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13 **District Court**  
14 **Clark County, Nevada**

15 Andre Wilson, an individual,	)	Case No.: A-15-724483-C
	)	Dept. No. XV
16 Plaintiff	)	
17 vs.	)	<b>Findings of Fact, Conclusions of Law,</b>
	)	<b>and Order Regarding Plaintiff's Motion</b>
18 Perfect Privacy, LLC, a Connecticut	)	<b>to Reconsider</b>
19 Limited Liability Company, <i>et al</i> ,	)	
20 Defendants	)	

21 This matter having come on to be heard in chambers on October 9<sup>th</sup>, 2017, having  
22 reviewed the parties' filings, and sufficient proof and good cause appearing, this Court finds  
23 and orders as follows. This Order incorporates by reference the prior Findings of Fact and  
24 Conclusions of Law contained in the Court's May 22<sup>nd</sup>, 2017 Omnibus Order (hereafter,  
25 "Omnibus Order") and the Court's August 15<sup>th</sup>, 2017 Order granting Attorneys' Fees and  
26 Sanctions (hereafter, "Fee/Sanctions Order").

27 ///

1           **I. FINDINGS OF FACTS AND CONCLUSIONS OF LAW**

2           **A. Timeliness of the Fee/Sanctions Motion<sup>1</sup>**

- 3 1) The Court hereby reiterates and incorporates by reference ¶¶ 2-14 and 25-45 of its  
4 Fee/Sanctions Order.
- 5 2) For all the reasons cited above, the Fee/Sanctions Motion was filed timely.
- 6 3) Alternatively, based on the record, the pleadings, and the arguments of counsel, the Court  
7 finds its exercise of discretion to consider the merits of the Fee/Sanctions Motion was  
8 not clearly erroneous.
- 9 4) The arguments raised in the Reconsideration Motion<sup>2</sup> related to the timeliness of the  
10 Fee/Sanctions Motion—specifically, but not limited to, § 2.3.1—merely reiterate those  
11 arguments made in Plaintiff's Response to the Fee/Sanctions motion.
- 12 5) Plaintiff failed to introduce any substantially different evidence which could warrant  
13 reconsideration of this portion of the Fee/Sanctions Order.
- 14 6) Plaintiff failed to demonstrate any of the findings of fact or conclusions of law in this  
15 portion of the Fee/Sanctions Order was clearly erroneous.
- 16 7) Reconsideration on the issue of timeliness is not warranted and Plaintiff's request is  
17 DENIED.

18           **B. Sufficiency of the Declarations and evidence supporting the request  
19 for attorneys' fees and recoverable costs submitted by counsel for the  
20 Arizona Defendants**

- 21 8) The Court hereby reiterates and incorporates by reference ¶¶ 2-8, 15-25, 67-69, and 72-  
22 74 of its Fee/Sanctions Order.
- 23 9) For all the reasons cited above, the Declarations and supporting evidence comply with  
24 the requirements of the Nev. R. Civ. P.
- 25 10) Further, the Declarations and supporting evidence sufficiently establish the amounts  
26 awarded to the Arizona Defendants in the Fee/Sanctions Order are reasonable and  
warranted.
- 11) Alternatively, based on the record, the pleadings, and the arguments of counsel, the Court  
finds its exercise of discretion to accept the Declarations and supporting evidence was  
not clearly erroneous.

27 <sup>1</sup> The Fee/Sanctions Motion referenced herein is the June 13<sup>th</sup>, 2017 Consolidated Motion for Attorneys' Fees  
and Costs and Motion for Sanctions filed by the Arizona Defendants.

28 <sup>2</sup> The Reconsideration Motion referenced herein is the September 5<sup>th</sup>, 2017 Motion to Reconsider or Alter or Amend  
Order Regarding Fees and Costs filed by Plaintiff.

- 1 12) The arguments raised in the Reconsideration Motion related to the sufficiency of the  
2 Declarations and evidence supporting the Fee/Sanctions Motion—specifically, but not  
3 limited to, § 2.1—merely reiterate those arguments made in Plaintiff’s Response to the  
4 Fee/Sanctions Motion.  
5  
6 13) Plaintiff failed to introduce any substantially different evidence which could warrant  
7 reconsideration of this portion of the Fee/Sanctions Order.  
8  
9 14) Plaintiff failed to demonstrate any of the findings of fact or conclusions of law in this  
10 portion of the Fee/Sanctions Order was clearly erroneous.  
11  
12 15) Reconsideration on the issue of the sufficiency of the documents supporting the  
13 Fee/Sanctions Motion is not warranted and Plaintiff’s request is DENIED.

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**C. Propriety of sanctions against Plaintiff and/or Plaintiff’s counsel and the Court’s exercise of its inherent authority in issuing those sanctions**

- 16) The Court hereby reiterates and incorporates by reference ¶¶ 27-28, 35-36, 46-62, 86, 98-101 of its Fee/Sanctions Order.
- 17) For all the reasons cited above, Plaintiff and/or Plaintiff’s counsel made a number of misrepresentations to the Court, put forward numerous allegations and arguments without reasonable basis in fact or law, and engaged in bad-faith litigation tactics which warrant the imposition of sanctions against them.
- 18) As the Plaintiff’s and/or Plaintiff’s counsel’s sanctionable behavior is not “specifically proscribed by statute”, the Court has “broad discretion” to validly exercise its inherent authority to punish such violations.
- 19) The Court’s finding that the Arizona Defendants made mistakes and missteps which needlessly increased the scope of litigation does not preclude the Court finding Plaintiff and/or Plaintiff’s counsel engaged in wrongful and sanctionable behavior.
- 20) The arguments raised in the Reconsideration Motion related to the sanctions imposed on Plaintiff and/or Plaintiff’s counsel and the Court’s inherent authority—specifically, but not limited to, §§ 2.3.2, 2.4.3, 2.4.4—failed to introduce any substantially different evidence which could warrant reconsideration of this portion of the Fee/Sanctions Order.
- 21) Plaintiff failed to demonstrate any of the findings of fact or conclusions of law in this portion of the Fee/Sanctions Order was clearly erroneous.
- 22) Reconsideration on the issues of the sufficiency of the basis for sanctions against Plaintiff and/or Plaintiff’s counsel and the of the Court’s discretionary exercise of its inherent authority to punish the sanctionable behavior is not warranted and Plaintiff’s request is DENIED.

1 **D. Remaining issues**

2 23) As to any issues contained in the Reconsideration Motion not specifically addressed  
3 herein, the Court DENIES reconsideration on these issues on one or more of the  
4 following bases, as appropriate and as supported by the pleadings and the record:

- 5 ○ The issue was decided prior to the Fee/Sanctions Order and not subject to  
6 challenge by reconsideration of the Fee/Sanctions Order;
- 7 ○ Plaintiff failed to introduce any new evidence warranting reconsideration of  
8 the issue; and/or
- 9 ○ Plaintiff failed to demonstrate any of the findings of fact or conclusions of law  
10 in the portion of the Fee/Sanctions Order related the issue was clearly  
11 erroneous.

12 **IT IS HEREBY ORDERED:**

- 13 1. DENYING Plaintiff's Motion for Reconsideration, in full and without prejudice.

14 Dated this 31<sup>st</sup> day of October, 2017.

15   
16 \_\_\_\_\_  
17 District Court Judge

18 Prepared and submitted by:  
19 \_\_\_\_\_  
20 /s/Michael Harnden

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29 By: Did not respond  
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