

1 Timothy P. Elson, Esq.
Nevada State Bar # 11559
2 **THE LAW OFFICES OF TIMOTHY ELSON**
8965 S. Eastern Ave., Suite 382
3 Las Vegas, Nevada 89123
4 Tim@ElsonLawOffices.com
(702) 874-8600

5
6 Attorneys for Plaintiff ANDREA COLLIER, as
Trustee of the JACT TRUST

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

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

11 Plaintiff,

12 v.

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

19 Defendants.

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

**PLAINTIFF'S MOTION TO LIMIT
MOTIONS IN LIMINE ON ORDER
SHORTENING TIME**

20
21 ///
22 ///
23 ///
24 ///
25 ///
26 ///
27 ///
28 ///

THE LAW OFFICES OF TIMOTHY ELSON

1 **PLAINTIFF’S MOTION TO LIMIT MOTIONS IN LIMINE**

2 **ON ORDER SHORTENING TIME**

3 COMES NOW Plaintiff ANDREA COLLIER, as trustee of the JACT TRUST (“Collier”), by
4 and through her counsel of record, Timothy Elson, Esq., of The Law Offices of Timothy Elson, PLLC,
5 and hereby files this Application for Order Shortening Time on Motion to Limit Motions in Limine.

6 DATED: March 1, 2026

7 Respectfully Submitted,

8 THE LAW OFFICES OF TIMOTHY ELSON

9
10 By: /s/ Timothy P. Elson

11 Timothy P. Elson, Esq.
12 Nevada State Bar # 11559
13 8965 S. Eastern Ave., Suite 382
14 Las Vegas, Nevada 89123
15 Attorneys for Plaintiff ANDREA COLLIER, as trustee of
16 the JACT TRUST
17
18
19
20
21
22
23
24
25
26
27
28

THE LAW OFFICES OF TIMOTHY ELSON

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER SHORTENING TIME

The Court having considered the foregoing request for an Order Shortening Time and the supporting Declaration of Timothy P. Elson, Esq., and with good cause appearing,

IT IS HEREBY ORDERED that the Motion to Limit Motions in Limine on file herein will be heard on the 17 day of March, 2026, at the hour of 10:00 a.m./~~p.m.~~ in the Eighth Judicial District Court, Clark County, before Department 8.

DATED this _____ day of _____, 2026.

Dated this 13th day of March, 2026



**84E 4AB 1433 D649
Jessica K. Peterson
District Court Judge**

**DECLARATION OF TIMOTHY ELSON, ESQ., IN SUPPORT OF APPLICATION FOR
ORDER SHORTENING TIME ON MOTION TO LIMIT MOTIONS IN LIMINE**

I, Timothy Elson, Esq., do declare, affirm, and state as follows:

1. I am an attorney at THE LAW OFFICES OF TIMOTHY ELSON, PLLC, and am duly licensed in the State of Nevada. I am competent to testify to the matters set forth in this Declaration and will do so if called upon. Unless otherwise noted herein, I have personal knowledge of the matters stated herein, and if called upon could and would testify competently thereto. I am an attorney of record representing Plaintiff Andrea Collier in the subject lawsuit.

2. On February 12, 2026, after the hearing before this Court, I emailed Defendants’ counsel, Derek Noack and Ted Boyack, to discuss motions in limine, specifically exchanging topics, meeting and conferring on such topics, and setting a briefing schedule.

3. On February 23, 2026, Derek Noack emailed me back and indicated that he intended to send me topics that day or the next day. He did not.

4. On February 26, 2026, Derek Noack emailed me suggesting a briefing schedule with a hearing date of April 9, 2026, which ignored the hearing date this Court already set for motions in limine of March 24, 2026, and which also conflicted with my personal plans to leave town for a remote location in Alaska in early April that I have previously discussed.

5. On February 27, 2026, at 1:00 pm, counsel met and conferred regarding the topics for each parties’ intended motions in limine.

6. Forty-five minutes before our conference, Mr. Noack sent me a list of 17 topics for motions in limine he anticipates filing on behalf of Defendant Mossett-Puhek, calling it “an initial correspondence pursuant to Rule 2.47 regarding the proposed topics and background for the anticipated motions in limine in preparation for the forthcoming meet and confer.” A true and correct copy of this letter is attached hereto as **Exhibit 1**.

7. During the meet and confer, I objected to the number and merits of these topics, but Mr. Noack did not agree to withdraw any topics.

///

///

1 8. The Court should not allow Defendants to file (at least) 17 motions in limine for several
2 reasons:

- 3 a. It violates this Court’s clear instruction from the February 12, 2026 hearing that
4 each side is permitted 10 motions in limine in this department;
- 5 b. The facts and scope of this case do not warrant 17 motions in limine;
- 6 c. It is tactically abusive and bad-faith litigation, which seeks to drown me—an
7 office of a single W-2 employee—in meritless motions when the parties should
8 be spending their time preparing for trial;
- 9 d. It is a waste of the Court’s time and resources; and
- 10 e. It is a waste of the clients’ time and resources.

11 9. Many of the topics of the motions in limine are not truly even appropriate for motions
12 in limine.

13 10. Defendants are not playing by the rules, which at all times “should be construed,
14 administered, and employed by the court and the parties to secure the just, speedy, and inexpensive
15 determination of every action and proceeding.” NRC P 1.

16 11. Attempting to bombard me with meritless motions in limine, and gain an unfair
17 advantage in doing so, is contrary to the fundamental principles of attorney conduct and the just,
18 speedy, and inexpensive resolution of disputes.

19 12. The same is also true of their other conduct in this action, which has resulted in multiple
20 sanctions and an upcoming evidentiary hearing where further sanctions will be considered. Making
21 matters worse, Defendants produced deficient documents in response to this Court’s orders regarding
22 the punitive damages discovery. In fact, Mossett-Puhek refused to produce a single additional
23 document. I will be addressing this in forthcoming briefing.

24 13. Accordingly, the Motion below requests that the Court limit Defendants to ten or fewer
25 motions in limine. Plaintiff will agree to similar limitations.

26 14. Plaintiff requests that the Court set a hearing on the Motion for this **Thursday, March**
27 **5, 2026**, because the parties intend on filing their motions in limine on Friday, March 6, 2026. If this
28 Court is not available on March 5, 2026, I respectfully request that it be set as soon as practicable so

1 that I can make appropriate plans.

2 15. Lastly, Plaintiff reserves her right to request sanctions against Defendant Mossett-
3 Puhek moving forward, whether under Rule 11 or any other applicable Nevada law; however, rather
4 than move for sanctions, it is Plaintiff's preference that this Court admonish Mr. Noack and Mr.
5 Boyack for this conduct and warn that this Court will not tolerate further attempts to gain an unfair
6 advantage.

7 16. This Declaration is being made in good faith, and not for the purposes of delay or
8 harassment. Good cause exists to set the hearing on the Motion on shortened time to allow the parties
9 to obtain a resolution from the Court on this issue before filing their motions in limine.

10
11 I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is
12 true and correct.

13
14 **FURTHER, AFFIANT SAYETH NAUGHT:**

15
16 */s/ Timothy Elson* _____

17 TIMOTHY ELSON, ESQ.

1 in limine to 10—is sanctionable. *See Cardinali v. Plusfour, Inc.*, 2019 WL 3456630, *12 (D. Nev.
2 June 20, 2019) (holding that “[l]itigation in general and discovery in particular are subject to an
3 overriding requirement that attorneys act in good faith” and “[t]he guiding principles of navigating the
4 discovery process are not obstruction and nastiness, but rather they are cooperation, practicality and,
5 sensibility”).

6 Rule 11 requires that any paper an attorney signs and presents to the Court must not be
7 “presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly
8 increase the cost of litigation.” NRC P 11(b)(1). “[T]he court may impose an appropriate sanction on
9 any attorney, law firm, or party that violated [this] rule or is responsible for the violation.” Here, filing
10 17 motions in limine could only be for an improper purpose, to harass my firm (a firm of one W-2
11 employee), and to increase the cost of litigation. However, rather than move for sanctions at this time,
12 it is Plaintiff’s preference that this Court admonish Mr. Noack and Mr. Boyack for this conduct and
13 warn that this Court will not tolerate further attempts to gain an unfair advantage.

14 Based on this foregoing, Plaintiff requests that this Court set a hearing on shortened time to
15 determine a limit on motions in limine for each side, which Plaintiff requests is ten or less.

17 DATED: March 1, 2026

Respectfully Submitted,

18 THE LAW OFFICES OF TIMOTHY ELSON

19
20 By: /s/ Timothy Elson

21 Timothy Elson, Esq.

22 Nevada State Bar # 11559

23 8965 S. Eastern Ave., Suite 382

Las Vegas, Nevada 89123

(702) 874-8600

24 Attorneys for Plaintiffs ANDREA COLLIER, as trustee of
25 the JACT TRUST
26
27
28

EXHIBIT 1

EXHIBIT 1



Freeman
Mathis & Gary LLP
When It Counts

770 East Warm Springs Road
Suite 360
Las Vegas, NV 89119

Tel: 725.258-7360

www.fmglaw.com

Derek R. Noack, Esq.

D: 725.258.7324

C: 702.202.5379

Derek.Noack@fmglaw.com

James V. Lovett, Esq.

D: 725.330.7053

C: 702.271.5606

James.Lovett@fmglaw.com

February 27, 2026

Via Odyssey E-Service

Timothy P. Elson, Esq.
The Law Offices of Timothy Elson
8965 S. Eastern Ave., Suite 382
Las Vegas, Nevada 89123

Edward D. Boyack, Esq.
Boyack Orme & Murdy
7432 WW. Sahara Ave., Suite 101
Las Vegas, NV 89117

Re: ***Andrea Collier, as trustee of the JACT Trust v. Anthem Highlands Community Association et al. – A-22-852032-C***

Our Client : Pennie Mossett-Puhek
Claim Number : PHGG22061515647
Our File No. : 17807.104440

Dear Messrs. Elson and Boyack,

Please allow this correspondence to serve as our preliminary correspondence of proposed topics for motions in limine pursuant to EDCR 2.47. We trust that this list will allow the parties to conduct an informed and productive conference prior to motion practice becoming necessary.

TOPICS

Topic 1: Email exchange with Sydney Woo regarding “crap ton” of legal fees

A review of the date, timing and context of the previously produced email as between Ms. Mossett-Puhek and fellow Anthem boardmember, Sydney Woo, with respect to the JACT Trust getting attorneys involved and the potential of having a “crap ton” of fees is not related to any of the



February 27, 2026

Page 2

subject notices of violation, violation determinations, or asserted claims in this matter. Rather, the timing and context of that email had to do with the complaints regarding parking issues with Ms. Collier's neighbor, and it is the association's position that parking issues are outside the enforcement capabilities of the board since these are public streets. The reason for the statement was the association's position that any attempts by Ms. Collier to force the association to enforce issues on public streets would be opposed. Any limited probative value of the communication exchange and such a statement is far outweighed by the danger of undue prejudice and confusion of issues as to Ms. Mossett-Puhek's statement that was not related to the issues in this case as litigation was not even contemplated during this timeframe, which warrants its exclusion at trial. Sydney's email also pre-dated the time that any courtesy notice of violation or violation notice had been issued to the JACT Trust.

Topic 2: Portions of Deposition Testimony from Shirley Breedon

During Ms. Breedon's deposition, she offered speculative and hearsay testimony regarding what she "heard" about the prior election process. Such speculative and hearsay testimony lacks foundation and any probative value and even if there was any probative value relating to the election process (which is not at issue) such probative value would be outweighed by undue prejudice as to Ms. Mossett-Puhek given the insinuation that there were any irregularities in the election process. Additionally to this point, this was Ms. Breedon's 1st board meeting and she was wholly lacking in her familiarity with the Anthem board process and practices of the board. Furthermore, her testimony on a hindsight opinion on the size of Health Safety Welfare fine issued to the JACT Trust being high (a fine in which Ms. Breedon voted for) lacks probative value and the danger of undue prejudice or confusion of the issues remains with respect to such opinion testimony.

Topic 3: Exclude Testimony or Argument Regarding Disallowed and Inadequately Disclosed Damages

Plaintiff has a number of disallowed and inadequate damages. This includes most prominently the JACT Trust's claims for emotional damages, which are inappropriate for a juristic entity such as a trust, as well as damages that were inadequately disclosed pursuant to NRCP 16.1. Regarding the second category, the inadequately disclosed damages, and evidence regarding the same, are disallowed from being sought at trial pursuant to NRCP 37.

Topic 4: Exclude any Testimony or Evidence Related to Therapy

As you are well aware, the Plaintiff in this matter is not Andrea Collier, *an individual*, but Andrea Collier, *as trustee of the JACT Trust*, which is a juristic entity. As a juristic entity, the trust cannot suffer emotional damages or have stress requiring therapy for lack of standing. Because the trust cannot have these damages or have stress, any testimony on the same is inappropriate and



February 27, 2026

Page 3

completely irrelevant to the matter since they are not recoverable or applicable as damages given the claims and causes of action in this matter.

Topic 5: Exclude any Testimony From Plaintiff Regarding Motive

Plaintiff has no way, beyond bare speculation, of offering testimony regarding the motive of others. Accordingly, she should not be allowed to what she feels that the motive of other actors may have been at various times. Further, she testified in her deposition that she did not know the motives of any other actors in this matter, and to offer testimony contrary to this is disallowed. Such speculative testimony lacks foundation and any probative value of Ms. Collier's opinions is outweighed by undue prejudice as to Defendants.

Topic 6: Exclude any Argument or Testimony Regarding Plaintiff Mitigating Her Damages

It is inarguable that Plaintiff has not taken any proper action to remedy or mitigate any of the actions that resulted in her violations, nor has she taken any other actions to mitigate her own damages. Consequently, she must be precluded from offering testimony, evidence, or argument that she has done anything to mitigate her own claimed damages or come into compliance regarding the HOA violations issued as against her.

Topic 7: Exclude Testimony or Argument Regarding the Wattersons

With respect to the identification of Ms. Mossett-Puhek's former neighbors, the Wattersons, as witnesses regarding their neighbor to neighbor dispute, there is no probative value to the claims in this matter since Ms. Mossett-Puhek was not acting as a board member during the party wall issue with her neighbors. The fact that a neighbor to neighbor dispute occurred regarding Ms. Mossett-Puhek's property (which resulted in favor of Ms. Mossett-Puhek) has no relevant probative value and will only result in undue prejudice or confusion of issues given its use as an insinuation there was any wrong doing from Ms. Mossett-Puhek due to the fact any NRED claim was raised at all. Ms. Mossett-Puhek abstained as a boardmember from any voting on the issues relating to fining the Wattersons and will suffer undue prejudice if the issue is even raised at the time of trial. During the ADR with the Watterson, Ms. Mossett-Puhek was not on the board, and the Wattersons agreed to remove the unapproved portion of the party wall.

Topic 8: Exclude Testimony or Argument Regarding the Demalis

Similar to Topic 7, but even more so, as Ms. Mossett-Puhek was not even on the board at the time and was solely in her role as homeowner. However, Ms. Demalis was in her role as boardmember for the sub-association, Earlstone, where Ms. Mossett-Puhek had raised issues to the association regarding Ms. Demalis voted to approve architectural improvements for herself while imposing fines on others for the same improvements that violated architectural guidelines. There is no probative value as Ms. Mossett-Puhek was acting as an individual and any limited value is

February 27, 2026

Page 4

outweighed by undue prejudice and confusion of the issues as to Ms. Mossett-Puhek. The TPO that Demalis later filed was apparently immediately denied by court (and was unknown to Ms. Mossett-Puhek because of such a denial) and was solely in relation to a verbal dispute when Ms. Mossett-Puhek attended a meeting as a homeowner, which warrants exclusion.

Topic 9: Exclude Testimony or Argument Regarding the Marline Short

Ms. Short, a former community manager, made a TPO complaint against Ms. Mossett-Puhek in relation to a required correspondence under NRS 116 issued to Ms. Short prior to filing a statement of fact as against Ms. Short for alleged NRS 116 violations and governing document violations by Ms. Short. The TPO filed by Ms. Short was made in a retaliatory fashion in an effort to prevent Ms. Mossett-Puhek from attending a meeting in which Ms. Short's resignation was being called for. Ms. Mossett-Puhek's protected activity in calling for a manager's resignation was made as an individual homeowner. It had nothing to do with Ms. Mossett-Puhek's boardmember service. The TPO was not granted as there was no unlawful activity since the statute mandated the correspondence prior to filing a statement of fact. Any probative value is outweighed by undue prejudice and confusion of issues as to Ms. Mossett-Puhek.

Topic 10: Exclude Testimony or Argument Regarding the Danielle Gallant

Ms. Gallant previously raised an unfounded complaint that Ms. Mossett-Puhek had reported Ms. Gallant to the City of Henderson regarding a solar panel construction violation. However, this report is simply untrue. An email from management confirms that Ms. Gallant's estranged best friend and neighbor, Darcy, was the one who reported Ms. Gallant to the City, not Ms. Puhek. Any testimony from Ms. Gallant regarding her mistaken belief has no probative value and would be outweighed by undue prejudice or confusion of the issues. Furthermore, Ms. Mossett-Puhek would have been allowed to make such a report to the City given her role as boardmember.

Topic 11: Exclude Testimony or Argument Regarding Retaliatory Conduct

Ms. Mossett-Puhek seeks to exclude any testimony that retaliation occurred due to the issuance of non-discretionary and mandatory violation notices in accordance with the fine and enforcement policy and NRS 116. Such notices of violation were issued by Anthem within the reasonable timeframe of Ms. Collier's completion of the unapproved architectural improvements. Based on the "but for" language in the advisory opinions of the Nevada Real Estate Division with respect to causation, Ms. Collier would be required to demonstrate that but for her governance complaints, such violations would not have been issued. However, it is clear the unapproved architectural items at Ms. Collier's residence were observed by members of the architectural committee or otherwise reported by community members, resulting in the mandatory notices. Any probative value of an opinion that retaliation occurred is thus outweighed by undue prejudice.



February 27, 2026

Page 5

Topic 12: Exclude Any Reference to Plaintiff Being the “Prevailing Party” or “Winning” Regarding the City of Henderson Traffic Engineering Report

The JACT Trust has not been determined as a prevailing party or otherwise prevailed on any issue with respect to this litigation. Ms. Collier previously called and requested that a violation be issued by the City of Henderson with respect to Title 15 property maintenance standards regarding landscape height. Ms. Collier was indeed initially issued a violation by the City. Later, Ms. Collier temporarily cured the Title 15 violation, however a concern regarding Title 19 site visibility remained, as it was noted in May, 2021 by City of Henderson that Traffic Engineering had not presently responded regarding the corner lot’s plant material. In response and anticipation to the scheduled mediation in January of 2022, in December, 2021, Ms. Mossett-Puhek contacted the City of Henderson to inquire if the Title 19 site visibility had been resolved. In an effort to resolve the outstanding violations and especially the site visibility concerns, the Anthem HOA reached out to Ms. Collier and informed her that City of Henderson recommended opening a ticket with Traffic Engineering as it would result in an efficient determination. The Anthem HOA offered that if it was determined by City of Henderson that no violation existed under Title 19, the site visibility fine would be waived. The Association updated Ms. Collier monthly on whether any response from the City was received. The Association’s attempted resolution of the ongoing issue involving the City did not result in any determination that the Association’s issuance of the health safety welfare violation was unlawful. Thus, there is no determination that the JACT Trust is a prevailing party. Any argument lacks foundation and is not supported by the procedural facts. Such testimony lacks probative value and any would be outweighed by undue prejudice or confusion of the issues.

Topic 13: Exclude Testimony or Argument Regarding the History or Nature of this Litigation

This litigation has been a long and trying process for all involved. However, various portions of the litigation, including, but not limited to the various discovery disputes and motion practice between the parties, have no bearing on the facts of this matter. Accordingly, any argument regarding the litigation events between the parties must be excluded.

Topic 14: Exclude Testimony or Argument Classifying Nature of Courtesy Notices as Punitive or Harmful

Defendant anticipates that Plaintiff will attempt to classify or characterize the courtesy notices issued as punitive or harmful. However, given that they are an opportunity to correct a violation prior to stricter methods being utilized, it is entirely inaccurate to characterize them as punitive or harmful. Further, the characterization that they are punitive or harmful brings with it the implication of animus or motive. However, under the governing documents, these notices are mandatory. There is no discretion as to whether or not these notices are issued. Accordingly, any attempt to mischaracterize these notices is hugely inappropriate and must not be allowed.

February 27, 2026
Page 6

Topic 15: Exclude Statements About Phone Calls From City of Henderson

Ms. Collier's testimony that Ms. Mossett-Puhek made repeated phone calls to the City of Henderson asking that Ms. Collier be fined for the height of her oleander plants lacks all foundation. Such phone calls did not occur and Ms. Collier's testimony is speculative. Such unsupported testimony lacks probative value and is outweighed by undue prejudice. The documented records from the City and the testimony from the City representative Jason Esau dispute Ms. Collier's unfounded testimony about repeated phone calls.

Topic 16: Exclude Plaintiff's Expert Sara Berry

Sara Berry is an unqualified expert whose opinion is filled with inappropriate legal conclusions and opinion, speculation, and unsupported findings. Simply put, Ms. Berry will not survive Hallmark scrutiny and some, if not all, of her testimony must be excluded at trial.

Topic 17: Exclude Attorney Client Privileged Email From Ms. Mossett-Puhek to Mr. Boyack

Ms. Mossett-Puhek's October 4, 2021 attorney-client privileged email correspondence to attorney Ted Boyack (with Sydney Woo copied) was made in anticipation of a possible legislative change regarding nuisance violations and whether they could be considered health safety welfare violations. The information seeking email was made pre-emptively in context to be in compliance with the possible change in law. Ms. Mossett-Puhek on behalf of Anthem was seeking legal advice due to the unresolved view obstruction. This was a protected attorney-client privileged communication of which there is little probative value and any value is outweighed by undue prejudice and confusion of the issues.

CONCLUSION

We look forward to speaking with you on **Friday, February 27, 2026 at 1:00 P.M.** regarding these topics and hope that the parties can reach an amicable resolution so that motion practice is not required. If you have any questions before the conference, please do not hesitate to reach out.

Sincerely,

/s/ Derek Noack

DEREK R. NOACK, ESQ.
JAMES V. LOVETT, ESQ.

DRN/JVL

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: 3/13/2026

15 Edward Boyack

Ted@boyacklaw.com

16 Timothy Elson

tim@elsonlawoffices.com

17 Firm Calendar

Marcia@Boyacklaw.com

18 Derek Noack

derek.noack@fmglaw.com

19 Michael Edwards

michael.edwards@fmglaw.com

20 Laurie Moreno

Laurie.Moreno@fmglaw.com

21 Natasha Hopkins

natasha.hopkins@fmglaw.com

22 Jason Schieck

Jason.Schieck@fmglaw.com

23 Melissa Scarberry

Melissa.Scarberry@fmglaw.com

24 James Lovett

James.Lovett@fmglaw.com

25 Daniel De Luca

Attorney-@boyacklaw.com

26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28