

*Steven D. Grierson*

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

Electronically Filed  
Nov 09 2017 10:25 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

5 8th Jd. DISTRICT COURT

6 CLARK COUNTY NEVADA

7  
8 LAS VEGAS METROPOLITAN POLICE DEPT.

9 Plaintiff

Case No. 07A537416

10 -v-

Dept.No. VIII

11 U.S. CURRENCY \$281,656.73

Docket N/A

12 Defendant

13  
14 NOTICE OF APPEAL

15 Notice is hereby given that the CLAIMANT, BRYAN

16 FERGASON

17 by and through himself in proper person, does now appeal  
18 to the Supreme Court of the State of Nevada, the decision of the District

19 Court Granting Summary Judgment on March 17, 2017 (Ex "A"); tiled per NRAP

20 4(a)(2) (Ex. "B"), and made final by the June 7, 2017 Order Denying Reconsideration

21 and the October 19 2017 Order as to Daimon Morrow (Ex "C").

22 Dated this date, October 30 2017.

23 Respectfully Submitted,

24 *Bryan Ferguson*

Bryan Ferguson #96803  
In Proper Person

RECEIVED

NOV 22 2017 25

CLERK OF THE COURT

**CERTIFICATE OF SERVICE BY MAILING**

I, Bryan Ferguson, hereby certify, pursuant to NRCP 5(b), that on this 30  
day of October, 2017, I mailed a true and correct copy of the foregoing, "

Notice of Appeal

by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,  
addressed as follows:

Adele v. Karam, Esq.  
10001 Park Run Drive  
Las Vegas, NV 89145

Lead Counsel for Plaintiff

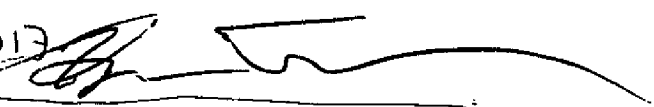
DATED: this 30 day of October, 2017.

  
BRYAN FERGUSON # 56803  
Claimant / In Propria Persona  
Post Office box 650 [HDSP]  
Indian Springs, Nevada 89018

Affirmation per NRS 239B.030

This notice of appeal filed in Case No. 074537416 does  
not contain the social security number of any person.

Dated this 30 day of October, 2017

  
Bryan Ferguson # 56803  
Claimant In Propria Persona

# EXHIBIT "A"

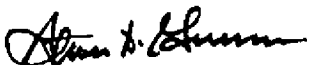
March 17, 2017

Findings of FACT, conclusions of Law and order

Case No. 07AS37416

9 pages

# EXHIBIT "A"



CLERK OF THE COURT

**MARQUIS AURBACH COFFING**

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**LAS VEGAS METROPOLITAN  
POLICE DEPARTMENT**

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Attorneys for Plaintiff, LVMPD

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

**LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT,**

Plaintiff,

vs.

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

Defendant.

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

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

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

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

**MARQUIS AURBACH COFFING**

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

#### 4 FINDINGS OF FACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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MAC:05166-785 3028994 1

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 **ORDER**

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

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

10  
11   
12 DISTRICT COURT JUDGE

13 Submitted by:

14 MARQUIS AURBACH COFFING

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

# EXHIBIT "B"

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

EXHIBIT "B"

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 72640

**FILED**

MAY 05 2017

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

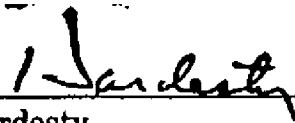
*ORDER DISMISSING APPEAL*


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


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

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

We conclude that we lack jurisdiction, and we  
ORDER this appeal DISMISSED.<sup>1</sup>

 J.  
Hardesty

 J.  
Parraguirre

 J.  
Stiglich

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

---

<sup>1</sup>We deny as moot respondent's motion to dismiss.

# EXHIBIT "C"

Plaintiff's opposition

Case No. 7A537416

June 7, 2017

(Reference p. 2 LL 14-19).

2 pages

# EXHIBIT "C"

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRYAN MICHAEL FERGASON,  
Appellant,

vs.

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT,

Respondent.

No. 73344

**FILED**

AUG 18 2017

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

**ORDER DISMISSING APPEAL**

This is a pro se appeal from a district court order granting summary judgment. Eighth Judicial District Court, Clark County; Douglas Smith, Judge.

Our review of the documents submitted to this court pursuant to NRAP 3(g) reveals a jurisdictional defect. Specifically, it appears that the district court has not entered a final written judgment adjudicating all the rights and liabilities of all the parties, and the district court did not certify its judgment as final pursuant to NRCP 54(b). *Lee v. GNLV Corp.*, 116 Nev. 424, 996 P.2d 416 (2000); *KDI Sylvan Pools v. Workman*, 107 Nev. 340, 810 P.2d 1217 (1991); *Rae v. All American Life & Cas. Co.*, 95 Nev. 920, 605 P.2d 196 (1979). It appears that claims by and against defendant below, Daimon Monroe, remain pending in the district court.

Accordingly, we conclude that the appeal is not from a final appealable judgment, and we lack jurisdiction. We therefore

ORDER this appeal DISMISSED.

Libla J.  
Gibbons

Parraguirre  
Parraguirre

Stiglich J.  
Stiglich

**MARQUIS AURBACH COFFING**

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10/19/2017 3:35 PM  
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**LAS VEGAS METROPOLITAN  
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Attorneys for Plaintiff, LVMPD

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT,

Plaintiff,

vs.

U.S. CURRENCY \$281,656.73,

Defendant.

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

Date of Hearing: September 26, 2017  
Time of Hearing: 8:00 a.m.

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

This matter having come on for hearing on September 26, 2017, on Plaintiff, Las Vegas Metropolitan Police Department's ("LVMPD") Renewed Motion for Summary Judgment Against Defendant Monroe, Adele V. Karoum, Esq. of the law firm of Marquis Aurbach Coffing and Matthew Christian, Esq. of the Las Vegas Metropolitan Police Dept.; Defendant Daimon Monroe ("Monroe") appearing telephonically. The Court having considered the issues and

arguments presented, and good cause appearing therefore, the Court hereby GRANTS summary judgment to LVMPD on the severed claim for civil forfeiture against claimant Daimon Monroe for \$124,216.36.

## FINDINGS OF FACT

### I. PROCEDURAL BACKGROUND

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

2. Claimants Bryan Fergason ("Fergason"), Daimon Monroe ("Monroe"), Robert Holmes III ("Holmes") and Tanya Trevarthen were involved in a burglary ring and were adjudicated guilty between 2008 and 2011.

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

4. In 2007, the case was stayed pending the completion of the companion criminal proceedings.

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

6. Claimant Tanya Trevarthen ("Trevarthen") pled guilty to one count of Conspiracy to Possess Stolen Property and/or to Commit Burglary and one count of Possession of Stolen Property in Case No. C228752 on October 3, 2008.

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

5           8.       On May 1, 2012, LVMPD, through the District Attorney's office, filed a motion  
6 for summary judgment on the forfeiture claim. In the motion for summary judgment, LVMPD  
7 set forth relevant facts and exhibits from the criminal trials of the claimants.

8           9.       The Motion for Summary Judgment was granted on November 28, 2012.

9           10.      Claimants Ferguson, Holmes, and Monroe separately appealed the Order Granting  
10 Summary Judgment from November 28, 2012, to the Nevada Supreme Court. The Nevada  
11 Supreme Court addressed the claimants through separate orders on their individual respective  
12 claims.

13          11.      On March 18, 2016, the Nevada Supreme Court affirmed in part and reversed in  
14 part the order granting summary judgment as to claimant Monroe. Monroe v. Las Vegas Metro.  
15 Police Dept., Case No. 62264.

16          12.      The Nevada Supreme Court affirmed the civil forfeiture as to the "money seized  
17 from appellant's [Monroe's] house" which included \$13,825 in cash and \$1,040 in loose coins.  
18 The Nevada Supreme Court also affirmed civil forfeiture as to the \$26,938.64 seized from  
19 Trevarthen's bank account that Monroe accessed as if it were a joint account.

20          13.      The Nevada Supreme Court reversed the civil forfeiture as to Monroe with respect  
21 to funds recovered from the bail bond companies and attorneys.

22          14.      On May 5, 2016, LVMPD filed a Renewed Motion for Summary Judgment  
23 against Monroe. The Renewed Motion for Summary Judgment attached additional evidence  
24 including evidence from the claimants' criminal investigations and trials to establish there is no  
25 issue of material fact remaining as to the issue of whether the proceeds seized from bail bond  
26 companies and attorneys paid by Trevarthen and Monroe were proceeds from the commission or  
27 attempted commission of a felony, under NRS 179.1164.

28

1 15. Monroe filed a motion on April 11, 2016, titled Motion to Personally Give  
2 Evidence Proving the Fraudulent Warrant and Request for Discovery, which was opposed by  
3 LVMPD on April 26, 2015.

4 16. Monroe, appearing pro se, filed numerous oppositions to LVMPD's renewed  
5 motion for summary judgment in the form of documents titled both "motion" and "opposition"  
6 requesting discovery and hearings on the warrants utilized for his criminal conviction. These  
7 briefs were filed on May 6, 2016; May 27, 2016; July 6, 2017; July 7, 2017; July 19, 2016; July  
8 22, 2016; August 29, 2016; May 23, 2017; June 8, 2017; July 25, 2017; and September 29, 2017.

9 17. Monroe has filed several appeals since his conviction on all aspects of his  
10 conviction including the warrants, stop, arrest, and various evidentiary matters. See, e.g.,  
11 Monroe v. State, 2013 WL 3325102 (Nev. 2013) (vexatious litigant); Monroe v. Eighth Judicial  
12 District Court, 2013 WL 3270959 (Nev. 2013) (declining to exercise jurisdiction on writ on  
13 seized property); Monroe v. State, 2015 WL 1877693 (2015) (ineffective counsel regarding  
14 handling of warrant matter).

15 18. Monroe, a.k.a. Daimon Hoyt, recently filed several additional appeals and writs in  
16 his separate criminal cases related to the validity or sufficiency of the warrants underlying his  
17 convictions. See Hoyt v. State, Case no. 70556 (June 14, 2016; Order affirming conviction  
18 September 13, 2017). See also Hoyt v. State, Case No. 70557 (June 14, 2016; Appeal dismissed  
19 for lack of jurisdiction August 10, 2016); Monroe v. State, Case No. 72944 (May 4, 2017;  
20 Briefing in progress); Monroe v. Eighth Jud. Dist. Ct., Case No. 73388 (Writ petition filed June  
21 30, 2017; Petition denied); Monroe v. Eighth Jud. Dist. Ct., Case No. 72832 (Writ petition filed  
22 April 18, 2017; Petition denied September 19, 2017).

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1 19. Monroe has also filed a Writ of Habeas Corpus and requested rehearing of the  
2 Writ of Habeas Corpus in his criminal case in Department 20, case No. 06-C-228752-1, which is  
3 currently stayed pending the appeal in the Nevada Supreme Court. Monroe has also filed an  
4 application for leave to file a motion in Case Number 06-C-228581 in Department 3, which the  
5 District Court denied, explaining Monroe was previously found to be a vexatious litigant and  
6 continues to challenge the same evidentiary issues have been repeatedly addressed by the court.

7 20. Monroe made several requests in this case to continue hearings or stay the civil  
8 forfeiture case based upon his filing of appeals or writs related to the warrants in the criminal  
9 cases.

10 21. LVMPD has opposed Monroe's motions and supplemented its briefing related to  
11 the warrant and continuance/stay issues in briefs filed on May 16, 2016, July 8, 2016; June 8,  
12 2017; and August 21, 2017.

13 22. LVMPD filed a reply in support of its Renewed Motion for Summary Judgment  
14 on June 21, 2016. Because the pro se claimants were provided additional opportunities to  
15 oppose the motion, LVMPD was permitted to file sur reply briefing on October 11, 2016.

16 **II. FACTS**

17 23. Claimants Holmes, Ferguson, Monroe, and Trevarthen were involved in a  
18 burglary ring and were adjudicated guilty between 2008 and 2011. The burglaries spanned a  
19 time period over several years, and involved a sophisticated method of gaining entry to  
20 commercial businesses with doors of a particular type, which could be opened with a specially-  
21 crafted tool. Monroe was found guilty of felonies including Burglary (NRS 205.050 and  
22 205.060), Grand Larceny (NRS 205.220 and 205.222), and Possession of Stolen Property (NRS  
23 205.275).

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

27 25. This included \$53,827 seized that was held by attorneys and bail bond companies  
28 for Trevarthen and Monroe, identified as follows: \$528.95 from As the Bail Turns paid by

1 Trevarthen; \$5,105.38 from the account of All Out Bail Bonds, paid by Trevarthen for Monroe's  
2 bail; \$26,502 from attorney Al Lasso's client trust account, which was provided to him by  
3 Trevarthen for representation of Monroe; \$3,500 from attorney Jonathan Lord, received from  
4 Trevarthen; and \$10,000 from attorney Joel Mann, received from Trevarthen.

5 26. Monroe, Trevarthen, and their three children lived together from 2001 to 2006.

6 27. Monroe did not have any evidence of legitimate employment in 2006. Monroe did  
7 not work beyond selling stolen property for cash and bringing stolen cash home from burglaries.

8 28. Monroe said at times said he was in the pressure washing business for D&B's  
9 Pressure Washing (presumably Daemon and Bryan's), but this pressure washing business did not  
10 exist.

11 29. Trevarthen testified Monroe sold stolen property nearly every weekend, to get rid  
12 of the stolen property before the next weekend.

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

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

19 32. Trevarthen worked as a substitute teacher for Clark County School District. She  
20 testified her income was insufficient to cover the family's regular monthly bills. Trevarthen  
21 earned around \$2,000 per month, and her income did not cover the bills for the family.  
22 Trevarthen's bank records established the amount of her direct deposits from her employment  
23 with the school district were insufficient to pay the family's expenses. The couple's rent alone  
24 was \$1,600 per month between 2003 and 2006, and the residence had additional expenses  
25 including phone, cable internet, gas, water, and electric bills as high as \$500 per month during  
26 the summer.

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1 33. Trevarthen testified she had bank accounts at Bank of America in her name, but  
2 Monroe accessed her accounts with her ATM card and online login, because Monroe did not  
3 have his own identification or his own bank account.

4 34. Trevarthen testified her shared bank account held funds from Monroe's sales of  
5 stolen property, because her earnings did not cover the bills for the couple and their children.

6 35. Trevarthen testified in the criminal trial that after her arrest on November 6, 2006,  
7 she withdrew money from her accounts at Bank of America to pay retainers and attorney fees.

8 36. The \$53,827 seized by LVMPD from attorneys Lasso, Lord, and Mann and bail  
9 bond companies was from payments made just prior to the seizure of Trevarthen's bank  
10 accounts. The attorneys and bail bond companies relinquished the funds related to this forfeiture  
11 action.

12 37. The financial records in evidence established Travarthen made these payments  
13 from funds from the Bank of America accounts including payments of attorneys fees including a  
14 \$17,500 cashier's check to the Law Offices of Al Lasso, LLC on November 9, 2006; a \$2,500  
15 cashier's check written to the Law Offices of Al Lasso, LLC on November 17, 2006; and a  
16 \$25,000 cashier's check made payable to Trevarthen and endorsed by a trust account for the Law  
17 Office of Al Lasso, LLC on November 17, 2006.

18 38. Trevarthen's financial records in evidence also established a check card  
19 transaction from the bank account she shared with Monroe to her attorney, Jonathan Lord, for  
20 \$3,500 on November 9, 2006. Trevarthen also paid attorney Joel Mann \$10,000 for legal  
21 services for Monroe, which was voluntarily surrendered by Mann, and the evidence established  
22 this money also came from the funds from the shared bank account.

23 39. Trevarthen's financial records in evidence demonstrate she paid \$10,000 to bail  
24 bond companies using her check card linked to her Bank of America account, which she shared  
25 with Monroe.

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## CONCLUSIONS OF LAW

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

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

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

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

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

6. Further, LVMPD is entitled to judgment as a matter of law regarding the forfeiture of U.S. CURRENCY of \$53,827 for payments to attorneys for Monroe and Trevarthen's defenses and to bail bond companies on their behalf.

7. After remand from the Nevada Supreme Court cases, the issue remaining as to claimant Monroe was whether the money seized from attorneys and bail bond companies constituted proceeds attributable to the commission or the attempted commission of a felony. If the money is determined to have been proceeds from the commission or attempted commission of a felony, NRS Chapter 179 provides the money is subject to forfeiture to the State as fruits of the crime.

8. The money paid to attorneys and bail bond companies, \$53,827 was proceeds from the commission or attempted commission of a felony. Monroe was convicted of 26 counts of Possession of stolen property, all Category B and C felonies, in violation of NRS 205.275, and one count of Conspiracy to Possess Stolen Property and/or to Commit Burglary, a gross misdemeanor. An Amended Judgment of Conviction was filed in this matter on September 17, 2010. An Amended Judgment of Conviction in Case Number C227874 was filed on August 4, 2008, as to Monroe, who was found guilty of two counts of Burglary, both Felonies, in violation of NRS 205.050 and 205.060, and guilty of Grand Larceny, a Category B Felony in violation of NRS 205.220 and 205.222

9. There is no issue of material fact remaining as to whether the \$53,827 seized from attorneys and bail bond companies and paid on behalf of Trevarthen and Monroe was linked to a felony or attempted felony where the admissible evidence submitted by LVMPD established: (a) The payments to attorneys and bail bond companies were all directly traced through financial records in evidence to Bank of America bank accounts held by Trevarthen and shared with Monroe; (b) Trevarthen testified her bank accounts contained funds from Monroe's regular sales of stolen property; (c) Evidence indicated Monroe also stole cash during his burglaries, for which he was convicted; (d) Records from the bank accounts and testimony indicated the only source of legitimate income was Trevarthen's income as a substitute teacher; (e) Bank records in evidence showed direct deposits from employment were consistent with Trevarthen's testimony that her

1 income was insufficient to pay the family's bills; (f) There was no evidence indicating Monroe  
2 had a legitimate source of employment or income between 2001 and 2006 beyond the sale of  
3 stolen property and proceeds from burglaries; and (g) The financial records showing  
4 withdrawals, checks, cashier's checks, and payments to bail bond companies and attorneys were  
5 consistent with sworn statements and testimony which indicated Trevarthen held the money from  
6 stolen property in her bank accounts and then paid the attorneys and bail bond companies.

7 10. Monroe did not set forth any admissible evidence in opposition to the renewed  
8 motion for summary judgment. "Evidence introduced in support of or in opposition to a motion  
9 for summary judgment must be admissible evidence." See NRCP 56(e); Schneider v. Cont'l  
10 Assur. Co., 110 Nev. 1270, 1273, 885 P.2d 572, 575 (1994). Where an adversary party provides  
11 no documentation in support of his allegations, summary judgment may be granted. Collins v.  
12 Union Fed. Sav. & Loan Ass'n, 99 Nev. 284, 294, 662 P.2d 610, 616 (1983). Monroe's only  
13 opposition to the motion for summary judgment consists of his theories that the warrants that  
14 form the basis of his criminal conviction are invalid, based upon a theory that a number in a date  
15 is fuzzy and therefore allegedly backdated. Monroe has not set forth any evidence related to the  
16 tracing of these funds from Trevarthen's bank account, nor has he presented any admissible  
17 evidence to contest whether he had any legitimate employment during the relevant time period.

18 11. LVMPD has set forth clear and convincing evidence establishing the proceeds  
19 seized from this bank account were proceeds of the criminal activity.

20 12. Monroe's arguments on the sufficiency of or validity of the warrants are  
21 procedurally improper and barred by the doctrines of claim and issue preclusion, as these issues  
22 have been previously litigated in this case as well as in the criminal appeals. See Five Star  
23 Capital Corp. v. Ruby, 124 Nev. 1048, 1052, 194 P.3d 709, 711 (2008). Issue preclusion applies  
24 when there is a "common issue that was actually decided and necessary to the judgment in the  
25 earlier suit." Id. (citing University of Nevada v. Tarkanian, 110 Nev. 581, 598-599, 879 P.2d  
26 1180, 1191 (1994)).

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1           13.     The issue of validity of the criminal warrants, to the extent it is not barred by  
2 claim, or issue preclusion, lies within the jurisdiction of the court with current jurisdiction of  
3 Monroe's criminal cases.

4           14.     Because jurisdiction of any issues of the warrant and the criminal conviction lies  
5 in the courts deciding the criminal cases and criminal appeals, Monroe's challenge of the  
6 warrants through this civil forfeiture action is procedurally improper.

7           15.     A stay or continuance of the civil forfeiture action is not warranted or required  
8 based on Monroe's pending appeals. Under Nevada's civil forfeiture statute, NRS 179.1173, the  
9 stay is to be lifted in a civil forfeiture after trial is completed, and there is no statutory language  
10 to support the stay of a civil forfeiture for serial appeals of criminal convictions. See also, e.g.,  
11 State ex rel. W. v. McDonnell, 9 N.E. 3d 1025, 1030 (Ohio 2014) (trial court judge in forfeiture  
12 matter did not lack jurisdiction to conduct forfeiture proceedings after defendant filed a notice of  
13 appeal from his underlying criminal conviction and sentence).

14           16.     The Nevada Rules of Civil Procedure and the Nevada Rules of Appellate  
15 Procedure do not provide for a stay pending appeal in a different case.

16           17.     Monroe did not file a motion for stay or set forth any grounds under NRAP 8(c)  
17 for a stay pending appeal, and he did not post a supersedeas bond to stay the civil forfeiture  
18 action. Monroe has not requested a stay in this case based on his pending appeal.

19           18.     As to claimant Monroe, the \$53,827 seized from bail bond companies and  
20 attorneys including (a) As the Bail Turns, (b) All Out Bail Bonds, (c) Al Lasso, Esq., (d)  
21 Jonathan Lord, Esq., and (e) Joel Mann, Esq. was proceeds from the commission or attempted  
22 commission of a felony, and subject to forfeiture under NRS 179.1164.

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ORDER

Therefore, it is hereby ordered that LVMPD's Renewed Motion for Summary Judgment against Claimant Daimon Monroe is hereby granted in its entirety.

It is further ordered the Motion to Personally Give Evidence Proving the Fraudulent Warrant and Request for Discovery, and all related, additional motions filed by Daimon Monroe, where not specifically addressed, are hereby denied.


IT IS SO ORDERED, this 10 day of October 2017.

  
DISTRICT COURT JUDGE  
*ndp*

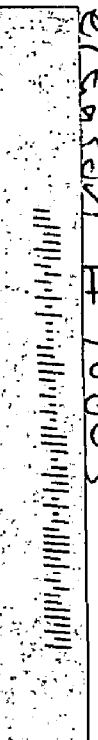
Submitted by:

MARQUIS AURBACH COFFING

By

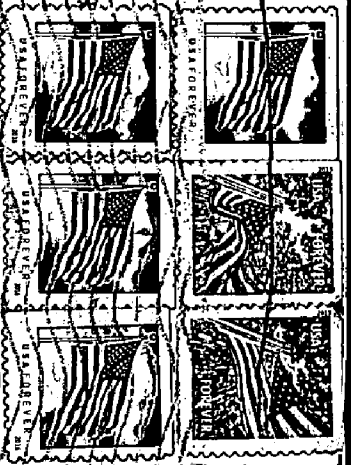
  
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Las Vegas, Nevada 89145  
Attorneys for Plaintiff, LVMPD

Bryan Felsson #96803  
P.O. Box  
Indian Springs, NV 89070



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

Las Vegas PD DC 89193  
TUE 31 OCT 2017 PM



1 ASTA

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3  
4  
5  
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**  
7 **STATE OF NEVADA IN AND FOR**  
8 **THE COUNTY OF CLARK**

9  
10 LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT,

11 Plaintiff(s),

12 vs.

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

14 Defendant(s),  
15

Case No: 07A537416

Dept No: VIII

16  
17 **CASE APPEAL STATEMENT**

18 1. Appellant(s): Bryan Fergason

19 2. Judge: Douglas E. Smith

20 3. Appellant(s): Bryan Fergason

21 Counsel:

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

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

26 Counsel:

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

Las Vegas, NV 89101

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

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

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

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

8. Appellant Granted Leave to Proceed in Forma Pauperis\*\*: Yes, July 12, 2016  
*\*\*Expires 1 year from date filed*  
Appellant Filed Application to Proceed in Forma Pauperis: Yes,  
Date Application(s) filed: July 12, 2016

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

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

Type of Judgment or Order Being Appealed: Summary Judgment

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 60547, 60809, 61094, 61616, 62264, 62274, 62357,  
71680, 72379, 72640, 73344

12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

Dated This 7 day of November 2017.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

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

cc: Bryan Ferguson

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

[illegible]

Case Flags: **Appealed to Supreme Court**  
**In Forma Pauperis Granted**  
*Robert Holmes III 12-27-16*  
*Daimon Monroe Filed 6-27-16*  
**EXPIRED** *Robert Holmes 06-*  
*21-13 EXPIRED Bryan*  
*Ferguson 02-01-14*

DATE \_\_\_\_\_

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

**Plaintiff** **Las Vegas Metropolitan Police Dept**

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

<b>Defendant</b>	<b>U S Currency \$281,656.73</b>
------------------	----------------------------------

**Also Known As**      **Ferguson, J B**

## Holmes, Bobby

## Holmes, Robert

**Hoyt, Daimon D**

**Conversion**                      **No Convert Value @ 07A537416**

Extended Removed: 04/24/2009

Connection Type  
Converted From Blackstone

**Other** **Trevarthen, Tonya M**







**Other Defendant**      **Ferguson, Bryan M**

DEPARTMENT 8  
**CASE SUMMARY**  
**CASE NO. 07A537416**

**Holmes III, Robert**














**Monroe, Daimon**

**Pro Se**

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

DEPARTMENT 8  
**CASE SUMMARY**  
**CASE NO. 07A537416**

*Application to Proceed in Forma Pauperis (Sealed)*

04/10/2007	 Answer Filed By: Other Defendant Fergason, Bryan M <i>Answer to Complaint for Forfeiture</i>
04/10/2007	 Initial Appearance Fee Disclosure Filed By: Other Defendant Fergason, Bryan M <i>Initial Appearance Fee Disclosure (N.R.S. Chapter 19)</i>
04/12/2007	 Amended Answer Filed By: Other Defendant Holmes III, Robert
04/13/2007	 Motion <i>Motion of Claimants Failure to Verify Answer</i>
04/17/2007	 Notice of Hearing <i>Notice of (Hearing/Motion)</i>
04/23/2007	 Motion to Stay <i>Motion for Stay of Forfeiture Case</i>
04/23/2007	 Receipt of Copy Filed by: Other Defendant Fergason, Bryan M
04/26/2007	 Response Filed by: Plaintiff Las Vegas Metropolitan Police Dept <i>Plaintiff's Response to Claimant's Motion for Stay of Forfeiture Proceedings</i>
05/08/2007	 Affidavit of Publication
05/16/2007	<b>Motion (8:30 AM)</b> Events: 04/13/2007 Motion <i>DEFT MONROE'S MTN OF CLAIMENTS FAILURE TO VERIFY ANSWER /I Relief Clerk: Carole D'Aloia Reporter/Recorder: Renee Vincent Heard By: Stewart Bell</i>
05/18/2007	 Three Day Notice of Intent to Default Filed by: Plaintiff Las Vegas Metropolitan Police Dept
05/18/2007	 Order Granting Motion <i>Order Granting Motion for Stay of Forfeiture Proceedings</i>
05/21/2007	<b>CANCELED Motion to Stay (8:30 AM)</b> Events: 04/17/2007 Notice of Hearing <i>Vacated</i>
05/21/2007	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept
05/30/2007	<b>CANCELED Motion to Stay (8:30 AM)</b> Events: 04/23/2007 Motion to Stay <i>Vacated</i>
06/01/2007	 Motion

DEPARTMENT 8  
**CASE SUMMARY**  
**CASE NO. 07A537416**

Filed By: Plaintiff Las Vegas Metropolitan Police Dept  
*Motion for Partial Judgment by Default*

06/01/2007



Default

Filed By: Plaintiff Las Vegas Metropolitan Police Dept  
*Partial Default*

06/19/2007



Change of Address

Filed By: Also Known As Holmes, Robert

08/20/2008



Motion for Withdrawal

*Motion to Withdraw*

08/21/2008



Certificate of Mailing

Filed By: Other Defendant Holmes III, Robert

09/22/2008

**CANCELED Motion to Withdraw as Counsel** (3:00 AM) (Judicial Officer: Cadish, Elissa F.)  
Events: 08/20/2008 Motion for Withdrawal  
*Vacated*

10/29/2009



Order to Statistically Close Case

05/13/2010



Notice of Motion

Filed By: Other Defendant Holmes III, Robert

06/11/2010



**Motion** (8:33 AM) (Judicial Officer: Smith, Douglas E.)

Events: 05/13/2010 Notice of Motion  
*Deft. Robert Holmes III's Motion For Return of Illegally Seized Preoperty and Money*

10/26/2011



Notice

Filed By: Other Defendant Monroe, Daimon

*Notice to the Court*

11/30/2011



Notice of Motion

Filed By: Plaintiff Las Vegas Metropolitan Police Dept

*Notice of Motion and Motion to Reconsider Court Statistically Closing Case*

12/19/2011



Notice

Filed By: Other Defendant Monroe, Daimon

*Notice to Court*

01/03/2012



Notice of Motion

Filed By: Other Defendant Holmes III, Robert

01/09/2012



**Motion to Reconsider** (3:00 AM) (Judicial Officer: Smith, Douglas E.)

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

01/24/2012



Order Granting Motion

Filed By: Plaintiff Las Vegas Metropolitan Police Dept

*Order Granting Plaintiff's Motion to Reconsider Statistically Closing Case*

02/06/2012



**Motion** (3:00 AM) (Judicial Officer: Smith, Douglas E.)

**02/06/2012, 02/21/2012, 02/28/2012**

DEPARTMENT 8  
**CASE SUMMARY**  
**CASE NO. 07A537416**

	Events: 01/03/2012 Notice of Motion <i>Defendant's Motion for Enlargement of time to Respond to Plaintiff's Motion to Reconsider Court Statistically Closing Case</i>
02/06/2012	 Motion to Dismiss Filed By: Other Defendant Holmes III, Robert <i>Motion to Dismiss Plaintiff's Motion to Reconsider Court Statistically Closing Case</i>
02/06/2012	 Notice of Motion
02/09/2012	 Supplement Filed by: Other Defendant Holmes III, Robert <i>Supplement to Motion to Dismiss Plaintiff's Motion to Reconsider Court Statistically Closing Case</i>
02/09/2012	 Notice of Motion Filed By: Other Defendant Holmes III, Robert
02/22/2012	 Opposition to Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Opposition to Claimant's Motion to Dismiss Plaintiff's Motion to Reconsider Court Statistically Closing Case</i>
02/28/2012	<b>Motion to Dismiss (8:00 AM)</b> (Judicial Officer: Smith, Douglas E.) Events: 02/06/2012 Notice of Motion <i>Deft's Motion to Dismiss Plaintiff's Motion to Reconsider Court Statistically Closing Case</i>
02/28/2012	 <b>All Pending Motions (8:00 AM)</b> (Judicial Officer: Smith, Douglas E.) <i>Deft's Motion to Dismiss Plaintiff's Motion to Reconsider Court Statistically Closing Case;</i> <i>Defendant's Motion for Enlargement of time to Respond to Plaintiff's Motion to Reconsider Court Statistically Closing Case</i>
03/05/2012	 Notice of Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Motion and Motion to Lift Stay</i>
03/09/2012	 Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Order Re Hearing Held January 28, 2012</i>
03/12/2012	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept
03/15/2012	 Motion Filed By: Other Defendant Holmes III, Robert <i>Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by Telephone or Video Conference</i>
03/15/2012	 Supplement Filed by: Other Defendant Holmes III, Robert <i>Second Supplement to Motion to Dismiss Plaintiff's Motion to Reconsider Court Statistically Closing Case</i>
03/26/2012	 Notice of Appeal Filed By: Other Defendant Holmes III, Robert

DEPARTMENT 8  
**CASE SUMMARY**  
**CASE NO. 07A537416**


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

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**CASE SUMMARY**  
**CASE NO. 07A537416**


**06/05/2012, 08/07/2012, 11/13/2012**

Events: 05/01/2012 Notice of Motion  
*Plaintiff's Motion for Summary Judgment*


06/07/2012

 Application to Proceed in Forma Pauperis  
*Application to Proceed Informa Pauperis (Sealed)*


06/08/2012

 Opposition to Motion  
Filed By: Plaintiff Las Vegas Metropolitan Police Dept  
*Plaintiff's Opposition to Motion to Strike Summary Judgment*


06/11/2012

 Order for Production of Inmate  
*Order for Production of Inmate Robert Holmes BAC #1034184*


06/12/2012

 Affidavit of Mailing  
Filed By: Plaintiff Las Vegas Metropolitan Police Dept

06/14/2012

 Notice of Appeal  
Filed By: Other Defendant Holmes III, Robert


06/14/2012

 Designation of Record on Appeal  
Filed By: Other Defendant Holmes III, Robert

06/19/2012

 Case Appeal Statement


06/21/2012

 Order to Proceed In Forma Pauperis  
Granted for: Other Defendant Holmes III, Robert  
*Order to Proceed In Forma Pauperis (Sealed)*


06/22/2012

 Motion to Strike  
*Defendant's Motion to Strike Plaintiff's Motion to Oppision to Strike Summary Judgment*


06/25/2012

 Order for Production of Inmate  
*Order for Production of Inmate Daimon Monroe, BAC #38299*


06/26/2012

 Order to Withdraw as Attorney of Record  
Filed by: Defendant U S Currency \$281,656.73  
*Order to Withdraw*


06/29/2012

 Order for Production of Inmate  
*Order for Production of Inmate Bryan M. Fergason, BAC #59427*

07/09/2012

 Motion to Withdraw As Counsel  
Filed By: Defendant U S Currency \$281,656.73

















07/23/2012

 **Motion to Withdraw as Counsel** (3:00 AM) (Judicial Officer: Smith, Douglas E.)  
*Cynthia L. Dustin, Esq's Motion to Withdraw as Counsel*











08/07/2012

**Motion to Strike** (8:00 AM) (Judicial Officer: Bonaventure, Joseph T.)  
Events: 05/11/2012 Notice of Motion  
*Defendant, Daimon Monroe's Pro Per Notice of Motion and Motion to Strike Summary Judgment by Plaintiff*

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**CASE SUMMARY**  
**CASE NO. 07A537416**














08/07/2012	 <b>All Pending Motions</b> (8:00 AM) (Judicial Officer: Bonaventure, Joseph T.) <i>Plaintiff's Motion for Summary Judgment; Defendant Daimon Monroe's Pro Per Motion to Strike Summary Judgment by Plaintiff</i>
08/07/2012	 Affidavit of Mailing Filed By: Plaintiff Las Vegas Metropolitan Police Dept
08/16/2012	 Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Order Re Hearing Held August 7, 2012</i>
08/16/2012	 Order for Production of Inmate <i>Order for Production of Inmate Bryan M. Ferguson, BAC #96803</i>
08/16/2012	 Order for Production of Inmate <i>Order for Production of Inmate Robert Holmes, BAC #1034184</i>
08/16/2012	 Order for Production of Inmate <i>Order for Production of Inmate Daimon Monroe, BAC #38299</i>
08/16/2012	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept
08/21/2012	 Affidavit for Order of Publication Filed By: Plaintiff Las Vegas Metropolitan Police Dept
08/28/2012	 Notice of Appeal Filed By: Other Defendant Monroe, Daimon
08/30/2012	 Case Appeal Statement Filed By: Other Defendant Monroe, Daimon
08/30/2012	 Order for Publication Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Order for Publication of Forfeiture Action</i>
08/30/2012	 Affidavit of Mailing Filed By: Plaintiff Las Vegas Metropolitan Police Dept
09/07/2012	 Notice of Motion Filed By: Other Defendant Monroe, Daimon
09/18/2012	 Notice of Motion Filed By: Other Defendant Monroe, Daimon
09/21/2012	 Notice of Motion Filed By: Other Defendant Monroe, Daimon
09/21/2012	 Opposition to Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Plaintiff's Opposition to Claimant Daimon Monroe's Motion for Return of Seized Property and Suppression of Evidence</i>

DEPARTMENT 8  
**CASE SUMMARY**  
**CASE NO. 07A537416**














10/04/2012	 Opposition to Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Plaintiff's Opposition to Claimant Daimon Monroe's Motion for Material Evidence</i>
10/04/2012	 Opposition to Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Plaintiff's Opposition to Claimant Daimon Monroe's Motion for Summary Judgment and to Strike Plaintiff's Motion for Summary Judgment</i>
10/05/2012	 Affidavit of Publication Filed By: Plaintiff Las Vegas Metropolitan Police Dept
10/05/2012	 Opposition to Motion For Summary Judgment Filed By: Other Defendant Fergason, Bryan M <i>Opposition to Motion for Summary Judgment and Other Relief</i>
10/05/2012	 Opposition to Motion For Summary Judgment Filed By: Other Defendant Holmes III, Robert <i>Claimant Robert Holmes III (First) Supplement and Opposition to Plaintiff's Motion for Summary Judgment</i>
10/08/2012	 <b>Motion</b> (3:00 AM) (Judicial Officer: Smith, Douglas E.) Events: 09/07/2012 Notice of Motion <i>Defendant, Daimon Monroe's Pro Per Motion For Return of Seized Property and Suppresion of Evidence</i>
10/09/2012	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate Judgment - Dismissed</i>
10/09/2012	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate Judgment - Dismissed</i>
10/09/2012	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate Judgment - Dismissed</i>
10/09/2012	<b>Clerk's Certificate</b> (Judicial Officer: Smith, Douglas E.) Debtors: Las Vegas Metropolitan Police Dept (Plaintiff) Creditors: Robert Holmes (Also Known As) Judgment: 10/09/2012, Docketed: 10/16/2012 Comment: #60547 Order these Appeals Dismissed
10/09/2012	<b>Clerk's Certificate</b> (Judicial Officer: Smith, Douglas E.) Debtors: Las Vegas Metropolitan Police Dept (Plaintiff) Creditors: Robert Holmes (Also Known As) Judgment: 10/09/2012, Docketed: 10/16/2012 Comment: #60809 Order these appeals Dismissed
10/09/2012	<b>Clerk's Certificate</b> (Judicial Officer: Smith, Douglas E.) Debtors: Las Vegas Metropolitan Police Dept (Plaintiff) Creditors: Robert Holmes (Also Known As) Judgment: 10/09/2012, Docketed: 10/16/2012 Comment: #61094 Order These Appeals Dismissed
10/22/2012	 <b>Motion</b> (3:00 AM) (Judicial Officer: Smith, Douglas E.) Events: 09/18/2012 Notice of Motion

DEPARTMENT 8  
**CASE SUMMARY**  
**CASE NO. 07A537416**

*Defendant, U.S. Currency \$281,656.73 Motion for Material Evidence*

11/09/2012	 <b>Order</b> Filed By: Plaintiff Las Vegas Metropolitan Police Dept
11/13/2012	<b>Motion for Summary Judgment</b> (8:00 AM) (Judicial Officer: Smith, Douglas E.) Events: 09/21/2012 Notice of Motion <i>Defendant's Motion for Summary Judgment and to strike Plaintiff's Motion for Summary Judgment</i>
11/13/2012	 <b>All Pending Motions</b> (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Defendant's Motion for Summary Judgment and to Strike Plaintiff's Motion for Summary Judgment; Plaintiff's Motion for Summary Judgment</i>
11/13/2012	 <b>Notice of Entry of Order</b> Filed By: Plaintiff Las Vegas Metropolitan Police Dept
11/28/2012	 <b>Findings of Fact, Conclusions of Law and Order</b> Filed By: Plaintiff Las Vegas Metropolitan Police Dept
11/28/2012	<b>Summary Judgment</b> (Judicial Officer: Smith, Douglas E.) Debtors: Daimon Monroe (Other Defendant), Daimon D Hoyt (Also Known As), Bryan M Fergason (Other Defendant), J B Fergason (Also Known As), Tonya M Trevarthen (Other), Robert Holmes III (Other Defendant), Bobby Holmes (Also Known As), Robert Holmes (Also Known As) Creditors: Las Vegas Metropolitan Police Dept (Plaintiff) Judgment: 11/28/2012, Docketed: 12/05/2012
11/29/2012	 <b>Notice of Entry of Order</b> Filed By: Plaintiff Las Vegas Metropolitan Police Dept
12/06/2012	 <b>Order to Statistically Close Case</b> <i>Civil Order to Statistically Close Case</i>
12/07/2012	 <b>Notice of Appeal</b> Filed By: Other Defendant Monroe, Daimon
12/10/2012	 <b>Case Appeal Statement</b> Filed By: Other Defendant Monroe, Daimon
12/10/2012	 <b>Notice of Appeal</b>
12/11/2012	 <b>Case Appeal Statement</b> Filed By: Other Defendant Holmes III, Robert
12/18/2012	 <b>Amended Notice of Appeal</b> <i>"First Pro Se Amended Notice of Appeal and Appeal Statement"</i>
12/18/2012	 <b>Designation of Record on Appeal</b>
12/19/2012	 <b>Case Appeal Statement</b> Filed By: Other Defendant Holmes III, Robert
12/21/2012	

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**CASE SUMMARY**  
**CASE NO. 07A537416**

	 Notice of Appeal <i>Notice to the Court / or Alternative Notice of Appeal</i>
12/27/2012	 Case Appeal Statement Filed By: Other Defendant Fergason, Bryan M
01/16/2013	 Application to Proceed in Forma Pauperis Filed By: Other Defendant Fergason, Bryan M <i>Application to Proceed In Forma Pauperis (Sealed)</i>
02/01/2013	 Order to Proceed In Forma Pauperis Granted for: Other Defendant Fergason, Bryan M <i>Order to Proceed In Forma Pauperis (Sealed)</i>
03/25/2013	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate Judgment - Dismissed</i>
03/25/2013	<b>Clerk's Certificate</b> (Judicial Officer: Smith, Douglas E.) Debtors: Daimon Monroe (Other Defendant) Creditors: Las Vegas Metropolitan Police Dept (Plaintiff) Judgment: 03/25/2013, Docketed: 04/01/2013 Comment: Supreme Court No 61616 - Appeal Dismissed
04/25/2013	<b>CANCELED Minute Order</b> (1:57 PM) (Judicial Officer: Smith, Douglas E.) <i>Vacated - Set in Error</i> <i>Minute Order Re: Supreme Court's Order Dismissing Appeal</i>
01/04/2014	 Request Filed by: Other Defendant Fergason, Bryan M <i>Request for Transcript of Proceedings</i>
01/17/2014	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on November 13, 2012</i>
08/28/2014	 Notice of Appearance Party: Plaintiff Las Vegas Metropolitan Police Dept
09/05/2014	 Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>LVMPD's Motion to Settle the Record Pursuant to NRAP 10(c)</i>
09/08/2014	 Notice of Hearing Filed By: Plaintiff Las Vegas Metropolitan Police Dept
10/07/2014	 Supplement Filed by: Plaintiff Las Vegas Metropolitan Police Dept <i>Supplement to LVMPD's Motion to Settle the Record Pursuant to NRAP 10(c)</i>
10/13/2014	 <b>Motion</b> (3:00 AM) (Judicial Officer: Smith, Douglas E.) <i>LVMPD's Motion to Settle the Record Pursuant to NRAP 10(c)</i>
11/06/2014	 Order Granting Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Order Granting LVMPD's Motion to Settle the Record Pursuant to NRAP 10(c)</i>









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**CASE SUMMARY**  
**CASE NO. 07A537416**

11/06/2014	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept
01/27/2016	 NV Supreme Court Clerks Certificate/Judgment -Remanded <i>Nevada Supreme Court Clerk's Certificate Judgment - Reversed and Remand</i>
01/27/2016	<b>Clerk's Certificate</b> (Judicial Officer: Smith, Douglas E.) Debtors: Bryan M Fergason (Other Defendant) Creditors: Las Vegas Metropolitan Police Dept (Plaintiff) Judgment: 01/27/2016, Docketed: 02/03/2016 Comment: Supreme Court No. 62357; Reversed and Remanded
03/15/2016	 Appendix Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Appendix of Exhibits for Renewed Motion for Summary Judgment Against Defendant, Bryan Fergason (Volume I, Bates 0001-0250)</i>
03/15/2016	 Motion for Summary Judgment Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Renewed Motion for Summary Judgment Against Defendant, Bryan Fergason</i>
03/15/2016	 Errata Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Errata to Renewed Motion for Summary Judgment Against Defendant, Bryan Fergason</i>
03/15/2016	 Appendix Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Appendix of Exhibits to Renewed Motion for Summary Judgment Against Defendant, Bryan Fergason (Volume II, Bates 0251-0500)</i>
03/15/2016	 Appendix Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Appendix of Exhibits to Renewed Motion for Summary Judgment Against Defendant, Bryan Fergason (Volume III, Bates 0501-0750)</i>
03/15/2016	 Appendix Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Appendix of Exhibits to Renewed Motion for Summary Judgment Against Defendant, Bryan Fergason (Volume IV, Bates 0751-1000)</i>
03/15/2016	 Notice of Hearing Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Hearing Re: Renewed Motion for Summary Judgment Against Defendant, Bryan Fergason</i>
03/15/2016	 Appendix Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Appendix of Exhibits to Renewed Motion for Summary Judgment Against Defendant, Bryan Fergason (Volume V, Bates 1001-1250)</i>
03/15/2016	 Appendix Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Appendix of Exhibits to Renewed Motion for Summary Judgment Against Defendant, Bryan Fergason (Volume VI, Bates 1251-1500)</i>






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**CASE SUMMARY**  
**CASE NO. 07A537416**

03/15/2016	 Appendix Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Appendix of Exhibits to Renewed Motion for Summary Judgment Against Defendant, Bryan Ferguson (Volume VII, Bates 1501-1750)</i>
03/15/2016	 Appendix Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Appendix of Exhibits to Renewed Motion for Summary Judgment Against Defendant, Bryan Ferguson (Volume VIII, Bates 1751-2000)</i>
03/15/2016	 Appendix Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Appendix of Exhibits to Renewed Motion for Summary Judgment Against Defendant, Bryan Ferguson (Volume IX, Bates 2001-2250)</i>
03/15/2016	 Appendix Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Appendix of Exhibits to Renewed Motion for Summary Judgment Against Defendant, Bryan Ferguson (Volume X, Bates 2251-2500)</i>
03/15/2016	 Appendix Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Appendix of Exhibits to Renewed Motion for Summary Judgment Against Defendant, Bryan Ferguson (Volume XI, Bates 2501-2742)</i>
03/28/2016	 Order for Production of Inmate <i>Order for Production of Inmate Bryan M. Ferguson, BAC #96803</i>
03/29/2016	<b>CANCELED At Request of Court (8:00 AM)</b> (Judicial Officer: Smith, Douglas E.) <i>Vacated</i> <i>Status Check: Supreme Court Remand</i>
04/06/2016	 Notice of Motion Filed By: Other Defendant Ferguson, Bryan M <i>Notice of Motion and Motion on an Order Shortening Time for Additional Time to Respond to Motion for Summary Judgment and Other Relief</i>
04/06/2016	 Notice of Motion Filed By: Other Defendant Ferguson, Bryan M
04/07/2016	 Opposition to Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Opposition to Motion, on an Order Shortening Time, for Additional Time and Other Relief</i>
04/08/2016	 Amended Order <i>Amended Order for Production of Inmate Bryan M. Ferguson, BAC #96803</i>
04/11/2016	 Notice of Motion Filed By: Other Defendant Monroe, Daimon
04/19/2016	 <b>Motion for Summary Judgment (8:00 AM)</b> (Judicial Officer: Smith, Douglas E.) <b>04/19/2016, 06/28/2016</b> Events: 03/15/2016 Appendix 03/15/2016 Motion for Summary Judgment 03/15/2016 Errata










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**CASE SUMMARY**  
**CASE NO. 07A537416**

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

















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**CASE SUMMARY**  
**CASE NO. 07A537416**

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









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**CASE SUMMARY**  
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05/27/2016	 Notice of Motion Filed By: Also Known As Hoyt, Daimon D
06/03/2016	 Notice of Motion Filed By: Other Defendant Holmes III, Robert <i>Notice of Motion &amp; Opposition to Summary Judgment and Motion to Strike the Plaintiff's Renewed Summary Judgment.</i>
06/03/2016	 Notice of Motion Filed By: Other Defendant Holmes III, Robert <i>Notice of Motion and First Supplement to Opposition to Summary Judgment and Motion to Strike the Plaintiff's Renewed Summary Judgment</i>
06/09/2016	 Notice of Proof <i>Notice of Proof of Service</i>
06/15/2016	 Order for Production of Inmate <i>Order for Production of Inmate Bryan M. Fergason, BAC #96803</i>
06/16/2016	 Order for Production of Inmate <i>Order for Production of Inmate Daimon Holt, aka, Daimon Monroe BAC #38299</i>
06/21/2016	 Reply in Support Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Reply in Support of Renewed Motion for Summary Judgment Against Defendants Bryan Fergason, Daimon Monroe and Robert Holmes, III</i>
06/24/2016	 Notice of Motion Filed By: Other Defendant Holmes III, Robert <i>2nd Supplement and Notice of Motion, Opposition and Motion to Strike Plaintiff's Reply in Support of Renewed Motion for Summary Judgment Against Defendant Robert Holmes III</i>
06/27/2016	<b>Petition to Proceed in Forma Pauperis</b> (3:00 AM) (Judicial Officer: Smith, Douglas E.) Events: 05/27/2016 Application to Proceed in Forma Pauperis <i>Request to Grant In Forma Pauperis due to Indigency</i>
06/27/2016	<b>Motion to Produce</b> (3:00 AM) (Judicial Officer: Smith, Douglas E.) Events: 05/27/2016 Notice of Motion <i>Motion to Produce Documents and Request for Further Discovery if Defendant Monroe's Motion for Summary Judgment is Denied</i>
06/27/2016	 <b>All Pending Motions</b> (3:00 AM) (Judicial Officer: Smith, Douglas E.)
06/28/2016	<b>Motion</b> (8:00 AM) (Judicial Officer: Smith, Douglas E.) <b>06/28/2016, 07/12/2016</b> <i>Deft's Pro Se Motion to Personally Give Evidence Proving the Fraudulent Warrant and Request for Discovery</i>
06/28/2016	<b>Motion for Summary Judgment</b> (8:00 AM) (Judicial Officer: Smith, Douglas E.) <b>06/28/2016, 07/12/2016</b> <i>Renewed Motion for Summary Judgment Against Defendants Daimon Monroe and Robert Holmes, III</i>
06/28/2016	<b>Motion to Compel</b> (8:00 AM) (Judicial Officer: Smith, Douglas E.) <b>06/28/2016, 07/12/2016</b> <i>Defendant's Pro Per Motion and Notification of an Inability to get Proper Copies</i>










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
















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**CASE SUMMARY**  
**CASE NO. 07A537416**

	Filed By: Plaintiff Las Vegas Metropolitan Police Dept
07/19/2016	 Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept
07/20/2016	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Entry of Orders</i>
07/22/2016	 Notice of Motion Filed By: Other Defendant Monroe, Daimon
07/22/2016	 Notice of Motion Filed By: Other Defendant Monroe, Daimon
07/22/2016	 Notice of Motion Filed By: Other Defendant Monroe, Daimon
07/22/2016	 Notice of Motion Filed By: Other Defendant Monroe, Daimon
08/15/2016	<b>Motion</b> (3:00 AM) (Judicial Officer: Smith, Douglas E.) Events: 07/06/2016 Notice of Motion <i>Notice of Motion - Motion for 60 Days to Refile my Opposition and my Summary Judgment</i>
08/15/2016	<b>Motion for Clarification</b> (3:00 AM) (Judicial Officer: Smith, Douglas E.) Events: 07/07/2016 Notice of Motion <i>Notice of Motion - Motion to Clarify I did File a Opposition, I did File a Motion for Summary Judgment, and I did File a Informa Pauperis if this Court Granted them I ask for a Rehearing</i>
08/15/2016	<b>Motion</b> (3:00 AM) (Judicial Officer: Smith, Douglas E.) Events: 07/07/2016 Notice of Motion <i>Notice of Motion - Motion to Notify Court I Sent a Informa Pauperis and Opposition to Plaintiff's Request for Summary Judgment and Sent a Request for Summary Judgment on May 23, 2016</i>
08/18/2016	 Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept
08/19/2016	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept
08/22/2016	<b>Motion</b> (3:00 AM) (Judicial Officer: Smith, Douglas E.) <b>08/22/2016, 10/18/2016</b> Events: 07/19/2016 Notice of Motion <i>Defendant's Motion to Supplement my Opposition to Plaintiffs Summery Judgment.</i>
08/22/2016	<b>Motion</b> (3:00 AM) (Judicial Officer: Smith, Douglas E.) <b>08/22/2016, 10/18/2016</b> Events: 07/22/2016 Notice of Motion <i>Motion on Coverup done by R-O-P and Sandra DiGiacomo</i>
08/22/2016	<b>Motion</b> (3:00 AM) (Judicial Officer: Smith, Douglas E.) <b>08/22/2016, 10/18/2016</b> Events: 07/22/2016 Notice of Motion <i>Motion, Evidence Submitted into Record on Illegal Arrests and Sizure and Illegal Convictions and State Obstructing and Illegal Seizure of Money</i>















DEPARTMENT 8  
**CASE SUMMARY**  
**CASE NO. 07A537416**

08/22/2016	<b>Motion</b> (3:00 AM) (Judicial Officer: Smith, Douglas E.) <b>08/22/2016, 10/18/2016</b> Events: 07/22/2016 Notice of Motion <i>Motion on some more Facts on Illegal Warrants and Illegal Taking of these Monies</i>
08/22/2016	<b>Motion</b> (3:00 AM) (Judicial Officer: Smith, Douglas E.) <b>08/22/2016, 10/18/2016</b> Events: 07/22/2016 Notice of Motion <i>Motion on Monies taken Illegally, due to Original Arest Lacking Legal Warrant</i>
08/22/2016	 <b>All Pending Motions</b> (3:00 AM) (Judicial Officer: Smith, Douglas E.)
08/29/2016	 Notice of Motion Filed By: Other Defendant Monroe, Daimon
08/31/2016	 Reply to Opposition Filed by: Other Defendant Fergason, Bryan M <i>Claimant Fergason Reply to LVMPD's Opposition, Et.</i>
09/13/2016	 Order for Production of Inmate <i>Order for Production of Inmate Bryan M. Fergason, BAC #96803</i>
09/13/2016	 Order for Production of Inmate <i>Order for Production of Inmate DAIMON HOLT, aka, Daimon Monroe, ID #715429</i>
10/11/2016	 Reply Filed by: Plaintiff Las Vegas Metropolitan Police Dept <i>LVMPD's Final Reply on Renewed Motion for Summary Judgment</i>
10/12/2016	 Substitution of Attorney Filed by: Plaintiff Las Vegas Metropolitan Police Dept <i>Substitution of Attorney Pursuant to EDCR 7.40(b)(1)</i>
10/18/2016	<b>Hearing</b> (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Hearing</i>
10/18/2016	<b>Motion</b> (8:00 AM) (Judicial Officer: Smith, Douglas E.) Events: 08/29/2016 Notice of Motion <i>Notice of Motion</i>
10/18/2016	<b>Status Check</b> (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Defendant's Opposition to the State's Motion for Summary Judgment</i>
10/18/2016	 <b>All Pending Motions</b> (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Hearing . . . Notice of Motion . . . Defendant's Opposition to the State's Motion for Summary Judgment . . . Defendant's Motion to Supplement my Opposition to Plaintiff's Summary Judgment . . . Motion on Cover-up done by R-O-P and Sandra DiGiacomo . . . Motion, Evidence Submitted into Record on Illegal Arrests and Seizure . . . Motion on Some More Facts on Illegal Warrants and Illegal taking of these Monies . . . Motion on Monies Taken Illegally due to Original Arrest Lacking Legal Warrant</i>
10/26/2016	 Findings of Fact, Conclusions of Law and Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Findings of Fact, Conclusions of Law, and Order</i>













DEPARTMENT 8  
**CASE SUMMARY**  
**CASE NO. 07A537416**

10/27/2016	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept
10/31/2016	 Notice of Appeal
10/31/2016	 Designation of Record on Appeal
11/01/2016	 Case Appeal Statement Filed By: Other Defendant Holmes III, Robert
11/02/2016	 Memorandum of Costs and Disbursements <i>Plaintiff's Verified Memorandum of Costs</i>
11/14/2016	 Motion for Attorney Fees and Costs Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>LVMPD's Motion for Attorneys Fees and Costs Against Robert Holmes, III</i>
11/16/2016	 Notice of Hearing Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Hearing Re: LVMPD's Motion for Attorneys Fees and Costs Against Robert Holmes, III</i>
11/28/2016	 Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept
11/28/2016	 Motion to Strike <i>Motion to Strike and or Opposition to LVMPD's Motion for Attorneys Fees and Cost Against Robert Holmes, III</i>
11/28/2016	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept
12/09/2016	 Application to Proceed in Forma Pauperis Filed By: Also Known As Holmes, Robert <i>Application to Proceed in Forma Pauperis (Sealed)</i>
12/22/2016	 Reply in Support Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Reply in Support of LVMPD's Motion for Attorneys Fees and Costs Against Robert Holmes, III</i>
12/27/2016	 Order to Proceed In Forma Pauperis Granted for: Other Defendant Holmes III, Robert <i>Order to Proceed In Forma Pauperis (Sealed)</i>
12/28/2016	 Notice of Motion Filed By: Other Defendant Holmes III, Robert <i>Notice of Motion and First Supplement to Opposition to Summary Judgment and Motion to Strike the Plaintiff's Renewed Summary Judgment</i>
01/04/2017	 Order for Production of Inmate <i>Order for Production of Inmate Daimon Monroe, BAC #38299</i>
01/04/2017	

DEPARTMENT 8  
**CASE SUMMARY**  
**CASE NO. 07A537416**














	 Order for Production of Inmate <i>Order for Production of Inmate Bryan M. Fergason, BAC# 96803</i>
01/09/2017	 <b>Motion for Attorney Fees and Costs</b> (3:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Las Vegas Metropolitan Police Department's Motion for Attorney's Fees and Costs Against Robert Holmes, III</i>
01/10/2017	 <b>Status Check</b> (8:00 AM) (Judicial Officer: Smith, Douglas E.) <b>01/10/2017, 04/18/2017, 07/18/2017</b> <i>Status Check: Stay Pending Supreme Court Filing in C228752 (Monroe)</i>
01/31/2017	 Order Granting Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Order Granting Plaintiff's Motion for Attorneys Fees and Costs and Judgment Against Robert Holmes, III</i>
01/31/2017	<b>Judgment Plus Legal Interest</b> (Judicial Officer: Smith, Douglas E.) Debtors: Robert Holmes III (Other Defendant) Creditors: Las Vegas Metropolitan Police Dept (Plaintiff) Judgment: 01/31/2017, Docketed: 02/06/2017 Total Judgment: 6,568.64
02/01/2017	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept
02/06/2017	 Notice of Appeal
02/06/2017	 Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept
02/07/2017	 <b>Hearing</b> (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Renewed Motion for Summary Judgment (Fergason)</i>
02/07/2017	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept
02/07/2017	 Order for Production of Inmate <i>Order for Production of Inmate Bryan M. Fergason, BAC# 96803</i>
02/09/2017	 Supplement to Motion for Summary Judgment Filed by: Plaintiff Las Vegas Metropolitan Police Dept <i>LVMPD's Supplement to Renewed Motion for Summary Judgment as Against Defendant Bryan Fergason</i>
02/10/2017	 Case Appeal Statement Filed By: Other Defendant Holmes III, Robert
02/15/2017	 Order for Production of Inmate <i>Order for Production of Inmate Bryan M. Fergason, BAC# 96803</i>
02/23/2017	 Motion to Strike Filed By: Other Defendant Fergason, Bryan M <i>Notice of Motion and Motion to Strike and Other Relief</i>

DEPARTMENT 8  
**CASE SUMMARY**  
**CASE NO. 07A537416**












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

DEPARTMENT 8  
**CASE SUMMARY**  
**CASE NO. 07A537416**









*Monroe*

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











DEPARTMENT 8  
**CASE SUMMARY**  
**CASE NO. 07A537416**

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

DEPARTMENT 8  
**CASE SUMMARY**  
**CASE NO. 07A537416**

06/13/2017	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Entry of Order</i>
06/20/2017	 Notice of Appeal Filed By: Other Defendant Fergason, Bryan M <i>Notice of Appeal</i>
06/22/2017	 Case Appeal Statement <i>Case Appeal Statement</i>
07/10/2017	<b>Motion</b> (3:00 AM) (Judicial Officer: Smith, Douglas E.) Events: 06/08/2017 Motion to Extend <i>Motion for Thirty (30)-Day Extention [sic] or More on Hearing Date of July 18, 2017</i>
07/10/2017	<b>Motion</b> (3:00 AM) (Judicial Officer: Smith, Douglas E.) Events: 06/08/2017 Notice of Motion <i>Motion for a Status Check and Other Relief</i>
07/10/2017	 <b>All Pending Motions</b> (3:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Motion for Thirty (30)-Day Extention or More on Hearing Date of July 18, 2017 . . . Motion for a Status Check and Other Relief</i>
07/17/2017	 <b>Motion</b> (3:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Motion in Support for 30- to 60-Day Extension and Submitting More Evidence</i>
07/18/2017	<b>Status Check</b> (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Hearing Regarding Status Check and Briefing Deadline as to Claimant Daimon Monroe</i>
07/18/2017	 <b>All Pending Motions</b> (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Hearing Regarding Status Check and Briefing Deadline as to Claimant Daimon Monroe . . . Status Check: Stay Pending Supreme Court Filing in C228752 (Monroe)</i>
07/25/2017	 Notice of Motion Filed By: Other Defendant Monroe, Daimon <i>Notice of Motion</i>
08/21/2017	 Opposition to Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>LVMPD's Opposition to Claimant Daimon Monoe's Motion Submitting Emails and Additional Facts on the State Obstructing Justice</i>
08/28/2017	 <b>Motion</b> (3:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Motion Submitting E-Mails and Additional Facts on the State Obstructing Justice</i>
09/13/2017	 Notice of Rescheduling of Hearing <i>Notice of Rescheduling of Hearing</i>
09/25/2017	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate Judgment - Dismissed</i>
09/25/2017	<b>Clerk's Certificate</b> (Judicial Officer: Smith, Douglas E.)  Debtors: U S Currency \$281,656.73 (Defendant), Daimon Monroe (Other Defendant), Daimon D Hoyt (Also Known As), Bryan M Fergason (Other Defendant), J B Fergason (Also Known As),

**DEPARTMENT 8**  
**CASE SUMMARY**  
**CASE NO. 07A537416**

	<p>Tonya M Trevarthen (Other), Robert Holmes III (Other Defendant), Bobby Holmes (Also Known As), Robert Holmes (Also Known As)          Creditors: Las Vegas Metropolitan Police Dept (Plaintiff)          Judgment: 09/25/2017, Docketed: 10/02/2017          Comment: Supreme Court No 73344 - "APPEAL DISMISSED"</p>
09/26/2017	 <b>Status Check</b> (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Status Check: Appeal/Renewed Motion for Summary Judgment</i>
10/03/2017	 <b>Motion</b> Filed By: Other Defendant Monroe, Daimon <i>Motion of Evidence</i>
10/13/2017	 <b>Opposition to Motion</b> Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>LVMPD's Opposition to Claimant Daimon Monroe's Motion for Evidence</i>
10/19/2017	<p><b>Summary Judgment</b> (Judicial Officer: Smith, Douglas E.)          Debtors: Daimon Monroe (Other Defendant)          Creditors: Las Vegas Metropolitan Police Dept (Plaintiff)          Judgment: 10/19/2017, Docketed: 10/20/2017</p>
10/19/2017	 <b>Findings of Fact, Conclusions of Law and Order</b> Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Findings of Fact, Conclusions of Law, and Order</i>
10/20/2017	 <b>Notice of Entry of Findings of Fact, Conclusions of Law</b> Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>
10/23/2017	 <b>Decision</b> (3:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Decision: Renewed Motion for Summary Judgment (Daimon Monroe)</i>
10/23/2017	 <b>Memorandum of Costs and Disbursements</b> Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Plaintiff's Verified Memorandum of Costs</i>
10/30/2017	 <b>Notice of Appeal</b> <i>Notice of Appeal</i>
11/02/2017	 <b>Case Appeal Statement</b> <i>Case Appeal Statement</i>
11/02/2017	 <b>Notice of Appeal</b> Filed By: Other Defendant Ferguson, Bryan M <i>Notice of Appeal</i>

DATE	FINANCIAL INFORMATION								
	<p><b>Conversion Extended Connection Type</b> No Convert Value @ 07A537416</p> <table> <tr> <td>Total Charges</td><td>202.00</td></tr> <tr> <td>Total Payments and Credits</td><td>202.00</td></tr> <tr> <td><b>Balance Due as of 11/7/2017</b></td><td><b>0.00</b></td></tr> </table> <p><b>Other Defendant</b> Holmes III, Robert</p> <table> <tr> <td>Total Charges</td><td>1.50</td></tr> </table>	Total Charges	202.00	Total Payments and Credits	202.00	<b>Balance Due as of 11/7/2017</b>	<b>0.00</b>	Total Charges	1.50
Total Charges	202.00								
Total Payments and Credits	202.00								
<b>Balance Due as of 11/7/2017</b>	<b>0.00</b>								
Total Charges	1.50								

DEPARTMENT 8  
**CASE SUMMARY**  
**CASE NO. 07A537416**

Total Payments and Credits	1.50
<b>Balance Due as of 11/7/2017</b>	<b>0.00</b>
<b>Other Defendant</b> Monroe, Daimon	
Total Charges	24.00
Total Payments and Credits	24.00
<b>Balance Due as of 11/7/2017</b>	<b>0.00</b>
<b>Plaintiff</b> Las Vegas Metropolitan Police Dept	
Total Charges	201.00
Total Payments and Credits	201.00
<b>Balance Due as of 11/7/2017</b>	<b>0.00</b>

ORIGINAL

CIVIL COVER SHEET

Clark County, Nevada

Case No.

(Assigned by Clerk's Office)

A 23746

VII

I. Party Information

Plaintiffs: Las Vegas Metropolitan Police Department

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

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

Attorney:

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

☐ Arbitration Requested

Civil Cases

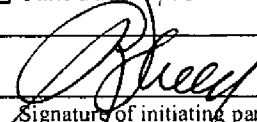
Real Property	Torts	
<input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Title to Property <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input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

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

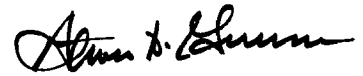
<input type="checkbox"/> NRS Chapters 78-88	<input type="checkbox"/> Investments (NRS 104B)	<input type="checkbox"/> Enhanced Case Mgmt/Business
<input type="checkbox"/> Commodities (NRS 90)	<input type="checkbox"/> Deceptive Trade Practices (NRS 598)	<input type="checkbox"/> Other Business Court Matters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

8 March 07

Date



Signature of initiating party or representative



CLERK OF THE COURT

**MARQUIS AURBACH COFFING**

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**LAS VEGAS METROPOLITAN  
POLICE DEPARTMENT**

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m16091c@lvmpd.com

Attorneys for Plaintiff, LVMPD

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT,

Plaintiff,

vs.

U.S. CURRENCY \$281,656.73,

Defendant.

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

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

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

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

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

#### 4 FINDINGS OF FACT

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

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

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

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

22 5. On March 5, 2012, Plaintiff filed a Motion to Lift the Stay of this forfeiture matter  
23 as the Defendants/Claimants had been adjudicated in all of the criminal cases, Case Nos.  
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19 commercial businesses with doors of a particular type, which could be opened with a specially-  
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21 Grand Larceny (NRS 205.220), and/or Possession of Stolen Property (NRS 205.275).

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

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

26           14.      When Fergason and his co-defendants stole from businesses, they often took cash  
27 during the burglaries. Testimony from the criminal trials of Monroe and Fergason indicates  
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1 victims reported cash was stolen from their businesses' cash registers or petty cash drawers  
2 during the burglaries, for which Defendants were convicted.

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4 to break into safes during a burglary or, at times after burglarizing a business, in their garage.

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

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

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

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

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

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

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

28

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

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

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

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

### CONCLUSIONS OF LAW

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

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

3 2. Pursuant to NRCP 56, summary judgment is appropriate “if the pleadings,  
4 depositions, answers to interrogatories, and admissions on file, together with the affidavits, if  
5 any, show that there is no genuine issue as to any material fact and that the moving party is  
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24 NRCP 56 prohibits the filing of successive motions for summary judgment, as expressly  
25 recognized by the Supreme Court. Barnettler v. Reno Air, Inc., 114 Nev. 441, 956 P.2d 1382  
26 (1998).

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

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

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

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

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

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

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

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

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

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

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

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

6 **ORDER**

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

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

10  
11   
12 \_\_\_\_\_  
DISTRICT COURT JUDGE

13 Submitted by:

14 MARQUIS AURBACH COFFING

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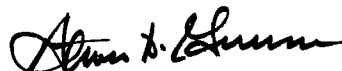
**MARQUIS AURBACH COFFING**

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**LAS VEGAS METROPOLITAN  
POLICE DEPARTMENT**

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CLERK OF THE COURT

Attorneys for Plaintiff, LVMPD

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

**LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT,**

Plaintiff,

vs.

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

Defendant.

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

**NOTICE OF ENTRY OF ORDER**

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**NOTICE OF ENTRY OF ORDER**

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

Dated this 20<sup>th</sup> day of March, 2017.

MARQUIS AURBACH COFFING

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

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **NOTICE OF ENTRY OF ORDER** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 20 day of March, 2017. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:<sup>1</sup>

**DA's Office****Contact**  
PD MOTIONS**Email**  
[Motions@clarkcountyyda.com](mailto:Motions@clarkcountyyda.com)**Dept 8****Contact**  
Law Clerk Dept 8**Email**  
[Dept08LC@clarkcountycourts.us](mailto:Dept08LC@clarkcountycourts.us)**Office of General Counsel Las Vegas Metropolitan Police Department****Contact**  
Jessica Anaya  
Matthew J. Christian, Esq.**Email**  
[j16092a@lvmpd.com](mailto:j16092a@lvmpd.com)  
[m16091c@lvmpd.com](mailto:m16091c@lvmpd.com)**PD Sex****Contact**  
ANITA Harrold**Email**  
[harrolah@ClarkCountyNV.gov](mailto:harrolah@ClarkCountyNV.gov)

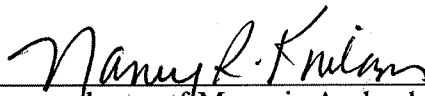
I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

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

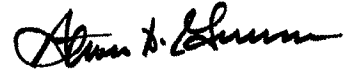
Via certified mail/return receipt requested to:

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

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

  
An employee of Marquis Aurbach Coffing

<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).



CLERK OF THE COURT

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Case No.: 07A537416

Dept. No.: VIII

Date of Hearing: March 7, 2017

Time of Hearing: 8:00 a.m.

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

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

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

#### 4 **FINDINGS OF FACT**

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

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

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

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

22 5. On March 5, 2012, Plaintiff filed a Motion to Lift the Stay of this forfeiture matter  
23 as the Defendants/Claimants had been adjudicated in all of the criminal cases, Case Nos.  
24 C228752, 06F18594 (which was bound over to District Court as Case No. C227874), and  
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1           7.       Claimants Fergason, Holmes, and Monroe all appealed the Order Granting  
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25 recognized by the Supreme Court. Barnettler v. Reno Air, Inc., 114 Nev. 441, 956 P.2d 1382  
26 (1998).

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

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

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

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

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

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

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

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

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

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

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

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

6 **ORDER**

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

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

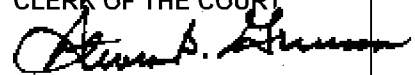
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11   
12 DISTRICT COURT JUDGE

13 Submitted by:

14 MARQUIS AURBACH COFFING

15  
16 By Adele Karoum

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**DISTRICT COURT****CLARK COUNTY, NEVADA**LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT,

Plaintiff,

vs.

U.S. CURRENCY \$281,656.73,

Defendant.

Case No.: 07A537416  
Dept. No.: VIIIDate of Hearing: September 26, 2017  
Time of Hearing: 8:00 a.m.**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

This matter having come on for hearing on September 26, 2017, on Plaintiff, Las Vegas Metropolitan Police Department's ("LVMPD") Renewed Motion for Summary Judgment Against Defendant Monroe, Adele V. Karoum, Esq. of the law firm of Marquis Aurbach Coffing and Matthew Christian, Esq. of the Las Vegas Metropolitan Police Dept.; Defendant Daimon Monroe ("Monroe") appearing telephonically. The Court having considered the issues and

arguments presented, and good cause appearing therefore, the Court hereby GRANTS summary judgment to LVMPD on the severed claim for civil forfeiture against claimant Daimon Monroe for \$124,216.36.

## **FINDINGS OF FACT**

### **I. PROCEDURAL BACKGROUND**

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

2. Claimants Bryan Fergason ("Fergason"), Daimon Monroe ("Monroe"), Robert Holmes III ("Holmes") and Tanya Trevarthen were involved in a burglary ring and were adjudicated guilty between 2008 and 2011.

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

4. In 2007, the case was stayed pending the completion of the companion criminal proceedings.

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

6. Claimant Tanya Trevarthen ("Trevarthen") pled guilty to one count of Conspiracy to Possess Stolen Property and/or to Commit Burglary and one count of Possession of Stolen Property in Case No. C228752 on October 3, 2008.

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

5           8.       On May 1, 2012, LVMPD, through the District Attorney's office, filed a motion  
6 for summary judgment on the forfeiture claim. In the motion for summary judgment, LVMPD  
7 set forth relevant facts and exhibits from the criminal trials of the claimants.

8           9.       The Motion for Summary Judgment was granted on November 28, 2012.

9           10.      Claimants Ferguson, Holmes, and Monroe separately appealed the Order Granting  
10 Summary Judgment from November 28, 2012, to the Nevada Supreme Court. The Nevada  
11 Supreme Court addressed the claimants through separate orders on their individual respective  
12 claims.

13          11.      On March 18, 2016, the Nevada Supreme Court affirmed in part and reversed in  
14 part the order granting summary judgment as to claimant Monroe. Monroe v. Las Vegas Metro.  
15 Police Dept., Case No. 62264.

16          12.      The Nevada Supreme Court affirmed the civil forfeiture as to the "money seized  
17 from appellant's [Monroe's] house" which included \$13,825 in cash and \$1,040 in loose coins.  
18 The Nevada Supreme Court also affirmed civil forfeiture as to the \$26,938.64 seized from  
19 Trevarthen's bank account that Monroe accessed as if it were a joint account.

20          13.      The Nevada Supreme Court reversed the civil forfeiture as to Monroe with respect  
21 to funds recovered from the bail bond companies and attorneys.

22          14.      On May 5, 2016, LVMPD filed a Renewed Motion for Summary Judgment  
23 against Monroe. The Renewed Motion for Summary Judgment attached additional evidence  
24 including evidence from the claimants' criminal investigations and trials to establish there is no  
25 issue of material fact remaining as to the issue of whether the proceeds seized from bail bond  
26 companies and attorneys paid by Trevarthen and Monroe were proceeds from the commission or  
27 attempted commission of a felony, under NRS 179.1164.

1           15. Monroe filed a motion on April 11, 2016, titled Motion to Personally Give  
2 Evidence Proving the Fraudulent Warrant and Request for Discovery, which was opposed by  
3 LVMPD on April 26, 2015.

4           16. Monroe, appearing pro se, filed numerous oppositions to LVMPD's renewed  
5 motion for summary judgment in the form of documents titled both "motion" and "opposition"  
6 requesting discovery and hearings on the warrants utilized for his criminal conviction. These  
7 briefs were filed on May 6, 2016; May 27, 2016; July 6, 2017; July 7, 2017; July 19, 2016; July  
8 22, 2016; August 29, 2016; May 23, 2017; June 8, 2017; July 25, 2017; and September 29, 2017.

9           17. Monroe has filed several appeals since his conviction on all aspects of his  
10 conviction including the warrants, stop, arrest, and various evidentiary matters. See, e.g.,  
11 Monroe v. State, 2013 WL 3325102 (Nev. 2013) (vexatious litigant); Monroe v. Eighth Judicial  
12 District Court, 2013 WL 3270959 (Nev. 2013) (declining to exercise jurisdiction on writ on  
13 seized property); Monroe v. State, 2015 WL 1877693 (2015) (ineffective counsel regarding  
14 handling of warrant matter).

15           18. Monroe, a.k.a. Daimon Hoyt, recently filed several additional appeals and writs in  
16 his separate criminal cases related to the validity or sufficiency of the warrants underlying his  
17 convictions. See Hoyt v. State, Case no. 70556 (June 14, 2016; Order affirming conviction  
18 September 13, 2017). See also Hoyt v. State, Case No. 70557 (June 14, 2016; Appeal dismissed  
19 for lack of jurisdiction August 10, 2016); Monroe v. State, Case No. 72944 (May 4, 2017;  
20 Briefing in progress); Monroe v. Eighth Jud. Dist. Ct., Case No. 73388 (Writ petition filed June  
21 30, 2017; Petition denied); Monroe v. Eighth Jud. Dist. Ct., Case No. 72832 (Writ petition filed  
22 April 18, 2017; Petition denied September 19, 2017).

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1 19. Monroe has also filed a Writ of Habeas Corpus and requested rehearing of the  
2 Writ of Habeas Corpus in his criminal case in Department 20, case No. 06-C-228752-1, which is  
3 currently stayed pending the appeal in the Nevada Supreme Court. Monroe has also filed an  
4 application for leave to file a motion in Case Number 06-C-228581 in Department 3, which the  
5 District Court denied, explaining Monroe was previously found to be a vexatious litigant and  
6 continues to challenge the same evidentiary issues have been repeatedly addressed by the court.

7 20. Monroe made several requests in this case to continue hearings or stay the civil  
8 forfeiture case based upon his filing of appeals or writs related to the warrants in the criminal  
9 cases.

10 21. LVMPD has opposed Monroe's motions and supplemented its briefing related to  
11 the warrant and continuance/stay issues in briefs filed on May 16, 2016, July 8, 2016; June 8,  
12 2017; and August 21, 2017.

13 22. LVMPD filed a reply in support of its Renewed Motion for Summary Judgment  
14 on June 21, 2016. Because the pro se claimants were provided additional opportunities to  
15 oppose the motion, LVMPD was permitted to file sur reply briefing on October 11, 2016.

## 16 **II. FACTS**

17 23. Claimants Holmes, Fergason, Monroe, and Trevarthen were involved in a  
18 burglary ring and were adjudicated guilty between 2008 and 2011. The burglaries spanned a  
19 time period over several years, and involved a sophisticated method of gaining entry to  
20 commercial businesses with doors of a particular type, which could be opened with a specially-  
21 crafted tool. Monroe was found guilty of felonies including Burglary (NRS 205.050 and  
22 205.060), Grand Larceny (NRS 205.220 and 205.222), and Possession of Stolen Property (NRS  
23 205.275).

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

27 25. This included \$53,827 seized that was held by attorneys and bail bond companies  
28 for Trevarthen and Monroe, identified as follows: \$528.95 from As the Bail Turns paid by

1 Trevarthen; \$5,105.38 from the account of All Out Bail Bonds, paid by Trevarthen for Monroe's  
2 bail; \$26,502 from attorney Al Lasso's client trust account, which was provided to him by  
3 Trevarthen for representation of Monroe; \$3,500 from attorney Jonathan Lord, received from  
4 Trevarthen; and \$10,000 from attorney Joel Mann, received from Trevarthen.

5 26. Monroe, Trevarthen, and their three children lived together from 2001 to 2006.

6 27. Monroe did not have any evidence of legitimate employment in 2006. Monroe did  
7 not work beyond selling stolen property for cash and bringing stolen cash home from burglaries.

8 28. Monroe said at times said he was in the pressure washing business for D&B's  
9 Pressure Washing (presumably Daemon and Bryan's), but this pressure washing business did not  
10 exist.

11 29. Trevarthen testified Monroe sold stolen property nearly every weekend, to get rid  
12 of the stolen property before the next weekend.

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

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

19 32. Trevarthen worked as a substitute teacher for Clark County School District. She  
20 testified her income was insufficient to cover the family's regular monthly bills. Trevarthen  
21 earned around \$2,000 per month, and her income did not cover the bills for the family.  
22 Trevarthen's bank records established the amount of her direct deposits from her employment  
23 with the school district were insufficient to pay the family's expenses. The couple's rent alone  
24 was \$1,600 per month between 2003 and 2006, and the residence had additional expenses  
25 including phone, cable internet, gas, water, and electric bills as high as \$500 per month during  
26 the summer.

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1           33.     Trevarthen testified she had bank accounts at Bank of America in her name, but  
2     Monroe accessed her accounts with her ATM card and online login, because Monroe did not  
3     have his own identification or his own bank account.

4           34.     Trevarthen testified her shared bank account held funds from Monroe's sales of  
5     stolen property, because her earnings did not cover the bills for the couple and their children.

6           35.     Trevarthen testified in the criminal trial that after her arrest on November 6, 2006,  
7     she withdrew money from her accounts at Bank of America to pay retainers and attorney fees.

8           36.     The \$53,827 seized by LVMPD from attorneys Lasso, Lord, and Mann and bail  
9     bond companies was from payments made just prior to the seizure of Trevarthen's bank  
10    accounts. The attorneys and bail bond companies relinquished the funds related to this forfeiture  
11    action.

12          37.     The financial records in evidence established Travarthen made these payments  
13    from funds from the Bank of America accounts including payments of attorneys fees including a  
14    \$17,500 cashier's check to the Law Offices of Al Lasso, LLC on November 9, 2006; a \$2,500  
15    cashier's check written to the Law Offices of Al Lasso, LLC on November 17, 2006; and a  
16    \$25,000 cashier's check made payable to Trevarthen and endorsed by a trust account for the Law  
17    Office of Al Lasso, LLC on November 17, 2006.

18          38.     Trevarthen's financial records in evidence also established a check card  
19    transaction from the bank account she shared with Monroe to her attorney, Jonathan Lord, for  
20    \$3,500 on November 9, 2006. Trevarthen also paid attorney Joel Mann \$10,000 for legal  
21    services for Monroe, which was voluntarily surrendered by Mann, and the evidence established  
22    this money also came from the funds from the shared bank account.

23          39.     Trevarthen's financial records in evidence demonstrate she paid \$10,000 to bail  
24    bond companies using her check card linked to her Bank of America account, which she shared  
25    with Monroe.

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## CONCLUSIONS OF LAW

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

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

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

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

26 5. LVMPD’s renewed motions for summary judgment and the referenced exhibits  
27 from the criminal matters and the investigation by LVMPD establish there are no genuine issues  
28 of material fact remaining on this matter of civil forfeiture.

1           6. Further, LVMPD is entitled to judgment as a matter of law regarding the  
2 forfeiture of U.S. CURRENCY of \$53,827 for payments to attorneys for Monroe and  
3 Trevarthen's defenses and to bail bond companies on their behalf.

4           7. After remand from the Nevada Supreme Court cases, the issue remaining as to  
5 claimant Monroe was whether the money seized from attorneys and bail bond companies  
6 constituted proceeds attributable to the commission or the attempted commission of a felony. If  
7 the money is determined to have been proceeds from the commission or attempted commission  
8 of a felony, NRS Chapter 179 provides the money is subject to forfeiture to the State as fruits of  
9 the crime.

10           8. The money paid to attorneys and bail bond companies, \$53,827 was proceeds  
11 from the commission or attempted commission of a felony. Monroe was convicted of 26 counts  
12 of Possession of stolen property, all Category B and C felonies, in violation of NRS 205.275, and  
13 one count of Conspiracy to Possess Stolen Property and/or to Commit Burglary, a gross  
14 misdemeanor. An Amended Judgment of Conviction was filed in this matter on September 17,  
15 2010. An Amended Judgment of Conviction in Case Number C227874 was filed on August 4,  
16 2008, as to Monroe, who was found guilty of two counts of Burglary, both Felonies, in violation  
17 of NRS 205.050 and 205.060, and guilty of Grand Larceny, a Category B Felony in violation of  
18 NRS 205.220 and 205.222

19           9. There is no issue of material fact remaining as to whether the \$53,827 seized from  
20 attorneys and bail bond companies and paid on behalf of Trevarthen and Monroe was linked to a  
21 felony or attempted felony where the admissible evidence submitted by LVMPD established:  
22 (a) The payments to attorneys and bail bond companies were all directly traced through financial  
23 records in evidence to Bank of America bank accounts held by Trevarthen and shared with  
24 Monroe; (b) Trevarthen testified her bank accounts contained funds from Monroe's regular sales  
25 of stolen property; (c) Evidence indicated Monroe also stole cash during his burglaries, for which  
26 he was convicted; (d) Records from the bank accounts and testimony indicated the only source of  
27 legitimate income was Trevarthen's income as a substitute teacher; (e) Bank records in evidence  
28 showed direct deposits from employment were consistent with Trevarthen's testimony that her

1 income was insufficient to pay the family's bills; (f) There was no evidence indicating Monroe  
2 had a legitimate source of employment or income between 2001 and 2006 beyond the sale of  
3 stolen property and proceeds from burglaries; and (g) The financial records showing  
4 withdrawals, checks, cashier's checks, and payments to bail bond companies and attorneys were  
5 consistent with sworn statements and testimony which indicated Trevarthen held the money from  
6 stolen property in her bank accounts and then paid the attorneys and bail bond companies.

7 10. Monroe did not set forth any admissible evidence in opposition to the renewed  
8 motion for summary judgment. "Evidence introduced in support of or in opposition to a motion  
9 for summary judgment must be admissible evidence." See NRCP 56(e); Schneider v. Cont'l  
10 Assur. Co., 110 Nev. 1270, 1273, 885 P.2d 572, 575 (1994). Where an adversary party provides  
11 no documentation in support of his allegations, summary judgment may be granted. Collins v.  
12 Union Fed. Sav. & Loan Ass'n, 99 Nev. 284, 294, 662 P.2d 610, 616 (1983). Monroe's only  
13 opposition to the motion for summary judgment consists of his theories that the warrants that  
14 form the basis of his criminal conviction are invalid, based upon a theory that a number in a date  
15 is fuzzy and therefore allegedly backdated. Monroe has not set forth any evidence related to the  
16 tracing of these funds from Trevarthen's bank account, nor has he presented any admissible  
17 evidence to contest whether he had any legitimate employment during the relevant time period.

18 11. LVMPD has set forth clear and convincing evidence establishing the proceeds  
19 seized from this bank account were proceeds of the criminal activity.

20 12. Monroe's arguments on the sufficiency of or validity of the warrants are  
21 procedurally improper and barred by the doctrines of claim and issue preclusion, as these issues  
22 have been previously litigated in this case as well as in the criminal appeals. See Five Star  
23 Capital Corp. v. Ruby, 124 Nev. 1048, 1052, 194 P.3d 709, 711 (2008). Issue preclusion applies  
24 when there is a "common issue that was actually decided and necessary to the judgment in the  
25 earlier suit." Id. (citing University of Nevada v. Tarkanian, 110 Nev. 581, 598-599, 879 P.2d  
26 1180, 1191 (1994)).

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1           13.     The issue of validity of the criminal warrants, to the extent it is not barred by  
2 claim or issue preclusion, lies within the jurisdiction of the court with current jurisdiction of  
3 Monroe's criminal cases.

4           14.     Because jurisdiction of any issues of the warrant and the criminal conviction lies  
5 in the courts deciding the criminal cases and criminal appeals, Monroe's challenge of the  
6 warrants through this civil forfeiture action is procedurally improper.

7           15.     A stay or continuance of the civil forfeiture action is not warranted or required  
8 based on Monroe's pending appeals. Under Nevada's civil forfeiture statute, NRS 179.1173, the  
9 stay is to be lifted in a civil forfeiture after trial is completed, and there is no statutory language  
10 to support the stay of a civil forfeiture for serial appeals of criminal convictions. See also, e.g.,  
11 State ex rel. W. v. McDonnell, 9 N.E. 3d 1025, 1030 (Ohio 2014) (trial court judge in forfeiture  
12 matter did not lack jurisdiction to conduct forfeiture proceedings after defendant filed a notice of  
13 appeal from his underlying criminal conviction and sentence).

14           16.     The Nevada Rules of Civil Procedure and the Nevada Rules of Appellate  
15 Procedure do not provide for a stay pending appeal in a different case.

16           17.     Monroe did not file a motion for stay or set forth any grounds under NRAP 8(c)  
17 for a stay pending appeal, and he did not post a supersedeas bond to stay the civil forfeiture  
18 action. Monroe has not requested a stay in this case based on his pending appeal.

19           18.     As to claimant Monroe, the \$53,827 seized from bail bond companies and  
20 attorneys including (a) As the Bail Turns, (b) All Out Bail Bonds, (c) Al Lasso, Esq., (d)  
21 Jonathan Lord, Esq., and (e) Joel Mann, Esq. was proceeds from the commission or attempted  
22 commission of a felony, and subject to forfeiture under NRS 179.1164.

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ORDER

Therefore, it is hereby ordered that LVMPD's Renewed Motion for Summary Judgment against Claimant Daimon Monroe is hereby granted in its entirety.

It is further ordered the Motion to Personally Give Evidence Proving the Fraudulent Warrant and Request for Discovery, and all related, additional motions filed by Daimon Monroe, where not specifically addressed, are hereby denied.

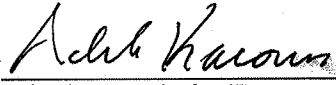
IT IS SO ORDERED, this 18 day of October 2017.

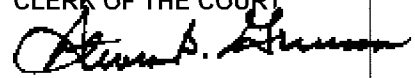
  
DISTRICT COURT JUDGE  
ndp

Submitted by:

MARQUIS AURBACH COFFING

By

  
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Attorneys for Plaintiff, LVMPD

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT,

Plaintiff,

vs.

U.S. CURRENCY \$281,656.73,

Defendant.

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

**NOTICE OF ENTRY OF FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDER**

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**NOTICE OF ENTRY OF FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDER**

Please take notice that Findings of Fact, Conclusions of Law and Order ("Order") was entered in the above-captioned matter on the 19th day of October, 2017. A copy of the Order is attached hereto.

Dated this 20<sup>th</sup> day of October, 2017.

MARQUIS AURBACH COFFING

By Adele Karoun  
Micah S. Echols, Esq.  
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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 20 day of October, 2017. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:<sup>1</sup>

**DA's Office****Contact**  
PD MOTIONS**Email**  
[Motions@clarkcountyyda.com](mailto:Motions@clarkcountyyda.com)**Dept 8****Contact**  
Law Clerk Dept 8**Email**  
[Dept08LC@clarkcountycourts.us](mailto:Dept08LC@clarkcountycourts.us)**Office of General Counsel Las Vegas Metropolitan Police Department****Contact**  
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ANITA Harrold**Email**  
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I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

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


Via certified mail/return receipt requested to:

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

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

  
An employee of Marquis Aurbach Coffing

<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).

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**DISTRICT COURT****CLARK COUNTY, NEVADA**LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT,

Plaintiff,

vs.

U.S. CURRENCY \$281,656.73,

Defendant.

Case No.: 07A537416  
Dept. No.: VIIIDate of Hearing: September 26, 2017  
Time of Hearing: 8:00 a.m.**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

This matter having come on for hearing on September 26, 2017, on Plaintiff, Las Vegas Metropolitan Police Department's ("LVMPD") Renewed Motion for Summary Judgment Against Defendant Monroe, Adele V. Karoum, Esq. of the law firm of Marquis Aurbach Coffing and Matthew Christian, Esq. of the Las Vegas Metropolitan Police Dept.; Defendant Daimon Monroe ("Monroe") appearing telephonically. The Court having considered the issues and

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

#### 4 FINDINGS OF FACT

##### 5 I. PROCEDURAL BACKGROUND

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

9 2. Claimants Bryan Fergason ("Fergason"), Daimon Monroe ("Monroe"), Robert  
10 Holmes III ("Holmes") and Tanya Trevarthen were involved in a burglary ring and were  
11 adjudicated guilty between 2008 and 2011.

12 3. Answers to the Complaint for Forfeiture were filed by claimant Monroe on April  
13 5, 2007; Fergason, through his former counsel Cynthia Dustin, Esq., on April 10, 2007; and  
14 Holmes, through his former counsel Sean Sullivan, Esq., on April 12, 2007.

15 4. In 2007, the case was stayed pending the completion of the companion criminal  
16 proceedings.

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

25 6. Claimant Tanya Trevarthen ("Trevarthen") pled guilty to one count of Conspiracy  
26 to Possess Stolen Property and/or to Commit Burglary and one count of Possession of Stolen  
27 Property in Case No. C228752 on October 3, 2008.

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

5           8.     On May 1, 2012, LVMPD, through the District Attorney's office, filed a motion  
6 for summary judgment on the forfeiture claim. In the motion for summary judgment, LVMPD  
7 set forth relevant facts and exhibits from the criminal trials of the claimants.

8           9.     The Motion for Summary Judgment was granted on November 28, 2012.

9           10.    Claimants Ferguson, Holmes, and Monroe separately appealed the Order Granting  
10 Summary Judgment from November 28, 2012, to the Nevada Supreme Court. The Nevada  
11 Supreme Court addressed the claimants through separate orders on their individual respective  
12 claims.

13          11.    On March 18, 2016, the Nevada Supreme Court affirmed in part and reversed in  
14 part the order granting summary judgment as to claimant Monroe. Monroe v. Las Vegas Metro.  
15 Police Dept., Case No. 62264.

16          12.    The Nevada Supreme Court affirmed the civil forfeiture as to the "money seized  
17 from appellant's [Monroe's] house" which included \$13,825 in cash and \$1,040 in loose coins.  
18 The Nevada Supreme Court also affirmed civil forfeiture as to the \$26,938.64 seized from  
19 Trevarthen's bank account that Monroe accessed as if it were a joint account.

20          13.    The Nevada Supreme Court reversed the civil forfeiture as to Monroe with respect  
21 to funds recovered from the bail bond companies and attorneys.

22          14.    On May 5, 2016, LVMPD filed a Renewed Motion for Summary Judgment  
23 against Monroe. The Renewed Motion for Summary Judgment attached additional evidence  
24 including evidence from the claimants' criminal investigations and trials to establish there is no  
25 issue of material fact remaining as to the issue of whether the proceeds seized from bail bond  
26 companies and attorneys paid by Trevarthen and Monroe were proceeds from the commission or  
27 attempted commission of a felony, under NRS 179.1164.

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1 15. Monroe filed a motion on April 11, 2016, titled Motion to Personally Give  
2 Evidence Proving the Fraudulent Warrant and Request for Discovery, which was opposed by  
3 LVMPD on April 26, 2015.

4 16. Monroe, appearing pro se, filed numerous oppositions to LVMPD's renewed  
5 motion for summary judgment in the form of documents titled both "motion" and "opposition"  
6 requesting discovery and hearings on the warrants utilized for his criminal conviction. These  
7 briefs were filed on May 6, 2016; May 27, 2016; July 6, 2017; July 7, 2017; July 19, 2016; July  
8 22, 2016; August 29, 2016; May 23, 2017; June 8, 2017; July 25, 2017; and September 29, 2017.

9 17. Monroe has filed several appeals since his conviction on all aspects of his  
10 conviction including the warrants, stop, arrest, and various evidentiary matters. See, e.g.,  
11 Monroe v. State, 2013 WL 3325102 (Nev. 2013) (vexatious litigant); Monroe v. Eighth Judicial  
12 District Court, 2013 WL 3270959 (Nev. 2013) (declining to exercise jurisdiction on writ on  
13 seized property); Monroe v. State, 2015 WL 1877693 (2015) (ineffective counsel regarding  
14 handling of warrant matter).

15 18. Monroe, a.k.a. Daimon Hoyt, recently filed several additional appeals and writs in  
16 his separate criminal cases related to the validity or sufficiency of the warrants underlying his  
17 convictions. See Hoyt v. State, Case no. 70556 (June 14, 2016; Order affirming conviction  
18 September 13, 2017). See also Hoyt v. State, Case No. 70557 (June 14, 2016; Appeal dismissed  
19 for lack of jurisdiction August 10, 2016); Monroe v. State, Case No. 72944 (May 4, 2017;  
20 Briefing in progress); Monroe v. Eighth Jud. Dist. Ct., Case No. 73388 (Writ petition filed June  
21 30, 2017; Petition denied); Monroe v. Eighth Jud. Dist. Ct., Case No. 72832 (Writ petition filed  
22 April 18, 2017; Petition denied September 19, 2017).

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19. Monroe has also filed a Writ of Habeas Corpus and requested rehearing of the Writ of Habeas Corpus in his criminal case in Department 20, case No. 06-C-228752-1, which is currently stayed pending the appeal in the Nevada Supreme Court. Monroe has also filed an application for leave to file a motion in Case Number 06-C-228581 in Department 3, which the District Court denied, explaining Monroe was previously found to be a vexatious litigant and continues to challenge the same evidentiary issues have been repeatedly addressed by the court.

20. Monroe made several requests in this case to continue hearings or stay the civil forfeiture case based upon his filing of appeals or writs related to the warrants in the criminal cases.

21. LVMPD has opposed Monroe's motions and supplemented its briefing related to the warrant and continuance/stay issues in briefs filed on May 16, 2016, July 8, 2016; June 8, 2017; and August 21, 2017.

22. LVMPD filed a reply in support of its Renewed Motion for Summary Judgment on June 21, 2016. Because the pro se claimants were provided additional opportunities to oppose the motion, LVMPD was permitted to file sur reply briefing on October 11, 2016.

## II. FACTS

23. Claimants Holmes, Ferguson, Monroe, and Trevarthen were involved in a burglary ring and were adjudicated guilty between 2008 and 2011. The burglaries spanned a time period over several years, and involved a sophisticated method of gaining entry to commercial businesses with doors of a particular type, which could be opened with a specially-crafted tool. Monroe was found guilty of felonies including Burglary (NRS 205.050 and 205.060), Grand Larceny (NRS 205.220 and 205.222), and Possession of Stolen Property (NRS 205.275).

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

25. This included \$53,827 seized that was held by attorneys and bail bond companies for Trevarthen and Monroe, identified as follows: \$528.95 from As the Bail Turns paid by

1 Trevarthen; \$5,105.38 from the account of All Out Bail Bonds, paid by Trevarthen for Monroe's  
2 bail; \$26,502 from attorney Al Lasso's client trust account, which was provided to him by  
3 Trevarthen for representation of Monroe; \$3,500 from attorney Jonathan Lord, received from  
4 Trevarthen; and \$10,000 from attorney Joel Mann, received from Trevarthen.

5 26. Monroe, Trevarthen, and their three children lived together from 2001 to 2006.

6 27. Monroe did not have any evidence of legitimate employment in 2006. Monroe did  
7 not work beyond selling stolen property for cash and bringing stolen cash home from burglaries.

8 28. Monroe said at times said he was in the pressure washing business for D&B's  
9 Pressure Washing (presumably Daemon and Bryan's), but this pressure washing business did not  
10 exist.

11 29. Trevarthen testified Monroe sold stolen property nearly every weekend, to get rid  
12 of the stolen property before the next weekend.

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

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

19 32. Trevarthen worked as a substitute teacher for Clark County School District. She  
20 testified her income was insufficient to cover the family's regular monthly bills. Trevarthen  
21 earned around \$2,000 per month, and her income did not cover the bills for the family.  
22 Trevarthen's bank records established the amount of her direct deposits from her employment  
23 with the school district were insufficient to pay the family's expenses. The couple's rent alone  
24 was \$1,600 per month between 2003 and 2006, and the residence had additional expenses  
25 including phone, cable internet, gas, water, and electric bills as high as \$500 per month during  
26 the summer.

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1           33.     Trevarthen testified she had bank accounts at Bank of America in her name, but  
2     Monroe accessed her accounts with her ATM card and online login, because Monroe did not  
3     have his own identification or his own bank account.

4           34.     Trevarthen testified her shared bank account held funds from Monroe's sales of  
5     stolen property, because her earnings did not cover the bills for the couple and their children.

6           35.     Trevarthen testified in the criminal trial that after her arrest on November 6, 2006,  
7     she withdrew money from her accounts at Bank of America to pay retainers and attorney fees.

8           36.     The \$53,827 seized by LVMPD from attorneys Lasso, Lord, and Mann and bail  
9     bond companies was from payments made just prior to the seizure of Trevarthen's bank  
10    accounts. The attorneys and bail bond companies relinquished the funds related to this forfeiture  
11    action.

12          37.     The financial records in evidence established Travarthen made these payments  
13    from funds from the Bank of America accounts including payments of attorneys fees including a  
14    \$17,500 cashier's check to the Law Offices of Al Lasso, LLC on November 9, 2006; a \$2,500  
15    cashier's check written to the Law Offices of Al Lasso, LLC on November 17, 2006; and a  
16    \$25,000 cashier's check made payable to Trevarthen and endorsed by a trust account for the Law  
17    Office of Al Lasso, LLC on November 17, 2006.

18          38.     Trevarthen's financial records in evidence also established a check card  
19    transaction from the bank account she shared with Monroe to her attorney, Jonathan Lord, for  
20    \$3,500 on November 9, 2006. Trevarthen also paid attorney Joel Mann \$10,000 for legal  
21    services for Monroe, which was voluntarily surrendered by Mann, and the evidence established  
22    this money also came from the funds from the shared bank account.

23          39.     Trevarthen's financial records in evidence demonstrate she paid \$10,000 to bail  
24    bond companies using her check card linked to her Bank of America account, which she shared  
25    with Monroe.

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## CONCLUSIONS OF LAW

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

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

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

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

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

1           6. Further, LVMPD is entitled to judgment as a matter of law regarding the  
2 forfeiture of U.S. CURRENCY of \$53,827 for payments to attorneys for Monroe and  
3 Trevarthen's defenses and to bail bond companies on their behalf.

4           7. After remand from the Nevada Supreme Court cases, the issue remaining as to  
5 claimant Monroe was whether the money seized from attorneys and bail bond companies  
6 constituted proceeds attributable to the commission or the attempted commission of a felony. If  
7 the money is determined to have been proceeds from the commission or attempted commission  
8 of a felony, NRS Chapter 179 provides the money is subject to forfeiture to the State as fruits of  
9 the crime.

10           8. The money paid to attorneys and bail bond companies, \$53,827 was proceeds  
11 from the commission or attempted commission of a felony. Monroe was convicted of 26 counts  
12 of Possession of stolen property, all Category B and C felonies, in violation of NRS 205.275, and  
13 one count of Conspiracy to Possess Stolen Property and/or to Commit Burglary, a gross  
14 misdemeanor. An Amended Judgment of Conviction was filed in this matter on September 17,  
15 2010. An Amended Judgment of Conviction in Case Number C227874 was filed on August 4,  
16 2008, as to Monroe, who was found guilty of two counts of Burglary, both Felonies, in violation  
17 of NRS 205.050 and 205.060, and guilty of Grand Larceny, a Category B Felony in violation of  
18 NRS 205.220 and 205.222

19           9. There is no issue of material fact remaining as to whether the \$53,827 seized from  
20 attorneys and bail bond companies and paid on behalf of Trevarthen and Monroe was linked to a  
21 felony or attempted felony where the admissible evidence submitted by LVMPD established:  
22 (a) The payments to attorneys and bail bond companies were all directly traced through financial  
23 records in evidence to Bank of America bank accounts held by Trevarthen and shared with  
24 Monroe; (b) Trevarthen testified her bank accounts contained funds from Monroe's regular sales  
25 of stolen property; (c) Evidence indicated Monroe also stole cash during his burglaries, for which  
26 he was convicted; (d) Records from the bank accounts and testimony indicated the only source of  
27 legitimate income was Trevarthen's income as a substitute teacher; (e) Bank records in evidence  
28 showed direct deposits from employment were consistent with Trevarthen's testimony that her

1 income was insufficient to pay the family's bills; (f) There was no evidence indicating Monroe  
2 had a legitimate source of employment or income between 2001 and 2006 beyond the sale of  
3 stolen property and proceeds from burglaries; and (g) The financial records showing  
4 withdrawals, checks, cashier's checks, and payments to bail bond companies and attorneys were  
5 consistent with sworn statements and testimony which indicated Trevarthen held the money from  
6 stolen property in her bank accounts and then paid the attorneys and bail bond companies.

7 10. Monroe did not set forth any admissible evidence in opposition to the renewed  
8 motion for summary judgment. "Evidence introduced in support of or in opposition to a motion  
9 for summary judgment must be admissible evidence." See NRCP 56(e); Schneider v. Cont'l  
10 Assur. Co., 110 Nev. 1270, 1273, 885 P.2d 572, 575 (1994). Where an adversary party provides  
11 no documentation in support of his allegations, summary judgment may be granted. Collins v.  
12 Union Fed. Sav. & Loan Ass'n, 99 Nev. 284, 294, 662 P.2d 610, 616 (1983). Monroe's only  
13 opposition to the motion for summary judgment consists of his theories that the warrants that  
14 form the basis of his criminal conviction are invalid, based upon a theory that a number in a date  
15 is fuzzy and therefore allegedly backdated. Monroe has not set forth any evidence related to the  
16 tracing of these funds from Trevarthen's bank account, nor has he presented any admissible  
17 evidence to contest whether he had any legitimate employment during the relevant time period.

18 11. LVMPD has set forth clear and convincing evidence establishing the proceeds  
19 seized from this bank account were proceeds of the criminal activity.

20 12. Monroe's arguments on the sufficiency of or validity of the warrants are  
21 procedurally improper and barred by the doctrines of claim and issue preclusion, as these issues  
22 have been previously litigated in this case as well as in the criminal appeals. See Five Star  
23 Capital Corp. v. Ruby, 124 Nev. 1048, 1052, 194 P.3d 709, 711 (2008). Issue preclusion applies  
24 when there is a "common issue that was actually decided and necessary to the judgment in the  
25 earlier suit." Id. (citing University of Nevada v. Tarkanian, 110 Nev. 581, 598-599, 879 P.2d  
26 1180, 1191 (1994)).

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1           13.    The issue of validity of the criminal warrants, to the extent it is not barred by  
2 claim or issue preclusion, lies within the jurisdiction of the court with current jurisdiction of  
3 Monroe's criminal cases.

4           14.    Because jurisdiction of any issues of the warrant and the criminal conviction lies  
5 in the courts deciding the criminal cases and criminal appeals, Monroe's challenge of the  
6 warrants through this civil forfeiture action is procedurally improper.

7           15.    A stay or continuance of the civil forfeiture action is not warranted or required  
8 based on Monroe's pending appeals. Under Nevada's civil forfeiture statute, NRS 179.1173, the  
9 stay is to be lifted in a civil forfeiture after trial is completed, and there is no statutory language  
10 to support the stay of a civil forfeiture for serial appeals of criminal convictions. See also, e.g.,  
11 State ex rel. W. v. McDonnell, 9 N.E. 3d 1025, 1030 (Ohio 2014) (trial court judge in forfeiture  
12 matter did not lack jurisdiction to conduct forfeiture proceedings after defendant filed a notice of  
13 appeal from his underlying criminal conviction and sentence).

14           16.    The Nevada Rules of Civil Procedure and the Nevada Rules of Appellate  
15 Procedure do not provide for a stay pending appeal in a different case.

16           17.    Monroe did not file a motion for stay or set forth any grounds under NRAP 8(c)  
17 for a stay pending appeal, and he did not post a supersedeas bond to stay the civil forfeiture  
18 action. Monroe has not requested a stay in this case based on his pending appeal.

19           18.    As to claimant Monroe, the \$53,827 seized from bail bond companies and  
20 attorneys including (a) As the Bail Turns, (b) All Out Bail Bonds, (c) Al Lasso, Esq., (d)  
21 Jonathan Lord, Esq., and (e) Joel Mann, Esq. was proceeds from the commission or attempted  
22 commission of a felony, and subject to forfeiture under NRS 179.1164.

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ORDER

Therefore, it is hereby ordered that LVMPD's Renewed Motion for Summary Judgment against Claimant Daimon Monroe is hereby granted in its entirety.

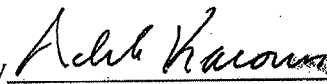
It is further ordered the Motion to Personally Give Evidence Proving the Fraudulent Warrant and Request for Discovery, and all related, additional motions filed by Daimon Monroe, where not specifically addressed, are hereby denied.

IT IS SO ORDERED, this 18 day of October 2017.

  
DISTRICT COURT JUDGE  
*ndp*

Submitted by:

MARQUIS AURBACH COFFING

By 

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Adele V. Karoum, Esq.  
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Las Vegas, Nevada 89145  
Attorneys for Plaintiff, LVMPD

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Filing

# COURT MINUTES

**May 16, 2007**

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

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

HEARD BY: COURTROOM:

**COURT CLERK:**

**RECORDER:**

**REPORTER:**

## PARTIES

**PRESENT:** Weed, Randall F. Attorney

## JOURNAL ENTRIES

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Filing

# COURT MINUTES

September 22, 2008

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

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

**HEARD BY:** Cadish, Elissa F.

**COURTROOM:** RJC Courtroom 15B

**COURT CLERK:**

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

## JOURNAL ENTRIES

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Filing

# COURT MINUTES

**June 11, 2010**

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

June 11, 2010	8:33 AM	Motion	Deft. Robert Holmes III's Motion For Return of Illegally Seized Preoperty and Money
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**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 16D

**COURT CLERK:** Katherine Streuber

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

## JOURNAL ENTRIES

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

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



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

February 06, 2012

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

<b>February 06, 2012</b>	<b>3:00 AM</b>	<b>Motion</b>	<b>Defendant's Motion for Enlargement of time to Respond to Plaintiff's Motion to Reconsider Court Statistically Closing Case</b>
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**HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 16D**COURT CLERK:** Katherine Streuber**RECORDER:****REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT ORDERED, matter CONTINUED to hearing calendar.

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Filing

# COURT MINUTES

February 21, 2012

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

February 21, 2012	8:00 AM	Motion	Defendant's Motion for Enlargement of time to Respond to Plaintiff's Motion to Reconsider Court Statistically Closing Case
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**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 16D

**COURT CLERK:** Katherine Streuber

**RECORDER:** Jill Jacoby

**REPORTER:**

**PARTIES  
PRESENT:**

## JOURNAL ENTRIES

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Filing

# COURT MINUTES

February 28, 2012

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

February 28, 2012	8:00 AM	All Pending Motions	Deft's Motion to Dismiss Plaintiff's Motion to Reconsider Court Statistically Closing Case; Defendant's Motion for Enlargement of time to Respond to Plaintiff's Motion to Reconsider Court Statistically Closing Case
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**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 16D

**COURT CLERK:** Katherine Streuber

**RECORDER:** Jill Jacoby

**REPORTER:**

## PARTIES

**PRESENT:** Moreo, Thomas Joseph Attorney

## JOURNAL ENTRIES

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Filing

# COURT MINUTES

**April 09, 2012**

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

<b>April 09, 2012</b>	<b>3:00 AM</b>	<b>Motion</b>	<b>Plaintiff's Motion to Lift Stay</b>
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**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 16D

**COURT CLERK:** Katherine Streuber

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

## JOURNAL ENTRIES

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Filing

# COURT MINUTES

**June 05, 2012**

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

**June 05, 2012**

**8:00 AM**

## Motion for Summary Judgment

## Plaintiff's Motion for Summary Judgment

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

**COURTROOM:** RJC Courtroom 16D

**COURT CLERK:** Katherine Streuber

**RECORDER:** Jill Jacoby

**REPORTER:**

## PARTIES

**PRESENT:** Moreo, Thomas Joseph Attorney

## JOURNAL ENTRIES

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Filing

# COURT MINUTES

July 23, 2012

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

July 23, 2012	3:00 AM	Motion to Withdraw as Counsel	Cynthia L. Dustin, Esq's Motion to Withdraw as Counsel
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**HEARD BY:** Smith, Douglas E. **COURTROOM:** RJC Courtroom 16D

**COURT CLERK:** Katherine Streuber

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

## JOURNAL ENTRIES

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

August 07, 2012

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

<b>August 07, 2012</b>	<b>8:00 AM</b>	<b>All Pending Motions</b>	<b>Plaintiff's Motion for Summary Judgment; Defendant Daimon Monroe's Pro Per Motion to Strike Summary Judgment by Plaintiff</b>
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**HEARD BY:** Bonaventure, Joseph T.**COURTROOM:** RJC Courtroom 16D**COURT CLERK:** Katherine Streuber**RECORDER:** Debbie Winn**REPORTER:****PARTIES**

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

**JOURNAL ENTRIES**

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

**07A537416**

Order to transport for all three Defendants.

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

October 08, 2012

Minutes Date: May 16, 2007

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Filing

# COURT MINUTES

October 22, 2012

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

October 22, 2012	3:00 AM	Motion	Defendant, U.S. Currency \$281,656.73 Motion for Material Evidence
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**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 16D

**COURT CLERK:** Katherine Streuber

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

## JOURNAL ENTRIES

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Filing

# COURT MINUTES

November 13, 2012

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

November 13, 2012	8:00 AM	All Pending Motions	Defendant's Motion for Summary Judgment and to Strike Plaintiff's Motion for Summary Judgment; Plaintiff's Motion for Summary Judgment
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**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 16D

**COURT CLERK:** Katherine Streuber

**RECORDER:** Jill Jacoby

**REPORTER:**

## PARTIES

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

## JOURNAL ENTRIES

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

PRINT DATE: 11/07/2017

Page 15 of 47

Minutes Date: May 16, 2007

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Filing

# COURT MINUTES

October 13, 2014

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

October 13, 2014	3:00 AM	Motion	LVMPD's Motion to Settle the Record Pursuant to NRAP 10(c)
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**HEARD BY:** Smith, Douglas E.

**COURTROOM:**

**COURT CLERK:** Louisa Garcia

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

## JOURNAL ENTRIES

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Filing

# COURT MINUTES

**April 19, 2016**

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

April 19, 2016	8:00 AM	Motion for Summary Judgment	Renewed Motion for Summary Judgment Against Defendant, Bryan Fergason
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**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Tena Jolley

**RECORDER:** Jill Jacoby

**REPORTER:**

## PARTIES

<b>PRESENT:</b>	Echols, Micah S.	Attorney
	Ferguson, Bryan M	Other Defendant
	Karoum, Adele V., ESQ	Attorney
	Moreo, Thomas Joseph	Attorney

## JOURNAL ENTRIES

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

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

PRINT DATE: 11/07/2017

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Minutes Date: May 16, 2007

**07A537416**

FOR SUMMARY JUDGMENT

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Filing

# COURT MINUTES

**May 17, 2016**

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

**May 17, 2016**

**8:00 AM**

## Status Check

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

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

**COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Tena Jolley

**RECORDER:** Jill Jacoby

**REPORTER:**

## PARTIES

**PRESENT:** Karoum, Adele V., ESQ Attorney

## JOURNAL ENTRIES

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

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

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

Bryan Fergason #96803

High Desert State Prison

P.O. Box 650

Indian Springs, NV 89070-0650

Daimon Monroe aka Daimon Holt #00715429

Clark County Detention Center

330 S. Casino Center Blvd.

Las Vegas, NV 89101

Robert Holmes, III

4657 Swaying Ferns Drive

Las Vegas, NV 89147

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Filing

# COURT MINUTES

**June 27, 2016**

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

**June 27, 2016                      3:00 AM                      All Pending Motions**

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

**COURTROOM:** Chambers

**COURT CLERK:** Keri Cromer

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

## JOURNAL ENTRIES

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

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Filing

# COURT MINUTES

**June 28, 2016**

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

**June 28, 2016                      8:00 AM                      All Pending Motions**

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

**COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Phyllis Irby

**RECORDER:** Jill Jacoby

**REPORTER:**

## PARTIES

<b>PRESENT:</b>	Holmes III, Robert	Other Defendant
	Karoum, Adele V., ESQ	Attorney
	Moreo, Thomas Joseph	Attorney

## JOURNAL ENTRIES

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Filing

# COURT MINUTES

**July 12, 2016**

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

**July 12, 2016                      8:00 AM                      All Pending Motions**

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

**COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Natalie Ortega

**RECORDER:** Patti Slattery

**REPORTER:**

## PARTIES

<b>PRESENT:</b>	Ferguson, Bryan M	Other Defendant
	Holmes III, Robert	Other Defendant
	Holmes, Bobby	Also Known As
	Holmes, Robert	Also Known As
	Karoum, Adele V., ESQ	Attorney
	Monroe, Daimon	Other Defendant

## JOURNAL ENTRIES

- Deft's Pro Se Motion to Personally Give Evidence Proving the Fraudulent Warrant and Request for Discovery...Renewed Motion for Summary Judgment Against Defendants Daimon Monroe and Robert Holmes, III...Defendant's Pro Per Motion and Notification of an Inability to get Proper Copies...Defendant's Pro Per Motion to Compel...Opposition to Plaintiff's Renewed Request for Summary Judgment, and Request for Immediate Return of Monies to Defendants

Court noted there was evidence the box was sent and received at the prisons. Court allowed Mr. Ferguson requested to file in open court and IN FORMA PAUPERIS. Ms. Karoum argued the \$124,000.00 was received during an execution of a warrant on Bank of America. Evidence was submitted that Mr. Ferguson did not have legitimate employment between 2001 and 2006. There was regular large sum deposits of cash during the time period. There was evidence of sale of stolen property occurring weekly on the weekends. There was over \$28,000.00 in cash deposited in less two

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Filing

# COURT MINUTES

**August 22, 2016**

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

**August 22, 2016                      3:00 AM                      All Pending Motions**

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

**COURT CLERK:** Jennifer Lott

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

## JOURNAL ENTRIES

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

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

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

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

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

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

Micah S. Echols Marquis Aurbach Coffing

Steven B. Wolfson - CCDA

Thomas J. Moreo

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Filing

# COURT MINUTES

October 18, 2016

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

**October 18, 2016      8:00 AM      All Pending Motions**

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

**COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Carol Donahoo

**RECORDER:** Jill Jacoby

**REPORTER:**

## PARTIES

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

## JOURNAL ENTRIES

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

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

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

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

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

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

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

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

CUSTODY (MONROE/FERGASON)

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

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

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

January 09, 2017

January 09, 2017	3:00 AM	Motion for Attorney Fees and Costs	Las Vegas Metropolitan Police Department's Motion for Attorney's Fees and Costs Against Robert Holmes, III
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**COURTROOM:** Chambers

**PARTIES  
PRESENT:**

## JOURNAL ENTRIES

- Las Vegas Metropolitan Police Department's Motion for Fees and Costs came before this Court on the January 9, 2017, Chamber Calendar. Having reviewed the Motion as well as Defendant Holmes' Opposition and Motion to Strike, and there being no Motion to Retax, COURT ORDERED, the Motion for Fees and Costs is GRANTED in the amount of \$6,568.64. COURT FURTHER ORDERED, Defendant's Motion to Strike is DENIED.

Counsel for Las Vegas Metropolitan Police Department to prepare and submit a proposed Order reflecting the Court's decision.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder of Adele V. Karoum, Esq., (Marquis Aurbach Coffing).

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Filing

# COURT MINUTES

January 10, 2017

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

January 10, 2017	8:00 AM	Status Check	Stay Pending Supreme Court Filing in C228752
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**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Carol Donahoo

**RECORDER:** Jill Jacoby

**REPORTER:**

## PARTIES

<b>PRESENT:</b>	Christian, Matthew J., ESQ	Attorney
	Ferguson, Bryan M	Other Defendant
	Karoum, Adele V., ESQ	Attorney
	Monroe, Daimon	Other Defendant

## JOURNAL ENTRIES

- This is the time set for the Status Check on the Stay Pending Supreme Court filing in C228752.

Ms. Karoum advised that at the last hearing, the matter was continued as to Defendant Monroe and Defendant Ferguson because C228752, the related case, is at the Supreme Court. However, the matter as to Defendant Holmes went forward, the Renewed Motion for Summary Judgment as to Defendant Holmes was GRANTED and he has filed an appeal.

With regard to Defendant Monroe and Defendant Ferguson, Monroe filed an appeal at the Supreme Court but Ferguson did not. Therefore, Ms. Karoum is requesting to move forward with Ferguson; she is requesting to bifurcate or sever Monroe and Ferguson. Colloquy regarding *Edwards v. Ghandoure*, which Ms. Karoum provided to the Court for consideration; perhaps the Court could move forward on Monroe based on claim preclusion or the judgment that is already in effect. Court trailed matter

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

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

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

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

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

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Filing

# COURT MINUTES

February 07, 2017

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

February 07, 2017	8:00 AM	Hearing	Renewed Motion for Summary Judgment
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**HEARD BY:** Smith, Douglas E. **COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Carol Donahoo

**RECORDER:** Gina Villani

**REPORTER:**

## PARTIES

**PRESENT:** Christian, Matthew J., ESQ Attorney  
Ferguson, Bryan M Other Defendant  
Karoum, Adele V., ESQ Attorney

## JOURNAL ENTRIES

- This is the time set for hearing on the Renewed Motion for Summary Judgment. For the record, Court advised that it granted Summary Judgment previously in this case; however, the Nevada Supreme Court remanded the matter for further proceedings.

Defendant Ferguson advised that this matter is on appeal before the Nevada Supreme Court, the forfeitures are not final, so he believes these proceedings are premature. Although his case has been severed from Defendant Monroe's, the issues are the same; if the search warrant was not valid for Defendant Monroe, then it is not valid in his case either. Defendant Ferguson filed a Motion for Joinder; the Motion was denied because he has an attorney of record. Defendant Ferguson talked to his attorney and the matter was then continued for thirty (30) days; the brief is due on February 9, 2017. Argument by Defendant Ferguson with regard to the Renewed Motion for Summary Judgment; for the reasons stated on the record, he does not believe Plaintiff has met their burden.

Mr. Karamu advised that she was unaware that Defendant Ferguson was part of Defendant Monroe's appeal in the Supreme Court; she did not receive any notice. In any event, assuming that the warrants

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

02/27/17 CHAMBER CALENDAR - DECISION

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Filing

# COURT MINUTES

**March 07, 2017**

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

March 07, 2017	8:00 AM	Status Check	Appeal/Renewed Motion for Summary Judgment
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**HEARD BY:** Smith, Douglas E. **COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Carol Donahoo

**RECORDER:** Gina Villani

**REPORTER:**

## PARTIES

<b>PRESENT:</b>	Christian, Matthew J., ESQ	Attorney
	Ferguson, Bryan M	Other Defendant
	Karoum, Adele V., ESQ	Attorney

## JOURNAL ENTRIES

- This is the time set for Status Check on the Appeal and the Renewed Motion for Summary Judgment.

Upon Court's inquiry, Defendant, Bryan Ferguson, advised that he joined in the appeal of Defendant, Daimon Monroe, in part; he joined as to the Search Warrant and the statements made by Bradley Nichols.

Ms. Karoum advised the she believes Plaintiff can go forward with Summary Judgment with regard to Defendant Ferguson and Defendant Monroe on April 18, 2017. The Plaintiff filed a Supplement on March 1, 2017; Ms. Karoum noted that the appeals at issue in this case were not filed in the civil forfeiture matter they were filed in the related underlying criminal proceedings and, therefore, there is no basis for staying, delaying, or continuing a hearing on civil forfeiture until the appeals are completed. The Civil Forfeiture Statute says that when the criminal trial is complete, counsel can proceed with the forfeiture; further, because this is not the case where the appeal was filed there is no

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

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

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Filing

# COURT MINUTES

**April 17, 2017**

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

**April 17, 2017**

**3:00 AM**

## Motion For Reconsideration

## Motion for Reconsideration and Other Relief on an Order Shortening Time

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

**COURTROOM:** Chambers

**COURT CLERK:** Carol Donahoo

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

## JOURNAL ENTRIES

- The Defendant Ferguson's Motion for Reconsideration and Other Relief on an Order Shortening Time came before this Court on the April 17, 2017, Chamber Calendar. Having reviewed the Motion and the Opposition thereto, COURT ORDERED, Motion DENIED.

CLERK'S NOTE: A copy of this minute order was mailed to Bryan Fergason #96803, High Desert State Prison, P.O. Box 650, Indian Springs, Nevada, 89070-0650.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Filing

# COURT MINUTES

**April 18, 2017**

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

April 18, 2017	8:00 AM	Status Check	Stay Pending Supreme Court Filing in C228752 (Monroe)
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**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Carol Donahoo

**RECORDER:** Gina Villani

**REPORTER:**

## PARTIES

<b>PRESENT:</b>	Christian, Matthew J., ESQ	Attorney
	Karoum, Adele V., ESQ	Attorney
	Monroe, Daimon	Other Defendant

## JOURNAL ENTRIES

- This is the time set for the Status Check on the Stay Pending Supreme Court Filing in C228752. Court noted that it has not received anything from the Supreme Court yet; therefore, this Court does not have jurisdiction. Ms. Karoum advised that Plaintiff submitted a Supplement, they believe this Court does have jurisdiction because the appeal is over an issue in a separate criminal matter.

Colloquy regarding service; Mr. Monroe advised that the Supplement was just served on him and he has not had an opportunity to formulate a response. COURT ORDERED, status check CONTINUED; Mr. Monroe will have two (2) weeks to file a response to the Supplement.

CONTINUED TO: 07/18/17 8:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Filing

# COURT MINUTES

**May 15, 2017**

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

May 15, 2017	3:00 AM	Motion for Attorney Fees and Costs	LVMPD's Motion for Attorneys' Fees and Costs Against Bryan Ferguson
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**HEARD BY:** Smith, Douglas E.

**COURTROOM:** Chambers

**COURT CLERK:** Carol Donahoo

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

## JOURNAL ENTRIES

- LVMPD's Motion for Attorneys' Fees and Costs against Bryan Fergason came before the Court on the May 15, 2017, Chamber Calendar. Having reviewed the Motion, as well as the Opposition and Reply thereto, COURT ORDERED, the Motion is GRANTED.

Adele V. Karoum, Esq., to prepare an Order reflecting the Court's decision.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder of Adele V. Karoum, Esq., (Marquis Aurbach Coffing).

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Filing

# COURT MINUTES

**July 10, 2017**

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

July 10, 2017 3:00 AM All Pending Motions

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

**COURTROOM:** Chambers

**COURT CLERK:** Carol Donahoo

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

## JOURNAL ENTRIES

- Defendant Monroe's Motion for 30-Day Extention [sic] or More on Hearing Date of July 18, 2017, and Defendant Ferguson's Motion for a Status Check and Other Relief came before this Court on the July 10, 2017, Chamber Calendar. Having reviewed the Motions, as well as the Opposition of the Las Vegas Metropolitan Police Department (LVMPD), and being very familiar with the facts and history of the case, COURT ORDERED, both Motions are DENIED.

CLERK'S NOTE: A copy of this minute order was mailed to:

Daimon Monroe #38299  
High Desert State Prison  
P.O. Box 650  
Indian Springs, Nevada 89070

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Filing

# COURT MINUTES

**July 17, 2017**

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

July 17, 2017	3:00 AM	Motion	Motion in Support for 30- to 60-Day Extension and Submitting More Evidence
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**HEARD BY:** Smith, Douglas E.

**COURTROOM:** Chambers

**COURT CLERK:** Carol Donahoo

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

## JOURNAL ENTRIES

- Defendant Monroe's Motion in Support for 30- to 60-Day Extension and Submitting More Evidence came before this Court on the July 17, 2017, Chamber Calendar; however his Motion for Thirty (30)-Day Extension [sic] or More on Hearing Date of July 18, 2017, was previously reviewed by the Court on July 10, 2017, and DENIED. Therefore, the instant Motion is MOOT.

CLERK'S NOTE: A copy of this minute order was mailed to:

Daimon Monroe #38299  
High Desert State Prison  
P.O. Box 650  
Indian Springs, Nevada 89070

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Filing

# COURT MINUTES

**July 18, 2017**

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

July 18, 2017                      8:00 AM                      All Pending Motions

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

**COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Carol Donahoo

**RECORDER:** Gina Villani

**REPORTER:**

## PARTIES

<b>PRESENT:</b>	Christian, Matthew J., ESQ	Attorney
	Karoum, Adele V., ESQ	Attorney
	Monroe, Daimon	Other Defendant

## JOURNAL ENTRIES

- STATUS CHECK: STAY PENDING SUPREME COURT FILING IN C228752 (MONROE) . . .  
HEARING REGARDING STATUS CHECK AND BRIEFING DEADLINE A TO CLAIMANT  
DAIMON MONROE

This is the time set for the Status Check and Hearing; Daimon Monroe appearing telephonically. With regard to the Status Check on the Stay Pending Supreme Court Filing in C228752, Court noted that the Supreme Court requested the transmission of some additional documents; they were sent. However, it now appears that Defendant Monroe has filed something else with the Supreme Court so this Court has lost jurisdiction. Mr. Monroe stated that there are two (2) search warrants, which he has been trying to get; he is entitled to his discovery but nobody will give it to him so he filed with the Court of Appeals.

Ms. Karoum advised that it is the position of the Las Vegas Metropolitan Police Department (LVMPD), that since the appeals are related to Mr. Monroe's criminal conviction in a separate criminal action (C228752), the Civil Forfeiture Statute does not require completion of the criminal appeals in order to proceed here. The Civil Forfeiture Statute says that the Plaintiff can move forward

because the trial is complete and there has been a felony conviction; the conviction stands as a final judgment and LVMPD is entitled to move forward with their civil forfeiture action and Mr. Monroe is free to continue to pursue his criminal appeals.

The Court inquired as to whether Ms. Karoum was requesting that the Court make a ruling from the pleadings that have been filed in this case; Ms. Karoum responded LVMPD filed a Renewed Motion for Summary Judgment over a year ago. It appears that the only opposition Mr. Monroe has is related to the search warrant issues raised in his Criminal Appeals; there has been no substantive opposition to the civil forfeiture.

Mr. Monroe stated that without the search warrants; there is no money. Mr. Monroe has newly discovered evidence; he has received three (3) e-mails that he previously informed the Court existed and he has been trying for a long time to get the rest of his discovery. Colloquy; Court directed Mr. Monroe to provide it with a copy of the search warrants and the three (3) e-mails; he advised that he does not have the search warrants yet but has filed a Writ of Mandamus in the Supreme Court. Mr. Monroe believes this Court lacks jurisdiction at this time. COURT ORDERED, matter set for status check; Mr. Monroe to file whatever he wants within the next couple of weeks. Court noted that out of an abundance of caution, it is continuing this matter for sixty (60) days but in the meantime it will review any pleadings that have been filed.

09/19/17 8:00 AM STATUS CHECK: APPEAL/RENEWED MOTION FOR SUMMARY JUDGMENT

**August 28, 2017**

<b>August 28, 2017</b>	<b>3:00 AM</b>	<b>Motion</b>	<b>Motion Submitting E-Mails and Additional Facts on the State Obstructing Justice</b>
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**COURTROOM:** Chambers

**PARTIES  
PRESENT:**

- Defendant Daimon Monroe's Motion Submitting E-Mails and Additional Facts on the State Obstructing Justice came before the Court on the August 28, 2017, Chamber Calendar. Having reviewed the Motion as well as the Opposition of the Las Vegas Metropolitan Police Department (LVMPD) thereto, COURT ORDERED, Defendant Monroe's request for transcripts of the July 18, 2017, hearing is GRANTED.

CLERK'S NOTE: A copy of this minute order was mailed to:

Minutes Date: May 16, 2007

**07A537416**

Indian Springs, Nevada 89070

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Filing

# COURT MINUTES

September 26, 2017

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

September 26, 2017	8:00 AM	Status Check	Appeal/Renewed Motion for Summary Judgment
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**HEARD BY:** Smith, Douglas E. **COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Carol Donahoo

**RECORDER:** Gina Villani

**REPORTER:**

## PARTIES

<b>PRESENT:</b>	Christian, Matthew J., ESQ	Attorney
	Karoum, Adele V., ESQ	Attorney
	Monroe, Daimon	Other Defendant

## JOURNAL ENTRIES

- Daimon Monroe present telephonically.

This is the time set for the Status Check on the Appeal/Renewed Motion for Summary Judgment.

With regard to the Renewed Motion for Summary Judgment, Court inquired as to whether there was anything else Mr. Monroe wanted to file with the court. Mr. Monroe represented that he received one more document that he would like to file. Court advised that the Deft. can file whatever he wants but it must be filed within the next two (2) weeks (October 10, 2017). Thereafter, the Court will make a decision based on the pleadings, no additional oral argument is necessary. If Mr. Monroe files something, Ms. Karoum is free to respond. COURT ORDERED, matter set on this Court's Chamber Calendar for decision.

10/23/17 CHAMBER CALENDAR DECISION: RENEWED MOTION FOR SUMMARY JUDGMENT

October 23, 2017

Minutes Date: May 16, 2007

# EXHIBIT(S) LIST

Case No.: **07A537416**

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

Dept. No.: **8**

Judge: **Smith**

Court Clerk: **Natalie Ortega**

Recorder: **Patti Slattery**

Counsel for Plaintiff: **Adele Karoum**

**Thomas J. Moreo**

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

**Damion Monroe, Bryan M.**

**Ferguson & Robert Holmes III**

vs.

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

## HEARING BEFORE THE COURT

### COURT'S EXHIBITS

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

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER; NOTICE OF ENTRY OF ORDER; FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER; NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT,

Appellant(s),

vs.

U.S. CURRENCY \$281,656.73,

Respondent(s),

Case No: 07A537416

Dept No: VIII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 7 day of November 2017.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk