The Montage Owners Association

Litigation

FirstService
RESIDENTIAL

NOTICE OF PENDING ACTION

On or about January 6, 2026, an Owner filed an Alternative Dispute Resolution ("ADR") Claim with the Nevada Real Estate Division ("NRED") against The Montage Owners Association ("Association") alleging damage to the interior of their Unit resulting from water intrusion originating from the exterior balcony decks of her three-story condominium. The Association responded to the ADR Claim on or about February 12, 2026 alleging that the Association is prepared to perform all necessary repairs to the exterior balcony, but the scope of the interior work cannot be determined until the exterior deck work is completed and access to the Unit is permitted and that Claimant's request for interior repairs is premature.

Review By Board

A quarterly meeting of the executive board must be held to review the "current status of any civil action or claim submitted to arbitration or mediation in which the association is a party." NRS 116.31083(7)(f).

Financial Disclosure

As of this date, the approximate amount of legal fees and costs billed to the Association on this Claim (which does not include amounts billed for any prior, related actions) is: $0. These amounts are subject to change so long as the Complaint remains open.

Required Disclosures

A copy of all pleadings and non-privileged correspondence (if there is any) are kept on file at the Association and/or management company office. If an owner/member would like to review the documents, please contact the management company to make such arrangements. Review of records is not available to third parties. No opinion, warranty, or analysis of this case is or will be provided. If a third party wishes to obtain additional information, he, she, or they may request pleadings from the appropriate court clerk's office and have the case analyzed by their counsel. Additionally, pursuant to NRS 116.4109(1)(d), copies of the NOPA may be included in the resale packages provided by the Association to prospective purchasers.

February 20, 2026

UPDATED NOTICE OF PENDING ACTION

On December 11, 2024, The Montage North LLC, a Nevada limited liability company ("TMN") filed a lawsuit against The Montage Owners Association ("Association") in the Second Judicial District Court as Case No. CV24-02808 (the "Action"), seeking relief for Breach of Contract, Breach of Fiduciary Duties, and Declaratory Relief. On March 4, the Association filed a Notice of Appearance, and on March 5, 2025, filed its Motion to Dismiss.

On March 6, 2025, TMN filed its First Doe Amendments to Complaint, and on March 7, 2025, filed Plaintiff's First Amended Complaint, adding Heather Goldman, John Eastman, Robert Goldberg, Annette Alvarez-Peters, Rich Heroux, and Phil Telander as Defendants. This voided the Association's Motion to Dismiss and TMN's Opposition thereto. On March 19, 2025, the Association filed its Notice of Withdrawal of Motion to Dismiss.

On March 21, 2025, the Association filed its Motion to Dismiss First Amended Complaint.

On March 25, 2025, TMN filed its Second Amended Complaint, to which the Association filed a Motion to Strike on March 26, 2025. TMN filed its Opposition to the Motion to Dismiss on March 31, 2025, and also a Request for Judicial Notice.

On February 28, 2025, TMN filed an ADR Claim alleging a dispute over the imposition of assessments against the commercial units and appropriate allocation of common expenses to the commercial units. The Association filed its response to the ADR Claim on April 11, 2025.

On April 22, 2025, the Association filed its Reply in Support of Motion to Dismiss First Amended Complaint, and a Request for Submission. The Association also filed a Request for Submission on the Motion to Strike Second Amended Complaint.

On April 23, 2025, the Court filed its Order granting the Association's Motion to Strike the Second Amended Complaint. A Notice of Entry of Order was filed June 3, 2025.

On July 8, 2025, the Court entered its Order Granting Motion to Dismiss First Amended Complaint, and the Association filed its Notice of Entry of Order on the same day.

Also on July 7, 2025, TMN filed a Motion for Leave to File Motion for Reconsideration, which the Association opposed on July 18, 2025. TMN filed its Reply and Request for Submission on July 21, 2025.

On July 18, 2025, the Association filed its Motion for Attorney Fees and Costs, which TMN opposed on July 31, 2025. The Association filed its Reply and Request for Submission on August 7, 2025.

On October 8, 2025, the Court entered an Order Holding Defendant's Fees and Costs in Abeyance, and an Order Setting Hearing on the Motion for Reconsideration.

On October 20, 2025, a hearing was held on Plaintiff's Motion for Reconsideration wherein counsel for both parties presented oral argument.

On October 21, 2025, the Court entered an Order Granting in Part and Denying in Part Motion for Attorney's Fees and Costs.

On October 21, 2025, the Court also entered an Order Granting Leave to File Motion for Reconsideration but Denying Plaintiff's Motion for Reconsideration. The Association filed Notices of Entry on both orders the same day.

On October 29, 2025, the Association filed its Supplemental Motion for Attorney's Fees, which TMN opposed on November 12, 2025.

On November 13, 2025, TMN filed a Notice of Appeal and Case Appeal Statement. TMN appeals the Court's Order of Dismissal of Plaintiff's FAC, Order Denying Plaintiff's Motion for Reconsideration, and Order Granting in Part and Denying in Part, Defendant's Motion for Attorney Fees and Costs.

On November 18, 2025, TMN filed its Notice of Appeal with the Supreme Court of the State of Nevada. On November 19, 2025, the Court entered its Notice of Referral to Settlement Program and a Notice of Assignment to NRAP 16 Settlement Program.

On December 1, 2025, the Court issued an Early Case Assessment Report, requesting the case be reassigned.

An Order regarding electronic filing was filed by the Court on December 3, 2025.

An Amended Notice of Assignment to NRAP 16 Settlement Program was issued by the Court on December 8, 2025, assigning Laurie A. Yott as the settlement judge, and on December 11, 2025, the Court entered its Notice to File Docketing Statement.

On December 16, 2025, TMN filed its Docketing Statement, which was stricken by the Court on December 17, 2025. TMN filed its Docketing Statement again on December 18, 2025, which was again stricken by the Court on the same day.

On December 18, 2025, the Court entered its Early Case Assessment Report, scheduling the mediation session for either March 17 or 25, 2026.

On December 24, 2025, TMN filed a new Docketing Statement Civil Appeals.

The mediation with Laurie A. Yott, Settlement Judge, is confirmed for March 25, 2026.

Review By Board

A quarterly meeting of the executive board must be held to review the "current status of any civil action or claim submitted to arbitration or mediation in which the association is a party." NRS 116.31083(7)(f).

Financial Disclosure

As of this date, there have been no legal fees and costs billed to the Association on this Claim (which does not include amounts billed for any prior, related actions). The Association's insurance company is providing a defense to Plaintiff's Complaint. There are no additional legal fees and costs billed to the Association to defend against the Plaintiff's Complaint at this time. These amounts are subject to change so long as the Complaint remains open.

Required Disclosures

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Prepared by Leach Kern Gruchow Song

February 20, 2026