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Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE THE EXECUTION SEARCH | No. 71536

WARRANTS FOR:

12067 OAKLAND HILLS, LAS
VEGAS, NEVADA 89141; 54
CAROLINA CHERRY DRIVE, LAS
VEGAS, NEVADA 89141; 5608
QUIET CLOUD DRIVE, LAS VEGAS,
NEVADA 89141 AND 3321
ALCUDIA BAY AVENUE, LAS
VEGAS, NEVADA 89141

**APPELLANT'S RESPONSE TO
ORDER TO SHOW CAUSE**

LAS VEGAS METROPOLITAN
POLICE DEPARTMENT,

Appellant,

vs.

LAURA ANDERSON,

Respondent.

Appellant, Las Vegas Metropolitan Police Department (the "Department"),
by and through the law firm of Marquis Aurbach Coffing, hereby files its Response

to Order to Show Cause. The Response is made and based upon the Memorandum of Points and Authorities, the pleadings and papers on file herein, and any argument entertained at a hearing on this matter.

Dated this 24th day of April, 2017.

MARQUIS AURBACH COFFING

By: /s/ Nick D. Crosby
Nick D. Crosby, Esq.
Nevada Bar No. 8996
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for Appellant, LVMPD

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

This matter is an appeal from an order awarding attorneys fees to Respondent Laura Anderson (“Anderson”). The instant response provides briefing and authorities in response to the Court’s March 24, 2017 Order to Show Cause, wherein the Court expressed a jurisdictional concern. (See March 24, 2017 Order to Show Cause at pp. 1-2, on file with the Court.) Specifically, the Court questioned whether it has jurisdiction over the instant appeal because the order regarding the return of seized property was not filed with the lower court. (Id. at p. 2).

The Department now presents the Court with its response to the Order to Show Cause, noting that upon receipt of the Order to Show Cause, the order regarding the return of seized property was filed with the lower court and notice of entry of the same was filed. As such, the jurisdictional defect has been cured and the Department requests the Court retain jurisdiction of the original appeal.

II. RELEVANT PROCEDURAL HISTORY

On February 19, 2016, Anderson filed a Motion for the Return of Seized Property. (**Exhibit 1**). After briefing and argument, the Court granted the motion and signed an order on April 20, 2016. (**Exhibit 2**). The order was not filed with the Court prior to the notice of entry of order being filed on April 26, 2016. (**Exhibit 3**).

Thereafter, Anderson filed a Motion for Attorneys Fees and Costs on May 16, 2016. (**Exhibit 4**). Anderson also filed a Memorandum of Costs on May 19, 2016. (**Exhibit 5**). The Department filed a Motion to Retax on May 20, 2016 (**Exhibit 6**) and an Opposition to the Motion for Attorneys Fees and Costs on June 3, 2016. (**Exhibit 7**). The District Court issued an order granting in part, and denying in part, Anderson's Motion on September 21, 2016. (**Exhibit 8**). Notice of Entry of the Order was filed on September 22, 2016 and the Department timely filed its Notice of Appeal on October 13, 2016. (**Exhibit 9 and 10**, respectively).

On March 24, 2017, the Court issued an Order to Show Cause as to why the appeal should not be dismissed. Specifically, the Court noted that underlying order granting the motion for the return of seized property was never filed with the district court. (Ord. at p. 2). Upon receipt of the Order to Show Cause, the Department filed the underlying Order on April 7, 2017 and filed Notice of Entry of the Order on April 10, 2017. (**Exhibits 11** and **12**, respectively).

III. LEGAL ARGUMENT

Nevada Rule of Appellate Procedure 3A permits an appeal from a “final judgment entered in an action or proceeding commenced in the court in which the judgment is rendered.” NRAP 3A(b)(1). Further, NRAP 3A(b)(8) permits an appeal from a “special order entered after final judgment...” A “final judgment” is a judgment “that disposes of the issues presented in the case, determines the costs, and leaves nothing for the future consideration of the court.” Lee v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 417 (2000)(quoting Alper v. Posin, 77 Nev. 328, 330, 363 P.2d 502, 503 (1961) (remaining citations omitted).

In this case, the jurisdictional defect identified by the Court was that the underlying order disposing of the issue (i.e. the return of property) was not filed with the lower court and, instead, was attached and filed in conjunction with the notice of entry of order regarding the motion for return of seized property. Upon receipt of the Order to Show Cause, the Department corrected the record and filed

the underlying Order and Notice of Entry of the same. As such, the underlying Order disposing of all issues has now been filed and, therefore, this Court may take jurisdiction over the appeal regarding the award of attorney's fees, as there are no further issues to be disposed of in the lower court. As such, the Department respectfully requests the Court assume jurisdiction over the instant appeal.

IV. **CONCLUSION**

The identified jurisdictional defect has been corrected and this Court may accept jurisdiction over the appeal on the order regarding the award of attorney's fees. The underlying order was not filed on its own, but was filed in conjunction with the notice of entry of order, has now been filed and notice of entry regarding the same has been filed as well. Therefore, the Department respectfully requests the Court accept jurisdiction over the appeal.

Dated this 24th day of April, 2017.

MARQUIS AURBACH COFFING

By: /s/ Nick D. Crosby
Nick D. Crosby, Esq.
Nevada Bar No. 8996
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for Appellant, LVMPD

CERTIFICATE OF SERVICE

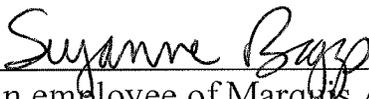
I hereby certify that the foregoing **APPELLANT'S RESPONSE TO ORDER TO SHOW CAUSE** was filed electronically with the Nevada Supreme Court on the 24th day of April, 2017. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Kathleen Bliss, Esq.
Jason Hicks, Esq.
Kathleen Bliss Law, PLLC
400 So. 4th Street, Suite 500
Las Vegas, NV 89101
kb@kathleenblisslaw.com
jh@kathleenblisslaw.com

Attorneys for Respondent, Laura Anderson

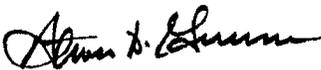
I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

N/A



An employee of Marquis Aurbach Coffing

EXHIBIT “1”



CLERK OF THE COURT

1 **MOT**
 Kathleen Bliss, Esq.
 Nevada Bar No. 7606
 2 E-mail: kb@kathleenblisslaw.com
 Jason Hicks, Esq.
 3 Nevada Bar No. 13149
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 4 **Kathleen Bliss Law, PLLC**
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 5 Las Vegas, NV 89101
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 6 Facsimile: 702.793.4001

7 Attorneys for movant/real party
 in interest Laura Anderson
 8

9 DISTRICT COURT
 10 CLARK COUNTY, NEVADA
 11

12 IN RE THE EXECUTION OF SEARCH
 WARRANTS FOR:
 13 12067 Oakland Hills, Las Vegas, Nevada
 14 89141;
 15 54 Carolina Cherry Dr., Las Vegas, Nevada
 16 89141;
 17 5608 Quiet Cloud Dr., Las Vegas, Nevada
 89141; and
 18 3321 Alcudia Bay Ave., Las Vegas, Nevada
 89141
 19

CASE NO.: A-16-732077-C
 DEPT NO.: XXVIII

**LAURA ANDERSON'S MOTION FOR
 RETURN OF SEIZED PROPERTY**

20 Movant/real party in interest, Laura Anderson, by and through counsel Kathleen Bliss, Esq.,
 21 and Jason Hicks, Esq., of the law firm Kathleen Bliss Law PLLC, hereby moves the Court for an
 22 order requiring the return of property seized from her, and/or located and then seized, during the
 23 execution of Clark County search warrants on the below residences in Las Vegas, Nevada.
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This motion is made and based upon the following memorandum of points and authorities, the pleadings and papers on file, any exhibits attached hereto, the affidavits of Laura Anderson and Kathleen Bliss, Esq., and any argument that the Court may entertain at the time of hearing.

Dated this 18th day of February 2016.

KATHLEEN BLISS LAW PLLC

/s/ Kathleen Bliss
Kathleen Bliss, Esq.
Nevada Bar No. 7606
Jason Hicks, Esq.
Nevada Bar No. 13149
400 S. 4th St., Suite 500
Las Vegas, NV 89101
Telephone: 702.793.4000
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Attorneys for movant/real party in interest,
Laura Anderson

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NOTICE OF MOTION

YOU, AND EACH OF YOU, will please take notice that the undersigned will bring the above and foregoing motion on for hearing before this Court on the 24 day of MARCH, 2016, at the hour of 8:15AM .m. of said day, or as soon thereafter as counsel can be heard in Department No. XXVIII.

Dated this ____ day of February 2016.

KATHLEEN BLISS LAW PLLC

/s/ Kathleen Bliss
Kathleen Bliss, Esq.
Nevada Bar No. 7606
Jason Hicks, Esq.
Nevada Bar No. 13149
400 S. 4th St., Suite 500
Las Vegas, NV 89101
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Attorneys for movant/real party in interest,
Laura Anderson

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MEMORANDUM OF POINTS AND AUTHORITIES

This motion must be treated as a civil complaint seeking equitable relief pursuant to NRS 179.085(5). Movant respectfully demands a jury trial, to the extent such a demand is required under NRS 179.085 and the applicable rules of procedure, as well as damages in an amount exceeding \$10,000, to be proved. This Court has jurisdiction pursuant to NRS 179.085 and the Due Process Clause of the United States Constitution. Venue is proper as the parties, properties, events, and search warrants took place in Clark County, Nevada.

I. BACKGROUND

On or about May 18, 2015, Judge Jerry Weiss approved search warrants for the following five residential properties: (1) 12607 Oakland Hills Drive, Las Vegas, Nevada, 89141; (2) 54 Carolina Cherry Drive, Las Vegas, Nevada, 89141; (3) 5608 Quiet Cloud Court, Las Vegas, Nevada, 89141; (4) 3321 Alcludia Bay Avenue, Las Vegas, Nevada, 89141; and (5) 5108 Masotta Avenue, Las Vegas, Nevada, 89141. Las Vegas Metropolitan Police Department (“LVMPD”) detective Greg Flores obtained these warrants based upon his suspicion that the offense of Pandering and Living Off the Earnings of Prostitution, a violation of NRS 201.320, had been committed by Laura Anderson (“Ms. Anderson” or “Movant”) and several others. See Exhibit A (Search Warrant). The LVMPD executed these warrants the same day and seized property belonging to movant/real party in interest, Ms. Anderson, including vehicles, electronics, cash, and various other personal effects.

At or about the time that the search warrants were executed at the above addresses, Notices of Intent to Seek Indictment, or Marcum¹ notices, were provided to the suspects.² During this timeframe, the undersigned contacted Detective Flores, believed to be leading the investigation based upon the fact that his affidavit of probable cause was used to secure the warrants. See Affidavit of Kathleen Bliss, Esq., attached hereto. Detective Flores indicated that either Chief Deputy District Attorney Noreen DeMonte or Deputy District Attorney Samuel Martinez would

¹ Sheriff v Marcum, 105 Nev. 824 (1989) requires that a defendant be given reasonable notice that he or she is the target of a grand jury investigation.

² The suspects are all shareholders of Libra Group, Inc.: Persha Stanley, Heather Herrera, Sarah Wedge, Inas Ward, Kathleen Caldwell and Ms. Anderson.

1 know the status of filing charges. Id. However, since the onset of the investigation, and up and
2 until counsel's last conversation with Detective Flores on Friday, October 23, 2015, it has been the
3 undersigned's clear understanding from Detective Flores that neither Ms. Anderson nor any other
4 shareholder of Libra Group, Inc., is a target subject to prosecution despite the Marcum notices. Id.

5 Presumably the computer forensic search has been completed over the last nine months, and
6 all of Ms. Anderson's electronic devices have been copied for analysis. It is now time, then, for
7 LVMPD to return the property as it has been duly preserved, and the continued retention of Ms.
8 Anderson's property is causing her ongoing damages. Moreover, the LVMPD has had ample time
9 in which to determine whether the remainder of Ms. Anderson's property that it seized, i.e., vehicles,
10 financial documents, casino chips, cash, jewelry, etc., has any independent evidentiary value (which
11 it does not).

12 The undersigned contacted the District Attorney's Office and counsel for the LVMPD by
13 way of letter on October 30, 2015, in an attempt to obtain the return of Ms. Anderson's property
14 without the necessity of the Court's intervention. See Exhibit B (Oct. 30, 2015, letter to counsel).
15 This letter went unanswered. Accordingly, by way of this motion Movant seeks an order directing
16 the immediate return of her property and compensating her for the damages sustained.

17 **II. ARGUMENT**

18 Nine months have now passed since the warrants were executed and Ms. Anderson's
19 property was seized. Despite this significant passage of time, no criminal charges have been filed
20 nor has a civil forfeiture action been initiated by the State. While the interests of law enforcement
21 in holding property that may potentially constitute evidence in an ongoing investigation are
22 generally legitimate, it appears, based upon the State's prolonged inaction, that an investigation into
23 Ms. Anderson is no longer taking place, and/or that the subject property does not have any
24 independent evidentiary value which would justify its protracted retention. While law enforcement
25 and prosecutors have a duty to faithfully serve the public in the execution of their official duties,
26 there remains a concomitant duty to forgo efforts when those efforts are obviously leading nowhere.

27 While the State sits on its hands, Ms. Anderson and her family members continue to be
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1 harmed by its inaction. See Affidavit of Laura Anderson, attached hereto. Despite being deprived
2 of her vehicles for the last nine months, Ms. Anderson has nevertheless been required to continue
3 making her insurance payments on the seized vehicles in order to avoid losing her registrations and
4 receiving negative credit reporting. Id. Because these vehicles were also used for business
5 purposes, their deprivation has continued to impact her operations and cause harm to Ms.
6 Anderson's businesses. Id. Ms. Anderson has been required to obtain numerous rental vehicles to
7 use in the interim, unnecessarily costing her thousands of dollars. Id. She has also been required to
8 pay impound fees and, most damaging, she had to pay nearly \$120,000.00 to Mercedes Benz in
9 order to satisfy property dispositions for two of the vehicles. Id.

10 Further, the State has seized property related to a medical marijuana business for which Ms.
11 Anderson has a valid license to maintain. Id. Indeed, counsel for Ms. Anderson has since provided
12 the LVMPD and the State with said license, but has not gained any ground. See Affidavit of
13 Kathleen Bliss, Esq., attached hereto. This equipment includes marijuana plants, lights, tints and
14 other necessary paraphernalia purchased for over \$10,000.00 by Ms. Anderson.

15 Ms. Anderson is a businesswoman with ongoing projects in multiple industries such as
16 music, dance, limousine services, and cellular phone franchising, and has been forced to take out
17 nearly \$100,000.00 in loans from friends and family members in order to cover her expenses. Id.
18 All the while, the State has sat on tens of thousands of U.S. Currency seized from Ms. Anderson, in
19 addition to various personal items and vehicles worth several hundred thousand dollars more.

20 Finally, the State has also seized property that cannot reasonably said to constitute evidence
21 related to any pending investigation such as, for instance, a personal tablet belonging to Ms.
22 Anderson's autistic son, and a Rolex watch belonging to her deceased fiancée and father of her son.
23 Likewise, the remainder of Ms. Anderson's personal property, in particular her vehicles, jewelry,
24 financial documents and the like, cannot reasonably be said to have any independent evidentiary
25 value.³ Similarly, where there is no restitution or forfeiture action, currency generally has no

26 _____
27 ³ While it is anticipated that the State will argue that the subject property does have independent
28 evidentiary value, Ms. Anderson does not have the ability to meaningfully dispute this assertion
because the probable cause affidavits remained sealed and the State has refused to produce them
upon request. To the extent that is the State's position, Ms. Anderson requests that the Court order

1 independent evidentiary value, as its existence and amount can be established by the testimony of
2 seizing officers, inventory logs, photographs, and/or by stipulation of the parties. See, e.g., United
3 States v. Mills, 991 F.2d 609 (9th Cir. 1993); Buker v. Superior Court, 25 Cal. App. 3d 1085, 1089-
4 90 (Ct. App. 1972); Stern v. Superior Court, 76 Cal. App. 2d 772, 775, 174 P.2d 34 (1946).

5 As it stands, the State is acting, or failing to act, in direct violation of the United States
6 Constitution's mandate that "[n]o State shall. . .deprive any person of. . .property without due
7 process of law." U.S. Const. amend. XIV, § 1. The Nevada Constitution contains the same
8 assurance that "[n]o person shall be deprived of. . .property, without due process of law." Nev.
9 Const. art. 1, § 8(5). "The Due Process Clause requires notice and an opportunity to be heard before
10 the government deprives a person of his or her property." Maiola v. State, 120 Nev. 671, 675
11 (2004)(citing Levingston v. Washoe Co., 112 Nev. 479, 484 (1996)). Ms. Anderson has been
12 deprived of personal property valued in excess of several hundred thousand dollars for nearly nine
13 months without any process or opportunity to be heard. Unchecked, the State's actions offend the
14 basic premise of our judicial system that "every right, when withheld, must have a remedy, and
15 every injury its proper redress." Marbury v. Madison, 5 U.S. (1 Cranch) 137, 163 (1803).

16 This long-standing principle applies here, and Movant has a remedy through this Court's
17 exercise of its equitable powers and enforcement of NRS 179.085 to direct the return of property
18 that has been unreasonably held without process of law. That statute provides in relevant part:

19 1. A person aggrieved by an unlawful search and seizure or the
20 deprivation of property may move the court having jurisdiction
where the property was seized for the return of the property on the
ground that:

- 21 (a) The property was illegally seized without warrant;
- 22 (b) The warrant is insufficient on its face;
- 23 (b) There was not probable cause for believing the existence of
24 the grounds on which the warrant was issued;
- 25 (d) The warrant was illegally executed; or
- 26 (e) Retention of the property by law enforcement is not
reasonable under the totality of the circumstances.

27 _____
28 the State to produce the sealed probable cause affidavits.

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The judge shall receive evidence on any issue of fact necessary to the decision of the motion.

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3. If the motion is granted on the ground set forth in paragraph (e) of subsection 1, the property must be restored, but the court may impose reasonable conditions to protect access to the property and its use in later proceedings.

.....

5. If a motion pursuant to this section is filed when no criminal proceeding is pending, the motion must be treated as a civil complaint seeking equitable relief.

NRS 179.085 (emphasis added).

In 2004, the Nevada Supreme Court held that “NRS 179.085(1) strongly suggests that the Legislature also intended to provide an expeditious method for return of [] property by motion.” Maiola, 120 Nev. at 678 (emphasis added). The Court’s determination was founded upon its conclusion that the statute “implies that the same court that has the jurisdiction to suppress the evidence also has jurisdiction to return the property, since it equates the court that suppresses evidence with the court that returns property.” Id. In other words, the Court may exercise its jurisdiction to resolve this matter in equity, post haste.

The Maiola Court accurately anticipated the Legislature’s intent that NRS 179.085 serve independent dual functions in (1) providing a method to suppress evidence and/or (2) obtaining the return of seized property. This intent has recently been codified through several amendments to NRS 179.085, effective October 1, 2015. In particular, the Legislature has expressed its desire that the statute serve this independent dual function through its addition of an unambiguous directive that “a person aggrieved by an unlawful search and seizure or the deprivation of property may move the court having jurisdiction where the property was seized for the return of the property on the ground that. . .” NRS 179.085(1)(emphasis added). It is therefore clear that a motion for the return of property does not necessarily rest upon a preliminary showing that the property was illegally seized, and a movant may request return without being required to attack the lawfulness of the warrant, as is the case here.

1 There are two more recently enacted subsections that are of note here. First, an additional
2 basis for the return of property has been added in instances where the “[r]etention of the property
3 by law enforcement is not reasonable under the totality of the circumstances.” NRS 179.085(1)(e).
4 The basis of Ms. Anderson’s motion is, quite simply, that the State has withheld her property for
5 nine months without process of any kind, and without initiating criminal proceedings or a forfeiture
6 action, making the extended retention of it unreasonable under the totality of the circumstances.
7 Furthermore, continued requests by Ms. Anderson, through her counsel, have proved fruitless and
8 gone without resolution. The return of property under these circumstances fits squarely within the
9 equitable nature of the statute as noted by the Maola Court and as contemplated by its federal
10 counterpart, discussed below.

11 Second, the Legislature has recently added language clarifying the proper procedural avenue
12 under these circumstances, adding that “[i]f a motion pursuant to this section is filed when no
13 criminal proceeding is pending, the motion must be treated as a civil complaint seeking equitable
14 relief.” NRS 179.085(5). As with the other newly added subsections discussed above, this language
15 simply codifies a procedure already established by the Nevada Supreme Court in 2004, making clear
16 that this court may exercise its equitable jurisdiction to order the return of Ms. Anderson’s property
17 under the present circumstances. See *Maiola*, 120 Nev. at 676-77 (holding that courts have equitable
18 jurisdiction to order the return of property based, in part, upon courts’ inherent authority over those
19 who are officers of the court, such as the District Attorney’s Office). Accordingly, the Court may
20 treat the instant motion as a civil complaint seeking equitable return of property, even without the
21 existence of pending criminal charges, because the motion is based upon the reasonableness of the
22 retention given the totality of the circumstances. See NRS 179.085(1)(e).

23 Because this language was added by the Legislature in 2015 and did not go into effect until
24 October 1, 2015, there is not yet any case law applying these particular subsections. However, in
25 the past, the Nevada Supreme Court has specifically relied on NRS 179.085’s federal counterpart,
26 Federal Rule of Criminal Procedure 41(g), in deciding motions for return of property. See, e. g.,
27 *Maiola v. State*, 82 P.3d 38, 40-41 (Nev. 2004)(withdrawn and superseded on rehearing on other
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1 grounds by *Maiola v. State*, 120 Nev. 671 (2004)). Rule 41 closely mirrors Nevada’s statute,
2 including the newly added subsections, and provides in pertinent part that “[a] person aggrieved by
3 an unlawful search and seizure of property or by the deprivation of property may move for the
4 property’s return.” See Fed. R. Crim. P. 41(g). Although dealing with the federal Rules, the Ninth
5 Circuit and various federal courts within its jurisdiction—including the District of Nevada—have
6 analyzed and applied Rule 41(g) in similar situations, and this authority is instructive here.

7 The Ninth Circuit has repeatedly held that, while Rule 41(g) is ordinarily used to seek return
8 of property after an indictment is issued, “district courts have the [equitable] power to entertain
9 motions to return property seized by the government when there are no criminal proceedings
10 pending against the movant.” *Ramsden v. United States*, 2 F.3d 322, 324 (9th Cir. 1993)(citing
11 *United States v. Martinson*, 809 F.2d 1364, 1366-67 (9th Cir. 1987); see also *United States v. Kama*,
12 394 F.3d 1236, 1238 (9th Cir. 2005). “Rule 41(e) does not set forth a precise test for determining
13 whether the illegally seized documents should be returned to a movant.” *Ramsden*, 2 F.3d at 326.
14 Rather, “reasonableness under all of the circumstances must be the test when a person seeks to
15 obtain the return of property.” *Id.* (quoting Advisory Committee Notes to the 1989 Amendment of
16 Rule 41(e)). The government’s “retention of the property generally is reasonable if it has a need for
17 the property in an investigation or prosecution.” *Ramsden*, 2 F.3d at 326. “However, ‘if the United
18 States’ legitimate interests can be satisfied even if the property is returned, continued retention of
19 the property would become unreasonable.” *Id.* at 326-27 (quoting Advisory Committee Notes to
20 the 1989 Amendment of Rule 41(e)).

21 As previously discussed, in all likelihood the State has already mirrored the data contained
22 on Ms. Anderson’s computers, cellphones, and tablets. And, various items of personal property
23 such as her vehicles and cash have zero independent evidentiary value. The existence and amount
24 of these later items may be established by photographs, testimony of the officers, or stipulation of
25 the parties. Thus the State’s “legitimate interests” can be satisfied with the return of this property,
26 and therefore continued retention is unreasonable. *Ramsden*, 2. F.3d at 326-27.

27 Indeed, the return of seized property is appropriate if the movant is "entitled to lawful
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1 possession of the seized property," and the property is not contraband." United States v. Van
2 Cauwenberghe, 934 F.2d 1048, 1061 (9th Cir. 1991). A motion for the return of property may be
3 filed at any time after the seizure, and a criminal defendant is presumed to have the right to the
4 return of his property once it is no longer needed as evidence. Id. The burden of proof is on the
5 government to show "that it has a legitimate reason to retain the property" that is reasonable under
6 all of the circumstances. Id. (citing Martinson 809 F.2d at 1369)(emphasis added).

7 "Whenever the government seizes a significant amount of money and withholds it for an
8 unreasonable length of time without bringing charges and without offering evidence to justify its
9 continued withholding[,] and without any indication as to when if ever charges will be filed, the
10 plaintiff suffers irreparable harm." Mr. Lucky Messenger Service, Inc. v. United States, 587 F.2d
11 15, 18 (7th Cir. 1978). Ms. Anderson and her family have suffered such harm through the State's
12 prolonged and unreasonable retention of her lawfully owned property. Under these circumstances,
13 and as more time passes, the State's withholding of Ms. Anderson's property without initiating
14 criminal or civil proceedings becomes increasingly unjustifiable, and therefore progressively
15 violative of her Due Process rights and Nevada law. Absent a showing by the State of a legitimate
16 and objectively reasonable basis for this delay, Ms. Anderson is entitled to the return of her property.

17 **III. PROPERTY SOUGHT TO BE RETURNED**

18 Ms. Anderson respectfully requests that the Court order the return of all property belonging
19 to her including, but not limited to, the property specifically listed below. The property identified
20 below has been gathered from the various property return receipts and logs. It should be noted,
21 however, that the property logs and receipts do not match up in all instances, i.e., property listed in
22 one is not necessarily specified in the other. In the event the State has seized property belonging to
23 Ms. Anderson that is not specifically listed below, Ms. Anderson requests the Court order its return
24 as well.

25 **A. 12067 Oakland Hills, Las Vegas, Nevada, 89141**

- 26 1. The following thirteen (13) cellular telephones: (1) Samsung Galaxy Note II, gray in
27 color, serial number 99000208447938; (2) Samsung Galaxy Note II, white in color,

- 1 serial number 99000210823531; (3) Sony T-Mobile Xperia, black in color, serial
2 number 4170B-PM0520; (4) Samsung Galaxy Note 4, white in color, serial number
3 99000476790932; (5) Samsung Galaxy Note 4, black in color, serial number
4 99000472749763; (6) Samsung Galaxy Note 3, white in color, serial number
5 99000434509753; (7) Samsung Galaxy S II, white in color, serial number
6 000003062F80A; (8) Apple iPhone, white in color, serial number 358806053465371;
7 (9) Samsung Galaxy Note 4, white in color, serial number 99000474506325; (10)
8 Samsung Galaxy S III, black in color, serial number 99000115774423; (11) Apple
9 iPhone, white in color, serial number 3520004061630741; (12) Samsung Galaxy
10 Note 4, white in color, serial number 99000476776052; and (13) Apple iPhone, black
11 in color, serial number 357994053715077;
- 12 2. Three (3) laptop computers: (1) Apple MacBook Air, silver in color, serial number
13 4324A-BRCM1052; (2) Dell Inspiron 15-5547, silver in color, serial number
14 H1SSM602; and (3) Apple MacBook Pro, silver in color, serial number
15 4324ABRCM1055;
- 16 3. Three (3) computer tablets: (1) Samsung, white in color, serial number SM-T230NU;
17 (2) Samsung SM-900, white in color, serial number RF2F616X8JJ; and (3) Samsung,
18 white in color, serial number SM-T330NU;
- 19 4. Calendar;
- 20 5. Possessory items belonging to Laura Anderson;
- 21 6. Casino chips totaling \$2,648.00 in United States currency;
- 22 7. Ledgers;
- 23 8. Two (2) cashier check-customer copies from Bank of America;
- 24 9. Five (5) Visa credit cards;
- 25 10. Two (2) Visa debit cards;
- 26 11. Louis Vuitton purse;
- 27 12. Black wallet;
- 28

- 1 13. Ten (10) phone, laptop and/or tablet cases;
- 2 14. Miscellaneous paperwork;
- 3 15. Owe sheets;
- 4 16. Checkbooks;
- 5 17. Gaming receipts;
- 6 18. Casino player's cards from: (1) the M Resort & Spa and (2) the Wynn/Encore Hotel
- 7 & Casino;
- 8 19. Bank statements;
- 9 20. Credit card records;
- 10 21. Organizers;
- 11 22. Travel documentation;
- 12 23. 40 caliber Smith & Wesson handgun, black in color, serial number 7111865;
- 13 24. Two (2) silver colored skeleton keys;
- 14 25. The package located inside the men's handbag recovered from the maroon 2015
- 15 Mercedes S550, Nevada license plate LVM4V1, containing \$500.00 in United States
- 16 currency.
- 17 26. Wireless headphones located in the Mercedes used for onboard entertainment;
- 18 27. The package recovered from a purse located in the southeastern bedroom containing
- 19 \$1,755.00 in United States currency;
- 20 28. \$54,892.00 in United States currency recovered from a safe located in the master
- 21 bedroom's closet;
- 22 29. \$31.00 in United States currency recovered from Ms. Anderson's personal
- 23 miscellaneous paperwork;
- 24 30. Collection of men's and women's jewelry (watches, earrings, necklace, rings, etc.).

25 **B. 54 Carolina Cherry Drive, Las Vegas, Nevada, 89141**

- 26 1. Four cellular phones, make, model, and serial number unknown;
- 27 2. Miscellaneous paperwork;

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- 3. Photographs;
- 4. Tablet, make, model, and serial number unknown; and
- C. 5608 Quiet Cloud, Las Vegas, Nevada, 89141**
 - 1. Black 2014 Mercedes Sprinter van, VIN WDWPE8DC9E5856264, Nevada license plate LVL0X3.
 - 2. White 2009 Mercedes S550, VIN WDDNG71X09A272339, Nevada license plate LVJ7K1.
 - 3. 2 glass marijuana pipes;
 - 4. Miscellaneous paperwork;
 - 5. White cellphone, make, model, and serial number unknown;
 - 6. HP Computer, serial number unknown;
 - 7. Black iPad, serial number unknown;
 - 8. White iPad, serial number unknown;
 - 9. 2 Samsung tablets, serial numbers unknown;
 - 10. Kodak camera, model and serial number unknown;
 - 11. SD card;
 - 12. ZTE phone, serial number unknown;
 - 13. LG flip phone, serial number unknown;
 - 14. Samsung Galaxy Note II, serial number unknown;
 - 15. Samsung SL720 digital camera, serial number unknown;
 - 16. Toshiba external hard drive, serial number unknown;
 - 17. WD external hard drive, serial number unknown;
 - 18. Dane 32g flash drive, serial number unknown;
 - 19. SD card, make, model, and serial number unknown;
 - 20. Purple iPod Shuffle, serial number unknown;
 - 21. Xtreme Play tablet, serial number unknown;
 - 22. Sony digital camera, model and serial number unknown; and

1 23. HP computer tower and cord, make and serial number unknown.

2 **D. 3321 Alcudia Bay Avenue, Las Vegas, Nevada, 89141**

3 1. Marijuana plants;

4 2. CO2 tanks and gauges;

5 3. 3 Grow tents;

6 4. Grow trays

7 5. Lights

8 6. Miscellaneous chemicals;

9 7. Ballasts;

10 8. Grodans blocks;

11 9. Fans;

12 10. Portable A/C;

13 11. Sub pumps;

14 12. 55 gallon drums;

15 13. Duct work;

16 14. Buckets;

17 15. Mail key;

18 16. Miscellaneous paperwork;

19 17. Glass smoking pipes;

20 18. Hi-Point firearm;

21 19. 40 Smith & Wesson serial number 7111865.

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1 **IV. CONCLUSION**

2 Based upon the foregoing, movant/real party in interest, Laura Anderson, respectfully
3 requests that the Court enter an order directing the LVMPD and/or Clark County District Attorney's
4 Office to immediately return her above reference property. Ms. Anderson respectfully requests an
5 award for all damages incurred herein, in an amount to be proved, costs, reasonable attorneys' fees,
6 and any other relief deemed just and proper by the Court.

7 Dated this 18th day of February 2016.

8 Respectfully submitted,

9
10 KATHLEEN BLISS LAW PLLC

11
12 /s/ Kathleen Bliss
13 Kathleen Bliss, Esq.
14 Nevada Bar No. 7606
15 Jason Hicks, Esq.
16 Nevada Bar No. 13149
17 400 S. 4th St., Suite 500
18 Las Vegas, NV 89101
19 Telephone: 702.793.4000
20 Facsimile: 702.793.4001
21 Attorneys for movant/real party in interest,
22 Laura Anderson
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CERTIFICATE OF SERVICE

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The undersigned, an employee of Kathleen Bliss Law PLLC, hereby certifies that on this 18th day of February 2016, I did cause a true and correct copy of the **LAURA ANDERSON'S MOTION FOR RETURN OF SEIZED PROPERTY** to be served via e-mail and U.S. First Class mail to:

Noreen DeMonte
Chief Deputy District Attorney, Criminal
Noreen.DeMonte@clarkcountyda.com
Samuel Martinez
Deputy District Attorney, Criminal
Samuel.Martinez@clarkcountyda.com
District Attorney's Office
200 Lewis Avenue
Las Vegas, NV 89155

Liesl Freidman
General Counsel
Charlotte Bible
Assistant General Counsel
C9479B@LVMPD.com
Las Vegas Metropolitan Police Department
400 S. Martin Luther King Blvd.
Las Vegas, NV 89106

/s/ Jason Hicks

An employee of Kathleen Bliss Law PLLC

DISTRICT COURT
CLARK COUNTY, NEVADA

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IN RE THE EXECUTION OF SEARCH
WARRANTS FOR:

12067 Oakland Hills, Las Vegas, Nevada
89141;
54 Carolina Cherry Dr., Las Vegas, Nevada
89141;
5608 Quiet Cloud Dr., Las Vegas, Nevada
89141; and
3321 Alcudia Bay Ave., Las Vegas, Nevada
89141

CASE NO.:
DEPT NO.:

**AFFIDAVIT OF LAURA ANDERSON IN
SUPPORT OF HER MOTION FOR
RETURN OF SEIZED PROPERTY**

STATE OF NEVADA)
) :ss
COUNTY OF CLARK)

I, LAURA ANDERSON, do affirm and state, under penalty of perjury, the following relevant facts are true and correct to the best of my knowledge:

1. I am the movant/real party in interest the above-captioned action.
2. On or about May 18, 2015, the Las Vegas Metropolitan Police Department executed search warrants on five (5) different residential properties and seized various items of my personal property and effects from these residences.
3. Since that time, I have been required to pay the insurance payments and impound fees for vehicles seized by the LVMPD in connection with these warrants. The prolonged deprivation of my vehicles, which are used for both personal and business purposes, has required me to commission several rental cars, incurring additional expenses. In addition, to the best of my knowledge and belief, I have also incurred further expenses related to the vehicles as follows:
 - a. Impound fees: \$350
 - b. Possession retrieval fee: \$300
 - c. Rental vehicles: In excess of \$5,000
 - d. Payment to Mercedes Benz in the amount of \$59,250.83 to satisfy disposition of property.
 - e. Payment to Mercedes Benz in the amount of approximately \$60,000.00 to satisfy the disposition of a second vehicle. I will supply supporting paperwork with the exact amount when required.

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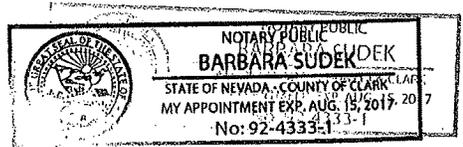
4. I have needed to purchase nine new cellular phones to replace those seized and held, which cost me approximately \$1,800.00. I have also needed to purchase a new computer and tablet for the same reason, which cost me approximately \$2,000.00 and \$300.00, respectively.
5. To date, I have not been charged with any criminal offense(s). To my knowledge, civil forfeiture proceedings have not been initiated against me or my property.
6. I hold a valid Nevada medical marijuana license and am therefore permitted to grow marijuana up to a certain amount. The equipment I purchased and used to do so was also seized and has not been returned, despite the fact that I, through my attorney, presented my medical marijuana license to the proper authorities at some point after the seizure of my equipment. Said equipment cost me in excess of \$10,000.00.
7. The LVMPD's retention of my property for the last nine months has caused me harm in that it has deprived me of funds necessary to pay my bills and expenses, interfered with the operation of my businesses, caused me to continue paying for vehicles that I am no longer in possession of in order to avoid losing my registrations and damaging my credit, and required me to obtain loans.
8. I have been forced to secure loans from family and friends in order to cover my business and personal expenses in the amount of approximately \$96,000.00.
9. The monetary amounts listed herein are exclusive of the actual monetary value of the personal property which was seized, which I estimate to be more than \$100,000.00, exclusive of the cash already seized.
10. As a result of these events I have been required to retain an attorney and incur costs and attorneys' fees related to the seizure and retention of my property.

DATED this 12 day of February 2016.

Laura Anderson
Laura Anderson

SUBSCRIBED and SWORN to before me
this 12 day of February 2016.

Barbara Sudek
NOTARY PUBLIC in and for said County and State



My Commission Expires: _____.

DISTRICT COURT
CLARK COUNTY, NEVADA

IN RE THE EXECUTION OF SEARCH
WARRANTS FOR:

12067 Oakland Hills, Las Vegas, Nevada
89141;

54 Carolina Cherry Dr., Las Vegas, Nevada
89141;

5608 Quiet Cloud Dr., Las Vegas, Nevada
89141; and

3321 Alcudia Bay Ave., Las Vegas, Nevada
89141

CASE NO.:

DEPT NO.:

**AFFIDAVIT OF KATHLEEN BLISS IN
SUPPORT OF LAURA ANDERSON'S
MOTION FOR RETURN OF SEIZED
PROPERTY**

STATE OF NEVADA)
) :ss
COUNTY OF CLARK)

I, KATHLEEN BLISS, do affirm and state, under penalty of perjury, the following relevant facts are true and correct to the best of my knowledge:

1. I am counsel of record for the movant/real party of interest in the above captioned matter, Laura Anderson.
2. On or about May 18, 2015, the Las Vegas Metropolitan Police Department executed search warrants on five (5) different residential properties and seized various items of Ms. Anderson's personal property and effects from these residences.
3. To date, no criminal charges have been filed against Ms. Anderson or the other members of her business, the Libra Group, nor have civil forfeiture proceedings been initiated.
4. At or about the time that the search warrants were executed at the above addresses, Notices of Intent to Seek Indictment, or *Marcum* notices, were provided to the suspects. During this timeframe, I contacted Detective Greg Flores, whom I believed to be leading the investigation based upon the fact that his affidavit of probable cause was used to secure the warrants. Detective Flores indicated that either Chief Deputy District Attorney Noreen DeMonte or Deputy District Attorney Samuel Martinez would know the status of filing charges.
5. I contacted the District Attorney's Office and counsel for the LVMPD by way of letter dated October 30, 2015, in an attempt to obtain the return of Ms. Anderson's property without the necessity of the Court's intervention. The property has not been returned.

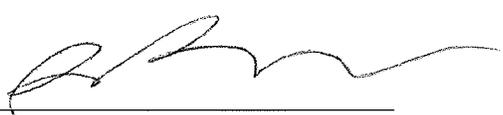
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- 6. Since the onset of the investigation, and up and until my last conversation with Detective Flores on Friday, October 23, 2015, it has been my clear understanding from Detective Flores that neither Ms. Anderson nor any other shareholder of Libra Group, Inc., is a target subject to prosecution despite the *Marcum* notices.
- 7. I supplied Detective Flores with Ms. Anderson's medical marijuana card and requested that he forward it to the proper parties in an effort to demonstrate that the seizure of Ms. Anderson's lawfully owned medical marijuana plants and paraphernalia was improper.
- 8. Despite my efforts, it has been more nine months since the execution of the subject search warrants without progress or legal process, necessitating the filing of the instant motion.
- 9. Attached as Exhibit A to the Motion is a true and correct copy of one of the search warrants for the properties. Attached as Exhibit B is a true and correct copy of the letter I sent to counsel for the LVMPD and the DA's office on October 30, 2015, requesting return of Ms. Anderson's property.

DATED this 12th day of February 2016.


Kathleen Bliss, Esq.

SUBSCRIBED and SWORN to before me
this 12 day of February, 2016.



NOTARY PUBLIC in and for said County and State

My Commission Expires: 8-15-17

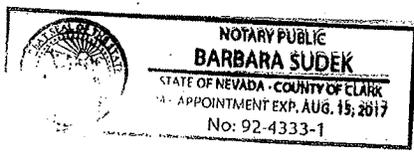


EXHIBIT “2”

1 **ORDER**
Kathleen Bliss, Esq.
2 Nevada Bar No. 7606
E-mail: kb@kathleenblisslaw.com
3 Jason Hicks, Esq.
Nevada Bar No. 13149
4 E-mail: jh@kathleenblisslaw.com
Kathleen Bliss Law PLLC
5 400 S. 4th St., Suite 500
Las Vegas, NV 89101
6 Telephone: 702.793.4000
Facsimile: 702.793.4001
7 Attorneys for Laura Anderson
8

9 DISTRICT COURT
10 CLARK COUNTY, NEVADA

12 IN RE THE EXECUTION OF SEARCH
WARRANTS FOR:
13 12067 Oakland Hills, Las Vegas, Nevada
14 89141;
15 54 Carolina Cherry Dr., Las Vegas, Nevada
16 89141;
17 5608 Quiet Cloud Dr., Las Vegas, Nevada
18 89141; and
19 3321 Aloudia Bay Ave., Las Vegas, Nevada
89141

CASE NO.: A-16-732077-C
DEPT NO.: XXVIII

**ORDER GRANTING PLAINTIFF'S
MOTION FOR RETURN OF SEIZED
PROPERTY**

Date of hearing: March 31, 2016
Time of hearing: 9:00 a.m.

20 On this 31st day of March 2016, the Court held a hearing on Plaintiff Laura Anderson's
21 motion for return of seized property. Both parties appeared. The Court, having considered the
22 pleadings of the parties and concession of Defendant Las Vegas Metropolitan Police Department
23 (LVMPD) that there is no federal investigation, which Defendant had submitted as its basis for
24 holding onto the property, FINDS as follows:

25 1. Plaintiff moved for return of numerous items seized on or about May 18, 2015, by the
26 Las Vegas Metropolitan Police Department, pursuant to search warrants executed at the
27 above-captioned residences. Plaintiff sought relief under NRS 179.085(1)(e), the

<input type="checkbox"/> Voluntary Dismissal	<input checked="" type="checkbox"/> Summary Judgment
<input type="checkbox"/> Involuntary Dismissal	<input type="checkbox"/> Stipulated Judgment
<input type="checkbox"/> Stipulated Dismissal	<input type="checkbox"/> Default Judgment
<input type="checkbox"/> Motion to Dismiss by Deft(s)	<input type="checkbox"/> Judgment of Arbitration

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Fourteenth Amendment of the United States Constitution and Article 1, § 8 (5) of the Nevada Constitution. In support of her motion, Plaintiff submits that she attempted to obtain the return of said property several times since its seizure without the Court's intervention, having attached evidence of said communications to her motion.

- 2. In its opposition Defendant responded that a federal investigation precluded return of the property. However, on March 30, 2016, counsel for Defendant confirmed that there is no federal investigation. Therefore, Defendant does not object to the return of all property for which Plaintiff seeks release.

IT IS THEREFORE ORDERED THAT:

Plaintiff's motion is **GRANTED**. Within thirty (30) days, Defendant SHALL return all property seized in connection with the execution of the warrants subject herein, including, but not limited to, the specific following property:

A. 12067 Oakland Hills, Las Vegas, Nevada, 89141

- 1. The following thirteen (13) cellular telephones: (1) Samsung Galaxy Note II, gray in color, serial number 99000208447938; (2) Samsung Galaxy Note II, white in color, serial number 99000210823531; (3) Sony T-Mobile Xperia, black in color, serial number 4170B-PM0520; (4) Samsung Galaxy Note 4, white in color, serial number 99000476790932; (5) Samsung Galaxy Note 4, black in color, serial number 99000472749763; (6) Samsung Galaxy Note 3, white in color, serial number 99000434509753; (7) Samsung Galaxy S II, white in color, serial number 000003062F80A; (8) Apple iPhone, white in color, serial number 358806053465371; (9) Samsung Galaxy Note 4, white in color, serial number 99000474506325; (10) Samsung Galaxy S III, black in color, serial number 99000115774423; (11) Apple iPhone, white in color, serial number 3520004061630741; (12) Samsung Galaxy Note 4, white in color, serial number 99000476776052; and (13) Apple iPhone, black in color, serial number 357994053715077;
- 2. Three (3) laptop computers: (1) Apple MacBook Air, silver in color, serial number

- 1 4324A-BRCM1052; (2) Dell Inspiron 15-5547, silver in color, serial number
- 2 H1SSM602; and (3) Apple MacBook Pro, silver in color, serial number
- 3 4324ABRCM1055;
- 4 3. Three (3) computer tablets: (1) Samsung, white in color, serial number SM-T230NU;
- 5 (2) Samsung SM-900, white in color, serial number RF2F616X8JJ; and (3) Samsung,
- 6 white in color, serial number SM-T330NU;
- 7 4. Calendar;
- 8 5. Possessory items belonging to Laura Anderson;
- 9 6. Casino chips totaling \$2,648.00 in United States currency;
- 10 7. Ledgers;
- 11 8. Two (2) cashier check-customer copies from Bank of America;
- 12 9. Five (5) Visa credit cards;
- 13 10. Two (2) Visa debit cards;
- 14 11. Louis Vuitton purse;
- 15 12. Black wallet;
- 16 13. Ten (10) phone, laptop and/or tablet cases;
- 17 14. Miscellaneous paperwork;
- 18 15. Owe sheets;
- 19 16. Checkbooks;
- 20 17. Gaming receipts;
- 21 18. Casino player's cards from: (1) the M Resort & Spa and (2) the Wynn/Encore Hotel
- 22 & Casino;
- 23 19. Bank statements;
- 24 20. Credit card records;
- 25 21. Organizers;
- 26 22. Travel documentation;
- 27 23. 40 caliber Smith & Wesson handgun, black in color, serial number 7111865;
- 28

- 1 24. Two (2) silver colored skeleton keys;
- 2 25. The package located inside the men's handbag recovered from the maroon 2015
- 3 Mercedes S550, Nevada license plate LVM4V1, containing \$500.00 in United States
- 4 currency.
- 5 26. Wireless headphones located in the Mercedes used for onboard entertainment;
- 6 27. The package recovered from a purse located in the southeastern bedroom containing
- 7 \$1,755.00 in United States currency;
- 8 28. \$54,892.00 in United States currency recovered from a safe located in the master
- 9 bedroom's closet;
- 10 29. \$31.00 in United States currency recovered from Ms. Anderson's personal
- 11 miscellaneous paperwork;
- 12 30. Collection of men's and women's jewelry (watches, earrings, necklace, rings, etc.).

13 **B. 54 Carolina Cherry Drive, Las Vegas, Nevada, 89141**

- 14 1. Four cellular phones, make, model, and serial number unknown;
- 15 2. Miscellaneous paperwork;
- 16 3. Photographs;
- 17 4. Tablet, make, model, and serial number unknown; and

18 **C. 5608 Quiet Cloud, Las Vegas, Nevada, 89141**

- 19 1. Black 2014 Mercedes Sprinter van, VIN WDZPE8DC9E5856264, Nevada license
- 20 plate LVLOX3.
- 21 2. White 2009 Mercedes S550, VIN WDDNG71X09A272339, Nevada license plate
- 22 LVJ7K1.
- 23 3. 2 glass marijuana pipes;
- 24 4. Miscellaneous paperwork;
- 25 5. White cellphone, make, model, and serial number unknown;
- 26 6. HP Computer, serial number unknown;
- 27 7. Black iPad, serial number unknown;
- 28

- 1 8. White iPad, serial number unknown;
- 2 9. 2 Samsung tablets, serial numbers unknown;
- 3 10. Kodak camera, model and serial number unknown;
- 4 11. SD card;
- 5 12. ZTE phone, serial number unknown;
- 6 13. LG flip phone, serial number unknown;
- 7 14. Samsung Galaxy Note II, serial number unknown;
- 8 15. Samsung SL720 digital camera, serial number unknown;
- 9 16. Toshiba external hard drive, serial number unknown;
- 10 17. WD external hard drive, serial number unknown;
- 11 18. Dane 32g flash drive, serial number unknown;
- 12 19. SD card, make, model, and serial number unknown;
- 13 20. Purple iPod Shuffle, serial number unknown;
- 14 21. Xtreme Play tablet, serial number unknown;
- 15 22. Sony digital camera, model and serial number unknown; and
- 16 23. HP computer tower and cord, make and serial number unknown.

17 **D. 3321 Alcudia Bay Avenue, Las Vegas, Nevada, 89141**

- 18 1. Marijuana plants;
- 19 2. CO2 tanks and gauges;
- 20 3. 3 Grow tents;
- 21 4. Grow trays
- 22 5. Lights
- 23 6. Miscellaneous chemicals;
- 24 7. Ballasts;
- 25 8. Grodans blocks;
- 26 9. Fans;
- 27 10. Portable A/C;

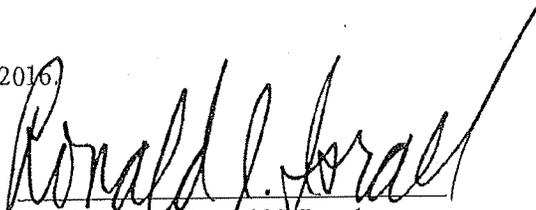
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- 1 11. Sub pumps;
- 2 12. 55 gallon drums;
- 3 13. Duct work;
- 4 14. Buckets;
- 5 15. Mail key;
- 6 16. Miscellaneous paperwork;
- 7 17. Glass smoking pipes;
- 8 18. Hi-Point firearm;
- 9 19. 40 Smith & Wesson serial number 7111865.

11 It is **FURTHER ORDERED** that in the event the State has seized property belonging to
12 Plaintiff, that is not specifically listed below, LVMPD SHALL return said property to Plaintiff as
13 well.

14 The LVMPD SHALL return all property listed by Plaintiff in her motion and identified
15 herein within 30 days of this Order.

16 Dated this 20 day of April 2016.

17 
18 _____
19 The Honorable Ronald J. Israel
20 Department XXVIII
21 Eighth Judicial District
22 Clark County, Nevada BB

22 Submitted by:

23 /s/ Kathleen Bliss
24 Kathleen Bliss
25 Kathleen Bliss Law PLLC
26 400 South 4th Street
27 Suite 500
28 Las Vegas, NV 89101
702.793.4202
kb@kathleenblisslaw.com
Attorney for Plaintiff Laura Anderson

1 Agreed as to form and content:

2

3

4 Nick D. Crosby, Esq.
5 Marquis Aurbach Coffing
6 1001 Park Run Dr.
7 Las Vegas, NV 89145
8 ncrosby@maclaw.com
9 Attorneys for Las Vegas Metropolitan Police Department

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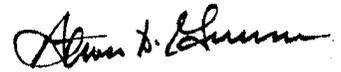
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EXHIBIT “3”



CLERK OF THE COURT

1 **NOTIC**
Kathleen Bliss, Esq.
2 Nevada Bar No. 7606
E-mail: kb@kathleenblisslaw.com
3 Jason Hicks, Esq.
Nevada Bar No. 13149
4 E-mail: jh@kathleenblisslaw.com
Kathleen Bliss Law PLLC
5 400 S. 4th St., Suite 500
Las Vegas, NV 89101
6 Telephone: 702.793.4000
Facsimile: 702.793.4001
7
Attorneys for Laura Anderson
8

9 DISTRICT COURT
10 CLARK COUNTY, NEVADA

11
12 IN RE THE EXECUTION OF SEARCH
WARRANTS FOR:

CASE NO.: A-16-732077-C

DEPT NO.: XXVIII

13 12067 Oakland Hills, Las Vegas, Nevada
14 89141;

15 54 Carolina Cherry Dr., Las Vegas, Nevada
16 89141;

17 5608 Quiet Cloud Dr., Las Vegas, Nevada
89141; and

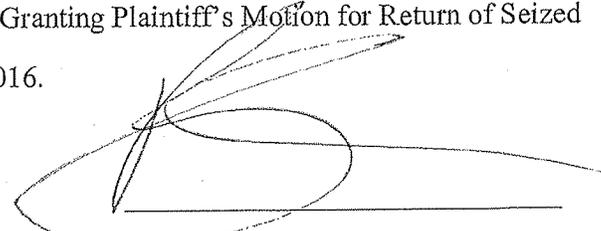
18 3321 Alcuđia Bay Ave., Las Vegas, Nevada
19 89141

20 **NOTICE OF ENTRY OF ORDER GRANTING PLAINTIFF'S MOTION FOR RETURN**
21 **OF SEIZED PROPERTY**

22 TO: LAS VEGAS METROPOLITAN POLICE DEPARTMENT BY AND THROUGH
23 ITS COUNSEL OF RECORD, NICHOLAS CROSBY, ESQ.

24 Please take notice that the attached Order Granting Plaintiff's Motion for Return of Seized
25 Property was entered by the Court on April 20, 2016.

26 Dated: April 26, 2016.

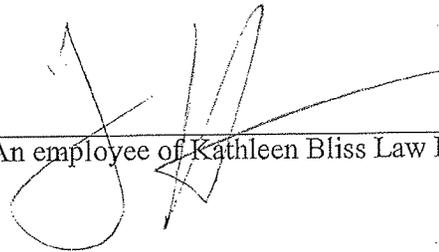
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Kathleen Bliss, Esq.

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CERTIFICATE OF SERVICE

As an employee of Kathleen Bliss Law PLLC, I hereby certify that I served a copy of the **NOTICE OF ENTRY OF ORDER GRANTING PLAINTIFF'S MOTION FOR RETURN OF SEIZED PROPERTY** on April 26, 2016, on the parties of record below, via e-mail and the Court's electronic filing system, WizNet.

Nick D. Crosby, Esq.
Marquis Aurbach Coffing
10001 Park Run Dr.
Las Vegas, NV 89145
ncrosby@maclaw.com
Attorneys for LVMPD



An employee of Kathleen Bliss Law PLLC

1 **ORDR**
Kathleen Bliss, Esq.
2 Nevada Bar No. 7606
E-mail: kcb@kathleenblisslaw.com
3 Jason Hicks, Esq.
Nevada Bar No. 13149
4 E-mail: jh@kathleenblisslaw.com
Kathleen Bliss Law PLLC
5 400 S. 4th St., Suite 500
Las Vegas, NV 89101
6 Telephone: 702.793.4000
Facsimile: 702.793.4001
7
8 Attorneys for Laura Anderson

9
10 DISTRICT COURT
CLARK COUNTY, NEVADA

12 IN RE THE EXECUTION OF SEARCH
WARRANTS FOR:
13 12067 Oakland Hills, Las Vegas, Nevada
14 89141;
15 54 Carolina Cherry Dr., Las Vegas, Nevada
16 89141;
17 5608 Quiet Cloud Dr., Las Vegas, Nevada
18 89141; and
19 3321 Aloudia Bay Ave., Las Vegas, Nevada
89141

CASE NO.: A-16-732077-C

DEPT NO.: XXVIII

**ORDER GRANTING PLAINTIFF'S
MOTION FOR RETURN OF SEIZED
PROPERTY**

Date of hearing: March 31, 2016

Time of hearing: 9:00 a.m.

20 On this 31st day of March 2016, the Court held a hearing on Plaintiff Laura Anderson's
21 motion for return of seized property. Both parties appeared. The Court, having considered the
22 pleadings of the parties and concession of Defendant Las Vegas Metropolitan Police Department
23 (LVMPD) that there is no federal investigation, which Defendant had submitted as its basis for
24 holding onto the property, FINDS as follows:

25 1. Plaintiff moved for return of numerous items seized on or about May 18, 2015, by the
26 Las Vegas Metropolitan Police Department, pursuant to search warrants executed at the
27 above-captioned residences. Plaintiff sought relief under NRS 179.085(1)(e), the

<input type="checkbox"/> Voluntary Dismissal	<input checked="" type="checkbox"/> Summary Judgment
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<input type="checkbox"/> Stipulated Dismissal	<input type="checkbox"/> Default Judgment
<input type="checkbox"/> Motion to Dismiss by Deft(s)	<input type="checkbox"/> Judgment of Arbitration

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Fourteenth Amendment of the United States Constitution and Article 1, § 8 (5) of the Nevada Constitution. In support of her motion, Plaintiff submits that she attempted to obtain the return of said property several times since its seizure without the Court's intervention, having attached evidence of said communications to her motion.

- 2. In its opposition Defendant responded that a federal investigation precluded return of the property. However, on March 30, 2016, counsel for Defendant confirmed that there is no federal investigation. Therefore, Defendant does not object to the return of all property for which Plaintiff seeks release.

IT IS THEREFORE ORDERED THAT:

Plaintiff's motion is **GRANTED**. Within thirty (30) days, Defendant SHALL return all property seized in connection with the execution of the warrants subject herein, including, but not limited to, the specific following property:

A. 12067 Oakland Hills, Las Vegas, Nevada, 89141

- 1. The following thirteen (13) cellular telephones: (1) Samsung Galaxy Note II, gray in color, serial number 99000208447938; (2) Samsung Galaxy Note II, white in color, serial number 99000210823531; (3) Sony T-Mobile Xperia, black in color, serial number 4170B-PM0520; (4) Samsung Galaxy Note 4, white in color, serial number 99000476790932; (5) Samsung Galaxy Note 4, black in color, serial number 99000472749763; (6) Samsung Galaxy Note 3, white in color, serial number 99000434509753; (7) Samsung Galaxy S II, white in color, serial number 000003062F80A; (8) Apple iPhone, white in color, serial number 358806053465371; (9) Samsung Galaxy Note 4, white in color, serial number 99000474506325; (10) Samsung Galaxy S III, black in color, serial number 99000115774423; (11) Apple iPhone, white in color, serial number 3520004061630741; (12) Samsung Galaxy Note 4, white in color, serial number 99000476776052; and (13) Apple iPhone, black in color, serial number 357994053715077;
- 2. Three (3) laptop computers: (1) Apple MacBook Air, silver in color, serial number

- 1 4324A-BRCM1052; (2) Dell Inspiron 15-5547, silver in color, serial number
- 2 H1SSM602; and (3) Apple MacBook Pro, silver in color, serial number
- 3 4324ABRCM1055;
- 4 3. Three (3) computer tablets: (1) Samsung, white in color, serial number SM-T230NU;
- 5 (2) Samsung SM-900, white in color, serial number RF2F616X8JJ; and (3) Samsung,
- 6 white in color, serial number SM-T330NU;
- 7 4. Calendar;
- 8 5. Possessory items belonging to Laura Anderson;
- 9 6. Casino chips totaling \$2,648.00 in United States currency;
- 10 7. Ledgers;
- 11 8. Two (2) cashier check-customer copies from Bank of America;
- 12 9. Five (5) Visa credit cards;
- 13 10. Two (2) Visa debit cards;
- 14 11. Louis Vuitton purse;
- 15 12. Black wallet;
- 16 13. Ten (10) phone, laptop and/or tablet cases;
- 17 14. Miscellaneous paperwork;
- 18 15. Owe sheets;
- 19 16. Checkbooks;
- 20 17. Gaming receipts;
- 21 18. Casino player's cards from: (1) the M Resort & Spa and (2) the Wynn/Encore Hotel
- 22 & Casino;
- 23 19. Bank statements;
- 24 20. Credit card records;
- 25 21. Organizers;
- 26 22. Travel documentation;
- 27 23. 40 caliber Smith & Wesson handgun, black in color, serial number 7111865;
- 28

- 1 24. Two (2) silver colored skeleton keys;
- 2 25. The package located inside the men's handbag recovered from the maroon 2015
- 3 Mercedes S550, Nevada license plate LVM4V1, containing \$500.00 in United States
- 4 currency.
- 5 26. Wireless headphones located in the Mercedes used for onboard entertainment;
- 6 27. The package recovered from a purse located in the southeastern bedroom containing
- 7 \$1,755.00 in United States currency;
- 8 28. \$54,892.00 in United States currency recovered from a safe located in the master
- 9 bedroom's closet;
- 10 29. \$31.00 in United States currency recovered from Ms. Anderson's personal
- 11 miscellaneous paperwork;
- 12 30. Collection of men's and women's jewelry (watches, earrings, necklace, rings, etc.).
- 13 **B. 54 Carolina Cherry Drive, Las Vegas, Nevada, 89141**
- 14 1. Four cellular phones, make, model, and serial number unknown;
- 15 2. Miscellaneous paperwork;
- 16 3. Photographs;
- 17 4. Tablet, make, model, and serial number unknown; and
- 18 **C. 5608 Quiet Cloud, Las Vegas, Nevada, 89141**
- 19 1. Black 2014 Mercedes Sprinter van, VIN WDZPE8DC9E5856264, Nevada license
- 20 plate LVL0X3.
- 21 2. White 2009 Mercedes S550, VIN WDDNG71X09A272339, Nevada license plate
- 22 LVJ7K1.
- 23 3. 2 glass marijuana pipes;
- 24 4. Miscellaneous paperwork;
- 25 5. White cellphone, make, model, and serial number unknown;
- 26 6. HP Computer, serial number unknown;
- 27 7. Black iPad, serial number unknown;
- 28

- 1 8. White iPad, serial number unknown;
- 2 9. 2 Samsung tablets, serial numbers unknown;
- 3 10. Kodak camera, model and serial number unknown;
- 4 11. SD card;
- 5 12. ZTE phone, serial number unknown;
- 6 13. LG flip phone, serial number unknown;
- 7 14. Samsung Galaxy Note II, serial number unknown;
- 8 15. Samsung SL720 digital camera, serial number unknown;
- 9 16. Toshiba external hard drive, serial number unknown;
- 10 17. WD external hard drive, serial number unknown;
- 11 18. Dane 32g flash drive, serial number unknown;
- 12 19. SD card, make, model, and serial number unknown;
- 13 20. Purple iPod Shuffle, serial number unknown;
- 14 21. Xtreme Play tablet, serial number unknown;
- 15 22. Sony digital camera, model and serial number unknown; and
- 16 23. HP computer tower and cord, make and serial number unknown.

17 **D. 3321 Alcludia Bay Avenue, Las Vegas, Nevada, 89141**

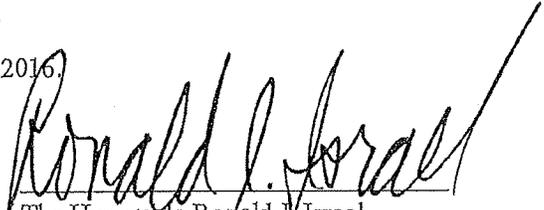
- 18 1. Marijuana plants;
- 19 2. CO2 tanks and gauges;
- 20 3. 3 Grow tents;
- 21 4. Grow trays
- 22 5. Lights
- 23 6. Miscellaneous chemicals;
- 24 7. Ballasts;
- 25 8. Grodans blocks;
- 26 9. Fans;
- 27 10. Portable A/C;
- 28

- 1 11. Sub pumps;
- 2 12. 55 gallon drums;
- 3 13. Duct work;
- 4 14. Buckets;
- 5 15. Mail key;
- 6 16. Miscellaneous paperwork;
- 7 17. Glass smoking pipes;
- 8 18. Hi-Point firearm;
- 9 19. 40 Smith & Wesson serial number 7111865.

10
11 It is **FURTHER ORDERED** that in the event the State has seized property belonging to
12 Plaintiff, that is not specifically listed below, LVMPD SHALL return said property to Plaintiff as
13 well.

14 The LVMPD SHALL return all property listed by Plaintiff in her motion and identified
15 herein within 30 days of this Order.

16 Dated this 20 day of April 2016.

17 
18 _____
19 The Honorable Ronald J. Israel
20 Department XXVIII
21 Eighth Judicial District
22 Clark County, Nevada **BB**

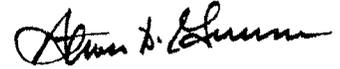
22 Submitted by:
23 /s/ Kathleen Bliss
24 Kathleen Bliss
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Agreed as to form and content:

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ncrosby@maclaw.com
Attorneys for Las Vegas Metropolitan Police Department

EXHIBIT “4”



CLERK OF THE COURT

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7
8 Attorneys for movant/real party
in interest Laura Anderson

9
10 DISTRICT COURT
11 CLARK COUNTY, NEVADA

12
13 IN RE THE EXECUTION OF SEARCH
WARRANTS FOR:

14 12067 Oakland Hills, Las Vegas, Nevada
89141;

15 54 Carolina Cherry Dr., Las Vegas, Nevada
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17 5608 Quiet Cloud Dr., Las Vegas, Nevada
18 89141; and

19 3321 Alcudia Bay Ave., Las Vegas, Nevada
89141

CASE NO.: A-16-732077-C

DEPT NO.: XXVIII

**MOTION FOR ATTORNEYS' FEES AND
COSTS AND AFFIDAVIT OF
KATHLEEN BLISS, ESQ., IN SUPPORT**

Date of hearing:

Time of hearing:

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21 Movant/real party in interest, Laura Anderson, by and through counsel Kathleen Bliss, Esq.,
22 and Jason Hicks, Esq., of the law firm Kathleen Bliss Law PLLC, hereby submits her motion for
23 attorneys' fees and costs. This motion is made and based upon the following memorandum of points
24 and authorities, the pleadings and papers on file, the affidavit of Kathleen Bliss, Esq. attached hereto,
25 and argument entertained by the Court at the time of hearing.

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NOTICE OF MOTION

YOU, AND EACH OF YOU, will please take notice that the undersigned will bring the above and foregoing motion on for hearing before this Court on the 22 day of JUNE, 2016, at the hour of _____m. of said day, or as soon thereafter as counsel can be heard in Department No. XXVIII.

Dated this 16th day of May 2016.

KATHLEEN BLISS LAW PLLC

/s/ Kathleen Bliss
Kathleen Bliss, Esq.
Nevada Bar No. 7606
Jason Hicks, Esq.
Nevada Bar No. 13149
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Telephone: 702.793.4000
Facsimile: 702.793.4001
*Attorneys for movant/real party in interest,
Laura Anderson*

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. INTRODUCTION AND BACKGROUND

3 The issues as they pertain to Movant Laura Anderson (hereinafter "Ms. Anderson") have
4 already been litigated and resolved in her favor. However, for the purpose of refreshing the
5 Court's recollection as to the events that led to the filing of the instant motion, in addition to
6 events taking place since the hearing on the same, a brief recapitulation of the facts is appropriate.

7 On or about May 18, 2015, Judge Jerry Weiss approved search warrants for the following
8 five residential properties: (1) 12607 Oakland Hills Drive, Las Vegas, Nevada, 89141; (2) 54
9 Carolina Cherry Drive, Las Vegas, Nevada, 89141; (3) 5608 Quiet Cloud Court, Las Vegas, Nevada,
10 89141; (4) 3321 Alcludia Bay Avenue, Las Vegas, Nevada, 89141; and (5) 5108 Masotta Avenue,
11 Las Vegas, Nevada, 89141. Las Vegas Metropolitan Police Department ("LVMPD") detective Greg
12 Flores obtained these warrants based upon his suspicion that the offense of Pandering and Living
13 Off the Earnings of Prostitution, a violation of NRS 201.320, had been committed by Laura
14 Anderson ("Ms. Anderson") and several others. The LVMPD executed these warrants the same day
15 (May 18, 2015) and seized property belonging to Ms. Anderson, including vehicles, electronics,
16 cash, and various other personal effects.

17 At or about the time that the search warrants were executed at the above addresses, Notices
18 of Intent to Seek Indictment, or *Marcum*¹ notices, were provided to the suspects.² During this
19 timeframe, the undersigned contacted Detective Flores, believed to be leading the investigation
20 based upon the fact that his affidavit of probable cause was used to secure the warrants. Since the
21 onset of the investigation, and up and until counsel's last conversation with Detective Flores on
22 Friday, October 23, 2015, it was the undersigned's clear understanding from Detective Flores that
23 neither Ms. Anderson nor any other shareholder of Libra Group, Inc., was a target subject to
24 prosecution despite the *Marcum* notices. This understanding was later confirmed through counsel
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26 ¹ *Sheriff v Marcum*, 105 Nev. 824 (1989) requires that a defendant be given reasonable notice that
he or she is the target of a grand jury investigation.

27 ² The suspects were all shareholders of Libra Group, Inc.: Persha Stanley, Heather Herrera, Sarah
28 Wedge, Kathleen Caldwell and Ms. Anderson.

1 for LVMPD through its exceedingly tardy concession to the relief requested.

2 The undersigned contacted the District Attorney's Office and counsel for the LVMPD by
3 way of letter on October 30, 2015, in an attempt to obtain the return of Ms. Anderson's property
4 without the necessity of the Court's intervention. That letter went unanswered. Counsel for Ms.
5 Anderson made further attempts to resolve the matter without Court intervention through multiple
6 phone calls and e-mails over the following months, which were likewise ignored.

7 After months of being ignored by LVMPD, Ms. Anderson was forced to file a motion for
8 return of property on February 19, 2016. This motion was made and based upon NRS 179.085, and
9 in particular subsection (e), which directs the return of seized property when "[r]etention of the
10 property by law enforcement is not reasonable under the totality of the circumstances." In its
11 opposition to this motion, LVMPD maintained as justification for its actions that the State's then
12 ten-month (and counting) retention of Ms. Anderson's property was reasonable because it was
13 possible that the federal government was investigating her case. See LVMPD Opposition to Motion
14 for Return of Property, on file herein. LVMPD provided zero evidence for this bare assertion, failing
15 to back up its claim with a single shred of support. Notably, LVMPD never claimed that it was still
16 investigating Ms. Anderson, thereby conceding that it was not.

17 While maintaining, without proof, that the federal government was investigating Ms.
18 Anderson, LVMPD completely ignored the legal impossibility of its claim.³ As set forth in Ms.
19 Anderson's reply in support of her motion, this contention had no legal basis because: (1) federal
20 law requires that "[i]n a case in which the property is seized by a State or local law enforcement
21 agency and turned over to a Federal law enforcement agency for the purpose of forfeiture under
22 Federal law, notice shall be sent not more than 90 days after the date of seizure by the State or
23 local law enforcement agency." 18 U.S.C. § 983(a)(1)(A)(iv)(emphasis added); (2) while at one
24 point federal authorities were able to adopt seizures by state and local law enforcement agencies for
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26 ³ And, in implicitly maintaining that the State has *carte blanche* to act as an unrestricted proxy for
27 the federal government (when the federal government has not obtained a warrant, indicted an
28 individual or done anything else), LVMPD also ignored the implication that its position would
have on issues of comity and the Fourth Amendment.

1 purposes of later initiating federal forfeiture proceedings, former Attorney General Eric Holder
2 issued an executive order on January 16, 2015 (months before LVMPD's seizure of Ms. Anderson's
3 property), prohibiting this practice unless the seizure was either effected pursuant to a federal
4 warrant, seized in tandem with federal authorities, or the property directly related to public safety
5 concerns, such as firearms, ammunition, explosives, and child pornography; and **none of these were**
6 **the case here**; and (3) that executive order specifically lists "vehicles, valuables, and cash" as items
7 that are subject to its prohibition on federal adoption of property seized solely by state or local law
8 enforcement. *See* Ms. Anderson's Reply in Support of Motion for Return of Property and
9 accompanying exhibits, on file herein.

10 LVMPD did not dispute these arguments, nor could it as the law is plain. Nevertheless, it
11 was not until the morning of the March 31, 2016, hearing on Ms. Anderson's motion that the
12 LVMPD, through its counsel Nick Crosby, informed counsel for Ms. Anderson, Kathleen Bliss, that
13 the federal government was not actually investigating Ms. Anderson's case. This concession was
14 made mere minutes before the hearing. At that point, LVMPD agreed to return the property, and
15 this Court ordered it so.

16 LVMPD has now held Ms. Anderson's property for what has now been **one year**, knowing
17 it was not going to bring charges against her, ignored her attempts to obtain her property without
18 the Court's intervention, and, when forced to respond to her Motion, justified its retention on its
19 unsupported, legally impossible, and later admittedly incorrect assertion that the federal government
20 was investigating Ms. Anderson. This sequence of events highlights the overall unreasonableness
21 of LVMPD's actions.

22 Adding insult to injury, LVMPD then released Ms. Anderson's vehicle to a tow yard on
23 April 27, 2016. Neither Ms. Anderson nor her counsel were informed. The tow yard then sent
24 Ms. Anderson a letter dated May 9, 2016, informing her that she had an additional week to pick up
25 her vehicle. Apparently, Ms. Anderson was supposed to pick up her vehicle within days after
26 LVMPD's release. But, because Ms. Anderson did not receive notice from the tow yard for
27 several weeks (and never received notice from LVMPD), her vehicle was re-impounded and she
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1 was forced to personally pay \$760 to obtain it from the tow yard. The tow yard has now filed a
2 lien on Ms. Anderson's vehicle.

3 No one from LVMPD bothered to pick up the telephone or send an e-mail to her or to her
4 counsel informing her of the release of her vehicle. This lack of communication was also in spite
5 of defense counsel's multiple e-mails and telephone calls to counsel for LVMPD over the last
6 several weeks inquiring as to the status of the release of property. These e-mails and telephone
7 calls went unanswered. Ms. Anderson has thus been forced to bear the brunt of LVMPD's
8 unprofessionalism and borderline incompetency, yet again.

9 **II. AN AWARD OF ATTORNEYS' FEES IN MS. ANDERSON'S FAVOR IS**
10 **APPROPRIATE.**

11 LVMPD was unreasonable in its retention of the property in the first instance and has
12 steadfastly remained so to date, acting dilatory in its handling of this matter at all times. In its
13 dereliction of its duties, LVMPD has required an innocent third-party to hire legal representation,
14 wait an entire year to obtain her personal property, and leave Ms. Anderson and her businesses to
15 pay for the repercussions of LVMPD's actions (and inactions). LVMPD's conduct should not be
16 left unchecked, and it should be held, at minimum, to pay for Ms. Anderson's legal fees and costs
17 incurred as a direct result of LVMPD's unreasonable and legally unjustified conduct.

18 Under Nevada law, a prevailing party is entitled to recover attorney's fees incurred in
19 bringing suit:

- 20 1. The compensation of an attorney and counselor for his or her
21 services is governed by agreement, express or implied, which is
not restrained by law.
- 22 2. In addition to the cases where an allowance is authorized by
23 specific statute, the court may make an allowance of attorney's
fees to a prevailing party:
 - 24 (a) When the prevailing party has not recovered more than
25 \$20,000; or
 - 26 (b) Without regard to the recovery sought, **when the court finds**
27 **that the claim, counterclaim, cross-claim or third-party**
28 **complaint or defense of the opposing party was brought**
or maintained without reasonable ground or to harass
the prevailing party. The court shall liberally construe

1 **the provisions of this paragraph in favor of awarding**
2 **attorney's fees in all appropriate situations.** It is the intent
3 of the Legislature that the court award attorney's fees
4 pursuant to this paragraph and impose sanctions pursuant to
5 Rule 11 of the Nevada Rules of Civil Procedure in all
6 appropriate situations to punish for and deter frivolous or
7 vexatious claims and defenses because such claims and
8 defenses overburden limited judicial resources, hinder the
9 timely resolution of meritorious claims and increase the
10 costs of engaging in business and providing professional
11 services to the public.

- 12 3. In awarding attorney's fees, the court may pronounce its
13 decision on the fees at the conclusion of the trial or special
14 proceeding without written motion and with or without
15 presentation of additional evidence.
- 16 4. Subsections 2 and 3 do not apply to any action arising out of a
17 written instrument or agreement which entitles the prevailing
18 party to an award of reasonable attorney's fees.

19 NRS 18.010 (emphasis added).

20 An award of attorney's fees lies within the discretion of the district court. *See Kahn v.*
21 *Morse & Mowbray*, 121 Nev. 464, 117 P.3d 227, 238 (2005); *Schouweiler v. Yancey Co.*, 101
22 Nev. 827, 833-34, 712 P.2d 786, 790 (1989). The method upon which a reasonable fee is
23 determined is subject to the discretion of the court, which is tempered by reason and fairness.
24 *Univ. of Nevada v. Tarkanian*, 110 Nev. 581, 879 P.2d 1180 (1994).

25 While Ms. Anderson (is still waiting) to recover her property, and that property is valued in
26 excess of \$20,000, she did not actually recover any monetary damages.⁴ Thus an award of fees
27 under NRS 18.010(2)(a) appropriate.

28 Alternatively, an award of attorneys' fees is also appropriate under NRS 18.010(2)(b).
29 NRS 18.010(2)(b) allows an award of fees to the prevailing party when the opposing party has
30 alleged a groundless claim that is not supported by credible evidence. *See Frantz v. Johnson*, 116
31 Nev. 455, 472, 999 P.2d 351, 362 (2000); *Allianz Ins. Co. v. Gagnon*, 109 Nev. 990, 996, 860 P.2d
32 720, 724 (1993)(A claim or defense is groundless if it is unsupported by any credible evidence.

33 ⁴ While not the proper forum at this time, the Court should be aware that, *in toto*, Ms. Anderson
34 has had to pay well over \$100,000 related to loans, mitigating the damage done to her credit score,
35 purchasing new equipment to replace that which was seized so that she may continue to run her
36 businesses, etc., all of which is a direct result of LVMPD's actions.

1)(*citing Western United Realty, Inc. v. Isaacs*, 679 P.2d 1063, 1069 (Colo. 1984). “To the extent
2 that a claim is fraudulent, it must also be groundless [within the meaning of NRS 18.010(2)(a)].
3 Therefore, a district court may award attorney's fees for defense of a fraudulent claim.” *Allianz*
4 *Ins. Co.*, 109 Nev. at 996.

5 As set forth above, LVMPD’s proffered basis for retaining her property and steadfastly
6 refusing to return it, even after litigation was commenced, was unreasonable. This is so because,
7 as admitted by LVMPD’s counsel, Ms. Anderson was not actually under federal investigation,
8 making its prior claim to the contrary entirely fraudulent. Moreover, LVMPD’s unsupported
9 assertion that Ms. Anderson was under federal investigation ignored clear federal law prohibiting
10 the same. Because LVMPD’s position was neither supported by fact or by law, it follows that its
11 opposition was groundless within the meaning of Nevada statutory and case law, and that its
12 conduct was patently unreasonable within the meaning of NRS 18.010(2)(b).

13 Ms. Anderson was required to self-fund her litigation expenses and costs in seeking the
14 return of her own property, which was wrongfully held. Holding LVMPD accountable for its
15 unreasonable conduct by ordering it to pay for Ms. Anderson’s legal fees and costs appeals to
16 equity and is in harmony with the spirit of the statute, which provides that courts “**shall liberally**
17 **construe**” the provision, as doing so is in line with the Legislature’s intent. NRS
18 18.010(2)(b)(emphasis added).

19 The Nevada Supreme Court has identified the following factors to be considered in
20 determining the reasonable value of an attorney’s services:

- 21 (1) the qualities of the advocate: his ability, his training, education,
22 experience, professional standing and skill;
- 23 (2) the character of the work to be done: its difficulty, its intricacy,
24 its importance, time and skill required, the responsibility
25 imposed and the prominence and character of the parties where
26 they affect the importance of the litigation;
- 27 (3) the work actually performed by the lawyer: the skill, time and
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attention given to the work; [and]

(4) the result: whether the attorney was successful and what benefits were derived.

Brunzell v. Golden Gate Nat. Bank, 85 Nev. 345, 349 (1969); *Schouweiler v. Yancey Co.*, 101 Nev. 827, 712 P.2d 786 (1985).

An analysis of the *Brunzell* factors demonstrates that Ms. Anderson's request for \$25,412.50 in attorneys' fees. This amount is based upon an initial \$10,000 retainer, plus an additional \$15,412.50 billed to date after the exhaustion of this retainer. The undersigned submits that this amount is reasonable and appropriate after an evaluation of the *Brunzell* factors.

(1) The qualities of the advocate.

Kathleen Bliss has been in practice for 26 years. She has 22 years' experience as both a civil and criminal Assistant United States Attorney, prosecuting a wide range of matters on behalf of the United States. She has spent the last 4 years in private practice, litigating both criminal and civil matters. Jason Hicks has been in practice for three years, litigating both criminal and civil matters in state and federal courts. Both are members in good standing of the Nevada Bar. It is submitted that Ms. Bliss' and Mr. Hicks' credentials and experience justify their fees charged.

(2) The character of the work to be done.

The character of the work involved included the review and analysis of constitutional and statutory violations by LVMPD in connection with the execution of the five search warrants. The implication of these serious issues, and the sophistication levels of the litigating parties, represented a relatively complicated situation. Moreover, the revisions to the specific subsection of NRS 18.010 implicated here were passed by the Legislature mere months ago, meaning there was little, if any, prior case law to rely on.

(3) The work actually performed.

Counsel was required to review and analyze the five warrants, meet with Ms. Anderson on numerous occasions to discuss the underlying facts and background, communicate (and attempt to communicate) with LVMPD and its counsel, conduct legal research, draft the motion for return of

1 property and reply in support of the same, review and analyze LVMPD's opposition, attend the
2 hearing, and draft the instant motion. Between Kathleen Bliss and Jason Hicks, approximately 59
3 hours were spent on these tasks.

4 (4) The result.

5 As a direct result of counsel's efforts, LVMPD was forced to return Ms. Anderson's
6 property, and an order was entered by this Court reflecting the same. There can be no reasonable
7 dispute that Ms. Anderson is the prevailing party in this matter.

8 **III. AN AWARD OF COSTS IN MS. ANDERSON'S FAVOR IS APPROPRIATE.**

9 In pertinent part, NRS 18.020 provides that "costs *must* be allowed of course to the
10 prevailing party against any adverse party against whom judgment is rendered. . .[i]n an action to
11 recover the possession of personal property, where the value of the property amounts to more than
12 \$2,500. The value must be determined by the jury, court or master by whom the action is tried."
13 NRS 18.020(2)(emphasis added). Further, NRS 18.050 provides that "[i]f, in the judgment of the
14 court, the plaintiff believes he or she was justified in bringing the action in the district court, and
15 the plaintiff recovers at least \$700 in money or damages, or personal property of that value, the
16 court may allow the plaintiff part or all of his or her costs." There can be no reasonable dispute
17 that the value of the property recovered, expensive items including multiple vehicles, cash,
18 jewelry, and electronics, is valued at well over the \$700 or \$2,500 thresholds.

19 As outlined above, Ms. Anderson is the prevailing party in this matter, and respectfully
20 requests that the Court award her **\$270.00** for the costs incurred in litigating this action. Pursuant
21 to NRS 18.110, Ms. Anderson is submitting a verified memorandum of costs with the clerk of the
22 Court concurrent herewith, and will serve the same upon counsel for LVMPD in compliance with
23 that statute.

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1 **III. CONCLUSION**

2 Based upon the foregoing, Ms. Anderson respectfully requests that the Court grant her
3 motion for attorneys' fees, in the amount of **\$25,412.50**, and costs, in the amount of **\$270.00**, and
4 that the sum of said amounts, totaling **\$25,682.50**, be reduced to judgment.

5 Dated this 16th day of May 2016.

6 Respectfully submitted,

7
8 KATHLEEN BLISS LAW PLLC

9
10 /s/ Kathleen Bliss
11 Kathleen Bliss, Esq.
12 Nevada Bar No. 7606
13 Jason Hicks, Esq.
14 Nevada Bar No. 13149
15 400 S. 4th St., Suite 500
16 Las Vegas, NV 89101
17 Telephone: 702.793.4000
18 Facsimile: 702.793.4001
19 *Attorneys for movant/real party in interest,*
20 *Laura Anderson*

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CERTIFICATE OF SERVICE

The undersigned, an employee of Kathleen Bliss Law PLLC, hereby certifies that on this 16th day of May 2016, I did cause a true and correct copy of the **MOTION FOR ATTORNEYS' FEES AND COSTS** to be served via electronic service through the Court's WizNet system to:

Nick D. Crosby, Esq.
Marquis Aurbach Coffing
10001 Park Run Dr.
Las Vegas, NV 89145
ncrosby@maclaw.com
Attorneys for Las Vegas Metropolitan Police Department

/s/ Jason Hicks

An employee of Kathleen Bliss Law PLLC

DISTRICT COURT
CLARK COUNTY, NEVADA

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IN RE THE EXECUTION OF SEARCH
WARRANTS FOR:

12067 Oakland Hills, Las Vegas, Nevada
89141;

54 Carolina Cherry Dr., Las Vegas, Nevada
89141;

5608 Quiet Cloud Dr., Las Vegas, Nevada
89141; and

3321 Alcludia Bay Ave., Las Vegas, Nevada
89141

CASE NO.: A-16-732077-C

DEPT NO.: XXVIII

AFFIDAVIT OF KATHLEEN BLISS IN
SUPPORT OF LAURA ANDERSON'S
MOTION FOR ATTORNEYS' FEES AND
COSTS

STATE OF NEVADA)
) :ss
COUNTY OF CLARK)

I, KATHLEEN BLISS, do affirm and state, under penalty of perjury, the following relevant facts are true and correct to the best of my knowledge:

1. I am counsel of record for the movant/real party of interest in the above captioned matter, Laura Anderson. Jason Hicks, Esq., is my associate and co-counsel.
2. On or about May 18, 2015, the Las Vegas Metropolitan Police Department executed search warrants on five (5) different residential properties and seized various items of Ms. Anderson's personal property and effects from these residences.
3. Ms. Anderson was never charged by the State.
4. I contacted the District Attorney's Office and counsel for the LVMPD by way of letter dated October 30, 2015, in an attempt to obtain the return of Ms. Anderson's property without the necessity of the Court's intervention. The property was not returned, and my communications were largely ignored.
5. Since the onset of the investigation, and up and until my last conversation with Detective Flores on Friday, October 23, 2015, it has been my clear understanding from Detective Flores that neither Ms. Anderson nor any other shareholder of Libra Group, Inc., remained a target subject to prosecution despite the *Marcum* notices. This understanding was confirmed via LVMPD's concession via omission of the same in its opposition brief.

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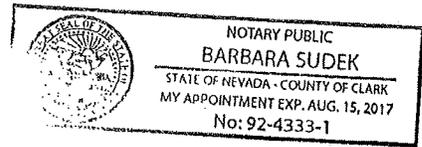
- 6. Despite my efforts, it has been one year since the execution of the subject search warrants without progress or legal process, which necessitated the filing of the motion for return of property.
- 7. Instead, LVMPD maintained in its opposition to the motion that the federal government was investigating Ms. Anderson. Such a representation was unsupported by any proof and, even if true, would have been directly contrary to federal law.
- 8. Moments before the hearing on this motion, counsel for LVMPD, Nick Crosby, informed me that Ms. Anderson was not actually under federal investigation, and that he would concede to the return of the property. The hearing was conducted and the Court ordered the return of the property at that time.
- 9. I have been a practicing attorney for 26 years, and have litigated a wide range of criminal and civil matters as an Assistant United States Attorney and in my private practice. I charged Ms. Anderson \$300.00 per hour for my work on this case. I billed my associate, Jason Hicks, at \$225.00 for his work on this case.
- 10. Collectively, approximately 90 hours have been spent attempting to secure the return of Ms. Anderson's property from LVMPD, with the work involving counseling my client, conducting legal research, drafting legal briefs and memoranda, and attending court.
- 11. Ms. Anderson initially provided me with a \$10,000 retainer, which has since been exhausted. After the exhaustion of that retainer, Ms. Anderson has been billed an additional \$15,412.50. This totals \$25,412.50 for services rendered. I have reviewed the billing statements and affirm that this approximate total was billed solely in connection with this matter.

DATED this 16th day of May 2016.


 Kathleen Bliss, Esq.

SUBSCRIBED and SWORN to before me
this 16 day of May 2016.


 NOTARY PUBLIC in and for said County and State



My Commission Expires: 8-15-17

EXHIBIT “5”

Alvin D. Quinn
CLERK OF THE COURT

1 MEMO
Kathleen Bliss, Esq.
Nevada Bar No. 7606
2 kb@kathleeblysslaw.com
KATHLEEN BLISS LAW PLLC
3 400 S. 4th St., Suite 500
Las Vegas, NV 89101
4 Attorney for Laura Anderson

5
6 DISTRICT COURT
7 CLARK COUNTY, NEVADA

8
9 IN RE THE EXECUTION OF SEARCH
WARRANTS FOR:
10 12067 Oakland Hills, Las Vegas, Nevada
89141;
11 54 Carolina Cherry Dr., Las Vegas, Nevada
12 89141;
13 5608 Quiet Cloud Dr., Las Vegas, Nevada
89141; and
14 3321 Alcludia Bay Ave., Las Vegas, Nevada
15 89141

CASE NO.: A-16-732077-C
DEPT NO.: XXVIII

VERIFIED MEMORANDUM OF COSTS

16
17 Filing \$ 270.00

18 TOTAL \$ 270.00

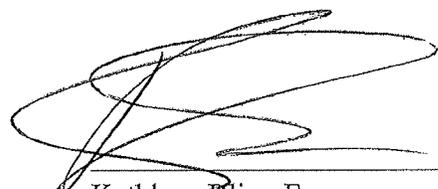
19
20
21 STATE OF NEVADA)
) :ss
22 COUNTY OF CLARK)

23 KATHLEEN BLISS, being duly sworn, states: that affiant is the attorney for Laura Anderson
24 in the above titled action, and has personal knowledge of the above costs and disbursements
25 expended; that the items contained in the above memorandum are true and correct to the best of
26 this affiant's knowledge and belief; and that the said disbursements have been necessarily incurred
27 and paid in this action.
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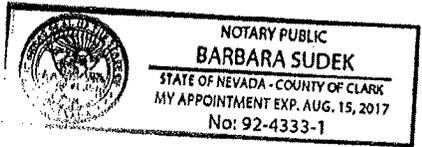
I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

EXECUTED this 19th day of May 2016.


Kathleen Bliss, Esq.

SUBSCRIBED and SWORN to before me this 19 day of May 2016.





NOTARY PUBLIC in and for said County and State

My Commission Expires: 8-15-17

CERTIFICATE OF SERVICE

The undersigned, an employee of Kathleen Bliss Law PLLC, hereby certifies that on this 19th day of March 2016, I did cause a true and correct copy of the **VERIFIED MEMORANDUM OF COSTS** to be served via electronic service through the Court's WizNet system to:

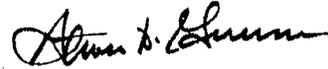
Nick D. Crosby, Esq.
Marquis Aurbach Coffing
10001 Park Run Dr.
Las Vegas, NV 89145
ncrosby@maclaw.com
Attorneys for Las Vegas Metropolitan Police Department

/s/ Jason Hicks

An employee of Kathleen Bliss Law PLLC

EXHIBIT “6”

1 **Marquis Aurbach Coffing**
2 Nick D. Crosby, Esq.
3 Nevada Bar No. 8996
4 10001 Park Run Drive
5 Las Vegas, Nevada 89145
6 Telephone: (702) 382-0711
7 Facsimile: (702) 382-5816
8 ncrosby@maclaw.com
9 Attorneys for LVMPD


CLERK OF THE COURT

6 **DISTRICT COURT**
7 **CLARK COUNTY, NEVADA**

8 IN RE THE EXECUTION SEARCH
9 WARRANTS FOR:

10 12067 Oakland Hills, Las Vegas, Nevada 89141;
11 54 Carolina Cherry Drive, Las Vegas, Nevada
12 89141;
13 5608 Quiet Cloud Drive, Las Vegas, Nevada
14 89141; and
15 3321 Alcudia Bay Avenue, Las Vegas, Nevada
16 89141

Case No.: A-16-732077-C
Dept. No.: XXVIII

17 **LVMPD'S MOTION TO RETAX COSTS**

18 Las Vegas Metropolitan Police Department ("LVMPD" and/or "the Department"), by
19 and through its counsel of record, Nick Crosby, Esq. with the law firm of Marquis Aurbach
20 Coffing, hereby submits its Motion to Retax Costs.

21 This Motion is made and based on the following memorandum of points and authorities,
22 any declarations and/or exhibits attached hereto, the pleadings and papers on file herein and any
23 oral argument this Court may allow at the time of hearing.

24 Dated this 10 day of May, 2016.

25 **MARQUIS AURBACH COFFING**

26 By 
27 Nick D. Crosby, Esq.
28 Nevada Bar No. 8996
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorney(s) for LVMPD

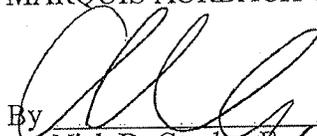
MARQUIS AURBACH COFFING
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

1 NOTICE OF MOTION

2 You and each of you, will please take notice that the LVMPD'S MOTION TO RETAX
3 COSTS will come on regularly for hearing on the 22 day of JUNE,
4 2016, at the hour of CHAMBERS .m., or as soon thereafter as counsel may be heard, in
5 Department XXVIII in the above-referenced court.

6 Dated this 20 day of May, 2016.

7 MARQUIS AURBACH COFFING

8 

9 By _____
10 Nick D. Crosby, Esq.
11 Nevada Bar No. 8996
12 10001 Park Run Drive
13 Las Vegas, Nevada 89145
14 Attorney(s) for LVMPD

15 MEMORANDUM OF POINTS AND AUTHORITIES

16 I. INTRODUCTION

17 Laura Anderson's ("Anderson") Memorandum of Costs is improper because Nevada
18 Revised Statute 179.085 does not provide a legal basis for the Court to award costs. Further,
19 Anderson cannot avail herself to the cost-awarding provision of Nevada Revised Statute chapter
20 18 because her Memorandum of Costs was not filed within the five days required by Nevada
21 Revised Statute 18.110(1) and, in any event, Anderson did not receive a "judgment" in this case,
22 such that she can be awarded costs under chapter 18 of Nevada Revised Statutes. As such, the
23 Department respectfully requests the Court grant its Motion to Retax Costs and decline to award
24 Anderson her requested costs outlined in the Memorandum of Costs.

25 II. STATEMENT OF FACTS

26 Anderson brought the instant action for the return of seized property under Nevada
27 Revised Statute 179.085. The Court signed an order for the return of seized property on April
28 10, 2016 and the same was entered April 20, 2016. The order did not award Anderson her costs.
Anderson filed the instant Memorandum of Costs on May 19, 2016, but did not cite to a legal
basis for the award of costs.

MARQUIS AURBACH COFFING

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Las Vegas, Nevada 89145
(702) 382-0711 - FAX: (702) 382-5816

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Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

1 **III. LAW AND ARGUMENT**

2 Anderson is not entitled to an award of costs because: (1) she does not have a legal basis
3 for the award of costs under Nevada Revised Statute 179.085; (2) if Nevada Revised Statute
4 18.020 is applicable, Anderson did not receive a "judgment" necessary to invoke the cost-
5 awarding provisions of that statute; and (3) even if Anderson had a legal basis to seek the
6 recovery of costs, her Memorandum of Costs is untimely.

7 **A. ANDERSON'S MEMORANDUM OF COSTS DOES NOT CITE A LEGAL
8 BASIS FOR AWARDING COSTS.**

9 At the outset, the Department asserts the Memorandum of Costs should be retaxed and
10 Anderson receive no costs because Anderson did not cite (and does not possess) a legal basis for
11 an award of costs. As this Court is aware, Anderson sought return of her property pursuant to
12 Nevada Revised Statute 179.085. That statute does not provide a basis for an award of costs and,
13 instead, provides a sole remedy of returning the property and suppression of the same. See Nev.
14 Rev. Stat. 179.085(2). For this reason alone, Anderson cannot be awarded costs in this matter.

15 **B. ANDERSON WOULD NOT BE ENTITLED TO AN AWARD OF COSTS
16 UNDER NEVADA REVISED STATUTE 18.020.**

17 Although Anderson did not cite Nevada Revised Statute 18.020 as a legal basis for
18 awarding costs, even if she had, an award of costs under this statute is improper. Nevada
19 Revised Statute 18.020 states:

20 **NRS 18.020 Cases in which costs allowed prevailing party.** Costs must be
21 allowed of course to the prevailing party against any adverse party against whom
22 *judgment* is rendered, in the following cases:

- 23 ...
- 24 2. In an action to recover the possession of personal property, where the
25 value of the property amounts to more than \$2,500. The value *must be*
26 *determined by the jury, court or master by whom the action is tried.*
 - 27 3. In an action for the recovery of money or damages, where the plaintiff
28 seeks to recover more than \$2,500.
 - 29 4. In a special proceeding, except a special proceeding conducted pursuant to
30 NRS 306.040.
- 31 ...

MARQUIS AURBACH COHINE
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

1 Nev. Rev. Stat. 18.010(2)-(4)(emphasis added). Assuming *arguendo* Nevada Revised Statute
2 18.020 applied to this action (i.e. the court determined the value of the property or it is
3 considered a “special proceeding”), Anderson would not be entitled to an award of costs because
4 she did not receive a “judgment” as required by the statute.

5 **C. THE MEMORANDUM OF COSTS IS UNTIMELY.**

6 Again, assuming *arguendo* Anderson had a basis for an award of costs and that basis was
7 chapter 18 of the Nevada Revised Statutes, her Memorandum of Costs is untimely. Nevada
8 Revised Statute 18.110 states a party “must file” a memorandum of costs “within 5 days of the
9 entry of judgment.” Nev. Rev. Stat. 18.110(1). Counsel for Anderson recently sent the
10 undersigned an email stating that the order for the return of property was effective when the
11 Court announced the decision orally in court or, at the latest, April 20, 2016 when the notice of
12 entry of order was filed. Using April 20, 2016 for the operative trigger date to file a
13 Memorandum of Costs, Anderson was required – by statute – to file her verified memorandum of
14 costs no later than April 27, 2016 (omitting weekends and not counting the day the notice of
15 entry was filed). Anderson did not file her Memorandum of Costs until May 19, 2016 – nearly a
16 month past the statutory deadline. For this reason alone, Anderson is not entitled to an award of
17 costs.

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MARQUIS AURBACH COFFING
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

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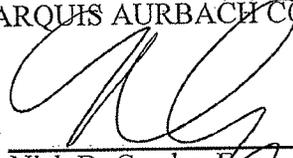
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IV. CONCLUSION

Anderson is not entitled to an award of costs because she does not possess a statutory, contractual or other basis for an award of costs. Notwithstanding the absence of a legal basis for an award of costs, even if Anderson could avail herself to the cost awarding provisions of chapter 18 of Nevada Revised Statutes, her request for costs fails as a matter of law because she failed to timely file a memorandum of costs within the five days set forth in Nevada Revised Statute 18.110(1) and, in any event, Anderson did not receive a "judgment" necessary under Nevada Revised Statute 18.020 to obtain a basis to move the Court for an award of costs. As such, the Department respectfully requests its Motion to Retax Costs be granted and Anderson not be awarded any costs incurred in this matter.

Dated this 10 day of May, 2016.

MARQUIS AURBACH COFFING

By 

Nick D. Crosby, Esq
Nevada Bar No. 8996
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorney(s) for LVMPD

CERTIFICATE OF SERVICE

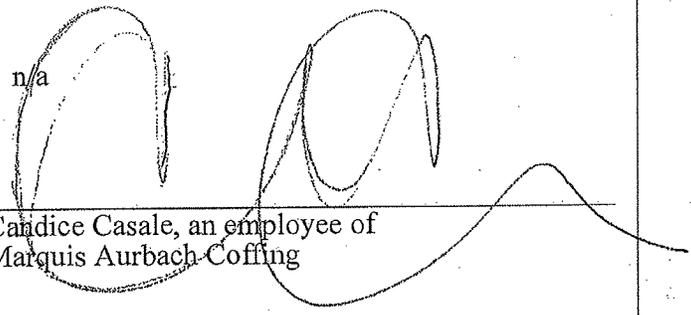
I hereby certify that the foregoing LVMPD'S MOTION TO RETAX COSTS was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 20th day of May, 2016. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:¹

Kathleen Bliss Law Group PLLC

Contact	Email
Jason Hicks	jh@kathleenblisslaw.com
Kathleen	kb@kathleenblisslaw.com
Sylvia Bishai	sb@kathleenblisslaw.com

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

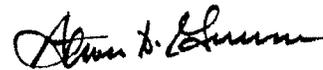
n/a



Candice Casale, an employee of
Marquis Aurbach Coffing

¹ Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).

EXHIBIT “7”



CLERK OF THE COURT

1 **Marquis Aurbach Coffing**
2 Nick D. Crosby, Esq.
3 Nevada Bar No. 8996
4 10001 Park Run Drive
5 Las Vegas, Nevada 89145
6 Telephone: (702) 382-0711
7 Facsimile: (702) 382-5816
8 ncrosby@maclaw.com
9 Attorneys for LVMPD

6 **DISTRICT COURT**
7 **CLARK COUNTY, NEVADA**

8 **IN RE THE EXECUTION SEARCH**
9 **WARRANTS FOR:**

10 12067 Oakland Hills, Las Vegas, Nevada 89141;
11 54 Carolina Cherry Drive, Las Vegas, Nevada
12 89141;
13 5608 Quiet Cloud Drive, Las Vegas, Nevada
14 89141; and
15 3321 Alcudia Bay Avenue, Las Vegas, Nevada
16 89141

Case No.: A-16-732077-C
Dept. No.: XXVIII

15 **LVMPD'S OPPOSITION TO MOTION FOR ATTORNEYS' FEES AND COSTS**

16 Las Vegas Metropolitan Police Department ("LVMPD" and/or "the Department"), by
17 and through its counsel of record, Nick Crosby, Esq. with the law firm of Marquis Aurbach
18 Coffing, hereby submits its Opposition to Motion for Attorneys' Fees and Costs and Affidavit of
19 Kathleen Bliss, Esq., in Support.

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MARQUIS AURBACH COFFING

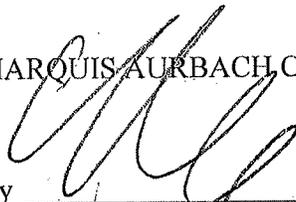
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

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This Opposition is made and based on the following memorandum of points and authorities, any declarations and/or exhibits attached hereto, the pleadings and papers on file herein and any oral argument this Court may allow at the time of hearing.

Dated this 3 day of June, 2016.

MARQUIS AURBACH COFFING



By _____
Nick D. Crosby, Esq.
Nevada Bar No. 8996
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorney(s) for LVMPD

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

The motion for fees and costs must be denied because Anderson did not recover a money judgment necessary to recover fees under Nevada Revised Statute 18.010(2)(a) and did not prove the Department's opposition to the motion for return of seized property contained a defense that was without reasonable ground and did not argue the Department lodged the defense for purposes of harassment. Furthermore, the motion is substantively deficient such that the Court cannot determine whether the fees were actually incurred in this matter or whether they are reasonable. Lastly, the request for costs is legally untenable and, in any event, untimely under Nevada Revised Statute 18.110. As such, the motion should be denied in its entirety.

II. STATEMENT OF FACTS

A. PROCEDURAL HISTORY.

Laura Anderson ("Anderson") filed a motion for the return of seized property on February 19, 2016, seeking the return of property seized pursuant to valid search warrants. During the time the motion was pending and filed with the Court, the Department was investigating the suspected crime of living off the earnings of a prostitute. The Department filed its opposition to the motion for the return of seized property on March 10, 2015 and in the

1 opposition, advised the Court (and counsel) that the matter was pending Federal review for
2 charges. After the motion and opposition were submitted with the Court, the undersigned
3 learned that there would no longer be any charges filed. On March 30, 2016, the undersigned
4 learned that a close friend unexpectedly passed away.¹ The hearing was set for the following
5 morning, March 31, 2016. On the morning of the hearing, the undersigned apologized for not
6 contacting Anderson's counsel prior to traveling to the courthouse for the hearing due to the
7 death of the undersigned's friend, which Ms. Bliss stated she understood. The undersigned
8 advised Anderson's counsel that there would not be Federal charges filed and that the
9 Department would return the property, as it no longer had an evidentiary need for the property.
10 The same was relayed to the Court and a notice of entry of an order directing the Department to
11 release the property was issued April 26, 2016.

12 **B. THE MOTION FOR FEES AND COSTS.**

13 On May 19, 2016, Anderson filed an untimely memorandum of costs, which the
14 Department responded to via motion to retax on May 20, 2016. On May 20, 2016, the
15 undersigned advised counsel that the memorandum was improper and untimely and requested the
16 same be taken off calendar (so the parties did not have to incur fees in arguing the memorandum
17 and motion to retax). That evening, counsel responded to the request to the memorandum off
18 calendar by stating, "Thanks, Nick. Go ahead and respond to our motion. Take Care." On May
19 16, 2016, Anderson filed the instant motion for fees and costs. In the motion, Anderson relies
20 upon Nevada Revised Statute 18.010 as the basis for recovery of fees and Nevada Revised
21 Statute 18.020 as a basis for costs. In the motion, Anderson admits that she did not recover any
22 monetary damages. (Mot., p. 7:18).

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27 _____
28 ¹ <http://www.legacy.com/obituaries/rgj/obituary.aspx?pid=179521702>.

1 **III. LAW AND ARGUMENT**

2 **A. ANDERSON IS NOT ENTITLED TO FEES UNDER NEVADA REVISED**
3 **STATUTE 18.101(2)(A).**

4 Nevada Revised Statute 18.010 states:

5 **NRS 18.010 Award of attorney's fees.**

6 1. The compensation of an attorney and counselor for his or her services is
7 governed by agreement, express or implied, which is not restrained by law.

8 2. In addition to the cases where an allowance is authorized by specific
9 statute, the court may make an allowance of attorney's fees to a prevailing party:

10 (a) When the prevailing party has not recovered more than \$20,000; or

11 (b) Without regard to the recovery sought, when the court finds that the
12 claim, counterclaim, cross-claim or third-party complaint or defense of the
13 opposing party was brought or maintained without reasonable ground or to harass
14 the prevailing party. The court shall liberally construe the provisions of this
15 paragraph in favor of awarding attorney's fees in all appropriate situations. It is
16 the intent of the Legislature that the court award attorney's fees pursuant to this
17 paragraph and impose sanctions pursuant to Rule 11 of the Nevada Rules of Civil
18 Procedure in all appropriate situations to punish for and deter frivolous or
19 vexatious claims and defenses because such claims and defenses overburden
20 limited judicial resources, hinder the timely resolution of meritorious claims and
21 increase the costs of engaging in business and providing professional services to
22 the public.

23 3. In awarding attorney's fees, the court may pronounce its decision on the
24 fees at the conclusion of the trial or special proceeding without written motion
25 and with or without presentation of additional evidence.

26 4. Subsections 2 and 3 do not apply to any action arising out of a written
27 instrument or agreement which entitles the prevailing party to an award of
28 reasonable attorney's fees.

29 The Nevada Supreme Court has expressly held that a party is the "prevailing party" if it
30 "succeeds on any significant issue in litigation which achieves some benefit it sought in
31 bringing the suit." Valley Elec. Assoc. v. Overfield, 121 Nev. 7, 10, 106 P.3d 1198, 1200
32 (2005) (quoting Smith v. Crown Financial Servs., 111 Nev. 277, 285, 890 P.2d 769, 774 (1995)).
33 However, achieving success on a significant issue is not the only requisite. Indeed, in 1995 the
34 Nevada Supreme Court authored the Crown Financial decision, addressing the legislative history
35 of NRS 18.010 and, after weighing all the possible scenarios regarding "prevailing parties,"
36 concluded the "*the recovery of a money judgment is a prerequisite to an award of attorney fees*
37 pursuant to NRS 18.010(2)(a)." Crown Financial, supra, 111 Nev. at 285, 890 P.2d at 774

1 (emphasis added). The prerequisite of a money judgment supported the legislative intent of the
2 statute because to hold that something other than a money judgment (i.e. orders for equitable or
3 declaratory relief) was sufficient, would allow every successful defendant to recover attorneys'
4 fees under the statute, which is contrary to the intent of the statute. See id. at 111 Nev. at 282-
5 286, 890 P.2d at 772-775; see also Shupe & Yost, Inc. v. Fallon Natl. Bank of Nev., 109 Nev.
6 99, 102, 847 P.2d 720, 722 (1993); Key Bank v. Donnels, 106 Nev. 49, 53, 787 P.2d 382, 385
7 (1990);

8 Here, Anderson admits that she did not obtain a money judgment. (Mot. at p. 7:18).
9 Instead, Anderson obtained an order requiring the Department to return the lawfully seized
10 property. Because Anderson did not obtain a judgment or a money judgment, she cannot recover
11 her fees under Nevada Revised Statute 18.010(2)(a).

12 **B. NEVADA REVISED STATUTE 18.010(2)(B) OFFERS NO BASIS FOR**
13 **ANDERSON TO RECOVER FEES AND COSTS.**

14 As an alternative basis, Anderson argues she is entitled to fees under Nevada Revised
15 Statute 18.010(2)(b). (Mot. at p. 7:20-24; 8:1-4). That statute states, in relevant part:

16 **NRS 18.010 Award of attorney's fees.**

17 ...

18 2. In addition to the cases where an allowance is authorized by specific
19 statute, the court may make an allowance of attorney's fees to a prevailing party:

20 ...

21 (b) Without regard to the recovery sought, when the court finds that the claim,
22 counterclaim, cross-claim or third-party complaint or defense of the opposing
23 party was brought or maintained without reasonable ground or to harass the
24 prevailing party. The court shall liberally construe the provisions of this paragraph
25 in favor of awarding attorney's fees in all appropriate situations. It is the intent of
the Legislature that the court award attorney's fees pursuant to this paragraph and
impose sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure in
all appropriate situations to punish for and deter frivolous or vexatious claims and
defenses because such claims and defenses overburden limited judicial resources,
hinder the timely resolution of meritorious claims and increase the costs of
engaging in business and providing professional services to the public.

26 Nev. Rev. Stat. 18.010(2)(b). In argument, Anderson states it was "unreasonable" for the
27 Department to retain the property "after litigation was commenced" because Anderson was not
28 under federal investigation. (Mot. at p. 8:5-7). In fact, Anderson states that LVMPD's counsel

1 admitted that Anderson was not under Federal investigation. (Id. at p. 8:7). This is false. The
2 undersigned never once said Anderson was not under Federal investigation until the day of the
3 hearing. Despite this misstatement of Anderson, Anderson is not entitled to fees or costs under
4 Nevada Revised Statute 18.010(2)(b).

5 For over 20 years the Nevada Supreme Court has held that an award of attorneys' fees
6 pursuant to NRS 18.010(2)(b) must be supported by evidence in the record that the proceedings
7 were brought without reasonable grounds or to harass the other party." Chowdhry v. NLVH,
8 Inc., 109 Nev. 478, 486, 851 P.2d 459, 464 (1993); see also Semenza v. Caughlin Crafted
9 Homes, 111 Nev. 1089, 901 P.2d 684 (1995). In Semenza, the Nevada Supreme Court reiterated
10 that a claim is groundless if the complaint contains allegations which "are not supported by any
11 credible evidence at trial." Semeza, 111 Nev. at 1095, 901 P.2d at 687-88 (citing Bergmann v.
12 Boyce, 109 Nev. 670, 856 P.2d 560 (1993) and Fountain v. Mojo, 687 P.2d 496, 501
13 (Colo.Ct.App. 1984)). The Court noted that a motion for fees pursuant to NRS 18.010(2)(b)
14 requires the court to determine whether the party had reasonable grounds for the claims and this
15 analysis depends upon the "actual circumstances of the case." Id. (quoting Bergmann, supra, 109
16 Nev. at 675).

17 The Ninth Circuit Court of Appeals denied a request for attorneys' fees incurred on an
18 appeal. Operating Engineers Local Un. No. 3 v. Newmont Mining Corp., 476 F.3d 690 (2007).
19 In Newmont, the Ninth Circuit held an award of fees for the appeal was not warranted because
20 there was no evidence the defendant acted "in bad faith, vexatiously, wantonly, or for oppressive
21 reasons." Id. at 694 (quoting Alyeska Pipeline Serv. Co. v. Wilderness Soc'y, 421 U.S. 240,
22 258-59 (1975)). In determining whether a claim is frivolous or groundless (i.e. lacking in any
23 reasonable ground for the action) the Court's analysis depends upon the actual circumstances of
24 the case. Semenza, 111 Nev. at 1095. Moreover, if an action is not frivolous at the time it is
25 commenced, but later becomes frivolous, does not support an award of fees. Id. (citing Duff v.
26 Foster, 110 Nev. 1306, 885 P.2d 589 (1994).

27 Anderson did not challenge the sufficiency or legality of the warrants or the execution of
28 the warrants – only the retention of the property. In essence, Anderson's challenge is that the

1 Department held onto the property too long (one year). There is no reasonable or unreasonable
2 timeframe in Nevada Revised Statute 179.085(1)(e) for a law enforcement agency's retention of
3 seized property. Instead, the statute allows a person to file a motion for return of seized property
4 when the "[r]etention of the property...is not reasonable under the totality of the circumstances."
5 Nev. Rev. Stat. 179.085(1)(e). Thus, simply holding property pursuant to a search warrant is not
6 *per se* unreasonable due to the length of time of the retention.

7 In order to recover fees, under Nevada Revised Statute 18.010(2)(b), Anderson must
8 prove that the Department's opposition to the motion for return of seized property was "without
9 reasonable ground" or was intended to "harass" Anderson. Nev. Rev. Stat. 18.010(2)(b).
10 Anderson does not argue the opposition to the motion was designed or intended to harass
11 Anderson. As such, the only remaining basis under Nevada Revised Statute 18.010(2)(b) for the
12 Court to consider is whether the opposition was without reasonable ground. This is different
13 from whether the retention of the property itself was reasonable or unreasonable, as Anderson is
14 not seeking return of the seized property in the motion for fees and, instead, is seeking an award
15 of fees because the Department's defense to the motion for return of seized property (i.e. that the
16 case was under Federal review at the time the motion for the return of seized property was filed)
17 was "without reasonable ground." As set forth in the opposition to the motion for the return of
18 seized property, and explained to counsel, the matter was under Federal review at the time the
19 motion was pending. When the undersigned learned that the Federal government was not going
20 to move forward on charges, Anderson's counsel was advised and the undersigned advised the
21 Court of the same. Opposing the motion for return of seized property because there were
22 discussions regarding filing Federal charges occurring contemporaneously with the opposition to
23 the motion is reasonable. Once the Department confirmed no charges would be filed (which
24 occurred after the filing of the motion for the return of seized property), Anderson was advised
25 the property would be released. As such, Anderson is not entitled to fees under Nevada Revised
26 Statute 18.010(2)(b).

27
28

1 C. IN THE EVENT THE COURT IS INCLINED TO GRANT FEES, THE
2 MOTION DOES NOT PROVIDE SUFFICIENT INFORMATION TO
3 EVALUATE THE REASONABLENESS OF THE FEES.

4 In the event the Court is included to award fees, the award would be erroneous because
5 Anderson has not provided documentation demonstrating the fees incurred were necessary and
6 reasonable. In the affidavit in support of the motion for fees and costs, counsel identifies (1) a
7 \$10,000 retainer; (2) an additional \$15,412.50 in billed fees; and (2) hourly rates of \$300 for Ms.
8 Bliss and \$225.00 for Mr. Hicks. (Afft., p. 2, ¶¶ 9 and 11). Counsel then states “approximately
9 90 hours” were spent “attempting to secure the return of” the property. (Id. at ¶ 10).

10 First, the motion should be denied because the Court cannot evaluate the actual amount
11 of time spent on the action. Indeed, counsel can only approximate the amount of time spent on
12 the case, as noted at paragraph 10 of her affidavit.

13 Second, the motion for fees seems to encompass *all* of counsel’s work in securing the
14 return of the property – including all time and efforts incurred *prior* to the filing of the motion
15 and *prior* to the Department’s opposition (i.e. the basis for Anderson’s motion for fees). Under
16 the plain language of Nevada Revised Statute 18.010(2)(b), Anderson cannot recover fees
17 incurred prior to the filing of the motion or, more accurately, the opposition to the motion for
18 return of seized property. Indeed, the basis under which Anderson seeks an award of fees under
19 Nevada Revised Statute 18.010(2)(b) requires the Court to find, in this instance, that a “defense”
20 was made without reasonable ground. Thus, there is no legal basis for the Court to award
21 Anderson fees from the genesis of the matter (i.e. the service of the search warrants). Despite the
22 plain language of the statute in this regard, it is evident Anderson is seeking to do just that, as the
23 affidavit in support of the motion for fees identifies, as justification for the amount of fees,
24 efforts counsel made *prior* to filing the motion for return of seized property including her
25 communications in October 2015 with the District Attorney’s office (which is not the
26 Department) and her involvement in the “investigation” stage of the case. (See Afft. At ¶¶ 4-6).
27 Anderson cannot, as a matter of law, recover fees incurred in her retention of Ms. Bliss for the
28 criminal investigation. Because Anderson’s motion is devoid of any billing statements outlining

1 when and what type of work was actually performed in regard to the motion for return of seized
2 property, the Court cannot award fees.

3 Along this same vein, the Court cannot award fees because Anderson failed to include
4 any billing statements or other evidence necessary for the Court to evaluate the reasonableness of
5 the fees. The Department does not deny the qualities of the advocates, the character of work
6 (only as it relates to the motion for return of seized property), nor does the Department believe
7 the hourly rate of pay is unreasonable, given the qualities of counsel. However, without billing
8 statements, the Court cannot determine whether the alleged work performed actually occurred,
9 how long each task took, and whether any identified tasks are reasonable. It would be an abuse
10 of discretion to award fees based solely upon the affidavit of counsel without the billing
11 statements. Moreover, the billing statements are necessary to determine whether the fees were
12 incurred in arguing the motion for return of seized property or incurred in connection with the
13 criminal investigation or informal efforts to recover the property. See infra; Barney v. Mt. Rose
14 Heating & Air Conditioning, -- Nev. --, 192 P.3d 730, 736-37 (2008) (holding district court
15 improperly awarded fees for matters outside of enforcement efforts of lien and abused its
16 discretion by awarding fees without making specific findings supporting award).

17 **D. THE AMOUNT OF FEES REQUESTED ARE UNREASONABLE.**

18 Additionally, in the event the Court is inclined to award attorneys fees, the Department
19 asserts the fees requested are unreasonable. While the Department does not dispute the fact it is
20 within the Courts' discretion to award attorneys fees, any fee awarded must be reasonable and
21 fair. See University of Nev. v. Tarkanian, 110 Nev. 581, 879 P.2d 1180 (1994). The Court is
22 unable to determine whether any award of fees is reasonable because Anderson has not offered
23 any evidence demonstrating what work was actually done, whether that amount of time was
24 reasonable, and, most importantly, whether the work was performed solely on the motion for
25 return of seized property. Thus, any award would be unfair and unreasonable.

26 Notwithstanding the fact the Court is deprived of any support to aide in a determination
27 of reasonableness of fees, the fees sought are unreasonable. When a district court is considering
28 the amount of attorneys fees to award, the analysis *must* include a consideration of the factors

1 enumerated by the Supreme Court in Brunzell v. Golden Gate National Bank, 85 Nev. 345, 455
2 P.2d 31 (1969). Those factors include: (1) *the qualities of the advocate*: her ability, her training,
3 education, experience, professional standing and skill; (2) *the character of the work to be done*:
4 its difficulty, its intricacy, its importance, time and skill required, the responsibility imposed and
5 the prominence and character of the parties where they affect the importance of the litigation; (3)
6 *the work actually performed by the lawyer*: the skill, time and attention given to the work; (4) *the*
7 *result*: whether the attorney was successful and what benefits were derived. Id. at 349; see also
8 Shuette v. Beazer Homes Holdings Corp., 121 Nev. 837, 864–865, 124 P.3d 530, 548–549
9 (2005); Miller v. Wilfong, 121 Nev. 619, 623, 119 P.3d 727, 730 (2005). In fact, a district court
10 that does not consider the Brunzell factors, but nevertheless awards attorneys fees, commits
11 grounds for an automatic reversal of that attorneys fee award. See Shuette, 121 Nev. at 865, 124
12 P.3d at 549, n. 101 (citing Schouweiler v. Yancey Co., 101 Nev. 827, 712 P.2d 786 (1985)); see
13 also Beattie v. Thomas, 99 Nev. 579, 668 P.2d 268 (1983) (vacating an award of attorneys fees
14 based upon a lack of supporting evidence and findings to support the original award of fees).
15 Not only must the district court consider the Brunzell factors, but it must also provide findings
16 and sufficient reasoning in support of its ultimate fee determination. Shuette, 121 Nev. at 865,
17 124 P.3d at 549.

18 Again, the Department does not dispute the qualities of the advocates, but disagrees with
19 the work actually performed. Again, without the billing entries, the Court has no way of
20 determining what work was actually done, which attorney performed the work and, more
21 importantly, whether the work was performed on the motion for return of seized property. It
22 would be an abuse of discretion for the Court to award fees due to these deficiencies. Also,
23 without a billing statement itemizing the work performed and who performed the work, the
24 Court cannot determine the reasonableness of the fees sought, particularly considering counsel's
25 calculation seems suspect. Specifically, counsel states her firm spent "approximately" 90 hours
26 on this matter. (Afft. At ¶ 10). However, at a rate of \$300/hr, the *highest* amount of fees which
27 could have been incurred would be \$27,000.00 – just \$1,587.50 over what counsel is requesting.
28 The requested amount is confusing because Ms. Bliss stated in her affidavit that she used Mr.

1 Hicks to do work on this case. If Mr. Hicks performed all of the work on this case (which he did
2 not), the total amount of fees incurred would have been \$20,250.00 (\$225.00/hr x 90 hours).
3 This is \$5,162.50 less than what is requested. Obviously, the math is not adding up based upon
4 the affidavit of counsel; hence the requirement of billing records, which counsel omitted from
5 the motion.

6 Moreover, the amount of fees requested is absurd. Anderson seeks \$25,412.50 in fees.
7 The motion for return of seized property was 16 pages in length, of which 4 pages were a cut-
8 and-paste of the search warrant returns and four pages were comprised of the caption, notice of
9 motion and signature blocks. Essentially, the Motion was 8 pages long. The reply was six pages
10 long (of which, one page was primarily a signature block and one page the caption). This is, in
11 essence, a total of 12 pages of drafting and, at a rate of \$25,412.50, equates to over \$2,100 per
12 page.² By way of comparison, the undersigned's billing rate for this case is \$190.00/hour and
13 the total fees incurred in defending this action, meeting with the client, reviewing the case,
14 attending the hearing, researching and drafting the opposition and the motion to retax was
15 \$2,846.96. Clearly, counsel's fees are unreasonable and should not be awarded.

16 **E. ANDERSON IS NOT ENTITLED TO AN AWARD OF COSTS.**

17 Finally, Anderson cannot recover costs under Nevada Revised Statute 18.020. The
18 Department already addressed this erroneous request in its motion to retax, but because
19 Anderson included a request for costs in the instant motion, the Department will address the
20 same.

21 Nevada Revised Statute 18.020 states:

22 **NRS 18.020 Cases in which costs allowed prevailing party.** Costs must be
23 allowed of course to the prevailing party against any adverse party against whom
judgment is rendered, in the following cases:

24 ...

25 2. In an action to recover the possession of personal property, where the
26 value of the property amounts to more than \$2,500. The value *must be*
determined by the jury, court or master by whom the action is tried.

27 ² Counsel understands Anderson's counsel identified meetings with Anderson and research for the motion
28 and this calculation is used as an example of the absurdity of the amount requested.

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3. In an action for the recovery of money or damages, where the plaintiff seeks to recover more than \$2,500.

4. In a special proceeding, except a special proceeding conducted pursuant to NRS 306.040.

...

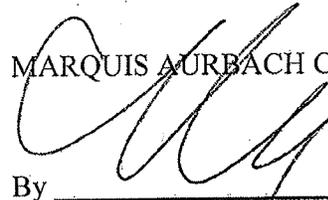
Nev. Rev. Stat. 18.010(2)-(4)(emphasis added). Anderson is not entitled to an award of costs because she did not receive a "judgment" as required by the statute. Further, the motion for costs is untimely. Nevada Revised Statute 18.110 states a party "must file" a memorandum of costs "within 5 days of the entry of judgment." Nev. Rev. Stat. 18.110(1). The notice of entry of order was filed April 26, 2016. The instant motion for costs was not filed until May 16, 2016 – well after the five day deadline. Anderson states, in the motion, that she is entitled to an award of costs "[p]ursuant to NRS 18.110, yet ignored the five day timeframe in which to award costs. As such, the motion should be denied.

IV. CONCLUSION

Anderson is not entitled to an award of fees under Nevada Revised Statute 18.010(2)(a) or (b). She did not obtain a money judgment required to prevail under Nevada Revised Statute 18.010(2)(a) and did not prove that the Department's defense was without reasonable ground (and she did not argue the defense was asserted for purposes of harassment). Furthermore, Anderson failed to provide the Court with sufficient evidence to evaluate the amount of fees incurred and the reasonableness of the same. Finally, the motion for costs must be denied because Anderson did not receive a "judgment" and, in any event, the request is untimely under Nevada Revised Statute 18.110. As such, the motion in its entirety must be denied.

Dated this 3 day of June, 2016.

MARQUIS AURBACH COFFING



By _____

Nick D. Crosby, Esq.
Nevada Bar No. 8996
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorney(s) for LVMPD

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that the foregoing **LVMPD'S OPPOSITION TO MOTION FOR**
3 **ATTORNEYS' FEES AND COSTS** was submitted electronically for filing and/or service with
4 the Eighth Judicial District Court on the 3rd day of June, 2016. Electronic service of the
5 foregoing document shall be made in accordance with the E-Service List as follows:³

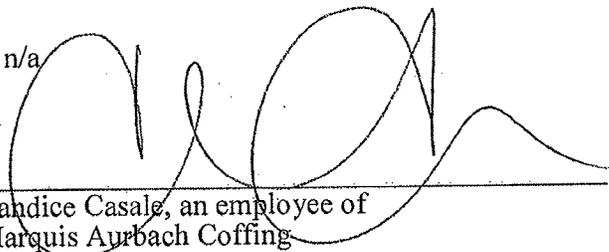
6 **Kathleen Bliss Law Group PLLC**

7 **Contact**
Jason Hicks
Kathleen
8 Sylvia Bishai

Email
jh@kathleenblisslaw.com
kb@kathleenblisslaw.com
sb@kathleenblisslaw.com

9
10 I further certify that I served a copy of this document by mailing a true and correct copy
11 thereof, postage prepaid, addressed to:

12 n/a

13
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15 
16 Candice Casale, an employee of
17 Marquis Aurbach Coffing

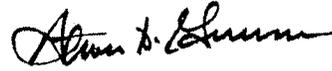
MARQUIS AURBACH COFFING

10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

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27 ³ Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System
28 consents to electronic service in accordance with NRCP 5(b)(2)(D).

EXHIBIT “8”

ORIGINAL



CLERK OF THE COURT

1 Marquis Aurbach Coffing
2 Nick D. Crosby, Esq.
3 Nevada Bar No. 8996
4 10001 Park Run Drive
5 Las Vegas, Nevada 89145
6 Telephone: (702) 382-0711
7 Facsimile: (702) 382-5816
8 ncrosby@maclaw.com
9 Attorneys for LVMPD

DISTRICT COURT

CLARK COUNTY, NEVADA

8 IN RE THE EXECUTION SEARCH
9 WARRANTS FOR:

10 12067 Oakland Hills, Las Vegas, Nevada 89141;
11 54 Carolina Cherry Drive, Las Vegas, Nevada
12 89141;
13 5608 Quiet Cloud Drive, Las Vegas, Nevada
14 89141; and
15 3321 Alcudia Bay Avenue, Las Vegas, Nevada
16 89141

Case No.: A-16-732077-C
Dept. No.: XXVIII

Decision Date: 9/17/2016

ORDER ON MOVANT'S MOTION FOR ATTORNEYS FEES

17 Movant, Laura Anderson ("Anderson") having submitted its Motion for Attorneys Fees
18 and Costs, and the Court having considered Las Vegas Metropolitan Police Department's
19 ("LVMPD" and/or "the Department") opposition thereto, the Department's supplemental brief,
20 and Anderson's reply to the Motion and response to the supplemental brief, hereby grants the
21 Motion, in part, and denies the Motion in part, and finds and orders as follows:

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

- 22 1. Anderson is a "prevailing party" pursuant to Nevada Revised Statute 18.010(2)(a) and the
23 Motion for Fees is GRANTED, in part;
24 2. The Department is ordered to pay Anderson's attorneys fees in the amount of \$18,255.00;

25 ///

26 ///

27 ///

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9/16/16 

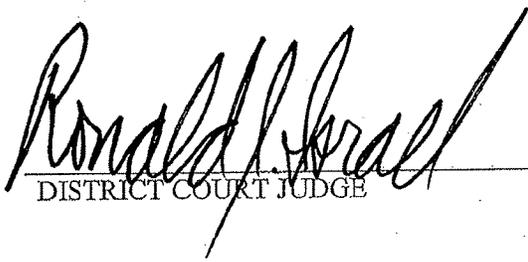
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3. Anderson's Motion for Costs is DENIED.

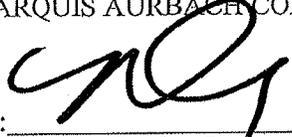
IT IS SO ORDERED.

Dated this 20 day of April, 2016.


DISTRICT COURT JUDGE

Approved as to form and content:

MARQUIS AURBACH COFFING


By: _____
Nick D. Crosby, Esq.
Nevada Bar No. 8996
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorney(s) for LVMPD

Approved as to form and content:

KATHLEEN BLISS LAW, PLLC


By: _____
Kathleen Bliss, Esq.
Nevada Bar No. 7606
Jason Hicks, Esq.
Nevada Bar No. 13149
400 S. 4th St., Ste. 500
Las Vegas, Nevada 89101
Attorney(s) for Anderson

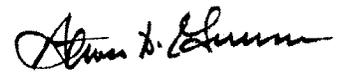
EXHIBIT “9”

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CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

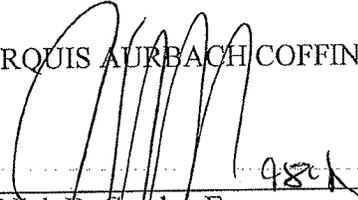
IN RE THE EXECUTION SEARCH
WARRANTS FOR:
12067 Oakland Hills, Las Vegas, Nevada 89141;
54 Carolina Cherry Drive, Las Vegas, Nevada
89141;
5608 Quiet Cloud Drive, Las Vegas, Nevada
89141; and
3321 Alcudia Bay Avenue, Las Vegas, Nevada
89141

Case No.: A-16-732077-C
Dept. No.: XXVIII

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that an Order on Movant's Motion for Attorneys Fees was entered in the above referenced matter on September 21, 2016, a copy of which is attached hereto.

Dated this 21 day of September, 2016.

MARQUIS AURBACH COFFING
By 
Nick D. Crosby, Esq.
Nevada Bar No. 8996
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for LVMPD

MARQUIS AURBACH COFFING
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CERTIFICATE OF SERVICE

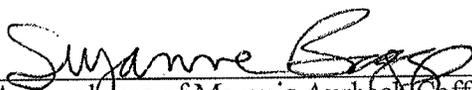
I hereby certify that the foregoing NOTICE OF ENTRY OF ORDER was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 22 day of September, 2016. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:¹

Kathleen Bliss Law Group PLLC

Contact	Email
Jason Hicks	jh@kathleenblisslaw.com
Kathleen	kb@kathleenblisslaw.com
Sylvia Bishai	sb@kathleenblisslaw.com

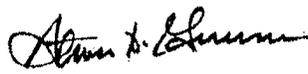
I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

N/A


An employee of Marquis Aurbach Coffing

¹ Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).

ORIGINAL



CLERK OF THE COURT

1 Marquis Aurbach Coffing
2 Nick D. Crosby, Esq.
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8 ncrosby@maclaw.com
9 Attorneys for LVMPD

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89141

Decision Date: 9/17/2016

ORDER ON MOVANT'S MOTION FOR ATTORNEYS FEES

Movant, Laura Anderson ("Anderson") having submitted its Motion for Attorneys Fees and Costs, and the Court having considered Las Vegas Metropolitan Police Department's ("LVMPD" and/or "the Department") opposition thereto, the Department's supplemental brief, and Anderson's reply to the Motion and response to the supplemental brief, hereby grants the Motion, in part, and denies the Motion in part, and finds and orders as follows:

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

1. Anderson is a "prevailing party" pursuant to Nevada Revised Statute 18.010(2)(a) and the Motion for Fees is GRANTED, in part;
2. The Department is ordered to pay Anderson's attorneys fees in the amount of \$18,255.00;

///

///

///

MARQUIS AURBACH COFFING

10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

MARQUIS AURBACH COFFING

10001 Park Run Drive
Las Vegas, Nevada 89145

INC

9/16/16

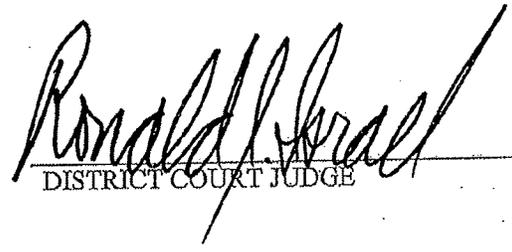
MARQUIS AURBACH COFFING
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

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3. Anderson's Motion for Costs is DENIED.

IT IS SO ORDERED.

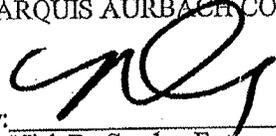
Dated this 20 day of Sept, 2016.



DISTRICT COURT JUDGE

Approved as to form and content:

MARQUIS AURBACH COFFING


By: _____
Nick D. Crosby, Esq.
Nevada Bar No. 8996
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorney(s) for LVMPD

Approved as to form and content:

KATHLEEN BLISS LAW, PLLC

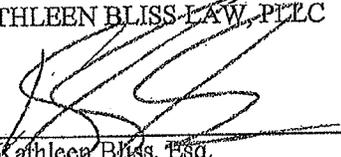
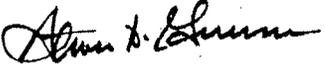

By: _____
Kathleen Bliss, Esq.
Nevada Bar No. 7606
Jason Hicks, Esq.
Nevada Bar No. 13149
400 S. 4th St., Ste. 500
Las Vegas, Nevada 89101
Attorney(s) for Anderson

EXHIBIT “10”


CLERK OF THE COURT

1 **Marquis Aurbach Coffing**
Nick D. Crosby, Esq.
2 Nevada Bar No. 8996
10001 Park Run Drive
3 Las Vegas, Nevada 89145
Telephone: (702) 382-0711
4 Facsimile: (702) 382-5816
ncrosby@maclaw.com
5 *Attorneys for LVMPD*

6 **DISTRICT COURT**
7 **CLARK COUNTY, NEVADA**

8 IN RE THE EXECUTION SEARCH
9 WARRANTS FOR:

10 12067 Oakland Hills, Las Vegas, Nevada 89141;
11 54 Carolina Cherry Drive, Las Vegas, Nevada
89141;
12 5608 Quiet Cloud Drive, Las Vegas, Nevada
89141; and
13 3321 Alcudia Bay Avenue, Las Vegas, Nevada
14 89141

Case No.: A-16-732077-C
Dept. No.: XXVIII

15 **NOTICE OF APPEAL**

16 Las Vegas Metropolitan Police Department (“LVMPD” and/or “the Department”), by
17 and through its attorneys of record, Marquis Aurbach Coffing, hereby appeals to the Supreme
18 Court of Nevada from: (1) the Order on Movant’s Motion for Attorneys Fees, which was filed on
19 September 21, 2016 and is attached hereto as **Exhibit 1**.

20 Dated this 13th day of October, 2016.

21 **MARQUIS AURBACH COFFING**

22
23
24 By /s/ Nick D. Crosby, Esq.
Nick D. Crosby, Esq.
Nevada Bar No. 8996
10001 Park Run Drive
Las Vegas, Nevada 89145
25 Attorney(s) for LVMPD/LVMPD
26
27
28

MARQUIS AURBACH COFFING
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

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10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

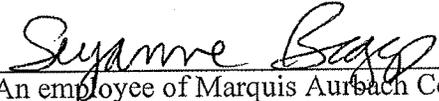
CERTIFICATE OF SERVICE

I hereby certify that the foregoing NOTICE OF APPEAL was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 13th day of October, 2016. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:¹

Kathleen Bliss, Esq.
Jason Hicks, Esq.
Kathleen Bliss Law, PLLC
400 So. 4th Street, Suite 500
Las Vegas, NV 89101
kb@kathleenblisslaw.com
jh@kathleenblisslaw.com
Attorneys for Laura Anderson

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

N/A


An employee of Marquis Aurbach Coffing

¹ Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).

EXHIBIT "1"

ORIGINAL

CLERK OF THE COURT

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Marquis Aurbach Coffing
Nick D. Crosby, Esq.
Nevada Bar No. 8996
10001 Park Run Drive
Las Vegas, Nevada 89145
Telephone: (702) 382-0711
Facsimile: (702) 382-5816
ncrosby@maclaw.com
Attorneys for LVMPD

DISTRICT COURT

CLARK COUNTY, NEVADA

IN RE THE EXECUTION SEARCH
WARRANTS FOR:

- 12067 Oakland Hills, Las Vegas, Nevada 89141;
- 54 Carolina Cherry Drive, Las Vegas, Nevada 89141;
- 5608 Quiet Cloud Drive, Las Vegas, Nevada 89141; and
- 3321 Alcudia Bay Avenue, Las Vegas, Nevada 89141

Case No.: A-16-732077-C
Dept. No.: XXVIII

Decision Date: 9/17/2016

ORDER ON MOVANT'S MOTION FOR ATTORNEYS FEES

Movant, Laura Anderson ("Anderson") having submitted its Motion for Attorneys Fees and Costs, and the Court having considered Las Vegas Metropolitan Police Department's ("LVMPD" and/or "the Department") opposition thereto, the Department's supplemental brief, and Anderson's reply to the Motion and response to the supplemental brief, hereby grants the Motion, in part, and denies the Motion in part, and finds and orders as follows:

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

1. Anderson is a "prevailing party" pursuant to Nevada Revised Statute 18.010(2)(a) and the Motion for Fees is GRANTED, in part;
2. The Department is ordered to pay Anderson's attorneys fees in the amount of \$18,255.00;
- ///
- ///
- ///

9/16/16

MARQUIS AURBACH COFFING

10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

MARQUIS AURBACH COFFING

10001 Park Run Drive
Las Vegas, Nevada 89145

INC

EXHIBIT “11”

CLERK OF THE COURT

1 ORDE
 2 Kathleen Bliss, Esq.
 Nevada Bar No. 7606
 E-mail: kb@kathleenblisslaw.com
 3 Jason Hicks, Esq.
 Nevada Bar No. 13149
 4 E-mail: jhicks@kathleenblisslaw.com
 Kathleen Bliss Law PLLC
 5 400 S. 4th St., Suite 500
 Las Vegas, NV 89101
 6 Telephone: 702.793.4000
 Facsimile: 702.793.4001
 7 Attorneys for Laura Anderson
 8

9 DISTRICT COURT
 10 CLARK COUNTY, NEVADA.

11
 12 IN RE THE EXECUTION OF SEARCH
 WARRANTS FOR:
 13 12067 Oakland Hills, Las Vegas, Nevada
 14 89141;
 15 54 Carolina Cherry Dr., Las Vegas, Nevada
 89141;
 16 5608 Quiet Cloud Dr., Las Vegas, Nevada
 17 89141; and
 18 3321 Alcedia Bay Ave., Las Vegas, Nevada
 89141
 19

CASE NO. LA-16-73277-C

DEPT NO.: XXVIII

ORDER GRANTING PLAINTIFF'S
 MOTION FOR RETURN OF SEIZED
 PROPERTY

Date of hearing: March 31, 2016

Time of hearing: 9:00 a.m.

20
 21 On this 31st day of March 2016, the Court held a hearing on Plaintiff Laura Anderson's
 22 motion for return of seized property. Both parties appeared. The Court, having considered the
 23 pleadings of the parties and concession of Defendant Las Vegas Metropolitan Police Department
 24 (LVMPD) that there is no federal investigation, which Defendant had submitted as its basis for
 25 holding onto the property, FINDS as follows:

- 26 1. Plaintiff moved for return of numerous items seized on or about May 18, 2015, by the
 27 Las Vegas Metropolitan Police Department, pursuant to search warrants executed at the
 28 above-captioned residences. Plaintiff sought relief under NRS 179.083(1)(e), the

<input type="checkbox"/> Voluntary dismissal	<input checked="" type="checkbox"/> Summary judgment
<input type="checkbox"/> Involuntary dismissal	<input type="checkbox"/> Default judgment
<input type="checkbox"/> Dispositive judgment	<input type="checkbox"/> Default judgment
<input type="checkbox"/> Motion to Dismiss, by Party	<input type="checkbox"/> Judgment of Arbitration

Handwritten signature and date: 4/7/16

38

1 Fourteenth Amendment of the United States Constitution and Article I, § 8 (5) of the
2 Nevada Constitution. In support of her motion, Plaintiff submits that she attempted to
3 obtain the return of said property several times since its seizure without the Court's
4 intervention, having attached evidence of said communications to her motion.

5 2. In its opposition Defendant responded that a federal investigation precluded return of
6 the property. However, on March 30, 2016, counsel for Defendant confirmed that
7 there is no federal investigation. Therefore, Defendant does not object to the return of
8 all property for which Plaintiff seeks release.

9 **IT IS THEREFORE ORDERED THAT:**

10 Plaintiff's motion is GRANTED. Within thirty (30) days, Defendant SHALL return all
11 property seized in connection with the execution of the warrants subject herein, including, but not
12 limited to, the specific following property:

13 **A. 12067 Oakland Hills, Las Vegas, Nevada, 89141**

14 1. The following thirteen (13) cellular telephones: (1) Samsung Galaxy Note II, gray in
15 color, serial number 99000208447938; (2) Samsung Galaxy Note II, white in color,
16 serial number 99000210823531; (3) Sony T-Mobile Xperia, black in color, serial
17 number 4170B-PM0520; (4) Samsung Galaxy Note 4, white in color, serial number
18 99000476790932; (5) Samsung Galaxy Note 4, black in color, serial number
19 99000472749763; (6) Samsung Galaxy Note 3, white in color, serial number
20 99000434509753; (7) Samsung Galaxy S II, white in color, serial number
21 000003062P80A; (8) Apple iPhone, white in color, serial number 358806053465371;
22 (9) Samsung Galaxy Note 4, white in color, serial number 99000474506325; (10)
23 Samsung Galaxy S III, black in color, serial number 9900011S774423; (11) Apple
24 iPhone, white in color, serial number 3320004061630741; (12) Samsung Galaxy
25 Note 4, white in color, serial number 99000476776052; and (13) Apple iPhone, black
26 in color, serial number 357994053715077;

27 2. Three (3) laptop computers: (1) Apple MacBook Air, silver in color, serial number
28

- 1 4324A-BRCM1052; (2) Dell Inspiron 15-5547, silver in color, serial number
- 2 H188M692; and (3) Apple MacBook Pro, silver in color, serial number
- 3 4324A-BRCM1055;
- 4 3. Three (3) computer tablets: (1) Samsung, white in color, serial number SM-T290NU;
- 5 (2) Samsung SM-900, white in color, serial number RFXFG16XELI; and (3) Samsung,
- 6 white in color, serial number SM-T330NU;
- 7 4. Calendars;
- 8 5. Possessory items belonging to Lantz Anderson;
- 9 6. Casino chips totaling \$2,648.00 in United States currency;
- 10 7. Ledgers;
- 11 8. Two (2) cashier check-customer copies from Bank of America;
- 12 9. Five (5) Visa credit cards;
- 13 10. Two (2) Visa debit cards;
- 14 11. Louis Vuitton purse;
- 15 12. Black wallet;
- 16 13. Ten (10) phone, laptop and/or tablet cases;
- 17 14. Miscellaneous paperwork;
- 18 15. Owe sheets;
- 19 16. Checkbooks;
- 20 17. Gaming receipts;
- 21 18. Casino player's cards from: (1) the M Resort & Spa and (2) the Wynn/Escalante Hotel
- 22 & Casino;
- 23 19. Bank statements;
- 24 20. Credit card records;
- 25 21. Organizers;
- 26 22. Travel documentation;
- 27 23. 40 caliber Smith & Wesson handgun, black in color, serial number 7111865;
- 28

- 1 24. Two (2) silver colored skeleton keys;
- 2 25. The package located inside the man's handbag recovered from the maroon 2015
- 3 Mercedes S550, Nevada license plate LVM4V1, containing \$500.00 in United States
- 4 currency;
- 5 26. Wireless headphones located in the Mercedes used for onboard entertainment;
- 6 27. The package recovered from a purse located in the southeastern bedroom containing
- 7 \$1,755.00 in United States currency;
- 8 28. \$54,892.00 in United States currency recovered from a safe located in the master
- 9 bedroom's closet;
- 10 29. \$31.00 in United States currency recovered from Ms. Anderson's personal
- 11 miscellaneous paperwork;
- 12 30. Collection of men's and women's jewelry (watches, earrings, necklace, rings, etc.).
- 13 B. 54 Carolina Cherry Drive, Las Vegas, Nevada, 89141
- 14 1. Four cellular phones, make, model, and serial number unknown;
- 15 2. Miscellaneous paperwork;
- 16 3. Photographs;
- 17 4. Tablet, make, model, and serial number unknown; and
- 18 C. 5688 Quiet Cloud, Las Vegas, Nevada, 89141
- 19 1. Black 2014 Mercedes Sprinter van, VIN WDZPE88DC0E5856264, Nevada license
- 20 plate LVTGX3.
- 21 2. White 2009 Mercedes S550, VIN WDDNG71X09A272339, Nevada license plate
- 22 LVTYKI.
- 23 3. 2 glass marijuana pipes;
- 24 4. Miscellaneous paperwork;
- 25 5. White cellphone, make, model, and serial number unknown;
- 26 6. HP Computer, serial number unknown;
- 27 7. Black iPad, serial number unknown;
- 28

- 1 8. White iPad, serial number unknown;
- 2 9. 2 Samsung tablets, serial numbers unknown;
- 3 10. Kodak camera, model and serial number unknown;
- 4 11. SD card;
- 5 12. ZTE phone, serial number unknown;
- 6 13. LG flip phone, serial number unknown;
- 7 14. Samsung Galaxy Note II, serial number unknown;
- 8 15. Samsung SL720 digital camera, serial number unknown;
- 9 16. Toshiba external hard drive, serial number unknown;
- 10 17. WD external hard drive, serial number unknown;
- 11 18. Dane 32g flash drive, serial number unknown;
- 12 19. SD card, make, model, and serial number unknown;
- 13 20. Purple iPod Shuffle, serial number unknown;
- 14 21. Xixime Play tablet, serial number unknown;
- 15 22. Sony digital camera, model and serial number unknown; and
- 16 23. HP computer tower and cord, make and serial number unknown.

17 D. 3321 Alcedia Bay Avenue, Las Vegas, Nevada, 89141

- 18 1. Marijuana plants;
- 19 2. CO2 tanks and gauges;
- 20 3. 3 Grow tents;
- 21 4. Grow trays
- 22 5. Lights;
- 23 6. Miscellaneous chemicals;
- 24 7. Ballasts;
- 25 8. Grodars blocks;
- 26 9. Fans;
- 27 10. Portable A/C;
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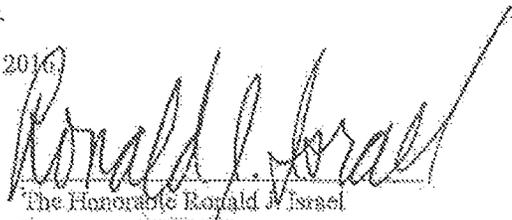
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- 11. Sub pumps;
- 12. 55 gallon drums;
- 13. Dust work;
- 14. Buckets;
- 15. Mail key;
- 16. Miscellaneous paperwork;
- 17. Glass smoking pipes;
- 18. Hi-Point firearm;
- 19. 40 Smith & Wesson serial number 7111862.

It is FURTHER ORDERED that in the event the State has seized property belonging to Plaintiff, that is not specifically listed below, LVMPD SHALL return said property to Plaintiff as well.

The LVMPD SHALL return all property listed by Plaintiff in her motion and identified herein within 30 days of this Order.

Dated this 20 day of April 2016



The Honorable Ronald J. Israel
 Department XXVIII
 Eighth Judicial District
 Clark County, Nevada

EB

Submitted by:

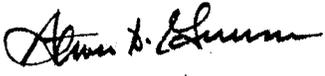
/s/ Kathleen Bliss
 Kathleen Bliss
 Kathleen Bliss Law PLLC
 400 South 4th Street
 Suite 500
 Las Vegas, NV 89101
 702.795.4202
 kix@kathleenblisslaw.com
 Attorney for Plaintiff Laura Anderson

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Agreed as to form and content:

Nick D. Crosby, Esq.
Marcyis Ansbach Colling
10601 Park Run Dr.
Las Vegas, NV 89143
ncrosby@msaattlaw.com
Attorneys for Las Vegas Metropolitan Police Department

EXHIBIT “12”


CLERK OF THE COURT

1 Marquis Aurbach Coffing
2 Nick D. Crosby, Esq.
3 Nevada Bar No. 8996
4 10001 Park Run Drive
5 Las Vegas, Nevada 89145
6 Telephone: (702) 382-0711
7 Facsimile: (702) 382-5816
8 ncrosby@maclaw.com
9 Attorneys for LVMPD

DISTRICT COURT
CLARK COUNTY, NEVADA

10 IN RE THE EXECUTION SEARCH
11 WARRANTS FOR:

12 12067 Oakland Hills, Las Vegas, Nevada 89141;
13 54 Carolina Cherry Drive, Las Vegas, Nevada
14 89141;
15 5608 Quiet Cloud Drive, Las Vegas, Nevada
16 89141; and
17 3321 Alcudia Bay Avenue, Las Vegas, Nevada
18 89141

Case No.: A-16-732077-C
Dept. No.: XXVIII

NOTICE OF ENTRY OF ORDER GRANTING PLAINTIFF'S MOTION FOR RETURN
OF SEIZED PROPERTY

19 PLEASE TAKE NOTICE that an Order Granting Plaintiff's Motion for Return of Seized
20 Property was entered in the above referenced matter on April 7, 2017, a copy of which is
21 attached hereto.

22 Dated this 10 day of April, 2017.

MARQUIS AURBACH COFFING

By /s/ Nick D. Crosby
Nick D. Crosby, Esq.
Nevada Bar No. 8996
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for LVMPD

MARQUIS AURBACH COFFING
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

CERTIFICATE OF SERVICE

I hereby certify that the foregoing NOTICE OF ENTRY OF ORDER GRANTING PLAINTIFF'S MOTION FOR RETURN OF SEIZED PROPERTY was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 10th day of April, 2017. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:¹

Kathleen Bliss Law Group PLLC

Contact

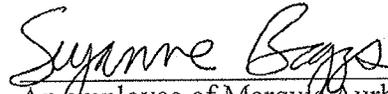
Jason Hicks
Kathleen
Sylvia Bishai

Email

jh@kathleenblisslaw.com
kb@kathleenblisslaw.com
sb@kathleenblisslaw.com

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

N/A



An employee of Marquis Aurbach Coffing

¹ Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).

Alan D. Quinn

CLERK OF THE COURT

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ORDIE
Kathleen Bliss, Esq.
Nevada Bar No. 7606
E-mail: kbliss@kathleenblisslaw.com
Jason Hicks, Esq.
Nevada Bar No. 13198
E-mail: jhicks@kathleenblisslaw.com
Kathleen Bliss Law PLLC
400 E. 4th St., Suite 500
Las Vegas, NV 89101
Telephone: 702.793.4000
Facsimile: 702.793.4001

Attorneys for Laura Anderson

DISTRICT COURT
CLARK COUNTY, NEVADA

IN RE THE EXECUTION OF SEARCH
WARRANTS FOR:
12067 Oakland Hills, Las Vegas, Nevada
89141;
54 Carolus Chetry Dr., Las Vegas, Nevada
89141;
5508 Quiet Cloud Dr., Las Vegas, Nevada
89141; and
3321 Alcadia Bay Ave., Las Vegas, Nevada
89141

CASE NO. LA-16-712077-C

DEPT NO.: XXVIII

ORDER GRANTING PLAINTIFF'S
MOTION FOR RETURN OF SEIZED
PROPERTY

Date of hearing: March 31, 2016

Time of hearing: 9:00 a.m.

On this 31st day of March 2016, the Court held a hearing on Plaintiff Laura Anderson's motion for return of seized property. Both parties appeared. The Court, having considered the pleadings of the parties and conception of Defendant Las Vegas Metropolitan Police Department (LVMPD) that there is no federal investigation, which Defendant had submitted as its basis for holding onto the property, FINDS as follows:

1. Plaintiff moved for return of numerous items seized on or about May 18, 2015, by the Las Vegas Metropolitan Police Department, pursuant to search warrants executed at the above-captioned residences. Plaintiff sought relief under NRS 139.563(1)(c), the

<input type="checkbox"/> Voluntary dismissal	<input type="checkbox"/> Summary judgment
<input type="checkbox"/> Temporary disposition	<input type="checkbox"/> Disposition by judgment
<input type="checkbox"/> Disposition by stipulation	<input type="checkbox"/> Default judgment
<input type="checkbox"/> Disposition by order	<input type="checkbox"/> Disposition of arbitrator

[Handwritten signature] 38

1 Fourteenth Amendment of the United States Constitution and Article I, § 8 (5) of the
2 Nevada Constitution. In support of her motion, Plaintiff submits that she attempted to
3 obtain the return of said property several times since its seizure without the Court's
4 intervention, having attached evidence of said attempts to her motion.

- 5 2. In its opposition Defendant responded that a federal investigation precluded return of
6 the property. However, on March 30, 2016, counsel for Defendant confirmed that
7 there is no federal investigation. Therefore, Defendant does not object to the return of
8 all property for which Plaintiff seeks release.

9 IT IS THEREFORE ORDERED THAT:

10 Plaintiff's motion is GRANTED. Within thirty (30) days, Defendant SHALL return all
11 property seized in connection with the execution of the warrants subject herein, including, but not
12 limited to, the specific following property:

13 A. 12067 Oakland Hills, Las Vegas, Nevada, 89141

- 14 1. The following thirteen (13) cellular telephones: (1) Samsung Galaxy Note II, grey in
15 color, serial number 99000208447938; (2) Samsung Galaxy Note II, white in color,
16 serial number 99000210823531; (3) Sony T-Mobile Xperia, black in color, serial
17 number 4170B-PM0520; (4) Samsung Galaxy Note 4, white in color, serial number
18 99000476790932; (5) Samsung Galaxy Note 4, black in color, serial number
19 99000472749763; (6) Samsung Galaxy Note 3, white in color, serial number
20 99000434509753; (7) Samsung Galaxy S II, white in color, serial number
21 00003062F80A; (8) Apple iPhone, white in color, serial number 358806033465371;
22 (9) Samsung Galaxy Note 4, white in color, serial number 99000474506325; (10)
23 Samsung Galaxy S III, black in color, serial number 99000113774423; (11) Apple
24 iPhone, white in color, serial number 3520094061630741; (12) Samsung Galaxy
25 Note 4, white in color, serial number 99000476776052; and (13) Apple iPhone, black
26 in color, serial number 357794053715077;
27 2. Three (3) laptop computers: (1) Apple MacBook Air, silver in color, serial number
28

- 1 4324A-BRCM1052; (2) Dell Inspiron 15-5547, silver in color, serial number
- 2 HUS8M602; and (3) Apple MacBook Pro, silver in color, serial number
- 3 4324A-BRCM1055;
- 4 3. Three (3) computer tablets: (1) Samsung, white in color, serial number SM-T330NLI;
- 5 (2) Samsung SM-906, white in color, serial number BE2FG16XSLI; and (3) Samsung,
- 6 white in color, serial number SM-T330NLI;
- 7 4. Calendar;
- 8 5. Possessory items belonging to Laura Anderson;
- 9 6. Casino chips totaling \$2,648.00 in United States currency;
- 10 7. Lodgers;
- 11 8. Two (2) cashier check-mustener copies from Bank of America;
- 12 9. Five (5) Visa credit cards;
- 13 10. Two (2) Visa debit cards;
- 14 11. Louis Vuitton purse;
- 15 12. Black wallet;
- 16 13. Ten (10) phone, laptop and/or tablet cases;
- 17 14. Miscellaneous paperwork;
- 18 15. Owe sheets;
- 19 16. Checkbooks;
- 20 17. Gaming receipts;
- 21 18. Casino player's cards from: (1) the M Resort & Spa and (2) the Wynn/Dorcas Hotel
- 22 & Casino;
- 23 19. Bank statements;
- 24 20. Credit card records;
- 25 21. Organizers;
- 26 22. Travel documentation;
- 27 23. 40 caliber Smith & Wesson handgun, black in color, serial number 7111859;
- 28

- 1 24. Two (2) silver engraved skeleton keys;
- 2 25. The package located inside the man's handbag recovered from the maroon 2015
- 3 Mercedes 8550, Nevada license plate LVM4V1, containing \$500.00 in United States
- 4 currency;
- 5 26. Wireless headphones located in the Mercedes used for onboard entertainment;
- 6 27. The package recovered from a purse located in the sophistication bedroom containing
- 7 \$1,755.00 in United States currency;
- 8 28. \$54,892.90 in United States currency recovered from a safe located in the master
- 9 bedroom's closet;
- 10 29. \$31.00 in United States currency recovered from Ms. Anderson's personal
- 11 miscellaneous paperwork;
- 12 30. Collection of men's and women's jewelry (watches, earrings, necklace, rings, etc.).
- 13 B. 84 Carolina Cleary Drive, Las Vegas, Nevada, 89141
- 14 1. Four cellular phones, make, model, and serial number unknown;
- 15 2. Miscellaneous paperwork;
- 16 3. Photographs;
- 17 4. Tablet, make, model, and serial number unknown; and
- 18 C. 6608 Quiet Cloud, Las Vegas, Nevada, 89141
- 19 1. Black 2014 Mercedes Sprinter van, VIN WDDZF88DC9E5836264, Nevada license
- 20 plate LY1QX3.
- 21 2. White 2009 Mercedes 8550, VIN WDDNG37K39A272335, Nevada license plate
- 22 LVT7K1.
- 23 3. 2 glass marijuana pipes;
- 24 4. Miscellaneous paperwork;
- 25 5. White cell phone, make, model, and serial number unknown;
- 26 6. HP Computer, serial number unknown;
- 27 7. Black iPad, serial number unknown;
- 28

- 1 8. White iPad, serial number unknown;
- 2 9. 2 Samsung tablets, serial numbers unknown;
- 3 10. Kodak camera, model and serial number unknown;
- 4 11. SD card;
- 5 12. ZTE phone, serial number unknown;
- 6 13. LG flip phone, serial number unknown;
- 7 14. Samsung Galaxy Note II, serial number unknown;
- 8 15. Samsung SL730 digital camera, serial number unknown;
- 9 16. Toshiba external hard drive, serial number unknown;
- 10 17. WD external hard drive, serial number unknown;
- 11 18. Data 32g flash drive, serial number unknown;
- 12 19. SD card, make, model, and serial number unknown;
- 13 20. Purple iPod Shuffle, serial number unknown;
- 14 21. Xosha Play tablet, serial number unknown;
- 15 22. Sony digital camera, model and serial number unknown; and
- 16 23. HP computer tower and cord, make and serial number unknown.

17 D. 3321 Alaudia Bay Avenue, Las Vegas, Nevada, 89144

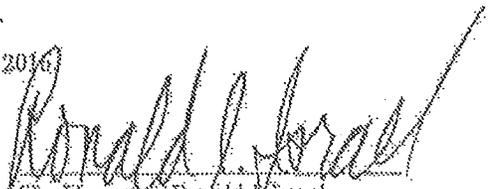
- 18 1. Marijuana plants;
- 19 2. CO2 tanks and gauges;
- 20 3. 3 Grow tents;
- 21 4. Grow trays;
- 22 5. Lights;
- 23 6. Miscellaneous chemicals;
- 24 7. Ballasts;
- 25 8. Circulens blocks;
- 26 9. Fans;
- 27 10. Portable A/C;
- 28

- 1 11. Sub pumps;
- 2 12. 35 gallon drums;
- 3 13. Dust works;
- 4 14. Buckets;
- 5 15. Mail key;
- 6 16. Miscellaneous paperwork;
- 7 17. Glass smoking pipes;
- 8 18. Hi-Powat firearm;
- 9 19. 40 Smith & Wesson serial number 7111867.

10
11 It is FURTHER ORDERED that in the event the State has seized property belonging to
12 Plaintiff, that is not specifically listed below, LVMFD SHALL return said property to Plaintiff as
13 well.

14 The LVMFD SHALL return all property listed by Plaintiff in her motion and identified
15 herein within 30 days of this Order.

16 Dated this 20 day of April 2016

17
18 
19 The Honorable Ronald J. Israel
20 Department XXVIII
21 Eighth Judicial District
22 Clark County, Nevada 

23 Submitted by:
24 Kathleen Bliss
25 Kathleen Bliss
26 Kathleen Bliss Law PLLC
27 400 South 4th Street
28 Suite 500
Las Vegas, NV 89101
702-795-4202
kb@kathleenblisslaw.com
Attorney for Plaintiff Larna Anderson

1 Agreed as to form and content:

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