

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  
27  
28

U.S. DISTRICT COURT  
DISTRICT OF NEVADA

RECEIVED

JUN 28 2001

CLERK, U.S. DISTRICT COURT

DEPUTY

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

WASHOE TRIBE OF NEVADA and  
CALIFORNIA,

Plaintiff,

v.

DONALD E. BROOKS AND LYNETTE L.  
BROOKS, Trustees of the Brooks Family  
Trust, et al.;

Defendants.

DONALD E. BROOKS AND LYNETTE L.  
BROOKS, Trustees of the Brooks Family  
Trust

Counterclaimants

v.

WASHOE TRIBE OF NEVADA and  
CALIFORNIA, and all other persons  
unknown claiming any right, title, estate, lien  
or interest in the property described in the  
complaint adverse to Counterclaimants'  
ownership, or any cloud upon  
Counterclaimants' title thereto

Counterdefendants

CASE NO. CV-N-98-00645-ECR (VJC)

**ORDER ~~FOR~~ ENTRY  
OF DEFAULT AND DEFAULT  
JUDGMENT AGAINST UNKNOWN  
COUNTERDEFENDANTS WITH  
AFFIDAVIT ATTACHED**

FILED  
01 JUL -3 PM 2:44  
BY  
LANCE S. WILSON  
CLERK  
DEPT. OF JUSTICE

BROOKE • SHAW • PLIMPTON • ZUMPF

POST OFFICE BOX 2860  
MINDEN, NEVADA 89423  
(776) 782-7171

194

1 The Motion of Defendants and Counterclaimants Donald E. Brooks and Lynette  
2 L. Brooks, Trustees of the Brooks Family Trust ("Brooks Trust") For Entry of Default and  
3 Default Judgment against Unknown Counterdefendants With Affidavit Attached ("Motion")  
4 came before this Court for hearing on 31 May 2001 at 10:00 a.m. Present on behalf of the  
5 Brooks Trust was Michael L. Matuska. Present on behalf of the Plaintiff Washoe Tribe of  
6 Nevada and California was Evan Beavers. Upon consideration of the Motion, supporting  
7 affidavit and oral argument presented at the hearing, and for good cause shown, it hereby  
8 ordered that:  
9

10 The Brooks Trust's Motion For Entry of Default and Default Judgment against  
11 Unknown Counterdefendants With Affidavit Attached is Granted. Judgment is hereby  
12 entered on the Brook Trust's counterclaim in favor of the Brooks Trust and against all  
13 persons unknown claiming any right, title, estate, lien or interest adverse to the Brooks  
14 Trust's ownership, or any cloud upon Brooks Trust's title to the real property described as  
15 follows:  
16

17 All that real property located in Douglas County Nevada, situated in the  
18 Southwest 1/4 of the Northwest 1/4 of Section 14 of Township 12  
19 North, Range 20 East, Mount Diablo Base & Meridian, said real  
20 property lying to the South and West of the East Branch of the Carson  
21 River, excluding that real property depicted on the Official Plat Map of  
22 Gardnerville Ranchos Unit 3 as filed in the Official Records of Douglas  
23 County, Nevada as document number 28310 (amended 4 June 1965 by  
24 document number 28378), together with all and singular tenements,  
25 hereditaments and appurtenances thereunto belonging, or in anywise  
26 appertaining, and the rents, issues and profits thereof, including those  
27 Carson River surface water rights identified as Claim No. 138.  
28 (A portion of A.P.N. 1220-14-000-001)

26 The Brooks Trust's Motion for Certification as Final Judgment is denied without  
27 prejudice. No final judgment against Unknown Counterdefendants will be entered until the  
28 case is finally resolved as to the Washoe Tribe. This Order does not affect the pending

1 claims of the Washoe Tribe. The Brooks Trust may resubmit the Motion for Certification as  
2 Final Judgment following the resolution of the remainder of the case involving the Washoe  
3 Tribe.  
4

5 IT IS SO ORDERED.

6 DATED: 3 <sup>July</sup> ~~June~~, 2001.

Edward C. Reub  
DISTRICT COURT JUDGE

8 Submitted by:

9 Michael L. Matuska  
10 State Bar No. 5711  
11 Brooke Shaw Plimpton Zumpft  
12 1590 Fourth Street  
13 Minden, Nevada 89423

CERTIFIED TO BE A TRUE COPY  
Clerk, United States District Court  
By [Signature]  
Deputy Clerk

**SEAL**

14 Approved by:

15 EVAN BEAVERS & ASSOCIATES

16 By: [Signature]  
17 Evan Bradley Beavers  
18 1650 Highway 395, Suite 101  
Minden, Nevada 89423

19  
20  
21  
22  
23 F:\utl\LITIGATE\PLEADING\Brooks\Order.01.wpd

24  
25 REQUESTED BY  
26 Brooke Shaw et al  
27 IN OFFICIAL RECORDS OF  
28 DOUGLAS CO. NEVADA

2002 MAR 18 AM 11:49

LINDA SLATER  
RECORDER

\$ 16.00 PAID Kg DEPUTY

0537187

3

BK0302PG05957

BROOKE • SHAW • PLIMPTON • ZUMPF

POST OFFICE BOX 2860  
MINDEN, NEVADA 89423  
(775) 782-7171