

FILED

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Appearing in Proper Person

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALEXANDER M. FALCONI, an individual;

Appellant,

vs.

CORAZON REAL ESTATE, a domestic
corporation; and DOES I-X, inclusive;

Respondent.

Case #: 62296

**MOTION REQUESTING DETERMINATION ON RESPONDENT'S
REPRESENTATION**

COMES NOW, Appellant, Alexander M. Falconi, appearing in proper person, and hereby
files a motion requesting determination on Respondent's representation. This brief is based upon
the following memorandum of points and authorities and all pleadings on file herein.

Memorandum of Points and Authorities

I. Factual Background

On September 20, 2012, Appellant filed Complaint against Respondent in district court
alleging violation of statutory torts and seeking compensatory and punitive damages.

On October 12, 2012, Respondent, a domestic corporation, filed Answer and
Counterclaim in proper person, through and by its President, Charles Chinicci.

On October 15, 2012, Appellant filed a Motion to Require Respondent to Obtain Counsel
citing mandatory authority which will be discussed in the "Argument" below.

On December 5, 2012, the district court entered an Order Granting Motion to Dismiss,
resulting in the dispositive order that triggered the instant appeal. The district court did not
address the issue of Respondent appearing in proper person.

12-40226

II. Argument

Although Appellant is not personally opposed to Respondent appearing in proper person, he was concerned at the time and is concerned now as how the Supreme Court of Nevada is going to deal with the matter of a corporation appearing in proper person. Appellant, a proper person litigant himself, respects Mr. Chinnici's decision to appear on behalf of his corporation, nevertheless, due to the precedent published by this Court, Appellant has a duty to bring the issue to the forefront for a determination sooner rather than later.

Appellant therefore requests that the Court determine:

1. Whether or not Mr. Chinnici's appearance in district court in proper person renders his pleadings, papers, and the "Motion to Dismiss" that triggered this appeal void ab initio, thus rendering the need to file briefs and continue this appeal moot;
2. Whether or not Mr. Chinnici may appear in proper person in district court, however, that for the purposes of this appeal he must retain counsel;
3. Whether or not Mr. Chinnici may, due to Appellant's non-opposition, proceed on appeal in proper person.

1. Legal Analysis

Pursuant to WDCR 23.5, "A corporation may not appear in proper person."

In re Discipline of Schaefer, 25 P. 3d 191 (2001) at page 200, the Nevada Supreme Court stated:

We have consistently held that **a legal entity such as a corporation cannot appear except through counsel**, and we have prohibited non-lawyer principals from representing these types of entities. (emphasis added)

In Sunde v. Contel of California, 915 P. 2d 298 (1996) at page 299, the Nevada Supreme Court further discussed:

1 Non-lawyers generally may not represent another person or an entity in a
2 court of law. Rowland v. California Men's Colony, 506 U.S. 194, 201-03,
3 113 S.Ct. 716, 721, 121 L.Ed.2d 656 (1993). Some courts have allowed
4 non-lawyers to represents entities in court under certain circumstances.
5 See, e.g., Vermont ANR v. Upper Valley Reg. Landfill, 159 Vt. 454, 621
6 A.2d 225, 228 (1992). **This court, however, has consistently required**
7 **attorneys to represent other persons and entities in court.** Salman v.
Newell, 110 Nev. 1333, 885 P.2d 607 (1994); Pioneer Title v. State Bar,
74 Nev. 186, 189-90, 326 P.2d 408, 410 (1958); see also NRS 7.285 (no
person allowed to practice law in Nevada unless admitted to State Bar).
(emphasis added)

8 And again in Salman v. Newell, 885 P. 2d 607 (1994) at page 608, the Nevada Supreme Court
9 discussed:

10 Although a person is entitled to represent himself or herself in the district
11 court, see SCR 44 ("[n]othing in these rules shall be so construed as to
12 prevent any person from appearing in his own behalf in any court in this
13 state except the supreme court"), **no rule or statute permits a person to**
14 **represent any other person, a company, a trust, or any other entity in**
15 **the district courts or in this court.** We conclude that Salman may not
16 represent the Tuesday Company or the Wednesday Company in either the
17 district court or this court. (emphasis added)

18 III. Conclusion

19 THEREFORE, Appellant hereby requests that:

- 20 1. The Court render a determine on Respondent's appearance in proper person as a
21 domestic corporation; and
- 22 2. For such further relief as the Court deems necessary and just.

23 **AFFIRMATION**¹: This document does not contain a social security number of any person.

24 DATED THIS 17th day of DECEMBER, 2012.

25 

26 Alexander M. Falconi
27 Appearing in Proper Person
28


¹ This affirmation is in accordance with NRS 239B.030.

CERTIFICATE OF NRCP 5 SERVICE

I, Alexander M. Falconi, do hereby solemnly swear under penalty of perjury that I am over the age of 18 and a party to this action and that I **personally** served a true and correct copy of this Motion upon the following:

Corazon Real Estate
Attn: Charles Chinnici
254 Vassar Street
Reno, Nevada 89502

SERVED THIS 18 day of DECEMBER, 2012.


Alexander M. Falconi