

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

2  
3  
4   FORE STARS, LTD., a Nevada Limited  
5   Liability Company; 180 Land Co., LLC,  
6   A Nevada Limited Liability Company;  
7   and SEVENTY ACRES, LLC, a Nevada  
8   Limited Liability Company,

9                                   Appellants,

10                               v.

11   DANIEL OMERZA; DARREN  
12   BRESEE; AND STEVE CARIA,

13                               Respondents.

Supreme Court No. 87354 Electronically Filed  
Mar 15 2024 03:41 PM  
District Court Case No. A771224  
Elizabeth A. Brown  
Clerk of Supreme Court

14                                   **JOINT APPENDIX**

15                                   **VOLUME 10**

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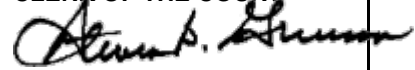
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**OPPM**

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**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

FORE STARS, LTD., a Nevada Limited  
Liability Company; 180 LAND CO., LLC,  
a Nevada Limited Liability Company;  
SEVENTY ACRES, LLC, a Nevada  
Limited Liability Company,

Plaintiffs,

v.

DANIEL OMERZA, DARREN BRESEE,  
STEVE CARIA, and DOES 1 THROUGH  
1000,

Defendants.

CASE NO. A-18-771224-C  
DEPT. NO.: II

**DEFENDANTS' OPPOSITION TO  
PLAINTIFFS' MOTION FOR  
RECONSIDERATION OF COURT'S  
ORDER DATED DECEMBER 10, 2020**

Hearing Date: January 25, 2021

Hearing Time: Chambers

Defendants Daniel Omerza, Darren Bresee, and Steve Caria, by and through their counsel  
of record Mitchell J. Langberg of BROWNSTEIN HYATT FARBER SCHRECK LLP,  
respectfully submit this response in opposition to Plaintiffs' Motion For Reconsideration of  
Court's Order Dated December 10, 2020 ("Motion").

**I. INTRODUCTION**

Plaintiffs' Motion for Reconsideration is far more notable for what it fails to say than for  
what it says. Specifically, the motion does not address the standard a court should apply when  
deciding a reconsideration motion. That is no surprise. When the proper standard is applied,

1 there is no basis to reconsider Defendants' anti-SLAPP motion, let alone issue a new and different  
2 order.

3 "Only in very rare instances in which new issues of fact or law are raised supporting a  
4 ruling contrary to the ruling already reached should a motion for rehearing be granted." *Moore v.*  
5 *City of Las Vegas*, 92 Nev. 402, 405 (1976) (finding **reconsideration** was abuse of discretion  
6 where new case authority, but no new legal issues or facts, were presented to the district court).  
7 Critically, evidence is not "new" "if it was in the party's possession at the time of [the motion]...."  
8 *Wallis v. J.R. Simplot Co.*, 26 F.3d 885, 892, fn. 6 (9th Cir. 1994), as amended on denial of reh'g  
9 (July 14, 1994).

10 Plaintiffs offer no new legal or factual issues.<sup>1</sup> A review of the Findings of Fact  
11 Conclusions of Law and Order on Defendants' anti-SLAPP motion demonstrates that every legal  
12 and factual issue addressed in the Motion for Reconsideration was already considered.  
13 Unsatisfied with the result, Plaintiffs simply want to reargue in front of a new judge. They have a  
14 right of appeal to accomplish that.

## 15 **II. ARGUMENT**

### 16 **A. The Motion For Reconsideration Must Be Denied Pursuant To EDCR 2.20(c)** 17 **Because Plaintiffs Fail To Provide Legal Support**

18 The fact that Plaintiffs have not set forth the legal standard for reconsideration motions or  
19 applied the facts to that standard is no mere procedural oversight. It is fatal to their motion.

20 EDCR 2.20(c) expressly provides:

21 A party filing a motion must also serve and file with it a  
22 memorandum of points and authorities in support of each ground  
23 thereof. The absence of such memorandum may be construed as an  
admission that the motion is not meritorious, as cause for its denial  
or as a waiver of all grounds not so supported.

24 While Plaintiffs have reargued the substance of the underlying motion, they have **not**

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25 <sup>1</sup> To be fair, Plaintiffs do cite to the November 2020 Nevada Court of Appeals case of *Williams v.*  
26 *Lazer*, 476 P.3d 928 (Nev. App. 2020). But, that case is **unpublished**. Citation to the case is a  
27 flagrant violation of the Supreme Court's directive in NRAP 36(c)(3) that "unpublished  
28 dispositions issued by the Court of Appeals may not be cited in any Nevada court for any  
purpose." This is yet another reason to deny the motion.



1 provided any memorandum of points and authorities to support their initial request for  
2 reconsideration. Proving they are entitled to reconsideration is ***their heavy burden***. It is not  
3 appropriate to sandbag by skipping the most important factual and legal issues of the motion,  
4 forcing Defendants to address them first, and then respond on reply. Indeed, arguments raised  
5 for the first time on reply should not be considered. *Francis v. Wynn Las Vegas, LLC*, 127 Nev.  
6 657, 671, 262 P.3d 705, 715, fn. 7 (2011).

7 Because Plaintiffs have not filed any points and authorities in support of their request that  
8 this Court reconsider the anti-SLAPP motion, the Motion for Reconsideration should be denied.

9 **B. Applying The Applicable Standard, Plaintiffs Are Not Entitled To Have The**  
10 **Anti-SLAPP Motion Reconsidered**

11 A motion for reconsideration is a two-step process. First a court determines whether, as a  
12 procedural matter, there are grounds to reconsider the underlying motion. If so, a court then  
13 determines whether, upon reconsideration, it should issue a new and different order.

14 EDCR 2.24(c) states that "if a motion for rehearing is granted, the court may make a final  
15 disposition of the cause without reargument or may reset it for reargument or resubmission or  
16 may make such other orders as are deemed appropriate under the circumstances of the particular  
17 case.

18 Here, there is no basis to reconsider the anti-SLAPP motion in the first instance. Even a  
19 cursory review of the court file will demonstrate that factual and legal issues on the anti-SLAPP  
20 motion were briefed extensively, including through initial briefs, briefing on related motions,  
21 supplemental briefs and a prior appeal.

22 Plaintiffs have not demonstrated that this is one of the "very rare instances in which new  
23 issues of fact or law are raised supporting a ruling contrary to the ruling already reached should a  
24 motion for rehearing be granted." *Moore*, 92 Nev. at 405 (1976). There, the Nevada Supreme  
25 Court ***reversed*** the district court's grant of reconsideration when the movant simply cited new  
26 legal authority for legal issues that were already presented in the original motion. The same is  
27 true here. All of the issues (legal and factual) are addressed in this Court's findings of fact and  
28 conclusions of law.

1 This case is almost three years old. As the Nevada Supreme Court explained in this very  
2 matter, anti-SLAPP motions exist "to provide a mechanism for the *expeditious* resolution of  
3 meritless SLAPPs." *Omerza v. Fore Stars, Ltd*, 455 P.3d 841, fn. 4 (Nev. 2020). As the order  
4 stands now, Plaintiffs may appeal. Were the Court to have denied the anti-SLAPP motion, NRS  
5 41.670(4) would have provided Defendants an immediate right of appeal. Particularly because  
6 this case will be appealed regardless, the underlying order should not be disturbed when Plaintiffs  
7 have made *no showing* to support their request.

8 Plaintiffs simply do not like the factual and legal conclusions reached by the Court. They  
9 have ample opportunity to revisit those on appeal.

10 **C. There Is No Basis To Change The Order That Granted The Anti-SLAPP**  
11 **Motion**

12 Even if the Court were to reconsider the underlying anti-SLAPP motion, there is no reason  
13 to vacate the order granting that motion and dismissing the case. Plaintiffs have offered nothing  
14 new. All the original arguments remain.

15 ***If the Court is inclined to reconsider the anti-SLAPP motion, Defendants do not***  
16 ***reargue every aspect of the motion and because Plaintiffs merely rehash their repeated***  
17 ***arguments. Defendants request that the Court review the underlying briefing and set the matter***  
18 ***for further argument.***

19 Because Plaintiffs offer no new facts or law, Defendants only address a few issues here.

20 **1. Nothing Plaintiffs Offer Changes The Nevada Supreme Court Decision**  
21 **That Defendants Satisfied Prong 1 Of The Anti-SLAPP Analysis**

22 An anti-SLAPP motion presents a court with a two prong analysis. The first prong  
23 requires the defendant to demonstrate that it made a good faith communication in furtherance of  
24 the right to petition or the right of free speech in direct connection with a matter of public  
25 concern. NRS 41.660. A good faith communication is one that is truthful or made without  
26 knowledge of falsehood.

27 The Nevada Supreme Court already determined that Defendants met their Prong 1 burden.  
28 This Court has confirmed on several occasions that the remand from the Supreme Court was  
limited to the issue of discovery for Prong 2 and the Prong 2 analysis. That issue has been briefed

several times with extensive factual and legal analysis, including by the Court.

Even if the Court were to reconsider the Prong 1 issue (despite the clear mandate from the Nevada Supreme Court), nothing would change. The Prong 1 analysis asks:

...whether a preponderance of the evidence demonstrates that the gist of the story, or the portion of the story that carries the sting of the [statement], is true and not the "literal truth of each word or detail used in a statement.

*Taylor v. Colon*, 136 Nev. Adv. Op. 50, 468 P.3d 820, 826 (2020) (internal quotations and citations omitted). Here, the gist of the statements which underlie Plaintiffs' claims is that residents relied on the zoning designation of the Peccole Ranch Master Plan when they purchased their property. *Omerza*, 455 P.3d 841 (Nev. 2020).

In their reconsideration motion, Plaintiffs make (inaccurate) arguments that, even if true, split hairs and ignore the gist of the statement. Plaintiffs' repeated citation to the Nevada Supreme Court's "absent evidence that clearly and directly overcomes language" is a red herring. The Court was explaining *why* Defendants had met their burden (because Plaintiffs had not offered sufficient rebutting evidence). But the Supreme Court *did not* invite Plaintiffs to take a second bite of the apple on remand. Indeed, the Court was clear: "Accordingly, for the reasons set forth above, we vacate the portion of the district court's order denying appellants' anti-SLAPP special motion to dismiss and remand to the district court for it to determine whether respondents are entitled to discovery under NRS 41.660(4)." NRS 41.660(4) allows discovery *only* on the second prong of the analysis.

At the end of the day, the gist of the statements Defendants circulated for signature by other residents said the same thing Judge Crockett said, as noted by the Nevada Supreme Court: "Judge Crockett observed during a hearing that purchasers of property subject to the Peccole Ranch Master Plan relied on that master plan in purchasing their homes, which provides some additional evidentiary support as to appellants' step-one burden."

## **2. Plaintiffs' Argument About The City Council Proceedings Is Misleading**

Defendants gathered signatures on statements from other residents to submit to the City Council at a hearing in opposition to Plaintiffs' effort to change land use restrictions. What

1 Plaintiffs do not say in their reconsideration motion is that in Paragraph 61 of its Findings of Fact  
2 and Conclusion of Law, this Court found that the City Council hearing never went forward. As a  
3 result, Plaintiffs cannot say that the proceedings were not quasi-judicial (though they admitted a  
4 prior proceeding of the same nature was). And, they cannot show that the statements caused them  
5 any harm. They cannot even say the statements were submitted.

### 6 **3. Plaintiffs Are Not Entitled To More Discovery**

7 Plaintiffs simply do not like complying with the rules. The issue of discovery was hotly  
8 litigated before the motion was decided. First, as to the scope of discovery, NRS 41.660(4) only  
9 allows discovery after a plaintiff makes a *showing of necessity*. The briefing and the Findings of  
10 Fact and Conclusions of Law (§§ 17-21, 32-39) make clear that Plaintiffs only attempted to make  
11 a very limited showing and the Court granted discovery based on that.

12 To the extent that Plaintiffs claim that Defendants did not adequately respond (which is  
13 incorrect), they made no effort to raise the issue with the Court by motion to compel or otherwise  
14 before supplemental briefing on the anti-SLAPP motion or the hearing.

15 As with this motion and their briefing on Prong 1 before the first appeal, Plaintiffs' failure  
16 to address and meet the standards governing their requests impacts the availability of the relief  
17 they can receive. Here, Plaintiffs got just the discovery to which they were entitled (if not more).

### 18 **4. The Nevada Supreme Court Found That Plaintiffs Failed To Meet 19 Their Prong 2 Burden And Gave Them A Second Chance With 20 Discovery—And They Failed To Meet Their Burden Again**

21 Plaintiffs misrepresent the facts regarding the Nevada Supreme Court's decision on Prong  
22 2. On page 10 of their brief, they say that "The Nevada Supreme Court never decided Prong 2 on  
23 the merits" and "the Order's contention that the Nevada Supreme Court already determined  
24 Plaintiffs failed to meet their Prong 2 burden is misguided."

25 One need only read the Supreme Court's opinion to see that Plaintiffs are wrong. The  
26 Court said:

27 We therefore conclude that the district court erred in determining  
28 that respondents met their step-two burden of demonstrating with  
prima facie evidence a probability of prevailing on their claims.

It is true that Plaintiffs hardly argued their Prong 2 burden in the District Court or in the Supreme

1 Court. The significance is that the Supreme Court determined that Plaintiffs did not meet their  
2 Prong 2 burden on the record that existed at the time of the appeal. But, Plaintiffs were ultimately  
3 allowed to conduct some discovery. Having failed to meet their Prong 2 burden the first time  
4 around, it became Plaintiffs' burden on remand to demonstrate how they could meet that burden.

5 As this Court determined, in their supplemental briefing, they only attempted to meet their  
6 burden on their conspiracy claim. The briefing and the Court's order explain in detail how and  
7 why Plaintiffs failed to meet that burden, not the least of which is the fact that they did not even  
8 try to articulate a damages theory (arising from the statements obtained from residents which  
9 were never used in a City Council hearing).

10 **III. CONCLUSION**

11 Plaintiffs have not articulated the standard by which a reconsideration motion is evaluated.  
12 Nor have they presented any new facts or law to support their motion. There is no basis for  
13 reconsideration. And, even if there was, there is no basis to change the prior order granting the  
14 anti-SLAPP motion.

15 Therefore, the Motion for Reconsideration should be denied.

16 DATED this 7th day of January, 2021.

17 BROWNSTEIN HYATT FARBER SCHRECK, LLP

18 BY: /s/ Mitchell J. Langberg

19 MITCHELL J. LANGBERG, ESQ., Bar No. 10118

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25 Counsel for Defendants

26 DANIEL OMERZA, DARREN BRESEE, and

27 STEVE CARIA  
28

**CERTIFICATE OF SERVICE**

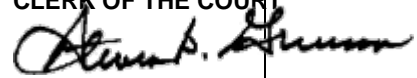
I HEREBY CERTIFY that I am an employee of Brownstein Hyatt Farber Schreck, LLP, and pursuant to NRCP 5(b), EDCR 8.05, Administrative Order 14-2, and NEFCR 9, I caused a true and correct copy of the foregoing **DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR RECONSIDERATION OF COURT'S ORDER DATED DECEMBER 10, 2020** be submitted electronically for filing and/or service with the Eighth Judicial District Court via the Court's Electronic Filing System on the 7th day of January, 2021, to the following:

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*Attorneys for Plaintiffs*  
FORE STARS, LTD., 180 LAND CO., LLC;  
and SEVENTY ACRES, LLC

/s/ DeEtra Crudup  
an employee of Brownstein Hyatt Farber Schreck, LLP



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Attorneys for Plaintiffs

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

FORE STARS, LTD., a Nevada limited  
liability company; 180 LAND CO., LLC;  
A NEVADA LIMITED LIABILITY  
COMPANY; SEVENTY ACRES, LLC, a  
Nevada limited liability company,

Plaintiffs,

vs.

DANIEL OMERZA, DARREN BRESEE,  
STEVE CARIA, and DOES 1 THROUGH  
100,

Defendants.

Case No.: A-18-771224-C

Dept: XIX

**PLAINTIFFS' REPLY TO  
DEFENDANTS' OPPOSITION TO  
MOTION FOR  
RECONSIDERATION OF COURT'S  
ORDER DATED DECEMBER 10,  
2020**

**DATE OF HEARING: January 25,  
2021**

**TIME OF HEARING: n/a chambers**

COME NOW the Plaintiffs, by and through their counsel, Lisa A. Rasmussen, Esq. of the Law Offices of Kristina Wildeveld & Associates, and hereby submit its reply respectfully to Defendants' Opposition to Plaintiffs' Motion that the Court reconsider its Order dated December 20, 2020. This Reply/Opposition is made and based upon the pleadings and papers on file herein, the Points and Authorities set forth below and any oral argument that this Court may entertain on this matter.

Dated this 14<sup>th</sup> day of January, 2021,

**The Law Offices of Kristina Wildeveld & Associates,**

*/s/ Lisa A. Rasmussen*

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LISA A. RASMUSSEN, ESQ.  
Nevada Bar No. 7491  
Counsel for Plaintiffs

## **MEMORANDUM OF POINTS AND AUTHORITIES**

### **I. INTRODUCTION**

Even now, Defendants wish for this Motion to be struck procedurally rather than heard on the merits. Defendants have taken every possible step throughout this case to prevent any aspect of this case from being heard on the merits. Defendants are free to exercise their First Amendments rights, as they did initially. However, they are not free to conspire to spread a false document and abet others to sign this false document in an attempt to stop Plaintiffs from lawfully developing their land. Regardless, both EDCR 2.24(b) and Rule 59(e) allow for reconsideration of this Court's ruling if it is clearly erroneous.

Even if Plaintiffs were required to provide new issues of fact or law, the Nevada Supreme Court relied on Judge Crockett's ruling for its Prong 1 determination. Omerza



1 v. Fore Stars, Ltd., 455 P.3d 841, at \*3 (Nev. 2020) (unpublished). Shortly following the  
2 Prong 1 determination, Judge Crockett's ruling was reversed. Seventy Acres, LLC v.  
3 Binion, 458 P.3d 1071 (Nev. 2020) (unpublished). It cannot be said that Defendants'  
4 circular logic, with no evidentiary support, proves by a preponderance of the evidence  
5 that Plaintiffs satisfied their Prong 1 burden. The declarations they promulgated and  
6 signed cannot be true. There must be a credibility determination to determine whether  
a factfinder finds Defendants' statements to be truthful.

7 Additionally, Plaintiffs were entitled to more discovery, Plaintiffs were limited to  
8 merely what Defendants relied upon in making their statements. During the  
9 depositions, questions critical to proving a civil conspiracy claim were objected to by  
10 Defendants' counsel and Defendants refused to answer. However, even without more  
11 discovery, Plaintiffs have adequately alleged a civil conspiracy claim. Plaintiffs have  
12 suffered and continue to this day to suffer irreparable harm and damages from  
Defendants' wrongful conduct.

## 13 II. LEGAL ARGUMENT

### 14 A. Plaintiffs are entitled to have the anti-SLAPP Motion Reconsidered under 15 Rule 59(e) and EDCR 2.24(b).

16 Although an EDCR 2.24(b) is silent on the requirements of a motion under this  
17 provision—other than the deadline, the Nevada Supreme Court has interpreted it as  
18 appropriate when “substantially different evidence is subsequently introduced *or the*  
19 *decision is clearly erroneous.*” Masonry & Tile Contractors Ass'n of S. Nevada v. Jolley,  
20 Urga & Wirth, Ltd., 113 Nev. 737, 741, 941 P.2d 486, 489 (1997) (emphasis added).  
Plaintiffs contend this Court's Order was in clear error.

21 Alternatively, under Rule 59(e), the Nevada Supreme Court has held, “a motion  
22 to reconsider, vacate, set aside, or reargue [a final judgment] will ordinarily be  
23 construed as [a] Rule 59(e) motion” so long as it is filed within the allowed period,  
24 twenty eight days. AA Primo Builders, LLC v. Washington, 126 Nev. 578, 584, 245

1 P.3d 1190, 1194 (2010) (citations omitted). The grounds for bringing a NRCP 59(e)  
2 motion include: “*correct[ing] manifest errors of law or fact*,” “newly discovered or  
3 previously unavailable evidence,” the need “to prevent manifest injustice,” or a  
4 “change in controlling law.” *Id.* at 582, 1193 (emphasis added). Plaintiffs contend this  
5 Court made manifest errors of law or fact in granting Defendants’ anti-SLAPP Motion,  
6 as is clear by Plaintiffs’ Motion to Reconsider. Regardless, EDCR 2.20(c) is permissive  
7 and not mandatory.<sup>1</sup>

8 Moreover, NRAP 28(c) limits a reply to “answering any new matter set forth in  
9 the opposing brief.” There is no analogous provision in the EDCR or in the NRCP.  
10 Defendants’ cited case does not actually say anything about limiting a reply to  
11 “answering any new matter set forth in the opposing brief” at the trial court level, in  
12 fact both Wynn’s footnote and the case it cites specifically discuss appellant reply  
13 briefs. Francis v. Wynn Las Vegas, LLC, 127 Nev. 657, 671, 262 P.3d 705, 715, fn. 7  
14 (2011) (citing Weaver v. State, Dep’t of Motor Vehicles, 121 Nev. 494, 502, 117 P.3d 193,  
15 198–99 (2005)).

16 Furthermore, it is ironic that Defendants claim citing to an unpublished Nevada  
17 Court of Appeals case as a basis for denying this Motion, when their own  
18 supplemental brief to the anti-SLAPP Motion, which this Court granted, does just that.  
19 Defs. Suppl. Br. Supp. Special Mot. Dismiss (Anti-SLAPP Mot.); 11:13 (citing Panicaro  
20 v. Crowley, No. 67840, 2017 WL 253581, at \*1 (Nev. App. Jan. 5, 2017) as authority).  
21  
22  
23

24 <sup>1</sup> “The absence of such memorandum *may be* construed as an admission that the motion is not  
meritorious, as cause for its denial or as waiver of all grounds not so supported.”

1           **B.       The Court erred by applying the litigation privilege to Defendants’**  
2           **statements because the city council proceedings do not constitute a**  
3           **quasi-judicial proceeding.**

4           Defendants cannot have it both ways. Both this Court’s Order and Defendants  
5           claim that Spencer v. Klementi, 136 Nev. Adv. Op. 35, 466 P.3d 1241 (2020) can be  
6           distinguished from the facts at issue here because the case involved defamation.  
7           Findings of Fact and Conclusions of Law ¶ 51. Using this same logic, nearly all of the  
8           cases Defendants cited regarding the litigation privilege also can be distinguished  
9           because each one dealt with defamation. Fink v. Oshins, 118 Nev. 428, 430, 49 P.3d 640,  
10          641 (2002) (“[i]n this appeal we consider the scope of an attorney’s privilege as a  
11          defense to defamation actions”); Clark Cty. Sch. Dist. v. Virtual Educ. Software, Inc.,  
12          125 Nev. 374, 378, 213 P.3d 496, 499 (2009) (we conclude that the absolute privilege  
13          affords....the same protection from liability....for defamatory statements made during,  
14          or in anticipation of, judicial proceedings); Circus Circus Hotels, Inc. v. Witherspoon,  
15          99 Nev. 56, 62, 657 P.2d 101, 105 (1983) (“whether this allegedly defamatory  
16          communication was made on a “privileged occasion.”); Shapiro v. Welt, 133 Nev. 35,  
17          40, 389 P.3d 262, 268 (2017) “Nevada has long recognized the existence of an absolute  
18          privilege for defamatory statements made during the course of judicial and quasi-  
19          judicial proceedings”). Defamation is not among Plaintiffs’ claims for relief.

20          Defendants and this Court’s Order state Spencer can be distinguished because  
21          the speaker was not under oath and no cross-examination was allowed, thus the  
22          Oshins case controls. This is nonsensical and in *clear error*. Oshins dealt with a  
23          statement made between an attorney and his client regarding a probate proceeding to  
24          remove an independent trustee. Oshins, 118 Nev. at 432–33, 49 P.3d at 642. Rather than  
a judicial proceeding of the type in Oshins, Defendants’ actions revolve around an  
alleged “quasi-judicial proceeding.” Spencer also involved a quasi-judicial proceeding,  
a planning commission meeting, where “the public is invited to speak about relevant  
community issues.” Spencer, 466 P.3d at 1248. Defendants even describe the City

1 Council meeting as a “community effort to raise significant issues.” The Nevada  
2 Supreme Court declined to extend the litigation privilege because while the proceeding  
3 allowed for personal testimony, it did not require an oath, affirmation, cross-  
4 examination, or impeachment of witnesses, as here. Id. The City Council proceeding is  
5 much more analogous to the facts in Spencer than Oshins.

6 Even if the litigation privilege would shield against Plaintiffs’ non-defamation  
7 claims, it should not apply here. The case Defendants and this Court used to establish  
8 that the City Council proceedings constituted as quasi-judicial in fact states, “at a  
9 minimum, a quasi-judicial proceeding must afford each party (1) the ability to present  
10 and object to evidence, (2) *the ability to cross-examine witnesses*, (3) a written decision  
11 from the public body, and (4) an opportunity to appeal to a higher authority.” State, ex  
12 rel. Bd. of Parole Comm'rs v. Morrow, 127 Nev. 265, 273, 255 P.3d 224, 229 (2011)  
13 (emphasis added). Other Nevada Supreme Court cases have also required oaths to  
14 constitute as a quasi-judicial proceeding. Knox v. Dick, 99 Nev. 514, 518, 665 P.2d 267,  
15 270 (1983); Spencer v. Klementi, 136 Nev. Adv. Op. 35, 466 P.3d 1241, 1247 (2020). This  
16 is not a balancing test. Each element is *necessary* for a finding of a quasi-judicial  
17 proceeding. In fact, the lack of ability to cross-examine has proven to be a fatal flaw.  
18 Stockmeier v. Nevada Dep't of Corr. Psychological Review Panel, 122 Nev. 385, 392,  
19 181 P.3d 670 (2008), *abrogated on other grounds by* Buzz Stew, LLC v. City of N. Las  
20 Vegas, 124 Nev. 224, 181 P.3d 670 (2008).

21 This Court’s Finding of Fact and Conclusions of Law (¶ 46) determined the City  
22 Council proceedings constituted as quasi-judicial merely because the City council “has  
23 the power to order the attendance of witnesses and the production of documents,”  
24 completely ignoring the other *required* elements of Morrow. The Court further cites  
Morrow as standing for the proposition that “[t]his entire process meets the judicial  
function test for “determining whether an administrative proceeding is quasi-judicial.”  
This is in *clear error*.

1 Morrow added the additional procedural protections of the judicial function  
2 test as a requirement for determining whether a proceeding is quasi-judicial, but it did  
3 not take away the required due process components in Stockmeier. Morrow, 127 Nev.  
4 at 274, 255 P.3d at 230. The Court in fact held:

5 the due process protections afforded during a proceeding do not, alone,  
6 determine whether it is quasi-judicial; instead, whether procedural protections  
7 are afforded during the proceeding goes to the ability of the hearing entity to  
8 hear witnesses and make a decision affecting property rights and is but one  
9 consideration in determining whether the hearing entity is performing a judicial  
10 function

11 Id.

12 The Morrow Court declined to attach due process protections to a parole  
13 hearing because no liberty or property interest was at stake. Id. at 270–74, 227–30  
14 (holding protections apply only “when government action deprives a person of liberty  
15 or property”). Defendants admit Plaintiffs’ property interests were at stake in the City  
16 Council proceedings, thus the due process protections *must* apply. Defs. Anti-SLAPP  
17 Mot. 18:7–9. If the City Council meetings do not qualify as quasi-judicial proceedings,  
18 as they should not, then the litigation privilege does not apply as a “complete defense”  
19 to Plaintiffs’ claims.

20 One of Defendants’ favorite arguments and one that is repeated in this Court’s  
21 Order is that Plaintiffs’ Counsel “admitted” the City Council proceedings are quasi-  
22 judicial. Findings of Fact and Conclusions of Law ¶ 51; Defs. Suppl. Br. Supp. Special  
23 Mot. Dismiss (Anti-SLAPP Mot.) 8:15. If you read what Mr. Hutchinson said in these  
24 City Council proceedings, they are entirely consistent with Plaintiffs’ argument. Mr.  
Hutchinson says, if the City Council is going to assume a quasi-judicial role and  
“adjudge people’s property rights, the due process clause of the Constitution applies.”  
Defs. Req. Judicial Notice 16: 415–20, attached hereto as Exhibit 1.

...

...

1           **C.     The “gist” of Defendants’ statements is false and this Court must make**  
2           **a credibility determination for Plaintiffs’ Prong 2 burden.**

3           The district court never made the required credibility determination in reaching  
4           its conclusion in the prior order.

5           References herein to the transcripts of Breese, Caria and Omerza refer to the  
6           deposition transcripts already on file with this Court and filed with Plaintiffs’  
7           Supplement to their Opposition to the Special Motion to Dismiss as Exhibits 1, 3 and 7.  
8           They are not reattached herein.

9           Aside from the language “[t]he undersigned purchased a residence/lot in  
10          Queensridge,” everything in the declarations Defendants passed around and in at least  
11          one case actually signed, is provably false. Queensridge residents had no enforceable  
12          rights under the “Peccole Ranch Master Plan” because NRS 278A does not apply to  
13          common interest communities, such as Queensridge. Omerza v. Fore Stars, Ltd, 455  
14          P.3d 841, 2020 WL 406783 at \*3 (Nev. 2020) (unpublished); Binion v. Fore Stars, Ltd.  
15          (Binion I), No. A-15-729053-B (Eighth Judicial District Court, Dept. 27). Furthermore,  
16          the “Peccole Ranch Master Plan” did not even require a modification for development  
17          of the former Badlands Golf Course. Seventy Acres, LLC v. Binion, 458 P.3d 1071 (Nev.  
18          2020) (unpublished) (reversing Judge Crockett’s ruling).

19          Defendants entire argument for their “good faith belief” in the declarations  
20          involves Judge Crockett’s ruling, which stated that Peccole Ranch residents purchased  
21          their homes in reliance on the “Peccole Ranch Master Plan,” and Mr. Schreck’s  
22          misrepresentations involving this ruling. Both Judge Crockett’s ruling, which was later  
23          reversed a month and a half after the Nevada Supreme Court’s ruling on this case, and  
24          Mr. Schreck’s statements occurred years after the purchase of their residences/lots and  
25          thus could not possibly form the basis of reliance at the time the signatories purchased  
26          their residences/lots. Instead, *the very ruling that formed a basis for the Nevada Supreme*  
27          *Court’s determination that Defendants had met Prong 1 of the anti-SLAPP analysis, was*

1 *reversed* because the “Peccole Ranch Master Plan” did not actually require a  
2 modification for the development of the land. Omerza, 455 P.3d 841 at \*3 (holding  
3 Judge Crockett’s ruling provided evidentiary support for determining Defendants met  
4 their Prong 1 burden). Thus, there is new law casting the Prong 1 determination  
5 directly into doubt.

6 Defendants essentially claim they relied on the Peccole Ranch Master Plan when  
7 purchasing their residences because Judge Crockett and Mr. Schreck stated, *after the*  
8 *fact and many years later*, that they relied on the Peccole Ranch Master Plan. This type  
9 of circular reasoning forms the basis for Defendants’ entire arguments throughout this  
10 case and cannot be used as a magic wand to shield the Defendants from any type of  
11 liability resulting from their wrongful acts. It cannot suffice for Defendants to merely  
12 say they did not knowingly make or knowingly abet others to make actually false  
13 statements without any actual evidence to support their claims when there is evidence  
14 to the contrary, the Nevada Supreme Court even stated as much. *Id.* at \*2 (holding  
15 “absent evidence that clearly and directly overcomes such declarations, the sworn  
16 declarations are sufficient for purposes of step one.”)

17 Instead, the evidence from Plaintiffs’ very limited discovery and Defendants’  
18 depositions indicate just the opposite of Defendants’ claims. The Defendants had no  
19 reasonable basis for believing the declarations were true and the declarations cannot in  
20 fact be true. Defendants conceded they never actually saw or recalled seeing any  
21 CC&Rs or plans at the time of their purchase which indicated Plaintiffs could not  
22 develop the subject land. (*Caria Deposition Transcript*, page 66, 88, 89); (*Breese Deposition*  
23 *Transcript*, page 42); (*Omerza Deposition Transcript*, page 49). Mr. Schreck drafted the  
24 blank declarations which represented a falsehood and Defendants agreed to spread  
these false declarations to other homeowners in the Queensridge community to  
obstruct Plaintiffs’ from developing their land, constituting an actionable civil  
conspiracy claim.



**D. Plaintiffs are entitled to more discovery to meet their Prong 2 burden.**

Plaintiffs' Opposition to the anti-SLAPP Motion expressly requested:

the Land Owners should be allowed discovery in order to obtain facts including, but not limited to, from whom the Defendants received the information stated in the declarations, who prepared them, whether they read their CC&Rs, whether they read Judge Smith's orders, what they understood to be the implications of their CC&Rs as well as the court orders, why they believe the declarations to be accurate, what efforts they took, if any to ascertain the truth of the information in the declarations, and with whom and the contents of the conversations they had with other Queensridge residents.

Pls. Opp'n Defs. Anti-SLAPP Motion 18:19–26.

Instead of allowing this, the Defendants sought to limit, and objected to discovery to such an extent as to severely limit Plaintiffs' possibility of even showing a prima facie probability of succeeding on its claims under NRS 41.660(4). Plaintiffs were limited to merely asking about "what the Defendants relied on in making their statements." Defendants' counsel repeatedly objected to and instructed Defendants not to answer essential questions to proving a civil conspiracy claim. For example, Plaintiffs' counsel asked Caria the purpose and contents of a meeting in opposition to Plaintiffs' development, of which Mr. Schreck was in attendance. Defendants' counsel objected and instructed Caria not to answer. (*Caria Deposition Transcript*, page 80–82). Caria states he has around twenty-five emails with Schreck regarding the Badlands, however, only one email was produced. (*Id.*, page 100). Moreover, Defendants did not preserve (or at least did not produce) relevant documents despite the preservation letter they admit they received. (*Id.*, page 110); (*Breese Deposition Transcript*, page 47).

**E. Plaintiffs stated valid claims.**

Plaintiffs are tied up in many lawsuits and court proceedings which are obstructing the development and resulting in actual damages for Plaintiffs. These proceedings have nearly wiped out the economic value of Plaintiffs' land. Defendants actions are one of many different causes which damaged Plaintiffs. Plaintiffs have



1 suffered damages from not being able to develop their land and to their business  
2 reputation directly from Defendants' actions. Additionally, Plaintiffs sought injunctive  
3 relief on top of the monetary damages. Plaintiffs would need to ascertain exactly what  
4 damages are attributable to Defendants, however, Plaintiffs' pleadings are sufficient.

5 Moreover, the fact that Plaintiffs focused on the civil conspiracy claim in their  
6 *supplemental* briefing does not mean the Court need not consider the other claims or  
7 that Plaintiffs abandoned the other claims. The civil conspiracy claim is just what was  
8 borne out by the depositions and required supplemental briefing.

### 9 CONCLUSION

10 For each of the reasons set forth herein, it is respectfully requested that this  
11 Court reconsider its order granting the Defendants' Special anti-SLAPP Motion to  
12 Dismiss and that the Court deny the motion and allow the litigation in this case to  
13 proceed.

14 DATED: January 14, 2020.

15 Respectfully submitted,

16 THE LAW OFFICES OF KRISTINA WILDEVELD & ASSOCIATES,

17 */s/ Lisa A. Rasmussen*

18 LISA A. RASMUSSEN, Esq.

19 NEVADA BAR No. 7491

20 ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

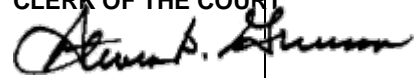
I hereby certify that I served a copy of the foregoing REPLY TO MOTION FOR RECONSIDERATION via this court's EFile and Serve program on all parties receiving service in this case on this 14<sup>th</sup> day of January, 2021, including but not limited to:

Mr. Mitchell Langberg, Esq.

*/s/ Lisa A. Rasmussen*

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Lisa A. Rasmussen, Esq.



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Attorneys for Plaintiffs

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

FORE STARS, LTD., a Nevada limited  
liability company; 180 LAND CO., LLC;  
A NEVADA LIMITED LIABILITY  
COMPANY; SEVENTY ACRES, LLC, a  
Nevada limited liability company,

Plaintiffs,

vs.

DANIEL OMERZA, DARREN BRESEE,  
STEVE CARIA, and DOES 1 THROUGH  
100,

Defendants.

Case No.: A-18-771224-C

Dept: II

**ERRATA PLAINTIFFS' REPLY TO  
DEFENDANTS' OPPOSITION TO  
MOTION FOR  
RECONSIDERATION OF COURT'S  
ORDER DATED DECEMBER 10,  
2020**

**[EXHIBIT 1 TO REPLY]**

COME NOW the Plaintiffs, by and through their counsel, Lisa A. Rasmussen, Esq. of the Law Offices of Kristina Wildeveld & Associates, and hereby submits this Errata to the Reply to the Motion to Reconsider filed on today's date.

The undersigned erroneously forgot to file Exhibit 1 to the Reply when filing the Reply. The Exhibit is attached.

Dated this 14<sup>th</sup> day of January, 2021,

**The Law Offices of Kristina Wildeveld & Associates,**

*/s/ Lisa A. Rasmussen*

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LISA A. RASMUSSEN, ESQ.  
Nevada Bar No. 7491  
Counsel for Plaintiffs

**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the foregoing ERRATA TO REPLY TO MOTION FOR RECONSIDERATION via this court's EFile and Serve program on all parties receiving service in this case on this 14<sup>th</sup> day of January, 2021, including but not limited to:

Mr. Mitchell Langberg

*/s/ Lisa A. Rasmussen*

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Lisa A. Rasmussen, Esq.

# EXHIBIT 1

# EXHIBIT 1

**CITY COUNCIL MEETING OF**

**FEBRUARY 21, 2018**

**VERBATIM TRANSCRIPT – AGENDA ITEMS 122 THROUGH 131**

**ITEM 122 - GPA-72220 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: 180 LAND CO, LLC - For possible action on a request for a General Plan Amendment FROM: PR-OS (PARKS/RECREATION/OPEN SPACE) TO: ML (MEDIUM LOW DENSITY RESIDENTIAL) on 132.92 acres on the east side of Hualapai Way, approximately 830 feet north of Charleston Boulevard (APNs 138-31-601-008; and 138-31-702-003 and 004), Ward 2 (Seroka) [PRJ-72218]. The Planning Commission vote resulted in a tie, which is tantamount to a recommendation of DENIAL. Staff recommends APPROVAL.**

**ITEM 123 - WVR-72004 - WAIVER - PUBLIC HEARING - APPLICANT/OWNER: 180 LAND CO, LLC, ET AL - For possible action on a request for a Waiver TO ALLOW 40-FOOT PRIVATE STREETS WITH NO SIDEWALKS WHERE 47-FOOT PRIVATE STREETS WITH FIVE-FOOT SIDEWALKS ON BOTH SIDES ARE REQUIRED WITHIN A PROPOSED GATED RESIDENTIAL DEVELOPMENT on a portion of 71.91 acres on the north side of Verlaine Court, east of Regents Park Road (APN 138-31-601-008; 138-32-202-001; 138-32-210-008; and 138-32-301-007), R-PD7 (Residential Planned Development - 7 Units per Acre) and PD (Planned Development) Zones, Ward 2 (Seroka) [PRJ-71990]. The Planning Commission (4-2-1 vote) and Staff recommend APPROVAL.**

**ITEM 124 - SDR-72005 - SITE DEVELOPMENT PLAN REVIEW RELATED TO WVR-72004 - PUBLIC HEARING - APPLICANT/OWNER: 180 LAND CO, LLC, ET AL - For possible action on a request for a Site Development Plan Review FOR A PROPOSED 75-LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on a portion of 71.91 acres on the north side of Verlaine Court, east of Regents Park Road (APNs 138-31-601-008; 138-32-202-001; 138-32-210-008; and 138-32-301-007), R-PD7 (Residential Planned Development - 7 Units per Acre) and PD (Planned Development) Zones, Ward 2 (Seroka) [PRJ-71990]. The Planning Commission (4-2-1 vote) and Staff recommend APPROVAL.**

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**VERBATIM TRANSCRIPT – AGENDA ITEMS 122 THROUGH 131**

**ITEM 125 - ABEYANCE - TMP-72006 - TENTATIVE MAP RELATED TO WVR-72004 AND SDR-72005 - PARCEL 2 @ THE 180 - PUBLIC HEARING - APPLICANT/OWNER: 180 LAND CO, LLC - For possible action on a request for a Tentative Map FOR A 75-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION on 22.19 acres on the north side of Verlaine Court, east of Regents Park Road (APN 138-31-601-008), R-PD7 (Residential Planned Development - 7 Units per Acre) Zone, Ward 2 (Seroka) [PRJ-71990]. The Planning Commission (4-2-1 vote) and Staff recommend APPROVAL.**

**ITEM 126 - WVR-72007 - WAIVER - PUBLIC HEARING - APPLICANT/OWNER: 180 LAND CO, LLC, ET AL - For possible action on a request for a Waiver TO ALLOW 40-FOOT PRIVATE STREETS WITH NO SIDEWALKS WHERE 47-FOOT PRIVATE STREETS WITH FIVE-FOOT SIDEWALKS ON BOTH SIDES ARE REQUIRED on a portion of 126.65 acres on the east side of Hualapai Way, approximately 830 feet north of Charleston Boulevard (APN 138-31-702-003; 138-32-202-001; 138-32-210-008; and 138-32-301-007), R-PD7 (Residential Planned Development - 7 Units per Acre) and PD (Planned Development) Zones, Ward 2 (Seroka) [PRJ-71991]. The Planning Commission (4-2-1 vote) and Staff recommend APPROVAL.**

**ITEM 127 - SDR-72008 - SITE DEVELOPMENT PLAN REVIEW RELATED TO WVR-72007 - PUBLIC HEARING - APPLICANT/OWNER: 180 LAND CO, LLC, ET AL - For possible action on a request for a Site Development Plan Review FOR A PROPOSED 106-LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on a portion of 126.65 acres on the east side of Hualapai Way, approximately 830 feet north of Charleston Boulevard (APNs 138-31-702-003; 138-32-202-001; 138-32-210-008; and 138-32-301-007), R-PD7 (Residential Planned Development - 7 Units per Acre) and PD (Planned Development) Zones, Ward 2 (Seroka) [PRJ-71991]. The Planning Commission (4-2-1 vote) and Staff**

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55 **recommend APPROVAL.**

56  
57 **ITEM 128 - ABEYANCE - TMP-72009 - TENTATIVE MAP RELATED TO WVR-72007**  
58 **AND SDR-72008 - PARCEL 3 @ THE 180 - PUBLIC HEARING -**  
59 **APPLICANT/OWNER: 180 LAND CO, LLC - For possible action on a request for a**  
60 **Tentative Map FOR A 106-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION on**  
61 **76.93 acres on the east side of Hualapai Way, approximately 830 feet north of Charleston**  
62 **Boulevard (APN 138-31-702-003), R-PD7 (Residential Planned Development - 7 Units per**  
63 **Acre) Zone, Ward 2 (Seroka) [PRJ-71991]. Staff recommends APPROVAL.**

64  
65 **ITEM 129 - WVR-72010 - WAIVER - PUBLIC HEARING - APPLICANT/OWNER: 180**  
66 **LAND CO, LLC, ET AL - For possible action on a request for a Waiver TO ALLOW 40-**  
67 **FOOT PRIVATE STREETS WITH NO SIDEWALKS WHERE 47-FOOT PRIVATE**  
68 **STREETS WITH FIVE-FOOT SIDEWALKS ON BOTH SIDES ARE REQUIRED**  
69 **WITHIN A PROPOSED GATED RESIDENTIAL DEVELOPMENT on a portion of 83.52**  
70 **acres on the east side of Palace Court, approximately 330 feet north of Charleston**  
71 **Boulevard (APN 138-31-702-004; 138-32-202-001; 138-32-210-008; and 138-32-301-007), R-**  
72 **PD7 (Residential Planned Development - 7 Units per Acre) and PD (Planned Development)**  
73 **Zones, Ward 2 (Seroka) [PRJ-71992]. The Planning Commission (4-2-1 vote) and Staff**  
74 **recommend APPROVAL.**

75  
76 **ITEM 130 - SDR-72011 - SITE DEVELOPMENT PLAN REVIEW RELATED TO WVR-**  
77 **72010 - PUBLIC HEARING - APPLICANT/OWNER: 180 LAND CO, LLC, ET AL - For**  
78 **possible action on a request for a Site Development Plan Review FOR A PROPOSED 53-**  
79 **LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on a portion of 83.52 acres on**  
80 **the east side of Palace Court, approximately 330 feet north of Charleston Boulevard (APNs**  
81 **138-31-702-004; 138-32-202-001; 138-32-210-008; and 138-32-301-007), R-PD7 (Residential**



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**VERBATIM TRANSCRIPT – AGENDA ITEMS 122 THROUGH 131**

**Planned Development - 7 Units per Acre) and PD (Planned Development) Zones, Ward 2 (Seroka) [PRJ-71992]. The Planning Commission (4-2-1 vote) and Staff recommend APPROVAL.**

**ITEM 131 - TMP-72012 - TENTATIVE MAP RELATED TO WVR-72010 AND SDR-72011 - PARCEL 4 @ THE 180 - PUBLIC HEARING - APPLICANT/OWNER: 180 LAND CO, LLC - For possible action on a request for a Tentative Map FOR A 53-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION on 33.80 acres on the east side of Palace Court, approximately 330 feet north of Charleston Boulevard (APN 138-31-702-004), R-PD7 (Residential Planned Development - 7 Units per Acre) and PD (Planned Development) Zones, Ward 2 (Seroka) [PRJ-71992]. The Planning Commission (4-2-1 vote) and Staff recommend APPROVAL.**

**Appearance List:**

CAROLYN G. GOODMAN, Mayor

STEVEN G. SEROKA, Councilman

BRADFORD JERBIC, City Attorney

PETER LOWENSTEIN, Deputy Planning Director

LUANN D. HOLMES, City Clerk

BOB COFFIN, Councilman (via teleconference)

MICHELE FIORE, Councilwoman

STAVROS S. ANTHONY, Councilman

STEPHANIE ALLEN, Legal Counsel for the Applicant

MARK HUTCHISON, Legal Counsel for 180 Land Co, LLC, Seventy Acres LLC and Fore Stars, Ltd.

FRANK SCHRECK, Queensridge Resident

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**VERBATIM TRANSCRIPT – AGENDA ITEMS 122 THROUGH 131**

108 **Appearance List (cont'd):**

109 TODD BICE, Legal Counsel for the Queensridge Homeowners

110 LISA MAYO, Concerned Citizen

111

112 (38 minutes, 17 seconds) [02:59:21 - 03:37:38]

113 Typed by: Speechpad.com

114 Proofed by: Debra A. Outland

115

116 **MAYOR GOODMAN**

117 Now, goodness, we are gonna pull forward at your request?

118

119 **COUNCILMAN SEROKA**

120 Yes, Ma'am.

121

122 **MAYOR GOODMAN**

123 Okay. We are pulling forward Agenda Items 122 through 131. And so, shall I start, or shall you  
124 start, Mr. Jerbic?

125

126 **CITY ATTORNEY JERBIC**

127 If you could ask the Clerk —

128

129 **MAYOR GOODMAN**

130 Can you turn on your mic? Or it's not hearing you.

131

132 **CITY ATTORNEY JERBIC**

133 I'm sorry. It's on, but it's just away from my mouth.

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**VERBATIM TRANSCRIPT – AGENDA ITEMS 122 THROUGH 131**

134 **MAYOR GOODMAN**

135 Thank you.

136

137 **CITY ATTORNEY JERBIC**

138 It was my understanding that the motion to abey included Items 122 through 131. Is that correct?

139

140 **MAYOR GOODMAN**

141 No.

142

143 **CITY ATTORNEY JERBIC**

144 No. They were on the call-off sheet, but they were not part of your motion.

145

146 **MAYOR GOODMAN**

147 And – Right.

148

149 **CITY ATTORNEY JERBIC**

150 Okay.

151

152 **MAYOR GOODMAN**

153 They were not – I did not speak to those. So, at the request of Councilman Seroka, we've asked  
154 to pull those forward. And so I – think before I even begin to discuss those, you on legal have  
155 some issues to address before I even speak.

156

157 **CITY ATTORNEY JERBIC**

158 Just very quickly, Your Honor. Prior to today's hearing, there have been two letters sent to  
159 Councilman Coffin and to Councilman Seroka by the law firm of Hutchison & Steffen. Both

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**VERBATIM TRANSCRIPT – AGENDA ITEMS 122 THROUGH 131**

160 letters claim, for different reasons, that they each have conflicts that should prevent them from  
161 voting.

162

163 With respect to Councilman Coffin, who is on the line, this is the same argument that, to my  
164 knowledge, was made earlier when Coffin, Councilman Coffin voted on similar items in the past,  
165 and we advised that he did not have a conflict of interest. There's an objective and a subjective  
166 portion to the test. One is, is he objectively disqualified under Nevada law? We don't believe so.  
167 Of course, if somebody has a feeling of prejudice that would cause them to feel that they couldn't  
168 make an impartial judgment, they should always abstain. Councilman Coffin made a record  
169 before that he does not feel that he is prejudiced by anything that would cause him to not be  
170 objective, and so he was advised that he could vote then. And I'm giving that same advice today.

171

172 With respect to Councilman Seroke, it has been argued that, during the campaign, he made  
173 comments and at other meetings he made comments regarding an application, which is not  
174 before this body today, a development agreement, that have indicated some mindset that causes  
175 him to not be impartial today and therefore denies the Applicant due process of law as he sits in a  
176 quasi-judicial capacity.

177

178 Before I begin, I had asked Mr. Lowenstein, prior to today's meeting, Items 121 [sic] through  
179 131 involve applications for three separate projects, but they are in 10 items on today's agenda.  
180 Can you tell me, Mr. Lowenstein, when those items first came to the City's attention? Not the  
181 City Council's attention, but the City of Las Vegas, when those applications were submitted for  
182 processing?

183

184 **PETER LOWENSTEIN**

185 Through you, Madame Mayor, the first time the projects were created in our database system  
186 was October 26th and then the subsequent child applications later that month, on October 30th.

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**VERBATIM TRANSCRIPT – AGENDA ITEMS 122 THROUGH 131**

187 **CITY ATTORNEY JERBIC**

188 That was October 26th of 2017?

189

190 **PETER LOWENSTEIN**

191 That is correct.

192

193 **CITY ATTORNEY JERBIC**

194 Okay. The, I have opined to Councilman Seroka that these applications came long after the  
195 election. Any comments made during the campaign about a development agreement are  
196 completely unrelated to the three applications here today. Furthermore, these arguments were not  
197 made at the time Councilman Seroka voted on the development agreement, and if they had any  
198 relevance at all, which I don't believe they do, they should have been made at that point in time  
199 regarding the development agreement. He could not possibly have made comments during the  
200 campaign about applications that didn't even exist until months later.

201

202 Therefore, I have opined for that and other reasons that Councilman Seroka does not have a  
203 conflict of interest and he can vote on both the abeyance item and any, if it comes back in the  
204 future, on the merits of these items. So having made that record, I understand there's going to be  
205 a suggestion by Councilman Seroka or you, Your Honor, that these items be continued at this  
206 point in time.

207

208 **MAYOR GOODMAN**

209 I should read these all into the record, correct, first?

210

211 **CITY ATTORNEY JERBIC**

212 I think – you can state generally what was stated on the callout sheet, which is –

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**VERBATIM TRANSCRIPT – AGENDA ITEMS 122 THROUGH 131**

213 **MAYOR GOODMAN**

214 And that would – Okay.

215

216 **CITY ATTORNEY JERBIC**

217 I think you can state that this involves Items 122 through 131, and then –

218

219 **MAYOR GOODMAN**

220 And just read those numbers?

221

222 **CITY ATTORNEY JERBIC**

223 If you want, I'll read them, or you can read them, if you want.

224

225 **MAYOR GOODMAN**

226 No, I prefer you read them.

227

228 **CITY ATTORNEY JERBIC**

229 Sure. It's Item 122 through 131, which is GPA-72220 –, WVR-72004, SDR-72005, TMP-72006,

230 WVR-72007, SDR-72008, TMP-72009, WVR-72010, SDR-72011, and TMP-72012,

231 Applicant/Owner 180 Land Company, LLC and 180 Land Company, LLC, et al. regarding these

232 multiple parcels. The request is to abey these items until May 16th, 2018 made by the –

233

234 **MAYOR GOODMAN**

235 And could you make a statement as to the fact that we are a body sitting here of four with

236 another Councilperson on the line and that in order for that abeyance to pass, it will need – I'd

237 like you to speak to that.

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**VERBATIM TRANSCRIPT – AGENDA ITEMS 122 THROUGH 131**

238 **CITY ATTORNEY JERBIC**

239 It will need four votes. Under Nevada law, anything that comes before this Council requires a  
240 majority of the governing body. The governing body in this case is seven members. A majority is  
241 four. No matter how many people are absent or sick, it's going to require four votes on anything.  
242 The only exception to that is if an individual receives a written opinion from the Chief Legal  
243 Counsel of the City indicating they have an ethical conflict under Nevada law 281A. Then you  
244 reduce the governing body by whatever number of written opinions are given.  
245 No written opinions have been given in this case. So the governing body remains seven, and  
246 anything today requires four votes. So a motion to hold this in abeyance is going to require four  
247 votes, and a motion on any one of these applications, 122 through 131, if they were heard today,  
248 would also require four votes.

249

250 **MAYOR GOODMAN**

251 And that does include the fact that we have a vacancy with no one serving as Councilperson in  
252 Ward 5?

253

254 **CITY ATTORNEY JERBIC**

255 That's correct. Nevada law does not grant you a – pass because somebody is not in office.

256

257 **MAYOR GOODMAN**

258 Okay. Well, with that under consideration and knowing that we will have someone, and I'd like  
259 to hear from the City Clerk again what is the timeline for the vote on Ward 5, and then what  
260 would be the opportunity for seating that individual once that individual is voted in.

261

262 **LUANN HOLMES**

263 So, election day for Ward 5 will be March 27th. We will canvas the votes the first meeting in  
264 April, which is April 4th. We will seat them on April 18th. That's when they'll actually be seated.

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265 And the May 16th date that you're speaking of is approximately 30 days after that new  
266 Councilperson seats.

267

268 **MAYOR GOODMAN**

269 Okay. Well, having spoken to legal staff and knowing Councilwoman is not here – Are you still  
270 there, Councilman? Are you still there?

271

272 **COUNCILMAN COFFIN**

273 I'm still here. (Inaudible) phone ringing.

274

275 **MAYOR GOODMAN**

276 Okay.

277

278 **COUNCILWOMAN FIORE**

279 I don't think he's got his phone on mute. Tell him to put his phone on mute.

280

281 **MAYOR GOODMAN**

282 Oh yes, you can put your phone on mute. Anyway because of —

283

284 **COUNCILMAN COFFIN**

285 (Inaudible)

286

287 **MAYOR GOODMAN**

288 Thank you.

289

290 **COUNCILMAN COFFIN**

291 (Inaudible)



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292 **MAYOR GOODMAN**

293 Okay, thank you. Because of the vacancy and because Councilwoman isn't here today to  
294 participate in this discussion and because of the fact, obviously, Councilman Coffin is abroad  
295 and unable to be here as well, to me, it is, it's a really, it's a disservice to this two-and-a-half-year  
296 process to go ahead and hold hearings on this and make some decisions.

297 So the recommendation to abey it, giving enough time to the new Councilperson in Ward 5 to be  
298 brought up to speed and have opportunity to consult with Staff and Councilmembers as they  
299 choose, additionally to have Councilwoman here and Councilman Coffin back in – place with us,  
300 I really believe the best thing for us to be doing is to go ahead and abeying this until we can get  
301 that together. I have from day one, when we first heard this back, I think it was in October of '16,  
302 said that there's going to be no winner in this unless this is mediated and a, an agreement  
303 somehow is reached among the parties.

304

305 And as you all well know, there are several lawsuits out there, and my feeling is, even though  
306 there's been a district judge determination, that will be appealed and it will end up at the Nevada  
307 Supreme Court. There is not a one of us that sits on this Council that's an attorney that can make  
308 a determination as to what in the language prevails and takes precedent.

309

310 And therefore, being in that and with the vacancy in 5 and with Councilwoman not here and  
311 Councilman Coffin here on the phone, my motion is going to be to abey it for these reasons. And  
312 asking too for this, I'm gonna to turn to guidance from our staff as to hearing on this. The vote, is  
313 it best to hear from everyone first, or am I at liberty to ask for a motion and –

314

315 **CITY ATTORNEY JERBIC**

316 I believe since you would not be hearing it on the merits if the motion passes, you are not under  
317 obligation to have a hearing today on anything since the hearing will be – we'll see how the  
318 motion goes. If the motion doesn't pass and you're gonna hear it today, then you'll have a

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319 hearing. And if you, the motion does pass, then there will be a hearing on whatever given date  
320 you set the – items to.

321

322 **MAYOR GOODMAN**

323 Okay. Councilman Anthony?

324

325 **COUNCILMAN ANTHONY**

326 What's – the date again, Luann?

327

328 **LUANN HOLMES**

329 May 16th.

330

331 **COUNCILMAN ANTHONY**

332 May 16th. So, I will make a motion to abey Agenda Items 122 through 131 until May 16th.

333

334 **MAYOR GOODMAN**

335 So there is a motion. I'm holding off on you, Councilman Coffin, until all of us have voted. And  
336 then once I see everybody there, now I'll ask for your vote?

337

338 **COUNCILMAN COFFIN**

339 I vote aye.

340

341 **STEPHANIE ALLEN**

342 Your Honor, before the vote, do we have an opportunity on – Oh, I guess not.

343

344 **MAYOR GOODMAN**

345 And so, if you would post this. Did I miss – It – was, It's all ayes on the abeyance. **(Motion**

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346 **carried with Tarkanian excused)** So, at this point, it will be heard on the 16th of May, and can  
347 we make it the first item on the agenda, the first item on the afternoon agenda, if that would  
348 work? And Mr. Jerbic, do – Is there appropriate to hear from anybody or no?

349

350 **CITY ATTORNEY JERBIC**

351 Since you've already voted the – If anybody wants to make a record, I know that Mr. Hutchinson  
352 is here; I'm sure he wants to make a record.

353

354 **MARK HUTCHISON**

355 Thank you.

356

357 **CITY ATTORNEY JERBIC**

358 I – would give him a certain amount of time. I wouldn't give an indefinite amount of time since  
359 we're not hearing this on the merits. I assume you just want to make a record on the two letters  
360 that you sent regarding disqualification?

361

362 **MARK HUTCHISON**

363 I am.

364

365 **CITY ATTORNEY JERBIC**

366 Okay.

367

368 **MARK HUTCHISON**

369 Yes, Mr. Jerbic and – Madame Mayor, if I may make a record on – that matter, and just for the  
370 record, we – vehemently oppose any kind of abeyance and continued delay of this matter.

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371 **MAYOR GOODMAN**

372 Oh, I'm sorry.

373

374 **MARK HUTCHISON**

375 I under –

376

377 **MAYOR GOODMAN**

378 Could you repeat your name for the record? Thank you.

379

380 **MARK HUTCHISON**

381 Sure. This is Mark Hutchison. And Your Honor and members of the – City Council, I am  
382 appearing on behalf of my clients in my private capacity as legal counsel for 180 Land, Seventy  
383 Acres, and Fore Stars, which are applications that you have just abated and a question was, has  
384 surfaced that we raised before this vote occurred in terms of the impartiality, the prejudice, the  
385 bias of two members of this body.

386

387 And as a result, we sent out last week two letters, one dated February 15th and one dated  
388 February 16th, as you noted, Madame Mayor, and I'd like to have those presented to the Clerk  
389 and a matter of record for the purposes of this proceeding.

390

391 And I appreciate the opportunity to make a record. Appreciate the opportunity to be here to  
392 respectfully request this action by Councilman Coffin and by Councilman Seroka that they  
393 recuse themselves. We had asked before this vote that they recuse themselves. We heard nothing  
394 back, and so I'm just simply gonna make a record, and I will not belabor the points, Your Honor,  
395 that we have made previously in our letters, but I do think it's important for the City Council to  
396 hear this and for this to be a matter of record as we proceed.

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397 Mr. Coffin is a member of this Council who has served admirably. Mr. Seroka is a member of  
398 this Council who's served admirably. But on these applications, they should not be permitted to  
399 participate.

400

401 Mr. Coffin has repeatedly and publicly demonstrated a personal animus towards the Applicant's  
402 principal, Mr. Yohan Lowie, for reasons that are completely unconnected with the merits of the  
403 application. Mr. Lowie is of Israeli nationality. He's of the Jewish faith. Mr. Coffin, perhaps, the  
404 most egregious examples of why he should not be allowed to participate and continue to be  
405 involved in either the deliberations or the votings on the applicants, applications of my clients is  
406 that he has publicly stated on multiple occasions that my client, Mr. Lowie, is treating the  
407 residents of Queensridge like the Jewish state of Israel allegedly treats "unruly Palestinians."

408

409 That's not the end of the factual bases for the request for recusal, however. And again, I want to  
410 be clear on the record, Mr. Jerbic. I'm not seeking recusal based on the ethics in government laws  
411 or 28, 281A. That may be part of the analysis. What I'm basing the recusal on is the U.S. and the  
412 Nevada Constitution that guarantees a fair tribunal when a body like a city council is sitting on a  
413 land use application or a business license application.

414

415 Once this body assumes that position, you are now in a quasi-judicial proceeding. You are no  
416 longer strictly in some sort of a policy-making proceeding or a legislative-making decision,  
417 proceeding. This body is unlike the Nevada legislature. You sit on, adjudge people's property  
418 rights. And when you adjudge people's property rights, the due process clause of the Constitution  
419 applies. You have to act in conformity with a quasi-judicial capacity, and that quasi-judicial  
420 capacity requires you to be fair and impartial. Fair and impartial.

421

422 And that's the basis of our request for recusal. We don't believe that my client can receive a fair  
423 hearing when Councilman Coffin has expressed the sentiments he has towards my client's

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424 nationality and religion. In a early meeting in 2015, in a meeting with my client, he simply told  
425 him that he would not, as well, take an interest adversed to a friend of his who lived in  
426 Queensridge and would not be going against an interest, his interest.

427

428 In April of 2016, in another meeting with representatives of the property owners and with his  
429 friend present at that meeting, he instructed my clients to hand over the 183 acres with certain  
430 water rights in perpetuity and that was a fair deal and they should accept it.

431

432 In a January 2017 meeting, when meeting with Mr. Lowie, he once again compared Mr. Lowie's  
433 personal actions in pursuing the development of the properties to Netanyahu's settlement of the  
434 West Bank. He then doubled down on this in a letter to Todd Polikoff, who's the President of  
435 Jewish Nevada, when he protested in a letter to Councilman Coffin and Mr. Lowie accused  
436 Mr. Lowie of pursuing the acquisition of the properties in an opportunistic manner. He classified  
437 his actions as inconsiderate and again compared Mr. Lowie's business decisions to the highly  
438 political and divisive issue of the Jewish settlements in the West Bank.

439

440 In an April 17th, 2000 meeting with Mr. Spiegel, he told him that the only issue that mattered to  
441 Councilman Coffin was a statement that was made to Mr. Lowie regarding the unruly  
442 Palestinians, and he stated that the issue, until that issue was remedied, he could not be impartial  
443 in any application that the property owners would bring forward. He made then good on his  
444 comments and denied every application that came before him submitted by my – clients, the  
445 property owners.

446

447 Mr. Seroka has, and – in contrary again, Mr. Jerbic, to your – points, it's just not about what  
448 happened during the campaign. It's that and more. But once you – move from being in a judicial  
449 role to being in an advocate role, you cease to be a fair and impartial arbiter of facts. And

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450 Councilman Seroka has become an advocate in opposition to the applications that are before this  
451 City Council.

452

453 Beginning with his campaign handouts, he says that the property owners would be required to  
454 participate in a property swap – regardless of the property rights currently held by the property  
455 owners. He also – His plan highlighted that he was unwilling to even consider the property  
456 owner's rights and development plans.

457

458 In a February 14th, 2017 Las Vegas Planning Commission meeting, while wearing the Steve  
459 Seroka for Las Vegas City Council pin, he strongly advocated against my client's property rights  
460 and development plans, stating “Over my dead body will I allow a project that will drive  
461 property values down 30 percent. Over my dead body will I allow a project that will set a  
462 precedent that will ripple across the community, that those property values not affected in  
463 Queensridge, but throughout the entire community.”

464

465 He then asked the County – Mr. Seroka then asked the Commissioners to reject the Staff's  
466 approval and recommendation to deny the applications. The following day at the City Council  
467 meeting, he stated “I'm against this project.”

468

469 After Mr. Seroka's election, at a town hall meeting in November 29th, 2017, the Queensridge  
470 Clubhouse, he stated that having the City Staff follow the letter of the law when reviewing  
471 development applications is “The stupidest thing in the world in this case.”

472

473 He continued then by encouraging Queensridge homeowners to send in opposition to the  
474 Planning Commissions and to the City Council.

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475 At the August 2nd, 2017 City Council hearing for the proposed development agreement for the  
476 entire properties, negotiated by City Staff, including the City Attorney, and after delivering what  
477 appeared to be pre-scripted remarks, he made a motion to deny the development agreement  
478 shortly thereafter.

479

480 At another City Council meeting, September 6th, 2017, he then proposed a six-month  
481 moratorium, specifically targeting development of my client's property, further delaying what  
482 has already been a long and tortured and delayful process.

483

484 In short, Councilman Seroka has become an outspoken advocate against my client's property  
485 rights and have actively squelched timely consideration of my client's application. As I say, why  
486 does – all this matter? Because you're a government body. The Constitution applies to you. My  
487 client has Constitutional rights and property interests that must be protected. And if you are  
488 unfair or if you're biased, the due process clause of the Nevada Constitution and the U.S.  
489 Constitution is violated.

490

491 You are – You sit in judicial roles in a quasi-judicial fashion, and the law adjudges you by the  
492 principles that we would judge a judge in terms of impartiality. We would never allow a judge to  
493 be both an advocate and then sit and be the judge of that case. That's exactly what Councilman  
494 Seroka is doing. We would never allow a judge to express anti-religious and anti-nationality  
495 comments and then to sit as a judge.

496

497 So the basis of all of these points, Madame Mayor, is that my client cannot receive a fair hearing  
498 or have a fair and impartial tribunal as is required under the Constitution, and I respectfully ask,  
499 again, that Councilman Seroka and Councilman Coffin no longer participate in these proceedings  
500 and no longer vote.



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501 I do have, I do have one – suggestion for you, Your Honor, and that's this. If – it really is so  
502 important to this Council that this property not be developed, then just simply concede to inverse  
503 condemnation, and then we'll just be arguing about value. You can get rid of all of these  
504 applications. You can get rid of all the neighbors. You can get rid of all of the headaches that you  
505 have. If it really is your intention not to allow the property owner to develop, just concede to the  
506 inverse condemnation –

507

508 **CITY ATTORNEY JERBIC**

509 Mr. Hutchison?

510

511 **MARK HUTCHISON**

512 – because you've got one of two choices.

513

514 **CITY ATTORNEY JERBIC**

515 Mr. Hutchison? You were given time to make your record on disqualification. You are going  
516 way afar from the two letters that you filed talking about inverse condemnation. Do you have  
517 anything else to say with respect to your attempt to recuse both Councilman Coffin and  
518 Councilman Seroka, specifically?

519

520 **MARK HUTCHISON**

521 My – Mr. Jerbic, my follow-up remarks were addressed to that point that you can avoid all of  
522 this by simply ceding the inverse condemnation. Those are my remarks. Madame Mayor, thank  
523 you for the time. Members of the City Council, thank you for your time, and I ask that you take  
524 these matters very seriously. They involve Constitutional rights and my client's property interest.  
525 Thank you.

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526 **MAYOR GOODMAN**

527 Mr. Jerbic, the only other item would be anybody who wishes to comment on the abeyance  
528 alone?

529

530 **CITY ATTORNEY JERBIC**

531 I – don't know that any comment is necessary, but I have a couple of comments that I would like  
532 to put on the record. And, you can make a decision if you want to comment at the end of that.

533

534 This is really between right now Mr. Hutchison's letters and the City Council. I will say that we  
535 looked at these matters and take them very seriously. I can say there was a court ruling just  
536 recently where the judge took the bench and read the decision before he took any oral argument.

537 This Council reads background information all the time before hearing testimony of the public.

538 Everybody comes to this Council with some feeling one way or the other on just about every  
539 item. And, if it were true that you have to be Caesar's wife to sit on a City Council and not have  
540 any opinion about anything before you sit down, then nobody's ever voting on any issue ever. So

541 I – don't agree with the characterization of the frame of mind that individuals have to have.

542

543 If an individual were to say I'm against alcohol and therefore I will never vote for any application  
544 that approves a liquor store, or I'm against a strip club and because it's against my religious  
545 belief, I can never vote for one, or because I'm against any golf course conversion and can never  
546 vote for one, I would understand the point. But for an individual during a campaign to talk about  
547 a development agreement and these issues weren't even raised when he voted on the  
548 development agreement, and today he's got three issues before him that are completely different  
549 from the development agreement, which involved over 2,000 multi-family homes, this doesn't.  
550 This involves 235 single-family homes, and he hasn't made a single comment, to my knowledge,  
551 other than I want to work with the Applicant and the neighbors.

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552 Further, let me state that advocating for neighbors is not the same as advocating against an  
553 applicant. I think every good elected official, in my opinion, advocates for their constituents.  
554 And if the standard is that by advocating for your constituents, you have somehow placed  
555 yourself in an adversary position to any applicant and can never vote, then nobody on this  
556 Council is ever voting on any application ever in the planning session of the Council meeting. So  
557 I – wanted to put that on record.

558

559 The other thing I will state is that I have been directed by Councilman Seroka many times to  
560 reach out to the Applicant and the neighborhood to see if a deal can still be reached. So, with that  
561 in mind, we have given the advice that Councilman Seroka does not need to disqualify himself,  
562 unless he feels for some subjective reason that he can't be fair, and he's indicated that he can.  
563 Second, let me state, and this is probably controversial, but let me state that the comments stated  
564 by Councilman Coffin, and he made this record earlier, and I don't know – Councilman Coffin,  
565 are you still on the phone?

566

567 **COUNCILMAN COFFIN**

568 Oh, yes. I'm eagerly listening.

569

570 **CITY ATTORNEY JERBIC**

571 Okay. Councilman Coffin has stated earlier, and I'm – paraphrasing here that you can read  
572 comments sometimes made by people two separate ways. To – compare somebody to a tough  
573 national leader, who negotiates very effectively on behalf of his people and says you don't have  
574 to behave that way, can be read one way as admiring somebody and saying you don't need to be  
575 that way in this negotiation, or it can be read the way you're choosing to read it, which is there is  
576 some anti-Jewish or anti-Israeli prejudice here. I think Councilman Coffin needs to address that  
577 directly and has in the past. Councilman, do you care to make a comment on that issue?

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578 **COUNCILMAN COFFIN**

579 Yes, I'm delighted to talk to all of this. First of all, I am following the advice of legal counsel on  
580 this – vote, so I will be voting. Perhaps (inaudible) has to take place soon, because there are  
581 many false statements in this letter, which I finally received a copy of it yesterday. It was  
582 delivered to our offices after the close of business, before a long weekend, and so Tuesday was  
583 the first day that I saw an email description of the letters which seems to repeat the same  
584 misstatements and falsehoods that were said earlier during the campaign against (inaudible).

585

586 So my point is that first of all, Mayor, I'd like – I'm sorry I can't be there to see the Lieutenant  
587 Governor's face, but I (inaudible) – Is he looking at you while he's making these statements or if  
588 he is righteously indignant. No answer. Therefore, he must be righteously indignant.

589

590 I have many times been on the campaign trail and seen a person make a statement, for example,  
591 Candidate A might say in advance during the campaign they are pro-life. Well, they know what  
592 that means, and I know what that means. However, (inaudible) but they make that position clear  
593 in order that people might rely on their vote to ensure their policy is continued. So the pro-life  
594 people vote for the candidate who is pro-life, perhaps Lieutenant Governor Hutchinson is of that  
595 mind, in which case if I like him, I'd vote for him because he's pro-life. Well, he hasn't even  
596 heard a case or a bill on pro-life or voted on one. So it could be that these kinds of circumstances  
597 can occur in the heat of a campaign.

598

599 Now, regarding my position, my position was that Bibi Netanyahu, the Prime Minister of Israel,  
600 who is a buffoon and who is leading his country into an eternal state of war. I am here in Korea  
601 with several hundred religious, political leaders who are trying to help get peace in the North  
602 Korean Peninsula and the South Korean. They are comprised of members of many faiths.

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603 I discussed this last night with a rabbi from Israel, as well as a couple of friends from Israel, all  
604 (inaudible) who said and they almost rolled off their chairs when they heard this argument that  
605 somehow those settlements would have anything to do with politics or anti-Semitism, because  
606 half of Israel is opposed to the settlements. So that is their statement. They could be wrong. They  
607 (inaudible) a few percentage points off, but I just wanted to say that this is an arguable  
608 proposition.

609

610 In any event, I grew up with members of many faiths and 66 years I have lived in Las Vegas, and  
611 the first time I have been accused of being bigoted would have been last year. He seems to  
612 continue to rely upon this, on this half-truth in order to secure my abstention, which would rob  
613 me of my vote and rob one-seventh of the citizens of Southern Nevada in the City of Las Vegas  
614 of a vote on this issue. I will not do that. I will vote for abeyance.

615

616 **MAYOR GOODMAN**

617 Well, and I believe just in response, the abeyance did carry. So it's on for the 16th of May. Now,  
618 Mr. Jerbic, we have some gentlemen in front of us. May they speak to the abeyance and that's it?

619

620 **CITY ATTORNEY JERBIC**

621 It is your call, Your Honor. There's no, nothing that legally prohibits them. It's your – It's only  
622 with your permission.

623

624 **MAYOR GOODMAN**

625 All right.

626

627 **FRANK SCHRECK**

628 Your – Honor.

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629 **MAYOR GOODMAN**

630 We will stay on the abeyance.

631

632 **FRANK SCHRECK**

633 No, we – would like to just address –

634

635 **TODD BICE**

636 We need to make –

637

638 **FRANK SCHRECK**

639 – the Lieutenant Governor's statements. Mine's very brief –

640

641 **TODD BICE**

642 We need to make –

643

644 **FRANK SCHRECK**

645 – and his is very brief.

646

647 **TODD BICE**

648 Yeash. We need to make our record on this as well. You allowed them to make a record on this.

649 We believe that it's appropriate that the record be accurate –

650

651 **FRANK SCHRECK**

652 Complete.

653

654 **TODD BICE**

655 – and complete on this –

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656 **MAYOR GOODMAN**

657 Okay.

658

659 **TODD BICE**

660 – as opposed to one-sided.

661

662 **MAYOR GOODMAN**

663 You're together –

664

665 **TODD BICE**

666 Yes.

667

668 **MAYOR GOODMAN**

669 – so can you share the time?

670

671 **FRANK SCHRECK**

672 No. I – Mine is going to be very short on one specific item that's personal.

673

674 **TODD BICE**

675 As is –

676

677 **FRANK SCHRECK**

678 He's going to be more general.

679

680 **TODD BICE**

681 As is mine. With all due respect to my friend, Mr. Hutchison, the legal, the – standard is not as

682 he articulates it. In fact, I almost wish it were, because if it were, the votes of this City Council in

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683 the past on behalf of this developer were blatantly unlawful if Mr. Hutchison were right. With all  
684 due respect to Councilman Beers, who's no longer here, he was this Applicant's biggest advocate  
685 and everybody knew it. And there have been other advocates for him on this, on the Council. So  
686 that is not the legal standard, number one.

687

688 Number two, I do not think it is an accident that this slander against the two Councilmen has  
689 escalated now after the district court has ruled that the developer bullied the City into violating  
690 the rights of the homeowners, and that is exactly what Judge Crockett has found is that this  
691 Applicant bullied the City into changing the rules to accommodate him.

692

693 And, this is exactly – I'm taking this right out of the judge's transcript, out of his statements. Is  
694 that one of the problems developed here is that this Applicant represented that he had secured  
695 pre-approval from every member on the City Council at the time he bought this property, outside  
696 of a public meeting in blatant violation of the open meeting law, if it's true. But Mr. – Lowie, I'll  
697 leave it to the others to assess his credibility, but Mr. Lowie's version of what happened is that he  
698 secured an unlawful agreement by the City Council to pre-approve his project outside of a public  
699 meeting. And that's what Judge Crockett called him on that, because that is exactly what he is –  
700 contending.

701

702 So, with all due respect to Mr. Hutchison, the party here who was trying to, by his own, by his  
703 words, rig the outcome of a vote was this Applicant. And the judge has set it aside. And he  
704 doesn't like that fact, and so now he's resorted to slandering Councilmembers. I think that just  
705 speaks volumes about this Applicant and why this problem, why this has escalated in the fashion  
706 that it has.

707

708 So, with that in mind, under the actual law, there is no violation of anybody's rights here. The  
709 only rights that have been violated were the rights of the homeowners, and the court has so found



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710 that. And, I'll turn it over to Mr. Schreck –

711

712 **MAYOR GOODMAN**

713 Only –

714

715 **TODD BICE**

716 – with one final observation.

717

718 **MAYOR GOODMAN**

719 Only after you state your name, which you forgot.

720

721 **TODD BICE**

722 Madame Mayor, my apologies. Todd Bice, Pisanelli Bice, 700 or 400 South 7th Street. My  
723 apologies. So, in paragraph number 12 of his counterclaim, where this Applicant has sued the  
724 City, he specifically claims, again, that he had this pre-approval at the time that he purchased the  
725 property, which again, if he's telling the truth, he's the one who's admitting to the violations of  
726 the law and the violations of my client's rights. I thank you for your time.

727

728 **FRANK SCHRECK**

729 Is this on? Okay. Frank Schreck, 9824 Winter Palace Drive. I just want to briefly touch on the –  
730 anti-Semitic statements about Mr. Coffin. All of us know Mr. Coffin, and all of us know he's not  
731 an anti-Semite. But it seems that this Applicant, Mr. Lowie, has a propensity, when he loses or  
732 gets angry at someone, to call them anti-Semite. He did in a letter in the primary election. He  
733 called Councilman Seroka and Christina Roush anti-Semites. He's called Councilman Coffin an  
734 anti-Semite.

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735 And one week before I was to be honored by the – Anti-Defamation League, which you know is  
736 a Jewish organization, to get their annual Jurisprudence of the Year Award, which goes to an  
737 attorney who's exhibited work in terms of civil rights, equal rights for everyone, a week before  
738 that, he told the Director of the ADL that he was gonna tell people not to go to the luncheon  
739 honoring me because I was an anti-Semite.

740

741 So this is a, this is a – pattern that this Applicant has that if you don't agree with him, he will call  
742 you a name. I was called an extortionist. Jack Binion was called an extortionist. There's no limit  
743 to what he will call you if he doesn't get his way. And I don't have to tell you when he said that  
744 he had gone to each one of your Council, each Councilperson and – got a commitment, that was  
745 one of his rants in front of you about a year and a half ago, and that's just how he acts. But he  
746 chooses to call people names that don't fit, and it certainly doesn't fit with Councilman Coffin.  
747 Thank you.

748

749 **MAYOR GOODMAN**

750 Okay. I think this is closed at this point. And, is this on the abeyance?

751

752 **STEPHANIE ALLEN**

753 Yes, Ma'am, please.

754

755 **MAYOR GOODMAN**

756 Okay. And only the abeyance?

757

758 **STEPHANIE ALLEN**

759 Only the abeyance.

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760 **MAYOR GOODMAN**

761 Okay.

762

763 **STEPHANIE ALLEN**

764 Thank you, Your Honor, Council. Stephanie Allen, 1980 Festival Plaza, here on behalf of the  
765 Applicant. I'd like to just speak to the zoning item. I know there's a lot of personalities here and a  
766 lot of issues –

767

768 **MAYOR GOODMAN**

769 No.

770

771 **STEPHANIE ALLEN**

772 – that are being discussed that are outside of the zoning, but the zoning applications that are on  
773 the agenda –

774

775 **MAYOR GOODMAN**

776 No.

777

778 **STEPHANIE ALLEN**

779 – and the abeyance in particular

780

781 **MAYOR GOODMAN**

782 No.

783

784 **STEPHANIE ALLEN**

785 – are what I want to talk about.

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786 **MAYOR GOODMAN**

787 Only the abeyance –

788

789 **STEPHANIE ALLEN**

790 Only the abeyance.

791

792 **MAYOR GOODMAN**

793 Not the, not the zoning.

794

795 **STEPHANIE ALLEN**

796 Correct. So the – What I'd like to put onto the record is that we're three years into this, and I  
797 know you didn't ask and the Council has already voted, but three years into this, where we've  
798 been trying to get something approved so we can develop this property, do something with this  
799 property. We've had a number of different applications before you.

800

801 We believe this is the final application, probably, where it's a conforming application, no request  
802 for a zone change, just an application to develop the property under its existing R-PD7 zoning.  
803 Three more months is tantamount to a denial. Every time this gets abeyed, whether it's these  
804 applications or the prior applications, it directly harms the property owner, and it directly harms  
805 the community.

806

807 So I – know the vote has already taken place, but for purposes of this Council, we would  
808 appreciate a vote on these applications and due process and the ability for you all to hear the  
809 zoning facts, not the personality discrepancies, just the facts of the zoning case and make a  
810 determination as to whether or what he can do with this property so that we can move on for the  
811 betterment of him and the overall community, because that's really what your job is as a Council  
812 and the leadership of this Council is, is to decide what's best for the community and the

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813 constituents, not the few folks that come up here every single time, but the overall community,  
814 and we'd like to do something with this property and we'd like to have a hearing on the  
815 application. So –

816

817 **MAYOR GOODMAN**

818 Thank you.

819

820 **STEPHANIE ALLEN**

821 I just wanted to put that on the record.

822

823 **MAYOR GOODMAN**

824 Thank you.

825

826 **STEPHANIE ALLEN**

827 Also, I would like to defend my client's character. I don't think it's fair to say that he comes up  
828 here and calls everyone names. He has been called a lot of names that are unfair as well. He's a  
829 man of integrity. He does beautiful work. And all that this Council should be doing is looking at  
830 this application on its face from a zoning standpoint. So we'd appreciate that opportunity in a  
831 couple months. Thanks.

832

833 **MAYOR GOODMAN**

834 Thank you very much. Okay. We are gonna move on now to Agenda Item 88. This issue –

835

836 **LISA MAYO**

837 Mayor –

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838 **MAYOR GOODMAN**

839 – is closed.

840

841 **LISA MAYO**

842 I'm sorry. Lisa Mayo. I was told that only on this Item, 122, could I ask the question regarding  
843 the report that was given, per Councilwoman Fiore's request, to find out how much taxpayer  
844 money has been spent on this project. And I called yesterday to find out if we could get a report  
845 on that, and they said I had to just come up during Item 122 in order to talk to that. So I'd like to  
846 see if we could get a report on this item as to how much taxpayer money has been spent by Staff  
847 to this. And now we're adding another three months to it. So I think whatever that number is, add  
848 another \$300,000 to it and the taxpayers of this community are seeing the number go way up.

849 Can we have a report on that –

850

851 **CITY ATTORNEY JERBIC**

852 Ms. Mayo –

853

854 **LISA MAYO**

855 – please?

856

857 **CITY ATTORNEY JERBIC**

858 Ms. Mayo, I gotta – I've got to cut you off because we are, first of all, not even agendaed for that,  
859 and that would be more appropriate under public comment. But I can tell you, Staff will get back  
860 to you with whatever information you requested and give you a reason, either give you the  
861 answer or reason why they can't give you the answer.

862

863 **LISA MAYO**

864 Okay. But – it really needs to be in public comment. The public needs to know about this. How

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865 do we get it into the public record?

866

867 **CITY ATTORNEY JERBIC**

868 You can wait until public comment at the end of the meeting.

869

870 **LISA MAYO**

871 Okay, I will. Thank you.

872

873 **CITY ATTORNEY JERBIC**

874 You got it.

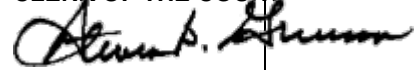
875

876 **MAYOR GOODMAN**

877 Thank you. Okay.

878 **(END OF DISCUSSION)**

879 /dao



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6 Attorneys for Plaintiffs

7 **DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

9  
10 FORE STARS, LTD., a Nevada limited  
11 liability company; 180 LAND CO., LLC;  
12 A NEVADA LIMITED LIABILITY  
COMPANY; SEVENTY ACRES, LLC, a  
13 Nevada limited liability company,

14 Plaintiffs,

15 vs.

16 DANIEL OMERZA, DARREN BRESEE,  
STEVE CARIA, and DOES 1 THROUGH  
17 100,

18 Defendants.

Case No.: A-18-771224-C

Dept: XIX

**RESPONSE IN OPPOSITION TO  
DEFENDANTS' MOTION FOR  
ATTORNEYS' FEES AND  
ADDITIONAL MONETARY RELIEF  
PURSUANT TO NRS 41.670 AND  
NRS 18.010(2)**

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20 COME NOW the Plaintiffs, by and through their counsel, Lisa A. Rasmussen,  
21 Esq. of the Law Offices of Kristina Wildeveld & Associates, and hereby submit this  
22 Response in Opposition to the Defendants' Motion for Attorneys' Fees and Additional  
23 Monetary Relief Pursuant to NRS 41.670 and NRS 18.010(2).  
24



**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

Plaintiffs oppose Defendants' Motion for Attorneys' Fees and Additional Monetary Relief Pursuant to NRS 41.670 and NRS 18.010(2). Defendants' Motion is the latest of many attempts for Defendants and Mr. Schreck to harm Plaintiffs, with the ultimate goal of putting them out of business and preventing them from lawfully developing their land. Defendants propose a staggering award of \$694,044.00. This calculation is not a result of a reasonable lodestar calculation, does not comport with the Brunzell factors, includes fees they are not entitled to, and is excessively driven up by strategic and malicious billing tactics. Defendants would never accept this legal bill if they were required to actually pay it. In this case, the Defendants have not paid any legal fees, but instead, the firm representing them, a firm headed by co-conspirator Frank Schreck, is representing them on a contingency fee basis. In many ways, this demand for nearly \$700,000 in attorney's fees is simply a continuation of the conspiracy against Plaintiffs.

Plaintiffs have failed to meet their burden in establishing their requested fees are a product of a reasonable hourly rate and hours reasonably spent on the matter because they cannot meet this burden. Plaintiffs request Defendants' fee request be denied in its entirety due to being unreasonably inflated in a brazen and transparent (the only thing transparent about their billing) attempt to get revenge on Plaintiffs.

1 However, if the Court chooses to award attorney's fees under NRS 41.670, Defendants  
2 are entitled to only an award of *reasonable* attorneys' fees relating solely to the anti-  
3 SLAPP Motion.

4 A lodestar enhancement for anti-SLAPP is unprecedented in the state of Nevada  
5 and would duplicate factors already considered in the lodestar calculation. Regardless,  
6 the facts here do not warrant an enhancement. Defendants request an unenhanced  
7 "lodestar calculation" of \$354,267 in fees. Defendants have not met their burden in  
8 proving this calculation is a product of a *reasonable* hourly rate and the number of  
9 hours *reasonably* spent on the case, thus either of these may be further reduced or flat  
10 out denied by the Court if it finds them unreasonable. Nor do the Brunzell factors  
11 weigh in favor of such a high award.

12 Moreover, Plaintiffs request at least \$155,014.00 of these fees should be denied in  
13 its entirety because they were incurred by matters unrelated to the anti-SLAPP Motion,  
14 result from Mr. Schreck being paid an hourly rate of \$875 for providing factual  
15 information (likely to ensure any communication between Mr. Schreck and the  
16 Defendants is privileged), were incurred by meritless obstructionist motions and  
17 petitions, or were block-billed obscuring the time spent between working on the anti-  
18 SLAPP Motion and other matters, attached as Exhibit 2. Plaintiffs further request at  
19 least an additional \$73,749.00 of the remaining \$199,253 should be reduced  
20 substantially due to redundant, duplicative, or excessive billing, attached as Exhibit 3.  
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1 Plaintiffs' actions do not warrant a punitive award under NRS 41.670(1)(b) and  
2 Plaintiffs *cannot* recover under NRS 18.010(2).

3 **II. LEGAL ARGUMENT**

4 An analysis of an award for a contingent attorney fee begins with the lodestar  
5 calculation, which involves "multiplying 'the number of hours *reasonably* spent on the  
6 case by a *reasonable* hourly rate.'" Shuette v. Beazer Homes Holdings Corp., 121 Nev.  
7 837, 865, 124 P.3d 530, 549, fn. 98 (2005), *citing* Herbst v. Humana Health Ins. of Nev.,  
8 105 Nev. 586, 590, 781 P.2d 762, 764 (1989) (emphasis added). Once the lodestar amount  
9 is determined, this calculation must comport with the Brunzell factors. Id. The Brunzell  
10 factors, with no single factor controlling, are:  
11

12 (1) the qualities of the advocate: his ability, his training, education,  
13 experience, professional standing and skill; (2) the character of the work  
14 to be done: its difficulty, its intricacy, its importance, time and skill  
15 required, the responsibility imposed and the prominence and character of  
16 the parties where they affect the importance of the litigation; (3) the work  
17 actually performed by the lawyer: the skill, time and attention given to  
18 the work; (4) the result: whether the attorney was successful and what  
19 benefits were derived.

20 Brunzell v. Golden Gate Nat. Bank, 85 Nev. 345, 349–50, 455 P.2d 31, 33 (1969).

21 Under NRS 41.670(1)(a), if the court grants an anti-SLAPP motion to dismiss,  
22 "[t]he court shall award *reasonable* costs and attorney's fees to the person against whom  
23 the action was brought." NRS § 41.670(1)(a) (emphasis added). Furthermore, NRS  
24 41.670(1)(b) allows but does not require the court to award "an amount of up to \$10,000  
to the person against whom the action was brought."

1 Defendants seek to create sweeping precedent by establishing a “lodestar  
2 enhancement” for anti-SLAPP motions, something never recognized in Nevada before  
3 and only used in limited, discretionary, and distinguishable circumstances in  
4 California . Even Defendants’ unenhanced \$354,267 request is vastly inflated and is not  
5 reasonable pursuant to the lodestar calculation and Brunzell factors. Defendants’ had  
6 no incentive to ensure their fees were reasonable, their client was never going to pay.  
7 Instead, they request an opaque bill full of unnecessary, inflated, duplicative, and  
8 redundant fees.  
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10  
11 **A. The lodestar fees should not be enhanced because there is no**  
12 **binding authority for an anti-SLAPP lodestar enhancement and it**  
13 **would unduly duplicate factors already considered in the lodestar**  
14 **calculation.**

15 There are no Nevada cases that directly deal with the issue of whether a court  
16 may enhance a lodestar award to a prevailing party in a successful anti-SLAPP motion.  
17 Defendants point to a California case that is of course not binding, can be distinguished  
18 from the facts here, and does not even create a mandate for California courts but  
19 merely permits courts to enhance a lodestar fee. Ketchum v. Moses, 17 P.3d 735, 746  
20 (Cal. 2001).

21 Plaintiffs find the United States Supreme Court’s precedent more persuasive. In  
22 Dague, the Court considered the fee-shifting provision in a federal environmental  
23 statute. Specifically, the Court decided the issue of whether a court “may enhance the  
24 fee award above the ‘lodestar’ amount in order to reflect the fact that the party’s

1 attorneys were retaining on a contingent-fee basis and thus assumed the risk of  
2 receiving no payment at all for their services.” City of Burlington v. Dague, 505 U.S.  
3 557, 559 (1992). The Court rejected the argument that “without the possibility of a fee  
4 enhancement ... competent counsel might refuse to represent” a client. Id. at 560. The  
5 Court further rejected the argument that a “‘reasonable’ fee for attorneys who have  
6 been retained on a contingency-fee basis must go beyond the lodestar, to compensate  
7 for risk of loss and of consequent nonpayment.” Id. at 562.

8  
9 The Dague Court recognized the existence of a “‘strong presumption’ that the  
10 lodestar represents the ‘reasonable’ fee,” describing lodestar as “the guiding light of  
11 our fee-shifting jurisprudence.” Id., quoting Pennsylvania v. Delaware Valley Citizens’  
12 Council for Clean Air, 478 U.S. 546, 565 (1986). The Court further placed the burden on  
13 the fee applicant to show “such an adjustment is *necessary* to the determination of a  
14 reasonable fee.” Id., quoting Blum v. Stenson, 465 U.S. 886, 898 (1984) (emphasis in  
15 original).  
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17  
18 Recognizing a lodestar multiplier would unduly duplicate factors that are  
19 already part of the lodestar calculation, the Supreme Court held:

20 The risk of loss in a particular case (and, therefore, the attorney’s  
21 contingent risk) is the product of two factors: (1) the legal and factual  
22 merits of the claim, and (2) the difficulty of establishing those merits. The  
23 second factor, however, is ordinarily reflected in the lodestar—either in  
24 the higher number of hours expended to overcome the difficulty, or in  
the higher hourly rate of the attorney skilled and experienced enough to  
do so.

1 Id. at 562–63, *citing Blum*, 465 U.S. at 898–99. The Court further held that the first factor  
2 should not play into the calculation of the award because it is “a factor that always  
3 exists....so that computation of the lodestar would never end the court’s inquiry in  
4 contingent-fee cases.” Id. at 563.

5  
6 The Court also rejected the argument that contingent enhancements may be  
7 appropriate in certain limited scenarios because it would require the fee applicant to  
8 “establish that without the adjustment for risk [he] would have faced substantial  
9 difficulties in finding counsel” and would require a risk assessment of every case. Id. at  
10 564, *quoting Pennsylvania v. Delaware Valley Citizens' Council for Clean Air*, 483 U.S.  
11 711, 731 (1987).

12  
13 A fee-shifting statute should bar the prevailing party from recovering for the  
14 risk of loss. Id. at 565. To hold otherwise, the Dague Court held, “would in effect pay  
15 for the attorney’s time (or anticipated time) in cases where his client does not prevail”  
16 and would “concoct a hybrid scheme that resorts to the contingent-fee model to  
17 increase a fee award but not to reduce it.” Id. at 566 (distinguishing the lodestar model  
18 from the contingent-fee model). The Court recognized that such an enhancement or  
19 multiplier of a fee-shifting statute would make fee awards “more complex and  
20 arbitrary,” “more unpredictable,” and “more litigable.” Id. at 566. The entire purpose  
21 of anti-SLAPP legislation is to deter litigation, not exacerbate it. *See* NRS § 41.670.  
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1 A more recent Supreme Court decision reaffirmed Dague and held that the fee  
2 seeking party bears the burden “of identifying a factor that the lodestar does not  
3 adequately take into account and proving with specificity that an enhanced fee is  
4 justified” without subsuming an existing factor in the lodestar calculation. Perdue v.  
5 Kenny A. ex. Rel. Winn, 559 U.S. 542, 546 (2010).  
6

7 Defendants base their argument for a lodestar multiplier on a nonbinding and  
8 unpersuasive California case. Lengthy litigation commenced three years after the  
9 California legislature initially passed the California anti-SLAPP bill. Ketchum v. Moses,  
10 17 P.3d 735, 738, 746 (Cal. 2001). The California trial court made repeated reference to  
11 the plaintiff’s statements that he intended to tie the Moses up in court and “make the  
12 case so expensive that Moses would not be able to afford a lawyer.” Id. at 1128–29, 739  
13 (2001). The superior court expressly stated, “that was part of my thinking and ruling  
14 on the amount of attorney’s fees and the multiplier as well [...] *I intended by that to give*  
15 *my message* that that kind of statement goes against his interests.” Id. at 1129, 739–40.  
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17  
18 Additionally, the California Supreme Court noted the defendant’s counsel  
19 included declarations from local attorneys describing the local market rate for such a  
20 contingent fee and although anti-SLAPP laws were novel at the time, the enhanced  
21 award amounted to \$140,212, roughly equal to \$232,550.85 in 2020 dollars, almost  
22 exactly a third of what Defendants are now seeking. Id. at 739. Furthermore, the  
23 California Supreme Court recognized that the declarations showed it was local custom  
24

1 for attorneys to enhance fees by 2.0 for anti-SLAPP motions. Id. Unlike Moses,  
2 Defendants cannot point to any local attorneys enhancing fees by using a 2.0 multiplier  
3 for anti-SLAPP cases because they do not exist. Additionally, the other case in support  
4 of Defendants' position of a lodestar enhancement and cited by Defendants is an  
5 unpublished California Court of Appeal case, forbidden to be cited under California  
6 Rules of Court 8.1115 and the equivalent NRAP 36(c).  
7

8 Moreover, the California Supreme Court held that a trial court is not required to  
9 apply a lodestar enhancement but that it is wholly within its discretion and is  
10 dependent on factors such as whether the attorney mitigated the risk of nonpayment  
11 and whether the attorney satisfied the burden of proof that lodestar calculation does  
12 not adequately reflect the contingency risk or extraordinary skill involved. Id. at 1138,  
13 746. Extraordinary skill or representation is particularly "susceptible to improper  
14 double counting" and should be awarded only when "the quality of representation far  
15 exceeds the quality of representation that would have been provided by an attorney of  
16 comparable skill and experience billing at the" lodestar hourly calculation. Id. at 1138–  
17 1139. Finally, if the fee request is unreasonable, the Court does not even need to  
18 consider the lodestar enhancement. Christian Research Inst. v. Alnor, 165 Cal. App. 4th  
19 1315, 1329, 81 Cal. Rptr. 3d 866, 877 (Cal. App. Ct. 2008).  
20  
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22 Here, the Court should follow the Dague ruling. Defendants entire argument for  
23 the enhancement is the large number of hours billed. This is exactly what the United  
24



1 States Supreme Court described as substantially duplicating a lodestar factor. The  
2 number of hours worked is clearly one of two components in the lodestar calculation.  
3 Mr. Langberg's describes himself as an expert in anti-SLAPP litigation, he certainly  
4 knows how to mitigate to avoid putting his firm and himself "at risk." Moreover, the  
5 risk of loss is necessarily reflected in Mr. Langberg's hourly rate as an anti-SLAPP  
6 attorney.  
7

8 Furthermore, NRS 41.670(1)(b) creates an additional remedy for Defendants  
9 who prevail on an anti-SLAPP motion and a deterrent to Plaintiffs by allowing an  
10 award of up to \$10,000 to each Defendant. There is no California equivalent of NRS  
11 41.670(1)(b). If the Legislature intended to create an additional incentive for anti-  
12 SLAPP attorneys or an additional deterrent to Plaintiffs by creating a lodestar  
13 enhancement mechanism, it would have done so. Where California's anti-SLAPP  
14 statute differs from Nevada's "California's jurisprudence is not relevant." Padda v.  
15 Hendrick, 461 P.3d 160 (Nev. 2020) (unpublished).  
16

17  
18 Even if Ketchum were controlling, Langberg did not satisfy his burden of proof  
19 and it is wholly within this Court's discretion to award a lodestar enhancement. Mr.  
20 Langberg did not provide any evidence in his Declaration that it is local custom for  
21 anti-SLAPP attorneys to seek a multiplier of an award. Furthermore, the Ketchum trial  
22 court repeatedly referred to the plaintiff's bad faith motive in initiating the lawsuit and  
23 even stated its award was meant to deter similar bad faith lawsuits. Here, the Plaintiffs  
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1 initiated a good faith lawsuit to vindicate its rights regarding their property. The fact  
2 that the Defendants initially received an adverse ruling which was only reversed after  
3 the case made it to the Nevada Supreme Court is a testament to this. Furthermore,  
4 even under Ketchum, the Defendants argument would constitute “double counting,”  
5 as Defendants intend to add a factor already calculated by the lodestar calculation, the  
6 risk of loss.  
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8 Moreover, even assuming Ketchum controlled and somehow this case was  
9 deserving of a lodestar enhancement, any work performed after the Motion is granted  
10 cannot be enhanced because the fee is no longer contingent. Thus, not only are the fees  
11 for this Motion not enhanced, but any fees incurred after the November 9<sup>th</sup> hearing  
12 would not be enhanced as this Court granted the anti-SLAPP Motion.  
13

14 **B. Even without the enhancement, Defendants’ lodestar calculation is**  
15 **unreasonable.**

16 Pursuant to NRS 41.670(1)(a), a prevailing defendant in an anti-SLAPP motion  
17 to dismiss shall be awarded *reasonable* costs and attorney’s fees. A determination of a  
18 reasonable fee is within this Court’s discretion and “is tempered only by reason and  
19 fairness.” Shuette v. Beazer Homes Holdings Corp., 121 Nev. 837, 864, 124 P.3d 530,  
20 548–49 (2005). The lodestar calculation is the favored approach, absent a contingency-  
21 fee agreement, it is calculated by “multiplying ‘the number of hours *reasonably* spent on  
22 the case by a *reasonable* hourly rate.’” Id. at 549, fn. 98, *citing* Herbst v. Humana Health  
23 Ins. of Nev., 105 Nev. 586, 590, 781 P.2d 762, 764 (1989) (emphasis added).  
24

1 A reasonable hourly rate is defined as the “rate prevailing in the community for  
2 similar work performed by attorneys of comparable skill, experience, and reputation.”  
3 Camacho v. Bridgeport Fin., Inc., 523 F.3d 973, 979 (9th Cir. 2008), *quoting* Barjon v.  
4 Dalton, 132 F.3d 496, 502 (9th Cir. 1997). *See* Ford Motor Co. v. Jones-W. Ford, Inc., 454  
5 P.3d 1260 (Nev. 2019) (unpublished) (affirming an award of attorney’s fees because  
6 counsel provided evidence of prevailing billing rates). Additionally, padded billing “in  
7 the form of inefficient or duplicative efforts is not subject to compensation.” Ketchum,  
8 17 P.3d at 735. The number of hours Defendants’ counsel spent on the case and the  
9 hourly rate Defendants’ counsel charged are not reasonable and are part of a strategy  
10 to increase the amount of money Defendants’ counsel would receive for working on  
11 the case. Moreover, Defendants’ entire listing is block-billed and it is impossible to  
12 determine how much time was actually spent on each individual task.

13 Defendants cite Goldman as standing for the proposition that NRS 41.670(1)(a)  
14 mandates an award of all attorneys’ fees incurred in the action, not just the work  
15 directly related to the anti-SLAPP motion. Goldman v. Clark Cty. Sch. Dist., 471 P.3d  
16 753 (Nev. 2020) (unpublished). On the contrary, in Goldman, the Nevada Supreme  
17 Court reviewed an award of attorney’s fees and affirmed it merely on the basis that it  
18 did not constitute a manifest abuse of discretion, the standard of review for such  
19 matters. Id.

1 In resolving ambiguities in anti-SLAPP legislation, Nevada courts often look to  
2 California law for guidance because each state's anti-SLAPP statute is "similar in  
3 purpose and language," absent any language to the contrary. Shapiro v. Welt, 133 Nev.  
4 35, 39, 389 P.3d 262, 268 (2017). The analogous California provision states, "a  
5 prevailing defendant on a special motion to strike shall be entitled to recover his or her  
6 attorney's fees and costs." Cal. Civ. Proc. Code § 425.16 (West). NRS 41.670(1)(a)  
7 similarly states, "[t]he court shall award reasonable costs and attorney's fees to the  
8 person against whom the action was brought."

9  
10 The California Supreme Court interpreted their anti-SLAPP attorney's fees  
11 provision as applying "only to the motion to strike, and not to the entire action." S. B.  
12 Beach Properties v. Berti, 138 P.3d 713, 717 (Cal. 2006); Christian Research Inst. v.  
13 Alnor, 165 Cal. App. 4th 1315, 1318, 81 Cal. Rptr. 3d 866, 869 (Cal. App. Ct. 2008)  
14 (reducing the number of hours for an anti-SLAPP award from 600 hours to 71 hours  
15 due to blockbilling and vague entries). Moreover, an "unreasonably inflated" fee  
16 request may be grounds for *denying a fee award in its entirety*. Ketchum, P.3d at 745.  
17 This has found support in Nevada's federal courts and there is no directly  
18 contradicting authority. Banerjee v. Cont'l Inc., Inc., No. 217CV00466APGGWF, 2018  
19 WL 4469006, at \*1 (D. Nev. Sept. 17, 2018) (denying an award for attorneys' hours that  
20 were block-billed and obscured the time spent on the anti-SLAPP motion and the time  
21 spent on a separate motion to dismiss; reducing for excessive billing).  
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1 If the Court decides to follow this reasoning, Defendants unreasonable and  
2 inflated fee request may be denied in its entirety. However, even if this Court chooses  
3 not to outright deny the Motion, Plaintiffs have attached entries which should be  
4 denied in their entirety including initial client interviews, initial case reviews, and for  
5 other matters unrelated to the anti-SLAPP Motion and appeal. However, due to the  
6 Defendants' block-billing, it is impossible to distinguish how much time was spent on  
7 the anti-SLAPP Motion and how much time was spent on the separate 12(b)(5) Motion.  
8 These block-billed entries should be denied in their entirety.

9  
10 Here, first of all, five attorneys worked on Defendants' case, all charging full  
11 hourly rates for attorneys. Defendants even concede Mr. Schreck did not provide legal  
12 analysis but instead mostly provided factual information because his acts lie at the  
13 heart of the case itself. It is absurd to pay Mr. Schreck \$875 an hour for what amounts  
14 to acting as a witness. Mr. Schreck's actions led to the commencement of this lawsuit  
15 and as co-conspirator, he continues to benefit from obstructing Plaintiffs from lawfully  
16 developing their land. Mr. Schreck now seeks at least \$19,775 for acting as a witness,  
17 co-conspirator, and putting Defendants in this situation to begin with. Conveniently,  
18 his law firm accepted the case on a contingent basis and now seeks the absurd and  
19 vastly inflated sum of \$694,044, even the unenhanced inflated \$354,267 figure is  
20 unreasonable, in attorneys' fees.  
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1 Moreover, Defendants' counsel provided no evidence necessary to satisfy their  
2 burden of proving the reasonableness of their hourly rates. Defendants have not  
3 demonstrated the prevailing rate in the community for similar work by attorneys of  
4 comparable skill. This is an especially important consideration regarding the four other  
5 attorneys working on the case, all of whom charged substantial hourly rates.  
6 Defendants' counsel would be hard-pressed to justify Mr. Schreck's \$875 hourly rate  
7 for "providing facts."

8  
9 Next, Defendants claim to have incurred \$347,022 in fees. Plaintiffs incurred  
10 only \$132,722.21, nearly a third of Defendants' request, and their fees for comparison  
11 are attached hereto as Exhibit 1. Defendants also allege the number of billable hours is  
12 so high because of "Plaintiffs' litigation tactics." On the contrary, the Defendants'  
13 billable hours are so high because they had five attorneys working on the case, often  
14 doing redundant or duplicative work and increasing litigation costs unnecessarily  
15 throughout the entire case. At least 241 hours of the Defendants' total 650 billable  
16 hours were spent preparing and briefing for the Nevada Supreme Court, which even if  
17 their allegations were true, has nothing to do with "Plaintiffs' litigation tactics."  
18 Moreover, Defendants constantly delayed and prolonged the production of documents  
19 Plaintiffs were entitled to.

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22 Additionally, Mr. Langberg attempts to justify his exorbitant fee by claiming it  
23 is "in line with the rates Plaintiffs' counsel charged in the case." This is not true.  
24

1 Defendants claim Ms. Lee and Mr. Hughes have “substantially less” rates than  
2 Plaintiffs’ counsel and then in the very next sentence say Mr. Langberg’s rate is “only”  
3 between \$55 and \$90 higher than Ms. Rasmussen. To begin with, Defendants’ assertion  
4 is not even correct, Mr. Langberg’s hourly rate is in fact \$190 higher than Ms.  
5 Rasmussen and has been since before Ms. Rasmussen took the case. However, even  
6 assuming arguendo that Mr. Langberg’s rate is only \$55 higher than Ms. Rasmussen’s,  
7 there is only a \$25 difference between Ms. Rasmussen and Mr. Hughes’ rate and only a  
8 \$50 difference between Ms. Rasmussen and Ms. Lee’s rate. Using Defendants’ own  
9 logic, this must mean Mr. Langberg’s rate is *substantially more* than Ms. Rasmussen’s,  
10 especially when in fact Mr. Langberg’s rate is in fact \$190, not \$55, higher. Mr. Schreck  
11 was paid \$375 an hour more than Ms. Rasmussen for providing factual, not legal,  
12 information.  
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15 Mr. Schreck billed the Defendants for 3.40 hours at \$875 an hour, totaling  
16 \$2,975.00, to review the Complaint and disclose facts to Mr. Langberg. On March 19,  
17 2018, Mr. Langberg billed the Defendants \$2,292.50 for reviewing the Complaint and  
18 conducting research, although his own billing states he didn’t begin his research until  
19 March 27<sup>th</sup>. Mr. Hughes incurred \$8,924 in fees from reading and analyzing the  
20 Complaint and Judge Crockett transcript over the course of three days. This pattern  
21 continues throughout the billing, it is quite obvious why the Defendants’ racked up  
22 such a high fee amount.  
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1 Ultimately, Defendants charged 116.2 attorney hours for the research,  
2 preparation, drafting, and filing of the anti-SLAPP Motion. All of these hours were  
3 billed at hourly rates between \$450 and \$875, totaling \$59,047, nearly half of the fees  
4 incurred by Plaintiffs' counsel over the entire course of litigation. The District of  
5 Nevada has found a lesser sum to be unreasonable. Id. at \*4-5 (finding 61.4 attorney  
6 hours at a \$450 hourly rate spent on an anti-SLAPP Motion to be unreasonable and  
7 reducing them to 20 hours).

9 On the other hand, Mr. Jimmerson spent at most 1.30 hours reviewing and  
10 analyzing the Defendants' anti-SLAPP motion. Additionally, Ms. Polselli and Ms.  
11 Kennedy at the Jimmerson Law Firm charged substantially less than the five attorneys  
12 working for Defendants. Defendants spent 116.2 hours in researching and preparing  
13 their anti-SLAPP motion for \$59,047. Ms. Swanis charged Plaintiffs a total of 35.10  
14 hours at a substantially lower rate (\$85) to research, outline, and prepare the  
15 opposition of the anti-SLAPP motion for a total of \$2,983.50. This total is only \$7 more  
16 than Mr. Schreck's bill for merely reading the complaint. Plaintiffs' other attorneys  
17 charged only an additional 19 hours to discuss, review, revise, and file the opposition.  
18 Including the Jimmerson Law Firm and the amendment to the Opposition of the anti-  
19 SLAPP motion, Plaintiffs incurred only \$9,107.50, compared to the Defendants'  
20 \$59,047.  
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1 For the reply to the opposition to the anti-SLAPP motion, Defendants' pattern  
2 continued. Just the cost of the *first* reading of the Opposition, a 22 page document,  
3 between the four attorneys (Mr. Langberg, Mr. Schreck, Ms. Lee, and Mr. Hughes)  
4 amounted to approximately \$5,244.00. Mr. Schreck charged \$1,487.00 on May 7<sup>th</sup> to  
5 read the opposition and to meet with Mr. Langberg to discuss "factual issues." Mr.  
6 Langberg also bills the Defendants an additional \$1,179 for this meeting. Moreover,  
7 both Mr. Schreck and Mr. Langberg attend the anti-SLAPP hearing on May 14, 2018,  
8 Mr. Schreck charges for 2.5 hours for \$2,187.50 and Mr. Langberg charges for 1.70  
9 hours for \$1,113.50, totaling \$3,301.00. Interestingly, according to the billing, only Mr.  
10 Langberg prepared for the hearing, so it is curious that Mr. Schreck attended.  
11 Defendants ultimately charged 91.7 attorney hours for drafting the Reply to Plaintiffs'  
12 Opposition to the anti-SLAPP Motion (a 16 page document), an amount found  
13 unreasonable by the District Court of Nevada. Id. (finding 51.5 attorney hours spent on  
14 anti-SLAPP reply at a partner rate of \$450 to be unreasonable and reducing it 10  
15 hours). Defendants also billed 23.4 hours for their supplemental brief filed on May 23,  
16 2018, Plaintiffs only billed 9.8 hours for their supplemental brief.

17 From June 5, 2018 until June 11th, Ms. Lee charged 16.60 hours for  
18 approximately \$7,470 in researching Nevada case law involving writ proceedings on  
19 orders denying motions to dismiss. On June 11, 2018, Mr. Hughes commenced research  
20 on the same subject, charging 38 hours for approximately \$18,430. Mr. Langberg  
21

1 charged \$851.50 for research regarding “writ relief for denial of ‘regular’ motion to  
2 dismiss” on June 6, 2018. Ultimately, Defendants request \$39,650 for a denied writ for  
3 the denial of Defendants’ 12(b)(5) Motion and should not be considered as part of their  
4 NRS 41.670 award because it is unrelated to Defendants anti-SLAPP Motion.

5  
6 Moreover. Plaintiffs incurred \$9,358.50 in preparing, drafting, filing and  
7 correcting their Answer Brief. On the other hand, Defendants incurred \$31,944.50 in  
8 attorney’s fees in preparing, drafting, and filing their Opening Brief despite spending  
9 less hours on their brief. Mr. J.J. Jimmerson spent 1.40 hours reviewing and analyzing  
10 the Defendant’s Opening Brief, Ms. Polselli spent 1.40 hours reviewing and analyzing  
11 the Opening Brief, and Mr. J.M. Jimmerson spent 1.50 researching and analyzing the  
12 Opening Brief, totaling \$1,883.00 in fees. On the other hand, Mr. Langberg spent 3.50  
13 hours reviewing the Plaintiffs’ Answer Brief and Mr. Hughes spent 23.90 hours  
14 reviewing the Plaintiffs’ Answer Brief and reviewing the cited authorities. This totaled  
15 \$13,883.50 in fees, just Mr. Langberg’s review of the Answer Brief totaled more than the  
16 fees for all three of Plaintiffs’ attorneys who worked on the matter.

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18  
19 On April 29, 2020, Ms. Rasmussen charged Plaintiffs for 1 hour for the Blue  
20 Jeans video hearing. Mr. Langberg charged Defendants for 1.40 hours for the same  
21 hearing, the extra twenty-four minutes were billed to “prepare [to] update [the] client.”  
22 For the May 29, 2020 Minute Order, Ms. Rasmussen charged Plaintiffs for 0.10 hours,  
23 while Mr. Langberg charged Defendants for 1.70 hours because he block-billed the  
24

1 review of the order with preparing the request for clarification. After the June 26, 2020,  
2 meet and confer, Ms. Rasmussen charged for 0.50 hours, while Mr. Langberg for 1.80  
3 hours. On July 13, 2020, Ms. Rasmussen charged for 1.70 hours for the hearing on the  
4 Motion for Protective Order, while Mr. Langberg charged for 2 hours. For the  
5 Amended Request for Production on August 6, 2020, Ms. Rasmussen charged for 0.60  
6 hours, while Mr. Langberg charged for 0.80 hours for reviewing the Amended RFP's.

8 Mr. Langberg made it clear that he would seek and threatened to use this  
9 "lodestar enhancement." He had an incentive to run up costs to maximize his award  
10 from the case and that is exactly what he did. Plaintiffs' various counsel, including the  
11 Jimmerson Law Firm, Ms. Swanis, and Ms. Rasmussen worked a total of 481.50 hours  
12 on the case since its commencement. Defendants spent 650 hours on the case. It bears  
13 importance to once again reiterate the fact that Defendants' counsel charged  
14 substantially higher rates for their work, which led to nearly triple the attorney's fees  
15 of that incurred by Plaintiffs. Ms. Swanis performed 151 hours of Plaintiffs' total  
16 billable hours at \$85 an hour.

19 It is ironic that Defendants accuse Plaintiffs of driving up the fees due to  
20 "litigation tactics." Defendants repeatedly drove up the costs because their strategy  
21 from the beginning was to maximize their anti-SLAPP award. Upon issuing the May  
22 29<sup>th</sup> Order, Defendants immediately filed an unnecessary Request for Clarification to  
23 further limit this Court's order. Defendants charged \$1,173 for this request. Plaintiffs'  
24

1 counsel was forced to needlessly expend time in reviewing Defendants' bad faith  
2 request, communicating with the court clerk, and drafting a response to the request  
3 just for the Court to ultimately enter an additional order limited discovery even further  
4 before Plaintiffs had the opportunity to file a response in the allowable amount of time.  
5 Ultimately, this request resulted in the needless accumulation of at least \$1,550 in  
6 additional fees for Plaintiffs.  
7

8 Not satisfied with the even more limited discovery, Defendants then moved for  
9 a protective order. Plaintiffs expended \$900 in drafting the requests for production  
10 pursuant to the clarified order, \$100 in emails with Mr. Langberg discussing the issues  
11 he had with the requests, \$250 discussing these issues telephonically for the June 26th  
12 meet and confer, the same meet and confer Defendants charged 1.30 more hours for.  
13 Plaintiffs then incurred \$350 in revising the requests in a good faith attempt to resolve  
14 Mr. Langberg's issues raised in the meet and confer. Plaintiffs then reviewed  
15 Defendants' Motion for Protective Order, drafted a response, further communicated  
16 with Mr. Langberg regarding the motion, attended the hearing on the Motion, then  
17 reviewed and revised the Court's ultimate Order on the matter, and attended a status  
18 check on the matter. This costly Motion ultimately costs the Plaintiffs at least \$5,600.  
19 Defendants charged \$10,281 for the same Motion.  
20  
21

22 Ultimately, the Defendants charged \$4,002 for reviewing the requests for  
23 production, conferring with the clients about the requests, reviewing the documents,  
24

1 and preparing responses to the requests. This \$4,002 resulted in cookie-cutter  
2 responses for all three Defendants denying the existence of all the requested  
3 documents except for Judge Crockett's ruling, an additional email (from Mr. Schreck)  
4 for Caria, and a posted sign for Omerza. Notably, there were a total of 15 requests for  
5 production permitted, for all three defendants, so this was not complex discovery, in  
6 fact it was the simplest discovery process ever.

7  
8 The Defendants then filed a Motion to Strike and for Imposition of Sanctions in  
9 an even more brazen attempt to obstruct Plaintiffs discovery to defeat the anti-SLAPP  
10 motion. This Court correctly described this motion as "meritless." The Defendants  
11 purposely conflated the Court's ruling on the discovery requests with Plaintiff's  
12 Supplemental Brief in Opposition to the Anti-SLAPP Motion, without even identifying  
13 what should be stricken in a motion to strike. Defendants also moved for sanctions  
14 under EDCR 7.60(b)(1) and (3) for allegedly presenting frivolous arguments and  
15 unnecessarily multiplying these proceedings to increase costs unreasonably and  
16 vexatiously. Defendants now seemingly make the same argument again. This Court  
17 already made the determination in its October 26, 2020 Order that Plaintiffs did not  
18 violate EDCR 7.60(b), meaning Plaintiffs did not unnecessarily multiply these  
19 proceedings to increase costs unreasonably and vexatiously. Defendants charged  
20 approximately \$5,934 on this meritless motion. Plaintiffs were forced to incur \$2,500 in  
21 defending against this meritless motion to strike. Defendants billing for this Motion to  
22  
23  
24

1 Strike should be denied in its entirety and in fact Plaintiffs should be allowed a credit  
2 for their \$2,500.

3 Moreover, this Court is fully within its discretion to not limit reducing or  
4 denying to the entries Plaintiffs' listed pursuant to NRS 41.670. NRS 41.670 mandates  
5 an award of *reasonable* attorneys' fees. If this Court finds the hourly rate charged by the  
6 five attorneys to be excessive, which Plaintiffs contend they are, especially in light of  
7 the fact that Defendants' counsel have not satisfied their burden of reasonableness, the  
8 Court may reduce the hourly rate of any or every one of Defendants' attorneys.

9  
10 **C. The Brunzell factors do not weigh in favor of awarding Defendants'  
11 counsel such an excessive amount of attorneys' fees.**

12 Once a lodestar figure is calculated, this Court "must continue its analysis by  
13 considering the requested amount in light of the" Brunzell factors. Shuette v. Beazer  
14 Homes Holdings Corp., 121 Nev. 837, 864–65, 124 P.3d 530, 549 (2005). Restated briefly,  
15 these include Defendants' counsels' "professional qualities, the nature of the litigation,  
16 the work performed, and the result." Id. at 865. Importantly, no single factor is  
17 controlling. Brunzell v. Golden Gate Nat. Bank, 85 Nev. 345, 349–50, 455 P.2d 31, 33  
18 (1969). Moreover, an award of fees under the Brunzell factors must be supported by  
19 "substantial evidence." Logan v. Abe, 131 Nev. 260, 266, 350 P.3d 1139, 1143 (2015).  
20 Additionally, fee requests should exclude hours that are "excessive, redundant, or  
21 otherwise unnecessary." Hensley v. Eckerhart, 461 U.S. 424, 434 (1983). See O'Connell  
22 v. Wynn Las Vegas, LLC, 134 Nev. 550, 562, 429 P.3d 664, 673 (Nev. App. 2018)  
23  
24

1 (requiring counsel to show, with substantial evidence, how their work helped  
2 accomplish the desired result).

3 Mr. Langberg is a self-proclaimed anti-SLAPP expert<sup>1</sup>, Plaintiffs do not dispute  
4 that he is experienced in defamation cases, although Mr. Langberg typically represents  
5 plaintiffs in defamation and/or anti-SLAPP cases. Mr. Langberg uses the plural form  
6 of “expert,” implying the other four attorneys who worked on the case are anti-SLAPP  
7 experts, despite their talent as attorneys, Plaintiffs reject this assertion. In fact, Mr.  
8 Langberg references the fact that Plaintiffs’ counsel is not an anti-SLAPP expert in  
9 criticizing her hourly rate. An anti-SLAPP expert required the work of four nonexpert  
10 attorneys to work on substantial portions of the entire case and at substantial hourly  
11 rates, excessively driving up their fees. As for the second factor, this case certainly  
12 posed complex legal theories. However, Defendants needlessly expended time and  
13 costs in dragging out the litigation. Furthermore, Mr. Langberg is theoretically an anti-  
14 SLAPP expert, so he is already familiar with the issues. The Nevada Legislature called  
15 him to testify as an expert when they passed the anti-SLAPP statute. Defendants billed  
16 far more hours than Plaintiffs’ counsel, largely because the nonexpert attorneys spent  
17 hours upon hours researching anti-SLAPP laws.  
18  
19  
20  
21  
22  
23

24 <sup>1</sup> Defs. Mot. for Att’y Fees and Additional Monetary Relief 14:2.

1 In addition, the work actually performed poses a problem in the Brunzell  
2 analysis as well. Defendants did not satisfy their burden of proof showing their billed  
3 hours “reflect the distinct contribution of each lawyer to the case.” Davis v. City & Cty.  
4 of San Francisco, 976 F.2d 1536, 1544 (9th Cir. 1992), *vacated in part on denial of reh’g*, 984  
5 F.2d 345 (9th Cir. 1993); DeLew v. Nevada, No. 2:00-CV-00460-LRL, 2010 WL 11636127,  
6 at \*8 (D. Nev. Jan. 7, 2010). On the contrary, Defendants’ billing indicates multiple  
7 lawyers worked and charged for the same work repeatedly. For example, Mr. Schreck  
8 and Mr. Langberg double-billed for attending the same exact hearing, despite Mr.  
9 Langberg stating Mr. Schreck only “provided facts.” Mr. Schreck and Mr. Langberg  
10 also double-billed for a meeting between just the two of them. Defendants’ entire  
11 billing is full of similar instances. Furthermore, for an anti-SLAPP expert to expend  
12 116.2 hours and \$59,047 on researching and preparing an anti-SLAPP motion is  
13 excessive and not reasonable.  
14  
15

16 Finally, the Defendants obtained their desired result. This Court granted the  
17 anti-SLAPP Motion and the land still lays undeveloped. However, they are in no better  
18 of a position than they were before the case commenced. Furthermore, there is not  
19 substantial evidence accompanying Defendants’ Motion. Their opaque, duplicative,  
20 and redundant billing techniques and lack of any evidence demonstrating customary  
21 billing practices attests to this.  
22  
23

24 . . .



1                   **D. Defendants should not be awarded the \$10,000 pursuant to NRS**  
2                   **41.670(1)(b).**

3                   There is no binding authority on the issue of when NRS 41.670(1)(b) damages  
4                   should be awarded. Nor is there an equivalent provision in California's anti-SLAPP  
5                   law. Texas has the most analogous provision, permitting sanctions if necessary to deter  
6                   the complaining party from filing similar lawsuits in the future. Tex. Civ. Prac. & Rem.  
7                   Code Ann. § 27.009 (West). Nevada's award is also entirely discretionary. *See Butler v.*  
8                   *State*, 120 Nev. 879, 893, 102 P.3d 71, 81 (2004) (holding the word "may" created a  
9                   permissive grant of authority). The Nevada Supreme Court described a SLAPP lawsuit  
10                  as one that is "filed to obtain a financial advantage over one's adversary by increasing  
11                  litigation costs until the adversary's case is weakened or abandoned." *John v. Douglas*  
12                  *Cty. Sch. Dist.*, 125 Nev. 746, 752, 219 P.3d 1276, 1280 (2009).

13                  The District Court of Nevada explained an award of \$10,000 pursuant to NRS  
14                  41.670(1)(b), however the award was later vacated on other grounds. *Shapiro v. Welt*,  
15                  No. A-14-706566-C, 2017 WL 11476100, at \*1 (Nev. Dist. Ct. Oct. 20, 2017). The court  
16                  granted the award to "deter the [plaintiffs] from bringing similar actions in the future."  
17                  *Id.* at \*14. The court found that the plaintiffs "attempted to use litigation to intimidate  
18                  the" defendants into silence. *Id.* On appeal, the Nevada Supreme Court did not decide  
19                  on the merits of the NRS 41.670(1)(b) award, instead it vacated the award because it  
20                  reversed the district court's finding that the defendants' activities were protected.  
21                  *Shapiro v. Welt*, 432 P.3d 745 (Nev. 2018) (unpublished). In a separate District Court  
22                  23                  24

1 case, the court interpreted 41.670(1)(b) as being “aimed at frivolous or vexatious  
2 conduct that warrants a type of punitive (and perhaps in the right case, compensatory)  
3 award.” Banerjee v. Cont'l Inc., Inc., No. 217CV00466APGGWF, 2018 WL 4469006, at \*6  
4 (D. Nev. Sept. 17, 2018). Neither case binds this Court, nonetheless, Plaintiffs find their  
5 reasoning the most persuasive.  
6

7 Here, an NRS 41.670(1)(b) award is not appropriate. Plaintiffs did not seek “to  
8 use litigation to intimidate the defendants into silence.” Nor did Plaintiffs seek to  
9 “obtain a financial advantage over one’s adversary by increasing litigation costs until  
10 the adversary’s case is weakened or abandoned.” Plaintiffs did not engage in frivolous  
11 or vexatious conduct by initiating or maintaining this case. Instead, Plaintiffs sought, in  
12 good faith, to vindicate their rights and commence lawful development on their  
13 property. Plaintiffs suffered and continue to suffer harm due to this right constantly  
14 being obstructed and infringed. To this day, Plaintiffs have not developed their land.  
15 Defendants allege Plaintiffs engaged in a “meritless lawsuit designed only to  
16 intimidate and make an example out of Defendants for daring to oppose Plaintiff’s  
17 development plans.” This is not true, Defendants promoted and spread information,  
18 which was ultimately proven false, to obstruct Plaintiffs’ lawful development.  
19 Plaintiffs were harmed and sought to rectify this harm.  
20  
21  
22  
23  
24

1                   **E. Attorneys' fees should not be awarded pursuant to NRS 18.010(2).**

2                   The bulk of Defendants' argument involves NRS 41.670. However, they relegate  
3 their argument for an award under NRS 18.010(2) in a footnote, claiming Plaintiffs'  
4 claims were "meritless." NRS 18.010(2)(a) allows an award of attorneys' fees when the  
5 prevailing party has not recovered more than \$20,000. The Nevada Supreme Court  
6 requires a money judgment as a "prerequisite to an award of attorney fees pursuant to  
7 NRS 18.010(2)(a)." Smith v. Crown Fin. Servs. of Am., 111 Nev. 277, 285, 890 P.2d 769,  
8 774 (1995).

9                   Alternatively, NRS 18.010(2)(b) allows the prevailing party to recover attorneys'  
10 fees if the court finds the claim was "brought or maintained without reasonable  
11 ground or to harass the prevailing party." The Legislature intended to "punish [...]  
12 and deter frivolous or vexatious claims." The word "meritless" appears nowhere in  
13 NRS 18.010(2)(b). NRS 18.010(2)(b) requires the Court to looking to the case-specific  
14 circumstances, moreover, complex and unsettled areas of law with reasonably  
15 supportable grounds, do not warrant NRS 18.010(2)(b) awards, even if they do not  
16 amount to a cause of action. Baldonado v. Wynn Las Vegas, LLC, 124 Nev. 951, 967-68,  
17 194 P.3d 96, 107-08 (2008). The discovery that a legal theory is inaccurate does not  
18 mean the claim is unreasonable or meant to harass. Semenza v. Caughlin Crafted  
19 Homes, 111 Nev. 1089, 1096, 901 P.2d 684, 688 (1995).

1 Here, Defendants' statutory award under NRS 41.670(1)(b) is discretionary. If  
2 this Court chooses to not award Defendants the \$10,000 statutory award, then the  
3 condition precedent of a money judgment for an NRS 18.010(2)(a) award of attorneys'  
4 fees is not met. If this Court chooses to award Defendants the NRS 41.670(1)(b)  
5 statutory award, their net judgment would equal \$30,000 and place them above NRS  
6 18.010(2)(a)'s \$20,000 limit. Schouweiler v. Yancey Co., 101 Nev. 827, 830, 712 P.2d 786,  
7 788 (1985) (holding NRS 18.010 did not authorize the court to divide the total judgment  
8 by the number of prevailing parties); Parodi v. Budetti, 115 Nev. 236, 241, 984 P.2d 172,  
9 175 (1999) (holding the value of the total judgment controls).

10  
11  
12 Moreover, a dismissal, even one resulting from an anti-SLAPP motion, does not  
13 mean the claim was frivolous or brought to harass the prevailing party. In fact, as  
14 recently as October 26, 2020, this Court found that Plaintiffs were not acting  
15 frivolously, vexatiously, or unreasonably in maintaining its claims when it denied  
16 Defendants' Motion to Strike and for Imposition of Sanctions under EDCR 7.60(b).  
17  
18 Additionally, in the Order, the Court expressly stated, "Defendants motion was  
19 meritless, but not frivolous" in denying Plaintiffs' Countermotion for Sanctions. The  
20 language in EDCR 7.60(b) and NRS 18.010(2)(b) are substantially similar and the Court  
21 found that a meritless motion did not amount to an award of sanctions. Defendants  
22 can provide no evidence Plaintiffs brought this claim with the intent to harass.  
23  
24 Furthermore, Plaintiffs brought the claim on reasonable grounds. Signed declarations

1 representing a falsehood were used to obstruct Plaintiffs' land development and  
2 Plaintiffs sought a remedy, as is their legal right to do so. The fact that the case  
3 required a Nevada Supreme Court decision attests to the reasonableness of Plaintiffs'  
4 grounds.

5  
6 **CONCLUSION**

7 For each of the reasons set forth herein, it is respectfully requested that this  
8 Court deny or substantially reduce Defendants' award of attorneys' fees .

9 Dated this 22nd day of January 2021,

10 **The Law Offices of Kristina Wildeveld & Associates,**

11 */s/ Lisa A. Rasmussen*

12 \_\_\_\_\_  
13 LISA A. RASMUSSEN, ESQ.  
14 Nevada Bar No. 7491  
15 Counsel for Plaintiffs

16 **CERTIFICATE OF SERVICE**

17 I HEREBY CERTIFY that I served a copy of the foregoing via this Court's E-File  
18 and Serve program on this 22nd day of January 2021 upon the following person(s):

19 Mr. Mitchell Langberg

20 */s/ Lisa A. Rasmussen*

21 \_\_\_\_\_  
22 LISA A. RASMUSSEN, ESQ.

# **EXHIBIT 1**

# **EXHIBIT 1**



THE JIMMERSON LAW FIRM, PC  
415 SOUTH SIXTH STREET, SUITE 100  
LAS VEGAS, NEVADA 89101  
TELEPHONE:(702) 388-7171 - TAX I.D.#  
FAX: (702) 387-1167

For your convenience, you may pay by AMEX, VISA & MC.  
Account#: Exp:  
Amount: add 3% convenience fee Signature:

Fore Stars, Ltd., 180 Land Co., Seventy Acres, LLC  
lschencke@ehbcompanies.com  
EHB Companies, LLC  
1215 S. Fort Apache Rd., Suite 120  
Las Vegas NV 89117

PAGE: 1  
03/20/2018  
ACCOUNT NO: 6186-10M  
STATEMENT NO: 663678

c/o Fore Stars, Ltd., 180 Land Co., Seventy Acres, LLC

adv. Daniel Omerza

INTERIM STATEMENT

			HOURS	
03/15/2018	JJJ	Multiple Telephone conferences with client this morning regarding new lawsuit to be filed against two homeowners (.8); Review email and flyer (.1); Office conference with Shahana Polselli regarding same (.2); Email to Yohan Lowie regarding same (.1); Review of Finding Fact, Conclusions of Law from Peccole and dictate Complaint (3.1); Telephone conference with Elizabeth Ham regarding same (.2); Office conference with _____ discuss, ask to clarify with Ham (.2); Continue dictation, review and revision of Complaint (2.1); Text exchanges with Shahana Polselli regarding client suggestion regarding same (.2); Confirm completion and filing of complaint with Shahana Polselli and telephone conference with Shahana Polselli regarding same (.2); Email to clients (.1);	7.30	4,343.50
03/16/2018	JJJ	Review email from _____ (.1); Work with Kim Stewart to receive filed Complaint, issue Summons and effectuate service (.5); Office conference with Shahana Polselli Regarding same (.1); J.J. JIMMERSON	0.70 8.00	416.50 4,760.00
03/15/2018	DD	Transcribe diction 39 and 43 of complaint dictated by James J. Jimmerson, Esq. Deana DePry	1.60 1.60	200.00 200.00
03/15/2018	SP	Review email regarding preservation letters and adding Omerza (.1); Review email and flyer (.1); Office conference with James J. Jimmerson, Esq. regarding same and need for Complaint (.2); Review James J. Jimmerson, Esq. email to Yohan Lowie regarding same (.1); Review of Finding Fact, Conclusions of Law from Peccole and provide to James J. Jimmerson, Esq. for Complaint (.3); Review of emails from Knighton following James J. Jimmerson, Esq call with Ham, download documents (.2); Office conference with James J. Jimmerson, Esq. regarding same and whether ' _____ Defendants, discuss, asked to clarify with Ham (.2); Draft Second and Third Claims for Relief as dictated by James J. Jimmerson, Esq. (1.3); Office conference with James J. Jimmerson, Esq. Regarding same (.3); Review and revise and reformat full Complaint (.3); Telephone conference with Elizabeth Ham regarding same (.1); Continue revising and reformatting same, finalize and send to clients (.3); Telephone conference with Elizabeth Ham regarding questions and changes to same (.2); Review two emails from		

HOURS

Finance charge assessed after 30 days.  
Make check payable to THE JIMMERSON LAW FIRM, P.C.  
STATEMENT REFLECTS CHARGES & PAYMTS REC'D THRU 20TH OF  
MONTH  
Approved by Attorney: *[Signature]* *3/27/11*



THE JIMMERSON LAW FIRM, PC  
415 SOUTH SIXTH STREET, SUITE 100  
LAS VEGAS, NEVADA 89101  
TELEPHONE: (702) 388-7171 - TAX I.D.# 8  
FAX: (702) 387-1167

For your convenience, you may pay by AMEX, VISA & MC.  
Account#: Exp:  
Amount: add 3% convenience fee Signature:

PAGE: 1  
04/20/2018

Fore Stars, Ltd., 180 Land Co., Seventy Acres, LLC  
Ischencke@ehbcompanies.com  
EHB Companies, LLC  
1215 S. Fort Apache Rd., Suite 120  
Las Vegas NV 89117

ACCOUNT NO: 6186-10M  
STATEMENT NO: 663969

c/o Fore Stars, Ltd., 180 Land Co., Seventy Acres, LLC

adv. Daniel Omerza

*Old as revised*

INTERIM STATEMENT

			HOURS	
03/27/2018	JJJ	Review email from Elizabeth Ham regarding (1); Email to Shahana Polselli and Elizabeth Ham regarding same (.1);	0.20	119.00
03/28/2018	JJJ	Telephone conference with Shahana Polselli regarding conversation, instruct her to send Minute Order from (1);	0.10	59.50
04/01/2018	JJJ	Review letter from Bresee and clients regarding us at the same time (.1); Review Yohan Lowie response (.1); Review Elizabeth Ham response (.1); Return call, leave message (.1); Email to Ham and Shahana Polselli regarding improving complaint (.1); Review new letter from Shahana Polselli Regarding same (.1); Telephone conference with Shahana Polselli Regarding same (.1); Email to Kim Stewart regarding response (.1); Email exchange with Kim Stewart regarding same (.1);	1.00	N/C
04/01/2018	JJJ	Review and analyze emails and letters from (1.5);	1.50	892.50
04/04/2018	JJJ	Office conference with Shahana Polselli Regarding letters from (.1); Call to and leave message for and dictate letter (.3);	0.40	238.00
04/05/2018	JJJ	Review email from Mitch Langberg regarding representation of defendants and due date of complaint (.1); Review James J. Jimmerson, Esq. email to Langberg regarding same (.1); Review Langberg response to same (.1); Review James J. Jimmerson, Esq. email to Langberg confirming earlier call and conditional extension (.1); Review James J. Jimmerson, Esq. email to Elizabeth Ham regarding same (.1); Office conference with James J. Jimmerson, Esq. and James M. Jimmerson, Esq. for his Telephone conference with Elizabeth Ham and regarding preservation letters regarding (.8); Office conference with James J. Jimmerson, Esq. regarding his earlier call with Elizabeth Ham and with James J. Jimmerson, Esq. and James M. Jimmerson, Esq. regarding Amending Complaint and timing of the same (.3); Review Langberg confirmation email (.1);	1.70	1,011.50
04/06/2018	JJJ	Review and revise draft to (.5); Finalize same and send (.1);	0.60	357.00

*billed under 6186-01*



adv. Daniel Omerza

			HOURS	
04/10/2018	JJJ	Office conference with Shahana Polselli regarding interview tomorrow and preservation letter (.3); Review Complaint to prepare for interview (1.2); Telephone conference with (.1); Further Office conference with Shahana Polselli regarding preservation letter (.2); Review and revise same (1.2);	3.00	1,785.00
04/16/2018	JJJ	Office conference with Shahana Polselli Regarding filings and need to amend Complaint (.3); Review and analyze Request for Judicial Notice (.4); Review and analyze Motion to Dismiss (.4); Review and analyze Minute Order regarding recusal of Kishner (.1); Email to client regarding same (.1);	1.30	773.50
04/17/2018	JJJ	Download, review and analyze Notice of Dept Reassignment (.1); Office conference with Shahana Polselli regarding same (.1); Email to clients regarding same and regarding filing Peremptory Challenge (.1); Review Elizabeth Ham response to same (.1); Telephone conference with Yohan Lowie regarding Peremptory Challenge (.2); Review and analyzed filed Defendants' Special Motion to Dismiss (Anti-SLAPP Motion) Plaintiffs' Complaint Pursuant to NRS §41.635 et. seq. filed by Opposing Counsel (.5); Telephone conference with Kim Stewart regarding email from Elizabeth Ham regarding same (.1); Email to staff regarding receipt of email (.1);	1.30	773.50
04/18/2018	JJJ	Office conference with Shahana Polselli Regarding recusal and plan (.2);	0.20	119.00
04/19/2018	JJJ	Email to Shahana Polselli regarding Peremptory Challenge (.1);	0.10	59.50
04/20/2018	JJJ	Telephone conference with Shahana Polselli regarding Peremptory Challenge, dictate letter to opposing counsel (.3); Review research from Echols (.5); Office conference with Shahana Polselli regarding preparation of Opposition (.2); Email to Ham regarding same (.1); J.J. JIMMERSON	1.10 11.50	654.50 6,842.50
03/26/2018	SP	Office conference with Kim Stewart regarding filing Affidavits of Service (.1);	0.10	25.00
03/27/2018	SP	Office conference with Kim Stewart regarding Summons and Affidavits of Service, review same (.2); Review email from Elizabeth Ham regarding assignment to Kishner and calling Judicial Executive Assistant or Law Clerk (.1); Email to James J. Jimmerson, Esq. regarding same (.1); Review James J. Jimmerson, Esq. email approving same (.1);	0.50	125.00
03/28/2018	SP	Telephone conference with Law Clerk regarding recusal (.2); Telephone conference with James J. Jimmerson, Esq. regarding same (.2); Prepare email to Law Clerk forwarding minute order in per James J. Jimmerson, Esq. (.1);	0.50	125.00
03/30/2018	SP	Review letter from (.1); Review James J. Jimmerson, Esq. email to Elizabeth Ham and clients regarding conflict with L. representing Bresee and us at the same time (.1); Review ' response (.1); Review Elizabeth Ham response (.1); Review James J. Jimmerson, Esq. email regarding improving complaint (.1); Review Elizabeth Ham email regarding conflict and review email from regarding same (.1); Email exchange with Elizabeth Ham regarding same (.1);		



adv. Daniel Omerza

			HOURS	
		Review new letter from I . . . . . regarding trying to reach James J. Jimmerson, Esq., no return call (not true) and having referred out case for Bresee (.1); Telephone conference with James J. Jimmerson, Esq. regarding same and put package together of all letters on the matter (.3); Review James J. Jimmerson, Esq. email regarding calling . . . . . on Monday (.1); Review James J. Jimmerson, Esq. email to Kim Stewart regarding same and her response (.1); Review . . . . . email regarding it being too late (.1);	1.40	350.00
04/04/2018	SP	Office conference with James J. Jimmerson, Esq. regarding letters from . . . . ., and his call and dictation of letter to counsel (.3);	0.30	75.00
04/05/2018	SP	Review email from Mitch Langberg regarding representation of defendants and due date of complaint (.1); Review James J. Jimmerson, Esq. email to Langberg regarding same (.1); Review Langberg response to same (.1); Review James J. Jimmerson, Esq. email to Langberg confirming earlier call and conditional extension (.1); Review James J. Jimmerson, Esq. email to Elizabeth Ham regarding same (.1); Office conference with James J. Jimmerson, Esq. and James M. Jimmerson, Esq. for his Telephone conference with Elizabeth Ham and I . . . . . regarding preservation letters regarding : . . . . . (.8); Office conference with James J. Jimmerson, Esq. regarding his earlier call with Elizabeth Ham and with James J. Jimmerson, Esq. and James M. Jimmerson, Esq. regarding Amending Complaint and timing of the same (.3); Review Langberg confirmation email (.1);	<del>1.70</del>	425.00
04/06/2018	SP	Email to Elizabeth Ham regarding Hutchison letters and denial letters (.1); Review and analyze I . . . . . preservation letters (.2); Draft detailed preservation letter to . . . . . and send to James J. Jimmerson, Esq. and James M. Jimmerson, Esq. (1.4); Email exchange with James M. Jimmerson, Esq. regarding same (.1); Office conference with James M. Jimmerson, Esq. following his review of same (.1); Follow up Email to Elizabeth Ham regarding denial letters (.1); Review and analyze James J. Jimmerson, Esq. letter to . . . . . (.1);	2.00	500.00
04/10/2018	SP	Office conference with James J. Jimmerson, Esq. regarding interview tomorrow, . . . . . calls regarding same, discuss preservation letter to . . . . . (.3); Further Office conference with James J. Jimmerson, Esq. regarding preservation letter, he is revising same (.2);	0.50	125.00
04/16/2018	SP	Review and analyze Request for Judicial Notice, download for James J. Jimmerson, Esq. review (.4); Review and analyze Motion to Dismiss (.4); Review and analyze Minute Order regarding recusal of Kishner (.1); Office conference with James J. Jimmerson, Esq. regarding same and send him all documents, discuss amending Complaint (.3); Review James J. Jimmerson, Esq. email to client regarding same (.1);	1.30	325.00
17/2018	SP	Download, review and analyze Notice of Dept Reassignment (.1); Email to James J. Jimmerson, Esq. that case was assigned to Judge Crockett (.1); Office conference with James J. Jimmerson, Esq. regarding same (.1); Review James J. Jimmerson, Esq. email to clients regarding same and regarding filing Peremptory Challenge (.1); Review Elizabeth Ham response to same (.1); Review and analyzed filed Defendants' Special Motion to Dismiss		



adv. Daniel Omerza

			HOURS	
		(Anti-SLAPP Motion) Plaintiffs' Complaint Pursuant to NRS §41.635 et. seq. filed by Opposing Counsel (.5); Review email from Elizabeth Ham regarding same (.1);	1.10	275.00
04/18/2018	SP	Office conference with James J. Jimmerson, Esq. regarding recusal and plan (.2);	0.20	50.00
04/19/2018	SP	Office conference with James M. Jimmerson, Esq. regarding meeting, Omerza opposition and emailing (.1); Review and respond to l email and forward Motion (.1); Further exchange with Echols regarding same (.1); Review and respond to James J. Jimmerson, Esq. email regarding Peremptory Challenge (.1); Draft same and review with l Esq. (.2); Finalize and file same (.2); Email to James J. Jimmerson, Esq. confirming completion (.1);	0.90	225.00
04/20/2018	SP	Telephone conference with James J. Jimmerson, Esq. regarding Peremptory Challenge, James J. Jimmerson, Esq. dictates letter to opposing counsel (.3); Download and review Notice of Department Reassignment (.1); Briefly review and analyze research from Micah Echols regarding Anti Slapp cases, download (.5); Office conference with James J. Jimmerson, Esq. regarding same, regarding preparation of Opposition (.2); Review James J. Jimmerson, Esq. email to Ham regarding same (.1); Review Elizabeth email regarding research (.1);	1.30	325.00
		SHAHANA POLSELLI	<del>11.80</del>	<del>2,950.00</del>
03/27/2018	PK	Received and reviewed E-filed Notice of Service for x 3 Summons and Affidavit of Service (.3); Received an additional E-filed Affidavit of Service (.1);	0.40	90.00
04/09/2018	PK	Review and analyzed Notice of Appearance and Initial Appearance Fee Disclosure filed by Brownstein Hyatt Farber Schreck, LLP (.2);	<del>0.20</del>	45.00
04/16/2018	PK	Review and analyzed Defendants' Request for Judicial Notice In Support of (1) Defendants' Special Motion to Dismiss (Anti-SLAPP Motion) Plaintiffs' Complaint Pursuant to NRS §41.635 et. seq. and (2) Defendants' Motion to Dismiss Pursuant to NRCP 12(b)(5) filed by Brownstein Hyatt Farber Schreck, LLP (.1); Review and analyzed Defendants' Motion to Dismiss filed by Brownstein Hyatt Farber Schreck, LLP (.1); Received Minutes E-served by Court (.1);	0.30	67.50
04/17/2018	PK	Review and analyzed filed Notice of Department Reassignment by Court (.1); Review and analyzed filed Defendants' Special Motion to Dismiss (Anti-SLAPP Motion) Plaintiffs' Complaint Pursuant to NRS §41.635 et. seq. filed by Opposing Counsel (.1);	0.20	45.00
04/20/2018	PK	Review and analyzed our Peremptory Challenge of Judge (.1); Review and analyzed Department Reassignment (.2); Patricia Kennedy	<del>0.30</del> 1.40	67.50 315.00
		FOR CURRENT SERVICES RENDERED	24.70	10,107.50
		Total Non-Billable Hours	1.00	

04/20/2018

ACCOUNT NO: 6186-10M  
STATEMENT NO: 663969

adv. Daniel Omerza

1.5% ADMINISTRATIVE CHARGE (PHONE CHARGES, POSTAGE, ETC.)

151.61

04/06/2018	Photocopies 81 @ .20	
04/10/2018	Photocopies 96 @ .20	16.20
04/16/2018	Photocopies 149 @ .20	19.20
04/17/2018	Photocopies Special Motion to Dismiss, et al. 140 @ .20	29.80
04/18/2018	Photocopies - Motion to Dismiss, Request for Judicial Notice, et al. 102 @ .20	28.00
	TOTAL EXPENSES	<u>20.40</u>
		113.60

03/26/2018	Electronic Filing - Summons (Bresee)	3.50
03/26/2018	Electronic Filing Affidavit of Service (Caria)	3.50
03/26/2018	Electronic Filing - Affidavit of Service (Omerza)	3.50
03/26/2018	Electronic Filing - Affidavit of Service (Bresee)	3.50
03/26/2018	Electronic Filing - Summons (Omerza)	3.50
03/26/2018	Electronic Filing - Summons (Caria)	3.50
03/27/2018	Service fee for Darren Bresee	
	Junes Legal Service Invoice # EP137698	141.15
7/7/2018	Service fee for Steve Caria	
	Junes Legal Services Invoice # EP137699	73.15
03/27/2018	Service fee for Daniel Omerza	
	Junes Legal Services Invoice # EP137702	73.15
04/19/2018	Electronic Filing - Peremptory Challenge	467.00
	TOTAL ADVANCES	<u>775.45</u>

TOTAL CURRENT WORK

PREVIOUS BALANCE

10,369.16  
(714.00) *TIFFANY SWANIS* 11,148.16  
\$9655.16

\$6,715.46

04/17/2018	Adjustment / reduction to statement invoice - 9101 Alta Reduction	-6,715.46
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BALANCE DUE

9328.5  
\$11,148.16

CLOSING BALANCE

\$11,148.16COMPANY LMCPWH # 125ACCT # 6030 SUB ACCT COST CODE  TYPE APPROVED 

Finance charge assessed after 30 days.  
Make check payable to THE JIMMERSON LAW FIRM, P.C.  
STATEMENT REFLECTS CHARGES & PAYMTS REC'D THRU 20TH OF  
MONTH  
Approved by Attorney: [Signature]

*HS 5/29/18*

THE JIMMERSON LAW FIRM, PC  
415 SOUTH SIXTH STREET, SUITE 100  
LAS VEGAS, NEVADA 89101  
TELEPHONE: (702) 388-7171 - TAX I.D.# {  
FAX: (702) 387-1167

For your convenience, you may pay by AMEX, VISA & MC.

Account#: Exp:  
Amount: add 3% convenience fee Signature:

Fore Stars, Ltd., 180 Land Co., Seventy Acres, LLC  
Ischencke@ehbcompanies.com  
EHB Companies, LLC  
1215 S. Fort Apache Rd., Suite 120  
Las Vegas NV 89117

PAGE: 1

05/20/2018

ACCOUNT NO: 6186-10M  
STATEMENT NO: 664189

c/o Fore Stars, Ltd., 180 Land Co., Seventy Acres, LLC

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			HOURS	
04/22/2018	JJJ	Review email from Mitch Langberg (.1); Telephone conference with Mitch Langberg regarding scheduling, will agree to extend Oppositions deadlines to May 7th and proposes hearing May 14 (.3);	0.40	238.00
04/23/2018	JJJ	Office conference with Shahana Polselli regarding conversation with Ham, conversation with Langberg this weekend and prepare email to Ham regarding same (.3); Review response from Elizabeth Ham and respond to same (.1);	0.40	238.00
04/24/2018	JJJ	Review and respond to email from Mitch Langberg (.1); Review documents sent by Elizabeth Ham regarding for Amended Complaint and email division of work (.1); Office conference with Shahana Polselli regarding same and telephone conference with Elizabeth Ham, and email to Mitch Langberg (.5); Review Langberg response regarding same and regarding deadlines (.1); Email exchange with Langberg (.1);	0.90	535.50
04/25/2018	JJJ	Telephone conference with Shahana Polselli regarding email from Mitch Langberg (.1);	0.10	59.50
04/26/2018	JJJ	Email exchange with Shahana Polselli regarding hearing and opposition deadlines (.1); Email exchange with Langberg regarding compromise on deadlines (.1);	0.20	119.00
04/30/2018	JJJ	Office conference with James M. Jimmerson, Esq. and Shahana Polselli regarding Amended Complaint (.2);	0.20	119.00
05/02/2018	JJJ	Office conference with Shahana Polselli regarding Amended Complaint and documents for same, discuss hearings (.3);	0.30	178.50
05/03/2018	JJJ	Review email from Mitch Langberg (.1);	0.10	59.50
05/04/2018	JJJ	Review and analyze email from Elizabeth Ham forwarding Opposition draft, Transcript and video (.1); Office conference with Shahana Polselli Regarding Opposition (.2); Review and revise same (.4); Text exchanges with Shahana Polselli (.1); Dictate further revisions to James M. Jimmerson, Esq and text exchange with Shahana Polselli re same (.4); Email to opposing counsel (.1);	1.30	773.50
05/07/2018	JJJ	Office conference with Shahana Polselli regarding Opposition, not yet received (.1); Telephone conference with Shahana Polselli regarding Opposition,		



adv. Daniel Omerza

			HOURS	
		adding introductory paragraph (.2); Further telephone conference with Shahana Polselli regarding status, waiting on Elizabeth Ham to return revised (.2); Further telephone conference with Shahana Polselli, changes read, opposition filed (.2); Review and analyze final Opposition and caselaw sent (.5);	1.0 <del>1.20</del>	595 <del>714.00</del>
05/08/2018	JJJ	Office conference with Shahana Polselli regarding Opposition and whether leave to amend was requested (.1); Review Todd Davis email regarding reference to the property (.1);	0.20	119.00
05/09/2018	JJJ	Office conference with Shahana Polselli Regarding email to James J. Jimmerson, Esq. language, and respond to Todd's email (.3); Review Elizabeth Ham response (.1); Telephone conference with Elizabeth Ham (.2); Review response (.1); Review and analyze email from Langberg forwarding two Replies and Request for Judicial Notice (.2);	.7 <del>0.80</del>	416.50 <del>535.50</del>
05/10/2018	JJJ	Review and analyze Reply regarding Anti-Slapp, Reply regarding Motion to Dismiss and request for judicial notice (.8); Office conference with James M. Jimmerson, Esq. regarding same (.2); Office conference with Shahana Polselli Regarding same (.2); Email to Ham regarding same (.1); Email to regarding universal factual language (.1);	1.40	833.00
05/11/2018	JJJ	Review and analyze email from Elizabeth Ham regarding replies and next steps (.1); Telephone conference with Shahana Polselli same and regarding coordinating call, filing documents, Reply arguments (.7); Conference call with James M. Jimmerson, Esq. and Elizabeth Ham and Shahana Polselli regarding Supplement and arguments (1.1); Review of documents for potential exhibits (.2); Conferences with Shahana Polselli and James M. Jimmerson, Esq. and Elizabeth Ham to prepare First Supplement, Second Supplement, Declaration of Yohan Lowie and all exhibits, conferences with Yohan Lowie, Telephone conference with Elizabeth Ham Review of videos and transcripts later provided, multiple revisions to documents, and multiple Telephone conference with Shahana Polselli and Elizabeth Ham and James M. Jimmerson, Esq. regarding same (4.2); Telephone conferences with and email exchanges with Shahana Polselli regarding mail fraud information (.2); Review email forwarding email (.1); Email to Yohan Lowie regarding email and statute (.1); Review and respond to email from Shahana Polselli (.1); Email exchanges with Shahana Polselli and James M. Jimmerson, Esq. regarding video (.1); Review James M. Jimmerson, Esq. response regarding same (.1); Review and analyze email from Mitch Langberg (.1);	6.0 <del>7.10</del>	3570. <sup>00</sup> <del>4,224.50</del>
05/12/2018	JJJ	Review email from Shahana Polselli forwarding message from Yohan Lowie in Spam (.1); Review and analyze email (.1); Instructions to Kim Stewart to check spam for prior email (.1);	0.30	178.50
05/13/2018	JJJ	Telephone conference with Elizabeth Ham regarding oral argument (.5); Review materials, caselaw, research and filings and prepare for oral argument for tomorrow's hearing (4.4);	4.9 <del>4.98</del>	2677.50 <del>2,915.50</del>
05/14/2018	JJJ	Review Todd Davis email regarding Notice of Association (.1); Continued preparation for oral argument, and Office conference with Shahana Polselli	4.5	

adv. Daniel Omerza

			HOURS	
		regarding research (.5); Travel to and attend hearing with clients, Elizabeth Ham, Esq. and Shahana Polselli, and post-hearing conference with clients and Elizabeth Ham and Shahana Polselli regarding next steps (2.0); Office conference with Shahana Polselli regarding video, transcript and timing (.2); Process payment for CD (.1); Office conference with Shahana Polselli regarding research and Langberg comments (.3); Review and analyze same (.4); Email to clients (.1); Review email from Yohan Lowie (.1);	4.80	2,856.00
05/15/2018	JJJ	Review four emails forwarded from client (.4); Office conference with Shahana Polselli regarding call from client (.1); Return client's call and Telephone conference with client (.2); Office conference with Shahana Polselli regarding same (.2);	0.90	535.50
	J.J. JIMMERSON		25.60	15,232.00
04/23/2018	SP	Review email from Mitch Langberg regarding scheduling (.1); Telephone conference with Elizabeth Ham regarding preparation of Opposition in Omerza case, Ham to prepare draft subject to other deadlines, our office to Amend Complaint but she needs to provide more information to do so (.3); Office conference with James J. Jimmerson, Esq. regarding conversation with Ham and Langberg email, James J. Jimmerson, Esq. sends email to Ham regarding same (.3);	0.70	175.00
04/24/2018	SP	Review response from Elizabeth Ham last night and James J. Jimmerson, Esq. response to same (.1); Review email from Elizabeth Ham and attached screenshot of Nextdoor post from : (.1); Review email from Mitch Langberg (.1); Review email from Elizabeth Ham regarding division of work and respond (.1); Email to James M. Jimmerson, Esq. (.1); Email exchange with Ham (.1); Review and download letter to homeowners (.1); Office conference with James J. Jimmerson, Esq. regarding same and Telephone conference with Elizabeth Ham with James J. Jimmerson, Esq., James J. Jimmerson, Esq. emails Mitch Langberg (.5); Review Langberg response regarding same and regarding deadlines (.1); Review James J. Jimmerson, Esq. after hours response to Langberg (.1); Review and download Langberg response (.1);	1.50	375.00
04/25/2018	SP	Telephone conference with James J. Jimmerson, Esq. regarding email from Langberg, deferring to Ham (.1); Email to Elizabeth Ham regarding same (.1); Telephone conference with Ham regarding same (.1); Email to Langberg that I will discuss with James J. Jimmerson, Esq. and Ham (.1); Further Telephone conference with Ham regarding wanting to have both motions heard on same day (.1); Review Langberg email forwarding proposed Stipulation and Order to continue (.1);	0.70	175.00
04/26/2018	SP	Email exchange with James J. Jimmerson, Esq. regarding hearing and opposition deadlines (.1); Review James J. Jimmerson, Esq. email to Mitch Langberg (.1); Review email from Langberg agreeing to compromise (.1); Email to Ham and Langberg (.1); Brief Telephone conference with Ham regarding same (.1); Email to Langberg (.1); Revise Stipulation and Order and have signed and send (.1); Email exchange with Langberg and coordinate delivery of original Stipulation and Order (.2); Office conference with James M. Jimmerson, Esq. (.1);	1.00	250.00

14101.50



adv. Daniel Omerza

			HOURS	
04/30/2018	SP	Office conference with James J. Jimmerson, Esq. and James M. Jimmerson, Esq. regarding Amended Complaint (.2); Download documents for same (.1);	0.30	75.00
05/02/2018	SP	Review filed Stipulation and Order confirming deadlines and moving hearing (.1); Office conference with James J. Jimmerson, Esq. regarding Amended Complaint and provide him documents for same, discuss hearings (.3);	0.40	100.00
05/03/2018	SP	Review email from Mitch Langberg (.1);	0.10	25.00
05/04/2018	SP	Review and analyze email from Elizabeth Ham forwarding Opposition draft, Transcript and video (.1); Telephone conference with Elizabeth Ham regarding same (.2); Review and analyze video transcript and draft Opposition (.8); Emails to James J. Jimmerson, Esq. and James M. Jimmerson, Esq. regarding same (.1); Review Caria and Omerza transcripts from city council (.2); Review email from Elizabeth Ham (.1); Review and analyze emails from Caria and Bresee to City Council (.2); Review, analyze and download email from Elizabeth Ham regarding additional argument regarding judicial notice (.1); Review of video (.1); Office conference with James J. Jimmerson, Esq. regarding Opposition (.2); Office conference with James M. Jimmerson, Esq. regarding same and prepare notes and summary per James M. Jimmerson, Esq. for additional changes (.5); Review email from I and response (.1); Review, analyze and revise Opposition (.8); Review James M. Jimmerson, Esq. revisions to same (.2); Text exchanges with James J. Jimmerson, Esq. regarding revisions (.1); Further text exchange with James J. Jimmerson, Esq. regarding further revisions dictated to James M. Jimmerson, Esq. (.1); Review James J. Jimmerson, Esq. email to opposing counsel (.1); Receipt of final opposition for filing and service from James M. Jimmerson, Esq. with instructions, file and serve same (.3); Review and analyze same, and Office conference with James M. Jimmerson, Esq. regarding typos (.2); Revise Opposition to correct errors, refile and reserve (.5);	5.00	1,250.00
05/07/2018	SP	Review and respond to email from Elizabeth Ham re emails (.1); Office conference with James J. Jimmerson, Esq. regarding Opposition (.1); Email to Elizabeth Ham re status of the same (.1); Review and analyze email from Elizabeth Ham at 3:09 pm with draft opposition and two cases, download and review same (.5); Office conference with James M. Jimmerson, Esq. regarding same (.2); Add countermotion (.3); Review James M. Jimmerson, Esq. revisions to opposition sent to Ham (.2); Telephone conference with Elizabeth Ham regarding same and redline and send changes to last Opposition (.2); Office conference with James M. Jimmerson, Esq. regarding Declaration (.1); Revise same and process with James M. Jimmerson, Esq. (.5); Email to Elizabeth Ham (.1); Telephone conference with James J. Jimmerson, Esq. regarding Opposition, adding introductory paragraph (.2); Email to Elizabeth Ham regarding same (.1); Receipt of Ham revised Opposition at 6:22 pm, redline same (.1); Continued revisions to Opposition and review of same per James J. Jimmerson, Esq. (.3); Telephone conference with Elizabeth Ham regarding filing same and next steps (.3); Finalize, file and email to opposing counsel, receive confirmation of receipt, and prepare courtesy copies for the court (.3);	3.70	925.00

adv. Daniel Omerza

			HOURS	
05/08/2018	SP	Office conference with James J. Jimmerson, Esq. regarding Opposition and whether leave to amend was requested (.1); Review Todd Davis email regarding reference to the property (.1);	0.20	50.00
05/09/2018	SP	Office conference with James J. Jimmerson, Esq. regarding email to Todd Davis, James J. Jimmerson, Esq. drafts and sends response to same, discussion of language (.3); Review Elizabeth Ham response (.1); Review Todd Davis response and download both for James J. Jimmerson, Esq. review (.1); Review and analyze email from Langberg forwarding two Replies and Request for Judicial Notice, download all three documents for James J. Jimmerson, Esq. review tomorrow, email to Elizabeth Ham (.2);	0.70	175.00
05/10/2018	SP	Review James J. Jimmerson, Esq. email to Elizabeth Ham with Omerza Replies (.1); Review and analyze Reply regarding Anti-Slapp, Reply regarding Motion to Dismiss and request for judicial notice (.8); Office conference with James J. Jimmerson, Esq. regarding same (.2); Review James J. Jimmerson, Esq. email to Ham regarding same (.1); Review James J. Jimmerson, Esq. response to Todd Davis regarding universal factual language (.1);	1.30	325.00
05/11/2018	SP	Download, review and analyze email from Elizabeth Ham regarding replies and next steps (.1); Telephone conference with James J. Jimmerson, Esq. Regarding same and regarding coordinating call, filing documents, Reply arguments (.7); Coordinate conference call for 2 pm and review email regarding same (.3); Prepare binder of research documents and evidence for James J. Jimmerson, Esq. for Monday's hearing, completed by (1.8); Conference call with James J. Jimmerson, Esq., James M. Jimmerson, Esq. and Elizabeth Ham regarding Supplement and arguments (1.1); Send James J. Jimmerson, Esq. and James M. Jimmerson, Esq. copies of documents referenced to use as exhibits (.2); Work with James J. Jimmerson, Esq., James M. Jimmerson, Esq. and Elizabeth Ham to prepare First Supplement, Second Supplement, Declaration of Yohan Lowie and all exhibits, courtesy copies, filing, emailing to opposing counsel, run slips, review emails from EHB with videos and transcripts, letter, multiple revisions to documents, and multiple Telephone conference with James J. Jimmerson, Esq. and Elizabeth Ham and Office conference with James J. Jimmerson, Esq. regarding same (4.2); Telephone conferences with and email exchanges with James J. Jimmerson, Esq. regarding mail fraud information, review file for emails, no email received regarding same by James J. Jimmerson, Esq. or Kim Stewart or Shahana Polselli, research regarding same (.5); Download email from Yohan Lowie today and send to James J. Jimmerson, Esq. (.1); Review James J. Jimmerson, Esq. email to Yohan Lowie regarding same (.1); Review and respond to email from James J. Jimmerson, Esq. (.1); Review and respond to James J. Jimmerson, Esq. email regarding video (.1); Review James M. Jimmerson, Esq. response regarding same (.1); Review and analyze email from Mitch Langberg (.1);	9.50	2,375.00
05/12/2018	SP	Review email in Spam from Yohan Lowie from yesterday regarding (.1); Email and text to James J. Jimmerson, Esq. regarding same (.1); Review and analyze email and statute (.1); Review and respond to email from Elizabeth Ham regarding who added to (.1);	0.40	100.00
05/14/2018	SP	Review Todd Davis email regarding Notice of Association (.1); Arrive early and		

adv. Daniel Omerza

			HOURS	
		assist James J. Jimmerson, Esq. with research for oral argument, and comparing transcript and email to declarations, preparing chart of same, copying documents necessary for hearing (1.5); Travel to and attend hearing with James J. Jimmerson, Esq., Elizabeth Ham, Esq. and client, texts to regarding emailed document needed, and post-hearing conference with James J. Jimmerson, Esq., clients and Elizabeth Ham regarding next steps (1.9); Call and email to Clerk regarding video (.1); Research regarding legislative history on Anti-SLAPP statute and relevant caselaw regarding discovery and burdens (2.6); Complete request form for expedited transcript and video and Office conference with James J. Jimmerson, Esq. regarding timing (.2); Review email from clerk regarding invoice and prepare check for payment (.1); Office conference with James J. Jimmerson, Esq. regarding same (.1); Deliver to court to pick up CD and order expedited transcript (.1); Office conference with James J. Jimmerson, Esq. regarding research and Langberg comments (.3); Review James J. Jimmerson, Esq. email to clients regarding same (.1); Review email from Yohan Lowie (.1);	7.20	1,800.00
05/15/2018	SP	Review and download 4 emails forwarded from James J. Jimmerson, Esq. and sent to only him (.4); Advised of call from Yohan Lowie, Office conference with James J. Jimmerson, Esq. regarding same, call to office that James J. Jimmerson, Esq. will return call immediately after meeting (.1); Receipt of CD from hearing and upload same to Jennifer Knighton, email to Elizabeth Ham regarding same (.2); Office conference with James J. Jimmerson, Esq. regarding his call with Yohan Lowie (.2); Receipt of transcript estimate and prepare request for same (.2); Finalize and deliver transcript request to court (.2);	1.30	325.00
05/16/2018	SP	Receipt of invoice for paper transcript, request check and facilitate pickup of same (.2);	0.20	50.00
05/17/2018	SP	Review and analyze email with Transcript from hearing and forward to Elizabeth Ham (.1);	0.10	25.00
05/20/2018	SP	Text exchange with James J. Jimmerson, Esq. regarding responsive brief (.1); Review and analyze James J. Jimmerson, Esq. email with recording regarding same (.1);	0.20	50.00
		SHAHANA POLSELLI	34.50	8,625.00
05/02/2018	PK	Receive and review Stipulation and Order Continuing Hearing Dates for Defendants' Motion to Dismiss and Special Motion to Dismiss (Anti-SLAPP Motion) and Related Briefing Deadlines and Notice of Entry for the same (.3);	0.30	67.50
05/08/2018	PK	Receive and reviewed our Opposition to Defendants' Motion to Dismiss Pursuant to NRCP 12(b)(5) that was filed (.1); Receive and reviewed our Opposition to Defendants' Special Motion to Dismiss (Anti-SLAPP Motion) Plaintiffs' Complaint Pursuant to NRS 41.635 Et Seq. Filed 05.04.18 (.1);	0.20	45.00
05/10/2018	PK	Receive and reviewed Defendants' Reply Brief In Support of Motion to Dismiss Pursuant to NRCP 12(B)(5) filed by Opposing Counsel (.2); Defendants' Request for Judicial Notice In Support of (.1) Received and Reviewed		

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			HOURS	
		Defendants' Reply in Support of Special Motion To Dismiss (Anti-SLAPP Motion) Plaintiffs' Complaint Pursuant to NRS §41.635 Et. Seq. and (.2) Defendants' Reply in Support of Motion To Dismiss Pursuant to NRCP 12(B)(5) (.2);	0.70	157.50
05/11/2018	PK	Conference with Shahana Polselli and James M. Jimmerson, Esq., advised to assist with binder preparation (.2); Completed the same (1.8); Conference with Shahana Polselli and draft Index and insert into x 3 Binders (.2); Assist with filing (.2);	2.40	540.00
05/14/2018	PK	Received a copy of E-filed Notice of Association of Counsel (.1); Patricia Kennedy	0.10	22.50
			<del>3.70</del>	<del>832.50</del>
05/04/2018	JMJ	Reviewing draft opposition and revising the same (2.0); emails on denial letters (.4); emails on (.4)	2.80	1,120.00
05/07/2018	JMJ	Reviewing draft opposition to 12(b)(5) motion to dismiss and revising the same (2.5); review/revise Anti-slapp motion (.4)	2.90	1,160.00
05/09/2018	JMJ	Review and analyze reply in support of motions to dismiss (1.0)	1.00	400.00
05/10/2018	JMJ	Emails on motion to dismiss (.4)	0.40	160.00
05/11/2018	JMJ	Review and analyze reply in support of motions to dismiss (1.2); Call with client and James J. Jimmerson, Esq. regarding supplemental exhibits (1.2); drafting submission papers for supplemental exhibits, including declaration of Y. Lowie (3.2); call with James J. Jimmerson, Esq. on declaration of Y. Lowie (.3)	5.90	2,360.00
05/14/2018	JMJ	Legal research on privileges (1.0); appearance at hearing on motions to dismiss (1.0); legal research on "good faith communications" (1.5)	3.50	1,400.00
		JAMES M JIMMERSON	16.50	6,600.00
		FOR CURRENT SERVICES RENDERED	80.30	31,289.50
05/20/2018	JJJ	COURTESY DISCOUNT PER JAMES J. JIMMERSON, ESQ.		-12,500.00
		TOTAL COURTESY DISCOUNTS FOR THIS PERIOD		-12,500.00
		1.5% ADMINISTRATIVE CHARGE (PHONE CHARGES, POSTAGE, ETC.)		469.34
04/26/2018		Hand Delivery		
		Item: Stipulation and Order to Brownstein Hyatt Farber Schreck		5.00
05/01/2018		COPY/PRINTING: 135 PAGE(S) @ .20		27.00
05/01/2018		COPY/PRINTING: 1 PAGE(S) @ .20		0.20
05/04/2018		COPY/PRINTING: 255 PAGE(S) @ .20		51.00
05/07/2018		COPY/PRINTING: 113 PAGE(S) @ .20		22.60
05/07/2018		COPY/PRINTING: 1 PAGE(S) @ .20		0.20
05/07/2018		Hand Delivery		
		Item: Opposition and Countermotion to Regional Justice Center Department II		5.00

— any copy fees over \$150 must be approved by Ham — *APR 15 2018*

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05/08/2018	COPY/PRINTING: 32 PAGE(S) @ .20	6.40
05/09/2018	COPY/PRINTING: 49 PAGE(S) @ .20	9.80
05/11/2018	COPY/PRINTING: 2490 PAGE(S) @ .20	498.00
05/11/2018	COPY/PRINTING: 9 PAGE(S) @ .20	1.80
05/11/2018	Hand Delivery	
	Item: Supplements and Notice of Association to Regional Justice Center	
	Department II	5.00
05/14/2018	COPY/PRINTING: 846 PAGE(S) @ .20	169.20
05/14/2018	Hand Delivery	
	Item: Payment for Hearing Transcript to Regional Justice Center	5.00
05/15/2018	Hand Delivery	
	Item: Supplements and Notice of Association to Brownstein Hyatt Farber & Schreck	5.00
05/16/2018	COPY/PRINTING: 374 PAGE(S) @ .20	74.80
05/16/2018	COPY/PRINTING: 604 PAGE(S) @ .20	120.80
05/16/2018	Hand Delivery	
	Item: Pick-up 05-14-18 Hearing Transcript from Regional Justice Center	5.00
05/17/2018	COPY/PRINTING: 62 PAGE(S) @ .20	12.40
	TOTAL EXPENSES	1,024.20

05/04/2018	Electronic Filing - Opposition	3.50
05/07/2018	Electronic Filing - Opposition to Motion to Dismiss	3.50
05/11/2018	Electronic Filing - Second Supplement to Opposition to AntiSLAPP Motion	3.50
05/11/2018	Electronic Filing - Notice of Association of Counsel	3.50
05/14/2018	05-14-18 Hearing Recording Fee	
	Clark County Treasurer # 64504	45.00
05/16/2018	05-14-18 Hearing Transcript	
	Kristen Lunkwitz # 65479	372.62
05/20/2018	Westlaw legal research charges, Usage Period: 04-21-18 through 05-20-18	8.93
	TOTAL ADVANCES	440.55

## TOTAL CURRENT WORK

## PREVIOUS BALANCE

## BALANCE DUE

## CLOSING BALANCE

COMPANY LMchownACCT # 11030 SUB ACCT

COST CODE TYPE

APPROVED

19,548.09  
(3510.50) *Tiffany Swahis*  
16,037.59

20,723.59

\$11,148.16

\$31,871.75\$31,871.75

Finance charge assessed after 30 days.

Make check payable to THE JIMMERSON LAW FIRM, P.C.

STATEMENT REFLECTS CHARGES &amp; PAYMTS REC'D THRU 20TH OF MONTH

Approved by Attorney: \_\_\_\_\_

*JS* 5/29/18



THE JIMMERSON LAW FIRM, PC  
415 SOUTH SIXTH STREET, SUITE 100  
LAS VEGAS, NEVADA 89101  
TELEPHONE: (702) 388-7171 - TAX I.D.# {  
FAX: (702) 387-1167

For your convenience, you may pay by AMEX, VISA & MC.

Account#: Exp:  
Amount: add 3% convenience fee Signature:

Fore Stars, Ltd., 180 Land Co., Seventy Acres, LLC  
Ischencke@ehbcompanies.com  
EHB Companies, LLC  
1215 S. Fort Apache Rd., Suite 120  
Las Vegas NV 89117

c/o Fore Stars, Ltd., 180 Land Co., Seventy Acres, LLC

adv. Daniel Omerza

PAGE: 1

06/20/2018

ACCOUNT NO: 6186-10M  
STATEMENT NO: 664273

			HOURS	
05/21/2018	JJJ	Text exchange with Shahana Polselli regarding deadline (.1); Review email from Elizabeth Ham (.1); Review and analyze briefing and dictate points for possible inclusion and revision in supplement (.3);	0.50	297.50
05/22/2018	JJJ	Text exchange with and Telephone conference with Shahana Polselli regarding status of supplement draft (.1);	0.10	59.50
05/23/2018	JJJ	Office conference with Shahana Polselli regarding status of supplement (.1); Email to Elizabeth Ham regarding same (.1); Further Office conference with Shahana Polselli regarding dictation, resent same (.5); Review and analyze initial draft of Supplement (.3); Office conference with James M. Jimmerson, Esq. and Shahana Polselli regarding same, review revisions proposed, review of emails from Davis and Ham regarding same, and revise and finalize two versions of supplement (1.2); Attempt to call Elizabeth Ham (.1); Receipt of approval of our version and finalize with Shahana Polselli (.2); Email to clients confirming same (.1); Review and analyze Minutes (.1); Review and analyze Defendants' supplement with exhibits and office conference with Shahana Polselli regarding same (.5); Review and respond to email from Elizabeth Ham (.1);	3.30	1,963.50
05/29/2018	JJJ	Download, review and analyze Motion to Strike (.2); Review and analyze Minute Order (.1); Telephone conference with Shahana Polselli regarding same (.2); Review email from Todd Davis (.1); Email to Mitch Langberg regarding withdrawing Motion (.1);	0.70	416.50
05/30/2018	JJJ	(NO CHARGE) Review and respond to email from Todd Davis regarding motion and discovery (.1); Email to Shahana Polselli regarding same (.1); Review and analyze response from Mitch Langberg regarding withdrawing motion and conference call (.1); Email to Langberg regarding same (.1);	0.40	0.00
	JJJ	Email to Todd Davis regarding motion and regarding discovery (.1); Office conference with Shahana Polselli regarding same and regarding discovery rules (.2); Dictate email to opposing counsel (.1); Review and finalize Early Case Conference notice (.1); Revise, finalize and send email with Early Case Conference attached (.2); Review and analyze opposing counsel response (.1); Telephone conference with Yohan Lowie i regarding Judge Scotti's ruling in client's favor; i (No Charge);	0.80	476.00
05/31/2018	JJJ	Office conference with Shahana Polselli regarding email from Langberg		

adv. Daniel Omerza

			HOURS	
		regarding appeal and revise same (.1); Review Motion to Strike Office conference with James M. Jimmerson, Esq. regarding same (No Charge);	0.10	59.50
06/01/2018	JJJ	Review and analyze email from Langberg (.1); Office conference with Shahana Polselli regarding same (.1); Review Elizabeth response to same (.1); Office conference with Shahana Polselli regarding same and send response to Langberg, discuss research needed (.3); Office conference with Shahana Polselli regarding same (.1); Email to clients regarding same (.1);	0.80	476.00
06/03/2018	JJJ	Office conference with Shahana Polselli and review and revise proposed Finding Fact, Conclusions of Law (.4); Email to Elizabeth Ham regarding same (.1); Office conference with Shahana Polselli regarding emails from Langberg and need to respond, dictate same (.3);	0.80	476.00
06/04/2018	JJJ	Telephone conference with Shahana Polselli Regarding status of email to Omerza and Finding Fact, Conclusions of Law (.1);	0.10	59.50
06/05/2018	JJJ	Review Langberg email and Telephone conference with Shahana Polselli regarding same (.2);	0.20	119.00
06/07/2018	JJJ	(NO CHARGE) Telephone conference with Shahana Polselli regarding status of order and email from James M. Jimmerson, Esq. (.2);	0.20	0.00
06/11/2018	JJJ	Telephone conference with James M. Jimmerson, Esq. regarding EDCR 2.34 conference (.4);	0.40	238.00
		J.J. JIMMERSON	8.40	4,641.00
05/21/2018	SP	Text exchange with James J. Jimmerson, Esq. (.1); Review email from Elizabeth Ham (.1);	0.20	50.00
05/22/2018	SP	Text to James J. Jimmerson, Esq. regarding status (.1); Email to Elizabeth Ham regarding same (.1); Email and text exchanges with Elizabeth Ham regarding timing (.2); Telephone conference with James J. Jimmerson, Esq. regarding same (.1);	0.50	125.00
05/23/2018	SP	Email to Elizabeth Ham regarding status of supplement (.1); Review her response regarding same (.1); Office conference with James J. Jimmerson, Esq. regarding same and James J. Jimmerson, Esq. sends email to Ham, discussion of points dictated and receive recording of same (.5); Receipt of draft from Elizabeth Ham at 12:12 pm, review and analyze same (.2); Office conference with James M. Jimmerson, Esq. (.1); Draft James J. Jimmerson, Esq. points from dictation and additional points (.8); Review with James M. Jimmerson, Esq. and revise Supplement accordingly (1.8); Continued work with James M. Jimmerson, Esq. on revised supplement and email list of points to Ham and Davis per James M. Jimmerson, Esq. (.6); Review responses from Ham and Davis, James M. Jimmerson, Esq. (.2); Office conference with James J. Jimmerson, Esq. and continue work with James J. Jimmerson, Esq. and James M. Jimmerson, Esq. to prepare two versions of supplement, James J. Jimmerson, Esq. sends to Ham and Davis, prepare exhibit, prepare for filing, receive approval on our version, finalize and timely file and serve the same (1.4); Review James J. Jimmerson,		



adv. Daniel Omerza

			HOURS	
		Esq. email to clients confirming same (.1); Download, review and analyze Minutes (.1); Download, review and analyze Defendants' supplement with exhibits and Office conference with James J. Jimmerson, Esq. regarding same (.5); Review email from Elizabeth and James J. Jimmerson, Esq. response (.1);	6.50	1,625.00
05/27/2018	SP	Review and analyze Motion to Strike filed by opposing counsel (.2); Review and analyze James J. Jimmerson, Esq. email regarding same (.1);	0.30	75.00
05/29/2018	SP	Download, review and analyze Motion to Strike (.2); Review and analyze Minute Order (.1); Telephone conference with James J. Jimmerson, Esq. regarding same (.2); Email to clients (.1); Review and analyze response from Elizabeth Ham (.1); Review and analyze email from Todd Davis (.1); Provide James J. Jimmerson, Esq. with copy of same (.1);	0.90	225.00
05/30/2018	SP	Review and analyze email exchanges between James J. Jimmerson, Esq. and Mitch Langberg regarding Motion and withdrawing same (.2); Review and analyze email from James J. Jimmerson, Esq. to Todd Davis regarding same, and regarding discovery (.1); Office conference with James J. Jimmerson, Esq. regarding same and regarding discovery rules (.2); Draft Notice of Early Case Conference (.2); Draft email to opposing counsel regarding same as dictated by James J. Jimmerson, Esq. (.2); Review James J. Jimmerson, Esq. email to opposing counsel with Early Case Conference (.1); Review and download opposing counsel response (.1); Review Langberg response (.1);	1.20	300.00
05/31/2018	SP	Office conference with James J. Jimmerson, Esq. regarding email from Langberg regarding appeal (.1);	0.10	25.00
06/01/2018	SP	Review and analyze email from Langberg (.1); Office conference with James J. Jimmerson, Esq. regarding same (.1); Review Elizabeth response to same (.1); Office conference with James J. Jimmerson, Esq. regarding same and James J. Jimmerson, Esq. prepares response to Langberg (.3); Research regarding timing of Early Case Conference (.6); Office conference with James J. Jimmerson, Esq. regarding same and review his email to Langberg (.1); Review James J. Jimmerson, Esq. email to clients regarding same (.1); Review Langberg response and download for James J. Jimmerson, Esq. review (.1); Review second Langberg email and online research and review of cited case, download for James J. Jimmerson, Esq. review (.5); Review James J. Jimmerson, Esq. email regarding order (.1);	2.10	525.00
06/03/2018	SP	Review of decision, filings, and draft detailed Findings of Fact, Conclusions of Law, and Order (3.1); Prepare detailed memo to James J. Jimmerson, Esq. and update To Do list (.2); Office conference with James J. Jimmerson, Esq. for his review of proposed Finding Fact, Conclusions of Law, his revisions to same (.4); James J. Jimmerson, Esq. sends email to Elizabeth Ham regarding same (.1); Office conference with James J. Jimmerson, Esq. regarding emails from Langberg and need to respond, James J. Jimmerson, Esq. dictates same (.3);	4.10	1,025.00
06/04/2018	SP	Draft responsive email to Langberg as dictated by James J. Jimmerson, Esq. and send to James M. Jimmerson, Esq. (.2); Office conference with James M. Jimmerson, Esq. regarding same (.1); Further Office conference with James		



adv. Daniel Omerza

			HOURS	
		M. Jimmerson, Esq. Regarding Finding Fact, Conclusions of Law and review of same (.1); Revise Finding Fact, Conclusions of Law per James M. Jimmerson, Esq. (.1); Finalize and send to Elizabeth Ham (.1); Office conference with James J. Jimmerson, Esq. regarding status of email to Omerza (.1); Reminder to James M. Jimmerson, Esq. to send James J. Jimmerson, Esq. dictated email (.1); Review and analyze same, and Langberg initial response (.1); Review and analyze Langberg email to James M Jimmerson, Esq. (.2);	1.10	275.00
06/05/2018	SP	Review Langberg email with James J. Jimmerson, Esq., James M. Jimmerson, Esq. to respond but James J. Jimmerson, Esq. to discuss with him first (.2); Telephone conference with Elizabeth Ham regarding Finding Fact, Conclusions of Law and email from Langberg, amended Complaint (.1);	0.30	75.00
06/07/2018	SP	Telephone conference with James J. Jimmerson, Esq. regarding status of Finding Fact, Conclusions of Law and James M. Jimmerson, Esq. to respond to Langberg (.2); Review, analyze and respond to email from Elizabeth Ham with revised Order and regarding amending Complaint (.1); Download for James J. Jimmerson, Esq. review, review redlined Order, accept all changes to same and send to opposing counsel (.2); Telephone conference with Elizabeth Ham regarding Order and regarding amending Complaint (time split with other matters)(.1); Telephone conference with James J. Jimmerson, Esq. regarding same and review relevant paragraph (.3); Review and analyze email from Langberg requesting two changes in Finding Fact, Conclusions of Law, review Finding Fact, Conclusions of Law, email to James J. Jimmerson, Esq. and James M. Jimmerson, Esq. and Elizabeth Ham for determination (.2); Review email from Todd Davis regarding changes (.1); Office conference with James M. Jimmerson, Esq. regarding same (.1); Revise Finding Fact, Conclusions of Law per Todd Davis (.2); Review and analyze Langberg email regarding discovery conference, respond to same (.1); Review Langberg response regarding setting for tomorrow (.1); Finalize Finding Fact, Conclusions of Law and send to Langberg (.1);	1.80	450.00
06/08/2018	SP	Office conference with James M. Jimmerson, Esq. regarding 2.34 conference (.1); Email to Langberg regarding same (.1); Review and respond to Langberg email regarding Order (.1); Coordinate pickup of signed Order (.1); Review Langberg email regarding 2.34 conference (.1); Draft Errata to Complaint, revise Complaint, download exhibits and prepare full set to send to James J. Jimmerson, Esq. and Elizabeth Ham for review (.4); Receipt of signed Omerza Order (.1); Office conference with James M. Jimmerson, Esq. regarding countersigning same (.1);	1.10	275.00
06/11/2018	SP	Process Finding Fact, Conclusions of Law and deliver to the Court (.1); Email to Langberg regarding 2.34 conference (.1); Email exchange with Langberg regarding same (.1); Email exchange with Langberg regarding Order (.1); Office conference with James M. Jimmerson, Esq. and EDCR 2.34 conference with Langberg regarding Early Case Conference (.3); Office conference with James M. Jimmerson, Esq. regarding same and attempt to call James J. Jimmerson, Esq. with James M. Jimmerson, Esq., leave message (.1); Office conference with James M. Jimmerson, Esq. regarding Errata (.1); Review James M. Jimmerson, Esq. email to Mitch Langberg confirming their conversation about withdrawing Early Case Conference notice		



adv. Daniel Omerza

			HOURS	
		(.1); Review Langberg email confirming same (.1); Review, analyze and respond to email from Elizabeth ham regarding Errata (.1); Review further email from Ham regarding keeping   reference (.1); Revise Errata and Complaint, attach with exhibits, send to Ham (.3); Technical difficulties with filing (.5-NC); Finalize and file same (.1);	1.70	425.00
06/12/2018	SP	Draft Notice of Vacating Early Case Conference (.2); Draft Amended Notice (.2); Office conference with James M. Jimmerson, Esq. regarding same (.2);	0.60	150.00
06/14/2018	SP	Review and analyze James M. Jimmerson, Esq. email with draft Opposition to Motion to Strike, along with opposition (.2); Review follow up email from James M. Jimmerson, Esq. to Elizabeth Ham regarding same (.1); Review Elizabeth Ham response with revised Opposition and her changes to same (.2); Telephone conference with James M. Jimmerson, Esq. regarding same (.2);	0.70	175.00
06/15/2018	SP	Review, analyze and download filed opposition (.2);	0.20	50.00
06/19/2018	SP	Review and respond to email from Mitch Langberg regarding Finding Fact, Conclusions of Law (.1);	0.10	25.00
06/20/2018	SP	Receipt of file stamped Finding Fact, Conclusions of Law and email to Kim Stewart regarding same (.1); SHAHANA POLSELLI	0.10 23.60	25.00 5,900.00
05/24/2018	PK	Received f-filing for Service of Minutes, Defendants' Supplemental Brief in Support of Special Motion to Dismiss (Anti-SLAPP Motion) Plaintiffs' Complaint Pursuant to NRS 41.635 et seq. and Plaintiffs' Supplement in Support of Opposition to Defendants' Special Motion to Dismiss (Anti-SLAPP) (.3)	0.30	67.50
05/29/2018	PK	Received Defendants' E-filed Motion to Strike Portions of Plaintiffs' Supplement in Support of Opposition to Defendants' Special Motion to Dismiss or in the Alternative, for Further Supplemental Briefing from Opposing Counsel and the Court's Minute Order, and analyzed the same (.2);	0.20	45.00
05/30/2018	PK	Received e-filed Notice of Early Case Conference (.1)	0.10	22.50
06/12/2018	PK	Conference with Shahana Polselli, advised to E-file/E-serve Notice of Vacating Early Case Conference and Amended Notice of Early Case Conference (.2); Completed the same (.3);	0.50	112.50
06/14/2018	PK	Received E-filed Notice of Vacating Early Case Conference and Amended Notice of Early Case Conference, saved electronically and printed for physical file (.3);	0.30	67.50
06/15/2018	PK	Received E-filed notice of Plaintiffs' Opposition to Defendants' Motion to Strike Portions of Plaintiffs' Supplement in Support of Opposition to Defendants' Special Motion to Dismiss or in the alternative for further supplemental briefing (.2); Patricia Kennedy	0.20 1.60	45.00 360.00

adv. Daniel Omerza

			HOURS	
05/21/2018	JMJ	Emails on Supplements (.2)	0.20	80.00
05/22/2018	JMJ	Emails on Supplements (.2)	0.20	80.00
05/23/2018	JMJ	Revise supplement to opposition to motion to dismiss (3.0); discussions with S. Polselli on the same (.5)	3.50	1,400.00
05/25/2018	JMJ	Discussion with James J. Jimmerson, Esq. on motion to strike (.5)	0.50	200.00
05/29/2018	JMJ	Review and analyze motion to strike (.5); review and analyze minute order (.1); discussion of the minute order with James J. Jimmerson, Esq. (.3)	0.90	360.00
05/30/2018	JMJ	Meeting with James J. Jimmerson, Esq. on motion to strike (.5);	0.50	200.00
06/01/2018	JMJ	Emails on appeal regarding anti-SLAPP (.4); emails from opposing counsel on early case conference discovery dispute (.6)	1.00	400.00
06/04/2018	JMJ	Emails on discovery dispute on noticing of early case conference (1.0);	1.00	400.00
06/07/2018	JMJ	Emails on Findings of Fact, Conclusions of Law, and Order (.2);	0.20	80.00
06/08/2018	JMJ	Emails on EDCR 2.34 conference (.3);	0.30	120.00
06/11/2018	JMJ	EDCR 2.34 conference on notice of early case conference (.7); call with James J. Jimmerson, Esq. on the same (.4); legal research on district court jurisdiction pending appeal (1.5)	2.60	1,040.00
06/13/2018	JMJ	Research for Opposition to Motion to Strike (1.0); drafting Opposition to Motion to Strike (2.0);	3.00	1,200.00
06/14/2018	JMJ	Drafting Opposition to Motion to Strike (4); revising and filing the Opposition (.3);	4.30	1,720.00
		JAMES M JIMMERSON	18.20	7,280.00
		FOR CURRENT SERVICES RENDERED	51.80	18,181.00
06/20/2018	JJJ	COURTESY DISCOUNT PER JAMES J. JIMMERSON, ESQ.		-4,641.00
	JJJ	COURTESY DISCOUNT PER JAMES J. JIMMERSON, ESQ.		-1,000.00
		TOTAL COURTESY DISCOUNTS FOR THIS PERIOD		-5,641.00
		1.5% ADMINISTRATIVE CHARGE (PHONE CHARGES, POSTAGE, ETC.)		272.72
05/23/2018		COPY/PRINTING: 116 PAGE(S) @ .20		23.20
06/07/2018		COPY/PRINTING: 52 PAGE(S) @ .20		10.40
06/08/2018		Hand Delivery		
		Item: Pick up signed Finding Fact, Conclusions of Law from Brownstein Hyatt Farber & Schreck LLP		5.00
06/08/2018		COPY/PRINTING: 66 PAGE(S) @ .20		13.20
06/11/2018		Hand Delivery		



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	Item: Deliver Finding Fact, Conclusions of Law to Regional Justice Center - Department II	5.00
06/11/2018	COPY/PRINTING: 98 PAGE(S) @ .20	19.60
06/13/2018	COPY/PRINTING: 12 PAGE(S) @ .20	2.40
06/19/2018	COPY/PRINTING: 37 PAGE(S) @ .20	7.40
	TOTAL EXPENSES	86.20
06/13/2018	Electronic Filing - Notice of Vacating Early Case Conference	3.50
06/20/2018	Westlaw legal research charges, Usage Period: 05-21-18 through 06-20-18	307.75
06/20/2018	E-file Finding Fact, Conclusions of Law and Order	3.50
	TOTAL ADVANCES	314.75
	<b>TOTAL CURRENT WORK</b>	<b>13,213.67</b>
	PREVIOUS BALANCE	\$31,871.75
	BALANCE DUE	<u>\$45,085.42</u>
	CLOSING BALANCE	<u>\$45,085.42</u>

COMPANY LM Crown JOB # \_\_\_\_\_  
ACCT # 6030 SUB ACCT \_\_\_\_\_  
COST CODE \_\_\_\_\_ TYPE \_\_\_\_\_  
APPROVED \_\_\_\_\_

LS 8/16/18

Finance charge assessed after 30 days.

Make check payable to THE JIMMERSON LAW FIRM, P.C.

STATEMENT REFLECTS CHARGES &amp; PAYMTS REC'D THRU 20TH OF MONTH

Approved by Attorney: 

THE JIMMERSON LAW FIRM, PC  
415 SOUTH SIXTH STREET, SUITE 100  
LAS VEGAS, NEVADA 89101  
TELEPHONE: (702) 388-7171 - TAX I.D.# 1  
FAX: (702) 387-1167

For your convenience, you may pay by AMEX, VISA & MC.

Account#: Exp:  
Amount: add 3% convenience fee Signature:

Fore Stars, Ltd., 180 Land Co., Seventy Acres, LLC  
lschencke@ehbcompanies.com  
EHB Companies, LLC  
1215 S. Fort Apache Rd., Suite 120  
Las Vegas NV 89117

c/o Fore Stars, Ltd., 180 Land Co., Seventy Acres, LLC

adv. Daniel Omerza

PAGE: 1  
07/19/2018  
ACCOUNT NO: 6186-10M  
STATEMENT NO: 664558

INTERIM STATEMENT

			HOURS	
06/26/2018	JJJ	After hours Telephone conference with Shahana Polselli regarding hearing (.1); Email to clients and Elizabeth response (.1); Telephone conference with James M. Jimmerson, Esq. (.3); Further Telephone conference with Shahana Polselli regarding same and hearing being off calendar (.1) Email to client regarding same (.1);	0.70	416.50
06/27/2018	JJJ	Review Notice of Appeal filed in Omerza case (.1); Office conference with Shahana Polselli regarding hearing cancellation, filing of Notice of Appeal and Case Appeal Statement, changes to Order and next steps, prepare and send email to Langberg regarding cancellation of Motion (.3);	0.40	238.00
07/02/2018	JJJ	Review and analyze file stamped Petition for Writ (.4)	0.40	238.00
07/03/2018	JJJ	Office conference with Shahana Polselli Regarding Writ (.1); Review and analyze same (.4);	0.50	297.50
07/06/2018	JJJ	Office conference with Shahana Polselli regarding Writ, Appeal, assignment to settlement program (.2);. Email to clients regarding same (.1); Review of Notice of Assignment of appeal to Ara Shirinian and Office conference with Shahana Polselli regarding same (.1);	0.40	238.00
07/09/2018	JJJ	Office conference with Shahana Polselli Regarding assignment of Shirinian as mediator (.1);	0.10	59.50
07/10/2018	JJJ	Download, review and analyze Notice of Suggestion of Recusal (.1); Email to Elizabeth Ham recommending opposition (.1); Review and respond to email from Ham regarding association (.1);	0.30	178.50
07/11/2018	JJJ	Review and analyze email from Elizabeth Ham regarding response to Notice of Suggestion, download, review and analyze response and exhibits (.2);	0.20	0.00
07/12/2018	JJJ	Email to Elizabeth Ham regarding response to Notice of Suggestion of Recusal (.1); Review Elizabeth Ham response, and revise Response (.2);	0.30	0.00
07/19/2018	JJJ	Review and respond to email from opposing counsel regarding Early Case Conference (.1); Review his response to same (.1);	0.20	0.00
J.J. JIMMERSON			3.50	1,666.00



adv. Daniel Omerza

			HOURS	
06/26/2018	SP	After hours Telephone conference with James J. Jimmerson, Esq. regarding hearing (.1); Review James J. Jimmerson, Esq. email to clients and Elizabeth response (.1); Review calendar, hearing in chambers, review file for Transcript, review Odyssey and see hearing taken off calendar (.3); Further telephone conference with James J. Jimmerson, Esq. regarding same, review his further email to client (.1);	0.60	150.00
06/27/2018	SP	Review Notice of Appeal filed in Omerza case (.1); Review and analyze case appeal statement (.1); Office conference with James J. Jimmerson, Esq. regarding hearing cancellation, filing of Notice of Appeal and Case Appeal Statement, changes to Order and next steps, James J. Jimmerson, Esq. sends email to Langberg regarding cancellation of Motion (.3);	0.50	125.00
06/28/2018	SP	Download, review and analyze email regarding posting of bond (.1); Review Langberg response to James J. Jimmerson, Esq. email (.1);	0.20	50.00
07/02/2018	SP	Review and analyze file stamped Petition for Writ (.4)	0.40	100.00
07/03/2018	SP	Office conference with James J. Jimmerson, Esq. regarding Writ and provide James J. Jimmerson, Esq. with copy of same (.1);	0.10	25.00
07/05/2018	SP	Review Omerza docketed Notice of Appearance (.1); Review Order appointing Nancy Saitta (.1);	0.20	50.00
07/06/2018	SP	Office conference with James J. Jimmerson, Esq. regarding Writ, Appeal, assignment to settlement program (.2); Review James J. Jimmerson, Esq. email to clients regarding same (.1); Review of Notice of Assignment of appeal to Ara Shirinian (.1); Office conference with James J. Jimmerson, Esq. regarding same (.1);	0.50	125.00
07/09/2018	SP	Office conference with James J. Jimmerson, Esq. regarding assignment of Shirinian as mediator (.1);	0.10	25.00
07/10/2018	SP	Download, review and analyze Notice of Suggestion of Recusal (.1); Email to Elizabeth Ham regarding same (.1); Review email from Elizabeth Ham regarding same (.1); Review James J. Jimmerson, Esq. response recommending opposition (.1); Text exchange with James J. Jimmerson, Esq. (.1); Review further James J. Jimmerson, Esq. email to Ham regarding association (.1);	0.60	150.00
07/11/2018	SP	Review and analyze email from Elizabeth Ham regarding response to Notice of Suggestion, download, review and analyze response and exhibits (.2); Email to James J. Jimmerson, Esq. regarding same (.1);	0.30	75.00
07/12/2018	SP	Review James J. Jimmerson, Esq. email to Elizabeth Ham regarding response to Notice of Suggestion of Recusal (.1); Format and prepare response with exhibits (.4); Office conference with James M. Jimmerson, Esq. regarding same, minor additional corrections made (.1); Reformat on proper stationary and in proper font, spacing, and correct typographical errors (.3); Review Elizabeth Ham response, redline Response and send for approval (.1); Review email from Elizabeth Ham with final draft and respond (.1); Review		

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			HOURS	
		email from Langberg to mediator and mediator response regarding whether exemption is appropriate (.1); Review Langberg response (.1); Download file stamped Response and send to all (.1);	1.40	350.00
07/18/2018	SP	Review and analyze letter from Langberg to mediator (.1); Download and send to Elizabeth Ham (.1);	0.20	50.00
07/19/2018	SP	Review and analyze email from Mitch Langberg regarding Early Case Conference (.1); Office conference with James M. Jimmerson, Esq. regarding same (.1); Review James M. Jimmerson, Esq. email to Elizabeth Ham regarding same and court reporter (.1); Review James M. Jimmerson, Esq. email to Langberg (.1); Review Langberg response (.1); Review Langberg email regarding notice (.1); Office conference with James M. Jimmerson, Esq. regarding same and call with Ham (.2);	0.80	200.00
		SHAHANA POLSELLI	5.90	1,475.00
06/27/2018	PK	Received notice of E-filing of Case Appeal Statement from Opposing Counsel (.2); Received notice of E-filing Notice of Appeal from Opposing Counsel (.2);	0.40	90.00
06/28/2018	PK	Received E-filed Notice of Posting Bond on Appeal from Opposing Counsel (.1);	0.10	22.50
		Patricia Kennedy	0.50	112.50
06/26/2018	JMJ	Call with James J. Jimmerson, Esq. on motion to strike (.4); emails to client on the same (.2)	0.60	240.00
07/19/2018	JMJ	Emails to client on Early Case Conference (.2); Emails to opposing counsel on Early Case Conference (.2); Call with client on next steps (.3);	0.70	280.00
		JAMES M JIMMERSON	1.30	520.00
		FOR CURRENT SERVICES RENDERED	11.20	3,773.50
07/19/2018	JJJ	COURTESY DISCOUNT PER JAMES J. JIMMERSON, ESQ.		-1,000.00
		TOTAL COURTESY DISCOUNTS FOR THIS PERIOD		-1,000.00
		1.5% ADMINISTRATIVE CHARGE (PHONE CHARGES, POSTAGE, ETC.)		56.60
06/21/2018		COPY/PRINTING: 42 PAGE(S) @ .20		8.40
06/26/2018		COPY/PRINTING: 62 PAGE(S) @ .20		12.40
06/27/2018		COPY/PRINTING: 102 PAGE(S) @ .20		20.40
07/02/2018		COPY/PRINTING: 352 PAGE(S) @ .20		70.40
07/05/2018		COPY/PRINTING: 35 PAGE(S) @ .20		7.00
07/12/2018		COPY/PRINTING: 128 PAGE(S) @ .20		25.60
		TOTAL EXPENSES		144.20
		TOTAL CURRENT WORK		2,974.30
		PREVIOUS BALANCE		\$45,085.42



For your convenience, you may pay by AMEX, VISA & MC.  
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Amount: add 3% convenience fee Signature:

PAGE: 1  
08/21/2018

Fore Stars, Ltd., 180 Land Co., Seventy Acres, LLC  
Ischencke@ehbcompanies.com  
EHB Companies, LLC  
1215 S. Fort Apache Rd., Suite 120  
Las Vegas NV 89117

ACCOUNT NO: 6186-10M  
STATEMENT NO: 664771

c/o Fore Stars, Ltd., 180 Land Co., Seventy Acres, LLC

adv. Daniel Omerza

INTERIM STATEMENT

			HOURS	
7/20/2018	JJJ	Office conference with James M. Jimmerson, Esq. Regarding Early Case Conference (.2); Review Langberg email and dictate response (.2); Office conference with Shahana Polselli regarding same (.1);	0.50	297.50
7/23/2018	JJJ	Office conference with Shahana Polselli regarding response to Langberg email and mediation (.1); Email exchanges with Langberg (.3);	0.40	238.00
'2018	JJJ	Office conference with Shahana Polselli regarding Langberg response (.1);	0.10	59.50
7/25/2018	JJJ	Office conference with Shahana Polselli regarding Langberg email (.1); Email exchange with Langberg (.1); Review and analyze docketing statement and exhibits (.5);	0.70	416.50
8/20/2018	JJJ	Review email from Jennifer Knighton regarding call (.1); Office conference with Kim Stewart regarding same (.1); Attempt to call and emails to Elizabeth Ham (.1); J.J. JIMMERSON	0.30 2.00	178.50 1,190.00
7/20/2018	SP	Review Langberg email (.1); Office conference with James J. Jimmerson, Esq. regarding same and regarding response (.1); Draft response dictated by James J. Jimmerson, Esq. (.1);	0.30	75.00
7/23/2018	SP	Office conference with James J. Jimmerson, Esq. regarding response to Langberg email and mediation (.1); Review and analyze Notice removing the case from the settlement program (.1); Review James J. Jimmerson, Esq. email to Langberg regarding Early Case Conference (.1); Review Langberg response (.1); Review James J. Jimmerson, Esq. response to same (.1);	0.50	125.00
7/24/2018	SP	Review and analyze email from Mitch Langberg (.1); Office conference with James J. Jimmerson, Esq. regarding same (.1);	0.20	50.00
7/25/2018	SP	Office conference with James J. Jimmerson, Esq. regarding Langberg email (.1); Review James J. Jimmerson, Esq. email to Langberg (.1); Download and review Langberg reply (.1); Review and analyze docketing statement (.4);	0.70	175.00
8/20/2018	SP	Review email from Jennifer Knighton regarding call (.1); Review email exchange with Jennifer Knighton and Kim Stewart regarding same (.1);		



adv. Daniel Omerza

	HOURS	
Attempt to call Elizabeth Ham with James J. Jimmerson, Esq. (.1); Review email regarding same (.1);	0.40	100.00
SHAHANA POLSELLI	2.10	525.00
FOR CURRENT SERVICES RENDERED	4.10	1,715.00
1.5% ADMINISTRATIVE CHARGE (PHONE CHARGES, POSTAGE, ETC.)		25.73
<b>TOTAL CURRENT WORK</b>		<b>1,740.73</b>
PREVIOUS BALANCE		\$48,059.72
17/25/2018 Payment received. Thank you. Check # 1376		-9,655.16
BALANCE DUE		<u>\$40,145.29</u>
CLOSING BALANCE		<u>\$40,145.29</u>

COMPANY LM Chown JOB # \_\_\_\_\_  
 ACCT # 0030 SUB ACCT \_\_\_\_\_  
 COST CODE \_\_\_\_\_ TYPE \_\_\_\_\_  
 APPROVED \_\_\_\_\_

*LS* 8/31/18

Finance charge assessed after 30 days.

Make check payable to THE JIMMERSON LAW FIRM, P.C.

STATEMENT REFLECTS CHARGES &amp; PAYMTS REC'D THRU 20TH OF MONTH

Approved by Attorney: *gn*

THE JIMMERSON LAW FIRM, PC  
415 SOUTH SIXTH STREET, SUITE 100  
LAS VEGAS, NEVADA 89101  
TELEPHONE: (702) 388-7171 - TAX I.D.#  
FAX: (702) 387-1167

PAID

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PAGE: 1  
09/20/2018

ACCOUNT NO: 6186-10M  
STATEMENT NO: 665092

Fore Stars, Ltd., 180 Land Co., Seventy Acres, LLC  
Ischencke@ehbcompanies.com  
EHB Companies, LLC  
1215 S. Fort Apache Rd., Suite 120  
Las Vegas NV 89117

c/o Fore Stars, Ltd., 180 Land Co., Seventy Acres, LLC

adv. Daniel Omerza

			HOURS	
08/21/2018	JJJ	Review email from Elizabeth Ham regarding call, respond to same (.1); Office conference with Shahana Polselli regarding same (.1); Telephone conference with Elizabeth Ham regarding case status, filing regarding Early Case Conference and status of appeal case and Office conference with Shahana Polselli regarding same (.3);	0.50	297.50
09/10/2018	JJJ	Review and analyze email from Elizabeth Ham regarding Motion to Compel, download, review and analyze same (.4); Office conference with Shahana Polselli regarding same (.1); Review and analyze and revise Motion (.8);	1.30	773.50
09/11/2018	JJJ	Continue work on revisions to <u>Omerza Motion and conferences</u> with James J. Jimmerson, Esq. Regarding same (1.8);	1.80	1,071.00
09/12/2018	JJJ	Further revisions to Omerza Motion (.4); Review Elizabeth Ham email regarding Omerza filing (.1); Office conference with Shahana Polselli regarding same (.1); Email to Elizabeth Ham (.1); Finalize and approve Motion to send to Ham (.1);	0.80	476.00
09/13/2018	JJJ	Continued work on Motion and finalize revise draft (2.1); Review Ham email with minor changes (.1);	2.20	1,309.00
09/14/2018	JJJ	Office conference with Shahana Polselli regarding revised brief, review email from Ham and discuss revisions regarding Answer (.3); Finalize Motion for filing (.2); Email to Elizabeth Ham regarding documents from Coffin (.1);	0.60	357.00
09/20/2018	JJJ	Review and analyze email from Langberg regarding motion (.1); Email to James M. Jimmerson, Esq. regarding same (.1); Email to Langberg re timing (.1); Email to Elizabeth Ham forwarding email exchange (.1); Email to clients and Elizabeth Ham regarding response; they may pursue Order to Show Cause (.1); Review Langberg response (.1);	0.60	357.00
		J.J. JIMMERSON	7.80	4,641.00
08/21/2018	SP	Review email from Elizabeth Ham regarding call (.1); Review James J. Jimmerson, Esq. response regarding same (.1); Office conference with James J. Jimmerson, Esq. regarding call and subjects to discuss (.1); Office conference with James J. Jimmerson, Esq. and his call with Elizabeth Ham regarding case status, filing regarding Early Case Conference, and status of		



adv. Daniel Omerza

			HOURS	
		appeal case (.3);	0.60	150.00
08/23/2018	SP	Review and respond to email from Elizabeth Ham regarding Motion to Compel Discovery (and also Goorjan depo in Peccole matter) (.1);	0.10	25.00
09/10/2018	SP	Review and analyze email from Elizabeth Ham regarding Motion to Compel, download, review and analyze same (.4); Office conference with James J. Jimmerson, Esq. regarding same and provide him draft to review (.1); Review James J. Jimmerson, Esq.'s draft and revisions to same (.1); Revise Motion per James J. Jimmerson, Esq., redline and provide him draft (.5);	1.10	275.00
09/11/2018	SP	Continue work on revisions to Omerza Motion per James J. Jimmerson, Esq., review and download emails, organize same, modify brief per emails and timeline and assemble exhibits, revise Declaration of James M. Jimmerson, Esq. and conferences with James J. Jimmerson, Esq. regarding same (2.4);	2.40	600.00
09/12/2018	SP	Review Elizabeth Ham email regarding Omerza filing (.1); Office conference with James J. Jimmerson, Esq. regarding same and provide him revised draft, discussion of email (.1); Review James J. Jimmerson, Esq.'s email to Elizabeth Ham (.1); Office conference with James J. Jimmerson, Esq. regarding revisions (.1); Review James J. Jimmerson, Esq. changes to Motion, make revisions to same, finalize, redline, and email to Elizabeth Ham (.8);	1.20	300.00
09/13/2018	SP	Continued work on Motion and preparation of exhibits with James J. Jimmerson, Esq. and email to Elizabeth Ham (4.2); Review Ham email with minor changes and email exchange with Ham regarding same (.2); Finalize and reformat per James J. Jimmerson, Esq. on proper letterhead, assemble exhibits (.6); Review Elizabeth Ham email regarding motion and amending complaint (.1);	5.10	1,275.00
09/14/2018	SP	Office conference with James J. Jimmerson, Esq. and review revised Brief, discussion of issues with asking them to file Answer (.3); Revise Motion to remove references to Answer, review same and further Office conference with James J. Jimmerson, Esq. to finalize (.3); Review James J. Jimmerson, Esq.'s email to Elizabeth Ham regarding same (.1); Prepare Motion for filing, further revise Omerza Motion to include Notice of Motion, rescan and file same (.4); Email to clients with copy of same (.1); Review email from Elizabeth Ham forwarding documents (.1); Review James J. Jimmerson, Esq.'s email to Elizabeth Ham regarding documents from Coffin (.1);	1.40	350.00
09/17/2018	SP	Download, review and distribute filed stamped Motion with date (.1); Download, review and analyze email exchange between Coffin and George Garcia regarding Omerza suit (.1);	0.20	50.00
09/20/2018	SP	Review and analyze email from Langberg regarding motion (.1); Review James J. Jimmerson, Esq. response regarding same to James M. Jimmerson, Esq. (.1); Review James J. Jimmerson, Esq. response to Langberg (.1); Review James J. Jimmerson, Esq.'s email to Elizabeth Ham forwarding email exchange (.1); Review James J. Jimmerson, Esq.'s email to clients and Elizabeth Ham regarding response and tactics they may take (.1); Review and download Langberg response (.1);	0.60	150.00

adv. Daniel Omerza

			HOURS	
		SHAHANA POLSELLI	12.70	3,175.00
09/10/2018	JMJ	Review/revise motion to compel discovery and JMJ declaration (.7);	0.70	280.00
		JAMES M JIMMERSON	0.70	280.00
		FOR CURRENT SERVICES RENDERED	21.20	8,096.00
		1.5% ADMINISTRATIVE CHARGE (PHONE CHARGES, POSTAGE, ETC.)		121.44
09/11/2018		COPY/PRINTING: 34 PAGE(S) @ .20		6.80
09/14/2018		COPY/PRINTING: 14 PAGE(S) @ .20		2.80
		TOTAL EXPENSES		9.60
09/14/2018		Electronic Filing for Motion of Order Allowing Commencement of Discovery		3.50
		TOTAL ADVANCES		3.50
		TOTAL CURRENT WORK		8,230.54
		PREVIOUS BALANCE		\$40,145.29
		BALANCE DUE		\$48,375.83
		CLOSING BALANCE		\$48,375.83

Finance charge assessed after 30 days.

Make check payable to THE JIMMERSON LAW FIRM, P.C.

STATEMENT REFLECTS CHARGES &amp; PAYMTS REC'D THRU 20TH OF MONTH

Approved by Attorney: \_\_\_\_\_



THE JIMMERSON LAW FIRM, PC  
415 SOUTH SIXTH STREET, SUITE 100  
LAS VEGAS, NEVADA 89101  
TELEPHONE: (702) 388-7171 - TAX I.D.#  
FAX: (702) 387-1167

For your convenience, you may pay by AMEX, VISA & MC.

Account#: Amount: add 3% convenience fee

Exp: Signature:

Fore Stars, Ltd., 180 Land Co., Seventy Acres, LLC  
Ischencke@ehbcompanies.com  
EHB Companies, LLC  
1215 S. Fort Apache Rd., Suite 120  
Las Vegas NV 89117

PAGE: 1  
10/20/2018  
ACCOUNT NO: 6186-10M  
STATEMENT NO: 665240

c/o Fore Stars, Ltd., 180 Land Co., Seventy Acres, LLC

adv. Daniel Omerza

			HOURS	
09/21/2018	JJJ	Review James M. Jimmerson, Esq.'s response regarding Omerza response (.1); Review Yohan Lowie email regarding amending Omerza (.1); Review and analyze Elizabeth Ham's response regarding Langberg email (.1); Review and analyze Dustun Holmes email to James M. Jimmerson, Esq. (.1); Review James M. Jimmerson, Esq.'s Email to Holmes and response confirming call (.1);	0.50	297.50
09/24/2018	JJJ	Review and analyze multiple email exchanges between James M. Jimmerson, Esq. And Langberg (.3);	0.30	178.50
09/25/2018	JJJ	Office conference with Shahana Polselli regarding exchanges between James M. Jimmerson, Esq. and Langberg, current status (.3); Email to James M. Jimmerson, Esq. (.1); Email to clients (.1); Review and analyze video of Mitch Langberg and email from Elizabeth Ham (.1);	0.60	357.00
10/01/2018	JJJ	Review and analyze Opposition and Countermotion to Motion regarding discovery (.5);	0.50	297.50
10/02/2018	JJJ	Review and analyze Notice of Voluntary Disclosure filed in the Supreme Court regarding continuing to sit (.1); Email to clients regarding same (.1);	0.20	119.00
10/12/2018	JJJ	Review and analyze draft Reply (.3);	0.30	178.50
10/17/2018	JJJ	Download, review and analyze Order Denying Writ (.1); Office conference with Shahana Polselli Regarding same (.1);	0.20	119.00
10/18/2018	JJJ	Review and analyze supplement filed by opposing counsel (.2); Prepare for hearing tomorrow (1);	1.20	714.00
10/19/2018	JJJ	Office conference with James M. Jimmerson, Esq. and prepare for hearing (1.1); Travel to and attend hearing with James M. Jimmerson, Esq. before Discovery Commissioner, win hearing (.3);	1.40	833.00
	J.J. JIMMERSON		5.20	3,094.00
09/21/2018	SP	Review James M. Jimmerson, Esq. response regarding Omerza response (.1); Review Yohan Lowie email regarding amending Omerza (.1); Review and analyze Elizabeth Ham response regarding Langberg email (.1); Review and		

adv. Daniel Omerza

			HOURS	
		analyze Dustun Holmes email to James M. Jimmerson, Esq. (.1); Review James M. Jimmerson, Esq.'s email to Holmes and response confirming call (.1);	0.50	125.00
09/24/2018	SP	Review and analyze multiple email exchanges between James M. Jimmerson, Esq. and Langberg, and Office conferences with James M. Jimmerson, Esq. regarding same (.7);	0.70	175.00
09/25/2018	SP	Office conference with James J. Jimmerson, Esq. regarding exchanges between James M. Jimmerson, Esq. and Langberg, current status (.3); Review James J. Jimmerson, Esq. email to James M. Jimmerson, Esq. (.1); Review James J. Jimmerson, Esq. email to clients (.1); Review and analyze video of Mitch Langberg and email from Elizabeth Ham (.1); Email to Elizabeth Ham regarding same and distribute (.1);	0.70	175.00
10/01/2018	SP	Review and analyze Opposition and Countermotion to Motion regarding discovery (.5);	0.50	125.00
10/02/2018	SP	Review and analyze Notice of Voluntary Disclosure filed in the Supreme Court regarding continuing to sit (.1); Review and analyze James J. Jimmerson, Esq. email to clients regarding same (.1);	0.20	50.00
10/08/2018	SP	Office conference with James M. Jimmerson, Esq. regarding Reply Brief (.1);	0.10	25.00
10/12/2018	SP	Review and analyze draft Reply (.3); Office conference with James M. Jimmerson, Esq. regarding same (.2); Email to Elizabeth Ham (.1); Office conference with James M. Jimmerson, Esq. and call to Executive Home Builders regarding status (.2); Review email from Elizabeth Ham with approval, Office conference with James M. Jimmerson, Esq. and process same (.3);	1.10	275.00
10/17/2018	SP	Download, review and analyze Order Denying Writ (.1); Office conference with James J. Jimmerson, Esq. regarding same (.1); Draft Supplement per James J. Jimmerson, Esq. (.3);	0.50	125.00
10/18/2018	SP	Download file-stamped Supplement and process courtesy copies of all filings to Discovery Commissioner (.2); Review and analyze supplement filed by opposing counsel (.2); Work on putting together documents and binder for hearing (1.2); Office conference with James M. Jimmerson, Esq. regarding same and regarding outline (.3);	1.90	475.00
10/19/2018	SP	Office conference with James J. Jimmerson, Esq. regarding Reply filed by opposing side (.2); Review and analyze outline (.2); Assist in hearing preparation and office conference with James M. Jimmerson, Esq. (.2); Office conference with James J. Jimmerson, Esq. regarding hearing results (.2);	0.80	200.00
		SHAHANA POLSELLI	7.00	1,750.00
09/21/2018	JMJ	Email to James J. Jimmerson, Esq. on response to Langberg (.1);	0.10	40.00
09/24/2018	JMJ	Emails with Langberg on motion to commence discovery (.6);	0.60	240.00



adv. Daniel Omerza

			HOURS	
09/25/2018	JMJ	Emails with Langberg on motion to commence discovery (.6);	0.60	240.00
10/11/2018	JMJ	Drafting reply in support of motion to commence discovery (2.5);	2.50	1,000.00
10/12/2018	JMJ	Legal research in support of motion to commence discovery (2); Drafting reply in support of motion to compel discovery (9.5);	11.50	4,600.00
10/17/2018	JMJ	Drafting outline for hearing on motion to commence discovery (.5);	0.50	200.00
10/18/2018	JMJ	Drafting outline for hearing on motion to commence discovery (.5);	0.50	200.00
10/19/2018	JMJ	Drafting outline for hearing on motion to commence discovery (2); Appearance at hearing on the same (1); Legal research on opposing counsel's misrepresentation (.8);	3.80	1,520.00
		JAMES M JIMMERSON	20.10	8,040.00
		FOR CURRENT SERVICES RENDERED	32.30	12,884.00
10/20/2018	JJJ	Courtesy Discount per James J. Jimmerson, Esq.		-2,576.80
		TOTAL COURTESY DISCOUNTS FOR THIS PERIOD		-2,576.80
		1.5% ADMINISTRATIVE CHARGE (PHONE CHARGES, POSTAGE, ETC.)		188.80
09/26/2018		COPY/PRINTING: 6 PAGE(S) @ .20		1.20
10/12/2018		COPY/PRINTING: 82 PAGE(S) @ .20		16.40
10/17/2018		COPY/PRINTING: 59 PAGE(S) @ .20		11.80
10/19/2018		COPY/PRINTING: 15 PAGE(S) @ .20		3.00
		TOTAL EXPENSES		32.40
10/12/2018		Electronic Filing for Reply in Support of Motion to Compel Discovery.		3.50
10/17/2018		Electronic Filing for Supplemental Exhibit		3.50
		TOTAL ADVANCES		7.00
		TOTAL CURRENT WORK		10,535.40
		PREVIOUS BALANCE		\$32,338.24
		BALANCE DUE		<u>\$42,873.64</u>
		CLOSING BALANCE		<u>\$42,873.64</u>

THE JIMMERSON LAW FIRM, PC  
415 SOUTH SIXTH STREET, SUITE 100  
LAS VEGAS, NEVADA 89101  
TELEPHONE: (702) 388-7171 - TAX I.D.# 8  
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Las Vegas NV 89117

c/o Fore Stars, Ltd., 180 Land Co., Seventy Acres, LLC

adv. Daniel Omerza

PAGE: 1  
11/15/2018  
ACCOUNT NO: 6186-10M  
STATEMENT NO: 665438

INTERIM STATEMENT

			HOURS	
10/23/2018	JJJ	Download, review and analyze Appellant's Opening Brief (1.4);	1.40	833.00
10/25/2018	JJJ	Office conference with Shahana Polselli regarding brief (.2);	0.20	119.00
11/13/2018	JJJ	Review and analyze Notice issued in lieu of remittitur (.1); Email exchange with James M. Jimmerson, Esq. regarding same (.1);	0.20	119.00
11/15/2018	JJJ	Office conference with Shahana Polselli regarding Notice in Lieu of Remittitur and status of order (.1);	0.10	59.50
		J.J. JIMMERSON	1.90	1,130.50
10/23/2018	SP	Download, review and analyze Appellant's Opening Brief (1.4); Office conference with James M. Jimmerson, Esq. regarding same and review caselaw (.3); Email to Elizabeth Ham and Todd Davis regarding same (.1);	1.80	450.00
10/25/2018	SP	Office conference with James J. Jimmerson, Esq. regarding brief (.2);	0.20	50.00
10/29/2018	SP	Review and respond to email from court reporter regarding cite (.1);	0.10	25.00
11/13/2018	SP	Review and analyze Notice issued in lieu of remittitur (.1); Email exchange with James M. Jimmerson, Esq. regarding same (.1);	0.20	50.00
11/15/2018	SP	Office conference with James J. Jimmerson, Esq. regarding Notice in Lieu of Remittitur and status of order (.1);	0.10	25.00
		SHAHANA POLSELLI	2.40	600.00
10/23/2018	JMJ	Legal research (50-state survey) on Anti-SLAPP stays and appeals (4.5); Discussion with S. Polselli on the same (.5);	5.00	2,000.00
10/24/2018	JMJ	Review/analyze opening brief before Supreme Court on Anti-SLAPP (1.5);	1.50	600.00
9/2018	JMJ	Drafting discovery commissioner's report and recommendations (3.5); Emails to opposing counsel on the same (.2);	3.70	1,480.00
10/30/2018	JMJ	Emails to opposing counsel on changes to report and recommendations (.4);	0.40	160.00
10/31/2018	JMJ	Emails to opposing counsel on changes to report and recommendations (.2);		



adv. Daniel Omerza

		HOURS	
	Revising report and recommendations (1);	1.20	480.00
11/06/2018	JMJ Email with opposing counsel on report and recommendations (.1) ;	0.10	40.00
	JAMES M JIMMERSON	11.90	4,760.00
	FOR CURRENT SERVICES RENDERED	16.20	6,490.50
	1.5% ADMINISTRATIVE CHARGE (PHONE CHARGES, POSTAGE, ETC.)		97.36
10/21/2018	Hand Delivery		
	Item: Motion, Reply, Supp on 10/18/18		5.00
10/23/2018	COPY/PRINTING: 885 PAGE(S) @ .20		177.00
10/23/2018	COPY/PRINTING: 582 PAGE(S) @ .20		116.40
10/24/2018	COPY/PRINTING: 87 PAGE(S) @ .20		17.40
10/25/2018	COPY/PRINTING: 125 PAGE(S) @ .20		25.00
10/26/2018	COPY/PRINTING: 4 PAGE(S) @ .20		0.80
10/30/2018	Hand Delivery		
	Item: Transcript to Regional Justice Center		5.00
11/07/2018	COPY/PRINTING: 29 PAGE(S) @ .20		5.80
11/07/2018	COPY/PRINTING: 13 PAGE(S) @ .20		2.60
11/08/2018	COPY/PRINTING: 36 PAGE(S) @ .20		7.20
	TOTAL EXPENSES		362.20
10/30/2018	Transcript for 10/19/18		120.16
11/15/2018	Westlaw legal research charges, Usage Period: 10/21/2018-11/14/2018		345.36
	TOTAL ADVANCES		465.52
	TOTAL CURRENT WORK		7,415.58
	PREVIOUS BALANCE		\$42,873.64
11/06/2018	Payment received for 09.20.18 Statement. Thank you. Check # 1419		-8,230.54
	BALANCE DUE		<u>\$42,058.68</u>
	CLOSING BALANCE		<u>\$42,058.68</u>

THE JIMMERSON LAW FIRM, PC  
415 SOUTH SIXTH STREET, SUITE 100  
LAS VEGAS, NEVADA 89101  
TELEPHONE: (702) 388-7171 - TAX I.D.# 8  
FAX: (702) 387-1167

For your convenience, you may pay by AMEX, VISA & MC.

Account#: Exp:  
Amount: add 3% convenience fee Signature:

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EHB Companies, LLC  
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Las Vegas NV 89117

c/o Fore Stars, Ltd., 180 Land Co., Seventy Acres, LLC

adv. Daniel Omerza

PAGE: 1  
12/20/2018  
ACCOUNT NO: 6186-10M  
STATEMENT NO: 665632

			HOURS	
11/26/2018	JJJ	Office conference with Shahana Polselli regarding Answering Brief and telephone conference with Elizabeth Ham regarding same (.2); Download, review and analyze same (1.8); Office conference with Shahana Polselli regarding revisions to same (.5); Email to client regarding same (.1);	2.60	1,547.00
11/28/2018	JJJ	Review revised Brief for spacing, correction and addition (.2); Office conference with Shahana Polselli regarding Brief and approve (.1); J.J. JIMMERSON	0.30 2.90	178.50 1,725.50
11/20/2018	SP	Review and respond to email from Jennifer Knighton regarding deadline (.1);	0.10	25.00
11/26/2018	SP	Telephone conference with Elizabeth Ham regarding Answering Brief (.1); Office conference with James J. Jimmerson, Esq. regarding same and during his Telephone conference with Elizabeth Ham (.2); Download, review and analyze same (.5); Office conference with James J. Jimmerson, Esq. regarding his revisions to same, revise with James J. Jimmerson, Esq., finalize and file (.5); Review James J. Jimmerson, Esq. email to client regarding same (.1);	1.40	350.00
11/27/2018	SP	Receipt of email from Supreme Court regarding rejection of document, and email to counsel regarding same (.1); Review formal notification of 5 days to correct brief (.1);	0.20	50.00
11/28/2018	SP	Review, analyze and correct issues with Answering Brief per the Supreme Court (.8); Email to Elizabeth Ham regarding same (.1); Review Elizabeth Ham email regarding same (.1); Revise and finalize Brief, add and correct and print for James J. Jimmerson, Esq. Approval (.2); Office conference with James J. Jimmerson, Esq. regarding same (.1); Finalize and file (.1);	1.40	350.00
11/29/2018	SP	Download and distribute notification of file stamped Brief (.1); SHAHANA POLSELLI	0.10 3.20	25.00 800.00
12/01/2018	JMJ	Emails with opposing counsel (.2);	0.20	80.00
12/05/2018	JMJ	Emails with opposing counsel (.2); JAMES M JIMMERSON	0.20 0.40	80.00 160.00

adv. Daniel Omerza

		HOURS	
FOR CURRENT SERVICES RENDERED		6.50	2,685.50
1.5% ADMINISTRATIVE CHARGE (PHONE CHARGES, POSTAGE, ETC.)			40.28
11/21/2018	COPY/PRINTING: 7 PAGE(S) @ .20		1.40
11/21/2018	COPY/PRINTING: 15 PAGE(S) @ .20		3.00
11/26/2018	COPY/PRINTING: 52 PAGE(S) @ .20		10.40
11/28/2018	COPY/PRINTING: 66 PAGE(S) @ .20		13.20
11/30/2018	COPY/PRINTING: 39 PAGE(S) @ .20		7.80
12/06/2018	COPY/PRINTING: 171 PAGE(S) @ .20		34.20
	TOTAL EXPENSES		70.00
	<b>TOTAL CURRENT WORK</b>		<b>2,795.78</b>
	PREVIOUS BALANCE		\$42,058.68
	BALANCE DUE		<u>\$44,854.46</u>
	CLOSING BALANCE		<u>\$44,854.46</u>

COMPANY LM Crown JOB # \_\_\_\_\_  
 ACCT # 6030 SUB ACCT \_\_\_\_\_  
 COST CODE \_\_\_\_\_  
 APPROVED \_\_\_\_\_

*ds 12/31/18*

Finance charge assessed after 30 days.

Make check payable to THE JIMMERSON LAW FIRM, P.C.

STATEMENT REFLECTS CHARGES &amp; PAYMTS REC'D THRU 20TH OF MONTH

Approved by Attorney: *gn*

Tiffany Swanis, Esq.  
12249 Montura Rosa Place  
Las Vegas, Nevada 89138  
(702) 228-5090 / (702) 349-5091

April 1, 2020

Elizabeth Ham, Esq.  
EHB Companies, LLC  
1215 South Fort Apache, Suite 120  
Las Vegas, Nevada 89117

Re: March 2020 Time Entries  
Fore Stars adv. Omerza *et al.*  
(Remand of NVSC Appeal Case No. 76273 / Dist. Ct. Case No. A-18-771224-C)

Dear Elizabeth:

The following are my time entries for the above-referenced matter for March 2020:

<u>Date</u>	<u>Client/Matter</u>	<u>Description of Work</u>	<u>Time</u>
Mar 13	Fore Stars/ Omerza <i>et al.</i>	Develop strategy with EGH regarding and motion for discovery; review and analyze NVSC orders regarding same.	.5
Mar 16	Fore Stars/ Omerza <i>et al.</i>	Outline and begin preparing motion for discovery to oppose anti-SLAPP motion on order shortening time.	2.1
Mar 17	Fore Stars/ Omerza <i>et al.</i>	Continue preparing motion for discovery, including facts and argument sections; review and analyze relevant documents for same.	1.3
Mar 18	Fore Stars/ Omerza <i>et al.</i>	Legal research regarding discovery to oppose anti-SLAPP motions; review and analyze relevant case law as well as <i>Coker</i> and <i>Rosen</i> – new cases relied on by appellate court in NVSC order; prepare motion for discovery on order shortening time.	3.9
Mar 19	Fore Stars/ Omerza <i>et al.</i>	Continue preparing motion for discovery; add'l legal research for same; incorporate cases and statutes into same; prepare supporting affidavit, notice of motion, and proposed deposition notices.	4.2

Elizabeth Ham, Esq.  
April 1, 2020  
Re: March 2020 Time Entries

Mar 20	Fore Stars/ Omerza <i>et al.</i>	Prepare proposed requests for production of documents revise and edit motion, supporting affidavit, and proposed discovery; determine exhibits.	1.8
Mar 23	Fore Stars/ Omerza <i>et al.</i>	Finalize motion for discovery on order shortening time, notice of motion, supporting affidavit, and proposed discovery.	.5

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Total Hours: 14.3

Invoice Total (\$85/Hr): \$1,215.50

Please let me know if you have any questions or concerns. Thank you.

Very Truly Yours,

/s/ Tiffany Swanis

Tiffany Swanis, Esq.

COMPANY Fore Stars JOB # \_\_\_\_\_  
JOB # 00110 SUB ACCT \_\_\_\_\_  
CST CODE \_\_\_\_\_ TRF # \_\_\_\_\_  
APPROVED \_\_\_\_\_

*hs* 4/8/20



Tiffany Swanis, Esq.  
12249 Montura Rosa Place  
Las Vegas, Nevada 89138  
(702) 228-5090 / (702) 349-5091

May 4, 2018

Elizabeth Ham, Esq.  
EHB Companies, LLC  
1215 South Fort Apache, Suite 120  
Las Vegas, Nevada 89117

Re: April 2018 Time Entries  
Fore Stars adv. Omerza *et al.*

COMPANY ForeStars JOB # \_\_\_\_\_  
ACCT # 6030 SUB ACCT \_\_\_\_\_  
COST CODE \_\_\_\_\_  
APPROVED \_\_\_\_\_  
*OK*  
*CSH*  
*LS 5/10/18*

Dear Elizabeth:

The following are my time entries for the above-referenced matter for April 2018:

<u>Date</u>	<u>Client/Matter</u>	<u>Description of Work</u>	<u>Time</u>
Apr 25	Fore Stars/ Omerza <i>et al.</i>	Develop strategy with EGH regarding oppositions to motions to dismiss complaint; begin review and analyze relevant documents, including complaint, and exhibits thereto, as well as Defendants' motions and exhibits thereto, memoranda regarding anti-SLAPP motions, and related case law.	4.1
Apr 26	Fore Stars/ Omerza <i>et al.</i>	Outline and begin preparing opposition to Defendants' anti-SLAPP motion; legal research regarding same; review and analyze cases, statutes, and rules regarding same.	6.3
Apr 27	Fore Stars/ Omerza <i>et al.</i>	Prepare opposition to Defendants' anti-SLAPP motion; incorporate case law into argument section of same; Begin review and analyze hearing transcripts, videos, and other public records and evidentiary support for allegations in the complaint.	5.2



Apr 28	Fore Stars/ Omerza <i>et al.</i>	Additional legal research regarding anti-SLAPP actions, free speech, and “good faith communications” under NRS 41.635 <i>et seq.</i> ; legal research regarding absolute and qualified privileges; review and analyze cases; prepare arguments in opposition regarding same.	3.1
Apr 29	Fore Stars/ Omerza <i>et al.</i>	Continue preparing opposition to Defendants’ anti-SLAPP motion; revise and edit same; legal research regarding dismissal under NRCP 12(b)(5) and causes of actions in the complaint; review and analyze cases regarding same; develop opposition strategy.	3.6
Apr 30	Fore Stars/ Omerza <i>et al.</i>	Outline and begin preparing opposition to motion to dismiss pursuant to NRCP 12(b)(5).	4.4
			<hr/>
Total Hours:			26.7
Invoice Total (\$85/Hr):			\$2,269.50

Please let me know if you have any questions or concerns. Thank you.

Very Truly Yours,

/s/ Tiffany Swanis

Tiffany Swanis, Esq.

Tiffany Swanis, Esq.  
12249 Montura Rosa Place  
Las Vegas, Nevada 89138  
(702) 228-5090 / (702) 349-5091

June 6, 2018

Elizabeth Ham, Esq.  
EHB Companies, LLC  
1215 South Fort Apache, Suite 120  
Las Vegas, Nevada 89117

Re: May 2018 Time Entries  
Fore Stars adv. Omerza *et al.*

Dear Elizabeth:

The following are my time entries for the above-referenced matter for May 2018:

<u>Date</u>	<u>Client/Matter</u>	<u>Description of Work</u>	<u>Time</u>
May 1	Fore Stars/ Omerza <i>et al.</i>	Prepare, revise and edit opposition to Defendants' anti-SLAPP motion; additional legal research regarding dismissal under NRCP 12(b)(5) and causes of actions in the complaint; review and analyze cases regarding same; prepare opposition to motion to dismiss pursuant to NRCP 12(b)(5).	4.3
May 2	Fore Stars/ Omerza <i>et al.</i>	Revise and edit opposition briefs; shepardize citations; prepare email memorandum to EGH regarding oppositions as well as	4.1

Total Hours: 8.4

Invoice Total (\$85/Hr): \$714.00

Please let me know if you have any questions or concerns. Thank you.

Very Truly Yours,

COMPANY Fore Stars JOB # \_\_\_\_\_ /s/ Tiffany Swanis

ACCT # 0030 SUB ACCT \_\_\_\_\_ Tiffany Swanis, Esq.

POST CODE \_\_\_\_\_ TYPE \_\_\_\_\_

APPROVED \_\_\_\_\_

APP 1550

Tiffany Swanis, Esq.  
12249 Montura Rosa Place  
Las Vegas, Nevada 89138  
(702) 228-5090 / (702) 349-5091

September 10, 2018

Elizabeth Ham, Esq.  
EHB Companies, LLC  
1215 South Fort Apache, Suite 120  
Las Vegas, Nevada 89117



Re: August 2018 Time Entries  
Fore Stars adv. Omerza *et al.*

Dear Elizabeth:

The following are my time entries for the above-referenced matter for August 2018:

<u>Date</u>	<u>Client/Matter</u>	<u>Description of Work</u>	<u>Time</u>
Aug 29	Fore Stars/ Omerza <i>et al.</i>	Review and analyze relevant documents for motion to compel/open discovery, including district court findings of fact, various email communications, notice of appeal, and case appeal statement; develop strategy regarding motion; outline same.	2.8
Aug 30	Fore Stars/ Omerza <i>et al.</i>	Begin preparing motion to compel/open discovery; review and analyze additional relevant documents, including Defendants' writ petition.	3.9
Aug 31	Fore Stars/ Omerza <i>et al.</i>	Continue preparing motion to compel/open discovery; legal research regarding interlocutory appeals under NRS 41.635 <i>et seq.</i> , stay pending resolution of such appeals as well as writ petitions, and discovery disputes; review and analyze statutes, rules, and case law regarding same into argument section of motion.	4.7
Total Hours:			11.4
Invoice Total (\$85/Hr):			\$969.00

POSTED  
BD 10-23-18

Tiffany Swanis, Esq.  
12249 Montura Rosa Place  
Las Vegas, Nevada 89138  
(702) 228-5090 / (702) 349-5091

October 10, 2018

Elizabeth Ham, Esq.  
EHB Companies, LLC  
1215 South Fort Apache, Suite 120  
Las Vegas, Nevada 89117

Re: September 2018 Time Entries  
Fore Stars adv. Omerza *et al.*

Dear Elizabeth:

The following are my time entries for the above-referenced matter for September 2018:

<u>Date</u>	<u>Client/Matter</u>	<u>Description of Work</u>	<u>Time</u>
Sept 4	Fore Stars/ Omerza <i>et al.</i>	Prepare motion to compel/open discovery, including argument regarding interlocutory appeal pursuant to NRS 41 <i>et. seq.</i> ; prepare supporting affidavit; legal research regarding <i>Hoencyutt</i> procedure and stays pending appeals and writ petitions; shephardize and cite check draft of motion; revise and edit same.	4.6
Sept 5	Fore Stars/ Omerza <i>et al.</i>	Revise, edit and finalize motion to compel/open discovery.	.5
Total Hours:			5.1
Invoice Total (\$85/Hr):			\$433.50

Please let me know if you have any questions or concerns. Thank you.

Very Truly Yours,

/s/ Tiffany Swanis

Tiffany Swanis, Esq.

Tiffany Swanis, Esq.  
12249 Montura Rosa Place  
Las Vegas, Nevada 89138  
(702) 228-5090 / (702) 349-5091

December 4, 2018

*ForeStars*  
Elizabeth Ham, Esq.  
EHB Companies, LLC  
1215 South Fort Apache, Suite 120  
Las Vegas, Nevada 89117

Re: November 2018 Time Entries  
Fore Stars adv. Omerza *et al.* (NVSC Appeal Case No. 76273)



Dear Elizabeth:

The following are my time entries for the above-referenced matter for November 2018:

<u>Date</u>	<u>Client/Matter</u>	<u>Description of Work</u>	<u>Time</u>
Nov 1	Fore Stars/ Omerza <i>et al.</i>	Prepare respondents' answering brief, including statement of facts section.	3.6
Nov 2	Fore Stars/ Omerza <i>et al.</i>	Continue preparing answering brief; review relevant portions of appellants' appendix for same.	4.7
Nov 4	Fore Stars/ Omerza <i>et al.</i>	Continue preparing answering brief, including fact sections regarding complaint, motions to dismiss, and district court order denying same.	4.2
Nov 5	Fore Stars/ Omerza <i>et al.</i>	Legal research regarding standard of review and legislative amendments to NRS 41.635 <i>et seq.</i> review and analyze cases and statutes regarding same; determine NVSC standard of review.	3.4
Nov 6	Fore Stars/ Omerza <i>et al.</i>	Continue preparing answering brief, including standard of review section; incorporate cases, statutes, and 2013-2015 legislative amendments into same to rebut appellants' de novo review arguments.	4.9
Nov 7	Fore Stars/ Omerza <i>et al.</i>	Review appellants' appendix and supplemental authorities and evidence filed by both parties; continue preparing answering brief, including	5.8



		statement of facts.	
Nov 8	Fore Stars/ Omerza <i>et al.</i>	Continue preparing answering brief, including arguments regarding “good faith communications” under Nevada’s anti-SLAPP statutes.	3.9
Nov 9	Fore Stars/ Omerza <i>et al.</i>	Review record on appeal and evidence regarding falsity of appellants’ purported communications under NRS 41.635 <i>et seq.</i> ; prepare answering brief arguments regarding parties’ respective burdens of proof; rebut appellants’ arguments regarding same; review hearing transcripts.	5.1
Nov 10	Fore Stars/ Omerza <i>et al.</i>	Legal research regarding applicability of Nevada’s anti-SLAPP statutes to defamation cases vs. intentional tort claims; review cases regarding same and incorporate into argument section of brief; legal research regarding the parties’ burdens of proof under NRS 41.660.	4.8
Nov 12	Fore Stars/ Omerza <i>et al.</i>	Continue preparing answering brief, including sections regarding appellants’ tortious conduct, Nevada’s anti-SLAPP statutes, and the parties’ respective burdens of proof; review and analyze cases regarding same.	6.2
Nov 13	Fore Stars/ Omerza <i>et al.</i>	Distinguish cases cited by appellants and rebut their arguments regarding various standards in light of 2013-2015 legislative amendments to Nevada’s anti-SLAPP statutes; prepare arguments regarding plaintiffs’ burden under Nevada and California law, discovery under NRS 41.660, and appellants’ failure to demonstrate truthfulness of purported communications.	5.1
Nov 14	Fore Stars/ Omerza <i>et al.</i>	Additional legal research; review and analyze cases; incorporate same into answering brief; rebut appellants’ arguments regarding plaintiffs’ burden under Nevada and California law and discovery pursuant to NRS 41.660.	5.3
Nov 15	Fore Stars/ Omerza <i>et al.</i>	Continue preparing answering brief, including arguments regarding absolute litigation privilege and qualified privilege; prepare statement of issues and summary of arguments.	7.1
Nov 16	Fore Stars/ Omerza <i>et al.</i>	Prepare answering brief, including NRAP 26.1 disclosure, table of contents, table of authorities, conclusion, certificates of compliance and service;	6.9



begin revise and edit brief; cite check and shephardize cases, statutes, and rules for relevant subsequent and/or negative history.

Nov 17	Fore Stars/ Omerza <i>et al.</i>	Additional legal research; incorporate same into answering brief; continue revise and edit same, including tables of contents and authorities; revise edit and format footnotes.	5.6
Nov 18	Fore Stars/ Omerza <i>et al.</i>	Revise, edit and finalize answering brief, including statement of facts and argument sections.	3.7
Nov 19	Fore Stars/ Omerza <i>et al.</i>	Prepare final edits to answering brief; prepare email memorandum to EGH regarding same.	1.2
Nov 21	Fore Stars/ Omerza <i>et al.</i>	Develop strategy with EGH regarding ( and evidence to rebut them.	n/c
Nov 23	Fore Stars/ Omerza <i>et al.</i>	Review and analyze EGH redline draft of answering brief; review appellants' appendix; insert citations to record into brief.	1.4
Nov 25	Fore Stars/ Omerza <i>et al.</i>	Continue inserting citations to record into brief; review record on appeal for same; revise and edit answering brief, including tables of contents and authorities.	2.2

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Total Hours: 85.1

Invoice Total (\$85/Hr): \$7,233.50

Please let me know if you have any questions or concerns. Thank you.

Very Truly Yours,

/s/ Tiffany Swanis

Tiffany Swanis, Esq.

COMPANY ForeStars JOB # \_\_\_\_\_

ATTY # 10030 SILENCE \_\_\_\_\_

*12/12/18*

Nevada Licensed  
Kristina Wildeveld, Esq.  
Lisa A. Rasmussen, Esq.  
Dayvid J. Figler, Esq.  
Caitlyn McAmis, Esq.  
Diamond S. Thomas, Esq.  
Melissa Barry, Esq.

THE LAW OFFICES OF

KRISTINA WILDEVELD & ASSOCIATES

Criminal Defense, Complex Criminal and Civil Litigation, Lobbying Appeals, Pardons, Post-Conviction, Juvenile

California Licensed  
Kristina Wildeveld, Esq.  
Lisa A. Rasmussen, Esq.  
Caitlyn McAmis, Esq.

Arizona Licensed  
Melissa Barry, Esq.

September 25, 2020

Elizabeth Ham  
Fore Stars

Invoice Number: 195

Invoice Period: 04-25-2020 - 09-25-2020

Payment Terms: Upon Receipt

RE: Fore Stars vs Omerza

#### Time Details

Date	Professional	Description	Hours	Rate	Amount
04-25-2020	Lisa Rasmussen	Draft and file notice of appearance of counsel.	0.30	500.00	150.00
04-26-2020	Lisa Rasmussen	Review complaint, NSC order, prior filings in the case (Slapp Motions to dismiss).	1.80	500.00	900.00
04-27-2020	Lisa Rasmussen	T/C with Elizabeth discuss issues in case,.	0.50	500.00	250.00
04-29-2020	Lisa Rasmussen	Get Blue Jeans link for hearing; attend video hearing.	1.00	500.00	500.00
05-06-2020	Lisa Rasmussen	Draft Brief in Support of Discovery.	2.80	500.00	1,400.00
05-06-2020	Lisa Rasmussen	Research on Nevada cases re; Slapp Discovery Wingart case.	1.00	500.00	500.00
05-06-2020	Lisa Rasmussen	Review Transcript 5/14/18.	1.00	500.00	500.00
05-06-2020	Diamond Thomas	Legal research of Anti-Slapp discovery.	1.50	350.00	525.00
05-14-2020	Lisa Rasmussen	Email from Elizabeth.	0.10	500.00	50.00

We appreciate your business and your confidence in our firm.

Page 1 of 7

Nevada Location  
550 East Charleston Blvd, Suite A  
Las Vegas, Nevada 89104  
(702) 222-0007 | fax: (702) 222-0001

Se Habla Español

California Location  
8121 West Sunset Blvd, Suite 103  
Los Angeles, California 90069  
www.veldlaw.com

APP 1556

Date	Professional	Description	Hours	Rate	Amount
05-29-2020	Lisa Rasmussen	Review minute order from court, court's order on limited discovery.	0.10	500.00	50.00
05-29-2020	Lisa Rasmussen	Review defendant's request for clarification.	0.20	500.00	100.00
05-29-2020	Lisa Rasmussen	Email to Elizabeth.	0.10	500.00	50.00
05-29-2020	Lisa Rasmussen	Review Order T/C with Elizabeth Ham.	0.30	500.00	150.00
06-04-2020	Lisa Rasmussen	Email correspondence to and from court clerk/ Langberg regarding "request for clarification" told clerk that I was filing a response and he said an order was forthcoming.	0.10	500.00	50.00
06-07-2020	Lisa Rasmussen	Draft response to Defendant's "Request for Clarification" of Court's Order.	1.50	500.00	750.00
06-08-2020	Lisa Rasmussen	Continue drafting response to Defendant's Request for clarification; court entered order before this response could be filed.	0.50	500.00	250.00
06-08-2020	Lisa Rasmussen	Review order from court on request for clarification; emails to and from Elizabeth regarding the same.	0.20	500.00	100.00
06-08-2020	Lisa Rasmussen	Email correspondence to and from Elizabeth regarding response to request for clarification.	0.20	500.00	100.00
06-18-2020	Lisa Rasmussen	Email correspondence to and from Elizabeth about getting discovery requests out, what to include.	0.10	500.00	50.00
06-19-2020	Lisa Rasmussen	Review prior motion for discovery, exhibits to complaint, filings regarding denial of motion to dismiss to determine what is "in our papers,," for the discovery requests.	1.20	500.00	600.00
06-19-2020	Lisa Rasmussen	Email correspondence to and from Elizabeth regarding proposed discovery requests for RFPs.	0.10	500.00	50.00
06-24-2020	Lisa Rasmussen	Draft requests for Production for Omerza, Caria, Bresee.	1.80	500.00	900.00
06-25-2020	Lisa Rasmussen	Email correspondence to and from Mitch regarding deposition dates, issues he has with our RFPs.	0.20	500.00	100.00
06-26-2020	Lisa Rasmussen	Telephone call with Mitch Langberg, meet and confer regarding RFPs.	0.50	500.00	250.00

We appreciate your business and your confidence in our firm.

Page 2 of 7

Date	Professional	Description	Hours	Rate	Amount
06-30-2020	Lisa Rasmussen	Email correspondence to and from Mitch regarding deposition scheduling, deposition format.	0.20	500.00	100.00
06-30-2020	Lisa Rasmussen	Revise RFP's to Omerza, Bresee, Caria per attempts to resolve, meet and confer with Mitch Langberg.	0.70	500.00	350.00
07-02-2020	Lisa Rasmussen	Review Defendants' Motion for Protective order.	0.20	500.00	100.00
07-02-2020	Lisa Rasmussen	Prepare tentative deposition notices, discuss with Mitch via phone given his motion.	0.40	500.00	200.00
07-06-2020	Lisa Rasmussen	Emails with Mitch about moving deposition dates or waiting until after the hearing.	0.10	500.00	50.00
07-07-2020	Lisa Rasmussen	Email correspondence to and from Elizabeth regarding deposition dates, response to mtn for protective order.	0.10	500.00	50.00
07-07-2020	Lisa Rasmussen	Draft response to Motion for Protective order.	2.10	500.00	1,050.00
07-08-2020	Lisa Rasmussen	Review Defendants' Reply to Mtn for Protective Order; follow up emails with Mitch about deposition scheduling.	0.30	500.00	150.00
07-10-2020	Lisa Rasmussen	Email to Mitch about deposition dates, rescheduling.	0.10	500.00	50.00
07-13-2020	Lisa Rasmussen	Attend hearing on Motion for Protective order.	1.70	500.00	850.00
07-13-2020	Lisa Rasmussen	Emails to and from Elizabeth regarding hearing, court's ruling and other issues.	0.50	500.00	250.00
07-16-2020	Lisa Rasmussen	Email correspondence to and from Elizabeth, review documents she sent.	0.30	500.00	150.00
07-17-2020	Lisa Rasmussen	Review court minute order.	0.10	500.00	50.00
07-20-2020	Lisa Rasmussen	Email correspondence to and from Elizabeth regarding hearing on 29th, ask court clerk for clarification.	0.10	500.00	50.00
07-21-2020	Lisa Rasmussen	Review minute order on court's ruling; emails to and from Elizabeth regarding same.	0.20	500.00	100.00
07-22-2020	Lisa	Review draft order from Mitch; revise; numerous	0.50	500.00	250.00

We appreciate your business and your confidence in our firm.

Page 3 of 7

Date	Professional	Description	Hours	Rate	Amount
	Rasmussen	emails back and forth about my revisions.			
07-23-2020	Lisa Rasmussen	Emails to and from Elizabeth and Mitch about proposed revisions to draft order.	0.20	500.00	100.00
07-27-2020	Lisa Rasmussen	Emails to and from Mitch on status of draft order and revisions.	0.20	500.00	100.00
07-28-2020	Lisa Rasmussen	7 Emails to and from Mitch regarding language of proposed order; emails with clerk regarding hearing tomorrow.	0.30	500.00	150.00
07-29-2020	Lisa Rasmussen	Post hearing email to Elizabeth; review additional revisions made by Mitch to proposed order, make additional changes, emails regarding same.	0.30	500.00	150.00
07-29-2020	Lisa Rasmussen	Attend hearing via video.	1.00	500.00	500.00
07-29-2020	Lisa Rasmussen	Telephone call with Mitch.	0.20	500.00	100.00
07-30-2020	Lisa Rasmussen	Review final revisions and agreements with Mitch on proposed order; emails regarding same.	0.20	500.00	100.00
08-04-2020	Lisa Rasmussen	Review order entered by court.	0.10	500.00	50.00
08-06-2020	Lisa Rasmussen	Prepare Amended RFP's.	0.60	500.00	300.00
08-10-2020	Lisa Rasmussen	emails with Langberg Re: discovery resp. due date.	0.20	500.00	100.00
08-17-2020	Lisa Rasmussen	Email correspondence to and from Mitch regarding deposition dates.	0.20	500.00	100.00
08-20-2020	Lisa Rasmussen	Email correspondence to and from Mitch regarding deposition dates (x6); confirm court reporter.	0.30	500.00	150.00
08-20-2020	Lisa Rasmussen	Emails from Mitch.	0.20	500.00	100.00
08-21-2020	Lisa Rasmussen	Email to :	0.30	500.00	150.00
08-21-2020	Lisa Rasmussen	Telephone call with Mitch regarding question about docs to use for deposition.	0.30	500.00	150.00
08-21-2020	Lisa	Review RFP responses from Caria, Bresee and	0.40	500.00	200.00
		We appreciate your business and your confidence in our firm.			

Date	Professional	Description	Hours	Rate	Amount
	Rasmussen	Omerza.			
08-22-2020	Lisa Rasmussen	Email correspondence to and from Mitch to confirm depo start times and order.	0.10	500.00	50.00
08-24-2020	Lisa Rasmussen	Prepare depo notices coordinate court reporter.	0.40	500.00	200.00
08-25-2020	Lisa Rasmussen	Emails with Mitch regarding deposition exhibits; T/C with Elizabeth regarding depositions; review emails from Elizabeth/staff regarding docs related to the deponents' purchases of the property to prep for depositions.	1.00	500.00	500.00
08-26-2020	Lisa Rasmussen	Prep for depositions.	1.50	500.00	750.00
08-26-2020	Lisa Rasmussen	Depositions of Omerza, Bresee & Caria.	6.30	500.00	3,150.00
08-26-2020	Lisa Rasmussen	T/C with Yohan.	0.40	500.00	200.00
08-26-2020	Lisa Rasmussen	Prepare deposition exhibits; email to court reporter and to Mitch Langberg in advance of depositions.	0.80	500.00	400.00
08-28-2020	Lisa Rasmussen	T/C with Elizabeth and email to Langberg.	0.50	500.00	250.00
08-31-2020	Lisa Rasmussen	Emails to and from Langberg follow up on Caria's document during depo.	0.20	500.00	100.00
09-08-2020	Lisa Rasmussen	Email correspondence to and from Elizabeth about transcripts, we don't have them yet.	0.10	500.00	50.00
09-14-2020	Lisa Rasmussen	Emails to and from Mitch about his witnesses not reviewing them, confusion on whether he waived that, reach agreement that they can review to see if they have changes, if so we will figure out originals; send transcripts to Elizabeth.	0.30	500.00	150.00
09-18-2020	Lisa Rasmussen	Email from Mitch, no changes to depositions.	0.10	500.00	50.00
			<b>Total</b>		20,475.00

#### Time Summary

Professional	Hours	Amount
Diamond Thomas	1.50	525.00
Lisa Rasmussen	39.90	19,950.00
<b>Total</b>		20,475.00

We appreciate your business and your confidence in our firm.

Page 5 of 7



**Expenses**

<b>Expense</b>	<b>Description</b>	<b>Amount</b>
E112 - Court fees	E112 - Court fees - Filing fees for April 2020	3.50
E112 - Court fees	E112 - Court fees May 2020 Efiling fees.	3.50
E106 - Online research	E106 - Online research - Pacer charges for 2nd Qtr 2020.	4.20
E101 - Copying	E101 - Copying - For the month of June 2020.	11.50
E112 - Court fees	E112 - Court fees July 2020 Efiling fees.	3.50
None	Photocopies for depositions.	48.00
E106 - Online research	Lexis Nexis Research April 2020 through September 24, 2020.	51.10
None	Deposition transcripts for Omerza, Caria and Bresee	1,552.40
<b>Total Expenses</b>		<b>1,677.70</b>
<b>Total for this Invoice</b>		<b>22,152.70</b>

## Client Statement of Account

As of 10-29-2020

Matter	Balance Due
Fore Stars vs Omerza	15,016.70
Total Amount to Pay	15,016.70

### Fore Stars vs Omerza

#### Transactions

Date	Transaction	Applied	Invoice	Amount
05-15-2020	Payment Received			(15,000.00)
09-25-2020	Invoice 195			22,152.70
10-28-2020	Invoice 207			7,864.00
			Balance	15,016.70

#### Open Invoices and Credits

Date	Transaction	Amount	Applied	Balance
05-15-2020	Payment	(15,000.00)		(15,000.00)
09-25-2020	Invoice 195	22,152.70		22,152.70
10-28-2020	Invoice 207	7,864.00		7,864.00
			Balance	15,016.70

We appreciate your business and your confidence in our firm.

Page 7 of 7

APP 1562

**Receipt**

Invoice Number	195
Matter	Fore Stars vs Omerza
Professional	Lisa Rasmussen
Expense Code	E106 - Online research
Date	2020-09-25
Description	Lexis Nexis Research April 2020 through September 24, 2020.
Amount	51.10

## Account Number

1001PGEHF ▲  
 LAW OFFICE OF LISA ▼  
 RASMUSSEN PC

## Date Range

04/07/2020 - 09/24/2020

## Report Date


09/25/2020

## Currency

UNITED STATES  
DOLLAR

Billing data reports include estimated taxes. The official invoice includes taxes based on actual usage for usage-based services or/and default location for non-usage-based services at invoice period end.

## SUMMARY BY CLIENT

CLIENT	CONTRACT USE			TRANSACTIONAL USE			TOTAL BEFORE TAX	TAX*	TOTAL CHARGES
	GROSS AMOUNT	ADJUSTMENT	NET AMOUNT	TRANSACTIONAL GROSS AMOUNT	TRANSACTIONAL ADJUSTMENT	TRANSACTIONAL NET AMOUNT			
 FORE STARS	\$252.00	(\$200.90)	\$51.10	\$0.00	\$0.00	\$0.00	\$51.10	\$0.00	\$51.10
<b>Total:</b>	<b>\$252.00</b>	<b>(\$200.90)</b>	<b>\$51.10</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$51.10</b>	<b>\$0.00</b>	<b>\$51.10</b>

## EXCHANGE RATE TO United States dollar

Date	Rate	From Currency	Base Currency
SEP-25-2020	1	UNITED STATES DOLLAR	UNITED STATES DOLLAR

**Receipt**

Invoice Number	195
Matter	Fore Stars vs Omerza
Professional	Lisa Rasmussen
Expense Code	
Date	2020-09-25
Description	Deposition transcripts for Omerza, Caria and Bresee
Amount	1552.40

# INVOICE

Please Remit to:

**Manning, Hall & Salisbury, LLC**  
 617 S. Eighth St., Suite A  
 Las Vegas, NV 89101  
 (702)382-2898

Lisa Rasmussen, Esq.  
 Law Offices of Kristina Wildeveld & Associates  
 550 E. Charleston Blvd.  
 Las Vegas, NV 89104

Invoice No.	Invoice Date	Job No.
2001109	9/14/2020	156471
Job Date	Case No.	
8/26/2020		
Case Name		
Fore Stars, Ltd. vs. Omerza		
Payment Terms		
Net 30		

Original and one copy of the transcript(s) of:

Daniel Omerza

Zoom Deposition Transcript

114.00 Pages

570.00

Exhibits

93.00 Pages

55.80

Darren Bresee

Zoom Deposition Transcript

56.00 Pages

280.00

Exhibits

93.00 Pages

55.80

Steve Caria

Zoom Deposition Transcript

69.00 Pages

345.00

Exhibits

93.00 Pages

55.80

(Copies via PDF Emailed)

1.00

0.00

Full Day Attendance Fee

1.00

180.00

Delivery original

1.00

10.00

**TOTAL DUE >>>**

**\$1,552.40**

**(-) Payments/Credits:**

0.00

**(+) Finance Charges/Debits:**

0.00

**(=) New Balance:**

**1,552.40**



Nevada Licensed  
Kristina Wildeveld, Esq.  
Lisa A. Rasmussen, Esq.  
Dayvid J. Figler, Esq.  
Caitlyn McAmis, Esq.  
Diamond S. Thomas, Esq.  
Melissa Barry, Esq.

THE LAW OFFICES OF

KRISTINA WILDEVELD ASSOCIATES

Criminal Defense, Complex Criminal and Civil Litigation, Lobbying Appeals, Pardons, Post-Conviction, Juvenile

California Licensed  
Kristina Wildeveld, Esq.  
Lisa A. Rasmussen, Esq.  
Caitlyn McAmis, Esq.

Arizona Licensed  
Melissa Barry, Esq.

October 28, 2020

Elizabeth Ham  
Fore Stars

Invoice Number: 207

Invoice Period: 09-29-2020 - 10-28-2020

Payment Terms: Upon Receipt

RE: Fore Stars vs Omerza

#### Time Details

Date	Professional	Description	Hours	Rate	Amount
09-29-2020	Lisa Rasmussen	T/C with Elizabeth; Emails to Mitch.	0.30	500.00	150.00
10-06-2020	Lisa Rasmussen	Emails with Mitch regarding Stipulation.	0.20	500.00	100.00
10-06-2020	Lisa Rasmussen	Revise Stipulation to include Order and email to department.	0.30	500.00	150.00
10-13-2020	Lisa Rasmussen	Review depositions and prepare deposition testimony portion of brief; gather exhibits to use.	5.50	500.00	2,750.00
10-13-2020	Lisa Rasmussen	Research Slapp issue; draft remainder of Supplement Opposition; prepare mail exhibits for filing.	4.00	500.00	2,000.00
10-14-2020	Lisa Rasmussen	Prepared and filed Errata with Exhibit 9.	0.20	500.00	100.00
10-14-2020	Lisa Rasmussen	Prepared Stipulation for briefing deadline.	0.20	500.00	100.00
10-20-2020	Lisa Rasmussen	Draft Opposition to Motion to Strike.	4.80	500.00	2,400.00
10-26-2020	Lisa	Review court's order; e-mails with Mitch re:	0.20	500.00	100.00

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Page 1 of 3

Nevada Location  
550 East Charleston Blvd, Suite A  
Las Vegas, Nevada 89104  
(702) 222-0007 | fax: (702) 222-0001

Se Habla Español

California Location  
8121 West Sunset Blvd, Suite 103  
Los Angeles, California 90069  
www.veldlaw.com  
APP 1567

Date	Professional	Description	Hours	Rate	Amount
	Rasmussen	Stipulation to Continue Reply Deadline			
			<b>Total</b>		7,850.00

#### Time Summary

Professional	Hours	Amount
Lisa Rasmussen	15.70	7,850.00
	<b>Total</b>	7,850.00

#### Expenses

Expense	Description	Amount
E112 - Court fees	E112 - Court fees	3.50
E112 - Court fees	E112 - Court fees	3.50
E112 - Court fees	E112 - Court fees	3.50
E112 - Court fees	E112 - Court fees	3.50
	<b>Total Expenses</b>	14.00

**Total for this Invoice** 7,864.00

## Client Statement of Account

As of 10-29-2020

Matter	Balance Due
Fore Stars vs Omerza	15,016.70
<b>Total Amount to Pay</b>	<b>15,016.70</b>

### Fore Stars vs Omerza

#### Transactions

Date	Transaction	Applied	Invoice	Amount
09-25-2020	Previous Balance			7,152.70
10-28-2020	Invoice 207			7,864.00
			<b>Balance</b>	<b>15,016.70</b>

#### Open Invoices and Credits

Date	Transaction	Amount	Applied	Balance
05-15-2020	Payment	(15,000.00)		(15,000.00)
09-25-2020	Invoice 195	22,152.70		22,152.70
10-28-2020	Invoice 207	7,864.00		7,864.00
			<b>Balance</b>	<b>15,016.70</b>

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APP 1569

THE LAW OFFICES OF

# KRISTINA WILDEVELD ASSOCIATES

*Criminal Defense, Complex Criminal and Civil Litigation, Lobbying*

*Appeals, Pardons, Post-Convictions, Juvenile*

Nevada

California

500 E Charleston Blvd., Suite A  
Las Vegas, NV 89104  
702-222-0007

December 11, 2020

**Elizabeth Ham**  
Fore Stars

**Invoice Number: 225**

Invoice Period: 10-29-2020 - 12-11-2020

Payment Terms: Upon Receipt

**RE: Fore Stars vs Omerza**

## Time Details

Date	Professional	Description	Hours	Rate	Amount
10-30-2020	Lisa Rasmussen	Reviewed Defendant's Supplemental Reply Brief.	0.40	500.00	200.00
10-30-2020	Lisa Rasmussen	Emails with Mitch and his demand that we file an errata.	0.30	500.00	150.00
11-05-2020	Lisa Rasmussen	Reviewed memo from Court regarding hearing on November 9, 2020.	0.10	500.00	50.00
11-09-2020	Lisa Rasmussen	Review minute order from Judge Thompson on his ruling; E-mail to Elizabeth.	0.20	500.00	100.00
11-09-2020	Lisa Rasmussen	Attend hearing on Motion to Dismiss.	1.00	500.00	500.00
11-09-2020	Lisa Rasmussen	Prepare for hearing on Motion to Dismiss.	0.80	500.00	400.00
11-11-2020	Lisa Rasmussen	Emails with Elizabeth.	0.20	500.00	100.00
11-18-2020	Lisa Rasmussen	Emails to and from Mitch regarding proposed order.	0.20	500.00	100.00

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Date	Professional	Description	Hours	Rate	Amount
11-19-2020	Lisa Rasmussen	Reviewed email from Mitch with his proposed order.	0.40	500.00	200.00
11-20-2020	Lisa Rasmussen	Email from Mitch, Offer to Resolve, e-mail to Elizabeth regarding same.	0.10	500.00	50.00
11-20-2020	Lisa Rasmussen	T/C with Elizabeth.	0.30	500.00	150.00
11-23-2020	Lisa Rasmussen	Emails to and from Mitch (x12) regarding Stipulation to Extend Time to submit proposed order, draft stipulation, circulate and submit to court.	0.80	500.00	400.00
12-01-2020	Lisa Rasmussen	Emails from Mitch (x4).	0.10	500.00	50.00
12-01-2020	Lisa Rasmussen	Revise proposed order from Mitch, Forwarded to Elizabeth.	1.20	500.00	600.00
12-02-2020	Lisa Rasmussen	T/C with Elizabeth regarding proposed order; provided to Mitch.	0.50	500.00	250.00
12-02-2020	Lisa Rasmussen	Email from Mitch rejecting our changes.	0.10	500.00	50.00
12-02-2020	Lisa Rasmussen	Created our own proposed order working from our revisions by making further revisions and adding additional facts; submit to court as Plaintiff's proposed order.	1.00	500.00	500.00
12-03-2020	Lisa Rasmussen	Received our Order (returned) from Court and prepared our Objection to Defendants proposed order and filed.	0.40	500.00	200.00
12-07-2020	Lisa Rasmussen	Telephone call with with Elizabeth regarding status of forthcoming order from Scotti.	0.20	500.00	100.00
12-10-2020	Lisa Rasmussen	Reviewed Final Order sign by the Court and emailed to Elizabeth.	0.40	500.00	200.00
<b>Total</b>					4,350.00

### Time Summary

Professional	Hours	Amount
Lisa Rasmussen	8.70	4,350.00
<b>Total</b>		4,350.00

### Expenses

Expense	Description	Price	Qty	Amount
None	Copying Fees	2.80	1	2.80

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Page 2 of 5

APP 1574

<b>Expense</b>	<b>Description</b>	<b>Price</b>	<b>Qty</b>	<b>Amount</b>
None	Court filing fee through December 11, 2020.	24.50	1	24.50
<b>Total Expenses</b>				27.30
<b>Total for this Invoice</b>				4,377.30

## Client Statement of Account

As of 12-30-2020

Matter	Balance Due
Fore Stars vs Omerza	4,377.30
<b>Total Amount to Pay</b>	<b>4,377.30</b>

### Fore Stars vs Omerza

#### Transactions

Date	Transaction	Applied	Invoice	Amount
10-28-2020	Previous Balance			15,016.70
11-03-2020	Payment Received - Reference 1910			(15,016.70)
12-11-2020	Invoice 225			4,377.30
			<b>Balance</b>	<b>4,377.30</b>

#### Open Invoices and Credits

Date	Transaction	Amount	Applied	Balance
05-15-2020	Payment	(15,000.00)		(15,000.00)
09-25-2020	Invoice 195	22,152.70		22,152.70
10-28-2020	Invoice 207	7,864.00		7,864.00
11-03-2020	Payment	(15,016.70)		(15,016.70)
12-11-2020	Invoice 225	4,377.30		4,377.30
			<b>Balance</b>	<b>4,377.30</b>

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APP 1573



Elizabeth Ham  
Fore Stars

December 11, 2020

The Law Offices of Kristina Wildeveld & Associates  
500 E Charleston Blvd., Suite A  
Las Vegas, NV 89104

Invoice Number: 225  
Invoice Period: 10-29-2020 - 12-11-2020

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**REMITTANCE COPY**

RE: Fore Stars vs Omerza

<b>Fees</b>	4,350.00
<b>Expenses</b>	27.30
<b>Total for this Invoice</b>	4,377.30

<b>Matter</b>	<b>Balance Due</b>
Fore Stars vs Omerza	4,377.30
<b>Total Amount to Pay</b>	<b>4,377.30</b>

**Open Invoices and Credits**

<b>Date</b>	<b>Transaction</b>	<b>Matter</b>	<b>Amount</b>	<b>Applied</b>	<b>Balance</b>
05-15-2020	Payment	Fore Stars vs Omerza	(15,000.00)		(15,000.00)
09-25-2020	Invoice 195	Fore Stars vs Omerza	22,152.70		22,152.70
10-28-2020	Invoice 207	Fore Stars vs Omerza	7,864.00		7,864.00
11-03-2020	Payment	Fore Stars vs Omerza	(15,016.70)		(15,016.70)
12-11-2020	Invoice 225	Fore Stars vs Omerza	4,377.30		4,377.30
				<b>Balance</b>	<b>4,377.30</b>

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# **EXHIBIT 2**

# **EXHIBIT 2**

Code	Billing Date	Attorney	Hours	Rate	Total	Explanation for why entry should be denied its entirety
A	3/15/2018	Schreck	0.9	875	\$787.50	Billing occurred before anti-SLAPP motion, Schreck should also not be billed at all
A	3/19/2018	Schreck	3.4	875	\$2,975.00	Schreck should not be billed for providing factual information
A	3/19/2018	M. Langberg	3.5	655	\$2,292.50	Blockbilled, includes information not necessary for anti-SLAPP, additionally duplicative, excessive and contradicted by later billing which stated he didn't begin research until later
A	3/20/2018	Schreck	2.8	875	\$2,450.00	Schreck should not be billed for providing factual information
A.	3/21/2018	Schreck	0.8	875	\$700.00	Schreck should not be billed for providing factual information. Excessive
A.	3/29/2018	Schreck	1	875	\$875.00	Schreck should not be billed for providing factual information. Excessive. Duplicative and redundant, Langberg charges for same meeting. Blockbilled. Little or nothing to do with anti-SLAPP motion
A.	3/29/2018	M. Langberg	3.7	655	\$2,423.50	Charges for same meeting with clients. Blockbilled. Nothing to do with anti-SLAPP motion
A.	3/30/2018	Schreck	1.2	875	\$1,050.00	Schreck should not be billed for providing factual information. Excessive
B.	4/1/2018	Hughes	5.2	485	\$2,522.00	Unrelated to anti-SLAPP motion, duplicative, redundant
B.	4/3/2018	Hughes	6.1	485	\$2,958.50	Spent on researching striking the complaint, not on the anti-SLAPP motion Excessive, redundant, duplicative.
B.	4/4/2018	Hughes	8.4	485	\$4,074.00	Blockbilled, does not distinguish between time spent researching for anti-SLAPP and time spent researching for 12(b)(5) motion to

						dismiss. Excessive, redundant, duplicative.
B.	4/6/2018	Hughes	4.8	485	\$2,328.00	Blockbilled, does not distinguish between time spent on anti-SLAPP Motion and time spent researching on 12(b)(5) Motion to dismiss. Excessive, redundant, duplicative.
B.	4/7/2018	Hughes	4.6	485	\$2,231.00	Blockbilled, does not distinguish between time spent on anti-SLAPP Motion and time spent researching on 12(b)(5) Motion to dismiss. Excessive, redundant, duplicative.
B.	4/9/2018	Hughes	4.9	485	\$2,376.50	Blockbilled, does not distinguish between time spent on anti-SLAPP Motion and time spent discussing 12(b)(5) Motion on during telephone conference. Excessive, redundant, duplicative.
B.	4/9/2018	Lee	2.5	450	\$1,125.00	Blockbilled, does not distinguish between time spent on anti-SLAPP Motion and time spent on 12(b)(5) Motion. Excessive, duplicative, redundant.
B.	4/10/2018	Hughes	5.8	485	\$2,813.00	Blockbilled, does not distinguish between time spent on anti-SLAPP Motion and 12(b)(5) Motion. Excessive, duplicative, redundant.
B.	4/10/2018	Lee	0.2	450	\$90.00	Blockbilled, does not distinguish between time spent on anti-SLAPP Motion and 12(b)(5) Motion.
B.	4/10/2018	Lee	7.3	450	\$3,285.00	Blockbilled, does not distinguish between time spent on anti-SLAPP Motion and 12(b)(5) Motion. Excessive, duplicative, redundant.

B.	4/11/2018	Hughes	4.30	485	\$2,085.50	Blockbilled, does not distinguish between time spent on anti-SLAPP Motion and time spent analyzing Binion action. Excessive, redundant, duplicative
B.	4/11/2018	Lee	3.7	450	\$1,665.00	Blockbilled, does not distinguish between time spent on anti-SLAPP Motion and 12(b)(5) Motion. Excessive, duplicative, redundant.
B.	4/12/2018	M. Langberg	3.2	655	\$2,096.00	Blockbilled, does not distinguish between time spent on anti-SLAPP Motion and 12(b)(5) Motion.
B.	4/12/2018	Hughes	7.2	485	\$3,492.00	Blockbilled, does not distinguish between time spent on anti-SLAPP Motion and 12(b)(5) Motion.
B.	4/13/2018	Schreck	2.3	875	\$2,012.50	Schreck should not be billing for providing factual information. Double billed for same meeting as Langberg. Redundant, duplicative, and excessive. Does not distinguish between anti-SLAPP Motion and 12(b)(5) Motion
B.	4/13/2018	M. Langberg	2.00	655	\$1,310.00	Blockbilled, does not distinguish between time spent meeting clients and time spent on anti-SLAPP Motion. Additionally, double billing for same meeting as Mr. Schreck. Excessive and redundant.
B.	4/13/2018	Hughes	4.1	485	\$1,988.50	Blockbilled, does not distinguish between time spent on anti-SLAPP Motion and 12(b)(5) Motion. Excessive, duplicative, redundant.
B.	4/13/2018	Lee	3.2	450	\$1,440.00	Blockbilled, does not distinguish between time spent on anti-SLAPP Motion and 12(b)(5) Motion. Excessive, duplicative, redundant.

						Blockbilled, does not distinguish between time spent preparing requests for judicial notice and compiling exhibits anti-SLAPP Motion and 12(b)(5) Motion. Research is excessive, redundant, and duplicative
B.	4/13/2018	Lee	2.4	450	\$1,080.00	
C.	4/24/2018	Lee	1.6	450	\$720.00	Does not distinguish between anti-SLAPP Motion and 12(b)(5) Motion
D.	5/7/2018	Schreck	1.7	875	\$1,487.50	Schreck should not be billing for providing factual information. Double-billed for same conversation with M. Langberg. Excessive, redundant, duplicative. Does not distinguish between time spent on anti-SLAPP and time spent on 12(b)(5) Motion, which Plaintiffs filed their opposition to on the same day
D.	5/7/2018	M. Langberg	1.8	655	\$1,179.00	Double-billed for same conversation with Mr. Schreck. Excessive, redundant, duplicative. Does not distinguish between time spent on anti-SLAPP and time spent on Plaintiffs' Opposition to 12(b)(5) Motion
D.	5/8/2018	Schreck	1.6	875	\$1,400.00	Schreck should not be billing for providing factual information. Excessive.
D.	5/8/2018	Hughes	12.6	485	\$6,111.00	Blockbilled, does not distinguish between time spent on anti-SLAPP reply and time spent on 12(b)(5) reply. Work on Reply is excessive, duplicative, and redundant
D.	5/8/2018	Lee	5.2	450	\$2,340.00	Pertains solely to 12(b)(5) reply, unrelated to anti-SLAPP Motion
D.	5/8/2018	Lee	0.3	450	\$135.00	Blockbilled, does not distinguish between time spent discussing anti-SLAPP Reply and time spent discussing 12(b)(5) Reply.

D.	5/8/2018	Lee	0.8	450	\$360.00	Blockbilled, does not distinguish between time spent on anti-SLAPP request and time spent on 12(b)(5) request
D.	5/8/2018	Lee	3.7	450	\$1,665.00	Blockbilled, does not distinguish between time spent on anti-SLAPP reply and 12(b)(5) reply. Work on Reply is excessive, redundant, and duplicative
D.	5/9/2018	M. Langberg	1.7	655	\$1,113.50	Blockbilled, does not distinguish between time spent on anti-SLAPP reply and time spent on 12(b)(5) reply. Work on Reply is excessive, duplicative, and redundant
D.	5/9/2018	Hughes	12.7	485	\$6,159.50	Blockbilled, does not distinguish between time spent on anti-SLAPP reply and time spent on 12(b)(5) reply. Work on Reply is excessive, duplicative, and redundant
D.	5/9/2018	Lee	7.5	450	\$3,375.00	Blockbilled, does not distinguish between time spent on anti-SLAPP reply and time spent on 12(b)(5) reply. Work on Reply is excessive, duplicative, and redundant
E.	5/14/2018	Schreck	2.5	875	\$2,187.50	Double billed for attending same hearing as M. Langberg. Schreck should not be billing for providing factual information. Only Langberg billed for preparing for the hearing. Entry is excessive, redundant, and duplicative
F.	5/14/2018	Hughes	2.4	485	\$1,164.00	Blockbilled, does not distinguish between time spent reviewing and discussing the anti-SLAPP Motion and the 12(b)(5) Motion
F.	5/19/2018	Schreck	1.8	875	\$1,575.00	Schreck should not be billing for providing factual information. Excessive.



F.	5/22/2018	Schreck	2.6	875	\$2,275.00	Schreck should not be billing for providing and reviewing factual information. Double billing for same telephone conference with Langberg. Excessive, duplicative, redundant.
F.	5/25/2018	M. Langberg	2.3	655	\$1,506.50	Defendants should not receive fees for this meritless Motion to Strike Plaintiff's Supplement in Support of Opposition to Defendants' Special Motion to Dismiss or in the Alternative for Further Supplemental Briefing. Motion was never actually heard by the Court
F.	5/25/2018	Lee	0.4	450	\$180.00	Defendants should not receive fees for this meritless Motion to Strike. Motion was never actually heard by the Court
H.	6/5/2018	Lee	6.3	450	\$2,835.00	Research of obtaining writ for denial of 12(b)(5) Motion to Dismiss
H.	6/6/2018	M. Langberg	1.3	655	\$851.50	"Review research re writ relief for denial of <i>regular</i> motion to dismiss," not related to anti-SLAPP
H.	6/6/2018	Lee	1.8	450	\$810.00	Research regarding motion to dismiss, not related to anti-SLAPP, even if it was, blockbilled and does not distinguish between time spent on 12(b)(5) Motion and time spent on anti-SLAPP
H.	6/6/2018	Lee	1.9	450	\$855.00	Research of writ proceedings for orders denying motions to dismiss, not related to anti-SLAPP, even if it was, blockbilled and does not distinguish between time spent on 12(b)(5) Motion and time spent on anti-SLAPP Motion
G.	6/6/2018	Lee	4.8	450	\$2,160.00	Motion to Strike Notice of Early Case Conference was never filed. Defendants would never accept billing for this

G.	6/7/2018	M. Langberg	1.8	655	\$1,179.00	Block-billed, Motion to Strike Notice of Early Case Conference was never filed. Excessive, Defendants would never accept billing for this
H.	6/7/2018	Hughes	1.4	485	\$679.00	Unclear narrative, however, based on task code and timing likely involved the 12(b)(5) Motion and doesn't explain how much time if any was spent on anti-SLAPP Motion. Additionally, excessive, redundant, duplicative
G.	6/7/2018	Lee	4.2	450	\$1,890.00	Motion to Strike Notice of Early Case Conference was never filed. Excessive, Defendants would never accept billing for this
H.	6/11/2018	Hughes	4.6	485	\$2,231.00	Involves appeal of 12(b)(5) denial, unrelated to anti-SLAPP. Additionally, excessive, redundant, duplicative
H.	6/11/2018	Lee	1.8	450	\$810.00	Involves appeal of 12(b)(5) denial, unrelated to anti-SLAPP. Additionally, excessive, redundant, duplicative
H.	6/11/2018	Lee	0.2	450	\$90.00	Does not distinguish between time spent on strategy for 12(b)(5) appeal and time spent on anti-SLAPP appeal. Additionally, excessive, redundant, duplicative
H.	6/12/2018	Hughes	5.5	485	\$2,667.50	Involves appeal of 12(b)(5) denial, unrelated to anti-SLAPP. Additionally, excessive, redundant, duplicative
H.	6/13/2018	Hughes	6.1	485	\$2,958.50	Involves appeal of 12(b)(5) denial, unrelated to anti-SLAPP. Additionally, excessive, redundant, duplicative
H.	6/14/2018	Hughes	7.2	485	\$3,492.00	Involves appeal of 12(b)(5) denial, unrelated to anti-SLAPP. Additionally, excessive, redundant, duplicative
H.	6/15/2018	Hughes	6.5	485	\$3,152.50	Involves appeal of 12(b)(5) denial, unrelated to anti-SLAPP.

						Additionally, excessive, redundant, duplicative
H.	6/18/2018	Hughes	2.5	485	\$1,212.50	Involves appeal of 12(b)(5) denial, unrelated to anti-SLAPP. Additionally, excessive, redundant, duplicative
H.	6/24/2018	Hughes	5.1	485	\$2,473.50	Involves appeal of 12(b)(5) denial, unrelated to anti-SLAPP. Additionally, excessive, redundant, duplicative
H.	6/25/2018	Hughes	6.4	485	\$3,104.00	Involves appeal of 12(b)(5) denial, unrelated to anti-SLAPP. Additionally, excessive, redundant, duplicative
H.	6/26/2018	Langberg	0.8	655	\$524.00	Involves appeal of 12(b)(5) denial, unrelated to anti-SLAPP. Excessive
H.	6/26/2018	Hughes	2.8	485	\$1,358.00	Involves appeal of 12(b)(5) denial, unrelated to anti-SLAPP. Excessive
H.	6/27/2018	Langberg	2.1	655	\$1,375.50	Blockbilled, does not distinguish between time spent on appeal of 12(b)(5) denial and time spent on notice of appeal for anti-SLAPP Motion
H.	6/27/2018	Hughes	2.4	485	\$1,164.00	Involves appeal of 12(b)(5) denial, possibly double billing same conferral with Langberg regarding revisions
H.	6/27/2018	Lee	3.5	450	\$1,575.00	Involves appeal of 12(b)(5) denial, unrelated to anti-SLAPP.
H.	6/28/2018	M. Langberg	1.5	655	\$982.50	Involves appeal of 12(b)(5) denial, unrelated to anti-SLAPP
H.	6/28/2018	Lee	0.4	450	\$180.00	Involves appeal of 12(b)(5) denial, unrelated to anti-SLAPP
H.	6/29/2018	Hughes	0.5	485	\$242.50	involves appeal of 12(b)(5) denial, unrelated to anti-SLAPP
H.	6/29/2018	Lee	5.4	450	\$2,430.00	Involves appeal of 12(b)(5) denial, unrelated to anti-SLAPP
H.	7/5/2018	M. Langberg	0.6	655	\$393.00	Redacted narrative, however, based on timing and task code likely involves appeal of 12(b)(5) denial, unrelated to anti-SLAPP

						Unclear narrative, however, based on task code and timing likely involved the 12(b)(5) Motion and doesn't explain how much time if any was spent on anti-SLAPP Motion.
H.	7/9/2018	M. Langberg	1.1	655	\$720.50	
H.	7/25/2018	M. Langberg	0.6	655	\$393.00	Involves appeal of 12(b)(5) denial, unrelated to anti-SLAPP
H.	7/25/2018	Lee	0.2	450	\$90.00	Involves appeal of 12(b)(5) denial, unrelated to anti-SLAPP
G.	10/5/2018	Hughes	1.5	485	\$727.50	Doesn't distinguish between how much time was spent discussing 12(b)(5) appeal and how much time, if any, was spent discussing anti-SLAPP matters
I.	1/23/2020	M. Langberg	2.4	690	\$1,656.00	Meritless Petition for Rehearing was denied, entries should be denied in their entirety. Additionally excessive, duplicative, and redundant
I.	1/24/2020	M. Langberg	2.3	690	\$1,587.00	Meritless Petition for Rehearing was denied, entries should be denied in their entirety. Additionally excessive, duplicative, and redundant
I.	1/25/2020	Nobriga	0.9	340	\$306.00	Review of Opening Brief should be denied in its entirety, redundant and review was part of denied Petition for Rehearing
I.	1/28/2020	Nobriga	1.9	340	\$646.00	Meritless Petition for Rehearing was denied, entries should be denied in their entirety. Additionally excessive, duplicative, and redundant
I.	1/29/2020	Nobriga	2	340	\$680.00	Meritless Petition for Rehearing was denied, entries should be denied in their entirety. Additionally excessive, duplicative, and redundant
I.	1/30/2020	Nobriga	0.7	340	\$238.00	Meritless Petition for Rehearing was denied, entries should be denied in their entirety. Additionally excessive, duplicative, and redundant

I.	1/31/2020	M. Langberg	2	690	\$1,380.00	Meritless Petition for Rehearing was denied, entries should be denied in their entirety. Additionally excessive, duplicative, and redundant
I.	2/4/2020	M. Langberg	1.3	690	\$897.00	Meritless Petition for Rehearing was denied, entries should be denied in their entirety. Additionally excessive, duplicative, and redundant
I.	2/5/2020	M. Langberg	3.4	690	\$2,346.00	Meritless Petition for Rehearing was denied, entries should be denied in their entirety. Additionally excessive, duplicative, and redundant
I.	2/10/2020	M. Langberg	4.2	690	\$2,898.00	Meritless Petition for Rehearing was denied, entries should be denied in their entirety. Additionally excessive, duplicative, and redundant
I.	2/27/2020	M. Langberg	0.5	690	\$345.00	Billing for reviewing Nevada Supreme Court's denial of Petition for Rehearing should be denied
J.	6/7/2020	M. Langberg	1.5	690	\$1,035.00	Writ was never pursued, Defendants would never accept billing for this if they were paying
M.	10/14/2020	M. Langberg	5.4	690	\$3,726.00	Blockbilled, does not distinguish between time spent reviewing supplemental brief and time spent on Motion to Strike. Failed Motion to Strike was meritless and a tactic to obstruct discovery and raise fees. Defendants should not be compensated
M.	10/15/2020	M. Langberg	2.2	690	\$1,518.00	Failed Motion to Strike was meritless and a tactic to obstruct discovery and raise fees. Defendants should not be compensated
M.	10/20/2020	M. Langberg	0.5	690	\$345.00	Failed Motion to Strike was meritless and a tactic to obstruct discovery and raise fees. Defendants should not be compensated

M.	10/21/2020	M. Langberg	0.5	690	\$345.00	Failed Motion to Strike was meritless and a tactic to obstruct discovery and raise fees. Defendants should not be compensated
<b>TOTAL:</b>						\$155,014.00

# **EXHIBIT 3**

# **EXHIBIT 3**



Code	Billing Date	Attorney	Hours	Rate	Total	Explanation for why entry should be reduced
A	3/27/2018	M. Langberg	3.40	655	\$2,227.00	Excessive, duplicative, and redundant. Additionally, this is where he once again claims to "begin" research for anti-SLAPP motion. Plaintiffs billed for 39 attorney hours for opposition to anti-SLAPP Motion, Defendants billed 116.2 hours for anti-SLAPP Motion, much of it blockbilled
B	4/2/2018	M. Langberg	2.70	655	\$1,768.50	Excessive, redundant, duplicative
B.	4/2/2018	Hughes	7.10	485	\$3,443.50	Excessive, redundant, duplicative
B.	4/4/2018	M. Langberg	1.50	655	\$982.50	Excessive, redundant, duplicative
B.	4/4/2018	Lee	5.00	450	\$2,250.00	Excessive, redundant, duplicative
B.	4/5/2018	M. Langberg	2.40	655	\$1,572.00	Excessive, redundant, duplicative
B.	4/5/2018	Lee	6.50	450	\$2,925.00	Excessive, redundant, duplicative
B.	4/6/2018	Lee	2.00	450	\$900.00	Excessive, redundant, duplicative
B.	4/10/2018	M. Langberg	4.30	655	\$2,816.50	Excessive, redundant, duplicative
D.	5/4/2018	M. Langberg	1.20	655	\$786.00	Work on Reply is excessive, redundant, and duplicative. Plaintiffs only billed for 39 hours for anti-SLAPP Opposition, Defendants bill 91.7 total, with entries blockbilled with unrelated matters and should be struck in its entirety. Moreover, billing for review of Opposition is excessive, redundant and duplicative.
D.	5/4/2018	Hughes	2.60	485	\$1,261.00	Work on Reply is excessive, redundant, and duplicative. Billing for review of Opposition is excessive, redundant and duplicative.
D.	5/5/2018	Hughes	4.20	485	\$2,037.00	Work on Reply is excessive, redundant, and duplicative. Billing for review of Opposition is excessive, redundant and duplicative.
D.	5/5/2018	Lee	3.80	450	\$1,710.00	Work on Reply is excessive, redundant, and duplicative. Billing for review of Opposition is excessive, redundant and duplicative.

D.	5/6/2018	Hughes	5.80	485	\$2,813.00	Work on Reply is excessive, redundant, and duplicative.
D.	5/6/2018	Lee	1.20	450	\$540.00	Work on Reply is excessive, redundant, and duplicative.
D.	5/7/2018	Hughes	7.40	485	\$3,589.00	Work on Reply is excessive, redundant, and duplicative.
D.	5/7/2018	Lee	8.10	450	\$3,645.00	Work on Reply is excessive, redundant, and duplicative.
D.	5/8/2018	M. Langberg	1.60	655	\$1,048.00	Work on Reply is excessive, redundant, and duplicative.
D.	5/11/2018	M. Langberg	0.80	655	\$524.00	Billing 0.80 hours for review of 27 pages of supplement, which included exhibit cover pages and pictures is excessive
D.	5/11/2018	Hughes	0.80	485	\$388.00	Coincidentally billing 0.80 hours for the review of the same 27 pages of supplemental filing is excessive and duplicative
F.	5/15/2018	M. Langberg	2.00	655	\$1,310.00	Billing for Supplemental Brief is excessive. Defendants billed for 23.4 hours, Plaintiffs only billed 9.8 hours.
F.	5/18/2018	M. Langberg	1.40	655	\$917.00	Billing for Supplemental Brief is excessive. Defendants billed for 23.4 hours, Plaintiffs only billed 9.8 hours.
F.	5/21/2018	M. Langberg	1.30	655	\$851.50	Billing for Supplemental Brief is excessive. Defendants billed for 23.4 hours, Plaintiffs only billed 9.8 hours.
F.	5/22/2018	M. Langberg	3.40	655	\$2,227.00	Billing for Supplemental Brief is excessive. Defendants billed for 23.4 hours, Plaintiffs only billed 9.8 hours.
F.	5/23/2018	M. Langberg	5.80	655	\$3,799.00	Billing for Supplemental Brief is excessive. Defendants billed for 23.4 hours, Plaintiffs only billed 9.8 hours.

I.	11/29/2018	M. Langberg	3.50	655	\$2,292.50	Review and analysis of Plaintiffs' Answer Brief is excessive, redundant, and duplicative. Plaintiffs billed for 4.3 hours of review and analysis of Opening Brief, Defendants bill for 32.7 hours to review and analyze Answer Brief
I.	11/29/2018	Hughes	1.60	485	\$776.00	Review of Plaintiffs' Answer Brief is excessive, redundant, and duplicative
I.	11/30/2018	Hughes	5.10	485	\$2,473.50	Review of Plaintiffs' Answer Brief is excessive, redundant, and duplicative
I.	12/3/2018	Hughes	3.50	485	\$1,697.50	Review of Plaintiffs' Answer Brief is excessive, redundant, and duplicative
I.	12/10/2018	Hughes	4.40	485	\$2,134.00	Review of Plaintiffs' Answer Brief is excessive, redundant, and duplicative
I.	12/11/2018	Hughes	5.10	485	\$2,473.50	Review of Plaintiffs' Answer Brief is excessive, redundant, and duplicative
I.	12/12/2018	Hughes	4.20	485	\$2,037.00	Review of Plaintiffs' Answer Brief is excessive, redundant, and duplicative
I.	12/13/2018	Hughes	3.80	485	\$1,843.00	Review of Plaintiffs' Answer Brief is excessive, redundant, and duplicative
I.	12/14/2018	Hughes	4.90	485	\$2,376.50	Review of Plaintiffs' Answer Brief is excessive, redundant, and duplicative
D.	4/29/2020	M. Langberg	1.40	690	\$966.00	Langberg charges for 1.40 hours for status check, Plaintiffs' counsel charges 1 hour for same status check
J.	5/8/2020	M. Langberg	0.40	690	\$276.00	0.40 hours for review of Plaintiffs' 6 page Brief is excessive
J.	5/29/2020	M. Langberg	1.70	690	\$1,173.00	Langberg charges 1.70 hours for reviewing Court Order, Plaintiffs' counsel only charges for 0.10 hours. Langberg blockbills his request for clarification

L	6/26/2020	M. Langberg	1.80	690	\$1,242.00	Langberg charges 1.80 hours for meet and confer, Plaintiffs' counsel charges 0.20 for same meet and confer. Langberg includes 1.6 hours for "preparation" for met and confer
L	7/13/2020	M. Langberg	2.00	690	\$1,380.00	Lisa charges for 1.70 hours for the hearing on the Motion for Protective Order, Langberg charges for 2 hours
L.	7/30/2020	M. Langberg	0.40	690	\$276.00	Time spent reviewing, producing, and responding to amended requests are excessive in light of the documents actually produced
K.	8/6/2020	M. Langberg	0.80	690	\$552.00	Time spent reviewing, producing, and responding to amended requests are excessive in light of the documents actually produced
K.	8/10/2020	M. Langberg	1.30	690	\$897.00	Time spent reviewing, producing, and responding to amended requests are excessive in light of the documents actually produced
	8/14/2020	M. Langberg	0.40	690	\$276.00	Time spent reviewing, producing, and responding to amended requests are excessive in light of the documents actually produced
	8/17/2020	M. Langberg	1.10	690	\$759.00	Time spent reviewing, producing, and responding to amended requests are excessive in light of the documents actually produced
	8/21/2020	M. Langberg	2.20	690	\$1,518.00	Time spent reviewing, producing, and responding to amended requests are excessive in light of the documents actually produced
<b>TOTAL:</b>					<b>\$73,749.00</b>	