

1 **ORDR**

2 **DISTRICT COURT**
3 **CLARK COUNTY, NEVADA**

FILED
MAY 13 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

4
5 JOE N. BROWN, an individual,

6 Plaintiff,

Case No.: A-16-739887-C

Dept. No.: XXXI

7 vs.

8
9 GNL, CORP., a Nevada corporation and
10 THYSSENKRUPP ELEVATOR CORP., a
foreign corporation,

11
12 Defendants.

**ORDER GRANTING PLAINTIFF'S
MOTION FOR LEAVE TO PROCEED
ON APPEAL IN FORMA PAUPERIS**

13
14 On September 18, 2018, Plaintiff Joe N. Brown ("Plaintiff") filed the
15 Second Amended Complaint against Defendants GNL Corp., and Thyssenkrupp
16 Elevator, seeking damages for negligence and loss of consortium. The jury trial
17 commenced on December 6, 2019, and concluded on December 18, 2019. The
18 jury returned a verdict in favor of all Defendants and awarded Plaintiff nothing.
19 On February 8, 2020, Plaintiff filed a Notice of Appeal to the Nevada Supreme
20 Court.

21 After filing his Appeal, Plaintiff filed a Motion for Leave to Proceed on
22 Appeal In Forma Pauperis which did not contain any points and authorities as
23 required *inter alia* by EDCR 2.20 and, otherwise, did not comply with the rules.
24 On April 23, 2020, the parties appeared before the Court for a hearing regarding
25 the Motion. After the Court inquired about the basis of the request, Plaintiff
26 sought leave to file supplemental briefing which was unopposed.

1 On April 28, 2020, Plaintiff timely filed a Supplemental Motion for Leave to
2 Proceed In Forma Pauperis requesting In Forma Pauperis status pursuant to
3 NRAP 24(a) and NRS 12.015(1)(a). Pursuant to NRAP 24 (a) (1) "a party to a
4 district court action who desires to appeal in forma pauperis shall file a motion in
5 the district court. The party shall attach an affidavit that: (A) shows in the detail
6 prescribed by Form 4 in the Appendix of Forms the party's inability to pay or to
7 give security for fees and costs; (B) claims an entitlement to redress; and (C)
8 states the issues that the party intends to present on appeal." If the motion is
9 granted, the party may proceed on appeal without prepaying of giving security for
10 fees and costs. See NRAP 24(a) (2).

12 Further, NRS 12.015(1) (a) provides that "[a]ny person who desires to
13 prosecute or defend a civil action may file an affidavit with the court setting forth
14 with particularity facts concerning the person's income, property and other
15 resources which establish that the person is unable to prosecute or defend the
16 action because the person is unable to pay the costs of so doing."

17 Plaintiff also submitted an Affidavit of Support of his Motion wherein he
18 detailed his financial condition and the issues for the Appeal. Thus, Plaintiff has
19 satisfied the requirements of NRCP 24(a)(1) and NRS 12.015(1)(a). Accordingly,
20 after considering all the pleadings, there is good cause to GRANT Plaintiff's
21 Motion, as he has demonstrated he is unable to pay the cost of prosecuting his
22 case pursuant to NRS 12.015(2).
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ORDER

THEREFORE, it is hereby ORDERED, ADJUDGED, and DECREED that
Plaintiff's Motion for Leave to Proceed on Appeal In Forma Pauperis is GRANTED.

IT IS SO ORDERED.

DATED this 5TH day of May, 2020.



HON. JOANNA S. KISHNER
DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on or about the date filed, a copy of this Order was served via Electronic Service to all counsel/registered parties, pursuant to the Nevada Electronic Filing Rules, and/or served via in one or more of the following manners: fax, U.S. mail, or a copy of this Order was placed in the attorney's file located at the Regional Justice Center:

ALL PARTIES SERVED VIA E-SERVICE

/s/ Tracy L. Cordoba
TRACY L. CORDOBA-WHEELER
Judicial Executive Assistant



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

May 6, 2020


Elizabeth A. Brown
Clerk of the Court
201 South Carson Street, Suite 201
Carson City, Nevada 89701-4702

RE: JOE N. BROWN vs. GNL CORP.; THYSSENKRUPP ELEVATOR CORP.
D.C. CASE: A-16-739887-C

Dear Ms. Brown:

Please find attached a "Confidential" envelope containing the sealed document(s) for the above listed case. The appeal was filed in the District Court May 6, 2020 and transmitted to your court May 6, 2020 via electronic filing. If you have any questions regarding this matter, please contact me at (702) 671-0512.

Sincerely,
STEVEN D. GRIERSON, CLERK OF THE COURT


Amanda Hampton, Deputy Clerk

