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DISTRICT COURT
CLARK COUNTY, NEVADA

ANDREA COLLIER, as trustee of the JACT
TRUST,

Plaintiff,

v.

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

Defendants.

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

[Hearing Requested]

**PLAINTIFF'S MOTION TO ENFORCE
THE AUGUST 27, 2024, STIPULATION
AND ORDER RE PUNITIVE DAMAGES
DISCOVERY [DOC ID# 102], TO
CONFIRM DEFENDANTS'
COMPLIANCE OBLIGATIONS, AND FOR
ATTORNEY'S FEES**

COMES NOW Plaintiff ANDREA COLLIER, as trustee of the JACT TRUST ("Collier"), by
and through her counsel of record, Timothy Elson, Esq., of The Law Offices of Timothy Elson, PLLC,
and hereby files this Motion to Enforce the August 27, 2024 Stipulation and Court Order Regarding
Punitive Damages Discovery [Doc ID# 102], to Confirm Defendants' Compliance Obligations, and
for Attorney's Fees (the "Motion").

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1 This Motion is made and based upon the pleadings and papers on file in this matter; the
2 following Memorandum of Points and Authorities; the entire records in this case, and upon such
3 argument as the Court may entertain at the hearing on the underlying Motion.
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5 DATED: November 7, 2025

Respectfully Submitted,

6 THE LAW OFFICES OF TIMOTHY ELSON
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8 By: /s/ Timothy Elson

9 Timothy Elson, Esq.

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15 the JACT TRUST
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I. INTRODUCTION

From that moment, Defendants’ obligations under the August 27, 2024 Order were neither uncertain nor optional. Yet those obligations remain unfulfilled. Despite two operative court orders—one defining the duty and the other triggering it—Defendants have produced nothing. Their silence now stands in contrast to the clarity of the Court’s commands. The issue before the Court is therefore not whether discovery is appropriate, but whether the Court’s orders will be treated as binding or advisory. Nevada law leaves no room for the latter.

The relief requested is modest, but the principle it vindicates is not. When a party stipulates to a court order and later defies it, enforcement is not a matter of discretion; rather it is a matter of maintaining the authority of this Court's own judgments. This is also part of a pattern and practice in this lawsuit, with Mossett-Puhek evading service and all of the discovery issues that existed (and still exist with further motion practice in due course).

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1 II. LEGAL ARGUMENT

2 A. Legal Standard.

3 A district court has “inherent power to protect the dignity and decency of its proceedings and
4 to enforce its decrees, and thus it may issue contempt orders and sanction or dismiss an action for
5 litigation abuses.” *Halverson v. Hardcastle*, 123 Nev. 245, 261, 163 P.3d 428, 440 (2007).
6 Furthermore, when the district court’s exercise of inherent authority is part of its “day-to-day
7 functioning or regular management of its internal affairs,” the court may rely on that authority despite
8 the existence of an applicable rule or statute. *City of Sparks v. Sparks Mun. Court*, 129 Nev. 348, 363-
9 64, 302 P.3d 1118, 1129 (2013); *Keresey v. Rudiak*, 135 Nev. 671 (Nev. App. 2019).

10 But “[i]nherent powers, ‘[b]ecause of their very potency, ... must be exercised with restraint
11 and discretion,’ and a ‘primary aspect of that discretion is the ability to fashion an appropriate sanction
12 for conduct which abuses the judicial process.’ ” *Sparks v. Bare*, 132 Nev. 426, 433, 373 P.3d 864,
13 868 (2016) (alteration in original) (quoting *Chambers v. NASCO, Inc.*, 501 U.S. 32, 44-45 (1991));
14 *State v. Desavio*, 141 Nev. Adv. Op. 25, 568 P.3d 897, 902 (2025).

15 Accordingly, Nevada courts may invoke their inherent authority to enforce prior orders and
16 ensure compliance with judicial decrees, provided such authority is exercised with the restraint and
17 discretion required by precedent.

18 B. The August 27, 2024 Stipulation and Court Order Expressly Requires Production 19 of Punitive-Damages Financial Discovery.

20 The Stipulation and Order entered August 27, 2024 [Doc ID#102] (“Order Re Punitive
21 Damages Discovery”) provides in relevant part and without ambiguity, that:

22 Each Defendant agrees to produce financial information (the “Required
23 Financial Information”) pertaining to punitive damages discovery **if a**
24 **prayer for relief for punitive damages remains in the case against the**
25 **respective Defendant after the Court adjudicates the dispositive**
26 **motions on the issue of punitive damages.**

27 Doc ID# 102, Order re Punitive Damages Discovery, ¶ 3 (emphasis added).

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1 It further specifies that,

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

5 ...

6 Defendants shall not be required to produce the information until a formal
7 written order has been entered. That is, the 30 days' notice to Defendants
shall be triggered before a formal written order is entered but the production
8 shall only occur after a formal written order is entered.

9 *Id.* ¶ 4, n.2 (emphasis added).

10 The Order re Punitive Damages Discovery thus created a clear and definite obligation: once
11 the Court's written order on dispositive motions was entered, Defendants had 30 days to produce three
12 years of financial information, as defined in the Order.

13 **C. The March 4, 2025, Order on the Dispositive Motions Triggered and Confirmed the**
14 **Punitive Damages Discovery Obligations.**

15 The Court's subsequent Order Regarding Motions for Summary Judgment and Motion in
16 Limine No. 1, entered March 4, 2025 [Doc ID# 135] ("Order Confirming Punitive Damages Remain"),
17 squarely preserved punitive damages claims. In pertinent part, the Court held:

18 NRS 116.4117 does not preclude punitive damages on common-law causes
19 of action. **Punitive damages are permissible under the common-law**
20 **causes of action against Anthem, Mossett-Puhek, Eassa, and Terra**
West [i.e., all Defendants]. There are genuine issues of material fact as it
pertains to punitive damages under the common-law causes of action.

21 Doc ID# 135, Order Confirming Punitive Damages Remain, ¶ 11 (emphasis added).

22 In addition to preserving punitive damages on all common-law claims, the Order Confirming
23 Punitive Damages Remain identified separate statutory avenues of punitive-damages exposure
24 applicable to each defendant. As to Defendants Eassa and Terra West, the Court expressly held that
25 NRS 116.4117 "does not prohibit punitive damages on the statutory claims," thereby leaving even
26 those statutory claims as a basis for punitive damages. *Id.* ¶ 10. For Defendant Mossett-Puhek, the
27 Court found that genuine issues of material fact exist as to whether she acted within or outside her
28 official capacity as a homeowners-association board member, and that punitive damages may be

appropriate under the statutory causes of action if she is found to have acted outside that capacity. *Id.* ¶ 12. And for Defendant Anthem, the Court acknowledged Plaintiff’s contention that NRS 42.007 may serve as an additional basis for punitive damages and expressly reserved that issue for future determination, confirming that the theory remains viable. *Id.* ¶ 13. Together, these rulings demonstrate that punitive damages exist under one or more theories recognized by the Court.

Accordingly, the Order Confirming Punitive Damages Remain denied Defendants’ dispositive motions on the issue of punitive damages and preserved those claims across all Defendants. The triggering condition for production under the Order re Punitive Damages Discovery has therefore been satisfied, and Defendants were obligated to produce the Required Financial Information even as early as 30 days following the oral ruling. Defendants were certainly obligated to produce this information within 30 days following the written ruling. As a matter of professional courtesy, Collier waited until closer to trial to raise this issue with the defense. Now the defense refuses to comply with their own stipulated discovery order pertaining to punitive damages discovery.

D. Defendants’ Non-Compliance Warrants Enforcement and Attorney’s Fees.

Defendants have not produced the Required Financial Information as required by and defined within the Order re Punitive Damages Discovery. Their continued non-compliance, despite two clear, operative court orders, necessitates judicial enforcement.

Nevada’s procedural framework provides multiple, overlapping bases for such enforcement. Under EDCR 7.60(b), the Court:

may, after notice and an opportunity to be heard, impose upon an attorney or a party any and all sanctions that may, under the facts of the case, be reasonable, including the imposition of fines, costs, or attorney fees when an attorney or a party without just cause:...Fails or refuses to comply with any order of a judge of the court.

EDCR 7.60(b).

Likewise, NRCP 16(f) permits sanctions when a party or its counsel “fails to obey a scheduling or other pretrial order.” Rule 16(f)(1) specifically authorizes the Court, “on motion or on its own,” to issue “any just orders, including those authorized by Rule 37(b)(1), if a party or its attorney...fails to obey a scheduling or other pretrial order.” NRCP 16(f). The punitive damages discovery obligations embodied in the Order re Punitive Damages Discovery fall squarely within the meaning of a “pretrial

1 order” under Rule 16(f). Defendants’ refusal to comply therefore exposes them to sanctions under
2 each of these complementary authorities.

3 Inherent authority also supports enforcement. As the Nevada Supreme Court has recognized,
4 a district court has “inherent power to protect the dignity and decency of its proceedings and to enforce
5 its decrees.” *Halverson v. Hardcastle*, 123 Nev. 245, 261, 163 P.3d 428, 440 (2007). That authority
6 extends to imposing contempt when appropriate. Here, Defendants’ non-compliance would justify
7 contempt sanctions because it constitutes disobedience of two valid court orders. *See* NRS 22.010, *et*
8 *seq.* However, Plaintiff does not seek that extraordinary remedy. Instead, consistent with the restraint
9 required when exercising the Court’s inherent power, Plaintiff requests the more conservative and
10 proportional remedy of attorney’s fees and costs necessitated by Defendants’ refusal to comply. *See*
11 *Sparks v. Bare*, 132 Nev. 426, 433, 373 P.3d 864, 868 (2016) (inherent powers, “because of their very
12 potency, must be exercised with restraint and discretion”).

13 Accordingly, Plaintiff respectfully requests that the Court (1) direct Defendants to produce the
14 Required Financial Information within fourteen (14) days of the Court’s order, and (2) award Plaintiff
15 the reasonable attorney’s fees and costs incurred in bringing this motion to secure compliance.

16 **III. CONCLUSION**

17 For the foregoing reasons, Plaintiff respectfully requests that the Court enforce its August 27,
18 2024, Order re Punitive Damages Discovery and March 4, 2025, Order Confirming Punitive Damages
19 Remain by directing Defendants to produce the Required Financial Information within fourteen (14)
20 days of the Court’s ruling. Defendants’ continued refusal to comply with two clear and operative
21 orders warrants judicial intervention under EDCR 7.60(b), and NRCP 16(f). While contempt sanctions
22 would be justified under NRS 22.010(3), Plaintiff seeks a more measured remedy consistent with the
23 restraint required in the exercise of the Court’s inherent powers.

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1 Plaintiff therefore requests an order compelling compliance and awarding reasonable
2 attorney's fees and costs incurred in bringing this motion.

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4 DATED: November 7, 2025

Respectfully Submitted,

5 THE LAW OFFICES OF TIMOTHY ELSON

6
7 By: /s/ Timothy Elson

Timothy Elson, Esq.

8 Nevada State Bar # 11559

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CERTIFICATE OF SERVICE

The undersigned, an employee of the law firm of The Law Offices of Timothy Elson, hereby certifies that on October 27, 2025, he served a copy of the foregoing **PLAINTIFF'S MOTION TO ENFORCE THE AUGUST 27, 2024, STIPULATION AND ORDER RE PUNITIVE DAMAGES DISCOVERY [DOC ID# 102], TO CONFIRM DEFENDANTS' COMPLIANCE OBLIGATIONS, AND FOR ATTORNEY'S FEES** by electronic service through the Regional Justice Center for Clark County, Nevada's electronic filing and service System:

/s/ Timothy Elson

An employee of
The Law Offices of Timothy Elson