

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

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

9
10 **DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

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

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

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

27 **STIPULATION AND ORDER
28 REGARDING PUNITIVE DAMAGES
DISCOVERY**

Defendants.

IT IS HEREBY STIPULATED by and between Plaintiff ANDREA COLLIER ("Plaintiff"), and Defendants Pennie Mossett-Puhek, Anthem Highlands Community Association, Carmen Eassa, and K.G.D.O. Holding Company, LLC d/b/a Terra West Management Services, by and through their respective counsel, that:

1. Collier propounded punitive damages discovery on Defendants, which includes, but is not limited to, the following written discovery: Second Set of Interrogatories to Mossett-Puhek; Second Set of Requests for Production to Mossett-Puhek; First Set of Interrogatories to Eassa; Second Set of Requests for Production to Eassa; First Set of Interrogatories to Terra West; First Set of Requests for Production to Terra West; and Fourth Set of Requests for Production to Anthem.

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1 2. In response to Plaintiff's written discovery on punitive damages, Defendants objected
2 on the grounds that it was overly broad and not properly limited in time and scope. In reaching this
3 stipulation, Plaintiff does not agree that the requested discovery was not proper and Defendants do
4 not agree that the requested discovery was proper. In reaching this stipulation, the Parties are simply
5 seeking to resolve this dispute without the need of judicial intervention.

6 3. Each Defendant agrees to produce financial information (the "Required Financial
7 Information") pertaining to punitive damages discovery if a prayer for relief for punitive damages
8 remains in the case against the respective Defendant after the Court adjudicates the dispositive
9 motions on the issue of punitive damages, which Defendants filed on or about July 10, 2024.¹

10 4. To the extent punitive damages remains against a party, that party shall produce the
11 Required Financial Information either 30 days before trial or within 30 days of the Court denying
12 their respective dispositive motions on the issue of punitive damages, whichever is earlier.²

13 5. The Required Financial Information shall include the following: 1) three years' worth
14 of financial information with supporting documentation must be produced, including tax returns;³ 2)
15 Defendants shall provide a balance sheet list of all assets and liabilities for each of the last three years
16 (2022, 2023, and 2024 to Present), along with all net income information; 3) documents supporting
17 each asset, liability, and net income must also be produced;⁴ and 4) as part of the balance sheet,

19 20 ¹ As it relates to Terra West and Eassa, the dispositive motion filed by these parties did not seek to adjudicate Plaintiff's
21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 2510 2511 2512 2513 2514 2515 2516 2517 2518 2519 2520 2521 2522 2523 2524 2525 2526 2527 2528 2529 2530 2531 2532 2533 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1 Defendants will need to identify all personal assets, which includes, but is not limited to, real property,
2 personal property, cash, personal effects that have value, etc. The balance sheet should identify
3 categories, such as real property, personal property, cash accounts, stock accounts, and other
4 appropriate categories for assets and mortgage on real property, credit card debt, and other appropriate
5 categories for liabilities. The categories shall contain only the relevant and non-objectionable
6 information, which is set forth in this paragraph, within the punitive damages discovery propounded
7 by Plaintiff, as those interrogatories and requests for production⁵ seek information that pertains to
8 assets and liabilities. However, the balance sheet does not need to identify the personal property by
9 line items (such as jewelry) but supporting documentation will need to be produced as to the personal
10 property (such as jewelry) and the amounts provided. The Parties shall also identify and persons or
11 entities that assisted with the preparation of any financial documents (such as accountants).
12

13 5. As it pertains to Anthem, in addition to the information identified above, Anthem
14 shall also produce all budgets for the last three years. To the extent the following is not included in
15 Anthem's budgets, Anthem shall also produce documents detailing the following information for the
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28 ⁵ For example, punitive damages discovery for Mossett-Puhek includes all interrogatories in the Second Set and all requests for production in the Second Set. Similar discovery was propounded to Eassa and Terra West in their respective First Set.

1 last three years: 1) account balances for all accounts held by Anthem; and 2) assessment amounts.
2 Anthem shall also produce its most recent reserve study.

3
4 DATED this 20th day of August, 2024.

5 **BOYACK ORME & ANTHONY**

6
7 /s/ Edward Boyack
8 Edward D. Boyack, Esq.
9 Nevada Bar No. 5229
10 7432 West Sahara Avenue, Suite 101
11 Las Vegas, Nevada 89117
12 (702) 562-3415
13 *Attorneys for Defendants Anthem Highlands
Community Association, Carmen Eassa,
K.G.D.O. Holding Company, LLC d/b/a Terra
West Management Services*

14 DATED this 20th day of August, 2024.

15 **FREEMAN MATHIS AND GARY, LLP**

16
17 /s/ Derek Noack
18 Derek Noack, Esq.
19 Nevada Bar No. 15074
20 770 E. Warm Springs Road, Suite 360
21 Las Vegas, Nevada 89119
22 (725) 258-7360
23 *Attorneys for Defendant Pennie Mossett-Puhek*

24 DATED this 20th day of August, 2024.

25 **THE LAW OFFICES OF TIMOTHY
26 ELSON**

27
28 /s/ Timothy Elson
29 TIMOTHY P. ELSON, ESQ.
30 Nevada Bar No. 11559
31 8965 S. Eastern Ave., Suite 382
32 Las Vegas, Nevada 89123
33 (702) 874-8600
34 *Attorney for Plaintiff Andrea Collier*

ORDER

IT IS HEREBY ORDERED that the stipulation set forth above is the order of this Court.

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Dated this 27th day of August, 2024



3E4 77A 91B2 DC48
Jessica K. Peterson
District Court Judge

Respectfully Submitted by:

THE LAW OFFICES OF TIMOTHY ELSON

/s/ Timothy Elson
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Timothy 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



Tim Elson <tim@elsonlawoffices.com>

Re: Collier

ted <ted@boyacklaw.com>

Wed, Aug 21, 2024 at 9:37 AM

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

Mine as well

Sent from my T-Mobile 4G LTE Device

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

From: Tim Elson <tim@elsonlawoffices.com>

Date: 8/21/24 5:47 PM (GMT+01:00)

To: Derek Noack <Derek.Noack@fmglaw.com>, Ted Boyack <ted@boyacklaw.com>, Norma Ramirez <Norma@boyacklaw.com>

Subject: Re: Collier

Ted? Please confirm.

Best,

Tim Elson

CAUTION: PRIVILEGED AND/OR CONFIDENTIAL COMMUNICATION

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On Tue, Aug 20, 2024 at 4:25 PM Derek Noack <Derek.Noack@fmglaw.com> wrote:

You may 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](#)www.fmglaw.com | [Instagram](#) | [Twitter](#) | [Facebook](#)



Freeman
Mathis & Gary LLP

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

Please read this important notice and confidentiality statement

From: Tim Elson <tim@elsonlawoffices.com>

Sent: Tuesday, August 20, 2024 12:16 PM

To: Ted Boyack <ted@boyacklaw.com>; Derek Noack <Derek.Noack@fmglaw.com>

Subject: Collier

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.

Ted and Derek,

Please confirm authority to affix your e-signature to this stipulation. Thank you.

Best,

Tim Elson



THE LAW OFFICES OF
TIMOTHY ELSION

(702) 874-8600

tim@elsonlawoffices.com

elsonlawoffices.com

8965 S. Eastern Ave., #382

Las Vegas, NV 89123

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1 CSERV
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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 Stipulation and Order was served via the court's electronic eFile system
14 to all recipients registered for e-Service on the above entitled case as listed below:

15 Service Date: 8/27/2024

16 Edward Boyack Ted@boyacklaw.com
17 Timothy Elson tim@elsonlawoffices.com
18 Firm Calendar Marcia@Boyacklaw.com
19 Derek Noack derek.noack@fmglaw.com
20 Michael Edwards michael.edwards@fmglaw.com
21 Laurie Moreno Laurie.Moreno@fmglaw.com
22 Natasha Hopkins natasha.hopkins@fmglaw.com
23 Jenn Alexy jenn.alexy@fmglaw.com
24
25
26
27
28