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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

JEFFERY ALAN JOHNSON; JEFFERY  
ALAN JOHNSON, JR.; DONNA  
ROBINSON; DAVID "MIKE" and LINDA  
WALLS; individually and on behalf of those  
similarly situated,

Case No. CV17-01041

Plaintiffs,

Dept. No. 8

vs.

THE CITY OF RENO, a political  
subdivision of the State of Nevada; and  
DOE individuals 1-10; and ROE  
CORPORATIONS 1-10, inclusive,

Defendants.

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**MINUTE ORDER FOLLOWING JURY TRIAL**

The Court finds that the named class representatives have proven the taking element of inverse condemnation against the Defendant City of Reno by a preponderance of the evidence. In support of this finding, the Court found credible and persuasive, the evidence that Defendants' use of the Reno-Stead Water Reclamation Facility (RSWRF) beyond its permitted use; the plan approval and acceptance of dedication process; the failure to account for the effect of increased effluent discharge if combined with a foreseeable severe storm event; and pumping through Moya Lift Station of sewerage from the Silver Lake Basin to RSWRF; together and/or

1 individually, resulted in a physical invasion of water on the Plaintiff class representatives'  
2 property.

3         The Court further finds persuasive that evidence of increased storm water discharge  
4 which resulted from Defendant's approval of continued development in the Silver Lake and  
5 Swan Lake Basins, without adequate mitigation, resulted in a physical invasion of water on the  
6 Plaintiff class representatives' property.

7         Evidence in support of the Court's findings in this regard is found within the testimony  
8 of Michael DeMartini, Janelle Thomas, Robert Zoncki, Clark Stoner, Dr. David Thompson,  
9 Jay Rosenthal, as well as the admissions of certain City of Reno testifying employees. This also  
10 includes the admitted exhibits referenced in their respective testimony.

11         The Court further finds that such physical invasion of water substantially interfered with  
12 the use and enjoyment of the named representative Plaintiffs' property. Ample evidence of this  
13 was introduced through the documentary evidence and related testimony of the named class  
14 Plaintiffs Johnsons, Robinson, and Walls, as well as Gladis Estrada. Further evidence of the  
15 barriers to access and/or enjoyment of property for a substantial period of time is also found  
16 within the testimony and related exhibits of Chief Sam Hicks, Chief Jeff Lytle, and many  
17 others.

18         The Court orders counsel for Plaintiffs' to prepare Findings of Fact and Conclusions of  
19 Law (FFCL) consistent with this minute order. After circulating to Defendant's counsel for  
20 review as to form, a proposed version shall be submitted to the Court for entry no later than  
21 Friday, July 12, 2019. Defendant's counsel may lodge objections to the form of the FFCL as  
22 well. The Court will then review and enter an order as it deems appropriate.

23         The parties are further ordered to promptly set a status hearing in this matter. The Court  
24 prefers it to occur no later than July 26, 2019.

25         The parties are further ordered to meet and confer with Discovery Commissioner  
26 Wesley Ayres prior to the status hearing, to discuss a plan of discovery with respect to the  
27 damages phase of the trial. Such discovery shall be narrowly-tailored and focused.

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The parties are further ordered, pursuant to WDCR 6, to participate in a settlement conference no later than Thursday, November 7, 2019.

**IT IS SO ORDERED.**

**DATED** this 27 day of June, 2019.

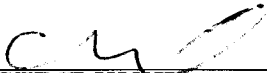
  
BARRY L. BRESLOW  
District Judge

**CERTIFICATE OF SERVICE**

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Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this 27 day of June, 2019, I electronically filed the following with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

- Roger Doyle, Esq.
- Kerry Doyle, Esq.
- Luke Busby, Esq.
- Karl Hall, Esq.
- William McKean, Esq.
- Chandeni Sendall, Esq.
- Jonathan Shipman, Esq.

  
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CHRISTINE KUHL  
Judicial Assistant