

FERRILL J. VOLPICELLI, NDOC# 79565
c/o Lovelock Correctional Center
Post Office Box 359
1200 Prison Road
Lovelock, NV 89419-0359

ORIGINAL FILED

SEP 22 2005

RONALD A. DONOHUE, JR., CLERK
By: *[Signature]*
DEPUTY CLERK

Plaintiff, In Propria Persona

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

FERRILL J. VOLPICELLI,
Plaintiff,

v.

LORI INMAN, et al.,
Defendant.

) *No. 45999*
)
) Case No. CV-03-3582
)
) Dept No. VI

FILED

SEP 26 2005

JANETTE M. BLOOM
CLERK OF SUPREME COURT
By: *[Signature]*
DEPUTY CLERK

NOTICE OF APPEAL

COMES NOW, Plaintiff, Ferrill J. Volpicelli, in his proper person, and as countenanced in Haines v. Kerner, 404 US 519, 92 Sct 594, 596 (1972) (pleadings filed by pro se litigants are to be held to less stringent standards than those filed by practicing attorneys), and hereby gives NOTICE that the above-named Plaintiff hereby appeals to the Supreme Court of the State of Nevada from the ORDER of this Court Summarily DISMISSING his CIVIL ACTION against Defendants, said ORDER having been entered in this action on the 25th day of August, 2005.

RESPECTFULLY SUBMITTED, this 19th day of September, 2005, by:

[Signature]

FERRILL J. VOLPICELLI, Plaintiff
In Propria Persona

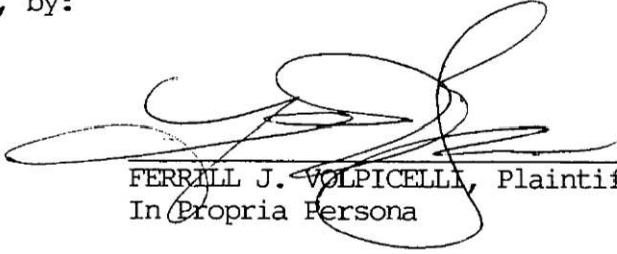
RECEIVED
SEP 26 2005
JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

CERTIFICATE OF SERVICE BY MAIL

I, Ferrill J. Volpicelli, do hereby CERTIFY, pursuant to NRCP 5(b), that I have served a true and correct copy of the foregoing NOTICE OF APPEAL upon the Defendants, by placing the same in the US Postal Service Mail at the Lovelock Correctional Center, Lovelock, Nevada, in a sealed envelope, with sufficient postage affixed, addressed as follows:

INMAN, et al.
Post Office Box 6772
Reno, NV 89513-6772

EXECUTED and DATED, this 19th day of September, 2005, at the Lovelock Correctional Center, Lovelock, Nevada, by:


FERRILL J. VOLPICELLI, Plaintiff
In Propria Persona

1 CODE 1310

FILED

SEP 23 2005

RONALD A. LONGTIN, JR., CLERK

By: *[Signature]*
DEPUTY CLERK

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6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF Washoe County**
8

9 FERRILL J. VOLPICELLI,

10 **Appellant,**

Case No. CV03-03582

11 **vs.**

Dept. No. 6

12
13 LORI INMAN,

14 **Respondent,**
15 _____ /

16
17
18 **CASE APPEAL STATEMENT**

- 19 1. Ferrill J. Volpicelli is the Appellant. Appellant is incarcerated and has been
20 sent a form for file for Forma Pauperis Status.
- 21 2. The appeal is from the Order/Judgment on or about August 25, 2005, by
22 the Hon. Brent Adams.
- 23 3. The parties below in District Court consisted of Ferrill J. Volpicelli, the
24 Plaintiff, and Lori Inman, the Defendant, in District Court.
- 25 4. The parties herein in the Nevada Supreme Court consist of: Ferrill J.
26 Volpicelli/Appellant and Lori Inman/Respondent.
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5. Counsel on Appeal for Appellant, consists of Ferrill J. Volpicelli /Pro Per Appellant, #79565, Lovelock Correctional Center, P. O. Box 359, Lovelock, NV 89419-0359.

6. Lori Inman is represented in Proper Person as well on this Notice of Appeal.

7. In District Court Appellant was represented in Proper Person.

8. Appellant is represented in Proper Person in this appeal.


9. N/A in this case.

10. The Information was filed on June 4, 2003.

Appellant is incarcerated and has been sent a form for file for Forma Pauperis Status.

Dated: September 23, 2005.

Ronald Longtin, Jr. Court Clerk

By:  _____

**Cathy Kepler, Appeals Clerk
(775) 328-3114**

SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE

Full Case History

DEPT. D6

HON. BRENT ADAMS

Case Description: FERRELL VOLPICELLI VS. LORI INMAN, ET AL

Case ID: CV03-03582

Case Type: OTHER/PERSONAL PROPERTY Initial Filing Date: 6/4/2003

Parties

APPE	FERRILL VOLPICELLI - @2692
PLTF	FERRILL VOLPICELLI - @2692
PROP	FERRILL VOLPICELLI - @2692
DEFT	LORI ANN VOLPICELLI - @15739
PROD	LORI ANN VOLPICELLI - @15739
RESP	LORI ANN VOLPICELLI - @15739
DEFT	CHANEL VOLPICELLI - @46598
DEFT	MARK INMAN - @147294
DEFT	CARLA LEE - @147295
DEFT	ASHLEY SCHILLING - @147341

Hearings

<i>Department</i>	<i>Sched. Date & Time</i>	<i>Disposed Date</i>	<i>Event Description</i>
1 D6 Extra Text: MOTION FOR RELEASE OF DOCUMENTS	9/25/2003 08:00:00	10/2/2003	Request for Submission
2 DISC Extra Text: REQUEST FOR ORDER TO SHOW CAUSE RE CONTEMPT AND ORDER TO COMPEL	3/12/2004 11:05:00	3/16/2004	Request for Submission
3 DISC Extra Text: REQUEST FOR ORDER TO SHOW CAUSE RE CONTEMPT AND ORDER TO COMPEL	4/12/2004 10:50:00	4/29/2004	Request for Submission
4 D6 Extra Text: MOTION TO DISMISS ACTION WITH PREJUDICE	10/5/2004 10:50:00	11/1/2004	Request for Submission
5 DISC Extra Text: MOTION FOR AN ORDER COMPELLING THE MANDATORY REQUIREMENTS OF NRCP 16.1; MOTION TO HOLD DISCOVERY IN ABEYANCE PENDING RESOLUTION OF 16.1; PLAINTIFF'S 16.1 DEMANDS TO DEFENDANTS	4/20/2005 09:45:00	4/26/2005	Request for Submission
6 D6 Extra Text: MOTION TO REQUEST FOR TRIAL SETTING	5/2/2005 12:05:00	5/23/2005	Request for Submission
7 D6 Extra Text: RE; CONFLICT SETTING TRIAL DATE P - PROPER (CONTACT LINDA - 775-273-4207 D - LORI & MARK INMAN - 775-342-9154	6/16/2005 09:00:00	6/7/2005	CONFERENCE CALL
8 D6 Extra Text: MOTION FOR LEAVE TO FILE INDIVIDUAL CASE CONFERENCE REPORT DUE TO DEFENDANTS' FAILURES TO COOPERATE WITH NRCP 16.1(C), CASE CONFERENCE REPORT, DISPUTE RESOLUTION CONFERENCE REQUESTED	7/28/2005 09:15:00	8/4/2005	Request for Submission
9 D6 Extra Text: DEFENDANTS' MOTION TO DISMISS WITH PREJUDICE	8/4/2005 16:15:00	8/25/2005	Request for Submission
10 D6 Extra Text: MOTION FOR RECONSIDERATION ON ORDER GRANTING SUMMARY JUDGMENT IN FAVOR OF DEFENDANTS	9/14/2005 16:00:00		Request for Submission
11 D6 Extra Text: P - PROPER, CONTACT: LINDA WHITEMAN, FAX NO. 775-273-4277 D - PROPER - 775-342-9154	9/29/2005 09:00:00	8/25/2005	TRIAL - NON JURY

Docket

<i>Docket Entry Date</i>	<i>Code</i>	<i>Code Description</i>	<i>Docket Text</i>
6/4/2003	2385	Mtn Proceed Forma Pauperis	
6/4/2003	3060	Ord Granting Mtn ...	ORDER TO PROCEED IN FORMA PAUPERIS
6/4/2003	1075	Affidavit ...	AFFIDAVIT OF PETITIONER
6/4/2003	1425	Complaint - Civil	
6/17/2003	2490	Motion ...	MOTION FOR RELEASE OF DOCUMENTS AND LEGAL FILES
7/1/2003	2645	Opposition to Mtn ...	OPPOSITION TO MOTION FOR RELEAE OF DOCUMENTS AND LEGAL FILES
7/14/2003	3880	Response...	RESPONSE TO OPPOSITION
9/3/2003	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR RELEASE OF DOCUMENTS PARTY SUBMITTING: F. VOLPICELLI DATE SUBMITTED: 9-25-03 SUBMITTED BY: GVELARDE DATE RECEIVED JUDGE'S OFFICE: 9/26/03 HB
10/2/2003	S200	Request for Submission Comp	ORDER DENYING MOTION FOR RELEASE
10/3/2003	2840	Ord Denying ...	MOTION FOR RELEASE
10/20/2003	3715	Proof of Publication	(5) AFFIDAVIT OF MAILINGS ATTACHED CHANEL VOLPICELLI 10/10/03 CARLA LEE 10/10/03 MARK INMAN 10/10/03 ASHLEY SCHILLING 10/10/03 LORI INMAN 10/10/03
10/20/2003	\$1560	\$Def/Obj 1st Appearance - CV	MARK INMAN
10/20/2003	\$DEFT	\$Addl Def/Answer - Prty/Appc	LORI INMAN
10/20/2003	\$DEFT	\$Addl Def/Answer - Prty/Appc	CARLA LEE
10/20/2003	\$DEFT	\$Addl Def/Answer - Prty/Appc	CHANEL VOLPICELLI
10/20/2003	1130	Answer ...	MARK INMAN, LORI INMAN, CARLA LEE AND CHANEL VOLPICELLI
10/20/2003	PAYRC	**Payment Received	A Payment of -\$192.00 was made on receipt DCDC111970.
11/3/2003	3880	Response...	RESPONSE TO AFFIRMATIVE DEFENSES (FERRELL VOLPICELLI)
11/18/2003	1067	Affidavit of Service	SUBPOENA
11/24/2003	1067	Affidavit of Service	DEP DA TAMMY RIGGS BY SERVING TAMMY RIGGS, DEP. DISTRICT ATTORNEY 11/17/03
12/31/2003	A100	Assignment to Arbitration	
1/5/2004	2525	Notice of Change of Address	FERRILL VOLPICELLI
1/21/2004	1520	Declaration	DECLARATION OF MAILING-VOLPICELLI
2/12/2004	A140	Appointment of Arbitrator	ROBERT JENSEN AS ARBITRATOR
3/3/2004	2520	Notice of Appearance	TAITEL FOR DEFENDANTS SERVED TO DATE
3/11/2004	3870	Request...	REQUEST FOR ORDER TO SHOW CAUSE RE CONTEMPT AND ORDER TO COMPEL

Case ID: CV03-03582

Case Type: OTHER/PERSONAL PROPERTY Initial Filing Date: 6/4/2003

3/11/2004	3860	Request for Submission	DOCUMENT TITLE: REQUEST FOR ORDER TO SHOW CAUSE RE CONTEMPT AND ORDER TO COMPEL PARTY SUBMITTING: FERRILL VOLPICELLI DATE SUBMITTED: 3/12/04 SUBMITTED BY: JB DATE RECEIVED JUDGE'S OFFICE:
3/16/2004	1945	Master's Recommendation/Ord	RECOMMENDATION FOR ORDER
3/16/2004	S200	Request for Submission Comp	RECOMMENDATION FOR ORDER FILED AND SERVED ON 3/16/04
3/30/2004	3880	Response...	RESPONSE TO RECOMMENDATION FOR ORDER
4/5/2004	2690	Ord Affirming Master's Recorr	
4/9/2004	3860	Request for Submission	DOCUMENT TITLE: REQUEST FOR ORDER TO SHOW CAUSE RE CONTEMPT AND ORDER TO COMPEL PARTY SUBMITTING: FERRILL VOLPICELLI DATE SUBMITTED: 4/12/04 SUBMITTED BY: JB DATE RECEIVED JUDGE'S OFFICE:
4/29/2004	1945	Master's Recommendation/Ord	RECOMMENDATION FOR ORDER
4/29/2004	S200	Request for Submission Comp	RECOMMENDATION FOR ORDER
5/12/2004	2650	Opposition to ...	BRIEF IN OPOSITION TO PLAINTIFF'S REQUEST FOR ORDER TO SHOW CAUSE REGARDING CONTEMPT-AND ORDER TO COMPEL
5/28/2004	2525	Notice of Change of Address	
5/28/2004	2525	Notice of Change of Address	Ferrill J. Volpicelli
6/7/2004	3880	Response...	RESPONSE TO CITY OF RENO'S OPPOSITION
6/22/2004	1945	Master's Recommendation/Ord	RECOMMENDATION FOR ORDER
6/25/2004	A180	Second List of Arbitrators	
7/26/2004	A150	Notice re: Vac Assign/Arbit	
7/28/2004	2690	Ord Affirming Master's Recorr	
8/4/2004	3696	Pre-Trial Order	
9/23/2004	2305	Mtn Dismiss with Prejudice	
10/4/2004	3860	Request for Submission	DOCUMENT TITLE: MOTION TO DISMISS ACTION WITH PREJUDICE PARTY SUBMITTING: LEWIS TAITEL DATE SUBMITTED: 10/5/04 SUBMITTED BY: JB DATE RECEIVED JUDGE'S OFFICE: 10/5/04 HB
10/7/2004	2525	Notice of Change of Address	NOTICE OF ADDRESS CHANGE
10/12/2004	2645	Opposition to Mtn ...	OPOSITION TO MOTION TO DISMISS ACTION WITH PREJUDICE
11/1/2004	S200	Request for Submission Comp	ORDER DENYING MOTION TO DISMISS
11/1/2004	2842	Ord Denying Motion	DEFENDANT'S MOTION TO DISMISS WITH PREJUDICE DENIED
3/28/2005	2490	Motion ...	MOTION FOR AN ORDER COMPELLING THE MANDATORY REQUIREMENTS OF NRCP 16.1
3/28/2005	2490	Motion ...	MOTION TO HOLD DISCOVERY IN ABEYANCE, PENDING RESOLUTION OF 16.1

Case ID: CV03-03582

Case Type: OTHER/PERSONAL PROPERTY Initial Filing Date: 6/4/2003

<u>3/28/2005</u>	1590	Demand ...	PLAINTIFF'S NRCP 16.1 DEMAND TO DEFENDANTS: MARK INMAN, LORI INMAN, CARLA LEE AND CHANEL VOLPICELLI FOR MANDATORY CASE CONFERENCE
<u>3/30/2005</u>	4075	Substitution of Counsel	LORI, INMAN, MARK INMAN, CARLA LEE, CHANEL VOLPICELLI, ALL IN PROPER PERSON IN PLACE OF LEWIS S. TAITEL, ESQ.
<u>4/7/2005</u>	3790	Reply to/in Opposition	REPLY TO MOTION TO HOLD DISCOVERY IN ABEYANCE
<u>4/7/2005</u>	3790	Reply to/in Opposition	REPLY TO PLAINTIFF'S 16.1 DEMAND
<u>4/7/2005</u>	3790	Reply to/in Opposition	REPLY TO MOTION COMPELLING 16.1
<u>4/7/2005</u>	3870	Request...	REQUEST FOR TRIAL SETTING
<u>4/19/2005</u>	2650	Opposition to ...	PLAINTIFF'S OPPOSITION TO DEFENDANTS' "REQUEST FOR TRIAL SETTING"
<u>4/19/2005</u>	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR AN ORDER COMPELLING THE MANDATORY REQUIREMENTS OF NRCP 16.1; MOTION TO HOLD DISCOVERY IN ABEYANCE PENDING RESOLUTION OF 16.1; PLAINTIFF'S 16.1 DEMANDS TO DEFENDANTS PARTY SUBMITTING: FERRIL VOLPICELLI DATE SUBMITTED: 4/20/05 SUBMITTED BY: JB DATE RECEIVED JUDGE'S OFFICE: RECOMMENDATION FOR ORDER
<u>4/26/2005</u>	1945	Master's Recommendation/Orc	RECOMMENDATION FOR ORDER FILED AND SERVED ON 4/26/05
<u>4/26/2005</u>	S200	Request for Submission Comp	DOCUMENT TITLE: MOTION TO REQUEST FOR TRIAL SETTING PARTY SUBMITTING: LORI INMAN DATE SUBMITTED: 5/2/05 SUBMITTED BY: JB DATE RECEIVED JUDGE'S OFFICE: 5/11/05 hb
<u>4/29/2005</u>	3860	Request for Submission	REPLY TO COURT ORDER FOR CASE CONFERENCE
<u>5/10/2005</u>	3790	Reply to/in Opposition	
<u>5/11/2005</u>	2690	Ord Affirming Master's Recorr	
<u>5/23/2005</u>	S200	Request for Submission Comp	ORDER
<u>5/23/2005</u>	3370	Order ...	DEFENDANTS HAVE 15 DAYS TO FILE NOTICE TO SET AND SHALL SECURE A MUTUALLY CONVENIENT TIME FOR PLAINTIFF TO BE PRESENT BY PHONE TO SET TRIAL DATE BEFORE JUNE 10, 2005
<u>6/7/2005</u>	D845	Vacated	
<u>6/7/2005</u>	1320	Case Conference Report	INDIVIDUAL EARLY CASE CONFERENCE REPORT
<u>6/8/2005</u>	3370	Order ...	NON JURY TRIAL SET FOR SEPTEMBER 29, 2005. CONFERENCE CALL SET FOR 9/16/05 IS VACATED
<u>6/9/2005</u>	2490	Motion ...	PLAINTIFF'S MOTION FOR LEAVE TO FILE INDIVIDUAL CASE CONFERENCE REPORT, DUE TO DEFENDANTS' FAIURES TO ERSpond DRAFT OF JOINT CASE CONFERENCE RPORT
<u>6/9/2005</u>	3373	Other ...	"DRAFT" OF JOINT CASE CONFERENCE REPORT
<u>6/29/2005</u>	4055	Subpoena	(2)
<u>7/27/2005</u>	2280	Mtn to Continue	PLAINTIFF'S MOTION FOR CONTINUANCE OF TRIAL SET FOR 9/29/05
<u>7/27/2005</u>	1075	Affidavit ...	SWORN AFFIDAVIT OF FERRILL JOSEPH VOLPICELLI

Case ID: CV03-03582

Case Type: OTHER/PERSONAL PROPERTY Initial Filing Date: 6/4/2003

<u>7/27/2005</u>	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR LEAVE TO FILE INDIVIDUAL CASE CONFERENCE REPORT DUE TO DEFENDANTS' FAILURES TO COOPERATE WITH NRCP 16.1(C), CASE CONFERENCE REPORT, DISPUTE RESOLUTION CONFERENCE REQUESTED PARTY SUBMITTING: FERRILL VOLPICELLI DATE SUBMITTED: 7/28/05 SUBMITTED BY: JB DATE RECEIVED JUDGE'S OFFICE: 7/28/05 HB
<u>8/3/2005</u>	2630	Objection to ...	DEFENDANT'S OBJECTION FOR CONTINUANCE
<u>8/3/2005</u>	2315	Mtn to Dismiss ...	DEFENDANT'S MOTION TO DISMISS
<u>8/3/2005</u>	3860	Request for Submission	DOCUMENT TITLE: DEFENDANTS' MOTION TO DISMISS WITH PREJUDICE PARTY SUBMITTING: MARK INMAN DATE SUBMITTED: 8/4/05 SUBMITTED BY: JB DATE RECEIVED JUDGE'S OFFICE: 8/5/05 TR
<u>8/4/2005</u>	S200	Request for Submission Comp	order
<u>8/4/2005</u>	3060	Ord Granting Mtn ...	PLAINTIFF'S MOTION FOR LEAVE TO FILE INDIVIDUAL CASE CONFERENCE REPORT GRANTED
<u>8/23/2005</u>	2645	Opposition to Mtn ...	PLAINTIFF'S OPPOSITION TO THE DEFENDANTS' MOTION TO DISMISS
<u>8/25/2005</u>	S200	Request for Submission Comp	order
<u>8/25/2005</u>	D845	Vacated	motion to dismiss granted
<u>8/25/2005</u>	F135	Motion to Dismiss by DEFT	
<u>8/25/2005</u>	3060	Ord Granting Mtn ...	DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S CLAIM THAT DEFENDANTS UNLAWFULLY OBTAINED HIS WATCH GRANTED. PLAINTIFF'S CASE DISMISSED WITHOUT PREJUDICE SO THAT HE MAY FILE IN AN APPROPRIATE COURT HAVING JURISDICTION TO EXTEND SCOPE OF SUBPOENA AND/OR TO COMPEL TESTIMONY OF WITNESS
<u>8/31/2005</u>	2490	Motion ...	
<u>9/12/2005</u>	1325	** Case Reopened	
<u>9/12/2005</u>	2175	Mtn for Reconsideration	MOTION FOR RECONSIDERATION ON ORDER GRANTING SUMMARY JUDGMENT IN FAVOR OF DEFENDANTS
<u>9/12/2005</u>	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR RECONSIDERATION ON ORDER GRANTING SUMMARY JUDGMENT IN FAVOR OF DEFENDANTS PARTY SUBMITTING: FERRILL VOLPICELLI DATE SUBMITTED: 9/14/05 SUBMITTED BY: JB DATE RECEIVED JUDGE'S OFFICE: 9/15/05 HB (2)
<u>9/16/2005</u>	4065	Subpoena Duces Tecum	
<u>9/16/2005</u>	2645	Opposition to Mtn ...	DEFENDANT'S OPPOSITION TO MOTION FOR RECONSIDERATION
<u>9/22/2005</u>	2490	Motion ...	MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS
<u>9/22/2005</u>	2515	Notice of Appeal Supreme Cot	
<u>9/23/2005</u>	1310	Case Appeal Statement	
<u>9/23/2005</u>	1350	Certificate of Clerk	

Case Description: FERRELL VOLPICELLI VS. L. INMAN, ET AL

Case ID: CV03-03582

Case Type: OTHER/PERSONAL PROPERTY Initial Filing Date: 6/4/2003

9/23/2005 1365 Certificate of Transmittal

1 CODE: 3370

FILED

AUG 25 2005

RONALD A. LINDSTEN, JR., CLERK
By: [Signature]
DEPUTY

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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 FERRILL J. VOLPICELLI,

10 Plaintiff,

11 VS.

Case No. CV03-03582

12 LORI INMAN, et al.,

Dept. No. 6

13 Defendant.
14

15 ORDER

16 The Court has read and considered the legal memoranda and exhibits submitted in support of
17 and in opposition to Defendants' *Motion to Dismiss*, filed on August 3, 2005. By presenting an
18 affidavit in support of their argument, the Defendants have offered matters outside the pleadings.
19 Therefore, it shall be treated as a motion for summary judgment under the standards of N.R.C.P. 56.
20 *See N.R.C.P. 12(b).*

21 Pursuant to Nevada law, "[s]ummary judgment is properly granted when, as a matter of law,
22 the moving party is entitled to judgment because there are no genuine issues as to any material fact."
23 *Prostack v. Songailo*, 97 Nev. 38, 40 (1981). Notably, a "genuine issue of material fact is where the
24 evidence is such that a reasonable jury could return a verdict for the nonmoving party." *Posadas v.*
25 *City of Reno*, 109 Nev. 448, 452 (1993). However, "[t]rial judges are to exercise great caution in
26 granting summary judgment, which is not to be granted if there is the slightest doubt as to the
27 operative facts." *Id.* When considering the propriety of granting summary judgment, the district
28 court should construe the "pleadings and documentary evidence" in a "posture which is most

1 favorable to the party against whom the motion for summary judgment is directed.” *Butler v.*
2 *Bogdanovich*, 101 Nev. 449, 451 (1985).

3 Plaintiff contends that the Defendants either, severally or in concert with one another,
4 obtained property that was rightfully his. In his complaint, the Plaintiff listed the items at issue
5 along with their proximate value. In total, the Plaintiff contends the property at issue is worth
6 approximately \$9,000.00. The most expensive piece of property that Plaintiff contends Defendants
7 stole is a Rolex watch, which he values at \$3,000.00.

8 In the present motion, Defendants present an affidavit submitted by Travis Volpicelli,
9 Plaintiff Ferrill Volpicelli’s and Defendant Lori Inman’s son. In his affidavit, Travis Volpicelli
10 affirms that he collected the Plaintiff’s watch, along with other personal effects, from the Washoe
11 County Jail upon the Plaintiff’s arrest. The affiant further affirms that he pawned the watch himself.
12 The affiant is not a party to this case. Plaintiff does not refute the truthfulness of the affidavit, but
13 merely points out that discovery is ongoing and the affiant is the son of one of the defendants.
14 Plaintiff is representing himself in this matter and the Court generally affords a certain degree of
15 leniency to pro se litigants. Plaintiff, however, has failed to refute the Defendants argument
16 regarding the watch, but merely attacked the motion on procedural grounds. As such, even taking all
17 pleadings and documentary evidence in the light most favorable to the Plaintiff, this Court does not
18 find any genuine issue of material fact exists as to the watch. Therefore, Defendants are entitled to a
19 judgment as a matter of law. As the Defendants never came into possession of the watch, Plaintiff’s
20 claim that Defendants embezzled his Rolex watch is dismissed.

21 Plaintiff’s initial claim was for approximately \$9,000.00. At the time this case was filed, the
22 justices’ courts had jurisdiction personal property claims not to exceed \$7,500.00. As such,
23 jurisdiction in this Court was proper. The dismissal of Plaintiff’s claim for damages regarding the
24 watch, however, reduces his overall claim to approximately \$6,000.00. Further, as of January 2005,
25 the jurisdictional limit for the justices’ courts was increased to \$10,000.00. According to N.R.S.
26 4.370(1)(e), justices' courts have jurisdiction over “actions to recover the possession of personal
27 property, if the value of the property does not exceed \$10,000.00.”

28 //

1 Accordingly, Defendant's *Motion to Dismiss* Plaintiff's claim that Defendants unlawfully
2 obtained his a watch is GRANTED; it is further

3 ORDERED that Plaintiff's case be dismissed without prejudice so that he may file in an
4 appropriate court having jurisdiction.

5 DATED: This 25th day of August, 2005.

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8 _____
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 25th day of August,
4 2005, 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:

7
8 Ferrill J. Volpicelli
9 NDOC #79565
10 Lovelock Correctional Center
11 1200 Prison Road, POB 359
12 Lovelock, NV 89419

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Lori Inman
Mark Inman
P.O. Box 6772
Reno, NV 89513

Heidi Boe

Heidi Boe
Administrative Assistant

1 1350

FILED

SEP 23 2005

RONALD A. LONGTIN, JR. CLERK

By: *[Signature]*
DEPUTY CLERK

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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 FERRILL J. VOLPICELLI,

10 **Appellant,**

Case No. CV03-03582

11 **vs.**

Dept. No. 6

12
13 LORI INMAN,

14 **Respondent,**

15 _____ /

16
17 **CERTIFICATE OF CLERK**

18 I hereby certify that the enclosed documents are certified copies of the original pleadings
19 on file with the Second Judicial District Court, in accordance with the Revised Rules of
20 Appellant Procedure Rule D(1).

21
22 **Dated: September 23, 2005**

Ronald Longtin, Jr., Court Clerk

23
24 By: *[Signature]*

Cathy Kepler, Appeals Clerk

(775) 328-3114

25
26
27
28

FILED

SEP 23 2005

RONALD A. LONGTIN, JR. CLERK

By: *[Signature]*
DEPUTY CLERK

1 CODE 1365

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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 FERRILL J. VOLPICELLI,

10 **Appellant,**

Case No. CV03-03582

11 **vs.**

Dept. No. 6

12
13 LORI INMAN,

14 **Respondent,**
15 _____ /

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17
18 **CERTIFICATE OF TRANSMITTAL**

19 I hereby certify that the enclosed the Notice of Appeal and other required documents
20 (certified copies) were delivered to the Second Judicial District Court mailroom system for
21 transmittal to the Nevada Supreme Court.
22

23 **Dated: September 23, 2005**

Ronald Longtin, Jr., Court Clerk

24
25 By: *[Signature]*

Cathy Kepler, Appeals Clerk

(775) 328-3114
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13 **DEFICIENCY NOTICE**

14
15 **The following item(s) were not included in this Notice of Appeal.**

- 16 1. \$29.00 District Court Filing Fee
17 2. \$250.00 District Court Appeal Bond Fee
18 3. \$250.00 Supreme Court Filing Fee

19
20 Appellant is incarcerated, and was sent a packet to file in Forma Pauperis Status.
21
22

23 **Dated: September 23, 2005**

Ronald Longtin, Jr. Clerk of the Court

24
25 By: 

Cathy Kepler, Deputy Clerk

Appeals Desk 328-3114

