

Steven D. Grierson

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

Electronically Filed
Jun 27 2017 10:07 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

8th Jud. DISTRICT COURT
CLARK COUNTY NEVADA

LAS VEGAS METROPOLITAN POLICE DEPT.,

Plaintiff,

Case No. 07A537416

-v-

Dept. No. VIII

U.S. CURRENCY \$281,656.73,

Docket N/A

Defendant.

NOTICE OF APPEAL

Notice is hereby given that the CLAIMANT, BRYAN FERGASON, by and through himself in proper person, does now appeal to the Supreme Court of the State of Nevada, the decision of the District Court Granting Summary Judgment on March 17, 2017 (Ex. "A"), tolled per NEAP 4(a)(2) (Ex. "B"), and made final by the June 7 2017 Order Denying Reconsideration. Ferguson is appealing the Granting of Summary Judgment only not the Denial of Reconsideration.
Dated this date, JUNE 14 2017.

Respectfully Submitted,

Bryan Ferguson
BRYAN FERGASON #96803
In Proper Person

RECEIVED
JUN 20 2017
CLERK OF THE COURT
#53


18

CERTIFICATE OF SERVICE BY MAILING

I, BRYAN FERGASON, hereby certify, pursuant to NRCP 5(b), that on this 14
day of June, 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:

<u>Adele v. Karam, Esq.</u>	<u></u>
<u>10001 Park Run Drive</u>	<u></u>
<u>Las Vegas, NV 89145</u>	<u></u>
<u>Lead Counsel for Plaintiff</u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></u>

DATED: this 14 day of JUNE, 2017.


BRYAN FERGASON # 96403
Claimant / In Propria Persona
Post Office box 650 (HDSP)
Indian Springs, Nevada 89018

Affirmation per NRS 239B.030

This notice of appeal filed in Case NO. 07A537416 does not contain
the Social Security number of any person.

Dated this 14 day of June, 2017.



BRYAN FERGASON # 96603
Claimant in Pro Per

EXHIBIT "A"

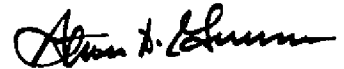
March 17, 2017

Findings of FACT, conclusions of Law and order

Case No. 07A537416

9 pages

EXHIBIT "A"



CLERK OF THE COURT

MARQUIS AURBACH COFFING

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**LAS VEGAS METROPOLITAN
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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 Ferguson, 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 Ferguson 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 Ferguson 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 Ferguson's Reply to LVMPD's
14 Opposition to Ferguson's Motion to Strike and/or Continue Hearing and Other Relief on Order
15 Shortening Time.

16 11. Claimants Holmes, Ferguson, 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 Ferguson 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, Ferguson,
24 Trevarthen, and Holmes, and their attorneys.

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

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

24. Evidence from Trevarthen's Grand Jury testimony indicated Co-Claimant Monroe sold stolen property every weekend to get rid of it before the next weekend.

25. Fergason's bank records and deposit slips establish he made large cash deposits in 2006 during a period when there is no evidence of legitimate employment. During August 2006, Fergason deposited \$14,600 in cash deposits, all in amounts in excess of \$1,000. During the first eighteen days of September 2006, Fergason deposited \$12,100. In less than two months in 2006, Fergason deposited \$28,000 in large cash deposits at Bank of America, ranging from \$1,000 to \$5,500.

26. Fergason made deposits at Bank of America with a bank teller every Monday between July 31 and September 18, 2006, with the exception of the week of September 4, which was Labor Day (a banking holiday). These deposits were all made during a time period when there is no evidence that Fergason had a job.

27. Telephone records from the Clark County Detention Center (CCDC) established Monroe assisted Fergason with the management of Fergason's finances while Fergason was incarcerated. Trevarthen paid for a storage unit for Fergason's belongings. Trevarthen and Monroe parked Fergason's car at their home, and kept some of his items at their home and inside of his car. Monroe was aware of the amounts in Fergason's bank accounts, and Monroe stated he had Fergason's bank information.

CONCLUSIONS OF LAW

1. The Sixth Amendment guarantee of the right to counsel applies only in criminal prosecutions. Rodriguez v. Eighth Judicial Dist. Court ex rel. County of Clark, 120 Nev. 798, 804, 102 P.3d 41, 45 (2004). Under Nevada law, there is no right to the appointment of counsel in civil cases not involving incarceration for contempt or otherwise provided by statute, such as child abuse and neglect proceedings or parental termination rights cases. Klett v. Meyers, 126 Nev. 730, 367 P.3d 790 (2010) (citing Rodriguez, 120 Nev. at 813, 102 P.3d at 51 (contempt); NRS 432B.420(1) (child abuse and neglect); NRS 128.100 (parental termination rights)). In this case, there is no statute requiring appointment of counsel, as requested by Fergason, nor does

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. Barmettler 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 "B"

Order Dismissing Appeal
Nevada Supreme Court No. 70640
May 5, 2017
2 pages

EXHIBIT "B"

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRYAN MICHAEL FERGASON,
Appellant,
vs.
LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,
Respondent.

No. 72640

FILED

MAY 05 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

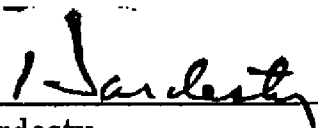
ORDER DISMISSING APPEAL


This is a pro se appeal from an order granting respondent's motion for summary judgment. Eighth Judicial District Court, Clark County; Douglas Smith, Judge.


Our review of the documents submitted to this court pursuant to NRAP 3(g) reveals a jurisdictional defect. Specifically, the notice of appeal appears to be untimely filed under NRAP 4(a) because it appears that it was filed after the timely filing of a tolling motion under NRAP 4(a)(2) and before the tolling motion was formally resolved. A timely tolling motion terminates the thirty-day appeal period, and a notice of appeal is of no effect if it is filed after such a tolling motion is filed, and before the district court enters a written order finally resolving the motion. See NRAP 4(a)(2). It appears that the district court denied the motion for reconsideration on April 17, 2017, but no written order has been entered. A district court's minute order is ineffective for any purpose and cannot be appealed, and a written order or judgment must be filed

before a district court ruling can be appealed. *See Rust v. Clark Cty. School District*, 103 Nev. 686, 747 P.2d 1380 (1987).

We conclude that we lack jurisdiction, and we
ORDER this appeal DISMISSED.¹

 J.
Hardesty

 J.
Parraguirre

 J.
Stiglich

cc: Hon. Douglas Smith, District Judge
Bryan Michael Fergason
Marquis Aurbach Coffing
Matthew J. Christian
Clark County District Attorney
Eighth District Court Clerk

¹We deny as moot respondent's motion to dismiss.

EXHIBIT "C"

Plaintiff's opposition

Case No. 7A537416

June 7, 2017

(Reference p. 2 LL 14-19).

2 pages

EXHIBIT "C"

MARQUIS AURBACH COFFING

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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

**LVMPD'S OPPOSITION TO CLAIMANT BRYAN FERGASON'S
MOTION FOR A STATUS CHECK AND OTHER RELIEF**

Plaintiff, Las Vegas Metropolitan Police Department ("LVMPD"), by and through the law firm of Marquis Aurbach Coffing, hereby submits this Opposition to Claimant Bryan Ferguson's Motion for a Status Check and Other Relief Time. This Opposition is made and based upon the attached Memorandum of Points and Authorities, the pleadings and papers on file herein, and any oral argument that may be presented at the hearing of this matter.

MEMORANDUM OF POINTS AND AUTHORITIES

The Court's minute order denying Ferguson's Motion for Reconsideration and Other Relief ("Motion for Reconsideration"), dated April 17, 2017, was mailed to Ferguson but was not mailed or e-served to LVMPD. During this time period, the filing of the Motion for Reconsideration after filing the Notice of Appeal resulted in jurisdictional issues with the appeal filed in the Nevada Supreme Court, and Ferguson's appeal was ultimately dismissed by the Nevada Supreme Court.

After becoming aware of the minute order on the Motion for Reconsideration, LVMPD waited for remittitur to issue from the Nevada Supreme Court, following dismissal of the appeal prior to submitting anything further in this District Court case. Plaintiffs have ensured the remittitur has issued and the District Court has full jurisdiction over all aspects of this case to make a clear record in light of Ferguson's anticipated appeal. The remittitur issued on May 30, 2017.

On June 7, 2017, LVMPD submitted a proposed order denying the motion for reconsideration to the Court. Because Ferguson's Motion for a Status Check and Other Relief relates solely to Ferguson's request for the Court to clarify its minute order or direct LVMPD to prepare an order denying the Motion for Reconsideration, and LVMPD has submitted a proposed order on the Motion for Reconsideration to the Court, Ferguson's motion for a status check should be denied as moot.

Dated this 7th day of June, 2017.

MARQUIS AURBACH COFFING

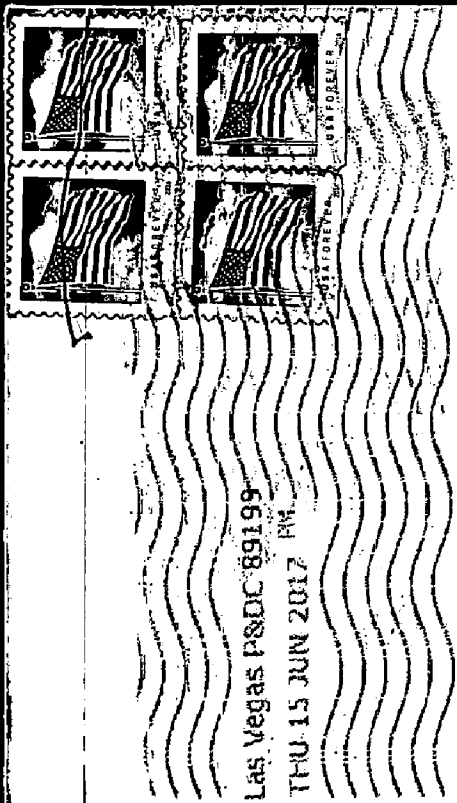
By

Adele Karoum

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Attorneys for Plaintiff, LVMPD

Bryan Forster Hase
P.O. Box 880 H.D.S.T.

Indian Springs, NV 89070



Steven D. Grierson, Clerk of the Court
200 Lewis Ave.
Las Vegas, NV 89155

UNIT 7/12/17
JUN 14 2017
UNIT 7/12/17

6-14-17
[Signature]

1 ASTA

2
3
4
5
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): Bryan Fergason

19 2. Judge: Douglas E. Smith

20 3. Appellant(s): Bryan Fergason

21 Counsel:

22 Bryan Fergason #96803
23 P.O. Box 650
24 Indian Springs, NV 89070

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

26 Counsel:

27 Steven B. Wolfson, District Attorney
28 200 Lewis Ave.

Las Vegas, NV 89101

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, 02/01/2013
**Expires 1 year from date filed Expired
Appellant Filed Application to Proceed in Forma Pauperis: No
Date Application(s) filed:

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,
71680, 72379, 72640

12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

Dated This 22 day of June 2017.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Bryan Ferguson

Location: **Department 8**
Judicial Officer: **Smith, Douglas E.**
Filed on: **03/09/2007**
Case Number History:
Cross-Reference Case Number: **A537416**
Supreme Court No.: **60547**
60809
61094
61616
62264
62274
62357
71680
72379
72640

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
Robert Holmes III 12-27-16
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	














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CASE SUMMARY
CASE NO. 07A537416

Monroe, Daimon















Pro Se

DATE	EVENTS & ORDERS OF THE COURT	INDEX
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 to Stay 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 <i>Order to Proceed in Forma Pauperis (Sealed)</i>	
04/05/2007	 Application to Proceed in Forma Pauperis Filed By: Other Defendant Monroe, Daimon <i>Application to Proceed in Forma Pauperis (Sealed)</i>	

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04/10/2007	 Answer Filed By: Other Defendant Fergason, Bryan M <i>Answer to Complaint for Forfeiture</i>
04/10/2007	 Initial Appearance Fee Disclosure Filed By: Other Defendant Fergason, Bryan M <i>Initial Appearance Fee Disclosure (N.R.S. Chapter 19)</i>
04/12/2007	 Amended Answer Filed By: Other Defendant Holmes III, Robert
04/13/2007	 Motion <i>Motion of Claimants Failure to Verify Answer</i>
04/17/2007	 Notice of Hearing <i>Notice of (Hearing/Motion)</i>
04/23/2007	 Motion to Stay <i>Motion for Stay of Forfeiture Case</i>
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 <i>Plaintiff's Response to Claimant's Motion for Stay of Forfeiture Proceedings</i>
05/08/2007	 Affidavit of Publication
05/16/2007	Motion (8:30 AM) Events: 04/13/2007 Motion <i>DEFT MONROE'S MTN OF CLAIMENTS FAILURE TO VERIFY ANSWER /I Relief Clerk: Carole D'Aloia Reporter/Recorder: Renee Vincent Heard By: Stewart Bell</i>
05/18/2007	 Three Day Notice of Intent to Default Filed by: Plaintiff Las Vegas Metropolitan Police Dept
05/18/2007	 Order Granting Motion <i>Order Granting Motion for Stay of Forfeiture Proceedings</i>
05/21/2007	CANCELED Motion to Stay (8:30 AM) Events: 04/17/2007 Notice of Hearing <i>Vacated</i>
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 to Stay <i>Vacated</i>
06/01/2007	 Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Motion for Partial Judgment by Default</i>

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06/01/2007	 Default Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Partial Default</i>
06/19/2007	 Change of Address Filed By: Also Known As Holmes, Robert
08/20/2008	 Motion for Withdrawal <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 for Withdrawal <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>Def't. 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	 Notice of Motion 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</i>

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Court Statistically Closing Case

02/06/2012	 Motion to Dismiss Filed By: Other Defendant Holmes III, Robert <i>Motion to Dismiss Plaintiff's Motion to Reconsider Court Statistically Closing Case</i>
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>
02/09/2012	 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	

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	 Opposition to Motion Filed By: Other Defendant Holmes III, Robert <i>Opposition to Plaintiff's Motion to Lift Stay</i>
03/27/2012	 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 Granting Motion 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	 Notice of Motion 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	 Notice of Motion 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>Claimant 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

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	Events: 05/01/2012 Notice of Motion <i>Plaintiff's Motion for Summary Judgment</i>
06/07/2012	 Application to Proceed in Forma Pauperis <i>Application to Proceed Informa Pauperis (Sealed)</i>
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 <i>Order to Proceed In Forma Pauperis (Sealed)</i>
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 Notice of Motion <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.)

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Plaintiff's Motion for Summary Judgment; Defendant Daimon Monroe's Pro Per Motion to Strike Summary Judgment by Plaintiff

08/07/2012	 Affidavit of Mailing Filed By: Plaintiff Las Vegas Metropolitan Police Dept
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. Fergason, 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 to Motion 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	

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	 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 <i>Plaintiff's Opposition to Claimant Daimon Monroe's Motion for Summary Judgment and to Strike Plaintiff's Motion for Summary Judgment</i>
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 Fergason, 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>

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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 <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 <i>Civil Order to Statistically Close Case</i>
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	 Amended 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

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Notice to the Court / or Alternative Notice of Appeal

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 <i>Application to Proceed In Forma Pauperis (Sealed)</i>
02/01/2013	 Order to Proceed In Forma Pauperis Granted for: Other Defendant Fergason, Bryan M <i>Order to Proceed In Forma Pauperis (Sealed)</i>
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 Fergason, Bryan M <i>Request for Transcript of Proceedings</i>
01/17/2014	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on November 13, 2012</i>
08/28/2014	 Notice of Appearance Party: Plaintiff Las Vegas Metropolitan Police Dept
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
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	 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>









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11/06/2014	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept
01/27/2016	 NV Supreme Court Clerks Certificate/Judgment -Remanded <i>Nevada Supreme Court Clerk's Certificate Judgment - Reversed and Remand</i>
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
03/15/2016	 Appendix Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Appendix of Exhibits for Renewed Motion for Summary Judgment Against Defendant, Bryan Fergason (Volume I, Bates 0001-0250)</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 Fergason</i>
03/15/2016	 Errata Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Errata to Renewed Motion for Summary Judgment Against Defendant, Bryan Fergason</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 Fergason (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 Fergason (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 Fergason (Volume IV, Bates 0751-1000)</i>
03/15/2016	 Notice of Hearing Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Hearing Re: Renewed Motion for Summary Judgment Against Defendant, Bryan Fergason</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 Fergason (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 Fergason (Volume VI, Bates 1251-1500)</i>







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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 <i>Appendix of Exhibits to Renewed Motion for Summary Judgment Against Defendant, Bryan Ferguson (Volume VIII, Bates 1751-2000)</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 IX, Bates 2001-2250)</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 X, Bates 2251-2500)</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 XI, Bates 2501-2742)</i>
03/28/2016	 Order for Production of Inmate <i>Order for Production of Inmate Bryan M. Ferguson, BAC #96803</i>
03/29/2016	CANCELED At Request of Court (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated</i> <i>Status Check: Supreme Court Remand</i>
04/06/2016	 Notice of Motion Filed By: Other Defendant Ferguson, Bryan M <i>Notice of Motion and Motion on an Order Shortening Time for Additional Time to Respond to Motion for Summary Judgment and Other Relief</i>
04/06/2016	 Notice of Motion Filed By: Other Defendant Ferguson, Bryan M
04/07/2016	 Opposition to Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Opposition to Motion, on an Order Shortening Time, for Additional Time and Other Relief</i>
04/08/2016	 Amended Order <i>Amended Order for Production of Inmate Bryan M. Ferguson, BAC #96803</i>
04/11/2016	 Notice of Motion Filed By: Other Defendant Monroe, Daimon
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 Appendix 03/15/2016 Motion for Summary Judgment 03/15/2016 Errata










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	03/15/2016 Appendix 03/15/2016 Appendix 03/15/2016 Appendix 03/15/2016 Appendix 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	 Notice of Proof Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Proof of Service</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>
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	 Notice of Hearing Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Hearing Re: Renewed Motion for Summary Judgment Against Defendants Monroe and Holmes</i>
05/06/2016	 Order for Production of Inmate <i>Order for Production of Inmate Bryan M. Fergason, BAC #96803</i>

















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05/06/2016	 Motion 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
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	 Opposition to Motion Filed By: Other Defendant Ferguson, Bryan M <i>Claimant's Opposition to Plaintiff's Renewed Motion for Summary Judgment and Other Relief</i>
05/18/2016	 Certificate of Service Filed by: Plaintiff Las Vegas Metropolitan Police Dept <i>Certificate of Delivery</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 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 Informas Pauperis do to Indegency (Sealed)</i>
05/27/2016	 Notice of Motion Filed By: Also Known As Hoyt, Daimon D









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05/27/2016	 Notice of Motion Filed By: Also Known As Hoyt, Daimon D
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	 Notice of Proof <i>Notice of Proof of Service</i>
06/15/2016	 Order for Production of Inmate <i>Order for Production of Inmate Bryan M. Fergason, BAC #96803</i>
06/16/2016	 Order for Production of Inmate <i>Order for 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 Fergason, 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 Strike Plaintiff's Reply in Support of Renewed Motion for Summary Judgment 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 Notice of Motion <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>Deft's Pro Se Motion to Personally Give Evidence Proving the Fraudulent 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 Holmes, III</i>
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>










DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416

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 Notice of Motion <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 <i>Order for Production of Inmate Bryan M. Ferguson, BAC #96803</i>
06/28/2016	 Order for Production of Inmate <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	 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
07/07/2016	 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>
07/08/2016	 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	 All Pending Motions (8:00 AM) (Judicial Officer: Smith, Douglas E.)
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>
07/19/2016	 Notice of Motion Filed By: Other Defendant Monroe, Daimon
07/19/2016	 Notice of Motion Filed By: Other Defendant Monroe, Daimon
07/19/2016	 Order
















DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416

	Filed By: Plaintiff Las Vegas Metropolitan Police Dept
07/19/2016	 Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept
07/20/2016	 Notice of Entry 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
07/22/2016	 Notice of Motion Filed By: Other Defendant Monroe, Daimon
07/22/2016	 Notice of Motion Filed By: Other Defendant Monroe, Daimon
07/22/2016	 Notice of Motion Filed By: Other Defendant Monroe, Daimon
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 Motion for 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
08/19/2016	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept
08/22/2016	Motion (3:00 AM) (Judicial Officer: Smith, Douglas E.) 08/22/2016, 10/18/2016 Events: 07/19/2016 Notice of Motion <i>Defendant's Motion to Supplement my Opposition to Plaintiffs Summery 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 Sizure and Illegal Convictions and State Obstructing and Illegal Seizure of Money</i>















DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416

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 Arest 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 Fergason, Bryan M <i>Claimant Fergason Reply to LVMPD's Opposition, Et.</i>
09/13/2016	 Order for Production of Inmate <i>Order for Production of Inmate Bryan M. Fergason, BAC #96803</i>
09/13/2016	 Order for Production of Inmate <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>
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>













DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416

10/27/2016	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept
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
11/02/2016	 Memorandum of Costs and Disbursements <i>Plaintiff's Verified Memorandum of Costs</i>
11/14/2016	 Motion for Attorney Fees and Costs Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>LVMPD's Motion for Attorneys Fees and Costs Against Robert Holmes, III</i>
11/16/2016	 Notice of Hearing Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Hearing Re: LVMPD's Motion for Attorneys Fees and Costs Against Robert Holmes, III</i>
11/28/2016	 Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept
11/28/2016	 Motion to Strike <i>Motion to Strike and or Opposition to LVMPD's Motion for Attorneys Fees and Cost Against Robert Holmes, III</i>
11/28/2016	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept
12/09/2016	 Application to Proceed in Forma Pauperis Filed By: Also Known As Holmes, Robert <i>Application to Proceed in Forma Pauperis (Sealed)</i>
12/22/2016	 Reply in Support Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Reply in Support of LVMPD's Motion for Attorneys Fees and Costs Against Robert Holmes, III</i>
12/27/2016	 Order to Proceed In Forma Pauperis Granted for: Other Defendant Holmes III, Robert <i>Order to Proceed In Forma Pauperis (Sealed)</i>
12/28/2016	 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>
01/04/2017	 Order for Production of Inmate <i>Order for Production of Inmate Daimon Monroe, BAC #38299</i>
01/04/2017	

DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416














	 Order for Production of Inmate <i>Order for Production of Inmate Bryan M. Fergason, BAC# 96803</i>
01/09/2017	 Motion for Attorney Fees and Costs (3:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Las Vegas Metropolitan Police Department's Motion for Attorney's Fees and Costs Against Robert Holmes, III</i>
01/10/2017	 Status Check (8:00 AM) (Judicial Officer: Smith, Douglas E.) 01/10/2017, 04/18/2017, 07/18/2017 <i>Status Check: Stay Pending Supreme Court Filing in C228752 (Monroe)</i>
01/31/2017	 Order Granting Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Order Granting Plaintiff's Motion for Attorneys Fees and Costs and Judgment Against Robert Holmes, III</i>
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
02/01/2017	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept
02/06/2017	 Notice of Appeal
02/06/2017	 Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept
02/07/2017	 Hearing (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Renewed Motion for Summary Judgment (Fergason)</i>
02/07/2017	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept
02/07/2017	 Order for Production of Inmate <i>Order for Production of Inmate Bryan M. Fergason, BAC# 96803</i>
02/09/2017	 Supplement to Motion for Summary Judgment Filed by: Plaintiff Las Vegas Metropolitan Police Dept <i>LVMPD's Supplement to Renewed Motion for Summary Judgment as Against Defendant Bryan Fergason</i>
02/10/2017	 Case Appeal Statement Filed By: Other Defendant Holmes III, Robert
02/15/2017	 Order for Production of Inmate <i>Order for Production of Inmate Bryan M. Fergason, BAC# 96803</i>
02/23/2017	 Motion to Strike Filed By: Other Defendant Fergason, Bryan M <i>Notice of Motion and Motion to Strike and Other Relief</i>

DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416












02/23/2017	 Notice of Motion Filed By: Other Defendant Ferguson, Bryan M
02/27/2017	CANCELED Decision (3:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated</i> <i>Decision: Renewed Motion for Summary Judgment (Ferguson)</i>
02/27/2017	 Order for Production of Inmate <i>Order for Production of Inmate Bryan M. Ferguson, BAC# 96803</i>
03/01/2017	 Reply in Support Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Reply in Support of LVMPD's Supplement to Renewed Motion for Summary Judgment as Against Bryan Ferguson</i>
03/07/2017	 Status Check (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Status Check: Appeal/Renewed Motion for Summary Judgment</i>
03/16/2017	 Notice of Motion Filed By: Other Defendant Ferguson, Bryan M
03/16/2017	 Notice of Appeal Filed By: Also Known As Ferguson, J B
03/17/2017	 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>
03/17/2017	 Case Appeal Statement
03/17/2017	Summary Judgment (Judicial Officer: Smith, Douglas E.) Debtors: Bryan M Ferguson (Other Defendant) Creditors: Las Vegas Metropolitan Police Dept (Plaintiff) Judgment: 03/17/2017, Docketed: 03/24/2017
03/20/2017	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept
03/21/2017	 Memorandum of Costs and Disbursements Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Plaintiff's Verified Memorandum of Costs</i>
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 Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>LVMPD's Opposition to Claimant Bryan Ferguson's Motion for Reconsideration and Other Relief on an Order Shortening Time</i>
04/04/2017	 Supplement Filed by: Plaintiff Las Vegas Metropolitan Police Dept <i>LVMPD's Supplement to Renewed Motion for Summary Judgment Against Claimant Daimon</i>

DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416



Monroe

04/06/2017	 Motion Filed By: Other Defendant Monroe, Daimon <i>Motion Notifying the Court of New Evidence and More Coming in the Next Month and Motion for Stay</i>
04/10/2017	 Motion for Attorney Fees and Costs Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>LVMPD's Motion for Attorneys Fees and Costs Against Bryan Ferguson</i>
04/10/2017	 Order for Production of Inmate Party: Plaintiff Las Vegas Metropolitan Police Dept <i>Order for Production of Inmate Daimon Monroe, BAC#38299</i>
04/11/2017	 Notice of Hearing Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Hearing</i>
04/17/2017	 Motion For Reconsideration (3:00 AM) (Judicial Officer: Smith, Douglas E.) Events: 03/16/2017 Notice of Motion <i>Motion for Reconsideration and Other Relief on an Order Shortening Time</i>
04/17/2017	 Notice of Appeal Filed By: Other Defendant Ferguson, Bryan M <i>Notice of Appeal</i>
04/18/2017	CANCELED Status Check (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated</i>
04/18/2017	 Notice of Hearing Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Hearing re Status Check and Briefing Deadline as to Claimant Daimon Monroe</i>
04/24/2017	 Case Appeal Statement
04/24/2017	 Opposition to Motion Filed By: Other Defendant Ferguson, Bryan M <i>Opposition to LVMPD's Motion for Attorneys Fees and Costs and Other Relief</i>
04/28/2017	 Motion Filed By: Other Defendant Monroe, Daimon <i>Motion-Response to Palintiffs Supplement to Renewed Motion for Summary Judgment</i>
05/08/2017	 Reply in Support Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>LVMPD's Reply in Support of Motion for Attorneys Fees and Costs Against Bryan Ferguson</i>
05/10/2017	 Order for Production of Inmate Party: Plaintiff Las Vegas Metropolitan Police Dept <i>Order for Production of Inmate Daimon Monroe, BAC#38299</i>
05/15/2017	 Motion for Attorney Fees and Costs (3:00 AM) (Judicial Officer: Smith, Douglas E.) <i>LVMPD's Motion for Attorneys Fees and Costs Against Bryan Ferguson</i>

DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416

05/23/2017	 Miscellaneous Filing Filed by: Other Defendant Monroe, Daimon <i>More Evidence on Being Denied any Discovery</i>
06/07/2017	 Opposition Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>LVMPD's Opposition to Claimant Bryan Ferguson's Motion for a Status Check and Other Relief</i>
06/08/2017	 Opposition Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>LVMPD's Opposition to Claimant Daimon Monroe's Document Titled More Evidence on Being Denied Any Discovery</i>
06/08/2017	 Motion to Extend <i>Motion for 30 day Extention or more on Hearing date July 18, 2017</i>
06/08/2017	 Motion Filed By: Other Defendant Ferguson, Bryan M <i>Motion for a status check and other Relief</i>
06/08/2017	 Notice of Motion Filed By: Other Defendant Ferguson, Bryan M
06/12/2017	 Notice of Motion Filed By: Other Defendant Monroe, Daimon <i>Notice of Motion</i>
06/12/2017	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate Judgment - Dismissed</i>
06/12/2017	 Order Granting Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Order Granting LVMPD's Motion for Attorneys Fees and Costs Against Bryan Ferguson</i>
06/12/2017	Judgment Plus Legal Interest (Judicial Officer: Smith, Douglas E.) Debtors: Bryan M Ferguson (Other Defendant) Creditors: Las Vegas Metropolitan Police Dept (Plaintiff) Judgment: 06/12/2017, Docketed: 06/19/2017 Total Judgment: 10,425.48
06/12/2017	Clerk's Certificate (Judicial Officer: Smith, Douglas E.) Debtors: Bryan M Ferguson (Other Defendant) Creditors: Las Vegas Metropolitan Police Dept (Plaintiff) Judgment: 06/12/2017, Docketed: 06/19/2017 Comment: Supreme Court No. 72640 APPEAL DISMISSED
06/13/2017	 Order Denying Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Order Denying Claimant Bryan Ferguson's Motion for Reconsideration</i>
06/13/2017	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Entry of Order</i>

DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416

06/13/2017	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Entry of Order</i>
06/20/2017	 Notice of Appeal Filed By: Other Defendant Fergason, Bryan M <i>Notice of Appeal</i>
07/10/2017	Motion (3:00 AM) (Judicial Officer: Smith, Douglas E.) Events: 06/08/2017 Motion to Extend <i>Motion for 30 day Extention or More on Hearing Date of July 18, 2017</i>
07/10/2017	Motion (3:00 AM) (Judicial Officer: Smith, Douglas E.) Events: 06/08/2017 Notice of Motion <i>Motion for a status check and other Relief</i>
07/17/2017	Motion (3:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Notice of Motion</i>
07/18/2017	Status Check (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Notice of Hearing Re: Status Check and Briefing Deadline as to Claimant Daimon Monroe</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 6/22/2017 0.00 Other Defendant Holmes III, Robert Total Charges 1.50 Total Payments and Credits 1.50 Balance Due as of 6/22/2017 0.00 Other Defendant Monroe, Daimon Total Charges 24.00 Total Payments and Credits 24.00 Balance Due as of 6/22/2017 0.00 Plaintiff Las Vegas Metropolitan Police Dept Total Charges 101.00 Total Payments and Credits 101.00 Balance Due as of 6/22/2017 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	<p>Negligence</p> <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).

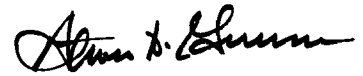
<input type="checkbox"/> NRS Chapters 78-88	<input type="checkbox"/> Investments (NRS 104B)	<input type="checkbox"/> Enhanced Case Mgmt/Business
<input type="checkbox"/> Commodities (NRS 90)	<input type="checkbox"/> Deceptive Trade Practices (NRS 598)	<input type="checkbox"/> Other Business Court Matters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

8 March 07

Date

[Signature]

Signature of initiating party or representative



CLERK OF THE COURT

MARQUIS AURBACH COFFING

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**LAS VEGAS METROPOLITAN
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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

24. Evidence from Trevarthen's Grand Jury testimony indicated Co-Claimant Monroe sold stolen property every weekend to get rid of it before the next weekend.

25. Fergason's bank records and deposit slips establish he made large cash deposits in 2006 during a period when there is no evidence of legitimate employment. During August 2006, Fergason deposited \$14,600 in cash deposits, all in amounts in excess of \$1,000. During the first eighteen days of September 2006, Fergason deposited \$12,100. In less than two months in 2006, Fergason deposited \$28,000 in large cash deposits at Bank of America, ranging from \$1,000 to \$5,500.

26. Fergason made deposits at Bank of America with a bank teller every Monday between July 31 and September 18, 2006, with the exception of the week of September 4, which was Labor Day (a banking holiday). These deposits were all made during a time period when there is no evidence that Fergason had a job.

27. Telephone records from the Clark County Detention Center (CCDC) established Monroe assisted Fergason with the management of Fergason's finances while Fergason was incarcerated. Trevarthen paid for a storage unit for Fergason's belongings. Trevarthen and Monroe parked Fergason's car at their home, and kept some of his items at their home and inside of his car. Monroe was aware of the amounts in Fergason's bank accounts, and Monroe stated he had Fergason's bank information.

CONCLUSIONS OF LAW

1. The Sixth Amendment guarantee of the right to counsel applies only in criminal prosecutions. Rodriguez v. Eighth Judicial Dist. Court ex rel. County of Clark, 120 Nev. 798, 804, 102 P.3d 41, 45 (2004). Under Nevada law, there is no right to the appointment of counsel in civil cases not involving incarceration for contempt or otherwise provided by statute, such as child abuse and neglect proceedings or parental termination rights cases. Klett v. Meyers, 126 Nev. 730, 367 P.3d 790 (2010) (citing Rodriguez, 120 Nev. at 813, 102 P.3d at 51 (contempt); NRS 432B.420(1) (child abuse and neglect); NRS 128.100 (parental termination rights)). In this case, there is no statute requiring appointment of counsel, as requested by Fergason, nor does

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);
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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 Bx

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
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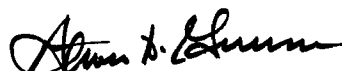
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**LAS VEGAS METROPOLITAN
POLICE DEPARTMENT**

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CLERK OF THE COURT

Attorneys for Plaintiff, LVMPD

DISTRICT COURT

CLARK COUNTY, NEVADA

**LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,**

Plaintiff,

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

vs.

U.S. CURRENCY \$281,656.73,

Defendant.

NOTICE OF ENTRY OF ORDER

///

///

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NOTICE OF ENTRY OF ORDER

Please take notice that an Order was entered in the above-captioned matter on the 17th day of March, 2017. A copy of the Order is attached hereto.

Dated this 20th day of March, 2017.

MARQUIS AURBACH COFFING

By Adele V. 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

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 20 day of March, 2017. 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@clarkcountydacounty.com**Dept 8****Contact**
Law Clerk Dept 8**Email**
Dept08LC@clarkcountycourts.us**Office of General Counsel Las Vegas Metropolitan Police Department****Contact**
Jessica Anaya
Matthew J. Christian, Esq.**Email**
j16092a@lvmpd.com
m16091c@lvmpd.com**PD Sex****Contact**
ANITA Harrold**Email**
harrolah@ClarkCountyNV.gov

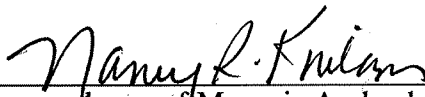
I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

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

Via certified mail/return receipt requested to:

Bryan Ferguson, (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).


CLERK OF THE COURT

MARQUIS AURBACH COFFING

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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 Fergason 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 Fergason, 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. Fergason 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 Fergason 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 Fergason 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
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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

September 22, 2008

May 16, 2007

June 11, 2010

June 11, 2010	8:33 AM	Motion	Deft. Robert Holmes III's Motion For Return of Illegally Seized Preoperty and Money
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COURTROOM: RJC Courtroom 16D

**PARTIES
PRESENT:**

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

January 09, 2012

May 16, 2007

February 06, 2012

May 16, 2007

February 21, 2012

May 16, 2007

February 28, 2012

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
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COURTROOM: RJC Courtroom 16D

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.

April 09, 2012

May 16, 2007

June 05, 2012

May 16, 2007

July 23, 2012

May 16, 2007

August 07, 2012

Minutes Date: May 16, 2007

Order to transport for all three Defendants.

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

October 08, 2012

May 16, 2007

October 22, 2012

May 16, 2007

November 13, 2012

November 13, 2012	8:00 AM	All Pending Motions	Defendant's Motion for Summary Judgment and to Strike Plaintiff's Motion for Summary Judgment; Plaintiff's Motion for Summary Judgment
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COURTROOM: RJC Courtroom 16D

REPORTER:

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

JOURNAL ENTRIES

- Court advised it had read both motions and inquired if any of the Defendants wished to add anything. Defendant Monroe advised matter being on appeal regarding denial of motion in this case. Court advised it did not have jurisdiction. Argument by Defendant Monroe regarding lack of search warrant when items were taken. Defendant Monroe's Motion to Proceed in Forma Pauperis FILED IN OPEN COURT and Order SIGNED by the Court. Defendant Holmes argued closure/dismissal of instant case in October of 2009. Court advised case was closed administratively due to no movement. Further argument by Defendant Holmes. Court advised it would look into the timing. Further argument by Defendant Holmes. Defendant Ferguson advised it did not receive response to his

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.

October 13, 2014

May 16, 2007

**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 Ferguson
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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: 06/22/2017

Page 18 of 39

Minutes Date: May 16, 2007

FOR SUMMARY JUDGMENT

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

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

June 27, 2016

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

**PARTIES
PRESENT:**

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.

June 28, 2016

May 16, 2007

months during the time the seizure occurred. There was evidence of no employment in form of pressure washing. Upon Mr. Fergason's request, Court ORDERED, Mr. Fergason's request to continue the hearing DENIED, and noted the Court would refer to Mr. Ferguson's opposition. Exhibits presented (see worksheet). Mr. Monroe argued without the original arrest the money would not be before the Court. He just received the evidence after nine years. The arrest was illegal, therefore the money could not be taken. Court noted although the provided documents was marked as Court's exhibit #1, the original would be provided to the Defendant, and a copy of Court's Exhibit #1 would be admitted to the vault. Upon Court's inquiry, the Defendant waived any defect. Court directed the parties to provide the pleadings to the Court for its consideration. Court further directed Mr. Monroe and Mr. Fergason to write the reasons they believe the Court should rule in their favor, and provide it to the Court within the next sixty days for consideration. Court confirmed all the motions related to Mr. Monroe and Mr. Fergason's are being stayed. Court further noted a new IN FORMA PAUPERIS did not need to be filed, as it was granted. COURT ORDERED, in perpetuity, Mr. Fergason, Mr. Monroe, and Mr. Holmes, in this particular case, in forma pauperis WILL NOT EXPIRE. COURT FURTHER ORDERED, Mr. Monroe and Mr. Fergason must file their pleadings by September 13, 2016. COURT ADDITIONALLY ORDERED, hearing SET for October 18th at 8:30 AM. Mr. Holmes requested the summary judgment be stricken. Argument that in 2012 the issues could have been addressed. Court noted the Supreme Court advised there was not enough evidence that criminal activity was involved, therefore, the process has recommenced. Court further advised the matters need to be fully briefed, and the Court would fully review the pleadings, and make a decision.

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

October 18, 2016

May 16, 2007

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.

January 10, 2017

Minutes Date: May 16, 2007

MATTER RECALLED: All present as before. Colloquy regarding Defendant Monroe's appeal to the Supreme Court in his other case; Monroe advised that he filed a Writ in Department XX and that case is related to the instant case. Therefore, he requested that this matter be status checked in sixty (60) to ninety (90) days.

Ms. Karoum advised that this is the time set for Status Check so there will be no argument today; she requested that Defendant Monroe and Defendant Ferguson be severed because Ferguson has not appealed anything in his criminal case and in her view, this matter involves two separate amounts of money. In Ferguson's case, a bank account was seized and in Monroe's case, it was money that was paid to some bail bond companies and to some attorneys for him and for his defense. Since the cases involve separate sums of money and separate evidence, Ms. Karoum believes the cases could be considered separately and, therefore, would like to move forward with Ferguson so as not to delay his case any longer.

Additionally, with regard to Defendant Monroe, Ms. Karoum discussed *Edwards v. Ghandoure*; while his case is in the pendency of an appeal, the conviction still stands for claim preclusion purposes. Although Monroe does not want to move forward right now, the opening brief on the appeal was submitted to the Supreme Court in December so Ms. Karoum would suggest that the parties move forward in sixty (60) days and at least argue the Renewed Motion for Summary Judgment and then this Court could defer the decision. Then, if nothing changes with the conviction in the Supreme Court case the parties could go ahead and have a decision thereafter.

Defendant Monroe responded and represented that he believes that Defendant Ferguson would like to have his case STAYED as well because he attached to his argument in the Supreme Court; colloquy. COURT ORDERED, that it would go forward on Defendant Ferguson's case in thirty (30) days and on Defendant Monroe's case in ninety (90) days.

Defendant Ferguson represented that submitted an Offer of Settlement to counsel. Mr. Christian advised that Metro does not have any authority to settle his case at this time and it is not proper to discuss settlement issues in front of the Court.

02/07/17 8:00 AM ARGUMENT: RENEWED MOTION FOR SUMMARY JUDGMENT (FERGASON)

04/11/17 8:00 AM STATUS CHECK: STAY PENDING SUPREME COURT FILING IN C228752 (MONROE)

February 07, 2017

Minutes Date: May 16, 2007

and convictions are valid, the parties need to move forward; this happened in 2006 and has been appealed several times. The Supreme Court sent this matter back down because there was not sufficient evidence to establish that the funds in the bank account were related to the commission of a felony. There are felony convictions; twenty-five (25) Counts of Possession of Stolen Property and two (2) Counts of Grand Larceny and Burglary; \$124,216.00 was seized during the execution of a warrant at the Bank of America. Defendant Ferguson did not show any legitimate employment in 2006. Although Defendant Ferguson claims there was no evidence that the money was from the sale of stolen property, there was circumstantial evidence and testimony from witnesses. There was a series of cash depositions every Monday for a period of about two (2) months and during this time there is no evidence that Defendant Ferguson had a job. COURT ORDERED, decision DEFERRED.

02/27/17 CHAMBER CALENDAR - DECISION

March 07, 2017

bond posted, there is no motion for stay, and there is no formal request for a stay, Ms. Karoum believes the Plaintiff is able to move forward with Summary Judgment on both Defendants.

Defendant Ferguson stated that he filed an Opposition; actually, it is Notice of Motion and Motion to Strike Supplement and Other Relief, which the Court reviewed in open court. In said Motion Defendant Ferguson stated that he would like the Court to be aware that he wants to wait and see what happens with the warrant situation and what is going on with Bradley Nichols because if the warrant is no good and what Bradley Nichols said is untrue, this case will be tainted and he believes it is better to wait on the outcome of the appeal instead of going back and having everything reversed again. Then, after the appeal is decided, the parties could move forward.

Court noted that it once GRANTED Summary Judgment as it was satisfied that the Plaintiff had proven their case; however, the Supreme Court requested that this Court hold further hearings, which it has done. At this point, the Court is satisfied that the State has shown the monies in this case came from ill-gotten gains. Defendant Ferguson disagrees; he believes there is no proof except for the testimony of Tonya Trevarthen a Co-Defendant, and she said what she said to get a deal.

COURT ORDERED, the Renewed Motion for Summary Judgment is GRANTED. Ms. Karoum to prepare Findings of Fact and Conclusions of Law consistent with the hearings that were held. COURT FURTHER ORDERED, the Motion set on this Court's Chamber Calendar for March 27, 2017, is VACATED.

April 18, 2017

May 16, 2007

May 15, 2017

May 16, 2007

EXHIBIT(S) LIST

Case No.: **07A537416**

Hearing Date: **7-12-16**

Dept. No.: **8**

Judge: **Smith**

Court Clerk: **Natalie Ortega**

Recorder: **Patti Slattery**

Counsel for Plaintiff: **Adele Karoum**

Thomas J. Moreo

Counsel for Defendant: **N/A Pro Se**

Damion Monroe, Bryan M.

Ferguson & Robert Holmes III

vs.

Defendant: **US CURRENCY \$281,656.73**

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 Bates 0501-0750	7-12-16	NO	7-12-16
#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

BRYAN FERGASON #96803
P.O. BOX 650
INDIAN SPRINGS, NV 89070

DATE: June 22, 2017
CASE: 07A537416

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

NOTICE OF APPEAL FILED: June 20, 2017

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; 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,

Appellant(s),

vs.

U.S. CURRENCY \$281,656.73,

Respondent(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 22 day of June 2017.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk