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DISTRICT COURT
CLARK COUNTY, NEVADA

<p>Vistana Condominium Owners Association, Larry Fitch, an individual; Anthony Kneip, an individual; Lynn Williams, an individual; and Ardyce Nelson, an individual,</p> <p style="text-align: center;">Petitioners,</p> <p>v.</p> <p>Sharath Chandra, Administrator, Real Estate Division, Department of Business & Industry, State of Nevada; Commission for Common-Interest Communities and Condominium Hotels, for the State of Nevada; and Does 1 through 10, Inclusive,</p> <p style="text-align: center;">Respondents.</p>	<p>) Case No.: A-17-763350-J) Dept. No.: II) Hearing Date: April 25, 2018) Hearing Time: 9:00 A.M.</p>
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ORDER GRANTING MOTION AND APPLICATION FOR LEAVE TO PRESENT ADDITIONAL EVIDENCE TO THE COMMISSION

This matter came before the Court for an evidentiary hearing on April 25, 2018 at the request of the Court by minute order dated March 12, 2018. On February 6, 2018, Respondents, Sharath Chandra, Administrator, Real Estate Division, Department of Business & Industry, State of Nevada (the "Division") filed its Motion and Application for Leave to Present Additional Evidence to the Commission pursuant to NRS 233B.131(2). The purpose of the evidentiary hearing was to determine whether the additional evidence the Division sought to present to the Commission was

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1 protected by the attorney-client privilege as asserted by Petitioners. Richard Haskin,
2 Esq. and Victor Luke, Esq. appeared on behalf of Petitioners; Petitioner Lynn Williams
3 was also present. Adam Paul Laxalt, Nevada Attorney General, appeared through his
4 Senior Deputy Attorney General, Michelle D. Briggs, on behalf of the Division. The
5 Court heard testimony from Mr. Williams and Mr. Haskin.

6 Based on the evidence in the record, the testimony provided at the hearing, and
7 the arguments of counsel, the Court finds as follows. The proposed additional evidence,
8 i.e. emails among the board members, is material, and there were good reasons for the
9 Division's failure to present it in the proceeding before the Commission. The subject
10 emails are not protected from disclosure by the attorney-client privilege. Even if the
11 privilege applied, it has been waived. Even if it had not been waived, disclosure would
12 be permitted under the so-called crime-fraud exception. *See In re Grand Jury*
13 *Proceedings*, 87 F.3d 377 (9th Cir. 1996).

14 **IT IS HEREBY ORDERED** that the Division's Motion and Application for
15 Leave to Present Additional Evidence to the Commission is **GRANTED**.

16 The Division may present the additional evidence to the Commission for review
17 and consideration. After consideration by the Commission, the additional evidence and
18 any change to the Commission's order shall be filed with this Court as required by
19 NRS 233B.131(3).

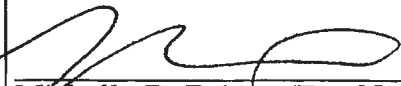
20 **IT IS SO ORDERED.**

21 DATED: May 7, 2018.

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23 _____
24 DISTRICT COURT JUDGE

25 Submitted by:

26 ADAM PAUL LAXALT
27 Nevada Attorney General

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Michelle D. Briggs (Bar No. 7617)
Senior Deputy Attorney General