

IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW TRAVIS HOUSTON, Appellant,  
vs. DANIEL L. SCHWARTZ, Respondent -

No. 87003

Electronically Filed  
10/24/2023

*Elizabeth A. Brown*  
CLERK OF THE COURT

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Defendant/ In Propria Personam - Plaintiff  
Post Office Box 650 [HDSP] - NDOC # 1210652  
Indian Springs, Nevada 89018  
REV. MATTHEW TRAVIS HOUSTON, CHTD  
ABA 10 No. 04662784

FILED

DEC 05 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *Walter Little*  
DEPUTY CLERK

DISTRICT COURT

CLARK COUNTY, NEVADA

MATTHEW TRAVIS HOUSTON, )

Plaintiff, )

vs. MANDALAY BAY CORP. ET AL )  
STATE BAR OF NEVADA ET AL )  
JOSEPH M. LOMBARDO ET AL )  
ALEXIS W. DUECKER ET AL - Defendant(s). )  
CALVIN JOHNSON ET AL )  
THE STATE OF NEVADA ET AL )

- Case No. A-17-758861-C  
Dept. No. 29
- Case No. A-22-862155-C  
Dept. No. 27
- Case No. A-23-865442-C  
Dept. No. 7
- Case No. A-23-875418-C  
Dept No. 6
- Case No. A-22-853203-W  
Dept. No. 17
- Case No. A-19-800219-W  
Dept. # 19

**EMERGENCY MOTION FOR PRODUCTION OF DOCUMENTS,  
PAPERS, PLEADINGS AND TANGIBLE PROPERTY OF DEFENDANT**

PLAINTIFF MATTHEW TRAVIS HOUSTON "HEARING REQUESTED"

Date of Hearing: \_\_\_\_\_

Time of Hearing: \_\_\_\_\_

"ORAL ARGUMENT REQUESTED, Yes  No

COMES NOW, Defendant, Plaintiff, Matthew Travis Houston, proceeding in proper person, hereby moves this Honorable Court for its ORDER for the production of all documents, papers, pleadings and tangible property in the possession of: Daniel L. Schwartz, dba SCOTT POISSON D/B/A BERNSTEIN & POISSON, L.P. Also Bernard H. Little, Erica Tosh + Jason Barrick

This Motion is made and based upon all papers and pleadings on file with the Clerk of the Court which are hereby incorporated by this reference, the Points and Authorities herein, and attached Affidavit of Defendant: Notice of Motion and Motion For Telephone Hearings.

DATED: this 13th day of October, 2023.

BY: *Matthew Travis Houston*  
REV. MATTHEW TRAVIS HOUSTON @ NDOC #1210652  
Defendant/In Propria Personam

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DEPUTY CLERK

23-39349

1 **POINTS AND AUTHORITIES**

2 The Nevada Revised Statute 7.055(1), which deals with the duty of a discharged attorney, states:

3 "An attorney who has been discharged by his client shall, upon demand and payment of the fee due from  
4 the client, immediately deliver to the client all papers, documents, pleadings and items of tangible property  
which belong to or were prepared for that client."

5 As can be seen in this case, the ~~defendant~~<sup>plaintiff</sup> does not owe any fees, in fact, they, meaning counsel(s)  
6 of record, were appointed by the Court to represent the ~~defendant~~<sup>plaintiff</sup>, who was an indigent, in Case  
7 Number, 357927, in Department No. 10, and also 323614 in Dept. 19.

8 N.R.S. 7.055(2) gives this Court the power to Order the Attorney(s) of record to produce and  
9 deliver to the defendant in his/her possession, which states:

10 "A client who, after demand therefore and payment of the fee due from him, does not receive from his  
11 discharged attorney all papers, documents, pleadings and items of tangible personal property may, by  
12 a motion filed after at least 5 days' notice to the attorney, obtain an order for the production of his papers,  
Documents, pleadings and other property."

13 In numerous cases throughout this great land, the courts have held attorneys to a high degree of  
14 professional responsibility and integrity. This carried from the time of hiring to and through the  
15 attorney's termination of employment.

16 Supreme Court Rule 173 states quite clear that a withdrawn attorney owes his former client a  
17 "... prompt accounting of all his client's ... property in his possession." This is echoed in Canon 2  
18 of the Code of Professional Responsibility of the American Bar Association, which states in pertinent  
19 part EC 2-32: "A lawyer should protect the welfare of his client by ... delivering to the client all  
20 papers and property to which the client is entitled." Again in Disciplinary Rule 2-110(A)(2) of the  
21 ABA, this is brought out that a withdrawn attorney must deliver to the client all papers and comply  
22 with applicable laws on the subject.

23 In the cases of In Re Yount, 93 Ariz. 322, 380 P.2d 780 (1963) and State v. Alvey, 215 Kan. 460,  
24 524 P.2d 747 (1974), both of which dealt with a factual situation involving a withdrawn attorney  
25 refusing to deliver to a former client his documents after being requested to do so by the client. The  
26 court in Yount, supra, ordered the attorney disbarred while in Alvey, supra, the court had the  
27 attorney censured.

1 ~~It's ~~with~~ ~~not~~~~ the intention of the <sup>Plaintiff</sup> ~~Defendant~~ in this case to have the attorney disbarred; these cases do  
2 show a pattern in the court in considering the refusal to deliver to a former client all his documents  
3 and property after being requested to do so, a serious infraction of the law and of professional ethics.  
4 See, In Re Sullivan, 212 Kan. 233, 510 P.2d 1199 (1973). These attorneys should be disbarred?

5 In summary, this court has jurisdiction through NRS 7.055 to Order the attorney(s) to produce  
6 and deliver to the <sup>Plaintiff</sup> ~~Defendant~~ all documents and personal property in his/their possession belonging to  
7 him or prepared for him. The <sup>Plaintiff</sup> ~~Defendant~~ has fulfilled his obligations in trying to obtain the papers.  
8 The attorney(s) is in discord with Cannon 2 of the Code of Professional responsibility and the Nevada  
9 Supreme Court Rules 173, 176 and 203.

10  
11 **DATED:** this 13<sup>th</sup> day of October, 2023.

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13 BY: Matthew Travis Hovsen  
14 REV. MATTHEW TRAVIS HOVSEN - NOOC # 1210652  
15 Defendant/In Propria Personam  
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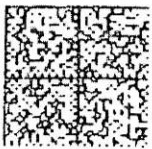
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BY MAILING VIA 00L-509

RE: MATTHEW TRAVIS HOUSTON, CHA.

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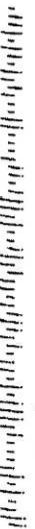
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