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TIMOTHY F. ANDREWS
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Edward Boyack (5229)
Daniel R.C. De Luca (15900)
Boyack Orme & Murdy
7432 W. Sahara Avenue, Suite 101
Las Vegas, Nevada 89117
Tel: (702) 562-3415
Fax: (702) 562-3570
attorney-@boyacklaw.com

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

ANDREA COLLIER, as trustee of the JACT TRUST Plaintiff, vs. PENNIE MOSSETT-PUHEK, individually; ANTHEM HIGHLANDS COMMUNITY ASSOCIATION, a Nevada Non-Profit Corporation; DOES I through X and ROE BUSINESS ENTITIES I through X, inclusive. Defendants.	CASE NO. A-22-852032-C DEPT. NO. VIII **[Amended Proposed] Findings of Fact, Conclusions of Law and Order After April 10, 2026 Hearing**

BOYACK & ORME·ANTHONY
7432 W. Sahara Ave., Suite 101
Las Vegas, Nevada 89117
Tel: (702) 562-3415 Fax (702) 562-3570

WHEREAS, on April 10, 2026, Defendants' Joint Motion to Dismiss Complaint for Lack of Standing and Defendants' Joint Motion in Limine No. 3 were heard by this Court, and the parties appeared for a status check on outstanding discovery obligations regarding punitive damages;

WHEREAS, after hearing arguments and good cause appearing, and based upon the record of the April 10, 2026 hearing as reflected in the Recorder's Transcript filed April 28, 2026, the Court finds and orders as follows:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Plaintiff Andrea Collier, in her capacity as trustee of the JACT Trust, transferred the subject real property at 2822 Culloden Avenue, Henderson, NV by quitclaim deed in March 2024 to the JACT II Trust. (Tr. 39:17-40:2.)

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2. The JACT II Revocable Living Trust formation document, dated March 26, 2024, provides: "All prior trusts predating this trust are hereafter revoked absolutely." (Tr. 40:1-2.) Accordingly, the original JACT Trust was completely revoked upon creation of the JACT II Trust.

3. Because the original JACT Trust was revoked, this Court cannot order transfer of the property back to the revoked JACT Trust: "So the JACT I trust was completely revoked, which means I can't just transfer the property back into the JACT trust because it was revoked." (Tr. 40:3-5.) **Any statements earlier in the hearing directing that the property be transferred back to the JACT Trust (Tr. 29:21-30:22), and the provisional Court statement in that connection (Tr. 31:11-16), were superseded by this ruling.**

4. Nevertheless, the original JACT Trust retains the capacity to prosecute claims for damages that accrued on or before March 26, 2024, while it held title to the property, analogous to the statutory wind-up period afforded to a dissolved corporation or limited liability company. (Tr. 40:6-41:17.) **The Court noted that "neither side has really addressed that issue in their briefing" and accordingly denied the Motion to Dismiss without prejudice as to such claims.** (Tr. 41:18-23.)

5. Defendants have not levied any fines or violations against the JACT II Trust after March 26, 2024, and the JACT II Trust has not suffered damages and does not have standing to pursue claims in this action. (Tr. 41:4-13; 49:19-25; 51:21-23.)

6. If it is later shown that there were violations or fines levied against the property, **specifically addressed to the JACT II Trust**, that happened after March 26, 2024, the JACT II Trust would in that instance be allowed to substitute in as to such claims. (Tr. 51:21-52:6.)

7. There was no assignment of causes of action from the original JACT Trust to the JACT II Trust, and none may now be made. (Tr. 42:16-25.) No attorney's fees or costs incurred

by the JACT I Trust, although they may be recoverable by the JACT II Trust

after March 26, 2024 are recoverable in this action, including in post-judgment motion practice. (Tr. 42:6-15.)

8. Plaintiff Andrea Collier has brought her causes of action solely in her capacity as trustee of the original JACT Trust and not in her individual capacity, and is at this time barred by the applicable statute of limitations from bringing claims in her individual capacity, including any emotional damages that were alleged in the complaint and/or medical special damages. Those damages are not available in this case. (Tr. 58:11-17.)

9. As a general rule, the trustee is the real party in interest with standing to sue and defend on the trust's behalf. *LaPay v. Fairways Homeowners' Ass'n*, 2026 WL 182643 (Cal. Ct. App. Jan. 23, 2026). (Tr. 57:11-13.)

10. Under the quitclaim deed principle that the grantee receives the property in the condition the grantor held it, the offer of judgment served upon the original JACT Trust would bind the JACT II Trust. (Tr. 10:6-9; 12:13-14.)

11. The Court relied upon the following persuasive authorities: *Burke v. Ability Insurance Co.*, 926 F. Supp. 2d 1056 (D.S.D. 2013) (Tr. 54:5 - 55:22); *West Valley City v. Leventhal*, 2021 WL 10318738 (Utah Dist. Ct. Feb. 18, 2021) (Tr. 55:23-56:9); *LaPay v. Fairways Homeowners' Ass'n*, supra (Tr. 56:10-57:19); and *Weiss v. Citrus Heights, LLC*, 2012 WL 3139772 (Cal. Ct. App. Aug. 3, 2012) (Tr. 57:20-58:10). A trust is not a natural person capable of suffering emotional distress damages, and a trustee prosecuting an action exclusively in a representative capacity cannot recover damages for her own emotional distress.

12. Defendant Mossett-Puhek did not timely produce the punitive damages discovery required by the Court's prior orders and the applicable stipulation and order, and the Court found a monetary sanction of $1,000.00 appropriate. (Tr. 81:16-82:19.) Production is to be delineated by Bates-stamped exhibits corresponding to the specific paragraphs of the

BOYACK & ORME·ANTHONY
7432 W. Sahara Ave., Suite 101
Las Vegas, Nevada 89117
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applicable stipulation and order, with any objections or unavailability stated. (Tr. 82:1-10.)

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendants' Joint Motion to Dismiss is **DENIED WITHOUT PREJUDICE** with respect to any claims for damages made by the original JACT Trust while the JACT Trust remained the legal owner of the real property located at 2822 Culloden Avenue, Henderson, NV, on or before March 26, 2024. (Tr. 41:18-23; 51:14-20.)

~~**IT IS FURTHER ORDERED** that Defendants' Joint Motion to Dismiss is **GRANTED IN PART** with respect to any claims for damages, including attorneys' fees and costs, arising out of or relating to the period after March 26, 2024. The JACT II Trust does not have standing to pursue such claims at this time. (Tr. 42:6-15; 50:18-20; 51:14-20.)~~

IT IS FURTHER ORDERED that Defendants' Joint Motion in Limine No. 3 is **GRANTED**. All damages sought in connection with emotional distress and Andrea Collier's individual medical special damages are not available in this case. (Tr. 58:11-17.)

IT IS FURTHER ORDERED that Defendant Pennie Mossett-Puhek shall pay $1,000.00 in attorneys' fees to Plaintiff as a sanction for failure to timely produce the punitive damages discovery required by prior Court orders. (Tr. 82:14-15.) Ms. Mossett-Puhek shall delineate her production with Bates-stamped exhibits corresponding to the specific requirements of the applicable stipulation and order (Doc. ID #102), stating any objections or unavailability. (Tr. 82:1-10.) Payment shall be made within fourteen (14) days of notice of entry of this Order.

IT IS FURTHER ORDERED that the trial setting of end of June 2026 is **VACATED**. (Tr. 101:14-21.)

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BO & A BOYACK ORME·ANTHONY
7432 W. Sahara Ave., Suite 101
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IT IS FURTHER ORDERED that the parties shall appear for a status check regarding Defendant Mossett-Puhek's remaining punitive damages discovery obligations on **[DATE TO BE SET - the prior May 29, 2026 setting having passed; the parties propose the August 20, 2026 calendar]**.

IT IS SO ORDERED.

Dated this 7th day of September, 2026

474 E23 85A6 9D49
Jessica K. Peterson
District Court Judge

Respectfully Submitted By:
Boyack Orme & Murdy
s/ *Daniel R.C. De Luca*
Edward Boyack (5229)
Daniel R.C. De Luca (15900)
Attorneys for Terra West, Eassa, Anthem

Approved as to Form and Content:
The Law Offices of Timothy Elson
No Signature
Timothy Elson (11559)
Attorney for Plaintiff

Freeman, Mathis, & Gary LLP

s/ Derek Noack
Derek Noack (15074)
Attorney for Mossett-Puhek

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Las Vegas, Nevada 89117
Tel: (702) 562-3415 Fax (702) 562-3570

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DISTRICT COURT
CLARK COUNTY, NEVADA

Andrea Collier, Plaintiff(s) vs. Pennie Mossett-Puhek, Defendant(s)	CASE NO: A-22-852032-C DEPT. NO. Department 8

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Service Date: 9/7/2026

Edward Boyack	Ted@boyacklaw.com
Timothy Elson	tim@elsonlawoffices.com
Firm Calendar	Marcia@Boyacklaw.com
Michael Edwards	michael.edwards@fmglaw.com
Natasha Hopkins	natasha.hopkins@fmglaw.com
Tracey Waldt	tracey.waldt@fmglaw.com
Daniel De Luca	Attorney-@boyacklaw.com
Crystal Williams	Crystal.Williams@fmglaw.com
Candace Wiltsie	Candace.Wiltsie@fmglaw.com
Daniel Klett	Daniel.Klett@fmglaw.com
Lindsay St. Pierre	Lindsay.StPierre@fmglaw.com