

**In the Supreme Court of Nevada**

TRUDI LEE LYTLE; and JOHN ALLEN LYTLE, as  
trustees of THE LYTLE TRUST,

Appellants,

*vs.*

SEPTEMBER TRUST, DATED MARCH 23, 1972;  
GERRY R. ZOBRIST AND JOLIN G. ZOBRIST, as  
trustees of the GERRY R. ZOBRIST AND JOLIN G.  
ZOBRIST FAMILY TRUST; RAYNALDO G. SANDOVAL  
AND JULIE MARIE SANDOVAL GEGEN, as Trustees  
of the RAYNALDO G. AND EVELYN A. SANDOVAL  
JOINT LIVING AND DEVOLUTION TRUST DATED  
MAY 27, 1992; DENNIS A. GEGEN AND JULIE S.  
GEGEN, Husband and wife, as joint tenants,

Respondents.

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Elizabeth A. Brown  
Clerk of Supreme Court

**APPEAL**

from the Eighth Judicial District Court, Clark County  
The Honorable TIMOTHY C. WILLIAMS, District Judge  
District Court Case Nos. A-16-747800-C,  
consolidated with A-17-765372-C

**APPELLANTS' APPENDIX**

**VOLUME 1**

**PAGES 1-250**

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**CHRONOLOGICAL TABLE OF CONTENTS TO APPENDIX**

<b>Tab</b>	<b>Document</b>	<b>Date</b>	<b>Vol.</b>	<b>Pages</b>
1	Second Amended Complaint	07/25/17	1	1–9
2	Defendants Trudi Lee Lytle and John Allen Lytle, Trustees of The Lytle Trust’s Answer to Plaintiff’s Second Amended Complaint and Counterclaim	08/11/17	1	10–25
3	Plaintiffs’ Answer to Counter Complaint	09/05/17	1	26–31
4	Notice of Entry of Order Granting Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C	03/05/18	1	32–40
5	Notice of Entry of Order Granting Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings and Denying Countermotion for Summary Judgment	05/25/18	1	41–57
6	Notice of Entry of Order Regarding Plaintiffs’ Motion for Attorney’s Fees and Costs and Memorandum of Costs and Disbursements and Defendants’ Motion to Retax and Settle Memorandum of Costs	09/13/18	1	58–69
7	Notice of Entry of Order Granting Plaintiffs’ Motion for Order to Show Cause Why the Lytle Trust Should Not be Held in Contempt for Violation of Court Orders	05/22/20	1	70–86
8	Plaintiffs’ Motion for Attorney’s Fees and Costs	05/26/20	1 2	87–250 251–293
9	Declaration of Counsel in Support of Plaintiffs’ Motion for Attorney’s Fees and Costs	05/26/20	2	294–300
10	Memorandum of Costs and Disbursements	05/26/20	2	301–303

11	Defendant Lytle Trust's Opposition to Plaintiffs' Motion for Attorney Fees and Costs	06/09/20	2	304–475
12	Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees	06/11/20	2	476–494
13	Appendix of Exhibits for Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees	06/11/20	2 3	495–500 501–711
14	Reply to Defendant Lytle Trust's Opposition to Plaintiffs' Motion for Attorney's Fees and Costs	06/29/20	3 4 5 6	712–750 751–1000 1001–1250 1251–1275
15	Notice of Withdrawal of Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees	07/06/20	6	1276–1278
16	Transcript of Proceedings	07/07/20	6	1279–1326
17	Notice of Entry of Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs	08/11/20	6	1327–1337
18	Notice of Appeal	08/21/20	6	1338–1352
19	Case Appeal Statement	08/21/20	6	1353–1357
20	Plaintiffs' Motion to Amend Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs Pursuant to NRCP 52(B)	09/08/20	6	1358–1367
21	Defendant Lytle Trust's Opposition to Plaintiffs' Motion to Amend Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs Pursuant to NRCP 52(B)	09/22/20	6	1368–1384
22	Defendant Lytle Trust's Supplement to Opposition to Plaintiffs' Motion to Amend Order Granting in Part and Denying in	09/28/20	6	1385–1399

	Part Plaintiffs' Motion for Attorney's Fees and Costs Pursuant to NRCP 52(B)			
23	Plaintiffs' Reply in Support of Their Motion to Amend Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs Pursuant to NRCP 52(B)	10/06/20	6	1400–1408
24	Notice of Entry of Order Certifying to the Supreme Court Pursuant to NRAP 12(a) and NRCP 62.1 that the District Court Would Grant Plaintiffs' Motion to Amend Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs Pursuant to NRCP 52(b)	01/15/21	6	1409–1416
25	Notice of Entry of Order Granting Plaintiffs' Motion to Amend Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs Pursuant to NRCP 52(B)	05/04/21	6	1417–1431
26	Amended Notice of Appeal	06/03/21	6	1432–1462
27	Amended Case Appeal Statement	06/03/21	6	1463–1467
28	Notice of Entry of Stipulation and Order to Partially Release and Distribute Cash Bond	06/08/22	6	1468–1478
29	Plaintiffs' Status Report	10/07/22	6	1479–1481
30	Plaintiffs' Status Report	02/08/23	6	1482–1494
31	Memorandum of Costs and Disbursements	04/28/23	6 7	1495–1500 1501–1541
32	Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees	05/12/23	7	1542–1559
33	Appendix of Exhibits for Robert Z. Disman and Yvonne A. Disman's Motion for	05/12/23	7 8	1560–1750 1751–1775

	Attorney's Fees			
34	Plaintiffs' Motion for Attorney's Fees and Costs	05/12/23	8	1776–1878
35	Defendants' Opposition to Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees	06/13/23	8 9	1879–2000 2001–2003
36	Exhibit F to Defendants' Opposition to Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees	06/13/23	9	2004–2008
37	Defendants' Opposition to Plaintiffs' Motion for Attorney's Fees and Costs	06/13/23	9	2009–2075
38	Exhibit B to Defendants' Opposition to Plaintiffs' Motion for Attorney's Fees and Costs	06/13/23	9	2076–2080
39	Notice of Entry of Stipulation and Order to Release and Distribute Cash Bond	06/21/23	9	2081–2083
40	Notice of Entry of Amended Stipulation and Order to Release and Distribute Cash Bond	06/30/23	9	2084–2095
41	Reply in Support of Plaintiffs' Motion for Attorney's Fees and Costs	07/06/23	9	2096–2135
42	Reply in Support of Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees	07/06/23	9	2136–2234
43	Recorder's Transcript of Hearing: Plaintiff's Motion for Attorney's Fees and Costs; Counter-Defendants/Cross-Claimants' Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees	07/13/23	9 10	2235–2250 2251–2282
44	Notice of Entry of Findings of Fact, Conclusions of Law and Order Granting in Part and Denying in Part Robert Z. Disman and Yvonne A. Disman's Motion for	08/17/23	10	2283–2296

	Attorneys Fees			
45	Notice of Entry of Order Granting Plaintiffs' Motion for Attorney's Fees and Costs	08/18/23	10	2297–2308
46	Notice of Entry of Order Granting Plaintiffs' Motion for Attorney's Fees and Costs	08/21/23	10	2309–2320
47	Notice of Appeal	09/01/23	10	2321–2336
48	Case Appeal Statement	09/01/23	10	2337–2342
49	Notice of Appeal	09/18/23	10	2343–2360
50	Case Appeal Statement	09/18/23	10	2361–2366
51	Satisfaction of Judgment	10/19/23	10	2367–2369
52	Recorder's Transcript of Hearing: Defendant's Motion to (1) Approve Cash Supersedeas Bond and (2) Affirm Stay Pending Appeal	11/02/23	10	2370–2397
53	Notice of Entry of Order Granting Defendants' Motion to (1) Approve Cash Supersedeas Bond and (2) Affirm Stay Pending Appeal	11/15/23	10	2398–2406
54	Notice of Posting Cash Bond to Secure Order Granting Attorney's Fees and Costs Pending Appeal	11/16/23	10	2407–2410

**ALPHABETICAL TABLE OF CONTENTS TO APPENDIX**

<b>Tab</b>	<b>Document</b>	<b>Date</b>	<b>Vol.</b>	<b>Pages</b>
27	Amended Case Appeal Statement	06/03/21	6	1463–1467
26	Amended Notice of Appeal	06/03/21	6	1432–1462
13	Appendix of Exhibits for Robert Z. Disman and Yvonne A. Disman’s Motion for Attorney’s Fees	06/11/20	2 3	495–500 501–711
33	Appendix of Exhibits for Robert Z. Disman and Yvonne A. Disman’s Motion for Attorney’s Fees	05/12/23	7 8	1560–1750 1751–1775
19	Case Appeal Statement	08/21/20	6	1353–1357
48	Case Appeal Statement	09/01/23	10	2337–2342
50	Case Appeal Statement	09/18/23	10	2361–2366
9	Declaration of Counsel in Support of Plaintiffs’ Motion for Attorney’s Fees and Costs	05/26/20	2	294–300
11	Defendant Lytle Trust’s Opposition to Plaintiffs’ Motion for Attorney Fees and Costs	06/09/20	2	304–475
21	Defendant Lytle Trust’s Opposition to Plaintiffs’ Motion to Amend Order Granting in Part and Denying in Part Plaintiffs’ Motion for Attorney’s Fees and Costs Pursuant to NRCP 52(B)	09/22/20	6	1368–1384
22	Defendant Lytle Trust’s Supplement to Opposition to Plaintiffs’ Motion to Amend Order Granting in Part and Denying in Part Plaintiffs’ Motion for Attorney’s Fees and Costs Pursuant to NRCP 52(B)	09/28/20	6	1385–1399
2	Defendants Trudi Lee Lytle and John Allen	08/11/17	1	10–25

	Lytle, Trustees of The Lytle Trust's Answer to Plaintiff's Second Amended Complaint and Counterclaim			
37	Defendants' Opposition to Plaintiffs' Motion for Attorney's Fees and Costs	06/13/23	9	2009–2075
35	Defendants' Opposition to Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees	06/13/23	8 9	1879–2000 2001–2003
38	Exhibit B to Defendants' Opposition to Plaintiffs' Motion for Attorney's Fees and Costs	06/13/23	9	2076–2080
36	Exhibit F to Defendants' Opposition to Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees	06/13/23	9	2004–2008
10	Memorandum of Costs and Disbursements	05/26/20	2	301–303
31	Memorandum of Costs and Disbursements	04/28/23	6 7	1495–1500 1501–1541
40	Notice of Entry of Amended Stipulation and Order to Release and Distribute Cash Bond	06/30/23	9	2084–2095
18	Notice of Appeal	08/21/20	6	1338–1352
47	Notice of Appeal	09/01/23	10	2321–2336
49	Notice of Appeal	09/18/23	10	2343–2360
44	Notice of Entry of Findings of Fact, Conclusions of Law and Order Granting in Part and Denying in Part Robert Z. Disman and Yvonne A. Disman's Motion for Attorneys Fees	08/17/23	10	2283–2296
24	Notice of Entry of Order Certifying to the Supreme Court Pursuant to NRAP 12(a) and NRCP 62.1 that the District Court Would Grant Plaintiffs' Motion to Amend	01/15/21	6	1409–1416



	Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs Pursuant to NRCP 52(b)			
53	Notice of Entry of Order Granting Defendants' Motion to (1) Approve Cash Supersedeas Bond and (2) Affirm Stay Pending Appeal	11/15/23	10	2398–2406
17	Notice of Entry of Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs	08/11/20	6	1327–1337
5	Notice of Entry of Order Granting Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings and Denying Countermotion for Summary Judgment	05/25/18	1	41–57
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45	Notice of Entry of Order Granting Plaintiffs' Motion for Attorney's Fees and Costs	08/18/23	10	2297–2308
46	Notice of Entry of Order Granting Plaintiffs' Motion for Attorney's Fees and Costs	08/21/23	10	2309–2320
7	Notice of Entry of Order Granting Plaintiffs' Motion for Order to Show Cause Why the Lytle Trust Should Not be Held in Contempt for Violation of Court Orders	05/22/20	1	70–86
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6	Notice of Entry of Order Regarding	09/13/18	1	58–69

	Plaintiffs' Motion for Attorney's Fees and Costs and Memorandum of Costs and Disbursements and Defendants' Motion to Retax and Settle Memorandum of Costs			
28	Notice of Entry of Stipulation and Order to Partially Release and Distribute Cash Bond	06/08/22	6	1468–1478
39	Notice of Entry of Stipulation and Order to Release and Distribute Cash Bond	06/21/23	9	2081–2083
54	Notice of Posting Cash Bond to Secure Order Granting Attorney's Fees and Costs Pending Appeal	11/16/23	10	2407–2410
15	Notice of Withdrawal of Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees	07/06/20	6	1276–1278
3	Plaintiffs' Answer to Counter Complaint	09/05/17	1	26–31
8	Plaintiffs' Motion for Attorney's Fees and Costs	05/26/20	1 2	87–250 251–293
34	Plaintiffs' Motion for Attorney's Fees and Costs	05/12/23	8	1776–1878
20	Plaintiffs' Motion to Amend Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs Pursuant to NRCP 52(B)	09/08/20	6	1358–1367
23	Plaintiffs' Reply in Support of Their Motion to Amend Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs Pursuant to NRCP 52(B)	10/06/20	6	1400–1408
29	Plaintiffs' Status Report	10/07/22	6	1479–1481
30	Plaintiffs' Status Report	02/08/23	6	1482–1494
52	Recorder's Transcript of Hearing:	11/02/23	10	2370–2397

	Defendant's Motion to (1) Approve Cash Supersedeas Bond and (2) Affirm Stay Pending Appeal			
43	Recorder's Transcript of Hearing: Plaintiff's Motion for Attorney's Fees and Costs; Counter-Defendants/Cross-Claimants' Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees	07/13/23	9 10	2235–2250 2251–2282
41	Reply in Support of Plaintiffs' Motion for Attorney's Fees and Costs	07/06/23	9	2096–2135
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14	Reply to Defendant Lytle Trust's Opposition to Plaintiffs' Motion for Attorney's Fees and Costs	06/29/20	3 4 5 6	712–750 751–1000 1001–1250 1251–1275
12	Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees	06/11/20	2	476–494
32	Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees	05/12/23	7	1542–1559
51	Satisfaction of Judgment	10/19/23	10	2367–2369
1	Second Amended Complaint	07/25/17	1	1–9
16	Transcript of Proceedings	07/07/20	6	1279–1326

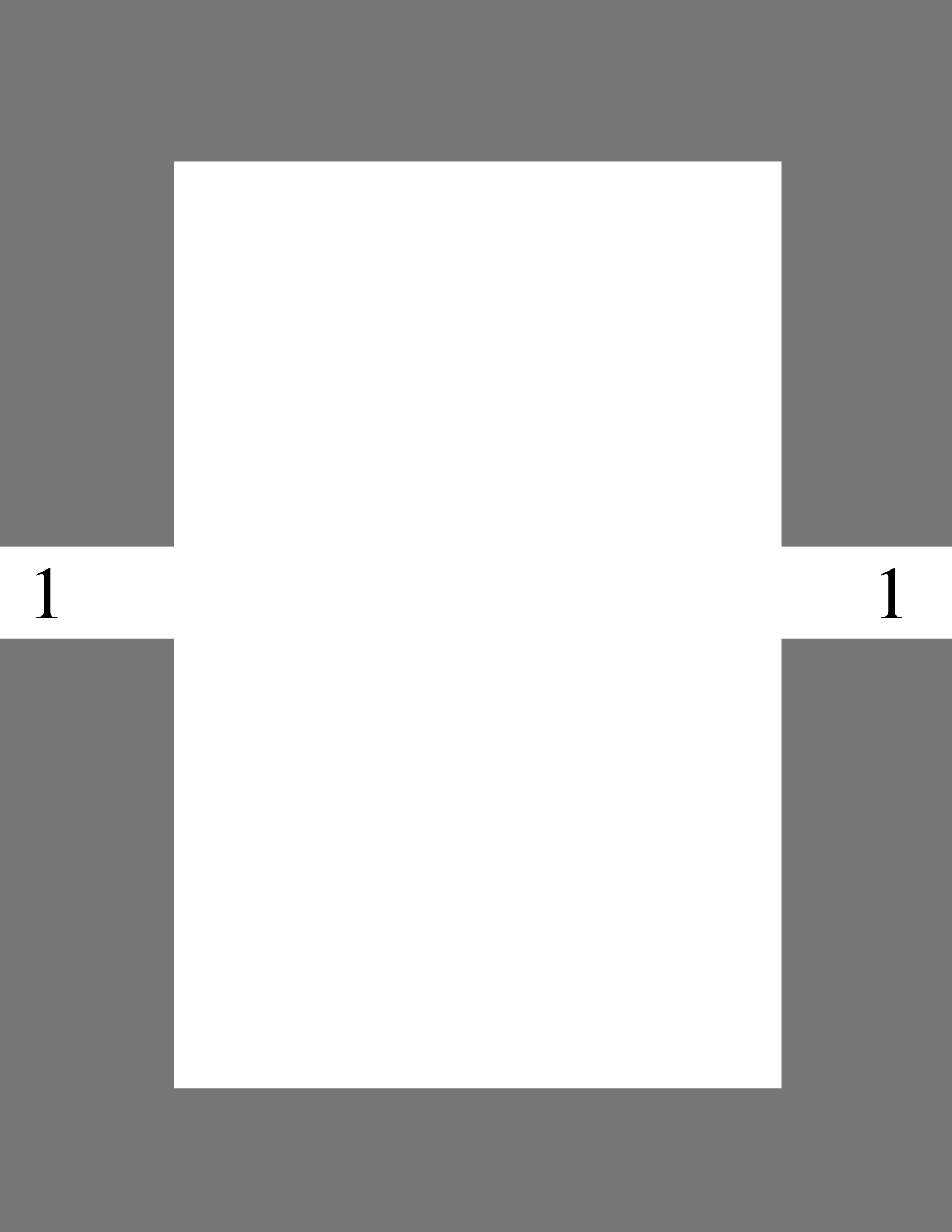
**CERTIFICATE OF SERVICE**

I certify that on April 8, 2024, I submitted the foregoing  
“Appellants’ Appendix” for filing *via* the Court’s eFlex electronic filing  
system. Electronic notification will be sent to the following:

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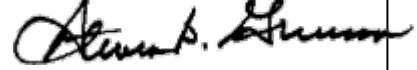
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Steven D. Grierson

CLERK OF THE COURT



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7 **DISTRICT COURT**  
 8 **CLARK COUNTY, NEVADA**

9 MARJORIE B. BOULDEN, TRUSTEE OF )  
 10 THE MARJORIE B. BOULDEN TRUST, )  
 11 LINDA LAMOTHE AND JACQUES )  
 12 LAMOTHE, TRUSTEES OF THE )  
 13 JACQUES & LINDA LAMOTHE )  
 14 LIVING TRUST )

13 Plaintiff, )

Case No. A-16-747800-C

Dept. No. XVI

14 v. )

15 TRUDI LEE LYTLE AND JOHN ALLEN )  
 16 LYTLE, AS TRUSTEES OF THE LYTLE )  
 17 TRUST, DOES I through X; and ROE )  
 18 CORPORATIONS I through X, )  
 19 Defendants. )

19 **SECOND AMENDED COMPLAINT**

20 COMES NOW Marjorie Boulden as Trustee of the Marjorie Boulden Trust (Mrs.  
 21 Boulden”), Linda Lamothe and Jacques Lamothe as Trustees of the Jacques & Linda Lamothe  
 22 Living Trust (“Mr. and Mrs. Lamothe”), by and through their attorneys Foley & Oakes, PC, as  
 23 and for a Complaint against Trudi Lee Lytle, and John Lytle, as Trustees of the Lytle Trust  
 24 (collectively the “Lyttles”), DOES I through X; and ROE CORPORATIONS I through X and  
 25 allege as follows:  
 26  
 27  
 28

1           1.       Mrs. Boulden is the owner of the residential property known as parcel number  
2 163-03-313-008 also known as 1960 Rosemere Ct., Las Vegas, NV 89117 (the “Boulden  
3 Property”)

4           2.       Mr. and Mrs. Lamothe are the owners of the residential property in Clark County  
5 Nevada known as parcel number 163-03-313-002 also known as 1830 Rosemere Ct., Las Vegas,  
6 NV 89117 the (“Lamothe Property”).  
7

8           3.       Mr. and Mrs. Lytle are residents of Clark County, and are co-trustees of the Lytle  
9 Trust.

10          4.       The true names and capacities, whether individual, corporate, associate, or  
11 otherwise, of the Defendants herein designated as DOES I through V individuals and/or ROE V  
12 through X Corporations, inclusive, are unknown to Plaintiff, who therefore sues said Defendants  
13 by such fictitious names. Plaintiff is informed and believes, and thereupon alleges, that each of  
14 the Defendants designated herein as DOES I through V individuals and/or ROE V through X  
15 Corporations is responsible in some manner for the events and happenings herein referred to, or  
16 claim an interest in said property. Plaintiff will seek leave to amend this Complaint to show the  
17 true names and capacities of said Defendants DOES I through V individuals and/or ROE V  
18 through X Corporations when the same have been ascertained by Plaintiff, together with  
19 appropriate charges and allegations and to join such Defendants in this action.  
20

21          5.       Plaintiff is informed, believes, and thereon alleges, that at all times relevant,  
22 Defendants, and each of them, including those fictitiously named DOES or ROE, were the agents  
23 or sureties of the other and in doing the things alleged herein, were acting within the course and  
24 scope of such agency and with the consent and permission of the other co-defendants and/or are  
25 liable under the doctrine of respondeat superior. Accordingly, Defendants are liable to Plaintiff  
26 for each other’s actions as set forth in this Second Amended Complaint. For ease of reference,  
27  
28

1 the named Defendants may be referred to collectively in the singular as "Defendant," and  
2 reference to one shall constitute reference to the others as well.

3 6. The Boulden Property and the Lamothe Property are located in the Rosemere  
4 Court subdivision and are subject to the CC&R's recorded January 4, 1994 (the "CC&Rs").

5 7. The CC&Rs provide in paragraph 21 that a property owners committee shall be  
6 established by all owners of lots within the subdivision to determine the landscaping on the four  
7 exterior wall planters and the entrance way planters, and to determine the method and cost of  
8 watering the planters.

9 8. A non-profit corporation, the Rosemere Estates Property Owners Association,  
10 was formed in 1997 in order to open a bank account to handle the owners committee's funds for  
11 the landscaping described above. The corporate charter of the Rosemere Estates Property  
12 Owners Association was revoked by the Nevada Secretary of State's office in 2015.

13 9. The CC&Rs provided in paragraph 24 that in order to enforce the CC&Rs any  
14 appropriate judicial proceeding in law or in equity could be used by any lot owner suing directly  
15 any other lot owner or owners for any violation of the CC&Rs.

16 10. In 2009, the Lytles filed suit against the Rosemere Estates Property Owners  
17 Association directly in case # A09-593497-C (the "Rosemere Litigation").

18 11. A number of lot owners within the Rosemere Subdivision had attempted to amend  
19 the CC&R's. The Lytles and the Plaintiffs did not vote in favor of amending the CC&Rs.

20 12. The Lytles did not name the Plaintiffs or any other lot owners as defendants in the  
21 Rosemere Litigation.

22 13. On or about July 29, 2016 the Lytles obtained a Judgment in their favor against  
23 the Rosemere Estates Property Owners Association in the amount of \$361,238.59 (the  
24 "Rosemere Judgment").



1           14.     Thereafter, in August and September of 2016, the Lytles recorded with the Clark  
2 County Recorder's office three different abstracts of the Rosemere Judgement against the  
3 Rosemere Estates Property Owners Association specifically listing the parcel numbers of the  
4 Boulden Property and the Lamothe Property as properties to which the Rosemere Judgment was  
5 to attach (the "Abstracts of Judgment").

6           15.     When the Lytles recorded the Abstracts of Judgment, the Lytles specifically  
7 included the parcel numbers of the Boulden Property and the Lamothe Property even though  
8 Plaintiffs were not parties to the Rosemere Litigation from which the Rosemere Judgment arose.

9           16.     The Plaintiffs have no legal duty to pay the Rosemere Judgment and advised the  
10 Lytles of this fact.

11           17.     The Lytles knew or should have known that the Plaintiffs did not have a legal  
12 duty to pay the Rosemere Judgment.

13           18.     The Abstracts of Judgment were wrongfully recorded against the Boulden  
14 Property and the Lamothe Property and the Lytles knew or should have known the Abstracts of  
15 Judgment were wrongfully recorded.

16           19.     A Purchase and Sale Agreement to purchase the Boulden Property was executed  
17 by a third party buyer and Mrs. Boulden and deposited into the escrow (the "PSA").

18           20.     The buyer under the PSA terminated Escrow because of the recorded Abstracts of  
19 Judgment.

20           21.     In May 2017, the Lytles recorded two *lis pendens* against the Plaintiffs' property.

21           22.     On June 15, 2017, Mr. Haskin, counsel for the Lytles, sent an email to Mr. Foley,  
22 counsel for the Plaintiffs, enclosing a different judgment the Lytles obtained against the  
23 Rosemere Estates Property Owners Association in the amount of \$274,608.28, in case # 10-  
24 631355-C (the "Rosemere II Litigation"), a different case from the Rosemere Litigation (the  
25 "Rosemere II Judgment").  
26  
27  
28

23. The Plaintiffs were not named parties in the Rosemere II Litigation and did not have notice of the same.

24. In his June 15, 2017 email, Mr. Haskin stated “the Lytle Trust more recently obtained another judgment against the Association in another case. The Lytle Trust was awarded its attorneys’ fees. A copy of that award is attached hereto. We trust your clients will honor their obligation to disclose all judgments and litigation to any buyer.”

**FIRST CAUSE OF ACTION**  
**(Slander of Title, Mrs. Boulden)**

25. Plaintiffs repeat and re-allege each and every allegation set forth above.

26. The Lytles’ recording of the Abstracts of Judgment were false and malicious communications that disparaged Mrs. Boulden’s title to the Boulden Property.

27. As a proximate result of the Lytles’ actions, Mrs. Boulden has been damaged due to a third-party buyer cancelling escrow due to the existence of the recorded Abstracts of Judgment.

28. As a proximate result of the Lytles’ actions, the vendibility of the Boulden Property was impaired.

29. As a proximate result of Lytles’ actions Mrs. Boulden is entitled to special damages in an amount in excess of \$10,000.00.

30. As a proximate result of Lytles’ actions Mrs. Boulden is entitled to punitive damages in an amount in excess of \$10,000.00.

31. As a proximate result of Lytles’ actions, Mrs. Boulden has been required to retain the services of Foley & Oakes, PC to prosecute this action, and is entitled to an award of attorney’s fees and costs.

**SECOND CAUSE OF ACTION**  
**(Injunction, All Plaintiffs)**

32. Plaintiffs repeat and re-allege each and every allegation set forth above.

1 33. Plaintiffs do not owe any money whatsoever to the Lytles.

2 34. Plaintiffs do not have an adequate remedy at law because they cannot sell their  
3 property with the Abstracts of Judgment recorded against their property.

4 35. Plaintiffs will suffer irreparable harm if they are not able to sell their property due  
5 to the recording of the Abstracts of Judgment.

6 36. Plaintiffs are likely to prevail on their claims against the Lytles.

7 37. Plaintiffs are entitled to injunctive relief in the form of an Order from this Court  
8 expunging the liens in the form of the recorded Abstracts of Judgment.

9 38. Plaintiffs have been required to retain the services of Foley & Oakes, PC to  
10 prosecute this action, and are entitled to an award of attorney's fees and costs.

11  
12 **THIRD CAUSE OF ACTION**  
13 **(Quiet Title, All Plaintiffs)**

14 39. Plaintiffs repeat and re-allege each and every allegation set forth above.

15 40. The Lytles, by their claims and actions, have asserted certain rights to lien the  
16 Boulden Property and the Lamothe Property.

17 41. The Lytles are without any legal basis whatsoever to lien the Boulden Property  
18 and the Lamothe Property.

19 42. The Lytles are without any legal basis whatsoever to claim any interest in the  
20 Boulden Property and the Lamothe Property, including any rights to lien or sell the same.

21 43. As a proximate result of the Lytles' actions, the titles to the Boulden Property and  
22 the Lamothe Property have been improperly and illegally clouded.

23 44. Plaintiffs are entitled to an Order from this Court pursuant to NRS 40.010  
24 quieting title in their names and expunging the Abstracts of Judgment.

25 45. Plaintiffs herein have been required to retain the services of Foley & Oakes, PC,  
26 to prosecute this action, and are entitled to an award of attorney's fees and costs.  
27  
28

**FOURTH CAUSE OF ACTION**  
**(Declaratory Relief)**

46. Plaintiffs repeat and re-allege each and every allegation set forth above.

47. A dispute and actual controversy exists between the parties relative to their interpretation of the rights and duties of the Plaintiffs regarding the Rosemere Judgment, the recorded Abstracts of Judgment, and the Boulden Property and the Lamothe Property.

48. The Plaintiffs are entitled to a declaration from the Court, to the effect that the Rosemere Judgment against the Rosemere Estates Home Owners Association is not a judgment against the Plaintiffs, separately or individually, and that the Rosemere Judgment and the Abstracts of Judgment were improperly and unlawfully recorded against the Boulden Property and the Lamothe Property.

49. Plaintiffs have been required to retain the services of Foley & Oakes, PC, to prosecute this action, and are entitled to an award of attorney's fees and costs.

**FIFTH CAUSE OF ACTION**  
**(Injunction, Rosemere II Judgment)**

50. Plaintiffs repeat and re-allege each and every allegation set forth above.

51. Plaintiffs do not owe any money whatsoever to the Lytles.

52. The Lytles have threatened Plaintiffs with the Rosemere II Judgment demanding that Plaintiffs notify any and all prospective purchasers of their property of the Rosemere II Judgment, just as the Lytles did by recording the now cancelled two *Lis Pendens*.

53. If the Lytles were to record the Rosemere II Judgment like they did the Rosemere Judgment, the Plaintiffs will not have an adequate remedy at law because they could not sell their property.

54. Plaintiffs will suffer irreparable harm if they are not able to sell their property due to the recording of the Abstracts of Judgment.

55. Plaintiffs are likely to prevail on their claims against the Lytles.

1           56.     Plaintiffs are entitled to injunctive relief in the form of an Order from this Court  
2     enjoining the Lytles from taking any action with respect to the Rosemere II Judgment with  
3     respect to the Plaintiffs or their property.

4           57.     Plaintiffs have been required to retain the services of Foley & Oakes, PC to  
5     prosecute this action, and are entitled to an award of attorney's fees and costs.

6  
7                   **SIXTH CAUSE OF ACTION**  
8                   **(Declaratory Relief)**

8           58.     Plaintiffs repeat and re-allege each and every allegation set forth above.

9           59.     A dispute and actual controversy exists between the parties relative to their  
10    interpretation of the rights and duties of the Plaintiffs regarding the Rosemere II Judgment and  
11    the Boulden Property and the Lamothe Property.

12           60.     The Plaintiffs are entitled to a declaration from the Court, to the effect that the  
13    Rosemere II Judgment against the Rosemere Estates Home Owners Association is not a  
14    judgment against the Plaintiffs, separately or individually, and that the Rosemere II Judgment  
15    cannot be recorded against the Boulden Property and the Lamothe Property.

16           61.     Plaintiffs have been required to retain the services of Foley & Oakes, PC, to  
17    prosecute this action, and are entitled to an award of attorney's fees and costs.

18                   **WHEREFORE**, Plaintiffs pray for judgment against the Lytles as follows:

19           A.     That a Preliminary Injunction should be issued, restraining the Lytles, and each of  
20    them, their, agents, servants, employees, attorneys, successors and assign, during the pendency  
21    of this action, from foreclosing upon or selling the Boulden Property and the Lamothe Property  
22    and from doing, causing, or permitting to be done, directly or indirectly, any acts whereby the  
23    rights of the Plaintiffs in said property is in any matter impaired, violated or interfered with; and  
24    that after such hearing as may be required by law, said preliminary injunction be made  
25    permanent. Further, the Preliminary Injunction should strike the Abstracts of Judgment;  
26  
27  
28

1 B. For judgment against the Lytles for general, special and punitive damages in  
2 amounts in excess of \$10,000.00, plus costs, disbursements and interest;

3 C. For an Order quieting title of the Boulden Property and the Lamothe Property in  
4 favor of the Plaintiffs and against the Lytles;

5 D. For a declaration that the Lytles, and each of them, have no right, title or interest  
6 in the Boulden Property and the Lamothe Property, and a judgment and order quieting the  
7 Plaintiffs' title, canceling and expunging the Abstracts of Judgment;

8 E. That Plaintiffs be awarded their reasonable attorneys' fees and costs of such suit  
9 herein; and  
10

11 F. For such other and further relief as this Court may deem proper in the premises.

12 DATED this 25<sup>th</sup> day of July 2017.

13 Respectfully Submitted,

14 FOLEY & OAKES, PC

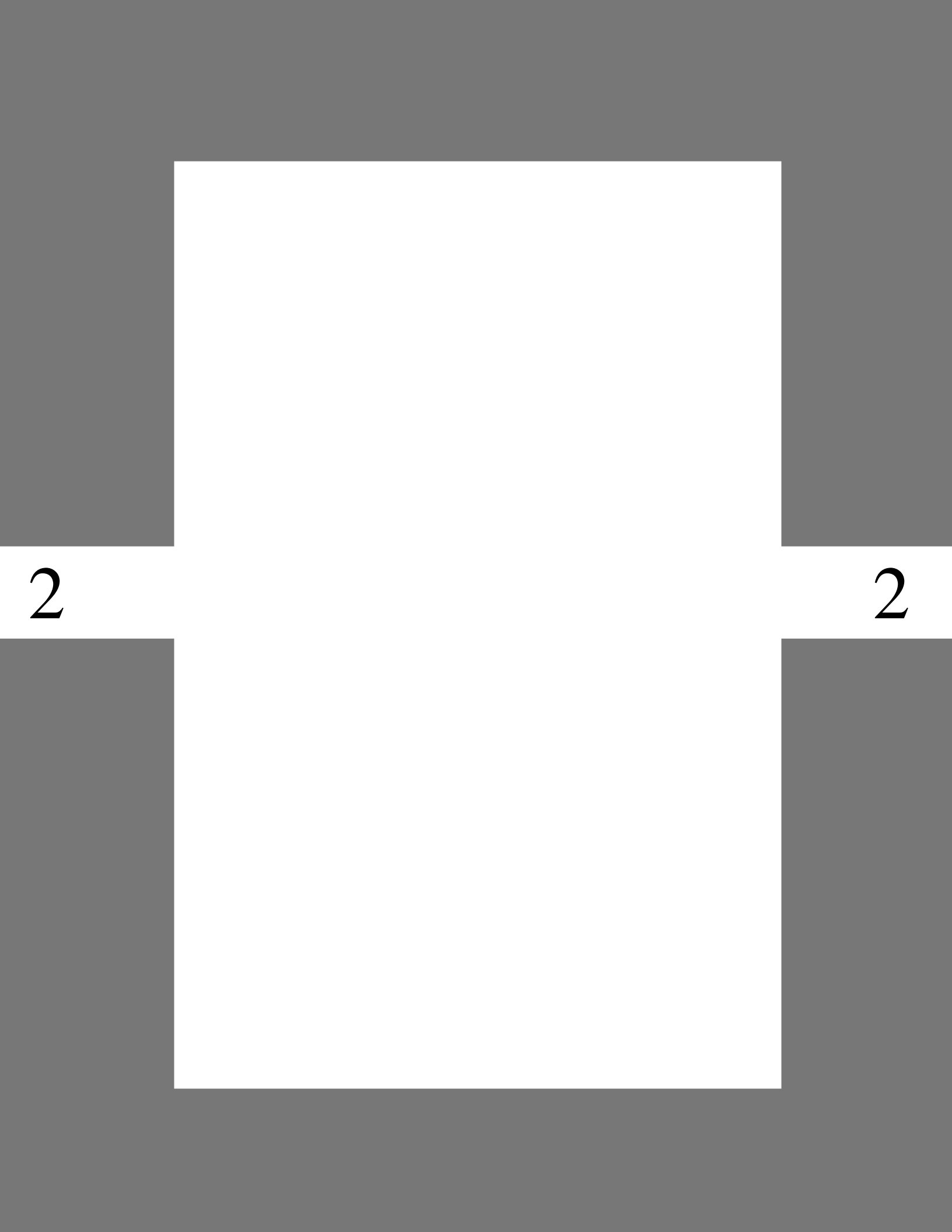
15 /s/Daniel T. Foley

16 Daniel T. Foley, Esq.

17 626 S. 8<sup>th</sup> St.

18 Las Vegas, Nevada 89101

19 *Attorneys for Plaintiffs*  
20  
21  
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2

2

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7 TRUDI LEE LYTLE, JOHN ALLEN LYTLE,  
& THE LYTLE TRUST  
8

9 **DISTRICT COURT**  
10 **CLARK COUNTY, NEVADA**

11 MARJORIE B. BOULDEN, TRUSTEE OF THE  
MARJORIE B. BOULDEN TRUST, LINDA  
12 LAMOTHE AND JACQUES LAMOTHE,  
TRUSTEES OF THE JACQUES & LINDA  
13 LAMOTHE LIVING TRUST

14 Plaintiff,  
15 v.

16 TRUDI LEE LYTLE, JOHN ALLEN LYTLE,  
THE LYTLE TRUST, DOES I through X,  
17 inclusive, and ROE CORPORATIONS I through  
X,

18 Defendants.  
19

20 TRUDI LEE LYTLE, JOHN ALLEN LYTLE,  
21 THE LYTLE TRUST,

22 Counter-Claimants,  
23 v.

24 LINDA LAMOTHE AND JACQUES LAMOTHE,  
TRUSTEES OF THE JACQUES & LINDA  
25 LAMOTHE LIVING TRUST, ROBERT Z.  
DISMAN, YVONNE A. DISMAN, and ROES 1  
through 10, inclusive,

26 Counter-Defendants.  
27  
28

Case No.: A-16-747800-C  
Dept.: XVI

**DEFENDANTS TRUDI LEE LYTLE AND  
JOHN ALLEN LYTLE, TRUSTEES OF  
THE LYTLE TRUST'S ANSWER TO  
PLAINTIFFS' SECOND AMENDED  
COMPLAINT AND COUNTERCLAIM**



COMES NOW Defendants TRUDI LEE LYTLE and JOHN ALLEN LYTLE, Trustees of THE LYTLE TRUST ("Defendants" and/or the "Lyttles"), by and through their counsel of record, Richard E. Haskin, Esq., of the law firm of GIBBS, GIDEN, LOCHER, TURNER, SENET & WITTBRODT, LLP, and hereby answers Plaintiffs MARJORIE B. BOULDEN, TRUSTEE OF THE MARJORIE B. BOULDENR TRUST, LINDA LAMOTHE AND JACQUES LAMOTHE, TRUSTEES OF THE JACQUES & LINDA LAMOTHE LIVING TRUST's (collectively "Plaintiffs") Second Amended Complaint as follows:

1. As to Paragraphs 1 through 3 of the Second Amended Complaint, Defendants admit the allegations set forth in said Paragraphs.

2. As to Paragraphs 4 through 5 of the Second Amended Complaint, Defendants are without knowledge or information sufficient to admit or deny the allegations contained therein. Said Paragraphs also contain legal conclusions rather than facts that need to be admitted or denied. Defendants deny the same on that basis.

3. As to Paragraph 6 of the Second Amended Complaint, Defendants admit the allegations set forth in said Paragraph.

4. As to Paragraph 7 of the Second Amended Complaint, Defendants admit that Rosemere Estates Property Owners Association, a Nevada non-profit corporation ("Rosemere"), is a Limited Purpose Association governed by Chapter 116 of the Nevada Revised Statutes. As to the remaining allegations, said Paragraph also contains legal conclusions rather than facts that need admitted or denied. Defendants deny the same on that basis, as well as the content of such allegation should such a denial be necessary.

5. Defendants deny the allegations in Paragraph 8 of the Second Amended Complaint.

6. As to Paragraphs 9 of the Second Amended Complaint, Defendants admit that paragraph 24 of the CC&Rs speaks for itself.

7. As to Paragraphs 10 through 14 of the Second Amended Complaint, Defendants admit the allegations set forth in said Paragraphs.

///

///

1           8.     As to Paragraph 15 of the Second Amended Complaint, Defendants admit that the  
2 Bouldens and the Lamothes were not parties to the aforementioned lawsuit. However, Defendants  
3 deny the allegation that the property of the Bouldens and Lamothes described in the Second  
4 Amended Complaint is not subject to the judgment described in the Second Amended Complaint.  
5 As to the remaining allegations, said Paragraph also contains legal conclusions rather than facts that  
6 need to be admitted or denied. Defendants deny the same on that basis, as well as the content of  
7 such allegation should such a denial be necessary.

8           9.     Defendants deny the allegations in Paragraphs 16 through 18 of the Second Amended  
9 Complaint. Furthermore, said Paragraphs also contain legal conclusions rather than facts that need  
10 to be admitted or denied. Defendants deny the same on that basis.

11          10.    As to Paragraphs 19 and 20 of the Second Amended Complaint, Defendants are  
12 without knowledge or information sufficient to admit or deny the allegations contained therein.

13          11.    As to Paragraphs 21 and 22 of the Second Amended Complaint, Defendants admit the  
14 allegations contained therein.

15          12.    As to Paragraph 23. Defendants admit that Plaintiffs were not parties in the Rosemere  
16 II litigation; however, Defendants deny that Plaintiffs did not have notice of the same. Plaintiffs  
17 regularly attended Board meetings for the Association during which all litigation by and against  
18 Defendants were discussed, and Plaintiffs routinely contributed assessments to fund such litigation.

19          13.    As to Paragraph 24 of the Second Amended Complaint, Defendants admit the  
20 allegations contained therein.

21                   **FIRST CAUSE OF ACTION**

22                   **(Slander of Title, Mrs. Boulden)**

23          14.    Defendants repeat herein by this reference Paragraphs 1 through 13, inclusive, with  
24 the same force and effect as if said Paragraphs were set forth herein in full.

25          15.    As to Paragraph 25 of the Second Amended Complaint, Defendants deny the  
26 allegations contained therein. Furthermore, said Paragraph also contains legal conclusions rather  
27 than facts that need to be admitted or denied. Defendants deny the same on that basis.

28       ///

1           16. As to Paragraphs 26 through 31 of the Second Amended Complaint, Defendants are  
2 without knowledge or information sufficient to admit or deny the allegations contained therein. Said  
3 Paragraphs also contain legal conclusions rather than facts that need to be admitted or denied.  
4 Defendants deny the same on that basis.

5                                   **SECOND CAUSE OF ACTION**

6                                   **(Injunction, All Plaintiffs)**

7           17. Defendants repeat herein by this reference Paragraphs 1 through 16, inclusive, with  
8 the same force and effect as if said Paragraphs were set forth herein in full.

9           18. Defendants deny the allegations in Paragraph 33 of the Second Amended Complaint.

10          19. As to Paragraphs 34 through 38 of the Second Amended Complaint, Defendants are  
11 without knowledge or information sufficient to admit or deny the allegations contained therein. Said  
12 Paragraphs also contain legal conclusions rather than facts that need to be admitted or denied.  
13 Defendants deny the same on that basis.

14                                   **THIRD CAUSE OF ACTION**

15                                   **(Quiet Title, All Plaintiffs)**

16          20. Defendants repeat herein by this reference Paragraphs 1 through 19, inclusive, with  
17 the same force and effect as if said Paragraphs were set forth herein in full.

18          21. As to Paragraph 40 of the Complaint, Defendants admit the allegations contained  
19 therein.

20          22. As to Paragraphs 41 through 45 of the Second Amended Complaint, Defendants deny  
21 the allegations contained therein. Furthermore, said Paragraphs also contain legal conclusions rather  
22 than facts that need admitted or denied. Defendants deny the same on that basis.

23                                   **FOURTH CAUSE OF ACTION**

24                                   **(Declaratory Relief, All Plaintiffs)**

25          23. Defendants repeat herein by this reference Paragraphs 1 through 22, inclusive, with  
26 the same force and effect as if said Paragraphs were set forth herein in full.

27          24. As to Paragraph 47 of the Second Amended Complaint, Defendants admit the  
28 allegations contained therein.

25. As to Paragraphs 48 through 49 of the Second Amended Complaint, Defendants deny that the allegations contained therein.

### **FIFTH CAUSE OF ACTION**

#### **(Injunction, Rosemere II Judgment)**

26. Defendants repeat herein by this reference Paragraphs 1 through 25, inclusive, with the same force and effect as if said Paragraphs were set forth herein in full.

27. As to Paragraphs 51 through 57 of the Second Amended Complaint, Defendants deny that the allegations contained therein.

### **SIXTH CAUSE OF ACTION**

#### **(Declaratory Relief)**

28. Defendants repeat herein by this reference Paragraphs 1 through 27, inclusive, with the same force and effect as if said Paragraphs were set forth herein in full.

29. Defendants admit the allegations contained in Paragraph 59 of the Second Amended Complaint.

30. 27. As to Paragraphs 60 through 61 of the Second Amended Complaint, Defendants deny that the allegations contained therein.

### **AFFIRMATIVE DEFENSES**

For their further and separate affirmative defenses to the Second Amended Complaint filed by Plaintiffs and the claims asserted therein, and without assuming the burden of proof on any matters for which that burden rests with Plaintiffs, Defendants allege as follows:

#### **FIRST AFFIRMATIVE DEFENSE**

The Complaint fails to state a claim upon which relief can be granted.

#### **SECOND AFFIRMATIVE DEFENSE**

If Plaintiffs suffered or sustained any loss, injury, damage or other detriment, the same was directly and proximately caused and contributed to by the breach of contract, conduct, acts, omissions, activities, carelessness, recklessness, negligence, and/or intentional misconduct of Plaintiffs or persons or entities under Plaintiffs' control, and thereby completely or partially bars Plaintiffs' recovery herein.

**THIRD AFFIRMATIVE DEFENSE**

Defendants are not legally responsible for the acts and/or omissions claimed herein.

**FOURTH AFFIRMATIVE DEFENSE**

Plaintiffs failed, refused and neglected to take reasonable steps to mitigate its alleged damages, if any, thus barring or diminishing Plaintiffs' recovery herein.

**FIFTH AFFIRMATIVE DEFENSE**

The injuries and damages of which Plaintiffs complain were proximately caused by, or contributed to, by the acts of other persons and/or other entities, whether now named or otherwise, and that said acts were an intervening and superseding cause of the injuries and damages, if any, of which Plaintiffs complain, thus barring Plaintiffs from any recovery against these Defendants or entitled Defendants to contribution from such parties.

**SIXTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims are reduced, modified, and/or barred by the doctrine of unclean hands.

**SEVENTH AFFIRMATIVE DEFENSE**

Plaintiffs have knowledge of and assumed the risks of their acts or failure to act. The damages alleged by Plaintiffs were caused by, and arose out of, risks which Plaintiffs directly assumed.

**EIGHTH AFFIRMATIVE DEFENSE**

Defendants are informed and believe, and thereon allege, that Plaintiffs waived their claims against these Defendants at issue herein.

**NINTH AFFIRMATIVE DEFENSE**

Plaintiffs would be unjustly enriched if they recovered from Defendants any of the damages alleged in the Complaint.

**TENTH AFFIRMATIVE DEFENSE**

In the event Defendants are found liable in any manner to Plaintiffs, Defendants would be entitled to offsets and credits against any purported damages, if any, allegedly sustained by Plaintiffs.

///

**ELEVENTH AFFIRMATIVE DEFENSE**

Defendants allege that Plaintiffs failed to properly confer jurisdiction on this Court on some or all causes of action in its Complaint because Plaintiffs failed to comply with the provisions of Chapter 38 of the Nevada Revised Statutes. Defendants reserve their right to raise this issue at any time, including appeal, as jurisdiction cannot be consented upon this Court by the parties and is never waived.

**TWELFTH AFFIRMATIVE DEFENSE**

Defendants incorporate by reference those affirmative defenses enumerated in NRCP 8 as fully set forth herein. In the event further investigation or discovery reveals the applicability of any such defenses, Defendants reserve the right to seek leave of the court to amend its answer to specifically assert the same. Such defenses are herein incorporated by reference for the specific purpose of not waiving the same.

**THIRTEENTH AFFIRMATIVE DEFENSE**

Pursuant to NRCP 11, as amended, all possible affirmative defenses may not have been stated or alleged herein insofar as sufficient facts were not available after reasonable inquiry upon the filing of Defendants' Answer to the Second Amended Complaint, and therefore, Defendants specifically reserve the right to amend its Answer to allege additional affirmative defenses if subsequent investigation so warrants, up to and including through the time of trial in this matter.

WHEREFORE, Defendants pray for relief as follows:

1. That the Second Amended Complaint be dismissed and that Plaintiffs take nothing by way of its Second Amended Complaint;
2. For costs and disbursements in connection with this action;
3. For reasonable attorney's fees, and
4. For such other and further relief that this Court deems just and proper.

**COUNTERCLAIM**

COMES NOW Defendants and Counter-Claimants TRUDI LEE LYTLE and JOHN ALLEN LYTLE, Trustees of THE LYTLE TRUST (the "Lyttles"), by and through their counsel of record, Richard E. Haskin, Esq., of the law firm of GIBBS, GIDEN, LOCHER, TURNER, SENET & WITTBRODT, LLP, and hereby alleges as follows:

**I. THE PARTIES AND JURISDICTION**

1. The Lytle Trust (the "Lytle Trust"), is the current owner of real property located 1930 Rosemere Court, in Clark County, Nevada, APN 163-03-313-009, and described as:

Lot Nine (9) of Rosemere Court, as shown by map thereof on file in Book 59, of Plats, Page 58, in the Office of the County Recorder of Clark County, Nevada ("Lytle Property").

The Lytle Property was previously owned by Defendants, Counter-Claimants J. Allen Lytle and Trudi L. Lytle, the current Trustees of the Lytle Trust, having been purchased by deed recorded November 15, 1996.

2. The Lyttles are informed and believe, and thereon allege, that Counter-Defendants Linda Lamothe and Jacques Lamothe, Trustees of the Jacques & Linda Lamothe Living Trust, are the owners of the residential property in Clark County, Nevada known as parcel number 163-03-313-002, and commonly known as 1830 Rosemere Court, Las Vegas, Nevada 89117 ("1830 Rosemere Court").

3. The Lyttles are informed and believe, and thereon allege, that Plaintiff Marjorie B. Boulden ("Boulden") was formerly the owner of the residential property in Clark County, Nevada known as parcel number 163-03-313-008, and commonly known as 1860 Rosemere Court, Las Vegas, Nevada 89117 ("1960 Rosemere Court"). However, the Lyttles are informed and believe, and thereon allege, that on or about August 4, 2017, Boulden sold 1960 Rosemere Court to Counter-Defendants Robert Z. Disman and Yvonne A. Disman, who are now owners of 1960 Rosemere Court. Under NRS 116.4109, Counter-Defendants Robert and Yvonne Disman knew or should have known that the Association had judgments against it and recorded against it that could encumber

1 their property prior to their purchase of the property.

2 4. The true names and capacities of Counter-Defendants sued herein as ROES 1 through  
3 10, inclusive, and each of them, are presently unknown to the Lytles, and, therefore, they are sued  
4 herein under fictitious names, and when the true names are discovered, the Lytles will seek leave to  
5 amend this Counterclaim and proceedings herein to substitute the true names of said Counter-  
6 Defendants. The Lytles are informed and believe and based thereon allege that each of the foregoing  
7 Counter designated herein as a ROE is negligent or responsible in some manner for the events herein  
8 referred to.

9 **II. ROSEMERE ESTATES COMMUNITY AND GOVERNING DOCUMENTS**

10 5. The Original CC&Rs, in the first paragraph, defines Rosemere Estates as “Lots 1  
11 through 9 of Rosemere Court, a subdivision...” The document adds that “it is the desire and  
12 intention of the Subdivider to sell the land described above and to impose on it mutual, beneficial,  
13 covenants, conditions and restrictions under a general plan or scheme of improvement for the benefit  
14 of all of the land described above and the future owners of the lots comprising said land.” Thus, the  
15 Association includes each and every lot within Rosemere Estates.

16 6. Rosemere Property Owners’ Association (the “Association”), at all times herein  
17 mentioned is comprised of nine (9) owners of single family lots all as more particularly described in  
18 the recorded Declaration of Covenants, Conditions and Restrictions, dated January 4, 1994 (the  
19 “Original CC&Rs”) for the Association, as recorded in the official records of the Clark County  
20 Nevada Recorder’s office. A true and correct copy of the Original CC&Rs is attached hereto, and  
21 incorporated herein, as Exhibit “1.” The Lytles are informed and believe, and based thereon allege,  
22 that the Original CC&Rs were recorded on January 4, 1994, before title to any lot within the  
23 Association was conveyed by deed, and are referenced in the deeds to all Nine (9) properties located  
24 within the Association.

25 7. On February 25, 1997, Plaintiff and Counter-Defendant Linda Lamothe and Plaintiff  
26 Marge Boulden, acting on behalf of all owners, filed Non-Profit Articles of Incorporation (the  
27 “Articles”) pursuant to Nevada Revised Statutes (“NRS”) 82, which formalized the property owners’  
28 committee and created an association, naming it “Rosemere Estates Property Owners Association.”



1           8.       At the July 2, 2007, the Association's Board, the Board presented the homeowners  
2 with a binder that contained the following: (1) new Articles of Incorporation, dated July 6, 2007,  
3 which articles were never filed although represented to be as set forth herein; (2) a letter from Kearn  
4 to the Association members; (3) a Corporate Charter referencing the February 25, 1997 and July 6,  
5 2007 Articles of Incorporation; (4) a section entitled "Governing Documents" referencing the July 6,  
6 2007 Articles of Incorporation; (5) the "First Statutorily Mandated Amendment to the Bylaws of the  
7 Rosemere Estates Homeowners Association," and (5) the proposed Amended and Restated  
8 Covenants, Conditions and Restrictions ("Amended CC&Rs").

9           9.       The proposed Amended CC&Rs were far more restrictive than the Original CC&Rs  
10 and changed the very nature of property ownership within Rosemere Estates. The Amended CC&Rs  
11 contained numerous use restrictions including a section entitled "Restrictions on Use, Alienation,  
12 and Occupancy," pet restrictions, lease restrictions, the establishment of a Design Review  
13 Committee with unfettered discretion, and a new and expansive definition of "nuisance." Further,  
14 the Amended CC&Rs made the Association a full blown unit owners' association, subject to the  
15 entirety of Chapter 116.

16           10.      The proposed amended CC&Rs were not agreed to by all owners at the July 2, 2007  
17 meeting, in fact less than 67% thereof, with at least 3 owners specifically objecting to the proposed  
18 changes and refusing to sign the approval.

19           11.      Despite the failure to obtain the required unanimous approval for changing the  
20 CC&Rs, the Association proceeded, on July 3, 2007, to record in the office of the Recorder for Clark  
21 County, Nevada, the Amended CC&Rs.

22           12.      The Lytles immediately contested and continued to contest the Amended CC&Rs and  
23 its unlawful adoption.

### 24   **III. THE UNDERLYING LITIGATION**

25           13.      After proceeding through two separate mandatory arbitrations via NRS 38.383 in  
26 2009 and 2010, one which contested the validity of the Amended CC&Rs and a second which  
27 contested the validity of liens placed against the Lytle Property by the Association due to the Lytles  
28 refusing to pay assessments levied against their property to fund litigation against them, the Lytles

1 filed two lawsuits in Nevada District Court. Pursuant to the Amended CC&Rs, which was the  
2 governing document at the time and at all times during the underlying litigation, the Lytles were  
3 required to file their claims against the Association, not against the any of the individual owners.

4 **A. NRED I LITIGATION**

5 14. The first lawsuit commenced by the Lytles, case number A-09-593497-C which was  
6 assigned to Judge Michelle Leavitt in Department XII, contested the validity of the Amended  
7 CC&Rs and sought to overturn the Amended CC&Rs ("NRED I Litigation"). The Lytles ultimately  
8 prevailed, entirely, in the litigation, and the Court granted the Lytles summary judgment on July 29,  
9 2013. The matter was appealed, and the Nevada Supreme Court affirmed the District Court's Order  
10 granting the Lytles summary judgment. The Supreme Court remanded the case to the District Court  
11 for redetermination of costs, attorneys' fees and damages on October 19, 2015.

12 15. On May 25, 2016, the Court awarded the Lytles \$297,072.66 in attorneys' fees  
13 pursuant to the Original CC&Rs and the Amended CC&Rs, which the Court declared as the  
14 governing documents during the entirety of the litigation.

15 16. On June 17, 2016, the Court awarded the Lytles damages in the NRED I Litigation,  
16 after a prove-up hearing, in the amount of \$63,566.93.

17 17. Finally, on July 22, 2016, the Court in the NRED I Litigation awarded the Lytles  
18 costs in the amount of \$599.00.

19 18. On September 2, 2016, the Lytles recorded Abstracts of Judgment from the NRED I  
20 Litigation against each property within the Association pursuant to the law set forth herein.

21 **B. NRED II LITIGATION**

22 19. On December 13, 2010, the Lytles filed a second lawsuit against the Association  
23 seeking to release and expunge three (3) unlawfully recorded liens, which were recorded by the  
24 Association against the Lytle Property in 2009 and 2010. This second lawsuit bore case number A-  
25 10-631355-C and was assigned to Department 32, Judge Robert Bare (the "NRED II Litigation").

26 20. Distinct from the NRED I Litigation, in the NRED II Litigation, both the Lytles and  
27 the Association stipulated to the underlying fact that the Amended CC&Rs were the controlling  
28 governing documents for the Association in the NRED II Litigation.

1           21.     On November 14, 2011, the Court granted the Association's Motion for Summary  
2 Judgment against the Lytles in the NRED II Litigation. The Court then granted attorneys' fees to the  
3 Association pursuant to the Amended CC&Rs and NRS 116.4117. The Lytles appeals the Court's  
4 rulings in the NRED II Litigation.

5           22.     On December 21, 2015, the Nevada Supreme Court vacated the Order Granting  
6 Summary Judgment in the NRED II Litigation and remanded the NRED II Litigation back to  
7 Department 32 for determination. The Supreme Court also vacated the order awarding attorneys'  
8 fees, costs, and damages to the Association.

9           23.     On November 10, 2016, the Court in the NRED II Litigation granted the Lytles'  
10 Motion for Summary Judgment and entered an Order thereon, finding in favor of the Lytles as to all  
11 causes of action.

12           24.     On April 14, 2017, the Court in the NRED II Litigation awarded the Lytles'  
13 attorneys' fees in the amount of \$274,608.28 pursuant to the Original CC&Rs, the Amended CC&Rs  
14 and NRS 116.4117, finding that the Amended CC&Rs controlled the remedies provided in the  
15 action. The Court also awarded costs in the amount of \$4,725.00.

16           25.     Finally, on May 11, 2017, after a prove-up hearing, the Court in the NRED II  
17 Litigation awarded the Lytles punitive damages in the amount of \$823,824.84, pursuant to NRS  
18 42.005.

19           26.     On July 20, 2017, the Court in the NRED II Litigation issued an Abstract of  
20 Judgment in the amount of \$1,103,158.12, which has been recorded against the Association but none  
21 of the individual lots or properties within the Association.

22                   **FIRST CAUSE OF ACTION**

23           **(For Declaratory Relief Against Counter-Defendants Jacques and Linda Lamouthe, Third-**  
24           **Party Defendants Robert Disman and Yvonne Disman, and ROES 1 through 10, Inclusive)**

25           27.     The Lytles incorporate the allegations contained in Paragraphs 1 through 26 herein as  
26 though set forth in full.

27     ///

28     ///

1           28.     There exists a controversy between the Lytles and Counter-Defendants and Third  
2 Party Defendants regarding the interpretation, application and enforcement of NRS, Chapter 116 as  
3 well as the application of the Original CC&Rs and Amended CC&Rs to the controversy at hand,  
4 requiring a determination by this Court and entry of declaratory relief.

5           29.     Specifically, the Lytles contend as follows:

- 6           a.     Pursuant to the Original CC&Rs, a lien or judgment against the Association  
7                 established under the Original CC&Rs attaches to each lot within the Association.
- 8           b.     Pursuant to the Amended CC&Rs, which were in force at all times from 2007  
9                 through July 29, 2013, a lien or judgment against the Association established  
10                under the Amended CC&Rs attaches to each lot within the Association.
- 11          c.     Pursuant to NRS, Chapter 116, the Uniform Common Interest Development Act,  
12                 a lien or judgment against the Association attaches to each lot within the  
13                 Association, even if the Association is a *limited purpose association*, because  
14                 under NRS 116.021, each common interest community consists of all “real estate  
15                 described in a declaration with respect to which a person, by virtue of the person’s  
16                 ownership of a unit, is obligated to pay for a share of real estate taxes, insurance  
17                 premiums, maintenance or improvement of, or services or other expenses related  
18                 to, common elements, other units or other real estate described in that  
19                 declaration.” Further under NRS 116.093, each “unit” is defined as the “physical  
20                 portion of the common-interest community designated for separate ownership or  
21                 occupancy...” Thus, the association, or common interest community, includes  
22                 each and every unit in the community, including those owned by third parties.
- 23          d.     Pursuant to NRS 116.3117, which governed the Association and all owners  
24                 during the underlying litigation, a judgment against the Association is a lien in  
25                 favor of the Lytles against all of the real property within the Association and all of  
26                 the units therein, including Counter-Defendants’ properties. The Association and  
27                 its membership are not entitled to use Chapter 116 and all of its provisions as a  
28                 sword during the litigation against the Lytles, *e.g.* to record multiple liens totaling

1                   \$209,883.19 against the Lytles and attempt foreclosure against the Lytle Property  
2                   forcing the Lytles to procure a \$123,000.00 cash bond to prevent such  
3                   foreclosure, and then a shield to defend against the Lytles after they prevailed in  
4                   that litigation and the Association was declared a *limited purpose association*.

5           30.     The Lytles desire a judicial determination of the parties' rights and duties and a  
6     declaration the a lien against the Association, specifically the Abstract of Judgment issued in the  
7     NRED II Litigation, can be recorded against 1830 Rosemere Court and 1960 Rosemere Court.

8           31.     A judicial declaration is necessary and appropriate at this time so that the parties may  
9     ascertain their rights and duties because the Lytles wish to record the Abstract of Judgment in the  
10    NRED II Litigation against 1830 Rosemere Court and 1960 Rosemere Court to enforce their rights  
11    as creditors against the Association.

12  
13           WHEREFORE, Defendants and Counter-Claimants pray for relief as follows:

14           1.     That the Second Amended Complaint be dismissed and that Plaintiffs take nothing by  
15     way of its Second Amended Complaint;

16           2.     That the Court enter a Declaratory Judgment in favor of the Lytles and against the  
17     Counter-Defendants and Third Party Defendants, finding and declaring that the Lytles are entitled to  
18     record a lien and/or Abstract of Judgment obtained in the NRED II Litigation against 1830  
19     Rosemere Court and 1960 Rosemere Court in order to enforce the Lytles' rights as creditors against  
20     the Association.

21           3.     For an injunction preventing any Counter-Defendant or Third Party Defendant from  
22     selling either 1830 Rosemere Court and 1960 Rosemere Court until this Court has entered a  
23     Declaratory Judgment;

24           4.     For costs and disbursements in connection with this action;

25           5.     For reasonable attorney's fees, and

26     ///

27     ///

28     ///

6. For such other and further relief that this Court deems just and proper.

DATED: August 11, 2017

GIBBS GIDEN LOCHER TURNER  
SENET & WITTBRODT LLP

By: 

Richard E. Haskin, Esq.  
Nevada State Bar # 11592  
Timothy P. Elson, Esq.  
Nevada State Bar # 11559  
1140 N. Town Center Drive, Suite 300  
Las Vegas, Nevada 89144  
Attorneys for Defendants  
TRUDI LEE LYTLE, JOHN ALLEN LYTLE, & THE  
LYTLE TRUST

GIBBS GIDEN LOCHER TURNER SENET & WITTBRODT LLP

000024

**CERTIFICATE OF MAILING**

The undersigned, an employee of the law firm of GIBBS GIDEN LOCHER TURNER  
SENET & WITTBRODT LLP, hereby certifies that on August 11, 2017, she served a copy of the  
foregoing **DEFENDANTS TRUDI LEE LYTLE AND JOHN ALLEN LYTLE, TRUSTEES OF  
THE LYTLE TRUST'S ANSWER TO PLAINTIFFS' SECOND AMENDED COMPLAINT  
AND COUNTERCLAIM;** by electronic service through the Regional Justice Center for Clark  
County, Nevada's ECF System:

Daniel T. Foley, ESQ.  
FOLEY & OAKS, PC  
626 S. 8<sup>th</sup> Street  
Las Vegas, Nevada 89101

Attorney for Plaintiffs

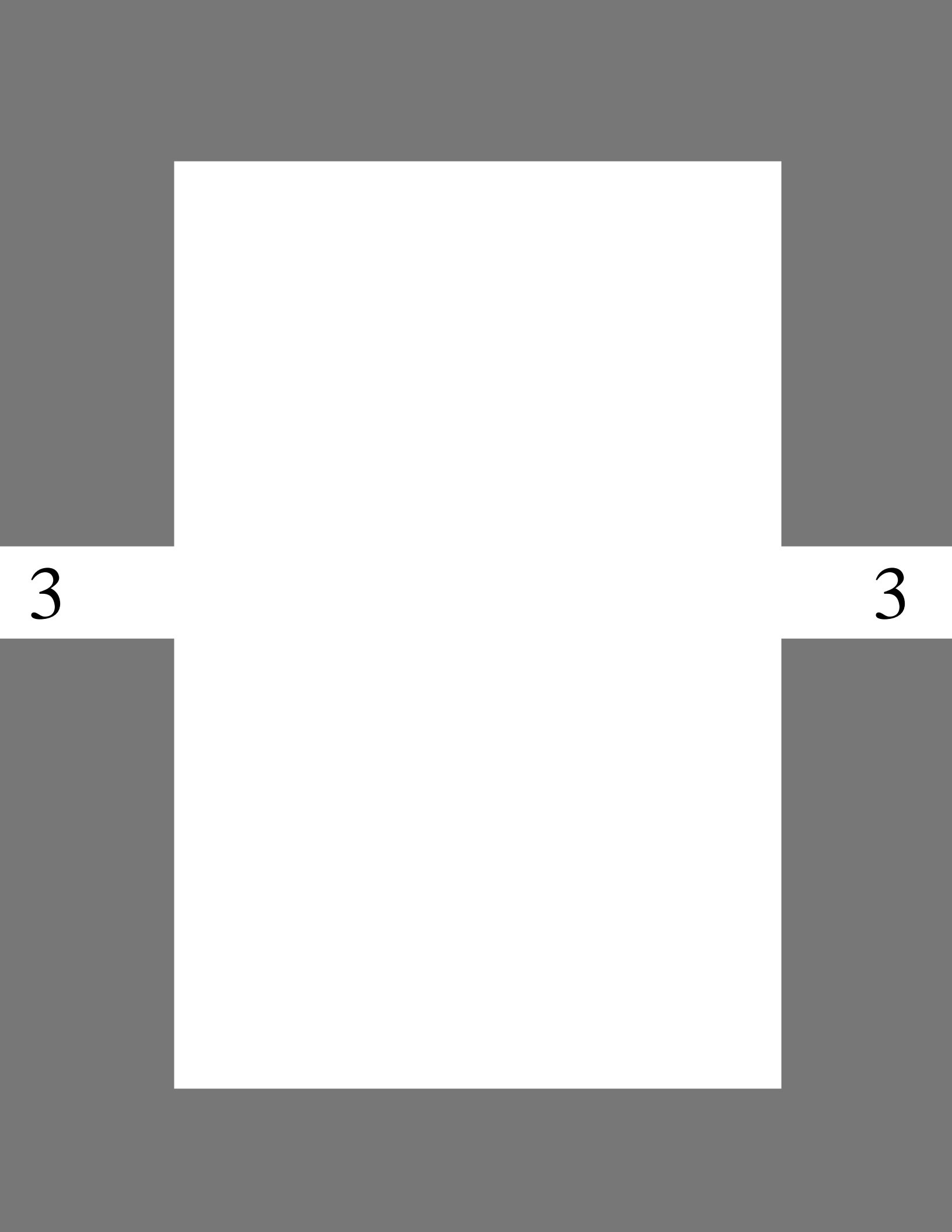
Tel: (702) 384-2070  
Fax: (702) 384-2128  
Email: [dan@foleyoakes.com](mailto:dan@foleyoakes.com)



An employee of  
Gibbs Giden Locher Turner  
Senet & Wittbrodt LLP

GIBBS GIDEN LOCHER TURNER SENET & WITTBRODT LLP

000025



3

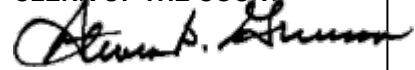
3



9/5/2017 8:45 AM

Steven D. Grierson

CLERK OF THE COURT

**ANSR**

DANIEL T. FOLEY, ESQ.

Nevada Bar No. 1078

FOLEY &amp; OAKES, PC

626 S 8<sup>th</sup> Street

Las Vegas, Nevada 89101

Tel.: (702) 384-2070

Fax: (702) 384-2128

Email: dan@foleyoakes.com

*Attorneys for Plaintiffs***DISTRICT COURT  
CLARK COUNTY, NEVADA**MARJORIE B. BOULDEN, TRUSTEE OF  
THE MARJORIE B. BOULDEN TRUST,  
LINDA LAMOTHE AND JACQUES  
LAMOTHE, TRUSTEES OF THE JACQUES  
& LINDA LAMOTHE LIVING TRUST

Case No. A-16-747800-C

Plaintiffs,

v.

Dept. No. XVI

TRUDI LEE LYTLE AND JOHN ALLEN  
LYTLE, AS TRUSTEES OF THE LYTLE  
TRUST, DOES I through X; and ROE  
CORPORATIONS I through X

Defendants.

TRUDI LEE LYTLE AND JOHN ALLEN  
LYTLE, THE LYTLE TRUST,

Counter-Claimants,

v.

LINDA LAMOTHE AND JACQUES  
LAMOTHE, TRUSTEES OF THE JACQUES  
& LINDA LAMOTHE LIVING TRUST,  
ROBERT Z. DISMAN, YVONNE A.  
DISMAN, and ROES 1 through 10, inclusive,

Counter-Defendants.

**PLAINTIFFS' ANSWER TO COUNTER COMPLAINT**

1 COMES NOW Plaintiffs/Counter Defendants, Marjorie B. Boulden Trustee of the  
2 Marjorie B. Boulden Trust and Linda Lamothe and Jacques Lamothe, Trustees of the Jacques &  
3 Linda Lamothe Living Trust (collectively the "Plaintiffs") by and through their attorneys Foley  
4 & Oakes, PC, and hereby respond to Trudi Lee Lytle's John Allen Lytle's, and the Lytle Trust's  
5 (collectively the "Lyttles") Counter Complaint as follows:

6 1. With respect to the allegations contained in paragraphs numbered 2, 16, and 17,  
7 the Plaintiffs admit all of the allegations contained therein.

8 2. With respect to the allegations contained in paragraphs numbered 28 and 31, the  
9 Plaintiffs deny all of the allegations contained therein.

10 3. With respect to the allegations contained in paragraphs numbered 1, 4, 6, 8, 9, 10,  
11 11, 12, 13, 14, 19, 20, 21, 22, 23, 24, 25, 26, 29, 30, the Plaintiffs are without sufficient  
12 information upon which they can admit or deny said allegations, and on that basis deny all of the  
13 allegations contained therein.

14 4. With respect to the allegations contained in paragraph numbered 3, the Plaintiffs  
15 deny that the Dismans knew or should have known that the Association had judgments against it  
16 and recorded against it that could encumber their property. Otherwise, the Plaintiffs admit all  
17 other allegations contained in paragraph numbered 3.

18 5. With respect to the allegations contained in paragraph numbered 5, the Plaintiffs  
19 deny that the Association included each and every lot within Rosemere Estates. Otherwise, the  
20 Plaintiffs admit all other allegations contained in paragraph numbered 5.

21 6. With respect to the allegations contained in paragraph numbered 7, Plaintiffs deny  
22 that the filing of articles of incorporation "formalized" the property owners' committee or  
23 created an association. Otherwise, the Plaintiffs admit all other allegations contained in  
24 paragraph numbered 7.

1           7.       With respect to the allegations contained in paragraph numbered 15, Plaintiffs  
2 admit that the court awarded Lytles \$297,072.66 in attorneys' fees. Otherwise, the Plaintiffs  
3 deny all other allegations contained in paragraph numbered 15.

4           8.       With respect to the allegations contained in paragraph numbered 18, Plaintiffs  
5 admit that the Lytles recorded Abstracts of Judgment. Otherwise, the Plaintiffs deny all other  
6 allegations contained in paragraph numbered 18.

7           9.       With respect to the allegations contained in paragraph numbered 27, Plaintiffs  
8 repeat and re-allege their Answers to the paragraphs referenced therein.

9           10.      To the extent necessary, Defendants deny the request for relief contained in the  
10 prayer of the Complaint.

11  
12                               **AFFIRMATIVE DEFENSES**

13           As and for Affirmative Defenses to the Lytle's Counter Complaint, Plaintiffs alleges as  
14 follows:

15                               **FIRST AFFIRMATIVE DEFENSE**

16           The Counter Complaint fails to state a claim or claims against the Plaintiffs upon which  
17 relief may be granted.

18                               **SECOND AFFIRMATIVE DEFENSE**

19           The injuries and damages, if any, which the Lytles allege in their Counter Complaint  
20 were caused solely by the negligence and action of the Lytles and/or others, and not by any act or  
21 omission to act on the part of Plaintiffs.

22                               **THIRD AFFIRMATIVE DEFENSE**

23           The Lytles' claims and Counter Complaint are barred by the doctrine of estoppel.

24                               **FOURTH AFFIRMATIVE DEFENSE**

25           The Lytles waived any rights or claims they may have had against Plaintiffs.  
26  
27

1                                   **FIFTH AFFIRMATIVE DEFENSE**

2           The Lytles' claims and Counter Complaint are barred by the doctrine of Laches.

3                                   **SIXTH AFFIRMATIVE DEFENSE**

4           The Lytles' claims and Counter Complaint are barred by the doctrine of unclean hands.

5                                   **SEVENTH AFFIRMATIVE DEFENSE**

6           The Lytles failed to mitigate their damages.

7                                   **EIGHTH AFFIRMATIVE DEFENSE**

8           The Lytles' claims and Counter Complaint are barred by the statute of limitations.

9                                   **NINTH AFFIRMATIVE DEFENSE**

10          Plaintiffs hereby incorporate those affirmative defenses enumerated in NRCP 8 as if fully  
11   set forth herein

12                                   **TENTH AFFIRMATIVE DEFENSE**

13          Pursuant to NRCP 11, as amended, all possible affirmative defenses may not have been  
14   alleged herein insofar as sufficient facts were not available after reasonable inquiry upon the  
15   filing of Plaintiffs' Answer and, therefore, Plaintiffs reserve the right to amend their Answer to  
16   allege additional affirmative defenses if subsequent investigation warrants.

17          **WHEREFORE**, Plaintiffs pray for relief as follows:

18          1.       That Lytles take nothing by reason of their Counter Complaint on file herein and  
19   that Plaintiffs have judgment against the Lytles, and each of them, for their costs of suit incurred  
20   including a reasonable attorney's fee; and

21   ///

22   ///

23   ///

24   ///

25   ///

26   ///

27   ///

2 DATED this 30<sup>th</sup> day of August 2017

/s/Daniel T. Foley

Daniel T. Foley, Esq.  
Nevada Bar No. 1078  
626 So. 8<sup>th</sup> Street  
Las Vegas, Nevada 89101  
*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

Pursuant to NEFCR 9, N.R.C.P. 5(b) and EDCR 7.26, I hereby certify that I am an employee of Foley & Oakes, PC, and that on the 5<sup>th</sup> day of September, 2017, I served the following document(s):

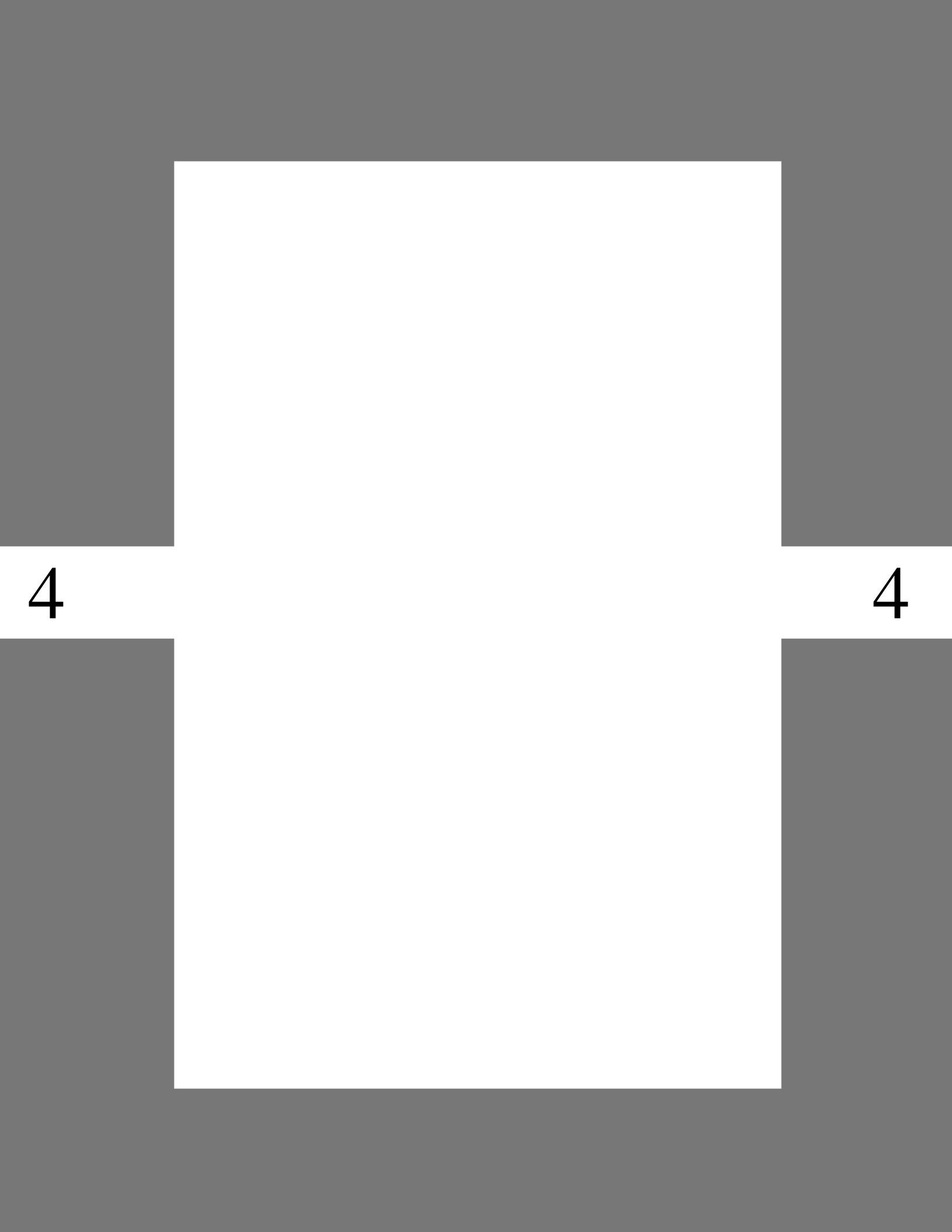
**PLAINTIFFS' ANSWER TO COUNTER COMPLAINT**

I served the above-named document(s) by the following means to the person s as listed below: [ x ] By Electronic Transmission through the Odyssey eFileNV system:

Richard E. Haskin, Esq.  
GIBBS, GIDEN, LOCHER, TURNER,  
SENET & WHITTBRODT, LLP  
1140 N. Town Center Drive, Suite 300  
Las Vegas, NV 89144

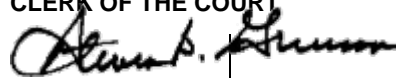
I declare under the penalty of perjury that the foregoing is true and correct.

/s/ Maren Foley  
An employee of FOLEY & OAKES



4

4



**NOTC**  
**CHRISTENSEN JAMES & MARTIN**  
KEVIN B. CHRISTENSEN, ESQ.  
Nevada Bar No. 175  
WESLEY J. SMITH, ESQ.  
Nevada Bar No. 11871  
LAURA J. WOLFF, ESQ.  
Nevada Bar No. 6869  
7440 W. Sahara Avenue  
Las Vegas, Nevada 89117  
Tel.: (702) 255-1718  
Facsimile: (702) 255-0871  
Email: kbc@cjmlv.com; wes@cjmlv.com; ljw@cjmlv.com  
*Attorneys for September Trust, Zobrist Trust, Sandoval Trust  
and Dennis & Julie Gegen*

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

MARJORIE B. BOULDEN, TRUSTEE OF  
THE MARJORIE B. BOULDEN TRUST,  
LINDA LAMOTHE AND JACQUES  
LAMOTHE, TRUSTEES OF THE  
JACQUES & LINDA LAMOTHE LIVING  
TRUST,

Plaintiffs,

vs.

TRUDI LEE LYTLE, JOHN ALLEN  
LYTLE, THE LYTLE TRUST, DOES I  
through X, and ROE CORPORATIONS I  
through X,

Defendants.

Case No.: A-16-747800-C  
Dept. No.: XVIII

**NOTICE OF ENTRY OF ORDER  
GRANTING MOTION TO  
CONSOLIDATE CASE NO. A-16-  
747800-C WITH CASE NO. A-17-  
765372-C**

Date: February 21, 2018  
Time: 9:00 a.m.

**AND ALL RELATED COUNTERCLAIMS  
AND CROSS-CLAIMS**

SEPTEMBER TRUST, DATED MARCH 23,  
1972; GERRY R. ZOBRIST AND JOLIN G.  
ZOBRIST, AS TRUSTEES OF THE GERRY  
R. ZOBRIST AND JOLIN G. ZOBRIST  
FAMILY TRUST; RAYNALDO G.  
SANDOVAL AND JULIE MARIE  
SANDOVAL GEGEN, AS TRUSTEES OF  
THE RAYNALDO G. AND EVELYN A.  
SANDOVAL JOINT LIVING AND

Case No.: A-17-765372-C  
Dept. No.: XXVIII

CHRISTENSEN JAMES & MARTIN  
7440 WEST SAHARA AVE., LAS VEGAS, NEVADA 89117  
PH: (702) 255-1718 & FAX: (702) 255-0871

000032

000032



1 DEVOLUTION TRUST DATED MAY 27,  
2 1992; and DENNIS A. GEGEN AND JULIE  
3 S. GEGEN, HUSBAND AND WIFE, AS  
4 JOINT TENANTS,

5 Plaintiffs,

6 vs.

7 TRUDI LEE LYTLE AND JOHN ALLEN  
8 LYTLE, AS TRUSTEES OF THE LYTLE  
9 TRUST; JOHN DOES I through V; and ROE  
10 ENTITIES I through V, inclusive,

11 Defendants.

12 PLEASE TAKE NOTICE that on February 27, 2018, the Court signed the Order  
13 Granting Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C, a  
14 copy of which is attached hereto.

15 DATED this 5th day of March, 2018.

16 CHRISTENSEN JAMES & MARTIN

17 By: /s/ Laura J. Wolff, Esq.

18 Laura J. Wolff, Esq.

19 Nevada Bar No. 6869

20 7440 W. Sahara Avenue

21 Las Vegas, NV 89117

22 Tel.: (702) 255-1718

23 Fax: (702) 255-0871

24 *Attorneys for September Trust, Zobrist*  
25 *Trust, Sandoval Trust and Gegen*

1  
2  
3 **CERTIFICATE OF SERVICE**

4 I am an employee of Christensen James & Martin. On March 5th, 2018, I caused a  
5 true and correct copy of the foregoing NOTICE OF ENTRY OF ORDER GRANTING  
6 MOTION TO CONSOLIDATE CASE NO. A-16-747800-C WITH CASE NO. A-17-  
7 765372-C, to be served in the following manner:

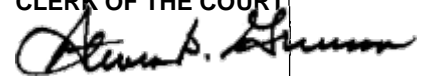
8 ☒ **ELECTRONIC SERVICE**: electronic transmission (E-Service) through the Court's  
9 electronic filing system pursuant to Rule 8.05 of the Rules of Practice for the Eighth  
10 Judicial District Court of the State of Nevada.

11 ☐ **UNITED STATES MAIL**: depositing a true and correct copy of the above-  
12 referenced document into the United States Mail with prepaid first-class postage, addressed  
13 to the parties at their last-known mailing address(es):

14 ☐ **FACSIMILE**: By sending the above-referenced document via facsimile as follows:

15 ☐ **E-MAIL**: electronic transmission by email to the following address(es):

16  
17 /s/ Carma Johnson  
18 Carma Johnson  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



**ORDR**  
**CHRISTENSEN JAMES & MARTIN**  
KEVIN B. CHRISTENSEN, ESQ.  
Nevada Bar No. 175  
WESLEY J. SMITH, ESQ.  
Nevada Bar No. 11871  
LAURA J. WOLFF, ESQ.  
Nevada Bar No. 6869  
7440 W. Sahara Avenue  
Las Vegas, Nevada 89117  
Tel.: (702) 255-1718  
Facsimile: (702) 255-0871  
Email: kbc@cjmlv.com; wes@cjmlv.com; ljw@cjmlv.com  
*Attorneys for September Trust, Zobrist Trust, Sandoval Trust  
and Dennis & Julie Gegen*

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

MARJORIE B. BOULDEN, TRUSTEE OF  
THE MARJORIE B. BOULDEN TRUST,  
LINDA LAMOTHE AND JACQUES  
LAMOTHE, TRUSTEES OF THE  
JACQUES & LINDA LAMOTHE LIVING  
TRUST,

Plaintiffs,

vs.

TRUDI LEE LYTLE, JOHN ALLEN  
LYTLE, THE LYTLE TRUST, DOES I  
through X, and ROE CORPORATIONS I  
through X,

Defendants.

Case No.: A-16-747800-C  
Dept. No.: XVIII

**ORDER GRANTING MOTION TO  
CONSOLIDATE CASE NO. A-16-  
747800-C WITH CASE NO. A-17-  
765372-C**

Date: February 21, 2018  
Time: 9:00 a.m.

**AND ALL RELATED COUNTERCLAIMS  
AND CROSS-CLAIMS**

SEPTEMBER TRUST, DATED MARCH 23,  
1972; GERRY R. ZOBRIST AND JOLIN G.  
ZOBRIST, AS TRUSTEES OF THE GERRY  
R. ZOBRIST AND JOLIN G. ZOBRIST  
FAMILY TRUST; RAYNALDO G.  
SANDOVAL AND JULIE MARIE  
SANDOVAL GEGEN, AS TRUSTEES OF  
THE RAYNALDO G. AND EVELYN A.  
SANDOVAL JOINT LIVING AND

Case No.: A-17-765372-C  
Dept. No.: XXVIII

CHRISTENSEN JAMES & MARTIN  
7440 WEST SAHARA AVE., LAS VEGAS, NEVADA 89117  
PH: (702) 255-1718 & FAX: (702) 255-0871

1 DEVOLUTION TRUST DATED MAY 27,  
2 1992; and DENNIS A. GEGEN AND JULIE  
3 S. GEGEN, HUSBAND AND WIFE, AS  
4 JOINT TENANTS,

5 Plaintiffs,

6 vs.

7 TRUDI LEE LYTLE AND JOHN ALLEN  
8 LYTLE, AS TRUSTEES OF THE LYTLE  
9 TRUST; JOHN DOES I through V; and ROE  
10 ENTITIES I through V, inclusive,

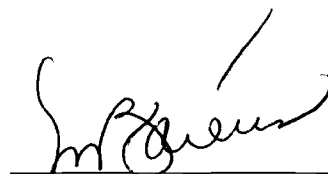
11 Defendants.

12  
13 Presently before the Court is a Motion to Consolidate Case No. A-16-747800-C with  
14 Case No. A-17-765372-C ("Motion"). No Oppositions were filed. The Motion came on for  
15 hearing on February 21, 2018 at 9:00 a.m. in Department XVIII of the Eighth Judicial District  
16 Court, Clark County, Nevada. Wesley J. Smith, Esq. of Christensen James & Martin appeared on  
17 behalf of the Movants, September Trust, dated March 23, 1972 ("September Trust"), Gerry R.  
18 Zobrist and Jolin G. Zobrist, as Trustees of the Gerry R. Zobrist and Jolin G. Zobrist Family  
19 Trust ("Zobrist Trust"), Raynaldo G. Sandoval and Julie Marie Sandoval Gegen, as Trustees of  
20 the Raynaldo G. and Evelyn A. Sandoval Joint Living and Devolution Trust dated May 27, 1992  
21 ("Sandoval Trust"), and Dennis A. Gegen and Julie S. Gegen, Husband and Wife, as Joint  
22 Tenants ("Dennis & Julie Gegen"). Timothy P. Elson, Esq. of Gibbs Giden Locher Turner Senet  
23 & Wittbrodt LLP appeared on behalf of the Trudi Lee Lytle and John Allen Lytle, as Trustees of  
24 the Lytle Trust ("Lytle Trust"). Daniel T. Foley, Esq. of Foley & Oaks, PC appeared on behalf of  
25 Marjorie B. Boulden, Trustee of the Marjorie B. Boulden Trust, amended and restated dated July  
26 17, 1996 ("Boulden Trust") and Linda Lamothe and Jacques Lamothe, Trustees of the Jacques  
27 and Linda Lamothe Living Trust ("Lamothe Trust"). Christina H. Wang, Esq. of Fidelity  
28 National Law Group appeared on behalf of Robert Z. Disman and Yvonne A. Disman ("Robert  
& Yvonne Disman"). The Court having considered the Motion and exhibits, having heard the  
arguments of counsel, for all the reasons contained in the Motion, and with good cause appearing  
therefore, the Court hereby enters the following Order:

1 **IT IS HEREBY ORDERED** that the Motion to Consolidate Case No. A-16-747800-C  
 2 with Case No. A-17-765372-C is hereby GRANTED.

3 **IT IS SO ORDERED.**


4 Dated this 27<sup>th</sup> day of February, 2018.



DISTRICT COURT JUDGE

7 Submitted by:

8 **CHRISTENSEN JAMES & MARTIN**

9   
 Wesley J. Smith, Esq.

10 Nevada Bar No. 11871

11 Laura J. Wolff, Esq.

Nevada Bar No. 6869

7440 W. Sahara Ave.

Las Vegas, NV 89117

Attorneys for Plaintiffs September Trust,


Zobrist Trust, Sandoval Trust, and

Dennis & Julie Gegen

14 **Approved as to Form and Content by:**

15 FIDELITY NATIONAL LAW GROUP

FOLEY & OAK, P.C.

17   
 CHRISTINA H. WANG, ESQ.

Nevada Bar No. 9713

1701 Village Center Circle, Suite 110

Las Vegas, Nevada 89134

Attorneys for Counter-Defendants/Cross-

Claimants Robert & Yvonne Disman

20 GIBBS GIDEN LOCHER TURNER

21 SENET & WITTBRODT LLP

  
 DANIEL T. FOLEY, ESQ.

Nevada Bar No. 1078

626 S. 8<sup>th</sup> Street

Las Vegas, Nevada 89101

Attorneys for Plaintiffs/Counter-  
 Defendants/Cross-Defendants Boulden Trust  
 and Lamothe Trust

22   
 RICHARD E. HASKIN, ESQ.

Nevada Bar No. 11592

23 TIMOTHY P. ELSON, ESQ.

Nevada Bar No. 11559

1140 N. Town Center Drive, Suite 300

Las Vegas, Nevada 89144

Attorneys for Defendants/Counter-

Claimants Lytle Trust

1           **IT IS HEREBY ORDERED** that the Motion to Consolidate Case No. A-16-747800-C  
 2 with Case No. A-17-765372-C is hereby GRANTED.

3           **IT IS SO ORDERED.**

4           Dated this \_\_\_\_ day of February, 2018.

6           \_\_\_\_\_  
 DISTRICT COURT JUDGE

7 Submitted by:  
 8 **CHRISTENSEN JAMES & MARTIN**

9           \_\_\_\_\_  
 Wesley J. Smith, Esq.  
 10 Nevada Bar No. 11871  
 Laura J. Wolff, Esq.  
 11 Nevada Bar No. 6869  
 7440 W. Sahara Ave.  
 12 Las Vegas, NV 89117  
 Attorneys for Plaintiffs September Trust,  
 13 Zobrist Trust, Sandoval Trust, and  
 Dennis & Julie Gegen

14 **Approved as to Form and Content by:**

15 FIDELITY NATIONAL LAW GROUP

16           \_\_\_\_\_  
 17 CHRISTINA H. WANG, ESQ.  
 Nevada Bar No. 9713  
 18 1701 Village Center Circle, Suite 110  
 Las Vegas, Nevada 89134  
 19 Attorneys for Counter-Defendants/Cross-  
 Claimants Robert & Yvonne Disman

20 GIBBS GIDEN LOCHER TURNER  
 21 SENET & WITTBRODT LLP

22           \_\_\_\_\_  
 RICHARD E. HASKIN, ESQ.  
 23 Nevada Bar No. 11592  
 TIMOTHY P. ELSON, ESQ.  
 24 Nevada Bar No. 11559  
 1140 N. Town Center Drive, Suite 300  
 25 Las Vegas, Nevada 89144  
 Attorneys for Defendants/Counter-  
 26 Claimants Lytle Trust

FOLEY & OAK, P.C.

\_\_\_\_\_  
 DANIEL T. FOLEY, ESQ.  
 Nevada Bar No. 1078  
 626 S. 8<sup>th</sup> Street  
 Las Vegas, Nevada 89101  
 Attorneys for Plaintiffs/Counter-  
 Defendants/Cross-Defendants Boulden Trust  
 and Lamothe Trust

1           **IT IS HEREBY ORDERED** that the Motion to Consolidate Case No. A-16-747800-C  
 2 with Case No. A-17-765372-C is hereby GRANTED.

3           **IT IS SO ORDERED.**

4           Dated this \_\_\_\_ day of February, 2018.

6           \_\_\_\_\_  
 DISTRICT COURT JUDGE

7 Submitted by:  
 8 **CHRISTENSEN JAMES & MARTIN**

9           \_\_\_\_\_  
 Wesley J. Smith, Esq.  
 10 Nevada Bar No. 11871  
 Laura J. Wolff, Esq.  
 11 Nevada Bar No. 6869  
 7440 W. Sahara Ave.  
 12 Las Vegas, NV 89117  
 Attorneys for Plaintiffs September Trust,  
 13 Zobrist Trust, Sandoval Trust, and  
 Dennis & Julie Gegen

14 **Approved as to Form and Content by:**  
 15 **FIDELITY NATIONAL LAW GROUP**

FOLEY & OAK, P.C.

16           \_\_\_\_\_  
 17 **CHRISTINA H. WANG, ESQ.**  
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 18 1701 Village Center Circle, Suite 110  
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 19 Attorneys for Counter-Defendants/Cross-  
 Claimants Robert & Yvonne Disman

\_\_\_\_\_  
 20 **DANIEL T. FOLEY, ESQ.**  
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 Defendants/Cross-Defendants Boulden Trust  
 and Lamothe Trust

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**SENET & WITTBRODT LLP**  
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 23 **RICHARD E. HASKIN, ESQ.**  
 Nevada Bar No. 11592  
 24 **TIMOTHY P. ELSON, ESQ.**  
 Nevada Bar No. 11559  
 1440 N. Town Center Drive, Suite 300  
 25 Las Vegas, Nevada 89144  
 Attorneys for Defendants/Counter-  
 26 Claimants Lytle Trust

1           **IT IS HEREBY ORDERED** that the Motion to Consolidate Case No. A-16-747800-C  
2 with Case No. A-17-765372-C is hereby GRANTED.

3           **IT IS SO ORDERED.**

4           **Dated this \_\_\_\_ day of February, 2018.**

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DISTRICT COURT JUDGE

Submitted by:  
**CHRISTENSEN JAMES & MARTIN**

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Dennis & Julie Gegen

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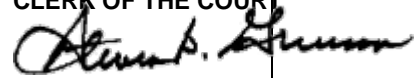
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Attorneys for Plaintiffs/Counter-  
Defendants/Cross-Defendants Boulden Trust  
and Lamothe Trust



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5



**NEOJ**  
**CHRISTENSEN JAMES & MARTIN**  
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Nevada Bar No. 175  
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*Attorneys for September Trust, Zobrist Trust, Sandoval Trust  
and Dennis & Julie Gegen*

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

MARJORIE B. BOULDEN, TRUSTEE OF  
THE MARJORIE B. BOULDEN TRUST,  
LINDA LAMOTHE AND JACQUES  
LAMOTHE, TRUSTEES OF THE  
JACQUES & LINDA LAMOTHE LIVING  
TRUST,

Plaintiffs,

vs.

TRUDI LEE LYTLE, JOHN ALLEN  
LYTLE, THE LYTLE TRUST, DOES I  
through X, and ROE CORPORATIONS I  
through X,

Defendants.

Case No.: A-16-747800-C  
Dept. No.: XVIII

**NOTICE OF ENTRY OF ORDER  
GRANTING MOTION FOR  
SUMMARY JUDGMENT OR, IN THE  
ALTERNATIVE, MOTION FOR  
JUDGMENT ON THE PLEADINGS  
AND DENYING COUNTERMOTION  
FOR SUMMARY JUDGMENT**

Date: May 2, 2018  
Time: 9:00 a.m.

AND ALL RELATED COUNTERCLAIMS  
AND CROSS-CLAIMS

SEPTEMBER TRUST, DATED MARCH 23,  
1972; GERRY R. ZOBRIST AND JOLIN G.  
ZOBRIST, AS TRUSTEES OF THE GERRY  
R. ZOBRIST AND JOLIN G. ZOBRIST  
FAMILY TRUST; RAYNALDO G.  
SANDOVAL AND JULIE MARIE  
SANDOVAL GEGEN, AS TRUSTEES OF  
THE RAYNALDO G. AND EVELYN A.  
SANDOVAL JOINT LIVING AND

Case No.: A-17-765372-C  
Dept. No.: XXVIII

CHRISTENSEN JAMES & MARTIN  
7440 WEST SAHARA AVE., LAS VEGAS, NEVADA 89117  
PH: (702) 255-1718 & FAX: (702) 255-0871

000041

1 DEVOLUTION TRUST DATED MAY 27,  
2 1992; and DENNIS A. GEGEN AND JULIE  
3 S. GEGEN, HUSBAND AND WIFE, AS  
4 JOINT TENANTS,

5 Plaintiffs,

6 vs.

7 TRUDI LEE LYTLE AND JOHN ALLEN  
8 LYTLE, AS TRUSTEES OF THE LYTLE  
9 TRUST; JOHN DOES I through V; and ROE  
10 ENTITIES I through V, inclusive,

11 Defendants.

12 PLEASE TAKE NOTICE that an **ORDER GRANTING MOTION FOR**  
13 **SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, MOTION FOR**  
14 **JUDGMENT ON THE PLEADINGS AND DENYING COUNTERMOTION FOR**  
15 **SUMMARY JUDGMENT** was filed with the Court on May 24, 2018, a true and correct  
16 copy of which is attached hereto.

17 Dated this 25th day of May, 2018.

18 **CHRISTENSEN JAMES & MARTIN**

19 By: /s/ Wesley J Smith, Esq.

20 Wesley J. Smith, Esq.

21 Nevada Bar No. 11871

22 Laura J. Wolff, Esq.

23 Nevada Bar No. 6869

24 7440 W. Sahara Ave.

25 Las Vegas, NV 89117

26 Attorneys for Plaintiffs September Trust,

27 Zobrist Trust, Sandoval Trust, and

28 Dennis & Julie Gegen

**CERTIFICATE OF SERVICE**

I am an employee of Christensen James & Martin. On May 25, 2018, I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER GRANTING MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, MOTION FOR JUDGMENT ON THE PLEADINGS AND DENYING COUNTERMOTION FOR SUMMARY JUDGMENT**, to be served in the following manner:

☒ **ELECTRONIC SERVICE**: electronic transmission (E-Service) through the Court's electronic filing system pursuant to Rule 8.05 of the Rules of Practice for the Eighth Judicial District Court of the State of Nevada.

☐ **UNITED STATES MAIL**: depositing a true and correct copy of the above-referenced document into the United States Mail with prepaid first-class postage, addressed to the parties at their last-known mailing address(es):

☐ **FACSIMILE**: By sending the above-referenced document via facsimile as follows:

☐ **E-MAIL**: electronic transmission by email to the following address(es):

/s/ Natalie Saville  
Natalie Saville

1 **ORDR**  
2 **CHRISTENSEN JAMES & MARTIN**  
3 KEVIN B. CHRISTENSEN, ESQ.  
Nevada Bar No. 175  
4 WESLEY J. SMITH, ESQ.  
Nevada Bar No. 11871  
5 LAURA J. WOLFF, ESQ.  
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8 Email: kbc@cjmlv.com; wes@cjmlv.com; ljw@cjmlv.com  
*Attorneys for September Trust, Zobrist Trust, Sandoval Trust*  
*and Dennis & Julie Gegen*

9 **EIGHTH JUDICIAL DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

11 MARJORIE B. BOULDEN, TRUSTEE OF  
12 THE MARJORIE B. BOULDEN TRUST,  
13 LINDA LAMOTHE AND JACQUES  
14 LAMOTHE, TRUSTEES OF THE  
15 JACQUES & LINDA LAMOTHE LIVING  
16 TRUST,

17 Plaintiffs,

18 vs.

19 TRUDI LEE LYTLE, JOHN ALLEN  
20 LYTLE, THE LYTLE TRUST, DOES I  
21 through X, and ROE CORPORATIONS I  
22 through X,

23 Defendants.

24 AND ALL RELATED COUNTERCLAIMS  
25 AND CROSS-CLAIMS

26 SEPTEMBER TRUST, DATED MARCH 23,  
27 1972; GERRY R. ZOBRIST AND JOLIN G.  
28 ZOBRIST, AS TRUSTEES OF THE GERRY  
R. ZOBRIST AND JOLIN G. ZOBRIST  
FAMILY TRUST; RAYNALDO G.  
SANDOVAL AND JULIE MARIE  
SANDOVAL GEGEN, AS TRUSTEES OF  
THE RAYNALDO G. AND EVELYN A.  
SANDOVAL JOINT LIVING AND

Case No.: A-16-747800-C  
Dept. No.: XVIII

**ORDER GRANTING MOTION FOR  
SUMMARY JUDGMENT OR, IN THE  
ALTERNATIVE, MOTION FOR  
JUDGMENT ON THE PLEADINGS  
AND DENYING COUNTERMOTION  
FOR SUMMARY JUDGMENT**

Date: May 2, 2018  
Time: 9:00 a.m.

Case No.: A-17-765372-C  
Dept. No.: XXVIII

CHRISTENSEN JAMES & MARTIN  
7440 WEST SAHARA AVE., LAS VEGAS, NEVADA 89117  
PH: (702) 255-1718 & FAX: (702) 255-0871

1 DEVOLUTION TRUST DATED MAY 27,  
2 1992; and DENNIS A. GEGEN AND JULIE  
3 S. GEGEN, HUSBAND AND WIFE, AS  
4 JOINT TENANTS,

5 Plaintiffs,

6 vs.

7 TRUDI LEE LYTLE AND JOHN ALLEN  
8 LYTLE, AS TRUSTEES OF THE LYTLE  
9 TRUST; JOHN DOES I through V; and ROE  
10 ENTITIES I through V, inclusive,

11 Defendants.

12 Presently before the Court is Plaintiffs' Motion for Summary Judgment or, in the  
13 Alternative, Motion for Judgment on the Pleadings filed by the September Trust, dated March  
14 23, 1972 ("September Trust"), Gerry R. Zobrist and Jolin G. Zobrist, as Trustees of the Gerry R.  
15 Zobrist and Jolin G. Zobrist Family Trust ("Zobrist Trust"), Raynaldo G. Sandoval and Julie  
16 Marie Sandoval Gegen, as Trustees of the Raynaldo G. and Evelyn A. Sandoval Joint Living and  
17 Devolution Trust dated May 27, 1992 ("Sandoval Trust"), and Dennis A. Gegen and Julie S.  
18 Gegen, Husband and Wife, as Joint Tenants ("Dennis & Julie Gegen") (collectively the  
19 "Plaintiffs") in Case No. A-17-765372-C, and Defendants' Countermotion for Summary  
20 Judgment filed by Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust ("Lytle  
21 Trust") in Case No. A-17-765372-C, which came on for hearing on March 21, 2018 at 9:00 a.m.  
22 and May 2, 2018 at 9:00 a.m. in Department XVIII of the Eighth Judicial District Court, Clark  
23 County, Nevada.

24 Wesley J. Smith, Esq. of Christensen James & Martin appeared on behalf of the Plaintiffs  
25 September Trust, Zobrist Trust, Sandoval Trust, and Dennis & Julie Gegen. Richard Haskin,  
26 Esq. of Gibbs Giden Locher Turner Senet & Wittbrodt LLP appeared on behalf of the Lytle  
27 Trust. Daniel T. Foley, Esq. of Foley & Oakes, PC appeared on behalf of Marjorie B. Boulden,  
28 Trustee of the Marjorie B. Boulden Trust, amended and restated dated July 17, 1996 ("Boulden

1 Trust") and Linda Lamothe and Jacques Lamothe, Trustees of the Jacques and Linda Lamothe  
2 Living Trust ("Lamothe Trust"). Christina H. Wang, Esq. of Fidelity Law Group appeared on  
3 behalf of Robert Z. Disman and Yvonne A. Disman ("Robert & Yvonne Disman").

4 The Court having considered the Motions and exhibits, having heard the arguments of  
5 counsel, for all the reasons contained in the Plaintiffs' Motion for Summary Judgment or, in the  
6 Alternative, Motion for Judgment on the Pleadings, and with good cause appearing therefore, the  
7 Court hereby enters the following Order:

8  
9 **FINDINGS OF FACT**

10 1. The September Trust is the owner of the residential property in Clark County,  
11 Nevada known as 1861 Rosemere Court, Las Vegas, Nevada 89117, Assessor's Parcel No. 163-  
12 03-313-004 ("September Property").

13 2. The Zobrist Trust is the owner of the residential property in Clark County,  
14 Nevada known as 1901 Rosemere Court, Las Vegas, Nevada 89117, Assessor's Parcel No. 163-  
15 03-313-005 ("Zobrist Property").

16 3. The Sandoval Trust is the owner of the residential property in Clark County,  
17 Nevada known as 1860 Rosemere Court, Las Vegas, Nevada 89117, Assessor's Parcel No. 163-  
18 03-313-001 ("Sandoval Property").

19 4. Dennis & Julie Gegen are the owner of the residential property in Clark County,  
20 Nevada known as 1831 Rosemere Court, Las Vegas, Nevada 89117, Assessor's Parcel No. 163-  
21 03-313-003 ("Gegen Property") (hereafter September Property, Zobrist Property, Sandoval  
22 Property and Gegen Property may be collectively referred to as "Plaintiffs' Properties").  
23

24 5. The Plaintiffs' Properties are located in the Rosemere Estates subdivision  
25 ("Rosemere Subdivision" or "Subdivision") and are subject to the CC&R's recorded January 4,  
26 1994 (the "CC&Rs").  
27  
28

1           6.     John Allen Lytle and Trudi Lee Lytle are the Trustees of the Lytle Trust  
2 (collectively "Lytle Trust") which owns that certain residential property known as parcel number  
3 163-03-313-009 (the "Lytle Property"), also located in the Rosemere Subdivision.

4           7.     In 2009, the Lytles filed suit against the Rosemere Association directly in the  
5 Eighth Judicial District Court, Case No. A-09-593497-C ("Rosemere Litigation I").

6           8.     None of the Plaintiffs were ever parties in the Rosemere Litigation I.

7           9.     None of the Plaintiffs were a "losing party" in the Rosemere Litigation I as that  
8 term is found in Section 25 of the Original CC&Rs.  
9

10          10.    The Lytles obtained a Summary Judgment for Declaratory Relief from the District  
11 Court in the Rosemere Litigation I, which found and ruled as follows:

12           a.    The Association is a limited purpose association under NRS 116.1201, is not a  
13 Chapter 116 "unit-owners' association," and is relegated to only those specific  
14 duties and powers set forth in Paragraph 21 of the Original CC&Rs and NRS  
116.1201.

15           b.    The Association did not have any powers beyond those of the "property owners  
16 committee" designation in the Original CC&Rs - simply to care for the  
17 landscaping and other common elements of Rosemere Estates as set forth in  
Paragraph 21 of the Original CC&Rs.

18           c.    Consistent with the absence of a governing body, the Developer provided each  
19 homeowner the right to independently enforce the Original CC&Rs against one  
another.

20           d.    The Amended and Restated CC&Rs recorded with the Clark County Recorder's  
21 Office as Instrument No. 20070703-0001934 (the "Amended CC&Rs") are  
22 invalid, and the Amended CC&Rs have no force and effect.

23          11.    Pursuant to NRS 116.1201(2) much of NRS Chapter 116 does not apply to the  
24 Association because it is a limited purpose association that is not a rural agricultural residential  
25 community.

26          12.    After obtaining Summary Judgment in the Rosemere Litigation I, the Lytle Trust  
27 filed a Motion for Attorneys' Fees and Costs against the Association, and conducted a prove-up  
28



1 hearing on damages. After hearing all matters, a Final Judgment was entered in the Lytle Trust's  
2 favor against the Association for \$361,238.59, which includes damages, attorneys' fees and costs  
3 (the "Final Judgment").

4 13. After obtaining the Attorneys' Fees Judgment, the Lytle Trust, on August 16,  
5 2016, recorded with the Clark County Recorder's office an Abstract of Judgment referencing the  
6 Final Judgment against the Association, recorded as Instrument No. 20160818-0001198 (the  
7 "First Abstract of Judgment").  
8

9 14. In the First Abstract of Judgment, the Lytle Trust listed the parcel numbers for all  
10 of the Plaintiffs' Properties as properties to which the First Abstract of Judgment and Final  
11 Judgment was to attach.

12 15. On September 2, 2016, the Lytle Trust recorded with the Clark County Recorder's  
13 office an Abstract of Judgment referencing the Final Judgment against the Association, recorded  
14 as Instrument No. 20160902-0002685 (the "Second Abstract of Judgment"). The Second  
15 Abstract of Judgment listed the parcel number of the Gegen Property only as the property to  
16 which the Judgment was to attach.  
17

18 16. On September 2, 2016, the Lytle Trust recorded with the Clark County Recorder's  
19 office an Abstract of Judgment referencing the Final Judgment against the Association, recorded  
20 as Instrument No. 20160902-0002686 (the "Third Abstract of Judgment"). The Third Abstract of  
21 Judgment listed the parcel number of the September Trust Property only as the property to which  
22 the Judgment was to attach.  
23

24 17. On September 2, 2016, the Lytle Trust recorded with the Clark County Recorder's  
25 office an Abstract of Judgment referencing the Final Judgment against the Association, recorded  
26 as Instrument No. 20160902-0002687 (the "Fourth Abstract of Judgment"). The Fourth Abstract  
27  
28

1 of Judgment listed the parcel number of the Zobrist Trust Property only as the property to which  
2 the Judgment was to attach.

3 18. In 2010, the Lytle Trust filed another suit against the Rosemere Association  
4 directly in Case No. A-10-631355-C ("Rosemere Litigation II"). The Lytle Trust did not name  
5 the Plaintiffs as Defendants in the Rosemere Litigation II.

6 19. On or about November 14, 2016, the Lytle Trust was granted Summary Judgment  
7 against the Rosemere Association.

8 20. On or about July 20, 2017, the District Court signed an Abstract of Judgment in  
9 the amount of \$1,103,158.12. ("Rosemere Judgment II").  
10

11 21. The Plaintiffs were not named parties in the Rosemere II Litigation.

12 22. On or about April 2, 2015, the Lytle Trust filed a third case (Case No. A-15-  
13 716420-C) against the Association and named as Defendants Sherman L. Kearl ("Kearl") and  
14 Gerry G. Zobrist ("Zobrist") ("Rosemere Litigation III"). On April 8, 2015, the Lytles filed an  
15 Errata to the Complaint amending it so that all references to Kearl and Zobrist were taken out of  
16 the Complaint.  
17

18 23. On or about September 13, 2017, the Court in the entered its Order granting  
19 Summary Judgment for Declaratory Relief as against the Association ("Rosemere Judgment III").  
20 On November 8, 2017, the Rosemere Litigation III Court granted a Motion for Attorney's Fees  
21 and Costs.

22 24. On February 24, 2017, the Boulden Trust, owner of Parcel No. 163-03-313-008 in  
23 the Rosemere Subdivision, and the Lamothe Trust, owner of Parcel No. 163-03-313-002 in the  
24 Rosemere Subdivision, filed a Motion for Partial Summary Judgment in this Court in this Case,  
25 Case No. A-16-747900-C.  
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1           25.     This Court granted the Boulden Trust's and Lamothe Trust's Motion for Partial  
2 Summary Judgment, and on July 25, 2017, entered its Order Granting Motion to Alter or Amend  
3 Findings of Fact and Conclusions of Law ("Order").

4           26.     In its Order, the Court found that, among other things, the Association is not  
5 subject to NRS 116.3117, the Boulden Trust and Lamothe Trust were not parties to the  
6 Rosemere Litigation, the Rosemere Judgment I (referred to as the "Rosemere LP Litigation" in  
7 the Order) is not an obligation or debt of the Boulden Trust or the Lamothe Trust and that the  
8 Abstracts of Judgment were improperly recorded against their properties and must be expunged  
9 and stricken from the record.  
10

11           27.     After the Court issued its Order, the Lytles released their liens against the  
12 Boulden Trust and Lamothe Trust properties.

13           28.     On February 21, 2018, Case No. A-17-765372-C was consolidated with Case No.  
14 A-16-747900-C.  
15

16                               **CONCLUSIONS OF LAW**

17           1.     The Court's prior Order with respect to Boulden Trust's and Lamothe Trust's  
18 Motion for Partial Summary Judgment, Case No. A-16-747900-C, is the law of the case, to the  
19 extent applicable to Plaintiffs' claims.

20           2.     The Association is a "limited purpose association" as referenced in NRS  
21 116.1201(2).

22           3.     As a limited purpose association, NRS 116.3117 is not applicable to the  
23 Association.  
24

25           4.     As a result of the Rosemere Litigation I, the Amended CC&Rs were judicially  
26 declared to have been improperly adopted and recorded, the Amended CC&Rs are invalid and  
27 have no force and effect and were declared *void ab initio*.  
28

1           5.       The Plaintiffs were not parties to the Rosemere Litigation I, Rosemere Litigation  
2       II or Rosemere Litigation III.

3           6.       The Plaintiffs were not "losing parties" in the Rosemere Litigation I, Rosemere  
4       Litigation II or Rosemere Litigation III as per Section 25 of the Original CC&Rs.

5           7.       Rosemere Judgments I, II and III in favor of the Lytle Trust, are not against, and  
6       are not an obligation of the Plaintiffs to the Lytle Trust.

7           8.       Rosemere Judgments I, II and III are against the Association and are not an  
8       obligation or debt owed by the Plaintiffs to the Lytle Trust.

9           9.       The First Abstract of Judgment recorded as Instrument No. 20160818-0001198  
10       was improperly recorded against the Plaintiffs' Properties and constitutes a cloud against each of  
11       the Plaintiffs' Properties.

12           10.      The Second Abstract of Judgment recorded as Instrument No. 20160902-0002685  
13       was improperly recorded against the Gegen Property and constitutes a cloud against the Gegen  
14       Property.  
15

16           11.      The Third Abstract of Judgment recorded as Instrument No. 20160902-0002686  
17       was improperly recorded against the September Trust Property and constitutes a cloud against  
18       the September Trust Property.

19           12.      The Fourth Abstract of Judgment recorded as Instrument No. 20160902-0002687  
20       was improperly recorded against the Zobrist Trust Property and constitutes a cloud against the  
21       Zobrist Trust Property.  
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**ORDER**

Based upon the Findings of Fact and Conclusions of Law above, and good cause appearing therefore,

**IT IS HEREBY ORDERED ADJUDGED AND DECREED** that Plaintiffs' Motion for Summary Judgment is GRANTED.

**IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the Lytle Trust's Countermotion for Summary Judgment is DENIED.

**IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the Lytle Trust improperly clouded the title to the September Property.

**IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the Lytle Trust improperly clouded the title to the Zobrist Property.

**IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the Lytle Trust improperly clouded the title to the Sandoval Property.

**IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the Lytle Trust improperly clouded the title to the Gegen Property.

**IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the First Abstract of Judgment recorded as Instrument No. 20160818-0001198 in the Clark County Recorder's Office is hereby expunged and stricken from the records of the Clark County Recorder's Office.

**IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the Second Abstract of Judgment recorded as Instrument No. 20160902-0002685 in the Clark County Recorder's Office is hereby expunged and stricken from the records of the Clark County Recorder's Office.

1           **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the  
2 Third Abstract of Judgment recorded as Instrument No. 20160902-0002686 in the Clark County  
3 Recorder's Office is hereby expunged and stricken from the records of the Clark County  
4 Recorder's Office.

5           **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the  
6 Fourth Abstract of Judgment recorded as Instrument No. 20160902-0002687 in the Clark County  
7 Recorder's Office is hereby expunged and stricken from the records of the Clark County  
8 Recorder's Office.

9           **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the  
10 Lytle Trust is permanently enjoined from recording and enforcing the Judgments obtained from  
11 the Rosemere Litigation I, Rosemere Litigation II and Rosemere Litigation III, or any other  
12 judgments obtained against the Association, against the September Property, Zobrist Property,  
13 Sandoval Property or Gegen Property.

14           **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the  
15 Lytle Trust is permanently enjoined from taking any action in the future directly against the  
16 Plaintiffs or their properties based upon the Rosemere Litigation I, Rosemere Litigation II or  
17 Rosemere Litigation III.

18           **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the  
19 Lytle Trust is hereby ordered to release the First Abstract of Judgment, the Second Abstract of  
20 Judgment, the Third Abstract of Judgment and the Fourth Abstract of Judgment recorded with  
21 the Clark County Recorder within ten (10) days after the date of Notice of Entry of this Order.

22           ///

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1 **IT IS SO ORDERED.**

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3 Dated this \_\_\_\_ day of May, 2018.

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DISTRICT COURT JUDGE

Submitted by:

**CHRISTENSEN JAMES & MARTIN**

*Wesley J. Smith*

Wesley J. Smith, Esq.  
Nevada Bar No. 11871  
Laura J. Wolff, Esq.  
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Attorneys for Plaintiffs September Trust,  
Zobrist Trust, Sandoval Trust, and  
Dennis & Julie Gegen

**Approved as to Form and Content by:**

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Claimants Lytle Trust

**FOLEY & OAKES, P.C.**

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626 S. 8<sup>th</sup> Street  
Las Vegas, Nevada 89101  
Attorneys for Plaintiffs/Counter-  
Defendants/Cross-Defendants Boulden Trust  
and Lamothe Trust

1           **IT IS SO ORDERED.**

2  
3           Dated this \_\_\_\_ day of May, 2018.

4  
5  
6           \_\_\_\_\_  
DISTRICT COURT JUDGE

7 Submitted by:

8           **CHRISTENSEN JAMES & MARTIN**

9           \_\_\_\_\_  
Wesley J. Smith, Esq.  
10 Nevada Bar No. 11871  
Laura J. Wolff, Esq.  
11 Nevada Bar No. 6869  
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12 Las Vegas, NV 89117  
Attorneys for Plaintiffs September Trust,  
13 Zobrist Trust, Sandoval Trust, and  
Dennis & Julie Gegen

14  
15           **Approved as to Form and Content by:**

16 FIDELITY NATIONAL LAW GROUP

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20 Claimants Robert & Yvonne Disman

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22 SENET & WITTBRODT LLP

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Attorneys for Plaintiffs/Counter-  
Defendants/Cross-Defendants Boulden Trust  
and Lamothe Trust



1 **IT IS SO ORDERED.**

2  
3 Dated this 22 day of May, 2018.

4  
5  
6 **DISTRICT COURT JUDGE**

*L. R.*

7 Submitted by:

8 **CHRISTENSEN JAMES & MARTIN**

9  
10 Wesley J. Smith, Esq.  
11 Nevada Bar No. 11871  
12 Laura J. Wolff, Esq.  
13 Nevada Bar No. 6869  
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15 Las Vegas, NV 89117  
16 Attorneys for Plaintiffs September Trust,  
17 Zobrist Trust, Sandoval Trust, and  
18 Dennis & Julie Gegen

19 **Approved as to Form and Content by:**

20 **FIDELITY NATIONAL LAW GROUP**

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26 Claimants Robert & Yvonne Disman

27 **GIBBS GIDEN LOCHER TURNER**  
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Claimants Lytle Trust

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Attorneys for Plaintiffs/Counter-  
Defendants/Cross-Defendants Boulden Trust  
and Lamothe Trust

1 **IT IS SO ORDERED.**

2  
3 Dated this 28 day of May, 2018.



DISTRICT COURT JUDGE

4  
5  
6 Submitted by:

7  
8 **CHRISTENSEN JAMES & MARTIN**

9  
10 Wesley J. Smith, Esq.  
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Zobrist Trust, Sandoval Trust, and  
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20 Claimants Robert & Yvonne Disman

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Defendants/Cross-Defendants Boulden Trust  
and Lamothe Trust

6

6

1 **NOTC**  
2 **CHRISTENSEN JAMES & MARTIN**  
3 KEVIN B. CHRISTENSEN, ESQ.  
Nevada Bar No. 175  
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*Attorneys for September Trust, Zobrist Trust, Sandoval Trust*  
9 *and Dennis & Julie Gegen*

10 **EIGHTH JUDICIAL DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 MARJORIE B. BOULDEN, TRUSTEE OF  
13 THE MARJORIE B. BOULDEN TRUST,  
14 LINDA LAMOTHE AND JACQUES  
LAMOTHE, TRUSTEES OF THE  
JACQUES & LINDA LAMOTHE LIVING  
TRUST,

15 Plaintiffs,

16 vs.

17 TRUDI LEE LYTLE, JOHN ALLEN  
18 LYTLE, THE LYTLE TRUST, DOES I  
through X, and ROE CORPORATIONS I  
19 through X,  
20 Defendants.

21 AND ALL RELATED COUNTERCLAIMS  
22 AND CROSS-CLAIMS

23 SEPTEMBER TRUST, DATED MARCH 23,  
24 1972; GERRY R. ZOBRIST AND JOLIN G.  
25 ZOBRIST, AS TRUSTEES OF THE GERRY  
R. ZOBRIST AND JOLIN G. ZOBRIST  
26 FAMILY TRUST; RAYNALDO G.  
SANDOVAL AND JULIE MARIE  
27 SANDOVAL GEGEN, AS TRUSTEES OF  
THE RAYNALDO G. AND EVELYN A.  
28 SANDOVAL JOINT LIVING AND

Case No.: A-16-747800-C  
Dept. No.: XVIII

**NOTICE OF ENTRY OF ORDER**  
**REGARDING PLAINTIFFS' MOTION**  
**FOR ATTORNEY'S FEES AND**  
**COSTS AND MEMORANDUM OF**  
**COSTS AND DISBURSEMENTS AND**  
**DEFENDANTS' MOTION TO RETAX**  
**AND SETTLE MEMORANDUM OF**  
**COSTS**

Date:  
Time:

Case No.: A-17-765372-C  
Dept. No.: XXVIII

1 DEVOLUTION TRUST DATED MAY 27,  
2 1992; and DENNIS A. GEGEN AND JULIE  
3 S. GEGEN, HUSBAND AND WIFE, AS  
4 JOINT TENANTS,

5 Plaintiffs,

6 vs.

7 TRUDI LEE LYTLE AND JOHN ALLEN  
8 LYTLE, AS TRUSTEES OF THE LYTLE  
9 TRUST; JOHN DOES I through V; and ROE  
10 ENTITIES I through V, inclusive,

11 Defendants.

12 PLEASE TAKE NOTICE that on September 12, 2018, the attached Order Regarding  
13 Plaintiffs' Motion for Attorney's Fees and Costs and Memorandum of Costs and  
14 Disbursements and Defendants' Motion to Retax and Settle Memorandum of Cost was  
15 entered into the Court's Docket.

16 DATED this 13th day of September, 2018.

17 CHRISTENSEN JAMES & MARTIN

18 By: /s/ Wesley J Smith, Esq.

19 Wesley J Smith, Esq.

20 Nevada Bar No. 11871

21 7440 W. Sahara Avenue

22 Las Vegas, NV 89117

23 Tel.: (702) 255-1718

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25 *Attorneys for September Trust, Zobrist*  
26 *Trust, Sandoval Trust and Gegen*



**ORDR**  
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*Attorneys for September Trust, Zobrist Trust, Sandoval Trust  
and Dennis & Julie Gegen*

**EIGHTH JUDICIAL DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

MARJORIE B. BOULDEN, TRUSTEE OF  
THE MARJORIE B. BOULDEN TRUST,  
LINDA LAMOTHE AND JACQUES  
LAMOTHE, TRUSTEES OF THE  
JACQUES & LINDA LAMOTHE LIVING  
TRUST,

Plaintiffs,

vs.

TRUDI LEE LYTLE, JOHN ALLEN  
LYTLE, THE LYTLE TRUST, DOES I  
through X, and ROE CORPORATIONS I  
through X,

Defendants,

Case No.: A-16-747800-C  
Dept. No.: XVIII

**ORDER REGARDING PLAINTIFFS'**  
**MOTION FOR ATTORNEY'S FEES**  
**AND COSTS AND MEMORANDUM**  
**OF COSTS AND DISBURSEMENTS**  
**AND DEFENDANTS' MOTION TO**  
**RETAKE AND SETTLE**  
**MEMORANDUM OF COSTS**

Date: August 9, 2018  
Time: 9:00 a.m.

AND ALL RELATED COUNTERCLAIMS  
AND CROSS-CLAIMS

SEPTEMBER TRUST, DATED MARCH 23,  
1972; GERRY R. ZOBRIST AND JOLIN G.  
ZOBRIST, AS TRUSTEES OF THE GERRY  
R. ZOBRIST AND JOLIN G. ZOBRIST  
FAMILY TRUST; RAYNALDO G.  
SANDOVAL AND JULIE MARIE  
SANDOVAL GEGEN, AS TRUSTEES OF  
THE RAYNALDO G. AND EVELYN A.  
SANDOVAL JOINT LIVING AND

Case No.: A-17-765372-C  
Dept. No.: XXVIII

CHRISTENSEN JAMES & MARTIN  
7440 WEST SAHARA AVE., LAS VEGAS, NEVADA 89117  
PH: (702) 255-1718 & FAX: (702) 255-0871

1 DEVOLUTION TRUST DATED MAY 27,  
2 1992; and DENNIS A. GEGEN AND JULIE  
3 S. GEGEN, HUSBAND AND WIFE, AS  
4 JOINT TENANTS,

5 Plaintiffs,

6 vs.

7 TRUDI LEE LYTLE AND JOHN ALLEN  
8 LYTLE, AS TRUSTEES OF THE LYTLE  
9 TRUST; JOHN DOES I through V; and ROE  
10 ENTITIES I through V, inclusive,

11 Defendants.

12 Presently before the Court is Plaintiffs' Motion for Attorney's Fees and Costs and  
13 Memorandum of Costs and Disbursements (hereafter collectively "Plaintiffs' Motion") filed by  
14 the September Trust, dated March 23, 1972 ("September Trust"), Gerry R. Zobrist and Jolin G.  
15 Zobrist, as Trustees of the Gerry R. Zobrist and Jolin G. Zobrist Family Trust ("Zobrist Trust"),  
16 Raynaldo G. Sandoval and Julie Marie Sandoval Gegen, as Trustees of the Raynaldo G. and  
17 Evelyn A. Sandoval Joint Living and Devolution Trust dated May 27, 1992 ("Sandoval Trust"),  
18 and Dennis A. Gegen and Julie S. Gegen, Husband and Wife, as Joint Tenants ("Dennis & Julie  
19 Gegen") (collectively the "Plaintiffs") in Case No. A-17-765372-C, and Defendants' Motion to  
20 Retax and Settle Memorandum of Costs ("Defendant's Motion") filed by Trudi Lee Lytle and  
21 John Allen Lytle, as Trustees of the Lytle Trust ("Lytle Trust") in Case No. A-17-765372-C,  
22 which came on for hearing on July 26, 2018 at 9:00 a.m. and August 9, 2018 at 9:00 a.m. in  
23 Department XVIII of the Eighth Judicial District Court, Clark County, Nevada.

24 Wesley J. Smith, Esq. of Christensen James & Martin appeared on behalf of the Plaintiffs  
25 September Trust, Zobrist Trust, Sandoval Trust, and Dennis & Julie Gegen. Richard Haskin,  
26 Esq. of Gibbs Giden Locher Turner Senet & Wittbrodt LLP appeared on behalf of the Lytle  
27 Trust. John M. Oakes, Esq. of Foley & Oakes, PC appeared on behalf of Marjorie B. Boulden,  
28 Trustee of the Marjorie B. Boulden Trust, amended and restated dated July 17, 1996 ("Boulden



1 Trust”) and Linda Lamothe and Jacques Lamothe, Trustees of the Jacques and Linda Lamothe  
2 Living Trust (“Lamothe Trust”). Christina H. Wang, Esq. of Fidelity Law Group appeared on  
3 behalf of Robert Z. Disman and Yvonne A. Disman (“Robert & Yvonne Disman”).

4 The Court having considered the Plaintiffs’ Motion and exhibits and Defendant’s Motion  
5 to Re-Tax and Exhibits, all Oppositions Replies and exhibits thereto, and having heard the  
6 arguments of counsel, and with good cause appearing therefore, the Court hereby enters the  
7 following Order:

### 8 FINDINGS OF FACT

9  
10 In August and September of 2016, the Lytles recorded with the Clark County Recorder’s  
11 office four (4) abstracts of the Final Judgment (“Abstracts of Judgment”) obtained against the  
12 Rosemere Association on August 16, 2016 in Case No. A-09-593497-C, Department XII. The  
13 Abstracts of Judgment were recorded against eight of the individual parcels or properties within  
14 the Rosemere Subdivision, including properties owned by the Plaintiffs. The owners of the  
15 encumbered properties were not Judgment Debtors under the Abstracts of Judgment.

16  
17 On or about December 8, 2016, a case was filed against the Lytle Trust by the Bouldens,  
18 who owned Parcel No. 163-03-313-008, 1960 Rosemere Court, and the Lamothes, who own  
19 Parcel No. 163-03-313-002, 1830 Rosemere Court, each located in the Rosemere Subdivision, to  
20 remove the Abstracts of Judgment and plead causes of action for Quiet Title, Declaratory Relief  
21 and Slander of Title. On February 24, 2017, the Bouldens and Lamothes filed a Motion for  
22 Partial Summary Judgment on their Quiet Title and Declaratory Relief causes of action, which  
23 the Court granted on July 25, 2017 (“Order”).

24  
25 In its Order, the Court found that, among other things, the Abstracts of Judgment were  
26 improperly recorded and must be expunged and stricken from the record. Following the Court’s  
27  
28

1 direction in the Order, the Lytle Trust released its liens against the Boulden and Lamothe  
2 properties.

3 The Plaintiffs in this Action each own a property in the Rosemere Subdivision that was  
4 encumbered by the Defendants' recording of the Abstracts of Judgment. Prior to initiating this  
5 Action, on September 26, 2017, Plaintiffs sent a demand letter to Defendant's attorney  
6 requesting that the Abstracts of Judgment be expunged from Plaintiffs' Properties as well, based  
7 on the Court's Order and the identical factual and legal circumstances of the Plaintiffs'  
8 properties. On several occasions, Plaintiffs' attorneys also spoke to the Lytle Trust's attorney  
9 requesting that the Abstracts of Judgment be removed. The Plaintiffs requested to be placed in  
10 the same position as the Bouldens and Lamothes, with the Appeal to continue and the  
11 Defendants' appeal rights preserved. However, the Lytle Trust refused to release the Abstracts of  
12 Judgment.  
13

14 On November 30, 2017, the Plaintiffs filed a Complaint and Motion for Summary  
15 Judgment in Case No. A-17-765372-C, Department XXVIII, requesting that the Lytle Trust's  
16 Abstracts of Judgment be removed from their Properties, just as the Court had ordered for the  
17 Bouldens and Lamothes. On February 21, 2018, Case No. A-17-765372-C was consolidated with  
18 Case No. A-16-747900-C.  
19

20 On February 9, 2018, the Defendants filed an Opposition to Motion for Summary  
21 Judgment, Or, In the Alternative, Motion for Judgment on the Pleadings and Countermotion for  
22 Summary Judgment ("Countermotion"). On February 21, 2018, Plaintiffs filed a Reply to the  
23 Opposition and an Opposition to the Countermotion. On March 14, 2018, Defendants filed a  
24 Reply to the Plaintiffs' Opposition to the Countermotion. The Motion and Countermotion came  
25 on for hearing on March 21, 2018 and May 2, 2018, where the Court decided in the favor of the  
26 Plaintiffs, adopting Judge Williams' prior Order as "law of the case."  
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## CONCLUSIONS OF LAW

NRS 18.010(2)(b), provides that the court may make an allowance of attorney's fees to a prevailing party

Without regard to the recovery sought, when the court finds that the claim, counterclaim, cross-claim or third-party complaint or defense of the opposing party was brought or maintained without reasonable ground or to harass the prevailing party. The court shall liberally construe the provisions of this paragraph in favor of awarding attorney's fees in all appropriate situations. It is the intent of the Legislature that the court award attorney's fees pursuant to this paragraph and impose sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure in all appropriate situations to punish for and deter frivolous or vexatious claims and defenses because such claims and defenses overburden limited judicial resources, hinder the timely resolution of meritorious claims and increase the costs of engaging in business and providing professional services to the public.

The Defendants had notice of the Order entered by Judge Williams in Case No. A-16-747900-C in favor of substantially similarly situated property owners as the Plaintiffs. After the Order was entered and prior to this Case being filed by the Plaintiffs, the Defendants were given opportunity to avoid this litigation and to preserve their legal arguments for appeal. As this Court has already held, Judge Williams' Order is *law of the case* and binding on this Court. Therefore, given the directive in NRS 18.010(b) to liberally construe the paragraph in favor of awarding attorney's fees, the Court finds that the Defendants' defense to this action was maintained without reasonable ground. An award of Attorney's Fees to the Plaintiffs is therefore warranted. Having prevailed in this Action, the Court finds that the Plaintiffs are also entitled to an award of Costs pursuant to NRS 18.020 and NRS 18.050.

In considering the reasonableness of the amount of the Plaintiffs' requested legal fees, the Court considered the factors set forth in *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969), to wit: 1) The qualities of the advocate: his ability, his training, education, experience, professional standing and skill; 2) The character of the work to be done: its difficulty, its intricacy, its importance, time and skill required, the responsibility imposed and

the prominence and character of the parties where they affect the importance of the litigation; 3)  
 The work actually performed by the lawyer: the skill, time and attention given to the work; and  
 4) the result: whether the attorney was successful and what benefits were derived.

Having considered the *Brunzell* factors and the Defendants' Motion to Retax Costs, the Court finds that the Plaintiffs are entitled to their attorney's fees and costs, but exercises its discretion to reduce the legal fees and costs awarded. Accordingly, the Court awards Attorney's Fees and Costs to the Plaintiffs in the following amounts:

Plaintiff	Attorney's Fees	Costs	Total
September Trust	\$13,513.26	\$250.87	\$13,764.13
Zobrist Trust	\$13,331.26	\$250.87	\$13,582.13
Sandoval Trust	\$12,616.26	\$250.87	\$12,867.13
Gegen	\$12,590.26	\$250.87	\$12,841.13
Totals	\$52,051.04	\$1,003.48	\$53,054.52

### **ORDER**

Based upon the Findings of Fact and Conclusions of Law above, and good cause appearing therefore,

**IT IS HEREBY ORDERED ADJUDGED AND DECREED** that Plaintiffs' Motion for Attorney's Fees and Costs and Memorandum of Costs and Disbursements are hereby granted in part and denied in part, in that the Court is awarding attorney's fees and costs to the Plaintiffs but in a reduced amount.

1  
2 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the  
3 Lytle Trust's Motion to Retax and Settle Memorandum of Costs is hereby granted in part and  
4 denied in part, in that the Court is awarding costs to the Plaintiffs but in a reduced amount.

5 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the  
6 Lytle Trust shall pay Thirteen Thousand Seven Hundred Sixty-Four and 13/100 Dollars  
7 (\$13,764.13) to the September Trust for its attorney's fees and costs.

8  
9 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the  
10 Lytle Trust shall pay Thirteen Thousand Five Hundred Eighty-Two and 13/100 Dollars  
11 (\$13,582.13) to the Zobrist Trust for its attorney's fees and costs.

12 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the  
13 Lytle Trust shall pay Twelve Thousand Eight Hundred Sixty-Seven and 13/100 Dollars  
14 (\$12,867.13) to the Sandoval Trust for its attorney's fees and costs.

15 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the  
16 Lytle Trust shall pay Twelve Thousand Eight Hundred Forty-One and 13/100 Dollars  
17 (\$12,841.13) to Dennis & Julie Gegen for their attorney's fees and costs.

18  
19 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the total  
20 amount ordered to be paid by the Lytle Trust to the Plaintiffs collectively for attorney's fees and  
21 costs is Fifty-Three Thousand Fifty-Four and 52/100 Dollars (\$53,054.52).

22 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the  
23 Lytle Trust is hereby ordered to pay the attorney's fees and costs as Ordered herein by certified  
24 check made payable to "Christensen James & Martin Special Client Trust Account" in the  
25 amount of Fifty-Three Thousand Fifty-Four and 52/100 Dollars (\$53,054.52) and delivered to  
26 the Plaintiffs' attorneys within ten (10) days after the date of Notice of Entry of this Order.  
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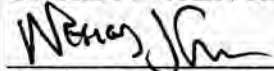
1 **IT IS SO ORDERED.**

2  
3 Dated this \_\_\_\_ day of August, 2018.

4  
5  
6 DISTRICT COURT JUDGE

7 Submitted by:

8 **CHRISTENSEN JAMES & MARTIN**

9 

10 Wesley J. Smith, Esq.

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16 Attorneys for Plaintiffs September Trust,

17 Zobrist Trust, Sandoval Trust, and

18 Dennis & Julie Gegen

19 **Approved as to Form and Content by:**

20 FIDELITY NATIONAL LAW GROUP

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22 Nevada Bar No. 9713

23 Attorneys for Counter-Defendants/Cross-

24 Claimants Robert & Yvonne Disman

25 FOLEY & OAKES, P.C.

26 DANIEL T. FOLEY, ESQ.

27 Nevada Bar No. 1078

28 Attorneys for Plaintiffs/Counter-

Defendants/Cross-Defendants Boulden Trust

and Lamothe Trust

GIBBS GIDEN LOCHER TURNER  
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RICHARD E. HASKIN, ESQ.

Nevada Bar No. 11592

TIMOTHY P. ELSON, ESQ.

Nevada Bar No. 11559

Attorneys for Defendants/Counter-  
Claimants Lytle Trust

1           **IT IS SO ORDERED.**

2  
3           Dated this \_\_\_\_ day of August, 2018.

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DISTRICT COURT JUDGE

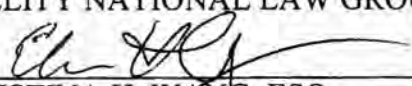
Submitted by:

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Dennis & Julie Gegen

**Approved as to Form and Content by:**

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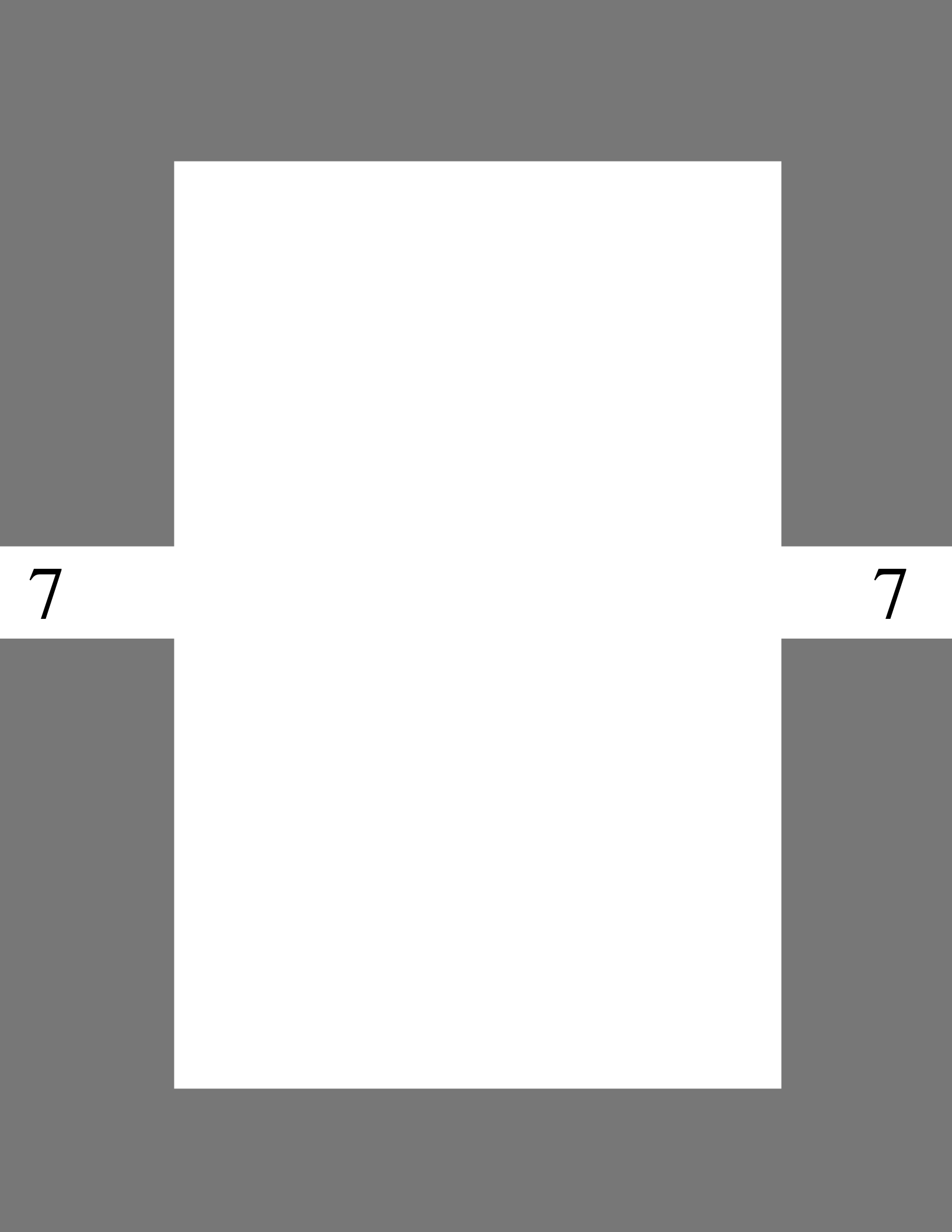
  
CHRISTINA H. WANG, ESQ.  
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Defendants/Cross-Defendants Boulden Trust  
and Lamothe Trust

GIBBS GIDEN LOCHER TURNER  
SENET & WITTBRODT LLP

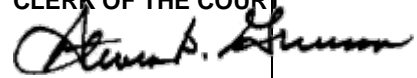
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**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

MARJORIE B. BOULDEN, TRUSTEE OF  
THE MARJORIE B. BOULDEN TRUST, *et*  
*al.*,

Plaintiffs,

vs.

TRUDI LEE LYTLE, *et al.*,

Defendants.

Case No.: A-16-747800-C  
Dept. No.: XVI

**NOTICE OF ENTRY OF ORDER  
GRANTING PLAINTIFFS'  
MOTION FOR ORDER TO SHOW  
CAUSE WHY THE LYTLE TRUST  
SHOULD NOT BE HELD IN  
CONTEMPT FOR VIOLATION OF  
COURT ORDERS**

SEPTEMBER TRUST, DATED MARCH 23,  
1972, *et al.*,

Plaintiffs,

vs.

TRUDI LEE LYTLE AND JOHN ALLEN  
LYTLE, AS TRUSTEES OF THE LYTLE  
TRUST, *et al.*,

Defendants.

Case No.: A-17-765372-C  
Dept. No.: XVI

CONSOLIDATED

NOTICE IS HEREBY GIVEN, that an Order Granting Plaintiffs' Motion for Order to  
Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders

000070

1 was entered in the above-captioned matter on May 22, 2020. A copy of the Order is attached  
2 hereto.

3 DATED this 22nd day of May 2020.

CHRISTENSEN JAMES & MARTIN

4  
5 By: /s/ Wesley J. Smith  
6 Wesley J. Smith, Esq.  
7 Nevada Bar No. 11871  
8 *Attorneys for September Trust, Zobrist*  
9 *Trust, Sandoval Trust and Gegen*  
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CHRISTENSEN JAMES & MARTIN  
7440 WEST SAHARA AVE., LAS VEGAS, NEVADA 89117  
PH: (702) 255-1718 & FAX: (702) 255-0871

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**CERTIFICATE OF SERVICE**

I am an employee of Christensen James & Martin. On May 22, 2020, I caused a true and correct copy of the foregoing Notice of Entry of Order Granting Plaintiffs' Motion for Order to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders, to be served in the following manner:

☒ **ELECTRONIC SERVICE**: electronic transmission (E-Service) through the Court's electronic filing system pursuant to Rule 8.05 of the Rules of Practice for the Eighth Judicial District Court of the State of Nevada.

Liz Gould (liz@foleyoakes.com)  
 Daniel Foley (Dan@foleyoakes.com)  
 Maren Foley (maren@foleyoakes.com)  
 Jennifer Martinez (jennifer.martinez@fnf.com)  
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 Dan R. Waite (DWaite@LRRC.com)

☐ **UNITED STATES MAIL**: depositing a true and correct copy of the above-referenced document into the United States Mail with prepaid first-class postage, addressed to the parties at their last-known mailing address(es):

☐ **FACSIMILE**: By sending the above-referenced document via facsimile as follows:

☐ **E-MAIL**: electronic transmission by email to the following address(es):

/s/ Natalie Saville  
 Natalie Saville

**ORDR****CHRISTENSEN JAMES & MARTIN**

KEVIN B. CHRISTENSEN, ESQ.

Nevada Bar No. 175

WESLEY J. SMITH, ESQ.

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*Attorneys for September Trust, Zobrist Trust, Sandoval Trust  
and Dennis & Julie Gegen***EIGHTH JUDICIAL DISTRICT COURT****CLARK COUNTY, NEVADA**

MARJORIE B. BOULDEN, TRUSTEE OF  
THE MARJORIE B. BOULDEN TRUST,  
LINDA LAMOTHE AND JACQUES  
LAMOTHE, TRUSTEES OF THE  
JACQUES & LINDA LAMOTHE LIVING  
TRUST,

Plaintiffs,

vs.

TRUDI LEE LYTLE, JOHN ALLEN  
LYTLE, THE LYTLE TRUST, DOES I  
through X, and ROE CORPORATIONS I  
through X,

Defendants.

Case No.: A-16-747800-C

Dept. No.: XVI

**ORDER GRANTING PLAINTIFFS'  
MOTION FOR ORDER TO SHOW  
CAUSE WHY THE LYTLE TRUST  
SHOULD NOT BE HELD IN  
CONTEMPT FOR VIOLATION OF  
COURT ORDERS**

Date: April 22, 2020

Time: 9:00 a.m.

SEPTEMBER TRUST, DATED MARCH 23,  
1972; GERRY R. ZOBRIST AND JOLIN G.  
ZOBRIST, AS TRUSTEES OF THE GERRY  
R. ZOBRIST AND JOLIN G. ZOBRIST  
FAMILY TRUST; RAYNALDO G.  
SANDOVAL AND JULIE MARIE  
SANDOVAL GEGEN, AS TRUSTEES OF  
THE RAYNALDO G. AND EVELYN A.  
SANDOVAL JOINT LIVING AND

Case No.: A-17-765372-C

Dept. No.: XVI

CONSOLIDATED

1 DEVOLUTION TRUST DATED MAY 27,  
2 1992; and DENNIS A. GEGEN AND JULIE  
3 S. GEGEN, HUSBAND AND WIFE, AS  
4 JOINT TENANTS,

5 Plaintiffs,

6 vs.

7 TRUDI LEE LYTLE AND JOHN ALLEN  
8 LYTLE, AS TRUSTEES OF THE LYTLE  
9 TRUST; JOHN DOES I through V; and ROE  
10 ENTITIES I through V, inclusive,

11 Defendants.

12 Presently before the Court is Plaintiffs' Motion for Order to Show Cause Why the Lytle Trust  
13 Should Not Be Held in Contempt for Violation of Court Orders ("Motion") filed by the September Trust,  
14 dated March 23, 1972 ("September Trust"), Gerry R. Zobrist and Jolin G. Zobrist, as Trustees of the  
15 Gerry R. Zobrist and Jolin G. Zobrist Family Trust ("Zobrist Trust"), Raynaldo G. Sandoval and Julie  
16 Marie Sandoval Gegen, as Trustees of the Raynaldo G. and Evelyn A. Sandoval Joint Living and  
17 Devolution Trust dated May 27, 1992 ("Sandoval Trust"), and Dennis A. Gegen and Julie S. Gegen,  
18 Husband and Wife, as Joint Tenants ("Dennis & Julie Gegen") (collectively the "Plaintiffs"), the Joinders  
19 filed by Marjorie B. Boulden, Trustee of the Marjorie B. Boulden Trust, amended and restated dated July  
20 17, 1996 ("Boulden Trust") and Linda Lamothe and Jacques Lamothe, Trustees of the Jacques and Linda  
21 Lamothe Living Trust ("Lamothe Trust") and Robert Z. Dismann and Yvonne A. Dismann (the "Dismans"),  
22 and the Opposition and Reply thereto, which came on for hearing on April 22, 2020 at 9:00 a.m. in  
23 Department XVI of the Eighth Judicial District Court, Clark County, Nevada.

24 Wesley J. Smith, Esq. of Christensen James & Martin, Chtd. appeared on behalf of the Plaintiffs.  
25 Daniel T. Foley, Esq. of Foley & Oakes, PC appeared on behalf of the Boulden Trust and Lamothe Trust.  
26 Christina H. Wang, Esq. of Fidelity National Law Group appeared on behalf of the Dismans. Dan R.  
27 Waite, Esq. of Lewis Roca Rothgerber Christie LLP and Richard Haskin, Esq. of Gibbs Giden Locher  
28 Turner Senet & Wittbrodt LLP appeared on behalf of Trudi Lee Lytle and John Allen Lytle, as Trustees  
of the Lytle Trust ("Lytle Trust"). Patricia Lee, Esq. of Hutchison & Steffen was present on behalf of  
Kevin Singer, court appointed Receiver over the Rosemere Estates Property Owners Association

1 (“Association”), in Case No. A-18-775843-C, *Trudi Lee Lytle et al. v. Rosemere Estates Property*  
 2 *Owners’ Association* (“Receivership Action”).

3 The Court having considered the Motion, Joinders, Opposition, and Reply, together with the  
 4 Exhibits thereto, having heard the arguments of counsel, and with good cause appearing therefore, the  
 5 Court hereby grants the Motion and Joinders and enters the following Findings of Fact, Conclusions of  
 6 Law, and Order:

### 7 **FINDINGS OF FACT**

8 1. On April 26, 2017, this Court entered its Findings of Fact, Conclusions of Law, and Order  
 9 Granting the Boulden Trust and Lamothe Trust’s Motion for Partial Summary Judgment (“April 2017  
 10 Order”) against the Lytle Trust. On the Lytle Trust’s Motion for Reconsideration or, in the alternative,  
 11 Motion to Alter or Amend Judgment, on July 27, 2017, this Court entered its Order Granting Motion to  
 12 Alter or Amend Findings of Fact and Conclusions of Law (“July 2017 Order”) in favor of the Boulden  
 13 Trust and the Lamothe Trust on their Motion for Partial Summary Judgment.<sup>1</sup> The July 2017 Order is  
 14 hereby incorporated by reference.

15 2. In the July 2017 Order, the Court concluded, in part, that: the Association is a “limited  
 16 purpose association” as referenced in NRS 116.1201(2); as a limited purpose association, NRS 116.3117  
 17 is not applicable to the Association; as a result of the Rosemere Litigation I (referred to in the July 2017  
 18 Order as the Rosemere LPA Litigation) between the Lytle Trust and the Association, the Amended  
 19 CC&Rs at issue were judicially declared to have been improperly adopted and recorded, were invalid,  
 20 have no force and effect, and were declared *void ab initio*; the Boulden Trust and Lamothe Trust were  
 21 not parties to the Rosemere Litigation I; the Boulden Trust and Lamothe Trust were not “losing parties”  
 22 in the Rosemere Litigation I per Section 25 of the Original CC&Rs; the Final Judgment in the Rosemere  
 23 Litigation I against the Association in favor of the Lytle Trust is not against, and is not an obligation of,

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26 <sup>1</sup> The April 2017 Order included an order that the Lytle Trust had slandered title. The Court  
 27 subsequently determined that it had not made findings of fact or conclusions of law on this issue and  
 28 amended accordingly by entering the July 2017 Order without any order on the slander of title claim.  
 The slander of title claim was later dismissed by stipulation between the parties. *See* Notice of Entry of  
 Stipulation and Order to Dismiss All Remaining Claims Without Prejudice filed on January 14, 2019.

1 the Boulden Trust and Lamothe Trust; and the Final Judgment against the Association in the Rosemere  
2 Litigation I is not an obligation or debt owed by the Boulden Trust and Lamothe Trust.

3 3. The July 2017 Order also included the following permanent injunction at page 7:

4 IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED that the Defendants  
5 are permanently enjoined from recording and enforcing the Final Judgment from the Rosemere  
6 LPA Litigation or any abstracts related thereto against the Boulden Property or the Lamothe  
7 Property.

8 IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED that the Defendants  
9 are permanently enjoined from taking any action in the future against the Plaintiffs or their  
10 properties based upon the Rosemere LPA Litigation.

11 4. The Court ordered the Lytle Trust to expunge the Abstracts of Judgment that it had  
12 recorded against properties owned by the Boulden Trust and Lamothe Trust. The Lytle Trust released  
13 the Abstracts of Judgment, but immediately recorded two *lis pendens* against the Boulden Trust and  
14 Lamothe Trust properties. Thereafter, the Lytle Trust refused to voluntarily expunge the *lis pendens* and  
15 the Boulden Trust and Lamothe Trust were forced to file a Motion to Expunge *Lis Pendens*. This Court  
16 summarily granted the Motion on June 23, 2017 and the *lis pendens* were ordered stricken, but the Lytle  
17 Trust was not held in contempt.

18 5. The Lytle Trust appealed the July 2017 Order and the Nevada Supreme Court issued an  
19 Order of Affirmance on December 4, 2018 in Case No. 73039, *Trudi Lee Lytle v. Marjorie B. Boulden*  
20 (“First Order of Affirmance”).<sup>2</sup>

21 6. After entry of the July 2017 Order, the September Trust, Zobrist Trust, Sandoval Trust,  
22 and Gegens, which also own property within the Rosemere Subdivision, approached the Lytle Trust and  
23 requested that it release the Abstracts of Judgment recorded against their properties as well. After the  
24 Lytle Trust refused to release the Abstracts of Judgment as to their properties, the September Trust,  
25 Zobrist Trust, Sandoval Trust, and Gegens filed a Complaint against the Lytle Trust in Case No. A-17-  
26 765372-C, which was consolidated with this Case (Case No. A-16-747900-C) on February 21, 2018.

27 <sup>2</sup> The Boulden Trust sold its property to the Dismans on August 4, 2017. This Court subsequently held,  
28 in an Order entered on or about December 26, 2018, that the July 2017 Order likewise applied to the  
Rosemere Litigation II Judgment, which the Lytle Trust sought to enforce against the Lamothe Trust  
and the Dismans’ and their properties after entry of the July 2017 Order.

1           7.     On May 24, 2018, this Court entered its Order Granting Motion for Summary Judgment  
2 or, in the Alternative, Motion for Judgment on the Pleadings and Denying Countermotion for Summary  
3 Judgment (“May 2018 Order”) in favor of the September Trust, Zobrist Trust, Sandoval Trust, and  
4 Gegens and against the Lytle Trust. The May 2018 Order is hereby incorporated by reference.

5           8.     In the May 2018 Order, the Court concluded, in part, that: the Association is a “limited  
6 purpose association” as referenced in NRS 116.1201(2); as a limited purpose association, NRS 116.3117,  
7 the statute upon which the Lytle Trust relied to record the Abstracts of Judgment, is not applicable to the  
8 Association; as a result of the Rosemere Litigation I between the Lytle Trust and the Association, the  
9 Amended CC&Rs at issue were judicially declared to have been improperly adopted and recorded, were  
10 invalid, have no force and effect, and were declared *void ab initio*; the September Trust, Zobrist Trust,  
11 Sandoval Trust, and Gegens were not parties to the Rosemere Litigation I, Rosemere Litigation II, or  
12 Rosemere Litigation III; the September Trust, Zobrist Trust, Sandoval Trust, and Gegens were not  
13 “losing parties” in the Rosemere Litigation I, Rosemere Litigation II, or Rosemere Litigation III per  
14 Section 25 of the Original CC&Rs; the Judgments issued in the Rosemere Litigation I, Rosemere  
15 Litigation II, or Rosemere Litigation III (collectively the “Rosemere Judgments”) against the Association  
16 in favor of the Lytle Trust are not against, and are not an obligation of, the September Trust, Zobrist  
17 Trust, Sandoval Trust, or Gegens to the Lytle Trust; and the Rosemere Judgments against the Association  
18 are not an obligation or debt owed by the September Trust, Zobrist Trust, Sandoval Trust, or Gegens to  
19 the Lytle Trust.

20           9.     The May 2018 Order, at page 10, lines 10-19, contained the following permanent  
21 injunction:

22           IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED that the Lytle Trust  
23 is permanently enjoined from recording and enforcing the Judgments obtained from the  
24 Rosemere Litigation I, Rosemere Litigation II and Rosemere Litigation III, or any other  
judgments obtained against the Association, against the September Property, Zobrist Property,  
Sandoval Property or Gegen Property.

25           IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED that the Lytle Trust  
26 is permanently enjoined from taking any action in the future directly against the Plaintiffs or  
27 their properties based upon the Rosemere Litigation I, Rosemere Litigation II or Rosemere  
28 Litigation III.



1           10. On June 19, 2018, the Lytle Trust appealed the May 2018 Order to the Nevada Supreme  
2 Court, Case No. 76198, *Trudi Lee Lytle v. September Trust, Dated March 23, 1972*. This appeal was  
3 consolidated with the Lytle Trust's subsequent appeal of an award of attorney's fees and costs in favor  
4 of the September Trust, Zobrist Trust, Sandoval Trust, and Gegens under NRS 18.010(2)(b), Case No.  
5 77007. The Supreme Court entered its Order of Affirmance affirming the May 2018 Order and  
6 subsequent fees order on March 2, 2020 ("Second Order of Affirmance").

7           11. On June 8, 2018, the Lytle Trust filed a new action, Case No. A-18-775843-C, *Trudi Lee*  
8 *Lytle et al. v. Rosemere Estates Property Owners' Association* ("Receivership Action"), asserting claims  
9 against the Association for (a) Declaratory Judgment, and (b) Breach of Contract/Easement Agreement.

10 The prayer for relief in the Receivership Action sought:

11           a. an Order declaring that the Association must continue to operate as required by the  
12 CC&Rs and Chapters 82 and 116 of the Nevada Revised Statutes, which includes, but is not limited  
13 to: 1) maintaining the landscaping in the exterior wall planters; 2) maintaining the exterior  
14 perimeter and frontage; 3) maintaining the entrance gate; 4) maintaining the private drive and  
15 sewer system; 5) ensuring that homeowners are paying their assessments; 6) seeking collection  
16 activity against any homeowners that have failed to pay their assessments; 7) paying known  
17 creditors of the Association; 8) specially assessing the homeowners to ensure that enough proceeds  
18 exist within the HOA funds to pay all known creditors assessing; and 9) any other activity required  
19 under Nevada law.

20           b. specific performance requiring the Association to comply with the CC&Rs, as well  
21 as other Nevada law, with respect to the Association's maintenance and day-to-day activities;

22           c. injunctive relief preventing the Association from violating the terms of the CC&RS,  
23 as well as other Nevada law, moving forward;

24           d. appointment of a receiver to handle the maintenance obligations and day-to-day  
25 activities, including the financial activities regarding assessments and creditors, until a duly  
26 constituted board may be instituted and power transitioned thereto; and  
27  
28

e. reasonable attorneys' fees, costs of suit and litigation, and such other and further relief as the Court deems just and proper

12. The Complaint in the Receivership Action alleges that the Association is not functioning, that the common elements of the community are not being maintained, and that “the Association has not paid known creditors of the Association, which includes, but is not limited to, the annual dues to the Nevada Secretary of State or the Nevada Department of Real Estate or the Lytles, which hold multiple judgments against the Association.” Complaint at ¶ 21.

13. In a Renewed Application for Appointment of Receiver filed by the Lytle Trust on October 24, 2019 (“Application”) in the Receivership Action, the Lytle Trust asserts that one reason for a Receiver over the Association was due to the Association’s refusal to pay the Rosemere Judgments, including its refusal to assess Association members, including the Plaintiffs, so the Association could pay the Rosemere Judgments. Application at 3:2-4, 5:17-18 (“Additional grounds exist because the Association is refusing to pay and refusing to assess Association members related to various monetary judgments awarded to the Lytles against the Association”), 13:19-28 (“A receiver may be appointed...[a]fter judgment, to carry the judgment into effect” (quoting NRS 32.010(3))), 14:1-2, 16-28 (“the Lytle Trust obtained judgments against the Association and a Receiver is needed to carry those judgments into effect”), 15:20-25 (“the Association has a duty...to pay its debts, including the Judgments obtained by the Lytle Trust”), 16:17-22 (“the Association is without any governing body to assess the homeowners and pay the judgments”).

14. The Lytle Trust disclosed to the judge in the Receivership Action (the “Receivership Court”) that the Amended CC&Rs had been judicially declared *void ab initio* and of no force or effect. *Id.* at 8:11-12 (the District “Court determined that the Amended CC&Rs were not properly adopted or recorded, that the Amended CC&Rs are invalid, and that the Amended CC&Rs have no force or effect”); 8 at n.3 (“Note, Rosemere 2 Litigation commenced more than six years *before* the Court in Rosemere 1 Litigation ruled that the Amended CC&Rs were invalid.”) (emphasis in original); 9:13-17 (“In granting the Lytle Trust’s Motion for Attorneys’ Fees, the district court in the Rosemere 1 and Rosemere 2 Litigations . . . held that the Lytle Trust could recover attorneys’ fees under the Amended CC&Rs because

1 that document, while declared *void ab initio* by the district court, was in effect and enforced by the  
2 Association against the Lytle Trust at all times during the underlying litigation.”).

3 15. However, The Lytle Trust further argued in the Application that the Amended CC&Rs  
4 provide authority for a receiver to make special assessments on the Plaintiffs’ and other owners’  
5 properties to collect funds to pay the Rosemere Judgments. *Id.* at 11:4-28, 13:1-17, 17:1-9. The Lytle  
6 Trust’s Application included a section heading in its Statement of Fact section titled “The Amended  
7 CC&Rs Grant the Association Authority to Assess Each Unit for Payment of Judgments Against the  
8 Association.” *Id.* at 11:4-5. The Lytle Trust also represented that “the District Court already ruled that  
9 the Association is liable for attorneys’ fees, costs and damages pursuant to the Amended CC&Rs, which  
10 provide the Association with the ability to specially assess each property (unit) for the costs of the  
11 judgments. Amended CC&Rs ¶ 10.11, Exhibit 16.” *Id.* at 17:6-9.

12 16. The Lytle Trust did not inform the Receivership Court about this Case, the July 2017 Order,  
13 May 2018 Order, or the Orders of Affirmance.<sup>3</sup> The Lytle Trust did not inform the Receivership Court  
14 that this Court had issued permanent injunctions against the Lytle Trust relating to enforcement of the  
15 Rosemere Judgments against the Plaintiffs, the Boulden Trust, the Lamothe Trust, the Dismans, or their  
16 properties.

17 17. On December 18, 2019, based on the Lytle Trust’s Application, the Receivership Court  
18 entered an Order Appointing a Receiver of Defendant Rosemere Property Owners Association (“Order  
19 Appointing Receiver”). The Order Appointing Receiver, drafted by the Lytle Trust, directs the Receiver  
20 to “[i]ssue and collect a special assessment upon all owners within the Association to satisfy the Lytle  
21 Trust’s judgments against the Association.” Order Appointing Receiver at 2:19-20. It further empowers  
22 the Receiver with “the authority to assess all Association unit owners to pay for any operation costs or  
23 to pay for judgments against the Association. If an Association member does not pay an assessment then  
24 the Receiver may proceed to foreclose on said member’s ownership interest in the property.” *Id.* at 6:4-  
25 7.

26  
27 <sup>3</sup> The Court notes that the Second Order of Affirmance was issued after entry of the Order Appointing  
28 Receiver and the Lytle Trust could not have informed the Receivership Court of it prior to entry of the  
Order Appointing Receiver.

18. On or around January 22, 2020, the Plaintiffs and the Dismans<sup>4</sup> each received a letter from Kevin Singer of Receivership Specialists regarding the appointment of Mr. Singer as the Receiver in the Receivership Action (“Receiver Letter”). In the Receiver Letter, Mr. Singer states that “[t]he appointment of the receivership is predicated on judgments against the HOA in the approximate amount of \$1,481,822 by the Lytle family (“the Plaintiff”).... These judgments need to be paid and the Court agreed with the Plaintiff by appointing a Receiver to facilitate the satisfying of the judgments.... We would like to meet with title holding members of the HOA...[to] share three ideas we have to pay these judgments.”

19. On January 29, 2020, counsel for Plaintiffs sent a letter to the Receiver, with a copy to counsel for the Lytle Trust, notifying the Receiver that the Orders and Permanent Injunctions issued in this Case prevent further effort to collect the Rosemere Judgments from the Plaintiffs or other property owners. The Plaintiffs expressed their belief this effort to assess the property owners to pay the Rosemere Judgments violated this Court’s Orders and demanded that the Receiver cease and desist.

20. On March 4, 2020, the Plaintiffs filed the instant Motion informing the Court about the Lytle Trust’s actions and seeking sanctions for violation of this Court’s May 2018 Order. The Boulden Trust and Lamothe Trust filed a Joinder to the Motion on March 5, 2020.<sup>5</sup> The Dismans filed a Joinder to the Motion on March 6, 2020.

21. The Association has never been a party to this Case.

### **CONCLUSIONS OF LAW**

1. This case has a history, such as the filing of the *lis pendens* against the Boulden Trust and Lamothe Trust properties after the Court had ordered the expungement of the Abstracts of Judgment and continued enforcement of the Abstracts of Judgment against the September Trust, Zobrist Trust, Sandoval Trust, and Gegens’ properties after entry of the July 2017 Order, that demonstrates that the Lytle Trust does not respect this Court’s Orders.

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<sup>4</sup> At the time, the Boulden Trust and Lamothe Trust no longer held title to any property within the Rosemere Subdivision, having sold their properties on August 4, 2017, and May 1, 2019, respectively.

<sup>5</sup> After the hearing on the Motion but prior to entry of this Order, the Boulden Trust and the Lamothe Trust withdrew their Joinders pursuant to a settlement with the Lytle Trust. Therefore, the Boulden Trust and Lamothe Trust are no longer considered movants for purposes of the relief granted herein.

2. This Court has inherent power to enforce its decrees, orders and judgments. A party is required to adhere to court orders, even disagreeable or erroneous orders, until terminated or overturned.

3. The proper course of action if a party disagrees with a Court order is to appeal.

4. The May 2018 Order must be obeyed by the Lytle Trust.

5. Each paragraph, each finding of fact, and each conclusion of law in the May 2018 Order must be given its plain meaning, and each paragraph of that Order's permanent injunction must be obeyed by the Lytle Trust.

6. As a result of the Findings of Fact and Conclusions of Law in the May 2018 Order, there were specific orders which are not mutually exclusive. Each issue ordered by the Court should be given its meaning, and they are not in conflict.

7. The Court's factual determinations and conclusions of law culminated with the permanent injunction language starting at Page 10, Line 10 of the May 2018 Order, which stated:

IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED that the Lytle Trust is permanently enjoined from recording and enforcing the Judgments obtained from the Rosemere Litigation I, Rosemere Litigation II and Rosemere Litigation III, or any other judgments obtained against the Association, against the September Property, Zobrist Property, Sandoval Property or Gegen Property.

IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED that the Lytle Trust is permanently enjoined from taking any action in the future directly against the Plaintiffs or their properties based upon the Rosemere Litigation I, Rosemere Litigation II or Rosemere Litigation III.

8. These paragraphs are not mutually exclusive and each must be obeyed by the Lytle Trust.

9. The Findings of Fact, Conclusions of Law, and Orders contained in the May 2018 Order, including the permanent injunctions, are clear, specific and unambiguous as to what the parties could and could not do in this case. Further, the terms of the permanent injunction are specific and definite so that the Lytle Trust could readily know exactly what duties or obligations were imposed on it.

10. The May 2018 Order's permanent injunction clearly precluded the Lytle Trust from doing anything as it relates to enforcing and recording the Rosemere Judgments against the Plaintiffs and Dismans or their properties.

11. Indeed, the Lytle Trust has no judgment creditor rights to try to collect the Rosemere Judgments from the Plaintiffs or Dismans in any way, shape, or form.



1       **IT IS HEREBY ORDERED ADJUDGED AND DECREED** that Plaintiffs' Motion for Order  
2 to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders, as  
3 well as the Joinders thereto filed by the Boulden Trust, the Lamothe Trust, and the Dismans, are  
4 GRANTED.

5       **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the Lytle Trust  
6 violated the May 2018 Order.

7       **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the Lytle Trust  
8 is in contempt of the May 2018 Order.

9       **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the Lytle Trust  
10 shall pay a \$500 penalty to each movant for violation of the May 2018 Order; specifically, \$500 payable  
11 to the September Trust, \$500 payable to the Zobrist Trust, \$500 payable to the Sandoval Trust, \$500  
12 payable to the Gegens, and \$500 payable to the Dismans.

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1 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the September  
 2 Trust, Zobrist Trust, Sandoval Trust, Gegens, and Dismans, may file applications for their reasonable  
 3 expenses, including, without limitation, attorney's fees, incurred by the party as a result of the contempt.  
 4 The Court will consider such applications on the merits.

5 **IT IS SO ORDERED.**

6 Dated this 22 day of May, 2020.

7   
 8 DISTRICT COURT JUDGE CG

9 **Submitted by:**

10 **CHRISTENSEN JAMES & MARTIN**

11 /s/ Wesley J. Smith

12 Wesley J. Smith, Esq.  
 13 Nevada Bar No. 11871  
 14 Laura J. Wolff, Esq.  
 15 Nevada Bar No. 6869  
 7440 W. Sahara Ave.  
 Las Vegas, NV 89117  
*Attorneys for Plaintiffs September Trust,  
 Zobrist Trust, Sandoval Trust, and  
 Dennis & Julie Gegen*

**Approved as to Form and Content by:**

**FIDELITY NATIONAL LAW GROUP**

/s/ Christina H. Wang

CHRISTINA H. WANG, ESQ.  
 Nevada Bar No. 9713  
 8363 W. Sunset Road, Suite 120  
 Las Vegas, Nevada 89113  
*Attorneys for Robert & Yvonne Disman*

16 **Reviewed by Not Approved by:**

17 **LEWIS ROCA ROTHBERGER CHRISTIE**  
 18 **LLP**

19 Reviewed But Not Approved

20 DAN R. WAITE, ESQ.  
 Nevada Bar 4078  
 3993 Howard Hughes Parkway, Suite 600  
 Las Vegas, Nevada 89169  
*Attorneys for Lytle Trust*



**RE: Case No. A-16-747800-C - Boulden v. Lytle - ORDR - Proposed Order Granting Plaintiffs' Motion for Order to Show Cause**

Wang, Christina <Christina.Wang@fnf.com>

Mon 5/18/2020 9:52 AM

To: Wesley Smith <wes@cjmlv.com>

Cc: Engelman, Lace <Lace.Engelman@fnf.com>

Approved – thanks.

Christina H. Wang

Litigation Counsel

Fidelity National Law Group

8363 W. Sunset Road, Suite 120

Las Vegas, Nevada 89113

702-667-3000 (Main)

702-667-3002 (Direct)

702-938-8721 (Fax)

[christina.wang@fnf.com](mailto:christina.wang@fnf.com)

**PLEASE NOTE THAT OUR OFFICE HAS MOVED TO THE ABOVE ADDRESS.**

*The Law Division of Alamo Title Insurance, Chicago Title Insurance Co., Commonwealth Land Title Insurance Co., Fidelity National Title Insurance Co., and Fidelity National Title Group, Inc.*

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---

**From:** Wesley Smith <wes@cjmlv.com>

**Sent:** Monday, May 18, 2020 9:45 AM

**To:** Wang, Christina <Christina.Wang@fnf.com>

**Cc:** Engelman, Lace <Lace.Engelman@fnf.com>

**Subject:** Re: Case No. A-16-747800-C - Boulden v. Lytle - ORDR - Proposed Order Granting Plaintiffs' Motion for Order to Show Cause

**IMPORTANT NOTICE** - This message sourced from an external mail server outside of the Company.

Christina,

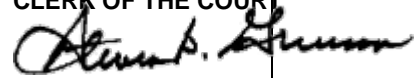
Per our discussion, can you please approve this version which adds the date to footnote 2?

Wes Smith

Christensen James & Martin

8

8



**MAFC**  
**CHRISTENSEN JAMES & MARTIN**  
KEVIN B. CHRISTENSEN, ESQ. (175)  
WESLEY J. SMITH, ESQ. (11871)  
LAURA J. WOLFF, ESQ. (6869)  
7440 W. Sahara Avenue  
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Tel.: (702) 255-1718  
Facsimile: (702) 255-0871  
Email: kbc@cjmlv.com; wes@cjmlv.com; ljw@cjmlv.com  
*Attorneys for September Trust, Zobrist Trust, Sandoval Trust,  
and Dennis & Julie Gegen*

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

MARJORIE B. BOULDEN, TRUSTEE OF  
THE MARJORIE B. BOULDEN TRUST, *et*  
*al.*,

Plaintiffs,

vs.

TRUDI LEE LYTLE, *et al.*,

Defendants.

Case No.: A-16-747800-C  
Dept. No.: XVI

**PLAINTIFFS' MOTION FOR  
ATTORNEY'S FEES AND COSTS**

**Hearing Not Requested**

SEPTEMBER TRUST, DATED MARCH 23,  
1972, *et al.*,

Plaintiffs,

vs.

TRUDI LEE LYTLE AND JOHN ALLEN  
LYTLE, AS TRUSTEES OF THE LYTLE  
TRUST, *et al.*,

Defendants.

Case No.: A-17-765372-C  
Dept. No.: XVI

Consolidated

Plaintiffs September Trust, dated March 23, 1972 ("September Trust"), Gerry R. Zobrist and Jolin G. Zobrist, as Trustees of the Gerry R. Zobrist and Jolin G. Zobrist Family Trust ("Zobrist Trust"), Raynaldo G. Sandoval and Julie Marie Sandoval Gegen, as Trustees of the Raynaldo G. and Evelyn A. Sandoval Joint Living and Devolution Trust Dated May 27, 1992 ("Sandoval Trust"), and Dennis A. Gegen and Julie S. Gegen, Husband and Wife, as Joint

CHRISTENSEN JAMES & MARTIN  
7440 WEST SAHARA AVE., LAS VEGAS, NEVADA 89117  
PH: (702) 255-1718 & FAX: (702) 255-0871

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1 Tenants (“Gegen”) (collectively the “Plaintiffs”), by and through their attorneys, Christensen  
2 James & Martin, hereby move this Court for an award of attorney’s fees and costs. This Motion  
3 is based upon the following Memorandum of Points and Authorities, Declaration and Exhibits  
4 filed herewith and the pleadings and papers on file.

5 DATED this 26th day of May, 2020.

CHRISTENSEN JAMES & MARTIN

6 By: /s/ Wesley J. Smith, Esq.

7 Wesley J. Smith, Esq.

8 Nevada Bar No. 11871

9 7440 W. Sahara Avenue

10 Las Vegas, NV 89117

11 Tel.: (702) 255-1718

12 Fax: (702) 255-0871

13 *Attorneys for September Trust, Zobrist*  
14 *Trust, Sandoval Trust and Gegen*

15 **NOTICE OF MOTION**

16 You will please take Notice that the September Trust, Zobrist Trust, Sandoval Trust and  
17 Gegen shall bring the above and foregoing Plaintiffs’ Motion for Attorney’s Fees and Costs  
18 before Department XVI on the date and time to be set by the Court. Plaintiffs have not requested  
19 a hearing. Should a hearing be set by the Court, the parties registered for service will receive  
20 notice through the “Clerk’s Notice of Hearing.”

21 DATED this 26th day of May, 2020.

CHRISTENSEN JAMES & MARTIN

22 By: /s/ Wesley J. Smith, Esq.

23 Wesley J. Smith, Esq.

24 Nevada Bar No. 11871

25 7440 W. Sahara Avenue

26 Las Vegas, NV 89117

27 Tel.: (702) 255-1718

28 Fax: (702) 255-0871

*Attorneys for September Trust, Zobrist*  
*Trust, Sandoval Trust and Gegen*

**MEMORANDUM OF POINTS AND AUTHORITIES****I.****INTRODUCTION**

On May 24, 2018, this Court entered an Order in favor of the Plaintiffs Granting Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings and Denying Countermotion for Summary Judgment ("May 2018 Order"). On September 11, 2018, this Court signed an Order in favor of the Plaintiffs and against the Lytle Trust for attorney's fees, litigation costs and expenses related to the May 2018 Order ("First Fees Order"). In the First Fees Order, Plaintiffs were awarded attorney's fees and costs accrued through May 22, 2018.

Since May 2018, the Lytle Trust has continued to pursue this course of litigation including the filing of additional Motions in this Court and two (2) Appeals before the Nevada Supreme Court. The Appeals were recently decided in the Plaintiffs' favor. Additionally, as this Court recently determined, the Lytle Trust has violated this Court's Orders and caused the Plaintiffs to incur additional attorney's fees and costs to remedy those violations. Plaintiffs have been required to defend their position throughout this barrage of filings, which culminated in the Plaintiffs being forced to file a Motion for Order to Show Cause for violation of the May 2018 Order. The Court found in favor of the Plaintiffs and sanctioned the Lytle Trust for its contempt.

At three key points in the litigation, the Plaintiffs approached the Lytle Trust with alternatives that would have reduced not only the fees and costs but also conserved the precious resources of this Court's time. First, prior to filing this lawsuit, the Plaintiffs approached the Lytle Trust requesting that they be placed in the same position as the Boulden and Lamothe's with regard to the removal of the Rosemere Judgments from their properties but reserving all their appeal rights. This was rejected by the Lytle Trust. Second, the Plaintiffs approached the Lytle Trust when the July 2017 Order was affirmed by the Supreme Court requesting that the Appeal of the May 2018 Order be withdrawn. This was rejected by the Lytle Trust. Third, the

1 Plaintiffs informed the Lytle Trust that the Receivership was in contempt of this Court's May  
2 2018 Order and requested that those efforts be stopped. However, the Lytle Trust ignored the  
3 Plaintiffs' position and instead ferociously defended the Receivership which resulted in the  
4 contempt sanctions against the Lytle Trust.

5 The Nevada Supreme Court and this Court have affirmed the Plaintiffs' position on all  
6 these matters. Plaintiffs now appropriately seek the attorney's fees and costs that have accrued  
7 from May 23, 2018 through the present date, all of which could have been avoided and were  
8 only made necessary by the Lytle Trust's own actions.

9 On May 4, 2020, the Supreme Court issued its Remittitur to this Court resolving the  
10 Appeals. Further, on May 22, 2020, this Court entered its Order Granting Plaintiffs' Motion for  
11 Order to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of  
12 Court Orders. Therefore, this matter is now ripe for this Court's determination.

## 13 II.

### 14 STATEMENT OF FACTS

15 The history of this case at the District Court level is adequately detailed in this Court's  
16 prior orders in these consolidated cases, which are hereby incorporated by reference, including  
17 the following:

- 18 1. Findings of Fact, Conclusions of Law, and Order Granting the Boulden Trust and  
19 Lamothe Trust's Motion for Partial Summary Judgment entered on April 26, 2017  
20 ("April 2017 Order") in favor of Boulden and Lamothe;
- 21 2. Order Granting Plaintiffs' Motion to Cancel *Lis Pendens* and Order Denying Motion  
22 to Hold Defendants and/or Their Counsel in Contempt of Court ("Lis Pendens  
23 Order") in favor of Boulden and Lamothe;
- 24 3. Order Granting Motion to Alter or Amend Findings of Fact and Conclusions of Law  
25 entered on July 27, 2017 ("July 2017 Order") in favor of Boulden and Lamothe;

- 1 4. Order Granting Motion for Summary Judgment or, in the Alternative, Motion for  
2 Judgment on the Pleadings and Denying Countermotion for Summary Judgment  
3 entered on May 24, 2018 (“May 2018 Order”) in favor of Plaintiffs;
- 4 5. Order Regarding Plaintiffs’ Motion for Attorney’s Fees and Costs and Memorandum  
5 of Costs and Disbursements and Defendants’ Motion to Retax and Settle  
6 Memorandum of Costs entered on September 12, 2018 (“First Fees Order”) in favor  
7 of Plaintiffs;
- 8 6. Findings of Fact, Conclusions of Law and Order Granting Robert Z. Disman and  
9 Yvonne A Disman’s Motion for Attorney’s Fees entered on September 6, 2019  
10 (“Disman Fees Order”) in favor of the Dismans;
- 11 7. Order Granting Plaintiffs’ Motion for Attorneys’ Fees and Costs and order Denying  
12 Defendants’ Motion to Retax and Settle Costs entered on September 20, 2019  
13 (“Boulden Lamothe Fees Order”) in favor of Boulden and Lamothe; and
- 14 8. Order Granting Plaintiffs’ Motion for Order to Show Cause Why the Lytle Trust  
15 Should Not Be Held in Contempt for Violation of Court Orders entered on May 22,  
16 2020 (“Contempt Order”) in favor of Plaintiffs and Dismans.

17 The Lytle Trust appealed the July 2017 Order (Case No. 73039, *Trudi Lee Lytle v.*  
18 *Marjorie B. Boulden*). The Nevada Supreme Court issued an Order of Affirmance of the July  
19 2017 Order on December 4, 2018 (“First Order of Affirmance”) (available at *Lytle v. Boulden*,  
20 No. 73039, 432 P.3d 167, 2018 WL 6433005 (Nev. Dec. 4, 2018) (unpublished)), which is  
21 incorporated by reference and attached hereto as Exhibit 1.

22 The Lytle Trust also appealed the May 2018 Order and the First Fees Order (Case Nos.  
23 76198 and 77007, consolidated, *Trudi Lee Lytle v. September Trust, Dated March 23, 1972*). The  
24 Nevada Supreme Court entered its Order of Affirmance of the May 2018 Order and First Fees  
25 Order on March 2, 2020 (“Second Order of Affirmance”) (available at also available at *Lytle v.*  
26  
27  
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1 *Sept. Tr., Dated Mar. 23, 1972*, No. 76198, 2020 WL 1033050 (Nev. Mar. 2, 2020) (Table)),  
2 which is incorporated by reference and is attached hereto as Exhibit 2.

3 As mentioned in the Introduction, *supra*, the Plaintiffs were already awarded attorney's  
4 fees and costs in this Case in the First Fees Order, which covered Plaintiffs' fees and costs  
5 incurred through May 22, 2018. The Court awarded fees to Plaintiffs based on NRS 18.010(2),  
6 holding as follows:

7 The Defendants had notice of the Order entered by Judge Williams in Case No.  
8 A-16-747900-C in favor of substantially similarly situated property owners as the  
9 Plaintiffs. After the Order was entered and prior to this Case being filed by the  
10 Plaintiffs, the Defendants were given opportunity to avoid this litigation and to  
11 preserve their legal arguments for appeal. As this Court has already held, Judge  
Williams' Order is law of the case and binding on this Court. Therefore, given the  
directive in NRS 18.010(b) to liberally construe the paragraph in favor of  
awarding attorney's fees, the Court finds that the Defendants' defense to this  
action was maintained without reasonable ground.

12 First Fees Order at 5:11-19.

13 The Second Order of Affirmance confirmed that this award was appropriate:

14 We previously addressed in Docket No. 73039 whether the Lytles could rely on  
15 NRS 116.3117 to record abstracts of judgment against the individual properties in  
16 Rosemere. That decision constitutes law of the case here, where the respondents'  
17 case has been consolidated with the Boulden/Lamothe case and the claims and  
18 legal issues in the two are substantially the same. . . . Under these particular facts,  
therefore, we conclude the district court did not abuse its discretion by concluding  
the Lytles maintained their defense without reasonable ground, and we affirm the  
award of attorney fees.

19 Exhibit 2 at 4 and 8. The First Fees Order did not reach alternative grounds for an award of fees,  
20 such as the Original CC&Rs, which had been argued by the Plaintiffs.

21 This Court also awarded fees and costs to the Dismans, Boulden, and Lamothe in the  
22 Disman Fees Order and Boulden Lamothe Fees Order. There, this Court awarded attorney's fees  
23 and costs under Section 25 of the Original CC&Rs. Disman Fees Order at 8:14-20; Boulden  
24 Lamothe Fees Order at 8:6-9. The Court ruled that "Section 25 of the CC&Rs is a mandatory  
25 provision regarding the award of attorneys' fees and costs being paid by the losing party in any  
26 legal or equitable proceeding for the enforcement of or to restrain the violation of the CC&Rs or  
27 any provision thereof." Boulden Lamothe Fees Order at 8:6-9. These prevailing parties were  
28



1 awarded all their fees and costs incurred in this case, including all fees and costs for the appeal  
2 that led to the First Order of Affirmance. *See* Disman Fees Order at 8:6; Boulden Lamothe Fees  
3 Order at 8:18-22.

4 The Plaintiffs have attempted to avoid this litigation. Only a few months after the July  
5 2017 Order was entered and the appeal of the July 2017 Order was filed, the Plaintiffs  
6 approached the Lytle Trust requesting that the Rosemere Judgments be expunged from their  
7 properties as well, based on the Court's July 2017 Order and the identical factual and legal  
8 circumstances. A true and correct copy of the September 26, 2017 letter to the Lytle Trust's  
9 counsel is attached hereto as Exhibit 3 ("First Letter"). Further, on several occasions, Plaintiffs'  
10 attorneys also spoke to the Lytle Trust's attorney requesting that the Rosemere Judgments be  
11 removed, that Plaintiffs be placed in the same position as Boulden/Lamothe, and that the Lytle  
12 Trust could add their claims against the Plaintiffs to the already filed appeal or retain their appeal  
13 rights. First Fees Order at 4:3-13. Despite this offer, the Lytle Trust refused to release the  
14 Rosemere Judgments against the Plaintiffs' Properties. With regard to this first attempt to avoid  
15 litigation, the Nevada Supreme Court stated:

16 Respondents requested that the Lytles likewise remove the abstracts of judgment  
17 from their properties, but the Lytles refused to do so, despite removing the  
18 abstracts of judgment from the Boulden and Lamothe properties. The Lytles have  
19 not shown why they could not have accommodated the respondents while still  
preserving their arguments for appeal from the Boulden/Lamothe summary  
judgment, thereby avoiding this litigation.

20 Second Order of Affirmance at 7. This entire litigation, and all attorney's fees and costs incurred  
21 by the Plaintiffs as a result, could have been avoided had the Lytle Trust granted the Plaintiffs'  
22 reasonable request. The Plaintiffs were awarded attorney's fees and costs through May 22, 2018  
23 in the First Fees Order, but the litigation has continued since that time resulting in further  
24 attorney's fees and costs.

25 Six days after the First Order of Affirmance was filed, Plaintiffs again tried to avoid  
26 further litigation with the Lytle Trust. Plaintiffs requested that the Lytle Trust withdraw its  
27 appeal on the May 2018 Order and First Fees Order. *See* December 10, 2018 Letter attached to  
28

1 the Motion as Exhibit 4 (“Second Letter”). The Second Letter states that, “The underlying  
2 substantive ruling has been affirmed by the Nevada Supreme Court, meaning that any Court that  
3 reviews the substance will follow the Nevada Supreme Court’s Order as binding precedent.” Ex.  
4 4 at 1. Far from a groundbreaking prognostication, the Second Order of Affirmance confirmed  
5 this obvious legal reality:

6 We previously addressed in Docket No. 73039 whether the Lytles could rely on  
7 NRS 116.3117 to record abstracts of judgment against the individual properties in  
8 Rosemere. That decision constitutes law of the case here, where the respondents’  
case has been consolidated with the Boulden/Lamothe case and the claims and  
legal issues in the two are substantially the same.

9 Ex. 2 at 4. The Second Letter also stated:

10 As to the NRED 2 litigation, the actual language of the NRED 2 Judgment, which  
11 you drafted, directly contradicts your alleged factual distinction by expressly  
12 finding that the Amended CC&Rs were void *ab initio*. Further, even if the  
13 stipulation were still valid after the judgment, the stipulation between the  
Association and the Lytles for the limited purposes of one aspect of that case  
cannot be used against non-parties. Thus, your distinction will make no difference  
to the outcome of the case.

14 Ex. 4 at 1. Again, this point was also confirmed by the Nevada Supreme Court:

15 We see no factual differences that would distinguish this case from Docket No.  
16 73039 or enable the Lytles to record abstracts of judgment against the subject  
17 properties to recover the NRED 2 judgment. Although the Lytles and the  
18 association signed a stipulation in NRED 2, that stipulation was for the purposes  
19 of NRED 2 only and was between the Lytles and the association. The respondents  
were not parties to the NRED 2 litigation nor did they sign the stipulation.  
Moreover, the order granting summary judgment for the Lytles in NRED 2  
acknowledged that the amended CC&Rs were void *ab initio*, meaning those  
documents never had force or effect.

20 Ex. 2 at 5. This too, was not a novel point of law that required an appeal for determination.  
21 NRAP 36(c)(2) already provided the answer: “An unpublished disposition, while publicly  
22 available, does not establish mandatory precedent *except* in a subsequent stage of a case in which  
23 the unpublished disposition was entered, in a related case, or in any case for purposes of issue or  
24 claim preclusion or to establish law of the case.” This case is a subsequent stage of a  
25 consolidated case, is closely related in fact and law, and is subject to issue and claim preclusion.  
26 In summary, the entire appeal that led to the Second Order of Affirmance was unnecessary and  
27  
28

1 could (and should) have been avoided. The Lytle Trust was offered that chance and rejected it,  
2 causing the Plaintiffs to incur substantial fees and costs on appeal.

3 The Plaintiffs also tried to avoid further litigation upon learning of the Receivership.  
4 After being contacted by the Receiver in January 2020, Plaintiffs' attorney sent a letter to the  
5 Receiver, with a copy to counsel for the Lytle Trust, clearly stating the Plaintiffs' position that  
6 the Receivership violated this Court's Orders and demanding that such action cease and desist. A  
7 true and correct copy of the January 29, 2020 Letter is attached hereto as Exhibit 5 ("Third  
8 Letter"). Despite the letter to the Receiver and the Lytle Trust, the Lytle Trust failed to inform  
9 the Receivership Court of this action or take any action to remedy its violations of this Court's  
10 Orders. The Plaintiffs were forced to take action to protect themselves from the Lytle Trust's  
11 actions. This included intervening in the Receivership Case and moving to rescind or amend the  
12 Order Appointing Receiver and filing a motion for contempt in this Court.

13 On May 22, 2020, the Court entered its Contempt Order concluding that the Lytle Trust  
14 had directly and indirectly violated the May 2018 Order, that a party may be held in contempt for  
15 violating its orders, and that the Court may impose fines and award "reasonable expenses,  
16 including, without limitation, attorney's fees, incurred by the party as a result of the contempt."  
17 Contempt Order at 11:9-23 (quoting NRS 22.100(3)). The Court Ordered that the Lytle Trust  
18 violated the May 2018 Order, is in contempt of the May 2018 Order, shall pay a fine of \$500 to  
19 each movant, and that the Plaintiffs may file applications for their reasonable expenses,  
20 including, without limitation, attorney's fees, incurred as a result of the contempt.

21 The Plaintiffs now bring the instant Motion requesting an award of all attorney's fees and  
22 costs that they have incurred from May 23, 2018 to the present date pursuant to the express fee  
23 shifting provisions in the Original CC&Rs, NRS 18.020, 18.050 and 18.010(2)(b) and NRAP  
24 39(e) in the following amounts:

Plaintiff	Attorney's Fees	Costs	Total
September Trust	\$ 37,350.80	\$ 1,036.27	\$38,387.07
Zobrist Trust	\$ 37,350.80	\$ 1,036.27	\$38,387.07
Sandoval Trust	\$ 37,350.80	\$ 1,036.27	\$38,387.07
Gegens	\$ 37,350.80	\$ 1,036.27	\$38,387.07
Totals	\$149,403.20	\$ 4,145.08	\$153,548.28

Attached hereto as **Exhibits 6A, 6B, 6C, and 6D** are billing statements from Christensen James & Martin ("CJ&M") to the Plaintiffs September Trust, Zobrist Trust, Sandoval Trust and Gegen, respectively, which detail the tasks performed and attorney's fees and costs incurred from May 23, 2018 through April 30, 2020.<sup>1</sup> These Statements are supported by the concurrently filed Declaration of Wesley J. Smith, Esq. ("Smith Decl."), Plaintiffs' counsel, which explains and documents the costs and attorney's fees requested and swears that such were actually and necessarily incurred and are reasonable. The Plaintiffs submit that the amount of attorney's fees requested is consistent with the *Brunzell* factors.

### III.

#### ARGUMENT

Plaintiffs have brought this Motion requesting that this Court award them attorney's fees and costs incurred since May 23, 2018, as the prevailing parties on all matters related to this consolidated case.

#### A. Plaintiffs Should be Awarded Their Costs as the Prevailing Party.

The Statements attached hereto as Exhibits 6A-6D show the costs incurred by each Plaintiff since May 23, 2018 through April 30, 2020 in the amount of \$1,036.27, for total costs in

<sup>1</sup> CJ&M bills in 30 day cycles and the last cycle was through April 30, 2020. Fees and costs have accrued since then and will continue to accrue. Plaintiffs are bringing this Motion now so that it will be timely but request that all fees and costs occurred after May 1, 2020 also be granted as part of this Motion after the Court and the Lytle Trust has a chance to review them.

1 the amount of \$4,145.08.<sup>2</sup> “Costs must be allowed of course to the prevailing party against any  
2 adverse party against whom judgment is rendered...in an action for the recovery of real property  
3 or a possessory right thereto.” NRS 18.020(1) (Emphasis added). Thus, Plaintiffs’ costs must be  
4 allowed since this entire litigation has been about recovering their possessory rights to their  
5 properties by having the Rosemere Judgments expunged and protecting against assessments on  
6 their properties to pay the Rosemere Judgments. Any effort to sell their properties would have  
7 been frustrated by the wrongfully recorded liens and assessment efforts. Moreover, the recording  
8 of the Judgments afforded the Lytle Trust the ability to foreclose on the Plaintiffs’ properties in  
9 order to collect on the Rosemere Judgments.

10 NRS 18.020 and 18.050 give this court wide discretion to award costs to the Plaintiffs as  
11 the prevailing parties. NRS 18.020(4), gives this Court discretion to award costs “[i]n a special  
12 proceeding.” Plaintiffs sought and prevailed in obtaining injunctive and declaratory relief which  
13 are both special proceedings under Title 3 of Nevada Revised Statutes, specifically NRS 30  
14 regarding Declaratory Judgments and NRS 33 regarding Injunctive Relief.

15 NRAP 39(e) provides that certain costs are taxable upon appeal for the benefit of the  
16 party entitled to costs including the reporter’s transcript, if needed to determine the appeal.  
17 Specifically, the Reporter’s Transcript on Appeal for District Court Hearing held on May 16,  
18 2019 in Case No. A-16-747800-C on Motion for Attorneys Fees and Costs was needed to  
19 determine the Appeal and cost \$443.54, which should be reimbursed to Plaintiffs.

20 NRS 18.110(1) requires a party to file and serve “a memorandum [of costs] ... verified by  
21 the oath of the party ... stating that to the best of his or her knowledge and belief the items are  
22 correct, and that the costs have been necessarily incurred in the action or proceeding.” The only  
23 factor that must be proven is that the costs are reasonable, necessary, and actually incurred.  
24 *Cadle Co. v. Woods & Erickson, LLP*, 131 Nev. Adv. Op. 15, 345 P.3d 1049, 1054 (2015); *see*

25  
26  
27 <sup>2</sup> Plaintiffs share the costs of this litigation equally, each paying one-fourth of the costs incurred.  
28

1 also *Bobby Berosini, Ltd. v. PETA*, 114 Nev. 1348, 1352, 971 P.2d 383, 385 (1998) (Costs  
2 awarded must be reasonable).

3 The Plaintiffs have filed concurrently herewith a verified Memorandum of Costs, with a  
4 sworn statement by counsel that all the costs are reasonable, necessary and actually incurred.  
5 Therefore, this Court should find that all the costs are reasonable, necessary and actually incurred  
6 and should be awarded to the Plaintiffs as the prevailing party.

7 B. Plaintiffs Should be Awarded Their Attorney's Fees.

8 NRCP 54(d)(2)(A) provides that a claim for attorney fees must be made by motion and  
9 may be decided by the district court. NRCP 54(d)(2)(B) provides that a motion for attorney's  
10 fees must: 1. Be filed no later than 21 days after notice of entry of judgment is served; 2. Specify  
11 the judgment and the statute, rule, or other grounds entitling the award; 3. State the amount  
12 sought; 4. Provide documentation regarding the amount of the fees; and 5. Include counsel's  
13 affidavit swearing that the fees were actually and necessarily incurred and were reasonable. "The  
14 decision whether to award attorney's fees is within the sound discretion of the district court."  
15 *Thomas v. City of N. Las Vegas*, 122 Nev. 82, 90, 127 P.3d 1057, 1063 (2006). The long-  
16 standing rule in Nevada is that attorney fees should be awarded when authorized by statute, rule,  
17 or agreement. *Elwardt v. Elwardt*, No. 69638, 2017 WL 2591349 \*2 (Nev. Ct. App. June 9,  
18 2017) (unpublished disposition) (citing *First Interstate Bank of Nev. v. Green*, 101 Nev. 113,  
19 116, 694 P.2d 496, 498 (1985)).

20 The Plaintiffs have complied with each of the requirements of Rule 54 by bringing this  
21 Motion within twenty-one (21) days after the Remittitur was issued and the Contempt Order  
22 entered and attached the Smith Declaration and billing statements. Plaintiffs have included all the  
23 fees and costs incurred since May 23, 2018, including those incurred on appeal and related to the  
24 Contempt Order through April 30, 2020.

25 This matter has been intensely litigated, with Plaintiffs being required to defend two  
26 appeals before the Nevada Supreme Court and a continuing barrage of Motions and hearings in  
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1 this Court. This was further complicated by the Lytle Trust's violations of this Court's Orders,  
2 which required the Plaintiffs to take further steps to protect their rights and interests. This  
3 includes the motion practice leading to the Contempt Order, as well as intervening in the  
4 Receivership Case and a Motion to Rescind or Amend the Order Appointing Receiver. The  
5 Court specifically ordered that Plaintiffs could file a motion for their attorney's fees related to  
6 the Contempt Order. Thus, to avoid further multiplication of proceedings, Plaintiffs are  
7 requesting an award of all attorney's fees and costs incurred in this matter from May 23, 2018  
8 through April 30, 2020 rather than splitting them between many motions. Plaintiffs note that fees  
9 and costs will continue to be incurred in this matter and request that if this Motion is granted that  
10 additional fees be awarded for any hearing on this motion or any further proceedings herein. This  
11 court should exercise its discretion and award the Plaintiffs their reasonable attorney's fees and  
12 costs incurred from May 23, 2018 through April 30, 2020, per the statutory and contractual bases  
13 set forth below.

14 *1. The Plaintiffs Are Entitled to Attorney's Fees Pursuant to the Terms of the Original*  
15 *CC&RS.*

16 NRS 18.010(1) provides that, "[t]he compensation of an attorney and counselor for his  
17 services is governed by agreement, express or implied, which is not restrained by law." A  
18 prevailing party is entitled to an award of attorney's fees pursuant to NRS 18.010(1) when the  
19 contract between the parties provides for an award of fees to the prevailing party. *Semenza v.*  
20 *Caughlin Crafted Homes*, 111 Nev. 1089, 1097–98, 901 P.2d 684, 689 (1995); *Cleverley v.*  
21 *Ballantyne*, No. 2:12-CV-00444-GMN, 2014 WL 317775, at \*2 (D. Nev. Jan. 28, 2014).

22 Plaintiffs are the prevailing party, because they have succeeded on all issues in this Court  
23 and on Appeal. *See Valley Electric Ass'n v. Overfield*, 121 Nev. 7, 10, 106 P.3d 1198, 1200  
24 (2005) (a "prevailing party" is one which "succeeds on any significant issue in litigation which  
25 achieves some of the benefit it sought in bringing suit"); *Smith v. Crown Financial Services of*  
26  
27  
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1 *America*, 111 Nev. 277, 284, 890 P.2d 769, 773 (1995) (“the term ‘prevailing party’ is a broad  
2 one, encompassing plaintiffs, counterclaimants, and defendants”).

3 Section 25 of the Original CC&Rs contains a provision that requires the losing party to  
4 pay attorney fees reasonably incurred by the prevailing party in any action brought to enforce the  
5 CC&RS or to restrain their violation, as follows:

6 In any legal or equitable proceeding for the enforcement of or to restrain the  
7 violation of the Declaration of Covenants, Conditions and Restrictions or any  
8 provision thereof, the losing party or parties shall pay in such amount as may be  
fixed by the court in such proceeding.

9 A true and correct copy of the Original CC&Rs is attached hereto as Exhibit 7. Courts are bound  
10 by such clear and unambiguous language. *Watson v. Watson*, 95 Nev. 495, 497, 596 P.2d 507,  
11 508 (1979) (citing *Reno Club v. Young Investment Co.*, 64 Nev. 312, 323-324, 182 P.2d 1011,  
12 1016-1017 (1947)); *Talbot v. Nevada Fire Ins. Co.* 52 Nev. 145, 149, 283 P. 404, 405 (1930);  
13 *Dickenson v. Department of Wildlife*, 110 Nev. 934, 937, 877 P.2d 1059, 1061 (1994). The Court  
14 should not interpret a contract so as to render any provision meaningless and “should give effect  
15 to every word in the contract.” *Caldwell v. Consol. Realty & Mgmt. Co.*, 99 Nev. 635, 639, 668  
16 P.2d 284, 287 (1983).

17 This case was all about the Plaintiffs enforcing the Original CC&Rs after the Lytle Trust  
18 violated or ignored the Original CC&Rs. The Lytle Trust proffered both the Original CC&R’s  
19 and the void ab initio Amended CC&R’s in support of their recorded Judgments and in the  
20 Receivership Application. The Plaintiffs restrained the Lytle Trust’s violation of the Original  
21 CC&Rs by requiring the Lytle Trust to expunge the Abstracts of Judgment recorded against their  
22 properties in violation of the Original CC&Rs and in requiring the Lytle Trust to comply with  
23 this Court’s May 2018 Order. Thus, the Contempt Motion and all actions in the Receivership  
24 Court were in restraint of the Original CC&Rs. The Lytle Trust was the losing party in all these  
25 proceedings. Accordingly, the Plaintiffs are entitled to an award of attorney fees, pursuant to the  
26 terms of the Original CC&Rs, for all attorney’s fees and costs requested herein.



1 The language in the Original CC&Rs is clear - Plaintiffs should be awarded their  
2 attorney's fees as they have prevailed in restraining the Defendants' violation(s) of the Original  
3 CC&Rs. This Court has already awarded fees and costs to the Boulden, Lamothe and the  
4 Dismans pursuant to this provision of the CC&Rs. Dismans Fees Order at 8:14-20; Boulden  
5 Lamothe Fees Order at 8:6-9. The result should be the same for the Plaintiffs because of the  
6 similar facts and circumstances. This Court should follow this precedent and award fees and  
7 costs to the Plaintiffs.

8 *2. The Plaintiffs Are Entitled to Attorney's Fees Pursuant to NRS 18.010(2).*

9 The First Fees Order granted an award of attorney's fees to Plaintiffs under NRS  
10 18.010(2), which was upheld on appeal in the Second Order of Affirmance. The statute states:

11 the court may make an allowance of attorney's fees to a prevailing party: ... (b)  
12 Without regard to the recovery sought, when the court finds that the claim,  
13 counterclaim, or defense of the opposing party was brought or maintained without  
14 reasonable ground or to harass the prevailing party. It is the intent of the  
15 Legislature that the court award attorney's fees pursuant to this paragraph and  
16 impose sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure in all  
17 appropriate situations to punish for and deter frivolous or vexatious claims and  
18 defenses because such claims and defenses overburden limited judicial resources,  
19 hinder the timely resolution of meritorious claims and increase the costs of  
20 engaging in business and providing professional services to the public.

21 NRS 18.010(2). Courts must liberally construe this provision in favor of awarding attorney fees  
22 "in all appropriate situations." *Prestige of Beverly Hills, Inc. v. Weber*, 2012 WL 991696, at \* 8  
23 (D. Nev. March 21, 2012). A claim is groundless if "the allegations in the complaint ... are not  
24 supported by any credible evidence at trial." *Allianz Ins. Co. v. Gagnon*, 109 Nev. 990, 996, 860  
25 P.2d 720, 724 (1993) (quoting *Western United Realty, Inc. v. Isaacs*, 679 P.2d 1063, 1069 (Colo.  
26 1984)). A frivolous claim is a baseless claim that is "not well grounded in fact or not warranted  
27 by existing law or a good faith argument for the extension, modification or reversal of existing  
28 law." *Simonian v. Univ. & Cmty. Coll. Sys.*, 122 Nev. 187, 196, 128 P.3d 1057, 1063 (2006). The  
prosecution of one colorable claim does not excuse the prosecution of five groundless claims.  
*Trus Joist Corp. v. Safeco Ins. Co. of Am.*, 153 Ariz. 95, 735 P.2d 125, 140 (Ct.App.1986) (case  
remanded for trial court to apportion attorney's fees between grounded and groundless claims).

1 The court may exercise its discretion in determining the amount to award to the prevailing party  
2 and may allocate fees between the grounded and groundless claims based on the actual  
3 circumstances of the case. *Bergmann v. Boyce*, 109 Nev. 670, 676, 856 P.2d 560 (1993).

4 The Plaintiffs approached the Lytle Trust on three (3) different occasions to avoid this  
5 litigation - Before the filing of the lawsuit, after the First Order of Affirmance, and after entry of  
6 the Receivership Order but before the Motion for Contempt and intervention in the Receivership  
7 Case. On each of these occasions the Lytle Trust had the opportunity to stop the litigation against  
8 the Plaintiffs but chose not to do so. The consequence is that the Nevada Supreme Court upheld  
9 this Court's prior rulings, including those for fees and costs, and this Court agreed with the  
10 Plaintiffs and found that the Lytle Trust was in contempt of its prior orders. At each of these key  
11 points the Lytle Trust's defenses were groundless because the District Court had already decided  
12 that the Judgments should be removed and the Nevada Supreme Court had already decided the  
13 issues and found no material differences between the Plaintiffs and Boulden and Lamothe. In  
14 fact, this Court found in favor of the Plaintiffs based on law of the case on both the May 2018  
15 Order and the Attorney's Fees Order and the Nevada Supreme Court upheld each of those  
16 Orders. Regarding the Contempt Order, this Court clearly found that the Lytle Trust had directly  
17 violated its orders, which shows that the Lytle Trust's defense was groundless once again.

18 Judge Bailus already awarded Plaintiffs their attorney's fees and costs through May 22,  
19 2018 pursuant to NRS 18.010(2) and his decision was upheld by the Nevada Supreme Court. *See*  
20 Exhibit 2. Plaintiffs have incurred additional fees and costs in this matter, which all flow from  
21 the Lytle Trusts unreasonable defense of this case. Therefore, the Plaintiffs request that all  
22 additional fees and costs accrued between May 23, 2018 and April 31, 2020 also be awarded  
23 pursuant to this provision.

24 C. Attorney's Fees and Costs for the Appeals are Recoverable.

25 The decision to award attorneys' fees is left to the sound discretion of the district court.  
26 *Flamingo Realty, Inc. v. Midwest Dev., Inc.*, 879 P.2d 69, 73-74 (Nev. 1994). However, NRS  
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1 18.010(2) does not authorize an award of appellate attorney fees. *Bd. of Gallery of History, Inc.*  
2 *v. Datecs Corp.*, 116 Nev. 286, 288, 994 P.2d 1149, 1150 (2000) (holding that NRS 18.010(2)  
3 does not provide for an award of attorney fees on appeal); *Bobby Berosini*, 114 Nev. at 1356–57,  
4 971 P.2d at 388 (same). Nevertheless, contract provisions for attorney’s fees include an award of  
5 fees for successfully bringing or defending an appeal. *See Musso v. Binick*, 104 Nev. 613, 614–  
6 15, 764 P.2d 477, 477 (1988) (holding that a contractual provision awarding attorney fees to a  
7 prevailing party in the event of litigation included appellate attorney fees); *See also WMCV*  
8 *Phase 3, LLC v. Shushok & McCoy, Inc.*, 2015 WL 1000373, (D. Nev. \* 2) (“In *Musso v. Binick*,  
9 the Nevada Supreme Court unequivocally held that a respondent was entitled to attorneys’ fees,  
10 pursuant to a contractual provision, for costs incurred in defending an appeal and filing post-  
11 appeal motions” (citations omitted)). “Parties are free to provide for attorney fees by express  
12 contractual provisions.” *Davis v. Beling*, 278 P.3d 501, 515 (Nev. 2012) (citing *Musso v. Binick*,  
13 764 P.2d at 477.) “The Nevada Supreme Court has acknowledged that attorney fees award made  
14 pursuant to contract includes fees incurred on appeal.” *In re Estate & Living Trust of Miller*, 216  
15 P.3d 239, 243 (Nev. 2009) (citing *Musso*, 764 P.2d at 477–78).

16 This Court has already awarded Boulden, Lamothe and the Dismans their attorney’s fees  
17 and costs, including their fees and costs on appeal, pursuant to Paragraph 25 of the Original  
18 CC&Rs. *See Disman Fees Order* at 8:6; *Boulden Lamothe Fees Order* at 8:18-22. The Plaintiffs  
19 are also requesting all their fees and costs incurred for the appeals pursuant to the same  
20 paragraph of the CC&Rs.

21 The initial focus in looking at a contract is on whether the language is clear and  
22 unambiguous; if it is, the contract will be enforced as written. *Ellison v. C.S.A.A.*, 106 Nev. 601,  
23 603, 797 P.2d 975, 977 (1990). The language in the Original CC&Rs is clear - Plaintiffs should  
24 be awarded their attorney’s fees incurred for all work done on the appeals as they have prevailed  
25 in restraining the Defendants’ violation(s) of the Original CC&Rs.

1           D. Plaintiffs' Attorney's Fees are Reasonable and Appropriate.

2           In *Brunzell v. Golden Gate Nat'I Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969), the  
3 Nevada Supreme Court identified four factors a court should apply when assessing requests for  
4 attorney's fees: (1) the qualities of the attorney, including his ability, training, education,  
5 experience, professional standing and skill; (2) the kind of work to be performed including its  
6 difficulty, its intricacy, its importance, time and skill required and the responsibility imposed; (3)  
7 the work actually performed by the attorney including the skill, time and attention given to the  
8 work; and (4) whether the attorney was successful and any benefits that were derived. However,  
9 the trial court may exercise its discretion when determining the value of legal services and is not  
10 required to make findings on each factor. *Logan v. Abe*, 131 Nev. Adv. Op. 31, 350 P.3d 1139,  
11 1143 (2015). "Instead, the district court need only demonstrate that it considered the required  
12 factors, and the award must be supported by substantial evidence." *Id.* (citing *Uniroyal Goodrich*  
13 *Tire Co. v. Mercer*, 111 Nev. 318, 323, 890 P.2d 785, 789 (1995)).

14           1. *The Professional Qualities of the Advocate.*

15           The Plaintiffs' lead counsel, Mr. Smith, is a shareholder in Christensen James & Martin,  
16 Chtd. He has practiced law continuously since 2009. He is a member of the State Bar of Nevada  
17 (2010 Admission), the Utah State Bar (2009 Admission), and the Washington State Bar (2017  
18 Admission) and is authorized to practice law in the respective state and federal courts. He is also  
19 admitted to practice before the United States Supreme Court and Ninth Circuit Court of Appeals.  
20 He directs and actively participates in litigation and appeals cases before these courts, including  
21 business litigation, property encumbrance and lien enforcement and defense, prosecuting claims  
22 under the Employee Retirement Income Security Act (ERISA) on behalf of multiemployer  
23 health, welfare, and pension plans, apprenticeship-training trust funds, labor management  
24 committees, and certain union locals, and representation of creditors in bankruptcy matters.

25           Kevin B. Christensen, Esq., also performed work on the case and is a shareholder with 37  
26 years of legal practice in Nevada. In addition, Laura J. Wolff, Esq, is a well-qualified associate  
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1 attorney with 14 years of experience, and also helped with preparing the pleadings and papers in  
2 this matter. All attorneys are billed at the same rate to this client.

3 *2. The Nature of the Work Performed.*

4 The Plaintiffs filed this lawsuit after approaching the Lytle Trust on several occasions  
5 requesting that the Abstracts of Judgment be expunged from their properties. The Lytle Trust  
6 refused in each instance, requiring the Plaintiffs to file this lawsuit and proceed with this  
7 litigation, the appeals, and the subsequent effort to remedy the Lytle Trust's violation and  
8 contempt of this Court's Orders. The Plaintiffs would not have been required to incur the legal  
9 fees and costs requested herein but for the Lytle Trust's actions and refusals to take reasonable  
10 steps to avoid litigation.

11 This lawsuit involved a complex procedural history, not only with the Lamothe and  
12 Boulden litigation, but with several previous cases between the Lytle Trust and the Association  
13 that ultimately gave rise to the Abstracts of Judgment. This procedural history had a direct and  
14 substantial impact on the course and outcome of this case. The lawsuit involved questions of law  
15 surrounding Nevada's Common Interest Community Act, NRS 116, the validity of the Original  
16 CC&Rs and the Amended CC&Rs, and now the meaning of this Court's Orders, creditor rights,  
17 and receiverships. These questions of law were complex and novel in that the Lytle Trust had  
18 taken actions, both procedural and legally, that were highly unusual and complicated. This case  
19 has been very important to the Plaintiffs because it has impacted their residential properties. The  
20 stakes were high for the Plaintiffs because these properties are their primary residences. Thus, it  
21 was imperative that the Plaintiffs restrain the Lytle Trust from violating this Court's May 2018  
22 Order and protect themselves from the Lytle Trust's actions.

23 *3. The Work Performed.*

24 The Lytle Trusts' actions resulted in time, energy and effort expended by the Plaintiffs'  
25 attorneys. The work actually performed required much skill and attention. Since May 23, 2018,  
26 the Plaintiffs have been required to respond to a Motion to Stay, Motion for Reconsideration, and  
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1 two (2) appeal briefs. Plaintiffs also had to monitor motion activity related to the other parties to  
2 the case (Boulden, Lamothe, Dismans). Plaintiffs were required to file the Motion for Order to  
3 Show Cause and Motion for Release of Bond. The Plaintiffs were also required to file several  
4 Motions in the Receivership Case, including a Motion to Intervene and a Countermotion to the  
5 Receiver's Request for Instructions. The Motion to Stay, Motion for Reconsideration, Motion for  
6 Order to Show Cause and Countermotion all required intensive hearings. Plaintiffs also had to  
7 attend various status hearings and hearings related to the other parties. Much time has been  
8 required to look into the facts and circumstances of the three (3) prior cases (Rosemere Litigation  
9 I, II and III) filed by the Lytle Trust against the Association, as well as the history of the  
10 Lamothe and Boulden case, and the Receivership Action. In addition, though the Appeal was  
11 consolidated, it included extensive briefing to defend the May 2018 Order and First Fees Order.

12 In its pleadings, the Lytle Trust alleged facts and legal arguments that required significant  
13 research and analysis. Although favorable Orders had already been issued, the Plaintiffs had to  
14 verify and vet the legal conclusions and evaluate the viability of the Defendants' arguments. The  
15 Plaintiffs provided complete and thorough written and oral argument to this Court, the  
16 Receivership Court and the Nevada Supreme Court that justified the relief requested in the May  
17 2018 Order and the First Fees Order.

18 *4. The Result Obtained.*

19 As this Court is aware, the result obtained has been favorable for the Plaintiffs at every  
20 stage of this case. Since May 23, 2018, they have prevailed upon the consolidated appeals and  
21 the Contempt Order. The Judge in the Receivership Case has not yet issued her opinion but the  
22 Plaintiffs believe it will be in line with this Court's opinion. Plaintiffs have derived a great  
23 benefit by having the Rosemere Judgments removed from their Properties and from the  
24 Contempt Order. The Lytle Trust has been restrained from interfering with their property rights  
25 according to the permanent injunction issued by this Court. This result has achieved the purpose  
26 of this lawsuit.

1                   5. *The Hourly Rates Charged and Amount of Time Spent are Reasonable.*

2           The law firm's hourly rates of \$260.00 per hour are reasonable. *See Chemeon Surface*  
3 *Tech., LLC v. Metalast Int'l, Inc.*, No. 3:15-CV-00294-MMD-VPC, 2017 WL 2434296, at \*1 (D.  
4 Nev. June 5, 2017) (surveying cases for market rates and finding reasonable \$375 for a partner,  
5 \$250 for an associate, and \$125 for a paralegal); *John Bryant Lawson v. William M. Lawson, Jr.*,  
6 No. 3:14-CV-00345-WGC, 2016 WL 1171010, at \*4 (D. Nev. Mar. 24, 2016) (finding \$275.00  
7 per hour for an attorney with 10 years of experience, \$325.00 per hour for an attorney with 12  
8 years of experience, \$235.00 per hour for a first year associate, and \$175.00 per hour for a  
9 paralegal reasonable market rates). Moreover, the Nevada Supreme Court upheld a \$250.00 per  
10 hour rate as reasonable 11 years ago. *See Cuzze v. Univ. & Cmty. Coll. Sys. of Nevada*, 123 Nev.  
11 598, 607, 172 P.3d 131, 137 (2007). This Court recently awarded fees in this Case to Boulden  
12 and Lamothe with an hourly rate of \$400. Therefore, the hourly rate of \$260.00 would also be  
13 considered reasonable considering the experience and skill of Plaintiffs' counsel. The hours  
14 expended are reasonable and justified because they reflect detailed and accurate work.

15           Plaintiffs' filing of this case and the subsequent motion practice should not have been  
16 necessary. This litigation was avoidable. The Plaintiffs approached the Lytle Trust via letters,  
17 emails and phone calls to cooperate and remove the unlawful liens as the Court had already  
18 ordered them to do for the Lamothes and Bouldens. Plaintiffs again approached them after the  
19 First Order of Affirmance and before the Motion for Contempt was filed. Plaintiffs should be  
20 paid their attorney's fees and costs for having to file this lawsuit and continue through the  
21 appellate process and back to this Court and the Receivership Court to protect their property  
22 rights.

23           Finally, the fees incurred in bringing this Motion should also be recoverable. "Fees  
24 incurred in litigating the award of fees are recoverable." *Serrano v. Unruh*, 32 Cal.3d 621, 639,  
25 652 P.2d 985 (Cal. 1982). Plaintiffs also request reasonable fees incurred after April 30, 2020 as  
26 CJ&M's billing cycle is every thirty (30) days and the billings are only through April 30, 2020.

In an abundance of caution, Plaintiffs wanted to bring this Motion now since the Remittitur was issued. However, since litigation is still ongoing Plaintiffs would like the opportunity to amend the amounts due and owing once litigation on this matter is final since there other matters that will still come before this Court for which the Plaintiffs will also incur fees.

**V.**

**CONCLUSION**

The Court should award attorney's fees and costs to the Plaintiffs in the following amounts for the time period of May 23, 2018 through April 30, 2020 and allow the Plaintiffs the opportunity to present other attorney's fees and costs as this matter continues:

Plaintiff	Attorney's Fees	Costs	Total
September Trust	\$ 37,350.80	\$ 1,036.27	\$38,387.07
Zobrist Trust	\$ 37,350.80	\$ 1,036.27	\$38,387.07
Sandoval Trust	\$ 37,350.80	\$ 1,036.27	\$38,387.07
Gegen	\$ 37,350.80	\$ 1,036.27	\$38,387.07
Totals	\$149,403.20	\$ 4,145.08	\$153,548.28

The Court should Order that all monies be paid within 30 days of the Notice of Entry of Order filed with the Court.

DATED this 26th day of May, 2020.

CHRISTENSEN JAMES & MARTIN

By: /s/ Wesley J. Smith, Esq.

Wesley J. Smith, Esq.

Nevada Bar No. 11871

7440 W. Sahara Avenue

Las Vegas, NV 89117

Tel.: (702) 255-1718

Fax: (702) 255-0871

*Attorneys for September Trust, Zobrist Trust, Sandoval Trust and Gegen*



**CERTIFICATE OF SERVICE**

I am an employee of Christensen James & Martin. On May 26, 2020, I caused a true and correct copy of the foregoing Plaintiffs' Motion for Attorney's Fees and Costs, to be served in the following manner:

☒ **ELECTRONIC SERVICE:** electronic transmission (E-Service) through the Court's electronic filing system pursuant to Rule 8.05 of the Rules of Practice for the Eighth Judicial District Court of the State of Nevada.

Liz Gould (liz@foleyoakes.com)  
Daniel Foley (Dan@foleyoakes.com)  
Maren Foley (maren@foleyoakes.com)  
Jennifer Martinez (jennifer.martinez@fnf.com)  
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Robin Jackson (rjackson@gibbsgiden.com)  
Shara Berry (sberry@gibbsgiden.com)  
Daniel Hansen (dhansen@gibbsgiden.com)  
Joel D. Henriod (JHenriod@LRRC.com)  
Daniel F. Polsenberg (DPolsenberg@LRRC.com)  
Dan R. Waite (DWaite@LRRC.com)

☒ **UNITED STATES MAIL:** depositing a true and correct copy of the above-referenced document into the United States Mail with prepaid first-class postage, addressed to the parties at their last-known mailing address(es):

Kevin Singer  
Scott Yahraus  
Receivership Specialists  
7251 W. Lake Mead Blvd., Suite 300  
Las Vegas, NV 89128

☐ **FACSIMILE:** By sending the above-referenced document via facsimile as follows:

☒ **E-MAIL:** electronic transmission by email to the following address(es):

Kevin Singer (Kevin@ReceivershipSpecialists.com)  
Scott Yahraus (Scott@receivershipspecialists.com)

/s/ Natalie Saville

Natalie Saville

# Exhibit 1

000110

000110

# Exhibit 1

## IN THE SUPREME COURT OF THE STATE OF NEVADA

TRUDI LEE LYTLE; AND JOHN  
ALLEN LYTLE, AS TRUSTEES OF THE  
LYTLE TRUST,

Appellants,

vs.

MARJORIE B. BOULDEN, TRUSTEE  
OF THE MARJORIE B. BOULDEN  
TRUST; LINDA LAMOTHE; JACQUES  
LAMOTHE, TRUSTEES OF THE  
JACQUES & LINDA LAMOTHE  
LIVING TRUST; ROBERT Z. DISMAN;  
AND YVONNE A. DISMAN,  
Respondents.

No. 73039

**FILED**

DEC 04 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

## ORDER OF AFFIRMANCE

This is an appeal from a district court order granting an injunction in a real property action. Eighth Judicial District Court, Clark County; Timothy C. Williams, Judge.

In 1996, appellants Trudi and John Lytle purchased a lot in Rosemere Estates for the purpose of building a residence. The lots in Rosemere Estates are subject to Covenants, Conditions, and Restrictions (Original CC&Rs) imposed by the developer. The Original CC&Rs contemplated the future formation of a property owners' committee that would maintain limited common areas in the development. Two homeowners, acting on behalf of all Rosemere Estates lot-owners, subsequently filed non-profit articles of incorporation to create the committee contemplated in the Original CC&Rs, the Rosemere Estates Property Owners Association (Association).

In 2007, the Association amended the Original CC&Rs, effectively trying to turn itself into a homeowners' association under NRS Chapter 116 and enforce new restrictions on the Lytles' lot. The Lytles filed suit against the Association, seeking a declaration that the amended CC&Rs were void as well as damages, costs, and fees. The district court granted summary judgment in favor of the Lytles, finding that: the Original CC&Rs did not form a homeowners' association under NRS Chapter 116, but rather a limited purpose association; the amended CC&Rs were improperly adopted and recorded; and the Association had no power to impose additional restrictions on the Lytles' property as though it were a homeowners' association. Consequently, the district court declared the amended CC&Rs invalid and awarded the Lytles monetary damages, attorney fees, and costs.

The Lytles subsequently recorded abstracts of judgment against properties contained within Rosemere Estates, including two owned by Marjorie Boulden and Linda and Jacques Lamothe.<sup>1</sup> Boulden and the Lamothes filed suit against the Lytles seeking declaratory and injunctive relief and to quiet title and remove the abstracts of judgment clouding title. They later moved for summary judgment on all causes of action. The district court granted the motion, concluding that because Boulden and the Lamothes were not parties to the previous litigation and the Association

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<sup>1</sup>Respondents Robert Z. Disman and Yvonne A. Disman purchased the property belonging to Marjorie Boulden in August 2017, and were added as respondents to this appeal on the Lytles' motion to join them.

was limited in purpose and not subject to NRS 116.3117's mechanism by which judgments against a homeowners' association may be recorded against properties therein, Boulden and the Lamothes were not obligated under the Lytle's judgment. Determining that the Lytles improperly clouded title, the district court ordered the abstracts of judgment expunged from the properties' titles and entered a permanent injunction enjoining the Lytles from enforcing the judgment or any related abstracts against the Boulden or Lamothe properties.

The Lytles now appeal, arguing that NRS 116.3117 applies to limited purpose associations both through plain statutory language and on equitable grounds or, in the alternative, that they are permitted to record their abstracts of judgment against the subject properties under general principles governing common-interest communities.

### *DISCUSSION*

#### *Standard of review*

Where injunctive relief is granted in the form of summary judgment, the standard of review is de novo. *A.L.M.N., Inc. v. Rosoff*, 104 Nev. 274, 277, 757 P.2d 1319, 1321 (1988); *Wood v. Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). Summary judgment is appropriate where there is no dispute of material fact and the moving party is entitled to judgment as a matter of law. *Wood*, 121 Nev. at 729, 121 P.3d at 1029.

#### *NRS 116.3117 does not apply to limited purpose associations*

Where a statute's language is unambiguous, this court gives effect to its plain meaning. *D.R. Horton, Inc. v. Eighth Judicial Dist. Court*,

123 Nev. 468, 476, 168 P.3d 731, 737 (2007). NRS 116.1201(2)(a) provides, in relevant part, that limited purpose associations are not subject to NRS Chapter 116, with enumerated statutory exceptions, NRS 116.3117 not among them. NRS 116.3117(1)(a) states that a monetary judgment against an association, once recorded, is a lien against all real property of the association and all of the units in the common-interest community. An "association" is defined as a unit-owners' association organized under NRS 116.3101. NRS 116.011. A unit-owners' association must be in existence on or before the date when the first unit is conveyed. NRS 116.3101.

Here, the Lytles do not dispute that the Association is a limited purpose association. Although they assert that properties within limited purpose associations are subject to NRS 116.3117's lien provisions, NRS 116.1201 spells out the specific statutes within NRS Chapter 116 that apply to limited purpose associations, and NRS 116.3117 is not among them. Aside from those listed statutes, NRS Chapter 116 "does not apply to [a] limited purpose association." NRS 116.1201(2)(a). Thus, the plain language of the statute is clear that limited purpose associations are not subject to NRS 116.3117's lien provisions. By listing exactly which provisions within NRS Chapter 116 apply to limited purpose associations, NRS 116.1201 does not leave any room for question or expansion in the way the Lytles urge. We are likewise not persuaded by the Lytles' further contention that they may place a valid judgment lien on the Boulden and Lamothe properties through a series of statutory incorporations. Specifically, although the Lytles argue that NRS 116.3117 applies to limited purpose associations

through NRS 116.4117(2)'s reference to NRS 116.3111, which states that "liens resulting from judgments against the association are governed by NRS 116.3117," NRS 116.4117(2) does not incorporate NRS 116.3111. Instead, it enumerates the circumstances in which suit may be brought for breach of NRS Chapter 116 or governing documents "except as otherwise provided in NRS 116.3111." NRS 116.3111 addresses tort and contract liability for "injury or damage arising out of the condition or use of the common elements," which is not at issue here. Therefore, although NRS 116.4117(2) references NRS 116.3111, it does not incorporate it and there is no interpretive progression that suggests limited purpose associations are subject to NRS 116.3117.

The Lytles next argue that a broad, equitable mechanism set forth in *Mackintosh v. California Federal Savings & Loan Association*, 113 Nev. 393, 935 P.2d 1154 (1997), allows them to record a judgment lien against the Boulden and Lamothe properties. We disagree here as well. The Lytles contend that *Mackintosh* allows them to treat the Association as a homeowners' association subject to all provisions of NRS Chapter 116 in order to enforce their judgment, despite the district court's unchallenged determination in the action in which they obtained their judgment that the Association is a limited purpose association. The facts and holdings of *Mackintosh* do not support the conclusion proffered by the Lytles. Although *Mackintosh* recognized that a prevailing party may recover attorney fees from the other contracting party under a contractual provision even where that contract has been rescinded, it had nothing to do with statutory lien rights. 113 Nev. at 406, 935 P.2d at 1162. The Lytles intermingle two

different legal theories—contractual attorney fees and statutory lien rights—in an attempt to piece together a solution that would allow them to enforce a judgment lien against property owners who were not parties to the Lytles’ complaint against Rosemere Estates, and whose property interests had never been subject of any suit. Nothing in *Mackintosh* suggests that applies beyond the context of contractual agreements and the circumstances of that case, and we are not persuaded that it otherwise provides a basis for expanding the application of NRS 116.3117.<sup>2</sup>

*General principles of common-interest communities do not permit the Lytles to record the abstracts of judgment against all properties subject to the Association*

The Lytles argue that all of the Rosemere Estates units, including respondents’ real properties, are the property of the Association under *D.R. Horton, Inc. v. Eighth Judicial District Court*, 125 Nev. 449, 215 P.3d 697 (2009), and the Lytles consequently may record their abstracts of judgment pursuant to NRS 17.150(2). We disagree.

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<sup>2</sup>The Lytle’s also argue that the “sword and shield doctrine” allows the judgment to be recorded against respondents’ properties, relying on *Molina v. State*, 120 Nev. 185, 193-94, 87 P.3d 533, 539 (2004), which held that a criminal defendant could not invoke the attorney-client privilege while simultaneously seeking to withdraw his guilty plea when he put the content of his interactions with his attorney at issue by arguing that his attorney advised him to enter a plea without knowledge of his case. *Molina* is inapposite here, as it adjudicated evidentiary issues unrelated to this dispute. Here, although respondents relied on the inapplicability of NRS Chapter 116 in seeking declaratory and injunctive relief in the underlying action in order to have the liens clouding their titles expunged, they were not parties to the Lytle-Rosemere Estates litigation, in which the Lytles likewise relied on NRS Chapter 116 to have Rosemere Estate’s amended CC&Rs declared invalid.

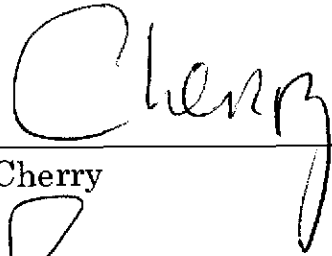


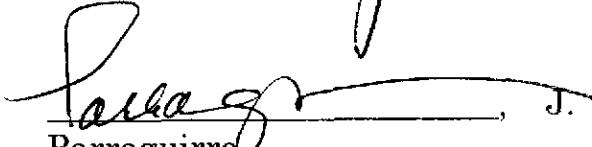
NRS 17.150(2) allows a party to record a judgment with a county recorder, which then serves as a lien on the property of the judgment debtor. Because it is undisputed that the respondents were not parties to the Lytles' prior suit against the Association, the question turns on whether the Association holds a property interest in the individual lots constituting Rosemere Estates.

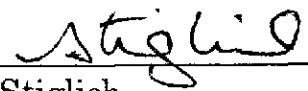
*D.R. Horton* did not hold that individual units subject to a homeowners' association are the property of that association. *D.R. Horton* only considered the question of standing, not ownership. 125 Nev. at 451-52, 215 P.3d at 699. Additionally, *D.R. Horton's* holding that individual units are part of the common-interest community, *id.* at 460, 215 P.3d 704, does not mean that the property of individual owners is also owned by homeowners' associations, as homeowners' associations and common-interest communities are not the same thing, see NRS 116.011; NRS 116.3101; NRS 116.021. Finally, NRS 116.3117(1)(a) further undermines the Lytles' position that homeowners' associations have an ownership interest in individual units, as it distinguishes between the property owned by the association and the individual units in the common-interest community. Under the association ownership position asserted by the Lytles, the statute's language allowing judgments to be recorded against the units would be rendered superfluous, as NRS 17.150 would be sufficient to allow judgments to be recorded against the units of a common-interest community. Statutory construction principles do not support this position. See *Harris Assocs. v. Clark Cty. Sch. Dist.*, 119 Nev. 638, 642, 81 P.3d 532,

534 (2003) (“[W]e construe statutes to give meaning to all of their parts and language[.]” (internal quotation marks omitted)).<sup>3</sup> Based on the foregoing, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Stiglich

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<sup>3</sup>The Lytles also contend that the Original CC&Rs created a mechanism to record a judgment against the Association on individual units within Rosemere Estates. They cite the provision stating, “[A]ny liens established hereunder shall not defeat . . . the lien of any mortgage . . . as to said lots . . . .” As nothing within that provision explicitly permits a judgment against the contemplated association to be recorded as a lien on properties within the community, we conclude that it does not create a mechanism by which the Lytles could record their judgment against the Association as a lien on member properties. *Diaz v. Ferne*, 120 Nev. 70, 73, 84 P.3d 664, 665-66 (2004) (observing that this court reviews de novo the interpretation of a restrictive covenant in CC&Rs); *see Am. First Fed. Credit Union v. Soro*, 131 Nev. 737, 739, 359 P.3d 105, 106 (2015) (providing that when “the language of the contract [or CC&R] is clear and unambiguous[.] . . . the contract will be enforced as written” (internal quotation marks omitted)).

cc: Hon. Timothy C. Williams, District Judge  
Persi J. Mishel, Settlement Judge  
Gibbs Giden Locher Turner Senet & Wittbrodt LLP/Las Vegas  
Fidelity National Law Group  
Foley & Oakes, PC  
Christensen James & Martin  
Eighth District Court Clerk

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# Exhibit 2

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# Exhibit 2

## IN THE SUPREME COURT OF THE STATE OF NEVADA

TRUDI LEE LYTLE; AND JOHN  
ALLEN LYTLE, AS TRUSTEES OF THE  
LYTLE TRUST,

Appellants,

vs.

SEPTEMBER TRUST, DATED MARCH  
23, 1972; GERRY R. ZOBRIST; JOLIN G.  
ZOBRIST, AS TRUSTEES OF THE  
GERRY R. ZOBRIST AND JOLIN G.  
ZOBRIST FAMILY TRUST; RAYNALDO  
G. SANDOVAL; JULIE MARIE  
SANDOVAL GEGEN, AS TRUSTEES  
OF THE RAYNALDO G. AND EVELYN  
A. SANDOVAL JOINT LIVING TRUST  
AND DEVOLUTION TRUST DATED  
MAY 27, 1992; DENNIS A. GEGEN;  
AND JULIE S. GEGEN, HUSBAND  
AND WIFE, AS JOINT TENANTS,  
Respondents.

TRUDI LEE LYTLE; JOHN ALLEN  
LYTLE; AND LYTLE TRUST,

Appellants,


vs.

SEPTEMBER TRUST, DATED MARCH  
23, 1972; GERRY R. ZOBRIST; JOLIN G.  
ZOBRIST, AS TRUSTEES OF THE  
GERRY R. ZOBRIST AND JOLIN G.  
ZOBRIST FAMILY TRUST; RAYNALDO  
G. SANDOVAL; JULIE MARIE  
SANDOVAL GEGEN, AS TRUSTEES  
OF THE RAYNALDO G. AND EVELYN  
A. SANDOVAL JOINT LIVING TRUST  
AND DEVOLUTION TRUST DATED  
MAY 27, 1992; DENNIS A. GEGEN;  
AND JULIE S. GEGEN, HUSBAND  
AND WIFE, AS JOINT TENANTS,  
Respondents.

No. 76198

**FILED**

MAR 02 2000

ELIZABETH A. CROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

No. 77007

## ORDER OF AFFIRMANCE

These are consolidated appeals from district court orders granting summary judgment and awarding attorney fees in a real property action. Eighth Judicial District Court, Clark County; Mark B. Bailus, Judge.

Appellants Trudi and John Lytle and the Lytle Trust (the Lytles) own property in Rosemere Estates and appeal judgments in the latest of a long line of cases arising from disputes with their homeowners' association. As the parties are familiar with the complex litigation history underlying this case, we do not recount the whole of it here. As pertinent to this appeal, the Lytles litigated three cases against their homeowners' association, which the Lytles term NRED 1, NRED 2, and NRED 3. They ultimately prevailed against the association in each case, receiving awards of \$361,238.59, \$1,103,158.21, and \$15,462.60, respectively. Importantly, the lower court in NRED 1 determined the association was a limited purpose association as defined by NRS 116.1201 and not a Chapter 116 unit-owners association, and that the amended CC&Rs, which would have substantially increased the scope and complexity of the governing CC&Rs, were *void ab initio*. We affirmed that decision. See *Rosemere Estates Prop. Owners Ass'n v. Lytle*, Docket Nos. 63942, 65294 & 65721 (Order Affirming (Docket No. 63942); Vacating and Remanding (Docket No. 65294); Affirming in Part, Reversing in Part, and Remanding (Docket No. 65294); and Vacating and Remanding (Docket No. 65721)). The district court order in NRED 2 likewise recognized that the amended CC&Rs were *void ab initio* and the association was not a Chapter 116 unit-owners association.

Following the judgment in NRED 1, the Lytles recorded abstracts of judgment against the other eight properties in Rosemere to

recover their \$361,238.59 judgment. Two homeowners, Marjorie Boulden and Linda and Dr. Jacques Lamothe, filed a complaint seeking an injunction to restrain the Lytles from foreclosing on their properties and to strike the abstracts of judgment. The district court granted partial summary judgment, awarding the plaintiffs a permanent injunction against the Lytles and ordering the abstracts of judgment expunged and stricken from the Clark County records. The Lytles appealed that decision to this court and subsequently released the liens against the Boulden and Lamothe properties. While that appeal was pending, the respondents in this case learned of their neighbors' success and contacted the Lytles to request that the Lytles likewise release the abstracts of judgment from their properties. The Lytles refused, and the respondents filed a complaint substantially similar to the Boulden/Lamothe complaint, requesting an order restraining the Lytles from foreclosing on their properties, canceling and expunging the abstracts of judgment, and declaring the Lytles had no right to or interest in the properties for any of the NRED judgments.

Respondents' case was consolidated below with the remainder of the Boulden/Lamothe case. The district court thereafter granted summary judgment for respondents, and further granted their motion for attorney fees and costs. Subsequently, we affirmed the grant of partial summary judgment in favor of Boulden and Lamothe. *Lytle v. Boulden*, Docket No. 73039 (Order of Affirmance, December 4, 2018). We explained that under the plain language of Chapter 116, limited purpose associations are not subject to Chapter 116 outside of certain express statutory exceptions, and that NRS 116.3117 is not among those exceptions. *Id.* Moreover, we were not persuaded by the Lytles' arguments that other Nevada law, notably equitable principles or the general principles of



common-interest communities, would allow them to record abstracts of judgment against homeowners who were not parties in the litigation against Rosemere and whose properties were not the subject of any lawsuit. *Id.*

In the present appeal, the Lytles argue the district court erred by granting summary judgment in favor of respondents and abused its discretion by awarding respondents attorney fees and costs, contending the district court improperly applied, as law of the case, its earlier Boulden/Lamothe summary judgment. We have carefully reviewed the record and conclude the district court did not err under the particular facts present here.

We review a district court's order granting summary judgment de novo. *Wood v. Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). Summary judgment is proper if the pleadings and all other evidence on file demonstrate that no genuine issue of material fact exists "and that the moving party is entitled to a judgment as a matter of law." *Id.*

We previously addressed in Docket No. 73039 whether the Lytles could rely on NRS 116.3117 to record abstracts of judgment against the individual properties in Rosemere. That decision constitutes law of the case here, where the respondents' case has been consolidated with the Boulden/Lamothe case and the claims and legal issues in the two are substantially the same. *See Dictor v. Creative Mgmt. Servs., LLC*, 126 Nev. 41, 44, 223 P.3d 332, 334 (2010) (stating "that when an appellate court decides a principle or rule of law [either expressly or by necessary implication], that decision governs the same issues in subsequent proceedings in that case"); *LoBue v. State ex rel. Dep't of Highways*, 92 Nev. 529, 532, 554 P.2d 258, 260 (1976) ("The law of the first appeal is the law of



the case on all subsequent appeals in which the facts are substantially the same." (internal quotations omitted)).

The Lytles concede our decision in Docket No. 73039 resolves the summary judgment issues as related to NRED 1 and 3. However, the Lytles argue the order in Docket No. 73039 does not resolve the arguments as related to NRED 2, as in that case the Lytles and the association stipulated that the amended CC&Rs were valid and enforceable for purposes of the NRED 2 litigation, and under those amended CC&Rs the Lytles could rely on NRS 116.3117 to record abstracts of judgment against the properties to recover their judgment in NRED 2.<sup>1</sup>

We see no factual differences that would distinguish this case from Docket No. 73039 or enable the Lytles to record abstracts of judgment against the subject properties to recover the NRED 2 judgment. Although the Lytles and the association signed a stipulation in NRED 2, that stipulation was for the purposes of NRED 2 only and was between the Lytles and the association. The respondents were not parties to the NRED 2 litigation nor did they sign the stipulation. Moreover, the order granting summary judgment for the Lytles in NRED 2 acknowledged that the amended CC&Rs were *void ab initio*, meaning those documents never had force or effect. See *Washoe Med. Ctr. v. Second Judicial Dist. Court*, 122 Nev. 1298, 1304, 148 P.3d 790, 794 (2006) (addressing a complaint); *Nev. Power Co. v. Metro. Dev. Co.*, 104 Nev. 684, 686, 765 P.2d 1162, 1163-64

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<sup>1</sup>The Lytles further argue that equitable principles should operate to allow them to utilize NRS 116.3117, and they contest this court's analysis in Docket No. 73039 of NRS 116.1201 and whether the plain language rule applies to Chapter 116. We addressed similar arguments in Docket No. 73039 and after doing so again here, we remain convinced they are without merit.

(1988) (addressing a statute); *see also Void Ab Initio*, *Black's Law Dictionary* (11th ed. 2019) ("Null from the beginning, as from the first moment when a contract is entered into."). Thus, the stipulation does not apply to the present case, and, moreover, the CC&Rs upon which the Lytles rely had no force and cannot be used to justify applying NRS 116.3117 here. Accordingly, we affirm the grant of summary judgment.<sup>2</sup>

We next consider the attorney fees award. We review an award of attorney fees for a manifest abuse of discretion, but will review questions of law de novo. *Pardee Homes of Nev. v. Wolfram*, 135 Nev. 173, 176, 444 P.3d 423, 425-26 (2019). NRS 18.010(2)(b) allows the court to award attorney fees to the prevailing party where the complaint or defense was brought or maintained either to harass the prevailing party or without reasonable ground. The statute instructs courts to "liberally construe the provisions of this paragraph in favor of awarding attorney's fees in all appropriate situations." NRS 18.010(2)(b). Under this provision, a defense is without reasonable ground if no credible evidence supports it. *See Capanna v. Orth*, 134 Nev. 888, 895, 432 P.3d 726, 734 (2018) (addressing NRS 18.010(2)(b)). The analysis of whether the party acted on reasonable grounds "depends upon the actual circumstances of the case rather than a hypothetical set of facts favoring [the party's] averments." *Bergmann v. Boyce*, 109 Nev. 670, 675, 856 P.2d 560, 563 (1993), *superseded by statute on*

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<sup>2</sup>We need not address the Lytles' argument that the district court improperly relied on the law-of-the-case doctrine, as the record demonstrates the district court based its decision on the parties' arguments and, moreover, we conclude the district court reached the correct result here. *See Saavedra-Sandoval v. Wal-Mart Stores, Inc.*, 126 Nev. 592, 599, 245 P.3d 1198, 1202 (2010) ("This court will affirm a district court's order if the district court reached the correct result, even if for the wrong reason.").

*other grounds as stated in In re DISH Network Derivative Litig.*, 133 Nev. 438, 451 n.6, 401 P.3d 1081, 1093 n.6 (2017). A district court may decide an award for attorney fees “despite the existence of a pending appeal from the underlying final judgment.” NRCP 54(d)(2)(A).

In its order awarding attorney fees and costs, the district court made detailed findings of fact, concluded the Boulden/Lamothe summary judgment order constituted law of the case, and noted that after the court entered that order, the Lytles had an opportunity to avoid the present litigation while still preserving their legal arguments for appeal. We need not address whether the prior order awarding partial summary judgment constituted law of the case,<sup>3</sup> as we conclude that under the circumstances here the district court did not manifestly abuse its discretion.

The record shows that the respondents approached the Lytles after the district court determined the Lytles improperly recorded the abstracts of judgment to recover for NRED 1. Respondents requested that the Lytles likewise remove the abstracts of judgment from their properties, but the Lytles refused to do so, despite removing the abstracts of judgment from the Boulden and Lamothe properties. The Lytles have not shown why they could not have accommodated the respondents while still preserving their arguments for appeal from the Boulden/Lamothe summary judgment, thereby avoiding this litigation. And although the partial summary

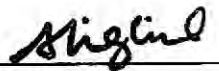
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<sup>3</sup>Although this court has previously stated that trial court decisions do not constitute law-of-the-case, *see Byford v. State*, 116 Nev. 215, 232, 994 P.2d 700, 711-12 (2000), we note that federal law provides that the doctrine applies to district court decisions, although it does not preclude a district court from reconsidering its own rulings unless a higher court has ruled on the issue and mandated a certain outcome. *See, e.g., Askins v. U.S. Dep’t of Homeland Sec.*, 899 F.3d 1035, 1042 (9th Cir. 2018); *Moore v. James H. Matthews & Co.*, 682 F.2d 830, 833-34 (9th Cir. 1982).

judgment order was pending on appeal at the time the district court awarded the respondents attorney fees, NRCP 54(d)(2)(A) allows the court to decide attorney fees under the known facts and despite any pending appeal. Under these particular facts, therefore, we conclude the district court did not abuse its discretion by concluding the Lytles maintained their defense without reasonable ground, and we affirm the award of attorney fees. Accordingly, we

ORDER the judgments of the district court AFFIRMED.

 J.  
Gibbons

 J.  
Stiglich

 J.  
Silver

cc: Hon. Mark B. Bailus, District Judge  
Lewis Roca Rothgerber Christie LLP/Las Vegas  
Gibbs Giden Locher Turner Senet & Wittbrodt LLP/Las Vegas  
Christensen James & Martin  
Eighth District Court Clerk

# Exhibit 3

000129

# Exhibit 3





CHRISTENSEN JAMES & MARTIN CHTD.  
ATTORNEYS AT LAW

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**Writer's Email:** [ljw@cjmlv.com](mailto:ljw@cjmlv.com)

**Via Certified, Regular Mail and Email**

September 26, 2017

Richard E. Haskin, Esq.  
Gibbs Giden Locher Turner Senet & Wittbrodt LLP  
1140 N. Town Center Dr., Suite 300  
Las Vegas, NV 89144-0596  
[rhaskin@gibbsgiden.com](mailto:rhaskin@gibbsgiden.com)

Re: **Gerry R. Zobrist and Jolin G. Zobrist, Trustees of the Gerry R. Zobrist and Jolin G. Zobrist Family Trust and September Trust v. Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust – Revised Demand To Release Recorded Documents Clouding Title and Notice of Intent to File Lawsuit**

Dear Mr. Haskin:

This office has been retained by Gerry R. Zobrist and Jolin G. Zobrist as Trustees of the Gerry R. Zobrist and Jolin G. Zobrist Family Trust ("Zobrist Trust") and the September Trust, dated March 23, 1972 ("September Trust"), in regard to your clients Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust ("Lytle").

Gerry R. Zobrist and Jolin G. Zobrist are the Trustees of the Gerry R. Zobrist and Jolin G. Zobrist Family Trust which owns a residential property known as 1901 Rosemere Court, Las Vegas, Nevada 89117, Assessor's Parcel No. 163-03-313-005 ("Zobrist Property"). The September Trust owns a residential property known as 1861 Rosemere Court, Las Vegas, Nevada 89117, Assessor's Parcel No. 163-03-313-004 ("September Property"). The Zobrist Property and September Property are located in the Rosemere Court subdivision ("Subdivision"). As you know, in 2009, the Lytles sued the Rosemere Estates Property Owners Association ("the Association") in the Eighth Judicial District Court, Case No. A-09-593497-C ("Rosemere Litigation"). The Lytles obtained a Summary Judgment for Declaratory Relief, filed a Motion for Attorneys' Fees and Costs and received a Final Judgment against the Association for \$361,238.59 ("Final Judgment"). The Zobrist Trust and the September Trust were not parties to the Rosemere Litigation.

After obtaining the Final Judgment, the Lytles recorded several documents with the Clark County Recorder's Office referencing the Final Judgment against the Association. Some of these recorded documents listed the parcel number of the Zobrist Property and the September Property, as follows:

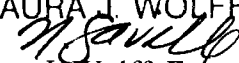
1. Abstract of Judgment recorded on August 18, 2016 as Instrument No. 20160818-0001198; and
2. Abstract of Judgment recorded on September 2, 2016 as Instrument No. 20160902-02687 (hereafter collectively "Abstracts").

Both of these Abstracts are on a Title Report of the Zobrist Property dated August 29, 2017 and a search of the Clark County Recorder's website shows that the Abstract dated September 2, 2016 was recorded against the September Property. By way of this letter, the Zobrist Trust and the September Trust are demanding that any document, including those just mentioned, that include their parcel number be released immediately since the Final Judgment does not include any claims against the Zobrist Property or the September Property.

As you are aware, the Bouldens (Parcel No. 163-03-313-008) and the Lamothes (Parcel No. 163-03-313-002) have already filed a lawsuit (Case No. A-16-747900-C) regarding this same issue ("BL Lawsuit"), because the Final Judgment was recorded against all the properties in the Subdivision except for the Lytle's property. On July 25, 2017, the Court issued its Order in the BL Lawsuit Granting Motion to Alter or Amend Findings of Fact and Conclusions of Law ("Order"). In its Order, the Court found that, among other things, the Association is not subject to NRS 116.3117, the Amended CC&R's were invalid, the Bouldens and Lamothes were not parties to the Rosemere Litigation, the Final Judgment is not an obligation or debt of the Bouldens or the Lamothes and that the Abstracts of Judgment were improperly recorded against such properties and must be expunged and stricken from the record. Since then, the Lytles have released their liens against these two (2) properties but have not released their liens against any of the other properties in the Subdivision.

As the Zobrist Trust and the September Trust are in the same position as the Bouldens and Lamothes, this **letter shall constitute the Zobrist Trust's and September Trust's demand that the Lytles immediately expunge and release any recorded documents clouding the Zobrist Property and the September Property.** Unless the Abstracts of Judgment are released from the Zobrist Property and the September Property, we have been instructed to file a lawsuit and seek all damages against the Lytles including our attorney's fees and costs for having to bring such an action. You have ten (10) days from the date of this letter, or until Friday, October 6, 2017, to comply with this demand. We look forward to your anticipated and immediate response to this final demand.

Sincerely,

LAURA J. WOLFF  
  
Laura J. Wolff, Esq.

cc: Gerry R. Zobrist and Jolin G. Zobrist Family Trust  
September Trust, dated March 23, 1972  
Kevin B. Christensen, Esq.

CHRISTENSEN JAMES & MARTIN  
Laura J. Wolff, Esq.  
7440 W SAHARA AVE  
LAS VEGAS, NV 89117  
Re: Zobrist 9/26/17

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x *[Signature]*

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*Robert Jackson*

C. Date of Delivery

9/27/17

D. Addressee's Address (If Different From Address Used by Sender.)

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City State ZIP + 4 Code

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Article Addressed To:



Richard E. Haskin, Esq  
Gibbs Giden Locher Turner Senet & Wittbr  
1140 N. Town Center Dr., Suite 300  
Las Vegas NV 89144-0596

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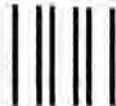
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000133

PS FORM 3811, 2/2004

RETURN TO:

CHRISTENSEN JAMES & MARTIN  
Laura J. Wolff, Esq.  
7440 W SAHARA AVE  
LAS VEGAS, NV 89117  
Re: Zobrist 9/26/17

000133

000133

000133

# Exhibit 4

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# Exhibit 4



CHRISTENSEN JAMES & MARTIN CHTD.  
ATTORNEYS AT LAW

KEVIN B. CHRISTENSEN  
EVAN L. JAMES \*†  
DARYL E. MARTIN  
WESLEY J. SMITH \*†  
LAURA J. WOLFF \*  
KEVIN B. ARCHIBALD

7440 W. SAHARA AVENUE  
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\* ALSO LICENSED IN UTAH  
† ALSO LICENSED IN WASHINGTON

**Writer's Email:** wes@cjmlv.com

**VIA FIRST CLASS MAIL & EMAIL**

December 10, 2018

Richard E. Haskin, Esq.  
Gibbs Giden Locher Turner Senet & Wittbrodt LLP  
1140 N. Town Center Dr., Suite 300  
Las Vegas, NV 89144-0596  
rhaskin@gibbsgiden.com

Re: *September Trust et al v. Trudi Lee Lytle et al.*, Case No. A-17-765372-C  
Demand to Cease and Desist Litigation

Dear Richard:

As we discussed last week, the Nevada Supreme Court issued an Order in your appeal *Trudi Lee Lytle v. Marjorie B. Boulden*, Case No. 73039, affirming the decision of the District Court in Case No. A-16-747800-C. The Order specifically addresses and rejects all of the substantive arguments that your clients advanced in support of their belief that it was appropriate to record the NRED 1 Judgment against the individual properties within the subdivision. While the Order does not directly address my clients or the NRED 2 or NRED 3 Judgments that are also at issue in Case No. 76198, the facts and circumstances are so closely related that the reasoning and law applied by the Nevada Supreme Court will dictate the outcome of that Appeal.

I understand that you believe that your client could continue to pursue the Appeal on two grounds. First, you argue that the District Court granted judgment inappropriately under the law of the case doctrine. Second, you believe that there is a factual distinction regarding the NRED 2 case that warrants a different outcome as to that Judgment. Neither of these arguments provides a reasonable basis on which to continue to pursue this Appeal.

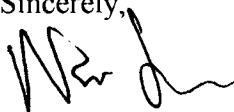
As to the law of the case doctrine, Judge Bailus' decision not to enter an order contrary to the Judge Williams' Order already entered in the consolidated case was entirely proper and within his discretion. Moreover, even if you could convince the Supreme Court to reverse Judge Bailus on that ground, it would accomplish nothing. The underlying substantive ruling has been affirmed by the Nevada Supreme Court, meaning that any Court that reviews the substance will follow the Nevada Supreme Court's Order as binding precedent.

As to the NRED 2 litigation, the actual language of the NRED 2 Judgment, which you drafted, directly contradicts your alleged factual distinction by expressly finding that the Amended CC&Rs were void ab initio. Further, even if the stipulation were still valid after the judgment, the stipulation between the Association and the

Lytles for the limited purposes of one aspect of that case cannot be used against non-parties. Thus, your distinction will make no difference to the outcome of the case.

Therefore, considering that continued pursuit of the Appeal is both fruitless and groundless, I am requesting that we enter into a stipulation acknowledging that the Order is binding precedent and applies equally to the NRED 1, NRED 2, and NRED 3 Judgments and disposing of the Appeal with prejudice. Please be advised that if you continue to pursue the Appeal, my clients will seek to recover all attorney's fees and costs incurred as allowed by law, including NRAP 38.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wesley J. Smith', with a stylized flourish at the end.

Wesley J. Smith, Esq.

# Exhibit 5

000137

# Exhibit 5



CHRISTENSEN JAMES & MARTIN CHTD.  
ATTORNEYS AT LAW

KEVIN B. CHRISTENSEN  
EVAN L. JAMES \*†  
DARYL E. MARTIN  
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**Writer's Email:** wes@cjmlv.com

**VIA FIRST CLASS MAIL & EMAIL**

January 29, 2020

Kevin Singer  
Scott Yahraus  
Receivership Specialists  
7251 W. Lake Mead Blvd., Suite 300  
Las Vegas, NV 89128  
Kevin@ReceivershipSpecialists.com  
Scott@receivershipspecialists.com

Re: *Trudi Lee Lytle et al. v. Rosemere Estates Property Owners' Association*, Case No. A-18-775843-C  
*September Trust et al v. Trudi Lee Lytle et al.*, Case No. A-17-765372-C  
DEMAND TO CEASE & DESIST VIOLATION OF PERMANENT INJUNCTION

Dear Mr. Singer & Mr. Yahraus:

This office is legal counsel for the September Trust, dated March 23, 1972 ("September Trust"), Gerry R. Zobrist and Jolin G. Zobrist, as Trustees of the Gerry R. Zobrist and Jolin G. Zobrist Family Trust ("Zobrist Trust"), Raynaldo G. Sandoval and Julie Marie Sandoval Gegen, as Trustees of the Raynaldo G. and Evelyn A. Sandoval Joint Living and Devolution Trust Dated May 27, 1992 ("Sandoval Trust"), and Dennis A. Gegen and Julie S. Gegen, Husband and Wife, as Joint Tenants ("Gegen"). Please direct all further correspondence and communication regarding the September Trust, Zobrist Trust, Sandoval Trust and Gegen (hereinafter "Owners") to my attention.

As you are aware, the Owners are each the owner of a parcel within the Rosemere Court subdivision in Las Vegas, Nevada. Please be advised, if you do not already know, that a Judgment was entered on May 25, 2018 in Case No. A-17-765372-C, *September Trust et al v. Trudi Lee Lytle et al.*, in favor of the Owners against John Allen Lytle and Trudi Lee Lytle as Trustees of the Lytle Trust ("Lytle Trust"). A copy is enclosed as Exhibit 1. The Judgment required the Lytle Trust to release Abstracts of Judgment which it had recorded against the Owners' property. The Judgment includes the following orders:

IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED that the **Lytle Trust is permanently enjoined from recording and enforcing the Judgments** obtained from the Rosemere Litigation I, Rosemere Litigation II and Rosemere Litigation III, or any other judgments obtained against the Association, against the September Property, Zobrist Property, Sandoval Property or Gegen Property.

IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED that the **Lytle Trust is**



**permanently enjoined from taking any action in the future directly against the Plaintiffs or their properties** based upon the Rosemere Litigation I, Rosemere Litigation II or Rosemere Litigation III.

(emphasis added). Therefore, there is a permanent injunction prohibiting the Lytle Trust from taking any action against the Owners or their properties based on any judgment it has obtained against the Rosemere association. The permanent injunction remains in full force and effect and was not stayed by appeal.

You are probably also aware that in a related case, the Nevada Supreme Court issued an Order of Affirmance on December 4, 2018 in Case No. 73039, *Trudi Lee Lytle v. Marjorie B. Boulden*, affirming the decision of the District Court in Case No. A-16-747800-C granting nearly identical relief to Marjorie Boulden and Linda and Jacques Lamothe, former owners of two other parcels in the Rosemere Court subdivision. A copy is enclosed as Exhibit 2. The Order of Affirmance unequivocally and absolutely held that a judgment obtained by the Lytle Trust against the limited-purpose Rosemere association could not be enforced against individual owners or their properties.

Despite the Judgments and Orders discussed above, which clearly prohibit such action, the Owners each received a letter from Mr. Singer dated January 22, 2020 regarding the appointment of Mr. Singer as a Receiver in Case No. A-18-775843-C, *Trudi Lee Lytle et al. v. Rosemere Estates Property Owners' Association*. In the letter, Mr. Singer states that “the appointment of the receivership is predicated on judgments against the HOA in the approximate amount of \$1,481,822 by the Lytle family (“the Plaintiff”). ... These judgments need to be paid and the Court agreed with the Plaintiff by appointing a Receiver to facilitate the satisfying of the judgments.... We would like to meet with title holding members of the HOA...[to] share three ideas we have to pay these judgments.” Among several other improper provisions, the Order Appointing Receiver enclosed with the letter purports to grant Mr. Singer power to “issue and collect special assessments upon all owners...to satisfy the Lytle Trust’s judgments against the Association.”

**YOU ARE HEREBY NOTIFIED** that the January 22, 2020 letter and your actions are in direct violation of the permanent injunction issued in Case No. A-17-765372-C. **YOU ARE HEREBY DEMANDED** to withdraw the letter and to self-report your violation to the Court. **YOU ARE FURTHER DEMANDED TO CEASE AND DESIST** from any further effort to collect any judgment or taking any action against the Owners or their properties based on any judgment the Lytle Trust has obtained against the Rosemere association.

Further, you should be aware that the Lytle Trust’s Judgments you reference contain the following findings of fact and conclusions of law:

The Association is a limited purpose association under NRS 116.1201, is not a Chapter 116 “unit-owners’ association,” and is relegated to only those specific duties and powers set forth in Paragraph 21 of the Original CC&Rs and NRS 116.1201;

The Association did not have any powers beyond those of the “property owners committee” designation in the Original CC&Rs - simply to care for the landscaping and other common elements of Rosemere Estates as set forth in Paragraph 21 of the Original CC&Rs;

Consistent with the absence of a governing body, the Developer provided each homeowner the right to independently enforce the Original CC&Rs against one another; and

The Amended and Restated CC&Rs recorded with the Clark County Recorder's Office as Instrument No. 20070703-0001934 (the "Amended CC&Rs") are invalid, and the Amended CC&Rs have no force and effect.

The Nevada Supreme Court's Order of Affirmance in Case No. 73039 further solidifies that the power of the owner committee contemplated by the Original CC&Rs is limited to only those powers and duties enumerated in the Original CC&Rs and NRS 116.1201. The Order Appointing Receiver is inconsistent with the Judgments upon which it is allegedly predicated and grants the Receiver powers that are not enumerated in either the Original CC&Rs or NRS 116.1201.

We are confident that the Court was not informed of these facts and circumstances prior to issuance of the Order Appointing Receiver or it would not have been issued. Now that you have been apprised of these facts, it is your duty as an officer of the Court to immediately notify the Court of: 1) the existence of Case Nos. A-16-747800-C, A-17-765372-C, and 73039 and the Judgments and Orders entered therein; 2) your violation of the permanent injunction; 3) the impact of the Original CC&Rs and NRS 116.1201 on the Order Appointing Receiver and the limitations they necessarily impose on your ability to act as Receiver. No later than February 7, 2020, please provide a file-stamped copy of papers fully informing the Court of all relevant facts as discussed herein. Should you fail to do so, the Owners will be forced to intervene to set aside the improper Order Appointing Receiver and will seek to recover their fees and costs from you, the Lytle Trust, and its counsel.

Sincerely,



Wesley J. Smith, Esq.

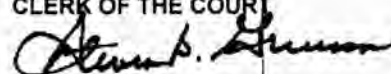
Enclosures: Exhibit 1 – A-17-765372-C, Notice of Entry of Order Granting Motion for Summary Judgment  
Exhibit 2 – 73039, Order of Affirmance

cc: Clients  
Daniel Foley, Esq. ([dan@foleyoakes.com](mailto:dan@foleyoakes.com)), *Counsel Lamothe & Boulden*  
Christina Wang, Esq. ([Christina.Wang@fnf.com](mailto:Christina.Wang@fnf.com)), *Counsel for Disman*  
Richard Haskin, Esq. ([rhaskin@gibbsgiden.com](mailto:rhaskin@gibbsgiden.com)), *Counsel for Lytle Trust*



# EXHIBIT 1

Electronically Filed  
5/25/2018 2:12 PM  
Steven D. Grierson  
CLERK OF THE COURT



1 **NEOJ**  
2 **CHRISTENSEN JAMES & MARTIN**  
3 KEVIN B. CHRISTENSEN, ESQ.  
Nevada Bar No. 175  
4 WESLEY J. SMITH, ESQ.  
Nevada Bar No. 11871  
5 LAURA J. WOLFF, ESQ.  
Nevada Bar No. 6869  
6 7440 W. Sahara Avenue  
Las Vegas, Nevada 89117  
7 Tel.: (702) 255-1718  
Facsimile: (702) 255-0871  
8 Email: kbc@cjmlv.com; wes@cjmlv.com; ljw@cjmlv.com  
*Attorneys for September Trust, Zobrist Trust, Sandoval Trust*  
9 *and Dennis & Julie Gegen*

10 **EIGHTH JUDICIAL DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 MARJORIE B. BOULDEN, TRUSTEE OF  
13 THE MARJORIE B. BOULDEN TRUST,  
14 LINDA LAMOTHE AND JACQUES  
LAMOTHE, TRUSTEES OF THE  
JACQUES & LINDA LAMOTHE LIVING  
TRUST,

15 Plaintiffs,

16 vs.

17 TRUDI LEE LYTLE, JOHN ALLEN  
18 LYTLE, THE LYTLE TRUST, DOES I  
through X, and ROE CORPORATIONS I  
19 through X,

20 Defendants.

Case No.: A-16-747800-C  
Dept. No.: XVIII

**NOTICE OF ENTRY OF ORDER  
GRANTING MOTION FOR  
SUMMARY JUDGMENT OR, IN THE  
ALTERNATIVE, MOTION FOR  
JUDGMENT ON THE PLEADINGS  
AND DENYING COUNTERMOTION  
FOR SUMMARY JUDGMENT**

Date: May 2, 2018  
Time: 9:00 a.m.

21 AND ALL RELATED COUNTERCLAIMS  
22 AND CROSS-CLAIMS

23 SEPTEMBER TRUST, DATED MARCH 23,  
24 1972; GERRY R. ZOBRIST AND JOLIN G.  
25 ZOBRIST, AS TRUSTEES OF THE GERRY  
R. ZOBRIST AND JOLIN G. ZOBRIST  
26 FAMILY TRUST; RAYNALDO G.  
SANDOVAL AND JULIE MARIE  
27 SANDOVAL GEGEN, AS TRUSTEES OF  
THE RAYNALDO G. AND EVELYN A.  
28 SANDOVAL JOINT LIVING AND

Case No.: A-17-765372-C  
Dept. No.: XXVIII

CHRISTENSEN JAMES & MARTIN  
7440 WEST SAHARA AVE., LAS VEGAS, NEVADA 89117  
PH: (702) 255-1718 & FAX: (702) 255-0871

1 DEVOLUTION TRUST DATED MAY 27,  
2 1992; and DENNIS A. GEGEN AND JULIE  
3 S. GEGEN, HUSBAND AND WIFE, AS  
4 JOINT TENANTS,

5 Plaintiffs,

6 vs.

7 TRUDI LEE LYTLE AND JOHN ALLEN  
8 LYTLE, AS TRUSTEES OF THE LYTLE  
9 TRUST; JOHN DOES I through V; and ROE  
10 ENTITIES I through V, inclusive,

11 Defendants.

12 PLEASE TAKE NOTICE that an **ORDER GRANTING MOTION FOR**  
13 **SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, MOTION FOR**  
14 **JUDGMENT ON THE PLEADINGS AND DENYING COUNTERMOTION FOR**  
15 **SUMMARY JUDGMENT** was filed with the Court on May 24, 2018, a true and correct  
16 copy of which is attached hereto.

17 Dated this 25th day of May, 2018.

18 **CHRISTENSEN JAMES & MARTIN**

19 By: /s/ Wesley J Smith, Esq.

20 Wesley J. Smith, Esq.

21 Nevada Bar No. 11871

22 Laura J. Wolff, Esq.

23 Nevada Bar No. 6869

24 7440 W. Sahara Ave.

25 Las Vegas, NV 89117

26 Attorneys for Plaintiffs September Trust,

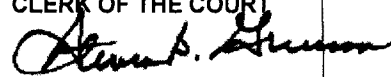
27 Zobrist Trust, Sandoval Trust, and

28 Dennis & Julie Gegen

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/s/ Natalie Saville  
Natalie Saville

Electronically Filed  
5/24/2018 10:08 AM  
Steven D. Grierson  
CLERK OF THE COURT



**ORDR**  
**CHRISTENSEN JAMES & MARTIN**  
KEVIN B. CHRISTENSEN, ESQ.  
Nevada Bar No. 175  
WESLEY J. SMITH, ESQ.  
Nevada Bar No. 11871  
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Email: kbc@cjmlv.com; wes@cjmlv.com; ljw@cjmlv.com  
*Attorneys for September Trust, Zobrist Trust, Sandoval Trust  
and Dennis & Julie Gegen*

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

MARJORIE B. BOULDEN, TRUSTEE OF  
THE MARJORIE B. BOULDEN TRUST,  
LINDA LAMOTHE AND JACQUES  
LAMOTHE, TRUSTEES OF THE  
JACQUES & LINDA LAMOTHE LIVING  
TRUST,

Plaintiffs,

vs.

TRUDI LEE LYTLE, JOHN ALLEN  
LYTLE, THE LYTLE TRUST, DOES I  
through X, and ROE CORPORATIONS I  
through X,

Defendants.

Case No.: A-16-747800-C  
Dept. No.: XVIII

**ORDER GRANTING MOTION FOR  
SUMMARY JUDGMENT OR, IN THE  
ALTERNATIVE, MOTION FOR  
JUDGMENT ON THE PLEADINGS  
AND DENYING COUNTERMOTION  
FOR SUMMARY JUDGMENT**

Date: May 2, 2018  
Time: 9:00 a.m.

**AND ALL RELATED COUNTERCLAIMS  
AND CROSS-CLAIMS**

SEPTEMBER TRUST, DATED MARCH 23,  
1972; GERRY R. ZOBRIST AND JOLIN G.  
ZOBRIST, AS TRUSTEES OF THE GERRY  
R. ZOBRIST AND JOLIN G. ZOBRIST  
FAMILY TRUST; RAYNALDO G.  
SANDOVAL AND JULIE MARIE  
SANDOVAL GEGEN, AS TRUSTEES OF  
THE RAYNALDO G. AND EVELYN A.  
SANDOVAL JOINT LIVING AND

Case No.: A-17-765372-C  
Dept. No.: XXVIII

CHRISTENSEN JAMES & MARTIN  
7440 WEST SAHARA AVE., LAS VEGAS, NEVADA 89117  
PH: (702) 255-1718 & FAX: (702) 255-0871

1 DEVOLUTION TRUST DATED MAY 27,  
2 1992; and DENNIS A. GEGEN AND JULIE  
3 S. GEGEN, HUSBAND AND WIFE, AS  
4 JOINT TENANTS,

5 Plaintiffs,

6 vs.

7 TRUDI LEE LYTLE AND JOHN ALLEN  
8 LYTLE, AS TRUSTEES OF THE LYTLE  
9 TRUST; JOHN DOES I through V; and ROE  
10 ENTITIES I through V, inclusive,

11 Defendants.

12 Presently before the Court is Plaintiffs' Motion for Summary Judgment or, in the  
13 Alternative, Motion for Judgment on the Pleadings filed by the September Trust, dated March  
14 23, 1972 ("September Trust"), Gerry R. Zobrist and Jolin G. Zobrist, as Trustees of the Gerry R.  
15 Zobrist and Jolin G. Zobrist Family Trust ("Zobrist Trust"), Raynaldo G. Sandoval and Julie  
16 Marie Sandoval Gegen, as Trustees of the Raynaldo G. and Evelyn A. Sandoval Joint Living and  
17 Devolution Trust dated May 27, 1992 ("Sandoval Trust"), and Dennis A. Gegen and Julie S.  
18 Gegen, Husband and Wife, as Joint Tenants ("Dennis & Julie Gegen") (collectively the  
19 "Plaintiffs") in Case No. A-17-765372-C, and Defendants' Countermotion for Summary  
20 Judgment filed by Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust ("Lytle  
21 Trust") in Case No. A-17-765372-C, which came on for hearing on March 21, 2018 at 9:00 a.m.  
22 and May 2, 2018 at 9:00 a.m. in Department XVIII of the Eighth Judicial District Court, Clark  
23 County, Nevada.

24 Wesley J. Smith, Esq. of Christensen James & Martin appeared on behalf of the Plaintiffs  
25 September Trust, Zobrist Trust, Sandoval Trust, and Dennis & Julie Gegen. Richard Haskin,  
26 Esq. of Gibbs Giden Locher Turner Senet & Wittbrodt LLP appeared on behalf of the Lytle  
27 Trust. Daniel T. Foley, Esq. of Foley & Oakes, PC appeared on behalf of Marjorie B. Boulden,  
28 Trustee of the Marjorie B. Boulden Trust, amended and restated dated July 17, 1996 ("Boulden

1 Trust") and Linda Lamothe and Jacques Lamothe, Trustees of the Jacques and Linda Lamothe  
2 Living Trust ("Lamothe Trust"). Christina H. Wang, Esq. of Fidelity Law Group appeared on  
3 behalf of Robert Z. Disman and Yvonne A. Disman ("Robert & Yvonne Disman").

4 The Court having considered the Motions and exhibits, having heard the arguments of  
5 counsel, for all the reasons contained in the Plaintiffs' Motion for Summary Judgment or, in the  
6 Alternative, Motion for Judgment on the Pleadings, and with good cause appearing therefore, the  
7 Court hereby enters the following Order:

8  
9 **FINDINGS OF FACT**

10 1. The September Trust is the owner of the residential property in Clark County,  
11 Nevada known as 1861 Rosemere Court, Las Vegas, Nevada 89117, Assessor's Parcel No. 163-  
12 03-313-004 ("September Property").

13 2. The Zobrist Trust is the owner of the residential property in Clark County,  
14 Nevada known as 1901 Rosemere Court, Las Vegas, Nevada 89117, Assessor's Parcel No. 163-  
15 03-313-005 ("Zobrist Property").

16 3. The Sandoval Trust is the owner of the residential property in Clark County,  
17 Nevada known as 1860 Rosemere Court, Las Vegas, Nevada 89117, Assessor's Parcel No. 163-  
18 03-313-001 ("Sandoval Property").

19 4. Dennis & Julie Gegen are the owner of the residential property in Clark County,  
20 Nevada known as 1831 Rosemere Court, Las Vegas, Nevada 89117, Assessor's Parcel No. 163-  
21 03-313-003 ("Gegen Property") (hereafter September Property, Zobrist Property, Sandoval  
22 Property and Gegen Property may be collectively referred to as "Plaintiffs' Properties").  
23

24 5. The Plaintiffs' Properties are located in the Rosemere Estates subdivision  
25 ("Rosemere Subdivision" or "Subdivision") and are subject to the CC&R's recorded January 4,  
26 1994 (the "CC&Rs").  
27  
28

1           6.     John Allen Lytle and Trudi Lee Lytle are the Trustees of the Lytle Trust  
2 (collectively "Lytle Trust") which owns that certain residential property known as parcel number  
3 163-03-313-009 (the "Lytle Property"), also located in the Rosemere Subdivision.

4           7.     In 2009, the Lytles filed suit against the Rosemere Association directly in the  
5 Eighth Judicial District Court, Case No. A-09-593497-C ("Rosemere Litigation I").

6           8.     None of the Plaintiffs were ever parties in the Rosemere Litigation I.

7           9.     None of the Plaintiffs were a "losing party" in the Rosemere Litigation I as that  
8 term is found in Section 25 of the Original CC&Rs.  
9

10          10.    The Lytles obtained a Summary Judgment for Declaratory Relief from the District  
11 Court in the Rosemere Litigation I, which found and ruled as follows:

12           a.    The Association is a limited purpose association under NRS 116.1201, is not a  
13 Chapter 116 "unit-owners' association," and is relegated to only those specific  
14 duties and powers set forth in Paragraph 21 of the Original CC&Rs and NRS  
116.1201.

15           b.    The Association did not have any powers beyond those of the "property owners  
16 committee" designation in the Original CC&Rs - simply to care for the  
17 landscaping and other common elements of Rosemere Estates as set forth in  
Paragraph 21 of the Original CC&Rs.

18           c.    Consistent with the absence of a governing body, the Developer provided each  
19 homeowner the right to independently enforce the Original CC&Rs against one  
another.

20           d.    The Amended and Restated CC&Rs recorded with the Clark County Recorder's  
21 Office as Instrument No. 20070703-0001934 (the "Amended CC&Rs") are  
22 invalid, and the Amended CC&Rs have no force and effect.

23          11.    Pursuant to NRS 116.1201(2) much of NRS Chapter 116 does not apply to the  
24 Association because it is a limited purpose association that is not a rural agricultural residential  
25 community.

26          12.    After obtaining Summary Judgment in the Rosemere Litigation I, the Lytle Trust  
27 filed a Motion for Attorneys' Fees and Costs against the Association, and conducted a prove-up  
28



1 hearing on damages. After hearing all matters, a Final Judgment was entered in the Lytle Trust's  
2 favor against the Association for \$361,238.59, which includes damages, attorneys' fees and costs  
3 (the "Final Judgment").

4 13. After obtaining the Attorneys' Fees Judgment, the Lytle Trust, on August 16,  
5 2016, recorded with the Clark County Recorder's office an Abstract of Judgment referencing the  
6 Final Judgment against the Association, recorded as Instrument No. 20160818-0001198 (the  
7 "First Abstract of Judgment").  
8

9 14. In the First Abstract of Judgment, the Lytle Trust listed the parcel numbers for all  
10 of the Plaintiffs' Properties as properties to which the First Abstract of Judgment and Final  
11 Judgment was to attach.

12 15. On September 2, 2016, the Lytle Trust recorded with the Clark County Recorder's  
13 office an Abstract of Judgment referencing the Final Judgment against the Association, recorded  
14 as Instrument No. 20160902-0002685 (the "Second Abstract of Judgment"). The Second  
15 Abstract of Judgment listed the parcel number of the Gegen Property only as the property to  
16 which the Judgment was to attach.  
17

18 16. On September 2, 2016, the Lytle Trust recorded with the Clark County Recorder's  
19 office an Abstract of Judgment referencing the Final Judgment against the Association, recorded  
20 as Instrument No. 20160902-0002686 (the "Third Abstract of Judgment"). The Third Abstract of  
21 Judgment listed the parcel number of the September Trust Property only as the property to which  
22 the Judgment was to attach.  
23

24 17. On September 2, 2016, the Lytle Trust recorded with the Clark County Recorder's  
25 office an Abstract of Judgment referencing the Final Judgment against the Association, recorded  
26 as Instrument No. 20160902-0002687 (the "Fourth Abstract of Judgment"). The Fourth Abstract  
27  
28

1 of Judgment listed the parcel number of the Zobrist Trust Property only as the property to which  
2 the Judgment was to attach.

3 18. In 2010, the Lytle Trust filed another suit against the Rosemere Association  
4 directly in Case No. A-10-631355-C ("Rosemere Litigation II"). The Lytle Trust did not name  
5 the Plaintiffs as Defendants in the Rosemere Litigation II.

6 19. On or about November 14, 2016, the Lytle Trust was granted Summary Judgment  
7 against the Rosemere Association.

8 20. On or about July 20, 2017, the District Court signed an Abstract of Judgment in  
9 the amount of \$1,103,158.12. ("Rosemere Judgment II").  
10

11 21. The Plaintiffs were not named parties in the Rosemere II Litigation.

12 22. On or about April 2, 2015, the Lytle Trust filed a third case (Case No. A-15-  
13 716420-C) against the Association and named as Defendants Sherman L. Kearl ("Kearl") and  
14 Gerry G. Zobrist ("Zobrist") ("Rosemere Litigation III"). On April 8, 2015, the Lytles filed an  
15 Errata to the Complaint amending it so that all references to Kearl and Zobrist were taken out of  
16 the Complaint.  
17

18 23. On or about September 13, 2017, the Court in the entered its Order granting  
19 Summary Judgment for Declaratory Relief as against the Association ("Rosemere Judgment III").  
20 On November 8, 2017, the Rosemere Litigation III Court granted a Motion for Attorney's Fees  
21 and Costs.

22 24. On February 24, 2017, the Boulden Trust, owner of Parcel No. 163-03-313-008 in  
23 the Rosemere Subdivision, and the Lamothe Trust, owner of Parcel No. 163-03-313-002 in the  
24 Rosemere Subdivision, filed a Motion for Partial Summary Judgment in this Court in this Case,  
25 Case No. A-16-747900-C.  
26  
27  
28

1           25.     This Court granted the Boulden Trust's and Lamothe Trust's Motion for Partial  
2 Summary Judgment, and on July 25, 2017, entered its Order Granting Motion to Alter or Amend  
3 Findings of Fact and Conclusions of Law ("Order").

4           26.     In its Order, the Court found that, among other things, the Association is not  
5 subject to NRS 116.3117, the Boulden Trust and Lamothe Trust were not parties to the  
6 Rosemere Litigation, the Rosemere Judgment I (referred to as the "Rosemere LP Litigation" in  
7 the Order) is not an obligation or debt of the Boulden Trust or the Lamothe Trust and that the  
8 Abstracts of Judgment were improperly recorded against their properties and must be expunged  
9 and stricken from the record.  
10

11           27.     After the Court issued its Order, the Lytles released their liens against the  
12 Boulden Trust and Lamothe Trust properties.

13           28.     On February 21, 2018, Case No. A-17-765372-C was consolidated with Case No.  
14 A-16-747900-C.  
15

#### 16                               CONCLUSIONS OF LAW

17           1.     The Court's prior Order with respect to Boulden Trust's and Lamothe Trust's  
18 Motion for Partial Summary Judgment, Case No. A-16-747900-C, is the law of the case, to the  
19 extent applicable to Plaintiffs' claims.

20           2.     The Association is a "limited purpose association" as referenced in NRS  
21 116.1201(2).  
22

23           3.     As a limited purpose association, NRS 116.3117 is not applicable to the  
24 Association.

25           4.     As a result of the Rosemere Litigation I, the Amended CC&Rs were judicially  
26 declared to have been improperly adopted and recorded, the Amended CC&Rs are invalid and  
27 have no force and effect and were declared *void ab initio*.  
28

1           5.     The Plaintiffs were not parties to the Rosemere Litigation I, Rosemere Litigation  
2     II or Rosemere Litigation III.

3           6.     The Plaintiffs were not "losing parties" in the Rosemere Litigation I, Rosemere  
4     Litigation II or Rosemere Litigation III as per Section 25 of the Original CC&Rs.

5           7.     Rosemere Judgments I, II and III in favor of the Lytle Trust, are not against, and  
6     are not an obligation of the Plaintiffs to the Lytle Trust.

7           8.     Rosemere Judgments I, II and III are against the Association and are not an  
8     obligation or debt owed by the Plaintiffs to the Lytle Trust.

9           9.     The First Abstract of Judgment recorded as Instrument No. 20160818-0001198  
10     was improperly recorded against the Plaintiffs' Properties and constitutes a cloud against each of  
11     the Plaintiffs' Properties.

12           10.    The Second Abstract of Judgment recorded as Instrument No. 20160902-0002685  
13     was improperly recorded against the Gegen Property and constitutes a cloud against the Gegen  
14     Property.

15           11.    The Third Abstract of Judgment recorded as Instrument No. 20160902-0002686  
16     was improperly recorded against the September Trust Property and constitutes a cloud against  
17     the September Trust Property.

18           12.    The Fourth Abstract of Judgment recorded as Instrument No. 20160902-0002687  
19     was improperly recorded against the Zobrist Trust Property and constitutes a cloud against the  
20     Zobrist Trust Property.

21     ///

22     ///

23     ///

24     ///

25

**ORDER**

Based upon the Findings of Fact and Conclusions of Law above, and good cause appearing therefore,

**IT IS HEREBY ORDERED ADJUDGED AND DECREED** that Plaintiffs' Motion for Summary Judgment is GRANTED.

**IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the Lytle Trust's Countermotion for Summary Judgment is DENIED.

**IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the Lytle Trust improperly clouded the title to the September Property.

**IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the Lytle Trust improperly clouded the title to the Zobrist Property.

**IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the Lytle Trust improperly clouded the title to the Sandoval Property.

**IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the Lytle Trust improperly clouded the title to the Gegen Property.

**IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the First Abstract of Judgment recorded as Instrument No. 20160818-0001198 in the Clark County Recorder's Office is hereby expunged and stricken from the records of the Clark County Recorder's Office.

**IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the Second Abstract of Judgment recorded as Instrument No. 20160902-0002685 in the Clark County Recorder's Office is hereby expunged and stricken from the records of the Clark County Recorder's Office.

1           **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the  
2 Third Abstract of Judgment recorded as Instrument No. 20160902-0002686 in the Clark County  
3 Recorder's Office is hereby expunged and stricken from the records of the Clark County  
4 Recorder's Office.

5           **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the  
6 Fourth Abstract of Judgment recorded as Instrument No. 20160902-0002687 in the Clark County  
7 Recorder's Office is hereby expunged and stricken from the records of the Clark County  
8 Recorder's Office.

9  
10          **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the  
11 Lytle Trust is permanently enjoined from recording and enforcing the Judgments obtained from  
12 the Rosemere Litigation I, Rosemere Litigation II and Rosemere Litigation III, or any other  
13 judgments obtained against the Association, against the September Property, Zobrist Property,  
14 Sandoval Property or Gegen Property.

15          **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the  
16 Lytle Trust is permanently enjoined from taking any action in the future directly against the  
17 Plaintiffs or their properties based upon the Rosemere Litigation I, Rosemere Litigation II or  
18 Rosemere Litigation III.

19  
20          **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the  
21 Lytle Trust is hereby ordered to release the First Abstract of Judgment, the Second Abstract of  
22 Judgment, the Third Abstract of Judgment and the Fourth Abstract of Judgment recorded with  
23 the Clark County Recorder within ten (10) days after the date of Notice of Entry of this Order.

24  
25           ///

26           ///

27           ///

28

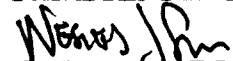
1           **IT IS SO ORDERED.**

2  
3           Dated this \_\_\_\_ day of May, 2018.

4  
5           \_\_\_\_\_  
DISTRICT COURT JUDGE

6 Submitted by:

7  
8           **CHRISTENSEN JAMES & MARTIN**

9 

10 Wesley J. Smith, Esq.

11 Nevada Bar No. 11871

12 Laura J. Wolff, Esq.

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15 Las Vegas, NV 89117

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17 Zobrist Trust, Sandoval Trust, and

18 Dennis & Julie Gegen

19  
20           **Approved as to Form and Content by:**

21 FIDELITY NATIONAL LAW GROUP

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28 Claimants Robert & Yvonne Disman

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31 **SENET & WITTBRODT LLP**

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39 Claimants Lytle Trust

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42 626 S. 8<sup>th</sup> Street

43 Las Vegas, Nevada 89101

44 Attorneys for Plaintiffs/Counter-

45 Defendants/Cross-Defendants Boulden Trust  
46 and Lamothe Trust

1           **IT IS SO ORDERED.**

2  
3           Dated this \_\_\_\_ day of May, 2018.

4  
5           \_\_\_\_\_  
DISTRICT COURT JUDGE

6 Submitted by:

7  
8           **CHRISTENSEN JAMES & MARTIN**

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13 Zobrist Trust, Sandoval Trust, and  
Dennis & Julie Gegen

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15           **Approved as to Form and Content by:**

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Defendants/Cross-Defendants Boulden Trust  
and Lamothe Trust



1 IT IS SO ORDERED.

2  
3 Dated this 22 day of May, 2018.

4  
5 DISTRICT COURT JUDGE

6 Submitted by:

L. L.

7  
8 CHRISTENSEN JAMES & MARTIN

9 Wesley J. Smith, Esq.  
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16 Zobrist Trust, Sandoval Trust, and  
17 Dennis & Julie Gegen

18 Approved as to Form and Content by:

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Defendants/Cross-Defendants Boulden Trust  
and Lamothe Trust

1           **IT IS SO ORDERED.**

2  
3           Dated this 28 day of May, 2018.

  
DISTRICT COURT JUDGE

4  
5  
6           Submitted by:

7  
8           **CHRISTENSEN JAMES & MARTIN**

9           \_\_\_\_\_  
10          Wesley J. Smith, Esq.  
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16          Attorneys for Plaintiffs September Trust,  
17          Zobrist Trust, Sandoval Trust, and  
18          Dennis & Julie Gegen

19           **Approved as to Form and Content by:**

20           **FIDELITY NATIONAL LAW GROUP**

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          Defendants/Cross-Defendants Boulden Trust  
          and Lamothe Trust

# EXHIBIT 2

## IN THE SUPREME COURT OF THE STATE OF NEVADA

TRUDI LEE LYTLE; AND JOHN  
ALLEN LYTLE, AS TRUSTEES OF THE  
LYTLE TRUST,

Appellants,

vs.

MARJORIE B. BOULDEN, TRUSTEE  
OF THE MARJORIE B. BOULDEN  
TRUST; LINDA LAMOTHE; JACQUES  
LAMOTHE, TRUSTEES OF THE  
JACQUES & LINDA LAMOTHE  
LIVING TRUST; ROBERT Z. DISMAN;  
AND YVONNE A. DISMAN,

Respondents.

No. 73039

**FILED**

DEC 04 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

## ORDER OF AFFIRMANCE

This is an appeal from a district court order granting an injunction in a real property action. Eighth Judicial District Court, Clark County; Timothy C. Williams, Judge.

In 1996, appellants Trudi and John Lytle purchased a lot in Rosemere Estates for the purpose of building a residence. The lots in Rosemere Estates are subject to Covenants, Conditions, and Restrictions (Original CC&Rs) imposed by the developer. The Original CC&Rs contemplated the future formation of a property owners' committee that would maintain limited common areas in the development. Two homeowners, acting on behalf of all Rosemere Estates lot-owners, subsequently filed non-profit articles of incorporation to create the committee contemplated in the Original CC&Rs, the Rosemere Estates Property Owners Association (Association).

18-906850

In 2007, the Association amended the Original CC&Rs, effectively trying to turn itself into a homeowners' association under NRS Chapter 116 and enforce new restrictions on the Lytles' lot. The Lytles filed suit against the Association, seeking a declaration that the amended CC&Rs were void as well as damages, costs, and fees. The district court granted summary judgment in favor of the Lytles, finding that: the Original CC&Rs did not form a homeowners' association under NRS Chapter 116, but rather a limited purpose association; the amended CC&Rs were improperly adopted and recorded; and the Association had no power to impose additional restrictions on the Lytles' property as though it were a homeowners' association. Consequently, the district court declared the amended CC&Rs invalid and awarded the Lytles monetary damages, attorney fees, and costs.

The Lytles subsequently recorded abstracts of judgment against properties contained within Rosemere Estates, including two owned by Marjorie Boulden and Linda and Jacques Lamothe.<sup>1</sup> Boulden and the Lamothes filed suit against the Lytles seeking declaratory and injunctive relief and to quiet title and remove the abstracts of judgment clouding title. They later moved for summary judgment on all causes of action. The district court granted the motion, concluding that because Boulden and the Lamothes were not parties to the previous litigation and the Association

---

<sup>1</sup>Respondents Robert Z. Disman and Yvonne A. Disman purchased the property belonging to Marjorie Boulden in August 2017, and were added as respondents to this appeal on the Lytles' motion to join them.

was limited in purpose and not subject to NRS 116.3117's mechanism by which judgments against a homeowners' association may be recorded against properties therein, Boulden and the Lamothes were not obligated under the Lytle's judgment. Determining that the Lytles improperly clouded title, the district court ordered the abstracts of judgment expunged from the properties' titles and entered a permanent injunction enjoining the Lytles from enforcing the judgment or any related abstracts against the Boulden or Lamothe properties.

The Lytles now appeal, arguing that NRS 116.3117 applies to limited purpose associations both through plain statutory language and on equitable grounds or, in the alternative, that they are permitted to record their abstracts of judgment against the subject properties under general principles governing common-interest communities.

### DISCUSSION

#### *Standard of review*

Where injunctive relief is granted in the form of summary judgment, the standard of review is de novo. *A.L.M.N., Inc. v. Rosoff*, 104 Nev. 274, 277, 757 P.2d 1319, 1321 (1988); *Wood v. Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). Summary judgment is appropriate where there is no dispute of material fact and the moving party is entitled to judgment as a matter of law. *Wood*, 121 Nev. at 729, 121 P.3d at 1029.

#### *NRS 116.3117 does not apply to limited purpose associations*

Where a statute's language is unambiguous, this court gives effect to its plain meaning. *D.R. Horton, Inc. v. Eighth Judicial Dist. Court*,



123 Nev. 468, 476, 168 P.3d 731, 737 (2007). NRS 116.1201(2)(a) provides, in relevant part, that limited purpose associations are not subject to NRS Chapter 116, with enumerated statutory exceptions, NRS 116.3117 not among them. NRS 116.3117(1)(a) states that a monetary judgment against an association, once recorded, is a lien against all real property of the association and all of the units in the common-interest community. An "association" is defined as a unit-owners' association organized under NRS 116.3101. NRS 116.011. A unit-owners' association must be in existence on or before the date when the first unit is conveyed. NRS 116.3101.

Here, the Lytles do not dispute that the Association is a limited purpose association. Although they assert that properties within limited purpose associations are subject to NRS 116.3117's lien provisions, NRS 116.1201 spells out the specific statutes within NRS Chapter 116 that apply to limited purpose associations, and NRS 116.3117 is not among them. Aside from those listed statutes, NRS Chapter 116 "does not apply to [a] limited purpose association." NRS 116.1201(2)(a). Thus, the plain language of the statute is clear that limited purpose associations are not subject to NRS 116.3117's lien provisions. By listing exactly which provisions within NRS Chapter 116 apply to limited purpose associations, NRS 116.1201 does not leave any room for question or expansion in the way the Lytles urge. We are likewise not persuaded by the Lytles' further contention that they may place a valid judgment lien on the Boulden and Lamothe properties through a series of statutory incorporations. Specifically, although the Lytles argue that NRS 116.3117 applies to limited purpose associations

through NRS 116.4117(2)'s reference to NRS 116.3111, which states that "liens resulting from judgments against the association are governed by NRS 116.3117," NRS 116.4117(2) does not incorporate NRS 116.3111. Instead, it enumerates the circumstances in which suit may be brought for breach of NRS Chapter 116 or governing documents "except as otherwise provided in NRS 116.3111." NRS 116.3111 addresses tort and contract liability for "injury or damage arising out of the condition or use of the common elements," which is not at issue here. Therefore, although NRS 116.4117(2) references NRS 116.3111, it does not incorporate it and there is no interpretive progression that suggests limited purpose associations are subject to NRS 116.3117.

The Lytles next argue that a broad, equitable mechanism set forth in *Mackintosh v. California Federal Savings & Loan Association*, 113 Nev. 393, 935 P.2d 1154 (1997), allows them to record a judgment lien against the Boulden and Lamothe properties. We disagree here as well. The Lytles contend that *Mackintosh* allows them to treat the Association as a homeowners' association subject to all provisions of NRS Chapter 116 in order to enforce their judgment, despite the district court's unchallenged determination in the action in which they obtained their judgment that the Association is a limited purpose association. The facts and holdings of *Mackintosh* do not support the conclusion proffered by the Lytles. Although *Mackintosh* recognized that a prevailing party may recover attorney fees from the other contracting party under a contractual provision even where that contract has been rescinded, it had nothing to do with statutory lien rights. 113 Nev. at 406, 935 P.2d at 1162. The Lytles intermingle two



different legal theories—contractual attorney fees and statutory lien rights—in an attempt to piece together a solution that would allow them to enforce a judgment lien against property owners who were not parties to the Lytles' complaint against Rosemere Estates, and whose property interests had never been subject of any suit. Nothing in *Mackintosh* suggests that applies beyond the context of contractual agreements and the circumstances of that case, and we are not persuaded that it otherwise provides a basis for expanding the application of NRS 116.3117.<sup>2</sup>

*General principles of common-interest communities do not permit the Lytles to record the abstracts of judgment against all properties subject to the Association*

The Lytles argue that all of the Rosemere Estates units, including respondents' real properties, are the property of the Association under *D.R. Horton, Inc. v. Eighth Judicial District Court*, 125 Nev. 449, 215 P.3d 697 (2009), and the Lytles consequently may record their abstracts of judgment pursuant to NRS 17.150(2). We disagree.

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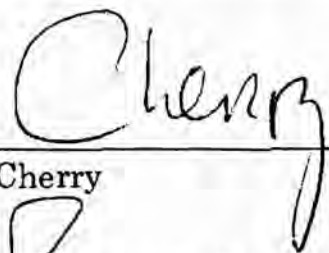
<sup>2</sup>The Lytle's also argue that the "sword and shield doctrine" allows the judgment to be recorded against respondents' properties, relying on *Molina v. State*, 120 Nev. 185, 193-94, 87 P.3d 533, 539 (2004), which held that a criminal defendant could not invoke the attorney-client privilege while simultaneously seeking to withdraw his guilty plea when he put the content of his interactions with his attorney at issue by arguing that his attorney advised him to enter a plea without knowledge of his case. *Molina* is inapposite here, as it adjudicated evidentiary issues unrelated to this dispute. Here, although respondents relied on the inapplicability of NRS Chapter 116 in seeking declaratory and injunctive relief in the underlying action in order to have the liens clouding their titles expunged, they were not parties to the Lytle-Rosemere Estates litigation, in which the Lytles likewise relied on NRS Chapter 116 to have Rosemere Estate's amended CC&Rs declared invalid.

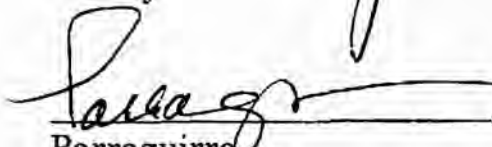
NRS 17.150(2) allows a party to record a judgment with a county recorder, which then serves as a lien on the property of the judgment debtor. Because it is undisputed that the respondents were not parties to the Lytles' prior suit against the Association, the question turns on whether the Association holds a property interest in the individual lots constituting Rosemere Estates.

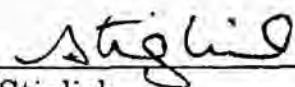
*D.R. Horton* did not hold that individual units subject to a homeowners' association are the property of that association. *D.R. Horton* only considered the question of standing, not ownership. 125 Nev. at 451-52, 215 P.3d at 699. Additionally, *D.R. Horton's* holding that individual units are part of the common-interest community, *id.* at 460, 215 P.3d 704, does not mean that the property of individual owners is also owned by homeowners' associations, as homeowners' associations and common-interest communities are not the same thing, *see* NRS 116.011; NRS 116.3101; NRS 116.021. Finally, NRS 116.3117(1)(a) further undermines the Lytles' position that homeowners' associations have an ownership interest in individual units, as it distinguishes between the property owned by the association and the individual units in the common-interest community. Under the association ownership position asserted by the Lytles, the statute's language allowing judgments to be recorded against the units would be rendered superfluous, as NRS 17.150 would be sufficient to allow judgments to be recorded against the units of a common-interest community. Statutory construction principles do not support this position. *See Harris Assocs. v. Clark Cty. Sch. Dist.*, 119 Nev. 638, 642, 81 P.3d 532,

534 (2003) (“[W]e construe statutes to give meaning to all of their parts and language[.]” (internal quotation marks omitted)).<sup>3</sup> Based on the foregoing, we

ORDER the judgment of the district court AFFIRMED.

 J.  
Cherry

 J.  
Parraguirre

 J.  
Stiglich

---

<sup>3</sup>The Lytles also contend that the Original CC&Rs created a mechanism to record a judgment against the Association on individual units within Rosemere Estates. They cite the provision stating, “[A]ny liens established hereunder shall not defeat . . . the lien of any mortgage . . . as to said lots . . . .” As nothing within that provision explicitly permits a judgment against the contemplated association to be recorded as a lien on properties within the community, we conclude that it does not create a mechanism by which the Lytles could record their judgment against the Association as a lien on member properties. *Diaz v. Ferne*, 120 Nev. 70, 73, 84 P.3d 664, 665-66 (2004) (observing that this court reviews de novo the interpretation of a restrictive covenant in CC&Rs); see *Am. First Fed. Credit Union v. Soro*, 131 Nev. 737, 739, 359 P.3d 105, 106 (2015) (providing that when “the language of the contract [or CC&R] is clear and unambiguous[.] . . . the contract will be enforced as written” (internal quotation marks omitted)).

cc: Hon. Timothy C. Williams, District Judge  
Persi J. Mishel, Settlement Judge  
Gibbs Giden Locher Turner Senet & Wittbrodt LLP/Las Vegas  
Fidelity National Law Group  
Foley & Oakes, PC  
Christensen James & Martin  
Eighth District Court Clerk

000168

000168

# Exhibit 6a

000169

# Exhibit 6a

**History of Billing**

September Trust, dated March 23, 1972

1861 Rosemere Ct.  
Las Vegas, NV 89117

## Professional Services

			Hrs/Rate	Amount
5/23/2018	- LJW	Preparation of Memorandum of Costs	0.43 260.00/hr	110.50
5/24/2018	- LJW	Conference with W Smith regarding Fees and Costs; review Bills to redact Privileged Information; conference with Clerk	0.48 260.00/hr	123.50
	- WJS	Email from L Wolff regarding Motion for Fees; review signed Order; conference with Clerk regarding filing Order; preparation of Notice of Entry of Order; review draft Notice of Entry; conference with L Wolff regarding Motion for Fees, review Billing Statements	0.25 260.00/hr	65.00
5/28/2018	- LJW	E-mails to and from Clerk regarding Notice	0.03 260.00/hr	6.50
5/29/2018	- LJW	Preparation of Motion for Fees; preparation of Declaration for Fees; preparation of Exhibits	0.63 260.00/hr	162.50
5/30/2018	- LJW	Preparation of Declaration for Fees; preparation of Exhibits for Motion; review Billings for Privilege; telephone call to Clerk regarding Redaction of Privileged Information; preparation of Spreadsheet calculating Fees and Costs	0.58 260.00/hr	149.50
5/31/2018	- DEM	Preparation of documents for Disclosure in Motion for Fees; conference with W Smith	0.13 260.00/hr	32.50
	- LJW	Preparation of Declaration for Fees; preparation of Exhibits for Motion; preparation of Spreadsheet calculating Fees and Costs	0.38 260.00/hr	97.50
	- WJS	Review redacted Fee Statements; prepare for filing; review and redline draft Motion for Fees, associated Research and Citation Check; review and redline Declaration in Support of Fees Motion	1.38 260.00/hr	357.50

September Trust, dated March 23, 1972

Page 2

			<u>Hrs/Rate</u>	<u>Amount</u>
6/1/2018	- WJS	Revise Motion, Declaration and Memo of Costs; conference with Clerk regarding Fee Statements; email to L Wolff; review Rules regarding Timing	0.28 260.00/hr	71.50
	- LJW	Telephone call with W Smith regarding Motion for Attorney's Fees and Costs; telephone call with Clerk regarding redaction of Bills; review revisions to Motion	0.13 260.00/hr	32.50
6/4/2018	- WJS	Emails to and from L Wolff; revise Fees Motion and related Documents	0.20 260.00/hr	52.00
	- LJW	Review and revise Memorandum of Costs, Declaration of W. Smith, Motion for Attorney's Fees and Costs, Exhibits and update Summary of Fees and Costs; telephone call to Clerk regarding redaction and filing updated Billing Summary	0.55 260.00/hr	143.00
6/5/2018	- WJS	Review Notices from Court; review filings; calendar Hearing Date; email to L Wolff regarding Notice of Hearing	0.08 260.00/hr	19.50
6/6/2018	- LJW	Preparation of Notice of Hearing; emails to and from W Smith regarding Notice; emails to and from Clerk regarding Notice; review filed Pleadings	0.15 260.00/hr	39.00
6/11/2018	- LJW	Review Motion to Retax Costs; email to W Smith regarding Motion; email to Clerk regarding Receipts; Research Evidence of Costs	0.43 260.00/hr	110.50
6/12/2018	- LJW	Research Memorandum and Evidence of Costs; telephone call to Clerk regarding Receipts and Spreadsheet; preparation of Opposition to Motion to Retax Costs	0.48 260.00/hr	123.50
6/13/2018	- WJS	Email from R Haskin; emails to and from L Wolff; review NRAP; emails to and from R Haskin regarding Request for Stipulation on Appeal Reply	0.20 260.00/hr	52.00
	- LJW	Preparation of Opposition to Motion to Retax Costs; emails to and from W Smith regarding request to file Reply; Research Issues related to Replies to Amicus Brief; telephone call with Clerk regarding Costs	0.58 260.00/hr	149.50
6/14/2018	- LJW	Research Costs Awarded by District Courts and preparation of Opposition to Motion to Retax Costs	0.33 260.00/hr	84.50
6/15/2018	- WJS	Emails to and from L Wolff; review and revise Opposition to Motion to Retax Costs and Support Declarations; telephone call from L Wolff; conference with K Christensen	0.38 260.00/hr	97.50
	- LJW	Preparation of Opposition to Motion to Retax Costs; revisions to Motion; preparation of Declaration for Opposition; preparation of Exhibits for Opposition; emails to and from W Smith; emails to and from Clerk	0.95 260.00/hr	247.00
6/19/2018	- WJS	Review Notices from Court; review Notice of Appeal and Appeal Statement filed by Lytles; review Property Records regarding Recorded Releases; review NRAP regarding timing and Appeal; review Notice from Supreme Court; review Motion for Leave to File	0.35 260.00/hr	91.00

September Trust, dated March 23, 1972

Page 3

			<u>Hrs/Rate</u>	<u>Amount</u>
		Response to Amicus Brief; email to D Foley and C Wang regarding Motion and Appeal Issues		
6/19/2018	- KBC	Conference with W Smith regarding Appeal Notice and Fees Motion; calendar Brief Due Dates	0.05 260.00/hr	13.00
6/20/2018	- WJS	E-mails to and from D Foley; draft Opposition to Motion for Leave to Respond to Amicus Brief; email to D Foley	0.55 260.00/hr	143.00
	- LJW	Review Motion to File Amicus Brief; emails to and from W Smith regarding Amicus	0.10 260.00/hr	26.00
6/22/2018	- LJW	Review Releases	0.10 260.00/hr	26.00
	- WJS	Review Notice from Court; review Opposition to Motion for Fees; email to L Wolff regarding Reply; review Notice from Supreme Court; review Response to Motion to Respond to Amicus Brief (filed by Foley)	0.10 260.00/hr	26.00
6/25/2018	- LJW	Review Pleadings; emails to and from W Smith regarding Motion	0.05 260.00/hr	13.00
6/26/2018	- KBC	Conference with W Smith regarding Fees Motion, Appeal Brief, Consolidation and Client conference for Instructions	0.05 260.00/hr	13.00
	- WJS	Review Notice from Supreme Court regarding Docketing of Notice of Appeal; review Record Transmitted by District Court; conference with K Christensen; email to Clients	0.23 260.00/hr	58.50
6/27/2018	- LJW	Review Opposition; preparation of Reply to Opposition	0.18 260.00/hr	45.50
6/28/2018	- LJW	Research Arbitration Requirement and CC&Rs; preparation of Reply to Opposition	0.73 260.00/hr	188.50
	- WJS	Review Notice from District Court; review Disman's Motion for Summary Judgment; emails to and from L Wolff	0.08 260.00/hr	19.50
6/29/2018	- LJW	Preparation of Reply to Opposition to Motion for Attorney's Fees	0.38 260.00/hr	97.50
7/2/2018	- LJW	Preparation of Reply to Opposition to Motion for Attorney's Fees; Research NRS 38.310	1.18 260.00/hr	305.50
	- KBC	Review Disman's Motion for Summary Judgment; conference with Clerk; calendar Hearing	0.10 260.00/hr	26.00
7/3/2018	- LJW	Preparation of Reply to Opposition to Motion for Attorney's Fees; preparation of Affidavit for Reply	0.85 260.00/hr	221.00
7/5/2018	- WJS	Email from and telephone calls to and from L Wolff regarding Arguments for Reply Brief; review and revise Reply on Motion for Fees and Costs; Research; emails to and from L Wolff	0.45 260.00/hr	117.00



September Trust, dated March 23, 1972

Page 4

			<u>Hrs/Rate</u>	<u>Amount</u>
7/5/2018 - LJW	Preparation of Reply to Opposition to Motion for Attorney's Fees; preparation of Affidavit for Reply; telephone call to W Smith; email to Clerk regarding filing; Research Liens and Possessor Interests; Research Lytles Defenses regarding recording Liens	0.83 260.00/hr	214.50	
7/6/2018 - LJW	Review Order; calendar Hearing Date	0.03 260.00/hr	6.50	
- WJS	Review Notice from Court regarding Rescheduled Hearing; emails to and from R Haskin and C Wang regarding Hearing Date	0.05 260.00/hr	13.00	
7/20/2018 - LJW	E-mails to and from W Smith regarding Transcript; Research on Appellate Rules and Transcripts; email to opposing counsel	0.38 260.00/hr	97.50	
7/23/2018 - WJS	Review Notice from Supreme Court; review Order Denying Motion to Respond to Amicus Brief	0.08 260.00/hr	19.50	
7/24/2018 - WJS	E-mail from Counsel for Lytle; review Hearing Transcripts	0.10 260.00/hr	26.00	
7/25/2018 - WJS	Review Motions, Oppositions, Replies and Exhibits related to Fees and Costs; prepare for Hearing on Motion	0.45 260.00/hr	117.00	
7/26/2018 - WJS	Prepare for, attend and present Oral Argument at Hearing on Motion for Attorney's Fees and Costs; conference with C Wang regarding Disman Motion for Summary Judgment; review Docket and Opposition; conference with E James regarding Hearing; telephone call from C Wang	1.03 260.00/hr	266.50	
7/27/2018 - KBC	Review Hearing Notice; calendar Hearing on Motion for Summary Judgment; conference with W Smith	0.03 260.00/hr	6.50	
7/30/2018 - LJW	Review Case Statement; emails to and from opposing counsel; emails to W Smith; review Orders and Motions	0.15 260.00/hr	39.00	
8/2/2018 - LJW	Review and download Pleadings filed by Dismans and Lytles	0.13 260.00/hr	32.50	
8/6/2018 - LJW	E-mails to and from W Smith	0.03 260.00/hr	6.50	
- WJS	Review Court Notices and Reply Brief from Dismans; emails to and from L Wolf regarding Hearing	0.23 260.00/hr	58.50	

September Trust, dated March 23, 1972

Page 5

			<u>Hrs/Rate</u>	<u>Amount</u>
8/7/2018	- WJS	E-mails to and from L Wolff and D Foley regarding Boulden & Lamothe Fee Motion; review Transcripts; preparation for Hearing	0.33 260.00/hr	84.50
	- LJW	Review Court Record regarding Attorney's Fees Motion; Research ruling in Boulden/Lamothe Case; emails to and from W Smith; Research Special Damages Cases	0.40 260.00/hr	104.00
8/8/2018	- LJW	Review emails from Counsel for Boulden; emails to and from W Smith	0.03 260.00/hr	6.50
8/9/2018	- WJS	Preparation for Hearing; attend Hearing on Fees and Costs Motion and Dismans Motion for Summary Judgment; file notes regarding Court Decision; conference with D Foley and C Wang at Courthouse regarding outcome of Hearing, Appeal Issues and strategy; conference with K Christensen regarding Court Order; Research Supersedeas Bonds; email to L Wolff regarding Summary of Court Decision and draft Order; telephone call from L Wolff regarding draft Order	0.80 260.00/hr	208.00
	- KBC	Conference with W Smith; review Order, Entry and Recording Procedures	0.05 260.00/hr	13.00
	- LJW	Telephone call to W Smith regarding Hearing and Case; preparation of Order	0.08 260.00/hr	19.50
8/10/2018	- LJW	Preparation of proposed Order	0.18 260.00/hr	45.50
8/13/2018	- LJW	Preparation of proposed Order; texts to and from W Smith	0.50 260.00/hr	130.00
8/14/2018	- LJW	Preparation of proposed Order; review Motion; Research applicable NRS Statutes; email to W Smith	0.58 260.00/hr	149.50
8/15/2018	- LJW	E-mails to and from W Smith	0.03 260.00/hr	6.50
	- WJS	E-mails from and to R Haskin; review and revise draft Order on Fees and Costs	0.35 260.00/hr	91.00
8/16/2018	- WJS	Emails to and from R Haskin regarding draft Fee Order	0.03 260.00/hr	6.50
8/20/2018	- WJS	Email from R Haskin; review and analyze redlines to draft Order; redline revisions to draft Order; emails to and from R Haskin; prepare draft Order; email to all Counsel	0.23 260.00/hr	58.50
8/21/2018	- DEM	Conference with W Smith	0.08 260.00/hr	19.50
	- WJS	E-mails to and from R Haskin and D Foley	0.03 260.00/hr	6.50

September Trust, dated March 23, 1972

Page 6

			<u>Hrs/Rate</u>	<u>Amount</u>
8/28/2018	- LJW	Review and download Order; review Rules regarding Appeal Statement; email to W Smith	0.08 260.00/hr	19.50
9/12/2018	- WJS	Review Order; conference with Clerk regarding filing	0.03 260.00/hr	6.50
9/13/2018	- WJS	Review Order; conference with Clerk; review draft Notice of Entry of Order; review Notices from Court regarding filing Order and Notice of Entry; review Notice from NV Supreme Court regarding Submission of Boulden/Lamothe Appeal for Decision without Oral Argument; conference with K Christensen	0.08 260.00/hr	19.50
9/14/2018	- LJW	Review Notice of Appeal and Order regarding Hearing; emails to and from W Smith	0.10 260.00/hr	26.00
9/18/2018	- WJS	Review Amended Docketing Statement of Appeal	0.05 260.00/hr	13.00
	- LJW	Review Pleading Statement	0.10 260.00/hr	26.00
9/21/2018	- WJS	Review Notices from Supreme Court regarding Attorney's Fees Appeal; review Notice from District Court regarding Order Denying Disman Motion for Summary Judgment; telephone call from C Wang	0.15 260.00/hr	39.00
9/24/2018	- KBC	Conference with Attorney; review Research; telephone call to Client regarding Fees Order Recordation	0.08 260.00/hr	19.50
	- LJW	Review and download Case Appeal and other Pleadings	0.08 260.00/hr	19.50
	- WJS	Email from R Haskin; Research Judgment, Appeal, Stay and Supersedeas Bond Statutes and Caselaw; emails to and from and conference with K Christensen; review Judgment Lien and Recording Procedures; draft Affidavit for Recording Judgment; conference with Clerk regarding Certified Judgment; review Certified Judgment and prepare for Recording	0.65 260.00/hr	169.00
10/1/2018	- WJS	Research and draft Response to Motion to Stay and Post Supersedeas Bond; prepare for filing; review Notice from Court; review Appeal Statement	0.50 260.00/hr	130.00
	- LJW	Review Pleadings and Orders filed	0.03 260.00/hr	6.50
	- ELJ	Review Opposition to Motion to Stay Judgment and Deposit Bond	0.05 260.00/hr	13.00
10/2/2018	- WJS	Review Notices from Court; emails to and from L Wolff regarding Appeal Deadlines; email from C Wang; review draft Order Denying Disman's Motion for Summary Judgment; email to C Wang with Comments	0.30 260.00/hr	78.00

September Trust, dated March 23, 1972

Page 7

			<u>Hrs/Rate</u>	<u>Amount</u>
10/3/2018	- WJS	Telephone call from C Wang regarding draft Order on Disman Motion for Summary Judgment; Research Case impact; telephone call and email from Haskin's Office; review Stipulation to Continue Hearing on Stay and Bond; emails to and from Court; review Filings	0.15 260.00/hr	39.00
	- LJW	Review all Appellate Proceedings; Research and calendar Due Dates for Briefing Schedules; emails to and from W Smith	0.25 260.00/hr	65.00
10/4/2018	- KBC	Review Order regarding Settlement Program Exemption; calendar Appeal Brief Due Date; conference with W Smith	0.05 260.00/hr	13.00
10/8/2018	- KBC	Conference with W Smith regarding Appeal Consolidation Issues	0.05 260.00/hr	13.00
	- LJW	E-mails to and from W Smith; review filed Pleadings	0.08 260.00/hr	19.50
	- WJS	Draft email to Clients regarding update on Case; emails to and from L Wolff regarding Appeal Issues and potential Consolidation or Stay of later Appeals; conference with K Christensen	0.25 260.00/hr	65.00
10/9/2018	- LJW	E-mails to and from W Smith; review Pleadings	0.03 260.00/hr	6.50
	- WJS	Revise and send email to Clients regarding Case update and Recommendation on Appeals	0.05 260.00/hr	13.00
	- KBC	Review Appeal Options and email	0.05 260.00/hr	13.00
10/17/2018	- WJS	Review Notices from Supreme Court; review Motions to Consolidate Cases from Haskin; emails to and from Haskin to clarify Motion to Consolidate Request and Briefing; review Docketing Statement for Case	0.20 260.00/hr	52.00
10/18/2018	- WJS	Emails to and from R Haskin regarding Motion to Consolidate; emails to and from and telephone call from D Foley regarding Opposition to Motion to Consolidate	0.08 260.00/hr	19.50
	- LJW	Review Docketing Statement and Motion to Consolidate; emails to and from W Smith	0.10 260.00/hr	26.00
10/19/2018	- WJS	Review Notice from Court; review Opposition to Motion to Consolidate filed by D Foley	0.08 260.00/hr	19.50
10/23/2018	- WJS	Preparation for Hearing; Appearance at Hearing; present Argument in Opposition to Motion to Stay Case pending Appeal; Research; review Nevada State Court Case regarding Fees and Costs Awards; telephone call from Counsel for Disman; conferences with L Wolff and K Christensen; Research regarding Advisory Opinions and Legal Advice from a Judge; review draft Opposition to Motion to Consolidate; review Notices from Court; review Joinder filed by Disman	0.85 260.00/hr	221.00

September Trust, dated March 23, 1972

Page 8

			<u>Hrs/Rate</u>	<u>Amount</u>
10/23/2018	- KBC	Conference with W Smith regarding Hearing, Order and conference with opposing counsel	0.05 260.00/hr	13.00
	- LJW	Review Opposition to Motion to Consolidate Cases; preparation of Responses to Motion to Consolidate Cases; telephone call to W Smith regarding Hearing; Research Attorney's Fees	0.50 260.00/hr	130.00
10/24/2018	- WJS	Review Notices from Supreme Court; review Lytles' Reply Brief in Support of Consolidating Cases	0.05 260.00/hr	13.00
	- LJW	Review Pleadings in Appeal	0.03 260.00/hr	6.50
10/29/2018	- WJS	Emails to and from R Haskin regarding Extension of Briefing Dates and Joint Motion to Consolidate Cases; review draft Stipulations; review Notice from Supreme Court regarding Filings	0.10 260.00/hr	26.00
	- LJW	Review Pleadings in Appeal	0.03 260.00/hr	6.50
11/1/2018	- WJS	Review Notice from Supreme Court; review Order Denying Motion to Consolidate with Boulden Appeal	0.05 260.00/hr	13.00
11/5/2018	- LJW	Review Court Order	0.03 260.00/hr	6.50
11/7/2018	- WJS	Email from Counsel for Dismar; review letter to Court from Counsel for Dismar regarding proposed Summary Judgment Orders; telephone call from Counsel for Dismar	0.10 260.00/hr	26.00
11/15/2018	- LJW	Review Court Order regarding Jurisdiction	0.03 260.00/hr	6.50
11/16/2018	- DEM	Conference with W Smith; revise Stipulation to Extend Discovery; email from W Smith	0.08 260.00/hr	19.50
	- ELJ	Conference with W Smith and D Martin regarding Emergency Motion	0.15 260.00/hr	39.00
	- WJS	Review Notices from District Court regarding Motion to Reconsider and Order Shortening Time; review Motion; Research Caselaw, Reconsideration and Jurisdiction Issues; email to R Haskin regarding Hearing; conferences with E James and D Martin regarding preparation of Response and attending Hearing	0.53 260.00/hr	136.50
11/19/2018	- ELJ	Preparation of Opposition to Motion to Reconsider	0.95 260.00/hr	247.00
	- DEM	Research; email to W Smith; conference with E James	0.25 260.00/hr	65.00
	- KBC	Review Appeal Order and Order Shortening Time regarding Fees Hearing; conference with E James; email to L Wolff	0.05 260.00/hr	13.00

September Trust, dated March 23, 1972

Page 9

			<u>Hrs/Rate</u>	<u>Amount</u>
11/19/2018	- LJW	Review Motion to Reconsider and Order Shortening Time; emails to and from Attorneys	0.10 260.00/hr	26.00
11/20/2018	- ELJ	Preparation of Opposition to Motion to Reconsider and review with L Wolff	0.53 260.00/hr	136.50
	- LJW	Preparation of Opposition to Motion to Reconsider; telephone call to E James	0.68 260.00/hr	175.50
11/21/2018	- LJW	Revisions to Opposition to Motion to Reconsider; emails to and from E James and Clerk	0.30 260.00/hr	78.00
11/26/2018	- LJW	Review filed document	0.10 260.00/hr	26.00
	- WJS	Review Notice from Court and Opposition; preparation for Hearing	0.38 260.00/hr	97.50
11/27/2018	- ELJ	Conference with W Smith regarding Motion to Reconsider Attorney's Fees and Finality of Appeal	0.15 260.00/hr	39.00
	- WJS	Preparation for Hearing; Appearance at Hearing on Motion to Reconsider Fees Order and present Arguments in Opposition; conferences with E James and D Martin re outcome and pending Appeal Issues; review Order to Show Cause from Supreme Court; Research Cases cited by Supreme Court; conferences with E James and D Martin; review possible Dismissal of Appeal; emails to and from R Haskin regarding Extension of Time for Briefing in 71698 Appeal; review draft Stipulation	1.08 260.00/hr	279.50
	- LJW	Telephone call with W Smith regarding Hearing and Appeal Issues	0.05 260.00/hr	13.00
11/28/2018	- LJW	Review Stipulation and Order; emails to and from W Smith	0.03 260.00/hr	6.50
12/4/2018	- KBC	Review Supreme Court Appeal Decision; conference with W Smith regarding Procedures and Recommendations	0.10 260.00/hr	26.00
	- LJW	Review Order from Appellate Court; telephone call to W Smith regarding Order; preparation of Response to Order to Show Cause	0.38 260.00/hr	97.50
	- WJS	Review Notice from Nevada Supreme Court regarding Boulden/Lamothe Appeal; review Order Affirming District Court; telephone call from Counsel for Dismans regarding Issues remaining in District Court; telephone call from L Wolff regarding Order, coordination and analysis of Actions to resolve remaining Appeals and Issues; conference with K Christensen	0.48 260.00/hr	123.50
12/5/2018	- LJW	Preparation of Response to Order to Show Cause; Research Consolidation and Appeals; preparation of Motion to Dismiss; emails to and from W Smith	0.40 260.00/hr	104.00

September Trust, dated March 23, 1972

Page 10

			<u>Hrs/Rate</u>	<u>Amount</u>
12/5/2018	- WJS	Research Attorney's Fees on Appeal; review Supreme Court's 12/4/18 Order and Arguments; file notes; email to L Wolff regarding Issues; emails to and from Haskin, Foley and Wang regarding Supreme Court Order; coordinate Conference Call; emails from L Wolff	0.45 260.00/hr	117.00
12/6/2018	- LJW	Review Court Order regarding Extension	0.03 260.00/hr	6.50
	- WJS	Emails to and from opposing counsel regarding Conference Call	0.03 260.00/hr	6.50
12/7/2018	- WJS	Teleconference with Counsel (Haskin, Foley, Wang) regarding Supreme Court Decision and potential Resolution; conference with K Christensen; telephone call to L Wolff; review Supreme Court filing; review CC&Rs; draft letter to R Haskin regarding Dismissal of Appeal and Warning of Sanctions	0.60 260.00/hr	156.00
	- KBC	Conference with W Smith; review Appeal and Trial Procedures; review Negotiations Issues	0.10 260.00/hr	26.00
	- LJW	Telephone call with W Smith regarding Motions	0.08 260.00/hr	19.50
12/10/2018	- LJW	Preparation of Response to Order to Show Cause; Research Consolidation and Appeal	0.50 260.00/hr	130.00
	- WJS	Email from L Wolff; review and revise letter to Haskin; email from D Foley	0.15 260.00/hr	39.00
12/11/2018	- LJW	Preparation of Response to Order to Show Cause; Research Consolidation and Appeal	0.60 260.00/hr	156.00
12/12/2018	- KBC	Review rescheduled Pre-Trial Conference, Calendar Call and Trial Dates for related Case; review emails regarding Fees Brief and Continuance Request	0.05 260.00/hr	13.00
	- LJW	Preparation of Response to Order to Show Cause; Research Federal and State Rules regarding Consolidation; emails to and from W Smith; calendar dates for Trial	0.50 260.00/hr	130.00
	- WJS	Email to L Wolff; review and redline draft Response to Order to Show Cause	0.60 260.00/hr	156.00
12/13/2018	- LJW	Review Response and Stipulation	0.03 260.00/hr	6.50
	- WJS	Revise and draft Response to Order to Show Cause; prepare for filing	0.40 260.00/hr	104.00
12/14/2018	- WJS	Review Notices from Supreme Court; email from D Foley	0.05 260.00/hr	13.00

September Trust, dated March 23, 1972

Page 11

			<u>Hrs/Rate</u>	<u>Amount</u>
12/17/2018	- KBC	Conference with Client regarding Appeal Issues and Lytle's Health Extension Request	0.05 260.00/hr	13.00
	- WJS	Review Notice from Supreme Court; review Lytle Response to Order to Show Cause	0.05 260.00/hr	13.00
12/18/2018	- LJW	Preparation of Response to Opposition to Order to Show Cause	0.25 260.00/hr	65.00
	- WJS	Emails to and from L Wolff regarding Order to Show Cause; email to D Foley and C Wange regarding Attorney's Fee Appeal; email from D Foley; review Stipulation for Dismissal of Remaining Claims in District Court Case	0.18 260.00/hr	45.50
12/19/2018	- LJW	Preparation of Response to Lytle Reply to Order to Show Cause; Research on Hearing and on Frederic case	0.70 260.00/hr	182.00
	- WJS	Email from C Wang regarding Stipulation for District Court Case; email from R Haskin	0.05 260.00/hr	13.00
12/20/2018	- LJW	Preparation of Response to Lytle Reply to Order to Show Cause; Research 54(b) Certification	0.50 260.00/hr	130.00
12/21/2018	- LJW	Preparation of Response to Lytle's Reply to Order to Show Cause; emails to and from W Smith	0.30 260.00/hr	78.00
	- WJS	Review and revise Response to Lytle's Reply to Order to Show Cause; review docket in District Court Case; email to L Wolff	0.25 260.00/hr	65.00
12/27/2018	- LJW	Review Order and calendar Due Date	0.03 260.00/hr	6.50
	- WJS	Email from R Haskin; review proposed changes to Dismissal Stipulation; review Notice from Supreme Court regarding Briefing Schedule; calendar Deadlines; conference with D Martin regarding Pre-Trial Conference	0.08 260.00/hr	19.50
1/3/2019	- WJS	E-mails from opposing counsel; review Redlines to draft Stipulation	0.08 260.00/hr	19.50
1/7/2019	- DEM	E-mails from and to W Smith; telephone calls to and from W Smith; review file	0.13 260.00/hr	32.50
	- WJS	Review Notice of Hearing; emails to and from and telephone calls to and from D Martin regarding Pre-Trial Conference; emails to and from opposing counsel regarding Stipulation; review draft	0.08 260.00/hr	19.50
1/8/2019	- WJS	Prepare for Pretrial Conference; Meeting with D Foley regarding Stipulation; Appearance for Pre-Trial Conference in Department 9 (D Barker); conference with D Foley regarding Fees and Costs; telephone call from C Wang regarding Appeal Issues, Fees and Costs; conference with K Christensen	0.60 260.00/hr	156.00



September Trust, dated March 23, 1972

Page 12

			<u>Hrs/Rate</u>	<u>Amount</u>
1/8/2019	- LJW	Review Court Order	0.03 260.00/hr	6.50
1/15/2019	- LJW	Review Stipulation and Order; telephone call to W Smith regarding Brief	0.08 260.00/hr	19.50
	- WJS	Review Notices from Supreme Court and Opening Brief filed by Lytle's in Case No. 76198; telephone call to L Wolff regarding Issues on Appeal, substance of Lytle's Brief; and preparation of Response Brief	0.18 260.00/hr	45.50
1/16/2019	- LJW	Preparation of Reply to Appellant's Brief	1.03 260.00/hr	266.50
	- WJS	Review Notices from District Court; review Boulden & Lamothe Memo of Costs and Motion for Fees	0.15 260.00/hr	39.00
1/17/2019	- WJS	Review and notate Lytle's Opening Brief	0.30 260.00/hr	78.00
1/18/2019	- LJW	Review Court Pleadings	0.03 260.00/hr	6.50
1/19/2019	- LJW	Preparation of Statement of Facts for Reply to Appellate Brief	0.55 260.00/hr	143.00
1/21/2019	- LJW	Preparation of Points and Authorities regarding Law of Case Doctrine	1.00 260.00/hr	260.00
1/22/2019	- LJW	Preparation of Points and Authorities regarding Equitable Orders	0.53 260.00/hr	136.50
1/23/2019	- LJW	Preparation of Points and Authorities regarding Macintosh Caselaw	0.50 260.00/hr	130.00
	- WJS	Review Notice from Court; review Dismar's Motion for Fees and Costs; review Docket for Hearing Dates	0.10 260.00/hr	26.00
1/24/2019	- LJW	Preparation of Points and Authorities regarding Meaning of Statutes	0.48 260.00/hr	123.50
1/28/2019	- LJW	Preparation of Points and Authorities regarding Meaning of Statutes; Research "Plain Meaning Cases"	0.28 260.00/hr	71.50
	- WJS	Review Notice from Supreme Court regarding Order Consolidating Appeals; email to L Wolff regarding Response; calendar new Deadlines	0.08 260.00/hr	19.50
1/29/2019	- LJW	Review Court Notice regarding Consolidation; calendar new Due Dates	0.05 260.00/hr	13.00
	- WJS	Review Notice from District Court; review Lytle's Opposition to Boulden/Lamothe Motion for Fees and Costs	0.10 260.00/hr	26.00

September Trust, dated March 23, 1972

Page 13

			<u>Hrs/Rate</u>	<u>Amount</u>
1/30/2019	- LJW	Review NRED 3 Litigation; review Opposition to Motion for Fees; preparation of Points and Authorities regarding "Plain Meaning" of Statutes	0.30 260.00/hr	78.00
2/1/2019	- LJW	Preparation of Points and Authorities on Plain Meaning of Statute	0.18 260.00/hr	45.50
2/4/2019	- LJW	Preparation of Points and Authorities on Statute; review Opposition to Motion to Retax Costs	0.18 260.00/hr	45.50
	- WJS	Review Notice from District Court; review Lamothe/Boulden Opposition to Motion to Retax Costs	0.05 260.00/hr	13.00
2/5/2019	- LJW	Preparation of Points and Authorities on Application of NRS 116.3117	0.33 260.00/hr	84.50
2/7/2019	- LJW	Research NRS 116.3117 and Judgment Liens	0.58 260.00/hr	149.50
2/8/2019	- LJW	Preparation of Points and Authorities regarding Application of NRS 116.3117	0.13 260.00/hr	32.50
2/11/2019	- WJS	E-mail from R Haskin regarding Order on Motion to Reconsider, Analysis and Order Issues	0.08 260.00/hr	19.50
	- LJW	Preparation of Points and Authorities regarding Application of NRS 116.3117	0.50 260.00/hr	130.00
2/12/2019	- ELJ	Conference with W Smith regarding Mootness of Order and Appeal Issues	0.08 260.00/hr	19.50
	- WJS	Conference with E James regarding Haskin's request; Research; emails to and from R Haskin regarding Motion to Reconsider and Extension Request; Notice from District Court and review Lytle Opposition to Disman Fee Motion; review Notice from Supreme Court and review Lytle Motion for Extension of Time to File Brief in Fees Case; emails to and from L Wolff regarding Extension Request	0.40 260.00/hr	104.00
	- LJW	Preparation of Summary of Facts on Answering Brief; Research Extension of Time to Answer Attorney's Argument Brief; email to W Smith; review Motion by Lytle regarding Extension of Time	0.55 260.00/hr	143.00
2/13/2019	- LJW	Preparation of Objections to Summary of Facts in Answering Brief; review Court Order regarding Extension of Time	0.20 260.00/hr	52.00
	- WJS	Review Notice and Order from Supreme Court Granting Extension; calendar new Deadlines	0.05 260.00/hr	13.00
2/14/2019	- LJW	Preparation of Objections to Summary of Facts in Answering Brief	0.45 260.00/hr	117.00
2/18/2019	- LJW	Review Reply to Opposition	0.08 260.00/hr	19.50

September Trust, dated March 23, 1972

Page 14

			<u>Hrs/Rate</u>	<u>Amount</u>
2/20/2019	- LJW	Preparation of Statement of Facts for Appellate Response	0.25 260.00/hr	65.00
	- WJS	Review Notices from District Court; review Minute Order	0.03 260.00/hr	6.50
2/21/2019	- LJW	Preparation of Statement of Facts for Appellate Response	0.45 260.00/hr	117.00
2/27/2019	- WJS	Review Notice from District Court regarding Hearing on Motion for Fees and Costs; review Docket	0.08 260.00/hr	20.80
3/13/2019	- WJS	Review Notice from Supreme Court and Motion to Extend; conference with L Wolff; draft and file Response to Motion to Extend	0.35 260.00/hr	91.00
3/14/2019	- WJS	Review Notices from Supreme Court; Research Dockets and Court calendar regarding District Court scheduled Hearings; emails to and from D Foley and C Wang regarding Hearing on Fees Motion	0.13 260.00/hr	32.50
	- LJW	Review Motion to Extend Time; emails to and from W Smith; telephone call to W Smith regarding Motion	0.20 260.00/hr	52.00
3/15/2019	- LJW	Review Reply to Opposition; emails to and from W Smith	0.08 260.00/hr	19.50
	- WJS	Review from Supreme Court; review Reply filed by R Haskin; emails to and from L Wolff	0.08 260.00/hr	19.50
3/19/2019	- LJW	Review Notice from Court	0.03 260.00/hr	6.50
4/10/2019	- WJS	Preparation for and Appearance at Hearing of Fees and Costs Motions filed by other Plaintiffs; review Notice from Court regarding new Hearing Date before Judge Williams; emails to and from opposing counsel	0.35 260.00/hr	91.00
4/22/2019	- LJW	Review filings regarding Extensions of Time; emails to and from W Smith; calendar Due Dates	0.08 260.00/hr	19.50
	- WJS	Review Notice from District Court regarding Order on Stipulation to Continue Hearing; review Notice from Supreme Court regarding Lytle's 3rd Motion to Extend Briefing Schedule; emails to and from L Wolff; draft and file Opposition to Motion to Continue	0.20 260.00/hr	52.00
4/23/2019	- LJW	Review Motion and Opposition	0.03 260.00/hr	6.50
4/26/2019	- LJW	Review Reply to Opposition	0.03 260.00/hr	6.50
	- KBC	Conference with W Smith regarding Extension Motion and Opposition; calendar Hearing	0.05 260.00/hr	13.00

September Trust, dated March 23, 1972

Page 15

			<u>Hrs/Rate</u>	<u>Amount</u>
4/26/2019	- WJS	Review Notice from Supreme Court regarding Lytle Reply Brief; email from D Foley regarding Issues for Hearing; conference with K Christensen regarding status of Case and Briefing Schedule	0.15 260.00/hr	39.00
5/2/2019	- LJW	Review Court Order regarding Extension; emails to and from W Smith	0.05 260.00/hr	13.00
	- WJS	Review Notice from Supreme Court; review Order Denying Lytle Motion for Extension of Briefing Deadlines; emails to and from L Wolff; email to D Foley and C Wang	0.05 260.00/hr	13.00
5/7/2019	- WJS	Review Notice from District Court; review Motion to Set Hearing filed by Lytles	0.08 260.00/hr	19.50
5/15/2019	- WJS	Review emails from R Haskin; emails to and from and telephone call from D Foley regarding Hearing; review Court Pleadings and papers and preparation for Hearing	0.15 260.00/hr	39.00
5/16/2019	- WJS	Prepare for and attend Hearing at RJC (Judge Williams) on Motions for Fees and Costs (other Plaintiffs); case notes; Notices from Supreme Court regarding Lytle Opening Brief on Fees Appeal; emails to and from L Wolff	0.88 260.00/hr	227.50
	- LJW	Review Opening Brief and Appendices	0.15 260.00/hr	39.00
5/17/2019	- WJS	Review Notice from District Court and Minute Order Granting Fee Motions	0.05 260.00/hr	13.00
5/20/2019	- LJW	Review Court Order	0.03 260.00/hr	6.50
	- WJS	Review and annotate Lytle Opening Brief on Fees	0.38 260.00/hr	97.50
5/21/2019	- LJW	Telephone call to W Smith regarding Answering Brief; email to Court Clerk regarding Transcript; preparation of Answering Brief	0.38 260.00/hr	97.50
5/22/2019	- LJW	E-mails to and from Court Clerk	0.03 260.00/hr	6.50
5/28/2019	- KBC	Review Judgment Renewal Notice; emails to and from Attorney	0.05 260.00/hr	13.00
6/3/2019	- LJW	Preparation of Reply Brief; Research Standard of Review for Attorney's Fees and Costs on Appeal	0.70 260.00/hr	182.00
6/4/2019	- LJW	Research Law of the Case	0.40 260.00/hr	104.00
6/5/2019	- LJW	Research Law of the Case in the District of Nevada and the 9th Circuit; preparation of Appellate Reply Brief regarding Law of the Case	1.00 260.00/hr	260.00

September Trust, dated March 23, 1972

Page 16

			<u>Hrs/Rate</u>	<u>Amount</u>
6/6/2019	- LJW	Research Law of the Case in the District of Nevada and the 9th Circuit; preparation of Appellate Reply Brief regarding Law of the Case	0.88 260.00/hr	227.50
6/7/2019	- LJW	Preparation of Reply Brief; preparation of Reply Statement of Facts; preparation of Section regarding Reasonableness of Attorney's Fees	1.75 260.00/hr	455.00
6/10/2019	- LJW	Preparation of Reply Brief; preparation of Reply Statement of Facts; preparation of Section regarding Reasonableness of Attorney's Fees; telephone call to W Smith regarding Facts Section	1.25 260.00/hr	325.00
	- WJS	Telephone call from L Wolff regarding Arguments for Appeal Brief	0.15 260.00/hr	39.00
6/11/2019	- LJW	Preparation of Reply Brief; review and revise Citations to Law and Record; review Transcript and add to Brief; preparation of Exhibits for Appendix; revise Citations to Appendix	1.75 260.00/hr	455.00
6/12/2019	- LJW	Preparation of Reply Brief; preparation of Fact Section; preparation of Appendix	1.05 260.00/hr	273.00
	- WJS	Review and Redline draft Reply Brief; draft Answering Brief on Consolidated Appeals, Research	1.93 260.00/hr	500.50
6/13/2019	- LJW	Preparation of Appendix; Citations to Record; emails to and from W Smith	0.70 260.00/hr	182.00
	- WJS	Research and draft Answering Brief; review Documents for Respondents' Appendix, preparation of Appendix	1.63 260.00/hr	422.50
6/14/2019	- WJS	Preparation of Respondents' Appendix; review and revise Answering Brief	0.45 260.00/hr	117.00
	- LJW	Preparation of Appendix; revisions to Citations to Record; emails to and from W Smith; review Appellate Rules regarding Appendices and Documents	0.70 260.00/hr	182.00
6/17/2019	- WJS	Preparation of Table of Contents; review and revise Answering Brief; prepare Certifications; sign and prepare Brief and Appendix for filing	1.65 260.00/hr	429.00
6/18/2019	- WJS	Review Notice from Court; emails to and from L Wolff; review Notice form Court	0.05 260.00/hr	13.00
6/19/2019	- WJS	Review Order, make adjustments to Brief and prepare for filing; conference with Clerk regarding filing; review Court Notices regarding Acceptance of Filing	0.15 260.00/hr	39.00
	- LJW	Review Appellate Motion	0.05 260.00/hr	13.00
7/15/2019	- WJS	Emails to and from R Haskin; review Agreement and Appellant filings	0.10 260.00/hr	26.00

September Trust, dated March 23, 1972

Page 17

			<u>Hrs/Rate</u>	<u>Amount</u>
7/17/2019	- WJS	Email from R Haskin; review draft Extension Stipulation; review Notices from Supreme Court	0.03 260.00/hr	6.50
8/5/2019	- WJS	Emails to and from R Haskin; review and approve Stipulation	0.03 260.00/hr	6.50
8/19/2019	- WJS	Review Notice from Supreme Court; review Motion and Lytle Reply Brief; email to L Wolff	0.15 260.00/hr	39.00
8/20/2019	- LJW	Review Motions and Research Brief and Opposition	0.28 260.00/hr	71.50
8/21/2019	- WJS	Emails to and from L Wolff regarding Response to Lytle Reply Brief	0.05 260.00/hr	13.00
	- LJW	Review Motions and Research Brief and Opposition; emails to and from W Smith	0.58 260.00/hr	149.50
8/22/2019	- LJW	Preparation of Motion and Countermotion to Reply Brief and Motion to Expand Page Limit	0.65 260.00/hr	169.00
8/23/2019	- LJW	Preparation of Motion and Countermotion to Reply Brief and Motion to Expand Page Limit	0.55 260.00/hr	143.00
8/26/2019	- LJW	Preparation of Motion and Countermotion to Reply Brief and Motion to Expand Page Limit; emails to and from W Smith	0.60 260.00/hr	156.00
	- WJS	Review and revise Opposition and Countermotion; review Notice from Court	0.10 260.00/hr	26.00
8/27/2019	- LJW	Review and download Court Order	0.03 260.00/hr	6.50
9/3/2019	- LJW	Review and download Pleading	0.03 260.00/hr	6.50
9/4/2019	- WJS	Review Supreme Court filings from Lytles; emails to and from Counsel for Dismar regarding Stay of Execution and Fees Order	0.08 260.00/hr	19.50
9/30/2019	- WJS	Review Notice from Court regarding Appeal of Attorneys Fee Order; review Supreme Court Docket regarding Appeal	0.08 260.00/hr	19.50
10/1/2019	- LJW	Review Notice of Appeal	0.03 260.00/hr	6.50
10/4/2019	- LJW	Review Notice of Appeal	0.03 260.00/hr	6.50
	- WJS	Review Notice from Court regarding Appeal of Boulden/Lamothe Fee Order	0.03 260.00/hr	6.50
10/22/2019	- WJS	Review Notice from District Court regarding Stipulation to Stay Execution, Posting on Bond; review Notice from Supreme court regarding Association of Counsel for Lytle	0.08 260.00/hr	19.50

September Trust, dated March 23, 1972

Page 18

			<u>Hrs/Rate</u>	<u>Amount</u>
11/26/2019	- WJS	Review Notices from Court regarding Appearance for Lytle and request for Transcripts	0.03 260.00/hr	6.50
12/4/2019	- KBC	Conference with W Smith regarding Hearing and Order Appointing HOA Receiver	0.06 260.00/hr	16.25
	- WJS	Telephone call from K Christensen regarding Appointment of Receiver over Association, review Case History and Minutes of Proceedings; email to K Christensen and email to Clerk	0.20 260.00/hr	52.00
1/13/2020	- LJW	Review Court order regarding Lamothe	0.03 260.00/hr	6.50
1/21/2020	- WJS	Review Order from Supreme Court; Research; draft Response	0.35 260.00/hr	91.00
1/24/2020	- WJS	Conference with K Christensen and K Kearl regarding Receiver; review Case file; email to K Christensen with documents; conference with K Christensen	0.30 260.00/hr	78.00
	- KBC	Review Orders; Research; telephone call from Client regarding HOA Judgment and Receiver correspondence; conference with Client and W Smith; review CCRs, Receiver Documents and preparation for conference with Client	0.48 260.00/hr	123.50
1/27/2020	- WJS	Research; conference with K Christensen; preparation for conference with Clients; telephone call from C Wang; conference with Clients; draft letter to Receiver; email to L Wolff	0.75 260.00/hr	195.00
	- KBC	Review Receiver letter and Orders; review Injunction; Research; conference with W Smith regarding Contempt, Fees, Motion to Vacate and Sanctions; conference with Clients regarding Demand and Motions	0.63 260.00/hr	162.50
1/28/2020	- DEM	Conference with W Smith; review letter to Receiver	0.18 260.00/hr	45.50
	- WJS	Emails to and from L Wolff; draft letter to Receiver; Research; conference with D Martin regarding revisions; preparation of Exhibits; email to K Christensen; conference with K Christensen	0.60 260.00/hr	156.00
	- KBC	Review letter to Receiver and Attorney; email to Attorney; conference with W Smith	0.06 260.00/hr	16.25
	- LJW	Review letter to Client and Court filings; email to W Smith	0.13 260.00/hr	32.50
1/29/2020	- LJW	E-mails to and from W Smith	0.05 260.00/hr	13.00
	- WJS	Emails to and from D Foley regarding letter from Receiver; revise letter to Receiver; email from J Gegen; email to Clients	0.13 260.00/hr	32.50

September Trust, dated March 23, 1972

Page 19

			<u>Hrs/Rate</u>	<u>Amount</u>
2/3/2020	- LJW	E-mails to and from W Smith; preparation of Motion for Order to Show Cause	0.50 260.00/hr	130.00
	- WJS	Review follow-up letter from Receiver; conference with K Christensen; email to L Wolff regarding drafting Motion	0.05 260.00/hr	13.00
	- KBC	Review letter from Receiver canceling Meeting; conference with W Smith; conference with Client	0.06 260.00/hr	16.25
2/4/2020	- KBC	Conference with W Smith regarding Motion for OTSC and Contempt; emails to and from Attorney regarding Motion; review Hearing Notice	0.06 260.00/hr	16.25
	- WJS	Review notification from Court; review Motion to Reduce to Judgment from old Case; conference with K Christensen; Research Dockets; conference with L Wolff regarding Motion	0.28 260.00/hr	71.50
	- LJW	Telephone call with W Smith; preparation of Motion for Order to Show Cause; Research Order to Show Cause	0.90 260.00/hr	234.00
2/5/2020	- WJS	E-mail from J Gegen; review letters	0.03 260.00/hr	6.50
	- LJW	Preparation of Motion for Order to Show Cause; Research Order to Show Cause	0.38 260.00/hr	97.50
2/6/2020	- LJW	Preparation of Motion for Order to Show Cause; Research Order to Show Cause	0.28 260.00/hr	71.50
2/10/2020	- WJS	E-mails to and from D Foley; review Renewed Motion to Appoint Receiver; messages to and from L Wolff; Research	0.40 260.00/hr	104.00
	- LJW	Preparation of Motion for Order to Show Cause; Research Order to Show Cause	0.53 260.00/hr	136.50
2/11/2020	- KBC	Calendar Hearing; conference with W Smith; review Motion	0.03 260.00/hr	6.50
	- WJS	Messages to and from L Wolff regarding Receiver Report	0.03 260.00/hr	6.50
	- LJW	Preparation of Motion for Order to Show Cause; Research Order to Show Cause	1.00 260.00/hr	260.00
2/12/2020	- LJW	Preparation of Motion for Order to Show Cause; preparation of Exhibits for Motion for Order to Show Cause; preparation of Affidavits for Kearl, Zobrist and Gegan; preparation of Affidavit for W Smith	1.93 260.00/hr	500.50
2/13/2020	- LJW	Preparation of Motion for Order to Show Cause; preparation of Exhibits for Motion for Order to Show Cause; preparation of Affidavits for Kearl, Zobrist and Gegen; preparation of Affidavit for W Smith	1.08 260.00/hr	279.50



September Trust, dated March 23, 1972

Page 20

			<u>Hrs/Rate</u>	<u>Amount</u>
2/14/2020	- WJS	E-mail from L Wolff; review and revise Motion for Order to Show Cause	0.25 260.00/hr	65.00
	- LJW	Preparation of Motion to Intervene	1.03 260.00/hr	266.50
2/18/2020	- LJW	Preparation of Motion to Intervene; preparation of Affidavits	0.63 260.00/hr	162.50
2/19/2020	- LJW	Preparation of Motion to Intervene; preparation of Affidavits	0.80 260.00/hr	208.00
2/20/2020	- LJW	Preparation of Motion to Strike Order	0.80 260.00/hr	208.00
2/21/2020	- WJS	Drafting and revisions to Motion for Order to Show Cause	0.80 260.00/hr	208.00
	- LJW	Preparation of Motion to Intervene	0.55 260.00/hr	143.00
2/22/2020	- LJW	Preparation of Motion to Intervene	0.45 260.00/hr	117.00
2/24/2020	- WJS	Drafting and revisions to Motion for Order to Show Cause	1.05 260.00/hr	273.00
	- LJW	Preparation of Motion to Intervene	0.73 260.00/hr	188.50
2/25/2020	- WJS	Drafting and revisions to Motion for Order to Show Cause; Research; email to L Wolff	1.30 260.00/hr	338.00
	- LJW	Preparation of Motion to Intervene	0.45 260.00/hr	117.00
2/26/2020	- WJS	E-mails to and from L Wolff	0.03 260.00/hr	6.50
	- LJW	Preparation of Motion to Intervene	0.53 260.00/hr	136.50
3/2/2020	- WJS	Review and revise Motion to Intervene; Research; review Notice from Nevada Supreme Court; review Order Submitting for Decision; draft Affidavits; review Notice from NSC; review Order of Affirmance; conference with K Christensen; revisions to Motion for Order to Show Cause and Motion to Intervene	1.50 260.00/hr	390.00
3/3/2020	- WJS	E-mails to and from L Wolff; review and revise Motions and Affidavits; emails to Client regarding Affidavits; preparation of Exhibits; meet with Zobrist and Kearn; telephone call from L Wolff	0.70 260.00/hr	182.00
	- LJW	Review Affirmance Order from Supreme Court; telephone call to W Smith	0.10 260.00/hr	26.00

September Trust, dated March 23, 1972

Page 21

			<u>Hrs/Rate</u>	<u>Amount</u>
3/4/2020	- WJS	Emails to and from D Foley and C Wang; Research Court Rules; draft Bill of Costs on Appeal; Research Supersedeas Bond; notes to file; meet with Julie Gegen regarding Affidavits; revisions to Motions; prepare Motions and Exhibits for filing	0.65 260.00/hr	169.00
3/5/2020	- WJS	Review Notices from Court regarding Hearings, calendar and send emails to Counsel; draft Bill of Costs; finalize and prepare for filing; review Notices from Supreme Court	0.18 260.00/hr	45.50
3/6/2020	- KBC	Conference with W Smith regarding proposed Motion and Hearing Stipulation and Issues; review email from new opposing counsel	0.09 260.00/hr	22.75
	- WJS	Review Notice; review Joinders filed by C Wang and D Foley; email to Clients; email from D Waite regarding Stipulation to Intervene; conference with K Christensen	0.20 260.00/hr	52.00
3/9/2020	- WJS	Research Intervention Rules; telephone call from D Waite regarding Stipulation to Intervene; telephone call from C Wang; telephone call from R Dismar; email from D Waite and review and redline draft Stipulation; review Court Notices	0.60 260.00/hr	156.00
	- LJW	Review Pleadings; email to W Smith	0.03 260.00/hr	6.50
3/10/2020	- KBC	Conference with W Smith regarding requested Stipulation to Intervene, OTSC, Attorney's Fees and Receiver Issues; review Attorney emails	0.10 260.00/hr	26.00
	- WJS	E-mails from D Waite regarding Settlement Offer and Stipulation on Motion to Intervene; conference with K Christensen; draft revisions to Stipulation; emails to and from L Wolff; emails to and from D Waite; telephone call from D Foley; conference with Clerk regarding Fees Statements	0.35 260.00/hr	91.00
	- LJW	Review revised Stipulation and Order; emails to and from W Smith	0.05 260.00/hr	13.00
3/11/2020	- WJS	E-mails from D Waite; review and analysis of Stipulation redline; preparation for Status Hearing in Receiver Action; check Docket; email to Counsel for Receiver	0.40 260.00/hr	104.00
	- LJW	Preparation of Motion to Set Aside Order	0.78 260.00/hr	201.50
3/12/2020	- KBC	Conference with W Smith; preparation of Motion to Vacate Order; review D Waitz letter to Receiver	0.08 260.00/hr	19.50
	- ELJ	Meeting with W Smith regarding opposing Arguments (.7); Research Caselaw on Unclean Hands and Fraud on Court; email to W Smith and L Wolff with Caselaw and Arguments	0.65 260.00/hr	169.00
	- WJS	Preparation for Hearing; Appearance at Status Hearing in Receivership Case; telephone call to L Wolff regarding Motion; email from Receiver's Counsel, review January Status Report; letter from D Waite - analysis; conference with Clerk regarding	1.20 260.00/hr	312.00

September Trust, dated March 23, 1972

Page 22

			<u>Hrs/Rate</u>	<u>Amount</u>
		Research; conference with E James and analysis of Lytle Trust Arguments from D Waite; review Cases; emails to and from L Wolff; conference with K Christensen		
3/12/2020	- LJW	Preparation of Motion to Set Aside Order; Research Association Powers	1.13 260.00/hr	292.50
	- DL	Research HOA Issue; email to W Smith	0.55 125.00/hr	68.75
3/13/2020	- WJS	E-mails to and from L Wolff; emails to and from Clerk; review Research notes	0.08 260.00/hr	19.50
	- LJW	Preparation of Motion to Set Aside Order; Research exceeding Authority of CC&Rs and Statutes; emails to and from W Smith	1.13 260.00/hr	292.50
	- DL	Research HOA Issues; email to W Smith	0.65 125.00/hr	81.25
3/16/2020	- WJS	Review Notice from Court; review Motion for Instruction filed by Receiver; emails to and from L Wolff; draft Opposition/Counter-motion	0.48 260.00/hr	123.50
3/17/2020	- WJS	Draft Opposition/Motion for Receivership Case	0.85 260.00/hr	221.00
	- LJW	Preparation of Opposition to Motion for Receiver Order	0.15 260.00/hr	39.00
3/18/2020	- LJW	Preparation of Opposition to Motion for Receiver Order	0.30 260.00/hr	78.00
3/19/2020	- WJS	Draft Opposition to Motion for Instruction in Receiver Case; emails to and from L Wolff	1.20 260.00/hr	312.00
	- LJW	Preparation of Opposition to Motion for Receiver Order	1.03 260.00/hr	266.50
3/20/2020	- WJS	E-mails to and from L Wolff regarding Arguments for Motion	0.05 260.00/hr	13.00
	- LJW	Preparation of Opposition to Motion for Receiver Order; email to W Smith; Research CC&Rs; implied powers for LPA's	1.25 260.00/hr	325.00
3/23/2020	- LJW	Preparation of Opposition to Motion for Receiver Order; email to W Smith; Research CC&Rs; implied powers for LPA's	1.50 260.00/hr	390.00
	- WJS	Review redline of Motion to Rescind Receiver Order; draft and revise Motion; Research for Motion	0.68 260.00/hr	175.50
3/24/2020	- LJW	Preparation of Reply to Opposition to Order to Show Cause	0.50 260.00/hr	130.00

September Trust, dated March 23, 1972

Page 23

			<u>Hrs/Rate</u>	<u>Amount</u>
3/24/2020	- WJS	Research, draft and revise Motion to Rescind Receiver Order; email to L Wolff	2.15 260.00/hr	559.00
3/25/2020	- WJS	Emails to and from L Wolff; review and revise Declaration for Opposition and Countermotion; revisions of Opposition and Countermotion and prepare for filing	0.30 260.00/hr	78.00
	- LJW	Revisions to Opposition to Receivership Motion; preparation of Exhibits and Declarations	0.80 260.00/hr	208.00
3/26/2020	- LJW	Preparation of Reply to Opposition to Order to Show Cause	0.63 260.00/hr	162.50
3/27/2020	- WJS	Conference with L Wolff regarding Reply in Motion OSC	0.08 260.00/hr	19.50
	- LJW	Preparation of Reply to Opposition to Order to Show Cause; telephone call to W Smith regarding Arguments	0.48 260.00/hr	123.50
3/30/2020	- LJW	Preparation of Reply to Opposition to Order to Show Cause; telephone call to W Smith regarding Arguments	0.70 260.00/hr	182.00
3/31/2020	- LJW	Preparation of Reply to Order to Show Cause; Research Receiver and Contempt Orders	1.23 260.00/hr	318.50
4/2/2020	- LJW	Preparation of Reply to Opposition to Motion for Order to Show Cause	0.45 260.00/hr	117.00
	- WJS	Review draft Reply on Motion for Order to Show Cause; telephone calls to and from D Foley regarding Boulden and Lamothe	0.15 260.00/hr	39.00
4/3/2020	- LJW	Preparation of Reply to Opposition to Motion for Order to Show Cause	0.58 260.00/hr	149.50
4/6/2020	- LJW	Preparation of Reply to Opposition to Motion for Order to Show Cause	0.53 260.00/hr	136.50
4/7/2020	- LJW	Preparation of Reply to Opposition to Motion for Order to Show Cause; emails to and from W Smith; email to Clerk	0.55 260.00/hr	143.00
	- WJS	Review Notice from Receiver Court regarding Hearing Date and Telephonic Appearance; emails to and from L Wolff; emails to and from D Waite and P Lee; analysis of timing of Hearings between Cases	0.05 260.00/hr	13.00
4/8/2020	- LJW	Preparation of Reply to Opposition to Motion for Order to Show Cause	0.75 260.00/hr	195.00
4/9/2020	- LJW	Preparation of Reply to Opposition to Motion for Order to Show Cause; emails to and from W Smith; preparation of Reply to Lytle Trust Countermotion to Receiver Motion	0.85 260.00/hr	221.00
	- WJS	Review Notices from Court; emails to and from L Wolff regarding Reply and preparing for Hearing	0.05 260.00/hr	13.00

September Trust, dated March 23, 1972

Page 24

			<u>Hrs/Rate</u>	<u>Amount</u>
4/10/2020	- WJS	Telephone calls to and from L Wolff regarding substance of Oppositions; draft Reply Brief; emails to and from D Waite and P Lee regarding Hearing Date for Receiver Case; emails to and from and telephone calls to and from L Wolff regarding Motion to Move Hearing; review and revise draft Motion and Declaration; prepare for filing; review Notices from Court; review Opposition from Lytle; email to L Wolff	0.28 260.00/hr	71.50
	- LJW	Preparation of Reply to Opposition to Motion for Order to Show Cause; emails to and from W Smith; preparation of Reply to Lytle Trust Countermotion to Receiver Motion; preparation of Motion regarding Hearing Date; preparation of Stipulation and Order to reschedule Hearing Date	1.48 260.00/hr	383.50
4/11/2020	- LJW	Preparation of Reply to Lytle Trust Countermotion to Receiver Motion	0.38 260.00/hr	97.50
4/13/2020	- WJS	Preparation for Oral Argument in Receiver Case; prepare Argument outline, Research; review Court Notices; emails to and from L Wolff regarding Appearances; review Lytle Trust's Opposition in the Receiver Case; conference with L Wolff regarding Reply Briefs; review and redline Reply Brief for Motion for Order to Show Cause; emails to and from D Foley	2.38 260.00/hr	617.50
	- LJW	Preparation of Reply to Lytle Trust Countermotion to Receiver Motion; telephone call to W Smith; telephone call to Court; telephone call to CourtCall	1.75 260.00/hr	455.00
4/14/2020	- LJW	Preparation of Reply to Lytle Trust Countermotion to Receiver Motion; preparation of Reply to Receiver's Countermotion; emails to and from W Smith; preparation of Exhibits; preparation of Declarations; telephone call to Clerk	1.85 260.00/hr	481.00
	- WJS	Revise and draft (3) Reply Briefs, Supporting Declaration and Research in support; emails to and from L Wolff	1.25 260.00/hr	325.00
4/15/2020	- WJS	E-mails to and from Counsel for Lytle Trust and Receiver; emails to and from L Wolff; preparation for Hearing in Receiver Case; participate in Telephone Hearing in Receiver Case; participate in Telephone Hearing with Judge Kishner in Receiver Case, argue Motions; debrief with K Christensen and L Wolff	1.20 260.00/hr	312.00
	- LJW	Review filings and emails; email to W Smith	0.05 260.00/hr	13.00
4/16/2020	- DEM	Research recent Nevada HOA Caselaw; email to W Smith	0.25 260.00/hr	65.00
4/17/2020	- WJS	E-mail from D Martin and review new Supreme Court Opinion	0.10 260.00/hr	26.00
4/20/2020	- LJW	Preparation of Motion for Attorney's Fees; preparation of Motion to Exonerate Bond	0.30 260.00/hr	78.00

September Trust, dated March 23, 1972

Page 25

			<u>Hrs/Rate</u>	<u>Amount</u>
4/20/2020	- WJS	Review NRAP regarding Remittitur and Bill of Costs; emails to and from L Wolff regarding Fees and Costs on Appeal	0.10 260.00/hr	26.00
4/21/2020	- WJS	Emails to and from L Wolff regarding Remittitur and Fees Motion strategy (.3); Notices from Court; review Hearing Exhibits filed by Lytle Trust (.3); emails to and from P Lee, Counsel for Receiver regarding participation in Hearing, letter to Court and follow up emails (.2); prepare for Hearing on Motion for Order to Show Cause; review Motion, Opposition, and Reply (1.4); draft oral Argument Statement and notes (1.1); emails to and from L Wolff; revisions to oral Argument Statement and notes; telephone call from L Wolff (1.2); telephone call to C Wang (1.1); telephone calls to and from D Foley (.2), oral Argument practice; adjustments to statement, notes (.7)	1.63 260.00/hr	422.50
	- LJW	Preparation of Motion for Attorney's Fees; preparation of Motion to Exonerate Bond; review outline of Hearing; telephone call to W Smith regarding Hearing	1.05 260.00/hr	273.00
4/22/2020	- KBC	Conference with Attorney regarding Court Order and Sanctions	0.06 260.00/hr	16.25
	- WJS	Prepare for Hearing; attend telephonic Hearing before Judge Williams on Motion for Order to Show Cause and present Argument on Motion; file notes regarding Judge's Decision (granted Motion) for preparing Order; emails to and from C Wang and D Foley; telephone call to L Wolff; telephone call to K Christensen; review Docket for Minutes	1.30 260.00/hr	338.00
	- LJW	Preparation of Motion for Attorney's Fees; telephone call to W Smith regarding Hearing	0.18 260.00/hr	45.50
4/23/2020	- LJW	Preparation of Motion for Attorney's Fees; emails to and from W Smith; review Notice	0.13 260.00/hr	32.50
	- WJS	Review analysis of notes and structure of Proposed Order; review Notice from Receiver Court; review Notice of Decision filed by Lytle Trust; emails to and from D Foley and L Wolff; review prior Orders; review Motion and notes from oral Argument; draft Order Granting Motion for Order to Show Cause; emails to and from L Wolff	1.08 260.00/hr	279.50
4/24/2020	- WJS	Review and revise Order Granting Motion for Order to Show Cause; emails to and from L Wolff; emails to and from D Foley and C Wang	0.43 260.00/hr	110.50
	- LJW	Review and revise Order on Motion to Show Cause; contact Court Clerk regarding Transcript; preparation of Motion to Release Bond	0.95 260.00/hr	247.00
4/27/2020	- WJS	E-mail from D Foley; review Redline and incorporate changes; email from C Wang; review Redline and incorporate changes; revisions to draft Order; email to R Haskins and D Waite	0.40 260.00/hr	104.00
4/28/2020	- LJW	Review emails and revised Order	0.05 260.00/hr	13.00

September Trust, dated March 23, 1972

Page 26

			<u>Hrs/Rate</u>	<u>Amount</u>
4/30/2020	- LJW	Preparation of Motion for Fees and Costs	0.25 260.00/hr	65.00
For professional services rendered			144.28	\$37,350.80
Additional Charges :				
			<u>Qty/Price</u>	
5/24/2018	- N	District Court Filing Fee - Order Granting Motion for Summary Judgment	0.25 3.50	0.88
5/25/2018	- LJW	District Court Filing Fee - Notice of Entry of Order Granting Motion for Summary Judgment	0.25 3.50	0.88
5/31/2018	- N	WestLaw Research 5/1-5/31/2018	0.25 200.54	50.14
6/4/2018	- N	District Court Filing Fee - Motion for Attorneys Fees and Costs, Memorandum and Declaration	0.25 3.50	0.88
6/6/2018	- N	District Court Filing Fee - Notice of Hearing on Plaintiffs' Motion for Attorney's Fees and Costs	0.25 3.50	0.88
6/11/2018	- N	Clark County District Court Document Downloads - 1. Defendant's Motion Regarding-Tax Costs (\$8.50); 2. Defendants' Reply in Support of Motion to Regarding-Tax Costs (\$9.50); 3. Defendants Motion Regarding-Tax Costs (7.5); 4. Plaintiffs John Allen Lytle and Trudi Lee Lytle's Opposition to Motion Regarding-Tax Costs (\$6.50); 5. Plaintiffs John Allen Lytle and Trudi Lee Lytle's Memorandum of Costs (\$4.00)	0.25 36.00	9.00
6/15/2018	- N	District Court Filing Fee - Plaintiffs' Opposition to Defendants' Motion to Retax and Settle Memorandum of Costs and Declaration	0.25 3.50	0.88
6/22/2018	- N	Clark County District Court Download Fee - Releases (4 - filed June 13, 2018) Case No. A-16-747800-C	0.25 8.00	2.00
6/30/2018	- N	WestLaw Research 6/1-6/30/18	0.25 121.91	30.48
7/5/2018	- N	District Court Filing Fee - (1.) Reply and (2.) Declaration	0.25 3.50	0.88
7/26/2018	- N	Court Parking Expense - Motion for Fees and Costs	0.25 6.00	1.50
7/31/2018	- N	WestLaw Research 7/1-7/31/18	0.25 149.96	37.49
8/7/2018	- N	Clark County District Court Download Fee	0.25 2.00	0.50

September Trust, dated March 23, 1972

Page 27

			<u>Qty/Price</u>	<u>Amount</u>
8/31/2018 - N	WestLaw Research 8/1-8/31/18		0.25 32.85	8.21
9/12/2018 - N	Clark County District Court - Order Regarding Plaintiffs' Motion for Attorney's Fees and Costs		0.25 3.50	0.88
9/13/2018 - N	Clark County District Court - Notice of Entry of Order Regarding Plaintiffs' Motion for Attorney's Fees and Costs		0.25 3.50	0.88
9/24/2018 - N	Clark County District Court - Certified Copy Fee (Order Regarding Plaintiffs' Motion for Attorneys Fees and Costs)		0.25 5.00	1.25
- N	Recordation Fee - Order Regarding Plaintiffs' Motion for Attorneys Fees and Costs		0.25 50.00	12.50
9/30/2018 - N	WestLaw Research 9/1-9/30/18		0.25 37.06	9.27
10/1/2018 - N	District Court Filing Fee - Plaintiff's Response to Defendants' Motion to Stay		0.25 3.50	0.88
10/31/2018 - N	WestLaw Research 10/1-10/31/18		0.25 100.93	25.23
11/21/2018 - N	District Court Filing Fee - Opposition to Defendants' Motion to Reconsider		0.25 3.50	0.88
11/30/2018 - N	WestLaw Research 11/1-11/30/18		0.25 57.79	14.45
12/18/2018 - N	Clark County District Court Document Download Fee - Transcript of Hearing on Motion to Reconsider		0.25 12.50	3.13
12/31/2018 - N	WestLaw Research 12/1-12/31/18)		0.25 189.35	47.34
1/31/2019 - N	WestLaw Research (1/1-1/31/19)		0.25 37.27	9.32
2/28/2019 - N	WestLaw Research February 2019		0.25 119.41	29.85
6/10/2019 - N	Reporter's Transcript Fee on Appeal		0.25 443.54	110.89
6/30/2019 - N	WestLaw Research		0.25 301.54	75.39
8/31/2019 - N	WestLaw Research		0.25 138.53	34.63
1/31/2020 - N	WestLaw Research January 2020		0.25 31.81	7.95



September Trust, dated March 23, 1972

Page 28

			<u>Qty/Price</u>	<u>Amount</u>
2/4/2020	- N	Clark County District Court Document Download - Order on Receivership	0.25 5.50	1.38
2/5/2020	- N	Clark County District Court Document Download - Renewed Application for Appointment of Receiver	0.25 101.97	25.49
2/11/2020	- N	Clark County District Court Document Download - Initial Report and Notice of Intent to Pay Receivers Fees and Expenses	0.25 19.00	4.75
2/29/2020	- N	WestLaw Research - February 2020	0.25 528.58	132.15
3/4/2020	- N	District Court Filing Fee - Plaintiffs' Motion for Order to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders	0.25 3.50	0.88
	- N	District Court Filing Fee - Motion to Intervene and Initial Appearance Fee Disclosure	0.25 356.79	89.20
3/11/2020	- N	Court Parking Expense at Hearing	0.25 6.00	1.50
3/26/2020	- N	District Court Filing Fee - Opposition to Receiver's Motion for Instructions and Countermotion to Set Aside or Amend Receivership Order	0.25 3.50	0.88
3/31/2020	- N	WestLaw Research (March 2020)	0.25 683.39	170.85
4/10/2020	- N	District Court Filing Fee - Interveners' Motion to Move Hearing Date on Receiver's Motion for Instructions, or in the Alternative, Request to File a Reply Brief Within Five Days of Hearing (A-18-775843-C)	0.25 3.50	0.88
4/13/2020	- N	District Court Filing Fee - Notice to Appear (A-18-775843-C)	0.25 3.50	0.88
4/14/2020	- N	District Court Filing Fee - Reply to Opposition to Plaintiffs' Motion for an Order to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders (A-16-747800-C)	0.25 3.50	0.88
	- N	District Court Filing Fee - Interveners' Reply to Lytle Trust's Opposition to Countermotion to Set Aside or Amend Receivership Order (A-16-747800-C)	0.25 3.50	0.88
	- N	District Court Filing Fee - Interveners' Reply to Receiver's Opposition to Countermotion to Set Aside or Amend Receivership Order (A-18-775843-C)	0.25 3.50	0.88
4/15/2020	- N	CourtCall Appearance Fee - Hearing on Motion (A-18-775843-C)	0.25 51.00	12.75
4/30/2020	- N	WestLaw Research April 2020	0.25 250.87	62.72

September Trust, dated March 23, 1972

		<u>Amount</u>
Total costs		\$1,036.27
		<u>Amount</u>
For professional services rendered	<u>144.28</u>	\$38,387.07

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# Exhibit 6b

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# Exhibit 6b

## History of Billing

Gerry R. Zobrist and Jolin G. Zobrist Family Trust

1901 Rosemere Court  
Las Vegas, NV 89117  
Attn: Gerry R. Zobrist

## Professional Services

			Hrs/Rate	Amount
5/23/2018	- LJW	Preparation of Memorandum of Costs	0.43 260.00/hr	110.50
5/24/2018	- LJW	Conference with W Smith regarding Fees and Costs; review Bills to redact Privileged Information; conference with Clerk	0.48 260.00/hr	123.50
	- WJS	Email from L Wolff regarding Motion for Fees; review signed Order; conference with Clerk regarding filing Order; preparation of Notice of Entry of Order; review draft Notice of Entry; conference with L Wolff regarding Motion for Fees, review Billing Statements	0.25 260.00/hr	65.00
5/28/2018	- LJW	E-mails to and from Clerk regarding Notice	0.03 260.00/hr	6.50
5/29/2018	- LJW	Preparation of Motion for Fees; preparation of Declaration for Fees; preparation of Exhibits	0.63 260.00/hr	162.50
5/30/2018	- LJW	Preparation of Declaration for Fees; preparation of Exhibits for Motion; review Billings for Privilege; telephone call to Clerk regarding Redaction of Privileged Information; preparation of Spreadsheet calculating Fees and Costs	0.58 260.00/hr	149.50
5/31/2018	- DEM	Preparation of documents for Disclosure in Motion for Fees; conference with W Smith	0.13 260.00/hr	32.50
	- LJW	Preparation of Declaration for Fees; preparation of Exhibits for Motion; preparation of Spreadsheet calculating Fees and Costs	0.38 260.00/hr	97.50
	- WJS	Review redacted Fee Statements; prepare for filing; review and redline draft Motion for Fees, associated Research and Citation Check; review and redline Declaration in Support of Fees Motion	1.38 260.00/hr	357.50

Gerry R. Zobrist and Jolin G. Zobrist Family Trust

Page 2

			<u>Hrs/Rate</u>	<u>Amount</u>
6/1/2018	- WJS	Revise Motion, Declaration and Memo of Costs; conference with Clerk regarding Fee Statements; email to L Wolff; review Rules regarding Timing	0.28 260.00/hr	71.50
	- LJW	Telephone call with W Smith regarding Motion for Attorney's Fees and Costs; telephone call with Clerk regarding redaction of Bills; review revisions to Motion	0.13 260.00/hr	32.50
6/4/2018	- WJS	Emails to and from L Wolff; revise Fees Motion and related Documents	0.20 260.00/hr	52.00
	- LJW	Review and revise Memorandum of Costs, Declaration of W. Smith, Motion for Attorney's Fees and Costs, Exhibits and update Summary of Fees and Costs; telephone call to Clerk regarding redaction and filing updated Billing Summary	0.55 260.00/hr	143.00
6/5/2018	- WJS	Review Notices from Court; review filings; calendar Hearing Date; email to L Wolff regarding Notice of Hearing	0.08 260.00/hr	19.50
6/6/2018	- LJW	Preparation of Notice of Hearing; emails to and from W Smith regarding Notice; emails to and from Clerk regarding Notice; review filed Pleadings	0.15 260.00/hr	39.00
6/11/2018	- LJW	Review Motion to Retax Costs; email to W Smith regarding Motion; email to Clerk regarding Receipts; Research Evidence of Costs	0.43 260.00/hr	110.50
6/12/2018	- LJW	Research Memorandum and Evidence of Costs; telephone call to Clerk regarding Receipts and Spreadsheet; preparation of Opposition to Motion to Retax Costs	0.48 260.00/hr	123.50
6/13/2018	- WJS	Email from R Haskin; emails to and from L Wolff; review NRAP; emails to and from R Haskin regarding Request for Stipulation on Appeal Reply	0.20 260.00/hr	52.00
	- LJW	Preparation of Opposition to Motion to Retax Costs; emails to and from W Smith regarding request to file Reply; Research Issues related to Replies to Amicus Brief; telephone call with Clerk regarding Costs	0.58 260.00/hr	149.50
6/14/2018	- LJW	Research Costs Awarded by District Courts and preparation of Opposition to Motion to Retax Costs	0.33 260.00/hr	84.50
6/15/2018	- WJS	Emails to and from L Wolff; review and revise Opposition to Motion to Retax Costs and Support Declarations; telephone call from L Wolff; conference with K Christensen	0.38 260.00/hr	97.50
	- LJW	Preparation of Opposition to Motion to Retax Costs; revisions to Motion; preparation of Declaration for Opposition; preparation of Exhibits for Opposition; emails to and from W Smith; emails to and from Clerk	0.95 260.00/hr	247.00
6/19/2018	- WJS	Review Notices from Court; review Notice of Appeal and Appeal Statement filed by Lytles; review Property Records regarding Recorded Releases; review NRAP regarding timing and Appeal; review Notice from Supreme Court; review Motion for Leave to File	0.35 260.00/hr	91.00

Gerry R. Zobrist and Jolin G. Zobrist Family Trust

Page 3

			<u>Hrs/Rate</u>	<u>Amount</u>
		Response to Amicus Brief; email to D Foley and C Wang regarding Motion and Appeal Issues		
6/19/2018	- KBC	Conference with W Smith regarding Appeal Notice and Fees Motion; calendar Brief Due Dates	0.05 260.00/hr	13.00
6/20/2018	- WJS	E-mails to and from D Foley; draft Opposition to Motion for Leave to Respond to Amicus Brief; email to D Foley	0.55 260.00/hr	143.00
	- LJW	Review Motion to File Amicus Brief; emails to and from W Smith regarding Amicus	0.10 260.00/hr	26.00
6/22/2018	- LJW	Review Releases	0.10 260.00/hr	26.00
	- WJS	Review Notice from Court; review Opposition to Motion for Fees; email to L Wolff regarding Reply; review Notice from Supreme Court; review Response to Motion to Respond to Amicus Brief (filed by Foley)	0.10 260.00/hr	26.00
6/25/2018	- LJW	Review Pleadings; emails to and from W Smith regarding Motion	0.05 260.00/hr	13.00
6/26/2018	- KBC	Conference with W Smith regarding Fees Motion, Appeal Brief, Consolidation and Client conference for Instructions	0.05 260.00/hr	13.00
	- WJS	Review Notice from Supreme Court regarding Docketing of Notice of Appeal; review Record Transmitted by District Court; conference with K Christensen; email to Clients	0.23 260.00/hr	58.50
6/27/2018	- LJW	Review Opposition; preparation of Reply to Opposition	0.18 260.00/hr	45.50
6/28/2018	- LJW	Research Arbitration Requirement and CC&Rs; preparation of Reply to Opposition	0.73 260.00/hr	188.50
	- WJS	Review Notice from District Court; review Disman's Motion for Summary Judgment; emails to and from L Wolff	0.08 260.00/hr	19.50
6/29/2018	- LJW	Preparation of Reply to Opposition to Motion for Attorney's Fees	0.38 260.00/hr	97.50
7/2/2018	- LJW	Preparation of Reply to Opposition to Motion for Attorney's Fees; Research NRS 38.310	1.18 260.00/hr	305.50
	- KBC	Review Disman's Motion for Summary Judgment; conference with Clerk; calendar Hearing	0.10 260.00/hr	26.00
7/3/2018	- LJW	Preparation of Reply to Opposition to Motion for Attorney's Fees; preparation of Affidavit for Reply	0.85 260.00/hr	221.00
7/5/2018	- WJS	Email from and telephone calls to and from L Wolff regarding Arguments for Reply Brief; review and revise Reply on Motion for Fees and Costs; Research; emails to and from L Wolff	0.45 260.00/hr	117.00

Gerry R. Zobrist and Jolin G. Zobrist Family Trust

Page 4

			<u>Hrs/Rate</u>	<u>Amount</u>
7/5/2018 -	LJW	Preparation of Reply to Opposition to Motion for Attorney's Fees; preparation of Affidavit for Reply; telephone call to W Smith; email to Clerk regarding filing; Research Liens and Possessor Interests; Research Lytles Defenses regarding recording Liens	0.83 260.00/hr	214.50
7/6/2018 -	LJW	Review Order; calendar Hearing Date	0.03 260.00/hr	6.50
	- WJS	Review Notice from Court regarding Rescheduled Hearing; emails to and from R Haskin and C Wang regarding Hearing Date	0.05 260.00/hr	13.00
7/20/2018 -	LJW	E-mails to and from W Smith regarding Transcript; Research on Appellate Rules and Transcripts; email to opposing counsel	0.38 260.00/hr	97.50
7/23/2018 -	WJS	Review Notice from Supreme Court; review Order Denying Motion to Respond to Amicus Brief	0.08 260.00/hr	19.50
7/24/2018 -	WJS	E-mail from Counsel for Lytle; review Hearing Transcripts	0.10 260.00/hr	26.00
7/25/2018 -	WJS	Review Motions, Oppositions, Replies and Exhibits related to Fees and Costs; prepare for Hearing on Motion	0.45 260.00/hr	117.00
7/26/2018 -	WJS	Prepare for, attend and present Oral Argument at Hearing on Motion for Attorney's Fees and Costs; conference with C Wang regarding Disman Motion for Summary Judgment; review Docket and Opposition; conference with E James regarding Hearing; telephone call from C Wang	1.03 260.00/hr	266.50
7/27/2018 -	KBC	Review Hearing Notice; calendar Hearing on Motion for Summary Judgment; conference with W Smith	0.03 260.00/hr	6.50
7/30/2018 -	LJW	Review Case Statement; emails to and from opposing counsel; emails to W Smith; review Orders and Motions	0.15 260.00/hr	39.00
8/2/2018 -	LJW	Review and download Pleadings filed by Dismans and Lytles	0.13 260.00/hr	32.50
8/6/2018 -	LJW	E-mails to and from W Smith	0.03 260.00/hr	6.50
	- WJS	Review Court Notices and Reply Brief from Dismans; emails to and from L Wolf regarding Hearing	0.23 260.00/hr	58.50

Gerry R. Zobrist and Jolin G. Zobrist Family Trust

Page 5

			<u>Hrs/Rate</u>	<u>Amount</u>
8/7/2018	- WJS	E-mails to and from L Wolff and D Foley regarding Boulden & Lamothe Fee Motion; review Transcripts; preparation for Hearing	0.33 260.00/hr	84.50
	- LJW	Review Court Record regarding Attorney's Fees Motion; Research ruling in Boulden/Lamothe Case; emails to and from W Smith; Research Special Damages Cases	0.40 260.00/hr	104.00
8/8/2018	- LJW	Review emails from Counsel for Boulden; emails to and from W Smith	0.03 260.00/hr	6.50
8/9/2018	- WJS	Preparation for Hearing; attend Hearing on Fees and Costs Motion and Dismans Motion for Summary Judgment; file notes regarding Court Decision; conference with D Foley and C Wang at Courthouse regarding outcome of Hearing, Appeal Issues and strategy; conference with K Christensen regarding Court Order; Research Supersedeas Bonds; email to L Wolff regarding Summary of Court Decision and draft Order; telephone call from L Wolff regarding draft Order	0.80 260.00/hr	208.00
	- KBC	Conference with W Smith; review Order, Entry and Recording Procedures	0.05 260.00/hr	13.00
	- LJW	Telephone call to W Smith regarding Hearing and Case; preparation of Order	0.08 260.00/hr	19.50
8/10/2018	- LJW	Preparation of proposed Order	0.18 260.00/hr	45.50
8/13/2018	- LJW	Preparation of proposed Order; texts to and from W Smith	0.50 260.00/hr	130.00
8/14/2018	- LJW	Preparation of proposed Order; review Motion; Research applicable NRS Statutes; email to W Smith	0.58 260.00/hr	149.50
8/15/2018	- LJW	E-mails to and from W Smith	0.03 260.00/hr	6.50
	- WJS	E-mails from and to R Haskin; review and revise draft Order on Fees and Costs	0.35 260.00/hr	91.00
8/16/2018	- WJS	Emails to and from R Haskin regarding draft Fee Order	0.03 260.00/hr	6.50
8/20/2018	- WJS	Email from R Haskin; review and analyze redlines to draft Order; redline revisions to draft Order; emails to and from R Haskin; prepare draft Order; email to all Counsel	0.23 260.00/hr	58.50
8/21/2018	- DEM	Conference with W Smith	0.08 260.00/hr	19.50
	- WJS	E-mails to and from R Haskin and D Foley	0.03 260.00/hr	6.50



Gerry R. Zobrist and Jolin G. Zobrist Family Trust

Page 6

			<u>Hrs/Rate</u>	<u>Amount</u>
8/28/2018	- LJW	Review and download Order; review Rules regarding Appeal Statement; email to W Smith	0.08 260.00/hr	19.50
9/12/2018	- WJS	Review Order; conference with Clerk regarding filing	0.03 260.00/hr	6.50
9/13/2018	- WJS	Review Order; conference with Clerk; review draft Notice of Entry of Order; review Notices from Court regarding filing Order and Notice of Entry; review Notice from NV Supreme Court regarding Submission of Boulden/Lamothe Appeal for Decision without Oral Argument; conference with K Christensen	0.08 260.00/hr	19.50
9/14/2018	- LJW	Review Notice of Appeal and Order regarding Hearing; emails to and from W Smith	0.10 260.00/hr	26.00
9/18/2018	- WJS	Review Amended Docketing Statement of Appeal	0.05 260.00/hr	13.00
	- LJW	Review Pleading Statement	0.10 260.00/hr	26.00
9/21/2018	- WJS	Review Notices from Supreme Court regarding Attorney's Fees Appeal; review Notice from District Court regarding Order Denying Disman Motion for Summary Judgment; telephone call from C Wang	0.15 260.00/hr	39.00
9/24/2018	- KBC	Conference with Attorney; review Research; telephone call to Client regarding Fees Order Recordation	0.08 260.00/hr	19.50
	- LJW	Review and download Case Appeal and other Pleadings	0.08 260.00/hr	19.50
	- WJS	Email from R Haskin; Research Judgment, Appeal, Stay and Supersedeas Bond Statutes and Caselaw; emails to and from and conference with K Christensen; review Judgment Lien and Recording Procedures; draft Affidavit for Recording Judgment; conference with Clerk regarding Certified Judgment; review Certified Judgment and prepare for Recording	0.65 260.00/hr	169.00
10/1/2018	- WJS	Research and draft Response to Motion to Stay and Post Supersedeas Bond; prepare for filing; review Notice from Court; review Appeal Statement	0.50 260.00/hr	130.00
	- LJW	Review Pleadings and Orders filed	0.03 260.00/hr	6.50
	- ELJ	Review Opposition to Motion to Stay Judgment and Deposit Bond	0.05 260.00/hr	13.00
10/2/2018	- WJS	Review Notices from Court; emails to and from L Wolff regarding Appeal Deadlines; email from C Wang; review draft Order Denying Disman's Motion for Summary Judgment; email to C Wang with Comments	0.30 260.00/hr	78.00

Gerry R. Zobrist and Jolin G. Zobrist Family Trust

Page 7

			<u>Hrs/Rate</u>	<u>Amount</u>
10/3/2018	- WJS	Telephone call from C Wang regarding draft Order on Disman Motion for Summary Judgment; Research Case impact; telephone call and email from Haskin's Office; review Stipulation to Continue Hearing on Stay and Bond; emails to and from Court; review Filings	0.15 260.00/hr	39.00
	- LJW	Review all Appellate Proceedings; Research and calendar Due Dates for Briefing Schedules; emails to and from W Smith	0.25 260.00/hr	65.00
10/4/2018	- KBC	Review Order regarding Settlement Program Exemption; calendar Appeal Brief Due Date; conference with W Smith	0.05 260.00/hr	13.00
10/8/2018	- KBC	Conference with W Smith regarding Appeal Consolidation Issues	0.05 260.00/hr	13.00
	- LJW	E-mails to and from W Smith; review filed Pleadings	0.08 260.00/hr	19.50
	- WJS	Draft email to Clients regarding update on Case; emails to and from L Wolff regarding Appeal Issues and potential Consolidation or Stay of later Appeals; conference with K Christensen	0.25 260.00/hr	65.00
10/9/2018	- LJW	E-mails to and from W Smith; review Pleadings	0.03 260.00/hr	6.50
	- WJS	Revise and send email to Clients regarding Case update and Recommendation on Appeals	0.05 260.00/hr	13.00
	- KBC	Review Appeal Options and email	0.05 260.00/hr	13.00
10/17/2018	- WJS	Review Notices from Supreme Court; review Motions to Consolidate Cases from Haskin; emails to and from Haskin to clarify Motion to Consolidate Request and Briefing; review Docketing Statement for Case	0.20 260.00/hr	52.00
10/18/2018	- WJS	Emails to and from R Haskin regarding Motion to Consolidate; emails to and from and telephone call from D Foley regarding Opposition to Motion to Consolidate	0.08 260.00/hr	19.50
	- LJW	Review Docketing Statement and Motion to Consolidate; emails to and from W Smith	0.10 260.00/hr	26.00
10/19/2018	- WJS	Review Notice from Court; review Opposition to Motion to Consolidate filed by D Foley	0.08 260.00/hr	19.50
10/23/2018	- WJS	Preparation for Hearing; Appearance at Hearing; present Argument in Opposition to Motion to Stay Case pending Appeal; Research; review Nevada State Court Case regarding Fees and Costs Awards; telephone call from Counsel for Disman; conferences with L Wolff and K Christensen; Research regarding Advisory Opinions and Legal Advice from a Judge; review draft Opposition to Motion to Consolidate; review Notices from Court; review Joinder filed by Disman	0.85 260.00/hr	221.00

Gerry R. Zobrist and Jolin G. Zobrist Family Trust

Page 8

			<u>Hrs/Rate</u>	<u>Amount</u>
10/23/2018	- KBC	Conference with W Smith regarding Hearing, Order and conference with opposing counsel	0.05 260.00/hr	13.00
	- LJW	Review Opposition to Motion to Consolidate Cases; preparation of Responses to Motion to Consolidate Cases; telephone call to W Smith regarding Hearing; Research Attorney's Fees	0.50 260.00/hr	130.00
10/24/2018	- WJS	Review Notices from Supreme Court; review Lytles' Reply Brief in Support of Consolidating Cases	0.05 260.00/hr	13.00
	- LJW	Review Pleadings in Appeal	0.03 260.00/hr	6.50
10/29/2018	- WJS	Emails to and from R Haskin regarding Extension of Briefing Dates and Joint Motion to Consolidate Cases; review draft Stipulations; review Notice from Supreme Court regarding Filings	0.10 260.00/hr	26.00
	- LJW	Review Pleadings in Appeal	0.03 260.00/hr	6.50
11/1/2018	- WJS	Review Notice from Supreme Court; review Order Denying Motion to Consolidate with Boulden Appeal	0.05 260.00/hr	13.00
11/5/2018	- LJW	Review Court Order	0.03 260.00/hr	6.50
11/7/2018	- WJS	Email from Counsel for Disman; review letter to Court from Counsel for Disman regarding proposed Summary Judgment Orders; telephone call from Counsel for Disman	0.10 260.00/hr	26.00
11/15/2018	- LJW	Review Court Order regarding Jurisdiction	0.03 260.00/hr	6.50
11/16/2018	- DEM	Conference with W Smith; revise Stipulation to Extend Discovery; email from W Smith	0.08 260.00/hr	19.50
	- ELJ	Conference with W Smith and D Martin regarding Emergency Motion	0.15 260.00/hr	39.00
	- WJS	Review Notices from District Court regarding Motion to Reconsider and Order Shortening Time; review Motion; Research Caselaw, Reconsideration and Jurisdiction Issues; email to R Haskin regarding Hearing; conferences with E James and D Martin regarding preparation of Response and attending Hearing	0.53 260.00/hr	136.50
11/19/2018	- ELJ	Preparation of Opposition to Motion to Reconsider	0.95 260.00/hr	247.00
	- DEM	Research; email to W Smith; conference with E James	0.25 260.00/hr	65.00
	- KBC	Review Appeal Order and Order Shortening Time regarding Fees Hearing; conference with E James; email to L Wolff	0.05 260.00/hr	13.00

Gerry R. Zobrist and Jolin G. Zobrist Family Trust

Page 9

			<u>Hrs/Rate</u>	<u>Amount</u>
11/19/2018	- LJW	Review Motion to Reconsider and Order Shortening Time; emails to and from Attorneys	0.10 260.00/hr	26.00
11/20/2018	- ELJ	Preparation of Opposition to Motion to Reconsider and review with L Wolff	0.53 260.00/hr	136.50
	- LJW	Preparation of Opposition to Motion to Reconsider; telephone call to E James	0.68 260.00/hr	175.50
11/21/2018	- LJW	Revisions to Opposition to Motion to Reconsider; emails to and from E James and Clerk	0.30 260.00/hr	78.00
11/26/2018	- LJW	Review filed document	0.10 260.00/hr	26.00
	- WJS	Review Notice from Court and Opposition; preparation for Hearing	0.38 260.00/hr	97.50
11/27/2018	- ELJ	Conference with W Smith regarding Motion to Reconsider Attorney's Fees and Finality of Appeal	0.15 260.00/hr	39.00
	- WJS	Preparation for Hearing; Appearance at Hearing on Motion to Reconsider Fees Order and present Arguments in Opposition; conferences with E James and D Martin re outcome and pending Appeal Issues; review Order to Show Cause from Supreme Court; Research Cases cited by Supreme Court; conferences with E James and D Martin; review possible Dismissal of Appeal; emails to and from R Haskin regarding Extension of Time for Briefing in 71698 Appeal; review draft Stipulation	1.08 260.00/hr	279.50
	- LJW	Telephone call with W Smith regarding Hearing and Appeal Issues	0.05 260.00/hr	13.00
11/28/2018	- LJW	Review Stipulation and Order; emails to and from W Smith	0.03 260.00/hr	6.50
12/4/2018	- KBC	Review Supreme Court Appeal Decision; conference with W Smith regarding Procedures and Recommendations	0.10 260.00/hr	26.00
	- LJW	Review Order from Appellate Court; telephone call to W Smith regarding Order; preparation of Response to Order to Show Cause	0.38 260.00/hr	97.50
	- WJS	Review Notice from Nevada Supreme Court regarding Boulden/Lamothe Appeal; review Order Affirming District Court; telephone call from Counsel for Dismans regarding Issues remaining in District Court; telephone call from L Wolff regarding Order, coordination and analysis of Actions to resolve remaining Appeals and Issues; conference with K Christensen	0.48 260.00/hr	123.50
12/5/2018	- LJW	Preparation of Response to Order to Show Cause; Research Consolidation and Appeals; preparation of Motion to Dismiss; emails to and from W Smith	0.40 260.00/hr	104.00

Gerry R. Zobrist and Jolin G. Zobrist Family Trust

Page 10

			<u>Hrs/Rate</u>	<u>Amount</u>
12/5/2018	- WJS	Research Attorney's Fees on Appeal; review Supreme Court's 12/4/18 Order and Arguments; file notes; email to L Wolff regarding Issues; emails to and from Haskin, Foley and Wang regarding Supreme Court Order; coordinate Conference Call; emails from L Wolff	0.45 260.00/hr	117.00
12/6/2018	- LJW	Review Court Order regarding Extension	0.03 260.00/hr	6.50
	- WJS	Emails to and from opposing counsel regarding Conference Call	0.03 260.00/hr	6.50
12/7/2018	- WJS	Teleconference with Counsel (Haskin, Foley, Wang) regarding Supreme Court Decision and potential Resolution; conference with K Christensen; telephone call to L Wolff; review Supreme Court filing; review CC&Rs; draft letter to R Haskin regarding Dismissal of Appeal and Warning of Sanctions	0.60 260.00/hr	156.00
	- KBC	Conference with W Smith; review Appeal and Trial Procedures; review Negotiations Issues	0.10 260.00/hr	26.00
	- LJW	Telephone call with W Smith regarding Motions	0.08 260.00/hr	19.50
12/10/2018	- LJW	Preparation of Response to Order to Show Cause; Research Consolidation and Appeal	0.50 260.00/hr	130.00
	- WJS	Email from L Wolff; review and revise letter to Haskin; email from D Foley	0.15 260.00/hr	39.00
12/11/2018	- LJW	Preparation of Response to Order to Show Cause; Research Consolidation and Appeal	0.60 260.00/hr	156.00
12/12/2018	- KBC	Review rescheduled Pre-Trial Conference, Calendar Call and Trial Dates for related Case; review emails regarding Fees Brief and Continuance Request	0.05 260.00/hr	13.00
	- LJW	Preparation of Response to Order to Show Cause; Research Federal and State Rules regarding Consolidation; emails to and from W Smith; calendar dates for Trial	0.50 260.00/hr	130.00
	- WJS	Email to L Wolff; review and redline draft Response to Order to Show Cause	0.60 260.00/hr	156.00
12/13/2018	- LJW	Review Response and Stipulation	0.03 260.00/hr	6.50
	- WJS	Revise and draft Response to Order to Show Cause; prepare for filing	0.40 260.00/hr	104.00
12/14/2018	- WJS	Review Notices from Supreme Court; email from D Foley	0.05 260.00/hr	13.00

Gerry R. Zobrist and Jolin G. Zobrist Family Trust

Page 11

			<u>Hrs/Rate</u>	<u>Amount</u>
12/17/2018	- KBC	Conference with Client regarding Appeal Issues and Lytle's Health Extension Request	0.05 260.00/hr	13.00
	- WJS	Review Notice from Supreme Court; review Lytle Response to Order to Show Cause	0.05 260.00/hr	13.00
12/18/2018	- LJW	Preparation of Response to Opposition to Order to Show Cause	0.25 260.00/hr	65.00
	- WJS	Emails to and from L Wolff regarding Order to Show Cause; email to D Foley and C Wange regarding Attorney's Fee Appeal; email from D Foley; review Stipulation for Dismissal of Remaining Claims in District Court Case	0.18 260.00/hr	45.50
12/19/2018	- LJW	Preparation of Response to Lytle Reply to Order to Show Cause; Research on Hearing and on Frederic case	0.70 260.00/hr	182.00
	- WJS	Email from C Wang regarding Stipulation for District Court Case; email from R Haskin	0.05 260.00/hr	13.00
12/20/2018	- LJW	Preparation of Response to Lytle Reply to Order to Show Cause; Research 54(b) Certification	0.50 260.00/hr	130.00
12/21/2018	- LJW	Preparation of Response to Lytle's Reply to Order to Show Cause; emails to and from W Smith	0.30 260.00/hr	78.00
	- WJS	Review and revise Response to Lytle's Reply to Order to Show Cause; review docket in District Court Case; email to L Wolff	0.25 260.00/hr	65.00
12/27/2018	- LJW	Review Order and calendar Due Date	0.03 260.00/hr	6.50
	- WJS	Email from R Haskin; review proposed changes to Dismissal Stipulation; review Notice from Supreme Court regarding Briefing Schedule; calendar Deadlines; conference with D Martin regarding Pre-Trial Conference	0.08 260.00/hr	19.50
1/3/2019	- WJS	E-mails from opposing counsel; review Redlines to draft Stipulation	0.08 260.00/hr	19.50
1/7/2019	- DEM	E-mails from and to W Smith; telephone calls to and from W Smith; review file	0.13 260.00/hr	32.50
	- WJS	Review Notice of Hearing; emails to and from and telephone calls to and from D Martin regarding Pre-Trial Conference; emails to and from opposing counsel regarding Stipulation; review draft	0.08 260.00/hr	19.50
1/8/2019	- WJS	Prepare for Pretrial Conference; Meeting with D Foley regarding Stipulation; Appearance for Pre-Trial Conference in Department 9 (D Barker); conference with D Foley regarding Fees and Costs; telephone call from C Wang regarding Appeal Issues, Fees and Costs; conference with K Christensen	0.60 260.00/hr	156.00

Gerry R. Zobrist and Jolin G. Zobrist Family Trust

Page 12

			<u>Hrs/Rate</u>	<u>Amount</u>
1/8/2019	- LJW	Review Court Order	0.03 260.00/hr	6.50
1/15/2019	- LJW	Review Stipulation and Order; telephone call to W Smith regarding Brief	0.08 260.00/hr	19.50
	- WJS	Review Notices from Supreme Court and Opening Brief filed by Lytle's in Case No. 76198; telephone call to L Wolff regarding Issues on Appeal, substance of Lytle's Brief; and preparation of Response Brief	0.18 260.00/hr	45.50
1/16/2019	- LJW	Preparation of Reply to Appellant's Brief	1.03 260.00/hr	266.50
	- WJS	Review Notices from District Court; review Boulden & Lamothe Memo of Costs and Motion for Fees	0.15 260.00/hr	39.00
1/17/2019	- WJS	Review and notate Lytle's Opening Brief	0.30 260.00/hr	78.00
1/18/2019	- LJW	Review Court Pleadings	0.03 260.00/hr	6.50
1/19/2019	- LJW	Preparation of Statement of Facts for Reply to Appellate Brief	0.55 260.00/hr	143.00
1/21/2019	- LJW	Preparation of Points and Authorities regarding Law of Case Doctrine	1.00 260.00/hr	260.00
1/22/2019	- LJW	Preparation of Points and Authorities regarding Equitable Orders	0.53 260.00/hr	136.50
1/23/2019	- LJW	Preparation of Points and Authorities regarding Macintosh Caselaw	0.50 260.00/hr	130.00
	- WJS	Review Notice from Court; review Dismar's Motion for Fees and Costs; review Docket for Hearing Dates	0.10 260.00/hr	26.00
1/24/2019	- LJW	Preparation of Points and Authorities regarding Meaning of Statutes	0.48 260.00/hr	123.50
1/28/2019	- LJW	Preparation of Points and Authorities regarding Meaning of Statutes; Research "Plain Meaning Cases"	0.28 260.00/hr	71.50
	- WJS	Review Notice from Supreme Court regarding Order Consolidating Appeals; email to L Wolff regarding Response; calendar new Deadlines	0.08 260.00/hr	19.50
1/29/2019	- LJW	Review Court Notice regarding Consolidation; calendar new Due Dates	0.05 260.00/hr	13.00
	- WJS	Review Notice from District Court; review Lytle's Opposition to Boulden/Lamothe Motion for Fees and Costs	0.10 260.00/hr	26.00

Gerry R. Zobrist and Jolin G. Zobrist Family Trust

Page 13

			<u>Hrs/Rate</u>	<u>Amount</u>
1/30/2019	- LJW	Review NRED 3 Litigation; review Opposition to Motion for Fees; preparation of Points and Authorities regarding "Plain Meaning" of Statutes	0.30 260.00/hr	78.00
2/1/2019	- LJW	Preparation of Points and Authorities on Plain Meaning of Statute	0.18 260.00/hr	45.50
2/4/2019	- LJW	Preparation of Points and Authorities on Statute; review Opposition to Motion to Retax Costs	0.18 260.00/hr	45.50
	- WJS	Review Notice from District Court; review Lamothe/Boulden Opposition to Motion to Retax Costs	0.05 260.00/hr	13.00
2/5/2019	- LJW	Preparation of Points and Authorities on Application of NRS 116.3117	0.33 260.00/hr	84.50
2/7/2019	- LJW	Research NRS 116.3117 and Judgment Liens	0.58 260.00/hr	149.50
2/8/2019	- LJW	Preparation of Points and Authorities regarding Application of NRS 116.3117	0.13 260.00/hr	32.50
2/11/2019	- WJS	E-mail from R Haskin regarding Order on Motion to Reconsider, Analysis and Order Issues	0.08 260.00/hr	19.50
	- LJW	Preparation of Points and Authorities regarding Application of NRS 116.3117	0.50 260.00/hr	130.00
2/12/2019	- ELJ	Conference with W Smith regarding Mootness of Order and Appeal Issues	0.08 260.00/hr	19.50
	- WJS	Conference with E James regarding Haskin's request; Research; emails to and from R Haskin regarding Motion to Reconsider and Extension Request; Notice from District Court and review Lytle Opposition to Disman Fee Motion; review Notice from Supreme Court and review Lytle Motion for Extension of Time to File Brief in Fees Case; emails to and from L Wolff regarding Extension Request	0.40 260.00/hr	104.00
	- LJW	Preparation of Summary of Facts on Answering Brief; Research Extension of Time to Answer Attorney's Argument Brief; email to W Smith; review Motion by Lytle regarding Extension of Time	0.55 260.00/hr	143.00
2/13/2019	- LJW	Preparation of Objections to Summary of Facts in Answering Brief; review Court Order regarding Extension of Time	0.20 260.00/hr	52.00
	- WJS	Review Notice and Order from Supreme Court Granting Extension; calendar new Deadlines	0.05 260.00/hr	13.00
2/14/2019	- LJW	Preparation of Objections to Summary of Facts in Answering Brief	0.45 260.00/hr	117.00
2/18/2019	- LJW	Review Reply to Opposition	0.08 260.00/hr	19.50



Gerry R. Zobrist and Jolin G. Zobrist Family Trust

Page 14

			<u>Hrs/Rate</u>	<u>Amount</u>
2/20/2019	- LJW	Preparation of Statement of Facts for Appellate Response	0.25 260.00/hr	65.00
	- WJS	Review Notices from District Court; review Minute Order	0.03 260.00/hr	6.50
2/21/2019	- LJW	Preparation of Statement of Facts for Appellate Response	0.45 260.00/hr	117.00
2/27/2019	- WJS	Review Notice from District Court regarding Hearing on Motion for Fees and Costs; review Docket	0.08 260.00/hr	20.80
3/13/2019	- WJS	Review Notice from Supreme Court and Motion to Extend; conference with L Wolff; draft and file Response to Motion to Extend	0.35 260.00/hr	91.00
3/14/2019	- WJS	Review Notices from Supreme Court; Research Dockets and Court calendar regarding District Court scheduled Hearings; emails to and from D Foley and C Wang regarding Hearing on Fees Motion	0.13 260.00/hr	32.50
	- LJW	Review Motion to Extend Time; emails to and from W Smith; telephone call to W Smith regarding Motion	0.20 260.00/hr	52.00
3/15/2019	- LJW	Review Reply to Opposition; emails to and from W Smith	0.08 260.00/hr	19.50
	- WJS	Review from Supreme Court; review Reply filed by R Haskin; emails to and from L Wolff	0.08 260.00/hr	19.50
3/19/2019	- LJW	Review Notice from Court	0.03 260.00/hr	6.50
4/10/2019	- WJS	Preparation for and Appearance at Hearing of Fees and Costs Motions filed by other Plaintiffs; review Notice from Court regarding new Hearing Date before Judge Williams; emails to and from opposing counsel	0.35 260.00/hr	91.00
4/22/2019	- LJW	Review filings regarding Extensions of Time; emails to and from W Smith; calendar Due Dates	0.08 260.00/hr	19.50
	- WJS	Review Notice from District Court regarding Order on Stipulation to Continue Hearing; review Notice from Supreme Court regarding Lytle's 3rd Motion to Extend Briefing Schedule; emails to and from L Wolff; draft and file Opposition to Motion to Continue	0.20 260.00/hr	52.00
4/23/2019	- LJW	Review Motion and Opposition	0.03 260.00/hr	6.50
4/26/2019	- LJW	Review Reply to Opposition	0.03 260.00/hr	6.50
	- KBC	Conference with W Smith regarding Extension Motion and Opposition; calendar Hearing	0.05 260.00/hr	13.00

Gerry R. Zobrist and Jolin G. Zobrist Family Trust

Page 15

			<u>Hrs/Rate</u>	<u>Amount</u>
4/26/2019	- WJS	Review Notice from Supreme Court regarding Lytle Reply Brief; email from D Foley regarding Issues for Hearing; conference with K Christensen regarding status of Case and Briefing Schedule	0.15 260.00/hr	39.00
5/2/2019	- LJW	Review Court Order regarding Extension; emails to and from W Smith	0.05 260.00/hr	13.00
	- WJS	Review Notice from Supreme Court; review Order Denying Lytle Motion for Extension of Briefing Deadlines; emails to and from L Wolff; email to D Foley and C Wang	0.05 260.00/hr	13.00
5/7/2019	- WJS	Review Notice from District Court; review Motion to Set Hearing filed by Lytles	0.08 260.00/hr	19.50
5/15/2019	- WJS	Review emails from R Haskin; emails to and from and telephone call from D Foley regarding Hearing; review Court Pleadings and papers and preparation for Hearing	0.15 260.00/hr	39.00
5/16/2019	- WJS	Prepare for and attend Hearing at RJC (Judge Williams) on Motions for Fees and Costs (other Plaintiffs); case notes; Notices from Supreme Court regarding Lytle Opening Brief on Fees Appeal; emails to and from L Wolff	0.88 260.00/hr	227.50
	- LJW	Review Opening Brief and Appendices	0.15 260.00/hr	39.00
5/17/2019	- WJS	Review Notice from District Court and Minute Order Granting Fee Motions	0.05 260.00/hr	13.00
5/20/2019	- LJW	Review Court Order	0.03 260.00/hr	6.50
	- WJS	Review and annotate Lytle Opening Brief on Fees	0.38 260.00/hr	97.50
5/21/2019	- LJW	Telephone call to W Smith regarding Answering Brief; email to Court Clerk regarding Transcript; preparation of Answering Brief	0.38 260.00/hr	97.50
5/22/2019	- LJW	E-mails to and from Court Clerk	0.03 260.00/hr	6.50
5/28/2019	- KBC	Review Judgment Renewal Notice; emails to and from Attorney	0.05 260.00/hr	13.00
6/3/2019	- LJW	Preparation of Reply Brief; Research Standard of Review for Attorney's Fees and Costs on Appeal	0.70 260.00/hr	182.00
6/4/2019	- LJW	Research Law of the Case	0.40 260.00/hr	104.00
6/5/2019	- LJW	Research Law of the Case in the District of Nevada and the 9th Circuit; preparation of Appellate Reply Brief regarding Law of the Case	1.00 260.00/hr	260.00

Gerry R. Zobrist and Jolin G. Zobrist Family Trust

Page 16

			<u>Hrs/Rate</u>	<u>Amount</u>
6/6/2019	- LJW	Research Law of the Case in the District of Nevada and the 9th Circuit; preparation of Appellate Reply Brief regarding Law of the Case	0.88 260.00/hr	227.50
6/7/2019	- LJW	Preparation of Reply Brief; preparation of Reply Statement of Facts; preparation of Section regarding Reasonableness of Attorney's Fees	1.75 260.00/hr	455.00
6/10/2019	- LJW	Preparation of Reply Brief; preparation of Reply Statement of Facts; preparation of Section regarding Reasonableness of Attorney's Fees; telephone call to W Smith regarding Facts Section	1.25 260.00/hr	325.00
	- WJS	Telephone call from L Wolff regarding Arguments for Appeal Brief	0.15 260.00/hr	39.00
6/11/2019	- LJW	Preparation of Reply Brief; review and revise Citations to Law and Record; review Transcript and add to Brief; preparation of Exhibits for Appendix; revise Citations to Appendix	1.75 260.00/hr	455.00
6/12/2019	- LJW	Preparation of Reply Brief; preparation of Fact Section; preparation of Appendix	1.05 260.00/hr	273.00
	- WJS	Review and Redline draft Reply Brief; draft Answering Brief on Consolidated Appeals, Research	1.93 260.00/hr	500.50
6/13/2019	- LJW	Preparation of Appendix; Citations to Record; emails to and from W Smith	0.70 260.00/hr	182.00
	- WJS	Research and draft Answering Brief; review Documents for Respondents' Appendix, preparation of Appendix	1.63 260.00/hr	422.50
6/14/2019	- WJS	Preparation of Respondents' Appendix; review and revise Answering Brief	0.45 260.00/hr	117.00
	- LJW	Preparation of Appendix; revisions to Citations to Record; emails to and from W Smith; review Appellate Rules regarding Appendices and Documents	0.70 260.00/hr	182.00
6/17/2019	- WJS	Preparation of Table of Contents; review and revise Answering Brief; prepare Certifications; sign and prepare Brief and Appendix for filing	1.65 260.00/hr	429.00
6/18/2019	- WJS	Review Notice from Court; emails to and from L Wolff; review Notice form Court	0.05 260.00/hr	13.00
6/19/2019	- WJS	Review Order, make adjustments to Brief and prepare for filing; conference with Clerk regarding filing; review Court Notices regarding Acceptance of Filing	0.15 260.00/hr	39.00
	- LJW	Review Appellate Motion	0.05 260.00/hr	13.00
7/15/2019	- WJS	Emails to and from R Haskin; review Agreement and Appellant filings	0.10 260.00/hr	26.00

Gerry R. Zobrist and Jolin G. Zobrist Family Trust

Page 17

			<u>Hrs/Rate</u>	<u>Amount</u>
7/17/2019	- WJS	Email from R Haskin; review draft Extension Stipulation; review Notices from Supreme Court	0.03 260.00/hr	6.50
8/5/2019	- WJS	Emails to and from R Haskin; review and approve Stipulation	0.03 260.00/hr	6.50
8/19/2019	- WJS	Review Notice from Supreme Court; review Motion and Lytle Reply Brief; email to L Wolff	0.15 260.00/hr	39.00
8/20/2019	- LJW	Review Motions and Research Brief and Opposition	0.28 260.00/hr	71.50
8/21/2019	- WJS	Emails to and from L Wolff regarding Response to Lytle Reply Brief	0.05 260.00/hr	13.00
	- LJW	Review Motions and Research Brief and Opposition; emails to and from W Smith	0.58 260.00/hr	149.50
8/22/2019	- LJW	Preparation of Motion and Countermotion to Reply Brief and Motion to Expand Page Limit	0.65 260.00/hr	169.00
8/23/2019	- LJW	Preparation of Motion and Countermotion to Reply Brief and Motion to Expand Page Limit	0.55 260.00/hr	143.00
8/26/2019	- LJW	Preparation of Motion and Countermotion to Reply Brief and Motion to Expand Page Limit; emails to and from W Smith	0.60 260.00/hr	156.00
	- WJS	Review and revise Opposition and Countermotion; review Notice from Court	0.10 260.00/hr	26.00
8/27/2019	- LJW	Review and download Court Order	0.03 260.00/hr	6.50
9/3/2019	- LJW	Review and download Pleading	0.03 260.00/hr	6.50
9/4/2019	- WJS	Review Supreme Court filings from Lytles; emails to and from Counsel for Dismar regarding Stay of Execution and Fees Order	0.08 260.00/hr	19.50
9/30/2019	- WJS	Review Notice from Court regarding Appeal of Attorneys Fee Order; review Supreme Court Docket regarding Appeal	0.08 260.00/hr	19.50
10/1/2019	- LJW	Review Notice of Appeal	0.03 260.00/hr	6.50
10/4/2019	- LJW	Review Notice of Appeal	0.03 260.00/hr	6.50
	- WJS	Review Notice from Court regarding Appeal of Boulden/Lamothe Fee Order	0.03 260.00/hr	6.50
10/22/2019	- WJS	Review Notice from District Court regarding Stipulation to Stay Execution, Posting on Bond; review Notice from Supreme court regarding Association of Counsel for Lytle	0.08 260.00/hr	19.50

Gerry R. Zobrist and Jolin G. Zobrist Family Trust

Page 18

			<u>Hrs/Rate</u>	<u>Amount</u>
11/26/2019	- WJS	Review Notices from Court regarding Appearance for Lytle and request for Transcripts	0.03 260.00/hr	6.50
12/4/2019	- KBC	Conference with W Smith regarding Hearing and Order Appointing HOA Receiver	0.06 260.00/hr	16.25
	- WJS	Telephone call from K Christensen regarding Appointment of Receiver over Association, review Case History and Minutes of Proceedings; email to K Christensen and email to Clerk	0.20 260.00/hr	52.00
1/13/2020	- LJW	Review Court order regarding Lamothe	0.03 260.00/hr	6.50
1/21/2020	- WJS	Review Order from Supreme Court; Research; draft Response	0.35 260.00/hr	91.00
1/24/2020	- WJS	Conference with K Christensen and K Kearl regarding Receiver; review Case file; email to K Christensen with documents; conference with K Christensen	0.30 260.00/hr	78.00
	- KBC	Review Orders; Research; telephone call from Client regarding HOA Judgment and Receiver correspondence; conference with Client and W Smith; review CCRs, Receiver Documents and preparation for conference with Client	0.48 260.00/hr	123.50
1/27/2020	- WJS	Research; conference with K Christensen; preparation for conference with Clients; telephone call from C Wang; conference with Clients; draft letter to Receiver; email to L Wolff	0.75 260.00/hr	195.00
	- KBC	Review Receiver letter and Orders; review Injunction; Research; conference with W Smith regarding Contempt, Fees, Motion to Vacate and Sanctions; conference with Clients regarding Demand and Motions	0.63 260.00/hr	162.50
1/28/2020	- DEM	Conference with W Smith; review letter to Receiver	0.18 260.00/hr	45.50
	- WJS	Emails to and from L Wolff; draft letter to Receiver; Research; conference with D Martin regarding revisions; preparation of Exhibits; email to K Christensen; conference with K Christensen	0.60 260.00/hr	156.00
	- KBC	Review letter to Receiver and Attorney; email to Attorney; conference with W Smith	0.06 260.00/hr	16.25
	- LJW	Review letter to Client and Court filings; email to W Smith	0.13 260.00/hr	32.50
1/29/2020	- LJW	E-mails to and from W Smith	0.05 260.00/hr	13.00
	- WJS	Emails to and from D Foley regarding letter from Receiver; revise letter to Receiver; email from J Gegen; email to Clients	0.13 260.00/hr	32.50

Gerry R. Zobrist and Jolin G. Zobrist Family Trust

Page 19

			<u>Hrs/Rate</u>	<u>Amount</u>
2/3/2020	- LJW	E-mails to and from W Smith; preparation of Motion for Order to Show Cause	0.50 260.00/hr	130.00
	- WJS	Review follow-up letter from Receiver; conference with K Christensen; email to L Wolff regarding drafting Motion	0.05 260.00/hr	13.00
	- KBC	Review letter from Receiver canceling Meeting; conference with W Smith; conference with Client	0.06 260.00/hr	16.25
2/4/2020	- KBC	Conference with W Smith regarding Motion for OTSC and Contempt; emails to and from Attorney regarding Motion; review Hearing Notice	0.06 260.00/hr	16.25
	- WJS	Review notification from Court; review Motion to Reduce to Judgment from old Case; conference with K Christensen; Research Dockets; conference with L Wolff regarding Motion	0.28 260.00/hr	71.50
	- LJW	Telephone call with W Smith; preparation of Motion for Order to Show Cause; Research Order to Show Cause	0.90 260.00/hr	234.00
2/5/2020	- WJS	E-mail from J Gegen; review letters	0.03 260.00/hr	6.50
	- LJW	Preparation of Motion for Order to Show Cause; Research Order to Show Cause	0.38 260.00/hr	97.50
2/6/2020	- LJW	Preparation of Motion for Order to Show Cause; Research Order to Show Cause	0.28 260.00/hr	71.50
2/10/2020	- WJS	E-mails to and from D Foley; review Renewed Motion to Appoint Receiver; messages to and from L Wolff; Research	0.40 260.00/hr	104.00
	- LJW	Preparation of Motion for Order to Show Cause; Research Order to Show Cause	0.53 260.00/hr	136.50
2/11/2020	- KBC	Calendar Hearing; conference with W Smith; review Motion	0.03 260.00/hr	6.50
	- WJS	Messages to and from L Wolff regarding Receiver Report	0.03 260.00/hr	6.50
	- LJW	Preparation of Motion for Order to Show Cause; Research Order to Show Cause	1.00 260.00/hr	260.00
2/12/2020	- LJW	Preparation of Motion for Order to Show Cause; preparation of Exhibits for Motion for Order to Show Cause; preparation of Affidavits for Kearl, Zobrist and Gegan; preparation of Affidavit for W Smith	1.93 260.00/hr	500.50
2/13/2020	- LJW	Preparation of Motion for Order to Show Cause; preparation of Exhibits for Motion for Order to Show Cause; preparation of Affidavits for Kearl, Zobrist and Gegen; preparation of Affidavit for W Smith	1.08 260.00/hr	279.50

Gerry R. Zobrist and Jolin G. Zobrist Family Trust

Page 20

			<u>Hrs/Rate</u>	<u>Amount</u>
2/14/2020	- WJS	E-mail from L Wolff; review and revise Motion for Order to Show Cause	0.25 260.00/hr	65.00
	- LJW	Preparation of Motion to Intervene	1.03 260.00/hr	266.50
2/18/2020	- LJW	Preparation of Motion to Intervene; preparation of Affidavits	0.63 260.00/hr	162.50
2/19/2020	- LJW	Preparation of Motion to Intervene; preparation of Affidavits	0.80 260.00/hr	208.00
2/20/2020	- LJW	Preparation of Motion to Strike Order	0.80 260.00/hr	208.00
2/21/2020	- WJS	Drafting and revisions to Motion for Order to Show Cause	0.80 260.00/hr	208.00
	- LJW	Preparation of Motion to Intervene	0.55 260.00/hr	143.00
2/22/2020	- LJW	Preparation of Motion to Intervene	0.45 260.00/hr	117.00
2/24/2020	- WJS	Drafting and revisions to Motion for Order to Show Cause	1.05 260.00/hr	273.00
	- LJW	Preparation of Motion to Intervene	0.73 260.00/hr	188.50
2/25/2020	- WJS	Drafting and revisions to Motion for Order to Show Cause; Research; email to L Wolff	1.30 260.00/hr	338.00
	- LJW	Preparation of Motion to Intervene	0.45 260.00/hr	117.00
2/26/2020	- WJS	E-mails to and from L Wolff	0.03 260.00/hr	6.50
	- LJW	Preparation of Motion to Intervene	0.53 260.00/hr	136.50
3/2/2020	- WJS	Review and revise Motion to Intervene; Research; review Notice from Nevada Supreme Court; review Order Submitting for Decision; draft Affidavits; review Notice from NSC; review Order of Affirmance; conference with K Christensen; revisions to Motion for Order to Show Cause and Motion to Intervene	1.50 260.00/hr	390.00
3/3/2020	- WJS	E-mails to and from L Wolff; review and revise Motions and Affidavits; emails to Client regarding Affidavits; preparation of Exhibits; meet with Zobrist and Kearn; telephone call from L Wolff	0.70 260.00/hr	182.00
	- LJW	Review Affirmance Order from Supreme Court; telephone call to W Smith	0.10 260.00/hr	26.00

Gerry R. Zobrist and Jolin G. Zobrist Family Trust

Page 21

			<u>Hrs/Rate</u>	<u>Amount</u>
3/4/2020	- WJS	Emails to and from D Foley and C Wang; Research Court Rules; draft Bill of Costs on Appeal; Research Supersedeas Bond; notes to file; meet with Julie Gegen regarding Affidavits; revisions to Motions; prepare Motions and Exhibits for filing	0.65 260.00/hr	169.00
3/5/2020	- WJS	Review Notices from Court regarding Hearings, calendar and send emails to Counsel; draft Bill of Costs; finalize and prepare for filing; review Notices from Supreme Court	0.18 260.00/hr	45.50
3/6/2020	- KBC	Conference with W Smith regarding proposed Motion and Hearing Stipulation and Issues; review email from new opposing counsel	0.09 260.00/hr	22.75
	- WJS	Review Notice; review Joinders filed by C Wang and D Foley; email to Clients; email from D Waite regarding Stipulation to Intervene; conference with K Christensen	0.20 260.00/hr	52.00
3/9/2020	- WJS	Research Intervention Rules; telephone call from D Waite regarding Stipulation to Intervene; telephone call from C Wang; telephone call from R Disman; email from D Waite and review and redline draft Stipulation; review Court Notices	0.60 260.00/hr	156.00
	- LJW	Review Pleadings; email to W Smith	0.03 260.00/hr	6.50
3/10/2020	- KBC	Conference with W Smith regarding requested Stipulation to Intervene, OTSC, Attorney's Fees and Receiver Issues; review Attorney emails	0.10 260.00/hr	26.00
	- WJS	E-mails from D Waite regarding Settlement Offer and Stipulation on Motion to Intervene; conference with K Christensen; draft revisions to Stipulation; emails to and from L Wolff; emails to and from D Waite; telephone call from D Foley; conference with Clerk regarding Fees Statements	0.35 260.00/hr	91.00
	- LJW	Review revised Stipulation and Order; emails to and from W Smith	0.05 260.00/hr	13.00
3/11/2020	- WJS	E-mails from D Waite; review and analysis of Stipulation redline; preparation for Status Hearing in Receiver Action; check Docket; email to Counsel for Receiver	0.40 260.00/hr	104.00
	- LJW	Preparation of Motion to Set Aside Order	0.78 260.00/hr	201.50
3/12/2020	- KBC	Conference with W Smith; preparation of Motion to Vacate Order; review D Waitz letter to Receiver	0.08 260.00/hr	19.50
	- ELJ	Meeting with W Smith regarding opposing Arguments (.7); Research Caselaw on Unclean Hands and Fraud on Court; email to W Smith and L Wolff with Caselaw and Arguments	0.65 260.00/hr	169.00
	- WJS	Preparation for Hearing; Appearance at Status Hearing in Receivership Case; telephone call to L Wolff regarding Motion; email from Receiver's Counsel, review January Status Report; letter from D Waite - analysis; conference with Clerk regarding	1.20 260.00/hr	312.00



Gerry R. Zobrist and Jolin G. Zobrist Family Trust

Page 22

			<u>Hrs/Rate</u>	<u>Amount</u>
		Research; conference with E James and analysis of Lytle Trust Arguments from D Waite; review Cases; emails to and from L Wolff; conference with K Christensen		
3/12/2020	- LJW	Preparation of Motion to Set Aside Order; Research Association Powers	1.13 260.00/hr	292.50
	- DL	Research HOA Issue; email to W Smith	0.55 125.00/hr	68.75
3/13/2020	- WJS	E-mails to and from L Wolff; emails to and from Clerk; review Research notes	0.08 260.00/hr	19.50
	- LJW	Preparation of Motion to Set Aside Order; Research exceeding Authority of CC&Rs and Statutes; emails to and from W Smith	1.13 260.00/hr	292.50
	- DL	Research HOA Issues; email to W Smith	0.65 125.00/hr	81.25
3/16/2020	- WJS	Review Notice from Court; review Motion for Instruction filed by Receiver; emails to and from L Wolff; draft Opposition/Counter-motion	0.48 260.00/hr	123.50
3/17/2020	- WJS	Draft Opposition/Motion for Receivership Case	0.85 260.00/hr	221.00
	- LJW	Preparation of Opposition to Motion for Receiver Order	0.15 260.00/hr	39.00
3/18/2020	- LJW	Preparation of Opposition to Motion for Receiver Order	0.30 260.00/hr	78.00
3/19/2020	- WJS	Draft Opposition to Motion for Instruction in Receiver Case; emails to and from L Wolff	1.20 260.00/hr	312.00
	- LJW	Preparation of Opposition to Motion for Receiver Order	1.03 260.00/hr	266.50
3/20/2020	- WJS	E-mails to and from L Wolff regarding Arguments for Motion	0.05 260.00/hr	13.00
	- LJW	Preparation of Opposition to Motion for Receiver Order; email to W Smith; Research CC&Rs; implied powers for LPA's	1.25 260.00/hr	325.00
3/23/2020	- LJW	Preparation of Opposition to Motion for Receiver Order; email to W Smith; Research CC&Rs; implied powers for LPA's	1.50 260.00/hr	390.00
	- WJS	Review redline of Motion to Rescind Receiver Order; draft and revise Motion; Research for Motion	0.68 260.00/hr	175.50
3/24/2020	- LJW	Preparation of Reply to Opposition to Order to Show Cause	0.50 260.00/hr	130.00

Gerry R. Zobrist and Jolin G. Zobrist Family Trust

Page 23

			<u>Hrs/Rate</u>	<u>Amount</u>
3/24/2020	- WJS	Research, draft and revise Motion to Rescind Receiver Order; email to L Wolff	2.15 260.00/hr	559.00
3/25/2020	- WJS	Emails to and from L Wolff; review and revise Declaration for Opposition and Countermotion; revisions of Opposition and Countermotion and prepare for filing	0.30 260.00/hr	78.00
	- LJW	Revisions to Opposition to Receivership Motion; preparation of Exhibits and Declarations	0.80 260.00/hr	208.00
3/26/2020	- LJW	Preparation of Reply to Opposition to Order to Show Cause	0.63 260.00/hr	162.50
3/27/2020	- WJS	Conference with L Wolff regarding Reply in Motion OSC	0.08 260.00/hr	19.50
	- LJW	Preparation of Reply to Opposition to Order to Show Cause; telephone call to W Smith regarding Arguments	0.48 260.00/hr	123.50
3/30/2020	- LJW	Preparation of Reply to Opposition to Order to Show Cause; telephone call to W Smith regarding Arguments	0.70 260.00/hr	182.00
3/31/2020	- LJW	Preparation of Reply to Order to Show Cause; Research Receiver and Contempt Orders	1.23 260.00/hr	318.50
4/2/2020	- LJW	Preparation of Reply to Opposition to Motion for Order to Show Cause	0.45 260.00/hr	117.00
	- WJS	Review draft Reply on Motion for Order to Show Cause; telephone calls to and from D Foley regarding Boulden and Lamothe	0.15 260.00/hr	39.00
4/3/2020	- LJW	Preparation of Reply to Opposition to Motion for Order to Show Cause	0.58 260.00/hr	149.50
4/6/2020	- LJW	Preparation of Reply to Opposition to Motion for Order to Show Cause	0.53 260.00/hr	136.50
4/7/2020	- LJW	Preparation of Reply to Opposition to Motion for Order to Show Cause; emails to and from W Smith; email to Clerk	0.55 260.00/hr	143.00
	- WJS	Review Notice from Receiver Court regarding Hearing Date and Telephonic Appearance; emails to and from L Wolff; emails to and from D Waite and P Lee; analysis of timing of Hearings between Cases	0.05 260.00/hr	13.00
4/8/2020	- LJW	Preparation of Reply to Opposition to Motion for Order to Show Cause	0.75 260.00/hr	195.00
4/9/2020	- LJW	Preparation of Reply to Opposition to Motion for Order to Show Cause; emails to and from W Smith; preparation of Reply to Lytle Trust Countermotion to Receiver Motion	0.85 260.00/hr	221.00
	- WJS	Review Notices from Court; emails to and from L Wolff regarding Reply and preparing for Hearing	0.05 260.00/hr	13.00

Gerry R. Zobrist and Jolin G. Zobrist Family Trust

Page 24

			<u>Hrs/Rate</u>	<u>Amount</u>
4/10/2020	- WJS	Telephone calls to and from L Wolff regarding substance of Oppositions; draft Reply Brief; emails to and from D Waite and P Lee regarding Hearing Date for Receiver Case; emails to and from and telephone calls to and from L Wolff regarding Motion to Move Hearing; review and revise draft Motion and Declaration; prepare for filing; review Notices from Court; review Opposition from Lytle; email to L Wolff	0.28 260.00/hr	71.50
	- LJW	Preparation of Reply to Opposition to Motion for Order to Show Cause; emails to and from W Smith; preparation of Reply to Lytle Trust Countermotion to Receiver Motion; preparation of Motion regarding Hearing Date; preparation of Stipulation and Order to reschedule Hearing Date	1.48 260.00/hr	383.50
4/11/2020	- LJW	Preparation of Reply to Lytle Trust Countermotion to Receiver Motion	0.38 260.00/hr	97.50
4/13/2020	- WJS	Preparation for Oral Argument in Receiver Case; prepare Argument outline, Research; review Court Notices; emails to and from L Wolff regarding Appearances; review Lytle Trust's Opposition in the Receiver Case; conference with L Wolff regarding Reply Briefs; review and redline Reply Brief for Motion for Order to Show Cause; emails to and from D Foley	2.38 260.00/hr	617.50
	- LJW	Preparation of Reply to Lytle Trust Countermotion to Receiver Motion; telephone call to W Smith; telephone call to Court; telephone call to CourtCall	1.75 260.00/hr	455.00
4/14/2020	- LJW	Preparation of Reply to Lytle Trust Countermotion to Receiver Motion; preparation of Reply to Receiver's Countermotion; emails to and from W Smith; preparation of Exhibits; preparation of Declarations; telephone call to Clerk	1.85 260.00/hr	481.00
	- WJS	Revise and draft (3) Reply Briefs, Supporting Declaration and Research in support; emails to and from L Wolff	1.25 260.00/hr	325.00
4/15/2020	- WJS	E-mails to and from Counsel for Lytle Trust and Receiver; emails to and from L Wolff; preparation for Hearing in Receiver Case; participate in Telephone Hearing in Receiver Case; participate in Telephone Hearing with Judge Kishner in Receiver Case, argue Motions; debrief with K Christensen and L Wolff	1.20 260.00/hr	312.00
	- LJW	Review filings and emails; email to W Smith	0.05 260.00/hr	13.00
4/16/2020	- DEM	Research recent Nevada HOA Caselaw; email to W Smith	0.25 260.00/hr	65.00
4/17/2020	- WJS	E-mail from D Martin and review new Supreme Court Opinion	0.10 260.00/hr	26.00
4/20/2020	- LJW	Preparation of Motion for Attorney's Fees; preparation of Motion to Exonerate Bond	0.30 260.00/hr	78.00

Gerry R. Zobrist and Jolin G. Zobrist Family Trust

Page 25

			<u>Hrs/Rate</u>	<u>Amount</u>
4/20/2020	- WJS	Review NRAP regarding Remittitur and Bill of Costs; emails to and from L Wolff regarding Fees and Costs on Appeal	0.10 260.00/hr	26.00
4/21/2020	- WJS	Emails to and from L Wolff regarding Remittitur and Fees Motion strategy (.3); Notices from Court; review Hearing Exhibits filed by Lytle Trust (.3); emails to and from P Lee, Counsel for Receiver regarding participation in Hearing, letter to Court and follow up emails (.2); prepare for Hearing on Motion for Order to Show Cause; review Motion, Opposition, and Reply (1.4); draft oral Argument Statement and notes (1.1); emails to and from L Wolff; revisions to oral Argument Statement and notes; telephone call from L Wolff (1.2); telephone call to C Wang (1.1); telephone calls to and from D Foley (.2), oral Argument practice; adjustments to statement, notes (.7)	1.63 260.00/hr	422.50
	- LJW	Preparation of Motion for Attorney's Fees; preparation of Motion to Exonerate Bond; review outline of Hearing; telephone call to W Smith regarding Hearing	1.05 260.00/hr	273.00
4/22/2020	- KBC	Conference with Attorney regarding Court Order and Sanctions	0.06 260.00/hr	16.25
	- WJS	Prepare for Hearing; attend telephonic Hearing before Judge Williams on Motion for Order to Show Cause and present Argument on Motion; file notes regarding Judge's Decision (granted Motion) for preparing Order; emails to and from C Wang and D Foley; telephone call to L Wolff; telephone call to K Christensen; review Docket for Minutes	1.30 260.00/hr	338.00
	- LJW	Preparation of Motion for Attorney's Fees; telephone call to W Smith regarding Hearing	0.18 260.00/hr	45.50
4/23/2020	- LJW	Preparation of Motion for Attorney's Fees; emails to and from W Smith; review Notice	0.13 260.00/hr	32.50
	- WJS	Review analysis of notes and structure of Proposed Order; review Notice from Receiver Court; review Notice of Decision filed by Lytle Trust; emails to and from D Foley and L Wolff; review prior Orders; review Motion and notes from oral Argument; draft Order Granting Motion for Order to Show Cause; emails to and from L Wolff	1.08 260.00/hr	279.50
4/24/2020	- WJS	Review and revise Order Granting Motion for Order to Show Cause; emails to and from L Wolff; emails to and from D Foley and C Wang	0.43 260.00/hr	110.50
	- LJW	Review and revise Order on Motion to Show Cause; contact Court Clerk regarding Transcript; preparation of Motion to Release Bond	0.95 260.00/hr	247.00
4/27/2020	- WJS	E-mail from D Foley; review Redline and incorporate changes; email from C Wang; review Redline and incorporate changes; revisions to draft Order; email to R Haskins and D Waite	0.40 260.00/hr	104.00
4/28/2020	- LJW	Review emails and revised Order	0.05 260.00/hr	13.00

Gerry R. Zobrist and Jolin G. Zobrist Family Trust

Page 26

			<u>Hrs/Rate</u>	<u>Amount</u>
4/30/2020	- LJW	Preparation of Motion for Fees and Costs	0.25 260.00/hr	65.00
		For professional services rendered	144.28	\$37,350.80
		Additional Charges :		
			<u>Qty/Price</u>	
5/24/2018	- N	District Court Filing Fee - Order Granting Motion for Summary Judgment	0.25 3.50	0.88
5/25/2018	- LJW	District Court Filing Fee - Notice of Entry of Order Granting Motion for Summary Judgment	0.25 3.50	0.88
5/31/2018	- N	WestLaw Research 5/1-5/31/2018	0.25 200.54	50.14
6/4/2018	- N	District Court Filing Fee - Motion for Attorneys Fees and Costs, Memorandum and Declaration	0.25 3.50	0.88
6/6/2018	- N	District Court Filing Fee - Notice of Hearing on Plaintiffs' Motion for Attorney's Fees and Costs	0.25 3.50	0.88
6/11/2018	- N	Clark County District Court Document Downloads - 1. Defendant's Motion Regarding-Tax Costs (\$8.50); 2. Defendants' Reply in Support of Motion to Regarding-Tax Costs (\$9.50); 3. Defendants Motion Regarding-Tax Costs (7.5); 4. Plaintiffs John Allen Lytle and Trudi Lee Lytle's Opposition to Motion Regarding-Tax Costs (\$6.50); 5. Plaintiffs John Allen Lytle and Trudi Lee Lytle's Memorandum of Costs (\$4.00)	0.25 36.00	9.00
6/15/2018	- N	District Court Filing Fee - Plaintiffs' Opposition to Defendants' Motion to Retax and Settle Memorandum of Costs and Declaration	0.25 3.50	0.88
6/22/2018	- N	Clark County District Court Download Fee - Releases (4 - filed June 13, 2018) Case No. A-16-747800-C	0.25 8.00	2.00
6/30/2018	- N	WestLaw Research 6/1-6/30/18	0.25 121.91	30.48
7/5/2018	- N	District Court Filing Fee - (1.) Reply and (2.) Declaration	0.25 3.50	0.88
7/26/2018	- N	Court Parking Expense - Motion for Fees and Costs	0.25 6.00	1.50
7/31/2018	- N	WestLaw Research 7/1-7/31/18	0.25 149.96	37.49
8/7/2018	- N	Clark County District Court Download Fee	0.25 2.00	0.50

Gerry R. Zobrist and Jolin G. Zobrist Family Trust

Page 27

			<u>Qty/Price</u>	<u>Amount</u>
8/31/2018 - N	WestLaw Research 8/1-8/31/18		0.25 32.85	8.21
9/12/2018 - N	Clark County District Court - Order Regarding Plaintiffs' Motion for Attorney's Fees and Costs		0.25 3.50	0.88
9/13/2018 - N	Clark County District Court - Notice of Entry of Order Regarding Plaintiffs' Motion for Attorney's Fees and Costs		0.25 3.50	0.88
9/24/2018 - N	Clark County District Court - Certified Copy Fee (Order Regarding Plaintiffs' Motion for Attorneys Fees and Costs)		0.25 5.00	1.25
- N	Recordation Fee - Order Regarding Plaintiffs' Motion for Attorneys Fees and Costs		0.25 50.00	12.50
9/30/2018 - N	WestLaw Research 9/1-9/30/18		0.25 37.06	9.27
10/1/2018 - N	District Court Filing Fee - Plaintiff's Response to Defendants' Motion to Stay		0.25 3.50	0.88
10/31/2018 - N	WestLaw Research 10/1-10/31/18		0.25 100.93	25.23
11/21/2018 - N	District Court Filing Fee - Opposition to Defendants' Motion to Reconsider		0.25 3.50	0.88
11/30/2018 - N	WestLaw Research 11/1-11/30/18		0.25 57.79	14.45
12/18/2018 - N	Clark County District Court Document Download Fee - Transcript of Hearing on Motion to Reconsider		0.25 12.50	3.13
12/31/2018 - N	WestLaw Research 12/1-12/31/18)		0.25 189.35	47.34
1/31/2019 - N	WestLaw Research (1/1-1/31/19)		0.25 37.27	9.32
2/28/2019 - N	WestLaw Research February 2019		0.25 119.41	29.85
6/10/2019 - N	Reporter's Transcript Fee on Appeal		0.25 443.54	110.89
6/30/2019 - N	WestLaw Research		0.25 301.54	75.39
8/31/2019 - N	WestLaw Research		0.25 138.53	34.63
1/31/2020 - N	WestLaw Research January 2020		0.25 31.81	7.95

Gerry R. Zobrist and Jolin G. Zobrist Family Trust

Page 28

			<u>Qty/Price</u>	<u>Amount</u>
2/4/2020 - N	Clark County District Court Document Download - Order on Receivership		0.25 5.50	1.38
2/5/2020 - N	Clark County District Court Document Download - Renewed Application for Appointment of Receiver		0.25 101.97	25.49
2/11/2020 - N	Clark County District Court Document Download - Initial Report and Notice of Intent to Pay Receivers Fees and Expenses		0.25 19.00	4.75
2/29/2020 - N	WestLaw Research - February 2020		0.25 528.58	132.15
3/4/2020 - N	District Court Filing Fee - Plaintiffs' Motion for Order to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders		0.25 3.50	0.88
- N	District Court Filing Fee - Motion to Intervene and Initial Appearance Fee Disclosure		0.25 356.79	89.20
3/11/2020 - N	Court Parking Expense at Hearing		0.25 6.00	1.50
3/26/2020 - N	District Court Filing Fee - Opposition to Receiver's Motion for Instructions and Countermotion to Set Aside or Amend Receivership Order		0.25 3.50	0.88
3/31/2020 - N	WestLaw Research (March 2020)		0.25 683.39	170.85
4/10/2020 - N	District Court Filing Fee - Interveners' Motion to Move Hearing Date on Receiver's Motion for Instructions, or in the Alternative, Request to File a Reply Brief Within Five Days of Hearing (A-18-775843-C)		0.25 3.50	0.88
4/13/2020 - N	District Court Filing Fee - Notice to Appear (A-18-775843-C)		0.25 3.50	0.88
4/14/2020 - N	District Court Filing Fee - Reply to Opposition to Plaintiffs' Motion for an Order to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders (A-16-747800-C)		0.25 3.50	0.88
- N	District Court Filing Fee - Interveners' Reply to Lytle Trust's Opposition to Countermotion to Set Aside or Amend Receivership Order (A-16-747800-C)		0.25 3.50	0.88
- N	District Court Filing Fee - Interveners' Reply to Receiver's Opposition to Countermotion to Set Aside or Amend Receivership Order (A-18-775843-C)		0.25 3.50	0.88
4/15/2020 - N	CourtCall Appearance Fee - Hearing on Motion (A-18-775843-C)		0.25 51.00	12.75
4/30/2020 - N	WestLaw Research April 2020		0.25 250.87	62.72

Gerry R. Zobrist and Jolin G. Zobrist Family Trust

		<u>Amount</u>
Total costs		\$1,036.27
		<u>Amount</u>
For professional services rendered	<u>144.28</u>	\$38,387.07



# Exhibit 6c

000229

# Exhibit 6c

**History of Billing**

000230

Raynaldo G. Evelyn A. Sandoval Jt Living & Devolution Trust  
 1860 Rosemere Court  
 Las Vegas, NV 89117

## Professional Services

			Hrs/Rate	Amount
5/23/2018 -	LJW	Preparation of Memorandum of Costs	0.43 260.00/hr	110.50
5/24/2018 -	LJW	Conference with W Smith regarding Fees and Costs; review Bills to redact Privileged Information; conference with Clerk	0.48 260.00/hr	123.50
	- WJS	Email from L Wolff regarding Motion for Fees; review signed Order; conference with Clerk regarding filing Order; preparation of Notice of Entry of Order; review draft Notice of Entry; conference with L Wolff regarding Motion for Fees, review Billing Statements	0.25 260.00/hr	65.00
5/28/2018 -	LJW	E-mails to and from Clerk regarding Notice	0.03 260.00/hr	6.50
5/29/2018 -	LJW	Preparation of Motion for Fees; preparation of Declaration for Fees; preparation of Exhibits	0.63 260.00/hr	162.50
5/30/2018 -	LJW	Preparation of Declaration for Fees; preparation of Exhibits for Motion; review Billings for Privilege; telephone call to Clerk regarding Redaction of Privileged Information; preparation of Spreadsheet calculating Fees and Costs	0.58 260.00/hr	149.50
5/31/2018 -	DEM	Preparation of documents for Disclosure in Motion for Fees; conference with W Smith	0.13 260.00/hr	32.50
	- LJW	Preparation of Declaration for Fees; preparation of Exhibits for Motion; preparation of Spreadsheet calculating Fees and Costs	0.38 260.00/hr	97.50
	- WJS	Review redacted Fee Statements; prepare for filing; review and redline draft Motion for Fees, associated Research and Citation Check; review and redline Declaration in Support of Fees Motion	1.38 260.00/hr	357.50

000230

Raynaldo G. Evelyn A. Sandoval Jt Living &amp; Devolution Trust

Page 2

			<u>Hrs/Rate</u>	<u>Amount</u>
6/1/2018	- WJS	Revise Motion, Declaration and Memo of Costs; conference with Clerk regarding Fee Statements; email to L Wolff; review Rules regarding Timing	0.28 260.00/hr	71.50
	- LJW	Telephone call with W Smith regarding Motion for Attorney's Fees and Costs; telephone call with Clerk regarding redaction of Bills; review revisions to Motion	0.13 260.00/hr	32.50
6/4/2018	- WJS	Emails to and from L Wolff; revise Fees Motion and related Documents	0.20 260.00/hr	52.00
	- LJW	Review and revise Memorandum of Costs, Declaration of W. Smith, Motion for Attorney's Fees and Costs, Exhibits and update Summary of Fees and Costs; telephone call to Clerk regarding redaction and filing updated Billing Summary	0.55 260.00/hr	143.00
6/5/2018	- WJS	Review Notices from Court; review filings; calendar Hearing Date; email to L Wolff regarding Notice of Hearing	0.08 260.00/hr	19.50
6/6/2018	- LJW	Preparation of Notice of Hearing; emails to and from W Smith regarding Notice; emails to and from Clerk regarding Notice; review filed Pleadings	0.15 260.00/hr	39.00
6/11/2018	- LJW	Review Motion to Retax Costs; email to W Smith regarding Motion; email to Clerk regarding Receipts; Research Evidence of Costs	0.43 260.00/hr	110.50
6/12/2018	- LJW	Research Memorandum and Evidence of Costs; telephone call to Clerk regarding Receipts and Spreadsheet; preparation of Opposition to Motion to Retax Costs	0.48 260.00/hr	123.50
6/13/2018	- WJS	Email from R Haskin; emails to and from L Wolff; review NRAP; emails to and from R Haskin regarding Request for Stipulation on Appeal Reply	0.20 260.00/hr	52.00
	- LJW	Preparation of Opposition to Motion to Retax Costs; emails to and from W Smith regarding request to file Reply; Research Issues related to Replies to Amicus Brief; telephone call with Clerk regarding Costs	0.58 260.00/hr	149.50
6/14/2018	- LJW	Research Costs Awarded by District Courts and preparation of Opposition to Motion to Retax Costs	0.33 260.00/hr	84.50
6/15/2018	- WJS	Emails to and from L Wolff; review and revise Opposition to Motion to Retax Costs and Support Declarations; telephone call from L Wolff; conference with K Christensen	0.38 260.00/hr	97.50
	- LJW	Preparation of Opposition to Motion to Retax Costs; revisions to Motion; preparation of Declaration for Opposition; preparation of Exhibits for Opposition; emails to and from W Smith; emails to and from Clerk	0.95 260.00/hr	247.00
6/19/2018	- WJS	Review Notices from Court; review Notice of Appeal and Appeal Statement filed by Lytles; review Property Records regarding Recorded Releases; review NRAP regarding timing and Appeal; review Notice from Supreme Court; review Motion for Leave to File	0.35 260.00/hr	91.00

Raynaldo G. Evelyn A. Sandoval Jt Living &amp; Devolution Trust

Page 3

			<u>Hrs/Rate</u>	<u>Amount</u>
		Response to Amicus Brief; email to D Foley and C Wang regarding Motion and Appeal Issues		
6/19/2018	- KBC	Conference with W Smith regarding Appeal Notice and Fees Motion; calendar Brief Due Dates	0.05 260.00/hr	13.00
6/20/2018	- WJS	E-mails to and from D Foley; draft Opposition to Motion for Leave to Respond to Amicus Brief; email to D Foley	0.55 260.00/hr	143.00
	- LJW	Review Motion to File Amicus Brief; emails to and from W Smith regarding Amicus	0.10 260.00/hr	26.00
6/22/2018	- LJW	Review Releases	0.10 260.00/hr	26.00
	- WJS	Review Notice from Court; review Opposition to Motion for Fees; email to L Wolff regarding Reply; review Notice from Supreme Court; review Response to Motion to Respond to Amicus Brief (filed by Foley)	0.10 260.00/hr	26.00
6/25/2018	- LJW	Review Pleadings; emails to and from W Smith regarding Motion	0.05 260.00/hr	13.00
6/26/2018	- KBC	Conference with W Smith regarding Fees Motion, Appeal Brief, Consolidation and Client conference for Instructions	0.05 260.00/hr	13.00
	- WJS	Review Notice from Supreme Court regarding Docketing of Notice of Appeal; review Record Transmitted by District Court; conference with K Christensen; email to Clients	0.23 260.00/hr	58.50
6/27/2018	- LJW	Review Opposition; preparation of Reply to Opposition	0.18 260.00/hr	45.50
6/28/2018	- LJW	Research Arbitration Requirement and CC&Rs; preparation of Reply to Opposition	0.73 260.00/hr	188.50
	- WJS	Review Notice from District Court; review Disman's Motion for Summary Judgment; emails to and from L Wolff	0.08 260.00/hr	19.50
6/29/2018	- LJW	Preparation of Reply to Opposition to Motion for Attorney's Fees	0.38 260.00/hr	97.50
7/2/2018	- LJW	Preparation of Reply to Opposition to Motion for Attorney's Fees; Research NRS 38.310	1.18 260.00/hr	305.50
	- KBC	Review Disman's Motion for Summary Judgment; conference with Clerk; calendar Hearing	0.10 260.00/hr	26.00
7/3/2018	- LJW	Preparation of Reply to Opposition to Motion for Attorney's Fees; preparation of Affidavit for Reply	0.85 260.00/hr	221.00
7/5/2018	- WJS	Email from and telephone calls to and from L Wolff regarding Arguments for Reply Brief; review and revise Reply on Motion for Fees and Costs; Research; emails to and from L Wolff	0.45 260.00/hr	117.00

Raynaldo G. Evelyn A. Sandoval Jt Living &amp; Devolution Trust

Page 4

			<u>Hrs/Rate</u>	<u>Amount</u>
7/5/2018 -	LJW	Preparation of Reply to Opposition to Motion for Attorney's Fees; preparation of Affidavit for Reply; telephone call to W Smith; email to Clerk regarding filing; Research Liens and Possessor Interests; Research Lytles Defenses regarding recording Liens	0.83 260.00/hr	214.50
7/6/2018 -	LJW	Review Order; calendar Hearing Date	0.03 260.00/hr	6.50
	- WJS	Review Notice from Court regarding Rescheduled Hearing; emails to and from R Haskin and C Wang regarding Hearing Date	0.05 260.00/hr	13.00
7/20/2018 -	LJW	E-mails to and from W Smith regarding Transcript; Research on Appellate Rules and Transcripts; email to opposing counsel	0.38 260.00/hr	97.50
7/23/2018 -	WJS	Review Notice from Supreme Court; review Order Denying Motion to Respond to Amicus Brief	0.08 260.00/hr	19.50
7/24/2018 -	WJS	E-mail from Counsel for Lytle; review Hearing Transcripts	0.10 260.00/hr	26.00
7/25/2018 -	WJS	Review Motions, Oppositions, Replies and Exhibits related to Fees and Costs; prepare for Hearing on Motion	0.45 260.00/hr	117.00
7/26/2018 -	WJS	Prepare for, attend and present Oral Argument at Hearing on Motion for Attorney's Fees and Costs; conference with C Wang regarding Disman Motion for Summary Judgment; review Docket and Opposition; conference with E James regarding Hearing; telephone call from C Wang	1.03 260.00/hr	266.50
7/27/2018 -	KBC	Review Hearing Notice; calendar Hearing on Motion for Summary Judgment; conference with W Smith	0.03 260.00/hr	6.50
7/30/2018 -	LJW	Review Case Statement; emails to and from opposing counsel; emails to W Smith; review Orders and Motions	0.15 260.00/hr	39.00
8/2/2018 -	LJW	Review and download Pleadings filed by Dismans and Lytles	0.13 260.00/hr	32.50
8/6/2018 -	LJW	E-mails to and from W Smith	0.03 260.00/hr	6.50
	- WJS	Review Court Notices and Reply Brief from Dismans; emails to and from L Wolf regarding Hearing	0.23 260.00/hr	58.50

Raynaldo G. Evelyn A. Sandoval Jt Living &amp; Devolution Trust

Page 5

			<u>Hrs/Rate</u>	<u>Amount</u>
8/7/2018	- WJS	E-mails to and from L Wolff and D Foley regarding Boulden & Lamothe Fee Motion; review Transcripts; preparation for Hearing	0.33 260.00/hr	84.50
	- LJW	Review Court Record regarding Attorney's Fees Motion; Research ruling in Boulden/Lamothe Case; emails to and from W Smith; Research Special Damages Cases	0.40 260.00/hr	104.00
8/8/2018	- LJW	Review emails from Counsel for Boulden; emails to and from W Smith	0.03 260.00/hr	6.50
8/9/2018	- WJS	Preparation for Hearing; attend Hearing on Fees and Costs Motion and Dismans Motion for Summary Judgment; file notes regarding Court Decision; conference with D Foley and C Wang at Courthouse regarding outcome of Hearing, Appeal Issues and strategy; conference with K Christensen regarding Court Order; Research Supersedeas Bonds; email to L Wolff regarding Summary of Court Decision and draft Order; telephone call from L Wolff regarding draft Order	0.80 260.00/hr	208.00
	- KBC	Conference with W Smith; review Order, Entry and Recording Procedures	0.05 260.00/hr	13.00
	- LJW	Telephone call to W Smith regarding Hearing and Case; preparation of Order	0.08 260.00/hr	19.50
8/10/2018	- LJW	Preparation of proposed Order	0.18 260.00/hr	45.50
8/13/2018	- LJW	Preparation of proposed Order; texts to and from W Smith	0.50 260.00/hr	130.00
8/14/2018	- LJW	Preparation of proposed Order; review Motion; Research applicable NRS Statutes; email to W Smith	0.58 260.00/hr	149.50
8/15/2018	- LJW	E-mails to and from W Smith	0.03 260.00/hr	6.50
	- WJS	E-mails from and to R Haskin; review and revise draft Order on Fees and Costs	0.35 260.00/hr	91.00
8/16/2018	- WJS	Emails to and from R Haskin regarding draft Fee Order	0.03 260.00/hr	6.50
8/20/2018	- WJS	Email from R Haskin; review and analyze redlines to draft Order; redline revisions to draft Order; emails to and from R Haskin; prepare draft Order; email to all Counsel	0.23 260.00/hr	58.50
8/21/2018	- DEM	Conference with W Smith	0.08 260.00/hr	19.50
	- WJS	E-mails to and from R Haskin and D Foley	0.03 260.00/hr	6.50

Raynaldo G. Evelyn A. Sandoval Jt Living &amp; Devolution Trust

Page 6

			<u>Hrs/Rate</u>	<u>Amount</u>
8/28/2018	- LJW	Review and download Order; review Rules regarding Appeal Statement; email to W Smith	0.08 260.00/hr	19.50
9/12/2018	- WJS	Review Order; conference with Clerk regarding filing	0.03 260.00/hr	6.50
9/13/2018	- WJS	Review Order; conference with Clerk; review draft Notice of Entry of Order; review Notices from Court regarding filing Order and Notice of Entry; review Notice from NV Supreme Court regarding Submission of Boulden/Lamothe Appeal for Decision without Oral Argument; conference with K Christensen	0.08 260.00/hr	19.50
9/14/2018	- LJW	Review Notice of Appeal and Order regarding Hearing; emails to and from W Smith	0.10 260.00/hr	26.00
9/18/2018	- WJS	Review Amended Docketing Statement of Appeal	0.05 260.00/hr	13.00
	- LJW	Review Pleading Statement	0.10 260.00/hr	26.00
9/21/2018	- WJS	Review Notices from Supreme Court regarding Attorney's Fees Appeal; review Notice from District Court regarding Order Denying Disman Motion for Summary Judgment; telephone call from C Wang	0.15 260.00/hr	39.00
9/24/2018	- KBC	Conference with Attorney; review Research; telephone call to Client regarding Fees Order Recordation	0.08 260.00/hr	19.50
	- LJW	Review and download Case Appeal and other Pleadings	0.08 260.00/hr	19.50
	- WJS	Email from R Haskin; Research Judgment, Appeal, Stay and Supersedeas Bond Statutes and Caselaw; emails to and from and conference with K Christensen; review Judgment Lien and Recording Procedures; draft Affidavit for Recording Judgment; conference with Clerk regarding Certified Judgment; review Certified Judgment and prepare for Recording	0.65 260.00/hr	169.00
10/1/2018	- WJS	Research and draft Response to Motion to Stay and Post Supersedeas Bond; prepare for filing; review Notice from Court; review Appeal Statement	0.50 260.00/hr	130.00
	- LJW	Review Pleadings and Orders filed	0.03 260.00/hr	6.50
	- ELJ	Review Opposition to Motion to Stay Judgment and Deposit Bond	0.05 260.00/hr	13.00
10/2/2018	- WJS	Review Notices from Court; emails to and from L Wolff regarding Appeal Deadlines; email from C Wang; review draft Order Denying Disman's Motion for Summary Judgment; email to C Wang with Comments	0.30 260.00/hr	78.00

Raynaldo G. Evelyn A. Sandoval Jt Living &amp; Devolution Trust

Page 7

			<u>Hrs/Rate</u>	<u>Amount</u>
10/3/2018	- WJS	Telephone call from C Wang regarding draft Order on Disman Motion for Summary Judgment; Research Case impact; telephone call and email from Haskin's Office; review Stipulation to Continue Hearing on Stay and Bond; emails to and from Court; review Filings	0.15 260.00/hr	39.00
	- LJW	Review all Appellate Proceedings; Research and calendar Due Dates for Briefing Schedules; emails to and from W Smith	0.25 260.00/hr	65.00
10/4/2018	- KBC	Review Order regarding Settlement Program Exemption; calendar Appeal Brief Due Date; conference with W Smith	0.05 260.00/hr	13.00
10/8/2018	- KBC	Conference with W Smith regarding Appeal Consolidation Issues	0.05 260.00/hr	13.00
	- LJW	E-mails to and from W Smith; review filed Pleadings	0.08 260.00/hr	19.50
	- WJS	Draft email to Clients regarding update on Case; emails to and from L Wolff regarding Appeal Issues and potential Consolidation or Stay of later Appeals; conference with K Christensen	0.25 260.00/hr	65.00
10/9/2018	- LJW	E-mails to and from W Smith; review Pleadings	0.03 260.00/hr	6.50
	- WJS	Revise and send email to Clients regarding Case update and Recommendation on Appeals	0.05 260.00/hr	13.00
	- KBC	Review Appeal Options and email	0.05 260.00/hr	13.00
10/17/2018	- WJS	Review Notices from Supreme Court; review Motions to Consolidate Cases from Haskin; emails to and from Haskin to clarify Motion to Consolidate Request and Briefing; review Docketing Statement for Case	0.20 260.00/hr	52.00
10/18/2018	- WJS	Emails to and from R Haskin regarding Motion to Consolidate; emails to and from and telephone call from D Foley regarding Opposition to Motion to Consolidate	0.08 260.00/hr	19.50
	- LJW	Review Docketing Statement and Motion to Consolidate; emails to and from W Smith	0.10 260.00/hr	26.00
10/19/2018	- WJS	Review Notice from Court; review Opposition to Motion to Consolidate filed by D Foley	0.08 260.00/hr	19.50
10/23/2018	- WJS	Preparation for Hearing; Appearance at Hearing; present Argument in Opposition to Motion to Stay Case pending Appeal; Research; review Nevada State Court Case regarding Fees and Costs Awards; telephone call from Counsel for Disman; conferences with L Wolff and K Christensen; Research regarding Advisory Opinions and Legal Advice from a Judge; review draft Opposition to Motion to Consolidate; review Notices from Court; review Joinder filed by Disman	0.85 260.00/hr	221.00



Raynaldo G. Evelyn A. Sandoval Jt Living &amp; Devolution Trust

Page 8

			<u>Hrs/Rate</u>	<u>Amount</u>
10/23/2018	- KBC	Conference with W Smith regarding Hearing, Order and conference with opposing counsel	0.05 260.00/hr	13.00
	- LJW	Review Opposition to Motion to Consolidate Cases; preparation of Responses to Motion to Consolidate Cases; telephone call to W Smith regarding Hearing; Research Attorney's Fees	0.50 260.00/hr	130.00
10/24/2018	- WJS	Review Notices from Supreme Court; review Lytles' Reply Brief in Support of Consolidating Cases	0.05 260.00/hr	13.00
	- LJW	Review Pleadings in Appeal	0.03 260.00/hr	6.50
10/29/2018	- WJS	Emails to and from R Haskin regarding Extension of Briefing Dates and Joint Motion to Consolidate Cases; review draft Stipulations; review Notice from Supreme Court regarding Filings	0.10 260.00/hr	26.00
	- LJW	Review Pleadings in Appeal	0.03 260.00/hr	6.50
11/1/2018	- WJS	Review Notice from Supreme Court; review Order Denying Motion to Consolidate with Boulden Appeal	0.05 260.00/hr	13.00
11/5/2018	- LJW	Review Court Order	0.03 260.00/hr	6.50
11/7/2018	- WJS	Email from Counsel for Dismar; review letter to Court from Counsel for Dismar regarding proposed Summary Judgment Orders; telephone call from Counsel for Dismar	0.10 260.00/hr	26.00
11/15/2018	- LJW	Review Court Order regarding Jurisdiction	0.03 260.00/hr	6.50
11/16/2018	- DEM	Conference with W Smith; revise Stipulation to Extend Discovery; email from W Smith	0.08 260.00/hr	19.50
	- ELJ	Conference with W Smith and D Martin regarding Emergency Motion	0.15 260.00/hr	39.00
	- WJS	Review Notices from District Court regarding Motion to Reconsider and Order Shortening Time; review Motion; Research Caselaw, Reconsideration and Jurisdiction Issues; email to R Haskin regarding Hearing; conferences with E James and D Martin regarding preparation of Response and attending Hearing	0.53 260.00/hr	136.50
11/19/2018	- ELJ	Preparation of Opposition to Motion to Reconsider	0.95 260.00/hr	247.00
	- DEM	Research; email to W Smith; conference with E James	0.25 260.00/hr	65.00
	- KBC	Review Appeal Order and Order Shortening Time regarding Fees Hearing; conference with E James; email to L Wolff	0.05 260.00/hr	13.00

Raynaldo G. Evelyn A. Sandoval Jt Living &amp; Devolution Trust

Page 9

			<u>Hrs/Rate</u>	<u>Amount</u>
11/19/2018	- LJW	Review Motion to Reconsider and Order Shortening Time; emails to and from Attorneys	0.10 260.00/hr	26.00
11/20/2018	- ELJ	Preparation of Opposition to Motion to Reconsider and review with L Wolff	0.53 260.00/hr	136.50
	- LJW	Preparation of Opposition to Motion to Reconsider; telephone call to E James	0.68 260.00/hr	175.50
11/21/2018	- LJW	Revisions to Opposition to Motion to Reconsider; emails to and from E James and Clerk	0.30 260.00/hr	78.00
11/26/2018	- LJW	Review filed document	0.10 260.00/hr	26.00
	- WJS	Review Notice from Court and Opposition; preparation for Hearing	0.38 260.00/hr	97.50
11/27/2018	- ELJ	Conference with W Smith regarding Motion to Reconsider Attorney's Fees and Finality of Appeal	0.15 260.00/hr	39.00
	- WJS	Preparation for Hearing; Appearance at Hearing on Motion to Reconsider Fees Order and present Arguments in Opposition; conferences with E James and D Martin re outcome and pending Appeal Issues; review Order to Show Cause from Supreme Court; Research Cases cited by Supreme Court; conferences with E James and D Martin; review possible Dismissal of Appeal; emails to and from R Haskin regarding Extension of Time for Briefing in 71698 Appeal; review draft Stipulation	1.08 260.00/hr	279.50
	- LJW	Telephone call with W Smith regarding Hearing and Appeal Issues	0.05 260.00/hr	13.00
11/28/2018	- LJW	Review Stipulation and Order; emails to and from W Smith	0.03 260.00/hr	6.50
12/4/2018	- KBC	Review Supreme Court Appeal Decision; conference with W Smith regarding Procedures and Recommendations	0.10 260.00/hr	26.00
	- LJW	Review Order from Appellate Court; telephone call to W Smith regarding Order; preparation of Response to Order to Show Cause	0.38 260.00/hr	97.50
	- WJS	Review Notice from Nevada Supreme Court regarding Boulden/Lamothe Appeal; review Order Affirming District Court; telephone call from Counsel for Dismans regarding Issues remaining in District Court; telephone call from L Wolff regarding Order, coordination and analysis of Actions to resolve remaining Appeals and Issues; conference with K Christensen	0.48 260.00/hr	123.50
12/5/2018	- LJW	Preparation of Response to Order to Show Cause; Research Consolidation and Appeals; preparation of Motion to Dismiss; emails to and from W Smith	0.40 260.00/hr	104.00

Raynaldo G. Evelyn A. Sandoval Jt Living &amp; Devolution Trust

Page 10

			<u>Hrs/Rate</u>	<u>Amount</u>
12/5/2018	- WJS	Research Attorney's Fees on Appeal; review Supreme Court's 12/4/18 Order and Arguments; file notes; email to L Wolff regarding Issues; emails to and from Haskin, Foley and Wang regarding Supreme Court Order; coordinate Conference Call; emails from L Wolff	0.45 260.00/hr	117.00
12/6/2018	- LJW	Review Court Order regarding Extension	0.03 260.00/hr	6.50
	- WJS	Emails to and from opposing counsel regarding Conference Call	0.03 260.00/hr	6.50
12/7/2018	- WJS	Teleconference with Counsel (Haskin, Foley, Wang) regarding Supreme Court Decision and potential Resolution; conference with K Christensen; telephone call to L Wolff; review Supreme Court filing; review CC&Rs; draft letter to R Haskin regarding Dismissal of Appeal and Warning of Sanctions	0.60 260.00/hr	156.00
	- KBC	Conference with W Smith; review Appeal and Trial Procedures; review Negotiations Issues	0.10 260.00/hr	26.00
	- LJW	Telephone call with W Smith regarding Motions	0.08 260.00/hr	19.50
12/10/2018	- LJW	Preparation of Response to Order to Show Cause; Research Consolidation and Appeal	0.50 260.00/hr	130.00
	- WJS	Email from L Wolff; review and revise letter to Haskin; email from D Foley	0.15 260.00/hr	39.00
12/11/2018	- LJW	Preparation of Response to Order to Show Cause; Research Consolidation and Appeal	0.60 260.00/hr	156.00
12/12/2018	- KBC	Review rescheduled Pre-Trial Conference, Calendar Call and Trial Dates for related Case; review emails regarding Fees Brief and Continuance Request	0.05 260.00/hr	13.00
	- LJW	Preparation of Response to Order to Show Cause; Research Federal and State Rules regarding Consolidation; emails to and from W Smith; calendar dates for Trial	0.50 260.00/hr	130.00
	- WJS	Email to L Wolff; review and redline draft Response to Order to Show Cause	0.60 260.00/hr	156.00
12/13/2018	- LJW	Review Response and Stipulation	0.03 260.00/hr	6.50
	- WJS	Revise and draft Response to Order to Show Cause; prepare for filing	0.40 260.00/hr	104.00
12/14/2018	- WJS	Review Notices from Supreme Court; email from D Foley	0.05 260.00/hr	13.00

Raynaldo G. Evelyn A. Sandoval Jt Living &amp; Devolution Trust

Page 11

			<u>Hrs/Rate</u>	<u>Amount</u>
12/17/2018	- KBC	Conference with Client regarding Appeal Issues and Lytle's Health Extension Request	0.05 260.00/hr	13.00
	- WJS	Review Notice from Supreme Court; review Lytle Response to Order to Show Cause	0.05 260.00/hr	13.00
12/18/2018	- LJW	Preparation of Response to Opposition to Order to Show Cause	0.25 260.00/hr	65.00
	- WJS	Emails to and from L Wolff regarding Order to Show Cause; email to D Foley and C Wange regarding Attorney's Fee Appeal; email from D Foley; review Stipulation for Dismissal of Remaining Claims in District Court Case	0.18 260.00/hr	45.50
12/19/2018	- LJW	Preparation of Response to Lytle Reply to Order to Show Cause; Research on Hearing and on Frederic case	0.70 260.00/hr	182.00
	- WJS	Email from C Wang regarding Stipulation for District Court Case; email from R Haskin	0.05 260.00/hr	13.00
12/20/2018	- LJW	Preparation of Response to Lytle Reply to Order to Show Cause; Research 54(b) Certification	0.50 260.00/hr	130.00
12/21/2018	- LJW	Preparation of Response to Lytle's Reply to Order to Show Cause; emails to and from W Smith	0.30 260.00/hr	78.00
	- WJS	Review and revise Response to Lytle's Reply to Order to Show Cause; review docket in District Court Case; email to L Wolff	0.25 260.00/hr	65.00
12/27/2018	- LJW	Review Order and calendar Due Date	0.03 260.00/hr	6.50
	- WJS	Email from R Haskin; review proposed changes to Dismissal Stipulation; review Notice from Supreme Court regarding Briefing Schedule; calendar Deadlines; conference with D Martin regarding Pre-Trial Conference	0.08 260.00/hr	19.50
1/3/2019	- WJS	E-mails from opposing counsel; review Redlines to draft Stipulation	0.08 260.00/hr	19.50
1/7/2019	- DEM	E-mails from and to W Smith; telephone calls to and from W Smith; review file	0.13 260.00/hr	32.50
	- WJS	Review Notice of Hearing; emails to and from and telephone calls to and from D Martin regarding Pre-Trial Conference; emails to and from opposing counsel regarding Stipulation; review draft	0.08 260.00/hr	19.50
1/8/2019	- WJS	Prepare for Pretrial Conference; Meeting with D Foley regarding Stipulation; Appearance for Pre-Trial Conference in Department 9 (D Barker); conference with D Foley regarding Fees and Costs; telephone call from C Wang regarding Appeal Issues, Fees and Costs; conference with K Christensen	0.60 260.00/hr	156.00

Raynaldo G. Evelyn A. Sandoval Jt Living &amp; Devolution Trust

Page 12

			<u>Hrs/Rate</u>	<u>Amount</u>
1/8/2019	- LJW	Review Court Order	0.03 260.00/hr	6.50
1/15/2019	- LJW	Review Stipulation and Order; telephone call to W Smith regarding Brief	0.08 260.00/hr	19.50
	- WJS	Review Notices from Supreme Court and Opening Brief filed by Lytle's in Case No. 76198; telephone call to L Wolff regarding Issues on Appeal, substance of Lytle's Brief; and preparation of Response Brief	0.18 260.00/hr	45.50
1/16/2019	- LJW	Preparation of Reply to Appellant's Brief	1.03 260.00/hr	266.50
	- WJS	Review Notices from District Court; review Boulden & Lamothe Memo of Costs and Motion for Fees	0.15 260.00/hr	39.00
1/17/2019	- WJS	Review and notate Lytle's Opening Brief	0.30 260.00/hr	78.00
1/18/2019	- LJW	Review Court Pleadings	0.03 260.00/hr	6.50
1/19/2019	- LJW	Preparation of Statement of Facts for Reply to Appellate Brief	0.55 260.00/hr	143.00
1/21/2019	- LJW	Preparation of Points and Authorities regarding Law of Case Doctrine	1.00 260.00/hr	260.00
1/22/2019	- LJW	Preparation of Points and Authorities regarding Equitable Orders	0.53 260.00/hr	136.50
1/23/2019	- LJW	Preparation of Points and Authorities regarding Macintosh Caselaw	0.50 260.00/hr	130.00
	- WJS	Review Notice from Court; review Dismar's Motion for Fees and Costs; review Docket for Hearing Dates	0.10 260.00/hr	26.00
1/24/2019	- LJW	Preparation of Points and Authorities regarding Meaning of Statutes	0.48 260.00/hr	123.50
1/28/2019	- LJW	Preparation of Points and Authorities regarding Meaning of Statutes; Research "Plain Meaning Cases"	0.28 260.00/hr	71.50
	- WJS	Review Notice from Supreme Court regarding Order Consolidating Appeals; email to L Wolff regarding Response; calendar new Deadlines	0.08 260.00/hr	19.50
1/29/2019	- LJW	Review Court Notice regarding Consolidation; calendar new Due Dates	0.05 260.00/hr	13.00
	- WJS	Review Notice from District Court; review Lytle's Opposition to Boulden/Lamothe Motion for Fees and Costs	0.10 260.00/hr	26.00

Raynaldo G. Evelyn A. Sandoval Jt Living &amp; Devolution Trust

Page 13

			<u>Hrs/Rate</u>	<u>Amount</u>
1/30/2019	- LJW	Review NRED 3 Litigation; review Opposition to Motion for Fees; preparation of Points and Authorities regarding "Plain Meaning" of Statutes	0.30 260.00/hr	78.00
2/1/2019	- LJW	Preparation of Points and Authorities on Plain Meaning of Statute	0.18 260.00/hr	45.50
2/4/2019	- LJW	Preparation of Points and Authorities on Statute; review Opposition to Motion to Retax Costs	0.18 260.00/hr	45.50
	- WJS	Review Notice from District Court; review Lamothe/Boulden Opposition to Motion to Retax Costs	0.05 260.00/hr	13.00
2/5/2019	- LJW	Preparation of Points and Authorities on Application of NRS 116.3117	0.33 260.00/hr	84.50
2/7/2019	- LJW	Research NRS 116.3117 and Judgment Liens	0.58 260.00/hr	149.50
2/8/2019	- LJW	Preparation of Points and Authorities regarding Application of NRS 116.3117	0.13 260.00/hr	32.50
2/11/2019	- WJS	E-mail from R Haskin regarding Order on Motion to Reconsider, Analysis and Order Issues	0.08 260.00/hr	19.50
	- LJW	Preparation of Points and Authorities regarding Application of NRS 116.3117	0.50 260.00/hr	130.00
2/12/2019	- ELJ	Conference with W Smith regarding Mootness of Order and Appeal Issues	0.08 260.00/hr	19.50
	- WJS	Conference with E James regarding Haskin's request; Research; emails to and from R Haskin regarding Motion to Reconsider and Extension Request; Notice from District Court and review Lytle Opposition to Disman Fee Motion; review Notice from Supreme Court and review Lytle Motion for Extension of Time to File Brief in Fees Case; emails to and from L Wolff regarding Extension Request	0.40 260.00/hr	104.00
	- LJW	Preparation of Summary of Facts on Answering Brief; Research Extension of Time to Answer Attorney's Argument Brief; email to W Smith; review Motion by Lytle regarding Extension of Time	0.55 260.00/hr	143.00
2/13/2019	- LJW	Preparation of Objections to Summary of Facts in Answering Brief; review Court Order regarding Extension of Time	0.20 260.00/hr	52.00
	- WJS	Review Notice and Order from Supreme Court Granting Extension; calendar new Deadlines	0.05 260.00/hr	13.00
2/14/2019	- LJW	Preparation of Objections to Summary of Facts in Answering Brief	0.45 260.00/hr	117.00
2/18/2019	- LJW	Review Reply to Opposition	0.08 260.00/hr	19.50

Raynaldo G. Evelyn A. Sandoval Jt Living &amp; Devolution Trust

Page 14

			<u>Hrs/Rate</u>	<u>Amount</u>
2/20/2019	- LJW	Preparation of Statement of Facts for Appellate Response	0.25 260.00/hr	65.00
	- WJS	Review Notices from District Court; review Minute Order	0.03 260.00/hr	6.50
2/21/2019	- LJW	Preparation of Statement of Facts for Appellate Response	0.45 260.00/hr	117.00
2/27/2019	- WJS	Review Notice from District Court regarding Hearing on Motion for Fees and Costs; review Docket	0.08 260.00/hr	20.80
3/13/2019	- WJS	Review Notice from Supreme Court and Motion to Extend; conference with L Wolff; draft and file Response to Motion to Extend	0.35 260.00/hr	91.00
3/14/2019	- WJS	Review Notices from Supreme Court; Research Dockets and Court calendar regarding District Court scheduled Hearings; emails to and from D Foley and C Wang regarding Hearing on Fees Motion	0.13 260.00/hr	32.50
	- LJW	Review Motion to Extend Time; emails to and from W Smith; telephone call to W Smith regarding Motion	0.20 260.00/hr	52.00
3/15/2019	- LJW	Review Reply to Opposition; emails to and from W Smith	0.08 260.00/hr	19.50
	- WJS	Review from Supreme Court; review Reply filed by R Haskin; emails to and from L Wolff	0.08 260.00/hr	19.50
3/19/2019	- LJW	Review Notice from Court	0.03 260.00/hr	6.50
4/10/2019	- WJS	Preparation for and Appearance at Hearing of Fees and Costs Motions filed by other Plaintiffs; review Notice from Court regarding new Hearing Date before Judge Williams; emails to and from opposing counsel	0.35 260.00/hr	91.00
4/22/2019	- LJW	Review filings regarding Extensions of Time; emails to and from W Smith; calendar Due Dates	0.08 260.00/hr	19.50
	- WJS	Review Notice from District Court regarding Order on Stipulation to Continue Hearing; review Notice from Supreme Court regarding Lytle's 3rd Motion to Extend Briefing Schedule; emails to and from L Wolff; draft and file Opposition to Motion to Continue	0.20 260.00/hr	52.00
4/23/2019	- LJW	Review Motion and Opposition	0.03 260.00/hr	6.50
4/26/2019	- LJW	Review Reply to Opposition	0.03 260.00/hr	6.50
	- KBC	Conference with W Smith regarding Extension Motion and Opposition; calendar Hearing	0.05 260.00/hr	13.00

Raynaldo G. Evelyn A. Sandoval Jt Living &amp; Devolution Trust

Page 15

			<u>Hrs/Rate</u>	<u>Amount</u>
4/26/2019	- WJS	Review Notice from Supreme Court regarding Lytle Reply Brief; email from D Foley regarding Issues for Hearing; conference with K Christensen regarding status of Case and Briefing Schedule	0.15 260.00/hr	39.00
5/2/2019	- LJW	Review Court Order regarding Extension; emails to and from W Smith	0.05 260.00/hr	13.00
	- WJS	Review Notice from Supreme Court; review Order Denying Lytle Motion for Extension of Briefing Deadlines; emails to and from L Wolff; email to D Foley and C Wang	0.05 260.00/hr	13.00
5/7/2019	- WJS	Review Notice from District Court; review Motion to Set Hearing filed by Lytles	0.08 260.00/hr	19.50
5/15/2019	- WJS	Review emails from R Haskin; emails to and from and telephone call from D Foley regarding Hearing; review Court Pleadings and papers and preparation for Hearing	0.15 260.00/hr	39.00
5/16/2019	- WJS	Prepare for and attend Hearing at RJC (Judge Williams) on Motions for Fees and Costs (other Plaintiffs); case notes; Notices from Supreme Court regarding Lytle Opening Brief on Fees Appeal; emails to and from L Wolff	0.88 260.00/hr	227.50
	- LJW	Review Opening Brief and Appendices	0.15 260.00/hr	39.00
5/17/2019	- WJS	Review Notice from District Court and Minute Order Granting Fee Motions	0.05 260.00/hr	13.00
5/20/2019	- LJW	Review Court Order	0.03 260.00/hr	6.50
	- WJS	Review and annotate Lytle Opening Brief on Fees	0.38 260.00/hr	97.50
5/21/2019	- LJW	Telephone call to W Smith regarding Answering Brief; email to Court Clerk regarding Transcript; preparation of Answering Brief	0.38 260.00/hr	97.50
5/22/2019	- LJW	E-mails to and from Court Clerk	0.03 260.00/hr	6.50
5/28/2019	- KBC	Review Judgment Renewal Notice; emails to and from Attorney	0.05 260.00/hr	13.00
6/3/2019	- LJW	Preparation of Reply Brief; Research Standard of Review for Attorney's Fees and Costs on Appeal	0.70 260.00/hr	182.00
6/4/2019	- LJW	Research Law of the Case	0.40 260.00/hr	104.00
6/5/2019	- LJW	Research Law of the Case in the District of Nevada and the 9th Circuit; preparation of Appellate Reply Brief regarding Law of the Case	1.00 260.00/hr	260.00



Raynaldo G. Evelyn A. Sandoval Jt Living &amp; Devolution Trust

Page 16

			<u>Hrs/Rate</u>	<u>Amount</u>
6/6/2019	- LJW	Research Law of the Case in the District of Nevada and the 9th Circuit; preparation of Appellate Reply Brief regarding Law of the Case	0.88 260.00/hr	227.50
6/7/2019	- LJW	Preparation of Reply Brief; preparation of Reply Statement of Facts; preparation of Section regarding Reasonableness of Attorney's Fees	1.75 260.00/hr	455.00
6/10/2019	- LJW	Preparation of Reply Brief; preparation of Reply Statement of Facts; preparation of Section regarding Reasonableness of Attorney's Fees; telephone call to W Smith regarding Facts Section	1.25 260.00/hr	325.00
	- WJS	Telephone call from L Wolff regarding Arguments for Appeal Brief	0.15 260.00/hr	39.00
6/11/2019	- LJW	Preparation of Reply Brief; review and revise Citations to Law and Record; review Transcript and add to Brief; preparation of Exhibits for Appendix; revise Citations to Appendix	1.75 260.00/hr	455.00
6/12/2019	- LJW	Preparation of Reply Brief; preparation of Fact Section; preparation of Appendix	1.05 260.00/hr	273.00
	- WJS	Review and Redline draft Reply Brief; draft Answering Brief on Consolidated Appeals, Research	1.93 260.00/hr	500.50
6/13/2019	- LJW	Preparation of Appendix; Citations to Record; emails to and from W Smith	0.70 260.00/hr	182.00
	- WJS	Research and draft Answering Brief; review Documents for Respondents' Appendix, preparation of Appendix	1.63 260.00/hr	422.50
6/14/2019	- WJS	Preparation of Respondents' Appendix; review and revise Answering Brief	0.45 260.00/hr	117.00
	- LJW	Preparation of Appendix; revisions to Citations to Record; emails to and from W Smith; review Appellate Rules regarding Appendices and Documents	0.70 260.00/hr	182.00
6/17/2019	- WJS	Preparation of Table of Contents; review and revise Answering Brief; prepare Certifications; sign and prepare Brief and Appendix for filing	1.65 260.00/hr	429.00
6/18/2019	- WJS	Review Notice from Court; emails to and from L Wolff; review Notice form Court	0.05 260.00/hr	13.00
6/19/2019	- WJS	Review Order, make adjustments to Brief and prepare for filing; conference with Clerk regarding filing; review Court Notices regarding Acceptance of Filing	0.15 260.00/hr	39.00
	- LJW	Review Appellate Motion	0.05 260.00/hr	13.00
7/15/2019	- WJS	Emails to and from R Haskin; review Agreement and Appellant filings	0.10 260.00/hr	26.00

Raynaldo G. Evelyn A. Sandoval Jt Living &amp; Devolution Trust

Page 17

			<u>Hrs/Rate</u>	<u>Amount</u>
7/17/2019	- WJS	Email from R Haskin; review draft Extension Stipulation; review Notices from Supreme Court	0.03 260.00/hr	6.50
8/5/2019	- WJS	Emails to and from R Haskin; review and approve Stipulation	0.03 260.00/hr	6.50
8/19/2019	- WJS	Review Notice from Supreme Court; review Motion and Lytle Reply Brief; email to L Wolff	0.15 260.00/hr	39.00
8/20/2019	- LJW	Review Motions and Research Brief and Opposition	0.28 260.00/hr	71.50
8/21/2019	- WJS	Emails to and from L Wolff regarding Response to Lytle Reply Brief	0.05 260.00/hr	13.00
	- LJW	Review Motions and Research Brief and Opposition; emails to and from W Smith	0.58 260.00/hr	149.50
8/22/2019	- LJW	Preparation of Motion and Countermotion to Reply Brief and Motion to Expand Page Limit	0.65 260.00/hr	169.00
8/23/2019	- LJW	Preparation of Motion and Countermotion to Reply Brief and Motion to Expand Page Limit	0.55 260.00/hr	143.00
8/26/2019	- LJW	Preparation of Motion and Countermotion to Reply Brief and Motion to Expand Page Limit; emails to and from W Smith	0.60 260.00/hr	156.00
	- WJS	Review and revise Opposition and Countermotion; review Notice from Court	0.10 260.00/hr	26.00
8/27/2019	- LJW	Review and download Court Order	0.03 260.00/hr	6.50
9/3/2019	- LJW	Review and download Pleading	0.03 260.00/hr	6.50
9/4/2019	- WJS	Review Supreme Court filings from Lytles; emails to and from Counsel for Dismar regarding Stay of Execution and Fees Order	0.08 260.00/hr	19.50
9/30/2019	- WJS	Review Notice from Court regarding Appeal of Attorneys Fee Order; review Supreme Court Docket regarding Appeal	0.08 260.00/hr	19.50
10/1/2019	- LJW	Review Notice of Appeal	0.03 260.00/hr	6.50
10/4/2019	- LJW	Review Notice of Appeal	0.03 260.00/hr	6.50
	- WJS	Review Notice from Court regarding Appeal of Boulden/Lamothe Fee Order	0.03 260.00/hr	6.50
10/22/2019	- WJS	Review Notice from District Court regarding Stipulation to Stay Execution, Posting on Bond; review Notice from Supreme court regarding Association of Counsel for Lytle	0.08 260.00/hr	19.50

Raynaldo G. Evelyn A. Sandoval Jt Living &amp; Devolution Trust

Page 18

			<u>Hrs/Rate</u>	<u>Amount</u>
11/26/2019	- WJS	Review Notices from Court regarding Appearance for Lytle and request for Transcripts	0.03 260.00/hr	6.50
12/4/2019	- KBC	Conference with W Smith regarding Hearing and Order Appointing HOA Receiver	0.06 260.00/hr	16.25
	- WJS	Telephone call from K Christensen regarding Appointment of Receiver over Association, review Case History and Minutes of Proceedings; email to K Christensen and email to Clerk	0.20 260.00/hr	52.00
1/13/2020	- LJW	Review Court order regarding Lamothe	0.03 260.00/hr	6.50
1/21/2020	- WJS	Review Order from Supreme Court; Research; draft Response	0.35 260.00/hr	91.00
1/24/2020	- WJS	Conference with K Christensen and K Kearl regarding Receiver; review Case file; email to K Christensen with documents; conference with K Christensen	0.30 260.00/hr	78.00
	- KBC	Review Orders; Research; telephone call from Client regarding HOA Judgment and Receiver correspondence; conference with Client and W Smith; review CCRs, Receiver Documents and preparation for conference with Client	0.48 260.00/hr	123.50
1/27/2020	- WJS	Research; conference with K Christensen; preparation for conference with Clients; telephone call from C Wang; conference with Clients; draft letter to Receiver; email to L Wolff	0.75 260.00/hr	195.00
	- KBC	Review Receiver letter and Orders; review Injunction; Research; conference with W Smith regarding Contempt, Fees, Motion to Vacate and Sanctions; conference with Clients regarding Demand and Motions	0.63 260.00/hr	162.50
1/28/2020	- DEM	Conference with W Smith; review letter to Receiver	0.18 260.00/hr	45.50
	- WJS	Emails to and from L Wolff; draft letter to Receiver; Research; conference with D Martin regarding revisions; preparation of Exhibits; email to K Christensen; conference with K Christensen	0.60 260.00/hr	156.00
	- KBC	Review letter to Receiver and Attorney; email to Attorney; conference with W Smith	0.06 260.00/hr	16.25
	- LJW	Review letter to Client and Court filings; email to W Smith	0.13 260.00/hr	32.50
1/29/2020	- LJW	E-mails to and from W Smith	0.05 260.00/hr	13.00
	- WJS	Emails to and from D Foley regarding letter from Receiver; revise letter to Receiver; email from J Gegen; email to Clients	0.13 260.00/hr	32.50

Raynaldo G. Evelyn A. Sandoval Jt Living &amp; Devolution Trust

Page 19

			<u>Hrs/Rate</u>	<u>Amount</u>
2/3/2020	- LJW	E-mails to and from W Smith; preparation of Motion for Order to Show Cause	0.50 260.00/hr	130.00
	- WJS	Review follow-up letter from Receiver; conference with K Christensen; email to L Wolff regarding drafting Motion	0.05 260.00/hr	13.00
	- KBC	Review letter from Receiver canceling Meeting; conference with W Smith; conference with Client	0.06 260.00/hr	16.25
2/4/2020	- KBC	Conference with W Smith regarding Motion for OTSC and Contempt; emails to and from Attorney regarding Motion; review Hearing Notice	0.06 260.00/hr	16.25
	- WJS	Review notification from Court; review Motion to Reduce to Judgment from old Case; conference with K Christensen; Research Dockets; conference with L Wolff regarding Motion	0.28 260.00/hr	71.50
	- LJW	Telephone call with W Smith; preparation of Motion for Order to Show Cause; Research Order to Show Cause	0.90 260.00/hr	234.00
2/5/2020	- WJS	E-mail from J Gegen; review letters	0.03 260.00/hr	6.50
	- LJW	Preparation of Motion for Order to Show Cause; Research Order to Show Cause	0.38 260.00/hr	97.50
2/6/2020	- LJW	Preparation of Motion for Order to Show Cause; Research Order to Show Cause	0.28 260.00/hr	71.50
2/10/2020	- WJS	E-mails to and from D Foley; review Renewed Motion to Appoint Receiver; messages to and from L Wolff; Research	0.40 260.00/hr	104.00
	- LJW	Preparation of Motion for Order to Show Cause; Research Order to Show Cause	0.53 260.00/hr	136.50
2/11/2020	- KBC	Calendar Hearing; conference with W Smith; review Motion	0.03 260.00/hr	6.50
	- WJS	Messages to and from L Wolff regarding Receiver Report	0.03 260.00/hr	6.50
	- LJW	Preparation of Motion for Order to Show Cause; Research Order to Show Cause	1.00 260.00/hr	260.00
2/12/2020	- LJW	Preparation of Motion for Order to Show Cause; preparation of Exhibits for Motion for Order to Show Cause; preparation of Affidavits for Kearl, Zobrist and Gegan; preparation of Affidavit for W Smith	1.93 260.00/hr	500.50
2/13/2020	- LJW	Preparation of Motion for Order to Show Cause; preparation of Exhibits for Motion for Order to Show Cause; preparation of Affidavits for Kearl, Zobrist and Gegen; preparation of Affidavit for W Smith	1.08 260.00/hr	279.50

Raynaldo G. Evelyn A. Sandoval Jt Living &amp; Devolution Trust

Page 20

			<u>Hrs/Rate</u>	<u>Amount</u>
2/14/2020	- WJS	E-mail from L Wolff; review and revise Motion for Order to Show Cause	0.25 260.00/hr	65.00
	- LJW	Preparation of Motion to Intervene	1.03 260.00/hr	266.50
2/18/2020	- LJW	Preparation of Motion to Intervene; preparation of Affidavits	0.63 260.00/hr	162.50
2/19/2020	- LJW	Preparation of Motion to Intervene; preparation of Affidavits	0.80 260.00/hr	208.00
2/20/2020	- LJW	Preparation of Motion to Strike Order	0.80 260.00/hr	208.00
2/21/2020	- WJS	Drafting and revisions to Motion for Order to Show Cause	0.80 260.00/hr	208.00
	- LJW	Preparation of Motion to Intervene	0.55 260.00/hr	143.00
2/22/2020	- LJW	Preparation of Motion to Intervene	0.45 260.00/hr	117.00
2/24/2020	- WJS	Drafting and revisions to Motion for Order to Show Cause	1.05 260.00/hr	273.00
	- LJW	Preparation of Motion to Intervene	0.73 260.00/hr	188.50
2/25/2020	- WJS	Drafting and revisions to Motion for Order to Show Cause; Research; email to L Wolff	1.30 260.00/hr	338.00
	- LJW	Preparation of Motion to Intervene	0.45 260.00/hr	117.00
2/26/2020	- WJS	E-mails to and from L Wolff	0.03 260.00/hr	6.50
	- LJW	Preparation of Motion to Intervene	0.53 260.00/hr	136.50
3/2/2020	- WJS	Review and revise Motion to Intervene; Research; review Notice from Nevada Supreme Court; review Order Submitting for Decision; draft Affidavits; review Notice from NSC; review Order of Affirmance; conference with K Christensen; revisions to Motion for Order to Show Cause and Motion to Intervene	1.50 260.00/hr	390.00
3/3/2020	- WJS	E-mails to and from L Wolff; review and revise Motions and Affidavits; emails to Client regarding Affidavits; preparation of Exhibits; meet with Zobrist and Kearn; telephone call from L Wolff	0.70 260.00/hr	182.00
	- LJW	Review Affirmance Order from Supreme Court; telephone call to W Smith	0.10 260.00/hr	26.00

Raynaldo G. Evelyn A. Sandoval Jt Living &amp; Devolution Trust

Page 21

			<u>Hrs/Rate</u>	<u>Amount</u>
3/4/2020	- WJS	Emails to and from D Foley and C Wang; Research Court Rules; draft Bill of Costs on Appeal; Research Supersedeas Bond; notes to file; meet with Julie Gegen regarding Affidavits; revisions to Motions; prepare Motions and Exhibits for filing	0.65 260.00/hr	169.00
3/5/2020	- WJS	Review Notices from Court regarding Hearings, calendar and send emails to Counsel; draft Bill of Costs; finalize and prepare for filing; review Notices from Supreme Court	0.18 260.00/hr	45.50
3/6/2020	- KBC	Conference with W Smith regarding proposed Motion and Hearing Stipulation and Issues; review email from new opposing counsel	0.09 260.00/hr	22.75
	- WJS	Review Notice; review Joinders filed by C Wang and D Foley; email to Clients; email from D Waite regarding Stipulation to Intervene; conference with K Christensen	0.20 260.00/hr	52.00
3/9/2020	- WJS	Research Intervention Rules; telephone call from D Waite regarding Stipulation to Intervene; telephone call from C Wang; telephone call from R Disman; email from D Waite and review and redline draft Stipulation; review Court Notices	0.60 260.00/hr	156.00
	- LJW	Review Pleadings; email to W Smith	0.03 260.00/hr	6.50
3/10/2020	- KBC	Conference with W Smith regarding requested Stipulation to Intervene, OTSC, Attorney's Fees and Receiver Issues; review Attorney emails	0.10 260.00/hr	26.00
	- WJS	E-mails from D Waite regarding Settlement Offer and Stipulation on Motion to Intervene; conference with K Christensen; draft revisions to Stipulation; emails to and from L Wolff; emails to and from D Waite; telephone call from D Foley; conference with Clerk regarding Fees Statements	0.35 260.00/hr	91.00
	- LJW	Review revised Stipulation and Order; emails to and from W Smith	0.05 260.00/hr	13.00
3/11/2020	- WJS	E-mails from D Waite; review and analysis of Stipulation redline; preparation for Status Hearing in Receiver Action; check Docket; email to Counsel for Receiver	0.40 260.00/hr	104.00
	- LJW	Preparation of Motion to Set Aside Order	0.78 260.00/hr	201.50
3/12/2020	- KBC	Conference with W Smith; preparation of Motion to Vacate Order; review D Waitz letter to Receiver	0.08 260.00/hr	19.50
	- ELJ	Meeting with W Smith regarding opposing Arguments (.7); Research Caselaw on Unclean Hands and Fraud on Court; email to W Smith and L Wolff with Caselaw and Arguments	0.65 260.00/hr	169.00
	- WJS	Preparation for Hearing; Appearance at Status Hearing in Receivership Case; telephone call to L Wolff regarding Motion; email from Receiver's Counsel, review January Status Report; letter from D Waite - analysis; conference with Clerk regarding	1.20 260.00/hr	312.00