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 7 Attorneys for Defendant  
 Judge Melanie Andress-Tobiasson

8  
 9  
 10 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

11 VIVIAN WRIGHT-BOLTON, )  
 12 )  
 Plaintiff, ) CASE NO. 2:14-cv-01612-APG-PAL  
 13 )  
 vs. )  
 14 )  
 MELANIE ANDRESS-TOBIASSON, )  
 15 individually; THE ESTATE OF JENNIFER )  
 BOLTON deceased; KOCKA & BOLTON, )  
 16 LLC, a Nevada Limited Liability Company; )  
 17 )  
 Defendants. )

18  
 19 JOINT MOTION TO EXTEND DISCOVERY CUT-OFF DATE  
 (First Request)

20  
 21 COMES NOW, Plaintiff, Vivian Wright-Bolton, by and through her attorney, CAL J.  
 22 POTTER, ESQ., of Potter Law Offices, Kocka & Bolton, LLC, by and through their attorneys,  
 23 CHRIS T. RASMUSSEN, ESQ., of the Law Firm of Rasmussen & Kang, and Defendant,  
 24 Melanie Andress-Tobiasson, by and through her attorneys, WALTER R. CANNON, ESQ. and  
 25 THOMAS D. DILLARD, JR., ESQ., of the Law Firm of Olson, Cannon, Gormley, Angulo &  
 26 Stoberski, and, pursuant to LR 26-4 and LR 6-1, move this Honorable Court for an Order  
 27 extending the current discovery cut-off date of August 18, 2015 for a period of ninety (90) days,  
 28 through and including November 18, 2015.

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1 This Motion is made and based upon all of the pleadings and papers on file herein, this  
2 Motion, the Points and Authorities attached hereto, the Stipulation of counsel, and a proposed  
3 Amended Discovery Plan and Scheduling Order attached hereto as Exhibit "A", the Affidavit of  
4 defense counsel, Walter R. Cannon, attached hereto as Exhibit "B", together with such other and  
5 further evidence and argument as might be had at the hearing of said Motion.

6 DATED this 10th day of August, 2015.

7 POTTER LAW OFFICES

OLSON, CANNON, GORMLEY  
ANGULO & STOBERSKI

9 BY: /s/ Cal J. Potter, III  
10 CAL J. POTTER, III, ESQ.  
11 Nevada Bar No. 1988  
12 C.J. POTTER, IV, ESQ.  
13 Nevada Bar No. 13225  
14 1125 Shadow Lane  
15 Las Vegas, Nevada 89102  
16 Attorneys for Plaintiff

BY: /s/ Walter R. Cannon  
WALTER R. CANNON, ESQ.  
Nevada Bar No. 1505  
THOMAS D. DILLARD, JR., ESQ.  
Nevada Bar No. 6270  
9950 W. Cheyenne Avenue  
Las Vegas, Nevada 89129  
Attorneys for Defendant  
Melanie Andress-Tobiasson

17 RASMUSSEN & KANG

18 BY: /s/ Chris T. Rasmussen  
19 CHRIS T. RASMUSSEN, ESQ.  
20 Nevada Bar No. 7149  
21 330 S. Third Street, Suite 1010  
22 Las Vegas, Nevada 89101  
23 Attorney for Defendant  
24 Kocka & Bolton

25 POINTS AND AUTHORITIES

26 I. FACTS:

27 This is a civil rights action filed by Plaintiff, Vivian Wright-Bolton, against Defendant  
28 Las Vegas Township Justice of the Peace, Melanie Andress-Tobiasson (Judge Tobiasson),  
Jennifer Bolton—now deceased, and the Law Firm of Kocka & Bolton. In her Complaint,  
Plaintiff alleges that Judge Tobiasson subjected her to a due process violation by signing an  
Order on February 12, 2014 “which contained findings supporting [Plaintiff’s former spouse’s]  
application for a Canadian divorce in violation of Plaintiff’s due process rights. Plaintiff further

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1 alleges that Judge Tobiasson conspired with the Co-Defendants in the alleged violation, thereby  
2 causing “protracted litigation concerning the custody of the couples two minor children.”

3 Even though the Complaint in the case was filed on September 30, 2014, the Defendants  
4 were not served with the Complaint until February 3, 2015. On February 10, 2015, Defendants  
5 Bolton and Kocka & Bolton, LLC filed their Answer. Thirteen days later, Judge Tobiasson filed  
6 her Answer and a Motion for Summary Judgment asserting that she was entitled to judicial  
7 immunity for all of the claims that had been filed against her.

8 On April 2, 2015, Plaintiff filed her Opposition to Defendant Tobiasson’s Motion for  
9 Summary Judgment and a Countermotion seeking additional discovery time pursuant to FRCP  
10 56(d). On April 20, 2015, Defendant Tobiasson filed her Reply in Support of her Motion for  
11 Summary Judgment and Defendant’s Motion and Plaintiff’s Countermotion remain pending  
12 before Judge Gordon at this time.

13 The parties initial Scheduling Conference was held on April 9, 2015. Four days later, the  
14 Court entered its own Discovery Plan and Scheduling Order fixing the discovery cut-off date for  
15 August 18, 2015. Consistent with this Order, the parties filed a Joint Status Report with the  
16 Court on June 19, 2015, which advised the Court that Defendant’s Motion for Summary  
17 Judgment and Plaintiff’s FRCP 56(d) Countermotion were pending before Judge Gordon and the  
18 parties anticipated the need to take approximately 6 to 8 depositions should Judge Gordon deny  
19 Defendant’s Motion for Summary Judgment.

20 Inasmuch as Judge Gordon has still not ruled on Defendant’s Motion or Plaintiff’s  
21 Countermotion, the parties now come before this Court seeking to extend the discovery cut-off  
22 date for a period of ninety (90) days.

23 **II. DISCOVERY COMPLETED TO DATE:**

24 1. On June 23, 2015, Defendant Tobiasson served Interrogatories and Request for  
25 Production of Documents on the Plaintiff.

26 2. Defendant Tobiasson’s deposition is presently calendared for August 12, 2015, at the  
27 hour of 1:00 P.M.

28 . . .

1 3. Plaintiff's deposition is presently scheduled for August 18, 2015, at the hour of 10:00  
2 A.M.

3 III. GOOD CAUSE EXISTS FOR A 90 DAY CONTINUANCE OF THE DISCOVERY  
4 CUT-OFF DATE:

5 LR 26-4 provides in the pertinent part as follows:

6 Applications to extend any date set by the discovery plan,  
7 scheduling order, or other order must, in addition to satisfying the  
8 requirements of LR 6-1, be supported by a showing of good cause  
9 for the extension. All motions or stipulations to extend a deadline  
10 set forth in a discovery plan shall be received by the Court no later  
11 than twenty-one (21) days before the expiration of the subject  
12 deadline. A request made after the expiration of the subject  
13 deadline shall not be granted unless the movant demonstrates that  
14 the failure to act was the result of excusable neglect.

15 As a reading of the Rule indicates, any request for an extension of the discovery cut-off  
16 date must first be based upon a showing of good cause. In this case, the parties believes that such  
17 cause exists and would, therefore, urge the Court to grant the extension.

18 As noted above, Defendant Tobiasson's Motion for Summary Judgment, predicated upon  
19 a claim of judicial immunity, has been fully briefed and under submission to the Court since  
20 April 20, 2015. The Motion, if granted, will be dispositive of all of the claims against Judge  
21 Tobiasdson and most, if not all, of the claims against the remaining Defendants. The parties had  
22 been withholding pursuing their discovery pending Judge Gordon's ruling of their Motions. If  
23 Judge Gordon granted the Motion, the discovery in question would not be necessary, thereby  
24 saving the parties and their clients both substantial time and expense. However, it now appears  
25 that the Court's decision on the Motion will take longer than initially anticipated and, therefore,  
26 the parties have recently begun pursuing the discovery that they need in the case. While the two  
27 primary parties, Plaintiff and Defendant Tobiasson's, depositions are currently scheduled, there  
28 remains another 6 to 7 additional depositions that have to be taken. These depositions will  
involve at least one other sitting Justice of the Peace and at least 3 Canadian witnesses that will  
address not only divorce proceedings in the Canadian Court system, but Plaintiff's expenses  
associated with these proceedings.

...

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1 The parties are, of course, mindful that this Motion was not filed 21 days prior to the  
2 present discovery cut-off date (LR 26-4). However, they further believe that the lateness of the  
3 instant Motion was the result of excusable neglect based primarily upon defense counsel, Walter  
4 R. Cannon's, absence from the office due to a family emergency involving his 94 year old father.

5 As indicated in the Affidavit of Walter R. Cannon attached hereto as Exhibit "B", Mr.  
6 Cannon was absent from his office for substantial periods of time between July 27, 2015 and  
7 August 7, 2015 due to medical and dental emergencies associated with his 94 year old father. As  
8 a consequence, July 28, 2015 for the 21 day Rule came and went without Mr. Cannon's  
9 knowledge. Inasmuch as Mr. Cannon had taken the responsibility for preparing a Stipulation for  
10 the continuance of the discovery cut-off date, the parties would ask the Court to grant their  
11 request notwithstanding the lateness of the attached Stipulation.

12 IV. CONCLUSION:

13 Based upon and in view of all the foregoing, the parties would respectfully request that  
14 this Court enter an Order extending the discovery cut-off date for a period of ninety (90) days,  
15 through and including November 18, 2015. Attached hereto as Exhibit "A" is a Stipulation of

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1 the parties setting forth the information required by LR 26-4(a)-(c) and a proposed Amended  
2 Discovery Plan and Scheduling Order which reflects the new discovery cut-off date, as well as all  
3 other dates required by LR 26-1 and LR 26-4(d).

4 Respectfully submitted this 10<sup>th</sup> day of August, 2015.

5  
6 POTTER LAW OFFICES

OLSON, CANNON, GORMLEY  
ANGULO & STOBERSKI

7  
8 BY: /s/ Cal J. Potter, III  
9 CAL J. POTTER, III, ESQ.  
10 Nevada Bar No. 1988  
11 C.J. POTTER, IV, ESQ.  
12 Nevada Bar No. 13225  
13 1125 Shadow Lane  
14 Las Vegas, Nevada 89102  
15 Attorneys for Plaintiff

BY: /s/ Walter R. Cannon  
WALTER R. CANNON, ESQ.  
Nevada Bar No. 1505  
THOMAS D. DILLARD, JR., ESQ.  
Nevada Bar No. 6270  
9950 W. Cheyenne Avenue  
Las Vegas, Nevada 89129  
Attorneys for Defendant  
Melanie Andress-Tobiasson

16 RASMUSSEN & KANG

17 BY: /s/ Chris T. Rasmussen  
18 CHRIS T. RASMUSSEN, ESQ.  
19 Nevada Bar No. 7149  
20 330 S. Third Street, Suite 1010  
21 Las Vegas, Nevada 89101  
22 Attorney for Defendant  
23 Kocka & Bolton

24 ORDER

25 IT IS SO ORDERED.

26 DATED: August 10, 2015

27   
28 MAGISTRATE JUDGE

Law Offices of  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 10<sup>th</sup> day of August, 2015, I served the above JOINT MOTION TO EXTEND DISCOVERY CUT-OFF DATE (First Request) through the CM/ECF system of the United States District Court for the District of Nevada (or, if necessary, by U.S. Mail, first class, postage pre-paid), upon the following:

Cal J. Potter, III Esq.  
POTTER LAW OFFICES  
1125 Shadow Lane  
Las Vegas, Nevada 89102  
Phone: 385-1954  
Fax: 385-9081  
Attorney for Plaintiff

Chris T. Rasmussen, Esq.  
RASMUSSEN & KANG  
330 S. Third Street, Suite 1010  
Las Vegas, Nevada 89101  
Attorney for Defendant Kocka & Brown

/s/ Nanette D. Langenderfer  
AN EMPLOYEE OF OLSON, CANNON,  
GORMLEY, ANGULO & STOBERSKI

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**EXHIBIT A**



1 WALTER R. CANNON, ESQ.  
Nevada Bar No. 001505  
2 THOMAS D. DILLARD, JR., ESQ.  
Nevada Bar No. 006270  
3 OLSON, CANNON, GORMLEY  
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6 [wcannon@ocgas.com](mailto:wcannon@ocgas.com)  
[tdillard@ocgas.com](mailto:tdillard@ocgas.com)  
7 Attorneys for Defendant  
Judge Melanie Andress-Tobiasson  
8

9  
10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA

12 VIVIAN WRIGHT-BOLTON,  
13 Plaintiff,

CASE NO. 2:14-cv-01612-APG-PAL

14 vs.

15 MELANIE ANDRESS-TOBIASSON,  
individually; THE ESTATE OF JENNIFER  
16 BOLTON deceased; KOCKA & BOLTON,  
LLC, a Nevada Limited Liability Company;

17 Defendants.  
18

19 STIPULATION TO CONTINUE THE DISCOVERY CUT-OFF DATE  
(First Request)  
20

21 COMES NOW Plaintiff, Vivian Wright-Bolton, by and through her attorney, CAL J.  
22 POTTER, ESQ., of Potter Law Offices, Kocka & Bolton, LLC, by and through their attorneys,  
23 CHRIS T. RASMUSSEN, ESQ., of the Law Firm of Rasmussen & Kang, and Defendant,  
24 Melanie Andress-Tobiasson, by and through her attorneys, WALTER R. CANNON, ESQ. and  
25 THOMAS D. DILLARD, JR., ESQ., of the Law Firm of Olson, Cannon, Gormley, Angulo &  
26 Stoberski, and hereby stipulate, agree and make joint application to extend the discovery cut-off  
27 date from August 18, 2015, to and including November 18, 2015. This Stipulation is made and  
28 based upon the following facts and for the following reasons:

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1 I. INTRODUCTION:

2 This is a civil rights action filed by Plaintiff, Vivian Wright-Bolton, against Defendant  
3 Las Vegas Township Justice of the Peace, Melanie Andress-Tobiasson (Judge Tobiasson),  
4 Jennifer Bolton--deceased--and the Law Firm of Kocka & Bolton. In her Complaint, Plaintiff  
5 alleges that Judge Tobiasson subjected her to a due process violation by signing an Order on  
6 February 12, 2014 "which contained findings supporting [Plaintiff's former spouse's] application  
7 for a Canadian divorce in violation of Plaintiff's due process rights. Plaintiff further alleges that  
8 Judge Tobiasson conspired with the Co-Defendants in the alleged violation, thereby causing  
9 "protracted litigation concerning the custody of the couples two minor children."

10 Even though the Complaint in the case was filed on September 30, 2014, the Defendants  
11 were not served with the Complaint until February 3, 2015. On February 10, 2015, Defendants  
12 Bolton and Kocka & Bolton, LLC filed their Answer. Thirteen days later, Judge Tobiasson filed  
13 her Answer and a Motion for Summary Judgment asserting that she was entitled to judicial  
14 immunity for all of the claims that had been raised against her.

15 On April 2, 2015, Plaintiff filed her Opposition to Judge Tobiasson's Motion and a  
16 Countermotion seeking additional discovery time pursuant to FRCP 56(d). On April 20, 2015,  
17 Defendant Tobiasson filed her Reply in Support of her Motion for Summary Judgment. At this  
18 time, both Judge Tobiasson's Motion for Summary Judgment and Plaintiff's Countermotion  
19 remain pending before Judge Gordon.

20 The parties initial Scheduling Conference was held on April 9, 2015. Four days later, the  
21 Court entered its own Discovery Plan and Scheduling Order fixing the discovery cut-off date on  
22 August 18, 2015. Consistent with this Order, the parties filed a Joint Status Report with the  
23 Court on June 19, 2015, which advised the Court that Defendant's Motion for Summary  
24 Judgment and Plaintiff's Countermotion under FRCP 56(d) remain pending before Judge Gordon  
25 and the parties anticipated the need to take approximately 6 to 8 depositions should Judge  
26 Gordon deny any or all of Defendant's Motion for Summary Judgment.

27 . . .

28 . . .

1 Inasmuch as Judge Gordon has still not ruled on Defendant's Motion mor Plaintiff's  
2 Countermotion, the parties now come before this Court seeking to extend the discovery cut-off  
3 date for a period of ninety (90) days.

4 II. DISCOVERY COMPLETED TO DATE:

5 1. On June 23, 2015, Defendant Tobiasson served Interrogatories and Request for  
6 Production of Documents on the Plaintiff.

7 2. Defendant Tobiasson's deposition is presently calendared for August 12, 2015, at the  
8 hour of 1:00 P.M.

9 3. Plaintiff's deposition is presently scheduled for August 18, 2015, at the hour of 10:00  
10 A.M.

11 III. DISCOVERY REMAINING TO BE TAKEN:

12 1. The deposition of Eighth Judicial District Court Family Judge Gloria O'Malley;

13 2. The deposition of Las Vegas Justice of the Peace Karen Bennett-Haron;

14 3. The depositions of 3 individuals in British Columbia, Canada, regarding the Wright-  
15 Bolton divorce proceedings in that jurisdiction and the expenses—including attorney's fees and  
16 costs—associated with those proceedings; and

17 4. The deposition of two local witnesses regarding the alleged relationship between  
18 Judge Tobiasson and Jennifer Bolton,

19 IV. REASONS THAT THE REMAINING DISCOVERY WAS NOT COMPLETED  
20 DURING THE PRESENT DISCOVERY PERIOD:

21 The primary reason that the parties have not completed their discovery to date lies  
22 principally with the Motion for Summary Judgment filed by Judge Tobiasson concurrently with  
23 her Answer on February 13, 2015. This Motion is based upon judicial immunity and would be  
24 dispositive of most, if not all, of the claims against both Defendants should it be granted by  
25 Judge Gordon. The Motion was fully briefed by April of 2015 and the parties were hopeful of  
26 receiving the Court's ruling by this time. Unfortunately, Defendant's Motion remains under  
27 submission and, therefore, the parties again attempted to schedule their discovery in early July,  
28 2015. However, scheduling conflicts among counsel and some of the prospective witnesses have

1 allowed the scheduling of only the deposition of Judge Tobiasson (August 12, 2015) and Plaintiff  
2 (August 18, 2015) to date. The parties believe that if the Court grants them the extension  
3 requested by this Stipulation, that they should be able to complete all of their discovery within  
4 the extended discovery period.

5 V. PROPOSED DISCOVERY SCHEDULE:

6 Based upon the foregoing, the parties hereby respectfully request that the Court enter an  
7 Order extending the current discovery cut-off date for a period of 90 days from August 18, 2015  
8 through and including November 18, 2015 and establish the following Amended Discovery Plan  
9 and Scheduling Order:

- 10 1. Discovery cut-off date: November 18, 2015.
- 11 2. Initial expert disclosure date: September 18, 2015.
- 12 3. Rebuttal expert disclosure date: October 21, 2015.
- 13 4. Dispositive Motion date: December 18, 2015.
- 14 5. Date for filing the parties' Joint Pretrial Order: January 18, 2016. (Unless dispositive  
15 motions are filed, in which case the date for filing the Joint Pretrial Order shall be suspended  
16 until 30 days after the decision on the dispositive motion or further Order of this Court).

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1 The parties have entered into this Stipulation in order to complete their discovery and  
2 prepare for the filing of Pretrial Motions. It is no the intent of the parties to delay the conclusion  
3 of the matter. Rather, the parties wish, in good faith, to obtain any and all necessary information  
4 to evaluate their respective cases for settlement and trial purposes. No trial date has yet been  
5 scheduled.

6 This Stipulation is entered into this 10th day of August, 2015.

7  
8 POTTER LAW OFFICES

OLSON, CANNON, GORMLEY  
ANGULO & STOBERSKI

9  
10 BY: /s/ Cal J. Potter, III  
11 CAL J. POTTER, III, ESQ.  
12 Nevada Bar No. 1988  
13 C.J. POTTER, IV, ESQ.  
14 Nevada Bar No. 13225  
15 1125 Shadow Lane  
16 Las Vegas, Nevada 89102  
17 Attorneys for Plaintiff

BY: /s/ Walter R. Cannon  
WALTER R. CANNON, ESQ.  
Nevada Bar No. 1505  
THOMAS D. DILLARD, JR., ESQ.  
Nevada Bar No. 6270  
9950 W. Cheyenne Avenue  
Las Vegas, Nevada 89129  
Attorneys for Defendant  
Melanie Andress-Tobiasson

18 RASMUSSEN & KANG

19 BY: /s/ Chris T. Rasmussen  
20 CHRIS T. RASMUSSEN, ESQ.  
21 Nevada Bar No. 7149  
22 330 S. Third Street, Suite 1010  
23 Las Vegas, Nevada 89101  
24 Attorney for Defendant  
25 Kocka & Bolton

26 ORDER

27 IT IS SO ORDERED.

28 DATED: \_\_\_\_\_

\_\_\_\_\_  
MAGISTRATE JUDGE

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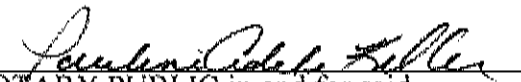
**EXHIBIT B**

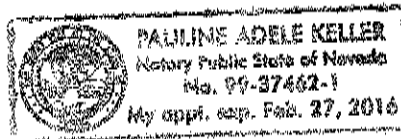


9. Further Affiant sayeth naught.

  
WALTER R. CANNON

SUBSCRIBED AND SWORN TO before me  
this 10<sup>th</sup> day of August, 2015.

  
NOTARY PUBLIC in and for said  
County and State



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