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6 Attorneys for Defendants RE/MAX REALTY
 7 and JUDY ASHTON

8 UNITED STATES DISTRICT COURT
 9 DISTRICT OF NEVADA

10 * * * *

11 JUDY KROSHUS, PATRICIA REINSMA, BERT)
 12 REINSMA, DENNIS MORELLI, MARCIA)
 13 MORELLI, W.R. WARN, ROLAINÉ WARN,)
 14 RICHARD MEPPEN, DOUGLAS DAVIS,)
 15 RAMONA DAVIS, JAMES CRUTCHER,)
 16 BRANDY CRUTCHER, WESLEY McKNIGHT,)
 17 KATHY McKNIGHT, DAVID STEPHAN, LINDA)
 18 STEPHAN, PATRICK DOYLE, LORI DOYLE,)
 19 TOM W. COOK II, KATHLEEN M. COOK,)
 20 WILLIAM K. DAVIS, DIANE R. DAVIS,)
 21 MICHAEL JONES, KILITA JONES, MANFRED)
 22 JURGEIT, JEANIE JURGEIT, ESTHER LEVINE,)
 23 CRISTINA PEREZ, H. LANE ROSE II, DEBORAH)
 24 SUE ROSE, MICHAEL TEETER, BRUCE E.)
 25 NAGEL, JEANNETTE M. NAGEL, WILLIAM)
 26 ADAMSON, SHARON ADAMSON, DARYL R.)
 27 GROVER, JR., BARBARA SPECCHIO, JOSEPH)
 28 SPECCHIO, WESLEY STALIONS, MISTY)
 STALIONS, RUSSELL LANCE PUCKETT,)
 JEREMY GOTTLIEB, AMANDA BAILIE,)
 THOMAS W. BAILIE, JR., MELISSA NEFF,)
 JOSEPH NEFF, DAVID M. TRIPP, VIRGINIA)
 TRIPP, EVERETT A. CIRJO, JOHN E. DOHM,)
 DONNA L. DOHM, ADRIAN NORIEGA, MARY)
 NORIEGA, MELANIE McADAM, HILLARY)
 McADAM, ROBERT McADAM, STEVIE)
 STAUBS, RANDALL STAUBS, RHONDA)
 SHIELDS, DAVID SHIELDS, TRAVIS)
 PATTERSON, JENNIFER PATTERSON, DAVID)
 C. MARSHALL, STEVE BRONAUGH, JENNIFER)
 BRONAUGH, JIMMIE REED, TERESA REED,)
 MICHAEL A. HUMPHREY, PAMELA MARY)
 DOERR, DEREK TAYLOR, JENNIFER TAYLOR,)
 ANGELA DANIEL, WILLIAM T. DANIEL, JOHN)
 LINDENMEIER, LEO LINDENMEIER, NANCY)

CASE NO. 3:08-cv-00246

**ORDER GRANTING
 DEFENDANTS RE/MAX
 REALTY PROFESSIONALS
 AND JUDY ASHTON'S MOTION
 FOR GOOD FAITH
 DETERMINATION**

FILED _____ RECEIVED _____
 ENTERED _____ SERVED ON _____
 COUNSEL/PARTIES OF RECORD

NOV 15 2011

CLERK US DISTRICT COURT
 DISTRICT OF NEVADA

BY: _____ DEPUTY

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RAM Kroshus et al v. United States of America et al

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2 CONNIE J. STEVENS, ROSEMARY HIGGINS,)
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4 KNOX, CHERIE KNOX, DAN LAWSON,)
5 LORRAINE LAWSON, BRANDON KNAPP,)
6 TRACY KNAPP, LESLIE LEVERETT, CHARLES)
7 TANG CHAL YANG PRESNELL, LEROY MARX,)
8 JASON E. MARICH, GARY R. MEIKLE,)
9 CARMEN MEIKLE, KRISTOPHER BROWN,)
10 ANNETTE BROWN, JOHN CAULK,)
11 MARTINIQUE CAULK, KIM JAMES, DEBORAH)
12 SUE ROSE, JENNIFER VAUGHAN, WARREN)
13 GRAY, BARBARA GRAY, JULIE LANE, and)
14 BARBARA WILSON, on behalf of themselves and)
15 all other persons similarly situated,)

16 Plaintiffs,

17 v.

18 UNITED STATES OF AMERICA, DEPARTMENT)
19 OF THE INTERIOR through its BUREAU OF)
20 RECLAMATION, MID-PACIFIC REGION,)
21 CARSON CITY OFFICE, DIRK KEMPTHORNE,)
22 Secretary of the Interior, ELIZABETH RIEKE,)
23 Director of the Carson City Office of the Bureau of)
24 Reclamation, TRUCKEE-CARSON IRRIGATION)
25 DISTRICT, DAVID P. OVERVOLD, GARY)
26 STONE, TRUCKEE RIVER FEDERAL WATER)
27 MASTER, CITY OF FERNLEY, COUNTY OF)
28 LYON, CHRH, LTD., GARY HUTCHINGS,)
RICHARD HUTCHINGS, C.A.L. INVESTMENT)
PROPERTIES, KING CONSTRUCTION, CAL)
EILRICH, DINAH EILRICH, GREATER NEVADA)
BUILDERS, STEVEN F. CAMPOY, ALTMAN-)
OTT HOMES, KEYSTONE REALTY, REMAX)
REALTY, JUDY ASHTON, DAN ANDERSON, LL)
REALTY, COLDWELL BANKER, DOES I-X,)
inclusive, and BLACK and WHITE COMPANIES I-)
X,

Defendants.

24 Defendants Realty Professionals, Inc. doing business as RE/MAX Realty Professionals
25 ("RE/MAX Realty Professionals") and Judy Ashton's ("Ashton") (collectively "RE/MAX Realty
26 Professionals Defendants") Motion for Good Faith Determination having come on for hearing on
27 the 29th day of July, 2011, Zachary J. Thompson, Esq. of the law firm OLSON, CANNON,
28 GORMLEY & DESRUISSEAU appearing on behalf of the RE/MAX Realty Professionals

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1 Defendants, and Robert Maddox of the law firm of MADDOX & ASSOCIATES, Calvin R.X.
2 Dunlap, of the firm of DUNLAP & LAXALT, Eugene Leverty, LEVERTY & ASSOCIATES,
3 Robert Hager of the firm HAGER & HEARNE, and Lee Hotchkins, Esq. appearing on behalf of
4 the Plaintiff class, and the Court having considered the papers and pleadings on file herein, and
5 having heard oral argument,

6 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 7 1. The Court has considered the factors discussed in *Velsicol Chemical Corp. v.*
8 *Davidson*, 107 Nev. 356, 811 P.2d 561 (1991).
- 9 2. The Court has considered the factors discussed in *The Doctors Co. v. Vincent*, 120
10 Nev. 644, 652, 98 P.3d 681, 687 (2004).
- 11 3. The Court has considered the factors discussed in *MGM Grand Hotel Fire*, 570
12 F.Supp. 913 (D.Nev. 1983).
- 13 4. The Court has considered the settlement amount of \$12,000 between Plaintiffs
14 and the RE/MAX Realty Professionals Defendants, which is to be paid from insurance funds.
15 The Court finds that the settlement amount is reasonable and sufficient.
- 16 5. The Court has considered the damages claimed by Plaintiffs, and it has considered
17 the risks of proceeding on both sides. The Court finds that there is a strong potential that
18 RE/MAX Realty Professionals and Ashton would be able to prevail against the Plaintiffs' claims
19 pursuant to NRS Chapter 645.
- 20 6. The Court has considered whether there was collusion or fraud relating to the
21 settlement. The Court finds that there was no collusion or fraud relating to the settlement
22 between Plaintiffs and RE/MAX Realty Professionals. The settlement amount was arrived at
23 through arms length negotiations.
- 24 7. The Court has considered the financial condition of the settling defendants and the
25 insurance coverage of the settling defendants. RE/MAX Realty Professionals is a defunct
26 Nevada corporation. The entity is insured, and the insurance is sufficient to cover the settlement.
27 The Court finds the settlement amount reasonable and sufficient in light of the insurance
28 coverage.

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1 8. The Court has considered the strength and weaknesses of potential contribution
2 and indemnity claims. The Court holds that the RE/MAX Realty Professionals Defendants
3 would be able to show that they did not have active fault. The Court finds that potential claims
4 for contribution and equitable indemnity do not weigh in favor of denying good faith.

5 9. The settlement agreement between Plaintiffs and the RE/MAX Realty
6 Professionals Defendants satisfies the factors set forth in *Velsicol Chemical Corp. v. Davidson*,
7 107 Nev. 356, 811 P.2d 561 (1991), *The Doctors Co. v. Vincent*, 120 Nev. 644, 652, 98 P.3d 681,
8 687 (2004), and *MGM Grand Hotel Fire*, 570 F.Supp. 913 (D.Nev. 1983).

9 10. The settlement agreement between Plaintiffs and the RE/MAX Realty
10 Professionals Defendants was entered into in good faith.

11 11. No opposition, written or oral, was received to RE/MAX Realty Professionals
12 Defendants' Motion for Good Faith Determination.

13 12. The RE/MAX Realty Professionals Defendants' Motion for Good Faith
14 Determination is hereby granted in its entirety.

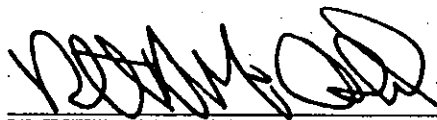
15 13. All claims, whether known or unknown, against RE/MAX Realty Professionals
16 Defendants for contribution and/or equitable indemnity are hereby extinguished pursuant to NRS
17 17.245.

18 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

19 1. RE/MAX Realty Professionals and Judy Ashton's Motion for Good Faith
20 Determination is hereby granted, each party to bear their own attorneys' fees and costs;

21 2. All claims, whether known or unknown, against RE/MAX Realty Professionals
22 and Judy Ashton for contribution and/or equitable indemnity are hereby extinguished.

23 DATED this 15th day of November, 2011.

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26 UNITED STATES MAGISTRATE JUDGE
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SUBMITTED BY:

OLSON, CANNON, GORMLEY &
DESRUISSEAU

By _____
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