

## DISCLAIMER

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Contact the Library at (775) 684-6827 or [library@lcb.state.nv.us](mailto:library@lcb.state.nv.us).

March 6, 2003

David Goldwater  
Carson City, NV

FAX: 775-684-8874

Re: AB #139

Dear Mr. Goldwater,

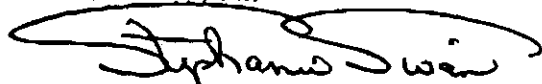
Just this very morning I was informed there was going to be some kind of vote or discussion regarding this bill tomorrow, March 7, 2003. If, indeed, this is the case, I am respectfully requesting the following:

1. Please forward copies of all of my correspondence concerning our position to the other Assembly Committee Members.
2. Please consider our written as well as spoken testimonies requesting due process to the homeowners of this long-time community.
3. Please consider the possibility that voting pre-maturely could be a dereliction of duty.
4. Please consider the consequence that passing this bill as it stands could prejudice the case at trial in October.

Why not bifurcate the water utility section from the current bill, and pass it without that section? Then hold out section 3 concerning water utilities for a less hurried decision. (I believe Ms. Burkley suggested that at the hearing) Perhaps this would minimize the issue until all possibilities or re-writes could be explored, and a better educated vote could be made.

Without this time for us to present our case, we would be deprived of our rights to preserve what we have had for decades.

Thank you.



Stephanie Swain  
36 Country Club Lane  
Las Vegas, NV 89109

Fax: 702-735-8399  
Phone : 702-735-3644

21014

Assembly Commerce & Labor  
Date 3/7/03 Room 4100 Exhibit E  
Submitted By: Stephanie Swain

1 NETZORG & CASCHETTE, P.C.  
2 JOHN M. NETZORG, ESQ.  
3 Nevada Bar #1335  
4 2810 West Charleston Blvd.  
5 Suite 81  
6 Las Vegas, NV 89102  
7 (702) 878-3400

8 Attorney for Plaintiff

9 DISTRICT COURT

10 CLARK COUNTY, NEVADA

11 STEPHANIE SWAIN, Trustee of the Mark )  
12 Swain Revocable Trust, )

13 Plaintiff, )

14 vs. )

15 VALVINO LAMORE, LLC, MARK )  
16 RUBENSTEIN, STEVEN A. WYNN, )  
17 ELAINE WYNN, THE DESERT INN )  
18 IMPROVEMENT COMPANY; and DOES )  
19 1-20, inclusive, )

20 Defendants. )

Case No. \_\_\_\_\_  
Dept. No. \_\_\_\_\_

21 Date of Hearing:  
22 Time of Hearing:

23 MOTION FOR TEMPORARY RESTRAINING ORDER AND  
24 ORDER TO SHOW CAUSE; MOTION FOR PRELIMINARY  
25 INJUNCTION; AND ORDER SHORTENING TIME

26 FACTUAL STATEMENT

27 Stephanie Swain, the Plaintiff, is a long time resident of the Desert Inn Country Club and a  
28 member of the Executive Board. Plaintiff's late husband was one of the original home purchasers  
and, as did all of the original homeowners along the Country Club, received a free membership in

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11/9/00

FILED

Nov 9 2 01 PM '00

*clerk*

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AMD  
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John M. Netzorg, Esquire  
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Las Vegas, NV 89102  
(702) 878-3400  
Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

STEPHANIE SWAIN, Trustee of the Mark )  
Swain Revocable Trust, )

Plaintiff, )

vs. )

VALVINO LAMORE, LLC, MARK )  
RUBENSTEIN, STEVEN A. WYNN, )  
ELAINE WYNN, THE DESERT INN )  
IMPROVEMENT COMPANY; and DOES )  
1-20, inclusive, )  
Defendants. )

Case No. A426238  
Dept. No. XIII  
CONSOLIDATED

PLAINTIFF'S, STEPHANIE SWAIN'S,  
AMENDED COMPLAINT

HARVEY D. KAGASOFF and KAZUKO )  
KAGASOFF; MICHAEL BUSH; GEORGE )  
T. COSTELLO, individually, and as )  
Trustee of the Costello Family Trust; NAN )  
SCHWARTZ; S. GLEN HICKMAN, JR. )  
and ARLENE M. HICKMAN, individually )  
and as Co-Trustees of the S. Glen Hickman )  
Jr. and Arlene M. Hickman Trust; PANNEE )  
LEITCH; DENNIS B. TOMKINS; HADI )  
MAHMOODI; GILBERT C. BARBIERI, )  
individually and as Trustee of the Gilbert )  
C. Barbieri Trust; A.L. GREENBAUM, )  
individually and as Trustee of the A.L. )  
Greenbaum Declaration Trust; SHARON )

Date of Hearing: 11/13/00  
Time of Hearing: 4:00 p.m.

March 5, 2003

David Goldwater  
Carson City, NV

FAX: 775-684-8874

Re: AB #139

Dear Mr. Goldwater,

I am writing in follow up to our telephone conversation earlier this week. I faxed the information you requested to your office. I have enclosed one additional piece of information for your records. It is a copy of the cover page of our original lawsuit filed in October of 2000. Please note the Desert Inn Improvement Company is included in the litigation, contrary to what Mr. Schmidt testified.

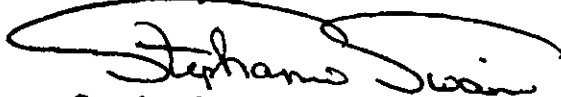
In the mean time, I felt I should get a legal opinion as to how we should proceed from a consumer standpoint. I was informed by council that this bill was very technical in nature. There is much concern due to the fact that it is a utility that furnishes water, which is so critical to property owners, mortgage institutions, and insurance carriers.

In addition, this bill will require researching the water laws by someone who is a noted water engineer. This will take some time. It would be impossible to determine anything significant at this early date. I am currently in pursuit of such person, and will keep you informed.

In light of the circumstances I have outlined above, I feel it would be pre-mature for you to take any action at this time. This bill must stay in committee in order to allow an equal opportunity for us to obtain some legal and some water engineering opinions.

I look forward to hearing from you.

Sincerely,



Stephanie Swain  
36 Country Club Lane  
Las Vegas, NV 89109

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Phone: 702-735-3644

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