

APN# 1219-03-002-072



KAREN ELLISON, RECORDER

**Recording Requested by/Mail to:**

Name: Thomas J. Hall, Esq.

Address: Post Office Box 3948

City/State/Zip: Reno, NV 89505

**Mail Tax Statements to:**

Name: David R. Medeghini

Address: Post Office Box 2047

City/State/Zip: Minden, NV 89423

ORDER FOR ATTORNEY FEES AND COSTS

**Title of Document** (required)

------(Only use if applicable)-----

The undersigned hereby affirms that the document submitted for recording contains personal information as required by law: (check applicable)

Affidavit of Death – NRS 440.380(1)(A) & NRS 40.525(5)

Judgment – NRS 17.150(4)

Military Discharge – NRS 419.020(2)

Signature

Thomas J. Hall, Esq.

Printed Name

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1 Case No.: 15-CV-0030

2 Dept. No.: II

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3 JAN 27 2016

2016 JAN 27 PM 2:35

4 Douglas County  
District Court Clerk

JUDITH WILLIAMS  
CLERK

5 BY *[Signature]* DEPUTY

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR DOUGLAS COUNTY

8  
9 Paul F. Shoen and  
Ruth Robertson,

10 Plaintiffs,

ORDER FOR ATTORNEY  
FEES AND COSTS

11 v.

12  
13 David R. Medeghini,

14 Defendant.

15 \_\_\_\_\_ /

16 THIS MATTER comes before the Court upon the First Motion for  
17 Attorney Fees and Costs filed by the Plaintiffs Paul F. Shoen and  
18 Ruth Robertson ("Plaintiffs") on November 17, 2015 (the  
19 "Motion").

20 The Court, having now examined all relevant pleadings and  
21 papers on file herein, including the Third Motion for Contempt  
22 and the Third Supplemental Orders for Restraint and Preliminary  
23 Injunction entered herein on November 6, 2015, the Court enters  
24 the following order, good cause appearing:  
25

26 On August 27, 2015, Plaintiffs filed their Second Motion for  
27 Order to Show Cause for Defendant David R. Medeghini's  
28

1 ("Defendant") continued violation of the Second Supplemental  
2 Orders for Restraint and Injunction entered herein on April 27,  
3 2015.

4 On November 6, 2015, the Third Supplemental Orders for  
5 Restraint and Preliminary Injunction were entered, which stated  
6 specifically:

7  
8 10. That this preliminary injunction is granted and  
9 issued on the basis that the Plaintiffs will suffer  
10 irreparable harm from trespass and threats, and to  
11 preserve the status quo pending final judgment all as  
12 testified to and set forth at the hearings held February  
13 4, 2015, February 17, 2015, April 7, 2015 and October  
14 21, 2015.

12 \* \* \*

13  
14 13. That Plaintiffs may file their Motion for Attorney  
15 Fees and Costs pursuant to NRS 22.100(3) and NRCPC Rule  
16 54(d) within twenty (20) days from entry of this Order.

17 NRS Chapter 22 authorizes punishments and penalties for  
18 contempts of decrees and judgments, as follows:

19 **NRS 22.010 Acts or omissions constituting contempts.**  
20 The following acts or omissions shall be deemed  
21 contempt:

22 3. Disobedience or resistance to any lawful writ,  
23 order, rule or process issued by the court or judge at  
24 chambers.

25 The Defendant was found in contempt of this Court's orders.  
26 NRS 22.100(3) allows an award of attorney fees to the Plaintiffs  
27 herein as a penalty for the Defendant's contempt:

28 \\\

\\

1           22.100. Penalty for contempt.

2   \* \* \*

3           3. In addition to the penalties provided in  
4 subsection 2, if a person is found guilty of contempt  
5 pursuant to subsection 3 of NRS 22.010, the court may  
6 require the person to pay to the party seeking to  
7 enforce the writ, order, rule or process the reasonable  
8 expenses, including, without limitation, attorney's  
9 fees, incurred by the party as a result of the  
10 contempt. [Emphasis added.]

11           Having found the Defendant in contempt and considering that  
12 jail time will not be a useful deterrent or penalty, Plaintiffs  
13 request attorney fees in the amount of \$7,143.00 and costs in the  
14 amount of \$5.00, for a total of \$7,148.00 to be paid by the  
15 Defendant pursuant to NRS 22.100(3).

16           Considering the factors provided within Brunzell v. Golden  
17 Gate Nat'l Bank, 85 Nev. 345, 349, 455 P.2d 31 (1969), the Court  
18 determines that the amount requested is reasonable based upon the  
19 following findings:

20           1. Professional Qualities: As reflected within the resumes  
21 attached to Plaintiffs' Motion, Thomas J. Hall, Esq., is a  
22 Martindale-Hubbell AV-rated lawyer regularly practicing real  
23 estate law and litigation and has so for the last 43 years. Work  
24 billed by an associate attorney and paralegal, both of whom are  
25 educated and experienced, has been performed under Mr. Hall's  
26 supervisions, constituting a savings to the client. The  
27 professional qualities of Mr. Hall and his legal staff are  
28 satisfactory and reasonable.

1           2. Character of Work: The legal work necessary included  
2 legal research, analysis and writing specific to this matter.

3           3. The Work Actually Performed: Based upon a review of the  
4 billing statements attached to the Motion and having found the  
5 Defendant in contempt, the Court finds the work of the  
6 Plaintiffs' legal counsel to have been satisfactory and  
7 reasonable.  
8

9           4. The Result Obtained: As reflected within the Third  
10 Supplemental Orders for Restraint and Preliminary Injunction  
11 entered herein on November 6, 2015, the result of this matter was  
12 determined to be in favor of the Plaintiffs.

13           The amount of attorney's fees requested is reasonable and  
14 justified as reflected above and the Court hereby determines that  
15 an award of \$7,143.00 is appropriate to accomplish the statutory  
16 purpose of NRS 22.100(3).  
17

18           THEREFORE, Plaintiffs are hereby awarded Seven Thousand One  
19 Hundred Forty-Three Dollars (\$7,143.00) as and for attorney fees  
20 incurred, to be paid by the Defendant.

21           Costs in the amount of \$5.00 for copying have been expended  
22 in this matter.  
23

24           THEREFORE, the Court finds that Plaintiffs are hereby  
25 entitled to recover, as the prevailing party and NRS 22.100(3),  
26 total costs of Five Dollars (\$5.00), to be paid by the Defendant.  
27

28

1 IT IS ORDERED, ADJUDGED AND DECREED that Defendant shall pay  
2 to the Plaintiffs, the sum of Seven Thousand One Hundred Forty  
3 Eight Dollars (\$7,148.00) as and for attorney fees and costs as  
4 penalty for his contempt.

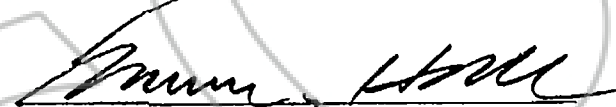
5 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to  
6 NRS 17.130, Plaintiffs are entitled to interest on said total  
7 judgment of Seven Thousand One Hundred Forty Eight Dollars  
8 (\$7,148.00) at the legal rate of interest from this date until  
9 paid.  
10

11 IT IS SO ORDERED.

12 DATED this 27 day of January, 2015.

13  
14  
15   
16 District Judge

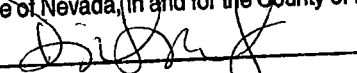
17 Submitted by:  
18 LAW OFFICES OF THOMAS J. HALL

19   
20 Thomas J. Hall, Esq.  
21 Nevada Bar No. 675  
22 305 South Arlington Avenue  
23 Post Office Box 3948  
24 Reno, Nevada 89505  
25 Telephone: (775) 348-7011  
26 Facsimile: (775) 348-7211

27 Attorney for Plaintiffs

28 **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 January 29, 2016  
BOBBIE R. WILLIAMS, Clerk of Court  
of the State of Nevada, in and for the County of Douglas,  
By  Deputy