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5 Attorneys for Plaintiff ANDREA COLLIER, as
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6 **DISTRICT COURT**
7
8 **CLARK COUNTY, NEVADA**

9 ANDREA COLLIER, as trustee of the JACT
TRUST,

Case No.: A-22-852032-C
Dept.: 8

10 Plaintiff,

**DISCOVERY COMMISSIONER'S
REPORT AND RECOMMENDATIONS**

11 v.

Date of Hearings: January 8, 2026

12 PENNIE MOSSETT-PUHEK, individually;
ANTHEM HIGHLANDS COMMUNITY
ASSOCIATION, a Nevada Non-Profit Corporation;
13 CARMEN EASSA, an individual; K.G.D.O.
HOLDING COMPANY, LLC d/b/a TERRA
14 WEST MANAGEMENT SERVICES, a Nevada
limited liability company; DOES I through X and
15 ROE BUSINESS ENTITIES I through X,
16 inclusive,

Time of Hearings: 9:30 a.m.

17 Defendants.

18
19 **APPEARANCES:**

20 **Attorney for Plaintiff:** Timothy Elson, Esq., of The Law Offices of Timothy Elson
21 **Attorney for Defendant Pennie Mossett-Puhek:** Derek Noack, Esq., of Freeman Mathis &
Gary, LLP
22 **Attorney for Defendants Anthem Highlands Community Association, Carmen Eassa,**
and K.G.D.O. Holding Company, LLC, d/b/a Terra West Management Services:
23 Edward Boyack, Esq., of Boyack Orme & Murdy

24 On January 8, 2026, Plaintiff Andrea Collier ("Collier"), Defendant Pennie Mossett-Puhek
25 ("Mossett-Puhek"), and Defendants Anthem Highlands Community Association ("Anthem"),
26 Carmen Eassa ("Eassa"), and K.G.D.O. Holding Company, LLC, d/b/a Terra West Management
27 Services ("Terra West") appeared via electronic means before the Honorable Erin Lee Truman on
28 Collier's Motion For Sanctions Against Defendant Terra West For Willful Discovery Misconduct

THE LAW OFFICES OF TIMOTHY ELSON

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3 (the “Motion”). Upon the Court’s review of the Motion, the parties’ opposition thereto, and the
4 parties’ reply, and oral arguments made by the parties, for good cause appearing, the Discovery
5 Commissioner **GRANTS** the Motion in part, ^{DENIES the Motion in part - to the extent some requested documents have been provided previously, and} further recommends an evidentiary hearing, and makes
6 the following Report:

7 **I. FINDINGS**

8 This Court previously ordered that financial discovery be produced as it pertains to Terra
9 West.¹ Doc ID# 145 (the DCRR); Doc ID# 157 (adopting the DCRR). In the Discovery
10 Commissioner’s Report and Recommendations, Terra West was ordered to do the following:

11 Financial Records – it was previously recommended to Terra West to produce financial
12 information from when they were first retained in 2020 until the end of the relationship with
13 Anthem in 2024. Financial information was recommended to be produced from years 2020
14 and 2024 on a monthly basis and 2021-2023 on an annual basis. Terra West has supplemented
15 its financial records, providing information of profitability calculations that have already been
16 produced. Should any further information regarding additional financial records of Terra West
17 exist dealing with profitability calculations, Terra West is to produce those records as well.
18 Terra West must also individually delineate and identify in a response to Interrogatory (No.
19 34) the following: 1) fixed costs, 2) the shared costs, and 3) the total revenue (which evidences
the total profitability). This shall be broken down on a monthly and annual basis to the extent
possible. If it cannot be broken down monthly, Terra West shall break it down on a quarterly
or annual basis and explain why the information cannot be broken down on a monthly basis.
It is recommended that this information be produced within 30 days of March 4, 2025, i.e., by
April 3, 2025.

20 Doc ID# 145 (underling in original).

21 Collier brought the instant Motion arguing that Terra West failed to comply with producing all
22 required financial information. Collier argued that Terra West did not produce all the figures related
23 to its costs and revenue as required. Collier argued that Terra West did not delineate the information
24 in a response to Interrogatory No. 34. Collier argued that Terra West did not produce the financial
25 records dealing with the profitability calculations, including the costs and revenue. Collier further
26

27
28 ¹ This does not pertain to any punitive damages discovery, which is controlled by a separate order by this Court. Doc ID# 99.

1 argued that when it deposed Emma Munger, the individual with Terra West that prepared the initial
2 calculations and information, Ms. Munger admitted that she did not include all sources of revenue that
3 relate to the Anthem account, whether paid directly by Anthem or third parties. Collier argued that
4 sanctions were appropriate for this alleged misconduct.
5

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7 In response, Terra West disputed Collier's allegations. Terra West alleged that it produced all
8 required cost and revenue information, some of which was produced after Collier filed the instant
9 Motion. Terra West alleges that it informed Collier before Collier filed the information that it would
10 produce the same.
11

12 As it relates to the dispute, the Court adopts Collier's analysis in part. Terra West
13 acknowledged during argument that certain revenue information had not yet been provided. The Court
14 finds that Terra West's revenue figures must contain all sources of revenue that were generated as a
15 result of or that relate to the Anthem account, whether paid directly by Anthem or third parties. These
16 revenue sources include all of the categories, including the potential 60 categories that Ms. Munger
17 identified in her deposition that may exist. This information shall be produced within seven (7) days
18 of this hearing, *i.e.*, by January 15, 2026.
19

20 The Court further finds that issues of disputed fact exist. Collier claims that all required
21 information was not provided as recommended in Doc ID# 145. Terra West claims that all required
22 information was provided or will be provided once it provides the revenue information. As such, an
23 evidentiary hearing is required to determine what information was provided, when it was provided,
24 and any other evidence required for the Court to determine if further sanctions are appropriate. This
25 matter is referred to Department 8 for the evidentiary hearing.
26

27 Good cause exists to award Collier her fees and costs. Mr. Elson is directed to submit an
28 affidavit and redacted time sheet outlining the factors set forth in the *Brunzell v. Golden Gate* case for

any EDCR 2.34 conferences, drafting the motion, reviewing the opposition, drafting the reply, and the appearance at the instant hearing for forty-five (45) minutes. This affidavit is due within fourteen (14) days of the hearing, *i.e.*, by January 22, 2026, or it will not be considered. Terra West shall have seven (7) days to respond to the application. Collier is permitted to argue to Department 8 whether further fees and costs shall be awarded depending on the evidentiary hearing.

RECOMMENDATIONS:

IT IS THEREFORE RECOMMENDED: and DENIED IN PART *elt*

1. The Motion is GRANTED IN PART, as set forth below. The remaining relief in the Motion is DEFERRED AND REFERRED TO DEPARTMENT 8 FOR AN EVIDENTIARY HEARING as set forth below.

2. Specifically, Terra Well shall produce updated revenue figures by January 15, 2026. The revenue figures shall contain all sources of revenue that were general as a result of or that relate to the Anthem account, whether paid directly by Anthem or third parties (as further set forth in these Findings).

3. Because disputed issues of fact exist, an evidentiary hearing is required to determine whether all required information was provided as set forth in the Findings and Recommendations of Doc ID# 145 and as set forth herein, what information was provided and when, and any other evidence required for the Court to determine if further sanctions are appropriate.

4. Request for Fees is GRANTED subject to proof. A status check is set for February 5, 2026, at 9:00 a.m. to discuss the award of fees and Mr. Elson's affidavit. Mr. Elson's affidavit is due by January 22, 2026, or it will not be considered, and any response by Terra West shall be filed seven days after the application or it will not be considered. *elt*

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The Discovery Commissioner, having met with counsel for the parties, discussed the issues noted above and having reviewed any materials proposed in support thereof, hereby submits the above recommendations.

DATED this 12th day of February, 2026.



THE HONORABLE ERIN LEE TRUMAN
DISCOVERY COMMISSIONER

Respectfully Submitted by:
THE LAW OFFICES OF TIMOTHY ELSON

/s/ Timothy Elson

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Approved as to Form and Content
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