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 300 South Fourth Street, Suite 500
 4 Las Vegas, NV 89101
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 6 Attorneys for Defendant
 DEL WEBB COMMUNITIES, INC.
 7

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 Judith Trigger; George & Ann Savage; Parker &)
 11 Lois Clark; Barre & Laverne Kennerley; Beverly)
 12 Schulte; David & Norma Booth; Steven &)
 Suzanne Pardon; Phyllis Short; John Cerbone;)
 13 William & Coleen Hussey; Treva Roles; Edward)
 & Victoria Walker; Robert Kundel; Leona)
 14 Breitung; Enrico & Ann Marie Torcivia; Brent)
 Montgomery; Floretta Chisom; Karen Fleischer;)
 15 Frank & Judy Becker; Josephy & Sheryl)
 Demidio; Bernadine Renshaw; Bernard &) **PETITION FOR REMOVAL TO THE**
 16 Marlene Weinstein; Mildred Penn; Jack &) **UNITED STATES DISTRICT**
 17 Madelyn Nitzkin; Edward Gottfried; Jacqueline) **COURT FOR THE DISTRICT OF**
 Johnson; Mary Holborrow; Joseph & Mary Kay) **NEVADA**
 18 White; James & Sara Diss; Frank & Nancy)
 19 Ciullo; Apinantana & Bobbie Dulyanai; Lynn &)
 David Pisetzner; Wayne & Sandra Denney;)
 20 Melvyn Becker; John & Carol Buchanan; Thomas)
 Soong; Robert Bettencourt; Arthur & Marsha)
 21 Hindin; Rodger & Madeline Govel; Serafina)
 Guanci; Norman & Anita Rosen; Jim & Lynn)
 22 Casimir; Nancy King; Burton Richardson; George)
 23 Chepakis; Richard Whitaker; Arthur Kunis; Dale)
 & Patricia Marquette; Barbara Sakata Burrell;)
 24 June Lowry; Richard Burrell; Burton & Faye)
 Margolis; Robert DeMartino; Rich & Sherrill)
 25 Marquiss; Bernardo & Angela Santos; William &)
 Georgia Vickers; Allan & Sharen Krojansky;)
 26 Albert & Zipi Mimran; Vincent & Patricia Graeff;)
 27 Dave & Caroline Barber; Dave Tunick; David &)
 Diana McGovern; Albert Fried; Jerry Theo;)
 28 Marilyn Hendrickson; Lorna Campbell; Delmar)

1 & Maryann Brimm; Marvin Lifschitz; Robert)
Buckmaster; William D'Andrea; Sieglinde Stone;)
2 Thomas & Betty Bouchard; William & Donna)
Liebman; Jerry & Sherolyn Taylor; Larry)
3 Liebowitz & Linda Jaros; Howard Adler; Diane)
Schultheis; Malcom & Beverly Lynch; Roy &)
4 Diana Isaia; Harry & Anita Stoehr; Ira & Brenda)
5 Tishk; Stanley & Sylvia Moss; Zakir Majid;)
Eleanor Lapin; Janet Kelley; Michael & Karen)
6 Bergman; Jerry & Rowena Wang; Judith)
Maldonado; Larry & Myrna Orlov; Don Ketchel)
7 & Beverly Fuller; Stephen & Leslie Gallen;)
Eugene & Yolanda Greenberg; Barry & Pamela)
8 Archie; Martha Wade; Russell & Helen Klinger;)
9 George & Judith Frankhouser; James & Davida)
Handler; Janice George; Jerry & Sharon Krasn;)
10 Susan Bivens Maddox; Leonard Esposito; Joseph)
& Monika Padjuen; Berard Siegel; Robery Levy;)
11 Leon & Hedy Gordon; Steven & Barbara Busch;)
Jon & Barbara Remlinger; Edward & Neomi)
12 Dali; Carlos & Maria Marcaccini; Steve Gallen;)
13 Leslise Gallen; Harold & Susan Gerecht; Suzane)
Searson; Anthony Accola & Marie Derro; Jeff &)
14 Kathleen Berkow; Juliet LeBlanc; Paul Abrams;)
Randy Rutkin; Adrwin & Beverly Block; Judy)
15 Rubinsky; Michael Albert; Don & Sue Littman;)
Alan & Marcia Ehrlich; Ruben & Losario Lontok;)
16 Deborah Wagner; Cliff & Vicky Gorov; John &)
17 Barbara Seely; Lon & Martha Penton; Stephen &)
Florine Goldberg; Ralph & Audrey Fraenza; Jim)
18 & Gretchen Buhler; Richard & Joyce Suckerman;)
Richard & Carol Skarke; Burton & Elaine)
19 Schwartz; Dennis & Bernadette Balog; Eric)
20 Evans; Joe & Martha Gallardo; Fred & Jane Kier;)
Lauren Thomas; Alfred Danisch; Helen London;)
21 Nicholas & Camille Khanjian; Phillip Melby;)
Vernon & Denatilus Price; Karen Hodapp; Robert)
22 & Barbara Sansing; Rick & Lois Ernest; Lora Sue)
Walker; Jose & Rosemary Cabezas; Tamara Kim;)
23 Bobby Church; George & Desneige Atteberry;)
Ralph & Janice Boyd; John & Page Hawken;)
24 Gabriel & Mary Ann Papio; Rosalie Hufman;)
25 Paul & Harriet Herman; David & Joyce Holm;)
Dick & Jeraldne McEwen; Charlotte Goodman;)
26 Peggy Caro; Rita Malkin; Beverly & Howard)
Wertz; Melvin & Francine Siegel; Edward &)
27 Barbara Burrell; Franklin & Bobbie Baker;)
28 Priscilla & Don Driscoll; Dave Tunick; Ethel)

1 Beigelman; Mary English; Nicholas & Marlene)
Andros; Robert & Phyllis Daugherty; Anthony &)
2 Irene Janicki; Curtis Mattke; Edward & Joelia)
Cullen; Anthony & Loretta Zeppieri; Robert &)
3 Marilyn LaMorte; Carol Barash; Glen & Barbara)
Panning; Milton & Dolores Gee; Howard)
4 Roberts; James Condor; Richard & Theresa)
Tewes; Philip & Matilda Bonacci; Harold &)
5 Annette Israel; Joe & Hazel Martinez; Donald &)
6 Jane Kusel; George Husa; Robert & Janice Blake;)
Shirley Tullos; Thaddeus & Peggy Pierce; Carol)
7 Wulffraat; Robert & Jaundrya Batterson ; Loretta)
Zahn; Leon Goldman; John & Florence Cochran;)
8 Gerald Carpenter; Judith & Bennett Nieder;)
9 Joseph Fisher; David & Pala Cartier; Dubose &)
Deborah Lomax; Jerome Matz; Gerald)
10 VonderAhe; David & Bernadette O'Neill; James)
& Ericka Furse; Richard Chester & Margot)
11 Caughell; James & Harriet Wells; S.E. LoBello;)
12 Marilou Friscia; James & Daisy Biava; Ronald &)
Marilyn Wilson; Glenn Beck; Leo Cain; Jack &)
13 Ingrid DeMichele; James & Rita Martin; Jose &)
Mary Madrid; Harriet Perry; Jack & Susan)
14 Topoleski; Robert & Ruby Wright; Vincente)
Gigandet; Richard Crombez; Kay Jeffries; Joan)
15 Weinberger; Frank & Marie Ficarotta; Jerry &)
16 Barbara Fisher; Allan & Phyllis Kessler; David &)
Marilyn Kapel; Jackson & Naomi Kohagura;)
17 Mary Sue Aldridge; Sharon Smith Ulrich; Bruce)
& Margaret Lanard; Ronald & Sharon)
18 Guengerich; David & Joyce Pasquinelli; Daniel &)
Margaret Moon; Nancy Rose; James & Iona)
19 Schell; Joseph & Colleen Steigerwald; John &)
20 Ellen Carr; William & Denise Walker; Shawn &)
Donald McClelland; Marianne Lee; Gerald &)
21 Nancy Merz; Catherine Torres; Peter Longwill;)
Myrna Edwards; Richard & Lydia Ho; Frederick)
22 & Diane Bold; Brenda & Charlie Heuston; Arthur)
& Ramona Konrad; Charles & Amelita Criswell;)
23 Carol Johnson; Larry & Ann Butterfield; Joyce)
24 Reed; Marlene Marcus; Lambert Motz; George &)
Nancy Gingerelli; Jon & Judy Griffin; Don &)
25 Sharon McClelland; Michael & Lorraine Kennett;)
Thomas Furjanic; Barbara Booth & Lani Kunel;)
26 Timothy L. & Wilma E. Congelliere; Ernest &)
Zelda Spickler; Jules Vandenbroeke; Kenneth &)
27 Roberta Gray; John & Charlotte Fecher; David &)
28 Janet Hockenber; Richard & Jenny Ballew;)

1 Jeremiah & Ora Lee Toomey; Ellen Shepardson;)
 David & Joyce Servello; Gary & Ruth Leis; Linda)
 2 Smith; Theodore Brown; Michael & Dona)
 Parady; Robert & Arlene Nemesek; Theresa)
 3 Burke; Bernard & Elaine Halprin; Francis Toth;)
 Linda Follosco; Les & Nancy Dean; Charles &)
 4 Patricia Simmons; Paul & Ingrid Rose; Irene)
 Butler; Virgil Francis; Shirley Zeiner; Leonard &)
 5 Beverly Mistretta; David & Everal Ann Bashaw;)
 6 Karen Walker; Katherine Hopkins; Robert &)
 Karen Case; Dave & Caroline Morris; Donald &)
 7 Rochelle Lyons; Robert & Nancy Allen; Murphy)
 & Joyce Scott; Anne Hollingsworth; Salvatore)
 8 Gilotta; Janet Castellini; Dolores Cappelto; Al)
 9 Katz; David Rosen; Herb & Linda Solomon; all)
 individuals; and POES 1 through 10,000,)
 10)
 Plaintiffs,)
 11)
 vs.)
 12)
 DEL WEBB COMMUNITIES, INC., a Foreign)
 13 Corporation, and DOES 1 through 1,000,)
 14)
 Defendants.)
 15

16 COMES NOW Defendant, DEL WEBB COMMUNITIES, INC., an Arizona
 17 Corporation (“Defendant”), by and through its counsel of record, KOELLER NEBEKER
 18 CARLSON & HALUCK, LLP and submits this Notice of Removal to the United States District
 19 Court for the District of Nevada.

20 PLEASE TAKE NOTICE, that Defendant, DEL WEBB COMMUNITIES, INC., an
 21 Arizona Corporation, hereby removes the state action entitled *Judith Trigger, et al., Plaintiffs,*
 22 *v. Del Webb Communities, Inc., a Foreign Corporation,* Case No. A587112, (“Current
 23 Action”) filed in the Eighth Judicial District Court for the State of Nevada in and for the
 24 County of Clark, to this Court. The grounds for removal are as follows:

25 1. Removal is appropriate in the Current Action pursuant to 28 U.S.C. § 1331, in
 26 that this Court has original jurisdiction of all civil actions arising under the Constitution, laws,
 27 or treaties of the United States, or more specifically, violations of the Lanham Act, 15 U.S.C.
 28 § 1125(a)(1).

1 2. Removal is further appropriate in the Current Action on the basis of
2 Supplemental Jurisdiction, 28 U.S.C. § 1367(a), based on the following:

3 a. This Court has original jurisdiction over the related action of *Del Webb*
4 *Communities, Inc., Plaintiff v. Charles Leslie Partington d/b/a M.C. Mojave*
5 *Construction, John Wilson, individually, Defendants*, Case No. 2:08-cv-
6 00571-RCJ-GWF (hereinafter "*M.C. Mojave Action*"), currently before the
7 United States District Court for the District of Nevada. The *MC Mojave*
8 *Action* alleges, *inter alia*, violations of the Lanham Act, 15 U.S.C. §
9 1125(a)(1), in that Defendants in that case engaged in misrepresentations as
10 to affiliation, connection, or association with Del Webb, in conjunction with
11 Partington, MC Mojave, and John Wilson's services and commercial
12 activities at the Sun City Anthem community.

13 b. The Current Action involves claims that are so related to claims in the *M.C.*
14 *Mojave Action* that they form the basis of the same case or controversy
15 under Article III of the United States Constitution. 28 U.S.C. § 1367(a).

16 c. Whether claims are part of the same "case or controversy" as a claim within
17 the court's original jurisdiction is to be determined under the standards set
18 forth in *United Mine Workers v. Gibbs*, 383 U.S. 715, 725, 86 S.Ct. 1130
19 (1966). Federal courts may exercise supplemental jurisdiction over a state
20 claim if the state and federal claims "derive from a common nucleus of
21 operative fact." *Id.*

22 d. The *M.C. Mojave Action* and the Current Action derive from a common
23 nucleus of operative fact, rendering Supplemental Jurisdiction of this Court
24 over the Current Action proper.

25 e. The parties to the federal and supplemental claim need not be identical for
26 supplemental jurisdiction to lie. *Tamiami Partners, Ltd. ex rel. Tamiami*
27 *Development Corp. v. Miccosukee Tribe of Indians of Fla.*, 177 F.3d 1212,
28 1223-24 (11th Cir. 2000), *cert. den.* 529 U.S. 1018 (2000) (citing 18 U.S.C.

1 1367(a).

- 2 f. Plaintiffs in the Current Action are owners of 304 single-family homes at
3 the Sun City Anthem community.
- 4 g. Del Webb, the Defendant in the Current Action and the Plaintiff in the *M.C.*
5 *Mojave Action*, is the builder and developer of the Sun City Anthem
6 development.
- 7 h. The subject of the *M.C. Mojave* action involves allegations that Partington,
8 MC Mojave Construction, and Wilson solicited various homeowners
9 throughout the Sun City Anthem development to accept “free” home
10 inspections, and to subsequently serve upon Del Webb a pre-litigation
11 Notice of Constructional Defect pursuant to N.R.S. 40.645 (“Chapter 40
12 Notices”), alleging various constructional defects.
- 13 i. The United States District Court in the related *M.C. Mojave Action* has
14 issued a preliminary injunction, and summary judgment in favor of Del
15 Webb,¹ concluding that M.C. Mojave Construction and Wilson have
16 engaged in illegal inspections at the Sun City Anthem community, in that
17 they were not properly licensed to do so under NRS Chapter 645D.
- 18 j. Plaintiffs in the Current Action, owners of 304 of single-family homes at
19 Sun City Anthem, initiated Chapter 40 Notices against Del Webb between
20 2006 and 2008 on the basis of the illegal inspections conducted by Wilson
21 and M.C. Mojave.
- 22 k. The Plaintiff Homeowners’ Complaint in the Current Action is also based
23 upon the illegal inspections that were conducted on their behalf by
24 Defendants in the *M.C. Mojave Action* as part of the Chapter 40 process.
- 25 l. The *M.C. Mojave Action* further involves allegations that Wilson and MC
26 Mojave engaged in Deceptive Trade Practices, and Interference with

27
28 ¹ The Court in the *M.C. Mojave Action* granted summary judgment in favor of Del Webb. A formal order has not yet been entered, as the Court granted summary judgment on April 27, 2009.

1 Contractual Relations (as related to the home warranty between Del Webb
2 and the homeowners at Sun City Anthem).

3 m. The basis for the Current Action, which involves allegations of
4 constructional defect at the 304 single-family homes at Sun City Anthem,
5 relate directly to the facts that are central to the *M.C. Mojave Action*.
6 Accordingly, Supplemental Jurisdiction of the Current Action is
7 appropriate.

8 3. Removal is appropriate in the Current Action pursuant to 28 U.S.C. §1441(a)
9 because this Court has original jurisdiction on the basis of Diversity of Citizenship pursuant to
10 28 U.S.C. §1332(a)(1), pursuant to the claims set forth in Plaintiffs' Complaint, as well as the
11 related *M.C. Mojave Action*, currently before the United States District Court for the State of
12 Nevada, the matters in controversy allegedly exceed \$75,000.00 based on Plaintiffs' alleged
13 damages, exclusive of interests and costs, and complete diversity exists between Plaintiffs and
14 Defendant in the Current Action as follows:

- 15 a. Upon information and belief, Plaintiffs are residents of the State of Nevada.
16 b. Defendant is an Arizona corporation with its principal place of business
17 located in Michigan.

18 4. Defendant was served with a copy of the Complaint in the Current Action on
19 April 9, 2009. This Petition is therefore timely filed within thirty (30) days of service, as
20 required by 28 U.S.C. §1446(b).

21 5. Pursuant to 28 U.S.C. §1446(a), Defendant provides this Court with copies of
22 the following documents:

- 23 a. The Summons and Complaint, attached hereto collectively as Exhibit
24 "1";
25 b. Notices by Defendant of Removal of Action attached hereto collectively
26 as Exhibit "2";
27 c. The Complaint in the related *M.C. Mojave Case*, Case No. 2:08-cv-
28 00571-RCJ-GWF, currently before the United States District Court for

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the District of Nevada, attached hereto as Exhibit "3."

d. The Findings of Fact, Conclusions of Law, and Preliminary Injunction Order in the related *M.C. Mojave Case*, Oct. 8, 2008, attached hereto as Exhibit "4."

e. Notice of Related Action, attached hereto as Exhibit "5."

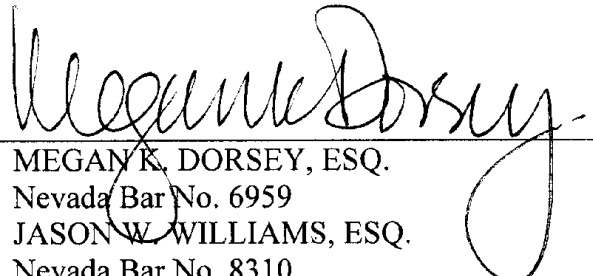
6. A copy of this Petition is being filed concurrently with the clerk of the Clark County District Court and served on Plaintiffs' Counsel.

DATED this 11th day of May, 2009.

By:

KOELLER NEBEKER CARLSON &
HALLUCK, LLP

BY:


MEGAN K. DORSEY, ESQ.
Nevada Bar No. 6959
JASON W. WILLIAMS, ESQ.
Nevada Bar No. 8310
300 S. Fourth St., Suite 500
Las Vegas, NV 89101
Attorneys for Defendant
DEL WEBB COMMUNITIES, INC.

CERTIFICATE OF FACSIMILE & MAILING

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The undersigned hereby certifies that on the 11th day of May, 2009, I served a copy of the foregoing **NOTICE OF REMOVAL OF ACTION TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA** by transmitting via facsimile to the below facsimile number & by causing a copy of the same to be duly deposited in the United States mail, postage prepaid, addressed to:

Paul Terry, Esq.
ANGIUS & TERRY LLP
1120 N. Town Center Dr., Ste 260
Las Vegas, NV 89144
FACSIMILE (702) 990-2018

An Employee of
KOELLER NEBEKER CARLSON & HALUCK, LLP

EXHIBIT “1”



CORPORATION SERVICE COMPANY*

Notice of Service of Process

SFS / ALL
Transmittal Number: 6545691
Date Processed: 04/10/2009

Primary Contact: Shani Pipkin
Pulte Homes, Inc.
100 Bloomfield Hills Pkwy
Suite 300
Bloomfield Hills, MI 48304

Copy of transmittal only provided to: Kim Roser

Entity:	Del Webb Communities, Inc. Entity ID Number 0143286
Entity Served:	Del Webb Communities, Inc.
Title of Action:	Judith Trigger vs. Del Webb Communities, Inc.
Document(s) Type:	Summons/Complaint
Nature of Action:	Contract
Court:	Clark County District Court, Nevada
Case Number:	A587112
Jurisdiction Served:	Nevada
Date Served on CSC:	04/09/2009
Answer or Appearance Due:	20 Days
Originally Served On:	CSC
How Served:	Personal Service
Plaintiff's Attorney:	Paul P. Terry 702-990-2017

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC
CSC is SAS70 Type II certified for its Litigation Management System.
2711 Centerville Road Wilmington, DE 19808 (888) 690-2882 | sop@cscinfo.com

1 **SUMM**
 2 Paul P. Terry, Jr.
 3 Nevada Bar No. 7192
 4 John J. Stander
 5 Nevada Bar No. 9198
 6 Don Springmeyer
 7 Nevada Bar No. 1021
 8 Jory C. Garabedian
 9 Nevada Bar No. 10352
 10 ANGIUS & TERRY LLP
 11 1120 N. Town Center Dr., Ste. 260
 12 Las Vegas, NV 89144
 13 Telephone: (702) 990-2017
 14 Facsimile: (702) 990-2018
 15 Email: jgarabedian@angius-terry.com DISTRICT COURT
 16 Attorneys for Plaintiffs

CLARK COUNTY, NEVADA

10 JUDITH TRIGGER, et al., all individuals; and Case No. A 587112
 11 POES 1 through 10,000, Department No. XVI
 12 Plaintiffs,

v.

13 DEL WEBB COMMUNITIES, INC., a Foreign SUMMONS - CIVIL
 14 Corporation, and DOES 1 through 1,000,
 15 Defendants.

SUMMONS

NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO THE DEFENDANT(S): A civil Complaint has been filed by the Plaintiff against you for the relief set forth in the Complaint.

1. **If you intend to defend this lawsuit, within 20 days after this Summons is served on you exclusive of the day of service, you must do the following:**
 - a. File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court.
 - b. Serve a copy of your response upon the attorney whose name and address is shown below.
2. Unless you respond, your default will be entered upon application of the plaintiff and this Court may enter a judgment against you for the relief demanded in the Complaint,

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which could result in the taking of money or property or other relief requested in the Complaint.

3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members and legislators, each have 45 days after service of this Summons within which to file an Answer or other responsive pleading to this Complaint.

Issued at the direction of:

**ED FRIEDLAND
CLERK OF THE COURT**



[Handwritten Signature]

By: LOVIE HAWKINS APR 06 2009

Paul P. Terry, Jr.
Nevada Bar No. 7192
John J. Stander
Nevada Bar No. 9198
Don Springmeyer
Nevada Bar No. 1021
Jory C. Garabedian
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ANGIUS & TERRY LLP
1120 N. Town Center Dr., Ste. 260
Las Vegas, NV 89144
Telephone: (702) 990-2017
Facsimile: (702) 990-2018
Email: jgarabedian@angius-terry.com
Attorneys for Plaintiffs

**DEPUTY CLERK
County Courthouse
200 South Third Street
Las Vegas, NV 89155**

**Note: When the service is by publication, add a brief statement of the object of the action.
See Nevada Rules of Civil Procedure 4(b).**

CIVIL COVER SHEET

CLARK County, Nevada

Case No. _____


(Assigned by Clerk's Office)

I. Party Information	
Plaintiff(s) (name/address/phone): Judith Trigger, et al., all individuals; and Poes 1 through 10,000 Attorney (name/address/phone): Angius & Terry LLP, 1120 North Town Center Drive, Suite 260, Las Vegas, NV 89144; Tel: 702-990-2017; Fax: 702-990-2018	Defendant(s) (name/address/phone): DEL WEBB COMMUNITIES, INC, a Foreign Corporation, and DOES 1 through 1,000, Attorney (name/address/phone): Unknown

II. Nature of Controversy (Please check applicable bold category and Arbitration Requested applicable subcategory, if appropriate)

Civil Cases		
Real Property	Torts	
<input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detamer <input type="checkbox"/> Title to Property <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	<input type="checkbox"/> Negligence <input type="checkbox"/> Negligence - Auto <input type="checkbox"/> Negligence - Medical/Dental <input type="checkbox"/> Negligence - Premises Liability (Slip/Fall) <input type="checkbox"/> Negligence - Other	<input type="checkbox"/> Product Liability <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Torts/Defamation (Label/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> Employment Torts (Wrongful termination) <input type="checkbox"/> Other Torts <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition
Probate	Other Civil Filing Types	
<input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate	<input checked="" type="checkbox"/> Construction Defect <input checked="" type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Acct/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Civil Petition for Judicial Review <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker's Compensation Appeal	<input type="checkbox"/> Appeal from Lower Court (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding <input type="checkbox"/> Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Foreign Judgment - Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input type="checkbox"/> Other Civil Matters

III. Business Court Requested (Please check applicable category, for Clark or Washoe Counties only.)

<input type="checkbox"/> NRS Chapters 78-88	<input type="checkbox"/> Investments (NRS 104 Art. 8)	<input type="checkbox"/> Enhanced Case Mgmt/Business
<input type="checkbox"/> Commodities (NRS 90)	<input type="checkbox"/> Deceptive Trade Practices (NRS 598)	<input type="checkbox"/> Other Business Court Matters
<input type="checkbox"/> Securities (NRS 90)	<input type="checkbox"/> Trademarks (NRS 600A)	
		
Date: April <u>3</u> , 2009		Jory C Garabedian, Esq. Signature of initiating party or representative

1 **COMP**
2 Paul P. Terry, Jr.,
3 Nevada Bar No. 7192
4 John J. Stander,
5 Nevada Bar No. 9198
6 Jory C. Garabedian,
7 Nevada Bar No. 10352
8 **ANGIUS & TERRY LLP**
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12 Facsimile: (702) 990-2018
13 Email: jgarabedian@angus-terry.com
14 Attorneys for Plaintiffs

APR 6 4 30 PM '09
E
CLF

DISTRICT COURT
CLARK COUNTY, NEVADA

- 10 Judith Trigger; George & Ann Savage; Parker & Lois Clark; Barre & Laverne Kennerley; Beverly
- 11 Schulte, David & Norma Booth; Steven & Suzanne Pardon; Phyllis Short; John Cerbone;
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- 18 Denney; Melvyn Becker; John & Carol Buchanan; Thomas Soong; Robert Bettencourt; Arthur &
- 19 Marsha Hindin; Rodger & Madeline Gobel Serafina Guanci; Norman & Anita Rosen; Jim
- 20 & Lynn Casimir; Nancy King; Burton Richardson; George Chapekis; Richard Whitaker; Arthur Kunis;
- 21 Dale & Patricia Marquette; Barbara Sakata Burrell; June Lowry; Richard Burrell; Burton &
- 22 Faye Margolis; Robert DeMartino; Rich & Sherrill Marquiss; Bernardo & Angela Santos; William &
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- 24 Caroline Barber; Dave Tunick; David & Diana McGovern; Albert Fried; Jerry Theo; Marilyn
- 25 Hendrickson; Lorna Campbell; Delmar & Maryann Brimm; Marvin Lifschitz; Robert Buckmaster;
- 26 William D'Andrea; Sieglinde Stone; Thomas & Betty Bouchard; William & Donna Liebman;
- 27 Jerry & Sherolyn Taylor; Larry Liebowitz & Linda Jaros; Howard Adler; Diane Schultheis;
- 28 Malcom & Beverly Lynch; Roy & Diana Isaia;

CASE NO. A587112
DEPT. NO. XVI
COMPLAINT AND DEMAND FOR JURY TRIAL
ARBITRATION EXEMPTION CLAIMED
Unusual circumstances/Good Cause

ANGIUS & TERRY LLP
1120 N. Town Center Dr.
Suite 260
Las Vegas, NV 89144
(702) 990-2017

1 Harry & Anita Stoehr, Ira & Brenda Tishk;
 Stanley & Sylvia Moss; Zakir Majid; Eleanor
 2 Lapin; Janet Kelley, Michael & Karen Bergman;
 Jerry & Rowena Wang; Judith Maldonado;
 3 Larry & Myma Orlov; Don Ketchel & Beverly
 Fuller; Stephen & Leslie Gallen; Eugene &
 4 Yolanda Greenberg; Barry & Pamela Archie;
 Martha Wade; Russell & Helen Klingler;
 5 George & Judith Frankhouser; James & Davida
 Handler; Janice George; Jerry & Sharon Krasn;
 6 Susan Bivens Maddox; Leonard Esposito; Joseph
 & Monika Padjune; Bernard Siegel; Robert Levy;
 7 Leon & Hedy Gordon; Steven & Barbara Busch;
 Jon & Barbara Remlinger; Edward & Neomi Dali;
 8 Carlos & Maria Marcaccini; Steve Gallen; Leslie
 Gallen; Harold & Susan Gerecht; Suzane Searson;
 9 Anthony Accola & Marie Derro; Jeff & Kathleen
 Berkow; Juliet LeBlanc; Paul Abrams; Randy Rutkin
 10 Ardwin & Beverly Block; Judy Rubinsky; Michael
 Albert; Don & Sue Littman; Alan & Marcia Erlich;
 11 Ruben & Losario Lontok; Deborah Wagner; Cliff
 & Vicky Gorov; John & Barbara Seely; Lon &
 12 Martha Penton; Stephen & Florine Goldberg; Ralph
 & Audrey Fraenza; Jim & Gretchen Buhler; Richard
 13 & Joyce Suckerman; Richard & Carol Skarke;
 Burton & Elaine Schwartz; Dennis & Bernadette
 14 Balog; Eric Evans; Joe & Martha Gallardo;
 Fred & Jane Kier; Lauren Thomas;
 15 Alfred Danisch; Helen London; Nicholas & Camille
 Cetrulo; Robert & Barbara Platt; Jack & Barbara
 16 Khanjian; Philip Melby; Vernon & Denatilus Price;
 Karen Hodapp; Robert & Barbara Sansing; Rick &
 17 Lois Ernest; Lora Sue Walker; Jose & Rosemary
 Cabezas; Tamara Kim; Bobby Church;
 18 George & Desneige Atteberry; Ralph &
 Janice Boyd; John & Page Hawken; Gabriel
 19 & Mary Ann Papio; Rosalie Huffman; Paul
 & Harriet Herman; David & Joyce Holm;
 20 Dick & Jeraldine McEwen; Charlotte Gooman;
 Peggy Caro; Rita Malkin; Beverly & Howard
 21 Wertz; Melvin & Francine Siegel; Edward
 & Barbara Burrell; Franklin & Bobbie Baker;
 22 Priscilla & Don Driscoll; Dave Tunick; Ethel
 Beigelman; Mary English; Nicholas & Marlene
 23 Andros; Robert & Phyllis Daugherty; Anthony &
 Irene Janicki; Curtis Mattke; Edward & Joelia
 24 Cullen; Anthony & Loretta Zeppieri; Robert &
 Marilyn LaMonte; Carol Barash; Glen & Barbara
 25 Panning; Milton & Dolores Gee; Howard Roberts;
 James Condor; Richard & Theresa Tewes; Philip &
 26 Matilda Bonacci; Harold & Annette Israel; Joe &
 Hazel Martinez; Donald & Jane Kusel; George
 27 Husa; Robert & Janice Blake; Shirley Tullos;
 Thaddeus & Peggy Pierce; Carol Wulffraat; Robert
 28 & Jaundrya Batterson; Loretta Zahn; Leon Goldman;

1 John & Florence Cochran; Gerald Carpenter; Judith)
 & Bennett Nieder; Joseph Fisher; David & Pala)
 2 Cartier; Dubose & Deborah Lomax; Jerome Matz;)
 Gerald VonderAhe; David & Bernadette O'Neill;)
 3 James & Erika Furse; Richard Chester & Margot)
 Caughell; James & Harriet Wells; S.E. Lobello;)
 4 Marilou Friscia; James & Daisy Biava; Ronald &)
 Marilyn Wilson; Glenn Beck; Leo Cain; Jack &)
 5 Ingrid DeMichele; James & Rita Martin; Jose &)
 Mary Madrid; Harriet Perry; Jack & Susan)
 6 Topoleski; Robert & Ruby Wright; Vincente &)
 Gigandet; Richard Crombez; Kay Jeffries;)
 7 Joan Weinberger; Frank & Marie)
 Ficarotta; Jerry & Barbara Fisher; Allan &)
 8 Phyllis Kessler; David & Marilyn Kapel;)
 Jackson & Naomi Kohagura; Mary Sue Aldridge;)
 9 Shahron Smith Ulrich; Bruce & Margaret Lanard;)
 Ronald & Sharon Guengerich; David & Joyce)
 10 Pasquinelli; Daniel & Margaret Moon; Nancy Rose;)
 James & Iona Schell; Joseph & Colleen Steigerwald;)
 11 John & Ellen Carr; William & Denise Walker;)
 Shawn & Donald McClelland; Marianne Lee;)
 12 Gerald & Nancy Merz; Catherine Torres; Peter)
 Longwill; Myrna Edwards; Richard & Lydia Ho;)
 13 Frederick & Diane Bold; Brenda & Charlie Heuston;)
 Arthur & Ramona Konrad; Charles & Amelita)
 14 Criswell; Carol Johnson; Larry & Ann Butterfield;)
 Joyce Reed; Marlene Marcus; Lambert Motz;)
 15 George & Nancy Ginerelli; Jon Judy Griffin; Don &)
 Sharon McClelland; Michael & Lorraine Kennett;)
 16 Thomas Furjanic; Barbara Booth & Lani Kunel;)
 Timothy L. & Wilma E. Congelli; Ernest &)
 17 Zelda Spickler; Jules Vandenbroeke)
 Kenneth & Roberta Gray; John &)
 18 Charlotte Fecher; David & Janet Hockenber;)
 Richard & Jenny Ballow; Jeremiah & Ora Lee)
 19 Toomey; Elleen Shepardson; David & Joyce)
 Servello; Gary & Ruth Leis; Linda Smith)
 20 Theodore Brown; Michael & Dona Parady;)
 Robert & Arlene Nemesek; Theresa Burke; Bernard)
 21 & Elaine Halprin; Francis Toth; Linda Follocco; Les)
 & Nancy Dean; Charles & Patricia Simmons; Paul)
 22 & Ingrid Rose; Irene Butler; Virgil Francis; Shirley)
 Zeiner; Leonard & Beverly Mistretta; David &)
 23 Everal Ann Bashaw; Karen Walker; Katherine)
 Hopkins; Robert & Karen Case; Dave & Caroline)
 24 Morris; Donald & Rochelle Lyons; Robert & Nancy)
 Allen; Murphy & Joyce Scott; Anne Hollingsworth;)
 25 Salvatore Gilotta; Janet Castellini; Dolores Cappetto;)
 Al Katz; David Rosen; Herb & Linda Soloman; all)
 26 individuals; and POES 1 through 10,000,

27 Plaintiffs,

28 vs.

DEL WEBB COMMUNITIES, INC., a

1 Foreign Corporation, and DOES 1 through)
 2 1,000,)
 3 Defendants.)

4 COME NOW Plaintiffs, by and through their attorneys, ANGIUS & TERRY LLP, and for causes
 5 of action against Defendants, and each of them, allege as follows:

6 1.001. Plaintiff JUDITH TRIGGER is, and at all times herein mentioned was, the owner of
 7 the improved real property commonly known as 2533 Libretto Avenue, City of Henderson, parcel
 8 number, 190-06-316-008, situated in Clark County, Nevada.

9 1.002. Plaintiffs GEORGE & ANN SAVAGE are, and at all times herein mentioned were,
 10 the owners of the improved real property commonly known as 1601 Sebring Hills Drive, City of
 11 Henderson, parcel number 191-11-511-015, situated in Clark County, Nevada.

12 1.003. Plaintiffs PARKER & LOIS CLARK are, and at all times herein mentioned were, the
 13 owners of the improved real property commonly known as 1392 Couperin Drive, City of Henderson,
 14 parcel number 190-06-214-031, situated in Clark County, Nevada.

15 1.004. Plaintiffs BARRE & LaVERNE KENNERLEY are, and at all times herein mentioned
 16 were, the owners of the improved real property commonly known as 1437 Bonner Springs Drive,
 17 City of Henderson, parcel number 19-06-311-004, situated in Clark County, Nevada.

18 1.005. Plaintiff, BEVERLY SCHULTE, is, and at all times herein mentioned was, the owner
 19 of the improved real property commonly known as 1489 Bonner Springs Drive, City of Henderson,
 20 parcel number 190-06-410-004, situated in Clark County, Nevada.

21 1.006. Plaintiffs DAVID & NORMA BOOTH are, and at all times herein mentioned
 22 were, the owners of the improved real property commonly known as 1513 Bonner Springs Drive,
 23 City of Henderson, parcel number 190-06-410-010, situated in Clark County, Nevada.

24 1.007. Plaintiffs STEVEN & SUZANNE PARDON are, and at all times herein mentioned

1 were, the owners of the improved real property commonly known as 1517 Bonner Springs Drive,
2 City of Henderson, parcel number 190-06-410-011, situated in Clark County, Nevada.

3
4 1.008. Plaintiff PHYLLIS SHORT is, and at all times herein mentioned was, the owner of
5 the improved real property commonly known as 1525 Bonner Springs Drive, City of Henderson,
6 parcel number 190-06-410-013, situated in Clark County, Nevada.

7
8 1.009. Plaintiff JOHN CERBONE is, and at all times herein mentioned was, the owner of
9 the improved real property commonly known as 1544 Fieldbrook Street, City of Henderson, parcel
10 number 190-06-410-041, situated in Clark County, Nevada.

11
12 1.010. Plaintiffs WILLIAM & COLEEN HUSSEY are, and at all times herein mentioned
13 were, the owners of the improved real property commonly known as 1587 Fieldbrook Street, City of
14 Henderson, parcel number 190-06-410-177, situated in Clark County, Nevada.

15
16 1.011. Plaintiff TREVA ROLES is, and at all times herein mentioned was, the owner of the
17 improved real property commonly known as 1600 Wellington Springs Avenue, City of Henderson,
18 parcel number 191-12-110-033, situated in Clark County, Nevada.

19
20 1.012. Plaintiffs Harold & Susan Gerecht are, and at all times herein mentioned were, the
21 owners of the improved real property commonly known as 3115 Olivia Heights Avenue, City of
22 Henderson, parcel number 191-14-510-057, situated in Clark County, Nevada.

23
24 1.013. Plaintiffs EDWARD & VICTORIA WALKER are, and at all times herein mentioned
25 were, the owners of the improved real property commonly known as 1604 Thoreau Court, City of
26 Henderson, parcel number 191-12-512-066, situated in Clark County, Nevada.

27
28 1.014. Plaintiff ROBERT KUNDEL is, and at all times herein mentioned was, the owner of
the improved real property commonly known as 1606 Black Fox Canyon Road, City of Henderson,
parcel number 191-11-511-065, situated in Clark County, Nevada.

1 1.015. Plaintiff LEONA BREITUNG is, and at all times herein mentioned was, the owner of
2 the improved real property commonly known as 1610 Sebring Hills Drive, City of Henderson,
3 parcel number 191-11-511-081, situated in Clark County, Nevada.
4

5 1.016. Plaintiffs ENRICO & ANN MARIE TORCIVIA are, and at all times herein
6 mentioned were, the owners of the improved real property commonly known as 1612 Majestic Park
7 Drive, City of Henderson, parcel number 191-12-511-004, situated in Clark County, Nevada.
8

9 1.017. Plaintiff BRENT MONTGOMERY is, and at all times herein mentioned was, the
10 owner of the improved real property commonly known as 1612 Thoreau Court, City of Henderson,
11 parcel number 191-12-512-064, situated in Clark County, Nevada.

12 1.018. Plaintiff FLORETTA CHISOM is, and at all times herein mentioned was, the owner
13 of the improved real property commonly known as 1613 Thoreau Court, City of Henderson, parcel
14 number 191-12-512-071, situated in Clark County, Nevada.
15

16 1.019. Plaintiff KAREN FLEISCHER is, and at all times herein mentioned was, the owner
17 of the improved real property commonly known as 1614 Sebring Hills Drive, City of Henderson,
18 parcel number 191-11-511-080, situated in Clark County, Nevada.

19 1.020. Plaintiffs FRANK & JUDY BECKER are, and at all times herein mentioned were,
20 the owners of the improved real property commonly known as 1629 Williamsport Street, City of
21 Henderson, parcel number 191-12-510-008, situated in Clark County, Nevada.
22

23 1.021. Plaintiffs JOSEPH & SHERYL DEMIDIO are, and at all times herein mentioned
24 were, the owners of the improved real property commonly known as 1631 Rockcrest Hills, City of
25 Henderson, parcel number 191-12-110-071, situated in Clark County, Nevada.
26

27 1.022. Plaintiff BERNADINE RENSHAW is, and at all times herein mentioned was, the
28 owner of the improved real property commonly known as 1632 Black Fox Canyon Drive, City of

1 Henderson, parcel number 191-11-511-059, situated in Clark County, Nevada.

2 1.023. Plaintiffs BERNARD & MARLENE WEINSTEIN are, and at all times herein
3 mentioned were, the owners of the improved real property commonly known as, 1641 Rockcrest
4 Hills, City of Henderson, parcel number 191-12-110-069, situated in Clark County, Nevada.
5

6 1.024. Plaintiffs MILDRED PENN is, and at all times herein mentioned was, the owner of
7 the improved real property commonly known as 1645 Warrington Drive, City of Henderson, parcel
8 number 191-12-510-021, situated in Clark County, Nevada.

9 1.025. Plaintiffs JACK & MADELYN NITZKIN are, and at all times herein mentioned
10 were, the owners of the improved real property commonly known as 1653 Wellington Springs
11 Avenue, City of Henderson, parcel number 191-12-211-044, situated in Clark County, Nevada.
12

13 1.026. Plaintiff EDWARD GOTTFRIED is, and at all times herein mentioned was, the
14 owner of the improved real property commonly known as 1656 Black Fox Canyon Drive, City of
15 Henderson, parcel number 191-11-511-053, situated in Clark County, Nevada.
16

17 1.027. Plaintiff JACQUELINE JOHNSON is, and at all times herein mentioned was, the
18 owner of the improved real property commonly known as 1669 Warrington Drive, City of
19 Henderson, parcel number 191-12-610-006, situated in Clark County, Nevada.
20

21 1.028. Plaintiff MARY HOLBOROW is, and at all times herein mentioned was, the owner
22 of the improved real property commonly known as 1684 Sebring Hills Drive, City of Henderson,
23 parcel number 191-11-613-019, situated in Clark County, Nevada.

24 1.029. Plaintiffs JOSEPH & MARY KAY WHITE are, and at all times herein mentioned
25 were, the owners of the improved real property commonly known as 1688 Rockcrest Hills,
26 City of Henderson, parcel number 191-11-611-032, situated in Clark County, Nevada.
27

28 1.030. Plaintiffs JAMES & SARA DISS are, and at all times herein mentioned were, the

1 owners of the improved real property commonly known as 1691 Rockcrest Hills, City of Henderson,
2 parcel number 191-11-510-016, situated in Clark County, Nevada.

3 1.031. Plaintiffs FRANK & NANCY CIULLO are, and at all times herein mentioned were,
4 the owners of the improved real property commonly known as 1692 Sebring Hills Drive, City of
5 Henderson, parcel number 191-11-613-021, situated in Clark County, Nevada.
6

7 1.032. Plaintiffs APINANTANA & BOBBIE DULYANAI are, and at all times herein
8 mentioned were, the owners of the improved real property commonly known as 1693 Sebring Hills
9 Drive, City of Henderson, parcel number 191-11-613-014, situated in Clark County, Nevada.
10

11 1.033. Plaintiffs LYNN & DAVID PISETZNER are, and at all times herein mentioned
12 were, the owners of the improved real property commonly known as 1697 Black Fox Canyon Drive,
13 City of Henderson, parcel number 191-11-613-036, situated in Clark County, Nevada.

14 1.034. Plaintiffs WAYNE & SAUNDRA DENNEY are, and at all times herein mentioned
15 were, the owners of the improved real property commonly known as 1700 Rockcrest Hills, City of
16 Henderson, parcel number 191-11-611-029, situated in Clark County, Nevada.
17

18 1.035. Plaintiff MELVYN BECKER is, and at all times herein mentioned was, the owner of
19 the improved real property commonly known as 1726 Black Fox Canyon Drive, City of Henderson,
20 parcel number 191-11-613-060, situated in Clark County, Nevada.
21

22 1.036. Plaintiffs JOHN & CAROL BUCHANAN are, and at all times herein mentioned
23 were, the owners of the improved real property commonly known as 1728 Williamsport Street, City
24 of Henderson, parcel number 191-12-610-053, situated in Clark County, Nevada.

25 1.037. Plaintiff THOMAS SOONG is, and at all times herein mentioned was, the owner of
26 the improved real property commonly known as 1737 Williamsport Street, City of Henderson, parcel
27 number 191-12-610-152, situated in Clark County, Nevada.
28

1 1.038. Plaintiff ROBERT BETTENCOURT is, and at all times herein mentioned was, the
2 owner of the improved real property commonly known as 1744 Williamsport Street, City of
3 Henderson, parcel number 191-12-610-049, situated in Clark County, Nevada.
4

5 1.039. Plaintiffs ARTHUR & MARSHA HINDIN are, and at all times herein mentioned
6 were, the owners of the improved real property commonly known as 1817 Lake Wales Street,
7 City of Henderson, parcel number 191-12-210-100, situated in Clark County, Nevada.
8

9 1.040. Plaintiffs RODGER & MADELINE GOBEL are, and at all times herein mentioned
10 were, the owners of the improved real property commonly known as 1819 Baton Rouge Street,
11 City of Henderson, parcel number 191-12-210-008, situated in Clark County, Nevada.
12

13 1.041. Plaintiff Serafina Guanci is, and at all times herein mentioned was, the owner of the
14 improved real property commonly known as 1821 Lake Wales Street, City of Henderson, parcel
15 number 191-12-210-099, situated in Clark County, Nevada.
16

17 1.042. Plaintiffs Norman & Anita Rosen are, and at all times herein mentioned were, the
18 owners of the improved real property commonly known as 1825 Prichard Avenue, City of
19 Henderson, parcel number 191-11-612-007, situated in Clark County, Nevada.
20

21 1.043. Plaintiffs Jim & Lynn Casimir are, and at all times herein mentioned were, the owners
22 of the improved real property commonly known as 1834 Morganton Drive, City of Henderson, parcel
23 number 191-12-312-001, situated in Clark County, Nevada.
24

25 1.044. Plaintiff Nancy King is, and at all times herein mentioned was, the owner of the
26 improved real property commonly known as 1839 June Lake Drive, City of Henderson, parcel
27 number 191-11-710-006, situated in Clark County, Nevada.
28

1.045. Plaintiff Burton Richardson is, and at all times herein mentioned was, the owner of
the improved real property commonly known as 1842 June Lake Drive, City of Henderson, parcel

1 number 191-12-312-032, situated in Clark County, Nevada.

2 1.046. Plaintiff George Chapekis is, and at all times herein mentioned was, the owner of the
3 improved real property commonly known as 1846 Lake Wales Street, City of Henderson, parcel
4 number 191-12-210-090, situated in Clark County, Nevada.
5

6 1.047. Plaintiff Richard Whitaker is, and at all times herein mentioned was, the owner of the
7 improved real property commonly known as 1849 Tarrant City Street, City of Henderson, parcel
8 number 191-12-210-070, situated in Clark County, Nevada.
9

10 1.048. Plaintiff Arthur Kunis is, and at all times herein mentioned was, the owner of the
11 improved real property commonly known as 1851 June Lake Drive, City of Henderson, parcel
12 number 191-12-312-030, situated in Clark County, Nevada.

13 1.049. Plaintiffs Dale & Patricia Marquette are, and at all times herein mentioned were, the
14 owners of the improved real property commonly known as 1854 June Lake Drive, City of
15 Henderson, parcel number 191-12-312-035, situated in Clark County, Nevada.
16

17 1.050. Plaintiff Barbara Sakata Burrell is, and at all times herein mentioned was, the owner
18 of the improved real property commonly known as 1854 Morganton Drive, City of Henderson, parcel
19 number 191-12-312-005, situated in Clark County, Nevada.
20

21 1.051. Plaintiff June Lowry is, and at all times herein mentioned was, the owner of the
22 improved real property commonly known as 1855 June Lake Drive, City of Henderson, parcel
23 number 191-12-312-029, situated in Clark County, Nevada.

24 1.052. Plaintiff Richard Burrell is, and at all times herein mentioned was, the owner of the
25 improved real property commonly known as 1866 Morganton Drive, City of Henderson, parcel
26 number 191-12-312-008, situated in Clark County, Nevada.
27

28 1.053. Plaintiffs Burton & Faye Margolis are, and at all times herein mentioned were, the

1 owners of the improved real property commonly known as 1867 June Lake Drive, City of
2 Henderson, parcel number 191-12-312-026, situated in Clark County, Nevada.

3 1.054 Plaintiff Robert DeMartino is, and at all times herein mentioned was, the owner of the
4 improved real property commonly known as 1871 Morganton Drive, City of Henderson, parcel
5 number 191-12-312-042, situated in Clark County, Nevada.
6

7 1.055. Plaintiffs Rich & Sherrill Marquiss are, and at all times herein mentioned were, the
8 owners of the improved real property commonly known as 1873 Lemon Grove Street, City of
9 Henderson, parcel number 191-12-711-009, situated in Clark County, Nevada.
10

11 1.056. Plaintiffs Bernardo & Angela Santos are, and at all times herein mentioned were, the
12 owners of the improved real property commonly known as 1879 Logansport Street, City of
13 Henderson, parcel number 191-12-812-044, situated in Clark County, Nevada.

14 1.057. Plaintiffs William & Georgia Vickers are, and at all times herein mentioned were, the
15 owners of the improved real property commonly known as 1887 Logansport Street, City of
16 Henderson, parcel number 191-12-812-042, situated in Clark County, Nevada.
17

18 1.058. Plaintiffs Allan & Sharen Krojansky are, and at all times herein mentioned were, the
19 owners of the improved real property commonly known as 1887 Williamsport Street, City of
20 Henderson, parcel number 190-07-319-014, situated in Clark County, Nevada.

21 1.059. Plaintiffs Albert & Zipi Mimran are, and at all times herein mentioned were, the
22 owners of the improved real property commonly known as 1889 Hovenweep Street, City of
23 Henderson, parcel number 190-07-410-006, situated in Clark County, Nevada.
24

25 1.060. Plaintiffs Vincent & Patricia Graeff are, and at all times herein mentioned were, the
26 owners of the improved real property commonly known as 1890 Lemon Grove Street, City of
27 Henderson, parcel number 191-21-711-043, situated in Clark County, Nevada.
28

1 1.061. Plaintiffs Dave & Caroline Barber are, and at all times herein mentioned were, the
2 owners of the improved real property commonly known as 1890 Wallingsford Street, City of
3 Henderson, parcel number 191-12-812-059, situated in Clark County, Nevada.
4

5 1.062. Plaintiff Dave Tunick is, and at all times herein mentioned was, the owner of the
6 improved real property commonly known as 1892 Hovenweep Street, City of Henderson, parcel
7 number 190-07-410-016, situated in Clark County, Nevada.
8

9 1.063. Plaintiffs David & Diana McGovern are, and at all times herein mentioned were, the
10 owners of the improved real property commonly known as 1894 Williamsport Street, City of
11 Henderson, parcel number 190-07-414-001, situated in Clark County, Nevada.
12

13 1.064. Plaintiff Albert Fried is, and at all times herein mentioned was, the owner of the
14 improved real property commonly known as 1895 Lemon Grove Street, City of Henderson, parcel
15 number 191-12-711-039, situated in Clark County, Nevada.
16

17 1.065. Plaintiff Jerry Theo is, and at all times herein mentioned was, the owner of the
18 improved real property commonly known as 1895 Logansport Street, City of Henderson, parcel
19 number 191-12-812-040, situated in Clark County, Nevada.
20

21 1.066. Plaintiff Marilyn Hendrickson is, and at all times herein mentioned was, the owner of
22 the improved real property commonly known as 1898 Lemon Grove Street, City of Henderson,
23 parcel number 191-12-711-041, situated in Clark County, Nevada.
24

25 1.067. Plaintiff Lorna Campbell is, and at all times herein mentioned was, the owner of the
26 improved real property commonly known as 1898 Wallingsford Street, City of Henderson, parcel
27 number 191-12-812-057, situated in Clark County, Nevada.
28

1.068. Plaintiffs Delmar & Maryann Brimm are, and at all times herein mentioned were, the
owners of the improved real property commonly known as 1899 Logansport Street, City of

1 Henderson, parcel number 191-12-812-039, situated in Clark County, Nevada.

2 1.069. Plaintiff Marvin Lifschitz is, and at all times herein mentioned was, the owner of the
3 improved real property commonly known as 1924 Oliver Springs Street, City of Henderson, parcel
4 number 191-11-713-025, situated in Clark County, Nevada.

5
6 1.070. Plaintiff Robert Buckmaster is, and at all times herein mentioned was, the owner of
7 the improved real property commonly known as 1928 Oliver Springs Street, City of Henderson,
8 parcel number 191-11-713-026, situated in Clark County, Nevada.

9
10 1.071. Plaintiffs William D'Andrea is, and at all times herein mentioned was, the owner of
11 the improved real property commonly known as 1931 Valley Center Drive, City of Henderson,
12 parcel number 191-13-514-011, situated in Clark County, Nevada.

13 1.072. Plaintiff Sieglinde Stone is, and at all times herein mentioned was, the owner of the
14 improved real property commonly known as 1932 Oliver Springs Street, City of Henderson, parcel
15 number 191-12-411-001, situated in Clark County, Nevada.

16
17 1.073. Plaintiffs Thomas & Betty Bouchard are, and at all times herein mentioned were, the
18 owners of the improved real property commonly known as 1936 Oliver Springs Street, City of
19 Henderson, parcel number 191-12-411-002, situated in Clark County, Nevada.

20 1.074. Plaintiffs William & Donna Liebman are, and at all times herein mentioned were, the
21 owners of the improved real property commonly known as 2001 Colvin Run Drive, City of
22 Henderson, parcel number 191-12-410-055, situated in Clark County, Nevada.

23
24 1.075. Plaintiffs Jerry & Sherolyn Taylor are, and at all times herein mentioned were, the
25 owners of the improved real property commonly known as 2005 Colvin Run Drive, City of
26 Henderson, parcel number 191-12-410-054, situated in Clark County, Nevada.

27 1.076. Plaintiffs Larry Liebowitz & Linda Jaros are, and at all times herein mentioned were,
28

1 the owners of the improved real property commonly known as 2007 Fort Halifax Street, City of
2 Henderson, parcel number 191-12-112-017, situated in Clark County, Nevada.

3
4 1.077. Plaintiff Howard Adler is, and at all times herein mentioned was, the owner of the
5 improved real property commonly known as 2011 Fort Halifax Street, City of Henderson, parcel
6 number 191-13-112-018, situated in Clark County, Nevada.

7
8 1.078. Plaintiff Diane Schultheis is, and at all times herein mentioned was, the owner of the
9 improved real property commonly known as 2012 Colvin Run Drive, City of Henderson, parcel
10 number 191-12-410-016, situated in Clark County, Nevada.

11
12 1.079. Plaintiffs Malcom & Beverly Lynch are, and at all times herein mentioned were, the
13 owners of the improved real property commonly known as 2012 Oliver Springs Street, City of
14 Henderson, parcel number 191-12-411-020, situated in Clark County, Nevada.

15
16 1.080. Plaintiffs Roy & Diana Isaia are, and at all times herein mentioned were, the owners
17 of the improved real property commonly known as 2013 DiPinto Avenue, City of Henderson, parcel
18 number 191-13-512-004, situated in Clark County, Nevada.

19
20 1.081. Plaintiffs Harry & Anita Stoehr are, and at all times herein mentioned were, the
21 owners of the improved real property commonly known as 2016 Colvin Run Drive, City of
22 Henderson, parcel number 191-12-410-017, situated in Clark County, Nevada.

23
24 1.082. Plaintiffs Ira & Brenda Tishk are, and at all times herein mentioned were, the owners
25 of the improved real property commonly known as 2017 Colvin Run Drive, City of Henderson,
26 parcel number 191-12-410-051, situated in Clark County, Nevada.

27
28 1.083. Plaintiffs Stanley & Sylvia Moss are, and at all times herein mentioned were, the
owners of the improved real property commonly known as 2017 DiPinto Avenue, City of Henderson,
parcel number 191-13-512-005, situated in Clark County, Nevada.

1 1.084. Plaintiff Zakir Majid is, and at all times herein mentioned was, the owner of the
2 improved real property commonly known as 2019 Oliver Springs Street, City of Henderson, parcel
3 number 191-13-112-036, situated in Clark County, Nevada.
4

5 1.085. Plaintiff Eleanor Lapin is, and at all times herein mentioned was, the owner of the
6 improved real property commonly known as 2020 Biloxi Pass, City of Henderson, parcel number
7 191-18-110-028, situated in Clark County, Nevada.
8

9 1.086. Plaintiff Janet Kelley is, and at all times herein mentioned was, the owner of the
10 improved real property commonly known as 2024 Oliver Springs Street, City of Henderson, parcel
11 number 191-13-112-001, situated in Clark County, Nevada.
12

13 1.087. Plaintiffs Michael & Karen Bergman are, and at all times herein mentioned were, the
14 owners of the improved real property commonly known as 2027 May Valley Way, City of Henderson,
15 parcel number 191-13-110-092, situated in Clark County, Nevada.
16

17 1.088. Plaintiffs Jerry & Rowena Wang are, and at all times herein mentioned were, the
18 owners of the improved real property commonly known as 2030 Oliver Springs Street, City of
19 Henderson, parcel number 191-13-112-002, situated in Clark County, Nevada.
20

21 1.089. Plaintiff Judith Maldonado is, and at all times herein mentioned was, the owner of the
22 improved real property commonly known as 2033 Crown View Street, City of Henderson, parcel
23 number 191-13-110-099, situated in Clark County, Nevada.
24

25 1.090. Plaintiffs Larry & Myrna Orlov are, and at all times herein mentioned were, the owners
26 of the improved real property commonly known as 2036 Wolverine Court, City of Henderson, parcel
27 number 191-13-513-049, situated in Clark County, Nevada.
28

1.091. Plaintiffs Don Ketchel & Beverly Fuller are, and at all times herein mentioned were,
the owners of the improved real property commonly known as 2051 Mountain City Street,

1 City of Henderson, parcel number 191-13-112-049, situated in Clark County, Nevada.

2 1.092. Plaintiffs Stephen & Leslie Gallen are, and at all times herein mentioned were, the
3 owners of the improved real property commonly known as 2053 May Valley Way, City of Henderson,
4 parcel number 191-13-110-064, situated in Clark County, Nevada.
5

6 1.093. Plaintiffs Eugene & Yolanda Greenberg are, and at all times herein mentioned were,
7 the owners of the improved real property commonly known as 2057 Colvin Run Drive, City of
8 Henderson, parcel number 191-13-110-008, situated in Clark County, Nevada.
9

10 1.094. Plaintiffs Barry & Pamela Archie are, and at all times herein mentioned were, the
11 owners of the improved real property commonly known as 2060 Colvin Run Drive, City of
12 Henderson, parcel number 191-13-110-115, situated in Clark County, Nevada.

13 1.095. Plaintiff Martha Wade is, and at all times herein mentioned was, the owner of the
14 improved real property commonly known as 2061 Colvin Run Drive, City of Henderson, parcel
15 number 191-13-110-009, situated in Clark County, Nevada.
16

17 1.096. Plaintiffs Russell & Helen Klingler are, and at all times herein mentioned were, the
18 owners of the improved real property commonly known as 2065 Colvin Run Drive, City of
19 Henderson, parcel number 191-13-110-010, situated in Clark County, Nevada.
20

21 1.097. Plaintiffs George & Judith Frankhouser are, and at all times herein mentioned were,
22 the owners of the improved real property commonly known as 2071 Cambridge Springs Drive,
23 City of Henderson, parcel number 190-18-510-048, situated in Clark County, Nevada.

24 1.098. Plaintiffs James & Davida Handler are, and at all times herein mentioned were, the
25 owners of the improved real property commonly known as 2077 Crown View Street , City of
26 Henderson, parcel number 191-13-110-110, situated in Clark County, Nevada.
27

28 1.099. Plaintiff Janice George is, and at all times herein mentioned was, the owner of the

1 improved real property commonly known as 2078 Wildwood Lake Street, City of Henderson, parcel
2 number 191-13-113-050, situated in Clark County, Nevada.

3
4 1.100. Plaintiffs Jerry & Sharon Krasn are, and at all times herein mentioned were, the
5 owners of the improved real property commonly known as 2080 Bliss Corner, City of Henderson,
6 parcel number 191-18-617-021, situated in Clark County, Nevada.

7
8 1.101. Plaintiff Susan Bivens Maddox is, and at all times herein mentioned was, the owner of
9 the improved real property commonly known as 2080 Fort Halifax Street, City of Henderson, parcel
10 number 191-13-113-075, situated in Clark County, Nevada.

11
12 1.102. Plaintiff Leonard Esposito is, and at all times herein mentioned was the owner of the
13 improved real property commonly known as 2085 Twin Falls Drive, City of Henderson, parcel
14 number 190-18-513-036, situated in Clark County, Nevada.

15
16 1.103 Plaintiffs Joseph & Monika Padjune are, and at all times herein mentioned were, the
17 owners of the improved real property commonly known as 2093 Twin Falls Drive, City of Henderson,
18 parcel number 190-18-513-034, situated in Clark County, Nevada.

19
20 1.104. Plaintiff Bernard Siegel is, and at all times herein mentioned was, the owner of the
21 improved real property commonly known as 2115 Bannerwood Street, City of Henderson, parcel
22 number 190-17-112-020, situated in Clark County, Nevada.

23
24 1.105. Plaintiff Robert Levy is, and at all times herein mentioned was, the owner of the
25 improved real property commonly known as 2115 Bensley Street, City of Henderson, parcel number
26 190-17-112-027, situated in Clark County, Nevada.

27
28 1.106. Plaintiffs Leon & Hedy Gordon are, and at all times herein mentioned were, the
owners of the improved real property commonly known as 2119 Gunnison Place, City of Henderson,
parcel number 190-17-411-082, situated in Clark County, Nevada.

1 1.107. Plaintiffs Steven & Barbara Busch are, and at all times herein mentioned were, the
2 owners of the improved real property commonly known as 2120 Twin Falls Drive, City of
3 Henderson, parcel number 190-18-610-060, situated in Clark County, Nevada.
4

5 1.108. Plaintiffs Jon & Barbara Remlinger are, and at all times herein mentioned were, the
6 owners of the improved real property commonly known as 2128 Silent Echoes Drive, City of
7 Henderson, parcel number 190-17-212-019, situated in Clark County, Nevada.
8

9 1.109. Plaintiffs Edward & Neomi Dali are, and at all times herein mentioned were, the
10 owners of the improved real property commonly known as 2132 Bliss Corner, City of Henderson,
11 parcel number 190-18-617-038, situated in Clark County, Nevada.
12

13 1.110. Plaintiffs Carlos & Maria Marcaccini are and at all times herein mentioned were, the
14 owners of the improved real property commonly known as 2132 Mountain City Street, City of
15 Henderson, parcel number 191-13-213-075, situated in Clark County, Nevada.
16

17 1.111. Plaintiff Steve Gallen is, and at all times herein mentioned was, the owner of the
18 improved real property commonly known as 2134 Clearwater Lake Drive, City of Henderson, parcel
19 number 190-18-611-006, situated in Clark County, Nevada.
20

21 1.112. Plaintiff Leslie Gallen is, and at all times herein mentioned was, the owner of the
22 improved real property commonly known as 2135 Sawtooth Mountain Drive, City of Henderson,
23 parcel number 190-18-611-060, situated in Clark County, Nevada.
24

25 1.113. Plaintiffs Harold & Susan Gerech are, and at all times herein mentioned were, the
26 owners of the improved real property commonly known as 2140 Shadow Canyon Drive, City of
27 Henderson, parcel number 190-17-211-042, situated in Clark County, Nevada.
28

1.114. Plaintiff Suzane Searson is, and at all times herein mentioned was, the owner of the
improved real property commonly known as 2144 Bensley Street, City of Henderson, parcel number

1 190-17-211-085, situated in Clark County, Nevada.

2 1.115. Plaintiffs Anthony Accola & Marie Derro are, and at all times herein mentioned were,
3 the owners of the improved real property commonly known as 2147 Cumberland Drive, City of
4 Henderson, parcel number 190-18-212-045, situated in Clark County, Nevada.
5

6 1.116. Plaintiffs Jeff & Kathleen Berkow are, and at all times herein mentioned were, the
7 owners of the improved real property commonly known as 2149 Silent Echoes Drive, City of
8 Henderson, parcel number 190-17-212-005, situated in Clark County, Nevada.
9

10 1.117. Plaintiff Juliet LeBlanc is, and at all times herein mentioned was, the owner of the
11 improved real property commonly known as 2151 Fairweather Street, City of Henderson, parcel
12 number 191-13-710-026, situated in Clark County, Nevada.

13 1.118. Plaintiff Paul Abrams is, and at all times herein mentioned was, the owner of the
14 improved real property commonly known as 2153 Mountain City Street, City of Henderson, parcel
15 number 191-13-213-089, situated in Clark County, Nevada.
16

17 1.119. Plaintiff Randy Rutkin is, and at all times herein mentioned was, the owner of the
18 improved real property commonly known as 2154 Maple Heights Court, City of Henderson, parcel
19 number 191-14-510-051, situated in Clark County, Nevada.
20

21 1.120. Plaintiffs Ardwin & Beverly Block are, and at all times herein mentioned were, the
22 owners of the improved real property commonly known as 2156 Bensley Street, City of Henderson,
23 parcel number 190-17-211-082, situated in Clark County, Nevada.

24 1.121. Plaintiff Judy Rubinsky is, and at all times herein mentioned was, the owner of the
25 improved real property commonly known as 2156 Mountain City Street, City of Henderson, parcel
26 number 191-13-213-069, situated in Clark County, Nevada.
27

28 1.122. Plaintiff Michael Albert is, and at all times herein mentioned was, the owner of the

1 improved real property commonly known as 2159 Mountain City Street, City of Henderson, parcel
2 number 191-13-213-090, situated in Clark County, Nevada.

3
4 1.123. Plaintiffs Don & Sue Littman are, and at all times herein mentioned were, the owners
5 of the improved real property commonly known as 2161 Madison Heights Street, City of Henderson,
6 parcel number 191-13-212-130, situated in Clark County, Nevada.

7
8 1.124. Plaintiffs Alan & Marcia Erlich are, and at all times herein mentioned were, the owners
9 of the improved real property commonly known as 2162 Cumberland Drive, City of Henderson,
10 parcel number 190-18-211-070, situated in Clark County, Nevada.

11
12 1.125. Plaintiffs Ruben & Losario Lontok are, and at all times herein mentioned were, the
13 owners of the improved real property commonly known as 2164 Mountain City Street, City of
14 Henderson, parcel number 191-13-213-067, situated in Clark County, Nevada.

15
16 1.126. Plaintiff Deborah Wagner is, and at all times herein mentioned was the owner of the
17 improved real property commonly known as 2167 Bensley Street, City of Henderson, parcel number
18 190-17-211-050, situated in Clark County, Nevada.

19
20 1.127. Plaintiffs Cliff & Vicky Gorov are and at all times herein mentioned were, the owners
21 of the improved real property commonly known as 2170 Peyton Park Street, City of Henderson,
22 parcel number 191-13-212-028, situated in Clark County, Nevada.

23
24 1.128. Plaintiffs John & Barbara Seely are and at all times herein mentioned were, the owners
25 of the improved real property commonly known as 2175 Fairweather Street, City of Henderson,
26 parcel number 191-13-710-020, situated in Clark County, Nevada.

27
28 1.129. Plaintiffs Lon & Martha Penton are and at all times herein mentioned were, the owners
of the improved real property commonly known as 2176 Fairweather Street, City of Henderson,
parcel number 191-13-710-033, situated in Clark County, Nevada.

1 1.130. Plaintiffs Stephen & Florine Goldberg are and at all times herein mentioned were, the
2 owners of the improved real property commonly known as 2177 Magnolia Pond Court, City of
3 Henderson, parcel number 191-13-211-005, situated in Clark County, Nevada.
4

5 1.131. Plaintiffs Ralph & Audrey Fraenza are, and at all times herein mentioned were, the
6 owners of the improved real property commonly known as 2180 Madison Heights Street, City of
7 Henderson, parcel number 191-13-211-004, situated in Clark County, Nevada.
8

9 1.132. Plaintiffs Jim & Gretchen Buhler are, and at all times herein mentioned were, the
10 owners of the improved real property commonly known as 2181 Mountain City Street, City of
11 Henderson, parcel number 191-13-213-094, situated in Clark County, Nevada.
12

13 1.133. Plaintiffs Richard & Joyce Suckerman are and at all times herein mentioned were, the
14 owners of the improved real property commonly known as 2184 Silent Echoes Drive, City of
15 Henderson, parcel number 190-17-312-015, situated in Clark County, Nevada.
16

17 1.134. Plaintiffs Richard & Carol Skarke are, and at all times herein mentioned were, the
18 owners of the improved real property commonly known as 2186 Oliver Springs Street, City of
19 Henderson, parcel number 191-13-213-097, situated in Clark County, Nevada.
20

21 1.135. Plaintiffs Burton & Elaine Schwartz are, and at all times herein mentioned were, the
22 owners of the improved real property commonly known as 2187 Clearwater Lake Drive, City of
23 Henderson, parcel number 190-18-313-001, situated in Clark County, Nevada.
24

25 1.136. Plaintiffs Dennis & Bernadette Balog are, and at all times herein mentioned were, the
26 owners of the improved real property commonly known as 2187 Oliver Springs Street, City of
27 Henderson, parcel number 191-13-213-023, situated in Clark County, Nevada.
28

1.137. Plaintiff Eric Evans is, and at all times herein mentioned was, the owner of the
improved real property commonly known as 2202 Sandstone Cliffs Drive, City of Henderson, parcel

1 number 190-18-613-098, situated in Clark County, Nevada.

2 1.138. Plaintiffs Joe & Martha Gallardo are and at all times herein mentioned were, the
3 owners of the improved real property commonly known as 2221 River Grove Drive, City of
4 Henderson, parcel number 190-18-315-003, situated in Clark County, Nevada.
5

6 1.139. Plaintiff Susan Bivens Maddox is, and at all times herein mentioned was, the owner of
7 the improved real property commonly known as 2227 Bannerwood Street, City of Henderson,
8 parcel number 190-17-310-036, situated in Clark County, Nevada.
9

10 1.140. Plaintiffs Fred & Jane Kier are and at all times herein mentioned were, the owners of
11 the improved real property commonly known as 2238 Discovery Lake Court, City of Henderson,
12 parcel number 190-17-112-086, situated in Clark County, Nevada.

13 1.141 Plaintiff Lauren Thomas is, and at all times herein mentioned was, the owner of the
14 improved real property commonly known as 2287 Potter Lake Avenue, City of Henderson, parcel
15 number 191-13-411-019, situated in Clark County, Nevada.
16

17 1.142. Plaintiff Alfred Danisch is, and at all times herein mentioned was, the owner of the
18 improved real property commonly known as 2293 Savannah River Street, City of Henderson, parcel
19 number 190-18-811-004, situated in Clark County, Nevada.
20

21 1.143. Plaintiff Helen London is, and at all times herein mentioned was, the owner of the
22 improved real property commonly known as 2300 Fossil Canyon Drive, City of Henderson, parcel
23 number 191-13-312-022, situated in Clark County, Nevada.

24 1.144. Plaintiffs Nicholas & Camille Cetrulo are and at all times herein mentioned were, the
25 owners of the improved real property commonly known as 2302 Desert Fox Drive, City of
26 Henderson, parcel number 191-13-312-025, situated in Clark County, Nevada.
27

28 1.145. Plaintiffs Robert & Barbara Platt are and at all times herein mentioned were, the

1 owners of the improved real property commonly known as 2303 Desert Fox Drive, City of
2 Henderson, parcel number 191-13-312-032, situated in Clark County, Nevada.

3 1.146. Plaintiffs Jack & Barbara Khanjian are and at all times herein mentioned were, the
4 owners of the improved real property commonly known as 2306 Desert Fox Drive, City of
5 Henderson, parcel number 191-13-312-026, situated in Clark County, Nevada.
6

7 1.147. Plaintiff Philip Melby is, and at all times herein mentioned was, the owner of the
8 improved real property commonly known as 2307 Desert Fox Drive, City of Henderson, parcel
9 number 191-13-312-031, situated in Clark County, Nevada.
10

11 1.148. Plaintiffs Vernon & Denatilus Price are and at all times herein mentioned were, the
12 owners of the improved real property commonly known as 2312 Desert Fox Drive, City of
13 Henderson, parcel number 191-13-312-027, situated in Clark County, Nevada.

14 1.149. Plaintiff Karen Hodapp is, and at all times herein mentioned was, the owner of the
15 improved real property commonly known as 2312 Great Elk Drive, City of Henderson, parcel
16 number 191-13-410-081, situated in Clark County, Nevada.
17

18 1.150. Plaintiffs Robert & Barbara Sansing are and at all times herein mentioned were, the
19 owners of the improved real property commonly known as 2317 Fossil Canyon Drive, City of
20 Henderson, parcel number 191-13-410-047, situated in Clark County, Nevada.
21

22 1.151. Plaintiffs Rick & Lois Ernest are, and at all times herein mentioned were, the owners
23 of the improved real property commonly known as 2322 Desert Fox Drive, City of Henderson, parcel
24 number 191-13-410-035, situated in Clark County, Nevada.

25 1.152. Plaintiff Lora Sue Walker, is and at all times herein mentioned was, the owner of the
26 improved real property commonly known as 2327 Desert Fox Drive, City of Henderson, parcel
27 number 191-13-410-032, situated in Clark County, Nevada.
28

1 1.153. Plaintiffs Jose & Rosemary Cabezas are and at all times herein mentioned were, the
2 owners of the improved real property commonly known as 2328 Fossil Canyon Drive, City of
3 Henderson, parcel number 191-13-410-056, situated in Clark County, Nevada.
4

5 1.154. Plaintiff Tamara Kim is, and at all times herein mentioned was, the owner of the
6 improved real property commonly known as 2328 Great Elk Drive, City of Henderson, parcel
7 number 191-13-410-085, situated in Clark County, Nevada.
8

9 1.155. Plaintiff Bobby Church is, and at all times herein mentioned was, the owner of the
10 improved real property commonly known as 2380 Blooming Valley Court, City of Henderson, parcel
11 number 190-18-112-006, situated in Clark County, Nevada.
12

13 1.156. Plaintiffs Robert & Barbara Sansing are and at all times herein mentioned were, the
14 owners of the improved real property commonly known as 2385 Fayetteville Avenue, City of
15 Henderson, parcel number 190-07-415-009, situated in Clark County, Nevada.
16

17 1.157. Plaintiffs George & Desneige Atteberry are and at all times herein mentioned were, the
18 owners of the improved real property commonly known as 2386 Sandstone Cliffs Drive, City of
19 Henderson, parcel number 190-18-513-002, situated in Clark County, Nevada.
20

21 1.158. Plaintiffs Ralph & Janice Boyd are and at all times herein mentioned were, the owners
22 of the improved real property commonly known as 2418 Hardin Ridge Drive, City of Henderson,
23 parcel number 191-13-711-036, situated in Clark County, Nevada.
24

25 1.159. Plaintiffs John & Page Hawken are and at all times herein mentioned were, the owners
26 of the improved real property commonly known as 2493 Atchley Drive, City of Henderson, parcel
27 number 190-18-114-001, situated in Clark County, Nevada.
28

1.160. Plaintiffs Gabriel & Mary Ann Papio are and at all times herein mentioned were, the
owners of the improved real property commonly known as 2507 Libretto Avenue, City of Henderson,

1 parcel number 190-06-316-023, situated in Clark County, Nevada.

2 1.161. Plaintiff Rosalie Huffman is, and at all times herein mentioned was, the owner of the
3 improved real property commonly known as 2511 Capriccio Avenue, City of Henderson, parcel
4 number 190-06-214-025, situated in Clark County, Nevada.

5
6 1.162. Plaintiffs Paul & Harriet Herman are and at all times herein mentioned were, the
7 owners of the improved real property commonly known as 2524 Leighton Avenue, City of
8 Henderson, parcel number 190-06-311-091, situated in Clark County, Nevada.

9
10 1.163. Plaintiff Judith Trigger is, and at all times herein mentioned was, the owner of the
11 improved real property commonly known as 2533 Libretto Avenue, City of Henderson, parcel
12 number 190-06-316-008, situated in Clark County, Nevada.

13 1.164. Plaintiffs David & Joyce Holm are and at all times herein mentioned were, the owners
14 of the improved real property commonly known as 2534 Deora Way, City of Henderson, parcel
15 number 190-18-314-090, situated in Clark County, Nevada.

16
17 1.165. Plaintiffs Dick & Jeraldne McEwen are and at all times herein mentioned were, the
18 owners of the improved real property commonly known as 2545 Grandville Avenue, City of
19 Henderson, parcel number 190-06-410-109, situated in Clark County, Nevada.

20 1.166. Plaintiff Charlotte Goodman is, and at all times herein mentioned was, the owner of
21 the improved real property commonly known as 2549 Terrytown Avenue, City of Henderson, parcel
22 number 190-06-410-074, situated in Clark County, Nevada.

23
24 1.167. Plaintiff Peggy Caro is, and at all times herein mentioned was, the owner of the
25 improved real property commonly known as 2551 Collinsville Drive, City of Henderson, parcel
26 number 190-18-110-025, situated in Clark County, Nevada.

27 1.168. Plaintiff Rita Malkin is, and at all times herein mentioned was, the owner of the
28

1 improved real property commonly known as 2552 Terrytown Avenue, City of Henderson, parcel
2 number 190-06-410-054, situated in Clark County, Nevada.

3 1.169. Plaintiffs Beverly & Howard Wertz are, and at all times herein mentioned were, the
4 owners of the improved real property commonly known as 2557 Thatcher Avenue, City of
5 Henderson, parcel number 191-12-512-082, situated in Clark County, Nevada.

6 1.170. Plaintiffs Melvin & Francine Siegel are, and at all times herein mentioned were, the
7 owners of the improved real property commonly known as 2558 Terrytown Avenue, City of
8 Henderson, parcel number 190-06-410-055, situated in Clark County, Nevada.

9 1.171. Plaintiffs Edward & Barbara Burrell are, and at all times herein mentioned were, the
10 owners of the improved real property commonly known as 2559 Evening Sky Drive, City of
11 Henderson, parcel number 190-07-220-012, situated in Clark County, Nevada.

12 1.172. Plaintiffs Franklin & Bobbie Baker are, and at all times herein mentioned were, the
13 owners of the improved real property commonly known as 2560 Woodson Avenue, City of
14 Henderson, parcel number 190-06-311-131, situated in Clark County, Nevada.

15 1.173. Plaintiffs Priscilla & Don Driscoll are, and at all times herein mentioned were, the
16 owners of the improved real property commonly known as 2565 Woodson Avenue, City of
17 Henderson, parcel number 190-06-311-145, situated in Clark County, Nevada.

18 1.174. Plaintiff Dave Tunick is, and at all times herein mentioned was, the owner of the
19 improved real property commonly known as 2569 Terrytown Avenue, City of Henderson, parcel
20 number 190-06-410-069, situated in Clark County, Nevada.

21 1.175. Plaintiff Ethel Beigelman is, and at all times herein mentioned was, the owner of the
22 improved real property commonly known as 2578 Terrytown Avenue, City of Henderson, parcel
23 number 190-06-410-060, situated in Clark County, Nevada.

1 1.176. Plaintiff Mary English is, and at all times herein mentioned was, the owner of the
2 improved real property commonly known as 2582 Leighton Avenue, City of Henderson, parcel
3 number 190-06-311-104, situated in Clark County, Nevada.
4

5 1.177. Plaintiffs Nicholas & Marlene Andros are, and at all times herein mentioned were, the
6 owners of the improved real property commonly known as 2582 Terrytown Avenue, City of
7 Henderson, parcel number 190-06-410-061, situated in Clark County, Nevada.
8

9 1.178. Plaintiffs Robert & Phyllis Daugherty are, and at all times herein mentioned were, the
10 owners of the improved real property commonly known as 2585 Shellsburg Avenue, City of
11 Henderson, parcel number 190-06-311-015, situated in Clark County, Nevada.
12

13 1.179. Plaintiffs Anthony & Irene Janicki are, and at all times herein mentioned were, the
14 owners of the improved real property commonly known as 2586 Terrytown Avenue, City of
15 Henderson, parcel number 190-06-410-062, situated in Clark County, Nevada.
16

17 1.180. Plaintiff Curtis Matke is, and at all times herein mentioned was, the owner of the
18 improved real property commonly known as 2589 Terrytown Avenue, City of Henderson, parcel
19 number 190-06-410-064, situated in Clark County, Nevada.
20

21 1.181. Plaintiffs Edward & Joelia Cullen are, and at all times herein mentioned were, the
22 owners of the improved real property commonly known as 2590 Terrytown Avenue, City of
23 Henderson, parcel number 190-06-410-063, situated in Clark County, Nevada.
24

25 1.182. Plaintiffs Anthony & Loretta Zeppieri are, and at all times herein mentioned were, the
26 owners of the improved real property commonly known as 2592 Evening Sky Drive, City of
27 Henderson, parcel number 190-07-220-025, situated in Clark County, Nevada.
28

1.183. Plaintiffs Robert & Marilyn LaMonte are, and at all times herein mentioned were, the
owners of the improved real property commonly known as 2605 Rangely Avenue, City of

1 Henderson, parcel number 191-12-610-147, situated in Clark County, Nevada.

2 1.184. Plaintiff Carol Barash is, and at all times herein mentioned was, the owner of the
3 improved real property commonly known as 2606 Evening Sky Drive, City of Henderson, parcel
4 number 190-07-119-035, situated in Clark County, Nevada.
5

6 1.185. Plaintiffs Glen & Barbara Panning are, and at all times herein mentioned were, the
7 owners of the improved real property commonly known as 2608 Arimo Drive, City of Henderson,
8 parcel number 191-12-510-013, situated in Clark County, Nevada.
9

10 1.186. Plaintiffs Milton & Dolores Gee are, and at all times herein mentioned were, the
11 owners of the improved real property commonly known as 2609 Arimo Drive, City of Henderson,
12 parcel number 191-12-510-029, situated in Clark County, Nevada.

13 1.187. Plaintiff Howard Roberts is, and at all times herein mentioned was, the owner of the
14 improved real property commonly known as 2612 Arimo Drive, City of Henderson, parcel number
15 191-12-510-014, situated in Clark County, Nevada.
16

17 1.188. Plaintiff James Condor is, and at all times herein mentioned was, the owner of the
18 improved real property commonly known as 2617 Peoria Avenue, City of Henderson, parcel
19 number 191-12-610-132, situated in Clark County, Nevada.
20

21 1.189. Plaintiffs Richard & Theresa Tewes are, and at all times herein mentioned were, the
22 owners of the improved real property commonly known as 2625 Peoria Avenue, City of Henderson,
23 parcel number 191-12-610-131, situated in Clark County, Nevada.

24 1.190. Plaintiffs Philip & Matilda Bonacci are, and at all times herein mentioned were, the
25 owners of the improved real property commonly known as 2633 Peoria Avenue, City of Henderson,
26 parcel number 191-12-610-130, situated in Clark County, Nevada.
27

28 1.191. Plaintiffs Harold & Annette Israel are, and at all times herein mentioned were, the

1 owners of the improved real property commonly known as 2636 Arimo Drive, City of Henderson,
2 parcel number 191-12-510-019, situated in Clark County, Nevada.

3
4 1.192. Plaintiffs Joe & Hazel Martinez are, and at all times herein mentioned were, the
5 owners of the improved real property commonly known as 2637 Peoria Avenue, City of Henderson,
6 parcel number 191-12-610-129, situated in Clark County, Nevada.

7
8 1.193. Plaintiffs Donald & Jane Kusel are, and at all times herein mentioned were, the owners
9 of the improved real property commonly known as 2645 Evening Sky Drive, City of Henderson,
10 parcel number 191-21-512-039, situated in Clark County, Nevada.

11
12 1.194. Plaintiff George Husa is, and at all times herein mentioned was, the owner of the
13 improved real property commonly known as 2649 Evening Sky Drive, City of Henderson, parcel
14 number 191-12-512-038, situated in Clark County, Nevada.

15
16 1.195. Plaintiffs Robert & Janice Blake are, and at all times herein mentioned were, the
17 owners of the improved real property commonly known as 2652 Riceville Drive, City of Henderson,
18 parcel number 191-12-812-024, situated in Clark County, Nevada.

19
20 1.196. Plaintiff Shirley Tullos is, and at all times herein mentioned was, the owner of the
21 improved real property commonly known as 2657 Riceville Drive, City of Henderson, parcel number
22 191-12-812-062, situated in Clark County, Nevada.

23
24 1.197. Plaintiffs Thaddeus & Peggy Pierce are, and at all times herein mentioned were, the
25 owners of the improved real property commonly known as 2664 Riceville Drive, City of Henderson,
26 parcel number 191-12-812-027, situated in Clark County, Nevada.

27
28 1.198. Plaintiff Carol Wulffraat is, and at all times herein mentioned was, the owner of the
improved real property commonly known as 2670 Riceville Drive, City of Henderson, parcel number
191-12-812-028, situated in Clark County, Nevada.

1 1.199. Plaintiffs Robert & Jaundrya Batterson are, and at all times herein mentioned were, the
2 owners of the improved real property commonly known as 2678 Riceville Drive, City of Henderson,
3 parcel number 191-12-812-030, situated in Clark County, Nevada.
4

5 1.200. Plaintiff Loretta Zahn is, and at all times herein mentioned was, the owner of the
6 improved real property commonly known as 2680 Olivia Heights Avenue, City of Henderson, parcel
7 number 191-13-611-056, situated in Clark County, Nevada.
8

9 1.201. Plaintiff Leon Goldman is, and at all times herein mentioned was, the owner of the
10 improved real property commonly known as 2687 Olivia Heights Avenue, City of Henderson, parcel
11 number 191-13-611-064, situated in Clark County, Nevada.
12

13 1.202. Plaintiffs John & Florence Cochran are, and at all times herein mentioned were, the
14 owners of the improved real property commonly known as 2695 Olivia Heights Avenue, City of
15 Henderson, parcel number 191-13-611-066, situated in Clark County, Nevada.
16

17 1.203. Plaintiff Gerald Carpenter is, and at all times herein mentioned was, the owner of the
18 improved real property commonly known as 2698 Riceville Drive, City of Henderson, parcel number
19 191-12-712-009, situated in Clark County, Nevada.
20

21 1.204. Plaintiffs Judith & Bennett Nieder are, and at all times herein mentioned were, the
22 owners of the improved real property commonly known as 2702 Evergreen Oaks Drive, City of
23 Henderson, parcel number 191-12-812-067, situated in Clark County, Nevada.
24

25 1.205. Plaintiff Joseph Fisher is, and at all times herein mentioned was, the owner of the
26 improved real property commonly known as 2702 Riceville Drive, City of Henderson, parcel number
27 191-17-712-008, situated in Clark County, Nevada.
28

1.206. Plaintiffs David & Pala Cartier are, and at all times herein mentioned were, the owners
of the improved real property commonly known as 2710 Riceville Drive, City of Henderson, parcel

1 number 191-12-712-006, situated in Clark County, Nevada.

2 1.207. Plaintiffs Dubose & Deborah Lomax are, and at all times herein mentioned were, the
3 owners of the improved real property commonly known as 2715 Evergreen Oaks Drive, City of
4 Henderson, parcel number 191-12-812-012, situated in Clark County, Nevada.
5

6 1.208. Plaintiff Jerome Matz is, and at all times herein mentioned was, the owner of the
7 improved real property commonly known as 2718 Riceville Drive, City of Henderson, parcel number
8 191-12-712-004, situated in Clark County, Nevada.
9

10 1.209. Plaintiff Gerald VonderAhe is, and at all times herein mentioned was, the owner of the
11 improved real property commonly known as 2722 Riceville Drive, City of Henderson, parcel number
12 191-21-712-003, situated in Clark County, Nevada.

13 1.210. Plaintiffs David & Bernadette O'Neill are, and at all times herein mentioned were, the
14 owners of the improved real property commonly known as 2722 Thunder Bay Avenue, City of
15 Henderson, parcel number 191-13-611-020, situated in Clark County, Nevada.
16

17 1.211. Plaintiffs James & Erika Furse are, and at all times herein mentioned were, the owners
18 of the improved real property commonly known as 2723 Evergreen Oaks Drive, City of Henderson,
19 parcel number 191-21-812-010, situated in Clark County, Nevada.
20

21 1.212. Plaintiffs Richard Chester & Margot Caughell are, and at all times herein mentioned
22 were, the owners of the improved real property commonly known as 2725 Olivia Heights Avenue,
23 City of Henderson, parcel number 191-13-116-071, situated in Clark County, Nevada.

24 1.213. Plaintiffs James & Harriet Wells are, and at all times herein mentioned were, the
25 owners of the improved real property commonly known as 2727 Evergreen Oaks Drive, City of
26 Henderson, parcel number 191-12-812-009, situated in Clark County, Nevada.
27

28 1.214. Plaintiff S.E. Lobello is, and at all times herein mentioned was, the owner of the

1 improved real property commonly known as 2731 Shellburg Avenue, City of Henderson, parcel
2 number 191-12-812-008, situated in Clark County, Nevada.

3
4 1.215. Plaintiff Marilou Friscia is, and at all times herein mentioned was, the owner of the
5 improved real property commonly known as 2732 Goldcreek Street, City of Henderson, parcel
6 number 191-13-612-014, situated in Clark County, Nevada.

7
8 1.216. Plaintiffs James & Daisy Biava are, and at all times herein mentioned were, the owners
9 of the improved real property commonly known as 2736 Goldcreek Street, City of Henderson, parcel
10 number 191-13-612-015, situated in Clark County, Nevada.

11
12 1.217. Plaintiffs Ronald & Marilyn Wilson are, and at all times herein mentioned were, the
13 owners of the improved real property commonly known as 2737 Olivia Heights Avenue, City of
14 Henderson, parcel number 191-13-710-054, situated in Clark County, Nevada.

15
16 1.218. Plaintiff Glenn Beck is, and at all times herein mentioned was, the owner of the
17 improved real property commonly known as 2740 Olivia Heights Avenue, City of Henderson, parcel
18 number 191-13-710-051, situated in Clark County, Nevada.

19
20 1.219. Plaintiff Leo Cain is, and at all times herein mentioned was, the owner of the improved
21 real property commonly known as 2741 Olivia Heights Avenue, City of Henderson, parcel number
22 191-13-710-055, situated in Clark County, Nevada.

23
24 1.220. Plaintiffs Jack & Ingrid DeMichele are, and at all times herein mentioned were, the
25 owners of the improved real property commonly known as 2743 Goldcreek Street, City of
26 Henderson, parcel number 191-13-612-031, situated in Clark County, Nevada.

27
28 1.221. Plaintiffs James & Rita Martin are, and at all times herein mentioned were, the owners
of the improved real property commonly known as 2744 Olivia Heights Avenue, City of Henderson,
parcel number 191-13-710-050, situated in Clark County, Nevada.

1 1.222. Plaintiffs Jose & Mary Madrid are, and at all times herein mentioned were, the owners
2 of the improved real property commonly known as 2744 Thunder Bay Avenue, City of Henderson,
3 parcel number 191-13-610-085, situated in Clark County, Nevada.
4

5 1.223. Plaintiff Harriet Perry is, and at all times herein mentioned was, the owner of the
6 improved real property commonly known as 2747 Thunder Bay Avenue, City of Henderson, parcel
7 number 191-13-610-087, situated in Clark County, Nevada.
8

9 1.224. Plaintiffs George & Desneige Atteberry are, and at all times herein mentioned were,
10 the owners of the improved real property commonly known as 2749 Olivia Heights Avenue, City of
11 Henderson, parcel number 191-13-710-057, situated in Clark County, Nevada.
12

13 1.225. Plaintiffs Jack & Susan Topoleski are, and at all times herein mentioned were, the
14 owners of the improved real property commonly known as 2750 Thunder Bay Avenue, City of
15 Henderson, parcel number 191-13-610-084, situated in Clark County, Nevada.
16

17 1.226. Plaintiffs Robert & Ruby Wright are, and at all times herein mentioned were, the
18 owners of the improved real property commonly known as 2751 Grand Forks Road, City of
19 Henderson, parcel number 191-12-811-008, situated in Clark County, Nevada.
20

21 1.227. Plaintiffs Vincente & Susan Gigandet are, and at all times herein mentioned were, the
22 owners of the improved real property commonly known as 2755 Everegreen Oaks Drive, City of
23 Henderson, parcel number 191-12-810-002, situated in Clark County, Nevada.
24

25 1.228. Plaintiff Richard Crombez is, and at all times herein mentioned was, the owner of the
26 improved real property commonly known as 2755 Grand Forks Road, City of Henderson, parcel
27 number 191-12-811-007, situated in Clark County, Nevada.
28

1.229. Plaintiff Kay Jeffries is, and at all times herein mentioned was, the owner of the
improved real property commonly known as 2756 Thunder Bay Avenue, City of Henderson, parcel

1 number 191-13-610-083, situated in Clark County, Nevada.

2 1.230. Plaintiffs Harold & Susan Gerech are, and at all times herein mentioned were, the
3 owners of the improved real property commonly known as 2759 Fort Meyer Avenue, City of
4 Henderson, parcel number 191-13-610-064, situated in Clark County, Nevada.
5

6 1.231. Plaintiff Joan Weinberger is, and at all times herein mentioned was, the owner of the
7 improved real property commonly known as 2776 Cherrydale Falls Drive, City of Henderson, parcel
8 number 191-13-513-012, situated in Clark County, Nevada.
9

10 1.232. Plaintiffs Frank & Marie Ficarotta are, and at all times herein mentioned were, the
11 owners of the improved real property commonly known as 2780 Hartwick Pines Drive, City of
12 Henderson, parcel number 191-13-513-039, situated in Clark County, Nevada.

13 1.233. Plaintiffs Jerry & Barbara Fisher are, and at all times herein mentioned were, the
14 owners of the improved real property commonly known as 2788 Hartwick Pines Drive, City of
15 Henderson, parcel number 191-13-513-037, situated in Clark County, Nevada.
16

17 1.234. Plaintiffs Allan & Phyllis Kessler are, and at all times herein mentioned were, the
18 owners of the improved real property commonly known as 2803 Meadow Park Avenue, City of
19 Henderson, parcel number 191-31-212-055, situated in Clark County, Nevada.
20

21 1.235. Plaintiffs David & Marilyn Kapel are, and at all times herein mentioned were, the
22 owners of the improved real property commonly known as 2803 Thunder Bay Avenue, City of
23 Henderson, parcel number 191-13-610-101, situated in Clark County, Nevada.

24 1.236. Plaintiffs Jackson & Naomi Kohagura are, and at all times herein mentioned were, the
25 owners of the improved real property commonly known as 2804 Hartwick Pines Drive, City of
26 Henderson, parcel number 191-13-513-033, situated in Clark County, Nevada.
27

28 1.237. Plaintiff Mary Sue Aldridge is, and at all times herein mentioned was, the owner of the

1 improved real property commonly known as 2807 Cherrydale Falls Drive, City of Henderson, parcel
2 number 191-13-513-059, situated in Clark County, Nevada.

3
4 1.238. Plaintiff Shahron Smith Ulrich is, and at all times herein mentioned was, the owner of
5 the improved real property commonly known as 2808 Cherrydale Falls Drive, City of Henderson,
6 parcel number 191-13-512-004, situated in Clark County, Nevada.

7
8 1.239. Plaintiffs Bruce & Margaret Lanard are, and at all times herein mentioned were, the
9 owners of the improved real property commonly known as 2811 Olivia Heights Avenue, City of
10 Henderson, parcel number 191-13-710-068, situated in Clark County, Nevada.

11
12 1.240. Plaintiffs Ronald & Sharon Guengerich are, and at all times herein mentioned were,
13 the owners of the improved real property commonly known as 2812 Cherrydale Falls Drive, City of
14 Henderson, parcel number 191-13-513-003, situated in Clark County, Nevada.

15
16 1.241. Plaintiffs David & Joyce Pasquinelli are, and at all times herein mentioned were, the
17 owners of the improved real property commonly known as 2812 Hartwick Pines Drive, City of
18 Henderson, parcel number 191-13-513-031, situated in Clark County, Nevada.

19
20 1.242. Plaintiffs Daniel & Margaret Moon are, and at all times herein mentioned were, the
21 owners of the improved real property commonly known as 2815 Olivia Heights Avenue, City of
22 Henderson, parcel number 191-13-710-069, situated in Clark County, Nevada.

23
24 1.243. Plaintiff Nancy Rose is, and at all times herein mentioned was, the owner of the
25 improved real property commonly known as 2817 Somerset Spring Drive, City of Henderson, parcel
26 number 191-12-111-050, situated in Clark County, Nevada.

27
28 1.244. Plaintiffs James & Iona Schell are, and at all times herein mentioned were, the owners
of the improved real property commonly known as 2819 Scotts Valley Drive, City of Henderson,
parcel number 191-12-711-025, situated in Clark County, Nevada.

1 1.245. Plaintiffs Joseph & Colleen Steigerwald are, and at all times herein mentioned were,
2 the owners of the improved real property commonly known as 2820 Thunder Bay Avenue, City of
3 Henderson, parcel number 191-13-610-073, situated in Clark County, Nevada.
4

5 1.246. Plaintiffs John & Ellen Carr are, and at all times herein mentioned were, the owners of
6 the improved real property commonly known as 2825 Olivia Heights Avenue, City of Henderson,
7 parcel number 191-13-710-071, situated in Clark County, Nevada.
8

9 1.247. Plaintiffs William & Denise Walker are, and at all times herein mentioned were, the
10 owners of the improved real property commonly known as 2830 Somerset Spring Drive, City of
11 Henderson, parcel number 191-12-111-041, situated in Clark County, Nevada.
12

13 1.248. Plaintiffs Shawn & Donald McClelland are, and at all times herein mentioned were,
14 the owners of the improved real property commonly known as 2831 Somerset Spring Drive, City of
15 Henderson, parcel number 191-12-111-053, situated in Clark County, Nevada.
16

17 1.249. Plaintiff Marianne Lee is, and at all times herein mentioned was, the owner of the
18 improved real property commonly known as 2836 Patriot Park Place, City of Henderson, parcel
19 number 191-12-311-017, situated in Clark County, Nevada.
20

21 1.250. Plaintiffs Gerald & Nancy Merz are, and at all times herein mentioned were, the
22 owners of the improved real property commonly known as 2839 Scotts Valley Drive, City of
23 Henderson, parcel number 191-12-310-009, situated in Clark County, Nevada.
24

25 1.251. Plaintiff Catherine Torres is, and at all times herein mentioned was, the owner of the
26 improved real property commonly known as 2842 Somerset Spring Drive, City of Henderson, parcel
27 number 191-12-111-038, situated in Clark County, Nevada.
28

1.252. Plaintiff Peter Longwill is, and at all times herein mentioned was, the owner of the
improved real property commonly known as 2842 Winslow Springs Drive, City of Henderson,

1 parcel number 191-12-111-058, situated in Clark County, Nevada.

2 1.253. Plaintiff Myrna Edwards is, and at all times herein mentioned was, the owner of the
3 improved real property commonly known as 2843 Scotts Valley Drive, City of Henderson, parcel
4 number 191-12-310-010, situated in Clark County, Nevada.
5

6 1.254. Plaintiffs Richard & Lydia Ho are, and at all times herein mentioned were, the owners
7 of the improved real property commonly known as 2844 Sumpter Valley Circle, City of Henderson,
8 parcel number 191-12-211-016, situated in Clark County, Nevada.
9

10 1.255. Plaintiffs Frederick & Diane Bold are, and at all times herein mentioned were, the
11 owners of the improved real property commonly known as 2845 Sumter Valley Circle, City of
12 Henderson, parcel number 191-12-211-026, situated in Clark County, Nevada.

13 1.256. Plaintiffs Brenda & Charlie Heuston are, and at all times herein mentioned were, the
14 owners of the improved real property commonly known as 2848 Patriot Park Place, City of
15 Henderson, parcel number 191-12-311-014, situated in Clark County, Nevada.
16

17 1.257. Plaintiffs Arthur & Ramona Konrad are, and at all times herein mentioned were, the
18 owners of the improved real property commonly known as 2851 Scotts Valley Drive, City of
19 Henderson, parcel number 191-12-310-012, situated in Clark County, Nevada.
20

21 1.258. Plaintiffs Charles & Amelita Criswell are, and at all times herein mentioned were, the
22 owners of the improved real property commonly known as 2854 Scotts Valley Drive, City of
23 Henderson, parcel number 191-12-310-030, situated in Clark County, Nevada.

24 1.259. Plaintiff Carol Johnson is, and at all times herein mentioned was, the owner of the
25 improved real property commonly known as 2854 Thunder Bay Avenue, City of Henderson, parcel
26 number 191-13-110-044, situated in Clark County, Nevada.
27

28 1.260. Plaintiffs Larry & Ann Butterfield are, and at all times herein mentioned were, the

1 owners of the improved real property commonly known as 2856 Forest Grove Drive, City of
2 Henderson, parcel number 191-12-210-027, situated in Clark County, Nevada.

3
4 1.261. Plaintiff Joyce Reed is, and at all times herein mentioned was, the owner of the
5 improved real property commonly known as 2856 Patriot Park Place, City of Henderson, parcel
6 number 191-12-311-012, situated in Clark County, Nevada.

7
8 1.262. Plaintiff Marlene Marcus is, and at all times herein mentioned was, the owner of the
9 improved real property commonly known as 2866 Thunder Bay Avenue, City of Henderson, parcel
10 number 191-12-110-047, situated in Clark County, Nevada.

11
12 1.263. Plaintiff Lambert Motz is, and at all times herein mentioned was, the owner of the
13 improved real property commonly known as 2875 Meadow Park Avenue, City of Henderson, parcel
14 number 191-13-111-007, situated in Clark County, Nevada.

15
16 1.264. Plaintiffs George & Nancy Ginerelli are, and at all times herein mentioned were, the
17 owners of the improved real property commonly known as 2875 Scotts Valley Drive, City of
Henderson, parcel number 191-12-310-017, situated in Clark County, Nevada.

18
19 1.265. Plaintiffs Jon Judy Griffin are, and at all times herein mentioned were, the owners of
20 the improved real property commonly known as 2876 Knoxville Court, City of Henderson, parcel
21 number 191-12-410-047, situated in Clark County, Nevada.

22
23 1.266. Plaintiffs Don & Sharon McClelland are, and at all times herein mentioned were, the
24 owners of the improved real property commonly known as 2876 Meadow Park Avenue, City of
Henderson, parcel number 191-13-110-023, situated in Clark County, Nevada.

25
26 1.267. Plaintiffs Michael & Lorraine Kennett are, and at all times herein mentioned were, the
27 owners of the improved real property commonly known as 2876 Patriot Park Place, City of
28 Henderson, parcel number 191-12-311-007, situated in Clark County, Nevada.

1 1.268. Plaintiff Thomas Furjanic is, and at all times herein mentioned was, the owner of the
2 improved real property commonly known as 2881 Knoxville Court, City of Henderson, parcel
3 number 191-13-110-121, situated in Clark County, Nevada.
4

5 1.269. Plaintiffs Barbara Booth & Lani Kunel are, and at all times herein mentioned were, the
6 owners of the improved real property commonly known as 2884 Sumter Valley Circle, City of
7 Henderson, parcel number 191-12-110-023, situated in Clark County, Nevada.
8

9 1.270. Plaintiffs Timothy L. & Wilma E. Congelliere are, and at all times herein mentioned
10 were, the owners of the improved real property commonly known as 2890 Brook Trout Court, City of
11 Henderson, parcel number 191-12-410-050, situated in Clark County, Nevada.
12

13 1.271. Plaintiffs Ernest & Zelda Spickler are, and at all times herein mentioned were, the
14 owners of the improved real property commonly known as 2894 Brook Trout Court, City of
15 Henderson, parcel number 191-12-410-049, situated in Clark County, Nevada.
16

17 1.272. Plaintiff Jules Vandembroeke is, and at all times herein mentioned was, the owner of
18 the improved real property commonly known as 2904 Forest Grove Drive, City of Henderson, parcel
19 number 191-12-210-015, situated in Clark County, Nevada.
20

21 1.273. Plaintiffs Kenneth & Roberta Gray are, and at all times herein mentioned were, the
22 owners of the improved real property commonly known as 2904 Foxtail Creek Avenue, City of
23 Henderson, parcel number 191-13-410-142, situated in Clark County, Nevada.
24

25 1.274. Plaintiffs John & Charlotte Fecher are, and at all times herein mentioned were, the
26 owners of the improved real property commonly known as 2908 Forest Grove Drive, City of
27 Henderson, parcel number 191-12-210-014, situated in Clark County, Nevada.
28

1.275. Plaintiffs David & Janet Hockenberg are, and at all times herein mentioned were, the
owners of the improved real property commonly known as 2911 Scotts Valley Drive, City of

1 Henderson, parcel number 191-12-210-120, situated in Clark County, Nevada.

2 1.276. Plaintiffs Richard & Jenny Ballew are, and at all times herein mentioned were, the
3 owners of the improved real property commonly known as 2940 Sumter Valley Circle, City of
4 Henderson, parcel number 191-12-110-009, situated in Clark County, Nevada.
5

6 1.277. Plaintiffs Joseph & Monika Padjune are, and at all times herein mentioned were, the
7 owners of the improved real property commonly known as 2961 Sumter Valley Circle, City of
8 Henderson, parcel number 191-12-110-099, situated in Clark County, Nevada.
9

10 1.278. Plaintiffs Jeremiah & Ora Lee Toomey are, and at all times herein mentioned were, the
11 owners of the improved real property commonly known as 2964 Sumter Valley Circle, City of
12 Henderson, parcel number 191-12-110-003, situated in Clark County, Nevada.

13 1.279. Plaintiff Elleen Shepardson is, and at all times herein mentioned was, the owner of the
14 improved real property commonly known as 2965 Sumter Valley Circle, City of Henderson, parcel
15 number 191-12-110-100, situated in Clark County, Nevada.
16

17 1.280. Plaintiffs David & Joyce Servello are, and at all times herein mentioned were, the
18 owners of the improved real property commonly known as 2970 Olivia Heights Avenue, City of
19 Henderson, parcel number 191-13-313-007, situated in Clark County, Nevada.
20

21 1.281. Plaintiffs Gary & Ruth Leis are, and at all times herein mentioned were, the owners of
22 the improved real property commonly known as 2970 Sumter Valley Circle, City of Henderson,
23 parcel number 191-12-110-002, situated in Clark County, Nevada.

24 1.282. Plaintiff Linda Smith is, and at all times herein mentioned was, the owner of the
25 improved real property commonly known as 2973 Sumter Valley Circle, City of Henderson, parcel
26 number 191-12-110-102, situated in Clark County, Nevada.
27

28 1.283. Plaintiff Theodore Brown is, and at all times herein mentioned was, the owner of the

1 improved real property commonly known as 2974 Sumter Valley Circle, City of Henderson, parcel
2 number 191-12-110-001, situated in Clark County, Nevada.

3
4 1.284. Plaintiffs Michael & Dona Parady are, and at all times herein mentioned were, the
5 owners of the improved real property commonly known as 2978 Gettysburg Avenue, City of
6 Henderson, parcel number 191-11-612-008, situated in Clark County, Nevada.

7
8 1.285. Plaintiffs Robert & Arlene Nemesek are, and at all times herein mentioned were, the
9 owners of the improved real property commonly known as 2981 Sumter Valley Circle, City of
10 Henderson, parcel number 191-12-110-104, situated in Clark County, Nevada.

11
12 1.286. Plaintiff Theresa Burke is, and at all times herein mentioned was, the owner of the
13 improved real property commonly known as 2990 Gettysburg Avenue, City of Henderson, parcel
14 number 191-11-612-011, situated in Clark County, Nevada.

15
16 1.287. Plaintiffs Bernard & Elaine Halprin are, and at all times herein mentioned were, the
17 owners of the improved real property commonly known as 2990 Marble Cliff Court, City of
18 Henderson, parcel number 191-13-213-044, situated in Clark County, Nevada.

19
20 1.288. Plaintiff Francis Toth is, and at all times herein mentioned was, the owner of the
21 improved real property commonly known as 2994 Sumter Valley Circle, City of Henderson, parcel
22 number 191-11-510-005, situated in Clark County, Nevada.

23
24 1.289. Plaintiff Linda Follosco is, and at all times herein mentioned was, the owner of the
25 improved real property commonly known as 2995 Sumter Valley Circle, City of Henderson, parcel
26 number 191-11-510-006, situated in Clark County, Nevada.

27
28 1.290. Plaintiffs Les & Nancy Dean are, and at all times herein mentioned were, the owners
of the improved real property commonly known as 2996 Pleasant Prairie Drive, City of Henderson,
parcel number 191-13-314-029, situated in Clark County, Nevada.

1 1.291. Plaintiffs Charles & Patricia Simmons are, and at all times herein mentioned were, the
2 owners of the improved real property commonly known as 2998 Brownsbird Nest Drive, City of
3 Henderson, parcel number 191-13-112-004, situated in Clark County, Nevada.
4

5 1.292. Plaintiffs Paul & Ingrid Rose are, and at all times herein mentioned were, the owners
6 of the improved real property commonly known as 3000 Fort Stanwix Road, City of Henderson,
7 parcel number 191-11-713-061, situated in Clark County, Nevada.

8 1.293. Plaintiff Irene Butler is, and at all times herein mentioned was, the owner of the
9 improved real property commonly known as 3004 Fort Stanwix Road, City of Henderson, parcel
10 number 191-11-713-062, situated in Clark County, Nevada.
11

12 1.294. Plaintiff Virgil Francis is, and at all times herein mentioned was, the owner of the
13 improved real property commonly known as 3005 Fort Stanwix Road, City of Henderson, parcel
14 number 191-11-810-026, situated in Clark County, Nevada.
15

16 1.295. Plaintiff Shirley Zeiner is, and at all times herein mentioned was, the owner of the
17 improved real property commonly known as 3009 Hartsville Road, City of Henderson, parcel number
18 191-12-411-025, situated in Clark County, Nevada.

19 1.296. Plaintiffs Leonard & Beverly Mistretta are, and at all times herein mentioned were, the
20 owners of the improved real property commonly known as 3010 Fort Stanwix Road, City of
21 Henderson, parcel number 191-11-713-063, situated in Clark County, Nevada.
22

23 1.297. Plaintiffs David & Everal Ann Bashaw are, and at all times herein mentioned were, the
24 owners of the improved real property commonly known as 3021 Fort Stanwix Road, City of
25 Henderson, parcel number 191-11-810-022, situated in Clark County, Nevada.
26

27 1.298. Plaintiff Karen Walker is, and at all times herein mentioned was, the owner of the
28 improved real property commonly known as 3025 Monroe Park Road, City of Henderson, parcel

1 number 191-11-713-035, situated in Clark County, Nevada.

2 1.299. Plaintiff Katherine Hopkins is, and at all times herein mentioned was, the owner of the
3 improved real property commonly known as 3027 Stratmoor Hills Avenue, City of Henderson, parcel
4 number 191-11-511-071, situated in Clark County, Nevada.
5

6 1.300. Plaintiffs Robert & Karen Case are, and at all times herein mentioned were, the owners
7 of the improved real property commonly known as 3028 Stratmoor Hills Avenue, City of Henderson,
8 parcel number 191-11-511-008, situated in Clark County, Nevada.
9

10 1.301. Plaintiffs Dave & Caroline Morris are, and at all times herein mentioned were, the
11 owners of the improved real property commonly known as 3029 Fort Stanwix Road, City of
12 Henderson, parcel number 191-11-810-020, situated in Clark County, Nevada.

13 1.302. Plaintiffs Donald & Rochelle Lyons are, and at all times herein mentioned were, the
14 owners of the improved real property commonly known as 3032 Fort Stanwix Road, City of
15 Henderson, parcel number 191-11-810-007, situated in Clark County, Nevada.
16

17 1.303. Plaintiffs Robert & Nancy Allen are, and at all times herein mentioned were, the
18 owners of the improved real property commonly known as 3035 Friendship Hill Circle, City of
19 Henderson, parcel number 191-13-113-100, situated in Clark County, Nevada.
20

21 1.304. Plaintiffs Murphy & Joyce Scott are, and at all times herein mentioned were, the
22 owners of the improved real property commonly known as 3036 Sumter Valley Circle, City of
23 Henderson, parcel number 191-11-611-003, situated in Clark County, Nevada.

24 1.305. Plaintiff Anne Hollingsworth is, and at all times herein mentioned was, the owner of
25 the improved real property commonly known as 3041 Seaford Peak Drive, City of Henderson, parcel
26 number 191-11-711-063, situated in Clark County, Nevada.
27

28 1.306. Plaintiff Salvatore Gilotta is, and at all times herein mentioned was, the owner of the

1 improved real property commonly known as 3043 Hickory Valley Road, City of Henderson, parcel
2 number 191-11-810-003, situated in Clark County, Nevada.

3 1.307. Plaintiff Janet Castellini is, and at all times herein mentioned was, the owner of the
4 improved real property commonly known as 3044 Fort Stanwix Road, City of Henderson, parcel
5 number 191-11-810-010, situated in Clark County, Nevada.

7 1.308. Plaintiff Dolores Cappetto is, and at all times herein mentioned was, the owner of the
8 improved real property commonly known as 3045 Monroe Park Road, City of Henderson, parcel
9 number 191-11-713-031, situated in Clark County, Nevada.

11 1.309. Plaintiff Al Katz is, and at all times herein mentioned was, the owner of the improved
12 real property commonly known as 3051 Lake Barkley Road, City of Henderson, parcel number
13 191-11-810-114, situated in Clark County, Nevada.

14 1.310. Plaintiff David Rosen is, and at all times herein mentioned was, the owner of the
15 improved real property commonly known as 3053 Brownbirds Nest Drive, City of Henderson, parcel
16 number 191-14-510-018, situated in Clark County, Nevada.

18 1.311. Plaintiffs Herb & Linda Soloman are, and at all times herein mentioned were, the
19 owners of the improved real property commonly known as 3059 Scotts Valley Drive, City of
20 Henderson, parcel number 191-11-510-01, situated in Clark County, Nevada.

22 2. Plaintiffs POES 1 through 10,000 are, and all times herein mentioned were, owners of
23 improved real property in Henderson, Nevada.

24 3. Each of the parcels of improved real property described above, including the residential
25 structure, any appurtenances, landscaping and all other improvements, will be referred to collectively
26 in this Complaint as the HOMES.

27
28

1 4. Plaintiffs are informed and believe, and thereon allege, that at all times herein mentioned,
2 Defendant DEL WEBB COMMUNITIES, INC., was a foreign corporation engaged in and doing
3 business in Clark County, Nevada.
4

5 5. Defendant DOES 1 through 1,000, inclusive, whether individual, corporate, associate or
6 otherwise, whose true names and capacities at this time are unknown to Plaintiff, are sued by these
7 fictitious names. Plaintiffs are informed and believe and thereon allege that at all times herein
8 mentioned each of the Defendants sued herein as DOES 1 through 1,000 was the agent, servant, and
9 employee of his, her or its co-Defendants and, in doing the things hereinafter mentioned, was acting
10 in the scope of his, her or its authority as such agent, servant, and employee, and with the permission,
11 consent and/or ratification of his, her or its co-Defendants.
12

13 6. Each of said fictitiously named Defendants, whether an individual, corporation,
14 association, or otherwise, is in some way liable or responsible to the Plaintiffs on the facts
15 hereinafter alleged and caused injuries and damages proximately thereby as alleged. At such time as
16 Defendants' true names become known to Plaintiffs, Plaintiffs will amend this Complaint to insert
17 said true names and capacities.
18

19 7. Plaintiffs are informed and believe and thereon allege that Defendants Builder and DOES 1
20 through 1,000, were, and at all times herein mentioned are, engaged in the mass production of
21 residential structures and appurtenances for sale and use by members of the general public, and that
22 Defendants, and each of them, participated in the development, design, construction and/or sale of the
23 Homes.
24

25 8. Plaintiffs are informed and believe and thereon allege that Defendants Builder and DOES 1
26 through 1,000, as developers, sellers and/or builders developed the HOMES, which structures were
27 intended to be used as residential dwellings.
28

1 9. Plaintiffs are informed and believe and based thereon allege Defendants Builder and DOES
 2 1 through 1000, as developers, designers, sellers and/or builders of the HOMES, knew that the homes,
 3 appurtenances, and structures would be sold to and be used by members of the general public for the
 4 purpose of residences and said Defendants knew or reasonably should have known that the persons
 5 who would purchase said units would do so without inspection for the defects set forth herein.
 6

7 10. Defendants Builder and DOES 1 through 1,000, at all times herein mentioned, were and
 8 are merchants with respect to the HOMES and structures thereon, which were not of merchantable
 9 quality and were not erected in a reasonable and workmanlike manner.
 10

11 11. Defendants Builder and DOES 1 through 1,000, as developers, mass developers, mass-
 12 constructors and mass-producers of the HOMES are liable and responsible to Plaintiffs for all
 13 damages suffered as a result of the deficiencies set forth herein.
 14

15 12. Within three years past, Plaintiffs discovered that their HOMES have been and are
 16 experiencing defective conditions of the real property and structures thereon, including without
 17 limitation, the roofs, stucco, concrete flatwork, HVAC lines, drywall, exterior and interior trim,
 18 baseboards, sinks, windows, trusses, cross-bracing and retaining walls; and that said components are
 19 not of merchantable quality, nor were they designed, erected, constructed or installed in a
 20 workmanlike manner, but instead are defective and, as now known, the subject components
 21 demonstrate improper, nonexistent, and/or inadequate design, construction, manufacture, installation,
 22 and/or build. Plaintiffs are informed and believe and thereon allege that the structures may be
 23 additionally defective in ways and to an extent not precisely known, but which will be established at
 24 the time of trial, according to proof.
 25

26 ///

27 ///

1 13. Plaintiffs have complied with all pre-filing requirements of Nevada Revised Statutes
2 40.600 through 40.695, except to the extent such requirements have been excused, waived or rendered
3 irrelevant by the actions, failure to act or status of Defendants, and each of them.

4
5 14. Plaintiffs are informed and believe, and based thereon allege, that the items generally
6 referred to and particularly described herein were "latent deficiencies" within the meaning of Nevada
7 Revised Statutes §11.202 through §11.205, in that the above-described defects arose out of, were
8 attributable to and are directly and proximately caused by the above-described latent deficiencies in
9 the design, specifications, planning, supervision, observation of construction, construction,
10 development and/or improvement of the subject premises and subject structures, and that prior to the
11 time when it was discovered by Plaintiffs as set forth herein, could not have been discovered by the
12 exercise of reasonable diligence. Plaintiffs, at all times herein mentioned, relied on the skill of
13 Defendants Builder and DOES 1 through 1,000, in producing homes and appurtenances thereto that
14 were reasonably fit for their intended purpose.
15

16
17 15. Plaintiffs are still not fully aware of all of the causes, the full extent and possible legal
18 significance of the results or causes of the property conditions herein above-described due to the loss
19 being continual and latent in nature. Plaintiffs are lay individuals who have required expert
20 consultations to provide a review of the property conditions. Plaintiffs are still not informed of all
21 causes or entire results of the full extent of these latent deficiencies, nor are Plaintiffs fully informed
22 of the potential causes of the resultant distress due to the loss being continual and latent in nature.
23

24 16. Plaintiffs are informed and believe, and thereon allege, that Defendants Builder and
25 DOES 1 through 1,000, did inspect and market said homes and appurtenances with full knowledge of
26 the causes and effects of defects in the construction of the HOMES, the deficiencies in design,
27 installation and supervision thereof and, in willful and reckless disregard of the defective conditions,
28

1 causes and results. In particular, Plaintiffs are informed and believe and thereon allege that said
2 Defendants in the inspection, design, installation and supervision of the HOMES, engaged in a course
3 of conduct to reduce the costs of development by the use of substandard, deficient and inadequate
4 design and construction techniques and materials.

5
6 17. Plaintiffs are informed and believe, and thereon allege, that Defendants Builder and
7 DOES 1 through 1,000, ignored curing the causes of the defects and pursued a course of development
8 and construction of the HOMES so as to increase their profit from the project at the expense of the
9 ultimate purchaser, knowing that defects were latent, not apparent from a casual inspection, but would
10 only become apparent as time passed.

11
12 18. Plaintiffs are informed and believe, and based thereon allege, that any and all repair
13 attempts by Defendants Builder and DOES 1 through 1,000, failed to adequately correct said property
14 damages and deficiencies, resulting in further property damages.

15
16 19. Plaintiffs are informed and believe, and thereon allege, that instead of causing the
17 necessary and required reconstruction and repair of the HOMES, Defendants Builder and DOES 1
18 through 1,000, have caused cosmetic, temporary or ineffective repairs to be made to various portions
19 of the HOMES for the purpose of leading Plaintiffs to believe that said Defendants were resolving
20 and correcting all deficiencies. By virtue of such conduct, said Defendants are estopped to assert that
21 the Plaintiffs have not commenced this action in a timely fashion and are further estopped to assert
22 that the Plaintiff may not seek the damages herein sought.

23
24 20. Plaintiffs are informed and believe, and thereon alleges that the above-described defects
25 arose out of, were attributable to, and are directly and proximately caused by the above- described
26 deficiencies in the design, specification, planning, supervision, observation of construction,
27 development and/or improvement and any repairs to the HOMES, and that prior to the time when the
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1 defects were discovered by Plaintiffs as set forth herein, they could not have been discovered by the
2 exercise of reasonable diligence.

3
4 **FIRST CAUSE OF ACTION**
5 **(Breach of Implied Warranties)**
6 **(Against Builder and DOES 1 through 1,000)**

7 21. Plaintiffs reallege and incorporate by reference Paragraphs 1 through 20, inclusive, as
8 though fully set forth herein.

9 22. Defendants Builder and DOES 1 through 1,000 impliedly warranted that the HOMES
10 were designed and constructed in accordance with applicable law, according to sound standards of
11 engineering and construction, in a commercially reasonable, habitable and workmanlike manner and
12 free from defective materials when said Defendants offered units of the project for sale to the general
13 public as new construction.

14 23. Defendants Builder and DOES 1 through 1,000, impliedly warranted that the HOMES
15 were of merchantable quality and fit for its intended purposes as residences without significant
16 defective construction or conditions un-remedied or unrepaired by said Defendants.

17 24. Plaintiffs are informed and believe, and thereon allege, that the subject structures and
18 subject premises were not constructed in accordance with applicable law or according to sound
19 standards of engineering and construction, were not constructed in a workmanlike manner, were not
20 free from defective materials, and were not of proper durability, reliability, habitability,
21 merchantability, and/or general quality and not fit for their intended use.

22 25. Plaintiffs are informed and believe, and thereon allege, that as a direct and proximate
23 result of the defects set forth herein, Plaintiffs have suffered damages in an amount precisely
24 unknown, but believed to be within the jurisdiction of this Court in that it has been and will hereafter
25 be required to perform works of repair, restoration, and construction to portions of the structures to
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1 prevent further damages and to restore the structures to their proper condition. Plaintiffs will establish
2 the precise amount of such damages at trial, according to proof, for the following damages:

- 3 a. The cost of any repairs already made;
- 4 b. The cost of any repairs yet to be made that are necessary to cure any construction
- 5 defect;
- 6 c. The expenses of temporary housing reasonably necessary during the repair;
- 7 d. The loss of the use of all or any part of the residence;
- 8 e. The value of any other property damaged by the construction defect;
- 9 f. The reduction in market value of the residences;
- 10 g. Any additional costs incurred by the Plaintiff, including, but not limited to, any costs
- 11 and fees incurred for the retention of experts;
- 12 h. Any attorney's fees;
- 13 i. Any interest provided by statute;

14 WHEREFORE, Plaintiffs pray for judgment as hereinafter set forth.

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18 **SECOND CAUSE OF ACTION**
19 **(Breach of Express Warranties)**
20 **(Against Builder and DOES 1 through 1,000)**

21 26. Plaintiffs reallege and incorporate by reference paragraphs 1 through 25.

22 27. Plaintiffs are informed and believe, and based thereon alleges, Defendants Builder and
23 DOES 1 through 1,000, expressly warranted through sales brochures of the subject premises, related
24 advertising circulars and materials, and through the contracts of sale and related sales warranty
25 information regarding the subject premises, that the HOMES were designed and constructed in a
26 commercially reasonable and habitable manner.
27
28

1 28. When Defendants Builder and DOES 1 through 1,000, offered the HOMES and
2 appurtenances for sale to the general public for use as residences, Plaintiffs relied on Defendants
3 Builder and DOES 1 through 1,000 express representations that these HOMES and appurtenances
4 were marketed for sale to the general public, and thus of merchantable quality, suitable for their
5 intended purpose, without major, significant defective construction or conditions, un-remedied or
6 unrepaired by said Defendants.
7

8 29. Defendants Builder DOES 1 through 1,000, breached these express warranties by selling
9 the HOMES with the above-described deficiencies in the design, specification, planning supervision,
10 construction, observation of construction, development and/or improvement and repair of the
11 Association Development.
12

13 30. As a direct and proximate result of the breach of the express warranties by Defendants
14 Builder and DOES 1 through 1,000, as alleged above, Plaintiffs suffered damages stemming from the
15 failure of the real property and structures thereon, as set forth above.
16

17 31. Plaintiffs are informed and believe, and thereon allege, that as a direct and proximate
18 result of the breaches set forth herein, Plaintiffs have suffered damages in an amount precisely
19 unknown, but believed to be within the jurisdiction of this Court in that they have been and will
20 hereafter be required to perform investigations and works of repair, restoration, and construction to
21 portions of the structures to prevent further damage and to restore the structures to their proper
22 condition and/or will suffer damages in an amount the full nature and extent of which shall be
23 ascertained according to proof at trial.
24

25 WHEREFORE, Plaintiffs pray for judgment as hereinafter set forth.

26 **THIRD CAUSE OF ACTION**
27 **Negligence**
28 **Against Builder and DOES 1 through 1,000**

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32. Plaintiffs reallege and incorporate by reference Paragraphs 1 through 31.

33. Plaintiffs are informed and believe, and thereon allege, that Defendants Builder and DOES 1 through 1,000, were and are builders, contractors, general contractors, subcontractors, suppliers, material men, architects and/or engineers, or other persons, entities or professionals who participated in the process of design, engineering, manufacture, and/or construction of homes, appurtenances, buildings, improvements and structures of the Association Development and who performed works of labor, supplied materials, equipment and/or services necessary for the building and construction, including supervision of construction of the HOMES with the knowledge that the homes and appurtenances thereto would be sold to and used by members of the public. In so doing, said Defendants in the capacity as builder, contractor, subcontractors, supplier, materialmen, architect, engineer, seller and/or general contractor or otherwise, caused the HOMES to be designed, engineered and/or constructed through their own works of labor, their supplying of materials, equipment and services, and through causing other contractors and subcontractors, including other Defendants to perform works of labor, to supply materials, equipment and services in order to properly complete the HOMES so that it could be sold to and used by members of the public.

34. Plaintiffs are informed and believe, and thereon allege, that Defendants Builder and DOES 1 through 1,000, whether builder, contractor, subcontractor, supplier, material men, architect, engineer or otherwise, negligently, carelessly, tortuously, and wrongfully failed to use reasonable care in the analysis, preparation, design, manufacture, construction, and/or installation of the HOMES.

35. Plaintiffs are informed and believe, and thereon allege, that Defendants Builder and DOES 1 through 1,000, whether builder, contractor, subcontractor, supplier, material men, architect, engineer or otherwise, performed work, labor and/or services for the construction of the HOMES, and

1 each knew or should have known that if the HOMES were not properly or adequately designed,
2 engineered, supervised and/or constructed, that the owners and users would be substantially damaged
3 thereby, and that HOMES would be defective and not of merchantable quality.

4
5 36. The Defendants Builder and DOES 1 through 1,000 were under a duty to exercise
6 ordinary care as builder, contractor, subcontractor, supplier, material men, architect, engineer or
7 otherwise to avoid reasonably foreseeable injury to users and purchasers of the homes,
8 appurtenances, buildings, improvements and structures, and knew or should have foreseen that
9 purchasers and/or users would suffer the damages set forth herein if said Defendants, and each of
10 them, failed to perform their duty to cause the HOMES to be designed, engineered and constructed in
11 a proper workmanlike manner and fashion.

12
13 37. In performing the works of a builder and/or contractor, subcontractor, supplier, material
14 man, architect, engineer or otherwise, Defendants Builder and DOES 1 through 1,000 breached their
15 duty owed to Plaintiffs and neglected to perform the work, labor and services properly or adequately
16 in that each said Defendant so negligently, carelessly and in an unworkmanlike manner performed the
17 aforesaid work, labor and/or services such that the HOMES were designed, engineered and/or
18 constructed improperly, negligently, carelessly and/or in an unworkmanlike manner.

19
20 38. Plaintiffs are informed and believe, and thereon allege, that as a direct and proximate
21 result of the conduct described herein, Plaintiffs have suffered damages in an amount precisely
22 unknown, but believed to be within the jurisdiction of this Court, in that it has been and will in the
23 future be required to perform investigations and works of repair, restoration, and construction to
24 portions of the structures to prevent further damage and to restore the structures to their proper
25 condition and/or will suffer damages in an amount the full nature and extent of which shall be
26 ascertained according to proof at trial.
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PRAYER FOR RELIEF

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WHEREFORE, Plaintiffs pray for judgment against Defendants Builder and

DOES 1 through 1,000, and each of them, as follows:

1. For general damages in excess of \$10,000.00;
2. For cost of suit and attorneys' fees incurred by Plaintiffs herein;
3. The cost of any repairs already made;
4. The cost of any repairs yet to be made that are necessary to cure any construction defect;
5. The expenses of temporary housing reasonably necessary during the repair;
6. The loss of the use of all or any part of the residence;
7. The value of any other property damaged by the construction defect;
8. The reduction in market value of the residences;
9. Any additional costs incurred by the Plaintiffs, including, but not limited to, any costs and fees incurred for the retention of experts;
10. For any and all damages recoverable under NRS 40.655;
11. For prejudgment interest;
12. For such other and further relief as the Court may deem just and proper.

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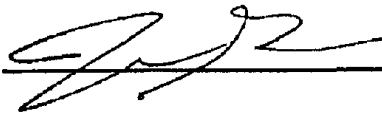
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DEMAND FOR JURY TRIAL

Plaintiffs herein demand a trial by jury on all issues so triable.

Dated: April 3, 2009

ANGIUS & TERRY LLP

By: 

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Nevada Bar No. 9198
Jory C. Garabedian,
Nevada Bar No. 10352
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Facsimile: (702) 990-2018
Attorneys for Plaintiffs
Email: jgarabedian@angius-terry.com


AFFIRMATION

Pursuant to NRS 239B.030

The undersigned hereby affirms that the foregoing **COMPLAINT AND DEMAND FOR JURY TRIAL** filed in District Court, does not contain the Social Security number of any person.

DATED this 3rd day of April, 2009.

ANGIUS & TERRY, LLP

By  _____

Paul P. Terry
Nevada Bar No. 7192
John J. Stander
Nevada Bar No. 9198
Don Springmeyer
Nevada Bar No. 1021
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Email: jgarabedian@angius-terry.com
Attorneys for Plaintiffs

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1 IAFD
2 Paul P. Terry, Jr.,
3 Nevada Bar No. 7192
4 John J. Stander,
5 Nevada Bar No. 9198
6 Don Springmeyer,
7 Nevada Bar No. 1021
8 Jory C. Garabedian,
9 Nevada Bar No. 10352
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12 Las Vegas, NV 89144
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14 Facsimile: (702) 990-2018
15 Email: jgarabedian@angus-terry.com
16 Attorneys for Plaintiffs

FILED
APR 6 4 50 PM '09
E. J. ...
CLERK

DISTRICT COURT
CLARK COUNTY, NEVADA

11 Judith Trigger, et al., all individuals; and
12 POES 1 through 10,000,
13
14 Plaintiffs,
15 v.
16 DEL WEBB COMMUNITIES, INC., a
17 Foreign Corporation, and DOES 1 through
18 1,000
19 Defendants.

Case No. A 587112
Department No. XVI

21 INITIAL APPEARANCE FEE DISCLOSURE (NRS CHAPTER 19)

22 Pursuant to NRS Chapter 19, as amended by Senate Bill 106, filing fees are submitted for parties
23 appearing in the above entitled action as indicated below:

24	Judith Trigger	\$ 151.00
25	Total of Attached pages	\$ 14,430.00
26	TOTAL	\$ 14,581.00

1	George & Ann Savage.....	\$60.00
	Parker & Lois Clark	\$60.00
2	Barre & Laverne Kennerley.....	\$60.00
	Beverly Schulte,	\$30.00
3	David & Norma Booth;	\$60.00
	Steven & Suzanne Pardon;	\$60.00
4	Phyllis Short;	\$30.00
	John Cerbone;	\$30.00
5	William & Coleen Hussey;	\$60.00
	Treva Roles;	\$30.00
6	Edward & Victoria Walker;	\$60.00
	Robert Kundel;	\$30.00
7	Leona Breitung;	\$30.00
	Enrico & Ann Marie Torcivia;	\$60.00
8	Brent Montgomery;	\$30.00
	Floretta Chisom;	\$30.00
9	Karen Fleischer;	\$30.00
	Frank & Judy Becker;	\$60.00
10	Joseph & Sheryl Demidio;	\$60.00
	Bernadine Renshaw;	\$30.00
11	Bernard & Marlene Weinstein;.....	\$60.00
	Mildred Penn;	\$30.00
12	Jack & Madelyn Nitzkin;	\$60.00
	Edward Gottfried;	\$30.00
13	Jacqueline Johnson;	\$30.00
	Mary Holborow;	\$30.00
14	Joseph & Mary Kay White;	\$60.00
	James & Sara Diss;	\$60.00
15	Frank & Nancy Ciullo;	\$60.00
	Apinantana & Bobbie Dulyanai;	\$60.00
16	Lynn & David Pisetzner;	\$60.00
	Wayne & Sandra Denney;	\$60.00
17	Melvyn Becker;	\$30.00
	John & Carol Buchanan;	\$60.00
18	Thomas Soong;	\$30.00
	Robert Bettencourt;	\$30.00
19	Arthur & Marsha Hindin;	\$60.00
	Rodger & Madeline Gobel;	\$60.00
20	Serafina Guanci;	\$30.00
	Norman & Anita Rosen;.....	\$60.00
21	Jim & Lynn Casimir;	\$60.00
	Nancy King;	\$30.00
22	Burton Richardson;	\$30.00
	George Chapekis;	\$30.00
23	Richard Whitaker;	\$30.00
	Arthur Kunis;	\$30.00
24	Dale & Patricia Marquette;	<u>\$60.00</u>
25		\$2,130.00
26		
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1	Barbara Sakata Burrell;	\$30.00
	June Lowry;	\$30.00
2	Richard Burrell;	\$30.00
	Burton & Faye Margolis;	\$60.00
3	Robert DeMartino;	\$30.00
	Rich & Sherrill Marquiss;	\$60.00
4	Bernardo & Angela Santos;	\$60.00
	William & Georgia Vickers;	\$60.00
5	Allan & Sharen Krojansky;	\$60.00
	Albert & Zipi Mimran;	\$60.00
6	Vincent & Patricia Graeff;	\$60.00
	Dave & Caroline Barber;	\$60.00
7	Dave Tunick;	\$30.00
	David & Diana McGovern;	\$60.00
8	Albert Fried;	\$30.00
	Jerry Theo;	\$30.00
9	Marilyn Hendrickson;	\$30.00
	Lorna Campbell;	\$30.00
10	Delmar & Maryann Brimm;	\$60.00
	Marvin Lifschitz;	\$30.00
11	Robert Buckmaster;	\$30.00
	William D'Andrea;	\$30.00
12	Sieglinde Stone;	\$30.00
	Thomas & Betty Bouchard;	\$60.00
13	William & Donna Liebman;	\$60.00
	Jerry & Sherolyn Taylor;	\$60.00
14	Larry Liebowitz & Linda Jaros;	\$60.00
	Howard Adler;	\$30.00
15	Diane Schultheis;	\$30.00
	Malcom & Beverly Lynch;	\$60.00
16	Roy & Diana Isaia;	\$60.00
	Harry & Anita Stoehr;	\$60.00
17	Ira & Brenda Tishk;	\$60.00
	Stanley & Sylvia Moss;	\$60.00
18	Zakir Majid;	\$30.00
	Eleanor Lapin;	\$30.00
19	Janet Kelley;	\$30.00
	Michael & Karen Bergnan;	\$60.00
20	Jerry & Rowena Wang;	\$60.00
	Judith Maldonado;	\$30.00
21	Larry & Myrna Orlov;	\$60.00
	Don Ketchel & Beverly Fuller;	\$60.00
22	Stephen & Leslie Gallen;	\$60.00
	Eugene & Yolanda Greenberg;	\$60.00
23	Barry & Pamela Archie;	\$60.00
	Martha Wade;	\$30.00
24	Russell & Helen Klingler;	\$60.00
	George & Judith Frankhouser;	\$60.00
25	James & Davida Handler;	\$60.00
26		
27		\$2,340.00
28		

1	Janice George;	\$30.00
	Jerry & Sharon Krasn;	\$60.00
	Susan Bivens Maddox;	\$30.00
2	Leonard Esposito;	\$30.00
	Joseph & Monika Padjune;	\$60.00
3	Bernard Siegel;	\$30.00
	Robert Levy;	\$30.00
4	Leon & Hedy Gordon;	\$60.00
	Steven & Barbara Busch;.....	\$60.00
5	Jon & Barbara Remlinger;	\$60.00
	Edward & Neomi Dali;	\$60.00
6	Carlos & Maria Marcaccini;	\$60.00
	Steve Gallen;	\$30.00
7	Leslie Gallen;	\$30.00
8	Harold & Susan Gerecht;	\$60.00
	Suzane Searson;	\$30.00
9	Anthony Accola & Marie Derro;	\$60.00
	Jeff & Kathleen Berkow;	\$60.00
10	Juliet LeBlanc;	\$30.00
	Paul Abrams;	\$30.00
11	Randy Rutkin;	\$30.00
	Ardwin & Beverly Block;	\$60.00
12	Judy Rubinsky;	\$30.00
	Michael Albert;	\$30.00
13	Don & Sue Littman;	\$60.00
	Alan & Marcia Erlich;	\$60.00
14	Ruben & Losario Lontok;	\$60.00
	Deborah Wagner;	\$30.00
15	Cliff & Vicky Gorov;	\$60.00
16	John & Barbara Seely;	\$60.00
	Lon & Martha Penton;	\$60.00
17	Stephen & Florine Goldberg;	\$60.00
	Ralph & Audrey Fraenza;	\$60.00
18	Jim & Gretchen Buhler;	\$60.00
	Richard & Joyce Suckerman;	\$60.00
19	Richard & Carol Skarke;	\$60.00
	Burton & Elaine Schwartz;	\$60.00
20	Dennis & Bernadette Balog;	\$60.00
	Eric Evans;	\$30.00
21	Joe & Martha Gallardo;	\$60.00
	Fred & Jane Kier;	\$60.00
22	Lauren Thomas;	\$30.00
	Alfred Danisch;	\$30.00
23	Helen London;	\$30.00
	Nicholas & Camille Cetrulo;	\$60.00
24	Robert & Barbara Platt;	\$60.00
	Jack & Barbara Khanjian;	\$60.00
25	Philip Melby;	\$30.00
	Vernon & Denatilus Price;	\$60.00
26	Karen Hodapp;	<u>\$30.00</u>
27		
28		\$2,400.00

1	Robert & Barbara Sansing;	\$60.00
	Rick & Lois Ernest;	\$60.00
2	Lora Sue Walker;	\$30.00
	Jose & Rosemary Cabezas;	\$60.00
3	Tamara Kim;	\$30.00
	Bobby Church;	\$30.00
4	George & Desneige Atteberry;	\$60.00
	Ralph & Janice Boyd;	\$60.00
5	John & Page Hawken;	\$60.00
	Gabriel & Mary Ann Papio;	\$60.00
6	Rosalie Huffman;	\$30.00
	Paul & Harriet Herman;	\$60.00
7	David & Joyce Holm;	\$60.00
	Dick & Jeraldyn McEwen;	\$60.00
8	Charlotte Goodman;	\$30.00
	Peggy Caro;	\$30.00
9	Rita Malkin;	\$30.00
	Beverly & Howard Wertz;	\$60.00
10	Melvin & Francine Siegel;	\$60.00
	Edward & Barbara Burrell;	\$60.00
11	Franklin & Bobbie Baker;	\$60.00
	Priscilla & Don Driscoll;	\$60.00
12	Ethel Beigelman;	\$30.00
	Mary English;	\$30.00
13	Nicholas & Marlene Andros;	\$60.00
	Robert & Phyllis Daugherty;	\$60.00
14	Anthony & Irene Janicki;	\$60.00
	Curtis Mattke;	\$30.00
15	Edward & Joelia Cullen;	\$60.00
	Anthony & Loretta Zeppieri;	\$60.00
16	Robert & Marilyn LaMonte;	\$60.00
	Carol Barash;	\$30.00
17	Glen & Barbara Panning;	\$60.00
	Milton & Dolores Gee;	\$60.00
18	Howard Roberts;	\$30.00
	James Condor;	\$30.00
19	Richard & Theresa Tewes;	\$60.00
	Philip & Matilda Bonacci;	\$60.00
20	Harold & Annette Israel;	\$60.00
	Joe & Hazel Martinez;	\$60.00
21	Donald & Jane Kusel;	\$60.00
	George Husa;	\$30.00
22	Robert & Janice Blake;	\$60.00
	Shirley Tullos;	\$30.00
23	Thaddeus & Peggy Pierce;	\$60.00
	Carol Wulffraat;	\$30.00
24	Robert & Jaundrya Batterson;	\$60.00
	Loretta Zahn;	\$30.00
25	Leon Goldman;	\$30.00
26		
27		\$2,400.00
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	John & Florence Cochran;	\$60.00
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	Judith & Bennett Nieder;	\$60.00
2	Joseph Fisher;	\$30.00
	David & Pala Cartier;	\$60.00
3	Dubose & Deborah Lomax;	\$60.00
	Jerome Matz;	\$30.00
4	Gerald VonderAhe;	\$30.00
	David & Bernadette O'Neill;	\$60.00
5	James & Erika Furse;	\$60.00
	Richard Chester & Margot Caughell;	\$60.00
6	James & Harriet Wells;	\$60.00
	S.E. Lobello;	\$30.00
7	Marilou Friscia;	\$30.00
	James & Daisy Biava;	\$60.00
8	Ronald & Marilyn Wilson;	\$60.00
	Glenn Beck;	\$30.00
9	Leo Cain;	\$30.00
10	Jack & Ingrid DeMichele;	\$60.00
	James & Rita Martin;	\$60.00
11	Jose & Mary Madrid;	\$60.00
	Harriet Perry;	\$30.00
12	Jack & Susan Topoleski;	\$60.00
	Robert & Ruby Wright;	\$60.00
13	Vincente & Susan Gigandet;	\$60.00
	Richard Crombez;	\$30.00
14	Jay Jeffries;	\$30.00
	Joan Weinberger;	\$30.00
15	Frank & Marie Ficarotta;	\$60.00
	Jerry & Barbara Fisher;	\$60.00
16	Allan & Phyllis Kessler;	\$60.00
	David & Marilyn Kapel;	\$60.00
17	Jackson & Naomi Kohagura;	\$60.00
	Mary Sue Aldridge;	\$30.00
18	Shahron Smith Ulrich;	\$30.00
	Bruce & Margaret Lanard;	\$60.00
20	Ronald & Sharon Guengerich;	\$60.00
	David & Joyce Pasquinelli;	\$60.00
21	Daniel & Margaret Moon;	\$60.00
	Nancy Rose;	\$30.00
22	James & Iona Schell;	\$60.00
	Joseph & Colleen Steigerwald;	\$60.00
23	John & Ellen Carr;	\$60.00
	William & Denise Walker;	\$60.00
24	Shawn & Donald McClelland;	\$60.00
	Marianne Lee;	\$30.00
25	Gerald & Nancy Merz;	\$60.00
	Catherine Torres;	\$30.00
26	Peter Longwill;	\$30.00
	Myrna Edwards;	\$30.00
27		
28		\$2,430.00

1	Richard & Lydia Ho;	\$60.00
	Frederick & Diane Bold;	\$60.00
	Brenda & Charlie Heuston;	\$60.00
2	Arthur & Ramona Konrad;	\$60.00
	Charles & Amelita Criswell;	\$60.00
3	Carol Johnson;	\$30.00
	Larry & Ann Butterfield;	\$60.00
4	Joyce Reed;	\$30.00
	Marlene Marcus;	\$30.00
5	Lambert Motz;	\$30.00
	George & Nancy Ginerelli;	\$60.00
6	Jon & Judy Griffin;	\$60.00
	Don & Sharon McClelland;	\$60.00
7	Michael & Lorraine Kennett;	\$60.00
	Thomas Furjanic;	\$30.00
8	Barbara Booth & Lani Kunel;	\$60.00
	Timothy L. & Wilma E. Congelliere;	\$60.00
9	Ernest & Zelda Spickler;	\$60.00
10	Jules Vandenbroeke;	\$30.00
	Kenneth & Roberta Gray;	\$60.00
11	John & Charlotte Fecher;	\$60.00
	David & Janet Hockenberg;	\$60.00
12	Richard & Jenny Ballew;	\$60.00
	Jeremiah & Ora Lee Toomey;	\$60.00
13	Elleen Shepardson;	\$30.00
	David & Joyce Servello;	\$60.00
14	Gary & Ruth Leis;	\$60.00
15	Linda Smith;	\$30.00
	Theodore Brown;	\$30.00
16	Michael & Dona Parady;	\$60.00
	Robert & Arlene Nemesek;	\$60.00
17	Theresa Burke;	\$30.00
	Bernard & Elaine Halprin;	\$60.00
18	Francis Toth;	\$30.00
	Linda Follocco;	\$30.00
19	Les & Nancy Dean;	\$60.00
20	Charles & Patricia Simmons;	\$60.00
	Paul & Ingrid Rose;	\$60.00
21	Irene Butler;	\$30.00
	Virgil Francis;	\$30.00
22	Shirley Zeiner;	\$30.00
	Leonard & Beverly Mistretta;	\$60.00
23	David & Everal Ann Bashaw;	\$60.00
	Karen Walker;	\$30.00
24	Katherine Hopkins;	\$30.00
	Robert & Karen Case;	\$60.00
25	Dave & Caroline Morris;	\$60.00
	Donald & Rochelle Lyons;	\$60.00
26		
27		\$2,370.00
28		

1	Robert & Nancy Allen;	\$60.00
	Murphy & Joyce Scott;	\$60.00
2	Anne Hollingsworth;	\$30.00
	Salvatore Gilotta;	\$30.00
3	Janet Castellini;	\$30.00
	Dolores Cappelto;	\$30.00
4	Al Katz;	\$30.00
	David Rosen;	\$30.00
5	Herb & Linda Soloman;	\$60.00
	all individuals;	
6		\$ 360.00

7 TOTAL: \$14,581.00

8
9 DATED this 3rd day of April, 2009

10 ANGIUS & TERRY LLP


11
12 By 
13 Paul F. Terry, Jr.,
14 Nevada Bar No. 7192
15 John J. Stander,
16 Nevada Bar No. 9198
17 Don Springmeyer,
18 Nevada Bar No. 1021
19 Jory C. Garabedian,
20 Nevada Bar No. 10352
21 ANGIUS & TERRY LLP
22 1120 N. Town Center Dr., Ste. 260
23 Las Vegas, NV 89144
24 Telephone: (702) 990-2017
25 Facsimile: (702) 990-2018
26 Email: jgarabedian@angus-terry.com
27 Attorneys for Plaintiffs
28

EXHIBIT “2”

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NOTC
MEGAN K. DORSEY, ESQ.
Nevada Bar No. 6959
JASON W. WILLIAMS, ESQ.
Nevada Bar No. 8310
KOELLER, NEBEKER, CARLSON & HALUCK, LLP
300 South Fourth Street, Suite 500
Las Vegas, NV 89101
Phone: (702) 853-5500
Fax: (702) 853-5599
Attorneys for Defendant
DEL WEBB COMMUNITIES, INC.

DISTRICT COURT
CLARK COUNTY NEVADA

Judith Trigger; George & Ann Savage; Parker & Lois Clark; Barre & Laverne Kennerley; Beverly Schulte; David & Norma Booth; Steven & Suzanne Pardon; Phyllis Short; John Cerbone; William & Coleen Hussey; Treva Roles; Edward & Victoria Walker; Robert Kundel; Leona Breitung; Enrico & Ann Marie Torcivia; Brent Montgomery; Floretta CHisom; Karen Fleischer; Frank & Judy Becker; Josephy & Sheryl Demidio; Bernadine REnshaw; Bernard & Marlene Weinstein; Mildred Penn; Jack & Madelyn Nitzkin; Edward Gottfried; Jacqueline Johnson; Mary Holborrow; Joseph & Mary Kay White; James & Sara Diss; Frank & Nancy Ciullo; Apinantana & Bobbie Dulyanai; Lynn & David Pisetzner; Wayne & Sandra Denney; Melvyn Becker; John & Carol Buchanan; Thomas Soong; Robert Bettencourt; Arthur & Marsha Hindin; Rodger & Madeline Govel; Serafina Guanci; Norman & Anita Rosen; Jim & Lynn Casimir; Nancy King; Burton Richardson; George Chepakis; Richard Whitaker; Arthur Kunis; Dale & Patricia Marquette; Barbara Sakata Burrell; June Lowry; Richard Burrell; Burton & Faye Margolis; Robert DeMartino; Rich & Sherrill Marquiss; Bernardo & Angela Santos; William & Georgia Vickers; Allan & Sharen Krojansky; Albert & Zipi Mimran; Vincent & Patricia Graeff; Dave & Caroline Barber; Dave Tunick; David &

) CASE NO. A587112
) DEPT. NO. XVI
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)
)
)
) **NOTICE OF REMOVAL OF ACTION**
) **TO THE UNITED STATES**
) **DISTRICT COURT FOR THE**
) **DISTRICT OF NEVADA**

1 Diana McGovern; Albert Fried; Jerry Theo;)
Marilyn Hendrickson; Lorna Campbell; Delmar)
2 & Maryann Brimm; Marvin Lifschitz; Robert)
Buckmaster; William D'Andrea; Sieglinde Stone;)
3 Thomas & Betty Bouchard; William & Donna)
Liebman; Jerry & Sherolyn Taylor; Larry)
4 Liebowitz & Linda Jaros; Howard Adler; Diane)
Schultheis; Malcom & Beverly Lynch; Roy &)
5 Diana Isaia; Harry & Anita Stoehr; Ira & Brenda)
6 Tishk; Stanley & Sylvia Moss; Zakir Majid;)
Eleanor Lapin; Janet Kelley; Michael & Karen)
7 Bergman; Jerry & Rowena Wang; Judith)
Maldonado; Larry & Myrna Orlov; Don Ketchel)
8 & Beverly Fuller; Stephen & Leslie Gallen;)
Eugene & Yolanda Greenberg; Barry & Pamela)
9 Archie; Martha Wade; Russell & Helen Klinger;)
10 George & Judith Frankhouser; James & Davida)
Handler; Janice George; Jerry & Sharon Krasn;)
11 Susan Bivens Maddox; Leonard Esposito; Joseph)
& Monika Padjuen; Berard Siegel; Robery Levy;)
12 Leon & Hedy Gordon; Steven & Barbara Busch;)
13 Jon & Barbara Remlinger; Edward & Neomi)
Dali; Carlos & Maria Marcaccini; Steve Gallen;)
14 Leslise Gallen; Harold & Susan Gerecht; Suzane)
Searson; Anthony Accola & Marie Derro; Jeff &)
15 Kathleen Berkow; Juliet LeBlanc; Paul Abrams;)
Randy Rutkin; Adrwin & Beverly Block; Judy)
16 Rubinsky; Michael Albert; Don & Sue Littman;)
17 Alan & Marcia Ehrlich; Ruben & Losario Lontok;)
Deborah Wagner; Cliff & Vicky Gorov; John &)
18 Barbara Seely; Lon & Martha Penton; Stephen &)
Florine Goldberg; Ralph & Audrey Fraenza; Jim)
19 & Gretchen Buhler; Richard & Joyce Suckerman;)
Richard & Carol Skarke; Burton & Elaine)
20 Schwartz; Dennis & Bernadette Balog; Eric)
21 Evans; Joe & Martha Gallardo; Fred & Jane Kier;)
Lauren Thomas; Alfred Danisch; Helen London;)
22 Nicholas & Camille Khanjian; Phillip Melby;)
Vernon & Denatilus Price; Karen Hodapp; Robert)
23 & Barbara Sansing; Rick & Lois Ernest; Lora Sue)
Walker; Jose & Rosemary Cabezas; Tamara Kim;)
24 Bobby Church; George & Desneige Atteberry;)
25 Ralph & Janice Boyd; John & Page Hawken;)
Gabriel & Mary Ann Papio; Rosalie Hufman;)
26 Paul & Harriet Herman; David & Joyce Holm;)
27 Dick & Jeraldne McEwen; Charlotte Goodman;)
Peggy Caro; Rita Malkin; Beverly & Howard)
28 Wertz; Melvin & Francine Siegel; Edward &)

1 Barbara Burrell; Franklin & Bobbie Baker;)
Priscilla & Don Driscoll; Dave Tunick; Ethel)
2 Beigelman; Mary English; Nicholas & Marlene)
Andros; Robert & Phyllis Daugherty; Anthony &)
3 Irene Janicki; Curtis Mattke; Edward & Joelia)
Cullen; Anthony & Loretta Zeppieri; Robert &)
4 Marilyn LaMorte; Carol Barash; Glen & Barbara)
Panning; Milton & Dolores Gee; Howard)
5 Roberts; James Condor; Richard & Theresa)
6 Tewes; Philip & Matilda Bonacci; Harold &)
Annette Israel; Joe & Hazel Martinez; Donald &)
7 Jane Kusel; George Husa; Robert & Janice Blake;)
Shirley Tullos; Thaddeus & Peggy Pierce; Carol)
8 Wulffraat; Robert & Jaundrya Batterson ; Loretta)
Zahn; Leon Goldman; John & Florence Cochran;)
9 Gerald Carpenter; Judith & Bennett Nieder;)
10 Joseph Fisher; David & Pala Cartier; Dubose &)
Deborah Lomax; Jerome Matz; Gerald)
11 VonderAhe; David & Bernadette O'Neill; James)
& Ericka Furse; Richard Chester & Margot)
12 Caughell; James & Harriet Wells; S.E. LoBello;)
13 Marilou Friscia; James & Daisy Biava; Ronald &)
Marilyn Wilson; Glenn Beck; Leo Cain; Jack &)
14 Ingrid DeMichele; James & Rita Martin; Jose &)
Mary Madrid; Harriet Perry; Jack & Susan)
15 Topoleski; Robert & Ruby Wright; Vincente)
16 Gigandet; Richard Crombez; Kay Jeffries; Joan)
Weinberger; Frank & Marie Ficarotta; Jerry &)
17 Barbara Fisher; Allan & Phyllis Kessler; David &)
Marilyn Kapel; Jackson & Naomi Kohagura;)
18 Mary Sue Aldridge; Sharon Smith Ulrich; Bruce)
& Margaret Lanard; Ronald & Sharon)
19 Guengerich; David & Joyce Pasquinelli; Daniel &)
20 Margaret Moon; Nancy Rose; James & Iona)
Schell; Joseph & Colleen Steigerwald; John &)
21 Ellen Carr; William & Denise Walker; Shawn &)
Donald McClelland; Marianne Lee; Gerald &)
22 Nancy Merz; Catherine Torres; Peter Longwill;)
Myrna Edwards; Richard & Lydia Ho; Frederick)
23 & Diane Bold; Brenda & Charlie Heuston; Arthur)
& Ramona Konrad; Charles & Amelita Criswell;)
24 Carol Johnson; Larry & Ann Butterfield; Joyce)
25 Reed; Marlene Marcus; Lambert Motz; George &)
Nancy Gingerelli; Jon & Judy Griffin; Don &)
26 Sharon McClelland; Michael & Lorraine Kennett;)
Thomas Furjanic; Barbara Booth & Lani Kunel;)
27 Timothy L. & Wilma E. Congelliere; Ernest &)
28 Zelda Spickler; Jules Vandenbroeke; Kenneth &)

1 Roberta Gray; John & Charlotte Fecher; David &)
 Janet Hockenberg; Richard & Jenny Ballew;)
 2 Jeremiah & Ora Lee Toomey; Ellen Shepardson;)
 David & Joyce Servello; Gary & Ruth Leis; Linda)
 3 Smith; Theodore Brown; Michael & Dona)
 Parady; Robert & Arlene Nemesek; Theresa)
 4 Burke; Bernard & Elaine Halprin; Francis Toth;)
 Linda Follosco; Les & Nancy Dean; Charles &)
 5 Patricia Simmons; Paul & Ingrid Rose; Irene)
 6 Butler; Virgil Francis; Shirley Zeiner; Leonard &)
 Beverly Mistretta; David & Everal Ann Bashaw;)
 7 Karen Walker; Katherine Hopkins; Robert &)
 8 Karen Case; Dave & Caroline Morris; Donald &)
 Rochelle Lyons; Robert & Nancy Allen; Murphy)
 9 & Joyce Scott; Anne Hollingsworth; Salvatore)
 Gilotta; Janet Castellini; Dolores Cappetto; Al)
 10 Katz; David Rosen; Herb & Linda Solomon; all)
 individuals; and POES 1 through 10,000,)
 11)
 12 Plaintiffs,)
 13 vs.)
 14 DEL WEBB COMMUNITIES, INC., a Foreign)
 Corporation, and DOES 1 through 1,000,)
 15)
 16 Defendants.)

17
 18 TO: Plaintiffs (as listed above in Caption);
 19 TO: PAUL TERRY, ESQ., ANGIUS & TERRY LLP, attorneys for Plaintiffs:
 20 ///
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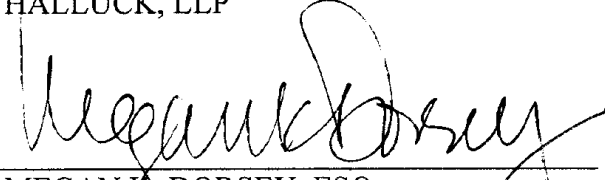
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PLEASE TAKE NOTICE that Defendant has filed a Notice of Removal pursuant to 28 U.S.C. §§ 1332(a)(1), 1332(d)(2)(A), 1441(a), (b), and 1446. A copy of Defendant's Petition for Removal to the United States District Court is attached hereto.

DATED this 11th day of May, 2009.

By:

KOELLER NEBEKER CARLSON &
HALLUCK, LLP

BY: 

MEGAN K. DORSEY, ESQ.
Nevada Bar No. 6959
JASON W. WILLIAMS, ESQ.
Nevada Bar No. 8310
300 S. Fourth St., Suite 500
Las Vegas, NV 89101
Attorneys for Defendant
DEL WEBB COMMUNITIES, INC.

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CERTIFICATE OF FACSIMILE & MAILING

The undersigned hereby certifies that on the 11th day of May, 2009, I served a copy of the foregoing **NOTICE OF REMOVAL OF ACTION TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA** by transmitting via facsimile to the below facsimile number & by causing a copy of the same to be duly deposited in the United States mail, postage prepaid, addressed to:

Paul Terry, Esq.
ANGIUS & TERRY LLP
1120 N. Town Center Dr., Ste 260
Las Vegas, NV 89144
FACSIMILE (702) 990-2018

An Employee of
KOELLER NEBEKER CARLSON & HALUCK, LLP

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NOTC
MEGAN K. DORSEY, ESQ.
Nevada Bar No. 6959
JASON W. WILLIAMS, ESQ.
Nevada Bar No. 8310
KOELLER, NEBEKER, CARLSON & HALUCK, LLP
300 South Fourth Street, Suite 500
Las Vegas, NV 89101
Phone: (702) 853-5500
Fax: (702) 853-5599
Attorneys for Defendant
DEL WEBB COMMUNITIES, INC.

DISTRICT COURT
CLARK COUNTY NEVADA

Judith Trigger; George & Ann Savage; Parker &) CASE NO. A587112
Lois Clark; Barre & Laverne Kennerley; Beverly) DEPT. NO. XVI
Schulte; David & Norma Booth; Steven &)
Suzanne Pardon; Phyllis Short; John Cerbone;)
William & Coleen Hussey; Treva Roles; Edward)
& Victoria Walker; Robert Kundel; Leona)
Breitung; Enrico & Ann Marie Torcivia; Brent)
Montgomery; Floretta CHisom; Karen Fleischer;) **NOTICE OF REMOVAL OF ACTION**
Frank & Judy Becker; Josephy & Sheryl) **TO THE UNITED STATES**
Demidio; Bernadine REnshaw; Bernard &) **DISTRICT COURT FOR**
Marlene Weinstein; Mildred Penn; Jack &) **THE DISTRICT OF NEVADA**
Madelyn Nitzkin; Edward Gottfried; Jacqueline)
Johnson; Mary Holborrow; Joseph & Mary Kay)
White; James & Sara Diss; Frank & Nancy)
Ciullo; Apinantana & Bobbie Dulyanai; Lynn &)
David Pisetzner; Wayne & Sandra Denney;)
Melvyn Becker; John & Carol Buchanan; Thomas)
Soong; Robert Bettencourt; Arthur & Marsha)
Hindin; Rodger & Madeline Govel; Serafina)
Guanci; Norman & Anita Rosen; Jim & Lynn)
Casimir; Nancy King; Burton Richardson; George)
Chepakis; Richard Whitaker; Arthur Kunis; Dale)
& Patricia Marquette; Barbara Sakata Burrell;)
June Lowry; Richard Burrell; Burton & Faye)
Margolis; Robert DeMartino; Rich & Sherrill)
Marquiss; Bernardo & Angela Santos; William &)
Georgia Vickers; Allan & Sharen Krojansky;)
Albert & Zipi Mimran; Vincent & Patricia Graeff;)
Dave & Caroline Barber; Dave Tunick; David &)

1 Diana McGovern; Albert Fried; Jerry Theo;)
Marilyn Hendrickson; Lorna Campbell; Delmar)
2 & Maryann Brimm; Marvin Lifschitz; Robert)
Buckmaster; William D'Andrea; Sieglinde Stone;)
3 Thomas & Betty Bouchard; William & Donna)
Liebman; Jerry & Sherolyn Taylor; Larry)
4 Liebowitz & Linda Jaros; Howard Adler; Diane)
Schultheis; Malcom & Beverly Lynch; Roy &)
5 Diana Isaia; Harry & Anita Stoehr; Ira & Brenda)
6 Tishk; Stanley & Sylvia Moss; Zakir Majid;)
Eleanor Lapin; Janet Kelley; Michael & Karen)
7 Bergman; Jerry & Rowena Wang; Judith)
Maldonado; Larry & Myrna Orlov; Don Ketchel)
8 & Beverly Fuller; Stephen & Leslie Gallen;)
Eugene & Yolanda Greenberg; Barry & Pamela)
9 Archie; Martha Wade; Russell & Helen Klingler;)
10 George & Judith Frankhouser; James & Davida)
Handler; Janice George; Jerry & Sharon Krasn;)
11 Susan Bivens Maddox; Leonard Esposito; Joseph)
& Monika Padjuen; Berard Siegel; Robery Levy;)
12 Leon & Hedy Gordon; Steven & Barbara Busch;)
13 Jon & Barbara Remlinger; Edward & Neomi)
Dali; Carlos & Maria Marcaccini; Steve Gallen;)
14 Leslise Gallen; Harold & Susan Gerecht; Suzane)
Searson; Anthony Accola & Marie Derro; Jeff &)
15 Kathleen Berkow; Juliet LeBlanc; Paul Abrams;)
16 Randy Rutkin; Adrwin & Beverly Block; Judy)
Rubinsky; Michael Albert; Don & Sue Littman;)
17 Alan & Marcia Ehrlich; Ruben & Losario Lontok;)
Deborah Wagner; Cliff & Vicky Gorov; John &)
18 Barbara Seely; Lon & Martha Penton; Stephen &)
Florine Goldberg; Ralph & Audrey Fraenza; Jim)
19 & Gretchen Buhler; Richard & Joyce Suckerman;)
Richard & Carol Skarke; Burton & Elaine)
20 Schwartz; Dennis & Bernadette Balog; Eric)
21 Evans; Joe & Martha Gallardo; Fred & Jane Kier;)
Lauren Thomas; Alfred Danisch; Helen London;)
22 Nicholas & Camille Khanjian; Phillip Melby;)
Vernon & Denatilus Price; Karen Hodapp; Robert)
23 & Barbara Sansing; Rick & Lois Ernest; Lora Sue)
Walker; Jose & Rosemary Cabezas; Tamara Kim;)
24 Bobby Church; George & Desneige Atteberry;)
25 Ralph & Janice Boyd; John & Page Hawken;)
Gabriel & Mary Ann Papio; Rosalie Hufman;)
26 Paul & Harriet Herman; David & Joyce Holm;)
27 Dick & Jeraldne McEwen; Charlotte Goodman;)
Peggy Caro; Rita Malkin; Beverly & Howard)
28 Wertz; Melvin & Francine Siegel; Edward &)

1 Barbara Burrell; Franklin & Bobbie Baker;)
Priscilla & Don Driscoll; Dave Tunick; Ethel)
2 Beigelman; Mary English; Nicholas & Marlene)
Andros; Robert & Phyllis Daugherty; Anthony &)
3 Irene Janicki; Curtis Mattke; Edward & Joelia)
Cullen; Anthony & Loretta Zeppieri; Robert &)
4 Marilyn LaMorte; Carol Barash; Glen & Barbara)
Panning; Milton & Dolores Gee; Howard)
5 Roberts; James Condor; Richard & Theresa)
6 Tewes; Philip & Matilda Bonacci; Harold &)
Annette Israel; Joe & Hazel Martinez; Donald &)
7 Jane Kusel; George Husa; Robert & Janice Blake;)
Shirley Tullos; Thaddeus & Peggy Pierce; Carol)
8 Wulfraat; Robert & Jaundrya Batterson ; Loretta)
Zahn; Leon Goldman; John & Florence Cochran;)
9 Gerald Carpenter; Judith & Bennett Nieder;)
10 Joseph Fisher; David & Pala Cartier; Dubose &)
Deborah Lomax; Jerome Matz; Gerald)
11 VonderAhe; David & Bernadette O'Neill; James)
& Ericka Furse; Richard Chester & Margot)
12 Caughell; James & Harriet Wells; S.E. LoBello;)
13 Marilou Friscia; James & Daisy Biava; Ronald &)
Marilyn Wilson; Glenn Beck; Leo Cain; Jack &)
14 Ingrid DeMichele; James & Rita Martin; Jose &)
Mary Madrid; Harriet Perry; Jack & Susan)
15 Topoleski; Robert & Ruby Wright; Vincente)
16 Gigandet; Richard Crombez; Kay Jeffries; Joan)
Weinberger; Frank & Marie Ficarotta; Jerry &)
17 Barbara Fisher; Allan & Phyllis Kessler; David &)
Marilyn Kapel; Jackson & Naomi Kohagura;)
18 Mary Sue Aldridge; Sharon Smith Ulrich; Bruce)
& Margaret Lanard; Ronald & Sharon)
19 Guengerich; David & Joyce Pasquinelli; Daniel &)
20 Margaret Moon; Nancy Rose; James & Iona)
Schell; Joseph & Colleen Steigerwald; John &)
21 Ellen Carr; William & Denise Walker; Shawn &)
Donald McClelland; Marianne Lee; Gerald &)
22 Nancy Merz; Catherine Torres; Peter Longwill;)
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& Diane Bold; Brenda & Charlie Heuston; Arthur)
24 & Ramona Konrad; Charles & Amelita Criswell;)
Carol Johnson; Larry & Ann Butterfield; Joyce)
25 Reed; Marlene Marcus; Lambert Motz; George &)
Nancy Gingerelli; Jon & Judy Griffin; Don &)
26 Sharon McClelland; Michael & Lorraine Kennett;)
27 Thomas Furjanic; Barbara Booth & Lani Kunel;)
Timothy L. & Wilma E. Congelliere; Ernest &)
28 Zelda Spickler; Jules Vandenbroeke; Kenneth &)

1 Roberta Gray; John & Charlotte Fecher; David &)
 Janet Hockenberg; Richard & Jenny Ballew;)
 2 Jeremiah & Ora Lee Toomey; Ellen Shepardson;)
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 3 Smith; Theodore Brown; Michael & Dona)
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 4 Burke; Bernard & Elaine Halprin; Francis Toth;)
 Linda Follosco; Les & Nancy Dean; Charles &)
 5 Patricia Simmons; Paul & Ingrid Rose; Irene)
 6 Butler; Virgil Francis; Shirley Zeiner; Leonard &)
 Beverly Mistretta; David & Everal Ann Bashaw;)
 7 Karen Walker; Katherine Hopkins; Robert &)
 8 Karen Case; Dave & Caroline Morris; Donald &)
 Rochelle Lyons; Robert & Nancy Allen; Murphy)
 9 & Joyce Scott; Anne Hollingsworth; Salvatore)
 Gilotta; Janet Castellini; Dolores Cappetto; Al)
 10 Katz; David Rosen; Herb & Linda Solomon; all)
 individuals; and POES 1 through 10,000,)
 11)
 12 Plaintiffs,)
 13 vs.)
 14 DEL WEBB COMMUNITIES, INC., a Foreign)
 Corporation, and DOES 1 through 1,000,)
 15)
 16 Defendants.)

17 TO: THE CLERK OF THE CLARK COUNTY DISTRICT COURT OF THE STATE OF
18 NEVADA;

19 PLEASE TAKE NOTICE that Defendant, DEL WEBB COMMUNITIES, INC., an
20 Arizona corporation, has filed a Notice of Removal pursuant to 28 U.S.C. §§ 1332(a)(1),
21 1332(d)(2)(A), 1441(a), (b), and 1446. A copy of Defendant's Petition for Removal to the
22 United States District Court is attached hereto.

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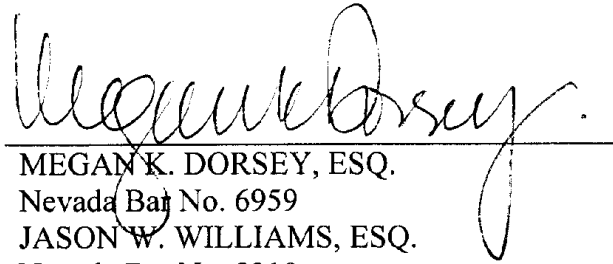
PLEASE TAKE FURTHER NOTICE that pursuant to 28 U.S.C. §1446(d), this Court may not proceed further unless and until the action is remanded.

DATED this 11th day of May, 2009.

By:

KOELLER NEBEKER CARLSON &
HALLUCK, LLP

BY:



MEGAN K. DORSEY, ESQ.
Nevada Bar No. 6959
JASON W. WILLIAMS, ESQ.
Nevada Bar No. 8310
300 S. Fourth St., Suite 500
Las Vegas, NV 89101
Attorneys for Defendant
DEL WEBB COMMUNITIES, INC.

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CERTIFICATE OF FACSIMILE & MAILING

The undersigned hereby certifies that on the 11th day of May, 2009, I served a copy of the foregoing **NOTICE OF REMOVAL OF ACTION TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA** by transmitting via facsimile to the below facsimile number & by causing a copy of the same to be duly deposited in the United States mail, postage prepaid, addressed to:

Paul Terry, Esq.
ANGIUS & TERRY LLP
1120 N. Town Center Dr., Ste 260
Las Vegas, NV 89144
FACSIMILE (702) 990-2018

An Employee of
KOELLER NEBEKER CARLSON & HALUCK, LLP

EXHIBIT “3”

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Todd M. Touton, #1744
Jennifer L. Braster, #9982
LIONEL SAWYER & COLLINS
1700 Bank of America Plaza
300 South Fourth Street
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Attorneys for DEL WEBB COMMUNITIES, INC.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DEL WEBB COMMUNITIES, INC,

Plaintiff

Case No.

v.

COMPLAINT

CHARLES LESLIE PARTINGTON, d/b/a
M.C. MOJAVE CONSTRUCTION, JOHN
WILSON, individually, and DOE
INDIVIDUALS I-X, inclusive; and ROE
ENTITIES I-X, inclusive,

Defendants

Plaintiff Del Webb Communities, Inc. ("Del Webb Communities" or "Del Webb")
alleges as follows:

Nature of Action and Jurisdiction

State Law Champerty and Maintenance Claim, Intentional
Interference with Contract Relationships, Lanham Act violations
pursuant to 15 U.S.C. 1125(a)(1), Deceptive Trade Violations
under NRS 598.0915(1)(2)(3)(4), NRS 598.0923(1), and NRS
41.600(2)(e), and other state law claims

1. This action arises out of defendants' violations of the Lanham Act, 15 U.S.C.
1125(a)(1), including misrepresentations as to affiliation, connection, or association with the
plaintiff in conjunction with defendants' services and commercial activities. As a result of

1 defendants' Lanham Act violation, a federal question is presented, and diversity jurisdiction
2 exists pursuant to 28 U.S.C 1332 and jurisdiction in this Court is appropriate.

3 2. Plaintiff's claims include pendant state causes which include deceptive trade practices
4 under NRS 598.0915(1), (2), (3), and (4), NRS 598.0923(1), and NRS 41.600(2)(e), and
5 violations of Nevada common law.

6 3. There is complete diversity between Del Webb and defendants.

7 4. The amount in controversy exceeds \$75,000. Del Webb is seeking declaratory relief,
8 and upon that ground alone, the pecuniary effect of an adverse declaration will exceed \$75,000.
9 Del Webb is also seeking consequential and special damages in excess of \$75,000.

10 The Parties

11 5. Del Webb is an Arizona corporation with its principal place of business in Michigan.

12 6. Defendant Charles Leslie Partington ("Partington"), d/b/a M.C. Mojave Construction
13 ("Mojave"), is a sole proprietor who has operated and continues to operate as Mojave in
14 violation of Nevada law by relying upon an expired fictitious name certificate. Partington is not
15 licensed to examine any component of a structure or to communicate an inspection report under
16 NRS 645D.080, but holds himself out as "licensed" for that purpose.

17 7. While Partington holds a limited, individual B-2 Residential and Small Commercial
18 contractor's license, the services described in this complaint do not constitute construction within
19 the scope of that B-2 license.

20 8. Partington is believed to be a citizen of Nevada.

21 9. Defendant John Wilson ("Wilson") is believed to be a similarly unlicensed agent of
22 Mojave who personally communicated misrepresentations and committed statutory violations
23 described hereafter.

24 10. Wilson is believed to be a citizen of Nevada.

25 11. The events described herein occurred in Clark County, Nevada.

26 12. The true names and capacities whether individual, corporate, associate or otherwise,
27 of defendants Doe Individuals I through X and Roe Entities I through X are unknown to plaintiff

1 at the present time and plaintiff therefore sues said defendants by such fictitious names. Plaintiff
2 is informed and believes and thereupon alleges that each of the defendants designated as Doe
3 Individuals I through X and Roe Entities I through X are responsible in some manner for the
4 events, misconduct, and injuries referred to here. Once discovery has disclosed the identity of
5 such entities and individuals, plaintiff will ask leave of this Court to amend its Complaint to
6 insert the true names and capacities of said defendants and to join such defendants in this action.

7 **Factual Allegations**

8 13. Between May 22, 1998, and the present, Del Webb developed and continues to
9 develop an age-restricted retirement community known as Sun City Anthem in Henderson, Clark
10 County, Nevada.

11 14. Del Webb is obliged to respond to homeowner demands for Del Webb Corporation's
12 warranty responsibilities at Sun City Anthem.

13 15. Partington and Wilson have solicited various homeowners throughout the Sun City
14 Anthem development to accept a "free" home inspection. Specifically, Partington and Wilson
15 represented that Mojave would only collect a fee if or when the "builder" (a reference to Del
16 Webb Communities, Inc.) reimbursed the homeowner as a result of the initiation of a subsequent
17 demand made under NRS Chapter 40. Mojave's agreements with homeowners for free
18 inspections assign the right to recover any and all inspection fees from the builder as might later
19 be recovered pursuant to NRS 40.655 to Mojave.

20 16. A demand made under Chapter 40 is the equivalent of a civil action.

21 17. Mojave's solicitation delivered by Partington and Wilson included the following
22 representations:

23 a. The new right to repair law in Nevada states that
24 homeowners have the right to be reimbursed for any reasonable
25 cost or fees incurred for legal services and experts in order to
ascertain the nature and extent of constructional defects. NRS
40.655.

26 b. Under the new law homeowners have the right to have the
27 builder make the necessary repairs to homes that show code
violations or work performed under industry standards.

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18. Mojave then informed homeowners of their "options" which included:

(2) INSPECTION TEAMS can help the homeowners through the process by representing the interest of the homeowners when the builder and the subcontractors do their walk through; make sure the repairs are within code requirements or manufacturers specifications; complete the process by doing a final walk through inspection with the homeowners. The law states that you can be reimbursed for any reasonable expert fees. Be sure that the company you hire offers you a Risk Free Service Agreement. These companies look to be paid for their services only if you receive reimbursements from the builder. (3) LEGAL FIRMS THAT HANDLE CHAPTER 40 CLAIMS. A law firm can make sure the builder will honor his responsibility and ensure that your legal warranty period is protected and extended. The law firm will also hire their inspection teams to protect you from shoddy workmanship by subcontractors. Again make sure that the law firm will sign a RISK FREE or CONTINGENCY FEE AGREEMENT.

19. Mojave informed homeowners that "if you are not familiar with a law firm that handles Chapter 40 claims, we can provide the names of three law firms that are willing to help you." Exhibit 1.

20. Mojave's fee agreement, when executed by homeowners, included the following representations:

a. Homeowner agrees: to include all MCM invoices for services rendered on behalf of homeowner by MCMC to the homebuilder and/or law firm if builder is represented by such via certified mail with return receipt request; If homeowner desires MCMC to send copies of said invoices to the builder and/or legal firm via certified mail please initial here

b. Terms of payment: MCMC will ONLY collect said fee if or when the builder reimburses the Homeowner, Homeowner is not responsible to pay the fee until the Homeowner receives reimbursement from the builder for inspection fees. However Homeowner assigns to MCMC the right to recover any and all inspection fees from the builder if the builder fails to pay all the inspections as outlined in NRS 60.645 [sic]

Exhibit 2.

21. Once Mojave, through Partington and Wilson, have initiated an inspection or otherwise obtained an owner's consent to conduct an inspection, they then place (and have placed) placards or stickers in the form of Exhibit 3 on adjacent properties around the neighborhood. The placard states as follows:

LIONEL SAWYER
& COLLINS
ATTORNEYS AT LAW
1700 BANK OF AMERICA PLAZA
300 SOUTH FOURTH ST
LAS VEGAS,
NEVADA 89101
(702) 383-8880

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***** NOTICE TO NEIGHBORS ***** As a courtesy, we are informing you that, due to a 'Builder' home inspection you may experience a few hours of extra vehicular traffic in your neighborhood. These vehicles belong to representatives & experts from both MC Mojave Construction & your Builder, his subcontractors and agents.

This inspection has been schedule [sic] for:

Once the Builder inspections are concluded, a repair plan and time-frame are provided to the homeowner for their review and approval. The Builder's repairs are also 'free' to ALL homeowners under a Chapter 40 claim, even if you are not the original homeowner.

If you have any questions or if you want to know if you qualify for a FREE home evaluation Please Call (702) 439-8504

22. The language of the placard placed by Mojave contains misleading representations about the nature and characteristics of Mojave's services and wrongfully infers that the inspection or "free home evaluation" solicited by Mojave in the placard is an inspection by experts from Mojave and "your Builder." The placard further wrongfully advertises or promotes Mojave's free inspections as identified with or the same as "the Builder inspection" to be followed by "Builder's repairs . . . even if you are not the original homeowner."

23. These statements have been made to homeowners within an age-restricted community where most residents are 60 years of age or older and therefore are defined as elderly under Nevada law at NRS 598.0933.

FIRST CLAIM FOR RELIEF

(Champerly and Maintenance)

24. Del Webb repeats and realleges the allegations set forth Paragraphs 1 through 23 in plaintiff's complaint as though fully set forth herein.

25. NRS 1.030 adopts the common law of England for the State of Nevada insofar as it is not repugnant to or in conflict of the constitution of the laws of the United States or the constitution or the laws of the State of Nevada.

26. In Nevada, actionable champerly is maintenance with the additional feature of an agreement for the payment of compensation or personal profit from the subject matter of a suit to

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be maintained against a third party. Maintenance exists when a person without an interest in the suit officiously intermeddles, promotes and assists to prosecute an action wrongfully in an effort to profit from the subject matter of the suit.

27. Mojave's arrangement made by or through Partington and/or Wilson with the homeowners that have initiated Chapter 40 demands makes possible recovery of fees for Mojave in mediation of the demand or subsequent suit. Mojave was otherwise without an interest in the claim, but Mojave makes it a feature of their agreement for payment for profit ensuring Mojave's payment will be made the subject of the action pursued by the third party.

28. The agreement of Mojave, Partington and/or Wilson with homeowners is completely illusory except for the recovery the homeowner makes through an action against Del Webb. Partington (or Wilson), upon information and belief, takes assignments of the homeowners' claims to recover fees, but even that assignment is believed void as the homeowner never incurs liability to Partington and Wilson for the fee in question.

29. Partington, Wilson and Mojave are strangers to any Chapter 40 demand or lawsuit brought by the homeowners against Del Webb and have contracted for an interest in the recovery in that lawsuit.

30. Based on Partington's, Wilson's and Mojave's representations to the homeowners, Mojave has expended its own money completing inspections and will receive its fees only through litigation by the homeowner.

31. Inspections were conducted by Mojave at Sun City Anthem in anticipation of litigation.

32. Partington and/or Wilson also initiates and provides legal advice in violation of Nevada law concerning these specifics of NRS Chapter 40 and at certain places incorrectly describes those rights. Partington and/or Wilson recommends that any other inspection companies be paid for their services only if you receive reimbursements from the Builder and likewise encourages homeowners they deal with to make sure that the law firm will sign a Risk

1 Free or contingency fee agreement. Mojave, through Partington and/or Wilson refers the vast
2 majority of Chapter 40 claims and related litigations at Sun City Anthem to a single law firm.

3 33. Del Webb believes the arrangement made by Mojave or for the benefit of Mojave
4 rewards Mojave for soliciting clients for a single law firm and for referring clients to that law
5 firm for purposes of accumulating Chapter 40 claims and related litigation.

6 34. Del Webb believes that in the course of initiating inspections, providing legal advice,
7 and referring matters to lawyers, Partington and Wilson make misrepresentations to homeowners
8 which result in interference with Del Webb's ongoing contractual relationships with the
9 homeowners at issue, as further alleged below.

10 35. Partington's and Wilson's conduct on behalf of Mojave constitutes actionable
11 champerty and maintenance and Del Webb has been damaged by the express requirement that
12 homeowners prosecute actions against Del Webb.

13 36. Del Webb is entitled to exemplary damages pursuant to NRS 42.005.

14 37. It has been necessary for Del Webb to obtain the services of an attorney to pursue
15 this claim and it is entitled to recover attorney's fees therefore.

16 **SECOND CLAIM FOR RELIEF**

17 **(Violation of Nevada's Deceptive Trade Practices Act)**

18 38. Del Webb repeats and realleges the allegations set forth Paragraphs 1 through 37 in
19 plaintiff's complaint as though fully set forth herein.

20 39. Defendant Partington is not licensed to conduct inspections of residential property,
21 not licensed to examine any component of a structure and not licensed to prepare or
22 communicate an inspection report under NRS 645D.080. Partington holds himself out to the
23 public as a person who inspects residential properties and in fact his solicitations contain
24 references to the "Inspection Division" of Mojave as does his correspondence, prepared reports,
25 and on his website.

26 40. Wilson, likewise, is not licensed to conduct inspections of residential property, not
27 licensed to examine any component of a structure and not licensed to prepare or communicate an

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inspection report under NRS 645D.080.

41. Both Partington and Wilson have engaged in a deceptive trade practice by conducting business or occupation without required state licenses in violation of NRS 598.0923.

42. Del Webb Communities has been damaged by false representations in violation of NRS 41.600(1) and (2)(e) and Del Webb Communities is a victim of the consumer fraud initiated by the defendants in violation of Nevada's Deceptive Trade Practices Act.

43. Del Webb Communities is entitled to exemplary damages under NRS 42.005.

44. It has been necessary for Del Webb Communities to obtain the services of an attorney to pursue this claim and it is entitled to recover attorney's fees therefore.

THIRD CLAIM FOR RELIEF

(Violation of the Lanham Act under 15 U.S.C 1125(a)(1) and Nevada Deceptive Trade Practices Act)

45. Del Webb repeats and realleges the allegations set forth Paragraphs 1 through 44 in plaintiff's complaint as though fully set forth herein.

46. The misleading representations of defendants Mojave, Partington and Wilson are intended to convince the reader/homeowner to call the Mojave phone number because the "builder" (inferring Del Webb) is encouraging them to call and arrange an inspection.

47. Del Webb is not affiliated with Mojave, Partington or Wilson and has not authorized the representations in the placard associating Del Webb with Mojave.

48. The false and misleading representations in the placard are representations in commerce made in connection with Mojave's inspection services.

49. The false and misleading representations in the placard are made in the context of commercial advertising or commercial promotion.

50. Mojave's actions by way of Partington's and Wilson's conduct have caused Del Webb to be competitively injured by false and misleading factual representation and other verbal representations and damage has resulted. The injury is ongoing.

51. Mojave's representations made by Partington and Wilson are likely to cause confusion, mistake or to deceive the reader as their affiliation, connection, or association.

1 Specifically, these representations were made to give the homeowner reader the impression that
2 Mojave, Partington and Wilson were in fact affiliated with the Builder, Del Webb.

3 52. The representations on their face have a tendency to deceive by a way of a false
4 description of a connection or in affiliation with Del Webb.

5 53. The continuation of such conduct and distribution of such false and misleading
6 misrepresentations is anticipated. The majority of Chapter 40 demands received from
7 homeowners in Del Webb Communities Sun City Anthem are based upon inspections Mojave,
8 through Partington and Wilson, have actively solicited in the fashion described in this
9 Complaint.

10 54. The interference described hereafter resulting from such conduct includes the
11 probability Del Webb will lose good will, suffer competitive injury, and incur other damages
12 which are irreparable. As a result, Del Webb is entitled to injunctive relief prohibiting
13 defendants' further solicitations through false representations and misleading statements of fact
14 constituting violations of the Lanham Act under 15 U.S.C. 1125(a)(1) and Nevada's Deceptive
15 Trade Practice Statute Violations.

16 55. Del Webb is entitled to exemplary damages under § 35 of the Lanham Act.

17 56. Del Webb is entitled to three times actual damages pursuant to 15 U.S.C. 1117(a).

18 57. Defendants' intentional false representations as to the source, sponsorship, and
19 approval of services, inferring those services are those of another person and knowingly making
20 false representations as to affiliation, connection and association with Del Webb constitutes
21 deceptive trade practices made in violation of NRS 598.0915.

22 58. The deceptive trade practices described above are actionable in Nevada pursuant to
23 NRS 41.600(1) and (2)(e) and Del Webb is a victim of the consumer fraud initiated by the
24 defendants in violating Nevada's Deceptive Trade Practices Act.

25 59. Del Webb is entitled to actual damages, consequential damages and punitive
26 damages, including exemplary damages under NRS 42.005.

27 60. It has been necessary for Del Webb to obtain the services of an attorney to pursue

1 this claim and it is entitled to recover attorney's fees therefore.

2 **FOURTH CLAIM FOR RELIEF**

3 **(Interference)**

4 61. Del Webb repeats and realleges the allegations set forth Paragraphs 1 through 60 in
5 plaintiff's complaint as though fully set forth herein.

6 62. Mojave, Partington and Wilson have interfered with contractual relationships of Del
7 Webb Communities and homeowners referred to here as Homeowners A, B, C and D, who are
8 actual homeowners in the Sun City Anthem Development, but whose names are withheld for
9 privacy.

10 63. Homeowners A, B, C and D each purchased a home from Del Webb in Henderson,
11 Clark County, Nevada. The contracts for sale included a number of continuing duties and
12 obligations. Both the seller and the buyers have rights and obligations that continue following
13 the real estate closing. For each of these homeowners, there existed an ongoing limited
14 warranty ("Del Webb Home Warranty") right and obligation.

15 64. Mojave, through Partington and Wilson, approached Homeowners A, B, C and D
16 and offered to conduct a free inspection of their homes on terms described above during the
17 active warranty period. Each inspection was performed and Mojave provided a report to
18 Homeowners A, B, C, and D.

19 65. The reports each identified items which, if factual, fell within the scope of the Del
20 Webb Home Warranty.

21 66. Mojave then spoke with Homeowners A, B, C and D concerning the respective
22 reports and Mojave's findings. Mojave suggested that they procure legal counsel and referred
23 them to counsel.

24 67. During the time periods ranging from one month to six months, Homeowners A, B,
25 C and D had no communications directly with Del Webb or under the Del Webb Home Warranty
26 as they had been persuaded to pursue their claims by way of a Chapter 40 demand and through
27 litigation following the Chapter 40 demand.

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68. Repair demands asserted on behalf of Homeowner A, B, C and D under Chapter 40 identified no construction defects and no areas of repair other than corrections that fell within the parameters Del Webb Home Warranty.

69. Del Webb regards its warranties as a customer service feature of its contracts and its customers' goodwill depends in part upon their ability to have repairs made under the warranties that Del Webb provides. The continuing relationship of Del Webb with its customers is a significant commercial relationship of great importance to Del Webb. Interference with a ongoing contractual relationship that existed between Del Webb Communities and Homeowners A, B, C, and D occurred through the intentional and bad faith conduct of Mojave, Partington and Wilson by:

- a. initiating inspection efforts for which Mojave is not licensed in Nevada;
- b. conducting an inspection in bad faith with the purpose to foment or create claims against Del Webb Communities that have no merit, or are otherwise covered by the Del Webb Home Warranty; and
- c. to preempt Homeowners A's, B's, C's, and D's ability to deal with Del Webb Communities under their existing warranty relationship and instead counseling and intentionally directing the homeowners to file suit utilizing a specific law firm that initiates immediate instructions to make no contact with the homeowner except through counsel.

70. Disruption of Del Webb's warranty relationship with Homeowners A, B, C, and D occurred.

71. The actions of Mojave, Partington and Wilson were intentional, intended or designed

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to disrupt the contractual relationship between Del Webb and Homeowners A, B, C and D and an actual disruption of those contracts resulted.

72. Del Webb has sustained damages in excess of \$75,000 as a result of defendants' actions in the form of loss of the preemptive use of warranty service to protect the company from the expense of confrontation and loss of goodwill in Del Webb's customer relationship. Del Webb has unnecessarily incurred costs and fees in the defense of claims asserted by Homeowners A, B, C, and D until those claims were abandoned.

73. Del Webb is entitled to exemplary damages pursuant to NRS 42.005.

74. It has been necessary for Del Webb to obtain the services of an attorney to pursue this claim and it is entitled to recover attorney's fees therefore.

FIFTH CLAIM FOR RELIEF

(Temporary Restraining Order/Preliminary and Permanent Injunction)

75. Del Webb repeats and realleges the allegations set forth Paragraphs 1 through 74 in plaintiff's complaint as though fully set forth herein.

76. Del Webb is entitled to an injunction prohibiting further written or verbal representations by Mojave, Partington and Wilson, or any of them, which have a tendency to deceive by way of a false description of a connection or affiliation with Del Webb, including, but not limited to the distribution of placards in the form of or similar to Exhibit 3.

77. Del Webb is entitled to an injunction to prevent further representations by defendants Mojave, Partington and Wilson or any of them of appropriate licensure constituting a violation of NRS 598.0923.

78. Del Webb is entitled to injunctive relief to preempt further interference with its homeowner warranty agreements described herein as Del Webb Home Warranty.

79. Del Webb is entitled to injunctive relief barring Mojave, Partington and Wilson, and each of them, from further initiating agreements which constitute champerty and maintenance in which the three of them, or any of them, promote agreements, directly or indirectly, which depend upon recovery in future claims against Del Webb in which Mojave, Partington and

1 Wilson have no interest as claimants.

2 80. It has been necessary for Del Webb to obtain the services of an attorney to pursue
3 this claim and it is entitled to recover attorney's fees therefore.

4 **SIXTH CLAIM FOR RELIEF**

5 **(Recovery of Attorney's Fees under Sandy Valley)**

6 81. Plaintiff hereby realleges and incorporates the allegations of paragraphs 1 through
7 80 of plaintiff's complaint as if fully set forth herein.

8 82. The bad faith conduct of Partington, Wilson and Mojave necessitated the expenditure
9 of attorney's fees by Del Webb.

10 83. Del Webb has incurred fees and costs which are sought here as special damages
11 consistent with Sandy Valley Associates v. Sky Ranch Estates Owners Association, 117 Nev.
12 948, 956, 35 P.3d 964, 969 (2001).

13 84. Del Webb Communities has incurred fees in defense of the wrongful Chapter 40
14 Notices for Homeowners A, B, C and D and otherwise by reason of Mojave's champertous
15 conduct.

16 85. It has been necessary for Del Webb to obtain the services of an attorney to pursue
17 this claim and they are entitled to recover reasonable attorney's fees incurred herein.

18 WHEREFORE, Del Webb prays for relief as follows:

19 1. For judgment against Partington in an amount in excess of \$75,000 to be
20 determined at trial for actual damages, consequential damages and exemplary damages pursuant
21 to NRS 42.005;

22 2. For judgment against Wilson in an amount in excess of \$75,000 to be determined
23 at trial for actual damages, consequential damages and exemplary damages pursuant to NRS
24 42.005;

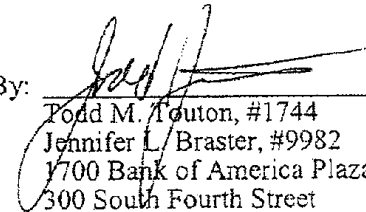
25 3. For judgment against Mojave in an amount in excess of \$75,000 to be determined
26 at trial for actual damages, consequential damages and exemplary damages pursuant to NRS
27 42.005;

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4. For a temporary restraining order, preliminary and permanent injunction prohibiting further solicitation through false representations and misleading statements of fact constituting violations of the Lanham Act under 15 U.S.C. 1125(a)(1) and Nevada Deceptive Trade Practice Statute Violations.

- 5. For exemplary damages under § 35 of the Lanham Act;
- 6. For recovery of three times actual damages pursuant to 15 U.S.C. 1117(a).
- 7. For attorney's fees incurred herein;
- 8. For interest as allowed by statute;
- 9. For costs incurred herein; and
- 10. For such other and further relief as the Court deems proper.

LIONEL SAWYER & COLLINS

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Attorneys for DEL WEBB COMMUNITIES, INC.

EXHIBIT 1

EXHIBIT 1

THE NEW 'RIGHT TO REPAIR' LAW IN NEVADA

States that homeowners have the rights to be reimbursed for any reasonable cost or fees incurred for legal services and experts in order to ascertain the nature and extent of constructional defects... NRS Chapter 40.655

Under the new law homeowners have the right to have the builder make the necessary repairs to homes that show code violations or work performed under industry standards. Your options are:

- 1) HOMEOWNERS can notify the homebuilder via Certified Mail with return receipt requested, explaining that MCMC has conducted an evaluation and discovered constructional defects or manufacturers specification not being adhered to. Homeowners should be aware of the process outlined in Chapter 40 of the Nevada Law if they intend protect their own rights.
- 2) INSPECTION TEAMS can help the homeowners through the process by representing the interest of the homeowners when the builder and subcontractors do their walk through; make sure the repairs are within code requirements or manufacturers specifications; complete the process by doing a final walk through inspection with the homeowners. The law states that you can be reimbursed for any reasonable expert fees. Be sure that the company you hire offers you a Risk Free Service Agreement. These companies look to be paid for their services only if you receive reimbursements from the builder.
- 3) LEGAL FIRMS THAT HANDLE CHAPTER 40 CLAIMS. A law firm can make sure the builder will honor his responsibility and ensure that your legal warranty period is protected and extended. The law firm will also hire their own inspection teams to protect you from shoddy workmanship by subcontractors. Again make sure that the law firm will sign a RISK FREE or CONTINGENCY FEE AGREEMENT.

If you are not familiar with a law firm that handles Chapter 40 claims, we can provide the names of three law firms that are willing to help you.

If we can be of any further assistance please contact us at (702) 439-8504.

At Your Service,

MC Mojave Construction

REDACTED

EXHIBIT 2

EXHIBIT 2

MCM Mojave Construction

Construction Management & Consulting, Inc. Licensed Under the Construction Code Chapter 24A NRS 240
5001 Jay Ave. - Las Vegas, Nevada 89130 - Inspection Division Phone (702) 439-8504

CHAPTER 40 INSPECTIONS AND EVALUATION AGREEMENT

Description and Cost of Services

ERS Report. MCMC will provide a written report that will define what we believe to be code or manufacturer's violation or work that we feel is below industry standards to the builder.

- The report will include pictures of what we believe to be the violation(s).
- The report will diagram the house and make approximate notations of where the violation(s) occurs.
- The report will include industry standard technical data sheets & typical repair scope for violation(s).

Builders Inspection. MCMC will attend the builder's inspection if requested by homeowner.

Pre-Repair Mtg. MCMC will attend a pre-repair meeting with builder and/or builders' experts to discuss and agree on the type of repairs to be made prior to any repair work commencement if approved by builder.

Evaluation of Repairs. MCMC will attend up to 10 hours of inspections to monitor the repairs being made by builder or their subcontractors. If the repairs requires more than ten hours of inspections, MCMC will bill out each additional hour at the rate of \$145.00 per hour.

Final inspection. MCMC will attend the final walk-thru with the homeowner and discuss what has or has not been accomplished. A written report will be produced if requested by homeowner.

Homeowner agrees:

To include all MCM invoices for services rendered in behalf of homeowner by MCMC to the homebuilder and/or law firm if builder is represented by such via certified mail with return receipt request; If homeowner desires MCMC to send copies of said invoices to the builder and/or legal firm via certified mail please initial here MMS

Terms of payment

MCMC will ONLY collect said fee if or when the builder reimburses the Homeowner; Homeowner is not responsible to pay the fee until the Homeowner receives reimbursement from the builder for inspection fees. However, Homeowner assigns to MCMC the right to recover any and all inspection fees from the builder if the builder fails to pay all the inspection fees as outlined in NRS 60.645

Cost for MCMC service	
Due at the time of signing	\$500.00
Due at completion	\$1300.00
Total	\$1800.00

Date: 6/14/07 Marie Diaz Date: 6/14/07

MCM Mojave Construction
5001 Jay Ave
Las Vegas, Nevada 89130
Inspection Division
(702) 439-8504

BRANDI GARLUTZO
JUL 25 2007

REDACTED

EXHIBIT 3

EXHIBIT 3

***** Notice to Neighbors *****

As a courtesy, we are informing you that, due to a Builder home inspection, you may experience a few hours of extra vehicular traffic in your neighborhood. These vehicles belong to representatives & experts from both MC McGraw Construction & your Builder, his subcontractors and agents.

This inspection has been schedule for

See 7/2/09

Once the Builder inspections are concluded, a repair plan and time-frame are provided to the homeowner for their review and approval. The Builder's repairs are also free to ALL homeowners under a Chapter 40 claim, even if you are not the original homeowner.

If you have any question or if you want to know if you qualify for a FREE home evaluation Please Call (702) 439-8504

REDACTED

EXHIBIT “4”

1 Todd M. Touton, Esq., #1744
 2 Jennifer L. Braster, Esq., #9982
 3 LIONEL SAWYER & COLLINS
 4 1700 Bank of America Plaza
 5 300 South Fourth St.
 6 Las Vegas, NV 89101
 7 Telephone: (702) 838-8811
 8 Fax: (702) 383-8845

9 Attorneys for Plaintiff,
 10 Del Webb Communities, Inc.

11 **UNITED STATES DISTRICT COURT**
 12 **DISTRICT OF NEVADA**

13 DEL WEBB COMMUNITIES, INC.)

Case No. 2:08-cv-00571-RCJ-GWF

14 Plaintiff,)

15 vs.)

**FINDINGS OF FACT, CONCLUSIONS
 OF LAW AND PRELIMINARY
 INJUNCTION ORDER**

16 CHARLES LESLIE PARTINGTON d/b/a)
 17 M.C. MOJAVE CONSTRUCTION, JOHN)
 18 WILSON, individually, and DOE)
 19 INDIVIDUALS I-X, inclusive; and ROE)
 20 ENTITIES I-X, inclusive,)

21 Defendants.)

22 Plaintiff's Motion for Preliminary Injunction came on regularly and with notice for
 23 hearing before the Court on the 22nd day of September, 2008. Plaintiff was represented by Todd
 24 M. Touton, Esq., and Jennifer L. Braster, Esq., of Lionel Sawyer & Collins. Defendants were
 25 represented by Jeremiah Pendleton, Esq., of Murchison & Cumming, LLP. Having considered
 26 the pleadings and papers presented by the parties and on file herein, and having heard the
 27 arguments of counsel, the Court makes the following Findings of Fact and Conclusions of Law.
 28 These findings are made only in support of this preliminary injunction and are based on the
 Court's determination that plaintiff has demonstrated a probable likelihood of prevailing on the
 merits on the matters contained herein:

FINDINGS OF FACT

Parties and Jurisdiction

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1. Del Webb Communities, Inc. ("Del Webb") is an Arizona corporation with its principal place of business in Michigan. Del Webb is and has been doing business in Clark County, Nevada, since 1946. Del Webb specializes in the development of master-planned, age-qualified communities.

2. In 2001, Del Webb merged with Pulte Homes, Inc. ("Pulte"), which has been doing business in Clark County since 1992.

3. Del Webb opened Sun City Anthem, located in Clark County, in July 1998. Sun City Anthem is presently nearly sold out, with only a few lots available.

4. In addition to Sun City Anthem, Del Webb has five other master-planned, age-qualified communities currently open in Nevada: (1) Sun City Aliante in North Las Vegas; (2) Sun City Mesquite; (3) Solera at Stallion Mountain in Las Vegas; (4) The Villas at Solera in Henderson; and (5) Sierra Canyon in Reno. Del Webb is also offering homes at The Club at Maderia Canyon in Henderson, Nevada, a non-retirement community.

5. Defendant Charles Leslie Partington ("Partington"), a Nevada citizen, d/b/a M.C. Mojave Construction ("Mojave"), was a sole proprietor who operated Mojave in violation of Nevada law by relying upon an expired fictitious name certificate. Partington is not licensed and has never been licensed under NRS Chapter 645D to examine or inspect any structure or component of a structure or to communicate any inspection report based on such an inspection, but holds himself out to the public, including residents of Del Webb communities, as "licensed" for those purposes.

6. Defendant John Wilson ("Wilson"), also believed to be a Nevada citizen, is a similarly unlicensed employee and/or agent of Mojave who also held himself out as properly

1 licensed to examine or inspect components of structures or structures and/or to communicate
2 inspection reports under NRS 645D.080, and has personally communicated misrepresentations to
3 homeowners of Del Webb properties.

4 7. Del Webb has asserted the following claims for relief in this case: (1) champerty
5 and maintenance; (2) violation of Nevada's Deceptive Trade Practices Act; (3) violation of
6 Lanham Act and Nevada Deceptive Trade Practices Act; (4) intentional interference with
7 contractual relationships; (5) temporary, preliminary and permanent injunctive relief; and (6)
8 attorneys' fees as substantive relief under Sandy Valley Associates v. Sky Ranch Estates Owners
9 Association, 117 Nev. 948, 35 P.3d 964 (2001).

10
11 8. A federal question is presented based on violations of the Lanham Act and
12 jurisdiction in this Court is proper.

13
14 9. There is also complete diversity between Del Webb and defendants and the
15 amount in controversy exceeds \$75,000. Diversity jurisdiction exists pursuant to 28 U.S.C 1332
16 and jurisdiction in this Court is appropriate.

17 **Background**

18 10. Del Webb has developed and continues to develop residential communities,
19 including master-planned, age-qualified communities in Nevada, including Clark County.

20 11. At Sun City Anthem, as well as other of its Nevada communities, Del Webb
21 provided and continues to provide various warranty programs to its residents.

22 12. Beginning in 2001, Del Webb's warranty programs provide its residents up to ten-
23 year coverage for certain structural elements, as follows:

24
25 **Ten Year Coverage--**The Builder warrants the construction of the home
26 will conform to the tolerances set forth in the below Performance Standards for
27 Structural Elements for a period of ten years after the closing date, subject to the
28 limitations set forth below. Structural Elements are footings, bearing walls,
beams, girders, trusses, rafters, bearing columns, lintels, posts, structural
fasteners, subfloors and roof sheathing. A Structural Element will not be

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deemed defective, and no action will be required of The Builder, unless there is actual physical damage that diminishes the ability of the Structural Element to perform its load-bearing function such that the home is unsafe.

13. The 2001 Del Webb Home Protection Plan also provides for alternative dispute resolution in the event of a dispute with a resident. Matters that cannot be resolved directly between Del Webb and homeowners are first to be submitted to mediation by the Professional Warranty Service Corporation (the "Plan Administrator") and, if the Plan Administrator cannot successfully mediate the dispute, then by binding arbitration conducted by an independent, nationally recognized arbitration organization designated by the Plan Administrator pursuant to the United States Arbitration Act, 9 U.S.C. §1 et seq., and the arbitration organization's rules.

14. Although the 2001 Home Protection Plan was not part of prior sales packages, Del Webb has in fact adopted the practice of treating earlier purchasers as if they had the benefit of the 10-year limited warranty.

15. Defendants have solicited various homeowners throughout the Sun City Anthem development during the warranty period to accept a "free" home inspections. As part of their inducement, defendants specifically represented to homeowners that they would only collect a fee if or when the "builder" (referring to Del Webb) reimbursed the homeowner as a result of the initiation of a subsequent demand made under NRS Chapter 40. Mojave's agreements with homeowners for free inspections assign the right to recover any and all inspection fees from the builder as might later be recovered pursuant to NRS 40.655 to Mojave.

16. Defendants acknowledge that Mojave used written solicitations to Sun City Anthem homeowners, which state in pertinent part:

THE NEW 'RIGHT TO REPAIR' LAW IN NEVADA

....
Under the new law homeowners have the right to have the builder make the necessary home repairs to homes that show code violations or work performed under industry standards. Your options are:

- 1) HOMEOWNERS can notify the homebuilder via Certified Mail

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with return receipt requested, explaining that MCMC [Mojave] has conducted an evaluation and discovered construction defects or manufacturer's specification not being adhered to. Homeowners should be aware of the process outlined in Chapter 40 of the Nevada law if they intend protect [sic] their own rights.

2) INSPECTION TEAMS can help the homeowners through the process by representing the interest of the homeowners when the builder and subcontractors do their walk through; make sure the repairs are within code requirements or manufacturers specifications; complete the process by doing a final walk through inspection with the homeowners. The law states that you can be reimbursed for any reasonable expert fees. Be sure that the company you hire offers you a **Risk Free Service Agreement**. These companies look to be paid for their services only if you receive reimbursement from the builder.

3) LEGAL FIRMS THAT HANDLE CHAPTER 40 CLAIMS. A law firm can make sure the builder will honor his responsibility and ensure that your legal warranty period is protected and extended. The law firm will also hire their own inspection teams to protect you from shoddy workmanship by subcontractors. Again make sure that the law firm will sign a **RISK FREE or CONTINGENCY FEE AGREEMENT**.

If you are not familiar with a law firm that handles Chapter 40 claims, we can provide the names of three law firms that are willing to help you. If we can be of any further assistance please contact us at (702) 439-8504.

At Your Service

MC Mojave Construction [Emphasis supplied.]

17. Defendants also acknowledge that Mojave's Chapter 40 Inspections and

Evaluation Agreement with Sun City Anthem homeowners includes the following

representations:

Homeowner agrees:

To include all MCM invoices for services rendered on behalf of homeowner by MCMC to the homebuilder and/or law firm if builder is represented by such via certified mail with return receipt request; If homeowner desires [Mojave] to send copies of said invoices to the builder and/or legal firm via certified mail please initial here _____

Terms of payment:

MCMC will ONLY collect said fee if or when the builder reimburses the Homeowner; Homeowner is not responsible to pay the fee until the Homeowner receives reimbursement from the builder for inspection fees. However, Homeowner assigns to MCMC the right to recover any and all inspection fees from the builder if the builder fails to pay all the inspection

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fees as outlined in NRS 60.645.

18. Defendants also acknowledge having caused placards to be placed throughout Sun City Anthem stating:

*** * * Notice to Neighbors * * ***

As a courtesy, we are informing you that, due to a 'Builder' home inspection, you may experience a few hours of extra vehicular traffic in your neighborhood. These vehicles belong to representatives & experts from both MC Mojave Construction & your Builder, his subcontractors and agents. This inspection has been scheduled for

_____ address & date

Once the Builder inspections are concluded, a repair plan and time-frame are provided to the homeowner for their review and approval. The Builder's repairs are also 'free' to ALL homeowners under a Chapter 40 claim, even if you are not the original owner.

**If you have any question or if you want to know
if you qualify for a FREE home evaluation
Please Call (702) 439-8504**

MC Mojave Construction-Lic. #B-0025771

NN604

19. Mojave's reference to its Construction-Lic. #B-0025771 at the bottom of its "Notice to Neighbors" was intended to mislead homeowners into believing Mojave is licensed pursuant to NRS 645D to perform structural inspections.

20. The language of the "Notice to Neighbors" contains misleading representations about the nature and characteristics of Mojave's services and infers that the inspection or "free home evaluation" solicited by Mojave is an inspection by experts from Mojave and "your Builder," meaning Del Webb. Defendants' placard further advertises or promotes Mojave's free inspections as identified with or the same as "the Builder inspection" to be followed by "Builder's repairs . . . even if you are not the original homeowner." Del Webb never conducted any inspections in conjunction with Mojave or authorized Mojave to act as its agent.

21. Other form solicitations produced by defendants demonstrate that defendants

1 referred to a relationship between them and Del Webb. One such form states:

2 After a close inspection by MC Mojave Construction, helping the homeowners,
3 and the Builder's inspection team, certain construction items have been found to
4 be deficient and are now being repaired at no cost to the homeowners.

5 22. Defendants' activities were intended to mislead and actually misled Sun City
6 Anthem homeowners to believe that inspections conducted by defendants were made under a
7 proper structural inspection license and by "representatives & experts from both MC Mojave
8 Construction & [their] builder," when in fact the inspections were conducted by defendants alone
9 and without any authorization from Del Webb.

10 23. Defendants' activities were intended to bring and actually did interrupt and stop
11 all communications between Del Webb and its homeowners as is anticipated by both parties
12 under the home warranties. Defendants' activities were also intended to generate and have
13 generated litigation through class action lawsuits which principally benefit others, chiefly
14 Mojave and the law firms they recommend, including the Angius & Terry law firm.

15 24. The inspection reports prepared by Mojave for homeowners is on Mojave
16 letterhead stating at the top:

17
18 **M C Mojave Construction**

19 Construction Investigations & Consulting Licensed General Contractor : B-0024771
20 5001 Jay Ave. -- Las Vegas, Nevada 89130 -- Inspection Division Phone 702-341-6068

21 25. Defendants produced documents establishing that they wrote Sun City Anthem
22 residents, referring to Mojave's "Inspection Division" and to a general contractor's license,
23 writing as follows:

24 MCMC has prepared this preliminary constructional defect report and repair
25 scope based on our *limited* visual evaluation to the referenced property.

26 This evaluation identifies the areas of concern pertaining to the
27 constructional defects and/or product manufacturers recommendations
28 discrepancies that were documented at this residence on the date of our
evaluation. Our report includes the following; the locations of the infractions,

1 defects and/or damages, photos of the occurrences and a brief description of
2 the occurrences. In addition, we've included *Preliminary* repair
3 recommendations.

4 The building systems that are included in our site evaluation are as
5 follows: Roofing, Stucco and Concrete. Additionally, this report may cover
6 miscellaneous defects, i.e. drywall cracks, water intrusion damage and mold
7 contamination, etc.

8 THIS REPORT IS BASED UPON OUR LIMITED VISUAL
9 INVESTIGATION AND SHOULD NOT BE CONSTRUED TO BE
10 EXHAUSTIVE NOR DEEMED ABSOLUTE IN REGARD TO POSSIBLE
11 CONSTRUCTION DEFECT(S) IN CONECTION [sic] WITH THIS
12 PROPERTY. THE POSSIBILITY ALWAYS EXISTS FOR HIDDEN
13 DEFECTS WITHOUT THE USE OF INTRUSIVE EVALUATION AND/OR
14 DESTRUCTIVE TESTING.

15 This report may, however, be used to illustrate certain constructional
16 deficiencies and/or discrepancies that may have been committed during the
17 production of this home. [Emphasis added.]

18 Defendants provided Sun City Anthem residents with reports pertaining to purported inspections
19 and investigations of "Roofing," "Stucco & Concrete," "Miscellaneous," and "Technical Data."

20 26. The inspection reports generated by defendants identified items which, if factual,
21 are within the scope of the Del Webb Home Warranty.

22 27. Although defendants' actions have hindered Del Webb's ability to continue
23 communications with homeowners, in addition to written signs and web advertisements,
24 defendants also verbally misrepresented to Sun City Anthem residents defendants' proper legal
25 status as licensed to perform structural inspections and as authorized to do so either by Del Webb
26 or some government entity. A form letter prepared by defendants for use by Sun City Anthem
27 residents demonstrates that defendants misled residents into believing they were properly
28 licensed to perform structural inspections and provide reports necessary to commence NRS
Chapter 40 actions against Del Webb. The form letter states in part:

My home was professionally inspected recently and it was discovered that a
number of constructional discrepancies currently exist.

Enclosed, please find a copy of my inspection report. I am hopeful that
the enclosed report will enable you to ascertain the extent of the discrepancies
listed as I process this claim pursuant to NRS 40.645.

.....

1 I am also including an invoice from MC Mojave Construction reflecting
2 the expense I have incurred for their report and evaluate appropriate corrective
3 measures.

3 [P]lease contact MC Mojave Construction to schedule any appointments
4 for inspections or repairs on my home.

4 28. Defendants' illegal inspections and structural reports were used by the Angius &
5 Terry law firm, among others, to commence NRS Chapter 40 lawsuits against Del Webb. A
6 letter from Angius & Terry to Del Webb states the reliance on defendants' reports:
7

8 Pursuant to Nevada Revised Statutes ("NRS") 40.645, you are hereby
9 notified of constructional defects. These defects include, but are not limited to,
10 the issues listed in the attached report prepared by MC Mojave Construction
11 dated 7/14/07.

11 29. Mojave's misleading solicitations and statements were directed at and made to
12 homeowners within age-qualified communities where most residents are 60 years of age or older
13 and therefore are defined as elderly under Nevada law.

14 30. Defendants have held and threaten to continue to hold themselves out to the
15 public as certified or licensed to inspect residential properties.

16 31. Documents produced by defendants demonstrate that they have also solicited the
17 business of Sun City Anthem residents under the name "Construction Design Specialists,
18 Construction Investigations and Consulting," with general contractor license B-0058810.
19 Defendant Partington is associated with CDS Construction Design Specialists, which lost its
20 contractors' license in 2007.

21 32. Records produced in this case disclose that defendants inspected residences in
22 Sun City Anthem for Chapter 40 cases brought by Angius & Terry, among other law firms.
23 Those records indicate that defendants claim a "Grand Total of Owed Receivables" of \$927,275
24 for 486 inspections performed, the majority of which appear to be located in Del Webb
25 properties.
26

27 33. Mojave voluntarily surrendered its B-2 license on or about July 9, 2008, and the
28

1 voluntary surrender was processed by the Nevada State Contractors Board on August 21, 2008.

2 34. Defendants' past and threatened activities pose a threat and continued threat of
3 harm to the public through unlicensed inspections and reports and to Del Webb's good will,
4 reputation, and contractual relationship with the residents of its communities.
5

6 **CONCLUSIONS OF LAW**

7 35. Based on the Findings of Fact, the Court concludes that Del Webb is entitled to
8 preliminary injunctive relief.

9 36. Fed.R.Civ.P. 65 authorizes preliminary injunctions. The Ninth Circuit endorses
10 entry of a preliminary injunction under two alternative tests. Under the traditional test, the
11 criteria are (1) a strong likelihood of success on the merits, (2) the possibility of irreparable
12 injury absent an injunction; (3) a balance of hardships favoring the plaintiff; and (4)
13 advancement of the public interest. Selimaj v. City of Henderson, 2008 WL 979045, *3 (D. Nev.
14 2008); White v. Guinn, 2008 WL 763232, *1 (D. Nev. 2008); Paradise Canyon, LLC v. Integra
15 Investments, LLC, 2008 WL 946919, *4 (D. Nev. 2008). The alternative test uses a "sliding
16 scale" or "balancing test" where injunctive relief is available upon demonstration of either: (1) a
17 combination of probable success on the merits and the possibility of irreparable harm; or (2)
18 serious questions are raised and the balance of hardships tips in the movant's favor. Selimaj, id.;
19 White, id. at *2; Paradise, id.
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22 37. Where false and deceptive advertising and solicitation is involved, as has been
23 demonstrated by Del Webb in this case, irreparable injury may be presumed from a showing of
24 likelihood of success on the merits. Paradise Canyon, LLC v. Integra Investments, LLC, 2008
25 WL 946919, *4 (D. Nev. 2008).

26 38. NRS Chapter 645D governs inspectors of structures and appoints the Real Estate
27 Division to oversee their licensing. NRS 645D.080 defines an "inspector" as "a person who
28

1 examines any component of a structure and prepares or communicates an inspection report.”
2 NRS 645D.070 defines an “inspection report” as “an analysis, opinion or conclusion regarding
3 the condition of a structure” that is:

- 4 1. Provided after an inspection, in a written report, for or with the
- 5 expectation of receiving compensation for the report; and
- 6 2. Designed to describe and identify the inspected systems or
- 7 structural components of the structure, their physical condition, any material
- 8 defect and any recommendation for evaluation by another person.

8 Defendants have held themselves out to the public as properly licensed to perform inspections of
9 structures and prepare or communicate inspection reports based on those inspections.

10 39. NRS 645D.160 requires a person who “engages in the business of, acts in the
11 capacity of, or advertises or assumes to act as an inspector” to first obtain a license from the Real
12 Estate Division. NAC 645D.090(1) specifies that Chapter 645D is applicable to “any person”
13 who:

- 14 (a) Performs inspections of residential or commercial property; and
- 15 (b) Signs a document regarding the inspection in a way that
- 16 designates the person as a ‘certified inspector.’

17 Defendants have engaged in the business of, acted in the capacity of, and advertised or assumed
18 to act as inspectors of structures without having first obtained a necessary license under NRS
19 Chapter 645D and threaten to continue to do so to the detriment of Del Webb.

20 40. An applicant for such a certificate to perform inspections of structures must
21 comply with NAC 645D.210, which protects the public by requiring an applicant’s proof of
22 requisite education, experience, and ability to produce an appropriate inspection report, as
23 follows:

- 24 (a) proof of successful completion of not less than 40 hours of classroom
- 25 instruction in subjects related to structural inspections in classes approved by the Nevada Real
- 26 Estate Division;
- 27 (b) completion of an examination approved by the Real Estate Division;
- 28

1 (c) proof of observation of at least 25 inspections performed by a certified
2 general inspector or a certified master inspector or by an instructor approved by the Real Estate
3 Division;

4 (d) proof of a high school diploma or its equivalent; and

5 (e) demonstration of ability to produce a complete and credible inspection
6 report according to the standards of NAC 645D.460-.580, inclusive.

7 41. Other sections of Chapter 645D require a licensee's proof of good character and
8 financial responsibility, *i.e.*, payment of an investigation fee (NRS 645D.180(1)); fingerprinting
9 and authorization for a criminal records search (NRS 645D.180(2)); proof of both errors and
10 omissions and general liability coverage each in the amount of at least \$100,000 (NRS
11 645D.190); and proof of payment of any child support obligations (NRS 645D.195).

12 42. NAC 645D.460 establishes standards of professional conduct which specifically
13 prohibit any relationships that would impair a certified inspector's impartiality, as follows:

14 A certified inspector shall:

15 1. Perform his duties with the highest standard of integrity,
16 professionalism and fidelity to the public and the client, with fairness and
17 impartiality to all.

18 2. Avoid association with any person or enterprise of questionable
19 character or any endeavor that creates an apparent conflict of interest.

20 3. Conduct his business in a manner that will assure his client of the
21 inspector's independence from outside influence and interest which would
22 compromise his ability to render a fair and impartial inspection.

23 4. Not disclose any information concerning the results of an
24 inspection without the approval of the client or his representative for whom the
25 inspection was performed.

26 5. Not accept compensation, financial or otherwise, from more than
27 one interested party for the same service on the same property, without the
28 consent of all interested parties.

6. Not, whether directly or indirectly, accept a benefit from, or offer a
benefit to, a person who is dealing with the client in connection with work for
which the inspector is responsible. As used in this subsection, 'benefit' includes,
without limitation, a commission, fee, allowance, or promise or expectation of a
referral for other work.

7. Not express the estimated market value of an inspected property
while conducting an inspection.

8. Not use the term or designation 'state certified inspector' unless he
is certified.

9. Before the execution of a contract to perform an inspection,

1 disclose to the client any interest of the inspector in a business that may affect an
2 interest of the client.

3 10. Not allow his interest in any business to affect the qualify or results
4 of an inspection.

5 43. According to NRS 645D.900(2), it is a gross misdemeanor for an unlicensed
6 person to hold himself out as a certified inspector, use words in connection with his name
7 implying that he is certified, or describe or refer to any inspection report prepared by him as
8 "certified" or "licensed."

9 44. The Legislative History of NRS Chapter 645D demonstrates the Nevada
10 Legislature's intention that a contractor's building license would not suffice for inspectors of
11 structures or components of structures. A contractor's license issued by the Nevada State
12 Contractors Board, such as a B-2 license, does not suffice support the inspection of structures,
13 components of structures or issuance of inspection reports containing an analysis, opinion or
14 conclusion regarding the condition of a structure or component of a structure under NRS Chapter
15 645D. Also, a structural inspection license cannot be issued to an entity, only to an individual,
16 according to NRS Chapter 645D.080.

17 45. Del Webb has claimed for violation of the Lanham Act, which at 15 U.S.C.
18 §1125(a)(1), provides allows for civil actions against those engaged in false advertising, as
19 follows:
20

21 (a) Civil action.

22 (1) Any person who, on or in connection with any goods or
23 services... uses in commerce any word, term, name, symbol, or device, or any
24 combination thereof, or any false designation of origin, false or misleading
description of fact, or false or misleading representation of fact, which --

25 (A) is likely to cause confusion, or to cause mistake, or
26 to deceive as to the affiliation, connection, or association of such person with
27 another person, or as to the origin, sponsorship, or approval of his or her goods,
services, or commercial activities by another person, or

28 (B) in commercial advertising or promotion,
misrepresents the nature, characteristics, qualities, or geographic origin of his or
her or another person's goods, services, or commercial activities, shall be liable
in a civil action by any person who believes that he or she is or is likely to be

1 damaged by such act.

2 46. Del Webb also claims violations of Nevada's Deceptive Trade Practices Act,
3 which at NRS 598.0923(1) defines a deceptive trade practice as occurring when a person, in the
4 course of his business or occupation, knowingly "[c]onducts the business or occupation without
5 all required state, county or city licenses." NRS 598.0953 further provides:

6
7 1. Evidence that a person has engaged in a deceptive trade practice
8 is prima facie evidence of intent to injure competitors and to destroy or
9 substantially lessen competition.

10 2. The deceptive trade practices listed in NRS 598.0915 to
11 498.0925, inclusive, are in addition to and do not limit the types of unfair trade
12 practices actionable at common law or defined as such in other statutes of this
13 State.

14 NRS 41.500(2)(e) then provides that an action may be brought by anyone who is a victim of
15 consumer fraud, meaning the commission of deceptive trade practices as defined in NRS
16 598.0915 to 598.0925, inclusive.

17 47. Defendants have not complied with NRS Chapter 645D and have no proper
18 license to support their structural inspection and inspection reporting activities in Sun City
19 Anthem or other Del Webb communities.

20 48. Statutory requirements for professional or occupational licensing are the
21 legislature's expression of the public policy and the operation of a profession or occupation
22 without the proper license is an irreparable injury. Marlsand v. Pang, 701 P.2d 175, 187 (Haw.
23 1986). The practice of conducting a business or profession in violation of a law requiring a
24 license is properly enjoined.

25 49. NRS 645D is a reasonable expression of Nevada's interest in protecting its
26 residents from unlicensed structural inspections. Defendants' inspection and reporting activities
27 are not protected by the First Amendment, which does not protect unlawful and unlicensed
28 commercial activities. Brady v. Posse, 2007 WL 519273, *2 (N.Y. City Civ. Ct. 2007).

1 50. Defendants' deceptions are material and calculated to mislead consumers.

2 Consumers have actually been misled and defendants threaten to continue to mislead consumers.

3 51. The Court finds that Del Webb enjoys a probable likelihood of success on the
4 merits on its claims based on defendants' illegal advertising and solicitations and performance of
5 illegal business activities.

6 52. Defendants' actions in Sun City Anthem and possibly in other Del Webb
7 communities pose very serious questions and substantial threats to the public interest, safety and
8 well-being, including the safety and well-being of Nevada seniors, both of which concerns the
9 Nevada Legislature has addressed by enactment of a licensing scheme for persons conducting
10 structural inspections and/or issuing inspection reports, and by enacting special protection for
11 seniors subjected to deceptive trade practices. A license issued by the Nevada Real Estate
12 Division of the Department of Business and Industry is required under NRS Chapter 645D for a
13 person to conduct home inspections and/or issue inspection reports. The use of deceptive trade
14 practices to defraud "elderly persons" (defined as over 60 years of age by NRS 598.0933) carries
15 enhanced civil penalties under NRS 598.0973. Mojave, Partington and Wilson conducted home
16 inspections and/or issued inspection reports on Del Webb-constructed homes in age-qualified
17 communities in Nevada without necessary licensure under NRS Chapter 645D. Defendants also
18 engaged in deceptive solicitations intended to cause residents, including "elderly persons" as
19 defined by NRS 598.0933, to believe that defendants were acting as agents of or with authority
20 of Del Webb. There is a probable likelihood that plaintiff will prevail on the merits of its claims
21 that defendants' representations and actions actually deceived residents of Sun City Anthem.
22

23 53. There is a probable likelihood that plaintiff will prevail on the merits of its claims
24 that both Partington and Wilson have engaged in a deceptive trade practice by conducting
25 business or occupation without required state licenses in violation of NRS 598.0923.
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1 54. There is a probable likelihood that plaintiff will prevail on the merits of its claims
2 that Both Partington and Wilson have engaged in a deceptive trade practice by distributing
3 Mojave's placards, stickers, solicitations and other communications which wrongfully mislead.

4 55. There is a probable likelihood that plaintiff will prevail on the merits of its claims
5 that defendants' conduct of illegal and/or deceptive business activities is not protected and the
6 Court concludes that grant of a preliminary injunction in favor of Del Webb would not impose
7 any cognizable hardship on defendants. Defendants have no right to carry on any unlicensed
8 structural inspection or reporting business as Del Webb has demonstrated that defendants have
9 done.

11 56. A demand made under Chapter 40 is the equivalent of a civil action.

12 57. Maintenance is the supporting or promoting of the litigation of another.
13 Champerty is a bargain to divide the proceeds of litigation between the owner of the litigated
14 claim and the party supporting the litigation. 7 *Williston on Contracts* § 15:1 (4th ed.); Schwartz
15 v. Eliades, 113 Nev. 586, 589, 939 P.2d 1034, 1036 (1997), *citing Lum v. Stinnett*, 87 Nev. 402,
16 407-408, 488 P.2d 347, 350 (1971). Defendants' misleading solicitations and agreements fall
17 within the prohibition of champerty and maintenance and have harmed and continue to threaten
18 to harm Del Webb. Linn v. Stinnett, 87 Nev. 402, 407, 488 P.2d 347, 350 (1971).

19 58. Del Webb has shown a probable likelihood of prevailing on its claims that it has
20 been damaged by false representations in violation of NRS 41.600(1) and (2)(e) and Del Webb
21 Communities is a victim of misrepresentations initiated by the defendants in violation of
22 Nevada's Deceptive Trade Practices Act.

23 59. An action for intentional interference with contract relations is based on (a) a
24 valid and existing contract, (b) defendants' knowledge of the contract; (c) defendants'
25 commission of intentional acts meant to disrupt the contractual relationship; (d) actual disruption
26 of the contractual relationship.

1 of the contract; and (e) resulting damages. J.J. Industries, LLC v. Bennett, 119 Nev. 269, 274, 71
2 P.3d 1264, 1267 (2003).

3 60. Del Webb has demonstrated a probable likelihood of success on the merits as to
4 each of the requirements for a claim for intentional interference with contract relations: (a) Del
5 Webb's Home Protection Plan is a valid and existing contract between Del Webb and its
6 homeowners; (b) defendants' knowledge of the Del Webb Home Protection Plan is obvious from
7 their solicitations of homeowners and from the fact that a copy of the Del Webb Home
8 Protection Plan is available on Del Webb's website; (c) defendants intentionally acted to disrupt
9 Del Webb's contractual relationship with its Sun City Anthem homeowners by making false
10 representations to homeowners of defendants' authority under Nevada law to perform structural
11 inspections; (d) actual disruption of Del Webb's contractual relationships and communications
12 with its homeowners occurs as soon as the inspections begin, all with defendants' goal of
13 fomenting litigation, resulting in the cessation of communications between Del Webb and
14 homeowners, which communication is necessary to the operation of the Del Webb Home
15 Protection Plan; (f) Del Webb necessarily suffers damages when its communications with
16 homeowners are disrupted and it is forced to engage in litigation, losing its contractual right to
17 resolve homeowner issues voluntarily, by mediation or arbitration. Moreover, Del Webb suffers
18 loss to its hard-earned reputation when faced with litigation, even class actions, fomented by
19 illegal, unlicensed solicitations by defendants.

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23 61. Injunctive relief is proper to prevent or enjoin future interference with contract
24 relations. The York Group, Inc. v. Yorktowne Casket, Inc., 924 A.2d 1234, 1242-43 (Pa. Super.
25 2007)

26 62. Del Webb has shown a probable likelihood of prevailing on the merits of its
27 claims that Mojave's representations made by Partington and Wilson are likely to cause

28

1 confusion, mistake or to deceive the reader as their affiliation, connection, or association.
2 Specifically, these representations were intended give homeowners the impression that
3 defendants affiliated with Del Webb or authorized by Del Webb to conduct inspections and make
4 inspection reports.

5 63. With respect to the claim for attorneys' fees as substantive damages, Del Webb
6 has shown a reasonable likelihood of success on the merits.

7 64. Del Webb has shown a probable likelihood of prevailing on the merits of its
8 claims that defendants have interfered with contractual relationships of Del Webb Communities
9 and homeowners in the Sun City Anthem and such interference is likely to continue.
10

11 65. Del Webb has shown a probable likelihood of prevailing on the merits of its
12 claims that by performing unlicensed inspections and fomenting litigation based on illegal
13 inspections and inspection reports, Mojave has interfered with Del Webb's ability to make
14 repairs under the warranties that it provides to its homeowners.
15

16 66. Del Webb has shown a probable likelihood of prevailing on the merits of its
17 claims that defendants' actions were intentional, intended or designed to disrupt the contractual
18 relationship between Del Webb and certain homeowners and an actual disruption of those
19 contracts resulted. Defendants' actions were also intended to be the basis of Chapter 40
20 litigation against Del Webb based on illegal inspections and illegal reports based thereon.
21

22 67. Del Webb has shown a probable likelihood of prevailing on the merits of its
23 claims that defendants' illegal structural inspections and provision of reports based thereon,
24 misrepresentations of authority to perform such services and of a relationship with Del Webb in
25 dealing with the public has damaged Del Webb's relationship with consumers and threatens to
26 continue to harm Del Webb's business, reputation and good will and to exposure to Chapter 40
27 litigation based on illegal inspections and inspection reports.
28

1 68. Del Webb will continue to suffer possible irreparable harm if the Court does not
2 enjoin Defendants from conducting unlicensed inspections, promoting champertous agreements,
3 misrepresenting the relationship between itself and Del Webb, and interfering with Del Webb's
4 contractual warranty program, communications with its Sun City Anthem homeowners, and
5 fomentation of Chapter 40 litigation based on illegal inspections and reports.
6

7 69. Mojave threatens to continue to engage in illegal conduct by conducting
8 unlicensed inspections and providing unlicensed inspection reports.

9 70. The balance of the hardships weighs in favor of granting a preliminary injunction
10 to Del Webb, as Defendants have engaged in illegal conduct by representing their ability to
11 perform residential inspections and performing such inspections and as a result Del Webb has
12 suffered loss through disruption of its contractual relationship with homeowners, damage to its
13 reputation and good will, and damage through the expense of defendant Chapter 40 litigation
14 based upon illegal inspections and inspection reports.
15

16 **PRELIMINARY INJUNCTION**

17 Based on the foregoing Findings of Fact and Conclusions of Law, and good cause
18 appearing, IT IS HEREBY ORDERED that Del Webb's Motion for Preliminary Injunction is
19 GRANTED; and
20

21 IT IS FURTHER ORDERED that Mojave, Partington, Wilson, and their affiliates and
22 others acting in concert with Defendants, are enjoined from soliciting and/or performing
23 residential inspections and/or providing inspection reports in Sun City Anthem, or any other Del
24 Webb Nevada developments, by means of illegal, unlicensed and false practices, such as the
25 representations, express or implied, that they, or any of them are (1) properly licensed under
26 Nevada law to perform structural inspections; (2) properly licensed under Nevada law to
27 representing to perform, provide or communicate inspection reports; and/or (3) are acting as
28

1 representatives or agents under the authority of Del Webb or Pulte; and

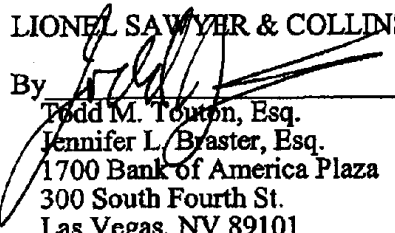
2 IT IS FURTHER ORDERED that this Preliminary Injunction shall become immediately
3 effective upon its filing and Plaintiff's posting a bond of \$10,000 within 72 hours of the date of
4 the order for the payment of such costs and damages that may be incurred or suffered by any
5 party who is found to have been wrongfully enjoined.
6

7 DATED and DONE this 8th day of October, 2008.

8 
9 UNITED STATES DISTRICT JUDGE
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Submitted by:
LIONEL SAWYER & COLLINS
By 
Todd M. Touton, Esq.
Jennifer L. Braster, Esq.
1700 Bank of America Plaza
300 South Fourth St.
Las Vegas, NV 89101

Attorneys for Plaintiff,
Del Webb Communities, Inc.

Approved as to form and content by:

MURCHISON & CUMMING

By _____
Jeremiah Pendleton, Esq.
6900 Westcliff Dr.
Suite 600
Las Vegas, NV 89145

Attorneys for Defendants,
Charles Leslie Partington d/b/a
M.C. Mojave Construction, and John
Wilson, individually

EXHIBIT “5”

1 MEGAN K. DORSEY, ESQ.
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 2 JASON W. WILLIAMS, ESQ.
 Nevada Bar No. 8310
 3 KOELLER, NEBEKER, CARLSON & HALUCK, LLP
 4 300 South Fourth Street, Suite 500
 Las Vegas, NV 89101
 5 Phone: (702) 853-5500
 Fax: (702) 853-5599
 6 Attorneys for Defendant
 DEL WEBB COMMUNITIES, INC.
 7

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10
 11 Judith Trigger; George & Ann Savage; Parker &)
 Lois Clark; Barre & Laverne Kennerley; Beverly)
 12 Schulte; David & Norma Booth; Steven &)
 Suzanne Pardon; Phyllis Short; John Cerbone;)
 13 William & Coleen Hussey; Treva Roles; Edward)
 & Victoria Walker; Robert Kundel; Leona)
 14 Breitung; Enrico & Ann Marie Torcivia; Brent)
 Montgomery; Floretta CHisom; Karen Fleischer;)
 15 Frank & Judy Becker; Josephy & Sheryl)
 Demidio; Bernadine REnshaw; Bernard &)
 16 Marlene Weinstein; Mildred Penn; Jack &)
 Madelyn Nitzkin; Edward Gottfried; Jacqueline)
 17 Johnson; Mary Holborrow; Joseph & Mary Kay)
 18 White; James & Sara Diss; Frank & Nancy)
 Ciullo; Apinantana & Bobbie Dulyanai; Lynn &)
 19 David Pisetzner; Wayne & Sandra Denney;)
 Melvyn Becker; John & Carol Buchanan; Thomas)
 20 Soong; Robert Bettencourt; Arthur & Marsha)
 21 Hindin; Rodger & Madeline Govel; Serafina)
 Guanci; Norman & Anita Rosen; Jim & Lynn)
 22 Casimir; Nancy King; Burton Richardson; George)
 Chepakis; Richard Whitaker; Arthur Kunis; Dale)
 23 & Patricia Marquette; Barbara Sakata Burrell;)
 June Lowry; Richard Burrell; Burton & Faye)
 24 Margolis; Robert DeMartino; Rich & Sherrill)
 25 Marquiss; Bernardo & Angela Santos; William &)
 Georgia Vickers; Allan & Sharen Krojansky;)
 26 Albert & Zipi Mimran; Vincent & Patricia Graeff;)
 Dave & Caroline Barber; Dave Tunick; David &)
 27 Diana McGovern; Albert Fried; Jerry Theo;)
 28 Marilyn Hendrickson; Lorna Campbell; Delmar)

NOTICE OF RELATED CASE

1 & Maryann Brimm; Marvin Lifschitz; Robert)
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 2 Thomas & Betty Bouchard; William & Donna)
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 3 Liebowitz & Linda Jaros; Howard Adler; Diane)
 Schultheis; Malcom & Beverly Lynch; Roy &)
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 5 Tishk; Stanley & Sylvia Moss; Zakir Majid;)
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 7 & Beverly Fuller; Stephen & Leslie Gallen;)
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 8 Archie; Martha Wade; Russell & Helen Klinger;)
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 12 Jon & Barbara Remlinger; Edward & Neomi)
 Dali; Carlos & Maria Marcaccini; Steve Gallen;)
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 Lauren Thomas; Alfred Danisch; Helen London;)
 21 Nicholas & Camille Khanjian; Phillip Melby;)
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 22 & Barbara Sansing; Rick & Lois Ernest; Lora Sue)
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 23 Bobby Church; George & Desneige Atteberry;)
 24 Ralph & Janice Boyd; John & Page Hawken;)
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 Dick & Jeraldne McEwen; Charlotte Goodman;)
 26 Peggy Caro; Rita Malkin; Beverly & Howard)
 Wertz; Melvin & Francine Siegel; Edward &)
 27 Barbara Burrell; Franklin & Bobbie Baker;)
 28 Priscilla & Don Driscoll; Dave Tunick; Ethel)

1 Beigelman; Mary English; Nicholas & Marlene)
 Andros; Robert & Phyllis Daugherty; Anthony &)
 2 Irene Janicki; Curtis Mattke; Edward & Joelia)
 Cullen; Anthony & Loretta Zeppieri; Robert &)
 3 Marilyn LaMorte; Carol Barash; Glen & Barbara)
 Panning; Milton & Dolores Gee; Howard)
 4 Roberts; James Condor; Richard & Theresa)
 Tewes; Philip & Matilda Bonacci; Harold &)
 5 Annette Israel; Joe & Hazel Martinez; Donald &)
 6 Jane Kusel; George Husa; Robert & Janice Blake;)
 Shirley Tullos; Thaddeus & Peggy Pierce; Carol)
 7 Wulffraat; Robert & Jaundrya Batterson ; Loretta)
 Zahn; Leon Goldman; John & Florence Cochran;)
 8 Gerald Carpenter; Judith & Bennett Nieder;)
 9 Joseph Fisher; David & Pala Cartier; Dubose &)
 Deborah Lomax; Jerome Matz; Gerald)
 10 VonderAhe; David & Bernadette O'Neill; James)
 & Ericka Furse; Richard Chester & Margot)
 11 Caughell; James & Harriet Wells; S.E. LoBello;)
 12 Marilou Friscia; James & Daisy Biava; Ronald &)
 Marilyn Wilson; Glenn Beck; Leo Cain; Jack &)
 13 Ingrid DeMichele; James & Rita Martin; Jose &)
 Mary Madrid; Harriet Perry; Jack & Susan)
 14 Topoleski; Robert & Ruby Wright; Vincente)
 Gigandet; Richard Crombez; Kay Jeffries; Joan)
 15 Weinberger; Frank & Marie Ficarotta; Jerry &)
 16 Barbara Fisher; Allan & Phyllis Kessler; David &)
 Marilyn Kapel; Jackson & Naomi Kohagura;)
 17 Mary Sue Aldridge; Sharon Smith Ulrich; Bruce)
 & Margaret Lanard; Ronald & Sharon)
 18 Guengerich; David & Joyce Pasquinelli; Daniel &)
 Margaret Moon; Nancy Rose; James & Iona)
 19 Schell; Joseph & Colleen Steigerwald; John &)
 20 Ellen Carr; William & Denise Walker; Shawn &)
 Donald McClelland; Marianne Lee; Gerald &)
 21 Nancy Merz; Catherine Torres; Peter Longwill;)
 Myrna Edwards; Richard & Lydia Ho; Frederick)
 22 & Diane Bold; Brenda & Charlie Heuston; Arthur)
 & Ramona Konrad; Charles & Amelita Criswell;)
 23 Carol Johnson; Larry & Ann Butterfield; Joyce)
 24 Reed; Marlene Marcus; Lambert Motz; George &)
 Nancy Gingerelli; Jon & Judy Griffin; Don &)
 25 Sharon McClelland; Michael & Lorraine Kennett;)
 Thomas Furjanic; Barbara Booth & Lani Kunel;)
 26 Timothy L. & Wilma E. Congelliere; Ernest &)
 27 Zelda Spickler; Jules Vandenbroeke; Kenneth &)
 Roberta Gray; John & Charlotte Fecher; David &)
 28 Janet Hockenber; Richard & Jenny Ballew;)

1 Jeremiah & Ora Lee Toomey; Ellen Shepardson;)
 David & Joyce Servello; Gary & Ruth Leis; Linda)
 2 Smith; Theodore Brown; Michael & Dona)
 Parady; Robert & Arlene Nemesek; Theresa)
 3 Burke; Bernard & Elaine Halprin; Francis Toth;)
 Linda Follosco; Les & Nancy Dean; Charles &)
 4 Patricia Simmons; Paul & Ingrid Rose; Irene)
 Butler; Virgil Francis; Shirley Zeiner; Leonard &)
 5 Beverly Mistretta; David & Everal Ann Bashaw;)
 6 Karen Walker; Katherine Hopkins; Robert &)
 Karen Case; Dave & Caroline Morris; Donald &)
 7 Rochelle Lyons; Robert & Nancy Allen; Murphy)
 & Joyce Scott; Anne Hollingsworth; Salvatore)
 8 Gilotta; Janet Castellini; Dolores Cappelto; Al)
 9 Katz; David Rosen; Herb & Linda Solomon; all)
 individuals; and POES 1 through 10,000,)
 10)
 Plaintiffs,)
 11)
 vs.)
 12)
 DEL WEBB COMMUNITIES, INC., a Foreign)
 13 Corporation, and DOES 1 through 1,000,)
 14)
 Defendants.)
 15

16
 17 COMES NOW Defendant, DEL WEBB COMMUNITIES, INC., an Arizona
 18 Corporation (“Defendant”), by and through its counsel of record, KOELLER NEBEKER
 19 CARLSON & HALUCK, LLP and submits this Notice of Related Action to the United States
 20 District Court for the District of Nevada.

21 PLEASE TAKE NOTICE that the current action, entitled *Judith Trigger, et al.,*
 22 *Plaintiffs, v. Del Webb Communities, Inc., a Foreign Corporation, Case No. A587112,*
 23 (“Trigger Action”), originally filed in the Eighth Judicial District Court for the State of
 24 Nevada in and for the County of Clark, and to this Court, and subsequently removed to the
 25 United States District Court for the District of Nevada with the concurrently filed Notice of
 26 Removal, is related to the case of *Del Webb Communities, Inc., Plaintiff v. Charles Leslie*
 27 *Partington d/b/a M.C. Mojave Construction, John Wilson, individually, Defendants, Case No.*
 28

1 2:08-cv-00571-RCJ-GWF, currently before the United States District Court for the District of
2 Nevada.

3
4 DATED this 11th day of May, 2009.
5

6
7 By:

8 KOELLER NEBEKER CARLSON &
9 HALLUCK, LLP

10
11 BY: 

12 MEGAN K. DORSEY, ESQ.
13 Nevada Bar No. 6959
14 JASON W. WILLIAMS, ESQ.
15 Nevada Bar No. 8310
16 300 S. Fourth St., Suite 500
17 Las Vegas, NV 89101
18 Attorneys for Defendant
19 DEL WEBB COMMUNITIES, INC.
20
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CERTIFICATE OF FACSIMILE & MAILING

1
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The undersigned hereby certifies that on the 11th day of May, 2009, I served a copy of the foregoing **NOTICE OF RELATED CASE** by transmitting via facsimile to the below facsimile number & by causing a copy of the same to be duly deposited in the United States mail, postage prepaid, addressed to:

Paul Terry, Esq.
ANGIUS & TERRY LLP
1120 N. Town Center Dr., Ste 260
Las Vegas, NV 89144
FACSIMILE (702) 990-2018

An Employee of
KOELLER NEBEKER CARLSON & HALUCK, LLP

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Labor, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from another district (specify), 6 Multidistrict Litigation, 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23, DEMAND \$, CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE, DOCKET NUMBER

DATE, SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #, AMOUNT, APPLYING IFP, JUDGE, MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.