

FILED

FEB 05 2020

CLEAR OF COURT

28

1 MATTHEW HOUSTON

2 P.O. BOX 1273

3 MAQUOKETA, IA 52060 - 1273

4 P: 563-221-3269

5 C: matthewtravishouston @ gmail

6 matthoustonenterprises @ gmail

Electronically Filed
Feb 12/2020 10:24 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

8 EIGHTH JUDICIAL DISTRICT COURT
9 CLARK COUNTY, NEVADA
10

11 MATTHEW TRAVIS HOUSTON, et al

12

13 vs.

14

15 MAMOMAH BAR CORP., et al

16 ENCORE EVENTS SERVICES, et al

17 I.A.T.S.E. 720, et al

18

CASE #

A-17-758861-C

DEPT. #

29

HEARING

DEMANDED

19

NOTICE OF APPEAL

20

21 DEMAND OF JUDGE DAVID JONES TO

22 RESCUE FROM CASE AND REASSIGNMENT

23 OF DEPT. / JURISDICTION

24

25

26

APPEAL TO ALL

27

ORDERS ISSUED

28

1 / 29 / 2020.

29

30 Submitted this 31st day of January, 2020.

31

RECEIVED

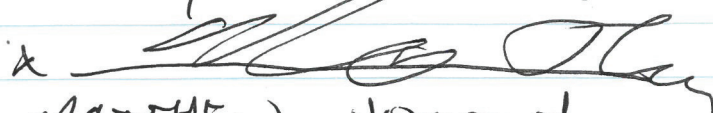
32

FEB - 5 2020

33

CLERK OF THE COURT

34

X 
MATTHEW HOUSTON
PRO SE, IN FORMA PROPERIS

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the date shown below, a true and correct copy of the foregoing ~~Replevin Reply Brief~~ ^{NOTICE OF APPEAL + demand of Judge refusal} was mailed postage prepaid, in a sealed envelope, at

Maquoketa, Iowa, ~~Missouri~~ to the following interested parties:

S. Grierson, Clerk
200 Lewis Ave
District Court
Las Vegas, NV
89101

DATED this 31st day of January, 2020

By:

Signature

MATTHEW HOUSTON
PRINT NAME

///

///

///

///

///

///

///

///

///

MATTHEW HOUSTON
P.O. Box 1273
MAQUOKETA, IA
52060-1273

CEDAR RAPIDS IA 522
31 JAN 2020 PM 2 L



POST OFFICE MURALS / FOREVER / USA

S. GRIERSON
District Court
200 Lewis Ave
Las Vegas, NV

89161

09101-630000





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 MATTHEW HOUSTON,

10 Plaintiff(s),

11 vs.

12
13 MANDALAY BAY CORP DBA MANDALAY
14 BAY RESORT & CASINO,

15 Defendant(s),

Case No: A-17-758861-C

Dept No: XXIX

16
17 **CASE APPEAL STATEMENT**

18 1. Appellant(s): Matthew Houston

19 2. Judge: David M. Jones

20 3. Appellant(s): Matthew Houston

21 Counsel:

22 Matthew Houston
23 P.O. Box 1273
24 Maquoketa, IA 52060-1273

25 4. Respondent (s): Mandalay Bay Corp dba Mandalay Bay Resort & Casino

26 Counsel:

27 Brian P. Clark, Esq.
28 7371 Prairie Falcon Rd., Ste 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**: Yes, October 28, 2019
***Expires 1 year from date filed*
Appellant Filed Application to Proceed in Forma Pauperis: N/A
Date Application(s) filed: N/A

9. Date Commenced in District Court: July 24, 2017

10. Brief Description of the Nature of the Action: NEGLIGENCE - Premises Liability

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 7 day of February 2020.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton
Amanda Hampton, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Matthew Houston

CASE SUMMARY**CASE NO. A-17-758861-C**

Matthew Houston, Plaintiff(s)
vs.
Mandalay Bay Corp, Defendant(s)

§
§
§
§
§

Location: **Department 29**
 Judicial Officer: **Jones, David M**
 Filed on: **07/24/2017**
 Case Number History:
 Cross-Reference Case Number: **A758861**

CASE INFORMATION**Statistical Closures**

02/06/2020 Stipulated Dismissal

Case Type: **Negligence - Premises Liability**

Case Status: **02/06/2020 Dismissed**

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

Case Number A-17-758861-C
 Court Department 29
 Date Assigned 12/13/2019
 Judicial Officer Jones, David M

PARTY INFORMATION

Plaintiff **Houston, Matthew**

Lead Attorneys

Poisson, Scott

Retained

702-877-4878(W)

Defendant **Mandalay Bay Corp**

Clark, Brian P

Retained

702-474-0065(W)

DATE**EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**

07/24/2017



Complaint

Filed By: Plaintiff Houston, Matthew
Complaint

07/24/2017



Demand for Jury Trial

Filed By: Plaintiff Houston, Matthew
Demand for Jury Trial

07/24/2017



Initial Appearance Fee Disclosure

Filed By: Plaintiff Houston, Matthew
Initial Appearance Fee Disclosure

07/24/2017



Summons Electronically Issued - Service Pending

Party: Plaintiff Houston, Matthew
Summons

07/31/2017



Proof of Service

Filed by: Plaintiff Houston, Matthew
Proof of Service

CASE SUMMARY

CASE NO. A-17-758861-C

08/14/2017	 Answer to Complaint Filed by: Defendant Mandalay Bay Corp <i>Defendant's Answer to Plaintiff's Complaint</i>
08/14/2017	 Initial Appearance Fee Disclosure Filed By: Defendant Mandalay Bay Corp <i>Initial Appearance Fee Disclosure</i>
10/20/2017	 Commissioners Decision on Request for Exemption - Granted <i>Commissioner's Decision on Request for Exemption - Granted</i>
10/31/2017	 Arbitration File <i>Arbitration File</i>
12/28/2017	 Joint Case Conference Report Filed By: Plaintiff Houston, Matthew <i>Joint Case Conference Report</i>
02/13/2018	 Scheduling Order <i>Scheduling Order</i>
02/14/2018	 Order Setting Civil Jury Trial <i>Order Setting Civil Civil Jury Trial and Calendar Call</i>
06/28/2018	 Stipulation and Order Filed by: Defendant Mandalay Bay Corp <i>Stipulation and Order RE: Handling and Use of Confidential Information</i>
10/09/2018	 Amended Order Setting Jury Trial <i>Amended Order Setting Jury Trial</i>
10/11/2018	 Stipulation and Order to Extend Discovery Deadlines Filed By: Plaintiff Houston, Matthew <i>Stipulation and Order to Continue Discovery Dates (First Request)</i>
10/12/2018	 Notice of Entry of Order Filed By: Plaintiff Houston, Matthew <i>Notice of Entry of Order</i>
01/07/2019	Case Reassigned to Department 18 <i>Judicial Reassignment - From Judge Villani to Judge Holthus</i>
01/16/2019	 Notice of Rescheduling <i>Notice of Rescheduling Date and Time for Calendar Call/5-Week Trial Stack</i>
02/15/2019	 Motion to Extend Discovery Filed By: Plaintiff Houston, Matthew <i>Plaintiff Matthew Houston's Emergency Motion to Extend Discovery Deadlines And Continue Trial Date On Order Shortening Time (Second Extension Request)</i>
03/07/2019	 Opposition to Motion Filed By: Defendant Mandalay Bay Corp <i>Opposition to Plaintiff's Emergency Motion to Extend Discovery Deadlines and Continue Trial on Order Shortening Time (Second Request)</i>

CASE SUMMARY

CASE NO. A-17-758861-C

07/30/2019	 Order Scheduling Status Check <i>Order Scheduling Status Check</i>
08/29/2019	 Motion Filed By: Plaintiff Houston, Matthew <i>Motion to Withdraw Counsel and Bar Complaint</i>
09/18/2019	 Motion to Compel Filed By: Plaintiff Houston, Matthew <i>Emergency Motion to Compel</i>
09/19/2019	 Application to Proceed in Forma Pauperis Filed By: Plaintiff Houston, Matthew <i>Application to Proceed in Forma Pauperis</i>
09/19/2019	 Motion Filed By: Plaintiff Houston, Matthew <i>(Amended) Emergency Motion to Extend Discovery Guidelines and Delay Re- Scheduled Trial Date on Order Extending Time</i>
10/10/2019	 Motion to Compel Filed By: Defendant Mandalay Bay Corp <i>Defendant's Motion to Compel Settlement</i>
10/10/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
10/15/2019	 Writ of Mandamus Filed by: Plaintiff Houston, Matthew <i>Emergency Writ of Mandamus; Motion to Compel; Motion to Resume Case to Public Record</i>
10/15/2019	 Supplemental Filed by: Plaintiff Houston, Matthew <i>Supplemental Amendment Defendant's Writ of Truth Motion for Tolling</i>
10/22/2019	 Order to Proceed In Forma Pauperis <i>Order to Proceed In Forma Pauperis</i>
11/14/2019	 Order to Show Cause Filed by: Defendant Mandalay Bay Corp <i>Order Compelling Matthew Houston to Appear Before the Court to Show Cause Why He Should Not be Compelled to Dismiss his Action Following Settlement</i>
11/15/2019	 Notice Filed By: Plaintiff Houston, Matthew <i>Notice Regarding Plaintiff's Last Know Contact Information</i>
11/18/2019	 Certificate of Service Filed by: Defendant Mandalay Bay Corp <i>Certificate of Service</i>
12/09/2019	 Motion

CASE SUMMARY

CASE NO. A-17-758861-C

	<p>Filed By: Plaintiff Houston, Matthew <i>Plaintiff's Motion for Opposition of Def(s) Motion to Compel Settlement</i></p>
12/10/2019	<p> Notice of Department Reassignment <i>Notice of Department Reassignment</i></p>
12/11/2019	<p> Motion for Sanctions Filed By: Plaintiff Houston, Matthew <i>Preliminary Motion for Sanctions to be Imposed Upon Counsel</i></p>
12/13/2019	<p> Peremptory Challenge Filed by: Defendant Mandalay Bay Corp <i>Defendant's Peremptory Challenge of Judge</i></p>
12/13/2019	<p> Notice of Department Reassignment <i>Notice of Department Reassignment</i></p>
12/20/2019	<p> Clerk's Notice of Hearing <i>Notice of Hearing</i></p>
12/30/2019	<p> Opposition Filed By: Defendant Mandalay Bay Corp <i>Defendant's Opposition to Plaintiff's Preliminary Motion for Sanctions to be Imposed Upon Counsel of Defendant(s)</i></p>
01/13/2020	<p> Motion for Sanctions Filed By: Defendant Mandalay Bay Corp <i>Defendant's Motion for Sanctions Based on Nevada Rules of Civil Procedure, Rule 11</i></p>
01/13/2020	<p> Clerk's Notice of Hearing <i>Notice of Hearing</i></p>
01/13/2020	<p> Certificate of Service Filed by: Defendant Mandalay Bay Corp <i>Certificate of Service</i></p>
01/22/2020	<p>Filing Filed By: Plaintiff Houston, Matthew <i>Plaintiff's Amendment to Previously filed Motion for Tolling Filed October 15th, 2019</i></p>
01/30/2020	<p> Order of Dismissal and Order Closing Case <i>(1/31/20 Per Dept Issued OSCC) Order Dismissing Case and Order Closing Case</i></p>
01/30/2020	<p> Notice of Entry of Order Filed By: Defendant Mandalay Bay Corp <i>Notice of Entry of Order Dismissing Case and Order Closing Case</i></p>
02/05/2020	<p> Notice of Appeal Filed By: Plaintiff Houston, Matthew <i>Notice of Appeal</i></p>
02/06/2020	<p> Order to Statistically Close Case <i>Civil Order to Statistically Close Case</i></p>

CASE SUMMARY

CASE NO. A-17-758861-C

02/07/2020



Case Appeal Statement

Filed By: Plaintiff Houston, Matthew

Case Appeal Statement

DISPOSITIONS

01/30/2020

Order of Dismissal With Prejudice (Judicial Officer: Jones, David M)

Debtors: Matthew Houston (Plaintiff)

Creditors: Mandalay Bay Corp (Defendant)

Judgment: 01/30/2020, Docketed: 01/30/2020

HEARINGS

04/03/2019

CANCELED Calendar Call (9:00 AM) (Judicial Officer: Villani, Michael)

Vacated

04/10/2019



Motion to Extend Discovery (9:00 AM) (Judicial Officer: Holthus, Mary Kay)

Plaintiff Matthew Houston's Emergency Motion to Extend Discovery Deadlines And Continue Trial Date On Order Shortening Time (Second Extension Request)

Withdrawn;

Journal Entry Details:

Mr. Clark indicated the instant case was set for mediation on May 17, 2019. Further, Mr. Clark indicated parties were working on agreement for discovery. Following colloquy, Court advised parties to get together and decide how they wanted to proceed. Mr. Clark noted if they could come to terms he would submit a stipulation. COURT ORDERED, Plaintiff Matthew Houston's Emergency Motion to Extend Discovery Deadlines and Continue Trial Date On Order Shortening Time (Second Extension Request was hereby WITHDRAWN. ;

04/15/2019

CANCELED Jury Trial (9:00 AM) (Judicial Officer: Villani, Michael)

Vacated

08/28/2019

CANCELED Calendar Call (9:00 AM) (Judicial Officer: Villani, Michael)

Vacated

09/09/2019

CANCELED Jury Trial (10:00 AM) (Judicial Officer: Holthus, Mary Kay)

Vacated

09/18/2019



Status Check: Settlement Documents (9:00 AM) (Judicial Officer: Holthus, Mary Kay)

09/18/2019, 10/23/2019, 11/13/2019

Matter Continued;

Matter Continued;

Matter Heard;

Matter Continued;

Matter Continued;

Matter Heard;

Journal Entry Details:

Upon Court's inquiry, Mr. Clark indicated parties were not done settling case and did a release of all claims; however, they just needed a Stipulation and Order for Dismissal signed. Mr. Clark noted they were having difficulties with Plaintiff. Mr. Kerbow informed the Court after Plaintiff signed the release he wanted to back out, re-negotiate settlement and terminate Mr. Kerbow's firm. Court indicated they would need to get Plaintiff there; however, Mr. Clark noted Plaintiff was currently in Ohio and was just released from High Desert Correctional facility. Following colloquy, Mr. Kerbow noted he had served Plaintiff with Motion. Mr. Clark indicated they submitted all settlement documents with the Motion. Court noted it would request Plaintiff's presence in 30 days and if he didn't show, then the Court would order Plaintiff to appear. Mr. Clark noted there was a Motion on calendar for November 13, 2019; therefore, COURT ORDERED, the instant matter CONTINUED to that same date. 11/13/19 9:00 AM CONTINUED: STATUS CHECK: SETTLEMENT DOCUMENTS;

Matter Continued;



Matter Continued;

Matter Heard;


Journal Entry Details:

CASE SUMMARY

CASE NO. A-17-758861-C

	<p><i>Defense Counsel indicated they were waiting on settlement documents to come back. Mr. Kerbow indicated Deft. was incarcerated and there was an issue with notarization noting documents were coming back unnotarized. Mr. Kerbow advised he would be driving out on Saturday to see if he could resolve it. COURT ORDERED, matter CONTINUED for 30 days. 10/23/19 9:00 AM CONTINUED: STATUS CHECK: SETTLEMENT DOCUMENTS;</i></p>
11/13/2019	<p>Motion to Compel (9:00 AM) (Judicial Officer: Jones, David M) 11/13/2019, 01/29/2020 <i>Defendant's Motion to Compel Settlement</i> Matter Continued; Minute Order Dated 12-10-19 Granted; Matter Continued; Minute Order Dated 12-10-19 Granted;</p>
11/13/2019	<p> All Pending Motions (9:00 AM) (Judicial Officer: Holthus, Mary Kay) Matter Heard; Journal Entry Details: <i>STATUS CHECK: SETTLEMENT DOCUMENTS...DEFENDANT'S MOTION TO COMPEL SETTLEMENT Upon Court's inquiry, Mr. Kerbow indicated technically his office was off the instant case due to client terminating them. Court advised no Motion to Withdraw or Remove was filed. Court explained if Mr. Kerbow was technically attorney of record, then Plaintiff didn't have an opportunity to respond to the Motion to Compel; therefore, Plaintiff could think he still had counsel. Mr. Clark stated at the time he filed the Motion, Mr. Kerbow was still counsel of record. COURT DIRECTED counsel to advise Deft. he had time to file Opposition. Mr. Clark reminded the Court, at the last hearing it ordered Mr. Houston to be present. Court indicated it would issue an Order to show cause and give Mr. Houston 30 days to appear; further, Court noted Mr. Houston may be having medical issues. COURT ORDERED, Defendant's Motion to Compel Settlement be CONTINUED for 30 days; FURTHER ORDERED, Mr. Kerbow was out, and an Order to Show Cause shall issue. Following colloquy, Mr. Clark noted he already issued two settlement checks; however, he would void those two checks and issue a new one to interplead with the Court. COURT FURTHER ORDERED, Status check SET. 12/11/19 9:00 AM CONTINUED: DEFENDANT'S MOTION TO COMPEL SETTLEMENT... STATUS CHECK: ORDER TO SHOW CAUSE ;</i></p>
12/10/2019	<p> Minute Order (1:45 PM) (Judicial Officer: Holthus, Mary Kay) Minute Order - No Hearing Held; Journal Entry Details: <i>Due to statements made by Mr. Houston directed toward Judge Holthus that preclude her from providing a fair and impartial adjudication of this matter pursuant to NRCJC 2.11(1), this case shall be randomly reassigned. The motion that is currently set in DC 18 on Wednesday, December 11, 2019 will be reset in accordance with the reassignment. CLERK'S NOTE: The above minute order has been distributed to: Matthew Houston, 1009 Cardinal Drive, Maquoketa, Iowa 52060; and Brian Clark, Esq. (bpc@clarkmccourt.com) //12-10-19/ dy;</i></p>
01/29/2020	<p>Status Check (9:00 AM) (Judicial Officer: Jones, David M) <i>Status Check: Order to Show Cause</i> Minute Order Dated 12-10-19 Moot;</p>
01/29/2020	<p>Motion for Sanctions (9:00 AM) (Judicial Officer: Jones, David M) Events: 12/11/2019 Motion for Sanctions <i>Plaintiff's Preliminary Motion for Sanctions to be Imposed Upon Counsel</i> Moot;</p>
01/29/2020	<p>Motion (9:00 AM) (Judicial Officer: Jones, David M) <i>Plaintiff's Motion for Opposition of Def(s) Motion to Compel Settlement</i> Moot;</p>
01/29/2020	<p>Motion for Sanctions (9:00 AM) (Judicial Officer: Jones, David M) <i>Defendant's Motion for Sanctions Based on Nevada Rules of Civil Procedure, Rule 11</i></p>

CASE SUMMARY**CASE No. A-17-758861-C**

01/29/2020	<p>Moot;</p> <p> All Pending Motions (9:00 AM) (Judicial Officer: Jones, David M)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>PLAINTIFF'S PRELIMINARY MOTION FOR SANCTIONS TO BE IMPOSED UPON COUNSEL... Following the arguments of counsel, COURT ORDERED Motion to Compel Settlement, GRANTED; all other motions MOOT. ORDER SIGNED IN OPEN COURT. STATUS CHECK: ORDER TO SHOW CAUSE... Following the arguments of counsel, COURT ORDERED Motion to Compel Settlement, GRANTED; all other motions MOOT. ORDER SIGNED IN OPEN COURT. DEFENDANT'S MOTION TO COMPEL SETTLEMENT... Following the arguments of counsel, COURT ORDERED Motion to Compel Settlement, GRANTED; all other motions MOOT. ORDER SIGNED IN OPEN COURT. PLAINTIFF'S MOTION FOR OPPOSITION OF DEF(S) MOTION TO COMPEL SETTLEMENT... Following the arguments of counsel, COURT ORDERED Motion to Compel Settlement, GRANTED; all other motions MOOT. ORDER SIGNED IN OPEN COURT. DEFENDANT'S MOTION FOR SANCTIONS BASED ON NEVADA RULES OF CIVIL PROCEDURE, RULE 11... Following the arguments of counsel, COURT ORDERED Motion to Compel Settlement, GRANTED; all other motions MOOT. ORDER SIGNED IN OPEN COURT.;</i></p>	
DATE	FINANCIAL INFORMATION	

Defendant Mandalay Bay Corp

Total Charges	673.00
Total Payments and Credits	673.00
Balance Due as of 2/7/2020	0.00

Plaintiff Houston, Matthew

Total Charges	301.50
Total Payments and Credits	301.50
Balance Due as of 2/7/2020	0.00

DISTRICT COURT CIVIL COVER SHEET

Department 17

Clark County, Nevada

Case No. _____

(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone): Matthew Houston	Defendant(s) (name/address/phone): Mandalay bay Corp dba Mandalay Bay Resort & Casino
Attorney (name/address/phone): Scott S. Poisson Esq. 702-256-4566 320 S. Jones Blvd Las Vegas, NV 89107	Attorney (name/address/phone): Unknown

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

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input checked="" type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <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 Probate (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 Estate Value <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	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <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	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ Civil Writ <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		Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

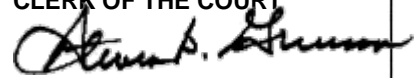
Business Court filings should be filed using the Business Court civil coversheet.

07/20/2017

Date

Signature of initiating party or representative

See other side for family-related case filings.



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

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

9 MATTHEW HOUSTON,

10 Plaintiff,

11 v.

12 MANDALAY BAY CORP dba MANDALAY
13 BAY RESORT AND CASINO, and DOES I
14 through 100; and ROE CORPORATIONS 101
15 through 200.

16 Defendants.

Case No. A-17-758861-C
Dept. No. XVIII

16 **ORDER DISMISSING CASE AND ORDER CLOSING CASE**

17 Having received, reviewed and considered Defendant's Motion To Compel Settlement and
18 the related filings, and having received the argument of the parties in support of and in opposition to
19 the Motion To Compel Settlement,

20 **THE COURT FINDS** that at all times prior to August 29, 2019, that Plaintiff MATTHEW
21 HOUSTON was represented by counsel, the law firm BERNSTEIN & POISSON.

22 **THE COURT FURTHER FINDS** that on May 17, 2019, the parties met in mediation,
23 Plaintiff with the aid and assistance of his attorneys, and reached an agreement to settle Plaintiff's
24 claims, the agreement being reduced to writing in the Mediation Settlement agreement.

25 **THE COURT FURTHER FINDS** that as of June 7, 2019, Defendant had satisfied all
26 conditions of the Mediation Settlement.

27 **THE COURT FURTHER FINDS** that on August 1, 2019, Plaintiff, MATTHEW
28 HOUSTON, executed the Release Of All Claims And Agreement To Indemnify.

THE COURT FURTHER FINDS that the conduct of the parties at mediation and through the execution of the Release Of All Claims And Agreement To Indemnify shows a clear intent and agreement to settle Case No. A-17-758861-C.

THEREFORE,

IT IS HEREBY ORDERED that Defendant's Motion To Compel Settlement is GRANTED.

IT IS FURTHER ORDERED that the clerk of the court shall enter the dismissal of Case No. A-17-758861-C, Houston v. Mandalay Bay Corp, with prejudice.

IT IS FURTHER ORDERED that the clerk of the court shall close the case.

IT IS FURTHER ORDERED, based on the parties' settlement and the dismissal, that all remaining motions and issues are deemed moot and denied.

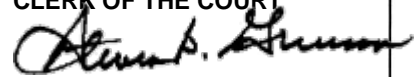
DATED this 29 day of January, 2020.

DISTRICT COURT JUDGE

Submitted by:

CLARK MCCOURT

Brian P. Clark
7371 Prairie Falcon Road, Suite 120
Las Vegas, NV 89128
Attorney for Defendant



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

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

10 MATTHEW HOUSTON,

11 Plaintiff,

12 v.

13 MANDALAY BAY CORP dba MANDALAY
14 BAY RESORT AND CASINO, and DOES I
15 through 100; and ROE CORPORATIONS 101
16 through 200.

Defendants.

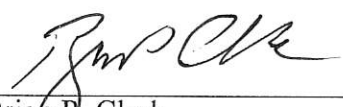
Case No. A-17-758861-C
Dept. No. 17

**NOTICE OF ENTRY OF ORDER
DISMISSING CASE AND ORDER
CLOSING CASE**

17 **PLEASE TAKE NOTICE** that an Order Dismissing Case and Order Closing Case was
18 filed on January 30, 2020. A copy of that Order is attached hereto.

19 DATED this 30th day of January, 2020.


21 CLARK MCCOURT

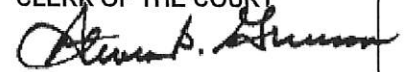
22 
23 Brian P. Clark
24 Nevada Bar No. 4236
25 7371 Prairie Falcon Road, Suite 120
26 Las Vegas, NV 89128
27 Attorneys for Mandalay Bay
28

CERTIFICATE OF SERVICE

I certify that on the 30th day of January, 2020, I served a true and correct copy of
NOTICE OF ENTRY OF ORDER DISMISSING CASE AND ORDER CLOSING CASE on
the following parties/individuals via the court's electronic filing and service provider, Odyssey.

Matthew Houston
1009 Cardinal Drive
Maquoketa, Iowa 52060
Plaintiff


An employee of Clark McCourt



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

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 MATTHEW HOUSTON,

10 Plaintiff,

11 v.

12 MANDALAY BAY CORP dba MANDALAY
13 BAY RESORT AND CASINO, and DOES I
14 through 100; and ROE CORPORATIONS 101
15 through 200.

16 Defendants.

Case No. A-17-758861-C
Dept. No. XVIII

16 ORDER DISMISSING CASE AND ORDER CLOSING CASE

17 Having received, reviewed and considered Defendant's Motion To Compel Settlement and
18 the related filings, and having received the argument of the parties in support of and in opposition to
19 the Motion To Compel Settlement,

20 THE COURT FINDS that at all times prior to August 29, 2019, that Plaintiff MATTHEW
21 HOUSTON was represented by counsel, the law firm BERNSTEIN & POISSON.

22 THE COURT FURTHER FINDS that on May 17, 2019, the parties met in mediation,
23 Plaintiff with the aid and assistance of his attorneys, and reached an agreement to settle Plaintiff's
24 claims, the agreement being reduced to writing in the Mediation Settlement agreement.

25 THE COURT FURTHER FINDS that as of June 7, 2019, Defendant had satisfied all
26 conditions of the Mediation Settlement.

27 THE COURT FURTHER FINDS that on August 1, 2019, Plaintiff, MATTHEW
28 HOUSTON, executed the Release Of All Claims And Agreement To Indemnify.

THE COURT FURTHER FINDS that the conduct of the parties at mediation and through the execution of the Release Of All Claims And Agreement To Indemnify shows a clear intent and agreement to settle Case No. A-17-758861-C.

THEREFORE,

IT IS HEREBY ORDERED that Defendant's Motion To Compel Settlement is GRANTED.

IT IS FURTHER ORDERED that the clerk of the court shall enter the dismissal of Case No. A-17-758861-C, Houston v. Mandalay Bay Corp, with prejudice.

IT IS FURTHER ORDERED that the clerk of the court shall close the case.

IT IS FURTHER ORDERED, based on the parties' settlement and the dismissal, that all remaining motions and issues are deemed moot and denied.

DATED this 29 day of January, 2020.

DISTRICT COURT JUDGE

Submitted by:

CLARK MCCOURT

Brian P. Clark
7371 Prairie Falcon Road, Suite 120
Las Vegas, NV 89128
Attorney for Defendant

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

April 10, 2019

A-17-758861-C Matthew Houston, Plaintiff(s)
vs.
Mandalay Bay Corp, Defendant(s)

**April 10, 2019 9:00 AM Motion to Extend
Discovery**

HEARD BY: Holthus, Mary Kay **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT: Clark, Brian P Attorney

JOURNAL ENTRIES

- Mr. Clark indicated the instant case was set for mediation on May 17, 2019. Further, Mr. Clark indicated parties were working on agreement for discovery. Following colloquy, Court advised parties to get together and decide how they wanted to proceed. Mr. Clark noted if they could come to terms he would submit a stipulation. COURT ORDERED, Plaintiff Matthew Houston's Emergency Motion to Extend Discovery Deadlines and Continue Trial Date On Order Shortening Time (Second Extension Request was hereby WITHDRAWN).

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

September 18, 2019

A-17-758861-C Matthew Houston, Plaintiff(s)
vs.
Mandalay Bay Corp, Defendant(s)

September 18, 2019 9:00 AM

**Status Check: Settlement
Documents**

HEARD BY: Holthus, Mary Kay

COURTROOM: RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT: Kerbow, Ryan M Attorney

JOURNAL ENTRIES

- Defense Counsel indicated they were waiting on settlement documents to come back. Mr. Kerbow indicated Deft. was incarcerated and there was an issue with notarization noting documents were coming back unnotarized. Mr. Kerbow advised he would be driving out on Saturday to see if he could resolve it. COURT ORDERED, matter CONTINUED for 30 days.

10/23/19 9:00 AM CONTINUED: STATUS CHECK: SETTLEMENT DOCUMENTS

**DISTRICT COURT
CLARK COUNTY, NEVADA****Negligence - Premises Liability****COURT MINUTES****October 23, 2019**

A-17-758861-C Matthew Houston, Plaintiff(s)
vs.
Mandalay Bay Corp, Defendant(s)

**October 23, 2019 9:00 AM Status Check: Settlement
Documents**

HEARD BY: Holthus, Mary Kay**COURTROOM:** RJC Courtroom 03F**COURT CLERK:** Dara Yorke**RECORDER:** Patti Slattery**REPORTER:****PARTIES**

PRESENT: Clark, Brian P Attorney
 Kerbow, Ryan M Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Clark indicated parties were not done settling case and did a release of all claims; however, they just needed a Stipulation and Order for Dismissal signed. Mr. Clark noted they were having difficulties with Plaintiff. Mr. Kerbow informed the Court after Plaintiff signed the release he wanted to back out, re-negotiate settlement and terminate Mr. Kerbow's firm. Court indicated they would need to get Plaintiff there; however, Mr. Clark noted Plaintiff was currently in Ohio and was just released from High Desert Correctional facility. Following colloquy, Mr. Kerbow noted he had served Plaintiff with Motion. Mr. Clark indicated they submitted all settlement documents with the Motion. Court noted it would request Plaintiff's presence in 30 days and if he didn't show, then the Court would order Plaintiff to appear. Mr. Clark noted there was a Motion on calendar for November 13, 2019; therefore, COURT ORDERED, the instant matter CONTINUED to that same date.

11/13/19 9:00 AM CONTINUED: STATUS CHECK: SETTLEMENT DOCUMENTS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

November 13, 2019

A-17-758861-C Matthew Houston, Plaintiff(s)
vs.
Mandalay Bay Corp, Defendant(s)

November 13, 2019 9:00 AM All Pending Motions

HEARD BY: Holthus, Mary Kay **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT: Clark, Brian P Attorney
 Kerbow, Ryan M Attorney

JOURNAL ENTRIES

- STATUS CHECK: SETTLEMENT DOCUMENTS...DEFENDANT'S MOTION TO COMPEL SETTLEMENT

Upon Court's inquiry, Mr. Kerbow indicated technically his office was off the instant case due to client terminating them. Court advised no Motion to Withdraw or Remove was filed. Court explained if Mr. Kerbow was technically attorney of record, then Plaintiff didn't have an opportunity to respond to the Motion to Compel; therefore, Plaintiff could think he still had counsel. Mr. Clark stated at the time he filed the Motion, Mr. Kerbow was still counsel of record. COURT DIRECTED counsel to advise Deft. he had time to file Opposition. Mr. Clark reminded the Court, at the last hearing it ordered Mr. Houston to be present. Court indicated it would issue an Order to show cause and give Mr. Houston 30 days to appear; further, Court noted Mr. Houston may be having medical issues. COURT ORDERED, Defendant's Motion to Compel Settlement be CONTINUED for 30 days; FURTHER ORDERED, Mr. Kerbow was out, and an Order to Show Cause shall issue. Following colloquy, Mr. Clark noted he already issued two settlement checks; however, he would void those two checks and issue a new one to interplead with the Court. COURT FURTHER ORDERED, Status check SET.

12/11/19 9:00 AM CONTINUED: DEFENDANT'S MOTION TO COMPEL SETTLEMENT... STATUS
CHECK: ORDER TO SHOW CAUSE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

December 10, 2019

A-17-758861-C Matthew Houston, Plaintiff(s)
vs.
Mandalay Bay Corp, Defendant(s)

December 10, 2019 1:45 PM Minute Order

HEARD BY: Holthus, Mary Kay

COURTROOM: Chambers

COURT CLERK: Dara Yorke

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Due to statements made by Mr. Houston directed toward Judge Holthus that preclude her from providing a fair and impartial adjudication of this matter pursuant to NRCJC 2.11(1), this case shall be randomly reassigned. The motion that is currently set in DC 18 on Wednesday, December 11, 2019 will be reset in accordance with the reassignment.

CLERK'S NOTE: The above minute order has been distributed to: Matthew Houston, 1009 Cardinal Drive, Maquoketa, Iowa 52060; and Brian Clark, Esq. (bpc@clarkmccourt.com) //12-10-19/ dy

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

January 29, 2020

A-17-758861-C Matthew Houston, Plaintiff(s)
vs.
Mandalay Bay Corp, Defendant(s)

January 29, 2020 9:00 AM All Pending Motions

HEARD BY: Jones, David M **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Nancy Maldonado

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

PRESENT: Clark, Brian P Attorney
Houston, Matthew Plaintiff

JOURNAL ENTRIES

- PLAINTIFF'S PRELIMINARY MOTION FOR SANCTIONS TO BE IMPOSED UPON COUNSEL...
Following the arguments of counsel, COURT ORDERED Motion to Compel Settlement, GRANTED;
all other motions MOOT. ORDER SIGNED IN OPEN COURT.

STATUS CHECK: ORDER TO SHOW CAUSE...

Following the arguments of counsel, COURT ORDERED Motion to Compel Settlement, GRANTED;
all other motions MOOT. ORDER SIGNED IN OPEN COURT.

DEFENDANT'S MOTION TO COMPEL SETTLEMENT...

Following the arguments of counsel, COURT ORDERED Motion to Compel Settlement, GRANTED;
all other motions MOOT. ORDER SIGNED IN OPEN COURT.

PLAINTIFF'S MOTION FOR OPPOSITION OF DEF(S) MOTION TO COMPEL SETTLEMENT...

Following the arguments of counsel, COURT ORDERED Motion to Compel Settlement, GRANTED;
all other motions MOOT. ORDER SIGNED IN OPEN COURT.

DEFENDANT'S MOTION FOR SANCTIONS BASED ON NEVADA RULES OF CIVIL PROCEDURE,

RULE 11...

Following the arguments of counsel, COURT ORDERED Motion to Compel Settlement, GRANTED; all other motions MOOT. ORDER SIGNED IN OPEN COURT.

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; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DISMISSING CASE AND ORDER CLOSING
CASE; NOTICE OF ENTRY OF ORDER DISMISSING CASE AND ORDER CLOSING CASE;
DISTRICT COURT MINUTES

MATTHEW HOUSTON,

Plaintiff(s),

vs.

MANDALAY BAY CORP DBA MANDALAY
BAY RESORT & CASINO,

Defendant(s),

Case No: A-17-758861-C

Dept No: XXIX

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 7 day of February 2020.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk