



KAREN ELLISON, RECORDER

APN# _____

Recording Requested by/Mail to:

Name: Gunderson Law Firm

Address: 3895 Warren Way

City/State/Zip: Reno, NV 89509

Mail Tax Statements to:

Name: Gunderson Law Firm

Address: 3895 Warren Way

City/State/Zip: Reno, NV 89509

FINAL JUDGMENT

Title of Document (required)


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

The undersigned hereby affirms that the document submitted for recording
DOES contain 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

Austin K. Sweet, Esq.

Printed Name

This document is being (re-)recorded to correct document # _____, and is correcting

_____.

1
2
3
4
5
6 **IN THE SECOND JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**

8 BANK OF THE WEST, a California banking
9 corporation,

CASE NO. CV16-00898

DEPT. NO. B13

10 Plaintiff,

11 v.

12
13 F. HARVEY WHITTEMORE and ANNETTE
14 WHITTEMORE, husband and wife; THE
15 LAKESHORE HOUSE LIMITED
16 PARTNERSHIP, a Nevada Limited Partnership;
17 EMERSON HEDGES, LLC, a Nevada Limited
18 Liability Company; and DOES 1-20,

19 Defendants.
20 _____ /

21 **FINAL JUDGMENT**

22 This cause having come before the Court and all issues having been duly adjudicated as
23 follows:

24 ***1. Bank of the West's Second Amended Complaint***

25 BANK OF THE WEST ("Bank") pled five (5) claims for relief in its *Second Amended*
26 *Complaint*.

27 On March 31, 2017, the Court entered an *Order Regarding Motion to Strike and Motion to*
28 *Dismiss*, dismissing the Bank's Third Claim for Relief (Alter Ego – All Defendants).

On December 7, 2017, the Court entered an *Order Granting Plaintiff's Motion for Partial*
Summary Judgment, entering judgment in the Bank's favor and against THE LAKESHORE HOUSE

1 LIMITED PARTNERSHIP (“Lakeshore House”) and EMERSON HEDGES, LLC, (“Emerson
2 Hedges”), jointly and severally, on the Bank’s Fifth Claim for Relief (Breach of Contract) in the
3 amount of \$1,800,000.00 plus prejudgment at the legal rate calculated from June 15, 2016.

4 On April 9, 2018, the Court entered an *Order Regarding Motion for Partial Summary*
5 *Judgment; Motion to Preclude Plaintiff’s Expert Witness from Testifying at Trial; Motion to Extend*
6 *Discovery Deadlines and Continue Trial; Motion to Compel; Motion to Discharge Pre-Judgment*
7 *Writ of Attachment; Bank of the West’s Motion to Stay Discovery Pending Ruling on Motion for*
8 *Summary Judgment, or, Alternatively, Motion for Protective Order; Motion for Partial Summary*
9 *Adjudication; Motion to Retax and Deny Costs; Motion for Reconsideration; Rule 56(f) Motion to*
10 *Deny or Defer Consideration of BOTW’s Motion for Partial Summary Judgment Pending the*
11 *Conduct of Discovery; Motion for Sanctions; Defendants F. Harvey Whittemore and Annette*
12 *Whittemore’s Motion for Partial Summary Judgment on Bank of the West’s First, Second, and Fourth*
13 *Claims for Relief; Emergency Motion to Stay all Briefing in this Matter; and Ex Parte Application*
14 *for Order Shortening Time on Emergency Motion to Stay All Briefing in this Matter, dismissing the*
15 Bank’s First, Second, and Fourth claims for relief as against Lakeshore House and Emerson Hedges.

16 On September 6, 2018, the Court entered an *Order Granting Motion to Voluntarily Dismiss*
17 *Claims*, dismissing the Bank’s remaining claims for relief without prejudice.

18 **2. Lakeshore House and Emerson Hedges’ First Amended Counterclaim**

19 Lakeshore House and Emerson Hedges pled seven (7) causes of action in their *First Amended*
20 *Counterclaim*.

21 On April 9, 2018, the Court entered an *Order Regarding Motion for Partial Summary*
22 *Judgment; Motion to Preclude Plaintiff’s Expert Witness from Testifying at Trial; Motion to Extend*
23 *Discovery Deadlines and Continue Trial; Motion to Compel; Motion to Discharge Pre-Judgment*
24 *Writ of Attachment; Bank of the West’s Motion to Stay Discovery Pending Ruling on Motion for*
25 *Summary Judgment, or, Alternatively, Motion for Protective Order; Motion for Partial Summary*
26 *Adjudication; Motion to Retax and Deny Costs; Motion for Reconsideration; Rule 56(f) Motion to*
27 *Deny or Defer Consideration of BOTW’s Motion for Partial Summary Judgment Pending the*
28 *Conduct of Discovery; Motion for Sanctions; Defendants F. Harvey Whittemore and Annette*

1 *Whittemore's Motion for Partial Summary Judgment on Bank of the West's First, Second, and Fourth*
2 *Claims for Relief; Emergency Motion to Stay all Briefing in this Matter; and Ex Parte Application*
3 *for Order Shortening Time on Emergency Motion to Stay All Briefing in this Matter*, dismissing each
4 of Lakeshore House and Emerson Hedges' counterclaims against the Bank.

5 **3. *Whittemores' First Amended Complaint***

6 F. HARVEY WHITTEMORE and ANNETTE WHITTEMORE, ("the Whittemores") pled
7 two (2) claims for relief in their *First Amended Counterclaim*.

8 On August 23, 2018, the Court entered an *Order Regarding Bank of the West's Motion for*
9 *Partial Summary Judgment*, entering judgment in the Bank's favor and against the Whittemores on
10 the Whittemores' First Claim for Relief (Intentional Infliction of Emotional or Mental Distress).

11 On August 29, 2018, the parties held a *Status Conference*, at which the parties acknowledged
12 that no justiciable dispute remained to be decided by way of the Whittemores' Second Claim for
13 Relief (Declaratory Relief). The Court previously found that Plaintiff elected not to pursue a breach
14 of contract claim against the Whittemores.

15 IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that judgment is entered in
16 favor of BANK OF THE WEST and against THE LAKESHORE HOUSE LIMITED
17 PARTNERSHIP and EMERSON HEDGES, LLC, jointly and severally, in the amount of
18 \$1,800,000.00, plus prejudgment at the legal rate calculated from June 15, 2016, until paid in full.

19 **IT IS SO ORDERED.**

20 Dated: DCL 31 , 2018.

21 Brydget E. Rabb
22 DISTRICT COURT JUDGE

COPY

CERTIFIED COPY

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

DATE: DEC 31 2018
JACQUELINE BRYANT, Clerk of the Second Judicial District Court, in and for the County of Washoe, State of Nevada.

By Atomson Deputy