

IN THE SUPREME COURT OF NEVADA

NONA TOBIN, AS TRUSTEE OF THE
GORDON B. HANSEN TRUST,
DATED 8/22/08,

Appellant,

vs.

JOEL A. STOKES; SANDRA F.
STOKES, AS TRUSTEE OF THE
JIMIACK IRREVOCABLE TRUST;
YUEN K. LEE, AN INDIVIDUAL,
D/B/A MANAGER; F. BONDURANT,
LLC; SUN CITY ANTHEM
COMMUNITY ASSOCIATION, INC.;
AND NATIONSTAR MORTGAGE,
LLC,

Respondents.

Electronically Filed
Mar 30 2020 11:59 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 79295

APPEAL

from the Eighth Judicial District Court, Department XXXI
The Honorable Joanna S.. Kishner, District Judge
District Court Case No. A-15-720032-C

RESPONDENTS' JOINT REPLY TO ORDER TO SHOW CAUSE

MELANIE D. MORGAN, ESQ.

Nevada Bar No. 8215

DONNA M. WITTIG, ESQ.

Nevada Bar No. 11015

AKERMAN LLP

1635 Village Center Circle, Suite 200

Las Vegas, Nevada 89134

Telephone: (702) 634-5000

Attorneys for Respondent Nationstar Mortgage LLC

Respondents Nationstar Mortgage LLC, Sun City Anthem Community Association, Inc. (**SCA**), and Jimijack Irrevocable Trust (**Jimijack**, and with Nationstar and SCA, collectively, **respondents**), by and through their counsel of record, submit their joint reply to the Court's order to show cause filed January 7, 2010.

MEMORANDUM OF POINTS AND AUTHORITIES

In an order dated January 11, 2017, the court granted Nona Tobin, **as Trustee** of the Gordon B. Hansen Trust, to intervene in the underlying lawsuit. (*See Ex. 1*, order.) The Order in multiple locations refers to Nona Tobin, **as Trustee** of the Gordon B. Hansen Trust, and does not refer to Nona Tobin individually. Ms. Tobin, the individual, never obtained an order allowing her to intervene in the litigation. The district court confirmed this interpretation of the January 11, 2017 order in minutes of a June 3, 2019 hearing, stating: “the intervention motion was granted back in 2016 as Tobin trustee on behalf of the trust, there is nothing in the record that allowed Ms. Tobin to come in as an individual”¹ (**Ex. 2**, court minutes, June 3, 2019.)

In the same month of January of 2017, the Gordon B. Hansen Trust (**Hansen Trust** or **Trust**) filed cross-claims against SCA. (*See* January 31, 2017 Cross-

¹ Though granted in 2016 the Order was entered January 11, 2017.

Claim.) SCA challenged Nona Tobin as Trustee's ability to represent the Trust without legal counsel. The Trust, through counsel, eventually stipulated to dismiss all claims except for quiet title against SCA. The quiet title claim included allegations SCA failed to comply with NRS 116 and the Community's Covenants, Conditions & Restrictions (**CC&Rs**). SCA eventually obtained summary judgment against Nona Tobin as Trustee for the Trust. That decision is on appeal.

After the court granted summary judgment, Ms. Tobin individually moved for a new trial and moved to dismiss, and counterdefendants opposed her motions. The district court struck her motion for new trial and motion to dismiss from the record as rogue documents. The court's findings of fact and conclusions of law further confirm Ms. Tobin was never a party to this matter in her individual capacity. *See Ex. 3*, notice of entry findings of fact and conclusions of law, November 22, 2019 ("1. Nona Tobin, an individual, is not, and has never been, a party to this case."; "2. Nona Tobin's involvement in this case is limited to her role as trustee of the GORDON B. HANSEN TRUST Dated 8/22/08.").

The district court's striking of Ms. Tobin's individual filings does not provide jurisdiction over her attempts to appeal in her individual capacity.² The court never denied Ms. Tobin, individually, the ability to properly seek entry into the litigation,

² *See* Nona Tobin's individual amended notice of appeal filed in this Court January 2, 2020, attempting to appeal an order striking rogue documents and *see* NRAP 3A(a).

nor did it determine whether Ms. Tobin could or could not participate in the litigation as an individual. Finding that Ms. Tobin is not a party and therefore cannot file in the litigation is not the same. The closest Ms. Tobin ever came to requesting entry into the litigation individually was a motion to substitute real party in interest filed May 23, 2019. (*See Ex. 4*, motion.) She later withdrew that motion and the court never ruled on it. (*See Ex. 5*, court minutes, May 29, 2019.) Ms. Tobin, individually, previously attempted to appeal, and on September 4, 2019, this Court dismissed that attempt, finding “[it] lacks jurisdiction to address her claims as an individual[]”, citing to *Valley Bank of Nev. v. Ginsburg*, 110 Nev. 440, 446, 874 P.2d 729, 734 (1994), which references NRAP 3A(a) (standing to appeal).

The district court's order later striking additional rogue filings by Ms. Tobin, individually, does not change the fact she was never a party to the underlying litigation, and that this Court still lacks jurisdiction based on its prior reasoning. *Id.* That Ms. Tobin's amended notice of appeal was filed by an attorney rather than *pro se* is also a distinction without difference for purposes of jurisdiction.

The Court also lacks jurisdiction on the grounds “no statute or court rule permits an appeal from an order striking filings.” *See Cunningham v. Exec. Branch of Nevada Gov't*, 127 Nev. 1128, 373 P.3d 907 (2011) (unpublished) (citing *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990)), and *see also* NRAP 3A(a) (“a party who is aggrieved by an appealable judgment or order may appeal from that

judgment or order. . . .”) Here, the most recent notice of appeal attempts to appeal an order striking documents—which is not appealable.

CONCLUSION

Based on the foregoing, respondents request the appeal be dismissed in part as to the appeal by Nona Tobin in her individual capacity.

DATED March 30th, 2020.

Akerman LLP <u>/s/ Donna M. Wittig</u> MELANIE D. MORGAN, ESQ. Nevada Bar No. 8215 DONNA M. WITTIG, ESQ. Nevada Bar No. 11015 1635 Village Center Circle, Suite 200 Las Vegas, Nevada 89134 <i>Attorneys for Nationstar Mortgage LLC</i>	LIPSON NEILSON, P.C. <u>/s/ David T. Ochoa</u> Kaleb D. Anderson, Esq. (Bar No. 7582) David T. Ochoa, Esq. (Bar No. 10414) 9900 Covington Cross Dr., Suite 120 Las Vegas, NV 89148 <i>Attorneys for Sun City Anthem Community Association</i>
HONG & HONG <u>/s/ Joseph Y. Hong</u> Joseph Y. Hong, Esq. 10781 W. Twain Avenue Las Vegas, NV 89135 <i>Attorneys for Jimijack Irrevocable Trust</i>	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of AKERMAN LLP, and that on this 30th day of March, 2019, I caused to be served a true and correct copy of the foregoing **RESPONDENTS' JOINT REPLY TO ORDER TO SHOW CAUSE**, in the following manner:

(ELECTRONIC SERVICE) Pursuant to Administrative Order 14-2, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by the Court's facilities to those parties listed on the Court's Master Service List.

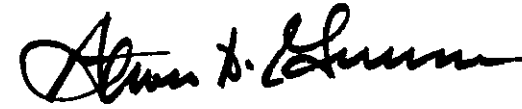
I declare that I am employed in the office of a member of the bar of this Court at whose discretion the service was made.

/s/ Carla Llarena
An employee of AKERMAN LLP

EXHIBIT 1

**Order Granting Applicant Nona Tobin's
Motion to Intervene
(Filed January 11, 2017)**

EXHIBIT 1



CLERK OF THE COURT

ORDR

NONA TOBIN, Trustee
Gordon B. Hansen Trust, Dated 8/22/08
2664 Olivia Heights Avenue
Henderson NV 89052
Phone: (702) 465-2199
nonatobin@gmail.com
Defendant-in-Intervention, Cross-Claimant, Counter-Claimant
In Proper Person

**DISTRICT COURT
CLARK COUNTY, NEVADA**

JOEL A. STOKES and SANDRA F. STOKES,
as trustees of the JIMI JACK IRREVOCABLE
TRUST,

Plaintiffs,

vs.

BANK OF AMERICA, N.A.; SUN CITY
ANTHEM COMMUNITY ASSOCIATION,
INC.; DOES 1 through X and ROE
BUSINESS ENTITIES 1 through 10, inclusive,

Defendants.

NATIONSTAR MORTGAGE, LLC,

Counter-Claimant,

vs.

JIMI JACK IRREVOCABLE TRUST;
OPPORTUNITY HOMES, LLC, a Nevada
limited liability company; F. BONDURANT,
LLC, a Nevada limited liability company;
DOES I X, ROE CORPORATIONS XI XX,
inclusive,

Counter-Defendants

Case No.: A-15-720032-C

Dept. No.: XXXI

**ORDER GRANTING APPLICANT
NONA TOBIN'S MOTION TO
INTERVENE**

Hearing date: December 20, 2016

Hearing time: 9:00 a.m.



1 This matter came for hearing before the Court on December 20, 2016, at 9:00 AM.
2 Applicant/Intervening Defendant/Counter-Claimant Nona Tobin, Trustee of the Gordon
3 B. Hansen Trust, appeared in Proper Person while Plaintiffs/Counter-Defendants, Joel
4 A. Stokes and Sandra F, Stokes, as Trustees of the Jimijack Irrevocable Trust, were represented
5 by Joseph Y. Hong, Esq., of Hong & Hong, a Professional Law Corporation.

6 The motion to Intervene and Notice of Hearing was electronically served to all parties
7 included on the Wiz-net E-file Master Service list for the consolidated cases. Plaintiff/Counter-
8 Defendant Nationstar Mortgage, LLC, received e-service through their Counsel, Wright, Finlay
9 & Zak, LLP, but no appearance at the hearing was made on behalf of Nationstar Mortgage,
10 LLC.

11 The Court, having considered the pleadings and papers on file and heard the arguments
12 of the parties present at the hearing, and for good cause appearing, hereby rules as follows:

13 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that Applicant
14 Nona Tobin's Motion to Intervene into consolidated cases No. A-15-720032-C and
15 A-16-730078-C, of which Case No. A-15-720032-C serves as the main case is GRANTED.

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

1 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Applicant Nona
2 Tobin shall file her Counter-Claim(s) and Cross-Claim(s) ^{within twenty (20) days} ~~on or before January~~ ^{hereof.} ~~2017~~
3 Any Cross-Claim Ms. Tobin may file against Nationstar Mortgage, LLC, may be filed no later
4 than ~~twenty (20) days following a determination by this Court to void the disputed foreclosure~~
5 ~~sale for delinquent HOA assessments.~~ *John*

6 **IT IS SO ORDERED** this 10 day of Jan, 2017.

7
8 *John* **JOANNA S. KISHNER**
9 **DISTRICT COURT JUDGE**

10 Respectfully submitted,

11 *Nona Tobin*
12 NONA TOBIN, Trustee
13 Gordon B. Hansen Trust, Dated 8/22/08
14 2664 Olivia Heights Avenue
15 Henderson NV 89052
16 Phone: (702) 465-2199
17 *Defendant-in-Intervention/Counter-Claimant*
18 *In Proper Person*

19 Approved as to form and content,

20 HONG & HONG, A PROFESSIONAL
21 LAW CORPORATION

22 Joseph Y. Hong, Esq.
23 Nevada Bar No. 5995
24 10781 W. Twain Avenue
Las Vegas, NV 89135
Attorney for Plaintiff/Counter-Defendant,
Joel A. and Sandra F. Stokes, as trustees
of Jimijack Irrevocable Trust

Approved as to form and content,

WRIGHT, FINLAY & ZAK, LLP

Edgar C. Smith, Esq.
Nevada Bar. No. 05506
7785 West Sahara Ave., Suite 200
Las Vegas, NV 89135
Attorney for Counter-Defendant,
Nationstar Mortgage, LLC

EXHIBIT 2

**Court Minutes
(Calendar Call; June 3, 2019)**

EXHIBIT 2

REGISTER OF ACTIONS
CASE No. A-15-720032-C

Joel Stokes, Plaintiff(s) vs. Bank of America NA, Defendant(s)	§ § § § § § § § § §	Case Type: Other Title to Property Date Filed: 06/16/2015 Location: Department 31 Cross-Reference Case Number: A720032 Supreme Court No.: 79295
--	--	---

RELATED CASE INFORMATION

Related Cases
A-16-730078-C (Companion Case)

PARTY INFORMATION

Counter Claimant	Gordon B. Hansen Trust Dated 8/22/08	Lead Attorneys
Counter Claimant	Nationstar Mortgage, LLC	Melanie D. Morgan Retained 702-634-5000(W)
Counter Claimant	Tobin, Nona	Pro Se
Counter Defendant	Stokes, Joel A	Joseph Y. Hong Retained 702-870-1777(W)
Counter Defendant	Stokes, Sandra F	Joseph Y. Hong Retained 702-870-1777(W)
Cross Claimant	Gordon B. Hansen Trust Dated 8/22/08	
Cross Claimant	Tobin, Nona	Pro Se
Cross Defendant	Lee, Yuen K.	
Cross Defendant	Sun City Anthem Community Association Inc	David A. Clark Retained 7023822200(W)
Defendant	Bank of America NA	Dana J. Nitz Retained 702-475-7964(W)
Defendant	Sun City Anthem Community Association Inc	David A. Clark Retained 7023822200(W)

Plaintiff JimiJack Irrevocable Trust**Joseph Y. Hong**
Retained
702-870-1777(W)

EVENTS & ORDERS OF THE COURT

06/03/2019 **Calendar Call** (8:45 AM) (Judicial Officer Kishner, Joanna S.)**Minutes**

05/21/2019 9:00 AM

05/23/2019 3:30 PM

06/03/2019 8:45 AM

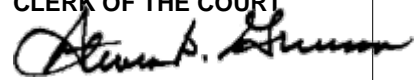
- Parties made appearances; and Mr. Coppedge identified Ms. Tobin as an individual. Court clarified there is nothing in the record that shows Ms. Tobin as an individual, the Court had asked Mr. Mushkin about this at the last hearing, the intervention motion was granted back in 2016 as Tobin trustee on behalf of the trust, there is nothing in the record that allowed Ms. Tobin to come in as an individual, and a trustee has to be represented by counsel. Court addressed the caption issue and history of the case, including the ruling made at the prior hearing. Upon Court's inquiry about whether a Rule 2.67 conference was held, Mr. Coppedge stated this occurred two weeks ago, telephonically, and he does not have an exact date. Mr. Hong noted he spoke with opposing counsel telephonically, and will not be providing witnesses or documents. Court noted there was a Joint Case Conference Report filed and an Individual Case Conference Report filed. Statements by counsel. Court addressed the procedural aspects of the case; and determined non-compliance by the parties under EDCR 2.67, EDCR 2.68, and EDCR 2.69 or NRCP 16.1 (a) (3); and no pre-trial memorandums were filed, no joint pre-trial memorandums were filed, and there were no pre-trial disclosures. Parties did not provide trial exhibits. Court stated neither side can provide documents or witnesses at trial. Trial schedule was provided to the parties by Court, orally. COURT ORDERED, trial date SET. 6/05/19 8:30 A.M. BENCH TRIAL CLERK'S NOTE: Minutes updated to only include the trial start time for June 5, 2019. (6/04/19 sb)

[Parties Present](#)[Return to Register of Actions](#)

EXHIBIT 3

**Notice of Entry of Findings of Fact,
Conclusions of Law and Order
(Filed November 22, 2019)**

EXHIBIT 3



LIPSON NEILSON P.C.
KALEB D. ANDERSON, ESQ.
Nevada Bar No. 7582
DAVID T. OCHOA, ESQ.
Nevada Bar No. 10414
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144
(702) 382-1500 - Telephone
(702) 382-1512 - Facsimile
kanderson@lipsonneilson.com
dochoa@lipsonneilson.com
Attorneys for Cross-Defendant
Sun City Anthem Community Association

DISTRICT COURT
CLARK COUNTY, NEVADA

JOEL STOKES and SANDRA F.
STOKES, as trustees of the JIMI JACK
IRREVOCABLE TRUST,

Plaintiff,

vs.

BANK OF AMERICA, N.A.; SUN CITY
ANTHEM COMMUNITY ASSOCIATION,
INC.; DOES I through X and ROE
BUSINESSENTITIES I through X,
inclusive,

Defendants.

NATIONSTAR MORTGAGE, LLC

Counter-Claimant,

vs.

JIMI JACK IRREVOCABLE TRUST;
OPPORTUNITY HOMES, LLC, a Nevada
limited liability company; F. BONDURANT,
LLC, a Nevada limited liability company;
DOES I through X, inclusive; and ROE
CORPORATIONS XI through XX,
inclusive,

Counter-Defendants.

NONA TOBIN, an individual, and Trustee
of the GORDON B. HANSEN TRUST.

CASE NO.: A-15-720032-C

Dept. XXXI

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

1 Dated 8/22/08

2 Counter-Claimant,

3 vs.

4 JOEL A. STOKES and SANDRA F.
5 STOKES, as trustees of the JIMI JACK
IRREVOCABLE TRUST,

6 Counter-Defendants.

7 NONA TOBIN, an individual, and Trustee
8 of the GORDON B. HANSEN TRUST.
Dated 8/22/08

9 Cross-Claimant,

10 vs.

11 SUN CITY ANTHEM COMMUNITY
12 ASSOCIATION, INC., DOES 1-10, AND
ROE CORPORATIONS 1-10, inclusive,

13 Counter-Defendants.

14 NONA TOBIN, an individual, and Trustee
15 of the GORDON B. HANSEN TRUST.
Dated 8/22/08

16 Cross-Claimant,

17 vs.

18 OPPORTUNITY HOMES, LLC, THOMAS
19 LUCAS, Manager,

20 Counter-Defendant.

21 NONA TOBIN, an individual, and Trustee
22 of the GORDON B. HANSEN TRUST.
Dated 8/22/08

23 Cross-Claimant,

24 vs.

25 YUEN K. LEE, an Individual, d/b/a
26 Manager, F. BONDURANT, LLC,

27 Counter-Defendant.

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

Please take notice that the Findings of Fact, Conclusions of Law and Order was filed with this court on the 22nd day of November, 2019, a copy of which is hereto attached as Exhibit "A".

Dated this 22nd day of November, 2019.

LIPSON NEILSON P.C.

/s/ DAVID OCHOA

By: _____

KALEB ANDERSON, ESQ. (NV Bar No. 7582)
DAVID T. OCHOA, ESQ. (NV Bar No. 10414)
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144
*Attorneys for Defendant SUN CITY ANTHEM
COMMUNITY ASSOCIATION*

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of November, 2019, service of the foregoing
NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
to the Clerk's Office using the Odyssey E-File & Serve System for filing and transmittal
to the following Odyssey E-File & Serve registrants:

Melanie D Morgan, Esq.
Donna Wittig, Esq.
AKERMAN LLP
1635 Village Center Circle Ste. 200
Las Vegas, NV 89134

Attorneys for Defendants

David R. Koch
Steven B. Scow
KOCH & SCOW LLC
11500 S. Eastern Ave. Suite 210
Henderson, NV 89052

*Attorneys for Cross-Defendant Red Rock
Financial Services, LLC*

Joseph Y. Hong, Esq.
HONG & HONG
1980 Festival Plaza Dr., Suite 650
Las Vegas, NV 89135

Attorneys for Plaintiff

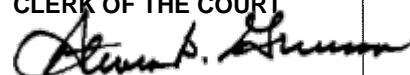
Joe Coppedge, Esq.
Michael R. Mushkin & Associates, P.C.
4475 S. Pecos Road
Las Vegas, NV 89121

*Attorney for Nona Tobin an individual and
Trustee of the Gordon B. Hansen Trust,
dated 8/22/25*

/s/ Juan Cerezo

An Employee of LIPSON NEILSON P.C.

EXHIBIT “A”



LIPSON NEILSON, P.C.
KALEB D. ANDERSON, ESQ.
Nevada Bar No. 7582
DAVID T. OCHOA, ESQ.
Nevada Bar No. 10414
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144
(702) 382-1500 - Telephone
(702) 382-1512 - Facsimile
kanderson@lipsonneilson.com
dochoa@lipsonneilson.com
Attorneys for Cross-Defendant
Sun City Anthem Community Association

DISTRICT COURT
CLARK COUNTY, NEVADA

JOEL STOKES and SANDRA F.
STOKES, as trustees of the JIMI JACK
IRREVOCABLE TRUST,

Plaintiffs,

vs.

BANK OF AMERICA, N.A.,

Defendant.

NATIONSTAR MORTGAGE, LLC

Counter-Claimant,

vs.

JIMI JACK IRREVOCABLE TRUST,

Counter-Defendant.

NONA TOBIN, Trustee of the GORDON
B. HANSEN TRUST. Dated 8/22/08

Counter-Claimant,

vs.

JOEL A. STOKES and SANDRA F.
STOKES, as trustees of the JIMI JACK
IRREVOCABLE TRUST, SUN CITY
ANTHEM COMMUNITY ASSOCIATION.

CASE NO.: A-15-720032-C

Dept. XXXI

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

INC., YUEN K. LEE, an Individual, d/b/a/
Manager, F. BONDURANT, LLC, and
DOES 1-10, and ROE CORPORATIONS
1-10, inclusive,

Counter-Defendants,

On September 3, 2019, the Court heard and considered the following Motions:

(1) Nona Tobin's Motion for a New Trial Per Rule 54(B) and RULE 59(1)(A)(B)(C)(F) ("Motion for New Trial");

(2) Nona Tobin's Motion to Dismiss Pursuant to NRS 38.310(2) ("Motion to Dismiss");

(3) Counterdefendants' Response to Nona Tobin's Motion for New Trial and Motion to Dismiss and Countermotion to Strike from the Record the Rogue Motions and for Attorney's Fees and Costs Pursuant to EDCR Rule 7.6(b)(1) and/or (3);

(4) Sun City Anthem Community Association's Joinder to Counterdefendants' Response and Sun City Anthem Community Association's Countermotion to Strike Notice of Lis Pendens, for a Vexatious Litigant Order, and for Attorney's Fees Pursuant to NRS 18.010 and EDCR 7.6.

Non Party Nona Tobin appeared on her own behalf; Joseph Hong, Esq. appeared for Counterdefendants Joel A Stokes and Sandra F. Stokes, as Trustees of the Jimijack Irrevocable Trust, Yuen K Lee and F. Dondurant, LLC; Kaleb Anderson, Esq. appeared for Sun City Anthem Community Association; and Donna Wittig, Esq. appeared for Nationstar Mortgage, LLC.

Being fully briefed, and the Court having considered the Motions, Oppositions, and Replies, and being fully advised in the premises, finds as follows:

///

///

FINDINGS OF FACT

1. Nona Tobin, an individual, is not, and has never been, a party to this case.
2. Nona Tobin's involvement in this case is limited to her role as trustee of the GORDON B. HANSEN TRUST Dated 8/22/08.
3. Nona Tobin, as Trustee of the GORDON B. HANSEN TRUST Dated 8/22/08 is represented in this matter by Joe Coppedge Esq.
4. Despite pronouncements from this Court regarding Nona Tobin's status as a non-party in this matter, all parties to the case have perpetuated confusion as to Nona Tobin's status as a party by continuing to make reference to Nona Tobin, as an individual, as a party to the case.
5. Although this Court orally granted a Motion to Withdraw by Attorney Coppedge, no final Order was filed. Pursuant to *Division of Child and Family Services, Dept. of Human Resources, State of Nevada v. Eighth Judicial District Court ex rel. County of Clark*, 120 Nev. 445, 92 P.3d 1239 (2004), the oral pronouncement of the Court is ineffectual without a written, signed, and filed order.
6. On July 23, 2019, Nona Tobin, as Trustee of the GORDON B. HANSEN TRUST Dated 8/22/08 filed a Notice of Appeal.
7. On July 22, 2019, Nona Tobin, as an individual, filed a Motion for a New Trial Per Rule 54(B) and RULE 59(1)(A)(B)(C)(F).
8. On July 29, 2019, Nona Tobin, as an individual, filed a Motion to Dismiss Pursuant to NRS 38.310(2).
9. On August 7, 2019, Nona Tobin, as an individual, filed a Notice of Lis Pendens.

///

///

///

///

CONCLUSIONS OF LAW

1. Because she is not now, nor has she ever been, as party to this case, Nona Tobin is not authorized to file anything with this court in her individual capacity.
2. The only way Nona Tobin is involved in this matter is in her capacity as Trustee of the GORDON B. HANSEN TRUST Dated 8/22/08. In this capacity, she is represented by attorney Joe Coppedge, Esq..
3. Because she is not a party to the case, all documents filed with this Court by Nona Tobin as an individual, are rogue documents and are stricken from the record. This includes both the Motion to Dismiss and Motion for New Trial (and all oppositions or replies) and the Notice of Lis Pendens.
4. In addition to being stricken as rogue documents, the Motion to Dismiss and Motion for a New Trial denied under NRCP 62.1, as there is no ^{basis for} relief possible given the pending appeal ^{and the lack of authority provided.}
5. Counterdefendants have requested attorney's fees from Nona Tobin as part of their response to the Motion to Dismiss and Motion for a New Trial. Because ^{inter alia} the Court has no jurisdiction over Nona Tobin as an individual, ^{the} this Court has ^{no basis provided, basis upon which fees could be assessed Agt her.} no jurisdiction over her.
6. Further, all parties to the case have contributed to the confusion regarding Nona Tobin's (as an individual) status in the case, so this Court finds no basis for an award of attorney's fees.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that non-party Nona Tobin's Motion for a New Trial Per Rule 54(B) and RULE 59(1)(A)(B)(C)(F) is stricken from the Record as a rogue document.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that non-party Nona Tobin's Motion to Dismiss Pursuant to NRS 38.310(2) is stricken from the Record as a rogue document.

1
2 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the Motion to
3 expunge the lis pendens is GRANTED.

4 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that Counter
5 defendants' Requests for Attorney's fees are denied without prejudice.

6 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that
7 Counterdefendant Sun City Anthem Community Association's Counter Motion to have
8 Nona Tobin deemed a vexation litigant is denied *without prejudice.*

9 Dated this 20 day of ~~October~~, 2019.
November

10
11  JOANNA S. KISHNER

12 HONORABLE JOANNA KISHNER

13
14 Submitted by:

15 **LIPSON NEILSON, P.C.**

16
17 By: 

18 Kaleb D. Anderson, Esq. (Bar No. 7582)
19 David T. Ochoa, Esq. (Bar No. 10414)
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144

20 Attorneys for Cross-Defendant
21 Sun City Anthem Community Association
22
23
24
25
26
27
28

1 Approved as to form and content

<p>2 Dated this ____ day of October, 2019</p> <p>3 AKERMAN, LLP</p> <p>4</p> <p>5 By: <u>Signature waived</u></p> <p>6 Melanie D. Morgan, Esq. (Bar No. 8215)</p> <p>7 1635 Village Center Circle Ste. 200</p> <p>8 Las Vegas, NV 89134</p> <p>9 <i>Attorneys for Defendants</i></p>	<p>Dated this <u>29th</u> day of October, 2019</p> <p>HONG & HONG</p> <p>By: <u>s/ Joseph Hong</u></p> <p>Joseph Y. Hong, Esq. (Bar No: 5995)</p> <p>1980 Festival Plaza Dr., Suite 650</p> <p>Las Vegas, NV 89135</p> <p><i>Attorney for Plaintiff/Counterdefendant</i></p> <p><i>Jimijack Irrevocable Trust</i></p>
<p>10 Dated this ____ day of October, 2019</p> <p>11 MUSHKIN CICA COPPEDGE</p> <p>12</p> <p>13 By: <u>Declined to sign</u></p> <p>14 Joe Coppedge, Esq. (Bar No. 4954)</p> <p>15 4495 S. Pecos Rd.</p> <p>16 Las Vegas, NV 89121</p> <p><i>Attorney for Nona Tobin</i></p>	

EXHIBIT 4

**Motion to Substitute Real Party In Interest
and to Withdraw as Counsel of Record for
Counterclaimant Nona Tobin On Order
Shortening Time
(Filed May 23, 2019)**

EXHIBIT 4

Steven D. Grierson

1 MICHAEL R. MUSHKIN, ESQ.
Nevada Bar No. 2421
2 L. JOE COPPEDGE, ESQ.
Nevada Bar No. 4954
3 MUSHKIN CICA COPPEDGE
4 4495 South Pecos Road
Las Vegas, Nevada 89121
5 Telephone: 702-454-3333
Fax: 702-386-4979
6 michael@mccnvlaw.com
7 jcoppedge@mccnvlaw.com

8 *Attorneys for Nona Tobin, an individual and*
9 *as Trustee of the Gordon B. Hansen Trust*

10 **DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 JOEL A. STOKES and SANDRA F.
13 STOKES, as trustee of the JIMI JACK
IRREVOCABLE TRUST,

14 Plaintiffs,
15 vs.

16 BANK OF AMERICA, N.A.;

17 Defendant.
18

19 NATIONSTAR MORTGAGE, LLC,

20 Counter-Claimant,
21 vs.

22 JIMI JACK IRREVOCABLE TRUST,

23 Counter-Defendant.
24

25 CAPTION CONTINUES BELOW
26
27
28

Case No.: A-15-720032-C
Consolidated with: A-16-730078-C

Department: XXXI

Hearing Requested

**MOTION TO SUBSTITUTE REAL
PARTY IN INTEREST AND TO
WITHDRAW AS COUNSEL OF
RECORD FOR COUNTERCLAIMANT
NONA TOBIN ON ORDER
SHORTENING TIME**

DEPARTMENT XXXI
NOTICE OF HEARING
DATE 5/29/19 TIME 0830 am
APPROVED BY *JD*

MAY 17 19 PM 04:10

1 NONA TOBIN, an individual, and Trustee
2 of the GORDON B. HANSEN TRUST.
Dated 8/22/08

3 Counter-Claimant,

4 vs.

5 JOEL A. STOKES and SANDRA F.
6 STOKES, as trustees of the JIMI JACK
7 IRREVOCABLE TRUST, SUN CITY
8 ANTHEM COMMUNITY ASSOCIATION,
9 INC., YUEN K. LEE, an Individual, d/b/a
10 Manager, F. BONDURANT, LLC, DOES 1-
10, AND ROE CORPORATIONS 1-10,
inclusive,

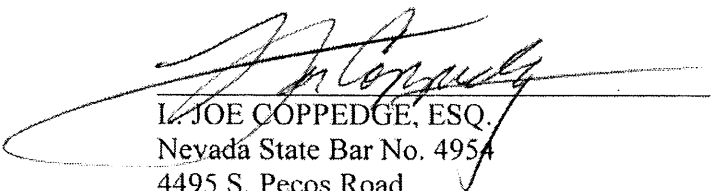
11 Counter-Defendants.

12 **MOTION TO SUBSTITUTE REAL PARTY IN INTEREST AND TO WITHDRAW AS**
13 **COUNSEL OF RECORD FOR COUNTERCLAIMANT NONA TOBIN**
14 **ON ORDER SHORTENING TIME**

15 The law firm of Mushkin Cica Coppedge, by and through their undersigned counsel,
16 hereby move this Honorable Court for an Order substituting Nona Tobin, as an individual, as
17 the real party in interest for Nona Tobin, as Trustee of the Gordon B. Hansen Trust dated
18 9/22/08 (the "Trust") for all purposes in the action, and upon such substitution, allowing the law
19 firm of Mushkin Cica Coppedge to withdraw as counsel of record for Counterclaimant Nona
20 Tobin (the "Client"). This Motion is made and based upon the pleadings and papers of file
21 herein, the Memorandum of Points and Authorities, the Declaration of Counsel, and any oral
22 argument which may be deemed necessary by the Court upon the hearing of the instant Motion.

23 DATED this 17 day of May, 2019

24 MUSHKIN • CICA • COPPEDGE

25 
26 I, JOE COPPEDGE, ESQ.
27 Nevada State Bar No. 4954
28 4495 S. Pecos Road
Las Vegas, Nevada 89121

1 following assertions are true to the best of my knowledge and belief;

2 3. I am advised and understand by Ms. Tobin that acting in her capacity as sole
3 Trustee of the Gordon B. Hansen Trust dated 8/22/08 (the "Trust"), she recorded a deed
4 transferring all the Trust's interest in the subject property to Nona Tobin, an individual, and that
5 she then closed the Trust.

6 4. In this case, Counterclaimant Nona Tobin has requested that the law firm of
7 Mushkin Cica Coppedge withdraw from her representation, so she can appear pro se for the
8 remainder of this case;

9 5. I believe good cause for withdrawal exists;

10 6. I believe that withdrawal may be accomplished without material adverse effect
11 on the interests of the Client and withdrawal will not result in any delay of trial or hearing of
12 any other matter will result if this Motion is granted as Ms. Tobin as has advised the
13 undersigned that she is prepared to proceed with the calendar call on May 23, 2019, the hearing
14 on the Motion for Reconsideration scheduled for May 30, 2019 and the trial scheduled for June
15 5 and 6, 2019;

16 7. There is insufficient time to have this matter heard in the ordinary course. As a
17 result, Declarant respectfully requests that the Court set an expedited hearing on Motion to
18 Withdraw as Counsel of Record for Counterclaimant Nona Tobin on Order Shortening Time on
19 a shortened time basis prior to May 23, 2019 the date set for Calendar Call, as Counterclaimant
20 Nona Tobin wishes to proceed pro se;

21 8. For the reasons stated above, I believe that the law firm of Mushkin Cica
22 Coppedge should be permitted to withdraw as counsel of record for the Client and removed
23 from any further responsibilities in this case;

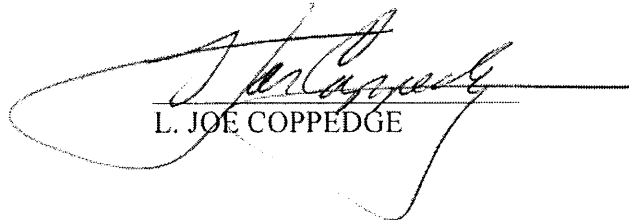
24 9. It is my intent to have the Client served with a copy of this motion as soon as it is
25 filed and calendared for hearing at their last known address; and

26 10. The Client may also be served with notice of further proceedings at her last
27 known address of 2664 Olivia Heights Avenue, Henderson, Nevada 89052 the Client's last
28 known telephone number is 702-465-2199, and the Client's last known email address is

1 nonatobin@gmail.com.

2 Declarant states under penalty of perjury that the foregoing is true and correct.

3 Dated this 17 day of May, 2019.

4
5
6
7
8

L. JOE COPPEDGE

9 **POINTS AND AUTHORITIES**

10 **A. Nona Tobin, as an individual should be substituted as the real party in interest for Nona Tobin, as Trustee for all purposes.**

11 Under NRCP 17, "An action must be prosecuted in the name of the real party in
12 interest." As set forth in the Declaration of L. Joe Coppedge above, Ms. Tobin, acting in her
13 capacity as sole Trustee of the Gordon B. Hansen Trust dated 8/22/08 (the "Trust"), recorded a
14 deed transferring all the Trust's interest in the subject property to Nona Tobin, an individual,
15 and then closed the Trust. Ms. Tobin, as an individual, is the real party in interest and this action
16 should be prosecuted in her name only. As a result, Ms. Tobin, as an individual, should be
17 substituted for Nona Tobin, as Trustee for all purposes in this case.

18 **B. The law firm of Mushkin Cica Coppedge should be allowed to withdraw.**

19 Rule 7.40 of the Eighth Judicial District Court Rules provides that when an attorney has
20 appeared in an action on behalf of a party, the attorney may withdraw from representing that
21 party only upon order of the court, granted upon written motion. Rule 7.40 provides, in
22 pertinent part:

23 Appearances; substitutions; withdrawal or change of attorney.

24 * * *

25 (b) Counsel in any case may be changed only:

26 * * *

27 (2) When no attorney has been retained to replace the
28 attorney withdrawing, by order of the court, granted upon
written motion, and

1 (i) If the application is made by the attorney,
2 the attorney must include in an affidavit the
3 address, or last known address, at which the client
4 may be served with notice of further proceedings
5 taken in the case in the event the application for
6 withdrawal is granted, and the telephone number,
or last known telephone number, at which the
client may be reached and the attorney must serve
a copy of the application upon the client and all
other parties to the action or their attorneys, or

7 * * *

8 (c) No application for withdrawal or substitution may be
9 granted if a delay of the trial or of the hearing of any other matter
in the case would result.

10 Rule 1.16 of the Nevada Rules of Professional Conduct further provides, in pertinent part:

11 NRPC 1.16. Declining or Terminating Representation.

12 (a) Except as stated in paragraph (c), a lawyer shall not
13 represent a client or, where representation has commenced, shall
withdraw from the representation of a client if:

14 * * *

(3) The lawyer is discharged.

15 * * *

16 (b) Except as stated in paragraph (c), a lawyer may withdraw
from representing a client if:

17 (1) Withdrawal can be accomplished without material
adverse effect on the interests of the client;

18 * * *

19 (7) Other good cause for withdrawal exists.

20 (c) A lawyer must comply with applicable law requiring notice
21 to or permission of a tribunal when terminating representation.
22 When ordered to do so by a tribunal, a lawyer shall continue
representation notwithstanding good cause for terminating the
representation.

23 (d) Upon termination of representation, a lawyer shall take
24 steps to the extent reasonably practicable to protect a client's
25 interests, such as giving reasonable notice to the client, allowing
26 time for employment of other counsel, surrendering papers and
27 property to which the client is entitled and refunding any advance
payment of fee or expense that has not been earned or incurred.
The lawyer may retain papers relating to the client to the extent
permitted by other law.

28 In this case, Nona Tobin, as an individual, has requested that the law firm of Mushkin

1 Cica Coppedge withdraw so she can proceed pro se for the remainder of this case. As a result,
2 good cause for the withdrawal exists.

3 In meeting the aforementioned requirements, counsel will serve the Client and opposing
4 counsel with a copy of this Motion. Counsel has included in the attached affidavit the address at
5 which the Client may be served with notice of all further proceedings in this case. The client's
6 last known address, phone number and email address have also been provided. Having complied
7 with Rule 7.40 of the Eighth Judicial District Court Rules, Rule 1.16 of the Nevada Rules of
8 Professional Conduct, and because of the reasons set forth in the attached Declaration of
9 Counsel, both L. Joe Coppedge, Esq. and the law firm of Mushkin Cica Coppedge request that
10 this Court enter its Order withdrawing them as attorneys of record for Counterclaimant Nona
11 Tobin.

12 No delay of trial or of the hearing of any other matter will result if this Motion is
13 granted.

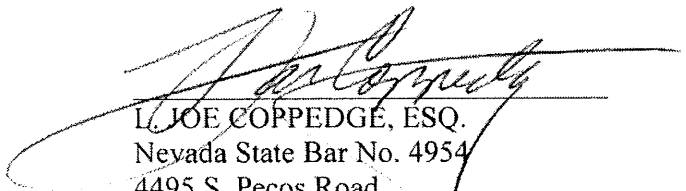
14 WHEREFORE, for the reasons set forth above and in the attached Declaration of
15 Counsel, L. Joe Coppedge, Esq. and the law firm of Mushkin Cica Coppedge respectfully
16 request that:

17 1. This Court enter an order allowing Michael R. Mushkin, L. Joe Coppedge and
18 the law firm of Mushkin Cica Coppedge to withdraw as counsel of record for Counterclaimant
19 Nona Tobin; and further that

20 2. The names of Michael R. Mushkin, L. Joe Coppedge and the law firm of
21 Mushkin Cica Coppedge, their business address, and email addresses be removed from the
22 service list in this case as a representative of Counterclaimant Nona Tobin.

23 DATED this 17 day of May, 2019

24 MUSHKIN • CICA • COPPEDGE

25 
26 L. JOE COPPEDGE, ESQ.
27 Nevada State Bar No. 4954
28 4495 S. Pecos Road
Las Vegas, Nevada 89121

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Motion to Substitute Real Party in Interest and To Withdraw as Counsel of Record for Counterclaimant Nona Tobin On Order Shortening Time** was submitted electronically for filing and/or service with the Eighth Judicial District Court on this ____ day of May, 2019. Electronic service of the foregoing document shall be upon all parties listed on the Odyssey eFileNV service contact list:

An Employee of
MUSHKIN CICA COPPEDGE

1 MICHAEL R. MUSHKIN, ESQ.

Nevada Bar No. 2421

2 L. JOE COPPEDGE, ESQ.

Nevada Bar No. 4954

3 MUSHKIN CICA COPPEDGE

4 4495 South Pecos Road

Las Vegas, Nevada 89121

5 Telephone: 702-454-3333

Fax: 702-386-4979

6 michael@mccnvlaw.com

7 jcoppedge@mccnvlaw.com

8 *Attorneys for Nona Tobin, an individual and*

9 *as Trustee of the Gordon B. Hansen Trust*

10 **DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 JOEL A. STOKES and SANDRA F.
13 STOKES, as trustee of the JIMI JACK
14 IRREVOCABLE TRUST,

15 Plaintiffs,
16 vs.

17 BANK OF AMERICA, N.A.;

18 Defendant.

19 NATIONSTAR MORTGAGE, LLC,

20 Counter-Claimant,
21 vs.

22 JIMI JACK IRREVOCABLE TRUST,

23 Counter-Defendant.

24
25 CAPTION CONTINUES BELOW

Case No.: A-15-720032-C

Consolidated with: A-16-730078-C

Department: XXXI

RECEIPT OF COPY

1 NONA TOBIN, an individual, and Trustee
2 of the GORDON B. HANSEN TRUST.
Dated 8/22/08

3 Counter-Claimant,

4 vs.

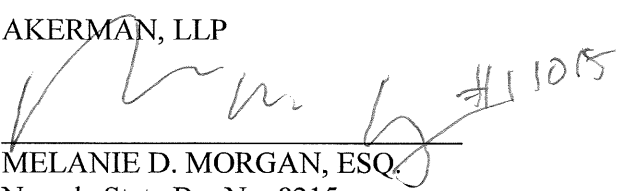
5 JOEL A. STOKES and SANDRA F.
6 STOKES, as trustees of the JIMI JACK
7 IRREVOCABLE TRUST, SUN CITY
8 ANTHEM COMMUNITY ASSOCIATION,
9 INC., YUEN K. LEE, an Individual, d/b/a
10 Manager, F. BONDURANT, LLC, DOES 1-
inclusive,

11 Counter-Defendants.

12
13 **RECEIPT OF COPY**

14 RECEIPT OF COPY of Motion to Substitute Real Party in Interest and To Withdraw as
15 Counsel of Record for Counterclaimant Nona Tobin On Order Shortening Time is hereby
16 acknowledged this 23rd day of May, 2019, at 2:18 pm.

17 AKERMAN, LLP

18
19 
MELANIE D. MORGAN, ESQ.

20 Nevada State Bar No. 8215

21 THERA A. COOPER, ESQ.

22 Nevada State Bar No. 13468

23 1635 Village Center Circle, Suite 200

24 Las Vegas, NV 89134
25
26
27
28

EXHIBIT 5

**Court Minutes
(All Pending Motions; May 29, 2019)**

EXHIBIT 5

Skip to Main Content Logout My Account Search Menu New District Civil/Criminal Search Refine Search Close

Location : District Court Civil/Criminal Help

REGISTER OF ACTIONS
CASE No. A-15-720032-C

Joel Stokes, Plaintiff(s) vs. Bank of America NA, Defendant(s)

§
§
§
§
§
§
§
§
§

Case Type: **Other Title to Property**
Date Filed: **06/16/2015**
Location: **Department 31**
Cross-Reference Case Number: **A720032**
Supreme Court No.: **79295**

RELATED CASE INFORMATION

Related Cases

A-16-730078-C (Companion Case)

PARTY INFORMATION

		Lead Attorneys
Counter Claimant	Gordon B. Hansen Trust Dated 8/22/08	
Counter Claimant	Nationstar Mortgage, LLC	Melanie D. Morgan <i>Retained</i> 702-634-5000(W)
Counter Claimant	Tobin, Nona	Pro Se
Counter Defendant	Stokes, Joel A	Joseph Y. Hong <i>Retained</i> 702-870-1777(W)
Counter Defendant	Stokes, Sandra F	Joseph Y. Hong <i>Retained</i> 702-870-1777(W)
Cross Claimant	Gordon B. Hansen Trust Dated 8/22/08	
Cross Claimant	Tobin, Nona	Pro Se
Cross Defendant	Lee, Yuen K.	
Cross Defendant	Sun City Anthem Community Association Inc	David A. Clark <i>Retained</i> 7023822200(W)
Defendant	Bank of America NA	Dana J. Nitz <i>Retained</i> 702-475-7964(W)
Defendant	Sun City Anthem Community Association Inc	David A. Clark <i>Retained</i> 7023822200(W)

Plaintiff **JimiJack Irrevocable Trust****Joseph Y. Hong**
Retained
702-870-1777(W)

EVENTS & ORDERS OF THE COURT

05/29/2019 **All Pending Motions** (8:30 AM) (Judicial Officer Kishner, Joanna S.)
All Pending Motions (5/29/2019)

Minutes

05/29/2019 8:30 AM

- Mr. Mushkin not present. Court stated a call was received in Chambers that one of the parties was stuck in traffic this morning. Court TRAILED and RECALLED matter at 8:30 A.M. Upon Court's inquiry, the parties in Court confirmed not receiving any updates from opposing counsel. Mr. Hong requested to go forward with the hearing. Court TRAILED matter to call another case on Calendar. CASE RECALLED. Mr. Mushkin present in Court. CROSS-CLAIMANT NONA TOBIN'S MOTION FOR RECONSIDERATION Court addressed preliminary matters, history of the case, and the Motion. COURT ORDERED, any representation about Nona Tobin being an individual party in the case is STRICKEN. Court also addressed the order issued in April, 2019. Court noted the name of the trust is unclear, and both of the names of the trusts on the captions of various pleadings list different numbers. Arguments by counsel. COURT ORDERED, Motion DENIED. MOTION TO SUBSTITUTE REAL PARTY IN INTEREST AND TO WITHDRAW AS COUNSEL OF RECORD FOR COUNTERCLAIMANT NONA TOBIN ON ORDER SHORTENING TIME At request of counsel, COURT ORDERED, Motion TAKEN OFF CALENDAR. Mr. Ochoa to prepare the order.

[Parties Present](#)[Return to Register of Actions](#)