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Assessor's Parcel Number: 220-17-710-004

Recording Requested By:

Name: Nevantage Law group

Address: 401 Ryland Street Suite 301

City/State/Zip: Reno, NV 89502

Real Property Transfer Tax:

DOUGLAS COUNTY, NV 2014-852777

Rec: \$18.00

Total: \$18.00

NEVANTAGE

11/14/2014 09:49 AM

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KAREN ELLISON, RECORDER

\$ _____

Award of Attorneys Fees, costs and interest

(Title of Document)

This page added to provide additional information required by NRS 111.312 Sections 1-2. (Additional recording fee applies)

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DOUGLAS COUNTY
DISTRICT COURT CLERK

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR DOUGLAS COUNTY

FILED
2014 APR - 2 AM 11: 55

MATTHEW GOMEZ,
Plaintiff,

TED IHRAN
CLERK

Case No.: 13-CV-0220

Dept. No. 1

Vs.

BY [Signature] DEPUTY

AWARD OF ATTORNEY'S
FEES, COSTS & INTEREST

LSA, INC., a Nevada Corporation; SIMPLE
PUMP COMPANY, LLC, a Nevada Limited
Liability Company; and GARY WITTIG, an
Individual.

Defendants.

On March 14, 2014 the Arbitrator signed and mailed his non-binding award to the Ninth
Judicial District Court and counsel for Plaintiff and Defendants.

On March 19, 2014 the Arbitrator received Plaintiff's Motion for Attorney's Fees and
Costs which was timely opposed by Defendants.

On March 24, 2014 the Arbitrator received Defendant Simple Pump's Motion for
Attorney's Fees and Costs which was timely opposed by Plaintiff.

NAR 17(B) requires any "applications for attorney's fees, costs and/or interest pursuant to
any statute or rule must be filed with the arbitrator and served on the other parties within 5 days
after service of the award on the applicant; failure to make timely application shall act as a
jurisdictional waiver of any right to fees, costs and interest." Under this rule it appears both parties
were timely.

Plaintiff has applied for: (a) attorney's fees pursuant to offer of judgment (NRCP 68 and
NRS 17.115); NRS 18.010(2)(a) and NRS 18.010(2)(b); (b) costs pursuant to NRS 18.020(3);

CHARLES P. COCKERILL,

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1 NRCP 68(f)(2) and NRS 17.115(4)(c);and (c) interest pursuant to NRCP 68(f) and NRCP
2 17.115(4)(d)(2).

3 **1. Attorney's Fees**

4 NAR 16(E) states that "Attorney's fees awarded by the arbitrator may not exceed \$3000.
5 unless the compensation of an attorney is governed by an agreement between the parties allowing
6 a greater award." The arbitrator finds no legal authority for exceeding the \$3000 maximum
7 provided by NAR 16(E) where such attorney's fees are sought under the authority of offer of
8 judgment or other statutory bases cited by Plaintiff in his motion. While Plaintiff has provided a
9 Memorandum of Attorney's Fees totaling from \$21,078 to \$27,717 and various statutory bases for
10 the award of attorney's fees, the arbitrator is constrained by NAR 16(E) to not award more than
11 \$3,000 unless there is an agreement "allowing a greater award." There being no such agreement
12 "allowing a greater award" the Arbitrator awards Plaintiff a grand total of \$3000.00 in attorney's
13 fees against Defendants LSA, Inc., a Nevada Corporation and Gary Wittig, individually. Even if
14 there is legal authority existing for the Arbitrator to exceed the \$3000 maximum provided by NAR
15 16(E), the Arbitrator exercises his discretion to only award a grand total of \$3000.00 in attorney's
16 fees against Defendants LSA, Inc., a Nevada Corporation and Gary Wittig, individually.
17 Defendant Simple Pump's application for attorney's fees is denied.

18 **2. Costs**

19 While Plaintiff has provided a Memorandum of Costs and Disbursements totaling
20 \$1,511.59, \$1,052.09 of that amount is based on the "Arbitrator's Fees and Costs." NAR 23
21 requires that the arbitrator's "Costs must be equally borne by the parties to the arbitration." NAR
22 24 similarly requires that "The fee of the arbitrator must be paid equally by the parties to the
23 arbitration." There is no provision in the NAR allowing the Arbitrator to award his fees and costs
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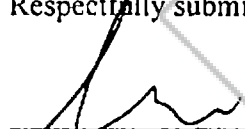
1 as "costs" recoverable under NAR 17(B). Plaintiff is awarded \$459.50 in costs against Defendants
2 LSA, Inc., a Nevada Corporation and Gary Wittig, individually. Defendant Simple Pump's
3 application for costs fees is denied.
4

5 **3. Interest**

6 Plaintiff is awarded interest on the judgment from the date of service of the Offer of
7 Judgment until entry of the judgment at the rate computed pursuant to NRS 17.130 against
8 Defendants LSA, Inc., a Nevada Corporation and Gary Wittig, individually.

9 Dated this 1 day of April, 2014.

10 Respectfully submitted,

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13 _____
14 Charles P. Cockerill, Esq.
15 Arbitrator
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Certificate of Service

I certify that on the 1 day of April, 2014 the foregoing Award of Attorney's Fees, Costs and Interest was deposited in the U.S. Mail in Carson City, Nevada postage prepaid for delivery to:

Honorable Steven D. McMorris
Special Master/Arbitration Commissioner
P.O. Box 218
Minden, Nevada 89423

Mark K. Smallhouse, Esq.
Steven G. Ganim, Esq.
New Venture Attorneys
401 Ryland Street, Suite 301
Reno, Nevada 89502

John S. Bartlett, Esq.
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By: 
Charles P. Cockerill, Esq.

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CERTIFIED COPY

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

DATE November 12, 2014
BOBBIE R. WILLIAMS Clerk of Court
of the State of Nevada, in and for the County of Douglas,
By B. Williams Deputy