

EXHIBIT “5”

FILED

JUN 10 2008

HOWARD W. CONYERS, CLERK
By:
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1 Code 3370
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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
8

9 In re

Case No. CV02-05602

10 AMERCO DERIVATIVE LITIGATION,
11
12

Dept. No. 6

13 _____ /
14 AND ALL RELATED MATTERS.
15 _____ /

ORDER

16 On April 7, 2008, the Court granted Defendants' motions to dismiss. Defendants
17 then filed their respective memoranda of costs, seeking an award of costs, in the aggregate
18 amount of \$95,032.09.

19 Plaintiffs, Glenbrook Capital Limited Partnership, Alan Kahn, Ron Belec (collectively,
20 "Glenbrook") and Paul Shoen filed a motions to retax costs. The SAC Entities, Mark Shoen
21 (collectively "SAC") and Amerco filed oppositions.

22 Paul Shoen argues an award of fees is inappropriate under NRS 18.020 or NRS
23 18.050. Glenbrook contends the requested costs are unreasonable and insufficiently
24 documented.

25 SAC argues costs are appropriate under NRS 18.020 and Amerco contends the
26 costs were reasonable, necessary and sufficiently documented.

27 NRS 18.020 provides:
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1 Costs must be allowed of course to the prevailing party against any adverse
2 party against whom judgment is rendered, in the following cases:

- 3 1. In an action for the recovery of real property or a possessory right thereto.
- 4 2. In an action to recover the possession of personal property, where the
5 value of the property amounts to more than \$2,500. The value must be
6 determined by the jury, court or master by whom the action is tried.
- 7 3. In an action for the recovery of money or damages, where the plaintiff
8 seeks to recover more than \$2,500.
- 9 4. In a special proceeding, except a special proceeding conducted pursuant
10 to NRS 306.040.
- 11 5. In an action which involves the title or boundaries of real estate, or the
12 legality of any tax, impost, assessment, toll or municipal fine, including the
13 costs accrued in the action if originally commenced in a Justice Court.

14 NRS 18.050 provides:

15 Except as limited by this section, in other actions in the district court, part or
16 all of the prevailing party's costs may be allowed and may be apportioned
17 between the parties, or on the same or adverse sides. If, in the judgment of
18 the court, the plaintiff believes he was justified in bringing the action in the
19 district court, and he recovers at least \$700 in money or damages, or
20 personal property of that value, the court may allow the plaintiff part or all of
21 his costs.

22 The Court finds an award of costs is appropriate in this matter. See NRS 18.020 and
23 NRS 18.050. The Court finds, given the complexities of the legal issues and the extensive
24 procedural history of this case, that the costs requested by Defendants are reasonable and
25 necessary.

26 Accordingly, Plaintiffs' motions to retax costs are denied. The Court awards costs, as
27 follows:

- 28 (1) Defendants, Charles J. Bayer, John P. Brogan, John M. Dodds,
James J. Grogan, Richard Herrera and Audrey Johnson are
awarded costs, in the amount of \$14,034.49;
- (2) Defendant, Amerco is awarded costs, in the amount of \$27,531.11;
- (3) ~~The SAC Entities and Mark V. Shoen are awarded costs, in the~~
amount of \$22,593.52; and

1 (4) Defendants, William E. Carty, Edward J. Shoen and James P.
2 Shoen are awarded costs, in the amount of \$30,872.97.

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4 DATED: This 9th day of June, 2008.

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9 DISTRICT JUDGE
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1 CERTIFICATE OF SERVICE BY MAILING

2 Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Second Judicial
3 District Court, in and for the County of Washoe; and that on this 10th day of June,
4 2008, I deposited in the County mailing system for postage and mailing with the United
5 States Postal Service in Reno, Nevada, a true and correct copy of the attached document
6 addressed as follows:

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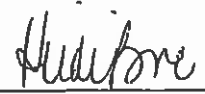
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