17-17; rebuttal expert disclosures DUE 8-17-17; file dispositive motions by 11-16-17; 1-8-2018 Trial date STANDS. Commissioner advised counsel to let the new party know about destructive testing. Commissioner is available by conference call if necessary.

Ms. Dalacas to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

June 07, 2017

A-16-738444-C	Edgeworth Family Trust, Plaintiff(s)
	vs.
	Lange Plumbing, L.L.C., Defendant(s)

June 07, 2017 9:30 AM All Pending Motions

HEARD BY: Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT:	Dalacas, Athanasia E.	Attorney
	FERREL, ASHLEY	Attorney
	Pancoast, Janet C	Attorney
	Simon, Daniel S., ESQ	Attorney

JOURNAL ENTRIES

- Plaintiffs Motion to Compel the Deposition of Defendant Lange Plumbing, LLC's 30b6 Designee and for Sanctions Deft Lange Plumbing, LLC's Opposition / Countermotion for Sanctions

Commissioner advised counsel the knowledge requirement was removed from the 30(b)(6) deposition. Arguments by counsel. Commissioner will consider Mr. Simon's request for fees. MATTER TRAILED for counsel to conduct a 2.34 conference. MATTER RECALLED: Mr. Simon stated Ms. Dalacas will try to produce one of four witnesses and produce a 30(b)(6) Deponent on 6-29-17, and produce 1,000 personnel records by 6-14-17. Mr. Simon needs to see records to determine fees. Argument by Ms. Dalacas, and counsel requested Commissioner deny the fees. COMMISSIONER RECOMMENDED, Pltfs' Motion for an Order to Show Cause on 6-21-17 STANDS.

COMMISSIONER RECOMMENDED, Mr. Simon's Request for Fees is UNDER ADVISEMENT; Plaintiffs Motion to Compel the Deposition of Defendant Lange Plumbing, LLC's 30(b)(6) Designee

and for Sanctions is GRANTED, and include agreement in the body of Report and Recommendations; Status Check SET on Compliance; Commissioner will continue matter if counsel have a conflict; Deft Lange Plumbing, LLC's Countermotion for Sanctions is DENIED.

Mr. Simon to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Further arguments by counsel. Ms. Dalacas's family member passed away.

7-12-17 9:00 a.m. Status Check: Mr. Simon's Request for Fees SC: Compliance

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

July 12, 2017

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

July 12, 2017	9:00 AM	Status Check	Status Check: Mr. Simon's Request for Fees SC: Compliance
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HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT:	Dalacas, Athanasia E.	Attorney
	FERREL, ASHLEY	Attorney
	Pancoast, Janet C	Attorney
	Shaine, Cher L.	Attorney
	Simon, Daniel S., ESQ	Attorney

JOURNAL ENTRIES

- Mr. Simon stated the 30(b)(6) witness was produced, and witness information is missing re: who installed sprinklers inside the home; Kyle Mao (Installer) was disclosed June 2017, Mr. Simon took his deposition and he was employed the entire time and is still employed. No information on Clinton Stephon or Al (maybe Alfonso). Argument by Mr. Simon; supplement provided to Commissioner in Open Court. On 6-14-17, Ms. Dalacas stated 3,000 Pages were produced, 14 employee personnel files, and counsel confirmed Mr. Mao was disclosed in a 16.1 disclosure within the last few months. Arguments by counsel. Mr. Simon will supplement costs for the 30(b)(6) deposition unless counsel work it out. Commissioner will uphold counsels' negotiations.

Based on the Memorandum of Costs, COMMISSIONER RECOMMENDED, Commissioner awarded

PRINT DATE: 07/20/2021

Page 7 of 70

Minutes Date: March 07, 2017

AA1190

\$3,850, and payment due within 30 days after Court signs the recommendation. Commissioner accepted the analysis in supplemental memorandum, and Mr. Simon must apply the Brunzell factors; fees run to Lange Plumbing only, not the attorney; fees for court reporter and videographer for second 30(b)(6) deposition are UNDER ADVISEMENT; Status Check SET; if counsel believe documents are insufficient, have a 2.34 conference on the last 30(b)(6) discovery.

Mr. Simon requested measurements, raw data, and videotape from destructive testing on sprinklers, but portions weren't videotaped, and sprinklers must be transported back to Pltf's expert in California. Ms. Dalacas's expert has sprinklers in his possession, and counsel has no problem releasing them with a protocol in place. Colloquy. COMMISSIONER RECOMMENDED, counsel to work out the protocol; Ms. Dalacas must turn over videotape, raw data, and raw data sheet to all parties by 7-19-17. Expert disclosure deadlines discussed. Based on counsels' agreement, COMMISSIONER RECOMMENDED, move dates two weeks except dispositive motions. Ms. Shaine advised Commissioner she has a pending Motion on OST to extend deadlines and the Trial date. Commissioner stated the Judge's Order would supercede today's Recommendation from the Commissioner.

Ms. Ferrel to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.

8-9-17 9:00 a.m. Status Check: Fees (VACATED)

CLERK'S NOTE: In addition to the attorneys' fees awarded above, the Discovery Commissioner awards Plaintiffs their costs of \$973.20 for the Court Reporter and Videographer for the deposition of Bernie Lange taken on June 29, 2017. These costs are to be included in the July 12, 2017 Report and Recommendations to be prepared by Plaintiffs' counsel and submitted within ten (10) days. The Status Check hearing set 8-9-17 is VACATED. (JL 7-21-17)

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of:

Daviel Simon
Athanasia Dalacas - Resnick & Louis
Janet Pancoast - Cisneros & Marias
Cher Shaine - O'Reilly Law

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

July 25, 2017

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

July 25, 2017 **9:30 AM** **Motion**

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Dalacas, Athanasia E. Attorney
 FERREL, ASHLEY Attorney
 Pancoast, Janet C Attorney
 Simon, Daniel S., ESQ Attorney
 Ure, Tyler Attorney

JOURNAL ENTRIES

- Following arguments by counsel, Court stated its findings and ORDERED, As to Giberti Construction LLC's Motion to Extend Discovery Deadlines, based on the original discovery disclosure deadline of 7-17-17, discovery extended for thirty 30 days. Deadlines are as follows: Close of Discovery will be 11-13-17; Last day to file motions to amend pleadings or add parties will be 8-14-17; Initial expert disclosure will be 8-14-17; Rebuttal expert disclosure 9-18-17; Last day to file dispositive motions will be 12-11-17. Colloquy regarding trial stacks. Upon Counsel's request, Court noted the 2-5-18 trial date will be the governing trial date for supplemental reports by experts. Court noted Judge Bonaventure's ruling on 4-24-17 that the motion for summary Judgment motion could be renewed after rebuttal expert reports, the Court will let that ruling Stand.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

August 23, 2017

A-16-738444-C	Edgeworth Family Trust, Plaintiff(s) vs. Lange Plumbing, L.L.C., Defendant(s)
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August 23, 2017 9:30 AM All Pending Motions

HEARD BY: Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT:	Dalacas, Athanasia E.	Attorney
	FERREL, ASHLEY	Attorney
	Pancoast, Janet C	Attorney
	Simon, Daniel S., ESQ	Attorney
	Ure, Tyler	Attorney

JOURNAL ENTRIES

- Plaintiffs' Motion to Compel Viking Documents and for Order to Respond to Discovery and for Sanctions on OST

Defendant's The Viking Corporation & Supply Network Inc.'s Motion for Protective Order (No. 2) & Request for OST

The Viking Corporation & Supply Network, Inc.'s Motion for Protective Order & Request for OST

COMMISSIONER RECOMMENDED, Plaintiffs' Motion to Compel Viking Documents and for Order to Respond to Discovery and for Sanctions is GRANTED IN PART; go back five years prior to date of this incident and produce models that use fusible link solder LIMITED to the United States for timeframe of January 1, 2012 up to the present time (any geographical locations where VK457 sprinkler heads were distributed). Arguments by counsel. Incident occurred April 2016. Two

Attorneys are in the courtroom, but they haven't been admitted Pro Hac Vice.

Email provided to Commissioner in Open Court from Mr. Simon. If an email is produced, Commissioner stated the attachments must be produced. MATTER TRAILED for a meaningful 2.34 conference. MATTER RECALLED: Mr. Simon stated Ms. Pancoast will produce more information. Arguments by counsel. Mr. Simon stated California litigation involves the same sprinkler heads and the same activation issue. Mr. Simon contacted counsel for Plaintiffs, but they refused to speak with him. The California case did not go to Trial. Colloquy re: what the Protective Order covered. COMMISSIONER RECOMMENDED, turn over expert depositions, reports, and Deft depositions or 30(b)(6) depositions. Colloquy re: turning over documents filed or attached to dispositive motions unless the Court seals the entire case. COMMISSIONER RECOMMENDED, produce Pltf depositions (Harold Rogers and Patrick Human), and Mr. Simon will pay reasonable copy costs under Rule 34(d).

COMMISSIONER RECOMMENDED, in Motion to Compel - 1) VK457 produce all documents dealing with sprinkler activations worldwide from 1-1-2012 to the present; 2) production and decision to release 7800 sprinklers to the public December 2013 is a 30(b)(6) Topic - produce information and Pltf will pay reasonable copy charges; 3) drawings - provide information related to VK457; 4) all emails and attachments must be produced as discussed; 5) supplement answers and documents for VK457 and provide U.K. information related to VK457; 6) documents LIMITED to activation issues and over-tightening of screw or solder problem pertaining to VK457. Upon Mr. Simon's request for an organized production, COMMISSIONER RECOMMENDED, produce by date (month and year, earliest date first). Colloquy. COMMISSIONER RECOMMENDED, Request for Sanctions is DEFERRED, and Status Check SET; supplemental information due 9-22-17. Commissioner offered a Mandatory Settlement Conference. Ms. Pancoast stated the parties are setting up private Mediation in October. Contact Commissioner for assistance with a MSC if necessary.

Colloquy re: resetting Mr. Carnahan's deposition on 9-7-17. Commissioner will not give a second deposition after the rebuttal report. COMMISSIONER RECOMMENDED, counsel must comply with Rule 16.1(a)(2); overly burdensome production is DENIED with the CAVEAT, after taking Mr. Carnahan's deposition, request the transcript. Colloquy re: asking questions about Mr. Carnahan's participation with the Law Firm. Mr. Simon made the Demand on the record. COMMISSIONER RECOMMENDED, reports and deposition transcripts from Thorpe litigation and SSF litigation must be available, and the whole work file for this case; every report, deposition transcripts, and billing records are PROTECTED unless there was a specific report pertaining to VK457 or a deposition given in Thorpe or SSF cases; if under a Protective Order, assert a privilege, and provide a copy of the Court Order to Mr. Simon.

Colloquy re: emails not marked should not be confidential. Document provided to Commissioner in

Open Court from Mr. Simon. Arguments by counsel. Mr. Simon brought four discs re: document production. COMMISSIONER RECOMMENDED, for Rule 30(b)(6) deposition, subjects 621, 622, 623, 624, are LIMITED to VK457 for 1-1-2012 to the present, but are Not Limited to the United States; Interrogatory 1 - identify document and bates label, or answer and verify; Interrogatory 2 is LIMITED to VK457; Request for Production 7 and 16 - answer them for five years prior to subject incident LIMITED to VK457, and email attachments must be produced; RTP 1, 2, 3 - production is Not Limited to the U.S., but is LIMITED to VK457 for 1-1-2012 to the present; if Defts don't have documents, explain efforts and why Defts don't have documents; supplement due 9-22-17. COMMISSIONER RECOMMENDED, The Viking Corporation & Supply Network, Inc.'s Motion for Protective Order & Request is GRANTED IN PART; Defendant's The Viking Corporation & Supply Network Inc's Motion for Protective Order (No. 2) & Request is GRANTED IN PART.

Ms. Pancoast to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 20 days of the hearing. Otherwise, counsel will pay a contribution.

10-11-17 10:30 a.m. Status Check: Claims

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

September 07, 2017

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

September 07, 2017 3:00 AM All Pending Motions

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Motion to Associate Counsel: Following a review of the papers and pleadings on file herein, the Court finds that the Motion to Associate Counsel is GRANTED

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability**COURT MINUTES****September 13, 2017**

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

September 13, 2017	10:00 AM	Motion to Compel	Defendants The Viking Corporation & Supply Network, Inc.'s Motion to Compel Home Inspection & or in the Alternative Motion to Strike Portions of Expert Testimony & OST
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HEARD BY: Bulla, Bonnie**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Aja Brown**RECORDER:** Francesca Haak**REPORTER:****PARTIES**

PRESENT:	Dalacas, Athanasia E.	Attorney
	FERREL, ASHLEY	Attorney
	Pancoast, Janet C	Attorney
	Simon, Daniel S., ESQ	Attorney
	Ure, Tyler	Attorney

JOURNAL ENTRIES

- Commissioner will not strike expert testimony. Colloquy re: numerous requests to inspect, and Defts wanted to conduct a heat test and inspect the property (wasn't done); Defts want a one hour test, Pltfs who live in the house could remain (but they won't without Pltf's counsel present). Unless there is a change in circumstance, Commissioner inquired why another inspection is needed. Argument by Ms. Pancoast; counsel stated the inspection is to see the present condition of the house.

PRINT DATE: 07/20/2021

Page 14 of 70

Minutes Date: March 07, 2017

AA1197

The house was listed for sale May 2017. Commissioner will give the Realtor expert some consideration. Ms. Pancoast will take the attic off the list based on the discussion, and the General Contractor will deal with claims from Page 41 on Appraiser's report. Commissioner asked Ms. Pancoast to articulate what Deft wants to inspect. Statement by Ms. Dalacas. Colloquy re: expert disclosures.

Argument by Mr. Simon; Pltf hasn't been deposed. Nothing has changed in the house, Pltf completed repairs as much as they could to list the house; things disclosed from day one are ultimately unrepairable, and Mr. Simon stated that is the case. Arguments by counsel. Pltfs are still living in the house. Commissioner will not continue the Trial date. Counsel were Directed not to speak and argue with each other, but present arguments to Commissioner. Colloquy re: status of the fireplace. Mr. Simon stated the house was fully repaired to the best it could be, and listed for sale May 2017. Commissioner is asking questions, and counsel must answer without interruption. COMMISSIONER RECOMMENDED, motion is DENIED WITHOUT PREJUDICE. Ms. Pancoast requested color copies of photos from Pltf Appraisal expert's report. Provided as discussed. Ms. Ferrel to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

September 19, 2017

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

**September 19, 2017 9:30 AM Motion to Amend
Complaint**

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: FERREL, ASHLEY Attorney
KERSHAW, SETH S, ESQ Attorney
Nunez, Michael J. Attorney
Simon, Daniel S., ESQ Attorney

JOURNAL ENTRIES

- Following arguments by counsel, Court Stated its Findings and ORDERED, Plaintiffs' Motion to Amend the Complaint to Add Viking Group, Inc, GRANTED. Mr. Simon to prepare the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

September 20, 2017

A-16-738444-C	Edgeworth Family Trust, Plaintiff(s)
	vs.
	Lange Plumbing, L.L.C., Defendant(s)

September 20, 2017 9:30 AM All Pending Motions

HEARD BY: Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT:	Couvillier III, Maximiliano D.	Attorney
	FERREL, ASHLEY	Attorney
	Pancoast, Janet C	Attorney
	Simon, Daniel S., ESQ	Attorney

JOURNAL ENTRIES

- Plaintiffs' Motion to Compel Rimkus Consulting to Respond to the Notice of Deposition and Subpoena Duces Tecum

NonParty Rimkus Construing Group, Inc.'s Opposition to Plaintiffs' Motion to Compel Rimkus Consulting Group [Group, Inc.] to Respond to the Notice of Deposition and Subpoena Duces Tecum; and Counter-Motion to Quash, and Motion for Protective Order

Mr. Simon stated during the deposition, the Engineer agreed to prepare a list, a bill was sent, and Mr. Simon paid it. Then there was an objection. Commissioner advised counsel to modify the Subpoena. Arguments by counsel. COMMISSIONER RECOMMENDED, Plaintiffs' Motion to Compel Rimkus Consulting to Respond to the Notice of Deposition and Subpoena Duces Tecum is GRANTED, scope of Subpoena is MODIFIED and limited to the VK457 sprinkler heads list by Mr. Johnson; REDACT name of person or entity on ownership where sprinklers were examined; the entire list Will Not be

shared with anyone outside of litigation, and the consulting type reviews are PROTECTED under Rule 26(c) until such time as otherwise ordered by the District Court Judge; for matters reviewed involving litigation, identify and go back four years pursuant to Rule 16.1; if there are court cases, there is no privilege. Upon Mr. Simon's request, COMMISSIONER RECOMMENDED, whatever list Mr. Johnson contemplated at the time of his deposition will be disclosed; if the list includes a case already in litigation, it is Not Protected.

COMMISSIONER RECOMMENDED, NonParty Rimkus Construing Group, Inc.'s Counter-Motion to Quash, and Motion for Protective Order is DENIED. Mr. Couvillier requested cost sharing. Commissioner stated Mr. Simon will not be charged more money.

Ms. Ferrel to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

October 03, 2017

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

October 03, 2017 9:30 AM All Pending Motions

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Boezeman-Farias, Laura	Attorney
	FERREL, ASHLEY	Attorney
	KERSHAW, SETH S, ESQ	Attorney
	Simon, Daniel S., ESQ	Attorney
	Ure, Tyler	Attorney

JOURNAL ENTRIES

- Plaintiffs' Motion in Limine to Exclude Defendants the Viking Corporation & Supply Network, Inc. dba Viking Supplynet's Expert, Jay Rosenthal on Order Shortening Time....Third Party Defendant GIlberti Construction LLC's Joinder to Plaintiff's Motion to Strike Viking's Answer on OST

Court noted it received an opposition in chambers late yesterday, however, the one the Court has does not have a file stamp. The parties agree to go forward. Mr. Simon submitted photo's to the Court and lodged as Court's exhibits. COURT ORDERED, Joinder GRANTED. Following arguments by counsel, Court stated its Findings and ORDERED, Plaintiffs' Motion in Limine to Exclude Defendants the Viking Corporation & Supply Network, Inc. dba Viking Supplynet's Expert, Jay Rosenthal, GRANTED. Court noted if for some reason, that changes and counsel finds out additional information and goes through the proper procedures, counsel can readdress that. Plaintiff's counsel to prepare the order and submit to Court for signature.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

October 04, 2017

A-16-738444-C	Edgeworth Family Trust, Plaintiff(s) vs. Lange Plumbing, L.L.C., Defendant(s)
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October 04, 2017 9:30 AM All Pending Motions

HEARD BY: Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT:	Dalacas, Athanasia E.	Attorney
	FERREL, ASHLEY	Attorney
	KERSHAW, SETH S, ESQ	Attorney
	Pancoast, Janet C	Attorney
	Simon, Daniel S., ESQ	Attorney
	Ure, Tyler	Attorney

JOURNAL ENTRIES

- Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their DocumentsThird Party
Deft Giberti Corporation LLC's Joinder

COMMISSIONER RECOMMENDED, submit amended privilege log to Commissioner as soon as possible but by 10-13-17 (10-10-17 RESCINDED); hand deliver to Commissioner, Pltf, and co-Defense counsel (no ex-parte). Defts agreed to provide an Opposition by 10-11-17 to Motion to Strike the Answer. COMMISSIONER RECOMMENDED, Motion to De-Designate and the Joinder are CONTINUED.

Plaintiffs' Motion to Compel Testimony and Evidence of Defts, the Viking Corporation & Supply

PRINT DATE: 07/20/2021

Page 20 of 70

Minutes Date: March 07, 2017

AA1203

Network Inc dba Viking Supplynet's Expert, Robert Carnahan, or in the Alternative, Strike Robert Carnahan as an Expert on OST Third Party Deft Giberti Corporation LLC's Joinder

Commissioner addressed confidential document production and the Protective Order. Colloquy. Argument by Mr. Kershaw and Mr. Simon. Two documents produced in this case by Viking were provided to Commissioner from Mr. Simon in Open Court. COMMISSIONER RECOMMENDED, whatever Mr. Carnahan reviewed / authored in preparation for his deposition and testimony will be produced (including UL documents and billing records). Arguments by counsel. COMMISSIONER RECOMMENDED, Motion to Compel and Joinders are GRANTED within parameters; Mr. Carnahan will provide testimony on sprinkler head VK457 and materials; to the extent Mr. Carnahan did testing in other venues for opinions he relied on in this case, costs of three tests, and Mr. Carnahan's compensation, the information must be produced, and address related bias issues; no other billing.

COMMISSIONER RECOMMENDED, costs of Mr. Carnahan's second deposition borne by Deft including pay expert fees, Court Reporter fee, and pay for Plaintiff's transcript. Mr. Carnahan is in Los Angeles. Under these circumstances, COMMISSIONER RECOMMENDED, the second deposition can be a video conference for 3 1/2 hours, and send documents to the Court Reporter in advance; Deft will pay for video conference and Videographer. COMMISSIONER RECOMMENDED, produce additional documents to Pltf's counsel no later than 10-25-17 (RESCIND 10-31-17), and complete Mr. Carnahan's deposition by 11-15-17 (RESCIND 11-30-17); alternative relief is DENIED WITHOUT PREJUDICE, and the expert Is Not Stricken; documents discussed will be covered by the Protective Order in this case.

Ms. Dalacas had no chance to question Mr. Carnahan, and counsel requested time to question the expert. Commissioner advised Ms. Dalacas and Defense counsel they must pay the expert's time (invoice after deposition). Mr. Simon stated the Judge gave a somewhat Firm Trial date of 2-5-18; discovery cutoff EXTENDED to 12-1-17; dispositive motions deadline STANDS; no repetitive questioning. COMMISSIONER RECOMMENDED, deposition is one day, do not exceed seven hours. Commissioner is available by conference call. Mr. Simon stated Mediation is set 10-10-17. Ms. Ferrel to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.

10-18-17 10:30 a.m. Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST and Joinder

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

October 18, 2017

A-16-738444-C	Edgeworth Family Trust, Plaintiff(s)
	vs.
	Lange Plumbing, L.L.C., Defendant(s)

October 18, 2017 10:30 AM All Pending Motions

HEARD BY: Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT:	Dalacas, Athanasia E.	Attorney
	FERREL, ASHLEY	Attorney
	Pancoast, Janet C	Attorney
	Simon, Daniel S., ESQ	Attorney

JOURNAL ENTRIES

- Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST
Plaintiffs' Motion to Strike the Viking Defendants' Answer on OST Status Check: Compliance I
Discovery

Third Party Deft Giberti Corporation LLC's Joinder to Plaintiffs' Motion to De-Designate Viking's
Confidentiality of Their Documents on OST

Third Party Defendant Giberti Construction LLC's Joinder to Plaintiffs' Motion to Strike the Viking
Defendants Answer on OST

Kenton L. Robinson, Esquire, for The Viking Corporation and Supply Network Inc.

Commissioner advised Mr. Simon to make a list of all discovery abuses. Commissioner inquired 1) was there actual in fact any type of head testing on sprinklerhead VK457; 2) whether testing associated with VK456 formed the basis of testing or resolution on VK457, and information that supports how many sprinklers prematurely activated causing a claim, knowledge of a claim, or knowledge it actually happened (loss or not); how many premature activations were there, and if information was known prior to this lawsuit in 2016.

Mr. Simon cannot address certain information as it hasn't been disclosed, and Defts were not forthcoming. Argument by Mr. Simon. Document provided to Commissioner in Open Court. Discovery abuse 1 - misrepresentation and failure to produce documents; 2 - failure to produce relevant emails and attachments as previously ordered. Argument by Mr. Simon. Commissioner addressed previous recommendation including protection of VK456. Discovery abuse 3 - misrepresentation and failure to provide testing of VK457 specifically for UL testing.

Sia Dalacas, Esquire, present for Lange Plumbing LLC.

Upon Commissioner's inquiry, Ms. Dalacas stated Lange Plumbing replaced all heads with Tyco heads in 2016, and Lange Plumbing paid for it; no reimbursement. Document provided to Commissioner from Mr. Simon in Open Court. Discovery abuse 4 - misrepresentations for failure to timely produce evidence of premature activations of sprinklerhead VK457. Argument by Mr. Robinson in opposition to Discovery abuses 1, 2, 3, 4. Colloquy re: findings of testing sprinklerheads. Mr. Simon responded to opposition. Document provided to Commissioner in Open Court from Mr. Simon. Arguments by counsel. Mr. Simon requested Discovery abuse 5 - the reason VK457 was discontinued. Commissioner asked if counsel are interested in a Mandatory Settlement Conference. No objection by Ms. Dalacas; no objection by Mr. Robinson to a Mediation or Settlement Conference with a Judge. Mr. Simon stated Pltf will attend, however, counsel doesn't know how fruitful it will be as Mr. Simon is still trying to obtain information. Mr. Simon stated expert depositions are being scheduled. Colloquy. COMMISSIONER RECOMMENDED, Status Check SET.

Commissioner addressed the difficulty of the 55 Page privilege log. Argument by Ms. Pancoast. Commissioner advised counsel to meet and discuss what constitutes a protected document. Commissioner advised counsel if there is a case termination sanction, the District Court Judge will conduct the Evidentiary Hearing. Mr. Simon requested a stay on expert depositions. Commissioner suggested counsel move expert depositions. COMMISSIONER RECOMMENDED, Motion and Joinders are UNDER ADVISEMENT and CONTINUED.

10-24-17 11:00 a.m. same as above

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

October 24, 2017

A-16-738444-C	Edgeworth Family Trust, Plaintiff(s)
	vs.
	Lange Plumbing, L.L.C., Defendant(s)

October 24, 2017 11:00 AM All Pending Motions

HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT:	FERREL, ASHLEY	Attorney
	Pancoast, Janet C	Attorney
	Simon, Daniel S., ESQ	Attorney

JOURNAL ENTRIES

- Status Check: Status of case

Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST

Third Party Deft Giberti Corporation LLC's Joinder to Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST

Plaintiffs' Motion to Strike the Viking Defendants' Answer on OST

Third Party Defendant Giberti Construction LLC's Joinder to Plaintiffs' Motion to Strike the Viking Defendants Answer on OST

ATTORNEYS PRESENT: Athanasia Dalacas (Lange Plumbing LLC) and Kenton Robinson (Supply

PRINT DATE: 07/20/2021

Page 24 of 70

Minutes Date: March 07, 2017

AA1207

Network Inc. and Viking Corporation).

Colloquy re: load on link testing (pressure test), and solder creep testing (heat, pressure, time); discussion re: UL testing and product shipped in 2009. First premature activation of sprinkler head in 2013, and this incident was 4-9-16. Trial date is 1-8-18; Pltf's dispositive Motion against Lange Plumbing set 10-31-17. Ms. Pancoast stated the Judge advised counsel to be Trial ready 2-5-18. Theodore Parker, Esquire, present for Lange Plumbing. Commissioner advised counsel an Evidentiary Hearing is needed to determine whether or not there were intentional acts of misrepresentation, and an Evidentiary Hearing is DEFERRED to the District Court Judge. Commissioner addressed counsel regarding the combination of factors that led the case to where it is today.

Based on a review of the papers, pleadings, and supplements in this case, COMMISSIONER FINDS 1) there was a misrepresentation to Pltfs in this case made by Viking Defts that UL testing was performed on the VK457 sprinkler head at or near the time the sprinkler head was marketed in 2008/2009 when this in fact had not occurred; 2) additional misrepresentations made by Viking Defts that UL had properly tested VK457, and there were no manufacturing defects in VK457 in production of VK457 in spite of the fact it had performed load on link testing in this case with this sprinkler head; 3) critical UL testing of sprinkler head - what the proper heat exposure could be for VK457 to start to disintegrate and cause premature activation, and whether there was a manufacturing defect (tightening screws causing lever to bend and pressure to increase on link causing premature activation of VK457); 4) number of premature activations of VK457 prior to filing this lawsuit. It is unclear to Commissioner the cause of one other premature activation in Clark County, and nothing was done until May 2017. COMMISSIONER FINDS 5) in spite of current knowledge of VK457 Deft continued to answer written discovery that UL testing was done in this case, and giving inconsistent answers to written discovery different than what their 30(b)(6) witness testified to and what their expert testified to. Colloquy re: Request for Admission 19.

After an Evidentiary Hearing, if the Judge issues case terminating sanctions, Commissioner's Recommendation will be Moot. COMMISSIONER RECOMMENDED, Plaintiffs' Motion to Strike the Viking Defendants' Answer and Joinder are DEFERRED to the Judge. In lieu of striking Viking's Answers, alternative relief is provided, and COMMISSIONER RECOMMENDED the Jury be advised by proper Jury instruction that contrary to initial representations made by Viking Defts in this case, no UL testing was performed on VK457 that involved load on link testing and/or heat tolerance testing; 2) due to misrepresentations made re: UL testing, there were significant costs incurred to determine testing was not completed; Commissioner understands testing is now being done, however, COMMISSIONER RECOMMENDED current testing on sprinkler head Not Be Allowed at Trial; Deft Will Not be able to utilize the heat defense at the time of Trial; all references to such be STRICKEN, and no expert testimony re: failure of VK457 due to heat in the attic. Argument by Mr. Parker.

Fees and costs are DEFERRED to the Judge; COMMISSIONER RECOMMENDED an award of fees and costs for bringing a Motion to Strike Answers, for supplements, and Hearings for Pltfs' counsel; Deft could put together fees and costs to defend with the Brunzell factors. If Answers are Not Stricken and case is sent back to Commissioner to determine fees and costs, Commissioner will hear the matter. Arguments by counsel. Language discussed on an adverse inference Jury instruction. Commissioner stated in lieu of striking the Answers, there should be a Jury instruction given that contrary to representations made, UL did not test VK457 sprinkler head. Arguments by counsel. COMMISSIONER RECOMMENDED Viking's heat defense / theory why the VK457 sprinklers prematurely activated be STRICKEN; load on link testing defense is DEFERRED to the Judge. Mr. Simon requested to stay expert discovery. Commissioner has no opposition, but terms of stay are DEFERRED to the Judge. Commissioner offered a Mandatory Settlement Conference or Mediation; speak to the clients. Mr. Simon addressed revising the privilege log. Argument by Ms. Pancoast.

Commissioner will review documents in camera. Arguments by counsel re: document production. Court Clerk received an email that Ms. Pancoast is needed in Department 6. COMMISSIONER RECOMMENDED, documents produced in this case will REMAIN PROTECTED until otherwise ordered by the District Court Judge; if any documents contain factual information, that information is not protected. Document provided to Commissioner from Mr. Simon in Open Court. COMMISSIONER RECOMMENDED, personal identifiers are PROTECTED; Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents and Joinder are CONTINUED. Ms. Ferrel to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.

11-17-17 10:00 a.m.

Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST

Third Party Deft Giberti Corporation LLC's Joinder to Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

October 31, 2017

A-16-738444-C	Edgeworth Family Trust, Plaintiff(s) vs. Lange Plumbing, L.L.C., Defendant(s)
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October 31, 2017 9:30 AM All Pending Motions

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	FERREL, ASHLEY	Attorney
	Pancoast, Janet C	Attorney
	Parker, Theodore	Attorney
	Simon, Daniel S., ESQ	Attorney

JOURNAL ENTRIES

- Plaintiffs Motion in Limine to Exclude Defendants The Viking Corporation & Supply Network, Inc., dba Viking Supplynet's Expert Robert Carnahan on Order Shortening Time...Plaintiffs' Motion for Summary Judgment Against Lange Plumbing LLC Only

APPEARANCES CONTINUED, Kenton Robinson Esq., present on behalf of Supply Network Inc. and Viking Corporation.

Court advised it spoke with Commissioner Bulla regarding the discovery violations found, and that Commissioner Bulla kicked the Heat Defense. Upon Court's inquiry regarding the load on link testing, and Commissioner Bulla's ruling as to that portion being left up to this Court, Mr. Simon advised there's some new current load on link testing, and not a single document has been produced. Further, Commissioner Bulla said they're never using that new testing. As far as the heat defense she's striking that. As to the load on link defense, based on the UL testing that wasn't done, that issue was deferred to this Court. As to all fees and costs regarding the discovery violations, that was deferred to this Court.

Argument by Mr. Simon in support of Plaintiffs Motion in Limine to Exclude Defendants The Viking Corporation & Supply Network, Inc., dba Viking Supplynet's Expert Robert Carnahan. Opposition by Mr. Robinson. Court noted it would like to review Commissioner Bulla's findings that are not available in Odyssey yet, before ruling on this motion. Mr. Simon to submit Reply to Opposition by the end of the week.

Representations by Mr. Parker requesting the Court continue the matter, advising he asked Mr. Simon for an extension on this hearing, as he just received the file last week and he hasn't seen the discovery. Further, counsel is still waiting on correspondence files from withdrawing counsel, and there may have been a mistake with the thumb drive and he hasn't received the written discovery. Upon Court's inquiry, the opposition was filed by the withdrawing counsel. Mr. Simon requested previous counsel be present. Colloquy regarding previous counsel. Mr. Parker advised if they get the substitution of counsel done, it should alleviate some of the Court's concerns. COURT ORDERED, matters CONTINUED to the date given.

11/14/17 9:30 A.M. Plaintiffs Motion in Limine to Exclude Defendants The Viking Corporation & Supply Network, Inc., dba Viking Supplynet's Expert Robert Carnahan on Order Shortening Time...Plaintiffs' Motion for Summary Judgment Against Lange Plumbing LLC Only

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

November 09, 2017

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

November 09, 2017 3:00 AM Motion to Reconsider

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Plaintiff s Motion to Reconsider Order Granting The Viking Defendants Motions to Associate Counsel

Following a review of the papers and pleadings on file herein, COURT ORDERED a Status Check Hearing on November 14, 2017 at 9:30 a.m.

11/14/17 9:30 A.M. Status Check: Plaintiff s Motion to Reconsider Order Granting The Viking Defendants Motions to Associate Counsel

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

November 14, 2017

A-16-738444-C	Edgeworth Family Trust, Plaintiff(s)
	vs.
	Lange Plumbing, L.L.C., Defendant(s)

November 14, 2017 9:30 AM All Pending Motions

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	FERREL, ASHLEY	Attorney
	Pancoast, Janet C	Attorney
	Parker, Theodore	Attorney
	Simon, Daniel S., ESQ	Attorney

JOURNAL ENTRIES

- Status Check: Plaintiffs Motion to Reconsider Order Granting The Viking Defendants Motions to Associate Counsel...Plaintiffs' Motion for Summary Judgment Against Lange Plumbing LLC Only...Plaintiffs Motion in Limine to Exclude Defendants The Viking Corporation & Supply Network, Inc., dba Viking Supplynet's Expert Robert Carnahan on Order Shortening Time

APPEARANCES CONTINUED: Kenton Robinson Esq., for Supply Network Inc. and Viking Corporation. Mr. Polsenburg, present, pending counsel.

Court noted Plaintiff had a motion on the Court moved Plaintiffs Motion to Reconsider Order Granting The Viking Defendants Motions to Associate Counsel form its chamber's calendar since all parties were here today. Further, the Court spoke with Discovery Commissioner Bulla and her recommendations from the last hearing in October should be out next week or the week after and those are the subject of the evidentiary hearing. Upon Court's inquiry, Mr. Simon advised counsel will need 3 full days for the hearing. Colloquy regarding Court's schedule and counsel's availability. Mr. Parker advised he would like to see the Giberti file and American Grating. Court noted counsel

was to confer on this. Court directed counsel to meet Thursday or Friday. Further, if counsel has discovery issues, they can address those with Discovery Commissioner Bulla. COURT ORDERED, Evidentiary Hearing Set for 12-13-17, at 10:30 a.m., 12-14-17 and 12-15-17 at 9:00 a.m. Argument by Mr. Simon in support Plaintiffs Motion in Limine to Exclude Defendants The Viking Corporation & Supply Network, Inc., dba Viking Supplynet's Expert Robert Carnahan on Order Shortening Time. Argument in opposition by Mr. Robinson. COURT ORDERED, Ruling DEFERRED until the conclusion of the Evidentiary Hearing. Argument by Mr. Simon in support of Plaintiffs' Motion for Summary Judgment Against Lange Plumbing LLC Only. Argument in Opposition by Mr. Parker. Court directed Mr. Parker to supplement the Opposition, by 11-22-17 at close of business. Further, Mr. Simon to file Reply to Opposition by 12-1-17 at close of business. and hearing set on 12-7-17 at 9:30 a.m. Further, Motion to Bifurcate to be heard on 12-7-17 at 9:30 a.m. As to Plaintiffs Motion to Reconsider Order Granting The Viking Defendants Motions to Associate Counsel, Court noted it doesn't have Discovery Commissioner Bulla's Recommendations and the Evidentiary Hearing. Colloquy regarding the dispositive motion deadline, and outstanding depositions, Ms. Pancoast advised the parties moved all the deadlines and focusing on the 2-5-18 trial date and the close of discovery is January 1, 2018, based on the Motion to Continue trial. Further, counsel requested a order for Settlement Conference. Opposition by Mr. Simon. Court noted it will talk to Commissioner Bulla, and counsel can revisit the issue if something has changed.

12/07/17 9:00 a.m. Plaintiffs' Motion for Summary Judgment Against Lange Plumbing LLC Only...Motion to Bifurcate

12-13-17 10:30 a.m. Evidentiary Hearing

12-14-17 9:00 a.m. Evidentiary Hearing

12-15-17 9:00 a.m. Evidentiary Hearing Ruling: Plaintiffs Motion in Limine to Exclude Defendants The Viking Corporation & Supply Network, Inc., dba Viking Supplynet's Expert Robert Carnahan on Order Shortening Time...Plaintiffs Motion to Reconsider Order Granting The Viking Defendants Motions to Associate Counsel

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

November 17, 2017

A-16-738444-C	Edgeworth Family Trust, Plaintiff(s) vs. Lange Plumbing, L.L.C., Defendant(s)
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November 17, 2017 10:00 AM All Pending Motions

HEARD BY: Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT:	Pancoast, Janet C	Attorney
	Parker, Theodore	Attorney
	Polsenberg, Daniel F.	Attorney
	Simon, Daniel S., ESQ	Attorney
	Sinnott, Randolph P.	Attorney

JOURNAL ENTRIES

- Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST

Third Party Deft Giberti Corporation LLC's Joinder to Plaintiffs' Motion to De-Designate Viking's Confidentiality of Their Documents on OST

Non-Party Zurich American Insurance Company's Motion For A Protective Order, Or In The Alternative To Quash Subpoenas, and Counter Motion to Compel Defts the Viking Corporation & Supply Network, Inc.'s Motion to Stay Enforcement of Discovery Commissioner's Report & Recommendation Pursuant to EDCR 2.34(e) & Request for OST

Defendants The Viking Corporation & Supply Network Inc's Motion to Strike Plaintiff's Untimely Disclosed Expert Crane Pomerantz & Request for OST

Plaintiffs' Opposition to Non-Party Zurich American Insurance Co.'s Motion for a Protective Order,

PRINT DATE: 07/20/2021

Page 32 of 70

Minutes Date: March 07, 2017

AA1215

or in the Alternative to Quash Subpoenas and Counter Motion to Compel

Plaintiffs' Motion to Compel Viking Documents and for Order to Respond to Discovery on OST

Plaintiffs' Motion to Compel Viking Documents and for Order to Respond to Discovery Regarding Their Financial Information on OST

Kenton Robinson, Esquire, for Viking Corporation and Supply Network Inc.

All counsel agreed to work together in good faith and requested to continue all Motions.
COMMISSIONER RECOMMENDED, all matters CONTINUED to 12-1-17.

12-1-17 8:30 a.m. same as above

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

November 21, 2017

A-16-738444-C	Edgeworth Family Trust, Plaintiff(s) vs. Lange Plumbing, L.L.C., Defendant(s)
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November 21, 2017	9:30 AM	Motion for Determination of Good Faith Settlement	Third Party Defendant Giberti Construction LLC's Motion for Good Faith Settlement
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HEARD BY: Jones, Tierra

COURTROOM: RJC Courtroom 14B

COURT CLERK: Kathy Thomas

RECORDER: Trisha Garcia

REPORTER:

PARTIES

PRESENT:	FERREL, ASHLEY	Attorney
	Nunez, Michael J.	Attorney

JOURNAL ENTRIES

- Colloquy regarding the motion being unopposed. COURT ORDERED, Motion for Good Faith Settlement, GRANTED. COURT FURTHER ORDERED, Third-Party Defendant, Giberti Construction, DISMISSED. Mr. Nunez to prepare the order. Upon Court's inquiry of settlement for the remaining parties, Ms. Ferrel advised the Court she would inform chambers if the case should settle.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability**COURT MINUTES****December 12, 2017**

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
 vs.
 Lange Plumbing, L.L.C., Defendant(s)

December 12, 2017	8:45 AM	Motion for Determination of Good Faith Settlement	Defendants The Viking Corporation & Supply Network, Inc's Motion for Good Faith Settlement & Request for Order Shortening Time
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HEARD BY: Jones, Tierra**COURTROOM:** RJC Courtroom 14B**COURT CLERK:** Tena Jolley**RECORDER:** Victoria Boyd**REPORTER:****PARTIES**

PRESENT:	Henriod, Joel D.	Attorney
	Pancoast, Janet C	Attorney
	Parker, Theodore	Attorney
	Simon, Daniel S., ESQ	Attorney

JOURNAL ENTRIES

- The Court noting there was no opposition. Mr. Parker indicated they intended to file an opposition however he and Mr. Simon were able to arrive at a settlement yesterday evening and he will be presenting his own motion for determination of good faith settlement shortly. Ms. Pancoast stated as part of the resolution that Lange's cross-claims against the Viking entities is also resolved. Mr. Parker stated the agreement with Mr. Simon would include Lange paying plaintiffs and dropping their cross-claims and requested that any order that is presented by Viking to include a dismissal of their cross-claims and in turn Lange will also do the same as part of our order. Mr. Simon placed the terms of the settlement on the record indicating there will be a mutual release, Lange will dismiss their

cross-claims against Viking and that will also be a full and final settlement for Plaintiffs claims against Lange. COURT FINDS the settlement was made in good faith and ORDERED Defendants The Viking Corporation & Supply Network, Inc's Motion for Good Faith Settlement is GRANTED. Viking's counsel to prepare the Order. Ms. Pancoast noted that the funds need to be tendered by December 21, 2017, and will be preparing a stipulation for all parties to sign.

COURT FURTHER ORDERED all future hearings are VACATED and matter SET for Status Check regarding Settlement Documents. The Court will notify Commissioner Bulla that the future dates before the Commissioner have also been vacated.

1/23/18 9:30 AM STATUS CHECK: SETTLEMENT DOCUMENTS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

February 06, 2018

A-16-738444-C	Edgeworth Family Trust, Plaintiff(s) vs. Lange Plumbing, L.L.C., Defendant(s)
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February 06, 2018 9:30 AM All Pending Motions

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Christensen, James R.	Attorney
	Christiansen, Peter S	Attorney
	Pancoast, Janet C	Attorney
	Parker, Theodore	Attorney
	Simon, Daniel S., ESQ	Attorney

JOURNAL ENTRIES

- Plaintiffs' Joint Motion for Determination of Good Faith Settlement...Status Check: Settlement Documents....Defendant Daniel S. Simon, d/b/a Simon Law's Motion to Consolidate on Order Shortening Time...Defendant Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC; Order Shortening Time

APPEARANCES CONTINUED: Mr. Parker Esq., present via Court Call, on behalf of Lange Plumbing. Robert Vannah Esq., and John Greene on behalf of Edgeworth Family Trust, and Peter Christiansen Esq., on behalf of Daniel Simon.

There being no opposition, COURT ORDERED, Plaintiffs' Joint Motion for Determination of Good Faith Settlement, GRANTED. Upon Court's inquiry as to the settlement documents, Ms. Pancoast advised the checks were issued long ago from the Viking entities. Further counsel has a stipulation she brought today to get signatures to get Viking out. Further, Mr. Simon did sign a dismissal to get

Viking out. However, they would like to get this wrapped up. Mr. Christensen advised the closing documents for Lange took some time. Further, they have been signed by the client yesterday, and provided to Mr. Simon. Mr. Vannah, advised they signed everything yesterday and the underlying case is about to be dismissed. Colloquy regarding stipulation. Mr. Parker advised the Good Faith Settlement determination as well as the stipulation they will be signing, include the resolution of all claims between the defendant, the crossclaims and any additional insured obligations the defendants may of had amongst each other, as well as the cross-plaintiff's claims. All parties agreed. Further, Mr. Parker advised they do have their settlement check and he will have it sent over to Mr. Simon's office in exchange for the settlement documents. Court noted the stipulation can be signed when the check is exchanged.

Defendant Daniel S. Simon, d/b/a Simon Law's Motion to Consolidate on Order Shortening Time, Following arguments by counsel, COURT ORDERED, Matters CONTINUED to this Court's Chamber's calendar for Decision on the date given. Further, COURT ORDERED, matter set for status check on settlement documents on the date given.

02/08/18 (CHAMBERS) Decision: Defendant Daniel S. Simon, d/b/a Simon Law's Motion to Consolidate on Order Shortening Time...Defendant Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC; Order Shortening Time

02/20/18 9:30 A.M. STATUS CHECK: SETTLEMENT DOCUMENTS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

February 08, 2018

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

February 08, 2018 3:00 AM All Pending Motions

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Defendant Daniel S. Simon, d/b/a Simon Law s Motion to Consolidate on Order Shortening Time...Defendant Daniel S. Simon, d/b/a Simon Law s Motion to Adjudicate Attorney Lien of the Law Office of Daniel Simon PC

Following review of the papers and pleadings on file herein and the arguments of counsel, COURT ORDERED, As to Defendant Daniel S. Simon, d/b/a Simon Law s Motion to Consolidate on Order Shortening Time is GRANTED, case A-18-767242-C is consolidated into A-16-738444-C. COURT FURTHER ORDERED, Defendant Daniel S. Simon, d/b/a Simon Law s Motion to Adjudicate Attorney Lien of the Law Office of Daniel Simon PC is continued to the status check on February 20, 2018 at 9:30 a.m.

02/20/18 9:30 A.M. Defendant Daniel S. Simon, d/b/a Simon Law s Motion to Adjudicate Attorney Lien of the Law Office of Daniel Simon PC

CLERK'S NOTE: A copy of this minute order distributed to the as follows: Emailed to Mr. Parker

PRINT DATE: 07/20/2021

Page 39 of 70

Minutes Date: March 07, 2017

AA1222

Esq., at tparker@phalaw.net, Daniel Simon Esq., Clerk's office Attorney file folder for the Law office of Daniel S. Simon, emailed to Peter Christiansen Esq., at pete@christiansenlaw.com, emailed to Janet Pancoast Esq., at janet.pancoast@zurichna.com, emailed to Robert Vannah Esq., at rvannah@vannahlaw.net, and emailed to James Christensen at jim@christensenlaw.com /tb

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

February 20, 2018

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

February 20, 2018 9:30 AM All Pending Motions

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Christensen, James R. Attorney
Parker, Theodore Attorney
Simon, Daniel S., ESQ Attorney

JOURNAL ENTRIES

- Defendant Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC; Order Shortening Time...Status Check: Settlement Documents

APPEARANCES CONTINUED: Janet Pancoast on behalf of Viking Corporation, Peter Christiansen on behalf of Law Office of Daniel Simon, PC, Robert Vannah and John Greene on behalf of the Edgeworth Family Trust

Upon Court's inquiry, Mr. Simon advised the Edgeworth's signed the releases, Mr. Vannah and Mr. Greene did not sign, counsel has not signed yet, and Mr. Parker client still has not signed the release. Mr. Vannah, advised his office is not involved in the case. Colloquy regarding form and content. Mr. Vannah agreed to sign. Mr. Parker advised there's two releases and he brought the check for \$100,000.00 provided in open Court. Further, counsel will get it signed by Lange Plumbing and provide copies to all parties. Colloquy regarding Stip and Order for Dismissal and Order for Good Faith Settlement. Ms. Pancoast submitted Stip and Order for Dismissal and following review, Order SIGNED IN OPEN COURT. As to the Order for Good Faith Settlement, Court noted Mr. Parker can

PRINT DATE: 07/20/2021

Page 41 of 70

Minutes Date: March 07, 2017

AA1224

sign today in Court.

As to Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC, Following arguments by counsel, COURT ORDERED, parties to do a MANDATORY SETTLEMENT CONFERENCE in regards to the lien. Further, Judge Williams as well as Judge Weiss has agreed to do the Settlement Conference. Argument by Mr. Parker in opposition. Argument by Mr. Vannah. Court directed counsel to get in touch with one of the Judge's that agreed to do the Settlement Conference. Colloquy regarding timeframes and discovery. COURT ORDERED, matter set for status check on settlement conference on the date given. Mr. Simon advised he's given the settlement check from Mr Parker, to Mr. Vannah, and he's going to have his clients sign and return so counsel can put it in the trust account. Court so noted.

04/03/18 8:30 A.M. STATUS CHECK: SETTLEMENT CONFERENCE.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

March 23, 2018

A-16-738444-C	Edgeworth Family Trust, Plaintiff(s) vs. Lange Plumbing, L.L.C., Defendant(s)
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March 23, 2018	1:00 PM	Settlement Conference
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HEARD BY: Williams, Timothy C.	COURTROOM: RJC Courtroom 12D
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COURT CLERK: Elizabeth Vargas

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The above-referenced matter came on for a settlement conference with Judge Williams on March 23, 2018. The Plaintiffs, Edgeworthy Family Trust and American Grating, LLC, were present by and through attorneys Robert Vannah, Esq. and John Greene, Esq. The Defendant Daniel Simon was present and was represented by James R. Christensen Esq. Unfortunately, the parties were unable to resolve their differences and the case did not settle. The case is now referred back to the originating department for further handling.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

April 03, 2018

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

April 03, 2018 9:30 AM All Pending Motions

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Christensen, James R.	Attorney
	Simon, Daniel S., ESQ	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Robert Vannah, and Robert Greene, present.

Defendant Daniel S. Simon d/b/a Simon Law's Special Motion to Dismiss: Anti-Slapp; Order Shortening Time....Status Check: Settlement Conference...Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Complaint Pursuant to NRCP 12(b)(5)...Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint (Consolidated Case No. A767242)...Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint

Following arguments by counsel, COURT ORDERED, Defendant Daniel S. Simon d/b/a Simon Law's Special Motion to Dismiss: Anti-Slapp, DENIED. COURT FURTHER ORDERED, Defendant Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC, Set for Evidentiary Hearing on the dates as Follows: 05-29-18 11:00 a.m., 05-30-18, at 10:30 a.m., and 5-31-18 at 9:00 a.m. Court notes is will rule on the Motion to Dismiss at the conclusion of the hearing. COURT FURTHER ORDERED, Counsel to submit briefs by 5-18-18 and courtesy copy

PRINT DATE: 07/20/2021

Page 44 of 70

Minutes Date: March 07, 2017

AA1227

chambers.

05/29/18 11:00 A.M. EVIDENTIARY HEARING

05/30/18 10:30 A.M. CONTINUED EVIDENTIARY HEARING

05/31/18 9:00 A.M. CONTINUED EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

May 29, 2018

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

May 29, 2018 9:30 AM All Pending Motions

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: April Watkins

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Christensen, James R. Attorney

JOURNAL ENTRIES

- EVIDENTIARY HEARING...PLTF. EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC'S OPPOSITION TO DEFT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT...DEFT. DANIEL S. SIMON'S MOTION TO DISMISS PLTF'S COMPLAINT PURSUANT TO NRCP 12(B)(5)...PLTF. EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC'S OPPOSITION TO DEFT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT (CONSOLIDATED CASE NO. A767242)...DEFT. DANIEL S. SIMON D/B/A SIMON LAW'S MOTION TO ADJUDICATE ATTORNEY LIEN OF THE LAW OFFICE DANIEL SIMON, PC; ORDER SHORTENING TIME

Robert D. Vannah, Esq., John B. Greene, Esq., present with regards to consolidated case A767242.

Court noted a letter was received in chambers from Mr. Christiansen who is in trial and cannot do evidentiary hearing this week. Mr. Vannah stated counsel has had conversation and all agree in August would be a good date. Mr. Christensen stated he is not in the jurisdiction until the 13th of August. COURT ORDERED, motions CONTINUED and matter SET for evidentiary hearing. Mr. Vannah stated subpoena's have been done, clients available those dates and requested to have associate available that worked on file. Also, counsel would like billing person available as well. Mr. Simon stated Ms. White will be available. Mr. Simon inquired if Edgeworth representatives will be

PRINT DATE: 07/20/2021

Page 46 of 70

Minutes Date: March 07, 2017

AA1229

available. Mr. Vannah advised they will be present. Colloquy.

8/27/18 10:30 AM EVIDENTIARY HEARING...PLTF. EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC'S OPPOSITION TO DEFT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT...DEFT. DANIEL S. SIMON'S MOTION TO DISMISS PLTF'S COMPLAINT PURSUANT TO NRCP 12(B)(5)...PLTF. EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC'S OPPOSITION TO DEFT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT (CONSOLIDATED CASE NO. A767242)...DEFT. DANIEL S. SIMON D/B/A SIMON LAW'S MOTION TO ADJUDICATE ATTORNEY LIEN OF THE LAW OFFICE DANIEL SIMON, PC; ORDER SHORTENING TIME

8/28/18 11:00 AM EVIDENTIARY HEARING...PLTF. EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC'S OPPOSITION TO DEFT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT...DEFT. DANIEL S. SIMON'S MOTION TO DISMISS PLTF'S COMPLAINT PURSUANT TO NRCP 12(B)(5)...PLTF. EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC'S OPPOSITION TO DEFT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT (CONSOLIDATED CASE NO. A767242)...DEFT. DANIEL S. SIMON D/B/A SIMON LAW'S MOTION TO ADJUDICATE ATTORNEY LIEN OF THE LAW OFFICE DANIEL SIMON, PC; ORDER SHORTENING TIME

8/29/18 10:30 AM EVIDENTIARY HEARING...PLTF. EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC'S OPPOSITION TO DEFT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT...DEFT. DANIEL S. SIMON'S MOTION TO DISMISS PLTF'S COMPLAINT PURSUANT TO NRCP 12(B)(5)...PLTF. EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC'S OPPOSITION TO DEFT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT (CONSOLIDATED CASE NO. A767242)...DEFT. DANIEL S. SIMON D/B/A SIMON LAW'S MOTION TO ADJUDICATE ATTORNEY LIEN OF THE LAW OFFICE DANIEL SIMON, PC; ORDER SHORTENING TIME

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

August 27, 2018

A-16-738444-C	Edgeworth Family Trust, Plaintiff(s)
	vs.
	Lange Plumbing, L.L.C., Defendant(s)

August 27, 2018 10:30 AM All Pending Motions

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Christensen, James R. Attorney

JOURNAL ENTRIES

- Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint...Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint (Consolidated Case No. A767242)...
Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Complaint Pursuant to NRCP 12(b)(5)....Defendant Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC; Order Shortening Time...Defendant Daniel S. Simon's Special Motion to Dismiss the Amended Complaint: Anit-SLAPP...Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Amended Complaint Pursuant to NRCP 12(b)(5)

APPEARANCES CONTINUED: James Christensen Esq., and Pete Christiansen Esq., on behalf of Daniel Simon, and Robert Vannah Esq., and John Greene Esq, of behalf of Edgeworth Family Trust.

Following arguments by counsel, COURT ORDERED, Mr. Vannah to produce his fee agreement, without notes, or conversations. Mr. Vannah provided copies to opposing counsel in OPEN COURT.

As to the Attorney Lien: HEARING HELD: Testimony and exhibits presented. (See worksheets).

COURT ADJOURNED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

August 28, 2018

A-16-738444-C	Edgeworth Family Trust, Plaintiff(s)
	vs.
	Lange Plumbing, L.L.C., Defendant(s)

August 28, 2018 11:00 AM All Pending Motions

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Christensen, James R. Attorney

JOURNAL ENTRIES

- Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint...Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint (Consolidated Case No. A767242)...
Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Complaint Pursuant to NRCP 12(b)(5)....Defendant Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC; Order Shortening Time...Defendant Daniel S. Simon's Special Motion to Dismiss the Amended Complaint: Anit-SLAPP...Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Amended Complaint Pursuant to NRCP 12(b)(5)

APPEARANCES CONTINUED: James Christensen Esq., and Pete Christiansen Esq., on behalf of Daniel Simon, and Robert Vannah Esq., and John Greene Esq, of behalf of Edgeworth Family Trust.

Hearing Held: Continued testimony and exhibits presented. (See worksheets). Following testimony,

COURT ADJOURNED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

August 29, 2018

A-16-738444-C	Edgeworth Family Trust, Plaintiff(s) vs. Lange Plumbing, L.L.C., Defendant(s)
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August 29, 2018 10:30 AM All Pending Motions

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Christensen, James R.	Attorney
	FERREL, ASHLEY	Attorney

JOURNAL ENTRIES

- Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint...Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint (Consolidated Case No. A767242)...

Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Complaint Pursuant to NRCP 12(b)(5)....Defendant Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC; Order Shortening Time...Defendant Daniel S. Simon's Special Motion to Dismiss the Amended Complaint: Anit-SLAPP...Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Amended Complaint Pursuant to NRCP 12(b)(5)

APPEARANCES CONTINUED: James Christensen Esq., and Pete Christiansen Esq., on behalf of Daniel Simon, and Robert Vannah Esq., and John Greene Esq., of behalf of Edgeworth Family Trust.

HEARING CONTINUED: Testimony and exhibits presented. (See worksheets). COURT ORDERED,

PRINT DATE: 07/20/2021

Page 51 of 70

Minutes Date: March 07, 2017

AA1234

Ms. Ferrel and Mr. Simon to produce cell phone records only as to calls with regards to this case. Counsel agree that this can be heard on another day. Following testimony, of Mr. Simon, COURT ADJOURNED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

August 30, 2018

A-16-738444-C	Edgeworth Family Trust, Plaintiff(s) vs. Lange Plumbing, L.L.C., Defendant(s)
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August 30, 2018 9:00 AM All Pending Motions

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Christensen, James R.	Attorney
	FERREL, ASHLEY	Attorney

JOURNAL ENTRIES

- Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint...Plaintiffs Edgeworth Family Trust and American Grating, LLC's Opposition to Defendant's Motion to Dismiss and Countermotion to Amend Complaint (Consolidated Case No. A767242)...

Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Complaint Pursuant to NRCP 12(b)(5)...Defendant Daniel S. Simon d/b/a Simon Law's Motion to Adjudicate Attorney Lien of the Law Office Daniel Simon PC; Order Shortening Time...Defendant Daniel S. Simon's Special Motion to Dismiss the Amended Complaint: Anit-SLAPP...Defendant Daniel S. Simon's Motion to Dismiss Plaintiffs' Amended Complaint Pursuant to NRCP 12(b)(5)

APPEARANCES CONTINUED: James Christensen Esq., and Pete Christiansen Esq., on behalf of Daniel Simon, and Robert Vannah Esq., and John Greene Esq, of behalf of Edgeworth Family Trust.

Continued testimony and exhibits presented. (See worksheets). Following testimony of Mr. Kemp, Counsel called next witness Ms. Angela Edgeworth. Court noted there is not enough time to get through this witness today. Colloquy regarding re-setting the hearing. COURT ORDERED, hearing

A-16-738444-C

CONTINUED to the date given.

COURT ADJOURNED.

09/18/18 11:00 A.M. HEARING CONTINUED

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

September 18, 2018

A-16-738444-C	Edgeworth Family Trust, Plaintiff(s)
	vs.
	Lange Plumbing, L.L.C., Defendant(s)

September 18, 2018 11:00 AM All Pending Motions

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Phyllis Irby

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Christensen, James R.	Attorney
	Simon, Daniel S., ESQ	Attorney

JOURNAL ENTRIES

- DEFENDANT DANIEL S. SIMON d/b/a SIMON LAW'S MOTION TO ADJUDICATE ATTORNEY LIEN OF THE LAW OFFICE DANIEL SIMON PC; ORDER SHORTENING TIME....
PLAINTIFFS EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC's OPPOSITION TO DEFENDANT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT....
PLAINTIFFS EDGEWORTH FAMILY TRUST AND AMERICAN GRATING, LLC's OPPOSITION TO DEFENDANT'S MOTION TO DISMISS AND COUNTERMOTION TO AMEND COMPLAINT (CONSOLIDATED CASE No. A767242).....
DEFENDANT DANIEL S. SIMON'S MOTION TO DISMISS PLAINTIFFS' COMPLAINT PURSUANT TO NRCP 12(b)(5).....
EVIDENTIARY HEARING...
DEFENDANT DANIEL S. SIMON'S SPECIAL MOTION TO DISMISS THE AMENDED COMPLAINT: ANTI-SLAPP.....
DEFENDANT DANIEL S. SIMON'S MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT PURSUANT TO NRCP 12(b)(5).

Testimony and exhibits presented (see worksheet). COURT ORDERED, Counsel to submit Blind Closing arguments to the Court by Monday, 9/24/18 at 5:00 pm.

FURTHER ORDERED, MOTIONS UNDER ADVISEMENT. The Court shall issue Minute Orders on the above Motions.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

November 15, 2018

A-16-738444-C	Edgeworth Family Trust, Plaintiff(s)
	vs.
	Lange Plumbing, L.L.C., Defendant(s)

November 15, 2018 9:30 AM Motion to Amend

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- APPEARANCES CONTINUED: James Christensen Esq., and Pete Christiansen Esq., on behalf of Daniel Simon, and Robert Vannah Esq., and John Greene Esq, of behalf of Edgeworth Family Trust.

Following arguments by counsel, Court advised it will issue a ruling from chambers by Monday, 11-19-18.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

November 16, 2018

A-16-738444-C	Edgeworth Family Trust, Plaintiff(s)
	vs.
	Lange Plumbing, L.L.C., Defendant(s)

November 16, 2018 9:30 AM Decision

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Motion to Amend Findings Under NRCP 52; and/or for Reconsideration; Order Shortening Time

Following review of the papers and pleadings on file herein, and the arguments of counsel, COURT ORDERS, Motion to Amend and/or Motion for Reconsideration is Motion GRANTED IN PART, DENIED IN PART.

The Court finds that the implied oral contact language in the Decision and Order on Motion to Dismiss pursuant to NRCP 12(b) (5) should be amended as the Court found, in the Decision and Order on Motion to Adjudicate Lien, that an implied contract existed based on past performance, but the Court found no oral nature of the contract. As such, the Court will issue an Amended Decision and Order for the Motion to Dismiss pursuant to NRCP 12(b)(5), under Rule 52, reflecting the implied contract .

The Court further finds that the cost award in the Decision and Order on Motion to Adjudicate Lien should be clarified. The amended attorney lien asserted by Simon, in January of 2018, originally sought reimbursement for advances costs of \$71,594.93. The amount sought for advanced costs was later changed to \$68,844.93. In March of 2018, the Edgeworths paid the outstanding advanced costs, so there are no advance costs outstanding, as of the time of the Court s Decision and Order on Motion to Adjudicate Lien. As such, the Court will issue an Amended Decision and Order on Motion to Adjudicate Lien under Rule 52 reflecting the payment of advanced costs.

The Court further finds that the Viking claim settled on or about December 1, 2017, and Viking's first settlement offer was made on November 15, 2017. As such, Finding of Fact #13, in the Court's Decision and Order on Motion to Adjudicate Lien will be amended, under Rule 52, to reflect the dates of December 1, 2017 and November 15, 2017.

The Court further finds that there was sufficient evidence presented at the evidentiary hearing to support the Court's findings, regarding the determination of Simon's fees, in the Decision and Order on Motion to Adjudicate Lien. The Court further finds that its findings of fact were not clearly erroneous, regarding the determination of Simon's fees. As such, the fees will only be amended to reflect the subtraction of the outstanding costs. As such, the Motion to Amend the Court's findings, regarding the determination of Simon's fees, under Rule 52 is DENIED.

CLERK'S NOTE: A copy of this minute order distributed to the as follows: Emailed to Peter Christiansen Esq., at pete@christiansenlaw.com, emailed to Robert Vannah Esq., at rvannah@vannahlaw.net, and emailed to James Christensen at jim@christensenlaw.com, and emailed to John Greene Esq., at jgreene@vannahlaw.com /tb

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

January 15, 2019

A-16-738444-C	Edgeworth Family Trust, Plaintiff(s) vs. Lange Plumbing, L.L.C., Defendant(s)
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January 15, 2019	9:30 AM	Motion for Attorney Fees and Costs
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HEARD BY: Jones, Tierra

COURTROOM: RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- APPEARANCES CONTINUED: James Christensen Esq., and Pete Christiansen Esq., on behalf of Daniel Simon, and John Greene Esq, of behalf of Edgeworth Family Trust.

Following arguments by counsel, COURT ORDERED, matter CONTINUED for Decision of the date given.

01/18/19 (CHAMBERS) DECISION: Motion for Attorney Fees and Costs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability**COURT MINUTES****January 17, 2019**

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
 vs.
 Lange Plumbing, L.L.C., Defendant(s)

**January 17, 2019 3:00 AM Motion for Attorney Fees
 and Costs**

HEARD BY: Jones, Tierra**COURTROOM:** RJC Courtroom 14B**COURT CLERK:** Teri Berkshire**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- The Motion for Attorney s Fees is GRANTED in part, DENIED in part. The Court finds that the claim for conversion was not maintained on reasonable grounds, as the Court previously found that when the complaint was filed on January 4, 2018, Mr. Simon was not in possession of the settlement proceeds as the checks were not endorsed or deposited in the trust account. (Amended Decision and Order on Motion to Dismiss NRCP 12(b)(5)). As such, Mr. Simon could not have converted the Edgeworth s property.

Further, the Court finds that the purpose of the evidentiary hearing was primarily for the Motion to Adjudicate Lien. It has been argued that the Court s statement of during the course of that evidentiary hearing, I will also rule on the Motion to Dismiss at the end of the close of evidence, because I think that evidence is interrelated (Motion Hearing April 3, 2018, pg. 18) should be construed to mean that the evidentiary hearing was for the Motions to Dismiss as well as the Motion to Adjudicate Lien. While the Court acknowledges said statement, during the same hearing, the Court also stated So in regards to the Motion to Adjudicate the Lien, we re going to set an evidentiary hearing to determine what Mr. Simon s remaining fees are. (Motion Hearing April 3, 2018, pg. 17). During that same hearing, it was made clear that the primary focus of the evidentiary hearing was to determine the amount of fees owed to Mr. Simon. So, the primary purpose of the evidentiary hearing was for the Motion to Adjudicate Lien.

As such, the Motion for Attorney s Fees is GRANTED under 18.010(2)(b) as to the Conversion claim as it was not maintained upon reasonable grounds, since it was an impossibility for Mr. Simon to have converted the Edgeworth s property, at the time the lawsuit was filed. The Motion for Attorney s Fees is DENIED as it relates to the other claims.

In considering the amount of attorney s fees and costs, the Court finds that the services of Mr. James Christensen, Esq. and Mr. Peter Christiansen, Esq. were obtained after the filing of the lawsuit against Mr. Simon, on January 4, 2018. However, they were also the attorneys in the evidentiary hearing on the Motion to Adjudicate Lien, which this Court has found was primarily for the purpose of adjudicating the lien asserted by Mr. Simon. Further, the Motion to Consolidate

The Court further finds that the costs of Mr. Will Kemp Esq. were solely for the purpose of the Motion to Adjudicate Lien filed by Mr. Simon, but the costs of Mr. David Clark Esq. were solely for the purposes of defending the lawsuit filed against Mr. Simon by the Edgeworths.

As such, the Court has considered all of the factors pertinent to attorney s fees and attorney s fees are GRANTED in the amount of \$50,000.00 and costs are GRANTED in the amount of \$5,000.00.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

February 05, 2019

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

February 05, 2019 9:30 AM Motion

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Christensen, James R. Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Mr. Peter Christiansen Esq., present on behalf of Daniel Simon, Robert Vannah Esq., and Brandon Grossman Esq., on behalf of Edgeworth Family Trust.

Following arguments by counsel. COURT ORDERED, Motion DENIED. This Court does not have Jurisdiction as this case has been appealed to the Supreme Court, and the main issue is the funds. Plaintiff's counsel to prepare the order and submit to opposing counsel for review before submission to the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

February 09, 2021

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

February 09, 2021 3:00 AM Minute Order

HEARD BY: Allf, Nancy **COURTROOM:** No Location

COURT CLERK: Nicole McDevitt

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT FINDS after review that this case was originally in Department 10.

COURT FURTHER FINDS that on September 8, 2020, this case was reassigned to Dept 3 from Dept 10.

COURT FURTHER FINDS that an appeal was filed with the Supreme Court of Nevada.

COURT FURTHER FINDS that the issue on appeal was heard before Judge Tierra Jones, Department 10.

COURT FURTHER FINDS that on December 30, 2020, the Supreme Court affirmed in part, denied in part and remanded the case.

COURT FURTHER FINDS that findings are required relating to a five-day evidentiary hearing that Judge Tierra Jones presided over.

THEREFORE COURT ORDERS for good cause appearing and after review that the case is hereby reassigned back to Department 10.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability**COURT MINUTES****April 15, 2021**

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
 vs.
 Lange Plumbing, L.L.C., Defendant(s)

April 15, 2021 3:00 AM Minute Order

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Following review of the papers and pleadings on file herein, COURT ORDERED, Defendant s Motion for Reconsideration Regarding Court s Amended Decision and Order Granting in Part and Denying in Part Simon s Motion for Attorney s Fees and Costs and Second Amended Decision and Order on Motion to Adjudicate Lien is DENIED. The COURT FURTHER ORDERED that the Request for Sanctions is DENIED; and the Countermotion to Adjudicate Lien on Remand is GRANTED and that the reasonable fee due to the Law Office of Daniel Simon is \$ 556,577.43, which includes outstanding costs.

This Court s Order, filed on November 19, 2018, and the order filed on February 8, 2019 were affirmed by the Nevada Supreme Court in most respects. The Nevada Supreme Court ordered a limited remand for the purpose of the quantum meruit fee award imposed by the Court. There was a Petition for Hearing filed by the Edgeworths, in the Nevada Supreme Court, and the petition was accepted after the remand was issued. This Court then issued a Second Amended Decision and Order on Motion to Adjudicate Lien, in compliance with the Nevada Supreme Court remand, on March 16, 2021. The Nevada Supreme Court denied the Edgeworth s Motion for Rehearing on March 18, 2021.

The Nevada Supreme Court affirmed this Court s finding that the conversion was impossible. As such, that is the law of the case and will not be disturbed by a Motion to Reconsider absent (1) newly discovered evidence; (2) the court committing clear error on the initial decision and it was manifestly

unjust; or (3) there is an intervening change in the controlling law. The COURT FINDS that neither of the three reasons for reconsideration are present in the instant case, making the previous rulings by this Court the law of the case. As such, Defendant's Motion for Reconsideration Regarding Court's Amended Decision and Order Granting in Part and Denying in Part Simon's Motion for Attorney's Fees and Costs and Second Amended Decision and Order on Motion to Adjudicate Lien is DENIED. The Countermotion to Adjudicate Lien on Remand is GRANTED and the COURT FINDS that the reasonable fee due to the Law Office of Daniel Simon is \$556,577.43, which includes outstanding costs. The Court will issue a Third Amended Decision and Order on Motion to Adjudicate Lien, to address any jurisdictional issues, in accordance with the remand from the Nevada Supreme Court.

Clerk's Note: This Minute Order was electronically served by Courtroom Clerk, Teri Berkshire, to all registered parties for Odyssey File & Serve. /tb

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Product Liability

COURT MINUTES

May 27, 2021

A-16-738444-C Edgeworth Family Trust, Plaintiff(s)
vs.
Lange Plumbing, L.L.C., Defendant(s)

May 27, 2021 9:30 AM All Pending Motions

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Morris, Steve L. Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Parties present via video, through bluejeans technology.

Plaintiffs' Renewed Motion for Reconsideration of Third Amended Decision and Order Granting in Part and Denying in Part Simon's Motion for Attorneys Fees and Costs, and Motion for Reconsideration of Third Amended Decision and Order on Motion to Adjudicate Lien...Edgeworth's Motion for Order Releasing Client Funds and Requiring the Production of Complete Client File...Opposition to Second Motion to Reconsider; Counter Motion to Adjudicate Lien on Remand

Hearing held. Following arguments by counsel, COURT ORDERED, this Court will issue a minute order.

counsel, COURT ORDERED, Simon s Countermotion to Adjudicate Lien on Remand is DENIED.

Following a review of the papers and pleadings on file herein and considering the arguments of counsel, COURT ORDERED, Edgeworth s Motion for Order Releasing Client Funds and Requiring the Production of Complete File is DENIED. The COURT FINDS that the Motion is premature regarding the releasing of client funds as the litigation in this case is still ongoing at this time, as the Court has not issued a final order in this matter and the time for appeal has not run. As for the transfer of the trust, the COURT FURTHER ORDERS that there is a bilateral agreement to hold the disputed funds in an interest-bearing account at the bank and until new details are agreed upon to invalidate said agreement and a new agreement is reached, the bilateral agreement is controlling and the disputed funds will remain in accordance with the agreement. The COURT FURTHER FINDS that the issue of requiring the production of the complete file is DENIED as it is prevented by the Non-Disclosure Agreement (NDA).

Counsel for Simon is ordered to prepare orders consistent with this minute order within 10 days of the filing of this minute order, submit said orders to Edgeworth s counsel for signature, and submit said orders to the Court for signature within 20 days of the filing of this minute order.

Clerk's Note: This Minute Order was electronically served by Courtroom Clerk, Teri Berkshire, to all registered parties for Odyssey File & Serve. /tb

ORIGINAL

PLAINTIFFS' EXHIBIT LIST FOR EVIDENTIARY HEARING

Edgeworth, Clark County District Court Case No. A-16-738444-c Consolidated with A-18-767242-C

	EXHIBIT	OFFERED	OBJECTION	ADMITTED	
1.	Edgeworth's affidavits (Bates Exhibit 01-000001- 000023)	Y	Stip	8-27-18	WA
2.	Simon's invoices paid on December 16, 2016; May 3, 2017; August 16, 2017; September 10, 2017; (Bates Exhibit 02-000001- 000031)	↓	↓	↓	WA
3.	A copy of the email from Edgeworth to Simon labeled Contingency and dated August 22, 2017. (Bates Exhibit 03-000001)	↓	↓	↓	WA
4.	Letters from Simon dated November 27, 2017 (w/ Retainer Agreement) and December 7, 2017. (Bates Exhibit 04-000001- 000009)	↓	↓	↓	WA
5.	Simon's Invoices produced on January 24, 2018. (Bates Exhibit 05-000001- 000183)	↓	↓	↓	WA
6.	Excerpts from Edgeworth's deposition (where Simon admits that all invoices have been produced to date). (Bates Exhibit 06-000001- 000003)	↓	↓	↓	WA
7.	Amended Lien (Bates Exhibit 07-000001- 000004)	↓	↓	↓	WA
8.	Plaintiffs 16.1 Disclosures with calculations of damages served in the Litigation. (Bates Exhibit 08-000001- 000077)	↓	↓	↓	WA
9. x	MISC Documents: - Email dated 7/25/17 (Exhibit 09-000001) - Email dated 11/15/17 (Exhibit 09-000002) - Baker Hostetler fees (Exhibit 09-000003) - Howard & Howard fees (Exhibit 09-000004) obj - Sample Hourly Fee Agreement (Exhibit 09-000005 - 000006) - Summary/Comparison of fees paid versus new fees billed (Exhibit 09-000007 - 0000012)	↓ Y ↓	↓ Stip ↓	↓ No ↓	WA

10 Letter, Text Msg

8-30-18

N

8-30-18

WA

11 E-mail Re Settlement

Page 1 of 1

8-30-18

N

8-30-18

WA

A738444 / A767242

ORIGINAL

DEFENDANT'S EXHIBIT LIST FOR AUGUST 27, 2018
EVIDENTIARY HEARING

<u>NO.</u>	<u>DESCRIPTION</u>	<u>Offered</u>	<u>Admitted</u>	<u>Date</u>
1	Declaration of Will Kemp (SIMONEH0000001-0000008)	Y	Stip	8-27-18
2	Declaration of David Clark (SIMONEH0000009-0000019)			
3	Notice of Attorney's Lien with certified return receipt cards (SIMONEH0000020-0000028)			
4	Notice of Amended Attorney's Lien with certified return receipt cards (SIMONEH0000029-0000035)			
5	Executed Release and Settlement Checks from Viking (SIMONEH0000036-0000044)			
6	Executed Releases and Settlement Checks from Lange Plumbing (SIMONEH0000045-0000061)			
7	Memorandum of Costs (SIMONEH0000062-0000125)			
8	December 2, 2016 Invoice (SIMONEH0000126-0000129)			
9	April 7, 2017 Invoice (SIMONEH0000130-0000135)			
10	July 28, 2017 Invoice (SIMONEH0000136-0000146)			
11	September 19, 2017 Invoice (SIMONEH0000147-0000156)			
12	Summary of Payments and Supporting Checks (SIMONEH0000157-0000161)			
13	Invoice for Daniel S. Simon (SIMONEH0000162-0000240)			
14	Invoice for Ashley M. Ferrel (SIMONEH0000241-0000342)			
15	Invoice for Benjamin J. Miller (SIMONEH0000343-0000344)			
16	Affidavit of Brian Edgeworth, dated February 2, 2018 (SIMONEH0000345-0000350)			
17	Affidavit of Brian Edgeworth, dated February 12, 2018 (SIMONEH0000351-0000359)			
18	Affidavit of Brian Edgeworth, dated March 15, 2018 (SIMONEH0000360-0000369)	↓	↓	↓

		off	Admit	date		
1	19	Complaint for Case No. A-18-767242-C (SIMONEH0000370-0000379)	Y	Stip	8-27-18	WA
2	20	Amended Complaint for Case No. A-18-767242-C (SIMONEH0000380-0000391)				WA
3	21	Details from the Secretary of State Page regarding the Law Office of Daniel Simon, PC (SIMONEH0000392-0000393)				WA
4	22	Details from the Fictitious Firm Name for Clark County (SIMONEH0000394)				WA
5	23	May 27, 2016 Email Chain between Daniel Simon and Brian Edgeworth regarding "Insurance Claim" (SIMONEH0000395)				WA
6	24	April 18, 2017 Email from Brian Edgeworth to Daniel Simon regarding Bill for Restoration (SIMONEH0000396)				WA
7	25	April 20, 2017 Email from Daniel Simon regarding representation of Giberti (SIMONEH0000397)				WA
8	26	August 1, 2017 Email from Daniel Simon to Brian Edgeworth regarding Edgeworth Invoices (SIMONEH0000398)				WA
9	27	August 22, 2017 Email from Brian Edgeworth to Daniel Simon regarding "Contingency" (SIMONEH0000399)				WA
10	28	August 23, 2017 Email from Brian Edgeworth to Daniel Simon regarding settlement (SIMONEH0000400)				WA
11	29	August 29, 2017 Email from Daniel Simon to Brian Edgeworth regarding Edgeworth Case (SIMONEH0000401)				WA
12	30	September 5, 2017 Email from Brian Edgeworth to Daniel Simon regarding Margaret Ho Loan (SIMONEH0000402)				WA
13	31	September 22, 2017 Email from Daniel Simon to Brian Edgeworth with invoices and billing summaries attached (SIMONEH0000403)				WA
14	32	September 30, 2017 Email from Michael Nunez to Daniel Simon regarding Motion to strike (SIMONEH0000404)				WA
15	33	September 30, 2017 Email from Brian Edgeworth to Daniel Simon regarding punitive damages (SIMONEH0000405)				WA
16	34	October 5, 2017 Email from Brian Edgeworth to Daniel Simon regarding settlement tolerance (SIMONEH0000406- 0000407)	↓	↓	↓	WA

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		QFR Admit date		
35	October 10, 2017 Email from Brian Edgeworth to Daniel Simon regarding "let's go hard at Lange" (SIMONEH0000408)	✓	Stip	8-27-18
36	November 11, 2017 Email from Brian Edgeworth to Daniel Simon regarding Mediator's proposal (SIMONEH0000409)			
37	November 13, 2017 Email from Brian Edgeworth to Daniel Simon and Ashley Ferrel regarding Viking's Motion for Settlement Conference (SIMONEH0000410-0000411)			
38	November 15, 2017 Email from Brian Edgeworth to Daniel Simon regarding unpaid invoices (SIMONEH0000412)			
39	November 21, 2017 Email from Brian Edgeworth to Daniel Simon regarding "This is an updated sheet of costs" (SIMONEH0000413)			
40	November 27, 2017 Letter from Daniel Simon to Brian Edgeworth (SIMONEH0000414-0000418)			
41	November 27, 2017 Email from Angela Edgeworth to Daniel Simon regarding settlement (SIMONEH0000418a)			
42	November 27, 2017 Email from Angela Edgeworth to Daniel Simon regarding settlement and coming into office (SIMONEH0000419)			
43	November 29, 2017 Letter of Direction from Brian Edgeworth to Daniel Simon (SIMONEH0000420)			
44	November 29 2017 Email from Angela Edgeworth to Daniel Simon regarding settlement and coming into office (SIMONEH0000421)			
45	December 1, 2017 Email chain between Daniel Simon and Ruben Herrera regarding "Siena Simon" (SIMONEH0000422-0000423)			
46	December 7, 2017 Letter from Daniel Simon to Robert Vannah (SIMONEH0000424-0000425)			
47	December 7, 2017 Consent to Settle Lange from Brian Edgeworth (SIMONEH0000426-0000427)			
48	December 26, 2017 Email chain between Jim Christensen and Robert Vannah regarding client availability to sign Viking check (SIMONEH0000428-0000431)	↓	↓	↓

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				Admit Date		
1	49	December 27, 2017 Letter from Jim Christensen to Robert Vannah in response to 12/26/17 email (SIMONEH0000432-0000441)	Y	Stip	8-27-18	WA
2						
3	50	December 28, 2017 Email chain between Jim Christensen and Robert Vannah regarding separate bank account (SIMONEH0000442-0000447)				WA
4						
5	51	January 4, 2017 Letter from Robert Vannah to Sara Guindy (SIMONEH0000448)				WA
6						
7	52	January 4, 2018 Email from Sara Guindy regarding new trust account (SIMONEH0000449)				WA
8						
9	53	January 9, 2018 Email chain between Robert Vannah and Jim Christensen regarding not terminating Daniel Simon (SIMONEH0000450-0000452)				WA
10						
11	54	Check to Client for Viking Settlement in amount of \$3,950,561.27 (SIMONEH0000453)				WA
12						
13	55	Check of Costs Paid by Edgeworth dated March 1, 2018 (SIMONEH0000454)				WA
14						
15	56	Construction Agreement between American Grating and Lange Plumbing (SIMONEH0000455-0000480)				WA
16						
17	57	Nonrecourse Promissory Note with Margaret Ho (SIMONEH0000481-0000483)				WA
18						
19	58	Nonrecourse Promissory Note with Colin Kendrick (SIMONEH0000484-0000486)				WA
20						
21	59	Subordinate Nonrecourse Promissory Note for \$400,000 with Margaret Ho (SIMONEH0000487-0000489)				WA
22						
23	60	Video of 645 St. Croix, Henderson, NV from YouTube (SIMONEH0000490)				WA
24						
25	61	Pictures of 645 St. Croix, Henderson, NV from Zillow (SIMONEH0000491-0000519)				WA
	62	Crane Pomerantz Engagement Letter (SIMONEH0000520-0000523)				WA
	63	Register of Actions as of December 11, 2017 (SIMONEH0000524-0000535)				WA
	64	Plaintiff's Wiznet Filing Report from 4.27.17 to 11.30.17 (SIMONEH0000536-0000545)				WA
	65	Deposition Time Summary (SIMONEH0000546)	✓	✓	✓	WA

		OFR Admit date				
1	66	Deposition Notices (SIMONEH0000547-0000910)	Y	Stip	8-27-18	WA
2	67	Written Discovery to Viking and Viking's Responses (SIMONEH0000911-0001177)				WA
3	68	Written Discovery to Lange and Lange's Responses (SIMONEH0001178-0001248)				WA
4	69	Stipulations and Orders to Continue Other Cases (SIMONEH0001249-0001339)				WA
5	70	Calculation of Damages (as of 9/28/17) (SIMONEH0001340-0001341)				WA
7	71	Summary of Early Case Conference Disclosures & Supplements (SIMONEH0001342-0001343)				WA
9	72	Christmas Card to the Simon Family from the Edgeworth Family (SIMONEH0001344-0001346)				WA
10	73	Texts between Angela Edgeworth and Eleya Simon (SIMONEH0001347-0001352)				WA
12	74	Case Expense Summary, dated January 2, 2018 (SIMONEH0001353-0001357)				WA
13	75	Cost Basis of Spec Development (SIMONEH0001358)				WA
14	76	American Grating Invoices (SIMONEH0001359-0001360)				WA
15	77	Pictures of Edgeworth Dropbox File (SIMONEH0001361-0001371)				WA
16	78	Invoice from Jerry Heskett (SIMONEH0001372)				WA
17	79	Plaintiff's Early Case Conference Disclosures with Computation of Damages (SIMONEH0001373-0001654)				WA
18	80	Emails regarding the Edgeworth case (combined) (SIMONEH0001655-0007197)				WA
20	81	February 6, 2018 Hearing Transcript (SIMONEH0007198-0007243)				WA
21	82	February 20, 2018 Hearing Transcript (SIMONEH0007244-0007266)				WA
23	83	April 3, 2018 Hearing Transcript (SIMONEH0007267-0007297)				WA
24	84	Deposition of Brian Edgeworth, dated September 29, 2017 (SIMONEH0007298-0007642)	↓	↓	↓	WA

		aff	obj	admit	
1	85 Deposition of Margaret Ho, dated October 16, 2017 (SIMONEH0007643-0007678)	Y	Stip	8-27-18	wt
2	86 Deposition of Angela Edgeworth, dated September 18, 2017 (SIMONEH0007679-0007855)				wt
3					
4	87 Offer of Judgment to Lange Plumbing, LLC. (SIMONEH0007856-0007858)				wt
5	88 Email from Ashley Ferrel to Daniel Simon re Edgeworth 6 th Supplement, dated July 6, 2017(SIMONEH0007859)				wt
6					
7	89 Email from Ashley Ferrel to Daniel Simon regarding Viking documents just produced (SIMONEH0007860)				wt
8	90 Retainer Agreement	8-27-18	N	8-27-18	wt
9	91 Emails from Viking Re: VK457	8-30-18	N	8-30-18	wt
10	92- PHOTO OF BANKER BOXES	Y	N	9-18-18	wt
11	93- PHOTO OPEN BANKER BOXES	Y	N	9-18-18	wt
12	94- PHOTO COPY OF CHECK \$ 437,575.42	Y	N	9-18-18	wt
13	95- PHOTO COPY OF CHECK \$ 726,407.98	Y	N	9-18-18	wt



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

STEVE MORRIS
801 S. RANCHO DR., STE. B4
LAS VEGAS, NV 89106

DATE: July 20, 2021
CASE: A-16-738444-C
C/W A-18-767242-C

RE CASE: EDGEWORTH FAMILY TRUST vs. LANGE PLUMBING, L.L.C.

NOTICE OF APPEAL FILED: July 17, 2021

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☐ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
 - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

*****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; EDGEWORTH FAMILY TRUST AND AMERICAN GRATING LLC'S CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; DECISION AND ORDER DENYING PLAINTIFFS' RENEWED MOTION FOR RECONSIDERATION OF THIRD AMENDED DECISION AND ORDER ON MOTION TO ADJUDICATE LIEN AND DENYING SIMON'S COUNTERMOTION TO ADJUDICATE LIEN ON REMAND; NOTICE OF ENTRY OF DECISION AND ORDER DENYING PLAINTIFFS' RENEWED MOTION FOR RECONSIDERATION OF THIRD AMENDED DECISION AND ORDER ON MOTION TO ADJUDICATE LIEN AND DENYING SIMON'S COUNTERMOTION TO ADJUDICATE LIEN ON REMAND (FROM SUBORDINATE CASE A-18-767242-C); DECISION AND ORDER DENYING EDGEWORTH'S MOTION FOR ORDER RELEASING CLIENT FUNDS AND REQUIRING PRODUCTION OF COMPLETE FILE (FROM SUBORDINATE CASE A-18-767242-C); NOTICE OF ENTRY OF DECISION AND ORDER DENYING EDGEWORTH'S MOTION OF ORDER RELEASING CLIENT FUNDS AND REQUIRING PRODUCTION OF COMPLETE FILE (FROM SUBORDINATE CASE A-18-767242-C); DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

EDGEWORTH FAMILY TRUST,

Plaintiff(s),

vs.

LANGE PLUMBING, L.L.C.,

Defendant(s),

Case No: A-16-738444-C

Consolidated with A-18-767242-C

Dept No: X

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 20 day of July 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

MORRIS LAW GROUP
GENERAL ACCOUNT
411 East Bonneville Ave., Ste. 360
Las Vegas, NV 89101

BANK OF NEVADA
2700 W SAHARA AVE
LAS VEGAS, NV 89102-1700
94-177/1224

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07/17/2021

PAY TO THE
ORDER OF

Clerk of the Supreme Court of Nevada

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**250.00

Two hundred fifty and 00/100*****

DOLLARS

Clerk of the Supreme Court of Nevada
201 S. Carson St., Ste 201
Carson City, NV 89701-4702
USA

MEMO


AUTHORIZED SIGNATURE

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DATE	INVOICE #	DESCRIPTION	AMOUNT	
07/17/2021		Clerk of the Supreme Court of Nevada		10573
		Notice of Appeal - Edgeworths	250.00	

General Checking - Deposits 250.00

DATE	INVOICE #	DESCRIPTION	AMOUNT	
07/17/2021		Clerk of the Supreme Court of Nevada		10573
		Notice of Appeal - Edgeworths	250.00	

General Checking - Deposits 250.00

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CERTIFICATE OF SERVICE

I certify that I am an employee of MORRIS LAW GROUP; I am familiar with the firm's practice of collection and processing documents for mailing; that, in accordance therewith, I caused the following document to be e-served via the Supreme Court's electronic service process. I hereby certify that on the 4th day of December, 2023, a true and correct copy of the foregoing **EDGEWORTH APPELLANTS' APPENDIX TO OPENING BRIEF (VOLUME VI)** was served by the following method(s):

☒ Supreme Court's EFlex Electronic Filing System

Peter S. Christiansen
Kendele L. Works
CHRISTIANSEN LAW OFFICE
810 S. Casino Center Blvd., Ste 104
Las Vegas, NV 89101

and

James R. Christensen
JAMES R. CHRISTENSEN PC
601 S. 6th Street
Las Vegas NV 89101

*Attorneys for Respondent Law Office
of Daniel S. Simon, A Professional
Corporation; and Daniel S. Simon*

DATED this 4th day of DECEMBER, 2023.

By: /s/ CATHY SIMICICH