

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

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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 03:45 PM
District Court Case No. A771224
Elizabeth A. Brown
Clerk of Supreme Court

14 **JOINT APPENDIX**

15 **VOLUME 15**

16 **PAGES 2090-2248**

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IN THE SUPREME COURT OF THE STATE OF NEVADA

FORE STARS, LTD., A NEVADA
LIMITED LIABILITY COMPANY; 180
LAND CO., LLC, A NEVADA LIMITED
LIABILITY COMPANY; AND SEVENTY
ACRES, LLC, A NEVADA LIMITED
LIABILITY COMPANY,

Appellants,

vs.

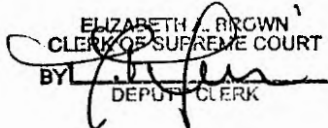
DANIEL OMERZA; DARREN BRESEE;
AND STEVE CARIA,

Respondents.

No. 85542

FILED

JAN 04 2023

ELIZABETH J. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER TO SHOW CAUSE

This is an appeal from a postjudgment order awarding attorney fees. Preliminary review of the docketing statement and the documents submitted to this court pursuant to NRAP 3(g) reveals a potential jurisdictional defect. Specifically, the notice of appeal appears to be prematurely filed under NRAP 4(a) because it appears that it was filed after the timely filing of a tolling motion for reconsideration under NRAP 4(a)(2) and before the tolling motion was formally resolved. *See AA Primo Builders v. Washington*, 126 Nev. 578, 245 P.3d 1190 (2010) (a motion for reconsideration can be considered a tolling motion to alter or amend). A timely tolling motion terminates the 30-day appeal period, and a notice of appeal is of no effect if it is filed after such a tolling motion is filed, and before the district court enters a written order finally resolving the motion. *See* NRAP 4(a)(2).

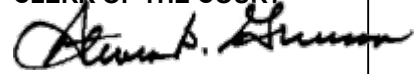
Accordingly, appellants shall have 30 days from the date of this order within which to show cause why this appeal should not be dismissed for lack of jurisdiction. Failure to demonstrate that this court has

jurisdiction may result in this court's dismissal of this appeal. The deadlines for filing documents in this appeal shall be suspended pending further order of this court. Respondents may file any reply within 14 days from the date that appellants' response is served.

It is so ORDERED.

 Stiglm , C.J.

cc: EHB Companies, LLC
The Law Office of Kristina Wildeveld & Associates
Brownstein Hyatt Farber Schreck, LLP/Las Vegas



RPLY

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Counsel for Defendants,
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STEVE CARIA

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
100,

Defendants.

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

**REPLY IN SUPPORT OF DEFENDANTS'
SUPPLEMENTAL MOTION FOR
ATTORNEYS' FEES**

DATE: January 18, 2023
Time: Chambers

Defendants DANIEL OMERZA, DARREN BRESEE, and STEVE CARIA (collectively
“Defendants”), by and through its counsel of record Mitchell J. Langberg, Esq. of the law office
of Brownstein Hyatt Farber Schreck, LLP, hereby submit this reply in support of its Supplemental
Motion for Attorney's Fees.

MEMORANDUM OF POINTS AND AUTHORITIES

I. REQUEST FOR REFERRAL TO BAR COUNSEL

Enough is enough.

How much longer should Plaintiffs’ counsel be permitted to accuse Frank Schreck of
illegal conduct—an allegation the Nevada Supreme Court has determined to be unsupported by
the evidence—without any consequence?

1 How much longer should Plaintiffs' counsel be permitted to expressly misrepresent the
2 law and ignore controlling authority without any consequence?

3 How much longer should Plaintiffs' counsel be allowed to use the pages of their briefs to
4 advance *ad hominem* attacks rather than address the actual issues presented to this Court?

5 The answer to all of those questions should be: "***no longer.***"

6 To that end, this Court is respectfully requested to make a referral to Bar Counsel for
7 determination of whether Plaintiffs' counsel has violated the duty of candor set out in Nevada
8 Rule of Professional Conduct 3.3 in ***at least*** the following ways:

- 9 • Plaintiffs repeat (once again) their allegation that "undisputed facts" establish that
10 Defendants engaged in "wrongful conduct" and that Mr. Schreck was their "co-
11 conspirator." *See* Plaintiffs Opposition ("Opp."), 2:15 – 3:4. Versions of this
12 same defamatory allegation are peppered throughout this brief and the various
13 briefs Plaintiffs have filed before. But Plaintiffs' counsel ***knows*** it is false because
14 the Nevada Supreme Court expressly found "that [Plaintiffs] did not show with
15 prima facie evidence an agreement to accomplish an unlawful objective for the
16 purpose of harming [Plaintiffs], and that [Plaintiffs] suffered damages as a result,
17 which are necessary elements of their conspiracy claim. *Fore Stars, Ltd. v.*
18 *Omerza*, 508 P.3d 885 (Nev. 2022). Why would Plaintiffs' counsel continue to
19 make this false statement of fact to this Court? Perhaps because they believe they
20 are insulated from civil liability because they have made the defamatory statement
21 in a legal proceeding and they do not believe there will be any other consequence.
22 There should be.
- 23 • Once again, in the face of ***controlling*** contrary authority, Plaintiffs' counsel states
24 that "Defendants are only entitled to their fees related to the Motion to Strike (anti-
25 SLAPP motion), not all other defense efforts. Opp., 4:14-16. Yet, Plaintiffs'
26 counsel ***knows*** that the Nevada Supreme Court has already determined that a
27 prevailing defendant is entitled to an award of "all reasonable fees and costs
28 incurred from the inception of the litigation..." *Smith v. Zilverberg*, 137 Nev. 65,

73 (2021). This means that a prevailing defendant is entitled “to recover reasonable attorney fees and costs incurred in the entire action, not just those incurred litigating the anti-SLAPP special motion to dismiss.” *Id.* at 75. Why would Plaintiffs’ counsel repeatedly make this false representation of law and fail to disclose controlling authority in violation of the duty of candor? Perhaps because they do not believe there will be any consequence. There should be.

- Plaintiffs’ counsel correctly notes that Nevada courts look to California law when considering anti-SLAPP fee issues. *Opp.*, 3:13-20. Yet, when discussing whether the anti-SLAPP defendant must actually incur fees (as opposed to being represented pro bono or on a contingent basis), they cite to inapposite Texas law. *Opp.*, 11:10 – 12:10. They then assert that Defendants’ firm is effectively representing Defendants pro bono and then seeking fees from Plaintiffs. But, again in violation of their duty of candor Plaintiffs’ counsel does not disclose the California law that *they acknowledge* is followed by Nevada courts. A defendant need not personally incur any fees before a SLAPP plaintiff is order to pay reasonable fees. *See Ketchum v. Moses*, 24 Cal.4th 1122, 1132–1134, 104 Cal.Rptr.2d 377, 17 P.3d 735 (2001) (defendant represented by a lawyer under a contingent fee arrangement entitled to attorney fees under the anti-SLAPP statute); *Rosenauro v. Scherer*, 88 Cal.App.4th 260, 283, 105 Cal.Rptr.2d 674 (2001) (attorney representing a defendant on a pro bono basis entitled to attorney fees under the anti-SLAPP statute); *Macias v. Hartwell*, 55 Cal.App.4th 669, 675–676, 64 Cal.Rptr.2d 222 (1997) (prevailing defendant under anti-SLAPP statute entitled to recover attorney fees paid by a third party).

It is clear that Plaintiffs’ counsel will not stop their pattern of misrepresentations and unfounded attacks unless they are stopped.

II. ARGUMENT

Plaintiffs have hardly opposed *this* motion. As it relates to the fees that are requested on this motion, Plaintiffs have not offered any argument that the work performed was unreasonable,

1 that too many hours were spent, or addressing any of the other factors set out in the motion as
2 they relate to the fees that are the subject of this motion. For the most part, Plaintiffs merely
3 regurgitate the same arguments they made in opposing Defendants prior fee motion and in
4 Plaintiffs' reconsideration motion.

5 Because the reconsideration motion is pending and the Court will be reviewing those
6 briefs, rather than force this Court to review the same exact arguments again, Defendants
7 incorporate those argument in this reply as if they were fully set forth herein.

8 Defendants will briefly address to some key additional points.

9 **A. Fees To Be Awarded Are Not Limited To Just The Anti-SLAPP Motion Itself.**

10 As discussed above, prevailing defendant is entitled to an award of "all reasonable fees
11 and costs incurred from the inception of the litigation..." *Smith*, 137 Nev. at 73. This includes
12 "all reasonable attorney fees and costs incurred in the entire action, not just those incurred
13 litigating the anti-SLAPP special motion to dismiss." *Id.* at 75.

14 **B. Fees Include All Fees Incurred In The Case—Not Just For Successful Efforts
15 Along The Way.**

16 Plaintiffs argue that Defendants should not be awarded fees for individual tasks or
17 motions in the case that were not successful, themselves. Putting aside that they have not pointed
18 to any such fees that are relevant to *this* motion, their contention is simply wrong. As the Nevada
19 Supreme Court explained in connection with statutory fees related to a public records request,
20 statutory fees are awarded to a prevailing for "the fees incurred en route to victory, not just those
21 incurred in the final round." *Las Vegas Rev.-J. v. Clark Cnty. Off. of the Coroner/Med. Exam'r*,
22 138 Nev. Adv. Op. 80 (2022).

23 **C. Defendants Were Not Required To Submit Invoices.**

24 Plaintiffs argue that the fees cannot be awarded because Defendants did not provided
25 "invoices" or "statements sent to the clients," but instead sent "internally generated charts
26 prepared by the Defendants' law firm." *Opp.*, 12:11-14.

27 Again, their contention is wrong. First, attorney declarations, alone, are sufficient if they
28 allow the Court to consider the *Brunzell* factors. *See O'Connell v. Wynn Las Vegas, LLC*, 134

1 Nev. 550, 563, 429 P.3d 664, 674 (Nev. App. 2018) But, Defendants provided more. In
2 Paragraph 5 of the declaration submitted with the motion, Defendants' counsel affirmed that he
3 accessed his firm's billing system and downloaded the time entries for this matter. The Nevada
4 Supreme Court recently affirmed a substantial fee award (actually, finding that a fee reduction
5 had been unwarranted) that was supported by "billing logs for the work performed, as well as
6 declarations supporting the reasonableness of the rates and the work performed." *Smith*, 137 Nev.
7 at 74, fn. 9.

8 **D. Additional Fees Should Be Award For This Reply.**

9 Defendants' counsel has spent an additional 4.6 hours of work on this matter in relation to
10 this reply and the stipulation regarding Plaintiffs' opposition deadline as set out in the Declaration
11 of Mitchell Langberg attached as Exhibit A. Therefore, Defendants request an additional \$3,220
12 in fees, for a total of \$43,620.50.

13 **III. CONCLUSION**

14 For all of the reasons set forth above, Defendants respectfully request a supplemental fee
15 award of \$43, 620.50.

16 DATED this 6th day of January, 2023.

17 BROWNSTEIN HYATT FARBER SCHRECK, LLP

18
19 BY: /s/Mitchell J. Langberg
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22
23 *Counsel for Defendants*
DANIEL OMERZA, DARREN BRESEE, and
24 STEVE CARIA

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 **REPLY IN SUPPORT OF DEFENDANTS' SUPPLEMENTAL MOTION FOR ATTORNEYS' FEES** be submitted electronically for filing and/or service with the Eighth Judicial District Court via the Court's Electronic Filing System on the 6th day of January, 2023, to the following:

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

DeEtra Crudup
an employee of Brownstein Hyatt Farber Schreck, LLP

EXHIBIT A

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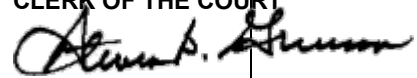
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Attorneys for Plaintiffs

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

**MOTION FOR LEAVE TO FILE SUR-
REPLY TO DEFENDANTS' REPLY**

MOTION FOR LEAVE TO FILE SUR-REPLY TO DEFENDANTS' REPLY - 1

APP 2100

1 Plaintiffs respectfully request permission to file a sur-reply to Defendants' Reply. As
2 Defendants counsel has presented a new and quite serious request that counsel be referred to the
3 bar, such a reply cannot go unanswered.

4
5 Defense counsel makes three allegations that it states warrant "referral to bar counsel": (a)
6 the Landowners' counsel make defamatory statements about Frank Schreck that they "know" are
7 false; (b) the Landowners' counsel repeat an argument that they know is supported by authority to
8 the contrary; and (c) the Landowners' counsel has cited to a Texas case when California law is
9 what Nevada is supposed to be following. In fact, none of these assertions are accurate, and the
10 undersigned explain why in the Sur-reply, which they request leave to file for this Court's
11 consideration. A copy of the Sur-reply is attached hereto as *Exhibit 1*. Plaintiffs request that this
12 Court permit its filing.

13
14 This Court has the inherent authority to allow a sur-reply¹ and a party should be granted
15 leave to file a sur-reply if there is need for a party "to contest matters presented to the court for the
16 first time in the opposing party's reply."² Here, the movants have made new arguments in their
17 Reply that were not previously raised, vis-à-vis a request for "referral to bar counsel." Defendants
18 arguments are without merit as explained in the attached proposed Sur-reply.

25
26
27 ¹ *Reva Int'l, Inc. v. MBraun, Inc.*, 2007 U.S. Dist. LEXIS 94821 (D. Nev. 2007) (party could have sought
leave to file sur-reply)

28 ² *Heffelfinger v. Electronic Data Systems Corp.*, 580 F. Supp. 2d 933 (C.D. Cal. 2008) (Court may
exercise discretion and allow sur-reply where movant raises new arguments in its reply brief).

1 **CONCLUSION**

2 Based on the foregoing, it is respectfully requested that this Court allow the attached Sur-reply
3 to be filed.

4
5 DATED: January 17, 2023.

6 Respectfully submitted,
7 **THE LAW OFFICES OF KRISTINA WILDEVELD & ASSOCIATES,**

8
9 */s/ Lisa A. Rasmussen*

10 LISA A. RASMUSSEN, ESQ.
11 NEVADA BAR NO. 7491
12 ATTORNEYS FOR PLAINTIFFS

13
14 **CERTIFICATE OF SERVICE**

15
16 I hereby certify that I served a copy of the foregoing **MOTION FOR LEAVE TO**
17 **FILE SURREPLY TO SUPPLEMENTAL ATTORNEY FEE MOTION** via this court's
18 Efile and Serve program on all parties receiving service in this case on this 17TH day of
19 January 2023, including, but not limited to:
20

21 Mr. Mitchell Langberg, Esq.
22 Counsel for the Defendants

23 */s/ Lisa A. Rasmussen*

24 *Lisa A. Rasmussen, Esq.*

Exhibit 1

Exhibit 1

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17 Attorneys for Plaintiffs

18 **DISTRICT COURT**
19 **CLARK COUNTY, NEVADA**

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

25 Plaintiffs,

26 vs.

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

Defendants.

Case No.: A-18-771224-C

Dept: XIX

**SUR-REPLY TO DEFENDANTS'
SUPPLEMENTAL MOTION FOR
ATTORNEYS' FEES**

1 As Defendants counsel has presented a new and quite serious request that counsel be
2 referred to the bar, such a reply cannot go unanswered. This Court has the inherent authority to
3 allow a sur-reply¹ and a party should be granted leave to file a sur-reply if there is need for a party
4 “to contest matters presented to the court for the first time in the opposing party’s reply.”²
5

6 **I. ARGUMENT.**

7 **A. Any Award Of Attorney Fees Is Improper Because Plaintiffs Were Not**
8 **Required to Pay any Fees.**

9 This Court need only ask one question, was there a written agreement requiring *Defendants*
10 to pay attorney fees? The answer seems clear as this matter could have been resolved long ago if
11 one existed. Instead, Defendants counsel engages in bullying tactics requesting this Court
12 recommend the lawyers to the state bar in order to silence the Plaintiffs from informing the Courts
13 of the facts that gave rise to this case³. Facts which undoubtedly point to Frank Schrecks illicit
14 involvement. *See* Exhibits F, G, H, I and J emails promulgating the petitions, directing City
15 Council on its course of action, bragging about the “agony” caused to the Landowners. The
16 Nevada Supreme Court has not ever found that Frank Schreck was not a coconspirator, what it
17 determined was simply that Plaintiffs had not met their prima facia burden. This is a tortured
18 reading of the Supreme Court’s order.

19 Contrary to counsel’s claims, the legal authority provides the following: 1) it would be
20 improper to award a contingency fee without a written agreement. *See Gonzales v. Campbell &*
21

22
23
24
25 ¹ *Reva Int’l, Inc. v. MBraun, Inc.*, 2007 U.S. Dist. LEXIS 94821 (D. Nev. 2007) (party could have sought
leave to file sur-reply)

26 ² *Heffelfinger v. Electronic Data Systems Corp.*, 580 F. Supp. 2d 933 (C.D. Cal. 2008) (Court may
exercise discretion and allow sur-reply where movant raises new arguments in its reply brief).

27 ³ The irony of defendants’ counsel’s argument is incredible given that defendants entire defense was
28 based on litigation privilege even when the evidence and testimony showed defendants were untruthful in
their assertions that gave rise to this matter.

1 *Williams*, 2021 WL 4988154, at *8 (Nev. Oct. 26, 2021) (unpublished disposition).⁴ 2) the Rules
2 of Professional Conduct unambiguously require such an agreement to be in writing, and counsels'
3 failure to comply is a clear and serious ethical violation particularly given the underlying facts of
4 Schreck's involvement here, none of which the Defendants or their counsel have ever disputed.⁵
5 *See* NRPC 1.5(c); *see also Hawkins*, 133 Nev. at 903-04, 407 P.3d at 770; 3) In evaluating the
6 *Brunzell* factors, the undisputed facts regarding Schreck's actions in this case should be considered
7 as they go directly to the reasonableness of the award.

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

16 The California Supreme Court interpreted their anti-SLAPP attorney's fees provision as
17 applying "only to the motion to strike, and not to the entire action." *S. B. Beach Properties v.*
18 *Berti*, 138 P.3d 713, 717 (Cal. 2006); *Christian Research Inst. v. Alnor*, 165 Cal. App. 4th 1315,
19 1318, 81 Cal. Rptr. 3d 866, 869 (Cal. App. Ct. 2008) (reducing the number of hours for an anti-
20 SLAPP award from 600 hours to 71 hours due to blockbilling and vague entries). Moreover, an
21 "unreasonably inflated" fee request may be grounds for ***denying a fee award in its entirety***.
22

23
24
25 ⁴ *See also* NRAP 36(c)(3) (unpublished dispositions issued by the Supreme Court of Nevada after
January 1, 2016 may be cited for their persuasive value).

26 ⁵ In addition to violating NRPC 1.5, Schreck arguably violated NRPC 1.7 (conflict of
27 interest) and NRPC 3.5 (impartiality), and his conflict of interest may be imputed to his firm under
28 NRPC 1.10 (imputation of conflicts of interest).

1 *Ketchum v. Moses*, 17 P.3d 735, 745 (Cal. 2001). This has found support in Nevada’s federal
2 courts and there is no directly contradicting authority. *Banerjee v. Cont'l Inc., Inc.*, No.
3 217CV00466APGGWF, 2018 WL 4469006, at *1 (D. Nev. Sept. 17, 2018) (denying an award
4 for attorneys’ hours that were block-billed and obscured the time spent on the anti-SLAPP
5 motion and the time spent on a separate motion to dismiss; reducing for excessive billing).
6

7 **B. The Landowners Did not Break Out Specific Blocks of Fees That They**
8 **Opposed In Their Instant Opposition**

9 Defendants assert that the undersigned should be referred to the Bar for an argument that was
10 actually not advanced in the instant opposition. See Reply at pages 2, lines 23-28 and page 3, lines
11 1-6, “Why would Plaintiffs’ counsel repeatedly make this false representation of law and fail to
12 disclose controlling authority in violation of the duty of candor?” The answer is because the
13 undersigned did not argue that particular issue in the instant opposition. What Defendants are
14 referencing (by citing to the Opposition on Page 3, lines 13-20) is merely a bullet list of the issues
15 that remain pending before this Court. For this supplemental fee application, the Landowners
16 actually did not break out specific portions of the “invoice” that they objected to because they have
17 explained that none of the fees should be awarded and they provided authority as to why. Here,
18 counsel for the Defendants imagines an argument that was not presented and then asks this Court
19 to make a bar referral for a non-existent argument. More bullying tactics.
20

21 **CONCLUSION**

22 Based on the foregoing, it is respectfully requested that this Court deny the Defendants Motion
23 and Supplemental Motion for Attorney’s fees in their entirety and that the Court also deny defense
24 counsel’s unfounded request for “bar referral” for (a) pointing out Frank Schreck’s involvement,
25 direction, aiding, counseling and leading the defendants into making false statements; (b) making
26 an argument they did not make in this Opposition; and (c) citing a Texas case that is on point to
27 this Court, an argument also supported by California authority. As to item (b) even if the
28
SUR-REPLY TO DEFENDANTS’ SUPPLEMENTAL MOTION FOR ATTORNEYS’ FEES - 4

undersigned had made that argument, California law, which defense counsel seems to covet as the only applicable law, actually supports the argument as does Nevada authority.

DATED: January 17, 2023.

Respectfully submitted,

THE LAW OFFICES OF KRISTINA WILDEVELD & ASSOCIATES,

/s/ Lisa A. Rasmussen

LISA A. RASMUSSEN, ESQ.
NEVADA BAR NO. 7491
ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing SURREPLY TO SUPPLEMENTAL ATTORNEY FEE MOTION via this court's Efile and Serve program on all parties receiving service in this case on this 17TH day of January 2023, including, but not limited to:

Mr. Mitchell Langberg, Esq.
Counsel for the Defendants

/s/ Lisa A. Rasmussen

Lisa A. Rasmussen, Esq.

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Attorneys for Appellants

Electronically Filed
Feb 03 2023 03:25 PM
Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

FORE STARS, LTD., a Nevada limited
liability company; 180 LAND CO.,
LLC; A Nevada limited liability
company; and SEVENTY ACRES,
LLC, a Nevada limited liability
company,

Appellants,

vs.

DANIEL OMERZA; DARREN
BRESEE; STEVE CARIA,

Respondents.

Docket No. 85542

**APPELLANTS' RESPONSE TO
ORDER TO SHOW CAUSE**

Appellants Fore Stars Ltd, 180 Land Company LLC, and Seventy Acres LLC
(collectively "Appellants," "Landowners," and/or "Appellant Landowners") hereby
respond to this Honorable Court's order dated January 4, 2023, and respectfully
defer to the Court as to whether their appeal should be dismissed if this Court
determines the Motion to Reconsider qualifies as a tolling motion.

1 **I. RELEVANT PROCEDURAL/FACTUAL BACKGROUND**

2 On April 29, 2022, this Court affirmed the district court's order granting
3 respondents' special motion to dismiss and vacated the order awarding attorney
4 fees, and remanding for the district court to consider the *Brunzell* factors and make
5 the necessary findings to support the fee amount awarded. *See* Supreme Court
6 Order Affirming (Docket No. 82338) and Vacating and Remanding (Docket No.
7 82880). On September 19, 2022, the district court entered an order *sua sponte*
8 adjudicating the attorney's fees and awarding the respondents attorney's fees. *See*
9 Order Granting Defendants' Motion for Attorneys' Fees and Additional Monetary
10 Relief Pursuant to NRS 41.670 And NRS 18.010(2).

11 Thereafter Landowners filed a motion to reconsider for three important
12 reasons. First, defendants were awarded attorney fees pursuant to an alleged
13 contingency fee agreement with their counsel which has never been produced in
14 violation of the Nevada Rules of Professional Conduct, and defendants have not
15 incurred any attorney fees. Second, the undisputed facts regarding the wrongful
16 conduct by defendants' counsel should have been considered relevant to the
17 reasonableness of the attorney's fees request. Third, the district court did not
18 resolve a host of other issues relating to the billing entries raised by Landowners.
19 The district court has not yet entered a written order on the motion to reconsider.

20 **II. ARGUMENT**

21 As the Court noted, a timely tolling motion terminates the 30-day appeal
22 period. NRAP 4(a)(2). However, a motion for reconsideration does not necessarily
23 toll the 30-day period for filing a notice of appeal from a final order or judgment.
24 *See* EDCR 2.24(b). Although a post-judgment motion that requests a substantive

1 alteration of the judgment is generally considered a tolling motion, parties who wait
2 to file a notice of appeal until their post-judgment motion is decided risk being too
3 late if the motion turns out to be non-tolling. *See AA Primo Builders, LLC v.*
4 *Washington*, 126 Nev. 578, 584, 245 P.3d 1190, 1194 (2010). For this reason, and
5 in an abundance of caution, the Landowners did not delay filing their notice of
6 appeal, particularly given that a premature “notice of appeal shall be considered
7 filed on the date of and after entry of the order, judgment or written disposition of
8 the last-remaining [tolling] motion.” NRAP 4(a)(6).

9 Had the Landowners delayed filing the notice of appeal and their motion
10 ultimately not qualified as a tolling motion, any subsequent appeal would be
11 untimely. To avoid this situation, the Landowners filed their notice of appeal within
12 30 days of entry of the district court’s order granting the defendants request for
13 attorney fees.

14 III. CONCLUSION

15 For the foregoing reasons, the Landowners respectfully defer to the Court in
16 determining whether the motion to reconsider is a tolling motion as it requests an
17 alteration or amendment of the order granting fees.

18 DATED: February 3, 2023. THE LAW OFFICES OF KRISTINA WILDEVELD
19 & ASSOCIATES

20 /s/ Lisa A. Rasmussen

21 LISA A. RASMUSSEN, ESQ.

22 Nevada Bar No. 007491

23 550 E. Charleston Blvd., Ste. A

24 Las Vegas, NV 89104

(702) 222-0007

Attorneys for Appellants

CERTIFICATE OF SERVICE

I hereby certify that on February 3rd, 2023, I served a copy of the foregoing
APPELLANTS' RESPONSE TO ORDER TO SHOW CAUSE via this court's
EFile and Serve program on all parties receiving service in this case:

Master Service List

Docket Number and Case Title:	85542 - FORE STARS, LTD. VS. OMERZA
Case Category	Civil Appeal
Information current as of:	02/03/2023:03:03:48 PM

Electronic notification will be sent to the following:

Lisa Rasmussen
Mitchell Langberg
Elizabeth Ham

DATED: February 3, 2023.

/s/ Alexander Loglia

*An employee of The Law Offices of Kristina
Wildeveld & Associates*

IN THE SUPREME COURT OF THE STATE OF NEVADA

FORE STARS, LTD., A NEVADA
LIMITED LIABILITY COMPANY; 180
LAND CO., LLC, A NEVADA LIMITED
LIABILITY COMPANY; AND SEVENTY
ACRES, LLC, A NEVADA LIMITED
LIABILITY COMPANY,
Appellants,
vs.
DANIEL OMERZA; DARREN BRESEE;
AND STEVE CARIA,
Respondents.

No. 85542

FILED

FEB 08 2023

[Signature]

ORDER DISMISSING APPEAL

This is an appeal from a postjudgment order awarding attorney fees. Eighth Judicial District Court, Clark County; Crystal Eller, Judge.

Because it appeared that the notice of appeal was prematurely filed after the timely filing of a motion for reconsideration, this court directed appellants to show cause why this appeal should not be dismissed for lack of jurisdiction. Appellants have responded and indicate that the motion for reconsideration "requests an alteration or amendment of the order granting fees" and has not yet been resolved. It appears that the notice of appeal was prematurely filed, and that this court lacks jurisdiction over this appeal. *See AA Primo Builders v. Washington*, 126 Nev. 578, 245

P.3d 1190 (2010) (describing when a post-judgment motion carries tolling effect). Accordingly, this court

ORDERS this appeal DISMISSED.



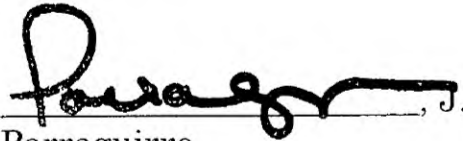
, J.

Herndon



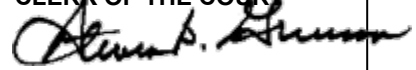
, J.

Lee



Parraguirre

cc: Hon. Crystal Eller, District Judge
Paul M. Haire, Settlement Judge
EHB Companies, LLC
The Law Office of Kristina Wildeveld & Associates
Brownstein Hyatt Farber Schreck, LLP/Las Vegas
Eighth District Court Clerk



1 **NEOJ**

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9 *Counsel for Defendants,*

10 DANIEL OMERZA, DARREN BRESEE, and

11 STEVE CARIA

12 **DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 FORE STARS, LTD., a Nevada limited
15 liability company; 180 LAND CO., LLC; a
16 Nevada limited liability company;
17 SEVENTY ACRES, LLC, a Nevada
18 limited liability company,

19 Plaintiffs,

20 v.

21 DANIEL OMERZA, DARREN BRESEE,
22 STEVE CARIA, and DOES 1 THROUGH
23 100,

24 Defendants,

CASE NO.: A-18-771224-C

DEPT NO.: 19

**NOTICE OF ENTRY OF ORDER DENYING
PLAINTIFFS' MOTION TO RECONSIDER
ORDER GRANTING ATTORNEY'S FEES
POST-REMAND**

25 PLEASE TAKE NOTICE that the Order Denying Plaintiffs' Motion To Reconsider Order
26 Granting Attorneys' Fees Post-Remand was entered on September 18, 2023.

27 ...

28 ...

...

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A true and correct copy of said Order is attached hereto.

DATED this 19th day of September, 2023.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

BY: /s/ Mitchell J. Langberg

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Counsel for Defendants

DANIEL OMERZA, DARREN BRESEE, and

STEVE CARIA

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 **NOTICE OF ENTRY OF ORDER DENYING PLAINTIFFS' MOTION TO RECONSIDER ORDER GRANTING ATTORNEY'S FEES POST-REMAND** be submitted electronically for filing and/or service with the Eighth Judicial District Court via the Court's Electronic Filing System on the 19th day of September, 2023, to the following:

Lisa A. Rasmussen, Esq.
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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

ORDR

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Counsel for Defendants,
DANIEL OMERZA, DARREN BRESEE, and
STEVE CARIA

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
100,

Defendants,

CASE NO.: A-18-771224-C
DEPT. NO.: ~~18~~ 19

**ORDER DENYING PLAINTIFFS'
MOTION TO RECONSIDER ORDER
GRANTING ATTORNEY'S FEES POST-
REMAND**

Plaintiffs' Motion to Reconsider Order Granting Attorney's Fees Post-Remand (the
"Motion") came on for chambers hearing before this Court on June 2, 2023.

After considering the Motion, the opposition thereto, and the reply in support thereof, the
Court will deny the motion:

1. On October 3, 2022, Plaintiffs filed their Motion seeking reconsideration of this
Court's September 19, 2022, Order Granting Defendants' Motion for Attorneys' Fees and
Additional Monetary Relief Pursuant to NRS 41.670 and NRS 18.010(2) (the "Fee Motion").
2. Defendants filed their opposition to the Motion on October 17, 2022.
3. Plaintiffs filed their reply in support of the Motion on October 28, 2022.

1 4. EDCR 2.24 provides that “[n]o motions once heard and disposed of may be
2 renewed in the same cause, nor may the same matters therein embraced be reheard, unless by
3 leave of the court granted upon motion therefor, after notice of such motion to the adverse
4 parties.” “[A] court may correct a clerical mistake or a mistake arising from oversight or omission
5 whenever one is found in a judgment, order, or other part of the record.” NRCP 60(a). This may
6 be done by the court sua sponte or on a timely motion from the parties, and does not require
7 notice by the court. *Id.*

8 5. To prevail on a motion for reconsideration, the moving party must establish that
9 there was an error of law, substantially new evidence discovered, or that the Court’s decision was
10 clearly erroneous. *See Masonry & Tile Contractors Ass’n of S. Nevada v. Jolley, Urga, & Wirth,*
11 *Ltd.*, 113 Nev. 737, 741 (1997).

12 6. “A finding is ‘clearly erroneous’ when although there is evidence to support it, the
13 reviewing court on the entire evidence is left with the definite and firm conviction that a mistake
14 has been committed.” *U.S. v. Gypsum*, 333 U.S. 364, 395 (1948).

15 7. Finally, any “[p]oints or contentions not raised in the original hearing cannot be
16 maintained or considered on rehearing.” *Achrem v. Expressway Plaza Ltd. P’ship*, 112 Nev. 737,
17 742 (1996).

18 8. Plaintiffs have failed to establish that there was an error of law, substantially new
19 evidence discovered, or that the Court’s decision was clearly erroneous.

20 9. Defendants are correct in that the Nevada Supreme Court remanded this matter to
21 the District Court for the sole purpose of considering the *Brunzell* factors in granting Defendants’
22 request for attorney’s fees. Specifically, the Nevada Supreme Court Ordered, “Consistent with
23 the foregoing, we affirm the district court’s order granting respondents’ special motion to dismiss
24 in Docket No. 82338, and we vacate the order awarding attorney fees in Docket 82880, and
25 remand for the court to consider the *Brunzell* factors and make the necessary findings to support
26 the fee amount awarded.”

1 10. This Court considered the *Brunzell* factors and issued its own Order on the matter,
2 filed on September 19, 2022 [Docket #132], which articulated the factors this Court considered
3 and necessary findings to support its decision in granting Defendants’ Motion for attorney’s fees.

4 11. Plaintiffs’ new argument that reasonable fees must include fees for which the
5 Defendants are liable is not a basis for reconsideration.

6 12. The Court does not need to resolve these issues. As noted above, when an anti-
7 SLAPP motion is granted, the Court “shall award reasonable costs and attorney’s fees.” NRS
8 41.670(1)(a). The Nevada Supreme Court has repeatedly directed that application of the *Brunzell*
9 factors are the method by which a reasonable fee is determined and this Court interprets this to
10 mean that only the Brunzell factors shall be analyzed and that it shall award fees that are
11 reasonable pursuant to *Brunzell*.

12 13. Thus, whether the Court is considering:


- 13 (a) A traditional hourly arrangement;
- 14 (b) fees paid by a third party (*Macias v. Hartwell*, 55 Cal. App. 4th 669, 674-
15 75 (1997)—anti-SLAPP fees awarded even if third party, not defendant,
16 paid fee);
- 17 (c) a pro bono relationship (*See Rosenaur v. Scherer*, 88 Cal. App. 4th 260,
18 281-287 (2001), as modified (Apr. 5, 2001)—anti-SLAPP fees on pro bono
19 matter)
- 20 (d) a contingency fee arrangement (*See Ketchum v. Moses*, 24 Cal. 4th 1122,
21 1132-33 (2001) - granting fees to contingency fee counsel on anti-SLAPP
22 motion); or
- 23 (e) a contingency fee arrangement without a written agreement that could
24 somehow be challenged by third parties such as Plaintiffs (Restatement
25 (Third) of the Law Governing Lawyers § 39 (2000)—lawyer entitled to
26 reasonable fee even where there is no valid contract),

27 the Court’s task is the same: to determine and award reasonable attorneys’ fees. That is exactly
28 what the Court did.

14. Thus, there was no basis for reconsideration.

Therefore, it is hereby ORDERED that Plaintiffs' Motion to Reconsider Order Granting Attorney's Fees Post-Remand is DENIED.

Dated this 18th day of September, 2023



4FD 36E 8E78 ED4B
Crystal Eller
District Court Judge

Respectfully Submitted By:

BROWNSTEIN HYATT FARBER SCHRECK, LLP

By: /s/ Mitchell J. Langberg
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Counsel for Defendants
DANIEL OMERZA, DARREN BRESEE, and
STEVE CARIA

Approved as to form:

THE LAW OFFICES OF KRISTINA WILDEVELD & ASSOCIATES

By: /s/ Lisa A. Rsmussen
LISA A. RASMUSSEN, ESQ., Bar No. 7491
lisa@lrasmussenlaw.com
550 E. Charleston Boulevard, Suite A
Las Vegas, Nevada 89104
Telephone: 702.222.0007
Facsimile: 702.222.0001
Counsel for Plaintiffs
FORE STARS, LTD., 180 LAND CO., LLC; and
SEVENTY ACRES, LLC

From: Lisa Rasmussen <lisa@veldlaw.com>
Sent: Wednesday, September 13, 2023 7:55 PM
To: Langberg, Mitchell
Cc: Crudup, DeEtra
Subject: Re: Orders for Signature

Hi Mitch,

I responded and said you may add my signature. Sorry if you did not get my email.

Lisa

Get [Outlook for iOS](#)

From: Langberg, Mitchell <mlangberg@bhfs.com>
Sent: Wednesday, September 13, 2023 6:34 PM
To: lisa@veldlaw.com <lisa@veldlaw.com>
Cc: Crudup, DeEtra <DCrudup@bhfs.com>
Subject: Re: Orders for Signature

Just want to make sure you got this.

...

On Sep 11, 2023, at 9:17 AM, Langberg, Mitchell <mlangberg@bhfs.com> wrote:

Lisa,

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I have accepted all changes in your last edits to these orders. Because of the time that has passed, please run a compare to assure yourself.

Please let me know if we may added your /s/ signature and submit.

Thank you.

Mitch

Mitchell J. Langberg
Brownstein Hyatt Farber Schreck, LLP
100 North City Parkway, Suite 1600
Las Vegas, NV 89106

702.464.7098 tel
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<[Proposed] Order re Defs' Supp Motion for Atty Fees & Pltf Motion for Leave to File Sur-Reply
etc.(25765218.3).docx>
<[Proposed] Order re Motion for Reconsideration Order re Atty Fee - Post Remand(25765113.3).docx>

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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4		
5		
6	Fore Stars, Ltd., Plaintiff(s)	CASE NO: A-18-771224-C
7	vs.	DEPT. NO. Department 19
8	Daniel Omerza, Defendant(s)	
9		

10 **AUTOMATED CERTIFICATE OF SERVICE**

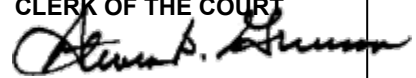
11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 9/18/2023

15 Elizabeth Ham	EHam@ehbcompanies.com
16 Todd Davis	tdavis@ehbcompanies.com
17 Jennifer Knighton	jknighton@ehbcompanies.com
18 Mitchell Langberg	mlangberg@bhfs.com
19 Lisa Rasmussen	Lisa@Veldlaw.com
20 Kristina Wildeveld	Kristina@Veldlaw.com
21 Mitchell Langberg	mlangberg@bhfs.com
22 Mitchell Langberg	mlangberg@bfhs.com
23 Samuel Reyes	Sam@veldlaw.com
24 Diana B	diana@veldlaw.com
25 Alex Loglia	alex@veldlaw.com
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Lisa Rasmussen	Lisa@Veldlaw.com
Lisa Rasmussen	Lisa@Veldlaw.com



1 **NEOJ**

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3 mlangberg@bhfs.com

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6 Las Vegas, NV 89106-4614

7 Telephone: 702.382.2101

8 Facsimile: 702.382.8135

9 *Counsel for Defendants,*

10 DANIEL OMERZA, DARREN BRESEE, and

11 STEVE CARIA

12 **DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 FORE STARS, LTD., a Nevada limited
15 liability company; 180 LAND CO., LLC; a
16 Nevada limited liability company;
17 SEVENTY ACRES, LLC, a Nevada
18 limited liability company,

19 Plaintiffs,

20 v.

21 DANIEL OMERZA, DARREN BRESEE,
22 STEVE CARIA, and DOES 1 THROUGH
23 100,

24 Defendants,

CASE NO.: A-18-771224-C

DEPT NO.: 19

**NOTICE OF ENTRY OF ORDER GRANTING,
IN PART, DEFENDANTS' SUPPLEMENTAL
MOTION FOR ATTORNEYS' FEES; AND**

**DENYING PLAINTIFFS' MOTION FOR
LEAVE TO FILE SUR-REPLY TO
DEFENDANTS' REPLY**

25 PLEASE TAKE NOTICE that the Order Granting, In Part, Defendants' Supplemental
26 Motion For Attorneys' Fees; and Denying Plaintiffs' Motion For Leave To File Sur-Reply To
27 Defendants' Reply was entered on September 18, 2023.

28 ...

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A true and correct copy of said Order is attached hereto.

DATED this 19th day of September, 2023.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

BY: /s/ Mitchell J. Langberg

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

mlangberg@bhfs.com

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Telephone: 702.382.2101

Facsimile: 702.382.8135

Counsel for Defendants

DANIEL OMERZA, DARREN BRESEE, and
STEVE CARIA

CERTIFICATE OF SERVICE

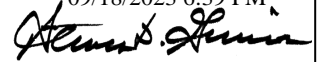
I HEREBY CERTIFY that I am an employee of Brownstein Hyatt Farber Schreck, LLP, and pursuant to NRCP 5(b), EDCR 8.05, Administrative Order 14-2, and NEFCR 9, I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER GRANTING, IN PART, DEFENDANTS' SUPPLEMENTAL MOTION FOR ATTORNEYS' FEES; AND DENYING PLAINTIFFS' MOTION FOR LEAVE TO FILE SUR-REPLY TO DEFENDANTS' REPLY** be submitted electronically for filing and/or service with the Eighth Judicial District Court via the Court's Electronic Filing System on the 19th day of September, 2023, to the following:

Lisa A. Rasmussen, Esq.
The Law Offices of Kristina Wildeveld & Associates
550 E. Charleston Boulevard, Suite A
Las Vegas, Nevada 89104
Email: lisa@lrasmussenlaw.com

Elizabeth Ham, Esq.
EHB Companies, LLC
9755 West Charleston Boulevard
Las Vegas, Nevada 89117
Email: eham@ehbcompanies.com

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


CLERK OF THE COURT

ORDR

MITCHELL J. LANGBERG, ESQ., Bar No. 10118
mlangberg@bhfs.com
BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 North City Parkway, Suite 1600
Las Vegas, NV 89106-4614
Telephone: 702.382.2101
Facsimile: 702.382.8135

Counsel for Defendants,
DANIEL OMERZA, DARREN BRESEE, and
STEVE CARIA

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
100,

Defendants,

CASE NO.: A-18-771224-C
DEPT. NO.: ~~11~~ 19

**ORDER GRANTING , IN PART,
DEFENDANTS' SUPPLEMENTAL
MOTION FOR ATTORNEYS' FEES; AND**

**DENYING PLAINTIFFS' MOTION FOR
LEAVE TO FILE SUR-REPLY TO
DEFENDANTS' REPLY**

Defendants' Supplemental Motion for Attorneys' Fees (the " Supplemental Fee Motion")
and Plaintiff's Motion for Leave to File Sur-Reply to Defendants' Reply.(the "Sur-Reply Motion")
came on for chambers hearing before this Court on June 2, 2023.

After considering the Supplemental Fee Motion and the Sur-Reply Motion and all of the
papers filed in support of and in opposition to the motions, the Court makes the follow order
granting the Supplemental Fee Motion, in part, and denying the Sur-Reply Motion as moot:

1. Defendants' anti-SLAPP motion under NRS 41.670 was granted and substantively
affirmed by the Nevada Supreme Court. The Nevada Supreme Court reversed the initial
attorneys' fee award for reconsideration after further consideration of the *Brunzell* factors.

2. On remand, this Court issued a fee award.

3. On November 23, 2022, Defendants filed the Supplemental Fee Motion seeking fees for work that had not been addressed by this Court’s prior fee award, including the fees related to the appeal.

4. Plaintiffs filed their opposition to the Supplemental Fee Motion on December 23, 2022.

5. Defendants filed their reply in support of the Supplemental Fee Motion on January 6, 2023.

6. Plaintiffs filed their Sur-Reply Motion on January 17, 2023.

7. In a case where claims have been successfully dismissed by way of an anti-SLAPP motion, NRS 41.670(1)(a) states that a court “shall award reasonable cost and attorney’s fees to the person against whom the action was brought.”

8. An award of additional amounts, up to \$10,000, are also permitted under NRS 41.670(1)(b).

9. Further, where *all* claims are disposed of by the motion, fees incurred that are not directly related to the anti-SLAPP motion are recoverable. *See Goldman v. Clark Cty. Sch. Dist.*, 2020 WL 5633065, *1, *5 (Nev. Sept. 18, 2020)(affirming an award of fees and costs “because the facts and legal arguments in the NRCP 12(b)(5) motion were intrinsically intertwined with those in the anti-SLAPP motion”).

10. Further, such fees shall include “all reasonable fees and costs incurred from the inception of the litigation...” *Smith v. Zilverberg*, 137 Nev. 65, 73 (2021). This means that a prevailing defendant is entitled “to recover reasonable attorney fees and costs incurred in the entire action, not just those incurred litigating the anti-SLAPP special motion to dismiss.” *Id.* at 75.

11. Additionally, NRS 18.010 provides for an award of attorney’s fees where: (1) authorized by a specific statute; (2) the prevailing party has not recovered more than \$20,000; or (3) notwithstanding the recovery sought, the court finds that a “claim, counterclaim, cross-claim

1 or third-party complaint or defense” was maintained without reasonable ground or to harass the
2 prevailing party.”

3 12. Additionally, the provisions of the statute are to be “liberally construe[d] ... in
4 favor of awarding attorney’s fees in all appropriate situations.” *Id.*

5 13. Further, such an award is also intended as a sanction to punish and deter frivolous
6 and vexatious claims, pursuant to NRCP 11. *Id.* “[A] claim is frivolous or groundless if there is
7 no credible evidence to support it.” *Capanna v. Orth*, 134 Nev. 888, 895 (2018).

8 14. Here, an award of fees is warranted. NRS 41.670(1)(a) is abundantly clear that the
9 Court “*shall* award” reasonable costs and fees.

10 15. In opposition to this motion and in other papers filed with this Court, Plaintiffs
11 have repeatedly argued that no fees can be awarded under the anti-SLAPP Statute unless
12 Defendants prove that are actually liable for, or have actually paid attorneys fees, or that they
13 provide a copy of a contingency agreement. Plaintiffs argue that in the absence of evidence that
14 the work performed by defense counsel created a legal obligation for defendants to pay, no fees
15 should be awarded because “[t]his is not a contingency case; it is a pro bono case.”

16 16. The Court does not need to resolve these issues. As noted above, when an anti-
17 SLAPP motion is granted, the Court “shall award reasonable costs and attorney’s fees.” NRS
18 41.670(1)(a). The Nevada Supreme Court has repeatedly directed that application of the *Brunzell*
19 factors are the method by which a reasonable fee is determined and this Court interprets this to
20 mean that only the Brunzell factors shall be analyzed and that it shall award fees that are
21 reasonable pursuant to *Brunzell*.

22 17. Thus, this Court is required to consider the *Brunzell* factors in considering
23 Defendants’ request for supplemental fees in the amount of \$43,620.50 which is the *Lodestar*
24 amount (rate multiplied by hours) requested by Defendants’ counsel.

25 18. The factors are (1) the qualities of the advocate: their ability, training, education,
26 experience, professional standing and skill; (2) the character of the work to be done: its difficulty,
27 its intricacy, its importance, time and skill required, the responsibility imposed and the
28 prominence and character of the parties where they affect the importance of the litigation; (3) the

1 work actually performed by the lawyer: the skill, time and attention given to the work; (4) the
2 result: whether the attorney was successful and what benefits were derived. *Brunzell v. Golden*
3 *Gate Nat. Bank*, 85 Nev. 345, 349 (1969).

4 19. As to the quality of the advocate, Mitchell Langberg performed the majority of the
5 work for the supplemental fees requested. The Court finds, as set out in his declaration, that
6 Mitchell Langberg has been lead counsel on this matter. He graduated from the University of
7 Southern California School of Law in 1994. During his 29 years of practice, one of his primary
8 focuses has been on defamation and First Amendment litigation. He is recognized by Best
9 Lawyers in the area of Media and First Amendment Law. He is recognized with a Preeminent
10 AV rating from Martindale-Hubbell. Mr. Langberg has handled approximately 50 cases
11 involving anti-SLAPP motions (on both sides). He testified as an expert in the Nevada
12 Legislature when the current anti-SLAPP statute was debated in 2015. He has taught anti-SLAPP
13 law, including most recently as a lecturer on the subject at the Colorado Judicial Conference. As
14 further set out in Mr. Langberg's declaration, Laura Langberg briefly assisted on this case. She is
15 a 2007 J.D./M.B.A. graduate of the Boyd School of Law. She has worked with Mr. Langberg on
16 defamation cases since 2008 and has assisted with several anti-SLAPP motions and oppositions.
17 Based on these undisputed facts, this Court finds that the quality of the advocates is very high.

18 20. As to the character of the work done, as this Court has previously found in this
19 case, the work itself implicated important First Amendment rights on issues that are of immense
20 concern in this community—including matters of regulating development and resident input in
21 that process. The anti-SLAPP statute, itself, is designed to identify meritless litigation arising
22 from the exercise of First Amendment rights. The fact the Legislature has created a special
23 procedure in these cases emphasizes the social importance of anti-SLAPP litigation. Further,
24 when taken in the context of a developer with expansive financial resources attempting to silence
25 its opposition in their attempts to have their concerns heard by the City Counsel, speaks volumes
26 about the challenges in the case. Therefore, the character of work is extremely significant.

27 21. As to the work actually performed, the Court has reviewed the charges provided
28 by Defendants setting out the work performed by category. All of the work was necessitated by

1 Plaintiffs' persistent pursuit of claims seeking damages of tens of millions of dollars in the
2 Nevada Supreme Court—claims that Court has confirmed lacked all merit. Defendants' counsel
3 spent less than 60 hours to resist a motion for reconsideration, draft a settlement conference
4 statement, attend a mandatory settlement conference in person, draft an appeal brief on the
5 complicated issues in this case, and then resist yet another motion for reconsideration. The Court
6 is directly familiar with all the work that was filed with this Court and, based on the Nevada
7 Supreme Court decision and the Court's own experience, understands the work that was required
8 for the settlement conference and the appellate briefing. Defendants' efforts were successful and
9 the quality of the work was clearly very good. The number of hours requested is very reasonable
10 in light of the work performed.

11 22. As to the result, Defendants were successful. The Nevada Supreme Court
12 affirmed the substantive grant of the anti-SLAPP motion. Remand was only for this Court to
13 reconsider the amount of fees and expressly articulate the application of the *Brunzell* factors in its
14 order. And, this Court issued an award of the full fees after again considering the *Brunzell*
15 factors.

16 23. The Court finds that the rates applied by counsel for the *Lodestar* analysis are
17 reasonable. When this case began several years ago, the rate of \$655 per hour Mr. Langberg
18 applied for this matter was less than his regular billable rate. In the more than four years since
19 then, Mr. Langberg's standard billable rate has increased annually, which is common in the legal
20 community. Another Court in this district has recently approved Mr. Langberg's rate of \$825 per
21 hour on an anti-SLAPP motion. For the work that is the subject of the Supplemental Fee Motion,
22 Mr. Langberg has requested only \$700 per hour, less than 7% more than his initial rate was more
23 than four years ago. The rate applied to Mrs. Langberg's limited work was \$505.

24 24. The Court is familiar with the rates charged in this community for complex or
25 specialty litigation such as First Amendment and anti-SLAPP litigation. The Court finds that the
26 rates applied are reasonable and appropriate for the nature and quality of the work performed. In
27 fact, they are lower than some rates approved on anti-SLAPP motions in this district.
28

25. The Court also finds that the total hours requested in the Supplemental Fee Motion (58.3 hours) and the reply in support of that motion (4.6 hours) is reasonable for all of the work performed.

26. Therefore, the Court finds that total fees in the amount of \$43,620.50 are reasonable and appropriate after consideration of the *Lodestar* and *Brunzell* factors.

27. In the reply in support of the Supplemental Fee Motion, Defendants requested that the Court make a referral to Bar Counsel pursuant to Nevada Rules of Professional Conduct 3.3. The Court will deny that request.

28. Therefore, Plaintiff's Motion for Leave to File a Sur-Reply will be denied as moot.

Therefore, it is hereby ORDERED, ADJUDGED, AND DECREED that:

1. Defendants' Supplemental Motion for Attorneys Fees is GRANTED in part and DENIED in part;

2. Defendants request for attorneys' fees is GRANTED and Defendants are awarded supplemental attorneys' fees (in addition to fees already awarded by the Court) as against Plaintiffs, and each of them, jointly and severally, in the total amount of \$43,620.50, and Plaintiffs are hereby ORDERED to pay such fees to Defendants within 60 days unless this fee award is stayed pursuant to statute, rule, or subsequent court order;

3. Defendants' request for referral to Bar Counsel is DENIED; and

4. Plaintiff's Motion for Leave to File Sur-Reply to Defendants' Reply is DENIED as moot.

Dated this 18th day of September, 2023



DF3 253 7696 0544
Crystal Eller
District Court Judge

1 Respectfully Submitted By:

2 BROWNSTEIN HYATT FARBER SCHRECK, LLP

3 By: /s/ Mitchell J. Langberg

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

mlangberg@bhfs.com

5 100 North City Parkway, Suite 1600

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Telephone: 702.382.2101

Facsimile: 702.382.8135

7 *Counsel for Defendants*

8 DANIEL OMERZA, DARREN BRESEE, and

9 STEVE CARIA

10 Approved as to form:

11 THE LAW OFFICES OF KRISTINA WILDEVELD & ASSOCIATES

12 By: /s/ Lisa A. Rsmussen

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lisa@lrasmussenlaw.com

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Las Vegas, Nevada 89104

15 Telephone: 702.222.0007

Facsimile: 702.222.0001

16 *Counsel for Plaintiffs*

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3 DISTRICT COURT
CLARK COUNTY, NEVADA

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6 Fore Stars, Ltd., Plaintiff(s)	CASE NO: A-18-771224-C
7 vs.	DEPT. NO. Department 19
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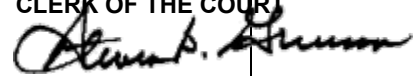
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Attorneys for Plaintiffs

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

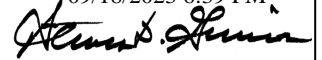
NOTICE OF APPEAL

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD

PLEASE TAKE NOTICE that Plaintiffs FORE STARS, LTD., 180 LAND CO, LLC,
AND SEVENTY ACRES, LLC, hereby appeal to orders entered on September 18, 2023 as
follows:

NOTICE OF APPEAL - 1

APP 2140


CLERK OF THE COURT

ORDR

MITCHELL J. LANGBERG, ESQ., Bar No. 10118
mlangberg@bhfs.com
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100 North City Parkway, Suite 1600
Las Vegas, NV 89106-4614
Telephone: 702.382.2101
Facsimile: 702.382.8135

Counsel for Defendants,
DANIEL OMERZA, DARREN BRESEE, and
STEVE CARIA

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
100,

Defendants,

CASE NO.: A-18-771224-C
DEPT. NO.: ~~18~~ 19

**ORDER DENYING PLAINTIFFS'
MOTION TO RECONSIDER ORDER
GRANTING ATTORNEY'S FEES POST-
REMAND**

Plaintiffs' Motion to Reconsider Order Granting Attorney's Fees Post-Remand (the
"Motion") came on for chambers hearing before this Court on June 2, 2023.

After considering the Motion, the opposition thereto, and the reply in support thereof, the
Court will deny the motion:

1. On October 3, 2022, Plaintiffs filed their Motion seeking reconsideration of this
Court's September 19, 2022, Order Granting Defendants' Motion for Attorneys' Fees and
Additional Monetary Relief Pursuant to NRS 41.670 and NRS 18.010(2) (the "Fee Motion").
2. Defendants filed their opposition to the Motion on October 17, 2022.
3. Plaintiffs filed their reply in support of the Motion on October 28, 2022.

1 4. EDCR 2.24 provides that “[n]o motions once heard and disposed of may be
2 renewed in the same cause, nor may the same matters therein embraced be reheard, unless by
3 leave of the court granted upon motion therefor, after notice of such motion to the adverse
4 parties.” “[A] court may correct a clerical mistake or a mistake arising from oversight or omission
5 whenever one is found in a judgment, order, or other part of the record.” NRCp 60(a). This may
6 be done by the court sua sponte or on a timely motion from the parties, and does not require
7 notice by the court. *Id.*

8 5. To prevail on a motion for reconsideration, the moving party must establish that
9 there was an error of law, substantially new evidence discovered, or that the Court’s decision was
10 clearly erroneous. *See Masonry & Tile Contractors Ass’n of S. Nevada v. Jolley, Urga, & Wirth,*
11 *Ltd.*, 113 Nev. 737, 741 (1997).

12 6. “A finding is ‘clearly erroneous’ when although there is evidence to support it, the
13 reviewing court on the entire evidence is left with the definite and firm conviction that a mistake
14 has been committed.” *U.S. v. Gypsum*, 333 U.S. 364, 395 (1948).

15 7. Finally, any “[p]oints or contentions not raised in the original hearing cannot be
16 maintained or considered on rehearing.” *Achrem v. Expressway Plaza Ltd. P’ship*, 112 Nev. 737,
17 742 (1996).

18 8. Plaintiffs have failed to establish that there was an error of law, substantially new
19 evidence discovered, or that the Court’s decision was clearly erroneous.

20 9. Defendants are correct in that the Nevada Supreme Court remanded this matter to
21 the District Court for the sole purpose of considering the *Brunzell* factors in granting Defendants’
22 request for attorney’s fees. Specifically, the Nevada Supreme Court Ordered, “Consistent with
23 the foregoing, we affirm the district court’s order granting respondents’ special motion to dismiss
24 in Docket No. 82338, and we vacate the order awarding attorney fees in Docket 82880, and
25 remand for the court to consider the *Brunzell* factors and make the necessary findings to support
26 the fee amount awarded.”

10. This Court considered the *Brunzell* factors and issued its own Order on the matter, filed on September 19, 2022 [Docket #132], which articulated the factors this Court considered and necessary findings to support its decision in granting Defendants’ Motion for attorney’s fees.

11. Plaintiffs’ new argument that reasonable fees must include fees for which the Defendants are liable is not a basis for reconsideration.

12. The Court does not need to resolve these issues. As noted above, when an anti-SLAPP motion is granted, the Court “shall award reasonable costs and attorney’s fees.” NRS 41.670(1)(a). The Nevada Supreme Court has repeatedly directed that application of the *Brunzell* factors are the method by which a reasonable fee is determined and this Court interprets this to mean that only the Brunzell factors shall be analyzed and that it shall award fees that are reasonable pursuant to *Brunzell*.

13. Thus, whether the Court is considering:

- (a) A traditional hourly arrangement;
- (b) fees paid by a third party (*Macias v. Hartwell*, 55 Cal. App. 4th 669, 674-75 (1997)—anti-SLAPP fees awarded even if third party, not defendant, paid fee);
- (c) a pro bono relationship (*See Rosenaur v. Scherer*, 88 Cal. App. 4th 260, 281-287 (2001), as modified (Apr. 5, 2001)—anti-SLAPP fees on pro bono matter)
- (d) a contingency fee arrangement (*See Ketchum v. Moses*, 24 Cal. 4th 1122, 1132-33 (2001) - granting fees to contingency fee counsel on anti-SLAPP motion); or
- (e) a contingency fee arrangement without a written agreement that could somehow be challenged by third parties such as Plaintiffs (Restatement (Third) of the Law Governing Lawyers § 39 (2000)—lawyer entitled to reasonable fee even where there is no valid contract),

the Court’s task is the same: to determine and award reasonable attorneys’ fees. That is exactly what the Court did.

14. Thus, there was no basis for reconsideration.

Therefore, it is hereby ORDERED that Plaintiffs' Motion to Reconsider Order Granting Attorney's Fees Post-Remand is DENIED.

Dated this 18th day of September, 2023



4FD 36E 8E78 ED4B
Crystal Eller
District Court Judge

Respectfully Submitted By:

BROWNSTEIN HYATT FARBER SCHRECK, LLP

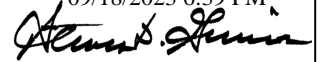
By: /s/ Mitchell J. Langberg
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STEVE CARIA

Approved as to form:

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CLERK OF THE COURT

ORDR

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Counsel for Defendants,
DANIEL OMERZA, DARREN BRESEE, and
STEVE CARIA

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
100,

Defendants,

CASE NO.: A-18-771224-C
DEPT. NO.: ~~11~~ 19

**ORDER GRANTING , IN PART,
DEFENDANTS' SUPPLEMENTAL
MOTION FOR ATTORNEYS' FEES; AND**

**DENYING PLAINTIFFS' MOTION FOR
LEAVE TO FILE SUR-REPLY TO
DEFENDANTS' REPLY**

Defendants' Supplemental Motion for Attorneys' Fees (the " Supplemental Fee Motion")
and Plaintiff's Motion for Leave to File Sur-Reply to Defendants' Reply.(the "Sur-Reply Motion")
came on for chambers hearing before this Court on June 2, 2023.

After considering the Supplemental Fee Motion and the Sur-Reply Motion and all of the
papers filed in support of and in opposition to the motions, the Court makes the follow order
granting the Supplemental Fee Motion, in part, and denying the Sur-Reply Motion as moot:

1. Defendants' anti-SLAPP motion under NRS 41.670 was granted and substantively
affirmed by the Nevada Supreme Court. The Nevada Supreme Court reversed the initial
attorneys' fee award for reconsideration after further consideration of the *Brunzell* factors.

- 1 2. On remand, this Court issued a fee award.
- 2 3. On November 23, 2022, Defendants filed the Supplemental Fee Motion seeking
- 3 fees for work that had not been addressed by this Court’s prior fee award, including the fees
- 4 related to the appeal.
- 5 4. Plaintiffs filed their opposition to the Supplemental Fee Motion on December 23,
- 6 2022.
- 7 5. Defendants filed their reply in support of the Supplemental Fee Motion on January
- 8 6, 2023.
- 9 6. Plaintiffs filed their Sur-Reply Motion on January 17, 2023.
- 10 7. In a case where claims have been successfully dismissed by way of an anti-SLAPP
- 11 motion, NRS 41.670(1)(a) states that a court “shall award reasonable cost and attorney’s fees to
- 12 the person against whom the action was brought.”
- 13 8. An award of additional amounts, up to \$10,000, are also permitted under NRS
- 14 41.670(1)(b).
- 15 9. Further, where *all* claims are disposed of by the motion, fees incurred that are not
- 16 directly related to the anti-SLAPP motion are recoverable. *See Goldman v. Clark Cty. Sch. Dist.*,
- 17 2020 WL 5633065, *1, *5 (Nev. Sept. 18, 2020)(affirming an award of fees and costs “because
- 18 the facts and legal arguments in the NRCP 12(b)(5) motion were intrinsically intertwined with
- 19 those in the anti-SLAPP motion”).
- 20 10. Further, such fees shall include “all reasonable fees and costs incurred from the
- 21 inception of the litigation...” *Smith v. Zilverberg*, 137 Nev. 65, 73 (2021). This means that a
- 22 prevailing defendant is entitled “to recover reasonable attorney fees and costs incurred in the
- 23 entire action, not just those incurred litigating the anti-SLAPP special motion to dismiss.” *Id.* at
- 24 75.
- 25 11. Additionally, NRS 18.010 provides for an award of attorney’s fees where: (1)
- 26 authorized by a specific statute; (2) the prevailing party has not recovered more than \$20,000; or
- 27 (3) notwithstanding the recovery sought, the court finds that a “claim, counterclaim, cross-claim
- 28

1 or third-party complaint or defense” was maintained without reasonable ground or to harass the
2 prevailing party.”

3 12. Additionally, the provisions of the statute are to be “liberally construe[d] ... in
4 favor of awarding attorney’s fees in all appropriate situations.” *Id.*

5 13. Further, such an award is also intended as a sanction to punish and deter frivolous
6 and vexatious claims, pursuant to NRCP 11. *Id.* “[A] claim is frivolous or groundless if there is
7 no credible evidence to support it.” *Capanna v. Orth*, 134 Nev. 888, 895 (2018).

8 14. Here, an award of fees is warranted. NRS 41.670(1)(a) is abundantly clear that the
9 Court “*shall* award” reasonable costs and fees.

10 15. In opposition to this motion and in other papers filed with this Court, Plaintiffs
11 have repeatedly argued that no fees can be awarded under the anti-SLAPP Statute unless
12 Defendants prove that are actually liable for, or have actually paid attorneys fees, or that they
13 provide a copy of a contingency agreement. Plaintiffs argue that in the absence of evidence that
14 the work performed by defense counsel created a legal obligation for defendants to pay, no fees
15 should be awarded because “[t]his is not a contingency case; it is a pro bono case.”

16 16. The Court does not need to resolve these issues. As noted above, when an anti-
17 SLAPP motion is granted, the Court “shall award reasonable costs and attorney’s fees.” NRS
18 41.670(1)(a). The Nevada Supreme Court has repeatedly directed that application of the *Brunzell*
19 factors are the method by which a reasonable fee is determined and this Court interprets this to
20 mean that only the Brunzell factors shall be analyzed and that it shall award fees that are
21 reasonable pursuant to *Brunzell*.

22 17. Thus, this Court is required to consider the *Brunzell* factors in considering
23 Defendants’ request for supplemental fees in the amount of \$43,620.50 which is the *Lodestar*
24 amount (rate multiplied by hours) requested by Defendants’ counsel.

25 18. The factors are (1) the qualities of the advocate: their ability, training, education,
26 experience, professional standing and skill; (2) the character of the work to be done: its difficulty,
27 its intricacy, its importance, time and skill required, the responsibility imposed and the
28 prominence and character of the parties where they affect the importance of the litigation; (3) the

1 work actually performed by the lawyer: the skill, time and attention given to the work; (4) the
2 result: whether the attorney was successful and what benefits were derived. *Brunzell v. Golden*
3 *Gate Nat. Bank*, 85 Nev. 345, 349 (1969).

4 19. As to the quality of the advocate, Mitchell Langberg performed the majority of the
5 work for the supplemental fees requested. The Court finds, as set out in his declaration, that
6 Mitchell Langberg has been lead counsel on this matter. He graduated from the University of
7 Southern California School of Law in 1994. During his 29 years of practice, one of his primary
8 focuses has been on defamation and First Amendment litigation. He is recognized by Best
9 Lawyers in the area of Media and First Amendment Law. He is recognized with a Preeminent
10 AV rating from Martindale-Hubbell. Mr. Langberg has handled approximately 50 cases
11 involving anti-SLAPP motions (on both sides). He testified as an expert in the Nevada
12 Legislature when the current anti-SLAPP statute was debated in 2015. He has taught anti-SLAPP
13 law, including most recently as a lecturer on the subject at the Colorado Judicial Conference. As
14 further set out in Mr. Langberg's declaration, Laura Langberg briefly assisted on this case. She is
15 a 2007 J.D./M.B.A. graduate of the Boyd School of Law. She has worked with Mr. Langberg on
16 defamation cases since 2008 and has assisted with several anti-SLAPP motions and oppositions.
17 Based on these undisputed facts, this Court finds that the quality of the advocates is very high.

18 20. As to the character of the work done, as this Court has previously found in this
19 case, the work itself implicated important First Amendment rights on issues that are of immense
20 concern in this community—including matters of regulating development and resident input in
21 that process. The anti-SLAPP statute, itself, is designed to identify meritless litigation arising
22 from the exercise of First Amendment rights. The fact the Legislature has created a special
23 procedure in these cases emphasizes the social importance of anti-SLAPP litigation. Further,
24 when taken in the context of a developer with expansive financial resources attempting to silence
25 its opposition in their attempts to have their concerns heard by the City Counsel, speaks volumes
26 about the challenges in the case. Therefore, the character of work is extremely significant.

27 21. As to the work actually performed, the Court has reviewed the charges provided
28 by Defendants setting out the work performed by category. All of the work was necessitated by

1 Plaintiffs' persistent pursuit of claims seeking damages of tens of millions of dollars in the
2 Nevada Supreme Court—claims that Court has confirmed lacked all merit. Defendants' counsel
3 spent less than 60 hours to resist a motion for reconsideration, draft a settlement conference
4 statement, attend a mandatory settlement conference in person, draft an appeal brief on the
5 complicated issues in this case, and then resist yet another motion for reconsideration. The Court
6 is directly familiar with all the work that was filed with this Court and, based on the Nevada
7 Supreme Court decision and the Court's own experience, understands the work that was required
8 for the settlement conference and the appellate briefing. Defendants' efforts were successful and
9 the quality of the work was clearly very good. The number of hours requested is very reasonable
10 in light of the work performed.

11 22. As to the result, Defendants were successful. The Nevada Supreme Court
12 affirmed the substantive grant of the anti-SLAPP motion. Remand was only for this Court to
13 reconsider the amount of fees and expressly articulate the application of the *Brunzell* factors in its
14 order. And, this Court issued an award of the full fees after again considering the *Brunzell*
15 factors.

16 23. The Court finds that the rates applied by counsel for the *Lodestar* analysis are
17 reasonable. When this case began several years ago, the rate of \$655 per hour Mr. Langberg
18 applied for this matter was less than his regular billable rate. In the more than four years since
19 then, Mr. Langberg's standard billable rate has increased annually, which is common in the legal
20 community. Another Court in this district has recently approved Mr. Langberg's rate of \$825 per
21 hour on an anti-SLAPP motion. For the work that is the subject of the Supplemental Fee Motion,
22 Mr. Langberg has requested only \$700 per hour, less than 7% more than his initial rate was more
23 than four years ago. The rate applied to Mrs. Langberg's limited work was \$505.

24 24. The Court is familiar with the rates charged in this community for complex or
25 specialty litigation such as First Amendment and anti-SLAPP litigation. The Court finds that the
26 rates applied are reasonable and appropriate for the nature and quality of the work performed. In
27 fact, they are lower than some rates approved on anti-SLAPP motions in this district.
28

25. The Court also finds that the total hours requested in the Supplemental Fee Motion (58.3 hours) and the reply in support of that motion (4.6 hours) is reasonable for all of the work performed.

26. Therefore, the Court finds that total fees in the amount of \$43,620.50 are reasonable and appropriate after consideration of the *Lodestar* and *Brunzell* factors.

27. In the reply in support of the Supplemental Fee Motion, Defendants requested that the Court make a referral to Bar Counsel pursuant to Nevada Rules of Professional Conduct 3.3. The Court will deny that request.

28. Therefore, Plaintiff's Motion for Leave to File a Sur-Reply will be denied as moot.

Therefore, it is hereby ORDERED, ADJUDGED, AND DECREED that:

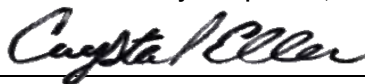
1. Defendants' Supplemental Motion for Attorneys Fees is GRANTED in part and DENIED in part;

2. Defendants request for attorneys' fees is GRANTED and Defendants are awarded supplemental attorneys' fees (in addition to fees already awarded by the Court) as against Plaintiffs, and each of them, jointly and severally, in the total amount of \$43,620.50, and Plaintiffs are hereby ORDERED to pay such fees to Defendants within 60 days unless this fee award is stayed pursuant to statute, rule, or subsequent court order;

3. Defendants' request for referral to Bar Counsel is DENIED; and

4. Plaintiff's Motion for Leave to File Sur-Reply to Defendants' Reply is DENIED as moot.

Dated this 18th day of September, 2023



DF3 253 7696 0544
Crystal Eller
District Court Judge

1 Respectfully Submitted By:

2 BROWNSTEIN HYATT FARBER SCHRECK, LLP

3 By: /s/ Mitchell J. Langberg

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

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Telephone: 702.382.2101

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Counsel for Defendants

8 DANIEL OMERZA, DARREN BRESEE, and

9 STEVE CARIA

10 Approved as to form:

11 THE LAW OFFICES OF KRISTINA WILDEVELD & ASSOCIATES

12 By: /s/ Lisa A. Rsmussen

13 LISA A. RASMUSSEN, ESQ., Bar No. 7491

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15 Las Vegas, Nevada 89104

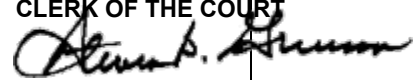
Telephone: 702.222.0007

16 Facsimile: 702.222.0001

Counsel for Plaintiffs

17 FORE STARS, LTD., 180 LAND CO., LLC; and

18 SEVENTY ACRES, LLC



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Nevada Bar No. 7491
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Email: Lisa@LRasmussenLaw.com

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

AMENDED NOTICE OF APPEAL

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD

PLEASE TAKE NOTICE that Plaintiffs FORE STARS, LTD., 180 LAND CO, LLC,
AND SEVENTY ACRES, LLC, hereby AMENDS their Notice of Appeal filed on September 22,

AMENDED NOTICE OF APPEAL - 1

APP 2153

2023 appeal to orders entered on September 18, 2023 to add the underlying Order filed on September 19, 2022. Thus, the three orders from which Plaintiff appeals are as follows:

1. Order Granting Attorney's fees, September 19, 2022, attached hereto as **Exhibit 1**.
2. Order Denying Motion for Reconsideration on Attorney Fee Order entered on September 18, 2023, attached hereto as **Exhibit 2**; and
3. Order Granting Supplemental Attorney's Fees, entered on September 18, 2023, attached hereto as **Exhibit 3**.

Dated this 12th day of October, 2023.

THE LAW OFFICES OF KRISTINA WILDEVELD & ASSOCIATES,

/s/ Lisa Rasmussen

LISA A. RASMUSSEN, ESQ.

NEVADA BAR NO. 7491

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing AMENDED NOTICE OF APPEAL upon all parties participating in this Court's electronic file and serve program on this 12TH day of October, 2023, including, but not limited to the following person(s):

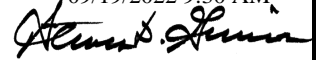
Mr. Mitchell J. Langberg, Esq. Counsel for Defendants

/s/ Lisa A. Rasmussen

LISA A. RASMUSSEN, ESQ.

Exhibit 1

Exhibit 1


CLERK OF THE COURT

1 **ORDR**

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5 FORE STARS, LTD., a Nevada Limited
6 Liability Company; 180 LAND CO., LLC; a
7 Nevada limited liability company; SEVENTY
8 ACRES, LLC, a Nevada Limited liability
9 company,

10 Plaintiff(s),

11 vs.

12 DANIEL OMERZA, DARREN BRESEE,
13 STEVE CARIA, and DOES 1 THROUGH 100,
14 Defendant(s).

Case No.: A-18-771224-C
Dept. No.: 19

15 **ORDER GRANTING DEFENDANTS' MOTION FOR ATTORNEYS'**
16 **FEES AND ADDITIONAL MONETARY RELIEF PURSUANT TO NRS**
17 **41.670 AND NRS 18.010(2)**

18 This matter came before the Court on Defendants' Motion for Attorneys' Fees and
19 Additional Monetary Relief Pursuant to NRS 41.670 and NRS 18.010(2) on March 31, 2021.
20 Thereafter, Plaintiffs filed their Notice of Appeal on May 5, 2021. The Nevada Supreme Court
21 Ordered: (1) the District Court's order granting [Defendants'] special motion to dismiss is
22 affirmed; (2) the District Court's order awarding attorney fees is vacated; and (3) the matter is
23 remanded back to the District Court to consider the Brunzell factors and make the necessary
24 findings to support the fee amount awarded.¹

25 Having considered the Motion, Opposition and Reply, all papers related thereto, oral
26 argument, and the papers and pleadings on file herein, the Court finds:

27 1. Defendants' anti-SLAPP Motion to Dismiss filed pursuant to NRS 41.635, et. seq. was
28 granted in full and all of Plaintiffs' claims were dismissed by way of the Findings of Fact,
Conclusions of Law, and Order entered on December 10, 2020;

¹ See Supreme Court Order Affirming (Docket No. 82338) and Vacating and Remanding (Docket No. 82880)
dated April 29, 2022.

Crystal Eller
District Judge

Department Nineteen
Las Vegas, NV 89155

1 2. Defendants' filed a timely motion seeking attorneys' fees and additional monetary relief
2 pursuant to NRS 41.670 and NRS 18.010(2);

3 3. Plaintiffs filed a timely opposition to the Motion and Defendants filed a timely reply;

4 4. In the Motion, Defendants seek attorneys' fees based on the Lodestar method (rate
5 multiplied by hours) in the amount of \$363,244.00.

6 5. However, once that amount is determined, a court must also consider the
7 reasonableness in light of the Brunzell factors." Id. Those factors are:

8 (1) the qualities of the advocate: his ability, his training, education, experience,
9 professional standing and skill; (2) the character of the work to be done: its difficulty, its
10 intricacy, its importance, time and skill required, the responsibility imposed and the
11 prominence and character of the parties where they affect the importance of the litigation; (3)
12 the work actually performed by the lawyer: the skill, time and attention given to the work;
13 (4) the result: whether the attorney was successful and what benefits were derived *Brunzell v.*
14 *Golden Gate Nat. Bank*, 85 Nev. 345, 349 (1969).

15 6. Defendants also seek an enhancement because Defendants' counsel agreed to prosecute
16 the anti-SLAPP motion on a contingency basis;

17 7. Defendants further seek an additional monetary award of \$10,000 per Defendant
18 pursuant to NRS 41.670;

19 8. With regard to the "Brunzell factors" Id., the Court finds as follows:

20
21 **A. Quality of the Advocate**

22 Mitchell Langberg was lead counsel on this matter who worked 182.2 hours not including
23 the Motion for Attorney Fees. His initial rate was \$655 then increased over the 2 1/2 year
24 duration of the case, by only 5% to \$690.5. Per his declaration, he graduated from the
25 University of Southern California School of Law in 1994. During his 26 years of practice, one
26 of his primary focuses has been on defamation and First Amendment litigation. He is
27 recognized by Best Lawyers in the area of Media and First Amendment Law. He is recognized
28 with a Preeminent AV rating from Martindale-Hubbell. Mr. Langberg has handled

1 approximately 50 cases involving anti-SLAPP motions representing both plaintiffs and
2 defendants.

3 Aaron Hughes assisted Mr. Langberg until he left the Brownstein firm. He worked 306.9
4 hours on this matter at a rate of \$485. According to Mr. Langberg's Declaration, Mr. Hughes
5 is a 1990 graduate from the University of California at Berkeley School of Law and is an
6 experienced trial attorney working in a broad range of areas including intellectual property,
7 securities litigation, and antitrust. Per Mr. Langberg's Declaration, Mr. Hughes is well-
8 regarded for his skills as an appellate brief writer, having prepared winning briefs to the
9 United States Supreme Court and the Colorado Supreme Court. Further, Mr. Hughes
10 performed almost all of the brief writing, up to and including the successful briefing on
11 appeal.

12 Nancy Lee assisted Mr. Langberg and Mr. Hughes with research and brief writing. She
13 worked 97 hours on this matter. Her hourly rate was \$450 until she left the firm. Ms. Lee is a
14 2004 graduate from Loyola Laws School in Los Angeles with diverse experience in a host of
15 civil litigation matters. Ms. Lee previously worked at preeminent law firms including Stroock
16 & Stroock & Lavan, Buchalter Nemer, and Loeb & Loeb.

17 The three remaining billers (Frank Schreck – 22.6 hours, Laura Langberg – 6 hours,
18 William Nobriga – 5.5 hours) worked only 5.5% of total hours billed on various tasks. Most
19 of Mr. Schreck's time was spent participating in initial client interviews and providing facts
20 regarding underlying court cases and City Council proceedings that were critical to the anti-
21 SLAPP motion.

22 Based on the experience and quality of the advocates, the hourly rates were reasonable.
23

24 **B. Character of Work to be Done**

25 The work itself implicated important First Amendment rights on issues that are of
26 immense concern in this community—including matters of regulating development and
27 resident input in that process. The anti-SLAPP statute, itself, is designed to identify meritless
28 litigation arising from the exercise of First Amendment rights. The fact the Legislature has

1 created a special procedure in these cases emphasizes the social importance of anti-SLAPP
2 litigation. Further, when taken in the context of a developer with expansive financial
3 resources attempting to silence its opposition in their attempts to have their concerns heard by
4 the City Counsel, speaks volumes about the challenges in the case. Therefore, the character of
5 work extremely significant.

6 **C. The Work Actually Performed**

7 A review of the timeline, exhibits and information submitted by defendants, shows that
8 much of the required work was necessitated by Plaintiffs' litigation strategy in the matter. The
9 complaint alleged numerous tort claims against Defendants in retaliation to their efforts to
10 garner support to oppose a development in the City Council. The record shows that Plaintiffs
11 also made efforts to force discovery while the appeal was pending, even though the anti-
12 SLAPP statute created a mandatory stay. There were several instances throughout the case
13 where the process appeared to be extended by plaintiffs, requiring more legal work and
14 corresponding increased fees. Ultimately, an objective review of all of the work performed in
15 the case, including hundreds of pages of briefs, countless cites to legal authority, extensive
16 research efforts, and more, reveals that several hundred hours of attorney time were
17 reasonably required to defend the case.

18 **D. The Result**

19 Here, the Court initially determined the anti-SLAPP statute did not bar Plaintiffs' claims.
20 Defense counsel then successfully litigated an appeal, had the decision reversed, and on
21 remand persuaded the Court that the lawsuit must be dismissed pursuant to the anti-SLAPP
22 statute. Despite the contingent nature of the fees, counsel marshalled his skills and experience,
23 and devoted the extensive time and attention required to overcome the Court's initial rulings.
24 This work and effort culminated in a successful conclusion to the case in favor of the client.
25
26
27
28

1 For the reasons stated by the Court on the record (NRCp 52(a)(3)), as well as the Court's
2 above analysis of the "Brunzell factors," the Court finds that the hourly rates and the hours
3 requested by Defendants for attorneys' fees are reasonable and that the Lodestar fees based on
4 those reasonable rates and hours are \$363,244.00.

5 9. The Court also finds that a fee enhancement, as requested by Defendants, is not
6 appropriate in this matter. Although the legal work in this case was taken on a contingent fee
7 basis, which is rare in defense of a situation, the full extent of the risk of non-payment which
8 is normally associated with contingent fees, is not present in an "anti-SLAPP" defense. Under
9 NRS 41.635 attorneys' fees must be awarded to defendant if successful on the motion. This
10 diminished the risk attorneys must typically endure when handling a contingent fee case.

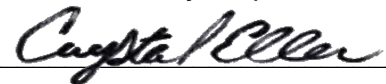
11 10. The Court also finds that an additional monetary award to Defendants pursuant to
12 NRS 41.670 is not appropriate in this matter. This additional award can be used to
13 compensate defendants who have had to endure the stress of ongoing litigation and the
14 expenditure of attorney fees. The award can also be a deterrent to plaintiffs from filing
15 lawsuits which violate the First Amendment protections. Here, however, defendants were not
16 subject to the excessive stress associated with paying attorney fees out of pocket to defend the
17 suit due to the contingent fee agreement. Further, the court does not find that Plaintiff brought
18 or maintained the case in bad faith so there is no reason to grant an additional money award to
19 deter Plaintiff.

20 Therefore, it is hereby ORDERED, ADJUDGED AND DECREED that:

- 21 1. Defendants' Motion is GRANTED; and
22 2. Plaintiffs are hereby jointly and severally ORDERED to pay to Defendants attorneys'
23 fees in the amount of \$363,244.00.
24

25 **IT IS SO ORDERED.**

26 Dated this 19th day of September, 2022

27 

28 939 DF3 9D05 5404
Crystal Eller
District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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6	Fore Stars, Ltd., Plaintiff(s)	CASE NO: A-18-771224-C
7	vs.	DEPT. NO. Department 19
8	Daniel Omerza, Defendant(s)	
9		

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22 Mitchell Langberg	mlangberg@bhfs.com
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25 Lisa Rasmussen	Lisa@Veldlaw.com

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Lisa Rasmussen

Lisa@Veldlaw.com

Exhibit 2

Exhibit 2

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Counsel for Defendants,
DANIEL OMERZA, DARREN BRESEE, and
STEVE CARIA

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
100,

Defendants,

CASE NO.: A-18-771224-C
DEPT. NO.: ~~18~~ 19

**ORDER DENYING PLAINTIFFS'
MOTION TO RECONSIDER ORDER
GRANTING ATTORNEY'S FEES POST-
REMAND**

Plaintiffs' Motion to Reconsider Order Granting Attorney's Fees Post-Remand (the
"Motion") came on for chambers hearing before this Court on June 2, 2023.

After considering the Motion, the opposition thereto, and the reply in support thereof, the
Court will deny the motion:

1. On October 3, 2022, Plaintiffs filed their Motion seeking reconsideration of this
Court's September 19, 2022, Order Granting Defendants' Motion for Attorneys' Fees and
Additional Monetary Relief Pursuant to NRS 41.670 and NRS 18.010(2) (the "Fee Motion").
2. Defendants filed their opposition to the Motion on October 17, 2022.
3. Plaintiffs filed their reply in support of the Motion on October 28, 2022.

1 4. EDCR 2.24 provides that “[n]o motions once heard and disposed of may be
2 renewed in the same cause, nor may the same matters therein embraced be reheard, unless by
3 leave of the court granted upon motion therefor, after notice of such motion to the adverse
4 parties.” “[A] court may correct a clerical mistake or a mistake arising from oversight or omission
5 whenever one is found in a judgment, order, or other part of the record.” NRCp 60(a). This may
6 be done by the court sua sponte or on a timely motion from the parties, and does not require
7 notice by the court. *Id.*

8 5. To prevail on a motion for reconsideration, the moving party must establish that
9 there was an error of law, substantially new evidence discovered, or that the Court’s decision was
10 clearly erroneous. *See Masonry & Tile Contractors Ass’n of S. Nevada v. Jolley, Urga, & Wirth,*
11 *Ltd.*, 113 Nev. 737, 741 (1997).

12 6. “A finding is ‘clearly erroneous’ when although there is evidence to support it, the
13 reviewing court on the entire evidence is left with the definite and firm conviction that a mistake
14 has been committed.” *U.S. v. Gypsum*, 333 U.S. 364, 395 (1948).

15 7. Finally, any “[p]oints or contentions not raised in the original hearing cannot be
16 maintained or considered on rehearing.” *Achrem v. Expressway Plaza Ltd. P’ship*, 112 Nev. 737,
17 742 (1996).

18 8. Plaintiffs have failed to establish that there was an error of law, substantially new
19 evidence discovered, or that the Court’s decision was clearly erroneous.

20 9. Defendants are correct in that the Nevada Supreme Court remanded this matter to
21 the District Court for the sole purpose of considering the *Brunzell* factors in granting Defendants’
22 request for attorney’s fees. Specifically, the Nevada Supreme Court Ordered, “Consistent with
23 the foregoing, we affirm the district court’s order granting respondents’ special motion to dismiss
24 in Docket No. 82338, and we vacate the order awarding attorney fees in Docket 82880, and
25 remand for the court to consider the *Brunzell* factors and make the necessary findings to support
26 the fee amount awarded.”

1 10. This Court considered the *Brunzell* factors and issued its own Order on the matter,
2 filed on September 19, 2022 [Docket #132], which articulated the factors this Court considered
3 and necessary findings to support its decision in granting Defendants’ Motion for attorney’s fees.

4 11. Plaintiffs’ new argument that reasonable fees must include fees for which the
5 Defendants are liable is not a basis for reconsideration.

6 12. The Court does not need to resolve these issues. As noted above, when an anti-
7 SLAPP motion is granted, the Court “shall award reasonable costs and attorney’s fees.” NRS
8 41.670(1)(a). The Nevada Supreme Court has repeatedly directed that application of the *Brunzell*
9 factors are the method by which a reasonable fee is determined and this Court interprets this to
10 mean that only the Brunzell factors shall be analyzed and that it shall award fees that are
11 reasonable pursuant to *Brunzell*.

12 13. Thus, whether the Court is considering:

- 13 (a) A traditional hourly arrangement;
- 14 (b) fees paid by a third party (*Macias v. Hartwell*, 55 Cal. App. 4th 669, 674-
15 75 (1997)—anti-SLAPP fees awarded even if third party, not defendant,
16 paid fee);
- 17 (c) a pro bono relationship (*See Rosenaur v. Scherer*, 88 Cal. App. 4th 260,
18 281-287 (2001), as modified (Apr. 5, 2001)—anti-SLAPP fees on pro bono
19 matter)
- 20 (d) a contingency fee arrangement (*See Ketchum v. Moses*, 24 Cal. 4th 1122,
21 1132-33 (2001) - granting fees to contingency fee counsel on anti-SLAPP
22 motion); or
- 23 (e) a contingency fee arrangement without a written agreement that could
24 somehow be challenged by third parties such as Plaintiffs (Restatement
25 (Third) of the Law Governing Lawyers § 39 (2000)—lawyer entitled to
26 reasonable fee even where there is no valid contract),

27 the Court’s task is the same: to determine and award reasonable attorneys’ fees. That is exactly
28 what the Court did.

14. Thus, there was no basis for reconsideration.

Therefore, it is hereby ORDERED that Plaintiffs' Motion to Reconsider Order Granting Attorney's Fees Post-Remand is DENIED.

Dated this 18th day of September, 2023



4FD 36E 8E78 ED4B
Crystal Eller
District Court Judge

Respectfully Submitted By:

BROWNSTEIN HYATT FARBER SCHRECK, LLP

By: /s/ Mitchell J. Langberg
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STEVE CARIA

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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4	
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6 Fore Stars, Ltd., Plaintiff(s)	CASE NO: A-18-771224-C
7 vs.	DEPT. NO. Department 19
8 Daniel Omerza, Defendant(s)	
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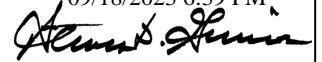
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Lisa Rasmussen	Lisa@Veldlaw.com
Lisa Rasmussen	Lisa@Veldlaw.com

Exhibit 3

Exhibit 3


CLERK OF THE COURT

ORDR

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Counsel for Defendants,
DANIEL OMERZA, DARREN BRESEE, and
STEVE CARIA

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
100,

Defendants,

CASE NO.: A-18-771224-C
DEPT. NO.: ~~11~~ 19

**ORDER GRANTING , IN PART,
DEFENDANTS' SUPPLEMENTAL
MOTION FOR ATTORNEYS' FEES; AND**

**DENYING PLAINTIFFS' MOTION FOR
LEAVE TO FILE SUR-REPLY TO
DEFENDANTS' REPLY**

Defendants' Supplemental Motion for Attorneys' Fees (the " Supplemental Fee Motion")
and Plaintiff's Motion for Leave to File Sur-Reply to Defendants' Reply.(the "Sur-Reply Motion")
came on for chambers hearing before this Court on June 2, 2023.

After considering the Supplemental Fee Motion and the Sur-Reply Motion and all of the
papers filed in support of and in opposition to the motions, the Court makes the follow order
granting the Supplemental Fee Motion, in part, and denying the Sur-Reply Motion as moot:

1. Defendants' anti-SLAPP motion under NRS 41.670 was granted and substantively
affirmed by the Nevada Supreme Court. The Nevada Supreme Court reversed the initial
attorneys' fee award for reconsideration after further consideration of the *Brunzell* factors.

- 1 2. On remand, this Court issued a fee award.
- 2 3. On November 23, 2022, Defendants filed the Supplemental Fee Motion seeking
- 3 fees for work that had not been addressed by this Court’s prior fee award, including the fees
- 4 related to the appeal.
- 5 4. Plaintiffs filed their opposition to the Supplemental Fee Motion on December 23,
- 6 2022.
- 7 5. Defendants filed their reply in support of the Supplemental Fee Motion on January
- 8 6, 2023.
- 9 6. Plaintiffs filed their Sur-Reply Motion on January 17, 2023.
- 10 7. In a case where claims have been successfully dismissed by way of an anti-SLAPP
- 11 motion, NRS 41.670(1)(a) states that a court “shall award reasonable cost and attorney’s fees to
- 12 the person against whom the action was brought.”
- 13 8. An award of additional amounts, up to \$10,000, are also permitted under NRS
- 14 41.670(1)(b).
- 15 9. Further, where *all* claims are disposed of by the motion, fees incurred that are not
- 16 directly related to the anti-SLAPP motion are recoverable. *See Goldman v. Clark Cty. Sch. Dist.*,
- 17 2020 WL 5633065, *1, *5 (Nev. Sept. 18, 2020)(affirming an award of fees and costs “because
- 18 the facts and legal arguments in the NRCP 12(b)(5) motion were intrinsically intertwined with
- 19 those in the anti-SLAPP motion”).
- 20 10. Further, such fees shall include “all reasonable fees and costs incurred from the
- 21 inception of the litigation...” *Smith v. Zilverberg*, 137 Nev. 65, 73 (2021). This means that a
- 22 prevailing defendant is entitled “to recover reasonable attorney fees and costs incurred in the
- 23 entire action, not just those incurred litigating the anti-SLAPP special motion to dismiss.” *Id.* at
- 24 75.
- 25 11. Additionally, NRS 18.010 provides for an award of attorney’s fees where: (1)
- 26 authorized by a specific statute; (2) the prevailing party has not recovered more than \$20,000; or
- 27 (3) notwithstanding the recovery sought, the court finds that a “claim, counterclaim, cross-claim
- 28

1 or third-party complaint or defense” was maintained without reasonable ground or to harass the
2 prevailing party.”

3 12. Additionally, the provisions of the statute are to be “liberally construe[d] ... in
4 favor of awarding attorney’s fees in all appropriate situations.” *Id.*

5 13. Further, such an award is also intended as a sanction to punish and deter frivolous
6 and vexatious claims, pursuant to NRCPP 11. *Id.* “[A] claim is frivolous or groundless if there is
7 no credible evidence to support it.” *Capanna v. Orth*, 134 Nev. 888, 895 (2018).

8 14. Here, an award of fees is warranted. NRS 41.670(1)(a) is abundantly clear that the
9 Court “shall award” reasonable costs and fees.

10 15. In opposition to this motion and in other papers filed with this Court, Plaintiffs
11 have repeatedly argued that no fees can be awarded under the anti-SLAPP Statute unless
12 Defendants prove that are actually liable for, or have actually paid attorneys fees, or that they
13 provide a copy of a contingency agreement. Plaintiffs argue that in the absence of evidence that
14 the work performed by defense counsel created a legal obligation for defendants to pay, no fees
15 should be awarded because “[t]his is not a contingency case; it is a pro bono case.”

16 16. The Court does not need to resolve these issues. As noted above, when an anti-
17 SLAPP motion is granted, the Court “shall award reasonable costs and attorney’s fees.” NRS
18 41.670(1)(a). The Nevada Supreme Court has repeatedly directed that application of the *Brunzell*
19 factors are the method by which a reasonable fee is determined and this Court interprets this to
20 mean that only the *Brunzell* factors shall be analyzed and that it shall award fees that are
21 reasonable pursuant to *Brunzell*.

22 17. Thus, this Court is required to consider the *Brunzell* factors in considering
23 Defendants’ request for supplemental fees in the amount of \$43,620.50 which is the *Lodestar*
24 amount (rate multiplied by hours) requested by Defendants’ counsel.

25 18. The factors are (1) the qualities of the advocate: their ability, training, education,
26 experience, professional standing and skill; (2) the character of the work to be done: its difficulty,
27 its intricacy, its importance, time and skill required, the responsibility imposed and the
28 prominence and character of the parties where they affect the importance of the litigation; (3) the

1 work actually performed by the lawyer: the skill, time and attention given to the work; (4) the
2 result: whether the attorney was successful and what benefits were derived. *Brunzell v. Golden*
3 *Gate Nat. Bank*, 85 Nev. 345, 349 (1969).

4 19. As to the quality of the advocate, Mitchell Langberg performed the majority of the
5 work for the supplemental fees requested. The Court finds, as set out in his declaration, that
6 Mitchell Langberg has been lead counsel on this matter. He graduated from the University of
7 Southern California School of Law in 1994. During his 29 years of practice, one of his primary
8 focuses has been on defamation and First Amendment litigation. He is recognized by Best
9 Lawyers in the area of Media and First Amendment Law. He is recognized with a Preeminent
10 AV rating from Martindale-Hubbell. Mr. Langberg has handled approximately 50 cases
11 involving anti-SLAPP motions (on both sides). He testified as an expert in the Nevada
12 Legislature when the current anti-SLAPP statute was debated in 2015. He has taught anti-SLAPP
13 law, including most recently as a lecturer on the subject at the Colorado Judicial Conference. As
14 further set out in Mr. Langberg's declaration, Laura Langberg briefly assisted on this case. She is
15 a 2007 J.D./M.B.A. graduate of the Boyd School of Law. She has worked with Mr. Langberg on
16 defamation cases since 2008 and has assisted with several anti-SLAPP motions and oppositions.
17 Based on these undisputed facts, this Court finds that the quality of the advocates is very high.

18 20. As to the character of the work done, as this Court has previously found in this
19 case, the work itself implicated important First Amendment rights on issues that are of immense
20 concern in this community—including matters of regulating development and resident input in
21 that process. The anti-SLAPP statute, itself, is designed to identify meritless litigation arising
22 from the exercise of First Amendment rights. The fact the Legislature has created a special
23 procedure in these cases emphasizes the social importance of anti-SLAPP litigation. Further,
24 when taken in the context of a developer with expansive financial resources attempting to silence
25 its opposition in their attempts to have their concerns heard by the City Counsel, speaks volumes
26 about the challenges in the case. Therefore, the character of work is extremely significant.

27 21. As to the work actually performed, the Court has reviewed the charges provided
28 by Defendants setting out the work performed by category. All of the work was necessitated by

1 Plaintiffs' persistent pursuit of claims seeking damages of tens of millions of dollars in the
2 Nevada Supreme Court—claims that Court has confirmed lacked all merit. Defendants' counsel
3 spent less than 60 hours to resist a motion for reconsideration, draft a settlement conference
4 statement, attend a mandatory settlement conference in person, draft an appeal brief on the
5 complicated issues in this case, and then resist yet another motion for reconsideration. The Court
6 is directly familiar with all the work that was filed with this Court and, based on the Nevada
7 Supreme Court decision and the Court's own experience, understands the work that was required
8 for the settlement conference and the appellate briefing. Defendants' efforts were successful and
9 the quality of the work was clearly very good. The number of hours requested is very reasonable
10 in light of the work performed.

11 22. As to the result, Defendants were successful. The Nevada Supreme Court
12 affirmed the substantive grant of the anti-SLAPP motion. Remand was only for this Court to
13 reconsider the amount of fees and expressly articulate the application of the *Brunzell* factors in its
14 order. And, this Court issued an award of the full fees after again considering the *Brunzell*
15 factors.

16 23. The Court finds that the rates applied by counsel for the *Lodestar* analysis are
17 reasonable. When this case began several years ago, the rate of \$655 per hour Mr. Langberg
18 applied for this matter was less than his regular billable rate. In the more than four years since
19 then, Mr. Langberg's standard billable rate has increased annually, which is common in the legal
20 community. Another Court in this district has recently approved Mr. Langberg's rate of \$825 per
21 hour on an anti-SLAPP motion. For the work that is the subject of the Supplemental Fee Motion,
22 Mr. Langberg has requested only \$700 per hour, less than 7% more than his initial rate was more
23 than four years ago. The rate applied to Mrs. Langberg's limited work was \$505.

24 24. The Court is familiar with the rates charged in this community for complex or
25 specialty litigation such as First Amendment and anti-SLAPP litigation. The Court finds that the
26 rates applied are reasonable and appropriate for the nature and quality of the work performed. In
27 fact, they are lower than some rates approved on anti-SLAPP motions in this district.
28

25. The Court also finds that the total hours requested in the Supplemental Fee Motion (58.3 hours) and the reply in support of that motion (4.6 hours) is reasonable for all of the work performed.

26. Therefore, the Court finds that total fees in the amount of \$43,620.50 are reasonable and appropriate after consideration of the *Lodestar* and *Brunzell* factors.

27. In the reply in support of the Supplemental Fee Motion, Defendants requested that the Court make a referral to Bar Counsel pursuant to Nevada Rules of Professional Conduct 3.3. The Court will deny that request.

28. Therefore, Plaintiff's Motion for Leave to File a Sur-Reply will be denied as moot.

Therefore, it is hereby ORDERED, ADJUDGED, AND DECREED that:

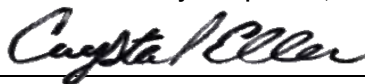
1. Defendants' Supplemental Motion for Attorneys Fees is GRANTED in part and DENIED in part;

2. Defendants request for attorneys' fees is GRANTED and Defendants are awarded supplemental attorneys' fees (in addition to fees already awarded by the Court) as against Plaintiffs, and each of them, jointly and severally, in the total amount of \$43,620.50, and Plaintiffs are hereby ORDERED to pay such fees to Defendants within 60 days unless this fee award is stayed pursuant to statute, rule, or subsequent court order;

3. Defendants' request for referral to Bar Counsel is DENIED; and

4. Plaintiff's Motion for Leave to File Sur-Reply to Defendants' Reply is DENIED as moot.

Dated this 18th day of September, 2023



DF3 253 7696 0544
Crystal Eller
District Court Judge

1 Respectfully Submitted By:

2 BROWNSTEIN HYATT FARBER SCHRECK, LLP

3
4 By: /s/ Mitchell J. Langberg

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Counsel for Defendants

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STEVE CARIA

10 Approved as to form:

11 THE LAW OFFICES OF KRISTINA WILDEVELD & ASSOCIATES

12
13 By: /s/ Lisa A. Rsmussen

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Counsel for Plaintiffs

FORE STARS, LTD., 180 LAND CO., LLC; and

SEVENTY ACRES, LLC

1 **CSERV**

2
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CLARK COUNTY, NEVADA

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7 vs.	DEPT. NO. Department 19
8 Daniel Omerza, Defendant(s)	
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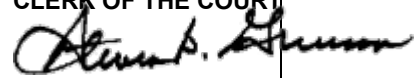
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Lisa Rasmussen	Lisa@Veldlaw.com



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

FORE STARS, LTD.,	}	CASE NO. A-18-771224-C
Plaintiff,		DEPT. NO. XIX
vs.		
DANIEL OMERZA,		
Defendant.		

BEFORE THE HONORABLE CRYSTAL ELLER, DISTRICT COURT JUDGE

WEDNESDAY, MARCH 31, 2021

RECORDER'S TRANSCRIPT OF HEARING:
DEFENDANT'S MOTION FOR ATTORNEY'S FEES AND
ADDITIONAL MONETARY RELIEF PURSUANT TO NRS 41.670 AND
NRS 18.010(2)

APPEARANCES:

For the Plaintiff: LISA A. RASMUSSEN, ESQ.,
(Appearing via video)

For the Defendant: MITCHELL J. LANGBERG, ESQ.,
(Appearing via video)

RECORDED BY: BRITTANY AMOROSO, COURT RECORDER

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Las Vegas, Nevada; Wednesday, March 31, 2021
[Hearing commenced at 9:12 a.m.]

THE CLERK: Page 1, A-18-771224-C, Fore Stars, Ltd.
versus Daniel Omerza.

THE COURT: All right. Good morning, --
MS. RASMUSSEN: Good morning, Your Honor, Lisa --

THE COURT: Go ahead. Sorry.
MS. RASMUSSEN: Lisa Rasmussen, on behalf of Plaintiff.

THE COURT: All right. Good morning, Ms. Rasmussen.
MR. LANGBERG: Good morning, Your Honor, Mitchell
Langberg, on behalf of Defendants.

THE COURT: Okay. Good morning. All right.
This is Defendant's motion for attorney's fees. I know I initially
had this set on my chamber's calendar, but this is -- it's not a
complicated issue, but it's a very important issue and we're talking about
a lot of money here, so I wanted everyone to have a chance to speak.
So thank you for your patience and thank you all for being here today for
the -- for an oral argument. I appreciate it and I wanted you to know that
I appreciate how important this is. So if, Mr. Langberg, if you would like
to begin your argument.

MR. LANGBERG: Yes, Your Honor. Thank you. And I
appreciate that you have taken the time and the acknowledgement of
the importance to everybody in this.

Before I begin my argument I would like to say -- and I'm sorry

1 that I didn't notify the Court in writing of this, but the Supreme Court on
2 March 4th issued its decision in *Smith versus Zilverberg, Z-I-L-V-E-R-B-*
3 *E-R-G*, 137 Nevada Advanced Opinion 7, where the Nevada Supreme
4 Court held in that published decision that the fees allowed on an anti-
5 SLAPP motion fee award are for the entire case and not just those fees
6 that are related to the motion itself. And so, I think that resolves at least
7 one of the issues that counsel and I were debating in our papers.

8 You know, I try hard not to regurgitate what's in our papers so
9 I -- I'll just summarize them to say having done more than fifty, I think,
10 anti-SLAPP motions in my career this was one of the most work
11 intensive ones and I've done them in very complicated cases and in very
12 high profile cases. And it was intensive, not because of the SLAPP law
13 itself, but because of the underlying issues, that were numerous.

14 Your Honor, I'm sure -- it's the first time I've had the pleasure
15 to be before this Court, and so, but I'm sure Your Honor has taken time,
16 obviously, to know that you wanted oral arguments, to review the
17 papers, so you know, Your Honor, that for the single act of distributing
18 these statements my clients were sued under various tort theories. And
19 while I'm very knowledgeable because of my experience in the anti-
20 SLAPP law itself, as you know, we have to litigate the merits of the
21 claim. And we also have to -- a lot's changed in the last 2½ years, Your
22 Honor. At the time that the anti-SLAPP motion was first argued before
23 Judge Scotti, there was probably a third or less of the anti-SLAPP
24 decisional law from the Nevada Supreme Court and we were relying on
25 out-of-state laws and/or out-of-state decisions, primarily California. And

1 the first challenge that we faced was the question that Judge Scotti, in
2 his best efforts, got wrong according to the Supreme Court, which is
3 even the applicability of the anti-SLAPP statute to these kinds of claims.

4 So the -- frankly, the Defendants were well served by the
5 expertise that we've built on anti-SLAPP law that merits the rates that
6 we charge. And I think I judiciously used frankly, very, very experienced
7 people some -- one more senior than me at lower rates to deal with the
8 substantive issues through most of the case of litigating the substance of
9 issues. So that's really the layman's version of what I tried to do more
10 articulately and more legalistically in our papers.

11 The final thing I'd like to say is I think the most important point
12 regarding the reasonableness of the fees is the comparison of the fees
13 that were charged to Plaintiffs compared to those that were charged by
14 Defendants. I think I pointed out that if you add in some of the extra
15 briefing that is necessarily incurred or -- sorry incurred -- necessarily
16 done because we were the moving parties, so I write an extra brief on
17 the anti-SLAPP and an extra brief on the appeal. If you factor those in
18 the number of hours spent on the case were almost identical without
19 even counting Ms. Elizabeth Ham. I have no idea how many hours she
20 spent and deferred from her outside counsel. And so, it would be
21 unreasonable, unfair and really inconsistent with notions of fair play and
22 substantial justice if this wealthy, powerful, developer had hired
23 attorneys at high rates to spend lots and lots of hours, but then
24 complains that the people who were defending the claim used basically
25 equivalent -- I acknowledge my rate was a little bit higher; my

1 colleague's rates were a little bit lower -- used these equivalent
2 attorneys working the equivalent hours. He created this mess. He not
3 only has to pay his counsel, but he has to pay the other side's counsel
4 and he ought not to be able to complain that we were using equivalent
5 people. That's in sum. I can answer any questions the Court might
6 have, but that's my summary, Your Honor.

7 THE COURT: Okay. I don't have any questions just yet. All
8 right, Ms. Rasmussen.

9 MS. RASMUSSEN: Thank you, Your Honor.

10 So I want to just give the Court some background here. The
11 statements that the Defendants made to the City were false. And the
12 statements that they solicited from other homeowners were false. They
13 weren't sued for defamation; they were sued for intentional interference
14 with prospective economic contracts and other torts, which is what made
15 this case a little more difficult and a little more complicated than an
16 ordinary defamation SLAPP context.

17 Mr. Langberg seems to be making something of the fact that
18 he's an expert in this. I've also done anti-SLAPP litigation. None of this
19 was new to me and I honestly don't think that it was new to Mr.
20 Jimmerson, who's my predecessor counsel for Plaintiffs. So this
21 concept of expertise and bringing expertise to the table is, I think, it's a
22 little bit lost on me. I don't know if it's lost on the Court, but the
23 statements themselves were false and that's why the litigation was
24 brought. They responded with the anti-SLAPP motion which is
25 obviously their right per the statute.

1 The underlying discovery, however, metes out that it's Mr.
2 Schreck himself, who solicited the homeowners to then circulate the
3 statements; to gather these signatures that were making false
4 statements from the various homeowners to present to the City council.
5 Mr. Schreck wasn't named in the lawsuit. However, when the three
6 homeowners that we identified through just -- one of them actually
7 approached the principal of my client's business and asked him to sign
8 it, and he said, do you know that I own the companies that are trying to
9 develop. That's how we identified the homeowners that were doing it
10 and they were sued, but Mr. Schreck wasn't because we didn't know at
11 the time that Mr. Schreck was essentially soliciting these false
12 statements and signatures.

13 Discovery later ferreted that out. Now Mr. Schreck is
14 defending these homeowners that were sued and his firm is seeking an
15 order for \$700,000 in attorney fees from this Court. And I think the Court
16 needs to understand that dynamic first in order to understand what's
17 appropriate here. So it's Mr. Schreck who created the problem and now
18 is seeking an order of \$700,000 in attorney fees for defending the
19 people who got sued when he in fact appears to have directed them to
20 go out and solicit these false statements.

21 As to the merits of the attorney fee award, there's no
22 equivalent even if you compare hourly rates. Mr. Langberg directs you
23 to hourly rates and the fact that there's not that much difference between
24 them. The truth is, Plaintiff's counsel accomplished all of the same
25 things and engaged in the same litigation and incurred \$132,000 in

1 attorney fees and they're asking you to give them \$700,000 in attorney
2 fees. In -- Ms. Ham is general counsel for the companies that I
3 represent. She did not participate in the litigation, other than having
4 what you would call ordinary communications as the contact person.
5 Mr. Jimmerson first did the work, then I took over and completed it. All
6 of that was accomplished for the \$132,000 that we stated, and that is the
7 whole case. We note that it does include -- I don't think that we made
8 that big of a deal out of saying it's just for the motion although in many
9 cases that is the case. These are the fees for everything. These are the
10 fees for responding to their anti-SLAPP motion, having hearings, doing
11 the appeal, coming back, having further hearings, this is all of it. So I
12 disagree with their premise even that half of that is an appropriate award
13 of attorney fees. And just -- I just want to give you some comparison
14 because I've done these SLAPP cases too.

15 In one of the Federal cases that I had the Defendants filed a
16 SLAPP motion, they prevailed.

17 MR. LANGBERG: Wait, Your Honor, I have to interject.

18 MS. RASMUSSEN: An anti-SLAPP --

19 MR. LANGBERG: I'm sorry, Your Honor, I'm hearing stuff
20 that's not in any brief or declaration --

21 MS. RASMUSSEN: Well, I'm giving the Court some --

22 MR. LANGBERG: -- and that's not --

23 MS. RASMUSSEN: -- I'm giving the Court some --

24 MR. LANGBERG: Your Honor, --

25 MS. RASMUSSEN: -- some comparison, and I think that you

1 can respond to it if you'd like.

2 THE COURT: I'm going --

3 MS. RASMUSSEN: Most --

4 THE COURT: -- I'm going to allow --

5 MS. RASMUSSEN: -- because you -- you brought that up.

6 THE COURT: -- her to continue. It's not evidence. It's just
7 information, so let's, you know, I'm going to let you speak again as well.
8 Go ahead.

9 MS. RASMUSSEN: Thank you, Your Honor.

10 MR. LANGBERG: Thank you, Your Honor.

11 MS. RASMUSSEN: So in a normal case, which I think you
12 know, Mr. Langberg is saying this is an abnormal case and I don't
13 disagree with that because this went to the Supreme Court and it came
14 back and then we had further litigation. In a normal case you'd see
15 applications for attorney fees of \$30,000 or \$40,000 or something like
16 that because they had this litigation on the motion to dismiss, the special
17 motion to dismiss under the SLAPP -- anti-SLAPP statute. And then you
18 would see a court award probably something less than that. That's the
19 normal scenario than what Defendant's counsel were asking for. This
20 case is more extended. There's no doubt about that. It went to the
21 Supreme Court, it came back. All of the fees that we're talking about in
22 the pleadings encompass and include all of that litigation. They include
23 everything except this litigation, this hearing here today, the motions to --
24 the motion for attorney fees and the substantial litigation that we've done
25 in response to that.

1 But those fees still incurred by Plaintiffs are much, much, less,
2 less than half of what Defendants are asking you to award. So I think
3 the Court can consider that there has been protracted litigation in an
4 award of attorney fees, but the Court is still required to award only
5 reasonable attorney fees. We went through and itemized as we're
6 required to do in opposition to any attorney fee motion. The -- whether
7 the fees were reasonable and whether they were necessary and as we
8 -- and I don't really think I need to go through how we parsed much of
9 that out, but they had people doing repetitive tasks. And the bottom line
10 at the end of the day is these Defendants have not paid a dime for their
11 lawyer.

12 Mr. Schreck's firm has taken on the defense on what he says
13 is a contingency basis, so none of the Defendants have actually incurred
14 a cost. They've not been required to pay anything. This is just Mr.
15 Schreck's firm hoping that he can get a windfall of \$700,000 all of which
16 will go to his firm, none of which will go to the Defendants for an issue
17 that he created in the first instance. And that's the most important thing
18 for the Court to remember in this scenario, because in a normal scenario
19 the Defendants would actually have hired counsel and would have paid
20 money out of their pocket to defend themselves in this case. We don't
21 have that here. We have Mr. Schreck saying, oh, we'll do it for you and
22 we'll seek our own attorney fees.

23 So is there a value to Mr. Langberg's time? Of course,
24 because Mr. Langberg was undoubtedly working on this case when he
25 could have been working on other cases. Is this a situation where Mr.

1 Schreck created a problem because of his own conduct? Absolutely.
2 So I think the Court needs to consider all of those factors in devising an
3 appropriate award of attorney fees under the statute. And I think that we
4 put it in the briefing, but I don't, you know, the statute does allow for a
5 payment of \$10,000 and I don't think that that's appropriate given the
6 substantial amount of money and the fact that the Defendants have not
7 paid anything out of their pocket in this case. Thank you, Your Honor.

8 THE COURT: Okay. Thank you. Mr. Langberg, anything
9 further?

10 MR. LANGBERG: Yes, Your Honor. So in the first instance,
11 some of what you heard is either false or there's no evidence of it. The
12 -- whether my clients said anything that was false is -- continues to be
13 disputed. I don't think they said anything false. The Court didn't say
14 they said anything false. We don't need to get that far. Everything
15 you've heard about Mr. Schreck's involvement isn't before the Court.
16 The facts aren't before the Court. The interpretation is not accurate and
17 in any event, it has nothing to do with this motion. This motion is what is
18 a reasonable fee for the work in the case and we have guidance about
19 how you determine a reasonable fee.

20 Let me just say, since counsel's provided examples, I will tell
21 you the most recent example of a case on which I am working was in
22 Federal District Court in a judgment issued on March 17th of this year,
23 *Gunn versus Drage*. I was not the lead counsel. If the Court wants the
24 case number I can provide it, but Judge Mahan issued \$385,000 roughly
25 of attorney's fees in a case where there was no appeal. I could tell Your

1 Honor about a case, unfortunately, I was on the wrong side of an anti-
2 SLAPP motion for Mr. Wynn against a gentleman named James
3 Chanos, where the attorney's fees award was \$700,000 albeit it was a
4 California case, so I would recognize that the rates were higher in that
5 case.

6 So this comparison of case-to-case without comparing the
7 actual facts isn't particularly relevant. I think what the Court has to -- is
8 supposed to do under cases including *Brunzell* and its progeny is to
9 decide whether -- is to start with the Lodestar method. Are the rates
10 reasonable? We haven't heard anything to suggest the rates weren't
11 reasonable. I don't think that it would be appropriate to determine if the
12 rates weren't reasonable in light of counsel's admitted normal rate
13 before discounts and Mr. Jimmerson's rate and the rate of my
14 colleagues. Were the number of hours reasonable? We've identified
15 those. We've set them out task by task, Your Honor. There wasn't any
16 attack on any particular task, like this is too many hours. I think it's
17 because the number of hours spent, again, pair up when you add in the
18 extra briefing we were required to do.

19 By the way, the statement about Ms. Ham is absolutely false.
20 She took -- she took parts of depositions in this case, she is not just
21 outside counsel monitoring. The billing statements they submitted to
22 you show that she was working on briefs. So I don't know how many
23 hours she spent, but it wasn't zero or just what outside counsel does. In
24 any event, once you decide the reasonable rates and the reasonable
25 hours that gives you the Lodestar, and the question is, should there be

1 an enhancement? And both the cases cited in our reply brief and the
2 State Bar rule on a reasonable fee tells the Court that in deciding
3 whether to enhance, one of the things the Court does is decide whether
4 the case was fixed or contingent.

5 Now, since we're not sticking to the record what I'll say, Your
6 Honor, is that the case as presented to me, seemed relatively straight
7 forward on the anti-SLAPP, on the very issues that ultimately the
8 Supreme Court and then the prior Judge issued the decision on. We did
9 not anticipate that it would take this long and go through this many
10 iterations in order to do it. We wouldn't have taken -- I would not have
11 taken this case on a contingency basis. I expected an anti-SLAPP
12 motion that we would prevail on or if we lost on it then we would
13 negotiate the defense of the case if we were going to defend the case.
14 But it was not [indiscernible] me, and I don't think within the realm of
15 ethics to take the anti-SLAPP motion on a contingency basis and then
16 have it have to go through this rigmarole and abandon the client --
17 clients on that. That's what's going on here.

18 So this discussion about Mr. Schreck's involvement which is
19 inaccurate in the way that it's represented isn't relevant. Rate times,
20 hours that are reasonable and then whether there should be an
21 enhancement, because, Your Honor, my firm, which is more than Mr.
22 Schreck, my firm, which candidly has a committee of people that you
23 need to pitch to before you can take a case on a contingency basis, put
24 itself at risk. I, Your Honor, put myself at risk. I, you know, I candidly -- I
25 envy people and wish I were brave enough to open up my own shop, but

1 there's lots of reasons why I haven't, but I answer to people. So this
2 firm, this attorney, were at risk in this case, more so than we anticipated
3 and because of the way Plaintiff's litigated this case, which the record is
4 clear. This was not -- this was not a simple motion. There was a lot of
5 stuff that the Plaintiffs did that frankly wasn't appropriate. We deserve
6 the fees for the work we did. We deserve an enhancement because we
7 were at risk. Thank you, Your Honor.

8 THE COURT: Okay. You said there was a second thing
9 under the enhancement analysis, so I -- that was one of the questions I
10 had for you. So you've explained whether it was fixed or contingent. Is
11 there anything else you want me to consider under why your clients
12 would be entitled to this enhancement?

13 MR. LANGBERG: Not that occurs to me at this moment, Your
14 Honor, the fact that it's -- the fact that it was contingent. The fact that we
15 may have got zero dollars of fees --

16 THE COURT: Mm-hmm.

17 MR. LANGBERG: -- if they had successfully opposed the
18 anti-SLAPP motion and the fact that the Nevada Supreme Court has
19 recognized the appropriateness of an enhancement in contingency
20 matters, I think is all that I intended to highlight.

21 THE COURT: Okay. Now with regard to the 10,000 for each
22 Defendant that our statute allows for, which is interesting that it's
23 different than from the California statutes. But clearly our legislators
24 anticipated that they wanted to compensate defendants for what they
25 have to go through, you know, during litigation. I mean, nobody wants to

1 be in litigation. So it -- I don't know if it was because obviously they're
2 getting all their attorney's fees back had they had to pay any. Why
3 should they get the 10,000? They didn't risk any money. They didn't
4 have to pay, you know, your firm.

5 MR. LANGBERG: Your Honor, I think you're right. The
6 Legislature have -- frankly having been involved in the discussions in the
7 legislature. The Legislature recognized that attorney's fees kind of make
8 them -- even clients who are paying and not on a contingent basis make
9 them whole for their out-of-pocket expenses for defending, but the
10 Legislature clearly, you know, I'm -- sometimes I'm on the other side of
11 this and I don't like it. But the Legislature clearly intended to
12 compensate people in appropriate cases for what they've been put
13 through for having had a, by definition, meritless lawsuit filed against
14 them for the exercise of their First Amendment rights of free speech or
15 to petition.

16 And in this -- if any case -- this is an appropriate case because
17 they weren't just put at risk for, you know, the period of time of a quick
18 motion, right, Your Honor? The statute anticipates that these motions
19 will be quickly resolved and that appropriate cases will be quickly
20 dismissed. But these Defendants were put through the lawsuits. They
21 were put through the motion. They were put through the delay of appeal
22 and they were subjected to discovery which is only allowed in extreme
23 cases. And so for all those reasons, they deserve some compensation
24 as authorized by the statute for having endured that.

25 THE COURT: Okay. I'll --

1 MR. LANGBERG: I would like to correct one thing though,
2 Your Honor. I said that they should receive \$10,000 each per Plaintiff. I
3 don't think that's right. Each Defendant is entitled to a separate up to
4 \$10,000, but I -- but as I read the statute and I read the *Smith* case that
5 came out, I think that they get \$10,000 each total, not from each Plaintiff.

6 THE COURT: I agree. Okay. So Ms. Rasmussen, can you
7 speak to what -- we'll go in reverse because we're already talking about
8 the 10,000 award for the Defendants. Tell me what your thoughts are
9 on that.

10 MS. RASMUSSEN: So here's my thoughts on it, and I -- and
11 I'm well familiar with the legislative history on this. The \$10,000 comes
12 as the -- it's an ability that the Court has to penalize the plaintiff where a
13 plaintiff has brought a case that it knew or should have known was not --
14 had -- didn't have merit. So if a case doesn't have merit and a plaintiff
15 should have known that the case didn't have merit, the plaintiff should
16 not have filed the lawsuit. The \$10,000 is a tool that the Court can
17 impose to penalize a plaintiff beyond -- or a non-prevailing party. It's not
18 always the plaintiff because there could be a counter-claim -- to penalize
19 the non-prevailing party for bringing the action and I think that -- I've
20 frankly never seen the \$10,000 applied in any of the cases that I've dealt
21 with. I've always seen it requested. I've never seen it applied. In a
22 case like this where there are substantial -- there's -- the ask here is
23 \$700,000 and these Defendant's didn't pay any money out of pocket.

24 Mr. Langberg wants to characterize this case as meritless, but
25 it's not meritless. It's whether or not -- and the issues are going up on

1 appeal because this Court knows that. There is an appeal pending
2 obviously based on the motion for reconsideration, which the Court has
3 addressed. It's whether or not -- it all hinges on whether or not these
4 Defendants had a good faith belief that the statements they were making
5 at the time were accurate. And so the statements are false. Like there's
6 no dispute about that and I don't know why Mr. Langberg says there's a
7 dispute. His whole thing throughout all this litigation has been whether
8 or not they believed at the time they made the statements that the
9 statements were accurate, and so, that's really the gist of it. And so for
10 this Court to decide whether it should impose \$10,000 additional on top
11 of the attorney fees on this kind of narrow issue I think is inappropriate.

12 I'm sure Mr. Langberg will tell you that, you know, the Court
13 does impose that 10,000 in some of the cases that he's had. I've never
14 seen it. I've not seen it at all and I -- it's a penalty essentially. It's there
15 -- it exists as a penalty to deter a plaintiff from suing people when a
16 plaintiff should not sue people. It's to punish people. It's there as a
17 penalty. I don't think it's appropriate under the circumstances of this
18 case.

19 THE COURT: Okay. And then on the enhancement,
20 Lodestar enhancement?

21 MS. RASMUSSEN: On the Lodestar enhancement I feel like
22 we fully briefed that.

23 THE COURT: Mm-hmm.

24 MS. RASMUSSEN: So I disagree with Mr. Langberg on the
25 enhancement on the -- for the contingency fee risk that his firm took on.

1 First of all, these are Defendants. I don't even know that it's
2 addible to take on a defense in a case on a contingency fee basis where
3 you're not making a counter-claim. I didn't even address that and I'm
4 not trying to cast dispersions on Mr. Langberg, who frankly, I have
5 worked well with throughout this case. We have had, despite our
6 oppositions on the issues, a good working relationship. But frankly,
7 nobody takes a defense of a case on contingency. It happened in this
8 case because of the relationship with Mr. Schreck and these Defendants
9 who all happen to own property at Queen's Ridge and they all have a
10 common interest in fighting this developer. But, you know, when Mr.
11 Langberg refers to my client as a very wealthy developer, my client still
12 has not developed anything. So my -- or been able to develop anything
13 because of this litigation, other litigation that's pending. You know,
14 you're talking about two actually, frankly, if you want to describe my
15 client as very wealthy, so is Mr. Schreck. Mr. Schreck is a very wealthy
16 and powerful man. Mr. Schreck took this case on contingency because
17 of his relationship with these homeowners and because of his
18 relationship and because the communications he had with them in
19 soliciting these statements, that as it so happens, are false.

20 So, I don't think that any Lodestar enhancement is appropriate
21 under the circumstances of this case.

22 THE COURT: All right. All right, Mr. Langberg, is there
23 anything else you want to add?

24 MR. LANGBERG: Just two things, Your Honor. One is I will
25 provide you with this reference because Judge Mahan in this case

1 where I told you I'm not lead counsel awarded an enhancement where
2 the case was not contingent, but because of the nature of the action. So
3 this is the case of *Gunn versus Drage*, D-R-A-G-E, and I can send the
4 Court the opinion or if the Court wants to look on Pacer the case number
5 is 2:19-CV-02102. There's an enhancement in that case, not
6 contingent. We cited California cases where enhancements were given
7 on contingent cases, so at least it's not unethical in California to do
8 these cases on a contingency basis.

9 And in the *Smith* case which I cited, Your Honor, the March 4th
10 case from the Supreme Court, that's a case where the District Court had
11 awarded \$10,000, so now Ms. Rasmussen has seen at least one, I know
12 there are more. And the last thing, Your Honor, is I took this case on a
13 contingency. Mr. Schreck didn't take this case on a contingency. He
14 wasn't even involved in that decision. So, that's all, Your Honor.

15 THE COURT: Okay. All right. One of the Plaintiffs -- I want
16 you to both know also that I read everything very carefully, numerous
17 times.

18 MR. LANGBERG: Thank you.

19 THE COURT: There's a lot of detail. So one of the main
20 items of contention on the Plaintiff's argument, specifically, individually
21 going you know, almost line-by-line on the fees was that so many of
22 them were not directly for the anti-SLAPP motion. So I just want to put
23 that argument to bed. Even without the new case from March 4th this
24 morning, it's my determination that in Nevada if the anti-SLAPP is
25 successful and the entire case is dismissed that the award of attorney

1 fees under the anti-SLAPP statute covers all the work done on the entire
2 case if it's related in any way to dismissing the case under the anti-
3 SLAPP statute. And in this case based on my review, even though it
4 was such a long case, and even though it went up on appeal and back
5 down and now it's up there again, all of it is related, even the discovery
6 is related to this anti-SLAPP motion. So, none of the fees are going to
7 be excluded because of that.

8 So let's see. Regarding the Lodestar, I find that a Lodestar
9 enhancement is not appropriate in this case. I don't think it's
10 inappropriate or unethical to take an anti-SLAPP case on a contingent
11 basis because of the nature of an anti-SLAPP case. It says, the statute
12 says, you shall be awarded attorney's fees if you win the motion. So it
13 makes sense that even though it's a Defense motion that a law firm
14 would take it on a contingency basis. This is a rare case where a law
15 firm would be incentivized to take a case, a defense of a case, on a
16 contingency basis.

17 However, Mr. -- I want to make sure -- Mr. Langberg, sorry.

18 MR. LANGBERG: Yes. No problem, Your Honor.

19 THE COURT: I hate to get names wrong, so even though I
20 know it in my head, I double check, okay. So Mr. Langberg, you
21 admitted that when you first took on the case you thought it was going to
22 be, you know, a basic certainly not simple, but a basic anti-SLAPP case,
23 and that's the nature of contingency. You know, when you took this on
24 you weren't initially planning on taking the risk that you ultimately took,
25 but that was your decision, and once you're in the case you can't

1 abandon the clients. So that was a business decision that you made
2 that I don't think the Plaintiffs need to pay for.

3 In addition to the fact that Mr. Schreck is involved, he is one of
4 the owners of the firm and he had a -- received a benefit outside of the
5 normal attorney's fees benefit. So there's a benefit here to him as a
6 homeowner to be -- have his firm involved in this case. So just under
7 the strict facts of this case, based on those two things, and just the
8 overall facts of the case, I do not think a Lodestar enhancement is
9 appropriate here.

10 With regard to the \$10,000, essentially for the same reasons, I
11 don't think the \$10,000 award is -- I believe that both of your arguments
12 are true. I think that the \$10,000 that goes to the winning client, the
13 individual Defendants, is both to compensate them for the -- for lack of a
14 better word, stress and emotional suffering they've gone through
15 throughout the lawsuit not knowing if they're going to win. But part of
16 that stress often includes paying attorney fees along the way not
17 knowing if you're going to get them back, which didn't happen -- have to
18 happen in this case. And I think it's also for punishment, and although I
19 haven't been involved in the case in the beginning, like I said, I've been
20 reading and I'm not seeing a case here where Plaintiff's -- I feel like they
21 did -- walked into this knowing that this was some sort of a questionable
22 lawsuit and filed it anyway to try to have an outcome based on litigation
23 that they wouldn't normally get. So I'm not finding that here. So
24 because I think the statute is to both compensate and penalize I don't
25 think either of those apply, so I'm not awarding the 10,000 per

1 Defendant.

2 However, the statute does require that I award attorney's fees.
3 I reviewed the billing and based on my initial comments that we're not
4 going to exclude anything and we're not going to limit them to only work
5 that was directly on the anti-SLAPP motion. I'm awarding the entire
6 amount of attorney's fees requested and the initial without the Lodestar
7 enhancement which is \$339,777.

8 Under the circumstances with how long this case took, with
9 how much work went into it, how much expertise went into it, noting the
10 normal rates of attorneys with this type of expertise and this type of law,
11 I don't find it unreasonable the initial amount asked for prior to Lodestar
12 calculations. So, let's see here, Mr. Langberg, will you draft the order,
13 please?

14 MR. LANGBERG: I will. May I ask a question --

15 THE COURT: Sure.

16 MR. LANGBERG: -- regarding the amounts, Your Honor? In
17 our opposition we noted that since the filing of the motion we had to deal
18 with the motion for reconsideration which was denied twice and we
19 identified additional fees. Do you want a separate fee motion for that
20 work?

21 THE COURT: No. I'm sorry, your right, and I had that in my
22 notes and I left it out. The -- also you're being awarded fees of 23,467
23 for work on this motion that's in front of the Court now and opposition to
24 Plaintiff's motion for reconsideration. So those are being awarded as
25 well. Sorry I left that out.

1 MR. LANGBERG: Thank you, Your Honor.

2 THE COURT: Thank you for calling that to my attention.

3 MR. LANGBERG: No problem. Thank you, Your Honor.

4 MS. RASMUSSEN: Okay. So and just so I can be sure.

5 Okay, so we've got the 339,777 plus the 23,467, I'm doing the math on

6 my calculator for a total of 36 --

7 THE COURT: Oops. I lost you.

8 MR. LANGBERG: She cut out on me, Your Honor, as well.

9 THE COURT: I know. Did you add it up Mr. Langberg?

10 MR. LANGBERG: I didn't, but I will.

11 THE COURT: I have my law clerk adding it as well so we can

12 all come to an agreement.

13 MR. LANGBERG: Okay. That's fair, Your Honor.

14 [Colloquy between the Court and Law Clerk]

15 THE COURT: All right. I have 363,244.

16 MS. RASMUSSEN: That's what I have as well.

17 MR. LANGBERG: I will -- I'll take the word of your combined

18 words.

19 THE COURT: Okay. Good --

20 MR. LANGBERG: Ms. Rasmussen and Your Honor.

21 THE COURT: -- cause I was going to have to do the

22 Jeopardy music and I didn't want -- you don't want to hear me do that.

23 All right. Thank you both very much. I know there are other

24 lawsuits regarding this situation going on and take care. This is --

25 MR. LANGBERG: Thank you, Your Honor.

1 MS. RASMUSSEN: Thank you so much, Your Honor. I know
2 you -- we -- I also appreciate the time that you've taken on this. I know
3 it's a complex issue and I appreciate it.

4 THE COURT: Thank you both very much.

5 MR. LANGBERG: Yeah, especially coming --

6 THE COURT: Pardon?

7 MR. LANGBERG: -- coming in on the back end. I think I
8 speak for Ms. Rasmussen too. We know that coming in on the back end
9 of this thing must have been very difficult when it came to assessing the
10 value of the work or -- and everything. So thank you for your efforts.

11 THE COURT: Oh, your welcome. And I have to give a kudos
12 to my law clerk because he's the same law clerk that was here with
13 Judge Scotti, so he's been very helpful.

14 MR. LANGBERG: Well, thank you to him as well.

15 THE COURT: All right. Thank you.

16 MR. LANGBERG: All right. Thank you.

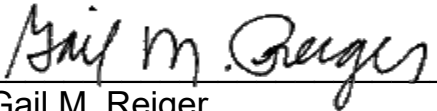
17 THE COURT: All right. Bye-bye.

18 MS. RASMUSSEN: Okay. Bye.

19 [Hearing concluded at 9:52 a.m.]

20 * * * * *

21 ATTEST: I do hereby certify that I have truly and correctly transcribed
22 the audio/video proceedings in the above-entitled case to the best of my
23 ability.

24 
Gail M. Reiger
Court Recorder/Transcriber

Case Information

A-18-771224-C | Fore Stars Ltd, Plaintiff(s) vs. Daniel Omerza, Defendant(s)

Case Number	Court	Judicial Officer
A-18-771224-C	Department 19	Eller, Crystal
File Date	Case Type	Case Status
03/15/2018	Other Civil Matters	Dismissed

Party

Plaintiff	Active Attorneys ▼
Fore Stars Ltd	Lead Attorney
	Rasmussen, Lisa A.
Address	Retained
1215 South Fort Apache Road	
Suite 120	Attorney
Las Vegas NV 89117	Ghanem, Elizabeth M.
	Retained
	Inactive Attorneys ▼
	Attorney
	Jimmerson, James Joseph, ESQ
	Retained
	Attorney
	Jimmerson, James M.
	Retained
	Attorney
	Jimmerson, James M.
	Retained

Plaintiff	Active Attorneys ▼
Seventy Acres LLC	Lead Attorney
Address	Rasmussen, Lisa A.
	APP 2203

1215 South Fort Apache Road
Suite 120
Las Vegas NV 89117

Retained

Attorney
Ghanem, Elizabeth M.
Retained

Inactive Attorneys ▼

Attorney
Jimmerson, James Joseph, ESQ
Retained

Attorney
Jimmerson, James M.
Retained

Attorney
Jimmerson, James M.
Retained

Plaintiff
180 Land Co LLC

Address
1215 South Fort Apache Road
Suite 120
Las Vegas NV 89117

Active Attorneys ▼

Lead Attorney
Rasmussen, Lisa A.
Retained

Attorney
Ghanem, Elizabeth M.
Retained

Inactive Attorneys ▼

Attorney
Jimmerson, James Joseph, ESQ
Retained

Attorney
Jimmerson, James M.
Retained

Attorney
Jimmerson, James M.
Retained

Defendant
Omerza, Daniel

Address
800 Petit Chalet Court
Las Vegas NV 89145

Active Attorneys ▼
Lead Attorney
Langberg, Mitchell J.
Retained

Defendant
Caria, Steve

Active Attorneys ▼
Lead Attorney
Langberg, Mitchell J.
Retained

Defendant
Bresee, Darren

Active Attorneys ▼
Lead Attorney
Langberg, Mitchell J.
Retained

Disposition Events

04/01/2020 Judgment ▼

Judicial Officer
Scotti, Richard F.

Judgment Type
Clerk's Certificate

Monetary Judgment

Debtors: Daniel Omerza (Defendant), Steve Caria (Defendant), Darren Bresee (Defendant)

Creditors: Seventy Acres LLC (Plaintiff), 180 Land Co LLC (Plaintiff)

Judgment: 04/01/2020 **Docketed:** 04/02/2020

Comment: Supreme Court No. 76273; Denied

12/10/2020 Judgment ▼

Judicial Officer
Scotti, Richard F.

Judgment Type
Order of Dismissal

Monetary Judgment

Debtors: Fore Stars Ltd (Plaintiff), Seventy Acres LLC (Plaintiff), 180 Land Co LLC (Plaintiff)

Creditors: Daniel Omerza (Defendant), Steve Caria (Defendant), Darren Bresee (Defendant)

Judgment: 12/10/2020 Docketed: 12/11/2020

Comment: Certain Claims

04/16/2021 Judgment ▼

Judicial Officer
Eller, Crystal

Judgment Type
Order

Monetary Judgment

Debtors: Fore Stars Ltd (Plaintiff), Seventy Acres LLC (Plaintiff), 180 Land Co LLC (Plaintiff)

Creditors: Daniel Omerza (Defendant), Steve Caria (Defendant), Darren Bresee (Defendant)

Judgment: 04/16/2021 Docketed: 04/19/2021

Total Judgment: \$363,244.00

05/25/2022 Judgment ▼

Judicial Officer
Eller, Crystal

Judgment Type
Clerk's Certificate

Monetary Judgment

Debtors: Fore Stars Ltd (Plaintiff), Seventy Acres LLC (Plaintiff), 180 Land Co LLC (Plaintiff)

Creditors: Daniel Omerza (Defendant), Steve Caria (Defendant), Darren Bresee (Defendant)

Judgment: 05/25/2022 Docketed: 05/25/2022

Comment: Supreme Court No. 82338 Appeal Affirmed; Docket 828880 Vacated

09/19/2022 Judgment ▼

Judicial Officer

Eller, Crystal

Judgment Type

Order

Monetary Judgment

Debtors: Fore Stars Ltd (Plaintiff), Seventy Acres LLC (Plaintiff), 180 Land Co LLC (Plaintiff)

Creditors: Daniel Omerza (Defendant), Steve Caria (Defendant), Darren Bresee (Defendant)

Judgment: 09/19/2022 Docketed: 09/20/2022

Total Judgment: \$363,244.00

03/08/2023 Judgment ▼

Judicial Officer

Eller, Crystal

Judgment Type

Clerk's Certificate

Monetary Judgment

Debtors: Fore Stars Ltd (Plaintiff), Seventy Acres LLC (Plaintiff), 180 Land Co LLC (Plaintiff)

Creditors: Daniel Omerza (Defendant), Steve Caria (Defendant), Darren Bresee (Defendant)

Judgment: 03/08/2023 Docketed: 03/10/2023

Comment: Supreme Court NO 85542 - "APPEAL DISMISSED"

09/18/2023 Judgment ▼

Judicial Officer

Eller, Crystal

Judgment Type

Judgment for Attorney's Fees

Monetary Judgment

Debtors: Fore Stars Ltd (Plaintiff), Seventy Acres LLC (Plaintiff), 180 Land Co LLC (Plaintiff)

Creditors: Daniel Omerza (Defendant), Steve Caria (Defendant), Darren Bresee (Defendant)

Judgment: 09/18/2023 Docketed: 09/20/2023

Total Judgment: \$43,620.50

Comment: Defendants are awarded supplemental attorneys fees (in addition to fees already awarded by the Court) as against Plaintiffs, and each of them, jointly and severally.

Events and Hearings

03/15/2018 Initial Appearance Fee Disclosure ▼

Initial Appearance Fee Disclosure - IAFD (CIV)

Comment

[1] Initial Appearance Fee Disclosure

03/15/2018 Complaint ▼

Complaint - COMP (CIV)

Comment

[2] Complaint

03/16/2018 Summons Electronically Issued - Service Pending ▼

Comment

[3] Summons

03/16/2018 Summons Electronically Issued - Service Pending ▼

Comment
[4] Summons

03/16/2018 Summons Electronically Issued - Service Pending ▼

Comment
[5] Summons

03/26/2018 Affidavit of Service ▼

Affidavit of Service - AOS (CIV)

Comment
[6] Affidavit of Service

03/26/2018 Summons ▼

Summons - SUMM (CIV)

Comment
[7] Summons

03/26/2018 Summons ▼

Summons - SUMM (CIV)

Comment
[8] Summons

03/26/2018 Summons ▼

Summons - SUMM (CIV)

Comment
[9] Summons

03/27/2018 Affidavit of Service ▼

Affidavit of Service - AOS (CIV)

Comment
[10] Affidavit of Service

03/27/2018 Affidavit of Service ▼

Affidavit of Service - AOS (CIV)

Comment
[11] Affidavit of Service

04/06/2018 Notice of Appearance ▼

Notice of Appearance - NOTA (CIV)

Comment
[12] Notice of Appearance

04/06/2018 Initial Appearance Fee Disclosure ▼

Initial Appearance Fee Disclosure - IAFD (CIV)

Comment
[13] Initial Appearance Fee Disclosure

04/13/2018 Request for Judicial Notice ▼

Request for Judicial Notice - RFJN (CIV)

Comment
[14] 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)

04/13/2018 Motion to Dismiss ▼

Motion to Dismiss - MDSM (CIV)

Comment
[15] Defendants' Motion to Dismiss Pursuant to NRCP 12(b)(5)

04/13/2018 Motion ▼

Motion - MOT (CIV)

Comment
[17] Defendants' Special Motion to Dismiss (Anti-SLAPP Motion) Plaintiffs' Complaint Pursuant to NRS 41.635 et. seq.

04/16/2018 Minute Order ▼

Minute Order

Judicial Officer
Kishner, Joanna S.

Hearing Time
1:00 PM

Result
Minute Order - No Hearing Held

04/17/2018 Notice of Department Reassignment ▼

Notice of Department Reassignment - NODR (CIV)

Comment
[16] Notice of Department Reassignment

04/19/2018 Peremptory Challenge ▼

Peremptory Challenge - CHLG (CIV)

Comment

[18] Peremptory Challenge of Judge

04/20/2018 Notice of Department Reassignment ▼

Notice of Department Reassignment - NODR (CIV)

Comment

[19] Notice of Department Reassignment

05/01/2018 Stipulation and Order ▼

Stipulation and Order - SAO (CIV)

Comment

[20] Stipulation and Order Continuing Hearing Dates for Defendants' Motion to Dismiss and Special Motion to Dismiss (Anti-SLAPP Motion) and Related Briefing Deadlines

05/02/2018 Notice of Entry of Stipulation and Order ▼

Notice of Entry of Stipulation and Order - NTSO (CIV)

Comment

[21] Notice of Entry of Stipulation and Order Continuing Hearing Dates for Defendants' Motion to Dismiss and Special Motion to Dismiss (Anti-SLAPP Motion) and Related Briefing Deadlines

05/04/2018 Opposition ▼

Opposition - OPPS (CIV)

Comment

[22] Plaintiffs' Opposition to Defendants' Special Motion to Dismiss (Anti-SLAPP Motion) Plaintiffs' Complaint Pursuant to NRS 41.635 Et Seq.

05/07/2018 Opposition ▼

Opposition - OPPS (CIV)

Comment

[23] Plaintiffs' Opposition to Defendants' Motion to Dismiss Pursuant to NRCP 12(b)(5)

05/09/2018 Reply in Support ▼

Reply in Support - RIS (CIV)

Comment

[24] Defendants' Reply In Support of Special Motion To Dismiss (Anti-SLAPP Motion) Plaintiffs' Complaint Pursuant to NRS 41.635 Et. Seq.

05/09/2018 Reply in Support ▼

Reply in Support - RIS (CIV)

Comment

[25] Defendants' Reply Brief In Support of Motion to Dismiss Pursuant to NRCP 12(B)(5)

05/09/2018 Request for Judicial Notice ▼

Request for Judicial Notice - RFJN (CIV)

Comment

[26] Defendants' Request for Judicial Notice In Support of (1) 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)

05/11/2018 Supplement ▼

Supplement - SUPPL (CIV)

Comment

[27] Plaintiffs' First Supplement to their Opposition to Defendants' Special Motion to Dismiss

05/11/2018 Supplement ▼

Supplement - SUPPL (CIV)

Comment

[28] Plaintiffs' Second Supplement to their Opposition to Defendants' Special Motion to Dismiss

05/11/2018 Notice of Association of Counsel ▼

Notice of Association of Counsel - NOAC (CIV)

Comment

[29] Notice of Association of Counsel

05/14/2018 Motion to Dismiss ▼

Motion to Dismiss

Judicial Officer

Scotti, Richard F.

Hearing Time

9:00 AM

Result

Matter Continued

Comment

Defendants' Motion to Dismiss Pursuant to NRCP 12(b)(5)

05/14/2018 Motion ▼

Judicial Officer

Scotti, Richard F.

Hearing Time

9:00 AM

Result

Matter Continued

Comment

Defendants' Special Motion to Dismiss (Anti-Slapp Motion) Plaintiffs' Complaint Pursuant to NRS 41.635 Et. Seq

05/14/2018 All Pending Motions ▼

Minutes - All Pending Motions

Judicial Officer

Scotti, Richard F.

Hearing Time

9:00 AM

Result

Matter Heard

Parties Present ▲

Plaintiff

Attorney: Ghanem, Elizabeth M.

Plaintiff

Attorney: Ghanem, Elizabeth M.

Plaintiff

Attorney: Ghanem, Elizabeth M.

Defendant

Attorney: Langberg, Mitchell J.

Defendant

Attorney: Langberg, Mitchell J.

Defendant

Attorney: Langberg, Mitchell J.

05/14/2018 Notice ▼

Notice

Comment

[30] Plaintiffs' Notice of Submitting A Physical Thumb Drive Containing the Video File (.MOV) Labelled "Omerza Video" Attached to "Plaintiffs' First Supplement to Their Opposition to Defendants' Special Motion to Dismiss (Anti-Slapp Motion) Plaintiffs' Complaint Pursuant to NRS 41.635 ET SEQ." to the Court's Exhibit Vault

05/17/2018 Recorders Transcript of Hearing ▼

Recorders Transcript of Hearing - RTRAN (CIV)

Comment

[31] All Pending Motions 5-14-18

05/23/2018 Supplemental Brief ▼

Supplemental Brief - SB (CIV)

Comment

[32] Defendants' Supplemental Brief In Support of Special Motion To Dismiss (Anti-SLAPP Motion) Plaintiffs' Complaint Pursuant to NRS 41.635 Et. Seq.

05/23/2018 Supplement ▼

Supplement - SUPPL (CIV)

Comment

[33] Plaintiffs' Supplement in Support of Opposition to Defendants' Special Motion to Dismiss (Anti-SLAPP)

05/25/2018 Motion to Strike ▼

Motion to Strike - MSTR (CIV)

Comment

[34] 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

05/29/2018 Minute Order ▼

Minute Order

Judicial Officer

Scotti, Richard F.

Hearing Time

10:41 AM

Result

Minute Order - No Hearing Held

Comment

Defendants Special Motion to Dismiss (Anti-SLAPP Motion) Plaintiffs Complaint

05/30/2018 Notice of Early Case Conference ▼

Notice of Early Case Conference - NECC (CIV)

Comment

[35] Notice of Early Case Conference

06/11/2018 Errata ▼

Errata - ERR (CIV)

Comment

[36] Errata to Complaint

06/12/2018 Notice ▼

Notice - NOTC (CIV)

Comment

[37] Notice of Vacating Early Case Conference

06/12/2018 Amended Notice ▼

Amended Notice - ANOT (CIV)

Comment

[38] Amended Notice of Early Case Conference

06/14/2018 Opposition ▼

Opposition - OPPS (CIV)

Comment

[39] Plaintiffs' Opposition to Defendants' Motion to Strike Portions of Plaintiff's Supplement in Support of Opposition to Defendants' Special Motion to Dismiss or in the Alternative for Further Supplemental Briefing

06/20/2018 Findings of Fact, Conclusions of Law and Order ▼

Findings of Fact, Conclusions of Law and Order - FFCO (CIV)

Comment

[40] Findings of Fact, Conclusions of Law, and Order

06/21/2018 Notice of Entry of Findings of Fact, Conclusions of Law ▼

Notice of Entry of Findings of Fact, Conclusions of Law - NEFF (CIV)

Comment

[41] Notice of Entry of Findings of Fact, Conclusions of Law, and Order

06/27/2018 Motion to Strike ▼

Judicial Officer

Scotti, Richard F.

Hearing Time

3:00 AM

Cancel Reason

Vacated - per Clerk

Comment

Defendant's Motion to Strike Portions of Plaintiff's Supplement in Support of Opposition to Defendant's Special Motion to Dismiss or in the Alternative for Further Supplemental Briefing

06/27/2018 Case Appeal Statement ▼

Case Appeal Statement - ASTA (CIV)

Comment

[42] Case Appeal Statement

06/27/2018 Notice of Appeal ▼

Notice of Appeal - NOAS (CIV)

Comment
[43] Notice of Appeal

06/28/2018 Posting of Appeal Bond ▼

Posting of Appeal Bond - PAB (CIV)

Comment
[44] Notice of Posting Bond on Appeal

09/14/2018 Motion ▼

Motion - MOT (CIV)

Comment
[45] Plaintiffs' Motion for Order Allowing Commencement of Discovery

10/01/2018 Opposition to Motion ▼

Opposition to Motion - OPPM (CIV)

Comment
[46] Defendants' Opposition to Plaintiffs' Motion for Order Allowing Commencement of Discovery and Defendants' Request for Sanctions Pursuant to EDCR 7.60(b)

10/12/2018 Reply in Support ▼

Reply - RPLY (CIV)

Comment
[47]

10/17/2018 Supplement ▼

Supplement - SUPPL (CIV)

Comment
[48] Plaintiffs' Supplemental Exhibit in Further Support of Their Motion for Order Allowing Commencement of Discovery

10/18/2018 Supplemental ▼

Supplemental - SUPP (CIV)

Comment
[49] Defendants' Supplemental Exhibits In Further Support of Their Opposition To Plaintiffs' Motion for Order Allowing Commencement of Discovery And Defendants Request for Sanctions Pursuant to EDCR 7.60(b)

10/19/2018 Motion for Order ▼

Minutes - Motion for Order

Judicial Officer
Truman, Erin

Hearing Time

9:00 AM

Result

Granted in Part

Comment

Plaintiffs' Motion for Order Allowing Commencement of Discovery

Parties Present ▲

Defendant

Attorney: Langberg, Mitchell J.

Defendant

Attorney: Langberg, Mitchell J.

Defendant

Attorney: Langberg, Mitchell J.

10/31/2018 Recorders Transcript of Hearing ▼

Recorders Transcript of Hearing - RTRAN (CIV)

Comment

[50] Recorders Transcript of Hearing - Plaintiffs' Motion for Order Allowing Commencement of Discovery - heard on Oct. 19, 2018

12/20/2018 Status Check: Compliance ▼

Judicial Officer

Bulla, Bonnie

Hearing Time

3:00 AM

Cancel Reason

Vacated - per Commissioner

Comment

Status Check: Compliance (10-19-18 Report and Recommendation)

01/03/2019 Objection to Discovery Commissioners Report and Recommend ▼

Objection to Discovery Commissioners Report and Recommend - ODCR (CIV)

Comment

[51] Defendants' Objections to Discovery Commissioner's Report and Recommendation

01/30/2019 Response ▼

Response - RSPN (CIV)

Comment

[52] PLAINTIFFS RESPONSE TO DEFENDANTS OBJECTIONS TO DISCOVERY COMMISSIONER S REPORT AND RECOMMENDATIONS

02/04/2019 Discovery Commissioners Report and Recommendations ▼

Discovery Commissioners Report and Recommendations - DCRR (CIV)

Comment

[53] Discovery Commissioner's Report and Recommendations

02/20/2019 Hearing ▼

Minutes - Hearing

Judicial Officer

Scotti, Richard F.

Hearing Time

9:00 AM

Result

Matter Heard

Comment

re DCRR (set by telephone conference 02/04/19)

Parties Present ▲

Defendant

Attorney: Langberg, Mitchell J.

Defendant

Attorney: Langberg, Mitchell J.

Defendant

Attorney: Langberg, Mitchell J.

03/15/2019 Minute Order ▼

Minute Order

Judicial Officer

Scotti, Richard F.

Hearing Time

10:00 AM

Result

Minute Order - No Hearing Held

03/22/2019 Notice of Withdrawal ▼

Notice of Withdrawal - NOW (CIV)

Comment

[54] The Jimmerson Law Firm, P.C.'s Notice of Withdrawal as Co-Counsel of Record

04/11/2019 Order Denying Motion ▼

Order Denying Motion - ODM (CIV)

Comment

[55] Order Denying Plaintiff's Motion to Commence Discovery

04/11/2019 Notice of Entry of Order ▼

Notice of Entry of Order - NEOJ (CIV)

Comment

[56] Notice of Entry of Order Denying Plaintiffs' Motion To Commence Discovery

08/21/2019 Status Check ▼

Minutes - Status Check

Judicial Officer

Scotti, Richard F.

Hearing Time

3:00 AM

Result

Matter Heard

Comment

ISC - Supreme Court Appeal

09/11/2019 Order Scheduling Status Check ▼

Order Scheduling Status Check - OSCH (CIV)

Comment

[57] Order Scheduling Status Check Re: Joint Case Conference Report

09/12/2019 Order Scheduling Status Check ▼

Order Scheduling Status Check - OSCH (CIV)

Comment

[58] Order Scheduling Status Check RE: Joint Case Conference Report/Special Motion Appeal

10/02/2019 Status Check ▼

Minutes - Status Check

Judicial Officer

Scotti, Richard F.

Hearing Time

9:00 AM

Result

Stayed

Parties Present ▲

Defendant

Attorney: Langberg, Mitchell J.

Defendant

Attorney: Langberg, Mitchell J.

Defendant

Attorney: Langberg, Mitchell J.

03/02/2020 Change of Status ▼

Change of Status - COS (CIV)

Comment

[59] Status Update Regarding Supreme Court Appeal

03/02/2020 Clerk's Notice of Hearing ▼

Clerk's Notice of Hearing - CNOC (CIV)

Comment

[60] Notice of Hearing

03/25/2020 Status Check ▼

Minutes - Status Check

Judicial Officer

Scotti, Richard F.

Hearing Time

3:00 AM

Result

Matter Heard

Comment

Remittitur

03/26/2020 Status Check ▼

Judicial Officer

Scotti, Richard F.

Hearing Time

3:00 AM

Cancel Reason

Vacated

Comment

ISC - Supreme Court Appeal

04/01/2020 NV Supreme Court Clerks Certificate/Judgment -Remanded ▼

NV Supreme Court Clerks Certificate/Judgment -Remanded

Comment

[61] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Vacated and Remand

04/06/2020 Motion ▼

Minutes - Motion

Judicial Officer

Scotti, Richard F.

Hearing Time

3:00 AM

Result

Granted

Comment

Status Update Regarding Supreme Court Appeal

04/28/2020 Notice of Appearance ▼

Appearance - APPR (CIV)

Comment

[62] Notice of Apperance of Counsel for Plaintiffs

04/29/2020 Status Check ▼

Minutes - Status Check

Judicial Officer

Scotti, Richard F.

Hearing Time

9:00 AM

Result

Matter Heard

Comment

Status Check: Supreme Court Appeal

Parties Present ▲

Plaintiff

Attorney: Ghanem, Elizabeth M.

Plaintiff

Attorney: Ghanem, Elizabeth M.

Plaintiff

Attorney: Ghanem, Elizabeth M.

Defendant

Attorney: Langberg, Mitchell J.

Defendant

Attorney: Langberg, Mitchell J.

Defendant

Attorney: Langberg, Mitchell J.

05/06/2020 Brief ▼

Brief - BREF (CIV)

Comment

[63] Plaintiffs' Brief in Support of Limited Discovery

05/11/2020 Brief ▼

Opposition - OPPS (CIV)

Comment

[64] Defenants' Brienf in Opposition to Request for Liminted Discovery

05/13/2020 Status Check ▼

Minutes - Status Check

Judicial Officer

Scotti, Richard F.

Hearing Time

3:00 AM

Result

Matter Heard

Comment

Status Check: Optional Reply

05/18/2020 Motion ▼

Judicial Officer

Scotti, Richard F.

Hearing Time

3:00 AM

Result

Granted in Part

Comment

Motion for Limited Discovery

05/27/2020 Decision ▼

Judicial Officer

Scotti, Richard F.

Hearing Time

3:00 AM

Cancel Reason

Vacated

Comment

Decision: Motion to Dismiss

05/29/2020 Minute Order ▼

Minute Order

APP 2222

Judicial Officer
Scotti, Richard F.

Hearing Time
10:00 AM

Result
Minute Order - No Hearing Held

05/29/2020 Request ▼

Request - REQT (CIV)

Comment
[65] Defendant's Request for Clarification Re May 29, 2020 Order

06/05/2020 Minute Order ▼

Minute Order

Judicial Officer
Scotti, Richard F.

Hearing Time
12:00 PM

Result
Minute Order - No Hearing Held

06/15/2020 Recorders Transcript of Hearing ▼

Recorders Transcript of Hearing - RTRAN (CIV)

Comment
[66] Recorders Transcript of Video Conference Hearing: Status Check: Supreme Court Appeal 4.29.20

07/02/2020 Motion for Protective Order ▼

Motion for Protective Order - MPOR (CIV)

Comment
[67] Defendants' Motion For Protective Order Limiting Discovery on Order Shortening Time

07/07/2020 Response ▼

Response - RSPN (CIV)

Comment
[68] Plaintiff's Response to Motion for Protective Order

07/09/2020 Reply in Support ▼

Reply in Support - RIS (CIV)

Comment
[69] Defendant's Reply In Support of Motion For Protective Order Limiting Discovery

07/13/2020 Motion for Protective Order ▼

Minutes - Motion for Protective Order

Judicial Officer

Scotti, Richard F.

Hearing Time

9:00 AM

Result

Motion Granted

Comment

Defendants' Motion For Protective Order Limiting Discovery on Order Shortening Time

Parties Present ▲

Plaintiff

Attorney: Rasmussen, Lisa A.

Plaintiff

Attorney: Rasmussen, Lisa A.

Plaintiff

Attorney: Rasmussen, Lisa A.

Defendant

Attorney: Langberg, Mitchell J.

Defendant

Attorney: Langberg, Mitchell J.

Defendant

Attorney: Langberg, Mitchell J.

07/17/2020 Memorandum ▼

Memorandum - MEMO (CIV)

Comment

[70] 07/29/20 Blue Jeans Hearing Information for Department 2

07/21/2020 Minute Order ▼

Minutes - Minute Order

Judicial Officer

Scotti, Richard F.

Hearing Time

3:00 PM

Result

Minute Order - No Hearing Held

07/29/2020 Motion to Dismiss ▼

Minutes - Motion to Dismiss

Judicial Officer

Scotti, Richard F.

Hearing Time

9:30 AM

Result

Matter Continued

Comment

Defendants' Motion to Dismiss

Parties Present ▲

Plaintiff

Attorney: Rasmussen, Lisa A.

Plaintiff

Attorney: Rasmussen, Lisa A.

Plaintiff

Attorney: Rasmussen, Lisa A.

Defendant

Attorney: Langberg, Mitchell J.

Defendant

Attorney: Langberg, Mitchell J.

Defendant

Attorney: Langberg, Mitchell J.

08/03/2020 Order Granting Motion ▼

Order

Comment

[71] Order Granting Defendants' Motion For Protective Order Limited Discovery

08/04/2020 Certificate of Service ▼

Certificate of Service

Comment

[72]

08/05/2020 Notice of Entry of Order ▼

Notice of Entry of Order - NEOJ (CIV)

Comment

[73] Notice of Entry of Order Granting Defendants' Motion for Protective Order Limiting Discovery

09/28/2020 Status Check ▼

Minutes - Status Check

Judicial Officer

Scotti, Richard F.

Hearing Time

3:00 AM

Result

Matter Heard

Comment

Status Check: Status of Case

09/30/2020 Notice of Hearing ▼

Notice of Hearing

Comment

[74] Notice of Hearing on Motion to Dismiss

10/06/2020 Stipulation ▼

Stipulation - STIP (CIV)

Comment

[75] Stipulation Regarding Briefing Deadlines

10/07/2020 Stipulation and Order ▼

Stipulation and Order - SAO (CIV)

Comment

[76] Stipulation and Order Regarding Briefing Deadlines

10/07/2020 Memorandum ▼

Memorandum - MEMO (CIV)

Comment

[77] 10/26/20 Blue Jeans Hearing Information for Department 2

10/14/2020 Supplement to Opposition ▼

Supplement to Opposition - STO (CIV)

Comment

[78] Supplement to Opposition to Special Motion to Dismiss (Anti-SLAPP)

10/14/2020 Exhibits ▼

Exhibits - EXHS (CIV)

Comment

[79] Exhibits 1 through 3

10/14/2020 Exhibits ▼

Exhibits - EXHS (CIV)

Comment

[80] Exhibits 4 through 6

10/14/2020 Exhibits ▼

Exhibits - EXHS (CIV)

Comment

[81] Exhibits 7 through 13

10/14/2020 Exhibits ▼

Exhibits - EXHS (CIV)

Comment

[82] Exhibits 14 through 19

10/14/2020 Errata ▼

Errata - ERR (CIV)

Comment

[83] Errata to Supplemental Opposition to Special Motion to Dismiss

10/15/2020 Motion to Strike ▼

Motion to Strike

Comment

[84] Motion to Strike and for Imposition of Sanction and Request for Order Shortening Time

10/15/2020 Stipulation and Order ▼

Stipulation and Order

Comment

[85] Stipulation Regarding Briefing deadlines (Second Stipulation)

10/20/2020 Opposition and Countermotion ▼

Opposition and Countermotion - OPPC (CIV)

Comment

[86] Opposition to Motion to Strike & for Sanctions / Countermotion for Sanctions

10/21/2020 Reply ▼

Reply - RPLY (CIV)

Comment

[87] Defendants' Reply In Support of Motion To Strike and for Sanctions; Opposition to Countermotion

10/22/2020 Motion to Strike ▼

Judicial Officer
Scotti, Richard F.

Hearing Time
3:00 AM

Result
Matter Heard

Comment
Defendants' Motion to Strike and for Imposition of Sanctions (on OST)

10/22/2020 Opposition and Countermotion ▼

Judicial Officer
Scotti, Richard F.

Hearing Time
3:00 AM

Result
Matter Heard

Comment
Opposition to Motion to Strike & for Sanctions / Countermotion for Sanctions

10/22/2020 All Pending Motions ▼

Minutes - All Pending Motions

Judicial Officer
Scotti, Richard F.

Hearing Time
3:00 AM

Result
Matter Heard

10/26/2020 Minute Order ▼

Minute Order

Judicial Officer
Scotti, Richard F.

Hearing Time
3:00 AM

Result
Minute Order - No Hearing Held

10/30/2020 Supplemental Brief ▼

Supplemental Brief - SB (CIV)

Comment
[88] Defendants' Supplemental Brief In Support of Special Motion To Dismiss (Anti-SLAPP Motion) Plaintiffs'
Complaint Pursuant to NRS 41.635 Et. Seq.

10/30/2020 Declaration ▼

Declaration - DECL (CIV)

Comment

[89] Declaration of Mitchell J. Langberg In Support of Defendants' Supplemental Brief In Support of Special Motion To Dismiss (Anti-SLAPP Motion) Plaintiffs' Complaint Pursuant to NRS 41.635 Et. Seq.

11/04/2020 Stipulation and Order ▼

Stipulation and Order

Comment

[90] Stipulation and Order Re Defendant Supplemental Re in Support of Anti- Slap

11/04/2020 Notice of Entry of Stipulation and Order ▼

Notice of Entry of Stipulation and Order - NTSO (CIV)

Comment

[91] Notice of Entry of Stipulation and Order Re Defendants' Supplemental Reply In Support of Anti-SLAPP

11/05/2020 Memorandum ▼

Memorandum - MEMO (CIV)

Comment

[92] 11/09/20 Blue Jeans Hearing Information for Department 2

11/09/2020 Motion to Dismiss ▼

Minutes - Motion to Dismiss

Judicial Officer

Thompson, Charles

Hearing Time

9:30 AM

Result

Granted

Comment

Anti-Slapp

Parties Present ▲

Plaintiff

Attorney: Rasmussen, Lisa A.

Plaintiff

Attorney: Rasmussen, Lisa A.

Plaintiff

Attorney: Rasmussen, Lisa A.

Defendant

Attorney: Langberg, Mitchell J.

Defendant

Attorney: Langberg, Mitchell J.

Defendant

Attorney: Langberg, Mitchell J.

11/09/2020 Minute Order ▼

Minutes - Minute Order

Judicial Officer

Scotti, Richard F.

Hearing Time

12:16 PM

Result

Minute Order - No Hearing Held

11/30/2020 Stipulation and Order ▼

Stipulation and Order

Comment

[93] STIPULATION REGARDING DEADLINE TO SUBMIT PROPOSED ORDER; ORDER THEREON

12/03/2020 Objection ▼

Objection - OBJ (CIV)

Comment

[94] Objection to Defendants' Proposed Order and Submission of Plaintiffs' Proposed Order

12/10/2020 Findings of Fact, Conclusions of Law and Judgment ▼

Findings of Fact, Conclusions of Law and Judgment

Comment

[95] Findings of Fact Conclusions of Law and Order

12/10/2020 Notice of Entry of Order ▼

Notice of Entry of Order - NEOJ (CIV)

Comment

[96] Notice of Entry of Findings of Facts, Conclusions of Law, and Order

12/24/2020 Motion to Reconsider ▼

Motion to Reconsider - MRCN (CIV)

Comment

[97] Motion to Reconsider Court's Order Dated December 10, 2020 Order

12/29/2020 Clerk's Notice of Hearing ▼

Clerk's Notice of Hearing - CNOC (CIV)

Comment
[98] Notice of Hearing

12/31/2020 Motion for Attorney Fees ▼

Motion for Attorney Fees - MATF (CIV)

Comment
[99] Defendants' Motion for Attorneys' Fees and Additional Monetary Relief Pursuant to NRS 41.670 and NRS 18.010(2)

01/04/2021 Case Reassigned to Department 19 ▼

Comment
Judicial Reassignment to Judge Crystal Eller

01/05/2021 Clerk's Notice of Hearing ▼

Clerk's Notice of Hearing - CNOC (CIV)

Comment
[100] Clerk's Notice of Hearing

01/07/2021 Opposition to Motion ▼

Opposition to Motion - OPPM (CIV)

Comment
[101] Defendants' Opposition To Plaintiffs' Motion for Reconsideration of Court's Order Dated December 10, 2020

01/08/2021 Notice of Appeal ▼

Notice of Appeal - NOAS (CIV)

Comment
[102] Notice of Appeal

01/08/2021 Case Appeal Statement ▼

Case Appeal Statement - ASTA (CIV)

Comment
[103] Case Appeal Statement

01/14/2021 Reply to Opposition ▼

Reply - RPLY (CIV)

Comment

[104] Plaintiffs' Reply to Defendants' Opposition to Motion for Reconsideration of Court's Order Dated December 10 2020

01/14/2021 Errata ▼

Errata - ERR (CIV)

Comment

[105] Errata to Plaintiffs' Reply to Defendants' Opposition to Motion for Reconsideration of Court's Order Dated December 10 2020 (Exhibit 1 to Reply)

01/20/2021 Stipulation and Order ▼

Stipulation and Order

Comment

[106] STIPULATION REGARDING BRIEFING DEADLINES AND HEARING ON MOTION FOR ATTORNEY'S FEES

01/22/2021 Opposition to Motion ▼

Opposition to Motion - OPPM (CIV)

Comment

[107] Response in Opposition to Defendants' Motion for Attorney's Fees and Additional Monetary Relief Pursuant to NRS 41.670 and 18.010(2)

01/25/2021 Motion For Reconsideration ▼

Motion For Reconsideration

Judicial Officer

Eller, Crystal

Hearing Time

3:00 AM

Result

Denied

Comment

Motion to Reconsider Court's Order Dated December 10, 2020 Order

01/28/2021 Memorandum ▼

Memorandum - MEMO (CIV)

Comment

[108] Notice of Change of Hearing Dates

02/02/2021 Motion to Reconsider ▼

Motion to Reconsider - MRCN (CIV)

Comment

[109] Motion to Reconsider January 29, 2021 Minute Order (re: Motion to Reconsider Anti-Slapp Order)

02/03/2021 Clerk's Notice of Hearing ▼

Clerk's Notice of Hearing - CNOC (CIV)

Comment

[110] Notice of Hearing

02/03/2021 Statement ▼

Statement - STAT (CIV)

Comment

[111] Defendants' Statement of Limited Non-Opposition To Plaintiff's Motion To Reconsider Minute Order Ruling Re Motion To Reconsider (Anti-SLAPP)

02/04/2021 Order ▼

Order

Comment

[112] Order Denying Plaintiffs' Motion for Reconsideration of Court's order Dated December 10, 2020

02/04/2021 Notice of Entry of Order ▼

Notice of Entry of Order - NEOJ (CIV)

Comment

[113] Notice of Entry of Order Denying Plaintiffs' Motion for Reconsideration of Court's Order Dated December 10, 2020

02/11/2021 Request ▼

Motion for Production of Transcript - MPOT (CIV)

Comment

[114] Request for Transcripts

02/11/2021 Notice of Posting Bond ▼

Cost on Appeal Bond - COAB (CIV)

Comment

[115] Notice of Posting of Bond on Appeal

02/12/2021 Supplement ▼

Supplement - SUPPL (CIV)

Comment

[116] Declaration of Lisa Rasmussen Submitted as Supplement to Plaintiffs' Opposition to Motion for Attorney's Fees

02/12/2021 Reply ▼

Reply - RPLY (CIV)

Comment

[117] Defendants' Reply To Plaintiffs' Response In Opposition To Motion For Attorneys' Fees and Additional Monetary Relief Pursuant To NRS 41.670 and NRS 18.010(2)

03/01/2021 Motion for Attorney Fees ▼

Minutes - Motion for Attorney Fees

Judicial Officer

Eller, Crystal

Hearing Time

3:00 AM

Result

Minute Order - No Hearing Held

Comment

Defendants' Motion for Attorneys' Fees and Additional Monetary Relief Pursuant to NRS 41.670 & NRS 18.010(2)

03/08/2021 Motion to Reconsider ▼

Minutes - Motion to Reconsider

Judicial Officer

Eller, Crystal

Hearing Time

3:00 AM

Result

Matter Heard

Comment

Plaintiff's Motion to Reconsider January 29, 2021 Minute Order (re: Motion to Reconsider Anti-Slapp Order)

03/22/2021 Minute Order ▼

Minute Order

Judicial Officer

Eller, Crystal

Hearing Time

3:00 AM

Result

Minute Order - No Hearing Held

03/23/2021 Recorders Transcript of Hearing ▼

Recorders Transcript of Hearing - RTRAN (CIV)

Comment

[118] RECORDER'S TRANSCRIPT OF HEARING: DEFENDANT'S MOTION TO DISMISS

03/23/2021 Recorders Transcript of Hearing ▼

Recorders Transcript of Hearing - RTRAN (CIV)

Comment

[119] Recorders Transcript of Hearing Re: Defendants' Motion for Protective Order Limiting Discovery on Order Shortening Time, July 13, 2020

03/31/2021 Motion for Attorney Fees ▼

Minutes - Motion for Attorney Fees

Judicial Officer

Eller, Crystal

Hearing Time

9:00 AM

Result

Granted in Part

Comment

Defendants' Motion for Attorneys' Fees and Additional Monetary Relief Pursuant to NRS 41.670 and NRS 18.010 (2)

Parties Present ▲

Plaintiff

Attorney: Rasmussen, Lisa A.

Plaintiff

Attorney: Rasmussen, Lisa A.

Plaintiff

Attorney: Rasmussen, Lisa A.

Defendant

Attorney: Langberg, Mitchell J.

Defendant

Attorney: Langberg, Mitchell J.

Defendant

Attorney: Langberg, Mitchell J.

04/07/2021 Order ▼

Order

Comment

[120] Order Re: 1. Granting Plaintiff's Motion To Reconsider January 25, 2021 Minute Order Ruling Re: Motion To Reconsider (Anti-SLAPP); and 2. On Reconsideration Denying Motion to Reconsider (Anti- Slapp

04/07/2021 Notice of Entry of Order ▼

Notice of Entry of Order - NEOJ (CIV)

Comment

[121] Notice of Entry of Order Re: 1. Granting Plaintiff's Motion To Reconsider January 25, 2021 Minute Order Ruling Re: Motion To Reconsider (Anti-SLAPP); and 2. On Reconsideration Denying Motion to Reconsider (Anti-SLAPP)

04/16/2021 Order ▼

Order

Comment

[122] Order RE: Defendants' Motion for Attorneys' Fees and Additional Monetary Relief Pursuant ot NRS 41.070 and NRS 18.010(2)

04/16/2021 Notice of Entry of Order ▼

Notice of Entry of Order - NEOJ (CIV)

Comment

[123] Notice of Entry of Order Re: Defendants' Motion for Attorneys' Fees and Additional Monetary Relief Pursuant to NRS 41.670 and NRS 18.010(2)

05/05/2021 Notice of Appeal ▼

Notice of Appeal - NOAS (CIV)

Comment

[124] Notice of Appeal

05/05/2021 Case Appeal Statement ▼

Case Appeal Statement - ASTA (CIV)

Comment

[125] Case Appeal Statement

05/05/2021 Request ▼

Request - REQT (CIV)

Comment

[126] Request for Transcript

05/28/2021 Notice of Cost Bond ▼

Notice of Cost Bond - NCB (CIV)

Comment

[127] Notice of Posting of Bond on Appeal

06/07/2021 **Recorders Transcript of Hearing** ▼

Recorders Transcript of Hearing - RTRAN (CIV)

Comment

[128] Recorders Transcript of Hearing Re: 3.31.21 Defendants' Motion for Attorneys' Fees and Additional Monetary Relief Pursuant to NRS 41.670 and NRS 18.010 (2)

06/09/2021 **Recorders Transcript of Hearing** ▼

Recorders Transcript of Hearing - RTRAN (CIV)

Comment

[129] Recorders Transcript of Hearing Re: Anti-SLAPP, November 9, 2020

06/14/2021 **Bond** ▼

Bond - BOND (CIV)

Comment

[130] Notice of Posting of Bond in the Amount of \$363,244 pending Appeal

05/23/2022 **Status Check** ▼

Minutes - Status Check

Judicial Officer

Eller, Crystal

Hearing Time

3:00 AM

Result

Matter Heard

Comment

ISC - Remittitur

05/25/2022 **NV Supreme Court Clerks Certificate/Judgment -Remanded** ▼

NV Supreme Court Clerks Certificate/Judgment -Remanded

Comment

[131] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed in Docket No. 82338 and Vacated and Remand in Docket No. 82880

06/22/2022 **Status Check** ▼

Minutes - Status Check

Judicial Officer

Eller, Crystal

Hearing Time
3:00 AM

Result
Matter Heard

Comment
ISC - Brunzell

09/19/2022 Order ▼

Order

Comment
[132] Order Granting Defendants' Motion for Attorneys' Fees

09/19/2022 Notice of Entry of Order ▼

Notice of Entry of Order - NEOJ (CIV)

Comment
[133] Notice of Entry of Order Granting Defendants' Motion for Attorneys' Fees and Additional Monetary Relief Pursuant to NRS 41.670 and NRS 18.010(2)

10/03/2022 Motion to Reconsider ▼

Motion to Reconsider - MRCN (CIV)

Comment
[134] Motion to Reconsider Order Granting Attorney's Fees Post-Remand

10/05/2022 Order to Statistically Close Case ▼

Order to Statistically Close Case

Comment
[135] Civil Order to Statistically Close Case

10/05/2022 Clerk's Notice of Hearing ▼

Clerk's Notice of Hearing - CNOC (CIV)

Comment
[136] Clerk's Notice of Hearing

10/17/2022 Opposition ▼

Opposition - OPPS (CIV)

Comment
[137] Defendants' Opposition To Motion To Reconsider Granting Attorney's Fees Post-Remand

10/17/2022 Notice of Appeal ▼

Notice of Appeal - NOAS (CIV)

Comment
[138] Notice of Appeal

10/17/2022 Case Appeal Statement ▼

Case Appeal Statement - ASTA (CIV)

Comment
[139] Case Appeal Statement

10/21/2022 Notice of Cost Bond ▼

Notice of Cost Bond - NCB (CIV)

Comment
[140] Notice of Posting of Cost Bond

10/28/2022 Reply in Support ▼

Reply to Motion - REM (CIV)

Comment
[141] Plaintiff's Reply in Support of Motion for Reconsideration of Order Granting Defendants' Motion for Attorneys' Fees and Additional Monetary Relief Pursuant to NRS 41.670 and NRS 18.010 (2)

11/09/2022 Motion to Reconsider ▼

Judicial Officer
Eller, Crystal

Hearing Time
3:00 AM

Result
Matter Heard

Comment
Motion to Reconsider Order Granting Attorney's Fees Post-Remand

11/23/2022 Supplement ▼

Supplement - SUPPL (CIV)

Comment
[142] Defendants' Supplemental Motion for Attorneys' Fees

11/30/2022 Clerk's Notice of Hearing ▼

Clerk's Notice of Hearing - CNOC (CIV)

Comment
[143] Notice of Hearing

12/15/2022 Stipulation and Order ▼

Stipulation and Order

Comment
[144] SAO re Briefing Deadlines and Continue Hearing

12/23/2022 Opposition to Motion ▼

Opposition to Motion - OPPM (CIV)

Comment
[145] Opposition to Defendants' Supplemental Motion for Attorney's Fees

01/06/2023 Reply ▼

Reply - RPLY (CIV)

Comment
[146] Reply In Support of Defendants' Supplemental Motion for Attorneys' Fees

01/17/2023 Motion for Leave to File ▼

Motion for Leave to File - MLEV (CIV)

Comment
[147] Motion for Leave to File Sur-Reply to Defendants' Reply

01/18/2023 Motion for Attorney Fees ▼

Judicial Officer
Eller, Crystal

Hearing Time
3:00 AM

Result
Matter Heard

Comment
Defendants' Supplemental Motion for Attorneys' Fees

02/08/2023 Clerk's Notice of Nonconforming Document ▼

Clerk's Notice of Nonconforming Document - CNND (CIV)

Comment
[148] Clerk's Notice of Nonconforming Document

03/08/2023 NV Supreme Court Clerks Certificate/Judgment - Dismissed ▼

NV Supreme Court Clerks Certificate/Judgment - Dismissed

Comment
[149] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed

03/15/2023 Clerk's Notice of Nonconforming Document and Curative Action ▼

Clerk's Notice of Nonconforming Document and Curative Action - CNNDCA (CIV)

Comment
[150] Clerk's Notice of Nonconforming and Curative Action

03/15/2023 Clerk's Notice of Hearing ▼

Clerk's Notice of Hearing - CNOC (CIV)

Comment
[151] Notice of Hearing

04/17/2023 Motion for Leave ▼

Judicial Officer
Eller, Crystal

Hearing Time
3:00 AM

Result
Matter Heard

Comment
Plaintiff's Motion for Leave to File Sur-Reply to Defendants' Reply

06/02/2023 Minute Order ▼

Minute Order

Judicial Officer
Eller, Crystal

Hearing Time
9:30 AM

Result
Minute Order - No Hearing Held

06/02/2023 Minute Order ▼

Minute Order

Judicial Officer
Eller, Crystal

Hearing Time
9:30 AM

Result
Minute Order - No Hearing Held

08/28/2023 Stipulation and Order ▼

Stipulation and Order

Comment
[152] Stipulation to Exonerate Bond Posed on June 14, 2021 and Order

08/28/2023 Notice of Entry ▼

Notice of Entry - NEO (CIV)

Comment

[153] Notice of Entry of Order

09/18/2023 Order ▼

Order

Comment

[154] Order Granting, in Part, Defendant's Supplemental Motion for Attorney' Fees; and Denying Plaintiffs' Motion for Leave to File Sur-Reply to Defendants' Reply

09/18/2023 Order ▼

Order

Comment

[155] Order Denying Plaintiffs' Motion to Reconsider Order Granting Attorney's Fees Post-Remand

09/19/2023 Notice of Entry of Order ▼

Notice of Entry of Order - NEOJ (CIV)

Comment

[156] Notice of Entry of Order Granting, In Part, Defendants' Supplemental Motion for Attorneys' Fees; and Denying Plaintiffs' Motion for Leave to File Sur-Reply to Defendants' Reply

09/19/2023 Notice of Entry of Order ▼

Notice of Entry of Order - NEOJ (CIV)

Comment

[157] Notice of Entry of Order Denying Plaintiffs Motion To Reconsider Order Granting Attorneys Fees Post-Remand

09/22/2023 Notice of Appeal ▼

Notice of Appeal - NOAS (CIV)

Comment

[158] Notice of Appeal to Attorney Fee Orders

09/22/2023 Case Appeal Statement ▼

Case Appeal Statement - ASTA (CIV)

Comment

[159] Case Appeal Statement

09/22/2023 Notice of Posting Bond ▼

Notice of Posting Bond - NPP (CIV)

Comment

[160] Notice of Posting Cash Bond With Clerk of the Court

10/12/2023 Amended Notice of Appeal ▼

Amended Notice of Appeal - ANOA (CIV)

Comment

[161] Amended Notice of Appeal

Financial

Fore Stars Ltd

Total Financial Assessment	\$876.00
Total Payments and Credits	\$876.00

3/16/2018	Transaction Assessment			\$330.00
3/16/2018	Efile Payment	Receipt # 2018-18865-CCCLK	Fore Stars, Ltd.	(\$330.00)
4/20/2018	Transaction Assessment			\$450.00
4/20/2018	Efile Payment	Receipt # 2018-27376-CCCLK	Fore Stars, Ltd.	(\$450.00)
1/8/2021	Transaction Assessment			\$24.00
1/8/2021	Efile Payment	Receipt # 2021-01460-CCCLK	Fore Stars, Ltd.	(\$24.00)
5/5/2021	Transaction Assessment			\$24.00
5/5/2021	Efile Payment	Receipt # 2021-28091-CCCLK	Fore Stars, Ltd.	(\$24.00)
10/17/2022	Transaction Assessment			\$24.00
10/17/2022	Efile Payment	Receipt # 2022-60613-CCCLK	Fore Stars, Ltd.	(\$24.00)
9/22/2023	Transaction Assessment			\$24.00
9/22/2023	Efile Payment	Receipt # 2023-82428-CCCLK	Fore Stars Ltd	(\$24.00)

Omerza, Daniel

Total Financial Assessment	\$283.00
Total Payments and Credits	\$283.00

4/6/2018	Transaction Assessment			\$283.00
4/6/2018	Efile Payment	Receipt # 2018-24135-CCCLK	Omerza, Daniel	(\$283.00)

Carla, Steve

Total Financial Assessment	\$24.00
Total Payments and Credits	\$24.00

6/27/2018	Transaction Assessment			\$24.00
6/27/2018	Efile Payment	Receipt # 2018-42977-CCCLK	Caria, Steve	(\$24.00)

Documents

Initial Appearance Fee Disclosure - IAFD (CIV)
 Complaint - COMP (CIV)
 Affidavit of Service - AOS (CIV)
 Summons - SUMM (CIV)
 Summons - SUMM (CIV)
 Summons - SUMM (CIV)
 Affidavit of Service - AOS (CIV)
 Affidavit of Service - AOS (CIV)
 Notice of Appearance - NOTA (CIV)
 Initial Appearance Fee Disclosure - IAFD (CIV)
 Request for Judicial Notice - RFJN (CIV)
 Motion to Dismiss - MDSM (CIV)
 Minute Order
 Notice of Department Reassignment - NODR (CIV)
 Motion - MOT (CIV)
 Peremptory Challenge - CHLG (CIV)
 Notice of Department Reassignment - NODR (CIV)
 Stipulation and Order - SAO (CIV)
 Notice of Entry of Stipulation and Order - NTSO (CIV)
 Opposition - OPPS (CIV)
 Opposition - OPPS (CIV)
 Reply in Support - RIS (CIV)
 Reply in Support - RIS (CIV)
 Request for Judicial Notice - RFJN (CIV)
 Supplement - SUPPL (CIV)
 Supplement - SUPPL (CIV)
 Notice of Association of Counsel - NOAC (CIV)
 Notice
 Recorders Transcript of Hearing - RTRAN (CIV)
 Motion to Dismiss
 Supplemental Brief - SB (CIV)
 Supplement - SUPPL (CIV)

Motion to Strike - MSTR (CIV)
Minute Order
Minutes - All Pending Motions
Notice of Early Case Conference - NECC (CIV)
Errata - ERR (CIV)
Notice - NOTC (CIV)
Amended Notice - ANOT (CIV)
Opposition - OPPS (CIV)
Findings of Fact, Conclusions of Law and Order - FFCO (CIV)
Notice of Entry of Findings of Fact, Conclusions of Law - NEFF (CIV)
Case Appeal Statement - ASTA (CIV)
Notice of Appeal - NOAS (CIV)
Posting of Appeal Bond - PAB (CIV)
Motion - MOT (CIV)
Opposition to Motion - OPPM (CIV)
Reply - RPLY (CIV)
Supplement - SUPPL (CIV)
Supplemental - SUPP (CIV)
Minutes - Motion for Order
Recorders Transcript of Hearing - RTRAN (CIV)
Objection to Discovery Commissioners Report and Recommend - ODCR (CIV)
Response - RSPN (CIV)
Discovery Commissioners Report and Recommendations - DCRR (CIV)
Minutes - Hearing
Minute Order
Notice of Withdrawal - NOW (CIV)
Order Denying Motion - ODM (CIV)
Notice of Entry of Order - NEOJ (CIV)
Minutes - Status Check
Order Scheduling Status Check - OSCH (CIV)
Order Scheduling Status Check - OSCH (CIV)
Minutes - Status Check
Change of Status - COS (CIV)
Clerk's Notice of Hearing - CNOC (CIV)
NV Supreme Court Clerks Certificate/Judgment -Remanded
Minutes - Status Check
Minutes - Motion
Appearance - APPR (CIV)
Brief - BREF (CIV)
Minutes - Status Check
Opposition - OPPS (CIV)

Minutes - Status Check
Minute Order
Request - REQT (CIV)
Minute Order
Recorders Transcript of Hearing - RTRAN (CIV)
Motion for Protective Order - MPOR (CIV)
Response - RSPN (CIV)
Reply in Support - RIS (CIV)
Memorandum - MEMO (CIV)
Minutes - Minute Order
Minutes - Motion for Protective Order
Minutes - Motion to Dismiss
Order
Certificate of Service
Notice of Entry of Order - NEOJ (CIV)
Notice of Hearing
Minutes - Status Check
Stipulation - STIP (CIV)
Stipulation and Order - SAO (CIV)
Memorandum - MEMO (CIV)
Supplement to Opposition - STO (CIV)
Exhibits - EXHS (CIV)
Exhibits - EXHS (CIV)
Exhibits - EXHS (CIV)
Exhibits - EXHS (CIV)
Errata - ERR (CIV)
Motion to Strike
Stipulation and Order
Opposition and Countermotion - OPPC (CIV)
Reply - RPLY (CIV)
Minutes - All Pending Motions
Minute Order
Supplemental Brief - SB (CIV)
Declaration - DECL (CIV)
Stipulation and Order
Notice of Entry of Stipulation and Order - NTSO (CIV)
Memorandum - MEMO (CIV)
Minutes - Minute Order
Stipulation and Order
Minutes - Motion to Dismiss
Objection - OBJ (CIV)

Findings of Fact, Conclusions of Law and Judgment

Notice of Entry of Order - NEOJ (CIV)

Motion to Reconsider - MRCN (CIV)

Clerk's Notice of Hearing - CNOC (CIV)

Motion for Attorney Fees - MATF (CIV)

Clerk's Notice of Hearing - CNOC (CIV)

Opposition to Motion - OPPM (CIV)

Notice of Appeal - NOAS (CIV)

Case Appeal Statement - ASTA (CIV)

Reply - RPLY (CIV)

Errata - ERR (CIV)

Stipulation and Order

Opposition to Motion - OPPM (CIV)

Memorandum - MEMO (CIV)

Motion For Reconsideration

Motion to Reconsider - MRCN (CIV)

Clerk's Notice of Hearing - CNOC (CIV)

Statement - STAT (CIV)

Order

Notice of Entry of Order - NEOJ (CIV)

Motion for Production of Transcript - MPOT (CIV)

Cost on Appeal Bond - COAB (CIV)

Supplement - SUPPL (CIV)

Reply - RPLY (CIV)

Minutes - Motion for Attorney Fees

Minutes - Motion to Reconsider

Minute Order

Recorders Transcript of Hearing - RTRAN (CIV)

Recorders Transcript of Hearing - RTRAN (CIV)

Minutes - Motion for Attorney Fees

Order

Notice of Entry of Order - NEOJ (CIV)

Order

Notice of Entry of Order - NEOJ (CIV)

Notice of Appeal - NOAS (CIV)

Case Appeal Statement - ASTA (CIV)

Request - REQT (CIV)

Notice of Cost Bond - NCB (CIV)

Recorders Transcript of Hearing - RTRAN (CIV)

Recorders Transcript of Hearing - RTRAN (CIV)

Bond - BOND (CIV)

NV Supreme Court Clerks Certificate/Judgment -Remanded
Minutes - Status Check
Minutes - Status Check
Order
Notice of Entry of Order - NEOJ (CIV)
Motion to Reconsider - MRCN (CIV)
Order to Statistically Close Case
Clerk's Notice of Hearing - CNOC (CIV)
Opposition - OPPS (CIV)
Notice of Appeal - NOAS (CIV)
Case Appeal Statement - ASTA (CIV)
Notice of Cost Bond - NCB (CIV)
Reply to Motion - REM (CIV)
Supplement - SUPPL (CIV)
Clerk's Notice of Hearing - CNOC (CIV)
Stipulation and Order
Opposition to Motion - OPPM (CIV)
Reply - RPLY (CIV)
Motion for Leave to File - MLEV (CIV)
Clerk's Notice of Nonconforming Document - CNND (CIV)
NV Supreme Court Clerks Certificate/Judgment - Dismissed
Clerk's Notice of Nonconforming Document and Curative Action - CNNDCA (CIV)
Clerk's Notice of Hearing - CNOC (CIV)
Minute Order
Minute Order
Stipulation and Order
Notice of Entry - NEO (CIV)
Order
Order
Notice of Entry of Order - NEOJ (CIV)
Notice of Entry of Order - NEOJ (CIV)
Notice of Appeal - NOAS (CIV)
Case Appeal Statement - ASTA (CIV)
Notice of Posting Bond - NPP (CIV)
Amended Notice of Appeal - ANOA (CIV)