

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID DEZZANI AND ROCHELLE DEZZANI,
Appellants,
vs.
KERN & ASSOCIATES, LTD.; AND GAYLE A.
KERN,
Respondents

Supreme Court No. 69410
District Court Case No. CV1500826

FILED

SEP 07 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
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Appellants' *in pro per*
Request for Oral Argument

Appellants' in *pro per* Request for Oral Argument

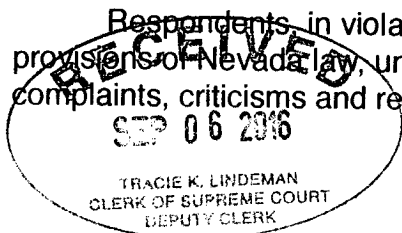
Appellants DAVID DEZZANI and ROCHELLE DEZZANI request that this matter be assigned for oral argument, either separately or currently with oral argument in **Related Case No. 69896**.

Memorandum in Support of Request

This case, and Related Case No. 69896, involve questions pertaining to the rights, protections and responsibilities of Nevada common-interest property owners, homeowners' associations and attorneys for such associations under the laws of the State of Nevada, including but not limited to those described in **NRS116.31183** **Retaliatory action prohibited; separate action by unit's owner.**

Appellants are homeowner/members of the McCloud Condominium Homeowners' Association, who complained to the association about matters related to their condominium unit and, in lengthy communications, criticized the association's attorney and recommended her replacement.

Respondents, in violation of the specific wording of **NRS116.31183** and other provisions of Nevada law, undertook actions to retaliate against Appellants for their complaints, criticisms and recommendations that she be replaced.



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After Appellants filed a civil complaint against Respondents, In the Second Judicial Circuit Court, citing **NRS116.31183** and six other NRS provisions, the District Court judge granted Respondent's Motion to Dismiss, without oral argument or permitting any opportunity for discovery, issuing a ORDER which miscited and/or failed to address **NRS116.31183** and any of the other six provisions of the NRS cited in the complaint.

The present appeal, **No 69410**, seeks reversal of the District Court's Order granting Respondents' Motion to Dismiss.

Related Case No. 69896 is Appellants' appeal from a subsequent Order by the District Court, awarding more than \$13,000 in fees and costs to Respondents, notwithstanding that all of Respondents' papers filed prior to the dismissal stated that Respondents, self-identified as ("Kern"), were "in *pro per*".

Because the instant appeal involves dismissal of a civil complaint seemingly authorized by the specific wording of **NRS116.31183** and other provisions of Nevada law, the outcome of this appeal potentially will have far-reaching effect upon the future rights, protections and responsibilities of Nevada common-interest property owners, homeowners' associations and attorneys for such associations.

Furthermore, because the District Court, by subsequent Order, awarded fees and costs totaling more than \$13,000 against homeowners who filed a civil action based upon **NRS116.31183** and other provisions of Nevada law, as discussed in **Related Case No. 69896**, the results of this appeal and the related case will likely have significant impact upon Nevada common interest ownership law.

Therefore, and because their own rights are directly at issue in both appeals, Appellants request that this appeal be assigned for oral argument, separately or currently with oral argument in **Related Case No. 69896**.

Respectfully submitted, on the 30th day of August, 2016.



David Dezzani, Appellant in *pro per*



Rochelle Dezzani, Appellant in *pro per*