

Electronically Filed  
Sep 05 2019 02:22 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**NOAS (CIV)**  
PAUL D.S. EDWARDS,  
713 Wheat Ridge Lane, Unit 203,  
Las Vegas, Nevada 89145  
Landline Telephone: 702.341.1776  
Cellular Telephone: 702.893.1776  
Email: pauldse@pauldsedwards.com  
Plaintiff, *pro se*

**DISTRICT COURT,**  
**CLARK COUNTY, NEVADA**

PAUL D.S. EDWARDS,

**Plaintiff,**

*vs.*

TIMESHARE LIQUIDATORS, LLC,  
a/d/b/a TLC RESORT LIQUIDATORS,  
a/d/b/a TLC RESORTS VACATION CLUB, LLC,  
a/d/b/a TLC RESORTS VACATION CLUB,  
a/d/b/a TLC RESORTS, a/k/a TLCRESORTS.COM,  
a/d/b/a TLC TRAVEL, a/d/b/a VIP TRAVEL,  
a/d/b/a VIP VACATIONS, a/d/b/a VIP INTERNATIONAL,  
and DOES I-X, and ROE CORPORATIONS XI-XX, et al.

**Defendants.**

**CASE NO.:** A-18-776375-C

**DEPT. NO.:** XXVII

**NOTICE OF APPEAL TO THE SUPREME COURT FOR NEVADA  
FROM A JUDGMENT OR ORDER OF A DISTRICT COURT**

Notice is hereby given that PAUL D.S. EDWARDS, Plaintiff, *pro se*, in the above-entitled action, does now hereby appeal to the Supreme Court for Nevada from the following:

1. The entire Final Judgment or Order filed on August 6, 2019, and therein—
  - (i) Granting Defendant's Motion to Dismiss in all respects. And that Defendant's may submit to the Court Findings of Fact and Conclusions of Law in accordance with the relief requested in the Motion.

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- (ii) Setting aside and striking from the Record Plaintiff’s Voluntary Dismissal;
- (iii) Granting Defendant’s Countermotion to Continue Decision on Plaintiff’s Motion until after the Court issues its Order on Defendant’s May 1, 2019; and,
- (iv) Denying as Moot, Plaintiff s Motion for Leave to File Second Amended Complaint.

A copy of the August 6, 2019 Order, *supra*, is attached hereto and incorporated herein as **Exhibit 1 (Bates Nos. 001-003)**.

- 2. The Entry of Order Granting Defendant’s Motion to Set Aside Plaintiff’s Notice of Voluntary Dismissal, or in the Alternative, for Relief Pursuant to NRCP 41(a)(2).

A copy of the [August 27, 2019] Entry of Order Granting Defendant’s Motion to Set Aside Plaintiff’s Notice of Voluntary Dismissal, or in the Alternative, for Relief Pursuant to NRCP 41(a)(2) is attached hereto and incorporated herein as **Exhibit 2 (Bates Nos. 004-008)**.

- 3. The Entry of Order Granting Defendant’s Motion to Dismiss, Motion for More Definite Statement and Motion to Strike.

A copy of the [August 27, 2019] Entry of Order Granting Defendant’s Motion to Dismiss, Motion for More Definite Statement and Motion to Strike is attached hereto and incorporated herein as **Exhibit 3 (Bates Nos. 009-022)**.

- 4. The Entry of Order Granting Defendant’s Counter-Motion to Continue Decision on Plaintiff’s Motion until after the Court Issues its Order on Defendant’s (May 1, 2019) Motion to Dismiss.

A copy of the [August 27, 2019] Entry Order Granting Defendant’s Counter-Motion to Continue Decision on Plaintiff’s Motion until after the Court Issues its Order on Defendant’s (May 1, 2019) Motion to Dismiss is attached hereto and incorporated herein as **Exhibit 4 (Bates Nos. 023-027)**.

...  
...  
...

**5. The Entry of Order Denying Plaintiff's Motion for Leave to File Second Amended Complaint.**

A copy of the [August 27, 2019] Entry of Order Denying Plaintiff's Motion for Leave to File Second Amended Complaint is attached hereto and incorporated herein as **Exhibit 5 (Bates Nos. 028-032)**.

DATED this 30th day of August 2019.

PAUL D.S. EDWARDS,

/s/ Paul D.S. Edwards  


---

Paul D.S. Edwards  
713 Wheat Ridge Lane, Unit 203,  
Las Vegas, Nevada 89145  
Landline Telephone: 702.341.1776  
Cellular Telephone: 702.893.1776  
Email: pauldse@pauldsedwards.com  
Plaintiff, *pro se*

## CERTIFICATE OF E-SERVICE

I HEREBY CERTIFY that on the 30th day of August 2019, pursuant to the Nevada Electronic Filing and Conversion Rules (NEFCR) & N.R.C.P., Rule 5(b)(4), I e-served a true and correct copy of the following document:

**1.** Notice of Appeal to the Supreme Court for Nevada from a Judgment or Order of a District Court

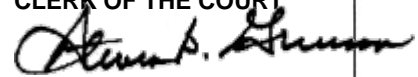
to the following:

Brian P. Clark at [bpc@clarkmccourt.com](mailto:bpc@clarkmccourt.com)



Designee for Plaintiff

# **EXHIBIT 1**



DISTRICT COURT  
CLARK COUNTY, NEVADA

\* \* \* \*

PAUL D.S. EDWARDS,

Plaintiff,

vs.

TIMESHARE LIQUIDATORS, LLC, et  
al,

Defendant.

CASE NO.: A-18-776375-C

DEPARTMENT 27

**ORDER**

**COURT FINDS** this case was commenced by the filing of a Complaint on June 19, 2018. Thereafter, the matter proceeded by the filing of a Notice of Removal to U.S. District Court for the District of Nevada, a Motion to Dismiss filed by Defendants, the filing of an Answer, the filing of an Amended Complaint, another Motion to Dismiss, and another Amended Complaint. The Motion to Dismiss was taken under advisement on or about June 29, 2019.

**COURT FURTHER FINDS** while that Motion to Dismiss was pending, the Plaintiff filed a Withdrawal of Second Amended Complaint, an Opposition to a Motion to Compel and then a Voluntary Dismissal on July 16, 2019.

**COURT FURTHER FINDS** thereafter, Defendant opposed the Plaintiff's Motion for Leave to File Second Amended Complaint and a Countermotion to Continue Decision on Plaintiff's Motion until after the Court Issues its Order on Defendant's May 1, 2019 Motion.

**THEREFORE, COURT ORDERS AS FOLLOWS:**

1. Defendant's Motion to Dismiss is granted in all respects. Defendant may submit to the Court Findings of Fact and Conclusions of Law in accordance with the relief requested in the Motion,
2. The Plaintiff's Voluntary Dismissal is hereby set aside and stricken from the Record,

- 1 3. Defendant's Countermotion to Continue Decision on Plaintiff's Motion until after the  
2 Court issues its Order on Defendant's May 1, 2019 Motion is granted,  
3  
4 4. Plaintiff's Motion for Leave to File Second Amended Complaint is denied as moot.  
5  
6 5. Defendant shall prepare the appropriate Orders.

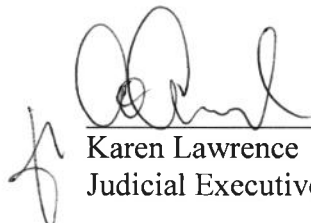
7  
8 DATED: August 5, 2019  
9

10  
11   
12 NANCY ALLF  
13 DISTRICT COURT JUDGE  
14

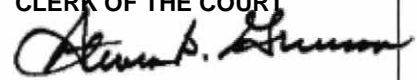
15 **CERTIFICATE OF SERVICE**

16 I hereby certify that on August 2, 2019, a copy of the foregoing was electronically  
17 served pursuant to N.E.F.C.R. Rule 9, to all registered parties in the Eighth Judicial  
18 District Court's Electronic Filing Program and by mail to:

19 Paul D.S. Edwards  
20 713 Wheat Ridge Lane, Unit 203  
21 Las Vegas, NV 89145  
22

23  
24   
25 Karen Lawrence  
26 Judicial Executive Assistant  
27  
28

# **EXHIBIT 2**



1 **NEO**  
2 BRIAN P. CLARK  
3 Nevada Bar No. 4236  
4 LUKAS B. McCOURT  
5 Nevada Bar No. 11839  
6 CLARK MCCOURT  
7 7371 Prairie Falcon Road, Suite 120  
8 Las Vegas, Nevada 89128  
9 Telephone: (702) 474-0065  
10 Facsimile: (702) 474-0068  
11 bpc@clarkmccourt.com  
12 lmccourt@clarkmccourt.com  
13 Attorneys for Defendant

8  
9 **DISTRICT COURT**  
10 **CLARK COUNTY, NEVADA**

12 PAUL D. S. EDWARDS,

13 Plaintiff,

14 v.

Case No.: A-18-776375-C  
Dept. No.: XXVII

15 TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL  
16 RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
17 VACATION CLUB, LLC, a/d/b/a TLC RESORTS  
18 VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a  
19 TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a  
20 VIP TRAVEL, a/d/b/a VIP VACATIONS, and DOES  
21 I-X, and ROE CORPORATIONS XI-XX, et al.,

22 Defendants.

23 **NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT'S MOTION TO SET ASIDE**  
24 **PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL, OR IN THE ALTERNATIVE,**  
25 **FOR RELIEF PURSUANT TO NRCP 41(a)(2)**

26 PLEASE TAKE NOTICE that an **ORDER GRANTING DEFENDANT'S MOTION TO**  
27 **SET ASIDE PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL, OR IN THE**

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1 **ALTERNATIVE, FOR RELIEF PURSUANT TO NRCP 41(a)(2)** was filed on August 27, 2019.

2 A copy of said Order is attached hereto.

3 DATED this 27th day of August, 2019.

4 CLARK MCCOURT

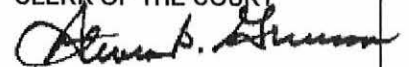
5   
6 Brian P. Clark  
7 Lukas B. McCourt  
8 7371 Prairie Falcon Road, Suite 120  
9 Las Vegas, NV 89128  
10 Attorneys for Defendant

11 **CERTIFICATE OF SERVICE**

12 I certify that on the 27th day of August, 2019, I served a true and correct copy of **NOTICE**  
13 **OF ENTRY OF ORDER GRANTING DEFENDANT'S MOTION TO SET ASIDE**  
14 **PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL, OR IN THE ALTERNATIVE,**  
15 **FOR RELIEF PURSUANT TO NRCP 41(a)(2)** on the following parties/individuals via the  
16 court's mandatory electronic service provider, Odyssey.

17 Paul D.S. Edwards  
18 713 Wheat ridge Lane, Unit 203  
19 Las Vegas, NV 89145  
20 Plaintiff in proper person.

21   
22 An employee of CLARK MCCOURT  
23  
24  
25  
26  
27  
28



ORDG  
BRIAN P. CLARK  
Nevada Bar No. 4236  
LUKAS B. McCOURT  
Nevada Bar No. 11839  
CLARK MCCOURT  
7371 Prairie Falcon Road, Suite 120  
Las Vegas, Nevada 89128  
Telephone: (702) 474-0065  
Facsimile: (702) 474-0068  
bpc@clarkmccourt.com  
lmccourt@clarkmccourt.com  
Attorneys for Defendant

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

PAUL D. S. EDWARDS,

Plaintiff,

v.

TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL  
RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
VACATION CLUB, LLC, a/d/b/a TLC RESORTS  
VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a  
TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a  
VIP TRAVEL, a/d/b/a VIP VACATIONS, and DOES  
I-X, and ROE CORPORATIONS XI-XX, et al.,

Defendants.

Case No.: A-18-776375-C  
Dept. No.: XXVII

**ORDER GRANTING DEFENDANT'S MOTION TO SET ASIDE PLAINTIFF'S  
NOTICE OF VOLUNTARY DISMISSAL, OR IN THE ALTERNATIVE, FOR RELIEF  
PURSUANT TO NRCP 41(a)(2)**

Defendant's Motion To Set Aside Plaintiff's Notice Of Voluntary Dismissal having come  
before the court, and no opposition having been filed by Plaintiffs,

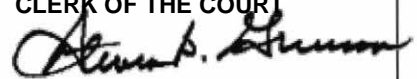
**THE COURT FINDS** that this case was commenced by the filing of a Complaint on June  
19, 2018.

**THE COURT FURTHER FINDS** that the matter proceeded by the filing of a Notice of  
Removal to U.S. District Court for the District of Nevada, and remand to this court.

**THE COURT FURTHER FINDS** that Defendants filed a Motion to Dismiss which was  
granted in part.



# **EXHIBIT 3**



1 **NEO**  
2 BRIAN P. CLARK  
3 Nevada Bar No. 4236  
4 LUKAS B. McCOURT  
5 Nevada Bar No. 11839  
6 CLARK MCCOURT  
7 7371 Prairie Falcon Road, Suite 120  
8 Las Vegas, Nevada 89128  
9 Telephone: (702) 474-0065  
10 Facsimile: (702) 474-0068  
11 bpc@clarkmccourt.com  
12 lmccourt@clarkmccourt.com  
13 Attorneys for Defendants

8  
9 **DISTRICT COURT**  
10 **CLARK COUNTY, NEVADA**

11 PAUL D. S. EDWARDS,

12 Plaintiff,

13 v.

Case No.: A-18-776375-C  
Dept. No.: XXVII

14 TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL  
15 RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
16 VACATION CLUB, LLC, a/d/b/a TLC RESORTS  
17 VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a  
18 TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a  
19 TLC, a/d/b/a/ VIP TRAVEL, a/d/b/a VIP  
20 VACATIONS, a/d/b/a VIP INTERNATIONAL, and  
21 DOES I-X, and ROE CORPORATIONS XI-XX, et  
22 al.,

23 Defendants.

24 **NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT'S MOTION TO DISMISS,**  
25 **MOTION FOR MORE DEFINITE STATEMENT AND MOTION TO STRIKE**

26  
27 PLEASE TAKE NOTICE that an **ORDER GRANTING DEFENDANT'S MOTION TO**  
28 **DISMISS, MOTION FOR MORE DEFINITE STATEMENT AND MOTION TO STRIKE**

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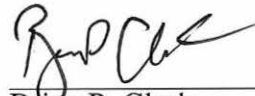
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1 was filed on August 27, 2019. A copy of said Order is attached hereto.

2 DATED this 27<sup>th</sup> day of August, 2019.

3 CLARK MCCOURT

4 

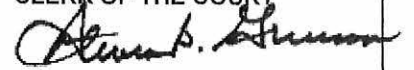
5 Brian P. Clark  
6 Lukas B. McCourt  
7 7371 Prairie Falcon Road, Suite 120  
8 Las Vegas, NV 89128  
9 Attorneys for Defendant

10  
11 **CERTIFICATE OF SERVICE**

12 I certify that on the 27<sup>th</sup> day of August, 2019, I served a true and correct copy of **NOTICE**  
13 **OF ENTRY OF ORDER GRANTING DEFENDANT'S MOTION TO DISMISS, MOTION**  
14 **FOR MORE DEFINITE STATEMENT AND MOTION TO STRIKE** on the following  
15 parties/individuals via the court's mandatory electronic service provider, Odyssey.

16 Paul D.S. Edwards  
17 713 Wheat ridge Lane, Unit 203  
18 Las Vegas, NV 89145  
19 Plaintiff in proper person.

20   
21 An employee of CLARK MCCOURT



1 **ORDG**  
2 BRIAN P. CLARK  
3 Nevada Bar No. 4236  
4 LUKAS B. McCOURT  
5 Nevada Bar No. 11839  
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7 7371 Prairie Falcon Road, Suite 120  
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11 bpc@clarkmccourt.com  
12 lmccourt@clarkmccourt.com  
13 Attorneys for Defendants

8  
9 **DISTRICT COURT**  
10 **CLARK COUNTY, NEVADA**

11 PAUL D. S. EDWARDS,

12 Plaintiff,

13 v.

Case No.: A-18-776375-C  
Dept. No.: XXVII

14 TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL  
15 RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
16 VACATION CLUB, LLC, a/d/b/a TLC RESORTS  
17 VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a  
18 TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a  
19 TLC, a/d/b/a/ VIP TRAVEL, a/d/b/a VIP  
20 VACATIONS, a/d/b/a VIP INTERNATIONAL, and  
21 DOES I-X, and ROE CORPORATIONS XI-XX, et  
22 al.,

23 Defendants.

24 **ORDER GRANTING DEFENDANT'S MOTION TO DISMISS, MOTION FOR MORE**  
25 **DEFINITE STATEMENT AND MOTION TO STRIKE**

26 Defendant's Motion To Dismiss, Motion For More Definite Statement and Motion to Strike  
27 came before the court for hearing on June 19, 2019. Sitting for the court was Supreme Court Justice  
28 (Ret.) Michael Cherry. Appearing for Defendant was Brian P. Clark of the law firm Clark McCourt.  
Also appearing was Plaintiff in proper person, Paul D.S. Edwards.

The court initially addressed Plaintiff's claim that Defendant's motion was moot by the  
filing of Plaintiff's Second Amended Complaint, the motion to dismiss seeking relief as to the First  
Amended Complaint. The court then received argument from Plaintiff that he was not required to

1 obtain leave of court prior to filing the Second Amended Complaint, claiming that the parties'  
2 separately filed early case conference reports constituted a stipulation that the parties could amend  
3 pleadings without leave of court until March 27, 2020. Plaintiff relied on *DeChambeau v.*  
4 *Balkenbush*, 134, Nev.Adv.Op. 75, 431 P.3d 359 (2018). Defendant argued that there was no  
5 stipulation and that reliance on *DeChambeau* was misplaced as there was (1) no stipulation created  
6 by the separately filed early case conference reports, and (2) the language of each parties' early case  
7 conference reports was that prescribed by the court's form case conference report that requires leave  
8 of court, and "further leave of court" after the date established by the scheduling order. The court  
9 informed the parties that the hearing and any rulings on the motion would be in relation to the First  
10 Amended Complaint.

11 Having reviewed the papers on file, and the argument of counsel made at the time of the  
12 hearing, the court makes the following findings.

13 **THE COURT FINDS** that Defendants removed Plaintiff's action to the United States  
14 District Court, District of Nevada based on federal question jurisdiction and that upon Plaintiff's  
15 repeated representations, verbal and written, that Plaintiff was not pursuing any claim based on  
16 federal law or regulations, Defendants stipulated for the remand of the case to state court.

17 **THE COURT FURTHER FINDS** that Plaintiff's initial Complaint was subject to  
18 Defendants' Motion To Dismiss and Motion For More Definite Statement, dismissing multiple  
19 claims and parties.

20 **THE COURT FURTHER FINDS** that the January 14, 2019 Order Granting In Part And  
21 Denying In Party Defendants' Motion to Dismiss allowed for limited amendment, as set forth in the  
22 Order.

23 **THE COURT FURTHER FINDS** that NRCP 15(a)(2) is applicable to the facts and history  
24 of this case, and amendment beyond the courts' January 14, 2019 Order would require the opposing  
25 party's written consent or the court's leave.

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1       **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint violates this  
2 court's January 14, 2019 Order dismissing certain claims and parties by re-pleading claims and re-  
3 naming parties previously dismissed.

4       **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint improperly  
5 attempts to include previously unpled claims in violation of the court's January 14, 2019 Order and  
6 without first obtaining leave of court to amend.

7       **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint must set forth  
8 the elements of fraud, pleading each element of fraud and setting forth facts showing (1) a false  
9 representation; (2) that defendant knew or believed that his/her representation was false; (3)  
10 defendant intended to induce plaintiff to act or refrain from acting upon the misrepresentation; (4)  
11 plaintiff justifiably relied upon defendant's misrepresentation; and (5) plaintiff sustained damages as  
12 a result of the justifiable reliance.

13       **THE COURT FURTHER FINDS** that the First Amended Complaint mentions NRS  
14 41.600, consumer fraud, at paragraph 154, but fails to set forth any facts to satisfy the elements of  
15 fraud or to plead with particularity as required by NRCP 9(b). The First Amended Complaint  
16 references "NRS 598.0915 to 598.0925" relative to a consumer fraud claim but then identifies NRS  
17 598.0977 and NRS 598.0973 as the basis for the fraud. (First Amended Complaint at paras. 155-  
18 156.) Neither NRS 598.0977 nor NRS 598.0973 are included in the consumer fraud provisions of  
19 NRS 41.600. Reference to these statutes do not trigger consumer fraud as a matter of law.

20       **THE COURT FURTHER FINDS** that Plaintiff's original complaint and claims for  
21 consumer fraud based on NRS 41.600 and NRS 598.0915 to 598.025 were dismissed for Plaintiff's  
22 failure to plead all the elements of fraud and failing to plead fraud with particularity pursuant to  
23 NRCP 9(b).

24       **THE COURT FURTHER FINDS** that the First Amended Complaint fails to plead all the  
25 elements of fraud and fails to plead fraud with particularity pursuant to NRCP 9(b).

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27       ///

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1       **THE COURT FURTHER FINDS** Plaintiff's First Amended Complaint seeks to bring  
2 several claims based on federal laws or regulations. The court's January 14, 2019 order did not  
3 permit amendment of the Plaintiff's Complaint to make claims for violations of federal laws or  
4 regulations.

5       **THE COURT FURTHER FINDS** that Plaintiff's original Complaint brought a claim for  
6 damages based on Plaintiff as an "elderly person", and that these claims were dismissed based on  
7 Plaintiff's failure to allege damages.

8       **THE COURT FURTHER FINDS** that the First Amended Complaint merely alleges that  
9 "Plaintiff (at age 75+) contends he has suffered anguish as a consequence" of the telephone calls.  
10 (First Amended Complaint at paras. 37 and 38.)

11       **THE COURT FURTHER FINDS** that the mere allegation of "anguish" is insufficient to  
12 satisfy the requirement to plead sufficient facts to establish the right to relief. (Accord *Miller v.*  
13 *Jones* 114 Nev. 1291, 1299–300, 970 P.2d 571, 577 (1998).)

14       **THE COURT FURTHER FINDS** that several claims in Plaintiff's original Complaint  
15 were dismissed as Plaintiff has no private right of action to enforce criminal penalties or to pursue  
16 privately the rights of the Nevada Attorney General or a county District Attorney.

17       **THE COURT FURTHER FINDS** that Plaintiff lacks standing to bring claims under NRS  
18 598.0979 to 598.099 as these actions are only available to the Commissioner of Consumer Affairs  
19 (NRS 598.0913), the Director of the Department of Business and Industry (NRS 598.0927), a  
20 district attorney or the Attorney General. (NRS 598.0979 to 598.099.)

21       **THE COURT FURTHER FINDS** that Plaintiff's original complaint alleged violations of  
22 NRS 707.910(2)-707.920, and that these claims were dismissed as Plaintiff did not oppose the  
23 motion and failed to allege any physical damage to Plaintiff's telephone lines. (January 14, 2019  
24 Order at p. 2 lines 17-19, p. 3 lines 14-16, p. 4 lines 25-27.)

25       **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint fails to allege  
26 any interference with Plaintiff's telephone lines, obstruction of the phone lines, the postponement of  
27 any transmission, or damages Plaintiff incurred for the non-existent interference as required for a  
28 claim for violation of NRS 707.910 through NRS 707.920.

1       **THE COURT FURTHER FINDS** that Plaintiff lacks standing to bring claims under NRS  
2 599B.280 to 599B.290 as these statutes limit actions to the Attorney General or a District Attorney.

3       **THE COURT FURTHER FINDS** that Defendant Timeshare Liquidators, LLC, in various  
4 “doing business as” entities, is the only defendant named in this case.

5       **THE COURT FURTHER FINDS** that Plaintiff’s conspiracy claims do not satisfy the  
6 elements of a civil conspiracy, failing to identify a combination of two or more persons, a concerted  
7 action, the intent to accomplish an unlawful objective for the purpose of harming another, and  
8 damage that results from the act or acts.

9       **THE COURT FURTHER FINDS** that Plaintiff’s First Amended Complaint fails to  
10 specifically identify any person or party other than Timeshare Liquidators, LLC.

11       **THE COURT FURTHER FINDS** that a co-conspirator would be a necessary party  
12 pursuant to NRCP 19.

13       **THE COURT FURTHER FINDS** that Plaintiff’s enterprise liability claims do not satisfy  
14 the elements of an enterprise liability claim, failing to establish (1) an agreement among members of  
15 a group, (2) a common purpose, (3) a community of pecuniary interest among the members, and (4)  
16 an equal voice and control in the direction of the enterprise.

17       **THE COURT FURTHER FINDS** that Plaintiff’s First Amended Complaint fails to  
18 specifically identify any member of the alleged enterprise other than Timeshare Liquidators, LLC.

19       **THE COURT FURTHER FINDS** that other enterprises would be a necessary party  
20 pursuant to NRCP 19.

21       **THE COURT FURTHER FINDS** that Plaintiff’s concert of action claims do not satisfy  
22 the minimal pleading requirements of a concert of action claim, failing to show (1) proof of an  
23 agreement to engage in conduct that is inherently dangerous or poses a substantial risk of harm to  
24 others, and (2) that the conduct of each tortfeasor is itself tortious.

25       **THE COURT FURTHER FINDS** that Plaintiff’s First Amended Complaint fails to  
26 specifically identify any other individual that allegedly acted in concert with Timeshare Liquidators,  
27 LLC.

28       ///

1       **THE COURT FURTHER FINDS** that other individuals who may have acted in concert  
2 with Timeshare Liquidators, LLC would be a necessary party pursuant to NRCP 19.

3       **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint violates this  
4 court's January 14, 2019 Order dismissing certain claims and parties by pleading claims against  
5 parties that were dismissed without leave to amend.

6       **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint violates  
7 NRCP 11 by alleging claims against "Defendants (both ongoing and dismissed)" (First Amended  
8 Complaint at paras. 1.b ; 25, 26, 29, 34, 39).

9       **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint violates  
10 NRCP 11 by alleging claims against the previously dismissed owners of the limited liability  
11 company (First Amended Complaint at paras. 16, 19, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, 32, 33,  
12 34, 35, 36, 37, 38, 39, 46, 50, 109, 164.)

13       **THE COURT FURTHER FINDS** that Plaintiff intentionally violated the court's January  
14 14, 2019 Order and NRCP 11 by asserting allegations against the dismissed individual defendants.  
15 (First Amended Complaint at paras. 1.b ; 25, 26, 29, 34, 39).

16       **THE COURT FURTHER FINDS** that Plaintiff's violation of court orders and court rules  
17 justifies dismissal of the individual parties (dismissed by the January 14, 2019 Order) a second time  
18 pursuant to NRCP 41(b).

19       **THE COURT FURTHER FINDS** that Plaza Hotel & Casino was dismissed from this  
20 action, with prejudice, as part of the January 14, 2019 Order.

21       **THE COURT FURTHER FINDS** that Plaintiff, in violation of the January 14, 2019 Order  
22 and other court rules re-pled claims against "Defendant Plaza" in the First Amended Complaint.  
23 (First Amended Complaint at paras. 13, 14, 56, 78, 78 footnote 39.)

24       **THE COURT FURTHER FINDS** that Plaintiff's violation of court orders and court rules  
25 justifies dismissal of the Plaza Hotel & Casino pursuant to NRCP 41(b).

26       ///

27       ///

28       ///

1           **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint is so vague or  
2 ambiguous regarding the 56 allegations that are based on unidentified "directly or indirectly" actions  
3 (First Amended Complaint at paras. 1.a; 1.b; 1.c; 1.d; 9, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22,  
4 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 46, 50, 82, 106, 107, 108, 109, 110,  
5 111, 112, 113, 114, 115, 118-122, 146, 147, 148, 149, 163) that Defendant cannot reasonably  
6 prepare a response.

7           **THE COURT FURTHER FINDS** that the allegations are vague and/or ambiguous as the  
8 allegations fail to identify what actual activities were performed by the Defendant or by one of the  
9 unidentified co-conspirators, enterprises or others allegedly acting in concert.

10           **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint includes  
11 immaterial, impertinent and/or scandalous allegations.

12           **THE COURT FURTHER FINDS** that paragraph 10 of the First Amended Complaint  
13 alleges "This business license has been Revoked" has no evidentiary purpose and is immaterial,  
14 impertinent and/or scandalous and creates a false inference that the revocation was due to some  
15 impropriety and to taint Defendant with whomever reads the complaint, including the jury.

16           **THE COURT FURTHER FINDS** that paragraph 29 of the First Amended Complaint  
17 alleges that the Defendant and other unidentified and unnamed entities "earned, and continues to  
18 earn hundreds-of-thousands of dollars by engaging in, or causing the engaging in illegal unsolicited  
19 telemarketing and solicitation telephone calls" has no evidentiary purpose and is immaterial,  
20 impertinent and/or scandalous as an improper attempt to influence the trier of facts based on the  
21 monetary position of a party. Further, the reference to money, when combined with the allegation of  
22 illegal conduct, is intended to place Defendant in a false light and to improperly influence  
23 whomever reads the complaint, including the jury.

24           **THE COURT FURTHER FINDS** that the hearsay allegations contained in paragraphs 56,  
25 57, 58, 59, 60, 62, 63, 64, 68, 69, 82, 83, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 99, 100 of  
26 the First Amended Complaint are not plead as facts and are therefore immaterial, impertinent and/or  
27 scandalous.

1       **THE COURT FURTHER FINDS** that the references in the First Amended Complaint to  
2 defense counsel, paras. 82, 88, 89, 92, 95, 99, are immaterial, impertinent and/or scandalous.  
3 Plaintiff has not alleged any facts to indicate that Defendant's legal counsel made any of the  
4 telephone calls alleged in the complaint, had any input or control over the making of alleged  
5 telephone calls, nor did Plaintiff name defense counsel as a party. It is improper for Plaintiff to seek  
6 to persuade the trier of fact in favor of Plaintiff's claims based on the legal right of Defendant to hire  
7 legal counsel and defend the action. Permitting the references to defense counsel improperly moves  
8 the attention of the case to counsel rather than the merits, and is an improper attempt to make  
9 counsel a witness in the case.

10       **THE COURT FURTHER FINDS** that Plaintiff was aware from the prior motion to  
11 dismiss that he lacks standing to bring a claim based on a private right of action to enforce statutes  
12 limited to governmental entities.

13       **THE COURT FURTHER FINDS** that Plaintiff's intentional and repeated improper  
14 pleading of statutory violations, for which he lacks standing to pursue, supports an award of  
15 sanctions.

16       **THE COURT FURTHER FINDS** that Plaintiff's claims based on the alleged violations of  
17 NRS 707.910 through NRS 707.920 as set forth in the First Amended Complaint were brought in  
18 violation of NRCP 11(b)(1-3) and supports an award of sanctions.

19       **THE COURT FURTHER FINDS** that Plaintiff's claims based on the alleged violations of  
20 NRS 599B.280 to 599B.290 as set forth in the First Amended Complaint were brought in violation  
21 of NRCP 11(b)(1-3) and supports an award of sanctions.

22       **THEREFORE,**

23       **IT IS HEREBY ORDERED** that Plaintiff's First Amended Complaint based on consumer  
24 fraud under NRS 41.600 and NRS 598.0915 to 598.025 is dismissed for Plaintiff's failure to plead  
25 all the elements of fraud and failing to plead fraud with particularity pursuant to NRCP 9(b). This is  
26 the second dismissal of these claims.

27       ///

28       ///

1           **IT IS FURTHER ORDERED** that the Motion To Dismiss is granted in relation to all  
2 claims for the violation of federal laws and regulations. The claims specifically dismissed are set  
3 forth at: p. 2, line 28; paragraphs 5-6; paragraph 15 footnote 3; paragraph 21 footnote 7; paragraph  
4 23 footnote 8; paragraph 36; paragraph 75(1)(v) footnote 26; paragraphs 107-108; paragraph 111  
5 footnotes 53 and 54; paragraph 112; paragraphs 118-122; paragraph 125; paragraph 128; and  
6 paragraphs 139-149.

7           **IT IS FURTHER ORDERED** that Plaintiff's claims based on NRS 598.0977 and NRS  
8 599B.300 are dismissed.

9           **IT IS FURTHER ORDERED** that Plaintiff's claims in the First Amended Complaint  
10 based on NRS 598.0973, providing for civil penalties "in any action brought pursuant to NRS  
11 598.0979 to 598.099" are dismissed.

12           **IT IS FURTHER ORDERED** that Plaintiff's claims based on NRS 598.0979 to 598.099  
13 are dismissed as these actions are only available to the Commissioner of Consumer Affairs (NRS  
14 598.0913), the Director of the Department of Business and Industry (NRS 598.0927), a district  
15 attorney or the Attorney General. (NRS 598.0979 to 598.099.)

16           **IT IS FURTHER ORDERED** that Plaintiff's claims based on violations of NRS  
17 707.910(2)-707.920 are dismissed. This is the second dismissal of these claims.

18           **IT IS FURTHER ORDERED** that Plaintiff's claims based on NRS 599B.280 to 599B.290  
19 are dismissed.

20           **IT IS FURTHER ORDERED** that Plaintiff's claims for conspiracy are dismissed.

21           **IT IS FURTHER ORDERED** that Plaintiff's claims for enterprise liability are dismissed.

22           **IT IS FURTHER ORDERED** that Plaintiff's claims for concert of action as alleged in 55  
23 separate paragraphs of the First Amended Complaint<sup>1</sup> are dismissed.

24       ///

25       ///

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27           <sup>1</sup> First Amended Complaint at paras. 1.a; 1.b; 1.c, 1.d; 9, 12, 13, 14, 15, 16, 17, 18, 19,  
28 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 46, 50, 82, 106, 107, 108,  
109, 110, 111, 112, 113, 114, 115, 118-122, 146, 147, 148, 149, 163,

1           **IT IS FURTHER ORDERED** that all allegations, claims and causes of action against  
2 Stanley Mullis, Angel Mullis, Jonathan Jossel and Michael Pergolini are dismiss pursuant to NRCP  
3 41(b) and that this dismissal operates as an adjudication on the merits pursuant to NRCP 41(b).

4           **IT IS FURTHER ORDERED** that as the dismissal of Stanley Mullis, Angel Mullis,  
5 Jonathan Jossel and Michael Pergolini is pursuant to NRCP 41(b) and operates as an adjudication  
6 on the merits, there is no just reason for delay and the dismissal of these parties constitutes a final  
7 judgment pursuant to NRCP 54(b).

8           **IT IS FURTHER ORDERED** that all allegations, claims and causes of action against Plaza  
9 Hotel & Casino, LLC are dismiss pursuant to NRCP 41(b) and that this dismissal operates as an  
10 adjudication on the merits pursuant to NRCP 41(b).

11           **IT IS FURTHER ORDERED** that as the dismissal of Plaza Hotel & Casino, LLC is  
12 pursuant to NRCP 41(b) and operates as an adjudication on the merits, there is no just reason for  
13 delay and the dismissal of this party constitutes a final judgment pursuant to NRCP 54(b).

14           **IT IS FURTHER ORDERED** that Plaintiff's Motion For More Definite Statement is  
15 granted as to the vague and ambiguous allegations of "directly or indirectly" actions as alleged in  
16 the First Amended Complaint at paras. 1.a; 1.b; 1.c; 1.d; 9, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22,  
17 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 46, 50, 82, 106, 107, 108, 109, 110,  
18 111, 112, 113, 114, 115, 118-122, 146, 147, 148, 149, 163.

19           **IT IS FURTHER ORDERED** that Plaintiff shall provide a more definite statement, as  
20 provided by NRCP 12(e), within 14 days of notice of entry of this order.

21           **IT IS FURTHER ORDERED** that Defendant's Motion To Strike is granted as to paragraph  
22 10 of the First Amended Complaint that "This business license has been Revoked."

23           **IT IS FURTHER ORDERED** that Defendant's Motion To Strike is granted as to paragraph  
24 29 of the First Amended Complaint that the Defendant and other unidentified and unnamed entities  
25 "earned, and continues to earn hundreds-of-thousands of dollars by engaging in, or causing the  
26 engaging in illegal unsolicited telemarketing and solicitation telephone calls."

27       ///

28       ///

**IT IS FURTHER ORDERED** that Defendant's Motion To Strike is granted as to the hearsay allegations set forth in paragraphs 56, 57, 58, 59, 60, 62, 63, 64, 68, 69, 82, 83, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 99, 100 of the First Amended Complaint.

**IT IS FURTHER ORDERED** that Defendant's Motion To Strike is granted as to the references to defense counsel set forth in paragraphs 82, 88, 89, 92, 95, 99 of the First Amended Complaint.


**IT IS FURTHER ORDERED** that monetary sanctions for Plaintiff's intentional improper pleading and violation of this court's January 14, 2019 Order are held in abeyance until a proper motion or show cause order has come before the court.

DATED this 26 day of August, 2019.

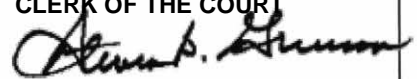
Nancy L Alf  
DISTRICT COURT JUDGE

Submitted by:

CLARK MCCOURT

  
Brian P. Clark  
Lukas B. McCourt  
7371 Prairie Falcon Road, Suite 120  
Las Vegas, NV 89128  
Attorneys for Defendant

# **EXHIBIT 4**



1 **NEO**  
2 BRIAN P. CLARK  
3 Nevada Bar No. 4236  
4 LUKAS B. McCOURT  
5 Nevada Bar No. 11839  
6 CLARK MCCOURT  
7 7371 Prairie Falcon Road, Suite 120  
8 Las Vegas, Nevada 89128  
9 Telephone: (702) 474-0065  
10 Facsimile: (702) 474-0068  
11 bpc@clarkmccourt.com  
12 lmccourt@clarkmccourt.com  
13 Attorneys for Defendants

8  
9 **DISTRICT COURT**  
10 **CLARK COUNTY, NEVADA**

11 PAUL D. S. EDWARDS,

12 Plaintiff,

13 v.

Case No.: A-18-776375-C  
Dept. No.: XXVII

14 TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL  
15 RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
16 VACATION CLUB, LLC, a/d/b/a TLC RESORTS  
17 VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a  
18 TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a  
19 TLC, a/d/b/a/ VIP TRAVEL, a/d/b/a VIP  
20 VACATIONS, a/d/b/a VIP INTERNATIONAL, and  
21 DOES I-X, and ROE CORPORATIONS XI-XX, et  
22 al.,

23 Defendants.

24 **NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT'S COUNTER-MOTION TO**  
25 **CONTINUE DECISION ON PLAINTIFF'S MOTION UNTIL AFTER THE COURT**  
26 **ISSUES ITS ORDER ON DEFENDANT'S (MAY 1, 2019) MOTION TO DISMISS**

27 PLEASE TAKE NOTICE that an **ORDER GRANTING DEFENDANT'S COUNTER-**  
28 **MOTION TO CONTINUE DECISION ON PLAINTIFF'S MOTION UNTIL AFTER THE**

29 ///

30 ///

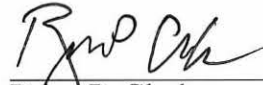
31 ///

1 **COURT ISSUES ITS ORDER ON DEFENDANT'S (MAY 1, 2019) MOTION TO DISMISS**

2 was filed on August 27, 2019. A copy of said Order is attached hereto.

3 DATED this 27<sup>th</sup> day of August, 2019.

4 CLARK MCCOURT

5 

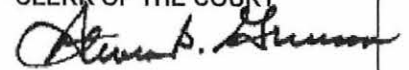
6 Brian P. Clark  
7 Lukas B. McCourt  
8 7371 Prairie Falcon Road, Suite 120  
9 Las Vegas, NV 89128  
10 Attorneys for Defendant

11  
12 **CERTIFICATE OF SERVICE**

13 I certify that on the 27<sup>th</sup> day of August, 2019, I served a true and correct copy of **NOTICE**  
14 **OF ENTRY OF ORDER GRANTING DEFENDANT'S COUNTER-MOTION TO**  
15 **CONTINUE DECISION ON PLAINTIFF'S MOTION UNTIL AFTER THE COURT**  
16 **ISSUES ITS ORDER ON DEFENDANT'S (MAY 1, 2019) MOTION TO DISMISS** on the  
17 following parties/individuals via the court's mandatory electronic service provider, Odyssey.

18 Paul D.S. Edwards  
19 713 Wheat ridge Lane, Unit 203  
20 Las Vegas, NV 89145  
21 Plaintiff in proper person.

22   
23 An employee of CLARK MCCOURT  
24  
25  
26  
27  
28



1 **ORDG**  
2 BRIAN P. CLARK  
3 Nevada Bar No. 4236  
4 LUKAS B. McCOURT  
5 Nevada Bar No. 11839  
6 CLARK MCCOURT  
7 7371 Prairie Falcon Road, Suite 120  
8 Las Vegas, Nevada 89128  
9 Telephone: (702) 474-0065  
10 Facsimile: (702) 474-0068  
11 bpc@clarkmccourt.com  
12 lmccourt@clarkmccourt.com  
13 Attorneys for Defendants

9 **DISTRICT COURT**  
10 **CLARK COUNTY, NEVADA**

11 PAUL D. S. EDWARDS,

12 Plaintiff,

13 v.

Case No.: A-18-776375-C  
Dept. No.: XXVII

14 TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL  
15 RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
16 VACATION CLUB, LLC, a/d/b/a TLC RESORTS  
17 VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a  
18 TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a  
19 TLC, a/d/b/a/ VIP TRAVEL, a/d/b/a VIP  
20 VACATIONS, a/d/b/a VIP INTERNATIONAL, and  
21 DOES I-X, and ROE CORPORATIONS XI-XX, et  
22 al.,

23 Defendants.

24 **ORDER GRANTING DEFENDANT'S COUNTER-MOTION TO CONTINUE DECISION**  
25 **ON PLAINTIFF'S MOTION UNTIL AFTER THE COURT ISSUES ITS ORDER ON**  
26 **DEFENDANT'S (MAY 1, 2019) MOTION TO DISMISS**

27 On June 20, 2019, Plaintiff filed his Motion For Leave To File Second Amended Complaint.  
28 In response, Defendant filed an opposition and Counter-Motion To Continue Decision on Plaintiff's  
Motion [For Leave To File Second Amended Complaint] Until After The Court Issues Its Order On  
Defendant's (May 1, 2019) Motion To Dismiss Plaintiff's First Amended Complaint.

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1 The Plaintiff attempted to dismiss his action by filing a Notice Of Voluntary Dismissal on  
2 July 16, 2019. On August 6, 2019, the court issued an order setting aside and striking Plaintiff's  
3 Notice of Voluntary Dismissal from the court record, and granted Defendant's Counter-motion To  
4 Continue The Decision On Plaintiff's Motion For Leave To Amend.

5 Therefore,

6 Good cause appearing,

7 IT IS HEREBY ORDERED that Defendant's Counter-motion To Continue The Decision On  
8 Plaintiff's Motion For Leave To Amend Until After The Court Issues Its Order On Defendant's  
9 (May 1, 2019) Motion To Dismiss Plaintiff's First Amended Complaint is GRANTED.

10 DATED this 23 day of August, 2019.

11 Nancy L. Alf  
12 DISTRICT COURT JUDGE

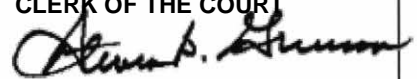
13 Submitted by:

JB

14 CLARK MCCOURT

15 Brian P. Clark  
16 Brian P. Clark  
17 Lukas B. McCourt  
18 7371 Prairie Falcon Road, Suite 120  
Las Vegas, NV 89128  
Attorneys for Defendant

# **EXHIBIT 5**



1 **NEO**  
2 BRIAN P. CLARK  
3 Nevada Bar No. 4236  
4 LUKAS B. McCOURT  
5 Nevada Bar No. 11839  
6 CLARK MCCOURT  
7 7371 Prairie Falcon Road, Suite 120  
8 Las Vegas, Nevada 89128  
9 Telephone: (702) 474-0065  
10 Facsimile: (702) 474-0068  
11 bpc@clarkmccourt.com  
12 lmccourt@clarkmccourt.com  
13 Attorneys for Defendant

14  
15 **DISTRICT COURT**  
16  
17 **CLARK COUNTY, NEVADA**

18 PAUL D. S. EDWARDS,

19 Plaintiff,

20 v.

21 TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL  
22 RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
23 VACATION CLUB, LLC, a/d/b/a TLC RESORTS  
24 VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a  
25 TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a  
26 VIP TRAVEL, a/d/b/a VIP VACATIONS, and DOES  
27 I-X, and ROE CORPORATIONS XI-XX, et al.,

28 Defendants.

Case No.: A-18-776375-C  
Dept. No.: XXVII

29 **NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF'S MOTION FOR LEAVE TO**  
30 **FILE SECOND AMENDED COMPLAINT**

31  
32 PLEASE TAKE NOTICE that an **ORDER DENYING PLAINTIFF'S MOTION FOR**  
33 **LEAVE TO FILE SECOND AMENDED COMPLAINT** was filed on August 27, 2019.

34 ///

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1 A copy of said Order is attached hereto.

2 DATED this 27<sup>th</sup> day of August, 2019.

3 CLARK MCCOURT


4 

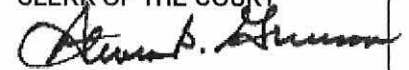
5 Brian P. Clark  
6 Lukas B. McCourt  
7 7371 Prairie Falcon Road, Suite 120  
8 Las Vegas, NV 89128  
9 Attorneys for Defendant

10 **CERTIFICATE OF SERVICE**

11 I certify that on the 27<sup>th</sup> day of August, 2019, I served a true and correct copy of **NOTICE**  
12 **OF ENTRY OF ORDER DENYING PLAINTIFF'S MOTION FOR LEAVE TO FILE**  
13 **SECOND AMENDED COMPLAINT** on the following parties/individuals via the court's  
14 mandatory electronic service provider, Odyssey.

15 Paul D.S. Edwards  
16 713 Wheat ridge Lane, Unit 203  
17 Las Vegas, NV 89145  
18 Plaintiff in proper person.

19   
20 An employee of CLARK MCCOURT  
21  
22  
23  
24  
25  
26  
27  
28



1 **ORDG**  
2 BRIAN P. CLARK  
3 Nevada Bar No. 4236  
4 LUKAS B. McCOURT  
5 Nevada Bar No. 11839  
6 CLARK MCCOURT  
7 7371 Prairie Falcon Road, Suite 120  
8 Las Vegas, Nevada 89128  
9 Telephone: (702) 474-0065  
10 Facsimile: (702) 474-0068  
11 bpc@clarkmccourt.com  
12 lmccourt@clarkmccourt.com  
13 Attorneys for Defendants

8  
9 **DISTRICT COURT**  
10 **CLARK COUNTY, NEVADA**

11 PAUL D. S. EDWARDS,

12 Plaintiff,

13 v.

14 TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL  
15 RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
16 VACATION CLUB, LLC, a/d/b/a TLC RESORTS  
17 VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a  
18 TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a  
19 TLC, a/d/b/a/ VIP TRAVEL, a/d/b/a VIP  
20 VACATIONS, a/d/b/a VIP INTERNATIONAL, and  
21 DOES I-X, and ROE CORPORATIONS XI-XX, et  
22 al.,

23 Defendants.

Case No.: A-18-776375-C  
Dept. No.: XXVII

24 **ORDER DENYING PLAINTIFF'S MOTION FOR LEAVE TO FILE**  
25 **SECOND AMENDED COMPLAINT**

26 On June 5, 2019, Plaintiff filed his Second Amended Complaint. On June 20, 2019,  
27 Plaintiff filed his Motion For Leave To File Second Amended Complaint. On July 20, 2019,  
28 Plaintiff filed a Notice Of Withdrawal Of Plaintiff's Second Amended Complaint.

29 The Plaintiff attempted to dismiss his entire action by filing a Notice Of Voluntary  
30 Dismissal. On August 6, 2019, the court issued an order setting aside and striking Plaintiff's Notice  
31 of Voluntary Dismissal from the court record, and denying Plaintiff's Motion For Leave To File  
32 Second Amended Complaint as moot.

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Therefore,

Good cause appearing,

IT IS HEREBY ORDERED that Plaintiff's Motion For Leave To File Second Amended  
Complaint is DENIED as moot.

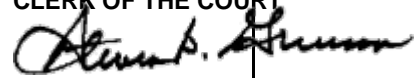
DATED this 26 day of August, 2019.

Nancy L Alf  
DISTRICT COURT JUDGE  
JD

Submitted by:

CLARK MCCOURT

Brian P. Clark  
Brian P. Clark  
Lukas B. McCourt  
7371 Prairie Falcon Road, Suite 120  
Las Vegas, NV 89128  
Attorneys for Defendant



1 ASTA

2  
3  
4  
5  
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**  
7 **STATE OF NEVADA IN AND FOR**  
8 **THE COUNTY OF CLARK**

9 PAUL D.S. EDWARDS,

10 Plaintiff(s),

11 vs.

12  
13 TIMESHARE LIQUIDATORS, LLC dba TLC  
14 RESORT LIQUIDATORS dba TLC RESORTS  
15 VACATION CLUB, LLC dba TLC RESORTS  
16 VACATION CLUB dba TLC RESORTS aka  
17 TLCRESORTS.COM dba TLC TRAVEL dba VIP  
18 TRAVEL dba VIP VACATIONS dba VIP  
19 INTERNATIONAL,

20 Defendant(s),

Case No: A-18-776375-C

Dept No: XXVII

21 **CASE APPEAL STATEMENT**

22 1. Appellant(s): Paul D.S Edwards

23 2. Judge: Nancy Allf

24 3. Appellant(s): Paul D.S Edwards

25 Counsel:

26 Paul D.S Edwards  
27 713 Wheat Ridge Ln., Unit 203  
28 Las Vegas, NV 89145

4. Respondent (s): Timeshare Liquidators, LLC dba TLC Resort Liquidators dba TLC Resorts  
Vacation Club, LLC dba TLC Resorts Vacation Club dba TLC Resorts aka

TLCRESORTS.COM dba TLC Travel dba VIP Travel dba VIP Vacations dba VIP International

Counsel:

Brian P. Clark  
7371 Prairie Falcon Rd., Suite 120  
Las Vegas, NV 89128

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

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

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

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

8. Appellant Granted Leave to Proceed in Forma Pauperis\*\*: N/A  
*\*\*Expires 1 year from date filed*  
Appellant Filed Application to Proceed in Forma Pauperis: No  
Date Application(s) filed: N/A

9. Date Commenced in District Court: June 19, 2018

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

Type of Judgment or Order Being Appealed: Dismissal

11. Previous Appeal: No

Supreme Court Docket Number(s): N/A

12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

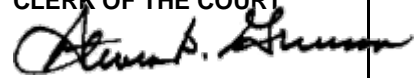
Dated This 4 day of September 2019.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

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

cc: Paul D.S Edwards



1 **ASTA (CIV)**  
2 PAUL D.S. EDWARDS,  
3 Plaintiff, *pro se*  
4 713 Wheat Ridge Lane, Unit 203,  
5 Las Vegas, Nevada 89145  
6 Landline Telephone: 702.341.1776  
7 Cellular Telephone: 702.893.1776  
8 Email: pauldse@pauldsedwards.com

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

9 PAUL D.S. EDWARDS,

10 **Plaintiff,**

11 *vs.*

12 TIMESHARE LIQUIDATORS, LLC,  
13 a/d/b/a TLC RESORT LIQUIDATORS,  
14 a/d/b/a TLC RESORTS VACATION CLUB, LLC,  
15 a/d/b/a TLC RESORTS VACATION CLUB,  
16 a/d/b/a TLC RESORTS, a/k/a TLCRESORTS.COM,  
17 a/d/b/a TLC TRAVEL, a/d/b/a VIP TRAVEL,  
18 a/d/b/a VIP VACATIONS, a/d/b/a VIP INTERNATIONAL,  
19 and DOES I-X, and ROE CORPORATIONS XI-XX, et al.

20 **Defendants.**

**CASE NO.:** A-18-776375-C

**DEPT. NO.:** XXVII

18 **CASE APPEAL STATEMENT**

19 **1.** Name of appellant filing this case appeal statement:

20 Paul D.S. Edwards, *in proper person*

21 **2.** Identify the judge issuing the decision, judgment, or order appealed from:

22 The Honorable, Nancy L. Allf,  
23 Judge, Eighth Judicial District Court, Department XXVII

24 **3.** Identify all parties to the proceedings in the district court  
25 (the use of et al. to denote parties is prohibited):

26 PAUL D.S. EDWARDS, *pro se*  
27 **Plaintiff,**  
28

TIMESHARE LIQUIDATORS, LLC,  
a/d/b/a TLC RESORT LIQUIDATORS,  
a/d/b/a TLC RESORTS VACATION CLUB, LLC,  
a/d/b/a TLC RESORTS VACATION CLUB,  
a/d/b/a TLC RESORTS, a/k/a TLCRESORTS.COM,  
a/d/b/a TLC TRAVEL, a/d/b/a VIP TRAVEL,  
a/d/b/a VIP VACATIONS, a/d/b/a VIP INTERNATIONAL  
**Defendants,**

4. Identify all parties involved in this appeal  
(the use of et al. to denote parties is prohibited):

**Plaintiff,**  
PAUL D.S. EDWARDS, *pro se*

**Defendants,**  
TIMESHARE LIQUIDATORS, LLC,  
a/d/b/a TLC RESORT LIQUIDATORS,  
a/d/b/a TLC RESORTS VACATION CLUB, LLC,  
a/d/b/a TLC RESORTS VACATION CLUB,  
a/d/b/a TLC RESORTS, a/k/a TLCRESORTS.COM,  
a/d/b/a TLC TRAVEL, a/d/b/a VIP TRAVEL,  
a/d/b/a VIP VACATIONS, a/d/b/a VIP INTERNATIONAL

5. Set forth the name, law firm, address, and telephone number of all counsel on  
appeal and identify the party or parties whom they represent:

**PAUL D.S. EDWARDS**  
713 Wheat Ridge Lane, Unit 203,  
Las Vegas, Nevada 89145  
Landline Telephone: 702.341.1776  
Cellular Telephone: 702.893.1776  
Email: pauldse@pauldsedwards.com  
**Plaintiff-Appellant in proper person**

Brian P. Clark, Nevada Bar No. 4236  
Lukas B. McCourt, Nevada Bar No. 11839  
CLARK MCCOURT  
7371 Prairie Falcon Road, Suite 120  
Las Vegas, Nevada 89128  
Telephone: (702) 474-0065  
Facsimile: (702) 474-0068  
bpc@clarkmccourt.com

**Attorneys for Defendants-Respondents:**  
TIMESHARE LIQUIDATORS, LLC,  
a/d/b/a TLC RESORT LIQUIDATORS,  
a/d/b/a TLC RESORTS VACATION CLUB, LLC,  
a/d/b/a TLC RESORTS VACATION CLUB,  
a/d/b/a TLC RESORTS, a/k/a TLCRESORTS.COM,  
a/d/b/a TLC TRAVEL, a/d/b/a VIP TRAVEL,  
a/d/b/a VIP VACATIONS, a/d/b/a VIP INTERNATIONAL

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

3                     Plaintiff was *pro se*

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

6                     Appellant is *in proper person*

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

9                     N/A

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

12                     Date of [initial] Complaint was June 19, 2018

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

16                     Plaintiff initiated this action as a consequence of Defendants' numerous (30+) illegal, unsolicited, and deceptive telemarketing and solicitation telephone calls to Plaintiff's residential and wireless telephones (after Plaintiff told Defendants' telemarketers not to call him; and absent any type of consent to place such calls to Plaintiff). The numerous (30+) illegal, unsolicited, and deceptive telemarketing and solicitation telephone calls to Plaintiff's residential and wireless telephones, continued [both] prior to, and subsequent to (i) the filing of the Complaint; (ii) after several motions had been filed; and (iii) after three (3) hearings were held before the District Court. Defendants' were the causation of an excess of thirty (30+) illegal, unsolicited, and deceptive telemarketing and solicitation telephone calls to Plaintiff's residential and wireless telephones.

17                     Subsequent to Plaintiff filing a (Court Ordered) First Amended Complaint, and as a consequence of Defendant's failure to Answer, on July 16, 2019— after the Voluntary Dismissal was approved and "Blue Stamped" by Judge Allf— Plaintiff filed his Voluntary Dismissal.

18                     On July 31, 2019, following the filing of Plaintiff's Voluntary Dismissal, Defendants **filed an untimely** "Motion to Set Aside Plaintiff's Notice of Voluntary Dismissal, or in the Alternative, for Relief Pursuant to NRCPC 41(a)(2)."

19                     Denying Plaintiff the required time to file an opposition on Defendant's motion, and to hold a hearing on Defendant's motion, on August 6, 2019 (twenty (20) days after the Court approving, and the filing of Plaintiff's "Voluntary Dismissal") the Court filed an Order stating the following—

- 1 (i) Granting Defendant's Motion to Dismiss in all respects. And that  
2 Defendant's may submit to the Court Findings of Fact and Conclusions  
3 of Law in accordance with the relief requested in the Motion.  
4 (ii) Setting aside and striking from the Record Plaintiff's Voluntary  
5 Dismissal;  
6 (iii) Granting Defendant's Countermotion to Continue Decision on  
7 Plaintiff's Motion until after the Court issues its Order on Defendant's  
8 May 1, 2019; and,  
9 (iv) Denying as Moot, Plaintiff s Motion for Leave to File Second  
10 Amended Complaint.

11 Subsequently, on August 27, 2019, the following [individual] Orders were [then] entered:

- 12 1. The Entry of Order Granting Defendant's Motion to Set Aside  
13 Plaintiff's Notice of Voluntary Dismissal, or in the Alternative, for  
14 Relief Pursuant to NRCP 41(a)(2).  
15 2. The Entry of Order Granting Defendant's Motion to Dismiss, Motion  
16 for More Definite Statement and Motion to Strike.  
17 3. The Entry of Order Granting Defendant's Counter-Motion to Continue  
18 Decision on Plaintiff's Motion until after the Court Issues its Order  
19 on Defendant's (May 1, 2019) Motion to Dismiss.  
20 4. The Entry of Order Denying Plaintiff's Motion for Leave to File  
21 Second Amended Complaint.

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

25 NO

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

27 NO

28 ...

...

...

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

3                       Plaintiff believes, based upon Defendants, and their counsels conduct during  
4                       this entire litigation, that there is no possibility of a settlement.

5               DATED this 30th day of August 2019.

6   PAUL D.S. EDWARDS,

7   /s/ Paul D.S. Edwards

8   Paul D.S. Edwards,

9   Plaintiff, *pro se*

10    713 Wheat Ridge Lane, Unit 203,

11    Las Vegas, Nevada 89145

12    Landline Telephone: 702.341.1776

13    Cellular Telephone: 702.893.1776

14    Email: pauldse@pauldsedwards.com

15    

---

  
16    **CERTIFICATE OF E-SERVICE**

17               I HEREBY CERTIFY that, on the 30th day of August 2019, pursuant to the Nevada  
18       Electronic Filing and Conversion Rules (NEFCR) & N.R.C.P., Rule 5(b)(4), I e-served a true and  
19       correct copy of the following document:

20               1.       Case Appeal Statement

21       to the following:

22               Brian P. Clark at bpc@clarkmccourt.com

23  
24    

25    Designee for Plaintiff

**CASE SUMMARY****CASE NO. A-18-776375-C**

**Paul Edwards, Plaintiff(s)**  
**vs.**  
**Timeshare Liquidators LLC, Defendant(s)**

§  
 §  
 §  
 §  
 §

Location: **Department 27**  
 Judicial Officer: **Allf, Nancy**  
 Filed on: **06/19/2018**  
 Case Number History:  
 Cross-Reference Case Number: **A776375**

**CASE INFORMATION**

**Statistical Closures**  
 07/17/2019 Voluntary Dismissal

Case Type: **Other Civil Matters**

Case Status: **08/30/2019 Reopened**

**DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number A-18-776375-C  
 Court Department 27  
 Date Assigned 10/31/2018  
 Judicial Officer Allf, Nancy

**PARTY INFORMATION**

<b>Plaintiff</b>	<b>Edwards, Paul D S</b>	<i>Lead Attorneys</i> <b>Pro Se</b> 702-341-1776(H)
<b>Defendant</b>	<b>Cash4Asking LLC</b> Removed: 08/06/2019 Dismissed  <b>Hernandez, Eduardo Romay</b> Removed: 08/06/2019 Dismissed  <b>Jossel, Jonathan Robert</b> Removed: 01/14/2019 Dismissed  <b>Jossel, Jonathan Robert</b> Removed: 08/06/2019 Dismissed  <b>Mullis, Angel C</b> Removed: 01/14/2019 Dismissed  <b>Mullis, Angel C.</b> Removed: 08/06/2019 Dismissed  <b>Mullis, Stanley C</b> Removed: 06/19/2018 Data Entry Error  <b>Mullis, Stanley C.</b> Removed: 08/06/2019 Dismissed  <b>Pergolini, Michael Anthony</b> Removed: 01/14/2019 Dismissed	<b>Clark, Brian P</b> <i>Retained</i> 702-474-0065(W)

**CASE SUMMARY****CASE NO. A-18-776375-C****Plaza Hotel & Casino LLC**Removed: 01/14/2019  
Dismissed**Rionda, Gladys C.**Removed: 08/06/2019  
Dismissed**Timeshare Liquidators LLC****Clark, Brian P***Retained*

702-474-0065(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
	<b><u>EVENTS</u></b>	
06/19/2018	 Complaint Filed By: Plaintiff Edwards, Paul D S <i>Complaint for Damages, Statutory Injunctive Relief, and, Demand for Trial by Jury</i>	
08/23/2018	 Initial Appearance Fee Disclosure <i>Initial Appearance Fee Disclosure</i>	
08/23/2018	 Notice of Appearance Party: Defendant Timeshare Liquidators LLC; Defendant Plaza Hotel & Casino LLC; Defendant Mullis, Stanley C; Defendant Mullis, Angel C; Defendant Jossel, Jonathan Robert; Defendant Pergolini, Michael Anthony <i>Notice of Appearance</i>	
09/12/2018	 Notice of Removal Filed By: Defendant Timeshare Liquidators LLC; Defendant Plaza Hotel & Casino LLC; Defendant Mullis, Stanley C; Defendant Mullis, Angel C; Defendant Jossel, Jonathan Robert; Defendant Pergolini, Michael Anthony <i>Notice of Removal of Action To Federal Court</i>	
10/09/2018	 Order of Remand from Federal Court <i>Stipulation Re: Remand of Action to the Eighth Judicial District Court, State of Nevada, Clark County</i>	
10/27/2018	 Notice of Intent to Take Default Party: Plaintiff Edwards, Paul D S <i>Three (3) Day Notice of Intent to Take Default Against Defendant</i>	
10/29/2018	 Peremptory Challenge Filed by: Defendant Timeshare Liquidators LLC; Defendant Plaza Hotel & Casino LLC; Defendant Mullis, Stanley C; Defendant Mullis, Angel C <i>Defendants' Peremptory Challenge</i>	
10/30/2018	 Summons Filed by: Plaintiff Edwards, Paul D S <i>Summons</i>	
10/30/2018	 Initial Appearance Fee Disclosure Filed By: Defendant Timeshare Liquidators LLC; Defendant Plaza Hotel & Casino LLC; Defendant Mullis, Stanley C; Defendant Mullis, Angel C; Defendant Jossel, Jonathan Robert; Defendant Pergolini, Michael Anthony <i>Initial Appearance Fee Disclosure</i>	
10/31/2018	 Notice of Department Reassignment	

# CASE SUMMARY

CASE NO. A-18-776375-C

## Notice of Department Reassignment

10/31/2018



### Motion to Dismiss

Filed By: Defendant Timeshare Liquidators LLC; Defendant Plaza Hotel & Casino LLC; Defendant Mullis, Stanley C; Defendant Mullis, Angel C; Defendant Jossel, Jonathan Robert; Defendant Pergolini, Michael Anthony

*Defendants' Motion to Dismiss, Motion for More Definite Statement and Motion for Evidentiary Hearing*

11/01/2018



### Exhibits

Filed By: Defendant Timeshare Liquidators LLC; Defendant Plaza Hotel & Casino LLC; Defendant Mullis, Stanley C; Defendant Mullis, Angel C; Defendant Jossel, Jonathan Robert; Defendant Pergolini, Michael Anthony

*Exhibits to Defendants' Motion to Dismiss, Motion for More Definite Statement and Motion for Evidentiary Hearing*

11/20/2018



### Opposition to Motion to Dismiss

Filed By: Plaintiff Edwards, Paul D S

*Opposition to Defendants Motion to Dismiss, Motion for More Definite Statement, and Motion for Evidentiary Hearing*

11/20/2018



### Exhibits

Filed By: Plaintiff Edwards, Paul D S

*Opposition to Defendants' Motion to Dismiss, Motion for More Definite Statement, and Motion for Evidentiary Hearing*

11/21/2018



### Certificate of Mailing

Filed By: Plaintiff Edwards, Paul D S

*Certificate of Mailing*

11/30/2018



### Reply in Support

Filed By: Defendant Timeshare Liquidators LLC; Defendant Plaza Hotel & Casino LLC; Defendant Mullis, Stanley C; Defendant Mullis, Angel C; Defendant Jossel, Jonathan Robert; Defendant Pergolini, Michael Anthony

*Reply in Support of Defendants' Motion to Dismiss, Motion for More Definite Statement and Motion for Evidentiary Hearing*

01/11/2019



### Recorders Transcript of Hearing

*Transcript of Proceedings, Defendants' Motion to Dismiss for More Definite Statement and Motion for Evidentiary Hearing, Heard on December 5, 2018*

01/14/2019



### Order Granting Motion

*Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, Motion for More Definite Statement and Motion for Evidentiary Hearing*

01/23/2019



### Notice of Entry of Order

*Notice of Entry of Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, Motion for More Definite Statement, and Motion for Evidentiary Hearing*

02/06/2019



### Answer

Filed By: Defendant Timeshare Liquidators LLC

*Defendant's Answer to Complaint*

02/08/2019



### Notice of Early Case Conference

Filed By: Plaintiff Edwards, Paul D S

*Notice of Early Case Conference Pursuant to NRCP, Rule 16.1(b)(1)*

# CASE SUMMARY

CASE NO. A-18-776375-C

02/19/2019	 Motion to Strike Filed By: Defendant Timeshare Liquidators LLC <i>Defendant's Motion to Strike for Plaintiff's Refusal to Comply with the Court's Order Granting Defendant's Motion for More Definite Statement</i>
03/04/2019	 Opposition to Motion Filed By: Plaintiff Edwards, Paul D S <i>Plaintiff's Opposition to Defendant's Motion to Strike for Plaintiff's Refusal to Comply with the Court's Order Granting Defendant's Motion for More Definite Statement</i>
03/18/2019	 Defendants Case Conference Report Filed By: Defendant Timeshare Liquidators LLC <i>Defendant Timeshare Liquidators, LLC's Case Conference Report</i>
03/19/2019	 Plaintiffs Case Conference Report Party: Plaintiff Edwards, Paul D S <i>Plaintiff's Case Conference Report (CIV)</i>
03/19/2019	 Reply Filed by: Defendant Timeshare Liquidators LLC <i>Reply in Support of Defendant's Motion to Strike for Plaintiff's Refusal to Comply with the Court's Order Granting Defendant's Motion for More Definite Statement</i>
04/02/2019	 Order <i>Order to Appear for Mandatory Discovery Conference</i>
04/17/2019	 Order Denying Motion Filed By: Defendant Timeshare Liquidators LLC <i>Order Denying Defendant's Motion to Strike for Plaintiff's Refusal to Comply with the Court's Order Granting Defendant's Motion for More Definite Statement</i>
04/17/2019	 Notice Filed By: Defendant Timeshare Liquidators LLC <i>Notice of Entry of Order Denying Defendant's Motion to Strike for Plaintiff's Refusal to Comply with the Court's Order Granting Defendant's Motion for More Definite Statement</i>
04/17/2019	 Amended Complaint Filed By: Plaintiff Edwards, Paul D S <i>First Amended Complaint for Damages, Injunctive Relief, and, Demand for Trial by Jury - Arbitration Exemption Claimed</i>
04/19/2019	 Notice Filed By: Defendant Timeshare Liquidators LLC <i>Notice of Compliance With Order to Appear for Mandatory Discovery Conference</i>
05/01/2019	 Demand for Jury Trial Filed By: Defendant Timeshare Liquidators LLC <i>Defendant's Demand for Jury Trial</i>
05/01/2019	 Motion to Dismiss Filed By: Defendant Timeshare Liquidators LLC <i>Defendant's Motion to Dismiss, Motion for More Definite Statement and Motion to Strike</i>
05/02/2019	

# CASE SUMMARY

CASE NO. A-18-776375-C

	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
05/02/2019	 Recorders Transcript of Hearing <i>Transcript of Proceedings, Defendants' Motion to Strike for Plaintiff's Refusal to Comply with the Court's Order Granting Defendant's Motion for More Definite Statement, Heard on April 3, 2019</i>
05/20/2019	 Opposition to Motion to Dismiss Filed By: Plaintiff Edwards, Paul D S <i>Plaintiff s Opposition to Defendant s Motion to Dismiss, Motion for More Definite Statement, and Motion to Strike</i>
05/21/2019	 Stipulation and Order Filed by: Defendant Timeshare Liquidators LLC <i>Stipulation and Order to Continue Hearing &amp; Extend Time to File Opposition on Defendant's Mot. to Dismiss, Mot. for More Definite Statement and Mot. to Strike</i>
06/05/2019	 Amended Complaint Filed By: Plaintiff Edwards, Paul D S <i>(6/20/19 Withdrawn) Second Amended Complaint for Damages, Statutory Injunctive Relief, and, Demand for Trial by Jury</i>
06/05/2019	 Reply Filed by: Defendant Timeshare Liquidators LLC <i>Reply In Support of Defendant's Motion To Dismiss, Motion For More Definite Statement and Motion To Strike</i>
06/20/2019	 Notice of Withdrawal Filed By: Plaintiff Edwards, Paul D S <i>Notice of Withdrawal of Plaintiff s Second Amended Complaint for Damages, Statutory Injunctive Relief, and, Demand for Trial by Jury</i>
06/20/2019	 Motion to Compel Filed By: Defendant Timeshare Liquidators LLC <i>Defendant's Motion to Compel Discovery Responsss</i>
06/20/2019	 Motion for Leave to File Party: Plaintiff Edwards, Paul D S <i>Motion for Leave to File Second Amended Complaint for Damages, Injunctive Relief, and Demand for Trial by Jury (First Request)</i>
06/20/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
06/28/2019	 Recorders Transcript of Hearing <i>Transcript of Proceedings, Mandatory Rule 16 Conference, Heard on April 24, 2019</i>
07/05/2019	 Opposition to Motion to Compel Filed By: Plaintiff Edwards, Paul D S <i>Opposition to Defendants Motion to Compel Discovery Responses from Plaintiff, and Pursuant to N.R.C.P., Rule 12(f) &amp; (g), Motion to Strike Defendants Counsel s Declaration</i>
07/15/2019	 Receipt Party: Plaintiff Edwards, Paul D S

# CASE SUMMARY

CASE NO. A-18-776375-C

## RECEIPT FOR FILING FEES

07/15/2019	 Opposition and Countermotion Filed By: Defendant Timeshare Liquidators LLC <i>Defendant's Opposition To Plaintiff's Motion For Leave To File Second Amended Complaint For Damages, Injunctive Relief, And Demand For Jury Trial, And Countermotion To Continue Decision On Plaintiff's Motion Until After The Court Issues Its Order On Defendant's (May 1, 2019) Motion To Dismiss</i>
07/31/2019	 Motion to Set Aside Filed By: Defendant Timeshare Liquidators LLC <i>Defendant's Motion to Set Aside Plaintiff's Notice of Voluntary Dismissal, or in the Alternative, for Relief Pursuant to NRCP 41(a)(2)</i>
07/31/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
08/06/2019	 Order <i>Order</i>
08/13/2019	 Recorders Transcript of Hearing <i>Transcript of Proceedings, Defendants' Motion to Dismiss, Motion for More Definite Statement, and Motion to Strike, Heard on June 19, 2019</i>
08/27/2019	 Order Granting <i>Order Granting Defendant's Motion to Set Aside Plaintiff's Notice of Voluntary Dismissal, or in the Alternative, for Relief Pursuant to NRCP 41(a)(2)</i>
08/27/2019	 Order Denying Motion Filed By: Defendant Timeshare Liquidators LLC <i>Order Denying Plaintiff's Motion for Leave to File Second Amended Complaint</i>
08/27/2019	 Order Granting Filed By: Defendant Timeshare Liquidators LLC <i>Order Granting Defendant's Counter-Motion to Continue Decision on Plaintiff's Motion Until After the Court Issues Its Order on Defendant's (May 1, 2019) Motion to Dismiss</i>
08/27/2019	 Order Granting Filed By: Defendant Timeshare Liquidators LLC <i>Order Granting Defendant's Motion to Dismiss, Motion for More Definite Statement and Motion to Strike.</i>
08/27/2019	 Notice of Entry Filed By: Defendant Timeshare Liquidators LLC <i>Notice of Entry of Order Granting Defendant's Motion to Set Aside Plaintiff's Notice of Voluntary Dismissal, or in the Alternative, For Relief Pursuant to NRCP 41 (a)(2)</i>
08/27/2019	 Notice of Entry Filed By: Defendant Timeshare Liquidators LLC <i>Notice of Entry of Order Denying Plaintiff's Motion for Leave to File Second Amended Complaint</i>
08/27/2019	 Notice of Entry Filed By: Defendant Timeshare Liquidators LLC <i>Notice of Entry of Order Granting Defendant's Counter-Motion to Continue Decision on</i>

# CASE SUMMARY

CASE NO. A-18-776375-C

*Plaintiff's Motion Until After the Court Issues its Order on Defendant's (May 1, 2019) Motion to Dismiss*

08/27/2019



Notice of Entry

Filed By: Defendant Timeshare Liquidators LLC

*Notice of Entry of Order Granting Defendant's Motion to Dismiss, Motion for More Definite Statement and Motion to Strike*

08/29/2019



Motion to Compel

Filed By: Defendant Timeshare Liquidators LLC

*Defendant's Motion to Compel Discovery Responses from Plaintiff*

08/29/2019



Clerk's Notice of Hearing

*Notice Of Hearing*

08/30/2019



Notice of Hearing

Filed By: Defendant Timeshare Liquidators LLC

*Re-Notice of Defendant's Motion to Compel Discovery Responses from Plaintiff*

08/30/2019



Notice of Appeal

Filed By: Plaintiff Edwards, Paul D S

*Notice of Appeal to the Supreme Court for Nevada from a Judgment or Order of a District Court*

08/30/2019



Case Appeal Statement

Filed By: Plaintiff Edwards, Paul D S

*Case Appeal Statement*

09/03/2019



Clerk's Notice of Hearing

*Notice of Hearing*

09/04/2019



Case Appeal Statement

Filed By: Plaintiff Edwards, Paul D S

*Case Appeal Statement*

## **DISPOSITIONS**

01/14/2019

**Order of Dismissal** (Judicial Officer: Allf, Nancy)

Debtors: Paul D S Edwards (Plaintiff)

Creditors: Timeshare Liquidators LLC (Defendant), Plaza Hotel & Casino LLC (Defendant), Stanley C Mullis (Defendant), Angel C Mullis (Defendant), Jonathan Robert Jossel (Defendant), Michael Anthony Pergolini (Defendant)

Judgment: 01/14/2019, Docketed: 01/14/2019

Comment: Certain Claims

01/14/2019

**Order of Dismissal With Prejudice** (Judicial Officer: Allf, Nancy)

Debtors: Paul D S Edwards (Plaintiff)

Creditors: Timeshare Liquidators LLC (Defendant), Plaza Hotel & Casino LLC (Defendant), Stanley C Mullis (Defendant), Angel C Mullis (Defendant), Jonathan Robert Jossel (Defendant), Michael Anthony Pergolini (Defendant)

Judgment: 01/14/2019, Docketed: 01/14/2019

Comment: Certain Claims

Debtors: Paul D S Edwards (Plaintiff)

Creditors: Plaza Hotel & Casino LLC (Defendant)

Judgment: 01/14/2019, Docketed: 01/14/2019

01/14/2019

**Order of Dismissal Without Prejudice** (Judicial Officer: Allf, Nancy)

Debtors: Paul D S Edwards (Plaintiff)

Creditors: Stanley C Mullis (Defendant), Angel C Mullis (Defendant), Jonathan Robert Jossel

# CASE SUMMARY

CASE NO. A-18-776375-C

(Defendant), Michael Anthony Pergolini (Defendant)  
Judgment: 01/14/2019, Docketed: 01/14/2019

- 08/06/2019 **Amended Voluntary Dismissal** (Judicial Officer: Allf, Nancy)  
Debtors: Timeshare Liquidators LLC (Defendant), Cash4Asking LLC (Defendant), Stanley C. Mullis (Defendant), Angel C. Mullis (Defendant), Eduardo Romay Hernandez (Defendant), Gladys C. Rionda (Defendant), Jonathan Robert Jossel (Defendant)  
Creditors: Paul D S Edwards (Plaintiff)  
Judgment: 08/06/2019, Docketed: 07/23/2019  
Comment: SET ASIDE
- 08/06/2019 **Order of Dismissal** (Judicial Officer: Allf, Nancy)  
Debtors: Paul D S Edwards (Plaintiff)  
Creditors: Timeshare Liquidators LLC (Defendant), Stanley C Mullis (Defendant), Angel C Mullis (Defendant), Jonathan Robert Jossel (Defendant), Cash4Asking LLC (Defendant), Eduardo Romay Hernandez (Defendant), Gladys C. Rionda (Defendant)  
Judgment: 08/06/2019, Docketed: 08/06/2019

## HEARINGS

- 12/05/2018  **Motion to Dismiss** (10:00 AM) (Judicial Officer: Allf, Nancy)  
*Defendants' Motion to Dismiss Motion for More Definite Statement and Motion for Evidentiary Hearing*  
Matter Heard;  
Journal Entry Details:
- Arguments by Mr. Clark in support of the Motion. Plaintiff requested the Court strike Defendant's Reply for being untimely and requested the Court strike Defendant's exhibits for not complying with local rules with regard to formatting. COURT DENIED Plaintiff's requests. Court noted, when the Court has digression it is directed by the Nevada Supreme Court to determine matters based on the merits. Arguments by Plaintiff in opposition to Defendant's Motion. Plaintiff offered examples of telemarketing to show the Court which related to Defendant's exhibits. Court declined Plaintiff's submission. Court advised It can only consider what is in the Complaint with regard to the Motion to Dismiss. Further arguments by Plaintiff and counter argument by Mr. Clark. COURT ORDERED, Defendant's Motion to Dismiss GRANTED IN PART; Defendant's Motion for More Definite Statement GRANTED; and Defendant's Motion for Evidentiary Hearing DENIED. Court advised there was no opposition to several of the statutes cited that would give rise to a cause of action. Court advised the Motion to Dismiss was GRANTED with regard to criminal penalties, punitive damages and the application of NRS 201. COURT ORDERED, with regard to the consumer fraud allegations under 41.600 and NRS 598.0915 and NRS 598.0925, the cause of action was DISMISSED WITH LEAVE TO AMEND. COURT FINDS not all elements of consumer fraud had been plead; therefore, it did not meet the standard under Picus vs. Wal-Mart Stores. FURTHER COURT ORDERED, with regard to NRS 598.0977, the cause of action was DISMISSED WITH LEAVE TO AMEND. COURT FINDS there was no allegations of damages suffered. ADDITIONALLY COURT ORDERED, with regard to NRS 201.255 (2) the cause of action was DISMISSED WITH PREJUDICE. COURT FINDS the criminal statute had no private cause of action. COURT ORDERED, with regard to claims under NRS 228.540 through 228.620 the cause of action was DISMISSED WITH PREJUDICE. COURT FINDS only the Attorney General has the right to pursue those causes of action. FURTHER COURT ORDERED, claims with regard to NRS 597.812-597.818 were DISMISSED WITH PREJUDICE. COURT FINDS claims related to calls made with an automatic dialing device and a recorded message, which was not the allegation in this matter. ADDITIONALLY COURT ORDERED, 599B.080 thorough 599B.154 the cause of action was DISMISSED WITH PREJUDICE. COURT FINDS Plaintiff was not entitled to relief under that statute. COURT ORDERED with regard to 599B.027 through 599B.300, regarding damages suffered by an elderly person, claims were DISMISSED WITH LEAVE TO AMEND. COURT FINDS no actual damages had been plead. FURTHER COURT ORDERED claims with regard to NRS 707.910 and 707.920 were DISMISSED WITH LEAVE TO AMEND. COURT FINDS the cause of action relates to physical damage to a phone line, which had not been plead. ADDITIONALLY COURT ORDERED, with regard to the claim against individuals in the Plaza, COURT DISMISSED all the individuals WITHOUT LEAVE TO AMEND BUT NOT WITHOUT PREJUDICE. COURT FINDS there was no allegation of Piercing the Corporate Veil and no allegation that the individuals acted outside of their authority. Court noted if Plaintiff could make a cause of action against any of the individuals after Discovery, Plaintiff could file a motion to amend to*

**CASE SUMMARY****CASE NO. A-18-776375-C**

bring the individuals back in. COURT ORDERED, claims against the Landlord were DISMISSED WITH PREJUDICE. COURT FINDS this was not a recognized cause of action under Nevada. Court reviewed facts of the case. Court stated VIP being named a pseudonym for other defendants was not sufficient. Court advised Plaintiff was required to plead Fraud with particularity against each individual. Court noted Plaintiff was granted Leave to Amend; however, if Plaintiff amended and the Court later dismissed due to lack of proof, the Court would assess fees against Plaintiff. Court advised this Court would consider if Plaintiff filed a Motion to Amend after some discovery, and not grant sanctions. Court stated NRCP 9(b) did apply and the Rocker standard had not been met. Mr. Clark to prepare the Order; Plaintiff to review as to form and content. CLERK'S NOTE: This Minute Order was drafted after reviewing JAVS. //lk 12/21/18;

04/03/2019

**Motion to Strike** (9:00 AM) (Judicial Officer: Bell, Linda Marie)

Defendant's Motion to Strike for Plaintiff's Refusal to Comply with the Court's Order Granting Defendant's Motion for More Definite Statement

Denied;

Journal Entry Details:

Upon inquiry of Court regarding what was remaining in the complaint, Mr. Clark stated it was the deceptive trade practice and those are subject to a more definite statement. Colloquy as to ruling on motion to dismiss and there being no amended to the complaint. Arguments by Mr. Edwards and Mr. Clark. COURT ORDERED, Defendant's Motion to Strike for Plaintiff's Refusal to Comply with the Court's Order Granting Defendant's Motion for More Definite Statement DENIED as to Motion Strike, however, Mr. Edwards needs to comply with order for a more definite statement within fourteen days from today; request for fees DENIED. Mr. Clark to prepare the order.;

04/24/2019

**Mandatory Rule 16 Conference** (9:30 AM) (Judicial Officer: Allf, Nancy)

Matter Heard;

Journal Entry Details:

Court noted Defendant served its initial disclosures. Upon inquiry of Court if Mr. Edwards has served his initial disclosures, Mr. Edwards stated he has and he provided an e-signature on Defendant's notice of compliance. Mr. Clark stated they conducted an early case conference in January, submitted a joint case conference report, and have agreed to dates. Mr. Edwards agreed. Upon inquiry of Court if parties have agreed to the scope of discovery, parties stated they had and they anticipate some issues going forward. Colloquy regarding discovery time requested an potential issues going forward. Upon inquiry of Court regarding whether or not there has been e-discovery demands, Mr. Edwards stated there had been. Court stated it would issue an order that sets the trial with a discovery cut-off of June 20, 2020. Mr. Edwards stated he has an issue where he's asked for the insurance policy and has been told it's not available. Court stated if Mr. Edwards hasn't received what he has asked for informally then he should make a formal request. Matter concluded. ;

06/19/2019

**Motion to Dismiss** (10:00 AM) (Judicial Officer: Cherry, Michael A.)

Defendant's Motion to Dismiss, Motion for More Definite Statement and Motion to Strike

Granted;

Journal Entry Details:

Arguments by Mr. Clark and Mr. Edwards regarding the merits of and opposition to the motion. Colloquy regarding whether motion is in regard to first or second amended complaint. Court stated whatever rulings are made will be regarding the first amended complaint. Further arguments by counsel regarding as to requested relief. COURT ORDERED, Defendant's Motion to Dismiss, Motion for More Definite Statement and Motion to Strike UNDER ADVISEMENT, Court will prepare an order that will address all the claims, the case will not be completely dismissed, and Defense counsel can prepare the order after the minute order is entered.;

07/24/2019

**CANCELED Motion to Compel** (9:00 AM) (Judicial Officer: Truman, Erin)

Vacated - per Commissioner

Defendant's Motion to Compel Discovery Responsss

09/04/2019

**CANCELED Motion to Set Aside** (9:00 AM) (Judicial Officer: Allf, Nancy)

Vacated - per Law Clerk

Defendant's Motion to Set Aside Plaintiff's Notice of Voluntary Dismissal, or in the Alternative, for Relief Pursuant to NRCP 41(a)(2

## EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY****CASE NO. A-18-776375-C**

10/02/2019	<b>Motion to Compel</b> (9:00 AM) (Judicial Officer: Allf, Nancy) <i>Defendants Motion To Compel Discovery Responses From Plaintiff</i>
10/02/2019	<b>Motion to Compel</b> (9:00 AM) (Judicial Officer: Truman, Erin) <i>Re-Notice of Defendant's Motion to Compel Discovery Responses from Plaintiff</i>

DATE

FINANCIAL INFORMATION

<b>Defendant</b> Mullis, Stanley C	
Total Charges	450.00
Total Payments and Credits	450.00
<b>Balance Due as of 9/4/2019</b>	<b>0.00</b>
<b>Defendant</b> Timeshare Liquidators LLC	
Total Charges	373.00
Total Payments and Credits	373.00
<b>Balance Due as of 9/4/2019</b>	<b>0.00</b>
<b>Plaintiff</b> Edwards, Paul D S	
Total Charges	294.00
Total Payments and Credits	294.00
<b>Balance Due as of 9/4/2019</b>	<b>0.00</b>

## DISTRICT COURT CIVIL COVER SHEET

A-18-776375-C

Clark County, Nevada

Case No. \_\_\_\_\_

Department 16

(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone):

Paul D.S. Edwards  
 713 Wheat Ridge Lane, Unit 203  
 Las Vegas, Nevada 89145  
 702.341.1776  
 Plaintiff, pro se

Defendant(s) (name/address/phone):

Timeshare Liquidators, LLC, a/d/b/a TLC Resort Liquidators,  
 a/d/b/a TLC Resorts Vacation Club, LLC, a/d/b/a TLC Resorts Vacation Club,  
 a/d/b/a TLC Resorts, a/k/a tlcresorts.com, a/d/b/a TLC Travel,  
 a/d/b/a VIP Travel, a/d/b/a VIP Vacations,  
 and Plaza Hotel & Casino, LLC, a/d/b/a Plaza Hotel & Casino,  
 and Stanley C. Mullis, a/k/a Stanley Mullis, a/k/a Stan Mullis,  
 and Angel C. Mullis, a/k/a Angel Mullis, a/k/a Angel Santilli,  
 and Jonathan Robert Jossel, a/k/a Jonathan Jossel,  
 and Michael Anthony Pergolini, a/k/a Michael A. Pergolini,  
 a/k/a Michael Pergolini, a/k/a Michael A. Percolini,  
 and DOES I-X, and ROE Corporations XI-XX, et al.

Attorney (name/address/phone):

Unknown at this time.

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

Real Property	Negligence	Torts
<b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<b>Other Torts</b> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate	Construction Defect & Contract	Judicial Review/Appeal
<b>Probate</b> (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <b>Estate Value</b> <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	<b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<b>Civil Writ</b>		<b>X Other Civil Filing</b>
<b>Civil Writ</b> <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		<b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input checked="" type="checkbox"/> <b>Other Civil Matters</b>

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

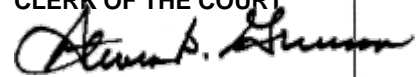
June 19, 2018

Date

/s/ Paul D.S. Edwards

Signature of initiating party or representative

See other side for family-related case filings.



DISTRICT COURT  
CLARK COUNTY, NEVADA

\* \* \* \*

PAUL D.S. EDWARDS,

Plaintiff,

vs.

TIMESHARE LIQUIDATORS, LLC, et  
al,

Defendant.

CASE NO.: A-18-776375-C

DEPARTMENT 27

**ORDER**

**COURT FINDS** this case was commenced by the filing of a Complaint on June 19, 2018. Thereafter, the matter proceeded by the filing of a Notice of Removal to U.S. District Court for the District of Nevada, a Motion to Dismiss filed by Defendants, the filing of an Answer, the filing of an Amended Complaint, another Motion to Dismiss, and another Amended Complaint. The Motion to Dismiss was taken under advisement on or about June 29, 2019.

**COURT FURTHER FINDS** while that Motion to Dismiss was pending, the Plaintiff filed a Withdrawal of Second Amended Complaint, an Opposition to a Motion to Compel and then a Voluntary Dismissal on July 16, 2019.

**COURT FURTHER FINDS** thereafter, Defendant opposed the Plaintiff's Motion for Leave to File Second Amended Complaint and a Countermotion to Continue Decision on Plaintiff's Motion until after the Court Issues its Order on Defendant's May 1, 2019 Motion.

**THEREFORE, COURT ORDERS AS FOLLOWS:**

1. Defendant's Motion to Dismiss is granted in all respects. Defendant may submit to the Court Findings of Fact and Conclusions of Law in accordance with the relief requested in the Motion,
2. The Plaintiff's Voluntary Dismissal is hereby set aside and stricken from the Record,

- 1 3. Defendant's Countermotion to Continue Decision on Plaintiff's Motion until after the  
2 Court issues its Order on Defendant's May 1, 2019 Motion is granted,  
3  
4 4. Plaintiff's Motion for Leave to File Second Amended Complaint is denied as moot.  
5  
6 5. Defendant shall prepare the appropriate Orders.

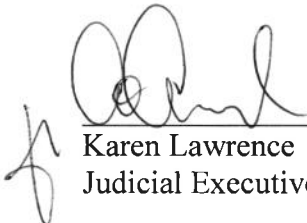
7  
8 DATED: August 5, 2019  
9

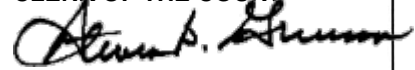
10  
11   
12 NANCY ALLF  
13 DISTRICT COURT JUDGE  
14

15  
16 **CERTIFICATE OF SERVICE**  
17

18 I hereby certify that on August 2, 2019, a copy of the foregoing was electronically  
19 served pursuant to N.E.F.C.R. Rule 9, to all registered parties in the Eighth Judicial  
20 District Court's Electronic Filing Program and by mail to:  
21

22 Paul D.S. Edwards  
23 713 Wheat Ridge Lane, Unit 203  
24 Las Vegas, NV 89145  
25

26  
27   
28 Karen Lawrence  
Judicial Executive Assistant



1 **ORDG**  
2 BRIAN P. CLARK  
3 Nevada Bar No. 4236  
4 LUKAS B. McCOURT  
5 Nevada Bar No. 11839  
6 CLARK MCCOURT  
7 7371 Prairie Falcon Road, Suite 120  
8 Las Vegas, Nevada 89128  
9 Telephone: (702) 474-0065  
10 Facsimile: (702) 474-0068  
11 bpc@clarkmccourt.com  
12 lmccourt@clarkmccourt.com  
13 Attorneys for Defendant

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 PAUL D. S. EDWARDS,

11 Plaintiff,

12 v.

13 TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL  
14 RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
15 VACATION CLUB, LLC, a/d/b/a TLC RESORTS  
16 VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a  
17 TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a  
18 VIP TRAVEL, a/d/b/a VIP VACATIONS, and DOES  
19 I-X, and ROE CORPORATIONS XI-XX, et al.,

20 Defendants.

Case No.: A-18-776375-C  
Dept. No.: XXVII

21 **ORDER GRANTING DEFENDANT'S MOTION TO SET ASIDE PLAINTIFF'S**  
22 **NOTICE OF VOLUNTARY DISMISSAL, OR IN THE ALTERNATIVE, FOR RELIEF**  
23 **PURSUANT TO NRCP 41(a)(2)**

24 Defendant's Motion To Set Aside Plaintiff's Notice Of Voluntary Dismissal having come  
25 before the court, and no opposition having been filed by Plaintiffs,

26 **THE COURT FINDS** that this case was commenced by the filing of a Complaint on June  
27 19, 2018.

28 **THE COURT FURTHER FINDS** that the matter proceeded by the filing of a Notice of  
Removal to U.S. District Court for the District of Nevada, and remand to this court.

**THE COURT FURTHER FINDS** that Defendants filed a Motion to Dismiss which was  
granted in part.

**THE COURT FURTHER FINDS** that Defendant filed an Answer to the Complaint on February 6, 2019.

**THE COURT FURTHER FINDS** that Plaintiff filed an Amended Complaint on April 17, 2019.

**THE COURT FURTHER FINDS** that the filing of an answer prohibits the voluntary dismissal of Plaintiff's action without a court order (NRCP 41).

**THEREFORE,**

**IT IS HEREBY ORDERED** that Plaintiff's Voluntary Dismissal is hereby set aside and stricken from the court Record.

**IT IS FURTHER ORDERED** that the court will issue a Scheduling Order and Order Setting Jury Trial based on the parties' Case Conference Reports and the NRCP 16 Conference conducted by the court on April 24 2019.

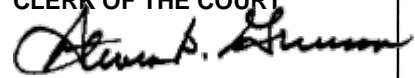
DATED this 26 day of August, 2019.

DISTRICT COURT JUDGE

Submitted by:

CLARK MCCOURT

Brian P. Clark  
Lukas B. McCourt  
7371 Prairie Falcon Road, Suite 120  
Las Vegas, NV 89128  
Attorneys for Defendant



1 **NEO**  
2 BRIAN P. CLARK  
3 Nevada Bar No. 4236  
4 LUKAS B. McCOURT  
5 Nevada Bar No. 11839  
6 CLARK MCCOURT  
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11 bpc@clarkmccourt.com  
12 lmccourt@clarkmccourt.com  
13 Attorneys for Defendant

8  
9 **DISTRICT COURT**  
10 **CLARK COUNTY, NEVADA**

11  
12 PAUL D. S. EDWARDS,

13 Plaintiff,

14 v.

Case No.: A-18-776375-C  
Dept. No.: XXVII

15 TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL  
16 RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
17 VACATION CLUB, LLC, a/d/b/a TLC RESORTS  
18 VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a  
19 TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a  
20 VIP TRAVEL, a/d/b/a VIP VACATIONS, and DOES  
21 I-X, and ROE CORPORATIONS XI-XX, et al.,

22 Defendants.

23 **NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT'S MOTION TO SET ASIDE**  
24 **PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL, OR IN THE ALTERNATIVE,**  
25 **FOR RELIEF PURSUANT TO NRCP 41(a)(2)**

26 PLEASE TAKE NOTICE that an **ORDER GRANTING DEFENDANT'S MOTION TO**  
27 **SET ASIDE PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL, OR IN THE**

28 ///

///

///


///

1 **ALTERNATIVE, FOR RELIEF PURSUANT TO NRCP 41(a)(2)** was filed on August 27, 2019.

2 A copy of said Order is attached hereto.

3 DATED this 27th day of August, 2019.

4 CLARK MCCOURT

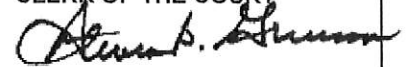
5   
6 Brian P. Clark  
7 Lukas B. McCourt  
8 7371 Prairie Falcon Road, Suite 120  
9 Las Vegas, NV 89128  
10 Attorneys for Defendant

11 **CERTIFICATE OF SERVICE**

12 I certify that on the 27th day of August, 2019, I served a true and correct copy of **NOTICE**  
13 **OF ENTRY OF ORDER GRANTING DEFENDANT'S MOTION TO SET ASIDE**  
14 **PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL, OR IN THE ALTERNATIVE,**  
15 **FOR RELIEF PURSUANT TO NRCP 41(a)(2)** on the following parties/individuals via the  
16 court's mandatory electronic service provider, Odyssey.

17 Paul D.S. Edwards  
18 713 Wheat ridge Lane, Unit 203  
19 Las Vegas, NV 89145  
20 Plaintiff in proper person.

21   
22 An employee of CLARK MCCOURT  
23  
24  
25  
26  
27  
28



1 **ORDG**  
2 BRIAN P. CLARK  
3 Nevada Bar No. 4236  
4 LUKAS B. McCOURT  
5 Nevada Bar No. 11839  
6 CLARK MCCOURT  
7 7371 Prairie Falcon Road, Suite 120  
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11 bpc@clarkmccourt.com  
12 lmccourt@clarkmccourt.com  
13 Attorneys for Defendant

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 PAUL D. S. EDWARDS,

11 Plaintiff,

12 v.

13 TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL  
14 RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
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Case No.: A-18-776375-C  
Dept. No.: XXVII

21 **ORDER GRANTING DEFENDANT'S MOTION TO SET ASIDE PLAINTIFF'S**  
22 **NOTICE OF VOLUNTARY DISMISSAL, OR IN THE ALTERNATIVE, FOR RELIEF**  
23 **PURSUANT TO NRCP 41(a)(2)**

24 Defendant's Motion To Set Aside Plaintiff's Notice Of Voluntary Dismissal having come  
25 before the court, and no opposition having been filed by Plaintiffs,

26 **THE COURT FINDS** that this case was commenced by the filing of a Complaint on June  
27 19, 2018.

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Removal to U.S. District Court for the District of Nevada, and remand to this court.

**THE COURT FURTHER FINDS** that Defendants filed a Motion to Dismiss which was  
granted in part.

**THE COURT FURTHER FINDS** that Defendant filed an Answer to the Complaint on February 6, 2019.

**THE COURT FURTHER FINDS** that Plaintiff filed an Amended Complaint on April 17, 2019.

**THE COURT FURTHER FINDS** that the filing of an answer prohibits the voluntary dismissal of Plaintiff's action without a court order (NRCP 41).

**THEREFORE,**

**IT IS HEREBY ORDERED** that Plaintiff's Voluntary Dismissal is hereby set aside and stricken from the court Record.

**IT IS FURTHER ORDERED** that the court will issue a Scheduling Order and Order Setting Jury Trial based on the parties' Case Conference Reports and the NRCP 16 Conference conducted by the court on April 24 2019.

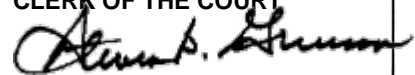
DATED this 26 day of August, 2019.

Nancy L. Allen  
DISTRICT COURT JUDGE  
JD

Submitted by:

CLARK MCCOURT

Brian P. Clark  
Lukas B. McCourt  
7371 Prairie Falcon Road, Suite 120  
Las Vegas, NV 89128  
Attorneys for Defendant



**ORDG**  
BRIAN P. CLARK  
Nevada Bar No. 4236  
LUKAS B. McCOURT  
Nevada Bar No. 11839  
CLARK MCCOURT  
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Las Vegas, Nevada 89128  
Telephone: (702) 474-0065  
Facsimile: (702) 474-0068  
bpc@clarkmccourt.com  
lmccourt@clarkmccourt.com  
Attorneys for Defendants

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

PAUL D. S. EDWARDS,

Plaintiff,

v.

TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL  
RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
VACATION CLUB, LLC, a/d/b/a TLC RESORTS  
VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a  
TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a  
TLC, a/d/b/a/ VIP TRAVEL, a/d/b/a VIP  
VACATIONS, a/d/b/a VIP INTERNATIONAL, and  
DOES I-X, and ROE CORPORATIONS XI-XX, et  
al.,

Defendants.

Case No.: A-18-776375-C  
Dept. No.: XXVII

**ORDER GRANTING DEFENDANT'S MOTION TO DISMISS, MOTION FOR MORE  
DEFINITE STATEMENT AND MOTION TO STRIKE**

Defendant's Motion To Dismiss, Motion For More Definite Statement and Motion to Strike came before the court for hearing on June 19, 2019. Sitting for the court was Supreme Court Justice (Ret.) Michael Cherry. Appearing for Defendant was Brian P. Clark of the law firm Clark McCourt. Also appearing was Plaintiff in proper person, Paul D.S. Edwards.

The court initially addressed Plaintiff's claim that Defendant's motion was moot by the filing of Plaintiff's Second Amended Complaint, the motion to dismiss seeking relief as to the First Amended Complaint. The court then received argument from Plaintiff that he was not required to

1 obtain leave of court prior to filing the Second Amended Complaint, claiming that the parties'  
2 separately filed early case conference reports constituted a stipulation that the parties could amend  
3 pleadings without leave of court until March 27, 2020. Plaintiff relied on *DeChambeau v.*  
4 *Balkenbush*, 134, Nev.Adv.Op. 75, 431 P.3d 359 (2018). Defendant argued that there was no  
5 stipulation and that reliance on *DeChambeau* was misplaced as there was (1) no stipulation created  
6 by the separately filed early case conference reports, and (2) the language of each parties' early case  
7 conference reports was that prescribed by the court's form case conference report that requires leave  
8 of court, and "further leave of court" after the date established by the scheduling order. The court  
9 informed the parties that the hearing and any rulings on the motion would be in relation to the First  
10 Amended Complaint.

11 Having reviewed the papers on file, and the argument of counsel made at the time of the  
12 hearing, the court makes the following findings.

13 **THE COURT FINDS** that Defendants removed Plaintiff's action to the United States  
14 District Court, District of Nevada based on federal question jurisdiction and that upon Plaintiff's  
15 repeated representations, verbal and written, that Plaintiff was not pursuing any claim based on  
16 federal law or regulations, Defendants stipulated for the remand of the case to state court.

17 **THE COURT FURTHER FINDS** that Plaintiff's initial Complaint was subject to  
18 Defendants' Motion To Dismiss and Motion For More Definite Statement, dismissing multiple  
19 claims and parties.

20 **THE COURT FURTHER FINDS** that the January 14, 2019 Order Granting In Part And  
21 Denying In Party Defendants' Motion to Dismiss allowed for limited amendment, as set forth in the  
22 Order.

23 **THE COURT FURTHER FINDS** that NRCP 15(a)(2) is applicable to the facts and history  
24 of this case, and amendment beyond the courts' January 14, 2019 Order would require the opposing  
25 party's written consent or the court's leave.

26 ///

27 ///

28 ///

1       **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint violates this  
2 court's January 14, 2019 Order dismissing certain claims and parties by re-pleading claims and re-  
3 naming parties previously dismissed.

4       **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint improperly  
5 attempts to include previously unpled claims in violation of the court's January 14, 2019 Order and  
6 without first obtaining leave of court to amend.

7       **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint must set forth  
8 the elements of fraud, pleading each element of fraud and setting forth facts showing (1) a false  
9 representation; (2) that defendant knew or believed that his/her representation was false; (3)  
10 defendant intended to induce plaintiff to act or refrain from acting upon the misrepresentation; (4)  
11 plaintiff justifiably relied upon defendant's misrepresentation; and (5) plaintiff sustained damages as  
12 a result of the justifiable reliance.

13       **THE COURT FURTHER FINDS** that the First Amended Complaint mentions NRS  
14 41.600, consumer fraud, at paragraph 154, but fails to set forth any facts to satisfy the elements of  
15 fraud or to plead with particularity as required by NRCP 9(b). The First Amended Complaint  
16 references "NRS 598.0915 to 598.0925" relative to a consumer fraud claim but then identifies NRS  
17 598.0977 and NRS 598.0973 as the basis for the fraud. (First Amended Complaint at paras. 155-  
18 156.) Neither NRS 598.0977 nor NRS 598.0973 are included in the consumer fraud provisions of  
19 NRS 41.600. Reference to these statutes do not trigger consumer fraud as a matter of law.

20       **THE COURT FURTHER FINDS** that Plaintiff's original complaint and claims for  
21 consumer fraud based on NRS 41.600 and NRS 598.0915 to 598.025 were dismissed for Plaintiff's  
22 failure to plead all the elements of fraud and failing to plead fraud with particularity pursuant to  
23 NRCP 9(b).

24       **THE COURT FURTHER FINDS** that the First Amended Complaint fails to plead all the  
25 elements of fraud and fails to plead fraud with particularity pursuant to NRCP 9(b).

26       ///

27       ///

28       ///

1       **THE COURT FURTHER FINDS** Plaintiff's First Amended Complaint seeks to bring  
2 several claims based on federal laws or regulations. The court's January 14, 2019 order did not  
3 permit amendment of the Plaintiff's Complaint to make claims for violations of federal laws or  
4 regulations.

5       **THE COURT FURTHER FINDS** that Plaintiff's original Complaint brought a claim for  
6 damages based on Plaintiff as an "elderly person", and that these claims were dismissed based on  
7 Plaintiff's failure to allege damages.

8       **THE COURT FURTHER FINDS** that the First Amended Complaint merely alleges that  
9 "Plaintiff (at age 75+) contends he has suffered anguish as a consequence" of the telephone calls.  
10 (First Amended Complaint at paras. 37 and 38.)

11       **THE COURT FURTHER FINDS** that the mere allegation of "anguish" is insufficient to  
12 satisfy the requirement to plead sufficient facts to establish the right to relief. (Accord *Miller v.*  
13 *Jones* 114 Nev. 1291, 1299–300, 970 P.2d 571, 577 (1998).)

14       **THE COURT FURTHER FINDS** that several claims in Plaintiff's original Complaint  
15 were dismissed as Plaintiff has no private right of action to enforce criminal penalties or to pursue  
16 privately the rights of the Nevada Attorney General or a county District Attorney.

17       **THE COURT FURTHER FINDS** that Plaintiff lacks standing to bring claims under NRS  
18 598.0979 to 598.099 as these actions are only available to the Commissioner of Consumer Affairs  
19 (NRS 598.0913), the Director of the Department of Business and Industry (NRS 598.0927), a  
20 district attorney or the Attorney General. (NRS 598.0979 to 598.099.)

21       **THE COURT FURTHER FINDS** that Plaintiff's original complaint alleged violations of  
22 NRS 707.910(2)-707.920, and that these claims were dismissed as Plaintiff did not oppose the  
23 motion and failed to allege any physical damage to Plaintiff's telephone lines. (January 14, 2019  
24 Order at p. 2 lines 17-19, p. 3 lines 14-16, p. 4 lines 25-27.)

25       **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint fails to allege  
26 any interference with Plaintiff's telephone lines, obstruction of the phone lines, the postponement of  
27 any transmission, or damages Plaintiff incurred for the non-existent interference as required for a  
28 claim for violation of NRS 707.910 through NRS 707.920.

1       **THE COURT FURTHER FINDS** that Plaintiff lacks standing to bring claims under NRS  
2 599B.280 to 599B.290 as these statutes limit actions to the Attorney General or a District Attorney.

3       **THE COURT FURTHER FINDS** that Defendant Timeshare Liquidators, LLC, in various  
4 “doing business as” entities, is the only defendant named in this case.

5       **THE COURT FURTHER FINDS** that Plaintiff’s conspiracy claims do not satisfy the  
6 elements of a civil conspiracy, failing to identify a combination of two or more persons, a concerted  
7 action, the intent to accomplish an unlawful objective for the purpose of harming another, and  
8 damage that results from the act or acts.

9       **THE COURT FURTHER FINDS** that Plaintiff’s First Amended Complaint fails to  
10 specifically identify any person or party other than Timeshare Liquidators, LLC.

11       **THE COURT FURTHER FINDS** that a co-conspirator would be a necessary party  
12 pursuant to NRCP 19.

13       **THE COURT FURTHER FINDS** that Plaintiff’s enterprise liability claims do not satisfy  
14 the elements of an enterprise liability claim, failing to establish (1) an agreement among members of  
15 a group, (2) a common purpose, (3) a community of pecuniary interest among the members, and (4)  
16 an equal voice and control in the direction of the enterprise.

17       **THE COURT FURTHER FINDS** that Plaintiff’s First Amended Complaint fails to  
18 specifically identify any member of the alleged enterprise other than Timeshare Liquidators, LLC.

19       **THE COURT FURTHER FINDS** that other enterprises would be a necessary party  
20 pursuant to NRCP 19.

21       **THE COURT FURTHER FINDS** that Plaintiff’s concert of action claims do not satisfy  
22 the minimal pleading requirements of a concert of action claim, failing to show (1) proof of an  
23 agreement to engage in conduct that is inherently dangerous or poses a substantial risk of harm to  
24 others, and (2) that the conduct of each tortfeasor is itself tortious.

25       **THE COURT FURTHER FINDS** that Plaintiff’s First Amended Complaint fails to  
26 specifically identify any other individual that allegedly acted in concert with Timeshare Liquidators,  
27 LLC.

28       ///

1       **THE COURT FURTHER FINDS** that other individuals who may have acted in concert  
2 with Timeshare Liquidators, LLC would be a necessary party pursuant to NRCP 19.

3       **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint violates this  
4 court's January 14, 2019 Order dismissing certain claims and parties by pleading claims against  
5 parties that were dismissed without leave to amend.

6       **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint violates  
7 NRCP 11 by alleging claims against "Defendants (both ongoing and dismissed)" (First Amended  
8 Complaint at paras. 1.b ; 25, 26, 29, 34, 39).

9       **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint violates  
10 NRCP 11 by alleging claims against the previously dismissed owners of the limited liability  
11 company (First Amended Complaint at paras. 16, 19, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, 32, 33,  
12 34, 35, 36, 37, 38, 39, 46, 50, 109, 164.)

13       **THE COURT FURTHER FINDS** that Plaintiff intentionally violated the court's January  
14 14, 2019 Order and NRCP 11 by asserting allegations against the dismissed individual defendants.  
15 (First Amended Complaint at paras. 1.b ; 25, 26, 29, 34, 39).

16       **THE COURT FURTHER FINDS** that Plaintiff's violation of court orders and court rules  
17 justifies dismissal of the individual parties (dismissed by the January 14, 2019 Order) a second time  
18 pursuant to NRCP 41(b).

19       **THE COURT FURTHER FINDS** that Plaza Hotel & Casino was dismissed from this  
20 action, with prejudice, as part of the January 14, 2019 Order.

21       **THE COURT FURTHER FINDS** that Plaintiff, in violation of the January 14, 2019 Order  
22 and other court rules re-pled claims against "Defendant Plaza" in the First Amended Complaint.  
23 (First Amended Complaint at paras. 13, 14, 56, 78, 78 footnote 39.)

24       **THE COURT FURTHER FINDS** that Plaintiff's violation of court orders and court rules  
25 justifies dismissal of the Plaza Hotel & Casino pursuant to NRCP 41(b).

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27       ///

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1       **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint is so vague or  
2 ambiguous regarding the 56 allegations that are based on unidentified "directly or indirectly" actions  
3 (First Amended Complaint at paras. 1.a; 1.b; 1.c; 1.d; 9, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22,  
4 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 46, 50, 82, 106, 107, 108, 109, 110,  
5 111, 112, 113, 114, 115, 118-122, 146, 147, 148, 149, 163) that Defendant cannot reasonably  
6 prepare a response.

7       **THE COURT FURTHER FINDS** that the allegations are vague and/or ambiguous as the  
8 allegations fail to identify what actual activities were performed by the Defendant or by one of the  
9 unidentified co-conspirators, enterprises or others allegedly acting in concert.

10       **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint includes  
11 immaterial, impertinent and/or scandalous allegations.

12       **THE COURT FURTHER FINDS** that paragraph 10 of the First Amended Complaint  
13 alleges "This business license has been Revoked" has no evidentiary purpose and is immaterial,  
14 impertinent and/or scandalous and creates a false inference that the revocation was due to some  
15 impropriety and to taint Defendant with whomever reads the complaint, including the jury.

16       **THE COURT FURTHER FINDS** that paragraph 29 of the First Amended Complaint  
17 alleges that the Defendant and other unidentified and unnamed entities "earned, and continues to  
18 earn hundreds-of-thousands of dollars by engaging in, or causing the engaging in illegal unsolicited  
19 telemarketing and solicitation telephone calls" has no evidentiary purpose and is immaterial,  
20 impertinent and/or scandalous as an improper attempt to influence the trier of facts based on the  
21 monetary position of a party. Further, the reference to money, when combined with the allegation of  
22 illegal conduct, is intended to place Defendant in a false light and to improperly influence  
23 whomever reads the complaint, including the jury.

24       **THE COURT FURTHER FINDS** that the hearsay allegations contained in paragraphs 56,  
25 57, 58, 59, 60, 62, 63, 64, 68, 69, 82, 83, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 99, 100 of  
26 the First Amended Complaint are not plead as facts and are therefore immaterial, impertinent and/or  
27 scandalous.

1           **THE COURT FURTHER FINDS** that the references in the First Amended Complaint to  
2 defense counsel, paras. 82, 88, 89, 92, 95, 99, are immaterial, impertinent and/or scandalous.  
3 Plaintiff has not alleged any facts to indicate that Defendant's legal counsel made any of the  
4 telephone calls alleged in the complaint, had any input or control over the making of alleged  
5 telephone calls, nor did Plaintiff name defense counsel as a party. It is improper for Plaintiff to seek  
6 to persuade the trier of fact in favor of Plaintiff's claims based on the legal right of Defendant to hire  
7 legal counsel and defend the action. Permitting the references to defense counsel improperly moves  
8 the attention of the case to counsel rather than the merits, and is an improper attempt to make  
9 counsel a witness in the case.

10           **THE COURT FURTHER FINDS** that Plaintiff was aware from the prior motion to  
11 dismiss that he lacks standing to bring a claim based on a private right of action to enforce statutes  
12 limited to governmental entities.

13           **THE COURT FURTHER FINDS** that Plaintiff's intentional and repeated improper  
14 pleading of statutory violations, for which he lacks standing to pursue, supports an award of  
15 sanctions.

16           **THE COURT FURTHER FINDS** that Plaintiff's claims based on the alleged violations of  
17 NRS 707.910 through NRS 707.920 as set forth in the First Amended Complaint were brought in  
18 violation of NRCP 11(b)(1-3) and supports an award of sanctions.

19           **THE COURT FURTHER FINDS** that Plaintiff's claims based on the alleged violations of  
20 NRS 599B.280 to 599B.290 as set forth in the First Amended Complaint were brought in violation  
21 of NRCP 11(b)(1-3) and supports an award of sanctions.

22           **THEREFORE,**

23           **IT IS HEREBY ORDERED** that Plaintiff's First Amended Complaint based on consumer  
24 fraud under NRS 41.600 and NRS 598.0915 to 598.025 is dismissed for Plaintiff's failure to plead  
25 all the elements of fraud and failing to plead fraud with particularity pursuant to NRCP 9(b). This is  
26 the second dismissal of these claims.

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1           **IT IS FURTHER ORDERED** that the Motion To Dismiss is granted in relation to all  
2 claims for the violation of federal laws and regulations. The claims specifically dismissed are set  
3 forth at: p. 2, line 28; paragraphs 5-6; paragraph 15 footnote 3; paragraph 21 footnote 7; paragraph  
4 23 footnote 8; paragraph 36; paragraph 75(1)(v) footnote 26; paragraphs 107-108; paragraph 111  
5 footnotes 53 and 54; paragraph 112; paragraphs 118-122; paragraph 125; paragraph 128; and  
6 paragraphs 139-149.

7           **IT IS FURTHER ORDERED** that Plaintiff's claims based on NRS 598.0977 and NRS  
8 599B.300 are dismissed.

9           **IT IS FURTHER ORDERED** that Plaintiff's claims in the First Amended Complaint  
10 based on NRS 598.0973, providing for civil penalties "in any action brought pursuant to NRS  
11 598.0979 to 598.099" are dismissed.

12           **IT IS FURTHER ORDERED** that Plaintiff's claims based on NRS 598.0979 to 598.099  
13 are dismissed as these actions are only available to the Commissioner of Consumer Affairs (NRS  
14 598.0913), the Director of the Department of Business and Industry (NRS 598.0927), a district  
15 attorney or the Attorney General. (NRS 598.0979 to 598.099.)

16           **IT IS FURTHER ORDERED** that Plaintiff's claims based on violations of NRS  
17 707.910(2)-707.920 are dismissed. This is the second dismissal of these claims.

18           **IT IS FURTHER ORDERED** that Plaintiff's claims based on NRS 599B.280 to 599B.290  
19 are dismissed.

20           **IT IS FURTHER ORDERED** that Plaintiff's claims for conspiracy are dismissed.

21           **IT IS FURTHER ORDERED** that Plaintiff's claims for enterprise liability are dismissed.

22           **IT IS FURTHER ORDERED** that Plaintiff's claims for concert of action as alleged in 55  
23 separate paragraphs of the First Amended Complaint<sup>1</sup> are dismissed.

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26  
27           <sup>1</sup> First Amended Complaint at paras. 1.a; 1.b; 1.c, 1.d; 9, 12, 13, 14, 15, 16, 17, 18, 19,  
28 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 46, 50, 82, 106, 107, 108,  
109, 110, 111, 112, 113, 114, 115, 118-122, 146, 147, 148, 149, 163,

1           **IT IS FURTHER ORDERED** that all allegations, claims and causes of action against  
2 Stanley Mullis, Angel Mullis, Jonathan Jossel and Michael Pergolini are dismiss pursuant to NRCP  
3 41(b) and that this dismissal operates as an adjudication on the merits pursuant to NRCP 41(b).

4           **IT IS FURTHER ORDERED** that as the dismissal of Stanley Mullis, Angel Mullis,  
5 Jonathan Jossel and Michael Pergolini is pursuant to NRCP 41(b) and operates as an adjudication  
6 on the merits, there is no just reason for delay and the dismissal of these parties constitutes a final  
7 judgment pursuant to NRCP 54(b).

8           **IT IS FURTHER ORDERED** that all allegations, claims and causes of action against Plaza  
9 Hotel & Casino, LLC are dismiss pursuant to NRCP 41(b) and that this dismissal operates as an  
10 adjudication on the merits pursuant to NRCP 41(b).

11           **IT IS FURTHER ORDERED** that as the dismissal of Plaza Hotel & Casino, LLC is  
12 pursuant to NRCP 41(b) and operates as an adjudication on the merits, there is no just reason for  
13 delay and the dismissal of this party constitutes a final judgment pursuant to NRCP 54(b).

14           **IT IS FURTHER ORDERED** that Plaintiff's Motion For More Definite Statement is  
15 granted as to the vague and ambiguous allegations of "directly or indirectly" actions as alleged in  
16 the First Amended Complaint at paras. 1.a; 1.b; 1.c; 1.d; 9, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22,  
17 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 46, 50, 82, 106, 107, 108, 109, 110,  
18 111, 112, 113, 114, 115, 118-122, 146, 147, 148, 149, 163.

19           **IT IS FURTHER ORDERED** that Plaintiff shall provide a more definite statement, as  
20 provided by NRCP 12(e), within 14 days of notice of entry of this order.

21           **IT IS FURTHER ORDERED** that Defendant's Motion To Strike is granted as to paragraph  
22 10 of the First Amended Complaint that "This business license has been Revoked."

23           **IT IS FURTHER ORDERED** that Defendant's Motion To Strike is granted as to paragraph  
24 29 of the First Amended Complaint that the Defendant and other unidentified and unnamed entities  
25 "earned, and continues to earn hundreds-of-thousands of dollars by engaging in, or causing the  
26 engaging in illegal unsolicited telemarketing and solicitation telephone calls."

27       ///

28       ///

**IT IS FURTHER ORDERED** that Defendant's Motion To Strike is granted as to the hearsay allegations set forth in paragraphs 56, 57, 58, 59, 60, 62, 63, 64, 68, 69, 82, 83, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 99, 100 of the First Amended Complaint.

**IT IS FURTHER ORDERED** that Defendant's Motion To Strike is granted as to the references to defense counsel set forth in paragraphs 82, 88, 89, 92, 95, 99 of the First Amended Complaint.


**IT IS FURTHER ORDERED** that monetary sanctions for Plaintiff's intentional improper pleading and violation of this court's January 14, 2019 Order are held in abeyance until a proper motion or show cause order has come before the court.

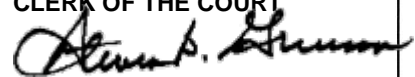
DATED this 26 day of August, 2019.

Nancy L Alf  
DISTRICT COURT JUDGE

Submitted by:

CLARK MCCOURT

  
 Brian P. Clark  
 Lukas B. McCourt  
 7371 Prairie Falcon Road, Suite 120  
 Las Vegas, NV 89128  
 Attorneys for Defendant



1 **NEO**  
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11 bpc@clarkmccourt.com  
12 lmccourt@clarkmccourt.com  
13 Attorneys for Defendants

9 **DISTRICT COURT**  
10 **CLARK COUNTY, NEVADA**

11 PAUL D. S. EDWARDS,

12 Plaintiff,

13 v.

Case No.: A-18-776375-C  
Dept. No.: XXVII

14 TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL  
15 RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
16 VACATION CLUB, LLC, a/d/b/a TLC RESORTS  
17 VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a  
18 TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a  
19 TLC, a/d/b/a/ VIP TRAVEL, a/d/b/a VIP  
20 VACATIONS, a/d/b/a VIP INTERNATIONAL, and  
21 DOES I-X, and ROE CORPORATIONS XI-XX, et  
22 al.,

23 Defendants.

24 **NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT'S MOTION TO DISMISS,**  
25 **MOTION FOR MORE DEFINITE STATEMENT AND MOTION TO STRIKE**

26 PLEASE TAKE NOTICE that an **ORDER GRANTING DEFENDANT'S MOTION TO**  
27 **DISMISS, MOTION FOR MORE DEFINITE STATEMENT AND MOTION TO STRIKE**

28 ///

///

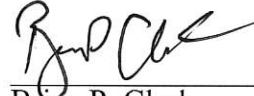
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///

1 was filed on August 27, 2019. A copy of said Order is attached hereto.

2 DATED this 27<sup>th</sup> day of August, 2019.

3 CLARK MCCOURT

4 

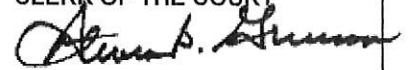
5 Brian P. Clark  
6 Lukas B. McCourt  
7 7371 Prairie Falcon Road, Suite 120  
8 Las Vegas, NV 89128  
9 Attorneys for Defendant

10  
11 **CERTIFICATE OF SERVICE**

12 I certify that on the 27<sup>th</sup> day of August, 2019, I served a true and correct copy of **NOTICE**  
13 **OF ENTRY OF ORDER GRANTING DEFENDANT'S MOTION TO DISMISS, MOTION**  
14 **FOR MORE DEFINITE STATEMENT AND MOTION TO STRIKE** on the following  
15 parties/individuals via the court's mandatory electronic service provider, Odyssey.

16 Paul D.S. Edwards  
17 713 Wheat ridge Lane, Unit 203  
18 Las Vegas, NV 89145  
19 Plaintiff in proper person.

20   
21 An employee of CLARK MCCOURT



1 **ORDG**  
2 BRIAN P. CLARK  
3 Nevada Bar No. 4236  
4 LUKAS B. McCOURT  
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13 Attorneys for Defendants

9 **DISTRICT COURT**  
10 **CLARK COUNTY, NEVADA**

11 PAUL D. S. EDWARDS,

12 Plaintiff,

13 v.

Case No.: A-18-776375-C  
Dept. No.: XXVII

14 TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL  
15 RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
16 VACATION CLUB, LLC, a/d/b/a TLC RESORTS  
17 VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a  
18 TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a  
19 TLC, a/d/b/a/ VIP TRAVEL, a/d/b/a VIP  
20 VACATIONS, a/d/b/a VIP INTERNATIONAL, and  
21 DOES I-X, and ROE CORPORATIONS XI-XX, et  
22 al.,

23 Defendants.

24 **ORDER GRANTING DEFENDANT'S MOTION TO DISMISS, MOTION FOR MORE**  
25 **DEFINITE STATEMENT AND MOTION TO STRIKE**

26 Defendant's Motion To Dismiss, Motion For More Definite Statement and Motion to Strike  
27 came before the court for hearing on June 19, 2019. Sitting for the court was Supreme Court Justice  
28 (Ret.) Michael Cherry. Appearing for Defendant was Brian P. Clark of the law firm Clark McCourt.  
Also appearing was Plaintiff in proper person, Paul D.S. Edwards.

The court initially addressed Plaintiff's claim that Defendant's motion was moot by the  
filing of Plaintiff's Second Amended Complaint, the motion to dismiss seeking relief as to the First  
Amended Complaint. The court then received argument from Plaintiff that he was not required to

1 obtain leave of court prior to filing the Second Amended Complaint, claiming that the parties'  
2 separately filed early case conference reports constituted a stipulation that the parties could amend  
3 pleadings without leave of court until March 27, 2020. Plaintiff relied on *DeChambeau v.*  
4 *Balkenbush*, 134, Nev.Adv.Op. 75, 431 P.3d 359 (2018). Defendant argued that there was no  
5 stipulation and that reliance on *DeChambeau* was misplaced as there was (1) no stipulation created  
6 by the separately filed early case conference reports, and (2) the language of each parties' early case  
7 conference reports was that prescribed by the court's form case conference report that requires leave  
8 of court, and "further leave of court" after the date established by the scheduling order. The court  
9 informed the parties that the hearing and any rulings on the motion would be in relation to the First  
10 Amended Complaint.

11 Having reviewed the papers on file, and the argument of counsel made at the time of the  
12 hearing, the court makes the following findings.

13 **THE COURT FINDS** that Defendants removed Plaintiff's action to the United States  
14 District Court, District of Nevada based on federal question jurisdiction and that upon Plaintiff's  
15 repeated representations, verbal and written, that Plaintiff was not pursuing any claim based on  
16 federal law or regulations, Defendants stipulated for the remand of the case to state court.

17 **THE COURT FURTHER FINDS** that Plaintiff's initial Complaint was subject to  
18 Defendants' Motion To Dismiss and Motion For More Definite Statement, dismissing multiple  
19 claims and parties.

20 **THE COURT FURTHER FINDS** that the January 14, 2019 Order Granting In Part And  
21 Denying In Party Defendants' Motion to Dismiss allowed for limited amendment, as set forth in the  
22 Order.

23 **THE COURT FURTHER FINDS** that NRCP 15(a)(2) is applicable to the facts and history  
24 of this case, and amendment beyond the courts' January 14, 2019 Order would require the opposing  
25 party's written consent or the court's leave.

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1           **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint violates this  
2 court's January 14, 2019 Order dismissing certain claims and parties by re-pleading claims and re-  
3 naming parties previously dismissed.

4           **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint improperly  
5 attempts to include previously unpled claims in violation of the court's January 14, 2019 Order and  
6 without first obtaining leave of court to amend.

7           **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint must set forth  
8 the elements of fraud, pleading each element of fraud and setting forth facts showing (1) a false  
9 representation; (2) that defendant knew or believed that his/her representation was false; (3)  
10 defendant intended to induce plaintiff to act or refrain from acting upon the misrepresentation; (4)  
11 plaintiff justifiably relied upon defendant's misrepresentation; and (5) plaintiff sustained damages as  
12 a result of the justifiable reliance.

13           **THE COURT FURTHER FINDS** that the First Amended Complaint mentions NRS  
14 41.600, consumer fraud, at paragraph 154, but fails to set forth any facts to satisfy the elements of  
15 fraud or to plead with particularity as required by NRCP 9(b). The First Amended Complaint  
16 references "NRS 598.0915 to 598.0925" relative to a consumer fraud claim but then identifies NRS  
17 598.0977 and NRS 598.0973 as the basis for the fraud. (First Amended Complaint at paras. 155-  
18 156.) Neither NRS 598.0977 nor NRS 598.0973 are included in the consumer fraud provisions of  
19 NRS 41.600. Reference to these statutes do not trigger consumer fraud as a matter of law.

20           **THE COURT FURTHER FINDS** that Plaintiff's original complaint and claims for  
21 consumer fraud based on NRS 41.600 and NRS 598.0915 to 598.025 were dismissed for Plaintiff's  
22 failure to plead all the elements of fraud and failing to plead fraud with particularity pursuant to  
23 NRCP 9(b).

24           **THE COURT FURTHER FINDS** that the First Amended Complaint fails to plead all the  
25 elements of fraud and fails to plead fraud with particularity pursuant to NRCP 9(b).

26     ///

27     ///

28     ///

1       **THE COURT FURTHER FINDS** Plaintiff's First Amended Complaint seeks to bring  
2 several claims based on federal laws or regulations. The court's January 14, 2019 order did not  
3 permit amendment of the Plaintiff's Complaint to make claims for violations of federal laws or  
4 regulations.

5       **THE COURT FURTHER FINDS** that Plaintiff's original Complaint brought a claim for  
6 damages based on Plaintiff as an "elderly person", and that these claims were dismissed based on  
7 Plaintiff's failure to allege damages.

8       **THE COURT FURTHER FINDS** that the First Amended Complaint merely alleges that  
9 "Plaintiff (at age 75+) contends he has suffered anguish as a consequence" of the telephone calls.  
10 (First Amended Complaint at paras. 37 and 38.)

11       **THE COURT FURTHER FINDS** that the mere allegation of "anguish" is insufficient to  
12 satisfy the requirement to plead sufficient facts to establish the right to relief. (Accord *Miller v.*  
13 *Jones* 114 Nev. 1291, 1299–300, 970 P.2d 571, 577 (1998).)

14       **THE COURT FURTHER FINDS** that several claims in Plaintiff's original Complaint  
15 were dismissed as Plaintiff has no private right of action to enforce criminal penalties or to pursue  
16 privately the rights of the Nevada Attorney General or a county District Attorney.

17       **THE COURT FURTHER FINDS** that Plaintiff lacks standing to bring claims under NRS  
18 598.0979 to 598.099 as these actions are only available to the Commissioner of Consumer Affairs  
19 (NRS 598.0913), the Director of the Department of Business and Industry (NRS 598.0927), a  
20 district attorney or the Attorney General. (NRS 598.0979 to 598.099.)

21       **THE COURT FURTHER FINDS** that Plaintiff's original complaint alleged violations of  
22 NRS 707.910(2)-707.920, and that these claims were dismissed as Plaintiff did not oppose the  
23 motion and failed to allege any physical damage to Plaintiff's telephone lines. (January 14, 2019  
24 Order at p. 2 lines 17-19, p. 3 lines 14-16, p. 4 lines 25-27.)

25       **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint fails to allege  
26 any interference with Plaintiff's telephone lines, obstruction of the phone lines, the postponement of  
27 any transmission, or damages Plaintiff incurred for the non-existent interference as required for a  
28 claim for violation of NRS 707.910 through NRS 707.920.

1           **THE COURT FURTHER FINDS** that Plaintiff lacks standing to bring claims under NRS  
2 599B.280 to 599B.290 as these statutes limit actions to the Attorney General or a District Attorney.

3           **THE COURT FURTHER FINDS** that Defendant Timeshare Liquidators, LLC, in various  
4 “doing business as” entities, is the only defendant named in this case.

5           **THE COURT FURTHER FINDS** that Plaintiff’s conspiracy claims do not satisfy the  
6 elements of a civil conspiracy, failing to identify a combination of two or more persons, a concerted  
7 action, the intent to accomplish an unlawful objective for the purpose of harming another, and  
8 damage that results from the act or acts.

9           **THE COURT FURTHER FINDS** that Plaintiff’s First Amended Complaint fails to  
10 specifically identify any person or party other than Timeshare Liquidators, LLC.

11           **THE COURT FURTHER FINDS** that a co-conspirator would be a necessary party  
12 pursuant to NRCP 19.

13           **THE COURT FURTHER FINDS** that Plaintiff’s enterprise liability claims do not satisfy  
14 the elements of an enterprise liability claim, failing to establish (1) an agreement among members of  
15 a group, (2) a common purpose, (3) a community of pecuniary interest among the members, and (4)  
16 an equal voice and control in the direction of the enterprise.

17           **THE COURT FURTHER FINDS** that Plaintiff’s First Amended Complaint fails to  
18 specifically identify any member of the alleged enterprise other than Timeshare Liquidators, LLC.

19           **THE COURT FURTHER FINDS** that other enterprises would be a necessary party  
20 pursuant to NRCP 19.

21           **THE COURT FURTHER FINDS** that Plaintiff’s concert of action claims do not satisfy  
22 the minimal pleading requirements of a concert of action claim, failing to show (1) proof of an  
23 agreement to engage in conduct that is inherently dangerous or poses a substantial risk of harm to  
24 others, and (2) that the conduct of each tortfeasor is itself tortious.

25           **THE COURT FURTHER FINDS** that Plaintiff’s First Amended Complaint fails to  
26 specifically identify any other individual that allegedly acted in concert with Timeshare Liquidators,  
27 LLC.

28       ///

1       **THE COURT FURTHER FINDS** that other individuals who may have acted in concert  
2 with Timeshare Liquidators, LLC would be a necessary party pursuant to NRCP 19.

3       **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint violates this  
4 court's January 14, 2019 Order dismissing certain claims and parties by pleading claims against  
5 parties that were dismissed without leave to amend.

6       **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint violates  
7 NRCP 11 by alleging claims against "Defendants (both ongoing and dismissed)" (First Amended  
8 Complaint at paras. 1.b ; 25, 26, 29, 34, 39).

9       **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint violates  
10 NRCP 11 by alleging claims against the previously dismissed owners of the limited liability  
11 company (First Amended Complaint at paras. 16, 19, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, 32, 33,  
12 34, 35, 36, 37, 38, 39, 46, 50, 109, 164.)

13       **THE COURT FURTHER FINDS** that Plaintiff intentionally violated the court's January  
14 14, 2019 Order and NRCP 11 by asserting allegations against the dismissed individual defendants.  
15 (First Amended Complaint at paras. 1.b ; 25, 26, 29, 34, 39).

16       **THE COURT FURTHER FINDS** that Plaintiff's violation of court orders and court rules  
17 justifies dismissal of the individual parties (dismissed by the January 14, 2019 Order) a second time  
18 pursuant to NRCP 41(b).

19       **THE COURT FURTHER FINDS** that Plaza Hotel & Casino was dismissed from this  
20 action, with prejudice, as part of the January 14, 2019 Order.

21       **THE COURT FURTHER FINDS** that Plaintiff, in violation of the January 14, 2019 Order  
22 and other court rules re-pled claims against "Defendant Plaza" in the First Amended Complaint.  
23 (First Amended Complaint at paras. 13, 14, 56, 78, 78 footnote 39.)

24       **THE COURT FURTHER FINDS** that Plaintiff's violation of court orders and court rules  
25 justifies dismissal of the Plaza Hotel & Casino pursuant to NRCP 41(b).

26       ///

27       ///

28       ///

1           **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint is so vague or  
2 ambiguous regarding the 56 allegations that are based on unidentified "directly or indirectly" actions  
3 (First Amended Complaint at paras. 1.a; 1.b; 1.c; 1.d; 9, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22,  
4 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 46, 50, 82, 106, 107, 108, 109, 110,  
5 111, 112, 113, 114, 115, 118-122, 146, 147, 148, 149, 163) that Defendant cannot reasonably  
6 prepare a response.

7           **THE COURT FURTHER FINDS** that the allegations are vague and/or ambiguous as the  
8 allegations fail to identify what actual activities were performed by the Defendant or by one of the  
9 unidentified co-conspirators, enterprises or others allegedly acting in concert.

10           **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint includes  
11 immaterial, impertinent and/or scandalous allegations.

12           **THE COURT FURTHER FINDS** that paragraph 10 of the First Amended Complaint  
13 alleges "This business license has been Revoked" has no evidentiary purpose and is immaterial,  
14 impertinent and/or scandalous and creates a false inference that the revocation was due to some  
15 impropriety and to taint Defendant with whomever reads the complaint, including the jury.

16           **THE COURT FURTHER FINDS** that paragraph 29 of the First Amended Complaint  
17 alleges that the Defendant and other unidentified and unnamed entities "earned, and continues to  
18 earn hundreds-of-thousands of dollars by engaging in, or causing the engaging in illegal unsolicited  
19 telemarketing and solicitation telephone calls" has no evidentiary purpose and is immaterial,  
20 impertinent and/or scandalous as an improper attempt to influence the trier of facts based on the  
21 monetary position of a party. Further, the reference to money, when combined with the allegation of  
22 illegal conduct, is intended to place Defendant in a false light and to improperly influence  
23 whomever reads the complaint, including the jury.

24           **THE COURT FURTHER FINDS** that the hearsay allegations contained in paragraphs 56,  
25 57, 58, 59, 60, 62, 63, 64, 68, 69, 82, 83, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 99, 100 of  
26 the First Amended Complaint are not plead as facts and are therefore immaterial, impertinent and/or  
27 scandalous.

1           **THE COURT FURTHER FINDS** that the references in the First Amended Complaint to  
2 defense counsel, paras. 82, 88, 89, 92, 95, 99, are immaterial, impertinent and/or scandalous.  
3 Plaintiff has not alleged any facts to indicate that Defendant's legal counsel made any of the  
4 telephone calls alleged in the complaint, had any input or control over the making of alleged  
5 telephone calls, nor did Plaintiff name defense counsel as a party. It is improper for Plaintiff to seek  
6 to persuade the trier of fact in favor of Plaintiff's claims based on the legal right of Defendant to hire  
7 legal counsel and defend the action. Permitting the references to defense counsel improperly moves  
8 the attention of the case to counsel rather than the merits, and is an improper attempt to make  
9 counsel a witness in the case.

10           **THE COURT FURTHER FINDS** that Plaintiff was aware from the prior motion to  
11 dismiss that he lacks standing to bring a claim based on a private right of action to enforce statutes  
12 limited to governmental entities.

13           **THE COURT FURTHER FINDS** that Plaintiff's intentional and repeated improper  
14 pleading of statutory violations, for which he lacks standing to pursue, supports an award of  
15 sanctions.

16           **THE COURT FURTHER FINDS** that Plaintiff's claims based on the alleged violations of  
17 NRS 707.910 through NRS 707.920 as set forth in the First Amended Complaint were brought in  
18 violation of NRCP 11(b)(1-3) and supports an award of sanctions.

19           **THE COURT FURTHER FINDS** that Plaintiff's claims based on the alleged violations of  
20 NRS 599B.280 to 599B.290 as set forth in the First Amended Complaint were brought in violation  
21 of NRCP 11(b)(1-3) and supports an award of sanctions.

22           **THEREFORE,**

23           **IT IS HEREBY ORDERED** that Plaintiff's First Amended Complaint based on consumer  
24 fraud under NRS 41.600 and NRS 598.0915 to 598.025 is dismissed for Plaintiff's failure to plead  
25 all the elements of fraud and failing to plead fraud with particularity pursuant to NRCP 9(b). This is  
26 the second dismissal of these claims.

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28    ///

1           **IT IS FURTHER ORDERED** that the Motion To Dismiss is granted in relation to all  
2 claims for the violation of federal laws and regulations. The claims specifically dismissed are set  
3 forth at: p. 2, line 28; paragraphs 5-6; paragraph 15 footnote 3; paragraph 21 footnote 7; paragraph  
4 23 footnote 8; paragraph 36; paragraph 75(1)(v) footnote 26; paragraphs 107-108; paragraph 111  
5 footnotes 53 and 54; paragraph 112; paragraphs 118-122; paragraph 125; paragraph 128; and  
6 paragraphs 139-149.

7           **IT IS FURTHER ORDERED** that Plaintiff's claims based on NRS 598.0977 and NRS  
8 599B.300 are dismissed.

9           **IT IS FURTHER ORDERED** that Plaintiff's claims in the First Amended Complaint  
10 based on NRS 598.0973, providing for civil penalties "in any action brought pursuant to NRS  
11 598.0979 to 598.099" are dismissed.

12           **IT IS FURTHER ORDERED** that Plaintiff's claims based on NRS 598.0979 to 598.099  
13 are dismissed as these actions are only available to the Commissioner of Consumer Affairs (NRS  
14 598.0913), the Director of the Department of Business and Industry (NRS 598.0927), a district  
15 attorney or the Attorney General. (NRS 598.0979 to 598.099.)

16           **IT IS FURTHER ORDERED** that Plaintiff's claims based on violations of NRS  
17 707.910(2)-707.920 are dismissed. This is the second dismissal of these claims.

18           **IT IS FURTHER ORDERED** that Plaintiff's claims based on NRS 599B.280 to 599B.290  
19 are dismissed.

20           **IT IS FURTHER ORDERED** that Plaintiff's claims for conspiracy are dismissed.

21           **IT IS FURTHER ORDERED** that Plaintiff's claims for enterprise liability are dismissed.

22           **IT IS FURTHER ORDERED** that Plaintiff's claims for concert of action as alleged in 55  
23 separate paragraphs of the First Amended Complaint<sup>1</sup> are dismissed.

24       ///

25       ///

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27           <sup>1</sup> First Amended Complaint at paras. 1.a; 1.b; 1.c, 1.d; 9, 12, 13, 14, 15, 16, 17, 18, 19,  
28 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 46, 50, 82, 106, 107, 108,  
109, 110, 111, 112, 113, 114, 115, 118-122, 146, 147, 148, 149, 163,

1           **IT IS FURTHER ORDERED** that all allegations, claims and causes of action against  
2 Stanley Mullis, Angel Mullis, Jonathan Jossel and Michael Pergolini are dismiss pursuant to NRCP  
3 41(b) and that this dismissal operates as an adjudication on the merits pursuant to NRCP 41(b).

4           **IT IS FURTHER ORDERED** that as the dismissal of Stanley Mullis, Angel Mullis,  
5 Jonathan Jossel and Michael Pergolini is pursuant to NRCP 41(b) and operates as an adjudication  
6 on the merits, there is no just reason for delay and the dismissal of these parties constitutes a final  
7 judgment pursuant to NRCP 54(b).

8           **IT IS FURTHER ORDERED** that all allegations, claims and causes of action against Plaza  
9 Hotel & Casino, LLC are dismiss pursuant to NRCP 41(b) and that this dismissal operates as an  
10 adjudication on the merits pursuant to NRCP 41(b).

11           **IT IS FURTHER ORDERED** that as the dismissal of Plaza Hotel & Casino, LLC is  
12 pursuant to NRCP 41(b) and operates as an adjudication on the merits, there is no just reason for  
13 delay and the dismissal of this party constitutes a final judgment pursuant to NRCP 54(b).

14           **IT IS FURTHER ORDERED** that Plaintiff's Motion For More Definite Statement is  
15 granted as to the vague and ambiguous allegations of "directly or indirectly" actions as alleged in  
16 the First Amended Complaint at paras. 1.a; 1.b; 1.c; 1.d; 9, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22,  
17 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 46, 50, 82, 106, 107, 108, 109, 110,  
18 111, 112, 113, 114, 115, 118-122, 146, 147, 148, 149, 163.

19           **IT IS FURTHER ORDERED** that Plaintiff shall provide a more definite statement, as  
20 provided by NRCP 12(e), within 14 days of notice of entry of this order.

21           **IT IS FURTHER ORDERED** that Defendant's Motion To Strike is granted as to paragraph  
22 10 of the First Amended Complaint that "This business license has been Revoked."

23           **IT IS FURTHER ORDERED** that Defendant's Motion To Strike is granted as to paragraph  
24 29 of the First Amended Complaint that the Defendant and other unidentified and unnamed entities  
25 "earned, and continues to earn hundreds-of-thousands of dollars by engaging in, or causing the  
26 engaging in illegal unsolicited telemarketing and solicitation telephone calls."

27       ///

28       ///

**IT IS FURTHER ORDERED** that Defendant's Motion To Strike is granted as to the hearsay allegations set forth in paragraphs 56, 57, 58, 59, 60, 62, 63, 64, 68, 69, 82, 83, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 99, 100 of the First Amended Complaint.

**IT IS FURTHER ORDERED** that Defendant's Motion To Strike is granted as to the references to defense counsel set forth in paragraphs 82, 88, 89, 92, 95, 99 of the First Amended Complaint.


**IT IS FURTHER ORDERED** that monetary sanctions for Plaintiff's intentional improper pleading and violation of this court's January 14, 2019 Order are held in abeyance until a proper motion or show cause order has come before the court.

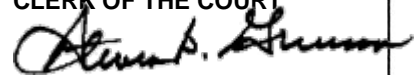
DATED this 26 day of August, 2019.

Nancy L Alf  
DISTRICT COURT JUDGE

Submitted by:

CLARK MCCOURT

  
Brian P. Clark  
Lukas B. McCourt  
7371 Prairie Falcon Road, Suite 120  
Las Vegas, NV 89128  
Attorneys for Defendant



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lmccourt@clarkmccourt.com  
Attorneys for Defendants

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

PAUL D. S. EDWARDS,

Plaintiff,

v.

TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL  
RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
VACATION CLUB, LLC, a/d/b/a TLC RESORTS  
VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a  
TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a  
TLC, a/d/b/a/ VIP TRAVEL, a/d/b/a VIP  
VACATIONS, a/d/b/a VIP INTERNATIONAL, and  
DOES I-X, and ROE CORPORATIONS XI-XX, et  
al.,

Defendants.

Case No.: A-18-776375-C  
Dept. No.: XXVII

**ORDER GRANTING DEFENDANT'S COUNTER-MOTION TO CONTINUE DECISION  
ON PLAINTIFF'S MOTION UNTIL AFTER THE COURT ISSUES ITS ORDER ON  
DEFENDANT'S (MAY 1, 2019) MOTION TO DISMISS**

On June 20, 2019, Plaintiff filed his Motion For Leave To File Second Amended Complaint.  
In response, Defendant filed an opposition and Counter-Motion To Continue Decision on Plaintiff's  
Motion [For Leave To File Second Amended Complaint] Until After The Court Issues Its Order On  
Defendant's (May 1, 2019) Motion To Dismiss Plaintiff's First Amended Complaint.

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///

1 The Plaintiff attempted to dismiss his action by filing a Notice Of Voluntary Dismissal on  
2 July 16, 2019. On August 6, 2019, the court issued an order setting aside and striking Plaintiff's  
3 Notice of Voluntary Dismissal from the court record, and granted Defendant's Counter-motion To  
4 Continue The Decision On Plaintiff's Motion For Leave To Amend.

5 Therefore,

6 Good cause appearing,

7 IT IS HEREBY ORDERED that Defendant's Counter-motion To Continue The Decision On  
8 Plaintiff's Motion For Leave To Amend Until After The Court Issues Its Order On Defendant's  
9 (May 1, 2019) Motion To Dismiss Plaintiff's First Amended Complaint is GRANTED.

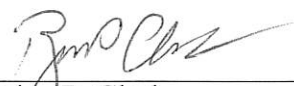
10 DATED this 23 day of August, 2019.

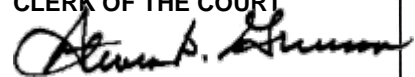
11   
12 DISTRICT COURT JUDGE

13 Submitted by:



14 CLARK MCCOURT

15   
16 Brian P. Clark  
17 Lukas B. McCourt  
17 7371 Prairie Falcon Road, Suite 120  
18 Las Vegas, NV 89128  
18 Attorneys for Defendant



1 **NEO**  
2 BRIAN P. CLARK  
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13 Attorneys for Defendants

8  
9 **DISTRICT COURT**  
10 **CLARK COUNTY, NEVADA**

11 PAUL D. S. EDWARDS,

12 Plaintiff,

13 v.

Case No.: A-18-776375-C  
Dept. No.: XXVII

14 TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL  
15 RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
16 VACATION CLUB, LLC, a/d/b/a TLC RESORTS  
17 VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a  
18 TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a  
19 TLC, a/d/b/a/ VIP TRAVEL, a/d/b/a VIP  
20 VACATIONS, a/d/b/a VIP INTERNATIONAL, and  
21 DOES I-X, and ROE CORPORATIONS XI-XX, et  
22 al.,

23 Defendants.

24 **NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT'S COUNTER-MOTION TO**  
25 **CONTINUE DECISION ON PLAINTIFF'S MOTION UNTIL AFTER THE COURT**  
26 **ISSUES ITS ORDER ON DEFENDANT'S (MAY 1, 2019) MOTION TO DISMISS**

27 PLEASE TAKE NOTICE that an **ORDER GRANTING DEFENDANT'S COUNTER-**  
28 **MOTION TO CONTINUE DECISION ON PLAINTIFF'S MOTION UNTIL AFTER THE**

///

///

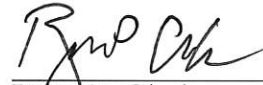
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1 **COURT ISSUES ITS ORDER ON DEFENDANT'S (MAY 1, 2019) MOTION TO DISMISS**

2 was filed on August 27, 2019. A copy of said Order is attached hereto.

3 DATED this 27<sup>th</sup> day of August, 2019.

4 CLARK MCCOURT


5 

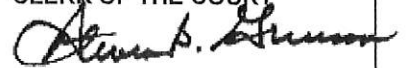
6 Brian P. Clark  
7 Lukas B. McCourt  
8 7371 Prairie Falcon Road, Suite 120  
9 Las Vegas, NV 89128  
10 Attorneys for Defendant

11  
12 **CERTIFICATE OF SERVICE**

13 I certify that on the 27<sup>th</sup> day of August, 2019, I served a true and correct copy of **NOTICE**  
14 **OF ENTRY OF ORDER GRANTING DEFENDANT'S COUNTER-MOTION TO**  
15 **CONTINUE DECISION ON PLAINTIFF'S MOTION UNTIL AFTER THE COURT**  
16 **ISSUES ITS ORDER ON DEFENDANT'S (MAY 1, 2019) MOTION TO DISMISS** on the  
17 following parties/individuals via the court's mandatory electronic service provider, Odyssey.

18 Paul D.S. Edwards  
19 713 Wheat ridge Lane, Unit 203  
20 Las Vegas, NV 89145  
21 Plaintiff in proper person.

22   
23 An employee of CLARK MCCOURT



1 **ORDG**  
2 BRIAN P. CLARK  
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13 Attorneys for Defendants

8  
9 **DISTRICT COURT**  
10 **CLARK COUNTY, NEVADA**

11 PAUL D. S. EDWARDS,

12 Plaintiff,

13 v.

Case No.: A-18-776375-C  
Dept. No.: XXVII

14 TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL  
15 RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
16 VACATION CLUB, LLC, a/d/b/a TLC RESORTS  
17 VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a  
18 TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a  
19 TLC, a/d/b/a/ VIP TRAVEL, a/d/b/a VIP  
20 VACATIONS, a/d/b/a VIP INTERNATIONAL, and  
21 DOES I-X, and ROE CORPORATIONS XI-XX, et  
22 al.,

23 Defendants.

24 **ORDER GRANTING DEFENDANT'S COUNTER-MOTION TO CONTINUE DECISION**  
25 **ON PLAINTIFF'S MOTION UNTIL AFTER THE COURT ISSUES ITS ORDER ON**  
26 **DEFENDANT'S (MAY 1, 2019) MOTION TO DISMISS**

27 On June 20, 2019, Plaintiff filed his Motion For Leave To File Second Amended Complaint.  
28 In response, Defendant filed an opposition and Counter-Motion To Continue Decision on Plaintiff's  
Motion [For Leave To File Second Amended Complaint] Until After The Court Issues Its Order On  
Defendant's (May 1, 2019) Motion To Dismiss Plaintiff's First Amended Complaint.

26 ///

27 ///

28 ///

1 The Plaintiff attempted to dismiss his action by filing a Notice Of Voluntary Dismissal on  
2 July 16, 2019. On August 6, 2019, the court issued an order setting aside and striking Plaintiff's  
3 Notice of Voluntary Dismissal from the court record, and granted Defendant's Counter-motion To  
4 Continue The Decision On Plaintiff's Motion For Leave To Amend.

5 Therefore,

6 Good cause appearing,

7 IT IS HEREBY ORDERED that Defendant's Counter-motion To Continue The Decision On  
8 Plaintiff's Motion For Leave To Amend Until After The Court Issues Its Order On Defendant's  
9 (May 1, 2019) Motion To Dismiss Plaintiff's First Amended Complaint is GRANTED.

10 DATED this 23 day of August, 2019.

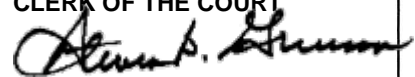
11 Nancy L. Alf  
12 DISTRICT COURT JUDGE

13 Submitted by:

JB

14 CLARK MCCOURT

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16 Brian P. Clark  
17 Lukas B. McCourt  
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Attorneys for Defendant



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Attorneys for Defendants

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

PAUL D. S. EDWARDS,

Plaintiff,

v.

TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL  
RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
VACATION CLUB, LLC, a/d/b/a TLC RESORTS  
VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a  
TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a  
TLC, a/d/b/a/ VIP TRAVEL, a/d/b/a VIP  
VACATIONS, a/d/b/a VIP INTERNATIONAL, and  
DOES I-X, and ROE CORPORATIONS XI-XX, et  
al.,

Defendants.

Case No.: A-18-776375-C  
Dept. No.: XXVII

**ORDER DENYING PLAINTIFF'S MOTION FOR LEAVE TO FILE  
SECOND AMENDED COMPLAINT**

On June 5, 2019, Plaintiff filed his Second Amended Complaint. On June 20, 2019, Plaintiff filed his Motion For Leave To File Second Amended Complaint. On July 20, 2019, Plaintiff filed a Notice Of Withdrawal Of Plaintiff's Second Amended Complaint.

The Plaintiff attempted to dismiss his entire action by filing a Notice Of Voluntary Dismissal. On August 6, 2019, the court issued an order setting aside and striking Plaintiff's Notice of Voluntary Dismissal from the court record, and denying Plaintiff's Motion For Leave To File Second Amended Complaint as moot.

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Therefore,

Good cause appearing,

IT IS HEREBY ORDERED that Plaintiff's Motion For Leave To File Second Amended  
Complaint is DENIED as moot.

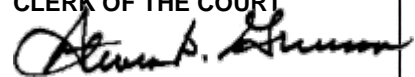
DATED this 26 day of August, 2019.

Nancy L Alf  
DISTRICT COURT JUDGE  
JD

Submitted by:

CLARK MCCOURT

Brian P. Clark  
Lukas B. McCourt  
7371 Prairie Falcon Road, Suite 120  
Las Vegas, NV 89128  
Attorneys for Defendant



1 NEO  
2 BRIAN P. CLARK  
3 Nevada Bar No. 4236  
4 LUKAS B. McCOURT  
5 Nevada Bar No. 11839  
6 CLARK MCCOURT  
7 7371 Prairie Falcon Road, Suite 120  
8 Las Vegas, Nevada 89128  
9 Telephone: (702) 474-0065  
10 Facsimile: (702) 474-0068  
11 bpc@clarkmccourt.com  
12 lmccourt@clarkmccourt.com  
13 Attorneys for Defendant

8  
9 **DISTRICT COURT**  
10 **CLARK COUNTY, NEVADA**  
11

12 PAUL D. S. EDWARDS,

13 Plaintiff,

14 v.

Case No.: A-18-776375-C  
Dept. No.: XXVII

15 TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL  
16 RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
17 VACATION CLUB, LLC, a/d/b/a TLC RESORTS  
18 VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a  
19 TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a  
20 VIP TRAVEL, a/d/b/a VIP VACATIONS, and DOES  
21 I-X, and ROE CORPORATIONS XI-XX, et al.,

22 Defendants.

23 **NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF'S MOTION FOR LEAVE TO**  
24 **FILE SECOND AMENDED COMPLAINT**

25 PLEASE TAKE NOTICE that an **ORDER DENYING PLAINTIFF'S MOTION FOR**  
26 **LEAVE TO FILE SECOND AMENDED COMPLAINT** was filed on August 27, 2019.

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///

///

1 A copy of said Order is attached hereto.

2 DATED this 27<sup>th</sup> day of August, 2019.

3 CLARK MCCOURT

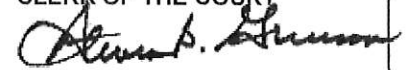
4   
5 Brian P. Clark  
6 Lukas B. McCourt  
7 7371 Prairie Falcon Road, Suite 120  
8 Las Vegas, NV 89128  
9 Attorneys for Defendant

10 **CERTIFICATE OF SERVICE**

11 I certify that on the 27<sup>th</sup> day of August, 2019, I served a true and correct copy of **NOTICE**  
12 **OF ENTRY OF ORDER DENYING PLAINTIFF'S MOTION FOR LEAVE TO FILE**  
13 **SECOND AMENDED COMPLAINT** on the following parties/individuals via the court's  
14 mandatory electronic service provider, Odyssey.

15 Paul D.S. Edwards  
16 713 Wheat ridge Lane, Unit 203  
17 Las Vegas, NV 89145  
18 Plaintiff in proper person.

19   
20 An employee of CLARK MCCOURT  
21  
22  
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1 **ORDG**  
2 BRIAN P. CLARK  
3 Nevada Bar No. 4236  
4 LUKAS B. McCOURT  
5 Nevada Bar No. 11839  
6 CLARK MCCOURT  
7 7371 Prairie Falcon Road, Suite 120  
8 Las Vegas, Nevada 89128  
9 Telephone: (702) 474-0065  
10 Facsimile: (702) 474-0068  
11 bpc@clarkmccourt.com  
12 lmccourt@clarkmccourt.com  
13 Attorneys for Defendants

8  
9 **DISTRICT COURT**  
10 **CLARK COUNTY, NEVADA**

11 PAUL D. S. EDWARDS,

12 Plaintiff,

13 v.

14 TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL  
15 RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
16 VACATION CLUB, LLC, a/d/b/a TLC RESORTS  
17 VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a  
18 TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a  
19 TLC, a/d/b/a/ VIP TRAVEL, a/d/b/a VIP  
20 VACATIONS, a/d/b/a VIP INTERNATIONAL, and  
21 DOES I-X, and ROE CORPORATIONS XI-XX, et  
22 al.,

23 Defendants.

Case No.: A-18-776375-C  
Dept. No.: XXVII

24 **ORDER DENYING PLAINTIFF'S MOTION FOR LEAVE TO FILE**  
25 **SECOND AMENDED COMPLAINT**

26 On June 5, 2019, Plaintiff filed his Second Amended Complaint. On June 20, 2019,  
27 Plaintiff filed his Motion For Leave To File Second Amended Complaint. On July 20, 2019,  
28 Plaintiff filed a Notice Of Withdrawal Of Plaintiff's Second Amended Complaint.

29 The Plaintiff attempted to dismiss his entire action by filing a Notice Of Voluntary  
30 Dismissal. On August 6, 2019, the court issued an order setting aside and striking Plaintiff's Notice  
31 of Voluntary Dismissal from the court record, and denying Plaintiff's Motion For Leave To File  
32 Second Amended Complaint as moot.

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Therefore,

Good cause appearing,

IT IS HEREBY ORDERED that Plaintiff's Motion For Leave To File Second Amended  
Complaint is DENIED as moot.

DATED this 26 day of August, 2019.

Nancy L Alf  
DISTRICT COURT JUDGE  
JD

Submitted by:

CLARK MCCOURT

Brian P. Clark  
Brian P. Clark  
Lukas B. McCourt  
7371 Prairie Falcon Road, Suite 120  
Las Vegas, NV 89128  
Attorneys for Defendant

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**December 05, 2018**

---

A-18-776375-C      Paul Edwards, Plaintiff(s)  
vs.  
Timeshare Liquidators LLC, Defendant(s)

---

**December 05, 2018      10:00 AM      Motion to Dismiss**

**HEARD BY:** Allf, Nancy      **COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Lauren Kidd

**RECORDER:** Brynn Griffiths

**REPORTER:**

**PARTIES**

**PRESENT:**      Clark, Brian P      Attorney  
                 Edwards, Paul D S      Plaintiff  
                 McCourt, Lukas B., ESQ      Attorney

**JOURNAL ENTRIES**

- Arguments by Mr. Clark in support of the Motion. Plaintiff requested the Court strike Defendant's Reply for being untimely and requested the Court strike Defendant's exhibits for not complying with local rules with regard to formatting. COURT DENIED Plaintiff's requests. Court noted, when the Court has digression it is directed by the Nevada Supreme Court to determine matters based on the merits. Arguments by Plaintiff in opposition to Defendant's Motion. Plaintiff offered examples of telemarketing to show the Court which related to Defendant's exhibits. Court declined Plaintiff's submission. Court advised It can only consider what is in the Complaint with regard to the Motion to Dismiss. Further arguments by Plaintiff and counter argument by Mr. Clark. COURT ORDERED, Defendant's Motion to Dismiss GRANTED IN PART; Defendant's Motion for More Definite Statement GRANTED; and Defendant's Motion for Evidentiary Hearing DENIED. Court advised there was no opposition to several of the statutes cited that would give rise to a cause of action.

Court advised the Motion to Dismiss was GRANTED with regard to criminal penalties, punitive damages and the application of NRS 201.

COURT ORDERED, with regard to the consumer fraud allegations under 41.600 and NRS 598.0915

and NRS 598.0925, the cause of action was DISMISSED WITH LEAVE TO AMEND. COURT FINDS not all elements of consumer fraud had been plead; therefore, it did not meet the standard under Picus vs. Wal-Mart Stores.

FURTHER COURT ORDERED, with regard to NRS 598.0977, the cause of action was DISMISSED WITH LEAVE TO AMEND. COURT FINDS there was no allegations of damages suffered.

ADDITIONALLY COURT ORDERED, with regard to NRS 201.255 (2) the cause of action was DISMISSED WITH PREJUDICE. COURT FINDS the criminal statute had no private cause of action.

COURT ORDERED, with regard to claims under NRS 228.540 through 228.620 the cause of action was DISMISSED WITH PREJUDICE. COURT FINDS only the Attorney General has the right to pursue those causes of action.

FURTHER COURT ORDERED, claims with regard to NRS 597.812-597.818 were DISMISSED WITH PREJUDICE. COURT FINDS claims related to calls made with an automatic dialing device and a recorded message, which was not the allegation in this matter.

ADDITIONALLY COURT ORDERED, 599B.080 thorough 599B.154 the cause of action was DISMISSED WITH PREJUDICE. COURT FINDS Plaintiff was not entitled to relief under that statute.

COURT ORDERED with regard to 599B.027 through 599B.300, regarding damages suffered by an elderly person, claims were DISMISSED WITH LEAVE TO AMEND. COURT FINDS no actual damages had been plead.

FURTHER COURT ORDERED claims with regard to NRS 707.910 and 707.920 were DISMISSED WITH LEAVE TO AMEND. COURT FINDS the cause of action relates to physical damage to a phone line, which had not been plead.

ADDITIONALLY COURT ORDERED, with regard to the claim against individuals in the Plaza, COURT DISMISSED all the individuals WITHOUT LEAVE TO AMEND BUT NOT WITHOUT PREJUDICE. COURT FINDS there was no allegation of Piercing the Corporate Veil and no allegation that the individuals acted outside of their authority. Court noted if Plaintiff could make a cause of action against any of the individuals after Discovery, Plaintiff could file a motion to amend to bring the individuals back in.

COURT ORDERED, claims against the Landlord were DISMISSED WITH PREJUDICE. COURT FINDS this was not a recognized cause of action under Nevada.

Court reviewed facts of the case. Court stated VIP being named a pseudonym for other defendants was not sufficient. Court advised Plaintiff was required to plead Fraud with particularity against each individual. Court noted Plaintiff was granted Leave to Amend; however, if Plaintiff amended and the Court later dismissed due to lack of proof, the Court would assess fees against Plaintiff.

Court advised this Court would consider if Plaintiff filed a Motion to Amend after some discovery, and not grant sanctions. Court stated NRCP 9(b) did apply and the Rocker standard had not been met. Mr. Clark to prepare the Order; Plaintiff to review as to form and content.

CLERK'S NOTE: This Minute Order was drafted after reviewing JAVS. //lk 12/21/18

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**April 03, 2019**

---

A-18-776375-C      Paul Edwards, Plaintiff(s)  
vs.  
Timeshare Liquidators LLC, Defendant(s)

---

**April 03, 2019      9:00 AM      Motion to Strike**

**HEARD BY:** Bell, Linda Marie      **COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn Griffiths

**REPORTER:**

**PARTIES**

**PRESENT:**      Clark, Brian P      Attorney  
                 Edwards, Paul D S      Plaintiff

**JOURNAL ENTRIES**

- Upon inquiry of Court regarding what was remaining in the complaint, Mr. Clark stated it was the deceptive trade practice and those are subject to a more definite statement. Colloquy as to ruling on motion to dismiss and there being no amended to the complaint. Arguments by Mr. Edwards and Mr. Clark. COURT ORDERED, Defendant's Motion to Strike for Plaintiff's Refusal to Comply with the Court's Order Granting Defendant's Motion for More Definite Statement DENIED as to Motion Strike, however, Mr. Edwards needs to comply with order for a more definite statement within fourteen days from today; request for fees DENIED. Mr. Clark to prepare the order.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**April 24, 2019**

---

A-18-776375-C      Paul Edwards, Plaintiff(s)  
vs.  
Timeshare Liquidators LLC, Defendant(s)

---

**April 24, 2019      9:30 AM      Mandatory Rule 16  
Conference**

**HEARD BY:** Allf, Nancy      **COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn Griffiths

**REPORTER:**

**PARTIES**

**PRESENT:**      Clark, Brian P      Attorney  
                 Edwards, Paul D S      Plaintiff

**JOURNAL ENTRIES**

- Court noted Defendant served its initial disclosures. Upon inquiry of Court if Mr. Edwards has served his initial disclosures, Mr. Edwards stated he has and he provided an e-signature on Defendant's notice of compliance. Mr. Clark stated they conducted an early case conference in January, submitted a joint case conference report, and have agreed to dates. Mr. Edwards agreed. Upon inquiry of Court if parties have agreed to the scope of discovery, parties stated they had and they anticipate some issues going forward. Colloquy regarding discovery time requested an potential issues going forward. Upon inquiry of Court regarding whether or not there has been e-discovery demands, Mr. Edwards stated there had been. Court stated it would issue an order that sets the trial with a discovery cut-off of June 20, 2020. Mr. Edwards stated he has an issue where he's asked for the insurance policy and has been told it's not available. Court stated if Mr. Edwards hasn't received what he has asked for informally then he should make a formal request. Matter concluded.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**June 19, 2019**

---

A-18-776375-C      Paul Edwards, Plaintiff(s)  
vs.  
Timeshare Liquidators LLC, Defendant(s)

---

**June 19, 2019      10:00 AM      Motion to Dismiss**

**HEARD BY:** Cherry, Michael A.      **COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn Griffiths

**REPORTER:**

**PARTIES**

**PRESENT:**      Clark, Brian P      Attorney  
                 Edwards, Paul D S      Plaintiff

**JOURNAL ENTRIES**

- Arguments by Mr. Clark and Mr. Edwards regarding the merits of and opposition to the motion. Colloquy regarding whether motion is in regard to first or second amended complaint. Court stated whatever rulings are made will be regarding the first amended complaint. Further arguments by counsel regarding as to requested relief. COURT ORDERED, Defendant's Motion to Dismiss, Motion for More Definite Statement and Motion to Strike UNDER ADVISEMENT, Court will prepare an order that will address all the claims, the case will not be completely dismissed, and Defense counsel can prepare the order after the minute order is entered.



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE  
**NOTICE OF DEFICIENCY**  
ON APPEAL TO NEVADA SUPREME COURT

**PAUL D.S. EDWARDS**  
**713 WHEAT RIDGE LN., UNIT 203**  
**LAS VEGAS, NV 89145**

**DATE: September 4, 2019**  
**CASE: A-18-776375-C**

**RE CASE:** PAUL D.S. EDWARDS vs. TIMESHARE LIQUIDATORS, LLC dba TLC RESORT LIQUIDATORS  
dba TLC RESORTS VACATION CLUB, LLC dba TLC RESORTS VACATION CLUB dba TLC RESORTS aka  
TLCRESORTS.COM dba TLC TRAVEL dba VIP TRAVEL dba VIP VACATIONS dba VIP INTERNATIONAL

NOTICE OF APPEAL FILED: August 30, 2019

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)\*\*
  - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)\*\*
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)\*\*
  - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☐ Case Appeal Statement
  - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☒ Notice of Entry of Order *re: Order filed August 6, 2019*

---

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

*Please refer to Rule 3 for an explanation of any possible deficiencies.*

---

*\*\*Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.*

# Certification of Copy

State of Nevada }  
County of Clark } SS:

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

NOTICE OF APPEAL TO THE SUPREME COURT FOR NEVADA FROM A JUDGMENT OR ORDER OF A DISTRICT COURT; CASE APPEAL STATEMENT; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER; ORDER GRANTING DEFENDANT'S MOTION TO SET ASIDE PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL, OR IN THE ALTERNATIVE, FOR RELIEF PURSUANT TO NRCP 41(A)(2); NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT'S MOTION TO SET ASIDE PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL, OR IN THE ALTERNATIVE, FOR RELIEF PURSUANT TO NRCP 41(A)(2); ORDER GRANTING DEFENDANT'S MOTION TO DISMISS, MOTION FOR MORE DEFINITE STATEMENT AND MOTION TO STRIKE; NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT'S MOTION TO DISMISS, MOTION FOR MORE DEFINITE STATEMENT AND MOTION TO STRIKE; ORDER GRANTING DEFENDANT'S COUNTER-MOTION TO CONTINUE DECISION ON PLAINTIFF'S MOTION UNTIL AFTER TO COURT ISSUES ITS ORDER ON DEFENDANT'S (MAY 1, 2019) MOTION TO DISMISS; NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT'S COUNTER-MOTION TO CONTINUE DECISION ON PLAINTIFF'S MOTION UNTIL AFTER THE COURT ISSUES ITS ORDER ON DEFENDANT'S (MAY 1, 2019) MOTION TO DISMISS; ORDER DENYING PLAINTIFF'S MOTION TO LEAVE TO FILE SECOND AMENDED COMPLAINT; NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF'S MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

PAUL D.S. EDWARDS,

Plaintiff(s),

vs.

TIMESHARE LIQUIDATORS, LLC dba TLC  
RESORT LIQUIDATORS dba TLC RESORTS  
VACATION CLUB, LLC dba TLC RESORTS  
VACATION CLUB dba TLC RESORTS aka  
TLCRESORTS.COM dba TLC TRAVEL dba  
VIP TRAVEL dba VIP VACATIONS dba VIP  
INTERNATIONAL,

Defendant(s),

Case No: A-18-776375-C

Dept No: XXVII

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 4 day of September 2019.

Steven D. Grierson, Clerk of the Court

A handwritten signature in black ink, appearing to read "Heather Ungermann", is written over a faint, circular court seal. The seal contains the text "UNITED STATES DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT COUNTY OF CLATSOP STATE OF OREGON".

---

Heather Ungermann, Deputy Clerk  
A-18-776375-C