

IN THE SUPREME COURT OF THE STATE OF NEVADA

NONA TOBIN, AN INDIVIDUAL,  
Appellant,

vs.

BRIAN CHIESI, AN INDIVIDUAL;  
DEBORA CHIESI, AN INDIVIDUAL;  
QUICKEN LOANS INC.; JOEL A.  
STOKES, AN INDIVIDUAL; JOEL A.  
STOKES AND SANDRA F. STOKES AS  
TRUSTEES OF THE JIMI JACK  
IRREVOCABLE TRUST; JIMI JACK  
IRREVOCABLE TRUST; RED ROCK  
FINANCIAL SERVICES; AND  
NATIONSTAR MORTGAGE, LLC,  
Respondents.

No. 82294

**FILED**

OCT 21 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER GRANTING MOTION*

Respondents have filed a motion to strike from the appendix filed by appellant numerous documents that are not part of the district court record in this appeal. Respondents contend that the documents are "The Prior Case Filings" from a separate action involving various parties to this appeal, but they were not filed in the district court action which is the subject of this appeal. Appellant has filed an opposition. Appellant argues the documents are all properly included in the appendix because they reveal the district court's errors in dismissing the instant litigation pursuant to the doctrines of claim and issue preclusion. Appellant contends that this court must have access to the "prior case filings" to understand how her claims in the instant litigation are not precluded by the prior litigation. Respondents have filed a reply.

Significantly, appellant fails to confirm that the district court in this case specifically considered the documents she proposes to include in

her appendix. This court's review on appeal is limited to the record that was actually before the district court. See NRAP 10; *Carson Ready Mix v. First Nat'l Bank*, 97 Nev. 474, 476, 635 P.2d 276, 277 (1981) (this court's review is limited to the record made in and considered by the district court); *Mack v. Estate of Mack*, 125 Nev. 80, 91, 206 P.3d 98, 106 (2009) (as a general rule, this court "will not take judicial notice of records in another and different case"). The motion to strike is granted. The clerk of this court shall strike appendix volumes 1-15 and volume 16 items 1, 2, 3, 4, 5, 7, and 8.

Respondents may file a supplemental appendix with their answering brief, if deemed necessary.

It is so ORDERED.

*J. Gardner*, C.J.

cc: Thomson Law PC  
Maurice Wood  
Koch & Scow, LLC  
Akerman LLP/Las Vegas  
Hong & Hong