



Electronically Filed  
Apr 22 2024 10:58 AM  
Elizabeth A. Brown  
Clerk of Supreme Court

**NOTC**  
FRANCIS I. LYNCH, ESQ. (#4145)  
LYNCH & ASSOCIATES LAW GROUP  
840 S. Rancho Drive, Suite 4-922  
Las Vegas, Nevada 89106  
T: (702) 868-1115  
F: (702) 868-1114

SCOTT WILLIAMS (California Bar #78588)  
WILLIAMS & GUMBINER, LLP  
1010 B Street, Suite 200  
San Rafael, California 94901  
T: (415) 755-1880  
F: (415) 419-5469  
*Admitted Pro Hac Vice*

WILLIAM L. COULTHARD (#3927)  
COULTHARD LAW PLLC  
840 S. Rancho Drive, Suite 4-627  
Las Vegas, Nevada 89106  
T: (702) 989-9944  
F: (702) 940-9685

*Counsel for Defendant/Counterclaimant Panorama  
Towers Condominium Unit Owners' Association*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

LAURENT HALLIER, an individual;  
PANORAMA TOWERS I, LLC, a Nevada  
limited liability company; PANORAMA  
TOWERS I MEZZ, LLC, a Nevada limited  
liability company; and M.J. DEAN  
CONSTRUCTION, INC., a Nevada  
corporation,

Plaintiffs,

vs.

PANORAMA TOWERS CONDOMINIUM  
UNIT OWNERS' ASSOCIATION, a Nevada  
non-profit corporation,

Defendant.

Case No.: A-16-744146-D  
Dept. No.: XXII

**DEFENDANT/COUNTERCLAIMANT  
PANORAMA TOWERS  
CONDOMINIUM UNIT OWNERS'  
ASSOCIATION'S NOTICE OF APPEAL**

1 PANORAMA TOWERS CONDOMINIUM  
2 UNIT OWNERS' ASSOCIATION, a  
3 Nevada non-profit corporation,

4 Counterclaimant,

5 vs.

6 LAURENT HALLIER, an individual;  
7 PANORAMA TOWERS I, LLC, a Nevada  
8 limited liability company; PANORAMA  
9 TOWERS I MEZZ, LLC, a Nevada limited  
10 liability company; *et al.*,

11 Counterdefendants.

---

12 LAURENT HALLIER, an individual;  
13 PANORAMA TOWERS I, LLC, a Nevada  
14 limited liability company; and PANORAMA  
15 TOWERS I MEZZ, LLC, a Nevada limited  
16 liability company.

17 Third-Party Complainants,

18 vs.

19 TEXAS WALL SYSTEMS, INC., a Texas  
20 corporation, its successor in interest,  
21 OLDCASTLE BUILDING ENVELOPE,  
22 INC., a Delaware corporation; FORD  
23 CONTRACTING, INC., a Nevada  
24 corporation; and MOES 1-50,

25 Third-Party Cross-Defendants.

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26 LAURENT HALLIER, an individual;  
27 PANORAMA TOWERS I, LLC, a Nevada  
28 limited liability company; and PANORAMA  
TOWERS I MEZZ, LLC, a Nevada limited  
liability company.

Cross-Claimants,

vs.

SIERRA GLASS & MIRROR, INC, a  
Delaware corporation; FORD  
CONTRACTING, INC., a Nevada  
corporation; and ROES 1-50,

Cross-Defendants,

1 PLEASE TAKE NOTICE that Defendant Panorama Towers Condominium Unit Owners'  
2 Association (the "HOA" or "Association"), hereby appeals to the Supreme Court of Nevada from  
3 the Order Granting Plaintiff/Counter-Defendant M.J. Dean Construction, Inc.'s (M.J. Dean")  
4 Motion for Summary Judgment based upon the *Spearin* Doctrine, filed on March 19, 2024, (the  
5 "*Spearin* Order"), in the Eighth Judicial District Court, Clark County, Nevada, attached hereto as  
6 **Exhibit 1**, and all other interlocutory orders made appealable thereby. The *Spearin* Order Includes  
7 the District Court's denial of the Association's NRCP 56(d) discovery request which is also  
8 appealable herein.

9 The Association files this Notice of Appeal in an abundance of caution to protect all  
10 applicable appellate rights. The Association reserves the right to challenge the *Spearin* Order  
11 recently entered by the District Court, however, the Association believes that the *Spearin* Order is  
12 an interlocutory order resolving only one of multiple claims still pending between the Association  
13 and M.J. Dean. A final appealable judgment on all claims has not been entered by the District  
14 Court nor has M.J. Dean obtained NRCP 54(b) certification. Moreover, the *Spearin* Order is not  
15 amenable to certification under NRCP 54(b) because it does not resolve all of the claims of any  
16 party to the litigation. *See* NRCP 54(b); *Taylor Const. Co. v. Hilton Hotels Corp.*, 100 Nev. 207,  
17 209, 678 P2.d 1152, 1153 (1984). The *Spearin* Order does not direct entry of a final judgement as  
18 to one party "upon an express determination that there is no just reason for delay and upon an  
19 express direction for the entry of judgment." NRCP 54(b). Claims remain pending in the District  
20 Court between the Association and M.J. Dean such that the District Court has not entered final  
21 judgment.

22 ///

28 ///

1 Finally, the Association filed a Motion for Reconsideration with the District Court on April  
2 3, 2024, which challenged the *Spearin* Order, and which works to toll the time to file an appeal  
3 pursuant to NRAP(4)(a)(4)(B) and (C). In an abundance of caution, however, all rights of appeal  
4 of the Association are expressly reserved.

5 DATED: April 16, 2024

/s/ Francis Lynch

FRANCIS I. LYNCH (No 4145)  
LYNCH & ASSOCIATES LAW GROUP  
840 S. Rancho Drive, Suite 4-922  
Las Vegas, Nevada 89106

SCOTT WILLIAMS (CA Bar No 78588)  
WILLIAMS & GUMBINER, LLP  
1010 B Street, Suite 200  
San Rafael, California 94901  
*Admitted Pro Hac Vice*

WILLIAM L. COULTHARD (No 3927)  
COULTHARD LAW PLLC  
840 S. Rancho Drive, Suite 4-627  
Las Vegas, Nevada 89106

*Counsel for Defendant/Counterclaimant Panorama  
Towers Condominium Unit Owners' Association*

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 16th day of April, 2024, the foregoing was served via Electronic Service only upon all parties registered with the Court’s Electronic Filing System,

/s/ Colin Hughes  
An employee of Lynch & Associates Law Group



FRANCIS I. LYNCH, ESQ. (#4145)  
LYNCH & ASSOCIATES LAW GROUP  
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*Counsel for Defendant/Counterclaimant Panorama  
Towers Condominium Unit Owners' Association*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

LAURENT HALLIER, an individual;  
PANORAMA TOWERS I, LLC, a Nevada  
limited liability company; PANORAMA  
TOWERS I MEZZ, LLC, a Nevada limited  
liability company; and M.J. DEAN  
CONSTRUCTION, INC., a Nevada  
corporation,

Plaintiffs,

vs.

PANORAMA TOWERS CONDOMINIUM  
UNIT OWNERS' ASSOCIATION, a Nevada  
non-profit corporation,

Defendant.

Case No.: A-16-744146-D

Dept. No.: XXII

**DEFENDANT/COUNTERCLAIMANT  
PANORAMA TOWERS  
CONDOMINIUM UNIT OWNERS'  
ASSOCIATION'S CASE APPEAL  
STATEMENT**

1 PANORAMA TOWERS CONDOMINIUM  
2 UNIT OWNERS' ASSOCIATION, a  
3 Nevada non-profit corporation,

4 Counterclaimant,

5 vs.

6 LAURENT HALLIER, an individual;  
7 PANORAMA TOWERS I, LLC, a Nevada  
8 limited liability company; PANORAMA  
9 TOWERS I MEZZ, LLC, a Nevada limited  
10 liability company; *et al.*,

11 Counterdefendants.

---

12 LAURENT HALLIER, an individual;  
13 PANORAMA TOWERS I, LLC, a Nevada  
14 limited liability company; and PANORAMA  
15 TOWERS I MEZZ, LLC, a Nevada limited  
16 liability company.

17 Third-Party Complainants,

18 vs.

19 TEXAS WALL SYSTEMS, INC., a Texas  
20 corporation, its successor in interest,  
21 OLDCASTLE BUILDING ENVELOPE,  
22 INC., a Delaware corporation; FORD  
23 CONTRACTING, INC., a Nevada  
24 corporation; and MOES 1-50,

25 Third-Party Cross-Defendants.

---

26 LAURENT HALLIER, an individual;  
27 PANORAMA TOWERS I, LLC, a Nevada  
28 limited liability company; and PANORAMA  
TOWERS I MEZZ, LLC, a Nevada limited  
liability company.

Cross-Claimants,

vs.

SIERRA GLASS & MIRROR, INC, a  
Delaware corporation; FORD  
CONTRACTING, INC., a Nevada  
corporation; and ROES 1-50,

Cross-Defendants,

PLEASE TAKE NOTICE that Defendant Panorama Towers Condominium Unit Owners' Association (the "HOA" or "Association"), hereby file this Case Appeal Statement regarding their Notice of Appeal pursuant to Nevada Rule of Appellate Procedure 3(f):

**1. Name of appellants filing this Case Appeal Statement:**

Panorama Towers Condominium Unit Owners' Association, Inc.

**2. Identify the judge issuing the decision, judgment or order appealed from:**

Honorable District Court Judge Susan H. Johnson, Eighth Judicial District Court, Clark County, Nevada

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

Panorama Towers Condominium Unit Owners' Association

Represented by: Francis I. Lynch, Esq. (#4145)  
LYNCH & ASSOCIATES LAW GROUP  
840 S. Rancho Drive, Suite 4-922  
Las Vegas, Nevada 89106

Scott Williams, Esq. (*pro hac vice*)  
WILLIAMS & GUMBINER, LLP  
1010 B Street, Suite 200  
San Rafael, California 94901

William Coulthard, Esq. (#3927)  
COULTHARD LAW PLLC  
840 S. Rancho Drive, Suite 4-627  
Las Vegas, Nevada 89106

**4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, provide the name and address of that respondent's trial counsel):**

Laurent Hallier; Panorama Towers I, LLC; and Panorama Towers I Mezz, LLC

Represented by: Daniel F. Polsenberg, Esq. (#2376)  
Joel D. Henriod, Esq. (#8492)  
Abraham G. Smith, Esq. (#13250)  
LEWIS ROCA ROTHGERBER CHRISTIE LLP  
3993 Howard Hughes Parkway, Suite 600  
Las Vegas, Nevada 89169



David Lee, Esq.  
LEE, LANDRUM & INGLE  
7575 Vegas Drive, Suite 150  
Las Vegas, NV 89128

M.J. Dean Construction, Inc.

Represented by: Jeffrey W. Saab, Esq. (11261)  
Devin R. Gifford, Esq. (#14055)  
Patrick Wang Esq (#13781)  
BREMER WHYTE BROWN & O'MEARA LLP  
1160 N. Town Center Drive, Suite 250  
Las Vegas, Nevada 89144

Ford Contracting, Inc.

Represented by: Jason Ferris, Esq.  
Luh & Associates  
8987 West Flamingo, #100  
Las Vegas, NV 89147

Texas Wall Systems, Inc.; Oldcastle Building Envelope, Inc.

Represented by: Sean Allen, Esq.  
Lorber, Greenfield & Polito, LLP  
1180 N. Town Center Drive, Suite 100  
Las Vegas, NV 89144

Sierra Glass & Mirror, Inc.

Represented by: Eileen Marks, Esq.  
Marks Law Group  
1120 Town Center Drive, Suite 200  
Las Vegas, NV 89144

**5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada, and if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):**

Scott Williams, Esq., co-counsel for Panorama Towers Condominium Unit Owners' Association, Inc., was granted permission to appear before the district court under SCR 42. The Order granting such permission is attached hereto as **Exhibit 1**.

**6. Indicate whether appellant was represented by appointed or retained counsel in the district court:**

1 Panorama Towers Condominium Unit Owners' Association, Inc. was represented by  
2 retained counsel in the district court.

3 **7. Indicate whether appellant is represented by appointed or retained counsel on**  
4 **appeal:**

5 Panorama Towers Condominium Unit Owners' Association, Inc. is represented by retained  
6 counsel on appeal.

7 **8. Indicate whether appellant was granted leave to proceed in forma pauperis,**  
8 **and if so, the date of the district court's order granting such leave:**

9 Panorama Towers Condominium Unit Owners' Association, Inc. did not request and was  
10 not granted leave to proceed in forma pauperis.

11 **9. Indicate the date that the proceedings commenced in the district court (e.g.,**  
12 **date complaint, indictment, information, or petition was filed):**

13 Laurent Hallier; Panorama Towers I, LLC; Panorama Towers I Mezz, LLC; and M.J. Dean  
14 Construction, Inc. filed their Complaint in the district court on September 28, 2016.

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

18 In February 2016, Panorama Towers Condominium Unit Owner's Association, Inc. (the  
19 "Association") served Laurent Hallier; Panorama Towers I, LLC; Panorama Towers I Mezz, LLC;  
20 and M.J. Dean Construction, Inc. (collectively the "Builders") with a NRS Chapter 40 Notice  
21 alleging construction defects in the Association's two high-rise condominium towers. After the  
22 Builders conducted perfunctory pre-litigation inspections, the parties participated in the pre-  
23 litigation mediation required by statute. On September 28, 2016, just two days after that mediation  
24 ended without any resolution of the Association's NRS Chapter 40 claims, the Builders pre-  
25 emptively filed this action against the Association seeking to enforce a prior contractual agreement  
26 and obtain declaratory relief. On March 1, 2017, after the Association's unsuccessfully sought to  
27 dismiss the Builders' Complaint, the Association timely filed its Answer and Counterclaim against  
28 the Builders. The Association's asserted Counterclaims including the construction defect claims  
contained within the NRS Chapter 40 Notice.

1           On March 20, 2017, the Builders filed their first motion for summary judgment that  
2 challenged, among other things, the sufficiency of the Association's Chapter 40 Notice. On  
3 September 15, 2017, the district court granted the Builders' motion in part and gave the  
4 Association leave to amend the Chapter 40 Notice to provide additional detail. On August 3, 2018,  
5 after the Association served the Builders with an Amended Chapter 40 Notice, the Builders filed  
6 another motion for summary judgment challenging the sufficiency of the amended notice. On  
7 November 30, 2018, the district court granted the Builders' motion in part and determined the  
8 Homeowners Association provided sufficient notice of the underlying alleged window design  
9 defect.

10           On October 22, 2018, the Builders filed their third motion for summary judgment  
11 challenging the Association's standing to assert claims related to the window design defect. On  
12 March 11, 2019, the district court entered its order denying that motion.

13           On February 11, 2019, the Builders filed their fourth motion for summary judgment, this  
14 time challenging the timeliness of the Association's construction defect counterclaims under NRS  
15 11.202(1). On March 1, 2019, the Association filed its opposition to the motion and a  
16 countermotion. On April 23, 2019, the Court heard the Builders' motion and the Association's  
17 countermotion. On May 23, 2019, the Court entered its Order granting the Builders' motion and  
18 denying the Association's countermotion ("May 23, 2019 Order"). On May 28, 2019, the Builders  
19 filed a Notice of Entry for the Order.

20           On February 12, 2020, the Association timely filed its Notice of Appeal of the district  
21 court's various orders, including but not limited to the May 23, 2019 Order, the Rule 54(b) Order,  
22 and the Rule 59(e) Order. Following full briefing, the Nevada Supreme Court vacated the district  
23 court's summary judgment and remanded this matter for further proceedings consistent with the  
24 remainder of its November 10, 2021, ruling.

25           Following additional motion practice and discovery disputes, Plaintiff/Counter-Defendant  
26 M.J. Dean Construction Inc. filed its Motion for Summary Judgment Based upon the  
27  
28

1 *Spearin*<sup>1</sup> Doctrine on November 9, 2023. The Association filed its opposition on November 27,  
2 2023. The matter was heard before the district court on December 14, 2023.

3 On March 19, 2024, the district court filed its Order Granting Plaintiff/Counter-Defendant  
4 M.J. Dean Construction Inc.'s Motion for Summary Judgment Based upon the *Spearin* Doctrine  
5 (the "Spearin Order").

6 On April 3, 2024, the Association filed a Motion for Reconsideration of as to the district  
7 court's Spearin Order. Hearing on the Motion for Reconsideration of the Spearin Order is presently  
8 set for May 7, 2024 before the district court and should work to toll the time to file an appeal  
9 pursuant to NRAP 4(a)(4).

10 On April 16, 2024, in an abundance of caution and to protect its appellate rights, the  
11 Association timely filed its Notice of Appeal of the district court's Spearin Order.

12 **11. Indicate whether the case has previously been the subject of an appeal to or**  
13 **original writ proceeding in the Supreme Court or Court of Appeals and, if so, the caption**  
**and docket number of the prior proceeding:**

14 This case has previously been the subject of an appeal to or original writ proceeding in the  
15 Supreme Court or Court of Appeals.

16 Supreme Court No.: 80615

17 Short Caption: PANORAMA TOWERS CONDO. UNIT OWNERS' ASS'N VS. HALLIER

18 **12. Indicate whether this appeal involves child custody or visitation:**

19 This appeal does not involve child custody or visitation.

20 ///

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27 <sup>1</sup> The *Spearin* doctrine is addressed by the United States Supreme Court in *United States v. Spearin*,  
28 248 U.S. 132, 39 S.Ct. 59, 63 L.Ed. 166 (1918).

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

3       This appeal involves the possibility of settlement.

4       DATED: April 16, 2024

/s/ Francis Lynch

5                               FRANCIS I. LYNCH (No 4145)  
6                               LYNCH & ASSOCIATES LAW GROUP  
7                               840 S. Rancho Drive, Suite 4-922  
                              Las Vegas, Nevada 89106

8                               SCOTT WILLIAMS (CA Bar No 78588)  
9                               WILLIAMS & GUMBINER, LLP  
10                              1010 B Street, Suite 200  
                              San Rafael, California 94901  
                              *Admitted Pro Hac Vice*

11                              WILLIAM L. COULTHARD (No 3927)  
12                              COULTHARD LAW PLLC  
13                              840 S. Rancho Drive, Suite 4-627  
                              Las Vegas, Nevada 89106

14                              *Counsel for Defendant/Counterclaimant Panorama*  
15                              *Towers Condominium Unit Owners' Association*  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 16th day of April, 2024, the foregoing was served via Electronic Service only upon all parties registered with the Court’s Electronic Filing System,

/s/ Colin Hughes  
An employee of Lynch & Associates Law Group

EXHIBIT 1

# EXHIBIT 1

EXHIBIT 1

Department XXII District Court  
Regional Justice Center  
200 S. Lewis  
Las Vegas, NV 89155  
702-671-0551  
702-671-0571 (FAX)

**Department XXII  
District Court**

ELECTRONICALLY SERVED  
01/13/2017 02:45:27 PM

# E-Service Notice

**To:** Lynch Hopper, LLP  
& All Interested Parties

**From:** Keivan A. Roebuck, Esq.  
Law Clerk to Judge Susan Johnson, Dept. XXII

**Pages:** 1, including this cover

**Re:** Hallier v. Panorama Towers  
A- 744146

**Date:** 1/13/2017

☐ **Urgent**

☒ **For Review**

☐ **Please Comment**

☐ **Please Reply**

☐ **Please Recycle**

• **Comments:**

Counsel,

Please be advised the following minute order has been entered:

Having examined Defendant's Motion to Associate Counsel filed January 3, 2017, noted the motion was electronically served upon the parties, a Non-Opposition was filed thereto on January 5, 2017, and there is good cause therefore, COURT ORDERS Defendant's Motion to Associate Counsel filed January 3, 2017 is GRANTED pursuant to SCR 42 and EDCR 2.20(e).

Accordingly, the matter scheduled to be heard Tuesday, February 7, 2016 at 10:30 a.m. is VACATED pursuant to EDCR 2.23. Counsel is to prepare and submit a proposed Order to the Court within ten (10) days of this Minute Order or no later than Monday, January 30, 2016 pursuant to EDCR 7.21.



EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. A-16-744146-D**

**Laurent Hallier, Plaintiff(s)**

**vs.**

**Panorama Towers Condominium Unit Owners Association, Defendant(s)**

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Location: **Department 22**

Judicial Officer: **Johnson, Susan**

Filed on: **09/28/2016**

Cross-Reference Case **A744146**

Number:

Supreme Court No.: **80615**

**CASE INFORMATION**

Case Type: **Chapter 40**

Case Status: **09/28/2016 Open**

**DATE**

**CASE ASSIGNMENT**

**Current Case Assignment**

Case Number A-16-744146-D  
Court Department 22  
Date Assigned 09/28/2016  
Judicial Officer Johnson, Susan

**PARTY INFORMATION**

		<i>Lead Attorneys</i>
<b>Plaintiff</b>	<b>Hallier, Laurent</b>	<b>Lee, David S</b> <i>Retained</i> 702-880-9750(W)
	<b>MJ Dean Construction Inc</b>	<b>Saab, Jeffrey W.</b> <i>Retained</i> 702-258-6665(W)
	<b>Panorama Towers I LLC</b>	<b>Lee, David S</b> <i>Retained</i> 702-880-9750(W)
	<b>Panorama Towers I Mezz LLC</b>	<b>Lee, David S</b> <i>Retained</i> 702-880-9750(W)
<b>Defendant</b>	<b>Panorama Towers Condominium Unit Owners Association</b>	<b>Lynch, Francis I</b> <i>Retained</i> 7028681115(W)
<b>Counter Claimant</b>	<b>Panorama Towers Condominium Unit Owners Association</b>	<b>Lynch, Francis I</b> <i>Retained</i> 7028681115(W)
<b>Counter Defendant</b>	<b>Bombard Mechanical LLC</b>	
	<b>Dean Roofing Company</b>	
	<b>F. Rogers Corporation</b>	
	<b>Five Star Plumbing &amp; Heating LLC</b>	
	<b>Flippins Trenching Inc</b>	
	<b>Ford Contracting Inc</b>	<b>Luh, Charlie H.</b> <i>Retained</i> 7023678899(W)

# CASE SUMMARY

CASE NO. A-16-744146-D

Hallier, Laurent

Lee, David S

*Retained*

702-880-9750(W)

Insulpro Inc

Symmons, Scott C.

*Retained*

702-576-9807(W)

MJ Dean Construction Inc

Saab, Jeffrey W.

*Retained*

702-258-6665(W)

Panorama Towers I LLC

Lee, David S

*Retained*

702-880-9750(W)

Panorama Towers I Mezz LLC

Lee, David S

*Retained*

702-880-9750(W)

R. Rodgers Corporation

Sierra Glass & Mirror Inc

Marks, Eileen M

*Retained*

7023417870(W)

Southern Nevada Paving Inc

Xtreme Xcavation

Cross Claimant

Hallier, Laurent

Lee, David S

*Retained*

702-880-9750(W)

Panorama Towers I LLC

Lee, David S

*Retained*

702-880-9750(W)

Panorama Towers I Mezz LLC

Lee, David S

*Retained*

702-880-9750(W)

Cross Defendant

Ford Contracting Inc

Luh, Charlie H.

*Retained*

7023678899(W)

Sierra Glass & Mirror Inc

Marks, Eileen M

*Retained*

7023417870(W)

Special Master

Hale, Floyd A

Third Party  
Defendant

Ford Contracting Inc

Luh, Charlie H.

*Retained*

7023678899(W)

Oldcastle Building Envelope Inc

Allen, Sean

*Retained*

800-659-8821(W)

Texas Wall Systems Inc

Allen, Sean

*Retained*

800-659-8821(W)

Third Party  
Plaintiff

Hallier, Laurent

Lee, David S












*Retained*

702-880-9750(W)

Panorama Towers I LLC

Lee, David S

**CASE SUMMARY****CASE NO. A-16-744146-D**Retained  
702-880-9750(W)**Panorama Towers I Mezz LLC****Lee, David S**  
Retained  
702-880-9750(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
	<b><u>EVENTS</u></b>	
09/28/2016	 Complaint (CD, Complex) Filed By: Cross Claimant Hallier, Laurent <i>[1] Complaint</i>	
09/29/2016	 Demand for Jury Trial Filed By: Cross Claimant Hallier, Laurent <i>[2] Demand for Jury Trial</i>	
10/11/2016	 Summons Filed by: Cross Claimant Hallier, Laurent <i>[3] Summons - Panorama Towers Condominium Unit Owners' Association</i>	
12/07/2016	 Motion to Dismiss Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association <i>[4] Motion to Dismiss Complaint</i>	
12/20/2016	 Stipulation and Order Filed by: Cross Claimant Hallier, Laurent <i>[5] Stipulation and Order to Continue Hearing on Defendant Panorama Towers Condominium Unit Owners' Association's Motion to Dismiss Complaint</i>	
12/20/2016	 Notice of Entry of Stipulation and Order Filed By: Cross Claimant Hallier, Laurent <i>[6] Notice of Entry of Stipulation and Order to Continue Hearing on Defendant Panorama Towers Condominium Unit Owners' Association's Motion to Dismiss Complaint</i>	
01/03/2017	 Motion to Associate Counsel Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association <i>[7] Motion to Associate Counsel</i>	
01/04/2017	 Opposition to Motion Filed By: Cross Claimant Hallier, Laurent <i>[8] Plaintiffs' Opposition to Defendant Panorama Towers Unit Owners Association's Motion to Dismiss Complaint</i>	
01/04/2017	 Appendix Filed By: Cross Claimant Hallier, Laurent <i>[9] Appendix to Plaintiffs' Opposition to Defendant Panorama Towers Unit Owners Association's Motion to Dismiss Complaint</i>	
01/04/2017	 Notice Filed By: Cross Claimant Hallier, Laurent <i>[10] Notice of Submission of Exhibit for In Camera Review</i>	
01/05/2017	 Non Opposition Filed By: Cross Claimant Hallier, Laurent	

# CASE SUMMARY

CASE NO. A-16-744146-D

[11] Plaintiff Laurent Hallier's, Panorama Tower I, LLC's, Panorama Towers I Mezz, LLC's and M.J. Dean Construction, Inc.'s Non- Opposition to Defendant Panorama Towers Condominium Unit Owners' Association's Motion to Associate Counsel

01/10/2017



Stipulation and Order

Filed by: Cross Claimant Hallier, Laurent

[12] Stipulation and Order to Deem the Case Complex and to Appoint Floyd Hale as Special Master

01/10/2017



Notice of Entry of Stipulation and Order

Filed By: Cross Claimant Hallier, Laurent

[13] Notice of Entry of Stipulation and Order to Deem the Case Complex and to Appoint Floyd Hale as Special Master

01/17/2017



Reply in Support

Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association

[14] Defendant's Reply in Support of Motion to Dismiss Complaint

02/09/2017



Notice of Entry of Order

Filed By: Cross Claimant Hallier, Laurent

[16] Notice of Entry of Order Denying Defendant Panorama Towers Condominium Unit Owners' Association's Motion to Dismiss Complaint

02/09/2017



Order Denying Motion

Filed By: Cross Claimant Hallier, Laurent

[15] Order Denying Defendant Panorama Towers Condominium Unit Owners' Association's Motion to Dismiss Complaint

02/17/2017



Notice of Special Master Hearing

Filed By: Special Master Hale, Floyd A

[17] Notice of Special Master Hearing

03/01/2017



Answer and Counterclaim

Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association

[18] Defendant Panorama Towers Condominium Unit Owners' Association's Answer to Complaint and Counterclaim

03/02/2017



Notice of Special Master Hearing

Filed By: Special Master Hale, Floyd A

[19] Notice of Special Master Hearing

03/20/2017



Recorders Transcript of Hearing

[21] Recorder's Transcript of Hearing Re Defendant's Motion to Dismiss Complaint January 24, 2017

03/20/2017



Motion for Summary Judgment

Filed By: Cross Claimant Hallier, Laurent

[20] Plaintiffs/Counter-Defendants Laurent Hallier's, Panorama Towers I, LLC's, Panorama Towers I Mezz, LLC's, and M.J. Dean Construction, Inc.'s Motion for Summary Judgment on Defendant/Counter-Claimant Panorama Tower Condominium Unit Owners' Association's Counter-Claim and Plaintiffs/Counter-Defendants Laurent Hallier's, Panorama Towers I, LLC's, Panorama Towers I Mezz, LLC's and M.J. Dean Construction, Inc.'s Motion for Partial Summary Judgment on Their Third Claim for Relief in Their Complaint for Declaratory Relief

03/23/2017



Case Management Order

Filed By: Special Master Hale, Floyd A

# CASE SUMMARY

CASE NO. A-16-744146-D

[23] Case Management Order

03/23/2017



Notice of Special Master Hearing

Filed By: Special Master Hale, Floyd A

[22] Notice of Rescheduled Special Master Hearing

03/27/2017



Notice of Entry of Order

Filed By: Special Master Hale, Floyd A

[24] Notice of Entry of Order (CMO)

04/04/2017



Notice of Entry of Order

Filed By: Cross Claimant Hallier, Laurent

[26] Notice of Entry of Stipulation and Order to Continue Hearing on Plaintiffs/Counter-Defendants Laurent Hallier's Panorama Towers I, LLC's, Panorama Towers I Mezz, LLC's and M.J. Dean Construction, Inc.'s Motion for Summary Judgment on Defendant/Counter-Claimant Panorama Tower Condominium Unit Owners' Association's Counter-Claim and Plaintiffs/Counter Defendants Laurent Hallier's Panorama Towers I, LLC's, Panorama Towers I Mezz, LLC's and M.J. Dean Construction, Inc.'s Motion for Partial Summary Judgment on Their Third Claim for Relief in Their Complaint for Declaratory Relief

04/04/2017



Stipulation and Order

Filed by: Cross Claimant Hallier, Laurent

[25] Stipulation and Order to Continue Hearing on Plaintiffs/Counter-Defendants Laurent Hallier's Panorama Towers I, LLC's, Panorama Towers I Mezz, LLC's and M.J. Dean Construction, Inc.'s Motion for Summary Judgment on Defendant/Counter-Claimant Panorama Tower Condominium Unit Owners' Association's Counter-Claim and Plaintiffs/Counter Defendants Laurent Hallier's Panorama Towers I, LLC's, Panorama Towers I Mezz, LLC's and M.J. Dean Construction, Inc.'s Motion for Partial Summary Judgment on Their Third Claim for Relief in Their Complaint for Declaratory Relief

04/18/2017



Notice

Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association

[27] Notice of Filing of Request for Exemption from Arbitration

04/26/2017



Opposition to Motion For Summary Judgment

Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association

[28] Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Opposition To Plaintiffs/Counterdefendants' Motion For Summary Judgment On The Counterclaim And Oppostion To Plaintiffs/Counterdefendants' Motion For Partial Summary Judgment On Their Third Claim For Relief In Their Complaint For Declaratory Relief

05/05/2017



Commissioners Decision on Request for Exemption - Granted

[29] Commissioner's Decision on Request for Exemption - Granted

05/08/2017



Arbitration File

[30] Arbitration File

05/10/2017



Reply in Support

Filed By: Cross Claimant Hallier, Laurent

[31] Plaintiffs/Counter-Defendants Laurent Hallier's, Panorama Towers I, LLC's, Panorama Towers I Mezz, LLC's and M.J. Dean Construction, Inc.'s Reply in Support of Motion for Summary Judgment on Defendant/Counter-Claimant Panorama Tower Condominium Unit Owners' Association's Counter-Claim and Plaintiffs/Counter-Defendants Laurent Hallier's, Panorama Towers I, LLC's, Panorama Towers I Mezz, LLC's and in Support of M.J. Dean Construction, Inc.'s Motion for Partial Summary Judgment on Their Third Claim for Relief in their Complaint for Declaratory Relief

05/16/2017

# CASE SUMMARY

CASE NO. A-16-744146-D



## Re-Notice

Filed by: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc  
 [32] *Re-Notice of Hearing of Plaintiffs/Counter-Defendants Laurent Hallier's, Panorama Towers I, LLC's, Panorama Towers I, Mezz, LLC's, and M.J. Dean Construction, Inc.'s Motion for Summary Judgment on Defendant/Counter-Claimant Panorama Tower Condominium Unit Owners' Association's Counter-Claim and Plaintiffs/Counter-Defendants Laurent Hallier's, Panorama Towers I, LLC's, Panorama Towers I Mezz, LLC's and M.J. Dean Construction, Inc.'s Motion for Partial Summary Judgment on Their Third Claim for Relief in Their Complaint for Declaratory Relief*

05/16/2017



## Order

[33] *Order*

05/18/2017



## Notice of Special Master Hearing

[34] *Notice of Rescheduled Specical Master Hearing*

06/14/2017



## Notice of Entry

Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc  
 [35] *Notice of Entry of Order Re: Objectoin to Commissioner's Decision on Request for Exemption and Sanctions Against Counsel*

06/19/2017



## Arbitration File

[36] *Arbitration File*

06/22/2017



## Special Master Order

Filed By: Special Master Hale, Floyd A  
 [37] *Special Master Order Holding Case Management Order Discovery Requirements in Abeyance and Notice of Rescheduled Special Master Hearing*

06/29/2017



## Motion

Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association  
 [43] *Motion to Enlarge Time for Service*

06/30/2017



## Affidavit of Service

Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association  
 [38] *Affidavit of Service (Dean Roofing Company)*

06/30/2017



## Affidavit of Service

Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association  
 [39] *Affidavit of Service (Five Star Plumbing & Heating LLC dba Silver Star Plumbing)*

06/30/2017



## Affidavit of Service

Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association  
 [40] *Affidavit of Service (Flippins Trenching Inc.)*

06/30/2017



## Affidavit of Service

Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association  
 [41] *Affidavit of Service (Ford Contracting Inc.)*

06/30/2017




## Affidavit of Service

Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association  
 [42] *Affidavit of Service (Sierra Glass & Mirror Inc.)*

# CASE SUMMARY

CASE NO. A-16-744146-D

07/06/2017	 Affidavit of Service Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association <i>[44] Affidavit of Service (Southern Nevada Paving, Inc)</i>
07/06/2017	 Affidavit of Service Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association <i>[45] Affidavit of Service (Insulpro, Inc.)</i>
07/06/2017	 Affidavit of Service Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association <i>[46] Affidavit of Service (Bombard Mechanical, LLC)</i>
07/17/2017	 Opposition Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc <i>[47] Laurent Hallier; Panorama Towers I, LLC; Panorama Towers I Mezz, LLC and M.J. Dean Construction, Inc.'s Opposition to Panorama Unit Owners Association's Motion to Enlarge Time</i>
07/21/2017	 Recorders Transcript of Hearing <i>[48] Re-notice of Hearing of Plaintiff's/Counter-Defendants Laurent Hallier's, Panorama Towers I, LLC's, Panorama Towers I, Mezz, LLC's, and MJ Dean Construction, Inc's Motion for Summary Judgment on Defendant/Counter-Claimant Panorama Tower Condominium Unit Owner's Association's Counter-Claim and Plaintiff's/Counter Defendants Laurent Hallier's, Panorama Towers i, LLC's, Panorama Towers i Mezz, LLC's and MJ Dean Construction, Inc's Motion for Partial Summary Judgment on Their Third Claim for Relief in Their Complaint for Declaratory Relief June 20, 2017</i>
07/25/2017	 Reply in Support Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association <i>[49] Reply in Support of Motion to Enlarge Time for Service</i>
08/07/2017	 Order Denying Motion Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc <i>[50] Order Denying Defendant Panorama Towers Condominium Unit Owners' Association's Motion to Enlarge Time for Service</i>
08/07/2017	 Notice of Entry of Order Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc <i>[51] Notice of Entry of Order Denying Defendant Panorama Towers Condominium Unit Owners' Association's Motion to Enlarge Time for Service</i>
08/23/2017	 Motion Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association <i>[52] Panorama Towers Condominium Unit Owners' Association's Motion for Leave to Amend its Pleadings and to Enlarge Time for Service</i>
09/11/2017	 Opposition Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc <i>[53] Laurent Hallier; Panorama Towers I, LLC; Panorama Towers I Mezz, LLC and M/J. Dean Constructon, Inc.'s Opposition to Panorama Unit Owners Association's Motion to Amend Pleadings and Enlarge Time for Services</i>
09/15/2017	 Findings of Fact, Conclusions of Law and Order

# CASE SUMMARY

CASE NO. A-16-744146-D

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

09/18/2017



Notice of Special Master Hearing

[55] Notice of Special Master Hearing

09/25/2017



Notice of Entry

Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc  
[56] Notice of Entry of Order as to Plaintiffs/Counter-Defendants Laurent Hallier's, Panorama Towers I, LLC's, Panorama Towers I Mexx, LLC's, and M.J. Dean Construction, Inc.'s Motion for Summary Judgment on Defendant/Counter-Claimant Panorama Tower Condominium Unit Owners' Association's Counter-Claim and Plaintiffs/Counter-Defendants Laurent Hallier's, Panorama Towers I, LLC's, Panorama towers I Mexx, LLC's and M.J. Dean Construction, Inc.'s Motion for Partial Summary Judgment on Their Third Claim for Relief in Their Complaint for Declaratory Relief

09/27/2017



Recorders Transcript of Hearing

[57] Defendant/Counterclaimant Panorama Towers Condominium Unit Owner's Association Motion to Enlarge Time for Service August 1, 2017

09/27/2017



Request

Filed by: Counter Claimant Panorama Towers Condominium Unit Owners Association  
[58] Request to Vacate Hearing Pursuant to Court's Order Staying Proceedings

10/10/2017



Motion for Clarification

Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association  
[59] Motion for Clarification

10/27/2017



Opposition

Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc  
[60] Laurent Hallier; Panorama Towers I, LLC; Panorama Towers I Mezz, LLC and M.J. Dean Construction, Inc.'s Opposition to Panorama Unit Owners Association's Motion for Clarification of this Court's September 15, 2017 Order

11/07/2017



Stipulation and Order

Filed by: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc  
[61] Stipulation and Order to Continue Hearing on Panorama Towers Condominium Unit Owners' Association's Motion for Clarification

11/08/2017



Notice of Entry

Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc  
[62] Notice of Entry of Stipulation and Order to Continue Hearing on Panorama Towers Condominium Unit Owners' Association's Motion for Clarification

11/15/2017



Reply in Support

Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association  
[63] Panorama Towers Condominium Unit Owner's Association's Reply in Support of Motion for Clarification of this Court's 9/15/17 Order

01/09/2018



Recorders Transcript of Hearing













[64] Panorama Towers Condominium Unit Owners' Association's Motion for Clarification of This Court's 9-15-17 Order November 21, 2017

02/01/2018



# CASE SUMMARY

CASE NO. A-16-744146-D

	 Order Denying Motion Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc <i>[65] Order Denying Defendant Panorama Towers Condominium Unit Owners' Association's Motion for Clarification of this Courts September 5, 2017 Order</i>
02/26/2018	 Notice of Special Master Hearing <i>[66] Notice of Special Master Hearing</i>
04/10/2018	 Recorders Transcript of Hearing <i>[67] Recorder's Transcript of hearing Re Status Check Re: Stay (per 9-15-17 order) March 15, 2018</i>
04/26/2018	 Notice of Special Master Hearing <i>[68] Notice of Rescheduled Special Master Hearing</i>
05/21/2018	 Recorders Transcript of Hearing <i>[69] Status Check RE: Stay (Per 9-15-17 Order) April 12, 2018</i>
06/04/2018	 Order Filed By: Cross Claimant Hallier, Laurent <i>[70] Order</i>
06/05/2018	 Notice of Entry of Order Filed By: Cross Claimant Hallier, Laurent <i>[71] Notice of Entry of Order</i>
08/03/2018	 Motion for Summary Judgment Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc <i>[72] Plaintiffs/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC, Panorama Towers I Mezz, LLC, And M.J. Dean Construction, Inc. s Motion For Summary Judgment On Defendant/Counterclaimant Panorama Tower Condominium Unit Owners Association s April 5, 2018 Amended Notice Of Claims</i>
08/07/2018	 Notice of Special Master Hearing <i>[73] Notice of Rescheduled Special Master Hearing</i>
09/04/2018	 Stipulation and Order Filed by: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc <i>[74] Stipulation and Order to Continue Hearing on Plaintiffs/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC, Panorama Towers I Mezz, LLC and M.J. Dean Construction, Inc.'s Motion for Summary Judgment on Defendant/Counter-Claimant Panorama Tower Condominium Unit Owners' Association's April 5, 2018 Amended Notice of Claims</i>
09/04/2018	 Opposition to Motion For Summary Judgment Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association <i>[76] Opposition to Plaintiffs/Counterdefendants Laurent Hallier, Panorama Towers I, LLC, Panorama Towers I Mezz, LLC, and M.J. Dean Construction, Inc. s Motion for Summary Judgment on Defendant/Counterclaimant Panorama Tower Condominium Unit Owners Association s April 5, 2018 Amended Notice of Claims</i>
09/05/2018	 Notice of Entry Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross

# CASE SUMMARY

CASE NO. A-16-744146-D

Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc  
[75] Notice of Entry of Stipulation and Order to Continue Hearing on Plaintiffs/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC, Panorama Towers I Mezz, LLC and M.J. Dean Construction, Inc.'s Motion for Summary Judgment on Defendant/Counter-Claimant Panorama Tower Condominium Unit Owners' Association's April 5, 2018 Amended Notice of Claims

09/25/2018



Reply in Support

Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc  
[77] Plaintiffs/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC, Panorama Towers I Mezz, LLC, and M.J. Dean Construction, Inc. s Reply in Support of Motion for Summary Judgment on Defendant/Counter-Claimant Panorama Tower Condominium Unit Owners Association s April 5, 2018 Amended Notice of Claims

10/01/2018



Notice of Association of Counsel

Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association  
[78] Notice of Association of Counsel

10/09/2018



Notice of Special Master Hearing

[79] Special Master Report and Notice of Special Master Hearing

10/18/2018



Notice of Special Master Hearing

[80] Notice of Rescheduled Special Master Hearing

10/22/2018



Motion for Declaratory Relief

Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc  
[81] Plaintiffs/Counter-Defendants' Motion For Declaratory Relief Regarding Standing

10/22/2018



Certificate of Service

Filed by: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc  
[82] Certificate of Service

10/22/2018



Appendix

Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc  
[83] Appendix to Plaintiffs/Counter-Defendants' Motions For Declaratory Relief Regarding Standing [Volume I OF III]

10/22/2018



Appendix

Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc  
[84] Appendix to Plaintiffs/Counter-Defendants' Motion for Declaratory Relief Regarding Standing [Volume II of III]

10/22/2018



Appendix

Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc  
[85] Appendix to Plaintiffs/Counter-Defendants' Motion for Declaratory Relief Regarding Standing [Volume III of III]

11/01/2018














Notice of Special Master Hearing

[86] Notice of Special Master Hearing

11/06/2018










# CASE SUMMARY

CASE NO. A-16-744146-D

	 Special Master Recommendation and District Court Order <i>[87] Special Master Recommendation and District Court Order Amending Case Agenda</i>
11/15/2018	 Notice of Special Master Hearing <i>[88] Notice of Special Master Hearing</i>
11/16/2018	 Opposition to Motion Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association <i>[89] Defendant's Opposition to Plaintiffs/Counter-Defendants' Motion for Decalaratory Relief Regarding Standing and Countermotions to Exclude Inadmissible Evidence and for Rule 56(f) Relief</i>
11/19/2018	 Errata Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association <i>[90] Errata to Defendant's Oppositon to Plaintiff's Counter-Defendants' Motion for Declaratory Relief Regarding Standing and Countermotions to Exclude Inadmissible Evidence and for Rule 56(f) Relief</i>
11/20/2018	 Order <i>[91] Order Setting Trial and Pre-Trial Dates</i>
11/30/2018	 Findings of Fact, Conclusions of Law and Order <i>[92] Findings of Fact, Conclusions of Law and Order</i>
12/17/2018	 Motion Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc <i>[93] Plaintiffs/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC, Panorama Towers I Mezz, LLC, and M.J. Dean Construction, Inc.'s Motion for Reconsideration of their Motion for Summary Judgment Defendant/Counter-Claimant Panorama Tower Condominium Unit Owners' Association's April 5, 2018 Amended Notice of Claims</i>
01/08/2019	 Stipulation and Order Filed by: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc <i>[94] Stipulation and Order to Reset Hearing on Plaintiffs/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC, Panorama Towers I Mezz, LLC, and M.J. Dean Construction, Inc.'s Motion for Declaratory Relief Regarding Standing and Defendant/Counterclaimant's Counter-Motions to Exclude Inadmissible Evidence and for Rule 56(f) Relief</i>
01/14/2019	 Notice of Entry Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc <i>[95] Notice of Entry of Stipulation and Order to Reset Hearing on Plaintiffs/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC, Panorama Towers I Mezz, LLC and M.J. Dean Construction, Inc.'s Motion for Declaratory Relief Regarding Standing and Defendant/CounterClaimaint's Counter-Motions to Exclude Inadmissible Evidence and for Rule 56(f) Relief</i>
01/14/2019	 Special Master Order <i>[96] Special Master Order Holding Case Agenda in Abeyance</i>
01/14/2019	 Notice of Special Master Hearing <i>[97] Notice of Special Master Hearing</i>

# CASE SUMMARY

CASE NO. A-16-744146-D

01/17/2019	 Stipulation and Order Filed by: Counter Claimant Panorama Towers Condominium Unit Owners Association <i>[98] Stipulation and Order to Reset Hearing on Plaintiffs/Counter-Defendants Laurant Hallier, Panorama Towers I, LLC, Panorama Towers I Mezz, LLC, and M.J. Dean Construction, Inc.'s Motion for Reconsideration of Their Motion for Summary Judgment on Panorama Towers Condominium Unit Owners' Association's April 5, 2018 Amended Notice of Claims</i>
01/22/2019	 Opposition to Motion Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association <i>[99] Defendant's Opposition to Plaintiffs/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC, Panorama Towers I Mezz, LLC, and M.J. Dean Construction, Inc.'s Motion for Reconsideration of their Motion for Summary Judgment on Defendant/Counter-Claimant Panorama Tower Condominium Unit Owners' Association's April 5, 2018 Amended Notice of Claims</i>
01/22/2019	 Reply Filed by: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc <i>[100] Plaintiffs/Counter-Defendants' Reply in Support of Motion for Declaratory Relief Regarding Standing and Oppositions to Defendant/CounterClaimant's Counter-Motions to Exclude Inadmissible Evidence and for Rule 56(f) Relief</i>
01/22/2019	 Appendix Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc <i>[101] Appendix to Plaintiffs/Counter-Defendants' Reply in Support of Motion for Declaratory Relief Regarding Standing and Oppositions to Defendant/CounterClaimant's Counter-Motions to Exclude Inadmissible Evidence and for Rule 56(f) Relief [Volume I of I]</i>
01/29/2019	 Reply in Support Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association <i>[102] Defendant's Reply in Support of Countermotion to Exlude Inadmissible Evidence and for Rule 56(f) Relief</i>
02/04/2019	 Reply in Support Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc <i>[103] Plaintiffs/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC, Panorama Towers I Mezz, LLC, and M.J. Dean Construction, Inc.'s Reply in Support of Motion for Reconsideration of their Motion for Summary Judgment on Defendant/Counter-Claimant Panorama Tower Condominium Unit Owners' Association's April 5, 2018 Amended Notice of Claims</i>
02/05/2019	 Errata Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc <i>[104] Errata to: Plaintiffs/Counter-Defendants Reply in support of Motion for Declaratory Relief Regarding Standing and Oppositions to Defendant/Counterclaimant s Counter-Motions to Exclude Inadmissible Evidence and for Rule 56(f) Relief</i>
02/05/2019	 Errata Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc <i>[105] Errata to: Plaintiffs/Counter-Defendants' Motion for Declaratory Relief Regarding Standing [Volume I of II]</i>
02/11/2019	 Motion for Summary Judgment Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross

# CASE SUMMARY

CASE NO. A-16-744146-D

	<p>Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc  <i>[106] Plaintiffs/Counter-Defendants Motion for Summary Judgment Pursuant to NRS 11.202 (1)</i></p>
02/28/2019	<p> Recorders Transcript of Hearing  <i>[107] All Pending Motions February 12, 2019</i></p>
03/01/2019	<p> Opposition to Motion For Summary Judgment            Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association  <i>[108] Opposition</i></p>
03/11/2019	<p> Order Denying Motion  <i>[109] Order Denying Plaintiffs/Counter-Defendants' Motion for Reconsideration of Their Motion for Summary Judgment on Defendant/Counter-Claimant's April 5, 2018 Amended Notice of Claims</i></p>
03/11/2019	<p> Order Denying Motion            Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association  <i>[110] Order Denying Plaintiffs/Counter-Defendants' Motion for Declaratory Relief Regarding Standing</i></p>
03/12/2019	<p> Stipulation and Order            Filed by: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc  <i>[111] Stipulation and Order to Continue Hearing Date of Plaintiffs/Counter-Defendants' Motion for Summary Judgment Pursuant to NRS 11.202(1), and the Opposition and Countermotion</i></p>
03/12/2019	<p> Notice of Entry            Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc  <i>[112] Notice of Entry of Order Granting Stipulation and Order to Continue Hearing Date of Plaintiffs/Counter-Defendants' Motion for Summary Judgment Pursuant to NRS 11.202(1) and the Opposition and Countermotion</i></p>
03/12/2019	<p> Notice of Entry of Order            Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association  <i>[113] Notice of Entry of Order</i></p>
03/12/2019	<p> Notice of Entry of Order            Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association  <i>[114] Notice of Entry of Order</i></p>
03/14/2019	<p> Notice of Special Master Hearing  <i>[115] Notice of Special Master Hearing</i></p>
03/15/2019	<p> Reply in Support            Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc  <i>[116] Plaintiffs Laurent Hallier; Panorama Towers I, LLC; Panorama Towers I Mezz, LLC; and M.J. Dean Construction, Inc.'s, Reply in Support of Their Motion for Summary Judgment Pursuant to NRS 11.202(1); And Opposition to Defendant/Counter-Claimant's Conditional Countermotion</i></p>
03/15/2019	<p> Appendix            Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross</p>

# CASE SUMMARY

CASE NO. A-16-744146-D

Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc  
*[117] Appendix to Plaintiffs/Counter-Defendants' Reply in Support of their Motion for Summary Judgment Pursuant to NRS 11.202(1); and Opposition to Defendant/Counter-Claimant's Conditional Countermotion [Volume 1 of 1]*

03/19/2019



Reply in Support

Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association  
*[118] Reply*

03/22/2019



Stipulation and Order

Filed by: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc  
*[119] Stipulation and Order to Continue Hearing Date of Plaintiffs/Counter-Defendants' Motion for Summary Judgment Pursuant to NRS 11.202(1); and the Opposition and Countermotion (Second Request)*

03/22/2019



Notice of Entry

Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc  
*[120] Notice of Entry of Stipulation and Order to Continue Hearing Date of Plaintiffs/Counter-Defendants' Motion for Summary Judgment Pursuant to NRS 11.202(1); and the Opposition and Countermotion (Second Request)*

03/26/2019



Notice of Special Master Hearing

*[121] Notice of Cancellation of Special Master Hearing*

04/10/2019



Notice of Compliance

Party: Counter Claimant Panorama Towers Condominium Unit Owners Association  
*[122] Defendant's First Notice of Compliance*

05/13/2019



Notice of Special Master Hearing

*[123] Notice of Special Master Hearing*

05/20/2019



Special Master Recommendation and District Court Order

*[124] Special Master Recommendation and District Court Order Amending Case Agenda*

05/23/2019



Findings of Fact, Conclusions of Law and Order

*[125] Findings Of Fact, Conclusions of Law And Order*

05/28/2019



Notice of Entry

Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc  
*[126] Notice of Entry of Order as to Plaintiff's Counter Defendants Motion for Summary Judgment Pursuant to NRS 11.202(L) Filed February 11, 2019 and Defendant's Counter-Claimants Conditional Counter-Motion for Relief Pursuant to NRS 40.695(2) Filed March 1, 2019*

05/28/2019



Memorandum of Costs and Disbursements

Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc  
*[127] Plaintiffs Verified Memorandum of Costs and Disbursements*

05/29/2019














Errata

Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc  
*[128] Notice of Errata to Plaintiffs Verified Memorandum of Costs and Disbursements*

# CASE SUMMARY

CASE NO. A-16-744146-D

05/31/2019	 Motion to Retax Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association <i>[129] Defendant's Motion to Re-Tax and Settle Costs</i>
06/03/2019	 Clerk's Notice of Hearing <i>[130] Notice of Hearing</i>
06/03/2019	 Motion to Reconsider Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association <i>[131] Defendant's Motion for Reconsideration of the Court's May 23, 2019 Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs' Motion for Summary Judgment Pursuant to NRS 11.202(1) or, in the alternative, Motion to Stay the Court's Order</i>
06/04/2019	 Clerk's Notice of Hearing <i>[132] Notice of Hearing</i>
06/13/2019	 Motion to Reconsider Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association <i>[133] Defendant's Motion for Reconsideration and/or to Alter or Amend 5-23-19 FFCL</i>
06/13/2019	 Clerk's Notice of Hearing <i>[134] Notice of Hearing</i>
06/16/2019	 Motion for Attorney Fees Filed By: Cross Claimant Hallier, Laurent <i>[135] Plaintiffs/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC, Panorama Towers I Mezz, LLC, and M.J. Dean Construction, Inc. s, Motion for Attorney's Fees Pursuant To NRS 18.010(2)(B)</i>
06/16/2019	 Appendix Filed By: Cross Claimant Hallier, Laurent <i>[136] Appendix to Plaintiffs/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC, Panorama Towers I Mezz, LLC, and M.J. Dean Construction, Inc. s, Motion for Attorney's Fees Pursuant To NRS 18.010(2)(B)-Volume I of II</i>
06/16/2019	 Appendix Filed By: Cross Claimant Hallier, Laurent <i>[137] Appendix to Plaintiffs/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC, Panorama Towers I Mezz, LLC, and M.J. Dean Construction, Inc. s, Motion for Attorney's Fees Pursuant To NRS 18.010(2)(B)-Volume II of II</i>
06/17/2019	 Stipulation and Order Filed by: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc <i>[138] Stipulation and Order to Continue Hearing Dates and to set the Briefing Schedules of (1) Defendant's Motion to Re-Tax and Settle Costs, and (2) Defendant's Motion for Reconsideration of the Court's May 23, 2019 Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs' Motion for Summary Judgment Pursuant to NRS 11.202(1) or, in the Alternative, Motion to Stay the Court's Order</i>
06/18/2019	 Notice of Entry Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc <i>[139] Notice of Entry of Stipulation and Order to Continue Hearing Dates and to set the Briefing Schedules of (1) Defendant's Motion to Re-Tax and Settle Costs, and (2) Defendant's</i>

# CASE SUMMARY

CASE NO. A-16-744146-D

*Motion for Reconsideration of the Court's May 23, 2019 Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs' Motion for Summary Judgment Pursuant to NRS 11.202(1) or, in the Alternative, Motion to Stay the Court's Order*

06/21/2019



Opposition to Motion

Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc [140] Plaintiffs/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC, Panorama Towers I Mezz, LLC and M.J. Dean Construction, Inc.'s Opposition to Defendant/Counter-Claimant's Motion to Re-Tax and Settle Costs

06/21/2019



Opposition to Motion

Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc [141] Plaintiffs/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC, Panorama Towers I Mezz, LLC, and M.J. Dean Construction, Inc.'s, Opposition to Defendants/Counter-Claimants Motion for Reconsideration of The Court's May 23, 2019 Findings of Fact, Conclusions of Law and Order Granting Plaintiffs/Counter-Defendants Motion for Summary Judgment Pursuant to NRS 11 202(1) or, in the Alternative, Motion to Stay the Court's Order

06/21/2019



Appendix

Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc [142] Appendix to Plaintiffs/ Counter-Defendants Laurent Hallier; Panorama Towers I, LLC; Panorama Towers I Mezz, LLC; And M.J. Dean Construction, Inc.'s, Opposition to Defendants/Counter-Claimants Motion for Reconsideration of the Court S May 23, 2019 Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs's/Counter-Defendants Motion for Summary Judgment Pursuant to NRS 11.202(1) or, in The Alternative, Motion to Stay the Court's Order

07/01/2019



Opposition to Motion

Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc [143] Plaintiffs/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC, Panorama Towers I Mezz, LLC, and M.J. Dean Construction, Inc.'s, Opposition to Defendants/Counter-Claimants Motion for Reconsideration of and/or to Alter or Amend the Court's May 23, 2019 Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs Motion for Summary Judgment Pursuant to NRS 11.202(1)

07/01/2019



Opposition to Motion

Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association [144] Opposition to Motion for Attorneys Fees

07/09/2019



Reply in Support

Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association [145] Defendant's Reply in Support of Motion for Reconsideration of and/or to Alter or Amend FFCL

07/09/2019



Reply in Support

Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association [146] Defendant's Reply in Support of Motion to Re-Tax and Settle Costs

07/09/2019



Reply in Support

Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association [147] Defendant's Reply in Support of Motion for Reconsideration of FFCL, Motion to Stay

07/09/2019



Reply in Support

Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross



# CASE SUMMARY

CASE NO. A-16-744146-D

Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc  
[148] Plaintiffs/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC, Panorama Towers I Mezz, LLC, and M.J. Dean Construction, Inc.'s Reply in Support of Motion for Attorney's Fees Pursuant to NRS 18.010(2)(B)

07/12/2019



## Order Shortening Time

Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc  
[149] Plaintiffs/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC, Panorama Towers I Mezz, LLC, and M.J. Dean Construction, Inc.'s, Application for Order Shortening Time on Motion for Attorneys Fees Pursuant to NRS 18.010(2)(B)

07/12/2019



## Notice

[150] Notice of Association of Counsel

07/12/2019



## Objection

[151] Objection to Unnoticed Motion for Continuance

07/19/2019



## Opposition

Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc  
[152] Plaintiffs/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC, Panorama Towers I Mezz, LLC, and M.J. Dean Construction, Inc.'s Opposition to Defendant/Counter-Claimant's July 16, 2019 Oral Motion to Postpone the Court's Ruling on the Motion for Reconsideration of and/or to Alter or Amend The Court's May 23, 2019 Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs Motion for Summary Judgment Pursuant to NRS 11.202(1)

07/22/2019



## Motion

[153] Motion to Certify Judgment as Final Under Rule 54(b) (On Order Shortening Time)

07/24/2019



## Order Denying

Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Counter Defendant MJ Dean Construction Inc  
[154] Order Denying Defendant's Motion for Reconsideration of the Court's May 23, 2019 Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs' Motion for Summary Judgment Pursuant to NRS 11.202(1) or, in the Alternative, Motion to Stay the Court's Order

07/24/2019



## Notice of Entry of Order

Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc  
[155] Notice of Entry of Order Denying Defendant's Motion for Reconsideration of the Court's May 23, 2019 Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs' Motion for Summary Judgment Pursuant to NRS 11.202(1) or, in the Alternative, Motion to Stay the Court's Order

08/01/2019



## Opposition to Motion

Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association  
[156] Defendant's (1) Opposition to Plaintiffs/Counter-Defendants' Motion to Certify Judgment as Final Under Rule 54(b) and (2) Response to Plaintiffs/Counter-Defendants' Opposition to Defendant/Counterclaimant's July 16, 2019 Oral Motion to Postpone the Court's Ruling on the Motion for Reconsideration of and/or to Alter or Amend the Court's May 23, 2019 Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs' Motion for Summary Judgment Pursuant to NRS 11.202(1)

08/05/2019



## Reply

Filed by: Cross Claimant Panorama Towers I LLC  
[157] Reply Brief on "Motion to Certify Judgment as Final Under Rule 54(b)"

# CASE SUMMARY

CASE NO. A-16-744146-D

08/09/2019	 Order <i>[158] Order re: Defendant's Motion for Reconsideration and/or to Alter or Amend the Court's May 23, 2019 Findings of Fact, Conclusions of Law and Order Granting Plaintiffs' Motion for Summary Judgment Pursuant to NRS 11.202(1) Filed June 13, 2019</i>
08/09/2019	 Notice of Entry of Order <i>[159] Notice of Entry of Order Denying Defendant's Motion for Reconsideration and/or to Alter or Amend the Court's May 23, 2019 Findings of Fact, Conclusions of Law and Order Granting Plaintiff's Motion for Summary Judgment Pursuant to NRS 11.202(1) Filed June 13, 2019</i>
08/12/2019	 Order <i>[160] Order Re: Motion to Certify Judgment as Final Under NRCP 54(b)</i>
08/13/2019	 Notice of Entry of Order Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc <i>[161] Notice of Entry fo Order Re Motion to Certify Judgment as Final Under NRCP 54(b)</i>
08/13/2019	 Notice of Entry of Order Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc <i>[162] Notice of Entry of Order Re: Motion to Certify Judgment as Final Under NRCP 54(b)</i>
08/15/2019	 Recorders Transcript of Hearing <i>[163] Defenan'ts Motion for Reconsideration and/or To Alter or Amend The Court's May 23, 2019 Finding of Fact, Conclusions of Law, and Order Granting Plaintiff's Motion for Summary Judgment Pursuant to NRS 11.202(1) July 16, 2019</i>
09/09/2019	 Motion to Amend Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association <i>[164] Defendant's Motion to Alter or Amend the Court's Findings of Fact</i>
09/10/2019	 Clerk's Notice of Hearing <i>[165] Clerk's Notice of Hearing</i>
09/23/2019	 Stipulation and Order Filed by: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc <i>[166] Stipulation and Order to Continue Briefing and Hearing on Defendant's Motion to Alter or Amend the Court's Findings of Fact, Conclusions of Law, and Order Entered on May 23, 2019</i>
09/23/2019	 Notice of Entry Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc <i>[167] Notice of Entry of Stipulation and Order to Continue Hearing on Defendant's Motion to Alter or Amend the Court's Findings of Fact, Conclusions of Law, and Order Entered on May 23, 2019</i>
09/25/2019	 Recorders Transcript of Hearing <i>[168] Recorder's Transcript Motion to Certify August 6, 2019</i>
09/26/2019	 Opposition Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross

# CASE SUMMARY

CASE NO. A-16-744146-D

Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc  
[169] Plaintiffs/Counter-Defendants Laurent Hallier Panorama Towers I, LLC Panorama Towers I Mezz LLC and M.J Dean Construction INC's Opposition to Defendants / Counter-Claimants' Motion to Alter or Amend the Court's Findings of Fact, Conclusions of Law and Order Entered On May 23, 2019 (Filed 09/09/2019)

10/10/2019



Reply in Support

Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association  
[170] Defendant's Reply in Support of Motion to Alter or Amend the Courts Findings of Fact, Conclusions of Law, and Order Entered on May 23, 2019

12/09/2019



Notice of Special Master Hearing

[171] Notice of Special Master Hearing

01/14/2020



Order Denying Motion

[172] Order Re: Defendant's Motion to Alter or Amend Court's Findings of Fact, Conclusions of Law and Order Entered May 23, 2019

01/16/2020



Notice of Entry of Order

Filed By: Cross Claimant Panorama Towers I Mezz LLC  
[173] Notice of Entry of Order Re: Defendant's Motion to Alter or Amend Court S Findings of Facts, Conclusions of Law and Order Entered May 23, 2019

01/20/2020



Supplement

Filed by: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc  
[174] First Supplement to Plaintiffs' Verified Memorandum of Costs and Disbursements

01/27/2020



Motion to Retax

Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association  
[175] Defendant/Counterclaimant's Renewed Motion to Re-Tax and Settle Costs

01/28/2020



Clerk's Notice of Hearing

[176] Notice of Hearing

02/06/2020



Supplement

Filed by: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc  
[177] Plaintiffs/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC, Panorama Towers I Mezz, LLC, and M.J. Dean Construction, Inc.'s First Supplement to Their Motion for Attorney's Fees Pursuant to NRS 18.010(2) (B)

02/06/2020



Exhibits

Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc  
[178] Exhibits to Plaintiffs/Counter defendants Laurent Hallier, Panorama Towers I, LLC, Panorama Towers I Mezz, LLC, and M.J. Dean Construction, Inc.'s First Supplement to Their Motion for Attorney's Fees Pursuant to NRS 18.010(2) (B)

02/10/2020
















Opposition to Motion

Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Counter Defendant MJ Dean Construction Inc  
[179] Plaintiffs/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC, Panorama Towers I Mezz, LLC And M.J. Dean Construction, Inc.'s , Opposition To Defendant/Counter-Claimant's Renewed Motion To Re-Tax And Settle Costs

02/13/2020

# CASE SUMMARY

CASE NO. A-16-744146-D

	 Notice of Appeal Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association <i>[180] Panorama Towers Condominium Unit Owners' Association's Notice of Appeal</i>
02/13/2020	 Case Appeal Statement Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association <i>[181] Panorama Towers Condominium Unit Owners' Association's Case Appeal Statement</i>
02/14/2020	 Notice of Posting Bond Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association <i>[182] Notice of Posting Bond</i>
02/20/2020	 Opposition Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association <i>[183] Defendant's Opposition to Plaintiffs/Counter-Defendants' First Supplement to Their Motion for Attorneys Fees Pursuant To NRS 18.010(2)(B)</i>
02/25/2020	 Notice of Special Master Hearing <i>[184] Notice of Special Master Hearing</i>
02/25/2020	 Reply in Support Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association <i>[185] Defendant's Reply in Support of Renewed Motion to Re-Tax and Settle Costs</i>
02/27/2020	 Notice of Hearing Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc <i>[186] Notice Of Hearing For Plaintiffs/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC, Panorama Towers I Mezz, LLC And M.J. Dean Contruction, Inc.s Motion For Attorneys Fees Pursuant To NRS 18.010(2)(B) And The First Supplement To Their Motion For Attorneys Fees Pursuant To NRS 18.010(2)(B)</i>
02/27/2020	 Clerk's Notice of Hearing <i>[187] Notice of Hearing</i>
03/02/2020	 Stipulation and Order Filed by: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc <i>[188] Stipulation and Order to Continue Hearing Dates of (1) Defendant/Counterclaimant's Motion to Re-Tax and Settle Costs, and (2) Plaintiffs' Motion for Attorney's Fees</i>
03/03/2020	 Notice of Entry of Stipulation and Order Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc <i>[189] Notice of Entry of Stipulation and Order to Continue Hearing Dates of (1) Defendant/Counterclaimant's Motion to Re-Tax and Settle Costs, and (2) Plaintiffs' Motion for Attorney's Fees</i>
03/25/2020	 Notice of Special Master Hearing <i>[190] Notice of Rescheduled Special Master Hearing</i>
05/06/2020	 Request <i>[191] Transcript Request Form</i>
05/15/2020	 Motion to Stay








# CASE SUMMARY

CASE NO. A-16-744146-D

	<p>Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association  <i>[192] Defendant/Counterclaimant's Motion to Stay Proceedings Pending Disposition of the Appeal on Order Shortening Time</i></p>
05/15/2020	<p> Certificate of Service</p> <p>Filed by: Counter Claimant Panorama Towers Condominium Unit Owners Association  <i>[193] Certificate of Service</i></p>
05/15/2020	<p> Errata</p> <p>Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association  <i>[194] Errata to Defendant/Counterclaimant's Motion to Stay Proceedings Pending Disposition of the Appeal on Order Shortening Time</i></p>
05/22/2020	<p> Opposition to Motion</p> <p>Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc  <i>[195] Plaintiffs/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC, Panorama Towers I Mezz, LLC and M.J. Dean Construction, Inc.'s Opposition to Defendant/Counterclaimant's Motion to Stay Proceedings Pending Disposition of the Appeal on Order Shortening Time</i></p>
05/25/2020	<p> Supplement to Opposition</p> <p><i>[196] Plaintiff/Counter-Defendants' Laurent Hallier; Panorama Towers I, LLC; Panorama Towers I Mezz, LLC; and M.J. Dean Construction, Inc.'s First Supplement to Their Opposition to Defendant/CounterClaimant's Motion to Stay Proceedings Pending Disposition of the Appeal on Order Shortening Time</i></p>
07/02/2020	<p> Recordors Transcript of Hearing</p> <p><i>[197] Defendant/Counterclaimant's Motion to Stay Proceedings Pending Disposition of the Appeal on Order Shortening Time May 26, 2020</i></p>
08/19/2020	<p> Recordors Transcript of Hearing</p> <p><i>[198] Plaintiffs/Counter Defendant's Laurent Hallier, Panorama Towers I, LLC, Panorama Towers I Mezz, LLC and MJ Dean Construction, Inc's Motion for Summary Judgment on Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's April 5, 2018 Amended Notice of Claims/Status Check Re: Stay {per 9-15-17 order} 10-2-18</i></p>
08/19/2020	<p> Recordors Transcript of Hearing</p> <p><i>[199] Motion for Summary Judgment April 23, 2019</i></p>
08/19/2020	<p> Recordors Transcript of Hearing</p> <p><i>[200] Defendant's Motion to Alter or Amend the Court's Findings of Fact, Conclusions of Law, and Order Entered on May 23, 2019 October 17, 2019</i></p>
09/03/2020	<p> Order Denying Motion</p> <p>Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc  <i>[201] Order Denying Defendant/Counterclaimant's Motion to Stay Proceedings Pending Deposition of the Appeal on Order Shortening Time</i></p>
12/15/2020	<p> Motion to Stay</p> <p>Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association  <i>[202] Defendant/Counterclaimant's Renewed Motion To Stay Proceedings Pending Disposition Of The Appeal</i></p>
12/15/2020	<p> Clerk's Notice of Hearing</p>

















# CASE SUMMARY

CASE NO. A-16-744146-D

	<i>[203] Notice of Hearing</i>
12/15/2020	 Status Report Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc <i>[204] Status Report and Notice of Nevada Supreme Court Decision Regarding the Motion for Stay</i>
12/16/2020	 Notice of Special Master Hearing <i>[205] Notice of Telephonic Special Master Hearing</i>
01/12/2021	 Notice of Special Master Hearing <i>[206] Notice of Telephonic Special Master Hearing</i>
01/12/2021	 Miscellaneous Filing <i>[207] Special Master Report</i>
01/12/2021	 Special Master Order <i>[208] Special Master Order Regarding Homeowners' Responses to Pending Discovery</i>
03/01/2021	 Notice of Special Master Hearing <i>[209] Notice of Rescheduled Telephonic Special Master Hearing</i>
04/06/2021	 Notice of Special Master Hearing <i>[210] Special Master Report and Notice of Special Master Hearing</i>
04/29/2021	 Notice of Special Master Hearing <i>[211] Notice of Rescheduled Special Master Hearing</i>
05/10/2021	 Notice <i>[212] Notice of Briefing Schedule Regarding Panorama Towers Condominium Unit Owners' Association Motion to Compel</i>
05/10/2021	 Notice <i>[213] Notice of Briefing Schedule Regarding Plaintiffs' Motion to Compel Discovery Responses</i>
05/14/2021	 Notice Filed By: Special Master Hale, Floyd A <i>[214] Amended Notice of Briefing Schedule Regarding Panoram Towers Condominium Unit Owners' Association Motion to Compel</i>
05/14/2021	 Amended Notice Filed By: Special Master Hale, Floyd A <i>[215] Amended Notice of Briefing Schedule Regarding Plaintiffs' Motion to Compel Discovery Responses</i>
05/25/2021	 Notice of Special Master Hearing <i>[216] Notice of Rescheduled Telephonic Special Master Hearing</i>
05/28/2021	 Notice Filed By: Special Master Hale, Floyd A <i>[217] Notice of Briefing Schedule: Defendant's Motion to Compel Discovery Responses: Request for Production of Documents</i>

# CASE SUMMARY

CASE NO. A-16-744146-D

05/28/2021	 Notice Filed By: Special Master Hale, Floyd A <i>[218] Notice of Briefing Schedule: Defendant's Motion to Compel Interrogatory Responses</i>
06/04/2021	 Notice Filed By: Special Master Hale, Floyd A <i>[219] Second Amended Notice of Briefing Schedule Regarding Plaintiff's Motion to Compel Discovery Responses</i>
07/19/2021	 Notice of Special Master Hearing <i>[220] Notice of Telephonic Special Master Hearing</i>
08/11/2021	 Notice of Special Master Hearing <i>[221] Notice of Change of Time for 8-17-21 Telephonic Special Master Hearing</i>
08/17/2021	 Notice of Special Master Hearing <i>[222] Notice of Telephonic Special Master Hearing</i>
08/30/2021	 Notice of Special Master Hearing <i>[223] Notice of Telephonic Special Master Hearing</i>
09/01/2021	 Notice of Special Master Hearing <i>[224] Notice of Change of Time for September 13, 2021, Telephonic Special Master Hearing</i>
09/03/2021	 Order Setting Civil Jury Trial <i>[225] Order Setting Civil Jury Trial</i>
09/13/2021	 Notice of Special Master Hearing <i>[226] Notice of Telephonic Special Master Hearing</i>
09/29/2021	 Notice of Special Master Hearing <i>[227] Notice of Rescheduled Special Master Hearing</i>
10/12/2021	 Miscellaneous Filing <i>[228] Special Master Report Staying Litigation</i>
10/12/2021	 Stipulation and Order <i>[229] Stipulation and Order to Stay Proceedings Pending Disposition of Appeal and Vacate Trial Date</i>
04/08/2022	 Notice of Hearing <i>[230] Instructions for BlueJeans Videoconferencing</i>
06/15/2022	 NV Supreme Court Clerks Certificate/Judgment -Remanded <i>[231] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Vacated and Remand; Rehearing Denied</i>
06/20/2022	 Notice of Special Master Hearing <i>[232] Notice of Telephonic Special Master Hearing</i>
06/24/2022	 Notice of Special Master Hearing

# CASE SUMMARY




CASE NO. A-16-744146-D

	<i>[233] Notice of Rescheduled Telephonic Special Master Hearing</i>
07/08/2022	 Notice of Special Master Hearing <i>[234] Notice of Telephonic Special Master Hearing</i>
07/25/2022	 Notice of Special Master Hearing <i>[235] Notice of Telephonic Special Master Hearing</i>
08/22/2022	 Special Master Order <i>[236] Special Master Order Partially Granting Panorama Towers Condominium Unit Owners' Motion to Compel Further Responses to Interrogatories</i>
08/22/2022	 Special Master Order <i>[237] Special Master Order Partially Granting Homeowner's Motion to Compel the Builders to Provide Further Responses to Requests for Production of Documents</i>
08/22/2022	 Special Master Order <i>[238] Special Master Order Partially Granting Builder's Motion to Compel Further Responses to Interrogatories</i>
08/22/2022	 Special Master Order <i>[239] Special Master Order Partially Granting Builder's Motion to Compel More Complete Responses to Request for Production of Documents</i>
08/22/2022	 Special Master Order <i>[240] Special Master Order Issuing Case Agenda and Notice of Zoom Special Master Hearing</i>
08/26/2022	 Notice of Special Master Hearing <i>[241] Notice of Rescheduled Zoom Special Master Hearing</i>
09/01/2022	 Motion to Seal/Redact Records Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association <i>[242] Defendants Motion to Seal Exhibit 1 for Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Limited Objection to Special Master Orders Entered on August 22, 2022 (Doc ID# 236-237)</i>
09/01/2022	 Objection <i>[243] Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Limited Objection to Special Master Orders Entered on August 22, 2022 (Doc ID# 236-237) (Redacted)</i>
09/01/2022	 Filed Under Seal <i>[244] SEALED PER ORDER 10/05/2022 Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Limited Objection to Special Master Orders Entered on August 22, 2022 (Doc ID# 236-237) (Filed Under Seal)</i>
09/06/2022	 Clerk's Notice of Hearing Party: Cross Claimant Panorama Towers I LLC <i>[245] Notice of Hearing</i>
09/08/2022	 Opposition Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC <i>[246] Plaintiffs/Counter-Defendants' Limited Opposition to Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Limited Objection to Special Master Orders Entered on August 22, 2022</i>



# CASE SUMMARY

CASE NO. A-16-744146-D

09/12/2022	 Notice of Hearing <i>[247] Order Scheduling Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Limited Objection to Special Master Orders Entered on August 22 2022 (DOC ID# 236-237) (REDACTED)</i>
09/23/2022	 Clerk's Notice of Hearing <i>[248] Clerk's Notice of Hearing</i>
09/23/2022	 Clerk's Notice of Hearing <i>[249] Clerk's Notice of Hearing</i>
10/05/2022	 Notice of Intent <i>[250] Notice of Intent to Appear by Simultaneous Audiovisual Transmission Equipment</i>
10/05/2022	 Order Granting Motion Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association <i>[251] Order Granting Motion to Seal Exhibit 1 for Defendant/Counterclaimant Panorama Towers Condominium Unit Owners Association's Limited Objection to Special Master Orders Entered on August 22, 2022 (Doc ID# 236-237)</i>
10/06/2022	 Notice <i>[252] Notice of Department 22 Courtesy Copy &amp; Appearance Instructions</i>
10/06/2022	 Notice of Entry of Order <i>[253] Notice of Entry of Order Granting Motion to Seal Exhibit 1 for Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Limited Objection to Special Masters Orders Entered on August 22, 2022 (DOC ID# 236-237)</i>
10/07/2022	 Audiovisual Transmission Equipment Appearance Request <i>[254] Plaintiffs/Counter-Defendants, Laurent Hallier; Panorama Towers I, LLC; Panorama Towers I Mezz, LLC; And M J Dean Construction, Inc Notice Of Intent To Appear By Simultaneous Audiovisual Transmission Equipment</i>
10/20/2022	 Notice <i>[255] Notice of Department 22 Appearance &amp; Courtesy Copy Instructions</i>
10/20/2022	 Notice to Appear <i>[256] Notice of Intent to Appear by Simultaneous Audiovisual Transmission Equipment</i>
10/20/2022	 Audiovisual Transmission Equipment Appearance Request <i>[257] Plaintiffs/Counter-Defendants, Laurent Hallier; Panorama Towers I, LLC; Panorama Towers I Mezz, LLC; and M.J. Dean Construction, Inc Notice of Intent to Appear by Simultaneous Audiovisual Transmission Equipment</i>
10/20/2022	 Audiovisual Transmission Equipment Appearance Request <i>[258] Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Notice of Intent to Appear by Communication Equipment</i>
10/21/2022	 Notice <i>[259] Panorama Towers Condominium Unit Owners' Association's Notice of Record Relevant to Objection Set for Hearing on October 27, 2022</i>
10/25/2022	 Notice of Special Master Hearing

# CASE SUMMARY

CASE NO. A-16-744146-D

[260] Notice of Rescheduled Zoom Special Master Hearing

10/26/2022



Objection

Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc  
[261] Plaintiffs/Counter-Defendants' Objection to Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Notice of Record Relevant to Objection Set for Hearing on October 27, 2022

11/07/2022



Court Recorders Invoice for Transcript

[262]

11/08/2022



Recorders Transcript of Hearing

[263] Recorder's Trnascript of Hearing

11/15/2022



Special Master Order

[264] Special Master Order Amending Case Agenda

12/12/2022



Notice of Special Master Hearing

[265] Notice of Zoom Information for December 14, 2022, Special Master Hearing

12/14/2022



Special Master Order

Filed By: Special Master Hale, Floyd A

[266] Special Master Order Amending Case Agenda

12/23/2022



Motion to Seal/Redact Records

[267] Motion to Seal Exhibit 4 to Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Motion for Partial Summary Judgment

12/23/2022



Motion for Partial Summary Judgment

[268] Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Motion for Partial Summary Judgment (Redacted)

12/23/2022



Filed Under Seal

[269] SEALED PER MINUTE ORDER 1/19/23 [269] Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Motion for Partial Summary Judgment (Filed Under Seal)

12/28/2022



Clerk's Notice of Hearing

[270] Clerk's Notice of Hearing

12/28/2022



Clerk's Notice of Hearing

[271] Clerk's Notice of Hearing

12/28/2022



Clerk's Notice of Hearing

[272] Clerk's Notice of Hearing

12/29/2022



Association of Counsel

Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC

[273] Notice of Association of Counsel

01/03/2023



Notice

Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross

# CASE SUMMARY

CASE NO. A-16-744146-D

Claimant Panorama Towers I Mezz LLC

[274] PLAINTIFFS/COUNTER-DEFENDANTS, LAURENT HALLIER; PANORAMA TOWERS I, LLC; PANORAMA TOWERS I MEZZ, LLCs NOTICE OF DISASSOCIATION OF COUNSEL

01/05/2023



Order Denying Motion

[275] Order Denying Defendant/Counterclaimant Panorama Towers Condominium Unit Owners Association s Limited Objection To Special Master Orders Entered On August 22, 2022

01/06/2023



Opposition and Countermotion

[276] Plaintiff/Counter-Defendant M.J. Dean Construction, Inc.'s Limited Opposition to Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Motion for Partial Summary Judgment and Plaintiff/Counter-Defendant M.J. Dean Construction, Inc.'s Countermotion for Summary Judgment on Breach of Contract and Claim Preclusion

01/06/2023



Motion to Seal/Redact Records

[277] M.J. Dean Construction, Inc.'s Motion to Seal Exhibit D to Plaintiff/Counter-Defendant M.J. Dean Construction, Inc.'s Opposition to Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Motion for Partial Summary Judgment and Plaintiff/Counter-Defendant M.J. Dean Construction, Inc.'s Countermotion for Summary Judgment on Breach of Contract and Claim Preclusion

01/10/2023



Joinder to Opposition to Motion

Filed by: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC  
[278] Plaintiff/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC and Panorama Towers I MEZZ, LLCs Joinder to Plaintiff/Counter-Defendant M.J. Dean Construction, Inc.'s Limited Opposition to Defendant/Counterclaimant Panorama Towers Condominium Unit Owners Associations Motion For Partial Summary Judgment and Plaintiff/Counter-Defendant M.J. Dean Construction, Inc.'s Countermotion for Summary Judgment on Breach of Contract and Claim Preclusion

01/10/2023



Joinder To Motion

Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC  
[279] Plaintiff/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC and Panorama Towers I MEZZ, LLCs Joinder to Plaintiff/Counter-Defendant M.J. Dean Construction, Inc.'s Motion to Seal Exhibit D to Plaintiff/Counter-Defendant M.J. Dean Construction, Inc.'s Limited Opposition to Defendant/Counterclaimant Panorama Towers Condominium Unit Owners Associations Motion For Partial Summary Judgment and Plaintiff/Counter-Defendant M.J. Dean Construction, Inc.'s Countermotion for Summary Judgment on Breach of Contract and Claim Preclusion

01/10/2023



Notice

[280] Notice of Zoom Information for January 23, 2023, Special Master Hearing

01/12/2023



Clerk's Notice of Hearing

[281] Notice of Hearing

01/17/2023



Instructions for Bluejeans Conference

[282] Instructions for BlueJeans Conference

01/17/2023



Stipulation and Order

Filed by: Counter Claimant Panorama Towers Condominium Unit Owners Association  
[283] Stipulation and Order to Continue Briefing Schedule and Hearing Dates of Defendant/Counter-Claimant's Motion for Partial Summary Judgment, Plaintiffs/Counter-

# CASE SUMMARY

CASE NO. A-16-744146-D

*Defendants' Countermotion for Summary Judgment and Each Party's Motion to Seal Exhibits*

01/18/2023	 Notice of Entry of Stipulation and Order <i>[284] Notice of Entry of Stipulation and Order to Continue Briefing Schedule and Hearing Date of Defendant/Counter-Claimant's Motion for Partial Summary Judgment and Plaintiffs/Counter-Defendants' Countermotion for Summary Judgment</i>
01/19/2023	 Notice of Entry Filed By: Counter Defendant MJ Dean Construction Inc <i>[285] NOTICE OF ENTRY OF ORDER DENYING DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS ASSOCIATIONS LIMITED OBJECTION TO SPECIAL MASTER ORDERS ENTERED ON AUGUST 22, 2022</i>
01/24/2023	 Special Master Order <i>[286] Special Master Order Amending Case Agenda</i>
01/26/2023	 Scheduling and Trial Order <i>[287] Scheduling Order and Order Setting Civil Jury Trial</i>
01/31/2023	 Order Granting Motion Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association <i>[288] Order Granting Motion to Seal Exhibit 4 to Defendant-Counterclaimant Panorama Towers Condominium Unit Owners' Association's Motion for Partial Summary Judgment</i>
02/02/2023	 Notice of Entry of Order <i>[289] Notice of Entry of Order Granting Motion to Seal Exhibit 4 to Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Motion for Partial Summary Judgment</i>
02/07/2023	 Motion to Seal/Redact Records Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association; Cross Claimant Panorama Towers I LLC <i>[290] Defendant's Motion to Seal Portions of Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Reply in Support of Motion for Partial Summary Judgment</i>
02/07/2023	 Reply in Support <i>[291] Reply in Support of Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Motion for Partial Summary Judgment (Redacted)</i>
02/07/2023	 Filed Under Seal <i>[292] SEALED PER ORDER 3/2/23 [292] Reply in Support of Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Motion for Partial Summary Judgment (Filed Under Seal)</i>
02/07/2023	 Objection <i>[293] Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Evidentiary Objections to Unauthenticated Documents Submitted with Plaintiff/Counter-Defendant's Opposition and Countermotion Filed on January 6, 2023</i>
02/07/2023	 Opposition <i>[294] Defendant/Counterclaimant's Opposition to M.J. Dean's Countermotion for Summary Judgment on Breach of Contract and Claim Preclusion</i>
02/08/2023	 Clerk's Notice of Hearing Party: Cross Claimant Panorama Towers I LLC

# CASE SUMMARY

CASE NO. A-16-744146-D

[295] Notice of Hearing

02/14/2023



Notice of Special Master Hearing

[296] Notice of Zoom Information for March 16, 2023, Special Master Hearing

02/14/2023



Order to Seal

[297] Order Granting M.J. Dean Construction, Inc. s Motion to Seal Exhibit D to Plaintiff/Counter-Defendant, M.J. Dean Construction, Inc. s Opposition to Defendant/Counterclaimant Panorama Towers Condominium Unit Owners Association s Motion For Partial Summary Judgment, And Plaintiff/Counter-Defendant M.J. Dean Construction, Inc. s Countermotion For Summary Judgment On Breach Of Contract And Claim Preclusion

02/21/2023



Response

Filed by: Counter Defendant MJ Dean Construction Inc

[298] Plaintiff/Counter-Defendant M.J Dean Construction, Inc.'s Response to Defendant/Counterclaimant Panorama Towers Comdominium Unit Owners' Associations's Evidentiary Objections to Unauthenticated Documents Submitted With Plaintiff/Counter-Defendant's Opposition and Countermotion Filed on January 6, 2023

02/22/2023



Joinder

Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC

[299] Plaintiff/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC and Panorama Towers I MEZZ, LLC's Joinder to Plaintiff/Counter-Defendant M.J. Dean Construction, Inc.'s Response to Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Evidentiary Objections to Unauthenticated Documents Submitted with Plaintiff/Counter-Defendant's Opposition and Countermotion Filed on January 6, 2023

02/28/2023



Instructions for Bluejeans Conference

[300] Instructions for BlueJeans Conference

02/28/2023



Reply to Opposition

[301] Reply to Defendant/Counter-Claimant's Opposition to Plaintiff/Counter-Defendant M.J. Dean Construction, Inc.'s Countermotion for Summary Judgment on Breach of Contract and Claim Preclusion

02/28/2023



Errata

[302] ERRATA TO EXHIBIT R TO PLAINTIFF/COUNTER-DEFENDANT M.J. DEAN CONSTRUCTION, INC.S RESPONSE TO DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS ASSOCIATIONS EVIDENTIARY OBJECTIONS TO UNAUTHENTICATED DOCUMENTS SUBMITTED WITH PLAINTIFF/COUNTER-DEFENDANTS OPPOSITION AND COUNTERMOTION FILED ON JANUARY 6, 2023

03/02/2023



Joinder

Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC

[303] Plaintiffs/Counter-Defendants Laurent Hallier, Panorama Towers I, Llc And Panorama Towers I Mezz, LIC's Joinder To Plaintiff/Counter-Defendant M.J. Dean Construction, Inc.'s Reply To Defendant/Counter-Claimants Oppozition To Plaintiff/Counter-Defendant M.J. Dean Construction, Inc's Countermotion For Summary Judgment On Breach Of Contract And Claim Preclusion

03/02/2023



Order to Seal

[304] Order Granting Motion to Seal Portions of Defendant-Counterclaimant Panorama Towers Condominium Unit Owners' Association's Reply in Support of Motion for Partial Summary Judgment

# CASE SUMMARY

CASE NO. A-16-744146-D

03/02/2023	 Notice of Entry of Order <i>[305] Notice of Entry of Order Granting Motion to Seal Portions of Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Reply in Support of Motion for Partial Summary Judgment</i>
03/03/2023	 Motion for Summary Judgment Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association <i>[306] Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Motion for Summary Judgment of Plaintiff/Counterclaimant's Second and Fifth Claims for Relief</i>
03/06/2023	 Clerk's Notice of Hearing <i>[307] Notice of Hearing</i>
03/07/2023	 Notice of Special Master Hearing <i>[308] Notice of Rescheduled Zoom Special Master Hearing</i>
03/10/2023	 Notice of Entry Filed By: Counter Defendant MJ Dean Construction Inc <i>[309] Notice of Entry of Order Granting M.J. Dean Construction, Inc.'s Motion to Seal Exhibit D to Plaintiff/Counter-Defendant M.J. Dean Construction, Inc.'s Opposition to Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Motion for Partial Summary Judgment and Plaintiff/Counterdefendant M.J. Dean Construction, Inc.'s Contermotion for Summary Judgment on Breach of Contract and Claim Preclusion</i>
03/16/2023	 Stipulation and Order <i>[310] Stipulation and Order to Continue Briefing Schedule of Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Motion for Summary Judgment of Plaintiff/Counterclaimant's Second and Fifth Claims for Relief</i>
03/17/2023	 Court Recorders Invoice for Transcript <i>[311]</i>
03/17/2023	 Recorders Transcript of Hearing <i>[312] Defendant / Counterclaimant Panorama Towers Condominium Unit Owners Association's Motion for Partial Summary Judgment / Plaintiff/Counterdefendant MJ Dean Constructiton, Inc.'s Limited Opposition to Defendant/Counterclaimant Panorama Towers Condominium Unit Owners Association's Motion for Partial Summary Judgment Marc 7, 2023</i>
03/22/2023	 Special Master Order Filed By: Special Master Hale, Floyd A <i>[313] Special Master Order Amending Case Agenda</i>
03/27/2023	 Notice of Entry Filed By: Counter Defendant MJ Dean Construction Inc <i>[314] NOTICE OF ENTRY OF STIPULATION AND ORDER TO CONTINUE BRIEFING SCHEDULE OF DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS' ASSOCIATION'S MOTION FOR SUMMARY JUDGMENT OF PLAINTIFF/COUNTERCLAIMANT'S SECOND AND FIFTH CLAIMS FOR RELIEF</i>
03/31/2023	 Notice of Special Master Hearing <i>[315] Notice of Zoom Special Master Hearing</i>
03/31/2023	 Opposition Filed By: Counter Defendant MJ Dean Construction Inc

# CASE SUMMARY

CASE NO. A-16-744146-D

*[316] Plaintiff / Counter-Defendant MJ Dean Construction, Inc.'s Motion to Strike Defendant / Counterclaimant Panorama Towers Condominium Unit Owners' Association's Untimely Parol Evidence and Opposition to Defendant / Counterclaimant Panorama Towers Condominium Unit Owners' Association's Motion for Summary of Plaintiff/Counterclaimant's Second and Fifth Claims for Relief*

04/03/2023



Joinder

Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC

*[317] Plaintiffs/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC and Panorama Towers I Mezz, LLCs Joinder to Plaintiff/Counter-Defendant MJ Dean Construction, Inc.'s Motion to Strike Defendant/Counterclaimant Panorama Towers Condominium Unit Owners Associations Untimely Parol Evidence and Opposition to Defendant/Counterclaimant Panorama Towers Condominium Unit Owners Associations Motion For Summary Judgment of Plaintiff/Counterclaimants Second And Fifth Claims For Relief*

04/07/2023



Special Master Order

*[318] Special Master Order Overruling Plaintiffs' Objection to Panorama Towers Condominium Owners' Second Set of Interrogatories and Second Set of Production of Documents*

04/28/2023



Notice of Withdrawal of Attorney

*[319] Notice of Withdrawal of Attorneys for Panorama Towers Condominium Unit Owners' Association*

05/09/2023



Stipulation and Order

*[320] Stipulation and Order to Continue Hearing Date for All Pending Motions, Depositions of Christopher Allen*

05/12/2023



Order Scheduling Status Check

*[321] Order Scheduling Status Check on Trial Date*

05/18/2023



Notice of Special Master Hearing

*[322] Notice of Zoom Special Master Hearing*

05/22/2023



Notice of Entry

Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association  
*[323] Notice of Entry of Stipulation and Order to Continue Hearing Date for All Pending Motions, Deposition of Christopher Allen*

05/24/2023



Association of Counsel

Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association  
*[324] Notice of Association of Counsel*

05/30/2023



Joinder

Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC

*[325] Plaintiff/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC and Panorama Towers I Mezz, LLC's Joinder to Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Notice of Taking the Videotaped Deposition of Chris Allen*

06/08/2023



Supplemental Brief

Filed By: Counter Defendant MJ Dean Construction Inc

*[326] Plaintiff/Counter-Defendant M.J. Dean Construction, Inc.'s Supplemental Briefing in Support of M.J. Dean Construction, Inc.'s Motion to Strike Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Untimely Parol Evidence and*

# CASE SUMMARY

CASE NO. A-16-744146-D









*Opposition to Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Motion for Summary Judgment of Plaintiff/Counterclaimant's Second and Fifth Claims for Relief*

06/08/2023	 Instructions for Bluejeans Conference <i>[327] Instructions for BlueJeans Conference</i>
06/08/2023	 Joinder to Opposition to Motion <i>[328] Joinder to MJ Dean's Supplemental Briefing in Support of Motion to Strike</i>
06/08/2023	 Supplemental Filed by: Counter Claimant Panorama Towers Condominium Unit Owners Association <i>[329] HOAs SUPPLEMENTAL BRIEF RE ALLEN DEPOSTION TESTIMONY; MOTION TO STRIKE MJ DEANS SUPPLEMENTAL BRIEF</i>
06/08/2023	 Opposition to Motion Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association <i>[330] Defendant/Counterclaimant Panorama Towers Unit Owners Associations Opposition to Plaintiff/Counter-Defendant Mj Dean Construction, Ink's Motion to Strike</i>
06/15/2023	 Special Master Order Filed By: Special Master Hale, Floyd A <i>[331] Special Master Order Amending Agenda</i>
06/15/2023	 Special Master Order Filed By: Special Master Hale, Floyd A <i>[332] Corrected Special Master Order Amending Agenda</i>
06/22/2023	 Notice of Special Master Hearing <i>[333] Notice of Zoom Special Master Hearing</i>
07/13/2023	 Instructions for Bluejeans Conference <i>[334] Instructions for BlueJeans Conference</i>
08/02/2023	 Findings of Fact, Conclusions of Law and Order <i>[335] Findings of Fact, Conclusions of Law and Order</i>
08/02/2023	 Notice of Special Master Hearing <i>[336] Notice of Zoom Special Master Hearing</i>
08/09/2023	 Special Master Order <i>[337] Special Master Order Amending Case Agenda</i>
08/09/2023	 Notice of Special Master Hearing <i>[338] Notice of Zoom Special Master Hearing</i>
08/16/2023	 Notice of Entry Filed By: Counter Defendant MJ Dean Construction Inc <i>[339] NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER DATED AUGUST 2, 2023</i>
08/21/2023	 Court Recorders Invoice for Transcript <i>[340]</i>



# CASE SUMMARY

CASE NO. A-16-744146-D

08/25/2023	 <p>Recorders Transcript of Hearing</p> <p><i>[341] Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association Motion for Summary Judgment of Plaintiff/Counterclaimant's Second and Fifth Claims for Relief / Plaintiff/Counterdefendant MJ Dean Construction, Inc.'s Motion to Strike Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Untimely Parol Evidence and Opposition to Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Motion for Summary Judgment of Plaintiff/Counterclaimant's Second and Fifth Claims for Relief July 20, 2023</i></p>
08/29/2023	 <p>Order Shortening Time</p> <p>Filed By: Counter Defendant MJ Dean Construction Inc</p> <p><i>[342] Plaintiff/Counter-Defendant, M.J. Dean Construction, Inc.'s Motion for Reconsideration and/or Clarification of The Court's Findings of Fact, Conclusions of Law, And Order, Dated August 2, 2023 on Order Shortening Time</i></p>
09/08/2023	 <p>Notice of Special Master Hearing</p> <p><i>[343] Notice of Rescheduled Zoom Special Master Hearing</i></p>
09/08/2023	 <p>Stipulation and Order</p> <p><i>[344] Stipulation and Order Regarding Extension of all Applicable NRCP 41(E) Time Frames Regarding Dismissal for Want of Prosecution</i></p>
09/08/2023	 <p>Joinder To Motion</p> <p>Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC</p> <p><i>[345] Plaintiff/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC and Panorama Towers I Mezz, LLC's Joinder to M.J. Dean Construction, Inc.'s Motion for Reconsideration And/Or Clarification of the Court's Findings of Fact, Conclusion of Law, and Order Shortening Time</i></p>
09/08/2023	 <p>Notice of Entry</p> <p>Filed By: Counter Defendant MJ Dean Construction Inc</p> <p><i>[346] NOTICE OF ENTRY OF STIPULATION AND ORDER REGARDING EXTENSION OF ALL APPLICABLE NRCP 41(E) TIME FRAMES REGARDING DISMISSAL FOR WANT OF PROSECUTION</i></p>
09/11/2023	 <p>Opposition to Motion</p> <p>Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association</p> <p><i>[347] Defendant/Counterclaimant Panorama Towers Condominium Unit Owners Associations Opposition To Plaintiff/Counter-Defendant, M.J. Dean Construction, Inc.'S Motion For Reconsideration And/Or Clarification Of The Courts Findings Of Fact, Conclusions Of Law, And Order, Dated August 2, 2023 On Order Shortening Time</i></p>
09/12/2023	 <p>Instructions for Bluejeans Conference</p> <p><i>[348] Instructions for BlueJeans Conference</i></p>
09/15/2023	 <p>Reply to Opposition</p> <p>Filed by: Counter Defendant MJ Dean Construction Inc</p> <p><i>[349] Plaintiff/Counter-Defendant, M.J. Dean Construction, Inc.'s Reply to Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Opposition to Plaintiff/Counter-Defendant, M.J. Dean Construction, Inc.'s Motion for Reconsideration And/or Clarification of The Courts Findings of Fact, Conclusions of Law, and Order, Dated August 2, 2023 On OST</i></p>
09/18/2023	 <p>Joinder</p> <p>Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC</p> <p><i>[350] Plaintiff/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC And Panorama</i></p>

# CASE SUMMARY

CASE NO. A-16-744146-D

*Towers I Mezz, LLC's Joinder to M.J. Dean Construction, Inc.'s Reply to Defendant/ Counterclaimant Panorama Towers Condominium Unit Owners' Association's Opposition to Plaintiff/ Counter-Defendant, M.J. Dean Construction, Inc.'s Motion For Reconsideration And/or Clarification of The Court's Findings of Fact, Conclusions of Law, and Order, Dated August 2, 2023, On Order Shortening Time*

09/21/2023



Special Master Order

Filed By: Special Master Hale, Floyd A

*[351] Special Master Order Amending Remaining Case Agenda*

09/21/2023



Special Master Order

Filed By: Special Master Hale, Floyd A

*[352] Revised Special Master Order Amending Agenda- Builders reports due 10/16/2023*

09/22/2023



Notice of Special Master Hearing

*[353] Notice of Zoom Special Master Hearing*

10/25/2023



Order Denying Motion

*[354] Order Denying Plaintiff/Counter-Defendant M.J. Dean Construction, Inc.'s Motion for Reconsideration and/or Clarification of the Court's August 2, 2023 Findings of Fact, Conclusions of Law and Order*

10/26/2023



Special Master Order

Filed By: Special Master Hale, Floyd A

*[356] Special Master Order Denying Request for Additional Inspections, Testing, Reports*

10/27/2023



Notice of Entry of Order

Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association

*[355] Notice of Entry of Order*

11/09/2023



Notice of Entry

Filed By: Counter Defendant MJ Dean Construction Inc

*[357] Notice of Entry of Special Master Order Denying Unit Owners Request for Additional Inspections, Additional Testing, Additional Designated Expert and Additional Expert Report*

11/09/2023



Motion for Summary Judgment

Filed By: Counter Defendant MJ Dean Construction Inc

*[358] Plaintiff/Counter-Defendant M.J. Dean Construction, Inc.'s Motion for Summary Judgment Based on the Spearin Doctrine*

11/09/2023



Notice of Compliance

Party: Counter Claimant Panorama Towers Condominium Unit Owners Association

*[359] DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS ASSOCIATIONS SECOND NOTICE OF COMPLIANCE*

11/14/2023



Clerk's Notice of Hearing

Party: Cross Claimant Hallier, Laurent

*[360] Notice of Hearing*

11/16/2023



Stipulation and Order

*[361] Stipulation and Order to Move Hearing Date for M.J. Dean Construction, Inc.'s Motion for Summary Judgment Based on the Spearin Doctrine*

11/16/2023



Notice of Compliance

Party: Counter Claimant Panorama Towers Condominium Unit Owners Association

# CASE SUMMARY

CASE NO. A-16-744146-D

[362] Panorama Towers - Association's Third Notice of Compliance

11/17/2023



Answer to Counterclaim

Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC

[363] Plaintiffs/Counter-Defendants/Counter-Claimants, Laurent Hallier, Panorama Towers I, LLC, and Panorama Towers I Mezz, LLC's Answer to Counter-Suit Of Panorama Towers Condominium Unit Owners' Association; Third-Party Complaint; and Cross-Claim

11/21/2023



Summons Electronically Issued - Service Pending

Party: Cross Claimant Hallier, Laurent

[364] SUMMONS CIVIL RE: THIRD-PARTY COMPLAINT

11/21/2023



Summons Electronically Issued - Service Pending

Party: Cross Claimant Hallier, Laurent

[365] SUMMONS CIVIL RE: THIRD-PARTY COMPLAINT

11/27/2023



Summons Electronically Issued - Service Pending

Party: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc

[366] Summons - Civil re: Cross-Claim

11/27/2023



Summons Electronically Issued - Service Pending

Party: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC; Counter Defendant MJ Dean Construction Inc

[367] Summons - Civil re: Cross-Claim

11/27/2023



Opposition to Motion

Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association

[368] DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS ASSOCIATIONS OPPOSITION TO PLAINTIFF/COUNTER-DEFENDANT, M.J. DEAN CONSTRUCTION, INC.S MOTION FOR SUMMARY JUDGMENT

12/06/2023



Proof of Service

Filed by: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC

[369] Summons with Proof of Service - Ford Contracting, Inc.

12/06/2023



Proof of Service

Filed by: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC

[370] Summons with Proof of Service - Sierra Glass & Mirror, Inc.

12/06/2023



Proof of Service

Filed by: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC

[371] Summons with Proof of Service - Old Castle Building Envelope, Inc.

12/07/2023



Reply in Support

Filed By: Counter Defendant MJ Dean Construction Inc

[372] PLAINTIFF/COUNTER-DEFENDANT M.J. DEAN CONSTRUCTION, INC.S REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT BASED ON THE SPEARIN DOCTRINE

12/13/2023















Instructions for Bluejeans Conference

[373] Instructions for BlueJeans Conference












# CASE SUMMARY

CASE NO. A-16-744146-D

12/20/2023	 Proof of Service Filed by: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC <i>[374] Summons with Proof of Service - Texas Wall Systems</i>
01/09/2024	 Notice of Appearance Party: Counter Defendant Ford Contracting Inc <i>[375] Counter-Defendant/Third-Party Cross-Defendant/Cross-Defendant Ford Contracting, Inc.'s Notice of Appearance</i>
01/10/2024	 Court Recorders Invoice for Transcript <i>[376]</i>
01/16/2024	 Notice of Appearance <i>[377] Third-Party Defendants Old Castle Building Envelope, Inc and Texas Wall Systems, Inc's Notice of Appearance</i>
01/16/2024	 Errata Filed By: Cross Defendant Sierra Glass & Mirror Inc <i>[378] Errata to Third-Party Defendants Old Castle Building Envelope, Inc and Texas Wall Systems, Inc's Notice of Appearance</i>
01/19/2024	 Notice of Compliance Party: Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC <i>[379] Plaintiffs/Counter-Defendants/Counter-Claimants, Laurent Hallier, Panorama Towers I, LLC and Panorama Towers I Mezz, LLC's Fourth Notice Of Compliance</i>
01/19/2024	 Designation of Expert Witness Filed By: Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC <i>[380] Plaintiffs/Counterdefendants/ Counterclaimants, Laurent Hallier, Panorama Towers I, LLC And Panorama Towers I Mezz, LLC's Supplemental Designation of Expert Witnesses</i>
02/01/2024	 Notice of Change of Hearing <i>[381] Notice of Change of Hearing</i>
02/02/2024	 Initial Appearance Fee Disclosure Filed By: Counter Defendant MJ Dean Construction Inc <i>[382] Initial Appearance Fee Disclosure for Third-Party Complaint</i>
02/02/2024	 Answer to Counterclaim Filed By: Counter Defendant MJ Dean Construction Inc <i>[383] Plaintiff/Counter-Defendant/Third-Party Plaintiff/Cross-Claimant M.J. Dean Construction, Inc.s Answer to Defendant/Counter-Claimant Panorama Tower Condominium Unit Owners' Association's Counter-Claim; Third-Party Complaint; and Cross-Claim</i>
02/07/2024	 Answer (CD, Complex) <i>[384] Cross-Defendant Sierra Glass &amp; Mirror, Inc.s Answer to Plaintiffs / Counter-Defendants / Third-Party Complainants / Cross-Claimants Laurent Hallier, Panorama Towers I, LLC, and Panorama Towers I Mezz, LLCs Cross-Claim</i>
02/07/2024	 Demand for Jury Trial <i>[385] Cross-Defendant Sierra Glass &amp; Mirror, Inc.s Demand for Jury Trial</i>














# CASE SUMMARY

CASE NO. A-16-744146-D

02/07/2024	 Initial Appearance Fee Disclosure <i>[386] Cross-Defendant Sierra Glass &amp; Mirror, Inc.s Initial Appearance Fee Disclosure</i>
02/07/2024	 Answer to Third Party Complaint Filed By: Third Party Defendant Texas Wall Systems Inc; Third Party Defendant Oldcastle Building Envelope Inc <i>[387] Third-Party Defendants', Texas Wall Systems, Inc. and OldCastle BuildingEnvelope, Inc., Answer to the Third-Party Complaint of Laurent Hallier, Panorama Towers I, LLC, and Panorama Towers I Mezz, LLC</i>
02/07/2024	 Demand for Jury Trial Filed By: Third Party Defendant Texas Wall Systems Inc; Third Party Defendant Oldcastle Building Envelope Inc <i>[388] Third-Party Defendants', Texas Wall Systems, Inc. and OldCastle BuildingEnvelope, Inc., Demand For Jury Trial</i>
02/07/2024	 Initial Appearance Fee Disclosure <i>[389] Third-Party Defendants', Texas Wall Systems, Inc. and OldCastle BuildingEnvelope, Inc., Initial Appearance Fee Disclosure</i>
02/07/2024	 Disclosure Statement Party: Third Party Defendant Texas Wall Systems Inc; Third Party Defendant Oldcastle Building Envelope Inc <i>[390] Third-Party Defendants', Texas Wall Systems, Inc. and OldCastle BuildingEnvelope, Inc., NRCP 7.1 Disclosure Statement</i>
02/13/2024	 Order Shortening Time <i>[391] Cross-Defendant Sierra Glass &amp; Mirror, Inc.'s Motion to Extend Discovery Deadlines and Continue Trial on an Order Shortening Time</i>
02/13/2024	 Joinder To Motion Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC <i>[392] Plaintiff/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC and Panorama Towers I Mezz, LLC's Joinder to Cross-Defendant Sierra Glass &amp; Mirror, Inc.'s Motion to Extend Discovery Deadlines and Continue Trial</i>
02/13/2024	 Clerk's Notice of Hearing <i>[393] Clerk's Notice of Hearing</i>
02/14/2024	 Notice <i>[394] Instructions for Zoom Conference</i>
02/14/2024	 Joinder To Motion Filed By: Third Party Defendant Texas Wall Systems Inc; Third Party Defendant Oldcastle Building Envelope Inc <i>[395] Third-Party Defendants', Texas Wall Systems, Inc. and Oldcastle BuildingEnvelope, Inc., Joinder to Cross-Defendant, Sierra Glass &amp; Mirror, Inc.'s Motion to Extend Discovery Deadlines and Continue Trial on Order Shortening Time</i>
02/14/2024	 Joinder To Motion Filed By: Counter Defendant MJ Dean Construction Inc <i>[396] Plaintiff/Counter-Defendant/Third-Party Plaintiff/Cross-Claimant M.J. Dean Construction, Inc.S Substantive Joinder to Cross-Defendant Sierra Glass &amp; Mirror, Inc.S Motion to Extend Discovery Deadlines and Continue Trial</i>

# CASE SUMMARY

CASE NO. A-16-744146-D

02/15/2024	 Demand for Jury Trial Filed By: Cross Defendant Ford Contracting Inc <i>[397] Cross-Defendant Ford Contracting, Inc.'s Demand for Jury Trial</i>
02/15/2024	 Initial Appearance Fee Disclosure Filed By: Counter Defendant Ford Contracting Inc <i>[398] Cross-Defendant Ford Contracting, Inc.'s Initial Appearance Fee Disclosure</i>
02/15/2024	 Answer to Crossclaim Filed By: Counter Defendant Ford Contracting Inc <i>[399] Cross-Defendant Ford Contracting, Inc.'s Answer to Plaintiffs/Counter-Defendants/Cross-Claimant Laurent Hallier, Panorama Towers I, LLC and Panorama Towers I, Mezz, LLC's Cross-Claim</i>
02/15/2024	 Joinder To Motion Filed By: Counter Defendant Ford Contracting Inc <i>[400] Cross-Defendant Ford Contracting, Inc.'s Substantive Joinder to Cross-Defendant Sierra Glass &amp; Mirror, Inc.'s Motion to Extend Discovery Deadlines and Continue Trial</i>
02/15/2024	 Notice of Entry of Order <i>[401] Notice of Entry of Order Shortening Time as to Cross-Defendant Sierra Glass &amp; Mirror, Inc.s Motion to Extend Discovery Deadlines and Continue Trial</i>
02/16/2024	 Audiovisual Transmission Equipment Appearance Request <i>[402] Notice of Intent to Appear by Simultaneous Audiovisual Transmission Equipment</i>
02/20/2024	 Opposition to Motion Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association <i>[403] DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS ASSOCIATIONS OPPOSITION TO CROSS-DEFENDANT SIERRA GLASS &amp; MIRROR INC.S MOTION TO EXTEND DISCOVERY DEADLINE AND CONTINUE TRIAL</i>
02/21/2024	 Notice of Special Master Hearing <i>[404] Notice of Zoom Special Master Hearing</i>
02/21/2024	 Amended Order Setting Jury Trial <i>[405] Amended Order Setting Civil Jury Trial</i>
02/29/2024	 Notice of Special Master Hearing <i>[406] Notice of Zoom Special Master Hearing</i>
02/29/2024	 Special Master Order <i>[407] Special Master Report and Order Amending Case Agenda</i>
03/04/2024	 Application for Issuance of Commission to Take Deposition Party: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC <i>[408] Application for Issuance of Commission to Take Deposition Outside the State of Nevada</i>
03/04/2024	 Commission Issued Filed by: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC <i>[409] Commission to Take Deposition Outside the State of Nevada</i>

# CASE SUMMARY

CASE NO. A-16-744146-D

03/04/2024	 Amended Filed By: Cross Claimant Hallier, Laurent; Cross Claimant Panorama Towers I LLC; Cross Claimant Panorama Towers I Mezz LLC <i>[410] Amended Application for Issuance of Commission to Take Deposition Outside the State of Nevada</i>
03/19/2024	 Order Granting Motion <i>[411] Order Granting Plaintiff/Counter-Defendant M.J. Dean Construction, Inc.'s Motion for Summary Judgment Based Upon the Spearin Doctrine</i>
03/20/2024	 Notice of Entry <i>[412] NOTICE OF ENTRY OF ORDER GRANTING PLAINTIFF/COUNTER-DEFENDANT M.J. DEAN CONSTRUCTION, INC.'S MOTION FOR SUMMARY JUDGMENT BASED UPON THE SPEARIN DOCTRINE</i>
03/20/2024	 Filing Fee Remittance Filed By: Third Party Defendant Texas Wall Systems Inc; Third Party Defendant Oldcastle Building Envelope Inc <i>[413] Filing Fee Remittance</i>
03/22/2024	 Memorandum of Costs and Disbursements Filed By: Counter Defendant MJ Dean Construction Inc <i>[414] Plaintiff/Counter-Defendant/Third- Party Plaintiff/Cross- Claimant M.J. Dean Construction, Inc.'s Verified Memorandum of Costs and Disbursements</i>
04/03/2024	 Motion to Reconsider Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association <i>[415] Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Motion for Reconsideration of the Court's March 19, 2024 Granting Plaintiffs M.J. Dean's Motion for Summary Judgment Based Upon the Spearin Doctrine</i>
04/04/2024	 Clerk's Notice of Hearing <i>[416] Notice of Hearing</i>
04/04/2024	 Supplement Filed by: Counter Claimant Panorama Towers Condominium Unit Owners Association <i>[417] Defendant/Counterclaimant Panorama Towers Condominium Unit Owners Associations Supplement to Its April 3, 2024 Motion for Reconsideration of the Courts March 19, 2024 Granting Plaintiffs M.J. Deans Motion for Summary Judgment Based Upon the Spearin Doctrine</i>
04/08/2024	 Recorders Transcript of Hearing <i>[418] Plaintiff/Counter Defendant M.J. Dean Construction, Inc.'s Motion for Summary Judgment Based on the Spearin Doctrine December 14, 2023</i>
04/10/2024	 Court Recorders Invoice for Transcript <i>[419]</i>
04/10/2024	 Motion for Attorney Fees and Costs Filed By: Counter Defendant MJ Dean Construction Inc <i>[420] Plaintiff/Counter-Defendant/Third-Party Plaintiff/Cross-Claimant M.J. Dean Construction, Inc.'s Motion for Attorney's Fees and Costs Pursuant to NRS 18.010, NRCP 54 (D) and Contract</i>
04/10/2024	 Appendix <i>[421] APPENDIX OF EXHIBITS TO PLAINTIFF/COUNTER-DEFENDANT/THIRD-PARTY</i>

# CASE SUMMARY

CASE No. A-16-744146-D

*PLAINTIFF/CROSS-CLAIMANT M.J. DEAN CONSTRUCTION, INC.S MOTION FOR ATTORNEYS FEES AND COSTS PURSUANT TO NRS 18.010, NRCP 54(D) AND CONTRACT*

04/10/2024



Exhibits

*[422] Exhibits A-L TO PLAINTIFF/COUNTERDEFENDANT/ THIRD-PARTY PLAINTIFF/CROSS-CLAIMANT M.J. DEAN CONSTRUCTION, INC.S MOTION FOR ATTORNEYS FEES AND COSTS PURSUANT TO NRS 18.010, NRCP 54(D) AND CONTRACT*

04/10/2024



Exhibits

*[423] Exhibits M-P TO PLAINTIFF/COUNTERDEFENDANT/ THIRD-PARTY PLAINTIFF/CROSS-CLAIMANT M.J. DEAN CONSTRUCTION, INC.S MOTION FOR ATTORNEYS FEES AND COSTS PURSUANT TO NRS 18.010, NRCP 54(D) AND CONTRACT*

04/10/2024



Exhibits

*[424] Exhibit Q BWB&O Invoices - Pt 1 1 - 500 for PLAINTIFF/COUNTERDEFENDANT/ THIRD-PARTY PLAINTIFF/CROSS-CLAIMANT M.J. DEAN CONSTRUCTION, INC.S MOTION FOR ATTORNEYS FEES AND COSTS PURSUANT TO NRS 18.010, NRCP 54(D) AND CONTRACT*

04/10/2024



Exhibits

*[425] Exhibit Q - BWB&O Invoices - Pt 2 501 - 1000 PLAINTIFF/COUNTERDEFENDANT/ THIRD-PARTY PLAINTIFF/CROSS-CLAIMANT M.J. DEAN CONSTRUCTION, INC.S MOTION FOR ATTORNEYS FEES AND COSTS PURSUANT TO NRS 18.010, NRCP 54(D) AND CONTRACT*

04/10/2024



Exhibits

*[426] Exhibit Q - BWB&O Invoices - Pt 3 1001 - 1251 TO PLAINTIFF/COUNTERDEFENDANT/ THIRD-PARTY PLAINTIFF/CROSS-CLAIMANT M.J. DEAN CONSTRUCTION, INC.S MOTION FOR ATTORNEYS FEES AND COSTS PURSUANT TO NRS 18.010, NRCP 54(D) AND CONTRACT*

04/10/2024



Exhibits

*[427] Exhibit Q - BWB&O Invoices - Pt 4 1252 - 1500 TO PLAINTIFF/COUNTERDEFENDANT/ THIRD-PARTY PLAINTIFF/CROSS-CLAIMANT M.J. DEAN CONSTRUCTION, INC.S MOTION FOR ATTORNEYS FEES AND COSTS PURSUANT TO NRS 18.010, NRCP 54(D) AND CONTRACT*

04/10/2024



Exhibits

*[428] Exhibit Q - BWB&O Invoices - Pt 5 1501 - 1701 TO PLAINTIFF/COUNTERDEFENDANT/ THIRD-PARTY PLAINTIFF/CROSS-CLAIMANT M.J. DEAN CONSTRUCTION, INC.S MOTION FOR ATTORNEYS FEES AND COSTS PURSUANT TO NRS 18.010, NRCP 54(D) AND CONTRACT*

04/10/2024



Exhibits

*[429] Exhibit Q - REDACTED - BWB&O Invoices - Pt 6 1702 - 1900*

04/10/2024



Exhibits

*[430] Exhibit Q - BWB&O Invoices - Pt 7 1901 - 2034*

04/10/2024



Temporary Seal Pending Court Approval

*[431] M.J. DEAN CONSTRUCTION, INC.S MOTION TO SEAL EXHIBITS M N AND Q OF M.J. DEANS MOTION FOR ATTORNEYS FEES AND COSTS*

04/10/2024














Temporary Seal Pending Court Approval



# CASE SUMMARY

CASE NO. A-16-744146-D

	<i>[432] Exhibit Q BWB&amp;O Invoices - Pt 1 1 - 500 M.J. DEAN CONSTRUCTION, INC.S MOTION TO SEAL EXHIBITS M N AND Q OF M.J. DEANS MOTION FOR ATTORNEYS FEES AND COSTS</i>
04/10/2024	 Temporary Seal Pending Court Approval <i>[433] Exhibit Q - BWB&amp;O Invoices - Pt 2 501 - 1000 M.J. DEAN CONSTRUCTION, INC.S MOTION TO SEAL EXHIBITS M N AND Q OF M.J. DEANS MOTION FOR ATTORNEYS FEES AND COSTS</i>
04/10/2024	 Temporary Seal Pending Court Approval Filed By: Counter Defendant MJ Dean Construction Inc <i>[434] Exhibit Q - BWB&amp;O Invoices - Pt 5 1501 - 1701 to M.J. DEAN CONSTRUCTION, INC.S MOTION TO SEAL EXHIBITS M N AND Q OF M.J. DEANS MOTION FOR ATTORNEYS FEES AND COSTS</i>
04/10/2024	 Temporary Seal Pending Court Approval <i>[435] Exhibit Q - BWB&amp;O Invoices - Pt 3 1001 - 1251 to M.J. DEAN CONSTRUCTION, INC.S MOTION TO SEAL EXHIBITS M N AND Q OF M.J. DEANS MOTION FOR ATTORNEYS FEES AND COSTS</i>
04/10/2024	 Temporary Seal Pending Court Approval <i>[436] Exhibit Q - BWB&amp;O Invoices - Pt 4 1252 - 1500 to M.J. DEAN CONSTRUCTION, INC.S MOTION TO SEAL EXHIBITS M N AND Q OF M.J. DEANS MOTION FOR ATTORNEYS FEES AND COSTS</i>
04/10/2024	 Temporary Seal Pending Court Approval <i>[437] Exhibit Q - BWB&amp;O Invoices - Pt 6 1702 - 1900 to M.J. DEAN CONSTRUCTION, INC.S MOTION TO SEAL EXHIBITS M N AND Q OF M.J. DEANS MOTION FOR ATTORNEYS FEES AND COSTS</i>
04/10/2024	 Temporary Seal Pending Court Approval <i>[438] Exhibit Q - BWB&amp;O Invoices - Pt 7 1901 - 2034 to M.J. DEAN CONSTRUCTION, INC.S MOTION TO SEAL EXHIBITS M N AND Q OF M.J. DEANS MOTION FOR ATTORNEYS FEES AND COSTS</i>
04/11/2024	 Clerk's Notice of Hearing <i>[439] Notice of Hearing</i>
04/16/2024	 Notice of Appeal Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association <i>[440] Notice of Appeal</i>
04/16/2024	 Case Appeal Statement Filed By: Counter Claimant Panorama Towers Condominium Unit Owners Association <i>[441] Case Appeal Statement</i>
04/17/2024	 Opposition <i>[442] Plaintiff/Counter-Defendant/Third-Party Claimant/Cross-Claimant M.J. Dean Construction, Inc.'s Opposition to Defendant/Counter-Claimant Panorama Towers Condominium Unit Owners' Association's Motion for Reconsideration of the Court's March 19, 2024 Order Granting M.J. Dean's Motion for Summary Judgment Based on the Spearin Doctrine</i>
04/17/2024	 Appendix <i>[443] Appendix of Exhibits to Plaintiff/Counter-Defendant/Third-Party Claimant/Cross-Claimant M.J. Dean Construction, Inc.'s Opposition to Defendant/Counter-Claimant Panorama Towers Condominium Unit Owners' Association's Motion for Reconsideration of</i>

# CASE SUMMARY


CASE NO. A-16-744146-D

*the Court's March 19, 2024 Order Granting M.J. Dean's Motion for Summary Judgment Based on the Spearin Doctrine*

## DISPOSITIONS

- 05/16/2017 **Sanctions** (Judicial Officer: Johnson, Susan)  
Debtors: Laurent Hallier (Plaintiff), Panorama Towers I LLC (Plaintiff), Panorama Towers I Mezz LLC (Plaintiff), MJ Dean Construction Inc (Plaintiff)  
Creditors: Panorama Towers Condominium Unit Owners Association (Defendant)  
Judgment: 05/16/2017, Docketed: 05/17/2017  
Total Judgment: 100.00
- 09/15/2017 **Partial Summary Judgment** (Judicial Officer: Johnson, Susan)  
Debtors: Panorama Towers Condominium Unit Owners Association (Defendant)  
Creditors: Laurent Hallier (Plaintiff), Panorama Towers I LLC (Plaintiff), Panorama Towers I Mezz LLC (Plaintiff), MJ Dean Construction Inc (Plaintiff)  
Judgment: 09/15/2017, Docketed: 09/18/2017  
Comment: Certain Claims
- 09/15/2017 **Order of Dismissal** (Judicial Officer: Johnson, Susan)  
Debtors: Laurent Hallier (Plaintiff), Panorama Towers I LLC (Plaintiff), Panorama Towers I Mezz LLC (Plaintiff), MJ Dean Construction Inc (Plaintiff)  
Creditors: Panorama Towers Condominium Unit Owners Association (Defendant)  
Judgment: 09/15/2017, Docketed: 09/18/2017  
Comment: Certain Claims
- 11/30/2018 **Summary Judgment** (Judicial Officer: Johnson, Susan)  
Debtors: Panorama Towers Condominium Unit Owners Association (Defendant)  
Creditors: Laurent Hallier (Plaintiff), Panorama Towers I LLC (Plaintiff), Panorama Towers I Mezz LLC (Plaintiff), MJ Dean Construction Inc (Plaintiff)  
Judgment: 11/30/2018, Docketed: 11/30/2018  
Comment: Certain Claim / Granted In Part
- 05/23/2019 **Summary Judgment** (Judicial Officer: Johnson, Susan)  
Debtors: Panorama Towers Condominium Unit Owners Association (Counter Claimant, Defendant)  
Creditors: Laurent Hallier (Counter Defendant, Plaintiff), Panorama Towers I LLC (Counter Defendant, Plaintiff), Panorama Towers I Mezz LLC (Counter Defendant, Plaintiff), MJ Dean Construction Inc (Counter Defendant, Plaintiff)  
Judgment: 05/23/2019, Docketed: 05/23/2019
- 08/12/2019 **Summary Judgment** (Judicial Officer: Johnson, Susan)  
Debtors: Panorama Towers Condominium Unit Owners Association (Defendant)  
Creditors: Laurent Hallier (Plaintiff), Panorama Towers I LLC (Plaintiff), Panorama Towers I Mezz LLC (Plaintiff), MJ Dean Construction Inc (Plaintiff)  
Judgment: 08/12/2019, Docketed: 08/13/2019
- 02/14/2023 **Summary Judgment** (Judicial Officer: Johnson, Susan)  
Debtors: Panorama Towers Condominium Unit Owners Association (Counter Claimant)  
Creditors: MJ Dean Construction Inc (Counter Defendant)  
Judgment: 02/14/2023, Docketed: 02/15/2023  
Comment: Certain Claims

## HEARINGS

- 01/13/2017  **Minute Order** (3:00 AM) (Judicial Officer: Johnson, Susan)  
Minute Order - No Hearing Held;  
Journal Entry Details:  
*Having examined Defendant s Motion to Associate Counsel filed January 3, 2017, noted the motion was electronically served upon the parties, a Non-Opposition was filed thereto on January 5, 2017, and there is good cause therefore, COURT ORDERS Defendant s Motion to Associate Counsel filed January 3, 2017 is GRANTED pursuant to SCR 42 and EDCR 2.20(e). Accordingly, the matter scheduled to be heard Tuesday, February 7, 2017 at 10:30 a.m. is*

# CASE SUMMARY

CASE NO. A-16-744146-D

VACATED pursuant to EDCR 2.23. Counsel is to prepare and submit a proposed Order to the Court within ten (10) days of this Minute Order or no later than Monday, January 30, 2017 pursuant to EDCR 7.21. CLERK'S NOTE: The above minute order has been distributed to counsel by the Judicial Executive Assistant, via electronic service, facsimile and/or mail. kc/1-13-17;

01/24/2017



**Motion to Dismiss** (10:30 AM) (Judicial Officer: Johnson, Susan)

*Defendant's Motion to Dismiss Complaint*

01/10/2017

*Continued to 01/24/2017 - Stipulation and Order - Hallier, Laurent; Panorama Towers Condominium Unit Owners Association; Panorama Towers I LLC; Panorama Towers I Mezz LLC; MJ Dean Construction Inc*

Motion Denied;

Journal Entry Details:

*Dee Harper, Esq., Frances Lynch, Esq., and Scott Williams, Esq. present for Defendant. Arguments by Mr. Brown and Mr. Williams regarding whether or not the claims for declaratory relief were based upon hypothetical complaints that had not yet been filed, Chapter 40 notice, AB125, and fees incurred by Plaintiffs'. Court stated its findings and ORDERED, Motion DENIED. Mr. Brown to prepare the order; opposing counsel to review as to form and content.;*

02/07/2017

**CANCELED Motion to Associate Counsel** (10:30 AM) (Judicial Officer: Johnson, Susan)

*Vacated*

05/16/2017



**Minute Order** (3:00 AM) (Judicial Officer: Johnson, Susan)

Minute Order - No Hearing Held;

Journal Entry Details:

*Pursuant to EDCR 2.20(g), the moving party shall deliver Courtesy Copies of all papers related to their Motion at least 5 judicial days before the hearing. This includes the Opposition if opposing counsel fails to deliver their own courtesy copies. As all courtesy copies have not been received, the following hearing(s) have been VACATED: Thursday, May 18, 2017: Plaintiffs Motion for Summary Judgment Should the parties wish to proceed, the Hearing will need to be Re-Noticed and courtesy copies delivered to chambers accordingly. CLERK'S NOTE: The above minute order has been distributed to counsel by the Judicial Executive Assistant, via electronic service, facsimile and/or mail. /kb 5-16-17;*

05/18/2017

**CANCELED Motion for Summary Judgment** (10:30 AM) (Judicial Officer: Johnson, Susan)

*Vacated*

*Plaintiffs/Counter-Defendants Laurent Hallier's, Panorama Towers I, LLC's, Panorama Towers I Mezz, LLC's, and M.J. Dean Construction, Inc.'s Motion for Summary Judgment on Defendant/Counter-Claimant Panorama Tower Condominium Unit Owners' Association's Counter-Claim and Plaintiffs/Counter-Defendants Laurent Hallier's, Panorama Towers I, LLC's, Panorama Towers I Mezz, LLC's and M.J. Dean Construction, Inc.'s Motion for Partial Summary Judgment on Their Third Claim for Relief in Their Complaint for Declaratory Relief*

04/25/2017

*Continued to 05/18/2017 - Stipulation and Order - Hallier, Laurent; Panorama Towers Condominium Unit Owners Association; Panorama Towers I LLC; Panorama Towers I Mezz LLC; MJ Dean Construction Inc*

06/20/2017



**Motion for Summary Judgment** (10:30 AM) (Judicial Officer: Johnson, Susan)

*Re-Notice of Hearing of Plaintiffs/Counter-Defendants Laurent Hallier's, Panorama Towers I, LLC's, Panorama Towers I, Mezz, LLC's, and M.J. Dean Construction, Inc.'s Motion for Summary Judgment on Defendant/Counter-Claimant Panorama Tower Condominium Unit Owners' Association's Counter-Claim and Plaintiffs/Counter-Defendants Laurent Hallier's, Panorama Towers I, LLC's, Panorama Towers I Mezz, LLC's and M.J. Dean Construction, Inc.'s Motion for Partial Summary Judgment on Their Third Claim for Relief in Their Complaint for Declaratory Relief*




Granted in Part;

Journal Entry Details:

*Jeffrey Saab, Esq., present for Plaintiffs and Sergio Salzano, Esq., present for Defendant. Arguments by Mr. Brown and Mr. Salzano regarding the merits of the Motion. COURT ORDERED, matter taken UNDER ADVISEMENT. Colloquy regarding Special Master Hale holding off on assigning discovery deadline dates.;*



# CASE SUMMARY

CASE NO. A-16-744146-D

08/01/2017	 <b>Motion</b> (10:30 AM) (Judicial Officer: Johnson, Susan) <i>Defendant/CounterClaimant Panorama Towers Condominium Unit Owner's Association's Motion to Enlarge Time for Service</i> Denied Without Prejudice; Journal Entry Details: <i>Mr. Hopper requested additional time to serve the three remaining parties and argued that good cause existed under the Scrimmer factors; further argued that there was no prejudice. Mr. Brown argued that Defendant waited until the 105th day into the 120-day time period to attempt service; further argued this pleading was invalid and had been from the start. Further arguments by Mr. Hopper. Court stated its findings and ORDERED, Motion DENIED WITHOUT PREJUDICE. Mr. Brown noted that they had not waived any arguments regarding Third Party Complaints. Mr. Brown to prepare the Order; Mr. Hopper to review as to form and content.;</i>
09/28/2017	<b>CANCELED Minute Order</b> (3:00 AM) (Judicial Officer: Johnson, Susan) <i>Vacated</i>
10/03/2017	<b>CANCELED Motion for Leave</b> (10:30 AM) (Judicial Officer: Johnson, Susan) <i>Vacated - per Judge</i> <i>Panorama Towers Condominium Unit Owners' Association's Motion for Leave to Amend its Pleadings and to Enlarge Time for Service</i>
11/21/2017	 <b>Motion for Clarification</b> (10:30 AM) (Judicial Officer: Johnson, Susan) <i>Panorama Towers Condominium Unit Owners' Association's Motion for Clarification of this Court's 9-15-17 Order</i> Motion Denied; Journal Entry Details: <i>Arguments by Mr. Salzano and Mr. Brown regarding the merits of the Motion. Court reviewed portions of its prior Order. Further arguments by Mr. Salzano. Court stated its findings and ORDERED, Motion DENIED. Mr. Brown to prepare the Order; opposing counsel to review as to form and content.;</i>
03/15/2018	 <b>Status Check</b> (10:30 AM) (Judicial Officer: Johnson, Susan) <b>03/15/2018, 04/12/2018, 08/07/2018, 10/02/2018</b> <i>Status Check re: Stay (per 9/15/17 Order)</i> Continued; Continued; Continued; Matter Heard; Continued; Continued; Continued; Matter Heard; Journal Entry Details: <i>Scott Williams, Esq., present telephonically for Defendant. Mr. Brown advised a Motion for Summary Judgment had been filed on Friday, with a hearing date scheduled for 9/6/18; requested a continuance for after the hearing. No opposition by Mr. Lynch. Mr. Williams requested matter be continued into October to accommodate for a surgery. COURT ORDERED, matter CONTINUED. CONTINUED TO 10/02/2018 - 8:30 AM;</i> Continued; Continued; Continued; Matter Heard; Journal Entry Details: <i>Scott Williams, Esq., also present. Mr. Brown reviewed the facts of the case, advised an agreement had been reached with Defendants for an extension of time for Chapter 40 notice, and requested a briefing schedule; further advised there were a myriad of problems which he would be putting into a motion. Mr. Brown requested a stay, citing the terms he wanted included in it. Mr. Lynch advised this was not a new issue. COURT ORDERED, matter CONTINUED; stay GRANTED on Chapter 40 requirements for four months. Colloquy regarding who would and would not receive the notice; colloquy regarding order language. CONTINUED TO 8/07/2018 - 10:30 AM;</i>

# CASE SUMMARY

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	Continued; Continued; Continued; Matter Heard; Journal Entry Details: <i>Mr. Brown reviewed the procedural history of the case. Colloquy regarding Chapter 40 notice and surviving claims. COURT ORDERED, stay CONTINUED for 30 days; matter CONTINUED. CONTINUED TO: 4/12/18 - 10:30 AM;</i>
10/02/2018	<b>Motion for Summary Judgment (8:30 AM)</b> (Judicial Officer: Johnson, Susan) <i>Plaintiffs/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC, Panorama Towers I Mezz, LLC, and M.J. Dean Construction, Inc.'s Motion for Summary Judgment on Defendant/Counterclaimant Panorama Tower Condominium Unit Owners' Association's April 5, 2018 Amended Notice of Claims</i> Granted in Part;
10/02/2018	 <b>All Pending Motions (8:30 AM)</b> (Judicial Officer: Johnson, Susan) Matter Heard; Journal Entry Details: <i>PLAINTIFFS/COUNTER-DEFENDANTS LAURENT HALLIER, PANORAMA TOWERS I, LLC, PANORAMA TOWERS I MEZZ, LLC, AND M.J. DEAN CONSTRUCTION, INC.'S MOTION FOR SUMMARY JUDGMENT ON DEFENDANT/COUNTERCLAIMANT PANORAMA TOWER CONDOMINIUM UNIT OWNERS' ASSOCIATION'S April 5, 2018 AMENDED NOTICE OF CLAIMS STATUS CHECK RE: STAY (PER 9/15/17 ORDER) Scott Williams, Esq., also present (telephonically). Arguments by Mr. Brown and Mr. Gayan regarding the merits of the Motion. Prior Court Order reviewed. Further arguments by counsel. COURT ORDERED, matter taken UNDER ADVISEMENT; stay LIFTED.;</i>
12/10/2018	 <b>Minute Order (3:00 AM)</b> (Judicial Officer: Johnson, Susan) Minute Order - No Hearing Held; Journal Entry Details: <i>Pursuant to EDCR 2.20(g), the moving party shall deliver Courtesy Copies of all papers related to their Motion at least 5 judicial days before the hearing. This includes the Opposition if opposing counsel fails to deliver their own courtesy copies. Furthermore, EDCR 7.20(d) requires that all exhibits attached to the pleadings or papers must be clearly divided by a tab. As all courtesy copies have not been received and/or properly tabbed, the following hearing(s) have been VACATED: Thursday December 13, 2018: Motion for Declaratory Relief Thursday December 13, 2018: Opposition and Countermotion Should the parties wish to proceed, the Hearing will need to be Re-Noticed. All courtesy copies must be properly tabbed and delivered to chambers 5 judicial days before the hearing. CLERK'S NOTE: The above minute order has been distributed to counsel by the Judicial Executive Assistant, via electronic service, facsimile and/or mail. kc//12-10-18;</i>
02/12/2019	<b>Motion for Declaratory Relief (8:30 AM)</b> (Judicial Officer: Johnson, Susan) <i>Plaintiffs/Counter-Defendants' Motion For Declaratory Relief Regarding Standing</i> See Minute Order dated 12/10/18 Denied Without Prejudice;
02/12/2019	<b>Opposition and Countermotion (8:30 AM)</b> (Judicial Officer: Johnson, Susan) <i>Defendant's Opposition to Plaintiffs/Counter-Defendants' Motion for Declaratory Relief Regarding Standing and Countermotions to Exclude Inadmissible Evidence and for Rule 56(f) Relief</i> See Minute Order dated 12/10/18 Moot;
02/12/2019	<b>Motion For Reconsideration (8:30 AM)</b> (Judicial Officer: Johnson, Susan) <i>Plaintiffs/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC, Panorama Towers I Mezz, LLC, and M.J. Dean Construction, Inc.'s Motion for Reconsideration of their Motion for Summary Judgment Defendant/Counter-Claimant Panorama Tower Condominium Unit Owners' Association's April 5, 2018 Amended Notice of Claims</i> 01/29/2019 Continued to 02/12/2019 - Stipulation and Order - Hallier, Laurent; Panorama Towers Condominium Unit Owners Association; Panorama Towers I LLC; Panorama Towers I Mezz LLC; MJ Dean Construction

# CASE SUMMARY

CASE NO. A-16-744146-D

*Inc; Hale, Floyd A; Sierra Glass & Mirror Inc; F. Rogers Corporation; Dean Roofing Company; Ford Contracting Inc; Flippins Trenching Inc; Bombard Mechanical LLC; R. Rodgers Corporation; Five Star Plumbing & Heating LLC; Xtreme Xcavation; Southern Nevada Paving Inc; Insulpro Inc*

Motion Denied;

02/12/2019



**All Pending Motions** (8:30 AM) (Judicial Officer: Johnson, Susan)

Matter Heard;

Journal Entry Details:

*PLAINTIFFS/COUNTER-DEFENDANTS' MOTION FOR DECLARATORY RELIEF REGARDING STANDING DEFENDANT'S OPPOSITION TO PLAINTIFFS/COUNTER-DEFENDANTS' MOTION FOR DECLARATORY RELIEF REGARDING STANDING AND COUNTERMOTIONS TO EXCLUDE INADMISSIBLE EVIDENCE AND FOR RULE 56(F) RELIEF PLAINTIFFS/COUNTER-DEFENDANTS LAURENT HALLIER, PANORAMA TOWERS I, LLC, PANORAMA TOWERS I MEZZ, LLC, AND M.J. DEAN CONSTRUCTION, INC.'S MOTION FOR RECONSIDERATION OF THEIR MOTION FOR SUMMARY JUDGMENT DEFENDANT/COUNTER-CLAIMANT PANORAMA TOWER CONDOMINIUM UNIT OWNERS' ASSOCIATION'S April 5, 2018 AMENDED NOTICE OF CLAIMS Scott Williams, Esq., appearing telephonically for Defendant. Exhibits presented (see worksheet). Arguments by Mr. Gifford and Mr. Gayan regarding the merits of the Motion for Reconsideration. Mr. Gayan requested an oral Motion for 56(f) relief if the Court was inclined to grant this Motion. Court stated its findings and ORDERED, Motion for Reconsideration DENIED. Arguments by Mr. Saab and Mr. Gayan regarding the merits of the Motion for Declaratory Relief. Court advised there were issues of fact that needed to be explored and ORDERED, Motion for Declaratory Relief DENIED WITHOUT PREJUDICE; oral 56(f) Motion MOOT as discovery would be done.;*

04/23/2019

**Motion for Summary Judgment** (8:30 AM) (Judicial Officer: Johnson, Susan)

*Plaintiffs/ Counter-Defendants Motion for Summary Judgment Pursuant to NRS 11.202(1)*

*03/26/2019*

*Continued to 04/23/2019 - Stipulation and Order - Hallier, Laurent; Panorama Towers Condominium Unit Owners Association*

Granted;

04/23/2019

**Opposition and Countermotion** (8:30 AM) (Judicial Officer: Johnson, Susan)

*Defendant's (1) Opposition to Plaintiffs' Counter-Defendants' Motion for Summary Judgment Pursuant to NRS 11.202(1) and (2) Conditional Countermotion for Relief Pursuant to NRS 40.695(2)*

*03/19/2019*

*Continued to 03/26/2019 - Stipulation and Order - Hallier, Laurent; Panorama Towers Condominium Unit Owners Association; Panorama Towers I LLC; Panorama Towers I Mezz LLC; MJ Dean Construction Inc; Hale, Floyd A; Sierra Glass & Mirror Inc; F. Rogers Corporation; Dean Roofing Company; Ford Contracting Inc; Flippins Trenching Inc; Bombard Mechanical LLC; R. Rodgers Corporation; Five Star Plumbing & Heating LLC; Xtreme Xcavation; Southern Nevada Paving Inc; Insulpro Inc*

*03/26/2019*

*Continued to 04/23/2019 - Stipulation and Order - Hallier, Laurent; Panorama Towers Condominium Unit Owners Association*

Denied;

04/23/2019



**All Pending Motions** (8:30 AM) (Judicial Officer: Johnson, Susan)





Matter Heard;

Journal Entry Details:

*PLAINTIFFS/ COUNTER-DEFENDANTS MOTION FOR SUMMARY JUDGMENT PURSUANT TO NRS 11.202(1) DEFENDANT'S (1) OPPOSITION TO PLAINTIFFS' COUNTER-DEFENDANTS' MOTION FOR SUMMARY JUDGMENT PURSUANT TO NRS 11.202(1) AND (2) CONDITIONAL COUNTERMOTION FOR RELIEF PURSUANT TO NRS 40.695(2) Also present, Scott Williams, Esq., appeared via telephone on behalf of Panorama Towers. Following arguments by counsel regarding their respective positions, COURT ADVISED it reviewed the briefs but did not get a chance to review all the new issues counsel brought up. COURT ORDERED, matter UNDER ADVISEMENT; it will issue a minute order with its decision. ;*

# CASE SUMMARY

CASE NO. A-16-744146-D

07/16/2019	<p><b>Motion to Retax</b> (8:30 AM) (Judicial Officer: Johnson, Susan)</p> <p><i>Defendant's Motion to Re-Tax and Settle Costs</i></p> <p>07/02/2019 Continued to 07/16/2019 - Stipulation and Order - Hallier, Laurent; Panorama Towers Condominium Unit Owners Association</p> <p>Decision Pending;</p>
07/16/2019	<p><b>Motion For Reconsideration</b> (8:30 AM) (Judicial Officer: Johnson, Susan)</p> <p><i>Defendant's Motion for Reconsideration of the Court's May 23, 2019 Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs' Motion for Summary Judgment Pursuant to NRS 11.202(1) or, in the alternative, Motion to Stay the Court's Order</i></p> <p>07/09/2019 Continued to 07/16/2019 - Stipulation and Order - Hallier, Laurent; Panorama Towers Condominium Unit Owners Association</p> <p>Motion Denied;</p>
07/16/2019	<p><b>Motion For Reconsideration</b> (8:30 AM) (Judicial Officer: Johnson, Susan)</p> <p><i>Defendant's Motion for Reconsideration and/or to Alter or Amend the Court's May 23, 2019 Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs' Motion for Summary Judgment Pursuant to NRS 11.202(1)</i></p> <p><b>MINUTES</b></p> <p>Motion Denied;</p> <p><b>SCHEDULED HEARINGS</b></p> <p> <b>All Pending Motions</b> (07/16/2019 at 8:30 AM) (Judicial Officer: Johnson, Susan)</p>
07/16/2019	<p> <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Johnson, Susan)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>DEFT'S MOTION FOR RECONSIDERATION AND/OR TO ALTER THE COURT'S MAY 23, 2019 FINDINGS OF FACT, CONCLUSION OF LAW, AND ORDER GRANTING PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT PURSUANT TO NRS 11.202 (1).....DEFENDANT'S MOTION TO RE-TAX AND SETTLE COSTS...DEFT'S MOTION FOR RECONSIDERATION AND/OR TO ALTER THE COURT'S MAY 23, 2019 FINDINGS OF FACT, CONCLUSION OF LAW, AND ORDER GRANTING PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT PURSUANT TO NRS 11.202(1) OR, IN THE ALTERNATIVE, MOTION TO STAY THE COURT'S ORDER Scott Williams present on behalf of Panorama Towers Condominium Unit Owners Association. Argument by counsel. Colloquy regarding the Motions for Reconsideration and the 54(b) certification. Court advised counsel that the Motions for Reconsideration would need to be considered further and decided upon before making a decision on the Motion to Retax. Court directed counsel to submit written motions along with further briefing which would place the matters back on calendar adding that the Court would then take the matters under advisement upon receiving everything. COURT ORDERED, plaintiff's Motion for Attorney Fees set for 7/23/19, VACATED.;</i></p>
07/23/2019	<p><b>CANCELED Motion for Attorney Fees</b> (8:30 AM) (Judicial Officer: Johnson, Susan)</p> <p><i>Vacated</i></p> <p><i>Plaintiffs/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC, Panorama Towers I Mezz, LLC, and M.J. Dean Construction, Inc.'s, Application for Order Shortening Time on Motion for Attorneys Fees Pursuant to NRS 18.010(2)(B)</i></p>
08/06/2019	<p> <b>Motion</b> (8:30 AM) (Judicial Officer: Johnson, Susan)</p> <p><i>Plaintiff's Motion to Certify Judgment as Final Under Rule 54(b) (On Order Shortening Time)</i></p> <p>Motion Granted;</p> <p>Journal Entry Details:</p> <p><i>Mr. Gayan argued the May 23, 2019 order was not a final judgment. Further statements by Mr. Gayan regarding the history of the case and indication that the use of Rule 54(B) is to avoid a new controlling law, and it is inappropriate use of Rule 54(B). Mr. Polsenberg argued there is no just reason for delay, these claims are already time barred, and it is appropriate use of Rule 54(B). COURT ORDERED, matter taken UNDER ADVISEMENT.;</i></p>
10/17/2019	<p> <b>Motion to Amend</b> (9:00 AM) (Judicial Officer: Johnson, Susan)</p> <p><i>Defendant's Motion to Alter or Amend the Court's Findings of Fact, Conclusions of Law, and</i></p>

# CASE SUMMARY

CASE NO. A-16-744146-D

Order Entered on May 23, 2019

10/08/2019

Continued to 10/17/2019 - Stipulation and Order - Hallier, Laurent;  
Panorama Towers Condominium Unit Owners Association

Motion Denied;

Journal Entry Details:

Argument by counsel. Court advised counsel that it read everything but was to review their authorities before issuing a decision via minute order.;

03/31/2020



**Minute Order** (3:00 AM) (Judicial Officer: Johnson, Susan)

Minute Order - No Hearing Held;

Journal Entry Details:

In preparation for its April 14, 2020 Motion Calendar, this Court reviewed and considered: 1. Plaintiffs'/Counter-Defendants' Motion for Attorneys Fees Pursuant to NRS 18.010(2)(b) filed June 16, 2019, Defendant's/Counter-Claimant's Opposition thereto filed July 1, 2019, and Reply filed July 9, 2019, as well as the supplementations filed in 2020; and 2. Defendant's/Counter-Claimant's Renewed Motion to Re-Tax and Settle Costs filed January 27, 2020, Plaintiffs'/Counter-Defendants' Opposition thereto filed February 10, 2020 and Reply filed February 25, 2020. In reviewing this case, this Court notes, while the causes of action set forth in Defendant's/Counter-Claimant's Counter-Claim were wholly resolved by this Court's rulings, all of Plaintiffs'/Counter-Defendants' claims set forth within their Complaint have not been decided. In particular, Plaintiffs'/Counter-Defendants' Fifth, Sixth and Seventh Causes of Action, to wit: Breach of Contract (Settlement Agreement in Prior Litigation), Declaratory Relief (Duty to Defend and Indemnify) have not been resolved, and they are slated to be tried on this Court's five-week trial stack commencing September 8, 2020. In this Court's view, Plaintiffs'/Counter-Defendants' seeking reimbursement of attorneys' and costs is premature, meaning such issues should be decided after the resolution of their remaining claims. Accordingly, Plaintiffs'/Counter-Defendants' Motion for Attorneys Fees Pursuant to NRS 18.010(2)(b) filed June 16, 2019 and Defendant's/Counter-Claimant's Renewed Motion to Re-Tax and Settle Costs filed January 27, 2020 are VACATED. This Court shall consider issues relating to attorneys' fees and costs once the remaining claims have been resolved. If they deem is appropriate, the parties may then supplement their motions after the remaining causes of action set forth in the Complaint are resolved. Accordingly, the aforementioned matters scheduled to be heard Tuesday, April 14, 2020 at 8:30 a.m. are VACATED. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Jill Chambers, to all registered parties for Odyssey File & Serve. jmc 3/31/20;

04/14/2020

**CANCELED Motion to Retax** (8:30 AM) (Judicial Officer: Johnson, Susan)

Vacated - Previously Decided

Defendant/Counterclaimant's Renewed Motion to Retax and Settle Costs

03/03/2020

Continued to 04/14/2020 - Stipulation and Order - Hallier, Laurent;  
Panorama Towers Condominium Unit Owners Association

04/14/2020

**CANCELED Motion for Attorney Fees and Costs** (8:30 AM) (Judicial Officer: Johnson, Susan)

Vacated - Previously Decided

Notice Of Hearing For Plaintiffs'/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC, Panorama Towers I Mezz, LLC And M.J. Dean Contruction, Inc.s Motion For Attorneys Fees Pursuant To NRS 18.010(2)(B) And The First Supplement To Their Motion For Attorneys Fees Pursuant To NRS 18.010(2)(B)

03/31/2020

Continued to 04/14/2020 - Stipulation and Order - Hallier, Laurent;  
Panorama Towers Condominium Unit Owners Association

05/26/2020



**Motion to Stay** (8:30 AM) (Judicial Officer: Johnson, Susan)

Defendant/Counterclaimant's Motion to Stay Proceedings Pending Disposition of the Appeal on Order Shortening Time

## MINUTES

Denied;

Journal Entry Details:

Counsel appearing remotely via Bluejeans. Mr. Williams appeared on behalf of Panarama Towers Condominium Unit Owners Association. Court noted the opposition was received Friday, May 22nd and the supplement was received Monday the 25th. Argument by counsel. Colloquy regarding the appeal and the ramifications of the decision on the motion before the Court. COURT ORDERED, Motion DENIED, matter STAYED for 6 months and SET a status



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check to lift the stay. 12/16/20 8:30 AM STATUS CHECK: STAY;

## SCHEDULED HEARINGS



**Status Check** (12/16/2020 at 8:30 AM) (Judicial Officer: Johnson, Susan)

Status Check: Stay

08/26/2020

**CANCELED Pretrial/Calendar Call** (8:30 AM) (Judicial Officer: Johnson, Susan)

Vacated

PRETRIAL/CALENDAR CALL (SET DURING CD SWEEPS)

09/08/2020

**CANCELED Jury Trial** (1:00 PM) (Judicial Officer: Johnson, Susan)

Vacated

JURY TRIAL (SET DURING CD SWEEPS)

12/16/2020



**Status Check** (8:30 AM) (Judicial Officer: Johnson, Susan)

Status Check: Stay

Matter Heard;

Journal Entry Details:

Scott Williams, Esq., present for Panorama Towers Condominium Unit Owners Association. Mr. Gayan advised a hearing was set for January 19th regarding the appeal; further advised the stay was in place due to Covid; requested the stay be continued. Court noted it had not yet reviewed the status report that was filed last night; requested full captions in the future. Mr. Gifford advised he thought the purpose of today's hearing was to set a trial date and there was no reason to pause any further if the Renewed Motion to Stay was going to be discussed, Colloquy regarding the renewed Motion to Stay, the Supreme Court's intention, and whether or not there was anything to reconsider. Court advised the lease was extended at the convention center for trial use. Colloquy regarding the Byrne case and alternative arguments, remaining causes of action, and pending discovery. COURT ORDERED, stay LIFTED; parties could continue motion practice and whatever discovery they could do; counsel to advise the Court of any issues they had. Court advised it would review the Byrne case. Court directed counsel to get together with Special Master Hale to determine when they would be ready for trial. Mr. Brown to prepare the order regarding the stay being lifted; opposing counsel to review as to form and content. COURT FURTHER ORDERED, Renewed Motion to Stay scheduled to be heard on 01/19/2021 VACATED as moot.;

01/19/2021

**CANCELED Motion to Stay** (8:30 AM) (Judicial Officer: Johnson, Susan)

Vacated

Defendant/Counterclaimant's Renewed Defendant/Counterclaimant's Motion To Stay Proceedings Pending Disposition Of The Appeal

11/09/2021

**CANCELED Status Check: Trial Readiness** (8:30 AM) (Judicial Officer: Johnson, Susan)

Vacated - per Stipulation and Order

12/22/2021

**CANCELED Pretrial/Calendar Call** (8:30 AM) (Judicial Officer: Johnson, Susan)

Vacated - per Stipulation and Order

01/03/2022

**CANCELED Jury Trial** (8:30 AM) (Judicial Officer: Johnson, Susan)

Vacated - per Stipulation and Order

04/13/2022



**Status Check** (8:30 AM) (Judicial Officer: Johnson, Susan)

Status Check re: Status of Appeal

Matter Heard;

Journal Entry Details:

Upon inquiry of the Court regarding the status of appeal, Mr. Henirod stated they have received an Opinion from the Supreme Court, however a Petition for Rehearing is currently pending and a remittitur has not been issued. Mr. Henirod further stated briefing has been completed regarding the Petition for Rehearing and anticipates a decision between 120 to 180 days, Mr. Gayan agreed. Colloquy regarding Decker Matter - A798346. Mr. Gayan requested a status check and if a remittitur has been issued prior to the hearing, counsel will notify the Court for a sooner date. COURT ORDERED, status check SET for October 12, 2022 at 8:30 a.m. 10/12/2022 8:30 AM STATUS CHECK: APPEAL;

# CASE SUMMARY

CASE NO. A-16-744146-D

09/22/2022



**Minute Order** (3:00 AM) (Judicial Officer: Johnson, Susan)

Minute Order - No Hearing Held;

Journal Entry Details:

*Having examined the Motion to Seal Exhibit 1 for Defendant/Counter-Claimant Panorama Towers Condominium Unit Owners Association s Limited Objection to Special Master Orders Entered on August 22, 2022 (Doc ID# 236-237) filed September 1, 2022, noted the motion was served upon the parties, no Opposition was filed thereto and there is good cause therefore, COURT ORDERS the Motion to Seal Exhibit 1 for Defendant/Counter-Claimant Panorama Towers Condominium Unit Owners Association s Limited Objection to Special Master Orders Entered on August 22, 2022 (Doc ID# 236-237) filed September 1, 2022 is GRANTED pursuant to EDCR 2.20(e). The matter scheduled to be heard Tuesday, October 11, 2022 at 8:30 a.m. is VACATED pursuant to EDCR 2.23. Counsel is to prepare and submit a proposed Order to the Court within fourteen (14) days of this Minute Order or no later than Thursday, October 6, 2022 pursuant to EDCR 7.21. CLERK S NOTE: This Minute Order was electronically served by Courtroom Clerk, Ro Shell Hurtado, to all registered parties for Odyssey File & Serve./rh;*

10/11/2022

**CANCELED Motion to Seal/Redact Records** (8:30 AM) (Judicial Officer: Johnson, Susan)

*Vacated*

*Defendants Motion to Seal Exhibit 1 for Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Limited Objection to Special Master Orders Entered on August 22, 2022 (Doc ID# 236-237)*

10/12/2022



**Status Check** (8:30 AM) (Judicial Officer: Johnson, Susan)

*Status Check: Status of Appeal*

Matter Heard;

Journal Entry Details:

*Upon inquiry of the Court regarding the status of appeal, Mr. Gifford stated the appeal is no longer pending and a remittitur was issued on June 24, 2022. Colloquy regarding Motions on calendar.;*

10/27/2022

**Objection** (9:00 AM) (Judicial Officer: Johnson, Susan)

*Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Limited Objection to Special Master Orders Entered on August 22, 2022 (DOC ID #236-237) Denied;*

10/27/2022

**Opposition** (9:00 AM) (Judicial Officer: Johnson, Susan)

*Plaintiffs/Counter-Defendants' Limited Opposition to Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Limited Objection to Special Master Orders Entered on August 22, 2022 Vacate;*

10/27/2022



**All Pending Motions** (9:00 AM) (Judicial Officer: Johnson, Susan)

Matter Heard;

Journal Entry Details:

*PLAINTIFFS/COUNTER-DEFENDANTS' LIMITED OPPOSITION TO DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS' ASSOCIATION'S LIMITED OBJECTION TO SPECIAL MASTER ORDERS ENTERED ON AUGUST 22, 2022 DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS' ASSOCIATION'S LIMITED OBJECTION TO SPECIAL MASTER ORDERS ENTERED ON AUGUST 22, 2022. Scott Williams, Esq. Pro Hac Vice appearing on behalf of Panorama Towers Condominium Unit Owners Association. Arguments by counsel. COURT ORDERED Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Limited Objection to Special Master Orders Entered on August 22, 2022 DENIED. Court stated it affirms the Master's rulings. COURT FURTHER ORDERED, Plaintiffs/Counter-Defendants' Limited Opposition to Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Limited Objection to Special Master Orders Entered on August 22, 2022 VACATED. ;*

01/19/2023



**Minute Order** (3:00 AM) (Judicial Officer: Johnson, Susan)

Minute Order - No Hearing Held;

Journal Entry Details:

# CASE SUMMARY

CASE NO. A-16-744146-D

*Having examined the Motion to Seal Exhibit 4 to Defendant/Counter-Claimant Panorama Towers Owners' Association's Motion for Partial Summary Judgment filed December 12, 2022, noted the motion was served upon the parties, no Opposition was filed thereto and there is good cause therefore, COURT ORDERS the Motion to Seal Exhibit 4 to Defendant/Counter-Claimant Panorama Towers Owners' Association's Motion for Partial Summary Judgment filed December 12, 2022 is GRANTED pursuant to EDCR 2.20(e). The matter scheduled to be heard Tuesday, March 7, 2023 at 8:30 a.m. is VACATED pursuant to EDC 2.23. Counsel is to prepare and submit a proposed Order to the Court within fourteen (14) days of this Minute Order or no later than Tuesday, January 31, 2023 pursuant to EDCR 7.21. CLERK'S NOTE: The above minute order has been distributed to all parties by the Court Clerk via electronic service and/or mail. kw// 1/24/2023;*

02/14/2023



**Minute Order (3:00 AM)** (Judicial Officer: Johnson, Susan)

Minute Order - No Hearing Held;

Journal Entry Details:

*Having examined M.J. Dean Construction, Inc.'s Motion to Seal Exhibit D to Plaintiff/Counter-Defendant M.J. Dean Construction, Inc.'s Opposition to Defendant/Counter-Claimant Panorama Towers Condominium Unit Owners' Association's Motion for Partial Summary Judgment and Plaintiff/Counter-Defendant J.J. Dean Construction, Inc.'s Counter-Motion for Summary Judgment on Breach of Contract and Claim Preclusion filed January 6, 2023 joined by Plaintiffs/Counter-Defendants Hallier, Panorama Towers I, LLC and Panorama Towers I Mezz, LLC on January 10, 2023, noted the motion was served upon the parties, no Opposition was filed thereto and there is good cause therefore, COURT ORDERS M.J. Dean Construction, Inc.'s Motion to Seal Exhibit D to Plaintiff/Counter-Defendant M.J. Dean Construction, Inc.'s Opposition to Defendant/Counter-Claimant Panorama Towers Condominium Unit Owners' Association's Motion for Partial Summary Judgment and Plaintiff/Counter-Defendant J.J. Dean Construction, Inc.'s Counter-Motion for Summary Judgment on Breach of Contract and Claim Preclusion filed January 6, 2023 joined by Plaintiffs/Counter-Defendants Hallier, Panorama Towers I, LLC and Panorama Towers I Mezz, LLC on January 10, 2023 is GRANTED pursuant to EDCR 2.20(e). The matter scheduled to be heard Tuesday, March 7, 2023 at 8:30 a.m. is VACATED pursuant to EDCR 2.23. Counsel is to prepare and submit a proposed Order to the Court within fourteen (14) days of this Minute Order or no later than Tuesday, February 28, 2023 pursuant to EDCR 7.21. CLERK'S NOTE: The above minute order has been distributed to all parties by the Court Clerk via electronic service and/or mail. nc// 2/14/2023;*

02/22/2023



**Minute Order (3:00 AM)** (Judicial Officer: Johnson, Susan)

Minute Order - No Hearing Held;

Journal Entry Details:

*Having examined the Motion to Seal Portions of Defendant/Counter-Claimant Panorama Towers Condominium Unit Owners' Association's Reply in Support of Motion for Partial Summary Judgment filed February 7, 2023, noted the motion was served upon the parties, no Opposition was filed thereto and there is good cause therefore, COURT ORDERS the Motion to Seal Portions of Defendant/Counter-Claimant Panorama Towers Condominium Unit Owners' Association's Reply in Support of Motion for Partial Summary Judgment filed February 7, 2023 is GRANTED pursuant to EDCR 2.20(e). The matter scheduled to be heard Tuesday, March 14, 2023 at 8:30 a.m. is VACATED pursuant to EDCR 2.23. Counsel is to prepare and submit a proposed Order to the Court within fourteen (14) days of this Minute Order or no later than Wednesday, March 8, 2023 pursuant to EDCR 7.21. CLERK'S NOTE: The above minute order has been distributed to all parties by the Court Clerk via electronic service and/or mail. nc// 2/22/2023;*

03/07/2023

**CANCELED Motion to Seal/Redact Records (8:30 AM)** (Judicial Officer: Johnson, Susan)

*Vacated*

*Motion to Seal Exhibit 4 to Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Motion for Partial Summary Judgment*

03/07/2023

**Motion for Partial Summary Judgment (8:30 AM)** (Judicial Officer: Johnson, Susan)

**03/07/2023, 06/15/2023, 07/20/2023**

*Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Motion for Partial Summary Judgment*


Continued;

Continued;


Granted in Part;

# CASE SUMMARY

CASE NO. A-16-744146-D

	Continued; Continued; Granted in Part; Continued; Continued; Granted in Part;
03/07/2023	<p><b>Motion for Partial Summary Judgment</b> (8:30 AM) (Judicial Officer: Johnson, Susan)  <b>03/07/2023, 06/15/2023</b>  <i>Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Motion for Partial Summary Judgment</i>  Continued;  Continued;  Duplicate hearing entry  Continued;  Continued;  Duplicate hearing entry</p>
03/07/2023	<p><b>Counter-motion</b> (8:30 AM) (Judicial Officer: Johnson, Susan)  <b>03/07/2023, 06/15/2023, 07/20/2023</b>  <i>Plaintiff/Counter-Defendant M.J. Dean Construction, Inc.'s Limited Opposition to Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Motion for Partial Summary Judgment and Plaintiff/Counter-Defendant M.J. Dean Construction, Inc.'s Counter-motion for Summary Judgment on Breach of Contract and Claim Preclusion</i>  Continued;  Continued;  Granted in Part;  Continued;  Continued;  Granted in Part;  Continued;  Continued;  Granted in Part;</p>
03/07/2023	<p><b>CANCELED Motion to Seal/Redact Records</b> (8:30 AM) (Judicial Officer: Johnson, Susan)  <i>Vacated</i>  <i>M.J. Dean Construction, Inc.'s Motion to Seal Exhibit D to Plaintiff/Counter-Defendant M.J. Dean Construction, Inc.'s Opposition to Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Motion for Partial Summary Judgment and Plaintiff/Counter-Defendant M.J. Dean Construction, Inc.'s Counter-motion for Summary Judgment on Breach of Contract and Claim Preclusion</i></p>
03/07/2023	<p><b>CANCELED Joinder</b> (8:30 AM) (Judicial Officer: Johnson, Susan)  <i>Vacated</i>  <i>Plaintiff/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC and Panorama Towers I MEZZ, LLCs Joinder to Plaintiff/Counter-Defendant M.J. Dean Construction, Inc.'s Motion to Seal Exhibit D to Plaintiff/Counter-Defendant M.J. Dean Construction, Inc.'s Limited Opposition to Defendant/Counterclaimant Panorama Towers Condominium Unit Owners Associations Motion For Partial Summary Judgment and Plaintiff/Counter-Defendant M.J. Dean Construction, Inc.'s Counter-motion for Summary Judgment on Breach of Contract and Claim Preclusion</i></p>
03/07/2023	<p> <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Johnson, Susan)  Continued;  Journal Entry Details:  <i>DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS' ASSOCIATION'S MOTION FOR PARTIAL SUMMARY JUDGMENT...DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS' ASSOCIATION'S MOTION FOR PARTIAL SUMMARY JUDGMENT...PLAINTIFF/COUNTER-DEFENDANT M.J. DEAN CONSTRUCTION, INC.'S LIMITED OPPOSITION TO DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS</i></p>

**CASE SUMMARY****CASE NO. A-16-744146-D**

	<p><i>CONDOMINIUM UNIT OWNERS' ASSOCIATION'S MOTION FOR PARTIAL SUMMARY JUDGMENT AND PLAINTIFF/COUNTER-DEFENDANT M.J. DEAN CONSTRUCTION, INC.'S COUNTERMOTION FOR SUMMARY JUDGMENT ON BREACH OF CONTRACT AND CLAIM PRECLUSION</i> Scott Williams, Pro Hac Vice, Present on behalf of Panorama Towers Condominium Unit Owners Association Colloquy regarding claim preclusion. Arguments by Counsel regarding Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Motion for Partial Summary Judgment. COURT ORDERED, matter CONTINUED. Arguments by Counsel regarding Plaintiff/Counter-Defendant M.J. Dean Construction, Inc.'s Limited Opposition to Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Motion for Partial Summary Judgment and Plaintiff/Counter- defendant M.J. Dean Construction, Inc.'s Countermotion for Summary Judgment on Breach of Contract and Claim Preclusion. Mr. Gifford requested to use PowerPoint for demonstrative purposes. Objections by Mr. Gayan. COURT ORDERED, Mr. Gifford was permitted to show PowerPoint. COURT FURTHER ORDERED, matter CONTINUED. CONTINUED TO: 5/16/2023 - 8:30 AM;</p>
03/14/2023	<p><b>CANCELED Motion to Seal/Redact Records</b> (8:30 AM) (Judicial Officer: Johnson, Susan)  <i>Vacated</i>  <i>Defendant's Motion to Seal Portions of Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Reply in Support of Motion for Partial Summary Judgment</i></p>
05/17/2023	<p> <b>Status Check</b> (8:30 AM) (Judicial Officer: Johnson, Susan)  <i>Status Check: Trial Date</i>  <i>Matter Heard;</i>  <i>Journal Entry Details:</i>  <i>Scott Williams, Esq. appearing on behalf of Panorama Towers Condominium Unit Owners and Association. Court NOTED it received another motion to continue trial. Court expressed its inclinations and stated the first trial setting was in September 2020. Court inquired as to the reason for the continuance, Mr. Lynch stated there were issues related to scheduling Chris Allen's deposition and cause for delay. Mr. Lynch further stated the architect is set to have his deposition taken by June 1. Following colloquy regarding timeframe of case, Court suggested setting another status check as to how the case is proceeding and status of discovery. Mr. Lee suggested scheduling the status check at the same time as the motions set for June 15. No objections. COURT ORDERED, Status Check SET. 6/15/2023 9:00 AM STATUS CHECK;</i></p>
06/15/2023	<p><b>Motion for Summary Judgment</b> (9:00 AM) (Judicial Officer: Johnson, Susan)  <b>06/15/2023, 07/20/2023</b>  <i>Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Motion for Summary Judgment of Plaintiff/Counterclaimant's Second and Fifth Claims for Relief</i>  <i>Continued;</i>  <i>Granted in Part;</i>  <i>Continued;</i>  <i>Granted in Part;</i></p>
06/15/2023	<p><b>Opposition and Countermotion</b> (9:00 AM) (Judicial Officer: Johnson, Susan)  <b>06/15/2023, 07/20/2023</b>  <i>Events: 03/31/2023 Opposition</i>  <i>Plaintiff / Counter-Defendant MJ Dean Construction, Inc.'s Motion to Strike Defendant / Counterclaimant Panorama Towers Condominium Unit Owners' Association's Untimely Parol Evidence and Opposition to Defendant / Counterclaimant Panorama Towers Condominium Unit Owners' Association's Motion for Summary of Plaintiff/Counterclaimant's Second and Fifth Claims for Relief</i>  <i>Continued;</i>  <i>Denied;</i>  <i>Continued;</i>  <i>Denied;</i></p>
06/15/2023	<p><b>Joinder</b> (9:00 AM) (Judicial Officer: Johnson, Susan)  <b>06/15/2023, 07/20/2023</b>  <i>Plaintiffs/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC and Panorama Towers I Mezz, LLC's Joinder to Plaintiff/Counter-Defendant MJ Dean Construction, Inc.'s</i></p>

# CASE SUMMARY

CASE NO. A-16-744146-D

*Motion to Strike Defendant/Counterclaimant Panorama Towers Condominium Unit Owners Association's Untimely Parol Evidence and Opposition to Defendant/Counterclaimant Panorama Towers Condominium Unit Owners Association's Motion For Summary Judgment of Plaintiff/Counterclaimants Second And Fifth Claims For Relief*

Continued;

Denied;

Continued;

Denied;

06/15/2023

**Status Check (9:00 AM)** (Judicial Officer: Johnson, Susan)

*Status Check: Discovery Status*

Matter Heard;

06/15/2023



**All Pending Motions (9:00 AM)** (Judicial Officer: Johnson, Susan)

Matter Heard;

Journal Entry Details:

*Scott Williams, Esq. appearing pro hac vice on behalf of Panorama Towers Condominium Unit Owners Association. DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS' ASSOCIATION'S MOTION FOR SUMMARY JUDGMENT OF PLAINTIFF/COUNTERCLAIMANT'S SECOND AND FIFTH CLAIMS FOR RELIEF* Court informed counsel courtesy copies should contain motion, opposition, and reply; advised counsel cannot file supplements. Court suggested counsel to redo copies and continue the matter. Counsel agreed. COURT ORDERED, motion CONTINUED. PLAINTIFF / COUNTER-DEFENDANT MJ DEAN CONSTRUCTION, INC.'S MOTION TO STRIKE DEFENDANT / COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS' ASSOCIATION'S UNTIMELY PAROL EVIDENCE AND OPPOSITION TO DEFENDANT / COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS' ASSOCIATION'S MOTION FOR SUMMARY OF PLAINTIFF/COUNTERCLAIMANT'S SECOND AND FIFTH CLAIMS FOR RELIEF Court informed counsel courtesy copies should contain motion, opposition, and reply; advised counsel cannot file supplements. Court suggested counsel to redo copies and continue the matter. Counsel agreed. COURT ORDERED, motion CONTINUED. PLAINTIFF'S/COUNTER-DEFENDANTS LAURENT HALLIER, PANORAMA TOWERS I, LLC AND PANORAMA TOWERS I MEZZ, LLC'S JOINDER TO PLAINTIFF/COUNTER-DEFENDANT MJ DEAN CONSTRUCTION, INC.'S MOTION TO STRIKE DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS ASSOCIATION'S UNTIMELY PAROL EVIDENCE AND OPPOSITION TO DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS ASSOCIATION'S MOTION FOR SUMMARY JUDGMENT OF PLAINTIFF/COUNTERCLAIMANTS SECOND AND FIFTH CLAIMS FOR RELIEF Court informed counsel courtesy copies should contain motion, opposition, and reply; advised counsel cannot file supplements. Court suggested counsel to redo copies and continue the matter. Counsel agreed. COURT ORDERED, motion CONTINUED. DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS' ASSOCIATION'S MOTION FOR PARTIAL SUMMARY JUDGMENT Court informed counsel courtesy copies should contain motion, opposition, and reply; advised counsel cannot file supplements. Court suggested counsel to redo copies and continue the matter. Counsel agreed. COURT ORDERED, motion CONTINUED. DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS' ASSOCIATION'S MOTION FOR PARTIAL SUMMARY JUDGMENT AND PLAINTIFF/COUNTER-DEFENDANT M.J. DEAN CONSTRUCTION, INC.'S LIMITED OPPOSITION TO DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS' ASSOCIATION'S MOTION FOR PARTIAL SUMMARY JUDGMENT AND PLAINTIFF/COUNTER-DEFENDANT M.J. DEAN CONSTRUCTION, INC.'S COUNTERMOTION FOR SUMMARY JUDGMENT ON BREACH OF CONTRACT AND CLAIM PRECLUSION Court informed counsel courtesy copies should contain motion, opposition, and reply; advised counsel cannot file supplements. Court suggested counsel to redo copies and continue the matter. Counsel agreed. COURT ORDERED, motion CONTINUED. STATUS CHECK: DISCOVERY STATUS Colloquy regarding Chris Allen's deposition. CONTINUED TO: 7/20/2023 9:00 AM ;

# CASE SUMMARY

CASE NO. A-16-744146-D

07/20/2023



**All Pending Motions (9:00 AM)** (Judicial Officer: Johnson, Susan)

Matter Heard;

Journal Entry Details:

*Scott Williams, Esq. present on behalf of Defendant, Panorama Towers Condominium Unit Owners Association. DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS' ASSOCIATION'S MOTION FOR SUMMARY JUDGMENT OF PLAINTIFF/COUNTERCLAIMANT'S SECOND AND FIFTH CLAIMS FOR RELIEF Arguments by counsel. COURT ORDERED, motion UNDER ADVISEMENT. PLAINTIFF / COUNTER-DEFENDANT MJ DEAN CONSTRUCTION, INC.'S MOTION TO STRIKE DEFENDANT / COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS' ASSOCIATION'S UNTIMELY PAROL EVIDENCE AND OPPOSITION TO DEFENDANT / COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS' ASSOCIATION'S MOTION FOR SUMMARY OF PLAINTIFF/COUNTERCLAIMANT'S SECOND AND FIFTH CLAIMS FOR RELIEF Arguments by counsel. COURT ORDERED, motion UNDER ADVISEMENT. PLAINTIFF'S/COUNTER-DEFENDANTS LAURENT HALLIER, PANORAMA TOWERS I, LLC AND PANORAMA TOWERS I MEZZ, LLC'S JOINDER TO PLAINTIFF/COUNTER-DEFENDANT MJ DEAN CONSTRUCTION, INC.'S MOTION TO STRIKE DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS ASSOCIATION'S UNTIMELY PAROL EVIDENCE AND OPPOSITION TO DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS ASSOCIATION'S MOTION FOR SUMMARY JUDGMENT OF PLAINTIFF/COUNTERCLAIMANTS SECOND AND FIFTH CLAIMS FOR RELIEF Arguments by counsel. COURT ORDERED, motion UNDER ADVISEMENT. DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS' ASSOCIATION'S MOTION FOR PARTIAL SUMMARY JUDGMENT Arguments by counsel. COURT ORDERED, motion UNDER ADVISEMENT. PLAINTIFF/COUNTER-DEFENDANT M.J. DEAN CONSTRUCTION, INC.'S LIMITED OPPOSITION TO DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS' ASSOCIATION'S MOTION FOR PARTIAL SUMMARY JUDGMENT AND PLAINTIFF/COUNTER-DEFENDANT M.J. DEAN CONSTRUCTION, INC.'S COUNTERMOTION FOR SUMMARY JUDGMENT ON BREACH OF CONTRACT AND CLAIM PRECLUSION Arguments by counsel. COURT ORDERED, motion UNDER ADVISEMENT. ;*

09/19/2023

**Motion For Reconsideration (8:30 AM)** (Judicial Officer: Johnson, Susan)

*Plaintiff/Counter-Defendant, M.J. Dean Construction, Inc.'s Motion for Reconsideration and/or Clarification of The Court's Findings of Fact, Conclusions of Law, And Order, Dated August 2, 2023 on Order Shortening Time Denied;*

09/19/2023

**Joinder (8:30 AM)** (Judicial Officer: Johnson, Susan)

*Plaintiff/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC and Panorama Towers I Mezz, LLC's Joinder to M.J. Dean Construction, Inc.'s Motion for Reconsideration And/Or Clarification of the Court's Findings of Fact, Conclusion of Law, and Order Shortening Time Matter Heard;*

09/19/2023



**All Pending Motions (8:30 AM)** (Judicial Officer: Johnson, Susan)

Matter Heard;

Journal Entry Details:

*PLAINTIFF/COUNTER-DEFENDANT, M.J. DEAN CONSTRUCTION, INC.'S MOTION FOR RECONSIDERATION AND/OR CLARIFICATION OF THE COURT'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER, DATED AUGUST 2, 2023 ON ORDER SHORTENING TIME...PLAINTIFF/COUNTER-DEFENDANTS LAURENT HALLIER, PANORAMA TOWERS I, LLC AND PANORAMA TOWERS I MEZZ, LLC'S JOINDER TO M.J. DEAN CONSTRUCTION, INC.'S MOTION FOR RECONSIDERATION AND/OR CLARIFICATION OF THE COURT'S FINDINGS OF FACT, CONCLUSION OF LAW, AND ORDER SHORTENING TIME Scott Williams, Esq. appearing on behalf of Panorama Towers HOA. Arguments by counsel. COURT ORDERED, Plaintiff/Counter-Defendant, M.J. Dean Construction, Inc.'S Motion For Reconsideration And/Or Clarification Of The Court's Findings Of Fact, Conclusions Of Law, And Order, Dated August 2, 2023 On Order Shortening Time UNDER ADVISMENT. ;*

# CASE SUMMARY

CASE NO. A-16-744146-D

12/14/2023



**Motion for Summary Judgment** (9:00 AM) (Judicial Officer: Johnson, Susan)

*Plaintiff/Counter-Defendant M.J. Dean Construction, Inc. s Motion for Summary Judgment Based on the Spearin Doctrine*

Per 11/16/2023 Stipulation and Order

Granted;

Journal Entry Details:

*Arguments by Mr. Gifford and Mr. Coulthard. Mr. Lee stated his client will have their own summary judgment motion. COURT ORDERED, Motion for Summary Judgment based on the Spearin Doctrine UNDER ADVISEMENT. Court stated it would like to examine the two affidavits.;*

02/21/2024

**Status Check: Trial Readiness** (8:30 AM) (Judicial Officer: Johnson, Susan)

Matter Heard;

02/21/2024

**Joinder** (8:30 AM) (Judicial Officer: Johnson, Susan)

*Plaintiff/Counter-Defendants Laurent Hallier, Panorama Towers I, LLC and Panorama Towers I Mezz, LLC's Joinder to Cross-Defendant Sierra Glass & Mirror, Inc.'s Motion to Extend Discovery Deadlines and Continue Trial*

Granted;

02/21/2024

**Motion to Extend Discovery** (8:30 AM) (Judicial Officer: Johnson, Susan)

*Cross-Defendant Sierra Glass & Mirror, Inc.'s Motion to Extend Discovery Deadlines and Continue Trial on an Order Shortening Time*

Granted;

02/21/2024

**Joinder** (8:30 AM) (Judicial Officer: Johnson, Susan)

*Third-Party Defendants', Texas Wall Systems, Inc. and Oldcastle BuildingEnvelope, Inc., Joinder to Cross-Defendant, Sierra Glass & Mirror, Inc.'s Motion to Extend Discovery Deadlines and Continue Trial on Order Shortening Time*

Granted;

02/21/2024

**Joinder** (8:30 AM) (Judicial Officer: Johnson, Susan)

*Plaintiff/Counter-Defendant/Third-Party Plaintiff/Cross-Claimant M.J. Dean Construction, Inc.S Substantive Joinder to Cross-Defendant Sierra Glass & Mirror, Inc.S Motion to Extend Discovery Deadlines and Continue Trial*

Granted;

02/21/2024

**Joinder** (8:30 AM) (Judicial Officer: Johnson, Susan)

*Cross-Defendant Ford Contracting, Inc.'s Substantive Joinder to Cross-Defendant Sierra Glass & Mirror, Inc.'s Motion to Extend Discovery Deadlines and Continue Trial*

Granted;

02/21/2024



**All Pending Motions** (8:30 AM) (Judicial Officer: Johnson, Susan)

Matter Heard;

Journal Entry Details:

*Scott Williams, Esq., Pro Hac Vice, present on behalf of Defendant, Panorama Towers Condominium Unit Owners Association. PLAINTIFF/COUNTER-DEFENDANTS LAURENT HALLIER, PANORAMA TOWERS I, LLC AND PANORAMA TOWERS I MEZZ, LLC'S JOINDER TO CROSS-DEFENDANT SIERRA GLASS & MIRROR, INC.'S MOTION TO EXTEND DISCOVERY DEADLINES AND CONTINUE TRIAL Arguments by counsel regarding whether or not trial to be continued. COURT ORDERED, motion GRANTED and trial dates VACATED and RESET. CROSS-DEFENDANT SIERRA GLASS & MIRROR, INC.'S MOTION TO EXTEND DISCOVERY DEADLINES AND CONTINUE TRIAL ON AN ORDER SHORTENING TIME Arguments by counsel regarding whether or not trial to be continued. COURT ORDERED, motion GRANTED and trial dates VACATED and RESET. THIRD-PARTY DEFENDANTS', TEXAS WALL SYSTEMS, INC. AND OLDCASTLE BUILDINGENVELOPE, INC., JOINDER TO CROSS-DEFENDANT, SIERRA GLASS & MIRROR, INC.'S MOTION TO EXTEND DISCOVERY DEADLINES AND CONTINUE TRIAL ON ORDER SHORTENING TIME Arguments by counsel regarding whether or not trial to be continued. COURT ORDERED, motion GRANTED and trial dates VACATED and RESET. PLAINTIFF/COUNTER-DEFENDANT/THIRD-PARTY PLAINTIFF/CROSS-CLAIMANT M.J.*



EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. A-16-744146-D**

	<p><i>DEAN CONSTRUCTION, INC.'S SUBSTANTIVE JOINDER TO CROSS-DEFENDANT SIERRA GLASS &amp; MIRROR, INC.'S MOTION TO EXTEND DISCOVERY DEADLINES AND CONTINUE TRIAL Arguments by counsel regarding whether or not trial to be continued. COURT ORDERED, motion GRANTED and trial dates VACATED and RESET. CROSS-DEFENDANT FORD CONTRACTING, INC.'S SUBSTANTIVE JOINDER TO CROSS-DEFENDANT SIERRA GLASS &amp; MIRROR, INC.'S MOTION TO EXTEND DISCOVERY DEADLINES AND CONTINUE TRIAL Arguments by counsel regarding whether or not trial to be continued. COURT ORDERED, motion GRANTED and trial dates VACATED and RESET. STATUS CHECK: TRIAL READINESS Court noted the first trial setting was September 8, 2020. Colloquy regarding counsel availability and trial stacks. Counsel anticipated 4-5 weeks for trial. 3/5/2025 8:30 AM PRETRIAL/CALENDAR CALL 3/17/2025 8:30 AM JURY TRIAL;</i></p>
05/07/2024	<p><b>Motion For Reconsideration</b> (10:30 AM) (Judicial Officer: Johnson, Susan)  <i>Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Motion for Reconsideration of the Court's March 19, 2024 Granting Plaintiffs M.J. Dean's Motion for Summary Judgment Based Upon the Spearing Doctrine</i></p>
05/14/2024	<p><b>Motion for Attorney Fees and Costs</b> (8:30 AM) (Judicial Officer: Johnson, Susan)  <i>Plaintiff/Counter-Defendant/Third-Party Plaintiff/Cross-Claimant M.J. Dean Construction, Inc.'s Motion for Attorney's Fees and Costs Pursuant to NRS 18.010, NRCPC 54(D) and Contract</i></p>
06/12/2024	<p><b>CANCELED Pretrial/Calendar Call</b> (8:30 AM) (Judicial Officer: Johnson, Susan)  <i>Vacated</i></p>
06/24/2024	<p><b>CANCELED Jury Trial</b> (8:30 AM) (Judicial Officer: Johnson, Susan)  <i>Vacated</i></p>
03/05/2025	<p><b>Pretrial/Calendar Call</b> (8:30 AM) (Judicial Officer: Johnson, Susan)</p>
03/17/2025	<p><b>Jury Trial</b> (8:30 AM) (Judicial Officer: Johnson, Susan)</p>
DATE	FINANCIAL INFORMATION

<b>Counter Defendant</b> Ford Contracting Inc	
Total Charges	473.00
Total Payments and Credits	473.00
<b>Balance Due as of 4/18/2024</b>	<b>0.00</b>
<b>Cross Defendant</b> Sierra Glass & Mirror Inc	
Total Charges	473.00
Total Payments and Credits	473.00
<b>Balance Due as of 4/18/2024</b>	<b>0.00</b>
<b>Counter Claimant</b> Panorama Towers Condominium Unit Owners Association	
Total Charges	1,078.50
Total Payments and Credits	1,078.50
<b>Balance Due as of 4/18/2024</b>	<b>0.00</b>
<b>Cross Claimant</b> Hallier, Laurent	
Total Charges	1,664.30
Total Payments and Credits	1,664.30
<b>Balance Due as of 4/18/2024</b>	<b>0.00</b>
<b>Counter Defendant</b> MJ Dean Construction Inc	
Total Charges	1,058.49
Total Payments and Credits	973.40
<b>Balance Due as of 4/18/2024</b>	<b>85.09</b>
<b>Cross Claimant</b> Panorama Towers I LLC	
Total Charges	107.40
Total Payments and Credits	107.40
<b>Balance Due as of 4/18/2024</b>	<b>0.00</b>

**CASE SUMMARY**

**CASE NO. A-16-744146-D**

**Cross Claimant** Panorama Towers I Mezz LLC

Total Charges 30.00

Total Payments and Credits 30.00

**Balance Due as of 4/18/2024 0.00**

**Third Party Defendant** Texas Wall Systems Inc

Total Charges 253.00

Total Payments and Credits 253.00

**Balance Due as of 4/18/2024 0.00**

**Counter Claimant** Panorama Towers Condominium Unit Owners Association

Appeal Bond Balance as of 4/18/2024 **500.00**

# DISTRICT COURT CIVIL COVER SHEET

A - 1 6 - 7 4 4 1 4 6 - D

County, Nevada

Case No. \_\_\_\_\_

X X I I

(Assigned by Clerk's Office)

## I. Party Information *(provide both home and mailing addresses if different)*

Plaintiff(s) (name/address/phone): Laurent Hallier, an individual; Panorama Towers, I, LLC, a Nevada limited liability company; Panorama Towers I Mezz, LLC, a Nevada limited liability company; and M.J. Dean Construction, Inc., a Nevada corporation	Defendant(s) (name/address/phone): Panorama Towers Condominium Unit Owners' Association, a Nevada non-profit corporation
Attorney (name/address/phone): Peter C. Brown, Esq. and Darlene M. Cartier, Esq. Bremer, Whyte, Brown & O'Meara, LLP 1160 N. Town Center Drive, Suite 250 Las Vegas, Nevada 89144; 702-258-6665	Attorney (name/address/phone):

## II. Nature of Controversy *(please select the one most applicable filing type below)*

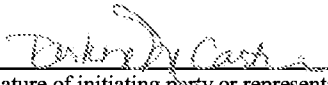
### Civil Case Filing Types

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

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

9/28/2016

Date

  
 Signature of initiating party or representative

*See other side for family-related case filings.*

FFCO

DISTRICT COURT  
CLARK COUNTY, NEVADA

LAURENT HALLIER, an individual;  
PANORAMA TOWERS I, LLC, a Nevada  
limited liability company; PANORAMA  
TOWERS I MEZZ, LLC, a Nevada limited  
liability company; and M.J. DEAN  
CONSTRUCTION, INC., a Nevada  
corporation,

Plaintiffs,

Vs.

PANORAMA TOWERS  
CONDOMINIUM UNIT OWNERS'  
ASSOCIATION, a Nevada non-profit  
corporation.

Defendant.

PANORAMA TOWERS  
CONDOMINIUM UNIT OWNERS'  
ASSOCIATION, a Nevada non-profit  
corporation,

Counter-Claimant,

Vs.

LAURENT HALLIER, an individual;  
PANORAMA TOWERS I, LLC, a Nevada  
limited liability company; PANORAMA  
TOWERS I MEZZ, LLC, a Nevada limited  
liability company; and M.J. DEAN  
CONSTRUCTION, INC., a Nevada  
Corporation,

Counter-Defendants.

Case No. A-16-744146-D

Dept. No. XXII

ORDER GRANTING  
PLAINTIFF/COUNTER-  
DEFENDANT M.J. DEAN  
CONSTRUCTION, INC.'S  
MOTION FOR SUMMARY  
JUDGMENT BASED UPON THE  
SPEARIN DOCTRINE

**PANORAMA TOWERS  
CONDOMINIUM UNIT OWNERS'  
ASSOCIATION, a Nevada non-profit  
corporation,**

**Third-Party Plaintiff,**

**Vs.**

**SIERRA GLASS & MIRROR, INC.; F.  
ROGERS CORPORATION; DEAN  
ROOFING COMPANY; FORD  
CONSTRUCTING, INC.; INSULPRO,  
INC.; XTREME EXCAVATION;  
SOUTHERN NEVADA PAVING, INC.;  
FLIPPINS TRENCHING, INC.;  
BOMBARD MECHANICAL, LLC; R.  
RODGERS CORPORATION; FIVE  
STAR PLUMBING & HEATING, LLC  
dba SILVER STAR PLUMBING; and  
ROES 1 through 1000, inclusive,**

**Third-Party Defendants.<sup>1</sup>**

**LAURENT HALLIER, an individual;  
PANORAMA TOWERS I, LLC, a Nevada  
limited liability company; and  
PANORAMA TOWERS I MEZZ, LLC, a  
Nevada limited liability company,**

**Third-Party Plaintiffs,**

**Vs.**

**TEXAS WALL SYSTEMS, INC., a Texas  
corporation, its successor-in-interest,  
OLDCASTLE BUILDING ENVELOPE,  
INC., a Delaware corporation; FORD  
CONTRACTING, INC., a Nevada  
corporation; and MOES 1-50,**

**Third-Party Defendants.**

**LAURENT HALLIER, an individual;  
PANORAMA TOWERS I, LLC, a Nevada**

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<sup>1</sup>As the subcontractors are not listed as "plaintiffs" in the primary action, the matter against them is better characterized as a "third-party" claim, as opposed to "counter-claim."

1 **limited liability company; and**  
2 **PANORAMA TOWERS I MEZZ, LLC, a**  
3 **Nevada limited liability company,**

4 **Cross-Claimants,**

5 **Vs.**

6 **SIERRA GLASS & MIRROR, INC., a**  
7 **Delaware corporation; FORD**  
8 **CONTRACTING, INC., a Nevada**  
9 **corporation; and ROES 1-50,**

10 **Cross-Defendants.**

11 **ORDER GRANTING PLAINTIFF/COUNTER-DEFENDANT M.J. DEAN**  
12 **CONSTRUCTION, INC.’S MOTION FOR SUMMARY JUDGMENT BASED UPON THE**  
13 **SPEARIN DOCTRINE**

14 This matter concerning Plaintiff/Counter-Defendant M.J. DEAN CONSTRUCTION, INC.’S  
15 Motion for Summary Judgment Based Upon the Spearin<sup>2</sup> Doctrine filed November 9, 2023 came on  
16 for hearing on the 14<sup>th</sup> day of December 2023 at the hour of 9:00 a.m. before Department XXII of  
17 the Eighth Judicial District Court in and for Clark County, Nevada, with JUDGE SUSAN  
18 JOHNSON presiding; Plaintiff/Counter-Defendant M.J. DEAN CONSTRUCTION, INC. appeared  
19 by and through its attorneys, DEVIN R. GIFFORD, ESQ. and JEFFREY W. SAAB, ESQ. of the law  
20 firm, BREMER WHYTE BROWN & O’MEARA; Plaintiffs/Counter Defendants/Third-Party  
21 Plaintiffs/Cross-Claimants LAURENT HALLIER, PANORAMA TOWERS I, LLC and  
22 PANORAMA TOWERS I MEZZ, LLC appeared by and through their attorney, DAVID S. LEE,  
23 ESQ. of the law firm, LEE LANDRUM & INGLE; and Defendant/Counter-Claimant/Third-Party  
24 Plaintiff PANORAMA TOWERS CONDOMINIUM UNIT OWNERS’ ASSOCIATION  
25 (hereinafter referred to as the “ASSOCIATION”) appeared by and through its attorneys, WILLIAM  
26 L. COULTHARD, ESQ. of the law firm, COULTHARD LAW, and FRANCIS I. LYNCH, ESQ. of

27 \_\_\_\_\_  
28 <sup>2</sup>The *Spearin* doctrine is addressed by the United States Supreme Court in United States v. Spearin, 248 U.S.  
132, 39 S.Ct. 59, 63 L.Ed. 166 (1918).

1 the law firm, LYNCH & ASSOCIATES LAW GROUP. Having reviewed the papers and pleadings  
2 on file herein, heard oral arguments of the attorneys and taken this matter under advisement, this  
3 Court makes the following Findings of Fact and Conclusions of Law:

4 **FINDINGS OF FACT AND PROCEDURAL HISTORY**

5       1. This Court adopts its Findings of Fact and Procedural History set forth within its  
6 August 2, 2023 and October 25, 2023 Orders and incorporates them as though fully set forth herein.  
7 As this Court has concluded and ordered, the constructional defects to be litigated at the trial of this  
8 matter are now limited to water leaks and/or intrusions allegedly caused by lack of pan- and head-  
9 flashings in the outward-facing (non-deck) windows in Panorama Tower I and Panorama Tower II  
10 (also referred to as the “towers” hereto) that were not found or determined to exist by the  
11 ASSOCIATION’S architectural expert, CHRIS ALLEN, prior to the parties entering into their  
12 Confidential Settlement Agreement and Release in June 2011.<sup>3</sup> The lack of pan- and head-flashings  
13 in the outward-facing (non-deck) windows was part of the buildings’ design; thus, if they are  
14 considered a constructional defects, they are one of design and not workmanship.  
15

16       2. As the scope of the litigated defects is now limited to that of design in the outward-  
17 facing (non-deck) windows in the two towers, M.J. DEAN CONSTRUCTION, INC. now moves this  
18  
19

20  
21 <sup>3</sup>As previously noted, MR. ALLEN identified several constructional deficiencies causing water leaks and  
22 intrusions within the towers’ windows, all of which were contained in Item 3.2 of his 2009/2010 Preliminary Report.  
23 However, Item 3.2.9. defects were limited to those found in the towers’ deck’ windows. With the exception of Item  
24 3.2.6. (leaking glazing seal at spandrel wall) found at one location, Unit 3100, no water leaks or intrusions were found by  
25 MR. ALLEN at any of the towers’ outward-facing (non-deck) window assemblies. While MR. ALLEN was aware of  
26 the lack of pain- and head-flashings identified by the ASSOCIATION within its most recent NRS 40.645 notice, but  
27 none of the outward-facing (non-deck) windows leaked when he tested them. He had one hundred percent (100%) pass  
28 rate for sill leaks. MR. ALLEN testified in deposition: “My policy is if there’s no leaks after testing, there’s no repair.”  
See Exhibit E, Deposition of CHRIS ALLEN taken June 1, 2023, p. 231, attached to M.J. DEAN CONSTRUCTION,  
INC.’S Motion to Strike the ASSOCIATION’S March 3, 2023 Untimely Parol Evidence filed March 31, 2023. As MR.  
ALLEN found no need to repair the outward-facing (non-deck) windows, he did not list any deficiency in those  
assemblies within his Preliminary Repair Report. As there was nothing identified as defective in the outward-facing  
(non-deck) windows by MR. ALLEN, neither no constructional defect defined by NRS 40.615 existed in 2008 and 2009  
or they were not known to him. MR. ALLEN’S Preliminary Report could not have been a source of knowledge for the  
ASSOCIATION or its unit owners that deficiencies existed in the outward-facing (non-deck) windows caused by lack of  
pan- and head-flashing prior to June 2011 when the Confidential Settlement Agreement and Release was signed.

1 Court for summary judgment in light of the holdings of United States v. Spearin, 248 U.S. 132, 39  
2 S.Ct. 59, 63 L.Ed. 166 (1918) and Home Furniture, Inc. v. Brunzell Construction Company, 84 Nev.  
3 309, 440 P.2d 398 (1968). In Spearin, the United States Supreme Court held, *inter alia*, if the  
4 contractor is bound to build according to plans and specifications prepared by the owner, the  
5 contractor will not be responsible for the consequences of the defects in the plans or specifications.  
6 Id., 248 U.S. 136, 39 S.Ct. at 61, 63 L.Ed. 166. Similarly, in Home Furniture, Inc., the Nevada  
7 Supreme Court held where a contractor has followed the plans and specifications furnished by the  
8 owner and his architect, he will not be responsible to the owner, at least after the work is completed,  
9 for any loss or damage which results solely from the defects or insufficient plans or specifications in  
10 the absence of any negligence on the part of the contract or any express warranty by him as to their  
11 being sufficient or free from defects. Id., 84 Nev. at 313, 440 P.2d at 401. Here, according to M.J.  
12 DEAN CONSTRUCTION, INC., it entered into a contract with the Owners, PANORAMA TOWER  
13 I, LLC and PANORAMA TOWER II, LLC, to construct the two residential towers according to the  
14 design concept set forth in the parties' agreements, drawings and specifications prepared by the  
15 Owners' architect, KLAI JUBA ARCHITECTS. The plans did not include the pan- and head-  
16 flashings within the outward-facing (non-deck) windows' assemblies and the towers were built in  
17 accordance with the Owners' and their architect's design, plans and specifications. Thus, as the  
18 Contractor was bound to construct the buildings according to the architect's designs, plans and  
19 specifications, the towers were built without pan- and head-flashings in the outward-facing (non-  
20 deck) windows. Pursuant to the holdings of Spearin and Home Furniture, Inc., M.J. DEAN  
21 CONSTRUCTION, INC. argues it is not responsible to the Owners or the ASSOCIATION for  
22 alleged design defects in the outward-facing (non-deck) tower windows.

26           3.       The ASSOCIATION opposes the motion upon the basis the contract documents  
27 included the "Project Manuals" prepared by KLAI JUBA ARCHITECTS. The ASSOCIATION  
28



1 proposes the “Project Manuals” provided the window wall assemblies were to be installed by the  
2 Contractor on a design-build basis. It argues M.J. DEAN CONSTRUCTION, INC. delegated its  
3 design-build responsibility for the window wall systems in the two towers to its glazing  
4 subcontractor, SIERRA GLASS AND MIRROR, INC. SIERRA GLASS AND MIRROR, INC., in  
5 turn, retained TEXAS WALL SYSTEMS, INC. to design and prepare the shop drawings for the  
6 window assemblies. Allegedly, it is TEXAS WALL SYSTEMS, INC.’S shop drawings that  
7 demonstrate the design deficiency at issue. While it proposes such facts preclude granting summary  
8 judgment in M.J. DEAN CONSTRUCTION, INC.’S favor, the ASSOCIATION alternatively moves  
9 this Court for relief under NRCP 56(d) to allow it to take the depositions of M.J. DEAN  
10 CONSTRUCTION, INC.’S principals, project and construction managers, LAURENT HALLIER,  
11 individually and as principal and manager of his developmental entities, and the NRCP 36(b)(6)  
12 designees for both M.J. DEAN CONSTRUCTION, INC., MR. HALLIER’S developmental entities,  
13 SIERRA GLASS AND MIRROR, INC. and TEXAS WALL SYSTEMS, INC.

### 16 CONCLUSIONS OF LAW

17 1. Summary judgment is appropriate and “shall be rendered forthwith” when the  
18 pleadings and other evidence on file demonstrates no “genuine issue as to any material fact  
19 [remains] and that the moving party is entitled to a judgment as a matter of law.” *See* NRCP 56(c);  
20 Wood v. Safeway, Inc., 121 Nev. 724, 729, 121 P.3d 1026 (2005). The substantive law controls  
21 which factual disputes are material and will preclude summary judgment; other factual disputes are  
22 irrelevant. *Id.*, 121 Nev. at 731. A factual dispute is genuine when the evidence is such that a  
23 rational trier of fact could return a verdict for the non-moving party. *Id.*

24 2. While the pleadings and other proof must be construed in a light most favorable to  
25 the non-moving party, that party bears the burden “to do more than simply show that there is some  
26 metaphysical doubt” as to the operative facts in order to avoid summary judgment being entered in  
27  
28

1 the moving party's favor. Matsushita Electric Industrial Co. v. Zenith Radio, 475, 574, 586 (1986),  
2 cited by Wood, 121 Nev. at 732. The non-moving party "must, by affidavit or otherwise, set forth  
3 specific facts demonstrating the evidence of a genuine issue for trial or have summary judgment  
4 entered against him." Bulbman, Inc. v. Nevada Bell, 108 Nev. 105, 110, 825 P.2d 588, 591 (1992),  
5 cited by Wood, 121 Nev. at 732. The non-moving party "' is not entitled to build a case on the  
6 gossamer threads of whimsy, speculation, and conjecture.'" Bulbman, 108 Nev. at 110, 825 P.2d  
7 591, quoting Collins v. Union Fed. Savings & Loan, 99 Nev. 284, 302, 662 P.2d 610, 621 (1983).  
8

9       3. Here, as set forth *supra*, the remaining constructional defects to be litigated are those  
10 of design and not workmanship. By virtue of the parties' contracts, M.J. DEAN CONSTRUCTION,  
11 INC. argues its role was that of contractor and not designer, and thus, it was bound to conform to the  
12 design concepts prepared by the Owners' architect in its construction. It follows, pursuant to the  
13 holdings in Spearin and Home Furniture, Inc. discussed both *supra* and *infra*, M.J. DEAN  
14 CONSTRUCTION, INC. is not responsible to the Owners or the ASSOCIATION for any loss or  
15 damage resulting solely from its following insufficient plans and specifications. The  
16 ASSOCIATION disagrees as, in its view, the inclusion of the "Project Manuals" within the contract  
17 documents provide the window wall assemblies were to be installed by the M.J. DEAN  
18 CONSTRUCTION, INC. on a design-build basis, whereby the holdings of Spearin and Home  
19 Furniture, Inc. do not absolve liability lodged against M.J. DEAN CONSTRUCTION, INC. for the  
20 defects in the outward-facing (non-deck) tower windows.  
21

22       4. Absent some countervailing reason, contracts in Nevada will be construed from the  
23 penned language and enforced as written. Kaldi v. Farmers Insurance Exchange, 117 Nev. 273, 278,  
24 21 P.3d 16, 20 (2001), citing Ellison v. CSAA, 106 Nev. 601, 603, 797 P.2d 975, 977 (1990). When  
25 the facts are not in dispute, the interpretation of a contract is a question of law. Shelton v. Shelton,  
26 119 Nev. 492, 497, 78 P.3d 507, 510 (2003).  
27  
28

1           5.       “A contract is ambiguous if it is reasonably susceptible to more than one  
2 interpretation.” *Id.*, quoting Margrave v. Dermody Properties, 110 Nev. 824, 827, 878 P.2d 291, 293  
3 (1994). However, ambiguity does not arise simply when the parties disagree on how to interpret  
4 their contract. North Las Vegas Infrastructure Investment and Construction, LLC v. City of North  
5 Las Vegas, 139 Nev.Adv.Op. 5, 525 P.3d 836, 840 (2023). “Contracts must be read as a whole  
6 without negating any term.” *Id.*, quoting Federal National Mortgage Association v. Westland  
7 Liberty Village, LLC, 138 Nev.Adv.Op. 57, 515 P.3d 329, 334 (2022). Thus, even if a contract  
8 contains an ambiguous term, extrinsic evidence is not considered if the meaning of the ambiguous  
9 term or portion of the contract can be ascertained by reviewing the contract in its entirety. *Id.*, citing  
10 Halling v. Hovanovich, 391 P.3d 611, 818 (Wyo. 2017). As set forth *supra*, the parties have  
11 asserted two different positions as to what M.J. DEAN CONSTRUCTION, INC.’S role was with  
12 respect to the design and construction of PANORAMA TOWERS I and II.

13           5.       Here, the Owners and M.J. DEAN CONSTRUCTION, INC. entered into standard  
14 forms of agreement developed by the American Institute of Architects (also referred to as “AIA”  
15 contracts or documents herein). The first contracts entered into for the construction of each of the  
16 two towers were “AIA Document A111—1997,” the standard form agreements between owner and  
17 contractor.<sup>4</sup> For the most part, the AIA contracts dealing with Towers I and II are substantially  
18 similar, differing only with respect to construction dates, deadlines and price or cost changes. They  
19 state in pertinent part:  
20  
21  
22

## 23       **ARTICLE 1 THE CONTRACT DOCUMENTS**

24       The Contract Documents consist of this Agreement, Conditions of the Contract (General,  
25 Supplementary and other Conditions), Drawings, Specifications, Addenda issued prior to  
26 execution of this Agreement, other documents listed in this Agreement and Modifications  
27 issued after execution of this Agreement; these form the Contract, and are as fully a part of

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28       <sup>4</sup>See Exhibits C and D attached to M.J. DEAN CONSTRUCTION, INC.’S Motion for Summary Judgment  
Based Upon The Spearin Doctrine filed November 9, 2023.

the Contract as if attached to this Agreement or repeated herein. The Contract represents the entire and integrated agreement between the parties hereto and supersedes prior negotiations, representations or agreements, either written or oral. An enumeration of the Contract Documents, other than Modifications, appears in Article 15. If anything in the other Contract Documents is inconsistent with this Agreement, this Agreement shall govern.

...

## **ARTICLE 15 ENUMERATION OF CONTRACT DOCUMENTS**

**§15.1** The Contract Documents, except for Modifications issued after execution of this Agreement, are enumerated as follows:

**§15.1.1** The Agreement is this executed 1997 edition of the Standard Form of Agreement Between Owner and Contractor, AIA Document A111-1997

**§15.1.2** The General Conditions are in the 1997 edition of the General Conditions of the Contract for Construction, AIA Document A201-1997<sup>5</sup>

**§15.1.3** The Supplementary and other Conditions of the Contract are those contained in the Project Manual dated ["June 7, 2004" *or* "December 3, 2004"] and are as follows:

...

["SEE ATTACHED PLAN SHEET LIST, DATED 6/25/04, CONTAINING SHEETS 1 THROUGH 17" *or* "See Current SET List as of 3/31/2005, requested by PlanWell for the account of Klai Juba Architects, attached as an exhibit hereto"]

**§15.1.4** The Specifications are those contained in the Project Manual dated as in Section 15.1.3, and are as follows: Title of Specifications exhibit: ["SEE ATTACHED PROJECT MANUAL ENTITLED "PANORAMA", DATED 6/7/2004" *or* See the Current SET List as of 3/31/2005, respected by PlanWell for the account of Klai Juba Architects, attached as an exhibit hereof"]

...

**§15.1.5** ["The Drawings are referred to in the Plan Sheet List as identified in Section 15.1.3 hereof." *or* "The Drawings are as follows and are dated unless a different date is shown below: ...Title of Drawings exhibit: See the Current SET List as of 3/31/2005, requested by PlanWell for the account of Klai Juba Architects, attached as an exhibit hereof."]

...

**§15.1.6** The Addenda, if any, are as follows:

...

["Portions of Addenda relating to bidding requirements are not part of the Contract Documents unless the bidding requirements are also enumerated in this Article 15." *or* "Phase I Environmental Site Assessment...Asbestos Survey...Geotechnical Exploration

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<sup>5</sup>See Exhibits E and F attached to M.J. DEAN CONSTRUCTION, INC.'S Motion for Summary Judgment Based Upon the Spearin Doctrine filed November 9, 2023.

Report...MJ Dean Construction Co., Inc. Budget Summary...Portions of Addenda relating to bidding requirements are not part of the Contract Documents unless the bidding requirements are also enumerated in this Article 15.”]

§15.1.7 Other Documents, if any, forming part of the Contract Documents are as follows: [“None” and “None.”]<sup>6</sup>

6. “AIA Document A201 – 1997,” an enumerated contractual document identified in §15.1.2 of “AIA Document A111—1997,” provides for the general conditions of the construction contracts between the Owners and M.J. DEAN CONSTRUCTION, INC. with respect to the building of Towers I and II.<sup>7</sup> They provide in salient part:

## **ARTICLE 1 GENERAL PROVISIONS**

### **§1.1 BASIC DEFINITIONS**

#### **§1.1.1 THE CONTRACT DOCUMENTS**

The Contract Documents consist of the Agreement between Owner and Contractor (hereinafter the Agreement). Conditions of the Contract (General, Supplementary and other Conditions), Drawings, Specifications, Addenda issued prior to execution of the Contract, other documents listed in the Agreement and Modifications issued after execution of the Contract. A Modification is (1) a written amendment to the Contract signed by both parties, (2) a Change Order, (3) a Construction Change Directive or (4) a written order for a minor change in the Work issued by the Architect. Unless specifically enumerated in the Agreement, the Contract Documents do not include other documents such as bidding requirements (advertisement or invitation to bid, Instruction to Bidders, sample forms, the Contractor’s bid or portions of Addenda relating to bidding requirements).

#### **§1.1.2 THE CONTRACT**

The Contract Documents form the Contract for Construction. The Contract represents the entire and integrated agreement between the parties hereto and supersedes prior negotiations, representations or agreements, either written or oral. The Contract may be amended or modified only by a Modification. The Contract Documents shall not be construed to create a contractual relationship of any kind (1) between the Architect and Contractor, (2) between the Owner and a Subcontractor or Sub-subcontractors, (3) between the Owner and Architect or (4) between any persons or entities other than the Owner and Contractor. The Architect shall, however, be entitled to performance and enforcement of obligations under the Contract intended to facilitate performance of the Architect’s duties.<sup>8</sup>

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<sup>6</sup> See Exhibits C and D attached to M.J. DEAN CONSTRUCTION, INC.’S Motion for Judgment Based Upon the *Spearin* Doctrine.

<sup>7</sup> See Exhibits E and F attached to M.J. DEAN CONSTRUCTION, INC.’S Motion for Summary Judgment Based Upon the *Spearin* Doctrine.

<sup>8</sup>The Architect’s contractual duties are set forth within the two AIA Documents B151—1997 regarding the design and engineering of Panorama Towers 1 and 2. See Exhibits G and H attached to Plaintiff/Counter-Defendant M.J. DEAN CONSTRUCTION, INC.’S Motion for Summary Judgment Based Upon the *Spearin* Doctrine filed November 9, 2023 (“It is understood this Agreement is specifically for the design, engineering and documents required

**§1.1.3 THE WORK**

The term “Work” means the construction and services required by the Contract Documents, whether completed or partially completed, and includes all other labor, materials, equipment and services provided or to be provided by the Contractor to fulfill the Contractor’s obligations. The Work may constitute the whole or part of the Project.

...

**§1.1.5 THE DRAWINGS**

The Drawings are the graphic and pictorial portions of the Contract Documents showing the design, location and dimensions of the Work generally including plans, elevations, details, schedules and diagrams.

**§1.1.6 THE SPECIFICATIONS**

The Specifications are that portion of the Contract Documents consisting of the written requirements for materials, equipment, systems, standards and workmanship for the Work, and performance of related services.

**§1.1.7 THE PROJECT MANUAL**

The Project Manual is a volume assembled for the Work which may include the bidding requirements, sample forms, Conditions of the Contract and Specifications.

**§1.2 CORRELATION AND INTENT OF THE CONTRACT DOCUMENTS**

**§1.2.1** The intent of the Contract Documents is to include all items necessary for the proper execution and completion of the Work by the Contractor. The Contract Documents are complementary, and what is required by one shall be binding as if required by all; performance by the Contractor shall be required only to the extent consistent with the Contract Documents and reasonably inferable from them as being necessary to produce the indicated results.

...

**§1.6 OWNERSHIP AND USE OF DRAWINGS, SPECIFICATIONS AND OTHER INSTRUCTIONS OF SERVICE**

**§1.6.1** The Drawings, Specifications and other documents, including those in electronic form, prepared by the Architect and the Architect’s consultants are Instruments of Service through which the Work to be executed by the Contractor is described. ...

...

**ARTICLE 3 CONTRACTOR**

**§3.1 GENERAL**

...

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to construct [Panorama Towers 1 and 2].”).

1           **§3.1.2** The Contractor shall perform the Work in accordance with the Contract Documents.

2           ...

3           **§3.2 REVIEW OF CONTRACT DOCUMENTS AND FIELD CONDITIONS BY**  
4           **CONTRACTOR.**

5           **§3.2.1** Since the Contract Documents are complementary, before starting each portion of the  
6           Work, the Contractor shall carefully study and compare the various Drawings and other  
7           Contract Documents relative to that portion of the Work, as well as the information furnished  
8           by the Owner pursuant to 2.2.3, shall take field measures of any existing conditions related to  
9           that portion of the Work and shall observe any conditions at the site affecting it. These  
10          obligations are for the purpose of facilitating construction by the Contractor and are not for  
11          the purpose of discovering errors, omissions, or inconsistencies in the Contract Documents;  
12          however, any errors, inconsistencies or omissions discovered by the Contractor shall be  
13          reported promptly to the Architect as a request for information in such form as the  
14          Architect may require.

15          **§3.2.2** Any design errors or omissions noted by the Contractor during this review shall be  
16          reported promptly to the Architect, but it is recognized that the Contractor's review is made  
17          in the Contractor's capacity as a contractor and is not as a licensed design professional unless  
18          otherwise specifically provided in the Contract Documents. The Contractor is not required to  
19          ascertain that the Contract Documents are in accordance with applicable laws, statutes,  
20          ordinances, building codes, and rules and regulations, but any nonconformity discovered by  
21          or made known to the Contractor shall be reported promptly to the Architect.

22          ...

23          **§3.12 SHOP DRAWINGS, PRODUCT DATA AND SAMPLES**

24          ...

25          **§3.12.4** Shop Drawings, Produce Data, Samples and similar submittals are not Contract  
26          Documents. The purpose of their submittal is to demonstrate for those portions of the Work  
27          for which submittals are required by the Contract Documents the way by which the  
28          Contractor proposes to conform to the information given and the design concept expressed in  
29          the Contract Documents. Review by the Architect is subject to the limitations of Section  
30          4.2.7. Informational submittals upon which the Architect is not expected to take responsive  
31          action may be so identified in the Contract Documents. Submittals which are not required by  
32          the Contract Documents may be returned by the Architect without action.

33          ...

34          **§3.12.10** The Contractor shall not be required to provide professional services which  
35          constitute the practice of architecture or engineering unless such services are specifically  
36          required by the Contract Documents for a portion of the Work or unless the Contractor needs  
37          to provide such services in order to carry out the Contractor's responsibilities for  
38          construction means, methods, techniques, sequences and procedures. The Contractor shall

1 not be required to provide professional services in violation of applicable law. If  
2 professional design services or certification by a design professional related to systems,  
3 materials or equipment are specifically required of the Contractor by the Contract  
4 Documents, the Owner and the Architect will specify all performances and design criteria  
5 that such services must satisfy. The Contractor shall cause such services or certifications to  
be provided by a properly licensed design professional, whose signature and seal shall appear  
on all drawings, calculations, specifications, certifications, Shop Drawings and other  
submittals prepared by such professional.

6 *Also see* Article 4 of AIA Document A201-1997, “Administration of the Contract [by the  
7 Architect].”

8         7. As set forth within the AIA Document A111-1997 and AIA Document A201-1997  
9 entered into by the Owner and the Contractor, the work to be performed by M.J. DEAN  
10 CONSTRUCTION, INC. was “construction” and *not* design.<sup>9</sup> While the Contractor’s role was to  
11 review the Drawings, it was “for the purpose of facilitating construction,” and “not for the purpose  
12 of discovering errors, omissions, or inconsistencies in the Contract Documents.”<sup>10</sup> Although the  
13 Contractor had a duty to promptly report design errors or omissions it had noted to the Architect  
14 under §3.2.2, the contract recognized the Contractor’s review was made in its capacity as a  
15 contractor and not as a licensed design professional. M.J. DEAN CONSTRUCTION, INC. was not  
16 required to ascertain the Contract Documents were in accordance with applicable laws, statutes,  
17 ordinances, building codes and rules and regulations. If a nonconformity was noted and then  
18 promptly reported by the Contractor to the Architect, there is nothing contained within the parties’  
19 contracts to suggest the Contractor had the authority or duty to overrule or correct the error outside  
20 of the Architect’s or Owners’ approval.<sup>11</sup>

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24  
25 <sup>9</sup>*Also see* §1.1.3 Work within Exhibits E and F attached to Plaintiff/Counter-Defendant M.J. DEAN  
CONSTRUCTION, INC.’S Motion for Summary Judgment Based Upon the Spearin Doctrine.

26 <sup>10</sup>*See* §3.2.1 of Exhibits E and F attached to Plaintiff/Counter-Defendant M.J. DEAN CONSTRUCTION,  
INC.’S Motion for Summary Judgment Based Upon the Spearin Doctrine.

27 <sup>11</sup>While the Contractor is to “carefully study and compare the various Drawings and other Contract Documents  
28 relative to that portion of the Work, as well as the information furnished by the Owner pursuant to 2.2.3,” pursuant to  
§3.2.1, this obligation is “for the purpose of facilitating construction by the Contractor.” It is “not for the purpose of  
discovering errors, omissions, or inconsistencies in the Contract Documents.” “[A]ny errors, inconsistencies or



1           8.       The ASSOCIATION argues, as set forth supra, the Contract Documents included  
2       “Specifications...contained in the Project Manual.”<sup>12</sup> It proposes Section 08920 of the Project  
3       Manuals in question entitled “Aluminum Curtainwall Systems” contain the specifications for the  
4       residential tower window wall assemblies.<sup>13</sup> The ASSOCIATION further points out Section  
5       08920’s Article 1.2 identifies the Contractor’s “performance requirements,” which includes design  
6       responsibility in Article 1.2.B which states in part: “The Contractor is charged with total  
7       responsibility for design, structural calculations, Shop Drawings, fabrication, installation, warranties,  
8       certifications and related documentation.” Although Article 1.2.B of Section 08920 does contain  
9       that statement, this article also provides at its beginning: “The contract documents define design  
10      intent and performance requirements. Details show preferred profiles.” The Contract Documents  
11      specifically define or identify the Contractor’s work as “construction and services..., and includes  
12      all other labor, materials, equipment and services provided or to be provided by the Contractor to  
13      fulfill the Contractor’s obligations.” This Court also notes Section 08920’s function is limited and  
14      applies only to the aluminum curtainwall systems to be installed in the towers’ first two floors. The  
15      aluminum curtainwall system is different than that installed within the window walls above the  
16      towers’ third floors which are “storefront-type.”<sup>14</sup> In other words, Section 08920 does not apply to  
17      the outward-facing (non-deck) windows which is the subject of the instant litigation. The  
18      specifications for the storefront or outward-facing (non-deck) windows are addressed in the Project  
19  
20  
21  
22

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23      omissions discovered by the Contractor shall be reported promptly to the Architect as a request for information in such  
24      form as the Architect may require.” See §3.2.1. However, there is nothing stated within the contracts the Contractor is  
25      responsible to correct any errors once the Architect is notified of them.

26           <sup>12</sup>See §15.1.4 of Exhibits C and D attached to Plaintiff/Counter-Defendant M.J. DEAN CONSTRUCTION,  
27      INC.’S Motion for Summary Judgment Based Upon the Spearin<sup>12</sup> Doctrine.

28           <sup>13</sup>See Exhibit 1 attached to Defendant/Counter-Claimant Panorama Towers Condominium Unit Owners’  
Association’s Opposition to Plaintiff/Counter-Defendant M.J. Jean Construction, Inc.’s Motion for Summary Judgment  
filed November 27, 2023.

<sup>14</sup>See Exhibit T, Deposition of CHRIS ALLEN, pp. 195-196, taken June 1, 2023, attached to attached to  
Plaintiff/Counter-Defendant M.J. Dean Construction, Inc.’s Reply in Support of Motion for Summary Judgment Based  
on the Spearin Doctrine filed December 7, 2023.

Manual's Sections 08410 and 08800.<sup>15</sup> There is nothing contained in Sections 08410 and 08800 to suggest the Contractor had any responsibility for the alleged faulty design (lack of pan- and head-flashings) in the outward facing (non-deck) windows located above the third floors of the towers.

9. The ASSOCIATION next argues M.J. DEAN CONSTRUCTION, INC. is responsible for its subcontractors' work, and Attachment "A" to the Subcontract Agreement it had with SIERRA GLASS & MIRROR, INC. specifically states "Design criteria is based on the current UBC for windload."<sup>16</sup> The ASSOCIATION proposes the subcontractor, SIERRA GLASS & MIRROR, INC., and its vendor, TEXAS WALL SYSTEMS drafted the shop drawings whereby they and the contractor, M.J. DEAN CONSTRUCTION, INC., are responsible for the windows' designs. *Citing* NRS 40.640. This Court concludes the ASSOCIATION'S position is misplaced for at least a few reasons. *First*, the word "design" is contained only one time within one of the attachments to the Subcontract Agreement under "Scope of Work," and is the adjective to the word "criteria," i.e. "Design criteria is based on the current UBC for wind load." Attachment "A's" phrase, in and of itself, does not state SIERRA GLASS & MIRROR, INC. or TEXAS WALL SYSTEMS prepared a design or determined the "criteria" for a "design;" the phrase simply indicates upon what the "design criteria" is based, i.e. "the current UBC for wind load." *Second*, the "design criteria" is based "on the current UBC for wind load" which is different than a design draft for the omission of pan- and head-flashings in the outward (non-deck) towers' windows. To wit, if one were to assume SIERRA GLASS & MIRROR, INC. and/or TEXAS WALL SYSTEMS compiled the "design criteria," based on "wind load," such collection is not causally related to a design for

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<sup>15</sup>See Exhibits R and S attached to Plaintiff/Counter-Defendant M.J. Dean Construction, Inc.'s Reply in Support of Motion for Summary Judgment Based on the *Spearin* Doctrine. Notably, Section 08410 of the Project Manuel discusses "Aluminum Entrances and Storefronts." The System Description generally is to "[p]rovide aluminum entrance and storefront systems capable of withstanding [wind] loads and thermal and structural movement requirements indicated without failure..." Section 08800 addresses "glazing." The Performance Requirements include "[p]roving glazing systems capable of withstanding normal thermal movement and wind loads without failure."

<sup>16</sup>See Exhibit 2 attached to Defendant/Counter-Claimant Panorama Towers Condominium Unit Owners' Association's Opposition to Plaintiff/Counter-Defendant M.J. Jean Construction, Inc.'s Motion for Summary Judgment.

1 lack of pan- and head-flashings in the outward (non-deck) tower windows. *Third*, the Shop  
2 Drawings are specifically excluded from the term “Contract Documents” as set forth in §3.12.4 of  
3 “AIA Document A201 – 1997.” “The purpose of their submittal is to demonstrate for those portions  
4 of the Work for which submittals are required by the Contract Document the way by which the  
5 Contractor proposes to conform to the information given and the design concept expressed in the  
6 Contract Documents.” As (1) the “design criteria” set forth in the Subcontract Agreement’s  
7 Attachment “A” is one based on “wind loads” and not a design for omitting pan- and head-flashings,  
8 (2) the term “design criteria” in Attachment “A” does not indicate who compiled it, and (3) the Shop  
9 Drawings drafted by SIERRA GLASS & MIRROR, INC. and/or TEXAS WALL SYSTEMS are not  
10 “Contract Documents” and are to be submitted to the Architect to show how the Contractor proposes  
11 to conform to the information given and the design concept expressed in the Contract Documents, it  
12 is this Court’s view M.J. DEAN CONSTRUCTION, INC. cannot be held liable to the  
13 ASSOCIATION for the Shop Drawings or the “design criteria” which may have been collected by  
14 its subcontractors pursuant to its contracts with the Owners.  
15  
16

17       **10.** It is well settled in practically every American jurisdiction, where a contractor has  
18 followed the plans and specifications furnished by the owner and his architect, he will not be  
19 responsible to the owner for any loss or damage which results solely from the defects or insufficient  
20 plans or specifications, in the absence of any negligence on the contractor’s part or any express  
21 warranty by him as to their being sufficient or free from defects. Home Furniture, Inc., 84 Nev. at  
22 313, 440 P.2d at 401; *also see* Spearin, 248 U.S. at 136, 39 S.Ct. at 61, 63 L.Ed. 166. As set forth in  
23 Frederick v. Redwood County, 153 Minn. 450, 190 N.W. 801, 802 (1922), *quoted by* Home  
24 Furniture, Inc., 84 Nev. at 313-314, 440 P.2d at 401-402:  
25  
26

27       Where a contractor makes an absolute and unqualified contract to construct a building or  
28 perform a given undertaking, it is the general, and perhaps universal, rule that he assumes the  
risks attending the performance of the contract, and must repair and make good any injury or

defect which occurs or develops before the completed work has been delivered to the other party. But where he makes a contract to perform a given undertaking in accordance with prescribed plans and specifications, this rule does not apply. Under such a contract he is not permitted to vary from the prescribed plans and specifications even if he deems them improper and insufficient; and therefore cannot be held to guarantee that work performed as required by them will free from defects, or withstand the action of the elements, or accomplish the purpose intended. Where the contract specifies what he is to do and the manner and method of doing it, and he does the work specified in the manner specified, his engagement is fulfilled and he remains liable only for defects resulting from improper workmanship or other fault on his part, unless there be a provision in the contract imposing some other or further obligation.

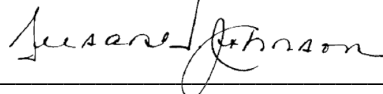
11. As this Court has found, other than “construction,” there was no provision in the contract which imposed some other or further obligation upon the Contractor such as being liable for the design. Accordingly, this Court concludes M.J. DEAN CONSTRUCTION, INC. is not responsible to either the Owners or the ASSOCIATION for the damages or the water leaks allegedly caused by the lack of pan- and head-flashings in the outward (non-deck) windows of the two towers.

Accordingly and based upon the foregoing,

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** Plaintiff/Counter-Defendant M.J. DEAN CONSTRUCTION, INC.’S Motion for Summary Judgment Based Upon the *Spearin*<sup>17</sup> Doctrine filed November 9, 2023 is granted.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED**, as the Defendant/Counter-Claimant ASSOCIATION has not identified what additional facts it believes will be revealed by additional discovery, its motion for continuance pursuant to NRCP 56(d) is denied.

Dated this 19th day of March, 2024



SUSAN H. JOHNSON, DISTRICT COURT JUDGE

59F 5E3 13EB 504E  
Susan Johnson  
District Court Judge

<sup>17</sup>The *Spearin* doctrine is addressed by the United States Supreme Court in *United States v. Spearin*, 248 U.S. 132, 39 S.Ct. 59, 63 L.Ed. 166 (1918).

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 Laurent Hallier, Plaintiff(s)

CASE NO: A-16-744146-D

7 vs.

DEPT. NO. Department 22

8 Panorama Towers Condominium  
9 Unit Owners Association,  
10 Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

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

17 Service Date: 3/19/2024

18 "Francis I. Lynch, Esq. " .

FLynch@lynchhopper.com

19 Ben Ross .

Ben@litigationservices.com

20 Calendar .

calendar@litigationservices.com

21 Colin Hughes .

colin@lynchhopper.com

22 Crystal Williams .

cwilliams@bremerwhyte.com

23 Debbie Holloman .

dholloman@jamsadr.com

24 Depository .

Depository@litigationservices.com

25 Floyd Hale .

fhale@floydhale.com

26 Peter C. Brown .

pbrown@bremerwhyte.com

27 Scott Williams .

swilliams@williamsgumbiner.com

28

1	Terri Scott .	tscott@fmglegal.com
2	Vicki Federoff .	vicki@williamsgumbiner.com
3	Wendy Jensen .	wjensen@williamsgumbiner.com
4	Dara Emens	demens@lee-lawfirm.com
5	Eileen Marks	efile@markslg.com
6	Jeff Saab	jsaab@bremerwhyte.com
7	Christie Cyr	ccyr@leachjohnson.com
8	Shannon Formont	sformont@bremerwhyte.com
9	Nancy Ray	nray@kringandchung.com
10	Michael Gayan	m.gayan@kempjones.com
11	Steven Foremaster	Steven.Foremaster@lewisbrisbois.com
12	Jessie Helm	jhelm@lewisroca.com
13	David Lee	dlee@lee-lawfirm.com
14	Devin Gifford	dgifford@bremerwhyte.com
15	Joel Henriod	jhenriod@lewisroca.com
16	Abraham Smith	asmith@lewisroca.com
17	Robert Robbins	rrobbins@kringandchung.com
18	Eileen Marks	markslglv@gmail.com
19	Billi Montijo	billi.montijo@lewisbrisbois.com
20	Cynthia Kelley	ckelley@lewisroca.com
21	Robert Mougín	rmougín@kringandchung.com
22	Emily Kapolnai	ekapolnai@lewisroca.com
23	Sharon Villarreal	svillarreal@lorberlaw.com
24		
25		
26		
27		
28		

Kevin Helm	khelm@lee-lawfirm.com
Sean Allen	sallen@lorberlaw.com
Kay Agustin	kagustin@bremerwhyte.com
Patrick Wang	pwang@bremerwhyte.com
Katrina Stark	k.stark@kempjones.com
Nicara Brown	nbrown@bremerwhyte.com
Ali Lott	a.lott@kempjones.com
Jennifer Samuel	Jsamuel@lee-lawfirm.com
D. Jason Ferris	efile@luhlaw.com
Dawn Patterson	dawn.patterson@lewisbrisbois.com
Irma Mendez	imendez@lee-lawfirm.com
Michel Anastassiou	manastassiou@kringandchung.com
Karla Livingston	klivingston@lorberlaw.com
Colin Hughes	colin@lynchhopper.com
Francis Lynch	francis@lynchandassociateslaw.com
Nita Norman	nnorman@kringandchung.com
William Coulthard	wlc@coulthardlaw.com
Carla Coulthard	cdk@coulthardlaw.com
Gloria Nunez	gnunez@lorberlaw.com

If indicated below, a copy of the above mentioned filings were also served by mail via United States Postal Service, postage prepaid, to the parties listed below at their last known addresses on 3/20/2024

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Charlie Luh	Luh & Associates Attn: Charlie H. Luh, Esq. 8987 W. Flamingo Road, Ste 100 Las Vegas, NV, 89147
Jeffrey Saab	Bremer Whyte Brown & O'Meara LLP Attn: Jeffrey W. Saab, Esq. 1160 N. Town Center Drive, Ste. 250 Las Vegas, NV, 89144
Scott Symmons	Symmons & Associates 8430 West Lake Mead Blvd. Suite 100 Las Vegas, NV, 89128





**NEO**  
DEVIN R. GIFFORD, ESQ.  
Nevada State Bar No. 14055  
JEFFREY W. SAAB, ESQ.  
Nevada State Bar No. 11261  
PATRICK WANG, ESQ.  
Nevada State Bar No. 13781  
BREMER WHYTE BROWN & O'MEARA LLP  
1160 N. TOWN CENTER DRIVE  
SUITE 250  
LAS VEGAS, NV 89144  
TELEPHONE: (702) 258-6665  
FACSIMILE: (702) 258-6662  
[dgifford@bremerwhyte.com](mailto:dgifford@bremerwhyte.com)  
[jsaab@bremerwhyte.com](mailto:jsaab@bremerwhyte.com)  
[pwang@bremerwhyte.com](mailto:pwang@bremerwhyte.com)

Attorneys for Plaintiff/Counter-Defendant/  
Third-Party Plaintiff/Cross-Claimant  
M.J. DEAN CONSTRUCTION, INC.

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

LAURENT HALLIER, an individual;  
PANORAMA TOWERS I, LLC, a Nevada  
limited liability company; PANORAMA  
TOWERS I MEZZ, LLC, a Nevada limited  
liability company; and M.J. DEAN  
CONSTRUCTION, INC., a Nevada Corporation,

Plaintiffs,

vs.

PANORAMA TOWERS CONDOMINIUM  
UNIT OWNERS' ASSOCIATION, a Nevada  
non-profit corporation,

Defendant.

PANORAMA TOWERS CONDOMINIUM  
UNIT OWNERS' ASSOCIATION, a Nevada  
non-profit corporation,

Counter-Claimant,

vs.

LAURENT HALLIER, an individual;  
PANORAMA TOWERS I, LLC, a Nevada  
limited liability company; PANORAMA  
TOWERS I MEZZ, LLC, a Nevada limited

Case No. A-16-744146-D

Dept. XXII

**NOTICE OF ENTRY OF ORDER  
GRANTING PLAINTIFF/COUNTER-  
DEFENDANT M.J. DEAN  
CONSTRUCTION, INC.'S MOTION  
FOR SUMMARY JUDGMENT BASED  
UPON THE SPEARIN DOCTRINE**

liability company; and M.J. DEAN  
CONSTRUCTION, INC., a Nevada Corporation;  
SIERRA GLASS & MIRROR, INC.; F.  
ROGERS CORPORATION; DEAN ROOFING  
COMPANY; FORD CONTRACTING, INC.;  
INSULPRO, INC.; XTREME EXCAVATION;  
SOUTHERN NEVADA PAVING, INC.;  
FLIPPINS TRENCHING, INC.; BOMBARD  
MECHANICAL, LLC; R. RODGERS  
CORPORATION; FIVE STAR PLUMBING &  
HEATING, LLC, dba SILVER STAR  
PLUMBING; and ROES 1 through , inclusive,

Counter-Defendants.

LAURENT HALLIER, an individual;  
PANORAMA TOWERS I, LLC, a Nevada  
limited liability company; and PANORAMA  
TOWERS I MEZZ, LLC, a Nevada limited  
liability company,

Third-Party Complainants,

vs.

TEXAS WALL SYSTEMS, INC., a Texas  
corporation, its successor in interest,  
OLDCASTLE BUILDING ENVELOPE, INC., a  
Delaware corporation; FORD CONTRACTING,  
INC., a Nevada corporation; and MOES 1-50,

Third-Party Cross-Defendants.

LAURENT HALLIER, an individual;  
PANORAMA TOWERS I, LLC, a Nevada  
limited liability company; and PANORAMA  
TOWERS I MEZZ, LLC, a Nevada limited  
liability company,

Cross-Claimants,

vs.

SIERRA GLASS & MIRROR, INC, a Delaware  
corporation; FORD CONTRACTING, INC., a  
Nevada corporation; and ROES 1-50,

Cross-Defendants.

M.J. DEAN CONSTRUCTION, INC., a Nevada  
Corporation,

Third-Party Plaintiff,

vs.

1 TEXAS WALL SYSTEMS, INC., a Texas )  
2 corporation, its successor in interest, )  
3 OLDCASTLE BUILDING ENVELOPE, INC., a )  
4 Delaware corporation; and MOES 1-50, )

5 Third-Party Defendants. )

6 M.J. DEAN CONSTRUCTION, INC., a Nevada )  
7 Corporation, )

8 Cross-Claimant, )

9 vs. )

10 SIERRA GLASS & MIRROR, INC, a Delaware )  
11 corporation; and ROES 1-50, )

12 Cross-Defendants. )

13 YOU AND EACH OF YOU, PLEASE TAKE NOTICE, that an ORDER GRANTING  
14 PLAINTIFF/COUNTERDEFENDANT M.J. DEAN CONSTRUCTION, INC.'S MOTION FOR  
15 SUMMARY JUDGMENT BASED UPON THE SPEARIN DOCTRINE was entered in the above-  
16 entitled action on March 19, 2024. A true and correct copy is attached hereto.

17 Dated: March 20, 2024

BREMER WHYTE BROWN & O'MEARA LLP

18  
19 By: 

20 Devin R. Gifford, Esq.

21 Nevada State Bar No. 14055

22 Jeffrey W. Saab, Esq.

23 Nevada State Bar No. 11261

24 Patrick Wang, Esq.

25 Nevada State Bar No. 13781

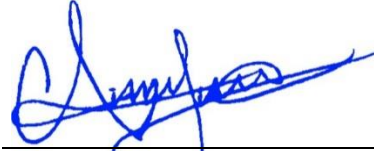
26 Attorneys for Plaintiff/Counter-Defendant/Third-Party

27 Plaintiff/Cross-Claimant

28 M.J. DEAN CONSTRUCTION, INC

**CERTIFICATE OF SERVICE**

I hereby certify that on this 20<sup>th</sup> day of March 2024 a true and correct copy of the foregoing document was electronically delivered to Odyssey for filing and service upon all electronic service list recipients.



Angelica Lucero, an employee of BREMER,  
WHYTE, BROWN & O'MEARA LLP

FFCO

DISTRICT COURT  
CLARK COUNTY, NEVADA

LAURENT HALLIER, an individual;  
PANORAMA TOWERS I, LLC, a Nevada  
limited liability company; PANORAMA  
TOWERS I MEZZ, LLC, a Nevada limited  
liability company; and M.J. DEAN  
CONSTRUCTION, INC., a Nevada  
corporation,

Plaintiffs,

Vs.

PANORAMA TOWERS  
CONDOMINIUM UNIT OWNERS'  
ASSOCIATION, a Nevada non-profit  
corporation.

Defendant.

PANORAMA TOWERS  
CONDOMINIUM UNIT OWNERS'  
ASSOCIATION, a Nevada non-profit  
corporation,

Counter-Claimant,

Vs.

LAURENT HALLIER, an individual;  
PANORAMA TOWERS I, LLC, a Nevada  
limited liability company; PANORAMA  
TOWERS I MEZZ, LLC, a Nevada limited  
liability company; and M.J. DEAN  
CONSTRUCTION, INC., a Nevada  
Corporation,

Counter-Defendants.

Case No. A-16-744146-D

Dept. No. XXII

ORDER GRANTING  
PLAINTIFF/COUNTER-  
DEFENDANT M.J. DEAN  
CONSTRUCTION, INC.'S  
MOTION FOR SUMMARY  
JUDGMENT BASED UPON THE  
SPEARIN DOCTRINE

**PANORAMA TOWERS  
CONDOMINIUM UNIT OWNERS'  
ASSOCIATION, a Nevada non-profit  
corporation,**

**Third-Party Plaintiff,**

**Vs.**

**SIERRA GLASS & MIRROR, INC.; F.  
ROGERS CORPORATION; DEAN  
ROOFING COMPANY; FORD  
CONSTRUCTING, INC.; INSULPRO,  
INC.; XTREME EXCAVATION;  
SOUTHERN NEVADA PAVING, INC.;  
FLIPPINS TRENCHING, INC.;  
BOMBARD MECHANICAL, LLC; R.  
RODGERS CORPORATION; FIVE  
STAR PLUMBING & HEATING, LLC  
dba SILVER STAR PLUMBING; and  
ROES 1 through 1000, inclusive,**

**Third-Party Defendants.<sup>1</sup>**

**LAURENT HALLIER, an individual;  
PANORAMA TOWERS I, LLC, a Nevada  
limited liability company; and  
PANORAMA TOWERS I MEZZ, LLC, a  
Nevada limited liability company,**

**Third-Party Plaintiffs,**

**Vs.**

**TEXAS WALL SYSTEMS, INC., a Texas  
corporation, its successor-in-interest,  
OLDCASTLE BUILDING ENVELOPE,  
INC., a Delaware corporation; FORD  
CONTRACTING, INC., a Nevada  
corporation; and MOES 1-50,**

**Third-Party Defendants.**

**LAURENT HALLIER, an individual;  
PANORAMA TOWERS I, LLC, a Nevada**

---

<sup>1</sup>As the subcontractors are not listed as "plaintiffs" in the primary action, the matter against them is better characterized as a "third-party" claim, as opposed to "counter-claim."

1 **limited liability company; and**  
2 **PANORAMA TOWERS I MEZZ, LLC, a**  
3 **Nevada limited liability company,**

4 **Cross-Claimants,**

5 **Vs.**

6 **SIERRA GLASS & MIRROR, INC., a**  
7 **Delaware corporation; FORD**  
8 **CONTRACTING, INC., a Nevada**  
9 **corporation; and ROES 1-50,**

10 **Cross-Defendants.**

11 **ORDER GRANTING PLAINTIFF/COUNTER-DEFENDANT M.J. DEAN**  
12 **CONSTRUCTION, INC.’S MOTION FOR SUMMARY JUDGMENT BASED UPON THE**  
13 **SPEARIN DOCTRINE**

14 This matter concerning Plaintiff/Counter-Defendant M.J. DEAN CONSTRUCTION, INC.’S  
15 Motion for Summary Judgment Based Upon the Spearin<sup>2</sup> Doctrine filed November 9, 2023 came on  
16 for hearing on the 14<sup>th</sup> day of December 2023 at the hour of 9:00 a.m. before Department XXII of  
17 the Eighth Judicial District Court in and for Clark County, Nevada, with JUDGE SUSAN  
18 JOHNSON presiding; Plaintiff/Counter-Defendant M.J. DEAN CONSTRUCTION, INC. appeared  
19 by and through its attorneys, DEVIN R. GIFFORD, ESQ. and JEFFREY W. SAAB, ESQ. of the law  
20 firm, BREMER WHYTE BROWN & O’MEARA; Plaintiffs/Counter Defendants/Third-Party  
21 Plaintiffs/Cross-Claimants LAURENT HALLIER, PANORAMA TOWERS I, LLC and  
22 PANORAMA TOWERS I MEZZ, LLC appeared by and through their attorney, DAVID S. LEE,  
23 ESQ. of the law firm, LEE LANDRUM & INGLE; and Defendant/Counter-Claimant/Third-Party  
24 Plaintiff PANORAMA TOWERS CONDOMINIUM UNIT OWNERS’ ASSOCIATION  
25 (hereinafter referred to as the “ASSOCIATION”) appeared by and through its attorneys, WILLIAM  
26 L. COULTHARD, ESQ. of the law firm, COULTHARD LAW, and FRANCIS I. LYNCH, ESQ. of

27 \_\_\_\_\_  
28 <sup>2</sup>The *Spearin* doctrine is addressed by the United States Supreme Court in United States v. Spearin, 248 U.S.  
132, 39 S.Ct. 59, 63 L.Ed. 166 (1918).

1 the law firm, LYNCH & ASSOCIATES LAW GROUP. Having reviewed the papers and pleadings  
2 on file herein, heard oral arguments of the attorneys and taken this matter under advisement, this  
3 Court makes the following Findings of Fact and Conclusions of Law:

4 **FINDINGS OF FACT AND PROCEDURAL HISTORY**

5       1. This Court adopts its Findings of Fact and Procedural History set forth within its  
6 August 2, 2023 and October 25, 2023 Orders and incorporates them as though fully set forth herein.  
7 As this Court has concluded and ordered, the constructional defects to be litigated at the trial of this  
8 matter are now limited to water leaks and/or intrusions allegedly caused by lack of pan- and head-  
9 flashings in the outward-facing (non-deck) windows in Panorama Tower I and Panorama Tower II  
10 (also referred to as the “towers” hereto) that were not found or determined to exist by the  
11 ASSOCIATION’S architectural expert, CHRIS ALLEN, prior to the parties entering into their  
12 Confidential Settlement Agreement and Release in June 2011.<sup>3</sup> The lack of pan- and head-flashings  
13 in the outward-facing (non-deck) windows was part of the buildings’ design; thus, if they are  
14 considered a constructional defects, they are one of design and not workmanship.  
15

16       2. As the scope of the litigated defects is now limited to that of design in the outward-  
17 facing (non-deck) windows in the two towers, M.J. DEAN CONSTRUCTION, INC. now moves this  
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19

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20  
21 <sup>3</sup>As previously noted, MR. ALLEN identified several constructional deficiencies causing water leaks and  
22 intrusions within the towers’ windows, all of which were contained in Item 3.2 of his 2009/2010 Preliminary Report.  
23 However, Item 3.2.9. defects were limited to those found in the towers’ deck’ windows. With the exception of Item  
24 3.2.6. (leaking glazing seal at spandrel wall) found at one location, Unit 3100, no water leaks or intrusions were found by  
25 MR. ALLEN at any of the towers’ outward-facing (non-deck) window assemblies. While MR. ALLEN was aware of  
26 the lack of pain- and head-flashings identified by the ASSOCIATION within its most recent NRS 40.645 notice, but  
27 none of the outward-facing (non-deck) windows leaked when he tested them. He had one hundred percent (100%) pass  
28 rate for sill leaks. MR. ALLEN testified in deposition: “My policy is if there’s no leaks after testing, there’s no repair.”  
See Exhibit E, Deposition of CHRIS ALLEN taken June 1, 2023, p. 231, attached to M.J. DEAN CONSTRUCTION,  
INC.’S Motion to Strike the ASSOCIATION’S March 3, 2023 Untimely Parol Evidence filed March 31, 2023. As MR.  
ALLEN found no need to repair the outward-facing (non-deck) windows, he did not list any deficiency in those  
assemblies within his Preliminary Repair Report. As there was nothing identified as defective in the outward-facing  
(non-deck) windows by MR. ALLEN, neither no constructional defect defined by NRS 40.615 existed in 2008 and 2009  
or they were not known to him. MR. ALLEN’S Preliminary Report could not have been a source of knowledge for the  
ASSOCIATION or its unit owners that deficiencies existed in the outward-facing (non-deck) windows caused by lack of  
pan- and head-flashing prior to June 2011 when the Confidential Settlement Agreement and Release was signed.



1 Court for summary judgment in light of the holdings of United States v. Spearin, 248 U.S. 132, 39  
2 S.Ct. 59, 63 L.Ed. 166 (1918) and Home Furniture, Inc. v. Brunzell Construction Company, 84 Nev.  
3 309, 440 P.2d 398 (1968). In Spearin, the United States Supreme Court held, *inter alia*, if the  
4 contractor is bound to build according to plans and specifications prepared by the owner, the  
5 contractor will not be responsible for the consequences of the defects in the plans or specifications.  
6 Id., 248 U.S. 136, 39 S.Ct. at 61, 63 L.Ed. 166. Similarly, in Home Furniture, Inc., the Nevada  
7 Supreme Court held where a contractor has followed the plans and specifications furnished by the  
8 owner and his architect, he will not be responsible to the owner, at least after the work is completed,  
9 for any loss or damage which results solely from the defects or insufficient plans or specifications in  
10 the absence of any negligence on the part of the contract or any express warranty by him as to their  
11 being sufficient or free from defects. Id., 84 Nev. at 313, 440 P.2d at 401. Here, according to M.J.  
12 DEAN CONSTRUCTION, INC., it entered into a contract with the Owners, PANORAMA TOWER  
13 I, LLC and PANORAMA TOWER II, LLC, to construct the two residential towers according to the  
14 design concept set forth in the parties' agreements, drawings and specifications prepared by the  
15 Owners' architect, KLAI JUBA ARCHITECTS. The plans did not include the pan- and head-  
16 flashings within the outward-facing (non-deck) windows' assemblies and the towers were built in  
17 accordance with the Owners' and their architect's design, plans and specifications. Thus, as the  
18 Contractor was bound to construct the buildings according to the architect's designs, plans and  
19 specifications, the towers were built without pan- and head-flashings in the outward-facing (non-  
20 deck) windows. Pursuant to the holdings of Spearin and Home Furniture, Inc., M.J. DEAN  
21 CONSTRUCTION, INC. argues it is not responsible to the Owners or the ASSOCIATION for  
22 alleged design defects in the outward-facing (non-deck) tower windows.

26 3. The ASSOCIATION opposes the motion upon the basis the contract documents  
27 included the "Project Manuals" prepared by KLAI JUBA ARCHITECTS. The ASSOCIATION  
28

1 proposes the “Project Manuals” provided the window wall assemblies were to be installed by the  
2 Contractor on a design-build basis. It argues M.J. DEAN CONSTRUCTION, INC. delegated its  
3 design-build responsibility for the window wall systems in the two towers to its glazing  
4 subcontractor, SIERRA GLASS AND MIRROR, INC. SIERRA GLASS AND MIRROR, INC., in  
5 turn, retained TEXAS WALL SYSTEMS, INC. to design and prepare the shop drawings for the  
6 window assemblies. Allegedly, it is TEXAS WALL SYSTEMS, INC.’S shop drawings that  
7 demonstrate the design deficiency at issue. While it proposes such facts preclude granting summary  
8 judgment in M.J. DEAN CONSTRUCTION, INC.’S favor, the ASSOCIATION alternatively moves  
9 this Court for relief under NRCP 56(d) to allow it to take the depositions of M.J. DEAN  
10 CONSTRUCTION, INC.’S principals, project and construction managers, LAURENT HALLIER,  
11 individually and as principal and manager of his developmental entities, and the NRCP 36(b)(6)  
12 designees for both M.J. DEAN CONSTRUCTION, INC., MR. HALLIER’S developmental entities,  
13 SIERRA GLASS AND MIRROR, INC. and TEXAS WALL SYSTEMS, INC.

### 16 CONCLUSIONS OF LAW

17 1. Summary judgment is appropriate and “shall be rendered forthwith” when the  
18 pleadings and other evidence on file demonstrates no “genuine issue as to any material fact  
19 [remains] and that the moving party is entitled to a judgment as a matter of law.” *See* NRCP 56(c);  
20 Wood v. Safeway, Inc., 121 Nev. 724, 729, 121 P.3d 1026 (2005). The substantive law controls  
21 which factual disputes are material and will preclude summary judgment; other factual disputes are  
22 irrelevant. *Id.*, 121 Nev. at 731. A factual dispute is genuine when the evidence is such that a  
23 rational trier of fact could return a verdict for the non-moving party. *Id.*

24 2. While the pleadings and other proof must be construed in a light most favorable to  
25 the non-moving party, that party bears the burden “to do more than simply show that there is some  
26 metaphysical doubt” as to the operative facts in order to avoid summary judgment being entered in  
27  
28

1 the moving party's favor. Matsushita Electric Industrial Co. v. Zenith Radio, 475, 574, 586 (1986),  
2 *cited by* Wood, 121 Nev. at 732. The non-moving party "must, by affidavit or otherwise, set forth  
3 specific facts demonstrating the evidence of a genuine issue for trial or have summary judgment  
4 entered against him." Bulbman, Inc. v. Nevada Bell, 108 Nev. 105, 110, 825 P.2d 588, 591 (1992),  
5 *cited by* Wood, 121 Nev. at 732. The non-moving party "' is not entitled to build a case on the  
6 gossamer threads of whimsy, speculation, and conjecture.'" Bulbman, 108 Nev. at 110, 825 P.2d  
7 591, *quoting* Collins v. Union Fed. Savings & Loan, 99 Nev. 284, 302, 662 P.2d 610, 621 (1983).  
8

9       3. Here, as set forth *supra*, the remaining constructional defects to be litigated are those  
10 of design and not workmanship. By virtue of the parties' contracts, M.J. DEAN CONSTRUCTION,  
11 INC. argues its role was that of contractor and not designer, and thus, it was bound to conform to the  
12 design concepts prepared by the Owners' architect in its construction. It follows, pursuant to the  
13 holdings in Spearin and Home Furniture, Inc. discussed both *supra* and *infra*, M.J. DEAN  
14 CONSTRUCTION, INC. is not responsible to the Owners or the ASSOCIATION for any loss or  
15 damage resulting solely from its following insufficient plans and specifications. The  
16 ASSOCIATION disagrees as, in its view, the inclusion of the "Project Manuals" within the contract  
17 documents provide the window wall assemblies were to be installed by the M.J. DEAN  
18 CONSTRUCTION, INC. on a design-build basis, whereby the holdings of Spearin and Home  
19 Furniture, Inc. do not absolve liability lodged against M.J. DEAN CONSTRUCTION, INC. for the  
20 defects in the outward-facing (non-deck) tower windows.  
21

22       4. Absent some countervailing reason, contracts in Nevada will be construed from the  
23 penned language and enforced as written. Kaldi v. Farmers Insurance Exchange, 117 Nev. 273, 278,  
24 21 P.3d 16, 20 (2001), *citing* Ellison v. CSAA, 106 Nev. 601, 603, 797 P.2d 975, 977 (1990). When  
25 the facts are not in dispute, the interpretation of a contract is a question of law. Shelton v. Shelton,  
26 119 Nev. 492, 497, 78 P.3d 507, 510 (2003).  
27  
28

1           5.       “A contract is ambiguous if it is reasonably susceptible to more than one  
2 interpretation.” *Id.*, quoting Margrave v. Dermody Properties, 110 Nev. 824, 827, 878 P.2d 291, 293  
3 (1994). However, ambiguity does not arise simply when the parties disagree on how to interpret  
4 their contract. North Las Vegas Infrastructure Investment and Construction, LLC v. City of North  
5 Las Vegas, 139 Nev.Adv.Op. 5, 525 P.3d 836, 840 (2023). “Contracts must be read as a whole  
6 without negating any term.” *Id.*, quoting Federal National Mortgage Association v. Westland  
7 Liberty Village, LLC, 138 Nev.Adv.Op. 57, 515 P.3d 329, 334 (2022). Thus, even if a contract  
8 contains an ambiguous term, extrinsic evidence is not considered if the meaning of the ambiguous  
9 term or portion of the contract can be ascertained by reviewing the contract in its entirety. *Id.*, citing  
10 Halling v. Hovanovich, 391 P.3d 611, 818 (Wyo. 2017). As set forth *supra*, the parties have  
11 asserted two different positions as to what M.J. DEAN CONSTRUCTION, INC.’S role was with  
12 respect to the design and construction of PANORAMA TOWERS I and II.

13           5.       Here, the Owners and M.J. DEAN CONSTRUCTION, INC. entered into standard  
14 forms of agreement developed by the American Institute of Architects (also referred to as “AIA”  
15 contracts or documents herein). The first contracts entered into for the construction of each of the  
16 two towers were “AIA Document A111—1997,” the standard form agreements between owner and  
17 contractor.<sup>4</sup> For the most part, the AIA contracts dealing with Towers I and II are substantially  
18 similar, differing only with respect to construction dates, deadlines and price or cost changes. They  
19 state in pertinent part:  
20  
21  
22

#### 23       **ARTICLE 1 THE CONTRACT DOCUMENTS**

24       The Contract Documents consist of this Agreement, Conditions of the Contract (General,  
25 Supplementary and other Conditions), Drawings, Specifications, Addenda issued prior to  
26 execution of this Agreement, other documents listed in this Agreement and Modifications  
27 issued after execution of this Agreement; these form the Contract, and are as fully a part of

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28       <sup>4</sup>See Exhibits C and D attached to M.J. DEAN CONSTRUCTION, INC.’S Motion for Summary Judgment  
Based Upon The Spearin Doctrine filed November 9, 2023.

the Contract as if attached to this Agreement or repeated herein. The Contract represents the entire and integrated agreement between the parties hereto and supersedes prior negotiations, representations or agreements, either written or oral. An enumeration of the Contract Documents, other than Modifications, appears in Article 15. If anything in the other Contract Documents is inconsistent with this Agreement, this Agreement shall govern.

...

## **ARTICLE 15 ENUMERATION OF CONTRACT DOCUMENTS**

**§15.1** The Contract Documents, except for Modifications issued after execution of this Agreement, are enumerated as follows:

**§15.1.1** The Agreement is this executed 1997 edition of the Standard Form of Agreement Between Owner and Contractor, AIA Document A111-1997

**§15.1.2** The General Conditions are in the 1997 edition of the General Conditions of the Contract for Construction, AIA Document A201-1997<sup>5</sup>

**§15.1.3** The Supplementary and other Conditions of the Contract are those contained in the Project Manual dated [“June 7, 2004” *or* “December 3, 2004”] and are as follows:

...

[“SEE ATTACHED PLAN SHEET LIST, DATED 6/25/04, CONTAINING SHEETS 1 THROUGH 17” *or* “See Current SET List as of 3/31/2005, requested by PlanWell for the account of Klai Juba Architects, attached as an exhibit hereto”]

**§15.1.4** The Specifications are those contained in the Project Manual dated as in Section 15.1.3, and are as follows: Title of Specifications exhibit: [“SEE ATTACHED PROJECT MANUAL ENTITLED “PANORAMA”, DATED 6/7/2004” *or* See the Current SET List as of 3/31/2005, respected by PlanWell for the account of Klai Juba Architects, attached as an exhibit hereof”]

...

**§15.1.5** [“The Drawings are referred to in the Plan Sheet List as identified in Section 15.1.3 hereof.” *or* “The Drawings are as follows and are dated unless a different date is shown below: ...Title of Drawings exhibit: See the Current SET List as of 3/31/2005, requested by PlanWell for the account of Klai Juba Architects, attached as an exhibit hereof.”]

...

**§15.1.6** The Addenda, if any, are as follows:

...

[“Portions of Addenda relating to bidding requirements are not part of the Contract Documents unless the bidding requirements are also enumerated in this Article 15.” *or* “Phase I Environmental Site Assessment...Asbestos Survey...Geotechnical Exploration

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<sup>5</sup>See Exhibits E and F attached to M.J. DEAN CONSTRUCTION, INC.’S Motion for Summary Judgment Based Upon the Spearin Doctrine filed November 9, 2023.

Report...MJ Dean Construction Co., Inc. Budget Summary...Portions of Addenda relating to bidding requirements are not part of the Contract Documents unless the bidding requirements are also enumerated in this Article 15.”]

**§15.1.7** Other Documents, if any, forming part of the Contract Documents are as follows: [“None” and “None.”]<sup>6</sup>

**6.** “AIA Document A201 – 1997,” an enumerated contractual document identified in §15.1.2 of “AIA Document A111—1997,” provides for the general conditions of the construction contracts between the Owners and M.J. DEAN CONSTRUCTION, INC. with respect to the building of Towers I and II.<sup>7</sup> They provide in salient part:

**ARTICLE 1 GENERAL PROVISIONS**

**§1.1 BASIC DEFINITIONS**

**§1.1.1 THE CONTRACT DOCUMENTS**

The Contract Documents consist of the Agreement between Owner and Contractor (hereinafter the Agreement). Conditions of the Contract (General, Supplementary and other Conditions), Drawings, Specifications, Addenda issued prior to execution of the Contract, other documents listed in the Agreement and Modifications issued after execution of the Contract. A Modification is (1) a written amendment to the Contract signed by both parties, (2) a Change Order, (3) a Construction Change Directive or (4) a written order for a minor change in the Work issued by the Architect. Unless specifically enumerated in the Agreement, the Contract Documents do not include other documents such as bidding requirements (advertisement or invitation to bid, Instruction to Bidders, sample forms, the Contractor’s bid or portions of Addenda relating to bidding requirements).

**§1.1.2 THE CONTRACT**

The Contract Documents form the Contract for Construction. The Contract represents the entire and integrated agreement between the parties hereto and supersedes prior negotiations, representations or agreements, either written or oral. The Contract may be amended or modified only by a Modification. The Contract Documents shall not be construed to create a contractual relationship of any kind (1) between the Architect and Contractor, (2) between the Owner and a Subcontractor or Sub-subcontractors, (3) between the Owner and Architect or (4) between any persons or entities other than the Owner and Contractor. The Architect shall, however, be entitled to performance and enforcement of obligations under the Contract intended to facilitate performance of the Architect’s duties.<sup>8</sup>

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<sup>6</sup> See Exhibits C and D attached to M.J. DEAN CONSTRUCTION, INC.’S Motion for Judgment Based Upon the *Spearin* Doctrine.

<sup>7</sup> See Exhibits E and F attached to M.J. DEAN CONSTRUCTION, INC.’S Motion for Summary Judgment Based Upon the *Spearin* Doctrine.

<sup>8</sup>The Architect’s contractual duties are set forth within the two AIA Documents B151—1997 regarding the design and engineering of Panorama Towers 1 and 2. See Exhibits G and H attached to Plaintiff/Counter-Defendant M.J. DEAN CONSTRUCTION, INC.’S Motion for Summary Judgment Based Upon the *Spearin* Doctrine filed November 9, 2023 (“It is understood this Agreement is specifically for the design, engineering and documents required

**§1.1.3 THE WORK**

The term “Work” means the construction and services required by the Contract Documents, whether completed or partially completed, and includes all other labor, materials, equipment and services provided or to be provided by the Contractor to fulfill the Contractor’s obligations. The Work may constitute the whole or part of the Project.

...

**§1.1.5 THE DRAWINGS**

The Drawings are the graphic and pictorial portions of the Contract Documents showing the design, location and dimensions of the Work generally including plans, elevations, details, schedules and diagrams.

**§1.1.6 THE SPECIFICATIONS**

The Specifications are that portion of the Contract Documents consisting of the written requirements for materials, equipment, systems, standards and workmanship for the Work, and performance of related services.

**§1.1.7 THE PROJECT MANUAL**

The Project Manual is a volume assembled for the Work which may include the bidding requirements, sample forms, Conditions of the Contract and Specifications.

**§1.2 CORRELATION AND INTENT OF THE CONTRACT DOCUMENTS**

**§1.2.1** The intent of the Contract Documents is to include all items necessary for the proper execution and completion of the Work by the Contractor. The Contract Documents are complementary, and what is required by one shall be binding as if required by all; performance by the Contractor shall be required only to the extent consistent with the Contract Documents and reasonably inferable from them as being necessary to produce the indicated results.

...

**§1.6 OWNERSHIP AND USE OF DRAWINGS, SPECIFICATIONS AND OTHER INSTRUCTIONS OF SERVICE**

**§1.6.1** The Drawings, Specifications and other documents, including those in electronic form, prepared by the Architect and the Architect’s consultants are Instruments of Service through which the Work to be executed by the Contractor is described. ...

...

**ARTICLE 3 CONTRACTOR**

**§3.1 GENERAL**

...

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to construct [Panorama Towers 1 and 2].”).

1           **§3.1.2** The Contractor shall perform the Work in accordance with the Contract Documents.

2           ...

3           **§3.2 REVIEW OF CONTRACT DOCUMENTS AND FIELD CONDITIONS BY**  
4           **CONTRACTOR.**

5           **§3.2.1** Since the Contract Documents are complementary, before starting each portion of the  
6           Work, the Contractor shall carefully study and compare the various Drawings and other  
7           Contract Documents relative to that portion of the Work, as well as the information furnished  
8           by the Owner pursuant to 2.2.3, shall take field measures of any existing conditions related to  
9           that portion of the Work and shall observe any conditions at the site affecting it. These  
10          obligations are for the purpose of facilitating construction by the Contractor and are not for  
11          the purpose of discovering errors, omissions, or inconsistencies in the Contract Documents;  
12          however, any errors, inconsistencies or omissions discovered by the Contractor shall be  
13          reportedly promptly to the Architect as a request for information in such form as the  
14          Architect may require.

15          **§3.2.2** Any design errors or omissions noted by the Contractor during this review shall be  
16          reported promptly to the Architect, but it is recognized that the Contractor's review is made  
17          in the Contractor's capacity as a contractor and is not as a licensed design professional unless  
18          otherwise specifically provided in the Contract Documents. The Contractor is not required to  
19          ascertain that the Contract Documents are in accordance with applicable laws, statutes,  
20          ordinances, building codes, and rules and regulations, but any nonconformity discovered by  
21          or made known to the Contractor shall be reported promptly to the Architect.

22          ...

23          **§3.12 SHOP DRAWINGS, PRODUCT DATA AND SAMPLES**

24          ...

25          **§3.12.4** Shop Drawings, Produce Data, Samples and similar submittals are not Contract  
26          Documents. The purpose of their submittal is to demonstrate for those portions of the Work  
27          for which submittals are required by the Contract Documents the way by which the  
28          Contractor proposes to conform to the information given and the design concept expressed in  
29          the Contract Documents. Review by the Architect is subject to the limitations of Section  
30          4.2.7. Informational submittals upon which the Architect is not expected to take responsive  
31          action may be so identified in the Contract Documents. Submittals which are not required by  
32          the Contract Documents may be returned by the Architect without action.

33          ...

34          **§3.12.10** The Contractor shall not be required to provide professional services which  
35          constitute the practice of architecture or engineering unless such services are specifically  
36          required by the Contract Documents for a portion of the Work or unless the Contractor needs  
37          to provide such services in order to carry out the Contractor's responsibilities for  
38          construction means, methods, techniques, sequences and procedures. The Contractor shall



1 not be required to provide professional services in violation of applicable law. If  
2 professional design services or certification by a design professional related to systems,  
3 materials or equipment are specifically required of the Contractor by the Contract  
4 Documents, the Owner and the Architect will specify all performances and design criteria  
5 that such services must satisfy. The Contractor shall cause such services or certifications to  
be provided by a properly licensed design professional, whose signature and seal shall appear  
on all drawings, calculations, specifications, certifications, Shop Drawings and other  
submittals prepared by such professional.

6 *Also see* Article 4 of AIA Document A201-1997, “Administration of the Contract [by the  
7 Architect].”

8         7. As set forth within the AIA Document A111-1997 and AIA Document A201-1997  
9 entered into by the Owner and the Contractor, the work to be performed by M.J. DEAN  
10 CONSTRUCTION, INC. was “construction” and *not* design.<sup>9</sup> While the Contractor’s role was to  
11 review the Drawings, it was “for the purpose of facilitating construction,” and “not for the purpose  
12 of discovering errors, omissions, or inconsistencies in the Contract Documents.”<sup>10</sup> Although the  
13 Contractor had a duty to promptly report design errors or omissions it had noted to the Architect  
14 under §3.2.2, the contract recognized the Contractor’s review was made in its capacity as a  
15 contractor and not as a licensed design professional. M.J. DEAN CONSTRUCTION, INC. was not  
16 required to ascertain the Contract Documents were in accordance with applicable laws, statutes,  
17 ordinances, building codes and rules and regulations. If a nonconformity was noted and then  
18 promptly reported by the Contractor to the Architect, there is nothing contained within the parties’  
19 contracts to suggest the Contractor had the authority or duty to overrule or correct the error outside  
20 of the Architect’s or Owners’ approval.<sup>11</sup>

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24  
25 <sup>9</sup>*Also see* §1.1.3 Work within Exhibits E and F attached to Plaintiff/Counter-Defendant M.J. DEAN  
CONSTRUCTION, INC.’S Motion for Summary Judgment Based Upon the Spearin Doctrine.

26 <sup>10</sup>*See* §3.2.1 of Exhibits E and F attached to Plaintiff/Counter-Defendant M.J. DEAN CONSTRUCTION,  
INC.’S Motion for Summary Judgment Based Upon the Spearin Doctrine.

27 <sup>11</sup>While the Contractor is to “carefully study and compare the various Drawings and other Contract Documents  
28 relative to that portion of the Work, as well as the information furnished by the Owner pursuant to 2.2.3,” pursuant to  
§3.2.1, this obligation is “for the purpose of facilitating construction by the Contractor.” It is “not for the purpose of  
discovering errors, omissions, or inconsistencies in the Contract Documents.” “[A]ny errors, inconsistencies or

1           8.       The ASSOCIATION argues, as set forth supra, the Contract Documents included  
2       “Specifications...contained in the Project Manual.”<sup>12</sup> It proposes Section 08920 of the Project  
3       Manuals in question entitled “Aluminum Curtainwall Systems” contain the specifications for the  
4       residential tower window wall assemblies.<sup>13</sup> The ASSOCIATION further points out Section  
5       08920’s Article 1.2 identifies the Contractor’s “performance requirements,” which includes design  
6       responsibility in Article 1.2.B which states in part: “The Contractor is charged with total  
7       responsibility for design, structural calculations, Shop Drawings, fabrication, installation, warranties,  
8       certifications and related documentation.” Although Article 1.2.B of Section 08920 does contain  
9       that statement, this article also provides at its beginning: “The contract documents define design  
10      intent and performance requirements. Details show preferred profiles.” The Contract Documents  
11      specifically define or identify the Contractor’s work as “construction and services..., and includes  
12      all other labor, materials, equipment and services provided or to be provided by the Contractor to  
13      fulfill the Contractor’s obligations.” This Court also notes Section 08920’s function is limited and  
14      applies only to the aluminum curtainwall systems to be installed in the towers’ first two floors. The  
15      aluminum curtainwall system is different than that installed within the window walls above the  
16      towers’ third floors which are “storefront-type.”<sup>14</sup> In other words, Section 08920 does not apply to  
17      the outward-facing (non-deck) windows which is the subject of the instant litigation. The  
18      specifications for the storefront or outward-facing (non-deck) windows are addressed in the Project  
19  
20  
21  
22

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23      omissions discovered by the Contractor shall be reported promptly to the Architect as a request for information in such  
24      form as the Architect may require.” See §3.2.1. However, there is nothing stated within the contracts the Contractor is  
25      responsible to correct any errors once the Architect is notified of them.

26           <sup>12</sup>See §15.1.4 of Exhibits C and D attached to Plaintiff/Counter-Defendant M.J. DEAN CONSTRUCTION,  
27      INC.’S Motion for Summary Judgment Based Upon the Spearin<sup>12</sup> Doctrine.

28           <sup>13</sup>See Exhibit 1 attached to Defendant/Counter-Claimant Panorama Towers Condominium Unit Owners’  
Association’s Opposition to Plaintiff/Counter-Defendant M.J. Jean Construction, Inc.’s Motion for Summary Judgment  
filed November 27, 2023.

<sup>14</sup>See Exhibit T, Deposition of CHRIS ALLEN, pp. 195-196, taken June 1, 2023, attached to attached to  
Plaintiff/Counter-Defendant M.J. Dean Construction, Inc.’s Reply in Support of Motion for Summary Judgment Based  
on the Spearin Doctrine filed December 7, 2023.

Manual's Sections 08410 and 08800.<sup>15</sup> There is nothing contained in Sections 08410 and 08800 to suggest the Contractor had any responsibility for the alleged faulty design (lack of pan- and head-flashings) in the outward facing (non-deck) windows located above the third floors of the towers.

9. The ASSOCIATION next argues M.J. DEAN CONSTRUCTION, INC. is responsible for its subcontractors' work, and Attachment "A" to the Subcontract Agreement it had with SIERRA GLASS & MIRROR, INC. specifically states "Design criteria is based on the current UBC for windload."<sup>16</sup> The ASSOCIATION proposes the subcontractor, SIERRA GLASS & MIRROR, INC., and its vendor, TEXAS WALL SYSTEMS drafted the shop drawings whereby they and the contractor, M.J. DEAN CONSTRUCTION, INC., are responsible for the windows' designs. *Citing* NRS 40.640. This Court concludes the ASSOCIATION'S position is misplaced for at least a few reasons. *First*, the word "design" is contained only one time within one of the attachments to the Subcontract Agreement under "Scope of Work," and is the adjective to the word "criteria," i.e. "Design criteria is based on the current UBC for wind load." Attachment "A's" phrase, in and of itself, does not state SIERRA GLASS & MIRROR, INC. or TEXAS WALL SYSTEMS prepared a design or determined the "criteria" for a "design;" the phrase simply indicates upon what the "design criteria" is based, i.e. "the current UBC for wind load." *Second*, the "design criteria" is based "on the current UBC for wind load" which is different than a design draft for the omission of pan- and head-flashings in the outward (non-deck) towers' windows. To wit, if one were to assume SIERRA GLASS & MIRROR, INC. and/or TEXAS WALL SYSTEMS compiled the "design criteria," based on "wind load," such collection is not causally related to a design for

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<sup>15</sup>See Exhibits R and S attached to Plaintiff/Counter-Defendant M.J. Dean Construction, Inc.'s Reply in Support of Motion for Summary Judgment Based on the *Spearin* Doctrine. Notably, Section 08410 of the Project Manuel discusses "Aluminum Entrances and Storefronts." The System Description generally is to "[p]rovide aluminum entrance and storefront systems capable of withstanding [wind] loads and thermal and structural movement requirements indicated without failure..." Section 08800 addresses "glazing." The Performance Requirements include "[p]roving glazing systems capable of withstanding normal thermal movement and wind loads without failure."

<sup>16</sup>See Exhibit 2 attached to Defendant/Counter-Claimant Panorama Towers Condominium Unit Owners' Association's Opposition to Plaintiff/Counter-Defendant M.J. Jean Construction, Inc.'s Motion for Summary Judgment.

1 lack of pan- and head-flashings in the outward (non-deck) tower windows. *Third*, the Shop  
2 Drawings are specifically excluded from the term “Contract Documents” as set forth in §3.12.4 of  
3 “AIA Document A201 – 1997.” “The purpose of their submittal is to demonstrate for those portions  
4 of the Work for which submittals are required by the Contract Document the way by which the  
5 Contractor proposes to conform to the information given and the design concept expressed in the  
6 Contract Documents.” As (1) the “design criteria” set forth in the Subcontract Agreement’s  
7 Attachment “A” is one based on “wind loads” and not a design for omitting pan- and head-flashings,  
8 (2) the term “design criteria” in Attachment “A” does not indicate who compiled it, and (3) the Shop  
9 Drawings drafted by SIERRA GLASS & MIRROR, INC. and/or TEXAS WALL SYSTEMS are not  
10 “Contract Documents” and are to be submitted to the Architect to show how the Contractor proposes  
11 to conform to the information given and the design concept expressed in the Contract Documents, it  
12 is this Court’s view M.J. DEAN CONSTRUCTION, INC. cannot be held liable to the  
13 ASSOCIATION for the Shop Drawings or the “design criteria” which may have been collected by  
14 its subcontractors pursuant to its contracts with the Owners.  
15  
16

17       **10.** It is well settled in practically every American jurisdiction, where a contractor has  
18 followed the plans and specifications furnished by the owner and his architect, he will not be  
19 responsible to the owner for any loss or damage which results solely from the defects or insufficient  
20 plans or specifications, in the absence of any negligence on the contractor’s part or any express  
21 warranty by him as to their being sufficient or free from defects. Home Furniture, Inc., 84 Nev. at  
22 313, 440 P.2d at 401; *also see* Spearin, 248 U.S. at 136, 39 S.Ct. at 61, 63 L.Ed. 166. As set forth in  
23 Frederick v. Redwood County, 153 Minn. 450, 190 N.W. 801, 802 (1922), *quoted by* Home  
24 Furniture, Inc., 84 Nev. at 313-314, 440 P.2d at 401-402:  
25  
26

27       Where a contractor makes an absolute and unqualified contract to construct a building or  
28 perform a given undertaking, it is the general, and perhaps universal, rule that he assumes the  
risks attending the performance of the contract, and must repair and make good any injury or

1 defect which occurs or develops before the completed work has been delivered to the other  
2 party. But where he makes a contract to perform a given undertaking in accordance with  
3 prescribed plans and specifications, this rule does not apply. Under such a contract he is not  
4 permitted to vary from the prescribed plans and specifications even if he deems them  
5 improper and insufficient; and therefore cannot be held to guarantee that work performed as  
6 required by them will free from defects, or withstand the action of the elements, or  
7 accomplish the purpose intended. Where the contract specifies what he is to do and the  
8 manner and method of doing it, and he does the work specified in the manner specified, his  
9 engagement is fulfilled and he remains liable only for defects resulting from improper  
10 workmanship or other fault on his part, unless there be a provision in the contract imposing  
11 some other or further obligation.

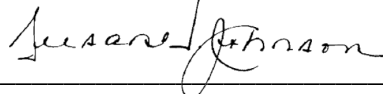
12  
13 **11.** As this Court has found, other than “construction,” there was no provision in the  
14 contract which imposed some other or further obligation upon the Contractor such as being liable for  
15 the design. Accordingly, this Court concludes M.J. DEAN CONSTRUCTION, INC. is not  
16 responsible to either the Owners or the ASSOCIATION for the damages or the water leaks allegedly  
17 caused by the lack of pan- and head-flashings in the outward (non-deck) windows of the two towers.

18 Accordingly and based upon the foregoing,

19 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** Plaintiff/Counter-Defendant  
20 M.J. DEAN CONSTRUCTION, INC.’S Motion for Summary Judgment Based Upon the *Spearin*<sup>17</sup>  
21 Doctrine filed November 9, 2023 is granted.

22 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED,** as the Defendant/Counter-  
23 Claimant ASSOCIATION has not identified what additional facts it believes will be revealed by  
24 additional discovery, its motion for continuance pursuant to NRCP 56(d) is denied.

25 Dated this 19th day of March, 2024

26 

27 \_\_\_\_\_  
28 SUSAN H. JOHNSON, DISTRICT COURT JUDGE

59F 5E3 13EB 504E  
Susan Johnson  
District Court Judge

17The *Spearin* doctrine is addressed by the United States Supreme Court in *United States v. Spearin*, 248 U.S.  
132, 39 S.Ct. 59, 63 L.Ed. 166 (1918).

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 Laurent Hallier, Plaintiff(s)

CASE NO: A-16-744146-D

7 vs.

DEPT. NO. Department 22

8 Panorama Towers Condominium  
9 Unit Owners Association,  
10 Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

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

17 Service Date: 3/19/2024

18 "Francis I. Lynch, Esq. " .

FLynch@lynchhopper.com

19 Ben Ross .

Ben@litigationservices.com

20 Calendar .

calendar@litigationservices.com

21 Colin Hughes .

colin@lynchhopper.com

22 Crystal Williams .

cwilliams@bremerwhyte.com

23 Debbie Holloman .

dholloman@jamsadr.com

24 Depository .

Depository@litigationservices.com

25 Floyd Hale .

fhale@floydhale.com

26 Peter C. Brown .

pbrown@bremerwhyte.com

27 Scott Williams .

swilliams@williamsgumbiner.com

28

1	Terri Scott .	tscott@fmglegal.com
2	Vicki Federoff .	vicki@williamsgumbiner.com
3	Wendy Jensen .	wjensen@williamsgumbiner.com
4	Dara Emens	demens@lee-lawfirm.com
5	Eileen Marks	efile@markslg.com
6	Jeff Saab	jsaab@bremerwhyte.com
7	Christie Cyr	ccyr@leachjohnson.com
8	Shannon Formont	sformont@bremerwhyte.com
9	Nancy Ray	nray@kringandchung.com
10	Michael Gayan	m.gayan@kempjones.com
11	Steven Foremaster	Steven.Foremaster@lewisbrisbois.com
12	Jessie Helm	jhelm@lewisroca.com
13	David Lee	dlee@lee-lawfirm.com
14	Devin Gifford	dgifford@bremerwhyte.com
15	Joel Henriod	jhenriod@lewisroca.com
16	Abraham Smith	asmith@lewisroca.com
17	Robert Robbins	rrobbins@kringandchung.com
18	Eileen Marks	markslglv@gmail.com
19	Billi Montijo	billi.montijo@lewisbrisbois.com
20	Cynthia Kelley	ckelley@lewisroca.com
21	Robert Mougín	rmougín@kringandchung.com
22	Emily Kapolnai	ekapolnai@lewisroca.com
23	Sharon Villarreal	svillarreal@lorberlaw.com
24		
25		
26		
27		
28		

Kevin Helm	khelm@lee-lawfirm.com
Sean Allen	sallen@lorberlaw.com
Kay Agustin	kagustin@bremerwhyte.com
Patrick Wang	pwang@bremerwhyte.com
Katrina Stark	k.stark@kempjones.com
Nicara Brown	nbrown@bremerwhyte.com
Ali Lott	a.lott@kempjones.com
Jennifer Samuel	Jsamuel@lee-lawfirm.com
D. Jason Ferris	efile@luhlaw.com
Dawn Patterson	dawn.patterson@lewisbrisbois.com
Irma Mendez	imendez@lee-lawfirm.com
Michel Anastassiou	manastassiou@kringandchung.com
Karla Livingston	klivingston@lorberlaw.com
Colin Hughes	colin@lynchhopper.com
Francis Lynch	francis@lynchandassociateslaw.com
Nita Norman	nnorman@kringandchung.com
William Coulthard	wlc@coulthardlaw.com
Carla Coulthard	cdk@coulthardlaw.com
Gloria Nunez	gnunez@lorberlaw.com

If indicated below, a copy of the above mentioned filings were also served by mail via United States Postal Service, postage prepaid, to the parties listed below at their last known addresses on 3/20/2024



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Charlie Luh	Luh & Associates Attn: Charlie H. Luh, Esq. 8987 W. Flamingo Road, Ste 100 Las Vegas, NV, 89147
Jeffrey Saab	Bremer Whyte Brown & O'Meara LLP Attn: Jeffrey W. Saab, Esq. 1160 N. Town Center Drive, Ste. 250 Las Vegas, NV, 89144
Scott Symmons	Symmons & Associates 8430 West Lake Mead Blvd. Suite 100 Las Vegas, NV, 89128

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Chapter 40**

**COURT MINUTES**

**January 13, 2017**

---

A-16-744146-D	Laurent Hallier, Plaintiff(s)
	vs.
	Panorama Towers Condominium Unit
	Owners Association, Defendant(s)

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<b>January 13, 2017</b>	<b>3:00 AM</b>	<b>Minute Order</b>
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**HEARD BY:** Johnson, Susan

**COURTROOM:** Chambers

**COURT CLERK:** Keri Cromer

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Having examined Defendant s Motion to Associate Counsel filed January 3, 2017, noted the motion was electronically served upon the parties, a Non-Opposition was filed thereto on January 5, 2017, and there is good cause therefore, COURT ORDERS Defendant s Motion to Associate Counsel filed January 3, 2017 is GRANTED pursuant to SCR 42 and EDCR 2.20(e).

Accordingly, the matter scheduled to be heard Tuesday, February 7, 2017 at 10:30 a.m. is VACATED pursuant to EDCR 2.23. Counsel is to prepare and submit a proposed Order to the Court within ten (10) days of this Minute Order or no later than Monday, January 30, 2017 pursuant to EDCR 7.21.

CLERK'S NOTE: The above minute order has been distributed to counsel by the Judicial Executive Assistant, via electronic service, facsimile and/or mail. kc/1-13-17

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Chapter 40**

**COURT MINUTES**

**January 24, 2017**

---

A-16-744146-D      Laurent Hallier, Plaintiff(s)  
vs.  
Panorama Towers Condominium Unit  
Owners Association, Defendant(s)

---

**January 24, 2017      10:30 AM      Motion to Dismiss**

**HEARD BY:** Johnson, Susan      **COURTROOM:** RJC Courtroom 15D

**COURT CLERK:** Keri Cromer

**RECORDER:** Norma Ramirez

**REPORTER:**

**PARTIES**

**PRESENT:** Brown, Peter C.      Attorney

**JOURNAL ENTRIES**

- Dee Harper, Esq., Frances Lynch, Esq., and Scott Williams, Esq. present for Defendant. Arguments by Mr. Brown and Mr. Williams regarding whether or not the claims for declaratory relief were based upon hypothetical complaints that had not yet been filed, Chapter 40 notice, AB125, and fees incurred by Plaintiffs'. Court stated its findings and ORDERED, Motion DENIED. Mr. Brown to prepare the order; opposing counsel to review as to form and content.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Chapter 40**

**COURT MINUTES**

**May 16, 2017**

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A-16-744146-D	Laurent Hallier, Plaintiff(s) vs. Panorama Towers Condominium Unit Owners Association, Defendant(s)
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<b>May 16, 2017</b>	<b>3:00 AM</b>	<b>Minute Order</b>
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<b>HEARD BY:</b> Johnson, Susan	<b>COURTROOM:</b> Chambers
---------------------------------	----------------------------

**COURT CLERK:** Kristen Brown

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Pursuant to EDCR 2.20(g), the moving party shall deliver Courtesy Copies of all papers related to their Motion at least 5 judicial days before the hearing. This includes the Opposition if opposing counsel fails to deliver their own courtesy copies. As all courtesy copies have not been received, the following hearing(s) have been VACATED:

Thursday, May 18, 2017:	Plaintiffs Motion for Summary Judgment
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Should the parties wish to proceed, the Hearing will need to be Re-Noticed and courtesy copies delivered to chambers accordingly.

CLERK'S NOTE: The above minute order has been distributed to counsel by the Judicial Executive Assistant, via electronic service, facsimile and/or mail. /kb 5-16-17

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Chapter 40**

**COURT MINUTES**

**June 20, 2017**

---

A-16-744146-D      Laurent Hallier, Plaintiff(s)  
vs.  
Panorama Towers Condominium Unit  
Owners Association, Defendant(s)

---

**June 20, 2017      10:30 AM      Motion for Summary  
Judgment**

**HEARD BY:** Johnson, Susan

**COURTROOM:** RJC Courtroom 15D

**COURT CLERK:** Keri Cromer

**RECORDER:** Norma Ramirez

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Brown, Peter C.	Attorney
	Hopper, Charles Dee	Attorney
	Lynch, Francis I	Attorney

**JOURNAL ENTRIES**

- Jeffrey Saab, Esq., present for Plaintiffs and Sergio Salzano, Esq., present for Defendant. Arguments by Mr. Brown and Mr. Salzano regarding the merits of the Motion. COURT ORDERED, matter taken UNDER ADVISEMENT. Colloquy regarding Special Master Hale holding off on assigning discovery deadline dates.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Chapter 40**

**COURT MINUTES**

**August 01, 2017**

---

A-16-744146-D      Laurent Hallier, Plaintiff(s)  
vs.  
Panorama Towers Condominium Unit  
Owners Association, Defendant(s)

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**August 01, 2017      10:30 AM      Motion**

**HEARD BY:** Johnson, Susan      **COURTROOM:** RJC Courtroom 15D

**COURT CLERK:** Keri Cromer

**RECORDER:** Norma Ramirez

**REPORTER:**

**PARTIES**

**PRESENT:**      Brown, Peter C.      Attorney  
Hopper, Charles   Dee      Attorney

**JOURNAL ENTRIES**

- Mr. Hopper requested additional time to serve the three remaining parties and argued that good cause existed under the Scrimmer factors; further argued that there was no prejudice. Mr. Brown argued that Defendant waited until the 105th day into the 120-day time period to attempt service; further argued this pleading was invalid and had been from the start. Further arguments by Mr. Hopper. Court stated its findings and ORDERED, Motion DENIED WITHOUT PREJUDICE. Mr. Brown noted that they had not waived any arguments regarding Third Party Complaints. Mr. Brown to prepare the Order; Mr. Hopper to review as to form and content.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Chapter 40**

**COURT MINUTES**

**November 21, 2017**

---

A-16-744146-D      Laurent Hallier, Plaintiff(s)  
vs.  
Panorama Towers Condominium Unit  
Owners Association, Defendant(s)

---

**November 21, 2017      10:30 AM      Motion for Clarification**

**HEARD BY:** Johnson, Susan

**COURTROOM:** RJC Courtroom 15D

**COURT CLERK:** Keri Cromer

**RECORDER:** Norma Ramirez

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Brown, Peter C.	Attorney
	Hopper, Charles Dee	Attorney
	Saab, Jeffrey W.	Attorney
	Salzano, Sergio	Attorney

**JOURNAL ENTRIES**

- Arguments by Mr. Salzano and Mr. Brown regarding the merits of the Motion. Court reviewed portions of its prior Order. Further arguments by Mr. Salzano. Court stated its findings and ORDERED, Motion DENIED. Mr. Brown to prepare the Order; opposing counsel to review as to form and content.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Chapter 40**

**COURT MINUTES**

**March 15, 2018**

---

A-16-744146-D      Laurent Hallier, Plaintiff(s)  
vs.  
Panorama Towers Condominium Unit  
Owners Association, Defendant(s)

---

**March 15, 2018      10:30 AM      Status Check**

**HEARD BY:** Johnson, Susan      **COURTROOM:** RJC Courtroom 15D

**COURT CLERK:** Keri Cromer  
Lauren Kidd

**RECORDER:** Norma Ramirez

**REPORTER:**

**PARTIES**

**PRESENT:** Brown, Peter C.      Attorney  
Lynch, Francis I      Attorney

**JOURNAL ENTRIES**

- Mr. Brown reviewed the procedural history of the case. Colloquy regarding Chapter 40 notice and surviving claims. COURT ORDERED, stay CONTINUED for 30 days; matter CONTINUED.

CONTINUED TO: 4/12/18 - 10:30 AM



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Chapter 40**

**COURT MINUTES**

**April 12, 2018**

---

A-16-744146-D      Laurent Hallier, Plaintiff(s)  
vs.  
Panorama Towers Condominium Unit  
Owners Association, Defendant(s)

---

**April 12, 2018      10:30 AM      Status Check**

**HEARD BY:** Johnson, Susan      **COURTROOM:** RJC Courtroom 15D

**COURT CLERK:** Keri Cromer

**RECORDER:** Norma Ramirez

**REPORTER:**

**PARTIES**

**PRESENT:**      Brown, Peter C.      Attorney  
                 Lynch, Francis I      Attorney

**JOURNAL ENTRIES**

- Scott Williams, Esq., also present. Mr. Brown reviewed the facts of the case, advised an agreement had been reached with Defendants for an extension of time for Chapter 40 notice, and requested a briefing schedule; further advised there were a myriad of problems which he would be putting into a motion. Mr. Brown requested a stay, citing the terms he wanted included in it. Mr. Lynch advised this was not a new issue. COURT ORDERED, matter CONTINUED; stay GRANTED on Chapter 40 requirements for four months. Colloquy regarding who would and would not receive the notice; colloquy regarding order language.

CONTINUED TO 8/07/2018 - 10:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Chapter 40**

**COURT MINUTES**

**August 07, 2018**

---

A-16-744146-D      Laurent Hallier, Plaintiff(s)  
vs.  
Panorama Towers Condominium Unit  
Owners Association, Defendant(s)

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**August 07, 2018      8:30 AM      Status Check**

**HEARD BY:** Johnson, Susan      **COURTROOM:** RJC Courtroom 15D

**COURT CLERK:** Keri Cromer

**RECORDER:** Norma Ramirez

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Brown, Peter C.	Attorney
	Lynch, Francis I	Attorney
	Saab, Jeffrey W.	Attorney

**JOURNAL ENTRIES**

- Scott Williams, Esq., present telephonically for Defendant. Mr. Brown advised a Motion for Summary Judgment had been filed on Friday, with a hearing date scheduled for 9/6/18; requested a continuance for after the hearing. No opposition by Mr. Lynch. Mr. Williams requested matter be continued into October to accommodate for a surgery. COURT ORDERED, matter CONTINUED.

CONTINUED TO 10/02/2018 - 8:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Chapter 40**

**COURT MINUTES**

**October 02, 2018**

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A-16-744146-D      Laurent Hallier, Plaintiff(s)  
vs.  
Panorama Towers Condominium Unit  
Owners Association, Defendant(s)

---

**October 02, 2018      8:30 AM      All Pending Motions**

**HEARD BY:** Johnson, Susan      **COURTROOM:** RJC Courtroom 15D

**COURT CLERK:** Keri Cromer

**RECORDER:** Norma Ramirez

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Brown, Peter C.	Attorney
	Coulthard, William L	Attorney
	Gayan, Michael J	Attorney
	Lynch, Francis I	Attorney

**JOURNAL ENTRIES**

- PLAINTIFFS/COUNTER-DEFENDANTS LAURENT HALLIER, PANORAMA TOWERS I, LLC, PANORAMA TOWERS I MEZZ, LLC, AND M.J. DEAN CONSTRUCTION, INC.'S MOTION FOR SUMMARY JUDGMENT ON DEFENDANT/COUNTERCLAIMANT PANORAMA TOWER CONDOMINIUM UNIT OWNERS' ASSOCIATION'S April 5, 2018 AMENDED NOTICE OF CLAIMS STATUS CHECK RE: STAY (PER 9/15/17 ORDER)

Scott Williams, Esq., also present (telephonically). Arguments by Mr. Brown and Mr. Gayan regarding the merits of the Motion. Prior Court Order reviewed. Further arguments by counsel. COURT ORDERED, matter taken UNDER ADVISEMENT; stay LIFTED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Chapter 40**

**COURT MINUTES**

**December 10, 2018**

---

A-16-744146-D	Laurent Hallier, Plaintiff(s)
	vs.
	Panorama Towers Condominium Unit
	Owners Association, Defendant(s)

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**December 10, 2018      3:00 AM      Minute Order**

**HEARD BY:** Johnson, Susan      **COURTROOM:** Chambers

**COURT CLERK:** Keri Cromer

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Pursuant to EDCR 2.20(g), the moving party shall deliver Courtesy Copies of all papers related to their Motion at least 5 judicial days before the hearing. This includes the Opposition if opposing counsel fails to deliver their own courtesy copies. Furthermore, EDCR 7.20(d) requires that all exhibits attached to the pleadings or papers must be clearly divided by a tab. As all courtesy copies have not been received and/or properly tabbed, the following hearing(s) have been VACATED:

Thursday December 13, 2018:      Motion for Declaratory Relief

Thursday December 13, 2018:      Opposition and Countermotion

Should the parties wish to proceed, the Hearing will need to be Re-Noticed. All courtesy copies must be properly tabbed and delivered to chambers 5 judicial days before the hearing.

CLERK'S NOTE: The above minute order has been distributed to counsel by the Judicial Executive Assistant, via electronic service, facsimile and/or mail. kc//12-10-18

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Chapter 40**

**COURT MINUTES**

**February 12, 2019**

---

A-16-744146-D      Laurent Hallier, Plaintiff(s)  
vs.  
Panorama Towers Condominium Unit  
Owners Association, Defendant(s)

---

**February 12, 2019      8:30 AM      All Pending Motions**

**HEARD BY:** Johnson, Susan      **COURTROOM:** RJC Courtroom 15D

**COURT CLERK:** Keri Cromer

**RECORDER:** Norma Ramirez

**REPORTER:**

**PARTIES**

**PRESENT:**      Gayan, Michael J      Attorney  
                 Gifford, Devin R.      Attorney  
                 Saab, Jeffrey W.      Attorney

**JOURNAL ENTRIES**

- PLAINTIFFS/COUNTER-DEFENDANTS' MOTION FOR DECLARATORY RELIEF REGARDING STANDING DEFENDANT'S OPPOSITION TO PLAINTIFFS/COUNTER-DEFENDANTS' MOTION FOR DECLARATORY RELIEF REGARDING STANDING AND COUNTERMOTIONS TO EXCLUDE INADMISSIBLE EVIDENCE AND FOR RULE 56(F) RELIEF PLAINTIFFS/COUNTER-DEFENDANTS LAURENT HALLIER, PANORAMA TOWERS I, LLC, PANORAMA TOWERS I MEZZ, LLC, AND M.J. DEAN CONSTRUCTION, INC.'S MOTION FOR RECONSIDERATION OF THEIR MOTION FOR SUMMARY JUDGMENT DEFENDANT/COUNTER-CLAIMANT PANORAMA TOWER CONDOMINIUM UNIT OWNERS' ASSOCIATION'S April 5, 2018 AMENDED NOTICE OF CLAIMS

Scott Williams, Esq., appearing telephonically for Defendant. Exhibits presented (see worksheet). Arguments by Mr. Gifford and Mr. Gayan regarding the merits of the Motion for Reconsideration. Mr. Gayan requested an oral Motion for 56(f) relief if the Court was inclined to grant this Motion. Court stated its findings and ORDERED, Motion for Reconsideration DENIED.

Arguments by Mr. Saab and Mr. Gayan regarding the merits of the Motion for Declaratory Relief. Court advised there were issues of fact that needed to be explored and ORDERED, Motion for Declaratory Relief DENIED WITHOUT PREJUDICE; oral 56(f) Motion MOOT as discovery would be done.

**April 23, 2019**

Minutes Date: January 13, 2017





considered further and decided upon before making a decision on the Motion to Retax. Court directed counsel to submit written motions along with further briefing which would place the matters back on calendar adding that the Court would then take the matters under advisement upon receiving everything. COURT ORDERED, plaintiff's Motion for Attorney Fees set for 7/23/19, VACATED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Chapter 40**

**COURT MINUTES**

**August 06, 2019**

---

A-16-744146-D      Laurent Hallier, Plaintiff(s)  
vs.  
Panorama Towers Condominium Unit  
Owners Association, Defendant(s)

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**August 06, 2019      8:30 AM      Motion**

**HEARD BY:** Johnson, Susan      **COURTROOM:** RJC Courtroom 15D

**COURT CLERK:** Nylasia Packer  
April Watkins

**RECORDER:** Norma Ramirez

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Brown, Peter C.	Attorney
	Coulthard, William L	Attorney
	Gayan, Michael J	Attorney
	Polsenberg, Daniel F.	Attorney
	Whittaker, Cyrus S.	Attorney

**JOURNAL ENTRIES**

- Mr. Gayan argued the May 23, 2019 order was not a final judgment. Further statements by Mr. Gayan regarding the history of the case and indication that the use of Rule 54(B) is to avoid a new controlling law, and it is inappropriate use of Rule 54(B). Mr. Polsenberg argued there is no just reason for delay, these claims are already time barred, and it is appropriate use of Rule 54(B). COURT ORDERED, matter taken UNDER ADVISEMENT.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Chapter 40**

**COURT MINUTES**

**October 17, 2019**

---

A-16-744146-D      Laurent Hallier, Plaintiff(s)  
vs.  
Panorama Towers Condominium Unit  
Owners Association, Defendant(s)

---

**October 17, 2019      9:00 AM      Motion to Amend**

**HEARD BY:** Johnson, Susan      **COURTROOM:** RJC Courtroom 15D

**COURT CLERK:** Jill Chambers

**RECORDER:** Norma Ramirez

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Brown, Peter C.	Attorney
	Coulthard, William L	Attorney
	Gayan, Michael J	Attorney
	Gifford, Devin R.	Attorney
	Lynch, Francis I	Attorney
	Polsenberg, Daniel F.	Attorney

**JOURNAL ENTRIES**

- Argument by counsel. Court advised counsel that it read everything but was to review their authorities before issuing a decision via minute order.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Chapter 40****COURT MINUTES****March 31, 2020**

A-16-744146-D      Laurent Hallier, Plaintiff(s)  
                                  vs.  
                                  Panorama Towers Condominium Unit  
                                  Owners Association, Defendant(s)

**March 31, 2020      3:00 AM      Minute Order**

**HEARD BY:** Johnson, Susan      **COURTROOM:** Chambers

**COURT CLERK:** Jill Chambers

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- In preparation for its April 14, 2020 Motion Calendar, this Court reviewed and considered:

1. Plaintiffs'/Counter-Defendants' Motion for Attorneys Fees Pursuant to NRS 18.010(2)(b) filed June 16, 2019, Defendant's/Counter-Claimant's Opposition thereto filed July 1, 2019, and Reply filed July 9, 2019, as well as the supplementations filed in 2020; and

2. Defendant's/Counter-Claimant's Renewed Motion to Re-Tax and Settle Costs filed January 27, 2020, Plaintiffs'/Counter-Defendants' Opposition thereto filed February 10, 2020 and Reply filed February 25, 2020.

In reviewing this case, this Court notes, while the causes of action set forth in Defendant's/Counter-Claimant's Counter-Claim were wholly resolved by this Court's rulings, all of Plaintiffs'/Counter-Defendants' claims set forth within their Complaint have not been decided. In particular, Plaintiffs'/Counter-Defendants' Fifth, Sixth and Seventh Causes of Action, to wit: Breach of Contract (Settlement Agreement in Prior Litigation), Declaratory Relief (Duty to Defend and Indemnify) have not been resolved, and they are slated to be tried on this Court's five-week trial stack commencing September 8, 2020. In this Court's view, Plaintiffs'/Counter-Defendants' seeking reimbursement of

attorneys' and costs is premature, meaning such issues should be decided after the resolution of their remaining claims. Accordingly, Plaintiffs'/Counter-Defendants' Motion for Attorneys Fees Pursuant to NRS 18.010(2)(b) filed June 16, 2019 and Defendant's/Counter-Claimant's Renewed Motion to Re-Tax and Settle Costs filed January 27, 2020 are VACATED. This Court shall consider issues relating to attorneys' fees and costs once the remaining claims have been resolved. If they deem is appropriate, the parties may then supplement their motions after the remaining causes of action set forth in the Complaint are resolved. Accordingly, the aforementioned matters scheduled to be heard Tuesday, April 14, 2020 at 8:30 a.m. are VACATED.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Jill Chambers, to all registered parties for Odyssey File & Serve. jmc 3/31/20

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Chapter 40**

**COURT MINUTES**

**May 26, 2020**

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A-16-744146-D      Laurent Hallier, Plaintiff(s)  
vs.  
Panorama Towers Condominium Unit  
Owners Association, Defendant(s)

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**May 26, 2020      8:30 AM      Motion to Stay**

**HEARD BY:** Johnson, Susan      **COURTROOM:** RJC Courtroom 15D

**COURT CLERK:** Jill Chambers

**RECORDER:** Patti Slattery

**REPORTER:**

**PARTIES**

**PRESENT:**      Brown, Peter C.      Attorney  
Gayan, Michael J      Attorney  
Gifford, Devin R.      Attorney  
Lynch, Francis I      Attorney

**JOURNAL ENTRIES**

- Counsel appearing remotely via Bluejeans. Mr. Williams appeared on behalf of Panarama Towers Condominium Unit Owners Association.

Court noted the opposition was received Friday, May 22nd and the supplement was received Monday the 25th.

Argument by counsel. Colloquy regarding the appeal and the ramifications of the decision on the motion before the Court.

COURT ORDERED, Motion DENIED, matter STAYED for 6 months and SET a status check to lift the stay.

12/16/20 8:30 AM STATUS CHECK: STAY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Chapter 40

COURT MINUTES

December 16, 2020

A-16-744146-D      Laurent Hallier, Plaintiff(s)  
vs.  
Panorama Towers Condominium Unit  
Owners Association, Defendant(s)

December 16, 2020      8:30 AM      Status Check

HEARD BY: Johnson, Susan      COURTROOM: RJC Courtroom 15D

COURT CLERK: Keri Cromer

RECORDER: Deloris Scott

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Brown, Peter C.	Attorney
	Gayan, Michael J	Attorney
	Gifford, Devin R.	Attorney
	Lynch, Francis I	Attorney
	Polsenberg, Daniel F.	Attorney
	Smith, Abraham G.	Attorney

**JOURNAL ENTRIES**

- Scott Williams, Esq., present for Panorama Towers Condominium Unit Owners Association. Mr. Gayan advised a hearing was set for January 19th regarding the appeal; further advised the stay was in place due to Covid; requested the stay be continued. Court noted it had not yet reviewed the status report that was filed last night; requested full captions in the future. Mr. Gifford advised he thought the purpose of today's hearing was to set a trial date and there was no reason to pause any further if the Renewed Motion to Stay was going to be discussed, Colloquy regarding the renewed Motion to Stay, the Supreme Court's intention, and whether or not there was anything to reconsider. Court advised the lease was extended at the convention center for trial use. Colloquy regarding the Byrne case and alternative arguments, remaining causes of action, and pending discovery. COURT ORDERED, stay LIFTED; parties could continue motion practice and whatever discovery they could do; counsel to advise the Court of any issues they had. Court advised it would review the Byrne case. Court directed counsel to get together with Special Master Hale to determine when they would be

ready for trial. Mr. Brown to prepare the order regarding the stay being lifted; opposing counsel to review as to form and content. COURT FURTHER ORDERED, Renewed Motion to Stay scheduled to be heard on 01/19/2021 VACATED as moot.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Chapter 40

## COURT MINUTES

**April 13, 2022**

A-16-744146-D      Laurent Hallier, Plaintiff(s)  
vs.  
Panorama Towers Condominium Unit  
Owners Association, Defendant(s)

**April 13, 2022**      **8:30 AM**      **Status Check**

**HEARD BY:** Johnson, Susan

**COURTROOM:** RJC Courtroom 15D

**COURT CLERK:** Nicole Cejas

**RECORDER:** Norma Ramirez

**REPORTER:**

## PARTIES

<b>PRESENT:</b>	Brown, Peter C.	Attorney
	Gayan, Michael J	Attorney
	Henriod, Joel D.	Attorney
	Lynch, Francis I	Attorney
	Saab, Jeffrey W.	Attorney
	Symmons, Scott C.	Attorney

## JOURNAL ENTRIES

- Upon inquiry of the Court regarding the status of appeal, Mr. Henirod stated they have received an Opinion from the Supreme Court, however a Petition for Rehearing is currently pending and a remittitur has not been issued. Mr. Henirod further stated briefing has been completed regarding the Petition for Rehearing and anticipates a decision between 120 to 180 days, Mr. Gayan agreed. Colloquy regarding Decker Matter - A798346. Mr. Gayan requested a status check and if a remittitur has been issued prior to the hearing, counsel will notify the Court for a sooner date. COURT ORDERED, status check SET for October 12, 2022 at 8:30 a.m.

10/12/2022 8:30 AM STATUS CHECK: APPEAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Chapter 40**

**COURT MINUTES**

**September 22, 2022**

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A-16-744146-D      Laurent Hallier, Plaintiff(s)  
vs.  
Panorama Towers Condominium Unit  
Owners Association, Defendant(s)

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**September 22, 2022      3:00 AM      Minute Order**

**HEARD BY:** Johnson, Susan

**COURTROOM:** Chambers

**COURT CLERK:** Ro'Shell Hurtado

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Having examined the Motion to Seal Exhibit 1 for Defendant/ Counter-Claimant Panorama Towers Condominium Unit Owners Association s Limited Objection to Special Master Orders Entered on August 22, 2022 (Doc ID# 236-237) filed September 1, 2022, noted the motion was served upon the parties, no Opposition was filed thereto and there is good cause therefore, COURT ORDERS the Motion to Seal Exhibit 1 for Defendant/ Counter-Claimant Panorama Towers Condominium Unit Owners Association s Limited Objection to Special Master Orders Entered on August 22, 2022 (Doc ID# 236-237) filed September 1, 2022 is GRANTED pursuant to EDCR 2.20(e). The matter scheduled to be heard Tuesday, October 11, 2022 at 8:30 a.m. is VACATED pursuant to EDCR 2.23. Counsel is to prepare and submit a proposed Order to the Court within fourteen (14) days of this Minute Order or no later than Thursday, October 6, 2022 pursuant to EDCR 7.21.

CLERK S NOTE: This Minute Order was electronically served by Courtroom Clerk, Ro Shell Hurtado, to all registered parties for Odyssey File & Serve./ /rh

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Chapter 40**

**COURT MINUTES**

**October 12, 2022**

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A-16-744146-D      Laurent Hallier, Plaintiff(s)  
vs.  
Panorama Towers Condominium Unit  
Owners Association, Defendant(s)

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**October 12, 2022      8:30 AM      Status Check**

**HEARD BY:** Johnson, Susan      **COURTROOM:** RJC Courtroom 15D

**COURT CLERK:** Nicole Cejas

**RECORDER:** Norma Ramirez

**REPORTER:**

**PARTIES**

**PRESENT:**      Carlson, Joshua D., ESQ      Attorney  
Gifford, Devin R.      Attorney

**JOURNAL ENTRIES**

- Upon inquiry of the Court regarding the status of appeal, Mr. Gifford stated the appeal is no longer pending and a remittitur was issued on June 24, 2022. Colloquy regarding Motions on calendar.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Chapter 40**

**COURT MINUTES**

**October 27, 2022**

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A-16-744146-D	Laurent Hallier, Plaintiff(s)
	vs.
	Panorama Towers Condominium Unit
	Owners Association, Defendant(s)

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**October 27, 2022      9:00 AM      All Pending Motions**

**HEARD BY:** Johnson, Susan      **COURTROOM:** RJC Courtroom 15D

**COURT CLERK:** Nicole Cejas

**RECORDER:** Norma Ramirez

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Gayan, Michael J	Attorney
	Gifford, Devin R.	Attorney
	Lynch, Francis I	Attorney
	Saab, Jeffrey W.	Attorney

**JOURNAL ENTRIES**

- PLAINTIFFS/COUNTER-DEFENDANTS' LIMITED OPPOSITION TO DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS' ASSOCIATION'S LIMITED OBJECTION TO SPECIAL MASTER ORDERS ENTERED ON AUGUST 22, 2022 DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS' ASSOCIATION'S LIMITED OBJECTION TO SPECIAL MASTER ORDERS ENTERED ON AUGUST 22, 2022.

Scott Williams, Esq. Pro Hac Vice appearing on behalf of Panorama Towers Condominium Unit Owners Association.

Arguments by counsel. COURT ORDERED Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Limited Objection to Special Master Orders Entered on August 22, 2022 DENIED. Court stated it affirms the Master's rulings. COURT FURTHER ORDERED, Plaintiffs/Counter-Defendants' Limited Opposition to Defendant/Counterclaimant Panorama

Towers Condominium Unit Owners' Association's Limited Objection to Special Master Orders  
Entered on August 22, 2022 VACATED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Chapter 40****COURT MINUTES****January 19, 2023**

A-16-744146-D      Laurent Hallier, Plaintiff(s)  
                                  vs.  
                                  Panorama Towers Condominium Unit  
                                  Owners Association, Defendant(s)

**January 19, 2023      3:00 AM      Minute Order**

**HEARD BY:** Johnson, Susan**COURTROOM:** Chambers

**COURT CLERK:** Nicole Cejas  
                          Kayla Willey

**RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- Having examined the Motion to Seal Exhibit 4 to Defendant/Counter-Claimant Panorama Towers Owners' Association's Motion for Partial Summary Judgment filed December 12, 2022, noted the motion was served upon the parties, no Opposition was filed thereto and there is good cause therefore, COURT ORDERS the Motion to Seal Exhibit 4 to Defendant/Counter-Claimant Panorama Towers Owners' Association's Motion for Partial Summary Judgment filed December 12, 2022 is GRANTED pursuant to EDCR 2.20(e). The matter scheduled to be heard Tuesday, March 7, 2023 at 8:30 a.m. is VACATED pursuant to EDC 2.23. Counsel is to prepare and submit a proposed Order to the Court within fourteen (14) days of this Minute Order or no later than Tuesday, January 31, 2023 pursuant to EDCR 7.21.

CLERK'S NOTE: The above minute order has been distributed to all parties by the Court Clerk via electronic service and/or mail. kw// 1/24/2023

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Chapter 40****COURT MINUTES****February 14, 2023**

A-16-744146-D      Laurent Hallier, Plaintiff(s)  
                                  vs.  
                                  Panorama Towers Condominium Unit  
                                  Owners Association, Defendant(s)

**February 14, 2023      3:00 AM      Minute Order**

**HEARD BY:** Johnson, Susan**COURTROOM:** Chambers**COURT CLERK:**

Nicole Cejas

**RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- Having examined M.J. Dean Construction, Inc.'s Motion to Seal Exhibit D to Plaintiff/Counter-Defendant M.J. Dean Construction, Inc.'s Opposition to Defendant/Counter-Claimant Panorama Towers Condominium Unit Owners' Association's Motion for Partial Summary Judgment and Plaintiff/Counter-Defendant J.J. Dean Construction, Inc.'s Counter-Motion for Summary Judgment on Breach of Contract and Claim Preclusion filed January 6, 2023 joined by Plaintiffs/Counter-Defendants Hallier, Panorama Towers I, LLC and Panorama Towers I Mezz, LLC on January 10, 2023, noted the motion was served upon the parties, no Opposition was filed thereto and there is good cause therefore, COURT ORDERS M.J. Dean Construction, Inc.'s Motion to Seal Exhibit D to Plaintiff/Counter-Defendant M.J. Dean Construction, Inc.'s Opposition to Defendant/Counter-Claimant Panorama Towers Condominium Unit Owners' Association's Motion for Partial Summary Judgment and Plaintiff/Counter-Defendant J.J. Dean Construction, Inc.'s Counter-Motion for Summary Judgment on Breach of Contract and Claim Preclusion filed January 6, 2023 joined by Plaintiffs/Counter-Defendants Hallier, Panorama Towers I, LLC and Panorama Towers I Mezz, LLC on January 10, 2023 is GRANTED pursuant to EDCR 2.20(e). The matter scheduled to be heard Tuesday, March 7, 2023 at 8:30 a.m. is VACATED pursuant to EDCR 2.23. Counsel is to prepare and submit a proposed Order to the Court within fourteen (14) days of this Minute Order or no later than

Tuesday, February 28, 2023 pursuant to EDCR 7.21.

CLERK'S NOTE: The above minute order has been distributed to all parties by the Court Clerk via electronic service and/or mail. nc/ / 2/14/2023



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Chapter 40**

**COURT MINUTES**

**February 22, 2023**

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A-16-744146-D	Laurent Hallier, Plaintiff(s)
	vs.
	Panorama Towers Condominium Unit
	Owners Association, Defendant(s)

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<b>February 22, 2023</b>	<b>3:00 AM</b>	<b>Minute Order</b>
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<b>HEARD BY:</b> Johnson, Susan	<b>COURTROOM:</b> Chambers
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**COURT CLERK:** Nicole Cejas  
Kayla Willey

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Having examined the Motion to Seal Portions of Defendant/Counter-Claimant Panorama Towers Condominium Unit Owners' Association's Reply in Support of Motion for Partial Summary Judgment filed February 7, 2023, noted the motion was served upon the parties, no Opposition was filed thereto and there is good cause therefore, COURT ORDERS the Motion to Seal Portions of Defendant/Counter-Claimant Panorama Towers Condominium Unit Owners' Association's Reply in Support of Motion for Partial Summary Judgment filed February 7, 2023 is GRANTED pursuant to EDCR 2.20(e). The matter scheduled to be heard Tuesday, March 14, 2023 at 8:30 a.m. is VACATED pursuant to EDCR 2.23. Counsel is to prepare and submit a proposed Order to the Court within fourteen (14) days of this Minute Order or no later than Wednesday, March 8, 2023 pursuant to EDCR 7.21.

CLERK'S NOTE: The above minute order has been distributed to all parties by the Court Clerk via electronic service and/or mail. nc / / 2/22/2023

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Chapter 40**

**COURT MINUTES**

**March 07, 2023**

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A-16-744146-D      Laurent Hallier, Plaintiff(s)  
vs.  
Panorama Towers Condominium Unit  
Owners Association, Defendant(s)

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**March 07, 2023      8:30 AM      All Pending Motions**

**HEARD BY:** Johnson, Susan      **COURTROOM:** RJC Courtroom 15D

**COURT CLERK:** Nicole Cejas  
Kayla Willey

**RECORDER:** Norma Ramirez

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Gayán, Michael J	Attorney
	Gifford, Devin R.	Attorney
	Lee, David S	Attorney
	Lynch, Francis I	Attorney
	Saab, Jeffrey W.	Attorney
	Stark, Katrina Maree	Attorney

**JOURNAL ENTRIES**

- DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS' ASSOCIATION'S MOTION FOR PARTIAL SUMMARY JUDGMENT...DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS' ASSOCIATION'S MOTION FOR PARTIAL SUMMARY JUDGMENT...PLAINTIFF/COUNTER-DEFENDANT M.J. DEAN CONSTRUCTION, INC'S LIMITED OPPOSITION TO DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS' ASSOCIATION'S MOTION FOR PARTIAL SUMMARY JUDGMENT AND PLAINTIFF/COUNTER-DEFENDANT M.J. DEAN CONSTRUCTION, INC.'S COUNTERMOTION FOR SUMMARY JUDGMENT ON BREACH OF CONTRACT AND CLAIM PRECLUSION

Scott Williams, Pro Hac Vice, Present on behalf of Panorama Towers Condominium Unit Owners Association

Colloquy regarding claim preclusion. Arguments by Counsel regarding Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Motion for Partial Summary Judgment. COURT ORDERED, matter CONTINUED.

Arguments by Counsel regarding Plaintiff/Counter- Defendant M.J. Dean Construction, Inc.'s Limited Opposition to Defendant/Counterclaimant Panorama Towers Condominium Unit Owners' Association's Motion for Partial Summary Judgment and Plaintiff/Counter- defendant M.J. Dean Construction, Inc.'s Countermotion for Summary Judgment on Breach of Contract and Claim Preclusion. Mr. Gifford requested to use PowerPoint for demonstrative purposes. Objections by Mr. Gayan. COURT ORDERED, Mr. Gifford was permitted to show Power Point. COURT FURTHER ORDERED, matter CONTINUED.

CONTINUED TO: 5/16/2023 - 8:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Chapter 40

# COURT MINUTES

**May 17, 2023**

A-16-744146-D      Laurent Hallier, Plaintiff(s)  
vs.  
Panorama Towers Condominium Unit  
Owners Association, Defendant(s)

**May 17, 2023**                      **8:30 AM**                      **Status Check**

**HEARD BY:** Johnson, Susan

**COURTROOM:** RJC Courtroom 15D

**COURT CLERK:** Nicole Cejas

**RECORDER:** Norma Ramirez

**REPORTER:**

## PARTIES

<b>PRESENT:</b>	Gifford, Devin R.	Attorney
	Lee, David S	Attorney
	Lynch, Francis I	Attorney

## JOURNAL ENTRIES

- Scott Williams, Esq. appearing on behalf of Panorama Towers Condominium Unit Owners and Association.

Court NOTED it received another motion to continue trial. Court expressed its inclinations and stated the first trial setting was in September 2020. Court inquired as to the reason for the continuance, Mr. Lynch stated there were issues related to scheduling Chris Allen's deposition and cause for delay. Mr. Lynch further stated the architect is set to have his deposition taken by June 1. Following colloquy regarding timeframe of case, Court suggested setting another status check as to how the case is proceeding and status of discovery. Mr. Lee suggested scheduling the status check at the same time as the motions set for June 15. No objections. COURT ORDERED, Status Check SET.

6/15/2023 9:00 AM STATUS CHECK

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Chapter 40**

**COURT MINUTES**

**June 15, 2023**

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A-16-744146-D      Laurent Hallier, Plaintiff(s)  
vs.  
Panorama Towers Condominium Unit  
Owners Association, Defendant(s)

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**June 15, 2023      9:00 AM      All Pending Motions**

**HEARD BY:** Johnson, Susan      **COURTROOM:** RJC Courtroom 15D

**COURT CLERK:** Nicole Cejas

**RECORDER:** Norma Ramirez

**REPORTER:**

**PARTIES**

**PRESENT:**      Gifford, Devin R.      Attorney  
Lee, David S      Attorney  
Lynch, Francis I      Attorney  
Saab, Jeffrey W.      Attorney

**JOURNAL ENTRIES**

- Scott Williams, Esq. appearing pro hac vice on behalf of Panorama Towers Condominium Unit Owners Association.

DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS'  
ASSOCIATION'S MOTION FOR SUMMARY JUDGMENT OF  
PLAINTIFF/COUNTERCLAIMANT'S SECOND AND FIFTH CLAIMS FOR RELIEF

Court informed counsel courtesy copies should contain motion, opposition, and reply; advised counsel cannot file supplements. Court suggested counsel to redo copies and continue the matter. Counsel agreed. COURT ORDERED, motion CONTINUED.

PLAINTIFF / COUNTER-DEFENDANT MJ DEAN CONSTRUCTION, INC.'S MOTION TO STRIKE  
DEFENDANT / COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS'  
ASSOCIATION'S UNTIMELY PAROL EVIDENCE AND OPPOSITION TO DEFENDANT /  
COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS'

ASSOCIATION'S MOTION FOR SUMMARY OF PLAINTIFF/COUNTERCLAIMANT'S SECOND AND FIFTH CLAIMS FOR RELIEF

Court informed counsel courtesy copies should contain motion, opposition, and reply; advised counsel cannot file supplements. Court suggested counsel to redo copies and continue the matter. Counsel agreed. COURT ORDERED, motion CONTINUED.

PLAINTIFF'S/COUNTER-DEFENDANTS LAURENT HALLIER, PANORAMA TOWERS I, LLC AND PANORAMA TOWERS I MEZZ, LLC'S JOINDER TO PLAINTIFF/COUNTER-DEFENDANT MJ DEAN CONSTRUCTION, INC.'S MOTION TO STRIKE DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS ASSOCIATION'S UNTIMELY PAROL EVIDENCE AND OPPOSITION TO DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS ASSOCIATION'S MOTION FOR SUMMARY JUDGMENT OF PLAINTIFF/COUNTERCLAIMANTS SECOND AND FIFTH CLAIMS FOR RELIEF

Court informed counsel courtesy copies should contain motion, opposition, and reply; advised counsel cannot file supplements. Court suggested counsel to redo copies and continue the matter. Counsel agreed. COURT ORDERED, motion CONTINUED.

DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS' ASSOCIATION'S MOTION FOR PARTIAL SUMMARY JUDGMENT

Court informed counsel courtesy copies should contain motion, opposition, and reply; advised counsel cannot file supplements. Court suggested counsel to redo copies and continue the matter. Counsel agreed. COURT ORDERED, motion CONTINUED.

Court informed counsel courtesy copies should contain motion, opposition, and reply; advised counsel cannot file supplements. Court suggested counsel to redo copies and continue the matter. Counsel agreed. COURT ORDERED, motion CONTINUED.

DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS' ASSOCIATION'S MOTION FOR PARTIAL SUMMARY JUDGMENT

Court informed counsel courtesy copies should contain motion, opposition, and reply; advised counsel cannot file supplements. Court suggested counsel to redo copies and continue the matter. Counsel agreed. COURT ORDERED, motion CONTINUED.

PLAINTIFF/COUNTER-DEFENDANT M.J. DEAN CONSTRUCTION, INC.'S LIMITED OPPOSITION TO DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS' ASSOCIATION'S MOTION FOR PARTIAL SUMMARY JUDGMENT AND PLAINTIFF/COUNTER-DEFENDANT M.J. DEAN CONSTRUCTION, INC.'S COUNTERMOTION FOR SUMMARY JUDGMENT ON BREACH OF CONTRACT AND CLAIM PRECLUSION

Court informed counsel courtesy copies should contain motion, opposition, and reply; advised counsel cannot file supplements. Court suggested counsel to redo copies and continue the matter. Counsel agreed. COURT ORDERED, motion CONTINUED.

STATUS CHECK: DISCOVERY STATUS

Colloquy regarding Chris Allen's deposition.

CONTINUED TO: 7/20/2023 9:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Chapter 40

# COURT MINUTES

July 20, 2023

A-16-744146-D      Laurent Hallier, Plaintiff(s)  
vs.  
Panorama Towers Condominium Unit  
Owners Association, Defendant(s)

July 20, 2023                      9:00 AM                      All Pending Motions

**HEARD BY:** Johnson, Susan

**COURTROOM:** RJC Courtroom 15D

**COURT CLERK:** Nicole Cejas

**RECORDER:** Norma Ramirez

**REPORTER:**

## PARTIES

<b>PRESENT:</b>	Coulthard, William L	Attorney
	Gifford, Devin R.	Attorney
	Lee, David S	Attorney
	Lynch, Francis I	Attorney
	Saab, Jeffrey W.	Attorney

## JOURNAL ENTRIES

- Scott Williams, Esq. present on behalf of Defendant, Panorama Towers Condominium Unit Owners Association.

DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS'  
ASSOCIATION'S MOTION FOR SUMMARY JUDGMENT OF  
PLAINTIFF/COUNTERCLAIMANT'S SECOND AND FIFTH CLAIMS FOR RELIEF  
Arguments by counsel. COURT ORDERED, motion UNDER ADVISEMENT.

PLAINTIFF / COUNTER-DEFENDANT MJ DEAN CONSTRUCTION, INC.'S MOTION TO STRIKE  
DEFENDANT / COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS'  
ASSOCIATION'S UNTIMELY PAROL EVIDENCE AND OPPOSITION TO DEFENDANT /  
COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS'  
ASSOCIATION'S MOTION FOR SUMMARY OF PLAINTIFF/COUNTERCLAIMANT'S SECOND



AND FIFTH CLAIMS FOR RELIEF

Arguments by counsel. COURT ORDERED, motion UNDER ADVISEMENT.

PLAINTIFF'S/COUNTER-DEFENDANTS LAURENT HALLIER, PANORAMA TOWERS I, LLC AND PANORAMA TOWERS I MEZZ, LLC'S JOINDER TO PLAINTIFF/COUNTER-DEFENDANT MJ DEAN CONSTRUCTION, INC.'S MOTION TO STRIKE DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS ASSOCIATION'S UNTIMELY PAROL EVIDENCE AND OPPOSITION TO DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS ASSOCIATION'S MOTION FOR SUMMARY JUDGMENT OF PLAINTIFF/COUNTERCLAIMANTS SECOND AND FIFTH CLAIMS FOR RELIEF

Arguments by counsel. COURT ORDERED, motion UNDER ADVISEMENT.

DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS' ASSOCIATION'S MOTION FOR PARTIAL SUMMARY JUDGMENT

Arguments by counsel. COURT ORDERED, motion UNDER ADVISEMENT.

PLAINTIFF/COUNTER-DEFENDANT M.J. DEAN CONSTRUCTION, INC.'S LIMITED OPPOSITION TO DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS' ASSOCIATION'S MOTION FOR PARTIAL SUMMARY JUDGMENT AND PLAINTIFF/COUNTER-DEFENDANT M.J. DEAN CONSTRUCTION, INC.'S COUNTERMOTION FOR SUMMARY JUDGMENT ON BREACH OF CONTRACT AND CLAIM PRECLUSION

Arguments by counsel. COURT ORDERED, motion UNDER ADVISEMENT.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Chapter 40**

**COURT MINUTES**

**September 19, 2023**

---

A-16-744146-D      Laurent Hallier, Plaintiff(s)  
vs.  
Panorama Towers Condominium Unit  
Owners Association, Defendant(s)

---

**September 19, 2023      8:30 AM      All Pending Motions**

**HEARD BY:** Johnson, Susan      **COURTROOM:** RJC Courtroom 15D

**COURT CLERK:** Nicole Cejas

**RECORDER:** Norma Ramirez

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Coulthard, William L	Attorney
	Gifford, Devin R.	Attorney
	Lee, David S	Attorney
	Lynch, Francis I	Attorney
	Polsenberg, Daniel F.	Attorney
	Smith, Abraham G.	Attorney

**JOURNAL ENTRIES**

- PLAINTIFF/COUNTER-DEFENDANT, M.J. DEAN CONSTRUCTION, INC.'S MOTION FOR RECONSIDERATION AND/OR CLARIFICATION OF THE COURT'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER, DATED AUGUST 2, 2023 ON ORDER SHORTENING TIME...PLAINTIFF/COUNTER-DEFENDANTS LAURENT HALLIER, PANORAMA TOWERS I, LLC AND PANORAMA TOWERS I MEZZ, LLC'S JOINDER TO M.J. DEAN CONSTRUCTION, INC.'S MOTION FOR RECONSIDERATION AND/OR CLARIFICATION OF THE COURT'S FINDINGS OF FACT, CONCLUSION OF LAW, AND ORDER SHORTENING TIME

Scott Williams, Esq. appearing on behalf of Panorama Towers HOA.

Arguments by counsel. COURT ORDERED, Plaintiff/Counter-Defendant, M.J. Dean Construction, Inc.'S Motion For Reconsideration And/Or Clarification Of The Court's Findings Of Fact,

Conclusions Of Law, And Order, Dated August 2, 2023 On Order Shortening Time UNDER ADVISMENT.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Chapter 40**

**COURT MINUTES**

**December 14, 2023**

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A-16-744146-D      Laurent Hallier, Plaintiff(s)  
vs.  
Panorama Towers Condominium Unit  
Owners Association, Defendant(s)

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**December 14, 2023      9:00 AM      Motion for Summary  
Judgment**

**HEARD BY:** Johnson, Susan      **COURTROOM:** RJC Courtroom 15D

**COURT CLERK:** Brittany Graves

**RECORDER:** Norma Ramirez

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Coulthard, William L	Attorney
	Gifford, Devin R.	Attorney
	Lee, David S	Attorney
	Lynch, Francis I	Attorney
	Saab, Jeffrey W.	Attorney

**JOURNAL ENTRIES**

- Arguments by Mr. Gifford and Mr. Coulthard. Mr. Lee stated his client will have their own summary judgment motion. COURT ORDERED, Motion for Summary Judgment based on the Spearin Doctrine UNDER ADVISEMENT. Court stated it would like to examine the two affidavits.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Chapter 40**

**COURT MINUTES**

**February 21, 2024**

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A-16-744146-D      Laurent Hallier, Plaintiff(s)  
vs.  
Panorama Towers Condominium Unit  
Owners Association, Defendant(s)

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**February 21, 2024      8:30 AM      All Pending Motions**

**HEARD BY:** Johnson, Susan      **COURTROOM:** RJC Courtroom 15D

**COURT CLERK:** Nicole Cejas

**RECORDER:** Norma Ramirez

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Coulthard, William L	Attorney
	Ferris, Dean J.	Attorney
	Gifford, Devin R.	Attorney
	Lee, David S	Attorney
	Lynch, Francis I	Attorney
	Marks, Eileen M	Attorney

**JOURNAL ENTRIES**

- Scott Williams, Esq., Pro Hac Vice, present on behalf of Defendant, Panorama Towers Condominium Unit Owners Association.

PLAINTIFF/COUNTER-DEFENDANTS LAURENT HALLIER, PANORAMA TOWERS I, LLC AND PANORAMA TOWERS I MEZZ, LLC'S JOINDER TO CROSS-DEFENDANT SIERRA GLASS & MIRROR, INC.'S MOTION TO EXTEND DISCOVERY DEADLINES AND CONTINUE TRIAL Arguments by counsel regarding whether or not trial to be continued. COURT ORDERED, motion GRANTED and trial dates VACATED and RESET.

CROSS-DEFENDANT SIERRA GLASS & MIRROR, INC.'S MOTION TO EXTEND DISCOVERY DEADLINES AND CONTINUE TRIAL ON AN ORDER SHORTENING TIME Arguments by counsel regarding whether or not trial to be continued. COURT ORDERED, motion

GRANTED and trial dates VACATED and RESET.

THIRD-PARTY DEFENDANTS', TEXAS WALL SYSTEMS, INC. AND OLDCASTLE BUILDINGENVELOPE, INC., JOINDER TO CROSS-DEFENDANT, SIERRA GLASS & MIRROR, INC.'S MOTION TO EXTEND DISCOVERY DEADLINES AND CONTINUE TRIAL ON ORDER SHORTENING TIME

Arguments by counsel regarding whether or not trial to be continued. COURT ORDERED, motion GRANTED and trial dates VACATED and RESET.

PLAINTIFF/COUNTER-DEFENDANT/THIRD-PARTY PLAINTIFF/CROSS-CLAIMANT M.J. DEAN CONSTRUCTION, INC'S SUBSTANTIVE JOINDER TO CROSS-DEFENDANT SIERRA GLASS & MIRROR, INC.'S MOTION TO EXTEND DISCOVERY DEADLINES AND CONTINUE TRIAL

Arguments by counsel regarding whether or not trial to be continued. COURT ORDERED, motion GRANTED and trial dates VACATED and RESET.

CROSS-DEFENDANT FORD CONTRACTING, INC.'S SUBSTANTIVE JOINDER TO CROSS-DEFENDANT SIERRA GLASS & MIRROR, INC.'S MOTION TO EXTEND DISCOVERY DEADLINES AND CONTINUE TRIAL

Arguments by counsel regarding whether or not trial to be continued. COURT ORDERED, motion GRANTED and trial dates VACATED and RESET.

STATUS CHECK: TRIAL READINESS

Court noted the first trial setting was September 8, 2020. Colloquy regarding counsel availability and trial stacks. Counsel anticipated 4-5 weeks for trial.

3/5/2025 8:30 AM PRETRIAL/CALENDAR CALL

3/17/2025 8:30 AM JURY TRIAL

## EXHIBIT(S) LIST

Case No.: A744146

[Select Type] (Date: 2/12/19)

Dept. No.: 22

Judge: Susan Johnson

Plaintiff: Laurent Hallier

Court Clerk: Keri Cromer

Recorder: Yolma Ramirez

Counsel for Plaintiff: Devin Syford

Jeff Shab & Scott Williams

Counsel for Defendant: Michael Egan

**vs.**

Defendant: Panorama Towers  
Condominium Unit  
Homeowners association

Hearing [SELECT TYPE] BEFORE THE COURT

**[Select Type] EXHIBITS**

[illegible]

# EXHIBIT(S) LIST

Case No.: A744146

Trial Date: 7/20/2023

Dept. No.: XXII

Judge: Susan Johnson

Plaintiff: Laurent Hallier

Court Clerk: Nicole Cejas

Recorder: Norma Ramirez

Counsel for Plaintiff: Jeffery Saab, Devin Gifford –  
MJ Dean Constructions, David  
Lee – Panorama Towers

vs.

Defendant: Panorama Towers Condominium  
Unit Owner Association

Counsel for Defendant: Scott Williams, Francis  
Lynch, William Coulthard –  
Panorama Towers  
Condominium Unit Owners  
Association

## TRIAL BEFORE THE COURT

### Court's EXHIBITS

Ex. #	Exhibit Description	Date Offered	Obj	Date Admitted
NH 1.	Defendant's Demonstrative Powerpoint	7.20.23	/	7.20.23
NH 2.	Plaintiff's Demonstrative Powerpoint	7.20.23	/	7.20.23
3.				
4.				
5.				
6.				
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12.				
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14.				
15.				
16.				





EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE  
**NOTICE OF DEFICIENCY**  
ON APPEAL TO NEVADA SUPREME COURT

**FRANCIS I. LYNCH, ESQ.**  
**840 S. RANCHO DR., STE. 4-922**  
**LAS VEGAS, NV 89106**

**DATE: April 18, 2024**  
**CASE: A-16-744146-D**

**RE CASE:** LAURENT HALLIER; PANORAMA TOWERS I, LLC; PANORAMA TOWERS I MEZZ, LLC; M.J. DEAN CONSTRUCTION, INC. vs. PANORAMA TOWERS CONDOMINIUM UNIT OWNERS' ASSOCIATION

NOTICE OF APPEAL FILED: April 16, 2024

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)\*\*
  - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)\*\*
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)\*\*
  - NRAP 7: Bond For Costs On Appeal in Civil Cases
  - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☐ Case Appeal Statement
  - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

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**NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:**

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

***Please refer to Rule 3 for an explanation of any possible deficiencies.***

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***\*\*Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS  
CONDOMINIUM UNIT OWNERS' ASSOCIATION'S NOTICE OF APPEAL;  
DEFENDANT/COUNTERCLAIMANT PANORAMA TOWERS CONDOMINIUM UNIT OWNERS'  
ASSOCIATION'S CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL  
COVER SHEET; ORDER GRANTING PLAINTIFF/COUNTER-DEFENDANT M.J. DEAN  
CONSTRUCTION, INC.'S MOTION FOR SUMMARY JUDGMENT BASED UPON THE SPEARIN  
DOCTRINE; NOTICE OF ENTRY OF ORDER GRANTING PLAINTIFF/COUNTER-DEFENDANT  
M.J. DEAN CONSTRUCTION, INC.'S MOTION FOR SUMMARY JUDGMENT BASED UPON THE  
SPEARIN DOCTRINE; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

LAURENT HALLIER; PANORAMA TOWERS  
I, LLC; PANORAMA TOWERS I MEZZ, LLC;  
M.J. DEAN CONSTRUCTION, INC.,

Plaintiff(s),

vs.

PANORAMA TOWERS CONDOMINIUM  
UNIT OWNERS' ASSOCIATION,

Defendant(s),

Case No: A-16-744146-D

Dept No: XXII

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 18 day of April 2024.

Steven D. Grierson, Clerk of the Court

Cierra Borum, Deputy Clerk

