

Official Record

Recording requested By
GARY FAIRMAN

Lincoln County - NV

Leslie Boucher - Recorder

Fee: \$17.00

Page 1 of 4

RPTT:

Recorded By: LB

Book- 232 Page- 0646

APN _____

APN _____

APN _____



"ORDER GRANTING MOTION FOR FEES AND COSTS"


Title of Document

Affirmation Statement

I, the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording **does not contain** the social security number of any person or persons. (Per NRS 239B.030)

_____ I, the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording **does contain** the social security number of a person or persons as required by law:

(State specific law)

Signature  Title 

Signature _____

Date 6-21-07

Grantees address and mail tax statement:



FILED

2007 JUN -1 PM 3: 32

LISA C. LLOYD
LINCOLN COUNTY CLERK
[Signature]
DEPUTY

1 Case No. CV-1152001

2 Dept.

3
4
5
6
7 **IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF**
8 **NEVADA, IN AND FOR THE COUNTY OF LINCOLN**

9 *****

10 LUIS RAMALLO,

11 Plaintiff,

12 -vs-

**ORDER GRANTING MOTION
FOR FEES AND COSTS**

13 PAULINE SHIELDS; BRUCE SHIELDS;
14 and DOES I-X, inclusive,

15 Defendants.

16
17
18 On November 23, 2004, the Court entered its Decision and Order. A Notice
19 of Appeal was filed on December 14, 2004. Notice of the Entry of Decision and Order was
20 filed on December 23, 2004 and Defendant's Motion for Attorney Fees and Costs was also
21 filed on December 23, 2004. Plaintiff filed a Motion for New Trial on November 16, 2005,
22 which the Court denied on January 13, 2006. On April 4, 2007 the Nevada Supreme Court
23 entered an Order of Affirmance, and Remittitur was received on May 3, 2007. On April 17,
24 2007 Defendants filed a Request for Review of their Motion for Fees and Costs. Plaintiff has
25
26

SEVENTH JUDICIAL DISTRICT COURT
STEVE L. DOBRESCU
DISTRICT JUDGE
DEPARTMENT 1
WHITE PINE, LINCOLN AND EUREKA COUNTIES
STATE OF NEVADA





1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

not opposed the Motion.¹

DISCUSSION

Although Defendants did not recover an award of money damages, they did prevail on two (2) causes of action in their counterclaim. In his original complaint, Plaintiff brought a claim for intentional infliction of emotional distress. This claim was abandoned in his pre-trial statement.

As noted in the Court's Decision and Order, there appeared to be no problem with Defendants using the access road until Defendants told Plaintiff that they would oppose his plans for a gas station on his property. Within one (1) month, Plaintiff wrote to Defendants demanding they stop using the access road. When they refused, Plaintiff began extensive efforts to barricade and block Defendants' access to their property. Ultimately he filed this action.

Based on the testimony presented at trial, the Court finds that this action was brought against Defendants without reasonable ground and to harass Defendants as a result of their opposition to Plaintiff's gas station plans. Thus, Defendants are entitled to an award of attorney fees.

The Court has reviewed the verified memorandum of fees and costs submitted and finds the same to be reasonable. This case involved extensive testimony over a two (2) day period, as well as significant amounts of legal research.

Good cause appearing,

IT IS HEREBY ORDERED that Defendants' Motion for Fees and Costs is

¹Non-opposition can be deemed an admission that the motion is meritorious. 7JDCR (7); DCR 13(3).

SEVENTH JUDICIAL DISTRICT COURT
STEVE L. DOBRESCU
DISTRICT JUDGE
DEPARTMENT 1
WHITE PINE, LINCOLN AND EUREKA COUNTIES
STATE OF NEVADA



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

GRANTED.

IT IS HEREBY FURTHER ORDERED that Defendants are awarded fees in the amount of Eight Thousand Four Hundred Thirty Seven Dollars and Fifty Cents (\$8,437.50) and costs in the amount of Five Hundred Four Dollars and Fifty Cents (\$504.50).

DATED this 30TH day of May, 2007.



DISTRICT COURT JUDGE

SEVENTH JUDICIAL DISTRICT COURT
STEVE L. DOBRESCU
DISTRICT JUDGE
DEPARTMENT I
WHITE PINE, LINCOLN AND EUREKA COUNTIES
STATE OF NEVADA



This document to which this certificate is attached is a full, true and correct copy of the original, on file and record in the County Clerks Office, Pioche Nevada.

In witness whereof, I have hereunto set my hand and affixed the Seal of the Seventh Judicial District Court in and for the County of Lincoln, State of Nevada, this 20th day of June 2007

Clerk

Deputy Clerk