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Electronically Filed
Apr 03 2017 04:11 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRYAN FERGASON,

Appellant,

vs.

LAS VEGAS METROPOLITAN
POLICE DEPARTMENT,

Respondent.

Case No.: 72640

Appeal from the Eighth Judicial District
Court, the Honorable Douglas E. Smith
Presiding

MOTION TO DISMISS APPEAL

I. INTRODUCTION

Respondent, Las Vegas Metropolitan Police Department ("LVMPD"), by and through its attorneys of record, Marquis Aurbach Coffing, hereby moves this

Court to dismiss this appeal pursuant to NRAP 4(a)(6) and NRAP 27. Specifically, the appeal is premature due to Appellant Bryan Fergason's ("Fergason") filing of a notice of appeal of an oral order granting summary judgment and *after* filing a motion for reconsideration in the District Court. As such, this Court has not acquired appellate jurisdiction over this case because matters are still pending in the District Court. Therefore, this Court should dismiss this appeal for lack of jurisdiction based upon NRAP 4(a)(6).

II. PROCEDURAL BACKGROUND

This litigation involves a civil forfeiture action brought by LVMPD against \$281,656.73, with three remaining claimants who were convicted of felonies related to burglary and possession of stolen property: Bryan Fergason, Robert Holmes III ("Holmes"), and Daimon Monroe (aka Daimon Hoyt "Monroe"). After a previous order granting summary judgment, the three claimants separately appealed to this Court. *See* Dkt. No. 62357 (Fergason); 62264 (Monroe); and 62274 (Holmes). This Court reversed the order granting summary judgment as to claimant Fergason in 2015 and remanded for further proceedings. *See Fergason v. Las Vegas Metro. Police Dep't*, 131 Nev. Adv. Op. 94, 364 P.3d 592 (2015).

After the remittitur issued, LVMPD filed a renewed motion for summary judgment in March 2016 against Fergason, attaching additional evidence instead of

relying upon a presumption from his criminal convictions. After nearly a year of extensive motion practice and hearings, LVMPD's renewed motion for summary judgment was granted against Ferguson in a hearing on March 7, 2017, but an order was not entered until March 17, 2017. *See Findings of Fact, Conclusions of Law and Order, March 17, 2017, attached hereto as **Exhibit 1**.*

Two days after the hearing, on March 9, 2017, Ferguson mailed a motion for reconsideration to the District Court, despite the written order not yet being entered, which requested reconsideration of the District Court's "oral" order granting summary judgment. *See Motion for Reconsideration and Other Relief on an Order Shortening Time, attached hereto as **Exhibit 2**. The motion for reconsideration was filed in the District Court on March 16, 2017. *See Docket, Case No. 07A537416, attached hereto as **Exhibit 3**, at p. 10.**

Meanwhile, Ferguson also filed a notice of appeal in the District Court on March 16, 2017. *See **Exhibit 4**. The District Court docket reflects that Ferguson's motion for reconsideration and notice of appeal were filed on the same day, with the motion for reconsideration entered *before* the notice of appeal. Therefore, as a matter of law, Ferguson's appeal is premature and should be dismissed according to NRAP 4(a)(6).*

III. LEGAL ARGUMENT

A. FERGASON'S NOTICE OF APPEAL IS PREMATURE BECAUSE IT IS AN APPEAL OF AN ORAL RULING.

For purposes of this motion to dismiss, LVMPD focuses on the appeal being premature and this Court's lack of jurisdiction to consider this appeal. As this Court has recognized, a premature notice of appeal fails to vest jurisdiction in this Court. *Rust v. Clark County Sch. Dist.*, 103 Nev. 686, 688, 747 P.2d 1380 (1987) (citations omitted). This Court has explained that the reason for this rule is due to the fact that the proper and timely filing of a notice of appeal is jurisdictional, and that there must be clear and absolute rules in order to give fair notice of what is required to bring a matter properly before this Court. *Id.*

Ferguson's notice of appeal states that it is an appeal "of March 7, 2017 granting Plaintiff Las Vegas Metropolitan Police Department's Motion for Summary Judgment (Hearing Date)." **Exhibit 4.** The notice of appeal purports to appeal from the oral granting of LVMPD's motion for summary judgment, which is not appealable. *See Rust*, 103 Nev. at 688–689, 747 P.2d at 1381–1382 (explaining that oral rulings are ineffective for appeal purposes and that a written order or judgment must be filed before a district court ruling can be appealed). Ferguson filed his notice of appeal prior to the written entry of order on March 17, 2017. *See Exhibits 1 & 4.* Thus, his appeal is premature and should be dismissed.

B. FERGASON’S APPEAL IS ALSO PREMATURE BECAUSE HE FILED A MOTION FOR RECONSIDERATION PRIOR TO HIS NOTICE OF APPEAL.

Ferguson filed several documents in a short period of time, including an undated and unsigned notice of appeal (**Exhibit 4**), which has contributed to the complex procedural history. For the purposes of this motion, the analysis is based upon the file-stamped dates of the District Court. NRAP 4(a)(6) specifically provides:

(6) Premature Notice of Appeal. A premature notice of appeal does not divest the district court of jurisdiction. *The court may dismiss as premature a notice of appeal filed* after the oral pronouncement of a decision or order but before entry of the written judgment or order, or *before entry of the written disposition of the last-remaining timely motion listed in Rule 4(a)(4)....*

(emphases added). Here, Ferguson filed a motion for reconsideration in the District Court on 3/16/17 at 9:18 AM. *See Exhibit 2*. Ferguson later filed a notice of appeal, prior to the entry of the written judgment, on 3/16/17 at 9:34:33 AM. *See Exhibit 4*. Additionally, Ferguson’s motion for reconsideration has not yet been resolved in the District Court. *See Exhibit 3*. Notably, Ferguson’s motion for reconsideration qualifies as a tolling motion. *See AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 585, 245 P.3d 1190, 1195 (2010) (citing 11 C. Wright, A. Miller & M. Kane, *Federal Practice and Procedure*, § 2810.1, 121 *2d ed. 1995)) (“[S]o long as a post-judgment motion for reconsideration is in writing,

timely filed, states its grounds with particularity, and ‘request[s] a substantive alteration of the judgment, not merely the correction of a clerical error, or relief of a type wholly collateral to the judgment,’ [citations] there is no reason to deny it NRCP 59(e) status, with tolling effect under NRAP 4(a)(4)(C).”). Therefore, so long as this Court treats Fergason’s motion for reconsideration as tolling, his appeal is premature according to NRAP 4(a)(6) and should be dismissed.

IV. CONCLUSION

In light of Fergason’s pending motion for reconsideration in the District Court, and his filing of a notice of appeal from an oral ruling, this Court should dismiss this premature appeal for lack of jurisdiction.

Dated this 3rd day of April, 2017.

MARQUIS AURBACH COFFING

By Adele Karoum
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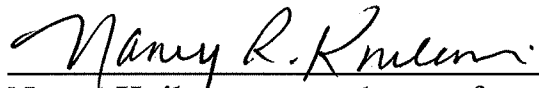
CERTIFICATE OF SERVICE

I hereby certify that the foregoing **MOTION TO DISMISS APPEAL** was filed electronically with the Nevada Supreme Court on the 3rd day of April, 2017. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

N/A

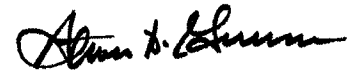
I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, via certified mail/return receipt requested, addressed to:

Bryan Fergason #96803
High Desert State Prison
P.O. Box 650
Indian Springs, Nevada 89070



Nancy Knilans, an employee of
Marquis Aurbach Coffing

Exhibit 1



CLERK OF THE COURT

MARQUIS AURBACH COFFING

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**LAS VEGAS METROPOLITAN
POLICE DEPARTMENT**

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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: March 7, 2017
Time of Hearing: 8:00 a.m.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This matter having come on for hearing on February 7, 2017 and March 7, 2017, on Plaintiff, Las Vegas Metropolitan Police Department's ("LVMPD") Renewed Motion for Summary Judgment Against Defendant Ferguson, Adele V. Karoum, Esq. of the law firm of Marquis Aurbach Coffing and Matthew Christian, Esq. of the Las Vegas Metropolitan Police Dept.; Defendant Bryan Ferguson ("Ferguson") appearing in person. The Court having

1 considered the issues and arguments presented, and good cause appearing therefore, the Court
2 hereby GRANTS summary judgment to LVMPD on the severed claim for civil forfeiture against
3 claimant Bryan Ferguson for \$124,216.36.

4 FINDINGS OF FACT

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

8 2. Answers to the Complaint for Forfeiture were filed by Monroe on April 5, 2007;
9 Ferguson, through his former counsel Cynthia Dustin, Esq., on April 10, 2007; and Holmes,
10 through his former counsel Sean Sullivan, Esq., on April 12, 2007.

11 3. In 2007, the case was stayed pending the completion of the companion criminal
12 proceedings.

13 4. Ferguson was found guilty by a jury in Case Number C228752 for 25 counts of
14 Possession of Stolen Property, a felony in violation of NRS 205.275, and one count of
15 Conspiracy to Possess Stolen Property and/or to Commit Burglary, a gross misdemeanor. In a
16 Second Amended Judgment of Conviction in Case Number C227874 on March 30, 2010,
17 Ferguson was found guilty of two counts of Burglary, Category B felonies in violation of NRS
18 205.060 and NRS 205.060; Grand Larceny, a Category B felony in violation of NRS 205.220
19 and NRS 205.222; and Possession of Burglary Tools, a gross misdemeanor. In addition, on June
20 29, 2011, a Second Amended Judgment of Conviction was filed in which Ferguson entered a
21 plea of guilty to Attempted Burglary on June 29, 2011, in a separate case number, C208321.

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

26 6. Plaintiff thereafter filed a Motion for Summary Judgment on June 5, 2012. The
27 Motion for Summary Judgment was granted on November 28, 2012.
28

1 7. Claimants Fergason, Holmes, and Monroe all appealed the Order Granting
2 Summary Judgment from November 28, 2012, to the Nevada Supreme Court.

3 8. On December 24, 2015, the Nevada Supreme Court reversed and remanded the
4 Court's summary judgment order in the case as to Fergason with respect to the money in his
5 bank account.

6 9. On March 15, 2016, LVMPD filed a Renewed Motion for Summary Judgment
7 against Defendant Bryan Fergason with eleven volumes of appendices to establish, based on the
8 complete record, there is no issue of material fact remaining as to the issue of whether the
9 proceeds in this case were proceeds from the commission or attempted commission of a felony,
10 under NRS 179.1164.

11 10. Monroe filed oppositions to LVMPD's renewed motion for summary judgment in
12 the form of a Notice of Motion and Motion to Strike and/or Continue Hearing and Other Relief
13 (filed June 25, 2016) and Reply (filed August 22, 2016) titled Fergason's Reply to LVMPD's
14 Opposition to Fergason's Motion to Strike and/or Continue Hearing and Other Relief on Order
15 Shortening Time.

16 11. Claimants Holmes, Fergason, Monroe, and Trevarthen were involved in a
17 burglary ring and were adjudicated guilty between 2008 and 2011. The burglaries spanned a
18 time period over several years, and involved a sophisticated method of gaining entry to
19 commercial businesses with doors of a particular type, which could be opened with a specially-
20 crafted tool. Claimant Fergason was found guilty of felonies including Burglary (NRS 205.060),
21 Grand Larceny (NRS 205.220), and/or Possession of Stolen Property (NRS 205.275).

22 12. Between November 2006 and February 2007, U.S. CURRENCY \$281,656.73
23 was recovered by LVMPD from the actual or constructive possession of Monroe, Fergason,
24 Trevarthen, and Holmes, and their attorneys.

25 13. This included \$124,216.36 from Fergason's accounts at Bank of America.

26 14. When Fergason and his co-defendants stole from businesses, they often took cash
27 during the burglaries. Testimony from the criminal trials of Monroe and Fergason indicates
28

1 victims reported cash was stolen from their businesses' cash registers or petty cash drawers
2 during the burglaries, for which Defendants were convicted.

3 15. Claimant Trevarthen's voluntary statement indicated Monroe used particular tools
4 to break into safes during a burglary or, at times after burglarizing a business, in their garage.

5 16. Trevarthen testified Monroe made sales of stolen property nearly every weekend.

6 **A. \$124,216.36 FROM FERGASON'S BANK ACCOUNT.**

7 17. A sum of \$124,216.36 was seized from Bryan Fergason's bank accounts in the
8 execution of a warrant at Bank of America, which included funds from two bank accounts and
9 two certificates of deposit.

10 18. Fergason did not have any evidence of legitimate employment in 2006.

11 19. Evidence from Fergason's criminal trial indicated Fergason's only job was with a
12 moving company, and he held the job "only for a few months" during the entire time Trevarthen
13 knew him, from late 2001 or early 2002 to 2006. Fergason's brief period of employment was not
14 in 2006.

15 20. Testimony from Fergason's criminal trial established LVMPD Detective Nickell
16 did not locate any evidence from phone calls, impounds from the search warrants, or other
17 investigation that Fergason had any legitimate source of income. In a search of Fergason's
18 apartment, storage unit, and car, no paystubs or evidence of Fergason having legitimate
19 employment was found.

20 21. Fergason's bank records do not reflect any deposits from an employer.

21 22. Fergason at times said he was in the pressure washing business for D&B's
22 Pressure Washing (presumably Daemon and Bryan's), but this pressure washing business did not
23 exist.

24 23. Deposit slips obtained during the execution of search warrants reveal Fergason
25 had a pattern of depositing large sums of cash weekly, and sometimes two times each week, into
26 his accounts at Bank of America. Fergason's bank records reflect he made large cash deposits
27 consistently on Mondays, as well as some additional days.
28

1 Ferguson face incarceration for contempt. Appointed counsel is not required or ordered for
2 Ferguson in this matter of civil forfeiture.

3 2. Pursuant to NRCP 56, summary judgment is appropriate "if the pleadings,
4 depositions, answers to interrogatories, and admissions on file, together with the affidavits, if
5 any, show that there is no genuine issue as to any material fact and that the moving party is
6 entitled to a judgment as a matter of law." NRCP 56(c). Summary judgment is proper when no
7 genuine issue of material fact exists. Farmers Ins. Exchange v. Young, 108 Nev. 328, 832 P.2d
8 376 (1992).

9 3. Although the non-moving party is entitled to all reasonable inferences from the
10 documents and supporting evidence in its favor, it is not entitled to "build a case on gossamer
11 threads of whimsy, speculation, and conjecture." Collins v. Union Fed. Sav. & Loan Ass'n, 99
12 Nev. 284, 302, 662 P.2d 610 (1983).

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

16 5. EDCR 2.24 permits the Court to reconsider a matter previously decided.
17 Rehearings are granted only when "there is a reasonable probability that the court may have
18 arrived at an erroneous conclusion or overlooked some important question necessary to a full and
19 proper understanding of the case." State v. Fitch, 68 Nev. 422, 233 P.2d 1070, 1072 (1951);
20 accord, Moore v. City of Las Vegas, 92 Nev. 402, 551 P.2d 244, 246 (1976); Geller v. McCown,
21 64 Nev. 102, 178 P.2d 380, 381 (1947). "In a concise and non-argumentative manner, such a
22 petition should direct attention to some controlling matter which the court has overlooked or
23 misapprehended." Matter of Ross, 99 Nev. 657, 668 P.2d 1089 (1983). Regardless, nothing in
24 NRCP 56 prohibits the filing of successive motions for summary judgment, as expressly
25 recognized by the Supreme Court. Barnettler v. Reno Air, Inc., 114 Nev. 441, 956 P.2d 1382
26 (1998).

1 6. LVMPD's renewed motions for summary judgment and the referenced exhibits
2 from the criminal matters and the investigation by LVMPD establish there are no genuine issues
3 of material fact remaining on this matter of civil forfeiture.

4 7. Further, LVMPD is entitled to judgment as a matter of law regarding the
5 forfeiture of U.S. CURRENCY from claimant Ferguson in the amount of \$124,216.36.

6 8. After remand from the Nevada Supreme Court cases, the issues remaining was
7 whether the money seized from Ferguson's bank account constituted proceeds attributable to the
8 commission or the attempted commission of a felony. If the money is determined to have been
9 proceeds from the commission or attempted commission of a felony, NRS Chapter 179 provides
10 the money is subject to forfeiture to the State as fruits of the crime.

11 9. As set forth herein, the money in Ferguson's bank accounts, \$124,216.36, was
12 proceeds from the commission or attempted commission of a felony. Ferguson was convicted of
13 several felonies including: 25 counts of Possession of Stolen Property, a felony in violation of
14 NRS 205.275, two counts of Burglary, Category B felonies in violation of NRS 205.060 and
15 NRS 205.060; and Grand Larceny, a Category B felony in violation of NRS 205.220 and NRS
16 205.222.

17 10. There is no issue of material fact remaining as to whether the \$124,216.36 seized
18 from Ferguson's bank account is linked to a felony or attempted felony where the admissible
19 evidence submitted by LVMPD established: (a) Ferguson made weekly, or more frequent, large
20 cash deposits to his bank account of \$1,000-\$5,500, and evidence from bank records indicates
21 the timing of the deposits on Mondays was consistent with evidence that stolen property was
22 sold by claimant Monroe every weekend; (b) large cash deposits of \$28,000 in less than two
23 months around the time of his arrest were not consistent with any evidence of legitimate income;
24 (c) There was no evidence indicating Ferguson had a legitimate source of employment or income
25 between 2001 and 2006; and (d) Monroe, Ferguson's co-claimant in this action, was involved in
26 the same burglary ring and was aware of the exact amounts in Ferguson's bank accounts and
27 assisted Ferguson in managing his finances while he was incarcerated.
28

11. Ferguson did not set forth any admissible evidence in opposition to the renewed motion for summary judgment. "Evidence introduced in support of or in opposition to a motion for summary judgment must be admissible evidence." See NRCP 56(e); Schneider v. Cont'l Assur. Co., 110 Nev. 1270, 1273, 885 P.2d 572, 575 (1994). Where an adversary party provides no documentation in support of his allegations, summary judgment may be granted. Collins v. Union Fed. Sav. & Loan Ass'n, 99 Nev. 284, 294, 662 P.2d 610, 616 (1983). LVMPD has set forth clear and convincing evidence establishing the proceeds seized from this bank account were proceeds of the criminal activity.

12. LVMPD's briefs were timely filed including the Reply in Support of Renewed Motion for Summary Judgment, filed June 21, 2016, and LVMPD's Opposition to Bryan Ferguson's Motion to Strike and/or Continue Hearing filed July 12, 2016, based on the Nevada Rules of Civil Procedure and the Eighth Judicial District Court Rules.

13. LVMPD's Renewed Motion for Summary Judgment was not barred by the doctrine of law of the case, where the renewed motion presented additional evidence and did not rely on the presumption in the forfeiture statute. The conclusions of law from the Nevada Supreme Court did not bar LVMPD from presenting additional evidence in this civil forfeiture action after remand.

14. LVMPD's Supplement to Renewed Motion for Summary Judgment as against Bryan Ferguson, which addressed jurisdictional issues raised in hearings by Ferguson on whether the filing of additional criminal appeals required continuance or stay of the civil forfeiture action, is not a rogue document, but was properly considered by the Court.

15. A stay or continuance of the civil forfeiture action is not required for either Ferguson's pending appeal or for Ferguson's attempt to join Monroe's pending appeal, both of which are currently pending in the Nevada Supreme Court. The stay is to be lifted in a civil forfeiture after trial is completed, and there is no statutory language to support the stay of a civil forfeiture for serial appeals of criminal convictions. NRS 179.1173. The Nevada Rules of Civil Procedure and the Nevada Rules of Appellate Procedure do not form a basis for a stay pending appeal in a different case. Ferguson conceded a stay would be premature because he did not file

1 a motion for stay or set forth any grounds under NRAP 8(c) factors for a stay pending appeal,
2 and he did not post a supersedeas bond to stay the civil forfeiture action.

3 16. As to claimant Ferguson, the \$124,216.36 seized from the bank account in his
4 name was proceeds from the commission or attempted commission of a felony, and subject to
5 forfeiture under NRS 179.1164.

6 **ORDER**

7 Therefore, it is hereby ordered that LVMPD's Renewed Motion for Summary Judgment
8 against Claimant Bryan Ferguson is hereby granted in its entirety.

9 IT IS SO ORDERED, this 15 day of MARCH 2017.

10
11 
12 DISTRICT COURT JUDGE

13 Submitted by:

14 MARQUIS AURBACH COFFING

15
16 By Adele Karoum
17 Micah S. Echols, Esq.
18 Nevada Bar No. 8437
19 Adele V. Karoum, Esq.
20 Nevada Bar No. 11172
21 10001 Park Run Drive
22 Las Vegas, Nevada 89145
23 Attorneys for Plaintiff, LVMPD
24
25
26
27
28

Exhibit 2

FILED

Case No. 07A537416

2017 MAR 16 A 9 18

Dept. No. VIII

Sharon L. Linn
CLERK OF THE COURT

IN THE 8th JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CLARK

07A537416
MOT
Motion
4632137



Las Vegas Metropolitan Police Dept.
Plaintiff

vs.

U.S. Currency # 281,656.73
Defendant

Case No. 07A537416

Dept No. VIII

Docket N/A

TO: Counsel for Plaintiff, Las Vegas Metro. Police Dept

NOTICE OF MOTION

YOU WILL PLEASE TAKE NOTICE, that Claimant Bryan Ferguson's

Motion for Reconsideration and Other Relief on An Order Shortening
Time

will come on for hearing before the above-entitled Court on the 17 day of April, 2017
In Chambers
at the hour of o'clock M In Department VIII, of said Court.

CC:FILE

DATED: this 9 day of March, 2017.

BY:

BRYAN FERGUSON #96803
CLAIMANT/In Propria Personam

RECEIVED

MAR 16 2017

CLERK OF THE COURT

1 BRYAN FERGASON ID NO. 96803

2 HIGH DESERT STATE PRISON

3 22010 COLD CREEK ROAD

4 POST OFFICE BOX 650

5 INDIAN SPRINGS, NEVADA 89070

6 Claimant In Proper Person

7 DISTRICT COURT

8 CLARK COUNTY, NEVADA

9 Las Vegas Metropolitan Police Dept.

CASE NO.: 07A537416

10 Plaintiff

DEPT NO.: VIII

11 vs.

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

DATE OF HEARING: _____

TIME OF HEARING: _____

13 Defendant

14 Claimant's Motion for Reconsideration
And other Relief on an Order
Shortening Time

15 COMES NOW, CLAIMANT, BRYAN FERGASON, In Proper Person and

16 hereby files his Motion for Reconsideration and other Relief on an
17 Order Shortening Time

18
19 THIS MOTION, is made and based upon the attached Memorandum of Points

20 and Authorities, all of the pleadings and other documents on file in this case, as well as
21 any additional matters allowed at hearing, if any.

22 DATED This 9 day of March, 2017.

23 Respectfully submitted,

24 

25 BRYAN FERGASON ID NO. 96803

26 CLAIMANT In Proper Person

I. Introduction

On March 7, 2017, a hearing was held on the pending Motion for Summary Judgment without notice to Claimant Bryan Ferguson (hereinafter "Ferguson"). Ferguson requests reconsideration of the granting of the Motion for Summary Judgment for the reasons set below, and other relief on an Order Shortening Time.

II. Relevant Facts, Law and Argument

Rule 2.24 of the 8th Jud. Dist. Ct. Rules provides that a Motion for Rehearing must be made within ten (10) days after service of written notice of the Order or judgment.

Although Ferguson has not received written notice he is seeking a rehearing based upon the Court's oral granting of the Motion on March 7, 2017, based upon the following:

A. It was an abuse of discretion to grant Summary Judgment at the March 7, 2017 hearing.

1. Ferguson did not receive adequate notice of the hearing. Plaintiff filed a Supplement to their self titled "Resolved Motion for Summary Judgment" the copy of which did not contain a hearing date. Ferguson filed a Motion to Strike Answer Response, the filed copy of which did not contain the hearing date. Plaintiff filed a "Reply" to their "Supplement" which did not oppose the Motion to Strike per se, yet curiously did contain a March 7, 2017 hearing date on the face page. Ferguson did not know a hearing was being held on the pending

1 Motion for Summary Judgment and for Motion to strike until he
2 was sworn the night of March 6, 2017 and taken from his cell
3 after the 2:30 am Institutional court to be transported to CCDC.

4 Ferguson was not ready or prepared to argue as the notice
5 to him (5) days was inadequate and in violation of the rules
6 of civil procedure, EDCR 2.20 and fundamental fairness. A
7 Re-hearing should therefore be held with proper notice.

8
9 2. Plaintiff should not been allowed to file Supplemental Pleadings.

10 Plaintiff did not seek nor were they given permission
11 under the MRCP governing Summary Judgment (Rule 56) the
12 local rules, or any other relevant authority to supplement the
13 Motion for Summary Judgment proceedings. It was inappropriate
14 and improper to require Ferguson to have to respond to Plaintiff's
15 Rogue pleading before the Motion to strike was decided and/or
16 have it all (the pending motion for summary judgment, motion
17 to strike, and supplements) all heard at what was originally
18 supposed to be a STATUS CHECK (per the Court's comments
19 at the prior hearing). A rehearing should therefore be held
20 as to these issues. ✓

21
22 3. A ruling should not have been given prior to an adequate
23 Review of Ferguson's pleadings.

24 Ferguson's motion to strike was not reviewed prior to the
25 March 7, 2017 "hearing" and therefore was not properly considered
26 by the Court. Additionally, Ferguson's request to have the
27 testimony of Trevunther and Nichol's testimony be considered

1 before the Court ruled should have been considered a continuance
2 to conduct additional discovery under NRCP 56(f) as
3 Ferguson repeatedly stated his inability to "present facts
4 essential to justify" his opposition as to Trevanthen and
5 Nichols affidavits and testimony. This further discovery
6 was necessary to help him oppose the motion for summary
7 judgment and should have been allowed by this Court.
8 See, Choy v. American Casinos, Inc. 265 P.3d 698,
9 700 (2011 Nev.) Denial of a motion for a continuance
10 of summary judgment proceeding under NRCP 56(f) can
11 be an abuse of discretion, and, was under those facts and
12 circumstances. See Aviation Ventures v. Joan Morris, Inc.
13 110 P.3d 59, 62 (2005 Nev.). Therefore, rehearing should be
14 had to allow Ferguson a continuance as to his request to obtain
15 Trevanthen and Nichols testimony for the reasons set forth
16 in his opposition to summary judgment and all subsequent filings
17 incorporated herein by this reference.

18
19 4. Ferguson was excluded from settlement discussions.
20 Ferguson was privy to the off the record discussions as
21 between Plaintiff's counsel and the Court as to existence of
22 any settlement offers made to him. During this ex-parte
23 discussion Plaintiff's counsel indicated Ferguson "rejected"
24 the offer. This was, is, and remains untrue. Ferguson made
25 a counter offer as to include both property and items taken
26 from his storage units and safe deposit box, and asked if
27 they would consider matching an offer similar to that made

1 to his co-defendant Thomas, but in no way rejected the offer.
2 Plaintiffs counsel never responded.

3 EDCR 2.51 provides that the Court can order the
4 parties to participate in a settlement conference. As to the
5 issue of settlement discussions, under Nevada Supreme Court
6 Rule 2-2.6, ensuring the right to be heard, since Ferguson
7 did not request or voluntarily consent to judicial participation
8 in settlement discussions, a re-hearing should occur such
9 that whether to order a settlement conference is appropriate
10 in light of the Plaintiffs misrepresentations to the court as to
11 the settlement negotiations.

12 **B. Summary Judgment should not have been granted**

13 Summary Judgment is proper only if the pleadings and all other
14 evidence presented demonstrate that no genuine issues of material
15 fact exist and that the moving party is entitled to judgment as a
16 matter of law. *Wood v. Sweeney, Inc.*, 121 P.3d 1026, 1028 (Nev. 2005).
17 If genuine issues of material fact, summary judgment is not
18 appropriate. *NRCP 56(c)*; *Wood, supra*.

19 Here, both the Plaintiff and this Court failed to consider the
20 law at the case as set forth in *Ferguson v. LUMPQ*, 364 P.3d 592,
21 595-96 (Nev. 2015) providing that to support a forfeiture action
22 "the state must establish by clear and convincing evidence
23 (1) that a felony was committed or attempted, and (2) that the
24 funds seized... are attributable to an derived from the
25 commission or attempt."

26 As applied to these proceedings, no "clear and convincing
27

evidence" was presented and the reliance on Trevathan's testimony was misplaced. In *Morse v. LUMPS*, 2010 Nev. Unpub. LEXIS 372 (March 16, 2016) the Nevada Supreme Court found that "Trevathan's testimony... without more evidence does not establish that the funds recovered... were attributable to the felony." The very same testimony Ferguson has objected to, Philoff's claims is dispositive, and as Ferguson requested should be subjected to cross-examination (discovery under NRS 50.01) and not properly relied upon to grant summary judgment. This Court should therefore reconsider the granting of the Motion for summary judgment.

C. Ferguson request a stay of the entry of judgment. Finally, Ferguson asks for a (temporary) stay of entry of judgment as to allow for the receipt of the minutes and transcript of the March 7, 2017 proceedings (which are requested from the Court) to incorporate into this Motion for Reconsideration (and subsequent pleadings and hearings) and to have the motion heard ON AN ORDER SHORTENING TIME so it can be heard before the notice of appeal would divest the Court of Jurisdiction.

III Conclusion and Prayer for Relief.

Based upon the foregoing, and all prior pleadings on file, Ferguson respectfully requests this Honorable Court order the following:

1. That his motion for Re-hearing be Granted;

2. That the court order the motion for Summary Judgment Denied; to the alternative

3. Ferguson be allowed a continuance of the motion continued to allow discovery (Trevathan, Nichols) under NRCP 56 (F);

4. That, to the alternative, Entry of Judgment be stayed to allow:

a) the minutes and transcripts be sent to Ferguson (who is indigent)

b) litigation of the motion for reconsideration; and

5. The motion for Reconsideration be heard on an order Shortening Time.

Respectfully submitted under the penalty of perjury,

Dated this 9 day of March 2017



Bryan Ferguson # 96803

Plaintiff in Pro Per

Certificate of Mailing

A copy of this motion for Reconsideration was mailed to Plaintiff's counsel MARGOIS AUBRECH COLBY at 10001 PARK Row Drive, LV, NV 89145 postage prepaid per NRCP 5 (G).

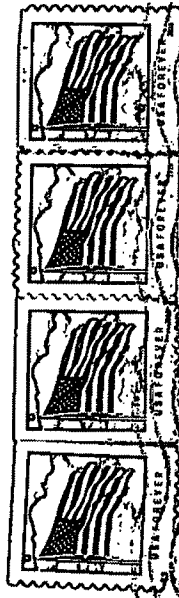
Dated this 9 day of March 2017

Bryan Ferguson # 96803

Plaintiff in Pro Per

Bryan E.
P.O.

Indian Springs, NV 89070



Las Vegas P8DC 89195
FRI 0 MAR 2017 PM

Clerk of the Court
Steven G. Grierson
200 Lewis Ave 3rd Floor
Las Vegas NV 89155-1160

100 00 000

Solo Vredh

Exhibit 3

REGISTER OF ACTIONS

CASE No. 07A537416

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

www.pearsoned.com

Case Type: **Other Civil Filing**
 Subtype: **Other Civil Matters**
 Date Filed: **03/09/2007**
 Location: **Department 8**
 Case Number: **A537416**
 Case Court No.: **60547**
60809
61094
61616
62264
62274
62357
71680
72379
72640

PARTY INFORMATION

Lead Attorneys

Also Known As Fergason, J B

Also Known As Holmes, Bobby
As

Also Known As Holmes, Robert

~~Sean P. Sullivan~~
~~Retained~~
~~7023857270(W)~~

Also Known As Hoyt, Daimon D

Defendant U S Currency \$281,656.73

Other **Trevarthen, Tonya M**

Other **Fergason, Bryan M**
Defendant

~~Cynthia L. Dustin~~
~~Retained~~
~~7024554655(W)~~

Other Defendant **Holmes III, Robert**

Sean P. Sullivan
Retained
7023857270(W)

Other Defendant **Monroe, Daimon Also Known As Hoyt, Daimon Devi**

Pro Se

Plaintiff **Las Vegas Metropolitan Police Dept**

Steven B Wolfson
Retained
702-671-2700(W)

EVENTS & ORDERS OF THE COURT

DISPOSITIONS

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

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

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

01/27/2016 **Clerk's Certificate** (Judicial Officer: Smith, Douglas E.)
Debtors: Bryan M Fergason (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

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

01/31/2017 **Judgment Plus Legal Interest** (Judicial Officer: Smith, Douglas E.)
Debtors: Robert Holmes III (Other Defendant)
Creditors: Las Vegas Metropolitan Police Dept (Plaintiff)
Judgment: 01/31/2017, Docketed: 02/06/2017
Total Judgment: 6,568.64

03/17/2017 **Summary Judgment** (Judicial Officer: Smith, Douglas E.)
Debtors: Bryan M Fergason (Other Defendant)
Creditors: Las Vegas Metropolitan Police Dept (Plaintiff)
Judgment: 03/17/2017, Docketed: 03/24/2017

OTHER EVENTS AND HEARINGS

03/09/2007 **Complaint**
Complaint for Forfeiture

03/20/2007 **Affidavit of Service**

03/20/2007 **Summons**

03/27/2007 **Order for Service by Publication**
Order for Publication of Forfeiture Action

03/27/2007 **Affidavit**
Affidavit for Order of Publication

03/28/2007 **Affidavit of Mailing**

03/28/2007 **Affidavit of Service**

03/28/2007 **Affidavit of Service**

03/29/2007 **Answer**

03/29/2007 **Initial Appearance Fee Disclosure**
Initial Appearance Fee Disclosure (NRS Chapter 19)

04/05/2007 **Answer**
Formal Answer to Complaint

04/05/2007 **Motion to Stay**
Motion to Stay Proceedings

04/05/2007 **Order to Proceed In Forma Pauperis**
Order to Proceed in Forma Pauperis (Sealed)

04/05/2007 **Application to Proceed in Forma Pauperis**
Application to Proceed in Forma Pauperis (Sealed)

04/10/2007 **Answer**
Answer to Complaint for Forfeiture

04/10/2007 **Initial Appearance Fee Disclosure**
Initial Appearance Fee Disclosure (N.R.S. Chapter 19)

04/12/2007 **Amended Answer**

04/13/2007 **Motion**
Motion of Claimants Failure to Verify Answer

04/17/2007 **Notice of Hearing**
Notice of (Hearing/Motion)

04/23/2007 **Motion to Stay**
Motion for Stay of Forfeiture Case

04/23/2007 **Receipt of Copy**

04/26/2007 **Response**
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) ()**
DEFT MONROE'S MTN OF CLAIMENTS FAILURE TO VERIFY ANSWER /1 Relief Clerk: Carole D'Aloia Reporter/Recorder: Renee Vincent
Heard By: Stewart Bell
Parties Present
Minutes
Result: Off Calendar

05/18/2007 **Three Day Notice of Intent to Default**

05/18/2007 **Order Granting Motion**
Order Granting Motion for Stay of Forfeiture Proceedings

05/21/2007 **Notice of Entry of Order**

05/21/2007 **CANCELED Motion to Stay (8:30 AM) ()**
Vacated

05/30/2007 **CANCELED Motion to Stay (8:30 AM) ()**
Vacated

06/01/2007 **Motion**
Motion for Partial Judgment by Default

06/01/2007 **Default**
Partial Default

06/19/2007 **Change of Address**

08/20/2008 **Motion for Withdrawal**
Motion to Withdraw

08/21/2008 **Certificate of Mailing**

09/22/2008 **CANCELED Motion to Withdraw as Counsel (3:00 AM) (Judicial Officer Cadish, Elissa F.)**
Vacated
Minutes
Result: Matter Heard

10/29/2009 **Order to Statistically Close Case**

05/13/2010 **Notice of Motion**

06/11/2010 **Motion (8:33 AM) (Judicial Officer Smith, Douglas E.)**
Deft. Robert Holmes III's Motion For Return of Illegally Seized Preoperty and Money
Minutes
06/21/2010 Reset by Court to 06/11/2010
Result: Motion Denied

10/26/2011 **Notice**
Notice to the Court

11/30/2011 **Notice of Motion**
Notice of Motion and Motion to Reconsider Court Statistically Closing Case

12/19/2011 **Notice**
Notice to Court

01/03/2012 **Notice of Motion**

01/09/2012 **Motion to Reconsider (3:00 AM) (Judicial Officer Smith, Douglas E.)**
Plaintiff's Motion to Reconsider Court Statistically Closing Case
Minutes
Result: Granted

01/24/2012 **Order Granting Motion**
Order Granting Plaintiff's Motion to Reconsider Statistically Closing Case

02/06/2012 **Motion (3:00 AM) (Judicial Officer Smith, Douglas E.)**
02/06/2012, 02/21/2012, 02/28/2012
Defendant's Motion for Enlargement of time to Respond to Plaintiff's Motion to Reconsider Court Statistically Closing Case
Minutes
Result: Matter Continued

02/06/2012 **Motion to Dismiss**
Motion to Dismiss Plaintiff's Motion to Reconsider Court Statistically Closing Case

02/06/2012 **Notice of Motion**

02/09/2012 **Supplement**
Supplement to Motion to Dismiss Plaintiff's Motion to Reconsider Court Statistically Closing Case

02/09/2012 **Notice of Motion**

02/22/2012 **Opposition to Motion**
Opposition to Claimant's Motion to Dismiss Plaintiff's Motion to Reconsider Court Statistically Closing Case

02/28/2012 **Motion to Dismiss** (8:00 AM) (Judicial Officer Smith, Douglas E.)
Deft's Motion to Dismiss Plaintiff's Motion to Reconsider Court Statistically Closing Case
 03/13/2012 Reset by Court to 02/28/2012

Result: Denied

02/28/2012 **All Pending Motions** (8:00 AM) (Judicial Officer Smith, Douglas E.)
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
Parties Present
Minutes

Result: Decision Made

03/05/2012 **Notice of Motion**
Notice of Motion and Motion to Lift Stay

03/09/2012 **Order**
Order Re Hearing Held January 28, 2012

03/12/2012 **Notice of Entry of Order**

03/15/2012 **Motion**
Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by Telephone or Video Conference

03/15/2012 **Supplement**
Second Supplement to Motion to Dismiss Plaintiff's Motion to Reconsider Court Statistically Closing Case

03/26/2012 **Notice of Appeal**

03/27/2012 **Opposition to Motion**
Opposition to Plaintiff's Motion to Lift Stay

03/27/2012 **Case Appeal Statement**

03/28/2012 **Response**
Response to Opposition to Motion to Lift Stay

03/30/2012 **Motion**
Motion of Specific Facts and to Ask Court Consider Leaving Stay

04/09/2012 **Motion** (3:00 AM) (Judicial Officer Smith, Douglas E.)
Plaintiff's Motion to Lift Stay
Minutes

Result: Motion Granted

04/16/2012 **Reply**
Reply to Response to Opposition to Motion to Lift Stay

04/27/2012 **Order Granting Motion**
Order Granting Motion to Lift Stay

04/27/2012 **Notice of Entry of Order**

05/01/2012 **Notice of Motion**
Notice of Motion and Motion for Summary Judgment

05/01/2012 **Notice of Appeal**

05/04/2012 **Case Appeal Statement**

05/08/2012 **Notice of Appeal**

05/10/2012 **Case Appeal Statement**

05/11/2012 **Notice of Motion**
Notice of Motion and Motion to Strike Summary Judgement by Plaintiff

05/22/2012 **Opposition to Motion**
Claimant Robert Holmes' III Opposition to Plaintiff's Motion for Summary Judgment

06/05/2012 **Motion for Summary Judgment** (8:00 AM) (Judicial Officer Smith, Douglas E.)
 06/05/2012, 08/07/2012, 11/13/2012
Plaintiff's Motion for Summary Judgment
Parties Present
Minutes

Result: Matter Continued

06/07/2012 **Application to Proceed in Forma Pauperis**
Application to Proceed Informa Pauperis (Sealed)

06/08/2012 **Opposition to Motion**
Plaintiff's Opposition to Motion to Strike Summary Judgment

06/11/2012 **Order for Production of Inmate**
Order for Production of Inmate Robert Holmes BAC #1034184

06/12/2012 **Affidavit of Mailing**

06/14/2012 **Notice of Appeal**

06/14/2012 **Designation of Record on Appeal**

06/19/2012 **Case Appeal Statement**

06/21/2012 **Order to Proceed in Forma Pauperis**
Order to Proceed In Forma Pauperis (Sealed)

06/22/2012 **Motion to Strike**
Defendant's Motion to Strike Plaintiff's Motion to Oppsion to Strike Summary Judgment

06/25/2012 **Order for Production of Inmate**
Order for Production of Inmate Daimon Monroe, BAC #38299

06/26/2012 **Order to Withdraw as Attorney of Record**
Order to Withdraw

06/29/2012 **Order for Production of Inmate**
Order for Production of Inmate Bryan M. Ferguson, BAC #59427

07/09/2012 **Motion to Withdraw As Counsel**

07/23/2012 **Motion to Withdraw as Counsel** (3:00 AM) (Judicial Officer Smith, Douglas E.)
Cynthia L. Dustin, Esq's Motion to Withdraw as Counsel
Minutes
Result: Motion Granted

08/07/2012 **Motion to Strike** (8:00 AM) (Judicial Officer Bonaventure, Joseph T.)
Defendant, Daimon Monroe's Pro Per Notice of Motion and Motion to Strike Summary Judgment by Plaintiff
06/11/2012 Reset by Court to 08/07/2012
Result: Denied

08/07/2012 **Affidavit of Mailing**

08/07/2012 **All Pending Motions** (8:00 AM) (Judicial Officer Bonaventure, Joseph T.)
Plaintiff's Motion for Summary Judgment; Defendant Daimon Monroe's Pro Per Motion to Strike Summary Judgment by Plaintiff
Parties Present
Minutes
Result: Matter Heard

08/16/2012 **Order**
Order Re Hearing Held August 7, 2012

08/16/2012 **Order for Production of Inmate**
Order for Production of Inmate Bryan M. Ferguson, BAC #96803

08/16/2012 **Order for Production of Inmate**
Order for Production of Inmate Robert Holmes, BAC #1034184

08/16/2012 **Order for Production of Inmate**
Order for Production of Inmate Daimon Monroe, BAC #38299

08/16/2012 **Notice of Entry of Order**

08/21/2012 **Affidavit for Order of Publication**

08/28/2012 **Notice of Appeal**

08/30/2012 **Case Appeal Statement**

08/30/2012 **Order for Publication**
Order for Publication of Forfeiture Action

08/30/2012 **Affidavit of Mailing**

09/07/2012 **Notice of Motion**

09/18/2012 **Notice of Motion**

09/21/2012 **Notice of Motion**

09/21/2012 **Opposition to Motion**
Plaintiff's Opposition to Claimant Daimon Monroe's Motion for Return of Seized Property and Suppression of Evidence

10/04/2012 **Opposition to Motion**
Plaintiff's Opposition to Claimant Daimon Monroe's Motion for Material Evidence

10/04/2012 **Opposition to Motion**
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**

10/05/2012 **Opposition to Motion For Summary Judgment**
Opposition to Motion for Summary Judgment and Other Relief

10/05/2012 **Opposition to Motion For Summary Judgment**
Claimant Robert Holmes III (First) Supplement and Opposition to Plaintiff's Motion for Summary Judgment

10/08/2012 **Motion** (3:00 AM) (Judicial Officer Smith, Douglas E.)
Defendant, Daimon Monroe's Pro Per Motion For Return of Seized Property and Suppression of Evidence
Minutes
Result: Motion Denied

10/09/2012 **NV Supreme Court Clerks Certificate/Judgment - Dismissed**
Nevada Supreme Court Clerk's Certificate Judgment - Dismissed

10/09/2012 **NV Supreme Court Clerks Certificate/Judgment - Dismissed**
Nevada Supreme Court Clerk's Certificate Judgment - Dismissed

10/09/2012 **NV Supreme Court Clerks Certificate/Judgment - Dismissed**
Nevada Supreme Court Clerk's Certificate Judgment - Dismissed

10/22/2012 **Motion** (3:00 AM) (Judicial Officer Smith, Douglas E.)
Defendant, U.S. Currency \$281,656.73 Motion for Material Evidence
Minutes
Result: Motion Denied

11/09/2012 **Order**

11/13/2012 **Motion for Summary Judgment** (8:00 AM) (Judicial Officer Smith, Douglas E.)
Defendant's Motion for Summary Judgment and to strike Plaintiff's Motion for Summary Judgment
10/23/2012 Reset by Court to 11/13/2012
Result: Reserve Ruling

11/13/2012 **All Pending Motions** (8:00 AM) (Judicial Officer Smith, Douglas E.)
Defendant's Motion for Summary Judgment and to Strike Plaintiff's Motion for Summary Judgment; Plaintiff's Motion for Summary Judgment
Parties Present
Minutes
Result: Reserve Ruling

11/13/2012 **Notice of Entry of Order**

11/28/2012 **Findings of Fact, Conclusions of Law and Order**

11/29/2012 **Notice of Entry of Order**
12/06/2012 **Order to Statistically Close Case**
Civil Order to Statistically Close Case
12/07/2012 **Notice of Appeal**
12/10/2012 **Case Appeal Statement**
12/10/2012 **Notice of Appeal**
12/11/2012 **Case Appeal Statement**
12/18/2012 **Amended Notice of Appeal**
"First Pro Se Amended Notice of Appeal and Appeal Statement"
12/18/2012 **Designation of Record on Appeal**
12/19/2012 **Case Appeal Statement**
12/21/2012 **Notice of Appeal**
Notice to the Court / or Alternative Notice of Appeal
12/27/2012 **Case Appeal Statement**
01/16/2013 **Application to Proceed in Forma Pauperis**
Application to Proceed In Forma Pauperis (Sealed)
02/01/2013 **Order to Proceed In Forma Pauperis**
Order to Proceed In Forma Pauperis (Sealed)
03/25/2013 **NV Supreme Court Clerks Certificate/Judgment - Dismissed**
Nevada Supreme Court Clerk's Certificate Judgment - Dismissed
04/25/2013 **CANCELED Minute Order (1:57 PM) (Judicial Officer Smith, Douglas E.)**
Vacated - Set in Error
Minute Order Re: Supreme Court's Order Dismissing Appeal
01/04/2014 **Request**
Request for Transcript of Proceedings
01/17/2014 **Recorders Transcript of Hearing**
Transcript of Hearing Held on November 13, 2012
08/28/2014 **Notice of Appearance**
09/05/2014 **Motion**
LVMPD's Motion to Settle the Record Pursuant to NRAP 10(c)
09/08/2014 **Notice of Hearing**
10/07/2014 **Supplement**
Supplement to LVMPD's Motion to Settle the Record Pursuant to NRAP 10(c)
10/13/2014 **Motion (3:00 AM) (Judicial Officer Smith, Douglas E.)**
LVMPD's Motion to Settle the Record Pursuant to NRAP 10(c)
Minutes
Result: Motion Granted
11/06/2014 **Order Granting Motion**
Order Granting LVMPD's Motion to Settle the Record Pursuant to NRAP 10(c)
11/06/2014 **Notice of Entry of Order**
01/27/2016 **NV Supreme Court Clerks Certificate/Judgment -Remanded**
Nevada Supreme Court Clerk's Certificate Judgment - Reversed and Remand
03/15/2016 **Appendix**
Appendix of Exhibits for Renewed Motion for Summary Judgment Against Defendant, Bryan Ferguson (Volume I, Bates 0001-0250)
03/15/2016 **Motion for Summary Judgment**
Renewed Motion for Summary Judgment Against Defendant, Bryan Ferguson
03/15/2016 **Errata**
Errata to Renewed Motion for Summary Judgment Against Defendant, Bryan Ferguson
03/15/2016 **Appendix**
Appendix of Exhibits to Renewed Motion for Summary Judgment Against Defendant, Bryan Ferguson (Volume II, Bates 0251-0500)
03/15/2016 **Appendix**
Appendix of Exhibits to Renewed Motion for Summary Judgment Against Defendant, Bryan Ferguson (Volume III, Bates 0501-0750)
03/15/2016 **Appendix**
Appendix of Exhibits to Renewed Motion for Summary Judgment Against Defendant, Bryan Ferguson (Volume IV, Bates 0751-1000)
03/15/2016 **Notice of Hearing**
Notice of Hearing Re: Renewed Motion for Summary Judgment Against Defendant, Bryan Ferguson
03/15/2016 **Appendix**
Appendix of Exhibits to Renewed Motion for Summary Judgment Against Defendant, Bryan Ferguson (Volume V, Bates 1001-1250)
03/15/2016 **Appendix**
Appendix of Exhibits to Renewed Motion for Summary Judgment Against Defendant, Bryan Ferguson (Volume VI, Bates 1251-1500)
03/15/2016 **Appendix**
Appendix of Exhibits to Renewed Motion for Summary Judgment Against Defendant, Bryan Ferguson (Volume VII, Bates 1501-1750)
03/15/2016 **Appendix**
Appendix of Exhibits to Renewed Motion for Summary Judgment Against Defendant, Bryan Ferguson (Volume VIII, Bates 1751-2000)
03/15/2016 **Appendix**
Appendix of Exhibits to Renewed Motion for Summary Judgment Against Defendant, Bryan Ferguson (Volume IX, Bates 2001-2250)
03/15/2016 **Appendix**
Appendix of Exhibits to Renewed Motion for Summary Judgment Against Defendant, Bryan Ferguson (Volume X, Bates 2251-2500)
03/15/2016 **Appendix**
Appendix of Exhibits to Renewed Motion for Summary Judgment Against Defendant, Bryan Ferguson (Volume XI, Bates 2501-2742)
03/28/2016 **Order for Production of Inmate**
Order for Production of Inmate Bryan M. Ferguson, BAC #96803
03/29/2016 **CANCELED At Request of Court (8:00 AM) (Judicial Officer Smith, Douglas E.)**
Vacated
Status Check: Supreme Court Remand

03/22/2016 Reset by Court to 03/29/2016

04/06/2016 **Notice of Motion**
Notice of Motion and Motion on an Order Shortening Time for Additional Time to Respond to Motion for Summary Judgment and Other Relief

04/06/2016 **Notice of Motion**

04/07/2016 **Opposition to Motion**
Opposition to Motion, on an Order Shortening Time, for Additional Time and Other Relief

04/08/2016 **Amended Order**
Amended Order for Production of Inmate Bryan M. Ferguson, BAC #96803

04/11/2016 **Notice of Motion**

04/19/2016 **Motion for Summary Judgment** (8:00 AM) (Judicial Officer Smith, Douglas E.)
04/19/2016, 06/28/2016
Renewed Motion for Summary Judgment Against Defendant, Bryan Ferguson
Parties Present
Minutes
05/31/2016 Reset by Court to 06/28/2016
Result: Matter Continued

04/19/2016 **NV Supreme Court Clerks Certificate/Judgment - Affd/Rev Part**
Nevada Supreme Court Clerk's Certificate Judgment - Affirmed in Part, Reversed in Part and Remand

04/19/2016 **NV Supreme Court Clerks Certificate/Judgment - Remanded**
Nevada Supreme Court Clerk's Certificate Judgment - Reversed and Remand

04/21/2016 **Reply to Opposition**
Claimant's Reply to Plaintiff's Opposition and Other Relief

04/26/2016 **Notice of Proof**
Notice of Proof of Service

04/26/2016 **Opposition to Motion**
Opposition to Motion to Personally Give Evidence Proving the Fraudulent Warrant and Request for Discovery

05/05/2016 **Motion for Summary Judgment**
Renewed Motion for Summary Judgment Against Defendants Daimon Monroe and Robert Holmes, III

05/06/2016 **Notice of Hearing**
Notice of Hearing Re: Renewed Motion for Summary Judgment Against Defendants Monroe and Holmes

05/06/2016 **Order for Production of Inmate**
Order for Production of Inmate Bryan M. Ferguson, BAC #96803

05/06/2016 **Motion**
Defendant's Pro Per Motion

05/06/2016 **Motion**
Defendant's Pro Per Motion

05/09/2016 **Motion** (3:00 AM) (Judicial Officer Smith, Douglas E.)
Plaintiff's Motion on an Order Shortening Time to Respond to Motion for Summary Judgment and Other Relief

05/10/2016 **Notice of Change of Hearing**

05/16/2016 **Opposition to Motion**
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

05/16/2016 **Opposition to Motion**
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

05/17/2016 **Status Check** (8:00 AM) (Judicial Officer Smith, Douglas E.)
Status Check: Plaintiff to Provide Documentation Regarding Service of Process Upon Defendant Regarding Renewed Motion for Summary Judgment
Parties Present
Minutes
Result: Matter Heard

05/18/2016 **Opposition to Motion**
Claimant's Opposition to Plaintiff's Renewed Motion for Summary Judgment and Other Relief

05/18/2016 **Certificate of Service**
Certificate of Delivery

05/20/2016 **Notice of Change of Hearing**
Notice of Change of Hearing Date and Motion Response Due Date

05/24/2016 **Opposition to Motion For Summary Judgment**
Opposition to Summary Judgment and Motion to Strike the Plaintiff's Renewed Summary Judgment.

05/27/2016 **Application to Proceed in Forma Pauperis**
Request to Grant Informas Pauperis do to Indegency (Sealed)

05/27/2016 **Notice of Motion**

05/27/2016 **Notice of Motion**

06/03/2016 **Notice of Motion**
Notice of Motion & Opposition to Summary Judgment and Motion to Strike the Plaintiff's Renewed Summary Judgment.

06/03/2016 **Notice of Motion**
Notice of Motion and First Supplement to Opposition to Summary Judgment and Motion to Strike the Plaintiff's Renewed Summary Judgment

06/09/2016 **Notice of Proof**
Notice of Proof of Service

06/15/2016 **Order for Production of Inmate**
Order for Production of Inmate Bryan M. Ferguson, BAC #96803

06/16/2016 **Order for Production of Inmate**
Order for Production of Inmate Daimon Holt, aka, Daimon Monroe BAC #38299

06/21/2016 **Reply in Support**
Reply in Support of Renewed Motion for Summary Judgment Against Defendants Bryan Fergason, Daimon Monroe and Robert Holmes, III

06/24/2016 **Notice of Motion**
2nd Supplement and Notice of Motion, Opposition and Motion to Strike Plaintiff's Reply in Support of Renewed Motion for Summary Judgment Against Defendant Robert Holmes III

06/27/2016 **Petition to Proceed in Forma Pauperis** (3:00 AM) (Judicial Officer Smith, Douglas E.)
Request to Grant In Forma Pauperis due to Indigency
 Result: Granted

06/27/2016 **Motion to Produce** (3:00 AM) (Judicial Officer Smith, Douglas E.)
Motion to Produce Documents and Request for Further Discovery if Defendant Monroe's Motion for Summary Judgment is Denied
 Result: Motion Denied

06/27/2016 **All Pending Motions** (3:00 AM) (Judicial Officer Smith, Douglas E.)
Minutes
 Result: Matter Heard

06/28/2016 **Motion** (8:00 AM) (Judicial Officer Smith, Douglas E.)
06/28/2016, 07/12/2016
Deft's Pro Se Motion to Personally Give Evidence Proving the Fraudulent Warrant and Request for Discovery
05/16/2016 Reset by Court to 06/28/2016
 Result: Matter Continued

06/28/2016 **Motion for Summary Judgment** (8:00 AM) (Judicial Officer Smith, Douglas E.)
06/28/2016, 07/12/2016
Renewed Motion for Summary Judgment Against Defendants Daimon Monroe and Robert Holmes, III
06/07/2016 Reset by Court to 06/28/2016
 Result: Matter Continued

06/28/2016 **Motion to Compel** (8:00 AM) (Judicial Officer Smith, Douglas E.)
06/28/2016, 07/12/2016
Defendant's Pro Per Motion and Notification of an Inability to get Proper Copies
06/06/2016 Reset by Court to 06/28/2016
06/07/2016 Reset by Court to 06/06/2016
 Result: Matter Continued

06/28/2016 **Motion** (8:00 AM) (Judicial Officer Smith, Douglas E.)
06/28/2016, 07/12/2016
Defendant's Pro Per Motion to Compel
06/06/2016 Reset by Court to 06/28/2016
06/07/2016 Reset by Court to 06/06/2016
 Result: Matter Continued

06/28/2016 **Opposition and Counter-motion** (8:00 AM) (Judicial Officer Smith, Douglas E.)
06/28/2016, 07/12/2016
Opposition to Plaintiff's Renewed Request for Summary Judgment, and Request for Immediate Return of Monies to Defendants
 Result: Matter Continued

06/28/2016 **Order for Production of Inmate**
Order for Production of Inmate Bryan M. Fergason, BAC #96803

06/28/2016 **Order for Production of Inmate**
Order for Production of Inmate Daimon Holt, aka, Daimon Monroe, ID #715429

06/28/2016 **All Pending Motions** (8:00 AM) (Judicial Officer Smith, Douglas E.)
Parties Present
Minutes
 Result: Matter Continued

07/06/2016 **Notice of Motion**

07/07/2016 **Notice of Motion**

07/07/2016 **Notice of Motion**

07/07/2016 **Notice of Change of Hearing**

07/07/2016 **Opposition**
LVMPD's Opposition to Defendant Robert Holmes, III's Second Supplement, Opposition, and Motion to Strike Plaintiff's Reply and LVMPD's Counter-motion to Strike

07/08/2016 **Opposition to Motion**
LVMPD's Combined Opposition to Daimon Monroe's Three Pro Se Motions Filed on July 7, 2016

07/12/2016 **All Pending Motions** (8:00 AM) (Judicial Officer Smith, Douglas E.)
Parties Present
Minutes
 Result: Matter Heard

07/12/2016 **Opposition to Motion**
LVMPD's Opposition to Defendant Bryan Fergason's Motion to Strike and/or Continue Hearing and Other Relief on Order Shortening Time

07/19/2016 **Notice of Motion**

07/19/2016 **Notice of Motion**

07/19/2016 **Order**

07/19/2016 **Order**

07/20/2016 **Notice of Entry of Order**
Notice of Entry of Orders

07/22/2016 **Notice of Motion**

07/22/2016 **Notice of Motion**

07/22/2016 **Notice of Motion**

07/22/2016 **Notice of Motion**

08/15/2016 **Motion** (3:00 AM) (Judicial Officer Smith, Douglas E.)
Notice of Motion - Motion for 60 Days to Refile my Opposition and my Summary Judgment
08/16/2016 *Reset by Court to 08/15/2016*

08/15/2016 **Motion for Clarification** (3:00 AM) (Judicial Officer Smith, Douglas E.)
Notice of Motion - Motion to Clarify I did File a Opposition, I did File a Motion for Summary Judgment and I did File a Informa Pauperis if this Court Granted them I ask for a Rehearing

08/15/2016 **Motion** (3:00 AM) (Judicial Officer Smith, Douglas E.)
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

08/18/2016 **Order**

08/19/2016 **Notice of Entry of Order**

08/22/2016 **Motion** (3:00 AM) (Judicial Officer Smith, Douglas E.)
08/22/2016, 10/18/2016
Defendant's Motion to Supplement my Opposition to Plaintiffs Summary Judgment.
Result: Matter Continued

08/22/2016 **Motion** (3:00 AM) (Judicial Officer Smith, Douglas E.)
08/22/2016, 10/18/2016
Motion on Coverup done by R-O-P and Sandra DiGiacomo
Result: Matter Continued

08/22/2016 **Motion** (3:00 AM) (Judicial Officer Smith, Douglas E.)
08/22/2016, 10/18/2016
Motion, Evidence Submitted into Record on Illegal Arrests and Seizure and Illegal Convictions and State Obstructing and Illegal Seizure of Money
Result: Matter Continued

08/22/2016 **Motion** (3:00 AM) (Judicial Officer Smith, Douglas E.)
08/22/2016, 10/18/2016
Motion on some more Facts on Illegal Warrants and Illegal Taking of these Monies
Result: Matter Continued

08/22/2016 **Motion** (3:00 AM) (Judicial Officer Smith, Douglas E.)
08/22/2016, 10/18/2016
Motion on Monies taken Illegally, due to Original Arrest Lacking Legal Warrant
Result: Matter Continued

08/22/2016 **All Pending Motions** (3:00 AM) (Judicial Officer Smith, Douglas E.)
Minutes
Result: Matter Heard

08/29/2016 **Notice of Motion**

08/31/2016 **Reply to Opposition**
Claimant Ferguson Reply to LVMPD's Opposition, Et.

09/13/2016 **Order for Production of Inmate**
Order for Production of Inmate Bryan M. Ferguson, BAC #96803

09/13/2016 **Order for Production of Inmate**
Order for Production of Inmate DAIMON HOLT, aka, Daimon Monroe, ID #715429

10/11/2016 **Reply**
LVMPD's Final Reply on Renewed Motion for Summary Judgment

10/12/2016 **Substitution of Attorney**
Substitution of Attorney Pursuant to EDCR 7.40(b)(1)

10/18/2016 **Hearing** (8:00 AM) (Judicial Officer Smith, Douglas E.)
Hearing
Result: Stayed

10/18/2016 **Motion** (8:00 AM) (Judicial Officer Smith, Douglas E.)
Notice of Motion
10/03/2016 *Reset by Court to 10/18/2016*
Result: Stayed

10/18/2016 **Status Check** (8:00 AM) (Judicial Officer Smith, Douglas E.)
Defendant's Opposition to the State's Motion for Summary Judgment
09/19/2016 *Reset by Court to 10/18/2016*
Result: Stayed

10/18/2016 **All Pending Motions** (8:00 AM) (Judicial Officer Smith, Douglas E.)
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
Parties Present
Minutes
Result: Matter Heard

10/26/2016 **Findings of Fact, Conclusions of Law and Order**
Findings of Fact, Conclusions of Law, and Order

10/27/2016 **Notice of Entry of Order**

10/31/2016 **Notice of Appeal**

10/31/2016 **Designation of Record on Appeal**

11/01/2016 **Case Appeal Statement**

11/02/2016 **Memorandum of Costs and Disbursements**
Plaintiff's Verified Memorandum of Costs

11/14/2016 **Motion for Attorney Fees and Costs**
LVMPD's Motion for Attorneys Fees and Costs Against Robert Holmes, III

11/16/2016 **Notice of Hearing**
Notice of Hearing Re: LVMPD's Motion for Attorneys Fees and Costs Against Robert Holmes, III

11/28/2016 **Order**

11/28/2016 **Motion to Strike**
Motion to Strike and or Opposition to LVMPD's Motion for Attorneys Fees and Cost Against Robert Holmes, III

11/28/2016 **Notice of Entry of Order**

12/09/2016 **Application to Proceed in Forma Pauperis**
Application to Proceed in Forma Pauperis (Sealed)

12/22/2016 **Reply in Support**
Reply in Support of LVMPD's Motion for Attorneys Fees and Costs Against Robert Holmes, III

12/27/2016 **Order to Proceed In Forma Pauperis**
Order to Proceed In Forma Pauperis (Sealed)

12/28/2016 **Notice of Motion**
Notice of Motion and First Supplement to Opposition to Summary Judgment and Motion to Strike the Plaintiff's Renewed Summary Judgment

01/04/2017 **Order for Production of Inmate**
Order for Production of Inmate Daimon Monroe, BAC #38299

01/04/2017 **Order for Production of Inmate**
Order for Production of Inmate Bryan M. Ferguson, BAC# 96803

01/09/2017 **Motion for Attorney Fees and Costs** (3:00 AM) (Judicial Officer Smith, Douglas E.)
Las Vegas Metropolitan Police Department's Motion for Attorney's Fees and Costs Against Robert Holmes, III

Minutes
Result: Granted

01/10/2017 **Status Check** (8:00 AM) (Judicial Officer Smith, Douglas E.)
01/10/2017, 04/18/2017
Status Check: Stay Pending Supreme Court Filing in C228752 (Monroe)

Parties Present
Minutes
Result: Matter Continued

01/31/2017 **Order Granting Motion**
Order Granting Plaintiff's Motion for Attorneys Fees and Costs and Judgment Against Robert Holmes, III

02/01/2017 **Notice of Entry of Order**

02/06/2017 **Notice of Appeal**

02/06/2017 **Order**

02/07/2017 **Hearing** (8:00 AM) (Judicial Officer Smith, Douglas E.)
Renewed Motion for Summary Judgment (Ferguson)

Parties Present
Minutes
Result: Deferred Ruling

02/07/2017 **Notice of Entry of Order**

02/07/2017 **Order for Production of Inmate**
Order for Production of Inmate Bryan M. Ferguson, BAC# 96803

02/09/2017 **Supplement to Motion for Summary Judgment**
LVMPD's Supplement to Renewed Motion for Summary Judgment as Against Defendant Bryan Ferguson

02/10/2017 **Case Appeal Statement**

02/15/2017 **Order for Production of Inmate**
Order for Production of Inmate Bryan M. Ferguson, BAC# 96803

02/23/2017 **Motion to Strike**
Notice of Motion and Motion to Strike and Other Relief

02/23/2017 **Notice of Motion**

02/27/2017 **CANCELED Decision** (3:00 AM) (Judicial Officer Smith, Douglas E.)
Vacated
Decision: Renewed Motion for Summary Judgment (Ferguson)

02/27/2017 **Order for Production of Inmate**
Order for Production of Inmate Bryan M. Ferguson, BAC# 96803

03/01/2017 **Reply in Support**
Reply in Support of LVMPD's Supplement to Renewed Motion for Summary Judgment as Against Bryan Ferguson

03/07/2017 **Status Check** (8:00 AM) (Judicial Officer Smith, Douglas E.)
Status Check: Appeal/Renewed Motion for Summary Judgment

Parties Present
Minutes
Result: Matter Heard

03/16/2017 **Notice of Motion**

03/16/2017 **Notice of Appeal**

03/17/2017 **Case Appeal Statement**

03/17/2017 **Findings of Fact, Conclusions of Law and Order**
Findings of Fact, Conclusions of Law, and Order

03/20/2017 **Notice of Entry of Order**

03/21/2017 **Memorandum of Costs and Disbursements**
Plaintiff's Verified Memorandum of Costs

03/27/2017	CANCELED Motion to Strike (3:00 AM) (Judicial Officer Smith, Douglas E.) <i>Vacated</i> <i>Notice of Motion Re: Notice of Motion and Motion to Strike and Other Relief</i>
03/27/2017	Opposition to Motion <i>LVMPD's Opposition to Claimant Bryan Ferguson's Motion for Reconsideration and Other Relief on an Order Shortening Time</i>
04/11/2017	CANCELED Status Check (8:00 AM) (Judicial Officer Smith, Douglas E.) <i>Vacated</i>
04/17/2017	Motion For Reconsideration (3:00 AM) (Judicial Officer Smith, Douglas E.) <i>Notice of Motion</i>

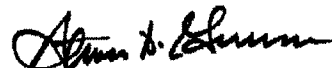
FINANCIAL INFORMATION

	Conversion Extended Connection Type No Convert Value @ 07A537416			
	Total Financial Assessment			202.00
	Total Payments and Credits			202.00
	Balance Due as of 03/31/2017			0.00
03/29/2007	Transaction Assessment			202.00
03/29/2007	Conversion Payment	Receipt # 01346664	KELLY & SULLIVAN LTD.	(101.00)
04/10/2007	Conversion Payment	Receipt # 01348839	LAW OFFICE OF CYNTHIA DUSTIN L	(101.00)
	Other Defendant Holmes III, Robert			
	Total Financial Assessment			1.50
	Total Payments and Credits			1.50
	Balance Due as of 03/31/2017			0.00
12/09/2016	Transaction Assessment			1.50
12/09/2016	Payment (Window)	Receipt # 2016-119612-CCCLK	Holmes III, Robert	(1.50)
	Plaintiff Las Vegas Metropolitan Police Dept			
	Total Financial Assessment			21.00
	Total Payments and Credits			21.00
	Balance Due as of 03/31/2017			0.00
04/07/2016	Transaction Assessment			3.50
04/07/2016	Wiznet	Receipt # 2016-34608-CCCLK	Las Vegas Metropolitan Police Dept	(3.50)
08/18/2016	Transaction Assessment			3.50
08/18/2016	Wiznet	Receipt # 2016-80129-CCCLK	Las Vegas Metropolitan Police Dept	(3.50)
10/26/2016	Transaction Assessment			3.50
10/26/2016	Wiznet	Receipt # 2016-104766-CCCLK	Las Vegas Metropolitan Police Dept	(3.50)
10/27/2016	Transaction Assessment			3.50
10/27/2016	Wiznet	Receipt # 2016-105167-CCCLK	Las Vegas Metropolitan Police Dept	(3.50)
01/31/2017	Transaction Assessment			3.50
01/31/2017	Wiznet	Receipt # 2017-10067-CCCLK	Las Vegas Metropolitan Police Dept	(3.50)
03/20/2017	Transaction Assessment			3.50
03/20/2017	Wiznet	Receipt # 2017-26360-CCCLK	Las Vegas Metropolitan Police Dept	(3.50)

Exhibit 4

1 BRYAN FERGASON # 96803
2 CLAIMANT In Proper Person
3 P.O. Box 650 H.D.S.P.
4 Indian Springs, Nevada 89018

Electronically Filed
03/16/2017 09:34:33 AM



CLERK OF THE COURT

5 EIGHTH DISTRICT COURT
6 CLARK COUNTY NEVADA

7
8 BRYAN FERGASON,
9 Appellant,
10 -v-
11 Las Vegas Metropolitan Police Dept.,
12 Respondent,
13

Case No. 07A5374116
Dept. No. VIII
Docket N/A

14 NOTICE OF APPEAL

15 Notice is hereby given that the CLAIMANT, BRYAN
16 FERGASON, by and through himself in proper person, does now appeal
17 to the Supreme Court of the State of Nevada, the decision of the District
18 Court OF MARCH 7, 2017 GRANTING PLAINTIFF LAS VEGAS METROPOLITAN
19 POLICE DEPARTMENT'S MOTION FOR SUMMARY JUDGMENT (HEARING
20 DATE).

21 Dated this date, _____.

22
23 Respectfully Submitted,

24
25
26
27
28
CLERK OF THE COURT

MAR 16 2017

RECEIVED

RECEIVED

MAR 16 2017

CLERK OF THE COURT

BRYAN FERGASON # 96803
In Proper Person

46

3

CERTIFICATE OF SERVICE BY MAILING

I, BRYAN FERGASON, hereby certify, pursuant to NRCP 5(b), that on this ____ day of _____, 2017, I mailed a true and correct copy of the foregoing, "Notice of Appeal" by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid, addressed as follows:

Adele Karim, Esq.
1001 PARKWAY DRIVE
LAS VEGAS, NV 89145
COUNSEL FOR RESPONDENT

DATED: this ____ day of _____, 2017.

BRYAN FERGASON # 96803
Appellant /In Propria Persona
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018

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.

Signature

Date

BRYAN FERGUSON # 96803
Print Name

Appellant in Pro Per
Title