Electronically Filed
06/06/2016 02:06:11 PM

OSCC

CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA
****

Laura Anderson, Plaintiff(s), vs. Las Vegas Metropolitan Police Department, Defendant(s).	Case No.: A-16-732077-C Department 28

CIVIL ORDER TO STATISTICALLY CLOSE CASE

Upon review of this matter and good cause appearing,
IT IS HEREBY ORDERED that the Clerk of the Court is hereby directed to statistically close this case for the following reason:

DISPOSITIONS:

- ☐ Default Judgment
- ☐ Judgment on Arbitration
- ☐ Stipulated Judgment
- ☐ Involuntary Dismissal
- ☐ Motion to Dismiss by Defendant(s)
- ☐ Stipulated Dismissal
- ☒ Summary Judgment
- ☐ Voluntary Dismissal
- ☐ Transferred (before trial)
- ☐ Non-Jury – Disposed After Trial Starts
- ☐ Non-Jury – Judgment Reached
- ☐ Jury – Disposed After Trial Starts
- ☐ Jury – Verdict Reached
- ☐ Other Manner of Disposition

DATED this 6th day of June, 2016.

RONALD J. ISRAEL
DISTRICT COURT JUDGE

6/6/16

RONALD J. ISRAEL
DISTRICT JUDGE
DEPT XXVIII
LAS VEGAS, NV 89155

CERTIFICATE OF SERVICE

I hereby certify that on or about the date signed, a copy of this Order was electronically served to all registered parties in Wiznet as follows:

Kathleen Bliss Law Group PLLC

Name	Email	Select
Jason Hicks	jh@kathleenblisslaw.com	☑
Kathleen	kb@kathleenblisslaw.com	☑

Marquis Aurbach Coffing

Name	Email	Select
Candice Casale	ccasale@maclaw.com	☑
Nick D. Crosby, Esq.	ncrosby@maclaw.com	☑

Sandra Jeter
Judicial Executive Assistant
A-16-732077-C
Civil Order to Statistically Close Case

RONALD J. ISRAEL
DISTRICT JUDGE
DEPT XXVIII
LAS VEGAS, NV 89155

Electronically Filed
06/15/2016 03:46:48 PM

CLERK OF THE COURT

RPLY
Kathleen Bliss, Esq.
Nevada Bar No. 7606
E-mail: kb@kathleenblisslaw.com
Jason Hicks, Esq.
Nevada Bar No. 13149
E-mail: jh@kathleenblisslaw.com
Kathleen Bliss Law PLLC
400 S. 4th St., Suite 500
Las Vegas, NV 89101
Telephone: 702.793.4202
Facsimile: 702.793.4001

Attorneys for movant/real party in interest Laura Anderson

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.: A-16-732077-C DEPT NO.: XXVIII **REPLY IN SUPPORT OF MOTION FOR ATTORNEYS' FEES AND COSTS** Hearing date: June 22, 2016, in chambers.

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

///

///

///

MEMORANDUM OF POINTS AND AUTHORITIES

I. LVMPD'S OPPOSITION IS UNTIMELY.

Ms. Anderson filed her motion for attorneys' fees and costs on May 16, 2016, and it was electronically served on counsel for LVMPD the same day through WizNet.[1] LVMPD then had 10 days, excluding the day of service, weekends, and holidays, to file to oppose the motion. *See* EDCR 2.20(e). LVMPD thus had until May 31, 2016, to file its opposition. It did not file its opposition until June 3, 2016, and Ms. Anderson was not served until June 6, 2016—making LVMPD's opposition a week late, and warranting no recognition by the Court under the local rules.

In this regard, the language of EDCR 2.20 is clear and mandatory, providing that "**Within 10 days after the service of the motion,** and 5 days after service of any joinder to the motion, **the opposing party must** serve and file written notice of nonopposition or opposition thereto. . . " (emphasis added). LVMPD did not obtain leave to file a late opposition, and its failure to file a timely one "may be construed as an admission that [Ms. Anderson's] motion and/or joinder is meritorious and a consent to granting the same." *Id.* LVMPD had adequate time to respond but failed to do so in accordance with the rules, and Ms. Anderson requests that the Court decline to take LVMPD's untimely opposition into consideration. Indeed, LVMPD's failure to comply with the Court rules, in addition to its ongoing failure to comply with this Court's order, as described below, simply adds to the overall unreasonableness of its conduct in this matter.

II. LVMPD'S CONDUCT HAS BEEN UNREASONABLE AS CONTEMPLATED BY NRS 18.010 AND MS. ANDERSON SHOULD BE AWARDED HER ATTORNEYS' FEES.

As sole justification for its actions LVMPD repeatedly asserts that the matter was under federal review. It did not support this assertion with *any* evidence when it originally made it in its opposition to Ms. Anderson's motion for return of property. LVMPD again failed to support this assertion with *any* evidence when it repeated it in its opposition to Ms. Anderson's motion for

[1] Pursuant to EDCR 8.05(a), each party who submits an e-filed document through WizNet consents to electronic service in accordance with NRCP 5(b)(2)(D).

attorneys' fees and costs. Without evidence, LVMPD's defense (the supposed federal investigation) is *per se* "baseless" and "unreasonable" within the meanings of NRS 18.010 and NRS 179.085(1)(e). *See, e.g., Semenza v. Caughlin Crafted Homes*, 111 Nev. 1089, 1095 (1995) (a claim is groundless if the allegations "are not supported by any credible evidence. . ."). *Semenza* is the some of the very authority that LVMPD cites in its opposition. *See* Opposition at p. 6, ln. 9-11. Here, LVMPD's claim is not supported by *any* evidence, much less credible evidence, rendering its position is groundless and therefore unreasonable.

Further, even if LVMPD could provide some evidence of a purported federal investigation (which is unlikely, given that it has had multiple opportunities to do so, but has not) that "evidence" would do nothing for its untenable position. That is because the very position LVMPD now takes (i.e., that it was holding the property pending federal review) is explicitly prohibited by law. Federal law requires that, "[i]n a case in which the property is seized by a State or local law enforcement agency and turned over to a Federal law enforcement agency for the purpose of forfeiture under Federal law, notice shall be sent not more than **90 days after the date of seizure** by the State or local law enforcement agency." 18 U.S.C. § 983(a)(1)(A)(iv)(emphasis added). It has been over one year since Ms. Anderson's property was seized, yet no notice was sent to her by the federal government at any point. Even if the State did wish to hand over Ms. Anderson's property to the federal authorities, federal law would prohibit authorities from accepting it at this point (or at the point her motion for return was filed) as far longer than 90 days have passed from the initial seizure.

In addition, because the seizure was not effected by a joint task force, the State cannot continue to hold the property without bringing charges in hopes that the federal government will assume it. While at one point federal authorities were permitted to adopt seizures by state and local law enforcement agencies for purposes of later initiating federal forfeiture proceedings, former Attorney General Eric Holder issued an executive order on January 16, 2015, prohibiting this practice unless the seizure was either effected pursuant to a federal warrant, seized in tandem with federal authorities, or the property directly related to public safety concerns, such as firearms,

ammunition, explosives, and child pornography. *See* Exhibit C to Ms. Anderson's Reply in Support of Motion for Return of Property (also accessible online at https://www.justice.gov/file/318146/download). That is not the case here, and the Attorney General's order **specifically lists "vehicles, valuables, and cash" as items that are subject to its prohibition on federal adoption of property seized solely by state or local law enforcement.**

This is the very same argument and authority that Ms. Anderson provided in her reply in support of her motion for return of property. LVMPD did not dispute that authority then, and it has not done so now. It is quite clear that the federal authorities were not actively investigating Ms. Anderson, as there is no proof and the law explicitly forbids it under these circumstances.

When it there is not a joint state-federal investigation, as was the case here, the LVMPD cannot serve indefinitely as a proxy for the federal government. This prohibition is quite clearly spelled out in the former Attorney General's executive order, which has already been briefed by Ms. Anderson in her reply in support of return of property. Had federal authorities actually been conducting an active investigation into Ms. Anderson, they would have been required to appear before a federal magistrate and obtain a federal warrant. LVMPD's supposed act of holding Ms. Anderson's property on behalf of the federal government is therefore an entirely groundless, baseless, and extremely unreasonable defense.

NRS 18.010(2)(b) provides that fees should be awarded where:

> Without regard to the recovery sought, when the court finds that the claim, counterclaim, cross-claim or third-party 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 the provisions of this paragraph 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.

NRS 18.010(2)(b)(emphasis added).

It is submitted that the present circumstances are exactly the type the Legislature had in

mind when it chose to codify the lenient standard for an award of fees, and when it chose to specifically direct courts to liberally construe NRS 18.010(2). Accordingly, this Court should do so and find that LVMPD acted unreasonably under the totality of the circumstances in maintaining its "federal investigation" defense as the sole basis for refusing to return the property, and award Ms. Anderson her attorneys' fees.

III. LVMPD HAS FAILED TO COMPLY WITH THIS COURT'S ORDER TO RETURN PROPERTY.

In its Order signed April 20, 2016, this Court directed LVMPD to return all of Ms. Anderson's property. Ms. Anderson even specifically listed the property in the proposed order signed by the Court in order to avoid any confusion on LVMPD's part and to facilitate a smooth return. LVMPD was given 30 days from the date of the Order to return her property. The Notice of Entry of Order was filed and served on LVMPD on April 26, 2016. Excluding the day of service, LVMPD thus had until May 27, 2016, at the latest, to comply.

LVMPD, through counsel, waited until the thirtieth and final day (May 27th, a Friday) to inform Ms. Anderson her property was ready for her to pick up. Ms. Anderson then immediately drove down to the station, only to learn that the division responsible for returning her property was closed on Fridays. She was then forced to return the following week to obtain her property—outside of the 30 day window ordered by this Court.

However, not all of Ms. Anderson's property was returned to her at that time. The wireless headphones and remotes, worth hundreds of dollars, if not more, that were used in the Mercedes' entertainment system(s) and located in the vehicle at the time of its seizure, were not returned to her and their location is unknown. Regretfully, LVMPD has made no attempt to reach counsel or Ms. Anderson regarding the property LVMPD seized and held and was ordered by this Court to return. This Court must recognize the impact of LVMPD's conduct on an innocent citizen and its disregard of this Court's order.

Further, all of the items relating to her legal medical marijuana **remain in the possession of the LVMPD to this day, nearly two months since the Order was signed, and more than two and a half weeks past the final day for compliance as ordered by this Court.** Ms.

Anderson was told that this property could not be returned to her because it was in the possession and control of a separate division within the LVMPD. Again, the LVMPD has **still** not returned these items (which are worth thousands of dollars).

After this Court issued its order, Counsel for LVMPD was ostensibly responsible for coordinating with the various LVMPD divisions to ensure that LVMPD complied with the Court's order and returned **all** of Ms. Anderson's property in the time frame ordered by the Court. This did not happen; Ms. Anderson received some property late, and is still unable to obtain the remainder. Thus far, Ms. Anderson has held off on filing a motion to compel, for an order to show cause, to be held in contempt, and for sanctions, despite these circumstances being clearly appropriate for one, simply because of the costs associated with doing so.

LVMPD's complete and utter (and ongoing) failure to abide by the Court's order simply highlights the unreasonable manner in which it has conducted itself throughout the entirety of these events. From baseless defenses, to untimely oppositions, to being in contempt of Court, LVMPD's conduct certainly warrants an order directing it, at minimum, to pay Ms. Anderson's fees, as she has borne the brunt of LVMPD's laziness and unprofessional conduct.

IV. THE FEES CLAIMED ARE REASONABLE.

LVMPD concedes that counsel for Ms. Anderson are qualified, that the character of work is reasonable, and that the rates charged are appropriate. *See* Opposition at p. 9, ln. 5-7. LVMPD therefore admits that Ms. Anderson has satisfied the showing necessary to award attorneys' fees as set forth in *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345, 349 (1969). LVMPD's only objection is that counsel did not submit a timesheet with its original motion and therefore it cannot evaluate the time spent, to the minute. This is not a basis for outright denial of the relief sought. Counsel for Ms. Anderson has a copy of the itemized billings prepared and ready for submission for the Court's consideration, should the Court require it.

Finally, LVMPD takes issue with the payment of fees incurred prior to the filing of the motion for return of property. NRS 18.010(2)(b) provides only that the Court should find the "defense" was maintained without reasonable grounds. The statute makes no distinction with

regards to pre or post filing of a motion for return. To the contrary, the statute specifically states that it is the Legislature's intent "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." Through counsel, Ms. Anderson attempted to resolve the matter without litigation on multiple occasions throughout the months prior to filing. LVMPD essentially ignored these attempts. Had LVMPD acted reasonably from the outset, it would have avoided litigation entirely and been asked to pay nothing. Because the aim of the statute is to deter frivolous defenses and preserve judicial resources, it follows that requiring a party to act reasonably *before* litigation arises is even more important in achieving the statue's stated objectives, and such a requirement aligns precisely with the Legislature's intent.

V. CONCLUSION

Based upon the foregoing, Ms. Anderson respectfully requests that the Court grant her motion for attorneys' fees and costs in full. Ms. Anderson also requests permission to supplement her motion to include those fees and costs incurred since the filing of her motion through the issuance of the Court's decision on the matter.

Dated this 15th day of June 2016.

Respectfully submitted,

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: 702.793.4202
Facsimile: 702.793.4001
Attorneys for Laura Anderson

CERTIFICATE OF SERVICE

The undersigned, an employee of Kathleen Bliss Law PLLC, hereby certifies that on this 15th day of June 2016, I did cause a true and correct copy of the **REPLY IN SUPPORT OF 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

Electronically Filed
06/16/2016 03:17:26 PM

CLERK OF THE COURT

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

LVMDP'S REPLY IN SUPPORT OF MOTION TO RETAX COSTS

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

This Reply 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 16 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

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
(702) 382-0711 FAX: (702) 382-5816

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Laura Anderson ("Anderson") failed to file an opposition to the Department's Motion to Retax. As such, this Court should grant the Department's Motion and deny any award of costs to Anderson, pursuant to EDCR 2.2(e).

II. STATEMENT OF FACTS

Anderson brought the instant action for the return of seized property under Nevada Revised Statute 179.085. The Court signed an order for the return of seized property on April 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. The Department timely filed its Motion to Retax and Anderson did not file an opposition to the Motion to Retax.

III. LAW AND ARGUMENT

The Department set forth the substantive bases for denying costs in its Motion to Retax in the Motion and Anderson failed to oppose the same. As such, the Motion should be granted.

A. RELEVANT LEGAL STANDARD.

Eighth Judicial District Court Rule 2.20 states, in relevant part:

> (e) Within 10 days after service of the motion, and 5 days after service of any joinder to the motion, the opposing party ***must*** serve and file written notice of nonopposition or opposition thereto...stating facts showing why the motion and/or joinder should be denied. ***Failure of the opposing party to serve and file written opposition may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same.***

EDCR 2.20(e)(emphasis added); see also Musso v. Ortis, --Nev. --, 2013 WL 3205599 (June 14, 2013)(unpublished); Las Vegas Fetish & Fantasy Halloween Ball, Inc. v. Ahern Rentals, Inc., 124 Nev. 272, 182 P.3d 764 (2008).

B. ANDERSON'S MEMORANDUM OF COSTS DOES NOT CITE A LEGAL BASIS FOR AWARDING COSTS.

In its Motion, the Department asserted the Memorandum of Costs should be retaxed and Anderson receive no costs because Anderson did not cite (and does not possess) a legal basis for an award of costs. Anderson sought return of her property pursuant to Nevada Revised Statute

179.085 and that statute does not provide a basis for an award of costs and, instead, provides a sole remedy of returning the property and suppression of the same. See Nev. Rev. Stat. 179.085(2). Anderson failed to oppose this argument in the Motion and, therefore, the Motion should be granted pursuant to EDCR 2.20(e).

C. ANDERSON WOULD NOT BE ENTITLED TO AN AWARD OF COSTS UNDER NEVADA REVISED STATUTE 18.020.

Although Anderson did not cite Nevada Revised Statute 18.020 as a legal basis for awarding costs, even if she had, an award of costs under this statute is improper because Anderson did not receive a "judgment" as required by the statute. Again, Anderson did not oppose this argument and, therefore, conceded the same is meritorious.

D. THE MEMORANDUM OF COSTS IS UNTIMELY.

Finally, Anderson's Memorandum of Costs was untimely in the first instance – another argument raised by the Department. Again, Anderson did not oppose this argument, as she did not file an opposition to the Motion. This is particularly troubling, considering the Department notified Anderson's attorney that her Memorandum of Costs was untimely and requested the same be withdrawn; to which Anderson's counsel refused. Instead of withdrawing the untimely Memorandum, Anderson apparently wanted the Department to incur additional fees in challenging the Memorandum, only to elect to not file an opposition to the Motion to Retax.

IV. CONCLUSION

Anderson failed to file an opposition to the Motion to Retax and, under EDCR 2.20(e), the Motion should be granted for Anderson's failure to file an opposition.

Dated this 16 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

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
(702) 382-0711 FAX: (702) 382-5816

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **LVMPD'S REPLY IN SUPPORT OF MOTION TO RETAX COSTS** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 10th day of June, 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).

A-16-732077-C

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Civil Matters | COURT MINUTES | June 22, 2016

A-16-732077-C Laura Anderson, Plaintiff(s)
vs.
Las Vegas Metropolitan Police Department, Defendant(s)

June 22, 2016 | Chambers | All Pending Motions | All Pending Motions (06/22/16)

HEARD BY: Israel, Ronald J. COURTROOM: RJC Courtroom 15C

COURT CLERK: Kathy Klein

PARTIES
PRESENT: None

JOURNAL ENTRIES

- MOTION FOR ATTORNEYS' FEES AND COSTS AND AFFIDAVIT OF KATHLEEN BLISS ESQ. IN SUPPORT...LVMPD'S MOTION TO RETAX COSTS

Upon review of the papers and pleadings on file in this matter, COURT ORDERED, Matter SET for a hearing.

07/21/16 9:00 AM MOTION FOR ATTORNEYS' FEES AND COSTS AND AFFIDAVIT OF KATHLEEN BLISS ESQ. IN SUPPORT...LVMPD'S MOTION TO RETAX COSTS

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Kathleen Bliss, Esq. and Nicholas Crosby, Esq. (Marquis Aurbach Coffing)

STIP
Kathleen Bliss, Esq.
Nevada Bar No. 7606
E-mail: kb@kathleenblisslaw.com
Jason Hicks, Esq.
Nevada Bar No. 13149
E-mail: jh@kathleenblisslaw.com
Kathleen Bliss Law PLLC
400 S. 4th St., Suite 500
Las Vegas, NV 89101
Telephone: 702.793.4202
Facsimile: 702.793.4001

Attorneys for movant/real party in interest Laura Anderson

Electronically Filed
08/12/2016 12:21:18 PM

CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

File with Master Calendar

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.: A-16-732077-C DEPT NO.: XXVIII **STIPULATION TO CONTINUE HEARING ON MOTION FOR ATTORNEYS' FEES AND MOTION TO RETAX**

Laura Anderson, by and through counsel Kathleen Bliss, Esq., of the law firm Kathleen Bliss Law PLLC; and the Las Vegas Metropolitan Police Department, by and through counsel Nicholas Crosby, Esq., of the law firm Marquis Aurbach Coffing, hereby stipulate and agree as follows:

1. The Court set a hearing on Ms. Anderson's Motion for Attorneys' Fees and LVMPD's Motion to Retax for July 21, 2016, at 9:00 a.m.;
2. Counsel for Ms. Anderson is set to appear before the United States Congress to testify on issues regarding federal sentencing matters on July 21, 2016;
3. The earliest date counsel for both parties are available for hearing is August 9, 2016;

7/20/16 28

4. Accordingly, it is stipulated that the hearing currently scheduled for July 21, 2016, be VACATED and reset for August 9, 2016, at 9:00 a.m.

Dated this 19th day of July 2016.

By: */s/ Kathleen Bliss*
Kathleen Bliss, Esq.
KATHLEEN BLISS LAW PLLC
400 S. 4th. St., Suite 500
Las Vegas, NV 89101
Attorneys for Laura Anderson

By: *Nicholas D. Crosb*
Nicholas D. Crosby, Esq.
MARQUIS AURBACH COFFING
10001 Park Run Dr.
Las Vegas, NV 89145
Attorneys for LVMPD

ORDER

Based upon the stipulation of counsel, and good cause appearing, it is hereby ORDERED that the hearing on Plaintiff's Motion for Attorneys' Fees and Defendant's Motion to Retax currently set for July 21, 2016, be and the same hereby is VACATED.

IT IS FURTHER ORDERED that the hearing is reset for **August 9, 2016, at 9:00 a.m. in Department XXVIII.**

Dated this 21 day of July 2016.

Ronald J. Israel

THE HONORABLE RONALD J. ISRAEL

BB

CERTIFICATE OF SERVICE

The undersigned, an employee of Kathleen Bliss Law PLLC, hereby certifies that on this 19th day of July 2016, I did cause a true and correct copy of the:

STIPULATION TO CONTINUE HEARING ON MOTION FOR ATTORNEYS' FEES AND MOTION TO RETAX

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

Electronically Filed
08/18/2016 10:53:04 AM

CLERK OF THE COURT

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

LVMPD'S SUPPLEMENTAL BRIEF IN OPPOSITION TO THE MOTION FOR ATTORNEYS FEES

Las Vegas Metropolitan Police Department ("LVMPD" and/or "the Department"), by and through its counsel of record, Nick Crosby, Esq. with the law firm of Marquis Aurbach Coffing, hereby submits its Supplemental Brief in Opposition to the Motion for Attorneys Fees.

///

///

///

///

///

///

///

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

This Brief 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 18 day of August, 2016.

MARQUIS AURBACH COFFING

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

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

When the parties appeared before the Court on Laura Anderson's ("Plaintiff") Motion for Attorneys fees, Plaintiff's counsel – for the first time – provided billing statements in support of the Motion for Fees. Per order of the Court, the Department hereby submits its supplemental brief regarding the billing statements and hereby incorporates the arguments advanced in the Opposition to the Motion for Attorneys Fees.

II. STATEMENT OF FACTS AND ARGUMENT REGARDING BILLING

A. THE MOTION FOR FEES.

In the Motion for Fees, Plaintiff claimed $25,412.50 in attorneys fees, of which $10,000 was attributed to an initial retainer. In the affidavit in support of the motion for fees, Plaintiff's counsel stated that the hourly billing rate for Ms. Bliss was $300 and for Mr. Hicks, $225. (Afft., ¶ 9). The Motion did not include any billing statements for the claimed fees.

B. THE BILLING STATEMENTS.

In open court, Plaintiff's counsel provided LVMPD's counsel with three documents, to wit: a Client Fees Listing ("CLL") (**Exhibit A**); Invoice #39 (**Exhibit B**); and Invoice #39 (**Exhibit C**). Counsel also provided these documents to the Court during the hearing. Exhibit B and C are exact duplicates.

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
(702) 382-0711 FAX: (702) 382-5816

1. **Client Fees Listing.**

The CLL includes billing entries from October 30, 2015 through April 13, 2016. (Ex. A). The total amount of fees "billed" in Exhibit A is 9,560.00. (Ex. A at p. 2). The CLL includes a billing rate of $300/hr for Ms. Bliss, as Ms. Bliss stated in her affidavit, but for Mr. Hicks, the billing rate is $200/hr – not $225, as Ms. Bliss stated in her Affidavit. (*compare* Ex. A, p. 1 with Afft. of K. Bliss at ¶ 9).

Nearly every time entry in the CLL is duplicative to those identified in Exhibits B and C. One billed time entry that is not included in Exhibits B and C is a March 10, 2016 entry for attorney Bliss for 0.70 hours for the task, "review opposition and discuss with JH reply."[1] (Ex. A, p. 1). This entry totaled $210.00. Finally, there is an entry – the first entry – that totals $1,710.00 for "0.00" hours of work and there is no description of the work performed and, instead, the October 30, 2105 description of work states, "to be invoiced per KB/bank statement." (Id. at p. 1). This entry cannot be considered because it does not describe what work was performed, or the amount of time spent on the task and, therefore, the Court cannot evaluate whether the same is reasonable.

The total amount billed under the CLL is $9,560.00. (Id. at p. 2). Adjusting the CLL to reduce the phantom, unexplained $1,710 time entry, reduced the actual amount billed to **$7,850.00**, however, all of this time is incorporated in Exhibit B.

2. **Invoice 39.**

Because Exhibits B and C are the same, the Court need only look at one invoice for purposes of reviewing the itemization of fees. As set forth above, the CLL is encompassed in its entirety (with the execution of the 0.70 entry and the phantom $1,710, addressed *supra*), thus the total amount billed between the CLL and Exhibit B is incorrect, as the same time entries are duplicated. Interestingly, there are two entries in Invoice 39 which are included in the CLL, but

[1] There is an April 13, 2106 time entry for a timekeeper "SB" for 0.50 hours for the task of "Correspondence to client with attachment of court minutes, re: return of seized property," but it appears from the reconciliation on the second page of Exhibit A, this time was not billed to Plaintiff.

list a different length of time spent for the same tasks. Specifically, on page 4 of Exhibit B, there are the following entries:

03/31/2106	Meet with and prep client	0.50	$300	$150
03/31/2016	Attend hearing	0.50	$300	$150

(Ex. B at p. 4). In the CLL, these same entries are listed as being billed as follows:

Mar 31/2016	meet with client pre hearing	0.30	$300	$90
Mar 31/2016	attend hearing	0.40	$300	$120

(Ex. A at p. 1). There is clearly a deficiency in the billing records between the CLL and Invoice 39, which appears to reflect that Plaintiff was billed for 0.30 of time that either did not occur or was inflated after the fact (or a $90 increase in fees over the CLL). Furthermore, Invoice 39 lists a billing rate of $225/hr for attorney Hicks, but the CLL – for the same entries on Invoice 39 – bills his rate at $200/hr. Again, Plaintiff's counsel's records are not accurate in this regard. Moreover, Ms. Bliss billed a 0.40 (24 minutes) to "review electronic communication with Nick Crosby" on March 17, 2016. (Ex. B at p. 3). Attached hereto as exhibit D is the email counsel, according to the billing record, spent 24 minutes reviewing. **(Exhibit D)**. The entirety of the email contains four sentences between counsel and Mr. Hick's initial email on that date was sent at 4:47 pm and the undersigned responded at 4:58 pm (11 minutes later). Somehow, according to the billing entries, counsel spent 24 minutes drafting two sentences and reading two sentences. (Id.) This billing entry is unreasonable.

The motion for return of seized property was not filed until February 19, 2016. Invoice 39 includes 13 entries which are clearly not in preparation/drafting of the motion for return of seized property. (See Ex. B at p. 1, entries 08/19/15-10/30/15). These entries total $1,290.00. (Id.) The duplicate entries in Invoice 39 that also appear in the CLL total $8,812.00. Excluding the duplicative items, the total amount under Invoice 39 is $8,422.50. Because all of the CLL – with the exception of a $210 entry and the phantom $1,710 entry – are included in Invoice 39, the total amount of $8,422.50 (Invoice 39) plus the $210 entry, totals the actual amount billed as **$8,632.50**.

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

There is absolutely no record demonstrating what work, if any, was performed under the alleged $10,000 retainer and, as such, the Court cannot evaluate the $10,000 amount, as it has not been presented with *any evidence* that any portion of the $10,000 was used in furtherance of the return of property. Moreover, Ms. Bliss asserted in open Court during the hearing that much of the work she performed was credit repair for Plaintiff. Given Plaintiff's records, the absolute highest amount of fees incurred for which the Court can even consider is $8,632.50. By way of comparison, the undersigned generated $4,841.20 in this matter, at a rate of $190/hr (or roughly 25 hours). Even under Ms. Bliss' rate of $300/hr, that amount would be $7,500 or under Mr. Hicks' $225/hr rate, $5,625, or $5,000 under Mr. Hicks' billed rate of $200/hr under the CLL records. No matter which way the Court views it, it is clear the requested $25,412.50 is not supported by the records presented to the Court. Furthermore, given the glaring inconsistencies in the records provided by Plaintiff, and assuming the Court determines that Plaintiff has a legal basis to recover fees and that she met her burden of proof, the Department maintains the records are not sufficiently reliable for this Court to even issue an award of fees.

III. CONCLUSION

For the reasons set forth in the Opposition, the Department maintains Plaintiff is not entitled to any fees. However, even if Plaintiff is entitled to fees, the requested amount is unreasonable, inflated, undocumented and, therefore, cannot be awarded.

Dated this 18 day of August, 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
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **LVMPD'S SUPPLEMENTAL BRIEF IN OPPOSITION TO THE MOTION FOR ATTORNEYS FEES** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 18th day of August, 2016. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:[2]

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

[2] 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).

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

EXHIBIT "A"

Date / Entry #	Fee / Time Explanation	Working Lawyer	Hours	Amount	Inv#	Billing Status
23	Anderson, Laura					
23-001	Anderson, Laura - Nevada State Return of I					
Oct 30/2015	Fees To Lawyer KB	KB - Kathleen Bliss	0.00	1710.00	40	Billed
930	To be invoiced per KB/bank statement					
Dec 18/2015	Lawyer: JKH 1.00 Hrs X 200.00	JKH - Jason K Hicks	1.00	200.00	38	Billed
624	Review file in advance of drafting motion for return of property					
Dec 18/2015	Lawyer: JKH 1.10 Hrs X 200.00	JKH - Jason K Hicks	1.10	220.00	38	Billed
625	Legal research re: motion for return of property					
Dec 18/2015	Lawyer: JKH 1.90 Hrs X 200.00	JKH - Jason K Hicks	1.90	380.00	38	Billed
626	Begin drafting motion for return of property					
Jan 11/2016	Lawyer: JKH 0.80 Hrs X 200.00	JKH - Jason K Hicks	0.80	160.00	38	Billed
627	Conduct additional legal research re: motion for return of property					
Jan 11/2016	Lawyer: JKH 1.10 Hrs X 200.00	JKH - Jason K Hicks	1.10	220.00	38	Billed
628	Continue drafting motion for return of property					
Jan 14/2016	Lawyer: JKH 5.50 Hrs X 200.00	JKH - Jason K Hicks	5.50	1100.00	38	Billed
647	Draft motion for return of property					
Jan 14/2016	Lawyer: JKH 1.90 Hrs X 200.00	JKH - Jason K Hicks	1.90	380.00	38	Billed
648	Legal research re motion for return of property					
Jan 18/2016	Lawyer: JKH 0.80 Hrs X 200.00	JKH - Jason K Hicks	0.80	160.00	38	Billed
649	Meeting with client regarding return of property					
Jan 18/2016	Lawyer: JKH 0.90 Hrs X 200.00	JKH - Jason K Hicks	0.90	180.00	38	Billed
650	Draft affidavits for Laura and Kathleen in support of motion for return of property					
Jan 19/2016	Lawyer: JKH 0.70 Hrs X 200.00	JKH - Jason K Hicks	0.70	140.00	38	Billed
651	Additional legal research re motion for return of property					
Jan 27/2016	Lawyer: JKH 0.70 Hrs X 200.00	JKH - Jason K Hicks	0.70	140.00	38	Billed
673	Meeting with client regarding return of property					
Feb 9/2016	Lawyer: JKH 1.00 Hrs X 200.00	JKH - Jason K Hicks	1.00	200.00	38	Billed
688	Revise and supplemental Laura and Kathleen's affidavits in support of motion for return of property					
Feb 10/2016	Lawyer: JKH 2.80 Hrs X 200.00	JKH - Jason K Hicks	2.80	560.00	38	Billed
692	Revision, supplementation, and editing of motion for return of property					
Feb 11/2016	Lawyer: JKH 0.50 Hrs X 200.00	JKH - Jason K Hicks	0.50	100.00	38	Billed
694	Edit motion for return of property					
Feb 12/2016	Lawyer: JKH 0.30 Hrs X 200.00	JKH - Jason K Hicks	0.30	60.00	38	Billed
700	Edit motion and supporting affidavits					
Feb 12/2016	Lawyer: JKH 0.90 Hrs X 200.00	JKH - Jason K Hicks	0.90	180.00	38	Billed
701	Meeting with client					
Feb 17/2016	Lawyer: JKH 1.00 Hrs X 200.00	JKH - Jason K Hicks	1.00	200.00	38	Billed
706	Prepare motion for return of property including (exhibits, redactions, etc)					
Feb 18/2016	Lawyer: JKH 1.30 Hrs X 200.00	JKH - Jason K Hicks	1.30	260.00	38	Billed
710	Filing at state court, go to clerk's office, discuss with filing clerks					
Feb 18/2016	Lawyer: JKH 0.50 Hrs X 200.00	JKH - Jason K Hicks	0.50	100.00	38	Billed
714	Analysis of issues and formulate plan regarding hearing on motion for return of property with KB					
Feb 25/2016	Lawyer: JKH 0.60 Hrs X 200.00	JKH - Jason K Hicks	0.60	120.00	38	Billed
734	E-mails and phone calls with First Legal services regarding service of process on DA and LVMPD					
Feb 26/2016	Lawyer: JKH 0.40 Hrs X 200.00	JKH - Jason K Hicks	0.40	80.00	38	Billed
745	Draft certificate of service					
Feb 26/2016	Lawyer: JKH 0.30 Hrs X 200.00	JKH - Jason K Hicks	0.30	60.00	38	Billed
746	Revise and file certificate of service					
Feb 26/2016	Lawyer: JKH 0.10 Hrs X 200.00	JKH - Jason K Hicks	0.10	20.00	38	Billed
747	E-mail to client regarding setting of hearing date on motion for return of property					
Mar 4/2016	Lawyer: JKH 0.10 Hrs X 200.00	JKH - Jason K Hicks	0.10	20.00	59	Billed
1392	Email from opposing counsel regarding extension of time to oppose our motion					
Mar 10/2016	Lawyer: JKH 0.80 Hrs X 200.00	JKH - Jason K Hicks	0.80	160.00	59	Billed
1430	review and analysis of opposition to our motion in advance of drafting reply brief					
Mar 10/2016	Lawyer: KB 0.70 Hrs X 300.00	KB - Kathleen Bliss	0.70	210.00	59	Billed
1502	reveiw opposition and discuss with JH reply					
Mar 11/2016	Lawyer: JKH 0.70 Hrs X 200.00	JKH - Jason K Hicks	0.70	140.00	59	Billed
1435	Begin drafting reply brief in support of motion for return of property					
Mar 15/2016	Lawyer: JKH 0.20 Hrs X 200.00	JKH - Jason K Hicks	0.20	40.00	59	Billed
1443	Phone call with client regarding reply brief					
Mar 15/2016	Lawyer: JKH 0.10 Hrs X 200.00	JKH - Jason K Hicks	0.10	20.00	59	Billed
1444	Communication with opposition counsel regarding new hearing date					
Mar 15/2016	Lawyer: JKH 1.00 Hrs X 200.00	JKH - Jason K Hicks	1.00	200.00	59	Billed
1445	Continue drafting reply brief					
Mar 15/2016	Lawyer: JKH 1.10 Hrs X 200.00	JKH - Jason K Hicks	1.10	220.00	59	Billed
1446	Legal research on forfeiture issues between state and federal governments for reply brief					
Mar 21/2016	Lawyer: JKH 0.10 Hrs X 200.00	JKH - Jason K Hicks	0.10	20.00	59	Billed
1454	Review notice of change of hearing and letter					
Mar 21/2016	Lawyer: JKH 0.10 Hrs X 200.00	JKH - Jason K Hicks	0.10	20.00	59	Billed
1455	Communication with client regarding new hearing date					
Mar 24/2016	Lawyer: JKH 2.80 Hrs X 200.00	JKH - Jason K Hicks	2.80	560.00	59	Billed
1476	Complete draft, review, edit and supplement reply brief in support of motion for return of property					
Mar 24/2016	Lawyer: KB 0.80 Hrs X 300.00	KB - Kathleen Bliss	0.80	240.00	59	Billed
1503	finalize reply and discuss with client					
Mar 31/2016	Lawyer: KB 1.20 Hrs X 300.00	KB - Kathleen Bliss	1.20	360.00	59	Billed
1504	prepare for hearing by reviewing all filings, researching equitable relief and reviewing statute					
Mar 31/2016	Lawyer: KB 0.30 Hrs X 300.00	KB - Kathleen Bliss	0.30	90.00	59	Billed
1505	meet with client pre hearing					
Mar 31/2016	Lawyer: KB 0.40 Hrs X 300.00	KB - Kathleen Bliss	0.40	120.00	59	Billed
1506	attend hearing					
Mar 31/2016	Lawyer: KB 0.70 Hrs X 300.00	KB - Kathleen Bliss	0.70	210.00	59	Billed
1507	prepare order for court and send to counsel					
Apr 13/2016	Lawyer: SB 0.50 Hrs X 125.00	SB - Sylvia Bishai	0.50	62.50		Unbilled
1782	Correspondence to client with attachment of court minutes, re: return of seized property					

Client Fees Listing
ALL DATES
Working Lawyer

Date / Entry #	Fee / Time Explanation	Hours	Amount	Inv#	Billing Status
	Unbilled:	0.50	62.50		
	Billed:	37.20	9560.00		
	Total:	37.70	9622.50		
	Percent Billed:	98.67	99.35		

*** Summary by Working Lawyer ***

Working Lawyer	Hours						Fees					
	Unbilled	Firm %	Billed	Firm %	Total	% Bld	Unbilled	Firm %	Billed	Firm %	Total	% Bld
KB - Kathleen Bl	0.00	0.00	4.10	11.02	4.10	100.00	0.00	0.00	2940.00	30.75	2940.00	100.00
JKH - Jason K Hic	0.00	0.00	33.10	88.98	33.10	100.00	0.00	0.00	6620.00	69.25	6620.00	100.00
SB - Sylvia Bish	0.50	100.00	0.00	0.00	0.50	0.00	62.50	100.00	0.00	0.00	62.50	0.00
Firm Total	0.50	100.00	37.20	100.00	37.70	98.67	62.50	100.00	9560.00	100.00	9622.50	99.35

*** Summary by Responsible Lawyer ***

Responsible Lawyer	Hours						Fees					
	Unbilled	Firm %	Billed	Firm %	Total	% Bld	Unbilled	Firm %	Billed	Firm %	Total	% Bld
KB - Kathleen Bl	0.50	100.00	37.20	100.00	37.70	98.67	62.50	100.00	9560.00	100.00	9622.50	99.35
Firm Total	0.50	100.00	37.20	100.00	37.70	98.67	62.50	100.00	9560.00	100.00	9622.50	99.35

REPORT SELECTIONS - Client Fees Listing

Layout Template	Default
Advanced Search Filter	None
Requested by	JKH
Finished	Tuesday, August 09, 2016 at 08:44:23 AM
Ver	14.1 (14.1.20150324)
Date Range	ALL DATES
Matters	23-001
Clients	All
Major Clients	All
Client Intro Lawyer	All
Matter Intro Lawyer	All
Responsible Lawyer	All
Assigned Lawyer	All
Type of Law	All
Select From	Active, Inactive, Archived Matters
Matters Sort by	Default
New Page for Each Lawyer	No
Firm Totals Only	No
Client balances only	No
Matter balances only	No
Entries Shown - Billed Only	Yes
Entries Shown - Unbilled	Yes
Entries Shown - Billable Tasks	Yes
Entries Shown - Write Up/Down Tasks	Yes
Entries Shown - No Charge Tasks	Yes
Entries Shown - Non Billable Tasks	Yes
Working Lawyer	All

EXHIBIT "B"

Kathleen Bliss Law PLLC

INVOICE

400 South 4th Street
Las Vegas, NV 89101
United States
Phone: 702-793-4202
www.kathleenblisslaw.com

Invoice # 39
Date: 08/09/2016
Due On: 09/08/2016

Laura Anderson
2946 Cimini Ct.

Henderson, NV 89052

00006-Anderson

Anderson, Laura - Nevada State Return of Property

Type	Date	Notes	Quantity	Rate	Total
Service	08/19/2015	Electronic communication to Charlotte Bible and review response	0.30	$300.00	$90.00
Service	08/24/2015	Reviewed response/update from LVMPD re: response	0.50	$300.00	$150.00
Service	09/14/2015	Review medical marijuana cards and forward to LVMPD	0.20	$300.00	$60.00
Service	09/15/2015	Electronic communication to client re: call to LVMPD re: medical marijuana cards	0.10	$300.00	$30.00
Service	09/15/2015	Telephone call with Flores, re: status	0.30	$300.00	$90.00
Service	09/15/2015	Electronic communication with client	0.10	$300.00	$30.00
Service	09/18/2015	Meeting with client re: status	0.50	$300.00	$150.00
Service	10/23/2015	Update request for LVMPD	0.10	$300.00	$30.00
Service	10/23/2015	Telephone call with LVMPD Flores	0.30	$300.00	$90.00
Service	10/23/2015	Update client	0.20	$300.00	$60.00
Service	10/26/2015	Review article, re: medical marijuana arrests	0.20	$300.00	$60.00
Service	10/26/2015	Draft and sent letter to LVMPD; electronic communication to client	1.00	$300.00	$300.00
Service	10/30/2015	Forward letter with electronic communication to client	0.50	$300.00	$150.00
Service	12/18/2015	Review file in advance of drafting motion for return of property.	1.20	$225.00	$270.00
Service	12/18/2015	Legal research, re: motion for return of property.	1.10	$225.00	$247.50

Service	12/18/2015	Begin drafting motion for return of property	1.90	$225.00	$427.50
Service	01/11/2016	Conduct additional legal research, re: motion for return of property	0.80	$225.00	$180.00
Service	01/11/2016	Continue drafting motion for return of property	1.10	$225.00	$247.50
Service	01/14/2016	Draft motion for return of property	5.50	$225.00	$1,237.50
Service	01/14/2016	Legal research, re: motion for return of property	1.90	$225.00	$427.50
Service	01/18/2016	meeting with client re update and discussion of new law	1.00	$300.00	$300.00
Service	01/18/2016	Meeting with client regarding return of property	0.80	$225.00	$180.00
Service	01/18/2016	Draft affidavits for Laura and Kathleen in support of motion for return of property	0.90	$225.00	$202.50
Service	01/19/2016	Additional legal research, re: motion for return of property	0.70	$225.00	$157.50
Service	01/27/2016	Meeting with client	0.50	$300.00	$150.00
Service	01/27/2016	Meeting with client regarding return of property	0.70	$225.00	$157.50
Service	02/09/2016	Review draft and affidavit	0.50	$300.00	$150.00
Service	02/09/2016	Follow-up with client	0.10	$300.00	$30.00
Service	02/09/2016	Revise and supplemental Laura and Kathleen's affidavits in support of motion for return of property	1.00	$225.00	$225.00
Service	02/10/2016	Electronic communication with client re: affidavit	0.20	$300.00	$60.00
Service	02/10/2016	Revision, supplementation, and editing of motion for return of property	2.80	$225.00	$630.00
Service	02/11/2016	Electronic communication with client, re: affidavit	0.10	$300.00	$30.00
Service	02/11/2016	Review draft motion affidavit	0.50	$300.00	$150.00
Service	02/11/2016	Edit motion for return of property	0.50	$225.00	$112.50
Service	02/12/2016	meeting with client re preparation of documents in support of motion	1.00	$300.00	$300.00
Service	02/12/2016	Edit motion and supporting affidavits	0.30	$225.00	$67.50
Service	02/12/2016	Meeting with client	0.90	$225.00	$202.50
Service	02/17/2016	Prepare motion for return of property for filing (exhibits, redaction, etc.)	1.00	$225.00	$225.00
Service	02/18/2016	Filing at state court, go to clerk's office, discuss with filing clerks	1.30	$225.00	$292.50
Service	02/18/2016	Analysis of issues and formulate plan regarding hearing on motion for return of property with KB	0.50	$225.00	$112.50

Service	02/25/2016	Emails and phone calls with First Legal services regarding service of process on DA and LVMPD	0.60	$225.00	$135.00
Service	02/26/2016	Review hearing date	0.10	$300.00	$30.00
Service	02/26/2016	Draft certificate of service	0.40	$225.00	$90.00
Service	02/26/2016	Revise and file certificate of service	0.30	$225.00	$67.50
Service	02/26/2016	Email to client regarding setting of hearing date on motion for return of property	0.10	$225.00	$22.50
Service	03/04/2016	Electronic communication with Nick Crosby	0.10	$300.00	$30.00
Service	03/04/2016	Response to electronic communication with Nick Crosby	0.10	$300.00	$30.00
Service	03/04/2016	Email from opposing counsel regarding extension of time to oppose our motion	0.10	$225.00	$22.50
Service	03/10/2016	Review opposition and discuss with Jason for preparation of Reply	0.70	$300.00	$210.00
Service	03/10/2016	Review and analysis of opposition to our motion in advance of drafting reply brief	0.80	$225.00	$180.00
Service	03/11/2016	Begin drafting reply brief in support of motion for return of property	0.70	$225.00	$157.50
Service	03/15/2016	Electronic communication with Nick Crosby: re: date	0.10	$300.00	$30.00
Service	03/15/2016	Phone call with client regarding reply brief	0.20	$225.00	$45.00
Service	03/15/2016	Communication with opposing counsel regarding new hearing date	0.10	$225.00	$22.50
Service	03/15/2016	Continue drafting reply brief	1.00	$225.00	$225.00
Service	03/15/2016	Legal research on forfeiture issues between state and federal governments for reply brief	1.10	$225.00	$247.50
Service	03/17/2016	Review electronic communication with Nick Crosby	0.40	$300.00	$120.00
Service	03/18/2016	Review letter, re: reschedule	0.10	$300.00	$30.00
Service	03/18/2016	Electronic communication with Crosby, re: date	0.10	$300.00	$30.00
Service	03/21/2016	Review notice of change of hearing and letter	0.10	$225.00	$22.50
Service	03/21/2016	Communication with client regarding new hearing date	0.10	$225.00	$22.50
Service	03/24/2016	Finalize Reply and discuss with client	0.80	$300.00	$240.00
Service	03/24/2016	Complete draft, review, edit, and supplement reply brief in support of motion for return of property	2.80	$225.00	$630.00
Service	03/25/2016	Review electronic communication from Crosby's office	0.10	$300.00	$30.00
Service	03/25/2016	Response to Nick Crosby	0.10	$300.00	$30.00

Service	03/25/2016	Review electronic communication from court	0.10	$300.00	$30.00
Service	03/25/2016	Response to court	0.10	$300.00	$30.00
Service	03/31/2016	Meet with and prep client	0.50	$300.00	$150.00
Service	03/31/2016	Attend hearing	0.50	$300.00	$150.00
Service	03/31/2016	Prepare Order for court and send to counsel	0.70	$300.00	$210.00
Service	03/31/2016	Revised Order	0.50	$300.00	$150.00
Service	03/31/2016	Prepare for hearing by reviewing all filings, researching equitable relief and reviewing statute	1.20	$300.00	$360.00
Service	04/06/2016	Correspond with opposing counsel re: proposed order on motion for return of property	0.10	$225.00	$22.50
Service	04/07/2016	Analysis of fees	0.50	$300.00	$150.00
Service	04/10/2016	Plan for filing and attorney fees	0.50	$300.00	$150.00
Service	04/11/2016	Update client	0.10	$300.00	$30.00
Service	04/12/2016	Electronic communication with client	0.10	$300.00	$30.00
Service	04/12/2016	Additional electronic communication with client	0.10	$300.00	$30.00
Service	04/12/2016	Research availability of attorneys fees and/or damages under NV law	1.30	$225.00	$292.50
Service	04/14/2016	Final Order for court signature	0.10	$300.00	$30.00
Service	04/14/2016	Edit proposed order on motion for return of property	0.40	$225.00	$90.00
Service	04/14/2016	Draft letter to judge's chambers re: status of proposed order	0.30	$225.00	$67.50
Service	04/14/2016	Correspond with opposing counsel re: proposed order	0.10	$225.00	$22.50
Service	04/15/2016	Begin drafting motion for attorneys fees and costs	2.10	$225.00	$472.50
Service	04/15/2016	Legal research on recovering fees and costs in this scenario	1.90	$225.00	$427.50
Service	04/26/2016	Review signed Order	0.10	$300.00	$30.00
Service	04/26/2016	Review signed Order	0.20	$300.00	$60.00
Service	04/26/2016	Electronic communication with client, re: deadline	0.20	$300.00	$60.00
Service	04/26/2016	Telephone call to Nick Crosby	0.10	$300.00	$30.00
Service	04/26/2016	Draft notice of entry of order	0.20	$225.00	$45.00
Service	05/11/2016	Communications with counsel for LVMPD re: status of return of property	0.30	$300.00	$90.00
Service	05/13/2016	Communications with client	0.50	$300.00	$150.00

Service	05/16/2016	Complete, edit, supplement, and finalize motion for attorneys fees and costs	3.90	$225.00	$877.50
Service	05/16/2016	Draft KB affidavit in support of motion for fees and costs	0.70	$225.00	$157.50
Service	05/16/2016	Phone call with client	0.20	$225.00	$45.00
Service	05/16/2016	Phone call with client	0.20	$300.00	$60.00
Service	05/16/2016	Edit/revise motion for attorneys' fees and costs and my affidavit in support	0.50	$300.00	$150.00
Service	05/16/2016	Complete motion for attorneys fees and costs	3.90	$225.00	$877.50
Service	05/16/2016	draft affidavit in support of motion for fees	0.80	$225.00	$180.00
Service	05/20/2016	communications with Nick Crosby, Greg Flores and Laura Anderson re property for release	0.80	$300.00	$240.00
Service	05/20/2016	Communication with client re: case status	0.10	$300.00	$30.00
Service	05/21/2016	Communication with client re: case status	0.20	$300.00	$60.00
Service	05/23/2016	Communication with client re: case status	0.10	$300.00	$30.00
Service	05/23/2016	Review state's motion to relax	0.30	$225.00	$67.50
Service	05/24/2016	Communication with client re: case status	0.20	$300.00	$60.00
Service	06/06/2016	review LVMPD opposition and communicate with client re equipment and share opposition	0.30	$300.00	$90.00
Service	06/06/2016	Review LVMPD's opposition to our motion for attorney fees	0.40	$225.00	$90.00
Service	06/06/2016	Begin drafting reply in support of motion for fees	1.00	$225.00	$225.00
Service	06/15/2016	Complete reply brief in support of motion for attorneys fees	2.40	$225.00	$540.00
Service	06/15/2016	Edit/revise/supplement reply brief in support of motion for attorneys fees	0.50	$225.00	$112.50
Service	06/16/2016	finalize reply brief	0.80	$300.00	$240.00

Total **$18,255.00**

Detailed Statement of Account

Current Invoice

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
39	09/08/2016	$18,255.00	$0.00	$18,255.00
			Outstanding Balance	**$18,255.00**
			Total Amount Outstanding	**$18,255.00**

Please make all amounts payable to: Kathleen Bliss Law PLLC

Please pay within 30 days.

EXHIBIT "C"

Kathleen Bliss Law PLLC

INVOICE

400 South 4th Street
Las Vegas, NV 89101
United States
Phone: 702-793-4202
www.kathleenblisslaw.com

Invoice # 39
Date: 08/09/2016
Due On: 09/08/2016

Laura Anderson
2946 Cimini Ct.

Henderson, NV 89052

00006-Anderson

Anderson, Laura - Nevada State Return of Property

Type	Date	Notes	Quantity	Rate	Total
Service	08/19/2015	Electronic communication to Charlotte Bible and review response	0.30	$300.00	$90.00
Service	08/24/2015	Reviewed response/update from LVMPD re: response	0.50	$300.00	$150.00
Service	09/14/2015	Review medical marijuana cards and forward to LVMPD	0.20	$300.00	$60.00
Service	09/15/2015	Electronic communication to client re: Call to LVMPD re: medical marijuana cards	0.10	$300.00	$30.00
Service	09/15/2015	Telephone call with Flores, re: status	0.30	$300.00	$90.00
Service	09/15/2015	Electronic communication with client	0.10	$300.00	$30.00
Service	09/18/2015	Meeting with client re: status	0.50	$300.00	$150.00
Service	10/23/2015	Update received from LVMPD	0.10	$300.00	$30.00
Service	10/23/2015	Telephone call with LVMPD Flores	0.30	$300.00	$90.00
Service	10/23/2015	Update client	0.20	$300.00	$60.00
Service	10/26/2015	Review article, re: medical marijuana arrests	0.20	$300.00	$60.00
Service	10/26/2015	Draft and sent letter to LVMPD, electronic communication to client	1.00	$300.00	$300.00
Service	10/30/2015	Forward letter with electronic communication to client	0.50	$300.00	$150.00
Service	12/18/2015	Review file in advance of drafting motion for return of property.	1.20	$225.00	$270.00
Service	12/18/2015	Legal research, re: motion for return of property.	1.10	$225.00	$247.50

Service	12/18/2015	Begin drafting motion for return of property	1.90	$225.00	$427.50
Service	01/11/2016	Conduct additional legal research, re: motion for return of property	0.80	$225.00	$180.00
Service	01/11/2016	Continue drafting motion for return of property	1.10	$225.00	$247.50
Service	01/14/2016	Draft motion for return of property	5.50	$225.00	$1,237.50
Service	01/14/2016	Legal research, re: motion for return of property	1.90	$225.00	$427.50
Service	01/18/2016	meeting with client re update and discussion of new law	1.00	$300.00	$300.00
Service	01/18/2016	Meeting with client regarding return of property	0.80	$225.00	$180.00
Service	01/18/2016	Draft affidavits for Laura and Kathleen in support of motion for return of property	0.90	$225.00	$202.50
Service	01/19/2016	Additional legal research, re: motion for return of property	0.70	$225.00	$157.50
Service	01/27/2016	Meeting with client	0.50	$300.00	$150.00
Service	01/27/2016	Meeting with client regarding return of property	0.70	$225.00	$157.50
Service	02/09/2016	Review draft and affidavit	0.50	$300.00	$150.00
Service	02/09/2016	Follow-up with client	0.10	$300.00	$30.00
Service	02/09/2016	Revise and supplemental Laura and Kathleen's affidavits in support of motion for return of property	1.00	$225.00	$225.00
Service	02/10/2016	Electronic communication with client re: affidavit	0.20	$300.00	$60.00
Service	02/10/2016	Revision, supplementation, and editing of motion for return of property	2.80	$225.00	$630.00
Service	02/11/2016	Electronic communication with client re: affidavit	0.10	$300.00	$30.00
Service	02/11/2016	Review draft motion affidavit	0.50	$300.00	$150.00
Service	02/11/2016	Edit motion for return of property	0.50	$225.00	$112.50
Service	02/12/2016	meeting with client re preparation of documents in support of motion	1.00	$300.00	$300.00
Service	02/12/2016	Edit motion and supporting affidavits	0.30	$225.00	$67.50
Service	02/12/2016	Meeting with client	0.90	$225.00	$202.50
Service	02/17/2016	Prepare motion for return of property for filing (exhibits, redaction, etc.)	1.00	$225.00	$225.00
Service	02/18/2016	Filing at state court, go to clerk's office, discuss with filing clerks	1.30	$225.00	$292.50
Service	02/18/2016	Analysis of issues and formulate plan regarding hearing on motion for return of property with KB	0.50	$225.00	$112.50

Service	02/25/2016	Emails and phone calls with First Legal services regarding service of process on DA and LVMPD	0.60	$225.00	$135.00
Service	02/26/2016	Review hearing date	0.10	$300.00	$30.00
Service	02/26/2016	Draft certificate of service	0.40	$225.00	$90.00
Service	02/26/2016	Revise and file certificate of service	0.30	$225.00	$67.50
Service	02/26/2016	Email to client regarding setting of hearing date on motion for return of property	0.10	$225.00	$22.50
Service	03/04/2016	Electronic communication with Nick Crosby	0.10	$300.00	$30.00
Service	03/04/2016	Response to electronic communication with Nick Crosby	0.10	$300.00	$30.00
Service	03/04/2016	Email from opposing counsel regarding extension of time to oppose our motion	0.10	$225.00	$22.50
Service	03/10/2016	Review opposition and discuss with Jason for preparation of Reply	0.70	$300.00	$210.00
Service	03/10/2016	Review and analysis of opposition to our motion in advance of drafting reply brief	0.80	$225.00	$180.00
Service	03/11/2016	Begin drafting reply brief in support of motion for return of property	0.70	$225.00	$157.50
Service	03/15/2016	Electronic communication with Nick Crosby, re: date	0.10	$300.00	$30.00
Service	03/15/2016	Phone call with client regarding reply brief	0.20	$225.00	$45.00
Service	03/15/2016	Communication with opposing counsel regarding new hearing date	0.10	$225.00	$22.50
Service	03/15/2016	Continue drafting reply brief	1.00	$225.00	$225.00
Service	03/15/2016	Legal research on forfeiture issues between state and federal governments for reply brief	1.10	$225.00	$247.50
Service	03/17/2016	Review electronic communication with Nick Crosby	0.40	$300.00	$120.00
Service	03/18/2016	Review letter, re: reschedule	0.10	$300.00	$30.00
Service	03/18/2016	Electronic communication with Crosby, re: date	0.10	$300.00	$30.00
Service	03/21/2016	Review notice of change of hearing and letter	0.10	$225.00	$22.50
Service	03/21/2016	Communication with client regarding new hearing date	0.10	$225.00	$22.50
Service	03/24/2016	Finalize Reply and discuss with client	0.80	$300.00	$240.00
Service	03/24/2016	Complete draft, review, edit, and supplement reply brief in support of motion for return of property	2.80	$225.00	$630.00
Service	03/25/2016	Review electronic communication from Crosby's office	0.10	$300.00	$30.00
Service	03/25/2016	Response to Nick Crosby	0.10	$300.00	$30.00

Service	03/25/2016	Review electronic communication from court	0.10	$300.00	$30.00
Service	03/25/2016	Response to court	0.10	$300.00	$30.00
Service	03/31/2016	Meet with and prep client	0.50	$300.00	$150.00
Service	03/31/2016	Attend hearing	0.50	$300.00	$150.00
Service	03/31/2016	Prepare Order for court and send to counsel	0.70	$300.00	$210.00
Service	03/31/2016	Revised Order	0.50	$300.00	$150.00
Service	03/31/2016	Prepare for hearing by reviewing all filings, researching equitable relief and reviewing statute	1.20	$300.00	$360.00
Service	04/06/2016	Correspond with opposing counsel re: proposed order on motion for return of property	0.10	$225.00	$22.50
Service	04/07/2016	Analysis of fees	0.50	$300.00	$150.00
Service	04/10/2016	Plan for filing and attorney fees	0.50	$300.00	$150.00
Service	04/11/2016	Update client	0.10	$300.00	$30.00
Service	04/12/2016	Electronic communication with client	0.10	$300.00	$30.00
Service	04/12/2016	Additional electronic communication with client	0.10	$300.00	$30.00
Service	04/12/2016	Research availability of attorneys fees and/or damages under NV law	1.30	$225.00	$292.50
Service	04/14/2016	Final Order for court signature	0.10	$300.00	$30.00
Service	04/14/2016	Edit proposed order on motion for return of property	0.40	$225.00	$90.00
Service	04/14/2016	Draft letter to judge's chambers re: status of proposed order	0.30	$225.00	$67.50
Service	04/14/2016	Correspond with opposing counsel re: proposed order	0.10	$225.00	$22.50
Service	04/15/2016	Begin drafting motion for attorneys fees and costs	2.10	$225.00	$472.50
Service	04/15/2016	Legal research on recovering fees and costs in this scenario	1.90	$225.00	$427.50
Service	04/26/2016	Review signed Order	0.10	$300.00	$30.00
Service	04/26/2016	Review signed Order	0.20	$300.00	$60.00
Service	04/26/2016	Electronic communication with client re: deadline	0.20	$300.00	$60.00
Service	04/26/2016	Telephone call to Nick Crosby	0.10	$300.00	$30.00
Service	04/26/2016	Draft notice of entry of order	0.20	$225.00	$45.00
Service	05/11/2016	Communications with counsel for LVMPD re: status of return of property	0.30	$300.00	$90.00
Service	05/13/2016	Communications with client	0.50	$300.00	$150.00

Service	05/16/2016	Complete, edit, supplement, and finalize motion for attorneys fees and costs	3.90	$225.00	$877.50
Service	05/16/2016	Draft KB affidavit in support of motion for fees and costs	0.70	$225.00	$157.50
Service	05/16/2016	Phone call with client	0.20	$225.00	$45.00
Service	05/16/2016	Phone call with client	0.20	$300.00	$60.00
Service	05/16/2016	Edit/revise motion for attorneys' fees and costs and my affidavit in support	0.50	$300.00	$150.00
Service	05/16/2016	Complete motion for attorneys fees and costs	0.90	$225.00	$877.50
Service	05/16/2016	draft affidavit in support of motion for fees	0.80	$225.00	$180.00
Service	05/20/2016	communications with Nick Crosby, Greg Flores and Laura Anderson re property for release	0.80	$300.00	$240.00
Service	05/20/2016	Communication with client re: case status	0.10	$300.00	$30.00
Service	05/21/2016	Communication with client re: case status	0.20	$300.00	$60.00
Service	05/23/2016	Communication with client re: case status	0.10	$300.00	$30.00
Service	05/23/2016	Review state's motion to retax	0.30	$225.00	$67.50
Service	05/24/2016	Communication with client re: case status	0.20	$300.00	$60.00
Service	06/06/2016	review LVMPD opposition and communicate with client re equipment and share opposition	0.30	$300.00	$90.00
Service	06/06/2016	Review LVMPD's opposition to our motion for attorney fees	0.40	$225.00	$90.00
Service	06/06/2016	Begin drafting reply in support of motion for fees	1.00	$225.00	$225.00
Service	06/15/2016	Complete reply brief in support of motion for attorneys fees	2.40	$225.00	$540.00
Service	06/15/2016	Edit/revise/supplement reply brief in support of motion for attorneys fees	0.50	$225.00	$112.50
Service	06/16/2016	finalize reply brief	0.80	$300.00	$240.00

Total **$18,255.00**

Detailed Statement of Account

Current Invoice

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
39	09/08/2016	$18,255.00	$0.00	$18,255.00
			Outstanding Balance	**$18,255.00**
			Total Amount Outstanding	**$18,255.00**

Please make all amounts payable to: Kathleen Bliss Law PLLC

Please pay within 30 days.

EXHIBIT "D"

Nick Crosby

From: Nick Crosby
Sent: Thursday, March 17, 2016 4:58 PM
To: Jason Hicks
Cc: Kathleen Bliss; Candice Casale; Suzanne Boggs
Subject: Re: Laura Anderson v. LVMPD [IWOV-iManage.FID875501]

I will have my office take care of it.

Suzanne - Can you please call the court and advise it that we need a new date for the hearing in this motion for the return of seized property? 5166-687

Thanks!
Sent from Nick's iPhone

Nick

On Mar 17, 2016, at 4:47 PM, Jason Hicks <jh@kathleenblisslaw.com> wrote:

Nick, is your office taking care of informing the court/has that happened? I believe our reply would be due today with the current hearing date, so want to make sure we don't miss that deadline.

Sent from my iPhone

On Mar 15, 2016, at 4:31 PM, Jason Hicks <jh@kathleenblisslaw.com> wrote:

Hi Nick. That is fine with us—the following Wednesday or Friday works best. Thank you.

<image001.png>

Jason Hicks / Attorney
jh@kathleenblisslaw.com

Kathleen Bliss Law PLLC
Office: 702.793.4201 / Fax: 702.793.4001
400 S. 4th St., Suite 500
Las Vegas, NV 89101
www.kathleenblisslaw.com

From: Nick Crosby [mailto:NCrosby@maclaw.com]
Sent: Tuesday, March 15, 2016 4:22 PM
To: Kathleen Bliss <kb@kathleenblisslaw.com>
Cc: Candice Casale <ccasale@maclaw.com>; Jason Hicks <jh@kathleenblisslaw.com>
Subject: RE: Laura Anderson v. LVMPD [IWOV-iManage.FID875501]

Hi Kathleen – I see that the motion is set for the 24th. I am going to be out of the country and do not return until late the 24th. Are you agreeable to seeing if the court will move the hearing to the following week?

Thanks!

From: Kathleen Bliss [mailto:kb@kathleenblisslaw.com]
Sent: Friday, March 04, 2016 12:00 PM
To: Nick Crosby
Cc: Candice Casale; Jason Hicks
Subject: RE: Laura Anderson v. LVMPD [IWOV-iManage.FID875501]

Certainly! I look forward to working with you.
BTW – My husband is Ted Quasula. Your firm represents him and the company that he operates. I don't see any conflict, but I wanted to let you know as I recognize Candice's name.
Finally, I am copying my associate, Jason Hicks.
Take care.
kb

From: Nick Crosby [mailto:NCrosby@maclaw.com]
Sent: Friday, March 4, 2016 11:17 AM
To: Kathleen Bliss <kb@kathleenblisslaw.com>
Cc: Candice Casale <ccasale@maclaw.com>
Subject: Laura Anderson v. LVMPD [IWOV-iManage.FID875501]

Good Morning Kathleen – The Department retained me to represent it in your motion for the return or seized property. In looking at the deadline, it appears a response is due March 7. I am in arbitration all day that day and I was wondering if you would be agreeable to a brief extension of time to March 10? Additionally, I am working with Det. Flores to determine whether a need exists to retain the property identified in the motion. I appreciate your professional courtesy in this regard.

Thank You,

<image003.jpg>
Nicholas D. Crosby, Esq.
10001 Park Run Drive
Las Vegas, NV 89145
t | 702.942.2133
f | 702.856.8932
ncrosby@maclaw.com | vcard
maclaw.com

Electronically Filed
08/30/2016 08:30:54 PM

CLERK OF THE COURT

SUPP
Kathleen Bliss, Esq.
Nevada Bar No. 7606
E-mail: kb@kathleenblisslaw.com
Jason Hicks, Esq.
Nevada Bar No. 13149
E-mail: jh@kathleenblisslaw.com
Kathleen Bliss Law PLLC
400 S. 4th St., Suite 500
Las Vegas, NV 89101
Telephone: 702.793.4202
Facsimile: 702.793.4001

Attorneys for movant/real party in interest Laura Anderson

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.: A-16-732077-C DEPT NO.: XXVIII **RESPONSE TO LVMPD'S SUPPLEMENTAL BRIEF ON LAURA ANDERSON'S MOTION FOR ATTORNEYS' FEES AND COSTS**

Movant/real party in interest, Laura Anderson, by and through counsel Kathleen Bliss, Esq., and Jason Hicks, Esq., of the law firm Kathleen Bliss Law PLLC, hereby submits this reply to LVMPD's supplemental brief on Ms. Anderson's motion for attorneys' fees and costs. LVMPD's supplement and Ms. Anderson's response were ordered by the Court at the August 9, 2016, hearing on Ms. Anderson's motion for attorneys' fees and LVMPD's motion to retax costs.

///

///

///

MEMORANDUM OF POINTS AND AUTHORITIES

LMVPD's supplement creates a confusing mess out of very simple billing records. To clarify: Exhibits B and C as included and referenced in LVMPD's supplement are simply two copies of the same statement. There was no reason to include both, other than to generate confusion.

Second, Exhibit A to LVMPD's supplement is a printout of time entered into an accounting/timekeeping program called "PCLaw." This time was rolled over into a program called "Clio" when Ms. Anderson's counsel's firm made that transition in May 2016. The Clio statement is attached as Exhibit B (and again as Exhibit C) to LVMPD's supplement. The total amount listed in the Clio invoice of $18,255.00 (invoice 39, Exhibits B and C to LVMPD's supplement) also includes everything already reflected in the PCLaw invoice (LVMPD's Exhibit A). It is the total amount as of the day it was ran (June 16, 2016), not including the $10,000 retainer Ms. Anderson had previously paid.

Thus, $28,255.00 is the current and operative total through the date of the hearing on this motion. To be clear, counsel was originally retained by Ms. Anderson when counsel was working for the law firm Lewis Brisbois Bisgaard & Smith ("LBBS"). Ms. Anderson paid the $10,000 retainer to LBBS, which was then exhausted while counsel was still with LBBS. Counsel does not have access to LBBS' billing records, which is why an itemized statement reflecting the hours and tasks that consumed the original $10,000 retainer was not provided. Since leaving LBBS, $18,255.00 in fees have been generated.

LVMPD thus misrepresents the total amount billed. The "CLL"—as LVMPD puts it—is the PCLaw invoice. LVMPD's repeated assertion of and reliance on a $9,560.00 amount is incorrect and misleading. This $9,560.00 amount is reflected in the PCLaw invoice, which counsel stopped using in March 2016. The Court can see for itself on LVMPD's Exhibit A. Rather, the correct amount, less the original $10,000, is reflected in LVMPD's Exhibits B/C s **$18,255.00**, which is current through June 2016. All of counsel's time post-LBBS is on the Clio invoice.

With regard to the fees themselves, LVMPD's supplement does little to contest the overall fees amount, and instead takes issue with minutiae. Counsel responds to each in turn as follows.

1. **Inclusion of the itemized billing statements in the original motion for fees is not required.**

In its opposition to Ms. Anderson's motion for fees and at the hearing on the same, LVMPD asserted that Ms. Anderson did not comply with the requirements of *Brunzell v. Golden Gate National Bank*, 85 Nev. 345 (Nev. 1969) because she failed to include an itemized billing statement in her original motion. This Court agreed.

However, nothing in the language of *Brunzell* makes the inclusion of an itemized statement in the motion a requirement. In fact, the language of *Brunzell* demonstrates that an itemized statement is **not** required at any time, much less at the time of filing the motion:

> We turn to consider appellant's other assignment of error-that the district judge abused his discretion in allowing respondent counsel fees in the sum of $5,000. Counsel for the respondent took the witness stand and testified regarding the nature and extent of the services he performed. During cross-examination, respondent's counsel admitted that he had not kept an hourly schedule of time expended. Appellant urges that in the absence of such a schedule the trial judge was unable to justify the $5,000 award for counsel fees made to respondent in the case. **We do not agree.** While hourly time schedules are helpful in establishing the value of counsel services, other factors may be equally significant.

Brunzell, 85 Nev. at 349 (emphasis added).

Not only did counsel in *Brunzell* fail to provide an itemized billing statement, he admitted that he did not even keep one. *Id.* The Supreme Court noted that an itemized statement would be helpful, but stated that it was not required. By contrast here, counsel for Ms. Anderson did keep an itemized statement. However, LVMPD did not request it in its opposition to Ms. Anderson's motion for fees. Ms. Anderson made clear in her reply brief that those statements were nevertheless available for LVMPD's review. LVMPD again did not request them. Regardless, counsel brought said statements to the hearing and provided them to counsel for LVMPD anyways.

Brunzell created a showing of four, and only four, requirements: "(1) the qualities of the

advocate: his ability, his training, education, experience, professional standing and skill; (2) the character of the work to be done: its difficulty, its intricacy, its importance, time and skill required, the responsibility imposed and the prominence and character of the parties where they affect the importance of the litigation; (3) the work actually performed by the lawyer: the skill, time and attention given to the work; (4) the result: whether the attorney was successful and what benefits were derived." *Id.* at 349. A showing of these four requirements was made in Ms. Anderson's original briefing on the fees issue. In fact, LVMPD has already conceded that counsel for Ms. Anderson meets all four of the *Brunzell* requirements. Ms. Anderson **has** complied with *Brunzell*. LVMPD takes issue only with the "discrepancies" in the billing statements, of which Ms. Anderson submits there are none.

2. <u>There are no discrepancies between the statements</u>.

As referenced above, counsel recently changed accounting/billing software and transitioned from "PCLaw" to "Clio" in early 2016. This accounts for the two different (by appearance) itemized billing statements. This was explained to LVMPD's counsel immediately after the hearing when they met and conferred as ordered by the Court. LVMPD's counsel indicated he understood.

There are no "duplicative" entries—the Clio statements (which LVMPD refers to as Exhibits B and C) are current through the time of filing the motion, and <u>include</u> the entries that were reflected in the PCLaw program. Counsel for Ms. Anderson provided both simply to give LMPVD a full accounting, although unnecessary, which seems to have served only to create confusion on LVMPD's part.

Further, Mr. Hicks' rate as reflected in the PCLaw statements of $200 was simply input incorrectly into the software—a clerical error. Ms. Anderson did <u>not</u> pay her bill at that $200 rate. Instead, the engagement agreement clearly sets Mr. Hicks' rate at $225. This administrative error was corrected when the firm switched to Clio and the entries from PCLaw were transferred over, and all of Mr. Hicks' time has actually been billed at that rate.

3. The e-mails raised in LVMPD's supplement.

Counsel generally enters a billing entry of "0.1" for a standard e-mail sent or reviewed. This is typical among every attorney following the billable hour model that counsel has ever encountered. The "0.4" time entry is simply the sum of four "0.1" entries, reflecting e-mails sent and received throughout that day. If counsel had billed those e-mails as four separate "0.1" entries, it is doubtful LVMPD would have taken issue. It should make no difference that counsel added them up as a single entry on this particular occasion. Regardless, it is an issue of only $120.00.

II. CONCLUSION

To summarize, $28,255.00 in fees have been incurred since the inception of this matter through the evening prior to the hearing on Ms. Anderson's motion for fees (which occurred June 16, 2016). Counsel for Ms. Anderson does not have access to the billing records that detail how Ms. Anderson's original $10,000 payment was spent, as that payment was made to counsel's previous firm, LBBS. While this itemized account is not required under *Brunzell*, if the Court does deems this fatal, then Ms. Anderson submits that she is nevertheless entitled to $18,255.00 in fees, which have been incurred while counsel has worked for Kathleen Bliss Law PLLC, and the detailed billing records accounting for this $18,255.00 have been provided.

Dated this 30th day of August 2016.

Respectfully submitted,

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: 702.793.4202
Facsimile: 702.793.4001
Attorneys for Laura Anderson

CERTIFICATE OF SERVICE

The undersigned, an employee of Kathleen Bliss Law PLLC, hereby certifies that on this 30th day of August 2016, I did cause a true and correct copy of the **RESPONSE TO LVMPD'S SUPPLEMENTAL BRIEF ON LAURA ANDERSON'S 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

Other Civil Matters | **COURT MINUTES** | **September 07, 2016**

A-16-732077-C Laura Anderson, Plaintiff(s)
vs.
Las Vegas Metropolitan Police Department, Defendant(s)

September 07, 2016 **Chambers** **Decision** **Decision regarding Attorney Fees & Status of return of property**

HEARD BY: Israel, Ronald J. **COURTROOM:** RJC Courtroom 15C

COURT CLERK: Kathy Klein

PARTIES PRESENT: None

JOURNAL ENTRIES

- Upon review of the papers and pleadings on file in this Matter, COURT ORDERED Attorney Fees & Status of Return of Property, GRANTED IN PART. Court will award $18,255.00, detailed in the invoices, based upon NRS 18.010 and property obtained by Plaintiff, prevailing party.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Kathleen Bliss, Esq. and Nicholas Crosby, Esq. (Marquis Aurbach Coffing) kk /09/12/16.

Electronically Filed
09/21/2016 12:02:06 PM

ORIGINAL

CLERK OF THE COURT

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: 9/7/2016

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

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

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

Electronically Filed
09/22/2016 09:38:56 AM

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 22 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
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** 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

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

[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

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: 9/7/2016

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

3. Anderson's Motion for Costs is DENIED.

IT IS SO ORDERED.

Dated this 20 day of Sept, 2016.

Ronald J. Israel
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

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

Electronically Filed
10/13/2016 02:56:50 PM

CLERK OF THE COURT

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

NOTICE OF APPEAL

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

Dated this 13th day of October, 2016.

MARQUIS AURBACH COFFING

By */s/ Nick D. Crosby, Esq.*
Nick D. Crosby, Esq.
Nevada Bar No. 8996
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorney(s) for LVMPD*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 APPEAL** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 18th 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

Suzanne Bagg
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).

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

EXHIBIT "1"

ORIGINAL

CLERK OF THE COURT

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: 9/7/2016

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

3. Anderson's Motion for Costs is DENIED.

IT IS SO ORDERED.

Dated this 20 day of Oct, 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

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

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

Electronically Filed
10/13/2016 02:57:50 PM

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

CASE APPEAL STATEMENT

Las Vegas Metropolitan Police Department ("LVMPD" and/or "the Department"), by and through its attorneys of record, Marquis Aurbach Coffing, hereby files this Case Appeal Statement.

1. Name of appellant filing this Case Appeal Statement:

   LVMPD

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

   Honorable Ronald Israel

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

   Appellant: LVMPD

   Counsel for Appellant:

   Marquis Aurbach Coffing
   Nick D. Crosby, Esq.
   Nevada Bar No. 8996
   10001 Park Run Drive
   Las Vegas, Nevada 89145

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

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

Respondent: Laura Anderson

Counsel for Respondent:

Kathleen Bliss Law, PLLC
Kathleen Bliss, Esq.
Nevada Bar No. 7606
400 So. 4th Street, Suite 500
Las Vegas, Nevada 89101

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

N/A.

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

Retained.

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

Retained.

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

N/A.

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

A Motion for Return of Seized Property was filed on February 19, 2016.

///

///

///

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

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

Plaintiff sought return of personal property seized pursuant to search warrants. The District Court ordered LVMPD to return the seized property and, thereafter, Plaintiff moved for an award of attorney's fees and costs. The Court denied the motion for costs and for the full amount of fees requested, but awarded Plaintiff a portion of the attorneys fees requested.

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

This case has not been the subject of any appeal or writ proceeding in this Court.

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

N/A.

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

There is a possibility of settlement in this case, though LVMPD believes the award of attorney's fees was legally incorrect.

Dated this 13th day of October, 2016.

MARQUIS AURBACH COFFING

By */s/ Nick D. Crosby, Esq.*
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

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 **CASE APPEAL STATEMENT** 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

Suzanne Bass
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).

MAC:05166-909 2917936_1 10/13/2016 2:49 PM

Electronically Filed
03/10/2017 11:24:33 AM

RTRAN

CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

LAURA ANDERSON, Plaintiff, vs. LAS VEGAS METROPOLITAN POLICE DEPARTMENT, Defendant.	CASE NO. A732077 DEPT. XXVIII

BEFORE THE HONORABLE RONALD J. ISRAEL, DISTRICT COURT JUDGE

THURSDAY, MARCH 31, 2016

TRANSCRIPT OF PROCEEDINGS

PLAINTIFF'S MOTION FOR RETURN OF SEIZED PROPERTY

APPEARANCES:

For the Plaintiff: KATHLEEN BLISS, ESQ.

For the Defendant: NICHOLAS D. CROSBY, ESQ.

RECORDED BY: JUDY CHAPPELL, COURT RECORDER

THURSDAY, MARCH 31, 2016 AT 9:06 A.M.

THE CLERK: Case Number A732077, Laura Anderson versus Las Vegas Metropolitan Police Department.

MS. BLISS: Good morning, Your Honor. Kathleen Bliss on behalf of Ms. Anderson, the plaintiff herein.

MR. CROSBY: Good morning, Your Honor. Nick Crosby on behalf of Las Vegas Metropolitan Police Department.

THE COURT: Good morning. I've read all this stuff. Plaintiff's motion to return the seized property. Do you have anything to add?

MS. BLISS: Your Honor, I believe that Mr. Crosby's spoken with his client and confirmed that there is no federal investigation. And therefore Metro concedes that they should return all property that was seized.

THE COURT: That correct?

MR. CROSBY: That's correct, Your Honor. I received word – I spoke with Ms. Bliss before we get here. Unfortunately, I got news that my friend passed away yesterday so I didn't have a chance to call her yesterday. But.

THE COURT: Sorry to hear that.

MR. CROSBY: That's all right. Thank you. But we received – recently received word that the federal investigation is not going to be going any further and so we will be returning the property.

THE COURT: Okay. The order will be to return the property. What? Two weeks? Thirty days?

MS. BLISS: The sooner, the better, Your Honor. I would say not more –

THE COURT: Understand.

MS. BLISS: -- than two weeks?

MR. CROSBY: The only thing is I get somewhat concerned when I have cars and –

THE COURT: It's somewhere in a warehouse and they have to – I would imagine.

MS. BLISS: Well –

MR. CROSBY: We can – we can shoot, you know, I prefer, you know, two weeks might be – it should be fine.

THE COURT: All right. Thirty days.

MR. CROSBY: Should be fine.

THE COURT: Get it done as soon as you can.

MS. BLISS: Very well, Your Honor.

MR. CROSBY: Thank you, Your Honor.

THE COURT: All right. Have a good day.

THE CLERK: Who's going to prepare the order?

MS. BLISS: Thank you, Your Honor. You too.

THE COURT: Plaintiff, prepare the order.

MS. BLISS: Yes, Your Honor. And submit that within fourteen days?

THE COURT: Ten days.

MR. CROSBY: Ten days.

...

...

...

...

...

MS. BLISS: Ten days. Okay, very well, Your Honor. Thank you.

MR. CROSBY: Thank you, Your Honor.

[Proceeding concluded at 9:08 a.m.]

ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual recording in the above-entitled case.

Judy Chappell

Judy Chappell
Court Recorder

Electronically Filed
03/10/2017 11:27:02 AM

CLERK OF THE COURT

RTRAN

DISTRICT COURT

CLARK COUNTY, NEVADA

LAURA ANDERSON,

Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT,

Defendant.

CASE NO. A732077

DEPT. XXVIII

BEFORE THE HONORABLE RONALD J. ISRAEL, DISTRICT COURT JUDGE

TUESDAY, AUGUST 9, 2016

TRANSCRIPT OF PROCEEDINGS

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

LVMPD'S MOTION TO RETAX COSTS

APPEARANCES:

For the Plaintiff: KATHLEEN BLISS, ESQ.
JASON K. HICKS, ESQ.

For the Defendant: NICHOLAS D. CROSBY, ESQ.

RECORDED BY: JUDY CHAPPELL, COURT RECORDER

TUESDAY, AUGUST 9, 2016 AT 9:22 A.M.

THE CLERK: Case Number A732077, Laura Anderson versus Las Vegas Metropolitan Police Department

THE COURT: State your appearance.

MS. BLISS: Yes, Your Honor. Good morning. I'm Kathleen Bliss and with me is my associate, Jason Hicks. We represent Ms. Laura Anderson, who is present as well.

MR. CROSBY: Good morning, Your Honor. Nick Crosby on behalf of LVMPD.

THE COURT: Okay, plaintiff's motion. Let's start with the costs because it – the issue is, did you file the memorandum of costs on time. Or there – that's –

MS. BLISS: Your Honor, that was for the filing of a pleading that's 270, $270. And we're willing to concede that. I think the bigger issue for us are the attorney's fees which we feel that this Court should order.

THE COURT: Okay. So the Motion for Costs or the motion, well the Motion for Costs is denied. The Motion to Retax is granted.

Attorney's fees. Go ahead.

MS. BLISS: Yes, Your Honor. Your Honor, we submit that there can be a more justified basis for the award of attorney's fees in this case. We've set forth in our Motion for Attorney's Fees as well as in our reply, the odyssey that Ms. Anderson has gone through in this case in the fact that we gave Metro every single opportunity to work with us and to return her property.

Certainly I, on a personal level, as well as a professional level, I'm very sympathetic to the need for law enforcement to investigate cases. The problem

here is that law enforcement can't just turn a blind eye to the rights of its citizens. They're public servants. And in this case, Ms. Anderson was never a target. There was a search warrant that was duly issued, and that was in May of 2015. I was in contact with Metro to get at least whatever property they could return. You know, some of that property included her little boy – her 6-year-old child who suffers from autism, his iPad that had applications and other treatment information on it. And that wasn't returned. You know, then we fast forward into October because, as I said, again I was in contact with Metro, you know, just let us know. When can we get it? When can we get it? Ms. Anderson went to tremendous expense to get her vehicles back that were being held. She got some of them back. Over time, she got everything back. She had to borrow money in order to pay off the lienholders. Part of the work we were doing when I was at Lewis Brisbois, which would be the first phase of this, part of the work we were doing, just trying to get her credit restored because of this, because of the search warrant, the effect that it had.

So finally by February, we filed a motion for return of property. We did so under the new statute that became effective at the end of October of 2015. And we filed for that in February, as I said, I mean, that was just shy of a year later. This Court ordered the return of property. The only basis at that point that Metro was stating for holding on to the property is that they were awaiting federal review, that there was a federal investigation. But if you look at the statute, if you look at the Eric Holder executive order, that's all just nonsense. A federal case that would have had to have been a complaint filed against that property had there been a federal case 90 days from the taking of the property under the search warrant. There was no task force. Nothing happened 90 days after that search warrant and the property was seized. So to say that there was this delay because of the feds, it's just utter

nonsense.

I would also show the Court that Metro's conduct with respect to the return of property belies any good faith that Metro has in trying to resolve this matter, in trying to restore some of the rights of Ms. Anderson, who's a business woman, who cares for a child. Metro waited until the 30th day to inform Counsel that Ms. Anderson's property was there. Some of that property happened to be a significant amount of cash. Cash that was for her business, cash that had to be used to repay all the people she had to borrow money from to get her vehicles back which are part of her business. Metro waited until the 30th day. Guess what? She drives all the way to past Stewart and Mojave and they're closed, even though there are people milling around and I think a pizza was delivered. So then she had to go back. And she still hasn't received all of her property, Your Honor. There's still property outstanding. Metro was late in even opposing this Motion for Attorney's Fees.

THE COURT: What's still outstanding?

MS. BLISS: She has equipment from inside the Mercedes Benz. That's still outstanding. She also has a state, Nevada authorized medical marijuana card. There was equipment that she, in order to grow her medical-use marijuana, there's about $30,000 worth of equipment that was taken. Of course there weren't any drug charges. She had a legitimate ID which I immediately provided to Metro after that property was taken.

When I talked to Detective Flores, who was in charge of the investigation that caused the seizure of the Mercedes and things of that nature, he told me that the medical marijuana equipment was another detective. But Metro's represented by the same man, Mr. Crosby. Mr. Crosby's a very good attorney and I

know he could have coordinated all of this.

So, Your Honor, the bottom line is this is – falls squarely under NRS Chapter 18 for the award of attorney's fees. We were forced into having to file the motion despite many, many efforts to resolve it. The conduct thereafter of Metro I think underscores the fact that attorney's fees are justified in this case. It's not even that much money. I would like for Metro to get something out of this. To understand that you just don't grab people's things that cause their businesses to end, that ruins their credit, that impairs the ability of them to rehabilitate their child. You don't just do that without considering the ramifications of it.

So, Your Honor, I don't think there's any protestation by Metro with respect to my background and my experience. Metro's not disputing --

THE COURT: Well they want an itemize and there, you know, --

MS. BLISS: We have it.

THE COURT: -- *Brunzell*. I don't think you – your affidavit set out enough and basically generally you do a redacted, itemized billing if there's something attorney-client, but I don't think that was attached. I think –

MS. BLISS: We –

THE COURT: -- that's your argument.

MS. BLISS: -- we have that available, Your Honor, today and we did mention that in our brief. And –

THE COURT: All right. We can talk about –

MS. BLISS: -- Counsel's never asked me for that either –

THE COURT: It's in his opposition.

MS. BLISS: Well we have it available.

THE COURT: All right. Let's, I'm curious certainly. Where is these items that

supposedly haven't been turned over?

MR. CROSBY: Good morning, Your Honor. With respect to the equipment that Ms. Bliss touched upon that was in the Mercedes, I believe she referenced in her reply it was headphones that go to a Mercedes, if I'm not mistaken. That was the only thing identified in the reply were a set of headphones. And I cross-referenced with the – the documents that were provided upon the seizure and noticed there were headphones listed in the Mercedes. I reached out to my detective. Unfortunately, my contact has been out for three weeks so I'm trying to rope down if Ms. Anderson signed for return of those headphones. I wasn't obviously not there when the return of property. I'm trying to follow up if those headphones were there. But I can tell you that they were identified as being seized.

With respect to the marijuana, I believe that Ms. Anderson had 14 plants at the time the seizure was open which is in excess of what's permitted under her medical marijuana card. But those – we don't keep marijuana plants alive when we seize them. They die and we throw them away. Likewise the equipment that accompanies grow operations, they – growers use pesticides and things of that nature and because of the hydroponics used in certain grow operations, they develop mold and bacteria and we can't store those in our evidence vault. So it's my understanding that those – the equipment related to the marijuana plants have been disposed of as normal in our process.

But the issue here is not – for this Court today is the Motion for Fees. And as I outlined in my opposition, there's no basis under the – under NRS Chapter 175 for an award of fees. The only basis I hear today that Ms. Bliss is moving forward with respect to a legal basis for an award of fees is under Nevada Revised Statute 18.010.2(b). And it can't be 818 – or 18.010.1 or 2(a) because

there is no judgment, no money judgment in this case and the *Crown Financial* case set that forth very explicitly in 1996 with the Nevada Supreme Court announcing you need a money judgment. We don't have that. So all she's saying is that department's –

THE COURT: Well what about the return, I mean, it does say there – okay, it does say that money judgment. There is an unpublished that actually is the opposite of that. But in addition or aside from that, wouldn't the recovery of what these goods and/or the car, et cetera. Why is that not sufficient? Even though it's not cash dollars, if you will, very often judgements don't mean dollars and there's still a prevailing party. And in this case, she had to go to court to get back at least one car we know of, which has a cash value, whatever it might be. Why is that not included in the 18.10 – 18.010.2(a)?

MR. CROSBY: Well, Your Honor, I think that the Valley Fire – the *Valley Electric Association versus Overfield* touched on the prevailing party aspect noting that if – the Supreme Court, it held that if it had succeed – if a prevailing party succeeds on any significant issue in litigation which achieves some benefits sought in bringing this suit, that's the definition of a prevailing party. But then *Crown Financial* went on to elaborate on *Valley Electric* and noted that if that were to be the case that any prevailing party gets their fees, that would eviscerate the intent behind Chapter 18. That's why *Crown Financial* said that a recovery of a money judgment is a prerequisite to award fees.

And in this case we had as an order to return fees, it is not a judgment. It can't be recorded, it can't be executed. It is not a judgment by definition. And had the court truly intended to allow a recovery of fees under Chapter 18 for any prevailing party then that would completely underscore the otherwise generally

accepted American rule that parties are not permitted to recover attorney fees absent a statute, a rule or an agreement to recover it. And while it seems like, yes, there's cash in the – that was seized, and there's cars –

THE COURT: Your argument is essentially that Metro can seize anything they want. They can spend hundreds of thousands of dollars trying to get it back. And that's just it. The county has to pay and suffer.

MR. CROSBY: Absolutely not, Your Honor. There's obviously a recognition and observance of people's rights.

THE COURT: So we go to 2(b), correct?

MS. BLISS: Uh-huh. Exactly.

THE COURT: So tell me why this doesn't comply with 2(b).

MR. CROSBY: Because there is no demonstration of bad faith or unreasonable grounds on the part of the department. And you have to compartmentalize this analysis. You can't start from the initial seizure because that means everybody could file a motion for return of seized property the day after property is seized and you go through it. What you have to look at is ultimately is whether or not in the totality of the circumstances, the department's retention, not the seizure, because she's already admitted that the warrant was valid on its face, and the seizure was not wrong. It was the retention and that goes under the totality of the circumstances under the newly, you know, revised Chapter 175, but also with respect to 2(b).

THE COURT: All right. So why when they requested this and they apparently did it also in writing before they filed the motion, wasn't the property returned?

MR. CROSBY: Because it was being investigated, Your Honor. It was actually being vetted for prosecute – for charges. We had five seizures actually that

while I appreciate that there is, recognize certain level of frustration when the law enforcement comes in and does its job. Nobody likes to get arrested, nobody likes to get their house searched, nobody likes their car searched, nobody likes to get their items seized. But the reality is it takes time. There's not one detective working on one case. You know, obviously we live in Las Vegas, there's a fair amount of crime and people and events going on. It is not uncommon for investigations that take longer than a year. In fact, if the Court looks at cases addressing, you know, federal court cases addressing the federal rules corollary, you'll see cases where investigations lasted upwards to three years and they are found to be reasonable. Again, it's the totality of the circumstances.

In this case, at the time Ms. Bliss, and I wasn't involved at that point, but when Ms. Bliss was interacting with the department in attempt to check status, see what's going on and Ms. Bliss, you know, used to represent the department, back at some time. She had a familiar relationship and a working relationship and if there's anyone I think who the department would be, you know, willing to help out or assist in that respect is Ms. Bliss. But the reality is we can't just stop an investigation or stop investigating potential crimes because someone tells us to. Or because someone says I want an iPad back. A simple request like my kid is a special needs child and needs his iPad back, it seems on its face simple, but if we're doing an investigation, we have to forensically image that computer. We have to get a warrant to do that. It's not something we can just do overnight. So while I appreciate the frustration certainly Ms. Anderson experienced, or says she experienced, I don't doubt that, the reality is the department has an obligation to the citizens of this community to do its job and investigate crime. And does not happen overnight.

So looking at the totality of the circumstances in this case, there's not a basis under 2(b) to award fees. There's no vexatious action that a department, with respect to retention of the property the time the motion was file. And moreover, Your Honor, even – even if that were the case, this Court is not even able to award the fees requested because there is no basis, no evidence, no record for the Court to determine the reasonableness of fees, despite the fact that I outlined that rather specifically in my opposition that there was no billing statements, no itemized entry. There's no way for the Court to determine what was spent on this $10,000 retainer. But we hear today, Ms. Bliss told the Court that she spent time restoring Ms. Anderson's credit. That certainly is not contemplated under any of the statutory schemes with respect to recovery of attorney's fees. And that is precisely why this Court can't even award fees because there's nothing for it to determine whether or not the fees incurred were actually incurred in recovery of property that Ms. Anderson owned in this action. It also doesn't outline when the work started. Was she representing Ms. Anderson when the investigation was going through when she received her notice to the grand jury? Because criminal defense certainly wouldn't be contemplated under that either.

THE COURT: All right. Where's – what about the medical marijuana card? Where's that?

MR. CROSBY: I don't have that. I've never seen the medical marijuana card.

THE COURT: They're alleging that –

MR. CROSBY: They've alleged – they haven't –

THE COURT: -- it was seized.

MR. CROSBY: -- I've never seen it.

MS. BLISS: No. The –

THE COURT: So it's not a –

MS. BLISS: No.

MR. CROSBY: I've never seen a copy of the medical marijuana –

MS. BLISS: Not the card. We had the card and we provided it to Metro, a copy of it so they could –

THE COURT: I thought you said that was one of the –

MR. CROSBY: No.

THE COURT: -- additional things seized. All right.

MS. BLISS: No, Your Honor.

MR. CROSBY: No, no. The medical marijuana card's never seized.

MS. BLISS: The order that you –

THE COURT: Wait, wait, wait. Are you finished?

MS. BLISS: Oh, I'm sorry.

MR. CROSBY: Well I just wanted to underscore, Your Honor, that without an opportunity to review the billing statements, I have no way to object, but I –

THE COURT: I already said that they didn't comply with *Brunzell*.

MR. CROSBY: And then – oh, thanks. I mean, I would like to add I think that just looking at the number, the amount of fees, it seems unreasonable.

THE COURT: Okay. Let's ask.

MS. BLISS: Your Honor, I have the detailed invoices of the fees here. I can provide that to Metro and to the Court. I would ask for leave to do so, you know, because I think we've certainly stated grounds that should allow the award of fees. I've never even asked for attorney's fees in any case so it's not something that I would do knee jerk.

And so let me jump back to the property that's still out there, let's see.

And I – I do have –

[colloquy between Counsel and her Associate]

MS. BLISS: So, Your Honor, if I may, here I'm going to give Mr. Crosby the breakdown of the fees. If I may approach, I'll give this –

THE COURT: Go ahead.

MR. CROSBY: Just going to note it does me no good in open court on the motion --

THE COURT: I understand. And I –

MR. CROSBY: -- I'm arguing for.

MS. BLISS: Well, it – we set forth the amount and these are the entries that justify that amount. So it's not like we've left it open.

THE COURT: All right. What property is still outstanding?

MS. BLISS: Your Honor, if I may, let's see, on the order –

THE COURT: He's addressed the plants, the –

MS. BLISS: Well –

THE COURT: -- grow material, the –

MS. BLISS: Yes, on page 5 of the order that you signed, and the plants are not even really that relevant, but there are grow tents, grow trays, lights. You know, there's never been any suggestion that Metro would need to take care of the plants. I think they were already dead. But there are 10 items on page 5. Then there are an additional – there are additional items, 9 on page 6. Then with respect to the Mercedes, it's not just the headphones, but there are remotes and all that is part of the equipment, is very expensive. And that might sound trivial to Metro but it is part of the vehicle. If I may consult with Ms. Anderson as far as the other property that's there.

THE COURT: All right. I'm going to – I'm going to continue this to chambers for 30 days. You and Mr. Crosby will meet and confer regarding what you claim is still not available or has not been produced. And you will in two weeks submit a supplemental affidavit regarding what hasn't been turned over and Mr. Crosby can also submit simultaneously whatever, after you've met and conferred, as to what is going on with any additional property.

You now, Mr. Crosby now has copies of your billing invoices. I'll give him two weeks to file a supplemental on that. And I'll give you a week after that to reply. And submit that stuff. I will have a decision in chambers in 30 days. If I decide that because there's property outstanding we need to address it, I'll set it for the hearing calendar.

THE CLERK: That's September 7th in chambers.

THE COURT: So you will meet and confer within a week from today.

MS. BLISS: Very well, Your Honor.

THE COURT: You can do it in the ante room if you want on your way out regarding any property that still is outstanding. Okay, –

MR. CROSBY: Thank you, Your Honor.

THE COURT: -- thank you.

MS. BLISS: Thank you, Your Honor.

[Proceeding concluded at 9:46 a.m.]

ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual recording in the above-entitled case.

Judy Chappell

Judy Chappell
Court Recorder

Electronically Filed
04/07/2017 01:32:24 PM

CLERK OF THE COURT

ORDR
Kathleen Bliss, Esq.
Nevada Bar No. 7606
E-mail: kb@kathleenblisslaw.com
Jason Hicks, Esq.
Nevada Bar No. 13149
E-mail: jh@kathleenblisslaw.com
Kathleen Bliss Law PLLC
400 S. 4th St., Suite 500
Las Vegas, NV 89101
Telephone: 702.793.4000
Facsimile: 702.793.4001

Attorneys for Laura Anderson

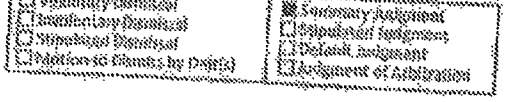
DISTRICT COURT

CLARK COUNTY, NEVADA

IN RE THE EXECUTION OF SEARCH WARRANTS FOR: 12067 Oakland Hills, Las Vegas, Nevada 89141; 54 Caroline 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.: 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.

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 concession 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 179.085(1)(c), the



4/4/17 (28)

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 990002084479 38; (2) Samsung Galaxy Note II, white in color, serial number 990002108235 31; (3) Sony T-Mobile Xperia, black in color, serial number 4170B-PM0520; (4) Samsung Galaxy Note 4, white in color, serial number 990004767909 32; (5) Samsung Galaxy Note 4, black in color, serial number 990004727497 63; (6) Samsung Galaxy Note 3, white in color, serial number 990004345097 53; (7) Samsung Galaxy S II, white in color, serial number 000003962F80A; (8) Apple iPhone, white in color, serial number 358896053465371; (9) Samsung Galaxy Note 4, white in color, serial number 990004745063 25; (10) Samsung Galaxy S III, black in color, serial number 990001157744 23; (11) Apple iPhone, white in color, serial number 352000496163074 1; (12) Samsung Galaxy Note 4, white in color, serial number 990004767760 52; and (13) Apple iPhone, black in color, serial number 357994053715077;

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

4324A-BRCM1052; (2) Dell Inspiron 15-5547, silver in color, serial number H1SSM602; and (3) Apple MacBook Pro, silver in color, serial number 4324ABRCM1053;

3. Three (3) computer tablets: (1) Samsung, white in color, serial number SM-T230NU; (2) Samsung SM-908, white in color, serial number RF2F616XSJJ; and (3) Samsung, white in color, serial number SM-T330NU;
4. Calendar;
5. Possessory items belonging to Laura Anderson;
6. Casino chips totaling $2,648.00 in United States currency;
7. Ledgers;
8. Two (2) cashier check-customer copies from Bank of America;
9. Five (5) Visa credit cards;
10. Two (2) Visa debit cards;
11. Louis Vuitton purse;
12. Black wallet;
13. Ten (10) phone, laptop and/or tablet cases;
14. Miscellaneous paperwork;
15. Owe sheets;
16. Checkbooks;
17. Gaming receipts;
18. Casino player's cards from: (1) the M Resort & Spa and (2) the Wynn/Encore Hotel & Casino;
19. Bank statements;
20. Credit card records;
21. Organizers;
22. Travel documentation;
23. 40 caliber Smith & Wesson handgun, black in color, serial number 711165;

24. Two (2) silver colored skeleton keys;

25. The package located inside the men's handbag recovered from the maroon 2015 Mercedes S550, Nevada license plate LVM4V1, containing $500.00 in United States currency.

26. Wireless headphones located in the Mercedes used for onboard entertainment;

27. The package recovered from a purse located in the southeastern bedroom containing $1,755.00 in United States currency;

28. $34,892.00 in United States currency recovered from a safe located in the master bedroom's closet;

29. $31.00 in United States currency recovered from Ms. Anderson's personal miscellaneous paperwork;

30. Collection of men's and women's jewelry (watches, earnings, necklace, rings, etc.).

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

1. Four cellular phones, make, model, and serial number unknown;
2. Miscellaneous paperwork;
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 WDZPE8DC9E5856264, 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

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

D. 3321 Alondra Bay Avenue, Las Vegas, Nevada, 89141

1. Marijuana plants;

2. CO2 tanks and gauges;

3. 3 Grow tents;

4. Grow trays

5. Lights

6. Miscellaneous chemicals;

7. Ballasts;

8. Grodans blocks;

9. Fans;

10. Portable A/C;

11. Sub pumps;

12. 55 gallon drums;

13. Duct work;

14. Buckets;

15. Mail key;

16. Miscellaneous paperwork;

17. Glass smoking pipes;

18. Hi-Point firearm;

19. 40 Smith & Wesson serial number 711865.

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 XXVII
Eighth Judicial District
Clark County, Nevada

Submitted by:

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

Agreed as to form and content:

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

CLERK OF THE COURT

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

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

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

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

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	**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

Suzanne Boggs
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).

MAC:05166-909 3056523_1 4/10/2017 10:18 AM

Electronically Filed
04/07/2017 01:32:24 PM

CLERK OF THE COURT

ORDR
Kathleen Bliss, Esq.
Nevada Bar No. 7606
E-mail: kb@kathleenblisslaw.com
Jason Hicks, Esq.
Nevada Bar No. 13149
E-mail: jh@kathleenblisslaw.com
Kathleen Bliss Law PLLC
400 S. 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 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.: A-16-733077-C DEPT NO.: XXVIII ORDER GRANTING PLAINTIFF'S MOTION FOR RETURN OF SEIZED PROPERTY Date of hearing: March 31, 2016 Time of hearing: 9:30 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 concession 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 14, 2015, by the Las Vegas Metropolitan Police Department, pursuant to search warrants executed at the above-captioned residences. Plaintiff sought relief under NRS 179.085(1)(a), the

☐ Opposition to Motion
☐ Motion to Consolidate
☐ Application for Setting
☐ Petition for Writ of Habeas Corpus (Pre-Trial)
☐ Request for Rehearing
☐ Motion for Reconsideration
☐ Motion to Set Aside
☐ Stipulation and Order
☐ Motion to Amend Judgment
☐ Motion for New Trial
☐ Motion for Judgment on the Pleadings
☐ Motion for Summary Judgment
☐ Motion to Stay
☐ Motion to Dismiss by Deft(s)
☐ Motion for Judgment as a Matter of Law
☐ Motion for Reconsideration of a Motion
☐ Motion to Withdraw as Counsel
☐ Motion for Determination of Good Faith Settlement
☐ Notice of Appeal
☐ Other Tolling Motion
☐ Motion for Attorney Fees and/or Costs
☐ Motion for Appointment of Attorney
☐ Motion to Withdraw as Attorney
☐ Petition for Writ of Habeas Corpus (Post-Trial)
☐ Writ of Mandamus
☐ Writ of Prohibition
☐ Other Writs
☐ Other Matters

4/4/16 (38)

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.

3. 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 990002038447938; (2) Samsung Galaxy Note II, white in color, serial number 990002108235311; (3) Sony T-Mobile Xperia, black in color, serial number 41708-PM0520; (4) Samsung Galaxy Note 4, white in color, serial number 990004767909321; (5) Samsung Galaxy Note 4, black in color, serial number 990004727497631; (6) Samsung Galaxy Note 3, white in color, serial number 990004345097531; (7) Samsung Galaxy S II, white in color, serial number 0000030621F80A; (8) Apple iPhone, white in color, serial number 358906053465571; (9) Samsung Galaxy Note 4, white in color, serial number 990004745063251; (10) Samsung Galaxy S III, black in color, serial number 990001137744231; (11) Apple iPhone, white in color, serial number 352009060163074 1; (12) Samsung Galaxy Note 4, white in color, serial number 990004767760521; and (13) Apple iPhone, black in color, serial number 357940537150771;

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

4324A-BRCM1652; (2) Dell Inspiron 15-5547, silver in color, serial number HTSSM502; and (3) Apple MacBook Pro, silver in color, serial number #324ABRCM1055;

3. Three (3) computer tablets: (1) Samsung, white in color; serial number SM-T230NU; (2) Samsung SM-900, white in color, serial number RFZFG16XRJJ; and (3) Samsung, white in color, serial number SM-T320NU;
4. Calendar;
5. Podiatrist-y items belonging to Laura Anderson;
6. Casino chips totaling $2,648.00 in United States currency;
7. Ledgers;
8. Two (2) cashier check customer copies from Bank of America;
9. Five (5) Visa credit cards;
10. Two (2) Visa debit cards;
11. Louis Vuitton purse;
12. Black wallet;
13. Ten (10) phone, laptop and/or tablet cases;
14. Miscellaneous paperwork;
15. Owe sheets;
16. Checkbooks;
17. Gaming receipts;
18. Casino player's cards from: (1) the M Resort & Spa and (2) the Wynn/Encore Hotel & Casino;
19. Bank statements;
20. Credit card records;
21. Organizers;
22. Travel documentation;
23. 40 caliber Smith & Wesson handgun, black in color, serial number 71J1865;

24. Two (2) silver colored skeleton keys;

25. The package located inside the men's handbag recovered from the maroon 2015 Mercedes S550, Nevada license plate LVM4V1, containing $800.00 in United States currency.

26. Wireless headphones located in the Mercedes used for onboard entertainment;

27. The package recovered from a purse located in the southeastern bedroom containing $1,755.00 in United States currency;

28. $84,892.00 in United States currency recovered from a safe located in the master bedroom's closet;

29. $31.00 in United States currency recovered from Ms. Anderson's personal miscellaneous paperwork;

30. Collection of men's and women's jewelry (watches, earrings, necklace, rings, etc.).

B. 34 Carolina Cherry Drive, Las Vegas, Nevada, 89141

1. Four cellular phones, make, model, and serial number unknown;
2. Miscellaneous paperwork;
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 WD3PE8DC2E5836284, Nevada license plate LVL0X3.
2. White 2009 Mercedes S550, VIN WDDNG71X09A272338, Nevada license plate LXJ7K1.
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

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

D. 3321 Alandia Bay Avenue, Las Vegas, Nevada, 89141

1. Marijuana plants;

2. CO2 tanks and gauges;

3. 3 Grow tents;

4. Grow trays

5. Lights

6. Miscellaneous chemicals;

7. Ballasts;

8. Grodans blocks;

9. Fans;

10. Portable A/C;

11. Sub pumps;

12. 55 gallon drums;

13. Dust Works;

14. Buckets;

15. Mail key;

16. Miscellaneous paperwork;

17. Glass smoking pipes;

18. Hi-Point firearm;

19. 40 Smith & Wesson serial number PDJ1865.

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

Submitted by:

/s/ Kathleen Bliss
Kathleen Bliss
Kathleen Bliss Law PLLC
400 South 4th Street
Suite 500
Las Vegas, NV 89101
702-793-4302
kb@kathleenblisslaw.com
Attorney for Plaintiff Laura Anderson

Agreed as to form and content:

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

IN THE SUPREME COURT OF THE STATE OF 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 LAS VEGAS METROPOLITAN POLICE DEPARTMENT, Appellant, vs. LAURA ANDERSON, Respondent.	Case No.: 71536 Appeal from the Eighth Judicial District Court, The Honorable Judge Ron Israel Presiding.

APPELLANT'S APPENDIX
(Volume 1, Bates Nos. 1–200)

Nick D. Crosby, Esq.
Nevada Bar No. 8996
Marquis Aurbach Coffing
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711
ncrosby@maclaw.com
Attorney for Appellant

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **APPELLANT'S APPENDIX** was filed electronically with the Nevada Supreme Court on the 17th day of August, 2017. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Kathleen Bliss Law, PLLC
Kathleen Bliss, Esq.
Nevada Bar No. 7606
400 So. 4th Street, Suite 500
Las Vegas, Nevada 89101
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

/s/ Suzanne Boggs
An employee of Marquis Aurbach Coffing

INDEX TO APPELLANT'S APPENDIX

<table>
<tr><th colspan="2">Document Description</th><th>Location</th></tr>
<tr><td colspan="2">Motion for Return of Seized Property (filed 02/19/16)</td><td>Volume 1,
Bates Nos. 1–18</td></tr>
<tr><td colspan="2">Affidavit of Laura Anderson in Support of Her Motion for Return of Seized Property</td><td>Volume 1,
Bates Nos. 19–20</td></tr>
<tr><td colspan="2">Affidavit of Kathleen Bliss in Support of Laura Anderson's Motion for Return of Seized Property</td><td>Volume 1,
Bates Nos. 21–22</td></tr>
<tr><td colspan="2">Exhibits to Affidavit of Kathleen Bliss in Support of Laura Anderson's Motion for Return of Seized Property</td><td></td></tr>
<tr><td>Exhibit</td><td>Document Description</td><td></td></tr>
<tr><td>A</td><td>Search Warrant – Johnnie Greene and Laura Anderson</td><td>Volume 1,
Bates Nos. 23–32</td></tr>
<tr><td>B</td><td>Letter from Kathleen Bliss to Counsel dated 10/30/15</td><td>Volume 1,
Bates Nos. 33–36</td></tr>
<tr><td colspan="2">LVMPD's Opposition to Motion for Return of Seized Property (filed 03/10/16)</td><td>Volume 1,
Bates Nos. 37–43</td></tr>
<tr><td colspan="2">Notice of Rescheduling of Hearing (filed 03/18/16)</td><td>Volume 1,
Bates Nos. 44–45</td></tr>
<tr><td colspan="2">Letter to Judge Ron Israel from Nick Crosby, Esq. (dated 03/18/16)</td><td>Volume 1,
Bates No. 46</td></tr>
<tr><td colspan="2">Reply in Support of Her Motion for Return of Seized Property (filed 03/24/16)</td><td>Volume 1,
Bates Nos. 47–53</td></tr>
<tr><td colspan="2">Exhibits to Reply in Support of Her Motion for Return of Seized Property</td><td></td></tr>
<tr><td>Exhibit</td><td>Document Description</td><td></td></tr>
<tr><td>C</td><td>Office of Attorney General of Washington, D.C.'s Order (dated 01/16/15)</td><td>Volume 1,
Bates Nos. 54–56</td></tr>
</table>

Notice of Entry of Order Granting Plaintiff's Moiton for Return of Seized Property (filed 04/26/16)		Volume 1, Bates Nos. 57–65
Motion for Attorneys' Fees and Costs and Affidavit of Kathleen Bliss, Esq. in Support of (filed 05/16/16)		Volume 1, Bates Nos. 66–79
Verified Memorandum of Costs (filed 05/19/16)		Volume 1, Bates Nos. 80–84
LVMPD's Motion to Retax Costs (filed 05/20/16)		Volume 1, Bates Nos. 85–87
LVMPD's Opposition to Motion for Attorneys' Fees and Costs (filed 06/03/16)		Volume 1, Bates Nos. 88–100
Civil Order to Statistically Close Case (filed 06/06/16)		Volume 1, Bates Nos. 101–102
Reply in Support of Motion for Attorneys' Fees and Costs (filed 06/15/16)		Volume 1, Bates Nos. 103–110
LVMPD's Reply in Support of Motion to Retax Costs (filed 06/16/16)		Volume 1, Bates Nos. 111–114
Court Minutes regarding All Pending Motions (filed 06/22/16)		Volume 1, Bates No. 115
Stipulation to Continue Hearing on Motion for Attorneys' Fees and Motion to Retax (filed 08/12/16)		Volume 1, Bates Nos. 116–118
LVMPD's Supplemental Brief in Opposition to the Motion for Attorneys' Fees (filed 08/18/16)		Volume 1, Bates Nos. 119–124
Exhibits to Supplemental Brief in Opposition to the Motion for Attorneys' Fees		
Exhibit	**Document Description**	
A	Kathleen Bliss Law – Client Fees Listing	Volume 1, Bates Nos. 125–127

B	Kathleen Bliss Law – Invoice #39 (dated 08/09/16)	Volume 1, Bates Nos. 128–134
C	Kathleen Bliss Law – Invoice #39 (dated 08/09/16)	Volume 1, Bates Nos. 135–141
D	Emails between Nick Crosby, Esq. and Kathleen Bliss, Esq.	Volume 1, Bates Nos. 142–145
Response to LVMPD's Supplemental Brief on Laura Anderson's Motion for Attorneys' Fees and Costs (filed 08/30/16)		Volume 1, Bates Nos. 146–151
Court Minutes regarding Decision regarding Attorney Fees & Status of Return of Property (filed on 09/07/16)		Volume 1, Bates No. 152
Order on Movant's Motion for Attorneys Fees (filed on 09/21/16)		Volume 1, Bates Nos. 153–154
Notice of Entry of Order on Movant's Motion for Attorneys Fees (filed on 09/22/16)		Volume 1, Bates Nos. 155–158
Notice of Appeal (filed 10/13/16)		Volume 1, Bates Nos. 159–160
Exhibits to Notice of Appeal		
1	Order on Movant's Motion for Attorneys Fees (filed 09/21/16)	Volume 1, Bates Nos. 161–163
2	Case Appeal Statement (filed 10/13/16)	Volume 1, Bates Nos. 164–167
Transcript of Proceedings – Plaintiff's Motion for Return of Seized Property held on March 31, 2016 before Judge Ronald J. Israel (filed 03/10/17)		Volume 1, Bates Nos. 168–171
Transcript of Proceedings – Laura Anderson's Motion for Attorneys' Fees and Costs and Affidavit of Kathleen Bliss, Esq, in Support held on August 9, 2016 before Judge Ronald J. Israel (filed 03/10/17)		Volume 1, Bates Nos. 172–184
Order Granting Plaintiff's Motion for Return of Seized Property (filed 04/07/17)		Volume 1, Bates Nos. 185–191
Notice of Entry of Order Granting Plaintiff's Motion for Return of Seized Property (filed 04/10/17)		Volume 1, Bates Nos. 192–200

DISTRICT COURT CIVIL COVER SHEET

_____ County, Nevada

Case No. _____ A-16-732077-C
(Assigned by Clerk's Office) XXVIII

I. Party Information *(provide both home and mailing addresses if different)*

Plaintiff(s) (name/address/phone):	Defendant(s) (name/address/phone):
Laura Anderson 2946 Cimini Ct. Henderson, NV 89052 713-194-1846	In re: execution of search warrants for 12067 Oakland Hills Drive, Las Vegas, Nevada 89141; 54 Carolina Cherry Dr., Las Vegas, NV 89141; 5608 Quiet Cloud Dr., Las Vegas, Nevada 89141; and 3321 Alcudia Bay Ave., Las Vegas, NV 89141.
Attorney (name/address/phone):	Attorney (name/address/phone):
Kathleen Bliss Jason Hicks 702-793-4000 400 S. 4th St., Suite 500 Las Vegas, NV 89101	

II. Nature of Controversy *(please select the one most applicable filing type below)*

Civil Case Filing Types

Real Property	Torts	
Landlord/Tenant	**Negligence**	**Other Torts**
☐ Unlawful Detainer	☐ Auto	☐ Product Liability
☐ Other Landlord/Tenant	☐ Premises Liability	☐ Intentional Misconduct
Title to Property	☐ Other Negligence	☐ Employment Tort
☐ Judicial Foreclosure	**Malpractice**	☐ Insurance Tort
☐ Other Title to Property	☐ Medical/Dental	☐ Other Tort
Other Real Property	☐ Legal	
☐ Condemnation/Eminent Domain	☐ Accounting	
☐ Other Real Property	☐ Other Malpractice	

Probate	Construction Defect & Contract	Judicial Review/Appeal
Probate *(select case type and estate value)*	**Construction Defect**	**Judicial Review**
☐ Summary Administration	☐ Chapter 40	☐ Foreclosure Mediation Case
☐ General Administration	☐ Other Construction Defect	☐ Petition to Seal Records
☐ Special Administration	**Contract Case**	☐ Mental Competency
☐ Set Aside	☐ Uniform Commercial Code	**Nevada State Agency Appeal**
☐ Trust/Conservatorship	☐ Building and Construction	☐ Department of Motor Vehicle
☐ Other Probate	☐ Insurance Carrier	☐ Worker's Compensation
Estate Value	☐ Commercial Instrument	☐ Other Nevada State Agency
☐ Over $200,000	☐ Collection of Accounts	**Appeal Other**
☐ Between $100,000 and $200,000	☐ Employment Contract	☐ Appeal from Lower Court
☐ Under $100,000 or Unknown	☐ Other Contract	☐ Other Judicial Review/Appeal
☐ Under $2,500		

Civil Writ		Other Civil Filing
Civil Writ		**Other Civil Filing**
☐ Writ of Habeas Corpus	☐ Writ of Prohibition	☐ Compromise of Minor's Claim
☐ Writ of Mandamus	☐ Other Civil Writ	☐ Foreign Judgment
☐ Writ of Quo Warrant		☒ Other Civil Matters (return of property)

Business Court filings should be filed using the Business Court civil coversheet.

2/18/16
Date

Signature of initiating party or representative

See other side for family-related case filings.

Nevada AOC - Research Statistics Unit
Pursuant to NRS 3.275

Form PA 201
Rev 3.1

Electronically Filed
02/19/2016 09:42:14 AM

CLERK OF THE COURT

MOT
Kathleen Bliss, Esq.
Nevada Bar No. 7606
E-mail: kb@kathleenblisslaw.com
Jason Hicks, Esq.
Nevada Bar No. 13149
E-mail: jh@kathleenblisslaw.com
Kathleen Bliss Law, PLLC
400 S. 4th St., Suite 500
Las Vegas, NV 89101
Telephone: 702.793.4000
Facsimile: 702.793.4001

Attorneys for movant/real party
in interest Laura Anderson

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.: A-16-732077-C DEPT NO.: XXVIII **LAURA ANDERSON'S MOTION FOR RETURN OF SEIZED PROPERTY**

Movant/real party in interest, Laura Anderson, by and through counsel Kathleen Bliss, Esq., and Jason Hicks, Esq., of the law firm Kathleen Bliss Law PLLC, hereby moves the Court for an order requiring the return of property seized from her, and/or located and then seized, during the execution of Clark County search warrants on the below residences in Las Vegas, Nevada.

///

///

///

///

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
Facsimile: 702.793.4001
Attorneys for movant/real party in interest,
Laura Anderson

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
Telephone: 702.793.4000
Facsimile: 702.793.4001
Attorneys for movant/real party in interest,
Laura Anderson

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 Alcudia 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 Marcum[1] 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.

know the status of filing charges. Id. However, since the onset of the investigation, and up and until counsel's last conversation with Detective Flores on Friday, October 23, 2015, it has been the undersigned's 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. Id.

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

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

II. ARGUMENT

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

While the State sits on its hands, Ms. Anderson and her family members continue to be

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

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

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

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

[3] While it is anticipated that the State will argue that the subject property does have independent 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

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

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

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

> 1. 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:
>
> (a) The property was illegally seized without warrant;
>
> (b) The warrant is insufficient on its face;
>
> (b) There was not probable cause for believing the existence of the grounds on which the warrant was issued;
>
> (d) The warrant was illegally executed; or
>
> (e) Retention of the property by law enforcement is not reasonable under the totality of the circumstances.

---

the State to produce the sealed probable cause affidavits.

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

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

Second, the Legislature has recently added language clarifying the proper procedural avenue under these circumstances, adding that "[i]f 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(5). As with the other newly added subsections discussed above, this language simply codifies a procedure already established by the Nevada Supreme Court in 2004, making clear that this court may exercise its equitable jurisdiction to order the return of Ms. Anderson's property under the present circumstances. See Maiola, 120 Nev. at 676-77 (holding that courts have equitable jurisdiction to order the return of property based, in part, upon courts' inherent authority over those who are officers of the court, such as the District Attorney's Office). Accordingly, the Court may treat the instant motion as a civil complaint seeking equitable return of property, even without the existence of pending criminal charges, because the motion is based upon the reasonableness of the retention given the totality of the circumstances. See NRS 179.085(1)(e).

Because this language was added by the Legislature in 2015 and did not go into effect until October 1, 2015, there is not yet any case law applying these particular subsections. However, in the past, the Nevada Supreme Court has specifically relied on NRS 179.085's federal counterpart, Federal Rule of Criminal Procedure 41(g), in deciding motions for return of property. See, e. g., Maiola v. State, 82 P.3d 38, 40-41 (Nev. 2004)(withdrawn and superseded on rehearing on other

grounds by Maiola v. State, 120 Nev. 671 (2004)). Rule 41 closely mirrors Nevada's statute, including the newly added subsections, and provides in pertinent part that "[a] person aggrieved by an unlawful search and seizure of property or by the deprivation of property may move for the property's return." See Fed. R. Crim. P. 41(g). Although dealing with the federal Rules, the Ninth Circuit and various federal courts within its jurisdiction—including the District of Nevada—have analyzed and applied Rule 41(g) in similar situations, and this authority is instructive here.

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

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

Indeed, the return of seized property is appropriate if the movant is "entitled to lawful

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

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

III. PROPERTY SOUGHT TO BE RETURNED

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

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 number358806053465371; (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 4324A-BRCM1052; (2) Dell Inspiron 15-5547, silver in color, serial number H1SSM602; and (3) Apple MacBook Pro, silver in color, serial number 4324ABRCM1055;
3. Three (3) computer tablets: (1) Samsung, white in color, serial number SM-T230NU; (2) Samsung SM-900, white in color, serial number RF2F616X8JJ; and (3) Samsung, white in color, serial number SM-T330NU;
4. Calendar;
5. Possessory items belonging to Laura Anderson;
6. Casino chips totaling $2,648.00 in United States currency;
7. Ledgers;
8. Two (2) cashier check-customer copies from Bank of America;
9. Five (5) Visa credit cards;
10. Two (2) Visa debit cards;
11. Louis Vuitton purse;
12. Black wallet;

13. Ten (10) phone, laptop and/or tablet cases;

14. Miscellaneous paperwork;

15. Owe sheets;

16. Checkbooks;

17. Gaming receipts;

18. Casino player's cards from: (1) the M Resort & Spa and (2) the Wynn/Encore Hotel & Casino;

19. Bank statements;

20. Credit card records;

21. Organizers;

22. Travel documentation;

23. 40 caliber Smith & Wesson handgun, black in color, serial number 7111865;

24. Two (2) silver colored skeleton keys;

25. The package located inside the men's handbag recovered from the maroon 2015 Mercedes S550, Nevada license plate LVM4V1, containing $500.00 in United States currency.

26. Wireless headphones located in the Mercedes used for onboard entertainment;

27. The package recovered from a purse located in the southeastern bedroom containing $1,755.00 in United States currency;

28. $54,892.00 in United States currency recovered from a safe located in the master bedroom's closet;

29. $31.00 in United States currency recovered from Ms. Anderson's personal miscellaneous paperwork;

30. Collection of men's and women's jewelry (watches, earnings, necklace, rings, etc.).

B. <u>54 Carolina Cherry Drive, Las Vegas, Nevada, 89141</u>

1. Four cellular phones, make, model, and serial number unknown;

2. Miscellaneous paperwork;

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 WDZPE8DC9E5856264, 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

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

D. <u>3321 Alcudia Bay Avenue, Las Vegas, Nevada, 89141</u>

1. Marijuana plants;
2. CO2 tanks and gauges;
3. 3 Grow tents;
4. Grow trays
5. Lights
6. Miscellaneous chemicals;
7. Ballasts;
8. Grodans blocks;
9. Fans;
10. Portable A/C;
11. Sub pumps;
12. 55 gallon drums;
13. Duct work;
14. Buckets;
15. Mail key;
16. Miscellaneous paperwork;
17. Glass smoking pipes;
18. Hi-Point firearm;
19. 40 Smith & Wesson serial number 7111865.

\\\

\\\

\\\

\\\

\\\

\\\

IV. CONCLUSION

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

Dated this 18th day of February 2016.

Respectfully submitted,

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
Facsimile: 702.793.4001
Attorneys for movant/real party in interest,
Laura Anderson

CERTIFICATE OF SERVICE

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

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.

4. I have needed to purchases 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 return, 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

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

NOTARY PUBLIC in and for said County and State

NOTARY PUBLIC
BARBARA SUDEK
STATE OF NEVADA - COUNTY OF CLARK
MY APPOINTMENT EXP. AUG. 15, 2019
No: 92-4333-1

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.

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

NOTARY PUBLIC
BARBARA SUDEK
STATE OF NEVADA - COUNTY OF CLARK
APPOINTMENT EXP. AUG. 15, 2017
No: 92-4333-1

My Commission Expires: 8-15-17

EXHIBIT A

SEARCH WARRANT

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

Johnnie Green
ID#: 8109597
DOB: [redacted] SS#: [redacted]

And

Laura Anderson
ID#: 8198199
DOB: [redacted] SS#: [redacted]

The State of Nevada, to any Peace Officer in the County of Clark. Proof by Affidavit having been made before me by G. Flores, P# 6071, said Affidavit attached hereto and incorporated herein by reference, that there is probable cause to believe that certain property, namely

A. Ledgers, records and any other form of documentation in writing or in computer software, or any other digital medium tending to demonstrate that the criminal offense of Pandering and Living Off the Earnings of Prostitution have been committed.

B. Records of prostitution activity including but not limited to: diaries, journals, organizers, customer lists, "owe sheets", gaming receipts, player cards, any related sports gaming documents, advertisements, and travel documentation.

C. Financial paperwork including but not limited to: tax records, employment records, bank statements, loan and lease records, vehicle ownership records, credit card records, safety deposit box account information, and documentation of expenditures.

D. Business and employment records including but not limited to: banking records, Federal tax forms and related documentation, financial records, checkbooks, receipts, financial ledgers, real estate papers, escrow files, operating agreements, and articles of incorporation.

E. Personal computers, laptop computers, electronic organizers, USB/data storage devices cellular telephones, digital cameras, and similar electronic storage devices.

F. Keys used to open locking mechanisms of a safe, safety deposit box, storage structure or other secured storage container.

G. Photographs, film negatives, photo copies, discs, and undeveloped film negatives, digital storage devices, digital video discs which may contain evidentiary images or other visual representations of a sexual nature or depicting persons engaging in sexual activity.

H. Limited items of personal property which would tend to establish a possessory interest in the items sought to be seized pursuant to this search warrant, to include but not limited to: personal identification, utility company receipts, canceled mailed envelopes, rental agreements, telephone bills, prescription bottles, vehicle registration, vehicle repair receipts, insurance policies and letters, address and telephone records, governmental

notices, objects which bear a person's name, phone number or address.

I. Unites States Currency

and limited items of personal property which would tend to establish a possessory interest in the items seized pursuant to this search warrant, such as personal identification, photographs, utility receipts or addressed envelopes, are presently located at

1. 12067 Oakland Hills Drive, Las Vegas, NV 89141, more particularly described as: A single story residence located within the guard gated community of Southern Highlands Country Club. The residence is located on Oakland Hills Drive to the north of Robert Trent Jones Lane and sits on the west side of the street. The residence is tan stucco in color with white trim, a white two car garage door to the north which faces east, and a red tile roof. The numbers 12067 are black in color affixed to a white placard with a light over the numbers. The placard is affixed to the east front wall of the residence, to the south of the courtyard entry gate. The entry gate is black iron and is positioned in the center of the residence with a courtyard behind it. Beyond the courtyard is the front door of the residence which is white in color and faces east. Inside the courtyard is an orange patio umbrella which can be seen from the street of the residence. The landscape is adorned with grass and low cut shrubs leading to the entry gate. To the north of the driveway is a green mailbox with the numbers 12067 hanging on a placard below the box.

2. 54 Carolina Cherry Drive, Las Vegas, NV 89141, more particularly described as: A single story residence located within the guard gated community of Southern Highlands Country Club and a second gated neighborhood within the Country Club known as "The Masters." The residence sits at mid-block of Carolina Cherry Drive on the north side of the street. The residence is dark tan stucco in color, with a brown tile roof, and is adorned with a stone facade entry way that sits in the center of the residence. The numbers 54 are black in color and are affixed to a white placard with a light above the numbers. The placard is affixed to the garage wall to the west of the garage door, above the garage carriage light. The stone façade also surrounds the lower portion of the two car garage and single car garage. The single car garage contains one south facing window, flanked by two brown shutters. To the east of the casita's window is a decorative stone and iron arch. There are paved stone steps which lead to the entry way of the residence. The entry way is blocked by a small black iron gate which is placed in front of the center stone façade. Beyond the gate is the front door to the residence which is brown in color and faces south. The garage has two doors which are located to the west of the front door. The two car garage door is brown and the door faces south. The single car garage door shares the driveway with the two car door and faces west. The driveway is made of paved stone. The landscape of the residences is mostly stone with a small patch of synthetic grass to the east. Small shrubs are scattered throughout the front of the residence and one small tree sits to the east of the front gate.

3. 5608 Quiet Cloud Court, Las Vegas, NV 89141, more particularly described as: A two story residence located inside the gated community of Aberdeen. The residence is located on the northwest corner of Tapestry Winds Street and Quiet Cloud Court. The stucco exterior of the residence is tan in color, with dark tan tile roof, and a stone façade around the lower portion of the residence and surrounding the front door. The numbers 5608 are black in color and are affixed to a white illuminated placard. The placard is affixed to the south wall of the single car garage and is placed to the east of the garage window. The main entry door is green in color with a glass insert and faces southeast. Adjacent to the front door, to the west, is a green double French door with glass inserts. In between the front door and the French doors sits a decorative concrete fountain. Above the French doors, on the second story, is a single green door with glass insert that leads to a small balcony with an iron railing. The two car garage door is green in color, is positioned to the west on the south side of the residence, and faces south. The single car garage shares the driveway with the two car garage. The single car garage door is green in color and faces west. The landscaping of the residence consists of stone and grass. Inside the grass area, in front of the residence, are three large trees. Also, in the grass area, to the east of the driveway is a medium black iron lamp post. Small shrubs are scattered around the walkway to the front door. The west of the driveway consists of stone and two pine trees.

4. 5108 Masotta Avenue, Las Vegas, NV 89141, more particularly described as: A two story residence inside the gated community of Monterosso Vintage. The residence is located on the north side of Masotta Avenue, being the fourth house, counting west from Montasola Street. The stucco exterior of the residence is tan in color, with a red tile roof, with light orange trim and accents. The numbers 5108 are black in color and are affixed to a white illuminated placard. The placard is affixed to the south front wall of the residence above the single car garage door. The front door of the residence is beige in color and faces south. The front door is flanked by two rectangular glass windows on each side of the door. The front east side of the residence contains a white two car garage door and a white single car garage door. The garage doors both face south. At the sidewalk to the west of the residence sits a gray square utility box. The landscaping consists of stone and grass. Contained inside the grass in the front yard is one large tree. Six small shrubs surround the walkway leading to the front door.

5. 3321 Alcudia Bay Avenue, Las Vegas, NV 89141More particularly described as: A Two story residence inside the gated community of San Niccolo. The residence is the fourth house on the south side of the street, counting west from the dead end. The stucco exterior of the residence is dark tan in color, with a brown tile roof, and contains light tan trim and accents. The numbers 3321 are black in color and are affixed to a white placard with a light above the numbers. The placard is affixed

to the top east side of the single car garage door. The front door of the residence sits under a covered porch area to the east of the residence. The front door is brown in color and faces east. Under the covered porch area and adjacent to the front door is a green illuminated entry light. The front west of the residence contains a tan two car garage door and a tan single car garage door. Both garage doors face north. The landscaping of the residence consists of grass to the east side of the single car garage door. Inside the grass area is one small tree. A gray utility box sits east of the grass area.

6. Black, 2015 Mercedes Sprinter Van, bearing NV license plate LVP7G7

7. Black, 2014 Mercedes Sprinter Van, bearing NV license plate LVL0X3

8. Black, 2015 Mercedes S550, bearing NV license plate LVR2F7

9. Dark Maroon, 2015 Mercedes S550, bearing NV license plate LVM4V1

10. White with a Black roof, 2011 Mercedes S550, bearing NV license plate LVG3U2

11. White, 2009 Mercedes S550, bearing NV license plate LVJ7K1

12. Silver, 2007 Mercedes S550, bearing TX license plate BZ3J953

13. White, 2008 BMW 3 Series, bearing CA license plate 6CAJ944

14. Black, 2011 Ford Expedition, bearing TX license plate AY14565

15. Black, 2008 Honda Civic, bearing TX license plate BV8G041

16. Black, 2002 Jaguar XJ8, bearing NV license plate 29A756

17. Any other vehicles parked within curtilage of the five listed residences, not specifically referenced, located upon service of this warrant.

18. The persons of adults or minors located at the premises at the time of execution of this warrant.

And as I am satisfied that there is probable cause to believe that said property is located as set forth above and that based upon the affidavit attached hereto there are sufficient grounds for the issuance of the Search Warrant.

You are hereby commanded to search forthwith said premises for said property, serving this warrant between the hours of 7:00 A.M. & 7:00 P.M., and if the property is there to seize it, prepare a written inventory of the property seized, and make a return for me within ten days, pursuant to NRS 179.075 and then, transfer said property to a sworn law enforcement officer employed by the Federal Bureau of Investigation, where such property shall be held subject to further order of a Nevada court or the Federal District court in and for Nevada, pursuant to NRS 179.105.

During the execution of this search warrant I authorize FBI law enforcement officers to be present and assist Nevada authorities.

Dated this 15th day of May , 2015

JUDGE

EXHIBIT B

Kathleen Bliss Law Group
Trial Attorney
• Federal Indian Law • Federal Criminal and Financial Investigations •

4240 West Flamingo Road
Suite 220
Las Vegas, Nevada 89103
Phone: (702) 366-1888
Fax: (702) 366-1940

October 30, 2015

Liesl Freidman, General Counsel
Charlotte Bible, Assistant General Counsel
Las Vegas Metropolitan Police Department
400 S. Martin L. King Blvd.
Las Vegas, NV 89106

Noreen DeMonte
Chief Deputy District Attorney, Criminal
Samuel Martinez
Deputy District Attorney, Criminal
Office of the District Attorney
200 Lewis Avenue
Las Vegas, NV 89155

Re: Return of Property and Status of Investigation, Event #14057-3035

Dear Counsel:

As you know, I represent Laura Anderson and Libra Group, Inc., and its shareholders. On May 18, 2015, the Las Vegas Metropolitan Police Department (LVMPD) executed a series of search warrants at the following addresses that were legally occupied by my clients:

12067 Oakland Hills, Las Vegas, Nevada 89141,

5608 Quiet Cloud, Las Vegas, Nevada 89141, and

54 Carolina Cherry Drive, Las Vegas, Nevada 89141

Another, seemingly unrelated search warrant, was executed at 3321 Alcudia Bay Ave., Las Vegas, Nevada 89141, and was opened as 150517-2385. By separate letter I have requested the return of property seized at Alcudia Bay, as that property belongs to my client, Ms. Anderson, relative to her legally authorized medical marijuana patient cards, which I have provided to LVMPD and the Civil Division as suggested by LVMPD.

Property seized at the Oakland Hills, Quiet Cloud and Carolina Cherry Drive addresses included, but was not limited to, vehicles, computers, cell phones and financial records. Some of the computers belonged to children, like Ms. Anderson's autistic son.

Kathleen Bliss Law Group

Trial Attorney

• Federal Indian Law• Federal Criminal and Financial Investigations •

4240 West Flamingo Road
Suite 220
Las Vegas, Nevada 89103
Phone: (702) 366-1888
Fax: (702) 366-1940

At or about the time that the search warrants by LVMPD were executed at the above addresses, "Notices of Intent to Seek Indictment" or "Markum" notices were given to my clients, all shareholders of Libra Group, Inc.: Persha Stanley, Heather Herrera, Sarah Wedge, Inas Ward, Kathleen Caldwell and Ms. Anderson. During this timeframe, I contacted Detective Greg Flores, whom I understand is leading the investigation. He indicated that either Ms. DeMonte or Mr. Martinez would know the status of filing charges. However, 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 anyone other shareholder of Libra Group, Inc. is a target, subject to prosecution despite the Markum notices.

I understand, too, that the computer forensic search is nearing completion and that all of the electronic devices have been copied for analysis. It is now time, then, for LVMPD to return the property as it has been duly preserved. Further, it is my earnest request that you return all property, including the financial documents of my clients, once LVMPD has determined that the property has no evidentiary value.

My clients have all suffered difficulties associated with the search of their residences. They have been penalized by credit agencies, they have had to expend thousands of dollars to replace their vehicles, which are essential to their families, and they have had to endure scorn by their neighbors. While I fully endorse the efforts of law enforcement and prosecutors in faithfully serving the public, there is a concomitant duty for public servants to forgo efforts when those efforts are obviously leading nowhere. Here, enough time has passed and you should act promptly to return the legally owned property of my clients lest they suffer further damage to their business and personal lives. This simple matter should be resolved without the necessity of me filing a motion for return of property.

I have attached the documents referenced here. Please review and authorize the release of my clients' property as expeditiously as possible but not later than November 18, 2015, which will mark six months since the seizures. Thank you for your prompt consideration.

Kathleen Bliss Law Group

Trial Attorney

• Federal Indian Law• Federal Criminal and Financial Investigations •

4240 West Flamingo Road
Suite 220
Las Vegas, Nevada 89103
Phone: (702) 366-1888
Fax: (702) 366-1940

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

LVMPD'S OPPOSITION TO MOTION FOR RETURN OF SEIZED PROPERTY

The Las Vegas Metropolitan Police Department ("Department"), by and through its attorney of record, Nick D. Crosby, Esq., of Marquis Aurbach Coffing, hereby files its Opposition to Motion for Return of Seized Property.

///

///

///

///

///

///

///

///

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

This Opposition is made and based upon the attached memorandum of points and authorities, all papers and pleadings on file herein, and any oral argument permitted by the Court at the time of the hearing.

Dated this 10th day of March, 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

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

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

The motion is premature and the subject property should not be ordered to be returned because the case is pending review. Further, the motion fails to demonstrate why retention of the seized property is unreasonable and it is unclear whether Movant has an individual interest in the property identified. As such, the motion should be denied.

II. STATEMENT OF RELEVANT FACTS

A. THE WARRANT.

On or about May 18, 2015, officers served and executed a search warrant on five separate locations throughout the Las Vegas valley. (See Exh. A attached to Pl.'s Motion). The warrants were issued in furtherance of a pandering and living off the earnings of a prostitute criminal investigation.

B. THE MOTION.

Movant, Laura Anderson ("Movant"), filed the instant motion seeking the return of property seized from four of the five locations.[1] It is unclear whether Movant is the owner of *all*

[1] It is unclear as to why Movant only seeks return of property seized from four, rather than five, of the properties.

of the property identified in the motion. Movant identifies a company, Libra Group, Inc., in the motion and the warrant identifies a Johnnie Green ("Green") as the subject of the warrants. Green is not listed as a movant in the motion.

III. LEGAL ARGUMENT

A. RELEASE OF ALL OF THE SEIZED PROPERTY IS PREMATURE.

Retention of the seized property is not unreasonable because the case is currently pending federal review. Nevada Revised Statute 179.085 provides, in relevant part:

> 1. 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:
>
> ...
>
> (e) Retention of the property by law enforcement is not reasonable under the totality of the circumstances.

Nev. Rev. Stat. 179.085(1)(e). The statute further states:

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

Id. at 179.085(3) and (5).

Here, Movant asserts, via declaration of counsel, that Movant is not a target of an investigation or is no longer a suspect in the case. (Mot., p. 5:2-4). However, this assertion appears to be limited to a *state* criminal case. The reality is that the underlying investigation is currently pending federal review for potential violations of federal law. Releasing all of the property at this stage in the case would improperly impede the case and put the proverbial cart before the horse.

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
(702) 382-0711 FAX: (702) 382-5816

Movant does not assert the seizure of the property was improper or illegal and, instead, only asserts that retention of the property is unreasonable. When property has an evidentiary value and has been legally seized, the property does not have to be returned to the owner until the evidentiary value of the property has been exhausted. U.S. v. Mills, 991 F.2d 609, 612 (9th Cir. 1993), *citing* U.S. v. U.S. Currency Amounting to Sum of $20,294.00 More or Less, 1495 F.Supp. 147, 150 (E.D.N.Y 1980). Once the government no longer has a need for the property, the court has duty to return the property. U.S. v. Martinson, 809 F.2d 1364, 1370 (9th Cir. 1987). In this case, the Department has imaged the computer devices and is agreeable to releasing the computer devices, as the mirrored images are sufficient to satisfy the government's evidentiary needs in that respect. However, ordering the release of *all* of the property is premature, given the pending federal review.

B. FEDERAL LAW PROVIDES GUIDANCE ON THIS ISSUE AND DEMONSTRATES RETURN OF THE PROPERTY IS PREMATURE.

As noted in the motion, the statute relied upon by Movant closely mirrors that of Federal Rule of Criminal Procedure 41(g). "To prevent the district courts from exercising their equitable jurisdiction too liberally, the circuit courts have enumerated certain factors that must be considered before a district court can reach the merits of a preindictment Rule 41[(g)] motion." Ramsden v. United States, 2 F.3d 322, 324 (9th Cir. 1993). A court should consider: "(1) whether the Government displayed a callous disregard for the constitutional rights of the movant; (2) whether the movant has an individual interest in and need for the property she wants returned; (3) whether the movant would be irreparably injured by denying return of the property; and (4) whether the movant has an adequate remedy at law for the redress of his grievance." Id.

Here, there is no evidence offered to demonstrate the Department demonstrated a callous disregard for the constitutional rights of Movant. As set forth above, Movant does not challenge the sufficiency or legality of the warrants and, since the warrants were issued upon a showing of probable cause, there can be no finding of callous disregard for Movant's rights because the probable cause requirement of the Fourth Amendment is designed to protect the constitutional interests of the moving party. See U.S. v. Comprehensive Drug Testing, 513 F.3d 1085, 1104

(9th Cir. 2008). In fact, when a court approves a search warrant, "great deference" should be given to the finding of probable cause. See Illinois v. Gates, 462 U.S. 213, 236 (1983). Further, it is not clear whether Movant has an *individual* interest in *all* of the seized property – which is a requirement under a 41(g) analysis.

Further, Movant did not demonstrate that retention of the property caused irreparable injury. Indeed, it is a well-recognized that temporary loss of income or money does not usually constitute irreparable injury. Los Angeles Memorial Coliseum Commission v. Nat'l Football League, 634 F.2d 1197, 1202 (9th Cir. 1980)(analyzing irreparable injury in the context of a preliminary injunction). Here, Movant has only identified monetary losses stemming from the retention of property. As such, Movant has failed to meet this requirement to permit the exercise of the Court's equitable powers.

C. MOVANT IS NOT ENTITLED TO DAMAGES OR ATTORNEYS FEES.

In the motion, Movant not only requests the return of the seized property, but also requests the Court award "all damages incurred herein, in an amount to be proven, costs, reasonable attorneys' fees...." Even if the Court is inclined to grant the motion, it is without authority to award damages or fees. Indeed, Nevada Revised Statute 179.085 provides no basis for the Court to award damages or attorneys fees. As such, an award of fees, costs or damages would be improper.

///

///

///

///

///

///

///

///

///

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

IV. CONCLUSION

Given the foregoing, the Department respectfully requests the Court deny the motion. Alternatively, if the Court believes issues of fact exist with respect to the reasonableness of the retention of property, an evidentiary hearing should be held to determine (1) ownership of the subject property; and (2) the reasonableness of the Department's retention of the property.

Dated this 10th day of March, 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

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
(702) 382-0711 FAX: (702) 382-5816

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **LVMPD'S OPPOSITION TO 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 March, 2016. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:[2]

Kathleen Bliss Law Group PLLC	
Contact	**Email**
Jason Hicks	jh@kathleenblisslaw.com
Kathleen Bliss Law Group, PLLC	
Contact	**Email**
Kathleen	kb@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

[2] 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).

MAC:05166-687 2737470_1 3/10/2016 1:51 PM

Electronically Filed
03/18/2016 10:36:46 AM

CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

****

LAURA ANDERSON, PLAINTIFF(S), VS. LAS VEGAS METROPOLITAN POLICE DEPARTMENT, DEFENDANT(S).	CASE NO: A-16-732077-C DEPARTMENT 28

File with Master Calendar

NOTICE OF RESCHEDULING OF HEARING

Please be advised that the date and time of a hearing set before the **Honorable Ronald J. Israel** has been changed. The **Plaintiff's Motion For Return Of Seized Property**, presently scheduled for March 24, 2016, at **9:00 a.m.**, has been **rescheduled** to the **31st day of March, 2016, at 9:00 a.m.**

By: _____
Sandra Jeter
Judicial Executive Assistant
to Judge Ronald J. Israel
Department 28

///

///

///

3/18/16

Ronald J. Israel
DISTRICT JUDGE
Department 28
LAS VEGAS, NV 89155

CERTIFICATE OF SERVICE

I hereby certify that on or about the date e-filed, I electronically served a copy of the foregoing document

Kathleen Bliss Law Group PLLC		
Name	Email	Select
Jason Hicks	jh@kathleenblisslaw.com	☑ ☑

Kathleen Bliss Law Group, PLLC		
Name	Email	Select
Kathleen	kh@kathleenblisslaw.com	☑ ☑

Marquis Aurbach Coffing		
Name	Email	Select
Candice Casale	ccasale@maclaw.com	☑ ☑
Nick D. Crosby, Esq.	ncrosby@maclaw.com	☑ ☑

Sandra Jeter
Judicial Executive Assistant

Ronald J. Israel
DISTRICT JUDGE
Department 28
LAS VEGAS, NV 89155

MARQUIS AURBACH
COFFING

DIRECT LINE: (702) 942-2133
DIRECT FAX: (702) 856-8932
EMAIL: NCROSBY@MACLAW.COM

March 18, 2016

Via Email: jeters@clarkcountycourts.us

Honorable Judge Ron Israel
District Court - Dept. XXVIII
Attn: Sandra Jeter/JEA
Regional Justice Center
200 Lewis Avenue
Las Vegas, NV 89155

Re: Laura Anderson v. Las Vegas Metropolitan Police Department
District Court Case No.: A732077
Our File No.: 5166-909

Dear Ms. Jeter:

Pursuant to our discussion this morning, please allow this correspondence to serve as confirmation that the parties in the above entitled matter are in agreement to continue the hearing currently set to be heard on March 24, 2016 on Plaintiff's Motion for Return of Seized Property. Accordingly, we respectfully request that the hearing be ***rescheduled for March 31, 2016 at 9:00 a.m.*** In addition, we request that the Plaintiff's Reply to this Motion now be due on or before March 24, 2016.

Thank you for your time and consideration. Should the Court have any other questions or concerns, please contact our office at your earliest convenience.

Sincerely,

MARQUIS AURBACH COFFING

Suzanne Boggs

Suzanne Boggs/Assistant to
Nick D. Crosby, Esq.

NC:smb
cc: Kathleen Bliss, Esq. *(via email: kb@kathleenblisslaw.com)*
Jason Hicks, Esq. *(via email: jh@kathleenblisslaw.com)*

MAC:05166-909 2752891_1 3/18/2016 9:48 AM

Electronically Filed
03/24/2016 03:15:28 PM

CLERK OF THE COURT

RPLY
Kathleen Bliss, Esq.
Nevada Bar No. 7606
E-mail: kb@kathleenblisslaw.com
Jason Hicks, Esq.
Nevada Bar No. 13149
E-mail: jh@kathleenblisslaw.com
Kathleen Bliss Law PLLC
400 S. 4th St., Suite 500
Las Vegas, NV 89101
Telephone: 702.793.4000
Facsimile: 702.793.4001

Attorneys for movant/real party in interest Laura Anderson

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.: A-16-732077-C DEPT NO.: XXVIII **LAURA ANDERSON'S REPLY IN SUPPORT OF HER MOTION FOR RETURN OF SEIZED PROPERT** Date of hearing: March 31, 2016 Time of hearing: 9:00 a.m.

Movant/real party in interest, Laura Anderson, by and through counsel Kathleen Bliss, Esq., and Jason Hicks, Esq., of the law firm Kathleen Bliss Law PLLC, hereby submits her reply in support of her motion for return of property. This reply is made and based upon the following memorandum of points and authorities, the pleadings and papers on file, any exhibits attached hereto, and argument entertained by the Court at the time of hearing.

MEMORANDUM OF POINTS AND AUTHORITIES

The Las Vegas Metropolitan Police Department ("LVMPD") relies on three alternative arguments in its Opposition: (1) Ms. Anderson's case is being reviewed by the federal authorities, rendering her motion premature; (2) the retention of the property is reasonable under the circumstances; and (3) it is unclear whether Ms. Anderson has an individual interest in the property identified in her motion. *See* Opposition at 2:13-17. Each argument is without merit for the following reasons.

I. ARGUMENT

A. An alleged investigation by federal authorities is insufficient to justify retention of Ms. Anderson's property by the State, and there is no evidence of such an investigation.

The basis for obtaining the State warrants rested upon suspicion of pandering and living off of the earnings of prostitution occurring locally in Las Vegas—state offenses. There is no federal jurisdiction over these allegations, as there is no indication that state lines were crossed (nor does LVMPD argue as much).

More importantly, LVMPD has cited no authority for its argument that it is permitted to retain property seized pursuant to a state court warrant and hold it indefinitely on behalf of federal authorities who may or may not bring charges. This is a patent violation of the Fourth Amendment and offends basic notions of comity between the state and federal governments.

Further, there are no extenuating circumstances present here which may ostensibly justify LVMPD's contention; if the federal government is indeed investigating this matter—a bare allegation for which LVMPD provides *no evidence* in support, through affidavit or otherwise—then federal authorities are free to apply to a federal magistrate judge for a federal warrant, and the United States Attorney's Office is free to convene a grand jury. None of this has happened, and there is no reason to believe it will.

In fact, federal law requires that, "[i]n a case in which the property is seized by a State or local law enforcement agency and turned over to a Federal law enforcement agency for the purpose of forfeiture under Federal law, notice shall be sent not more than **90 days after the date**

of seizure by the State or local law enforcement agency." 18 U.S.C. § 983(a)(1)(A)(iv)(emphasis added). It has been approximately **ten months** since Ms. Anderson's property was seized, yet no notice has been sent to her by the federal government. Even if the State did wish to hand over Ms. Anderson's property to the federal authorities, federal law would prohibit authorities from accepting it at this point as far longer than 90 days have passed from the initial seizure.[1]

LVMPD's assertion stance that it is holding property for the federal authorities does not make its actions any more reasonable, and this vague assertion does nothing to satisfy LVMPD's obligation to demonstrate reasonableness under NRS 179.085(1)(e). To the contrary, this argument simply reinforces Ms. Anderson's contention that the prolonged retention of her property has become unreasonable. As stated previously, upon information and belief, the investigation was not a joint federal-state investigation, and was not conducted by a joint task force. The federal authorities had absolutely no role in the investigation of Ms. Anderson and the seizure of her property. Thus, the State has no justification for acting as a proxy for the federal government in retaining property when it has no intention of bringing charges.

B. <u>The continued retention of Ms. Anderson's property by the state is unreasonable on its face.</u>

LVMPD concedes to the release of Ms. Anderson's computer devices. *See* Opposition at 4:8-11. This concession is based upon the acknowledgment that the devices have been mirrored and therefore hold no independent evidentiary value. *Id.* Inexplicably, however, LVMPD does not apply this same logic to the remaining property, notably the vehicles, cash, and jewelry.

---

[1] In addition, because the seizure was not effected by a joint task force, the State cannot continue to hold the property without bringing charges in hopes that the federal government will assume it. While at one point federal authorities were able to adopt seizures by state and local law enforcement agencies for purposes of later initiating federal forfeiture proceedings, former Attorney General Eric Holder issued an executive order on January 16, 2015, prohibiting this practice unless the seizure was either effected pursuant to a federal warrant, seized in tandem with federal authorities, or the property directly related to public safety concerns, such as firearms, ammunition, explosives, and child pornography. *See* Exhibit C (accessed online at https://www.justice.gov/file/318146/download). That is not the case here. **The Attorney General's order specifically lists "vehicles, valuables, and cash" as items that are subject to its prohibition on federal adoption of property seized solely by state or local law enforcement.**

Instead, LVMPD summarily claims that "ordering the release of *all* of the property is premature, given the pending federal review." *Id.* at ln.10-11 (emphasis in original). As stated above, the property was seized in relation to suspicion of pandering and living off of the earnings of a prostitute. Given the nature of the suspected crimes, as is true with the computer devices, the remaining property no independent evidentiary value; there is no reason to retain it as there might be if, for example, had the suspected crimes necessitated DNA testing. Even so, such testing would have immediately occurred after the seizure. Regardless, that is not the case here—pictures of the items, documentation, and testimony relating thereto are sufficient to establish their existence and value. The items themselves are simply not needed by LVMPD or the District Attorney's Office to conduct a criminal investigation or bring charges.

On that note, LVMPD's Opposition is largely a concession that the suspected charges have no merit or, at the very least, that Ms. Anderson is no longer being investigated by State authorities. *See generally* Opposition. LVMPD is simply silent on that point. What the State has essentially done is effectively forfeit Ms. Anderson's property while simultaneously depriving her of the protections afforded by formal civil or criminal forfeiture proceedings and the Fifth Amendment of the United States Constitution. LVMPD makes a vague claim that a federal review is pending, however no target letters or notification by federal agencies has been issued to Ms. Anderson. LVMPD's claim is simply unsupported, and even if it did have merit, it still is not justification for the ten month retention of Ms. Anderson's property by *State* authorities.

C. <u>LVMPD's reliance on Fed. R. Crim. P. 41(g) is a red herring</u>.

In her moving papers, Ms. Anderson cited to Fed. R. Crim. P. 41(g) only to illustrate the general principle that the retention of her property under these circumstances is improper, primarily because the revisions to Nevada's statute, NRS 179.085, which serve as the basis for the instant motion, were enacted a matter of months ago. As a result, there is not a body of case law applying these revisions available for the Court's consideration.

LVMPD's insistence that Ms. Anderson must show that she would be irreparably injured by denying return of the property, and that she must show the government displayed a callous

disregard for her constitutional rights are not appropriate points of inquiry under NRS 179.085(e). *See* Opposition at 4:17-22 (*citing Ramsden v. United States*, 2 F.3d 322, 324 (9th Cir. 1993)). The specific subsection under which this motion is brought requires only that Ms. Anderson demonstrate that "[r]etention of the property by law enforcement is not reasonable under the totality of the circumstances." NRS 179.085(1)(e). Ms. Anderson is not challenging the retention on the basis of the facial sufficiency of the warrant or the issuing Judge's probable cause determination, which are separate statutory basis. *See* NRS 179.085(1)(b)(sufficiency of warrant); NRS 179.085(1)(c)(lack of probable cause). Therefore LVMPD's discussion of probable cause and irreparable injury are entirely inapplicable; Ms. Anderson is not required to challenge either.

D. Ms. Anderson has an individual interest in the property specifically identified.

Ms. Anderson resides at the Oakland Hills residence, where the majority of the property listed was seized. She lives at this property with only her five-year-old son. It is quite clear that Ms. Anderson has an individual interest in the property seized from this home.

With respect to the items seized from the other three houses listed in the motion, Ms. Anderson is the owner of Libra Group, Inc., and also runs a d/b/a operating as Green Therapeutics. The property seized at the other three residences belonged to her companies, and she clearly has a possessory interest in the same.

Finally, an individual by the name of Johnnie Green resided at the fifth property, not challenged here. The items seized from that home belonged to Mr. Green, and Ms. Anderson has no business relationship with him. That is why Ms. Anderson seeks return of the specifically identified property that was seized from four of the five homes searched. *See* Opposition, fn. 1 ("It is unclear as to why Movant only seeks return of property seized from four, rather than five, of the properties.").

///

///

///

///

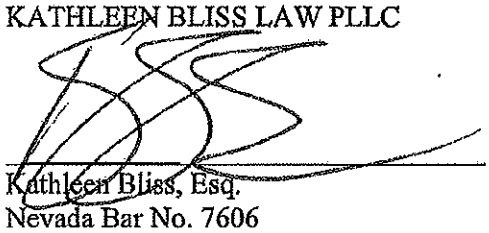
II. CONCLUSION

Based upon the foregoing, movant/real party in interest, Laura Anderson, respectfully requests that the Court enter an order directing the LVMPD and/or Clark County District Attorney's Office to immediately return her above reference property.

Dated this 24th day of March 2016.

Respectfully submitted,

KATHLEEN BLISS LAW PLLC



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
Facsimile: 702.793.4001
Attorneys for movant/real party in interest, Laura Anderson

CERTIFICATE OF SERVICE

The undersigned, an employee of Kathleen Bliss Law PLLC, hereby certifies that on this 24th day of March 2016, I did cause a true and correct copy of the **LAURA ANDERSON'S REPLY IN SUPPORT OF HER MOTION FOR RETURN OF SEIZED PROPERTY** 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

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

An employee of Kathleen Bliss Law PLLC

EXHIBIT C

Office of the Attorney General
Washington, D. C. 20530

ORDER NO.

PROHIBITION ON CERTAIN FEDERAL ADOPTIONS OF SEIZURES BY STATE AND LOCAL LAW ENFORCEMENT AGENCIES

By virtue of the authority vested in me as Attorney General, including 28 U.S.C. §§ 509 and 510, 18 U.S.C. §§ 981 and 982, and the other civil and criminal forfeiture statutes enforced or administered by the Department of Justice, I hereby direct that the following policy be followed by all Department of Justice attorneys and components, and all participants in the Department of Justice Asset Forfeiture Program concerning the federal adoption of property seized by state or local law enforcement under state law in order for the property to be forfeited under federal law ("federal adoption"):

Federal adoption of property seized by state or local law enforcement under state law is prohibited, except for property that directly relates to public safety concerns, including firearms, ammunition, explosives, and property associated with child pornography. To the extent that seizures of property other than these four specified categories of property are being considered for federal adoption under this public safety exception, such seizures may not be adopted without the approval of the Assistant Attorney General for the Criminal Division. The prohibition on federal adoption includes, but is not limited to, seizures by state or local law enforcement of vehicles, valuables, and cash, which is defined as currency and currency equivalents, such as postal money orders, personal and cashier's checks, stored value cards, certificates of deposit, travelers checks, and U.S. savings bonds.

This order does not apply to (1) seizures by state and local authorities working together with federal authorities in a joint task force; (2) seizures by state and local authorities that are the result of joint federal-state investigations or that are coordinated with federal authorities as part of ongoing federal investigations; or (3) seizures pursuant to federal seizure warrants, obtained from federal courts to take custody of assets originally seized under state law. This Order also does not affect the ability of state and local agencies to pursue the forfeiture of assets pursuant to their respective state laws.

This order is effective January 16, 2015, and applies prospectively to all federal adoptions. To the extent that prior Department of Justice orders, directives, and policies are inconsistent with this Order, those orders, directives, and policies are superseded.

January 16, 2015
Date

Eric H. Holder, Jr.
Attorney General

Electronically Filed
04/26/2016 04:53:30 PM

CLERK OF THE COURT

NOTC
Kathleen Bliss, Esq.
Nevada Bar No. 7606
E-mail: kb@kathleenblisslaw.com
Jason Hicks, Esq.
Nevada Bar No. 13149
E-mail: jh@kathleenblisslaw.com
Kathleen Bliss Law PLLC
400 S. 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 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.: A-16-732077-C DEPT NO.: XXVIII

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

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

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

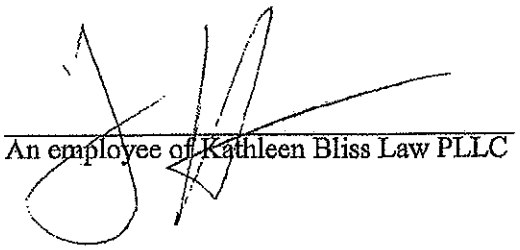
Dated: April 26, 2016.

Kathleen Bliss, Esq.

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

ORDR
Kathleen Bliss, Esq.
Nevada Bar No. 7606
E-mail: kb@kathleenblisslaw.com
Jason Hicks, Esq.
Nevada Bar No. 13149
E-mail: jh@kathleenblisslaw.com
Kathleen Bliss Law PLLC
400 S. 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 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.: 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.

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 concession 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 179.085(1)(e), the

☐ Voluntary Dismissal
☐ Involuntary Dismissal
☐ Stipulated Dismissal
☐ Motion to Dismiss by Deft(s)
■ Summary Judgment
☐ Stipulated Judgment
☐ Default Judgment
☐ Judgment of Arbitration

4/14/16 (28)

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 number358806053465371; (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

4324A-BRCM1052; (2) Dell Inspiron 15-5547, silver in color, serial number H1SSM602; and (3) Apple MacBook Pro, silver in color, serial number 4324ABRCM1055;

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

24. Two (2) silver colored skeleton keys;

25. The package located inside the men's handbag recovered from the maroon 2015 Mercedes S550, Nevada license plate LVM4V1, containing $500.00 in United States currency.

26. Wireless headphones located in the Mercedes used for onboard entertainment;

27. The package recovered from a purse located in the southeastern bedroom containing $1,755.00 in United States currency;

28. $54,892.00 in United States currency recovered from a safe located in the master bedroom's closet;

29. $31.00 in United States currency recovered from Ms. Anderson's personal miscellaneous paperwork;

30. Collection of men's and women's jewelry (watches, earnings, necklace, rings, etc.).

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

1. Four cellular phones, make, model, and serial number unknown;
2. Miscellaneous paperwork;
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 WDZPE8DC9E5856264, 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

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

D. <u>3321 Alcudia Bay Avenue, Las Vegas, Nevada, 89141</u>

1. Marijuana plants;

2. CO2 tanks and gauges;

3. 3 Grow tents;

4. Grow trays

5. Lights

6. Miscellaneous chemicals;

7. Ballasts;

8. Grodans blocks;

9. Fans;

10. Portable A/C;

11. Sub pumps;

12. 55 gallon drums;

13. Duct work;

14. Buckets;

15. Mail key;

16. Miscellaneous paperwork;

17. Glass smoking pipes;

18. Hi-Point firearm;

19. 40 Smith & Wesson serial number 7111865.

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.

Ronald J. Israel

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

BB

Submitted by:

/s/ Kathleen Bliss

Kathleen Bliss
Kathleen Bliss Law PLLC
400 South 4th Street
Suite 500
Las Vegas, NV 89101
702.793.4202
kb@kathleenblisslaw.com
Attorney for Plaintiff Laura Anderson

Agreed as to form and content:

_____

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

Electronically Filed
05/16/2016 03:31:34 PM

CLERK OF THE COURT

0011
Kathleen Bliss, Esq.
Nevada Bar No. 7606
E-mail: kb@kathleenblisslaw.com
Jason Hicks, Esq.
Nevada Bar No. 13149
E-mail: jh@kathleenblisslaw.com
Kathleen Bliss Law PLLC
400 S. 4th St., Suite 500
Las Vegas, NV 89101
Telephone: 702.793.4000
Facsimile: 702.793.4001

Attorneys for movant/real party in interest Laura Anderson

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.: 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:

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

///

///

///

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 CHAMBERS .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
400 S. 4th St., Suite 500
Las Vegas, NV 89101
Telephone: 702.793.4000
Facsimile: 702.793.4001
Attorneys for movant/real party in interest, Laura Anderson

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION AND BACKGROUND

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

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 Alcudia 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") and several others. The LVMPD executed these warrants the same day (May 18, 2015) and seized property belonging to 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 *Marcum*[1] 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. Since the onset of the investigation, and up and until counsel's last conversation with Detective Flores on Friday, October 23, 2015, it was the undersigned's clear understanding from Detective Flores that neither Ms. Anderson nor any other shareholder of Libra Group, Inc., was a target subject to prosecution despite the *Marcum* notices. This understanding was later confirmed through counsel

---

[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 were all shareholders of Libra Group, Inc.: Persha Stanley, Heather Herrera, Sarah Wedge, Kathleen Caldwell and Ms. Anderson.

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

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

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

While maintaining, without proof, that the federal government was investigating Ms. Anderson, LVMPD completely ignored the legal impossibility of its claim.[3] As set forth in Ms. Anderson's reply in support of her motion, this contention had no legal basis because: (1) federal law requires that "[i]n a case in which the property is seized by a State or local law enforcement agency and turned over to a Federal law enforcement agency for the purpose of forfeiture under Federal law, notice shall be sent not more than **90 days after the date of seizure** by the State or local law enforcement agency." 18 U.S.C. § 983(a)(1)(A)(iv)(emphasis added); (2) while at one point federal authorities were able to adopt seizures by state and local law enforcement agencies for

[3] And, in implicitly maintaining that the State has *carte blanche* to act as an unrestricted proxy for the federal government (when the federal government has not obtained a warrant, indicted an individual or done anything else), LVMPD also ignored the implication that its position would have on issues of comity and the Fourth Amendment.

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

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

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

Adding insult to injury, LVMPD then released Ms. Anderson's vehicle to a tow yard on April 27, 2016. Neither Ms. Anderson nor her counsel were informed. The tow yard then sent Ms. Anderson a letter dated May 9, 2016, informing her that she had an additional week to pick up her vehicle. Apparently, Ms. Anderson was supposed to pick up her vehicle within days after LVMPD's release. But, because Ms. Anderson did not receive notice from the tow yard for several weeks (and never received notice from LVMPD), her vehicle was re-impounded and she

was forced to personally pay $760 to obtain it from the tow yard. The tow yard has now filed a lien on Ms. Anderson's vehicle.

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

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

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

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

> 1. The compensation of an attorney and counselor for his or her services is governed by agreement, express or implied, which is not restrained by law.
>
> 2. In addition to the cases where an allowance is authorized by specific statute, the court may make an allowance of attorney's fees to a prevailing party:
>
> (a) When the prevailing party has not recovered more than $20,000; or
>
> (b) Without regard to the recovery sought, **when the court finds that the claim, counterclaim, cross-claim or third-party 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**

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

NRS 18.010 (emphasis added).

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

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

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

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

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

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

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

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

> (1) the qualities of the advocate: his ability, his training, education, experience, professional standing and skill;
>
> (2) the character of the work to be done: its difficulty, its intricacy, its importance; time and skill required, the responsibility imposed and the prominence and character of the parties where they affect the importance of the litigation;
>
> (3) the work actually performed by the lawyer: the skill, time and

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

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

(4) **The result.**

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

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

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

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

\\\

\\\

\\\

\\\

III. CONCLUSION

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

Dated this 16th day of May 2016.

Respectfully submitted,

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
Facsimile: 702.793.4001
Attorneys for movant/real party in interest, Laura Anderson

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

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.: 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.

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
BARBARA SUDEK
STATE OF NEVADA - COUNTY OF CLARK
MY APPOINTMENT EXP. AUG. 15, 2017
No: 92-4333-1

NOTARY PUBLIC in and for said County and State

My Commission Expires: 8-15-17

Electronically Filed
05/19/2016 11:24:30 AM

CLERK OF THE COURT

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

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.: A-16-732077-C DEPT NO.: XXVIII **VERIFIED MEMORANDUM OF COSTS**

Filing ..... $ 270.00

TOTAL $ 270.00

STATE OF NEVADA)
) :ss
COUNTY OF CLARK)

KATHLEEN BLISS, being duly sworn, states: that affiant is the attorney for Laura Anderson in the above titled action, and has personal knowledge of the above costs and disbursements expended; that the items contained in the above memorandum are true and correct to the best of this affiant's knowledge and belief; and that the said disbursements have been necessarily incurred and paid in this action.

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
BARBARA SUDEK
STATE OF NEVADA - COUNTY OF CLARK
MY APPOINTMENT EXP. AUG. 15, 2017
No: 92-4333-1

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

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

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

LVMDP'S MOTION TO RETAX COSTS

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

This Motion 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 20 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

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

NOTICE OF MOTION

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

Dated this 20 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

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

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

II. STATEMENT OF FACTS

Anderson brought the instant action for the return of seized property under Nevada Revised Statute 179.085. The Court signed an order for the return of seized property on April 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
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

III. LAW AND ARGUMENT

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

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

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

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

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

> **NRS 18.020 Cases in which costs allowed prevailing party.** Costs must be allowed of course to the prevailing party against any adverse party against whom *judgment* is rendered, in the following cases:
>
> ...
>
> 2. In an action to recover the possession of personal property, where the 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.*
>
> 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). Assuming *arguendo* Nevada Revised Statute 18.020 applied to this action (i.e. the court determined the value of the property or it is considered a "special proceeding"), Anderson would not be entitled to an award of costs because she did not receive a "judgment" as required by the statute.

C. THE MEMORANDUM OF COSTS IS UNTIMELY.

Again, assuming *arguendo* Anderson had a basis for an award of costs and that basis was chapter 18 of the Nevada Revised Statutes, her Memorandum of 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). Counsel for Anderson recently sent the undersigned an email stating that the order for the return of property was effective when the Court announced the decision orally in court or, at the latest, April 20, 2016 when the notice of entry of order was filed. Using April 20, 2016 for the operative trigger date to file a Memorandum of Costs, Anderson was required – by statute – to file her verified memorandum of costs no later than April 27, 2016 (omitting weekends and not counting the day the notice of entry was filed). Anderson did not file her Memorandum of Costs until May 19, 2016 – nearly a month past the statutory deadline. For this reason alone, Anderson is not entitled to an award of costs.

///

///

///

///

///

///

///

///

///

///

MARQUIS AURBACH COFFING
1001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

///

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

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
(702) 382-0711 FAX: (702) 382-5816

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).

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

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

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

///

///

///

///

///

///

///

///

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

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

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

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

B. THE MOTION FOR FEES AND COSTS.

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

///

///

///

///

[1] http://www.legacy.com/obituaries/rgj/obituary.aspx?pid=179521702.

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
(702) 382-0711 FAX: (702) 382-5816

III. LAW AND ARGUMENT

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

Nevada Revised Statue 18.010 states:

NRS 18.010 Award of attorney's fees.

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

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

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

(b) Without regard to the recovery sought, when the court finds that the claim, counterclaim, cross-claim or third-party 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 the provisions of this paragraph 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.

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

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

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

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

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

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

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

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

> **NRS 18.010 Award of attorney's fees.**
>
> ...
>
> 2. In addition to the cases where an allowance is authorized by specific statute, the court may make an allowance of attorney's fees to a prevailing party:
>
> ...
>
> (b) Without regard to the recovery sought, when the court finds that the claim, counterclaim, cross-claim or third-party 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 the provisions of this paragraph 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.

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

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

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

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

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

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

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

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

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
(702) 382-0711 FAX: (702) 382-5816

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

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

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

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

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

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

D. THE AMOUNT OF FEES REQUESTED ARE UNREASONABLE.

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

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

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

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

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

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

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

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

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

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

Nevada Revised Statute 18.020 states:

> **NRS 18.020 Cases in which costs allowed prevailing party.** Costs must be allowed of course to the prevailing party against any adverse party against whom *judgment* is rendered, in the following cases:
>
> ...
>
> 2. In an action to recover the possession of personal property, where the 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.*

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

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

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

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
(702) 382-0711 FAX: (702) 382-5816

CERTIFICATE OF SERVICE

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

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

[3] 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).