

ORIGINAL

FILED

2012 DEC 17 AM 9:23

JOEY BRUCE HASTINGS
CLERK OF THE COURT

BY _____ DEPUTY
Electronically Filed
December 12, 2012 11:15 a.m.

Tracie K. Lindeman
Clerk of Supreme Court

Code: 1097
Alexander M. Falconi
1570 Sky Valley Dr. #F201
Reno, NV 89523
Exavior75@yahoo.com
775-391-9139
Appearing in Proper Person

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

ALEXANDER M. FALCONI, an individual;
Plaintiff, Counter-defendant,
vs.
CORAZON REAL ESTATE, a domestic
corporation; and DOES I-X, inclusive;
Defendant, Counterclaimant.

Case #: CV12-02385

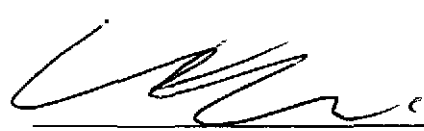
Dept #: 9

AMENDED NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Alexander M. Falconi, Plaintiff above named, hereby
APPEALS to The Supreme Court of the State of Nevada from the Order Granting Defendant's
Motion to Dismiss entered in this action on the 5th day of December, 2012.

AFFIRMATION¹: This document does not contain a social security number of any person.

SIGNED this 8 day of DECEMBER, 2012.



Alexander M. Falconi

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

CV12-02385
ALEXANDER FALCONI VS. CORAZON REAL ESTATE
District Court Washoe County
12/17/2012 09:23 AM
1097

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 Notice upon the following:

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

SERVED THIS 17 day of DECEMBER, 2012.



Alexander M. Falconi

SECOND JUDICIAL DISTRICT COURT**STATE OF NEVADA****COUNTY OF WASHOE****Case History - CV12-02385****Case Description: ALEXANDER FALCONI VS. CORAZON REAL ESTATE (ARB)****Case Number: CV12-02385 Case Type: LEGAL/TORT - Initially Filed On: 9/20/2012****Parties**

<u>Party Type & Name</u>	<u>Party Status</u>
JUDG - SCOTT N. FREEMAN - D9	Active
PLTF - ALEXANDER M FALCONI - @1131463	Active
DEFT - CORAZON REAL ESTATE - @1184648	Active

Disposed Hearings

- 1 Department: D9 -- Event: Request for Submission -- Scheduled Date & Time: 10/9/2012 at 14:00:00
Extra Event Text: EX-PARTE MOTION FOR TEMPORARY RESTRAINING ORDER (PAPER ORDER PROVIDED)
Event Disposition: S200 - 10/11/2012
- 2 Department: D9 -- Event: Request for Submission -- Scheduled Date & Time: 10/19/2012 at 11:05:00
Extra Event Text: MOTION TO REQUIRE CORAZON REAL ESTATE TO OBTAIN COUNSEL (PAPER ORDER PROVIDED)
Event Disposition: S200 - 12/5/2012
- 3 Department: D9 -- Event: Request for Submission -- Scheduled Date & Time: 11/1/2012 at 16:59:00
Extra Event Text: MOTION TO DISMISS CASE WITH PREJUDICE (PAPER ORDER NOT PROVIDED)
Event Disposition: S200 - 12/5/2012
- 4 Department: D9 -- Event: Request for Submission -- Scheduled Date & Time: 11/26/2012 at 16:40:00
Extra Event Text: MOTION TO AMEND COMPLAINT (PAPER ORDER PROVIDED)
Event Disposition: S200 - 12/5/2012
- 5 Department: D9 -- Event: Request for Submission -- Scheduled Date & Time: 11/26/2012 at 16:35:00
Extra Event Text: DEFENDANTS OPPOSITION TO PLAINTIFFS REQUEST FOR ARBITRATION (PAPER ORDER PROVIDED)
Event Disposition: S200 - 12/5/2012

Actions

- | | <u>Filing Date</u> | <u>-</u> | <u>Docket Code & Description</u> |
|---|--------------------|----------|---|
| 1 | 9/20/2012 | - | COV - **Civil Cover Sheet
<i>No additional text exists for this entry.</i> |
| 2 | 9/20/2012 | - | \$1425 - \$Complaint - Civil
<i>No additional text exists for this entry.</i> |
| 3 | 9/20/2012 | - | 2610 - Notice ...
Additional Text: NOTICE OF EXTENSION OF TIME TO FILE ANSWER |
| 4 | 9/20/2012 | - | PAYRC - **Payment Received
Additional Text: A Payment of -\$260.00 was made on receipt DCDC377298. |
| 5 | 10/3/2012 | - | 2610 - Notice ...
Additional Text: NOTICE REGARDING OCTOBER RENT AND THE DESTRUCTION OF EVIDENCE |

Report Does Not Contain Sealed Cases or Confidential Information

- 6 10/3/2012 - 3720 - Proof of Service
No additional text exists for this entry.
- 7 10/9/2012 - 1670 - Ex-Parte Mtn...
Additional Text: EX-PARTE MOTION FOR TEMPORARY RESTRAINING ORDER
- 8 10/9/2012 - 3860 - Request for Submission
Additional Text: DOCUMENT TITLE: EX-PARTE MOTION FOR TEMPORARY RESTRAINING ORDER (PAPER ORDER PROVIDED)
PARTY SUBMITTING: ALEXANDER M. FALCONI
DATE SUBMITTED: 10/9/12
SUBMITTED BY: MCHOLICO
DATE RECEIVED JUDGE OFFICE:
- 9 10/11/2012 - 2842 - Ord Denying Motion
Additional Text: ORDER DENYING EX PARTE MOTION FOR TEMPORARY RESTRAINING ORDER - Transaction 3277632 -
Approved By: NOREVIEW : 10-11-2012:15:36:40
- 10 10/11/2012 - S200 - Request for Submission Complet
No additional text exists for this entry.
- 11 10/11/2012 - NEF - Proof of Electronic Service
Additional Text: Transaction 3277677 - Approved By: NOREVIEW : 10-11-2012:15:41:32
- 12 10/12/2012 - \$1560 - \$Def 1st Appearance - CV
No additional text exists for this entry.
- 13 10/12/2012 - 1137 - Answer and Counterclaim
No additional text exists for this entry.
- 14 10/12/2012 - PAYRC - **Payment Receipted
Additional Text: A Payment of -\$213.00 was made on receipt DCDC380390.
- 15 10/15/2012 - 2525 - Notice of Change of Address
No additional text exists for this entry.
- 16 10/15/2012 - 3795 - Reply...
Additional Text: REPLY TO COUNTERCLAIM
- 17 10/15/2012 - 2490 - Motion ...
Additional Text: MOTION FTO REQUIRE CORAZON REAL ESTATE TO OBTAIN COUNSEL
- 18 10/17/2012 - 2645 - Opposition to Mtn ...
Additional Text: OPPOSITION TO PLTFS MOTION TO REQUIRE REAL ESTATE TO OBTAIN COUNSEL
- 19 10/17/2012 - 2290 - Mtn to Dismiss Case
Additional Text: MOTION TO DISMISS CASE WITH PREJUDICE
- 20 10/19/2012 - 3795 - Reply...
Additional Text: REPLY TO OPPOSITION TO MOTION TO REQUIRE CORAZON REAL ESTATE TO OBTAIN COUNSEL
- 21 10/19/2012 - 3860 - Request for Submission
Additional Text: DOCUMENT TITLE: MOTION TO REQUIRE CORAZON REAL ESTATE TO OBTAIN COUNSEL (PAPER ORDER PROVIDED)
PARTY SUBMITTING: FALCONI, ALEXANDER
DATE SUBMITTED: 10/19/12
SUBMITTED BY: ACROGHAN
DATE RECEIVED JUDGE OFFICE:

- 22 10/29/2012 - 2645 - Opposition to Mtn ...
Additional Text: OPPOSITION CORAZON REAL ESTATE'S TO MOTION TO DISMISS
- 23 11/1/2012 - 3795 - Reply...
Additional Text: REPLY TO PLTF'S OPPOSITION TO DEF'TS MOTION TO DISMISS
- 24 11/1/2012 - 3860 - Request for Submission
Additional Text: DOCUMENT TITLE: MOTION TO DISMISS CASE WITH PREJUDICE (PAPER ORDER NOT PROVIDED)
PARTY SUBMITTING: CHARLES CHINNICI
DATE SUBMITTED: 11-01-12
SUBMITTED BY: MLAWRENCE
DATE RECEIVED JUDGE OFFICE:
- 25 11/19/2012 - 2490 - Motion ...
Additional Text: MOTION TO AMEND COMPLAINT
- 26 11/19/2012 - 2610 - Notice ...
Additional Text: NOTICE DISPUTING ITEMIZED WRITTEN ACCOUNTING
- 27 11/19/2012 - 3870 - Request
Additional Text: REQUEST FOR ARBITRATION
- 28 11/21/2012 - 3975 - Statement ...
Additional Text: NRCP 7.1 DISCLOSURE STATEMENT
- 29 11/21/2012 - 2645 - Opposition to Mtn ...
Additional Text: OPPOSITION TO PLAINTIFF'S MOTION TO AMEND COMPLAINT
- 30 11/21/2012 - 2645 - Opposition to Mtn ...
Additional Text: OPPOSITION TO PLAINTIFF'S REQUEST FOR ARBITRATION
- 31 11/26/2012 - 3795 - Reply...
Additional Text: REPLY TO OPPOSITION TO MOTION TO AMEND COMPLAINT
- 32 11/26/2012 - 3790 - Reply to/in Opposition
Additional Text: REPLY TO OPPOSITION TO PLAINTIFF'S REQUEST FOR ARBITRATION
- 33 11/26/2012 - 3860 - Request for Submission
Additional Text: DOCUMENT TITLE: MOTION TO AMEND COMPLAINT (PAPER ORDER PROVIDED)
PARTY SUBMITTING: ALEXANDER FALCONI
DATE SUBMITTED: 11-26-12
SUBMITTED BY: HBROWN
DATE RECEIVED JUDGE OFFICE:
- 34 11/26/2012 - 3860 - Request for Submission
Additional Text: DOCUMENT TITLE: DEFENDANTS OPPOSITION TO PLAINTIFFS REQUEST FOR ARBITRATION (PAPER ORDER PROVIDED)
PARTY SUBMITTING: ALEXANDER FALCONI
DATE SUBMITTED: 11-26-12
SUBMITTED BY: HBROWN
DATE RECEIVED JUDGE OFFICE:
- 35 12/5/2012 - 3060 - Ord Granting Mtn ...
Additional Text: ORDER GRANTING DEFENDANTS MOTION TO DISMISS - Transaction 3388192 - Approved By: NOREVIEW : 12-05-2012:14:02:38
- 36 12/5/2012 - S200 - Request for Submission Complet
No additional text exists for this entry.

- 37 12/5/2012 - S200 - Request for Submission Complet
No additional text exists for this entry.
- 38 12/5/2012 - S200 - Request for Submission Complet
No additional text exists for this entry.
- 39 12/5/2012 - S200 - Request for Submission Complet
No additional text exists for this entry.
- 40 12/5/2012 - F135 - Adj Motion to Dismiss by DEFT
No additional text exists for this entry.
- 41 12/5/2012 - NEF - Proof of Electronic Service
Additional Text: Transaction 3388201 - Approved By: NOREVIEW : 12-05-2012:14:05:02
- 42 12/10/2012 - 2385 - Mtn Proceed Forma Pauperis
Additional Text: APPLICATION TO PROCEED IN FORMA PAUPERIS
- 43 12/10/2012 - 3860 - Request for Submission
Additional Text: DOCUMENT TITLE: APPLICATION TO PROCEED IN FORMA PAUPERIS (PAPER ORDER PROVIDED)
PARTY SUBMITTING: FALCONI, ALEXANDER
DATE SUBMITTED: 12/10/12
SUBMITTED BY: ACROGHAN
DATE RECEIVED JUDGE OFFICE:
- 44 12/10/2012 - 1325 - ** Case Reopened
No additional text exists for this entry.
- 45 12/10/2012 - 2515 - Notice of Appeal Supreme Court
Additional Text: ALEXANDER FALCONI
- 46 12/10/2012 - 1310 - Case Appeal Statement
Additional Text: ALEXANDER M. FALCONI
- 47 12/14/2012 - 1310E - Case Appeal Statement
Additional Text: Transaction 3408177 - Approved By: NOREVIEW : 12-14-2012:12:56:49
- 48 12/14/2012 - 1365 - Certificate of Transmittal
Additional Text: CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 3408177 - Approved By: NOREVIEW : 12-14-2012:12:56:49
- 49 12/14/2012 - NEF - Proof of Electronic Service
Additional Text: Transaction 3408183 - Approved By: NOREVIEW : 12-14-2012:12:58:11
- 50 12/17/2012 - 1097 - Amended Notice of Appeal
No additional text exists for this entry.
- 51 12/27/2012 - 1188 - Supreme Court Receipt for Doc
Additional Text: SUPREME COURT CASE NO. 62296/RECEIPT FOR DOCUMENTS - Transaction 3428836 - Approved By: NOREVIEW : 12-27-2012:09:26:47
- 52 12/27/2012 - NEF - Proof of Electronic Service
Additional Text: Transaction 3428844 - Approved By: NOREVIEW : 12-27-2012:09:29:10
- 53 12/28/2012 - 1350 - Certificate of Clerk
Additional Text: CERTIFICATE OF CLERK AND TRANSMITTAL - AMENDED NOTICE OF APPEAL - Transaction 3431247 - Approved By: NOREVIEW : 12-28-2012:08:36:59

1 CODE: 3060
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4 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
5 IN AND FOR THE COUNTY OF WASHOE
6
7

8 ALEXANDER M. FALCONI
9

10 Plaintiff,

11 vs.

Case No. CV12-02385

12 CORAZON REAL ESTATE, a domestic
13 corporation,

Dept. No. 9

14 Defendants.
15 _____/

16 ORDER GRANTING DEFENDANTS' MOTION TO DISMISS

17 The Court is in receipt of Defendant CORAZON REAL ESTATE (hereinafter "Defendant")
18 *Motion to Dismiss* filed on October 17, 2012. On October 29, 2012, Plaintiff ALEXANDER M.
19 FALCONI'S (hereinafter "Plaintiff") filed his *Opposition to Defendants' Motion to Dismiss*. On
20 November 1, 2012, Defendant filed their *Reply to Plaintiffs' Opposition to Defendants' Motion to*
21 *Dismiss*.

22 Defendant asserts this case is frivolous and without merit. More specifically, Defendant
23 alleges Plaintiff is filing this case in an attempt to intimidate the Defendant to extort a settlement.
24 Additionally, Defendant requests \$1,500.00 in costs and damages for having to defend itself against
25 Plaintiff's claims.

26 The Court has reviewed the record and is familiar with this case. Previously, Plaintiff has
27 filed an Ex Parte Motion for Temporary Restraining Order claiming that he was facing irreparable
28 harm and the Defendant was wrongly evicting him. After reviewing the record, the Court found that

1 Plaintiff admitted "on September 18, 2012, FALCONI filed a 30-day notice of his intent to vacate
2 out. (Pl.'s Ex Parte Mot. 2:6.). Plaintiffs 30-Day Notice of Intent to Vacate states:

3 "I, Alexander M. Falconi, tenant of 2142 Roundhouse Rd. Sparks, NV, do hereby
4 give a 30 day notice to vacate the premises. My last day at the premises will be
5 October 18, 2012."

6 Thereafter the document was signed and verified by the Plaintiff Alexander M. Falconi. As
7 well, Plaintiff provided the Defendants move out instructions in response to Plaintiffs 30-Day
8 Notice. Thereby, Plaintiff's Ex Parte Motion was filed in bad faith.

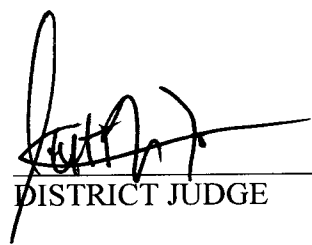
9 Presently, Plaintiff provided in his Opposition, Ex. 1, Plaintiff's letter to the Defendant
10 provides:

11 "Demanding \$125.48 for maintenance of the air conditioner and stove tops. There are
12 also two new repairs needed: (1) the most recent repairs made on the toilet did stop
13 the leaking but there is still an underlying problem in that the toilet has an extremely
14 weak draw on the water."

15 Plaintiff's claims are for a residence of which he no longer resides; as well Plaintiff has
16 provided the Court no evidence or record of any of the alleged maintenance issues. Thus, there is no
17 evidence to support Plaintiffs claim(s). The Court has reviewed the entire record and Plaintiff has
18 provided no evidence of the alleged damages. Therefore, for the several reasons described above;
19 Defendants' Motion to Dismiss with prejudice is granted.

20 THEREFORE IT IS HEREBY ORDERED Defendants' *Motion to Dismiss* is GRANTED.
21 IT IS FURTHER ORDERED Defendants' request for \$1,500.00 in costs is DENIED.

22 DATED: This 4 day of December, 2012.

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24 
25 DISTRICT JUDGE
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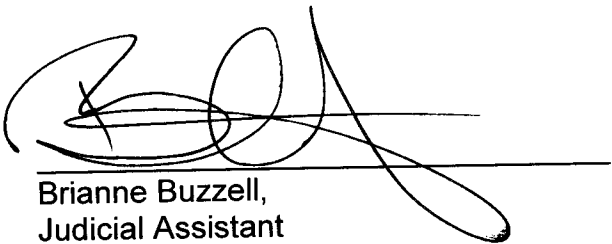
CERTIFICATE OF SERVICE

I certify that I am an employee of THE SECOND JUDICIAL DISTRICT COURT;
that on the ____ day of _____, 2012, I electronically filed the foregoing with
the Clerk of the Court system which will send a notice of electronic filing to the following:

Further, Pursuant to NRCP 5(b), I hereby certify that I am an employee of the
Second Judicial District Court, in and for the County of Washoe; and that on this
5 day of December, 2012, I deposited in the County mailing system for
postage and mailing with the United States Postal Service in Reno, Nevada, a true and
correct copy of the attached document addressed as follows:

Alexander Falconi
2142 Roundhouse Rd.
Sparks, NV 89431

Corazon Real Estate
Attention: Charles Chinnici
254 Vassar Street
Reno, NV 89502



Brianne Buzzell,
Judicial Assistant

CV12-02385
ALEXANDER FALCONI VS CORAZON
District Court
Washoe County
DC-9900041200-017
12/10/2012 11:20 AM
1310
ASMTT

FILED

2012 DEC 10 AM 11:20

JOSEPHINE MAGNINGS
CLERK OF THE COURT
BY: [Signature]
CLERK

Code: 1310
Alexander M. Falconi
1570 Sky Valley Dr. #F201
Reno, NV 89523
Exavior75@yahoo.com
775-391-9139
Appearing in Proper Person

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

ALEXANDER M. FALCONI, an individual;	}	Case #: CV12-02385
Plaintiff, Counter-defendant,		
vs.	}	Dept #: 9
CORAZON REAL ESTATE, a domestic corporation; and DOES I-X, inclusive;		
Defendant, Counterclaimant.		

CASE APPEAL STATEMENT

1. Appellant: Alexander M. Falconi.
2. Judge issuing order appealed from: The Honorable Scott N. Freeman.
3. Appellant's Address & Counsel: 1570 Sky Valley Dr., Reno, NV 89523, Pro Per.
4. Respondent's Address & Counsel: Corazon Real Estate, a domestic corporation, Pro Per.
5. Petitioner, a natural person, is representing himself per SCR 44. Respondent, a domestic corporation, is representing itself through and by its President; objections¹ were raised by motion which the district court disregarded.
6. Appellant is not represented by appointed or retained counsel in the district court.
7. Appellant is not represented by appointed or retained counsel on appeal.

¹ Appellant filed a Motion to Require Corazon Real Estate to obtain counsel per this Court's consistent requirement that corporations may not appear in proper person. Appellant indicated that, while not personally opposed to Corazon Real Estate appearing in pro per, he was concerned that it would cause issues on appeal. Furthermore, while a party can waive its rights, Appellant was concerned that this court would not acknowledge any such "right to allowing an opposing party to represent itself pro per."

1 8. Appellant is seeking leave to proceed in forma pauperis.

2 9. Proceedings commenced on September 20, 2012.

3 10. Appellant, a tenant, sued Respondent, a landlord, for wrongfully charging Appellant
4 monies to maintain and repair the air conditioner and stove to the extent of
5 threatening and prosecuting an eviction nearly to a lock-out; claims include violation
6 of several statutory torts, retaliatory eviction, and conversion of a security deposit.
7 Appellant alleged malice and oppression and seeks compensatory and punitive
8 damages.
9

10 11. The case has not previously been the subject of an appeal or original writ proceeding
11 in the Supreme Court.
12

13 12. The appeal does not involve child custody or visitation.

14 13. The appeal does involve the possibility of a settlement.

15 **AFFIRMATION²:** This document does not contain a social security number of any person.

16 DATED THIS 7th day of DECEMBER, 2012.

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20 Alexander M. Falconi
21 Appearing in Proper Person
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² 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 Case Appeal Statement upon the following:

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

SERVED THIS 10 day of DECEMBER, 2012.



Alexander M. Falconi

1 **Code 1310**

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6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

7 **IN AND FOR THE COUNTY OF WASHOE**

8 **ALEXANDER M. FALCONI,**

9 **Plaintiff,**

10 **vs.**

Case No. CV12-02385
Dept. No. 9

11 **CORAZON REAL ESTATE,**

12 **Defendant.**

13 _____ /
14
15 **CASE APPEAL STATEMENT**

16 This case appeal statement is filed pursuant to NRAP 3(2).

- 17 1. This appeal is from an order entered by the Honorable Scott Freeman.
- 18 2. Appellant is Alexander M Falconi. Appellant is representing himself in Proper
19 Person on appeal:
- 20 3. Appellant's address is:
21 Alexander M Falconi
22 1570 Sky Valley Dr. #F201
23 Reno, Nevada 89523
- 24 4. Respondent is Corazon Real Estate. Respondent was represented in District Court
25 by:
26 Charles Chinnici
27 Corazon Real Estate
28 254 Vassar Street
Reno, Nevada 89502
5. Respondent's representative is not licensed to practice law in Nevada.

6. Appellant is not represented by appointed counsel in District Court.
7. Appellant is not represented by appointed counsel on appeal.
8. Appellant was not granted leave to proceed in forma pauperis in the District Court.
9. Proceeding commenced by the filing of a complaint on September 20, 2012.
10. This is a civil proceeding and the Appellants are appealing the Order Granting
Defendants Motion to Dismiss filed on December 5, 2012.
11. The case has not been the subject of a previous appeals to the Supreme Court:
12. This case does not involve child custody or visitation.
13. It is unknown if the case involves the possibility of a settlement.

Dated this 14th day of December 2012`.

JOEY ORDUNA HASTINGS
CLERK OF THE COURT

By: /s/ Annie Smith
Annie Smith
Deputy Clerk

1 **Code 1350**

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6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

7 **IN AND FOR THE COUNTY OF WASHOE**

8 **ALEXANDER M FALCONI,**

9 **Plaintiff,**

Case No. CV12-02385

10 **vs.**

Dept. No. 9

11 **CORAZON REAL ESTATE,**

12 **Defendant.**

13 _____ /
14
15 **CERTIFICATE OF CLERK AND TRANSMITTAL – AMENDED NOTICE OF APPEAL**

16 I certify that I am an employee of the Second Judicial District Court of the State of
17 Nevada, County of Washoe; that on the 28th day of December, 2012 I electronically filed
18 the Amended Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

19 I further certify that the transmitted record is a true and correct copy of the original
20 pleadings on file with the Second Judicial District Court.

21 Dated this 28th day of December, 2012.

22
23 **JOEY ORDUNA HASTINGS**
CLERK OF THE COURT

24 By /s/Annie Smith
25 Annie Smith
26 Deputy Clerk
27
28