

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

CLERK OF DISTRICT COURT
DISTRICT OF NEVADA
ENTERED & INDEXED
JAN 30 2004
CLERK, U.S. DISTRICT COURT

RICHARD W. LEWIS,

Plaintiff,

CV-N-99-386-ECR (RAM)

vs.

MINUTES OF COURT

LINDA AND TYRONNE DUFF,

Date: January 27, 2004

Defendant.

PRESENT: Edward C. Reed, Jr., Senior U.S. District Judge

Courtroom Deputy: Colleen Larsen; Court Reporter: Cathy Workon

Counsel for Plaintiff: Kevin Mirch; Marie Mirch

Counsel for Defendant: None Appearing

FILED
2004 JAN 27 PM 2:30
LANCE & WILSON
CLERK
DEPUTY

MINUTES OF EVIDENTIARY HEARING WITH RESPECT TO DAMAGES:

At 10:09 A. M. Court convenes; defendants are not present, nor represented by counsel.

The Court notes for the record that a document (#319) entitled "Notification to the Court" was filed on January 23, 2004, by defendants, indicating they will not participate in this hearing.

RICHARD W. LEWIS is called by counsel for plaintiff, sworn and testifies.

Argument is presented.

At 11:30 A. M. Court recesses; at 12:20 P. M. Court reconvenes.

The Court makes its findings for the record.

IT IS ORDERED

That damages sought for lost income from the contract of Western Counseling Services and the State of Nevada is found to be \$150,000.00. The Court awards, for lost income on the sale of the business, \$30,000.00.

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The Court finds that doctor Lewis, the plaintiff, has suffered damages on account of loss of his forensic business, due to the conduct of the Duffs, in the amount of \$100,000.00.

The Court finds that plaintiff is not entitled to recover legal fees incurred in the State Court action with the Duffs. Such was not pled in the complaint, and further, the usual practice is that such damages have to be recovered in the action where they were incurred, rather than an independent action.

The Court denies recovery of damages on account of the Duff unpaid invoice, this was not pled in the complaint.

The Court finds an award of punitive damages, in the amount of \$50,000, will be made.

The Court finds an award of future damages does not appear to be appropriate.

The Clerk will enter judgment as follows:

In the amount of \$280,000.00 for compensatory damages, and in the amount of \$50,000.00 for punitive damages, in favor of plaintiff and against defendants Linda Duff and Tyrone Duff.

In favor of all of the other defendants in the case, and against plaintiff as to the claims of plaintiff against the defendants other than the Duffs.

At 1:00 P. M. Court adjourns.

LANCE S. WILSON, CLERK

By  Colleen Larsen

Deputy