

Dept. No. IX

Steven D. Grierson

No. A—16-748919-C

IN THE 8TH JUDICIAL DISTRICT COURT OF THE

STATE OF NEVADA IN AND FOR THE COUNTY OF CLARK

Electronically Filed
Mar 23 2020 11:15 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

STEVE EGGLESTON, Plaintiff

Case: No. A—16-748919-C

-vs-

Dept. No. IX

GEORGINA STUART; DEPARTMENT OF
FAMILY SERVICES, CHILD SUPPORT
SERVICES, CLARK COUNTY, NEVADA;
LISA CALLAHAN; BRIAN CALLAHAN

Defendants.

NOTICE OF APPEAL

Notice is hereby given by Steve Eggleston, plaintiff above named, hereby appeals to the Supreme Court of Nevada from the order of dismissal entered on the Motion to Dismiss of Defendants Georgina Stuart and Clark County, Nevada, entered September 7, 2018 (dismissing “[t]his litigation, without prejudice...” apparently as to all Defendants, including non-moving Defendants Lisa Callahan and Brian Callahan), and served on plaintiff on September 10, 2018, the Order Denying Plaintiff’s Motion for Reconsideration, entered February 26, 2020, and served on plaintiff the same day, including the denial of the Motion to Disqualify contained therein.

Steve Eggleston, Plaintiff, In Pro Per

/s/ Steve Eggleston

Dated: March 15, 2020

Steve Eggleston, plaintiff, In Pro Per
Goose Hall, Bourne Farm
East Town Lane,
Pilton, England BA4 4NX
Steve@SteveEgglestonWrites.com
+44 (0)7784 850 751

No. A—16-748919-C

Dept. No. IX

IN THE 8TH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE COUNTY OF CLARK

STEVE EGGLESTON, Plaintiff

-vs-

GEORGINA STUART; DEPARTMENT OF
FAMILY SERVICES, CHILD SUPPORT
SERVICES, CLARK COUNTY, NEVADA;
LISA CALLAHAN; BRIAN CALLAHAN

Defendants.

Case: No. A—16-748919-C

Dept. No. IX

CASE APPEAL STATEMENT

1. Steve Eggleston is the appellant filing this Case Appeal Statement.
2. The Judge issuing the first Order appealed from is the Hon. Douglas E. Smith, and the Judge issuing the remaining Orders appealed from is the Hon. Cristina D. Silva.
The sole appellant is Steve Eggleston, in Pro Per, Steve Eggleston, plaintiff, In Pro Per
Goose Hall, Bourne Farm, East Town Lane, Pilton, England BA4 4NX,
Steve@SteveEgglestonWrites.com, +44 (0)7784 850 751.
3. The Respondents are Georgina Stuart and Clark County, Nevada, represented by Felecia Galati, Esq., Nev. Bar No. 007341, of Olson Cannon, Gormley, & Stoberski, 9950 West Cheyenne Avenue, Las Vegas, NV 89129, Phone: 702-384-4012, email: fgalati@ocgas.com, and (out of caution) Respondents Lisa and Brian Callahan, 300 Ashley Dr., New Lenox, IL 60451 (out of caution because they did not file a Motion to Dismiss and have not appeared, but the Order appealed from states “[t]he litigation is dismissed, without prejudice,” implying that it was dismissed as to all defendants, including the non-moving defendants who have not appeared in the action and who did not file any motion to dismiss or otherwise).

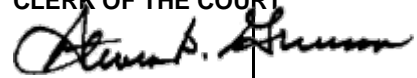
- 1 4. The attorney referenced above (Felecia Galati, Esq.) is licensed to practice law in the
- 2 State of Nevada.
- 3 5. Appellant Steve Eggleston acted in Pro Per in the District Court.
- 4 6. Appellant Steve Eggleston is acting in Pro Per on this appeal.
- 5 7. No in forma pauperis application was filed.
- 6 8. The case commenced in the district court when plaintiff filed his Complaint on December
- 7 30, 2016.
- 8 9. Generally, the case presents claims for section 1983 civil rights violations and state law
- 9 torts, stemming from the abduction of his sons, violation of his constitutional rights, and
- 10 commission of the torts of defamation and intentional infliction of emotional distress.
- 11 The original Motion was a FRCP Rule 12(b)(5) Motion, but the order appears to have
- 12 treated it as a NRCP 12(c) Motion. Though the Motion was brought only by the
- 13 Defendants/Respondents Georgina Stuart and Clark County, the Motion was granted
- 14 dismissing the action and stating, expressly, that “[t]he litigation is dismissed, without
- 15 prejudice,” implying that it was dismissed as to all defendants, including the non-moving
- 16 defendants who have not appeared in the action.
- 17
- 18 10. The case has been the subject of a previous appeal.
- 19
- 20 11. This case involves issues of child custody, but not actual child custody.
- 21
- 22 12. This case has the possibility of settlement.

23 Dated this 15th day of March, 2020.

24 Steve Eggleston, Plaintiff, In Pro Per

25 */s/ Steve Eggleston*

26 Steve Eggleston, plaintiff, in Pro Per
27 Goose Hall, Bourne Farm
28 East Town Lane,
Pilton, England BA4 4NX
Steve@SteveEgglestonWrites.com



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

9 STEVE EGGLESTON,

10 Plaintiff(s),

11 vs.

12
13 GEORGINA STUART; CLARK COUNTY,
14 NEVADA; LISA CALLAHAN; BRIAN
CALLAHAN,

15 Defendant(s),

Case No: A-16-748919-C

Dept No: IX

16
17
18 **CASE APPEAL STATEMENT**

19 1. Appellant(s): Steve Eggleston

20 2. Judge: Cristina D. Silva

21 3. Appellant(s): Steve Eggleston

22 Counsel:

23 Steve Eggleston
24 Goose Hall, Bourne Farm
25 Eat Town Lane
26 Pilton, England BA4 4NX
27
28

1 4. Respondent (s): Georgina Stuart; Clark County, Nevada

2 Counsel:

3 Felicia Galati, Esq.
4 9950 W. Cheyenne Ave.
5 Las Vegas, NV 89129

6 Respondent (s): Lisa Callahan; Brian Callahan

7 Counsel:

8 Brian and Lisa Callahan
9 300 Ashley Dr.
10 New Lenox, IL 60451

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

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

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

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

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

19 8. Appellant Granted Leave to Proceed in Forma Pauperis**: N/A
20 **Expires 1 year from date filed

21 Appellant Filed Application to Proceed in Forma Pauperis: No
22 Date Application(s) filed: N/A

23 9. Date Commenced in District Court: December 30, 2016

24 10. Brief Description of the Nature of the Action: TORT - Other

25 Type of Judgment or Order Being Appealed: Dismissal

26 11. Previous Appeal: Yes

27 Supreme Court Docket Number(s): 77168

28 12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

Dated This 18 day of March 2020.

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: Steve Eggleston

No. A—16-748919-C

IN THE 8TH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE COUNTY OF CLARK

STEVE EGGLESTON, Plaintiff

-vs-

GEORGINA STUART; DEPARTMENT OF
FAMILY SERVICES, CHILD SUPPORT
SERVICES, CLARK COUNTY, NEVADA;
LISA CALLAHAN; BRIAN CALLAHAN

Defendants.

Case: No. A—16-748919-C

Dept. No. IX

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2. The Judge issuing the first Order appealed from is the Hon. Douglas E. Smith, and the Judge issuing the remaining Orders appealed from is the Hon. Cristina D. Silva.
The sole appellant is Steve Eggleston, in Pro Per, Steve Eggleston, plaintiff, In Pro Per
Goose Hall, Bourne Farm, East Town Lane, Pilton, England BA4 4NX,
Steve@SteveEgglestonWrites.com, +44 (0)7784 850 751.
3. The Respondents are Georgina Stuart and Clark County, Nevada, represented by Felecia Galati, Esq., Nev. Bar No. 007341, of Olson Cannon, Gormley, & Stoberski, 9950 West Cheyenne Avenue, Las Vegas, NV 89129, Phone: 702-384-4012, email:
fgalati@ocgas.com, and (out of caution) Respondents Lisa and Brian Callahan, 300 Ashley Dr., New Lenox, IL 60451 (out of caution because they did not file a Motion to Dismiss and have not appeared, but the Order appealed from states “[t]he litigation is dismissed, without prejudice,” implying that it was dismissed as to all defendants, including the non-moving defendants who have not appeared in the action and who did not file any motion to dismiss or otherwise).

- 1 4. The attorney referenced above (Felecia Galati, Esq.) is licensed to practice law in the
- 2 State of Nevada.
- 3 5. Appellant Steve Eggleston acted in Pro Per in the District Court.
- 4 6. Appellant Steve Eggleston is acting in Pro Per on this appeal.
- 5 7. No in forma pauperis application was filed.
- 6 8. The case commenced in the district court when plaintiff filed his Complaint on December
- 7 30, 2016.
- 8 9. Generally, the case presents claims for section 1983 civil rights violations and state law
- 9 torts, stemming from the abduction of his sons, violation of his constitutional rights, and
- 10 commission of the torts of defamation and intentional infliction of emotional distress.
- 11 The original Motion was a FRCP Rule 12(b)(5) Motion, but the order appears to have
- 12 treated it as a NRCP 12(c) Motion. Though the Motion was brought only by the
- 13 Defendants/Respondents Georgina Stuart and Clark County, the Motion was granted
- 14 dismissing the action and stating, expressly, that “[t]he litigation is dismissed, without
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- 16 defendants who have not appeared in the action.
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- 18 10. The case has been the subject of a previous appeal.
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- 20 11. This case involves issues of child custody, but not actual child custody.
- 21
- 22 12. This case has the possibility of settlement.

23 Dated this 15th day of March, 2020.

24 Steve Eggleston, Plaintiff, In Pro Per

25 /s/ Steve Eggleston

26 Steve Eggleston, plaintiff, in Pro Per
27 Goose Hall, Bourne Farm
28 East Town Lane,
Pilton, England BA4 4NX
Steve@SteveEgglestonWrites.com

+44 (0) 7784 850 751
Page 2 of 2

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY**CASE NO. A-16-748919-C**

Steve Eggleston, Plaintiff(s)
 vs.
 Georgina Stuart, Defendant(s)

§
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 §
 §
 §
 §

Location: **Department 9**
 Judicial Officer: **Silva, Cristina D.**
 Filed on: **12/30/2016**
 Case Number History:
 Cross-Reference Case **A748919**
 Number:
 Supreme Court No.: **77168**

CASE INFORMATION**Statistical Closures**

09/07/2018 Motion to Dismiss by the Defendant(s)

Case Type: **Other Tort**

Case
 Status: **09/07/2018 Dismissed**

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

Case Number A-16-748919-C
 Court Department 9
 Date Assigned 04/29/2019
 Judicial Officer Silva, Cristina D.

PARTY INFORMATION*Lead Attorneys*

Plaintiff **Eggleston, Steve**

Pro Se**Defendant****Callahan, Brian**

Removed: 07/31/2017
 Dismissed

Callahan, Brian

Removed: 09/07/2018
 Dismissed

Callahan, Lisa

Removed: 07/31/2017
 Dismissed

Callahan, Lisa

Removed: 09/07/2018
 Dismissed

Clark County Department of Family Services

Removed: 07/31/2017
 Dismissed

Clark County Department of Family Services

Removed: 08/10/2017
 Data Entry Error

Clark County Nevada

Removed: 09/07/2018
 Dismissed

Stuart, Georgina

Olson, James R.
Retained
 7023844012(W)

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

CASE SUMMARY

CASE NO. A-16-748919-C

EVENTS

12/30/2016	 Complaint Filed By: Plaintiff Eggleston, Steve
04/26/2017	 Consent to Service By Electronic Means Filed By: Defendant Stuart, Georgina <i>Consent To Service By Electronic Means Through E-Filing Program</i>
05/03/2017	 Affidavit of Service <i>Affidavit of Service</i>
05/03/2017	 Affidavit of Service <i>Affidavit of Service</i>
05/05/2017	 Affidavit of Service <i>Affidavit of Service</i>
05/05/2017	 Affidavit of Service <i>Affidavit of Service</i>
06/09/2017	 Motion to Dismiss Filed By: Defendant Stuart, Georgina; Defendant Clark County Department of Family Services <i>Defendants Clark County and Stuart's Motion to Dismiss</i>
06/13/2017	 Notice of Hearing Filed By: Defendant Clark County Department of Family Services <i>Notice of Hearing on Defendants Clark County and Stuart's Motion to Dismiss</i>
06/19/2017	 Opposition to Motion to Dismiss <i>Plaintiff's Opposition to Motion to Dismiss of Defendants Clark County and Georgina Stuart</i>
06/30/2017	 Reply to Opposition Filed by: Defendant Stuart, Georgina; Defendant Clark County Department of Family Services <i>Reply to Plaintiff's Opposition to Defendants Clark County and Stuart's Motion to Dismiss</i>
07/31/2017	 Findings of Fact, Conclusions of Law and Order <i>Findings of Fact, Conclusions of Law and Order Granting Clark County and Georgina Stuart's Motion to Dismiss</i>
08/01/2017	 Notice of Entry of Findings of Fact, Conclusions of Law Filed By: Defendant Stuart, Georgina <i>Notice of Entry of Findings of Fact, Conclusions of Law and Order Granting Clark County and Georgina Stuart's Motion to Dismiss</i>
08/10/2017	 First Amended Complaint <i>First Amended Complaint for Civil Rights Violations, Child Abduction, Conspiracy, Defamation</i>
08/24/2017	 Answer to Amended Complaint Filed By: Defendant Stuart, Georgina <i>Answer to First Amended Complaint</i>

CASE SUMMARY

CASE NO. A-16-748919-C

09/29/2017	 Stipulation and Order Filed by: Defendant Clark County Nevada <i>Stipulation and Order to Extend the Early Case Conference</i>
11/02/2017	 Consent to Service by Facsimile Party: Defendant Stuart, Georgina <i>Consent to Service by Facsimile and/or Electronic Means Through E-Filing Program</i>
11/29/2017	 Commissioners Decision on Request for Exemption - Granted <i>Commissioner's Decision on Request for Exemption - Granted</i>
12/15/2017	 Application <i>Rule 16.1 Application for Waiver of In-Person Meet-and-Confer Requirement and/or for Continuance of In-Person Meet-and-Confer Requirement</i>
01/13/2018	 Arbitration File <i>Arbitration File</i>
03/05/2018	 Summons Electronically Issued - Service Pending <i>Summons</i>
04/04/2018	 Affidavit of Service Filed By: Plaintiff Eggleston, Steve <i>Affidavit of Service</i>
04/04/2018	 Affidavit of Service Filed By: Plaintiff Eggleston, Steve <i>Affidavit of Service</i>
04/12/2018	 Joint Case Conference Report <i>Joint Case Conference Report</i>
04/12/2018	 Demand for Jury Trial Filed By: Plaintiff Eggleston, Steve <i>Plaintiff's Jury Trial Demand</i>
05/14/2018	 Scheduling Order <i>Scheduling Order</i>
05/17/2018	 Order Setting Civil Jury Trial <i>Order Setting Civil Jury Trial</i>
06/21/2018	 Substitution of Attorney Filed by: Defendant Stuart, Georgina; Defendant Clark County Nevada <i>Substitution of Attorney</i>
07/24/2018	 Motion to Dismiss Filed By: Defendant Stuart, Georgina; Defendant Clark County Nevada <i>Defendants Clark County and Georgina Stuart's Motion to Dismiss</i>
07/25/2018	 Certificate of Service Filed by: Defendant Stuart, Georgina; Defendant Clark County Nevada

CASE SUMMARY

CASE NO. A-16-748919-C

Certificate of Service of Notice of Motion to Dismiss

08/07/2018



Opposition to Motion

Filed By: Plaintiff Eggleston, Steve

Plaintiff's Opposition to Motion to Dismiss of Defendants Clark County and Georgina Stuart; Nrcp Request for Time to Conduct Discovery

08/21/2018



Reply to Opposition

Filed by: Defendant Stuart, Georgina; Defendant Clark County Nevada

Defendants Clark County and Georgina Stuart s Reply to Plaintiff s Opposition Motion to Dismiss; and Plaintiff s "NRCP Request for Time to Conduct Discovery"

09/07/2018



Order

Filed By: Defendant Stuart, Georgina; Defendant Clark County Nevada

Order on Clark County and Georgina Stuart's Motion to Dismiss

09/10/2018



Notice of Entry of Order

Filed By: Defendant Stuart, Georgina

Notice of Entry of Order

09/10/2018



Certificate of Service

Filed by: Defendant Stuart, Georgina

Certificate of Service of Order on Clark County and Georgina Stuart's Motion to Dismiss

09/20/2018



Motion to Reconsider

Filed By: Plaintiff Eggleston, Steve

Motion To Reconsider Defendant's Motion To Dismiss And 9/7/18 Order Of Dismissal Without Prejudice Based Failure To Exhaust Administrative Remedies

10/08/2018



Opposition to Motion

Filed By: Defendant Stuart, Georgina

Defendants Clark County and Georgina Stuart's Opposition to Plaintiff's Motion to Reconsider Defendants' Motion to Dismiss and 9/7/18 Order of Dismissal

10/09/2018



Notice of Appeal

Filed By: Plaintiff Eggleston, Steve

Notice of Appeal

10/09/2018



Case Appeal Statement

Filed By: Plaintiff Eggleston, Steve

Case Appeal Statement

10/11/2018



Case Appeal Statement

Filed By: Plaintiff Eggleston, Steve

Case Appeal Statement

10/15/2018



Reply to Motion

Filed By: Plaintiff Eggleston, Steve

PLAINTIFF'S REPLY RE MOTION TO RECONSIDER DEFENDANTS' MOTION TO DISMISS/ CONVERT TO SUMMARY JUDGEMENT AND 9/7/18 ORDER

10/18/2018



Motion to Strike

Filed By: Defendant Stuart, Georgina

Defendants Clark County and Georgina Stuart's Motion to Strike Plaintiff's Reply to Defendants' Opposition to Motion to Reconsider Defendants' Motion to Dismiss and 9/7/18

CASE SUMMARY

CASE NO. A-16-748919-C

	<i>Order of Dismissal</i>
10/19/2018	 Affidavit of Service <i>Affidavit of Service</i>
10/19/2018	 Affidavit of Service <i>Affidavit of Service</i>
10/19/2018	 Affidavit of Service <i>Affidavit of Service</i>
10/19/2018	 Affidavit of Service <i>Affidavit of Service</i>
10/31/2018	 Request Filed by: Plaintiff Eggleston, Steve <i>Request for Transcript of District Court Hearing for Appeal</i>
11/20/2018	 Recorders Transcript of Hearing <i>RECORDER'S TRANSCRIPT OF PROCEEDINGS: DEFENDANTS CLARK COUNTY AND GEORGINA STUART'S MOTION TO DISMISS. HEARD ON AUGUST 28, 2018</i>
12/13/2018	 Affidavit of Service Filed By: Plaintiff Eggleston, Steve <i>Affidavit of Service</i>
12/13/2018	 Affidavit of Service Filed By: Plaintiff Eggleston, Steve <i>Affidavit of Service</i>
12/13/2018	 Affidavit of Service Filed By: Plaintiff Eggleston, Steve <i>Affidavit of Service</i>
12/13/2018	 Amended Notice of Appeal Party: Plaintiff Eggleston, Steve <i>Amended Notice of Appeal</i>
02/23/2019	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>
04/29/2019	Case Reassigned to Department 9 <i>Judicial Reassignment to Department 9 - Judge Cristina Silva</i>
08/07/2019	 Supplemental Filed by: Plaintiff Eggleston, Steve <i>PLAINTIFF S SUPPLEMENTAL REPLY RE MOTION TO RECONSIDER DEFENDANTS MOTION TO DISMISS AND 9/7/18 ORDER; NOTICE OF NEW ADDRESS AND PHONE NUMBERS; REQUEST FOR ISSUANCE OF FORMAL RULING ON MOTION TO DISMISS; MOTION TO DISQUALIFY DEFENSE COUNSEL FROM THE CURRENT PROCEEDINGS</i>
08/07/2019	 Supplemental Filed by: Plaintiff Eggleston, Steve <i>(UNSIGNED) Plaintiff s 2nd 16.1(a)(1) Supplemental Initial Disclosure Dated August 5, 2019</i>

CASE SUMMARY

CASE NO. A-16-748919-C

08/21/2019



Motion to Strike

Filed By: Defendant Stuart, Georgina

Defendants Clark County and Georgina Stuart's Motion to Strike: (1) Plaintiff's Supplemental Reply Re Motion to Reconsider Defendants' Motion to Dismiss and 9/7/18 Order; (2) Plaintiff's "2nd 16.1 (a)(1) Supplemental Initial Disclosure"; and (3) Plaintiff's Motion to Disqualify Defense Counsel from the Current Proceedings; and/or, in the Alternative, Opposition to Plaintiff's Motion to Disqualify Defense Counsel from the Current Proceedings

08/22/2019



Motion to Disqualify Attorney

Filed By: Plaintiff Eggleston, Steve

Motion to Disqualify Defense Counsel from Current Proceedings

08/22/2019



Clerk's Notice of Hearing

Notice of Hearing

09/03/2019



Opposition to Motion

Filed By: Plaintiff Eggleston, Steve

Plaintiff's Opposition to Defendant Clark County and Georgian Stuart's Motion to Strike

09/17/2019



Reply to Opposition

Filed by: Defendant Stuart, Georgina

Defendants Clark County and Georgina Stuart's Reply to Plaintiff's Opposition to Defendants' "Motion to Strike" Plaintiff's Supplemental Reply Re Motion to Reconsider Defendants' MTD and 9/7/18 Order; and Replies in Support of MTS Plaintiff's "2nd 16.1(a)(1) Supp. Initial Disclosure"; MTS Plaintiff's Motion to Disqualify Defense Counsel from the Current Proceedings

11/01/2019



Recorders Transcript of Hearing

RECORDER'S TRANSCRIPT OF HEARING: PLAINTIFF'S MOTION TO DISQUALIFY DEFENSE COUNSEL FROM CURRENT PROCEEDINGS. STATUS CHECK: DECISION ON MOTION FOR RECONSIDERATION. HEARD ON OCTOBER 29, 2019

01/02/2020



Notice of Change of Firm Name

Filed By: Defendant Stuart, Georgina

Notice of Change of Firm Name

02/26/2020



Order Denying Motion

Filed By: Defendant Stuart, Georgina

Order Denying Plaintiff's Motion for Reconsideration

02/26/2020



Notice of Entry of Order

Filed By: Defendant Stuart, Georgina

Notice of Entry of Order Denying Plaintiff's Motion for Reconsideration

02/26/2020



Order Denying Motion

Filed By: Defendant Stuart, Georgina

Order Denying Plaintiff's Motion for Reconsideration

02/26/2020



Notice of Entry of Order

Filed By: Defendant Stuart, Georgina

Notice of Entry of Order

03/16/2020



Notice of Appeal

Filed By: Plaintiff Eggleston, Steve

CASE SUMMARY

CASE NO. A-16-748919-C

Notice of Appeal

03/16/2020



Case Appeal Statement

Filed By: Plaintiff Eggleston, Steve

Case Appeal Statement

03/18/2020



Case Appeal Statement

Filed By: Plaintiff Eggleston, Steve

Case Appeal Statement

DISPOSITIONS

07/31/2017

Order of Dismissal (Judicial Officer: Smith, Douglas E.)

Debtors: Georgina Stuart (Defendant), Clark County Department of Family Services (Defendant), Brian Callahan (Defendant), Lisa Callahan (Defendant), Clark County Nevada (Defendant)

Creditors: Steve Eggleston (Plaintiff), Gregory Miles, ESQ. (Arbitrator)

Judgment: 07/31/2017, Docketed: 07/31/2017

09/07/2018

Order of Dismissal Without Prejudice (Judicial Officer: Smith, Douglas E.)

Debtors: Steve Eggleston (Plaintiff), Gregory Miles, ESQ. (Arbitrator)

Creditors: Georgina Stuart (Defendant), Brian Callahan (Defendant), Lisa Callahan (Defendant), Clark County Nevada (Defendant)

Judgment: 09/07/2018, Docketed: 09/10/2018

Comment: Per 1st ACOM

02/23/2019

Clerk's Certificate (Judicial Officer: Smith, Douglas E.)

Debtors: Steve Eggleston (Plaintiff)

Creditors: Georgina Stuart (Defendant), Brian Callahan (Defendant), Lisa Callahan (Defendant), Clark County Nevada (Defendant)

Judgment: 02/23/2019, Docketed: 03/02/2019

Comment: Supreme Court No. 77168 *Appeal Dismissed*

HEARINGS

07/11/2017



Motion to Dismiss (8:00 AM) (Judicial Officer: Smith, Douglas E.)

Defendants Clark County and Stuart's Motion to Dismiss

Deferred Ruling; Defendants Clark County and Stuart's Motion to Dismiss

Journal Entry Details:

Plaintiff, Steve Eggleston, appearing telephonically. Also present: Ken Battistella and Bernadette Wojdyla, the parents of Lisa Callahan. This is the time set for hearing on Defendants Clark County and Stuart's Motion to Dismiss. Ms. Monje advised she would submit on her Motion and reserve for rebuttal. Upon Court's inquiry, Plaintiff stated that he received the Defendants' Motion and opposes it; he filed a written opposition and would submit on his Motion. Court noted that rather than take oral argument, it will base its decision on the pleadings submitted by the parties. COURT ORDERED, decision DEFERRED. ;

07/31/2017



Decision (8:00 AM) (Judicial Officer: Smith, Douglas E.)

Decision: Defendants Clark County and Stuart's Motion to Dismiss

Decision Made; Defendants Clark County and Stuart's Motion to Dismiss

Journal Entry Details:

The Court heard oral argument on Defendants Clark County and Stuart's Motion to Dismiss on July 11, 2017, but DEFERRED its ruling. The Court's ruling is as set forth in the Findings of Fact, Conclusions of Law, and Order Granting Defendants Clark County and Stuart's Motion to Dismiss filed on July 31, 2017.;

08/28/2018



Motion to Dismiss (8:00 AM) (Judicial Officer: Smith, Douglas E.)

Defendants Clark County and Georgina Stuart's Motion to Dismiss

Deferred Ruling; Defendants Clark County and Georgina Stuart's Motion to Dismiss

Journal Entry Details:

Also present: Maria Parlade, Esq., for Clark County. This is the time set for hearing on Defendants Clark County and Georgina Stuart's Motion to Dismiss. The Plaintiff, Steve

CASE SUMMARY

CASE NO. A-16-748919-C

Eggleston, has filed an Opposition to the Motion and a Request for time to Conduct Discovery. Defendant filed a Reply. Mr. Angulo advised that there has been a failure to exhaust administrative remedies. There is a pending fair hearing on the finding of physical injury and neglect with the Clark County Department of Family Services (DFS) and that procedure has to be completed before a lawsuit can be brought. Mr. Eggleston has argued that the U.S. Supreme Court law Section 1983 Civil Rights does not require exhaustion of administrative remedies; however, the Supreme Court has indicated that because this is a Constitutional Fourteenth Amendment procedural due process issue, a person must first go through the procedure before the claim has its fulfillment. Therefore, until Mr. Eggleston finishes the fair hearing and an adjudicated finding is made, his claim is not ripe. Under the Statute, the fair hearing is a prerequisite before judicial review can take place. The fair hearing is scheduled for some time in September. Further, the request for additional discovery is not appropriate for the reasons stated on the record. Argument by Mr. Eggleston; the Defendants' Motion is untimely for the reasons stated on the record. Additionally, Section 1983 does not require exhaustion of administrative rights; he discussed Patsy v. Board of Regents. Colloquy regarding the DFS fair hearing, which is coming up. Mr. Eggleston argued that there is no remedy that the fair hearing can provide because the children are in another jurisdiction; he is not sure he will attend. Mr. Eggleston claims that he is suing Child Protective Services (CPS) and the County because they conspired to remove his children to another state in violation of his civil rights; Georgina Stuart is an employee of CPS. The Callahans never had permission to remove the children from the State and Ms. Stuart helped them do it. The issues as set out in Mr. Eggleston's Complaint are the 1983 procedural due process claim; the 1985 conspiracy claim based on the 1983 violation, these are Federal claims. Then there is defamation and infliction of emotional distress because of the removal of the children, these are State claims. COURT ORDERED, decision DEFERRED. ;

09/07/2018



Decision (8:00 AM) (Judicial Officer: Smith, Douglas E.)

Decision: Defendants Clark County and Georgina Stuart's Motion to Dismiss Decision Made; Defendants Clark County and Georgina Stuart's Motion to Dismiss Journal Entry Details:

The Court heard oral argument on Defendants Clark County and Georgina Stuart's Motion to Dismiss on August 28, 2018, but DEFERRED its ruling. The Court's ruling is as set forth in the Order on Clark County and Georgia Stuart's Motion to Dismiss filed on September 7, 2018. ;

10/22/2018



Motion to Reconsider (3:00 AM) (Judicial Officer: Smith, Douglas E.)

Plaintiff's Motion to Reconsider Defendant's Motion to Dismiss and 9/7/18 Order of Dismissal, Without Prejudice, Based on Failure to Exhaust Administrative Remedies

Matter Continued; Plaintiff's Motion to Reconsider Defendant's Motion to Dismiss and 9/7/18 Order of Dismissal, Without Prejudice, Based on Failure to Exhaust Administrative Remedies Journal Entry Details:

Plaintiff's Motion to Reconsider Defendant's Motion to Dismiss and 9/7/18 Order of Dismissal, Without Prejudice, Based on Failure to Exhaust Administrative Remedies came before this Court on its October 22, 2018, Chamber Calendar. Having reviewed the record, it appears to this Court that a Notice of Appeal was filed October 9, 2018. Therefore, this Court does not have jurisdiction to rule on the instant Motion. Furthermore, COURT ORDERED, all further proceedings in this case shall appear on this Court's ORAL CALENDAR. CLERK'S NOTE: A copy of this minute order was mailed to Steve Eggleston, Goose Hall, Bourne Farm, East Town Road, Pilton, England, Post Code: ba4 4nx and placed in the attorney folder of Felicia Galati, Esq., (Olson, Cannon, Gormley, Angulo & Stoberski).;

06/18/2019

CANCELED Calendar Call (8:00 AM) (Judicial Officer: Smith, Douglas E.)

Vacated - per Order

07/01/2019

CANCELED Jury Trial (9:30 AM) (Judicial Officer: Smith, Douglas E.)

Vacated - per Order

09/24/2019



Motion to Disqualify Attorney (8:30 AM) (Judicial Officer: Silva, Cristina D.)

09/24/2019, 10/29/2019, 12/10/2019

Plaintiff's Motion to Disqualify Defense Counsel from Current Proceedings

Matter Continued; Plaintiff's Motion to Disqualify Defense Counsel from Current Proceedings

Matter Continued;


Deferred Ruling;

CASE SUMMARY


CASE NO. A-16-748919-C

Matter Continued; Plaintiff's Motion to Disqualify Defense Counsel from Current Proceedings
Matter Continued;
Deferred Ruling;
Matter Continued; Plaintiff's Motion to Disqualify Defense Counsel from Current Proceedings
Matter Continued;
Deferred Ruling;
Journal Entry Details:
Plaintiff, Steve Eggleston, appearing telephonically through CourtCall. This is the time set for hearing on Plaintiff's Motion to Disqualify Defense Counsel from Current Proceedings. Court noted that Plaintiff filed a Motion to Reconsider Defendant's Motion to Dismiss; however, because this Court's decision on the Motion to Dismiss was appealed to the Nevada Supreme Court, this Court did not have jurisdiction to rule on the Motion to Reconsider. The Appeal was DISMISSED and this Court received the Remittitur on February 23, 2019; however, a decision on the Motion to Reconsider has never been made. Since the Court's decision on the Motion to Reconsider will impact its decision on the instant Motion, COURT ORDERED, the instant Motion shall be held in abeyance until the Motion for Reconsideration is resolved. COURT FURTHER ORDERED, the Motion is CONTINUED and matter set for status check. 10/29/19 8:30 AM STATUS CHECK: DECISION ON MOTION FOR RECONSIDERATION ;

10/29/2019 **Status Check (8:30 AM)** (Judicial Officer: Silva, Cristina D.)
Status Check: Decision on Motion for Reconsideration
Hearing Set;

10/29/2019  **All Pending Motions (8:30 AM)** (Judicial Officer: Silva, Cristina D.)
Plaintiff's Motion to Disqualify Defense Counsel from Current Proceedings . . . Status Check: Decision on Motion for Reconsideration
Matter Heard;
Journal Entry Details:
PLAINTIFF'S MOTION TO DISQUALIFY DEFENSE COUNSEL FROM CURRENT PROCEEDINGS . . . STATUS CHECK: DECISION ON MOTION FOR RECONSIDERATION
Steve Eggleston appearing telephonically via CourtCall. This is the time set for hearing on the Motion to Disqualify; with regard to the Motion to Reconsider, the Court advised that it reviewed Plaintiff's Motion to Strike the Supplemental Reply to the Motion to Reconsider. COURT ORDERED, the Motion to Strike is DENIED as the Court will not consider new arguments raised in the Reply for the first time. Argument by Mr. Eggleston on the Motion to Reconsider. Ms. Galati advised that she was not aware that this matter was going to be argued this morning as it was set for a Status Check on the Decision so she is not prepared to go forward. However, with regard to the fair hearing issue; the Deft. was asked to provide dates for that hearing and he never did so that issue was not exhausted so the policy regarding the exhaustion of administrative remedies applies. Upon Court's inquiry, as what attempts Mr. Eggleston had made to exhaust the administrative remedies, he advised that there is no administrative remedy because the children were taken; this is now a civil rights violation; argument. Ms. Galati advised that she is aware that Mr. Eggleston characterizes this as a taking but he signed over a guardianship for the children. Because the Motion for Reconsideration was set as a Status Check, COURT ORDERED, the Motion shall be set for oral argument as the Court would like to consider the Motion on the merits. COURT FURTHER ORDERED, the decision on the Motion to Disqualify Defense Counsel from Current Proceedings is DEFERRED because this Court's ruling on the Motion for Reconsideration will have an impact on the Motion to Disqualify. 12/10/19 8:30 AM ARGUMENT: MOTION FOR RECONSIDERATION/MOTION TO DISQUALIFY ;

12/10/2019 **Argument (8:30 AM)** (Judicial Officer: Silva, Cristina D.)
Plaintiff's Motion for Reconsideration (10/22/18)
Deferred Ruling;

12/10/2019  **All Pending Motions (8:30 AM)** (Judicial Officer: Silva, Cristina D.)
Plaintiff's Motion for Reconsideration (10/22/18) . . . Plaintiff's Motion to Disqualify Defense Counsel from Current Proceedings
Matter Heard;
Journal Entry Details:
Court noted this matter was on for argument today regarding several pending matters. There was a hearing back in October; however, the parties were not prepared to argue. Court advised at the 10/29 hearing the Court denied Defendant's Motion to Strike Plaintiff's Reply

CASE SUMMARY**CASE NO. A-16-748919-C**

and it stated on the record it would not consider new issues that were raised in that Reply. As to the Motion for Reconsideration, Court advised it reviewed the Motion and Opposition and it appears there were a couple of disagreements. The first being that Mr. Eggleston believes that he was denied a right to a fair hearing and it is Defendant's position he did not exhaust the fair hearing opportunities or administrative avenues. Ms. Galati stated Plaintiff filed a request for a fair hearing which is an appeal. There were at least three hearing dates set, if not more, at his request and he asked for three continuances and they were granted. The Department of Family Service, which is the agency that administers the appeals, asked him to let them know when he would be available for a hearing and he said nothing for nine months. They set a date and he again asked for a continuance; they gave him a continuance and they have asked for days and he has given no dates. In fact, he had given no dates as of the date the Motion to Dismiss was heard by Judge Smith. There is no doubt that the administrative hearing or the appeal has not been exhausted. Upon Court's inquiry, Mr. Eggleston stated there was an important distinction not being made to the Court. Counsel are not talking about the hearing that has to do with the separation of the children and that is the only basis on which he has sued. If Child Protective Services makes an accusation that a parent did not properly supervise the other parent; if they take money from the federal government they are supposed to report that incident to the registry under federal law. Mr. Eggleston stated he sued on the basis of a specific statute in the federal and state constitution that requires a due process hearing to be held before the children are taken or within 72 hours of them being taken. Upon Court's inquiry, Mr. Eggleston stated the hearing never took place. Ms. Galati stated the children were not taken. On January 7, 2015, Mr. Eggleston signed a guardianship over to the maternal aunt, Lisa Callahan, a named a defendant in this action. Thereafter, Ms. Callahan and her husband removed the children from the jurisdiction. That is not a removal so he is not entitled to a hearing on that. He is entitled to the fair hearing counsel talked about because he disputes the substantiation of abuse or neglect. Upon Court's inquiry, Mr. Eggleston stated he signed over guardianship, only under coercion. The police broke into the house without any probable cause. They said if he did not sign now they would take his kids and he would never see them, and then they gave them over to other family members. None of this was before the Court on the Motion to Dismiss. The Motion to Dismiss simply was on the sole basis that he had not exhausted administrative remedies, noting there was no administrative remedies. Court advised there were administrative remedies Plaintiff could have pursued. Mr. Eggleston argued NRS 432(b) specifically states that in a case where you are going to take someone's children you have to have emergency grounds to do so, in which case you have to have a hearing within 72 hours. Court advised it understands Plaintiff's position that he signed it under duress, but that is not for the Court's consideration at this time. The fact that it was signed is for the Court's consideration. Court understands that Plaintiff believes there should have been a hearing, and that would have been the case if guardianship had not been signed over. Mr. Eggleston stated the hearing they are talking about; he specially contacted them, and they told him the hearing had nothing to do with removal of his kids. It only had to do with whether or not they were going to put his name in the registry. Additionally, it was moved several times without his consent and knowledge. The fair hearing has nothing to do with the removal of kids. Plaintiff referenced Exhibit 2 in his motion. Court advised even if a Judge had found him previously fit that could always change. It appears there was a change in circumstance which prompted the removal of the children. Ms. Galati stated one has nothing to do with the other and stated sequence of events. Court noted the appeal was now moot. Ms. Galati concurred and said she believe Mr. Eggleston filed this action in an attempt to get discovery here as none of that is available in the fair hearing process. Court advised it has considered the arguments and will issue its decision from Chambers. **COURT ORDERED, decision DEFERRED. Colloquy regarding service on the Callahans'. 12/30/19 (CHAMBERS) DECISION CLERK'S NOTE: The foregoing minute order was prepared by court clerk Louisa Garcia via review of the JAVS recording. /lg 12-17-19;**

12/30/2019

**Decision (3:00 AM) (Judicial Officer: Silva, Cristina D.)**

Decision: Plaintiff's Motion for Reconsideration . . . Plaintiff's Motion to Disqualify Defense Counsel from Current Proceedings

Minute Order - No Hearing Held;

Journal Entry Details:

Pending before the Court is Plaintiff's Motion for Reconsideration. The Court has reviewed the Motion for Reconsideration, the opposition thereto, the supplement to the Motion for Reconsideration, and the opposition to the supplement. The Court has also considered the arguments of Plaintiff, Mr. Eggleston, and the Defendants. A district court may reconsider a previously decided issue if substantially different evidence is subsequently introduced or the decision is clearly erroneous. Masonry & Tile Contractors Ass'n. of Southern Nevada v. Jolley, Urga & Wirth, Ltd., 113 Nev. 737, 741, 941 P.2d 486, 489 (1997). Reconsideration is proper where an earlier decision denying the same motion was clearly erroneous. Here, no

CASE SUMMARY**CASE NO. A-16-748919-C**

such finding can be made. District Court Judge Douglas Smith properly found that Plaintiff had not exhausted his administrative remedies under the Federal Child Abuse and Neglect Prevention and Treatment Act (CAPTA), NRS 432B.317, and NAC 432B.170. See September 7, 2018 Order, at 8-18 (discussing the procedural history in Plaintiff's DFS case, and his failure to follow the proper administrative procedure). The Supreme Court of Nevada has long held that exhaustion of administrative remedies is a prerequisite to filing a claim against the State of Nevada or any of its political subdivisions. See First Am. Title Co. of Nevada v. State, 91 Nev. 804, 543 P.2d 1344 (1975); State Dep't of Taxation v. Scotsman Mfg., 109 Nev. 252, 254-55, 849 P.2d 317, 319 (1993); Malecon Tobacco, LLC v. State ex rel. Dep't of Taxation, 118 Nev. 837, 839, 59 P.3d 474, 475 76 (2002); see generally Allstate Ins. Co. v. Thorpe, 123 Nev. 565, 170 P.3d 989 (2007). The doctrine of exhaustion of administrative remedies is well-established in the jurisprudence of administrative law. Woodford v. Ngo, 548 U.S. 81, 88 (2006); First Am. Title Co., 91 Nev. at 806. In Lopez v. Nevada Dep't of Corr., the Supreme Court affirmed its position that the exhaustion doctrine requires that a person exhaust administrative remedies before proceeding in the district court and failure to do so renders the controversy nonjusticiable. 127 Nev. 1156, 373 P.3d 937 (2011) (citing Allstate Ins. Co., 123 Nev. at 571 (2007)). Accordingly, Plaintiff's Motion for Reconsideration is hereby DENIED. Defendant shall submit for review an electronic draft of Findings of Facts and Conclusions of Law in Microsoft Word (to Dept09LC@clarkcountycourts.us) consistent with this Order. CLERK'S NOTE: This minute order was electronically served by Courtroom Clerk, Natalie Ortega, to all registered parties for Odyssey File & Serve and/or served via facsimile. ndo/01/14/20;

DATE

FINANCIAL INFORMATION

Defendant Stuart, Georgina

Total Charges

223.00

Total Payments and Credits

223.00

Balance Due as of 3/18/2020**0.00****Plaintiff** Eggleston, Steve

Total Charges

318.00

Total Payments and Credits

318.00

Balance Due as of 3/18/2020**0.00****Plaintiff** Eggleston, Steve

Appeal Bond Balance as of 3/18/2020

500.00

VIII

DISTRICT COURT CIVIL COVER SHEET

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):

Steve Eggleston
Goose Hall, Bourne Farm, East Town Ln.
Pilton, England BA4 4NX
+44 (0) 7801 931622

Attorney (name/address/phone):

In Pro Per

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

Georgina Stuart, Dept.
Family Services, CPS, Clark County, Nevada
500 S. Grand Central Pkwy, Las Vegas, NV 89155
(702) 455-2000

Lisa Callahan and Brian Callahan

Attorney (name/address/phone):

300 Ashley Dr.
New Lenox, IL 60451
(815) 685-0625

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

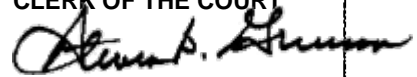
Real Property		Torts
Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input 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	Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input checked="" type="checkbox"/> Other Tort
Probate		Judicial Review/Appeal
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 Instruments <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	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		Other Civil Filing
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 <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 cover sheet.

12/26/16
Date

[Signature]
Signature of initiating party or representative

See other side for family-related case filings.



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fgalati@ocgas.com

Attorneys for Defendants
CLARK COUNTY and GEORGINA STUART

DISTRICT COURT
CLARK COUNTY, NEVADA

STEVE EGGLESTON,

Plaintiff,

v.

GEORGINA STUART; CLARK COUNTY,
NEVADA; LISA CALLAHAN; BRIAN
CALLAHAN; AND DOES I THROUGH 100,
INCLUSIVE,


Defendants.

CASE NO. A-16-748919-C
DEPT. NO. VIII

**ORDER ON CLARK COUNTY AND GEORGINA STUART'S MOTION TO
DISMISS**

On August 28, 2018, this Court conducted a scheduled hearing on Clark County and Georgina Stuart's Motion to Dismiss filed July 24, 2018. Plaintiff was present representing himself in Proper Person. Clark County and Georgina Stuart were represented by their attorney, Peter M. Angulo, Esq. of the law firm of Olson, Cannon, Gormley, Angulo & Stoberski. Having read the submitted filing relative to the Motion to Dismiss and in consideration of the oral arguments made by the parties, the Court hereby

<input type="checkbox"/> Voluntary Dismissal	<input type="checkbox"/> Summary Judgment
<input type="checkbox"/> Involuntary Dismissal	<input type="checkbox"/> Stipulated Judgment
<input type="checkbox"/> Stipulated Dismissal	<input type="checkbox"/> Default Judgment
<input checked="" type="checkbox"/> Motion to Dismiss by Deft(s)	<input type="checkbox"/> Judgment of Arbitration



grants Clark County and Georgina Stuart's Motion to Dismiss, without prejudice, and makes the following findings of fact and conclusions of law in support thereof:

FINDINGS OF FACT

1. On ~~August~~ 10, 2017, Plaintiff filed a First Amended Complaint for civil rights violations, child abduction, conspiracy and defamation;
2. The Complaint alleges Defendants Clark County and Georgina Stuart, based on an investigation, determined he, along with his wife, had an unsafe environment for their children;
3. On January 7, 2015, Plaintiff signed a Temporary Guardianship surrendering custody of his children to Lisa and Brian Callahan;
4. Thereafter, the Callahans removed the children from the State of Nevada;
5. On February 2, 2015, the Department of Family Services made a finding of child maltreatment against Plaintiff;
6. On February 12, 2015, Plaintiff appealed the substantiated finding to the Department of Family Services;
7. On August 27, 2015, the Appeals Unit Manager for the Department of Family Services issued a finding-upholding the substantiated findings of physical injury neglect-14 N plausible risk of physical injury against Plaintiff as to four minor children;
8. On September 9, 2015, Plaintiff requested a Fair Hearing to appeal that decision;
9. That hearing was originally scheduled to take place-at Plaintiff's request-on August 1, 2017, but was rescheduled for 9/6/17;
10. On August 2, 2017, Plaintiff requested a continuance of the hearing;
11. Accordingly, the hearing was reset for October 24, 2017;
12. On October 4, 2017, Plaintiff requested a second continuance of the hearing;
13. On October 16, 2017, the Department of Family Services agreed to a continuance of the hearing and asked Plaintiff to advise when he could appear so it could be rescheduled;

- 1 14. Plaintiff failed to subsequently contact the Department of Family Services to reset
- 2 the hearing;
- 3 15. On July 19, 2018, having not heard from Plaintiff for several months, the
- 4 Department of Family Services notified Plaintiff of a new Fair Hearing date set for
- 5 September 11, 2018;
- 6 16. On July 20, 2018, Plaintiff requested a third continuance of the hearing;
- 7 17. As of the date of the Motion to Dismiss being filed, the Fair Hearing has not been
- 8 rescheduled due to Plaintiff not providing available dates;
- 9 18. The administrative procedure set forth above-up to and including the provision of a
- 10 Fair Hearing is required pursuant to the Federal Child Abuse and Neglect
- 11 Prevention and Treatment Act (CAPTA), Section 106(b)(2)(A)(xi)(11), NRS 432B
- 12 and Nevada Administrative Code 432B.170;
- 13 19. The purpose behind this administrative structure is to afford Plaintiff a right to due
- 14 process, which is “the right to receive notice of an adverse determination against
- 15 [him] and give [him] an opportunity to respond in an orderly proceeding;”
- 16 20. The review process involves an agency appeal (which has already been utilized by
- 17 the Plaintiff in this matter) and a Fair Hearing proceeding;
- 18 21. NRS 432B.317 requires the conclusion of a Fair Hearing before any judicial review
- 19 can take place;
- 20 22. Plaintiff’s constitutional claims set forth in the First Amended Complaint, assert his
- 21 children were removed from his custody and care without due process of law.
- 22 Accordingly, the constitutional claim is a Procedural Due Process Claim;
- 23 23. For reasons set forth in the conclusions of law, Plaintiff’s conspiracy claim is
- 24 dependent upon the procedural due process claim as a necessary predicate.
- 25 Accordingly, the two are inextricably intertwined;
- 26 24. The remaining claims by Plaintiff are based on assertions of damage arising from
- 27 the decision by the Department of Family Services set forth above;
- 28

1 25. By statute, the Fair Hearing officer may uphold or overturn the decision by the
2 Department of Family Services;

3 26. Plaintiff has the opportunity at the Fair Hearing to be represented by counsel;

4 27. At the Fair Hearing, witnesses and other evidence in support of the decision or in
5 contradiction thereto can be presented; and

6 28. As indicated above, Plaintiff has availed himself of this administrative process to
7 challenge the decision of the Department of Family Services. The procedure has
8 not been completed at the present time.

9 **CONCLUSIONS OF LAW**

10 Predicated upon the foregoing facts, the following is an explication of the relevant
11 law in this area upon which this Court relies in reaching its decision:

12 1. A person who has entered an administrative proceeding must exhaust their
13 administrative remedies before proceeding in District Court. The failure to do
14 so renders the controversy non-justiciable. Lopez v. Nevada Dept. of
15 Corrections, 127 Nev. 1156, 373 P.3d 937 *1 (2011) (citing Allstate Ins. Co. v.
16 Thorpe, 123 Nev. 565, 571, 170 P.3d 989, 993 (2007));

17 2. The purpose for requiring exhaustion of administrative remedies is (1) to
18 protect the administrative agency's authority by giving it an opportunity to
19 correct its own mistakes before it is brought into Court and (2) it promotes
20 efficiency Id.;

21 3. In this matter, Plaintiff has asserted a claim under 42 U.S.C. §1983. Generally
22 speaking, exhaustion of remedies is not required for most Section 1983 claims.
23 Patsy v. Board of Regents of Florida, 457 U.S. 496, 516 (1982);

24 4. In the unique case of a Procedural Due Process claim, however, the litigant
25 asserting a property or a liberty interest violation without due process must first
26 exhaust state remedies before filing suit. Morgan v. Gonzales, 495 F.3d 1084,
27 1090 n.2 (9th Cir. 2007); Barron v. Ashcroft, 358 F.3d 674, 678 (9th Cir. 2004).
28 See also Rathjen v. Litchfield, 878 F.2d 836, 839-40 (5th Cir. 1989) ("No denial

of procedural due process occurs where a person has failed to utilize the state procedures available to him”);

5. The rule recognizes a State must have the opportunity to remedy the procedural failings of its subdivision and agencies in an appropriate forum before being subjected to a claim alleging such a violation. Thus, if adequate state remedies were available but Plaintiff failed to take advantage of them, Plaintiff cannot present a claim the State failed to provide him with due process. Cotton v. Jackson, 216 F.3d 1328, 1331 (11th Cir. 2000);
6. To assert a Section 1983 conspiracy claim, there must be evidence of an underlying constitutional violation. Radcliffe v. Rainbow Construction Co., 254 F.3d 772, 783 (9th Cir. 2011). Since the Court has concluded the Procedural Due Process claims is unripe, the conspiracy claim is also dismissed;
7. Although this Motion was brought initially under NRCP 12(b)(5), it is, in essence, an NRCP 12(c) motion. The difference between the two is simply one of timing. The standard of proof and consideration for ruling on the Motions are identical and, therefore, Plaintiff’s argument that this Motion is untimely is not well taken;
8. Plaintiff has placed a request before the Court for additional time to conduct discovery. However, he failed to establish proper grounds for a continuance. Under NRCP 56(f), a party is required to submit affidavits opposing the Motion which clearly indicates that one cannot-for the reason stated-present facts essential to justify the opposition. Bakerink v. Orthopaedic Associates, Ltd., 94 Nev. 428, 431, 581 P.2d 9, 11 (1978). In this matter, Plaintiff has not made such an argument nor has he provided the appropriate affidavit detailing what facts would be necessary to meaningfully oppose the Motion to Dismiss. Accordingly, the request is not granted;

- 1 9. Plaintiff's argument that Ms. Hammack's affidavit cannot be utilized because
2 she was not disclosed by Defendants is equally unavailing. The evidence
3 before the Court indicates-and Plaintiff did not disagree-that Ms. Hammack was
4 identified by Plaintiff himself in an early case disclosure filed in April of 2018.
5 Accordingly, her identity has been known to Plaintiff since then and there is no
6 unfair or undue surprise in utilizing an affidavit from this witness;
- 7 10. Based on the foregoing, this Court grants the Motion to Dismiss without
8 prejudice. It is the Court's impression that the federal procedural due process
9 claim is unripe at the present time because the administrative process has not
10 been completed. Furthermore, the state law claims are predicated on the
11 substantiated findings by the Department of Family Services and, therefore, are
12 also premature at this point until the administrative process has been completed;
13 and
- 14 11. Not only is the litigation prematurely brought, the Court believes there is also a
15 basis for administrative abstention under the Buford v. Sun Oil Co., 319 U.S.
16 315 (1943). The Court further finds there is no reason to allow further
17 discovery on the matter as it has sufficient facts before it to render its decision.

18 IT IS HEREBY ORDERED, ADJUDGED AND DECREED, the Motion to

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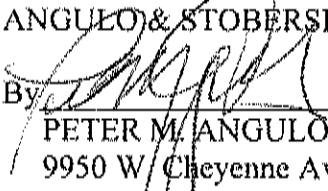
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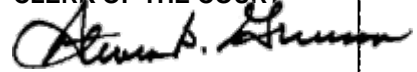
1 Dismiss is granted. This litigation is dismissed, without prejudice, until such time
2 as Plaintiff's Fair Hearing is concluded and an allowed judicial review is
3 exhausted.

4 DATED this 6 day of September, 2018.

5
6 
7 DISTRICT COURT JUDGE
8 

9 SUBMITTED BY:
10 OLSON, CANNON, GORMLEY,
11 ANGULO & STOBERSKI

12 By 
13 PETER M. ANGULO, ESQ.
14 9950 W. Cheyenne Avenue
15 Las Vegas, Nevada 89129
16 Attorneys for Defendant
17 CLARK COUNTY and GEORGINA STUART
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5 Fax: 702-383-0701
6 fgalati@ocgas.com

7 Attorneys for Defendants
CLARK COUNTY and GEORGINA STUART

8
9 DISTRICT COURT

10 CLARK COUNTY, NEVADA

11
12 STEVE EGGLESTON,

13
14 Plaintiff,

15 v.

16 GEORGINA STUART; CLARK COUNTY,
NEVADA; LISA CALLAHAN; BRIAN
17 CALLAHAN; AND DOES I THROUGH 100,
INCLUSIVE,

18 Defendants.

CASE NO. A-16-748919-C
DEPT. NO. VIII

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NOTICE OF ENTRY OF ORDER

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DATED this 10th day of September, 2018.

/s/ Felicia Galati, Esq.

Law Offices of
OLSON, CANNON, GORMLEY, ANGULO & STOBERSKI
A Professional Corporation
9950 West Cheyenne Avenue
1,25 Vegas, Nevada 8912
(702) 384-4012 Telecopier (702) 383-0701

Steven D. Grierson

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fgalati@ocgas.com

Attorneys for Defendants
CLARK COUNTY and GEORGINA STUART

DISTRICT COURT

CLARK COUNTY, NEVADA

STEVE EGGLESTON,

Plaintiff,

v.

GEORGINA STUART; CLARK COUNTY,
NEVADA; LISA CALLAHAN; BRIAN
CALLAHAN; AND DOES 1 THROUGH 100,
INCLUSIVE,

Defendants.

CASE NO. A-16-748919-C
DEPT. NO. VIII

**ORDER ON CLARK COUNTY AND GEORGINA STUART'S MOTION TO
DISMISS**

On August 28, 2018, this Court conducted a scheduled hearing on Clark County and Georgina Stuart's Motion to Dismiss filed July 24, 2018. Plaintiff was present representing himself in Proper Person. Clark County and Georgina Stuart were represented by their attorney, Peter M. Angulo, Esq. of the law firm of Olson, Cannon, Gormley, Angulo & Stoberski. Having read the submitted filing relative to the Motion to Dismiss and in consideration of the oral arguments made by the parties, the Court hereby

<input type="checkbox"/> Voluntary Dismissal	<input type="checkbox"/> Summary Judgment
<input type="checkbox"/> Involuntary Dismissal	<input type="checkbox"/> Stipulated Judgment
<input type="checkbox"/> Stipulated Dismissal	<input type="checkbox"/> Default Judgment
<input checked="" type="checkbox"/> Motion to Dismiss by Delt(s)	<input type="checkbox"/> Judgment of Arbitration

grants Clark County and Georgina Stuart's Motion to Dismiss, without prejudice, and makes the following findings of fact and conclusions of law in support thereof:

FINDINGS OF FACT

1. On ~~August~~ 10, 2017, Plaintiff filed a First Amended Complaint for civil rights violations, child abduction, conspiracy and defamation;
2. The Complaint alleges Defendants Clark County and Georgina Stuart, based on an investigation, determined he, along with his wife, had an unsafe environment for their children;
3. On January 7, 2015, Plaintiff signed a Temporary Guardianship surrendering custody of his children to Lisa and Brian Callahan;
4. Thereafter, the Callahans removed the children from the State of Nevada;
5. On February 2, 2015, the Department of Family Services made a finding of child maltreatment against Plaintiff;
6. On February 12, 2015, Plaintiff appealed the substantiated finding to the Department of Family Services;
7. On August 27, 2015, the Appeals Unit Manager for the Department of Family Services issued a finding-upholding the substantiated findings of physical injury neglect-14 N plausible risk of physical injury against Plaintiff as to four minor children;
8. On September 9, 2015, Plaintiff requested a Fair Hearing to appeal that decision;
9. That hearing was originally scheduled to take place-at Plaintiff's request-on August 1, 2017, but was rescheduled for 9/6/17;
10. On August 2, 2017, Plaintiff requested a continuance of the hearing;
11. Accordingly, the hearing was reset for October 24, 2017;
12. On October 4, 2017, Plaintiff requested a second continuance of the hearing;
13. On October 16, 2017, the Department of Family Services agreed to a continuance of the hearing and asked Plaintiff to advise when he could appear so it could be rescheduled;

- 1 14. Plaintiff failed to subsequently contact the Department of Family Services to reset
- 2 the hearing;
- 3 15. On July 19, 2018, having not heard from Plaintiff for several months, the
- 4 Department of Family Services notified Plaintiff of a new Fair Hearing date set for
- 5 September 11, 2018;
- 6 16. On July 20, 2018, Plaintiff requested a third continuance of the hearing;
- 7 17. As of the date of the Motion to Dismiss being filed, the Fair Hearing has not been
- 8 rescheduled due to Plaintiff not providing available dates;
- 9 18. The administrative procedure set forth above-up to and including the provision of a
- 10 Fair Hearing is required pursuant to the Federal Child Abuse and Neglect
- 11 Prevention and Treatment Act (CAPTA), Section 106(b)(2)(A)(xi)(11), NRS 432B
- 12 and Nevada Administrative Code 432B.170;
- 13 19. The purpose behind this administrative structure is to afford Plaintiff a right to due
- 14 process, which is "the right to receive notice of an adverse determination against
- 15 [him] and give [him] an opportunity to respond in an orderly proceeding;"
- 16 20. The review process involves an agency appeal (which has already been utilized by
- 17 the Plaintiff in this matter) and a Fair Hearing proceeding;
- 18 21. NRS 432B.317 requires the conclusion of a Fair Hearing before any judicial review
- 19 can take place;
- 20 22. Plaintiff's constitutional claims set forth in the First Amended Complaint, assert his
- 21 children were removed from his custody and care without due process of law.
- 22 Accordingly, the constitutional claim is a Procedural Due Process Claim;
- 23 23. For reasons set forth in the conclusions of law, Plaintiff's conspiracy claim is
- 24 dependent upon the procedural due process claim as a necessary predicate.
- 25 Accordingly, the two are inextricably intertwined;
- 26 24. The remaining claims by Plaintiff are based on assertions of damage arising from
- 27 the decision by the Department of Family Services set forth above;
- 28

1 25. By statute, the Fair Hearing officer may uphold or overturn the decision by the
2 Department of Family Services;

3 26. Plaintiff has the opportunity at the Fair Hearing to be represented by counsel;

4 27. At the Fair Hearing, witnesses and other evidence in support of the decision or in
5 contradiction thereto can be presented; and

6 28. As indicated above, Plaintiff has availed himself of this administrative process to
7 challenge the decision of the Department of Family Services. The procedure has
8 not been completed at the present time.

9 **CONCLUSIONS OF LAW**

10 Predicated upon the foregoing facts, the following is an explication of the relevant
11 law in this area upon which this Court relies in reaching its decision:

- 12 1. A person who has entered an administrative proceeding must exhaust their
13 administrative remedies before proceeding in District Court. The failure to do
14 so renders the controversy non-justiciable. Lopez v. Nevada Dept. of
15 Corrections, 127 Nev. 1156, 373 P.3d 937 *1 (2011) (citing Allstate Ins. Co. v.
16 Thorpe, 123 Nev. 565, 571, 170 P.3d 989, 993 (2007));
- 17 2. The purpose for requiring exhaustion of administrative remedies is (1) to
18 protect the administrative agency's authority by giving it an opportunity to
19 correct its own mistakes before it is brought into Court and (2) it promotes
20 efficiency Id.;
- 21 3. In this matter, Plaintiff has asserted a claim under 42 U.S.C. §1983. Generally
22 speaking, exhaustion of remedies is not required for most Section 1983 claims.
23 Patsy v. Board of Regents of Florida, 457 U.S. 496, 516 (1982);
- 24 4. In the unique case of a Procedural Due Process claim, however, the litigant
25 asserting a property or a liberty interest violation without due process must first
26 exhaust state remedies before filing suit. Morgan v. Gonzales, 495 F.3d 1084,
27 1090 n.2 (9th Cir. 2007); Barron v. Ashcroft, 358 F.3d 674, 678 (9th Cir. 2004).
28 See also Rathjen v. Litchfield, 878 F.2d 836, 839-40 (5th Cir. 1989) ("No denial

1 of procedural due process occurs where a person has failed to utilize the state
2 procedures available to him”);

- 3 5. The rule recognizes a State must have the opportunity to remedy the procedural
4 failings of its subdivision and agencies in an appropriate forum before being
5 subjected to a claim alleging such a violation. Thus, if adequate state remedies
6 were available but Plaintiff failed to take advantage of them, Plaintiff cannot
7 present a claim the State failed to provide him with due process. Cotton v.
8 Jackson, 216 F.3d 1328, 1331 (11th Cir. 2000);
- 9 6. To assert a Section 1983 conspiracy claim, there must be evidence of an
10 underlying constitutional violation. Radcliffe v. Rainbow Construction Co.,
11 254 F.3d 772, 783 (9th Cir. 2011). Since the Court has concluded the
12 Procedural Due Process claims is unripe, the conspiracy claim is also
13 dismissed;
- 14 7. Although this Motion was brought initially under NRCP 12(b)(5), it is, in
15 essence, an NRCP 12(c) motion. The difference between the two is simply one
16 of timing. The standard of proof and consideration for ruling on the Motions
17 are identical and, therefore, Plaintiff’s argument that this Motion is untimely is
18 not well taken;
- 19 8. Plaintiff has placed a request before the Court for additional time to conduct
20 discovery. However, he failed to establish proper grounds for a continuance.
21 Under NRCP 56(f), a party is required to submit affidavits opposing the Motion
22 which clearly indicates that one cannot-for the reason stated-present facts
23 essential to justify the opposition. Bakerink v. Orthopaedic Associates, Ltd., 94
24 Nev. 428, 431, 581 P.2d 9, 11 (1978). In this matter, Plaintiff has not made
25 such an argument nor has he provided the appropriate affidavit detailing what
26 facts would be necessary to meaningfully oppose the Motion to Dismiss.
27 Accordingly, the request is not granted;
- 28

1 9. Plaintiff's argument that Ms. Hammack's affidavit cannot be utilized because
2 she was not disclosed by Defendants is equally unavailing. The evidence
3 before the Court indicates-and Plaintiff did not disagree-that Ms. Hammack was
4 identified by Plaintiff himself in an early case disclosure filed in April of 2018.
5 Accordingly, her identity has been known to Plaintiff since then and there is no
6 unfair or undue surprise in utilizing an affidavit from this witness;

7 10. Based on the foregoing, this Court grants the Motion to Dismiss without
8 prejudice. It is the Court's impression that the federal procedural due process
9 claim is unripe at the present time because the administrative process has not
10 been completed. Furthermore, the state law claims are predicated on the
11 substantiated findings by the Department of Family Services and, therefore, are
12 also premature at this point until the administrative process has been completed;
13 and

14 11. Not only is the litigation prematurely brought, the Court believes there is also a
15 basis for administrative abstention under the Buford v. Sun Oil Co., 319 U.S.
16 315 (1943). The Court further finds there is no reason to allow further
17 discovery on the matter as it has sufficient facts before it to render its decision.

18 IT IS HEREBY ORDERED, ADJUDGED AND DECREED, the Motion to

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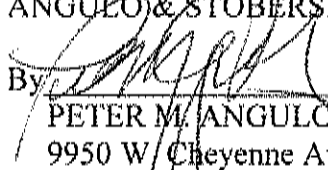
26 ...

1 Dismiss is granted. This litigation is dismissed, without prejudice, until such time
2 as Plaintiff's Fair Hearing is concluded and an allowed judicial review is
3 exhausted.

4 DATED this 6 day of September, 2018.

5
6
7 DISTRICT COURT JUDGE
8

9 SUBMITTED BY:
10 OLSON, CANNON, GORMLEY,
11 ANGULO & STOBERSKI

12 By: 
13 PETER M. ANGULO, ESQ.
14 9950 W. Cheyenne Avenue
15 Las Vegas, Nevada 89129
16 Attorneys for Defendant
17 CLARK COUNTY and GEORGINA STUART
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27
28

Steven D. Grierson

please file.

thank you,

Jaye

DC9

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Attorneys for Defendants
CLARK COUNTY and GEORGINA STUART

DISTRICT COURT

CLARK COUNTY, NE

STEVE EGGLESTON,

Plaintiff,

v.

GEORGINA STUART; CLARK COUNTY,
NEVADA; LISA CALLAHAN; BRIAN
CALLAHAN; AND DOES I THROUGH 100,
INCLUSIVE,

Defendants.

CASE NO. A-16-748919-C
DEPT. NO. IX

ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION

This matter having been decided in chambers on the 30th day of December, 2019, in Department IX by the Honorable Judge Cristina D. Silva on Plaintiff's Motion to Reconsider Defendants' Motion To Dismiss And 9/7/18 Order Of Dismissal Without Prejudice Based [sic] Failure To Exhaust Administrative Remedies the Court, having reviewed all papers presented by the parties and hearing argument on this matter on December 10, 2019, Felicia Galati, Esq., appearing for Defendants Clark County and Georgina Stuart (hereinafter "Defendants"), and Plaintiff Steve Eggleston, appearing in proper person, and good cause appearing therefor:

1 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Plaintiff's Motion
2 for Reconsideration is DENIED because Plaintiff has failed to meet his burden of establishing
3 the Order granting Defendants' Motion To Dismiss was clearly erroneous.
4

5 **I. FINDINGS OF FACT**

6 On 8/10/17, Plaintiff filed a First Amended Complaint ("FAC") alleging a violation of
7 42 U.S.C. § 1983, conspiracy to violate 42 U.S.C. § 1983, intentional infliction of emotional
8 distress, and defamation, libel and slander claims against Defendants. This matter relates to a
9 child welfare investigation conducted by the Department of Family Services (DFS). On
10 1/7/15, Plaintiff and Laura Battistella signed a temporary guardianship giving Defendants Lisa
11 and Brian Callahan temporary guardianship over the children.
12

13 On 7/24/18, Defendants filed a Motion To Dismiss on the basis that Plaintiff failed to
14 exhaust his administrative remedies. On 8/7/18, Plaintiff filed an Opposition thereto. On
15 8/21/18, Defendants filed a Reply. On 8/28/18, the Honorable Judge Douglas Smith conducted
16 a hearing on the Motion to Dismiss, and both Plaintiff, who attended the hearing in person, and
17 Defendants made argument. The Court took the matter under submission. On 9/7/18, the
18 Order granting Defendants' Motion To Dismiss was filed and the Notice thereof was filed on
19 9/10/18.
20

21 On 9/20/18, Plaintiff filed a Motion To Reconsider Defendants' Motion To Dismiss
22 And 9/7/18 Order Of Dismissal Without Prejudice Based [sic] Failure To Exhaust
23 Administrative Remedies ("Motion"). On 10/8/18, Defendants filed an Opposition thereto. On
24 10/15/18, Plaintiff filed a Reply thereto. On 10/18/18, Defendants filed a Motion to Strike
25 Plaintiff's Reply.
26

27 On 4/29/19, this case was reassigned to the Honorable Judge Cristina D. Silva.
28

1 On 8/7/19, Plaintiff filed a Supplemental Reply Re Motion To Reconsider Defendants'
2 Motion to Dismiss, Second 16.1 Supplemental Initial Disclosure And Motion To Disqualify
3 Defense Counsel From The Current Proceedings. On 8/21/19, Defendants filed a Motion To
4 Strike: (1) Plaintiff's Supplemental Reply; (2) Plaintiff's Second 16.1 (a) (1) Supplemental
5 Initial Disclosure; and (3) Plaintiff's Motion To Disqualify Defense Counsel And/Or, In The
6 Alternative, Opposition To Plaintiff's Motion To Disqualify Defense Counsel From the
7 Current Proceedings.

8
9 On 9/3/19, Plaintiff filed an Opposition To Defendants' Motion To Strike. On 9/17/19,
10 Defendants filed a Reply To Plaintiff's Opposition To Defendants' Motion to Strike Plaintiff's
11 Supplemental Reply and Replies In Support Of Motion To Strike Plaintiff's Second 16.1 (a)
12 (1) Supplemental Initial Disclosure; and Plaintiff's Motion To Disqualify Defense Counsel
13 And/Or, In The Alternative, Opposition To Plaintiff's Motion to Disqualify Defense Counsel
14 From The Court Proceedings.

15
16 It is undisputed that:

17
18 1. On 8/27/15, DFS issued a Finding of Substantiation upholding the substantiated
19 finding of physical injury neglect – 14 N plausible risk of physical injury against Plaintiff as to
20 4 minor children.

21
22 2. On 9/9/15, Plaintiff requested a Fair Hearing or appeal of that decision in care of
23 his attorney, Ms. McFarling.

24
25 3. The Fair Hearing was originally scheduled for 8/1/17 at Plaintiff's request,
but was rescheduled for 9/6/17.

26
27 4. On 8/2/17, Plaintiff requested a continuance of the 9/6/17 Fair Hearing.

28
5. On 8/18/17, DFS advised Plaintiff the Fair Hearing was reset for 10/24/17.

1 6. On 10/4/17, Plaintiff requested a second continuance of the 10/24/17 Fair
2 Hearing.

3 7. On 10/16/17, DFS agreed to a continuance of the 10/24/17 Fair Hearing at
4 Plaintiff's request and DFS asked Plaintiff to advise when he could appear for a Fair Hearing
5 so it could be rescheduled.
6

7 8. Thereafter, Plaintiff failed to contact DFS to reset the 10/24/17 Fair Hearing.

8 9. On 7/19/18, not having heard from Plaintiff for 9 months, DFS notified Plaintiff
9 of a new Fair Hearing date set for 9/11/18.
10

11 10. On 7/20/18, Plaintiff requested a third continuance of the 9/11/18 Fair Hearing,
12 indicating he would be in Washington, D.C. on 9/11/18.

13 11. On 7/31/18, DFS corresponded with Plaintiff reminding Plaintiff that the
14 10/24/17 Fair Hearing was set for 9/11/18, but continued at his request, and reminding Plaintiff
15 that DFS asked Plaintiff to advise when he could appear for a Fair Hearing so it could be
16 rescheduled, but he had failed to do so.
17

18 12. On 8/17/18, DFS again corresponded with Plaintiff and reiterated what was in its
19 prior 7/31/18 correspondence to Plaintiff again reminding Plaintiff that the 10/24/17 Fair
20 Hearing was set for 9/11/18, but continued at his request, and reminding Plaintiff that DFS
21 asked Plaintiff to advise when he could appear for a Fair Hearing so it could be rescheduled, but
22 he had failed to do so.
23

24 13. To date, Plaintiff has not provided a date to DFS on which the Fair Hearing can
25 proceed. Notwithstanding DFS' multiple requests for Plaintiff to provide DFS a date upon
26 which a Fair Hearing can be rescheduled, Plaintiff has refused to do so. Thus, the Fair Hearing
27 is still pending at DFS.
28

1 Based on all of the above, Plaintiff initiated the appeal process and Fair Hearing, which
2 is still pending and has not occurred yet.¹ Therefore, Plaintiff has failed to exhaust his
3 administrative remedies.

4 **II. CONCLUSIONS OF LAW**

5
6 Plaintiff seeks a reconsideration of Judge Douglas Smith's Order granting Defendants'
7 Motion to Dismiss. A district court "may reconsider a previously decided issue if substantially
8 different evidence is subsequently introduced or the decision is clearly erroneous." *Masonry &*
9 *Tile Contractors Ass'n. of Southern Nevada v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737, 741,
10 941 P.2d 486, 489 (1997). Reconsideration is proper where an earlier decision denying the
11 same motion was clearly erroneous. "Only in very rare instances in which new issues of fact
12 or law are raised supporting a ruling contrary to the ruling already reached should a motion for
13 rehearing be granted." *Moore v. City of Las Vegas*, 92 Nev. 402, 405, 551 P.2d 244, 246
14 (1976). "Points or contentions not raised in the original hearing cannot be maintained or
15 considered on rehearing." *Achrem v. Expressway Plaza Ltd.*, 112 Nev. 737, 742, 917 P.2d
16 447, 450 (1996) citing *Chowdhury v. NLVH, Inc.*, 111 Nev. 560, 562-63, 893 P.2d 385, 387
17 (1995); *Cannon v. Taylor*, 88 Nev. 89, 92, 493 P.2d 1313, 1314-15 (1972). A trial judge is
18 granted great discretion on the question of rehearing. *Harvey's Wagon Wheel, Inc. V.*
19 *MacSween*, 96 Nev. 215, 606 P.2d 1095 (1980). Plaintiff bears the burden of establishing
20 appropriate grounds for reconsideration.
21
22
23

24 Here, no finding can be made that Judge Smith's decision granting Defendants Motion
25 to Dismiss was clearly erroneous. Judge Smith properly found that Plaintiff had not exhausted
26

27 ¹ Plaintiff's own statements, including in his Requests for Agency Appeals and emails, are not
28 hearsay because they are party admissions and, therefore, are admissible. See NRS 51.035(3).

1 his administrative remedies under the Federal Child Abuse and Neglect Prevention and
2 Treatment Act (CAPTA), NRS 432B.317, and NAC 432B.170. *See* September 7, 2018 Order,
3 at ¶¶ 8-18 (discussing the procedural history in Plaintiff's DFS case, and his failure to follow
4 the proper administrative procedure). Also, Plaintiff did not establish there are any new facts
5 or new law warranting reconsideration.
6

7 The Supreme Court of Nevada has long held that exhaustion of administrative remedies
8 is a prerequisite to filing a claim against the State of Nevada or any of its political subdivisions.
9 *See First. Am. Title Co. of Nevada v. State*, 91 Nev. 804, 543 P.2d 1344 (1975); *State Dep't of*
10 *Taxation v. Scotsman Mfg.*, 109 Nev. 252, 254-55, 849 P.2d 317, 319 (1993); *Malecon*
11 *Tobacco, LLC v. State ex rel. Dep't of Taxation*, 118 Nev. 837, 839, 59 P.3d 474, 475-76
12 (2002); *see generally Allstate Ins. Co. v. Thorpe*, 123 Nev. 565, 170 P.3d 989 (2007). The
13 doctrine of exhaustion of administrative remedies is well-established in the jurisprudence of
14 administrative law. *Woodford v. Ngo*, 548 U.S. 81, 88 (2006); *First Am. Title Co.*, 91 Nev. at
15 806. In *Lopez v. Nevada Dep't of Corr.*, the Supreme Court affirmed its position that the
16 exhaustion doctrine requires that a person exhaust administrative remedies before proceeding
17 in the district court "and failure to do so renders the controversy nonjusticiable." 127 Nev.
18 1156, 373 P.3d 937 (2011) (citing *Allstate Ins. Co.*, 123 Nev. at 571 (2007)).
19
20

21 Based on the foregoing facts and controlling case law, Plaintiff failed to meet his
22 burden of establishing that Judge Smith's decision was clearly erroneous because Plaintiff has
23 not exhausted his administrative remedies given the pending appeal or Fair Hearing and,
24 therefore, reconsideration is not appropriate.
25

26 **WHEREFORE**, based on the foregoing, IT IS HEREBY ORDERED, ADJUDGED
27 and DECREED that Plaintiff's Motion To Reconsider Defendants' Motion To Dismiss And
28

1 9/7/18 Order Of Dismissal Without Prejudice Based [sic] Failure to Exhaust Administrative
2 Remedies is HEREBY DENIED in its entirety.²

3 **IT IS HEREBY FURTHER ORDERED, ADJUDGED and DECREED** that, based
4 on the foregoing, Plaintiff's Motion Disqualify Defense Counsel From The Current
5 Proceedings is HEREBY DENIED as moot.
6

7 **IT IS HEREBY FURTHER ORDERED, ADJUDGED and DECREED** that
8 Defendants' Motions To Strike Plaintiff's Reply is DENIED, but this Court did not consider
9 anything raised for the first time in Plaintiff's Reply.
10

11 **IT IS HEREBY FURTHER ORDERED, ADJUDGED and DECREED** that
12 Defendants' Motions To Strike: (1) Plaintiff's Supplemental Reply Re Motion To Reconsider
13 Defendants' Motion To Dismiss; (2) Second 16.1 Supplemental Initial Disclosure; and (3)
14 Motion To Disqualify Defense Counsel From The Current Proceedings are DENIED, but this
15

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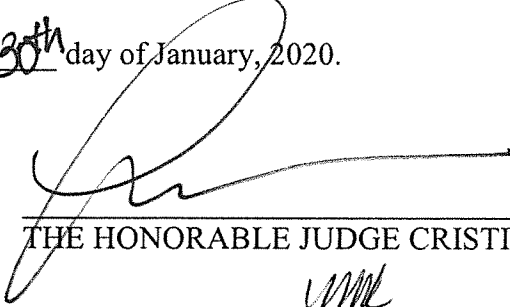

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24
25 ² Plaintiff mentions "summary judgment" in his Standard of Review" section of the Motion To
26 Reconsider. See p. 12. While Plaintiff did not actually make any argument seeking that relief,
27 since the Motion To Reconsider is denied, any purported motion to convert Defendants'
28 Motion To Dismiss to a motion for "summary judgment" is moot. Because there is no basis to
reconsider the Order of dismissal, there is no basis to convert Defendants' Motion To Dismiss
to a motion for "summary judgment."

1 Court did not consider anything raised for the first time in Plaintiff's Supplemental Reply
2 because it deprives Defendants of an opportunity to respond and is improper; and Plaintiff's
3 Motion To Disqualify is denied as moot as indicated above.

4
5 **IT IS SO ORDERED** this 30th day of January, 2020.

6
7
8 
9 THE HONORABLE JUDGE CRISTINA D. SILVA
10 

11 Submitted by:

12 OLSON CANNON GORMLEY
13 & STOBERSKI

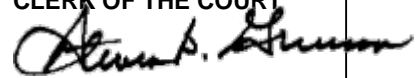
14 /s/ *Felicia Galati, Esq.*

15 _____
16 FELICIA GALATI, ESQ.
17 Nevada Bar No. 007341
18 Attorneys for Defendants
19 CLARK COUNTY and GEORGINA STUART

20 APPROVED AS TO FORM AND CONTENT:

21 ***REFUSED TO SIGN***

22 _____
23 STEVE EGGLESTON
24 Plaintiff in Proper Person
25
26
27
28



FELICIA GALATI, ESQ.
Nevada Bar No. 007341
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Attorneys for Defendants
CLARK COUNTY and GEORGINA STUART

DISTRICT COURT

CLARK COUNTY, NEVADA

STEVE EGGLESTON,

Plaintiff,

v.

GEORGINA STUART; CLARK COUNTY,
NEVADA; LISA CALLAHAN; BRIAN
CALLAHAN; AND DOES I THROUGH 100,
INCLUSIVE,

Defendants.

CASE NO. A-16-748919-C
DEPT. NO. IX

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NOTICE OF ENTRY OF ORDER

NOTICE IS HEREBY GIVEN that the Order Denying Plaintiff's Motion for Reconsideration was entered with the Court on February 26, 2020, a copy of which is attached hereto.

DATED this 26th day of February, 2020.

OLSON CANNON GORMLEY
& STOBERSKI

/s/ Felicia Galati

FELICIA GALATI, ESQ.
Nevada Bar No. 007341
9950 West Cheyenne Avenue
Las Vegas, Nevada 89129
Attorneys for Defendants
CLARK COUNTY and
GEORGINA STUART

CERTIFICATE OF SERVICE

On the 26th day of February, 2020, the undersigned, an employee of Olson Cannon Gormley & Stoberski, hereby served a true copy of Notice of Entry of the Order Denying Plaintiff's Motion for Reconsideration to the parties listed below via the EFP Program, pursuant to the Court's Electronic Filing Service Order (Administrative Order 14-2) effective June 1, 2014, via U.S. Mail and via e-mail:

Steve Eggleston
9a Market Place
Shepton Mallet, England BA4 4AZ
UK Mobile: +44 7784 850 751
US (Free) 844-200-7913
Theeggman411@gmail.com
Plaintiff in Pro Per

Steve Eggleston
Goose Hall, Bourne Farm, East Town Road
Pilton, England, Post Code: ba4 4nx
+44 7801 931682
Theeggman411@gmail.com
Plaintiff in Pro Per

/s/ Erika Parker

An Employee of Olson Cannon Gormley
& Stoberksi

Steven D. Grierson

please file.

thank you,

Jaye

DC9

FELICIA GALATI, ESQ.
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fgalati@ocgas.com
Attorneys for Defendants
CLARK COUNTY and GEORGINA STUART

DISTRICT COURT

CLARK COUNTY, NE

STEVE EGGLESTON,

Plaintiff,

v.

GEORGINA STUART; CLARK COUNTY,
NEVADA; LISA CALLAHAN; BRIAN
CALLAHAN; AND DOES I THROUGH 100,
INCLUSIVE,

Defendants.

CASE NO. A-16-748919-C
DEPT. NO. IX

ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION

This matter having been decided in chambers on the 30th day of December, 2019, in Department IX by the Honorable Judge Cristina D. Silva on Plaintiff's Motion to Reconsider Defendants' Motion To Dismiss And 9/7/18 Order Of Dismissal Without Prejudice Based [sic] Failure To Exhaust Administrative Remedies the Court, having reviewed all papers presented by the parties and hearing argument on this matter on December 10, 2019, Felicia Galati, Esq., appearing for Defendants Clark County and Georgina Stuart (hereinafter "Defendants"), and Plaintiff Steve Eggleston, appearing in proper person, and good cause appearing therefor:

1 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Plaintiff's Motion
2 for Reconsideration is DENIED because Plaintiff has failed to meet his burden of establishing
3 the Order granting Defendants' Motion To Dismiss was clearly erroneous.
4

5 **I. FINDINGS OF FACT**

6 On 8/10/17, Plaintiff filed a First Amended Complaint ("FAC") alleging a violation of
7 42 U.S.C. § 1983, conspiracy to violate 42 U.S.C. § 1983, intentional infliction of emotional
8 distress, and defamation, libel and slander claims against Defendants. This matter relates to a
9 child welfare investigation conducted by the Department of Family Services (DFS). On
10 1/7/15, Plaintiff and Laura Battistella signed a temporary guardianship giving Defendants Lisa
11 and Brian Callahan temporary guardianship over the children.
12

13 On 7/24/18, Defendants filed a Motion To Dismiss on the basis that Plaintiff failed to
14 exhaust his administrative remedies. On 8/7/18, Plaintiff filed an Opposition thereto. On
15 8/21/18, Defendants filed a Reply. On 8/28/18, the Honorable Judge Douglas Smith conducted
16 a hearing on the Motion to Dismiss, and both Plaintiff, who attended the hearing in person, and
17 Defendants made argument. The Court took the matter under submission. On 9/7/18, the
18 Order granting Defendants' Motion To Dismiss was filed and the Notice thereof was filed on
19 9/10/18.
20

21 On 9/20/18, Plaintiff filed a Motion To Reconsider Defendants' Motion To Dismiss
22 And 9/7/18 Order Of Dismissal Without Prejudice Based [sic] Failure To Exhaust
23 Administrative Remedies ("Motion"). On 10/8/18, Defendants filed an Opposition thereto. On
24 10/15/18, Plaintiff filed a Reply thereto. On 10/18/18, Defendants filed a Motion to Strike
25 Plaintiff's Reply.
26

27 On 4/29/19, this case was reassigned to the Honorable Judge Cristina D. Silva.
28

1 On 8/7/19, Plaintiff filed a Supplemental Reply Re Motion To Reconsider Defendants'
2 Motion to Dismiss, Second 16.1 Supplemental Initial Disclosure And Motion To Disqualify
3 Defense Counsel From The Current Proceedings. On 8/21/19, Defendants filed a Motion To
4 Strike: (1) Plaintiff's Supplemental Reply; (2) Plaintiff's Second 16.1 (a) (1) Supplemental
5 Initial Disclosure; and (3) Plaintiff's Motion To Disqualify Defense Counsel And/Or, In The
6 Alternative, Opposition To Plaintiff's Motion To Disqualify Defense Counsel From the
7 Current Proceedings.

8
9 On 9/3/19, Plaintiff filed an Opposition To Defendants' Motion To Strike. On 9/17/19,
10 Defendants filed a Reply To Plaintiff's Opposition To Defendants' Motion to Strike Plaintiff's
11 Supplemental Reply and Replies In Support Of Motion To Strike Plaintiff's Second 16.1 (a)
12 (1) Supplemental Initial Disclosure; and Plaintiff's Motion To Disqualify Defense Counsel
13 And/Or, In The Alternative, Opposition To Plaintiff's Motion to Disqualify Defense Counsel
14 From The Court Proceedings.

15
16 It is undisputed that:

17
18 1. On 8/27/15, DFS issued a Finding of Substantiation upholding the substantiated
19 finding of physical injury neglect – 14 N plausible risk of physical injury against Plaintiff as to
20 4 minor children.

21
22 2. On 9/9/15, Plaintiff requested a Fair Hearing or appeal of that decision in care of
23 his attorney, Ms. McFarling.

24
25 3. The Fair Hearing was originally scheduled for 8/1/17 at Plaintiff's request,
but was rescheduled for 9/6/17.

26
27 4. On 8/2/17, Plaintiff requested a continuance of the 9/6/17 Fair Hearing.

28
5. On 8/18/17, DFS advised Plaintiff the Fair Hearing was reset for 10/24/17.

1 6. On 10/4/17, Plaintiff requested a second continuance of the 10/24/17 Fair
2 Hearing.

3 7. On 10/16/17, DFS agreed to a continuance of the 10/24/17 Fair Hearing at
4 Plaintiff's request and DFS asked Plaintiff to advise when he could appear for a Fair Hearing
5 so it could be rescheduled.
6

7 8. Thereafter, Plaintiff failed to contact DFS to reset the 10/24/17 Fair Hearing.

8 9. On 7/19/18, not having heard from Plaintiff for 9 months, DFS notified Plaintiff
9 of a new Fair Hearing date set for 9/11/18.
10

11 10. On 7/20/18, Plaintiff requested a third continuance of the 9/11/18 Fair Hearing,
12 indicating he would be in Washington, D.C. on 9/11/18.

13 11. On 7/31/18, DFS corresponded with Plaintiff reminding Plaintiff that the
14 10/24/17 Fair Hearing was set for 9/11/18, but continued at his request, and reminding Plaintiff
15 that DFS asked Plaintiff to advise when he could appear for a Fair Hearing so it could be
16 rescheduled, but he had failed to do so.
17

18 12. On 8/17/18, DFS again corresponded with Plaintiff and reiterated what was in its
19 prior 7/31/18 correspondence to Plaintiff again reminding Plaintiff that the 10/24/17 Fair
20 Hearing was set for 9/11/18, but continued at his request, and reminding Plaintiff that DFS
21 asked Plaintiff to advise when he could appear for a Fair Hearing so it could be rescheduled, but
22 he had failed to do so.
23

24 13. To date, Plaintiff has not provided a date to DFS on which the Fair Hearing can
25 proceed. Notwithstanding DFS' multiple requests for Plaintiff to provide DFS a date upon
26 which a Fair Hearing can be rescheduled, Plaintiff has refused to do so. Thus, the Fair Hearing
27 is still pending at DFS.
28

1 Based on all of the above, Plaintiff initiated the appeal process and Fair Hearing, which
2 is still pending and has not occurred yet.¹ Therefore, Plaintiff has failed to exhaust his
3 administrative remedies.

4 **II. CONCLUSIONS OF LAW**

5
6 Plaintiff seeks a reconsideration of Judge Douglas Smith's Order granting Defendants'
7 Motion to Dismiss. A district court "may reconsider a previously decided issue if substantially
8 different evidence is subsequently introduced or the decision is clearly erroneous." *Masonry &*
9 *Tile Contractors Ass'n. of Southern Nevada v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737, 741,
10 941 P.2d 486, 489 (1997). Reconsideration is proper where an earlier decision denying the
11 same motion was clearly erroneous. "Only in very rare instances in which new issues of fact
12 or law are raised supporting a ruling contrary to the ruling already reached should a motion for
13 rehearing be granted." *Moore v. City of Las Vegas*, 92 Nev. 402, 405, 551 P.2d 244, 246
14 (1976). "Points or contentions not raised in the original hearing cannot be maintained or
15 considered on rehearing." *Achrem v. Expressway Plaza Ltd.*, 112 Nev. 737, 742, 917 P.2d
16 447, 450 (1996) citing *Chowdhury v. NLVH, Inc.*, 111 Nev. 560, 562-63, 893 P.2d 385, 387
17 (1995); *Cannon v. Taylor*, 88 Nev. 89, 92, 493 P.2d 1313, 1314-15 (1972). A trial judge is
18 granted great discretion on the question of rehearing. *Harvey's Wagon Wheel, Inc. V.*
19 *MacSween*, 96 Nev. 215, 606 P.2d 1095 (1980). Plaintiff bears the burden of establishing
20 appropriate grounds for reconsideration.
21
22
23

24 Here, no finding can be made that Judge Smith's decision granting Defendants Motion
25 to Dismiss was clearly erroneous. Judge Smith properly found that Plaintiff had not exhausted
26

27 ¹ Plaintiff's own statements, including in his Requests for Agency Appeals and emails, are not
28 hearsay because they are party admissions and, therefore, are admissible. See NRS 51.035(3).

1 his administrative remedies under the Federal Child Abuse and Neglect Prevention and
2 Treatment Act (CAPTA), NRS 432B.317, and NAC 432B.170. *See* September 7, 2018 Order,
3 at ¶¶ 8-18 (discussing the procedural history in Plaintiff's DFS case, and his failure to follow
4 the proper administrative procedure). Also, Plaintiff did not establish there are any new facts
5 or new law warranting reconsideration.
6

7 The Supreme Court of Nevada has long held that exhaustion of administrative remedies
8 is a prerequisite to filing a claim against the State of Nevada or any of its political subdivisions.
9 *See First. Am. Title Co. of Nevada v. State*, 91 Nev. 804, 543 P.2d 1344 (1975); *State Dep't of*
10 *Taxation v. Scotsman Mfg.*, 109 Nev. 252, 254-55, 849 P.2d 317, 319 (1993); *Malecon*
11 *Tobacco, LLC v. State ex rel. Dep't of Taxation*, 118 Nev. 837, 839, 59 P.3d 474, 475-76
12 (2002); *see generally Allstate Ins. Co. v. Thorpe*, 123 Nev. 565, 170 P.3d 989 (2007). The
13 doctrine of exhaustion of administrative remedies is well-established in the jurisprudence of
14 administrative law. *Woodford v. Ngo*, 548 U.S. 81, 88 (2006); *First Am. Title Co.*, 91 Nev. at
15 806. In *Lopez v. Nevada Dep't of Corr.*, the Supreme Court affirmed its position that the
16 exhaustion doctrine requires that a person exhaust administrative remedies before proceeding
17 in the district court "and failure to do so renders the controversy nonjusticiable." 127 Nev.
18 1156, 373 P.3d 937 (2011) (citing *Allstate Ins. Co.*, 123 Nev. at 571 (2007)).
19
20

21 Based on the foregoing facts and controlling case law, Plaintiff failed to meet his
22 burden of establishing that Judge Smith's decision was clearly erroneous because Plaintiff has
23 not exhausted his administrative remedies given the pending appeal or Fair Hearing and,
24 therefore, reconsideration is not appropriate.
25

26 **WHEREFORE**, based on the foregoing, IT IS HEREBY ORDERED, ADJUDGED
27 and DECREED that Plaintiff's Motion To Reconsider Defendants' Motion To Dismiss And
28

1 9/7/18 Order Of Dismissal Without Prejudice Based [sic] Failure to Exhaust Administrative
2 Remedies is HEREBY DENIED in its entirety.²

3 **IT IS HEREBY FURTHER ORDERED, ADJUDGED and DECREED** that, based
4 on the foregoing, Plaintiff's Motion Disqualify Defense Counsel From The Current
5 Proceedings is HEREBY DENIED as moot.
6

7 **IT IS HEREBY FURTHER ORDERED, ADJUDGED and DECREED** that
8 Defendants' Motions To Strike Plaintiff's Reply is DENIED, but this Court did not consider
9 anything raised for the first time in Plaintiff's Reply.
10

11 **IT IS HEREBY FURTHER ORDERED, ADJUDGED and DECREED** that
12 Defendants' Motions To Strike: (1) Plaintiff's Supplemental Reply Re Motion To Reconsider
13 Defendants' Motion To Dismiss; (2) Second 16.1 Supplemental Initial Disclosure; and (3)
14 Motion To Disqualify Defense Counsel From The Current Proceedings are DENIED, but this
15

16 ///

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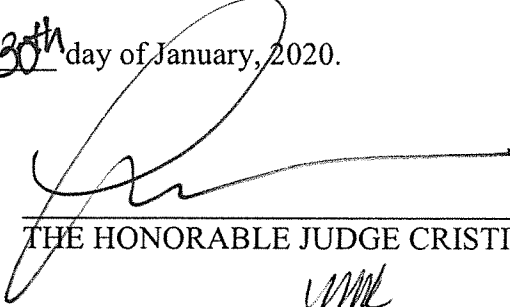

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24
25 ² Plaintiff mentions "summary judgment" in his Standard of Review" section of the Motion To
26 Reconsider. See p. 12. While Plaintiff did not actually make any argument seeking that relief,
27 since the Motion To Reconsider is denied, any purported motion to convert Defendants'
28 Motion To Dismiss to a motion for "summary judgment" is moot. Because there is no basis to
reconsider the Order of dismissal, there is no basis to convert Defendants' Motion To Dismiss
to a motion for "summary judgment."

1 Court did not consider anything raised for the first time in Plaintiff's Supplemental Reply
2 because it deprives Defendants of an opportunity to respond and is improper; and Plaintiff's
3 Motion To Disqualify is denied as moot as indicated above.

4
5 **IT IS SO ORDERED** this 30th day of January, 2020.

6
7
8 
THE HONORABLE JUDGE CRISTINA D. SILVA
9 

10 Submitted by:

11 OLSON CANNON GORMLEY
12 & STOBERSKI

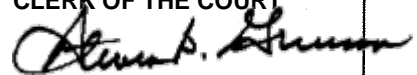
13 */s/ Felicia Galati, Esq.*

14 _____
FELICIA GALATI, ESQ.
15 Nevada Bar No. 007341
Attorneys for Defendants
16 CLARK COUNTY and GEORGINA STUART
17

18 APPROVED AS TO FORM AND CONTENT:

19 ***REFUSED TO SIGN***

20 _____
21 STEVE EGGLESTON
22 Plaintiff in Proper Person
23
24
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26
27
28



FELICIA GALATI, ESQ.
Nevada Bar No. 007341
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fgalati@ocgas.com
Attorneys for Defendants
CLARK COUNTY and GEORGINA STUART

DISTRICT COURT

CLARK COUNTY, NEVADA

STEVE EGGLESTON,

Plaintiff,

v.

GEORGINA STUART; CLARK COUNTY,
NEVADA; LISA CALLAHAN; BRIAN
CALLAHAN; AND DOES I THROUGH 100,
INCLUSIVE,

Defendants.

CASE NO. A-16-748919-C
DEPT. NO. IX

ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION

This matter having been decided in chambers on the 30th day of December, 2019, in Department IX by the Honorable Judge Cristina D. Silva on Plaintiff's Motion to Reconsider Defendants' Motion To Dismiss And 9/7/18 Order Of Dismissal Without Prejudice Based [sic] Failure To Exhaust Administrative Remedies the Court, having reviewed all papers presented by the parties and hearing argument on this matter on December 10, 2019, Felicia Galati, Esq., appearing for Defendants Clark County and Georgina Stuart (hereinafter "Defendants"), and Plaintiff Steve Eggleston, appearing in proper person, and good cause appearing therefor:

1 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Plaintiff's Motion
2 for Reconsideration is DENIED because Plaintiff has failed to meet his burden of establishing
3 the Order granting Defendants' Motion To Dismiss was clearly erroneous.
4

5 **I. FINDINGS OF FACT**

6 On 8/10/17, Plaintiff filed a First Amended Complaint ("FAC") alleging a violation of
7 42 U.S.C. § 1983, conspiracy to violate 42 U.S.C. § 1983, intentional infliction of emotional
8 distress, and defamation, libel and slander claims against Defendants. This matter relates to a
9 child welfare investigation conducted by the Department of Family Services (DFS). On
10 1/7/15, Plaintiff and Laura Battistella signed a temporary guardianship giving Defendants Lisa
11 and Brian Callahan temporary guardianship over the children.
12

13 On 7/24/18, Defendants filed a Motion To Dismiss on the basis that Plaintiff failed to
14 exhaust his administrative remedies. On 8/7/18, Plaintiff filed an Opposition thereto. On
15 8/21/18, Defendants filed a Reply. On 8/28/18, the Honorable Judge Douglas Smith conducted
16 a hearing on the Motion to Dismiss, and both Plaintiff, who attended the hearing in person, and
17 Defendants made argument. The Court took the matter under submission. On 9/7/18, the
18 Order granting Defendants' Motion To Dismiss was filed and the Notice thereof was filed on
19 9/10/18.
20

21 On 9/20/18, Plaintiff filed a Motion To Reconsider Defendants' Motion To Dismiss
22 And 9/7/18 Order Of Dismissal Without Prejudice Based [sic] Failure To Exhaust
23 Administrative Remedies ("Motion"). On 10/8/18, Defendants filed an Opposition thereto. On
24 10/15/18, Plaintiff filed a Reply thereto. On 10/18/18, Defendants filed a Motion to Strike
25 Plaintiff's Reply.
26

27 On 4/29/19, this case was reassigned to the Honorable Judge Cristina D. Silva.
28

1 On 8/7/19, Plaintiff filed a Supplemental Reply Re Motion To Reconsider Defendants'
2 Motion to Dismiss, Second 16.1 Supplemental Initial Disclosure And Motion To Disqualify
3 Defense Counsel From The Current Proceedings. On 8/21/19, Defendants filed a Motion To
4 Strike: (1) Plaintiff's Supplemental Reply; (2) Plaintiff's Second 16.1 (a) (1) Supplemental
5 Initial Disclosure; and (3) Plaintiff's Motion To Disqualify Defense Counsel And/Or, In The
6 Alternative, Opposition To Plaintiff's Motion To Disqualify Defense Counsel From the
7 Current Proceedings.

8
9 On 9/3/19, Plaintiff filed an Opposition To Defendants' Motion To Strike. On 9/17/19,
10 Defendants filed a Reply To Plaintiff's Opposition To Defendants' Motion to Strike Plaintiff's
11 Supplemental Reply and Replies In Support Of Motion To Strike Plaintiff's Second 16.1 (a)
12 (1) Supplemental Initial Disclosure; and Plaintiff's Motion To Disqualify Defense Counsel
13 And/Or, In The Alternative, Opposition To Plaintiff's Motion to Disqualify Defense Counsel
14 From The Court Proceedings.

15
16 It is undisputed that:

17
18 1. On 8/27/15, DFS issued a Finding of Substantiation upholding the substantiated
19 finding of physical injury neglect – 14 N plausible risk of physical injury against Plaintiff as to
20 4 minor children.

21
22 2. On 9/9/15, Plaintiff requested a Fair Hearing or appeal of that decision in care of
23 his attorney, Ms. McFarling.

24
25 3. The Fair Hearing was originally scheduled for 8/1/17 at Plaintiff's request,
but was rescheduled for 9/6/17.

26
27 4. On 8/2/17, Plaintiff requested a continuance of the 9/6/17 Fair Hearing.

28
5. On 8/18/17, DFS advised Plaintiff the Fair Hearing was reset for 10/24/17.

1 6. On 10/4/17, Plaintiff requested a second continuance of the 10/24/17 Fair
2 Hearing.

3 7. On 10/16/17, DFS agreed to a continuance of the 10/24/17 Fair Hearing at
4 Plaintiff's request and DFS asked Plaintiff to advise when he could appear for a Fair Hearing
5 so it could be rescheduled.
6

7 8. Thereafter, Plaintiff failed to contact DFS to reset the 10/24/17 Fair Hearing.

8 9. On 7/19/18, not having heard from Plaintiff for 9 months, DFS notified Plaintiff
9 of a new Fair Hearing date set for 9/11/18.
10

11 10. On 7/20/18, Plaintiff requested a third continuance of the 9/11/18 Fair Hearing,
12 indicating he would be in Washington, D.C. on 9/11/18.

13 11. On 7/31/18, DFS corresponded with Plaintiff reminding Plaintiff that the
14 10/24/17 Fair Hearing was set for 9/11/18, but continued at his request, and reminding Plaintiff
15 that DFS asked Plaintiff to advise when he could appear for a Fair Hearing so it could be
16 rescheduled, but he had failed to do so.
17

18 12. On 8/17/18, DFS again corresponded with Plaintiff and reiterated what was in its
19 prior 7/31/18 correspondence to Plaintiff again reminding Plaintiff that the 10/24/17 Fair
20 Hearing was set for 9/11/18, but continued at his request, and reminding Plaintiff that DFS
21 asked Plaintiff to advise when he could appear for a Fair Hearing so it could be rescheduled, but
22 he had failed to do so.
23

24 13. To date, Plaintiff has not provided a date to DFS on which the Fair Hearing can
25 proceed. Notwithstanding DFS' multiple requests for Plaintiff to provide DFS a date upon
26 which a Fair Hearing can be rescheduled, Plaintiff has refused to do so. Thus, the Fair Hearing
27 is still pending at DFS.
28

1 Based on all of the above, Plaintiff initiated the appeal process and Fair Hearing, which
2 is still pending and has not occurred yet.¹ Therefore, Plaintiff has failed to exhaust his
3 administrative remedies.

4 5 **II. CONCLUSIONS OF LAW**

6 Plaintiff seeks a reconsideration of Judge Douglas Smith's Order granting Defendants'
7 Motion to Dismiss. A district court "may reconsider a previously decided issue if substantially
8 different evidence is subsequently introduced or the decision is clearly erroneous." *Masonry &*
9 *Tile Contractors Ass'n. of Southern Nevada v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737, 741,
10 941 P.2d 486, 489 (1997). Reconsideration is proper where an earlier decision denying the
11 same motion was clearly erroneous. "Only in very rare instances in which new issues of fact
12 or law are raised supporting a ruling contrary to the ruling already reached should a motion for
13 rehearing be granted." *Moore v. City of Las Vegas*, 92 Nev. 402, 405, 551 P.2d 244, 246
14 (1976). "Points or contentions not raised in the original hearing cannot be maintained or
15 considered on rehearing." *Achrem v. Expressway Plaza Ltd.*, 112 Nev. 737, 742, 917 P.2d
16 447, 450 (1996) citing *Chowdhury v. NLVH, Inc.*, 111 Nev. 560, 562-63, 893 P.2d 385, 387
17 (1995); *Cannon v. Taylor*, 88 Nev. 89, 92, 493 P.2d 1313, 1314-15 (1972). A trial judge is
18 granted great discretion on the question of rehearing. *Harvey's Wagon Wheel, Inc. V.*
19 *MacSween*, 96 Nev. 215, 606 P.2d 1095 (1980). Plaintiff bears the burden of establishing
20 appropriate grounds for reconsideration.
21
22
23

24 Here, no finding can be made that Judge Smith's decision granting Defendants Motion
25 to Dismiss was clearly erroneous. Judge Smith properly found that Plaintiff had not exhausted
26

27 ¹ Plaintiff's own statements, including in his Requests for Agency Appeals and emails, are not
28 hearsay because they are party admissions and, therefore, are admissible. See NRS 51.035(3).

1 his administrative remedies under the Federal Child Abuse and Neglect Prevention and
2 Treatment Act (CAPTA), NRS 432B.317, and NAC 432B.170. *See* September 7, 2018 Order,
3 at ¶¶ 8-18 (discussing the procedural history in Plaintiff’s DFS case, and his failure to follow
4 the proper administrative procedure). Also, Plaintiff did not establish there are any new facts
5 or new law warranting reconsideration.
6

7 The Supreme Court of Nevada has long held that exhaustion of administrative remedies
8 is a prerequisite to filing a claim against the State of Nevada or any of its political subdivisions.
9 *See First. Am. Title Co. of Nevada v. State*, 91 Nev. 804, 543 P.2d 1344 (1975); *State Dep’t of*
10 *Taxation v. Scotsman Mfg.*, 109 Nev. 252, 254-55, 849 P.2d 317, 319 (1993); *Malecon*
11 *Tobacco, LLC v. State ex rel. Dep’t of Taxation*, 118 Nev. 837, 839, 59 P.3d 474, 475–76
12 (2002); *see generally Allstate Ins. Co. v. Thorpe*, 123 Nev. 565, 170 P.3d 989 (2007). The
13 doctrine of exhaustion of administrative remedies is well-established in the jurisprudence of
14 administrative law. *Woodford v. Ngo*, 548 U.S. 81, 88 (2006); *First Am. Title Co.*, 91 Nev. at
15 806. In *Lopez v. Nevada Dep’t of Corr.*, the Supreme Court affirmed its position that the
16 exhaustion doctrine requires that a person exhaust administrative remedies before proceeding
17 in the district court “and failure to do so renders the controversy nonjusticiable.” 127 Nev.
18 1156, 373 P.3d 937 (2011) (citing *Allstate Ins. Co.*, 123 Nev. at 571 (2007)).
19
20

21 Based on the foregoing facts and controlling case law, Plaintiff failed to meet his
22 burden of establishing that Judge Smith’s decision was clearly erroneous because Plaintiff has
23 not exhausted his administrative remedies given the pending appeal or Fair Hearing and,
24 therefore, reconsideration is not appropriate.
25

26 **WHEREFORE**, based on the foregoing, IT IS HEREBY ORDERED, ADJUDGED
27 and DECREED that Plaintiff’s Motion To Reconsider Defendants’ Motion To Dismiss And
28

1 9/7/18 Order Of Dismissal Without Prejudice Based [sic] Failure to Exhaust Administrative
2 Remedies is HEREBY DENIED in its entirety.²

3 **IT IS HEREBY FURTHER ORDERED, ADJUDGED and DECREED** that, based
4 on the foregoing, Plaintiff's Motion Disqualify Defense Counsel From The Current
5 Proceedings is HEREBY DENIED as moot.
6

7 **IT IS HEREBY FURTHER ORDERED, ADJUDGED and DECREED** that
8 Defendants' Motions To Strike Plaintiff's Reply is DENIED, but this Court did not consider
9 anything raised for the first time in Plaintiff's Reply.
10

11 **IT IS HEREBY FURTHER ORDERED, ADJUDGED and DECREED** that
12 Defendants' Motions To Strike: (1) Plaintiff's Supplemental Reply Re Motion To Reconsider
13 Defendants' Motion To Dismiss; (2) Second 16.1 Supplemental Initial Disclosure; and (3)
14 Motion To Disqualify Defense Counsel From The Current Proceedings are DENIED, but this
15

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24
25 ² Plaintiff mentions "summary judgment" in his Standard of Review" section of the Motion To
26 Reconsider. See p. 12. While Plaintiff did not actually make any argument seeking that relief,
27 since the Motion To Reconsider is denied, any purported motion to convert Defendants'
28 Motion To Dismiss to a motion for "summary judgment" is moot. Because there is no basis to
reconsider the Order of dismissal, there is no basis to convert Defendants' Motion To Dismiss
to a motion for "summary judgment."

1 Court did not consider anything raised for the first time in Plaintiff's Supplemental Reply
2 because it deprives Defendants of an opportunity to respond and is improper; and Plaintiff's
3 Motion To Disqualify is denied as moot as indicated above.

4 **IT IS SO ORDERED** this 30th day of January, 2020.

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6
7
8 THE HONORABLE JUDGE CRISTINA D. SILVA
9 

10 Submitted by:

11 OLSON CANNON GORMLEY
12 & STOBERSKI

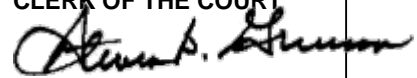
13 */s/ Felicia Galati, Esq.*

14 _____
15 FELICIA GALATI, ESQ.
16 Nevada Bar No. 007341
17 Attorneys for Defendants
18 CLARK COUNTY and GEORGINA STUART

19 APPROVED AS TO FORM AND CONTENT:

20 ***REFUSED TO SIGN***

21 _____
22 STEVE EGGLESTON
23 Plaintiff in Proper Person
24
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26
27
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FELICIA GALATI, ESQ.
Nevada Bar No. 007341
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fgalati@ocgas.com
Attorneys for Defendants
CLARK COUNTY and GEORGINA STUART

DISTRICT COURT

CLARK COUNTY, NEVADA

STEVE EGGLESTON,

Plaintiff,

v.

GEORGINA STUART; CLARK COUNTY,
NEVADA; LISA CALLAHAN; BRIAN
CALLAHAN; AND DOES I THROUGH 100,
INCLUSIVE,

Defendants.

CASE NO. A-16-748919-C
DEPT. NO. IX

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NOTICE OF ENTRY OF ORDER

NOTICE IS HEREBY GIVEN that the Order Denying Plaintiff's Motion for Reconsideration was entered with the Court on February 26, 2020, a copy of which is attached hereto.

DATED this 26th day of February, 2020.

OLSON CANNON GORMLEY
& STOBERSKI

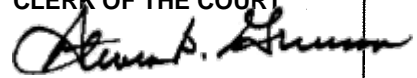
/s/ Felicia Galati

FELICIA GALATI, ESQ.
Nevada Bar No. 007341
9950 West Cheyenne Avenue
Las Vegas, Nevada 89129
Attorneys for Defendants
CLARK COUNTY and
GEORGINA STUART

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OLSON CANNON GORMLEY & STOBERSKI
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+44 7801 931682
Theeggman411@gmail.com
Plaintiff in Pro Per

An Employee of Olson Cannon Gormley
& Stoberksi



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Attorneys for Defendants
CLARK COUNTY and GEORGINA STUART

DISTRICT COURT

CLARK COUNTY, NEVADA

STEVE EGGLESTON,

Plaintiff,

v.

GEORGINA STUART; CLARK COUNTY,
NEVADA; LISA CALLAHAN; BRIAN
CALLAHAN; AND DOES I THROUGH 100,
INCLUSIVE,

Defendants.

CASE NO. A-16-748919-C
DEPT. NO. IX

ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION

This matter having been decided in chambers on the 30th day of December, 2019, in Department IX by the Honorable Judge Cristina D. Silva on Plaintiff's Motion to Reconsider Defendants' Motion To Dismiss And 9/7/18 Order Of Dismissal Without Prejudice Based [sic] Failure To Exhaust Administrative Remedies the Court, having reviewed all papers presented by the parties and hearing argument on this matter on December 10, 2019, Felicia Galati, Esq., appearing for Defendants Clark County and Georgina Stuart (hereinafter "Defendants"), and Plaintiff Steve Eggleston, appearing in proper person, and good cause appearing therefor:

1 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Plaintiff's Motion
2 for Reconsideration is DENIED because Plaintiff has failed to meet his burden of establishing
3 the Order granting Defendants' Motion To Dismiss was clearly erroneous.
4

5 **I. FINDINGS OF FACT**

6 On 8/10/17, Plaintiff filed a First Amended Complaint ("FAC") alleging a violation of
7 42 U.S.C. § 1983, conspiracy to violate 42 U.S.C. § 1983, intentional infliction of emotional
8 distress, and defamation, libel and slander claims against Defendants. This matter relates to a
9 child welfare investigation conducted by the Department of Family Services (DFS). On
10 1/7/15, Plaintiff and Laura Battistella signed a temporary guardianship giving Defendants Lisa
11 and Brian Callahan temporary guardianship over the children.
12

13 On 7/24/18, Defendants filed a Motion To Dismiss on the basis that Plaintiff failed to
14 exhaust his administrative remedies. On 8/7/18, Plaintiff filed an Opposition thereto. On
15 8/21/18, Defendants filed a Reply. On 8/28/18, the Honorable Judge Douglas Smith conducted
16 a hearing on the Motion to Dismiss, and both Plaintiff, who attended the hearing in person, and
17 Defendants made argument. The Court took the matter under submission. On 9/7/18, the
18 Order granting Defendants' Motion To Dismiss was filed and the Notice thereof was filed on
19 9/10/18.
20

21 On 9/20/18, Plaintiff filed a Motion To Reconsider Defendants' Motion To Dismiss
22 And 9/7/18 Order Of Dismissal Without Prejudice Based [sic] Failure To Exhaust
23 Administrative Remedies ("Motion"). On 10/8/18, Defendants filed an Opposition thereto. On
24 10/15/18, Plaintiff filed a Reply thereto. On 10/18/18, Defendants filed a Motion to Strike
25 Plaintiff's Reply.
26

27 On 4/29/19, this case was reassigned to the Honorable Judge Cristina D. Silva.
28

1 On 8/7/19, Plaintiff filed a Supplemental Reply Re Motion To Reconsider Defendants'
2 Motion to Dismiss, Second 16.1 Supplemental Initial Disclosure And Motion To Disqualify
3 Defense Counsel From The Current Proceedings. On 8/21/19, Defendants filed a Motion To
4 Strike: (1) Plaintiff's Supplemental Reply; (2) Plaintiff's Second 16.1 (a) (1) Supplemental
5 Initial Disclosure; and (3) Plaintiff's Motion To Disqualify Defense Counsel And/Or, In The
6 Alternative, Opposition To Plaintiff's Motion To Disqualify Defense Counsel From the
7 Current Proceedings.

8
9 On 9/3/19, Plaintiff filed an Opposition To Defendants' Motion To Strike. On 9/17/19,
10 Defendants filed a Reply To Plaintiff's Opposition To Defendants' Motion to Strike Plaintiff's
11 Supplemental Reply and Replies In Support Of Motion To Strike Plaintiff's Second 16.1 (a)
12 (1) Supplemental Initial Disclosure; and Plaintiff's Motion To Disqualify Defense Counsel
13 And/Or, In The Alternative, Opposition To Plaintiff's Motion to Disqualify Defense Counsel
14 From The Court Proceedings.

15
16 It is undisputed that:

17
18 1. On 8/27/15, DFS issued a Finding of Substantiation upholding the substantiated
19 finding of physical injury neglect – 14 N plausible risk of physical injury against Plaintiff as to
20 4 minor children.

21
22 2. On 9/9/15, Plaintiff requested a Fair Hearing or appeal of that decision in care of
23 his attorney, Ms. McFarling.

24
25 3. The Fair Hearing was originally scheduled for 8/1/17 at Plaintiff's request,
but was rescheduled for 9/6/17.

26
27 4. On 8/2/17, Plaintiff requested a continuance of the 9/6/17 Fair Hearing.

28
5. On 8/18/17, DFS advised Plaintiff the Fair Hearing was reset for 10/24/17.

1 6. On 10/4/17, Plaintiff requested a second continuance of the 10/24/17 Fair
2 Hearing.

3 7. On 10/16/17, DFS agreed to a continuance of the 10/24/17 Fair Hearing at
4 Plaintiff's request and DFS asked Plaintiff to advise when he could appear for a Fair Hearing
5 so it could be rescheduled.
6

7 8. Thereafter, Plaintiff failed to contact DFS to reset the 10/24/17 Fair Hearing.

8 9. On 7/19/18, not having heard from Plaintiff for 9 months, DFS notified Plaintiff
9 of a new Fair Hearing date set for 9/11/18.
10

11 10. On 7/20/18, Plaintiff requested a third continuance of the 9/11/18 Fair Hearing,
12 indicating he would be in Washington, D.C. on 9/11/18.

13 11. On 7/31/18, DFS corresponded with Plaintiff reminding Plaintiff that the
14 10/24/17 Fair Hearing was set for 9/11/18, but continued at his request, and reminding Plaintiff
15 that DFS asked Plaintiff to advise when he could appear for a Fair Hearing so it could be
16 rescheduled, but he had failed to do so.
17

18 12. On 8/17/18, DFS again corresponded with Plaintiff and reiterated what was in its
19 prior 7/31/18 correspondence to Plaintiff again reminding Plaintiff that the 10/24/17 Fair
20 Hearing was set for 9/11/18, but continued at his request, and reminding Plaintiff that DFS
21 asked Plaintiff to advise when he could appear for a Fair Hearing so it could be rescheduled, but
22 he had failed to do so.
23

24 13. To date, Plaintiff has not provided a date to DFS on which the Fair Hearing can
25 proceed. Notwithstanding DFS' multiple requests for Plaintiff to provide DFS a date upon
26 which a Fair Hearing can be rescheduled, Plaintiff has refused to do so. Thus, the Fair Hearing
27 is still pending at DFS.
28

1 Based on all of the above, Plaintiff initiated the appeal process and Fair Hearing, which
2 is still pending and has not occurred yet.¹ Therefore, Plaintiff has failed to exhaust his
3 administrative remedies.

4 **II. CONCLUSIONS OF LAW**

5
6 Plaintiff seeks a reconsideration of Judge Douglas Smith's Order granting Defendants'
7 Motion to Dismiss. A district court "may reconsider a previously decided issue if substantially
8 different evidence is subsequently introduced or the decision is clearly erroneous." *Masonry &*
9 *Tile Contractors Ass'n. of Southern Nevada v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737, 741,
10 941 P.2d 486, 489 (1997). Reconsideration is proper where an earlier decision denying the
11 same motion was clearly erroneous. "Only in very rare instances in which new issues of fact
12 or law are raised supporting a ruling contrary to the ruling already reached should a motion for
13 rehearing be granted." *Moore v. City of Las Vegas*, 92 Nev. 402, 405, 551 P.2d 244, 246
14 (1976). "Points or contentions not raised in the original hearing cannot be maintained or
15 considered on rehearing." *Achrem v. Expressway Plaza Ltd.*, 112 Nev. 737, 742, 917 P.2d
16 447, 450 (1996) citing *Chowdhury v. NLVH, Inc.*, 111 Nev. 560, 562-63, 893 P.2d 385, 387
17 (1995); *Cannon v. Taylor*, 88 Nev. 89, 92, 493 P.2d 1313, 1314-15 (1972). A trial judge is
18 granted great discretion on the question of rehearing. *Harvey's Wagon Wheel, Inc. V.*
19 *MacSween*, 96 Nev. 215, 606 P.2d 1095 (1980). Plaintiff bears the burden of establishing
20 appropriate grounds for reconsideration.
21
22
23

24 Here, no finding can be made that Judge Smith's decision granting Defendants Motion
25 to Dismiss was clearly erroneous. Judge Smith properly found that Plaintiff had not exhausted
26

27 ¹ Plaintiff's own statements, including in his Requests for Agency Appeals and emails, are not
28 hearsay because they are party admissions and, therefore, are admissible. See NRS 51.035(3).

1 his administrative remedies under the Federal Child Abuse and Neglect Prevention and
2 Treatment Act (CAPTA), NRS 432B.317, and NAC 432B.170. *See* September 7, 2018 Order,
3 at ¶¶ 8-18 (discussing the procedural history in Plaintiff’s DFS case, and his failure to follow
4 the proper administrative procedure). Also, Plaintiff did not establish there are any new facts
5 or new law warranting reconsideration.
6

7 The Supreme Court of Nevada has long held that exhaustion of administrative remedies
8 is a prerequisite to filing a claim against the State of Nevada or any of its political subdivisions.
9 *See First. Am. Title Co. of Nevada v. State*, 91 Nev. 804, 543 P.2d 1344 (1975); *State Dep’t of*
10 *Taxation v. Scotsman Mfg.*, 109 Nev. 252, 254-55, 849 P.2d 317, 319 (1993); *Malecon*
11 *Tobacco, LLC v. State ex rel. Dep’t of Taxation*, 118 Nev. 837, 839, 59 P.3d 474, 475–76
12 (2002); *see generally Allstate Ins. Co. v. Thorpe*, 123 Nev. 565, 170 P.3d 989 (2007). The
13 doctrine of exhaustion of administrative remedies is well-established in the jurisprudence of
14 administrative law. *Woodford v. Ngo*, 548 U.S. 81, 88 (2006); *First Am. Title Co.*, 91 Nev. at
15 806. In *Lopez v. Nevada Dep’t of Corr.*, the Supreme Court affirmed its position that the
16 exhaustion doctrine requires that a person exhaust administrative remedies before proceeding
17 in the district court “and failure to do so renders the controversy nonjusticiable.” 127 Nev.
18 1156, 373 P.3d 937 (2011) (citing *Allstate Ins. Co.*, 123 Nev. at 571 (2007)).
19
20

21 Based on the foregoing facts and controlling case law, Plaintiff failed to meet his
22 burden of establishing that Judge Smith’s decision was clearly erroneous because Plaintiff has
23 not exhausted his administrative remedies given the pending appeal or Fair Hearing and,
24 therefore, reconsideration is not appropriate.
25

26 **WHEREFORE**, based on the foregoing, IT IS HEREBY ORDERED, ADJUDGED
27 and DECREED that Plaintiff’s Motion To Reconsider Defendants’ Motion To Dismiss And
28

1 9/7/18 Order Of Dismissal Without Prejudice Based [sic] Failure to Exhaust Administrative
2 Remedies is HEREBY DENIED in its entirety.²

3 **IT IS HEREBY FURTHER ORDERED, ADJUDGED and DECREED** that, based
4 on the foregoing, Plaintiff's Motion Disqualify Defense Counsel From The Current
5 Proceedings is HEREBY DENIED as moot.
6

7 **IT IS HEREBY FURTHER ORDERED, ADJUDGED and DECREED** that
8 Defendants' Motions To Strike Plaintiff's Reply is DENIED, but this Court did not consider
9 anything raised for the first time in Plaintiff's Reply.
10

11 **IT IS HEREBY FURTHER ORDERED, ADJUDGED and DECREED** that
12 Defendants' Motions To Strike: (1) Plaintiff's Supplemental Reply Re Motion To Reconsider
13 Defendants' Motion To Dismiss; (2) Second 16.1 Supplemental Initial Disclosure; and (3)
14 Motion To Disqualify Defense Counsel From The Current Proceedings are DENIED, but this
15

16 ///

17 ///

18 ///

19 ///

20 ///

21
22
23
24
25 ² Plaintiff mentions "summary judgment" in his Standard of Review" section of the Motion To
26 Reconsider. See p. 12. While Plaintiff did not actually make any argument seeking that relief,
27 since the Motion To Reconsider is denied, any purported motion to convert Defendants'
28 Motion To Dismiss to a motion for "summary judgment" is moot. Because there is no basis to
reconsider the Order of dismissal, there is no basis to convert Defendants' Motion To Dismiss
to a motion for "summary judgment."

1 Court did not consider anything raised for the first time in Plaintiff's Supplemental Reply
2 because it deprives Defendants of an opportunity to respond and is improper; and Plaintiff's
3 Motion To Disqualify is denied as moot as indicated above.

4 **IT IS SO ORDERED** this 30th day of January, 2020.

5
6
7
8 THE HONORABLE JUDGE CRISTINA D. SILVA
9 

10 Submitted by:

11 OLSON CANNON GORMLEY
12 & STOBERSKI

13 */s/ Felicia Galati, Esq.*

14 _____
15 FELICIA GALATI, ESQ.
16 Nevada Bar No. 007341
17 Attorneys for Defendants
18 CLARK COUNTY and GEORGINA STUART

19 APPROVED AS TO FORM AND CONTENT:

20 ***REFUSED TO SIGN***

21 _____
22 STEVE EGGLESTON
23 Plaintiff in Proper Person
24
25
26
27
28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

July 11, 2017

A-16-748919-C Steve Eggleston, Plaintiff(s)
vs.
Georgina Stuart, Defendant(s)

**July 11, 2017 8:00 AM Motion to Dismiss Defendants Clark
County and Stuart's
Motion to Dismiss**

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER: Gina Villani

REPORTER:

PARTIES

PRESENT: Eggleston, Steve Plaintiff
Monje, Ofelia L., ESQ Attorney

JOURNAL ENTRIES

- Plaintiff, Steve Eggleston, appearing telephonically.

Also present: Ken Battistella and Bernadette Wojdyla, the parents of Lisa Callahan.

This is the time set for hearing on Defendants Clark County and Stuart's Motion to Dismiss. Ms. Monje advised she would submit on her Motion and reserve for rebuttal. Upon Court's inquiry, Plaintiff stated that he received the Defendants' Motion and opposes it; he filed a written opposition and would submit on his Motion.

Court noted that rather than take oral argument, it will base its decision on the pleadings submitted by the parties. COURT ORDERED, decision DEFERRED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

July 31, 2017

A-16-748919-C Steve Eggleston, Plaintiff(s)
vs.
Georgina Stuart, Defendant(s)

July 31, 2017

8:00 AM

Decision

**Defendants Clark
County and Stuart's
Motion to Dismiss**

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court heard oral argument on Defendants Clark County and Stuart's Motion to Dismiss on July 11, 2017, but DEFERRED its ruling.

The Court's ruling is as set forth in the Findings of Fact, Conclusions of Law, and Order Granting Defendants Clark County and Stuart's Motion to Dismiss filed on July 31, 2017.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

August 28, 2018

A-16-748919-C Steve Eggleston, Plaintiff(s)
vs.
Georgina Stuart, Defendant(s)

August 28, 2018	8:00 AM	Motion to Dismiss	Defendants Clark County and Georgina Stuart's Motion to Dismiss
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HEARD BY: Smith, Douglas E.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Carol Donahoo**RECORDER:** Gina Villani**REPORTER:****PARTIES**

PRESENT:	Angulo, Peter Maitland	Attorney
	Eggleston, Steve	Plaintiff

JOURNAL ENTRIES

- Also present: Maria Parlade, Esq., for Clark County.

This is the time set for hearing on Defendants Clark County and Georgina Stuart's Motion to Dismiss. The Plaintiff, Steve Eggleston, has filed an Opposition to the Motion and a Request for time to Conduct Discovery. Defendant filed a Reply.

Mr. Angulo advised that there has been a failure to exhaust administrative remedies. There is a pending fair hearing on the finding of physical injury and neglect with the Clark County Department of Family Services (DFS) and that procedure has to be completed before a lawsuit can be brought. Mr. Eggleston has argued that the U.S. Supreme Court law Section 1983 Civil Rights does not require exhaustion of administrative remedies; however, the Supreme Court has indicated that because this is a Constitutional Fourteenth Amendment procedural due process issue, a person must first go through the procedure before the claim has its fulfillment. Therefore, until Mr. Eggleston finishes the fair hearing and an adjudicated finding is made, his claim is not ripe. Under the Statute, the fair

hearing is a prerequisite before judicial review can take place. The fair hearing is scheduled for some time in September. Further, the request for additional discovery is not appropriate for the reasons stated on the record.

Argument by Mr. Eggleston; the Defendants' Motion is untimely for the reasons stated on the record. Additionally, Section 1983 does not require exhaustion of administrative rights; he discussed Patsy v. Board of Regents. Colloquy regarding the DFS fair hearing, which is coming up. Mr. Eggleston argued that there is no remedy that the fair hearing can provide because the children are in another jurisdiction; he is not sure he will attend. Mr. Eggleston claims that he is suing Child Protective Services (CPS) and the County because they conspired to remove his children to another state in violation of his civil rights; Georgina Stuart is an employee of CPS. The Callahans never had permission to remove the children from the State and Ms. Stuart helped them do it. The issues as set out in Mr. Eggleston's Complaint are the 1983 procedural due process claim; the 1985 conspiracy claim based on the 1983 violation, these are Federal claims. Then there is defamation and infliction of emotional distress because of the removal of the children, these are State claims. COURT ORDERED, decision DEFERRED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

September 07, 2018

A-16-748919-C Steve Eggleston, Plaintiff(s)
vs.
Georgina Stuart, Defendant(s)

**September 07, 2018 8:00 AM Decision Defendants Clark
County and Georgina
Stuart's Motion to
Dismiss**

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court heard oral argument on Defendants Clark County and Georgina Stuart's Motion to Dismiss on August 28, 2018, but DEFERRED its ruling.

The Court's ruling is as set forth in the Order on Clark County and Georgia Stuart's Motion to Dismiss filed on September 7, 2018.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort**COURT MINUTES****October 22, 2018**

A-16-748919-C

Steve Eggleston, Plaintiff(s)

vs.

Georgina Stuart, Defendant(s)

October 22, 2018**3:00 AM****Motion to Reconsider**

**Plaintiff's Motion to
Reconsider
Defendant's Motion
to Dismiss and 9/7/18
Order of Dismissal,
Without Prejudice,
Based on Failure to
Exhaust
Administrative
Remedies**

HEARD BY: Smith, Douglas E.**COURTROOM:** Chambers**COURT CLERK:** Carol Donahoo**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Plaintiff's Motion to Reconsider Defendant's Motion to Dismiss and 9/7/18 Order of Dismissal, Without Prejudice, Based on Failure to Exhaust Administrative Remedies came before this Court on its October 22, 2018, Chamber Calendar. Having reviewed the record, it appears to this Court that a Notice of Appeal was filed October 9, 2018. Therefore, this Court does not have jurisdiction to rule on the instant Motion. Furthermore, COURT ORDERED, all further proceedings in this case shall appear on this Court's ORAL CALENDAR.

CLERK'S NOTE: A copy of this minute order was mailed to Steve Eggleston, Goose Hall, Bourne Farm, East Town Road, Pilton, England, Post Code: BA4 4NX and placed in the attorney folder of

Felicia Galati, Esq., (Olson, Cannon, Gormley, Angulo & Stoberski).

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

September 24, 2019

A-16-748919-C Steve Eggleston, Plaintiff(s)
vs.
Georgina Stuart, Defendant(s)

September 24, 2019	8:30 AM	Motion to Disqualify Attorney	Plaintiff's Motion to Disqualify Defense Counsel from Current Proceedings
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HEARD BY: Silva, Cristina D.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Carol Donahoo**RECORDER:** Gina Villani**REPORTER:****PARTIES**

PRESENT:	Angulo, Peter Maitland	Attorney
	Eggleston, Steve	Plaintiff
	Galati, Felicia	Attorney

JOURNAL ENTRIES

- Plaintiff, Steve Eggleston, appearing telephonically through CourtCall.

This is the time set for hearing on Plaintiff's Motion to Disqualify Defense Counsel from Current Proceedings. Court noted that Plaintiff filed a Motion to Reconsider Defendant's Motion to Dismiss; however, because this Court's decision on the Motion to Dismiss was appealed to the Nevada Supreme Court, this Court did not have jurisdiction to rule on the Motion to Reconsider. The Appeal was DISMISSED and this Court received the Remittitur on February 23, 2019; however, a decision on the Motion to Reconsider has never been made.

Since the Court's decision on the Motion to Reconsider will impact its decision on the instant Motion, COURT ORDERED, the instant Motion shall be held in abeyance until the Motion for Reconsideration is resolved. COURT FURTHER ORDERED, the Motion is CONTINUED and matter set for status check.

10/29/19 8:30 AM STATUS CHECK: DECISION ON MOTION FOR RECONSIDERATION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

October 29, 2019

A-16-748919-C	Steve Eggleston, Plaintiff(s) vs. Georgina Stuart, Defendant(s)
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October 29, 2019 8:30 AM All Pending Motions

HEARD BY: Silva, Cristina D. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER: Gina Villani

REPORTER:

PARTIES

PRESENT:	Eggleston, Steve Galati, Felicia	Plaintiff Attorney
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JOURNAL ENTRIES

- PLAINTIFF'S MOTION TO DISQUALIFY DEFENSE COUNSEL FROM CURRENT PROCEEDINGS
... STATUS CHECK: DECISION ON MOTION FOR RECONSIDERATION

Steve Eggleston appearing telephonically via CourtCall.

This is the time set for hearing on the Motion to Disqualify; with regard to the Motion to Reconsider, the Court advised that it reviewed Plaintiff's Motion to Strike the Supplemental Reply to the Motion to Reconsider. COURT ORDERED, the Motion to Strike is DENIED as the Court will not consider new arguments raised in the Reply for the first time.

Argument by Mr. Eggleston on the Motion to Reconsider. Ms. Galati advised that she was not aware that this matter was going to be argued this morning as it was set for a Status Check on the Decision so she is not prepared to go forward. However, with regard to the fair hearing issue; the Deft. was asked to provide dates for that hearing and he never did so that issue was not exhausted so the policy regarding the exhaustion of administrative remedies applies.

Upon Court's inquiry, as what attempts Mr. Eggleston had made to exhaust the administrative

remedies, he advised that there is no administrative remedy because the children were taken; this is now a civil rights violation; argument. Ms. Galati advised that she is aware that Mr. Eggleston characterizes this as a taking but he signed over a guardianship for the children.

Because the Motion for Reconsideration was set as a Status Check, COURT ORDERED, the Motion shall be set for oral argument as the Court would like to consider the Motion on the merits. COURT FURTHER ORDERED, the decision on the Motion to Disqualify Defense Counsel from Current Proceedings is DEFERRED because this Court's ruling on the Motion for Reconsideration will have an impact on the Motion to Disqualify.

12/10/19 8:30 AM ARGUMENT: MOTION FOR RECONSIDERATION/MOTION TO DISQUALIFY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

December 10, 2019

A-16-748919-C	Steve Eggleston, Plaintiff(s) vs. Georgina Stuart, Defendant(s)
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December 10, 2019 8:30 AM All Pending Motions

HEARD BY: Silva, Cristina D. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER: Gina Villani

REPORTER:

PARTIES

PRESENT:	Angulo, Peter Maitland	Attorney
	Eggleston, Steve	Plaintiff
	Galati, Felicia	Attorney

JOURNAL ENTRIES

- Court noted this matter was on for argument today regarding several pending matters. There was a hearing back in October; however, the parties were not prepared to argue. Court advised at the 10/29 hearing the Court denied Defendant's Motion to Strike Plaintiff's Reply and it stated on the record it would not consider new issues that were raised in that Reply.

As to the Motion for Reconsideration, Court advised it reviewed the Motion and Opposition and it appears there were a couple of disagreements. The first being that Mr. Eggleston believes that he was denied a right to a fair hearing and it is Defendant's position he did not exhaust the fair hearing opportunities or administrative avenues.

Ms. Galati stated Plaintiff filed a request for a fair hearing which is an appeal. There were at least three hearing dates set, if not more, at his request and he asked for three continuances and they were granted. The Department of Family Service, which is the agency that administers the appeals, asked him to let them know when he would be available for a hearing and he said nothing for nine months. They set a date and he again asked for a continuance; they gave him a continuance and they have asked for days and he has given no dates. In fact, he had given no dates as of the date the Motion to

Dismiss was heard by Judge Smith. There is no doubt that the administrative hearing or the appeal has not been exhausted.

Upon Court's inquiry, Mr. Eggleston stated there was an important distinction not being made to the Court. Counsel are not talking about the hearing that has to do with the separation of the children and that is the only basis on which he has sued. If Child Protective Services makes an accusation that a parent did not properly supervise the other parent; if they take money from the federal government they are supposed to report that incident to the registry under federal law. Mr. Eggleston stated he sued on the basis of a specific statute in the federal and state constitution that requires a due process hearing to be held before the children are taken or within 72 hours of them being taken. Upon Court's inquiry, Mr. Eggleston stated the hearing never took place. Ms. Galati stated the children were not taken. On January 7, 2015, Mr. Eggleston signed a guardianship over to the maternal aunt, Lisa Callahan, a named a defendant in this action. Thereafter, Ms. Callahan and her husband removed the children from the jurisdiction. That is not a removal so he is not entitled to a hearing on that. He is entitled to the fair hearing counsel talked about because he disputes the substantiation of abuse or neglect.

Upon Court's inquiry, Mr. Eggleston stated he signed over guardianship, only under coercion. The police broke into the house without any probable cause. They said if he did not sign now they would take his kids and he would never see them, and then they gave them over to other family members. None of this was before the Court on the Motion to Dismiss. The Motion to Dismiss simply was on the sole basis that he had not exhausted administrative remedies, noting there was no administrative remedies. Court advised there were administrative remedies Plaintiff could have pursued. Mr. Eggleston argued NRS 432(b) specifically states that in a case where you are going to take someone's children you have to have emergency grounds to do so, in which case you have to have a hearing within 72 hours.

Court advised it understands Plaintiff's position that he signed it under duress, but that is not for the Court's consideration at this time. The fact that it was signed is for the Court's consideration. Court understands that Plaintiff believes there should have been a hearing, and that would have been the case if guardianship had not been signed over. Mr. Eggleston stated the hearing they are talking about; he specially contacted them, and they told him the hearing had nothing to do with removal of his kids. It only had to do with whether or not they were going to put his name in the registry. Additionally, it was moved several times without his consent and knowledge. The fair hearing has nothing to do with the removal of kids. Plaintiff referenced Exhibit 2 in his motion. Court advised even if a Judge had found him previously fit that could always change. It appears there was a change in circumstance which prompted the removal of the children. Ms. Galati stated one has nothing to do with the other and stated sequence of events. Court noted the appeal was now moot. Ms. Galati concurred and said she believe Mr. Eggleston filed this action in an attempt to get discovery here as none of that is available in the fair hearing process. Court advised it has considered the arguments and will issue its decision from Chambers. COURT ORDERED, decision DEFERRED. Colloquy regarding service on the Callahans'.

12/30/19 (CHAMBERS) DECISION

CLERK'S NOTE: The foregoing minute order was prepared by court clerk Louisa Garcia via review of the JAVS recording. /lg 12-17-19

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

December 30, 2019

A-16-748919-C Steve Eggleston, Plaintiff(s)
vs.
Georgina Stuart, Defendant(s)

December 30, 2019 3:00 AM Decision

HEARD BY: Silva, Cristina D.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Natalie Ortega

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Pending before the Court is Plaintiff s Motion for Reconsideration. The Court has reviewed the Motion for Reconsideration, the opposition thereto, the supplement to the Motion for Reconsideration, and the opposition to the supplement. The Court has also considered the arguments of Plaintiff, Mr. Eggleston, and the Defendants.

A district court may reconsider a previously decided issue if substantially different evidence is subsequently introduced or the decision is clearly erroneous. *Masonry & Tile Contractors Ass'n. of Southern Nevada v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737, 741, 941 P.2d 486, 489 (1997). Reconsideration is proper where an earlier decision denying the same motion was clearly erroneous. Here, no such finding can be made. District Court Judge Douglas Smith properly found that Plaintiff had not exhausted his administrative remedies under the Federal Child Abuse and Neglect Prevention and Treatment Act (CAPTA), NRS 432B.317, and NAC 432B.170. See September 7, 2018 Order, at 8-18 (discussing the procedural history in Plaintiff s DFS case, and his failure to follow the proper administrative procedure). The Supreme Court of Nevada has long held that exhaustion of administrative remedies is a prerequisite to filing a claim against the State of Nevada or any of its political subdivisions. See *First. Am. Title Co. of Nevada v. State*, 91 Nev. 804, 543 P.2d 1344 (1975); *State Dep t of Taxation v. Scotsman Mfg.*, 109 Nev. 252, 254-55, 849 P.2d 317, 319 (1993); *Malecon Tobacco, LLC v. State ex rel. Dep t of Taxation*, 118 Nev. 837, 839, 59 P.3d 474, 475 76 (2002); see

generally *Allstate Ins. Co. v. Thorpe*, 123 Nev. 565, 170 P.3d 989 (2007). The doctrine of exhaustion of administrative remedies is well-established in the jurisprudence of administrative law. *Woodford v. Ngo*, 548 U.S. 81, 88 (2006); *First Am. Title Co.*, 91 Nev. at 806. In *Lopez v. Nevada Dep't of Corr.*, the Supreme Court affirmed its position that the exhaustion doctrine requires that a person exhaust administrative remedies before proceeding in the district court and failure to do so renders the controversy nonjusticiable. 127 Nev. 1156, 373 P.3d 937 (2011) (citing *Allstate Ins. Co.*, 123 Nev. at 571 (2007)).

Accordingly, Plaintiff's Motion for Reconsideration is hereby DENIED. Defendant shall submit for review an electronic draft of Findings of Facts and Conclusions of Law in Microsoft Word (to Dept09LC@clarkcountycourts.us) consistent with this Order.

CLERK'S NOTE: This minute order was electronically served by Courtroom Clerk, Natalie Ortega, to all registered parties for Odyssey File & Serve and/or served via facsimile. ndo/01/14/20



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

STEVE EGGLESTON
GOOSE HALL, BOURNE FARM
EAST TOWN LANE,
PILTON, ENGLAND BA4 4NX

DATE: March 18, 2020
CASE: A-16-748919-C

RE CASE: STEVE EGGLESTON vs. GEORGINA STUART; CLARK COUNTY, NEVADA; LISA CALLAHAN;
BRIAN CALLAHAN

NOTICE OF APPEAL FILED: March 16, 2020

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

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 (g) 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; CASE APPEAL STATEMENT; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER ON CLARK COUNTY AND GEORGINA STUART'S MOTION TO DISMISS; NOTICE OF ENTRY OF ORDER; ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION; NOTICE OF ENTRY OF ORDER; ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

STEVE EGGLESTON,

Plaintiff(s),

vs.

GEORGINA STUART; CLARK COUNTY,
NEVADA; LISA CALLAHAN; BRIAN
CALLAHAN,

Defendant(s),

Case No: A-16-748919-C

Dept No: IX

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 18 day of March 2020.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk