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8 Attorneys for Plaintiff ANDREA COLLIER, as
9 trustee of the JACT TRUST

10 **DISTRICT COURT**
11 **CLARK COUNTY, NEVADA**

12 ANDREA COLLIER, as trustee of the JACT
13 TRUST,

14 Plaintiff,

15 v.

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

25 Defendants.

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

**NOTICE OF ENTRY OF ORDER I)
DENYING IN PART DEFENDANTS'
MOTION TO DISMISS FOR LACK OF
STANDING; (II) ON PLAINTIFF'S CLAIM
FOR EMOTIONAL DISTRESS
DAMAGES; (III) STAYING THE ACTION
AND CERTIFYING ISSUES FOR
INTERLOCUTORY APPEAL UNDER
NRCP 54(b); AND (IV) RESOLVING
DISCOVERY ISSUES INCLUDING
PUNITIVE DAMAGES DISCOVERY,
REFERRAL FROM DISCOVERY
COMMISSIONER, AND RESERVATION
OF RIGHTS**

26 NOTICE IS HEREBY GIVEN that on the 21st day of August, 2026, an **ORDER I) DENYING**
27 **IN PART DEFENDANTS' MOTION TO DISMISS FOR LACK OF STANDING; (II) ON**
28 **PLAINTIFF'S CLAIM FOR EMOTIONAL DISTRESS DAMAGES; (III) STAYING THE**
ACTION AND CERTIFYING ISSUES FOR INTERLOCUTORY APPEAL UNDER NRCP
54(b); AND (IV) RESOLVING DISCOVERY ISSUES INCLUDING PUNITIVE DAMAGES

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**DISCOVERY, REFERRAL FROM DISCOVERY COMMISSIONER, AND RESERVATION
OF RIGHTS** was entered in the above-entitled matter, a copy of which is attached hereto.

DATED: August 22, 2026

THE LAW OFFICES OF TIMOTHY ELSON

By: /s/ Timothy P. Elson

Timothy P. Elson, Esq.
Nevada State Bar # 11559
8965 S. Eastern Ave., Suite 382
Las Vegas, Nevada 89123
Attorneys for Plaintiff ANDREA COLLIER, as trustee of
the JACT TRUST

CERTIFICATE OF SERVICE

The undersigned, an employee of The Law Offices of Timothy Elson, hereby further certifies that on August 22, 2026, he served a copy of the foregoing **NOTICE OF ENTRY OF ORDER I) DENYING IN PART DEFENDANTS' MOTION TO DISMISS FOR LACK OF STANDING; (II) ON PLAINTIFF'S CLAIM FOR EMOTIONAL DISTRESS DAMAGES; (III) STAYING THE ACTION AND CERTIFYING ISSUES FOR INTERLOCUTORY APPEAL UNDER NRCP 54(b); AND (IV) RESOLVING DISCOVERY ISSUES INCLUDING PUNITIVE DAMAGES DISCOVERY, REFERRAL FROM DISCOVERY COMMISSIONER, AND RESERVATION OF RIGHTS** by electronic service through the Regional Justice Center for Clark County, Nevada's ECF System:

/s/ Timothy Elson

An employee of
The Law Offices of Timothy Elson

THE LAW OFFICES OF TIMOTHY ELSON

1 Timothy P. Elson, Esq.
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8 Attorneys for Plaintiff ANDREA COLLIER, as
9 trustee of the JACT TRUST

10 **DISTRICT COURT**
11 **CLARK COUNTY, NEVADA**

12 ANDREA COLLIER, as trustee of the JACT
13 TRUST,

14 Plaintiff,

15 v.

16 PENNIE MOSSETT-PUHEK, individually;
17 ANTHEM HIGHLANDS COMMUNITY
18 ASSOCIATION, a Nevada Non-Profit Corporation;
19 CARMEN EASSA, an individual; K.G.D.O.
20 HOLDING COMPANY, LLC d/b/a TERRA
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25 Defendants.

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

**ORDER (I) DENYING IN PART
DEFENDANTS' MOTION TO DISMISS
FOR LACK OF STANDING; (II) ON
PLAINTIFF'S CLAIM FOR EMOTIONAL
DISTRESS DAMAGES; (III) STAYING
THE ACTION AND CERTIFYING ISSUES
FOR INTERLOCUTORY APPEAL UNDER
NRCP 54(b); AND (IV) RESOLVING
DISCOVERY ISSUES INCLUDING
PUNITIVE DAMAGES DISCOVERY,
REFERRAL FROM DISCOVERY
COMMISSIONER, AND RESERVATION
OF RIGHTS**

Hearing Date: April 10, 2026
Hearing Time: 10:00 a.m.

26 Various discovery issues as set forth herein came on before this Court on April 10, 2026, at
27 10:00 a.m. (the "Hearing"), before the above-entitled Court, the Honorable Jessica Peterson presiding;
28 Timothy Elson, Esq., of The Law Offices of Timothy Elson, PLLC, appearing for and on behalf of
Collier; James V. Lovett, Esq. and Derek Noack, Esq., of Freeman Mathis & Gary, LLP appearing for
and on behalf of Defendant Pennie Mossett-Puhek ("Mossett-Puhek"); Edward Boyack, Esq., of
Boyack Orme Anthony & McKiever, appearing for and on behalf of Defendant Anthem Highlands
Community Association ("Anthem"), Defendant Carmen Eassa ("Eassa"), and Defendant K.G.D.O.

1 Holding Company, LLC d/b/a Terra West Management Services (“Terra West”). This Court being
2 fully advised in the premises, having read all of the papers and pleadings related thereto, the Court
3 finds as follows:

4
5 **I. Defendants’ Motion to Dismiss for Lack of Standing**

6 1. The deferred Defendants’ Motion to Dismiss for Lack of Standing and the issue of
7 whether Plaintiff may recover emotional distress damages, together with the discovery matters
8 continued from the March 17, 2026 hearing, came on for hearing and decision on April 10, 2026. The
9 Court advised that it had conducted extensive independent legal research before issuing its
10 rulings. [Cite: 2:4-7; 2:22-3:9].

11 2. On a motion to dismiss, the Court must take all reasonable inferences in favor of the
12 Plaintiff and cannot dismiss unless there is no set of facts upon which the Plaintiff could
13 recover. [Cite: 3:4-9]

14 3. The subject property was transferred from the JACT Trust to the JACT II Trust by
15 quitclaim deed, and was not sold or transferred to any third party. [Cite: 3:12-23]

16 4. The Court observed that, as a matter of law, a quitclaim deed conveys the grantor’s
17 interest subject to all existing rights, liabilities, liens, and encumbrances, leaving the grantee in the
18 same position as the grantor. The rights and liabilities attendant to the property therefore passed with
19 it, and the transfer did not create a standing defect as it relates to the JACT Trust’s right to prosecute
20 claims and recover damages accruing while it held title to the property, requiring dismissal or a
21 separate assignment. [Cite: 3:18-4:2; 9:22-10:8; 12:4-23]

22 5. The Court found no prejudice to Defendants regarding the transfer from the JACT Trust
23 to the JACT II Trust. The same trustee, on behalf of the same trust interests, is asserting the same
24 claims and the same arguments. [Cite: 6:1-6; 12:13-23] Defendants were aware of the transfer for
25 approximately one year and raised the standing issue only shortly before trial. Although standing may
26 be raised at any time, the equities do not favor dismissing the action on the eve of trial, particularly in
27 light of Defendants’ delay. [Cite: 5:17-6:25; 10:11-14]

28 6. Ultimately, the violations and the damages incurred by the JACT Trust while it owned

1 the property do not disappear merely because the property was later transferred into the JACT II
2 Trust. [Cite: 17:23-18:4] And Defendants are not entitled to retroactively reinstate or impose fines
3 against the JACT II Trust. Defendants could have issued violation notices to the JACT II Trust during
4 the period it held title but chose not to, and may not now claim prejudice arising from their own
5 choice. [Cite: 36:23-37:23]

6 7. Dismissal of the action is therefore not the appropriate remedy for the standing
7 issue. [Cite: 18:11-15] The JACT II Revocable Living Trust, dated March 26, 2024, provides that “all
8 prior trusts predating this trust are hereafter revoked absolutely.” The JACT Trust was therefore
9 revoked effective March 26, 2024. [Cite: 39:17-40:5] By analogy to a dissolved corporation or limited
10 liability company, which retains the capacity to sue or be sued during the wind-up period as to matters
11 arising while it existed, the JACT Trust retains the right to prosecute the claims and damages, including
12 attorney’s fees, that it incurred while it owned the property. [Cite: 40:6-41:17]

13 8. The Court limited the JACT Trust’s recovery to damages incurred on or before March
14 26, 2024, and declined to add the JACT II Trust as a party at this time based on Defendants’
15 representation that no fines or violations had been levied since the transfer. The Court held, however,
16 that to the extent there are ongoing violations or fines affecting the property after March 26, 2024, the
17 JACT II Trust, as the current owner of the property, has standing and a basis to be made a party and
18 to substitute in as to those claims. [Cite: 17:15-22; 18:5-10; 51:21-52:6; 52:20-53:16] Plaintiff
19 maintains that Defendant alleges ongoing violations and those violations continue to affect and
20 encumber title to the property, as reflected in Defendants’ own discovery responses and court filings;
21 Plaintiff therefore contends that the JACT II Trust has a present basis to be made a party and to
22 substitute in. [Cite: 4:14-25; 19:13-14; 44:1-5; 52:7-16] Plaintiff objected to the limitation and to the
23 denial of substitution, noted that the discrete issue had not been briefed, requested leave to brief it, and
24 preserved the issue for appeal. [Cite: 41:24-42:25; 43:2-22; 49:13-50:22] If in fact this Court later
25 finds that there were ongoing violations or fines levied against 2822 Culloden Avenue by Defendants
26 after March 26, 2024, then the JACT II Trust would have a basis as the owner of the property to
27 continue with such claims for damages. [Cite: 53:6-16]

28 ///

1 9. The JACT Trust's claims remain viable, including its claim for declaratory relief. The
2 jury will determine whether the violations and fines levied against the JACT Trust were valid; if they
3 were not, the resulting declaratory judgment will so declare and may be recorded against the
4 property. The offer of judgment originally served upon the JACT Trust remains valid as to the JACT
5 Trust. [Cite: 44:13-45:3; 48:16-21; 30:1-2]

6 **II. Plaintiff's Claim for Emotional Distress Damages**

7 10. Because the action was brought by Ms. Collier solely in her representative capacity as
8 trustee of the JACT Trust, and not in her individual capacity, the Court ruled that emotional distress
9 damages and related medical special damages are not available in this action, consistent with authority
10 holding that a trust, as a legal entity, is not capable of suffering emotional distress. [Cite: 53:24-
11 58:17]. Plaintiff objected, noted that Defendants' challenge was presented by an untimely motion in
12 limine, requested leave to brief the issue and the authorities the Court identified, and preserved the
13 issue for appeal. [Cite: 58:18-59:22]

14 **III. Stay and Certification for Interlocutory Appeal**

15 11. To avoid the need to try this matter twice, the Court indicated that it would consider a
16 Rule 54(b) motion on the standing and emotional distress rulings for interlocutory appeal. To the
17 extent parties wish to request Rule 54(b) relief, the Court directed the parties to file the appropriate
18 motion(s) for 54(b) certification, and if the Court grants the same, the Court will enter the stay and
19 certify the issues in its written order. [Cite: 59:23-61:25; 101:1-13]

20 12. The Court is inclined to vacate the trial previously set for June 2026. [Cite: 101:16-21]

21 **IV. Discovery Issues**

22 13. On March 17, 2026, this Court continued the punitive damages discovery issues, the
23 referral from the Discovery Commissioner on the Report and Recommendations (Doc ID# 212), and
24 argument on the reservations of rights issues (Doc ID# 197 and 212) to April 10, 2026. The Court had
25 ordered these productions to be made by April 1, 2026, as reflected in the Court's minutes. [Cite:
26 70:19-71:3]

27 14. As to the punitive damages discovery, Mr. Boyack conceded that documents were not
28 timely produced on April 1, 2026. He apologized to the Court for the untimely productions. Plaintiff

1 acknowledged that it received additional documents pertaining to Ms. Eassa and Terra West. To the
2 extent issues still exist on those productions, Plaintiff will further address those issues with Mr. Boyack
3 before attempting to address the issues with the Court. These untimely supplemental productions were
4 made on or about April 7-9, 2026, rather than by the April 1, 2026 deadline. [Cite: 62:20-63:14; 71:5-
5 9].

6 15. As to Terra West as to the motive financial discovery, Plaintiff acknowledged that
7 Plaintiff received documents from Terra West. Because the documents were produced untimely,
8 Plaintiff is still reviewing this information. Plaintiff may pursue appropriate motion practice to the
9 extent Plaintiff believes that non-compliance still exists. The motive financial discovery was not
10 produced by the April 1, 2026 deadline and was provided to Plaintiff only at the close of business the
11 evening before the hearing. [Cite: 62:25-63:7]

12 16. As to Ms. Mossett-Puhek, the Court finds that Ms. Mossett-Puhek did not comply
13 with the punitive damages discovery orders for the reasons stated on the record. The Court has
14 ordered several times for Ms. Mossett-Puhek to produce the punitive damages discovery. There
15 continues to be non-compliance with producing the punitive damages discovery. As such, the Court
16 finds it appropriate to monetarily sanction Ms. Mossett-Puhek in the amount of \$1,000.00. Ms.
17 Mossett-Puhek is further ordered to delineate her production with bates stamp numbers to the
18 specific production requirements of the stipulation and order pertaining to the punitive damages
19 discovery (Doc ID# 102). This is the third occasion on which the Court has addressed Ms. Mossett-
20 Puhek's failure to produce the punitive damages discovery. Her production shall include a balance
21 sheet identifying community versus separate property, may be designated attorneys' eyes only, and
22 shall be completed within 30 days; as to any item she does not produce, she shall state her objection
23 or inability to produce. [Cite: 81:16-84:13; 82:14-19; 102:8-12]

24 17. The Court declines to address the issues as it relates to Dr. Puhek's alleged failure to
25 respond to the subpoena duces tecum. Dr. Puhek did not timely respond to the subpoena duces tecum
26 by producing documents, an objection, and/or a motion for protective order, which should have been
27 served or filed by April 1, 2026. If Plaintiff wishes to pursue the non-compliance, Plaintiff may submit
28 appropriate motion practice in this regard. The Court declined to adjudicate Dr. Puhek's

1 noncompliance absent a properly served motion, and Plaintiff may pursue a motion for an order to
2 show cause. [Cite: 85:12-91:7]

3 18. As far as the insurance information, Mr. Boyack further acknowledged that confusion
4 existed on the date of production. A separate order will issue on this matter. The Court reaffirmed
5 that, if Defendants' insurer claims a reservation of rights, the insurer must affirmatively produce a
6 letter compliant with NRC 16.1 confirming that position; absent such production, the Court will
7 presume, and the parties may assume, that no reservation of rights exists. The Court granted Plaintiff's
8 Rule 16.1 motion to compel and ordered the reservation of rights letter produced no later than April
9 27, 2026. [Cite: 91:18-92:11; 95:1-96:4]

10 19. Nothing herein precludes Plaintiff from submitting a motion for additional fees and
11 costs. [Cite: 96:5-97:6]

12 20. A status hearing is set for May 29, 2026, at 10:00 a.m. [Cite: 102:23-103:6; 104:8]

13 Now, therefore, good cause appearing,

14 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the Orders of this Court
15 are set forth above. Ms. Mossett-Puhek shall pay the monetary sanctions to Plaintiff in a check made
16 payable to The Law Offices of Timothy Elson within 14 days of notice of entry of this Order.

17 **IT IS FURTHER ORDERED** that Defendants' Motion to Dismiss for Lack of Standing is
18 DENIED WITHOUT PREJUDICE as to the right of Andrea Collier, as trustee of the JACT Trust, to
19 prosecute and recover the claims and damages, including attorney's fees, that the JACT Trust incurred
20 while it owned the property, on or before March 26, 2024, and is GRANTED only as to damages
21 arising after March 26, 2024, provided, however, that the JACT II Trust, as the current owner of the
22 property, may be made a party and substitute in as to any ongoing violations or fines affecting the
23 property after March 26, 2024. Plaintiff's objection and request for leave to brief these issues are
24 noted and preserved.

26 **IT IS FURTHER ORDERED** that emotional distress damages and related medical special
27 damages are not available in this action. Plaintiff's objection and request for leave to brief this issue
28 are noted and preserved.

IT IS SO ORDERED.

Jessica K Petersen

THE LAW OFFICES OF TIMOTHY ELSON

/s/ Timothy Elson
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as trustee of the JACT TRUST II

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Andrea Collier, Plaintiff(s)

CASE NO: A-22-852032-C

7 vs.

DEPT. NO. Department 8

8 Pennie Mossett-Puhek,
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Order was served via the court's electronic eFile system to all
recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 8/21/2026

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17 Firm Calendar

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