

FILED

SEP 28 1998

1 Case No. 4803

LYNN SCOTT
ESMERALDA COUNTY CLERK
BY *Dykes* DEPUTY

2
3 IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
4
5 IN AND FOR THE COUNTY OF ESMERALDA

6 REBEL OIL COMPANY, INC.,)
7 a Nevada corporation,)
8
9 Plaintiff,)

10 vs.)

11 RICK LAWTON individually and dba RICK)
12 LAWTON & ASSOCIATES, INC.; dba)
13 LL REALTY, INC.; dba COALDALE INN,)
14 INC.; dba COALDALE JUNCTION; dba)
15 COALDALE JUNCTION TRUCK STOP; dba)
16 PARSONS COALDALE and/or PARSONS)
17 COALDALE, INC. ; LINDA LAWTON)
18 individually and dba LL REALTY, INC.;)
19 PARSONS CONSTRUCTION COMPANY,)
20 a Nevada corporation; RICK LAWTON &)
21 ASSOCIATES, P.C. a Nevada corporation;)
22 LL REALTY, INC., a Nevada corporation;)
23 DOES I through X, and ROE CORPORATIONS)
24 I through X, inclusive,)

25 Defendants.)

26 RICK LAWTON, individually, RICK LAWTON)
27 & ASSOCIATES, INC., a professional corporation)
28 LINDA LAWTON, and LL REALTY, INC.,)

Counterclaimant,)

vs.)

REBEL OIL COMPANY, INC. a Nevada)
corporation,)

Counterdefendant,)

...

STIPULATION AND ORDER
FOR ENTRY OF JUDGMENT

GUGINO & SCHWARTZ
1701 W CHARLESTON, SUITE 500
LAS VEGAS, NEVADA 89102
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TELECOPIER (702) 385 3015

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1 RICK LAWTON, individually, RICK LAWTON)
 2 & ASSOCIATES, P.C., LL REALTY, INC., a)
 3 Nevada Corporation, and LINDA LAWTON,)
 4 Third-Party Plaintiffs,)
 5 vs.)
 6 GUGINO LAW FIRM, CHTD., SALVATORE)
 7 C. GUGINO, individually, and MELISSA)
 8 COLLINS, individually, and DOES I through)
 9 X, DOE CORPORATIONS I through X, DOE)
 10 PARTNERSHIPS I through X, inclusive,)
 11 Third-Party Defendants.)

11 IT IS HEREBY STIPULATED TO , by and between Plaintiff/Counterdefendant REBEL
 12 OIL COMPANY, INC., Defendants RICK LAWTON individually and dba RICK LAWTON &
 13 ASSOCIATES, INC.; dba LL REALTY, INC.; dba COALDALE INN, INC.; dba COALDALE
 14 JUNCTION; dba COALDALE JUNCTION TRUCK STOP; dba PARSONS COALDALE and/or
 15 PARSONS COALDALE, INC. ; LINDA LAWTON individually and dba LL REALTY, INC. ;
 16 PARSONS CONSTRUCTION COMPANY, a Nevada corporation; RICK LAWTON
 17 &ASSOCIATES, P.C. a Nevada corporation; and LL REALTY, INC., a Nevada corporation;
 18 Counterclaimants RICK LAWTON, individually, RICK LAWTON & ASSOCIATES, INC., a
 19 professional corporation; LINDA LAWTON, and LL REALTY, INC.; Third-Party Plaintiffs RICK
 20 LAWTON, individually, RICK LAWTON & ASSOCIATES, P.C., LL REALTY, INC., a Nevada
 21 corporation, and LINDA LAWTON; and Third-Party Defendants GUGINO LAW FIRM, CHTD.,
 22 SALVATORE C. GUGINO, individually, and MELISSA COLLINS, individually, by and between
 23 their respective undersigned counsels of record, the parties agreeing as follows:
 24

- 25
 26 1. That judgment be entered against Defendants RICK LAWTON, individually,
 27 RICK LAWTON & ASSOCIATES, P.C.; PARSONS CONSTRUCTION COMPANY; PARSONS
 28

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1 COALDALE, INC., and LAW OFFICE OF RICK LAWTON, ESQ., a Professional Corporation; for
2 the amount of \$80,000.00, inclusive of interest from the time of service of the summons and
3 complaint until the entry of the instant Stipulation And Order For Entry Of Judgment. Any amount
4 representing future damages, which draw interest only from the time of the entry of the judgment until
5 satisfied, shall be at a rate equal to the prime rate at the largest bank in Nevada as ascertained by the
6 commissioner of financial institutions on January 1 or July 1, as the case may be, immediately
7 preceding the date of judgment, plus two percent (2%). The rate must be adjusted accordingly on
8 each January 1 and July 1 thereafter until the judgment is satisfied.

9
10
11 2. That Defendants LINDA LAWTON and L.L. REALTY, INC. shall be dismissed
12 from the lawsuit.

13 3. That Counterclaimants RICK LAWTON, individually, RICK LAWTON &
14 ASSOCIATES, INC.; LINDA LAWTON, and LL REALTY, INC. shall dismiss with prejudice their
15 Counterclaim against Counterdefendant REBEL OIL COMPANY, INC.

16
17 4. That Third-Party Plaintiffs RICK LAWTON, individually, RICK LAWTON &
18 ASSOCIATES, INC.; LINDA LAWTON, and LL REALTY, INC. shall dismiss with prejudice their
19 Third-Party Complaint against Third-Party Defendants GUGINO LAW FIRM, CHTD.,
20 SALVATORE C. GUGINO, individually; and MELISSA COLLINS, individually.

21 5. That the dismissal of Defendants/Counterclaimants/Third-Party Plaintiffs LINDA
22 LAWTON and L.L. REALTY, INC. shall not preclude or otherwise bar the enforcement of this
23 judgment against said Defendant/Counterclaimants/Third-Party Plaintiffs with regard to any
24 assets of RICK LAWTON arising out of, or as a result of, his ownership interest in LL REALTY
25 or LL REALTY, INC., or with regard to RICK LAWTON's community property assets and income,
26 or with regard to any assets which are traceable from RICK LAWTON, individually, RICK
27
28

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1 LAWTON & ASSOCIATES, P.C.; PARSONS CONSTRUCTION COMPANY; PARSONS
2 COALDALE, INC., and/or LAW OFFICE OF RICK LAWTON, ESQ., a Professional Corporation,
3
4 ~~to~~ LINDA LAWTON, LL REALTY and/or L.L. REALTY, INC.

5 6. That RICK LAWTON, as Defendant herein and as petitioner and counsel in the
6 Matter of the Estate of ELTON PARSONS, in Case No. 24213, Dept. I, in the Third Judicial District
7 Court Of The State Of Nevada In And For The County Of Churchill, hereby agrees that the
8 \$120,000.00 Judgment entered against ELTON PARSONS, individually and dba PARSONS
9 COALDALE, on or about December 22, 1995 in Case No. 4709, in the Fifth Judicial District Of The
10 State Of Nevada In And For The County of Esmeralda, shall be given priority over any amounts or
11 sums which RICK LAWTON may be entitled to receive as an heir, or pursuant to any other notes
12 or agreements under the Probate of the will of ELTON PARSONS.

13
14 7. That RICK LAWTON shall file with the Court in Case No. 24213 in Churchill
15 County, a copy of the instant settlement agreement, together with any other papers necessary to ensure
16 that the Court will distribute funds in the priority stated above, as between said parties.

17
18 8. That, subject to any provisions to the contrary contained herein, each party shall bear
19 their own attorneys fees and costs.

20 9. That Defendants, Counterclaimants and Third-Party Defendants hereby expressly
21 waive any formal Notice Of Entry Of Order.

22 10. That the parties agree any facsimile of a document shall be treated as an original
23 document, and may be filed with the Court as an original.
24

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1 11. Upon the filing of the aforementioned documents with the Churchill County court in
2 Case No. 24213, Plaintiff REBEL OIL COMPANY, INC. shall withdraw its objection to RICK
3 LAWTON acting as administrator and executor of the Estate of Elton Parsons.
4

5 DATED this 27th day of September, 1998.

6 RAWLINGS, OLSON, CANNON, GORMLEY
& DESRUISSEAUX

GUGINO & SCHWARTZ

7
8 By James R. Olson
9 James R. Olson
10 Nevada Bar No. 000116
11 301 E. Clark Avenue, Ste. 1000
12 Las Vegas, Nevada 89101
13 (702) 384-4012
14 Attorneys for Third-Party Defendants

By: Salvatore C. Gugino
Salvatore C. Gugino, Esq.
Nevada Bar No.: 2268
1701 W. Charleston Blvd., Suite 500
Las Vegas, Nevada 89102
(702) 385-3801
Attorneys for Plaintiff/Counterdefendant/
Third-Party Defendants

15 RICK LAWTON, individually and dba RICK LAWTON & ASSOCIATES, INC.; dba LL REALTY, INC.; dba
16 COALDALE JUNCTION; dba COALDALE JUNCTION TRUCK STOP; dba PARSONS COALDALE and/or
17 PARSONS COALDALE, INC.; LINDA LAWTON, individually and dba LL REALTY, INC.; PARSONS
18 CONSTRUCTION COMPANY; RICK LAWTON & ASSOCIATES, P.C.; LAW OFFICE OF RICK LAWTON,
19 ESQ., P.C.; LL REALTY; and LL REALTY, INC.

20 LAW OFFICE OF RICK LAWTON, ESQ., P.C.

21 By Rick Lawton
22 RICK LAWTON, individually, as counsel, and as
23 Authorized Representatives For Defendants, Counter-
24 Claimants, Third-Party Plaintiffs and other related
25 entities referenced herein.
26 Nevada Bar No. 000694
27 5435 Reno Hwy.
28 P.O. Box 1740
Fallon, Nevada 89406
(702) 867-5599

ORDER

Having reviewed the terms and conditions stated above, the representations of counsel for each of the parties herein, and the papers and pleadings on file, and it appearing that there is good cause therefore,

IT IS HEREBY ORDERED ADJUDGED AND DECREED that judgment be entered in favor

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1 of Plaintiff REBEL OIL COMPANY, INC., and against Defendants RICK LAWTON, individually,
 2 RICK LAWTON & ASSOCIATES, P.C.; PARSONS CONSTRUCTION COMPANY; PARSONS
 3 COALDALE, INC., and LAW OFFICE OF RICK LAWTON, ESQ., a Professional Corporation; for
 4 the amount of \$80,000.00, inclusive of interest, fees and attorney's costs from the time of service
 5 of the summons and complaint until the entry of the instant Stipulation And Order For Entry Of
 6 Judgment. Any amount representing future damages, which draw interest only from the time of the
 7 entry of the judgment until satisfied, shall be at a rate equal to the prime rate at the largest bank in
 8 Nevada as ascertained by the commissioner of financial institutions on January 1 or July 1, as the case
 9 may be, immediately preceding the date of judgment, plus two percent (2%). The rate must be
 10 adjusted accordingly on each January 1 and July 1 thereafter until the judgment is satisfied.

11 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff REBEL OIL
 12 COMPANY, INC. shall be free to execute upon said amount upon the filing of this document,
 13 Defendants/Counterclaimants/Third-Party Plaintiffs having expressly waived formal Notice of
 14 Entry of Judgment.

15 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants LINDA
 16 LAWTON and L.L. REALTY, INC. shall be, and the same hereby are, dismissed from the lawsuit,
 17 and that the Counterclaim against REBEL OIL COMPANY, INC., and the Third-Party Complaint
 18 against GUGINO LAW FIRM, CHTD., SALVATORE C. GUGINO, and MELISSA COLLINS, shall
 19 be, and the same hereby are, dismissed with prejudice. That the dismissal of
 20 Defendants/Counterclaimants/Third-Party Plaintiffs LINDA LAWTON and L.L. REALTY, INC.
 21 shall not preclude or otherwise bar the enforcement of this judgment against said
 22 Defendants/Counterclaimants/Third-Party Plaintiffs with regard to any assets of RICK LAWTON
 23 arising out of, or as a result of, his ownership interest in LL REALTY or LL REALTY, INC., or
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Certificate of Clerk

State of Nevada,
COUNTY OF ESMERALDA }

I, Lynn Scott, County Clerk of Esmeralda County, State of Nevada, and Ex-Officio Clerk of the District Court of the Fifth Judicial District of the State of Nevada, in and for the County of Esmeralda, do hereby certify the foregoing and annexed to be a true and

correct copy of #4803 REBEL OIL COMPANY, INC. vs RICK LAWTON individually and dba RICK LAWTON & ASSOCIATES, INC; dba LL REALTY, INC; dba COALDALE INN INC; dba COALDALE JUNCTION; dba COALDALE JUNCTION TRUCK STOP, et al, defendants. RICK LAWTON individually, RICK LAWTON & ASSOCIATES, INC, et al, Counterclaimant, vs REBEL OIL COMPANY, INC. A Nevada Corporation, Corporation, Counterdefendant.

****STIPULATION AND ORDER FOR ENTRY OF JUDGMENT****

as the same appears on file and of record in my office at Goldfield, County and State aforesaid.

Attest my hand and seal of said Court, this 9th
day of October A.D., 19 98
Lynn Scott Clerk
By _____ Deputy

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1 with regard to RICK LAWTON's community property assets and income, or with regard to any
2 assets which are traceable *from* RICK LAWTON, individually, RICK LAWTON & ASSOCIATES,
3 P.C.; PARSONS CONSTRUCTION COMPANY; PARSONS COALDALE, INC., and/or LAW
4 OFFICE OF RICK LAWTON, ESQ., a Professional Corporation, to LINDA LAWTON, LL
5 REALTY and/or L.L. REALTY, INC.
6

7 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the hearing on Defendant's
8 Motion For Summary Judgment, Or In The Alternative, Motion To Dismiss; Plaintiff's Request for
9 Continuance of Discovery Pursuant To NRCP 56(f); and Plaintiff/Third-Party Defendants' Motion
10 To Enforce Settlement, scheduled for 9:00 a.m. on the 25th day of September, 1998, at the
11 Courthouse in Goldfield, Nevada, shall be, and the same hereby is, vacated, and the motions
12 themselves are denied as moot, each party to bear their own costs.
13

14 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the trial in this matter,
15 currently scheduled for 10:00 a.m. on Monday, October 5, 1998 shall be, and the same hereby is,
16 vacated.
17

18 JUDGMENT IS ENTERED ACCORDINGLY.

19 DATED this 23rd of September, 1998.

20
21 By *Maureen Reagan*
DISTRICT COURT JUDGE

22 Submitted by:
23 GUGINO & SCHWARTZ

24
25 By: *Salvatore C. Gugino*
26 Salvatore C. Gugino, Esq.
Nevada Bar No. 002268
27 1701 W. Charleston Blvd., Ste. 500
Las Vegas, Nevada 89101
28 Attorneys For Plaintiff, REBEL OIL
COMPANY, INC.

111898
Gugino, Schwartz
November 19, 1998
01
PM 138
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Yuriko Setzer
by *S. Bircher*, deputy

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