

FILED

MAR 17 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *E. Richards*
DEPUTY CLERK

IN THE SUPREME COURT OF THE STATE OF NEVADA

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RICHARD ABDIEL SILVA, :

Appellant, :

vs. Case No. 81627 :

THE STATE OF NEVADA, :

Respondent. :

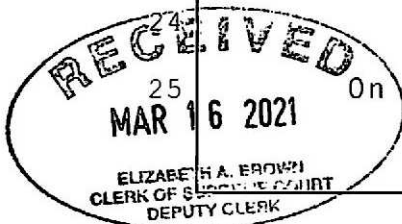
NOTICE OF COMPLETION AND DELIVERY OF TRANSCRIPT(S)

ERIN T. FERRETTO, CCR #281

Specific transcript(s) that were prepared in
response to a transcript request form filed in this
appeal:

1. JURY TRIAL - PENALTY PHASE
March 2, 2020
Reno, Nevada
State vs. Silva Case No. CR18-1135B

On the 16th day of March, 2021, I filed the original



21-07698

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transcript(s) listed above in Second Judicial District Court.

On the 16th day of March, 2021, I delivered copies of the transcript(s) listed above to the following:

- 1. THOMAS L. QUALLS, ESQ.
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720 Tahoe Street, Suite B
Reno, Nevada 89509

- 2. JENNIFER P. NOBLE, Chief Appellate Deputy
Washoe County District Attorney's Office
One Sierra Street, 4th Floor
Reno, Nevada 89501

DATED: This 16th day of March, 2021.

SUNSHINE LITIGATION SERVICES

By: Erin T. Ferretto
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Reno, Nevada 89511

Docket Number - 82155



Document Year - 2021



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Document Type - 10172



Steven D. Grierson

TRAN

FILED

MAR 17 2021

DISTRICT COURT
CLARK COUNTY, NEVADA

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

LINDSEY SHARRON LICARI,

Plaintiff,

vs.

NIKKI SIKALIS BOTT, et al.,

Defendants.

CASE NO. A-20-808737-C

DEPT. XI

Transcript of Proceedings

BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

HEARING ON ALL PENDING MOTIONS

TUESDAY, OCTOBER 6, 2020

APPEARANCES:

[VIA TELEPHONIC CONFERENCE]

FOR THE PLAINTIFF:

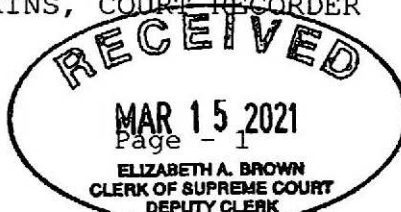
LINDSEY SHARRON LICARI

Pro Per

FOR THE DEFENDANTS:

ANGELA T. NAKAMURA OCHOA, ESQ.

RECORDED BY: JILL HAWKINS, COURT RECORDER



21-07696

1 LAS VEGAS, NEVADA, TUESDAY, OCTOBER 6, 2020, 9:09 A.M.

2
3 THE COURT: Is everybody on the phone for Licari
4 versus Bott?

5 MS. OCHOA: Good morning, Your Honor. Angela Ochoa on
6 behalf of the defendant Nikki Bott and National Title.

7 MS. LICARI: And this is Lindsey Licari on behalf of
8 myself.

9 THE COURT: All right. I'm going to start with your
10 motion for reconsideration, Ms. Licari. Please remember you
11 only have 10 minutes in total to speak today, and I will cut you
12 off if you go beyond that. Okay?

13 MS. LICARI: Well, my motion was already denied by the
14 Court. So I'm really confused as to why it's been set back on
15 to the calendar.

16 THE COURT: Because you asked for me to continue the
17 motion for reconsideration because of your scheduling, I did.

18 MS. LICARI: It was already denied after I asked for
19 that continuance.

20 THE COURT: No, ma'am, it wasn't. Okay.

21 MS. LICARI: It was denied twice already by the Court.

22 THE COURT: Is there anything else you'd like to tell
23 me?

24 MS. LICARI: And then put back on the calendar with no
25 motions, nothing.

1 THE COURT: Ma'am, is there anything else you'd like
2 to tell me related to your request to amend your complaint?

3 MS. LICARI: I'll withdraw my request to amend my
4 complaint, and I would like my summary judgment to be added to
5 this hearing and it be continued.

6 THE COURT: That request is denied.

7 So now I'm on the defendants' motion for summary
8 judgment. Ms. Ochoa, it's your request.

9 MS. OCHOA: Yes, Your Honor. This is my motion for
10 summary judgment or alternatively to enforce the settlement
11 agreement. The plaintiff's -- this motion for summary judgment
12 is based on issue preclusion. This is exactly the type of case
13 that should be found to have -- for issue preclusion to apply.
14 So I don't want to, you know, not tell the Court what's going on
15 in these other cases.

16 My understanding from one of the documents Ms. Licari
17 filed says she filed a motion for reconsideration before Judge
18 Hughes, and I don't know what the status is of that or anything
19 like that. But it's our position that the factors for issue
20 preclusion have been met. And so it's appropriate to find
21 summary judgment in my clients' favor as the sole fact that's in
22 dispute -- or the sole fact that is the basis for Ms. Licari's
23 claim is that my client forged her signature, which Judge Hughes
24 already decided is not true. That in fact Lindsey Licari --

25 MS. LICARI: That's incorrect.

1 MS. OCHOA: -- signed the --

2 THE COURT: Ma'am, don't interrupt.

3 MS. LICARI: [Inaudible].

4 THE COURT: Ma'am, do not interrupt.

5 You may continue, Ms. Ochoa.

6 MS. OCHAO: -- that Ms. Licari in fact signed that
7 Grant, Bargain, Sale Deed, and that is in fact what is in Judge
8 Hughes's Findings of Fact, Conclusions of Law and the Decree of
9 Divorce.

10 So it's our position that issue preclusion is
11 appropriate in this case. And if the Court does not think
12 that's appropriate, there was a settlement that was discussed
13 between myself and Ms. Licari's former counsel, the people at
14 Jennings and Fulton. They agreed to settle the case for \$5,000;
15 we had an exchange; we presented the settlement agreement; we
16 had a check ready, and then the rest is kind of history.

17 So obviously it's our preference to have summary
18 judgment entered in our favor, and the request to enforce the
19 settlement it's really just an alternative request.

20 And on that basis I'll submit unless you have any
21 questions for me.

22 THE COURT: Thank you, Ms. Ochoa.

23 Ms. Licari, you now have up to 10 minutes.

24 MS. LICARI: Okay. The issue of this case is not
25 forgery; it's mortgage fraud. Nikki Bott was the escrow agent

1 on the file. She notarized her own documents, forging my name
2 which I've proven through experts -- forensic handwriting
3 experts, through testimony from my ex-husband that I was not at
4 the closing, and the instrument of the deed is invalid. You
5 cannot notarize your own documents, and that makes the
6 instrument invalid. It's not community property. And I have
7 accumulated \$37,000 in mortgage payments that I should have
8 never had to pay. I have accumulated \$26,000 in legal fees that
9 I should have never had to pay.

10 This is wire fraud because the belief was that I would
11 be listed on title, and I would be able to review the documents.
12 I was not listed on title. I was not able to review the
13 documents, and my name was forged, and she notarized her own
14 documents. This is clear and concise evidence.

15 And my counsel, I withdrew them because they were
16 committing legal malpractice. I gave them the information that
17 Nikki Bott notarized her own documents in December of 2018.
18 They waited until January of 2019 to file this case and
19 [unintelligible] me without any damages, submitting no
20 witnesses, and I should not be held to any of the malpractice
21 committed by them and the conspiracy between Lipson Neilson and
22 Jennings and Fulton, because \$5,000 does not even begin to cover
23 my legal fees, and I never agreed to it, and nor did they have
24 signatures. So there is no agreement.

25 THE COURT: Anything else you'd like to add, ma'am?

1 MS. LICARI: No.

2 THE COURT: Thank you. The motion for summary
3 judgment is granted on the basis of issue preclusion. Issue
4 preclusion applies against Ms. Licari because these issues were
5 fully litigated previously before Judge Hughes, and the findings
6 that she has made on factual issues are central to the decisions
7 in this case. For that reason --

8 MS. LICARI: This is fraud on the court.

9 THE COURT: -- I'm granting the summary judgment
10 motion.

11 Thank you.

12 Ms. Ochoa, please prepare the order.

13 THE PROCEEDINGS CONCLUDED AT 9:15 A.M.

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20 ATTEST: I do hereby certify that I have truly and correctly
21 transcribed the audio/video proceedings in the above-entitled
case to the best of my ability.

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JILL HAWKINS, Court Recorder