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8 Attorneys for Michael J. Mona, Jr.

**DISTRICT COURT****CLARK COUNTY, NEVADA**

11 FAR WEST INDUSTRIES, a California  
corporation,

13 Plaintiff,

14 vs.

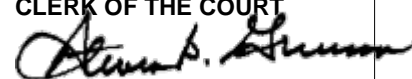
16 RIO VISTA NEVADA, LLC, a Nevada limited  
liability company; WORLD DEVELOPMENT,  
17 INC., a California corporation; BRUCE MAIZE,  
and individual; MICHAEL J. MONA, JR., an  
18 individual; DOES I through 100, inclusive,

19 Defendants.

Case No.: A-12-670352-F  
Dept. No.: XV

**NOTICE OF APPEAL**

Electronically Filed  
8/18/2017 10:34 AM  
Steven D. Grierson  
CLERK OF THE COURT



Electronically Filed  
Aug 24 2017 11:05 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**NOTICE OF APPEAL**

Defendant Michael J. Mona, Jr. by and through his attorneys of record, Marquis Aurbach Coffing, hereby appeals to the Supreme Court of Nevada from the Order Sustaining Plaintiff Far West Industries' Objection to Claim of Exemption from Execution, which was filed on July 18, 2017, and is attached as **Exhibit 1**, and from the Order Regarding Plaintiff Far West Industries' Motion for Determination of Priority of Garnishment and Defendant Michael J. Mona's Countermotion to Discharge Garnishment and for Return of Proceeds as incorporated in the July 18, 2017 Order, which was filed on June 21, 2016, and is attached as **Exhibit 2**.

Dated this 18th day of August, 2017.

MARQUIS AURBACH COFFING

By /s/ Tye S. Hanseen

Terry A. Coffing, Esq.

Nevada Bar No. 4949

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10001 Park Run Drive

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*Attorneys for Defendant Michael J. Mona, Jr.*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **NOTICE OF APPEAL** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 18th day of August, 2017. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:<sup>1</sup>

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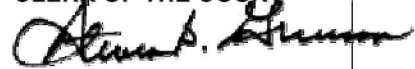
/s/ Leah Dell

Leah Dell, an employee of  
Marquis Aurbach Coffing

<sup>1</sup> 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).

# Exhibit 1





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14 *Attorneys for Plaintiff Far West Industries*

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 FAR WEST INDUSTRIES, a California  
11 corporation,

12 Plaintiff,

13 v.

14 RIO VISTA NEVADA, LLC, a Nevada limited  
15 liability company; WORLD DEVELOPMENT,  
16 INC., a California corporation; BRUCE MAIZE,  
an individual, MICHAEL J. MONA, JR., an  
individual; DOES 1 through 100, inclusive,

17 Defendants.

Case No.: A-12-670352-F  
Dept. No.: XV

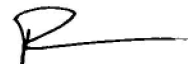
**NOTICE OF ENTRY OF ORDER  
SUSTAINING PLAINTIFF FAR WEST  
INDUSTRIES' OBJECTION TO CLAIM  
OF EXEMPTION FROM EXECUTION**

Date of Hearing: June 14, 2017  
Time of Hearing: 9:00 a.m.

18 YOU, and each of you, will please take notice that an Order Sustaining Plaintiff Far West  
19 Industries' Objection to Claim of Exemption from Execution in the above entitled matter was filed  
20 and entered by the Clerk of the above-entitled Court on the 18<sup>th</sup> day of July, 2017, a copy of which  
21 is attached hereto.

22 Dated this 19<sup>th</sup> day of July, 2017.

23 **HOLLEY DRIGGS WALCH**  
24 **FINE WRAY PUZEY & THOMPSON**



25 F. THOMAS EDWARDS, ESQ. (NBN 9549)  
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*Attorneys for Plaintiff Far West Industries*

**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of Holley Driggs Walch Fine Wray Puzey & Thompson, and that on the \_\_\_\_\_ day of July, 2017, I served via electronic service in accordance with Administrative Order 14.2, to all interested parties, through the Court's Odyssey E-File & Serve, a true copy of the foregoing **NOTICE OF ENTRY OF ORDER SUSTAINING PLAINTIFF FAR WEST INDUSTRIES' OBJECTION TO CLAIM OF EXEMPTION FROM EXECUTION**, in the above matter, to the addressee below. Pursuant to EDCR 8.05(i), the date and time of the electronic service is in place of the date and place of deposit in the mail.

Terry A. Coffing, Esq.  
Tye S. Hanseen, Esq.  
**MARQUIS AURBACH COFFING**  
1001 Park Run Drive  
Las Vegas, Nevada 89145

*Attorneys for Defendant Michael J. Mona, Jr.*

\_\_\_\_\_  
An employee of Holley Driggs Walch  
Fine Wray Puzey & Thompson

*Steven D. Grierson*

**ORDER**

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*Attorneys for Plaintiff Far West Industries*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

FAR WEST INDUSTRIES, a California  
corporation,

Plaintiff,

v.

RIO VISTA NEVADA, LLC, a Nevada limited  
liability company; WORLD DEVELOPMENT,  
INC., a California corporation; BRUCE MAIZE,  
an individual, MICHAEL J. MONA, JR., an  
individual; DOES 1 through 100, inclusive,

Defendants.

Case No.: A-12-670352-F  
Dept. No.: XV

Date of Hearing: June 14, 2017  
Time of Hearing: 9:00 a.m.

**ORDER SUSTAINING PLAINTIFF FAR WEST INDUSTRIES'  
OBJECTION TO CLAIM OF EXEMPTION FROM EXECUTION**

On June 14, 2017, at 9:00 a.m., the Court heard the matter of Plaintiff Far West Industries Objection to Claim of Exemption from Execution on an Order Shortening Time and Motion for Attorney Fees and Costs Pursuant to NRS 18.010(2)(b) (the "Objection"). F. Thomas Edwards, Esq. and Andrea M. Gandara, Esq., of the law firm Holley Driggs Walch Fine Wray Puzey & Thompson, appeared on behalf of Plaintiff Far West Industries ("Far West"). Tye S. Hanseen, Esq., of the law firm Marquis Aurbach Coffing, appeared on behalf of Defendant Michael J. Mona, Jr. ("Mr. Mona").

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1 With no other appearances having been made, the Court having reviewed and examined  
2 the papers, pleadings and records on file in the above-entitled matter, heard the argument of  
3 counsel, and good cause appearing therefore, the Court finds and orders as follows:

4 The Court's Order Regarding Plaintiff Far West Industries' Motion for Determination of  
5 Priority of Garnishment and Defendant Michael J. Mona's Countermotion to Discharge  
6 Garnishment and for Return of Proceeds ("Priority Order"), entered June 21, 2016, remains  
7 unchanged and is incorporated by reference into this Order.

8 Far West's arguments in the Objection are well taken. As set forth in the Priority Order,  
9 Nevada law is very limited regarding priority of garnishments. However, priority is governed by  
10 Nevada law and grants priority on a "first in time" basis. By any measure, Far West's Judgment  
11 ("Judgment") is entitled to priority over the Decree of Divorce ("Divorce Decree") providing for  
12 the assignment of alimony to Rhonda Mona ("Ms. Mona").

13 If the Court treats the Judgment and the Divorce Decree as competing judgments, which  
14 the Court believes is appropriate under the circumstances, Far West's Judgment is first in time and  
15 entitled to priority because it was entered on April 27, 2012 and clearly pre-dates the July 23, 2015  
16 Divorce Decree.

17 If the Court analyzes priority with regard to competing garnishments, Far West necessarily  
18 prevails and is entitled to priority because Far West's first garnishment of Defendant's wages  
19 occurred on December 13, 2013 and no garnishment has been issued with regard to the Divorce  
20 Decree.

21 If the Court treats the Divorce Decree as an assignment because it provides Ms. Mona's  
22 alimony "via direct wage assignment" through Mr. Mona's employer, Far West's Judgment and  
23 garnishment is entitled to priority pursuant to *First Interstate Bank of California v. H.C.T.*, 108  
24 Nev. 242, 246 (1992).

25 In the alternative, if the Court was to treat the Divorce Decree as a garnishment, it is subject  
26 to the 120-day limitation applicable to garnishments and it has expired. Accordingly, under this  
27 alternative analysis, Far West has priority ahead of Ms. Mona's alimony.

1 In the Court's exercise of discretion on priority, the Court also finds that equity is on the  
2 side of Far West for the reasons set forth in the Objection. Further, the Court notes that Nevada  
3 does not provide spousal support with the same priority as child support. *See* NRS 31.249(5).

4 In sum, the Far West's Judgment and garnishment have priority over the Divorce Decree  
5 and assignment of alimony that Ms. Mona has for multiple reasons.

6 Based on the foregoing, and good cause appearing,

7 **IT IS HEREBY ORDERED** that Far West's Objection is **SUSTAINED**.

8 **IT IS FURTHER ORDERED** that Mr. Mona's Claim of Exemption, filed May 23, 2017,  
9 is **DENIED**.

10 **IT IS FURTHER ORDERED** that Mr. Mona's wages from CV Sciences, Inc., being  
11 levied upon pursuant to Far West's Writ of Garnishment shall be immediately released to Far West  
12 and continue to be released to Far West in accordance with the Writ of Garnishment.

13 **IT IS FURTHER ORDERED** that the issues of priority, calculation and treatment as to  
14 Far West's garnishment of Mr. Mona's earnings are resolved going forward.

15 **IT IS FURTHER ORDERED** that any service defects of future Writs of Garnishment  
16 can be addressed as they arise in the future.

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1           **IT IS FURTHER ORDERED** that Far West's request for attorney fees and costs is  
2 **DENIED WITHOUT PREJUDICE.**

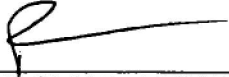
3           **IT IS SO ORDERED.**

4           Dated this 18<sup>th</sup> day of July, 2017.

5  
6   
7 DISTRICT COURT JUDGE

8 Submitted by:

9 **HOLLEY DRIGGS WALCH**  
10 **FINE WRAY PUZEY & THOMPSON**

11   
12 F. THOMAS EDWARDS, ESQ.  
13 Nevada Bar No. 9549  
14 ANDREA M. GANDARA, ESQ.  
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18 *Attorneys for Plaintiff Far West Industries*

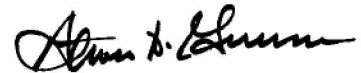
Approved as to form by:

**MARQUIS AURBACH COFFING**

19 /s/ Tye S. Hanseen  
20 TERRY A. COFFING, ESQ.  
21 Nevada Bar No. 4949  
22 TYE S. HANSEEN, ESQ.  
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26 *Attorneys for Defendant Michael J. Mona, Jr.*

## Exhibit 2



CLERK OF THE COURT

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14 *Attorneys for Plaintiff Far West Industries*

15 **DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17 FAR WEST INDUSTRIES, a California  
18 corporation,

19 Plaintiff,

20 v.

21 RIO VISTA NEVADA, LLC, a Nevada limited  
22 liability company; WORLD DEVELOPMENT,  
23 INC., a California corporation; BRUCE MAIZE,  
24 an individual, MICHAEL J. MONA, JR., an  
25 individual; DOES 1 through 100, inclusive,

26 Defendants.

Case No.: A-12-670352-F  
Dept. No.: XV

**NOTICE OF ENTRY OF ORDER  
REGARDING PLAINTIFF FAR WEST  
INDUSTRIES' MOTION FOR  
DETERMINATION OF PRIORITY OF  
GARNISHMENT AND DEFENDANT  
MICHAEL J. MONA'S  
COUNTERMOTION TO DISCHARGE  
GARNISHMENT AND FOR RETURN OF  
PROCEEDS**

27 YOU, and each of you, will please take notice that an ORDER REGARDING  
28 PLAINTIFF FAR WEST INDUSTRIES' MOTION FOR DETERMINATION OF PRIORITY  
OF GARNISHMENT AND DEFENDANT MICHAEL J. MONA'S COUNTERMOTION TO  
DISCHARGE GARNISHMENT AND FOR RETURN OF PROCEEDS in the above entitled

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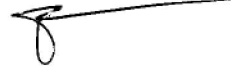
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1 matter was filed and entered by the Clerk of the above-entitled Court on the 21st day of June,  
2 2016, a copy of which is attached hereto.

3 Dated this 21<sup>st</sup> day of June, 2016.

4 **HOLLEY DRIGGS WALCH**  
5 **FINE WRAY PUZEY & THOMPSON**

6 

7 F. THOMAS EDWARDS, ESQ. (NBN 9549)  
8 ANDREA M. GANDARA, ESQ. (NBN 12580)  
9 400 South Fourth Street, Third Floor  
10 Las Vegas, Nevada 89101  
11 *Attorneys for Plaintiff Far West Industries*

**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of Holley Driggs Walch Fine Wray Puzey & Thompson, and that on the 21<sup>st</sup> day of June, 2016, I served via electronic service in accordance with Administrative Order 14.2, to all interested parties, through the Court's Odyssey E-File & Serve, a true copy of the foregoing **NOTICE OF ENTRY OF ORDER REGARDING PLAINTIFF FAR WEST INDUSTRIES' MOTION FOR DETERMINATION OF PRIORITY OF GARNISHMENT AND DEFENDANT MICHAEL J. MONA'S COUNTERMOTION TO DISCHARGE GARNISHMENT AND FOR RETURN OF PROCEEDS**, in the above matter, addressed as follows:

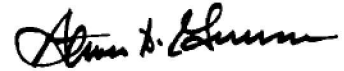
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 An employee of Holley Driggs Walch  
 Fine Wray Puzey & Thompson



CLERK OF THE COURT

1 **ORDR**

2  
3  
4 **DISTRICT COURT**

5 **CLARK COUNTY, NEVADA**

6  
7 FAR WEST INDUSTRIES, a California  
8 corporation,

9 Plaintiff,

10 vs.

11 RIO VISTA NEVADA, LLC, a Nevada limited  
12 liability company; WORLD DEVELOPMENT,  
13 INC., a California corporation; BRUCE MAIZE,  
14 an individual; MICHAEL J. MONA, JR., an  
individual; DOES 1 through 100, inclusive,

15 Defendants.

Case No.: A-12-670352-F  
Dept No.: XV

**ORDER REGARDING PLAINTIFF  
FAR WEST INDUSTRIES' MOTION  
FOR DETERMINATION OF  
PRIORITY OF GARNISHMENT AND  
DEFENDANT MICHAEL J. MONA'S  
COUNTERMOTION TO DISCHARGE  
GARNISHMENT AND FOR RETURN  
OF PROCEEDS**

16 Having reviewed the parties' pleadings and briefs herein, including, but not limited to,  
17 Plaintiff Far West Industries' ("Plaintiff") Motion for Determination of Priority of Garnishment  
18 ("Motion"); Defendant Michael J. Mona's ("Defendant") Opposition to Far West's Motion for  
19 Determination of Priority of Garnishment and Countermotion to Discharge Garnishment and for  
20 Return of Proceeds ("Opposition" and "Countermotion," respectively); Plaintiff Far West Industries'  
21 Reply to Mona's Opposition to Far West's Motion for Determination of Priority of Garnishment and  
22 Opposition to Countermotion to Discharge Garnishment and for Return of Proceeds; and  
23 Defendant's Reply in Support of Countermotion to Discharge Garnishment and for Return of  
24 Proceeds, and having held argument on March 30, 2016 and taken this matter under advisement, the  
25 Court GRANTS Plaintiff's Motion and DENIES Defendant's Countermotion as follows:

26 Plaintiff obtained a judgment of over \$18 million from a California state court against  
27 Defendant on April 27, 2012.<sup>1</sup> Plaintiff domesticated the judgment in Nevada and has been  
28

<sup>1</sup> See Judgment, attached as Exhibit 1 to Plaintiff's Motion.

1 garnishing Defendant's wages since December 2013 at approximately \$1,950 on a bi-weekly basis.<sup>2</sup>  
2 In December 2015, Plaintiff obtained a new Writ of Execution for Defendant's earnings, which was  
3 served on Defendant's employer on January 7, 2016.<sup>3</sup> On January 28, 2016, Plaintiff received  
4 Defendant's Interrogatories in response to the Writ of Garnishment indicating that Defendant's  
5 weekly gross earnings totaled \$11,538.56, with deductions required by law totaling \$8,621.62.<sup>4</sup> The  
6 deductions required by law excluded from Defendant's gross earnings comprised of federal income  
7 tax, Social Security, Medicare, and \$4,615.39 in alimony payments to Defendant's ex-wife, Rhonda  
8 Mona ("Ms. Mona").<sup>5</sup> Based on those deductions, payments to Plaintiff decreased to less than \$750.  
9 Plaintiff subsequently filed its Motion for Determination of Priority of Garnishment requesting that  
10 this Court establish priority between Plaintiff's garnishment and Ms. Mona's alimony claim.  
11

#### 12 **I. Amount and Priority of Garnishments**

13 Under federal law the maximum amount of wages that may be garnished in any workweek  
14 may not exceed either (1) 25% of an individual's disposable earnings or (2) the amount by which the  
15 individual's disposable earnings for that week exceed thirty times the Federal minimum hourly  
16 wage, whichever is less.<sup>6</sup> In the event of a garnishment pursuant to an order for the support of a  
17 person, the maximum aggregate disposable earnings of an individual, where such individual is not  
18 supporting a spouse or dependent child, may not exceed 60% of the individual's disposable earnings  
19 for that week.<sup>7</sup> When an issue arises as to multiple garnishments, priority is determined by state law  
20 or other federal law.<sup>8</sup>

22 Nevada law mirrors the provisions set forth in 15 U.S.C. § 1673, and states that the aggregate  
23 disposable earnings subject to garnishment may not exceed 25%, with a maximum of 60% where  
24

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25 <sup>2</sup> See Application of Foreign Judgment, filed on October 18, 2012 in Case No. A-12-670325-F.

26 <sup>3</sup> See Case Summary, attached as Exhibit 2 to Plaintiff's Motion.

27 <sup>4</sup> See Writ of Garnishment with Answers to Interrogatories from Cannavest, attached as Exhibit 5 to Plaintiff's Motion.

28 <sup>5</sup> *Id.*; see also "Deduction Emails" attached as Exhibit 6 to Plaintiff's Motion; see also Decree of Divorce, attached as Exhibit 7 to Plaintiff's Motion.

<sup>6</sup> 15 U.S.C. § 1673(a).

<sup>7</sup> 15 U.S.C. § 1673(b)(2)(B).

<sup>8</sup> 29 C.F.R. 870.11.

1 there is an order for the support of a person.<sup>9</sup> As to priority of claims, Nevada law gives the Court  
2 discretion in determining the priority and method of satisfying claims, except that any writ to satisfy  
3 a judgment for child support must be given first priority pursuant to NRS 31.249(5).<sup>10</sup>

4 Defendant identifies several states that grant garnishment priority to spousal support orders.  
5 However, applying such a priority to Ms. Mona's alimony is not supported by Nevada law, which  
6 provides garnishment priority solely to child support orders. Thus, unlike the cases cited by  
7 Defendant, it is inappropriate to award priority to Ms. Mona's alimony claim because such a priority  
8 is simply not supported by Nevada law. Since Ms. Mona's alimony claim is not automatically  
9 entitled to priority under Nevada law, this Court has discretion to determine priority between  
10 Plaintiff's garnishment and Ms. Mona's alimony claim pursuant to NRS 31.249.

## 11 II. Priority of Garnishments

12 Nevada case law regarding priority of garnishments is limited. However, in *First Interstate*  
13 *Bank of California v. H.C.T.*, the Nevada Supreme Court held that priority depends on "which  
14 interest is first in time," and agreed with a Sixth Circuit case that "the rights of the parties are  
15 determined from the date of the award."<sup>11</sup> In this case, Plaintiff's April 27, 2012 judgment clearly  
16 pre-dates the July 23, 2015 Divorce Decree. Even if the date of Plaintiff's first garnishment is used  
17 as the date for determining priority, Plaintiff's interest would still be first in time, as Plaintiff's first  
18 garnishment of Defendant's wages occurred on December 13, 2013.<sup>12</sup>

19 The Court in *First Interstate* further provided that as between an assignment and a  
20 garnishment, an assignment "takes priority over a writ of garnishment only to the extent that the  
21

22  
23  
24 <sup>9</sup> NRS 31.295.

25 <sup>10</sup> The statute provides: "If the named garnishee is the subject of more than one writ of garnishment regarding the  
26 defendant, the court shall determine the priority and method of satisfying the claims, except that any writ of garnishment  
27 to satisfy a judgment for the collection of child support must be given first priority."

28 <sup>11</sup> *First Interstate Bank of California v. H.C.T.*, 108 Nev. 242 (1992) citing *Marion Mfg. Co. v. Long*, 588 F.2d 538, 541  
(6th Cir. 1978).

<sup>12</sup> The Court in *First Interstate* concluded that a creditor's interests vested when it first serve its writ of garnishment, and  
used the date of the first garnishment in determining priority. It is unclear whether Ms. Mona has ever garnished  
Defendant's wages to enforce the alimony award provided in the Decree of Divorce. However, the first date Ms. Mona  
was able to garnish Defendant's wages would have occurred after filing of the Decree of Divorce in July 2015, long after  
Plaintiff's judgment or first date of garnishment.

1 consideration given for the assignment represents an antecedent debt or present advance.”<sup>13</sup> Under  
2 this test, Ms. Mona’s alimony, paid “via a direct wage assignment” through Defendant’s employer,  
3 takes priority only if it represents consideration for an antecedent debt or present advance.<sup>14</sup> In this  
4 case, Defendant’s obligation under the Decree of Divorce represents only a court order to pay  
5 monthly alimony to Ms. Mona, and was not ordered as consideration for an antecedent debt or  
6 present advance. Thus, Plaintiff’s judgment still takes priority even under this analysis.  
7

### 8 **III. Expiration**

9 Defendant claims that Plaintiff’s status as “first in time” was lost when Plaintiff’s  
10 garnishment expired. However, Plaintiff was prevented from renewing its garnishment for four  
11 months (from July 20, 2015 to November 30, 2015) because of a stay pending an appeal instituted  
12 by Defendant and Ms. Mona. Plaintiff obtained a new garnishment immediately after expiration of  
13 the stay on December 1, 2015. It would be inequitable for Plaintiff’s garnishment to lose its position  
14 to Ms. Mona’s ongoing support order simply because it was prevented from renewing its  
15 garnishment during the four month period when the case was stayed.<sup>15</sup>  
16

### 17 **IV. Defendant’s Motion to Discharge the Writ**

18 In his Countermotion to Discharge Writ and Return Funds to Mona, Defendant cites to NRS  
19 31.045(2) in asserting his right to move for discharge of the writ.<sup>16</sup> As Plaintiff correctly asserts,  
20 NRS 31.200 states that a Defendant may move for discharge of an attachment on the following  
21 grounds:

- 22 (a) That the writ was improperly or improvidently issued;
- 23 (b) That the property levied upon is exempt from execution or necessary and  
24 required by the defendant for the support and maintenance of the defendant and  
members of the defendant’s family;
- 25 (c) That the levy is excessive.

26 <sup>13</sup> *First Interstate Bank of California v. H.C.T.*, 108 Nev. 242, 246 (1992).

27 <sup>14</sup> See Decree of Divorce 3:12-16, attached as Exhibit 7 to Plaintiff’s Motion.

28 <sup>15</sup> The Court is also aware, as set forth in great detail in other orders of the facts and circumstances of this case, and finds that equity supports an exercise of the Court’s discretion in favor of Plaintiff on the priority of garnishment issue as set forth in this Order.

<sup>16</sup> See Defendant’s Opposition and Countermotion at 28:1-11.

1 In his counter motion, Defendant incorporates by reference the "facts, law, and analysis"  
2 included in his Opposition, but does not specifically address which, if any, of the three parameters of  
3 NRS 31.200 he bases his motion.<sup>17</sup>

4 Furthermore, Defendant's request that Plaintiff return any excess garnishment fails to address  
5 why Plaintiff, and not Defendant's employer Cannavest, should be required to remit any excess  
6 garnishment to Defendant. Defendant provided no controlling or persuasive authority requiring a  
7 judgment creditor to return funds that an employee claims were overpaid.<sup>18</sup>

8  
9 In light of the foregoing, this Court finds that because Plaintiff's garnishment predates the  
10 Decree of Divorce, Plaintiff's garnishment is entitled to priority over Ms. Mona's alimony claim,  
11 and Plaintiff is entitled to garnish 25% of Defendant's disposable earnings (calculated by subtracting  
12 federal taxes, Social Security, and Medicare from Defendant's biweekly salary) *before* any  
13 deductions may be made to satisfy Ms. Mona's alimony claim.<sup>19</sup> Furthermore, there are no facts  
14 supporting Defendant's counter motion for discharge under NRS 31.200. To the extent that  
15 Defendant's employer Cannavest garnished Defendant's wages in an amount exceeding what it was  
16 allowed, Defendant may seek reimbursement directly from Cannavest.

17  
18 Based on the foregoing, and good cause appearing:

19 **IT IS HEREBY ORDERED** that Plaintiff's garnishment is entitled to take priority over Ms.  
20 Mona's alimony claim.

21 **IT IS FURTHER ORDERED** that Plaintiff is entitled to garnish 25% of Defendant's  
22 disposable earnings, calculated by subtracting federal taxes, Social Security, and Medicare from  
23

24  
25 <sup>17</sup> See Defendant's Opposition 28:9-11.

26 <sup>18</sup> Defendant cites *Lough v. Robinson*, 111 Ohio App.3d 149, 155-156 (1996), which states "the entire amount that was  
27 withheld by the employer for the creditor garnishment was excess and should have been returned to appellant."  
28 However, *Lough* does not clarify who must return the funds to the employee, and there is no authority presented  
supporting Defendant's claim that reimbursement should come from Plaintiff.

<sup>19</sup> This formula is relied on by both Plaintiff and Defendant as the correct method for calculating Defendant's disposable  
earnings; see Defendant's Opposition and Counter motion at 20:14-20 and Plaintiff's Reply at 6:14-22. The only  
difference between the parties' proposed calculations is whether Plaintiff's garnishment or Ms. Mona's alimony are  
subtracted from Defendant's disposable earnings first.

1 Defendant's biweekly earnings. Any amount in excess of 25% of Defendant's disposable earnings  
2 may be applied to satisfy Ms. Mona's alimony claim.

3 **IT IS FURTHER ORDERED** that Defendant's Countermotion to Discharge Garnishment  
4 and for Return of Proceeds is DENIED.


5 DATED this 21<sup>st</sup> day of June, 2016.

6   
7  
8 JOE HARDY  
9 DISTRICT JUDGE  
10 DEPARTMENT XV

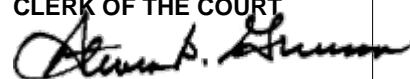
11 **CERTIFICATE OF SERVICE**

12 I hereby certify that on or about the date filed, a copy of the foregoing was electronically  
13 served, mailed or placed in the attorney's folder on the first floor of the Regional Justice Center as  
14 follows:

15 Thomas Edwards, Esq. [tedwards@nevadafirm.com](mailto:tedwards@nevadafirm.com)  
16 Terry Coffing, Esq. [tcoffing@maclaw.com](mailto:tcoffing@maclaw.com)  
17 James Whitmire, III, Esq. [jwhitmire@santoronevada.com](mailto:jwhitmire@santoronevada.com)  
18 Erika Pike Turner, Esq. [eturner@gtg.legal](mailto:eturner@gtg.legal)  
19 William Urga, Esq. [wru@juwww.com](mailto:wru@juwww.com)

20   
21  
22  
23  
24  
25  
26  
27  
28  
Judicial Executive Assistant



**Marquis Aurbach Coffing**

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Nevada Bar No. 4949

Tye S. Hanseen, Esq.

Nevada Bar No. 10365

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thanseen@maclaw.com

tstewart@maclaw.com

Attorneys for Michael J. Mona, Jr.

**DISTRICT COURT****CLARK COUNTY, NEVADA**FAR WEST INDUSTRIES, a California  
corporation,

Plaintiff,

vs.

RIO VISTA NEVADA, LLC, a Nevada limited  
liability company; WORLD DEVELOPMENT,  
INC., a California corporation; BRUCE MAIZE,  
and individual; MICHAEL J. MONA, JR., an  
individual; DOES I through 100, inclusive,

Defendants.

Case No.: A-12-670352-F

Dept. No.: XV

**CASE APPEAL STATEMENT**

Defendant Michael J. Mona, Jr., by and through his attorneys of record, Marquis Aurbach Coffing, hereby files this Case Appeal Statement.

1. Name of appellant filing this Case Appeal Statement:

Defendant Michael J. Mona, Jr.

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

Honorable Joe Hardy

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

Appellant: Michael J. Mona, Jr.

Marquis Aurbach Coffing  
Terry A. Coffing, Esq.  
Tye Hanseen, Esq.  
Thomas W. Stewart, Esq.  
10001 Park Run Drive  
Las Vegas, Nevada 89145

4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):

Plaintiff, Far West Industries

Holley Driggs Walch Fine Wray Puzey & Thompson  
F. Thomas Edwards, Esq.  
Andrea M. Gandara, Esq.  
400 S. Fourth Street, Third Floor  
Las Vegas, Nevada 89101

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):

N/A.

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

Retained.

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

Retained.

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

N/A.

9. Indicate the date the proceedings commenced in the district court (e.g., date complaint indictment, information, or petition was filed):

October 18, 2012.

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

The underlying action is a foreign judgment collection case. Respondent Far West obtained a California judgment against Appellant Michael J. Mona, domesticated the judgment in Nevada, and began collection activities.

On June 21, 2016, the District Court entered the Order Regarding Plaintiff Far West Industries' Motion for Determination of Priority of Garnishment and Defendant Michael J. Mona's Countermotion to Discharge Garnishment and for Return of Proceeds ("Priority Order"), which determined that the judgment obtained by Far West has priority over the Decree of Divorce providing for the assignment of alimony to Rhonda Mona ("Ms. Mona").

On July 18, 2017, the District Court entered an Order Sustaining Plaintiff Far West Industries' Objection to Claim of Exemption from Execution ("July 18, 2017 Order"), which incorporates the Priority Order and which gives Far West's garnishment priority over Ms. Mona's alimony.

Mr. Mona now appeals the July 18, 2017 Order and the Priority Order as so incorporated.

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

The instant case was the subject of the writ proceeding in Supreme Court Case No. 68434 (*Rhonda Helene Mona, et al. v. Dist. Ct.(Far West Industries)*) and the appeal in Supreme Court Case No. 70857 (*Michael J. Mona, Jr., et al. v. Far West Industries*).

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

N/A.

1           13.     If this is a civil case, indicate whether this appeal involves the possibility of  
2 settlement:

3                   Appellant is willing to work toward a settlement and engage in the related  
4 discussions in good faith, but does not believe that settlement is likely.

5           Dated this 18th day of August, 2017.

6  
7                                   MARQUIS AURBACH COFFING

8  
9                                   By /s/ Tye S. Hanseen

Terry A. Coffing, Esq.

Nevada Bar No. 4949

Tye S. Hanseen, Esq.

Nevada Bar No. 10365

Thomas W. Stewart, Esq.

Nevada Bar No. 14280

10001 Park Run Drive

Las Vegas, Nevada 89145

Attorneys for Michael J. Mona, Jr.

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **CASE APPEAL STATEMENT** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 18th day of August, 2017. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:<sup>1</sup>

**Holley Driggs Walch Fine Wray Puzey & Thompson****Contact**

Andrea M. Gandara  
Norma  
Tilla Nealon  
Tom Edwards

**Email**

[agandara@nevadafirm.com](mailto:agandara@nevadafirm.com)  
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/s/ Leah Dell

Leah Dell, an employee of  
Marquis Aurbach Coffing

<sup>1</sup> 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).

DEPARTMENT 15  
**CASE SUMMARY**  
CASE NO. A-12-670352-F

**Far West Industries, Plaintiff(s)**  
**vs. Rio Vista Nevada, LLC , Defendant(s)**

§  
§  
§  
§  
§  
§

Location: **Department 15**  
Judicial Officer: **Hardy, Joe**  
Filed on: **10/18/2012**  
Case Number History:  
Cross-Reference Case Number: **A670352**  
Supreme Court No.: **70857**

CASE INFORMATION

**Statistical Closures**  
10/18/2012 Default Judgment

Case Type: **Foreign Judgment**  
Case Flags: **Appealed to Supreme Court**

DATE

CASE ASSIGNMENT

**Current Case Assignment**

Case Number A-12-670352-F  
Court Department 15  
Date Assigned 05/04/2015  
Judicial Officer Hardy, Joe

PARTY INFORMATION

**Plaintiff** **Far West Industries**

*Lead Attorneys*  
**Edwards, F. Thomas**  
*Retained*  
702-791-0308(W)

**Defendant** **Maize, Bruce**

**Mona Family Trust**

**Coffing, Terry A.**  
*Retained*  
7023820711(W)

**Mona, Michael J, Jr.**

**Coffing, Terry A.**  
*Retained*  
7023820711(W)

**Rio Vista Nevada, LLC**

**World Development Inc**















DATE

EVENTS & ORDERS OF THE COURT

INDEX














10/18/2012	 Application of Foreign Judgment - NRS 17 Filed By: Plaintiff Far West Industries <i>Application Of Foreign Judgment</i>	
10/18/2012	Case Opened	
10/18/2012	<b>Foreign Judgment</b> (Judicial Officer: Earley, Kerry) Debtors: Rio Vista Nevada, LLC (Defendant), World Development Inc (Defendant), Bruce Maize (Defendant), Michael J Mona, Jr. (Defendant) Creditors: Far West Industries (Plaintiff) Judgment: 10/18/2012, Docketed: 10/25/2012 Total Judgment: 18,130,673.58	
10/23/2012	 Notice of Filing Application of Foreign Judgment & Affidavit Filed By: Plaintiff Far West Industries <i>Notice Of Filing Application Of Foreign Judgment And Affidavit</i>	

DEPARTMENT 15  
**CASE SUMMARY**  
**CASE NO. A-12-670352-F**

11/06/2012	 Proof of Service Filed by: Plaintiff Far West Industries <i>Proof Of Service</i>
11/09/2012	 Amended Filed By: Plaintiff Far West Industries <i>Amended Proof Of Service</i>
01/17/2013	 Ex Parte Motion Filed By: Plaintiff Far West Industries <i>Far West Industries' Ex Parte Motion for Order Allowing Examination of Judgment Debtor</i>
01/24/2013	 <b>Minute Order</b> (3:00 AM) (Judicial Officer: Earley, Kerry) <i>Recusal and Reassignment</i>
01/28/2013	 Notice of Department Reassignment
01/30/2013	 Order for Appearance of Judgment Debtor Filed By: Plaintiff Far West Industries <i>Order for Appearance of Judgment Debtors</i>
02/06/2013	 Amended Order Filed By: Plaintiff Far West Industries <i>Amended Order for Appearance of Judgment Debtors</i>
02/13/2013	 Notice of Examination of Judgment Debtor File By: Plaintiff Far West Industries <i>Notice of Examination of Judgment Debtor on an Order Shortening Time</i>
02/20/2013	 Amended Order Filed By: Plaintiff Far West Industries <i>Second Amended Order for Appearance of Judgment Debtors</i>
04/29/2013	 Amended Order Filed By: Plaintiff Far West Industries <i>Amended Order for Examination of Judgment Debtor</i>
05/21/2013	 Motion for Order to Show Cause Filed By: Plaintiff Far West Industries <i>Motion for Order to Show Cause Regarding Contempt on Order Shortening Time</i>
05/30/2013	 Notice Filed By: Defendant Mona, Michael J, Jr. <i>Notice of Special Appearance</i>
05/30/2013	 Objection Filed By: Defendant Mona, Michael J, Jr. <i>Special Appearance And Objection To Further Proceedings On Order To Show Cause Predicated Upon Lack of Personal Jurisdiction</i>
05/31/2013	 <b>Motion for Order to Show Cause</b> (9:00 AM) (Judicial Officer: Sturman, Gloria) <b>05/31/2013, 07/03/2013</b>





DEPARTMENT 15  
**CASE SUMMARY**  
**CASE NO. A-12-670352-F**

*Plaintiff's Motion for Order for Michael J. Mona to Show Cause Regarding Contempt for Failure to Appear at Judgment Debtor Examination*













06/05/2013	 Initial Appearance Fee Disclosure Filed By: Defendant Mona, Michael J, Jr. <i>Initial Fee Disclosure</i>
06/18/2013	 Supplemental Points and Authorities Filed by: Defendant Mona, Michael J, Jr. <i>Supplemental Points and Authorities REgarding a Lack of Personal Jurisdiction</i>
06/28/2013	 Reply Filed by: Plaintiff Far West Industries <i>Reply in Support of Motion to Order to Show Cause Re Contempt</i>
07/10/2013	 Order Filed By: Plaintiff Far West Industries <i>Order to Show Cause</i>
07/26/2013	 Stipulation and Order Filed by: Defendant Mona, Michael J, Jr. <i>Stipulation and Order</i>
07/29/2013	 Notice of Entry of Stipulation and Order Filed By: Defendant Mona, Michael J, Jr. <i>Noic of Entry of Stipulation and Order</i>
09/06/2013	 Receipt Party: Defendant Mona, Michael J, Jr. <i>Receipt of Original Documents</i>
09/10/2013	 Notice Filed By: Plaintiff Far West Industries <i>Notice to Vacate Examination of Judgment Debtors</i>
09/18/2013	 <b>Status Check (9:00 AM) (Judicial Officer: Sturman, Gloria)</b> <b>09/18/2013, 12/04/2013</b> <i>Status Check: Compliance With Court's 7/25/13 Order</i>
09/25/2013	 Receipt Party: Defendant Mona, Michael J, Jr. <i>Receipt of Original Document</i>
10/07/2013	 Order Filed By: Defendant Mona, Michael J, Jr. <i>Order</i>
10/31/2013	 Notice Filed By: Plaintiff Far West Industries <i>Notice of Examination of Judgment Debtor</i>
12/26/2013	 Return Party: Defendant Mona, Michael J, Jr. <i>Return and Answer to Writ of Garnishment as to Cannavest Corp.</i>



DEPARTMENT 15  
**CASE SUMMARY**  
**CASE NO. A-12-670352-F**

12/26/2013	 Receipt of Copy Filed by: Defendant Mona, Michael J, Jr. <i>Receipt of Copy</i>
12/26/2013	 Certificate of Service Filed by: Defendant Mona, Michael J, Jr. <i>Certificate of Service</i>
01/06/2014	 Notice Filed By: Defendant Mona, Michael J, Jr. <i>Notice Of Changes To Transcript Of Judgment Debtor Examination of Michael J. Mona, Jr.</i>
02/26/2014	 Subpoena Filed by: Plaintiff Far West Industries <i>Subpoena</i>
03/18/2014	 Substitution of Attorney Filed by: Defendant Mona, Michael J, Jr. <i>Substitution of Attorneys</i>
03/28/2014	 Motion to Associate Counsel Filed By: Other Sobieski, Theodore <i>Motion to Associate Counsel (S. Todd Neal, Esq.)</i>
04/07/2014	 Motion to Compel Filed By: Plaintiff Far West Industries <i>Motion to Compel Discovery on Order Shortening Time</i>
04/11/2014	 Notice Filed By: Defendant Mona, Michael J, Jr. <i>Notice of Forthcoming Opposition to Motion to Compel Discovery</i>
04/14/2014	 Opposition to Motion to Compel Filed By: Defendant Mona, Michael J, Jr. <i>Defendant Michael J. Mona, Jr.'s Opposition to Motion to Compel Discovery on Order Shortening Time</i>
04/14/2014	 <b>Motion to Compel</b> (1:30 PM) (Judicial Officer: Beecroft, Chris A., Jr.) <i>Motion to Compel Discovery on Order Shortening Time</i>
05/02/2014	 <b>Motion to Associate Counsel</b> (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Non-Party Theodore Sobieski's ("Sobieski")by and through his counsel Jolly Urga, Motion to Associate Counsel (S. Todd Neal, Esq.)</i>
05/05/2014	<b>CANCELED Status Check: Compliance/Sanctions</b> (2:00 PM) (Judicial Officer: Beecroft, Chris A., Jr.) <i>Vacated - per Commissioner</i>
05/15/2014	 Notice of Entry of Order Filed By: Defendant Mona, Michael J, Jr. <i>Notice of Entry of Order Regarding the Discovery Commissioner's Report and Recommendation</i>
05/15/2014	

DEPARTMENT 15  
**CASE SUMMARY**  
**CASE NO. A-12-670352-F**

	 Discovery Commissioners Report and Recommendations Filed By: Defendant Mona, Michael J, Jr. <i>Discovery Commissioner's Report and Recommendation</i>
07/09/2014	 Notice of Change of Firm Name Filed By: Defendant Rio Vista Nevada, LLC <i>Notice of Change of Firm Name</i>
01/05/2015	Case Reassigned to Department 2 <i>District Court Case Reassignment 2015</i>
02/27/2015	 Order to Show Cause Re: Dismissal <i>Order to Show Cause Re: Dismissal</i>
03/18/2015	 <b>Show Cause Hearing</b> (9:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Re; Dismissal</i>
05/01/2015	 Substitution of Attorney Filed by: Plaintiff Far West Industries <i>Substitution of attorneys for Plaintiff Far West Industries</i>
05/04/2015	Case Reassigned to Department 15 <i>Case reassigned from Judge Richard F Scotti Dept 2</i>
05/08/2015	 Ex Parte Application for Examination of Judgment Debtor Filed By: Plaintiff Far West Industries <i>Ex Parte Motion for Order Allowing Judgment Debtor Examination of Michael J. Mona, Jr., Individually, and as Trustee of the Mona Family Trust Dated February 12, 2002, and Rhonda Mona as Trustee of the Mona Family Trust Dated February 12, 2002</i>
05/13/2015	 Order for Judgment Debtor Examination Filed By: Plaintiff Far West Industries <i>Order for Examination of Judgment Debtor Michael J. Mona, Jr., Individually, and as Trustee of the Mona Family Trust Dated February 2, 2001</i>
05/13/2015	 Order for Judgment Debtor Examination Filed By: Plaintiff Far West Industries <i>Order for Examination of Rhonda Mona as Trustee of Judgment Debtor The Mona Family Trust Dated February 12, 2001</i>
05/14/2015	 Notice of Entry of Order Filed By: Plaintiff Far West Industries <i>Notice of Entry of Order for Examination of Judgment Debtor Michael J. Mona, Jr., Individually, and as Trustee of The Mona Family Trust Dated February 12, 2001</i>
05/14/2015	 Notice of Entry of Order Filed By: Plaintiff Far West Industries <i>Notice of Entry of Order for Examination of Rhonda Mona, as Trustee of the Mona family Trust Dated February 12, 2002</i>
05/20/2015	 Affidavit Filed By: Plaintiff Far West Industries <i>Affidavit of Service</i>
05/21/2015	 Ex Parte Motion

DEPARTMENT 15  
**CASE SUMMARY**  
**CASE NO. A-12-670352-F**

Filed By: Plaintiff Far West Industries  
*Ex Parte Motion to Serve Rhonda Mona as Trustee of the Mona Family Trust Dated February 12, 2002 via Certified or Registered Mail Pursuant to NRS 14.090(1)(b)*

05/26/2015



Order Granting Motion

Filed By: Plaintiff Far West Industries  
*Order Granting Ex Parte Motion to Serve Rhonda Mona as Trustee of the Mona Family Trust Dated February 12, 2002 Via Certified or Registered Mail Pursuant to NRS 14.090(1)(b)*

05/27/2015



Notice of Entry of Order

Filed By: Plaintiff Far West Industries  
*Notice of Entry of Order Granting Ex Parte Motion to Serve Rhonda Mona as Trustee of The Mona Family Trust Dated February 12, 2002 via Certified or Registered Mail Pursuant to NRS 14.090(1)(b)*

06/04/2015



Certificate of Service

Filed by: Plaintiff Far West Industries  
*Certificate of Service Via U.S. Postal Service on Rhonda Mona, Trustee of the Mona Family Trust Dated February 12, 2001*

06/08/2015



Certificate of Service

Filed by: Defendant Mona, Michael J, Jr.  
*Certificate of Service*

06/08/2015



Motion for Protective Order

Filed By: Defendant Mona, Michael J, Jr.  
*Motion for Protective Order on Order Shortening Time*

06/09/2015



Opposition to Motion

Filed By: Plaintiff Far West Industries  
*Opposition to Motion for Protective Order on Order Shortening Time*

06/10/2015



**Motion for Protective Order** (9:00 AM) (Judicial Officer: Hardy, Joe)  
*Deft Michael J Mona Jr's Motion for Protective Order on Order Shortening Time*

06/17/2015



Notice of Entry of Order

Filed By: Plaintiff Far West Industries  
*Notice of Entry of Order Regarding Motion for Protective Order on Order Shortening Time*

06/17/2015



Order

Filed By: Plaintiff Far West Industries  
*Order Regarding Motion for Protective Order on Order Shortening Time*

06/29/2015



Ex Parte Application

Party: Plaintiff Far West Industries  
*Ex Parte Application for Order to Show Cause why Accounts of Rhonda Mona Should not be Subject to Execution and Why the Court Should Not Find the Monas in Contempt*

06/30/2015



Order to Show Cause

Filed by: Plaintiff Far West Industries  
*Order to Show Cause Why Accounts of Rhonda Mona Should not Be Subject to Execution and Why the Court Should not Find Monas in Contempt*

06/30/2015



Receipt of Copy

Filed by: Plaintiff Far West Industries



DEPARTMENT 15  
**CASE SUMMARY**  
**CASE NO. A-12-670352-F**

*Receipt of Copy*











06/30/2015	 Notice of Entry of Order Filed By: Plaintiff Far West Industries <i>Notice of Entry of Order to Show Cause Why Accounts of Rhonda Mona Should Not Be Subject to Execution and Why the Court Should Not Find Monas in Contemp</i>
07/07/2015	 Response Filed by: Defendant Rio Vista Nevada, LLC <i>Response to Order to Show Cause Why Accounts of Rhonda Mona Should Not be Subject to Execution and Why the Court Should Not Find Monas in Contempt</i>
07/08/2015	 Reply in Support Filed By: Plaintiff Far West Industries <i>Reply In Support of Order to Show Cause Why Accounts of Rhonda Mona Should Not Be Subject to Execution and Why the Court Should Not find The Monas in Contempt</i>
07/08/2015	 Supplement Filed by: Defendant Mona, Michael J, Jr. <i>Supplement to Response to Order to Show Cause Why Accounts of Rhonda Mona Should be Subject to Execution and why the Court Should not find the Monas in Contempt</i>
07/08/2015	 Declaration Filed By: Plaintiff Far West Industries <i>Declaration In Support of Request for Contempt</i>
07/09/2015	 <b>Show Cause Hearing</b> (9:00 AM) (Judicial Officer: Hardy, Joe) <i>Show Cause Hearing: Why Accounts of Rhonda Mona Should not be Subject to Execution and Why the Court Should Not Find Monas in Contempt</i>
07/14/2015	 Transcript of Proceedings <i>Show Cause Hearing: on July 9, 2015</i>
07/15/2015	 Order Filed By: Plaintiff Far West Industries <i>Order Regarding Order to Show Cause Why Accounts of Rhonda Mona Should Not Be Subject to Execution and Why the Court Should Not Find Monas In Contempt</i>
07/16/2015	 Notice of Entry of Order Filed By: Plaintiff Far West Industries <i>Notice of Entry of Order to Show Cause Why Accounts of Rhonda Mona Should Not Be Subject to Execution and Why the Court Should Not Find Monas in Contempt</i>
07/16/2015	 Motion to Compel Filed By: Plaintiff Far West Industries <i>Motion to Compel Application of Particular Assets Towards Satisfaction of Judgment</i>
07/20/2015	 Notice Filed By: Defendant Mona, Michael J, Jr. <i>Notice of Filing Writ Petition</i>
07/20/2015	 Memorandum of Costs and Disbursements Filed By: Plaintiff Far West Industries <i>Plaintiff's Memorandum of Fees and Costs Associated with Order to Show Cause Why Accounts of Rhonda Mona Should Not be Subject to Execution and Why the Court Should Not</i>

DEPARTMENT 15  
**CASE SUMMARY**  
**CASE NO. A-12-670352-F**











*Find Monas In Contempt*

07/20/2015	 Notice of Stay Filed By: Defendant Mona, Michael J, Jr. <i>Notice of Entry of Order Granting Temporary Stay</i>
08/17/2015	<b>CANCELED Motion to Compel</b> (9:00 AM) (Judicial Officer: Hardy, Joe) <i>Vacated - per Law Clerk</i> <i>Motion to Compel Application of Particular Assets Towards Satisfaction of Judgment</i>
09/09/2015	 Motion for Bond Pending Appeal Filed By: Plaintiff Far West Industries <i>Motion on An Order Shortening Time for Bond Pending Appeal</i>
09/16/2015	 Opposition Filed By: Defendant Mona, Michael J, Jr. <i>Opposition to Motion on an Order Shortening Time for Bond Pending Appeal</i>
09/17/2015	 <b>Motion</b> (9:00 AM) (Judicial Officer: Hardy, Joe) <i>Plaintiff's Motion on An Order Shortening Time for Bond Pending Appeal</i>
09/29/2015	 Reporters Transcript <i>Hearing Transcript September 17, 2015</i>
10/12/2015	 Motion to Compel Filed By: Plaintiff Far West Industries <i>Second Motion to Compel Application of Particular Assets Towards Satisfaction of Judgment</i>
10/16/2015	 Order <i>Order Regarding Motion on an Order Shortening Time for Bond Pending Appeal</i>
11/12/2015	<b>CANCELED Motion to Compel</b> (9:00 AM) (Judicial Officer: Hardy, Joe) <i>Vacated - per Order</i> <i>Second Motion to Compel Application of Particular Assets Towards Satisfaction of Judgment</i>
02/16/2016	 Motion Filed By: Plaintiff Far West Industries <i>Plaintiff Far West Industries' Motion for Determination of Priority of Garnishment</i>
02/16/2016	 Motion Filed By: Plaintiff Far West Industries <i>Plaintiff Far West Industries' Motion: (1) For Default Judgment Against Roen Ventures, LLC for Untimely Answers to Writ of Garnishment and Interrogatories; and (2) to Compel Roen Ventures, LLC's Turnover of Payments Made to, On Behalf of, or for the Benefit of Michael J. Mona, Jr.</i>
02/19/2016	 Motion Filed By: Plaintiff Far West Industries <i>Plaintiff Far West Industries' Motion to Reduce Sanctions Order to Judgment</i>
02/19/2016	 Appendix Filed By: Plaintiff Far West Industries <i>Appendix of Exhibits to Plaintiff Far West Industries' Motion to Reduce Sanctions Order to Judgment</i>

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02/22/2016	 Amended Filed By: Plaintiff Far West Industries <i>Amended Appendix of Exhibits to Plaintiff Far West Industries' Motion to Reduce Sanctions Order to Judgment</i>
03/04/2016	 Opposition and Countermotion Filed By: Defendant Mona, Michael J, Jr. <i>Mona's Opposition to Far West's Motion for Determination of Priority of Garnishment and Countermotion to Discharge Garnishment and for Return of Proceeds</i>
03/04/2016	 Opposition to Motion Filed By: Other Roen Ventures LLC <i>Third Party Roen Ventures, LLC's Opposition to Plaintiff Far West Industries' Motion; (1) For Default Judgment against Roen Ventures, LLC for Untimely Answers to Writ of Garnishment Interrogatories; and (2) to Compel Roen Ventures, LLC's Turnover of Payments made to, on Behalf of, or for the Benefit of Michael J. Mona, JR; and Countermotion for Attorney's Fees and Costs</i>
03/07/2016	 Motion Filed By: Other Mona, Rhonda Helene <i>Non-Party Rhonda Mona's Precautionary Motion to Enlarge Time to File Opposition to Plaintiff Far West Industries' Motion to Reduce Sanctions Order to Judgment</i>
03/07/2016	 Opposition Filed By: Defendant Mona, Michael J, Jr. <i>Mike Mona's Opposition to Far West Industries' Motion to Reduce Sanctions Order to Judgment</i>
03/07/2016	 Opposition Filed By: Other Mona, Rhonda Helene <i>Non-Party Rhonda Mona's Opposition to Plaintiff Far West Industries' Motion to Reduce Sanctions Order to Judgment</i>
03/14/2016	 Reply to Opposition Filed by: Plaintiff Far West Industries <i>Plaintiff Far West Industries' Reply to Mona's Opposition to Far West's Motion for Determination of Priority of Garnishment and Opposition to Countermotion to Discharge Garnishment and for Return of Proceeds</i>
03/14/2016	 Reply to Opposition Filed by: Plaintiff Far West Industries <i>Plaintiff Far West Industries Reply to Roen Venture LLC's Opposition to Motion (1) for Default Judgment Against Roen Ventures LLC for Untimely Answers to Writ of Garnishment Interrogatories; and (2) to Compel Roen Ventures LLC's Turnover of Payments Made to, on Behalf of or for the Benefit of Michael J Mona Jr., and Opposition to Countermotion for Attorney's Fees and Costs</i>
03/14/2016	 Reply in Support Filed By: Plaintiff Far West Industries <i>Plaintiff Far West Industries' Reply in Support of Motion to Reduce Sanctions Order to Judgment</i>
03/14/2016	 Appendix Filed By: Plaintiff Far West Industries <i>Appendix of Exhibits to Plaintiff Far West Industries' Reply in Support of Motion to Reduce Sanctions Order to Judgment</i>

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03/15/2016	 Amended Filed By: Plaintiff Far West Industries <i>Amended Appendix of Exhibits to Plaintiff Far West Industries' Reply in Support of Motion to Reduce Sanctions Order to Judgment</i>
03/16/2016	 Receipt of Copy Filed by: Plaintiff Far West Industries <i>Receipt of Copy</i>
03/16/2016	 Receipt of Copy Filed by: Plaintiff Far West Industries <i>Receipt of Copy to Lee, Hernandez, Lundrum &amp; Garafalo</i>
03/16/2016	 Receipt of Copy Filed by: Plaintiff Far West Industries <i>Receipt of Copy</i>
03/16/2016	 Receipt of Copy Filed by: Plaintiff Far West Industries <i>Receipt of Copy</i>
03/17/2016	 <b>Minute Order</b> (3:00 AM) (Judicial Officer: Hardy, Joe) <i>Minute Order: Rescheduling the following Motions for lack of courtesy copies: (A) Plaintiff Far West Industries Motion for Determination of Priority of Garnishment; (B) Plaintiff Far West Industries' Motion: (1) for Default Judgment Against Roen Ventures, LLC for Untimely Answers for Writ of Garnishment and Interrogatories; and (2) to Compel Roen Ventures, LLC's Turnover of Payments Made to, On Behalf of, or for the Benefit of Michael J. Mona, Jr.; and (C) Plaintiff Far West Industries Motion to Reduce Sanctions Order to Judgment and Michael Mona's Countermotion to Discharge Garnishment and for Return of Proceeds</i>
03/21/2016	 Amended Certificate of Service Party: Plaintiff Far West Industries <i>Amended Certificate of Service to Plaintiff Far West Industries' Reply to Roen Venture LLC's Opposition to Motion (1) for Default Judgment Against Roen Ventures, LLC for Untimely Answers to Writ of Garnishment Interrogatories; and (2) to Compel Roen Ventures, LLC's Turnover of Payments Made to, on Behalf of, or for the Benefit of Michael J. Mona, Jr., and Opposition to Countermotion for Attorney's Fees and Costs</i>
03/23/2016	 Reply in Support Filed By: Other Roen Ventures LLC <i>Reply in Support of Countermotion for Attorneys' Fees and Costs</i>
03/23/2016	 Reply in Support Filed By: Defendant Mona, Michael J, Jr. <i>Mona's Reply in Support of Countermotion to Discharge Garnishment and for Return of Proceeds</i>
03/29/2016	 Errata Filed By: Other Mona, Rhonda Helene <i>Errata to Non-Party Rhonda Mona's Opposition to Plaintiff Far West Industries' Motion to Reduce Sanctions Order to Judgment</i>
03/30/2016	<b>Motion</b> (9:00 AM) (Judicial Officer: Hardy, Joe) <i>Plaintiff Far West Industries' Motion for Determination of Priority of Garnishment</i>
03/30/2016	<b>Motion for Default Judgment</b> (9:00 AM) (Judicial Officer: Hardy, Joe) <i>Plaintiff Far West Industries' Motion: (1) For Default Judgment Against Roen Ventures, LLC</i>













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*for Untimely Answers to Writ of Garnishment and Interrogatories; and (2) to Compel Roen Ventures, LLC's Turnover of Payments Made to, On Behalf of, or for the Benefit of Michael J. Mona, Jr.*













03/30/2016	 <b>Motion</b> (9:00 AM) (Judicial Officer: Hardy, Joe) <b>03/30/2016, 05/05/2016</b> <i>Plaintiff Far West Industries' Motion to Reduce Sanctions Order to Judgment</i>
03/30/2016	<b>Opposition and Countermotion</b> (9:00 AM) (Judicial Officer: Hardy, Joe) <i>Mona's Opposition to Far West's Motion for Determination of Priority of Garnishment and Countermotion to Discharge Garnishment and for Return of Proceeds</i>
03/30/2016	<b>Opposition and Countermotion</b> (9:00 AM) (Judicial Officer: Hardy, Joe) <i>Third Party Roen Ventures, LLC's Opposition to Plaintiff Far West Industries' Motion; (1) For Default Judgment against Roen Ventures, LLC for Untimely Answers to Writ of Garnishment Interrogatories; and (2) to Compel Roen Ventures, LLC's Turnover of Payments made to, on Behalf of, or for the Benefit of Michael J. Mona, JR; and Countermotion for Attorney's Fees and Costs</i>
03/30/2016	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Hardy, Joe)
04/11/2016	<b>CANCELED Motion</b> (9:00 AM) (Judicial Officer: Hardy, Joe) <i>Vacated - per Judge</i> <i>Non-Party Rhonda Mona's Precautionary Motion to Enlarge Time to File Opposition to Plaintiff Far West Industries' Motion to Reduce Sanctions Order to Judgment</i>
04/22/2016	 Supplemental Brief Filed By: Other Mona, Rhonda Helene <i>Non-Party Rhonda Mona's Supplemental Briefing Following Recent Oral Argument Concerning Plaintiff Far West Industries' Motion to Reduce Sanctions Order to Judgment</i>
04/22/2016	 Supplemental Brief Filed By: Plaintiff Far West Industries <i>Plaintiff Far West Industries' Supplemental Brief Regarding Motion to Reduce Sanctions Order to Judgment</i>
04/23/2016	 Supplement Filed by: Defendant Mona, Michael J, Jr. <i>Supplemental Brief Regarding Judicial Estoppel and Reducing the Sanction Order to Judgment</i>
04/28/2016	 Order Filed By: Plaintiff Far West Industries <i>Order Regarding Plaintiff Far West Industries' Motion: (1) For Default Judgment Against Roen Ventures, LLC for Untimely Answers to Writ of Garnishment Interrogatories; and (2) to Compel Roen Ventures, LLC's Turnover of Payments Made to, on Behalf of, or for the Benefit of Michael J. Mona, Jr.</i>
04/28/2016	 Notice of Entry of Order Filed By: Plaintiff Far West Industries <i>Notice of Entry of Order</i>
05/23/2016	 Order Filed By: Plaintiff Far West Industries <i>Order Regarding Plaintiff Far West Industries' Motion to Reduce Sanctions Order to Judgment</i>
05/24/2016	
















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	 Notice Filed By: Other Mona, Rhonda Helene <i>Non-Party Rhonda Mona's Notice of Objection and Competing Order Concerning Plaintiff Far West Industries' Motion to Reduce Sanctions Order to Judgment</i>
05/24/2016	 Notice of Entry of Order Filed By: Plaintiff Far West Industries <i>Notice of Entry of Order Regarding Plaintiff Far West Industries' Motion to Reduce Sanctions Order to Judgment</i>
06/13/2016	 Amended Order <i>Amended Nunc Pro Tunc Order Regarding Plaintiff Far West Industries' Motion to Reduce Sanctions Order to Judgment</i>
06/15/2016	 Notice of Entry of Order Filed By: Plaintiff Far West Industries <i>Notice of Entry of Amended Nunc Pro Tunc Order Regarding Plaintiff Far West Industries' Motion to Reduce Sanctions Order to Judgment</i>
06/21/2016	 <b>Minute Order</b> (3:00 AM) (Judicial Officer: Hardy, Joe) <i>Decision: Plaintiff Far West Industries' Motion for Determination of Priority of Garnishment...Mona's Opposition to Far West's Motion for Determination of Priority of Garnishment and Countermotion to Discharge Garnishment and for Return of Proceeds</i>
06/21/2016	 Order <i>Order Regarding Plaintiff Far West Industries' Motion for Determination of Priority of Garnishment and Defendant Michael J. Mona's Countermotion to Discharge Garnishment and for Return of Proceeds</i>
06/21/2016	 Notice of Entry of Order Filed By: Plaintiff Far West Industries <i>Notice Of Entry Of Order Regarding Plaintiff Far West Industries' Motion For Determination Of Priority Of Garnishment And Defendant Michael J. Mona's Countermotion To Discharge Garnishment And For Return Of Proceeds</i>
06/27/2016	 Motion Filed By: Other Roen Ventures LLC <i>Third Party Roen Ventures, LLC's Motion to Deposit Payments with the Clerk of the Court</i>
06/28/2016	 Initial Appearance Fee Disclosure Filed By: Other Roen Ventures LLC <i>Initial Appearance Fee Disclosure</i>
06/30/2016	 Notice Filed By: Other Roen Ventures LLC <i>Notice of Posting Payment</i>
07/06/2016	 Application Filed By: Other Roen Ventures LLC <i>Application for Order Shortening Time</i>
07/07/2016	 Notice of Entry of Order Filed By: Other Roen Ventures LLC <i>Notice of Entry of Order Shortening Time and Notice of Hearing</i>

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07/14/2016	 Case Appeal Statement Filed By: Other Mona, Rhonda Helene <i>Joint Case Appeal Statement</i>
07/14/2016	<b>CANCELED Motion</b> (9:00 AM) (Judicial Officer: Hardy, Joe) <i>Vacated - per Stipulation and Order</i> <i>Third Party Roen Ventures, LLC's Motion to Deposit Payments with the Clerk of the Court</i>
07/14/2016	 Stipulation Filed by: Plaintiff Far West Industries <i>Stipulation Regarding Third Party Roen Ventures, LLC's Motion to Deposit Payments with the Clerk of the Court</i>
07/15/2016	 Claim Filed By: Defendant Mona, Michael J, Jr. <i>Claim of Exemption</i>
07/15/2016	 Notice of Appeal Filed By: Other Mona, Rhonda Helene <i>Joint Notice of Appeal</i>
07/15/2016	 Notice of Entry Filed By: Plaintiff Far West Industries <i>Notice of Entry of Stipulation Regarding Third Party Roen Ventures, LLC's Motion to Deposit Payments with the Clerk of the Court</i>
07/21/2016	 Objection Filed By: Plaintiff Far West Industries <i>Plaintiff's Far West Industries' Objection to Claim of Exemption from Execution on an Order Shortening Time</i>
07/22/2016	 Receipt of Copy Filed by: Plaintiff Far West Industries <i>Receipt of Copy</i>
07/22/2016	 Receipt of Copy Filed by: Plaintiff Far West Industries <i>Receipt of Copy</i>
07/22/2016	 Receipt of Copy Filed by: Plaintiff Far West Industries <i>Receipt of Copy</i>
07/22/2016	 Receipt of Copy Filed by: Plaintiff Far West Industries <i>Receipt of Copy</i>
07/22/2016	 Receipt of Copy Filed by: Plaintiff Far West Industries <i>Receipt of Copy</i>
07/25/2016	 Receipt of Copy Filed by: Plaintiff Far West Industries <i>Receipt of Copy</i>

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**CASE SUMMARY**  
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07/25/2016	 Receipt of Copy Filed by: Plaintiff Far West Industries <i>Receipt of Copy</i>
07/29/2016	 Memorandum of Points and Authorities Filed By: Defendant Mona, Michael J, Jr. <i>Memorandum of Points and Authorities in Support of Claim of Exemption and Discharge</i>
07/29/2016	 Reply in Support Filed By: Plaintiff Far West Industries <i>Reply In Support Of Plaintiff Far West Industries' Objection To Claim Of Exemption From Execution On An Order Shortening Time</i>
08/01/2016	 <b>Objection</b> (9:00 AM) (Judicial Officer: Hardy, Joe) <i>Plaintiffs Far West Industries' Objection to Claim of Exemption from Execution on an Order Shortening Time</i>
08/09/2016	 Order Filed By: Plaintiff Far West Industries <i>Order Sustaining Plaintiff Far West Industries' Objection to Claim of Exemption from Execution</i>
08/10/2016	 Receipt of Copy Filed by: Plaintiff Far West Industries <i>Receipt of Copy</i>
08/10/2016	 Receipt of Copy Filed by: Plaintiff Far West Industries <i>Receipt of Copy</i>
08/10/2016	 Notice of Entry of Order Filed By: Plaintiff Far West Industries <i>Notice of Entry of Order Sustaining Plaintiff Far West Industries' Objection to Claim of Exemption from Execution</i>
10/03/2016	 Notice of Entry Filed By: Defendant Mona, Michael J, Jr. <i>Notice of Entry of Writ of Prohibition and Published Decision</i>
10/07/2016	 Order <i>Order</i>
11/10/2016	 Claim Filed By: Defendant Mona, Michael J, Jr. <i>Claim of Exemption from Execution</i>
11/10/2016	 Memorandum of Points and Authorities Filed By: Defendant Mona, Michael J, Jr. <i>Memorandum of Points and Authorities in Support of Claim of Exemption and Motion to Discharge Garnishment</i>
11/10/2016	 Appendix Filed By: Defendant Mona, Michael J, Jr. <i>Appendix of Exhibits Attached to Memorandum of Points and Authorities in Support of Claim</i>

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**CASE SUMMARY**  
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*of Exemption and Motion for Discharge of Garnishment*

11/10/2016	 Certificate of Service Filed by: Defendant Mona, Michael J, Jr. <i>Certificate of Service</i>
11/21/2016	 Objection Filed By: Plaintiff Far West Industries <i>Far West Industries' Objection to Claim of Exemption from Execution on an Order Shortening Time &amp; Motion for Attorney Fees &amp; Costs Pursuant to NRS 18.010(2)(b)</i>
11/22/2016	 Receipt of Copy Filed by: Plaintiff Far West Industries <i>Receipt of Copy of Far West's Objection to Claim of Exemption from Execution on an Order Shortening Time - Michael J. Mona, Jr.'s counsel</i>
11/22/2016	 Receipt of Copy Filed by: Plaintiff Far West Industries <i>Receipt of Copy of Plaintiff Far West Industries' Objection to Claim of Exemption from Execution on an Order Shortening Time and Motion for Attorney Fees and Cost Pursuant to NRS 18.010(2)(b)</i>
11/23/2016	 Affidavit Filed By: Plaintiff Far West Industries <i>Affidavit of Service upon CV Sciences, Inc. FKA Cannavest Corp.</i>
12/05/2016	 <b>Objection (9:00 AM)</b> (Judicial Officer: Hardy, Joe) <b>12/05/2016, 12/15/2016</b> <i>Plaintiff Far West Industries' Objection to Claim of Exemption from Execution on an Order Shortening Time and Motion for Attorney Fees and Costs Pursuant to NRS 18.010(2)(b)</i>
12/06/2016	 Order Filed By: Plaintiff Far West Industries <i>Order Continuing Hearing re Far West's Objection to Claim of Exemption from Execution on an Order Shortening Time</i>
12/07/2016	 Notice of Entry of Order Filed By: Plaintiff Far West Industries <i>Notice of Entry of Order Continuing Hearing on Objection to Claim of Exemption</i>
12/08/2016	 Opposition to Motion Filed By: Defendant Mona, Michael J, Jr. <i>Opposition to Plaintiff's Motion for Attorney Fees and Costs Pursuant to NRS 18.010(2)(b)</i>
12/15/2016	 Declaration Filed By: Defendant Mona, Michael J, Jr. <i>Declaration of Rosanna Wesp</i>
01/09/2017	 Order Filed By: Defendant Mona, Michael J, Jr. <i>Order Regarding Mona's Claim of Exemption, Motion to Discharge, Memorandum of Points and Authorities, and Far West's Objection to Claim of Exemption Regarding October 2016 Garnishment</i>
01/10/2017	 Notice of Entry of Order


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	<p>Filed By: Defendant Mona, Michael J, Jr. <i>Notice of Entry of Order</i></p>
01/20/2017	<p> Application Filed By: Plaintiff Far West Industries <i>Application for Issuance of Order for Arrest of Defendant Michael J. Mona, Jr.</i></p>
01/24/2017	<p> Application for Issuance of Commission to Take Deposition Party: Plaintiff Far West Industries <i>Application for Issuance of Commission to Take Deposition Out of the State for Michael D. Sifen</i></p>
01/25/2017	<p> Commission to Take Deposition Outside the State of Nevada Filed By: Plaintiff Far West Industries <i>Commission to take the Deposition of Michael D. Sifen Pursuant to Rule NRCP 28(b)</i></p>
02/06/2017	<p> Opposition Filed By: Defendant Mona, Michael J, Jr. <i>Michael J. Mona's Opposition to Application for Issuance of Order for Arrest of Defendant Michael J. Mona, Jr.</i></p>
02/14/2017	<p> Reply to Opposition Filed by: Plaintiff Far West Industries <i>Reply to Opposition to Application for Issuance of Order for Arrest of Defendant Michael J. Mona, Jr.</i></p>
02/21/2017	<p> <b>Motion</b> (9:00 AM) (Judicial Officer: Hardy, Joe) <i>Application for Issuance of Order for Arrest of Defendant Michael J Mona Jr</i></p>
03/24/2017	<p> Claim Filed By: Defendant Mona, Michael J, Jr. <i>Claim of Exemption from Execution</i></p>
03/24/2017	<p> Memorandum of Points and Authorities Filed By: Defendant Mona, Michael J, Jr. <i>Memorandum of Points and Authorities in Support of Claim of Exemption and Motion to Discharge Garnishment</i></p>
03/24/2017	<p> Appendix Filed By: Defendant Mona, Michael J, Jr. <i>Appendix of Exhibits Attached to Memorandum of Points and Authorities in Support of Claim of Exemption and Motion to Discharge Garnishment</i></p>
03/24/2017	<p> Certificate of Service Filed by: Defendant Mona, Michael J, Jr. <i>Certificate of Service</i></p>
03/30/2017	<p> Claim Filed By: Defendant Mona, Michael J, Jr. <i>Claim of Exemption from Execution</i></p>
03/30/2017	<p> Memorandum of Points and Authorities Filed By: Defendant Mona, Michael J, Jr. <i>Memorandum of Points and Authorities in Support of Claim of Exemption and Motion to Discharge Garnishment</i></p>











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03/30/2017	 Appendix Filed By: Defendant Mona, Michael J, Jr. <i>Appendix of Exhibits Attached to Memorandum of Points and Authorities in Support of Claim of Exemption and Motion to Discharge Garnishment</i>
03/30/2017	 Certificate of Service Filed by: Defendant Mona, Michael J, Jr. <i>Certificate of Service</i>
03/31/2017	 Order Filed By: Defendant Mona, Michael J, Jr. <i>Order Regarding Far West's Application for Issuance of Order for Arrest of Defendant Michael J. Mona, Jr.</i>
04/03/2017	 Notice of Entry of Order Filed By: Defendant Mona, Michael J, Jr. <i>Notice of Entry of Order</i>
04/03/2017	 Notice Filed By: Plaintiff Far West Industries <i>Notice re Writ of Garnishment and Claim of Exemption</i>
04/20/2017	 Claim Filed By: Defendant Mona, Michael J, Jr. <i>Claim of Exemption from Execution</i>
04/20/2017	 Memorandum of Points and Authorities Filed By: Defendant Mona, Michael J, Jr. <i>Memorandum of Points and Authorities in Support of Claim of Exemption and Motion to Discharge Garnishment</i>
04/20/2017	 Appendix Filed By: Defendant Mona, Michael J, Jr. <i>Appendix of Exhibits Attached to Memorandum of Points and Authorities in Support of Claim of Exemption and Motion to Discharge Garnishment</i>
04/20/2017	 Certificate of Service Filed by: Defendant Mona, Michael J, Jr. <i>Certificate of Service</i>
04/24/2017	 Stipulation and Order Filed by: Plaintiff Far West Industries <i>Stipulation &amp; Order Regarding Amended Nunc Pro Tunc Order Regarding Plaintiff Far West Industries' Motion to Reduce Sanctions Order to Judgment</i>
04/25/2017	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Far West Industries <i>Notice of Entry of Stipulation and Order Regarding Amended Nunc Pro Tunc Order Regarding Plaintiff Far West Industries' Motion to Reduce Sanctions Order to Judgment</i>
05/02/2017	 Objection Filed By: Plaintiff Far West Industries <i>Plaintiff Far West Industries Objection To Claim Of Exemption From Execution On An Order Shortening Time And Motion For Attorney Fees And Costs Pursuant To NRS 18.010(2)(b)</i>

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05/15/2017	 Stipulation and Order Filed by: Plaintiff Far West Industries <i>Stipulation and Order Regarding Writ of Garnishment Served 04/03/2017 and Claim of Exemption, and Vacating Related Hearing Without Prejudice</i>
05/16/2017	<b>CANCELED Motion</b> (9:00 AM) (Judicial Officer: Hardy, Joe) <i>Vacated - per Stipulation and Order</i> <i>Plaintiff Far West Industries Objection To Claim Of Exemption From Execution On An Order Shortening Time And Motion For Attorney Fees And Costs Pursuant To NRS 18.010(2)(b)</i>
05/16/2017	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Far West Industries <i>Notice of Entry of Stipulation and Order Regarding Writ of Garnishment Served 04/03/2017 and Claim of Exemption, and Vacating Related Hearing Without Prejudice</i>
05/19/2017	 Affidavit of Due Diligence Filed By: Plaintiff Far West Industries <i>Affidavit of Due Diligence Re: Service of Amended Subpoena on Wiltshire Holdings, Inc.</i>
05/22/2017	 Notice Filed By: Plaintiff Far West Industries <i>Notice of Issuance of Amended Subpoena to Wiltshire Holdings, LLC as to the Items to Be Produced at Deposition</i>
05/23/2017	 Affidavit of Service Filed By: Plaintiff Far West Industries <i>Affidavit of Service Re: Service of Amended Subpoena on Wiltshire Holdings, LLC</i>
05/23/2017	 Certificate of Service Filed by: Defendant Mona, Michael J, Jr. <i>Certificate of Service</i>
05/23/2017	 Claim Filed By: Defendant Mona, Michael J, Jr. <i>Claim of Exemption from Execution</i>
05/23/2017	 Appendix Filed By: Defendant Mona, Michael J, Jr. <i>Appendix of Exhibits Attached to Memorandum of Points and Authorities in Support of Claim of Exemption and Motion to Discharge Garnishment</i>
05/23/2017	 Memorandum of Points and Authorities Filed By: Defendant Mona, Michael J, Jr. <i>Memorandum of Points and Authorities in Support of Claim of Exemption and Motion to Discharge Garnishment</i>
06/05/2017	 Objection Filed By: Plaintiff Far West Industries <i>Plaintiff Far West Industries Objection to Claim of Exemption from Execution on an Order Shortening Time and Motion for Attorney Fees and Costs Pursuant to NRS 18.010(2)(b)</i>
06/14/2017	 <b>Objection</b> (9:00 AM) (Judicial Officer: Hardy, Joe) <i>Plaintiff Far West Industries' Objection to Claim of Exemption from Execution on an Order Shortening Time and Motion for Attorney Fees and Costs Pursuant to NRS 18.010(2)(b)</i>

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07/18/2017	 Order Filed By: Plaintiff Far West Industries <i>Order Sustaining Plaintiff Far West Industries Objection to Claim of Exemption from Execution</i>
07/19/2017	 Notice of Entry of Order Filed By: Plaintiff Far West Industries <i>Notice of Entry of Order Sustaining Plaintiff Far West Industries' Objection to Claim of Exemption from Execution</i>
08/03/2017	 Notice Filed By: Plaintiff Far West Industries <i>Notice of Issuance of Subpoena to Bank of Nevada</i>
08/03/2017	 Notice Filed By: Plaintiff Far West Industries <i>Notice of Issuance of Subpoena to American Express</i>
08/03/2017	 Notice Filed By: Plaintiff Far West Industries <i>Notice of Issuance of Subpoena to Mai Dun Limited, LLC</i>
08/03/2017	 Notice Filed By: Plaintiff Far West Industries <i>Notice of Issuance of Subpoena to Bank of George</i>
08/16/2017	 Ex Parte Motion <i>Ex Parte Motion for Order Allowing Judgment Debtor Examination of Michael J. Mona, Jr., Individually, and as Trustee of the Mona Family Trust Dated February 12, 2002</i>
08/18/2017	 Notice of Appeal Filed By: Defendant Mona, Michael J, Jr. <i>Notice of Appeal</i>
08/18/2017	 Case Appeal Statement Filed By: Defendant Mona, Michael J, Jr. <i>Case Appeal Statement</i>
08/18/2017	 Order for Examination of Judgment Debtor <i>Order for Examination of Judgment Debtor Michael J. Mona, Jr., Individually, and as Trustee of the Mona Family Trust dated February 12, 2002</i>



## CIVIL COVER SHEET A-12-670352-F

Clark County, Nevada

I V

Case No. \_\_\_\_\_  
(Assigned by Clerk's Office)**I. Party Information**

Plaintiff(s) (name/address/phone):

Far West Industries

Attorney (name/address/phone):

David S. Lee, Esq.

Lee, Hernandez, Landrum, Garofalo &amp; Blake, APC

7575 Vegas Drive, Suite 150

Las Vegas, Nevada 89128

(702) 880-9750

Defendant(s) (name/address/phone):

Rio Vista Nevada, LLC,

World Development, Inc.,

Bruce Maize,

Michael J. Mona, Jr.

Attorney (name/address/phone):

**II. Nature of Controversy** (Please check applicable bold category and applicable subcategory, if appropriate)☐ Arbitration Requested**Civil Cases**

Real Property	Torts	
<input type="checkbox"/> <b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> <b>Title to Property</b> <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> <b>Condemnation/Eminent Domain</b> <input type="checkbox"/> <b>Other Real Property</b> <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	<input type="checkbox"/> <b>Negligence</b> <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"/> <b>Product Liability</b> <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> <b>Intentional Misconduct</b> <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> <b>Employment Torts</b> (Wrongful termination) <input type="checkbox"/> <b>Other Torts</b> <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"/> <b>Summary Administration</b> <input type="checkbox"/> <b>General Administration</b> <input type="checkbox"/> <b>Special Administration</b> <input type="checkbox"/> <b>Set Aside Estates</b> <input type="checkbox"/> <b>Trust/Conservatorships</b> <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> <b>Other Probate</b>	<input type="checkbox"/> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input type="checkbox"/> <b>Breach of Contract</b> <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Acct/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"/> <b>Civil Petition for Judicial Review</b> <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker's Compensation Appeal	<input type="checkbox"/> <b>Appeal from Lower Court</b> (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> <b>Civil Writ</b> <input type="checkbox"/> Other Special Proceeding <input checked="" type="checkbox"/> <b>Other Civil Filing</b> <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 checked="" type="checkbox"/> Foreign Judgment – Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input type="checkbox"/> Other Civil Matters

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

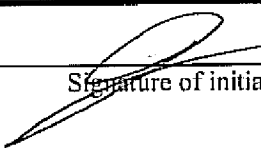
☐ NRS Chapters 78-88  
☐ Commodities (NRS 90)  
☐ Securities (NRS 90)

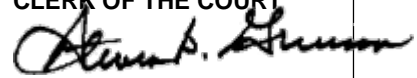
☐ Investments (NRS 104 Art. 8)  
☐ Deceptive Trade Practices (NRS 598)  
☐ Trademarks (NRS 600A)

☐ Enhanced Case Mgmt/Business  
☐ Other Business Court Matters

October 18, 2012

Date

  
Signature of initiating party or representative



**ORDR**

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*Attorneys for Plaintiff Far West Industries*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

FAR WEST INDUSTRIES, a California  
corporation,

Plaintiff,

v.

RIO VISTA NEVADA, LLC, a Nevada limited  
liability company; WORLD DEVELOPMENT,  
INC., a California corporation; BRUCE MAIZE,  
an individual; MICHAEL J. MONA, JR., an  
individual; DOES 1 through 100, inclusive,

Defendants.

Case No.: A-12-670352-F  
Dept. No.: XV

**Date of Hearing: June 14, 2017**  
**Time of Hearing: 9:00 a.m.**

**ORDER SUSTAINING PLAINTIFF FAR WEST INDUSTRIES'**  
**OBJECTION TO CLAIM OF EXEMPTION FROM EXECUTION**

On June 14, 2017, at 9:00 a.m., the Court heard the matter of Plaintiff Far West Industries Objection to Claim of Exemption from Execution on an Order Shortening Time and Motion for Attorney Fees and Costs Pursuant to NRS 18.010(2)(b) (the "Objection"). F. Thomas Edwards, Esq. and Andrea M. Gandara, Esq., of the law firm Holley Driggs Walch Fine Wray Puzey & Thompson, appeared on behalf of Plaintiff Far West Industries ("Far West"). Tye S. Hanseen, Esq., of the law firm Marquis Aurbach Coffing, appeared on behalf of Defendant Michael J. Mona, Jr. ("Mr. Mona").

1 With no other appearances having been made, the Court having reviewed and examined  
2 the papers, pleadings and records on file in the above-entitled matter, heard the argument of  
3 counsel, and good cause appearing therefore, the Court finds and orders as follows:

4 The Court's Order Regarding Plaintiff Far West Industries' Motion for Determination of  
5 Priority of Garnishment and Defendant Michael J. Mona's Countermotion to Discharge  
6 Garnishment and for Return of Proceeds ("Priority Order"), entered June 21, 2016, remains  
7 unchanged and is incorporated by reference into this Order.

8 Far West's arguments in the Objection are well taken. As set forth in the Priority Order,  
9 Nevada law is very limited regarding priority of garnishments. However, priority is governed by  
10 Nevada law and grants priority on a "first in time" basis. By any measure, Far West's Judgment  
11 ("Judgment") is entitled to priority over the Decree of Divorce ("Divorce Decree") providing for  
12 the assignment of alimony to Rhonda Mona ("Ms. Mona").

13 If the Court treats the Judgment and the Divorce Decree as competing judgments, which  
14 the Court believes is appropriate under the circumstances, Far West's Judgment is first in time and  
15 entitled to priority because it was entered on April 27, 2012 and clearly pre-dates the July 23, 2015  
16 Divorce Decree.

17 If the Court analyzes priority with regard to competing garnishments, Far West necessarily  
18 prevails and is entitled to priority because Far West's first garnishment of Defendant's wages  
19 occurred on December 13, 2013 and no garnishment has been issued with regard to the Divorce  
20 Decree.

21 If the Court treats the Divorce Decree as an assignment because it provides Ms. Mona's  
22 alimony "via direct wage assignment" through Mr. Mona's employer, Far West's Judgment and  
23 garnishment is entitled to priority pursuant to *First Interstate Bank of California v. H.C.T.*, 108  
24 Nev. 242, 246 (1992).

25 In the alternative, if the Court was to treat the Divorce Decree as a garnishment, it is subject  
26 to the 120-day limitation applicable to garnishments and it has expired. Accordingly, under this  
27 alternative analysis, Far West has priority ahead of Ms. Mona's alimony.

1 In the Court's exercise of discretion on priority, the Court also finds that equity is on the  
2 side of Far West for the reasons set forth in the Objection. Further, the Court notes that Nevada  
3 does not provide spousal support with the same priority as child support. *See* NRS 31.249(5).

4 In sum, the Far West's Judgment and garnishment have priority over the Divorce Decree  
5 and assignment of alimony that Ms. Mona has for multiple reasons.

6 Based on the foregoing, and good cause appearing,

7 **IT IS HEREBY ORDERED** that Far West's Objection is **SUSTAINED**.

8 **IT IS FURTHER ORDERED** that Mr. Mona's Claim of Exemption, filed May 23, 2017,  
9 is **DENIED**.

10 **IT IS FURTHER ORDERED** that Mr. Mona's wages from CV Sciences, Inc., being  
11 levied upon pursuant to Far West's Writ of Garnishment shall be immediately released to Far West  
12 and continue to be released to Far West in accordance with the Writ of Garnishment.

13 **IT IS FURTHER ORDERED** that the issues of priority, calculation and treatment as to  
14 Far West's garnishment of Mr. Mona's earnings are resolved going forward.

15 **IT IS FURTHER ORDERED** that any service defects of future Writs of Garnishment  
16 can be addressed as they arise in the future.

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1                   **IT IS FURTHER ORDERED** that Far West's request for attorney fees and costs is  
2 **DENIED WITHOUT PREJUDICE.**

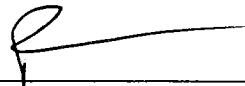
3                   **IT IS SO ORDERED.**

4                   Dated this 18<sup>th</sup> day of July, 2017.

5  
6   
7 DISTRICT COURT JUDGE

8 Submitted by:

9 **HOLLEY DRIGGS WALCH**  
10 **FINE WRAY PUZEY & THOMPSON**

11   
12 F. THOMAS EDWARDS, ESQ.  
13 Nevada Bar No. 9549  
14 ANDREA M. GANDARA, ESQ.  
15 Nevada Bar No. 12580  
16 400 South Fourth Street, Third Floor  
17 Las Vegas, NV 89101

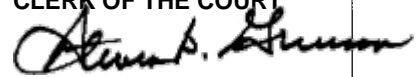
18 *Attorneys for Plaintiff Far West Industries*

Approved as to form by:

**MARQUIS AURBACH COFFING**

19 */s/ Tye S. Hanseen*  
20 TERRY A. COFFING, ESQ.  
21 Nevada Bar No. 4949  
22 TYE S. HANSEEN, ESQ.  
23 Nevada Bar No. 10365  
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25 Las Vegas, Nevada 89145

26 *Attorneys for Defendant Michael J. Mona, Jr.*



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13 Facsimile: 702/791-1912  
14 *Attorneys for Plaintiff Far West Industries*

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 FAR WEST INDUSTRIES, a California  
11 corporation,

12 Plaintiff,

13 v.

14 RIO VISTA NEVADA, LLC, a Nevada limited  
15 liability company; WORLD DEVELOPMENT,  
16 INC., a California corporation; BRUCE MAIZE,  
an individual; MICHAEL J. MONA, JR., an  
individual; DOES 1 through 100, inclusive,

17 Defendants.

Case No.: A-12-670352-F  
Dept. No.: XV

**NOTICE OF ENTRY OF ORDER  
SUSTAINING PLAINTIFF FAR WEST  
INDUSTRIES' OBJECTION TO CLAIM  
OF EXEMPTION FROM EXECUTION**

**Date of Hearing: June 14, 2017**  
**Time of Hearing: 9:00 a.m.**

18 YOU, and each of you, will please take notice that an Order Sustaining Plaintiff Far West  
19 Industries' Objection to Claim of Exemption from Execution in the above entitled matter was filed  
20 and entered by the Clerk of the above-entitled Court on the 18<sup>th</sup> day of July, 2017, a copy of which  
21 is attached hereto.

22 Dated this 19<sup>th</sup> day of July, 2017.

23 **HOLLEY DRIGGS WALCH**  
24 **FINE WRAY PUZEY & THOMPSON**



25 F. THOMAS EDWARDS, ESQ. (NBN 9549)  
26 ANDREA M. GANDARA, ESQ. (NBN 12580)  
27 400 South Fourth Street, Third Floor  
28 Las Vegas, Nevada 89101  
*Attorneys for Plaintiff Far West Industries*

**CERTIFICATE OF SERVICE**

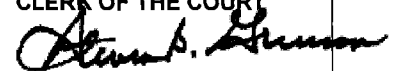
I hereby certify that I am an employee of Holley Driggs Walch Fine Wray Puzey & Thompson, and that on the \_\_\_\_\_ day of July, 2017, I served via electronic service in accordance with Administrative Order 14.2, to all interested parties, through the Court's Odyssey E-File & Serve, a true copy of the foregoing **NOTICE OF ENTRY OF ORDER SUSTAINING PLAINTIFF FAR WEST INDUSTRIES' OBJECTION TO CLAIM OF EXEMPTION FROM EXECUTION**, in the above matter, to the addressee below. Pursuant to EDCR 8.05(i), the date and time of the electronic service is in place of the date and place of deposit in the mail.

Terry A. Coffing, Esq.  
Tye S. Hanseen, Esq.  
**MARQUIS AURBACH COFFING**  
1001 Park Run Drive  
Las Vegas, Nevada 89145

*Attorneys for Defendant Michael J. Mona, Jr.*

\_\_\_\_\_  
An employee of Holley Driggs Walch  
Fine Wray Puzey & Thompson





**ORDER**

F. THOMAS EDWARDS, ESQ.  
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Telephone: 702/791-0308  
Facsimile: 702/791-1912

*Attorneys for Plaintiff Far West Industries*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

FAR WEST INDUSTRIES, a California  
corporation,

Plaintiff,

v.

RIO VISTA NEVADA, LLC, a Nevada limited  
liability company; WORLD DEVELOPMENT,  
INC., a California corporation; BRUCE MAIZE,  
an individual, MICHAEL J. MONA, JR., an  
individual; DOES 1 through 100, inclusive,

Defendants.

Case No.: A-12-670352-F  
Dept. No.: XV

Date of Hearing: June 14, 2017  
Time of Hearing: 9:00 a.m.

**ORDER SUSTAINING PLAINTIFF FAR WEST INDUSTRIES'  
OBJECTION TO CLAIM OF EXEMPTION FROM EXECUTION**

On June 14, 2017, at 9:00 a.m., the Court heard the matter of Plaintiff Far West Industries Objection to Claim of Exemption from Execution on an Order Shortening Time and Motion for Attorney Fees and Costs Pursuant to NRS 18.010(2)(b) (the "Objection"). F. Thomas Edwards, Esq. and Andrea M. Gandara, Esq., of the law firm Holley Driggs Walch Fine Wray Puzey & Thompson, appeared on behalf of Plaintiff Far West Industries ("Far West"). Tye S. Hanseen, Esq., of the law firm Marquis Aurbach Coffing, appeared on behalf of Defendant Michael J. Mona, Jr. ("Mr. Mona").

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With no other appearances having been made, the Court having reviewed and examined the papers, pleadings and records on file in the above-entitled matter, heard the argument of counsel, and good cause appearing therefore, the Court finds and orders as follows:

The Court's Order Regarding Plaintiff Far West Industries' Motion for Determination of Priority of Garnishment and Defendant Michael J. Mona's Countermotion to Discharge Garnishment and for Return of Proceeds ("Priority Order"), entered June 21, 2016, remains unchanged and is incorporated by reference into this Order.

Far West's arguments in the Objection are well taken. As set forth in the Priority Order, Nevada law is very limited regarding priority of garnishments. However, priority is governed by Nevada law and grants priority on a "first in time" basis. By any measure, Far West's Judgment ("Judgment") is entitled to priority over the Decree of Divorce ("Divorce Decree") providing for the assignment of alimony to Rhonda Mona ("Ms. Mona").

If the Court treats the Judgment and the Divorce Decree as competing judgments, which the Court believes is appropriate under the circumstances, Far West's Judgment is first in time and entitled to priority because it was entered on April 27, 2012 and clearly pre-dates the July 23, 2015 Divorce Decree.

If the Court analyzes priority with regard to competing garnishments, Far West necessarily prevails and is entitled to priority because Far West's first garnishment of Defendant's wages occurred on December 13, 2013 and no garnishment has been issued with regard to the Divorce Decree.

If the Court treats the Divorce Decree as an assignment because it provides Ms. Mona's alimony "via direct wage assignment" through Mr. Mona's employer, Far West's Judgment and garnishment is entitled to priority pursuant to *First Interstate Bank of California v. H.C.T.*, 108 Nev. 242, 246 (1992).

In the alternative, if the Court was to treat the Divorce Decree as a garnishment, it is subject to the 120-day limitation applicable to garnishments and it has expired. Accordingly, under this alternative analysis, Far West has priority ahead of Ms. Mona's alimony.

1 In the Court's exercise of discretion on priority, the Court also finds that equity is on the  
2 side of Far West for the reasons set forth in the Objection. Further, the Court notes that Nevada  
3 does not provide spousal support with the same priority as child support. *See* NRS 31.249(5).

4 In sum, the Far West's Judgment and garnishment have priority over the Divorce Decree  
5 and assignment of alimony that Ms. Mona has for multiple reasons.

6 Based on the foregoing, and good cause appearing,

7 **IT IS HEREBY ORDERED** that Far West's Objection is **SUSTAINED**.

8 **IT IS FURTHER ORDERED** that Mr. Mona's Claim of Exemption, filed May 23, 2017,  
9 is **DENIED**.

10 **IT IS FURTHER ORDERED** that Mr. Mona's wages from CV Sciences, Inc., being  
11 levied upon pursuant to Far West's Writ of Garnishment shall be immediately released to Far West  
12 and continue to be released to Far West in accordance with the Writ of Garnishment.

13 **IT IS FURTHER ORDERED** that the issues of priority, calculation and treatment as to  
14 Far West's garnishment of Mr. Mona's earnings are resolved going forward.

15 **IT IS FURTHER ORDERED** that any service defects of future Writs of Garnishment  
16 can be addressed as they arise in the future.

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**IT IS FURTHER ORDERED** that Far West's request for attorney fees and costs is  
**DENIED WITHOUT PREJUDICE.**

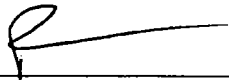
**IT IS SO ORDERED.**

Dated this 18<sup>th</sup> day of July, 2017.

  
DISTRICT COURT JUDGE

Submitted by:

**HOLLEY DRIGGS WALCH  
FINE WRAY PUZEY & THOMPSON**

  
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*Attorneys for Plaintiff Far West Industries*

Approved as to form by:

**MARQUIS AURBACH COFFING**

/s/ Tye S. Hanseen  
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Nevada Bar No. 4949  
TYE S. HANSEEN, ESQ.  
Nevada Bar No. 10365  
10001 Park Run Drive  
Las Vegas, Nevada 89145

*Attorneys for Defendant Michael J. Mona, Jr.*

  
CLERK OF THE COURT

1 **ORDR**

2  
3  
4 **DISTRICT COURT**  
5 **CLARK COUNTY, NEVADA**  
6

7 FAR WEST INDUSTRIES, a California  
8 corporation,

9 Plaintiff,

10 vs.

11 RIO VISTA NEVADA, LLC, a Nevada limited  
12 liability company; WORLD DEVELOPMENT,  
13 INC., a California corporation; BRUCE MAIZE,  
14 an individual; MICHAEL J. MONA, JR., an  
individual; DOES 1 through 100, inclusive,

15 Defendants.

Case No.: A-12-670352-F

Dept No.: XV

**ORDER REGARDING PLAINTIFF  
FAR WEST INDUSTRIES' MOTION  
FOR DETERMINATION OF  
PRIORITY OF GARNISHMENT AND  
DEFENDANT MICHAEL J. MONA'S  
COUNTERMOTION TO DISCHARGE  
GARNISHMENT AND FOR RETURN  
OF PROCEEDS**

15 Having reviewed the parties' pleadings and briefs herein, including, but not limited to,  
16 Plaintiff Far West Industries' ("Plaintiff") Motion for Determination of Priority of Garnishment  
17 ("Motion"); Defendant Michael J. Mona's ("Defendant") Opposition to Far West's Motion for  
18 Determination of Priority of Garnishment and Countermotion to Discharge Garnishment and for  
19 Return of Proceeds ("Opposition" and "Countermotion," respectively); Plaintiff Far West Industries'  
20 Reply to Mona's Opposition to Far West's Motion for Determination of Priority of Garnishment and  
21 Opposition to Countermotion to Discharge Garnishment and for Return of Proceeds; and  
22 Defendant's Reply in Support of Countermotion to Discharge Garnishment and for Return of  
23 Proceeds, and having held argument on March 30, 2016 and taken this matter under advisement, the  
24 Court GRANTS Plaintiff's Motion and DENIES Defendant's Countermotion as follows:

25  
26 Plaintiff obtained a judgment of over \$18 million from a California state court against  
27 Defendant on April 27, 2012.<sup>1</sup> Plaintiff domesticated the judgment in Nevada and has been  
28

<sup>1</sup> See Judgment, attached as Exhibit 1 to Plaintiff's Motion.

1 garnishing Defendant's wages since December 2013 at approximately \$1,950 on a bi-weekly basis.<sup>2</sup>  
2 In December 2015, Plaintiff obtained a new Writ of Execution for Defendant's earnings, which was  
3 served on Defendant's employer on January 7, 2016.<sup>3</sup> On January 28, 2016, Plaintiff received  
4 Defendant's Interrogatories in response to the Writ of Garnishment indicating that Defendant's  
5 weekly gross earnings totaled \$11,538.56, with deductions required by law totaling \$8,621.62.<sup>4</sup> The  
6 deductions required by law excluded from Defendant's gross earnings comprised of federal income  
7 tax, Social Security, Medicare, and \$4,615.39 in alimony payments to Defendant's ex-wife, Rhonda  
8 Mona ("Ms. Mona").<sup>5</sup> Based on those deductions, payments to Plaintiff decreased to less than \$750.  
9 Plaintiff subsequently filed its Motion for Determination of Priority of Garnishment requesting that  
10 this Court establish priority between Plaintiff's garnishment and Ms. Mona's alimony claim.  
11

#### 12 **I. Amount and Priority of Garnishments**

13 Under federal law the maximum amount of wages that may be garnished in any workweek  
14 may not exceed either (1) 25% of an individual's disposable earnings or (2) the amount by which the  
15 individual's disposable earnings for that week exceed thirty times the Federal minimum hourly  
16 wage, whichever is less.<sup>6</sup> In the event of a garnishment pursuant to an order for the support of a  
17 person, the maximum aggregate disposable earnings of an individual, where such individual is not  
18 supporting a spouse or dependent child, may not exceed 60% of the individual's disposable earnings  
19 for that week.<sup>7</sup> When an issue arises as to multiple garnishments, priority is determined by state law  
20 or other federal law.<sup>8</sup>  
21

22 Nevada law mirrors the provisions set forth in 15 U.S.C. § 1673, and states that the aggregate  
23 disposable earnings subject to garnishment may not exceed 25%, with a maximum of 60% where  
24

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25 <sup>2</sup> See Application of Foreign Judgment, filed on October 18, 2012 in Case No. A-12-670325-F.

26 <sup>3</sup> See Case Summary, attached as Exhibit 2 to Plaintiff's Motion.

27 <sup>4</sup> See Writ of Garnishment with Answers to Interrogatories from Cannavest, attached as Exhibit 5 to Plaintiff's Motion.

28 <sup>5</sup> *Id.*; see also "Deduction Emails" attached as Exhibit 6 to Plaintiff's Motion; see also Decree of Divorce, attached as Exhibit 7 to Plaintiff's Motion.

<sup>6</sup> 15 U.S.C. § 1673(a).

<sup>7</sup> 15 U.S.C. § 1673(b)(2)(B).

<sup>8</sup> 29 C.F.R. 870.11.

1 there is an order for the support of a person.<sup>9</sup> As to priority of claims, Nevada law gives the Court  
2 discretion in determining the priority and method of satisfying claims, except that any writ to satisfy  
3 a judgment for child support must be given first priority pursuant to NRS 31.249(5).<sup>10</sup>

4 Defendant identifies several states that grant garnishment priority to spousal support orders.  
5 However, applying such a priority to Ms. Mona's alimony is not supported by Nevada law, which  
6 provides garnishment priority solely to child support orders. Thus, unlike the cases cited by  
7 Defendant, it is inappropriate to award priority to Ms. Mona's alimony claim because such a priority  
8 is simply not supported by Nevada law. Since Ms. Mona's alimony claim is not automatically  
9 entitled to priority under Nevada law, this Court has discretion to determine priority between  
10 Plaintiff's garnishment and Ms. Mona's alimony claim pursuant to NRS 31.249.

## 12 II. Priority of Garnishments

13 Nevada case law regarding priority of garnishments is limited. However, in *First Interstate*  
14 *Bank of California v. H.C.T.*, the Nevada Supreme Court held that priority depends on "which  
15 interest is first in time," and agreed with a Sixth Circuit case that "the rights of the parties are  
16 determined from the date of the award."<sup>11</sup> In this case, Plaintiff's April 27, 2012 judgment clearly  
17 pre-dates the July 23, 2015 Divorce Decree. Even if the date of Plaintiff's first garnishment is used  
18 as the date for determining priority, Plaintiff's interest would still be first in time, as Plaintiff's first  
19 garnishment of Defendant's wages occurred on December 13, 2013.<sup>12</sup>

21 The Court in *First Interstate* further provided that as between an assignment and a  
22 garnishment, an assignment "takes priority over a writ of garnishment only to the extent that the

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24 <sup>9</sup> NRS 31.295.

25 <sup>10</sup> The statute provides: "If the named garnishee is the subject of more than one writ of garnishment regarding the  
26 defendant, the court shall determine the priority and method of satisfying the claims, except that any writ of garnishment  
to satisfy a judgment for the collection of child support must be given first priority."

27 <sup>11</sup> *First Interstate Bank of California v. H.C.T.*, 108 Nev. 242 (1992) citing *Marion Mfg. Co. v. Long*, 588 F.2d 538, 541  
(6th Cir. 1978).

28 <sup>12</sup> The Court in *First Interstate* concluded that a creditor's interests vested when it first serve its writ of garnishment, and  
used the date of the first garnishment in determining priority. It is unclear whether Ms. Mona has ever garnished  
Defendant's wages to enforce the alimony award provided in the Decree of Divorce. However, the first date Ms. Mona  
was able to garnish Defendant's wages would have occurred after filing of the Decree of Divorce in July 2015, long after  
Plaintiff's judgment or first date of garnishment.

1 consideration given for the assignment represents an antecedent debt or present advance.”<sup>13</sup> Under  
2 this test, Ms. Mona’s alimony, paid “via a direct wage assignment” through Defendant’s employer,  
3 takes priority only if it represents consideration for an antecedent debt or present advance.<sup>14</sup> In this  
4 case, Defendant’s obligation under the Decree of Divorce represents only a court order to pay  
5 monthly alimony to Ms. Mona, and was not ordered as consideration for an antecedent debt or  
6 present advance. Thus, Plaintiff’s judgment still takes priority even under this analysis.  
7

### 8 **III. Expiration**

9 Defendant claims that Plaintiff’s status as “first in time” was lost when Plaintiff’s  
10 garnishment expired. However, Plaintiff was prevented from renewing its garnishment for four  
11 months (from July 20, 2015 to November 30, 2015) because of a stay pending an appeal instituted  
12 by Defendant and Ms. Mona. Plaintiff obtained a new garnishment immediately after expiration of  
13 the stay on December 1, 2015. It would be inequitable for Plaintiff’s garnishment to lose its position  
14 to Ms. Mona’s ongoing support order simply because it was prevented from renewing its  
15 garnishment during the four month period when the case was stayed.<sup>15</sup>  
16

### 17 **IV. Defendant’s Motion to Discharge the Writ**

18 In his Countermotion to Discharge Writ and Return Funds to Mona, Defendant cites to NRS  
19 31.045(2) in asserting his right to move for discharge of the writ.<sup>16</sup> As Plaintiff correctly asserts,  
20 NRS 31.200 states that a Defendant may move for discharge of an attachment on the following  
21 grounds:

- 22 (a) That the writ was improperly or improvidently issued;
- 23 (b) That the property levied upon is exempt from execution or necessary and  
24 required by the defendant for the support and maintenance of the defendant and  
members of the defendant’s family;
- 25 (c) That the levy is excessive.

26 <sup>13</sup> *First Interstate Bank of California v. H.C.T.*, 108 Nev. 242, 246 (1992).

27 <sup>14</sup> See Decree of Divorce 3:12-16, attached as Exhibit 7 to Plaintiff’s Motion.

28 <sup>15</sup> The Court is also aware, as set forth in great detail in other orders of the facts and circumstances of this case, and finds that equity supports an exercise of the Court’s discretion in favor of Plaintiff on the priority of garnishment issue as set forth in this Order.

<sup>16</sup> See Defendant’s Opposition and Countermotion at 28:1-11.



1 In his countermotion, Defendant incorporates by reference the “facts, law, and analysis”  
2 included in his Opposition, but does not specifically address which, if any, of the three parameters of  
3 NRS 31.200 he bases his motion.<sup>17</sup>

4 Furthermore, Defendant’s request that Plaintiff return any excess garnishment fails to address  
5 why Plaintiff, and not Defendant’s employer Cannavest, should be required to remit any excess  
6 garnishment to Defendant. Defendant provided no controlling or persuasive authority requiring a  
7 judgment creditor to return funds that an employee claims were overpaid.<sup>18</sup>

8  
9 In light of the foregoing, this Court finds that because Plaintiff’s garnishment predates the  
10 Decree of Divorce, Plaintiff’s garnishment is entitled to priority over Ms. Mona’s alimony claim,  
11 and Plaintiff is entitled to garnish 25% of Defendant’s disposable earnings (calculated by subtracting  
12 federal taxes, Social Security, and Medicare from Defendant’s biweekly salary) *before* any  
13 deductions may be made to satisfy Ms. Mona’s alimony claim.<sup>19</sup> Furthermore, there are no facts  
14 supporting Defendant’s countermotion for discharge under NRS 31.200. To the extent that  
15 Defendant’s employer Cannavest garnished Defendant’s wages in an amount exceeding what it was  
16 allowed, Defendant may seek reimbursement directly from Cannavest.

17  
18 Based on the foregoing, and good cause appearing:

19 **IT IS HEREBY ORDERED** that Plaintiff’s garnishment is entitled to take priority over Ms.  
20 Mona’s alimony claim.

21 **IT IS FURTHER ORDERED** that Plaintiff is entitled to garnish 25% of Defendant’s  
22 disposable earnings, calculated by subtracting federal taxes, Social Security, and Medicare from  
23

24  
25 <sup>17</sup> See Defendant’s Opposition 28:9-11.

26 <sup>18</sup> Defendant cites *Lough v. Robinson*, 111 Ohio App.3d 149, 155-156 (1996), which states “the entire amount that was  
27 withheld by the employer for the creditor garnishment was excess and should have been returned to appellant.”  
28 However, *Lough* does not clarify who must return the funds to the employee, and there is no authority presented  
supporting Defendant’s claim that reimbursement should come from Plaintiff.

<sup>19</sup> This formula is relied on by both Plaintiff and Defendant as the correct method for calculating Defendant’s disposable  
earnings; see Defendant’s Opposition and Counter motion at 20:14-20 and Plaintiff’s Reply at 6:14-22. The only  
difference between the parties’ proposed calculations is whether Plaintiff’s garnishment or Ms. Mona’s alimony are  
subtracted from Defendant’s disposable earnings first.

1 Defendant's biweekly earnings. Any amount in excess of 25% of Defendant's disposable earnings  
2 may be applied to satisfy Ms. Mona's alimony claim.

3 **IT IS FURTHER ORDERED** that Defendant's Countermotion to Discharge Garnishment  
4 and for Return of Proceeds is DENIED.

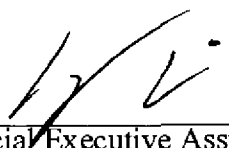
5 DATED this 21<sup>st</sup> day of June, 2016.

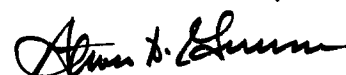
6  
7   
8 JOE HARDY  
9 DISTRICT JUDGE  
10 DEPARTMENT XV

11 **CERTIFICATE OF SERVICE**

12 I hereby certify that on or about the date filed, a copy of the foregoing was electronically  
13 served, mailed or placed in the attorney's folder on the first floor of the Regional Justice Center as  
14 follows:

15 Thomas Edwards, Esq. [tedwards@nevadafirm.com](mailto:tedwards@nevadafirm.com)  
16 Terry Coffing, Esq. [tcoffing@maclaw.com](mailto:tcoffing@maclaw.com)  
17 James Whitmire, III, Esq. [jwhitmire@santoronevada.com](mailto:jwhitmire@santoronevada.com)  
18 Erika Pike Turner, Esq. [eturner@gtg.legal](mailto:eturner@gtg.legal)  
19 William Urga, Esq. [wru@juww.com](mailto:wru@juww.com)

20   
21 Judicial Executive Assistant  
22  
23  
24  
25  
26  
27  
28



CLERK OF THE COURT

1 **NEOJ**  
2 F. THOMAS EDWARDS, ESQ.  
3 Nevada Bar No. 9549  
4 E-mail: [tedwards@nevadafirm.com](mailto:tedwards@nevadafirm.com)  
5 ANDREA M. GANDARA, ESQ.  
6 Nevada Bar No. 12580  
7 E-mail: [agandara@nevadafirm.com](mailto:agandara@nevadafirm.com)  
8 HOLLEY DRIGGS WALCH  
9 FINE WRAY PUZEY & THOMPSON  
400 South Fourth Street, Third Floor  
Las Vegas, Nevada 89101  
Telephone: 702/791-0308  
Facsimile: 702/791-1912

*Attorneys for Plaintiff Far West Industries*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

FAR WEST INDUSTRIES, a California  
corporation,

Plaintiff,

v.

RIO VISTA NEVADA, LLC, a Nevada limited  
liability company; WORLD DEVELOPMENT,  
INC., a California corporation; BRUCE MAIZE,  
an individual, MICHAEL J. MONA, JR., an  
individual; DOES 1 through 100, inclusive,

Defendants.

Case No.: A-12-670352-F  
Dept. No.: XV

**NOTICE OF ENTRY OF ORDER  
REGARDING PLAINTIFF FAR WEST  
INDUSTRIES' MOTION FOR  
DETERMINATION OF PRIORITY OF  
GARNISHMENT AND DEFENDANT  
MICHAEL J. MONA'S  
COUNTERMOTION TO DISCHARGE  
GARNISHMENT AND FOR RETURN OF  
PROCEEDS**

YOU, and each of you, will please take notice that an ORDER REGARDING  
PLAINTIFF FAR WEST INDUSTRIES' MOTION FOR DETERMINATION OF PRIORITY  
OF GARNISHMENT AND DEFENDANT MICHAEL J. MONA'S COUNTERMOTION TO  
DISCHARGE GARNISHMENT AND FOR RETURN OF PROCEEDS in the above entitled

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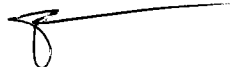
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///

1 matter was filed and entered by the Clerk of the above-entitled Court on the 21st day of June,  
2 2016, a copy of which is attached hereto.

3 Dated this 21<sup>st</sup> day of June, 2016.

4 **HOLLEY DRIGGS WALCH**  
5 **FINE WRAY PUZEY & THOMPSON**

6 

7 F. THOMAS EDWARDS, ESQ. (NBN 9549)  
8 ANDREA M. GANDARA, ESQ. (NBN 12580)  
9 400 South Fourth Street, Third Floor  
10 Las Vegas, Nevada 89101  
11 *Attorneys for Plaintiff Far West Industries*

**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of Holley Driggs Walch Fine Wray Puzey & Thompson, and that on the 21<sup>st</sup> day of June, 2016, I served via electronic service in accordance with Administrative Order 14.2, to all interested parties, through the Court's Odyssey E-File & Serve, a true copy of the foregoing **NOTICE OF ENTRY OF ORDER REGARDING PLAINTIFF FAR WEST INDUSTRIES' MOTION FOR DETERMINATION OF PRIORITY OF GARNISHMENT AND DEFENDANT MICHAEL J. MONA'S COUNTERMOTION TO DISCHARGE GARNISHMENT AND FOR RETURN OF PROCEEDS**, in the above matter, addressed as follows:

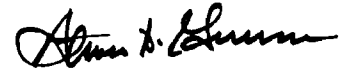
James E. Whitmire, Esq.  
**SANTORO WHITMIRE**  
 10100 West Charleston Boulevard, Suite 250  
 Las Vegas, Nevada 89135  
*Attorneys for Defendants Rhonda Helene Mona,  
 Michael Mona, III, and  
 Lundene Enterprises, LLC*

Erika Pike Turner, Esq.  
 Dylan Ciciliano, Esq.  
**GARMAN TURNER GORDON**  
 650 White Drive, Suite 100  
 Las Vegas, Nevada 89119  
*Attorneys for Roen Ventures, LLC*

Terry A. Coffing, Esq.  
 Tye S. Hanseen, Esq.  
**MARQUIS AURBACH COFFING**  
 1001 Park Run Drive  
 Las Vegas, Nevada 89145  
*Attorneys for Defendant  
 Michael J. Mona, Jr.*

William R. Urga, Esq.  
**JOLLEY URG WOODBURY & LITTLE**  
 3800 Howard Hughes Parkway, 16th Floor  
 Las Vegas, Nevada 89169  
*Attorneys for Non-Party Theodore Sobieski*

  
 An employee of Holley Driggs Walch  
 Fine Wray Puzey & Thompson



CLERK OF THE COURT

1 **ORDR**

2  
3  
4 **DISTRICT COURT**

5 **CLARK COUNTY, NEVADA**

6  
7 FAR WEST INDUSTRIES, a California  
8 corporation,

9 Plaintiff,

10 vs.

11 RIO VISTA NEVADA, LLC, a Nevada limited  
12 liability company; WORLD DEVELOPMENT,  
13 INC., a California corporation; BRUCE MAIZE,  
14 an individual; MICHAEL J. MONA, JR., an  
individual; DOES 1 through 100, inclusive,

15 Defendants.

Case No.: A-12-670352-F  
Dept No.: XV

**ORDER REGARDING PLAINTIFF  
FAR WEST INDUSTRIES' MOTION  
FOR DETERMINATION OF  
PRIORITY OF GARNISHMENT AND  
DEFENDANT MICHAEL J. MONA'S  
COUNTERMOTION TO DISCHARGE  
GARNISHMENT AND FOR RETURN  
OF PROCEEDS**

16 Having reviewed the parties' pleadings and briefs herein, including, but not limited to,  
17 Plaintiff Far West Industries' ("Plaintiff") Motion for Determination of Priority of Garnishment  
18 ("Motion"); Defendant Michael J. Mona's ("Defendant") Opposition to Far West's Motion for  
19 Determination of Priority of Garnishment and Countermotion to Discharge Garnishment and for  
20 Return of Proceeds ("Opposition" and "Countermotion," respectively); Plaintiff Far West Industries'  
21 Reply to Mona's Opposition to Far West's Motion for Determination of Priority of Garnishment and  
22 Opposition to Countermotion to Discharge Garnishment and for Return of Proceeds; and  
23 Defendant's Reply in Support of Countermotion to Discharge Garnishment and for Return of  
24 Proceeds, and having held argument on March 30, 2016 and taken this matter under advisement, the  
25 Court GRANTS Plaintiff's Motion and DENIES Defendant's Countermotion as follows:

26 Plaintiff obtained a judgment of over \$18 million from a California state court against  
27 Defendant on April 27, 2012.<sup>1</sup> Plaintiff domesticated the judgment in Nevada and has been  
28

<sup>1</sup> See Judgment, attached as Exhibit 1 to Plaintiff's Motion.

1 garnishing Defendant's wages since December 2013 at approximately \$1,950 on a bi-weekly basis.<sup>2</sup>  
2 In December 2015, Plaintiff obtained a new Writ of Execution for Defendant's earnings, which was  
3 served on Defendant's employer on January 7, 2016.<sup>3</sup> On January 28, 2016, Plaintiff received  
4 Defendant's Interrogatories in response to the Writ of Garnishment indicating that Defendant's  
5 weekly gross earnings totaled \$11,538.56, with deductions required by law totaling \$8,621.62.<sup>4</sup> The  
6 deductions required by law excluded from Defendant's gross earnings comprised of federal income  
7 tax, Social Security, Medicare, and \$4,615.39 in alimony payments to Defendant's ex-wife, Rhonda  
8 Mona ("Ms. Mona").<sup>5</sup> Based on those deductions, payments to Plaintiff decreased to less than \$750.  
9 Plaintiff subsequently filed its Motion for Determination of Priority of Garnishment requesting that  
10 this Court establish priority between Plaintiff's garnishment and Ms. Mona's alimony claim.  
11

#### 12 **I. Amount and Priority of Garnishments**

13 Under federal law the maximum amount of wages that may be garnished in any workweek  
14 may not exceed either (1) 25% of an individual's disposable earnings or (2) the amount by which the  
15 individual's disposable earnings for that week exceed thirty times the Federal minimum hourly  
16 wage, whichever is less.<sup>6</sup> In the event of a garnishment pursuant to an order for the support of a  
17 person, the maximum aggregate disposable earnings of an individual, where such individual is not  
18 supporting a spouse or dependent child, may not exceed 60% of the individual's disposable earnings  
19 for that week.<sup>7</sup> When an issue arises as to multiple garnishments, priority is determined by state law  
20 or other federal law.<sup>8</sup>

22 Nevada law mirrors the provisions set forth in 15 U.S.C. § 1673, and states that the aggregate  
23 disposable earnings subject to garnishment may not exceed 25%, with a maximum of 60% where  
24

25 <sup>2</sup> See Application of Foreign Judgment, filed on October 18, 2012 in Case No. A-12-670325-F.

26 <sup>3</sup> See Case Summary, attached as Exhibit 2 to Plaintiff's Motion.

27 <sup>4</sup> See Writ of Garnishment with Answers to Interrogatories from Cannavest, attached as Exhibit 5 to Plaintiff's Motion.

28 <sup>5</sup> *Id.*; see also "Deduction Emails" attached as Exhibit 6 to Plaintiff's Motion; see also Decree of Divorce, attached as Exhibit 7 to Plaintiff's Motion.

<sup>6</sup> 15 U.S.C. § 1673(a).

<sup>7</sup> 15 U.S.C. § 1673(b)(2)(B).

<sup>8</sup> 29 C.F.R. 870.11.

1 there is an order for the support of a person.<sup>9</sup> As to priority of claims, Nevada law gives the Court  
2 discretion in determining the priority and method of satisfying claims, except that any writ to satisfy  
3 a judgment for child support must be given first priority pursuant to NRS 31.249(5).<sup>10</sup>

4 Defendant identifies several states that grant garnishment priority to spousal support orders.  
5 However, applying such a priority to Ms. Mona's alimony is not supported by Nevada law, which  
6 provides garnishment priority solely to child support orders. Thus, unlike the cases cited by  
7 Defendant, it is inappropriate to award priority to Ms. Mona's alimony claim because such a priority  
8 is simply not supported by Nevada law. Since Ms. Mona's alimony claim is not automatically  
9 entitled to priority under Nevada law, this Court has discretion to determine priority between  
10 Plaintiff's garnishment and Ms. Mona's alimony claim pursuant to NRS 31.249.

## 11 II. Priority of Garnishments

12 Nevada case law regarding priority of garnishments is limited. However, in *First Interstate*  
13 *Bank of California v. H.C.T.*, the Nevada Supreme Court held that priority depends on "which  
14 interest is first in time," and agreed with a Sixth Circuit case that "the rights of the parties are  
15 determined from the date of the award."<sup>11</sup> In this case, Plaintiff's April 27, 2012 judgment clearly  
16 pre-dates the July 23, 2015 Divorce Decree. Even if the date of Plaintiff's first garnishment is used  
17 as the date for determining priority, Plaintiff's interest would still be first in time, as Plaintiff's first  
18 garnishment of Defendant's wages occurred on December 13, 2013.<sup>12</sup>

19 The Court in *First Interstate* further provided that as between an assignment and a  
20 garnishment, an assignment "takes priority over a writ of garnishment only to the extent that the  
21  
22

23  
24 <sup>9</sup> NRS 31.295.

25 <sup>10</sup> The statute provides: "If the named garnishee is the subject of more than one writ of garnishment regarding the  
26 defendant, the court shall determine the priority and method of satisfying the claims, except that any writ of garnishment  
27 to satisfy a judgment for the collection of child support must be given first priority."

28 <sup>11</sup> *First Interstate Bank of California v. H.C.T.*, 108 Nev. 242 (1992) citing *Marion Mfg. Co. v. Long*, 588 F.2d 538, 541  
(6th Cir. 1978).

<sup>12</sup> The Court in *First Interstate* concluded that a creditor's interests vested when it first serve its writ of garnishment, and  
used the date of the first garnishment in determining priority. It is unclear whether Ms. Mona has ever garnished  
Defendant's wages to enforce the alimony award provided in the Decree of Divorce. However, the first date Ms. Mona  
was able to garnish Defendant's wages would have occurred after filing of the Decree of Divorce in July 2015, long after  
Plaintiff's judgment or first date of garnishment.



1 consideration given for the assignment represents an antecedent debt or present advance.”<sup>13</sup> Under  
2 this test, Ms. Mona’s alimony, paid “via a direct wage assignment” through Defendant’s employer,  
3 takes priority only if it represents consideration for an antecedent debt or present advance.<sup>14</sup> In this  
4 case, Defendant’s obligation under the Decree of Divorce represents only a court order to pay  
5 monthly alimony to Ms. Mona, and was not ordered as consideration for an antecedent debt or  
6 present advance. Thus, Plaintiff’s judgment still takes priority even under this analysis.  
7

### 8 **III. Expiration**

9 Defendant claims that Plaintiff’s status as “first in time” was lost when Plaintiff’s  
10 garnishment expired. However, Plaintiff was prevented from renewing its garnishment for four  
11 months (from July 20, 2015 to November 30, 2015) because of a stay pending an appeal instituted  
12 by Defendant and Ms. Mona. Plaintiff obtained a new garnishment immediately after expiration of  
13 the stay on December 1, 2015. It would be inequitable for Plaintiff’s garnishment to lose its position  
14 to Ms. Mona’s ongoing support order simply because it was prevented from renewing its  
15 garnishment during the four month period when the case was stayed.<sup>15</sup>  
16

### 17 **IV. Defendant’s Motion to Discharge the Writ**

18 In his Countermotion to Discharge Writ and Return Funds to Mona, Defendant cites to NRS  
19 31.045(2) in asserting his right to move for discharge of the writ.<sup>16</sup> As Plaintiff correctly asserts,  
20 NRS 31.200 states that a Defendant may move for discharge of an attachment on the following  
21 grounds:

- 22 (a) That the writ was improperly or improvidently issued;
- 23 (b) That the property levied upon is exempt from execution or necessary and  
24 required by the defendant for the support and maintenance of the defendant and  
members of the defendant’s family;
- 25 (c) That the levy is excessive.

26 <sup>13</sup> *First Interstate Bank of California v. H.C.T.*, 108 Nev. 242, 246 (1992).

27 <sup>14</sup> See Decree of Divorce 3:12-16, attached as Exhibit 7 to Plaintiff’s Motion.

28 <sup>15</sup> The Court is also aware, as set forth in great detail in other orders of the facts and circumstances of this case, and finds that equity supports an exercise of the Court’s discretion in favor of Plaintiff on the priority of garnishment issue as set forth in this Order.

<sup>16</sup> See Defendant’s Opposition and Countermotion at 28:1-11.

1 In his counter motion, Defendant incorporates by reference the "facts, law, and analysis"  
2 included in his Opposition, but does not specifically address which, if any, of the three parameters of  
3 NRS 31.200 he bases his motion.<sup>17</sup>

4 Furthermore, Defendant's request that Plaintiff return any excess garnishment fails to address  
5 why Plaintiff, and not Defendant's employer Cannavest, should be required to remit any excess  
6 garnishment to Defendant. Defendant provided no controlling or persuasive authority requiring a  
7 judgment creditor to return funds that an employee claims were overpaid.<sup>18</sup>

8  
9 In light of the foregoing, this Court finds that because Plaintiff's garnishment predates the  
10 Decree of Divorce, Plaintiff's garnishment is entitled to priority over Ms. Mona's alimony claim,  
11 and Plaintiff is entitled to garnish 25% of Defendant's disposable earnings (calculated by subtracting  
12 federal taxes, Social Security, and Medicare from Defendant's biweekly salary) *before* any  
13 deductions may be made to satisfy Ms. Mona's alimony claim.<sup>19</sup> Furthermore, there are no facts  
14 supporting Defendant's counter motion for discharge under NRS 31.200. To the extent that  
15 Defendant's employer Cannavest garnished Defendant's wages in an amount exceeding what it was  
16 allowed, Defendant may seek reimbursement directly from Cannavest.

17  
18 Based on the foregoing, and good cause appearing:

19 **IT IS HEREBY ORDERED** that Plaintiff's garnishment is entitled to take priority over Ms.  
20 Mona's alimony claim.

21 **IT IS FURTHER ORDERED** that Plaintiff is entitled to garnish 25% of Defendant's  
22 disposable earnings, calculated by subtracting federal taxes, Social Security, and Medicare from  
23

24  
25 <sup>17</sup> See Defendant's Opposition 28:9-11.

26 <sup>18</sup> Defendant cites *Lough v. Robinson*, 111 Ohio App.3d 149, 155-156 (1996), which states "the entire amount that was  
27 withheld by the employer for the creditor garnishment was excess and should have been returned to appellant."  
28 However, *Lough* does not clarify who must return the funds to the employee, and there is no authority presented  
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<sup>19</sup> This formula is relied on by both Plaintiff and Defendant as the correct method for calculating Defendant's disposable  
earnings; see Defendant's Opposition and Counter motion at 20:14-20 and Plaintiff's Reply at 6:14-22. The only  
difference between the parties' proposed calculations is whether Plaintiff's garnishment or Ms. Mona's alimony are  
subtracted from Defendant's disposable earnings first.

1 Defendant's biweekly earnings. Any amount in excess of 25% of Defendant's disposable earnings  
2 may be applied to satisfy Ms. Mona's alimony claim.

3 **IT IS FURTHER ORDERED** that Defendant's Countermotion to Discharge Garnishment  
4 and for Return of Proceeds is DENIED.

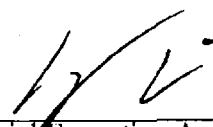
5 DATED this 21<sup>st</sup> day of June, 2016.

6   
7  
8 JOE HARDY  
9 DISTRICT JUDGE  
10 DEPARTMENT XV

11 **CERTIFICATE OF SERVICE**

12 I hereby certify that on or about the date filed, a copy of the foregoing was electronically  
13 served, mailed or placed in the attorney's folder on the first floor of the Regional Justice Center as  
14 follows:

15 Thomas Edwards, Esq. [tedwards@nevadafirm.com](mailto:tedwards@nevadafirm.com)  
16 Terry Coffing, Esq. [tcoffing@maclaw.com](mailto:tcoffing@maclaw.com)  
17 James Whitmire, III, Esq. [jwhitmire@santoronevada.com](mailto:jwhitmire@santoronevada.com)  
18 Erika Pike Turner, Esq. [eturner@gtg.legal](mailto:eturner@gtg.legal)  
19 William Urga, Esq. [wru@juww.com](mailto:wru@juww.com)

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26  
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28  
Judicial Executive Assistant

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Foreign Judgment**

**COURT MINUTES**

**January 24, 2013**

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A-12-670352-F	Far West Industries, Plaintiff(s) vs. Rio Vista Nevada, LLC , Defendant(s)
---------------	---

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**January 24, 2013      3:00 AM      Minute Order**

**HEARD BY:** Earley, Kerry      **COURTROOM:**

**COURT CLERK:** Kristin Duncan

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- As this Court is familiar with one of the parties, in accordance with Rule 2.11(a), and to avoid the appearance of impropriety and implied bias, this Court hereby disqualifies itself and ORDERS this case be REASSIGNED at random. Matters set on Department IV s December 13, 2012 Civil Motion Calendar are CONTINUED 30 days pending department reassignment.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Foreign Judgment**

**COURT MINUTES**

**May 31, 2013**

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A-12-670352-F	Far West Industries, Plaintiff(s) vs. Rio Vista Nevada, LLC , Defendant(s)
---------------	---

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<b>May 31, 2013</b>	<b>9:00 AM</b>	<b>Motion for Order to Show Cause</b>	<b>Plaintiff's Motion for Order to Show Cause Regarding Contempt on OST</b>
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**HEARD BY:** Sturman, Gloria

**COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Ying Pan

**RECORDER:** Kerry Esparza

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Attorney John Muije (Bar No. 2419) appearing on behalf of Defendants.

Mr. Hawley indicated there is a Foreign Judgment. Mr. Muije stated Defendants were never served in Nevada, and he just found out about this Motion less than 48 hours ago. COURT ORDERED, matter CONTINUED; Defendants' Supplemental Opposition DUE by 6/14/13, and Plaintiff's Reply DUE by 6/26/13. Mr. Hawley requested Defendant, Michael Mona, be admonished not to transfer any money in the interim. Mr. Muije opposed the admonishment as this Court does not have jurisdiction over Mr. Mona.

CONTINUED TO: 7/3/13 9:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Foreign Judgment****COURT MINUTES****July 03, 2013**

A-12-670352-F      Far West Industries, Plaintiff(s)  
vs. Rio Vista Nevada, LLC , Defendant(s)

**July 03, 2013      9:00 AM      Motion for Order to Show  
Cause**

**HEARD BY:** Sturman, Gloria**COURTROOM:** RJC Courtroom 03H**COURT CLERK:** Linda Denman**RECORDER:** Kerry Esparza**REPORTER:****PARTIES**

**PRESENT:**      Hawley, John R.      Attorney  
                         Muije, John W.      Attorney

**JOURNAL ENTRIES**

- Argument by counsel on PLAINTIFF'S MOTION FOR ORDER FOR MICHAEL J. MONA TO SHOW CAUSE REGARDING CONTEMPT FOR FAILURE TO APPEAR AT JUDGMENT DEBTOR EXAMINATION. Mr. Hawley advised that a mutually agreed date with defendant and his former counsel had been set and then the defendant did not appear. He stated that if the defendant would appear at an examination, plaintiff would withdraw its show cause motion. He explained that this action was a foreign judgment entered in order to collect on a California judgment against defendant Mona which Mr. Mona did not appeal. Mr. Muije stated defendant Mona was not in contempt of court as he had never been personally served on this action and pursuant to statute, a foreign judgment is to be considered a new case. COURT STATED ITS FINDINGS that this matter was governed by Rule 5 and that service was proper. COURT ORDERED motion GRANTED; with new date for examination to be set out at least 30 days at a time agreeable to Mr. Muije. Mr. Muije made an oral motion requesting a stay to prepare a writ regarding Court's ruling that personal service was not required, which was objected to Mr. Hawley, and COURT ORDERED DENIED.

Mr. Hawley to prepare proposed Order.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Foreign Judgment**

**COURT MINUTES**

**September 18, 2013**

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A-12-670352-F      Far West Industries, Plaintiff(s)  
vs. Rio Vista Nevada, LLC , Defendant(s)

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**September 18, 2013      9:00 AM      Status Check**

**HEARD BY:** Sturman, Gloria

**COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Linda Denman

**RECORDER:** Kerry Esparza

**REPORTER:**

**PARTIES**

**PRESENT:**      Hawley, John R.      Attorney  
                         Muije, John W.      Attorney

**JOURNAL ENTRIES**

- At STATUS CHECK: COMPLIANCE WITH COURT'S 7/25/13 ORDER, counsel requested Court's guidance to set parameters to return defendant's business records and to conduct the judgment debtor exam. Counsel advised 18 of 20 boxes have been delivered and the remaining 2 should be delivered next week. Court instructed Mr. Hawley to make copies of the records in his possession and return them to Mr. Muije next Wednesday (Sept 25) when the final boxes are delivered; copy and return those documents within one week (October 2) and set the judgment debtor exam for two 8-hour days with reasonable breaks after reviewing the documents. COURT ORDERED status check SET but advised counsel if the matter should be wrapped up, the status check could be vacated by notice to Chambers.

CONTINUED TO 12/4/2013 AT 9:00AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Foreign Judgment**

**COURT MINUTES**

**December 04, 2013**

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A-12-670352-F      Far West Industries, Plaintiff(s)  
vs. Rio Vista Nevada, LLC , Defendant(s)

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**December 04, 2013      9:00 AM      Status Check**

**HEARD BY:** Sturman, Gloria      **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Linda Denman

**RECORDER:** Kerry Esparza

**REPORTER:**

**PARTIES**

**PRESENT:**      Hawley, John R.      Attorney  
                         Muije, John W.      Attorney

**JOURNAL ENTRIES**

- At STATUS CHECK: COMPLIANCE WITH COURT'S 7/25/13 ORDER, counsel appeared and explained that the parties have conducted the judgment debtor's exam and everything is going along satisfactorily. Upon Court's inquiry, counsel advised they did not want to close this case and would like another status check set in six months. COURT SO ORDERED.

CONTINUED TO 7/23/2014 at 9:00AM



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Foreign Judgment**

**COURT MINUTES**

**April 14, 2014**

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A-12-670352-F      Far West Industries, Plaintiff(s)  
vs. Rio Vista Nevada, LLC , Defendant(s)

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**April 14, 2014      1:30 PM      Motion to Compel**

**HEARD BY:** Beecroft, Chris A., Jr.      **COURTROOM:** RJC Courtroom 15B

**COURT CLERK:** Alan Castle

**RECORDER:** Richard Kangas

**REPORTER:**

**PARTIES**

**PRESENT:**      Coffing, Terry A.      Attorney  
                         Hawley, John R.      Attorney

**JOURNAL ENTRIES**

- Arguments by counsel. COMMISSIONER RECOMMENDED, Plaintiff's Motion to Compel Discovery is DENIED. Mr. Coffing will prepare Report and Recommendation and submit to Discovery Commissioner within ten (10) days of this hearing, otherwise, SANCTIONS MAY ISSUE; Mr. Hawley to approve as to form and content. Matter set for status check on compliance.

5/05/14 2:00 p.m. Status Check: Compliance - Report and Recommendations

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Foreign Judgment**

**COURT MINUTES**

**May 02, 2014**

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A-12-670352-F      Far West Industries, Plaintiff(s)  
vs. Rio Vista Nevada, LLC , Defendant(s)

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**May 02, 2014      9:00 AM      Motion to Associate  
Counsel**

**HEARD BY:** Sturman, Gloria

**COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Linda Denman

**RECORDER:** Kerry Esparza

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- NON-PARTY THEODORE SOBIESKI'S ("SOBIESKI") BY AND THROUGH HIS COUNSEL JOLLY URGAS, MOTION TO ASSOCIATE COUNSEL (S. TODD NEAL, ESQ.) was left on calendar for counsel to explain why the motion was filed in this closed case but supporting documentation referenced a current business court case. MATTER OFF CALENDAR.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Foreign Judgment**

**COURT MINUTES**

**March 18, 2015**

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A-12-670352-F      Far West Industries, Plaintiff(s)  
vs. Rio Vista Nevada, LLC , Defendant(s)

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**March 18, 2015      9:30 AM      Show Cause Hearing**

**HEARD BY:** Scotti, Richard F.      **COURTROOM:** Phoenix Building Courtroom -  
11th Floor

**COURT CLERK:** Keri Cromer

**RECORDER:**

**REPORTER:** Jennifer Church

**PARTIES**

**PRESENT:**      Hawley, John R.      Attorney

**JOURNAL ENTRIES**

- Mr. Hawley advised this was a foreign judgment and they had a six-year writ of garnishment. Court directed Mr. Hawley to contact Chambers if it could help in any way.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Foreign Judgment**

**COURT MINUTES**

**June 10, 2015**

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A-12-670352-F	Far West Industries, Plaintiff(s) vs. Rio Vista Nevada, LLC , Defendant(s)
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<b>June 10, 2015</b>	<b>9:00 AM</b>	<b>Motion for Protective Order</b>
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<b>HEARD BY:</b> Hardy, Joe	<b>COURTROOM:</b> Phoenix Building Courtroom - 11th Floor
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**COURT CLERK:** Jennifer Kimmel

**RECORDER:** Matt Yarbrough

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Edwards, F. Thomas	Attorney
	Gandara, Andrea	Attorney
	Hanseen, Tye S.	Attorney

**JOURNAL ENTRIES**

- Court stated its inclinations. Matter argued and submitted. Court stated, this case has a tortured history relating to the examination of the judgment debtor. Additionally the Defense has caused the Court concern given they have not provided any details about the travel schedule of the debtor, Mr. Mona, which should have been done.

COURT FINDS, Mr. Mona has been given sufficient notice to be present for the next examination. Accordingly, COURT ORDERED, Deft's counsel shall provide documents requested and they shall be either hand delivered to the Pltfs Counsel's office or through e-mail on or before 6/19/15.

COURT FURTHER ORDERED, parties shall reach an agreement as to the date of the examination of judgment debtor which shall occur on or between 6/23/15 and 6/30/15, as mutually convenient with the opposing side. Court directed counsel to accommodate the opposing side when setting this examination.

COURT stated, the Deft. cannot unilaterally decide not to answer some of the Pltf's questions simply

because he has previously answered those questions.

COURT admonished Deft. is under the obligation to not transfer any non-exempt asset(s).

Court directed Mr. Edwards, Esq. to prepare the Order and submit to Mr. Hanseen, Esq. for his review and signature.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Foreign Judgment****COURT MINUTES****July 09, 2015**

A-12-670352-F      Far West Industries, Plaintiff(s)  
vs. Rio Vista Nevada, LLC , Defendant(s)

**July 09, 2015      9:00 AM      Show Cause Hearing**

**HEARD BY:** Hardy, Joe      **COURTROOM:** Phoenix Building Courtroom -  
11th Floor

**COURT CLERK:** Jennifer Kimmel

**RECORDER:** Matt Yarbrough

**REPORTER:**

**PARTIES**

**PRESENT:**      Coffing, Terry A.      Attorney  
                 Edwards, F. Thomas      Attorney  
                 Gandara, Andrea      Attorney

**JOURNAL ENTRIES**

- Also present Mssrs. Ed Kainen, Esq. and Andrew Kynaston, Esq. in interest for Ms. Rhonda Mona as counsel in the divorce case. Mr. Coffing, Esq. present on behalf of Mr. Mona and Ms. Mona only as limited to this Motion for the Order to Show Cause (OSC) and Mr. Mona has waived any potential conflict concerning same.

Court having reviewed the Ex-parte Application for OSC, Order to Show Cause, Notice of Entry of Order on the OSC , Receipt of Copy and Mr. Mona s Response to the OSC, Pltf s Reply in support of the OSC as well as Mr. Mona s Supplement to the Response to the OSC, which was received yesterday, late. As well as several Nevada cases and cites and the exhibits attached to the briefs. Court is familiar with the issues and given the seriousness of these issues Court expects to entertain arguments. Courtesy copy of Ms. Mona's declaration was provided to the Court by Mr. Edwards.

Matter argued and submitted by Mr. Edwards. Court appreciates the concession by Pltf. that if Mr. or Mrs. Mona do want another Judge to rule on the contempt issue they are entitled to that right. Court did review that statute and a couple of the cases therefore COURT is NOT FINDING CONTEMPT by either Mr. or Ms. Mona, unless they want the Court to consider it today, and the Court would

presume they do not. Therefore the request for contempt is DENIED WITHOUT PREJUDICE and if the Pltf. wants to follow up with another Judge on that ground, the Court will consider whether or not sanctions should be issued.

The Court appreciates the supplement filed by Mr. Mona, and although the timing was not appreciated, the Court does find it to be understandable given the timing of the hearing today.

Matter argued and submitted by Mr. Coffing. Mr. Coffing concedes that Mr. Edwards offered to continue this hearing. Court inquired if counsel want a continuance to which Mr. Coffing advised there is injunctive language that his client could not live with within the time frame his and all interested parties would permit therefore it was necessary to go forward today. Court inquired as to why Mr. Mona has not provided the documents requested in the examination of judgment debtor, given he is the debtor. Mr. Coffing explained the bank accounts were no longer in Mr. Mona s name and they were no longer his records.

COURT ORDERED, matter is GRANTED in PART and DENIED in PART the sanctions requested.

Norwest and Hogevoll cases, cited by Mr. and Mrs. Mona do not apply in this situation. Those cases are distinguishable in that neither of them dealt with collection of judgment as we have here. Additionally the fact that appears undisputed that Ms. Mona had nothing to do with the underlying transactions is largely irrelevant at this judgment execution stage.

In the Opposition, Pg. 6, line 13 Mr. & Mrs. Mona s are in the process of a divorce but left out this fact at that proceedings were filed 7/2 and and both had testified in their examination shortly before the 7/2 hearing and did not indicate, at that time of any plans to get divorced.

The Monas argue that the Court does not have authority to rule, due to the pending divorce action, but they provide no authority by case law or statute that says a Judge must stay or defer ruling to a recently filed divorce proceeding that was initiated after the Court issued several Orders to Show Cause.

The Monas admit on Pg. 7, line 9 of their Opposition that the rule is that all property acquired after marriage is presumed to be community property and the Court agrees with that. It is undisputed the parties were married for thirty years. There has been no evidence , before the Court, that the assets and debts and property we are dealing with were acquired prior to their marriage and therefore the Considers those assets, debts and property to be community property due to lack of evidence to the contrary.

Court has authority under NRS 21.280 and 21.330 to order parties, judgment debtors and even non-parties, to the extent Ms. Mona is considered to be a non-party, not to transfer or dispose of assets as the Court has and is doing today.

COURT FINDS, regarding the Post-Marital Property Settlement Agreement after considering the

factors set forth in NRS 112.180(1)(a) that the distribution is or was a fraudulent transfer made to hinder, delay or otherwise defraud Pltf. in its efforts to execute on the judgment. Therefore COURT FINDS the property contained therein; the 6.8 million or so in proceeds does remain to be community property, subject to execution.

COURT FINDS, Mr. Mona lied on 11/25/13 examination regarding what he did with the stock sale proceeds ie: paid bills, which was obviously not entirely true. Then he indicated he paid off some debts, just personal bills and loaned 2.6 million to Roen Ventures. But at no time did he report or disclose, in either the document production or at his examination hearing of the purported transfer of 3.4 million to Ms. Mona. Sometimes, parties can say, I forgot however the problem with Mr. Mona taking that position is that the purported transfer occurred just a few weeks before his examination. Additionally COURT FINDS, Mr. Mona violated the 1/30/13 order by not producing the agreement or the bank account records that purportedly are Ms. Mona s separate bank account. COURT FINDS that those would constitute community property and should have been disclosed and were not. COURT further FINDS, Mr. Mona did violate the order of 10/7/13 to complete production of documents. Violated the 5/13/15 order by failing to produce the community property bank records. Specified these bank accounts are the Bank of George checking account, Bank of George Money Market Account and the Bank of Nevada checking account. Given the bank account numbers were not provided in Ms. Mona s examination the court does not have them and hopes this description is sufficient.

Under NRS 21.320 the money in the Bank of Georgia and Bank of Nevada is subject to and shall be used to satisfy this judgment in accordance with the rules of execution on judgment including the various exemptions that may apply.

Mr. Mona further admits he should have provided the Post Marital Agreement, thought he did produce it, but does not know why he did not disclose that information.

Court looks at the Nevada Supreme Court cited by Pltf. and Henry vs. Rizzolo case and FINDS transfer set forth in the Post Marital Agreement was transfer to an insider. There is some question as to whether Ms. Mona received 3.4 million or 2 million and if it was 2 million, certainly Mr. Mona, as the judgment debtor, did retain some possession or control after the ostensible transfer of 3.4 million. COURT FINDS the transfer was concealed and was not produced. Mr. Mona was not truthful in his answers at the examination.

Before the transfer was made, certainly the debtors, knew they had been sued and he had a judgment against him. The transfer was of substantially all of the debtor's assets as Mr. Mona testified he was insolvent. Again, debtor removed or concealed assets by effectuating that purported transfer and not disclosing it either in the production nor in the examination testimony. Additionally, the debtor was insolvent or became insolvent shortly after the transfer.

Court agrees with Pltf. in characterizing "Badges of Fraud" or factors and they are not an exhaustive list such as elements in a complaint and you do not have to meet every one of the factors to reach a



conclusion that a fraudulent transfer was made.

COURT ORDERED the purported transfer, pursuant to the Post-Marital Property Settlement Agreement is a fraudulent transfer, and the facts proving the fraudulent transfer, including badges of fraud as discussed previously, are deemed established. COURT issues an order entitling Plaintiff to execute upon the bank accounts at Bank of Georgia and Bank of Nevada in the name of Ms. Mona are deemed established.

- COURT FURTHER ORDERED, the Monas are prohibited from claiming that any money purportedly transferred pursuant to the Post-Marital Property Settlement Agreement and any money in the bank accounts in the name of Ms. Mona are exempt from execution. The Court does not issue 4, does not issue 5 as those are the contempt related sanctions.

COURT FURTHER ORDERED, Mr. and Ms. Mona, produce within seven days (7) from today, any previously undisclosed bank records for the past five years, regardless of whose name is on the account.

COURT FURTHER ORDERED, Pltf. awarded reasonable expenses, including attorney's fees and costs incurred, as a result of the failure to comply with the Court's orders. Pltf. is directed to submit a bill of fees and costs within seven (7) days from today. Court will not order Mr. Mona be imprisoned.

COURT FURTHER ORDERED, Mr. and Ms. Mona are prohibited from effectuating any transfer or otherwise disposing of or encumbering any property not exempt from execution until their assets have been applied toward satisfaction of Pltf's judgment.

Mr. Coffing moved for SEVEN (7) DAY STAY of the Court's ruling, additional argument ensued. COURT FURTHER ORDERED, request is GRANTED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Foreign Judgment**

**COURT MINUTES**

**September 17, 2015**

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A-12-670352-F	Far West Industries, Plaintiff(s) vs. Rio Vista Nevada, LLC , Defendant(s)
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**September 17, 2015      9:00 AM                      Motion**

**HEARD BY:** Hardy, Joe **COURTROOM:** Phoenix Building Courtroom -  
11th Floor

**COURT CLERK:** Jennifer Kimmel

**RECORDER:** Matt Yarbrough

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Coffing, Terry A.	Attorney
	Edwards, F. Thomas	Attorney
	Gandara, Andrea	Attorney

**JOURNAL ENTRIES**

- Court has reviewed the Pltff's Motion on an Order Shortening Time for Bond Pending Appeal, the attached exhibits , the Supreme Court order of 8/31/15, the Opposition to this Motion, the Nelson vs. Hear case and McCulloch vs. Genkins case as well as briefs submitted to the Court previously and the Court's 7/15/15 Order which gave rise to the Writ filed in front of the Supreme Court.

Matter argued and submitted. Mr. Edwards, Esq. provided a copy of the Divorce Decree to the Court for review. Argument resumed.

Court confirmed, Mr. Coffing, Esq. represents Mona Family Trust and Michael Mona and in a limited capacity for Rhonda Mona, as to rights only. COURT stated, it understands and agrees that as to Ms. Mona, she is not a judgment debtor but she has been affected by the Court's prior ruling, if the Court considers the writ and its affect on Ms. Mona. Court requests counsel to address argument as to Ms. Mona.

COURT ORDERED, Pltff's Motion for Bond Pending Appeal on an Order Shortening Time is GRANTED in PART, as follows: The to extent the Defts. Rio Vista Nevada, LLC, World

Development, Inc., Bruze Maize and Mr. Mona desire to have the present stay remain in place, as currently stayed by the Nevada Supreme Court, they shall be required to post a bond for Mr. Michael Mona in the amount of \$24,172,076.16 within SEVEN business (7) DAYS and to the extent Ms. Mona desires the stay to remain in place, she shall be required to post a bond in the amount of \$490,000.00 within THIRTY (30) DAYS.

Court stated its FINDINGS and REASONS as follows: Court FINDS the Nelson case 121 NV 832 to be the controlling Nevada case on point and in addition to the Nevada Supreme Court Order dated 8/31/15 as well as NRAP 8 and the NRCP 62 or the case dealing with supersedeas bonds. Court is applying the factors as set forth in Nelson vs. Hear. Factor one, complexity of collection process, the collection process in this case has been extremely complex, convoluted and time consuming attorney fee costs consuming, favors the Pltf. and Deft's posting a supersedeas bond. Factor two, the amount of time required to obtain a judgment after it is affirmed on appeal, there is already a valid judgment, which is not on appeal, therefore this factor favors the Pltf. Factor three, the degree of confidence the District Court has in the ability of funds to pay the judgment, Court has ZERO confidence given everything the Court has seen and heard, there is nothing that indicates the Defendants have the ability to pay the funds. Factor four, whether the Deft. ability to pay the judgment that costs would be a waste favors Deft's posting a full supersedeas bond. Hypothetically if the Deft's had a \$100,000. supersedeas bond against Apple, it would be clear that Apple would be able to pay same, which is not what we have in this case. Factor five, whether Deft. is in such a precarious financial situation that the requirement to post a bond would place other creditors of the Deft. in an insecure position - Defts' have not offered any evidence or cogent argument as to what other creditors they may be facing. Additionally Court appreciates the statement of counsel in terms of separating the judgment debtor Defendants from Ms. Rhonda Mona, which is why if the judgment debtor Defendants are ordered to post the full amount if they desire the stay to remain in place. As to all the Defendants as stated in the Nelson case the purpose of security for a stay pending appeal, was to protect the judgment creditor's ability to collect the judgment if it is affirmed by preserving the status quo and preventing prejudice to the creditor arising from the stay. However a supersedeas bond should not be the judgment debtors sole remedy, particularly where other appropriate, reliable alternatives exist. Thus the focus is properly on security while maintaining the status quo and protecting the judgment creditor pending an appeal. Not how "unusual" the circumstances are given the case may be [the part where the Supreme Court overruled the McCullough case.] In Nelson the Supreme Court did not fully overrule McCullough, except for portions of it, and some still apply particularly the statement in McCullough [which is still good law] "thus a supercedeas bond posted under NRCP 62 should usually be set in an amount that will permit full satisfaction of the judgment." District Court has the discretion to provide for a bond in a lesser amount or may permit security other than a bond. Accordingly, Court will exercise its discretion as to the Deft. judgment debtors and there is no reason, under Nelson, whereby they should be permitted a stay of execution with a bond less than the full amount and an alternative was not requested.

COURT FINDS, as to Rhonda Mona the facts, as Court finds them, apply to allow the Court to exercise its discretion to reduce the bond amount from \$24,000,000. to \$490,000.00. COURT FINDS, there was a sale of stock whereby \$6,813,202.20 came into Mr. Mona and from that arose the

agreement between Mr. & Mrs. Mona (which the Court believes to be fraudulent transfer) but nevertheless, assuming the agreement was valid, they split this amount in half whereby Ms. Mona (according to those documents and to which she may have later testified to the contrary), but according to that document she received \$3,406,601.10, which is the amount the Court would have found to be appropriate for a supersedeas bond as to Ms. Mona, however, the Court accepts the limitation suggested by Pltf's counsel for an amount of \$4980,000. given the amounts that we think may have been in her bank accounts. Court understands that we are not sure because part of what has occurred is we don't have adequate records that the Court previously ordered produced, noting that the Nevada Supreme Court did stay the Court's order in that regard. Court agrees that as stated by Mr. Coffing, that Ms. Mona is not in the same position as the judgment debtors as both sides are familiar with. First she is not a judgment debtor Deft. in this action. Second, the underlying judgment arose from the actions of Mr. Mona and the other judgment debtors and not through any involvement of Ms. Mona. In going back to the Nelson factors: 1) complexity of the collection process COURT FINDS this factor favors the reduction to the \$490,000. but not to zero. In keeping it at that amount we have judgment debtor examination that was under taken, records that were requested that were not fully disclosed by Mr. and Ms. Mona and still have not been disclosed (understandably due to the stay now in place). Court is concerned and it does factor in the granting of the \$490,000. ordered, with the loan from Mrs. Mona to her son that admittedly was not fully documented and no evidence of payments have been provided. The divorce decree causes the Court to hesitate, although not enough to order the full \$24 Million bond, the collection process is not as complex as the other judgment debtors in this case. The amount of time required to obtain a judgment after it is affirmed on appeal, Court thinks that primarily this factor does not apply, however the Court thinks that if we had a case right on point with facts akin to ours, that the Nevada Supreme Court would clarify that such that the factor would apply. Court thinks it would be modified such that it would be the amount of time it would be to obtain an affirmation of the Court's ruling, which does not favor granting a full bond amount. 3) the degree of confidence the District Court has in Ms. Mona's ability to pay the either the order or the judgment or a portion of the judgment, Court has no confidence and this factor may favor a \$24 million bond for her. 4) Ms. Mona's ability to pay either the judgment or any portion thereof or comply with the Court's order, which is stayed now, is not so plain that the cost of a bond would not be a waste of money. - 5) Whether Ms. Mona is in such a precarious financial situation that the requirement to post a bond would place other creditors, of Ms. Mona, in a precarious position. And the Court thinks this factor weighs in favor of reducing the bond to be posted by Ms. Mona from the full \$24 million to \$490,000. in order to continue a stay of this Court's order from which Ms. Mona and Defendants have sought writ relief from the Nevada Supreme Court.

In going back to the Order from the Supreme Court they state, "...we note that a bond would be an appropriate method to protect a real party in interest ability to eventually execute on their judgment and as explained above, the District Court is the proper forum to seek a bond."

Some discussion was touched upon, at least in the opposition, we can't post a bond in three days as requested in the Motion. Accordingly, Court will entertained additional argument from counsel. COURT FURTHER ORDERED, that Ms. Mona have 30 days to post a bond and Defendants have 7

days to post a bond. Court clarified that none of Defendants nor Mrs. Mona are being ordered to post such a bond; however, postings are required to stay further enforcement of the Court's order.

Counsel may clarify that Rio Vista is no longer in the caption and the reason for such, within the Order.

Court directed Mr. Edwards to prepare the Order and submit to Mr. Coffing for his review and signature prior to submitting to the Court for signature.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Foreign Judgment****COURT MINUTES****March 17, 2016**

A-12-670352-F

Far West Industries, Plaintiff(s)  
vs. Rio Vista Nevada, LLC , Defendant(s)

**March 17, 2016****3:00 AM****Minute Order****HEARD BY:** Hardy, Joe**COURTROOM:** Chambers**COURT CLERK:** Kristin Duncan**RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- COURT ORDERED, Plaintiff s three motions (A) Plaintiff Far West Industries Motion for Determination of Priority of Garnishment; (B) Plaintiff Far West Industries Motion: (1) for Default Judgment Against Roen Ventures, LLC for Untimely Answers for Writ of Garnishment and Interrogatories; and (2) to Compel Roen Ventures, LLC s Turnover of Payments Made to, On Behalf of, or for the Benefit of Michael J. Mona, Jr.; and (C) Plaintiff Far West Industries Motion to Reduce Sanctions Order to Judgment and Michael Mona s Countermotion to Discharge Garnishment and for Return of Proceeds are CONTINUED to March 30, 2016, at 9:00 a.m., due to Plaintiff s failure to timely provide complete sets of courtesy copies pursuant to EDCR 2.20(g). The Court requires full sets of the pending motions along with the oppositions, replies, and any other relevant briefing.

EDCR 2.20(g) provides: Whenever a motion is contested, a courtesy copy shall be delivered by the movant to the appropriate department at least 5 judicial days prior to the date of the hearing, along with all related briefing, affidavits, and exhibits. (emphasis added). Due to the voluminous nature of the briefs and exhibits here, the Court requests Plaintiff (movant) provide the sets of courtesy copies in binders that facilitate easy, accessible viewing. The binders shall be provided to the Court on or before March 23, 2016.

CLERK'S NOTE: A copy of this minute order e-mailed to: F. Thomas Edwards, Esq. [tedwards@nevadafirm.com], Terry A. Coffing, Esq. [tcoffing@maclaw.com], James Whitmire, Esq. [jwhitmire@santoronevada.com], Erika Pike Turner, Esq. [eturner@gordonsilver.com], and William

Urga, Esq. [wru@juww.com]. (KD 3/17/16)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Foreign Judgment****COURT MINUTES****March 30, 2016**

A-12-670352-F      Far West Industries, Plaintiff(s)  
vs. Rio Vista Nevada, LLC , Defendant(s)

**March 30, 2016      9:00 AM      All Pending Motions**

**HEARD BY:** Hardy, Joe      **COURTROOM:** Phoenix Building Courtroom -  
11th Floor

**COURT CLERK:** Kristin Duncan

**RECORDER:** Matt Yarbrough

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Ciciliano, Dylan T.	Attorney
	Coffing, Terry A.	Attorney
	Edwards, F. Thomas	Attorney
	Gandara, Andrea	Attorney
	Hansen, Tye S.	Attorney
	Whitmire III, James E.	Attorney

**JOURNAL ENTRIES**

- The Court noted the questions it had regarding the pending Motions, and requested counsel address certain points in their arguments.

PLAINTIFF FAR WEST INDUSTRIES' MOTION: (1) FOR DEFAULT JUDGMENT AGAINST ROEN VENTURES, LLC FOR UNTIMELY ANSWERS TO WRIT OF GARNISHMENT AND INTERROGATORIES; AND (2) TO COMPEL ROEN VENTURES LLC'S TURNOVER OF PAYMENTS MADE TO, ON BEHALF OF, OR FOR THE BENEFIT OF MICHAEL J. MONA, JR...THIRD PARTY ROEN VENTURES, LLC'S OPPOSITION TO PLAINTIFF FAR WEST INDUSTRIES' MOTION; (1) FOR DEFAULT JUDGMENT AGAINST ROEN VENTURES, LLC FOR UNTIMELY ANSWERS TO WRIT OF GARNISHMENT INTERROGATORIES; AND (2) TO COMPEL ROEN VENTURES, LLC'S TURNOVER OF PAYMENTS MADE TO, ON BEHALF OF, OR FOR THE BENEFIT OF MICHAEL J. MONA, JR.; AND COUNTERMOTION FOR ATTORNEY'S FEES AND



## COSTS

Mr. Edwards argued in support of Plaintiff Far West Industries' Motion, advising that NRS 31.290(2) stated that a garnishee shall be named in default for failing to answer Interrogatories within the required twenty (20) day time frame. Additionally, Mr. Edwards rebutted Roen Ventures' argument that he had violated professional rule of conduct 3.5(a), stating that said argument was a tactic for Roen Ventures to avoid severe sanctions, and did not apply in the instant case. Furthermore, Mr. Edwards argued that NRCP 55 had been complied with, and the default against Roen Ventures was authentic. As to the requested relief, Mr. Edwards stated that it was Plaintiff's position that they were entitled to the \$24,000,000.00 listed on the Writ. Mr. Ciciliano argued in opposition, stating that Roen Ventures was two days late filing their Answer to Interrogatories, and an explanation for the late filing was provided in their declaration; however, to argued that NRS 31.290(2) called for the entry of a \$24,000,000.00 default judgment was improper. Upon Court's inquiry regarding the six month pre-payment of Mr. Mona's mortgage, Mr. Ciciliano indicated that his firm had agreed to accept service of the Writ of Garnishment in June of 2015, and the Writ was subsequently served on the incorrect party, instead of Roen Ventures; therefore, he was unsure whether his client was aware of the Writ when the mortgage pre-payment was made. The Court inquired as to whether Mr. Ciciliano's firm's offer to accept service of the Writ of Garnishment extended into the relevant time frame of December of 2015 and January of 2016. Mr. Ciciliano advised that the offer was of the table at the times mentioned by the Court. The Court noted for the record that it did not appreciate Mr. Ciciliano's representations that his firm had agreed to accept service, when in fact, they had withdrawn that offer during the relevant time frame of December of 2015 through January of 2016. COURT ORDERED Plaintiff Far West Industries' Motion GRANTED IN PART as to the amounts due under the management agreement that were currently due and owing, or may become due and owing, those amounts potentially being those payments due from July of 2016 through however long the management agreement may still be in place, pursuant to the arguments set forth in the Motion and Reply, and pursuant to NRS 21.320. COURT ORDERED Plaintiff Far West Industries' Motion DENIED IN PART as to the remainder of the requested relief, for the following reasons: (1) lack of a specified value for the property, or the amount of money in the Writ of Garnishment as set forth in NRS 31.320(1)(a); pursuant to Nevada law, as well as the rules of civil procedure regarding defaults and judgments, no basis could be found to award the requested \$24,000,000.00 default judgment due to the Answers to Interrogatories being two (2) days late; and (3) under NRS 31.320(2), waiting until after a judgment was entered to be able to relieve a garnishee does not make sense, and would lead to an absurd result; therefore, although the language in that subsection refers to there already being a judgment in place, waiting for said circumstances to occur in the instant case would lead to an absurd result. COURT FURTHER ORDERED the Countermotion for Attorney's Fees and Costs was hereby DENIED, due to the lack of candor on the part of Mr. Ciciliano regarding his firm's willingness to accept service of the Writ. Mr. Edwards to prepare the Order and forward it to Mr. Ciciliano for approval as to form and content.

Mr. Ciciliano exited the courtroom, as none of the other pending Motions concerned his client.

PLAINTIFF FAR WEST INDUSTRIES' MOTION FOR DETERMINATION OF PRIORITY OF GARNISHMENT...MONA'S OPPOSITION TO FAR WEST'S MOTION FOR DETERMINATION OF PRIORITY OF GARNISHMENT AND COUNTERMOTION TO DISCHARGE GARNISHMENT AND FOR RETURN OF PROCEEDS

Mr. Edwards argued in support of Far West Industries' Motion, stating that the fraud judgment was entered against the Monas in April of 2012, and judgment debtor exams were held in June of 2015, at which time the Monas testified that they had no plans to divorce; subsequently, the Monas filed for divorce on July 2, 2015, when they realized Plaintiffs would be garnishing their community property, and the divorce was finalized on July 23, 2015. Additionally, Mr. Edwards argued that Nevada did not have an alimony priority; therefore, the judgment in the instant case - having been entered in April of 2012 - should have priority over the decree of divorce and any alimony payments, based upon the time at which each interest arose. Mr. Hanseen argued in opposition, stating that the Monas' divorce was valid and binding, and that first interests had nothing to do with the Federal garnishment restrictions, nor did they have anything to do with the Federal cap on garnishment withholdings. Additionally, Mr. Hanseen argued that support orders had a maximum of 60% for withholdings, and the maximum was still 60% when dealing with multiple garnishments; therefore, not determining that the support order had priority over the judgment in the instant case would be a violation of Federal law.

Mr. Hanseen argued in support of the Countermotion, citing U.S. Code 15, subsection 1672(c), and stating that the garnishments withheld from August 1, 2015, onwards should be returned, as they were in excess of the statutory caps.

COURT ORDERED Plaintiff Far West Industries' Motion for Determination of Property, as well as the Countermotion to Discharge were hereby TAKEN UNDER ADVISEMENT, in order to allow the Court to perform an additional review of the cases and statutes cited in the briefs; a written Order shall issue.

PLAINTIFF FAR WEST INDUSTRIES' MOTION TO REDUCE SANCTIONS ORDER TO JUDGMENT

Mr. Edwards argued in support of the Motion, stating that this Court entered a final judgment regarding the issue of fraudulent transfer, and Plaintiff was entitled to proceed despite the fact that the issue was up on appeal. Additionally, Mr. Edwards argued that NRS 112.220(2) allowed for a judgment to be entered against the transferee (Rhonda Mona) in the amount of the fraudulent transfer. Furthermore, Mr. Edwards argued for \$11,000.00 in attorney's fees, as well as fees and costs, for having to prepare and argue the instant Motion. Mr. Whitmire argued in opposition, stating that Rhonda Mona was never served as a party in the instant action; therefore, the Court did not have jurisdiction to enter a judgment against her. COURT ORDERED Motion CONTINUED to allow the parties to submit SUPPLEMENTAL BRIEFING on the following issues: (1) estoppel in terms of the representation made to Judge Bare that there was a final judgment in the instant case; (2) whether the

Court could say that Plaintiff Far West would be permitted to execute on the Order that had already been entered regarding the fraudulent transfer, regardless of whether it was a final judgment; (3) the "execution" of the bank accounts; and (4) that the \$3.4 million Order or judgment was essentially tracking the funds that this Court already ruled had been fraudulently transferred to Rhonda Mona. Colloquy regarding the briefing schedule. COURT FURTHER ORDERED a BRIEFING SCHEDULE SET as follows: simultaneous supplemental briefs to be SUBMITTED BY April 22, 2016, no later than 5:00 PM. The Court noted for the record that the parties were not limited in their supplemental briefs to the issues the Court raised, and the parties could enter into a stipulation if they felt the due date for the supplemental briefs needed to be extended.

5/5/16 9:00 AM PLAINTIFF FAR WEST INDUSTRIES' MOTION TO REDUCE SANCTIONS ORDER TO JUDGMENT

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Foreign Judgment****COURT MINUTES****May 05, 2016**

A-12-670352-F      Far West Industries, Plaintiff(s)  
vs. Rio Vista Nevada, LLC , Defendant(s)

**May 05, 2016****9:00 AM****Motion****HEARD BY:** Hardy, Joe**COURTROOM:** Phoenix Building Courtroom -  
11th Floor**COURT CLERK:** Kristin Duncan**RECORDER:** Matt Yarbrough**REPORTER:****PARTIES****PRESENT:**

Coffing, Terry A.	Attorney
Edwards, F. Thomas	Attorney
Gandara, Andrea	Attorney
Hanseen, Tye S.	Attorney
Whitmire III, James E.	Attorney

**JOURNAL ENTRIES**

- The Court provided its initial thoughts regarding the Motion, including its reading of NRS 112.210(2) and NRS 112.240. Mr. Edwards stated the history of the case, including the fraudulent transfers the Court found had been made by Ms. Mona. Regarding the requested relief, Mr. Edwards argued that the Court held jurisdiction over Rhonda Mona by virtue of its sanctions Order against her, and said Order should be converted to a final judgment due to Ms. Mona's violation of the Court's Order. Mr. Coffing argued in opposition, stating that the estoppel argument failed, because all the elements had not been met. Mr. Whitmire also argued in opposition, stating that the Court did not have jurisdiction to enter an Order against an individual who was a non-party. Regarding the issue of fraudulent transfer, Mr. Whitmire argued that said issue needed to be litigated as a separate action to allow for due process under Nevada law. Pursuant to NRS 112.210(2), as well as the Court's powers in equity as statutorily confirmed under NRS 112.240, COURT ORDERED Motion GRANTED, FINDING that Plaintiff Far West Industries would be PERMITTED TO EXECUTE and COLLECT on the assets of Rhonda Mona, that amount being limited to \$490,000.00 at the time of this ruling, including any applicable interest as calculated from the date of the sanctions Order (7/15/15)

to today's date (5/5/16), for the following reasons: (1) Plaintiff was a creditor with a judgment on a debtor, said debtor being Michael Mona; (2) Nevada being a community property State, the entirety of the marital estate was subject to the judgment against Michael Mona; (3) Plaintiff has met most of the elements of judicial estoppel, but not all; however, the Nevada Supreme Court found in Mainor v. Nault, that not all of the elements were necessary, in particular the party being successful in asserting their first position; (4) the Court had previously FOUND that a fraudulent transfer was made by Rhonda Mona in the amount of \$3,400,000.00, so whether or not Ms. Mona was a party to the instant case at that time, she did receive the benefit of \$3,400,000.00 to the detriment of Plaintiff Far West Industries; (5) when the Court inquired of Rhonda Mona's counsel whether she would be willing to withdraw the claim preclusion argument as part of the Motion to Dismiss on the second cause of action in front of Judge Bare, Ms. Mona's counsel could not commit to doing that; (6) Rhonda Mona withdrew funds subsequent to the dissolution of the stay that was in place; and (7) although this matter was in front of the Nevada Supreme Court on a Writ, that did not permit Ms. Mona to violate the Court's Order after the stay was no longer in place.

Mr. Edwards to prepare the Proposed Order and forward it to opposing counsel for approval as to form and content; if the parties were unable to agree upon the language in Mr. Edwards proposed Order, competing Proposed Orders could be submitted to the Court.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Foreign Judgment****COURT MINUTES****June 21, 2016**

A-12-670352-F

Far West Industries, Plaintiff(s)  
vs. Rio Vista Nevada, LLC , Defendant(s)

**June 21, 2016****3:00 AM****Minute Order****HEARD BY:** Hardy, Joe**COURTROOM:** Chambers**COURT CLERK:** Kristin Duncan**RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- PLAINTIFF FAR WEST INDUSTRIES' MOTION FOR DETERMINATION OF PRIORITY OF GARNISHMENT...MONA'S OPPOSITION TO FAR WEST'S MOTION FOR DETERMINATION OF PRIORITY OF GARNISHMENT AND COUNTERMOTION TO DISCHARGE GARNISHMENT AND FOR RETURN OF PROCEEDS

Having reviewed the parties pleadings and briefs herein, including, but not limited to, Plaintiff Far West Industries ( Plaintiff ) Motion for Determination of Priority of Garnishment ( Motion ); Defendant Michael J. Mona s ( Defendant ) Opposition to Far West s Motion for Determination of Priority of Garnishment and Countermotion to Discharge Garnishment and for Return of Proceeds ( Opposition and Countermotion, respectively); Plaintiff Far West Industries Reply to Mona s Opposition to Far West s Motion for Determination of Priority of Garnishment and Opposition to Countermotion to Discharge Garnishment and for Return of Proceeds; and Defendant s Reply in Support of Countermotion to Discharge Garnishment and for Return of Proceeds, and having held argument on March 30, 2016 and taken this matter under advisement, the Court GRANTS Plaintiff s Motion and DENIES Defendant s Countermotion as follows:

Plaintiff obtained a judgment of over \$18 million from a California state court against Defendant on April 27, 2012. Plaintiff domesticated the judgment in Nevada and has been garnishing Defendant s wages since December 2013 at approximately \$1,950 on a bi-weekly basis. In December 2015, Plaintiff

obtained a new Writ of Execution for Defendant s earnings, which was served on Defendant s employer on January 7, 2016. On January 28, 2016, Plaintiff received Defendant s Interrogatories in response to the Writ of Garnishment indicating that Defendant s weekly gross earnings totaled \$11,538.56, with deductions required by law totaling \$8,621.62. The deductions required by law excluded from Defendant s gross earnings comprised of federal income tax, Social Security, Medicare, and \$4,615.39 in alimony payments to Defendant s ex-wife, Rhonda Mona ( Ms. Mona ). Based on those deductions, payments to Plaintiff decreased to less than \$750. Plaintiff subsequently filed its Motion for Determination of Priority of Garnishment requesting that this Court establish priority between Plaintiff s garnishment and Ms. Mona s alimony claim.

#### I. Amount and Priority of Garnishments

Under federal law the maximum amount of wages that may be garnished in any workweek may not exceed either (1) 25% of an individual s disposable earnings or (2) the amount by which the individual s disposable earnings for that week exceed thirty times the Federal minimum hourly wage, whichever is less. In the event of a garnishment pursuant to an order for the support of a person, the maximum aggregate disposable earnings of an individual, where such individual is not supporting a spouse or dependent child, may not exceed 60% of the individual s disposable earnings for that week. When an issue arises as to multiple garnishments, priority is determined by state law or other federal law. Nevada law mirrors the provisions set forth in 15 U.S.C. 1673, and states that the aggregate disposable earnings subject to garnishment may not exceed 25%, with a maximum of 60% where there is an order for the support of a person. As to priority of claims, Nevada law gives the Court discretion in determining the priority and method of satisfying claims, except that any writ to satisfy a judgment for child support must be given first priority pursuant to NRS 31.249(5). Defendant identifies several states that grant garnishment priority to spousal support orders. However, applying such a priority to Ms. Mona s alimony is not supported by Nevada law, which provides garnishment priority solely to child support orders. Thus, unlike the cases cited by Defendant, it is inappropriate to award priority to Ms. Mona s alimony claim because such a priority is simply not supported by Nevada law. Since Ms. Mona s alimony claim is not automatically entitled to priority under Nevada law, this Court has discretion to determine priority between Plaintiff s garnishment and Ms. Mona s alimony claim pursuant to NRS 31.249.

#### II. Priority of Garnishments

Nevada case law regarding priority of garnishments is limited. However, in *First Interstate Bank of California v. H.C.T.*, the Nevada Supreme Court held that priority depends on which interest is first in time, and agreed with a Sixth Circuit case that the rights of the parties are determined from the date of the award. In this case, Plaintiff s April 27, 2012 judgment clearly pre-dates the July 23, 2015 Divorce Decree. Even if the date of Plaintiff s first garnishment is used as the date for determining priority, Plaintiff s interest would still be first in time, as Plaintiff s first garnishment of Defendant s wages occurred on December 13, 2013.

The Court in *First Interstate* further provided that as between an assignment and a garnishment, an assignment takes priority over a writ of garnishment only to the extent that the consideration given for the assignment represents an antecedent debt or present advance. Under this test, Ms. Mona s alimony, paid via a direct wage assignment through Defendant s employer, takes priority only if it

represents consideration for an antecedent debt or present advance. In this case, Defendant's obligation under the Decree of Divorce represents only a court order to pay monthly alimony to Ms. Mona, and was not ordered as consideration for an antecedent debt or present advance. Thus, Plaintiff's judgment still takes priority even under this analysis.

### III. Expiration

Defendant claims that Plaintiff's status as first in time was lost when Plaintiff's garnishment expired. However, Plaintiff was prevented from renewing its garnishment for four months (from July 20, 2015 to November 30, 2015) because of a stay pending an appeal instituted by Defendant and Ms. Mona. Plaintiff obtained a new garnishment immediately after expiration of the stay on December 1, 2015. It would be inequitable for Plaintiff's garnishment to lose its position to Ms. Mona's ongoing support order simply because it was prevented from renewing its garnishment during the four month period when the case was stayed.

### IV. Defendant's Motion to Discharge the Writ

In his Countermotion to Discharge Writ and Return Funds to Mona, Defendant cites to NRS 31.045(2) in asserting his right to move for discharge of the writ. As Plaintiff correctly asserts, NRS 31.200 states that a Defendant may move for discharge of an attachment on the following grounds:

- (a) That the writ was improperly or improvidently issued;
- (b) That the property levied upon is exempt from execution or necessary and required by the defendant for the support and maintenance of the defendant and members of the defendant's family;
- (c) That the levy is excessive.

In his countermotion, Defendant incorporates by reference the facts, law, and analysis included in his Opposition, but does not specifically address which, if any, of the three parameters of NRS 31.200 he bases his motion.

Furthermore, Defendant's request that Plaintiff return any excess garnishment fails to address why Plaintiff, and not Defendant's employer Cannavest, should be required to remit any excess garnishment to Defendant. Defendant provided no controlling or persuasive authority requiring a judgment creditor to return funds that an employee claims were overpaid.

In light of the foregoing, this Court finds that because Plaintiff's garnishment predates the Decree of Divorce, Plaintiff's garnishment is entitled to priority over Ms. Mona's alimony claim, and Plaintiff is entitled to garnish 25% of Defendant's disposable earnings (calculated by subtracting federal taxes, Social Security, and Medicare from Defendant's biweekly salary) before any deductions may be made to satisfy Ms. Mona's alimony claim. Furthermore, there are no facts supporting Defendant's countermotion for discharge under NRS 31.200. To the extent that Defendant's employer Cannavest garnished Defendant's wages in an amount exceeding what it was allowed, Defendant may seek reimbursement directly from Cannavest.

Based on the foregoing, and good cause appearing:

IT IS HEREBY ORDERED that Plaintiff's garnishment is entitled to take priority over Ms. Mona's alimony claim.

IT IS FURTHER ORDERED that Plaintiff is entitled to garnish 25% of Defendant's disposable earnings, calculated by subtracting federal taxes, Social Security, and Medicare from Defendant's



biweekly earnings. Any amount in excess of 25% of Defendant s disposable earnings may be applied to satisfy Ms. Mona s alimony claim.

IT IS FURTHER ORDERED that Defendant s Countermotion to Discharge Garnishment and for Return of Proceeds is DENIED.

CLERK'S NOTE: A copy of this minute order was e-mailed to: Thomas Edwards, Esq. [tedwards@nevadafirm.com], Terry Coffing, Esq. [tcoffing@maclaw.com], James Whitmire, III, Esq. [jwhitmire@santoronevada.com], Erika Pike Turner, Esq. [eturner@gtg.legal], and William Urga, Esq. [wru@juwww.com]. (KD 6/21/16)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Foreign Judgment****COURT MINUTES****August 01, 2016**

A-12-670352-F      Far West Industries, Plaintiff(s)  
vs. Rio Vista Nevada, LLC , Defendant(s)

**August 01, 2016      9:00 AM      Objection**

**HEARD BY:** Hardy, Joe      **COURTROOM:** Phoenix Building Courtroom -  
11th Floor

**COURT CLERK:** Kristin Duncan

**RECORDER:** Matt Yarbrough

**REPORTER:**

**PARTIES**

**PRESENT:**      Edwards, F. Thomas      Attorney  
                         Gandara, Andrea      Attorney  
                         Hanseen, Tye S.      Attorney

**JOURNAL ENTRIES**

- The Court provided its initial thoughts and inclinations regarding the Objection. Mr. Edwards argued in support of the pleadings, stating that the Claim of Exemption was filed under NRS 21.122, which only allowed for the Claim to be filed, and did not allow for any supplemental pleadings. Additionally, Mr. Edwards argued that the supplemental filing was an effort to file a Motion for reconsideration, which would have been due by July 8, 2016. Mr. Hanseen argued in opposition, stating that the Claim for Exemption was not a request for reconsideration, as it was addressing the July 2016 Writ of Garnishment, and not the December 2015 Writ of Garnishment. Upon Court's inquiry regarding whether the Judgment Debtor was required to execute the Claim from Exemption under penalty of perjury pursuant to NRS 21.112(1), Mr. Hanseen stated that he filed a Declaration under penalty of perjury on behalf of his client pursuant to NRS 53.045. Furthermore, Mr. Hanseen argued that the Writ of Garnishments expired after one hundred twenty days, and now that the December 2015 Garnishment had expired, the support Order should take priority. COURT ORDERED Plaintiff's Objection was hereby SUSTAINED / GRANTED, FINDING the following: (1) the Claim of Exemption filed on July 15, 2016, was insufficient under NRS 21.112, subsection 1 and 2 in particular; (2) the Claim of Exemption stated, "On information and belief, the property or money taken (or to be taken) from Mona pursuant to the Writ of Execution is exempt from execution. Mona

makes the following objection/claims the following exemptions...", and then proceeded to list statutes, which was not sufficient to provide the Court notice of what was being claimed as exempt; (3) the Claim of Exemption was required to be executed in the manner of NRS 53.045(1), and to the extent that the statute was ambiguous, its purpose was to have the judgment debtor, not their counsel, execute the Claim under penalty of perjury; (4) the creditor must have the ability to question the judgment debtor's statements under penalty of perjury, and the judgment creditor permitting execution of the Claim of Exemption under penalty of perjury by their counsel, would frustrate the purpose of the statute; (5) NRS 53.045(2) states that the clerk shall provide the Claim of Exemption form, and having compared the form provided by the Eighth Judicial District Court Clerk's Office, to the document submitted by Michael J. Mona, Jr.'s counsel, the generic language in the Claim of Exemption submitted to the Court was found to be insufficient; (6) due to the insufficiency of the Claim of Exemption, the Court did not need to address/rule on any other arguments. The COURT FURTHER ORDERED that, to the extent that any Countermotion had been brought before the Court on this date, it was hereby DENIED. Mr. Edwards to prepare the Order and forward it to Mr. Hanseen for approval as to form and content.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Foreign Judgment**

**COURT MINUTES**

**December 05, 2016**

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A-12-670352-F	Far West Industries, Plaintiff(s) vs. Rio Vista Nevada, LLC , Defendant(s)
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**December 05, 2016      9:00 AM      Objection**

**HEARD BY:** Thompson, Charles      **COURTROOM:** Phoenix Building Courtroom -  
11th Floor

**COURT CLERK:** Kristin Duncan

**RECORDER:** Matt Yarbrough

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Edwards, F. Thomas	Attorney
	Hansen, Tye S.	Attorney

**JOURNAL ENTRIES**

- Due to Judge Hardy's unavailability during the instant hearing, COURT ORDERED the Motion was hereby CONTINUED. Counsel indicated they would discuss the continuance date, and would notify the Court of a date that worked for both parties. COURT ORDERED Motion CONTINUED; continuance date to be determined.

CONTINUED TO: 12/15/16 9:00 AM

CLERK'S NOTE: Counsel notified the Court (subsequent to open court) that they wished to have the instant Motion continued to December 15, 2016.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Foreign Judgment

## COURT MINUTES

**December 15, 2016**

A-12-670352-F      Far West Industries, Plaintiff(s)  
vs. Rio Vista Nevada, LLC , Defendant(s)

December 15, 2016	9:00 AM	Objection
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**HEARD BY:** Hardy, Joe

**COURTROOM:** Phoenix Building Courtroom - 11th Floor

**COURT CLERK:** Kristin Duncan

**RECORDER:** Matt Yarbrough

**REPORTER:**

## PARTIES

**PRESENT:** Edwards, F. Thomas Attorney  
Hansen, Tye S. Attorney

## JOURNAL ENTRIES

- Mr. Hanseen argued in support of the Claim of Exemption from Execution, stating that Plaintiff failed to tender a \$5.00 check to the Garnishee at the time the Writ of Garnishment was served; therefore, Plaintiff failed to comply with NRS 31.270(2), and service was incomplete. Additionally, Mr. Hanseen argued that a copy of the Writ and Notice of Execution were not provided to the Garnishee Defendant, which was a violation of NRS 31.260. Mr. Edwards argued in support of Plaintiff Far West Industries' Objection, stating that Plaintiff's claim had first priority over any claims for alimony. COURT ORDERED the Claim of Exemption from Execution was hereby GRANTED, FINDING the following; (1) Plaintiff failed to comply with the language contained in NRS 31.270(2); therefore a condition of service had not been met; and (2) the Court agreed with the interpretation that the Garnishee and the Garnishee Defendant were NOT Michael J. Mona, Jr., regardless of whether CV Sciences was his company. COURT FURTHER ORDERED Plaintiff Far West Industries' Objection to Claim of Exemption was hereby OVERRULED WITHOUT PREJUDICE, and the Motion for Attorney's Fees and Costs was DENIED WITHOUT PREJUDICE. Mr. Hanseen to prepare the Order and forward it to Mr. Edwards for approval as to form and content.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Foreign Judgment****COURT MINUTES****February 21, 2017**

A-12-670352-F      Far West Industries, Plaintiff(s)  
vs. Rio Vista Nevada, LLC , Defendant(s)

**February 21, 2017      9:00 AM      Motion**

**HEARD BY:** Hardy, Joe      **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Kristin Duncan

**RECORDER:** Matt Yarbrough

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Coffing, Terry A.	Attorney
	Edwards, F. Thomas	Attorney
	Gandara, Andrea	Attorney

**JOURNAL ENTRIES**

- Mr. Edwards argued in support of the Motion, stating that Defendant had violated two Court Orders, and defrauded the carrier by transferring money to his ex-wife. Additionally, Mr. Edwards noted that Plaintiff was not seeking sanctions, nor were they seeking a finding of contempt; Civil Arrest Statute cited. Upon Court's inquiry regarding what would happen upon the Defendant's arrest, Mr. Edwards represented that Michael Mona would remain in custody until the amount set forth in the Order was satisfied. Mr. Coffing argued in opposition, stating that Plaintiff had no proof that Mr. Mona was concealing any monies, which was the proof required to show there was a coercive element, which would allow for a civil arrest. Upon Court's inquiry, Mr. Coffing stated that the Civil Arrest Statute was last applied in 1884. COURT ORDERED Motion DENIED WITHOUT PREJUDICE, FINDING the following: (1) NRS 31.480 stated that Defendant MAY be arrested, and then listed five subsections which to apply to a case's circumstances; (2) although NRS 31.480(4) and NRS 31.480(5) may apply to the circumstances in the instant case, the first sentence of the statute used the work "MAY", which would indicate that the Court has discretion on whether to permit an arrest; (3) under the facts and circumstances of the instant case, it was appropriate for the Court to exercise its discretion on the record before it; (4) the last Nevada case to apply the Civil Arrest Statute was in 1884, which would indicate that it was not a standard practice in judgment collection; (5) the legal arguments contained in the block quote on page 6, subsection B of Defendant's Opposition,

supported the exercise of the Court's discretion, as well as the argument that the requested remedy of arrest was an extreme one; (6) the legal arguments contained on page 7, lines 12-14 of Defendant's Opposition, supported the Court's decision; and (7) the arguments contained in the first paragraph of subsection E, on page 11 of Defendant's Opposition, supported the Court's decision. Mr. Coffing to prepare the Order and forward it to Mr. Edwards for approval as to form and content.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Foreign Judgment****COURT MINUTES****June 14, 2017**

A-12-670352-F      Far West Industries, Plaintiff(s)  
vs. Rio Vista Nevada, LLC , Defendant(s)

**June 14, 2017      9:00 AM      Objection**

**HEARD BY:** Hardy, Joe      **COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Kristin Duncan

**RECORDER:** Matt Yarbrough

**REPORTER:**

**PARTIES**

**PRESENT:**      Edwards, F. Thomas      Attorney  
                         Gandara, Andrea      Attorney  
                         Hanseen, Tye S.      Attorney

**JOURNAL ENTRIES**

- Mr. Hanseen argued in support of the Claim of Exemption, incorporating his arguments from prior hearings, and stating that it was Defendants' position that spousal support was not an assignment. Mr. Edwards argued in support of the Objections, stating that priority was determine by which interest was first in time, and the Court had previously found that Plaintiff's judgment had priority under Nevada law. COURT ORDERED that its ruling from June 21, 2016, would STAND and would be INCORPORATED into the instant ruling, whereby the Plaintiff's OBJECTION would be UPHELD and the Exemption would be stricken, FINDING the following: (1) the divorce decree was not a garnishment, it was an Order or Judgment; (2) alternatively, if the Court considered the divorce decree as a garnishment, then it would be subject to the one-hundred-twenty (120) day expiration date, which passed quite some time prior to the instant hearing; (3) alternatively, because the Court found that the divorce decree was an assignment, as set forth in the June 21, 2016, Order, and because the Court continued to interpret the First Interstate case as it had when the June Order was issued, then the general rule was first in time; (4) the Far West judgment was first in time; (5) Far West's Judgment and Garnishment took priority over the Judgment / Assignment Rhonda Mona had against Michael Mona; and (6) spousal support was not treated as a priority in the state of Nevada; therefore, it was not on part with a child support judgment.



Mr. Edwards to prepare the Order and forward it to Mr. Hanseen for approval as to form and content.

Mr. Hanseen inquired whether the Court's ruling was for all garnishments in perpetuity, or whether the parties would need to return in one-hundred-twenty days. Mr. Edwards stated that the parties could bring any default issues before the Court, but unless the law regarding priority changed, there was not reason to come back to court regarding exemptions. The COURT clarified its ruling, and ORDERED that it would not be granting Far West Industries' request for attorney's fees, FINDING that the Exemption was filed in good faith. The COURT FURTHER clarified that its order during the instant hearing resolved the issue of priority; therefore, if there was a need for the parties to appear before the Court again, that ruling would narrow the issues.

# 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; ORDER SUSTAINING PLAINTIFF FAR WEST INDUSTRIES' OBJECTION TO CLAIM OF EXEMPTION FROM EXECUTION; NOTICE OF ENTRY OF ORDER SUSTAINING PLAINTIFF FAR WEST INDUSTRIES' OBJECTION TO CLAIM OF EXEMPTION FROM EXECUTION; ORDER REGARDING PLAINTIFF FAR WEST INDUSTRIES' MOTION FOR DETERMINATION OF PRIORITY OF GARNISHMENT AND DEFENDANT MICHAEL J. MONA'S COUNTERMOTION TO DISCHARGE GARNISHMENT AND FOR RETURN OF PROCEEDS; NOTICE OF ENTRY OF ORDER REGARDING PLAINTIFF FAR WEST INDUSTRIES' MOTION FOR DETERMINATION OF PRIORITY OF GARNISHMENT AND DEFENDANT MICHAEL J. MONA'S COUNTERMOTION TO DISCHARGE GARNISHMENT AND FOR RETURN OF PROCEEDS; DISTRICT COURT MINUTES

FAR WEST INDUSTRIES,

Plaintiff(s),

vs.

RIO VISTA NEVADA, LLC; WORLD  
DEVELOPMENT, INC.; BRUCE MAIZE;  
MICHAEL J. MONA, JR.,

Defendant(s),

Case No: A-12-670352-F

Dept No: XV

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 August 2017.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

WKL

*Clerk of the Supreme Court*

8/18/2017

122006  
\$250.00

Inv.Date	Inv.No.	Invoice Description	Amount
08-18-2017	MSE4725-12.	Case No. A-12-670352-F	250.00

122006

**Total:****\$250.00**

THIS DOCUMENT HAS A MULTI-COLORED FACE THAT CHANGES COLOR GRADUALLY.

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MARQUIS AURBACH  
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TELEPHONE (702) 382-0711 • FACSIMILE (702) 382-5816NEVADA STATE BANK  
A Subsidiary of Zions Utah Bancorporation  
Main Office - P.O. Box 990  
Las Vegas, Nevada 89125  
94-7711224122006  
122006**Two Hundred Fifty and No/100 Dollars**

DATE

AMOUNT

8/18/2017

**\$250.00**PAY  
TO THE  
ORDER  
OF*Clerk of the Supreme Court*201 S. Carson St., Ste. # 201  
Carson City, NV 89701

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