

Code: 3370

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Special Master

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

LAWRENCE GARVEY, AN INDIVIDUAL;
AND ROBERT PAYTON, AN INDIVIDUAL,

Plaintiff,

vs.

CLUB TAHOE RESORT OWNERS'
ASSOCIATION, INC., A NEVADA NON-
PROFIT CORPORATION; KEITH WILSON,
GLORIA DEALBA; DONALD WALL;
ROBERT VERMELTFOORT; CHRISTINA
BECKER; KEITH OGDEN AND MARK
PEARL (ASSOCIATION BOARD MEMBERS
SUED IN THEIR INDIVIDUAL
CAPACITIES); AND DOES 1 THROUGH 10,
INCLUSIVE AND ROE CORPORATIONS I
THROUGH X, INCLUSIVE,

Defendant

Case No.: CV25-02319
DEPT. NO.: 9

**ORDER REGARDING DEFENDANTS' MOTION FOR ORDER TO SHOW
CAUSE #2**

Order Regarding Motion For Order To Show Cause_2

1 The undersigned Special Master was referred this matter by the Court, pursuant to the
2 Court's Order dated August 5, 2026, and is in receipt of Defendants CLUB TAHOE RESORT
3 OWNERS' ASSOCIATION, INC. (hereafter, the "Association") and its BOARD OF
4 DIRECTORS, Defendants KEITH WILSON, GLORIA DEALBA, DONALD WALL, MARC
5 PEARL and ROBERT VERMELTFOORT (hereafter, the "Board") (collectively, the
6 "Defendants") *Motion for Order to Show Cause #2; Whether Plaintiffs Are Violating This Courts*
7 *April 1, 2026 Orders* filed May 14, 2026; Plaintiffs' *Opposition to Motion for Order to Show*
8 *Cause #2; Whether Plaintiffs Are Violating This Courts April 1, 2026 Orders* filed May 28,
9 2026; Defendants' *Notice of Errata to Motion for Order to Show Cause #2; Whether Plaintiffs*
10 *Are Violating This Court's April 1, 2026 Orders* filed June 2, 2026; and Defendants' *Reply in*
11 *Support of Motion for Order to Show Cause #2; Whether Plaintiffs are Violating This Court's*
April 1, 2026 Orders filed June 4, 2026.

12 Both parties hereto requested that the Special Master make his decision and ruling on the
13 pleadings.

14 INTRODUCTION

15 The core of this dispute centers on whether Plaintiffs violated the Court's directives
16 issued on April 1, 2026, by allegedly offering Association assets for litigation funding,
17 encouraging the revocation of proxies, and waging a media campaign to malign the Defendants
18 while a Court-appointed Special Master oversees the Association.

19 BACKGROUND

20 Following a contested recall election in October 2025, Club Tahoe Resort Owners
21 Association ("the Association") has suffered from severe governance paralysis, with two
22 competing factions (e.g., the "Former Board" (Defendants) and the "Recall Board" (Plaintiffs))
23 claiming legitimate authority. To preserve the Association's assets and restore order, the Court
24 issued its Order appointing a Special Master on April 3, 2026, to manage the Association's
25 interim affairs and conduct a rule-compliant election.
26

1 During the hearing on April 1, 2026, this Court verbally instructed both factions to "do
2 nothing affirmative" and to refrain from acting as the recognized Board of Directors pending the
3 Special Master's oversight. Defendants allege Plaintiffs violated these verbal directives.

4 5 **LEGAL ANALYSIS**

6 1) The Request for Contempt Sanctions. Defendants argue that Plaintiffs' actions
7 constitute a blatant disregard of the Court's April 1, 2026 verbal directives. In opposition,
8 Plaintiffs correctly note that under Nevada law, civil contempt requires the violation of a clear,
unambiguous, and written order.

9 The Special Master finds that the Court's April 1, 2026 admonitions, while clear in their
10 intent, were primarily verbal instructions meant to maintain the status quo pending the drafting
11 of the formal April 3, 2026 Order Appointing the Special Master. Because the specific
12 prohibitions requested by Defendants were not explicitly codified in the April 3, 2026 written
13 order, the Special Master declines to hold Plaintiffs in formal contempt. To warrant the severe
14 penalty of contempt, a party must have strict, written notice of the prohibited conduct.

15 2) Interference with the Special Master and Proxy Revocations. While the Special
16 Master denies the request for contempt, it retains the inherent authority to amend the Court's
orders and issue injunctive relief to ensure the Special Master can fulfill his mandate.

17 The Special Master's primary directive is to establish a quorum and conduct a fair, rule-
18 compliant election. The Court finds that organized efforts by any party to undermine the Special
19 Master's ability to achieve a quorum and needlessly prolong this litigation and the associated
20 costs to the homeowners is inconsistent with the Court's mandate. Any such conduct, if
21 continuing, must cease immediately and shall not continue from this point forward.

22 3) First Amendment, Fundraising, and Media Contact. Plaintiffs argue their
23 fundraising efforts and communications with the media are protected First Amendment activities
24 and petitioning speech. The Court agrees that it cannot, and will not, issue a blanket gag order
25 preventing individuals from speaking to the press or raising funds to support their legal claims.

However, no party may fundraise by offering, pledging, or implying the use of Association-owned assets (such as deeded units or account credits). The Court notes Plaintiffs' assertion that an April 6, 2026 email clarified that only *personal* weeks were being offered as fundraising incentives. Going forward, there must be no ambiguity: only personal assets may be utilized by either side.

Furthermore, when speaking to the press or communicating with homeowners, neither the Plaintiffs nor the Defendants may represent themselves as the active, legitimate, or governing Board of Directors of the Club Tahoe Resort Owners Association.

ORDER

Based on the foregoing, **IT IS HEREBY ORDERED** that Defendants' Motion for Order to Show Cause #2 is **DENIED IN PART** and **GRANTED IN PART** as follows:

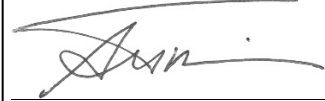
1. Contempt Denied. The Defendants' request to hold Plaintiffs in contempt for actions taken prior to the date of this Order is **DENIED**.
2. Order Amended. By the authority granted him, as Special Master by the Court's April 3, 2026 Order and further pursuant to the Court's Order dated August 5, 2026 referring this matter, the Court's Order dated April 3, 2026 is hereby clarified and amended to include the following prospective directives, binding upon all Plaintiffs, Defendants, and their respective agents:
 - a) **No Corporate Authority**: No party, directly or indirectly, shall act, or hold themselves out to any third party (including the media, vendors, or homeowners), as the recognized Board of Directors of the Association.
 - b) **Protection of Association Assets**: No party shall offer, pledge, or promise Association-owned assets (including but not limited to deeded Association units or account statement credits) as inducements for litigation funding or for any other purpose.
 - c) **Non-Interference with Election**: All parties are explicitly enjoined from initiating or participating in any organized campaign which is intended or

1 designed to create obstructions to the Special Master in fulfilling his mandate
2 under the Court's April 3, 2026 Order including, but not limited to, soliciting or
3 encouraging Association members to revoke their proxies, as this directly
4 challenges the Special Master's mandate to establish a quorum.

- 5 3. Future Violations. Any violation of the written directives contained in this Order shall be
6 subject to strict sanctions, including but not limited to findings of civil contempt.

7 **IT IS SO ORDERED.**

8 Dated this 28th day of August, 2026.

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11 E. Alan Tiras, Esq.
12 Special Master, Club Tahoe Resort Owners'
13 Association, Inc.
14 937 Tahoe Boulevard, Suite 130-B
15 Incline Village, Nevada 89451
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**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE, STATE OF NEVADA**

LAWRENCE GARVEY, an individual; and ROBERT PAYTON, an individual,
Plaintiffs,

v.

CLUB TAHOE RESORT OWNERS' ASSOCIATION, INC., a Nevada non-profit corporation; KEITH WILSON, GLORIA DEALBA; DONALD WALL; ROBERT VERMELTFOORT; CHRISTINA BECKER; KEITH OGDEN AND MARK PEARL (Association Board Members Sued In Their Individual Capacities); and DOES 1 through 10, inclusive and ROE CORPORATIONS I through X, inclusive,
Defendants.

Case No.: CV25-02319

Dept. No.: 9

**AFFIRMATION
Pursuant to NRS 239B.030**

The undersigned does hereby affirm that the preceding document,

Order Regarding Defendants' Motion for Order to Show Cause #2

filed in case number: **CV25-02319**

☒ **Document does not contain the personal information of any person.**

—OR—

☐ Document contains the personal information of a person as required by:

☐ A specific state or federal law, to wit:

(State specific state or federal law)

☐ For the administration of a public program

☐ For an application for a federal or state grant

☐ Confidential Family Court Information Sheet (NRS 125.130, NRS 125.230 and NRS 125B.055)

Date: August 28, 2026



(Signature)

E. Alan Tiras, Esq.

(Print Name)

Special Master

(Title / Capacity)