

Heather A. Brown
CLERK OF THE COURT

Robert Holmes III
In Propria Personam

~~Las Vegas, Nevada 89148~~

*4657 Swaying Ferns
Dr LV NV 89147*

Electronically Filed
Nov 09 2016 03:09 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE Eighth JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF Clark

*Las Vegas Metropolitan
Police Department,*
Plaintiff,

vs.

*U.S. Currency 28,650.00
Robert Holmes III
\$70,000*
Defendant.

Case No. 07A537416

Dept. No. VIII

Docket _____

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN, That the Petitioner/Defendant,

Robert Holmes III, in and through his proper person, hereby
appeals to the Supreme Court of Nevada from the ORDER ~~denying~~ *Denying* and/or
~~dismissing the~~ *Taking Defendants \$70,000 and Granting*
The plaintiff's Renewed Summary Judgment
When there is still a Material Dispute

ruled on the 26 day of October, 20 16

Dated this 31 day of October, 20 16

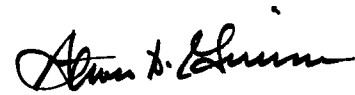
Respectfully Submitted,

Robert Holmes III

RECEIVED

OCT 31 2016

CLERK OF THE COURT



CLERK OF THE COURT

1 ASTA

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

9
10 LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

11 Plaintiff(s),

12 vs.

13 U.S. CURRENCY \$281,656.73,

14 Defendant(s),
15

Case No: 07A537416

Dept No: VIII

16
17 **CASE APPEAL STATEMENT**

18 1. Appellant(s): Robert Holmes, III

19 2. Judge: Douglas E. Smith

20 3. Appellant(s): Robert Holmes, III

21 Counsel:

22 Robert Holmes, III
23 4657 Swaying Ferns Dr.
24 Las Vegas, NV 89147

25 4. Respondent (s): Las Vegas Metropolitan Police Department

26 Counsel:

27 Adele V. Karoum, Esq.
28 10001 Park Run Dr.

Las Vegas, NV 89145

5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A

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

6. Appellant Represented by Appointed Counsel In District Court: No

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

8. Appellant Granted Leave to Proceed in Forma Pauperis**: Yes, June 21, 2012
***Expires 1 year from date filed* *Expired*
Appellant Filed Application to Proceed in Forma Pauperis: No
Date Application(s) filed: N/A

9. Date Commenced in District Court: March 9, 2007

10. Brief Description of the Nature of the Action: Unknown

Type of Judgment or Order Being Appealed: Summary Judgment

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 60547, 60809, 61094, 61616, 62264, 62274, 62357

12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

Dated This 1 day of November 2016.

Steven D. Grierson, Clerk of the Court

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

cc: Robert Holmes, III

Heather L. Lemin
CLERK OF THE COURT

Robert Holmes III
Petitioner/In Propria Persona
P.O. Box 208, 2008
Indian Springs, Nevada 89020-0208

4657 Swaying Ferns Dr
LV NV 89147

IN THE Eighth JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF Clark

Las Vegas Metropolitan
Police Department
Plaintiff,

vs.

U.S. Currency \$28,656.73
Robert Holmes III
\$79000 Defendant.

CASE No. 07A5374/6
DEPT. No. VIII

DESIGNATION OF RECORD ON APPEAL

TO: The Nevada
Supreme Court

The above-named Plaintiff hereby designates the entire record of the above-entitled case, to include all the papers, documents, pleadings, and transcripts thereof, as and for the Record on Appeal.

DATED this 31 day of October, 2016.

RESPECTFULLY SUBMITTED BY:

Robert Holmes III
Robert Holmes III
Plaintiff/In Propria Persona

RECEIVED

OCT 31 2016

CLERK OF THE COURT

CERTIFICATE OF SERVICE BY MAILING

I, Robert Holmes III, hereby certify, pursuant to NRCP 5(b), that on this 31
day of October, 2016, I mailed a true and correct copy of the foregoing, "Notice
of Appeal from Order granting Renewed
Summary Judgment when there is still a material dispute"
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

Marquis Aurbach
Coffing
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for Plaintiff
LVMPD

CC:FILE

DATED: this 31 day of October, 2016.

Robert Holmes III
Robert Holmes III
/In Propria Personam
~~Robert Holmes III~~
~~Las Vegas, Nevada 89018~~
IN FORMA PAUPERIS:

4657 Swazing Ferns Dr
Las Vegas Nevada 89147

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Notice of Appeal
(Title of Document)

filed in District Court Case number 07A537416

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.

Robert Holmes III
Signature

10-31-2016
Date

Robert Holmes III
Print Name

Pro SE
Title

DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416

Las Vegas Metropolitan Police Dept
vs
U S Currency \$281,656.73

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§

Location: **Department 8**
Judicial Officer: **Smith, Douglas E.**
Filed on: **03/09/2007**
Case Number History:
Cross-Reference Case **A537416**
Number:
Supreme Court No.: **60547**
60809
61094
61616
62264
62274
62357

CASE INFORMATION

Statistical Closures

12/06/2012 Summary Judgment
11/03/2009 Dismissed (with or without prejudice)

Case Type: **Other Civil Filing**
Subtype: **Other Civil Matters**

Case Flags: **Appealed to Supreme Court**
In Forma Pauperis Granted
Daimon Monroe Filed 6-27-16
EXPIRED Robert Holmes 06-
21-13 EXPIRED Bryan
Ferguson 02-01-14

DATE

CASE ASSIGNMENT

Current Case Assignment

| | |
|------------------|-------------------|
| Case Number | 07A537416 |
| Court | Department 8 |
| Date Assigned | 12/28/2008 |
| Judicial Officer | Smith, Douglas E. |

PARTY INFORMATION

| | | |
|------------------------|--|--|
| Plaintiff | Las Vegas Metropolitan Police Dept | Wolfson, Steven B <i>Retained</i> 702-671-2700(W) |
| Defendant | U S Currency \$281,656.73 | |
| Also Known As | Ferguson, J B Holmes, Bobby Holmes, Robert Hoyt, Daimon D | |
| Conversion | No Convert Value @ 07A537416 | |
| Extended | Removed: 04/24/2009 | |
| Connection Type | Converted From Blackstone | |
| Other | Trevarthen, Tonya M | |
| Other Defendant | Ferguson, Bryan M Holmes III, Robert Monroe, Daimon | |

















Pro Se

DATE

EVENTS & ORDERS OF THE COURT

INDEX

DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416

| | |
|------------|--|
| 03/09/2007 |  Complaint <i>Complaint for Forfeiture</i> |
| 03/20/2007 |  Affidavit of Service Filed By: Plaintiff Las Vegas Metropolitan Police Dept |
| 03/20/2007 |  Summons Filed by: Plaintiff Las Vegas Metropolitan Police Dept |
| 03/27/2007 |  Order for Service by Publication Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Order for Publication of Forfeiture Action</i> |
| 03/27/2007 |  Affidavit Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Affidavit for Order of Publication</i> |
| 03/28/2007 |  Affidavit of Mailing Filed By: Plaintiff Las Vegas Metropolitan Police Dept |
| 03/28/2007 |  Affidavit of Service Filed By: Plaintiff Las Vegas Metropolitan Police Dept |
| 03/28/2007 |  Affidavit of Service Filed By: Plaintiff Las Vegas Metropolitan Police Dept |
| 03/29/2007 |  Answer Filed By: Other Defendant Holmes III, Robert |
| 03/29/2007 |  Initial Appearance Fee Disclosure Filed By: Other Defendant Holmes III, Robert <i>Initial Appearance Fee Disclosure (NRS Chapter 19)</i> |
| 04/05/2007 |  Answer Filed By: Other Defendant Monroe, Daimon <i>Formal Answer to Complaint</i> |
| 04/05/2007 |  Motion Filed By: Other Defendant Monroe, Daimon <i>Motion to Stay Proceedings</i> |
| 04/05/2007 |  Order to Proceed In Forma Pauperis Granted for: Other Defendant Monroe, Daimon |
| 04/05/2007 |  Application to Proceed in Forma Pauperis Filed By: Other Defendant Monroe, Daimon |
| 04/10/2007 |  Answer Filed By: Other Defendant Ferguson, Bryan M <i>Answer to Complaint for Forfeiture</i> |
| 04/10/2007 |  Initial Appearance Fee Disclosure |

DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416

Filed By: Other Defendant Fergason, Bryan M
Initial Appearance Fee Disclosure (NRS Chapter 19)

04/12/2007



Amended Answer

Filed By: Other Defendant Holmes III, Robert

04/13/2007



Motion

Motion of Claimants Failure to Verify Answer

04/17/2007



Motion

Notice of (Hearing/Motion)

04/23/2007



Motion

Motion for Stay of Forfeiture Case

04/23/2007



Receipt of Copy

Filed by: Other Defendant Fergason, Bryan M

04/26/2007



Response

Filed by: Plaintiff Las Vegas Metropolitan Police Dept

Plaintiff's Response to Claimant's Motion for Stay of Forfeiture Proceedings

05/08/2007



Affidavit of Publication

05/16/2007

Motion (8:30 AM)

Events: 04/13/2007 Motion

DEFT MONROE'S MTN OF CLAIMENTS FAILURE TO VERIFY ANSWER /I Relief Clerk:

Carole D'Aloia Reporter/Recorder: Renee Vincent Heard By: Stewart Bell

05/18/2007



Three Day Notice of Intent to Default

Filed by: Plaintiff Las Vegas Metropolitan Police Dept

Three Day Notice of Intent to Take Default

05/18/2007



Order

Order Granting Motion for Stay of Forfeiture Proceedings

05/21/2007

CANCELED Motion to Stay (8:30 AM)

Events: 04/17/2007 Motion

Vacated

05/21/2007



Notice of Entry of Order

Filed By: Plaintiff Las Vegas Metropolitan Police Dept

05/30/2007

CANCELED Motion to Stay (8:30 AM)

Events: 04/23/2007 Motion

Vacated

06/01/2007



Motion

Filed By: Plaintiff Las Vegas Metropolitan Police Dept

Motion for Partial Judgment by Default

06/01/2007

















Default

Filed By: Plaintiff Las Vegas Metropolitan Police Dept

Partial Default

DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416

















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|------------|--|
| 06/19/2007 |  Change of Address Filed By: Also Known As Holmes, Robert |
| 08/20/2008 |  Motion <i>Motion to Withdraw</i> |
| 08/21/2008 |  Certificate of Mailing Filed By: Other Defendant Holmes III, Robert |
| 09/22/2008 | CANCELED Motion to Withdraw as Counsel (3:00 AM) (Judicial Officer: Cadish, Elissa F.) Events: 08/20/2008 Motion <i>Vacated</i> |
| 10/29/2009 |  Order to Statistically Close Case |
| 05/13/2010 |  Notice of Motion Filed By: Other Defendant Holmes III, Robert |
| 06/11/2010 |  Motion (8:33 AM) (Judicial Officer: Smith, Douglas E.) Events: 05/13/2010 Notice of Motion <i>Deft. Robert Holmes III's Motion For Return of Illegally Seized Preoperty and Money</i> |
| 10/26/2011 |  Notice Filed By: Other Defendant Monroe, Daimon <i>Notice to the Court</i> |
| 11/30/2011 |  Motion to Reconsider Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Motion and Motion to Reconsider Court Statistically Closing Case</i> |
| 12/19/2011 |  Notice Filed By: Other Defendant Monroe, Daimon <i>Notice to Court</i> |
| 01/03/2012 |  Notice of Motion Filed By: Other Defendant Holmes III, Robert |
| 01/09/2012 |  Motion to Reconsider (3:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Plaintiff's Motion to Reconsider Court Statistically Closing Case</i> |
| 01/24/2012 |  Order Granting Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Order Granting Plaintiff's Motion to Reconsider Statistically Closing Case</i> |
| 02/06/2012 |  Motion (3:00 AM) (Judicial Officer: Smith, Douglas E.) 02/06/2012, 02/21/2012, 02/28/2012 Events: 01/03/2012 Notice of Motion <i>Defendant's Motion for Enlargement of time to Respond to Plaintiff's Motion to Reconsider Court Statistically Closing Case</i> |
| 02/06/2012 |  Motion to Dismiss Filed By: Other Defendant Holmes III, Robert |

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CASE NO. 07A537416
















Motion to Dismiss Plaintiff's Motion to Reconsider Court Statistically Closing Case

| | |
|------------|---|
| 02/06/2012 |  Notice of Motion |
| 02/09/2012 |  Supplement Filed by: Other Defendant Holmes III, Robert <i>Supplement to Motion to Dismiss Plaintiff's Motion to Reconsider Court Statistically Closing Case</i> |
| 02/10/2012 |  Notice of Motion Filed By: Other Defendant Holmes III, Robert |
| 02/22/2012 |  Opposition to Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Opposition to Claimant's Motion to Dismiss Plaintiff's Motion to Reconsider Court Statistically Closing Case</i> |
| 02/28/2012 | Motion to Dismiss (8:00 AM) (Judicial Officer: Smith, Douglas E.) Events: 02/06/2012 Notice of Motion <i>Deft's Motion to Dismiss Plaintiff's Motion to Reconsider Court Statistically Closing Case</i> |
| 02/28/2012 |  All Pending Motions (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Deft's Motion to Dismiss Plaintiff's Motion to Reconsider Court Statistically Closing Case;</i> <i>Defendant's Motion for Enlargement of time to Respond to Plaintiff's Motion to Reconsider Court Statistically Closing Case</i> |
| 03/05/2012 |  Notice of Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Motion and Motion to Lift Stay</i> |
| 03/09/2012 |  Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Order Re Hearing Held January 28, 2012</i> |
| 03/12/2012 |  Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept |
| 03/15/2012 |  Motion Filed By: Other Defendant Holmes III, Robert <i>Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by Telephone or Video Conference</i> |
| 03/15/2012 |  Supplement Filed by: Other Defendant Holmes III, Robert <i>Second Supplement to Motion to Dismiss Plaintiff's Motion to Reconsider Court Statistically Closing Case</i> |
| 03/26/2012 |  Notice of Appeal Filed By: Other Defendant Holmes III, Robert |
| 03/27/2012 |  Opposition to Motion Filed By: Other Defendant Holmes III, Robert <i>Opposition to Plaintiff's Motion to Lift Stay</i> |
| 03/27/2012 | |

















DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416

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|------------|---|
| |  Case Appeal Statement |
| 03/28/2012 |  Response Filed by: Plaintiff Las Vegas Metropolitan Police Dept <i>Response to Opposition to Motion to Lift Stay</i> |
| 03/30/2012 |  Motion Filed By: Other Defendant Monroe, Daimon <i>Motion of Specific Facts and to Ask Court Consider Leaving Stay</i> |
| 04/09/2012 |  Motion (3:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Plaintiff's Motion to Lift Stay</i> |
| 04/16/2012 |  Reply Filed by: Other Defendant Holmes III, Robert <i>Reply to Response to Opposition to Motion to Lift Stay</i> |
| 04/27/2012 |  Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Order Granting Motion to Lift Stay</i> |
| 04/27/2012 |  Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept |
| 05/01/2012 |  Motion for Summary Judgment Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Motion and Motion for Summary Judgment</i> |
| 05/01/2012 |  Notice of Appeal Filed By: Other Defendant Holmes III, Robert |
| 05/04/2012 |  Case Appeal Statement |
| 05/08/2012 |  Notice of Appeal Filed By: Other Defendant Holmes III, Robert |
| 05/10/2012 |  Case Appeal Statement |
| 05/11/2012 |  Motion to Strike Filed By: Other Defendant Monroe, Daimon <i>Notice of Motion and Motion to Strike Summary Judgment by Plaintiff</i> |
| 05/22/2012 |  Opposition to Motion Filed By: Other Defendant Holmes III, Robert <i>Climant Robert Holmes' III Opposition to Plaintiff's Motion for Summary Judgment</i> |
| 06/05/2012 |  Motion for Summary Judgment (8:00 AM) (Judicial Officer: Smith, Douglas E.) 06/05/2012, 08/07/2012, 11/13/2012 Events: 05/01/2012 Motion for Summary Judgment <i>Plaintiff's Motion for Summary Judgment</i> |
| 06/07/2012 |  Application to Proceed in Forma Pauperis |

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CASE SUMMARY
CASE NO. 07A537416










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|------------|---|
| 06/08/2012 |  Opposition to Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Plaintiff's Opposition to Motion to Strike Summary Judgment</i> |
| 06/11/2012 |  Order for Production of Inmate <i>Order for Production of Inmate Robert Holmes BAC #1034184</i> |
| 06/12/2012 |  Affidavit of Mailing Filed By: Plaintiff Las Vegas Metropolitan Police Dept |
| 06/14/2012 |  Notice of Appeal Filed By: Other Defendant Holmes III, Robert |
| 06/14/2012 |  Designation of Record on Appeal Filed By: Other Defendant Holmes III, Robert |
| 06/19/2012 |  Case Appeal Statement |
| 06/21/2012 |  Order to Proceed In Forma Pauperis Granted for: Other Defendant Holmes III, Robert |
| 06/22/2012 |  Motion to Strike <i>Defendant's Motion to Strike Plaintiff's Motion to Oppision to Strike Summary Judgment</i> |
| 06/25/2012 |  Order for Production of Inmate <i>Order for Production of Inmate Daimon Monroe, BAC#38299</i> |
| 06/26/2012 |  Order to Withdraw as Attorney of Record Filed by: Defendant U S Currency \$281,656.73 <i>Order to Withdraw</i> |
| 06/29/2012 |  Order for Production of Inmate <i>Order for Production of Inmate Bryan M. Fergason, BAC#59427</i> |
| 07/09/2012 |  Motion to Withdraw As Counsel Filed By: Defendant U S Currency \$281,656.73 |
| 07/23/2012 |  Motion to Withdraw as Counsel (3:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Cynthia L. Dustin, Esq's Motion to Withdraw as Counsel</i> |
| 08/07/2012 | Motion to Strike (8:00 AM) (Judicial Officer: Bonaventure, Joseph T.) Events: 05/11/2012 Motion to Strike <i>Defendant, Daimon Monroe's Pro Per Notice of Motion and Motion to Strike Summary Judgment by Plaintiff</i> |
| 08/07/2012 |  All Pending Motions (8:00 AM) (Judicial Officer: Bonaventure, Joseph T.) <i>Plaintiff's Motion for Summary Judgment; Defendant Daimon Monroe's Pro Per Motion to Strike Summary Judgment by Plaintiff</i> |
| 08/07/2012 |  Affidavit of Mailing Filed By: Plaintiff Las Vegas Metropolitan Police Dept |

DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416
















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|------------|--|
| 08/16/2012 |  Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Order Re Hearing Held August 7, 2012</i> |
| 08/16/2012 |  Order for Production of Inmate <i>Order for Production of Inmate Bryan M. Ferguson, BAC #96803</i> |
| 08/16/2012 |  Order for Production of Inmate <i>Order for Production of Inmate Robert Holmes, BAC #1034184</i> |
| 08/16/2012 |  Order for Production of Inmate <i>Order for Production of Inmate Daimon Monroe, BAC #38299</i> |
| 08/16/2012 |  Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept |
| 08/21/2012 |  Affidavit for Order of Publication Filed By: Plaintiff Las Vegas Metropolitan Police Dept |
| 08/28/2012 |  Notice of Appeal Filed By: Other Defendant Monroe, Daimon |
| 08/30/2012 |  Case Appeal Statement Filed By: Other Defendant Monroe, Daimon |
| 08/30/2012 |  Order for Publication Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Order for Publication of Forfeiture Action</i> |
| 08/30/2012 |  Affidavit of Mailing Filed By: Plaintiff Las Vegas Metropolitan Police Dept |
| 09/07/2012 |  Notice of Motion Filed By: Other Defendant Monroe, Daimon |
| 09/18/2012 |  Notice of Motion Filed By: Other Defendant Monroe, Daimon |
| 09/21/2012 |  Notice of Motion Filed By: Other Defendant Monroe, Daimon |
| 09/21/2012 |  Opposition Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Plaintiff's Opposition to Claimant Daimon Monroe's Motion for Return of Seized Property and Suppression of Evidence</i> |
| 10/04/2012 |  Opposition to Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Plaintiff's Opposition to Claimant Daimon Monroe's Motion for Material Evidence</i> |
| 10/04/2012 |  Opposition to Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept |

DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416













Plaintiff's Opposition to Claimant Daimon Monroe's Motion for Summary Judgment and to Strike Plaintiff's Motion for Summary Judgment

| | |
|------------|--|
| 10/05/2012 |  Affidavit of Publication Filed By: Plaintiff Las Vegas Metropolitan Police Dept |
| 10/05/2012 |  Opposition to Motion For Summary Judgment Filed By: Other Defendant Ferguson, Bryan M <i>Opposition to Motion for Summary Judgment and Other Relief</i> |
| 10/05/2012 |  Opposition to Motion For Summary Judgment Filed By: Other Defendant Holmes III, Robert <i>Claimant Robert Holmes III (First) Supplement and Opposition to Plaintiff's Motion for Summary Judgment</i> |
| 10/08/2012 |  Motion (3:00 AM) (Judicial Officer: Smith, Douglas E.) Events: 09/07/2012 Notice of Motion <i>Defendant, Daimon Monroe's Pro Per Motion For Return of Seized Property and Suppression of Evidence</i> |
| 10/09/2012 |  NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate Judgment - Dismissed</i> |
| 10/09/2012 |  NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate Judgment - Dismissed</i> |
| 10/09/2012 |  NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate Judgment - Dismissed</i> |
| 10/09/2012 | Clerk's Certificate (Judicial Officer: Smith, Douglas E.) Debtors: Las Vegas Metropolitan Police Dept (Plaintiff) Creditors: Robert Holmes (Also Known As) Judgment: 10/09/2012, Docketed: 10/16/2012 Comment: #60547 Order these Appeals Dismissed |
| 10/09/2012 | Clerk's Certificate (Judicial Officer: Smith, Douglas E.) Debtors: Las Vegas Metropolitan Police Dept (Plaintiff) Creditors: Robert Holmes (Also Known As) Judgment: 10/09/2012, Docketed: 10/16/2012 Comment: #60809 Order these appeals Dismissed |
| 10/09/2012 | Clerk's Certificate (Judicial Officer: Smith, Douglas E.) Debtors: Las Vegas Metropolitan Police Dept (Plaintiff) Creditors: Robert Holmes (Also Known As) Judgment: 10/09/2012, Docketed: 10/16/2012 Comment: #61094 Order These Appeals Dismissed |
| 10/22/2012 |  Motion (3:00 AM) (Judicial Officer: Smith, Douglas E.) Events: 09/18/2012 Notice of Motion <i>Defendant, U.S. Currency \$281,656.73 Motion for Material Evidence</i> |
| 11/09/2012 |  Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept |
| 11/13/2012 | Motion for Summary Judgment (8:00 AM) (Judicial Officer: Smith, Douglas E.) Events: 09/21/2012 Notice of Motion |

DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416

| | |
|------------|---|
| | <i>Defendant's Motion for Summary Judgment and to strike Plaintiff's Motion for Summary Judgment</i> |
| 11/13/2012 |  All Pending Motions (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Defendant's Motion for Summary Judgment and to Strike Plaintiff's Motion for Summary Judgment; Plaintiff's Motion for Summary Judgment</i> |
| 11/13/2012 |  Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept |
| 11/28/2012 |  Findings of Fact, Conclusions of Law and Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept |
| 11/28/2012 | Summary Judgment (Judicial Officer: Smith, Douglas E.) Debtors: Daimon Monroe (Other Defendant), Daimon D Hoyt (Also Known As), Bryan M Fergason (Other Defendant), J B Fergason (Also Known As), Tonya M Trevarthen (Other), Robert Holmes III (Other Defendant), Bobby Holmes (Also Known As), Robert Holmes (Also Known As) Creditors: Las Vegas Metropolitan Police Dept (Plaintiff) Judgment: 11/28/2012, Docketed: 12/05/2012 |
| 11/29/2012 |  Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept |
| 12/06/2012 |  Order to Statistically Close Case |
| 12/07/2012 |  Notice of Appeal Filed By: Other Defendant Monroe, Daimon |
| 12/10/2012 |  Case Appeal Statement Filed By: Other Defendant Monroe, Daimon |
| 12/10/2012 |  Notice of Appeal |
| 12/11/2012 |  Case Appeal Statement Filed By: Other Defendant Holmes III, Robert |
| 12/18/2012 |  Notice of Appeal <i>"First Pro Se Amended Notice of Appeal and Appeal Statement"</i> |
| 12/18/2012 |  Designation of Record on Appeal |
| 12/19/2012 |  Case Appeal Statement Filed By: Other Defendant Holmes III, Robert |
| 12/21/2012 |  Notice of Appeal <i>Notice to the Court / or Alternative Notice of Appeal</i> |
| 12/27/2012 |  Case Appeal Statement Filed By: Other Defendant Fergason, Bryan M |
| 01/16/2013 |  Application to Proceed in Forma Pauperis Filed By: Other Defendant Fergason, Bryan M |

DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416

| | |
|------------|---|
| 02/01/2013 |  Order to Proceed In Forma Pauperis Granted for: Other Defendant Ferguson, Bryan M |
| 03/25/2013 |  NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate Judgment - Dismissed</i> |
| 03/25/2013 | Clerk's Certificate (Judicial Officer: Smith, Douglas E.) Debtors: Daimon Monroe (Other Defendant) Creditors: Las Vegas Metropolitan Police Dept (Plaintiff) Judgment: 03/25/2013, Docketed: 04/01/2013 Comment: Supreme Court No 61616 - Appeal Dismissed |
| 04/25/2013 | CANCELED Minute Order (1:57 PM) (Judicial Officer: Smith, Douglas E.) <i>Vacated - Set in Error</i> <i>Minute Order Re: Supreme Court's Order Dismissing Appeal</i> |
| 01/04/2014 |  Request Filed by: Other Defendant Ferguson, Bryan M <i>Request for Transcript of Proceedings</i> |
| 01/17/2014 |  Recorders Transcript of Hearing <i>Transcript of Proceedings Plaintiff's Motion for Summary Judgment Defendant's Motion for Summary Judgment and to Strike Plaintiff's Motion for Summary Judgment, heard on November 13, 2012</i> |
| 08/28/2014 |  Notice of Appearance Party: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Appearance</i> |
| 09/05/2014 |  Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>LVMPD's Motion to Settle the Record Pursuant to NRAP 10(c)</i> |
| 09/08/2014 |  Notice of Hearing Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Hearing</i> |
| 10/07/2014 |  Supplement Filed by: Plaintiff Las Vegas Metropolitan Police Dept <i>Supplement to LVMPD's Motion to Settle the Record Pursuant to NRAP 10(c)</i> |
| 10/13/2014 |  Motion (3:00 AM) (Judicial Officer: Smith, Douglas E.) <i>LVMPD's Motion to Settle the Record Pursuant to NRAP 10(c)</i> |
| 11/06/2014 |  Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Entry of Order</i> |
| 11/06/2014 |  Order Granting Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Order Granting LVMPD's Motion to Settle The Record Pursuant to NRAP 10(c)</i> |
| 01/27/2016 |  NV Supreme Court Clerks Certificate/Judgment -Remanded <i>Nevada Supreme Court Clerk's Certificate Judgment - Reversed and Remand</i> |

DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416

| | |
|------------|--|
| 01/27/2016 | Clerk's Certificate (Judicial Officer: Smith, Douglas E.) Debtors: Bryan M Ferguson (Other Defendant) Creditors: Las Vegas Metropolitan Police Dept (Plaintiff) Judgment: 01/27/2016, Docketed: 02/03/2016 Comment: Supreme Court No. 62357; Reversed and Remanded |
| 03/15/2016 |  Notice of Hearing Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Hearing</i> |
| 03/15/2016 |  Errata Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Errata to Renewed Motion for Summary Judgment Against Defendant, Bryan Ferguson</i> |
| 03/15/2016 |  Motion for Summary Judgment Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Renewed Motion for Summary Judgment Against Defendant, Bryan Ferguson</i> |
| 03/15/2016 |  Appendix Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Appendix of Exhibits to Renewed Motion for Summary Judgment Against Defendant, Bryan Ferguson (Volume I, Bates 0001-0250)</i> |
| 03/15/2016 |  Appendix Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Appendix of Exhibits to Renewed Motion for Summary Judgment Against Defendant, Bryan Ferguson (Volume II, Bates 0251-0500)</i> |
| 03/15/2016 |  Appendix Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Appendix of Exhibits to Renewed Motion for Summary Judgment Against Defendant, Bryan Ferguson (Volume III, Bates 0501-0750)</i> |
| 03/15/2016 |  Appendix Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Appendix of Exhibits to Renewed Motion for Summary Judgment Against Defendant, Bryan Ferguson (Volume IV, Bates 0751-1000)</i> |
| 03/15/2016 |  Appendix Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Appendix of Exhibits to Renewed Motion for Summary Judgment Against Defendant, Bryan Ferguson (Volume V, Bates 1001-1250)</i> |
| 03/15/2016 |  Appendix Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Appendix of Exhibits to Renewed Motion for Summary Judgment Against Defendant, Bryan Ferguson (Volume VI, Bates 1251-1500)</i> |
| 03/15/2016 |  Appendix Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Appendix of Exhibits to Renewed Motion for Summary Judgment Against Defendant, Bryan Ferguson (Volume VII, Bates 1501-1750)</i> |
| 03/15/2016 |  Appendix Filed By: Plaintiff Las Vegas Metropolitan Police Dept |

DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416

Appendix of Exhibits to Renewed Motion for Summary Judgment Against Defendant, Bryan Fergason (Volume VIII, Bates 1751-2000)

03/15/2016



Appendix

Filed By: Plaintiff Las Vegas Metropolitan Police Dept

Appendix of Exhibits to Renewed Motion for Summary Judgment Against Defendant, Bryan Fergason (Volume IX, Bates 2001-2250)

03/15/2016



Appendix

Filed By: Plaintiff Las Vegas Metropolitan Police Dept

Appendix of Exhibits to Renewed Motion for Summary Judgment Against Defendant, Bryan Fergason (Volume X, Bates 2251-2500)

03/15/2016



Appendix

Filed By: Plaintiff Las Vegas Metropolitan Police Dept

Appendix of Exhibits to Renewed Motion for Summary Judgment Against Defendant, Bryan Fergason (Volume XI, Bates 2501-2742)

03/28/2016



Order for Production of Inmate

Party: Plaintiff Las Vegas Metropolitan Police Dept

Order for Production of Inmate Bryan M. Fergason, BAC #96803

03/29/2016

CANCELED At Request of Court (8:00 AM) (Judicial Officer: Smith, Douglas E.)

Vacated

Status Check: Supreme Court Remand

04/06/2016



Motion

Filed By: Other Defendant Fergason, Bryan M

Notice of Motion and Motion on an Order Shortening Time to Respond to Motion for Summary Judgment and Other Relief

04/06/2016



Notice of Motion

Filed By: Other Defendant Fergason, Bryan M

Notice of Motion on Motion on an Order Shortening Time to Respond to Motion for Summary Judgment and Other Relief

04/07/2016



Opposition to Motion

Filed By: Plaintiff Las Vegas Metropolitan Police Dept

Opposition to Motion, On an Order Shortening Time, For Additional Time an Other Relief

04/08/2016



Order for Production of Inmate

Party: Plaintiff Las Vegas Metropolitan Police Dept

Amended Order for Production of Inmate Bryan M. Fergason, BAC#96803

04/14/2016



Motion

Filed By: Other Defendant Monroe, Daimon

Motion to Personally Give Evidence Proving the Fraudlent Warrant and Request for Discovery

04/19/2016



Motion for Summary Judgment (8:00 AM) (Judicial Officer: Smith, Douglas E.)

04/19/2016, 06/28/2016

Events: 03/15/2016 Errata

03/15/2016 Motion for Summary Judgment

03/15/2016 Appendix

03/15/2016 Appendix












03/15/2016 Appendix

03/15/2016 Appendix

DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416

| | |
|------------|--|
| | 03/15/2016 Appendix 03/15/2016 Appendix 03/15/2016 Appendix 03/15/2016 Appendix 03/15/2016 Appendix 03/15/2016 Appendix <i>Renewed Motion for Summary Judgment Against Defendant, Bryan Fergason</i> |
| 04/19/2016 |  NV Supreme Court Clerks Certificate/Judgment - Affd/Rev Part <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed in Part, Reversed in Part and Remand</i> |
| 04/19/2016 |  NV Supreme Court Clerks Certificate/Judgment -Remanded <i>Nevada Supreme Court Clerk's Certificate Judgment - Reversed and Remand</i> |
| 04/19/2016 | Clerk's Certificate (Judicial Officer: Smith, Douglas E.) Debtors: Las Vegas Metropolitan Police Dept (Plaintiff) Creditors: Robert Holmes III (Other Defendant) Judgment: 04/19/2016, Docketed: 04/26/2016 Comment: Supreme Court No 62274 - Appeal Reversed and Remanded |
| 04/19/2016 | Clerk's Certificate (Judicial Officer: Smith, Douglas E.) Debtors: Daimon Monroe (Other Defendant) Creditors: Las Vegas Metropolitan Police Dept (Plaintiff) Judgment: 04/19/2016, Docketed: 04/26/2016 Comment: Supreme Court No 62264 - Appeal Affirmed in Part and Reversed in Part and Remanded |
| 04/21/2016 |  Reply to Opposition Filed by: Other Defendant Fergason, Bryan M <i>Claimant's Reply to Plaintiff's Opposition and Other Relief</i> |
| 04/26/2016 |  Opposition to Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Opposition to Motion to Personally Give Evidence Proving the Fraudulent Warrant and Request for Discovery</i> |
| 04/26/2016 |  Proof of Service Filed by: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Proof of Service</i> |
| 05/05/2016 |  Motion for Summary Judgment Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Renewed Motion for Summary Judgment Against Defendants Daimon Monroe and Robert Holmes, III</i> |
| 05/06/2016 |  Order for Production of Inmate Party: Plaintiff Las Vegas Metropolitan Police Dept <i>Order for Production of Inmate Bryan M. Fergason, BAC #96803</i> |
| 05/06/2016 |  Notice of Hearing Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Hearing Re: Renewed Motion for Summary Judgment Against Defendant's Monroe and Holmes</i> |
| 05/06/2016 |  Motion |

DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416



| | |
|------------|--|
| | Filed By: Also Known As Hoyt, Daimon D <i>Defendant's Pro Per Motion</i> |
| 05/06/2016 |  Motion Filed By: Also Known As Hoyt, Daimon D <i>Defendant's Pro Per Motion</i> |
| 05/09/2016 | Motion (3:00 AM) (Judicial Officer: Smith, Douglas E.) Events: 04/06/2016 Notice of Motion <i>Plaintiff's Motion on an Order Shortening Time to Respond to Motion for Summary Judgment and Other Relief</i> |
| 05/10/2016 |  Notice of Change of Hearing <i>Notice of Change of Hearing</i> |
| 05/16/2016 |  Opposition to Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Opposition to Motion to Compel Plaintiffs to Produce for the Court All Pictures of the Warrants at the Scene All Warrants Involved, and any Computer to the Warrants Entered in Metro's Central Data Base</i> |
| 05/16/2016 |  Opposition to Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Opposition to Motion and Notification of an Inability to Get Proper Copies Because of My Conditions of Confinement and to Ask for a Date to be Allowed to Show this Court and Plaintiffs Defendant Monroes Evidence</i> |
| 05/17/2016 |  Status Check (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Status Check: Plaintiff to Provide Documentation Regarding Service of Process Upon Defendant Regarding Renewed Motion for Summary Judgment</i> |
| 05/18/2016 |  Certificate of Service Filed by: Plaintiff Las Vegas Metropolitan Police Dept <i>Certificate of Delivery</i> |
| 05/18/2016 |  Opposition Filed By: Other Defendant Ferguson, Bryan M <i>Claimant's Opposition to Plaintiff's Renewed Motion for Summary Judgment and Other Relief</i> |
| 05/20/2016 |  Notice of Change of Hearing Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Change of Hearing Date and Motion Response Due Date</i> |
| 05/24/2016 |  Opposition to Motion For Summary Judgment Filed By: Also Known As Holmes, Bobby <i>Opposition to Motion For Summary Judgment and Motion to Strike the Plaintiff's Renewed Summary Judgment.</i> |
| 05/27/2016 |  Application to Proceed in Forma Pauperis Filed By: Also Known As Hoyt, Daimon D <i>Request to Grant In Forma Pauperis due to Indigency</i> |
| 05/27/2016 |  Opposition and Countermotion Filed By: Also Known As Hoyt, Daimon D <i>Opposition to Plaintiff's Renewed Request for Summary Judgment, and Request for Immediate Return of Monies to Defendants</i> |

DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416











| | |
|------------|--|
| 05/27/2016 |  Motion to Produce Filed By: Also Known As Hoyt, Daimon D <i>Motion to Produce Documents and Request for Further Discovery if Defendant Monroe's Motion for Summary Judgment is Denied</i> |
| 06/03/2016 |  Notice of Motion Filed By: Other Defendant Holmes III, Robert <i>Notice of Motion & Opposition to Summary Judgment and Motion to Strike the Plaintiff's Renewed Summary Judgment</i> |
| 06/03/2016 |  Notice of Motion Filed By: Other Defendant Holmes III, Robert <i>Notice of Motion and First Supplement to Opposition to Summary Judgment and Motion to Strike the Plaintiff's Renewed Summary Judgment</i> |
| 06/09/2016 |  Proof of Service Filed by: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Proof of Service</i> |
| 06/15/2016 |  Order for Production of Inmate Party: Plaintiff Las Vegas Metropolitan Police Dept <i>Order for Production of Inmate Bryan M. Ferguson, BAC #96803</i> |
| 06/16/2016 |  Order for Production of Inmate Party: Plaintiff Las Vegas Metropolitan Police Dept <i>Order Production of Inmate DAIMON HOLT, aka, Daimon Monroe BAC 38299</i> |
| 06/21/2016 |  Reply in Support Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Reply in Support of Renewed Motion for Summary Judgment Against Defendants Bryan Ferguson, Daimon Monroe and Robert Holmes, III</i> |
| 06/24/2016 |  Notice of Motion Filed By: Other Defendant Holmes III, Robert <i>2nd Supplement and Notice of Motion, Opposition and Motion to Stike Plaintiff's Reply in Support of Renwed Motion for Summary Judgement Against Defendant Robert Holmes III</i> |
| 06/27/2016 | Petition to Proceed in Forma Pauperis (3:00 AM) (Judicial Officer: Smith, Douglas E.) Events: 05/27/2016 Application to Proceed in Forma Pauperis <i>Request to Grant In Forma Pauperis due to Indigency</i> |
| 06/27/2016 | Motion to Produce (3:00 AM) (Judicial Officer: Smith, Douglas E.) Events: 05/27/2016 Motion to Produce <i>Motion to Produce Documents and Request for Further Discovery if Defendant Monroe's Motion for Summary Judgment is Denied</i> |
| 06/27/2016 |  All Pending Motions (3:00 AM) (Judicial Officer: Smith, Douglas E.) |
| 06/28/2016 | Motion (8:00 AM) (Judicial Officer: Smith, Douglas E.) 06/28/2016, 07/12/2016 <i>Def't's Pro Se Motion to Personally Give Evidence Proving the Fraudlent Warrant and Request for Discovery</i> |
| 06/28/2016 | Motion for Summary Judgment (8:00 AM) (Judicial Officer: Smith, Douglas E.) 06/28/2016, 07/12/2016 <i>Renewed Motion for Summary Judgment Against Defendants Daimon Monroe and Robert</i> |

DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416









Holmes, III

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|------------|---|
| 06/28/2016 | Motion to Compel (8:00 AM) (Judicial Officer: Smith, Douglas E.) 06/28/2016, 07/12/2016 <i>Defendant's Pro Per Motion and Notification of an Inability to get Proper Copies</i> |
| 06/28/2016 | Motion (8:00 AM) (Judicial Officer: Smith, Douglas E.) 06/28/2016, 07/12/2016 <i>Defendant's Pro Per Motion to Compel</i> |
| 06/28/2016 | Opposition and Countermotion (8:00 AM) (Judicial Officer: Smith, Douglas E.) 06/28/2016, 07/12/2016 Events: 05/27/2016 Opposition and Countermotion <i>Opposition to Plaintiff's Renewed Request for Summary Judgment, and Request for Immediate Return of Monies to Defendants</i> |
| 06/28/2016 |  All Pending Motions (8:00 AM) (Judicial Officer: Smith, Douglas E.) |
| 06/28/2016 |  Order for Production of Inmate Party: Plaintiff Las Vegas Metropolitan Police Dept <i>Order for Production of Inmate Bryan M. Ferguson, BAC #96803</i> |
| 06/28/2016 |  Order for Production of Inmate Party: Plaintiff Las Vegas Metropolitan Police Dept <i>Order for Production of Inmate Daimon Holt, aka, Daimon Monroe, ID #715429</i> |
| 07/06/2016 |  Notice of Motion Filed By: Other Defendant Monroe, Daimon |
| 07/07/2016 |  Opposition Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>LVMPD's Opposition to Defendant Robert Holmes, III's Second Supplement, Opposition, and Motion to Strike Plaintiff's Reply and LVMPD's Countermotion to Strike</i> |
| 07/07/2016 |  Notice of Motion Filed By: Other Defendant Monroe, Daimon |
| 07/07/2016 |  Notice of Motion Filed By: Other Defendant Monroe, Daimon |
| 07/07/2016 |  Notice of Change of Hearing Filed By: Other Defendant Monroe, Daimon |
| 07/08/2016 |  Opposition to Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>LVMPD's Combined Opposition to Daimon Monroe's Three Pro Se Motions Filed on July 7, 2016</i> |
| 07/12/2016 |  Opposition to Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>LVMPD's Opposition to Defendant Bryan Ferguson's Motion to Strike and or Continue Hearing and Other Relief on Order Shortening Time</i> |
| 07/12/2016 | All Pending Motions (8:00 AM) (Judicial Officer: Smith, Douglas E.) |
| 07/19/2016 | |







DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416

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|------------|---|
| |  Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Order</i> |
| 07/19/2016 |  Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Order</i> |
| 07/19/2016 |  Motion Filed By: Other Defendant Monroe, Daimon <i>Motion to Supplement my Opposition to Plaintiffs Summery Judgment.</i> |
| 07/19/2016 |  Motion Filed By: Other Defendant Monroe, Daimon <i>Supplement to Opposition to Plaintiffs Motion for Summery Judgment.</i> |
| 07/20/2016 |  Notice of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Entry of Orders</i> |
| 07/22/2016 |  Notice of Motion Filed By: Other Defendant Monroe, Daimon <i>Motion on Cover up done by R-O-P and Sandra Digiacomo</i> |
| 07/22/2016 |  Notice of Motion Filed By: Other Defendant Monroe, Daimon <i>Motion, Evidence submitted into record on illegal arrests and seizure and illegal convictions, and state obstructing, and illegal seizure of money</i> |
| 07/22/2016 |  Notice of Motion Filed By: Other Defendant Monroe, Daimon <i>Motion on some more fact's on illegal warrant's and illegal taking of these monies</i> |
| 07/22/2016 |  Notice of Motion Filed By: Other Defendant Monroe, Daimon <i>Motion on monies taken illegally, due to original arrest lacking legal warrant</i> |
| 08/15/2016 | Motion (3:00 AM) (Judicial Officer: Smith, Douglas E.) Events: 07/06/2016 Notice of Motion <i>Notice of Motion - Motion for 60 Days to Refile my Opposition and my Summary Judgment</i> |
| 08/15/2016 | Motion for Clarification (3:00 AM) (Judicial Officer: Smith, Douglas E.) Events: 07/07/2016 Notice of Motion <i>Notice of Motion - Motion to Clarify I did File a Opposition, I did File a Motionfro Summary Judgment and I did File a Informa Pauperis if this Court Granted them I ask for a Rehearing</i> |
| 08/15/2016 | Motion (3:00 AM) (Judicial Officer: Smith, Douglas E.) Events: 07/07/2016 Notice of Motion <i>Notice of Motion - Motion to Notify Court I Sent a Informa Pauperis and Opposition to Plaintiff's Request for Summary Judgment and Sent a Request for Summary Judgment on May 23, 2016</i> |
| 08/18/2016 |  Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Order</i> |

DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416

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|------------|--|
| 08/19/2016 |  Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Entry of Order</i> |
| 08/22/2016 | Motion (3:00 AM) (Judicial Officer: Smith, Douglas E.) 08/22/2016, 10/18/2016 Events: 07/19/2016 Motion <i>Defendant's Motion to Supplement my Opposition to Plaintiffs Summary Judgment.</i> |
| 08/22/2016 | Motion (3:00 AM) (Judicial Officer: Smith, Douglas E.) 08/22/2016, 10/18/2016 Events: 07/22/2016 Notice of Motion <i>Motion on Coverup done by R-O-P and Sandra DiGiacomo</i> |
| 08/22/2016 | Motion (3:00 AM) (Judicial Officer: Smith, Douglas E.) 08/22/2016, 10/18/2016 Events: 07/22/2016 Notice of Motion <i>Motion, Evidence Submitted into Record on Illegal Arrests and Seizure and Illegal Convictions and State Obstructing and Illegal Seizure of Money</i> |
| 08/22/2016 | Motion (3:00 AM) (Judicial Officer: Smith, Douglas E.) 08/22/2016, 10/18/2016 Events: 07/22/2016 Notice of Motion <i>Motion on some more Facts on Illegal Warrants and Illegal Taking of these Monies</i> |
| 08/22/2016 | Motion (3:00 AM) (Judicial Officer: Smith, Douglas E.) 08/22/2016, 10/18/2016 Events: 07/22/2016 Notice of Motion <i>Motion on Monies taken Illegally, due to Original Arrest Lacking Legal Warrant</i> |
| 08/22/2016 |  All Pending Motions (3:00 AM) (Judicial Officer: Smith, Douglas E.) |
| 08/29/2016 |  Notice of Motion Filed By: Other Defendant Monroe, Daimon |
| 08/31/2016 |  Reply to Opposition Filed by: Other Defendant Ferguson, Bryan M <i>Claimant Ferguson Reply to LVMPD's Opposition, Et.</i> |
| 09/13/2016 |  Order for Production of Inmate Party: Plaintiff Las Vegas Metropolitan Police Dept <i>Order for Production of Inmate Bryan M. Ferguson, BAC 96803</i> |
| 09/13/2016 |  Order for Production of Inmate Party: Plaintiff Las Vegas Metropolitan Police Dept <i>Order for Production of Inmate DAIMON HOLT, aka, Daimon Monroe, ID #715429</i> |
| 10/11/2016 |  Reply Filed by: Plaintiff Las Vegas Metropolitan Police Dept <i>LVMPD's Final Reply on Renewed Motion for Summary Judgment</i> |
| 10/12/2016 |  Substitution of Attorney Filed by: Plaintiff Las Vegas Metropolitan Police Dept <i>Substitution of Attorney Pursuant to EDCR 7.40(b)(1)</i> |
| 10/18/2016 | Hearing (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Hearing</i> |

DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416

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|------------|---|
| 10/18/2016 | Motion (8:00 AM) (Judicial Officer: Smith, Douglas E.) Events: 08/29/2016 Notice of Motion <i>Notice of Motion</i> |
| 10/18/2016 | Status Check (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Defendant's Opposition to the State's Motion for Summary Judgment</i> |
| 10/18/2016 |  All Pending Motions (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Hearing . . . Notice of Motion . . . Defendant's Opposition to the State's Motion for Summary Judgment . . . Defendant's Motion to Supplement my Opposition to Plaintiff's Summary Judgment . . . Motion on Cover-up done by R-O-P and Sandra DiGiacomo . . . Motion, Evidence Submitted into Record on Illegal Arrests and Seizure . . . Motion on Some More Facts on Illegal Warrants and Illegal taking of these Monies . . . Motion on Monies Taken Illegally due to Original Arrest Lacking Legal Warrant</i> |
| 10/26/2016 |  Findings of Fact, Conclusions of Law and Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Findings of Fact, Conclusions of Law, and Order</i> |
| 10/27/2016 |  Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Entry of Order</i> |
| 10/31/2016 |  Notice of Appeal |
| 10/31/2016 |  Designation of Record on Appeal |
| 11/01/2016 |  Case Appeal Statement Filed By: Other Defendant Holmes III, Robert <i>Case Appeal Statement</i> |
| 01/10/2017 | Status Check (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Status Check: Stay Pending Supreme Court Filing in C228752</i> |

| DATE | FINANCIAL INFORMATION |
|------|---|
| | Conversion Extended Connection Type No Convert Value @ 07A537416 |
| | Total Charges 202.00 |
| | Total Payments and Credits 202.00 |
| | Balance Due as of 11/1/2016 0.00 |
| | Plaintiff Las Vegas Metropolitan Police Dept |
| | Total Charges 14.00 |
| | Total Payments and Credits 14.00 |
| | Balance Due as of 11/1/2016 0.00 |

ORIGINAL

CIVIL COVER SHEET

Clark County, Nevada

Case No.

(Assigned by Clerk's Office)

A 23746

VII

I. Party Information

Plaintiffs: Las Vegas Metropolitan Police Department

Defendants: U.S. CURRENCY \$281,656.73

Attorney: RANDALL F. WEED
Chief Deputy District Attorney
Nevada Bar #000082

Attorney:

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

☐ Arbitration Requested

Civil Cases

| Real Property | Torts | |
|---|--|---|
| <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Title to Property <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning | Negligence <input type="checkbox"/> Negligence - Auto <input type="checkbox"/> Negligence - Medical/Dental <input type="checkbox"/> Negligence - Premises Liability (Slip/Fall) <input type="checkbox"/> Negligence - Other | <input type="checkbox"/> Product Liability <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> Employment Torts (Wrongful Termination) <input type="checkbox"/> Other Torts <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition |
| Probate | Other Civil Filing Types | |
| <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Probate Trust/Conservatorship <input type="checkbox"/> Other Probate | <input type="checkbox"/> Construction Defect <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Act/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Civil Petition for Judicial Review <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Employer's Insurance of Nevada | <input type="checkbox"/> Appeal from Lower Court (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding <input type="checkbox"/> Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Foreign Judgment - Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input checked="" type="checkbox"/> Other Civil Matters |

III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only).

| | | |
|---|--|---|
| <input type="checkbox"/> NRS Chapters 78-88 | <input type="checkbox"/> Investments (NRS 104B) | <input type="checkbox"/> Enhanced Case Mgmt/Business |
| <input type="checkbox"/> Commodities (NRS 90) | <input type="checkbox"/> Deceptive Trade Practices (NRS 598) | <input type="checkbox"/> Other Business Court Matters |
| <input type="checkbox"/> Securities (NRS 90) | <input type="checkbox"/> Trademarks (NRS 600A) | |

8 March 07

Date

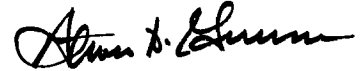
[Signature]

Signature of initiating party or representative

MARQUIS AURBACH COFFING

Micah S. Echols, Esq.
Nevada Bar No. 8437
Adele V. Karoum, Esq.
Nevada Bar No. 11172
10001 Park Run Drive
Las Vegas, Nevada 89145
Telephone: (702) 382-0711
Facsimile: (702) 382-5816
mechols@maclaw.com
akaroum@maclaw.com

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10/26/2016 02:21:19 PM



CLERK OF THE COURT

**LAS VEGAS METROPOLITAN
POLICE DEPARTMENT**

Liesl Freedman
General Counsel
Nevada Bar No. 5309
Matthew Christian
Assistant General Counsel
Nevada Bar No. 8024
400 S. Martin Luther King Blvd.
Las Vegas, Nevada 89106
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Attorneys for Plaintiff, LVMPD

DISTRICT COURT

CLARK COUNTY, NEVADA

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

Plaintiff,

vs.

U.S. CURRENCY \$281,656.73,

Defendant.

Case No.: 07A537416
Dept. No.: VIII

Date of Hearing: October 18, 2016
Time of Hearing: 8:00 a.m.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This matter having come on for hearing on October 18, 2016, on Plaintiff, Las Vegas Metropolitan Police Department's ("LVMPD") Renewed Motions for Summary Judgment Against Defendants, Ferguson, Monroe and Holmes, Micah S. Echols, Esq. and Adele V. Karoum, Esq. of the law firm of Marquis Aurbach Coffing and Matthew Christian, Esq. of the

1 Las Vegas Metropolitan Police Department appearing on behalf of LVMPD; Defendants,
2 BRYAN FERGASON ("Ferguson"), DAIMON MONROE (aka Daimon Holt and Daimon Devi
3 Hoyt) ("Monroe") and ROBERT HOLMES, III (aka Bobby Holmes) (hereinafter "Holmes"),
4 appearing in proper person. The Court continued the renewed motion for summary judgment as
5 to claimants Daimon Monroe and Bryan Ferguson.

6 The Court severed the renewed motion for summary judgment as to claims against
7 claimant Robert Holmes, III, for the civil forfeiture of \$70,000 cash relinquished by Sean
8 Sullivan, Esq., former attorney for Robert Holmes, III.

9 The Court having considered the issues and arguments presented, and good cause
10 appearing therefore, the Court hereby GRANTS summary judgment to LVMPD on the severed
11 claim for civil forfeiture against claimant Robert Holmes, III for \$70,000.

12 FINDINGS OF FACT

13 1. A Complaint for Forfeiture was filed on March 9, 2007, wherein U.S.
14 CURRENCY \$281,656.73 represents proceeds attributable to the commission or attempted
15 commission of a felony under NRS Chapter 179.

16 2. Answers to the Complaint for Forfeiture were filed by Holmes, through his
17 former counsel Sean Sullivan, Esq., on April 12, 2007.

18 3. In 2007, the case was stayed pending the completion of the companion criminal
19 proceedings.

20 4. Monroe was found guilty in a trial by jury in Case No. C228752 for 26 counts of
21 Possession of Stolen Property, all Category B and C felonies, in violation of NRS 205.275, and
22 one count of Conspiracy to Possess Stolen Property and/or to Commit Burglary, a gross
23 misdemeanor. An Amended Judgment of Conviction was filed in this matter on September 17,
24 2010. An Amended Judgment of Conviction in Case Number C227874 was filed on August 4,
25 2008, as to Monroe, who was found guilty of two counts of Burglary, both Felonies, in violation
26 of NRS 205.050 and NRS 205.060, and guilty of Grand Larceny, a Category B Felony in
27 violation of NRS 205.220 and NRS 205.222.

1 5. Holmes entered a plea of guilty to one count of Conspiracy to Possess Stolen
2 Property and/or Commit Burglary and two counts of Possession of Stolen Property, a Category B
3 felony, in violation of NRS 205.275, in Case No. C228752 on January 5, 2009.

4 6. Trevvarthen entered a plea of guilty to one count of Conspiracy to Possess Stolen
5 Property and/or to Commit Burglary and one count of Possession of Stolen Property in Case No.
6 C228752 on October 3, 2008.

7 7. On March 5, 2012, Plaintiff filed a Motion to Lift the Stay of this forfeiture matter
8 as the Defendants had been adjudicated in all of the criminal cases, Case Nos. C228752,
9 06F18594 (which was bound over to District Court as Case No. C227874), and C208321. The
10 Order Granting Motion to Lift Stay was filed with the Court on April 27, 2012.

11 8. Plaintiff thereafter filed a Motion for Summary Judgment on June 5, 2012. The
12 Motion for Summary Judgment was granted on November 28, 2012.

13 9. Claimants Ferguson, Holmes, and Monroe all appealed the Order Granting
14 Summary Judgment from November 28, 2012, to the Nevada Supreme Court.

15 10. As to Claimant Holmes, on March 18, 2016, the Nevada Supreme Court reversed
16 the judgment as to the \$70,000 forfeited from Holmes by attorney Sean Sullivan, Esq.

17 11. On May 5, 2016, LVMPD filed a Renewed Motion for Summary Judgment
18 against Defendants Monroe and Holmes, incorporating the eleven volumes of appendices
19 previously attached to a Renewed Motion for Summary Judgment against claimant Ferguson, to
20 establish, based on the complete record, there is no issue of material fact remaining as to the
21 issue of whether the remaining proceeds in this case, including the \$70,000 relinquished by
22 Holmes in 2006, were proceeds from the commission or attempted commission of a felony,
23 under NRS 179.1164.

24 12. Holmes, Ferguson, Monroe, and Trevvarthen were involved in a burglary ring and
25 were adjudicated guilty between 2008 and 2011. The burglaries spanned a time period over
26 several years, and involved a sophisticated method of gaining entry to commercial businesses
27 with doors of a particular type, which could be opened with a specially-crafted tool. Claimants
28 Holmes, Ferguson, Monroe, and Trevvarthen were all found guilty of felonies including Burglary

1 (NRS 205.060), Grand Larceny (NRS 205.220), and/or Possession of Stolen Property (NRS
2 205.275).

3 13. Between November 2006 and February 2007, U.S. CURRENCY \$281,656.73
4 was recovered by LVMPD from the actual or constructive possession of Monroe, Ferguson,
5 Trevarthen, and Holmes, and their attorneys.

6 14. The \$281,656.73 included \$70,000 in cash voluntarily surrendered by attorney
7 Sean P. Sullivan, who was representing Holmes.

8 15. When Monroe and his co-defendants stole from businesses, they often took cash
9 during the burglaries. Testimony from the criminal trials of Monroe and Ferguson indicated
10 victims reported cash was stolen from their businesses' cash registers or petty cash drawers
11 during the burglaries, for which Defendants were convicted.

12 **A. THE \$70,000 PROVIDED TO LVMPD BY ATTORNEY SEAN SULLIVAN ON**
13 **BEHALF OF HOLMES.**

14 1. Trevarthen testified Monroe burglarized businesses weekly or twice per week and
15 made sales of stolen property nearly every weekend.

16 2. Trevarthen and Monroe lived together and had children together. After her arrest,
17 Trevarthen withdrew \$145,000 in funds from bank accounts in Trevarthen's name, shared with
18 Monroe, at Bank of America. Trevarthen admitted the funds in her bank accounts were funds
19 from criminal activity including selling stolen property. Trevarthen admitted her income did not
20 cover the family's bills, and Monroe did not work between 2002 and 2006.

21 3. In Monroe's criminal trial, Trevarthen testified that after her arrest, she withdrew
22 money from her accounts for attorney fees as well as \$145,000, which she gave to Holmes in late
23 November 2006. This consisted of \$20,000 and then an additional \$125,000.

24 4. Trevarthen's bank statements, attached as exhibits, were consistent with this
25 sequence of events. After making payments to bail bonds companies and transferring money
26 between accounts, Trevarthen withdrew \$172,500 using cash withdrawals and counter debits in
27 the proceeding days in November 2006.
28

5. At the beginning of November 2006, Trevarthen had \$135,291 in her money market savings account. By November 16, 2006, this account had a *negative* balance of \$19.37. Similarly, Trevarthen's checking account statements, payable on death to Monroe, had \$50,420 at the beginning of November 2006, but only \$26,498.36 at the end of November.

6. Trevarthen told police she gave the money from her bank accounts to Holmes, and Holmes did not return the money.

7. Monroe requested assistance from Holmes while Monroe was incarcerated. Telephone calls from Clark County Detention Center documented Monroe asking Holmes to perform tasks related to evidence in Monroe's cell phone. Holmes also discussed assisting Monroe with bail money when Monroe was incarcerated.

8. Holmes' attorney, Sean Sullivan, was approached by LVMPD requesting the money be returned, and Sullivan was informed by LVMPD that Trevarthen had given Holmes the \$145,0000.

9. Sullivan told LVMPD that Holmes only had \$70,000 of the money available and Holmes had spent the remainder of the money.

10. \$70,000 cash, in \$100 bills, was voluntarily surrendered to LVMPD by attorney Sean Sullivan.

11. No evidence was submitted by Holmes attached to his opposition to the renewed motion for summary judgment.

12. The evidence submitted by Holmes was attached to his second supplement to his opposition to summary judgment filed on June 24, 2016. Holmes' evidence included incomplete bank records and loan statements with missing pages, from irrelevant periods of time, all either several months before or after the relevant time period when the \$70,000 was relinquished to LVMPD.

CONCLUSIONS OF LAW

1. Pursuant to NRCP 56, summary judgment is appropriate "if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is

1 entitled to a judgment as a matter of law.” NRCP 56(c). Summary judgment is proper when no
2 genuine issue of material fact exists. Farmers Ins. Exchange v. Young, 108 Nev. 328, 832 P.2d
3 376 (1992).

4 2. Although the non-moving party is entitled to all reasonable inferences from the
5 documents and supporting evidence in its favor, it is not entitled to “build a case on gossamer
6 threads of whimsy, speculation, and conjecture.” Collins v. Union Fed. Sav. & Loan Ass’n, 99
7 Nev. 284, 302, 662 P.2d 610 (1983).

8 3. The non-moving party “must, by affidavit or otherwise, set forth specific facts
9 demonstrating the existence of a genuine issue for trial or have summary judgment entered
10 against him.” Bulbman, Inc. v. Nevada Bell, 108 Nev. 105, 110, 825 P.2d 588, 591 (1992).

11 4. EDCR 2.24 permits the Court to reconsider a matter previously decided.
12 Rehearings are granted only when “there is a reasonable probability that the court may have
13 arrived at an erroneous conclusion or overlooked some important question necessary to a full and
14 proper understanding of the case.” State v. Fitch, 68 Nev. 422, 233 P.2d 1070, 1072 (1951);
15 accord, Moore v. City of Las Vegas, 92 Nev. 402, 551 P.2d 244, 246 (1976); Geller v. McCown,
16 64 Nev. 102, 178 P.2d 380, 381 (1947). “In a concise and non-argumentative manner, such a
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19 NRCP 56 prohibits the filing of successive motions for summary judgment, as expressly
20 recognized by the Supreme Court. Barnettler v. Reno Air, Inc., 114 Nev. 441, 956 P.2d 1382
21 (1998).

22 5. LVMPD’s renewed motions for summary judgment and the referenced exhibits
23 from the criminal matters and the investigation by LVMPD establish there are no genuine issues
24 of material fact remaining on this matter of civil forfeiture against Robert Holmes, III.

25 6. Further, LVMPD is entitled to judgment as a matter of law regarding the
26 forfeiture of U.S. CURRENCY in the amount of \$70,000.

27 7. After remand from the Nevada Supreme Court cases, the issue remaining for
28 claimant Holmes was whether the \$70,000 seized from Holmes and his attorney constituted

1 proceeds attributable to the commission or the attempted commission of a felony. If the money
2 is determined to have been proceeds from the commission or attempted commission of a felony,
3 NRS Chapter 179 provides the money is subject to forfeiture to the plaintiff, LVMPD, as fruits
4 of the crime.

5 8. LVMPD's briefs were timely filed including the Reply in Support of Renewed
6 Motion for Summary Judgment, filed June 21, 2016, based on the Nevada Rules of Civil
7 Procedure and the Eighth Judicial District Court Rules.

8 9. There is no issue of material fact remaining as to whether the \$70,000 voluntarily
9 relinquished by attorney Sean Sullivan on behalf of Holmes was connected to a felony or
10 attempted commission of any felony where (a) evidence established Trevarthen's accounts
11 included proceeds from the sale of stolen property by Monroe; (b) Monroe was convicted of
12 several felonies related to possession and sale of stolen property; (c) Trevarthen's testimony and
13 bank records establish Trevarthen withdrew these funds that were admittedly from the sale of
14 stolen property in late November 2006; (d) Trevarthen informed police she gave this money to
15 Holmes and he refused to return it; (e) During this time period when Trevarthen said she gave
16 Holmes the money, recorded call evidence established Holmes was assisting Monroe while he
17 was incarcerated; (f) When confronted about the money, Holmes' attorney said only \$70,000
18 remained and the remainder of the money had already been spent; (g) Sullivan, Holmes'
19 attorney, voluntarily relinquished \$70,000 cash in \$100 bills to LVMPD.

20 10. The evidence provided by Holmes does not raise an issue of material fact as to the
21 source of the \$70,000, in light of the clear and convincing evidence set forth by LVMPD in the
22 renewed motion for summary judgment. The financial information provided by Holmes is from
23 different time periods, incomplete, and missing pages, and does not establish an issue of material
24 fact exists as to the source of the \$70,000. The evidence only reflects an open home equity line
25 and money borrowed during other time periods of 2005 and 2007 does not establish an issue of
26 material fact exists as to the source of the \$70,000 that was seized by Metro in November 2006.
27 Holmes' self-serving and uncorroborated statements by family members regarding the facts do
28 not create an issue of material fact where the financial information does not corroborate the

1 statements. The evidence did not set forth facts material to the remaining issues in the case,
2 whether the \$70,000 was proceeds of a felony or attempted commission of a felony, or whether it
3 had another source. See Dennison v. Allen Group Leasing Corp., 110 Nev. 181, 185, 871 P.2d
4 288, 290–291 (1994); see also Clauson v. Lloyd, 103 Nev. 432, 434–435, 743 P.2d 631, 632–633
5 (1987); see also Catrone v. 105 Casino Corp., 82 Nev. 166, 170–171, 414 P.2d 106, 108–109
6 (1966).

7 11. Holmes' and Sullivan's voluntary relinquishment of the money to LVMPD did
8 not require a warrant for seizure of the \$70,000. LVMPD had probable cause for the seizure of
9 the \$70,000 based upon the information provided to LVMPD by Trevarthen, where Trevarthen
10 told detectives she gave the money from stolen property that was in her bank accounts to Holmes
11 and he would not return it.

12 12. The reopening of this case in 2009 has been previously determined to be
13 procedurally proper in this case. Reconsideration of this issue was not required.

14 13. As to claimant Holmes, the elements of LVMPD's Forfeiture Complaint have
15 been satisfied. As to Claimant Holmes, the \$70,000 relinquished by Holmes' attorney for
16 seizure was proceeds from the commission or attempted commission of a felony and subject to
17 forfeiture to Plaintiff LVMPD under NRS 179.1164.

18 **ORDER**

19 Therefore, it is hereby ordered that the Renewed Motion for Summary Judgment against
20 Claimant ROBERT HOLMES, III, aka Bobby Holmes, is hereby granted in its entirety.

21 IT IS SO ORDERED, this 25 day of October 2016.

22
23 
24 DISTRICT COURT JUDGE
25
26
27
28

MARQUIS AURBACH COFFING

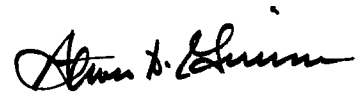
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Las Vegas, Nevada 89145
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Submitted by:

MARQUIS AURBACH COFFING

By Adele Karoum

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**LAS VEGAS METROPOLITAN
POLICE DEPARTMENT**

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Case No.: 07A537416
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NOTICE OF ENTRY OF ORDER

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **NOTICE OF ENTRY OF ORDER** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 27th day of October, 2016. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:¹

DA's Office**Contact**
PD MOTIONS**Email**
Motions@clarkcountynyda.com**Dept 8****Contact**
Law Clerk Dept 8**Email**
Dept08LC@clarkcountycourts.us**PD Sex****Contact**
ANITA Harrold**Email**
harrolah@ClarkCountyNV.gov

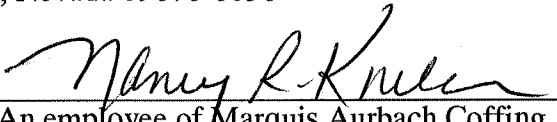
I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

Robert Holmes, III
4657 Swaying Ferns Drive
Las Vegas, Nevada 89147

Via certified mail/return receipt requested to:

Bryan Fergason, (BAC #96803)
High Desert State Prison
P.O. Box 650
Indian Springs, Nevada 89070-0650

Daimon Monroe (BAC #38299)
High Desert State Prison
P.O. Box 650
Indian Springs, Nevada 89070-0650

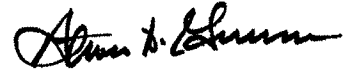

An employee of Marquis Aurbach Coffing

¹ Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).

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CLERK OF THE COURT

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8 Sullivan, Esq., former attorney for Robert Holmes, III.

9 The Court having considered the issues and arguments presented, and good cause
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10 attempted commission of any felony where (a) evidence established Trevarthen's accounts
11 included proceeds from the sale of stolen property by Monroe; (b) Monroe was convicted of
12 several felonies related to possession and sale of stolen property; (c) Trevarthen's testimony and
13 bank records establish Trevarthen withdrew these funds that were admittedly from the sale of
14 stolen property in late November 2006; (d) Trevarthen informed police she gave this money to
15 Holmes and he refused to return it; (e) During this time period when Trevarthen said she gave
16 Holmes the money, recorded call evidence established Holmes was assisting Monroe while he
17 was incarcerated; (f) When confronted about the money, Holmes' attorney said only \$70,000
18 remained and the remainder of the money had already been spent; (g) Sullivan, Holmes'
19 attorney, voluntarily relinquished \$70,000 cash in \$100 bills to LVMPD.

20 10. The evidence provided by Holmes does not raise an issue of material fact as to the
21 source of the \$70,000, in light of the clear and convincing evidence set forth by LVMPD in the
22 renewed motion for summary judgment. The financial information provided by Holmes is from
23 different time periods, incomplete, and missing pages, and does not establish an issue of material
24 fact exists as to the source of the \$70,000. The evidence only reflects an open home equity line
25 and money borrowed during other time periods of 2005 and 2007 does not establish an issue of
26 material fact exists as to the source of the \$70,000 that was seized by Metro in November 2006.
27 Holmes' self-serving and uncorroborated statements by family members regarding the facts do
28 not create an issue of material fact where the financial information does not corroborate the

1 statements. The evidence did not set forth facts material to the remaining issues in the case,
2 whether the \$70,000 was proceeds of a felony or attempted commission of a felony, or whether it
3 had another source. See Dennison v. Allen Group Leasing Corp., 110 Nev. 181, 185, 871 P.2d
4 288, 290–291 (1994); see also Clauson v. Lloyd, 103 Nev. 432, 434–435, 743 P.2d 631, 632–633
5 (1987); see also Catrone v. 105 Casino Corp., 82 Nev. 166, 170–171, 414 P.2d 106, 108–109
6 (1966).

7 11. Holmes' and Sullivan's voluntary relinquishment of the money to LVMPD did
8 not require a warrant for seizure of the \$70,000. LVMPD had probable cause for the seizure of
9 the \$70,000 based upon the information provided to LVMPD by Trevarthen, where Trevarthen
10 told detectives she gave the money from stolen property that was in her bank accounts to Holmes
11 and he would not return it.

12 12. The reopening of this case in 2009 has been previously determined to be
13 procedurally proper in this case. Reconsideration of this issue was not required.

14 13. As to claimant Holmes, the elements of LVMPD's Forfeiture Complaint have
15 been satisfied. As to Claimant Holmes, the \$70,000 relinquished by Holmes' attorney for
16 seizure was proceeds from the commission or attempted commission of a felony and subject to
17 forfeiture to Plaintiff LVMPD under NRS 179.1164.

18 ORDER

19 Therefore, it is hereby ordered that the Renewed Motion for Summary Judgment against
20 Claimant ROBERT HOLMES, III, aka Bobby Holmes, is hereby granted in its entirety.

21 IT IS SO ORDERED, this 25 day of October 2016.

22
23 
24 DISTRICT COURT JUDGE
25
26
27
28

MARQUIS AURBACH COFFING

10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

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Submitted by:

MARQUIS AURBACH COFFING

By Adele Karoum
Micah S. Echols, Esq.
Nevada Bar No. 8437
Adele V. Karoum, Esq.
Nevada Bar No. 11172
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for Plaintiff, LVMPD

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

May 16, 2007

| | |
|-----------|------------------------------------|
| 07A537416 | Las Vegas Metropolitan Police Dept |
| | vs |
| | U S Currency \$281,656.73 |

May 16, 2007 **8:30 AM** **Motion**

HEARD BY: COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: Weed, Randall F. Attorney

JOURNAL ENTRIES

- Court noted that Claimants Monroe and Furgason have filed motions to stay these proceedings, which is mandated by statute. COURT ORDERED, motions GRANTED, PROCEEDINGS STAYED until such time Claimants' criminal case is tried or they enter pleas, Mr. Weed to prepare and submit appropriate order. COURT FURTHER ORDERED, th 5/21/07 and 5/30/07 dates VACATED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

September 22, 2008

| | |
|-----------|------------------------------------|
| 07A537416 | Las Vegas Metropolitan Police Dept |
| | vs |
| | U S Currency \$281,656.73 |

September 22, 2008 3:00 AM Motion to Withdraw as Counsel

HEARD BY: Cadish, Elissa F.

COURTROOM: RJC Courtroom 15B

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- There being no opposition, COURT ORDERED, motion GRANTED; moving party to submit the order.

CLERK'S NOTE: The above minute order has been Distributed to: Sean P. Sullivan (Kelly & Sullivan LTD.)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

June 11, 2010

| | |
|-----------|------------------------------------|
| 07A537416 | Las Vegas Metropolitan Police Dept |
| | vs |
| | U S Currency \$281,656.73 |

| | | | |
|----------------------|----------------|---------------|--|
| June 11, 2010 | 8:33 AM | Motion | Deft. Robert Holmes III's Motion For Return of Illegally Seized Preoperty and Money |
|----------------------|----------------|---------------|--|

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Pursuant to EDCR 2.20, no points and authorities being filed and the motion not being served on interested parties, COURT ORDERED, motion DENIED.

CLERK'S NOTE: The above minute order has been distributed to: Robert Holmes III #1034184, c/o Southern Department Correctional Center, P.O. Box 208, Indian Springs, NV 89070. 06/11/10 kls

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

January 09, 2012

| | |
|-----------|------------------------------------|
| 07A537416 | Las Vegas Metropolitan Police Dept |
| | vs |
| | U S Currency \$281,656.73 |

| | | | |
|------------------|---------|----------------------|---|
| January 09, 2012 | 3:00 AM | Motion to Reconsider | Plaintiff's Motion to Reconsider Court Statistically Closing Case |
|------------------|---------|----------------------|---|

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Having considered the moving papers, COURT ORDERED, motion GRANTED.

CLERK'S NOTE: The above minute order has been distributed to: Thomas J. Moreo, Chief Deputy District Attorney. 01/10/12 kls

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

February 06, 2012

| | |
|-----------|------------------------------------|
| 07A537416 | Las Vegas Metropolitan Police Dept |
| | vs |
| | U S Currency \$281,656.73 |

| | | | |
|-------------------|---------|--------|--|
| February 06, 2012 | 3:00 AM | Motion | Defendant's Motion for Enlargement of time to Respond to Plaintiff's Motion to Reconsider Court Statistically Closing Case |
|-------------------|---------|--------|--|

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED to hearing calendar.

02-21-12 8:00 AM Defendant's Motion for Enlargement of time to Respond to Plaintiff's Motion to Reconsider Court Statistically Closing Case

CLERK'S NOTE: The above minute order has been distributed to: Robert Holmes III #1034184 c/o Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89018 and Thomas J. Moreo, Chief Deputy District Attorney - Civil Division. 02/08/12 kls

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

February 21, 2012

| | |
|-----------|------------------------------------|
| 07A537416 | Las Vegas Metropolitan Police Dept |
| | vs |
| | U S Currency \$281,656.73 |

| | | | |
|-------------------|---------|--------|--|
| February 21, 2012 | 8:00 AM | Motion | Defendant's Motion for Enlargement of time to Respond to Plaintiff's Motion to Reconsider Court Statistically Closing Case |
|-------------------|---------|--------|--|

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- There being no parties present, COURT ORDERED, matter CONTINUED. Law Clerk to notify parties.

02-28-12 8:00 AM DEFENDANT'S MOTION FOR ENLARGEMENT OF TIME TO RESPOND TO PLAINTIFF'S MOTION TO RECONSIDER COURT STATISTICALLY CLOSING CASE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

February 28, 2012

| | |
|-----------|------------------------------------|
| 07A537416 | Las Vegas Metropolitan Police Dept |
| | vs |
| | U S Currency \$281,656.73 |

| | | | |
|-------------------|---------|---------------------|---|
| February 28, 2012 | 8:00 AM | All Pending Motions | Deft's Motion to Dismiss Plaintiff's Motion to Reconsider Court Statistically Closing Case; Defendant's Motion for Enlargement of time to Respond to Plaintiff's Motion to Reconsider Court Statistically Closing Case |
|-------------------|---------|---------------------|---|

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT: Moreo, Thomas Joseph Attorney

JOURNAL ENTRIES

- Court advised case had been closed in error. Counsel gave a history of this case and Defendant Holmes. Counsel advised they are filing a Motion to Lift Stay and will be requesting a trial setting. Court stated its findings and ORDERED, Defendant's Motion for Enlargement of Time is OFF CALENDAR as Moot and Defendant's Motion to Dismiss, originally set for March 13, 2012 is DENIED. Mr. Moreo to prepare the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

April 09, 2012

| | |
|-----------|------------------------------------|
| 07A537416 | Las Vegas Metropolitan Police Dept |
| | vs |
| | U S Currency \$281,656.73 |

April 09, 2012

3:00 AM

Motion

Plaintiff's Motion to Lift Stay

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDED:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Having reviewed the moving papers, COURT ORDERED, motion GRANTED.

CLERK'S NOTE: The above minute order has been distributed to: Thomas J. Moreo Deputy District Attorney, Civil Division. 04/13/12 kls

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

June 05, 2012

| | |
|-----------|------------------------------------|
| 07A537416 | Las Vegas Metropolitan Police Dept |
| | vs |
| | U S Currency \$281,656.73 |

| | | | |
|---------------|---------|-----------------------------|---|
| June 05, 2012 | 8:00 AM | Motion for Summary Judgment | Plaintiff's Motion for Summary Judgment |
|---------------|---------|-----------------------------|---|

HEARD BY: Smith, Douglas E. COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT: Moreo, Thomas Joseph Attorney

JOURNAL ENTRIES

- Colloquy regarding opposition being filed by Defendant who is incarcerated. Counsel advised Mr. Holmes is incarcerated in Southern Desert Correctional Center and Mr. Monroe is incarcerated in High Desert State Prison. COURT ORDERED, matter CONTINUED. Mr. Moreo to prepare the order.

08-07-12 8:00 AM Plaintiff's Motion for Summary Judgment

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

July 23, 2012

| | |
|-----------|------------------------------------|
| 07A537416 | Las Vegas Metropolitan Police Dept |
| | vs |
| | U S Currency \$281,656.73 |

| | | | |
|---------------|---------|-------------------------------|--|
| July 23, 2012 | 3:00 AM | Motion to Withdraw as Counsel | Cynthia L. Dustin, Esq's Motion to Withdraw as Counsel |
|---------------|---------|-------------------------------|--|

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- There being no opposition, COURT ORDERED, motion GRANTED.

CLERK'S NOTE: The above minute order has been distributed to: Cynthia Dustin Esq. 08/09/12 kls

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

August 07, 2012

07A537416 Las Vegas Metropolitan Police Dept
vs
U S Currency \$281,656.73

| | | | |
|------------------------|----------------|----------------------------|--|
| August 07, 2012 | 8:00 AM | All Pending Motions | Plaintiff's Motion for Summary Judgment; Defendant Daimon Monroe's Pro Per Motion to Strike Summary Judgment by Plaintiff |
|------------------------|----------------|----------------------------|--|

HEARD BY: Bonaventure, Joseph T.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Debbie Winn

REPORTER:

PARTIES

| | | |
|-----------------|----------------------|-----------------|
| PRESENT: | Ferguson, Bryan M | Other Defendant |
| | Holmes III, Robert | Other Defendant |
| | Monroe, Daimon | Other Defendant |
| | Moreo, Thomas Joseph | Attorney |

JOURNAL ENTRIES

- Colloquy regarding Defendant Trevvarthen's service and whether summary judgment should be granted as to her at this time. Mr. Moreo advised Defendant had moved to Texas and all documents came back, noted all parties had been served. Defendant Ferguson believed his attorney was handling the case and now understands she is not. Mr. Moreo advised all Defendants have no attorneys and all were served. Court advised in all fairness to Defendant Ferguson, it will allow time for Defendant to file a response to the Motion for Summary Judgment. Mr. Moreo advised he had nothing further to add and would not like to hear this matter twice. Statement by the Court. Arguments by Defendants. Court stated its findings and ORDERED, Defendant Monroe's Motion to Strike is DENIED. FURTHER, Motion for Summary Judgment is CONTINUED. State to prepare

07A537416

Order to transport for all three Defendants.

11-13-12 8:00 AM PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

October 08, 2012

| | |
|-----------|------------------------------------|
| 07A537416 | Las Vegas Metropolitan Police Dept |
| | vs |
| | U S Currency \$281,656.73 |

| | | | |
|------------------|---------|--------|--|
| October 08, 2012 | 3:00 AM | Motion | Defendant, Daimon Monroe's Pro Per Motion For Return of Seized Property and Suppresion of Evidence |
|------------------|---------|--------|--|

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Having reviewed all the moving papers, FINDS that all of the issues brought by the Claimant in his motion s have been resolved in prior proceedings, THEREFORE, COURT ORDERED, motion is DENIED as motion is improperly before the Court.

CLERK'S NOTE: The above minute order has been distributed to: D.D.A. Thomas J. Moreo, Civil Division. 10/19/12 kls

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

October 22, 2012

| | |
|-----------|------------------------------------|
| 07A537416 | Las Vegas Metropolitan Police Dept |
| | vs |
| | U S Currency \$281,656.73 |

| | | | |
|------------------|---------|--------|---|
| October 22, 2012 | 3:00 AM | Motion | Defendant, U.S. Currency \$281,656.73 Motion for Material Evidence |
|------------------|---------|--------|---|

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Having reviewed all the moving papers and the State's Opposition FINDS that Defendant's motion has been resolved by way of trial or at the Nevada Supreme Court level. Therefore, COURT ORDERED, motion DENIED. Mr. Moreo to prepare the order.

CLERK'S NOTE: The above minute order has been distributed to: Thomas J. Moreo D.D.A., Civil Division. 10/25/12 kls

motion. Argument by Mr. Moreo regarding search warrant having been resolved at trial and noted monies were never in possession of Defendants. Further arguments by Defendants. Court advised it would review the criminal case and noted it would have to RESERVE its ruling pending the appeal. Further arguments by Defendants. COURT SO NOTED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

October 13, 2014

| | |
|-----------|------------------------------------|
| 07A537416 | Las Vegas Metropolitan Police Dept |
| | vs |
| | U S Currency \$281,656.73 |

| | | | |
|------------------|---------|--------|--|
| October 13, 2014 | 3:00 AM | Motion | LVMPD's Motion to Settle the Record Pursuant to NRAP 10(c) |
|------------------|---------|--------|--|

HEARD BY: Smith, Douglas E.

COURTROOM:

COURT CLERK: Louisa Garcia

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- After reviewing the record, the Court granted this motion in a formal order filed on November 6, 2014.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

April 19, 2016

| | |
|-----------|------------------------------------|
| 07A537416 | Las Vegas Metropolitan Police Dept |
| | vs |
| | U S Currency \$281,656.73 |

| | | | |
|-----------------------|----------------|------------------------------------|--|
| April 19, 2016 | 8:00 AM | Motion for Summary Judgment | Renewed Motion for Summary Judgment Against Defendant, Bryan Fergason |
|-----------------------|----------------|------------------------------------|--|

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Tena Jolley

RECORDER: Jill Jacoby

REPORTER:

PARTIES

| | | |
|-----------------|-----------------------|-----------------|
| PRESENT: | Echols, Micah S. | Attorney |
| | Ferguson, Bryan M | Other Defendant |
| | Karoum, Adele V., ESQ | Attorney |
| | Moreo, Thomas Joseph | Attorney |

JOURNAL ENTRIES

- Defendant Bryan present and in custody. Court noting the case was once decided and Defendant was remanded, it is back on calendar because there was no hearing held. Mr. Ferguson requested additional time stating that he never received a copy of the motion for default; however he had received their Opposition to his motion. Colloquy regarding service of the motion upon Defendant. Court Staff copied and provided Defendant with the Plaintiff's Renewed Motion for Summary Judgment Against Defendant, Bryan Ferguson (without appendices). COURT ORDERED, matter CONTINUED; Defendant has until May 31, 2016, to respond to Plaintiff Renewed Motion. COURT FURTHER ORDERED, matter SET for Status Check for Plaintiff to provide proof of service upon Defendant; Defendant need not appear at the Status Check date.

5/17/16 8:00 AM STATUS CHECK: PLAINTIFF TO PROVIDE DOCUMENTATION
REGARDING SERVICE OF PROCESS UPON DEFENDANT REGARDING RENEWED MOTION

PRINT DATE: 11/01/2016

Page 18 of 27

Minutes Date: May 16, 2007

07A537416

FOR SUMMARY JUDGMENT

5/31/16 8:00 AM RENEWED MOTION FOR SUMMARY JUDGMENT AGAINST DEFENDANT,
BRYAN FERGASON

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

May 17, 2016

| | |
|-----------|------------------------------------|
| 07A537416 | Las Vegas Metropolitan Police Dept |
| | vs |
| | U S Currency \$281,656.73 |

May 17, 2016

8:00 AM

Status Check

**Status Check:
Plaintiff to Provide
Documentation
Regarding Service of
Process Upon
Defendant Regarding
Renewed Motion for
Summary Judgment**

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Tena Jolley

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT: Karoum, Adele V., ESQ Attorney

JOURNAL ENTRIES

- Ms. Karoum provided the Court with proof of service upon Defendants of the Renewed Motion for Summary Judgment Against Defendant, Bryan Ferguson and requested that the pending motions be consolidated for purposes briefing and the hearing. COURT ORDERED Defendants' Oppositions are DUE June 2, 2016, and ALL PENDING MATTERS SET for hearing June 28, 2016.

6/28/16 8:00 AM RENEWED MOTION FOR SUMMARY JUDGMENT AGAINST DEFENDANT,
BRYAN FERGASON...DEFENDANT'S PRO PER MOTION TO COMPEL...DEFENDANT'S PRO PER
MOTION AND NOTIFICATION OF AN INABILITY TO GET PROPER COPIES...RENEWED
MOTION FOR SUMMARY JUDGMENT AGAINST DEFENDANTS DAIMON MONROE AND
ROBERT HOLMES, III

CLERK'S NOTE: The above minute order has been distributed VIA MAIL to:

Bryan Fergason #96803

High Desert State Prison

P.O. Box 650

Indian Springs, NV 89070-0650

Daimon Monroe aka Daimon Holt #00715429

Clark County Detention Center

330 S. Casino Center Blvd.

Las Vegas, NV 89101

Robert Holmes, III

4657 Swaying Ferns Drive

Las Vegas, NV 89147

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

June 27, 2016

| | |
|-----------|------------------------------------|
| 07A537416 | Las Vegas Metropolitan Police Dept |
| | vs |
| | U S Currency \$281,656.73 |

June 27, 2016 3:00 AM All Pending Motions

HEARD BY: Smith, Douglas E. **COURTROOM:** Chambers

COURT CLERK: Keri Cromer

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- REQUEST TO GRANT IN FORMA PAUPERIS DUE TO INDIGENCY...MOTION TO PRODUCE DOCUMENTS AND REQUEST FOR FURTHER DISCOVERY IF DEFENDANT MONROE'S MOTION FOR SUMMARY JUDGMENT IS DENIED

After reviewing the record, COURT ORDERED, the Request to Grant In Forma Pauperis Due to Indigency GRANTED. Furthermore, COURT FURTHER ORDERED, the Motion to Produce Documents and Request for Further Discovery if Defendant Monroe s Motion for Summary Judgment Is Denied DENIED.

CLERK'S NOTE: The above minute order has been distributed via facsimile to Steven Wolfson, Esq. (702-868-2415) and via USPS to Daimon Monroe.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

June 28, 2016

| | |
|-----------|------------------------------------|
| 07A537416 | Las Vegas Metropolitan Police Dept |
| | vs |
| | U S Currency \$281,656.73 |

June 28, 2016 8:00 AM All Pending Motions

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Phyllis Irby

RECORDER: Jill Jacoby

REPORTER:

PARTIES

| | | |
|-----------------|-----------------------|-----------------|
| PRESENT: | Holmes III, Robert | Other Defendant |
| | Karoum, Adele V., ESQ | Attorney |
| | Moreo, Thomas Joseph | Attorney |

JOURNAL ENTRIES

- The Court inquired as to where the other Deft's are. Mr. Moreo informed the Court he sent Orders to the prison for transport of Deft's, not sure why they're not present. COURT ORDERED, MATTERS CONTINUED.

7-12-16 8:00 AM MOTIONS (DEPT. VIII)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

August 22, 2016

07A537416 Las Vegas Metropolitan Police Dept
vs
U S Currency \$281,656.73

August 22, 2016 3:00 AM All Pending Motions

HEARD BY: Smith, Douglas E. **COURTROOM:** Chambers

COURT CLERK: Jennifer Lott

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Deft's Motion to Supplement my Opposition to Plaintiffs Summery Judgment Motion on
Cover up Done by R-O-P and Sandra Digiacomo

Motion, evidence submitted into record on illegal arrests and seizure and illegal conviction's and State obstructing, and illegal seizure of money

Motion on some more fact's on illegal warrant's and illegal taking of these monies..... Motion on monies taken illegally, due to original arrest lacking legal warrant

Court previously approved Order for Motion and Hearing Schedule. Hearing on Renewed Motion for Summary Judgment and all associated motions, oppositions, and filings set for October 18, 2016.

10/18/16 8:00 a.m. same as above

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) and mailed to:

Micah S. Echols Marquis Aurbach Coffing

Steven B. Wolfson - CCDA

Thomas J. Moreo

Daimon Monroe (BAC #38299)

High Desert State Prison

P.O. Box 650

Indian Springs NV 89070-0650

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

October 18, 2016

| | |
|-----------|------------------------------------|
| 07A537416 | Las Vegas Metropolitan Police Dept |
| | vs |
| | U S Currency \$281,656.73 |

October 18, 2016 8:00 AM All Pending Motions

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER: Jill Jacoby

REPORTER:

PARTIES

| | | |
|-----------------|-----------------------|-----------------|
| PRESENT: | Echols, Micah S. | Attorney |
| | Ferguson, Bryan M | Other Defendant |
| | Holmes, Robert | Also Known As |
| | Karoum, Adele V., ESQ | Attorney |
| | Monroe, Daimon | Other Defendant |

JOURNAL ENTRIES

- Court noted that the following matters on Calendar today: Hearing . . . Notice of Motion . . . Defendant's Opposition to the State's Motion for Summary Judgment . . . Defendant's Motion to Supplement my Opposition to Plaintiff's Summary Judgment . . . Motion on Cover-up done by R-O-P and Sandra DiGiacomo . . . Motion, Evidence Submitted into Record on Illegal Arrests and Seizure . . . Motion on Some More Facts on Illegal Warrants and Illegal taking of these Monies . . . Motion on Monies Taken Illegally due to Original Arrest Lacking Legal Warrant. Defendant Monroe has filed the above-named motions pro se.

Court inquired as to whether the said motions were included in the Plaintiff's Renewed Motion for Summary Judgment; Defendant Monroe responded they were and he was just trying to explain things.

Defendant Monroe advised that he spoke to Jennifer Schwartz, Dep PD, yesterday and she does not believe the search warrant was good and has filed under newly discovered evidence with regard to

the search warrant; her investigator has checked the warrant and has confirmed Defendant's statements. Defendant Monroe has a related case before Judge Eric Johnson (C228752); he has filed with Supreme Court.

Colloquy; the Court does not believe it has jurisdiction. Ms. Karoum advised that the newly discovered evidence issue has already been brought before Judge Eric Johnson and order was entered; the issue is not going to be reviewed. With regard whether or not this issue is before the Supreme Court, Ms. Karoum advised she did not receive notice of any Supreme Court filing. Mr. Echols advised that just because Defendants filed an appeal in a separate case, does not mean this Court does not have jurisdiction; he discussed divestiture and believes this Court can proceed.

Defendant Monroe advised that the ruling by the Supreme Court and in C228752 affects the instant case; this case was originally STAYED pending the outcome in C228752. The search warrant was the direct cause of the money in this case being seized; if there is no search warrant, that means the money was seized illegally. Defendant Monroe requested this matter be status checked in thirty (30) to sixty (60) days, perhaps there will be an answer from the Supreme Court by then. COURT ORDERED, matter STAYED as to Defendants Monroe and Ferguson and set for status check. A Transport Order will need to be prepared.

Ms. Karoum advised that Defendant Holmes is present today and perhaps the Court would be willing to go forward with his issues. Defendant Holmes advised that his is a different situation. COURT ORDERED, the Renewed Motion for Summary Judgment as to Defendant Holmes is SEVERED from the other Defendants.

Defendant Holmes filed a First Supplement to Opposition to Summary Judgment and Motion to Strike the Plaintiff's Renewed Summary Judgment on June 3, 2016, and a Second Supplement to his Opposition on June 24, 2016. Defendant Holmes believes Summary Judgment cannot stand because there is still a dispute as to the material facts in this case; argument. Argument by Ms. Karoum. COURT FURTHER ORDERED, decision DEFERRED. The Court would like to review this matter further; specifically, the Court did not receive a copy of Defendant Holmes' Second Supplement. Mr. Echols would like the Court to review Edwards v. Ghandour.

CUSTODY (MONROE/FERGASON)

01/10/17 8:00 AM STATUS CHECK: STAY PENDING SUPREME COURT FILING IN C228752

LATER: After further review of this matter, COURT ORDERED, Plaintiff's Renewed Motion for Summary Judgment as to Defendant Holmes is GRANTED.

Ms. Karoum to prepare Findings of Fact and Conclusions of Law.

EXHIBIT(S) LIST

Case No.: 07A537416

Hearing Date: 7-12-16

Dept. No.: 8

Judge: Smith

Plaintiff: LAS VEGAS METROPOLITAN
POLICE DEPT.

Court Clerk: Natalie Ortega

Recorder: Patti Slattery

Counsel for Plaintiff: Adele Karoum

Thomas J. Moreo

vs.

Defendant: US CURRENCY \$281,656.73

Counsel for Defendant: N/A Pro Se

Damion Monroe, Bryan M.

Ferguson & Robert Holmes III

HEARING BEFORE THE COURT

COURT'S EXHIBITS

| Exhibit Number | Exhibit Description | Date Offered | Objection | Date Admitted |
|----------------|---|--------------|-----------|---------------|
| #1 | Various documents *Copy of exhibit #1. Court gave the original copy to Daimon Monroe* | 7-12-16 | NO | 7-12-16 |
| #2 | Book - Repeat Offender | 7-12-16 | NO | 7-12-16 |
| #3 | Monroe - Appendix of Exhibits Motion for Summary Judgment Ferguson | 7-12-16 | NO | 7-12-16 |
| #4 | Appendix of Exhibits Renewed Motion for Summary Judgment | 7-12-16 | NO | 7-12-16 |
| | Vol. II Bates 0251-0500 | | | |
| #5 | " "against Ferguson Vol. III | 7-12-16 | NO | 7-12-16 |
| | Bates 0501-0750 | | | |
| #6 | " "Vol. IV Bates 0751-1000 | 7-12-16 | NO | 7-12-16 |
| #7 | " "Vol. V Bates 1001-1250 | 7-12-16 | NO | 7-12-16 |
| #8 | " "Vol. VI Bates 1251-1500 | 7-12-16 | NO | 7-12-16 |
| #9 | " "Vol. VII Bates 1501-1750 | 7-12-16 | NO | 7-12-16 |
| #10 | " "Vol. VIII Bates 1751-2000 | 7-12-16 | NO | 7-12-16 |
| #11 | " "Vol. IX Bates 2001-2250 | 7-12-16 | NO | 7-12-16 |
| #12 | " "Vol. X Bates 2251-2500 | 7-12-16 | NO | 7-12-16 |
| #13 | " "Vol. XI Bates 2501-2742 | 7-12-16 | NO | 7-12-16 |



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

ROBERT HOLMES, III
4657 SWAYING FERNS DR.
LAS VEGAS, NV 89147

DATE: November 1, 2016
CASE: 07A537416

RE CASE: LAS VEGAS METROPOLITAN POLICE DEPARTMENT vs. U.S. CURRENCY \$281,656.73

NOTICE OF APPEAL FILED: October 31, 2016

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.**

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; DESIGNATION OF RECORD ON APPEAL; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

Plaintiff(s),

vs.

U.S. CURRENCY \$281,656.73,

Defendant(s),

Case No: 07A537416

Dept No: VIII

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 1 day of November 2016.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk