

1 Case No. CV 96-36

FILED
99 AUG 26 PM 12:50

TAHOE TOWNSHIP
JUSTICE COURT

CLERK

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5 IN THE JUSTICE COURT OF TAHOE TOWNSHIP
6 COUNTY OF DOUGLAS, STATE OF NEVADA

7
8 DOUG DEES CONSTRUCTION INC., a)
9 Nevada corporation,)
10 Plaintiff,)

11 v.

11 JOHN GILBERT, et al.,)
12 Defendants.)

ORDER.

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16 This matter came before the court on Defendants Pierre's and
17 Taylor's Motions for New Trial, which were thereafter joined by
18 Defendants Stanaland and Spear. Plaintiff responded to the
19 motions and the matter was submitted to the court.

20 Upon review of the pleadings, papers, affidavits and other
21 evidence submitted in this matter, the court finds that
22 Defendants Pierre, Taylor, Stanaland, and Spear have failed to
23 meet the burden of proof necessary to obtain a new trial.
24 Defendants were not surprised, or should not have been surprised,
25 and no newly discovered evidence has been produced that could not
26 have been discovered and produced at trial if defendants had
27 exercised appropriate diligence. Defendants were in possession of
28 the evidence prior to commencement of this action, but failed to

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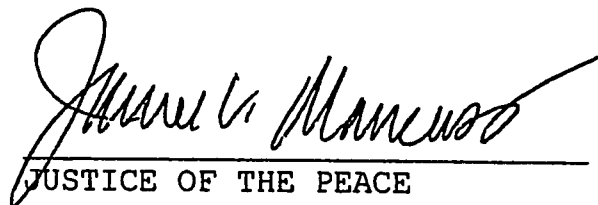
1 submit the evidence at trial. This is inexcusable as to each
2 defendant; nevertheless, as to the defendants Pierre, despite
3 their cavalier attitude toward attending the trial, justice
4 requires that the judgment heretofore entered against them be
5 amended to reflect all credits otherwise due them.

6 The court further finds that that there were no
7 irregularities in the proceedings committed by plaintiff or the
8 court and defendants have not demonstrated any facts supporting
9 such claim. Further, the court committed no error of law which
10 was preserved by proper objection by Defendants at the time of
11 trial.

12 On the basis of the foregoing, and good cause appearing, IT
13 HEREBY IS ORDERED:

- 14 1. All Motions for New Trial are denied.
- 15 2. Each defendant moving for same is assessed an additional
16 \$150.00 in attorney's fees, for a total of \$600.00. These amounts
17 shall be incorporated into the judgment entered herein on August
18 2, 1999, as costs awarded under NRS 69.030 as against said
19 Defendants as provided therein and enforceable as such.
- 20 3. The said judgment entered herein against the defendants Pierre
21 is amended to reflect the principal amount of \$875.00 due and
22 owing the Plaintiff.
- 23 4. In all other respects the said judgment is ratified and
24 confirmed.

25 DATED: August 23, 1999.

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JUSTICE OF THE PEACE

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1 I certify that I am an employee of Tahoe Township Justice
2 Court, Douglas County, Nevada, and that on this day I
3 deposited for mailing at Minden, Nevada a true copy of the
4 within document addressed to:

5 ✓ Kelly R. Chase, Esq.
6 P.O. Box 2800
7 Minden, NV 89423

Michael L. Matuska
Brooke & Shaw, Ltd.
P.O. Box 2860
Minden, NV 89423

8 DATED: August 26, 1999

9 SIGNED: *[Signature]*

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22 The document to which this certificate
23 is attached is a full, true and correct
24 copy of the original on file and of
25 record in my office.

SEAL

26 Nov 17, 1999

Karen C. Gouvaroni

27 Date Clerk of the Tahoe Township Justice Court
28 County of Douglas, State of Nevada (SEAL)

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REQUESTED BY
Kelly R. Chase
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

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LINDA SLATER
RECORDER

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