

Code: 3370

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,

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

ORDER APPOINTING SPECIAL MASTER

This matter came before this Court for oral arguments on April 1, 2026. At the time of the hearing the Court was in receipt of Defendants CLUB TAHOE RESORT OWNERS' ASSOCIATION, INC. (hereafter "The Association") and its BOARD OF DIRECTORS, DEFENDANTS KEITH WILSON, GLORIA DEALBA, DONALD WALL, MARC PEARL, AND ROBERT VERMELTFOORT (hereafter the "Board") (collectively "the Defendants") *Motion for Preliminary Injunction* filed January 27, 2026; Plaintiffs LAWRENCE GARVEY and ROBERT PAYTON's (hereafter the "Plaintiffs") *Opposition to Motion for Preliminary Injunction* filed February 17, 2026, Plaintiffs' *Opposition to Defendants' Request for Submission* filed February 19,

2026; and Defendants’ *Reply in Support of Motion for Preliminary Injunction* filed February 24, 2026.

The Court was also in receipt of Defendants’ *Motion for Order Shortening Time* filed January 27, 2026; Plaintiffs’ *Opposition to Motion for Order Shortening Time* filed January 28, 2026; Defendants’ *Reply in Support of Motion for Order Shortening Time* filed February 4, 2026.¹

Finally, the Court was also in receipt of the Plaintiffs’ *Motion for Preliminary Injunction Against Defendants* filed February 17, 2026; Defendants’ *Opposition to Countermotion for Preliminary Injunction* filed March 3, 2026; and Plaintiffs’ *Reply in Support of Motion for Preliminary Injunction Against Defendants* filed March 10, 2026.

The Court is also in receipt Defendants’ *Motion to Strike Fugitive Document* filed February 23, 2026; Plaintiffs’ *Opposition to Motion to Strike Fugitive Document* filed February 26, 2026; and Defendants’ *Reply in Support of Motion to Strike Fugitive Document* filed March 2, 2026.

During the hearing Plaintiff further developed at the Court’s invitation, their alternative request for the appointment of a special master pursuant to NRCP 53. *See Plaintiff’s Motion for TRO*, pg. 21:8-28. After hearing arguments, reviewing the pleadings and papers on file herein, and having considered the factors set forth in NRCP 53, the Court granted that request and ORDERED that a Special Master be appointed in this case.

STANDARD OF REVIEW

The Legislature has repeatedly allowed Courts to exercise its authority in appointing a special mater by enacting laws permitting masters to act as referees in district courts. *Matter of L.L.S.*, 137 Nev. 241, 244, 487 P.3d 791, 795 (2021) (*citing Henry v. Nev. Comm’n on Judicial Discipline*, 135

¹ The Court notes that the matter for the order shortening time is now moot due to the passage of time and the numerous other conflicting motions that were filed by the parties collectively throughout this matter. The Court notes for the parties that due to there being two conflicting motions for a temporary restraining order the Court used its discretion to reserve its ruling on each motion so that they could collectively be heard together along with any other outstanding motions. Such a decision is within this Court’s discretion to control its docket in order to resolve these matters in a fair and expeditious manner. *See Johnson v. State*, 135 Nev. 667 (Nev. App. 2019); *see also Maheu v. Eighth Judicial Dist. Court*, 89 Nev. 214, 217, 510 P.2d 627, 629 (1973) (recognizing the court’s inherent power to “control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants”); *Yong v. Immigration and Naturalization Service*, 208 F.3d 1116, 1119 (9th Cir.2000) (holding that a court has the inherent authority to control its own docket and calendar)). Moreover, this Court notes that the modern rules of procedure “*are recognized as being intended to allow the court to reach the merits, as opposed to disposition on technical niceties.*” *Costello v. Casler*, 127 Nev. 436, 441 (2011) (*citing Schmidt v. Sadri*, 95 Nev. 702, 705 (1979) (holding “The [L]egislature envisioned that [the Nevada Rules of Civil Procedure] would serve to simplify existing judicial procedures and promote the speedy determination of litigation upon its merits.”)) (emphasis added).

1 Nev. 34, 36, 435 P.3d 659, 661 (2019) (recognizing the Legislature's constitutional authorization to
2 provide for masters)).

3 Under NRCP 53(a)(2), the court may appoint a master to (1) perform duties consented to by
4 the parties; (2) address pretrial or posttrial matters that cannot be effectively and timely addressed by
5 an available judge; or (3) in actions to be decided without a jury, hold trial proceedings and
6 recommend findings of fact, conclusions of law, and a judgment, if appointment is warranted by (a)
7 some exceptional condition; or (b) the need to perform an accounting or resolve a difficult
8 computation of damages. *See* NRCP 53(a)(2). Additionally, NRCP 53(b)(2) provides that “[a]ny
9 party may move to have a master appointed, or the court may issue an order to show cause.”

10 In actions not before a jury, NRCP 53(b) authorizes referral to a special master for “matters
11 of account and of difficult computation of damages” or “upon a showing that some exceptional
12 condition requires it.” *Venetian Casino Resort, LLC v. Eighth Jud. Dist. Ct. of State ex rel. Cnty. of*
13 *Clark*, 118 Nev. 124, 128, 41 P.3d 327, 329 (2002). Where matters of account are involved, referral
14 to a special master is only warranted if the matters are “beyond the competence of a court,” which
15 has been found to matters that are “not simple, would reach substantial proportions, or would consume
16 an inordinate amount of judicial resources.” *Id.* “In all cases, referral to a special master is only
17 warranted when it is necessary, not merely when it is desirable.” *Id.*

18 Additionally, special masters may only exercise limited authority. The Supreme Court has
19 explained that “[m]asters are appointed ‘to aid judges in the performance of specific judicial duties,
20 as they may arise in the progress of a cause,’ and not to place the trial judge into a position of a
21 reviewing court.” *Id.* The district court, not the special master, is primarily responsible for
22 determining the rights of the parties. *Id.*

23 **FINDING OF FACT AND CONCLUSION OF LAW APPOINTING SPECIAL MASTER**

24 The Court finds that upon hearing arguments on this matter, the governance dispute in this
25 case presents exceptional conditions that warrant the appointment of a special master. The Court finds
26 that the technical nature of the Governing Documents, the complex factual and legal history of the
27 association Board election procedures that have been asserted and challenged, and the emergency
28 situation where the Association cannot function properly without a valid and proper board of directors
in place, all support such an appointment. Additionally, both parties averred during the April 1, 2026,

1 hearing that they are agreeable that this matter be oversaw by a special master appointed by this Court.
2 Therefore, the Court finds that the appointment of a master will provide an efficient resolution to the
3 governance dispute, minimize the period of the current governance paralysis affecting the
4 Association, and ensure the just and expeditious resolution of this matter while ensuring that all
5 interests of the parties are properly considered while maintaining the status quo until the resolution
6 of this matter.

7 THEREFORE, IT IS HEREBY ORDRED as follows:

8 ***1. Appointment.***

9 The Court hereby appoints the E. Alan Tiras, Esq. of E. Alan Tiras P.C., 937 Tahoe
10 Boulevard, Suite 130-B, Incline Village, Nevada 89451 as Special Master in this action (hereafter
11 referred to as “Special Master”).

12 ***2. Special Master's Duties and Authority.***

13 The Special Master is appointed pursuant to NRCP 53(a)(2)(B) to manage, supervise, and
14 resolve the issues listed at the beginning of this Order and considered during the hearing on April 1,
15 2026.

16 The Special Master shall promptly schedule and oversee an election for the Board of
17 Directors for the Association in compliance with the Association’s governing documents and Nevada
18 law. Additionally, the Special Master shall manage, supervise, and maintain the Association up and
19 until a new Board of Directors has been elected and fully established within their roles and
20 corresponding responsibilities. The Special Master may use his discretion when considering how best
21 to maintain the Association, its assets, physical premise, and any related matter so long as he acts in
22 the best interest of the Association.

23 The Special Master may also perform any additional duties the parties consent to in writing
24 through a stipulation and order. The Special Master shall proceed with all reasonable diligence to
25 undertake these responsibilities with a view to avoiding disputes wherever possible and, where
26 disputes arise, to resolve them as quickly and inexpensively as possible. The Special Master shall
27 have the authority provided to masters as set forth in NRCP 53(d), unless otherwise provided herein.
28

1 **3. Report and Recommendations.**

2 The Special Master shall have the duties charged to masters related to reports and
3 recommendations as set forth in NRCP 53(e), except that the Special Master shall not be required to
4 comply with NRCP 53(e)(1)(D) by filing the original exhibits and a transcript of the proceedings and
5 evidence with any report and recommendations.

6 *(a) Objection to or Modification of Report and Recommendations.*

7 Any party that objects to or wishes to seek a modification of the Special Master's report and
8 recommendation on any matter shall file an objection or request to modify within fourteen (14) days
9 of service of the report and recommendation, specifying the grounds therefore. Any party may file an
10 opposition to the objection or request to modify within fourteen (14) days of service of the objection
11 or request to modify, and a reply to any opposition shall be filed within seven (7) days of any
12 opposition.

13 *(b) District Court's Standard and Method of Review.*

14 In reviewing a Special Master's report and recommendations and in ruling on any objection
15 or request to modify a report and recommendations, the District Court shall review legal
16 determinations and findings de novo and factual determinations and findings for abuse of discretion.
17 The Court may set the objection or request to modify for hearing or may rule on the pleadings and
18 papers on file.

19 *(c) Failure to object.*

20 If no party has filed a timely objection or request to modify the Special Master's findings of
21 fact and conclusions of law, the Court will adopt the Special Master's report and recommendations
22 by court order and may do so without a hearing.

23 **4. Ex Parte Communications.**

24 *(a) With the Court.*

25 The Special Master may have ex parte communications with the Court regarding (1) the
26 scope of the Special Master's duties; (2) assisting the Court with procedural matters, such as apprising
27 the Court regarding logistics, the nature of the Special Master's activities, and management of the
28 litigation; (3) any matter upon which the parties or their counsel have consented; (4) the application
of NRCP 53; and (5) any matter, the subject of which is initiated by the Court.

1 (b) *With the Parties and Counsel.*

2 The parties shall not engage in any ex parte communications with the Special Master, and
3 the Special Master shall not engage in any ex parte communications with any of the parties, unless
4 otherwise agreed by the parties, confirmed in writing (or by email).

5 ***5. Material to be Preserved and Filed as the Record of the Special Master's Activities.***

6 All orders, reports, and recommendations of the Special Master shall be filed with the Court,
7 unless the parties or their counsel have agreed otherwise. It shall be the duty of the parties and counsel,
8 not the Special Master, to provide for any record of proceedings with the Special Master. The Special
9 Master shall not be responsible for maintaining any records of the Special Master's activities other
10 than billing records. In the event of any hearing where evidence is taken, it shall be the duty of the
11 parties and counsel to preserve any exhibits tendered or rejected at the hearing and to provide the
12 Special Master with a copy of all transcripts. Materials provided to the Special Master shall be filed,
13 kept, and where applicable, subject to any stipulated protective order.

14 ***6. Compensation.***

15 The Special Master shall be compensated at a rate which is his standard billable rate and shall
16 be reimbursed for all reasonable expenses and costs incurred in the performance of his duties.

17 (a) *Allocation of Fees and Costs.*

18 The Special Master's fees and costs shall initially be shared evenly between the parties
19 subject to further order. Any fees and costs paid by a party may be reallocated by the Court in its
20 discretion, and an award of costs at the conclusion of the case may include an award of all fees and
21 costs incurred with the Special Master.

22 (b) *Prompt Payment to the Special Master.*

23 The Special Master shall bill the parties monthly for fees and disbursements, with invoices
24 that provide sufficient description to understand the work performed and costs incurred. The parties
25 shall promptly pay the Special Master upon receipt of the Special Master's invoice.

26 ***7. Special Master's Affidavit.***

27 The Special Master shall file an Affidavit required by NRCP 53(b)(4) disclosing whether
28 there is any ground for his disqualification under Rule 2.11 of the Revised Nevada Code of Judicial
Conduct.

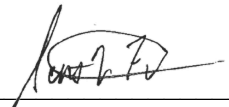
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8. First Meeting With the Special Master.

Pursuant to NRC 53(d)(2)(B), the Special Master shall set a time and place for the first meeting of the Parties to be held within 21 days after the date of this Order.

IT IS SO ORDERED.

DATED this 3rd day of April 2026.



DISTRICT JUDGE

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCp 5(b), I certify that I am an employee of the Second Judicial District Court
3 of the State of Nevada, County of Washoe, and I electronically filed the foregoing with the Clerk of
4 the Court electronic filing system, which will send notice of electronic filing to the following:
5

6 RICHARD HASKIN, ESQ. for LAWRENCE GARVEY, ROBERT PAYTON
7 JORGE PADILLA, ESQ. for GLORIA DEALBA, MARC PEARL, DONALD WALL, CLUB
8 TAHOE RESORT OWNERS ASSOCIATION, ROBERT VERMELTOORT, KEITH WILSON
9 WHITNEY SELERT, ESQ. for GLORIA DEALBA, MARC PEARL, DONALD WALL, CLUB
TAHOE RESORT OWNERS ASSOCIATION, ROBERT VERMELTOORT, KEITH WILSON

10
11 Further, I deposited in the County mailing system for postage and mailing with the United
12 States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

13 MADISON G. WEDDERSPOON, ESQ.
14 Gibbs Giden Locher Turner
15 7251 W. Lake Mead Blvd., Suite 450
16 Las Vegas, NV 89128

17
18 DATED this 3rd day of April 2026.

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22 _____
Judicial Assistant