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

11
DISTRICT COURT

12
CLARK COUNTY, NEVADA

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

15 Plaintiff,
 16 v.

17 PENNIE MOSSETT-PUHEK, individually;
 18 ANTHEM HIGHLANDS COMMUNITY
 19 ASSOCIATION, a Nevada Non-Profit Corporation;
 20 DOES I through X and ROE BUSINESS
 21 ENTITIES I through X, inclusive,

22 Defendants.

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

**ORDER GRANTING ANDREA
 COLLIER'S MOTION FOR LEAVE TO
 FILE AMENDED COMPLAINT**

Hearing Date: October 5, 2023
 Hearing Time: 10:00 a.m.

17 Plaintiff Andrea Collier's ("Collier") Motion for Leave to File Amended Complaint came on
 18 for hearing on October 5, 2023, at 10:00 a.m., before the above-entitled Court, the Honorable Jessica
 19 Peterson presiding; Timothy Elson, Esq., of The Law Offices of Timothy Elson, PLLC, appearing
 20 for and on behalf of Collier; Derek Noack, Esq., of Freeman Mathis & Gary, LLP appearing for and
 21 on behalf of Defendant Pennie Mossett-Puhek ("Mossett-Puhek"); Edward Boyack, Esq., of Boyack
 22 Orme Anthony & McKiever, appearing for and on behalf of Defendant Anthem Highlands
 23 Community Association ("Anthem"). This Court being fully advised in the premises, having read all
 24 of the papers and pleadings related thereto, the Court finds as follows:

25 1. Good cause exists to permit Collier to file the Amended Complaint. In reaching this
 26 determination, the Court considered factors that include, but are not limited to: (1) undue delay; (2)
 27 bad faith or dilatory motive; (3) futility of amendment; or (4) prejudice to the opposing party. The
 28 Court does not find that Plaintiff delayed in seeking leave to amend; that Plaintiff had a bad faith or

1 dilatory motive in seeking leave to amend; that the amendment is futile; or that Defendants will
2 suffer prejudice that would override the right to seek leave to amend. In reaching determination, this
3 Court does not preclude motion practice under Rule 12 or Rule 56 to the extent parties deem it
4 appropriate to file the same.

5 2. Plaintiff offered to complete the process with NRS 38.310 in the event that any
6 claims fall within the purview of NRS 38.310 to ensure that jurisdiction is properly conferred on this
7 Court. Prior to submitting the Motion, Plaintiff submitted the ADR Claim Form to NRED. Plaintiff
8 did not complete the process because of prior orders from this Court. Plaintiff shall now move
9 forward and complete the process. To the extent Plaintiff does not complete the process, the Court
10 will address the specific analysis required under NRS 38.310 as it relates to each cause of action,
11 although the Court finds that it currently has jurisdiction over these parties on the alleged claims.¹
12 To the extent Plaintiff completes the process, the Court finds that Plaintiff has fully complied with
13 all requirements of NRS 38.310. Once completed, Plaintiff shall file a notice with the Court, which
14 includes a sworn declaration from Ms. Collier, that Plaintiff completed the process.

15 3. While the Court was inclined to stay the matter until mediation was complete, the
16 parties requested that discovery proceed. The Court finds it appropriate to grant the Motion at this
17 time and allow the Amended Complaint to proceed forward to allow the action to move forward on
18 the current discovery and trial schedule.

19 4. To the extent the Court issued any oral rulings or findings at the hearing, the Court
20 expressly adopts all such oral rulings and findings herein unless such oral rulings and findings
21 expressly contradict the terms of this written order.

22 Now, therefore, good cause appearing,

23 ///

24 ///

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26 ///

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28 1 In agreeing to form and content, Defendants are not waiving any jurisdictional arguments. Defendants reserve the right
to challenge jurisdiction on certain causes of action, but Defendants agree that jurisdiction is appropriate over the Parties.

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Motion is GRANTED in
2 accordance with the findings and rulings set forth herein.

3

4

IT IS SO ORDERED.

5

Dated this 1st day of November, 2023

6

7

Respectfully Submitted by:

537 854 C032 C740
Jessica K. Peterson
District Court Judge

10 THE LAW OFFICES OF TIMOTHY ELSON

11

12 /s/ Timothy Elson
13 Timothy Elson, Esq.
14 Nevada State Bar # 11559
15 8965 S. Eastern Ave., Suite 382
16 Las Vegas, Nevada 89123
17 Attorneys for Plaintiff ANDREA COLLIER,
18 as trustee of the JACT TRUST

Approved as to Form and Content

19 /s/ Derek Noack
20 Michael Edwards, Esq.
21 Nevada Bar No. 6281
22 Derek Noack, Esq.
23 Nevada Bar No. 15074
24 3993 Howard Hughes Parkway, Suite 100
25 Las Vegas, NV 89169
26 Attorneys for Defendant Pennie Mossett-Puhek

BOYACK ORME ANTHONY & MCKIEVER

27 /s/ Edward Boyack
28 Edward D. Boyack, Esq.
Nevada Bar No. 9983
7432 W. Sahara Ave., Suite 101
Las Vegas, NV 89117
Counsel for Defendant Anthem Highlands
Community Association



Tim Elson <tim@elsonlawoffices.com>

Re: Collier v. Mossett-Puhek et al.

ted <ted@boyacklaw.com>

Fri, Oct 27, 2023 at 5:40 PM

To: Tim Elson <tim@elsonlawoffices.com>, Derek Noack <Derek.Noack@fmglaw.com>

We are agreeable please to fix my signature. Thank you.

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: Tim Elson <tim@elsonlawoffices.com>

Date: 10/27/23 4:50 PM (GMT-08:00)

To: Derek Noack <Derek.Noack@fmglaw.com>

Cc: Ted Boyack <ted@boyacklaw.com>

Subject: Re: Collier v. Mossett-Puhek et al.

Ted - please confirm.

Best,

Tim Elson

CAUTION: PRIVILEGED AND/OR CONFIDENTIAL COMMUNICATION

THE INFORMATION CONTAINED IN THIS INTERNET E-MAIL MESSAGE AND THE ATTACHMENTS, IF ANY, ARE PRIVILEGED, CONFIDENTIAL AND INTENDED SOLELY FOR THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR REPRODUCTION OF THIS COMMUNICATION, OR ANY PART HEREOF, IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY THE LAW OFFICES OF TIMOTHY ELSON BY TELEPHONE (702) 874-8600 AND DELETE THE ORIGINAL MESSAGE.

On Fri, Oct 27, 2023 at 3:58 PM Derek Noack <Derek.Noack@fmglaw.com> wrote:

Thanks Mr. Elson, defendant Pennie Mossett-Puhek is agreeable to the language in this order on the Motion for Leave to Amend. Please allow this email to allow you to affix my e-signature.

Derek Noack

Attorney at Law

Freeman Mathis & Gary, LLP

770 E Warm Springs Road | Suite 360 | Las Vegas, NV 89119

D: 725-258-7324 | C: 725-202-5379

Derek.Noack@fmglaw.com | [LinkedIn](#) | [Bio](#)

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Freeman
Mathis & Gary LLP

AZ | CA | CO | CT | FL | GA | IL | IN | KY | MA | NJ | NM | NV | NY | OH | PA | RI | TN | TX

Please read this important notice and confidentiality statement

From: Tim Elson <tim@elsonlawoffices.com>
Sent: Thursday, October 26, 2023 8:29 AM
To: Derek Noack <Derek.Noack@fmglaw.com>; Ted Boyack <ted@boyacklaw.com>
Subject: Collier v. Mossett-Puhek et al.

Caution: This email originated from outside of the FMG organization. **Do not click links or open attachments** unless you recognize the sender and know the content is safe.

Good morning,

Please find attached the proposed order related to the motion for leave to amend. I added a footnote to address your concerns, which I am hopeful is agreeable. Please confirm authority to affix your e-signature. Thank you.

Best,

Tim Elson



THE LAW OFFICES OF
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Las Vegas, NV 89123

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3 DISTRICT COURT
4 CLARK COUNTY, NEVADA
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 Granting was served via the court's electronic eFile system to all
14 recipients registered for e-Service on the above entitled case as listed below:

15 Service Date: 11/1/2023

16 Edward Boyack Ted@boyacklaw.com
17 Timothy Elson tim@elsonlawoffices.com
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19 Heidi Davis heidi.davis@fmglaw.com
20 Derek Noack derek.noack@fmglaw.com
21 Michael Edwards michael.edwards@fmglaw.com
22 Laurie Moreno Laurie.Moreno@fmglaw.com
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