

SEP 28 1998

171092

Case No. 4803

LYNN SCOTT  
ESMERALDA COUNTY CLERK  
BY *Lynne Scott* DEPUTY

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF ESMERALDA

REBEL OIL COMPANY, INC.,  
a Nevada corporation,

Plaintiff,

vs.

RICK LAWTON individually and dba RICK  
LAWTON & ASSOCIATES, INC.; dba  
LL REALTY, INC.; dba COALDALE INN,  
INC.; dba COALDALE JUNCTION; dba  
COALDALE JUNCTION TRUCK STOP; dba  
PARSONS COALDALE and/or PARSONS  
COALDALE, INC. ; LINDA LAWTON  
individually and dba LL REALTY, INC.;  
PARSONS CONSTRUCTION COMPANY,  
a Nevada corporation; RICK LAWTON &  
ASSOCIATES, P.C. a Nevada corporation;  
LL REALTY, INC., a Nevada corporation;  
DOES I through X, and ROE CORPORATIONS  
I through X, inclusive,

Defendants.

RICK LAWTON, individually, RICK LAWTON  
& ASSOCIATES, INC., a professional corporation )  
LINDA LAWTON, and LL REALTY, INC., )

Counterclaimant,

vs.

REBEL OIL COMPANY, INC. a Nevada  
corporation,

Counterdefendant,

STIPULATION AND ORDER  
FOR ENTRY OF JUDGMENT

GUGINO & SCHWARTZ

1701 W. CHARLESTON, SUITE 500  
LAS VEGAS, NEVADA 89102

(702) 385-3801

TELECOPIER (702) 385-3015

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RICK LAWTON, individually, RICK LAWTON )  
 & ASSOCIATES, P.C., LL REALTY, INC., a )  
 Nevada Corporation, and LINDA LAWTON, )  
 Third-Party Plaintiffs, )  
 vs. )  
 GUGINO LAW FIRM, CHTD., SALVATORE )  
 C. GUGINO, individually, and MELISSA )  
 COLLINS, individually, and DOES I through )  
 X, DOE CORPORATIONS I through X, DOE )  
 PARTNERSHIPS I through X, inclusive, )  
 Third-Party Defendants. )

IT IS HEREBY STIPULATED TO , by and between **Plaintiff/Counterdefendant** REBEL  
 OIL COMPANY, INC., **Defendants** RICK LAWTON individually and dba RICK LAWTON &  
 ASSOCIATES, INC.; dba LL REALTY, INC.; dba COALDALE INN, INC.; dba COALDALE  
 JUNCTION; dba COALDALE JUNCTION TRUCK STOP; dba PARSONS COALDALE and/or  
 PARSONS COALDALE, INC. ; LINDA LAWTON individually and dba LL REALTY, INC.;  
 PARSONS CONSTRUCTION COMPANY, a Nevada corporation; RICK LAWTON  
 &ASSOCIATES, P.C. a Nevada corporation; and LL REALTY, INC., a Nevada corporation;  
**Counterclaimants** RICK LAWTON, individually, RICK LAWTON & ASSOCIATES, INC., a  
*professional corporation*; LINDA LAWTON, and LL REALTY, INC.; **Third-Party Plaintiffs** RICK  
 LAWTON, individually, RICK LAWTON & ASSOCIATES, P.C., LL REALTY, INC., a Nevada  
 corporation, and LINDA LAWTON; and **Third-Party Defendants** GUGINO LAW FIRM, CHTD.,  
 SALVATORE C. GUGINO, individually, and MELISSA COLLINS, individually, by and between  
 their respective undersigned counsels of record, the parties agreeing as follows:

1. That **judgment be entered against Defendants** RICK LAWTON, individually,  
 RICK LAWTON & ASSOCIATES, P.C.; PARSONS CONSTRUCTION COMPANY; PARSONS

1 COALDALE, INC., and LAW OFFICE OF RICK LAWTON, ESQ., a Professional Corporation; for  
2 the amount of \$80,000.00, inclusive of interest from the time of service of the summons and  
3 complaint until the entry of the instant Stipulation And Order For Entry Of Judgment. Any amount  
4 representing future damages, which draw interest only from the time of the entry of the judgment until  
5 satisfied, shall be at a rate equal to the prime rate at the largest bank in Nevada as ascertained by the  
6 commissioner of financial institutions on January 1 or July 1, as the case may be, immediately  
7 preceding the date of judgment, plus two percent (2%). The rate must be adjusted accordingly on  
8 each January 1 and July 1 thereafter until the judgment is satisfied.

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11 2. That **Defendants** LINDA LAWTON and L.L. REALTY, INC. shall be dismissed  
12 from the lawsuit.

13 3. That **Counterclaimants** RICK LAWTON, individually, RICK LAWTON &  
14 ASSOCIATES, INC.; LINDA LAWTON, and LL REALTY, INC. shall dismiss with prejudice their  
15 Counterclaim against **Counterdefendant** REBEL OIL COMPANY, INC.

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17 4. That **Third-Party Plaintiffs** RICK LAWTON, individually, RICK LAWTON &  
18 ASSOCIATES, INC.; LINDA LAWTON, and LL REALTY, INC. shall dismiss with prejudice their  
19 **Third-Party Complaint** against **Third-Party Defendants** GUGINO LAW FIRM, CHTD.,  
20 SALVATORE C. GUGINO, individually; and MELISSA COLLINS, individually.

21 5. That the dismissal of **Defendants/Counterclaimants/Third-Party Plaintiffs** LINDA  
22 LAWTON and L.L. REALTY, INC. shall not preclude or otherwise bar the enforcement of this  
23 judgment against said **Defendant/Counterclaimants/Third-Party Plaintiffs** with regard to any  
24 assets of RICK LAWTON arising out of, or as a result of, his ownership interest in LL REALTY  
25 or LL REALTY, INC., or with regard to RICK LAWTON's community property assets and income,  
26 or with regard to any assets which are traceable *from* RICK LAWTON, individually, RICK  
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1 LAWTON & ASSOCIATES, P.C.; PARSONS CONSTRUCTION COMPANY; PARSONS  
2 COALDALE, INC., and/or LAW OFFICE OF RICK LAWTON, ESQ., a Professional Corporation,  
3  
4 to LINDA LAWTON, LL REALTY and/or L.L. REALTY, INC.

5 6. That RICK LAWTON, as Defendant herein and as petitioner and counsel in the  
6 Matter of the Estate of ELTON PARSONS, in Case No. 24213, Dept. I, in the Third Judicial District  
7 Court Of The State Of Nevada In And For The County Of Churchill, hereby agrees that the  
8 \$120,000.00 Judgment entered against ELTON PARSONS, individually and dba PARSONS  
9 COALDALE, on or about December 22, 1995 in Case No. 4709, in the Fifth Judicial District Of The  
10 State Of Nevada In And For The County of Esmeralda, shall be given priority over any amounts or  
11 sums which RICK LAWTON may be entitled to receive as an heir, or pursuant to any other notes  
12 or agreements under the Probate of the will of ELTON PARSONS.  
13

14 7. That RICK LAWTON shall file with the Court in Case No. 24213 in Churchill  
15 County, a copy of the instant settlement agreement, together with any other papers necessary to ensure  
16 that the Court will distribute funds in the priority stated above, as between said parties.  
17

18 8. That, subject to any provisions to the contrary contained herein, each party shall bear  
19 their own attorneys fees and costs.

20 9. That Defendants, Counterclaimants and Third-Party Defendants hereby expressly  
21 waive any formal Notice Of Entry Of Order.  
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23 10. That the parties agree any facsimile of a document shall be treated as an original  
24 document, and may be filed with the Court as an original.  
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11. Upon the filing of the aforementioned documents with the Churchill County court in Case No. 24213, Plaintiff REBEL OIL COMPANY, INC. shall withdraw its objection to RICK LAWTON acting as administrator and executor of the Estate of Elton Parsons.

DATED this 21<sup>st</sup> day of September, 1998.

RAWLINGS, OLSON, CANNON, GORMLEY & DESRUISSEAUX

GUGINO & SCHWARTZ

By *James R. Olson*  
James R. Olson  
Nevada Bar No. 000116  
301 E. Clark Avenue, Ste. 1000  
Las Vegas, Nevada 89101  
(702) 384-4012  
Attorneys for Third-Party Defendants

By: *Salvatore C. Gugino*  
Salvatore C. Gugino, Esq.  
Nevada Bar No.: 2268  
1701 W. Charleston Blvd., Suite 500  
Las Vegas, Nevada 89102  
(702)385-3801  
Attorneys for Plaintiff/Counterdefendant/  
Third-Party Defendants

RICK LAWTON, individually and dba RICK LAWTON & ASSOCIATES, INC.; dba LL REALTY, INC.; dba COALDALE JUNCTION; dba COALDALE JUNCTION TRUCK STOP; dba PARSONS COALDALE and /or PARSONS COALDALE, INC.; LINDA LAWTON, individually and dba LL REALTY, INC.; PARSONS CONSTRUCTION COMPANY; RICK LAWTON & ASSOCIATES, P.C.; LAW OFFICE OF RICK LAWTON, ESQ., P.C.; LL REALTY; and LL REALTY, INC.

LAW OFFICE OF RICK LAWTON, ESQ., P.C.

By *Rick Lawton*  
RICK LAWTON, individually, as counsel, and as Authorized Representatives For Defendants, Counter-Claimants, Third-Party Plaintiffs and other related entities referenced herein.  
Nevada Bar No. 000694  
5435 Reno Hwy.  
P.O. Box 1740  
Fallon, Nevada 89406  
(702) 867-5599

**ORDER**

Having reviewed the terms and conditions stated above, the representations of counsel for each of the parties herein, and the papers and pleadings on file, and it appearing that there is good cause therefore,

IT IS HEREBY ORDERED ADJUDGED AND DECREED that judgment be entered in favor

1 of Plaintiff REBEL OIL COMPANY, INC., and against Defendants RICK LAWTON, individually,  
2 RICK LAWTON & ASSOCIATES, P.C.; PARSONS CONSTRUCTION COMPANY; PARSONS  
3 COALDALE, INC., and LAW OFFICE OF RICK LAWTON, ESQ., a Professional Corporation; for  
4 the amount of \$80,000.00, inclusive of interest, fees and attorney's costs from the time of service  
5 of the summons and complaint until the entry of the instant Stipulation And Order For Entry Of  
6 Judgment. Any amount representing future damages, which draw interest only from the time of the  
7 entry of the judgment until satisfied, shall be at a rate equal to the prime rate at the largest bank in  
8 Nevada as ascertained by the commissioner of financial institutions on January 1 or July 1, as the case  
9 may be, immediately preceding the date of judgment, plus two percent (2%). The rate must be  
10 adjusted accordingly on each January 1 and July 1 thereafter until the judgment is satisfied.

11  
12 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff REBEL OIL  
13 COMPANY, INC. shall be free to execute upon said amount upon the filing of this document,  
14 Defendants/Counterclaimants/Third-Party Plaintiffs having expressly waived formal Notice of  
15 Entry of Judgment.  
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18 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants LINDA  
19 LAWTON and L.L. REALTY, INC. shall be, and the same hereby are, dismissed from the lawsuit,  
20 and that the Counterclaim against REBEL OIL COMPANY, INC., and the Third-Party Complaint  
21 against GUGINO LAW FIRM, CHTD., SALVATORE C. GUGINO, and MELISSA COLLINS, shall  
22 be, and the same hereby are, dismissed with prejudice. That the dismissal of  
23 Defendants/Counterclaimants/Third-Party Plaintiffs LINDA LAWTON and L.L. REALTY, INC.  
24 shall not preclude or otherwise bar the enforcement of this judgment against said  
25 Defendants/Counterclaimants/Third-Party Plaintiffs with regard to any assets of RICK LAWTON  
26 arising out of, or as a result of, his ownership interest in LL REALTY or LL REALTY, INC., or  
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with regard to RICK LAWTON's community property assets and income, or with regard to any assets which are traceable from RICK LAWTON, individually, RICK LAWTON & ASSOCIATES, P.C.; PARSONS CONSTRUCTION COMPANY; PARSONS COALDALE, INC., and/or LAW OFFICE OF RICK LAWTON, ESQ., a Professional Corporation, to LINDA LAWTON, LL REALTY and/or L.L. REALTY, INC.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the hearing on Defendant's Motion For Summary Judgment, Or In The Alternative, Motion To Dismiss; Plaintiff's Request for Continuance of Discovery Pursuant To NRCP 56(f); and Plaintiff/Third-Party Defendants' Motion To Enforce Settlement, scheduled for 9:00 a.m. on the 25<sup>th</sup> day of September, 1998, at the Courthouse in Goldfield, Nevada, shall be, and the same hereby is, vacated, and the motions themselves are denied as moot, each party to bear their own costs.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the trial in this matter,

### Certificate of Clerk

State of Nevada, }  
COUNTY OF ESMERALDA } ss.

I, Lynn Scott, County Clerk of Esmeralda County, State of Nevada, and Ex-Officio Clerk of the District Court of the Fifth Judicial District of the State of Nevada, in and for the County of Esmeralda, do hereby certify the foregoing and annexed to be a true and correct copy of #4803 REBEL OIL COMPANY, INC. vs RICK LAWTON individually and dba RICK LAWTON & ASSOCIATES, INC; dba LL REALTY, INC; dba COALDALE INN INC; dba COALDALE JUNCTION; dba COALDALE JUNCTION TRUCK STOP, et al, defendants. RICK LAWTON individually, RICK LAWTON & ASSOCIATES, INC, et al, Counterclaimant, vs REBEL OIL COMPANY, INC. A Nevada Corporation, Corporation, Counterdefendant.

\*\*\*STIPULATION AND ORDER FOR ENTRY OF JUDGMENT\*\*\*

as the same appears on file and of record in my office at Goldfield, County and State aforesaid.

Attest my hand and seal of said Court, this 9th  
day of October A.D., 19 98  
Lynn Scott Clerk  
By \_\_\_\_\_, Deputy

BOOK 323 PAGE 307  
OFFICIAL RECORDS  
RECORDED AT THE REQUEST OF  
*Yugino & Schwartz*  
98 NOV 20 PM 1:08

EUREKA COUNTY NEVADA  
M.N. REBALEATI, RECORDER  
FILE NO. FEES 14.00

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