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Elizabeth A. Brown
Clerk of Supreme Court

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NOTICE

Plaintiff, In Proper Person
P.O. Box 650 H.D.S.P.
Indian Springs, Nevada 89018
REV. MATTHEW TRAVIS HOUSTON, Chtd.
ABA ID No. 04662784

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY NEVADA

MATTHEW TRAVIS HOUSTON,
Plaintiff,

-v-

BERNSTEIN & POISSON, ET AL,
Defendant(s),

Case No. A-22-859817-C
Dept. No. 14

NOTICE OF APPEAL

Notice is hereby given that the Plaintiff, REV. MATTHEW TRAVIS HOUSTON, Chtd., by and through himself in proper person, does now appeal to the Supreme Court of the State of Nevada, the decision of the District Court entered by THE HON. MICHAEL P. VILLANI, on August 07th, 2023. This shall also suffice as a "NOTICE OF APPEAL" to any pending and/or concurrent ORDERS of the EWJC.

Dated this date, September 06, 2023.

Respectfully Submitted,

Matthew Travis Houston
REV. MATTHEW TRAVIS HOUSTON, Chtd.
In Proper Person

RECEIVED
OCT 17 2023
CLERK OF THE COURT

REV. MATTHEW TRAVIS HOUSTON, Chtd.

1210652

HDSFP

P.O. BOX 650

Indian Springs, NV

89070-0650

BS# 2644783

COURT ADMINISTRATION

200 Lewis Ave.

Las Vegas, NV

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ABA Member ID

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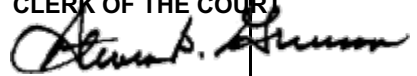
OCT 12 2023

CLERK OF THE COURT

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OCT 10 2023

DISTRICT COURT
ADMINISTRATION



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7 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
8 **STATE OF NEVADA IN AND FOR**
9 **THE COUNTY OF CLARK**

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10 MATTHEW TRAVIS HOUSTON,

11 Plaintiff(s),

12 vs.

13 BERNSTEIN & POISSON, LLP; SCOTT
14 POISSON; JACK BERNSTEIN; RYAN KERBOW;
15 KARLIE GABOUR; CHRISTOPHER D. BURK,

16 Defendant(s),

Case No: A-22-859817-C

Dept No: XIV

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19 **CASE APPEAL STATEMENT**

20

1. Appellant(s): Matthew Travis Houston

21

2. Judge: Michael Villani

22

3. Appellant(s): Matthew Travis Houston

23

Counsel:

24

Matthew Travis Houston #1210652
P.O. Box 650
Indian Springs, NV 89070

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26

4. Respondent (s): Bernstrin & Poisson, LLP; Scott Poisson; Jack Bernstein; Ryan Kerbow;

27

5. Christopher D. Burk

28

Counsel:

1 Joseph P. Garin, Esq.
2 9900 Covington Cross Dr., Suite 120
3 Las Vegas, NV 89144

4 Respondent (s): Karlie Gabour

5 Counsel:

6 Unknown

7
8 6. Appellant(s)'s Attorney Licensed in Nevada: N/A
9 Permission Granted: N/A

10 Respondent(s)'s Attorney Licensed in Nevada: Yes
11 Permission Granted: N/A

12 Respondent(s)'s Attorney Licensed in Nevada: N/A
13 Permission Granted: N/A

14 7. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

15 8. Appellant Represented by Appointed Counsel On Appeal: N/A

16 9. Appellant Granted Leave to Proceed in Forma Pauperis**: Yes, January 26, 2023
17 **Expires 1 year from date filed
18 Appellant Filed Application to Proceed in Forma Pauperis: N/A
19 Date Application(s) filed: N/A

20 10. Date Commenced in District Court: October 13, 2022

21 11. Brief Description of the Nature of the Action: NEGLIGENCE - Other

22 Type of Judgment or Order Being Appealed: Misc. Order

23 12. Previous Appeal: Yes

24 Supreme Court Docket Number(s): 86601, 87005

25 13. Child Custody or Visitation: N/A

26 14. Possibility of Settlement: Unknown
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Dated This 13 day of October 2023.

Steven D. Grierson, Clerk of the Court

/s/ Cierra Borum
Cierra Borum, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Matthew Travis Houston

REV. MATTHEW TRAVIS HOUSTON, CHFD.

NDOC # 1210652

HDSP

PO Box 650

Indian Springs, NV

89070-0650

BS# 2644782

3762

COURT ADMINISTRATION

200 LEWIS AVENUE

LAS VEGAS, NV

89155

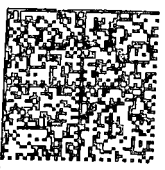
OCT 12 2023

CLERK OF THE COURT

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DISTRICT COURT
ADMINISTRATION



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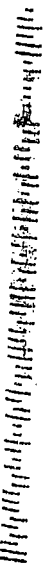
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STORE

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ABA Member ID
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CASE SUMMARY

CASE NO. A-22-859817-C

Matthew Houston, Plaintiff(s)
vs.
Bernstein & Poisson LLP, Defendant(s)

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§
§
§
§

Location: **Department 14**
 Judicial Officer: **Escobar, Adriana**
 Filed on: **10/13/2022**
 Cross-Reference Case Number: **A859817**
 Supreme Court No.: **86601**
87005

CASE INFORMATION

Statistical Closures
 05/30/2023 Motion to Dismiss by the Defendant(s)

Case Type: **Legal Malpractice**
 Case Status: **05/30/2023 Dismissed**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-22-859817-C
 Court Department 14
 Date Assigned 10/13/2022
 Judicial Officer Escobar, Adriana

PARTY INFORMATION


Plaintiff **Houston, Matthew Travis**
Defendant **Bernstein & Poisson LLP**
Bernstein, Jack
 Removed: 05/30/2023
 Dismissed
Burk, Chistopher D
 Removed: 05/30/2023
 Dismissed
Gabour, Karlie
 Removed: 05/30/2023
 Dismissed
Kerbow, Ryan
 Removed: 05/30/2023
 Dismissed
Poisson, Scott
 Removed: 05/30/2023
 Dismissed


DATE

EVENTS & ORDERS OF THE COURT

INDEX

EVENTS

10/13/2022  Application to Proceed in Forma Pauperis
 Filed By: Plaintiff Houston, Matthew Travis
 [1] Application to Proceed Informa Pauperis (Confidential)

10/13/2022  Complaint
 Filed By: Plaintiff Houston, Matthew Travis
 [2] Civil Rights Complaint Pursuant to 42 U.S.C. 1983

CASE SUMMARY

CASE NO. A-22-859817-C

- 12/21/2022  Ex Parte Motion
 Filed By: Plaintiff Houston, Matthew Travis
[3] Emergency Ex Parte Motion to Hold Bernstein & Poisson, Previous Attorney of Record, in Contempt of Failing to Forward a Copy of the Case File to Plaintiff, most Specifically Complete Files of EJDC Case No. A-17-758861-C "De Novo Hearing(s) Requested"
- 12/21/2022  Clerk's Notice of Hearing
[4] Notice of Hearing
- 01/24/2023  Application to Proceed in Forma Pauperis
[6] Application to Proceed Informa Pauperis (Confidential)
- 01/26/2023  Order to Proceed In Forma Pauperis
 Granted for: Plaintiff Houston, Matthew Travis
[7] Order to Proceed In Forma Pauperis (Confidential)
- 02/07/2023  Motion
 Filed By: Plaintiff Houston, Matthew Travis
[8] Motion to Hold, Bernstein & Poisson, LLP, Attorney of Record in Contempt for Failing to Forward a Copy of the Case File "Hearing Requested"
- 02/07/2023  Clerk's Notice of Hearing
[9] Notice of Hearing
- 02/07/2023  Motion
 Filed By: Plaintiff Houston, Matthew Travis
[10] Emergency Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative for Appearance by Telephone or Video Conference "Hearing Requested"
- 02/07/2023  Clerk's Notice of Hearing
[11] Notice of Hearing
- 02/07/2023  Clerk's Notice of Hearing
[12] Notice of Hearing (Duplicate)
- 02/07/2023  Motion
 Filed By: Plaintiff Houston, Matthew Travis
*[13] Emergency Motion and Order for Transportation of Inmate for Court Appearance or, in the Modern Alternative, for Appearance by Telephone or Expedited Video Conference *Under NRAP 27(e) "Hearing Requested" "Emergency Relief is Necessary Pursuant to Attached Motions (9th Cir. 27-3)"*
- 02/07/2023  Petition for Writ of Habeas Corpus
 Filed by: Plaintiff Houston, Matthew Travis
[14] Emergency Petition for a Writ of Error (Corem Nobis) as an Included Petition for Writ of Habeas Corpus (Postconviction) "Hearing Requested"
- 02/07/2023  Motion
 Filed By: Plaintiff Houston, Matthew Travis
[15] Emergency Ex Parte En Banc of Motion and Order for Transporation of Inmate for Court Appearance or, in the Alternative, for Appearance by Telephone or Video Conference and Continued Emergency Opposition(s) Under NRAP 27(e) "Hearing(s) Requested"
- 02/07/2023  Clerk's Notice of Hearing
[16] Notice of Hearing

CASE SUMMARY

CASE NO. A-22-859817-C

02/13/2023



Motion

Filed By: Plaintiff Houston, Matthew Travis

[17] Emergency Motion to Add Defendant Daniel L. Schwartz (NRS 41.0322 Tort Action) as a Joinder and Supplemental Civil Rights Complaint Pursuant to 42 U.S.C 1983 "Hearing Requested"

02/13/2023



Notice of Hearing

[18] Emergency Notice of Hearings and Stipulation to Consolidate and/or Set Briefing Schedule(s) "Hearing Requested"

02/13/2023



Clerk's Notice of Hearing

[19] Notice of Hearing

02/22/2023



Summons Issued

[20] Summons-Civil (Issued Only)

03/03/2023



Summons Issued

[21] Summons-Civil (Issued Only)

03/08/2023



Motion

Filed By: Plaintiff Houston, Matthew Travis

[22] Emergency Motion in Ex Parte to Add Defendants Kelsey Burnstein and Ed Burnstien by Name of Association "Hearing Requested"

03/08/2023



Clerk's Notice of Hearing

[23] Notice of Hearing

03/08/2023



Affidavit of Service

Filed By: Plaintiff Houston, Matthew Travis

Party Served: Defendant Burk, Chistopher D

[24] Emergency Declaration of Matthew Travis Houston and Affidavit of Service

03/24/2023



Motion

Filed By: Plaintiff Houston, Matthew Travis

*[25] Emergency Motion and Order for Transportation of Inmate for Court Appearance or, in the Modern Alternative, for Appearance by Telephone or Expedited Video Conference *Under NRAP 27(e) "Hearing Requested" * Emergency Relief is Necessary Pursuant to Attached Motions (9th.Cir.27-3)"*

03/24/2023



Clerk's Notice of Hearing

[26] Notice of Hearing

03/27/2023



Summons Issued

[27] Summons - Civil (Issued Only)

03/27/2023



Summons Issued

[28] Summons - Civil (Issued Only)

03/29/2023



Notice of Intent to Take Default

Party: Plaintiff Houston, Matthew Travis

[29] Notice of Intention to Enter Default

03/29/2023




Notice of Intent to Take Default

CASE SUMMARY

CASE NO. A-22-859817-C

Party: Plaintiff Houston, Matthew Travis
[30] Notice of Intention to Enter Default

03/29/2023  Notice of Intent to Take Default

Party: Plaintiff Houston, Matthew Travis
[31] Notice of Intention to Enter Default

04/19/2023  Motion to Add Party

Filed By: Plaintiff Houston, Matthew Travis
[32] Emergency Mot. to Add Defendant. NRS 41.0322 Tort Action, Joinder to A-22-856372-C and A-22-853203-W as a Supplemental Civil Rights Complaint Pursuant to 42 U.S.C 1983 "Hearing Requested"

04/19/2023  Clerk's Notice of Hearing


[33] Notice of Hearing

04/20/2023  Motion to Dismiss

Filed By: Defendant Bernstein & Poisson LLP; Defendant Poisson, Scott; Defendant Bernstein, Jack; Defendant Kerbow, Ryan; Defendant Burk, Chistopher D
[34] Defendants Bernstein & Poisson, LLP, Scott Poisson, Jack Bernstein, Ryan Kerbow, and Christopher D. Burk's Motion to Dismiss; Hearing Requested

04/20/2023  Initial Appearance Fee Disclosure


Filed By: Defendant Bernstein & Poisson LLP; Defendant Poisson, Scott; Defendant Bernstein, Jack; Defendant Kerbow, Ryan; Defendant Gabour, Karlie; Defendant Burk, Chistopher D
[35] Initial Appearance Fee Disclosure (NRS Chapter 19)

04/21/2023  Clerk's Notice of Hearing

[36] Notice of Hearing

04/21/2023  Certificate of Service

[37] Certificate of Service

05/02/2023  Opposition to Motion to Dismiss

Filed By: Plaintiff Houston, Matthew Travis
[38] Emergency Opposition to Anthony M. Goldstein's Motion to Dismiss Filed 12/7/2022, Motion for Reconsideration from 2/1/2023 and a Notice of Motion/Joinder to A-17-758861-C "Hearing Requested"

05/02/2023  Clerk's Notice of Hearing

[39] Notice of Hearing

05/10/2023  Summons Issued


[40] Summons- Civil (Issued Only)

05/10/2023  Subpoena Electronically Issued

[41] Subpoena - Civil (Issed Only)

05/15/2023  Certificate of Service

[42] Certificate of Service

05/16/2023  Notice of Appeal (Criminal)


[43] Emergency Declaration See "Renewed Notice of Appeal; Emergency Statement of Facts Under NRAP 3c, 27e/ 9th Cir.27.3; and Response to Order to Show Cause Why Mr. Houston

CASE SUMMARY


CASE NO. A-22-859817-C

is not a Vexatious Litigant


05/17/2023

 Case Appeal Statement
[44] Case Appeal Statement


05/18/2023

 Affidavit of Service
[45] Affidavit of Service


05/18/2023

 Affidavit of Service
[46] Affidavit of Service


05/18/2023

 Affidavit of Service
[47] Affidavit of Service


05/19/2023

 Response
Filed by: Plaintiff Houston, Matthew Travis
[48] Emergency Response: "Jury Trial Demanded" N.R.S. 41.0322 Tort Action Emergency Suppliment of Ex Parte Complaint and Motion to Add Defendant(s) "Hearing(s) Requested"


05/19/2023

 Clerk's Notice of Hearing
[49] Notice of Hearing


05/24/2023

 Motion
Filed By: Plaintiff Houston, Matthew Travis
[50] Emergency Motion and Order for Transportation (in all Cases of Mr. Matthew Travis Houston) of Inmate for Court Appearance Under NRAP 3c/27e or, in the Alternative, for Appearance by Telephone or Video Conference "Hearing Requested"


05/24/2023

 Clerk's Notice of Hearing
[51] Notice of Hearing


05/30/2023

 Order Granting Motion
[52] Order Granting Defendants Bernstein & Poisson, LLP, Scott Poisson, Jack Bernstein, Ryan Kerbow, and Christopher D. Burk's Motion to Dismiss


05/31/2023

 Notice of Entry of Order
[53] Notice of Entry of Order Granting Defendants Bernstein & Poisson, LLP, Scott Poisson, Jack Bernstein, Ryan Kerbow and Christopher D. Burk's Motion to Dismiss


06/30/2023

 Motion to Vacate
Filed By: Plaintiff Houston, Matthew Travis
[54] Motion for Reconsideration. Emergency Motion to Vacate Minute Order from May 12, 2023; Demand for Jury Trial and Statement of Facts: Kidnapped from his home in "Hearing Requested"


06/30/2023

 Clerk's Notice of Hearing
[55] Notice of Hearing

07/17/2023















 Notice of Appeal
[56] Notice of Appeal

07/18/2023

 Case Appeal Statement
[57] Case Appeal Statement

CASE SUMMARY

CASE NO. A-22-859817-C

- 07/31/2023  Audiovisual Transmission Equipment Appearance Request
[58] Defendants Bernstein & Poisson, LLP, Scott Poisson, Jack Bernstein, Ryan Kerbow, and Christopher D. Burk's Notice of Intent to Appear by Simultaneous Audiovisual Transmission Equipment
- 08/07/2023  Order Denying Motion
[59] Order Denying Plaintiff's Motion For Reconsideration
- 08/07/2023  Notice of Entry of Order
[60] Notice of Entry of Order Denying Plaintiff's Motion for Reconsideration
- 08/16/2023  Affidavit
[61] Affidavit of Service
- 08/16/2023  Affidavit of Service
[62] Affidavit of Service
- 08/16/2023  Affidavit of Service
[63] Affidavit of Service
- 08/23/2023  Motion
Filed By: Plaintiff Houston, Matthew Travis
[64] Reoccurring Emergency Motion and Order to Transportation (in all cases of Mr. Matthew Travis Houston) of Inmate for Court Appearance Under NRAP 3c/27e or, in the Alternative, for Appearance by Telephone or Video Conference "Hearing Requested"
- 08/23/2023  Clerk's Notice of Hearing
[65] Notice of Hearing
- 08/24/2023  Affidavit of Service
[66] Affidavit of Service
- 08/24/2023  Affidavit of Service
[67] Affidavit of Service
- 08/24/2023  Affidavit of Service
[68] Affidavit of Service
- 10/12/2023  Notice of Appeal
Filed By: Plaintiff Houston, Matthew Travis
[69] Notice of Appeal
- 10/12/2023  Affidavit of Service
[70] Affidavit of Service
- 10/13/2023  Case Appeal Statement
Case Appeal Statement

DISPOSITIONS

- 05/30/2023 **Order of Dismissal** (Judicial Officer: Escobar, Adriana)
Debtors: Matthew Travis Houston (Plaintiff)
Creditors: Bernstein & Poisson LLP (Defendant), Scott Poisson (Defendant), Jack Bernstein (Defendant), Ryan Kerbow (Defendant), Karlie Gabour (Defendant), Christopher D Burk (Defendant)

CASE SUMMARY**CASE NO. A-22-859817-C**

Judgment: 05/30/2023, Docketed: 05/31/2023

HEARINGS

01/23/2023

Minute Order (3:00 AM) (Judicial Officer: Escobar, Adriana)

Minute Order - No Hearing Held;

Journal Entry Details:

Plaintiff filed an Ex Parte Motion to Hold Bernstein & Poisson, Previous Attorney of Record, In Contempt for Failing to Forward a Copy of the Case File to Plaintiff, Most Specifically Complete Files of EJDC Case No. A-17-758861-C and hearing for this case was set for January 24, 2023. This hearing is VACATED and Plaintiff is ORDERED the following: Nevada Rules of Civil Procedure (NRCP) Rule 4 requires a civil litigant to properly serve a Defendant. This means the Defendant must be aware of the fact they are being sued. The Plaintiff is ordered to properly serve the Defendant under NRCP 4. The hearing for Plaintiff's Ex-Parte Motion is continued to March 21, 2023 until the Plaintiff can properly serve the Defendant he is suing. CLERK'S NOTE: A copy of this Minute Order was served by Courtroom Clerk, Kimberly Gutierrez, via U.S. Mail to: #1210652, P.O. Box 650, Indian Springs, NV 89070. /kg (01/23/2023) ;

01/24/2023

CANCELED Motion for Contempt (10:00 AM) (Judicial Officer: Escobar, Adriana)

Vacated

Plaintiff's - Emergency Ex Parte Motion to Hold Bernstein & Poisson, Previous Attorney of Record in Contempt of Failing to Forward a Copy of the Case File to Plaintiff, most Specifically Complete Files of EJDC Case No. A-17-758861-C

03/20/2023

Minute Order (3:00 AM) (Judicial Officer: Escobar, Adriana)

Minute Order - No Hearing Held;

Journal Entry Details:

Plaintiff has filed six motions for this Court to review. Plaintiff/ Inmate's - Motion to Hold Bernstein Poisson LLP, Attorney of Record in Contempt for Failing to Forward a Copy of the Case File; Plaintiff/ Inmate's - Emergency Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative for Appearance by Telephone or Video Conference; Plaintiff/Inmate's - Emergency Ex Parte en Banc of Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative for Appearance by Telephone or Video Conference and Continued Emergency Opposition (s) Under NRAP 27(e); Plaintiff/ Inmate's - Emergency Motion to Add Defendant Daniel L Schwartz as a Joinder and Supplemental Civil Rights Complaint; Plaintiff/ Inmate's - Emergency Notice of Hearings and Stipulation to Consolidate and/or Briefing Schedule(s); Plaintiff/Inmate's Emergency Motion in Ex Parte to Add Defendants Kelsey Burnstein and Ed Burnstien by Name of Association. Upon review of the files and Plaintiff's Affidavit of Service filed on March 8, 2023, this Court VACATES AND CONTINUES all hearings in this case to May 23, 2023 and ORDERS the following: The rules of civil procedure cannot be applied differently merely because a party not learned in the law is acting pro se. Rodriguez v. Fiesta Palms, LLC, 134 Nev. 654, 659, 428 P.3d 255, 258-59 (2018), quoting Bonnell v. Lawrence, 128 Nev. 394, 404, 282 P.3d 712, 718 (2012). While District Courts may assist a pro se litigant as much as reasonably possible, such assistance does not extend to ignoring rules of procedure: a pro se litigant cannot use his alleged ignorance as a shield to protect him from the consequences of failing to comply with basic procedural requirements. Id. Nevada Rules of Civil Procedure (NRCP) Rule 4 requires a civil litigant to properly serve a Defendant. This means the Defendant must be aware of the fact they are being sued. The Plaintiff is ordered to properly serve the Defendant under NRCP 4. Rule 4. Summons and Service (a) Summons. (1) Contents. A summons must: (A) name the court, the county, and the parties; (B) be directed to the defendant; (C) state the name and address of the plaintiff's attorney or if unrepresented of the plaintiff; (D) state the time within which the defendant must appear and defend under Rule 12(a) or any other applicable rule or statute; (E) notify the defendant that a failure to appear and defend will result in a default judgment against the defendant for the relief demanded in the complaint; (F) be signed by the clerk; (G) bear the court's seal; and (H) comply with Rule 4.4(c)(2)(C) when service is made by publication. (2) Amendments. The court may permit a summons to be amended. (b) Issuance. On or after filing a complaint, the plaintiff must present a summons to the clerk for issuance under signature and seal. If a summons is properly presented, the clerk must issue a summons under signature and seal to the plaintiff for service on the defendant. A summons or a copy of a summons that is addressed to multiple defendants must be issued for each defendant to be served. (c) Service. (1) In General. Unless a defendant voluntarily appears, the plaintiff is responsible for: (A) obtaining a waiver of service under Rule 4.1, if applicable; or (B) having

CASE SUMMARY

CASE NO. A-22-859817-C

the summons and complaint served under Rule 4.2, 4.3, or 4.4 within the time allowed by Rule 4(e). (2) Service With a Copy of the Complaint. A summons must be served with a copy of the complaint. The plaintiff must furnish the necessary copies to the person who makes service. (3) By Whom. The summons and complaint may be served by the sheriff, or a deputy sheriff, of the county where the defendant is found or by any person who is at least 18 years old and not a party to the action. (4) Cumulative Service Methods. The methods of service provided in Rules 4.2, 4.3, and 4.4 are cumulative and may be utilized with, after, or independently of any other methods of service. (d) Proof of Service. Unless a defendant voluntarily appears or waives or admits service, a plaintiff must file proof of service with the court stating the date, place, and manner of service no later than the time permitted for the defendant to respond to the summons. (1) Service Within the United States. Proof of service within Nevada or within the United States must be made by affidavit from the person who served the summons and complaint. (2) Service Outside the United States. Service not within the United States must be proved as follows: (A) if made under Rule 4.3(b)(1)(A), as provided in the applicable treaty or convention; or (B) if made under Rule 4.3(b)(1)(B) or (C), by a receipt signed by the addressee, or by other evidence satisfying the court that the summons and complaint were delivered to the addressee. (3) Service by Publication. If service is made by publication, a copy of the publication must be attached to the proof of service, and proof of service must be made by affidavit from: (A) the publisher or other designated employee having knowledge of the publication; and (B) if the summons and complaint were mailed to a person's last-known address, the individual depositing the summons and complaint in the mail. (4) Amendments. The court may permit proof of service to be amended. (5) Failure to Make Proof of Service. Failure to make proof of service does not affect the validity of the service. (e) Time Limit for Service. (1) In General. The summons and complaint must be served upon a defendant no later than 120 days after the complaint is filed, unless the court grants an extension of time under this rule. (2) Dismissal. If service of the summons and complaint is not made upon a defendant before the 120-day service period or any extension thereof expires, the court must dismiss the action, without prejudice, as to that defendant upon motion or upon the court's own order to show cause. (3) Timely Motion to Extend Time. If a plaintiff files a motion for an extension of time before the 120-day service period or any extension thereof expires and shows that good cause exists for granting an extension of the service period, the court must extend the service period and set a reasonable date by which service should be made. (4) Failure to Make Timely Motion to Extend Time. If a plaintiff files a motion for an extension of time after the 120-day service period or any extension thereof expires, the court must first determine whether good cause exists for the plaintiff's failure to timely file the motion for an extension before the court considers whether good cause exists for granting an extension of the service period. If the plaintiff shows that good cause exists for the plaintiff's failure to timely file the motion and for granting an extension of the service period, the court must extend the time for service and set a reasonable date by which service should be made. [Amended; effective March 1, 2019.] Rule 4.1. Waiving Service (a) Requesting a Waiver. An individual, entity, or association that is subject to service under Rule 4.2(a), 4.2(c)(1) or (2), 4.3(a)(1) or (3), or 4.3(b)(1) or (3) has a duty to avoid unnecessary expenses of serving the summons. The plaintiff may notify such a defendant that an action has been commenced and request that the defendant waive service of a summons. The notice and request must: (1) be in writing and be addressed: (A) to the individual defendant; or (B) for an entity or association, to a person designated by Rule 4.2(c)(1); (2) name the court where the complaint was filed; (3) be accompanied by a copy of the complaint, two copies of the waiver form, Form 2 in the Appendix of Forms or its substantial equivalent, and a prepaid means for returning the form; (4) inform the defendant, using the waiver form, of the consequences of waiving and not waiving service; (5) state the date when the request is sent; (6) give the defendant a reasonable time of at least 30 days after the request was sent or at least 60 days if sent to the defendant outside the United States to return the waiver; and (7) be sent by first-class mail or other reliable means. (b) Failure to Waive. If a defendant located within the United States fails, without good cause, to sign and return a waiver requested by a plaintiff located within the United States, the court must impose on the defendant: (1) the expenses later incurred in making service; and (2) the reasonable expenses, including attorney fees, of any motion required to collect those service expenses. (c) Time to Answer After a Waiver. A defendant who, before being served with process, timely returns a waiver need not serve an answer to the complaint until 60 days after the request was sent or until 90 days after it was sent to the defendant outside the United States. (d) Results of Filing a Waiver. When the plaintiff files a waiver, proof of service is not required and these rules apply as if a summons and complaint had been served at the time of filing the waiver. (e) Jurisdiction and Venue Not Waived. Waiving service of a summons does not waive any objection to personal jurisdiction or to venue. [Added; effective March 1, 2019; Amended effective March 26, 2019.] Rule 4.2. Service Within Nevada (a) Serving an Individual. Unless otherwise provided by these rules, service may be made on an individual: (1) by delivering a copy of the summons and complaint to the individual personally; (2) by leaving a copy of the summons and complaint at the individual's dwelling or usual place of abode with a person of suitable age

CASE SUMMARY


CASE NO. A-22-859817-C

and discretion who currently resides therein and is not an adverse party to the individual being served; or (3) by delivering a copy of the summons and complaint to an agent authorized by appointment or by law to receive service of process. (b) *Serving Minors and Incapacitated Persons.* (1) *Minors.* A minor must be served by delivering a copy of the summons and complaint: (A) if the minor is 14 years of age or older, to the minor; and (B) to one of the following persons: (i) if a guardian or similar fiduciary has been appointed for the minor, to the fiduciary under Rule 4.2(a), (c), or (d), as appropriate for the type of fiduciary; (ii) if a fiduciary has not been appointed, to the minor's parent under Rule 4.2(a); or (iii) if neither a fiduciary nor a parent can be found with reasonable diligence: (a) to an adult having the care or control of the minor under Rule 4.2(a); or (b) to a person of suitable age and discretion with whom the minor resides. (2) *Incapacitated Persons.* An incapacitated person must be served by delivering a copy of the summons and complaint: (A) to the incapacitated person; and (B) to one of the following persons: (i) if a guardian or similar fiduciary has been appointed for the incapacitated person, to the fiduciary under Rule 4.2(a), (c), or (d), as appropriate for the type of fiduciary; or (ii) if a fiduciary has not been appointed: (a) to a person of suitable age and discretion with whom the incapacitated person resides; (b) if the incapacitated person is living in a facility, to the facility under Rule 4.2, as appropriate for the type of facility; or (c) to another person as provided by court order. (c) *Serving Entities and Associations.* (1) *Entities and Associations in Nevada.* (A) An entity or association that is formed under the laws of this state, is registered to do business in this state, or has appointed a registered agent in this state, may be served by delivering a copy of the summons and complaint to: (i) the registered agent of the entity or association; (ii) any officer or director of a corporation; (iii) any partner of a general partnership; (iv) any general partner of a limited partnership; (v) any member of a member-managed limited-liability company; (vi) any manager of a manager-managed limited-liability company; (vii) any trustee of a business trust; (viii) any officer or director of a miscellaneous organization mentioned in NRS Chapter 81; (ix) any managing or general agent of any entity or association; or (x) any other agent authorized by appointment or by law to receive service of process. (B) If an agent is one authorized by statute and the statute so requires, a copy of the summons and complaint must also be mailed to the defendant entity or association at its last-known address. (2) *Other Foreign Entities and Associations.* A foreign entity or association that cannot be served under Rule 4.2(c)(1) may be served by delivering a copy of the summons and complaint to any officer, director, partner, member, manager, trustee, or agent identified in Rule 4.2(c)(1) that is located within this state. (3) *Service via the Nevada Secretary of State.* (A) If, for any reason, service on an entity or association required to appoint a registered agent in this state or to register to do business in this state cannot be made under Rule 4.2(c)(1) or (2), then the plaintiff may seek leave of court to serve the Nevada Secretary of State in the entity's or association's stead by filing with the court an affidavit: (i) setting forth the facts demonstrating the plaintiff's good faith attempts to locate and serve the entity or association; (ii) explaining the reasons why service on the entity or association cannot be made; and (iii) stating the last-known address of the entity or association or of any person listed in Rule 4.2(c)(1), if any. (B) Upon court approval, service may be made by: (i) delivering a copy of the summons and complaint to the Nevada Secretary of State or his or her deputy; and (ii) posting a copy of the summons and complaint in the office of the clerk of the court in which such action is brought or pending. (C) If the plaintiff is aware of the last-known address of any person listed in Rule 4.2(c)(1), the plaintiff must also mail a copy of the summons and complaint to each such person at the person's last-known address by registered or certified mail. The court may also order additional notice to be sent under Rule 4.4(d) if the plaintiff is aware of other contact information of the entity or association or of any person listed in Rule 4.2(c)(1). (D) Unless otherwise ordered by the court, service under Rule 4.2(c)(3) may not be used as a substitute in place of serving, under Rule 4.3(a), an entity or association through a person listed in Rule 4.2(c)(1) whose address is known but who lives outside this state. (E) The defendant entity or association must serve a responsive pleading within 21 days after the later of: (i) the date of service on the Nevada Secretary of State and posting with the clerk of the court; or (ii) the date of the first mailing of the summons and complaint to the last-known address of any person listed in Rule 4.2(c)(1). (d) *Serving the State of Nevada, Its Public Entities and Political Subdivisions, and Their Officers and Employees.* (1) *The State and Its Public Entities.* The State and any public entity of the State must be served by delivering a copy of the summons and complaint to: (A) the Attorney General, or a person designated by the Attorney General to receive service of process, at the Office of the Attorney General in Carson City; and (B) the person serving in the office of administrative head of the named public entity, or an agent designated by the administrative head to receive service of process. (2) *State Officers and Employees.* Any current or former public officer or employee of the State who is sued in his or her official capacity or his or her individual capacity for an act or omission relating to his or her public duties or employment must be served by delivering a copy of the summons and complaint to: (A) the Attorney General, or a person designated by the Attorney General to receive service of process, at the Office of the Attorney General in Carson City; and (B) the current or former public officer or employee, or an agent designated by him or her to

CASE SUMMARY

CASE NO. A-22-859817-C

receive service of process. (3) Political Subdivisions and Their Public Entities. Any county, city, town, or other political subdivision of the State, and any public entity of such a political subdivision, must be served by delivering a copy of the summons and complaint to the presiding officer of the governing body of the political subdivision, or an agent designated by the presiding officer to receive service of process. (4) Local Officers and Employees. Any current or former public officer or employee of any county, city, town, or other political subdivision of the State, or any public entity of such a political subdivision, who is sued in his or her official capacity or his or her individual capacity for an act or omission relating to his or her public duties or employment must be served by delivering a copy of the summons and complaint to the current or former public officer or employee, or an agent designated by him or her to receive service of process. (5) Statutory Requirements. A party suing the State, its public entities or political subdivisions, or their current or former officers and employees must also comply with any statutory requirements for service of the summons and complaint. (6) Extending Time. The court must allow a party a reasonable time to cure its failure to: (A) serve a person required to be served under Rule 4.2(d)(1) or (2), if the party has served the Attorney General; or (B) serve the Attorney General under Rule 4.2(d)(1) or (2), if the party has served the required person. [Added; effective March 1, 2019.] Specifically, NRCP 4.2 requires a Litigant to serve in the following methods: Rule 4.2. Service Within Nevada (a) Serving an Individual. Unless otherwise provided by these rules, service may be made on an individual: (1) by delivering a copy of the summons and complaint to the individual personally; (2) by leaving a copy of the summons and complaint at the individual's dwelling or usual place of abode with a person of suitable age and discretion who currently resides therein and is not an adverse party to the individual being served; or (3) by delivering a copy of the summons and complaint to an agent authorized by appointment or by law to receive service of process. Plaintiff's Affidavit of service provides that he served by Ordinary mail. This is not sufficient service under NRCP. Plaintiff's Informa Pauperis status allows Plaintiff to make personal service charge without charge. See Order to Proceed in Forma Pauperis Page 1, Paragraph 3. CLERK'S NOTE: A copy of this Minute Order was electronically served by Courtroom Clerk, Ivonne Yanez, to all registered parties for Odyssey File & Serve. /iy (03/20/2023);

- 03/23/2023 CANCELED Motion (10:00 AM) (Judicial Officer: Escobar, Adriana)
Vacated
Plaintiff/ Inmate's - Emergency Motion to Add Defendant Daniel L Schwartz as a Joinder and Supplemental Civil Rights Complaint
- 03/23/2023 CANCELED Motion (10:00 AM) (Judicial Officer: Escobar, Adriana)
Vacated
Plaintiff/ Inmate's - Emergency Notice of Hearings and Stipulation to Consolidate and/or Briefing Schedule(s)
- 04/11/2023 CANCELED Motion (10:00 AM) (Judicial Officer: Escobar, Adriana)
Vacated
Plaintiff/Inmate's Emergency Motion in Ex Parte to Add Defendants Kelsey Burnstein and Ed Burnstien by Name of Association
- 05/12/2023  Motion to Dismiss (3:00 AM) (Judicial Officer: Escobar, Adriana)
Events: 04/20/2023 Motion to Dismiss
Defendants Bernstein & Poisson, LP, Scott Poisson, Jack Bernstein, Ryan Kerbow, and Christopher D. Burk's Motion to Dismiss
Granted;
Journal Entry Details:

Defendants Bernstein & Poisson, LLP, Scott Poisson, Jack Bernstein, Ryan Kerbow, and Christopher D. Burk filed a Motion to Dismiss on April 20, 2023. The hearing for this motion was scheduled for May 23, 2023. Upon review of moving papers, Plaintiff's Complaint, and case filings this Court VACATES the hearing and ORDERS the following: In reviewing a motion to dismiss, the court shall determine whether or not the challenge pleading sets forth sufficient allegations to make out the elements for a claim for relief. See *Edgar v. Wagner*, 101 Nev. 226, 699 P.2d 110 (1985). The test for determining whether the allegations of a complaint are sufficient to assert a claim for relief is whether the allegations give fair notice of the nature and basis of the legally sufficient claim and relief requested. *Brelant v. Preferred Equities Corp.*, 109 Nev. 842, 846, 858 P.2d 1258 (1993). Accordingly, when all of a plaintiff's allegations are accepted as true and still do not justify any relief, the trial court should properly dismiss the claims. *Blackjack Bonding v. City of Las Vegas Municipal Court*, 116 Nev.

CASE SUMMARY**CASE NO. A-22-859817-C**



1213, 1214, 14 P.3d 1275, 1278 (2000); *Bergman v. Boyce*, 109 Nev. 670, 756 P.2d 560 (1993); see also, *Ashcroft v. Iqbal*, 556 US 662, 678 (2009) (A Court should not accept legal conclusions and "[t]hreadbare recitals of the elements of a cause of action" as true.) To survive a motion to dismiss, those well-pled facts must allow the Court to reasonably infer that the defendant is liable under the stated claim. *Id.* at 678-79. Dismissal is appropriate when it appears beyond doubt that the plaintiff could prove no set of facts, which if accepted by the trier of fact, would entitle him to relief. *Bratcher v. City of Las Vegas*, 113 Nev. 502, 937 P.2d 485 (1997). This Court finds that the Plaintiff's Complaint is insufficient to assert a claim for relief. The Complaint does not describe the alleged conduct at issue for each Defendant, what alleged conduct gives rise to this suit, how each Defendant harmed the Plaintiff, or where and when each of the alleged actions or inactions occurred. Additionally, this Court finds that Plaintiff's Complaint is incomprehensible and violates Nev. R. Civ. P. 8(a)(2), (e)(1) and 10 (b). It does not plead the elements of any other claims stated as captions in paragraphs 2-6 of the Complaint i.e., false imprisonment, legal malpractice, coercion, extortion, embezzlement and malicious prosecution. Based on the foregoing, this Court GRANTS Defendant's Motion to Dismiss. This Court VACATES all future hearings for this case. Counsel for Defendant is directed to prepare a detailed proposed order based on the substance of this Minute Order and Pleading. Counsel must submit the proposed order within 14 days of the entry of this minute order. EDCR 1.90(a)(4). All parties must submit their orders electronically, in both PDF version and Word version, until further notice. You may do so by emailing DC14Inbox@clarkcountycourts.us. All orders must have either original signatures from all parties or an email appended as the last page of the proposed order confirming that all parties approved use of their electronic signatures. The subject line of the e-mail should identify the full case number, filing code and case caption. CLERK'S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System. /rw 5/12/23/;

- 05/23/2023 **CANCELED Motion** (9:30 AM) (Judicial Officer: Escobar, Adriana)
Vacated
Plaintiff/ Inmate's- Emergency Motion and Order for Transportation of Inmate for Court Appearance or in the Modern Alternative, for Appearance by Telephone or Expedited Video Conference Under NRAP 27 (e)
- 05/23/2023 **CANCELED Motion** (10:00 AM) (Judicial Officer: Escobar, Adriana)
Vacated
Plaintiff/ Inmate's - Motion to Hold Bernstein Poisson LLP ,Attorney of Record in Contempt for Failing to Forward a Copy of the Case File
- 05/23/2023 **CANCELED Motion** (10:00 AM) (Judicial Officer: Escobar, Adriana)
Vacated
Plaintiff/ Inmate's - Emergency Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative for Appearance by Telephone or Video Conference
- 05/23/2023 **CANCELED Motion** (10:00 AM) (Judicial Officer: Escobar, Adriana)
Vacated
Plaintiff/Inmate's - Emergency Ex Parte en Banc of Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative for Appearance by Telephone or Video Conference and Continued Emergency Opposition (s) Under NRAP 27(e)
- 05/23/2023 **CANCELED Motion to Add Parties** (10:00 AM) (Judicial Officer: Escobar, Adriana)
Vacated
Plaintiff/Inmate's Motion to Add Defendants
- 05/23/2023 **CANCELED Opposition and Countermotion** (10:00 AM) (Judicial Officer: Escobar, Adriana)
Vacated
Plaintiff's Emergency Opposition to Anthony M. Goldstein's Motion to Dismiss Filed 12/07/2022, Motion for Reconsideration from 02/01/2023 and a Notice of Motion/Joinder to A-17-758861-C
- 06/20/2023 **CANCELED Motion** (10:00 AM) (Judicial Officer: Escobar, Adriana)
Vacated - per Order
Plaintiff/ Inmate' s Emergency Response "Jury Trial Demand" NRS 41.0322 Tort Action Emergency Supplement of Ex Parte Complaint and Motion to Add Defendant(s)

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-22-859817-C

06/27/2023	<p>CANCELED Motion (10:00 AM) (Judicial Officer: Escobar, Adriana) <i>Vacated - per Order</i> <i>PLaintiff/Inmate's Emergency Motion and Order for Transportation (In All Cases of Mr. Matthew Travis Houston) of Inmate for Court Appearance Under NRAP 3C/27E or, in the Alternative, for Appearance by Telephone or Video Conference</i></p>
08/01/2023	<p> Motion (10:00 AM) (Judicial Officer: Villani, Michael) <i>Emergency Motion to Vacate Minute Order from May 12, 2023; Motion for Reconsideration; Demand for Jury Trial and Statement of Facts</i> Denied; Journal Entry Details: <i>David Ochoa, Esq. appeared on behalf of the Defendant. Court noted that there were no appearances for the Plaintiff, and that service of the Complaint and the Motion at hand, was not proper. Court stated it FINDS no factual or legal basis to grant the instant motion. Accordingly, COURT ORDERED, Emergency Motion to Vacate Minute Order from May 12, 2023; Motion for Reconsideration; Demand for Jury Trial and Statement of Facts, DENIED. CLERK'S NOTE: A copy of this Minute Order was electronically served by Courtroom Clerk, Kimberly Gutierrez, to all registered parties for Odyssey File & Serve; and via U.S. Mail to #1210652, PO Box 650, Indian Springs, NV 80970. /kg (08/01/2023);</i></p>
09/26/2023	<p> Motion (10:00 AM) (Judicial Officer: Escobar, Adriana) <i>Reoccurring Emergency Motion and Order to Transportation (in all cases of Mr. Matthew Travis Houston) of Inmate for Court Appearance Under NRAP 3 C/27E or in the Alternative, for Appearance by Telephone or Video Conference</i> Stayed; Reoccurring Emergency Motion and Order to Transportation (in all cases of Mr. Matthew Travis Houston) of Inmate for Court Appearance Under NRAP 3 C/27E or in the Alternative, for Appearance by Telephone or Video Conference Journal Entry Details: <i>Court noted that there were no appearances for the hearing, and reviewed Judge Villani's previous ruling of denying an alternate, similar motion that was heard on August 1, 2023. Court further noted its record of the absence of an order for said ruling. Court stated its findings and ORDERED as follows as to Reoccurring Emergency Motion and Order to Transportation (in all cases of Mr. Matthew Travis Houston) of Inmate for Court Appearance Under NRAP 3 C/27E or in the Alternative, for Appearance by Telephone or Video Conference: Court agrees with Judge Villani's aforementioned assessment; the pending Order for August 1, 2023 is DUE to the Court within fourteen (14) days; counsel whom appeared on behalf of defendants at the August 1, 2023 hearing is to submit said order. CLERK'S NOTE: Subsequent to court, COURT ORDERED, case is STAYED amidst its corresponding case appeal; Court noted that an Order for the aforementioned August 1, 2023 hearing, had already been filed. A copy of this Minute Order was electronically served by Courtroom Clerk, Kimberly Gutierrez, to all registered parties for Odyssey File & Serve; and via U.S. Mail to #1210652, PO Box 650, Indian Springs, NV 80970 /kg (9/26/2023). ;</i></p>

DATE

FINANCIAL INFORMATION

Defendant Bernstein & Poisson LLP	
Total Charges	343.00
Total Payments and Credits	343.00
Balance Due as of 10/13/2023	0.00
Plaintiff Houston, Matthew Travis	
Total Charges	24.00
Total Payments and Credits	24.00
Balance Due as of 10/13/2023	0.00

DISTRICT COURT CIVIL COVER SHEET

A-22-859817-C
Dept: XIV

Clark County, Nevada
Case No. _____
(Assigned by Clerk's Office)

I. Party Information *(provide both home and mailing addresses if different)*

Plaintiff(s) (name/address/phone): Matthew Travis Houston, (pro se) No. 53 No. 1210652 H.D.S.P. P.O. Box 650 22010 Cold Creek Rd Indian Springs, NV 89070-0650 Attorney (name/address/phone): Matthew Travis Houston #1210652 P.O. Box 650 (763) 267-9914 Indian Springs, NV 89070-0650 (714) 916-7431 (610) 762-4143	Defendant(s) (name/address/phone): Jack Bernstein, Scott Poisson, No. 63 Ryan Kerbow, "Kylie", Tyler Ure, No. 7 Christopher D. Burk, Nicole Garcia, No. 54 Jessica Flores, Karlie Gohour No. 9 Attorney (name/address/phone): Bernstein & Poisson 720 S. 7th St 320 S. Jones Blvd. Floor 3 Las Vegas, NV 89107 89101 (702) 256-4566
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II. Nature of Controversy *(please select the one most applicable filing type below)*

Civil Case Filing Types

<p>Real Property</p> <p><input type="checkbox"/> Landlord/Tenant</p> <p><input type="checkbox"/> Unlawful Detainer</p> <p><input type="checkbox"/> Other Landlord/Tenant</p> <p>Title to Property</p> <p><input type="checkbox"/> Judicial Foreclosure</p> <p><input type="checkbox"/> Other Title to Property</p> <p>Other Real Property</p> <p><input type="checkbox"/> Condemnation/Eminent Domain</p> <p><input type="checkbox"/> Other Real Property</p>	<p>Negligence</p> <p><input type="checkbox"/> Auto</p> <p><input type="checkbox"/> Premises Liability</p> <p><input type="checkbox"/> Other Negligence</p> <p>Malpractice</p> <p><input type="checkbox"/> Medical/Dental</p> <p><input checked="" type="checkbox"/> Legal</p> <p><input type="checkbox"/> Accounting</p> <p><input type="checkbox"/> Other Malpractice</p>	<p>Torts</p> <p>Other Torts</p> <p><input type="checkbox"/> Product Liability</p> <p><input type="checkbox"/> Intentional Misconduct</p> <p><input type="checkbox"/> Employment Tort</p> <p><input type="checkbox"/> Insurance Tort</p> <p><input type="checkbox"/> Other Tort</p>
<p>Probate</p> <p><i>Probate (select case type and estate value)</i></p> <p><input type="checkbox"/> Summary Administration</p> <p><input type="checkbox"/> General Administration</p> <p><input type="checkbox"/> Special Administration</p> <p><input type="checkbox"/> Set Aside</p> <p><input type="checkbox"/> Trust/Conservatorship</p> <p><input type="checkbox"/> Other Probate</p> <p>Estate Value</p> <p><input type="checkbox"/> Over \$200,000</p> <p><input type="checkbox"/> Between \$100,000 and \$200,000</p> <p><input type="checkbox"/> Under \$100,000 or Unknown</p> <p><input type="checkbox"/> Under \$2,500</p>	<p>Construction Defect & Contract</p> <p>Construction Defect</p> <p><input type="checkbox"/> Chapter 40</p> <p><input type="checkbox"/> Other Construction Defect</p> <p>Contract Case</p> <p><input type="checkbox"/> Uniform Commercial Code</p> <p><input type="checkbox"/> Building and Construction</p> <p><input type="checkbox"/> Insurance Carrier</p> <p><input type="checkbox"/> Commercial Instrument</p> <p><input type="checkbox"/> Collection of Accounts</p> <p><input type="checkbox"/> Employment Contract</p> <p><input type="checkbox"/> Other Contract</p>	<p>Judicial Review/Appeal</p> <p>Judicial Review</p> <p><input type="checkbox"/> Foreclosure Mediation Case</p> <p><input type="checkbox"/> Petition to Seal Records</p> <p><input type="checkbox"/> Mental Competency</p> <p>Nevada State Agency Appeal</p> <p><input type="checkbox"/> Department of Motor Vehicle</p> <p><input type="checkbox"/> Worker's Compensation</p> <p><input type="checkbox"/> Other Nevada State Agency</p> <p>Appeal Other</p> <p><input type="checkbox"/> Appeal from Lower Court</p> <p><input type="checkbox"/> Other Judicial Review/Appeal</p>
<p>Civil Writ</p> <p><input type="checkbox"/> Writ of Habeas Corpus</p> <p><input type="checkbox"/> Writ of Mandamus</p> <p><input type="checkbox"/> Writ of Quo Warrant</p> <p><input type="checkbox"/> Writ of Prohibition</p> <p><input type="checkbox"/> Other Civil Writ</p>	<p>Other Civil Filing</p> <p>Other Civil Filing</p> <p><input type="checkbox"/> Compromise of Minor's Claim</p> <p><input type="checkbox"/> Foreign Judgment</p> <p><input type="checkbox"/> Other Civil Matters</p>	

Business Court filings should be filed using the Business Court civil coversheet.

May 5th, 2022

RECEIVED

OCT 10 2022

CLERK OF THE COURT

[Signature]
Signature of initiating party or representative

See other side for family-related case filings.

1 **ODM**
2 LIPSON NEILSON P.C.
3 JOSEPH P. GARIN, ESQ.
4 Nevada Bar No. 6653
5 9900 Covington Cross Drive, Suite 120
6 Las Vegas, Nevada 89144
7 Phone: (702) 382-1500
8 Fax: (702) 382-1512
9 jgarin@lipsonneilson.com

10 *Attorneys for Defendants Bernstein & Poisson, LLP,*
11 *Scott Poisson, Jack Bernstein, Ryan Kerbow, and*
12 *Christopher D. Burk*

13 **DISTRICT COURT**
14 **CLARK COUNTY, NEVADA**

15 MATTHEW TRAVIS HOUSTON,
16
17 Plaintiff,

18 vs.

19 BERNSTEIN & POISSON, LLP; SCOTT
20 POISSON; JACK BERNSTEIN; RYAN
21 KERBOW; KARLIE GABOUR;
22 CHRISTOPHER D. BURK,
23 Defendants.

Case No: A-22-859817-C
Dept. No.: 14

**ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION**

24 This matter comes before the Court on Plaintiff's Motion for Reconsideration filed
25 on June 30, 2023 ("Motion"). Counsel for Defendants Bernstein & Poisson, LLP, Scott
26 Poisson, Jack Bernstein, Ryan Kerbow, and Christopher D. Burk being present, the
27 court decides the matter based on the case filings and pleadings before it, and hereby
28 orders as follows:

Generally, leave for reconsideration is only granted upon a showing of: (1) newly
discovered evidence; (2) the court having committed clear error or manifest injustice; or
(3) an intervening change in controlling law); *Harvey's Wagon Wheel Inc. MacSween*,
96 Nev. 215, 217-218, 606 P.3d 1095, 1097 (1980).

The Court finds that the Motion lacks service on Defendants.

The Court further finds that the Motion does not meet the standard for
reconsideration as the Motion does not demonstrate clear error or manifest injustice.

LIPSON NEILSON P.C.
9900 Covington Cross Drive, Suite 120, Las Vegas, Nevada 89144
Telephone: (702) 382-1500 Facsimile: (702) 382-1512

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Houston v. Bernstein & Poisson, et al.
Case No: A-22-859817-C

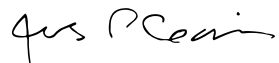
Based on the foregoing, this Court DENIES Plaintiff's Motion for Reconsideration.
IT IS SO ORDERED.

Dated this 7th day of August, 2023



E33 D90 B29A 1941
Michael Villani
District Court

Submitted by,
LIPSON NEILSON P.C.



By: _____
JOSEPH P. GARIN, ESQ.
Nevada Bar No. 6653
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144

*Attorneys for Defendants Bernstein &
Poisson, LLP, Scott Poisson, Jack Bernstein,
Ryan Kerbow, and Christopher D. Burk*

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Matthew Houston, Plaintiff(s)

CASE NO: A-22-859817-C

7 vs.

DEPT. NO. Department 14

8 Bernstein & Poisson LLP,
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Order Denying Motion was served via the court's electronic eFile
system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 8/7/2023

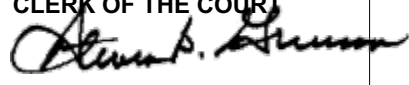
15 Joseph Garin

jgarin@lipsonneilson.com

16 Michele Stones

mstones@lipsonneilson.com

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1 **NEOJ**
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5 jgarin@lipsonneilson.com

6 *Attorneys for Defendants Bernstein & Poisson, LLP,*
7 *Scott Poisson, Jack Bernstein, Ryan Kerbow, and*
Christopher D. Burk

8
9 **DISTRICT COURT**
10 **CLARK COUNTY, NEVADA**

11 MATTHEW TRAVIS HOUSTON,
12
13 Plaintiff,

14 vs.

15 BERNSTEIN & POISSON, LLP; SCOTT
16 POISSON; JACK BERNSTEIN; RYAN
17 KERBOW; KARLIE GABOUR;
18 CHRISTOPHER D. BURK,
19 Defendants.

Case No: A-22-859817-C
Dept. No.: 14

**NOTICE OF ENTRY OF ORDER
DENYING PLAINTIFF'S MOTION
FOR RECONSIDERATION**

20 PLEASE TAKE NOTICE that an Order Denying Plaintiff's Motion for
21 Reconsideration was entered by the Court on August 7, 2023, a copy of which is
22 attached hereto.

23 DATED this 7th day of August, 2023.

24 LIPSON NEILSON P.C.



25 By: _____

26 JOSEPH P. GARIN, ESQ.
Nevada Bar No. 6653
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144

27 *Attorneys for Defendants Bernstein & Poisson, LLP,*
Scott Poisson, Jack Bernstein, Ryan Kerbow, and
28 *Christopher D. Burk*

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b) and Administrative Order 14-2, I certify that on the 7th day of August, 2023, I served the foregoing **NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF’S MOTION FOR RECONSIDERATION** to the following parties via U.S. Mail, postage prepaid:

Matthew Travis Houston #1210652 c/o High Desert State Prison P.O. Box 650 22010 Cold Creek Road Indian Springs, NV 89070-0650	
---	--

/s/ Michele Stones
An Employee of LIPSON NEILSON P.C.

1 **ODM**
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2 JOSEPH P. GARIN, ESQ.
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Fax: (702) 382-1512
5 jgarin@lipsonneilson.com

6 *Attorneys for Defendants Bernstein & Poisson, LLP,*
Scott Poisson, Jack Bernstein, Ryan Kerbow, and
7 *Christopher D. Burk*

8
9 **DISTRICT COURT**
10 **CLARK COUNTY, NEVADA**

11 MATTHEW TRAVIS HOUSTON,

12 Plaintiff,

13 vs.

14 BERNSTEIN & POISSON, LLP; SCOTT
POISSON; JACK BERNSTEIN; RYAN
15 KERBOW; KARLIE GABOUR;
CHRISTOPHER D. BURK,

16 Defendants.

Case No: A-22-859817-C
Dept. No.: 14

**ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION**

17 This matter comes before the Court on Plaintiff's Motion for Reconsideration filed
18 on June 30, 2023 ("Motion"). Counsel for Defendants Bernstein & Poisson, LLP, Scott
19 Poisson, Jack Bernstein, Ryan Kerbow, and Christopher D. Burk being present, the
20 court decides the matter based on the case filings and pleadings before it, and hereby
21 orders as follows:

22 Generally, leave for reconsideration is only granted upon a showing of: (1) newly
23 discovered evidence; (2) the court having committed clear error or manifest injustice; or
24 (3) an intervening change in controlling law); *Harvey's Wagon Wheel Inc. MacSween*,
25 96 Nev. 215, 217-218, 606 P.3d 1095, 1097 (1980).

26 The Court finds that the Motion lacks service on Defendants.

27 The Court further finds that the Motion does not meet the standard for
28 reconsideration as the Motion does not demonstrate clear error or manifest injustice.

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Houston v. Bernstein & Poisson, et al.
Case No: A-22-859817-C

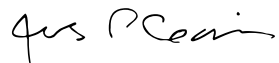
Based on the foregoing, this Court DENIES Plaintiff's Motion for Reconsideration.
IT IS SO ORDERED.

Dated this 7th day of August, 2023



E33 D90 B29A 1941
Michael Villani
District Court

Submitted by,
LIPSON NEILSON P.C.



By: _____
JOSEPH P. GARIN, ESQ.
Nevada Bar No. 6653
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144

*Attorneys for Defendants Bernstein &
Poisson, LLP, Scott Poisson, Jack Bernstein,
Ryan Kerbow, and Christopher D. Burk*

1 **CSERV**

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3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Matthew Houston, Plaintiff(s)

CASE NO: A-22-859817-C

7 vs.

DEPT. NO. Department 14

8 Bernstein & Poisson LLP,
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Order Denying Motion was served via the court's electronic eFile
system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 8/7/2023

15 Joseph Garin

jgarin@lipsonneilson.com

16 Michele Stones

mstones@lipsonneilson.com

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Legal Malpractice

COURT MINUTES

January 23, 2023

A-22-859817-C Matthew Houston, Plaintiff(s)
vs.
Bernstein & Poisson LLP, Defendant(s)

January 23, 2023 3:00 AM Minute Order

HEARD BY: Escobar, Adriana **COURTROOM:** Chambers

COURT CLERK: Kimberly Gutierrez

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Plaintiff filed an Ex Parte Motion to Hold Bernstein & Poisson, Previous Attorney of Record, In Contempt for Failing to Forward a Copy of the Case File to Plaintiff, Most Specifically Complete Files of EJDC Case No. A-17-758861-C and hearing for this case was set for January 24, 2023. This hearing is VACATED and Plaintiff is ORDERED the following:

Nevada Rules of Civil Procedure (NRCP) Rule 4 requires a civil litigant to properly serve a Defendant. This means the Defendant must be aware of the fact they are being sued. The Plaintiff is ordered to properly serve the Defendant under NRCP 4. The hearing for Plaintiff's Ex-Parte Motion is continued to March 21, 2023 until the Plaintiff can properly serve the Defendant he is suing.

CLERK'S NOTE: A copy of this Minute Order was served by Courtroom Clerk, Kimberly Gutierrez, via U.S. Mail to: #1210652, P.O. Box 650, Indian Springs, NV 89070. /kg (01/23/2023)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Legal Malpractice**COURT MINUTES****March 20, 2023**

A-22-859817-C Matthew Houston, Plaintiff(s)
vs.
Bernstein & Poisson LLP, Defendant(s)

March 20, 2023 9:45 AM Minute Order

HEARD BY: Escobar, Adriana **COURTROOM:** Chambers

COURT CLERK: Ivonne Yanez

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Plaintiff has filed six motions for this Court to review. Plaintiff/ Inmate's - Motion to Hold Bernstein Poisson LLP, Attorney of Record in Contempt for Failing to Forward a Copy of the Case File; Plaintiff/ Inmate's - Emergency Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative for Appearance by Telephone or Video Conference; Plaintiff/Inmate's - Emergency Ex Parte en Banc of Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative for Appearance by Telephone or Video Conference and Continued Emergency Opposition (s) Under NRAP 27(e); Plaintiff / Inmate's - Emergency Motion to Add Defendant Daniel L Schwartz as a Joinder and Supplemental Civil Rights Complaint; Plaintiff / Inmate's - Emergency Notice of Hearings and Stipulation to Consolidate and/or Briefing Schedule(s); Plaintiff/Inmate's Emergency Motion in Ex Parte to Add Defendants Kelsey Burnstein and Ed Burnstien by Name of Association. Upon review of the files and Plaintiff's Affidavit of Service filed on March 8, 2023, this Court VACATES AND CONTINUES all hearings in this case to May 23, 2023 and ORDERS the following:

The rules of civil procedure cannot be applied differently merely because a party not learned in the law is acting pro se. Rodriguez v. Fiesta Palms, LLC, 134 Nev. 654, 659, 428 P.3d 255, 258-59 (2018), quoting Bonnell v. Lawrence, 128 Nev. 394, 404, 282 P.3d 712, 718 (2012). While District Courts may assist a pro se litigant as much as reasonably possible, such assistance does not extend to ignoring

rules of procedure: a pro se litigant cannot use his alleged ignorance as a shield to protect him from the consequences of failing to comply with basic procedural requirements. *Id.*

Nevada Rules of Civil Procedure (NRCP) Rule 4 requires a civil litigant to properly serve a Defendant. This means the Defendant must be aware of the fact they are being sued. The Plaintiff is ordered to properly serve the Defendant under NRCP 4.

Rule 4. Summons and Service

(a) Summons.

(1) Contents. A summons must:

- (A) name the court, the county, and the parties;
- (B) be directed to the defendant;
- (C) state the name and address of the plaintiff's attorney or if unrepresented of the plaintiff;
- (D) state the time within which the defendant must appear and defend under Rule 12(a) or any other applicable rule or statute;
- (E) notify the defendant that a failure to appear and defend will result in a default judgment against the defendant for the relief demanded in the complaint;
- (F) be signed by the clerk;
- (G) bear the court's seal; and
- (H) comply with Rule 4.4(c)(2)(C) when service is made by publication.

(2) Amendments. The court may permit a summons to be amended.

(b) Issuance. On or after filing a complaint, the plaintiff must present a summons to the clerk for issuance under signature and seal. If a summons is properly presented, the clerk must issue a summons under signature and seal to the plaintiff for service on the defendant. A summons or a copy of a summons that is addressed to multiple defendants must be issued for each defendant to be served.

(c) Service.

(1) In General. Unless a defendant voluntarily appears, the plaintiff is responsible for:

- (A) obtaining a waiver of service under Rule 4.1, if applicable; or
- (B) having the summons and complaint served under Rule 4.2, 4.3, or 4.4 within the time allowed by Rule 4(e).

(2) Service With a Copy of the Complaint. A summons must be served with a copy of the complaint. The plaintiff must furnish the necessary copies to the person who makes service.

(3) By Whom. The summons and complaint may be served by the sheriff, or a deputy sheriff, of the county where the defendant is found or by any person who is at least 18 years old and not a party to the action.

(4) Cumulative Service Methods. The methods of service provided in Rules 4.2, 4.3, and 4.4 are cumulative and may be utilized with, after, or independently of any other methods of service.

(d) Proof of Service. Unless a defendant voluntarily appears or waives or admits service, a plaintiff must file proof of service with the court stating the date, place, and manner of service no later than the time permitted for the defendant to respond to the summons.

(1) Service Within the United States. Proof of service within Nevada or within the United

States must be made by affidavit from the person who served the summons and complaint.

(2) Service Outside the United States. Service not within the United States must be proved as follows:

(A) if made under Rule 4.3(b)(1)(A), as provided in the applicable treaty or convention; or
(B) if made under Rule 4.3(b)(1)(B) or (C), by a receipt signed by the addressee, or by other evidence satisfying the court that the summons and complaint were delivered to the addressee.

(3) Service by Publication. If service is made by publication, a copy of the publication must be attached to the proof of service, and proof of service must be made by affidavit from:

(A) the publisher or other designated employee having knowledge of the publication; and
(B) if the summons and complaint were mailed to a person's last-known address, the individual depositing the summons and complaint in the mail.

(4) Amendments. The court may permit proof of service to be amended.

(5) Failure to Make Proof of Service. Failure to make proof of service does not affect the validity of the service.

(e) Time Limit for Service.

(1) In General. The summons and complaint must be served upon a defendant no later than 120 days after the complaint is filed, unless the court grants an extension of time under this rule.

(2) Dismissal. If service of the summons and complaint is not made upon a defendant before the 120-day service period or any extension thereof expires, the court must dismiss the action, without prejudice, as to that defendant upon motion or upon the court's own order to show cause.

(3) Timely Motion to Extend Time. If a plaintiff files a motion for an extension of time before the 120-day service period or any extension thereof expires and shows that good cause exists for granting an extension of the service period, the court must extend the service period and set a reasonable date by which service should be made.

(4) Failure to Make Timely Motion to Extend Time. If a plaintiff files a motion for an extension of time after the 120-day service period or any extension thereof expires, the court must first determine whether good cause exists for the plaintiff's failure to timely file the motion for an extension before the court considers whether good cause exists for granting an extension of the service period. If the plaintiff shows that good cause exists for the plaintiff's failure to timely file the motion and for granting an extension of the service period, the court must extend the time for service and set a reasonable date by which service should be made.

[Amended; effective March 1, 2019.]

Rule 4.1. Waiving Service

(a) Requesting a Waiver. An individual, entity, or association that is subject to service under Rule 4.2(a), 4.2(c)(1) or (2), 4.3(a)(1) or (3), or 4.3(b)(1) or (3) has a duty to avoid unnecessary expenses of serving the summons. The plaintiff may notify such a defendant that an action has been commenced and request that the defendant waive service of a summons. The notice and request must:

(1) be in writing and be addressed:

(A) to the individual defendant; or

(B) for an entity or association, to a person designated by Rule 4.2(c)(1);

(2) name the court where the complaint was filed;

(3) be accompanied by a copy of the complaint, two copies of the waiver form, Form 2 in the Appendix of Forms or its substantial equivalent, and a prepaid means for returning the form;

(4) inform the defendant, using the waiver form, of the consequences of waiving and not waiving service;

(5) state the date when the request is sent;

(6) give the defendant a reasonable time of at least 30 days after the request was sent or at least 60 days if sent to the defendant outside the United States to return the waiver; and

(7) be sent by first-class mail or other reliable means.

(b) Failure to Waive. If a defendant located within the United States fails, without good cause, to sign and return a waiver requested by a plaintiff located within the United States, the court must impose on the defendant:

(1) the expenses later incurred in making service; and

(2) the reasonable expenses, including attorney fees, of any motion required to collect those service expenses.

(c) Time to Answer After a Waiver. A defendant who, before being served with process, timely returns a waiver need not serve an answer to the complaint until 60 days after the request was sent or until 90 days after it was sent to the defendant outside the United States.

(d) Results of Filing a Waiver. When the plaintiff files a waiver, proof of service is not required and these rules apply as if a summons and complaint had been served at the time of filing the waiver.

(e) Jurisdiction and Venue Not Waived. Waiving service of a summons does not waive any objection to personal jurisdiction or to venue.

[Added; effective March 1, 2019; Amended effective March 26, 2019.]

Rule 4.2. Service Within Nevada

(a) Serving an Individual. Unless otherwise provided by these rules, service may be made on an individual:

(1) by delivering a copy of the summons and complaint to the individual personally;

(2) by leaving a copy of the summons and complaint at the individual's dwelling or usual place of abode with a person of suitable age and discretion who currently resides therein and is not an adverse party to the individual being served; or

(3) by delivering a copy of the summons and complaint to an agent authorized by appointment or by law to receive service of process.

(b) Serving Minors and Incapacitated Persons.

(1) Minors. A minor must be served by delivering a copy of the summons and complaint:

(A) if the minor is 14 years of age or older, to the minor; and

(B) to one of the following persons:

(i) if a guardian or similar fiduciary has been appointed for the minor, to the fiduciary under Rule 4.2(a), (c), or (d), as appropriate for the type of fiduciary;

(ii) if a fiduciary has not been appointed, to the minor's parent under Rule 4.2(a); or

(iii) if neither a fiduciary nor a parent can be found with reasonable diligence:

(a) to an adult having the care or control of the minor under Rule 4.2(a); or

(b) to a person of suitable age and discretion with whom the minor resides.

(2) Incapacitated Persons. An incapacitated person must be served by delivering a copy of the

summons and complaint:

(A) to the incapacitated person; and

(B) to one of the following persons:

(i) if a guardian or similar fiduciary has been appointed for the incapacitated person, to the fiduciary under Rule 4.2(a), (c), or (d), as appropriate for the type of fiduciary; or

(ii) if a fiduciary has not been appointed:

(a) to a person of suitable age and discretion with whom the incapacitated person resides;

(b) if the incapacitated person is living in a facility, to the facility under Rule 4.2, as appropriate for the type of facility; or

(c) to another person as provided by court order.

(c) Serving Entities and Associations.

(1) Entities and Associations in Nevada.

(A) An entity or association that is formed under the laws of this state, is registered to do business in this state, or has appointed a registered agent in this state, may be served by delivering a copy of the summons and complaint to:

(i) the registered agent of the entity or association;

(ii) any officer or director of a corporation;

(iii) any partner of a general partnership;

(iv) any general partner of a limited partnership;

(v) any member of a member-managed limited-liability company;

(vi) any manager of a manager-managed limited-liability company;

(vii) any trustee of a business trust;

(viii) any officer or director of a miscellaneous organization mentioned in NRS Chapter 81;

(ix) any managing or general agent of any entity or association; or

(x) any other agent authorized by appointment or by law to receive service of process.

(B) If an agent is one authorized by statute and the statute so requires, a copy of the summons and complaint must also be mailed to the defendant entity or association at its last-known address.

(2) Other Foreign Entities and Associations. A foreign entity or association that cannot be served under Rule 4.2(c)(1) may be served by delivering a copy of the summons and complaint to any officer, director, partner, member, manager, trustee, or agent identified in Rule 4.2(c)(1) that is located within this state.

(3) Service via the Nevada Secretary of State.

(A) If, for any reason, service on an entity or association required to appoint a registered agent in this state or to register to do business in this state cannot be made under Rule 4.2(c)(1) or (2), then the plaintiff may seek leave of court to serve the Nevada Secretary of State in the entity's or association's stead by filing with the court an affidavit:

(i) setting forth the facts demonstrating the plaintiff's good faith attempts to locate and serve the entity or association;

(ii) explaining the reasons why service on the entity or association cannot be made;

and

(iii) stating the last-known address of the entity or association or of any person listed in Rule 4.2(c)(1), if any.

(B) Upon court approval, service may be made by:

(i) delivering a copy of the summons and complaint to the Nevada Secretary of State or his or her deputy; and

(ii) posting a copy of the summons and complaint in the office of the clerk of the court in which such action is brought or pending.

(C) If the plaintiff is aware of the last-known address of any person listed in Rule 4.2(c)(1), the plaintiff must also mail a copy of the summons and complaint to each such person at the person's last-known address by registered or certified mail. The court may also order additional notice to be sent under Rule 4.4(d) if the plaintiff is aware of other contact information of the entity or association or of any person listed in Rule 4.2(c)(1).

(D) Unless otherwise ordered by the court, service under Rule 4.2(c)(3) may not be used as a substitute in place of serving, under Rule 4.3(a), an entity or association through a person listed in Rule 4.2(c)(1) whose address is known but who lives outside this state.

(E) The defendant entity or association must serve a responsive pleading within 21 days after the later of:

(i) the date of service on the Nevada Secretary of State and posting with the clerk of the court; or

(ii) the date of the first mailing of the summons and complaint to the last-known address of any person listed in Rule 4.2(c)(1).

(d) Serving the State of Nevada, Its Public Entities and Political Subdivisions, and Their Officers and Employees.

(1) The State and Its Public Entities. The State and any public entity of the State must be served by delivering a copy of the summons and complaint to:

(A) the Attorney General, or a person designated by the Attorney General to receive service of process, at the Office of the Attorney General in Carson City; and

(B) the person serving in the office of administrative head of the named public entity, or an agent designated by the administrative head to receive service of process.

(2) State Officers and Employees. Any current or former public officer or employee of the State who is sued in his or her official capacity or his or her individual capacity for an act or omission relating to his or her public duties or employment must be served by delivering a copy of the summons and complaint to:

(A) the Attorney General, or a person designated by the Attorney General to receive service of process, at the Office of the Attorney General in Carson City; and

(B) the current or former public officer or employee, or an agent designated by him or her to receive service of process.

(3) Political Subdivisions and Their Public Entities. Any county, city, town, or other political subdivision of the State, and any public entity of such a political subdivision, must be served by delivering a copy of the summons and complaint to the presiding officer of the governing body of the political subdivision, or an agent designated by the presiding officer to receive service of process.

(4) Local Officers and Employees. Any current or former public officer or employee of any county, city, town, or other political subdivision of the State, or any public entity of such a political

subdivision, who is sued in his or her official capacity or his or her individual capacity for an act or omission relating to his or her public duties or employment must be served by delivering a copy of the summons and complaint to the current or former public officer or employee, or an agent designated by him or her to receive service of process.

(5) Statutory Requirements. A party suing the State, its public entities or political subdivisions, or their current or former officers and employees must also comply with any statutory requirements for service of the summons and complaint.

(6) Extending Time. The court must allow a party a reasonable time to cure its failure to:

(A) serve a person required to be served under Rule 4.2(d)(1) or (2), if the party has served the Attorney General; or

(B) serve the Attorney General under Rule 4.2(d)(1) or (2), if the party has served the required person.

[Added; effective March 1, 2019.]

Specifically, NRC 4.2 requires a Litigant to serve in the following methods:

Rule 4.2. Service Within Nevada

(a) Serving an Individual. Unless otherwise provided by these rules, service may be made on an individual:

(1) by delivering a copy of the summons and complaint to the individual personally;

(2) by leaving a copy of the summons and complaint at the individual's dwelling or usual place of abode with a person of suitable age and discretion who currently resides therein and is not an adverse party to the individual being served; or

(3) by delivering a copy of the summons and complaint to an agent authorized by appointment or by law to receive service of process.

Plaintiff's Affidavit of service provides that he served by Ordinary mail. This is not sufficient service under NRC. Plaintiff's Informa Pauperis status allows Plaintiff to make personal service charge without charge. See Order to Proceed in Forma Pauperis Page 1, Paragraph 3.

CLERK'S NOTE: A copy of this Minute Order was electronically served by Courtroom Clerk, Ivonne Yanez, to all registered parties for Odyssey File & Serve. /iy (03/20/2023)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Legal Malpractice

COURT MINUTES

May 12, 2023

A-22-859817-C

Matthew Houston, Plaintiff(s)

vs.

Bernstein & Poisson LLP, Defendant(s)

May 12, 2023

3:00 AM

Motion to Dismiss

HEARD BY: Escobar, Adriana

COURTROOM: Chambers

COURT CLERK: Kimberly Gutierrez

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Defendants Bernstein & Poisson, LLP, Scott Poisson, Jack Bernstein, Ryan Kerbow, and Christopher D. Burk filed a Motion to Dismiss on April 20, 2023. The hearing for this motion was scheduled for May 23, 2023. Upon review of moving papers, Plaintiff s Complaint, and case filings this Court VACATES the hearing and ORDERS the following:

In reviewing a motion to dismiss, the court shall determine whether or not the challenge pleading sets forth sufficient allegations to make out the elements for a claim for relief. See Edgar v. Wagner, 101 Nev. 226, 699 P.2d 110 (1985). The test for determining whether the allegations of a complaint are sufficient to assert a claim for relief is whether the allegations give fair notice of the nature and basis of the legally sufficient claim and relief requested. Breliant v. Preferred Equities Corp., 109 Nev. 842, 846, 858 P.2d 1258 (1993). Accordingly, when all of a plaintiff s allegations are accepted as true and still do not justify any relief, the trial court should properly dismiss the claims. Blackjack Bonding v. City of Las Vegas Municipal Court, 116 Nev. 1213, 1214, 14 P.3d 1275, 1278 (2000); Bergman v. Boyce, 109 Nev. 670, 756 P.2d 560 (1993); see also, Ashcroft v. Iqbal, 556 US 662, 678 (2009) (A Court should not accept legal conclusions and "[t]hreadbare recitals of the elements of a cause of action" as true.) To survive a motion to dismiss, those well-pled facts must allow the Court to reasonably infer that the defendant is liable under the stated claim. Id. at 678-79. Dismissal is appropriate when it appears beyond doubt that the plaintiff could prove no set of facts, which if accepted by the trier of fact,

would entitle him to relief. *Bratcher v. City of Las Vegas*, 113 Nev. 502, 937 P.2d 485 (1997).

This Court finds that the Plaintiff s Complaint is insufficient to assert a claim for relief. The Complaint does not describe the alleged conduct at issue for each Defendant, what alleged conduct gives rise to this suit, how each Defendant harmed the Plaintiff, or where and when each of the alleged actions or inactions occurred. Additionally, this Court finds that Plaintiff s Complaint is incomprehensible and violates Nev. R. Civ. P. 8(a)(2), (e)(1) and 10(b). It does not plead the elements of any other claims stated as captions in paragraphs 2-6 of the Complaint i.e., false imprisonment, legal malpractice, coercion, extortion, embezzlement and malicious prosecution.

Based on the foregoing, this Court GRANTS Defendant s Motion to Dismiss. This Court VACATES all future hearings for this case.

Counsel for Defendant is directed to prepare a detailed proposed order based on the substance of this Minute Order and Pleading. Counsel must submit the proposed order within 14 days of the entry of this minute order. EDCR 1.90(a)(4).

All parties must submit their orders electronically, in both PDF version and Word version, until further notice. You may do so by emailing DC14Inbox@clarkcountycourts.us. All orders must have either original signatures from all parties or an email appended as the last page of the proposed order confirming that all parties approved use of their electronic signatures. The subject line of the e-mail should identify the full case number, filing code and case caption.

CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System. /rw 5/12/23/

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Legal Malpractice

COURT MINUTES

August 01, 2023

A-22-859817-C Matthew Houston, Plaintiff(s)
vs.
Bernstein & Poisson LLP, Defendant(s)

August 01, 2023 10:00 AM Motion

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Kimberly Gutierrez

RECORDER: Elizabeth Nawn

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- David Ochoa, Esq. appeared on behalf of the Defendant.

Court noted that there were no appearances for the Plaintiff, and that service of the Complaint and the Motion at hand, was not proper. Court stated it FINDS no factual or legal basis to grant the instant motion. Accordingly, COURT ORDERED, Emergency Motion to Vacate Minute Order from May 12, 2023; Motion for Reconsideration; Demand for Jury Trial and Statement of Facts, DENIED.

CLERK'S NOTE: A copy of this Minute Order was electronically served by Courtroom Clerk, Kimberly Gutierrez, to all registered parties for Odyssey File & Serve; and via U.S. Mail to #1210652, PO Box 650, Indian Springs, NV 80970. /kg (08/01/2023)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Legal Malpractice

COURT MINUTES

September 26, 2023

A-22-859817-C Matthew Houston, Plaintiff(s)
vs.
Bernstein & Poisson LLP, Defendant(s)

September 26, 2023	10:00 AM	Motion	Reoccurring Emergency Motion and Order to Transportation (in all cases of Mr. Matthew Travis Houston) of Inmate for Court Appearance Under NRAP 3 C/27E or in the Alternative, for Appearance by Telephone or Video Conference
---------------------------	-----------------	---------------	--

HEARD BY: Escobar, Adriana

COURTROOM: RJC Courtroom 14C

COURT CLERK: Kimberly Gutierrez

RECORDER: Elizabeth Nawn

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Court noted that there were no appearances for the hearing, and reviewed Judge Villani's previous ruling of denying an alternate, similar motion that was heard on August 1, 2023. Court further noted its record of the absence of an order for said ruling. Court stated its findings and ORDERED as follows as to Reoccurring Emergency Motion and Order to Transportation (in all cases of Mr. Matthew Travis Houston) of Inmate for Court Appearance Under NRAP 3 C/27E or in the Alternative, for Appearance by Telephone or Video Conference: Court agrees with Judge Villani's

aforementioned assessment; the pending Order for August 1, 2023 is DUE to the Court within fourteen (14) days; counsel whom appeared on behalf of defendants at the August 1, 2023 hearing is to submit said order.

CLERK'S NOTE: Subsequent to court, COURT ORDERED, case is STAYED amidst its corresponding case appeal; Court noted that an Order for the aforementioned August 1, 2023 hearing, had already been filed. A copy of this Minute Order was electronically served by Courtroom Clerk, Kimberly Gutierrez, to all registered parties for Odyssey File & Serve; and via U.S. Mail to #1210652, PO Box 650, Indian Springs, NV 80970 /kg (9/26/2023).

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; AFFIDAVIT OF SERVICE; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION; NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION; DISTRICT COURT MINUTES

MATTHEW TRAVIS HOUSTON,

Plaintiff(s),

vs.

BERNSTEIN & POISSON, LLP; SCOTT
POISSON; JACK BERNSTEIN; RYAN
KERBOW; KARLIE GABOUR;
CHRISTOPHER D. BURK,

Defendant(s),

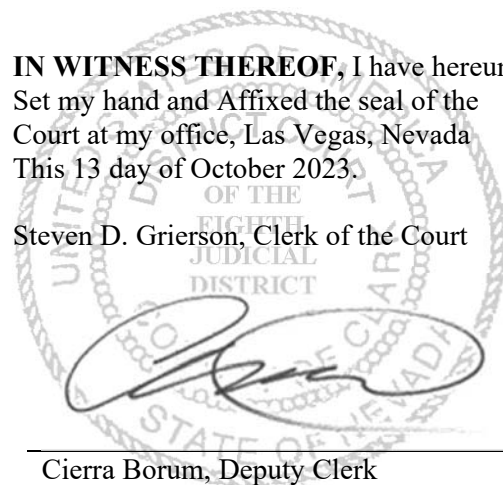
Case No: A-22-859817-C

Dept No: XIV

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 13 day of October 2023.

Steven D. Grierson, Clerk of the Court



Cierra Borum, Deputy Clerk