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6 **DISTRICT COURT**
7
8 **CLARK COUNTY, NEVADA**

9 ANDREA COLLIER, as trustee of the JACT
10 TRUST,

11 Plaintiff,

12 v.

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

17 Defendants.

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

**PLAINTIFF’S MOTION TO HOLD
DEFENDANTS IN CONTEMPT FOR
FAILURE TO PRODUCE PUNITIVE
DAMAGES DISCOVERY**

[Hearing Requested]

19 COMES NOW Plaintiff ANDREA COLLIER, as trustee of the JACT TRUST (“Collier”), by
20 and through her counsel of record, Timothy Elson, Esq., of The Law Offices of Timothy Elson, PLLC,
21 and hereby files this Motion to Hold Defendants in Contempt for Failure to Produce Punitive Dmaages
22 Discovery (the “Motion”).

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THE LAW OFFICES OF TIMOTHY ELSON

1 This Motion is made and based upon the pleadings and papers on file in this matter; the
2 following Memorandum of Points and Authorities; the entire records in this case; and upon such
3 argument as the Court may entertain at the hearing on this Motion.
4

5 DATED: January 22, 2026

Respectfully Submitted,

6 THE LAW OFFICES OF TIMOTHY ELSON
7

8 By: /s/ Timothy Elson

9 Timothy Elson, Esq.
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15 the JACT TRUST
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 On December 11, 2025, the Court orally reaffirmed Defendants’ obligation to produce
4 punitive-damages financial discovery, subject to an Attorneys’ Eyes-Only designation, after holding
5 that punitive damages remained at issue in this case. *See* Hr’g. Tr., 8:7-12, (Dec. 11, 2025) (Doc. ID#
6 175). The Court’s ruling reinforced the production requirement of the “Required Financial
7 Information” previously defined by the parties’ *voluntary* Stipulation and Order dated August 27,
8 2024. *See* Doc ID# 102, p. 2.

9 On January 19, 2026, Defendants subsequently produced documents. That production,
10 however, was severely deficient. As described below, no punitive-damages financial discovery was
11 produced by some Defendants, and only minimal or publicly available materials were produced by
12 others. The production does not comply with the *voluntary* Stipulation and Order dated August 27,
13 2024. *See* Doc ID# 102, p. 2.

14 Prior to seeking contempt sanctions and giving Defendants the benefit of the doubt, Collier
15 filed the motion to enforce the punitive damages discovery. Doc ID#158. Collier is now left with no
16 choice but to further escalate this matter and seek contempt sanctions for the willful disobedience and
17 failure to produce punitive damages financial discovery.

18 **II. LEGAL ARGUMENT**

19 **A. Defendants’ January 2026 Production Is Deficient Under the Stipulation and**
20 **Order Dated August 27, 2024.**

21 On August 27, 2024, the Court entered a Stipulation and Order Regarding Punitive Damages
22 Discovery (Doc ID# 102) (the “Punitive Damages Discovery Order”). The Punitive Damages
23 Discovery Order expressly provides that if a prayer for punitive damages remains in the case after
24 adjudication of dispositive motions, each defendant must produce defined financial information (the
25 “Required Financial Information”). *See* Doc ID# 102, ¶ 5. On December 11, 2025, the Court ordered
26 disclosure of the Required Financial Information.

27 Specifically, the Punitive Damages Discovery Order defines the “Required Financial
28 Information” as including the following:

- 1 • **Three years of financial information, with supporting documentation;**
- 2 • **Tax returns (for 2021–2023, and 2024 if filed);**
- 3 • **Balance sheets identifying all assets and liabilities for the last three years (2022, 2023, and**
- 4 **2024 to present);**
- 5 • **Supporting documents for each asset, liability, and net income figure;**
- 6 • **Bank and account statements, with limited redactions permitted as to transaction detail**
- 7 **but not balances;**
- 8 • **Documents establishing the value of real property and other significant assets;**
- 9 • **Identification of persons or entities assisting in the preparation of financial documents;**
- 10 • **And, as to Defendant Anthem, budgets, account balances, assessment information, and**
- 11 **reserve studies.**

12 *See* Doc ID# 102, ¶ 5.

13 At the hearing on December 11, 2025, regarding Plaintiff’s Motion to Enforce punitive
14 damages discovery, the Court held that punitive damages remained at issue and expressly ordered that
15 Defendants were required to produce punitive-damages financial discovery, subject to an Attorneys’
16 Eyes-Only designation. *See* Doc ID# 175, p. 8 (“Now that the Court would be making a decision that
17 the punitive damages stand, I do think that that would need to be turned over. However, I do agree that
18 it shouldn’t be something that’s just out there. I do agree that it should be subject to an attorney’s eyes
19 only review.”).

20 Despite the Court’s December 11, 2025 oral ruling, Defendants’ production remains
21 incomplete. As reflected in counsel’s review of the Attorneys’ Eyes-Only materials produced on
22 January 19, 2026:

- 23 • **Defendant Anthem Highlands Community Association has produced no punitive-**
- 24 **damages financial discovery.**
- 25 • **Defendant Terra West Management Services has produced no punitive-damages**
- 26 **financial discovery.**
- 27 • **Defendant Pennie Mossett-Puhek has produced only limited public records, which do not**
- 28 **constitute the Required Financial Information contemplated by the Order.**

- **Defendant Carmen Eassa has not produced tax returns and has produced only minimal tax-related records, leaving the Required Financial Information largely unproduced.**

Such disclosure is insufficient.¹

B. Enforcement Is Now Necessary and the Court’s Inherent Authority Supports Such Enforcement.

The Court has power to issue coercive sanctions. “Disobedience or resistance to any lawful writ, order, rule or process issued by the court or judge at chambers” is contempt. NRS § 22.010(3). “Person[s] fail[] to act as ordered by the court when [they fail] to take ‘all the reasonable steps within [their] power to insure compliance with the [Court’s] order’ *In re Crystal Palace Gambling Hall, Inc.*, 817 F.2d 1361, 1365 (9th Cir 1987) (citations omitted). The Nevada Supreme Court has long held that disobedience or resistance to any order of the Court constitutes a prima facie contempt of court. *See City Council of Reno v. Reno Newspapers, Inc.*, 105 Nev. 886, 889, 784 P.2d 974, 976 (1989). Moreover, disobedience of an order of a court in supplementary proceedings is expressly punishable as contempt. *See* NRS § 21.340.

Courts have inherent power to enforce their decrees through civil contempt proceedings. *See Halverson v. Hardcastle*, 123 Nev. 245, 261, 163 P.3d 428, 440 (2007); *In re Determination of the Relative Rights of the Claimants and Appropriators of the Waters Humboldt River Stream & Tributaries*, 118 Nev. 901, 909, 59 P.3d 1226, 1231 (2002). Moreover, NRS § 22.030 provides that when the “contempt is not committed in the immediate view and presence of the court or judge at chambers, an affidavit must be presented to the court or judge of the facts constituting the contempt, or a statement of the facts by the masters or arbitrators.” NRS § 22.030(2). The Court’s authority to enforce its orders does not depend solely on statute. As the Nevada Supreme Court has recognized, a district court possesses the inherent power “to protect the dignity and decency of its proceedings and to enforce its decrees.” *Halverson v. Hardcastle*, 123 Nev. 245, 261, 163 P.3d 428, 440 (2007). That authority includes the power to impose contempt sanctions where a party has disobeyed a lawful court order. *See* NRS 22.010, *et seq.*

¹ Plaintiff will submit the produced materials for an *in camera* review for this Court. The materials are not voluminous.

1 A variety of coercive sanctions are available to this Court. Daily sanctions are appropriate as
2 they coerce the violating party to come into compliance, which then ends the daily sanction. *Int'l*
3 *Union, United Mine Workers of Am. v. Bagwell*, 512 U.S. 821, 828, 114 S.Ct. 2552 (1994); *United*
4 *States Dept. of Energy v. Ohio*, 503 U.S. 607, 625, 112 S.Ct. 1627, 118 L.Ed.2d 255 (1992);
5 *Commodity Futures Trading Commission v. Saffron*, 2020 WL 495557, *3 (D.Nev. Jan 30, 2020)
6 (imposing an initial fine of \$1,000.00 per day that would escalate if compliance did not occur);
7 *Maltaman v. State Bar of Cal.*, 43 Cal.3d 924, 936, 239 Cal.Rptr. 687, 692, 741 P.2d 185, 189–190
8 (1987) (describing as “sanctions” daily fine imposed on party until it complied with order directing it
9 to transfer certain property); *In re Wallace*, 490 B.R. 898, 903 and 906-07 (B.A.P. 9th Cir. 2013)
10 (discussing that additional coercive fines are an appropriate remedy to pressure a party into paying a
11 prior contempt sanction); *Cleveland Hair Clinic, Inc. v. Puig*, 106 F.3d 165, 166 (7th Cir.1997) (same).
12 In addition to daily sanctions, this Court may order jail time that can be purged upon compliance with
13 this Court’s orders. *Guerin v. Guerin*, 16 Nev. 210, 212-13, 993 P.2d 1256, (2000) (discussing that the
14 district court found the defendant in contempt of court and ordering her to 30 days in jail, which could
15 be purged upon compliance with the court’s orders, issued a bench warrant for her arrest, and imposed
16 other sanctions); *Alper v. Eighth Jud. Dist. Ct.*, 131 Nev. 430, 434-35, 352 P.3d 28, 31 (2015) (finding
17 that a 21-day jail sentence that could be purged upon complying with the court order was an
18 appropriate coercive sanction).

19 Officers and directors may be held in contempt in their individual capacity for a corporation’s
20 violations of court orders. The Supreme Court of the United States held as follows:

21 A command to the corporation is in effect a command to those who are
22 officially responsible for the conduct of its affairs. If they, apprised of the
23 writ directed to the corporation, prevent compliance or fail to take
24 appropriate action within their power for the performance of the corporate
duty, they, no less than the corporation itself, are guilty of disobedience,
and may be punished for contempt.

25 *Wilson v. U.S.*, 221 U.S. 361, 376, 31 S.Ct. 538, 543 (1911); *see also In re Moroun*, 295 Mich.App.312,
26 814 N.W.2d 319 (Mich. Ct. App. 2012) (same); *Reed v. Cassady*, 27 N.E.3d 1104 (Ind.Ct.App.2015);
27 *Ex parte Chambers*, 898 S.W.2d 257, 260–261 (Tex.1995) *reh ’g overruled*; *Reich*, 50 F.3d at 417 (7th
28

1 Cir.1995); *Shales v. T. Manning Concrete, Inc.*, 847 F.Supp.2d 1102, 1115–1117 (N.D.Ill.2012);
 2 *Huffman v. Armenia*, 284 Ga.App. 822, 645 S.E.2d 23, 27 (2007), *reconsideration denied, cert. denied.*

3 **C. Alternatively, This Court Can Issue NRCP 37 Sanctions.**

4 Defendants have history of discovery misconduct in this case. Alternatively, this Court can
 5 issue NRCP 37 sanctions for these violations. With that said, Collier acknowledges that contempt
 6 (which sounds more severe but isn't) is appropriate at this stage given Defendants' willful
 7 noncompliance with the Court's order and also the limited nature of the discovery at issue. The
 8 discovery at issue is confined to punitive damages and largely does not concern the merits of the case.
 9 Moreover, compliance with producing financials is Collier's main objective, not sanctions. For that
 10 reason, Collier does not seek terminating or other severe sanctions under Rule 37, such as striking
 11 pleadings, dismissal, or default. Plaintiff instead requests the more restrained finding of contempt and
 12 appropriate coercive action until compliance as a measured exercise of the Court's inherent authority
 13 to secure compliance with the orders pertaining to punitive damages discovery. With that said, Collier
 14 does seek her fees and costs for having to bring the instant Motion to compel compliance, especially
 15 due to the prior motion practice on this exact same issue.

16 **III. CONCLUSION**

17 For these reasons, Plaintiff respectfully requests that the Court hold Defendants in contempt
 18 for willful noncompliance with the Stipulation and Order dated August 27, 2024 and impose
 19 appropriate coercive relief until compliance occurs with the financial information.

20
 21 DATED: January 21, 2026

Respectfully Submitted,

22 THE LAW OFFICES OF TIMOTHY ELSON

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 24 By: /s/ Timothy Elson

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 28 the JACT TRUST

CERTIFICATE OF SERVICE

The undersigned, an employee of the law firm of The Law Offices of Timothy Elson, hereby certifies that on January 22, 2026, he served a copy of the foregoing **PLAINTIFF'S MOTION TO HOLD DEFENDANTS IN CONTEMPT FOR FAILURE TO PRODUCE PUNITIVE DAMAGES DISCOVERY** by electronic service through the Regional Justice Center for Clark County, Nevada's electronic filing and service System:

/s/ Timothy Elson
An employee of
The Law Offices of Timothy Elson

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