

1 JOHN T. WENDLAND, ESQ.
 (Nevada Bar No. 007207)
 2 JEREMY R. KILBER, ESQ.
 (Nevada Bar No. 010643)
 3 WEIL & DRAGE, APC
 4 2500 Anthem Village Drive
 Henderson, NV 89052
 5 (702) 314-1905 • Fax (702) 314-1909
 jwendland@weildrage.com; jkilber@weildrage.com
 6 Attorneys for *Specially Appearing* Parties,
 7 TRC ENGINEERS, INC. f/k/a VPOINT, MARTIN UGALDE,
 ROBERT BIDART AND MICHAEL BIDART

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

11	ALICIA UHOUSE, et. al.,)	3:08-cv-00285-LDG-RAM
)	
12	Plaintiffs,)	
)	
13	vs.)	ORDER GRANTING
)	MOTION FOR DETERMINATION OF
14	UNITED STATES DEPARTMENT OF THE)	GOOD FAITH SETTLEMENT
15	INTERIOR,)	
)	
16	Defendants.)	
)	
17	_____)	
)	
18	AND ALL RELATED MATTERS)	
)	
19	_____)	

20 **ORDER GRANTING MOTION FOR DETERMINATION OF GOOD FAITH**
 21 **SETTLEMENT**

22 The Court having reviewed and considered *Specially Appearing* Parties, TRC
 23 ENGINEERS, INC. f/k/a VPOINT’S (erroneously sued as V POINT ENGINEERING a/k/a TRC
 24 ENGINEERING, INC.), MARTIN UGALDE’S, ROBERT BIDART’S and MICHAEL
 25 BIDART’S (hereinafter collectively, “TRC Parties”) Motion for Determination of Good Faith
 26 Settlement, all papers and pleadings filed in this matter, having heard oral argument at the hearing
 27 held thereon, and with GOOD CAUSE APPEARING, hereby enters its findings, conclusions and
 28 judgment as follows:

{00218331;1}

FINDINGS

1
2 1. This matter arises out of a breach in the Truckee Canal on January 5, 2008 in and
3 around the City of Fernley, County of Lyon, Nevada.

4 2. The Plaintiffs, individually and as members of Class Actions, have filed numerous
5 Complaints in Federal and State Courts against various parties, including the TRC Parties for
6 alleged damages and injuries arising from the Truckee Canal breach on January 5, 2008 in Fernley,
7 Nevada.

8 3. The Plaintiffs and various parties in the Federal and State cases allege that the
9 January 5, 2008 Truckee Canal breach in Fernley, Nevada occurred due to inadequate maintenance
10 and operation of the Truckee Canal, among other reasons. Plaintiffs further allege that flood
11 waters from the Truckee Canal breach were impounded by the construction of various residential
12 subdivisions and obstacles in and around the "A" Drain including the connection of Wrangler
13 Lane and Wagon Wheel Lane commonly known as the "knuckle."

14 4. The TRC Parties, serving as the plans checker for the City of Fernley, approved the
15 design of the "knuckle" submitted by a Nevada registered engineer.

16 5. On April 24, 2012, the TRC Parties and representatives of the Plaintiffs from all
17 Federal and State cases, with assistance of Mr. Michael Schoenfeld, the appointed mediator,
18 reached a global settlement of all claims, issues and damages (known and unknown) against the
19 TRC Parties for the January 5, 2008 Truckee Canal breach.

20 6. The Settlement Agreement provides that the TRC Parties shall collectively pay the
21 sum of \$1,725,000.00 in exchange for a full and complete release and dismissal of all claims,
22 damages and issues against the TRC Parties in all Federal and State cases concerning the January
23 5, 2008 Truckee Canal breach.

24 7. That there is no evidence or allegation that the global settlement between Plaintiffs
25 and the TRC Parties was fraudulently, collusively or tortuously aimed at injuring any non-settling
26 party.

27 8. That the global settlement between the Plaintiffs, individually and as Classes, is and
28 was made in good faith.

{00218331;1}

1 N.R.S. 17.245 and in accordance with the factors enumerated in Doctors Company v. Vincent, 98
2 P.3d 681 (2004).

3 IT IS SO ORDERED.

4 DATED this 9 day of January, 2013.

5
6 
7 DISTRICT COURT JUDGE

8 RESPECTFULLY SUBMITTED BY:

9 WEIL & DRAGE, APC

10
11
12 _____
13 JOHN T. WENDLAND, ESQ.
14 (Nevada Bar No. 007207)
15 JEREMY R. KILBER, ESQ.
16 (Nevada Bar No. 010643)
17 2500 Anthem Village Drive
18 Henderson, NV 89052
19 (702) 314-1905 • Fax (702) 314-1909
20 jwendland@weildrage.com; jkilber@weildrage.com
21 Attorneys for *Specially Appearing Parties*,
22 TRC ENGINEERS, INC. f/k/a VPOINT, MARTIN UGALDE,
23 ROBERT BIDART AND MICHAEL BIDART
24
25
26
27
28

{00218331;1}