

1 **\$2515**

2 Ralph Stephen Coppola
3 4785 Rio Pinar Drive
4 Reno, NV 89509
5 775-815-5304
6 *Plaintiff Pro Se*

7 Case No. CV18-01272

Electronically Filed
Apr 15 2020 04:07 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

8 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

9 **IN AND FOR THE COUNTY OF WASHOE**

10 RALPH STEPHEN COPPOLA, Trustee of
11 the R.S. Coppola Trust dated October 19,
12 1995 as most recently Amended on
13 September 13, 2001,

14 Appellant, Petitioner,

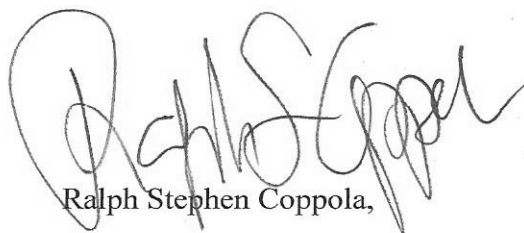
15 vs.

16 WELLS FARGO BANK, N.A., and
17 NATIONAL DEFAULT SERVICES,

18 Respondents.

19 **NOTICE OF APPEAL**

20 Notice is hereby given that RALPH STEPHEN COPPOLA, Trustee of the R.S. Coppola
21 Trust dated October 19, 1995 as most recently Amended on September 13, 2001, Petitioner, above-
22 named, hereby appeals to the Supreme Court of Nevada from the ORDER (1) DENYING
23 VERIFIED PETITION FOR JUDICIAL REVIEW AND (2) GRANTING RESPONDENT'S
24 REQUEST FOR APPROPRIATE RELIEF entered in this action on March 10, 2020.

25 

26 Ralph Stephen Coppola,
27 Petitioner, Appellant
28

NOTICE OF APPEAL

AFFIRMATION

Pursuant to NRS 2398.030

The undersigned does hereby affirm that the preceding document does not contain the Social Security Number of any person.

Date: April 6, 2020

Signature:


Ralph Stephen Coppola

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3 **CERTIFICATE OF SERVICE**

4 I, the undersigned, declare under penalty of perjury, that on April 6, 2020, I caused to be
5 served a true and correct copy of the foregoing **document** upon the following by the method
6 indicated:

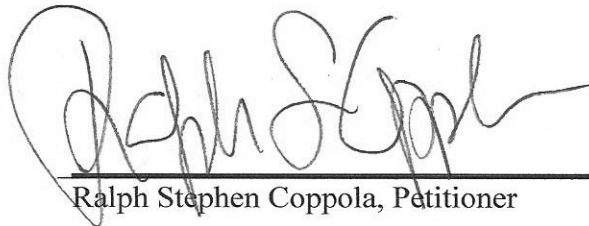
7
8 **BY E-MAIL:** By transmitting via e-mail, the document(s) listed above to the
9 e-mail addresses set forth below and/or included on the Court's Service List for
10 the above-referenced case.

11
12 **BY U.S. MAIL:** By placing the document(s) listed above in a sealed envelope
13 with postage thereon fully prepaid, in the United States mail at Las Vegas,
14 Nevada addressed as set forth below.

15
16 XXX

17 **BY ELECTRONIC FILING & ELECTRONIC SERVICE:** Pursuant to
18 NRCP 5(b), by submitting to the above-entitled Court for electronic filing and
19 service upon the Court's e-service list for the above-referenced case.

20
21 Dated: April 6, 2020

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Ralph Stephen Coppola, Petitioner

1 **\$2515**
2 Ralph Stephen Coppola
3 4785 Rio Pinar Drive
4 Reno, NV 89509
5 775-815-5304
6 *Plaintiff Pro Se*

7 Case No. CV18-01272

Dept. No. 1

8
9 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
10
11 **IN AND FOR THE COUNTY OF WASHOE**

12
13 RALPH STEPHEN COPPOLA, Trustee of
14 the R.S. Coppola Trust dated October 19,
15 1995 as most recently Amended on
16 September 13, 2001,

Appellant, Petitioner,

vs.

WELLS FARGO BANK, N.A., and
NATIONAL DEFAULT SERVICES,

Respondents.

17 **CASE APPEAL STATEMENT**

- 18
19 1. The name of appellant filing this case appeal statement is Ralph Stephen Coppola.
20 2. The identity of the judge issuing the decision, judgment, or order appealed from is The
21 Honorable Kathleen Drakulich.
22 3. The sole appellant, Ralph Stephen Coppola, has no counsel.
23 4. The identity of each respondent and the name and address of appellate counsel, if known, for
24 each respondent:

25 Upon information and belief Appellant answers this question as follows:

26 McBee, Jennifer L., Esq.: jmcbee@swlaw.com

27 Griffith, Blakeley E., Esq.: bgriffith@swlaw.com
28

CASE APPEAL STATEMENT

1 Sorenson, A.: asorenson@swlaw.com

2 Snell & Wilmer L.L.P.

3 3883 Howard Hughes Parkway, Suite 1100

4 Las Vegas, Nevada 89169

5 Direct: (702) 784-5335

6 Main: (702) 784-5200

7 Fax: (702) 784-5252

8
9 5. Whether any attorney identified above in response to question 3 or 4 is not licensed to practice
10 law in Nevada is indicated below, and, if so, whether the district court granted that attorney
11 permission to appear under SCR 42 (if so, a copy of any district court order granting such
12 permission is attached):

13 Upon information and belief Appellant answers this question as follows:

14 The Appellant is unaware of any attorney who is not licensed to practice
15 law in Nevada.

16
17 6. The sole appellant, Ralph Stephen Coppola, was not represented by appointed or retained
18 counsel in the district court.

19 7. The sole appellant, Ralph Stephen Coppola, is not currently represented by appointed or
20 retained counsel on appeal:

21 8. The sole appellant, Ralph Stephen Coppola, was not granted leave to proceed in forma
22 pauperis:

23 9. The date the proceedings commenced in the district court was April 1, 2019.

24 10. Petitioner petitioned the District Court, pursuant to NRS 107, as amended, inclusive
25 ("NRS 107"), for review of the mediation conducted pursuant to NRS 107, and Nevada Supreme
26 Court Foreclosure Mediation Rule 20(3) and to prevent the issuance of a certificate of
27 foreclosure. The District Court denied the petition and issued the certificate of foreclosure. The
28 Respondent also filed requesting the relief of the issuance of a certificate of foreclosure.

1 11. The case has not previously been the subject of an appeal to or original writ proceeding in the
2 Supreme Court.

3 12. This appeal does not involve child custody or visitation.

4 13. This case is a civil case; Appellant does believe this appeal involves the possibility of
5 settlement:

6 Dated this 6th day of April 2020.

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9 Ralph Stephen Coppola
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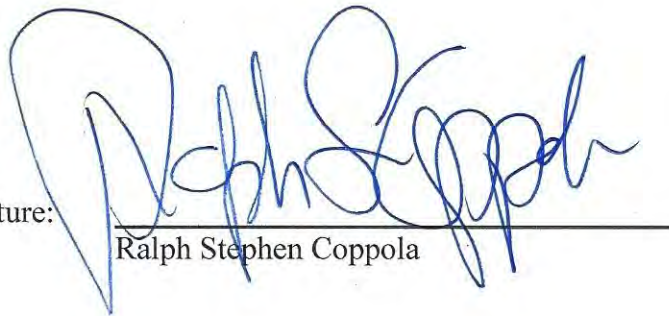
AFFIRMATION

Pursuant to NRS 2398.030

The undersigned does hereby affirm that the preceding document does not contain the Social Security Number of any person.

Date: April 6, 2020

Signature:



Ralph Stephen Coppola

1
2
3 **CERTIFICATE OF SERVICE**

4 I, the undersigned, declare under penalty of perjury, that on April 6, 2020, I caused to be
5 served a true and correct copy of the foregoing **document** upon the following by the method
6 indicated:

7
8 _____ **BY E-MAIL:** By transmitting via e-mail, the document(s) listed above to the
9 e-mail addresses set forth below and/or included on the Court's Service List for
10 the above-referenced case.

11
12 _____ **BY U.S. MAIL:** By placing the document(s) listed above in a sealed envelope
13 with postage thereon fully prepaid, in the United States mail at Las Vegas,
14 Nevada addressed as set forth below.

15
16 XXX **BY ELECTRONIC FILING & ELECTRONIC SERVICE:** Pursuant to
17 NRCP 5(b), by submitting to the above-entitled Court for electronic filing and
18 service upon the Court's e-service list for the above-referenced case.

19
20
21 Dated: April 6, 2020

22 
23 _____
24 Ralph Stephen Coppola, Petitioner
25
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Code 1310

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

RALPH STEPHEN COPPOLA, Trustee of
the R.S. Coppola Trust dated October 19,
1995 as most recently Amended on
September 13, 2001,

Appellant/Petitioner,

vs.

WELLS FARGO BANK, N.A. and
NATIONAL DEFAULT SERVICES,
Respondents.

Case No. CV18-01272

Dept. No. 1

CASE APPEAL STATEMENT

This case appeal statement is filed pursuant to NRAP 3(f).

1. Appellant is Ralph Stephen Coppola.
2. This appeal is from an order entered by the Honorable Judge Kathleen Drakulich.
3. Appellant is representing himself in Proper Person on appeal, the Appellant's address is:

Ralph Stephen Coppola
4785 Rio Pinar Drive
Reno, Nevada 89509

4. Respondent is Wells Fargo Bank, N.A.. Respondent was represented in District Court by:
Amy F. Sorenson, Esq. SBN 12495
Blakeley E. Griffith, Esq. SBN 12386
Jennifer L. McBee, Esq. SBN 9110
SNELL & WILMER LLP
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, Nevada 89169

5. Respondent's attorney is not licensed to practice law in Nevada: n/a

6. Appellant is not represented by retained counsel in District Court.
7. Appellant is not represented by retained counsel on appeal.
8. Appellant was not granted leave to proceed in forma pauperis in the District Court.
9. Proceeding commenced by the filing of a Petition for Foreclosure Mediation Assistance on June 25th, 2018.
10. This is a civil proceeding and the Appellant is appealing the Order (1) Denying Verified Petition for Judicial Review and (2) Granting Respondent's Request for Appropriate Relief filed March 10th, 2020.
11. The case has not been the subject of a previous appeals to the Supreme Court.
12. This case does not involve child custody or visitation.
13. It is unknown if the case involves the possibility of a settlement.

Dated this 10th day of April, 2020.

Jacqueline Bryant
Clerk of the Court
By: /s/ YViloria
YViloria
Deputy Clerk

**SECOND JUDICIAL DISTRICT COURT
STATE OF NEVADA
COUNTY OF WASHOE**

Case History - CV18-01272

Case Description: IN RE: RALPH STEPHEN COPPOLA (D1)

Case Number: CV18-01272 Case Type: FORECLOSURE MEDIATION CASE - Initially Filed On: 6/25/2018

Parties

<u>Party Type & Name</u>	<u>Party Status</u>
JUDG - SCOTT N. FREEMAN - D9	Party ended on: 6/25/2018 2:05:40PM
JUDG - KATHLEEN DRAKULICH - D1	Active
PLTF - RALPH STEPHEN COPPOLA - @55208	Active
ATTY - Blakeley E. Griffith, Esq. - 12386	Active
ATTY - Amy F. Sorenson, Esq. - 12495	Active
ATTY - Jennifer L. McBee - 9110	Active
ATTY - Jason C. Kolbe, Esq - 11624	Party ended on: 4/12/2019 12:00:00AM
ATTY - Matthew D. Dayton, Esq. - 11552	Party ended on: 4/12/2019 12:00:00AM
HMN - HOME MEANS NEVADA - HMN	Active
NFMP - SUZANNE FITZPATRICK - @1180893	Active
RESP - WELLS FARGO BANK, N.A. - @1196595	Active

Disposed Hearings

- 1 Department: D1 -- Event: ORDER TO SHOW CAUSE -- Scheduled Date & Time: 2/15/2019 at 14:00:00
Extra Event Text: SHOW CAUSE HEARING
Event Disposition: D845 - 2/15/2019
- 2 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 9/25/2019 at 13:24:00
Extra Event Text: REQUEST FOR APPROPRIATE RELIEF FILED 3/27/19
Event Disposition: S200 - 12/5/2019
- 3 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 9/25/2019 at 17:32:00
Extra Event Text: VERIFIED PETITION FOR JUDICIAL REVIEW FILED 3/27/19 (NO ORDER PROVIDED)
Event Disposition: S200 - 12/5/2019
- 4 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 12/31/2019 at 13:38:00
Extra Event Text: VERIFIED PETITION FOR JUDICIAL RELIEF
Event Disposition: S200 - 3/10/2020
- 5 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 1/3/2020 at 10:09:00
Extra Event Text: REQUEST FOR APPROPRIATE RELIEF FIELD 3-27-19
Event Disposition: S200 - 3/10/2020

Actions

- | | <u>Filing Date</u> | <u>- Docket Code & Description</u> |
|---|--------------------|---|
| 1 | 6/25/2018 | - \$3670 - \$Pet for Foreclosure Mediation
Additional Text: Transaction 6743855 - Approved By: BBLOUGH : 06-25-2018:13:33:08 |
| 2 | 6/25/2018 | - PAYRC - **Payment Receipted
Additional Text: A Payment of -\$275.00 was made on receipt DCDC612922. |

Report Does Not Contain Sealed Cases or Confidential Information

- 3 7/18/2018 - 3720 - Proof of Service
Additional Text: DFX: EXHIBITS ARE PRESENTED INCORRECTLY, NO DATE IS LISTED FOR PROOF OF SERVICE; HOME MEANS NEVADA - Transaction 6781794 - Approved By: CVERA : 07-18-2018:09:18:14
- 4 7/18/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6782060 - Approved By: NOREVIEW : 07-18-2018:09:19:24
- 5 8/9/2018 - 1817 - Initial Appear. Fee Disclosure
Additional Text: Initial Appearance Fee Disclosure - Transaction 6821818 - Approved By: CSULEZIC : 08-09-2018:14:50:09
- 6 8/9/2018 - \$1134 - \$Answer - Foreclosure Mediatio
Additional Text: Respondents' Answer to Petition for Foreclosure Mediation Assistance - Transaction 6821818 - Approved By: CSULEZIC : 08-09-2018:14:50:09
- 7 8/9/2018 - PAYRC - **Payment Receipted
Additional Text: A Payment of \$250.00 was made on receipt DCDC616981.
- 8 8/9/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6822083 - Approved By: NOREVIEW : 08-09-2018:14:52:05
- 9 8/13/2018 - 1286 - Assignment of Mediator
Additional Text: SUZANNE FITZPATRICK - Transaction 6825365 - Approved By: NOREVIEW : 08-13-2018:09:25:35
- 10 8/13/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6825367 - Approved By: NOREVIEW : 08-13-2018:09:26:39
- 11 9/7/2018 - 2610 - Notice ...
Additional Text: MEDIATION SCHEDULING NOTICE - 11/15/18 @1:00 - Transaction 6868406 - Approved By: CSULEZIC : 09-07-2018:11:59:38
- 12 9/7/2018 - 2610 - Notice ...
Additional Text: NOTICE OF EXCHANGE OF DOCUMENTS CONFERENCE - Transaction 6868406 - Approved By: CSULEZIC : 09-07-2018:11:59:38
- 13 9/7/2018 - NEF - Proof of Electronic Service
Additional Text: Transaction 6868665 - Approved By: NOREVIEW : 09-07-2018:12:02:08
- 14 1/4/2019 - 3320 - Ord to File ...
Additional Text: Transaction 7051063 - Approved By: NOREVIEW : 01-04-2019:09:35:54
- 15 1/4/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7051066 - Approved By: NOREVIEW : 01-04-2019:09:36:56
- 16 1/28/2019 - 3355 - Ord to Show Cause
Additional Text: Transaction 7087669 - Approved By: NOREVIEW : 01-28-2019:11:11:57
- 17 1/28/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7087681 - Approved By: NOREVIEW : 01-28-2019:11:14:46
- 18 2/15/2019 - 1930 - Letters ...
Additional Text: CORRESPONDENCE FROM MEDIATOR SUZANNE FITZPATRICK WITH STIPULATION AND ORDER FOR CONTINUANCE OF MEDIATION - Transaction 7120514 - Approved By: CSULEZIC : 02-15-2019:09:41:24
- 19 2/15/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7120608 - Approved By: NOREVIEW : 02-15-2019:09:42:29
- 20 2/15/2019 - 3020 - Ord Granting Continuance
Additional Text: AND VACATING HEARING - Transaction 7120623 - Approved By: NOREVIEW : 02-15-2019:09:48:19

- 21 2/15/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7120638 - Approved By: NOREVIEW : 02-15-2019:09:49:40
- 22 3/17/2019 - 3975 - Statement ...
Additional Text: MEDIATOR STATEMENT - Transaction 7170140 - Approved By: CSULEZIC : 03-18-2019:08:54:12
- 23 3/18/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7170371 - Approved By: NOREVIEW : 03-18-2019:08:58:31
- 24 3/27/2019 - 3870 - Request
Additional Text: Respondent's Request for Appropriate Relief - Transaction 7189342 - Approved By: CSULEZIC : 03-28-2019:08:30:43
- 25 3/28/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7189487 - Approved By: NOREVIEW : 03-28-2019:08:32:27
- 26 3/28/2019 - 3550 - Petition for Judicial Review
Additional Text: VERIFIED PETITION FOR JUDICIAL REVIEW - Transaction 7191885 - Approved By: YVILORIA : 03-29-2019:08:22:18
- 27 3/28/2019 - 3550 - Petition for Judicial Review
Additional Text: VERIFIED PETITION FOR JUDICIAL REVIEW - Transaction 7191885 - Approved By: YVILORIA : 03-29-2019:08:22:18
- 28 3/29/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7191979 - Approved By: NOREVIEW : 03-29-2019:08:23:05
- 29 4/1/2019 - 3550 - Petition for Judicial Review
Additional Text: DFX: EXHIBITS PRESENTED INCORRECTLY - VERIFIED PETITION FOR JUDICIAL REVIEW - Transaction 7195572
- Approved By: YVILORIA : 04-02-2019:08:33:24
Modified document contains file stamp - 4/11/19 - MPurdy
- 30 4/2/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7196154 - Approved By: NOREVIEW : 04-02-2019:08:37:30
- 31 4/2/2019 - 4100 - Supplemental Petition
Additional Text: SUPPLEMENT ONE TO VERIFIED PETITION FOR JUDICIAL REVIEW - Transaction 7197672 - Approved By:
YVILORIA : 04-02-2019:15:30:09
Modified document contains file stamp - 4/11/19 - MPurdy
- 32 4/2/2019 - 4100 - Supplemental Petition
Additional Text: SUPPLEMENT TWO TO VERIFIED PETITION FOR JUDICIAL REVIEW - Transaction 7197690 - Approved By:
YVILORIA : 04-02-2019:15:33:16
Modified document contains file stamp - 4/11/19 - MPurdy
- 33 4/2/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7197936 - Approved By: NOREVIEW : 04-02-2019:15:31:14
- 34 4/2/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7197950 - Approved By: NOREVIEW : 04-02-2019:15:34:25
- 35 4/12/2019 - 4075 - Substitution of Counsel
Additional Text: SUBSTITUTION OF COUNSEL: SNELL & WILMER LLP IN PLACE OF TIFFANY & BOSCO PA / RESP WELLS
FARGO BNAK NA - Transaction 7215657 - Approved By: YVILORIA : 04-12-2019:10:13:09
- 36 4/12/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7215786 - Approved By: NOREVIEW : 04-12-2019:10:13:59
- 37 4/29/2019 - 4047 - Stip Extension of Time ...
Additional Text: STIPULATION TO EXTEND DEADLINE TO OPPOSE REQUEST FOR APPROPRIATE RELIEF AND PETITION FOR
JUDICIAL REVIEW - Transaction 7241940 - Approved By: YVILORIA : 04-29-2019:10:43:43

- 38 4/29/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7241954 - Approved By: NOREVIEW : 04-29-2019:10:46:13
- 39 5/1/2019 - 2683 - Ord Addressing Stipulation
Additional Text: Transaction 7246652 - Approved By: NOREVIEW : 05-01-2019:09:04:47
- 40 5/1/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7246654 - Approved By: NOREVIEW : 05-01-2019:09:05:35
- 41 5/1/2019 - 2540 - Notice of Entry of Ord
Additional Text: Notice of Entry of Order - Transaction 7248448 - Approved By: NOREVIEW : 05-01-2019:15:49:44
- 42 5/1/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7248458 - Approved By: NOREVIEW : 05-01-2019:15:51:08
- 43 5/6/2019 - 4047 - Stip Extension of Time ...
Additional Text: Second Stipulation to Extend Deadline to Oppose Request for Appropriate Relief and Petition for Judicial Review - Transaction 7254250 - Approved By: CSULEZIC : 05-06-2019: 11:45:14
- 44 5/6/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7254312 - Approved By: NOREVIEW : 05-06-2019:11:46:26
- 45 5/7/2019 - 3030 - Ord Granting Extension Time
Additional Text: Transaction 7257300 - Approved By: NOREVIEW : 05-07-2019:12:53:13
- 46 5/7/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7257302 - Approved By: NOREVIEW : 05-07-2019:12:54:15
- 47 5/7/2019 - 2540 - Notice of Entry of Ord
Additional Text: Transaction 7258014 - Approved By: NOREVIEW : 05-07-2019:15:41:52
- 48 5/7/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7258022 - Approved By: NOREVIEW : 05-07-2019:15:43:13
- 49 5/24/2019 - 4047 - Stip Extension of Time ...
Additional Text: Third Stipulation to Extend Deadline to Oppose Request for Appropriate Relief and Petition for Judicial Review - Transaction 7287643 - Approved By: SACORDAG : 05-24-2019:10:52:38
- 50 5/24/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7287696 - Approved By: NOREVIEW : 05-24-2019:10:53:41
- 51 5/29/2019 - 3030 - Ord Granting Extension Time
Additional Text: (THIRD STIPULATED EXTENSION) - Transaction 7291813 - Approved By: NOREVIEW : 05-29-2019:09:06:49
- 52 5/29/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7291820 - Approved By: NOREVIEW : 05-29-2019:09:07:55
- 53 5/29/2019 - 2540 - Notice of Entry of Ord
Additional Text: Notice of Entry of Order - Transaction 7292075 - Approved By: NOREVIEW : 05-29-2019:10:23:12
- 54 5/29/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7292076 - Approved By: NOREVIEW : 05-29-2019:10:24:12
- 55 6/12/2019 - 4047 - Stip Extension of Time ...
Additional Text: FOURTH STIPULATION TO EXTEND DEADLINE TO OPPOSE REQUEST FOR APPROPRIATE RELIEF AND PETITION FOR JUDICIAL REVIEW - Transaction 7317503 - Approved By: CSULEZIC : 06-12-2019:14:41:34

- 56 6/12/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7317709 - Approved By: NOREVIEW : 06-12-2019:14:42:34
- 57 6/13/2019 - 3030 - Ord Granting Extension Time
Additional Text: (FOURTH STIPULATED EXTENSION) - Transaction 7319986 - Approved By: NOREVIEW : 06-13-2019:14:09:06
- 58 6/13/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7319991 - Approved By: NOREVIEW : 06-13-2019:14:10:12
- 59 6/13/2019 - 2540 - Notice of Entry of Ord
Additional Text: Transaction 7320294 - Approved By: NOREVIEW : 06-13-2019:15:03:39
- 60 6/13/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7320306 - Approved By: NOREVIEW : 06-13-2019:15:05:07
- 61 7/1/2019 - 3880 - Response...
Additional Text: Wells Fargo Bank, N.A.'s Response to Petitioner's Verified Petition for Judicial Review - Transaction 7349772 - Approved By: CSULEZIC : 07-01-2019:14:52:24
- 62 7/1/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7350144 - Approved By: NOREVIEW : 07-01-2019:14:53:33
- 63 7/2/2019 - 4047 - Stip Extension of Time ...
Additional Text: Fifth Stipulation to Extend Deadline to Oppose Request for Appropriate Relief and Petition for Judicial Review - Transaction 7351496 - Approved By: NOREVIEW : 07-02-2019:10:34:33
- 64 7/2/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7351502 - Approved By: NOREVIEW : 07-02-2019:10:35:39
- 65 7/3/2019 - 3880 - Response...
Additional Text: Petitioner's Verified Response to Respondents' Request - Transaction 7356427 - Approved By: CSULEZIC : 07-05-2019:08:33:59
- 66 7/5/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7356642 - Approved By: NOREVIEW : 07-05-2019:08:34:58
- 67 7/9/2019 - 3030 - Ord Granting Extension Time
Additional Text: (FIFTH STIPULATED EXTENSION REQUEST) - Transaction 7361753 - Approved By: NOREVIEW : 07-09-2019:09:41:50
- 68 7/9/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7361756 - Approved By: NOREVIEW : 07-09-2019:09:42:40
- 69 7/9/2019 - 2540 - Notice of Entry of Ord
Additional Text: Transaction 7363914 - Approved By: NOREVIEW : 07-09-2019:16:32:31
- 70 7/9/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7363919 - Approved By: NOREVIEW : 07-09-2019:16:33:31
- 71 7/23/2019 - 4047 - Stip Extension of Time ...
Additional Text: SIXTH STIPULATION TO EXTEND BRIEFING SCHEDULE FOR REQUEST FOR APPROPRIATE RELIEF AND PETITION FOR JUDICIAL REVIEW - Transaction 7387951 - Approved By: NOREVIEW : 07-23-2019:11:11:24
- 72 7/23/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7387957 - Approved By: NOREVIEW : 07-23-2019:11:12:14
- 73 7/23/2019 - 3030 - Ord Granting Extension Time
Additional Text: (SIXTH STIPULATED EXTENSION) - Transaction 7389164 - Approved By: NOREVIEW : 07-23-2019:15:08:37

- 74 7/23/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7389169 - Approved By: NOREVIEW : 07-23-2019:15:09:46
- 75 7/23/2019 - 2540 - Notice of Entry of Ord
Additional Text: Notice of Entry of Order - Transaction 7389481 - Approved By: NOREVIEW : 07-23-2019:15:50:12
- 76 7/23/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7389486 - Approved By: NOREVIEW : 07-23-2019:15:51:00
- 77 8/9/2019 - 4047 - Stip Extension of Time ...
Additional Text: Seventh Stipulation to Extend Briefing Schedule for Request for Appropriate Relief and Petition for Judicial Review - Transaction 7420724 - Approved By: NOREVIEW : 08-09-2019:09:53:37
- 78 8/9/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7420727 - Approved By: NOREVIEW : 08-09-2019:09:54:27
- 79 8/12/2019 - 3030 - Ord Granting Extension Time
Additional Text: (SEVENTH STIPULATED EXTENSION) - Transaction 7424011 - Approved By: NOREVIEW : 08-12-2019:14:37:55
- 80 8/12/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7424015 - Approved By: NOREVIEW : 08-12-2019:14:38:50
- 81 8/12/2019 - 2540 - Notice of Entry of Ord
Additional Text: Transaction 7424243 - Approved By: NOREVIEW : 08-12-2019:15:13:06
- 82 8/12/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7424256 - Approved By: NOREVIEW : 08-12-2019:15:15:04
- 83 9/5/2019 - 4047 - Stip Extension of Time ...
Additional Text: Eighth Stipulation to Extend Briefing Schedule for Request for Appropriate Relief and Petition for Judicial Review - Transaction 7467399 - Approved By: NOREVIEW : 09-05-2019:09:23:31
- 84 9/5/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7467402 - Approved By: NOREVIEW : 09-05-2019:09:24:21
- 85 9/9/2019 - 2683 - Ord Addressing Stipulation
Additional Text: EIGHTH STIPULATED EXTENSION - Transaction 7473512 - Approved By: NOREVIEW : 09-09-2019:12:08:57
- 86 9/9/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7473521 - Approved By: NOREVIEW : 09-09-2019:12:09:58
- 87 9/9/2019 - 2540 - Notice of Entry of Ord
Additional Text: Notice of Entry of Order - Transaction 7473706 - Approved By: NOREVIEW : 09-09-2019:13:18:31
- 88 9/9/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7473708 - Approved By: NOREVIEW : 09-09-2019:13:22:45
- 89 9/23/2019 - 4047 - Stip Extension of Time ...
Additional Text: Ninth Stipulation to Extend Deadline to File Reply to Request for Appropriate Relief and Petition for Judicial Review - Transaction 7498248 - Approved By: NOREVIEW : 09-23-2019:13:20:56
- 90 9/23/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7498251 - Approved By: NOREVIEW : 09-23-2019:13:21:44
- 91 9/24/2019 - 3030 - Ord Granting Extension Time
Additional Text: (NINTH STIPULATED EXTENSION) - Transaction 7500587 - Approved By: NOREVIEW : 09-24-2019:11:21:30

- 92 9/24/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7500597 - Approved By: NOREVIEW : 09-24-2019:11:22:38
- 93 9/24/2019 - 2540 - Notice of Entry of Ord
Additional Text: Notice of Entry of Order - Transaction 7500949 - Approved By: NOREVIEW : 09-24-2019:13:12:12
- 94 9/24/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7500954 - Approved By: NOREVIEW : 09-24-2019:13:13:12
- 95 9/24/2019 - 3795 - Reply...
Additional Text: WELLS FARGO BANK, N.A.'S REPLY IN SUPPORT OF ITS REQUEST FOR APPROPRIATE RELIEF - Transaction 7501643 - Approved By: CSULEZIC : 09-24-2019:15:21:42
- 96 9/24/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7501664 - Approved By: NOREVIEW : 09-24-2019:15:22:41
- 97 9/25/2019 - 3860 - Request for Submission
Additional Text: Transaction 7503073 - Approved By: NOREVIEW : 09-25-2019:10:54:04
DOCUMENT TITLE: REQUEST FOR APPROPRIATE RELIEF FILED 3/27/19
PARTY SUBMITTING: JENNIFER MCBEE, ESQ ATTY FOR WELLS FARGO BANK, N.A
DATE SUBMITTED: 9/25/19
SUBMITTED BY: MDIONICI
DATE RECEIVED JUDGE OFFICE:
- 98 9/25/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7503085 - Approved By: NOREVIEW : 09-25-2019:10:55:23
- 99 9/25/2019 - 4047 - Stip Extension of Time ...
Additional Text: 10th Stipulation to extend time - Transaction 7503585 - Approved By: NOREVIEW : 09-25-2019:13:05:35
- 100 9/25/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7503588 - Approved By: NOREVIEW : 09-25-2019:13:06:33
- 101 9/25/2019 - 3795 - Reply...
Additional Text: PETITIONER'S REPLY TO RESPONDENT'S RESPONSE - Transaction 7503926 - Approved By: YVILORIA : 09-25-2019:14:26:31
- 102 9/25/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7503966 - Approved By: NOREVIEW : 09-25-2019:14:27:42
- 103 9/25/2019 - 3860 - Request for Submission
Additional Text: DFX: MULTIPLE DOCUMENTS FILED AS ONE. REQUEST FOR SUBMISSION AND PROOF OF SERVICE FILED IN SEPARATELY. NO S1 BUILT FOR THIS REQUEST.
Petitioner's Request for Submission - Transaction 7504999 - Approved By: NOREVIEW : 09-25-2019:16:50:35
- 104 9/25/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7505003 - Approved By: NOREVIEW : 09-25-2019:16:51:35
- 105 9/25/2019 - 3860 - Request for Submission
Additional Text: Transaction 7505092 - Approved By: NOREVIEW : 09-25-2019:17:28:56
DOCUMENT TITLE: VERIFIED PETITION FOR JUDICIAL REVIEW FILED 3/27/19 (NO ORDER PROVIDED)
PARTY SUBMITTING: RALPH STEPHEN
DATE SUBMITTED: 9/25/19
SUBMITTED BY: SWOLFE
DATE RECEIVED JUDGE OFFICE:
- 106 9/25/2019 - 3720 - Proof of Service
Additional Text: ON 9/24/19 ON HOME MEANS NEVADA, SUSANNE FITZPATRICK, SNELL & WILMER, LLP - Transaction 7505092 - Approved By: NOREVIEW : 09-25-2019:17:28:56
- 107 9/25/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7505093 - Approved By: NOREVIEW : 09-25-2019:17:29:46

- 108 10/1/2019 - 3030 - Ord Granting Extension Time
Additional Text: TENTH STIPULATED EXTENSION - Transaction 7513087 - Approved By: NOREVIEW : 10-01-2019:10:45:40
- 109 10/1/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7513093 - Approved By: NOREVIEW : 10-01-2019:10:46:43
- 110 12/5/2019 - 3320 - Ord to File ...
Additional Text: Transaction 7622494 - Approved By: NOREVIEW : 12-05-2019:14:42:22
- 111 12/5/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7622498 - Approved By: NOREVIEW : 12-05-2019:14:43:25
- 112 12/5/2019 - S200 - Request for Submission Complet
Additional Text: VERIFIED PETITION FOR JUDICIAL REVIEW FILED 3/27/19 (SEE ORDER FILED 12/5/19)
- 113 12/5/2019 - S200 - Request for Submission Complet
Additional Text: REQUEST FOR APPROPRIATE RELIEF FILED 3/27/19 (SEE ORDER FILED 12/5/19)
- 114 12/13/2019 - 4105 - Supplemental ...
Additional Text: Wells Fargo Bank, N.A.'s Supplement in Support of Its Request for Appropriate Relief - Transaction 7637374 - Approved By: NOREVIEW : 12-13-2019:12:01:24
- 115 12/13/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7637386 - Approved By: NOREVIEW : 12-13-2019:12:02:44
- 116 12/13/2019 - 4105 - Supplemental ...
Additional Text: WELLS FARGO BANK, N.A.'S SUPPLEMENT IN SUPPORT OF ITS REQUEST FOR APPROPRIATE RELIEF - Transaction 7637417 - Approved By: NOREVIEW : 12-13-2019:12:07:49
- 117 12/13/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7637427 - Approved By: NOREVIEW : 12-13-2019:12:09:17
- 118 12/23/2019 - 4047 - Stip Extension of Time ...
Additional Text: FIRST STIPULATION TO EXTEND TIME TO RESPOND TO ORDER TO FILE - Transaction 7653776 - Approved By: NOREVIEW : 12-23-2019:17:24:37
- 119 12/23/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7653778 - Approved By: NOREVIEW : 12-23-2019:17:25:29
- 120 12/30/2019 - 3880 - Response...
Additional Text: RESPONSE TO WELLS FARGO BANK, N.A.'S SUPPLEMENT IN SUPPORT OF ITS REQUEST FOR APPROPRIATE RELIEF - Transaction 7660259 - Approved By: YVILORIA : 12-31-2019:08:18:43
- 121 12/31/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7660383 - Approved By: NOREVIEW : 12-31-2019:08:19:47
- 122 12/31/2019 - 2683 - Ord Addressing Stipulation
Additional Text: FIRST STIPULATION TO EXTEND TIME TO RESPOND TO ORDER TO FILE - Transaction 7661692 - Approved By: NOREVIEW : 12-31-2019:13:11:51
- 123 12/31/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7661698 - Approved By: NOREVIEW : 12-31-2019:13:13:01
- 124 12/31/2019 - 3860 - Request for Submission
Additional Text: Transaction 7661864 - Approved By: NOREVIEW : 12-31-2019:13:39:20
DOCUMENT TITLE: VERIFIED PETITION FOR JUDICIAL RELIEF
PARTY SUBMITTING: RALPH COPPOLA
DATE SUBMITTED: 12-31-19
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:

- 125 12/31/2019 - NEF - Proof of Electronic Service
Additional Text: Transaction 7661872 - Approved By: NOREVIEW : 12-31-2019:13:40:33
- 126 1/3/2020 - 3860 - Request for Submission
Additional Text: Transaction 7665877 - Approved By: NOREVIEW : 01-03-2020:10:10:10
DOCUMENT TITLE: REQUEST FOR APPROPRIATE RELIEF FIELD 3-27-19
PARTY SUBMITTING: JENNIFER MCBEE ESQ
DATE SUBMITTED: 1-3-2020
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:
- 127 1/3/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7665881 - Approved By: NOREVIEW : 01-03-2020:10:11:11
- 128 3/10/2020 - 2840 - Ord Denying ...
Additional Text: VERIFIED PETITION FOR JUDICIAL REVIEW AND GRANTING RESPONDENT'S REQUEST FOR APPROPRIATE RELIEF - Transaction 7783472 - Approved By: NOREVIEW : 03-10-2020:08:56:14
- 129 3/10/2020 - S200 - Request for Submission Complet
Additional Text: VERIFIED PETITION FOR JUDICIAL REVIEW (SEE ORDER FILED 3/10/2020)
- 130 3/10/2020 - S200 - Request for Submission Complet
Additional Text: REQUEST FOR APPROPRIATE RELIEF FIELD 3-27-19 (SEE ORDER FILED 3/10/2020)
- 131 3/10/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7783475 - Approved By: NOREVIEW : 03-10-2020:08:57:09
- 132 3/11/2020 - 2540 - Notice of Entry of Ord
Additional Text: Transaction 7787382 - Approved By: NOREVIEW : 03-11-2020:13:38:03
- 133 3/11/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7787387 - Approved By: NOREVIEW : 03-11-2020:13:39:00
- 134 3/16/2020 - 2949 - Ord for Payment to Mediator
Additional Text: Transaction 7793749 - Approved By: NOREVIEW : 03-16-2020:12:01:11
- 135 3/16/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7793752 - Approved By: NOREVIEW : 03-16-2020:12:02:07
- 136 3/16/2020 - F230 - Other Manner of Disposition
No additional text exists for this entry.
- 137 4/7/2020 - 2515 - Notice of Appeal Supreme Court
Additional Text: NOTICE OF APPEAL - Transaction 7824310 - Approved By: YVILORIA : 04-07-2020:15:29:12
- 138 4/7/2020 - 1310E - Case Appeal Statement
Additional Text: CASE APPEAL STATEMENT - Transaction 7824310 - Approved By: YVILORIA : 04-07-2020:15:29:12
- 139 4/7/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7825737 - Approved By: NOREVIEW : 04-07-2020:15:30:15
- 140 4/10/2020 - 1350 - Certificate of Clerk
Additional Text: CERTIFICIATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 7829575 - Approved By: NOREVIEW : 04-10-2020:09:07:48
- 141 4/10/2020 - 1310E - Case Appeal Statement
Additional Text: CASE APPEAL STATEMENT - Transaction 7829575 - Approved By: NOREVIEW : 04-10-2020:09:07:48

142 4/10/2020 - 4113 - District Ct Deficiency Notice

Additional Text: NOTICE OF APPEAL DEFICIENCY - FILING FEES - Transaction 7829575 - Approved By: NOREVIEW :
04-10-2020:09:07:48

143 4/10/2020 - NEF - Proof of Electronic Service

Additional Text: Transaction 7829586 - Approved By: NOREVIEW : 04-10-2020:09:09:21

IN THE SECOND JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA IN AND FOR THE
COUNTY OF WASHOE

RALPH STEPHEN COPPOLA, TRUSTEE OF
THE R.S. COPPOLA TRUST DATED
OCTOBER 19, 1995 AS MOST RECENTLY
AMENDED ON SEPTEMBER 13, 2001,

Case No. CV18-01272

Dept. No. 1

Petitioner,

vs.

WELLS FARGO BANK, N.A.; NATIONAL
DEFAULT SERVICING CORPORATION,

Respondents.

**ORDER (1) DENYING VERIFIED PETITION FOR JUDICIAL REVIEW AND (2)
GRANTING RESPONDENT'S REQUEST FOR APPROPRIATE RELIEF**

There are currently two related matters pending before this Court. First, on April 1, 2019, Petitioner filed a *Verified Petition for Judicial Review* ("the Petition"). Petitioner proceeded to file two Supplements to the Verified Petition both on April 2, 2019 that contained Exhibits 1 and 2 to the *Verified Petition for Judicial Review*. Respondent Wells Fargo Bank, N.A. ("Respondent Wells Fargo") filed *Wells Fargo Bank, N.A.'s Response to Petitioner's Verified Petition for Judicial Review* on July 1, 2019. Petitioner then filed *Petitioner's Reply to Respondent's Response* on September 25, 2019 and submitted the Petition for this Court's consideration.

Second, Respondent Wells Fargo filed its *Request for Appropriate Relief* ("the Request") on March 27, 2019. Petitioner filed his *Verified Response to Respondent's Request* on July 3, 2019.

1 Respondent Wells Fargo filed its *Reply in Support of its Request for Appropriate Relief* on September
2 24, 2019 and submitted the Request on September 25, 2019. On December 13, 2019, Respondent
3 Wells Fargo filed a *Supplement in Support of its Request for Appropriate Relief* (“Supplement”) and
4 on December 30, 2019, Petitioner filed a *Response to Wells Fargo Bank, N.A.’s Supplement in*
5 *Support of its Request for Appropriate Relief* (“Response to Supplement”). On December 31, 2019,
6 Petitioner re-submitted his *Verified Petition for Judicial Relief* and on January 3, 2020, Respondent
7 re-submitted its *Request for Appropriate Relief*.

8 **I. Background**

9 The property that is the subject of this action is 4785 Rio Pinar Dr., Reno, NV 89509-5722
10 (“Property”). The *Petition for Foreclosure Mediation Assistance* was filed by Petitioner Ralph
11 Stephen Coppola on June 25, 2018. The mediation commenced on March 7, 2019. Med. Statement
12 at Part 2A. At the mediation, the parties were unable to agree to a loan modification or make other
13 arrangements and the mediation was terminated. *Id.* at Part 2B. Mediator Suzanne Fitzpatrick noted
14 as follows:

15 Due to the extension of the mediation date, parties had agreed that the lender would
16 not be required to submit a new appraisal.

17 However, Lender did obtain a new appraisal, the appraisal was not made available to
18 the Mediator or to the Homeowner. It was indicated at the mediation that the Lender
19 had used the new appraisal as part of the process to evaluate the Homeowner for a
modification. One day prior to the mediation Homeowner was notified of the denial
of the modification.

20 *At the mediation the short sale amount given by the Lender was not based on the new*
21 *appraisal amount which according to the Lender, was considerably less than the prior*
22 *appraisal. Short sale amount would be considerably higher than the latest appraisal,*
which then would not be a short sale.

23 *Id.* at Comments and Part 2D. (emphasis added).

24 The Mediator further found that the beneficiary (Lender), and/or its representative, failed to
25 bring to the mediation the following documents: (1) Appraisal or Broker Price Option in accordance
26 with NRS 645.2515 dated not more than 60 days prior to the date of the scheduled mediation; and (2)
27 *Short Sale document in accordance with Nevada Foreclosure Mediation Rules. Id.* at Part 2D
28

1 (emphasis added). Based on the foregoing, Mediator Fitzpatrick recommended dismissal of the
2 Petition. *Id.* at Part 4.

3 Subsequent to the mediation, numerous pleadings were filed by both the Petitioner, Ralph
4 Stephen Coppola and Respondents Wells Fargo Bank, N.A., and National Default Services.
5 Respondent *Wells Fargo Bank, N.A.’s Response to Petitioner’s Verified Petition for Judicial Review*
6 (“Response”) provides in relevant part:

7 Prior to mediation, on November 26, 2018, the Deed of Trust trustee e-mailed copies
8 of Wells Fargo’s required documents to the Petitioner and the mediator in compliance
9 with Rule 13(7)(a). The email included copies of all required loan documents,
10 certifications of those loan documents, a prior denial letter, a prior appeal letter, an
11 appraisal, and a counsel authorization letter. **Exhibit 16.** Document Exchange.

12 This Court reviewed each of the Response attachments to Exhibit 16 and did not find a short
13 sale estimate. The Mediator’s Statement provides conflicting information regarding the short sale
14 estimate. On the one hand, it states that an estimate was provided and discussed at the mediation.
15 On the other hand, the Mediator’s Statement provides that the beneficiary failed to bring the short
16 sale document required by the FMR. Moreover, the Response provides that Respondent Wells Fargo
17 requested documentation from Petitioner that would enable it to prepare a short sale evaluation and
18 that Petitioner failed to provide the documents necessary for Wells Fargo to evaluate a short sale.
19 Resp. at 13:12-18.

20 In order to reconcile the contents of the Mediator’s Statement and the other documentation in
21 this case, on December 5, 2019, this Court issued an *Order to File* requiring Respondent Wells Fargo
22 to file any short sale estimate that may have been produced whether verbal or in writing, at or before
23 the mediation, the date it was produced, and who it was provided to. As discussed herein, on
24 December 13, 2019, Respondent Wells Fargo filed its *Supplement in Support of Respondent’s Request*
25 *for Appropriate Relief* in response to the *Order to File*.

26 **II. Relevant Legal Authority**

27 Nevada Foreclosure Mediation Rule (“NFMR”) 20(3) provides that “[u]pon receipt of the
28 mediator’s statement and any request for relief, the District Court shall enter an order (1) describing
the terms of any loan modification or settlement agreement, (2) dismissing the petition, or (3) detailing

1 decisions regarding the imposition of sanctions as the District Court deems appropriate.” The Nevada
2 Supreme Court has explained “there are four distinct violations a party to a foreclosure mediation
3 can make: (1) ‘fail[ure] to attend the mediation,’ (2) ‘fail[ure] to participate in the mediation in good
4 faith,’ (3) failure to ‘bring to the mediation each document required,’ and (4) failure to demonstrate
5 ‘the authority or access to a person with the authority [to modify the loan].’ If any one of these
6 violations occurs, the mediator must recommend sanctions.” *Pasillas v. HSBC Bank USA*, 127 Nev.
7 462, 469, 255 P.3d 1281, 1286 (2011) (citing NRS 107.086(5)).

8 NFMR 13(10) requires that among other things, the beneficiary of the deed of trust or its
9 representative “shall produce an appraisal dated no more than 60 days before the commencement date
10 of the mediation” and “shall prepare an estimate of the ‘short sale’ value of the residence” and “shall
11 submit any conditions that must be met in order for a short sale to be approved.”

12 NFMR 12(1)(b) permits a borrower to appear for him or her at the mediation if the
13 representative is “[a]n attorney who is licensed to practice law in Nevada.”

14 NFMR 13(7)(d) provides that “[i]f the beneficiary of the deed of trust is represented by a third
15 party at the time of mediation, the third party must produce a copy of the agreement, or relevant
16 portion thereof, which authorizes the third party to represent the beneficiary at the mediation and
17 authorizes the third party to negotiate a loan modification on behalf of the beneficiary of the deed of
18 trust.”

19 **III. Analysis**

20 **a. Petitioner’s Verified Petition for Judicial Relief**

21 Petitioner argues that Respondent Wells Fargo failed to send an authorized representative to
22 attend the mediation and that the authorization Mr. Wassner had was insufficient. Pet. at 11:6–22.
23 Petitioner contends that no short sale value was provided because Petitioner refused to agree to a short
24 sale. *Id.* at 12:9–17. Petitioner states that Respondent Wells Fargo relied upon a flawed appraisal
25 because it was exterior only and the mediator had previously ordered an interior appraisal be
26 conducted. *Id.* at 12:20–28. Petitioner contends there were two appraisals of his property, one
27 conducted on November 14, 2018 that only dealt with the exterior of the home and another conducted
28 on March 4, 2019 that included an assessment of the inside of the home. *Id.* at 13:1–11. The March

1 4, 2019 appraisal indicated the appraised value of the home was \$540,000, or \$75,000 below the
2 appraised value in the first appraisal. *Id.* at 13:16–17. Petitioner also argues that Respondent Wells
3 Fargo has failed to maximize the net present value due to inconsistencies in the income tax returns
4 prepared by Petitioner. *Id.* at 15:2–21. Petitioner contends that inconsistent with NFMR 19, the
5 Mediator in this case failed to discuss other programs such as HAMP, Hardest Hit Funds, Attorney
6 General Settlement Programs, etc. *Id.* at 16:19–17:4. Petitioner also asserts Respondent Wells Fargo
7 failed to provide loan documents or copies at the mediation. *Id.* at 17:9–12. Petitioner requests
8 sanctions on Respondent Wells Fargo for conducting the mediation in bad faith, a prohibition on
9 future foreclosure attempts for approximately four years until Petitioner can refinance the balance of
10 the home through a reverse mortgage, setting aside the foreclosure process, and requiring Respondent
11 Wells Fargo to produce the original promissory note. *Id.* at 18:5–15.

12 Respondent Wells Fargo responds that Petitioner’s default was over ten years ago and
13 Respondent Wells Fargo has had to advance \$71,134.60 of escrow payments to protect its interest in
14 the property while Petitioner has been renting out rooms in the Property. Resp. to Pet. at 3:10–17.
15 Respondent states that the principal balance of the loan is \$649,201. *Id.* at 5:19. Respondent Wells
16 Fargo points out that it emailed copies of all the required documents to Petitioner as required in NFMR
17 13(7)(a) to include copies of the loan documents, certifications of those loan documents, a prior denial
18 letter, a prior appeal denial letter, an appraisal, and a counsel authorization letter. *Id.* at 6:5–10.
19 Respondent Wells Fargo points out that after the original mediation was continued from its previous
20 date of November 15, 2018, Petitioner waived the sixty-day rule and consented to Respondent Wells
21 Fargo relying on the November 14, 2018 appraisal. *Id.* at 6:2; *Id.* at 6:12–15. Respondent Wells
22 Fargo made an effort to obtain a new appraisal prior to the March 7, 2019 mediation but Petitioner
23 denied them access to the property until February 26, 2019 which meant Respondent Wells Fargo
24 could not comply with the ten-day notice provision pursuant to NFMR 13(7). *Id.* at 6:15–24.
25 Respondent Wells Fargo contends the Mediator’s finding that Wells Fargo failed to bring the required
26 documents was contrary to Petitioner’s waiver of the new appraisal. *Id.* at 7:24–27.

27 Respondent Wells Fargo argues that it had a representative at the mediation namely, Mr.
28 Wassner who was the in-person representative, who timely produced a written authorization for

1 Tiffany & Basco, as well as Mr. Ring as an authorized representative who appeared by phone. *Id.* at
2 10:1–8. Respondent Wells Fargo points out that Petitioner continues to quarrel with even the second
3 appraisal because it fails to consider challenges in selling the home that Petitioner asserts exist. *Id.*
4 at 11:12–18. Respondent Wells Fargo points out Petitioner failed to avail himself of the opportunity
5 to bring his own appraisal or BPO to the mediation pursuant to NFMR 13(7)(f). *Id.* at 12:13–15.
6 Respondent Wells Fargo states that the first appraisal complied with NFMR 13(7)(f) and as such no
7 second appraisal was required. *Id.* at 13:6–10. Respondent Wells Fargo also contends its failure to
8 produce a short sale value should be excused because Petitioner failed to provide them with a copy
9 of the purchase contract pursuant to NFMR 13(3). *Id.* at 13:12–14:2. Further, Petitioner’s argument
10 that it failed to maximize the net present value is baseless because Petitioner submitted income tax
11 returns that he admittedly prepared while on painkillers that contained discrepancies. *Id.* at 14:15–
12 24. Respondent Wells Fargo also contends that the Mediator’s failure to mention programs is not a
13 basis for sanctioning Respondent Wells Fargo. *Id.* at 14:25–15:2. Respondent Wells Fargo points out
14 the Mediator failed to check the box indicating that Respondent Wells Fargo failed to bring the
15 provided loan documents to the mediation. *Id.* at 15:3–7. Respondent Wells Fargo asserts that
16 nothing requires it to approve a loan modification, but the rules do require it to participate in the
17 mediation in good faith, which it contends it did. *Id.* at 15:9–17.

18 Petitioner asserts that the loan modification denial that he takes issue with is the one made
19 prior to the March 7, 2019 mediation that relied upon the second appraisal that was not provided at
20 the mediation. Pet. Reply at 3:19–27. Petitioner states that Respondent Wells Fargo failed to provide
21 a short sale estimate because the \$650,000 short sale value offered at the mediation is not less than
22 the March 3, 2019 appraisal. *Id.* at 9:19–10:9. Petitioner also states that Respondent Wells Fargo
23 failed to provide any authority that a purchase contract is necessary to formulate a short sale value.
24 *Id.* at 10:11–18. Petitioner quarrels with Respondent Wells Fargo’s contention regarding his profits
25 from the home stating that they go to cover the expenses of the home and that Respondent Wells
26 Fargo has not requested payment pursuant to the Deed of Trust. *Id.* at 13:4–21.

27 ///

28 ///

1 **b. Respondent Wells Fargo’s Request for Appropriate Relief**

2 Respondent Wells Fargo’s Request is closely related to the Petition and there is considerable
3 overlap. Respondent Wells Fargo argues the Mediator’s Statement is inaccurate. Req. at 6:1.
4 Respondent Wells Fargo contends the second appraisal was not used to deny the modification that
5 was decided November 30, 2018. *Id.* at 6:1–6. Respondent Wells Fargo argues that Petitioner’s
6 request for a continuance and subsequent rejection of the short sale proposal as a result of Petitioner’s
7 delay is disingenuous and contrary to the purpose of the program. *Id.* at 6:14–16. Respondent Wells
8 Fargo asserts that it provided both an appraisal more than sixty days in advance of the mediation and
9 a short sale document. *Id.* at 6:17–21; Req. Ex. E-1.

10 Petitioner points out that Respondent Wells Fargo’s Exhibit E-1 is not a short sale proposal,
11 or anything close to that. Resp. to Req. at 3:4–9. Petitioner contends that Respondent Wells Fargo
12 admitted it failed to produce a short sale value to Petitioner when it argued it could not prepare a short
13 sale value because Petitioner failed to provide the purchase contract. *Id.* at 3:10–16. Petitioner notes
14 that rather than regurgitate the arguments from the Petition, he incorporates those points by reference.
15 *Id.* at 5:23–25.

16 Respondent Wells Fargo reiterates that due to Petitioner not allowing them access to the
17 Property, it was impossible to comply with the ten-day deadline in preparing the second appraisal.
18 Req. Reply at 4:18–21. Respondent Wells Fargo asserts that despite Petitioner expressly and
19 admittedly waiving the requirement for another appraisal, Petitioner confused the Mediator on this
20 issue but that Respondent Wells Fargo complied with the requirements. *Id.* at 5:5–9. Respondent
21 Wells Fargo reiterates its stance that NFMR 13(3) required Petitioner to provide it with a copy of the
22 purchase contract. *Id.* at 5:12–23.

23 In response to this Court’s *Order to File*, Respondent Wells Fargo filed the *Supplement in*
24 *Support of Respondent’s Request for Appropriate Relief* on December 13, 2019. Respondent Wells
25 Fargo argues it provided the short sale value at the mediation and the rules are silent as to a deadline
26 for when the short sale value must be provided. Suppl. at 2:2–9. Respondent Wells Fargo points out
27 that Petitioner even admits in his Opposition that Respondent Wells Fargo provided “a short sale
28 value to him at the mediation.” *Id.* at 2:27–3:2. Respondent Wells Fargo contends it is inconsistent

1 with the purpose of the foreclosure mediation program for Petitioner to declare at the mediation that
2 he has no interest in exploring short sale options, and then complain that Respondent Wells Fargo
3 violated the rules regarding sort sale values. *Id.* at 3:10–12. Respondent Wells Fargo explains that
4 the \$620,000 offer was a valid short sale value as a matter of law because it was less than the
5 outstanding balance of the loan at the time of the mediation which was \$649,201.93. *Id.* at 3:21–4:9.
6 Respondent Wells Fargo cites to a Ninth Circuit Court of Appeals case which states that a “short sale”
7 is “a real estate transaction in which the property serving as collateral for a mortgage is sold for less
8 than the outstanding balance on the secured loan, and the mortgage lender agrees to discount the loan
9 balance because of a consumer’s economic distress.” *Id.* at 4:1–6 (citing *Shaw v. Experian Info.*
10 *Solutions, Inc.*, 891 F.3d 749, 752 (9th Cir. 2018)). Respondent Wells Fargo attaches the affidavit of
11 Stephen Wassner which states that “I presented Mr. Coppola with an opening short sale value of
12 \$620,000.” Suppl. at Ex. 1.

13 Petitioner argues that Respondent Wells Fargo has set forth three “alternative-fact sets.” *Id.*
14 at 3:1–23. First, that Respondent Wells Fargo provided a short sale value to Petitioner in November
15 of 2018. *Id.* at 3:1–4. Second, that Respondent Wells Fargo did not provide any short sale value, but
16 that such failure was excused by Petitioner’s failure to provide a purchase contract for the home. *Id.*
17 at 3:6–12. Third, that Attorney Stephen Wassner orally provided a short sale value of \$620,000 at
18 the mediation. *Id.* at 3:20–21. Petitioner argues that there is an “elephant of a dispute” regarding
19 whether Respondent Wells Fargo ever presented a short sale value. *Id.* at 12:9–14. Petitioner
20 contends Respondent Wells Fargo never provided a short sale value, either in writing or orally. *Id.*
21 at 13:1–2. Petitioner contends that Josh Rain, who appeared at the mediation telephonically, rather
22 than Tiffany & Bosco’s local counsel Mr. Wassner, actually threw out the \$620,000 figure. *Id.* at
23 13:19–21. Petitioner continues to suggest that the \$620,000 short sale value was not a valid short sale
24 value because it was not less than the appraised value of the home. *Id.* at 13:21–14:5.

25 Having reviewed the pleadings on file and having considered the law and facts set forth
26 therein, this Court finds good cause to deny the Petition and grant the Request in this case. First, this
27 Court rejects Petitioner’s contention that Mr. Ring and Mr. Wassner lacked authority to attend the
28 mediation and to negotiate a loan modification. This Court finds that Mr. Ring is a Wells Fargo

1 Underwriter who had authority to modify the loan and participated in the mediation by telephone.
2 Resp. to Pet. at 4:19–21. Second, this Court is not persuaded that Respondent Wells Fargo failed to
3 provide a short sale value. While this Court acknowledges that Respondent Wells Fargo has had
4 varying explanations for how it satisfied the short sale value pursuant to NFMR 13(10), this Court
5 finds that Respondent Wells Fargo did present the \$620,000 short sale value figure orally at the
6 mediation which satisfies the requirement. This Court notes that Petitioner has failed to cite any
7 authority for the proposition that the \$620,000 figure was legally invalid because it was more than
8 the appraised value of the home. Rather, this Court’s understanding reflects that of the Ninth Circuit
9 Court of Appeals in *Shaw* which provides that a short sale must be for less than the amount owed
10 rather than the appraised value of the Property. 891 F.3d at 752. Third, this Court notes that
11 Respondent Wells Fargo was under no obligation to provide the second appraisal to Petitioner at the
12 March 4, 2019 mediation as Petitioner had waived his right to contest the November 14, 2018
13 appraisal when he requested the continuance. This Court is not persuaded that this waiver is
14 superseded by Petitioner’s request that Respondent Wells Fargo obtain a second appraisal that reflects
15 the interior of the home as well, especially since Petitioner did not provide access to the home for this
16 purpose. As such, the Mediator’s finding that Respondent Wells Fargo failed to bring the required
17 documentation is in error.

18 This Court is not persuaded that Petitioner has made a sufficient showing that Respondent
19 Wells Fargo has failed to maximize the net present value of the home. However, this Court does note
20 that Respondent Wells Fargo attempted to do so but was unable to due to Petitioner’s unreliable tax
21 returns that contained discrepancies. This Court is similarly not persuaded that the Mediator’s failure
22 to discuss the other programs that could have led to the resolution of this necessarily means the entire
23 Mediation was deficient. This Court notes that Petitioner and Respondent Wells Fargo have been
24 through three previous mediations in this case, and Petitioner has evidenced an in-depth
25 understanding of the governing statutes and foreclosure mediation rules at issue. The purpose of
26 NFMR 19 is to educate the parties as to other avenues that may exist to resolve their dispute. The
27 Nevada Court of Appeals has stated that “we remind the parties that the purpose of the FMP is for the
28 homeowner and lender to attempt to reach an agreement that avoids foreclosure, not to search for rule

1 violations.” *Cohan v. Wells Fargo Bank, N.A.*, No. 65636, 2015 WL 5773392, at *1 (Nev. App. Sept.
2 30, 2015) (citing *Holt v. Reg'l Tr. Servs. Corp.*, 127 Nev. 886, 893–94, 266 P.3d 602, 607 (2011)).

3 This Court notes that based upon its findings, Petitioner has failed to make a requisite showing
4 under any of the four avenues available under the holding in *Pasillas* to demonstrate either bad faith
5 or a failure to bring the required documentation. 127 Nev. at 469. As a result, Petitioner’s request
6 for sanctions is denied. As to the remainder of Petitioner’s arguments, this Court finds them to either
7 be unsupported by the record or unpersuasive.

8 Accordingly, and good cause appearing,

9 IT IS HEREBY ORDERED that Petitioner’s *Verified Petition for Judicial Review* is
10 DISMISSED, and a Certificate for Foreclosure for the Property shall issue.

11 IT IS HEREBY FURTHER ORDERED that Respondent Wells Fargo’s *Respondents’ Request*
12 *for Appropriate Relief* is GRANTED.

13 DATED this 10th day of March, 2020.

14 
15 KATHLEEN DRAKULICH
16 DISTRICT JUDGE
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1 **CERTIFICATE OF SERVICE**

2 CASE NO. CV18-01272

3 I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the
4 STATE OF NEVADA, COUNTY OF WASHOE; that on the 10th day of March, 2020, I electronically
5 filed the **ORDER (1) DENYING VERIFIED PETITION FOR JUDICIAL REVIEW AND (2)**
6 **GRANTING RESPONDENT'S REQUEST FOR APPROPRIATE RELIEF** with the Clerk of
7 the Court by using the ECF system.

8 I further certify that I transmitted a true and correct copy of the foregoing document by the
9 method(s) noted below:

10 **Electronically filed with the Clerk of the Court by using the ECF system which will send a notice**
11 **of electronic filing to the following:**

12 HOME MEANS NEVADA


13 JENNIFER MCBEE for WELLS FARGO BANK, N.A.

14 RALPH COPPOLA

15 AMY SORENSON, ESQ. for WELLS FARGO BANK, N.A.

16 **Deposited to the Second Judicial District Court mailing system in a sealed envelope for postage**
17 **and mailing by Washoe County using the United States Postal Service in Reno, Nevada:**

18 NONE

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22 DANIELLE REDMOND
23 Department 1 Judicial Assistant
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1 **2540**
2 Amy F. Sorenson, Esq.
3 Nevada Bar No. 12495
4 Blakeley E. Griffith, Esq.
5 Nevada Bar No. 12386
6 Jennifer L. McBee, Esq.
7 Nevada Bar No. 9110
8 SNELL & WILMER L.L.P.
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12 Facsimile: (702) 784-5252
13 Email: asorenson@swlaw.com
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15 jmcbee@swlaw.com

16 *Attorneys for Wells Fargo Bank, N.A.*

17
18 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN**
19 **AND FOR THE COUNTY OF WASHOE**

20 RALPH STEPHEN COPPOLA, TRUSTEE
21 OF THE R.S. COPPOLA TRUST DATED
22 OCTOBER 19, 1995 AS MOST
23 RECENTLY AMENDED ON
24 SEPTEMBER 13, 2001,

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Case No. CV18-01272

Dept. No. 1

vs.

WELLS FARGO BANK, N.A., and
NATIONAL DEFAULT SERVICES,

Respondents.

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that an *Order (1) Denying Verified Petition for Judicial Review*
and *(2) Granting Respondent's Request for Appropriate Relief* ("Order") was entered in the
above-referenced case on March 10, 2020.

///

///

1 A copy of said Order is attached as **Exhibit A**.

2
3 **AFFIRMATION**

4 Pursuant to NRS 239B.030, the undersigned hereby certify that the foregoing document
5 does not contain the social security number of any person.

6 Dated: March 11, 2020

SNELL & WILMER L.L.P.

7
8 By: 

Amy F. Sorenson (NV Bar No. 12495)
Blakeley E. Griffith (NV Bar No. 12386)
Jennifer L. McBee (NV Bar No. 9110)
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, NV 89169
Telephone: (702) 784-5200
Facsimile: (702) 784-5252

Attorneys for Wells Fargo Bank, N.A.

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On March 11, 2020, I caused to be served a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER** upon the following by the method indicated:

X

BY E-MAIL: By transmitting via e-mail, the document(s) listed above to the e-mail addresses set forth below and/or included on the Court's Service List for the above-referenced case.

Ralph Stephen Coppola
Email: stephencoppolaesq@gmail.com

X

BY U.S. MAIL: By placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed as set forth below.

Ralph Stephen Coppola
4785 Rio Pinar Drive
Reno NV 89509

X

BY ELECTRONIC FILING & ELECTRONIC SERVICE: Pursuant to NRCP 5(b), by submitting to the above-entitled Court for electronic filing and service upon the Court's e-service list for the above-referenced case.

Dated: March 11, 2020


An Employee of Snell & Wilmer L.L.P.

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**INDEX OF EXHIBITS
TO
NOTICE OF ENTRY OF ORDER**

No.	Description
A	Order (1) Denying Verified Petition for Judicial Review and (2) Granting Respondent’s Request for Appropriate Relief

EXHIBIT A

IN THE SECOND JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA IN AND FOR THE
COUNTY OF WASHOE

RALPH STEPHEN COPPOLA, TRUSTEE OF
THE R.S. COPPOLA TRUST DATED
OCTOBER 19, 1995 AS MOST RECENTLY
AMENDED ON SEPTEMBER 13, 2001,

Case No. CV18-01272

Dept. No. 1

Petitioner,

vs.

WELLS FARGO BANK, N.A.; NATIONAL
DEFAULT SERVICING CORPORATION,

Respondents.

**ORDER (1) DENYING VERIFIED PETITION FOR JUDICIAL REVIEW AND (2)
GRANTING RESPONDENT'S REQUEST FOR APPROPRIATE RELIEF**

There are currently two related matters pending before this Court. First, on April 1, 2019, Petitioner filed a *Verified Petition for Judicial Review* ("the Petition"). Petitioner proceeded to file two Supplements to the Verified Petition both on April 2, 2019 that contained Exhibits 1 and 2 to the *Verified Petition for Judicial Review*. Respondent Wells Fargo Bank, N.A. ("Respondent Wells Fargo") filed *Wells Fargo Bank, N.A.'s Response to Petitioner's Verified Petition for Judicial Review* on July 1, 2019. Petitioner then filed *Petitioner's Reply to Respondent's Response* on September 25, 2019 and submitted the Petition for this Court's consideration.

Second, Respondent Wells Fargo filed its *Request for Appropriate Relief* ("the Request") on March 27, 2019. Petitioner filed his *Verified Response to Respondent's Request* on July 3, 2019.

1 Respondent Wells Fargo filed its *Reply in Support of its Request for Appropriate Relief* on September
2 24, 2019 and submitted the Request on September 25, 2019. On December 13, 2019, Respondent
3 Wells Fargo filed a *Supplement in Support of its Request for Appropriate Relief* (“Supplement”) and
4 on December 30, 2019, Petitioner filed a *Response to Wells Fargo Bank, N.A.’s Supplement in*
5 *Support of its Request for Appropriate Relief* (“Response to Supplement”). On December 31, 2019,
6 Petitioner re-submitted his *Verified Petition for Judicial Relief* and on January 3, 2020, Respondent
7 re-submitted its *Request for Appropriate Relief*.

8 **I. Background**

9 The property that is the subject of this action is 4785 Rio Pinar Dr., Reno, NV 89509-5722
10 (“Property”). The *Petition for Foreclosure Mediation Assistance* was filed by Petitioner Ralph
11 Stephen Coppola on June 25, 2018. The mediation commenced on March 7, 2019. Med. Statement
12 at Part 2A. At the mediation, the parties were unable to agree to a loan modification or make other
13 arrangements and the mediation was terminated. *Id.* at Part 2B. Mediator Suzanne Fitzpatrick noted
14 as follows:

15 Due to the extension of the mediation date, parties had agreed that the lender would
16 not be required to submit a new appraisal.

17 However, Lender did obtain a new appraisal, the appraisal was not made available to
18 the Mediator or to the Homeowner. It was indicated at the mediation that the Lender
19 had used the new appraisal as part of the process to evaluate the Homeowner for a
modification. One day prior to the mediation Homeowner was notified of the denial
of the modification.

20 *At the mediation the short sale amount given by the Lender was not based on the new*
21 *appraisal amount which according to the Lender, was considerably less than the prior*
22 *appraisal. Short sale amount would be considerably higher than the latest appraisal,*
which then would not be a short sale.

23 *Id.* at Comments and Part 2D. (emphasis added).

24 The Mediator further found that the beneficiary (Lender), and/or its representative, failed to
25 bring to the mediation the following documents: (1) Appraisal or Broker Price Option in accordance
26 with NRS 645.2515 dated not more than 60 days prior to the date of the scheduled mediation; and (2)
27 *Short Sale document in accordance with Nevada Foreclosure Mediation Rules. Id.* at Part 2D
28

1 (emphasis added). Based on the foregoing, Mediator Fitzpatrick recommended dismissal of the
2 Petition. *Id.* at Part 4.

3 Subsequent to the mediation, numerous pleadings were filed by both the Petitioner, Ralph
4 Stephen Coppola and Respondents Wells Fargo Bank, N.A., and National Default Services.
5 Respondent *Wells Fargo Bank, N.A.'s Response to Petitioner's Verified Petition for Judicial Review*
6 ("Response") provides in relevant part:

7 Prior to mediation, on November 26, 2018, the Deed of Trust trustee e-mailed copies
8 of Wells Fargo's required documents to the Petitioner and the mediator in compliance
9 with Rule 13(7)(a). The email included copies of all required loan documents,
10 certifications of those loan documents, a prior denial letter, a prior appeal letter, an
11 appraisal, and a counsel authorization letter. **Exhibit 16.** Document Exchange.

12 This Court reviewed each of the Response attachments to Exhibit 16 and did not find a short
13 sale estimate. The Mediator's Statement provides conflicting information regarding the short sale
14 estimate. On the one hand, it states that an estimate was provided and discussed at the mediation.
15 On the other hand, the Mediator's Statement provides that the beneficiary failed to bring the short
16 sale document required by the FMR. Moreover, the Response provides that Respondent Wells Fargo
17 requested documentation from Petitioner that would enable it to prepare a short sale evaluation and
18 that Petitioner failed to provide the documents necessary for Wells Fargo to evaluate a short sale.
19 Resp. at 13:12-18.

20 In order to reconcile the contents of the Mediator's Statement and the other documentation in
21 this case, on December 5, 2019, this Court issued an *Order to File* requiring Respondent Wells Fargo
22 to file any short sale estimate that may have been produced whether verbal or in writing, at or before
23 the mediation, the date it was produced, and who it was provided to. As discussed herein, on
24 December 13, 2019, Respondent Wells Fargo filed its *Supplement in Support of Respondent's Request*
25 *for Appropriate Relief* in response to the *Order to File*.

26 **II. Relevant Legal Authority**

27 Nevada Foreclosure Mediation Rule ("NFMR") 20(3) provides that "[u]pon receipt of the
28 mediator's statement and any request for relief, the District Court shall enter an order (1) describing
the terms of any loan modification or settlement agreement, (2) dismissing the petition, or (3) detailing

1 decisions regarding the imposition of sanctions as the District Court deems appropriate.” The Nevada
2 Supreme Court has explained “there are four distinct violations a party to a foreclosure mediation
3 can make: (1) ‘fail[ure] to attend the mediation,’ (2) ‘fail[ure] to participate in the mediation in good
4 faith,’ (3) failure to ‘bring to the mediation each document required,’ and (4) failure to demonstrate
5 ‘the authority or access to a person with the authority [to modify the loan].’ If any one of these
6 violations occurs, the mediator must recommend sanctions.” *Pasillas v. HSBC Bank USA*, 127 Nev.
7 462, 469, 255 P.3d 1281, 1286 (2011) (citing NRS 107.086(5)).

8 NFMR 13(10) requires that among other things, the beneficiary of the deed of trust or its
9 representative “shall produce an appraisal dated no more than 60 days before the commencement date
10 of the mediation” and “shall prepare an estimate of the ‘short sale’ value of the residence” and “shall
11 submit any conditions that must be met in order for a short sale to be approved.”

12 NFMR 12(1)(b) permits a borrower to appear for him or her at the mediation if the
13 representative is “[a]n attorney who is licensed to practice law in Nevada.”

14 NFMR 13(7)(d) provides that “[i]f the beneficiary of the deed of trust is represented by a third
15 party at the time of mediation, the third party must produce a copy of the agreement, or relevant
16 portion thereof, which authorizes the third party to represent the beneficiary at the mediation and
17 authorizes the third party to negotiate a loan modification on behalf of the beneficiary of the deed of
18 trust.”

19 **III. Analysis**

20 **a. Petitioner’s Verified Petition for Judicial Relief**

21 Petitioner argues that Respondent Wells Fargo failed to send an authorized representative to
22 attend the mediation and that the authorization Mr. Wassner had was insufficient. Pet. at 11:6–22.
23 Petitioner contends that no short sale value was provided because Petitioner refused to agree to a short
24 sale. *Id.* at 12:9–17. Petitioner states that Respondent Wells Fargo relied upon a flawed appraisal
25 because it was exterior only and the mediator had previously ordered an interior appraisal be
26 conducted. *Id.* at 12:20–28. Petitioner contends there were two appraisals of his property, one
27 conducted on November 14, 2018 that only dealt with the exterior of the home and another conducted
28 on March 4, 2019 that included an assessment of the inside of the home. *Id.* at 13:1–11. The March

1 4, 2019 appraisal indicated the appraised value of the home was \$540,000, or \$75,000 below the
2 appraised value in the first appraisal. *Id.* at 13:16–17. Petitioner also argues that Respondent Wells
3 Fargo has failed to maximize the net present value due to inconsistencies in the income tax returns
4 prepared by Petitioner. *Id.* at 15:2–21. Petitioner contends that inconsistent with NFMR 19, the
5 Mediator in this case failed to discuss other programs such as HAMP, Hardest Hit Funds, Attorney
6 General Settlement Programs, etc. *Id.* at 16:19–17:4. Petitioner also asserts Respondent Wells Fargo
7 failed to provide loan documents or copies at the mediation. *Id.* at 17:9–12. Petitioner requests
8 sanctions on Respondent Wells Fargo for conducting the mediation in bad faith, a prohibition on
9 future foreclosure attempts for approximately four years until Petitioner can refinance the balance of
10 the home through a reverse mortgage, setting aside the foreclosure process, and requiring Respondent
11 Wells Fargo to produce the original promissory note. *Id.* at 18:5–15.

12 Respondent Wells Fargo responds that Petitioner’s default was over ten years ago and
13 Respondent Wells Fargo has had to advance \$71,134.60 of escrow payments to protect its interest in
14 the property while Petitioner has been renting out rooms in the Property. *Resp. to Pet.* at 3:10–17.
15 Respondent states that the principal balance of the loan is \$649,201. *Id.* at 5:19. Respondent Wells
16 Fargo points out that it emailed copies of all the required documents to Petitioner as required in NFMR
17 13(7)(a) to include copies of the loan documents, certifications of those loan documents, a prior denial
18 letter, a prior appeal denial letter, an appraisal, and a counsel authorization letter. *Id.* at 6:5–10.
19 Respondent Wells Fargo points out that after the original mediation was continued from its previous
20 date of November 15, 2018, Petitioner waived the sixty-day rule and consented to Respondent Wells
21 Fargo relying on the November 14, 2018 appraisal. *Id.* at 6:2; *Id.* at 6:12–15. Respondent Wells
22 Fargo made an effort to obtain a new appraisal prior to the March 7, 2019 mediation but Petitioner
23 denied them access to the property until February 26, 2019 which meant Respondent Wells Fargo
24 could not comply with the ten-day notice provision pursuant to NFMR 13(7). *Id.* at 6:15–24.
25 Respondent Wells Fargo contends the Mediator’s finding that Wells Fargo failed to bring the required
26 documents was contrary to Petitioner’s waiver of the new appraisal. *Id.* at 7:24–27.

27 Respondent Wells Fargo argues that it had a representative at the mediation namely, Mr.
28 Wassner who was the in-person representative, who timely produced a written authorization for

1 Tiffany & Basco, as well as Mr. Ring as an authorized representative who appeared by phone. *Id.* at
2 10:1–8. Respondent Wells Fargo points out that Petitioner continues to quarrel with even the second
3 appraisal because it fails to consider challenges in selling the home that Petitioner asserts exist. *Id.*
4 at 11:12–18. Respondent Wells Fargo points out Petitioner failed to avail himself of the opportunity
5 to bring his own appraisal or BPO to the mediation pursuant to NFMR 13(7)(f). *Id.* at 12:13–15.
6 Respondent Wells Fargo states that the first appraisal complied with NFMR 13(7)(f) and as such no
7 second appraisal was required. *Id.* at 13:6–10. Respondent Wells Fargo also contends its failure to
8 produce a short sale value should be excused because Petitioner failed to provide them with a copy
9 of the purchase contract pursuant to NFMR 13(3). *Id.* at 13:12–14:2. Further, Petitioner’s argument
10 that it failed to maximize the net present value is baseless because Petitioner submitted income tax
11 returns that he admittedly prepared while on painkillers that contained discrepancies. *Id.* at 14:15–
12 24. Respondent Wells Fargo also contends that the Mediator’s failure to mention programs is not a
13 basis for sanctioning Respondent Wells Fargo. *Id.* at 14:25–15:2. Respondent Wells Fargo points out
14 the Mediator failed to check the box indicating that Respondent Wells Fargo failed to bring the
15 provided loan documents to the mediation. *Id.* at 15:3–7. Respondent Wells Fargo asserts that
16 nothing requires it to approve a loan modification, but the rules do require it to participate in the
17 mediation in good faith, which it contends it did. *Id.* at 15:9–17.

18 Petitioner asserts that the loan modification denial that he takes issue with is the one made
19 prior to the March 7, 2019 mediation that relied upon the second appraisal that was not provided at
20 the mediation. Pet. Reply at 3:19–27. Petitioner states that Respondent Wells Fargo failed to provide
21 a short sale estimate because the \$650,000 short sale value offered at the mediation is not less than
22 the March 3, 2019 appraisal. *Id.* at 9:19–10:9. Petitioner also states that Respondent Wells Fargo
23 failed to provide any authority that a purchase contract is necessary to formulate a short sale value.
24 *Id.* at 10:11–18. Petitioner quarrels with Respondent Wells Fargo’s contention regarding his profits
25 from the home stating that they go to cover the expenses of the home and that Respondent Wells
26 Fargo has not requested payment pursuant to the Deed of Trust. *Id.* at 13:4–21.

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1 **b. Respondent Wells Fargo's Request for Appropriate Relief**

2 Respondent Wells Fargo's Request is closely related to the Petition and there is considerable
3 overlap. Respondent Wells Fargo argues the Mediator's Statement is inaccurate. Req. at 6:1.
4 Respondent Wells Fargo contends the second appraisal was not used to deny the modification that
5 was decided November 30, 2018. *Id.* at 6:1–6. Respondent Wells Fargo argues that Petitioner's
6 request for a continuance and subsequent rejection of the short sale proposal as a result of Petitioner's
7 delay is disingenuous and contrary to the purpose of the program. *Id.* at 6:14–16. Respondent Wells
8 Fargo asserts that it provided both an appraisal more than sixty days in advance of the mediation and
9 a short sale document. *Id.* at 6:17–21; Req. Ex. E-1.

10 Petitioner points out that Respondent Wells Fargo's Exhibit E-1 is not a short sale proposal,
11 or anything close to that. Resp. to Req. at 3:4–9. Petitioner contends that Respondent Wells Fargo
12 admitted it failed to produce a short sale value to Petitioner when it argued it could not prepare a short
13 sale value because Petitioner failed to provide the purchase contract. *Id.* at 3:10–16. Petitioner notes
14 that rather than regurgitate the arguments from the Petition, he incorporates those points by reference.
15 *Id.* at 5:23–25.

16 Respondent Wells Fargo reiterates that due to Petitioner not allowing them access to the
17 Property, it was impossible to comply with the ten-day deadline in preparing the second appraisal.
18 Req. Reply at 4:18–21. Respondent Wells Fargo asserts that despite Petitioner expressly and
19 admittedly waiving the requirement for another appraisal, Petitioner confused the Mediator on this
20 issue but that Respondent Wells Fargo complied with the requirements. *Id.* at 5:5–9. Respondent
21 Wells Fargo reiterates its stance that NFMR 13(3) required Petitioner to provide it with a copy of the
22 purchase contract. *Id.* at 5:12–23.

23 In response to this Court's *Order to File*, Respondent Wells Fargo filed the *Supplement in*
24 *Support of Respondent's Request for Appropriate Relief* on December 13, 2019. Respondent Wells
25 Fargo argues it provided the short sale value at the mediation and the rules are silent as to a deadline
26 for when the short sale value must be provided. Suppl. at 2:2–9. Respondent Wells Fargo points out
27 that Petitioner even admits in his Opposition that Respondent Wells Fargo provided "a short sale
28 value to him at the mediation." *Id.* at 2:27–3:2. Respondent Wells Fargo contends it is inconsistent

1 with the purpose of the foreclosure mediation program for Petitioner to declare at the mediation that
2 he has no interest in exploring short sale options, and then complain that Respondent Wells Fargo
3 violated the rules regarding sort sale values. *Id.* at 3:10–12. Respondent Wells Fargo explains that
4 the \$620,000 offer was a valid short sale value as a matter of law because it was less than the
5 outstanding balance of the loan at the time of the mediation which was \$649,201.93. *Id.* at 3:21–4:9.
6 Respondent Wells Fargo cites to a Ninth Circuit Court of Appeals case which states that a “short sale”
7 is “a real estate transaction in which the property serving as collateral for a mortgage is sold for less
8 than the outstanding balance on the secured loan, and the mortgage lender agrees to discount the loan
9 balance because of a consumer’s economic distress.” *Id.* at 4:1–6 (citing *Shaw v. Experian Info.*
10 *Solutions, Inc.*, 891 F.3d 749, 752 (9th Cir. 2018)). Respondent Wells Fargo attaches the affidavit of
11 Stephen Wassner which states that “I presented Mr. Coppola with an opening short sale value of
12 \$620,000.” Suppl. at Ex. 1.

13 Petitioner argues that Respondent Wells Fargo has set forth three “alternative-fact sets.” *Id.*
14 at 3:1–23. First, that Respondent Wells Fargo provided a short sale value to Petitioner in November
15 of 2018. *Id.* at 3:1–4. Second, that Respondent Wells Fargo did not provide any short sale value, but
16 that such failure was excused by Petitioner’s failure to provide a purchase contract for the home. *Id.*
17 at 3:6–12. Third, that Attorney Stephen Wassner orally provided a short sale value of \$620,000 at
18 the mediation. *Id.* at 3:20–21. Petitioner argues that there is an “elephant of a dispute” regarding
19 whether Respondent Wells Fargo ever presented a short sale value. *Id.* at 12:9–14. Petitioner
20 contends Respondent Wells Fargo never provided a short sale value, either in writing or orally. *Id.*
21 at 13:1–2. Petitioner contends that Josh Rain, who appeared at the mediation telephonically, rather
22 than Tiffany & Bosco’s local counsel Mr. Wassner, actually threw out the \$620,000 figure. *Id.* at
23 13:19–21. Petitioner continues to suggest that the \$620,000 short sale value was not a valid short sale
24 value because it was not less than the appraised value of the home. *Id.* at 13:21–14:5.

25 Having reviewed the pleadings on file and having considered the law and facts set forth
26 therein, this Court finds good cause to deny the Petition and grant the Request in this case. First, this
27 Court rejects Petitioner’s contention that Mr. Ring and Mr. Wassner lacked authority to attend the
28 mediation and to negotiate a loan modification. This Court finds that Mr. Ring is a Wells Fargo

1 Underwriter who had authority to modify the loan and participated in the mediation by telephone.
2 Resp. to Pet. at 4:19–21. Second, this Court is not persuaded that Respondent Wells Fargo failed to
3 provide a short sale value. While this Court acknowledges that Respondent Wells Fargo has had
4 varying explanations for how it satisfied the short sale value pursuant to NFMR 13(10), this Court
5 finds that Respondent Wells Fargo did present the \$620,000 short sale value figure orally at the
6 mediation which satisfies the requirement. This Court notes that Petitioner has failed to cite any
7 authority for the proposition that the \$620,000 figure was legally invalid because it was more than
8 the appraised value of the home. Rather, this Court’s understanding reflects that of the Ninth Circuit
9 Court of Appeals in *Shaw* which provides that a short sale must be for less than the amount owed
10 rather than the appraised value of the Property. 891 F.3d at 752. Third, this Court notes that
11 Respondent Wells Fargo was under no obligation to provide the second appraisal to Petitioner at the
12 March 4, 2019 mediation as Petitioner had waived his right to contest the November 14, 2018
13 appraisal when he requested the continuance. This Court is not persuaded that this waiver is
14 superseded by Petitioner’s request that Respondent Wells Fargo obtain a second appraisal that reflects
15 the interior of the home as well, especially since Petitioner did not provide access to the home for this
16 purpose. As such, the Mediator’s finding that Respondent Wells Fargo failed to bring the required
17 documentation is in error.

18 This Court is not persuaded that Petitioner has made a sufficient showing that Respondent
19 Wells Fargo has failed to maximize the net present value of the home. However, this Court does note
20 that Respondent Wells Fargo attempted to do so but was unable to due to Petitioner’s unreliable tax
21 returns that contained discrepancies. This Court is similarly not persuaded that the Mediator’s failure
22 to discuss the other programs that could have led to the resolution of this necessarily means the entire
23 Mediation was deficient. This Court notes that Petitioner and Respondent Wells Fargo have been
24 through three previous mediations in this case, and Petitioner has evidenced an in-depth
25 understanding of the governing statutes and foreclosure mediation rules at issue. The purpose of
26 NFMR 19 is to educate the parties as to other avenues that may exist to resolve their dispute. The
27 Nevada Court of Appeals has stated that “we remind the parties that the purpose of the FMP is for the
28 homeowner and lender to attempt to reach an agreement that avoids foreclosure, not to search for rule

1 violations.” *Cohan v. Wells Fargo Bank, N.A.*, No. 65636, 2015 WL 5773392, at *1 (Nev. App. Sept.
2 30, 2015) (citing *Holt v. Reg'l Tr. Servs. Corp.*, 127 Nev. 886, 893–94, 266 P.3d 602, 607 (2011)).

3 This Court notes that based upon its findings, Petitioner has failed to make a requisite showing
4 under any of the four avenues available under the holding in *Pasillas* to demonstrate either bad faith
5 or a failure to bring the required documentation. 127 Nev. at 469. As a result, Petitioner’s request
6 for sanctions is denied. As to the remainder of Petitioner’s arguments, this Court finds them to either
7 be unsupported by the record or unpersuasive.

8 Accordingly, and good cause appearing,

9 IT IS HEREBY ORDERED that Petitioner’s *Verified Petition for Judicial Review* is
10 DISMISSED, and a Certificate for Foreclosure for the Property shall issue.

11 IT IS HEREBY FURTHER ORDERED that Respondent Wells Fargo’s *Respondents’ Request*
12 *for Appropriate Relief* is GRANTED.

13 DATED this 10th day of March, 2020.

14 
15 KATHLEEN DRAKULICH
16 DISTRICT JUDGE
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1 **CERTIFICATE OF SERVICE**

2 CASE NO. CV18-01272

3 I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the
4 STATE OF NEVADA, COUNTY OF WASHOE; that on the 10th day of March, 2020, I electronically
5 filed the **ORDER (1) DENYING VERIFIED PETITION FOR JUDICIAL REVIEW AND (2)**
6 **GRANTING RESPONDENT'S REQUEST FOR APPROPRIATE RELIEF** with the Clerk of
7 the Court by using the ECF system.

8 I further certify that I transmitted a true and correct copy of the foregoing document by the
9 method(s) noted below:

10 **Electronically filed with the Clerk of the Court by using the ECF system which will send a notice**
11 **of electronic filing to the following:**

12 HOME MEANS NEVADA


13 JENNIFER MCBEE for WELLS FARGO BANK, N.A.

14 RALPH COPPOLA

15 AMY SORENSON, ESQ. for WELLS FARGO BANK, N.A.

16 **Deposited to the Second Judicial District Court mailing system in a sealed envelope for postage**
17 **and mailing by Washoe County using the United States Postal Service in Reno, Nevada:**

18 NONE

19
20
21 
22 DANIELLE REDMOND
23 Department 1 Judicial Assistant
24
25
26
27
28

Code 4132

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

RALPH STEPHEN COPPOLA, Trustee of
the R.S. Coppola Trust dated October 19,
1995 as most recently Amended on
September 13, 2001,

Case No. CV18-01272

Dept. No. 1

Appellant/Petitioner,

vs.

WELLS FARGO BANK, N.A. and
NATIONAL DEFAULT SERVICES,
Respondents.

NOTICE OF APPEAL DEFICIENCY

TO: Clerk of the Court, Nevada Supreme Court,
and All Parties or their Respective Counsel Of Record:

On April 7th, 2020, Appellant, Ralph Stephen Coppola, filed a Notice of Appeal with the Court. Appellant failed to include the Twenty-Four Dollar (\$24.00) District Court Notice of Appeal filing fee, the Five Hundred Dollar (\$500.00) District Court appeal bond, and the Two Hundred Fifty Dollar (\$250.00) Supreme Court filing fee.

Pursuant to NRAP 3(a)(3), on April 10th, 2020, the Notice of Appeal was filed with the Nevada Supreme Court. By copy of this notice Ralph Stephen Coppola, was apprised of the deficiency.

Dated this 10th day of April, 2020.

Jacqueline Bryant
Clerk of the Court
By: /s/YViloria
YViloria
Deputy Clerk

CERTIFICATE OF SERVICE

CASE NO. CV18-01272

I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County Of Washoe; that on the 10th day of April, 2020, I electronically filed the Notice of Appeal Deficiency with the Clerk of the Court by using the ECF system.

I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

Electronically filed with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

HOME MEANS NEVADA

JENNIFER MCBEE for WELLS FARGO BANK, N.A.

RALPH COPPOLA

AMY SORENSON, ESQ. for WELLS FARGO BANK, N.A.

Deposited in the Washoe County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada:

/s/YViloria
YViloria
Deputy Clerk

Code 1350

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

RALPH STEPHEN COPPOLA, Trustee of
the R.S. Coppola Trust dated October 19,
1995 as most recently Amended on
September 13, 2001,

Case No. CV18-01272

Dept. No. 1

Appellant/Petitioner,

vs.

WELLS FARGO BANK, N.A. and
NATIONAL DEFAULT SERVICES,
Respondents.

CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL

I certify that I am an employee of the Second Judicial District Court of the State of Nevada,
County of Washoe; that on the 10th day of April, 2020, I electronically filed the Notice of Appeal in
the above entitled matter to the Nevada Supreme Court.

I further certify that the transmitted record is a true and correct copy of the original pleadings
on file with the Second Judicial District Court.

Dated this 10th day of April, 2020.

Jacqueline Bryant
Clerk of the Court
By /s//YViloria
YViloria
Deputy Clerk