

IN THE SUPREME COURT OF THE STATE OF
NEVADA

FILED

NOV 22 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY [Signature]
CHIEF DEPUTY CLERK

Renard T. Polk

Movant-Appellant

vs.

No. 73922

The State of Nevada ex rel.,
Joseph Bunin et al.,
Heather Ungerman et al.,
Douglas Smith et al.,
Respondent(s)

MOTION TO QUASH.

Comes, Now, the movant-appellant, Renard T. Polk,
and hereby submits for filing this motion to quash the
dismissal order and correlate administrative directives
entered on November 14, 2017 by the Nevada Supreme
Court panel of judges.

This motion is made in good-faith and based on
Nevada Rules Appellate Procedure (NRAP) 27, as well
as, all papers, pleadings and documents on file and
record herein.

Further, this motion is not to be treated as a petition
for RECEIVED otherwise misdesignated or construed

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pg. 1 of 5

17-40475

contrary to its title.

STATEMENT OF FACTS AND PROCEDURAL HISTORY

On, or about, and prior to November 14, 2017 the movant sought executory and contempt relief against the aforescaptioned respondents for varying degrees of malfeasance, breach of duty and contract.

Having been denied relief in the lower Eighth Judicial District Court Clark County Nevada, the movant-appellant sought and was permitted to appeal the denial of injunctive relief.

The proceedings were initiated collaterally to the criminal case in which the violations occurred.

Even so, the Nevada Supreme Court retained jurisdiction and authority over the case despite the matter's presumptive assignment to the Nevada Court of Appeals.

In absence of a motion by a contesting or defending party the Nevada Supreme Court dismissed the appeal by retrospectively (actively) assessing the propriety of the appeal, a concern that had expired over the interim.

Moreover, the State of Nevada is not a privy party to this matter although the court clerk incorrectly captioned

the case as such.

MEMORANDUM OF POINTS, AUTHORITIES AND ARGUMENTS

[FIRST:], taken out of order in which the errors or inaccuracies were committed, the case was improperly retained by the Nevada Supreme Court instead of being presumptively assigned to the Court of Appeals.

Briefly, Nevada Supreme Court Rule 17 states in pertinent part: "The Court of Appeals SHALL

HEAR and DECIDE: ... (b)(2)
appeals from a judgment, [],
of \$250,000 or less; (b)(3)
appeals in statutory liens...;
(b)(4) administrative agency
appeals...; (b)(7) appeals
challenging the grant or denial
of injunctive relief...;"

Contrary to this panel's conclusion, administratively or judicially, this appeal involves the aforementioned points for appeal.

None of which allows the case to go undecided.

The previously stated rules of appellate procedure compel

judicial review, no discretion is afforded. Due to the fact "shall" is employed to denote whether the appeal is heard or decided.

Further, due to the presumptive assignment command in the previously stated rule the case was to be determined, without qualification, by the Nevada Court of Appeals.

The Nevada Supreme Court overstepped and far exceeded its authority, by usurping the Nevada Court of Appeals' duty to review.

Prejudicing the movant-appellant thereby. Essentially obstructing and interrupting the aggrieved's right to judicial review. Johnson v. Avery 393 U.S. 483 (1969)

Plus with the appeal having been docketed already, rights have accrued and vested, so to retroactively apply a case and statute to obviate review is an unlawful ex post facto law and bill of pains and penalty prohibited by the US and Nevada Constitution.

Whereupon; this case should have been and must be transferred to the appeals court for decision.

[SECOND:], because there was no contesting or defending party opposing the appeal and its docketing the Nevada Supreme Court Panel was prohibited to assert a response or defense therefor as it is a privilege reserved for the interested parties. Trest v. Cain 522 U.S. 87 (1997)

["a[n] appeals court may not raise procedural[issues]