

ORIGINAL

FILED

Case No. CV15-00421

2016 APR 11 Dept. No. 10

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

Electronically Filed  
Apr 13 2016 01:47 p.m.  
Halle K. Lindeman  
Clerk of Supreme Court

o0o

LUCIA CASTILLO, an individual, )  
and EDWIN PRATTS, an )  
individual, )

Plaintiffs, )

vs. )

UNITED FEDERAL CREDIT UNION, )  
a federal credit union )

Defendant. )

NOTICE OF APPEAL

Notice is hereby given that Lucia Castillo and Edwin Pratts, Plaintiffs above named, hereby appeal to the Supreme Court of Nevada from the Order Granting Defendant United Federal Credit Union's Motion to Dismiss First Amended Complaint entered in this action on the 27th day of October, 2015

**Affirmation**

**Pursuant to NRS 239B.030**

The Undersigned does hereby affirm that the preceding document filed in the case herein does not contain the social security number of any person.

Dated: This 11 day of April, 2016

By: [Signature]  
Michael Lehnars, Esq.  
429 Marsh Ave.  
Reno, Nevada 89509  
Nevada Bar Number 003331

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**CERTIFICATE OF SERVICE BY MAIL**

Pursuant to Nevada Rule of Civil Procedure 5(b), I certify that on the  
11 day of April, 2016, I deposited for mailing in the United States Post  
Office in Reno, Nevada, with postage thereon fully prepaid, a true copy of the  
within NOTICE OF APPEAL, addressed as follows:

James A. Kohl, Esq.  
3800 Howard Hughes Parkway  
Suite 1000  
Las Vegas, NV 89169



Dolores Stigall

FILED

Case No. CV15-00421

2016 APR 11 PM Dept. No. 10

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

o0o

LUCIA CASTILLO, an individual, )  
and EDWIN PRATTS, an )  
individual, )

Plaintiffs, )

vs. )

UNITED FEDERAL CREDIT UNION, )  
a federal credit union )

Defendant. )

## CASE APPEAL STATEMENT

1. Name of appellants filing this case appeal statement:

Lucia Castillo and Edwin Pratts.

2. Identify the judge issuing the decision, judgment, or order  
appealed from:

Hon. Elliott A. Sattler.

3. Identify each appellant and the name and address of counsel for  
each appellant:

A. Lucia Castillo: Michael Lehnert, Esquire, Nevada Bar  
Number 003331, 429 Marsh Ave., Reno, Nevada 89509,  
Telephone: (775) 786-1695, Telecopier: (775) 786-0799,  
Nathan R. Zeltzer, Esquire, Nevada Bar No. 5173, 12 W.  
Taylor Street, Reno, Nevada 89509, Telephone: (775)

CV15-00421  
DC-09900075903-074  
LUCIA CASTILLO ETAL VS UNITE 7 Pages  
District Court 04/11/2016 12:24 PM  
Washoe County  
vmt: nbt

1 786-9993, Telecopier: (775) 329-7220, Robert W.  
2 Murphy, *Pro Hac Vice*, Florida Bar No. 717223, 1212 SE  
3 2<sup>nd</sup> Avenue, Fort Lauderdale, FL 33316, Telephone: (954)  
4 763-8660, Telecopier: (954) 763-8607

5 B. Edwin Pratts: Michael Lehnors, Esquire, Nevada Bar  
6 Number 003331, 429 Marsh Ave., Reno, Nevada 89509,  
7 Telephone: (775) 786-1695, Telecopier: (775) 786-0799,  
8 Nathan R. Zeltzer, Esquire, Nevada Bar No. 5173, 12 W.  
9 Taylor Street, Reno, Nevada 89509, Telephone: (775)  
10 786-9993, Telecopier: (775) 329-7220, Robert W.  
11 Murphy, *Pro Hac Vice*, Florida Bar No. 717223, 1212 SE  
12 2<sup>nd</sup> Avenue, Fort Lauderdale, FL 33316, Telephone: (954)  
13 763-8660, Telecopier: (954) 763-8607

14 4. Identify each respondent and the name and address of appellate  
15 counsel, if known, for each respondent:

16 A. United Federal Credit Union: James A. Kohl, Esq., Howard  
17 & Howard, Wells Fargo Tower, Suite 1000, 3800 Howard  
18 Hughes Parkway, Las Vegas, Nevada 89169-5914.  
19 Telephone (702) 257-1483, Telecopier (702) 567-1568

20 5. Indicate whether any attorney identified above in response to  
21 question 3 or 4 is not licensed to practice law in Nevada and, if so,  
22 whether the district court granted that attorney permission to appear  
23 under SCR 42.

24 Robert William Murphy, Esq. Mr. Murphy is licensed in Florida.  
25 Attached hereto as Exhibit "1" is a copy of the June 23, 2015 district  
26 court order granting Mr. Murphy permission to practice pursuant to SCR  
27 42.  
28

1           6. Indicate whether appellant was represented by appointed or  
2 retained counsel in the district court:

3           Both appellants were represented by retained counsel in the  
4 district court.

5           7. Indicate whether appellant is represented by appointed or  
6 retained counsel on appeal:

7           Both appellants are represented by retained counsel on appeal.

8           8. Indicate whether appellant was granted leave to proceed in  
9 forma pauperis, and the date of entry of the district court order granting  
10 such leave:

11          Neither appellant was granted leave to proceed in forma pauperis.

12          9. Indicate the date the proceedings commenced in the district  
13 court:

14          The proceedings were initiated in district court by the appellants  
15 with the filing of a class action complaint against United Federal Credit  
16 Union on March 3, 2015.

17          10. Provide a brief description of the nature of the action and  
18 result in the district court, including the type of judgment or order being  
19 appealed and the relief granted by the district court:

20          The appellants' class action complaint alleged claims for relief  
21 under Part VI of the Uniform Commercial Code ("UCC"), NRS 104.9601  
22 and under NRS 482.516.

23          (UCC) - The appellants alleged that United Federal Credit Union's  
24 notice of sale was defective because it failed to state that the appellants  
25 as debtors were entitled to an accounting of any unpaid indebtedness  
26 and the charge, if any, for said accounting, as required by NRS  
27 104.9613(1)(d); the notice also failed to provide the proper disclosure to  
28

1 appellants of the obligation to pay any deficiency arising from the sale of  
2 the repossessed collateral in a manner contrary to NRS 104.9616.

3 (NRS 482.516) - The appellants alleged that United Federal Credit  
4 Union's notice of sale was defective under NRS 482.516 because it failed  
5 to disclose the place at which the collateral would be returned to  
6 appellants upon redemption and reinstatement in contravention of NRS  
7 482.516(2)(d); the notice also failed to designate the name and address  
8 of the person to whom payment must be made for redemption or  
9 reinstatement in contravention of NRS 482.516(2)(e).

10 Based upon these facts, the appellants alleged that they were  
11 entitled to statutory damages pursuant to NRS 104.9625(3)(b) and  
12 injunctive relief prohibiting United Federal Credit Union from collecting  
13 any deficiency from the appellants.

14 11. Indicate whether the case has previously been the subject of  
15 an appeal to or original writ proceeding in the Supreme Court and, if so,  
16 the caption and Supreme Court docket number of the prior proceeding:

17 This matter has not previously been the subject of an appeal to or  
18 original writ proceeding in the Supreme Court. However on November 5,  
19 2015 appellants did file a motion to Amend the District Court's Order  
20 dismissing the appellants' complaint pursuant to Nev. R. Civ. Pro. 59(e).  
21 That motion was denied by Order on March 17, 2016, making the appeal  
22 timely.

23 12. Indicate whether this appeal involves child custody or  
24 visitation:

25 This appeal does not involve child custody or visitation.

26 13. If this is a civil case, indicate whether this appeal involves the  
27 possibility of settlement:  
28

1 Since this is an appeal of the dismissal of a class action complaint,  
2 it is unlikely that settlement can be evaluated before the class is  
3 defined.  
4

5 **Affirmation**  
6 **Pursuant to NRS 239B.030**

7 The Undersigned does hereby affirm that the preceding document filed in the case herein  
8 does not contain the social security number of any person.

9 Dated: This 11 day of April, 2016

10  
11 By: 

12 Michael Lehnert, Esq.

13 429 Marsh Ave.

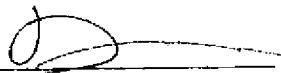
14 Reno, Nevada 89509

15 Nevada Bar Number 003331  
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1  
2 **CERTIFICATE OF SERVICE BY MAIL**

3 Pursuant to Nevada Rule of Civil Procedure 5(b), I certify that on the  
4 11 day of April, 2016, I deposited for mailing in the United States Post  
5 Office in Reno, Nevada, with postage thereon fully prepaid, a true copy of the  
6 within CASE APPEAL STATEMENT, addressed as follows:  
7

8 James A. Kohl, Esq.  
9 3800 Howard Hughes Parkway  
10 Suite 1000  
11 Las Vegas, NV 89169  
12

13   
14 Dolores Stigall  
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INDEX OF EXHIBITS

Exhibit Number 1 Number of Pages \*3  
Exhibit Description Order Admitting Counsel to Practice

Exhibit Number \_\_\_\_\_ Number of Pages \_\_\_\_\_  
Exhibit Description \_\_\_\_\_

Exhibit Number \_\_\_\_\_ Number of Pages \_\_\_\_\_  
Exhibit Description \_\_\_\_\_

Exhibit Number \_\_\_\_\_ Number of Pages \_\_\_\_\_  
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Exhibit Description \_\_\_\_\_

CV15-00421 DC-09900075903-075  
LUCIA CASTILLO ETAL VS UNITE 3 Pages  
District Court 04/11/2016 12:24 PM  
Washoe County  
WITI ADP

Exhibit 1

Exhibit 1

ORIGINAL

FILED  
Electronically  
2015-06-23 01:53:38 PM  
Jacqueline Bryant  
Clerk of the Court  
Transaction # 5013330

1 Michael Lehnern, Esq.  
2 NV Bar NO.: 3331  
3 429 Marsh Avenue  
4 Reno, NV 89509  
Telephone: (775) 786-1695  
Telecopier: (775) 786-0799

5 Nathan Zeltzer, Esq.  
6 NV Bar No.: 5173  
7 12 W. Taylor St.  
8 Reno, NV 89509  
Telephone: (775) 786-9998  
Telecopier: (775) 329-7220

9 Robert Murphy, Esq. *Pro Hac Vice pending*  
10 Florida Bar NO.: 717223  
11 1212 S.E. 2nd Ave.  
12 Ft. Lauderdale, FL 33316  
Telephone: (954) 763-8660  
Telecopier: (954) 763-8607

13 Attorneys for Plaintiffs.

14 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

15 IN AND FOR THE COUNTY OF WASHOE

16 oOo

17 LUCIA CASTILLO, an individual and  
18 EDWIN PRATTS, an individual,

CASE NO.: CV15-00421  
DEPT. 10

19 Plaintiffs.

20 CLASS REPRESENTATION  
21 (arbitration exempt)

22 vs.

23 UNITED FEDERAL CREDIT UNION,  
24 a federal credit union

25 Defendant.

26 **ORDER ADMITTING COUNSEL TO PRACTICE**

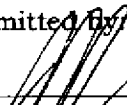
27 Michael Lehnern, Esq., having filed his Motion to Associate Counsel under  
28 Nevada Supreme Court Rule 42, together with the Verified Application for Association  
of Counsel, Certificates of Good Standing from the States of Georgia and Florida, and

1 the State Bar of Nevada Statement; no objections having been made, the Court being  
2 fully apprised in the premises and good case appearing therefore,

3 IT IS HEREBY ORDERED that the Motion is granted and Robert William  
4 Murphy, Esq., is hereby admitted to practice in the above-entitled Court for the  
5 purpose of the above entitled matter only.  
6

7 DATED this 22 day of June, 2015

8   
9 DISTRICT JUDGE

10 Submitted by 

11  
12 Michael Lehnert, Esq.  
13 Co-Counsel for the Plaintiffs.  
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**SECOND JUDICIAL DISTRICT COURT****STATE OF NEVADA****COUNTY OF WASHOE****Case History - CV15-00421****Case Description: LUCIA CASTILLO ETAL VS UNITED FEDERAL CREDIT UNION****Case Number: CV15-00421 Case Type: OTHER CIVIL MATTERS - Initially Filed On: 3/3/2015****Parties**

<u>Party Type &amp; Name</u>	<u>Party Status</u>
JUDG - ELLIOTT A. SATTLER - D10	Active
PLTF - EDWIN PRATTS - @1272573	Active
PLTF - LUCIA CASTILLO - @1272572	Active
DEFT - UNITED FEDERAL CREDIT UNION - @1204820	Active
ATTY - Nathan R. Zeltzer - 5173	Active
ATTY - Michael C. Lehnars, Esq. - 3331	Active
ATTY - James A. Kohl, Esq. - 5692	Active
ATTY - Robert Hernquist, Esq. - 10616	Active
OATP - Robert William Murphy, Esq. - A1283	Active

**Disposed Hearings**

- 1 Department: D10 -- Event: Request for Submission -- Scheduled Date & Time: 6/9/2015 at 16:28:00  
Extra Event Text: MOTION TO DISMISS (NO PAPER ORDER)  
Event Disposition: S200 - 7/29/2015
- 2 Department: D10 -- Event: Request for Submission -- Scheduled Date & Time: 6/19/2015 at 14:25:00  
Extra Event Text: PLAINTIFF'S MOTION TO ASSOCIATE COUNSEL  
Event Disposition: S200 - 6/23/2015
- 3 Department: D10 -- Event: HEARING... -- Scheduled Date & Time: 8/17/2015 at 13:30:00  
Extra Event Text: HEARING ON MOTION TO DISMISS FIRST AMENDED COMPLAINT (2 HOURS)(COURT REPORTER REQUESTED BY PLAINTIFFS)  
Event Disposition: D840 - 8/17/2015
- 4 Department: D10 -- Event: Request for Submission -- Scheduled Date & Time: 2/12/2016 at 08:41:00  
Extra Event Text: PLAINTIFFS' MOTION TO AMEND ORDER FILED 11-5-15  
Event Disposition: S200 - 3/17/2016

**Actions**

- |   | <u>Filing Date</u> | <u>-</u> | <u>Docket Code &amp; Description</u>   |
|---|--------------------|----------|--|
| 1 | 3/3/2015           | -        | COV - **Civil Cover Sheet<br><i>No additional text exists for this entry.</i>                          |
| 2 | 3/3/2015           | -        | \$1425 - \$Complaint - Civil<br><i>No additional text exists for this entry.</i>                       |
| 3 | 3/3/2015           | -        | 4090 - ** Summons Issued<br><i>No additional text exists for this entry.</i>                           |
| 4 | 3/3/2015           | -        | PAYRC - **Payment Receipted<br>Additional Text: A Payment of -\$260.00 was made on receipt DCDC491012. |

**Report Does Not Contain Sealed Cases or Confidential Information**

- 5 3/6/2015 - 1580 - Demand for Jury  
Additional Text: DEMAND FOR JURY TRIAL
- 6 3/6/2015 - JF - \*\*First Day Jury Fees Deposit  
*No additional text exists for this entry.*
- 7 3/30/2015 - 4090 - \*\* Summons Issued  
Additional Text: REPRESENTATIVE WITH UNITED FEDERAL CREDIT UNION SERVED ON 03/16/15 @ 2:45PM; JEFF PANKO OBO UNITED FEDERAL CREDIT UNION SERVED ON 03/12/15 @ 3:50PM; JAMES A. KOHL ATTORNEY SERVED ON 03/10/15 @ 12:00PM
- 8 3/31/2015 - 2610 - Notice ...  
Additional Text: NOTICE OF INTENT TO SEEK DEFAULT
- 9 3/31/2015 - 2305 - Mtn Dismiss with Prejudice  
Additional Text: DEFENDANT UNITED FEDERAL CREDIT UNION'S MOTION TO DISMISS - Transaction 4886287 - Approved By: CSULEZIC : 04-01-2015:11:23:39
- 10 3/31/2015 - \$1560 - \$Def 1st Appearance - CV  
Additional Text: UNTIED FEDERAL CREDIT UNION - Transaction 4886287 - Approved By: CSULEZIC : 04-01-2015:11:23:39
- 11 4/1/2015 - PAYRC - \*\*Payment Receipted  
Additional Text: A Payment of \$213.00 was made on receipt DCDC494714.
- 12 4/1/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4887382 - Approved By: NOREVIEW : 04-01-2015:11:24:37
- 13 4/9/2015 - 1090 - Amended Complaint  
Additional Text: Transaction 4900089 - Approved By: MELWOOD : 04-09-2015:14:54:19
- 14 4/9/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4900312 - Approved By: NOREVIEW : 04-09-2015:14:55:59
- 15 4/14/2015 - 2645 - Opposition to Mtn ...  
Additional Text: TO DEFENDANT UNITED FEDERAL CREDIT UNION'S MOTION TO DISMISS - Transaction 4905346 - Approved By: MPURDY : 04-14-2015:12:24:29
- 16 4/14/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4905678 - Approved By: NOREVIEW : 04-14-2015:12:25:27
- 17 4/28/2015 - 2315 - Mtn to Dismiss ...  
Additional Text: DEFENDANT UNITED FEDERAL CREDIT UNION'S MOTION TO DISMISS FIRST AMENDED COMPLAINT - Transaction 4926330 - Approved By: YLLOYD : 04-28-2015:09:43:50
- 18 4/28/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4926442 - Approved By: NOREVIEW : 04-28-2015:09:44:35
- 19 5/11/2015 - 2645 - Opposition to Mtn ...  
Additional Text: OPPOSITION TO DEFENDANT UNITED FEDERAL CREDIT UNION'S MOTION TO DISMISS - Transaction 4947059 - Approved By: YLLOYD : 05-11-2015:16:11:36
- 20 5/11/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4947678 - Approved By: NOREVIEW : 05-11-2015:16:12:33
- 21 5/26/2015 - 3790 - Reply to/in Opposition  
Additional Text: DEFENDANT UNITED FEDERAL CREDIT UNION'S REPLY TO OPPOSITION TO MOTION TO DISMISS FIRST AMENDED COMPLAINT - Transaction 4969790 - Approved By: YVILORIA : 05-27-2015:09:19:13

- 22 5/27/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 4970046 - Approved By: NOREVIEW : 05-27-2015:09:20:09
- 23 6/3/2015 - 2490 - Motion ...  
Additional Text: MOTION TO ASSOCIATE COUNSEL
- 24 6/3/2015 - 1475 - Consent ...  
Additional Text: CONSENT FOR REPRESENTATION OF OUT OF STATE ATTORNEY
- 25 6/9/2015 - 3860 - Request for Submission  
Additional Text: DOCUMENT TITLE: MOTION TO DISMISS (NO PAPER ORDER)  
PARTY SUBMITTING: MICHAEL LEHNERS ESQ  
DATE SUBMITTED: 6/9/2015  
SUBMITTED BY: BRAMIREZ  
DATE RECEIVED JUDGE OFFICE:
- 26 6/19/2015 - 3860 - Request for Submission  
Additional Text: DOCUMENT TITLE: PLAINTIFF'S MOTION TO ASSOCIATE COUNSEL (PAPER ORDER PROVIDED)  
PARTY SUBMITTING: MICHAEL LEHNERS, ESQ FOR PLAINTIFFS  
DATE SUBMITTED: 06/19/2015  
SUBMITTED BY: SWILLIAMS  
DATE RECEIVED JUDGE OFFICE:
- 27 6/23/2015 - 2673 - Ord Admit to Practice PerSCR42  
Additional Text: FOR ROBERT WILLIAM MURPHY, ESQ. - Transaction 5013330 - Approved By: NOREVIEW : 06-23-2015:13:54:08
- 28 6/23/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5013332 - Approved By: NOREVIEW : 06-23-2015:13:54:57
- 29 6/23/2015 - S200 - Request for Submission Complet  
*No additional text exists for this entry.*
- 30 6/25/2015 - 2540 - Notice of Entry of Ord  
Additional Text: NOTICE OF ENTRY OF ORDER ADMITTING COUNSEL TO PRACTICE
- 31 7/29/2015 - 3347 - Ord to Set  
Additional Text: ORDER TO SET ORAL ARGUMENT ON DEFENDANT'S MOTION TO DISMISS FIRST AMENDED COMPLAINT - Transaction 5068136 - Approved By: NOREVIEW : 07-29-2015:14:00:44
- 32 7/29/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5068140 - Approved By: NOREVIEW : 07-29-2015:14:01:45
- 33 7/29/2015 - S200 - Request for Submission Complet  
*No additional text exists for this entry.*
- 34 7/30/2015 - 2605 - Notice to Set  
Additional Text: HEARING SCHEDULED FOR AUGUST 6, 2015 @ 10:00 A.M. IN DEPT 10
- 35 8/6/2015 - 1250E - Application for Setting eFile  
Additional Text: FOR HEARING ON MOTION TO DISMISS FIRST AMENDED COMPLAINT SET FOR AUGUST 17, 2015 AT 1:30 P.M. - Transaction 5081945 - Approved By: NOREVIEW : 08-06-2015:15:37:06
- 36 8/6/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5081955 - Approved By: NOREVIEW : 08-06-2015:15:40:17
- 37 8/17/2015 - MIN - \*\*\*Minutes  
Additional Text: 8/17/15 HEARING ON MOTION TO DISMISS - Transaction 5097679 - Approved By: NOREVIEW : 08-17-2015:16:29:53

- 38 8/17/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5097681 - Approved By: NOREVIEW : 08-17-2015:16:30:44
- 39 10/27/2015 - 3105 - Ord Granting ...  
Additional Text: ORDER GRANTING DEFENDANT UNITED FEDERAL CREDIT UNION'S MOTION TO DISMISS FIRST AMENDED COMPLAINT  
- Transaction 5208272 - Approved By: NOREVIEW : 10-27-2015:13:52:55
- 40 10/27/2015 - F135 - Adj Motion to Dismiss by DEFT  
*No additional text exists for this entry.*
- 41 10/27/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5208286 - Approved By: NOREVIEW : 10-27-2015:13:54:13
- 42 10/30/2015 - 2540 - Notice of Entry of Ord  
Additional Text: Transaction 5213707 - Approved By: NOREVIEW : 10-30-2015:11:32:35
- 43 10/30/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5213709 - Approved By: NOREVIEW : 10-30-2015:11:33:36
- 44 11/5/2015 - 2250 - Mtn Alter or Amend Judgment  
Additional Text: MOTION TO AMEND ORDER - Transaction 5221546 - Approved By: YVILORIA : 11-05-2015:12:24:47
- 45 11/5/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5221836 - Approved By: NOREVIEW : 11-05-2015:12:25:37
- 46 11/23/2015 - 2645 - Opposition to Mtn ...  
Additional Text: DEFENDANT UNITED FEDERAL CREDIT UNION'S OPPOSITION TO PLAINTIFFS' MOTION TO AMEND ORDER -  
Transaction 5248748 - Approved By: MCHOLICO : 11-23-2015:16:15:28
- 47 11/23/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5249016 - Approved By: NOREVIEW : 11-23-2015:16:16:15
- 48 12/1/2015 - 3790 - Reply to/in Opposition  
Additional Text: REPLY TO OPPOSITION TO MOTION TO AMEND ORDER - Transaction 5256729 - Approved By: MCHOLICO :  
12-01-2015:11:19:03
- 49 12/1/2015 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5256971 - Approved By: NOREVIEW : 12-01-2015:11:20:01
- 50 2/11/2016 - 3860 - Request for Submission  
Additional Text: Transaction 5366519 - Approved By: YVILORIA : 02-12-2016:08:36:02  
DOCUMENT TITLE: PLAINTIFFS' MOTION TO AMEND ORDER FILED 11-5-15  
PARTY SUBMITTING: MICHAEL C LEHNERS ESQ  
DATE SUBMITTED: FEBRUARY 12, 2016  
SUBMITTED BY: YVILORIA  
DATE RECEIVED JUDGE OFFICE:
- 51 2/12/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5366902 - Approved By: NOREVIEW : 02-12-2016:08:36:59
- 52 3/17/2016 - 2840 - Ord Denying ...  
Additional Text: ORDER DENYING MOTION TO AMEND - Transaction 5422953 - Approved By: NOREVIEW : 03-17-2016:15:25:08
- 53 3/17/2016 - NEF - Proof of Electronic Service  
Additional Text: Transaction 5422957 - Approved By: NOREVIEW : 03-17-2016:15:26:00



54 3/17/2016 - S200 - Request for Submission Complet

*No additional text exists for this entry.*

55 4/11/2016 - \$2515 - \$Notice/Appeal Supreme Court

*No additional text exists for this entry.*

56 4/11/2016 - PAYRC - \*\*Payment Receipted

Additional Text: A Payment of -\$34.00 was made on receipt DCDC536588.

57 4/11/2016 - 1310 - Case Appeal Statement

*No additional text exists for this entry.*

58 4/11/2016 - SAB - \*\*Supreme Court Appeal Bond

*No additional text exists for this entry.*

59 4/11/2016 - 3870 - Request

Additional Text: REQUEST FOR TRANSCRIPT OF PROCEEDINGS

60 4/12/2016 - 1350 - Certificate of Clerk

Additional Text: CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 5460929 - Approved By: NOREVIEW : 04-12-2016:09:05:27

61 4/12/2016 - NEF - Proof of Electronic Service

Additional Text: Transaction 5460934 - Approved By: NOREVIEW : 04-12-2016:09:06:25

1 CODE 3370

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5 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
6 IN AND FOR THE COUNTY OF WASHOE  
7

8 LUCIA CASTILLO, an individual, and  
9 EDWIN PRATTS, an individual,

10 Plaintiffs,

11 vs.

Case No. CV15-00421

Dept. No. 10

12 UNITED FEDERAL CREDIT UNION, a  
13 federal credit union,

14 Defendants.  
15 \_\_\_\_\_/

ORDER

16 Presently before the Court is a DEFENDANT UNITED FEDERAL CREDIT UNION'S  
17 MOTION TO DISMISS FIRST AMENDED COMPLAINT ("the Motion") filed by Defendant  
18 UNITED FEDERAL CREDIT UNION ("the Defendant") on April 28, 2015. Plaintiffs LUCIA  
19 CASTILLO and EDWIN PRATTS (collectively "the Plaintiffs") filed an OPPOSITION TO  
20 DEFENDANT UNITED FEDERAL CREDIT UNION'S MOTION TO DISMISS ("the  
21 Opposition") on May 11, 2015. The Defendant filed a DEFENDANT UNITED FEDERAL  
22 CREDIT UNION'S REPLY TO MOTION TO DISMISS FIRST AMENDED COMPLAINT ("the  
23 Reply") on May 26, 2015. The Plaintiffs submitted the matter for the Court's consideration on June  
24 9, 2015. The Court heard oral argument on August 17, 2015.

25 The Motion seeks dismissal of this case for lack of subject matter jurisdiction pursuant to  
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27 which relief may be granted pursuant to NRCP 12(b)(5).  
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26 //

27 //

28 \_\_\_\_\_  
<sup>1</sup> NRS 4.370 has been amended. The amendatory provisions will be effective January 1, 2017.

1           The Court finds the Plaintiffs are precluded from asserting the amount in controversy is  
2 \$13,171.83. The Plaintiff will only be able to recover under one theory. Damages under either  
3 theory of recovery does not exceed \$10,000.00.

4           IT IS HEREBY ORDERED DEFENDANT UNITED FEDERAL CREDIT UNION'S  
5 MOTION TO DISMISS FIRST AMENDED COMPLAINT is GRANTED.

6           DATED this 27 day of October, 2015.

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9 ELLIOTT A. SATTLER  
10 DISTRICT JUDGE  
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CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this 27 day of October, 2015, I deposited in the County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

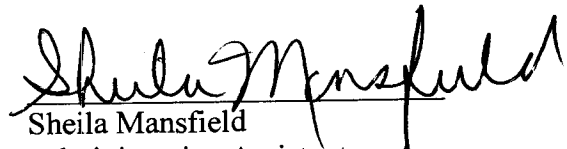
Nathan R. Zeltzer, Esq.  
12 W. Taylor Street  
Reno, NV 89509

Robert W. Murphy, Esq.  
1212 SE 2<sup>nd</sup> Avenue  
Fort Lauderdale, FL 33316

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe; that on the 27 day of October, 2015, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

Michael C. Lehnars, Esq.  
James A. Kohl, Esq.

  
Sheila Mansfield  
Administrative Assistant

James A. Kohl, Nevada Bar No. 5692

*jak@h2law.com*

Robert Hernquist, Nevada Bar No. 10616

*rwh@h2law.com*

HOWARD & HOWARD ATTORNEYS, PLLC

3800 Howard Hughes Pkwy., Suite 1000

Las Vegas, NV 89169

Telephone: (702) 257-1483

Facsimile: (702) 567-1568

*Attorneys for Defendant United Federal Credit Union*

**SECOND JUDICIAL DISTRICT COURT**

**WASHOE COUNTY, NEVADA**

LUCIA CASTILLO, an Individual, and  
EDWIN PRATTS, an individual,

Plaintiffs,

vs.

UNITED FEDERAL CREDIT UNION, a  
federal credit union,

Defendant.

Case No. CV15-00421

Dept. No. 10

**NOTICE OF ENTRY OF ORDER**

TO: ALL INTERESTED PARTIES

PLEASE TAKE NOTICE that an Order in the above captioned matter on the 27<sup>th</sup> day  
of October, 2015, a copy of which is attached hereto as Exhibit 1.

Dated: October 30, 2015

HOWARD & HOWARD ATTORNEYS PLLC

By: /s/ James A. Kohl

James A. Kohl, Nevada Bar No. 5692

Robert Hernquist, Nevada Bar No. 101616

3800 Howard Hughes Parkway, Suite 1000

Las Vegas, NV 89169

*Attorneys for Defendant United Federal Credit  
Union*

Howard & Howard Attorneys, PLLC  
3800 Howard Hughes Pkwy., Suite 1000  
Las Vegas, NV 89169  
(702) 257-1483

Howard & Howard Attorneys, PLLC  
3800 Howard Hughes Pkwy., Suite 1000  
Las Vegas, NV 89169  
(702) 257-1483

**AFFIRMATION**  
**Pursuant to NRS 239B.030**

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Dated: October 30, 2015

HOWARD & HOWARD ATTORNEYS PLLC

By: /s/ James A. Kohl

James A. Kohl, Nevada Bar No. 5692

Robert Hernquist, Nevada Bar No. 101616

3800 Howard Hughes Parkway, Suite 1000

Las Vegas, NV 89169

*Attorneys for Defendant United Federal Credit  
Union*

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that pursuant to NRCP 5(b), that on October 30, 2015, I served a copy of the foregoing NOTICE OF ENTRY OF ORDER to all parties by using by regular mail postage pre-paid and/or via the EC/CMF system which served the following parties electronically:

Michael Lehnars, Esq.  
*Counsel for Plaintiff*

I hereby certify that a true and correct copy of the foregoing was placed in a sealed envelope on the 30<sup>th</sup> day of October, 2015, postage prepaid thereon, in the United States Mail, addressed to:

Nathan R. Zeltzer, Esq.  
12 W. Taylor Street  
Reno, NV 89509  
*Co- Counsel for Plaintiff*

and

Robert W. Murphy, Esq.  
1212 SE 2<sup>ND</sup> AVENUE  
Fort Lauderdale, FL 33316  
*Co- Counsel for Plaintiff*

/s/ Stephanie T. George

An employee of Howard & Howard Attorneys PLLC

Howard & Howard Attorneys, PLLC  
3800 Howard Hughes Pkwy., Suite 1000  
Las Vegas, NV 89169  
(702) 257-1483



EXHIBIT LIST

1. ORDER

4822-4228-6634, v. 1

# EXHIBIT 1

1 CODE 3370

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5 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
6 IN AND FOR THE COUNTY OF WASHOE  
7

8 LUCIA CASTILLO, an individual, and  
9 EDWIN PRATTS, an individual,

10 Plaintiffs,

11 vs.

Case No. CV15-00421

Dept. No. 10

12 UNITED FEDERAL CREDIT UNION, a  
13 federal credit union,

14 Defendants.  
15

ORDER

16 Presently before the Court is a DEFENDANT UNITED FEDERAL CREDIT UNION'S  
17 MOTION TO DISMISS FIRST AMENDED COMPLAINT ("the Motion") filed by Defendant  
18 UNITED FEDERAL CREDIT UNION ("the Defendant") on April 28, 2015. Plaintiffs LUCIA  
19 CASTILLO and EDWIN PRATTS (collectively "the Plaintiffs") filed an OPPOSITION TO  
20 DEFENDANT UNITED FEDERAL CREDIT UNION'S MOTION TO DISMISS ("the  
21 Opposition") on May 11, 2015. The Defendant filed a DEFENDANT UNITED FEDERAL  
22 CREDIT UNION'S REPLY TO MOTION TO DISMISS FIRST AMENDED COMPLAINT ("the  
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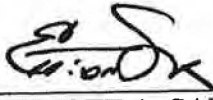
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3 theory of recovery does not exceed \$10,000.00.

4 IT IS HEREBY ORDERED DEFENDANT UNITED FEDERAL CREDIT UNION'S  
5 MOTION TO DISMISS FIRST AMENDED COMPLAINT is GRANTED.

6 DATED this 27 day of October, 2015.

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10 DISTRICT JUDGE  
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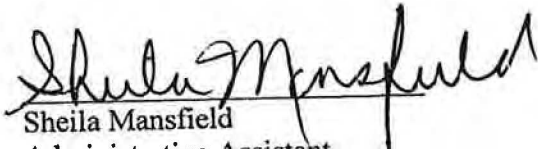
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Michael C. Lehnert, Esq.  
James A. Kohl, Esq.

  
Sheila Mansfield  
Administrative Assistant

CASE NO. CV15-00421

**LUCIA CASTILLO ETAL VS. UNITED FEDERAL CREDIT UNION**

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

**APPEARANCES-HEARING**

8/18/15  
HONORABLE  
ELLIOTT A.  
SATTLER  
DEPT. NO. 10  
J. Martin  
(Clerk)  
M. Pava  
(Reporter)

**HEARING ON MOTION TO DISMISS**

Robert Murphy, Esq. Michael Lehner, Esq. and Nathan Zeltzer, Esq. were present on behalf of the Plaintiffs. James Kohl, Esq. was present on behalf of the Defendant.  
2:18 p.m. – Court convened.

**COURT** reviewed the procedural history of the case. Court would like the parties to address the suggestion that this is a class action, the Court has not declared that a class exists nor has there been any discussion of such.

Counsel Kohl further discussed the procedural history of the case. No parties have moved for certification of class plaintiffs.

Counsel Kohl discussed the certification of a class action further. Counsel Kohl argued in support of Defendant United Federal Credit Union's Motion to Dismiss First Amended Complaint filed April 28, 2015 (Motion) and stated that the damages in this matter do not amount to \$10,000.00 or more meaning District Court does not have jurisdiction.

Counsel Kohl discussed the Class Action Fairness Act.

Counsel Murphy replied and argued in opposition of the Motion. Counsel Murphy discussed the class identification in pleadings and the reply brief. He stated the Plaintiffs are unable to get complete relief at justice court level. Further discussed certification of class actions.

Counsel Kohl responded and further argued in support of the Motion. Counsel Kohl requested the case be dismissed and asked the Court to direct the Plaintiffs to proceed in Justice Court.

Parties indicated they are unaware of any other class action at this time.

**COURT** took Defendant United Federal Credit Union's Motion to Dismiss First Amended Complaint filed April 28, 2015 under advisement.

3:05 p.m. Court adjourned.

## CIVIL COVER SHEET

Washoe County, Nevada

Case No.

CV15 00421

(Assigned by Clerk's Office)

## I. Party Information

Plaintiff(s) (name/address/phone): LUCIA CASTILLO, an individual and

EDWIN PRATTS, an individual 429 Marsh Ave

DOB:

Attorney (name/address/phone): 786-1695

Michael Lehnars, Esq. 429 Marsh Ave, Reno NV 89509

Defendant(s) (name/address/phone): UNITED FEDERAL CREDIT UNION, a

federal credit union

DOB:

Attorney (name/address/phone):

## II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)

☐ Arbitration Requested

## Civil Cases

## Real Property

## Landlord/Tenant - LT

☐ Unlawful Detainer - UD

## Title to Property

☐ Foreclosure - FC☐ Liens - LE☐ Quiet Title - QT☐ Specific Performance - SP

## Condemnation/Eminent Domain-CD

## Other Real Property - RO

☐ Partition - PT☐ Planning/Zoning - PZ

## Negligence

☐ Negligence - Auto - VP☐ Negligence - Medical/Dental - MD☐ Negligence - Premises Liability - SF  
(Slip/Fall)☐ Negligence - Other - NO

## Torts

☐ Product Liability☐ Product Liability/Motor Vehicle-VH☐ Other Torts/Product Liability - PL☐ Intentional Misconduct☐ Torts/Defamation(Libel/Slander)-DF☐ Interfere with Contract Rights - IR☐ Employment Torts(Wrongful Term)-WT☐ Other Torts - TO☐ Anti-trust - AI☐ Fraud/Misrepresentation - FM☐ Insurance- IN☐ Legal Tort- LG☐ Unfair Competition - UC

## Probate

☐ Summary Administration - SU☐ General Administration - FA☐ Special Administration - SL☐ Set Aside Estates - SE☐ Trust/Conservatorships☐ Individual Trustee - TR☐ Corporate Trustee - TM☐ Other Probate - OP

## Other Civil Filing Types

☐ Construction Defect - CF☐ Chapter 40☐ General☐ Breach of Contract☐ Building & Construction - BC☐ Insurance Carrier - BF☐ Commercial Instrument - CI☐ Other Contracts/Acct/Judg. - CO☐ Collection of Actions - CT☐ Employment Contract - EC☐ Guarantee - GU☐ Sale Contract - SC☐ Uniform Commercial Code - UN☐ Civil Petition for Judicial Review☐ Other Administrative Law - AO☐ Department of Motor Vehicles-DM☐ Worker's Compensation Appeal-SI☐ Appeal from Lower Court (also check applicable civil case box)☐ Transfer from Justice Court - TJ☐ Justice Court Civil Appeal - CA☐ Civil Writ☐ Other Special Proceeding - SS☐ Other Civil Filing☐ Compromise of Minor's Claim - CM☐ Conversion of Property - CN☐ Damage to Property - DG☐ Employment Security - ES☐ Enforcement of Judgment - EJ☐ Foreign Judgment - Civil - FJ☐ Other Personal Property - PO☐ Recovery of Property - RE☐ Stockholder Suit - ST☒ Other Civil Matters - GC☐ Confession of Judgment - CJ☐ Petition to Seal Criminal Records-PS☐ Out of State Commission - OS

## III. Business Court Requested (If you check a box below, you must check an additional box above to determine case type.)

☐ NRS Chapters 78-88☐ Commodities (NRS 90)☐ Securities (NRS 90)☐ Investments (NRS 104 Art. 8)☐ Deceptive Trade Practices (NRS 598)☐ Trademarks (NRS 600A)☐ Enhanced Case Mgmt/Business☐ Other Business Court Matters3/3/15  
Date

Signature of initiating party or representative

See other side for family-related case filings.

CV15-00421 DC-09900064374-001  
LUCIA CASTILLO ETAL VS UNITED 1 Page  
District Court 03/03/2015 04:43 PM  
Washoe County  
MCNV



1 **Code 1350**

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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 **LUCIA CASTILLO, an individual, and**  
7 **EDWIN PRATTS, an individual,**

**Case No. CV15-00421**

8 **Plaintiffs,**

**Dept. No. 10**

9 **vs.**

10  
11 **UNITED FEDERAL CREDIT UNION,**  
12 **a federal credit union,**

13 **Defendants.**  
14 \_\_\_\_\_/

15 **CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL**

16 I certify that I am an employee of the Second Judicial District Court of the State of Nevada,  
17 County of Washoe; that on the 12th day of April, 2016, I electronically filed the Notice of Appeal in  
18 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.

Dated this 12th day of April, 2016

21 Jacqueline Bryant  
22 Clerk of the Court

23 By /s/ Yvonne Vilorio  
24 Yvonne Vilorio  
25 Deputy Clerk  
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**MICHAEL LEHNERS, ESQ.**  
**ATTORNEY AT LAW, BUSINESS ACCOUNT**

429 MARSH AVE. 775-786-1695  
RENO, NEVADA 89509

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94-7074/3212 1708  
8124276299

Date

4/11/12

**PAY to the  
Order of**

Superior Court of Nevada

Two thousand five hundred

\$ 250<sup>00</sup>

**Dollars**



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Wells Fargo Bank, N.A.  
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FOR

Cashelo Appeal CV15-00421

*[Signature]*

MP

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