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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

NPLC BV INVESTMENT COMPANY,
LLC,

CASE NO.: CV19-00383

Petitioner,

DEPT. NO.: 4

vs.

CITY OF RENO, a political subdivision
of the State of Nevada,

Respondent.

ORDER ON STIPULATION

Based on the Stipulation between the parties filed in the above-captioned matter on August 26, 2019, and good cause appearing, IT IS ORDERED BY THIS COURT:

1. That a limited remand to the Reno City Council is granted, for the sole and limited purpose of approval or rejection (but not further modification unless agreed by NPLC in its discretion) of the modified Project Applications and Ancillary Agreements, and if approved, i) conduct a public hearing on the adoption of the zoning map ordinance at the next regularly scheduled meeting of the City Council; ii) submit the Project Applications to the Regional Authorities for action and conformance review in accordance with applicable law. Notwithstanding the limited remand this Court shall retain continuing jurisdiction over this matter. Should the City Council reject the Project Applications or Ancillary Agreements, as provided for herein, the litigation shall proceed forward pursuant to this Court's continuing jurisdiction, with no further additions, changes or alterations to the record presently before this Court.

2. With regards to the scope of the remand, the City Council's authority shall be expressly limited to approving or rejecting the modified Project Applications and Ancillary Agreements. The remand does not grant City Council the ability or authority to unilaterally

1 modify, demand modification of, or impose new or additional terms or conditions on the Project,
2 the Project Applications, or the Ancillary Agreements, without the express consent of NPLC in
3 writing, or on the record.

4 3. The hearing currently scheduled for September 27, 2019 shall remain on calendar
5 except as set forth below.

6 4. The City Council shall conduct one or more public hearings and approve or reject
7 the modified Project Applications and Ancillary Agreements no later than September 23, 2019.

8 5. If the City Council approves the Project Applications and Ancillary Agreements,
9 and timely submits the relevant Project Applications to the Regional Authorities for conformance
10 determination, the parties shall notify the Court and the hearing presently scheduled for September
11 27, 2019 shall be vacated. Thereafter, upon the final approval of the Project Applications and
12 Ancillary Agreements, and final certification and recordation of the PUD Handbook, NPLC agrees
13 to dismiss the above captioned case with prejudice. Upon dismissal, each party will bear its own
14 costs and attorney's fees.

15 6. If the City Council rejects the Project Applications or Ancillary Agreements, or if
16 at any time NPLC elects to withdraw the Project Applications or Ancillary Agreements from
17 further City Council consideration, NPLC shall notify the Court, the litigation will proceed
18 forward, and the hearing on the Motion will be heard on September 27, 2019, as previously
19 scheduled by this Court.

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7. The contents and purpose of both the August 21, 2019 Stipulation by the Parties, this Order, and any evidence or testimony at any public hearing on limited remand granted herein cannot and will not be referred to or used by any party or any witness in any manner whatsoever should this matter proceed in light of the City Council's rejection of the modified Project Applications or Ancillary Agreements. Neither the Stipulation nor this Order nor negotiations leading to the execution of the Stipulation and this Order may be used in the litigation for any purpose and shall not be referred to in any hearing, any trial or referred to in any motion or discovery matter.

DATED and effective as of this 26 day of August, 2019

Connie J. Steinheimer
DISTRICT JUDGE

CERTIFICATE OF SERVICE

CASE NO. CV19-00383

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 24 day of August, 2019, I filed the **ORDER ON STIPULATION** with the Clerk of the Court.

I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

 Personal delivery to the following: [NONE]

 f **Electronically filed with the Clerk of the Court, using the eFlex system which constitutes effective service for all eFiled documents pursuant to the eFile User Agreement.**

GREGORY SALTER, ESQ. for CITY OF RENO

HANNAH WINSTON, ESQ. for NPLC BV INVESTMENT COMPANY, LLC

KENT ROBISON, ESQ. for NPLC BV INVESTMENT COMPANY, LLC

THERESE SHANKS, ESQ. for NPLC BV INVESTMENT COMPANY, LLC

JONATHAN SHIPMAN, ESQ. for CITY OF RENO

MICHAEL BURKE, ESQ. for NPLC BV INVESTMENT COMPANY, LLC

 Transmitted document to the Second Judicial District Court mailing system in a sealed envelope for postage and mailing by Washoe County using the United States Postal Service in Reno, Nevada: [NONE]

 Placed a true copy in a sealed envelope for service via:

 Reno/Carson Messenger Service – [NONE]

 Federal Express or other overnight delivery service [NONE]

DATED this 24 day of August, 2019


